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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Michael S. Holt, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

COREY TYLER BUSCH,

APPELLANT

APPELLATE CASE NO. 2023-000299

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT NO. 1 (SURVEILLANCE VIDEO – DUNKIN), STATE'S EXHIBIT
NO. 2-8 (PHOTOS OF CRIME SCENE), STATE'S EXHIBIT NO. 10 (PHOTO LINEUP),
STATE'S EXHIBITS NOS. 11-15 (SURVEILLANCE PHOTOS), STATE'S EXHIBIT NO.
25 (PHOTO OF CLOTHING), STATE'S EXHIBIT NO. 26 (PHOTO OF SHOES),
STATE'S EXHIBIT NO. 27 (PHOTO OF CELLHAWK LOCATION), AND STATE'S
EXHIBIT NO. 28 (DUNKIN SURVEILLANCE VIDEO).**

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF HORRY	)	2019-GS-26-06193
State of South Carolina,	)	
	)	
Plaintiff,	)	Transcript of Record
	)	
vs.	)	
	)	February 13 - 16, 2023
Corey Tyler Busch,	)	
	)	
Defendant.	)	
	)	

B E F O R E:

Honorable Michael S. Holt
Horry County Courthouse
Conway, South Carolina

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Elizabeth Farmer, Esquire
Attorneys for State

Clay W. Pinkerton, Esquire
Nicholas F. A. O'Neill, Esquire
Attorneys for Defendant

Sallie Beth Todd
Official Court Reporter

1 **THE COURT:** Court will come to order.

2 Counsel, was there something that y'all needed to
3 approach about?

4 **REPORTER'S NOTE:** (Whereby bench conference was held.)

5 **THE COURT:** All right. Madam Clerk.

6 **REPORTER'S NOTE:** (Whereby clerk swears the jury pool.)

7 **THE COURT:** All right. Ladies and gentlemen of the jury,
8 this is the phase of the process where we conduct jury voir
9 dire. I'll have some questions for you.

10 Solicitor, the victim's name in this matter?

11 **MR. DEBUSK:** It's Dunkin Donuts, Your Honor. Also, on
12 your witness list numbers 19, 20, 21, 22 and 23.

13 **THE COURT:** 19, 20, 21 and 22.

14 **MR. DEBUSK:** And 23.

15 **THE COURT:** 23 are all a list of the victims?

16 **MR. DEBUSK:** Yes, sir.

17 **THE COURT:** All right. Ladies and gentlemen, we're about
18 to begin the trial of the case The State of South Carolina
19 against Corey Busch. Before we select a jury there's several
20 questions which I'll ask you. The clerk has already sworn
21 you. And the matter before the Court, it's my understanding
22 that the indictment provides for armed robbery which would
23 have occurred on or about September 18th, 2019 in Horry County.

24 Has anyone ever been related by blood or marriage to
25 either the defendant, Corey Busch, or Heather Vanderbush,

1 **THE COURT:** Thank you, Madam Clerk.

2 **THE CLERK:** You're welcome.

3 **THE COURT:** All right. Ladies and gentlemen of the jury,
4 this morning it was brought to the Court's attention that one
5 of the state's witnesses who works for Verizon will be
6 unavailable. Another witness has been substituted and her
7 name is Courtney Daniels. She works for Verizon out of
8 Atlanta, Georgia. Does anybody know Courtney Daniels, have a
9 close personal relationship or related by blood or marriage,
10 anything of that nature? If so, can you raise your hand? All
11 right. Let the record reflect that nobody raised their hand.

12 Mr. Pinkerton, did you have any other questions that you
13 wanted the Court to ask about this witness?

14 **MR. PINKERTON:** No, Your Honor.

15 **THE COURT:** Mr. DeBusk?

16 **MR. DEBUSK:** No, Your Honor.

17 **THE COURT:** Okay. All right. So ladies and gentlemen, I
18 require your attention at this time. I have some general
19 matters to take up with you to read into the record that I
20 want you to be aware of. At the conclusion of that, you'll
21 hear from the lawyers, and we'll begin with this trial. Okay.

22 Ladies and gentlemen of the jury, this case we're about
23 try is the case of The State versus Corey Tyler Busch who is
24 the defendant. Before we begin this trial I want to tell you
25 that this trial will probably be different from what you might

1 expect. Many people do not have the chance to attend actual
2 court sessions as you're doing now. You may think from
3 watching television or movies or reading books that trials are
4 always full of high drama, intense action, and riveting
5 circumstances. While all of those things may be true at
6 times, this trial is not for entertainment. It's a
7 fundamental part of our democracy. This courtroom is a place
8 of honor dedicated to the protection and preservation of
9 citizens' rights through what many have called the greatest
10 justice system ever created.

11 The attorneys appearing before you are advocates for the
12 parties they represent, but first and foremost -- first and
13 foremost they are officers of this court, sworn to uphold the
14 integrity and the fairness of our judicial system. You should
15 expect them to be professional, competent, and ethical in the
16 representation of their client's interests. Remember that you
17 have taken an oath to try this case and to be fair,
18 reasonable, and ethical.

19 Thank you for accepting this important responsibility of
20 jury service and for your contribution today and this week to
21 our justice system.

22 What I will now say is intended to serve as an
23 introduction to the trial of this case. These remarks are not
24 a charge on the law in this case. I will instruct you on the
25 law applicable to this case at the end of the trial before you

1 retire to consider your verdict. So in other words, after
2 we've tried the case, you've heard all of the evidence, you've
3 heard all of the witnesses, at the end I will tell you what
4 the law is and you will apply that to the case. Okay. This
5 is merely an explanation of the procedure that we will follow
6 in the trial of this case so that you may better understand
7 what may be happening.

8 This defendant is charged by an indictment filed in this
9 Court with the crime of armed robbery, the elements of which
10 will be explained to you later. The indictment is simply the
11 charge by which the case is brought into court. It is not in
12 any sense evidence of any of the allegations it contains. The
13 defendant has pled not guilty to this indictment and the state
14 therefore has the burden of proving each of the elements of
15 the indictment beyond a reasonable doubt.

16 It will be your duty, ladies and gentlemen, to decide
17 whether the state has met that burden. Your purpose as jurors
18 is to find and determine the facts. You are the sole judges
19 of the facts, and if at any time I make any comment regarding
20 the facts, you must disregard that. You are to determine the
21 facts from the testimony you hear, and the other evidence
22 introduced in court. It is up to you to determine the
23 inferences which you feel may properly be drawn from the
24 evidence. It's especially important that you perform your
25 duty of determining the facts diligently and conscientiously

1 because ordinarily there is no way to correct an erroneous
2 determination of the facts by a jury.

3 On the other hand, and with equal emphasis, the same law
4 that makes you the judges of the facts, makes me the judge of
5 the law. The law as given by the Court is the only law that
6 you can consider. You must accept and follow it even though
7 you may disagree with it. I cannot tell you what the facts
8 are, and you cannot disagree with me about what the law is or
9 should be. Your job is to take the law as I give it to you
10 and apply it to the facts as you find them from the testimony
11 of the witnesses and any other evidence that is introduced.
12 And after doing that you will render your verdict.

13 Until I advise you to begin your deliberations, and this
14 is very important folks, until I advise you to begin your
15 deliberations you must not discuss this case with anyone
16 including your fellow jurors, friends, family members, or
17 anyone involved in the case. This includes discussions face
18 to face and those by telephone, email, text, or any other
19 method of communication. You may not use computers, cell
20 phones, or other electronic devices with communication
21 capabilities at any time while in the courtroom or during your
22 deliberations. Certainly, during your breaks for meals or
23 your breaks in general, if necessary, you may use your
24 devices. However, you may not at any time use these devices
25 to get or send information about the case. This includes

1 information about a party, a witness, an attorney, or a court
2 officer, news accounts about the case or research on any topic
3 raised or any topics you may think would be helpful in
4 deciding the case, or any testimony presented by any
5 witnesses.

6 During the trial do not read, listen to, or watch any
7 news reports about this case. This includes anything that
8 might be in the paper, on the internet such as Facebook,
9 radio, or television. You must not consider anything that you
10 may have read or heard about the case outside of this
11 courtroom whether before or during the trial.

12 After the case is submitted to you, you must discuss it
13 only in the jury room with your fellow jurors. The attorneys
14 and parties in this case have been advised that they are not
15 to talk to you at all, so if you see anyone involved in the
16 case and they do not say hello or good morning, they are not
17 being unfriendly. They are just following my instructions not
18 to have conversations with you.

19 It is important that you keep an open mind and not decide
20 any issue in the case until all of the evidence has been
21 presented, the parties have made their closing arguments, and
22 I have instructed you on the law in this case. You will hear
23 from the state first. So it would be unfair to everybody
24 involved if you made up your mind after only hearing from the
25 state. You need to have an opportunity to hear the defense as

1 well.

2 It's your solemn responsibility to determine the guilt or
3 innocence of the defendant and your verdict must be based
4 solely on the evidence as it is presented to you in this trial
5 and on the law as I instruct you during and at the close of
6 the trial.

7 In just a moment the solicitor will make what's called an
8 opening statement in which the solicitor will explain to you
9 the issues in this case or at least what the solicitor thinks
10 the issues are in this case. Mr. Pinkerton who represents the
11 defendant may also make an opening statement, although he is
12 not required to do so. What the attorneys tell you during
13 their opening statements is not evidence in this case. It is
14 only their contention as to what the issues are and what the
15 evidence will be. The evidence in this case will be presented
16 to you by the testimony of sworn witnesses from this witness
17 stand and/or by any exhibits that may be introduced into
18 evidence.

19 From time to time during the trial you may hear one of
20 the lawyers saying something like, Your Honor, I believe we
21 have a question of law or a matter of law to discuss with you,
22 or Your Honor, may we approach the bench. Or sometimes I
23 myself might find it necessary to excuse you from the
24 courtroom for a short while so the attorneys and I can discuss
25 a matter of law. The reason for this is because you are the

1 judges of the facts in this case and sometimes when I'm
2 discussing matters of law with the attorneys it may be
3 necessary for me to make some comment as to the facts in
4 connection with ruling whether or not a particular law
5 applies. I am not supposed to tell you what I think the facts
6 are so I will excuse you from the courtroom while these
7 discussions take place so that in no way will you be
8 influenced by anything that I might say or do in connection
9 with the facts. There may be times when we excuse you and you
10 may find that frustrating and feel like your time is being
11 wasted, but I can promise you that while we are in here we are
12 working to resolve some issues. I want you to be aware of
13 that.

14 In determining what the facts are in this case you must
15 decide whether or not the testimony of the witnesses is
16 believable. It will be my responsibility to rule as a matter
17 of law as to whether certain testimony is admissible at all or
18 not. But once the testimony is admitted whether or not you
19 believe it is solely -- whether or not you believe it is
20 solely for you to determine. In deciding whether to believe a
21 witness, you have the right to consider the interest of any
22 witness, the bias of any witness, the prejudice of any
23 witness, the opportunity for the witness to have seen the
24 matters and the things by which the witness may testify, and
25 the way the witness acts on the witness stand. You have the

1 right to consider anything that is in the record that will
2 help you evaluate the testimony of the witnesses. That means
3 that it's your duty to pay close attention to these witnesses,
4 to observe the witnesses, to listen the witnesses, and to pay
5 close attention to the attorneys and to Court. Don't let your
6 thoughts wonder, but give strict attention to the testimony in
7 this case so that at the end of the testimony after the
8 arguments of counsel and the charge on the law by the Court
9 you will then be in the position to determine what the true
10 facts are and apply the law to those facts.

11 It is your added duty, Mr. Foreman, to preside in the
12 jury room and be the jury spokesperson here in court. It will
13 also be your duty to write the verdict, but I will give you
14 further instructions about that at the conclusion of the case.
15 If there's a communication that you need to make, the jury
16 needs to make, to the Court that will be reduced to writing
17 and, Mr. Foreman, you would be the one to produce that and
18 provide it to the bailiff. There will be more instruction on
19 that later.

20 In order to preserve everyone's rights I will give the
21 parties an opportunity to object to anything I have said. Any
22 exceptions to anything that I have said to the jury by the
23 state? Mr. DeBusk, anything, any objections?

24 **MR. DEBUSK:** No, Your Honor.

25 **THE COURT:** All right. Mr. Pinkerton?

1 **MR. PINKERTON:** No, Your Honor.

2 **THE COURT:** All right. Folks, also at different times I
3 may ask you to stand up and stretch. Okay. And that's just
4 to kind of keep us all going.

5 We will now begin the trial. Mr. DeBusk. Ms. Farmer.

6 **MS. FARMER:** America runs on Dunkin. You've probably all
7 heard that before. It's a little jingle. I'd wager I hear it
8 every other day on commercial probably. For some of us that
9 rings true. I know me personally I go to Dunkin more times in
10 a week than I care to admit. But every time I go to Dunkin my
11 purpose is the same. I go in the mornings, I go to get a
12 coffee first off, maybe a donut, if I'm really hungry I'll get
13 a breakfast sandwich. That's most people's purpose when they
14 go to Dunkin Donuts. But the defendant, Corey Busch, he went
15 with a different purpose; he went to rob the place. That's
16 why we're all here today.

17 So let me tell you a little bit about what happened. So
18 on September 18th, 2019 at a Dunkin Donuts in Myrtle Beach,
19 it's actually in the Surfside area right off of Highway 17
20 Bypass near Deerfield. That morning a little before 7AM the
21 Dunkin Donuts employees were gearing up for their shift. They
22 were getting everything ready for rush hour, when all of a
23 sudden right around 7AM, the defendant comes from out of the
24 woods dressed in a hoodie and a mask, crosses the parking lot,
25 enters through the front doors. Once he's inside, he walks up

1 to the register, arm raised with his sleeve concealing what
2 appears to be a weapon. He demanded all of the money from the
3 front register and the register by the drive through.

4 Now, the defendant accomplished his purpose that morning
5 and the Dunkin Donuts employees they handed over all of the
6 money between those two registers. Once he got that money, he
7 ran out the front door, crossed the parking lot and back into
8 the woods the same way he came in. Now, because he
9 accomplished his purpose that morning, he sits in the
10 courtroom today charged with armed robbery.

11 Now, as representatives of the state, Solicitor DeBusk
12 and myself, we have the burden of proving that he's guilty
13 beyond a reasonable doubt; and that's a burden that we welcome
14 because we intend to do just that this week.

15 But I want to switch gears here for a minute and talk to
16 you about reasonable doubt. What is beyond a reasonable
17 doubt? Well it's a standard of proof. It's the same standard
18 of proof that's used in criminal courts across the country.
19 It's a high standard, there's no doubt about that, but it's
20 not an impossible one. Beyond a reasonable doubt is the sort
21 of proof that will leave you, the jury, firmly convinced of
22 the defendant's guilt. So now that we've gone over that, I
23 want to talk to you about the law.

24 Now, the Judge told y'all that he decides the law in this
25 case. I want to give you a little preview of what that law is

1 going to be. Before I do that, I want you to know if I say
2 anything now about the law that differs from what Judge Holt
3 tells y'all later on, please defer to what he says, okay. He
4 is the one sitting up there in the robe for a reason. So
5 armed robbery is the taking and carrying away of the personal
6 property of another with the intent to deprive them of
7 possession by use of force, threats, or intimidation while
8 they're armed with a deadly weapon or while they have in their
9 possession an object that the victim reasonably thinks is a
10 deadly weapon and they allege by actions or words that they
11 are armed. That last part I emphasized for a reason, it's
12 going to be important and you'll see why over the course of
13 this trial this week.

14 So back to that burden that we have, how do we intend to
15 prove that? Well we're going to do that through witnesses and
16 evidence. I would ask you to pay careful and close attention
17 to everything that you hear from that box this week, because
18 as the Judge said, the words that come out of my mouth,
19 Solicitor DeBusk's mouth, and Mr. Pinkerton, and Mr. O'Neill's
20 over there, what we say isn't evidence. The evidence that
21 you're to consider at the end of this trial is all going to
22 come from that box this week, that's why it's important. And
23 who are you going to hear it from? Well you're going to hear
24 from the victims. They're going to talk to you about what
25 happened that day. You're going to hear from law enforcement.

1 They're going to go over how the investigation unfolded, what
2 they found, and what led them to the defendant. You're going
3 to hear from people who work at SLED. Now SLED is the South
4 Carolina Law Enforcement Division. They were also involved in
5 this case. You're going to hear about cell phone data and why
6 that's important.

7 And, folks, after you have heard all of the witness
8 testimony, after you've seen all of the evidence that's going
9 to be presented to you, Solicitor DeBusk is going to stand in
10 front of you again at the end of the trial and he's going to
11 ask that you find the defendant Corey Busch guilty of armed
12 robbery. The armed robbery that occurred September 18th, 2019
13 at the Dunkin Donuts in Surfside. Thank you.

14 **THE COURT:** Mr. Pinkerton.

15 **MR. PINKERTON:** Ladies and gentlemen, thank you for being
16 here today. During this trial y'all are the most important
17 people in this courtroom, you're the finder of facts. Now,
18 you're going to hear a lot of evidence during this case.
19 You're going to hear witness testimony, you're going to see
20 videos, possibly DNA. However, as Solicitor Farmer stated
21 earlier, they have proof beyond a reasonable doubt to prove my
22 client, Mr. Corey Busch, is in fact the person who robbed
23 Dunkin Donuts.

24 Now, you will never hear me get up here and deny that
25 Dunkin Donuts was robbed that day. However, they have the

1 wrong man in custody. Mr. Corey Busch was not involved in
2 this robbery whatsoever. I ask that you keep an open mind,
3 listen to the facts of the case, and at the end of the day if
4 they cannot prove him beyond a reasonable doubt, any doubt in
5 y'all mind that he is in fact guilty of this, we ask that you
6 come back with a verdict of not guilty in this case. Thank
7 you.

8 **THE COURT:** Thank you. Solicitor.

9 **MR. DEBUSK:** The state calls Brittany Tyler.

10 **THE COURT:** Brittany Tyler. Ms. Tyler, can I get you to
11 come forward to this witness stand right here.

12 **THE CLERK:** Can I get you to raise your right hand and
13 place your left hand on the Bible.

14 **BRITTANY TYLER, HAVING BEEN DULY SWORN**

15 **TESTIFIES AS FOLLOWS:**

16 **THE COURT:** Ms. Tyler if you could just have a seat,
17 pull the chair back. Ms. Tyler, have you -- would you tell us
18 your name, please?

19 **MS. TYLER:** Brittany Renee Tyler.

20 **THE COURT:** All right. Ms. Tyler, you're under oath.
21 Have you ever testified in court before?

22 **MS. TYLER:** No, sir.

23 **THE COURT:** Okay. All right. So Mr. DeBusk, who is the
24 solicitor, he's going to ask you some questions, okay. When
25 he's finished, Mr. Pinkerton over here, he may ask you some

1 questions. These nice folks over here, this is our jury and
2 they need to hear you. So if you speak into that microphone
3 we should all be able to hear you fine, okay.

4 **MS. TYLER:** Okay.

5 **THE COURT:** All right. Mr. DeBusk.

6 **MR. DEBUSK:** Thank you, Your Honor.

7 **DIRECT EXAMINATION OF MS. TYLER BY MR. DEBUSK:**

8 Q: Good morning, Ms. Tyler. Who is your employer at this
9 time?

10 A: Dunkin Donuts.

11 Q: How long have you been working there?

12 A: A little over three years.

13 Q: Now, September 2019 were you still at Dunkin Donuts?

14 A: Yes.

15 Q: Which store did you work at in September of 2019?

16 A: Surfside off of 17 Bypass.

17 Q: I'll show you what's been marked as state's exhibit 2 and
18 ask if you recognize that?

19 A: Yes, I do.

20 Q: What is that?

21 A: That is our store that I worked at.

22 Q: Okay.

23 **MR. DEBUSK:** Your Honor, at this time state moves exhibit
24 2 into evidence.

25 **THE COURT:** All right.

1 **MR. PINKERTON:** No objection.

2 **THE COURT:** Without objection, that will be state's
3 exhibit number ---

4 **MR. DEBUSK:** Two.

5 **THE COURT:** Two.

6 **(STATE'S EXHIBIT NUMBER TWO**
7 **IS ADMITTED INTO EVIDENCE)**

8 **BY MR. DEBUSK:**

9 Q: What were your duties at Dunkin Donuts in September of
10 2019?

11 A: I was an opener with a shift leader. I was training to
12 be a shift leader myself.

13 Q: Okay. And were you on duty on September 18th of 2019?

14 A: Yes, I was.

15 Q: What was your duty station that day?

16 A: I was getting coffees, preparing the morning, making sure
17 that everything was alright up front. I was standing in the
18 drive through at the time, in the drive through area.

19 Q: How many registers were there at that Dunkin Donuts?

20 A: Technically three, but we have two that had tills in
21 them.

22 Q: Okay. So you were working the one at the drive through
23 window.

24 A: Uh-huh. (Affirmative response)

25 Q: Was there another one in the main part of the store, the

1 front counter?

2 A: The front counter there was.

3 Q: Okay. Who was working at the front counter?

4 A: Heather.

5 Q: Okay. Now, during that morning, September 18th, did
6 anything unusual happen?

7 A: The only thing unusual is I saw an event on the cameras
8 pointing to the drive through and that's when I saw a
9 gentleman walking out of the trees towards the building.

10 Q: All right. Why did that person draw your attention?

11 A: I think at the same time the camera switched from
12 nightshift to the daytime. Also, he also had all black and a
13 hood on and it was just weird. We don't see anyone coming
14 through the trees and going into Dunkin.

15 Q: What did you do when you saw that?

16 A: We have a -- we all have headsets on. We press the
17 middle button to communicate with each other, so when I saw
18 him I pressed the button and I said there's somebody walking
19 in in all black. And when I had gotten done saying that he
20 walked through the front door and I made eye contact with him.

21 Q: What happened when he walked through the door?

22 A: I had ducked myself behind the front counter so he
23 wouldn't see me, it was obviously too late though.

24 Q: Okay. How about Heather at the front till? Did she
25 encounter him?

1 A: She did. I do not remember if she had ducked down as
2 well or not, but she was mainly the person that communicated
3 with him.

4 Q: What did he do when he walked in?

5 A: He walked in over to the front counter where you would
6 order stuff and he kind of had his arm around the counter and
7 was demanding for the drawers to be open.

8 Q: Did he have or appear to have any sort of weapon?

9 A: It looked like he had a gun either tucked in his sleeve
10 or his hoodie pocket.

11 Q: Okay. Did he at any point say he had a gun?

12 A: He did.

13 Q: Okay. Now, could you see it was a gun?

14 A: I couldn't tell if there was really gun. It was shaped
15 as if it were.

16 Q: Was it covered by cloth?

17 A: Yes.

18 Q: Did he point it towards you or Heather or anybody else?

19 A: Yeah. I want to say he aimed it towards my direction,
20 but not (inaudible).

21 Q: Did he ask for anything?

22 A: Yeah. He asked for the money in the drawers.

23 Q: Now, Heather you said she was at the front counter?

24 A: Uh-huh. (Affirmative response)

25 Q: Did she give the money from that counter?

1 A: Yeah, she gave the money from the front counter.

2 Q: And you said there was also a till at the drive through

3 window?

4 A: Uh-huh. (Affirmative response)

5 Q: Did he get the money from that?

6 A: Yes, he did.

7 Q: Who gave him that money?

8 A: Heather did as well.

9 Q: Why did she have to give him the money from that till?

10 A: Because I refused to.

11 Q: Okay. Were you scared at that point?

12 A: Yeah. I was kind of concerned for my life.

13 Q: Okay. After he got the money from the till at the

14 window, what did he do?

15 A: I want to say he just left immediately.

16 Q: Okay. Did anyone call the police?

17 A: I think Josh, the manager at the time, and Kayli, the

18 shift leader in the bathroom, did.

19 Q: Where was these other people? Where were they located?

20 A: Kayli was in the bathroom and then Josh was near the

21 sandwich station when he first walked in, so he ran towards

22 the back in the office.

23 Q: Okay. So they were out of sight of the robbery when it

24 happened?

25 A: Yeah, they were.

1 Q: Okay. It was you and Heather basically that were there
2 present when the robbery happened?

3 A: Right.

4 Q: Did Dunkin have video cameras?

5 A: They did.

6 Q: I'm showing you what's been marked as state's exhibit 28
7 and ask if you recognize this.

8 A: Yes. That's my signature.

9 Q: What is on that CD?

10 A: That is the -- it shows the overhead view above the
11 counter, and it shows him reaching over the counter, and the
12 money being given to him by Heather.

13 Q: Is that from the video system of Dunkin Donuts?

14 A: Yes.

15 Q: Is it a fair and accurate representation of what happened
16 that day?

17 A: Uh-huh. (Affirmative response)

18 **THE COURT:** Yes?

19 **MS. TYLER:** Yes, sir.

20 **MR. DEBUSK:** Your Honor, at this time we would move
21 state's 28 into evidence.

22 **MR. PINKERTON:** No objection.

23 **MR. DEBUSK:** The video has been provided in discovery.

24 **THE COURT:** No objection?

25 **MR. PINKERTON:** No objection.

1 **THE COURT:** Without objection this is state's what?

2 **MR. DEBUSK:** Twenty-eight.

3 **THE COURT:** Twenty-eight.

4 **(STATE'S EXHIBIT NUMBER TWENTY-EIGHT**
5 **IS ADMITTED INTO EVIDENCE)**

6 **MR. DEBUSK:** Your Honor, may I publish it to the jury?

7 **THE COURT:** Yes, sir.

8 **BY MR. DEBUSK:**

9 Q: While they are setting that up let me ask you a couple
10 more questions. You said that some people called the police,
11 people that were outside of the robbery.

12 A: Yes.

13 Q: Did the police respond?

14 A: They did.

15 Q: Did you give a statement to the police?

16 A: Yes.

17 Q: Okay.

18 **THE COURT:** Ladies and gentlemen of the jury, while
19 they're doing that, these exhibits that are coming into the
20 record, those are the exhibits that you'll have the
21 opportunity to review and consider during your deliberations.
22 And I believe this is state's number 28.

23 **MR. DEBUSK:** Yes, Your Honor.

24 **THE COURT:** Which is a video that they wish for you to
25 look at here in a moment.

1 **MR. DEBUSK:** There are three separate clips on the video.

2 **THE COURT:** Mr. DeBusk, why do they not let you handle
3 the technology.

4 **MR. DEBUSK:** Because they know what I'll do with it.
5 I've unplugged something. That answers the question, Your
6 Honor, of why they don't let me.

7 **REPORTER'S NOTE:** (Whereby state's exhibit number 28 is
8 played.)

9 **BY MR. DEBUSK:**

10 Q: Can you see, Ms. Tyler?

11 A: (Affirmative response)

12 Q: Now is this the camera that you saw him approaching on?

13 A: No. It was, but I think it was a little bit earlier
14 before.

15 Q: Okay.

16 **MR. DEBUSK:** Go ahead and run it just a moment.

17 **BY MR. DEBUSK:**

18 Q: Is this the individual that drew your concern?

19 A: Yes, it is.

20 Q: Now, he was in the store for a little while before he
21 left; is that correct?

22 A: Yeah, maybe a couple of minutes.

23 Q: Is that the individual leaving?

24 A: Yes, it is.

25 Q: He appears to go to the same spot that he came out of.

1 A: Yes.

2 Q: Is this the area you refer to as the front counter?

3 A: Yes, it is.

4 Q: And is this the register here?

5 A: Yes.

6 Q: And again, you said it was Heather working that front
7 counter?

8 A: Yes.

9 Q: And where would your station have been? Would it have
10 been off to the right?

11 A: A little off to the right, not far.

12 Q: This person here, that's Heather?

13 A: That's Heather.

14 Q: Is that Heather closing the front door?

15 A: Yeah, she's locking it.

16 Q: Who is this second individual?

17 A: That's Kayli walking out of the bathroom when you walk
18 into the Dunkin the bathrooms are immediately to the right.

19 Q: So the bathrooms are on this side of the counter off to
20 the right?

21 A: Yes, right.

22 Q: So she was outside when the robbery happened?

23 A: No. She was in the bathroom and she stayed in there when
24 I told her someone was walking in.

25 Q: Because she could hear it on the headset?

1 A: Yes, she could hear on the headset and the yelling, of
2 course.

3 Q: Right. Is that Heather?

4 A: That's Heather.

5 Q: And that's the front till?

6 A: Yes, it is.

7 **REPORTER'S NOTE:** (End of state's exhibit 28.)

8 **MR. DEBUSK:** Is that good?

9 **MR. PINKERTON:** Can you come back a little bit more so we
10 can see? Thank you.

11 **BY MR. DEBUSK:**

12 Q: Ms. Tyler, please answer any questions the defense might
13 have.

14 A: Okay.

15 **CROSS EXAMINATION OF MS. TYLER BY MR. PINKERTON:**

16 Q: Thank you for being here today. What time in the morning
17 do you arrive at work usually?

18 A: At that time, between 4:30 and 5.

19 Q: 4:30 and 5; what time did you arrive that morning?

20 A: I don't remember exactly, but between 4:30 and 5 I want
21 to say.

22 Q: Okay. And you said you were working the cash till in the
23 drive through?

24 A: Yes, I was.

25 Q: Okay. About how far is that from the cash till in the

1 main part of the restaurant?

2 A: The till in the drive through to the till in the front?

3 Q: Yes.

4 A: Maybe 10 feet, 10, 15 feet.

5 Q: Ten feet, okay. Now, did you actually see a weapon?

6 A: Not physically, no.

7 Q: Not physically. Did you see an actual object?

8 A: I saw an object that was shaped like a gun in a cloth.

9 Q: But you never saw an actual firearm, correct?

10 A: No.

11 Q: Okay. And what was the suspect wearing?

12 A: An all black hoodie, I think, and a facemask is what I
13 could see.

14 Q: So you didn't actually get a look at the suspects face,
15 correct?

16 A: I saw his face when he first walked in. We made eye
17 contact and then I ducked behind the counter.

18 Q: Anything descriptive?

19 A: He had bright colored eyes, not brown.

20 Q: Not brown, bright colored eyes.

21 A: I could see like ---

22 Q: What color would you say they would be?

23 A: Maybe green.

24 **MR. PINKERTON:** Court's indulgence.

25 **BY MR. PINKERTON:**

1 Q: Once again, you didn't see any firearm, correct?

2 A: No.

3 Q: And you were not the one that actually handed money over
4 to the suspect?

5 A: No.

6 Q: Okay. Thank you. No further questions.

7 **THE COURT:** Thank you, sir.

8 Anything further?

9 **MR. DEBUSK:** Briefly.

10 **REDIRECT EXAMINATION OF MS. TYLER BY MR. DEBUSK:**

11 Q: Did the person who robbed the Dunkin Donuts actually say
12 he had a weapon?

13 A: He did.

14 Q: And did he have something under his sleeve that looked
15 like a weapon to you?

16 A: It did.

17 Q: Thank you.

18 **MR. DEBUSK:** Your Honor, we would ask that Ms. Tyler be
19 excused from her subpoena so that she can return to her
20 duties.

21 **MR. PINKERTON:** No objection.

22 **THE COURT:** All right. Ma'am, you're free to go. Thank
23 you for your testimony.

24 **MS. TYLER:** Thank you.

25 **THE COURT:** You have a good day.

1 **MS. TYLER:** You as well.

2 **THE COURT:** Have you got to work today?

3 **MS. TYLER:** I've got four dogs that I take care of on my
4 day off.

5 **MS. FARMER:** Your Honor, at this time the state would
6 call William Dietzel.

7 **THE COURT:** William Dietzel.

8 **MS. FARMER:** Yes.

9 **THE COURT:** Mr. Dietzel, if I can get you to come
10 forward, sir. Madam Clerk.

11 **THE CLERK:** Please raise your right hand and place your
12 left hand on the Bible.

13 **WILLIAM DIETZEL, HAVING BEEN DULY SWORN**
14 **TESTIFIES AS FOLLOWS:**

15 **THE COURT:** Have a seat, sir.

16 **THE CLERK:** State your full name and spell your last
17 name.

18 **SERGEANT DIETZEL:** William Dietzel, D-I-E-T-Z-E-L.

19 **THE COURT:** Your witness.

20 **DIRECT EXAMINATION OF SERGEANT DIETZEL BY MS. FARMER:**

21 Q: Good morning, Mr. Dietzel.

22 A: Good morning.

23 Q: Who is your current employer?

24 A: The Horry County Police Department.

25 Q: And what is your current title there?

1 A: I'm a sergeant on patrol.

2 Q: So it would be Sergeant Dietzel?

3 A: Correct.

4 Q: How long have you been with the Horry County Police
5 Department?

6 A: Twelve years.

7 Q: Do you have any prior law enforcement experience?

8 A: Before I moved here to Horry County, I was a public
9 safety officer at Wheaton College in Norton, Massachusetts.

10 Q: And what are your current duties and responsibilities?

11 A: As a patrol supervisor I'm assigned to supervise a group
12 of patrol officers who handle calls for service, sign reports,
13 and review their cases. I'm also assigned to the SWAT team,
14 the Special Operations Division.

15 Q: And how about in September 2019, what were your duties
16 then?

17 A: I was a corporal on patrol in the south precinct, which
18 is also a supervisor, it's not as intense as a sergeant but
19 it's similar duties.

20 Q: Were you on duty September 18th, 2019?

21 A: Yes.

22 Q: Okay. And did you respond to the Dunkin Donuts on
23 Highway 17 Bypass near Deerfield that day?

24 A: Yes.

25 Q: Do you have the address where that Dunkin Donuts is?

1 A: I believe it's 8709 Highway 17 Bypass.

2 Q: Okay. Sergeant Dietzel, I'm showing you what's been
3 marked for ID purposes as state's exhibit 3. Can you look at
4 that? Do you recognize what I've handed you?

5 A: It's the map of Highway 17 Bypass.

6 Q: Are you familiar with that area?

7 A: Yes.

8 Q: How are you familiar with it?

9 A: I've patrolled that area for probably about ten years
10 now.

11 Q: Does that area to be a true and accurate reflection of
12 that area of Horry County?

13 A: On that day, yes.

14 Q: Yes, okay.

15 **MS. FARMER:** Your Honor, at this time state would seek to
16 enter exhibit 3 into evidence.

17 **THE COURT:** Any objections?

18 **MR. PINKERTON:** No objection, Your Honor.

19 **THE COURT:** Without objection this is state's exhibit 3.

20 **(STATE'S EXHIBIT NUMBER THREE**

21 **IS ADMITTED INTO EVIDENCE)**

22 **BY MS. FARMER:**

23 Q: I think I just said it and I hate to ask if again, but
24 what county is that Dunkin Donuts that you responded to?

25 A: Horry County.

1 Q: And what was the nature of the call that you responded?

2 A: I responded to Dunkin Donuts for an armed robbery.

3 Q: Do you remember what time that call would have went out?

4 A: Right around 6:45 - 6:50.

5 Q: And what did you do when you arrived at the location?

6 A: I arrived on scene, drove around towards the back of the
7 building to try to look into the windows to see if there was a
8 suspect still inside. Once I made sure there was no one
9 inside, no suspect inside, I went in and make sure there's no
10 victim's injured, so I made my way into the Dunkin Donuts and
11 spoke to the victims there.

12 Q: So you interviewed witnesses that day?

13 A: Correct.

14 Q: And how many individuals were in the store when you
15 arrived?

16 A: I think it was four.

17 Q: Were any of those customers?

18 A: No, I believe they were all employees.

19 Q: And did other units with the Horry County Police
20 Department arrive?

21 A: Yes. I had asked other officers to show up to canvas the
22 area. The suspect had left on foot. I spoke to my sergeant
23 at the time and we determined that it was a good time to call
24 the bloodhound tracking team out because we had a good
25 indicator of where the suspect had fled.

1 Q: And what did that bloodhound team do?

2 A: We were -- patrol had set up a perimeter in the direction
3 of where he would -- where the suspect may have gone so that
4 he couldn't get outside of that perimeter and the bloodhound
5 tracking team would put a dog down and begin tracking the
6 person who fled.

7 Q: And do you recall which detective would have taken over
8 the investigation?

9 A: I believe it's Detective Wydra.

10 Q: All right.

11 **MS. FARMER:** Court's indulgence just for a moment, Your
12 Honor.

13 **THE COURT:** Yes, ma'am.

14 **BY MS. FARMER:**

15 Q: If you would please answer any questions defense has.

16 **THE COURT:** Mr. Pinkerton.

17 **CROSS EXAMINATION OF SERGEANT DIETZEL BY MR. PINKERTON:**

18 Q: Thanks for being here. About what time did you arrive at
19 Dunkin Donuts that morning?

20 A: Shortly after the call came out.

21 Q: Approximately what time?

22 A: 6:53 maybe.

23 Q: And was the store locked when you got there?

24 A: I believe it was, yes.

25 Q: And who actually let you in to Dunkin Donuts?

1 A: One of the employees.

2 Q: Employees. And you were not actually a witness to the
3 crime itself, were you?

4 A: No.

5 Q: And so you never saw a suspect with a firearm?

6 A: I didn't.

7 Q: Okay. And about how many employees were in there?

8 A: Four.

9 Q: Four. Okay. And how many officers arrived on scene once
10 you made the call for them to come?

11 A: I don't know right off the top of my head. Typically,
12 there are six officers working patrol in the south precinct.
13 If they were all working that day, we would have all responded
14 to the area.

15 Q: Okay. And about how long did it take from you arriving
16 on scene for the bloodhound to arrive?

17 A: Typically, that's anywhere from half an hour to an hour.

18 Q: So about a half an hour to an hour for the bloodhound to
19 arrive on scene?

20 A: Correct.

21 Q: About how long would it take for them to start to track
22 once the bloodhound arrives on scene?

23 A: Pretty quickly once the dog was there.

24 **MR. PINKERTON:** Court's indulgence.

25 **THE COURT:** Yes, sir.

1 **MR. PINKERTON:** No further questions, Your Honor.

2 **MS. FARMER:** None from the state, Your Honor.

3 **THE COURT:** All right.

4 **MS. FARMER:** May Officer Dietzel be excused from his
5 subpoena?

6 **THE COURT:** Any objection?

7 **MR. PINKERTON:** No objection.

8 **THE COURT:** All right. Without objection. Sergeant,
9 thank you for testimony, you're free to go, sir. Have a good
10 day.

11 **SERGEANT DIETZEL:** Thank you, sir. You too.

12 **MR. DEBUSK:** Your Honor, the state calls Mark Johnson.

13 **THE COURT:** Mark Johnson. Mr. Johnson, I need you to
14 come forward, sir.

15 **THE BAILIFF:** Your Honor.

16 **THE COURT:** Yes, sir.

17 **THE BAILIFF:** A couple of the jurors need to take a brief
18 break.

19 **THE COURT:** All right. Before we swear witness, we'll
20 take us a ten-minute recess. It's 10:30, we'll try to be back
21 in here at 10:40. All right. Y'all can be excused. Yeah, if
22 everybody will be excused, we ran into a problem one time.

23 **REPORTER'S NOTE:** (Jury exits courtroom at 10:31a.m.)

