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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County
Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GENE ALEXZANDER SCOTT,

APPELLANT.

APPELLATE CASE NO. 2024-000900

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**STATE’S EXHIBIT #1 (9-1-1 PHONECALL); STATE’S EXHIBIT #3 (BODY-WORN
CAMERA VIDEO OF OFFICERS POWELL AND OSTROWSKI); STATE’S EXHIBIT
#139 (STATEMENT BY THE DEFENDANT); STATE’S EXHIBIT #167 (LFG
ELECTRONIC CASE FILE PREPARED BY ERIC DEVLIN); STATE’S EXHIBIT #170
(STATEMENT OF ALEX SCOTT); STATE’S EXHIBIT #188 (MATTHEW WRIGHT’S
REPORT); and STATE’S EXHIBIT #195 (PHONE ANALYSIS OF ERIC DEVLIN)**

STATE OF SOUTH CAROLINA

COUNTY OF CHESTER

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS.

GENE A. SCOTT,

DEFENDANT.

TRANSCRIPT

OF

RECORD

2021-GS-12-952 - 954

May 13th - 17th, 2024
May 20th - 23rd, 2024

B E F O R E:

THE HONORABLE DONALD B. HOCKER, Judge; and a jury.

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Transcribed by Pamela E. Green, from
DCRP

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E X H I B I T S

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P R O C E E D I N G S

(WHEREUPON, State's Exhibit Nos. 1 through 6, 16 through 135, 138 through 170 were premarked for identification purposes only at this time.)

(WHEREUPON, the following takes place within the presence of the jury venire.)

THE COURT: All right. Good afternoon, ladies and gentlemen. Hope you had a, a good lunch and ready to get back to -- ready to get back to work.

Ladies and gentlemen, we -- the trial that we will be starting this week is the State of South Carolina versus Gene Alexander Scott.

Mr. Scott, would you just please stand for just a second and just face the panel?

(WHEREUPON, the defendant complies.)

THE COURT: There you go. That's all you need to do. Thank you. Have a seat.

(WHEREUPON, the defendant complies.)

THE COURT: Mr. Scott has been indicted on several charges and I'm gonna read the indictments to you in just a minute. But let me go ahead and tell you right off the bat that the fact that Mr. Scott has been indicted for certain criminal offenses is not proof of any guilt on his part. The allegations contained in the indictments, the burden is

1 on the State to prove those allegations to you.

2 So you can not hold it against him in any manner
3 whatsoever the fact that he has been indicted with certain
4 criminal charges in this case.

5 The indictments serve two purposes and two purposes
6 only. One, it puts the defendant and his attorneys on
7 notice of the charges that the State intends to try him on,
8 and, secondly, the indictments are the mechanism to get the
9 case into court where we are today. They serve no other
10 purpose.

11 So, once again, you can not hold it against him the
12 fact that he has been indicted in this case.

13 But, again, I'm gonna read the indictments to you so
14 you'll have a little idea about what this case is about.

15 The first indictment, which is 2021-12-953, charges or
16 indicts Mr. Scott with the offense of murder and it reads
17 that Gene Alexander Scott did, in Chester County, on or
18 about June 20th, 2020, feloniously, willfully, and with
19 malice aforethought kill and murder Billie Rogers by means
20 of shooting her with a firearm, and that the said Mrs.
21 Rogers did die as a proximate result thereof in violation
22 of, of the common law of South Carolina and Section 16-3-10,
23 Code of Laws for South Carolina.

24 The second indictment is Indictment Number
25 2021-GS-12-2952 and it indicts Mr. Scott with the charge of

1 murder and it reads as follows:

2 That Gene Alexander Scott did, in Chester County, on or
3 about June 20th, 2020, feloniously, willfully, and with
4 malice aforethought kill and murder a Gene Rogers by means
5 of shooting him with a firearm and that the said Mr. Rogers
6 did die as a proximate result thereof in violation of the
7 common law of South Carolina and Section 16-3-10, Code of
8 Laws of South Carolina.

9 The third indictment, ladies and gentlemen, is
10 Indictment Number 2021-GS-12-954 and it indicts Mr. Scott
11 with the offense of possession or display of a firearm or
12 knife during the commission of a violent crime and it reads
13 as follows:

14 That Gene Alexander Scott, did, in Chester County, on
15 or about June 20th, 2020, did possess or visibly displayed
16 a firearm or knife, to wit, a firearm, during his commission
17 of a violent crime, to wit, murder, in violation of Section
18 16-23-490, Code of Laws of South Carolina as amended.

19 And I'm gon' ask you -- be asking you a, a pretty
20 significant number of questions that are related in some
21 fashion to this case and the same rules apply. If you need
22 to respond to a question, and you do not want to do so in
23 front of everybody, then I'll give you an opportunity to
24 speak with me privately as we did previously.

25 Secondly, there will be some questions that I'll be

1 asking you that I will either direct you in advance or, at
2 some point in time your indication of a desire to respond to
3 the question, I will instruct you to speak with me privately
4 about your response.

5 Okay. Any member of the jury panel related by blood or
6 marriage, either now or formerly, to either Gene Alexander
7 Scott, Billie Rogers, or Gene Rogers, if so, please stand.

8 (WHEREUPON, there was no response.)

9 THE COURT: Any member of the jury panel or had in the
10 past a close personal or social relationship with either
11 Gene Alexander Scott, Billie Rogers, or Gene Rogers, if so,
12 please stand.

13 (WHEREUPON, one juror responds at this time.)

14 THE COURT: Okay. And your name -- again, give me your
15 name and number before your response.

16 Ma'am?

17 THE JUROR: Vickie Laffredo. Number 1 -- I---

18 THE COURT: Okay. And, yes, ma'am, your response?

19 THE JUROR: Me and my husband were friends with Gene
20 Rogers.

21 THE COURT: Okay. All right. What I want you to do,
22 ma'am, when we form a line for private conversations, and
23 we'll probably do that periodically throughout this whole
24 process, if you will get in that line and you'll just need
25 to remind me why you're in that line.

1 then I just a need a time to, to do two things.

2 One, when to tell the jury to come back tomorrow and,
3 two, I need to, if we do any pretrial tomorrow morning, then
4 I need to let the various media outlets, and we're up to
5 three now, let them know when to come when we anticipate
6 starting the, the trial.

7 So, hear from the State first and then the defense.

8 What would be some ideas?

9 SOLICITOR LIVELY: Your Honor, the State's motion
10 regarding the admission of the defendant's attempted suicide
11 at the jail, I'm going to just hold off on that. And if I
12 do anything with that, it would be in regards to if he were
13 to testify.

14 THE COURT: Okay.

15 SOLICITOR LIVELY: I think, at this point, you know,
16 I'm just gonna -- I don't want to completely withdraw it.
17 But I'm just saying---

18 THE COURT: Sure.

19 SOLICITOR LIVELY: ---at this time, we're not gonna
20 bring it up in the case in chief is the whole point.

21 THE COURT: Okay. All right.

22 SOLICITOR LIVELY: So that, that's what---

23 THE COURT: If it becomes---

24 SOLICITOR LIVELY: ---I've determined.

25 THE COURT: ---an issue, then we can, we can flesh it

1 out --

2 SOLICITOR LIVELY: Yes, sir.

3 THE COURT: -- flesh it out then.

4 MS. BOULWARE: Yes, Your Honor.

5 SOLICITOR LIVELY: And the id -- the other issue that's
6 still pending is the one about the suicide of Ian---

7 THE COURT: Right.

8 SOLICITOR LIVELY: ---Little who would of been charged
9 in this case but for the fact that he---

10 THE COURT: Yeah.

11 SOLICITOR LIVELY: ---killed himself.

12 THE COURT: Yeah.

13 SOLICITOR LIVELY: Because if -- whatever -- Your
14 Honor, you know my position. You obviously---

15 THE COURT: Right.

16 SOLICITOR LIVELY: ---know Ms. Boulware's.

17 But the issue that concerns the State regarding that is
18 it's almost like a slippery slope if we're not able to say
19 that he is no longer with us. He -- it -- because if we
20 don't, then the idea comes on well, why hasn't he been
21 charged and why isn't he here.

22 THE COURT: Right.

23 SOLICITOR LIVELY: It's almost like a backdoor into a
24 third party defense.

25 THE COURT: Yeah.

1 MS. BOULWARE: Well---

2 SOLICITOR LIVELY: So, that really ties the State from
3 being able to say what's going on. So, we'll have to
4 come -- figure out how to address that issue because he did
5 kill himself with a gun that we ended up testing --

6 THE COURT: Right.

7 SOLICITOR LIVELY: -- through SLED.

8 THE COURT: Okay.

9 MS. BOULWARE: And my---

10 SOLICITOR LIVELY: So --.

11 MS. BOULWARE: My position on that is I don't mind if
12 they say he's deceased. I don't want---

13 THE COURT: Yeah.

14 MS. BOULWARE: ---the manner of why -- of how he --

15 THE COURT: Yeah.

16 MS. BOULWARE: -- died---

17 THE COURT: Yeah.

18 MS. BOULWARE: ---out there.

19 THE COURT: Yeah.

20 MS. BOULWARE: But getting back to -- and I also have
21 the motion to keep any statements he made out to any of
22 the---

23 THE COURT: Yeah.

24 MS. BOULWARE: ---I think it's Cravener, Webb, and---

25 THE COURT: Well, yeah, the---

1 MS. BOULWARE: ---detectives.

2 SOLICITOR LIVELY: And, and I brought that up, Your
3 Honor, and I said that when they get here -- they're not,
4 they're not coming until Monday, a week from today, that we
5 could, we could definitely maybe start a little bit late
6 that morning and have the -- and have an offer---

7 THE COURT: Okay.

8 SOLICITOR LIVELY: ---to proffer what it is that
9 they'll testify to---

10 THE COURT: Yeah.

11 SOLICITOR LIVELY: ---because one of the things that
12 the -- that our law enforcement did obtain was all of Ian
13 Little's iCloud account and he was definitely a
14 co-conspirator. As long as he doesn't say anything specific
15 as, as to Alex himself, if he's talking about the, you know,
16 some of the facts of where they were on -- at certain times
17 and certain events that were going on, we're gonna need to
18 flesh that out---

19 THE COURT: Yeah.

20 SOLICITOR LIVELY: ---with what those two witnesses are
21 gonna be---

22 THE COURT: Sure.

23 SOLICITOR LIVELY: ---talking about.

24 THE COURT: Okay. I have---

25 SOLICITOR LIVELY: So --.

1 THE COURT: I have read it in its entirety, the 108
2 page interview of -- is it pronounced Cravener?

3 SOLICITOR LIVELY: It's Cravener.

4 THE COURT: Cravener?

5 SOLICITOR LIVELY: Yes, sir.

6 THE COURT: Craven and then E-R.

7 I have, I have reviewed that and -- all right. So, we
8 need, need to deal with Ian's suicide and any statements.

9 So we need to deal with that and are you still wanting
10 to make your venue motion --

11 MS. BOULWARE: Yes, sir, that's what I was---

12 THE COURT: -- just to protect the record?

13 Okay.

14 MS. BOULWARE: I was going to bring that up just a
15 minute ago.

16 Yeah, I feel like there's enough people who follow the
17 sheriff's Facebook page and the Richburg Facebook page that
18 I could at least put it on the record --

19 THE COURT: Sure.

20 MS. BOULWARE: -- because we were left with mostly
21 those people. I think only two people out of all those got
22 excused.

23 THE COURT: Yeah. Yeah.

24 MS. BOULWARE: So, what it -- what I would suggest
25 doing, and if anybody has any objection to this, that's

1 fine, is I would like for you to review the filings that we
2 had before.

3 THE COURT: Is that in the Court's file?

4 MS. BOULWARE: Yes, sir.

5 THE COURT: So, I have it right here.

6 MS. BOULWARE: And, and I would rather -- I don't know
7 what all is in the Court's file.

8 THE COURT: Well, you need to check then because I
9 don't need to---

10 MS. BOULWARE: Yeah. The -- what I emailed includes
11 my -- what I used in the---

12 THE COURT: Okay.

13 MS. BOULWARE: ---hearing, which was the Facebook posts
14 and things like that.

15 THE COURT: Okay.

16 MS. BOULWARE: I think they are in that Court file.
17 But I need to review it---

18 THE COURT: Okay.

19 MS. BOULWARE: ---to make sure.

20 THE COURT: All right. Okay.

21 MS. BOULWARE: And I was gonna suggest maybe giving you
22 an opportunity to review that, you know, until tomorrow
23 morning --

24 THE COURT: Right.

25 MS. BOULWARE: -- possibly.

1 THE COURT: All right. So, what I'm hearing possibly
2 is that whatever pretrial that we need to deal with before
3 we actually start the case, we can do that maybe first thing
4 in the morning?

5 Is that what I'm hearing or y'all want to do anything
6 this afternoon?

7 MS. BOULWARE: I think all we got this afternoon is a
8 change of venue anyway.

9 SOLICITOR LIVELY: Yes, we have a change of venue and
10 then the issue with the -- Ian's suicide.

11 THE COURT: Right.

12 SOLICITOR LIVELY: All that I was gonna do was call
13 Rikki Burch to the stand. She is here.

14 THE COURT: Okay.

15 SOLICITOR LIVELY: We could do that for her to discuss
16 about how they found out about it and how that became
17 important in the --

18 THE COURT: Okay.

19 SOLICITOR LIVELY: -- in the case itself.

20 THE COURT: All right. Well, why don't we -- why don't
21 we do this?

22 Just allow us a -- enough, enough time to get, get
23 everything in order. Let me have the jury maybe come at
24 11:00 to start the case in the morning.

25 So we'll do whatever we can this afternoon, rep -- tie

1 up any loose ends in the morning and then -- cause it may --
2 on your motion for venue, it may take me a little while to
3 look at that stuff.

4 SOLICITOR LIVELY: Yes, sir.

5 THE COURT: So --.

6 SOLICITOR LIVELY: Yes, sir.

7 THE COURT: So -- all right. I'm gonna tell the jury
8 11:00. We're gonna reach out to the three media outlets and
9 tell them that we're gonna start at 11:00.

10 And so -- or I may tell the media to be here at
11 11:00 to start setting up, the jury at 11:30, and then we'll
12 do that that way.

13 Are y'all good with that time --

14 SOLICITOR LIVELY: Yes, sir.

15 THE COURT: -- then?

16 SOLICITOR LIVELY: That's fine.

17 MS. BOULWARE: That will be -- what time do we need to
18 start, judge, or just on the --?

19 THE COURT: Well, let's, let's go ahead. We're gonna
20 take a short little break --

21 MS. BOULWARE: Okay.

22 THE COURT: -- and then we'll go on the record and we
23 can deal with what we can this afternoon and then, and then
24 we can decide on a time that we get back together.

25 okay?

1 SOLICITOR LIVELY: Okay.

2 THE COURT: All right. So, let's, let's bring the --
3 let's bring the jury out.

4 Just one second. Just hold them off for just a second.
5 (Pause.)

6 THE COURT: All right. So I'm gonna bring the jury
7 back out and go ahead and let them know when to report
8 tomorrow and cut them loose.

9 SOLICITOR LIVELY: And you're gonna have them come
10 back, I'm sorry, at what, 11:00?

11 THE COURT: 11:30.

12 The media people I'm having come at 11:00.

13 SOLICITOR LIVELY: I have like six people scheduled for
14 the morning including that video. I mean that's just gonna
15 really---

16 THE COURT: Okay.

17 SOLICITOR LIVELY: ---kick us out.

18 THE COURT: All right.

19 SOLICITOR LIVELY: I mean may -- and even -- every
20 little minute counts and, you know, and that's fine---

21 THE COURT: I understand.

22 SOLICITOR LIVELY: ---Your Honor.

23 THE COURT: We'll---

24 SOLICITOR LIVELY: I mean I guess -- can we run late
25 tomorrow?

1 THE COURT: Sure.

2 SOLICITOR LIVELY: Okay. I just have literally -- how
3 many witnesses?

4 SOLICITOR SOPRANO-CESMAT: Ten.

5 SOLICITOR LIVELY: We have 10 witnesses for tomorrow.

6 THE COURT: Okay.

7 SOLICITOR LIVELY: See some of them---

8 THE COURT: Well, I mean---

9 SOLICITOR LIVELY: ---are gonna be short but --.

10 THE COURT: It, it depends upon what all we get done
11 this afternoon.

12 SOLICITOR LIVELY: I, I know. That, that -- that's why
13 I said I -- definitely we can do this this afternoon.

14 THE COURT: Well, we can start -- don't tell them
15 11:00 yet.

16 well, why don't, why don't we -- why don't we get
17 together about 9:30 and --.

18 (WHEREUPON, a bench conference was held at this time.)