24 **THE COURT:** Once we were trying a case and I had -- we
25 took a break and the jury left. I stepped off the bench and

1 came back in, we're sitting there talking and all of the
2 sudden a juror comes in and sits in the jury box by themself.
3 I started asking what they were doing by themself, and
4 apparently when they took a break that door went a different
5 direction than the one to smoke, and when they were done they
6 came back and took their seat. Now I'm kind of careful about
7 those kinds of things.

8 All right. Anything we need to discuss before we break?

9 **MR. DEBUSK:** Nothing from the state.

10 **MR. PINKERTON:** Nothing.

11 **THE COURT:** All right. We'll recess.

12 You're not under oath so you're free to move about.

13 We'll place you under oath when the jury comes back.

14 **OFFICER JOHNSON:** Yes, sir.

15 **(COURT IS IN RECESS)**

16 **THE COURT:** All right. Court will come to order.

17 Counsel, during our break I went off the bench and when I
18 came off of the bench into the secured hallway apparently the
19 jurors when they go to a restroom break they take them back
20 here in the conference room. Four of the gentlemen were
21 standing in the hallway when I came off of the bench and there
22 they were. I had to walk through them to get to my office.
23 But one of them stopped and said, "Judge, can I ask you a
24 question?" And I said, "no, sir. I'm not allowed." I said,
25 "if you have a question convey it to the bailiff." That was

1 the extent of our conversation. Any concerns or anything you
2 want to address?

3 **MR. DEBUSK:** Not from the state, Your Honor.

4 **THE COURT:** Okay.

5 **MR. PINKERTON:** No, Your Honor.

6 **THE COURT:** Okay. All right. I just wanted y'all to be
7 aware of that. I wasn't expecting that, and Mr. Ropp said
8 that won't happen again.

9 Okay. Are we ready for the jury?

10 **MR. DEBUSK:** Yes, Your Honor.

11 **THE COURT:** All right.

12 **REPORTER'S NOTE:** (Jury enters courtroom at 10:46a.m.)

13 **THE COURT:** All right. Let the record reflect that we
14 have our jury back after a brief recess. We have a witness
15 who was called by the state.

16 Madam Clerk.

17 **THE CLERK:** Please raise your right hand and place your
18 left hand on the Bible.

19 **MARK JOHNSON, HAVING BEEN DULY SWORN**
20 **TESTIFIES AS FOLLOWS:**

21 **THE CLERK:** State your name and spell your last name for
22 the Court.

23 **OFFICER JOHNSON:** Mark Johnson, J-O-H-N-S-O-N.

24 **THE COURT:** Thank you, sir.

25 Your witness.

1 **DIRECT EXAMINATION OF OFFICER JOHNSON BY MR. DEBUSK:**

2 Q: Officer Johnson, who is your employer?

3 A: Horry County Police Department.

4 Q: And how long have you been with Horry County Police?

5 A: Going on nine years.

6 Q: Okay. Do you have any other law enforcement experience
7 or just working with Horry County?

8 A: I do. Yes, sir.

9 Q: Who else?

10 A: Conway City for four years.

11 Q: Okay. So 13 altogether?

12 A: Yes, sir.

13 Q: Okay. What are your duties at this time?

14 A: I work narcotics with the Horry County Police Department.

15 Q: That explains your rather un-police-like hair?

16 A: Correct.

17 Q: How about September 2019, what were your duties back
18 then?

19 A: I was a patrol supervisor, but I'm pretty sure I was off
20 that day.

21 Q: Did you work on the dog team at that time?

22 A: Yes, sir.

23 Q: Was that part of your regular duties?

24 A: It is part of my duties also.

25 Q: How about on September 18th, 2019, were you on duty that

1 day?

2 A: I can't remember if I was on duty, but if I wasn't I got
3 paged out. They'll send a page out for the dog team to come
4 out to run a track. So I'm sure I was probably off and got a
5 page out to come out due to this incident.

6 Q: Okay. Did you deploy your dog at the area of Dunkin
7 Donuts at 8706 Highway 17 Bypass?

8 A: Yes, sir. I did.

9 Q: Okay. What was the name of the dog you were using that
10 day?

11 A: Gabby.

12 Q: What type of dog is Gabby?

13 A: She's a bloodhound.

14 Q: I know there are lots of different kinds of working dogs,
15 but what specific is Gabby trained to do?

16 A: She is trained for human scent, missing kids, criminals,
17 anything where a human can leave a scent is what she's trained
18 to look for and to find.

19 Q: So she tracks people?

20 A: Yes, sir. She tracks people.

21 Q: How do you train a dog to track people?

22 A: You just start off as a puppy. We take like an article,
23 a shirt, socks, anything that your scent will be on, we'll
24 show her the scent. We'll kind of run and let her see us, the
25 bloodhound see us, hide, and after doing this for years it's

1 like muscle memory to them. They will know, hey, if I smell
2 this scent I'll get a reward at the end of the trail if I find
3 this person that I'm looking for. So we use Vienna sausage is
4 what they are rewarded, you know, if they find them. So
5 that's how we usually start off from the time they're a puppy
6 8-weeks old until they're two to three years old when we start
7 giving them live tracks.

8 Q: So you basically teach them that by following a human
9 scent they can get a reward?

10 A: They'll get a reward at the end of it.

11 Q: Okay. What kind of training do you do to keep Gabby up
12 to par?

13 A: We usually do a week -- every week we'll do training. We
14 usually go to a seminar in York County that they'll put on for
15 a week, a course for bloodhounds. I actually have a newer
16 puppy that I got since she was 8 weeks old. I've trained her
17 and she's two and a half now. So we set her up -- we'll go up
18 to training in Greenville where they actually certify her,
19 certify me in tracking.

20 Q: Was Gabby a certified tracker?

21 A: She was not certified, but she was -- you don't have to
22 certify them in the State of South Carolina, but she was -- to
23 us she was -- she's found numerous people. And, you know,
24 with her training and stuff like that she was certified with
25 us.

1 Q: Was she trained in (inaudible).

2 A: Yes.

3 Q: You found her to be an effective tracker?

4 A: Yes, sir.

5 Q: What did you do that particular day?

6 A: That day I got called out. I had Gabby with me. I made
7 contact with I think it was Corporal Dietzel at the time. He
8 last saw the suspect and said hey this is where the suspect
9 went. I took her -- usually like the last known is what we
10 call it where hey we know this person went this way, this is
11 the only scent that would be in this area. We'll harness her
12 up. I'll give her a command and she'll start from there and
13 start, you know, working that scent to locate the person at
14 the end.

15 Q: On that day did you start from the parking lot of Dunkin
16 Donuts?

17 A: I started behind the parking lot. At the time there was
18 some underbrush like it was grown up a little bit and I
19 started over there.

20 Q: Okay. Where did she track?

21 A: She tracked from behind the Dunkin Donuts, you behind and
22 there's a building in the parking lot ---

23 Q: Let me make it a little easier on you. State's exhibit
24 3, do you recognize that?

25 A: Yes, sir.

1 Q: It's in evidence. Would that map help you tell the jury
2 where you tracked?

3 A: It would.

4 Q: Okay. Let's put it up on the display here so we can show
5 the jury.

6 **MR. DEBUSK:** Your Honor, may the witness step down?

7 **THE COURT:** Yes, sir.

8 **BY MR. DEBUSK:**

9 Q: Okay. Can you explain using this diagram, explain to the
10 jury where the dog tracked?

11 A: So this right here at the Dunkin Donuts, at this time I
12 guess this is the underbrush, just a bunch of underbrush, so I
13 started her from here right up in this general area. This is
14 where the witnesses last saw the person went, so I started
15 here. I harnessed her up, we went here. There's a building
16 here. I think some of the guys cleared the building here.
17 She went around, she went around this building and come
18 through here. We circled this whole parking lot to the back
19 of it, all the way around, and then her there's a big canal
20 ditch here. At that time I was just finding a place to cross
21 to get her on the other side of this ditch because it was a
22 pretty large canal ditch. So that's where I started my track
23 at.

24 Q: Where did your track end?

25 A: My track ended right here in this general area.

1 Q: Let me show you what's been marked as state's exhibit 8
2 and ask if you recognize this?

3 A: Yes, sir.

4 Q: What is that?

5 A: Port-o-john.

6 Q: What is the significance of that to your tracking?

7 A: There was some garments located in this port-o-john.

8 Q: Let me ask you, state's exhibit 5, I ask do you recognize
9 that?

10 A: Yes, sir.

11 Q: Did you track by some evidence along the way?

12 A: I did right about here at this canal ditch here. So I
13 was bringing her back this way and we were just trying to find
14 a place to cross. I really wasn't looking in the ditch
15 because I was just trying to get the dog across, me and her.
16 At this time I don't remember who yelled or stated, hey,
17 there's some clothing in the ditch here. At that point I came
18 back and was probably 50-feet away from the clothing. Down in
19 the ditch it looked like a hoodie and a toboggan in the ditch.

20 Q: Is that shown on state's exhibit 5?

21 A: Yes, sir, it is.

22 Q: Okay.

23 **MR. DEBUSK:** Your Honor, we'd move state's 5 and 8 into
24 evidence at this time.

25 **THE COURT:** Any objections?

1 **MR. PINKERTON:** Your Honor, no objection.

2 **THE COURT:** Without objection, state's 5 and 8.

3 **(STATE'S EXHIBIT NUMBER FIVE AND EIGHT**

4 **ARE ADMITTED INTO EVIDENCE)**

5 **BY MR. DEBUSK:**

6 Q: You were referring to the area here that's marked bandana
7 hat and hoodie. Is this the area there?

8 A: Correct.

9 Q: And I guess you can't see it very well in this particular
10 photo, right there.

11 A: Yes.

12 Q: Okay. After you passed by the bandana, did you go to the
13 area of the port-o-john?

14 A: I stopped her -- I recognized that she wasn't wanting to
15 track anymore. I pulled her off about here and at this point
16 there was some construction, a big dump truck and a track-o.
17 When we get to here, at this point there were some other guys
18 coming back this way, usually we have security detail with us
19 because usually I'm watching the dog, I'm not paying attention
20 to anybody else. We have other people paying attention to our
21 surrounding making sure that I don't get hurt, the dog don't
22 get hurt or nothing. So at this time they go to the port-o-
23 john, they see something in the port-o-john and said, hey, we
24 found another article of clothing in the port-o-john.

25 Q: Is that shown here in state's exhibit 8?

1 A: Yes, sir.

2 Q: Is that the articles fished out by one of those security
3 officers?

4 A: Yes, sir.

5 Q: Okay. Now, what did you do when you got to the area of
6 the port-o-john relative to your track?

7 A: I stopped her. I recognized she didn't want to go no
8 more. I've trained this dog probably three years at the time,
9 so I knew that she was -- she was an older dog too, so I
10 recognized that she was probably tired, there was a lot of
11 distraction, so I stopped her. I said, hey, she's done, she's
12 not going to go any further. So I stopped her there at that
13 point, and at that point I unharnessed her and put her back in
14 the vehicle.

15 Q: Okay. And did you have another dog available to take
16 over?

17 A: We did. We usually bring two dogs with us, in case some
18 like that happens.

19 Q: Who was the handler for that second dog?

20 A: Officer Green.

21 Q: And where did Officer Green take over?

22 A: He started -- he actually started her off the toboggan
23 that was located in the ditch, that Gabby located in the
24 ditch. He sent the other bloodhound off that right here.

25 Q: And did that dog catch the scent of the track?

1 A: Yes, sir.

2 Q: And did you follow it?

3 A: I did.

4 Q: Did you go all of the way through?

5 A: I did.

6 Q: Okay. Where did that -- where did that dog track to?

7 A: So basically he done like a bog loop. All of this, if
8 I'm correct ---

9 Q: Was that an old golf course that was rebuilt?

10 A: Yeah, it was under construction but there was a few
11 houses there but not a lot. So when we get here, this is the
12 apartment complex or condo or whatever you want to call it, so
13 we come from here around here and made a big circle to
14 actually come up the backside to these apartment complexes
15 back here.

16 Q: So he tracked through the old golf course here and to
17 these apartments?

18 A: Yes, sir. Through the golf course, up here to the
19 apartment complex.

20 Q: What happened at the apartment complex? Were you able to
21 go to a single apartment or anything?

22 A: We basically started between these apartments here.
23 Usually a dog is like us, you know, they get distracted if
24 there's a lot of people moving around, a lot of animals in the
25 area, pets, stuff like that. I mean it's early in the morning

1 so people are moving about, cars are moving, so they will get
2 distracted. So she couldn't pinpoint the apartment that he
3 went in, hey this is the apartment that he went in. Usually
4 the person walking around this apartment all day long and
5 going in and out of this house, so you're scent is going to be
6 everywhere throughout the day. It ain't really fresh at an
7 apartment complex, so she had trouble, I ain't going to say
8 trouble, she just couldn't pinpoint okay this is the apartment
9 he went in. You know he could have walked outside, take the
10 dog out, so that scent's been in and out all day long.

11 Q: Is it fair to say that that she tracked to a particular
12 building, not to a particular apartment?

13 A: Right.

14 Q: Okay. So from the port-o-john sort of the back way
15 through the old fairway to the area of one particular
16 building?

17 A: Yes, 2000.

18 Q: Was Detective Wydra with you?

19 A: He was.

20 Q: And he was aware of what the building number was?

21 A: He knew. He was there with us the whole time. He knew
22 the building, like where the dog tracked to.

23 Q: So just to summarize, you started at the Dunkin Donuts?

24 A: I started at the Dunkin Donuts. Corporal Dietzel at the
25 time told me, hey, this is where witnesses saw the suspect, so

1 I harnessed her up here. We gave the scent to her to track.
2 We tracked from here all of the way around, came around this
3 building, we did a loop around here, come all the way around
4 this building. We get about here, I'm trying to find a place
5 to cross for me and the dog, the ditch was pretty big. At
6 that time, one of the guys that was with us said, hey, there's
7 some clothing in the ditch, so we crossed the ditch and that
8 person picked the clothes out the ditch.

9 Q: Was the clothing in the ditch or was it on the side of
10 the road?

11 A: It was actually -- it was in the ditch, so some of it was
12 wet, maybe some of it was not. You could tell it had not been
13 there for a while.

14 Q: Right.

15 A: So they got it out of the ditch and then I crossed over,
16 and at that point I was like, hey, I think she's done.

17 Q: Okay. And that's when the other dog took over?

18 A: Yes, sir.

19 Q: Thank you. Please answer any questions the defense may
20 have.

21 **CROSS EXAMINATION OF OFFICER JOHNSON BY MR. PINKERTON:**

22 Q: Thank you for being here, sir.

23 A: Yes, sir.

24 Q: About what time did you receive the call to respond to
25 Dunkin Donuts that morning?

1 A: It was around first thing in the morning, maybe I don't
2 know the exact time, 8 o'clock, 8:30.

3 Q: And you said Gabby was the dog that you were the handler
4 for, correct?

5 A: Yes, sir.

6 Q: Okay. And she's a bloodhound?

7 A: Yes, sir.

8 Q: Okay. And you say you started tracking right behind
9 Dunkin Donuts?

10 A: Yes, sir.

11 Q: She didn't pick up a scent at that point, correct?

12 A: Once I gave the last known, once I gave her the command,
13 hey, this is where the last person was seen at and once I give
14 her that command she knows all right this is the scent I'm
15 looking for. So, yes, at that point she was tracking.

16 Q: But it was after you got to the woods leaving Dunkin
17 Donuts?

18 A: It was once I went behind the Dunkin Donuts. Usually,
19 I'll be like, hey, where was he last seen at. They were like,
20 hey, this was where the person was last seen at, so I'll take
21 the dog out, rig the dog up, harness her up, give her the
22 command, and basically she starts.

23 Q: Did you actually try tracking from the entrance to Dunkin
24 Donuts or was in just in the woods?

25 A: In the woods because that's where he was last seen.

1 Q: Okay. So you didn't actually try to track from the door
2 the suspect supposedly left from, correct?

3 A: No, sir.

4 Q: Okay. And you said a hat was found. You're not the one
5 that found the hat, correct?

6 A: No.

7 Q: Okay. You don't remember who found the hat?

8 A: I do not.

9 Q: Okay. And it wasn't your bloodhound that found the hat
10 either, correct?

11 A: No.

12 Q: And you said the second dog tracked to an apartment
13 complex, right?

14 A: Yes, sir.

15 Q: Okay. That was not your dog, you're not the handler of
16 that dog, correct?

17 A: No, sir.

18 Q: Okay. And she just went to a building in the apartment,
19 not an actual unit?

20 A: She didn't as I recall, she didn't go to an actual unit
21 like, hey, this is the door. She just went to the complex.

22 Q: Okay. Now, when your dog lead you towards the port-o-
23 potty did she lose the scent at that point, is that why you
24 decided she had had enough?

25 A: I think, in my opinion, the distractions. There was

1 actually some dump trucks, some track-os that were actually
2 working so I figured the noise and stuff like that was just
3 distracting her, so I stopped it.

4 Q: And once again, you were not actually there for the
5 robbery itself, were you?

6 A: No, sir.

7 Q: And you never saw a suspect with a weapon?

8 A: I didn't.

9 Q: Okay.

10 **MR. PINKERTON:** Court's indulgence.

11 **BY MR. PINKERTON:**

12 Q: And was Gabby certified to track at the time?

13 A: We don't have to certify them in the State of South
14 Carolina; but, no, she was not.

15 Q: Oh, so you don't have to certify the dogs to track scent
16 ---

17 A: No, we don't.

18 Q: --- in South Carolina? And she was not certified at the
19 time?

20 A: She was not.

21 Q: Okay.

22 **MR. PINKERTON:** No further questions, Your Honor.

23 **THE COURT:** All right. Anything further?

24 **MR. DEBUSK:** Yes, very briefly.

25 **REDIRECT EXAMINATION OF OFFICER JOHNSON BY MR. DEBUSK:**

1 Q: Let me ask you real quick, Gabby wasn't certified but you
2 had worked with her before, right?

3 A: For three years I've worked with her.

4 Q: How many non-training tracks have you used her on?

5 A: Hundreds if I had to guess.

6 Q: Okay. Did you find her reliable on those tracks?

7 A: Very reliable.

8 Q: Did you find her reliable in training?

9 A: Yes, sir.

10 Q: Okay. Now when you start to track when you don't have an
11 item of clothing or anything to alert them on, did you say you
12 start from the last point they are seen?

13 A: The last point that was seen, and this was somebody that
14 told an officer that I guess said this was the last place this
15 person was seen.

16 Q: I think you said you started at the woods, the brush,
17 behind Dunkin Donuts.

18 A: I did.

19 Q: I'm showing you, now does this look like the are where
20 you started?

21 A: Is that behind Dunkin Donuts?

22 Q: Yes.

23 A: It was on the other side of those bushes.

24 Q: Where the individual ran in the woods there, is that
25 where you started the track?

1 A: On the other side of the bushes.

2 Q: And that was based on what other officers told you.

3 A: Correct.

4 Q: Okay. I don't have anything further.

5 **THE COURT:** All right.

6 **MR. PINKERTON:** Your Honor, may I have one redirect
7 question?

8 **THE COURT:** Yes, sir.

9 **RE CROSS EXAMINATION OF OFFICER JOHNSON BY MR. PINKERTON:**

10 Q: You actually did not witness the suspect leaving Dunkin
11 Donuts, correct?

12 A: No, sir.

13 Q: Okay. And the dog did not pick up any scent in the
14 parking lot?

15 A: No, sir.

16 Q: Thank you. No further questions.

17 **THE COURT:** Thank you, sir.

18 **MR. DEBUSK:** May I?

19 **REDIRECT EXAMINATION OF OFFICER JOHNSON BY MR. DEBUSK:**

20 Q: Did you try tracking the parking lot or did you just try
21 to track at the last known?

22 A: I did not try to track in the parking lot. I went
23 straight to where he was last seen, which was in the brush
24 behind Dunkin Donuts.

25 Q: And at that spot she picked up the scent?

1 A: At that spot she picked up the scent.

2 Q: Thank you. No further questions.

3 **THE COURT:** All right.

4 **MR. PINKERTON:** Nothing further, Your Honor.

5 **MR. DEBUSK:** Your Honor, may this witness be excused?

6 **THE COURT:** Any objection?

7 **MR. PINKERTON:** I have no objection, Your Honor.

8 **THE COURT:** All right. Thank you, sir.

9 **MR. DEBUSK:** Your Honor, the state calls James D. Green.

10 **THE COURT:** Officer Green, if I can get you to come
11 forward, sir.

12 Madam Clerk.

13 **THE CLERK:** Please raise your right hand and place your
14 left hand on the Bible.

15 **JAMES GREEN, HAVING BEEN DULY SWORN TESTIFIES**

16 **AS FOLLOWS:**

17 **THE COURT:** You can have a seat, sir.

18 **THE CLERK:** State your name and spell your last name.

19 **OFFICER GREEN:** James Green, I go by JD. My last name is
20 spelled G-R-E-E-N.

21 **DIRECT EXAMINATION OF OFFICER GREEN BY MR. DEBUSK:**

22 Q: Officer Green, who is your employer?

23 A: Horry County Police Department.

24 Q: What are your duties at this time?

25 A: I'm a Corporal on patrol and then I'm also on the Special

1 Operations with the Bloodhound Tracking Team.

2 Q: Okay. How long have you been with Horry County Police?

3 A: Almost nine years.

4 Q: Okay. Before Horry County, other law enforcement
5 experience before that?

6 A: No, sir.

7 Q: Your whole career has been with Horry County?

8 A: Yes, sir.

9 Q: How long have you work with the drug, sorry, bloodhound
10 team?

11 A: About six years.

12 Q: Okay. In September of 2019 what were your duties back
13 then?

14 A: I was not a corporal, but same. I was a patrolman on the
15 road then and also on the bloodhound team.

16 Q: Were you on duty on September 18th, 2019?

17 A: Not for patrol, but I was called out with the tracking
18 team.

19 Q: Okay. Did you deploy your dog in the area of the Dunkin
20 Donuts at 8706 Highway 17 Bypass?

21 A: Yes, sir.

22 Q: Okay. What was the name of the dog you were using that
23 day?

24 A: Bella.

25 Q: What type of dog is Bella?

1 A: She was a hound. I think she was a mix.

2 Q: Okay. And I know there are a lot of different kinds of
3 working dogs, but what specifically was Bella trained to do?

4 A: Track persons, people on foot.

5 Q: So she was a person tracking dog?

6 A: Yes, sir.

7 Q: How did you -- were you involved in her training to track
8 people?

9 A: Yes, sir.

10 Q: Was she well trained at that time? Is she an experienced
11 dog?

12 A: Yes, sir.

13 Q: What do you do to train -- what did you do to train
14 Bella?

15 A: We have normally four working hounds that we work with
16 usually two to four times a month. We run training tracks
17 from four to eight hour blocks simulating different scenarios
18 that we might encounter.

19 Q: Was Bella a good performer in training?

20 A: Yes.

21 Q: And how many non-training tracks had she run at that
22 time?

23 A: Non-training tracks?

24 Q: Yeah.

25 A: Had she run herself?

1 Q: Yeah.

2 A: I'm not sure.

3 Q: Was it lots?

4 A: Oh, yes, sir. Multiple tracks, I just couldn't say how
5 many.

6 Q: At least dozens?

7 A: Probably, yeah.

8 Q: Now, on this particular day what did you do with Bella?

9 A: We deployed, I was secondary to Mark Johnson. He ran
10 Gabby on the first leg of the trail and then we deployed Bella
11 on the second leg sending her on a scent article which was a
12 hat. And then we ran, I don't know, a couple hundred yards
13 maybe. She tracked to an apartment complex.

14 Q: Let me show you what's been marked as state's exhibit 3
15 and ask if you recognize that.

16 A: Yes, sir.

17 Q: Okay. Will that help you explain to the jury what track
18 you took with the dog?

19 A: I can point out, I don't see -- is this at the top of the
20 page north?

21 Q: Yes.

22 A: Okay.

23 Q: I'll put it up on the slide so the jury can see.

24 **MR. DEBUSK:** Your Honor, may the witness step down?

25 **THE COURT:** Yes, sir.

1 **BY MR. DEBUSK:**

2 Q: Where did you start your portion of the track?

3 A: We started somewhere in this area. We initially trailed
4 up this -- so if this is north, south, west down this
5 direction, so near this building. She did not show any
6 interest to go any further here and we ended up kind of
7 doubling back and cutting across to come up this road.

8 Q: Did she catch a scent there? Did she catch the trail
9 there?

10 A: So they're actively tracking. The way the dog works is
11 they're either working or they're not, and it's our job as
12 handlers to basically -- all I'm doing is observing the hound
13 and (inaudible) watching her to make sure she's tracking and
14 noticing when she's not tracking, maybe she's distracted at
15 some point.

16 Q: So if they get off the track then you go back to the
17 point where you last had it?

18 A: We would work them back.

19 Q: Yeah.

20 A: Yes, sir, to the last know. So we, like I said, ventured
21 up here and came back. We ended up cutting across onto this
22 road. We came down and made a right here and we ended up
23 coming across and over to these apartment complexes. Then the
24 trail terminated. I don't remember exactly ---

25 Q: Was Detective Wydra with you when you were tracking?

1 A: Yes. Him and other patrolmen were there.

2 Q: Did it terminate at any particular building?

3 A: It terminated at a building.

4 Q: Right.

5 A: Yeah.

6 Q: But you don't remember which building it was?

7 A: I don't remember specifically which building.

8 Q: You were watching the dog, right?

9 A: Yes, sir. Yeah, my focus is on the hound. I normally

10 have a support man watching my security.

11 Q: Okay.

12 A: So I'm focused on the hound and what she's doing.

13 Q: So basically you started up here near the port-o-john and

14 tracked ultimately down behind this to the apartment complex?

15 A: Yes, sir.

16 Q: And you terminated at a certain building?

17 A: Yes, sir.

18 Q: Okay. But you were paying attention to the dog and the

19 people with you would know what building you went to, but you

20 didn't pay attention.

21 A: Right. Yes, sir.

22 Q: Okay. Now, when you got to this specific building did

23 you find a specific apartment, or were you able to?

24 A: No. She worked around the building. We ended up going

25 onto the second floor. She showed no interest to go any

1 further, you know, we ultimately -- and that's no uncommon.

2 Q: Why is that not uncommon?

3 A: If say if there's a scent pool there and there's a lot of
4 scent in that area, like an apartment complex, you've got all
5 of the residents and then some have pets, you know, there's a
6 lot of scent there.

7 Q: So there's a lot of different people and pets that go
8 through there.

9 A: Right.

10 Q: And a lot of confusing scents.

11 A: Yes. And then the layout of the building with the
12 breezes affect ---

13 Q: Well when you're in an untraffic area like behind the
14 apartments it's easier; is that correct?

15 A: Yes. You mean in an area where there's less traffic?

16 Q: Yes. It's easier for the dog to keep the track.

17 A: Oh absolutely.

18 Q: Okay. So were you with Officer Johnson when they started
19 at Dunkin Donuts?

20 A: Yes, sir.

21 Q: And so you tracked basically the way back past where it
22 says bandana hat and hoodie, past the port-o-john?

23 A: Yes.

24 Q: All the way back to the apartment complex?

25 A: Yes.

1 Q: Okay. All right. If you would please answer any
2 questions the defense may have.

3 **THE COURT:** Yes, sir. Have a seat.

4 **OFFICER GREEN:** Yes, sir.

5 MR. PINKERTON: Thank you, sir.

6 **CROSS EXAMINATION OF OFFICER GREEN BY MR. PINKERTON:**

7 Q: What time were you called out to the scene that morning?

8 A: I would have to refer to some sort of dispatch record. I
9 don't have that.

10 Q: I have a copy ---

11 A: I get a -- I get a page out like a text message which
12 I've deleted.

13 Q: Okay. So they just send you a text to come out?

14 A: Yes, sir. It's paged through our PE 911 dispatch.

15 Q: Okay. To your knowledge, how many officers were on scene
16 when you got there?

17 A: Do you mean like patrol, the SPEC OPS Team, everybody?

18 Q: Everybody, just give me rough ---

19 A: I don't remember, a handful that I saw immediately, you
20 know, you show up and immediately start doing what you were
21 called to do.

22 Q: And was Officer Johnson already on scene when you got
23 there?

24 A: I don't remember who showed up in what order.

25 Q: Okay. Where again did you say Bella began tracking?

1 A: Near the -- near the port-o-john area.

2 Q: So roughly right about here?

3 A: In that area. I don't remember the exact specific point
4 where we started, but it was in that -- in that area of the
5 port-o-john.

6 Q: Okay. Now did you deploy Bella at the Dunkin Donuts also
7 or ---

8 A: I did not. Gabby with Officer Johnson ran like the first
9 leg of the trail and I basically started where his trail
10 terminated.

11 Q: Now why would you not deploy at Dunkin Donuts if that was
12 the last known location of the suspect?

13 A: We had faith in Gabby's track, that the work she had done
14 was correct so it would be -- it's not common for us to go
15 back and do a double trail if that makes sense.

16 Q: And you said if the work that was done is correct, now is
17 your dog certified in tracking?

18 A: Bella I don't think was certified.

19 Q: You don't think she was certified to track?

20 A: Not like an official certification.

21 Q: So she doesn't have an official certification for
22 tracking human scents.

23 A: Uh-uh. (Negative response.)

24 Q: So when she started tracking, she didn't start tracking
25 at Dunkin, she only started tracking near the port-o-potty,

1 correct?

2 A: Where Gabby's trail ended. Yes, sir.

3 Q: Okay. Who made the decision to have Bella start
4 tracking?

5 A: It was made by the team, a decision we discussed, you
6 know, what we'd done to that point and decided that it was
7 probably best to swap hounds.

8 Q: Okay. And Bella you said tracked to the apartment
9 complex?

10 A: Uh-huh. (Affirmative response.)

11 Q: But didn't track to any particular units?

12 A: Not to a particular unit. When you say unit, you mean
13 like the room?

14 Q: Yeah, like the individual -- inside the building.

15 A: I'll say that she didn't indicate on a specific like
16 apartment.

17 Q: Okay.

18 A: The unit -- she tracked to a specific building and didn't
19 really want to go on past that building.

20 Q: But not an individual unit in the building?

21 A: Right.

22 **MR. PINKERTON:** Court's indulgence.

23 **THE COURT:** Yes, sir.

24 **MR. PINKERTON:** I have no further questions, Your Honor.

25 **THE COURT:** All right. Mr. DeBusk.

1 **MR. DEBUSK:** Briefly, Your Honor.

2 **REDIRECT EXAMINATION OF DETECTIVE GREEN BY MR. DEBUSK:**

3 Q: Did you say you didn't recall what time you were called
4 out?

5 A: I don't remember.

6 Q: If you saw your tracking report would that help?

7 A: Yes, sir.

8 Q: Okay. Let me show you.

9 **MR. DEBUSK:** I guess I better mark this for
10 identification.

11 **THE COURT:** All right, sir.

12 **BY MR. DEBUSK:**

13 Q: Let me show you what's been marked for identification as
14 state's exhibit 29 and ask if that will help.

15 A: The call out was documented at 8:07.

16 Q: Okay. Is this your report that you're referring to, your
17 tracking?

18 A: I documented the track at about 8:15.

19 Q: Okay. So you were called at 8:07 and ---

20 A: When you're questioning me about the call out time, the
21 page comes out well before that.

22 Q: Right.

23 A: And then we respond from wherever we're at in the county,
24 and then we begin.

25 Q: So 8:07 to 8:15 was your begin time.

1 A: Yes, sir.

2 Q: Okay. And again Officer Johnson started at Dunkin
3 Donuts?

4 A: Yes.

5 Q: Officer Johnson and his dog Gabby started at Dunkin
6 Donuts.

7 A: Yes, sir.

8 Q: And Bella took over in this area.

9 A: Yes, sir.

10 Q: Did you say she alerted off of a hat?

11 A: Yes, sir.

12 Q: Was it a toboggan type hat?

13 A: Yes.

14 Q: Okay. And once she smelled that she caught a track and
15 that's where you ---

16 A: We began.

17 Q: And you did have some sort of blink leads, but you ended
18 up tracking ultimately back to a certain apartment building?

19 A: Yes.

20 Q: Okay. Thank you.

21 **MR. PINKERTON:** Your Honor, one more question.

22 **THE COURT:** Yes, sir.

23 **RE CROSS EXAMINATION OF OFFICER GREEN BY MR. PINKERTON:**

24 Q: You said that Bella started tracking after smelling a
25 bandana type hat?

1 A: Toboggan.

2 Q: You weren't the person that actually found the hat,
3 correct?

4 A: I was with the team.

5 Q: You were with the team, but you weren't the person ---

6 A: I didn't track to it.

7 Q: You didn't track to the hat. Okay. Thank you.

8 **MR. PINKERTON:** No further questions.

9 **THE COURT:** All right. Anything else of this witness?

10 **MR. DEBUSK:** No, Your Honor. We'd ask that he be
11 excused.

12 **THE COURT:** All right. You're excused from your
13 subpoena, sir. Thank you for your testimony.

14 **MR. DEBUSK:** Your Honor, at this time the state would
15 call Sean Wydra for the purpose of testifying to the chain.
16 He will be called later for other purposes.

17 **THE CLERK:** Please raise your right hand and put your
18 left hand on the Bible.

19 **SEAN WYDRA, HAVING BEEN DULY SWORN TESTIFIES**
20 **AS FOLLOWS:**

21 **THE COURT:** State your full name and spell your last name
22 for the Court.

23 **DETECTIVE WYDRA:** Sean Wydra, W-Y-D-R-A.

24 **THE COURT:** Madam Clerk, do you have a pair of scissors?

25 **THE CLERK:** I do.

1 **THE COURT:** Thank you.

2 **THE CLERK:** You're welcome.

3 **DIRECT EXAMINATION OF DETECTIVE WYDRA BY MR. DEBUSK:**

4 Q: Officer Wydra, who is your employer?

5 A: Horry County Police Department.

6 Q: And what are your duties?

7 A: I am a detective.

8 Q: How about September of 2019, what were your duties then?

9 A: I was a detective assigned to homicide.

10 Q: Okay. Were you involved in an investigation of an armed
11 robbery at the Dunkin Donuts on Highway 17?

12 A: Yes.

13 Q: What was your roll?

14 A: So I was the lead detective assigned to the case. Being
15 in the homicide unit, we don't only investigate homicides, we
16 do work other violent crimes, attempted murders, armed
17 robberies, kidnappings, it just depends on what they need us
18 for.

19 Q: Okay. Were you present when the dog tracking team was
20 put on the scent of the suspect?

21 A: Yes, sir.

22 Q: What was your roll with that?

23 A: So at the time when the call was dispatched over the
24 radio I actually heard the call come out over the radio and
25 responded. So once we got there we attempted to establish a

1 perimeter, tried to figure out -- get a description of the
2 suspect, things like that. Once we did that and we knew where
3 the suspects last location was, it was determined by the
4 supervisor that was on scene that day to call the dog team
5 out. At that point in time, we basically hold the perimeter
6 and wait for the dog team to get there. Once the dog team
7 gets there, they start their track. We stay behind the dog
8 team. You don't want to be in front of the dog team because
9 you don't want to distract the dog or cause a problem for the
10 dog or pose a security issue for the members of the dog team,
11 so we kind of stay behind them, keep our perimeter, and kind
12 of follow along with them. We'll have some guys stay on place
13 in the perimeter, it just depends on where you're assigned to.

14 Q: To your observation, did the dogs pick up a track at the
15 last location seen?

16 A: Yes, it appeared that they did.

17 Q: Was the last location seen the location where the suspect
18 ran into the woods behind the Dunkin Donuts?

19 A: Yeah, so the video surveillance where you see the suspect
20 run into the wood line there, that is where the dog team
21 started their track.

22 Q: Okay. And they picked up a track and went off into the
23 woods?

24 A: It did eventually lead to a neighborhood nearby.

25 Q: Okay. Let me show you two items already in evidence and

1 ask if you recognize them. Well first let's start with
2 state's exhibit 2, do you recognize this?

3 A: That's the incident location the Dunkin Donuts.

4 Q: Okay. Is that where the video cameras where that saw the
5 suspect?

6 A: Yes, at the establishment.

7 Q: Part of your duties as you were with the dog track team,
8 did you take some pictures?

9 A: Yes, sir, I did.

10 Q: Let me show you two that are already in evidence, state's
11 5 and 8, and ask if you recognize them.

12 A: So along the way I did take photographs just to kind of
13 document the items that we found and where they were located.
14 The first photograph here was taken where some items were
15 found in a ditch that was in between the neighborhood and the
16 commercial businesses that were on the other side of it, which
17 is the area where the dog team tracked to and located some
18 items in like a ditch or canal, something along those lines.

19 Q: Okay. The second one?

20 A: The second item is the port-o-potty. This also, again,
21 was an area where the dog team tracked to and we found a pair
22 of sweatpants inside of the port-o-potty.

23 Q: And obviously somebody pulled those out and sat those on
24 the ground in front of the port-o-john ---

25 A: Yes, sir.

1 Q: --- where you took the picture. Were they wet all of the
2 way through yet?

3 A: In some areas, yes; some areas not.

4 Q: Did that indicate they had not been there a terribly long
5 time?

6 A: They did not appear to be there very long.

7 Q: Okay. Let me show you and ask you if you recognize
8 state's 4, 6, and 7.

9 A: Again, these are photographs of just the area of where
10 these items were found. One includes a street sign, again,
11 just documenting the items that were found.

12 Q: Was there a school bus stop in proximity to that
13 intersection?

14 A: During the investigation, yeah, we did find out that
15 there was a school bus stop in that area.

16 Q: Uh-huh. (Affirmative response.

17 A: We also found, excuse me, there was the items that we
18 found in the canal or in the ditch were in this photograph
19 here. Then you have the area of where it kind of shows the
20 wood line.

21 Q: Is that where they crossed the ditch?

22 A: Excuse me?

23 Q: Is that where they crossed the ditch?

24 A: Yes, sir. Yeah.

25 **MR. DEBUSK:** The state would move state's 4, 6, and 7

1 into evidence at this time, Your Honor.

2 **THE COURT:** 4, 6, and 7?

3 **MR. DEBUSK:** Yes.

4 **THE COURT:** All right. Mr. Pinkerton?

5 **MR. PINKERTON:** Your Honor, no objection.

6 **THE COURT:** Without objection so admitted.

7 **(STATE'S EXHIBITS FOURT, SIX, AND SEVEN ARE**
8 **ADMITTED INTO EVIDENCE)**

9 **MR. DEBUSK:** Your Honor, may the witness step down?

10 **THE COURT:** Yes, sir.

11 **BY MR. DEBUSK:**

12 Q: Okay. Do you recognize this map?

13 A: I do.

14 Q: Do you recognize this location as the Dunkin Donuts?

15 A: Yes, sir.

16 Q: And that's the same Dunkin Donuts shown in state's
17 exhibit 2?

18 A: Yes, sir, the Dunkin Donuts that we responded to.

19 Q: All right. And that?

20 A: Yes, sir. That would be the Dunkin Donuts.

21 Q: Okay. And where did the dog track begin?

22 A: Well the Dunkin Donuts, the dog started like was said
23 behind the Dunkin Donuts. The track -- I'm not sure exactly
24 what line of path they took, but where we found the items
25 here, the bandana, the hat, and the hoodie, is the canal.