19 THE COURT: Let's, let's stay with the same time.
20 We'll go later in -- tomorrow if we have to, solicitor.

21 SOLICITOR LIVELY: I'm sorry, Your Honor?

22 THE COURT: We'll, we'll go later tomorrow if we have
23 to.

24 SOLICITOR LIVELY: All right. Thank you.

25 (WHEREUPON, the following takes place within the

1 presence of the jury.)

2 THE COURT: Okay. Ladies and gentlemen, here is the
3 plan for tomorrow. This is not going to be the normal
4 starting time. But we just have some other things we need
5 to deal with.

6 So, I want you back here no later than 11:30.

7 okay?

8 And, again, don't get used to that starting time
9 because that's, that's not gon' be the starting time
10 everyday.

11 Okay. But we just have some things we need to deal
12 with. So, be here no later than 11:30. Allow yourself
13 enough time to get here because, if we don't have all 15 or
14 16 of you here on time, we can't get started. So, allow
15 yourself enough time to take care of anything unexpected.

16 Okay. Now, a couple housekeeping matters before I cut
17 you loose. I know you're tired. You've been here all day.
18 Appreciate your patience.

19 I need to appoint a foreperson of the jury. Now, if it
20 is a male, it's foreman. If it's a female, forelady. And
21 I'm confident that all 16 of you would make excellent
22 forepersons.

23 But I can only have one, and, Ms. Carillo, you are the
24 forelady of this jury.

25 Okay. You will always maintain this front seat right

1 here where the lady in the blue is. That'll be your
2 assigned seat.

3 I need for the alternates, I need those three, you're
4 alternates, correct?

5 (WHEREUPON, there was no audible response.)

6 THE COURT: Okay. And then I need the fore -- my other
7 alternate in that seat.

8 You're not an alternate, are you, ma'am?

9 (WHEREUPON, there was no audible response.)

10 THE COURT: Okay. Who's the other alternate?

11 okay. If you'll sit in that back seat there.

12 okay. The rest of you, you can sit where you like in
13 those seats. I have found a lot of times jurors like to sit
14 in the same seat throughout the entire trial. You can if
15 you want to but you're not required to. Only the foreperson
16 and the alternates have assigned seats.

17 okay. Now, my instruction concerning no discussion
18 among yourselves during the course of this case also applies
19 to whoever you come into contact with during the break.
20 whether it's family members, friends, neighbors, coworkers
21 if you were to go to your place of employment, those
22 discussions can not take place. You can tell them you've
23 been picked on a jury. But leave it at that. Don't have
24 any discussions.

25 And also, and I'll explain a little bit more about this

1 tomorrow, but don't go on the Internet or social media or
2 anything like that to try to do some research into this
3 case. You're prohibited from doing that and I'll give you a
4 real case situation that I was involved in when some jurors
5 disregarded my instructions on that.

6 So, stay away from the newspapers. Stay away from the
7 Internet, social media, anything that may have some mention
8 about this case.

9 Okay. Stay away from, from that, and, the alternates,
10 your roles are very important especially in a lengthy trial
11 that we -- like we have here that's gonna go into next week.
12 It's not unusual for somebody in the 12 to come -- become
13 ill, have an emergency at home, something of that effect
14 that they have to be excused. And then I need someone who
15 has sat through the trial up until that point to fill those
16 shoes of the excused juror.

17 So, your role is, is very important as alternates in
18 this -- in, in this case. If I don't have to excuse
19 anybody, of course, the alternates do not participate in the
20 deliberations to reach a verdict.

21 Okay. All right. It's really important to get a good
22 nights rest every night. Be rested and alert when you come
23 here in the mornings and I'll explain more about that why
24 that is so important as well.

25 Okay. All right. So, with that said, remember all my

1 instructions and we'll see you here tomorrow at 11:30 to, to
2 get started.

3 Okay. And we may work a little bit later tomorrow
4 evening. So, if you need to make some arrangements, then do
5 that. I'm not talking about midnight or anything like that.
6 But we may go into the early evening when normally we try to
7 finish up about five, six o'clock. So, we may go a little
8 longer than that tomorrow. So, be prepared for that.

9 Okay. All right. So have a good evening. We'll see
10 you back in the morning.

11 okay?

12 (WHEREUPON, the following takes place outside the
13 presence of the jury.)

14 THE COURT: Okay. Let's take a short little break and
15 then we'll, we'll start back up with whatever we need to do.

16 (WHEREUPON, a short recess was taken at this time.)

17 For the record, Ms. Boulware, did you have an
18 opportunity to look at the Court file to see if it has in it
19 what you want me to review?

20 MS. BOULWARE: I'm sorry, judge. I sure didn't. But I
21 will---

22 THE COURT: That's okay.

23 MS. BOULWARE: ---be happy to look at it---

24 THE COURT: Sure.

25 MS. BOULWARE: ---during the break.

1 THE COURT: Okay. All right. Well, let's just --
2 let's go off-the-record, Madam Court Reporter, and give her
3 a chance to look at it.

4 (Pause.)

5 THE COURT: -- the file and it appears that everything
6 related to your motion to change venue is in the file?

7 MS. BOULWARE: Yes, sir, all the attachments---

8 THE COURT: All right.

9 MS. BOULWARE: ---that are on the record.

10 THE COURT: What, what I'll do is I'll -- let -- let's
11 deal with your motion first thing in the morning. So---

12 MS. BOULWARE: Okay.

13 THE COURT: ---give me an opportunity to review what
14 you need for me to review and hear.

15 MS. BOULWARE: Yes, Your Honor.

16 THE COURT: Okay. All right. So, what we have to do
17 this afternoon is we gon' take some testimony from
18 Investigator Burch.

19 Is that correct, solicitor?

20 SOLICITOR LIVELY: It's gonna be SLED Agent Clamp and
21 then Investigator Burch was the one that actually got the---

22 THE COURT: Okay.

23 SOLICITOR LIVELY: ---most of the suicide---

24 THE COURT: Take some testimony and then I will make a
25 ruling on, on the defense motion to suppress -- well,

1 suppress evidence of -- we been referring to him as Ian,
2 Ian's suicide, as well as any statements that Ian made.
3 I'll make that ruling---

4 SOLICITOR LIVELY: Okay.

5 THE COURT: ---once I hear from the two witnesses.

6 SOLICITOR LIVELY: Okay.

7 THE COURT: Okay.

8 SOLICITOR LIVELY: Yes, sir, Your Honor.

9 And on the issue of, of that, since it's -- we're gonna
10 be looking at this as a motion in limine. As more
11 information comes up during the trial, I may ask the Court
12 to actually address the issue again. Of course, I know that
13 that means we can not proactively ask these questions.

14 THE COURT: Right.

15 SOLICITOR LIVELY: But as other evidence comes out, I
16 may bring this---

17 THE COURT: Sure.

18 SOLICITOR LIVELY: ---back up and ask the Court to
19 reconsider---

20 THE COURT: Right. And, and if---

21 SOLICITOR LIVELY: ---at that point, yes, sir.

22 THE COURT: If I'm, if I'm -- rule on a motion in
23 limine and things change or come out, certainly you have
24 every right to raise the issue again.

25 SOLICITOR LIVELY: Yes, sir, Your Honor.

1 THE COURT: Y'all been doing this long enough.

2 SOLICITOR LIVELY: Yes, sir.

3 THE COURT: We never know what, what develops---

4 SOLICITOR LIVELY: Yes, sir.

5 THE COURT: ---in a, in a---

6 SOLICITOR LIVELY: Yes, sir, that's true.

7 THE COURT: ---in a trial.

8 SOLICITOR LIVELY: Yes, sir.

9 MS. BOULWARE: And, judge, just to clarify, we were
10 doing the one on Ian's statements, that was going to be when
11 Cravener and Webb were going to test -- we're gonna proffer
12 them?

13 SOLICITOR LIVELY: Correct.

14 MS. BOULWARE: So we're not arguing that today. I just
15 want to clarify that.

16 SOLICITOR LIVELY: That's fine.

17 Yes, that's -- actually that was my understanding too.
18 It's kind of the reason why I wanted to put the issue out
19 there. The State -- there's so many different people
20 involved --

21 THE COURT: Yes.

22 SOLICITOR LIVELY: -- it's hard to keep it straight.

23 So, what we're gonna focus on, just for the purposes of
24 this hearing here, is not even any of Ian's other statements
25 that may of been related to other people in the case who

1 were, were charged or were not charged. We're gonna be just
2 talking about whether or not his suicide that happened---

3 THE COURT: Okay.

4 SOLICITOR LIVELY: ---in November of 2020---

5 THE COURT: Okay.

6 SOLICITOR LIVELY: ---comes in as a suicide and I'm
7 gonna call the witnesses in regards to that pursuant to
8 Cartwright and Middleton.

9 THE COURT: Okay. All right. So, as far as anything
10 that Ian may have told anybody, that's gon' be reserved for
11 later on?

12 SOLICITOR LIVELY: Yes, sir.

13 THE COURT: Okay.

14 SOLICITOR LIVELY: That's right.

15 THE COURT: So, we're just dealing with suicide this
16 afternoon.

17 SOLICITOR LIVELY: Yes, sir.

18 THE COURT: Okay.

19 SOLICITOR LIVELY: Yes, sir, Your Honor.

20 THE COURT: Very good.

21 SOLICITOR LIVELY: All right.

22 Okay. If Your Honor's ready, the State would call
23 agent Kimberly Clamp to the stand.

24 THE COURT: Okay.

25 THE CLERK: Place your left-hand on the Bible. Raise

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By Solicitor Lively

1 your right-hand.

2 KIMBERLY CLAMP, being first duly
3 sworn, testified as follows:

4 THE CLERK: Thank you. Just make sure you can be
5 heard.

6 THE WITNESS: Okay.

7 SOLICITOR LIVELY: This is good?

8 (WHEREUPON, there was no audible response.)

9 SOLICITOR LIVELY: Okay.

10 (WHEREUPON, the body-worn recording of Agent Clamp with
11 Ian Little was marked as State's Exhibit No. 7 for
12 identification purposes only at this time.)

13 SOLICITOR LIVELY: All right.

14 THE COURT: On the, the issue concerning venue, it
15 would help me, Ms. Boulware, if you would pull out of the
16 clerk's file what you want me to look at---

17 MS. BOULWARE: Yes, sir.

18 THE COURT: ---concerning the venue so I don't have to
19 go through the whole thing.

20 MS. BOULWARE: Happy to do that.

21 THE COURT: If you do that before I leave.

22 MS. BOULWARE: I sure can.

23 THE COURT: Thank you.

24 DIRECT EXAMINATION

25 BY SOLICITOR LIVELY:

Kimberly Clamp - Direct examination
By Solicitor Lively

1 Q. Agent Clamp, just for brevity, you work with SLED.

2 Is that correct?

3 A. Yes, ma'am.

4 Q. And you were called in for -- to help with this
5 investigation in -- I believe it was at -- like within days
6 of the murders around -- in June of 2020, correct?

7 A. Yes, ma'am, June 24th of 2020.

8 Q. June 24th.

9 All right. So, when you were brought in, did you
10 immediately have names involved that you knew you wanted to
11 follow-up with for interviews such as Ian Little?

12 A. Ian Little's name was briefly mentioned on the first
13 day. But it wasn't a significant character until roughly
14 about a month further in.

15 Q. All right. Did you have the opportunity to meet with
16 and interview his girlfriend at the time, Caroline Deaton?

17 A. I did interview her. I believe it was in October of
18 that year.

19 Q. Okay. Had you actually seen any conversations that she
20 had already had with other investigators with the Chester
21 County Sheriff's Office in regards to her relationship with
22 Ian and the fact that he had been living with the defendant,
23 Alex Scott, up until the time of the murders?

24 A. Yes, I reviewed her interview that was conducted by
25 Chester County as well as she completed a questionnaire that

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By Solicitor Lively

1 I had provided to the -- Chester County for investigative
2 strategy.

3 Q. Okay. And with trying to catch yourself up to speed as
4 to everybody who had already been interviewed even briefly
5 at that time, what did you learn in regards to Ian Little
6 and his involvement with the defendant?

7 A. I understood that they were former Marines together.
8 He -- Ian had moved down to South Carolina in March of 2020
9 after he was -- he, he was -- finished his time with the
10 Marines. Moved in with Alex and was his roommate---

11 Q. Okay.

12 A. ---and he was also---

13 Q. And at that time---

14 A. Oh, I'm sorry.

15 Q. No, that's fine.

16 And, at that time, Alex had just gotten out of the
17 Marines as well in January of 2020, correct?

18 A. Yes, ma'am.

19 Q. Okay. So, Alex and Ian then were roommates at that
20 particular time in early of 2020.

21 Was there another reason why Ian was living with Alex,
22 the defendant, at that time?

23 A. Yes, ma'am. So they were both trying to start up a
24 business in which Ian was considered a co-owner or
25 shareholder of the business.

Kimberly Clamp - Direct examination
By Solicitor Lively

1 Q. And was the -- what ended up happening with money from
2 the victim, Gene Rogers, in the amount of \$86,000?

3 Did that become a big part of the investigation of this
4 case as to what the defendant did with that money in, in
5 regards to this business that they were going to start or he
6 was gonna start with Ian and some other ex-military?

7 A. Yes, ma'am.

8 Q. Okay. So, in -- as in -- as the agent coming in on
9 this case, you knew you needed to clear up those issues,
10 correct?

11 A. Yes, ma'am.

12 Q. All right. So, was it extremely important to the
13 investigation for issues like motive and, and, and basically
14 the reason for this particular crime happening?

15 A. Yes, ma'am.

16 Q. All right. So, when you reviewed Carolina Deaton's
17 interview that she had already done and reviewed other
18 conversations between these individuals who were living with
19 the defendant, what did you learn about Ian Little?

20 You already said that he was gonna be one of the people
21 that was gonna be in this business with the defendant.

22 What else did you learn about Ian and how close him and
23 Alex were?

24 A. In reference to when I spoke with Caroline---

25 Q. Yes.

Kimberly Clamp - Direct examination
By Solicitor Lively

1 A. ---and, and conducted her interview?

2 She had reached out to Ian after he had gone back up to
3 Ohio. Originally he went to Ohio due to him having some
4 health issues down here and went there for recovery.

5 But when she reached out to him, he advised her that he
6 was going to remain in Ohio for another month or two because
7 Alex said it was important for the business.

8 Q. It was important for the business.

9 Okay. So, his girlfriend at the time reached out to
10 Ian Little---

11 A. Yes, ma'am.

12 Q. ---and her -- and she's, she's coming to testify,
13 correct?

14 A. Yes, ma'am.

15 Q. She's been subpoenaed.

16 He was in -- Ian was in Ohio at the direction of Alex
17 Scott, the defendant in this case?

18 A. Yes, ma'am.

19 Q. Who was controlling the money at that time when Ian was
20 living with Alex?

21 A. Alex controlled the money.

22 Q. Okay. Did Ian have any other form -- did you learn if
23 he had any form of income or job at that time when he was
24 living with Alex?

25 A. He did not.

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By Solicitor Lively

1 Q. All right. So, did Alex have complete control over the
2 money that was being spent for the place where Ian was
3 living?

4 A. Yes. All of the money was in his personal account.

5 Q. Okay. And, again, it started out as \$86,000, correct?

6 A. Yes, ma'am.

7 Q. Now, when Ian was -- when Ian -- around the time of the
8 murders, which was the evening of June 20th into when they
9 were -- the bodies were found June 21st, were you able to
10 get up with Ian and have an actual face-to-face conversation
11 with him initially?

12 A. I attempted to interview him face-to-face.

13 Q. Okay. And when did that happen?

14 A. That was August 31st of 2020.

15 Q. All right. Before that time, had anyone from the
16 Chester County Sheriff's Office attempted to talk to him
17 when he was indisposed because of an illness?

18 A. Yes, it's my understanding that one of the
19 investigators spoke with him over the phone.

20 Q. Okay. What was another part of why the, the
21 information Ian Little was giving to law enforcement was so
22 important in regards to the timeline of the murders in this
23 case?

24 A. Well, the information he was giving versus information
25 that we were receiving from others in reference to Alex's

Kimberly Clamp - Direct examination
By Solicitor Lively

1 alibi was inconsistent.

2 Q. Okay.

3 A. So that's why it was very important for us to speak
4 with him.

5 Q. Okay. So, at that time, none of these individuals were
6 going to be placed under arrest unless somebody just
7 confessed to you at that moment, correct?

8 A. Correct.

9 Q. You were just trying to confirm the alibi that had been
10 given to you by the defendant, Alex Scott, correct?

11 A. Correct.

12 Q. All right. So, in order to do that, he actually gave
13 you the name of Ian Little, didn't he?

14 A. Yes.

15 Q. And Caroline Deaton, correct?

16 A. Yes.

17 Q. Evan Webb?

18 A. Yes.

19 Q. All right. So, whenever you got all those names, you,
20 in your investigation, knew you had to follow-up with these
21 individuals, correct?