1 Q: In state's exhibit 4. I'm sorry.

2 A: There you go. Yes, sir. You got it.

3 Q: Okay. What is this area?

4 A: That would be there area where you have a canal back in
5 there. This is the area where they came through, where the
6 items were found at.

7 Q: Okay. Here we go.

8 A: So this is the neighborhood that's on the opposite side
9 of that canal, that wood line. You have the Dunkin Donuts
10 would be in the commercial area on the other side, and once
11 you come through here and through this wood line this enters
12 into a neighborhood. There's an area back here where there's
13 some residential houses. From there, once you pass there,
14 there was construction on the other side of that where they
15 were building some homes. And then beyond the construction
16 you had a row of condos, like a condominium complex.

17 Q: I know you can't really see it well with this set up, but
18 if you can set over here so that I can show you.

19 A: Yes, sir.

20 Q: There's some items here; what are those?

21 A: That's the items that were found in the canal.

22 Q: Okay. What is this?

23 A: You have a sweatshirt here. You have a hat, and then
24 this was the bandana which was a greenish brownish color, and
25 a hat that's black.

1 Q: Is it a toboggan style hat?

2 A: It is, yeah, like a winter style hat.

3 Q: And a blue -- is that a hooded sweatshirt?

4 A: Yes, sir.

5 Q: Okay. And those were the items found -- were they found
6 while the dog tracked?

7 A: Yes, sir, they were.

8 Q: Were in found in proximity -- were they across the ditch?

9 A: Yes, sir. That's where the dog had found them.

10 Q: Now, did you collect those items?

11 A: I did.

12 Q: Those pants by the port-o-john, were you able to collect
13 those?

14 A: So we photographed the pants. We did not collect the
15 pants because they were covered in other people's feces and
16 urine.

17 Q: Okay. To your experience as a detective, would that
18 interfere with DNA testing?

19 A: Obviously, that would be a problem in testing DNA and
20 other things.

21 Q: So after -- and that was here in this area in line with
22 the bandana, the hat, and the hoodie?

23 A: Yes. So this is the area where he just showed you. Like
24 I was discussing before, you have a residential neighborhood,
25 you came around here you had construction, and then down here

1 you have the -- you have the condominium complexes.

2 Q: Okay. The sort of open space here, were these old
3 fairways for a golf course?

4 A: Deerfield used to be a golf course and it's now full of
5 houses and condos.

6 Q: But at this time that's all under construction?

7 A: Part of it was still under construction, part of it there
8 was existing houses. Like I said, you had these houses here,
9 there's some houses in here, and then there was -- you have
10 the condos that are down here. A lot in here in this area
11 though is now residential homes that you didn't see back then.

12 Q: So where the maps says bandana, hat, and hoodie, that's
13 where these items ---

14 A: That's where these items are found. This is the canal,
15 the ditch line where they were found.

16 Q: And where it says port-o-john, that's where these pants
17 were found.

18 A: Yeah. So this is the port-o-john where Detective Johnson
19 mentioned he ended his track in the area where the hat was,
20 where we discussed that was the hat that Officer Green used to
21 get his scent.

22 Q: And this are with the stop sign, is that the area by the
23 bus stop?

24 A: There is a bus stop in that area. I don't recall whether
25 it's right at that corner or the other one across the street.

1 Q: But they're right there close to the port-o-john?

2 A: Yeah. They're near by the port-o-john that's over there.

3 Q: Okay. Now, do you recall where the dog tracked after you
4 left the area of the port-o-john, the second dog?

5 A: So the dog -- I was informed by the dog team that the dog
6 tracked to building either 2000 or 2020 I believe it was,
7 which is on Cross Gate Boulevard where you'll see this area
8 here.

9 Q: Where at the time did the defendant Corey Busch live?

10 A: He lived in building 2000 on Cross Gate Boulevard.

11 Q: Okay. Now while -- go ahead and have a seat.

12 A: Thank you.

13 Q: When you found this hat ---

14 A: Yes, sir.

15 Q: --- the bandana and the -- first, let me ask you this,
16 what is this box?

17 A: That's an evidence box.

18 Q: And what is this?

19 A: That's a seal.

20 Q: Okay. I'm going to break that seal so we can look at the
21 evidence inside.

22 A: Okay.

23 Q: Okay. State's exhibit 30, what is that?

24 A: This says blue hooded sweatshirt.

25 Q: Okay. Is that the sweatshirt you collected?

1 A: Yeah, if I could open it to verify. Yes, sir, it does
2 appear to be.

3 Q: Okay. Is it in the same condition as when you collected
4 it?

5 A: Yes, sir. It's been in a sealed container.

6 Q: (Inaudible) state's exhibit 30, that's just the
7 sweatshirt, not any of the evidence derived from the
8 sweatshirt, just the sweatshirt itself.

9 **MR. PINKERTON:** Your Honor, I would have one question
10 before we actually admit it into evidence. Were you the one
11 that actually picked the sweatshirt up off the ground?

12 **DETECTIVE WYDRA:** So the dog team tracked to the
13 sweatshirt. At some point it was moved out of the canal in
14 the water, the watered area canal, but I was not the one that
15 removed that, but from there it was left in position and I
16 collected it from there.

17 **MR. PINKERTON:** Okay. No objection.

18 **THE COURT:** All right. Admitted.

19 **(STATE'S EXHIBITS THIRTY IS**
20 **ADMITTED INTO EVIDENCE)**

21 **BY MR. DEBUSK:**

22 Q: May I ask you what is this pertaining to?

23 A: A brown bandana with a black and white design. A black
24 winter style hat with Gamecock symbol.

25 Q: Is that similar to the other item (inaudible).

1 A: That's it.

2 Q: Now, there are multiple layers of packaging here. Do you
3 know why there's multiple layers of packaging on these items?

4 A: To keep them secure.

5 Q: Were they sent off for processing?

6 A: They were.

7 Q: Okay. Is this how South Carolina Law Enforcement
8 Division packages items?

9 A: Yeah, I believe so.

10 Q: Okay. And have they been returned after processing?

11 A: They have.

12 Q: So the processing has already been done?

13 A: Sure.

14 Q: Okay. I'm to ask you about these items as collected.

15 I'm going to ask you to open these and see if it's what you
16 collected. First is state's exhibit 32. They are very well
17 wrapped.

18 A: Yes, sir.

19 Q: Okay. Is that the bandana that you collected at the
20 scene?

21 A: Yes, sir.

22 Q: Okay. Is it in essentially the same condition as when
23 you collected it?

24 A: Yes, sir, other than being repackaged.

25 Q: Okay.

1 **MR. DEBUSK:** Your Honor, at this time the state moves
2 state's 32 into evidence.

3 **THE COURT:** Any objection?

4 **MR. PINKERTON:** Your Honor, we would have an objection.

5 **THE COURT:** Sir?

6 **MR. PINKERTON:** Your Honor, we would have an objection at
7 this time.

8 **THE COURT:** All right, sir.

9 Ladies and gentlemen of the jury, I need to take up a
10 matter of law outside of your presence. I'll excuse you at
11 this time and bring you back when the matter is resolved.

12 **REPORTER'S NOTE:** (Jury exits courtroom at 11:43a.m.)

13 **THE COURT:** All right, sir.

14 **MR. PINKERTON:** Yes, Your Honor. We would object to the
15 bandana being put into evidence at this time. Officer --
16 Detective Wydra has just stated earlier that he was not the
17 one that actually found the contents and the clothes in the
18 ditch, so they must have been moved at the point that he
19 actually received them. Without having the officer that
20 actually found the clothing at the scene and turned them over
21 to Detective Wydra, we don't believe an actual chain of
22 custody would be established at this point.

23 **THE COURT:** All right.

24 **MR. DEBUSK:** Your Honor, at this point the officer has
25 testified that they were found in the ditch and that he

1 collected them after they were found. Though he was not
2 present, it was not important who collected them, but they
3 were found in the area where he collected them and he was
4 present at the time that the dog tracked to that area, and
5 testified that the dog tracked to that area where the items
6 were collected. And at this point we're not moving to admit
7 the DNA profile from -- we'll have further chain for that.
8 This is just for the hat, or the bandana. But we feel that
9 there is proper identification of the chain here because the
10 officer said that another officer moved it out of the ditch,
11 that officer did it to be collected.

12 **THE COURT:** All right.

13 **MR. DEBUSK:** And, Your Honor, I would cite the Hatcher
14 case for that. They did -- we identified what was done with
15 the items, it's the same situation as the Hatcher case, Your
16 Honor.

17 **THE COURT:** All right, sir.

18 Mr. Pinkerton, anything further?

19 **MR. PINKERTON:** Your Honor, as I stated earlier, neither
20 of the officers that testified so far have testified to
21 actually finding the hats. As I recall, I believe it was
22 Officer Johnson stated the other officer called and said I
23 found something. Your Honor, we've not established who
24 actually found the hat, who found the bandana, anything to
25 actually show when it was removed from the ditch, at which

1 point Detective Wydra took pictures, Your Honor.

2 **THE COURT:** All right, sir.

3 **MR. DEBUSK:** And, Your Honor, we would argue we have
4 established the chain as far as is practical. We have the
5 officers that tracked to that area, and also the officer that,
6 after it was removed out of the ditch, collected it and put it
7 into evidence.

8 **THE COURT:** All right. I will respectfully deny your
9 motion with the objection. I do feel like he's properly
10 identified, and I'm satisfied with the state's argument. I
11 will deny the motion.

12 **MR. PINKERTON:** Yes, Your Honor.

13 **THE COURT:** All right. We have this witness and I'm just
14 trying to manage the time.

15 **MR. DEBUSK:** Your Honor, I have one more that I'd ask if
16 we could get to this morning. It's the individual who came
17 from out of state and has the Neil v Biggers hearing which
18 will be very brief.

19 **THE COURT:** All right.

20 **MR. DEBUSK:** He identified the defendant from a lineup.
21 He is present and if we can finish this witness, we would call
22 him next.

23 **THE COURT:** All right. We will have to do that outside
24 of the jury.

25 **MR. DEBUSK:** The Biggers, yes.

1 **THE COURT:** Okay. All right. You can bring the jury
2 back in.

3 **MR. DEBUSK:** Your Honor, the next item I'm going to put
4 in is the hat. I also understand that they have the same
5 objection.

6 **MR. PINKERTON:** Your Honor, we would make the same
7 objection to the hat being entered into evidence, Your Honor.

8 **THE COURT:** All right. I respectfully overrule your
9 objection.

10 **MR. PINKERTON:** Thank you, sir.

11 **REPORTER'S NOTE:** (Jury enters courtroom at 11:49a.m.)

12 **THE COURT:** Thank you, ladies and gentlemen of the jury,
13 just for your benefit, we have this witness that we're going
14 to finish with. Then we'll take another break, we have
15 another matter we need to take up outside of your presence.
16 But we're getting really close to lunchtime, okay, so we're
17 getting close to the point where we will give you some off.
18 All right.

19 Solicitor.

20 **MR. DEBUSK:** Your Honor, I think the last motion was a
21 motion to enter state's 32 into evidence.

22 **THE COURT:** I note Mr. Pinkerton's objection and I will
23 make that -- what exhibit number is that?

24 **MR. DEBUSK:** Thirty-two, Your Honor.

25 **THE COURT:** Thirty-two.

1 **(STATE'S EXHIBIT THIRTY-TWO IS**
2 **ADMITTED INTO EVIDENCE)**

3 **BY MR. DEBUSK:**

4 Q: Will you open that?

5 A: Yes, sir.

6 Q: Unwrap that wonderful wrapping job. Okay. Is that the
7 item that you collected at the scene?

8 A: Yes, sir.

9 Q: A hat?

10 A: Yes, sir.

11 Q: Is that the hat that the hound dog alerted off of to
12 continue her track?

13 A: Yes, sir.

14 Q: Okay.

15 **MR. DEBUSK:** Your Honor, we would move state's exhibit 31
16 into evidence at this time.

17 **THE COURT:** Any objection?

18 **MR. PINKERTON:** Yes, Your Honor. I just renew my
19 objection.

20 **THE COURT:** All right. So noted. I will overrule your
21 objection and admit state's number 31.

22 **MR. DEBUSK:** Thirty-one, Your Honor.

23 **(STATE'S EXHIBIT THIRTY-ONE IS**
24 **ADMITTED INTO EVIDENCE)**

25 **MR. DEBUSK:** Your Honor, just for purposes of later

1 testimony, I'd like to keep these items together with its
2 original packaging. Do we need to put another number on the
3 original packaging? Just for purposes of identification,
4 state's 33 would be the packaging that the items came from.

5 **THE COURT:** All right. Just as long as the record
6 reflects ----

7 **MR. DEBUSK:** Yes, Your Honor.

8 **THE COURT:** --- that that would be state's 33, packaging
9 for 31 and 33. So ordered.

10 **(STATE'S EXHIBIT THIRTY-THREE IS**
11 **ADMITTED INTO EVIDENCE)**

12 **BY MR. DEBUSK:**

13 Q: When you collected these three items, the hoodie, the
14 hat, and the bandana what did you do?

15 A: So they were placed in brown bags, separate bags.

16 Q: Now this is not the item, but is this the kind of bag you
17 used?

18 A: Yeah, an evidence bag. Yes, sir.

19 Q: Okay. And after you placed them in the brown paper bags,
20 what did you do with them?

21 A: So they were turned over to another detective.

22 Q: Who was that?

23 A: Detective Ken Marcus.

24 Q: For what purpose were they given to Ken Marcus?

25 A: So he could bring them to evidence.

1 Q: Where is evidence?

2 A: Evidence is in Conway. The incident occurred in
3 Surfside. So generally as detectives we try to help one
4 another out, so at that point in time he was going to Conway
5 and the evidence was given to him so he could drop it off.

6 Q: So I can summarize, you were present when the dog
7 tracking team began their track. You followed them to the
8 area of the hat, the bandana, and the hoodie, correct?

9 A: Yes. Yeah, the dog tracked to there where I was informed
10 by the dog team. He tracked to the area where the items were.

11 Q: Did the second dog track to the area of the building
12 where the defendant lived?

13 A: I was informed by the dog team that they had tracked to
14 around the building.

15 Q: Did you follow them ---

16 A: So I did eventually get up there, but obviously like I
17 explained to you guys, we stay behind the dog team. We're not
18 going to be in front of them or right up on them.

19 Q: But you did (inaudible).

20 A: They gave me the building that they tracked to and it was
21 pointed out to me and it was either building 2000 or 2020.

22 Q: And they're right next to each other?

23 A: They are, yes.

24 Q: Which of those two buildings did the defendant live in?

25 A: 2000.

1 Q: All right. Please answer any questions the defense might
2 have.

3 **THE COURT:** Mr. Pinkerton.

4 **MR. PINKERTON:** Thank you, sir.

5 **CROSS EXAMINATION OF DETECTIVE WYDRA BY MR. PINKERTON:**

6 Q: You said earlier it was the dog track team that found the
7 items.

8 A: Yes, sir.

9 Q: You didn't actually find them yourself, correct?

10 A: So the dog team tracked to the items along the track and
11 then notified me that they had found them along the track.

12 Yes, sir.

13 Q: Where the officer had actually removed them from the
14 ditch.

15 A: I come there -- so the items were removed from the water
16 filled ditch up on the canal area and from there I collected
17 them and packaged them.

18 Q: So the items were already removed from the ditch by the
19 time you got there?

20 A: Yes.

21 Q: Do you know removed them from the ditch?

22 A: No, sir. One of the members of the dog team.

23 Q: One of the members of the dog team, but you don't know
24 exactly who did it?

25 A: I don't.

1 Q: Okay. So it's fair to say the items had been removed by
2 the time you got there?

3 A: Yes.

4 **MR. PINKERTON:** Court's indulgence. No further
5 questions.

6 **THE COURT:** Anything else?

7 **MR. DEBUSK:** Just one, Your Honor.

8 **REDIRECT EXAMINATION OF DETECTIVE WYDRA BY MR. DEBUSK:**

9 Q: From the ditch to where you collected the items, how far
10 is that?

11 A: Not very far at all.

12 Q: On state's exhibit 5, in fact, the ditch is right by the
13 street?

14 A: Yeah, so the ditch is right here and the items were moved
15 out of the ditch. And for the purposes of the pictures, I
16 actually moved them farther over.

17 Q: You placed them out?

18 A: Yeah, I placed them out so that way I could properly
19 photograph them.

20 Q: You took one picture where you found them and then one
21 picture spreading them out.

22 A: Well this picture was taken just to document where they
23 were found, the area where they were found.

24 Q: And when you took the second picture you moved them to --

25 -

1 A: Yeah, this picture was taken where we could get a clear
2 view to see what we were collecting.

3 Q: So when that second picture was taken, you had moved them
4 yourself to make a clearer picture?

5 A: Sure. That's correct.

6 Q: So actually they were moved over 5 or 10 feet from when
7 you collected them?

8 A: I can't give you an exact -- I didn't measure it, but it
9 was not very far.

10 Q: Okay. Thank you.

11 A: The ditch was right next to where you see in the
12 photographs in the wood line.

13 Q: Thank you.

14 **THE COURT:** Anything else?

15 **MR. PINKERTON:** No, Your Honor.

16 **THE COURT:** All right. Any objection to this witness
17 being released?

18 **MR. DEBUSK:** Yes, Your Honor. We will call him later.

19 **THE COURT:** Okay. He's got to be recalled.

20 **MR. DEBUSK:** Yes, sir.

21 **THE COURT:** All right. Thank you for your testimony, you
22 can step down.

23 **DETECTIVE WYDRA:** Thank you, Your Honor.

24 **MR. DEBUSK:** The next witness would be the Biggers.

25 **THE COURT:** Okay. Ladies and gentlemen of the jury --

1 may counsel approach?

2 **REPORTER'S NOTE:** (Whereby bench conference was held)

3 **THE COURT:** All right. Ladies and gentlemen of the jury,
4 at this time I've going to ask that you be excused from the
5 courtroom. This matter will take more than just five minutes,
6 but we will get you back in here as quickly as possible. I
7 still hope to get you out of here by 1 o'clock for lunch.
8 Okay.

9 **REPORTER'S NOTE:** (Jury exits courtroom at 11:57a.m.)

10 **THE COURT:** All right. Court will come to order.

11 All right. Mr. DeBusk.

12 **MR. DEBUSK:** Your Honor, for purposes of the Biggers
13 hearing, the state recalls Detective Wydra.

14 **THE COURT:** All right. Officer Wydra, you are already
15 under oath, so you remain under oath.

16 **DETECTIVE WYDRA:** Thank you.

17 **THE COURT:** You can be seated and just state your name
18 for the record.

19 **DETECTIVE WYDRA:** Sean Wydra.

20 **DIRECT EXAMINATION OF DETECTIVE WYDRA BY MR. DEBUSK:**

21 Q: Detective Wydra, did there come a time in this case where
22 you developed a suspect?

23 A: Yes, sir.

24 Q: Who was that suspect?

25 A: Corey Busch.

1 Q: Did you have a witness who saw Mr. Busch and he picked
2 him out of a photo lineup?
3 A: I did.
4 Q: Who was that?
5 A: He was a young boy that was waiting at the bus stop,
6 Tyler, I can't ---
7 Q: Tyler Savinski?
8 A: Savinski, I can't recall how to pronounce his last name,
9 I didn't want to butcher it.
10 Q: Okay. Did you obtain a photo line up?
11 A: I did.
12 Q: How did you obtain a photo line up?
13 A: From SLED.
14 Q: South Carolina Law Enforcement Division?
15 A: Yes, sir.
16 Q: Did you tell them who you wanted to be in the line up?
17 A: Yes, sir.
18 Q: And did you have any roll in picking the comparables or
19 did they do that?
20 A: They complete the lineup.
21 Q: Let me show you what's been marked as state's exhibit 10,
22 and ask if you recognize that.
23 A: Yes, sir. That appears to be the photo lineup.
24 Q: Is -- does the defendant Corey Busch appear in that line
25 up?

1 A: He is. He's number 4 in the lineup.

2 Q: Okay. When you received that from SLED were you aware of
3 where he was in that lineup?

4 A: No, sir.

5 Q: Did you show that lineup to Tyler Savinski?

6 A: Yes, sir.

7 Q: I'll show you what's been marked as state's exhibit 9 and
8 ask if you recognize that.

9 A: I do. That is the photo lineup form that we complete,
10 and you'll see Tyler's signature.

11 Q: Did he choose a photo?

12 A: He did.

13 Q: Which one?

14 A: He chose number 4, which is Mr. Busch.

15 Q: Now, before he viewed that lineup, did you inform him
16 that the individual of interest may or may not be in that
17 lineup?

18 A: Yes, sir.

19 Q: And did you ask him to be careful and only pick a person
20 if he was sure?

21 A: I did. We have a section on the form that we actually
22 read.

23 Q: There's an actual colloquy on the form?

24 A: Yes, sir.

25 Q: Would you read that for the Court, please?

1 A: Yes, sir. It says, "You will be asked to look at several
2 photographs. The fact that the photographs are shown to you
3 should not influence your judgment. You should not conclude
4 nor guess that the photographs contain a picture of the person
5 who committed the crime. You are not obliged to identify
6 anyone. It is just as important to free innocent persons from
7 suspicion as to identify guilty parties."

8 Q: Thank you.

9 MR. DEBUSK: For the purpose of this hearing, for this
10 witness, that's all I have.

11 THE COURT: All right.

12 MR. DEBUSK: Mr. Savinski will be next.

13 **CROSS EXAMINATION OF DETECTIVE WYDRA BY MR. PINKERTON:**

14 Q: Detective Wydra, what day did you show Mr. Savinski the
15 lineup?

16 A: I'd have to have the form back, sir, to have the exact
17 date. I can't recall.

18 MR. PINKERTON: Your Honor, if I can approach the
19 witness?

20 THE COURT: Yes, sir.

21 **BY MR. PINKERTON:**

22 A: It looks like the 21st.

23 Q: The 21st, and that was what, three days after the robbery
24 roughly?

25 A: Yes, sir.

1 Q: Okay. And you said SLED prepared the lineup?

2 A: Yes, sir.

3 Q: How does SLED prepare the lineup?

4 A: You'd have to ask SLED, sir.

5 Q: Okay. So you have no knowledge how SLED actually
6 prepares lineups?

7 A: I don't.

8 Q: You're just given them and ---

9 A: So we have a request that we do that we put into them and
10 then they send us the lineup back.

11 Q: Okay. And to your knowledge everybody else besides the
12 alleged perpetrator is supposed to be at random?

13 A: Again, I can't comment on how they prepare the lineup,
14 sir. I apologize but that's not something that's in the scope
15 of my knowledge.

16 Q: All right. Did you tell Mr. Savinski the reason for the
17 lineup?

18 A: I can't recall what exactly I said to him prior to that,
19 but you know, I do know we go over the form and we read it to
20 them.

21 Q: Okay.

22 **MR. PINKERTON:** No further questions, Your Honor.

23 **THE COURT:** All right. Yes, sir.

24 **REDIRECT EXAMINATION OF DETECTIVE WYDRA BY MR. DEBUSK:**

25 Q: Mr. Savinski knew that you were asking about an

1 individual -- a certain individual that he said he met at the
2 bus stop, correct?

3 A: I mean he -- I mean I interviewed him and got a
4 description, you know, of the person that he encountered, so
5 he knew that ---

6 Q: He knew what person you were talking about?

7 A: Yeah, the person that he was talking about. I don't
8 whether or not -- how much he knew about the rest of the
9 incident and crime and everything else that occurred.

10 Q: He identified someone he saw at the bus stop, correct?

11 A: He was identifying someone that he encountered at his bus
12 stop. Yes, sir.

13 Q: Thank you.

14 **MR. DEBUSK:** That's all for Detective Wydra.

15 **THE COURT:** Nothing further?

16 **MR. PINKERTON:** Your Honor, one further question.

17 **RE CROSS EXAMINATION OF DETECTIVE WYDRA BY MR. PINKERTON:**

18 Q: To your knowledge had booking photos or sketches been put
19 on the local television or news?

20 A: There was a sketch done at one point. I don't recall
21 exactly what day it was released versus when the photo lineup
22 was. I'd have to check back in my notes.

23 Q: Okay. But to your knowledge that could have been -- the
24 sketches released to the public by that point?

25 A: I don't know if it was or not. I know there was a sketch

1 done at some point, but I don't recall whether or not that was
2 released to the media prior to his photo lineup or not.

3 Q: Okay. Thank you.

4 **MR. PINKERTON:** No further questions, Your Honor.

5 **THE COURT:** All right. Anything else of this witness?

6 **MR. DEBUSK:** No, Your Honor.

7 **THE COURT:** All right. You can step down.

8 **MR. DEBUSK:** Your Honor, the state calls Tyler Savinski.

9 **THE COURT:** Tyler Savinski. Tyler, can I get you to come
10 forward. If you'll come to the clerk here.

11 Madam Clerk.

12 **TYLER SAVINSKI, HAVING BEEN DULY SWORN TESTIFIES**
13 **AS FOLLOWS:**

14 **THE COURT:** You can have a seat, sir.

15 **THE CLERK:** State your name and then spell your last name
16 for the Court.

17 **MR. SAVINSKI:** Tyler Savinski, S-A-V-I-N-S-K-I.

18 **THE COURT:** All right. Mr. Savinski, Mr. DeBusk is going
19 to ask you some questions, and then Mr. Pinkerton over here,
20 he may ask you some questions as well. Just make sure you
21 speak loud enough so that everybody can hear you.

22 **MR. SAVINSKI:** Okay.

23 **THE COURT:** All right. Mr. DeBusk.

24 **DIRECT EXAMINATION OF MR. SAVINSKI BY MR. DEBUSK:**

25 Q: Mr. Savinski, let me cut right to it. Did you speak to

1 the police on September 18th of 2019?

2 A: Yes.

3 Q: What was it concerning?

4 A: It was concerning a man that I encountered at the bus
5 stop.

6 Q: Okay. Did you know anything about this person? Had you
7 ever met them before? Did you know?

8 A: Never met him.

9 Q: Did you know anything he might have been involved in?

10 A: No.

11 Q: Did you see a photo lineup that included this individual?

12 A: I did.

13 Q: Between the time that you saw him at the bus stop and the
14 time you saw the photo lineup, did you see a picture of him,
15 see him again, see any sketches or anything?

16 A: No, not between those two intervals.

17 Q: Okay. Where were you when you saw this individual?

18 A: I was at my bus stop which would have been at the bottom
19 of the like the triangle shaped roadway.

20 Q: Okay. Do you recognize that map that's state's exhibit
21 3?

22 A: Yes.

23 Q: All right. Is the bus stop labeled on that map?

24 A: Yes, it is.

25 Q: Is that approximately the location for the bus stop?

1 A: Yes.

2 Q: Okay. What grade were you in at that time?

3 A: I'm sorry.

4 Q: What grade were you in at that time?

5 A: I believe in the 9th.

6 Q: September 2019.

7 A: Maybe 9th, 10th.

8 Q: Okay. Was it daylight when you saw this individual?

9 A: Yes.

10 Q: Did you -- how close were you to him?

11 A: No closer than I would say 7 feet.

12 Q: Okay. How long did you talk to him?

13 A: Approximately 3 to 5 minutes.

14 Q: Did you get a good look at him?

15 A: Yes.

16 Q: Have you ever seen this individual before?

17 A: No.

18 Q: Okay. What did you talk about?

19 A: At one point in the conversation we were speaking about a

20 -- like Socastee High School, the high school that I was

21 attending, as well as an old teacher or an individual that was

22 working currently at the high school.

23 Q: Uh-huh. (Affirmative response)

24 A: I believe he mentioned what year he graduated in. And at

25 the end of the conversation it came up to him mentioning that

1 he wanted to give me some money.

2 Q: Uh-huh. (Affirmative response)

3 A: Saying that he wished that someone had given him money
4 when he was younger.

5 Q: Well, I'll get to that. So three days later on the 21st
6 did you get a photo lineup?

7 A: I did.

8 Q: Did you see this individual in the lineup?

9 A: Yes.

10 Q: Did the officer warn you that the person may or may not
11 be in the lineup that you viewed?

12 A: Correct.

13 Q: But you did find that person?

14 A: Yes.

15 Q: Let me show you state's exhibits 9 and 10 and ask you if
16 you recognize these?

17 A: Yes.

18 Q: Okay. Is this the photo lineup that you viewed?

19 A: Yes.

20 Q: Is that the individual that you checked?

21 A: Yes.

22 Q: Were you certain of that?

23 A: Yes.

24 Q: Okay. Now, was this the person that you talked to at the
25 bus stop?

1 A: Yes.

2 Q: Okay. Do you see that person in the courtroom today?

3 A: Yes.

4 Q: You do?

5 A: Yes.

6 Q: Where is he?

7 A: (Points to defendant)

8 Q: Is he wearing the checkered shirt?

9 A: Yes.

10 Q: Okay.

11 **MR. DEBUSK:** Let the record reflect he indicated the
12 defendant.

13 **THE COURT:** All right, sir.

14 **MR. DEBUSK:** That's the showing for the Neil v Biggers
15 hearing, Your Honor.

16 **THE COURT:** Mr. Pinkerton.

17 **CROSS EXAMINATION OF MR. SAVINSKI BY MR. PINKERTON:**

18 Q: Mr. Savinski, thank you for being here today. Am I
19 pronouncing your name right?

20 A: Savinski, yes.

21 Q: Thank you for being here. About what time do you say you
22 encountered the individual?

23 A: It would be between the hours of 6:30 and 7:30.

24 Q: 6:30 and 7:30?

25 A: Somewhere in there, yes.

1 Q: Okay. Was it daylight out? How would you describe the
2 lighting at the time?

3 A: Usual morning lighting, bright enough to indicate
4 someone. Certainly not too early in the morning.

5 Q: Not too early, okay. And you said you were waiting on
6 the school bus?

7 A: Yes.

8 Q: Okay. Were there other people around?

9 A: At that moment, no.

10 Q: At that moment, no, okay. And when you got the lineup --
11 when the officer showed you the lineup were you aware that
12 this person had been charged with anything?

13 A: No.

14 Q: Or was going to be charged with anything?

15 A: No.

16 Q: Okay. So as far as you knew, they were just trying to
17 show you a picture of someone you saw at the bus stop?

18 A: That's correct.

19 Q: All right. And you said how long were you around the
20 individual?

21 A: Three to five minutes.

22 Q: Three to five minutes, so not that long then, correct?

23 A: No.

24 Q: Okay.

25 **MR. PINKERTON:** Your Honor, no further questions.

1 **THE COURT:** Okay. Anything further of this witness?

2 **MR. DEBUSK:** No, Your Honor. That would be our showing
3 for the Neil v Biggers for in court identification, Your
4 Honor.

5 **THE COURT:** All right. Mr. Savinski, you can step down.
6 Where -- are you a student?

7 **MR. SAVINSKI:** Yes, sir.

8 **THE COURT:** Okay. Where are you a student?

9 **MR. SAVINSKI:** University of South Carolina.

10 **THE COURT:** Where did you go to high school at?

11 **MR. SAVINSKI:** Socastee High School.

12 **THE COURT:** Okay. You can step down.

13 Do y'all wish to be heard?

14 **MR. DEBUSK:** Your Honor, I think that we have shown that
15 it was not unduly suggestive. He had not seen any pictures or
16 anything of the defendant before he did the lineup. He was
17 given the lineup, which I'll let you see it, it's a lineup up
18 some very similar looking individuals as SLED usually prepares
19 and he was able to identify him with certainty despite not
20 having any contact with him between the time he talked with
21 him and the time he viewed the lineup. So we think there's no
22 unduly suggestive nature to this identification procedure and
23 that the in court identification should be admissible, Your
24 Honor.

25 **THE COURT:** All right, sir. Thank you.

1 Mr. Pinkerton, do you want to be heard?

2 **MR. PINKERTON:** Yes, Your Honor.

3 Your Honor, given the time of the day, it's early in the
4 morning, he had limited interaction with Mr. Busch, he said
5 approximately 3 minutes. Your Honor, needless to say I would
6 argue that the lineup not be able to be entered into evidence
7 for identification based on the amount of time he spent with
8 my client and the amount of time -- the time of day he was
9 seen, Your Honor.

10 **THE COURT:** All right. Thank you.

11 All right. Based upon the testimony and the evidence, I
12 do not find that it is suggestive in any respect. I'm
13 satisfied that he made this identification free from
14 suggestion. I'll certainly allow his testimony to go forward.

15 All right. Anything else?

16 **MR. DEBUSK:** No, Your Honor.

17 **THE COURT:** Okay. Mr. Pinkerton, I'll note your
18 objection, sir.

19 Do y'all need a quick break before we bring the jury back
20 in, folks?

21 **MR. DEBUSK:** No, I'm good, Your Honor.

22 **THE COURT:** Are you ready? Does anybody need a quick
23 break before we bring the jury back in?

24 **MR. PINKERTON:** Your Honor, I would have a 403 argument
25 regarding this also, if we could hear it outside of the jury.

1 **THE COURT:** Okay.

2 **MR. PINKERTON:** Your Honor, we would also argue that the
3 lineup cannot go to the jury, Your Honor. Under Rule 403 this
4 lineup would be more prejudicial than probative, Your Honor.
5 Mr. Savinski was not a witness to the crime at Dunkin Donuts.
6 He never testifies to being at Dunkin Donuts that morning.
7 All we know is he saw my client sitting at a bus stop, Your
8 Honor. The jury will easily be able to infer from Mr.
9 Savinski or at least think he must have seen the suspect at
10 Dunkin Donuts and picked him out of a lineup, Your Honor. At
11 this point it's too prejudicial, more than probative.

12 **MR. DEBUSK:** Your Honor, I will be clear that he saw him
13 at the bus stop and the dogs tracked right by that bus stop.
14 Although it's not part of the showing for the Neil v Biggers
15 hearing, he was wearing some very distinct clothing that
16 played a factor in the part of the defendant. And the
17 timeframe is the same as robbery. So I would say there's no
18 chance of undue prejudice here. It places the defendant at
19 the bus stop, by which the dogs tracked in the same time frame
20 or just after the time frame of the robbery. It is clearly
21 probative and it is not prejudicial in that he's not saying he
22 saw him in the Dunkin Donuts, he's saying he saw him where the
23 dogs tracked, although he had no knowledge of dog tracks or
24 DNA tests. There's nothing prejudicial about it.

25 **THE COURT:** Your objection is not to the testimony, the

1 objection is to the exhibit?

2 **MR. PINKERTON:** Yes, Your Honor.

3 **THE COURT:** All right. I need a brief recess, okay.

4 **MR. DEBUSK:** Yes, Your Honor.

5 **THE COURT:** Let's take a five minute recess and I'll come
6 back and I'll rule on your motion and then we'll bring the
7 jury back out. Okay.

8 **MR. DEBUSK:** Thank you, Your Honor.

9 **(COURT IS IN RECESS)**

10 **THE COURT:** All right. Court will come to order. We're
11 back on the record in State v Corey Busch. In the motion to
12 exclude the lineup exhibit based upon Rule 403, I heard from
13 both counsel, I would respectfully overrule the objection. I
14 do find -- I do not find that it's overly prejudicial and it
15 does not outweigh the appropriate value that it could offer,
16 so I will respectfully deny that motion. I note your
17 objection for the record.

18 Okay. Are we ready for our jury?

19 **MR. DEBUSK:** Yes, Your Honor.

20 **THE COURT:** With his testimony you anticipate direct
21 similar to what we heard, maybe a little bit more?

22 **MR. DEBUSK:** A little more.

23 **THE COURT:** Okay. Well I'm just trying to get my jury
24 out of here by 1.

25 **MR. DEBUSK:** Yes, sir.

1 **THE COURT:** Okay. All right. I'm ready.

2 **REPORTER'S NOTE:** (Jury enters courtroom at 12:24p.m.)

3 **THE COURT:** All right. Court will come to order. We
4 have our jury back. They have been refreshed and it's almost
5 lunchtime. Thank you for your patience with the Court.

6 All right. Solicitor.

7 **MR. DEBUSK:** Thank you, Your Honor. The state would call
8 Tyler Savinski.

9 **THE COURT:** Mr. Savinski, can I get you to come back
10 forward, please?

11 Madam Clerk.

12 **TYLER SAVINSKI, HAVING BEEN DULY SWORN TESTIFIES**
13 **AS FOLLOWS:**

14 **THE COURT:** Mr. Savinski, please have a seat. State your
15 name and spell your last name for the record.

16 **MR. SAVINSKI:** Tyler Savinski, S-A-V-I-N-S-K-I.

17 **THE COURT:** Thank you.

18 Your witness.

19 **DIRECT EXAMINATION OF MR. SAVINSKI BY MR. DEBUSK:**

20 Q: Mr. Savinski, what's your occupation?

21 A: I'm currently a college student.

22 Q: Okay. Where are you studying?

23 A: University of South Carolina.

24 Q: And what subject area are you studying?

25 A: Engineering.

1 Q: Okay. Now, how about in September of 2019, what were you
2 doing then?

3 A: I was a high school student.

4 Q: Okay. Where did you go to high school?

5 A: Socastee High School.

6 Q: Okay. How did you get to school each day?

7 A: The bus.

8 Q: Where was the bus stop?

9 A: The bus stop was located right on the triangle of the
10 street at that time.

11 Q: Okay. Is that near the entrance of Deer Field?

12 A: Yes.

13 Q: I'll show you state's exhibit 3. Is that bus stop shown
14 on that?

15 A: Yes.

16 Q: Is it labeled bus stop?

17 A: Yes.

18 Q: Okay. Is that where you were?

19 A: Yes.

20 Q: Okay. On September 18th of 2019 were you at that bus stop
21 waiting for the bus in the early morning hours?

22 A: Yes.

23 Q: What time would you have been at the bus stop?

24 A: Between 6:30 and 7:30.

25 Q: Okay. Did anything unusual happen that particular

1 morning of September 18th, 2019?

2 A: I just encountered a man that day.

3 Q: What were the circumstances when you encountered him?

4 Did you go to him? Did he come to you?

5 A: He was walking down the street which would have been to

6 my right, and I was standing at my bus stop.

7 Q: Okay. Did he speak to you?

8 A: Yes.

9 Q: What did -- did the two of you have a conversation?

10 A: Yes, we did.

11 Q: How far apart were you?

12 A: No closer than 7 feet.

13 Q: Okay. Was it daylight already?

14 A: Yes.

15 Q: Did you get a good look at him?

16 A: Yes.

17 Q: What did you talk about?

18 A: We spoke about a number of things. We were speaking

19 about Socastee High School as well as a teacher or coach that

20 he remembered, as well as a coach that currently worked at the

21 high school. He also did mention that he graduated from

22 Socastee High School. And then after that conversation he

23 offered to give me some money, handed me money, and said that

24 he wishes that someone would have given him money when he was

25 younger.

1 Q: Do you remember how much he gave you?

2 A: Five dollars.

3 Q: I'm going to show you state's exhibit 11. Does that look
4 familiar to you?

5 A: Yes.

6 Q: What is that?

7 A: That is the money that he gave me on that day.

8 Q: What did you do with the money?

9 A: I initially put it in my wallet.

10 Q: Did you give it to the police at any point?

11 A: Yes.

12 **MR. DEBUSK:** State's exhibit 11, Your Honor.

13 **MR. PINKERTON:** No objection.

14 **THE COURT:** Without objection ---

15 **MR. DEBUSK:** Move it into evidence.

16 **THE COURT:** --- state's 11.

17 **(STATE'S EXHIBIT NUMBER ELEVEN**
18 **IS ADMITTED INTO EVIDENCE)**

19 **MR. DEBUSK:** Thank you.

20 **BY MR. DEBUSK:**

21 Q: This person you were speaking to, did he have a phone
22 with him?

23 A: I'm sorry.

24 Q: Did he have a phone with him?

25 A: Yes.

1 Q: Was it a ---

2 A: It was an iPhone.

3 Q: iPhone. Okay. Do you remember how he was dressed?

4 A: Yes. He was wearing like mintish, teal colored clothing.

5 Q: Uh-huh. (Affirmative response)

6 A: It was like a mint shirt and mint pants I believe that
7 were slightly darker than the shirt.

8 Q: Were they shorts?

9 A: Yes, they were shorts.

10 Q: And what kind of shirt was it, a button up shirt, a t-
11 shirt?

12 A: It was a t-shirt.

13 Q: Let me show you what's been marked as state's exhibit 25
14 and ask you if you recognize that?

15 A: Yes.

16 Q: What is that?

17 A: That is the clothing I just described, yes.

18 Q: Okay.

19 **MR. PINKERTON:** No objection.

20 **MR. DEBUSK:** The state moves state's 25 into evidence.

21 **THE COURT:** Twenty-five without objection.

22 **(STATE'S EXHIBIT NUMBER TWENTY-FIVE**

23 **IS ADMITTED INTO EVIDENCE)**

24 **BY MR. DEBUSK:**

25 Q: Is it fair to say that's sort of attention getting color

1 of that clothing?

2 A: Yes.

3 Q: Okay. And again, how long did you talk to him?

4 A: Between three and five minutes.

5 Q: Okay. Did the police come by and talk to you at your
6 school later that day?

7 A: Yes.

8 Q: Okay. And then a few days later did another officer talk
9 to you about identification of the person that you saw at the
10 bus stop?

11 A: Yes.

12 Q: Did he show you a photo lineup?

13 A: He did.

14 Q: Let me show you what's been marked as state's exhibit 9
15 and 10 and ask you if you recognize these?

16 A: Yes.

17 Q: Did you view that photo lineup?

18 A: I did.

19 Q: Did you recognize the person you talked to at the bus
20 stop in that photo lineup?

21 A: Yes.

22 Q: Did you circle it and initial the person?

23 A: Yes.

24 Q: Is that indicated on that lineup?

25 A: It is.

1 Q: And that form?

2 A: Yes.

3 Q: When the officer showed you that, did he tell you that
4 the person might or might not be in that lineup?

5 A: He did.

6 Q: Okay. But you found the person you spoke to?

7 A: Correct.

8 Q: And you're certain of that?

9 A: Yes.

10 **MR. DEBUSK:** Your Honor, I don't recall, are state's 9
11 and 10 in evidence at this time?

12 **THE COURT:** The court reporter says no.

13 **MR. DEBUSK:** We are moving state's 9 and 10 into
14 evidence.

15 **MR. PINKERTON:** I would just renew my objection, Your
16 Honor.

17 **THE COURT:** Would you approach?

18 **REPORTER'S NOTE:** (Whereby bench conference was held)

19 **MR. DEBUSK:** Are state's 9 and 10 in evidence, Your
20 Honor?

21 **THE COURT:** All right. So 9 and 10 are in evidence. The
22 Court notes the defendant's objection.

23 **(STATE'S EXHIBIT NUMBERS NINE AND TEN**
24 **ARE ADMITTED INTO EVIDENCE)**

25 **BY MR. DEBUSK:**

1 Q: Now, do you see the person you spoke to on September 18th,
2 2019 at approximately 7:30 in the morning at that bus stop in
3 the courtroom today?

4 A: Yes.

5 Q: Who is it?

6 A: It's the man in the white dress shirt.

7 Q: Okay. Thank you. Please answer any questions the
8 defense might have.

9 THE COURT: Okay.

10 **CROSS EXAMINATION OF MR. SAVINSKI BY MR. PINKERTON:**

11 Q: Thank you for being here, sir. Were you witness to any
12 armed robbery?

13 A: No.

14 Q: Okay. Did you ever see my client have a gun on him?

15 A: No.

16 Q: Okay. And you were waiting at the bus stop that morning?

17 A: That's correct.

18 Q: About what time?

19 A: Between 6:30 and 7:30.

20 Q: Between 6:30 and 7:30, okay. Now, when the police did
21 the photo lineup did they tell you he had been a -- that he
22 was a suspect in an armed robbery case or just who you were
23 looking at at the bus stop?

24 A: Just who I was looking at at the bus stop.

25 Q: Okay.

1 **MR. PINKERTON:** I've got no further questions, Your
2 Honor.

3 **THE COURT:** Thank you, sir.

4 **MR. DEBUSK:** Just one.

5 **REDIRECT EXAMINATION OF MR. SAVINSKI BY MR. DEBUSK:**

6 Q: Mr. Savinski, now you've never seen this individual
7 before that you talked to at the bus stop, right?

8 A: That's correct.

9 Q: How about between when you saw him at the bus stop and
10 you saw him in the lineup, did you see him, or pictures of
11 him, or sketches of him, or anything like that?

12 A: No.

13 Q: Did you know any of the details of the armed robbery at
14 the Dunkin Donuts?

15 A: No.

16 Q: Thank you.

17 **THE COURT:** All right. Anything else?

18 **MR. PINKERTON:** No, Your Honor.

19 **MR. DEBUSK:** Your Honor, we'd ask that Mr. Savinski be
20 excused so that he can return to his day.

21 **THE COURT:** Do you have to go back to school?

22 **MR. SAVINSKI:** Yes, sir.

23 **THE COURT:** Good luck to you. Thank you. You are free
24 to go.

25 If y'all want to approach real quick.

1 **REPORTER'S NOTE:** (Whereby bench conference was held)

2 **THE COURT:** All right. Ladies and gentlemen of the jury,
3 we're going to break for lunch at this time. It is about
4 12:30, so I kept my work to y'all. I'm going to ask that you
5 get back here say by 1:50 and we will resume the trial at 2
6 o'clock. Okay. And I appreciate your patience and your
7 attention this morning. Y'all enjoy your break. Don't
8 discuss the case, all right.

9 **REPORTER'S NOTE:** (Jury exits courtroom at 12:34p.m.)

10 **MR. DEBUSK:** Your Honor, as far as scheduling goes, we
11 have several chain witnesses this afternoon. Then we have
12 SLED analysts from Columbia. We didn't bring them in because
13 we didn't know how far we'd get along this afternoon. Do you
14 want us to get them here this afternoon, or just get them here
15 in the morning?

16 **THE COURT:** I'm going to leave that to your discretion.
17 I'm just going to tell you I'd like to stop around 5. I don't
18 mind going to 5:30, but my experience is that if we start --
19 if we can see the finish line by 5 o'clock that's kind of
20 where I like to be.

21 **MR. DEBUSK:** I think if we just do our chain witnesses we
22 will probably be done by 3.

23 **THE COURT:** Okay. And that's fine. We've got all week.

24 **MR. DEBUSK:** And we'll have SLED witnesses and everybody
25 else here in the morning.

1 **THE COURT:** All right, sir.

2 Anything else?

3 **MR. PINKERTON:** No, Your Honor.

4 **THE COURT:** Okay. If nothing else, we're at recess and
5 we'll start back at 2 o'clock.

6 **(COURT IS IN RECESS)**

7 **THE COURT:** All right. Court will come to order. Are we
8 ready for the jury?

9 **MR. DEBUSK:** We're ready, Your Honor.

10 **THE COURT:** Okay. All right. We're ready.

11 **MR. DEBUSK:** Your Honor, I've got to call Detective Wydra
12 to the stand again for the DNA standard chain, he took it.

13 **THE COURT:** Okay. All right.

14 **MR. DEBUSK:** So that would be our first witness.

15 **THE COURT:** We're ready.

16 **REPORTER'S NOTE:** (Jury enters courtroom at 1:59p.m.)

17 **THE COURT:** All right. Court will come to order.

18 Ladies and gentlemen on the jury, I hope you had a nice
19 break. I appreciate you being back and I think we're ready to
20 get started.

21 Solicitor.

22 **MR. DEBUSK:** Thank you, Your Honor. The state would call
23 Sean Wydra.

24 **THE COURT:** All right. Officer Wydra, if you will come
25 back, sir. You can go ahead and take the stand, you remain

1 under oath, sir.

2 **DETECTIVE WYDRA:** Thank you, Your Honor.

3 **THE COURT:** Just state your name for the record, please.

4 **DETECTIVE WYDRA:** Sean Wydra.

5 **DIRECT EXAMINATION OF DETECTIVE WYDRA BY MR. DEBUSK:**

6 Q: Detective Wydra, I think you testified earlier you are
7 the primary detective in this case, correct?

8 A: Yes, sir.

9 Q: Did their come a time that you generated a witness, I'm
10 sorry, a suspect in this case?

11 A: Yes, sir.

12 Q: Who was that suspect?

13 A: Corey Busch.

14 Q: Okay. At that time did you have the result of your
15 lineup identification and all of that?

16 A: Yes, sir.

17 Q: Did you obtain an arrest warrant?

18 A: Yes, sir, I did.

19 Q: At the time of arrest did you have a search warrant as
20 well?

21 A: Yes, sir. So at the time of arrest, we had a search
22 warrant for his apartment and also we had one for his DNA as
23 well.

24 Q: We'll talk about that apartment one later, but right now
25 I want to ask you about the search warrant for the standard.

1 What is a standard?

2 A: So essentially a standard is something we use to compare
3 an unknown item or source of DNA to. So if we wanted to
4 obtain a standard we would -- whatever person we would like to
5 compare it to, we would obtain a sample from that person to
6 use as a comparison.

7 Q: How do you obtain that sample?

8 A: From an oral swab.

9 Q: Can you explain to the jury how that is done?

10 A: So we have two swabs that come in a package that are
11 sterile. We swab the inside of their cheek with that.
12 Typically we'll do two different packages so it would be a
13 total of four swabs, two swabs in each package. The swabs are
14 then placed into a sterile box and then they're submitted to
15 evidence.

16 Q: Just in case somebody doesn't know what a swab is, that's
17 those long Q-tip looking things that we all became too
18 familiar with during Covid, right?

19 A: It would look similar to a large Q-tip, a long Q-tip
20 basically and you rub it on the inside of their cheek.

21 Q: And you get the DNA standard from the mouth?

22 A: Yes, sir.

23 Q: All right. And then you package that. And did you do
24 that in this case?

25 A: I did.

1 Q: And did you do that pursuant to the search warrant?

2 A: I did.

3 Q: Okay. Let me show you what's been marked as state's
4 exhibit 34 and ask if you recognize this.

5 A: That appears to be evidence from our evidence room which
6 is a box containing two oral swabs from Corey Busch.

7 Q: Are those the swabs that you took?

8 A: Yes.

9 Q: And you put into evidence?

10 A: Yes.

11 Q: You put them into evidence yourself?

12 A: I did in this case.

13 Q: I think SLED has some other evidence that you gave to
14 another officer, but in this case you put it in directly.

15 A: So, yeah, at this point in time, yeah, I put this
16 directly into evidence.

17 Q: Now, so you created the swabs, you packaged them, and you
18 put them into evidence?

19 A: That's correct.

20 Q: Thank you. Please answer any questions defense might
21 have.

22 **MR. PINKERTON:** Your Honor, we have no questions for this
23 witness.

24 **THE COURT:** All right. Thank you, sir.
25 Anything else?

1 **MR. DEBUSK:** Nothing for this witness.

2 **THE COURT:** All right. Thank you, sir. You can step
3 down.

4 **DETECTIVE WYDRA:** Thank you, Your Honor.

5 **MS. FARMER:** Your Honor, the state calls Merrill Hawkins.

6 **THE COURT:** Merrill Hawkins.

7 **MERRILL HAWKINS, HAVING BEEN DULY SWORN TESTIFIES**
8 **AS FOLLOWS:**

9 **THE CLERK:** State your name and spell your last name for
10 the Court.

11 **MS. HAWKINS:** Merrill Hawkins, H-A-W-K-I-N-S.

12 **THE COURT:** Your witness.

13 **DIRECT EXAMINATION OF MS. HAWKINS BY MS. FARMER:**

14 Q: Ms. Hawkins, where are you currently employed?

15 A: Horry County Police Department.

16 Q: And how long have you worked with Horry County Police
17 Department?

18 A: Almost four years, three years ten months.

19 Q: And what are your current duties and responsibilities?

20 A: I'm an evidence technician. I work in property and
21 evidence. We're the people who take in property and the
22 evidence and manage what needs to happen with it.

23 Q: How about in September 2019, what were your duties and
24 responsibilities then?

25 A: I was also -- technically I was an administrative

1 assistant, but I was functioning as an evidence technician.

2 Q: Ms. Hawkins, I'm going to hand you what's been marked for
3 ID purposes as state's exhibit 34. Do you recognize what I've
4 just handed you?

5 A: Yes, ma'am.

6 Q: How are you able to recognize that?

7 A: Well I recognize it because it has my handwriting on it.
8 It has the case number and information on it that I wrote.

9 Q: Okay. And why did it have your handwriting on it?

10 A: So the item would come into our office from various
11 sources, and once it comes in then I would repackage it, enter
12 it into the computer, and so when I repackage it I write on
13 the package information.

14 Q: Okay. And how would items typically be packaged when you
15 received them in evidence?

16 A: Typically they are packaged in either an envelope or a
17 bag or something of that nature and then they're left in
18 either a locker or a drop slot, a secure location for us to
19 pick up.

20 Q: And would the packaging have been sealed?

21 A: Sometimes it's sealed, sometimes it's not. The box that
22 the swabs, I believe these are swabs, the box the swabs would
23 have been in would have been sealed and then it would be in an
24 outer package which would be the envelope or the bag.

25 Q: Okay. And when the person packaging the evidence have

1 signed the seal?

2 A: Yes.

3 Q: Okay. From whom did you receive that item of evidence?

4 A: I believe it was Detective Wydra.

5 Q: Okay. What did you do with those swabs?

6 A: Take the swabs in. Typically there are two sets of
7 swabs, so we put -- I packaged those in particular in that
8 envelope and then mark it, and the direction that we had from
9 the detective was to send it to SLED for testing, so I would
10 put it in the secure location in our vault where it is behind
11 a locked door to stay to await transport to SLED.

12 Q: And that location, that's where they'd be stored?

13 A: Yes, ma'am, until they're transported.

14 Q: And you said that's a secure location?

15 A: It is, it's a secure location.

16 Q: Who would have access to that location?

17 A: Only the people that work in property and evidence.

18 Q: And, Ms. Hawkins, what kind of documentation do you
19 usually keep in the handling of evidence?

20 A: We keep, it's called an evidence record. It's a two-part
21 form, it's an evidence record and a chain of custody together.

22 Q: All right. And while those swabs were in your custody
23 and control, did you change them or alter them in any way?

24 A: No, ma'am.

25 Q: And did they remain sealed until they were taken to SLED?

1 A: Yes, ma'am.

2 MS. FARMER: Court's indulgence for one moment.

3 **BY MS. FARMER:**

4 Q: Please answer any questions defense may have.

5 A: Yes, ma'am.

6 MR. PINKERTON: We have no questions for this witness,
7 Your Honor.

8 THE COURT: Thank you.

9 Thank you, you can step down.

10 MS. FARMER: Your Honor, may Ms. Hawkins be excused from
11 her subpoena?

12 MR. PINKERTON: Without objection.

13 THE COURT: Without objection.

14 MS. FARMER: The state would call Pete Cestare.

15 THE CLERK: Please raise your right hand and place your
16 left hand on the Bible.

17 **PETER CESTARE, HAVING BEEN DULY SWORN TESTIFIES**

18 **AS FOLLOWS:**

19 THE CLERK: Please state your name and spell your last
20 name for the Court.

21 MR. CESTARE: Peter Cestare, C-E-S-T-A-R-E.

22 THE COURT: Your witness.

23 **DIRECT EXAMINATION OF MR. CESTARE BY MS. FARMER:**

24 Q: Mr. Cestare, what's your current occupation?

25 A: I am retired right now.

1 Q: How about in September of 2019, where did you work then?

2 A: I was a Lieutenant in charge of forensic services for the
3 Horry County Police Department. That would encompass the
4 crime scene section, property and evidence, and the drug
5 laboratory.

6 Q: And what would your duties have included in that
7 position?

8 A: I had overall command of that section. I responded to
9 crime scenes as needed. I was basically in charge of care,
10 custody, and control of all evidence coming into possession of
11 the Horry County Police Department.

12 Q: Do did your duties include from time to time transporting
13 evidence to SLED?

14 A: Yes, that's correct.

15 Q: And can you tell the jury what SLED is?

16 A: SLED is the State Law Enforcement Division. They are the
17 forensic services for the state as far as laboratory testing
18 of any items brought into evidence that maybe needed to
19 identify somebody or to identify an item or anything of that
20 nature. Anything involved in a crime would more than likely
21 go to SLED to be further investigated and tested.

22 Q: Mr. Cestare, I'm going to show you three pieces of
23 evidence and ask if you transported them to SLED, or ask if
24 you handled them rather. This packaging is state's exhibit 33
25 that has been entered into evidence. I'm also showing you

1 state's exhibit 34, and state's exhibit 31 that has been
2 entered, and state's exhibit 32 that's been entered as well.

3 A: Okay. Looking at the first piece of evidence, state's
4 exhibit 33, it's Horry County Police case number 19086244.
5 This package had been sealed at the time it was brought into
6 evidence and it contained a brown bandana with a black and
7 white design on it.

8 The second item was a black winter style hat with a
9 Gamecock symbol on it. In that package should have been these
10 two items and I can identify those based on the same case
11 number written on here 19086244. This is state's exhibit 31
12 which was brought into SLED under SLED's lab number L19-18655.
13 This item is a black winter hat with a Gamecock logo on it
14 that is one of the items that was originally sealed in this
15 package.

16 The second item also bares Horry County case number
17 19086244, item number two will correspond with this, SLED'S
18 lab number L19-18655. And this should be the bandana. It is
19 in fact the brown bandana with the black and white logo on it.
20 These would have been the only two items secured in this
21 envelope and transported to SLED.

22 Q: Just to be clear, you said you transported these items to
23 SLED?

24 A: I did. If memory serves me correct, I took them to SLED
25 on October 3rd of 2019. They would have been brought there for

1 DNA testing.

2 This other item here bares case number 19086244, it's
3 Horry County Police's item number 17, and it is -- the label
4 indicates that it contains a box with two oral swabs from
5 Corey Busch. That was SLED number L19-18655, again, the same
6 Horry County case number, the same corresponding SLED number,
7 and this is state's item 34. This is still sealed. It has my
8 initials on the front of it indicating that I entered it into
9 SLED on October 3rd as I mentioned with those two items. It
10 bares case number 19086244. The item description: oral swabs
11 from Corey Busch. And the victim on this case states Dunkin
12 Donuts on the package.

13 Q: Ms. Cestare, you may have already said it, but do you
14 remember when you transported these items to SLED?

15 A: Yes, ma'am. October 3rd of 2019.

16 Q: And when you deposited these items at SLED on that date,
17 were they repackaged?

18 A: Only the swabs would have been sealed and then
19 information logged on for that. Everything else was already
20 in a sealed envelope, but in order for the -- with the DNA it
21 has to be placed in a airtight plastic container.

22 Q: Did you sign the seal on those other items of evidence?

23 A: I'm sorry, ma'am.

24 Q: Would you have signed the seal on those other items of
25 evidence, or on that item of evidence?

1 A: I would have signed them into SLED, yes.

2 Q: Okay. And while these items were in your custody and
3 control, did you alter or tamper with them in any way?

4 A: No, ma'am, I did not. They were picked up from the
5 police department by me that morning and transported directly
6 to SLED. At no time in any of the transports that I've had
7 that I've done to SLED have I ever stopped the vehicle or left
8 the vehicle unattended. The items have always been in my
9 care, custody, and control until it was turned over to the
10 lab.

11 Q: Okay. Thank you. If you'll please answer any questions
12 the defense may have.

13 **CROSS EXAMINATION OF MR. CESTARE BY MR. PINKERTON:**

14 Q: Thank you, sir. I just have one question. When you
15 received the items from the Horry County Police Department,
16 who turned them over to you?

17 A: I collected them myself.

18 Q: You collected them yourself?

19 A: Yes.

20 Q: So you had access to the storage locker where they were
21 kept?

22 A: I do. As commander of the unit I had overall custody of
23 all evidence, so I could -- I set the policies and procedures
24 for the division and I would routinely check on the other
25 employees that were there and make sure everything was being

1 done properly.

2 Q: Thank you.

3 **MR. PINKERTON:** No further questions, Your Honor.

4 **THE COURT:** Thank you, sir.

5 Anything else of this witness?

6 **MS. FARMER:** Just one question, Your Honor.

7 **REDIRECT EXAMINATION OF MR. CESTARE BY MS. FARMER:**

8 Q: Mr. Cestare, how many people had access to that secured
9 area?

10 A: At that time it would have been myself, my evidence
11 supervisor, two evidence technicians, and that should have
12 been it. And that area is under key lock, pass card lock
13 control and camera control, so everything going in and out of
14 that facility is under 24-hour surveillance and everything is
15 under keycard access. So no one would have access other than
16 myself and the evidence staff.

17 Q: Thank you.

18 **MS. FARMER:** No further questions, Your Honor.

19 **THE COURT:** Thank you. Anything else of this witness?

20 **MR. PINKERTON:** No, Your Honor.

21 **THE COURT:** All right.

22 **MS. FARMER:** May Mr. Cestare be released from his
23 subpoena?

24 **THE COURT:** All right, sir. You're free to go and I hope
25 you enjoy your retirement.

1 **MR. CESTARE:** Thank you, Your Honor. I appreciate it,
2 and for the record, I am enjoying retirement. Have a good
3 day.

4 **MS. FARMER:** Your Honor, may we approach briefly?

5 **THE COURT:** Yes, ma'am.

6 **REPORTER'S NOTE:** (Whereby bench conference was held)

7 **THE COURT:** All right. Ladies and gentlemen of the jury,
8 I'm going to let y'all step out and we'll take up a couple of
9 matters and we'll bring you right back in. And just for your
10 benefit this afternoon will be a short afternoon because we
11 have different witnesses who are coming in. So I think we
12 should be breaking for the afternoon soon, okay. So we won't
13 be here until 5 o'clock in other words. All right. Y'all
14 step out and we'll bring you back in shortly.

15 **REPORTER'S NOTE:** (Jury exits courtroom at 2:18p.m.)

16 **MR. DEBUSK:** Your Honor, we'll be ready in five minutes.

17 **THE COURT:** All right. We're in recess.

18 **(COURT IS IN RECESS)**

19 **MR. DEBUSK:** We're ready, Your Honor. Thank you.

20 **THE COURT:** Whenever they're ready, we're ready. They
21 may be taking their time, so whenever they're ready.

22 **REPORTER'S NOTE:** (Jury enters courtroom at 2:23p.m.)

23 **THE COURT:** All right. Court will come to order. We're
24 back on the record. We have our jury back in the jury box.

25 Solicitor, your next witness.

1 **MS. FARMER:** Your Honor, the state would call Sharon
2 Lilly.

3 **THE CLERK:** Please raise your right hand and place your
4 left hand on the Bible.

5 **SHARON LILLY, HAVING BEEN DULY SWORN TESTIFIES**
6 **AS FOLLOWS:**

7 **THE CLERK:** State your name and spell your last name for
8 the Court.

9 **MS. LILLY:** Sharon Lilly, L-I-L-L-Y.

10 **THE COURT:** Thank you.

11 Your witness.

12 **DIRECT EXAMINATION OF MS. LILLY BY MS. FARMER:**

13 Q: Ms. Lilly, who is your current employer?

14 A: Horry County Police Department.

15 Q: And how long have you worked for the Horry County Police
16 Department?

17 A: Almost 18 years.

18 Q: What are your current duties and responsibilities?

19 A: I'm an evidence assistant at the West Precinct.

20 Q: How about in September of 2019, what would your title
21 have been then?

22 A: Property and evidence clerk.

23 Q: Okay. And as a property and evidence clerk what did your
24 duties and responsibilities include back then?

25 A: I received evidence that was dropped off by the police

1 officers and keyed it into the computer and placed it where it
2 needed to be at that time.

3 Q: I'm going to hand you two items of evidence. This is
4 state's exhibit, I apologize, state's exhibit 32 and 33, and
5 I'm sorry, 31 as well. Thirty-three is the outer packaging.
6 I just asked if you received these items of evidence?

7 A: Yes, ma'am, I did.

8 Q: Can you tell me what those items are?

9 A: Item number 3 is a brown bandana and number 3 was a black
10 winter style hat.

11 Q: And if you pull those two items out, can you tell me if
12 the case number on those matches the case number on the outer
13 packaging?

14 A: Yes, ma'am.

15 Q: And do you know who you would have received those items
16 of evidence from?

17 A: I'll have to look at the chain. It came from the drop
18 slot where the officer dropped the evidence off at.

19 Q: Okay. And do you know whether it was sent to SLED for
20 analysis?

21 A: I assigned it to crime scene and from there they
22 determined where the property would go, but I think it did.

23 Q: Ms. Lilly, do you keep evidence records as part of your
24 duties and responsibilities?

25 A: I did.

1 Q: Would looking at the evidence record help refresh your
2 memory?

3 A: Yes, ma'am.

4 Q: I'll hand you this and ask if you'll look it over and you
5 can turn it over when you are finished. Did that refresh your
6 memory?

7 A: Yes, ma'am.

8 Q: And do you know who you would have received those items
9 of evidence from?

10 A: It was in the drop slot dropped off by the officer. It's
11 a box at the door, and I retrieved it, and I keyed it into the
12 computer, and then I assigned it to crime scene and they sent
13 it to SLED.

14 Q: Do you know who took those items to SLED?

15 A: I don't know.

16 Q: When those items came to you, would the packaging have
17 been sealed?

18 A: Yes, ma'am.

19 Q: And would the person packaging the evidence sign the
20 seal?

21 A: Yes, ma'am. I repackaged them into another envelope and
22 I put another seal on it with my initials.

23 Q: So you would have signed the seal then?

24 A: Yes, ma'am.

25 Q: Where were these items stored?

1 A: I put them in another bin for crime scene and the lab in
2 the back in a special area.

3 Q: Is that a secure area?

4 A: Yes, ma'am.

5 Q: Okay. Do you know how has access to that area?

6 A: I did, my coworker did, and my supervisors.

7 Q: Okay. And Ms. Lilly, what kind of documentation do you
8 usually keep in the handling of evidence?

9 A: We have a chain of custody.

10 Q: And while those two items of evidence were in your
11 custody and control, did you alter or change them in any way?

12 A: No, ma'am.

13 Q: And did they remain sealed until they were taken to SLED?

14 A: Yes, ma'am.

15 Q: Okay.

16 **MS. FARMER:** Your Honor, Court's indulgence for just a
17 moment if you don't mind.

18 **THE COURT:** Certainly.

19 **BY MS. FARMER:**

20 Q: If you'll please answer any questions defense counsel
21 has.

22 **CROSS EXAMINATION OF MS. LILLY BY MR. PINKERTON:**

23 Q: Thanks for being here, ma'am. I just have very few
24 questions. You stated that when things are dropped off in
25 evidence, they are put into a drop box.

1 A: Uh-huh. (Affirmative response)

2 Q: And in this case you identified pieces of evidence, but
3 you don't know which officer actually dropped them off to you?

4 A: It's on the chain of custody. I couldn't -- off the top
5 of my head I couldn't ---

6 Q: Off the top of your head you couldn't. And would your
7 initials be on the evidence once it's dropped off?

8 A: I signed it.

9 Q: You signed it. Okay, thank you.

10 **MR. PINKERTON:** Your Honor, no further questions.

11 **THE COURT:** All right. Anything else, solicitor?

12 **MS. FARMER:** Just briefly, Your Honor.

13 **REDIRECT EXAMINATION OF MS. LILLY BY MS. FARMER:**

14 Q: Ms. Lilly, I'm going to show you what you were just
15 looking at, it's the evidence record or chain of custody.
16 Will you review that. After review of that evidence record,
17 do you know which officer would have dropped those items off?

18 A: Ken Marcus.

19 Q: Thank you.

20 **MS. FARMER:** No further questions for Ms. Lilly, Your
21 Honor.

22 **THE COURT:** Anything else?

23 **MR. PINKERTON:** Nothing, Your Honor.

24 **THE COURT:** All right. Ms. Lilly, thank you for your
25 testimony. You're free to go, ma'am. You may step down.

1 **MR. DEBUSK:** Your Honor, may we approach?

2 **THE COURT:** Yes, sir.

3 **REPORTER'S NOTE:** (Whereby bench conference was held)

4 **THE COURT:** All right. Ladies and gentlemen of the jury,
5 I understand that this is a good time to stop. I'm assuming
6 that the men on our jury have some Valentines shopping to do,
7 so we're going to give y'all an opportunity to do that. We're
8 going to break for the afternoon. We're going to start back
9 at 9:30 in the morning, so if you could be here before that so
10 that we could get started that would be much appreciated.
11 Okay. And I'll have to further instruct you that you can't
12 talk about he case, you can't discuss it among yourselves or
13 with third parties. We have to have -- you have to remain
14 fair and impartial, okay. All right. Y'all have a good
15 afternoon and thank you for your attentiveness today. See
16 y'all tomorrow morning.

17 **REPORTER'S NOTE:** (Jury exits courtroom at 2:31p.m.)

18 **THE COURT:** All right. The jury has been dismissed.

19 Mr. DeBusk, I understand that you'd like to start back in
20 the morning. You have a witness who would have testified this
21 afternoon, but due to maybe a cold we're going to call him in
22 the morning.

23 **MR. DEBUSK:** Yes, sir.

24 **THE COURT:** And then the rest of the week -- tomorrow is
25 Wednesday?

1 **MR. DEBUSK:** Yes, sir. Tomorrow we have that chain
2 witness, a records custodian from Verizon, two witness, one
3 former from SLED and one is with SLED, and then Detective
4 Wydra to finish up his testimony. I think we can get through
5 those in the morning, it might go slightly after lunch, but
6 we'll end early again. We have one witness that has to
7 testify on Thursday because she had a family emergency out of
8 town.

9 **THE COURT:** Okay. So we should finish around lunch
10 tomorrow, take the afternoon, come back Thursday morning and
11 have that ---

12 **MR. DEBUSK:** We'll have that one witness Thursday morning
13 and then we'll rest.

14 **THE COURT:** Okay. All right. And not including your
15 client, but do you anticipate calling any witnesses?

16 **MR. PINKERTON:** Not at this time, Your Honor.

17 **THE COURT:** All right. Okay. All right. We'll break
18 for the afternoon and see y'all back in the morning. We'll
19 start back at 9:30.

20 **(COURT IS IN RECESS)**

21 **THE COURT:** Are y'all ready?

22 **MR. DEBUSK:** Yes, Your Honor.

23 **MR. PINKERTON:** Yes, Your Honor.

24 **THE COURT:** All right. We're ready.

25 **REPORTER'S NOTE:** (Jury enters courtroom at 9:43a.m.)

1 **THE COURT:** All right. Court will come to order. Good
2 morning, ladies and gentlemen of the jury. I believe we are
3 ready to start with our next witness.

4 Mr. DeBusk.

5 **MR. DEBUSK:** Thank you, Your Honor. The state calls Ken
6 Marcus.

7 **THE CLERK:** Please raise your right hand and place your
8 left hand on the Bible.

9 **KEN MARCUS, HAVING BEEN DULY SWORN TESTIFIES**
10 **AS FOLLOWS:**

11 **THE CLERK:** State your name and spell your last name for
12 the Court.

13 **DETECTIVE MARCUS:** It's Detective Ken Marcus, M-A-R-C-U-
14 S.

15 **THE COURT:** Thank you, sir.

16 Your witness.

17 **DIRECT EXAMINATION OF DETECTIVE MARCUS BY MR. DEBUSK:**

18 Q: Detective Marcus, who is your employer?

19 A: I work for the Horry County Police Department.

20 Q: How long have you been with the Horry County Police
21 Department?

22 A: For 15 years now.

23 Q: What are your duties and responsibilities at this time?

24 A: Currently I'm a cold case investigator for our
25 department.

1 Q: Okay. How about in September of 2019, what were your
2 duties then?

3 A: I was assigned to our Special Victims Unit in our
4 Criminal Investigations Division.

5 Q: Did you participate in the investigation of the robbery
6 at Dunkin Donuts on Highway 17 Bypass in the Surfside area of
7 the county?

8 A: On September 18th of 2019, yes.

9 Q: Okay. What was your roll?

10 A: I was a detective that was assisting the case agent in
11 following up on leads that were generated during that
12 investigation.

13 Q: Was that case Sean Wydra's?

14 A: Yes, it was.

15 Q: Okay. I'll show you these items with labels on them and
16 ask did you receive from Detective Wydra some items of
17 clothing in this case?

18 A: I did. One of the responsibilities that I had, or things
19 I had done for Detective Wydra was to transport some evidence
20 to our evidence department for him during that investigation,
21 some clothing items.

22 Q: Were there three of them?

23 A: I believe there was, yes.

24 Q: And did you receive those -- were they packaged like that
25 when you received them?

1 A: No, they were not.

2 Q: Were they in paper evidence bags?

3 A: Yes. They were in brown paper evidence bags that we

4 typically use.

5 Q: Would they look similar to that?

6 A: Yes, very similar.

7 Q: So you received them from Detective Wydra already

8 packaged?

9 A: Yes.

10 Q: What did you do with them?

11 A: I confirmed the contents that was on the evidence sheet

12 that was given to me on the bags and then I transported them

13 to our evidence department and turned them into our evidence

14 department for processing.

15 Q: While you had them in your custody and control did you

16 alter them or change them or touch them in any way?

17 A: No.

18 Q: Okay. And when you put them into evidence were they

19 placed in a secure area for evidence?

20 A: Yes, yes. We have lockers there that we lock them in and

21 we turn the key into the clerk.

22 Q: And who gets them out of the locker?

23 A: The clerk, the evidence clerk has access to those lockers

24 after we lock them.

25 Q: But you didn't alter or change them in anyway?

1 A: No. I did not change them or alter them in any way.

2 Q: During the course of your work did you ever encounter an
3 individual named Tyler Savinski?

4 A: I did.

5 Q: On what day?

6 A: It was the same day of that robbery, September 18th of
7 2019.

8 Q: Where did you encounter him?

9 A: At Socastee High School. I learned from a canvas of a
10 neighborhood right after the robbery occurred, it was the
11 neighborhood next to the Dunkin Donuts. We were canvasing
12 that neighborhood and I'd learned at that time that Mr.
13 Savinski may have come in contact with the suspect we were
14 looking for.

15 Q: Okay. During the course of this interview did he give
16 you any evidence?

17 A: Yes. When I met with him at Socastee High School and
18 spoke with him, he informed me he was given a couple of \$1
19 bills by the gentleman he had met in the neighborhood while he
20 was waiting for the bus to pick him up at take him to school.

21 Q: Let me show you what's been marked as state's exhibit 11
22 and ask if you recognize that?

23 A: I do.

24 Q: What is that?

25 A: This is a photograph that I took of the dollar bills that

1 I recovered from Tyler Savinski at Socastee High School.

2 Q: Okay. Please answer any questions the defense might
3 have.

4 **MR. PINKERTON:** No questions, Your Honor.

5 **THE COURT:** Thank you, Mr. Pinkerton.

6 Any objection to this witness being released?

7 **MR. DEBUSK:** We would ask that he be excused that he can
8 return to his sick day, Your Honor.

9 **THE COURT:** All right. Thank you, sir. I hope you feel
10 better.

11 **MR. DEBUSK:** The state calls Courtney Daniels.

12 **THE CLERK:** Please raise your right hand and place your
13 left hand on the Bible.

14 **COURTNEY DANIELS, HAVING BEEN DULY SWORN TESTIFIES**

15 **AS FOLLOWS:**

16 **THE CLERK:** Please state your name and spell your last
17 name for the Court.

18 **MS. DANIELS:** Courtney Daniels, D-A-N-I-E-L-S.

19 **DIRECT EXAMINATION OF MS. DANIELS BY MR. DEBUSK:**

20 Q: Ms. Daniels, who is your employer?

21 A: I work for Verizon Wireless.

22 Q: How long have you been employed for Verizon?

23 A: I've worked for Verizon since 2014.

24 Q: Okay. What's the nature of your work?

25 A: I'm a Senior Analyst, so I testify as the custodian of

1 records in civil and criminal cases. We also handle small
2 claims, arbitrations, mediations, and other things.

3 Q: So obviously in the course of your employment you're
4 familiar with the records of phone calls of Verizon?

5 A: Yes.

6 Q: Did you handle those in the course of your normal duties?

7 A: Yes.

8 Q: Okay. How are records usually kept?

9 A: They are kept electronically and they are composed as
10 contemporaneous (inaudible).

11 Q: So technically they are computer files?

12 A: Correct.

13 Q: Okay. Did Verizon provide records for the number [REDACTED]
14 [REDACTED]-1320?

15 A: Yes.

16 Q: Let me show you what's been marked as state's exhibit 16
17 and ask if you recognize that.

18 A: Yes.

19 Q: How do you recognize that?

20 A: These are the records that I signed and dated.

21 Q: And you reviewed that disk?

22 A: Yes.

23 Q: On the disk is the records for that phone number from
24 Verizon?

25 A: Yes, they are.

1 Q: Okay. Is that a fair and accurate representation of
2 those records?

3 A: Yes.

4 Q: Okay. When you have a set of records like that does it
5 contain tower and censor information for the phone calls?

6 A: Yes.

7 Q: Let me show you what's been marked as state's exhibit 17
8 and ask if you recognize this?

9 A: Yes.

10 Q: What is that?

11 A: This is what we call subscriber information.

12 Q: Is that part of the records that's on that disk?

13 A: Yes, it is.

14 Q: Who is the subscriber to the number [REDACTED]-1320?

15 A: Corey Busch.

16 Q: Okay. Thank you. Please answer any questions ---

17 **MR. DEBUSK:** Your Honor, we would move these items 16 and
18 17 into evidence at this time.

19 **THE COURT:** Any objection?

20 **MR. PINKERTON:** No objection, Your Honor.

21 **THE COURT:** All right. Without objection, so entered.

22 **(STATE'S EXHIBIT NUMBERS SIXTEEN AND SEVENTEEN**

23 **ARE ADMITTED INTO EVIDENCE)**

24 **BY MR. DEBUSK:**

25 Q: Please answer any questions the defense might have.

1 **CROSS EXAMINATION OF MS. DANIELS BY MR. PINKERTON:**

2 Q: Thank you for being here, ma'am. I just have one or two
3 questions for you. Now, you said this was the user. How
4 would you establish who actually owned the phone?

5 A: Well the subscriber information is based on who the
6 account is registered to.

7 Q: So anybody could go create an account in somebody's name,
8 correct?

9 A: With this account you wouldn't be able to create it
10 anybody's name because it is a (inaudible) account so you
11 would have to verify your date of birth and social security
12 number.

13 Q: So hypothetically if someone else had someone else's
14 social security number and date of birth they could create an
15 account in someone else's name?