22 A. Yes, ma'am.

23 Q. All right. So, when you were unable to get in contact
24 with Ian -- about how many times did you attempt to call him
25 after he had left the state?

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By Solicitor Lively

1 A. I myself personally did not make the attempt---

2 Q. Okay.

3 A. ---because I was assisting in the investigation at that
4 time. It was my recommendation to Chester County for them
5 to do so.

6 Q. Okay.

7 A. How many times they did, I'm not exactly sure on that
8 exact number.

9 Q. Okay.

10 A. I do know that they did attempt to reach out to him
11 multiple times and I believe his phone number was ultimately
12 turned off or voicemail was no longer receiving messages.

13 Q. Okay. When that occurred, what was your recommendation
14 in regards to trying to make face-to-face contact with
15 Mr. Little?

16 A. We needed to travel to Ohio.

17 Q. Okay. And so going back to what you were testifying
18 about a minute ago, y'all actually did end up going to the
19 State of Ohio in order to interview Ian Little, correct?

20 A. Yes, ma'am, we did.

21 Q. All right. So, whenever you went up there, who all was
22 with you from law enforcement?

23 A. It was myself and my lieutenant at that time,
24 Lieutenant Paul LaRosa from SLED.

25 Q. Okay.

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By Solicitor Lively

1 A. Then Officer or Deputy Rikki Burch and Deputy
2 Investigator Dove --

3 Q. okay.

4 A. -- sent with us.

5 Q. Okay. Dover?

6 A. Dover.

7 Q. All right.

8 A. I'm sorry.

9 Q. No, that's fine.

10 A. That's correct.

11 Q. That's fine.

12 All right. So, when you went up there, were you
13 wearing a body-worn camera to document your attempt to
14 actually speak with Ian Little?

15 A. Yes, ma'am.

16 Q. All right. And did you provide a copy of that
17 body-worn camera to my office, which was also turned over to
18 the defense, to document your attempt to actually speak with
19 him?

20 A. Yes, ma'am.

21 Q. Now, before you got there, what did you have to do to
22 try to locate where he was?

23 A. Originally I had learned that he was first staying with
24 his mother, who was in Copley, Ohio. During that time in
25 preparation, we had spoken with Caroline again and Caroline

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By Solicitor Lively

1 had let us know that he wasn't staying with his mom anymore,
2 that he was staying with his father. So, through background
3 search, I located his father's address, which was in
4 Garfield Heights, Ohio.

5 Q. So, when you found out that he was actually with his
6 father in Garfield Heights, Ohio, is that the location that
7 you went to that we're seeing on this video?

8 A. Yes, ma'am.

9 SOLICITOR LIVELY: All right. And so, Your Honor, at
10 this time, we've marked this as State's Exhibit 7 for
11 purposes of this hearing. I would like to publish this,
12 this -- I'd call it an interview but this interaction with
13 Agent Clamp and Ian Little.

14 THE COURT: Okay.

15 SOLICITOR LIVELY: Okay.

16 THE COURT: All right. Be Exhibit --?

17 SOLICITOR LIVELY: Seven.

18 THE COURT: -- 7 for pretrial hearing only.

19 Just for my information, solicitor, about how long is
20 this video?

21 SOLICITOR LIVELY: It is -- I'm not gonna show the
22 whole thing because there's just -- it's about 20 minutes.
23 I went ahead and kind of went a little bit into it --

24 THE COURT: Okay.

25 SOLICITOR LIVELY: -- I think. So, it shouldn't --

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By Solicitor Lively

1 there we go. Hold on.

2 (WHEREUPON, a portion of State's Exhibit No. 7 was
3 played for the Court at this time.)

4 Q. And who'd he tell you he was calling real quick?

5 A. He said he was calling his father.

6 Q. He was calling his father.

7 Okay. Cause it's just kind of hard to hear that.

8 Okay.

9 (WHEREUPON, the remaining portion of State's Exhibit
10 No. 7 was played for the Court at this time.)

11 Q. So, let me ask you, Agent Clamp.

12 Is, is that pretty much how the entire conversation
13 went with Ian Little while you were attempting to confirm
14 the alibi that he had given?

15 A. Yes, ma'am.

16 Q. All right. Now, in that particular circumstance, did
17 he ever go with y'all to give an interview from that day?

18 A. No, ma'am.

19 Q. All right. Have you ever gotten a follow-up interview
20 from him after attempting to talk to him that day?

21 A. No, ma'am.

22 Q. And was the information that y'all received through
23 investigation of his iCloud account and his phone and that
24 type of information what gave you the -- what made you aware
25 that, after y'all had gone to visit him, that he reached out

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By Solicitor Lively

1 to his mother and was talking about how he should respond to
2 law enforcement from that point forward?

3 A. Yes, ma'am.

4 Q. Okay. Tell us about that conversation.

5 A. Is it okay if I refer to my notes?

6 Q. Yeah, that's fine. That's fine.

7 And tell us that -- so the date of this was August,
8 August 31st of 2020, correct?

9 A. Yes, ma'am.

10 Q. All right.

11 A. August 31st.

12 Q. And the iCloud account, that information was actually
13 retrieved through a search warrant, correct?

14 A. Yes, ma'am.

15 Q. All right.

16 A. Okay. So, we spoke with him on August 31st. On
17 September 1st, we found that there was some communications
18 between his mother -- I'm sorry. I was still -- oh, here
19 they are.

20 Q. So, the very next day, there were these communications
21 that came off his iCloud account---

22 A. Yes.

23 Q. ---to his mother?

24 A. Between Ian and his mother. I'm sorry. I --.

25 Q. Okay.

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By Solicitor Lively

1 A. And she had reached out to an attorney and explained to
2 him -- would, would you like me to read them to you?

3 Q. Well, let me ask you this.

4 Did he ever, while y'all were having this discussion
5 with him, tell, tell y'all that he was represented by an
6 attorney?

7 A. Later in the attempted communication, I can't recall if
8 it was him or his sister cause his sister---

9 Q. Okay.

10 A. ---had stepped out at one point and I do believe it was
11 actually his sister that said he was on the phone with Alex
12 and that Alex's attorney was also on the phone and said not
13 to speak to us and that he was gonna represent him. But
14 they couldn't provide us a name.

15 Q. Okay. All right. And that came from Ian's sister?

16 A. Yes.

17 Q. All right. So, so, you never actually had Ian tell you
18 that he had an attorney and that he refused to talk to
19 you---

20 A. Not at that time.

21 Q. ---at that point?

22 Okay. All right. So, the very next day y'all get
23 copies of his iCloud account. Oh, and let me just be clear
24 for the Court for purposes of this hearing.

25 When did you actually get that iCloud account

Kimberly Clamp - Direct examination
By Solicitor Lively

1 information on, on Ian?

2 was it after he had already committed suicide?

3 A. Yes, ma'am.

4 Q. Okay.

5 A. It was---

6 Q. So, you're, you're learn---

7 A. ---more recent.

8 Q. You're learning about the iCloud conversation that
9 happened the very next day after you attempted to talk to
10 him actually fairly recently.

11 Is that fair to say?

12 A. Yes, ma'am.

13 Q. Okay. So, as a result of that search warrant, what
14 information did you get from that iCloud account after that
15 conversation that you had attempted to have with Ian Little
16 on August the 31st?

17 A. So, we found a communication between him and his mother
18 in reference to the fact that we came up there to interview
19 him about this case.

20 Q. And what was the gist of it?

21 Did it have anything to do with the alibi which was the
22 purpose of your visit?

23 A. Yes.

24 So she had reached out to an attorney and the attorney
25 had explained to her, which she was sharing this information

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By Solicitor Lively

1 with him, that it's very important to focus on a timeline of
2 events that occurred, any actions that went on, any money
3 exchanges that went on between him and Alex during that
4 timeline.

5 Let's see. She focused very much on the fact of the
6 timeline even before anything that happened with the
7 grandparents.

8 Q. Okay.

9 A. She---

10 Q. And in regards to the timeline, was that what you're
11 trying to confirm in regards to the alibi that he had
12 provided for Alex for the evening of the murders?

13 A. Yes, ma'am.

14 Q. Okay. And so after getting that conversation and, and
15 being able to trace it back, that was something that
16 occurred the day after you went to see him and then just a
17 couple of months before he committed suicide, correct?

18 A. Yes, ma'am.

19 Q. And in that particular conversation where you received
20 that information, there was also a discussion of making sure
21 he could explain where money was being exchanged between the
22 two of them, correct?

23 A. Yes, ma'am.

24 Q. And I've already had you testify about the fact that
25 Alex was in complete control of the money and where Ian was

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By Solicitor Lively

1 living during those few months before the murders, correct?

2 A. Yes.

3 Q. All right. And after speaking with other alibi
4 witnesses from this particular case, one of them was Evan
5 Webb.

6 Is that right?

7 A. Yes.

8 Q. Okay. And were you able to finally determine that Evan
9 Webb had also lied about the alibi that he had given to the
10 defendant, Alex Scott, for the night of June the 20th,
11 2020?

12 A. Yes.

13 Q. Okay.

14 A. He confessed to that.

15 Q. Yeah.

16 So -- and, and he's actually been charged with
17 obstruction as a result, correct?

18 A. Yes, ma'am.

19 Q. All right. And he was the one who gave the alibi that
20 Alex and Ian and him had had a interviewed conversation at
21 Alex's apartment on the late afternoon into the evening of
22 June 20th, 2020.

23 Is that right?

24 A. Yes.

25 Q. And you were able to debunk that, correct?

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By Solicitor Lively

1 A. Correct.

2 Q. All right. So, as you were getting into this
3 information going back now to whenever you went up there to
4 see Ian, you already testified you were never able to
5 actually talk to him again, correct?

6 A. Correct.

7 Q. All right. So, what was the next thing that you
8 learned in regards to Ian and what had happened to him?

9 A. November 9th I received a call from Detective Burch who
10 informed me that there was a Facebook post indicating that
11 he had committed suicide.

12 Q. That he had committed suicide.

13 And were you able to determine, determine how he
14 committed suicide?

15 A. Yes, he had shot himself in the chest.

16 Q. All right. And with a 9-millimeter weapon, correct?

17 A. Yes, ma'am.

18 Q. All right. So, at that time had -- how did the --
19 Investigator Burch determine that he had actually committed
20 suicide?

21 What did she find, and she's here to testify about
22 that, but just what did you learn?

23 A. So, like I said, from the Facebook post, we had learned
24 that he had killed himself through suicide shooting himself
25 with the 9-millimeter handgun. The defendant had indicated

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By Solicitor Lively

1 in a Facebook post that it was by a gun that he had
2 purchased for his friend, Ian.

3 Q. Okay.

4 A. I had reached out to -- it was Copley Police Department
5 back in Ohio. It was within their jurisdiction. So, I had
6 reached out to them to find out more information about what
7 occurred. They had also collected the firearm from that
8 case.

9 So, I helped in kind of assisting between myself and --
10 or between Copley and Chester County making arrangements for
11 them to obtain that firearm so the swipe could be tested.

12 Q. Okay. And, in all candor, if, if the defendant had not
13 posted that on Facebook about him killing himself, Ian
14 killing himself with a 9-millimeter weapon that he had
15 actually purchased for him, would that have caught your
16 attention right away?

17 A. Probably not.

18 Q. Probably not.

19 I mean but for his post, who knows when you would of
20 had the chance to talk to Ian again because he basically had
21 turned you down, correct?

22 A. Absolutely.

23 Q. All right. So, because of that, him committing suicide
24 with the weapon that the defendant purchased for him, were
25 you able to justify getting that weapon and actually doing

Kimberly Clamp - Direct examination
By Solicitor Lively

1 ballistics and firearms testing on it?

2 A. Absolutely.

3 Q. All right. And whenever you did so, it was done here
4 at SLED in South Carolina, correct?

5 A. Yes, ma'am.

6 Q. Okay. And, unfortunately, that was not the murder
7 weapon, correct?

8 A. Correct.

9 Q. However, you, as a part of your investigation, did your
10 due diligence and followed up with his post on Facebook in
11 order to get that weapon that could of been used in the
12 murder of these two individuals?

13 A. Yes, ma'am.

14 Q. All right. And after that happened, did you have any
15 more -- other than the later iCloud information that came
16 out of Ian Little's iCloud, did you have any more
17 information related to Ian Little and his involvement?

18 A. Not direct from him. We received---

19 Q. Okay.

20 A. ---information from other parties within the case about
21 Ian's involvement.

22 Q. Okay. And that would be John Cravener.

23 Is that correct?

24 A. Yes, ma'am.

25 Q. And we were -- you heard us talking about that before

Kimberly Clamp - Direct examination
By Solicitor Lively

1 this pretrial motion.

2 Is that right?

3 A. Yes, ma'am.

4 Q. And in the discussions with John Cravener, did he tell
5 you that there had been a first attempt by Ian Little and
6 the defendant to murder Gene Rogers?

7 A. Yes. And that, that was confirmed by both John and
8 Evan.

9 Q. By John Cravener and Evan Webb---

10 A. Yes, ma'am.

11 Q. ---correct?

12 And, once again, when that happened on May 9th of 2020,
13 who was it that went to kill Gene Rogers on May 9th, 2020,
14 according to Evan Webb, who gave the fake alibis both
15 time -- both times, and then John Cravener who gave the fake
16 alibi in May of 2020?

17 A. They, they advised that Ian had gone with him --

18 Q. They had gone---

19 A. -- and actually---

20 Q. ---with the defendant?

21 A. ---offered to go with him?

22 Q. Offered to go with them.

23 And was there a promise of money made by the defendant
24 to all of those individuals that were sitting there on May
25 9th before that attempt was made?

Kimberly Clamp - Cross-examination
By Ms. Boulware

1 A. Yes. And the amounts were different per person.

2 Q. Okay. All right. All right. All right. Thank you.

3 Answer any questions the defense may have.

4 THE COURT: Okay. Defense, any examination of this
5 officer?

6 MS. BOULWARE: Yes, sir, I got a couple.

7 THE COURT: Okay.

8 CROSS-EXAMINATION

9 BY MS. BOULWARE:

10 Q. So we'll just revisit what we talked about on -- I
11 think it was Thursday, Agent Clamp.

12 So, when Webb and Cravener both commented on Ian's
13 suicide, it was because they were asked about it, isn't,
14 isn't that correct, by you?

15 A. In the interviews, yes.

16 Q. Okay. They didn't bring it up?

17 A. No.

18 Q. Okay. And when Evan was asked about it, he said no,
19 in, in unequivocal terms, no, that's not why he did that?

20 A. He said no, that he has another friend that died from a
21 similar incident. So, he seems to think that it's the same.

22 Q. And that would be that Ian's -- he was having issues
23 with his wife at the time?

24 A. They were going through a separation.

25 Q. Okay. His wife lived in Ohio?

Kimberly Clamp - Cross-examination
By Ms. Boulware

- 1 A. Yes, ma'am.
- 2 Q. Okay. And he was back in Ohio?
- 3 A. Yes, ma'am.
- 4 Q. Okay. And then, when pushed, it -- we talked about
5 this Thursday but just to reiterate.
- 6 When pushed, Evan said I mean maybe, I don't know, but
7 I don't think that's the reason talking about guilt for this
8 crime being a reason for the suicide?
- 9 A. Again, Evan just continued to compare it to his other
10 friend who committed suicide.
- 11 Q. Okay. And Cravener, he, he goes on into this long
12 detailed thing about what Ian told him about the crime, that
13 Ian never actually stated directly to Cravener I feel like
14 I'm gonna commit suicide because of this?
- 15 A. Cravener never said that particularly. Cravener told
16 us that he was dealing with some depression issues as a
17 result of it, having nightmares of the case, and he believes
18 that's why he started having some of the excessive vaping
19 issues that led to his health.
- 20 Q. But, again, that's Cravener's speculation like we
21 talked about the other day?
- 22 A. Cravener was very close with Ian---
- 23 Q. It's still---
- 24 A. ---where Evan and --
- 25 Q. It's still speculation.

Kimberly Clamp - Cross-examination
By Ms. Boulware

1 A. -- Ian were different.

2 Q. Ian didn't tell him that, correct?

3 A. I have no idea.

4 Q. He didn't say Ian told him that then?

5 A. He did not tell me that.

6 Q. Okay. All right. We'll move on from that.

7 So, you mentioned that Alex controlled all the money as
8 far as Ian was concerned.

9 Do, do you know for sure Ian had no money of his own?

10 A. We were not able to -- he did not have a job down here.
11 So, no, he had no income at that time.

12 Q. Did you get any bank accounts of Ian's --

13 A. No.

14 Q. -- to confirm that?

15 So, you really don't know if he had any money?

16 A. He doesn't have a job.

17 Q. That doesn't mean you don't have money.

18 We'll move on from that.

19 So, the text that Ian had back and forth with his
20 mother, when I reviewed those, it appeared to me that okay,
21 Ian's had law enforcement from South Carolina show up on his
22 doorstep. He doesn't know what to do at this point. He
23 calls, I presume, Alex and Alex -- or whatever that
24 conversation was about his attorney, refuses to talk to
25 y'all, which is his right.