16 A: I guess hypothetically that could happen, but we would do
17 a security check before we create an account.

18 Q: Thank you.

19 **MR. PINKERTON:** No further questions, Your Honor.

20 **THE COURT:** Thank you, sir.

21 **MR. DEBUSK:** Nothing further, Your Honor. We'd ask that
22 Ms. Daniels be excused so that she can return to her duties.

23 **MR. PINKERTON:** No objection, Your Honor.

24 **THE COURT:** Thank you, Ms. Daniels. Be careful
25 traveling.

1 **MS. FARMER:** Your Honor, the state would call Jasmine
2 Ruiz-Yi.

3 **THE COURT:** Jazmine Ruiz-Yi.

4 **THE CLERK:** Please raise your right hand and place your
5 left hand on the Bible.

6 **JASMINE RUIZ-YI, HAVING BEEN DULY SWORN TESTIFIES**
7 **AS FOLLOWS:**

8 **THE CLERK:** Please state your name and spell your last
9 name for the Court.

10 **MS. RUIZ-YI:** Jasmine Ruiz-Yi, R-U-I-Z-Y-I.

11 **DIRECT EXAMINATION OF MS. RUIZ-YI BY MS. FARMER:**

12 Q: Ms. Ruiz-Yi, can you please tell me who your employer was
13 in September and October of 2019?

14 A: I worked at SLED, the South Carolina Law Enforcement
15 Division.

16 Q: And how long had you been working for SLED?

17 A: Approximately five years.

18 Q: What were your duties at that time?

19 A: I worked as a Forensic Serologist.

20 Q: Can you please explain to us what a Forensic Serologist
21 is?

22 A: Yes, ma'am. So as a Forensic Serologist I looked at
23 items of evidence for possible body fluids such as blood,
24 semen, and saliva. I also processed items for possible DNA.

25 Q: And can you please explain to us how evidence would have

1 been handled in the department that you worked at?

2 A: Typically we request evidence from the evidence control
3 department. We take it into our custody, make sure it's not
4 tampered with in any way, and then go into and do the requests
5 by the submitting agency.

6 Q: And can you explain what tamper indicative packaging is?

7 A: It would, for example, be a box that had been taped shut
8 or initialed or dated by whoever submitted it. A potential
9 heat-sealed pouch that had been sealed properly, things like
10 that.

11 Q: Is that how evidence would typically be packaged when
12 y'all received it?

13 A: In terms of not being tampered, like fully sealed?

14 Q: Excuse me, I asked the wrong question. When y'all
15 repackage evidence, would you usually do it in tamper
16 indicative packaging?

17 A: Yes. I would seal it, tape it up, and make sure I
18 initial and date it.

19 Q: Ms. Ruiz-Yi, I'm going to show you three items of
20 evidence, it's state's exhibit 31, 32, and 33. I ask whether
21 you recognize these items.

22 A: I do.

23 Q: And what are those items?

24 A: These are the items in the case that were requested for
25 possible ownership or touch DNA.

1 Q: How are you able to recognize those items?

2 A: So I can recognize the items as each item has a specific
3 lab number and also the item number.

4 Q: And do you know what those specific items are?

5 A: Yes, ma'am. I do.

6 Q: What are they?

7 A: So Item 1 was the brown bandana with the black and white
8 design. And Item 2 is the black winter style hat with the
9 Gamecock symbol.

10 Q: So Item 1 for you would be state's exhibit 31? It's on
11 the red sticker there.

12 A: Yes, ma'am.

13 Q: And then Item 2 for you would be state's exhibit 32?

14 A: That is correct.

15 Q: And then Item 33 would just be the outside packaging that
16 I handed you?

17 A: Yes, ma'am.

18 Q: Before I do that, do those items appear to be in
19 substantially the same condition as when you handled them?

20 A: I mean without opening them up all of the way, yes.

21 Q: If you want to open them up you can just to make sure.

22 Now that you've opened those items, do they appear to be in
23 substantially the same condition as they were when you handled
24 them?

25 A: Yes, ma'am.

1 Q: Bear with me for a moment. And Ms. Ruiz-Yi, can you tell
2 who else would have handled those items?

3 A: From the chain of custody, I returned the items to
4 evidence control and then from there the DNA analyst would
5 have picked them up.

6 Q: And is the chain of custody recorded in any other way?

7 A: Yes. At SLED it's an electronic way to take note of
8 where an item of evidence is at any point in the lab.

9 Q: And why would you have done that, or why does that
10 program exist?

11 A: It's a way to ensure the integrity of an item.

12 Q: Did you create swabs from those two items?

13 A: Yes, ma'am. I did.

14 Q: And do you know if anyone else would have handled the
15 bandana and hat from when they were submitted to you to when
16 you unsealed them?

17 A: From when they were submitted to when I unsealed them
18 from the agency?

19 Q: From when they were submitted to SLED to when you handled
20 them?

21 A: Right. So they weren't to my knowledge. If it had been
22 tampered with, I wouldn't have gone into it.

23 Q: Did anybody else at SLED handled these two items between
24 when they were dropped off and when you handled them yourself?

25 A: No, other than the evidence technician placing them into

1 the evidence department.

2 Q: And were the seals intact when you received the evidence?

3 A: Yes, ma'am.

4 Q: What did you do with those items?

5 A: I did an ownership on the items which is where I scrap
6 the items for any potential DNA and look for any hair that
7 might have any root material where the DNA is found.

8 Q: Can you explain to us how you create a swab from items of
9 evidence?

10 A: Yes, ma'am. So in this case I take a sterilized
11 instrument called a scraper. I use it to scrap the entirety
12 of the item over a piece of paper. Then I take a swab, I went
13 it and then I swab the hat, the scraper, as well as the paper
14 that it's scraped over.

15 Q: And what would you have done with those swabs that you
16 created?

17 A: So once the swabs are dry I seal them into an envelope
18 and in this case I prepped them for DNA which is where I just
19 cut a piece of it and place it into a tube that the DNA
20 analyst can use to extract from.

21 Q: And did you create any other subitems from the bandana
22 and hat?

23 A: Yes, ma'am. I did.

24 Q: What were those items?

25 A: The first item would have been 1.2 off of the bandana,

1 which is essentially any potential hairs that I collected off
2 of it. And then from there the specific hairs that are going
3 to be forwarded are (inaudible).

4 Q: And what did you do with those hairs that were found?

5 A: So I also prepped them for DNA where I just cut off the
6 root material and place it into a tube that an analyst can
7 extract from.

8 Q: And how would those have been packaged?

9 A: Those are placed into a heat-sealed pouch.

10 Q: Were the separate packages for the swabs and hairs
11 packaged together?

12 A: So the swabs would be packaged into a small coin
13 envelope, and then the hairs would be packaged into a separate
14 coin envelope but then they would all be placed into one heat-
15 sealed pouch together.

16 Q: Where were these swabs and hairs stored when you
17 relinquished custody of them?

18 A: When I gave them back to the evidence control department,
19 they keep it in their department until someone picks it up.

20 Q: And while those items were in your custody and control,
21 did you alter them or change them in any way other than
22 swabbing them and separating the hairs?

23 A: No, ma'am.

24 Q: And after you created the swabs and recovered the hairs,
25 did you alter or change those in any way?

1 A: Other than prepping them for DNA, no.

2 **MS. FARMER:** Your Honor, Court's indulgence for just a
3 moment.

4 **THE COURT:** Yes, ma'am.

5 **BY MS. FARMER:**

6 Q: Ms. Ruiz-Yi, just one more question if you don't mind.
7 You said earlier that you would have been the one to unseal
8 those items of evidence.

9 A: Yes, ma'am.

10 Q: Were they handled by anyone else, not unsealed before
11 they got to you but handled from anyone else, in your
12 department before you got them?

13 A: No, ma'am.

14 Q: Okay. Ms. Ruiz-Yi, do you -- you said that SLED usually
15 keeps chain of custodies?

16 A: Yes, ma'am.

17 Q: And you said that was an electronic program?

18 A: Yes, ma'am.

19 Q: Would it help refresh your memory if I showed you that
20 chain of custody?

21 A: I do have a copy of it.

22 Q: Okay. If you'd review that briefly. So again I just ask
23 first off, did that refresh your memory?

24 A: Yes, ma'am.

25 Q: So did anyone else handle those items of evidence in the

1 sealed condition before they got to you?

2 A: No, ma'am.

3 Q: So Charlotte Pitts and Jackie Davis didn't handle the
4 evidence in the sealed condition?

5 A: No. They would have accepted it, but they don't go into
6 it for any reason.

7 Q: Okay. So they probably would have handled it sealed?

8 A: Yes, ma'am.

9 Q: Thank you. If you wouldn't mind answering any questions
10 the defense has.

11 **THE COURT:** Mr. Pinkerton.

12 **MR. PINKERTON:** No questions, Your Honor.

13 **THE COURT:** Thank you, sir.

14 Anything else of this witness?

15 **MS. FARMER:** NO, Your Honor.

16 **THE COURT:** All right. Thank you. She's free to go?

17 **MS. FARMER:** Yes, Your Honor.

18 **THE COURT:** All right. You're free to go, ma'am. Have a
19 good day.

20 **MS. RUIZ-YI:** Thank you.

21 **MS. FARMER:** Your Honor, at this time the state would
22 call Sara Goodman.

23 **THE COURT:** Sara Goodman.

24 **THE CLERK:** Please raise your right hand and place your
25 left hand on the Bible.

1 **SARA GOODMAN, HAVING BEEN DULY SWORN TESTIFIES**

2 **AS FOLLOWS:**

3 **THE CLERK:** State your name and spell your last name for
4 the Court.

5 **MS. GOODMAN:** Sara Goodman, G-O-O-D-M-A-N.

6 **THE COURT:** Your witness.

7 **DIRECT EXAMINATION OF MS. GOODMAN BY MS. FARMER:**

8 Q: Ms. Goodman, where are you currently employed?

9 A: I am employed at the South Carolina Law Enforcement
10 Division commonly referred to as SLED.

11 Q: And how long have you worked there?

12 A: Approximately seven and a half years.

13 Q: What's your current job?

14 A: I am a Forensic Scientist assigned to the DNA casework
15 department.

16 Q: And can you explain to us what a Forensic Scientist is?

17 A: Sure. A Forensic Scientist is someone who works in a
18 forensic laboratory doing investigation work with law
19 enforcement evidence that is submitted to us. So for my job
20 we receive DNA evidence from different law enforcement
21 agencies throughout the state to perform DNA analysis on those
22 items and write a report based on our findings.

23 Q: And can you please describe your training and
24 qualifications?

25 A: Yes. So I have a Bachelor of Science degree in Biology

1 from Erskine College, as well as a Masters of Science in
2 Forensic Science from Arcadia University. And upon my
3 employment at SLED I underwent a training program for about a
4 year and a half which included laboratory instruction as well
5 as practical instruction and course work and interpretation
6 for DNA profiles. And at the end of that training I
7 successfully completed a series of competency tests to be
8 certified to perform DNA casework. And then we also are
9 required to have at least eight hours of continuing education
10 each year.

11 Q: How long have you worked in the field of DNA analysis?

12 A: Approximately seven and a half years.

13 Q: Approximately how many cases have you worked on?

14 A: Between 500 to 600 cases.

15 Q: And have you ever been qualified as an expert in the
16 fields of Forensic Serology and DNA Analysis before?

17 A: I have.

18 Q: Approximately how many times?

19 A: In DNA analysis approximately 30 times. In Serology
20 specifically probably 4 or 5 times.

21 **MS. FARMER:** Your Honor, at this time the state would
22 offer Sara Goodman as an expert in the field of DNA analysis.

23 **MR. ONEIL:** No objection, Your Honor.

24 **THE COURT:** No objection. Without objection the Court
25 would so qualify.

1 **BY MS. FARMER:**

2 Q: Ms. Goodman, can you explain to us what DNA is?

3 A: Yes. DNA is a chemical that's found throughout your body.
4 It's in almost every cell of your body and it makes up who you
5 are. You get half of your DNA from your biological mother and
6 half from your biological father.

7 Q: And what is Forensic DNA Analysis?

8 A: Forensic DNA Analysis is performing DNA analysis on items
9 of evidence from a law enforcement perspective. So again, we
10 receive items of evidence from law enforcement agencies
11 throughout the state with requests to run DNA analysis on
12 certain items and then write a report based on our findings.

13 Q: So if you were to analyze footwear or clothing for DNA,
14 what would be the source of DNA in that sample?

15 A: So there can be many different sources of DNA, different
16 body fluids are sources of DNA, so saliva, blood, semen all
17 have DNA as well as your skin cells that you leave behind when
18 you handle an item, which we would refer to as touch DNA or
19 trace DNA.

20 Q: So I want to ask you a couple of questions about how
21 evidence is handled at SLED. So when you receive an item from
22 law enforcement, is it repackaged on arrival at SLED?

23 A: It is sometimes repackaged. When it arrives at SLED the
24 item is given a unique laboratory and item number that we use
25 to track the evidence within our laboratory. Sometimes it is

1 repackaged in SLED packaging depending on how the agency has
2 packaged it. Sometimes it is kept in the agency's packaging,
3 but still is marked with the laboratory and item number.

4 Q: And would that packaging be tamper indicative packaging?

5 A: Yes. The packaging is required to be sealed before it
6 will be submitted to SLED. So the submitting agent has to
7 seal and initial and date the seal for all of the evidence
8 before it is kept at SLED.

9 Q: And is there any procedure for showing who last accessed
10 the tamper indicative packaging?

11 A: Yes. So within the SLED laboratory anytime somebody
12 opens an item and reseals that item we initial and date our
13 seal. And so we have tamper evident tape and also our seals
14 without initials and dates so that you can tell whether or not
15 that seal has been tampered with.

16 Q: And if the tamper indicative packing was not intact when
17 you received it, what would you have done?

18 A: Typically evidence would not be received by SLED if it is
19 not properly sealed, but if that were to happen I would
20 contact the last person who had custody of the item just to
21 ask questions or the agency and I would make a note of that
22 within my case notes.

23 Q: And how do you track who handled the evidence as SLED?

24 A: We have an electronic chain of custody at SLED that we
25 keep track of the items.

1 Q: Okay. And do you maintain a copy of that chain of
2 custody in your file?

3 A: Yes. The copy of the chain of custody is kept within our
4 case file in our computer system.

5 Q: Ms. Goodman, I'm going to show you what's been marked as
6 state's exhibit 34 and ask if you recognize it.

7 A: Yes.

8 Q: How do you recognize it?

9 A: So this has our unique laboratory for this case our
10 laboratory number and our item number as well as I can see my
11 initials and dates on the seals from when I opened the
12 package. I also write the laboratory and item number on the
13 item itself.

14 Q: And what is that item?

15 A: This is two buccal swabs from Corey Busch.

16 Q: And does that item appear to be in substantially the same
17 condition as it was when you last handled it?

18 A: Yes, it does.

19 Q: Okay. Do you know who would have created that swab?

20 A: I can refer to my chain of custody for that. The swabs
21 themselves were collected or created by the agency, by Horry
22 County Police Department, and submitted to SLED.

23 **MS. FARMER:** Court's indulgence for just a moment, Your
24 Honor. I apologize.

25 **THE COURT:** Yes, ma'am.

1 **BY MS. GOODMAN:**

2 Q: Ms. Goodman, did you receive any swabs from Ms. Jasmine
3 Ruiz-Yi?

4 A: Yes, I did.

5 Q: And do you know where those swabs were taken from?

6 A: Yes. I received a swab from scraping a brown bandana
7 with a black and white design, as well as swabs from the
8 interior of a winter style hat with a Gamecock symbol.

9 Q: And would have received any hair from Ms. Ruiz-Yi?

10 A: Yes.

11 Q: Were the seals from Ms. Ruiz-Yi intact when you received
12 this evidence?

13 A: They were.

14 Q: And do you know if anyone else handled the swabs and the
15 hairs from when Ms. Ruiz-Yi created them to when you unsealed
16 them?

17 A: Yes. According to my chain of custody, these items were
18 handled by some forensic technicians, Doris Yarborough as well
19 as Lauren Holiday. And at the time those were both forensic
20 technicians in our evidence control department.

21 Q: And would Ms. Doris Yarborough and Lauren Holiday have
22 handled the evidence in the sealed condition?

23 A: Yes.

24 Q: So what did you do with those items?

25 A: Once I received the items and looked at the request for

1 those items I took them through all of our laboratory
2 processes to create a DNA profile. So I would take a small
3 portion of each item separately and take it through processes
4 to extract the DNA, which is purifying it off of whatever item
5 it is on, quantitate it, which just tells us about how much
6 DNA is there so that we can target an appropriate amount, then
7 to get through a process that makes many copies of the DNA to
8 a level that we can detect, and then it goes through an
9 instrument that separates the DNA and gives us the DNA
10 profile. So I would do that for all of the items of evidence
11 as well as any known standards, and then I will make any
12 comparisons that I can and write a report based on my
13 findings.

14 Q: And what were the results of your DNA analysis as regards
15 to swabs of the bandana?

16 A: So for swabs from the entire brown bandana with black and
17 white design, this was my Item 1.1, a DNA profile suitable for
18 comparison was developed. The likelihood ratios for this
19 profile were calculated using STRMix. STRMix is a computer
20 program that we use that aids us in interpretation of DNA
21 profiles as well as calculating statistics. Anytime we do a
22 comparison we calculate a statistic to give a weight to that
23 DNA comparison. And so what STRMix is calculating is called a
24 likelihood ratio. A likelihood ratio is comparing two
25 different scenarios to best explain the DNA profile and

1 telling you which one is more likely. We make these
2 comparisons in everyday life. For example, if you won a
3 marathon and given that you know you won the marathon is it
4 more likely that you trained really hard for several months or
5 that you sat on your couch and ate chips? So similarly for
6 DNA those likelihood ratios are looking at the DNA profile and
7 figuring out which profiles best explain that DNA, and then
8 when we have a known standard it tells how well that person's
9 DNA fits that result or not and tells you basically which is
10 more likely.

11 So for this item my likelihood ratio the DNA profile was
12 interpreted as single source meaning it's from one individual.
13 And the two scenarios that it's comparing is whether Corey
14 Busch contributed the DNA profile or whether an unidentified,
15 unrelated individual contributed the DNA profile. The result
16 for that is that the DNA profile is approximately 190
17 octillion times more likely if Corey Busch contributed the
18 profile than if an unidentified, unrelated individual
19 contributed the profile. So that's very strong likelihood for
20 that first scenario versus the second.

21 Q: So I'm just going to summarize what you just said. So
22 does that mean it's 190 octillion times more likely to see the
23 DNA results you obtained if the defendant Corey Busch
24 contributed the DNA on the swab from bandana than if it was
25 like from a random person?

1 A: That's correct.

2 Q: And what is an octillion?

3 A: Octillion is a very large number; it has 27 zeros. So to
4 put it in a little bit of perspective, the world population is
5 around 7 billion. A billion has 9 zeros in it and octillion
6 has 27 zeros in it.

7 Q: Okay. And were you able to get any DNA result from the
8 hair on the bandana?

9 A: No. For the hair on the bandana no DNA profile was
10 developed.

11 Q: Is it unusual to not get DNA from hair?

12 A: Not necessarily. The type of DNA analysis that we do
13 it's developing DNA from the root of the hair, from root
14 tissue. So sometimes if there's not a lot of root there or if
15 there isn't a root it's not uncommon for us to not develop a
16 DNA profile.

17 Q: And what about the swab from the hat? What was the
18 result of your DNA analysis there?

19 A: From the swab from the hat a DNA profile suitable for
20 comparison was developed. Likelihood ratios for this profile
21 were calculated using STRMix. The DNA profile was interpreted
22 as a mixture originating from three individuals. The two
23 scenarios for this are that Corey Busch and two unidentified,
24 unrelated individuals contributed to the mixture versus if
25 three unidentified, unrelated individuals contributed. The

1 result is that the DNA profile is approximately 27 octillion
2 times more likely if Corey Busch and two unidentified,
3 unrelated individuals contributed to the mixture than if three
4 unidentified, unrelated individuals contributed.

5 Q: And can you tell us what a mixture is in terms of DNA?

6 A: Yes. A mixture means that more than one person is
7 contributing DNA.

8 Q: So in this situation it means it's 27 octillion times
9 more likely to see the DNA results you obtained if the
10 defendant Corey Busch contributed to the DNA mixture from the
11 hat than if it was from a random person?

12 A: Correct, of Corey Busch and two other individuals.

13 Q: And what about the hairs from the hat? Were you able to
14 get any DNA results from those?

15 A: From -- there were two hairs from the hat, so the first
16 hair a partial DNA profile was developed but wasn't sufficient
17 for interpretation. And for the second hair no DNA profile
18 was developed.

19 Q: What does insufficient for interpretation mean in terms
20 of DNA?

21 A: That means that there was some DNA detected on that item,
22 but it wasn't enough for us to be able to use it for
23 comparisons.

24 Q: So just going back to the bandana for a moment, the DNA
25 from that was not a mixture?

1 A: Correct. That was single source, so it was only from one
2 individual.

3 Q: And the DNA profile you obtained from that bandana was
4 190 octillion times more likely than if it came from a random
5 individual?

6 A: That's correct.

7 Q: Ms. Goodman, were the results of your analysis reduced to
8 a report?

9 A: Yes, they were.

10 Q: I'm going to hand you what's been marked as state's
11 exhibit 35 for identification purposes. Do you recognize the
12 item I've just handed you?

13 A: Yes. This is a copy of my report.

14 Q: Does it appear to be changed in any way, any alterations
15 made?

16 A: It does not.

17 Q: Anything deleted on any of those pages?

18 A: No.

19 Q: Okay.

20 **MS. FARMER:** Your Honor, at this time state would seek to
21 enter exhibit 35 into evidence.

22 **MR. ONEIL:** No objection, Your Honor.

23 **THE COURT:** Without objection, that will be state's 35.

24 **(STATE'S EXHIBIT NUMBER THIRTY-FIVE**

25 **IS ADMITTED INTO EVIDENCE)**

1 **BY MS. FARMER:**

2 Q: Ms. Goodman, please answer any questions defense may
3 have.

4 **THE COURT:** Mr. O'Neill.

5 **CROSS EXAMINATION OF MS. GOODMAN BY MR. O'NEILL:**

6 Q: Ms. Goodman, when you were asked to compare these
7 profiles did you know that Corey Busch was a suspect in a
8 crime?

9 A: I did not.

10 Q: And you talked about STRMix, you said it's a computer
11 program?

12 A: Yes.

13 Q: How does that computer program work?

14 A: How it works is that it (inaudible) interpretation of DNA
15 profiles, so we will do our initial interpretation of the DNA
16 profile, determine whether it's from one person or more than
17 one person. So we will input into the program how many people
18 are in that DNA profile and STRMix will break it down into the
19 different possibilities of what the profiles look like from
20 the different people that are contributing. So it will break
21 it down into the different contributors and tell you about how
22 much each one is contributing and what their DNA profile looks
23 like and ranks different possibilities. Then when you have a
24 known standard to compare that to it will test that known
25 standard against what it has broken down into the different

1 possibilities to see whether or not that fits one of those
2 possibilities and then gives us the likelihood ratio.

3 Q: Okay. But I guess what I'm trying to get at is you have
4 these DNA samples that you put in solutions and then what do
5 you do with them, like how does this work?

6 A: So as far as like how do we develop a DNA profile?

7 Q: Yes, after you've had the swab, got it in a test tube,
8 what do you do with it after that?

9 A: So once it's in the test tube and it's gone through our
10 processes in the lab we have a DNA profile generated from the
11 instruments. So we have an electronic representation of the
12 DNA profile which is what we are looking at for our
13 interpretation. So we will look at that profile
14 electronically and determine whether it's suitable for
15 comparison, how many individuals are contributing, and then if
16 we determine we can make comparisons we then put that profile
17 into STRMix as well as the profiles from the known standards
18 to compare.

19 Q: Okay. So you take the DNA you have, you figure out how
20 many contributors, and then you put that into a computer and
21 STRMix gives you the results?

22 A: That's correct.

23 Q: Okay. Do you know how the computer itself, how STRMix
24 works?

25 A: Yes.

1 Q: Okay. How? What does it do?

2 A: So it has different algorithms that it uses which are
3 mathematical equations. So essentially what it does is given
4 the DNA profile that we input into STRMix, it is breaking it
5 down into the information that is there, into the different
6 people that could be contributing to the item. So it's
7 testing different possibilities of what those DNA profiles
8 would look like from each person and once it gets a results of
9 the most likely possibilities it -- we will get a report or a
10 printout of how it has broken down that profile. So we will
11 review that result ourself based off of the DNA profile and
12 our experience with STRMix. We've also learned the
13 mathematical equations that STRMix uses so we will look at
14 that report and if we agree with its results then we input the
15 profile from the known standard and test it against those
16 different possibilities and it's doing the likelihood ratio
17 mathematics to give us the result.

18 Q: Okay. How often do you not agree with those results?

19 A: Not very often.

20 Q: Okay. Like what is the error rate of this computer
21 program?

22 A: I'm not sure what the specific error rate is.

23 Q: Okay. But it is sometimes wrong?

24 A: It's possible for it to be incorrect sometimes, yes.

25 Q: Okay. But you don't know how often it can be, correct?

1 A: I do not.

2 Q: Okay. Do they have -- does somebody come by and check,
3 somebody from STRMix, do they check this program, do they
4 calibrate it or change it sometimes?

5 A: It is checked. So the developers of STRMix validated the
6 program which means that they checked it to make sure that
7 it's working properly. They ran hundreds of samples through
8 it to make sure that they are getting expected results. When
9 we implement the use of STRMix in our laboratory, we also take
10 it through a validation for our laboratory so we test the
11 software to make sure it's working correctly, we put profiles
12 in that we know what the results should be to make sure that
13 STRMix is giving us the correct results. And any changes that
14 are made to STRMix are reported both on STRMix's website and
15 reported to the users and they will tell you any changes that
16 are made, how it affects the program and how it affects your
17 results.

18 Q: Okay. Do you know the last time when your machine at
19 this lab was checked?

20 A: We just moved to a new laboratory so it was checked a few
21 months ago, and we are also upgrading to a new version.

22 Q: Okay. But these results are from 2021, right, from
23 before this new laboratory?

24 A: Correct.

25 Q: Okay. So this is the old lab, do you know the last time,

1 before these results were taken, that the machine was checked?

2 A: The machine is checked via our internal validation when
3 we implemented it in our laboratory.

4 Q: Okay. So it was checked when the machine was put in the
5 lab?

6 A: Correct.

7 Q: Okay. Do you know when the machine was put in the lab?

8 A: In 2018.

9 Q: All right. So the DNA -- let's talk about the bandana.
10 So can DNA -- you said there was only one profile on the
11 bandana, one contributor?

12 A: Correct.

13 Q: If three people touch a bandana will you always get three
14 profiles off of it?

15 A: Not necessarily.

16 Q: Okay. What can affect that, environmental factors?

17 A: Yes. There's several different factors, so environmental
18 factors, heat, sun can degrade DNA, water can wash off DNA, as
19 well as the different factors of the person that's shedding
20 the DNA. So different people leave behind different amounts
21 of DNA, so it can depend on that, as well as how long or how
22 often that item was handled, whether or not there's body
23 fluids or not, it can all affect the amount of DNA.

24 Q: And the DNA from these profiles that you call touch DNA,
25 they weren't blood or semen or anything else?

1 A: I didn't do any serology analysis on them, I can't tell
2 you exactly the source of the DNA but I did not do any testing
3 for body fluids.

4 Q: Okay. But like you said, the DNA -- environmental
5 factors can wash off DNA, so like if it was found in a watery
6 ditch you might not get the amount of profiles that you would
7 have?

8 A: That's possible, yes.

9 Q: Okay. How alike are two people's DNA?

10 A: So no two people have the same DNA profile, with the
11 exception of identical twins.

12 Q: Okay. Say I'm a white guy with brown hair and brown
13 eyes, another white guy with brown hair and brown eyes how
14 likely are our DNA to be similar?

15 A: I can't really put an exact number to it, but it is
16 possible for unrelated individuals to share some DNA
17 information.

18 Q: Okay. And so the profile from the DNA in the hat, there
19 was three contributors to it?

20 A: Yes.

21 Q: Do you know anything about them? You're saying it was
22 very likely that Corey Busch was contributing, do you know
23 about the other two contributors?

24 A: I do not.

25 Q: Okay. And I guess without a standard there's no really

1 testing you can do for those two individuals?

2 A: That's correct.

3 Q: Okay. So it could be anybody in the world?

4 A: Yes.

5 Q: It could be me?

6 A: Potentially, yes.

7 Q: All right. And you can't say when that DNA got where it
8 was?

9 A: I cannot.

10 Q: Okay. In any of these items?

11 A: Correct.

12 Q: And with the multiple contributors you can't say who
13 contributed last, who contributed first?

14 A: No, I cannot.

15 Q: Okay. Or who had more contribution, who had less
16 contribution?

17 A: I can potentially tell if someone is contributing more
18 DNA than another person, but I can't tell you under what
19 circumstances that happened.

20 Q: Okay. And all of the profiles from the hat, they were
21 all three complete DNA profiles?

22 A: I would have to look at my results, but typically no.
23 Typically in a mixture someone is contributing more than
24 another person, so they're contributing different amounts.

25 Q: Okay. Well I mean are they complete strains of DNA?

1 A: Not necessarily.

2 Q: Okay. And the hair, there were three strands of hair
3 that were tested for DNA?

4 A: That's correct.

5 Q: And you got no DNA from two strands, and an insufficient
6 amount from one strand?

7 A: Yes, that's correct.

8 Q: Okay. So for the three profiles, you don't know about
9 the other two?

10 A: No.

11 Q: And you don't know when they would have been contributed?

12 A: That's correct, I do not know.

13 **REDIRECT EXAMINATION OF MS. GOODMAN BY MS. FARMER:**

14 Q: Ms. Goodman, you stated that you had a known standard in
15 your analysis; is that correct?

16 A: That's correct.

17 Q: Do you know what the source of that standard was?

18 A: It was buccal swabs that were collected by Horry County
19 PD.

20 Q: And who were those buccal swabs, who did they come from?

21 A: They came from Corey Busch.

22 Q: And would it be unlikely for a single source of DNA that
23 STRMix would be wrong?

24 A: No. Since we have gone through our validations and the
25 STRMix team developed the software has gone through

1 validations, that is what checks that the software is working
2 correctly, so it is -- there's not a high likelihood that it
3 would be giving us a complete wrong answer.

4 Q: And then with the way STRMix works, who do they compare -
5 - who does it compare the standard against?

6 A: It compares the DNA profile from the known standard to
7 the DNA profiles that I would input from the evidence, so in
8 this case the DNA profile from the bandana I would have input
9 and then I would have input the standard or DNA profile from
10 Corey Bush and it would have compared those two.

11 Q: Does STRMix also use population data?

12 A: Yes, it does.

13 Q: Can you explain how that works?

14 A: STRMix uses different population frequencies to compare
15 the data and to give us our likelihood ratios. So they are
16 based off of the world's population and those different
17 frequencies are part of the likelihood ratio calculation.

18 Q: So this single source has been compared against part of
19 the population?

20 A: Essentially, yes.

21 Q: Is that why the likelihood ratio is so high here?

22 A: Essentially, yes. The higher the likelihood ratio the
23 more it fits that scenario and also the more information it is
24 aligning with what STRMix is thinking that profile is.

25 Q: And Mr. O'Neill talked to you about environmental factors

1 on in item of evidence that you tested, the bandana in this
2 case. And the bandana had a single source of DNA; is that
3 correct?

4 A: That's correct.

5 Q: So would it be fair to say that single source would have
6 been equally affected by any environmental factors?

7 A: Yes, that's correct.

8 **MS. FARMER:** One moment, Your Honor.

9 **BY MS. FARMER:**

10 Q: Ms. Goodman, I'm going to hand you the DNA analysis
11 report. And Mr. O'Neill talked to you about how the hat had
12 three sources of DNA on it; is that correct?

13 A: Correct.

14 Q: Do you know where the most DNA would have come from on
15 that hat?

16 A: I'm looking at my STRMix report. For the hat it was a
17 three person mixture. The first contributor was contributing
18 85 percent of the DNA approximately. The second was 11
19 percent, and the forth, excuse me, the third was four percent.
20 For my comparisons for this buccal swabs STRMix aligned it
21 with the 85 percent contributor.

22 Q: So just to summarize again, whoever contributed that 85
23 percent of the DNA is where the buccal swabs came from, the
24 same person?

25 A: Yes.

1 Q: Okay. Thank you.

2 MS. FARMER: No further questions for Ms. Goodman, Your
3 Honor.

4 THE COURT: Mr. O'Neill.

5 RECROSS EXAMINATION OF MS. GOODMAN BY MR. ONEIL:

6 Q: Ms. Goodman, for the three contributors to the hat, are
7 you saying that it's more likely that Corey Busch is one of
8 those contributors but you don't know who the other two are?

9 A: That's correct.

10 Q: And you didn't label any of them as major contributors or
11 anything like that?

12 A: No.

13 Q: And STRMix, she asked you about the population, what they
14 use, isn't it true that they use a very small number of people
15 from different areas of the world and that's how they get
16 their population?

17 A: That is correct. It's a representative amount of people
18 to represent the population and then they use part of the
19 mathematical equation to account for the rest of the
20 population.

21 Q: So they take 200 people from here, 200 people from here,
22 200 people from here and they jump those numbers by
23 multiplying them, correct?

24 A: I don't know exactly how many they take, but I believe
25 that the populations are based off of the census, and then

1 yes, mathematically adjusted to account for change for other
2 people that weren't specifically tested.

3 Q: Okay. And you don't know those exact calculations?

4 A: I learned the calculations when I was being trained in
5 STRMix, so I do know the mathematical equations.

6 Q: Okay. But you don't use them on the day to day basis,
7 the computer program does that for you?

8 A: Correct. I usually don't calculate them myself.

9 Q: Okay. Thank you.

10 **THE COURT:** Anything further?

11 **MS. FARMER:** No, Your Honor.

12 **THE COURT:** All right.

13 **MS. FARMER:** If she could be released?

14 **THE COURT:** All right. Thank you. You're free to go,
15 you have a nice day.

16 **MS. GOODMAN:** Thank you.

17 **MR. DEBUSK:** May we approach briefly, Your Honor?

18 **THE COURT:** Yes, sir.

19 **REPORTER'S NOTE:** (Whereby bench conference was held)

20 **THE COURT:** All right. Ladies and gentlemen of the jury,
21 I understand the next witness is going to be a bit lengthy so
22 I'm going to give you at least a ten minute break. When we're
23 ready for you we'll send for you, okay. So y'all can be
24 excused at this time.

25 **REPORTER'S NOTE:** (Jury exits courtroom at 10:41a.m.)

1 **THE COURT:** All right. We're in recess. We'll try to
2 get back started about 10:55.

3 **MR. DEBUSK:** Yes, Your Honor.

4 **THE COURT:** Okay. All right. We're in recess.

5 **(COURT IS IN RECESS)**

6 **REPORTER'S NOTE:** (Jury enters courtroom at 11:01a.m.)

7 **THE COURT:** All right. Court will come to order. We
8 have the jury back in the courtroom.

9 Mr. DeBusk, are you ready to go forward?

10 **MR. DEBUSK:** Your Honor, the state recalls Detective Sean
11 Wydra.

12 **THE CLERK:** Please raise your right hand, place your left
13 hand on the Bible.

14 **SEAN WYDRA, HAVING BEEN DULY SWORN TESTIFIES**

15 **AS FOLLOWS:**

16 **THE CLERK:** State your name and spell your last name for
17 the Court.

18 **DETECTIVE WYDRA:** Sean Wydra, W-Y-D-R-A.

19 **DIRECT EXAMINATION OF DETECTIVE WYDRA BY MR. DEBUSK:**

20 Q: Detective Wydra, it's been a minute since you testified
21 before so I'm going to ask you some rerun questions here.

22 A: All right.

23 Q: Who is your employer?

24 A: The Horry County Police Department.

25 Q: And how long have you been at the Horry County Police?

1 A: I've been with the Horry County Police Department for
2 approximately 11 years.

3 Q: And did you have any law enforcement experience before
4 that?

5 A: I did. I worked for a law enforcement agency prior to
6 that, Georgetown County. I worked there for a little over
7 three years.

8 Q: Back in 2019 you were lead investigator in this case,
9 right?

10 A: Yes.

11 Q: And you responded to the area of the Dunkin Donuts on
12 Highway 17 Bypass in the Surfside area?

13 A: Yes.

14 Q: Okay. I hate to ask you the obvious, but what county is
15 it in?

16 A: Horry County.

17 Q: Okay. How did you hear about the case?

18 A: So I actually heard the call come out on the radio. I
19 happened to be down in that area and responded to it. I
20 actually responded before it was assigned to me.

21 Q: Okay. But you were in the area?

22 A: That's how it works sometimes, yes.

23 Q: Did you check Dunkin Donuts for security cameras when you
24 arrived?

25 A: I did.

1 Q: And did they have a security system?

2 A: They do.

3 Q: Were you familiar with the security videos that are
4 already in evidence as state's exhibit 28?

5 A: Yes.

6 Q: Were there other angles other than those three that are
7 on that tape?

8 A: Yes.

9 Q: Were you able to record those in any way?

10 A: So I do capture some angles with my body worn camera that
11 I had.

12 Q: So you actually got the files from the three angles and
13 you recorded the others with your body camera?

14 A: Yes, that's correct.

15 Q: Let me show you what's been marked as state's exhibit
16 number 1 and ask do you recognize this?

17 A: Those are the videos from Dunkin Donuts that I recorded
18 with my body worn camera.

19 Q: Okay. Were those of the events at Dunkin -- how long has
20 it been since you actually reviewed them?

21 A: That I viewed them or recorded them?

22 Q: Recorded them?

23 A: I want to say they were recorded -- it wasn't the day of
24 the incident, it was after the incident. I don't recall the
25 exact day.

1 Q: Did you confirm that it was the same incident?

2 A: Yes, absolutely.

3 Q: And the same times on the system?

4 A: Yes.

5 **MR. DEBUSK:** I move state's 1 into evidence at this time.

6 **MR. PINKERTON:** No objection, Your Honor.

7 **THE COURT:** All right. Without objection that will be
8 state's number 1.

9 **MR. DEBUSK:** Yes, Your Honor.

10 **(STATE'S EXHIBIT NUMBER ONE**
11 **IS ADMITTED INTO EVIDENCE)**

12 **THE COURT:** All right.

13 **MR. DEBUSK:** I'd like to publish it to the jury if that's
14 all right, Your Honor.

15 **THE COURT:** Yes, sir.

16 **REPORTER'S NOTE:** (Whereby state's exhibit number 1 is
17 published to the jury)

18 **BY MR. DEBUSK:**

19 Q: Detective Wydra, what is a body worn camera?

20 A: So we wear a camera on our chest and it records
21 everything we do basically. We have to turn it on and off.
22 Generally any time we interact with the public for the most
23 part we wear it. Body worn camera it basically captures from
24 my prospective what I'm seeing because we wear it on our chest
25 here.