Kimberly Clamp - Cross-examination
By Ms. Boulware

1 Is that correct?

2 A. Yes.

3 Q. Okay. And then he contacts his mother. His mother
4 indicated in the text from the context that I could gather,
5 and see if you agree with me on this, she indicated she
6 thought Alex or Alex's family were trying to blame Ian and
7 just telling him this is what you do to keep that from
8 happening. This is what you need to keep up with.

9 Again, I'm trying to figure out what that has to do
10 with Ian committing suicide.

11 A. Ian's committing suicide was a result of the depression
12 he was sustained from observing the murders.

13 Q. You can't say that for sure. You don't know that. He
14 never told anybody that.

15 A. But he was dealing with major nightmares and---

16 Q. Are you psy---

17 A. ---struggling.

18 Q. Are you a psychiatrist, Agent Clamp?

19 A. I am not a psychiatrist.

20 Q. Okay. Thank you.

21 And I think---

22 A. And in reference to your question about income, there
23 was also communications between the defendant and Ian in
24 which Ian was asking the defendant for money---

25 Q. Okay.

Kimberly Clamp - Cross-examination
By MS. Boulware

1 A. ---and the defendant told him that they were broke.

2 Q. Okay. Still didn't double-check to make sure he didn't
3 have any money though?

4 A. No, ma'am.

5 Q. Okay. And just to get back to the text with his
6 mother, would you agree that he's basically asking and/or
7 taking advice from his mother of how to deal with law
8 enforcement who showed up on his doorstep?

9 A. Yes, they were getting legal advice on how to proceed.

10 Q. Okay. Which is his right as well.

11 A. Absolutely.

12 MS. BOULWARE: All right. Beg the Court's
13 indulgence---

14 THE COURT: Sure.

15 MS. BOULWARE: ---for one moment.

16 (Pause.)

17 MS. BOULWARE: That's all I have, judge.

18 THE COURT: Any brief -- redirect, solicitor?

19 SOLICITOR LIVELY: Not from this witness.

20 THE COURT: Okay.

21 SOLICITOR LIVELY: No, Your Honor.

22 THE COURT: Okay. You can step down, ma'am. Thank
23 you.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: Did you want to call Investigator Burch?

Rikki Burch - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: Yeah, investigator, just briefly,
2 Your Honor.

3 THE COURT: Sure.

4 SOLICITOR LIVELY: We're -- Investigator Rikki Burch
5 please.

6 THE COURT: Okay.

7 THE CLERK: Please raise your right-hand. State your
8 full name.

9 THE WITNESS: Rikki Burch.

10 RIKKI BURCH, being first duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY SOLICITOR LIVELY:

14 Q. Investigator Burch, you were the lead on this
15 particular case at the time of Gene Rogers and Billie Ruth
16 Rogers murders, correct?

17 A. Yes, ma'am.

18 Q. All right. And did the name Ian Little come up pretty
19 quickly in the investigation?

20 A. Yes, ma'am.

21 Q. All right. And what did you learn about him right off
22 the bat in regards to his relationship with Alex?

23 A. We learned that Ian was Alex's roommate.

24 Q. All right. And they were living together in Columbia,
25 correct?

Rikki Burch - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. And they were -- both just gotten out of the military.
3 Is that right?

4 A. Yes, ma'am.

5 Q. Now, was Ian providing a -- an alibi for the defendant,
6 Alex Scott?

7 A. Yes, ma'am.

8 Q. All right. And, in that alibi, did he provide that him
9 and Alex had met for a business meeting with an individual
10 by the name of Evan Webb on June 20th of 2020?

11 A. Yes, ma'am.

12 Q. And that, that business meeting was gonna be with just
13 the three of them in Columbia at the apartment that Ian and
14 Alex lived in, correct?

15 A. Yes, ma'am.

16 Q. Now, after talking with Alex and Evan and Ian, were you
17 able to determine that their alibi stories were not adding
18 up?

19 A. Yes, ma'am.

20 Q. All right. So, at that point in time, was there a
21 decision to go and attempt to interview Ian Little?

22 Is that what we just now saw in State's Exhibit 7,
23 which was the video -- attempted video interview?

24 A. Yes, ma'am.

25 Q. After that time, did you have any other communications

Rikki Burch - Direct examination
By Solicitor Lively

1 or attempted communications with Mr. Little?

2 A. No, I did not.

3 Q. Okay. You heard where Agent Clamp was saying that,
4 that Investigator Burch had called and tried to reach out to
5 him, that being Ian, prior to driving up there.

6 Did you attempt to do that?

7 A. Yes, ma'am.

8 Q. All right. Do -- I mean you may not -- I don't think I
9 saw in the supplements how many times.

10 But did you attempt, on more than one occasion, to get
11 up with Mr. Little?

12 A. Yes, ma'am.

13 Q. All right. Did he ever call you back?

14 A. No, ma'am.

15 Q. All right. So, was the only interview y'all had with
16 Ian Little that brief one that occurred while he was in the
17 hospital for the vaping and the lung issue right before he
18 left to go to Ohio?

19 A. That one and the one that was done in Ohio's the only
20 two.

21 Q. Those are the only two that we have?

22 A. Yes, ma'am.

23 Q. All right. Now, after that attempt was made, when --
24 what was the next thing that you recall seeing in regards to
25 Mr. Little and Mr. Alex Scott?

Rikki Burch - Direct examination
By Solicitor Lively

1 A. Yes, ma'am, I received an anonymous phonecall stating
2 that I needed to look at Mr. Scott's Facebook post. It said
3 that Ian had killed himself. So, at that time, that's when
4 I did look at the post and did see a post that Defendant
5 Scott had posted about Ian committing suicide and how he
6 couldn't be there.

7 Q. Okay. And, in that post, did he say anything about the
8 weapon that was used and where that weapon may of come from?

9 A. Not the first post that I seen. It was later on in
10 another post where he did state that he, he kind of blamed
11 himself because it was the weapon that he bought for him.

12 Q. Okay. All right. We'll just go ahead and mark -- I
13 don't think we put this in because we were talking about it.

14 If we can just mark that as one of my empty spots?

15 I guess State's 8.

16 (WHEREUPON, the Facebook post about Ian's suicide was
17 marked as State's Exhibit No. 8 for identification purposes
18 only at this time.)

19 Q. All right. I'm gonna show you State's Exhibit No. 8
20 for purposes of this, this hearing.

21 Is that the Facebook post that you were able to locate
22 regarding the suicide of Ian Little?

23 A. Yes, ma'am.

24 Q. And who is the one who posted that particular or put
25 that on Facebook?

Rikki Burch - Direct examination
By Solicitor Lively

1 A. The defendant, Mr. Scott.

2 Q. And what is the -- his, his Facebook persona?

3 What's his name on Facebook?

4 A. Raphael Scott.

5 Q. Raphael Scott?

6 A. Yes, ma'am.

7 Q. Okay. And whose face can you see in that picture
8 that -- under the actual post?

9 Who is that?

10 Can you tell?

11 A. Not on this one. I believe it's Ian. But I can't tell
12 on this.

13 Q. Not a problem. I know it's a little bit dark. That's
14 fine.

15 But in that particular post, what is it that he, he
16 wrote, he being Raphael Scott, in relationship to the, to
17 the gun?

18 A. It states the fact that I bought him that gun, I feel
19 so f'ed right now.

20 Q. All right.

21 THE COURT: I think that was -- not that it really
22 matters. But I think we've marked that---

23 SOLICITOR LIVELY: It's a Court's Exhibit.

24 THE COURT: ---as an exhibit on Thursday cause I, I
25 made some copies of exhibits --

Rikki Burch - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: Okay.

2 THE COURT: -- and I think I had made a copy. It's
3 fine to keep it marked as eight. It doesn't matter.

4 SOLICITOR LIVELY: Thank you. I just didn't -- I
5 wasn't sure---

6 THE COURT: That's fine.

7 SOLICITOR LIVELY: ---which ones that we put in. So, I
8 wanted to be sure that---

9 THE COURT: Not, not a problem.

10 SOLICITOR LIVELY: ---we have that.

11 THE COURT: We'll, we'll keep it in.

12 SOLICITOR LIVELY: Yes, sir.

13 THE COURT: Sure.

14 Q. All right. And, and after, after you got that post,
15 I've already asked Agent Clamp and you can just confirm, is
16 that whenever you realized you had to get to Ohio and you --
17 in order to get that weapon that he had used to kill
18 himself?