1 Q: And was it a convenient way to tape off of the monitor?

2 A: So, yeah, it a convenient way to record video. In this
3 instance when I initially responded we weren't able to access
4 the surveillance video recorded immediately, we weren't able
5 to record it. Sometime you need like a manager or different
6 things or somebody that has more technological, I guess,
7 experience with that system as far as the employees go. So at
8 that point in time, you know, sometimes it's easier just to
9 capture some of the video with a body worn camera just so that
10 way you have it and it's deleted, and then go back and collect
11 the surveillance video when you're able.

12 Q: And you were later able to collect it?

13 A: Yes. We collected the surveillance video, but again,
14 it's just sometimes it's best to record what you can as soon
15 as you can just so that way you have the evidence.

16 Q: And you got more angles with the body camera than you got
17 ---

18 A: Yes. On top of that, there was further angles on the
19 camera that weren't on the disk that were provided, so we
20 actually captured those as well.

21 Q: Now is this the suspect approaching here?

22 A: Yes.

23 Q: Now is this the basis of the information you used to
24 determine where the dog track would start?

25 A: Yes. As well as the statements from the employees and

1 stuff that day is where the dog team determined.

2 Q: And you also got the suspects description, a clothing
3 description from this? We'll talk more about that in a
4 minute.

5 A: Okay.

6 Q: So again, you developed a description and a clothing
7 description. Do you relay that back to the other officers?

8 A: Yes. So the description, anytime you respond to a
9 robbery you want to (inaudible) one of the first things that
10 you try to do is get a description of the suspect and relay
11 that to the other officers so that way they can be on the
12 lookout for that person.

13 Q: I'm showing you state's 12, 13, 14 and 15 and ask do you
14 recognize these?

15 A: These are photographs taken on the surveillance video of
16 the footage itself.

17 Q: Are those stills a fair and accurate representation of
18 what's on the video?

19 A: Yes, they are.

20 Q: They show the clothing of the suspect?

21 A: Yes.

22 **MR. DEBUSK:** State moves 12, 13, 14 and 15 into evidence
23 at this time, Your Honor.

24 **MR. PINKERTON:** No objection, Your Honor.

25 **THE COURT:** All right. Without objection that's 12, 13,

1 14 and 15. So ordered.

2 (STATE'S EXHIBIT NUMBERS TWELVE, THIRTEEN, FOURTEEN, AND
3 FIFTEEN ARE ADMITTED INTO EVIDENCE)

4 BY MR. DEBUSK:

5 Q: So here you got a good look at the clothing and you
6 testified earlier about being on the dog tracking.

7 A: Yes.

8 Q: And locating some clothing where they crossed the ditch?

9 A: Yes.

10 Q: Did that clothing fit the description of what was seen on
11 the video?

12 A: Yes. So the clothing that we found in the ditch was
13 consistent with what you can see worn by the suspect, a blue
14 sweatshirt, a brownish/greenish bandana, and then also a black
15 winter style hat.

16 Q: Here this one ---

17 A: You can also see the gray sweatpants that we found in the
18 port-o-john.

19 Q: And here instead of seeing the face you see something
20 black which would suggest he's wearing a hat; is that correct?

21 A: Yes, sir. And you can also see on the video in the
22 picture underneath the blue sweatshirt there appears to be a
23 teal or bluish color shirt under that, that's protruding from
24 underneath the sweatshirt when he leans over the counter.

25 Q: Here's another view of that. You can see the t-shirt

1 underneath the ---

2 A: Yes, sir.

3 Q: Okay. And also there was a distinct pair of shoes; is
4 that correct?

5 A: Yeah.

6 Q: After you collected those clothes and put them into
7 evidence, the pants that you found at the port-o-john ---

8 A: Yes, sir.

9 Q: That you couldn't collect because they were covered in
10 others DNA. Were they completely soaked through?

11 A: No.

12 Q: Does that suggest anything to you?

13 A: I mean it appeared to not be there that long. They were
14 not completely wet. If they would have been there for an
15 extended period of time people would have continued to go to
16 the bathroom on top of them and they would have been soaked.

17 Q: Plus it would have soaked up ----

18 A: Yeah, and they were sitting on a pile of feces and urine
19 in the port-o-john.

20 Q: And I think you also testified that at one point you took
21 a DNA sample from the defendant and put that in evidence?

22 A: Yes.

23 Q: That would be state's exhibit 34.

24 A: Yes.

25 Q: You've already testified to that, correct?

1 A: Yes.

2 Q: Okay. And you took that directly from the defendant?

3 A: Excuse me, sir?

4 Q: You took that directly from the defendant?

5 A: Yes.

6 Q: Now, we also heard from a witness in the area who had

7 spoken to the suspect. Did you interview Mr. Savinski that

8 testified earlier?

9 A: Yes, that was Tyler Savinski.

10 Q: Mr. Savinski, I think Detective Marcus said that he had

11 spoken to him at his high school that very day.

12 A: Yeah.

13 Q: But did you talk to him later?

14 A: I did.

15 Q: At that point did you develop a suspect?

16 A: So we did develop a suspect, yes.

17 Q: And what was that based on, your investigation?

18 A: That would have been the suspect just based off of the

19 investigation.

20 Q: Okay. Who was that suspect?

21 A: Corey Busch.

22 Q: Did you create a photo lineup containing Corey Busch?

23 A: Yes.

24 Q: Or did you obtain a photo lineup?

25 A: Yes.

1 Q: How did you obtain the photo lineup?

2 A: So we send a request to SLED and SLED does the photo
3 lineup, I don't choose the photos in the photo lineup.

4 **MR. DEBUSK:** Court's indulgence one moment.

5 **BY MR. DEBUSK:**

6 Q: I'm showing you state's exhibits 9 and 10 and ask if you
7 recognize these?

8 A: Yes. So the first page is the photo lineup
9 identification form that we complete during the process of the
10 photo lineup, and the second page is the photo lineup where
11 Mr. Savinski selected picture number four which is Mr. Busch.

12 Q: Did you show that lineup to Mr. Savinski at your
13 department?

14 A: I showed him the photo lineup, yes.

15 Q: Where did you show him the photo lineup?

16 A: I don't recall exactly where it was, but I don't think it
17 was at the police department.

18 Q: But you did show it to him?

19 A: Yes.

20 Q: Okay. Did you warn him to be careful and that the
21 picture may or may not be in that lineup?

22 A: Yes. So there's a paragraph that we read.

23 Q: Can you read that to the jury?

24 A: I will. It says, "You will be asked to look at several
25 photographs. The fact that the photographs are shown to you

1 should not influence your judgment. You should not conclude
2 nor guess that the photographs contain a picture of the person
3 who committed the crime. You are not obliged to identify
4 anyone. It is just as important to free innocent persons from
5 suspicion as to identify guilty parties." This is a statement
6 that is put on every one of our photo lineups on the form that
7 we complete. The reason being obvious, we don't want anybody
8 to feel like they have to pick a person when they look at a
9 photo lineup. That's not something that we want them to do.

10 Q: Okay. And the purpose of a lineup is to put your suspect
11 in with other people that resemble them; is that correct?

12 A: That's correct.

13 Q: And those selections are made by SLED when they create
14 the lineup; is that correct?

15 A: That's correct.

16 Q: And this again is the lineup that Mr. Savinski viewed?

17 A: That's correct.

18 Q: And he viewed it on the 21st; is that correct?

19 A: I'll have to look at ---

20 Q: Are you referring to state's exhibit 9?

21 A: It was over three years ago, I just want to confirm.
22 Yes, that's correct.

23 Q: That's why you take notes, is it not, so you can remember
24 it later?

25 A: Yes. It's September 21st, 2019.

1 Q: And so he picked out the photo of Corey Busch.

2 A: That's correct.

3 Q: When SLED provided you the lineup, they tell you where
4 the suspect is in the lineup?

5 A: Yes.

6 Q: And that was Corey Busch's photo he picked?

7 A: Yes.

8 Q: Now, back to the dog track. After they tracked past the
9 port-o-john and they changed dogs, where did they track to?

10 A: It would have been in the area of building 2000 and 2020.

11 Q: So building 2000 and 2020 are those two buildings
12 adjacent to each other?

13 A: They are.

14 Q: Okay. And that's where they lost the track because
15 there's too much traffic?

16 A: Yes, that's correct. I was advised by the dog team that
17 they were able to track to those buildings, but they didn't
18 differentiate a unit. It was just too much traffic between
19 people and animals and other things.

20 Q: Where at that time did Mr. Busch live?

21 A: In building 2000 on Cross Gate Boulevard.

22 Q: Okay. After you had the identification of the lineup,
23 the clothing identification and all of that, did you get an
24 arrest warrant for Mr. Busch?

25 A: Yes. So once we got -- he was identified via the photo

1 lineup, I did obtain an arrest warrant for Mr. Busch and also
2 a search warrant for his apartment.

3 Q: Did you have anyone observe the apartment to see if
4 anyone came and went?

5 A: Yes. There were other detectives that went down there
6 and did surveillance.

7 Q: They kept an eye on the apartment basically. Okay. What
8 personnel served the search warrant and the arrest warrant?

9 A: So the initial entry into the apartment was done by our
10 SWAT team. Anytime we have a violent crime that may involve a
11 firearm, for the most part, there's kind of -- there's a
12 threat matrix we do and the SWAT team has to execute the
13 search warrant. It's just a safety thing.

14 Q: Let me show you state's exhibits 19 and 20 and ask do
15 you recognize these?

16 A: I do. That's the building.

17 Q: Building 2000?

18 A: Yes. Building 2000 on Cross Gate Boulevard.

19 Q: That's the building where his apartment was?

20 A: Yes, sir.

21 Q: Okay. Here's 21, do you recognize that?

22 A: That would be the common area right outside the door to
23 the unit.

24 Q: Is that the door to the apartment?

25 A: Yes, sir.

1 **MR. DEBUSK:** 19, 20 and 21 the state would like to enter
2 into evidence.

3 **MR. PINKERTON:** No objection, Your Honor.

4 **THE COURT:** All right. Without objection, so ordered.

5 **(STATE'S EXHIBIT NUMBERS NINETEEN, TWENTY, AND TWENTY-ONE**
6 **ARE ADMITTED INTO EVIDENCE)**

7 **BY MR. DEBUSK:**

8 Q: So this is the building that you served the search
9 warrant?

10 A: That's correct.

11 Q: Was Mr. Busch located in that apartment in that building?

12 A: Yes.

13 Q: That's a wider view of that same building?

14 A: That's correct.

15 Q: And this is the front door to the apartment?

16 A: That's correct.

17 Q: When you got into the apartment did you find a room that
18 had some indication to be Mr. Busch's room?

19 A: Yes, that's correct. So one of the bedrooms had
20 belongings that appeared to be his. There was a pawn shop
21 slip in there, some other paperwork and things like that.

22 Q: I'm showing you state's exhibit 22 and ask if you
23 recognize that.

24 A: That's an envelope that says South Carolina Department of
25 Motor Vehicles on it and it has Corey Tyler Busch's name on

1 it.

2 **MR. DEBUSK:** State's 22, I move state's 22 into evidence
3 at this time, Your Honor.

4 **MR. PINKERTON:** No objection, Your Honor.

5 **THE COURT:** No objection, so ordered.

6 **(STATE'S EXHIBIT NUMBER TWENTY-TWO**
7 **IS ADMITTED INTO EVIDENCE)**

8 **BY MR. DEBUSK:**

9 Q: So you had actual mail with Mr. Busch's name on it in one
10 of the rooms?

11 A: That's correct.

12 Q: Okay. Did you find any weapons in the apartment?

13 A: Yes.

14 Q: Let me show you what's been marked as state's exhibit 23
15 and ask if you recognize that.

16 A: That is a handgun that we photographed and it's inside a
17 box with a magazine.

18 Q: Okay. Was that handgun found in Mr. Busch's room?

19 A: It was not.

20 Q: Okay. But it was in the apartment?

21 A: It was in the apartment.

22 **MR. DEBUSK:** State's 23 moved into evidence, Your Honor.

23 **MR. PINKERTON:** No objection.

24 **THE COURT:** Without objection, so ordered.

25 **(STATE'S EXHIBIT NUMBER TWENTY-THREE**

1 **IS ADMITTED INTO EVIDENCE)**

2 **BY MR. DEBUSK:**

3 Q: Did you find any clothing with what was consistent with
4 what you had seen on the video?

5 A: Yes, we did.

6 Q: What did you find?

7 A: So in the washer and dryer area there was some clothing
8 that looked like it appeared to have been recently washed, and
9 it appeared to be consistent with the color of that shirt that
10 you see underneath his sweatshirt that's protruding out from
11 the sweatshirt on the video.

12 Q: Let me show you what's been marked as state's 24 and ask
13 do you recognize that.

14 A: That is the clothing.

15 Q: Okay. And you found that in the washer?

16 A: It was in, yes, inside just like you see in the
17 photograph there.

18 Q: And that washer is in the common area of that apartment?

19 A: That's correct.

20 **MR. DEBUSK:** The state moves 24 into evidence, Your
21 Honor.

22 **MR. PINKERTON:** No objection, Your Honor.

23 **THE COURT:** Without objection, so ordered.

24 **(STATE'S EXHIBIT NUMBER TWENTY-FOUR**

25 **IS ADMITTED INTO EVIDENCE)**

1 **BY MR. DEBUSK:**

2 Q: And that was the clothing in the washer.

3 A: That's correct.

4 Q: Now, we already have in evidence state's 25, already in
5 evidence; are these the same clothes you found in the washer?

6 A: Yes, that's correct.

7 Q: Okay.

8 A: And then also he had a paid of similar colored shorts
9 that was kind of similar to what our witness described.

10 Q: So you had both the video evidence and the witness
11 description of clothing this color?

12 A: Yes.

13 Q: Would you characterize that as an unusual color?

14 A: Yes.

15 Q: So he had a t-shirt and a pair of shorts?

16 A: Yes, especially worn together.

17 Q: All right. Did you find any footwear that was consistent
18 with the video?

19 A: There was a pair of shoes.

20 Q: I'll show you state's 26 and ask you do you recognize
21 that.

22 A: Yes, that's correct. A pair of brown like boat style
23 shoes, I guess is how you would describe them.

24 **MR. DEBUSK:** The state moves state's 26 into evidence,
25 Your Honor.

1 **MR. PINKERTON:** No objection, Your Honor.

2 **THE COURT:** Without objection, so ordered.

3 **(STATE'S EXHIBIT NUMBER TWENTY-SIX**

4 **IS ADMITTED INTO EVIDENCE)**

5 **BY MR. DEBUSK:**

6 Q: Those were the shoes that you found that were consistent
7 with what you saw on the video.

8 A: That's correct.

9 Q: So just to sort of summarize, during this search warrant
10 search initially you arrested Mr. Busch on the arrest warrant,
11 correct?

12 A: Yes.

13 Q: And you searched the apartment?

14 A: Yes.

15 Q: And you found clothing consistent with what was seen on
16 the video?

17 A: Yes.

18 Q: And you found a firearm, though it wasn't in his room, it
19 was in the apartment?

20 A: Yes.

21 Q: And you found some shoes that were similar?

22 A: Yes.

23 Q: Now, we heard testimony from Mr. Savinski that the
24 defendant had a phone when he spoke to him.

25 A: That's correct.

1 Q: Did you find a phone at the time of his arrest?

2 A: Yes.

3 Q: What kind of phone?

4 A: iPhone.

5 Q: Did you obtain records for the iPhone?

6 A: I did.

7 Q: Did you look at the contents of that phone?

8 A: I did.

9 Q: Were there indications it was Mr. Busch's iPhone?

10 A: The phone appeared to be Mr. Busch's phone.

11 Q: Were there pictures of him on the phone?

12 A: Yes.

13 Q: And did you -- when you get the records, do those records

14 include information that can allow you to plot approximate

15 locations of the cellphone when it's used?

16 A: That's correct.

17 Q: Let me go back, I didn't ask you this. Do you have some

18 training in the area of plotting cell phone locations with

19 record data?

20 A: I do.

21 Q: Okay. Can you explain the training you've had on that?

22 A: So I went to a class put on CellHawk which was a five day

23 class.

24 Q: What is CellHawk?

25 A: CellHawk is a company that they design a program, I'd say

1 it's basically like a graphic interface that allows us to put
2 records into the program and it maps them out for us in a way
3 that you can look at it digitally.

4 Q: Now, with the information you have on the cell phone
5 records, could you do that by hand?

6 A: Yes.

7 Q: CellHawk is just kind of a way to do it on the computer?

8 A: That's correct, and it makes it -- it puts it in a format
9 where it's very easy to look at.

10 Q: Okay. So you have that training with CellHawk. Did you
11 have continuing training of experience in the area of plotting
12 cell phone locations?

13 A: Yes. So after I went to the class, you know, I continued
14 to use that in my experience and my work, so I've probably
15 done somewhere between 25 and 30 of those for different cases
16 throughout the years.

17 Q: Have you testified before on a case before?

18 A: I have.

19 Q: Okay. So you have testified about locations derived from
20 cell phone records?

21 A: That's correct.

22 **MR. DEBUSK:** Your Honor, at this time we'd move to have
23 Detective Wydra qualified as an expert just in the area of
24 plotting the location of cell phones from cell phone records.

25 **THE COURT:** Plotting location.

1 **MR. DEBUSK:** Plotting location of cell phone usage from
2 cell phone records, a very narrow area, Your Honor.

3 **THE COURT:** All right.

4 **MR. PINKERTON:** No objection, Your Honor.

5 **THE COURT:** Without objection, so ordered.

6 **BY MR. DEBUSK:**

7 Q: So did you in fact obtain the records for the phone?

8 A: I did.

9 Q: I'll show you what's been marked as -- it's actually in
10 evidence as state's 16, I'll ask you if you recognize that.

11 A: A disk containing the cell phone records that I
12 initialed.

13 Q: Are those the records you used in your analysis?

14 A: That's correct, some of them. I didn't use all of them.

15 Q: That's the entire set.

16 A: Yes.

17 Q: Based on the user information, who is that phone
18 registered to?

19 A: There is subscriber information on that.

20 Q: Who is the subscriber?

21 A: Corey Busch.

22 Q: Okay. Now, let me show you what's been marked as state's
23 exhibit 18 and ask if you recognize this.

24 A: That's correct. That's a portion of the cell phone
25 record -- of a cell phone record from Mr. Busch.

1 Q: Is that something that would have been on this disk?

2 A: That's correct.

3 Q: That's just one portion printed out?

4 A: That's one record, yes.

5 Q: Okay. Is that the portion that you used to plot the cell
6 phone location?

7 A: I did, yes.

8 **MR. DEBUSK:** Your Honor, this is state's 18, I move that
9 into evidence.

10 **MR. PINKERTON:** No objection, Your Honor.

11 **THE COURT:** Without objection, so ordered.

12 **(STATE'S EXHIBIT NUMBER EIGHTEEN**
13 **IS ADMITTED INTO EVIDENCE)**

14 **BY MR. DEBUSK:**

15 Q: Let me ask you on state's 18 there's one line that's
16 highlighted.

17 A: That's correct.

18 Q: What is that line?

19 A: So that is the record that -- that is the record which
20 contains what we would refer to as engineering data from
21 Verizon Wireless for his usage. So anytime you use your cell
22 phone, when I say use your cell phone, make a phone call, send
23 a text message, operate through a data session, Facebook,
24 Snapchat, whatever you're doing on the internet, your cell
25 phone provider is going to keep a record of that. It's also

1 going to have a record of the date, time, what type of usage,
2 outgoing/incoming phone calls, also what cell phone tower
3 you're using, what sector of that cell phone tower you're
4 using, the direction of the signal. So what that does is it
5 gives us an idea of the direction of the signal and what cell
6 phone tower your cell phone was using at that time. The
7 addition here of what we call engineering data, Verizon and
8 any other phone company, they will keep track of how long that
9 signal takes to travel from your phone to the cell phone tower
10 and back to your phone. And what that gives them is an
11 estimated distance of how far your phone is from that cell
12 phone tower. They keep these records in the normal course of
13 business. They do this because they want to be able to bill
14 you. They want to know if their network is working, it's
15 operating like it should. They want you as a customer to be
16 able to seamlessly use your cell phone whether you're driving
17 around, walking around, or sitting at your house they want
18 your cell phone to work. So if it's not working they want to
19 figure out why.

20 Q: Now, do you know what time of day the robbery at Dunkin
21 Donuts happened on September 18th?

22 A: The 911 call came in and I believe it 06:59.

23 Q: And when you looked at the video, did you happen to see
24 them calling 911 on the video?

25 A: At some point, yes.

1 Q: And it was directly after the robbery?

2 A: Yes.

3 Q: So in the minutes before 6:59 did you find any usage of
4 the cell phone close in time to that?

5 A: Yeah. So the highlighted section on this chart that
6 we're discussing was -- the phone was used at 06:52 and it
7 appeared to be a data session.

8 Q: As a data session what possibly would that entail?

9 A: You could be on the internet, social media, you could
10 have an app that's on your phone, it could be many different
11 things.

12 Q: But for some reason the phone communicated with the tower
13 at that particular time, 6:52?

14 A: That's correct.

15 Q: Were you able to get an approximate location based on
16 that information?

17 A: That is correct.

18 Q: Does the tower give you an exact compass to where the
19 phone is being used?

20 A: It does not.

21 Q: What does it give you?

22 A: So for most information from a cell phone company what
23 you're going to get is the cell phone tower that was used and
24 the sector of the cell phone tower that was used which
25 provides us a direction of travel for the signal. It does not

1 give us like a GPS coordinate or an exact location of where
2 that phone is. Essentially it gives us the ability to tell
3 where -- what general area a phone is in based off of what
4 cell phone tower it is using and the direction of the signal
5 from your phone. Your phone is -- it operates off of radio
6 waves so that signal travels from the phone to the tower and
7 back to the phone.

8 Q: So you've got sort of a range of direction?

9 A: That's correct.

10 Q: And you've got an approximation of the distance from the
11 return time?

12 A: If we have what I referred to as engineering data.

13 Q: Did you have that in this case?

14 A: In this specific usage of the phone, we did have it.

15 Yes, that is correct.

16 Q: So for that 6:52 call were you able to plot an
17 approximate line of location for the phone?

18 A: Yes.

19 Q: I'm going to show you what's been marked as state's
20 exhibit 27 and ask if you recognize that?

21 A: This is a snip from CellHawk and the record that were put
22 into CellHawk from Mr. Busch's records and that includes the
23 record that we're discussing.

24 Q: Okay. What -- well first let me do this.

25 **MR. DEBUSK:** State's 27.

1 **MR. PINKERTON:** No objection, Your Honor.

2 **THE COURT:** Without objection, so ordered.

3 **(STATE'S EXHIBIT NUMBER TWENTY-SEVEN**
4 **IS ADMITTED INTO EVIDENCE)**

5 **MR. DEBUSK:** Thank you.

6 **BY MR. DEBUSK:**

7 Q: I don't know exactly how to describe it except they use
8 an orange pie piece on the plot. What does that represent?

9 A: What's that?

10 Q: What does that represent?

11 A: So the pie piece on this picture just represents the
12 direction of the signal. It does not represent an estimated
13 area of coverage, meaning it does not estimate how far that
14 cell phone tower is as far -- that cell phone tower covers as
15 far as an area. It just shows us the direction the signal was
16 traveling.

17 **MR. DEBUSK:** If I may just show it to the jury.

18 **BY MR. DEBUSK:**

19 Q: This area here, that's basically a range of direction
20 somewhere in that area?

21 A: It just gives you the direction of the signal and that's
22 it. The shaded area that you see there is not meant to
23 represent an area of coverage or anything like that.

24 Q: Now, this is just the direction?

25 A: That is the direction of the signal.

1 Q: So if you take that as me and my arms as the -- that cell
2 phone came from somewhere between my arms, that direction?

3 A: That direction, that's correct.

4 Q: Okay. Now, you also said you had return time. How did
5 you plot that ---

6 A: Excuse me?

7 **MR. DEBUSK:** Your Honor, may he step down just so he can
8 ---

9 **THE COURT:** Yes, sir.

10 **BY MR. DEBUSK:**

11 Q: You said you had the return time data?

12 A: So what Verizon gives you is they'll give you, again, the
13 estimated distance that the cell phone is from the cell phone
14 tower. So the base of this is where the cell phone tower is
15 located. This line that you see here is how far they estimate
16 the phone is from the cell phone tower on this line right
17 here.

18 Q: So somewhere in that range that approximate distance is
19 the estimate of where the phone would have been?

20 A: So the reason they give the line from here to here is
21 because the cell phone utilizes a certain sector within the
22 tower. Cell phone towers are generally split up into three
23 sectors. Inside of those sectors they have antennas that send
24 and receive your signal. So what you have here is the cell
25 phone company can tell us that it used this sector of the cell

1 phone tower based off of that information. So I can't tell
2 you, based off of this, I can't give you an exact GPS
3 coordinate or anything like that as to where the cell phone
4 is, but what I can tell you is Verizon is giving us their
5 best estimate that the cell phone operated within that sector
6 and that sector spans that entire line and this line is how
7 far from the cell phone tower the cell phone approximately is.
8 Q: So you have the tower and you have some cell phone usage
9 within the sector covered by that sector?
10 A: That is correct.
11 Q: Somewhere in there at a certain distance in that line
12 represents that direction and that distance?
13 A: The distance from the cell phone tower that the cell
14 phone is when it's being used at that time.
15 Q: Is there an error bar basically on that distance?
16 A: There is?
17 Q: What is it plus or minus?
18 A: So plus or minus approximately 250 meters is generally
19 what they say.
20 Q: But the sector gives the best estimate and (inaudible).
21 A: This is based off of their engineering, that is the
22 information that they provided.
23 Q: Where is Dunkin Donuts relative to that line of distance?
24 A: That is Dunkin Donuts right there at the red dot.
25 Q: So it's within the sector coverage of the receiver that

1 received that data?

2 A: It's within the sector that would be -- it's within the
3 same sector that that cell phone tower would use in that area.

4 Q: And the distance from the tower to where the cell phone
5 was when it used the data at 6:52a.m., that's that line and
6 Dunkin Donuts is on that?

7 A: Dunkin Donuts is at or near that line.

8 Q: Now, based on your analysis of this data from the Verizon
9 records consistent of the phone being used at Dunkin Donuts at
10 6:52a.m. on September 18th, 2019?

11 A: That is correct.

12 Q: Thank you.

13 A: You're welcome.

14 Q: Now, I'll go back to this. Did, based on your
15 examination of the records, did the cell phone Mr. Busch's --
16 that was registered to Mr. Busch continue to use within that
17 sector after the time of the robbery?

18 A: That's correct.

19 Q: And is his apartment actually within the area of that
20 coverage?

21 A: It is. That is correct. His apartment is the blue dot
22 that you see right here.

23 Q: It's actually labeled on there; is it not?

24 A: Yes.

25 Q: Okay. Is that outside of the 250 meter error margin?

1 A: That is correct.

2 Q: When was the first time that the cell phone usage for Mr.
3 Busch moved outside of that sector?

4 A: I'd have to refer back to my notes for that.

5 Q: Okay.

6 A: It looks like approximately 09:59 hours that morning.

7 Q: At 9:59a.m.

8 A: Yeah.

9 Q: Okay. So from at least 6:52a.m. when that data usage
10 occurred and about 9, 10 o'clock his phone was hitting in that
11 sector that covers both Dunkin Donuts and his apartment?

12 A: That was -- 9:59 was the first time the phone changed to
13 a different cell phone tower.

14 Q: But prior to that it was the same sector.

15 A: That's correct.

16 Q: And at 6:52a.m. the data is consistent with the phone
17 being in the area of Dunkin Donuts?

18 A: That's correct.

19 Q: And again, the robbery was called in at 6:59a.m.

20 A: That's correct.

21 Q: Thank you. Please answer any questions defense may have.

22 **CROSS EXAMINATION OF DETECTIVE WYDRA BY MR. PINKERTON:**

23 Q: Thank you, sir. If I could go back to Mr. Savinski when
24 you interviewed him.

25 A: Yes, sir.

1 Q: He never told you he was a witness to the robbery,
2 correct?

3 A: No.

4 Q: Okay. He just saw someone appearing to be my client at
5 the bus stop.

6 A: He encountered him at the bus stop.

7 Q: Okay. And that would be in the cell phone coverage that
8 Verizon provides within the sector, correct?

9 A: That would be within the same sector as that -- of that
10 same cell phone tower of the bus stop; that is correct. The
11 bus stop was in between the area of the Dunkin Donuts and Mr.
12 Busch's apartment. I don't know if it was exactly the middle
13 or how far each way, but it would have been on the way if you
14 were to travel from the Dunkin Donuts to Mr. Busch's apartment
15 it would have been on the way there.

16 Q: So Mr. Savinski encountered my client at the bus stop
17 within that sector about the same time. It's possible that my
18 client could have been at the bus stop and not at the Dunkin
19 Donuts at the time, correct?

20 A: It would depend on whether or not the bus stop was
21 within, you know, that 250 meter margin of error.

22 Q: And that's a margin of error, that's not exact science,
23 correct?

24 A: It is a margin of error, that's correct.

25 Q: Now, leading up to the search on the apartment Mr. Busch

1 lived at, how many officers were there?

2 A: I couldn't tell you exactly how many officers were there.

3 Q: Okay. You were there, correct?

4 A: I was there.

5 Q: And you said you found a firearm in the apartment?

6 A: We did find a firearm in the apartment.

7 Q: Okay. But it was not in Mr. Busch's room, correct?

8 A: It was not in Mr. Busch's bedroom, no.

9 Q: Okay. And when you reviewed the body cam video, your

10 body cam video from when you viewed the surveillance at

11 Dunkin, did you ever see a firearm on video?

12 A: No. The only thing that you can see is the hand

13 outstretched in a motion that would appear to be somebody

14 pointing something similar to a firearm.

15 Q: But it was a hand outstretched, correct?

16 A: I couldn't tell you what was under the sleeve. The

17 sleeve was extended. I don't know whether or not there was an

18 object under the sleeve or not.

19 Q: Did you seize that firearm as part of the investigation?

20 A: Excuse me?

21 Q: Did you seize the firearm from the apartment?

22 A: No. We photographed the firearm.

23 Q: Why did you not seize the firearm?

24 A: Because it did not belong to Mr. Busch.

25 Q: Okay. So the firearm did not belong to Mr. Busch?

1 A: It did not.

2 Q: Okay. And you saw no firearm on video, correct?

3 A: That is correct.

4 Q: Okay. How many people were living in the apartment at
5 the time?

6 A: I believe it was Mr. Busch and his roommate and there was
7 a female there as well that was his sister. I don't know
8 whether she resided there or not.

9 Q: Now, back to the cell phone data we just went over.

10 A: Yes, sir.

11 Q: Mr. Busch's apartment would have been in that sector
12 Verizon provided you, correct?

13 A: That is correct.

14 Q: And as you stated earlier, there is a margin of error so
15 in theory he could have been in his apartment and the cell
16 phone could have been hitting off of that sector of that
17 tower; is that correct?

18 A: So that would be incorrect. His apartment was, I want to
19 say it was either 3 or 4,000 meters from the cell phone tower
20 approximately and that would have been way outside of that.

21 Q: Okay. But he still would have been pinging in that
22 sector, not in the actual zone of coverage, correct, or in
23 that ---

24 A: So his apartment, if he was to use the phone in his
25 apartment it is possible that his phone would utilize the same

1 cell phone tower and the same sector as he would use if he was
2 at Dunkin Donuts. That is possible.

3 **MR. PINKERTON:** Court's indulgence.

4 **BY MR. PINKERTON:**

5 Q: Thank you. Just one more question, sir.

6 A: Yes, sir.

7 Q: So for the zone of error, you said about 250 meters?

8 A: Approximately 250 meters.

9 Q: And that can go both ways, correct?

10 A: All they give you is approximately 250 meters.

11 Q: Okay. So let's say we have a point, it can be 250 meters
12 of each point or each side?

13 A: I can't say. I can't say whether it would be or not.

14 It's a 250 meter margin of error.

15 Q: So it could be roughly about five football fields?

16 A: I don't know how far that is off the top of my head, so I
17 can't tell you.

18 Q: Thank you.

19 **MR. PINKERTON:** No further questions, Your Honor.

20 **THE COURT:** Mr. DeBusk.

21 **MR. DEBUSK:** Thank you, Your Honor.

22 **REDIRECT EXAMINATION OF DETECTIVE WYDRA BY MR. DEBUSK:**

23 Q: Now, he asked you about Mr. Savinski and encountering him
24 at the bus stop. It was more than just encountering him at
25 the bus stop that happened. He also described similar

1 clothing to what is seen on the video and was found in his
2 apartment.

3 A: That is correct.

4 Q: He also had loose bills of cash very similar to what was
5 taken?

6 A: That is correct.

7 Q: And also wasn't that bus stop right along the dog track
8 that started at Dunkin Donuts, went by the port-o-john, went
9 by the bus stop, and back to the apartments.

10 A: That is correct. So the bus stop is not far from the
11 port-o-john. So the dog tracked right through that same area.

12 Q: So it was more than just a random encounter?

13 A: That is correct. The defendant gave the witness some
14 money. He encountered him along the same area that the dog
15 tracked to which was also where we recovered some of the
16 clothing from the port-o-john, as well as the defendant had on
17 -- the description of clothing that was provided was similar
18 to what you could see was under his sweatshirt in the
19 surveillance video and also similar to the clothing that we
20 recovered inside of his apartment.

21 Q: And finally, for the 6:52a.m. data usage that you
22 plotted, his apartment was outside of the margin of error?

23 A: Far outside of the margin of error. It's far outside of
24 the margin of error.

25 Q: Thank you.

1 **MR. PINKERTON:** Your Honor, I just have one question,
2 Your Honor.

3 **THE COURT:** Yes, sir.

4 **RECROSS EXAMINATION OF DETECTIVE WYDRA BY MR. PINKERTON:**

5 Q: Now, as lead detective on this case would you have
6 prepared a 10-year driving record for the solicitor's office?

7 A: A 10-year driving record?

8 Q: Would you have pulled his driving record from DMV?

9 A: It depends.

10 Q: Did you in this case?

11 A: I don't recall if I did or not.

12 Q: You don't recall if you did.

13 **MR. PINKERTON:** Court's indulgence.

14 **MR. DEBUSK:** Your Honor, he has a document of the 10-year
15 driving record that was provided by us. I don't know if
16 Detective Wydra can or not, but I would stipulate to it.

17 **THE COURT:** All right, sir.

18 **BY MR. PINKERTON:**

19 Q: And I assume this driving record has information of their
20 driver's license, correct?

21 A: Yes, that's correct.

22 Q: Okay. Including things such as eye color?

23 A: That's correct.

24 Q: Do you remember what color eyes were on his driver's
25 license?

1 **MR. DEBUSK:** Your Honor, I believe this is beyond the
2 scope of redirect.

3 **MR. PINKERTON:** Your Honor, withdrawn.

4 **THE COURT:** All right, sir.

5 Anything else?

6 **MR. DEBUSK:** No.

7 **THE COURT:** All right, sir. Thank you for your
8 testimony.

9 **MR. DEBUSK:** May we approach?

10 **THE COURT:** Yes, sir.

11 **REPORTER'S NOTE:** (Whereby bench conference was held.)

12 **THE COURT:** All right. Ladies and gentlemen of the jury,
13 the state informs me that they do have an additional witness.
14 That witness is not available until the morning, so at this
15 time what we're going to do is we're going to stop for the
16 day. We will resume at 9:30 in the morning when the state
17 will conclude their case and then we'll go from there, okay.
18 I do anticipate this matter being resolved tomorrow just for
19 your planning purposes, okay. All right.

20 If there is nothing further, we will be in recess. You
21 can't talk about the case, can't discuss it, same rules apply,
22 okay. Thank you. Y'all have a good afternoon.

23 **REPORTER'S NOTE:** (Jury exits courtroom at 11:50a.m.)

24 **THE COURT:** All right. Anything further?

25 **MR. DEBUSK:** Nothing from the state, Your Honor.

1 **MR. PINKERTON:** Nothing from the defense, Your Honor.

2 **THE COURT:** Okay. 9:30?

3 **MR. DEBUSK:** Yes, Your Honor.

4 **THE COURT:** Okay. Your witness for tomorrow is?

5 **MR. DEBUSK:** Sir?

6 **THE COURT:** Who is the witness for tomorrow?

7 **MR. DEBUSK:** Heather Vanderbush. She had a family
8 emergency or she would have been first.

9 **THE COURT:** Heather Vanderbush.

10 **MR. DEBUSK:** Yes, Your Honor.

11 **THE COURT:** Okay. And that will be your last witness?

12 **MR. DEBUSK:** Yes, Your Honor.

13 **THE COURT:** Okay. All right. In that event we'll resume
14 at 9:30 in the morning.

15 **MR. DEBUSK:** Thank you, Your Honor.

16 **THE COURT:** All right. If y'all would also be putting
17 together your charges that you want the Court to consider.
18 We'll discuss those tomorrow as well.

19 **(COURT IS IN RECESS)**

20 **THE COURT:** Okay. Court will come to order. Back on the
21 record in State v Corey Busch. We had some pretrial
22 discussions on the jury charges and just for the records sake
23 during the break we'll have those available to counsel to
24 review to be sure that we're all on the same page and that
25 everybody's concerns have been addressed. All right.

1 Are we ready for our jury?

2 **MR. DEBUSK:** I believe so, Your Honor.

3 **THE COURT:** Okay. We're ready.

4 **REPORTER'S NOTE:** (Jury enters courtroom at 9:57a.m.)

5 **THE COURT:** All right. Court will come to order. Good
6 morning, ladies and gentlemen of the jury, we had some matters
7 to take up outside of your presence so I'm sorry for any
8 delays. I believe the state is ready to proceed. Before we
9 get started, nobody has had any conversations with anyone
10 regarding this case? All right.

11 Solicitor.

12 **MS. FARMER:** Yes, Your Honor. The state would call
13 Heather Vanderbush.

14 **THE CLERK:** Please raise your right hand and place your
15 left hand on the Bible.

16 **HEATHER VANDERBUSH, HAVING BEEN DULY SWORN TESTIFIES**
17 **AS FOLLOWS:**

18 **THE COURT:** State your name and spell your last name for
19 the Court.

20 **MS. VANDERBUSH:** Heather Vanderbush, V-A-N-D-E-R-B-U-S-H.

21 **THE COURT:** Your witness.

22 **DIRECT EXAMINATION OF MS. VANDERBUSH BY MS. FARMER:**

23 Q: Hi, Ms. Vanderbush. Are you currently employed?

24 A: No, ma'am.

25 Q: Were you employed back in September of 2019?

1 A: Yes, ma'am.

2 Q: Where were you working then?

3 A: Dunkin Donuts.

4 Q: And which store did you work at?

5 A: The one in Surfside.

6 Q: Let me show you what's been marked and entered into

7 evidence as state's exhibit 2. Do you recognize that?

8 A: Yes, ma'am.

9 Q: Is that the Dunkin Donuts that you worked at?

10 A: Yes, ma'am.

11 Q: And you said that was in Surfside?

12 A: Yes, ma'am.

13 Q: What county is that in?

14 A: Horry.

15 Q: And were you working on September 18th of 2019?

16 A: Yes, ma'am.

17 Q: What time would you typically arrive to work on a day

18 like that?