19 A. Yes, ma'am. I actually traveled to Ohio to get it.

20 Q. Okay. And, and that was instigated from the
21 defendant's post, which you actually got an anonymous call
22 about that someone else had seen and told you that you
23 needed to look and follow up with it?

24 A. Yes, ma'am.

25 Q. All right. And, once again, that ended up not being

Rikki Burch - Direct examination
By Solicitor Lively

1 the murder weapon.

2 But it was a 9-millimeter, which is the same caliber
3 that was used to kill Gene and Billie Rogers, correct?

4 A. Yes, ma'am, it was.

5 Q. Okay. All right. Thank you. Answer any questions the
6 defense may have.

7 A. Yes, ma'am.

8 THE COURT: Ms. Boulware, do you have any questions of
9 Investigator Burch?

10 MS. BOULWARE: I don't think so, judge.

11 THE COURT: Okay. You may step down, ma'am. Thank
12 you.

13 THE WITNESS: Thank you.

14 THE COURT: Okay. Anything further from the State or
15 the defense as it relates to this issue of Ian Little's
16 suicide?

17 Anything further?

18 SOLICITOR LIVELY: Your Honor, the State doesn't have
19 any more witnesses.

20 I would just state that, in re -- in regards to this
21 particular case, because we're not dealing with an attempted
22 suicide, which is what Middleton is, is talking about, and
23 we're looking at the fact that this was so intertwined with
24 the control that the defendant, Alex Scott, had over Ian
25 Little, and the fact that Ian Little left the state and went

1 to Ohio, and then his focus, after talking to law
2 enforcement, was on making sure that he built his alibi and
3 that he confirmed where the money was coming and going, that
4 shows consciousness of guilt at that point even though he
5 doesn't have to talk to law enforcement. I understand that
6 he has a right to remain silent.

7 However, we're seeing that, at that point, this is
8 what's really driving the situation with Mr. Little and then
9 he ends up shooting and killing himself.

10 So, it -- the nexus that the State is trying to show at
11 this point is we've got John Cravener who's gonna be able to
12 testify about how this was haunting him and he was having
13 nightmares.

14 we'll be able to -- Caroline Deaton will say that the
15 reason why he went to Ohio wasn't just the insurance
16 issue -- situation. It was because Alex encouraged him to
17 go up there for the business. And, and, in other words,
18 probably to get away from law enforcement so he doesn't talk
19 to them. And then, while Agent Clamp was there, she even
20 said that the sister said she -- he was on the phone with
21 Alex at the time whenever he came back out and decided he
22 was not going to talk to them.

23 So, all of these things, Your Honor, just show the
24 control that the defendant had over him which eventually led
25 to Ian Little feeling the pressure of his involvement in

1 this crime and that's the reason why he killed himself.

2 So, that would be the State's position, Your Honor.

3 THE COURT: Okay. All right. Thank you.

4 Ms. Boulware.

5 SOLICITOR LIVELY: Thank you.

6 MS. BOULWARE: I'm sorry. Thank you, judge.

7 So, we talked about this a little on Thursday. So,
8 I'll probably be repeating a few of the things I said. But
9 with Middleton too, I think what she was trying to get at
10 was the flight that's mentioned in Middleton.

11 THE COURT: Yeah. One of them is a, a flight and the
12 other one's a, a suicide.

13 MS. BOULWARE: Right.

14 And I, I disagree that the Ohio -- moving back to Ohio
15 was flight. That's where he's from. His parents were
16 there. That's where he went to get medical attention.
17 Apparently his health insurance worked in Ohio, whatever
18 it -- situation that was.

19 And, judge, I would say that, as far as the texts and,
20 and when he got approached by law enforcement, and as far,
21 far as the texts with his mom, and maybe his phonecall to
22 Alex, all that, he's scared. These cops just showed up and
23 started questioning him about things that he did know that
24 that was a murder or a, or a double murder actually.

25 So, as anyone in his position would do, I would hope,

1 he consulted an attorney or got his mom to consult an
2 attorney. I don't see how that's evidence of him committing
3 suicide.

4 I think what we have here is one person actually saying
5 that this is why Ian committed suicide because he was having
6 nightmares, on and on, which is Mr. Cravener, which --
7 who -- when the middle of that interview came along and he
8 wasn't giving them what they wanted, they were about to walk
9 him out to the jail to which he was crying at this point
10 because I'm not sure if he was crying so much cause he was
11 getting ready to go to jail or because he wouldn't have a
12 ride home to Virginia with his wife cause then his wife
13 wouldn't take him home. Anyway, that was discussed.

14 But at -- after that point cause Cravener's (sic) start
15 pouring all this out, he's the only one who has said this.
16 He has a reason, at that point, to start telling them
17 whatever they want and the agents asked him why did Ian
18 commit suicide. Got Cravener started on that.

19 So, he goes on and tells them that, you know, at, at
20 this point, it's whatever you want to hear. Yeah, what you
21 said. This is where Cravener is.

22 It's still speculation, judge. I don't care how,
23 how -- he, he even says Ian never said anything to him about
24 that or he never actually says that Ian did. I don't know
25 that he blatantly said Ian did not tell me that.

1 But when you look at Evan Webb's interview, he sticks
2 straight to no, it was his wife, kids, sure, I guess maybe,
3 if you're saying that, if you're trying to reach to that, I,
4 I -- whatever you want to believe. But, no, I believe it
5 was his wife.

6 Judge, I think it's important to note he's back in Ohio
7 where his wife is. So, he's probably -- and they have a
8 daughter, which is part of the issues they were having. And
9 I think it was some custody issue. I'm not quite sure what
10 the legal issues were. But I do know it's something to do
11 with her not letting him see his daughter.

12 And I think, the day he committed suicide, my
13 understanding is it might of even been, and I don't have any
14 hard evidence to this, but we can try to get some, I, I
15 believe that might of been his daughter's birthday party. I
16 don't know -- or the day after. I don't know what happened.
17 I don't think anybody does.

18 But I think you'd be speculating just as much about
19 that as you would that all of this caused him to commit
20 suicide, let's see, June, July, August, October, November,
21 almost five months later. But he's back in Ohio dealing
22 with his wife and then he commits suicide after that.

23 I think you've got two different versions. One, this
24 person, Mr. Webb, has no reason to say one way or the other
25 why he did. He knew what they wanted from him but he stuck

1 to what he thought the reason was. Cravener had every
2 reason in the world to tell them what they wanted to hear.

3 So, judge, part of the, the or the standard in
4 Cartwright is clear and convincing evidence and I don't
5 think speculation rises to clear and convincing, convincing
6 evidence. I don't think you have that. I think she's got
7 the first two factors. I don't think you have the third on
8 that one.

9 Beg the Court's indulgence, Your Honor.

10 (Pause.)

11 THE COURT: Sure.

12 MS. BOULWARE: All right. So, first factor is the jury
13 could reasonably find that a suicide, suicide attempt
14 occurred.

15 Okay. Got that.

16 Defendant was aware of the occurrence of the alleged
17 crimes at the time of the suicide attempt. Yeah, he knew
18 what had happened with Alex -- Alex's family.

19 Three, an unmistakable, unmistakable nexus exists by
20 clear and convincing evidence linking the suicide attempt to
21 a guilty conscience derivative of the offense for which the
22 defendant is on trial. There has been no evidence put up
23 other than speculation by two folks. One of which was Agent
24 Clamp and the other -- and she's going by what Cravener's
25 told her.

1 So, judge -- and, and the other thing I mentioned
2 Thursday that I, I feel like I need to mention again, there
3 is not one thing that she, she needs to present that she
4 can't do without the suicide attempt being involved.
5 That -- and that's the biggest -- I mean, as, as I said on
6 Thursday, the minute the jury hears that Ian committed
7 suicide, that's exactly where their minds are gonna go.

8 They're gonna have Mr. Scott guilty immediately and it
9 taints the rest of the trial. Under 403, he's immediately
10 prejudiced and I don't think it's probative because, like I
11 said, she can get all this stuff in without the suicide.

12 So, judge, we'd -- we would just or I would just
13 reiterate that we are asking for the suicide, Ian's suicide
14 