19 A: Like 4:30, 5 to get everything ready to go.

20 Q: And what time would the store usually open?

21 A: By 6.

22 Q: What time would things usually start getting busy?

23 A: Probably around 8:30, 9 o'clock.

24 Q: So how about on that particular day, September 18th; was

25 that a busy morning?

1 A: It was not. No, ma'am.

2 Q: And did anything unusual happen that morning?

3 A: Yes, ma'am.

4 Q: What happened?

5 A: A guy came in wearing a hoodie. It looked like he had a

6 gun and he was like give me all of your money.

7 Q: Do you remember what time of day he came to the store?

8 A: About 7, 7:30, I know it was daylight.

9 Q: Early morning?

10 A: Yes, ma'am.

11 Q: And did you see him coming before he entered?

12 A: No, ma'am.

13 Q: Do you remember how -- what he was wearing?

14 A: He had blue jeans, a sweatshirt, he had his hoodie pulled

15 up.

16 Q: And were you able to see his face?

17 A: I could see his eyes.

18 Q: Did you get a decent look at his eyes?

19 A: Yes, ma'am.

20 Q: About how far was he from you when this occurred?

21 A: Maybe two or three feet, if that.

22 Q: And what did his eyes look like?

23 A: They were really glassy and just dark, just dark.

24 Q: Just a moment. I'm going to show you a video. So you

25 would say he had dark eyes?

1 A: Yes, ma'am.

2 Q: You don't remember the color though, do you?

3 A: No, ma'am.

4 Q: Okay. And when he came inside the store and walked up to
5 the register, what did he do?

6 A: He was like give me all of your money. (Inaudible) He
7 was crying because his kid had cancer.

8 Q: Give me one moment and we're going to get this so I can
9 show you a video.

10 A: Okay.

11 Q: Ms. Vanderbush, I'm going to show you what's been marked
12 and entered into evidence, this is state's exhibit 28. Are
13 you able to see the screen from here?

14 A: Yes, ma'am.

15 **REPORTER'S NOTE:** (Whereby state's exhibit 28 is played.)

16 **BY MS. FARMER:**

17 Q: Ms. Vanderbush, is this the parking lot of the Dunkin
18 Donuts?

19 A: Yes, ma'am.

20 Q: Have you seen video before from Dunkin?

21 A: Yes, ma'am.

22 Q: So this would be the back area?

23 A: Yes, ma'am.

24 Q: Is that the suspect walking through?

25 A: Yes, ma'am.

1 Q: And is this video from inside the Dunkin Donuts?

2 A: Yes, ma'am.

3 Q: Ms. Vanderbush, is that the suspect who came in?

4 A: Yes, ma'am.

5 Q: And who is that?

6 A: Me.

7 Q: This is the person who robbed you?

8 A: Yes, ma'am.

9 Q: So at this point you said you could see his eyes?

10 A: Yes, ma'am.

11 Q: What did you just hand him?

12 A: Money.

13 Q: And is that you in this video?

14 A: Yes, ma'am.

15 Q: Where are you going at this point?

16 A: To the drive thru.

17 Q: To the register at the drive thru?

18 A: Yes, ma'am.

19 Q: And what are you handing him here?

20 A: Money.

21 Q: And when the suspect came in, did you see his hands?

22 A: Yes, ma'am.

23 Q: Did he have anything in his hands?

24 A: He had what looked like to be a gun.

25 Q: Did you think that he was armed?

1 A: Yes, ma'am.

2 Q: What made you think that?

3 A: Because he said give me your money or I'll shoot you.

4 Q: Did he ask for anything?

5 A: The money.

6 Q: And how many registers were open that day?

7 A: Two.

8 Q: And where were those registers?

9 A: The front lobby and the drive thru.

10 Q: Who was running the window register?

11 A: Brittany.

12 Q: And what did you do after he demanded the money?

13 A: I went and opened the register and gave it to him.

14 Q: How do you open the register in such a situation?

15 A: Like do a no sale.

16 Q: Were you just enter a code?

17 A: Yes, ma'am.

18 Q: And did you give him all of the money between those two

19 registers?

20 A: All except for the change.

21 Q: And who gave him the money from the window register, I

22 think you answered that?

23 A: I did. Yes, ma'am.

24 Q: And why did you have to get the money from that register?

25 A: Because the other two were like couldn't even move. I

1 mean they were just really scared.

2 Q: Okay. And when the robber got the money, do you know

3 what he did with it?

4 A: Put it in his pocket.

5 Q: And what did he do after he got all of the money?

6 A: He went out of the door.

7 Q: Did you see where he went?

8 A: No, ma'am.

9 Q: And from the time he entered to the time he left was

10 there anybody else in the store?

11 A: No, ma'am.

12 Q: There were no customers in the store?

13 A: No customers. No, ma'am.

14 Q: Did you call for help?

15 A: Yes, ma'am.

16 Q: And how long after you called 911 did they arrive?

17 A: About 10, 15 minutes.

18 Q: Did you give a statement to the police?

19 A: Yes, ma'am.

20 Q: And do you know approximately how much money was taken?

21 A: We open with \$100 in each drawer, so probably like \$200

22 drive thru and front lobby together.

23 Q: And not including the change?

24 A: Not including the change. No, ma'am.

25 Q: And were the bills that he took all the same denomination

1 or was it a mixture?

2 A: It was a mixture.

3 Q: Several \$1s, \$5s, \$10s.

4 A: Yes, ma'am.

5 Q: Ms. Vanderbush, if you'll please answer any questions the
6 defense has.

7 A: Yes, ma'am.

8 **CROSS EXAMINATION OF MS. VANDERBUSH BY MR. PINKERTON:**

9 Q: Thank you for being here, ma'am. You said the suspect
10 was wearing blue jeans that morning?

11 A: Yes, sir.

12 Q: Blue jeans, okay. And you said that you only saw his
13 eyes, correct?

14 A: Yes, sir.

15 Q: And they were dark?

16 A: Very dark.

17 Q: Very dark.

18 A: And glassy.

19 Q: Dark and glassy. And you never actually saw a weapon, a
20 firearm or anything?

21 A: No, but I wasn't taking any chances because it looked
22 like he had a gun.

23 Q: But you never actually saw a gun?

24 A: No.

25 Q: Thank you.

1 A: You're welcome.

2 MR. PINKERTON: No further questions, Your Honor.

3 THE COURT: Anything further?

4 MS. FARMER: Nothing else, Your Honor. May Ms.
5 Vanderbush be released from her subpoena?

6 THE COURT: Without objection. Thank you, Ms.
7 Vanderbush, have a nice day.

8 MS. VANDERBUSH: Thank you, you too.

9 MR. DEBUSK: I beg the Court's indulgence for one moment,
10 Your Honor.

11 THE COURT: Yes, sir.

12 MR. DEBUSK: Your Honor, at this time the state moves
13 state's 34 into evidence. The chain has been proven through
14 SLED.

15 THE COURT: All right.

16 MR. PINKERTON: No objection, Your Honor.

17 THE COURT: Without objection. That is state's what?
18 Thirty-four.

19 (STATE'S EXHIBIT NUMBER THIRTY-FOUR
20 IS ADMITTED INTO EVIDENCE)

21 MR. DEBUSK: Your Honor, at this time the state rests.

22 THE COURT: All right. I anticipate there's some matters
23 that we need to take up. All right.

24 Ladies and gentlemen of the jury, there's some matters
25 that I need to discuss with counsel outside of your presence.

1 This may take a little while, so we'll get you back in here as
2 soon as we're finished but certainly you should have some time
3 to relax and we'll get you back in here shortly. All right.
4 Y'all are excused.

5 **REPORTER'S NOTE:** (Jury exits courtroom at 10:11a.m.)

6 **THE COURT:** All right. The jury has been excused. Are
7 there any matters that we need to take up at this time outside
8 of their presence?

9 **MR. PINKERTON:** Your Honor, at this point we would move
10 for a directed verdict.

11 **THE COURT:** All right, sir. Do you wish to be heard
12 further?

13 **MR. PINKERTON:** Yes, Your Honor.

14 **THE COURT:** All right.

15 **MR. PINKERTON:** The state has charged my client, Mr.
16 Corey Busch, with armed robbery. Your Honor, all of the
17 evidence presented so far, no one has testified that there's
18 been a gun or any sort of weapon ever presented. Even
19 officers and witnesses testified they never saw a weapon, they
20 never saw a firearm, anything Your Honor. None of them ever
21 testified they even saw an object that would represent a
22 firearm, Your Honor. At this move we move that the state has
23 failed to prove armed robbery.

24 **THE COURT:** All right, sir. Mr. DeBusk.

25 **MR. DEBUSK:** Your Honor, the statute for armed robbery

1 applies if a person has a weapon or if they are alleging by
2 actions or words to have a weapon or some representation of a
3 weapon that people at the robbery reasonably believe is a
4 weapon. We have testimony on the record from Ms. Vanderbush
5 that he said that he would shoot her. From Ms. Brittany Tyler
6 that he said he had a gun. He had a representation that's
7 clearly on video something in his sleeve that he was pointing
8 like a gun. Ms. Vanderbush clearly said she believed it was a
9 gun, and that fits the statute for armed robbery and therefore
10 a directed verdict would not be appropriate at this time.

11 **THE COURT:** All right. With regard to that specific
12 motion, I will respectfully deny it. I do believe there's
13 sufficient evidence to show that there was -- the state's
14 witnesses have alleged that there was representations made
15 that he was armed. And I believe it's appropriate for that
16 matter to go before the jury.

17 Is there anything else?

18 **MR. PINKERTON:** No. We would just renew all previous
19 objections.

20 **THE COURT:** So noted.

21 Okay. The jury -- we have the jury outside the
22 courtroom. We've addressed that. Mr. Pinkerton, what's your
23 client's position with regard to testifying? Are y'all going
24 to offer a defense at this time in other words?

25 **MR. PINKERTON:** Your Honor, if we could ask for a brief

1 before we bring the jury back out? I don't anticipate there
2 being another break, that's why I want to ---

3 **MR. DEBUSK:** No, Your Honor.

4 **MR. PINKERTON:** No, Your Honor.

5 **THE COURT:** Okay. All right. No objections. In that
6 event, we can go ahead and bring the jury out.

7 Mr. Pinkerton, I'm going to ask you to ---

8 **MR. PINKERTON:** I'm sorry.

9 **THE COURT:** I'm going to put on the record, I'm going to
10 ask you if you rest your case at this time.

11 **MR. PINKERTON:** Yes, Your Honor, we do.

12 Your Honor, we would renew all previous objections.

13 **THE COURT:** Yes, sir. So noted.

14 **REPORTER'S NOTE:** (Jury enters courtroom at 11:10a.m.)

15 **THE COURT:** All right. Court will come to order. Ladies
16 and gentlemen of the jury, thank you for your patience. We've
17 worked through some matters and I believe we're ready to
18 proceed.

19 Counsel, anything before we do closings?

20 **MR. DEBUSK:** Nothing from the state.

21 **MR. PINKERTON:** No, Your Honor.

22 **THE COURT:** All right. So the defense, Mr. Pinkerton,
23 just for the record, does the defense rest its case at this
24 time?

25 **MR. PINKERTON:** Yes, Your Honor. We would renew all

1 previous objections.

2 **THE COURT:** All right. Thank you, sir. So noted.

3 All right. Ladies and gentlemen of the jury, the parties
4 have presented their evidence in this case. It is now time
5 for the attorneys to make their closing arguments. The
6 arguments of the attorneys are not evidence in this case.
7 Their statements and arguments are meant to help you
8 understand the evidence and apply the law to the evidence.
9 You should disregard any remark, statement, or argument which
10 is not supported by the evidence presented during the trial or
11 the law that I will explain to you after the closing
12 arguments. Okay. So if you would give your attention to the
13 parties at this time.

14 Solicitor.

15 **MR. DEBUSK:** Thank you, Your Honor. May it please the
16 Court?

17 Ladies and gentlemen, America runs on Dunkin. You heard
18 that at the beginning and you'll hear it again. It's a very
19 popular brand and store on Highway 17 Bypass. For a few
20 dollars you can go in there and get a cup of coffee, a
21 breakfast sandwich, maybe a bagel. Moderate prices goods,
22 lots of cash, and the drawers have to be filled with cash at
23 the beginning of the day to give change.

24 Someone decided to go into Dunkin Donuts and get more
25 than coffee. They made a withdrawal of money. They took that

1 money from the tills, the two cash registers at the window and
2 the front counter. Someone that knew the area and knew that
3 there were two tills to clean out. He probably was watching
4 and knew that there were no customers in the store at the
5 time. He walked in there, and with what the staff took to be
6 a gun, pointed it at them and demanded money. The classic
7 stick-up robbery. That's why the charge in this case is armed
8 robbery.

9 Now, the burden is on Ms. Farmer and I, as
10 representatives of the state, to prove this armed robbery
11 beyond a reasonable doubt. That's a very important protection
12 that every citizen has to be assumed guilty until proven
13 innocent (sic). And it's our burden to meet that burden, but
14 it's very important to us that you know exactly what that
15 burden is.

16 So I want to talk to you about the law, but first I want
17 to talk to you about the facts in this case that point to the
18 defendant Corey Busch as the person that went into Dunkin
19 Donuts that morning and threatened the staff and took the
20 money.

21 First, look at the videos. If you recall the videos,
22 this is the video that Detective Wydra took with his body
23 camera. You can see here in the first one, the suspect walks
24 out of the woods at this particular spot. You see he's in the
25 parking lot. He's visible here and then walks into the store.

1 So the person, you can see his hand, a white male approximate
2 size and build of the defendant. Presents what the clerk
3 Heather Vanderbush said appeared to be a gun saying he would
4 shoot her if he didn't give her the money. Down here,
5 Brittany Tyler said she heard him say I have a gun. And he
6 got what he wanted because they believed he had a gun and they
7 were scared. First Heather cleaned out the till and the front
8 and then she had to go to the back because Brittany was too
9 scared to clean out the window till. It didn't take long, a
10 couple minutes, three minutes. He got what he wanted, under
11 threat, and he left. There she is returning from the window
12 and giving him the last of the money, standing back in fear,
13 and our he goes. He's passing through, running this time, on
14 his way leaving right there through the woods. Now, that's
15 the spot where the dog track started.

16 Now, on the interior you can see it again, but this time
17 pay attention to how the suspect is dressed, the dark blue
18 hoodie, the sweatpants, aqua turquoise blue shirt underneath
19 the hoodie, the shoes, also the (inaudible) we're going to
20 talk about that in more detail in a minute. But again, you
21 can see him pointing something in his sleeve saying it's a gun
22 at Heather Vanderbush, getting the money, requiring her to go
23 to the other till and get that money as well under threat of
24 being shot.

25 You see here he touched the counter, watch what he does

1 in a moment after he touches the counter. He uses his shirt
2 to wipe it off to try to avoid leaving evidence. He had
3 thought this through. This was not an accidental act; this
4 was an intentional planned act. And out he goes.

5 And then one more time from the top, as it were. You can
6 see her opening the till, taking out all of the money, giving
7 it to him, and then going for the other till.

8 It wasn't long after this, the individual left the store,
9 and they called the police. The police arrive and they begin
10 an investigation. First thing that occurs to them is we can
11 use the help of some bloodhounds. We'll get the bloodhounds
12 out here and help us track where this individual went. We saw
13 where he left the property in the woods, so let's do a dog
14 track.

15 Let's look at that dog track in a little bit of detail
16 here. Now, this is a map, remember here at Dunkin Donuts, and
17 the dog trackers they told you that at Dunkin Donuts this is
18 the door that he came and went from. At the back parking lot
19 there were some woods that they saw on the video where he left
20 the property. They started the dogs there. Just like at the
21 apartment building, they couldn't start here because too many
22 people come and go from that door, there would be too many
23 scent trails. Not many people would be coming and going to
24 Dunkin Donuts through the woods. When you go to Dunkin Donuts
25 you drive up and you drive away. So they go to the edge of

1 the woods and they have a good clean trail.

2 They brought out their first dog, her name was Gabby.
3 Gabby the bloodhound. She was an older dog and she caught the
4 scent right away and started leading them on the path. The
5 officer said they started at the Dunkin Donuts, tracked behind
6 this building, around through the parking lot next door and
7 they came up to this canal ditch right here. And when they
8 crossed the canal ditch someone called out, hey, there's some
9 clothes here. Officer Wydra came up right there and found a
10 bandana, a hat, and a hoodie right beside the road right
11 there. He collected them. We heard everybody that handled
12 those clothes all the way to SLED where it was tested for DNA.

13 Now, when they got to this area where they found the
14 clothes, Gabby, being an older dog, she started getting tired
15 and not tracking as well anymore so the officer said I
16 understand my dog and when she's done, so we're going to start
17 another dog. So they brought out the younger dog, Bella.
18 Bella sniffed the black hat and resumed the trail. And after
19 a short time Bella tracks to a port-o-john. One of the
20 officers when they look in the port-o-john, they see something
21 down in there and they took out, I certainly hope with a 10-
22 foot pole or something, a pair of sweatpants soaked in port-o-
23 john stuff. But there's a small part of the pants that had
24 not yet been soaked, and you can see the dry color of the
25 pants indicating that they hadn't been there long because if

1 they'd been in that port-o-john long they would have soaked up
2 that stuff and the whole pants would have been soaked. So
3 these pants hadn't been there long. I'll talk to you more
4 about that in a moment.

5 They tracked a little farther and they come to a school
6 bus stop. Later on in their investigation we find out that
7 there was a witness that talked to the suspect at that bus
8 stop.

9 And you have Detective Marcus, Ken Marcus, he testified
10 that he went to Socastee High School to talk to this young
11 man, Tyler Savinski. Tyler Savinski told him, yeah, a man
12 talked to me at the bus stop. He was dressed unusual
13 (inaudible). And he testified to you and said he was dressed
14 unusually in a very -- an aqua blue t-shirt and a matching
15 pair of shorts, something to catch his attention, something to
16 catch his memory. Tyler tells you about that. He recognized
17 those clothes.

18 Also, when Detective Wydra talked to him, Detective Wydra
19 had a lineup with Corey Busch in it and he showed it to this
20 young man. And you could see the pictures in the lineup,
21 those individuals are all very similar, but he picked out
22 Corey Busch, photo number four. He circled it and put his
23 initials there. He identified Corey Busch because he stood
24 there and talked to him for several minutes, he said three to
25 five minutes, no more than seven feet away in broad daylight.

1 He recognized him and he pointed him out in court, that's the
2 individual that talked to him at the bus stop.

3 Then as you recall the officer said they tracked by the
4 port-o-john and bus stop, they had a little false lead, and
5 then they started going down the fairway of the old golf club
6 that's being built up, and they came back to this apartment
7 complex. And they continued to track, but when they got
8 between building 2000 and 2020 the track ended because the dog
9 couldn't follow it anymore, like he said there were just too
10 many tracks there and it confused the dog. Corey Busch lives
11 in building 2000 where that track ended, and that's where the
12 dogs track ended. Right here is building 2000, the home of
13 Corey Busch. So the dog track leads right back to Corey
14 Busch's apartment and along the track they found various
15 evidence.

16 And that goes back to what the suspect was wearing when
17 we robbed Dunkin. You have several videos of several
18 different views and you can see, first, he had on a pair of
19 gray sweatpants. You can see them well in the video. They
20 are the kind of sweatpants everybody wears when they want to
21 be comfortable. And along the track at the port-o-john are a
22 pair of gray sweatpants, and if you look at the dry portion of
23 the sweatpants, it's the exact same color as the sweatpants in
24 the video. And again, they hadn't been there long because
25 they weren't soaked all of the way through. Right there on

1 the dog track.

2 He also had on a dark blue hoodie. Along the track they
3 found a dark blue hoodie. It's in evidence, state's exhibit
4 30. You can see the color of it. The same color as the
5 hoodie in the video. With the hoodie, a black cap and a
6 bandana. Now, you can see that underneath the blue hoodie
7 there is a different shirt. That shirt is, I think Tyler
8 Savinski said it was teal mint green. It's sort of aqua green
9 to me.

10 When they went and served the search warrant for the
11 apartment of Corey Busch, they found in the dryer the same
12 colored shirt and a pair of similar colored shorts. That's
13 the outfit described by Tyler Savinski, unusual to have a
14 shirt and shorts of that color be the same. And both of those
15 found in the dryer at Corey Busch's apartment. A pair of
16 shoes, you can see the shoes not so well as the other things
17 in the video, and at the apartment when they served the search
18 warrant, a similar pair of shoes. So all of this clothing
19 that's seen in the video is accounted for either on the trail
20 or along the way, but there's more.

21 Notice here when you look above the mask you just see
22 black, you don't see the color of the skin of the forehead.
23 You can see here on his hand his actual skin color, it's
24 white, but you don't see that above the mask and below the
25 hoodie. Here's another view, you just see black. Now why is

1 that? Well along the track they found a black winter style
2 hat with a Gamecock symbol on it. He has that hat pulled down
3 over his brow so you can't see, you don't see the white skin
4 of the forehead and brow.

5 Now that hat was collected by Detective Wydra. You heard
6 from Detective Marcus that he took it and put it into
7 evidence, and he took care of it, and Lieutenant Cestare said
8 he took it to SLED. SLED Sealed it up and tested it. Jasmine
9 Ruiz-Yi, she took scrapings and swabs from the hat and sent it
10 off to the SLED agent that tested it, Sara Goodman. Ms.
11 Goodman tested that hat and found a DNA mixture and that
12 mixture roughly about 85 percent of the DNA -- of that profile
13 about 85 percent on the DNA resembled the standard from the
14 defendant Corey Busch. You actually have a standard in all of
15 this, but you can't really see it, but when the expert at SLED
16 looked at it, they found the DNA in there. They found that 85
17 percent of that DNA came from Corey Busch in that mixture, and
18 they ran the numbers against the frequency of that DNA in the
19 population and they found that it was 27 octillion times more
20 likely that you get that DNA is Corey Busch was the donor of
21 the DNA than if a random person was. Twenty-seven octillion,
22 remember she said octillion is 1 with 27 zeros behind it, so
23 that's 27 with 27 zeros behind it. I'd argue that is Corey
24 Busch's DNA. And remember they used likelihood ratios. I'll
25 give you a real-world example, say you cook Sunday dinner and

1 you put the chicken on the counter. You've got two pets, one
2 is a young and spry cat, and one is sort of a geriatric basset
3 hound, and you have to decide which one did it. What's your
4 likelihood of each doing it? That's a likelihood ratio, the
5 cat is far more likely than the dog because the basset hound,
6 bless their soul, especially an older one, isn't jumping
7 unless something is after it. A cat can jump on anything. So
8 what is it 1,000 to 1 ratio that the cat did it? That's a
9 real-world example of likelihood ratios. Here it's 27
10 octillion times more likely to get that DNA if Corey Busch was
11 the donor. And that was a mixture, but there was another item
12 found there as well.

13 Here the mask, you can see designs on it like the
14 bandana. You see the color is sort of a greenish, greyish,
15 brown, an unusual color. And when they went and did that dog
16 track, there was the bandana, same unusual color and designs
17 seen on the video. It's in evidence also in one of those
18 packages. When they tested this DNA they found it was a
19 single source, just one person donated to it. Now, if
20 something come along (inaudible) and some of the DNA had been
21 washed away, all of the DNA would have washed away. It
22 wouldn't have preferentially washed away DNA that belongs to
23 anybody but Corey Busch and leave Corey Busch's. That hat had
24 a single source of DNA because there was only one person that
25 had it on and that person was Corey Busch. The likelihood

1 ration 190 octillion times, 190 with 27 zeros behind it.
2 There is no mixture there, it's just one person's DNA. And
3 that's basically the odds of getting that DNA if you just
4 dropped somebody randomly out of the population. That's
5 several billion times more people than there are on earth.
6 That's how unlikely it is that that could be anybody but Corey
7 Busch's DNA.

8 Again, along the dog track from where the suspect left
9 the Dunkin Donuts they find a mask with DNA on it that matches
10 Corey Busch 190 octillion times more likely to be his DNA.

11 Now, you remember this video, the overhead view also from
12 Detective Wydra's body camera. You can see him pointing with
13 his hand there, something in that shirt. It looks like it's
14 longer than his finger, it looks like a gun just like Heather
15 Vanderbush said. There was a gun found in the apartment, it
16 didn't belong to Corey Busch, but it was in the apartment.
17 But as we'll tell you later, we don't have to prove there's a
18 gun, just that he made them to believe there was a gun and
19 I'll talk to you about that in a moment.

20 Right here I want you to look at the money. He takes the
21 money, he crumples it up, and he puts it in his pocket. First
22 from the front till and then from the cash register in the
23 back. Her he is waiting for Heather Vanderbush to bring the
24 rest of the money. And again, notice that he tries to wipe
25 away the DNA there. He didn't wipe it off the mask, but he

1 did wipe it off the counter.

2 Now, by the bus stop we have Tyler Savinski that he
3 handed five \$1 bills. Even after being in Tyler's wallet they
4 were still crumpled up, consistent with the money that was
5 taken from the register, just minutes after the robbery.
6 Remember Tyler said between 6:30 and 7:30, the robbery was
7 reported at 6:59. It happened just a few minutes before that.
8 So right about the time Corey Busch is identified as the
9 person that gives loose bills to Tyler Savinski.

10 Where was the rest of the money, well you heard Detective
11 Wydra talk about the cell phone, and the cell phone signal
12 left the area of his apartment, left that one receiver that
13 covers his apartment, about 10 o'clock that day. I would
14 argue that if you were there at 10 o'clock that day and
15 followed Corey Busch from his apartment at 200 Cross Gate
16 Boulevard you might know where the rest of that money went.

17 And while we're on the subject of phones we'll talk about
18 something else that Detective Wydra testified about. He
19 looked at phone records of Corey Busch's phone. Remember
20 Tyler Savinski said he saw Corey Busch with an iPhone.
21 Detective Wydra told you that when he arrested Corey Busch he
22 had an iPhone in his possession. When Detective Wydra looked
23 at that iPhone it had pictures of Corey Busch and other
24 indications that it was his phone. He went and got records
25 for that phone. He found that Corey Busch was the registered

1 owner. And that on that phone was a record of data usage,
2 like text or data, using the internet or some app at 6:52a.m.
3 on September 18th, 2016, 7 minutes before the 911 call went
4 out, so right at the time that this robbery was about to
5 happen. And he found that the phone hit on the sensor that
6 covered this area, this whole area here, it can't give you a
7 precise, but it gives you a range of directions. And within
8 that range you can tell, based on how long it takes the signal
9 to come back, how far the phone was from the receiver. And
10 that's what this line is here. Now, there's an error margin
11 in that line, the error is about 250 meters, but Dunkin Donuts
12 falls right in that line. That indicates that Corey Busch's
13 phone, which was seen in his possession just minutes later by
14 Tyler Savinksi, was in the direct vicinity of Dunkin Donuts
15 about the time of the robbery.

16 So there you have it, all of the state's evidence, proof
17 beyond a reasonable doubt that it was Corey Busch that went up
18 to the counter at Dunkin Donuts with something, a gun or
19 something else, in his sleeve, pointed it at Heather
20 Vanderbush, threatened to shoot her, Brittany Tyler heard him
21 say I have a gun, and took the money from those two tills.
22 You have a dog track that led them directly back to his
23 apartment. You have a hoodie, a black toboggan, and a mask
24 found along that dog track. You have defendant's DNA to the
25 tune of 190 octillion to 1 on the mask found along that dog

1 track. You have the same colored sweatpants worn by the
2 suspect found in the port-o-john along that dog track. You
3 have a bus stop along that dog track where a young man named
4 Tyler Savinski talked to the defendant, got five loose bills
5 from him consistent with what was taken from Dunkin Donuts,
6 that identified him from a lineup, that described a certain
7 kind of clothing he was wearing, and that clothing was later
8 found in his apartment. And then you have a phone in Corey
9 Busch's possession consistent with being in the area of Dunkin
10 Donuts at the time of the robbery. All of that points
11 directly to Corey Busch as the person who robbed Dunkin Donuts
12 that day.

13 Now, I want to talk to you a little bit about the law.
14 The charge here is armed robbery. Now, armed robbery is
15 taking personal property from somebody else and taking it
16 away. Here the money was the personal property. It was taken
17 away from the presence of Heather Vanderbush and also Brittany
18 Tyler and it was taken away. We don't know where or what he
19 did with it, but we know he didn't spend it on Dunkin Donuts
20 business, he spent it on his own. He gave away some of it,
21 five dollars, to a stranger and spent the rest on something
22 else for his own purposes. And that was done by threat of a
23 deadly weapon.

24 Now, there's two ways you can have armed robbery. The
25 first is where you're armed with a deadly weapon, a pistol,

1 dirk, slingshot, metal knuckles, razor, or other deadly
2 weapon. Those are just examples. That's one way. The other
3 way, or while alleging either by action or words he was armed
4 by using a representation of a deadly weapon or any object
5 which a person present during the commission of the robbery
6 reasonably believed that he had a deadly weapon. You heard
7 Heather Vanderbush, you heard Brittney Tyler, he said he had a
8 gun, he said he would shoot me if I didn't give him the money.
9 He had something in his sleeve, some object. That object
10 might have been a gun, it might have been a stick from the
11 woods, it might have been his finger, though I would argue it
12 looks like there's something bigger than his finger in there.
13 It doesn't matter, any object, finger, stick, gun, cell phone
14 that the person present reasonably believes to be a deadly
15 weapon. When somebody comes up and says I have a gun, I'll
16 shoot you and they have something that looks like a gun
17 pointed at you, you're going to believe it and it was
18 reasonable for them to believe it. And that's how this gets
19 to be armed robbery because he was alleging by action, by
20 pointing that item, whatever it was, at the employees of
21 Dunkin Donuts, or by words I have a gun, I'll shoot you. He
22 did both. Alleging he was armed while using a representation
23 of a deadly weapon and he had that representation, he had that
24 item in his sleeve that he was pointing at the victims.

25 Now, there's another offense that you'll be instructed

1 on, it's called a lesser included offense and it falls within
2 armed robbery. It's called simple robbery, sometimes called
3 common law robbery, sometimes called strong armed robbery.
4 And that essentially is taking someone's good by force or
5 threat of force, but without a deadly weapon or without
6 alleging to have a deadly weapon. Strong armed robbery is you
7 go up to somebody, they have something valuable, you wrestle
8 it away from them or you say give me that or I'll punch you,
9 that's strong armed robbery, no weapon involved. Armed
10 robbery is when you either have a weapon or you allege to have
11 a weapon and have some object that appears to be a deadly
12 weapon. So this isn't strong armed robbery, this isn't simple
13 robbery, this is armed robbery by the definition alleging by
14 action or words he was armed, it's an armed robbery. And he
15 took personal property, he took money, he took it from the
16 employees of Dunkin. He took it from Heather Vanderbush and
17 Brittney Tyler. He took it by threat of shooting, but threat
18 of force, by threat with a deadly weapon. And he took it out
19 and used it for his own person and he certainly didn't bring
20 it back. And the reason he got that money that day was
21 because Heather Vanderbush and Brittney Tyler believed he was
22 armed, believed he had a gun and he would shoot them.

23 Now, this calls for another analogy, I'm going to make an
24 analogy to a game. Armed robbery certainly isn't a game, it's
25 a deadly business. But there's a game where bluffing is an

1 important part of the game, it's called poker. In poker you
2 bet money and you bet it on what cards you have, that your
3 cards will beat the cards of the other person. But sometimes
4 you bluff, you make a bet hoping the other person will fold
5 their hand because they're afraid of you, but you've got
6 nothing, you've got an empty hand. And sometimes when you
7 make a big bet you've got a royal flush, the best hand in
8 poker. That's bluffing, it's part of the game. Like Kenny
9 Roger's said in the old song, you've got to know when to hold
10 them and know when to fold them. Calling your bluff is the
11 basis of poker, but the State of South Carolina says when
12 you're dealing with the deadly business of armed robbery,
13 you're not required to call their bluff because if you call
14 their bluff in armed robbery and you're wrong, you could die.
15 If you think they're not armed and you say no, they could
16 shoot you. And that's why the state says it's armed robbery
17 whether you have a gun or whether you're alleging you have a
18 gun and nobody ever sees it. And that's what the law says,
19 you don't have to call the bluff of an armed robber for them
20 to be guilty of armed robbery.

21 And just a final word about the standard of proof. The
22 standard of proof here is beyond a reasonable doubt. The
23 Judge is going to instruct you on the law, but if he tells you
24 something different than what I told you about armed robbery,
25 you go with what he told you. He is the version of the law

1 that controls. And he's going to tell you about proof, the
2 standard of proof, beyond a reasonable doubt. He's going to
3 give you some ideas like proof beyond a reasonable doubt is
4 proof that leaves you firmly convinced of a person's guilt.
5 But he can't draw you picture of reasonable doubt, he can't
6 give you a formula for reasonable doubt. Beyond a reasonable
7 doubt is a standard that comes from you as (inaudible) from
8 this community. You have to find does proof presented here in
9 court prove that Corey Busch went to Dunkin Donuts, alleged he
10 was armed with a deadly weapon while presenting something that
11 the people there reasonably believed was a deadly weapon, and
12 took their money. And if you find that you're firmly
13 convinced of that the only verdict you can find is guilty of
14 armed robbery, and that's the only just verdict in this case.
15 I thank you for listening to me and I look forward to your
16 just verdict. Thank you.

17 **THE COURT:** Thank you, Mr. DeBusk.

18 **MR. DEBUSK:** Thank you. I'll move the TV.

19 **MR. PINKERTON:** Ladies and gentlemen, thank you for being
20 here once again. As the jury, y'all are the most important
21 people in this courtroom today. You're more important than
22 me, the solicitor, even the Judge. Y'all are the fact finders
23 of this case. Y'all have been presented with a lot of
24 evidence, a lot of videos that they are trying to use as proof
25 that an innocent man robbed Dunkin Donuts.

1 Now, as I told you at the beginning of this case, I am
2 never going to get up here and tell you that Dunkin Donuts was
3 not robbed that morning, it was. We absolutely know that they
4 were robbed that morning, but it was not by Corey Tyler Busch.

5 Now, let's go back to the two witnesses of the armed
6 robbery. We have Brittney Tyler and Heather Vanderbush. They
7 were the only two witnesses the state presented as being there
8 that morning, even though we know there were other people
9 present but they didn't call them.

10 Now, let's go back to what Ms. Tyler said. She was the
11 first person you heard from on the stand when this trial
12 started. She stated she was about 10 feet away from the
13 suspect and that he had bright green eyes. Take in mind he
14 was wearing a bandana and a hoodie as y'all have seen on
15 video. She could see roughly this much of his face. She
16 could not give any description of the face other than bright
17 green eyes. However, as you heard Ms. Vanderbush this morning
18 say, being the person closest to the suspect, dark eyes, dark
19 glassy eyes, not bright green eyes as Ms. Tyler stated
20 originally. We have two different descriptions of the suspect
21 right there. Once again, Ms. Tyler stated the suspect was
22 wearing sweatpants. As you heard Ms. Vanderbush this morning,
23 the suspect was wearing blue jeans, two different
24 descriptions.

25 Now, they're making a lot of business about this supposed

1 dog track, but -- so first, we have Detective Johnson and
2 Gabby a bloodhound. To which Detective Johnson has even
3 stated the bloodhound is not certified to track human scents.
4 I would think if this is a police investigation I would want a
5 bloodhound who was certified to track a human scent that you
6 know what it is following. That dog can't tell us what scent
7 it was following. I know with my dog, I let it loose in the
8 woods he's going to track a squirrel, he's going to track a
9 human, but it's not telling me what it's tracking. We don't
10 know what that dog was following.

11 The same thing with Detective Green and Bella, the second
12 dog. After the first dog got tired of doing what he was
13 doing, we don't know what distracted him, but he got tired.
14 We then had Bella out tracking. Once again, Bella led to this
15 one apartment, okay, multiple units in that apartment and he
16 didn't lead them to a door, he didn't lead them to a specific
17 unit, just led them to a building. Who knows where this
18 person went, but it was not Mr. Busch. He just happened to
19 live in the area.

20 And once again, these dogs are tracking the scents and
21 not DNA, which leads me back to what you've heard from Ms.
22 Goodman, the SLED analyst. She stated that they were given a
23 toboggan and a bandana, and she also stated that Mr. Busch's
24 DNA was on the bandana. However, what did they also have on
25 the toboggan, two other profiles. She can't tell us whose

1 profiles they were, she didn't even bother trying to track
2 down who the other DNA was. Now, just because someone's DNA
3 is found in a toboggan does not mean they robbed Dunkin
4 Donuts. Two other people could have been wearing that hat and
5 left DNA there, but the police did not bother even trying to
6 find who these other people that contributed to the DNA was.

7 Also, let's go back to where these were found. These
8 pieces of evidence were found in a wet ditch. She even stated
9 the moisture would wash away DNA profiles. We don't know how
10 long they were there. We don't even know what officer
11 actually found these things. As you heard from Johnson,
12 Green, and Wydra they don't know who actually found these
13 articles of clothing. They just said someone said, hey,
14 there's articles of clothing over here in the ditch. Even
15 Lead Detective Wydra stated they were already moved when he
16 got there. We don't know who moved these articles of clothing
17 or put them there. But once again, it doesn't mean whose DNA
18 was in the hat means they robbed Dunkin Donuts.

19 Now, let's go back to this Tyler Savinski fellow you
20 heard from; the young student who was at the bus stop that
21 morning. He said he was there from between 6:30 to 7:30 in
22 the morning, that morning. He doesn't give us an exact
23 timeframe. Now, this is the only place that everyone agrees
24 my client was at. He was at a bus stop talking to a kid,
25 okay. The kid picks him out of a lineup, but the kid wasn't a

1 witness to a robbery. He wasn't a witness to anything that
2 happened at Dunkin. He just said I saw this guy at the bus
3 stop that morning, okay, what is that?

4 Now, let's talk about Detective Wydra. He stated that he
5 reviewed the surveillance video from Dunkin Donuts. He also
6 stated in his own testimony he never saw a weapon of any sort
7 and that you could not see a face on that video. And y'all
8 have seen the video multiple times, you never see a face.
9 However, he then gets a search warrant for Mr. Busch's
10 apartment. And what do they find in there? Teal clothing.
11 So what? It matches the clothing Tyler Savinski saw my client
12 wearing at the bus stop. We're not denying he was at the bus
13 stop, okay.

14 But what did they also find in the apartment? A firearm.
15 Now, they were tracking my suspect for an armed robbery
16 allegedly. I would think if I found a firearm in the
17 apartment and someone is charged with armed robbery, I'd be
18 seizing that firearm. But what did they not do? Seize the
19 firearm. They didn't bother seizing the firearm, checking it
20 for DNA, fingerprints, anything. As a matter of fact,
21 Detective Wydra said he didn't seize it because it wasn't Mr.
22 Busch's gun. But I would think you'd want to check the
23 firearm for DNA and fingerprints and see if Mr. Busch ever
24 even touched it, but we don't know, that did not happen.

25 And let me tell you, back to the dog track, they said

1 they started in the woods, they didn't start at Dunkin.
2 (inaudible) these pieces of evidence that they've put in. We
3 don't have video of a person's face. Witnesses have stated
4 two different color eyes, different clothing, no firearm.

5 But once again, the burden of proof is on the state in
6 this case. They have to prove beyond a reasonable doubt in
7 the jury's mind that my client Mr. Busch robbed Dunkin Donuts.
8 They have not done that in this case. Reasonable doubt means
9 if there's any doubt in your mind that is reasonable that it
10 could have been someone else other than Mr. Busch, you must
11 come back with a verdict of not guilty. And once again, two
12 witnesses to the robbery have different color eyes, saying the
13 suspect has different color eyes, different type of clothing.
14 The dog can't tell us whose scent it was tracking, and there
15 was other DNA found in the clothing. Ladies and gentlemen,
16 when you're deliberating don't rush this. An innocent man's
17 life is on the line. Do not rush this, take your time, review
18 all the facts. And once you review all of the facts we pray
19 that you'll come back with a verdict of not guilty. Thank
20 you.

21 **THE COURT:** Thank you, sir.

22 Anything further?

23 **MR. DEBUSK:** No, Your Honor.

24 **THE COURT:** All right. Mister Foreman, ladies and
25 gentlemen of the jury, you have seen and heard the evidence

1 presented as well as the arguments of counsel. It now becomes
2 my duty and obligation to instruct you on the applicable law
3 in this case. It will then be your duty and obligation to
4 begin your deliberations, through which process you will
5 decide the facts, apply the law as instructed by the Court,
6 and determine whether the state has met its burden of proof.

7 It is your exclusive duty to determine the facts in this
8 case. You do that based upon your own common-sense
9 examination and evaluation of the testimony and other evidence
10 received during the trial of this case.

11 You twelve jurors alone will decide what weight, value,
12 and effect that is to be given to any particular testimony or
13 other evidence received. Your ultimate goal is to determine
14 whether the state has met its burden of proof in this case and
15 in so doing you will have fulfilled your obligations as jurors
16 and that is to give both the state and the defendant a fair
17 and impartial trial based upon the evidence presented and the
18 law applicable to this case.

19 In this case the State of South Carolina, through the
20 circuit solicitor, has charged the defendant with the
21 following criminal offense: Armed Robbery. In addition to
22 that the Court is also going to charge you on strong armed
23 robbery, which is a lesser included offense of armed robbery
24 and I'll explain that in more detail in just a moment.

25 The allegations charging the defendant with this crime is

1 set forth in the indictment that has been previously explained
2 to you. The indictment is not evidence in this case and many
3 not be considered by you as evidence against the defendant.
4 The indictment will be in the jury room with you, but serves
5 only one purpose and that is to serve as the verdict form on
6 which your unanimous decision will be written.

7 You will be asked to write a verdict of guilty or not
8 guilty for the indictment.

9 As to the charges set forth in the indictment, the
10 defendant has entered a plea of not guilty. That plea of not
11 guilty has therefore placed upon the state the burden of
12 proving the allegations that are set forth in the indictment;
13 the burden of proving each of the essential elements of the
14 crime charged; and therefore, the burden of proving the guilt
15 of the defendant to the satisfaction of you twelve jurors
16 beyond a reasonable doubt before a verdict of guilty could be
17 returned as to any indictment.

18 The burden is never upon a defendant to prove that he is
19 not guilty or to prove that he is innocent because in some
20 cases that might not be possible. The burden is always upon
21 the state, because they have made the allegations, to prove
22 the defendant guilty beyond a reasonable doubt.

23 You are further instructed that it is a vital, important,
24 and cardinal rule of law that every defendant in a criminal
25 trial, no matter how serious the offense might be for which he

1 stands charged, shall always be presumed innocent of that
2 charge, and that presumption of innocence shall be with the
3 defendant from the moment of his arrest, and throughout the
4 course of the criminal process, and even throughout the course
5 of the actual trial. The presumption of innocence shall be
6 with the defendant even as you go into the jury room to begin
7 your deliberations, and that presumption of innocence shall be
8 with him there and be with him forever, unless you twelve
9 jurors determine that he is no longer entitled to that
10 presumption of innocence. It is only if, and until you are
11 satisfied of the defendant's guilt beyond a reasonable doubt,
12 that he would no longer be entitled to the presumption of
13 innocence.

14 The duties of the jury and the Trial Judge: I remind you
15 that during this trial you and I have certain duties to
16 perform. As the Trial Judge, it is my responsibility to
17 preside over the trial of this case, and I also have the duty
18 to rule on the admissibility of the evidence offered during
19 this trial. You are to consider only the competent evidence
20 before you. If there was any testimony ordered stricken from
21 the record of this case, you must disregard that testimony.
22 You are to consider only the testimony which has been
23 presented from the witness stand, any exhibits which have been
24 made a part of the record in this case, any exhibits which
25 have been made a part of the record in this case, and any

1 stipulations of counsel.

2 I have the additional duty to charge you the law
3 applicable to this case. As the presiding Judge, I am the
4 sole Judge of the law of this case, and it is your duty as
5 jurors to accept and apply the law as I now state it to you.
6 If you already have any idea as to what the law is ow what the
7 law ought to be and it does not agree with what I now tell you
8 the law is, you must abandon this idea because you are sworn
9 to accept the law and apply the law exactly as I state it to
10 you.

11 In every case tried in this court before a jury, the jury
12 becomes the sole and exclusive judge of the facts in a case.
13 A Trial Judge cannot intimate, state, comment on, or make any
14 statement to a trial jury about the facts in a case. Since
15 you, the jury, are the sole judge of the facts in this case,
16 you are not to infer from what I have said during the progress
17 of this trial in ruling upon the admissibility of evidence, or
18 otherwise, or anything that I say now during the court of this
19 instruction to you, that I have any opinion about the facts in
20 this case. I do not. The law does not allow me to have an
21 opinion about the facts in this case. This is a matter solely
22 for you, the jury, to determine. As jurors, it is your duty
23 to determine the effect, value, weight, and truth of the
24 evidence presented during this trial.

25 As to reasonable doubt: The state has the burden of

1 proving the defendant guilty beyond a reasonable doubt. Some
2 of you may have served as jurors in civil cases where you were
3 told that it is only necessary to prove that a fact is more
4 likely true than not true, such as by the greater weight or
5 preponderance of the evidence. In criminal cases, the state's
6 proof must be more powerful than that. It must be beyond a
7 reasonable doubt. Reasonable doubt is the kind of doubt that
8 would make a reasonable person hesitate to act.

9 Proof beyond a reasonable doubt is proof that leaves you
10 firmly convinced of the defendant's guilt. There are very few
11 things in this world that we know with absolute certainty, and
12 in criminal cases the law does not require proof that
13 overcomes every possible doubt. If, based on your
14 consideration of the evidence, you are firmly convinced that
15 the defendant is guilty of the crime charged, you must find
16 the defendant guilty. If on the other hand, you think there
17 is a real possibility that the defendant is not guilty, you
18 must give the defendant the benefit of the doubt and find him
19 not guilty. Facts and circumstances that merely place upon
20 the defendant a grave suspicion of the crime charged or that
21 merely raise a speculation or conjecture of the defendant's
22 guilt are not sufficient to authorize a conviction of the
23 accused.

24 Direct and Circumstantial Evidence: There are two types
25 of evidence which are generally presented during a trial -

1 direct evidence and circumstantial evidence.

2 Direct evidence is the testimony of a person who claims
3 to have actual knowledge of a fact, such as an eyewitness. It
4 is evidence which immediately establishes the main fact to be
5 proven.

6 Circumstantial evidence is proved by a chain of facts and
7 circumstances indicating the existence of a fact. Crimes may
8 be proven by circumstantial evidence. It is evidence which
9 immediately establishes collateral facts from which the main
10 fact may be inferred. Circumstantial evidence is based on
11 inference and not on personal knowledge or observation.

12 The law makes absolutely no distinction between the
13 weight or value to be given to either direct or circumstantial
14 evidence, however, to the extent the state relies on
15 circumstantial evidence, the circumstances must be consistent
16 with each other, and when taken together, point conclusively
17 to the guilt of the accused beyond a reasonable doubt. Nor is
18 a greater degree of certainty required of circumstantial
19 evidence than of direct evidence.

20 You should weigh all the evidence in the case. After
21 weighing all the evidence, if you are not convinced of the
22 guilt of the defendant beyond a reasonable doubt, you must
23 find the defendant not guilty. If these circumstances merely
24 portray the defendant's behavior as suspicious, the proof has
25 failed. The state has the burden of proving the defendant

1 guilty beyond a reasonable doubt. This burden rests with the
2 state regardless of whether the state relies on direct
3 evidence, circumstantial evidence, or some combination of the
4 two.

5 Credibility of witnesses: Necessarily, you must
6 determine the credibility of witnesses who have testified in
7 this case. Credibility simply means believability. It
8 becomes your duty as jurors to analyze and to evaluate the
9 evidence and determine if the state has met its burden of
10 proof in this case.

11 In determining the believability of witnesses who have
12 testified in this case, you may believe one witness over
13 several witnesses or several witnesses over one witness. You
14 may believe a part of the testimony of a witness and reject
15 the remaining part of the testimony of that same witness. You
16 may believe the testimony of a witness in its entirety or
17 reject the testimony of a witness in its entirety. You may
18 consider whether the witness has exhibited to you any
19 interest, bias, prejudice, or other motive in this case. You
20 may also consider the appearance and manner of a witness while
21 on the witness stand.

22 We had expert testimony in this case, so I have a charge
23 with regard to an expert witness. The rules of evidence
24 ordinarily do not permit witnesses to testify to opinions or
25 conclusions. An exception to this rule exists for witnesses

1 we call expert witnesses. A witness who, by education and
2 experience, has become an expert in some art, science,
3 profession, or calling, may state an opinion as to relevant
4 and material matters, in which the witness claims to be an
5 expert, and may also state the reasons for the opinion.

6 You should consider any expert opinion received in
7 evidence in this case and, like any other evidence, give it
8 the weight you think it deserves. If you decide that the
9 opinion of an expert witness is not based on sufficient
10 education and experience, or if you conclude that the reasons
11 given in support of the opinion are not sound, or that the
12 opinion is outweighed by other evidence, you may disregard the
13 opinion entirely.

14 An expert witness's testimony is to be given no greater
15 weight than that of other witnesses simply because the witness
16 is an expert. Further, you are not required to accept an
17 expert's opinion, even though it is not contradicted.

18 Criminal Intent: In order to establish criminal
19 liability, the state must also prove criminal intent. For a
20 particular crime, the mental state required might be purpose,
21 intent, knowledge, recklessness, or criminal negligence. The
22 state must prove criminal intent beyond a reasonable doubt.

23 Criminal intent is a matter that must be determined by
24 the jury from the facts of the case. There is no way to prove
25 criminal intent to a mathematical certainty, so the law says

1 that criminal intent may be inferred from the circumstances
2 shown to have existed. This is how you determine whether or
3 not the element requiring intent was present.

4 It is not necessary to establish intent by direct
5 evidence. Intent may be established by circumstantial
6 evidence or by taking into consideration the acts of the
7 parties and all the facts and circumstances of the case.

8 Criminal intent is a mental state of conscious
9 wrongdoing. It is up to you to determine what the defendant
10 intended to do based upon -- based on the circumstances shown
11 to have existed in this case.

12 We're getting close, folks.

13 Failure of the defendant to testify: I instruct you and
14 emphasize that the fact that the defendant did not testify is
15 not a factor to be considered by you in any way in your
16 deliberations and in your consideration on the question of the
17 guilt or the innocence of the defendant. It must not be
18 considered by you in any manner whatsoever. A defendant has
19 the constitutional right to remain silent, and the assertion
20 of this right must not be considered by you in your
21 deliberations. I repeat, under your oath you are to draw no
22 conclusion whatsoever from the fact that the defendant in this
23 case did not testify. The fact that this defendant did not
24 testify should not even be discussed in the jury room. The
25 burden of proof, as I have stated to you, is on the state.

1 The defendant is not required to prove his innocence. The
2 burden of proof remains on the state to prove guilt beyond a
3 reasonable doubt.

4 Armed Robbery: The defendant is charged with armed
5 robbery. In order to prove this offense, the state must first
6 prove beyond a reasonable doubt that the defendant took
7 personal property from the person or presence of another
8 person.

9 Property is in the presence of a person if it is within
10 the person's reach, inspection, observation, or control so
11 that the person could, if not overcome with violence or
12 prevented by fear, keep possession of the property.

13 The state must also prove beyond a reasonable doubt that
14 the defendant carried the property away intending to
15 permanently deprive the owner of the property and to keep the
16 property for the defendant's own use. The slightest removal
17 of the property or the complete possession of the property,
18 even for an instant, by the defendant is sufficient to show a
19 taking and carrying away of the property.

20 The taking and carrying away of the property must have
21 been done with violence or by putting the owner of the
22 property in fear of violence.

23 Finally, the state must prove beyond a reasonable doubt
24 that the defendant was armed with, or alleged, either by
25 actions or words, he was armed while using a representation of

1 a deadly weapon or any object which a person present during
2 the commission of the robbery reasonable believed to be a
3 deadly weapon.

4 A deadly weapon is any article, instrument, or substance
5 which is likely to cause death or great bodily harm. Whether
6 an instrument has been used as a deadly weapon depends on the
7 facts and circumstances of each case.

8 The following are examples of deadly weapons: a pistol, a
9 shotgun, a rifle, a dirk, a dagger, a knife, a sling shot,
10 metal knuckles, a razor, gasoline, a fire bomb or Molotov
11 cocktail, and lighter fluid. A gun may be a deadly weapon
12 even if it is not operating.

13 The lesser included offense of robbery: Also included
14 within the offense of armed robbery is the lesser offense of
15 robbery. In order to prove robbery, the state must prove
16 beyond a reasonable doubt that the defendant took the personal
17 property from the person or presence of another person,
18 without that person's consent, and carried it away. Property
19 is in the presence of a person if it is within the person's
20 reach, inspection, observation, or control so that the person
21 could, if not overcome with violence or prevented by fear,
22 retain possession of the property.

23 The state must show that the defendant carried the
24 property away with the intent to permanently deprive the owner
25 of the property and to convert the property to the defendant's

1 own use. The slightest removal of the property or the
2 complete possession of the property, even for an instant, by
3 the defendant is sufficient to show a taking and carrying away
4 of the property. The taking and carrying away of the property
5 must have been done with violence or by putting the owner of
6 the property in fear of violence.

7 I will give you a copy of these instructions in written
8 form. During your deliberations, you may refer to my
9 instructions to guide your decision-making. You must consider
10 the instructions as a whole and may not follow some and ignore
11 others. Please return the copy of the instructions to the
12 Court at the time your verdict is rendered.

13 Mr. Foreman, ladies and gentlemen of the jury, please
14 remember that you must decide the indictment on the evidence
15 and the law applicable to it. You will be asked to write a
16 verdict of guilty or not guilty for the indictment.

17 Your verdict as to the indictment must be a unanimous
18 one. Mister Foreman, when the jury agrees on the verdict, you
19 will mark the verdict on the indictment and sign your name as
20 foreman. Please then knock on the jury room door and inform
21 the bailiff that you have reached a verdict. At that time, we
22 will receive you back into the courtroom.

23 All right. Mr. Foreman, I'm going to step off the bench,
24 I have some things to give you. All right. Mr. Foreman, if I
25 can get you to please stand. All right. Mr. Foreman, this is

1 the indictment, these are the jury charges that's I've read to
2 you, sir.

3 Any objections to the charges?

4 **MR. DEBUSK:** None from the state, Your Honor.

5 **MR. PINKERTON:** No, Your Honor.

6 **THE COURT:** All right. Mr. Foreman, I'm going to provide
7 you with the jury charges and I'm going to provide you with
8 this verdict form. Please do not begin your deliberations
9 until the Court sends instruction. I'll ask y'all to be
10 excused and return to the jury room. I have some matters to
11 take up with the lawyers. We'll then send the evidence into
12 the jury room by the bailiff. Only at that time, you may
13 begin deliberating or you are allowed to start deliberating,
14 okay.

15 Then what you do then as foreman of the jury, you will
16 have the responsibility for the verdict form. This verdict
17 form reads as follows: We the jury unanimously find the
18 following beyond a reasonable doubt, you will check one box,
19 guilty of the offense of armed robbery not guilty of the
20 offense of armed robbery. In the event you find not guilty of
21 the offense of armed robbery, you're to come here, if you the
22 jury return a finding of not guilty for the offense of armed
23 robbery you must also consider a verdict for the lesser
24 included offense of strong armed robbery. Then you would
25 consider guilty as to strong armed robbery or not guilty as to

1 strong armed robbery. Once you have completed that, you as
2 foreman of the jury, will sign this form, okay. You will then
3 knock on the door alerting the bailiff that you have returned
4 a verdict. You will keep this with you and you will return in
5 the courtroom. You will be in possession of this. The
6 bailiff will let the Court know that you were able -- that you
7 have reached a verdict. We will then bring you back into the
8 courtroom and we will discuss that verdict with you, okay. Do
9 you have any questions? He indicates no.

10 All right. All right, sir. The charges as read to you
11 are here and you will keep those and you will return those
12 with you when you return to the courtroom, okay. I believe
13 lunch has been also ordered, the clerk has provided lunch for
14 you all. As Foreman of the jury if you wish to eat first and
15 then begin deliberations, I'll leave that to your discretion.
16 If y'all wish to start eating while you deliberate, that will
17 be in your discretion, Mr. Foreman, okay. Some like to go
18 ahead and eat before they then begin deliberations. I'll
19 leave that in your discretion, Mr. Foreman. All right. Any
20 questions?

21 **MR. FOREMAN:** No, sir.

22 **THE COURT:** Okay. All right, sir. Thank you for
23 service. I'll hand these to you, sir.

24 All right. At this time if there's nothing further, I
25 will ask the bailiff to excuse the jury.

1 If I can have my -- if I can have Mr. Brantley Norris and
2 Mr. Jason Grant, if I could have y'all step to the side as the
3 rest exit the courtroom. All right. They may retire at this
4 time.

5 **REPORTER'S NOTE:** (Jury exits courtroom at 12:16p.m.)

6 **THE COURT:** All right. Before I dismiss our alternates,
7 anything?

8 **MR. DEBUSK:** Nothing from the state, Your Honor.

9 **MR. PINKERTON:** No, Your Honor.

10 **THE COURT:** Okay. All right. So Mr. Norris and Mr.
11 Grant, you were our alternates in the case in the event that
12 any of our jurors were unable to finish the trial, so you had
13 the unenviable task of sitting through all of this, but then
14 you don't get to participate in the deliberations and I can
15 imagine that could be some frustration, but I do appreciate
16 your service this week. You have served as jurors so you will
17 not be called -- if you are called you certainly will be
18 exempt from further jury service for three years. I thank you
19 for your service, these lawyers thank you for your service. I
20 know it's been a long week for you. At this time, you are
21 free to go. If you wish to stay for any of the rest of the
22 proceedings, what will take place is shortly they will begin
23 deliberations and then once they've completed those
24 deliberations they will come back with a verdict. How long
25 that lasts, I do not know. But you are welcome to stay. If

1 anybody approaches you and wants to talk to you about the
2 trial, you are welcome to talk to them about your
3 observations, your thoughts. If you choose not to, that is
4 your right too and you're not forced to do so, okay. Thank
5 you for your service, you're free to go.

6 **REPORTER'S NOTE:** (Whereby alternates are excused.)

7 **THE COURT:** All right. Counsel, anything before we
8 break?

9 **MR. DEBUSK:** Just check the exhibits, Your Honor.

10 **THE COURT:** All right. Yes, sir, if y'all would do that
11 and then we will send those back.

12 **MR. DEBUSK:** Your Honor, we have a black computer that we
13 often send back to the jury if they want to watch videos.
14 Would you like us to send that back or would you like them to
15 request to come out to see it if they want to see it?

16 **THE COURT:** What do y'all want to do?

17 **MR. DEBUSK:** I'd say give them the computer.

18 **MR. PINKERTON:** It doesn't have access to the internet or
19 anything like that, does it?

20 **MR. DEBUSK:** No, no. It has none of that. There's
21 nothing but a player on that.

22 **THE COURT:** All right. Any objections to the exhibits
23 that are going to be sent to the jury?

24 **MR. DEBUSK:** None from the state, Your Honor.

25 **MR. PINKERTON:** No, Your Honor.

1 **THE COURT:** All right. They are ready to be sent back.
2 We'll go ahead and send them back and once they're back there
3 -- who is going to actually take them in?

4 Madam Clerk, are you or Mr. Ropp?

5 **THE CLERK:** I'll take it and normally Bobby will meet me
6 in the hallway and grab it from me.

7 **THE COURT:** Okay. Once he's done that then he can tell
8 them that they can begin their deliberations. And I don't
9 think there's anything else that we need to discuss before
10 they begin their deliberations.

11 Are they going to eat first?

12 **THE CLERK:** As I was taking it in there, I heard them say
13 that they were going to eat while they deliberated.

14 **THE COURT:** Okay, that's fine.

15 **MR. DEBUSK:** Your Honor, for the record we are sending
16 back a blank computer so that they can watch the videos that
17 we often use in trials. It has nothing on it except a player.

18 **THE COURT:** All right. If you would just alert them that
19 if they need any assistance with the operation of the
20 computer, that that can be provided.

21 **THE CLERK:** Okay.

22 **THE COURT:** All right. We're in recess.

23 **(COURT IS IN RECESS)**

24 **THE COURT:** All right. Court will come to order. I
25 believe everybody is back in the courtroom. I understand the

1 jury has reached a verdict.

2 We're ready for the jury.

3 **REPORTER'S NOTE:** (Jury enters courtroom at 1:02p.m.)

4 **THE COURT:** All right. Court will come to order.

5 Mr. Foreman, has the jury reached a verdict?

6 **MR. FOREMAN:** Yes.

7 **THE COURT:** Thank you, sir.

8 Madam Clerk.

9 **THE COURT:** All right. Madam Clerk, if you would publish
10 the verdict.

11 **THE CLERK:** The State of South Carolina versus Corey
12 Tyler Busch indictment number 2019-GS-26-06193. We the jury
13 unanimously find the following beyond a reasonable doubt, that
14 the defendant is guilty of the offense of armed robbery.
15 Signed by foreperson Dexter Sherman dated February 16, 2023.

16 **THE COURT:** Mr. Foreman, that's the jury's verdict? Is
17 that a yes?

18 **MR. FOREMAN:** Yes, sir.

19 **THE COURT:** Thank you.

20 All right. Before I excuse the jury anything from the
21 state?

22 **MR. DEBUSK:** No, Your Honor.

23 **MR. PINKERTON:** No, Your Honor.

24 **THE COURT:** Okay. Ladies and gentlemen of the jury,
25 that's going to conclude your service for this week. I

1 appreciate your service. I know when you came here on Monday
2 you likely did not know what to expect. You have all now
3 certainly done your duty. I appreciate your service. You
4 serve a vital function for our justice system.

5 Mr. Foreman, I hope you recognize the roll that you
6 played and the significance of your roll. The Court picked
7 you for a reason.

8 But that you again for this week's service. If you wish
9 to be excused, you will be able to be excused now. If you
10 would like to leave the courthouse you are welcome too. If
11 you wish to stay for sentencing you are welcome to do that as
12 well. The bailiff will escort you out of the courtroom. If
13 you have any valuables or anything in the jury room, you will
14 be able to retrieve those. If you wish to come back into the
15 courtroom for sentencing you will come back through the main
16 entrance, okay. If you choose to leave, that is certainly
17 your right to do so. You've served your portion of the trial
18 for this week. If you wish to talk to anybody about your
19 service, you're welcome to. If you do not want to, you do not
20 have to and if anybody were to pressure you or make you feel
21 uncomfortable, just let the clerk's office know and they will
22 in turn let me know, but you certainly have that right, okay.
23 It's been a pleasure working with you. I wish all of you the
24 best of luck going forward. Thank you and you're excused.

25 **REPORTER'S NOTE:** (Jury is excused at 1:06p.m.)

1 **THE COURT:** All right. Before sentencing anything from
2 the state?

3 **MR. DEBUSK:** Your Honor, may I check the sentencing sheet
4 against the indictment and make sure I have the right
5 information?

6 **THE COURT:** All right. Mr. Pinkerton.

7 **MR. PINKERTON:** Yes, Your Honor.

8 **THE COURT:** Anything before sentencing that you want to
9 put on the record or address?

10 **MR. PINKERTON:** Mr. O'Neill will.

11 **THE COURT:** All right. Mr. O'Neill.

12 **MR. O'NEILL:** Thank you, Your Honor. Mr. Busch is 43
13 years old. He has been living in Charleston at a sober living
14 facility. Your Honor, he has a seven-year-old son. Your
15 Honor, this is a violent most serious offense, no parole, and
16 carries ten to thirty years. Your Honor, we'd ask that you
17 sentence him on the low end of that range. Your Honor, this -
18 - he was found guilty of armed robbery, but I do not believe
19 that a gun was used in this particular armed robbery. The
20 state presented evidence that an object was presented, but I
21 do not believe a firearm was involved in this, Your Honor.

22 When speaking with Mr. Busch and his mother, they said
23 that he's been doing much better. He's kind of in the best
24 part of his life right now, this comes as kind of a shock to
25 them. But, Your Honor, we just ask that you sentence him on

1 the low end of the range for armed robbery. Thank you.

2 **THE COURT:** Thank you, sir.

3 **MR. DEBUSK:** Your Honor, the victims did not wish to stay
4 to speak to the Court. But I think I can safely say the main
5 reason we're here is because of the prior record of the
6 defendant, otherwise we probably could have reached a
7 resolution at this point. In 1996 he has a burglary, non-
8 violent second degree; in 1999 a possession of cocaine; 1999,
9 conviction date 2004, common law robbery which it started as
10 strong armed robbery. He was given quite a break then, given
11 an active YOA sentence. Not terribly long after that sentence
12 was completed in 2009 he had a shoplifting. In 2010 another
13 armed robbery arrest which he received common law robbery
14 again, received a ten-year sentence. Then recently in the
15 county of Florence a breaking and entering auto from 2022,
16 from June 2022. And that's the reason I think we're here and
17 this case had to go to trial and wasn't resolved by a plea
18 because he's done this before and the third time we just
19 couldn't reduce it to strong armed robbery. So thank you,
20 Your Honor.

21 **THE COURT:** Okay. Mr. Pinkerton, Mr. O'Neill, any family
22 or -- he can take his time.

23 **MR. O'NEILL:** I do not believe he wishes to speak, Your
24 Honor. Obviously, he's very emotional and we understand that
25 there was a prior record involved here, but still the facts of

1 this case with no gun being used. He's 43 years old, he has a
2 seven-year-old son. We'd ask that, again, you just find at
3 the low end of that range so that he has the possibility of
4 being with his son when he gets out. Thank you, Your Honor.

5 **THE COURT:** All right.

6 **MR. DEBUSK:** And, Your Honor, for the record there were
7 some other charges, another count of armed robbery and some
8 other things, we're going to nolle pros those after this
9 trial.

10 **THE COURT:** All right. The state's going to nolle pros
11 those?

12 **MR. DEBUSK:** Yes, Your Honor.

13 **THE COURT:** All right, sir.

14 Mr. Pinkerton, Mr. O'Neill, did he have any time at the
15 county jail that he served?

16 **MR. PINKERTON:** He does, Your Honor. He had quite
17 significant time, although I don't have that but I can get
18 that for you, Your Honor.

19 **THE COURT:** All right, sir.

20 **MR. DEBUSK:** I have on this charge he served from
21 September 22nd, 2019 to January 28th, 2020, so he is entitled
22 to that time certainly. That's a little over three months.

23 **MR. PINKERTON:** That sounds correct, Your Honor.

24 **MR. DEBUSK:** Four months.

25 **THE COURT:** Four months, he served four months?

1 **MR. PINKERTON:** Yes, Your Honor. That's correct.

2 **MR. DEBUSK:** One hundred twenty-nine days, Your Honor.

3 **THE COURT:** All right. Anything further from the state?

4 **MR. DEBUSK:** No, Your Honor.

5 **THE COURT:** Nothing further, okay. All right.

6 Mr. Busch, can I get you to please stand, sir?

7 Mr. Busch, I regret your circumstances, sir, and you've
8 been well represented throughout this trial with Mr. Pinkerton
9 and Mr. O'Neill. I also say for the record that Mr. DeBusk
10 and Ms. Farmer also served the state well in their
11 representation.

12 I'm sorry that you have to go through this. It certainly
13 looks like you've had things in your past that kind of led you
14 here, and I regret that for you and I believe this nice lady
15 in the back may be your mother. But the jury has spoken and
16 it's my responsibility to provide the appropriate sentence.

17 So the Court shall sentence you to the Department of
18 Corrections for 16 years. I'll give you credit for the four
19 months that you have done. That will be the sentence of the
20 Court, sir.

21 All right. Anything further, Mr. DeBusk?

22 **MR. DEBUSK:** No, Your Honor.

23 **MR. PINKERTON:** No, Your Honor.

24 **THE COURT:** All right. Thank you. Anything further?

25 **MR. DEBUSK:** No, Your Honor.



HORRY COUNTY POLICE DEPARTMENT

Dedicated to Providing Comprehensive, Quality Law Enforcement

2560 North Main Street, Suite 7 — Conway, SC 29526 — Tel: 843-915-5350 — Fax: 843-248-1886

Photo Line-Up Identification Form

Case Number: 19086244

You will be asked to look at several photographs. The fact that the photographs are shown to you should not influence your judgment. You should not conclude nor guess that the photographs contain the picture of the person who committed the crime. You are not obliged to identify anyone. It is just as important to free innocent persons from suspicion, as to identify guilty parties.

I observed the following photo line up at _____ on 9-21-19.

I picked the photo number 4 as numbered below. **Please initial beside the number and sign.**

Photo # 1 _____

Photo # 4 ✓

Photo # 2 _____

Photo # 5 _____

Photo # 3 _____

Photo # 6 _____

Print Name: Tyler Savinski

Signature: [Signature]

Address: [Redacted]

Telephone: [Redacted]

Conducted by: Det. Wydra

Witness: _____



SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

September 26, 2021

Lori Dudley
Horry County Police Department
2560 North Main St, Suite 7
Conway, SC 29526

DNA ANALYSIS

SLED LAB: L19-18655
Your Case No: 19086244
Incident Date: 9/18/2019
[B] Dunkin Donuts

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

COMPARISON STANDARDS

3 Buccal swabs from Corey Busch

RESULTS:

- The DNA profile developed is suitable for use as a known standard.

ITEMS OF EVIDENCE

1.1 Swab from scraping entire brown bandana with black and white design

RESULTS:

- A DNA profile suitable for comparison was developed.
- Likelihood Ratios (LR) for this profile were calculated using STRmix™.
- **Proposition Set:**
 - The DNA profile was interpreted as single source.
 - Hp = Corey Busch contributed the DNA profile.
 - Hd = An unidentified unrelated individual contributed the DNA profile.



SLED LAB No. L19-18655
September 26, 2021

Page 2 of 4

- The DNA profile is approximately 190 octillion ($1.9E29$) times more likely if Corey Busch contributed the profile than if an unidentified unrelated individual contributed the profile.
- This profile has been entered into the Combined DNA Index System (CODIS) as 19-18655-1.1.

1.2.1 Hair from brown bandana with black and white design

RESULTS:

- No DNA profile was developed.

2.1 Swab from scraping interior of black winter style hat with Gamecock symbol

RESULTS:

- A DNA profile suitable for comparison was developed.
- Likelihood Ratios (LR) for this profile were calculated using STRmix™.
- **Proposition Set:**
 - The DNA profile was interpreted as a mixture originating from three individuals.
 - Hp = Corey Busch and two unidentified unrelated individuals contributed to the mixture.
 - Hd = Three unidentified unrelated individuals contributed to the mixture.
- The DNA profile is approximately 27 octillion ($2.7E28$) times more likely if Corey Busch and two unidentified unrelated individuals contributed to the mixture than if three unidentified unrelated individuals contributed to the mixture.

2.2.1 Hair from black winter style hat with Gamecock symbol

RESULTS:

- The partial DNA profile developed is insufficient for interpretation.

2.2.2 Hair from black winter style hat with Gamecock symbol

RESULTS:

- No DNA profile was developed.



NOTES:

DNA analysis was performed using Short Tandem Repeat (STR) PCR DNA analysis.

The following kits/loci were utilized in the analysis of this case:

GlobalFiler™: D3S1358, vWA, D16S539, CSF1PO, TPOX, Yindel, AMELOGENIN, D8S1179, D21S11, D18S51, DYS391, D2S441, D19S433, TH01, FGA, D22S1045, D5S818, D13S317, D7S820, SE33, D10S1248, D1S1656, D12S391, D2S1338

Any remaining evidence and/or packaging will be returned to the requesting agency.

The verbal scales listed in the tables below were implemented by SLED for use with STRmix™ results only. Verbal scales are designed to assist in conveying the weight of likelihood ratios.

Supported Proposition	Likelihood Ratio	Verbal Wording
First proposition (Hp) is supported against the alternative proposition (Hd)	1	Uninformative
	2 to 99	Weak support
	100 to 9,999	Moderate support
	10,000 to 999,999	Strong support
	≥ 1,000,000	Very strong support

Supported Proposition	Likelihood Ratio	Verbal Wording
The alternative proposition (Hd) is supported against the first proposition (Hp)	1	Uninformative
	2 to 99	Moderate support for Hd
	≥100	Exclusion

Reported likelihood ratios are based on the stated propositions. Alternate propositions may require calculation of additional likelihood ratios. If interpretation based on propositions other than those reported is needed, please contact the analyst listed below and allow up to **30 business days** for calculation and reporting of additional likelihood ratios.

Definitions:

Proposition: A statement, based on case circumstances and genetic results, that expresses an opinion

Hp: First proposition

Hd: Alternative proposition

Likelihood ratio: The comparison of the probabilities of Hp and Hd

Person of interest: An individual whose known standard has been submitted for comparison



SLED LAB No. L19-18655
September 26, 2021

Page 4 of 4

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.

Sara S. Goodman

Sara G. Goodman

Forensic Scientist



WITNESSES

Sean M Wydra Horry County Police Department

John B. Bate

ARREST WARRANT NUMBER

2019A2610202266

CDR: 0139 16-11-0330(A)

DOA: 9/22/2019

ACTION OF GRAND JURY DEC 11 2019

TRUE BILLForeperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2019GS2606193

The State of South Carolina

County of Horry

George H. DeBuck, Jr.
18H05418

COURT OF GENERAL SESSIONS

DECEMBER, 2019 TERM

THE STATE

vs.

Corey Tyler Busch
W/M

ATTORNEY: Martin D. Spratlin

Indictment for

ARMED ROBBERY

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED

2019 DEC 13 AM 8:03

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SCDATE RECEIVED FROM
GRAND JURY**RECEIVED**

FEB 23 2023

SC Court of Appeals

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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10-30

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT

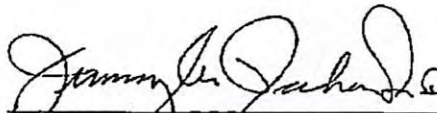
At a Court of General Sessions, convened on December 11, 2019, the Grand Jurors of Horry County present upon their oath:

ARMED ROBBERY

CDR: 0139 16-11-0330(A)

That Corey Tyler Busch did in Horry County on or about September 18, 2019, while armed with a deadly weapon and/or while alleging, either by action or words, was armed while using a representative of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, take and carry away personal property of Dunkin Donuts from or in the immediate presence of Dunkin Donuts with intent to deprive Dunkin Donuts of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

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ARREST WARRANT

2019A2610202266

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE
against

19086244

Corey Tyler Busch

Address:

Phone: SSN: 7-2-2

Sex: M Race: W Height: 6 Weight: 220

DL State: SC DL #:

DOB: Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Sean M Wydra - 8631

Offense: Robbery / Armed Robbery, robbery while armed or
allegedly armed with a deadly weapon

Offense Code: 0139

Code/Ordinance Sec: 16-11-0330(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Corey Tyler Busch

on 09-22-19

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Bond Court
4150 J. Reuben Long Avenue
Conway, SC 29526

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Personally appeared before me the affiant Sean M Wydra who

being duly sworn deposes and says that defendant Corey Tyler Busch

did within this county and state on or about 9/18/2019 violate the criminal laws of the

State of South Carolina for ordinance of ☒ County/ ☐ Municipality of Horry

in the following particulars:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:On September 18, 2019, in the Myrtle Beach Section of Horry County, the defendant did enter the Dunkin Donuts with the intention
of committing the crime of robbery. During the commission of the crime, the defendant presented his arm with the sleeve extended
over his hand as though it contained a weapon. He demanded and was provided cash from the drawer. Through eye witness
statements in and around the area, and positive identification from a witness to include his name, the defendant was identified. R/O
Sean Wydra 19086244.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address 2560 N. Main Street

Conway, SC 29526

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/18/2019 defendant Corey Tyler Busch

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Horry as set forth below:

DESCRIPTION OF OFFENSE: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 9/21/2019

Signature of Issuing Judge

Manuela Ardelljan Clayton

Judge Code: 7403

Judge's Address Surfside Magistrate Office

Myrtle Beach, SC 29588-

Judge's Telephone (843)915-5291

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 510

276

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Clerk of Appeals
REUBEN ELVIS
CLERK OF COURT
HORRY COUNTY, SC

BAIL set by

Judge C. Hall
on 09/22/12
Type and Amount: \$1000 Denial
Name of Surety: Flight Risk/Range - CH

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
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Telephone: _____

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Telephone: _____

CODEFENDANTS



RENEE N. ELYS
CLERK OF COURT
Horry County, SC

CERTIFIED COPY

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

STATE

VS.

Corey Tyler Busch

AKA:

Race: WHITE Sex: M Age: 41DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL#: [REDACTED] SID#: SC01098352

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019GS2606193A/W#: 2019A2610202266Date of Offense: 9/18/2019S.C. Code §: 16-11-0330(A)CDR Code #: 0139

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 SENTENCE SET
 SC Court of Appeals

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADSTO: Armed Robbery (10-30 years)in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

[Signature]

SCB16182

SC102561

DeBusk, Jr., George H.

SC Bar#

Defendant

Pinkerton, Clay
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 16 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.4 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

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MSH

STATE VS Corey Tyler Busch INDICTMENT/CASE#: 2019GS2606193**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol testing
☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning : _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Term _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 3/16/2039

\$14-1-206 (Assessments 107.5 %)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

\$50-21-114(BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundClerk of Court/ Deputy Clerk: Renee ELVISCourt Reporter: Samie Beth ToddPresiding Judge: Michael S. HoltJudge Code: 2772Sentence Date: 2-16-23

SCCA/217 (07/2021)

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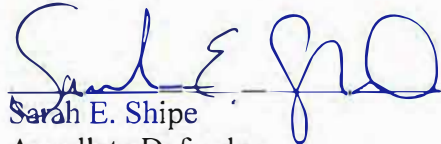
Sep 23 2024

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 23rd day of September, 2024.

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Sep 23 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Michael S. Holt, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

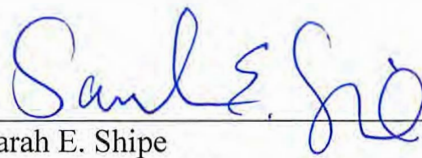
COREY TYLER BUSCH,

APPELLANT

APPELLATE CASE NO. 2023-000299

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 23rd day of September, 2024.



Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT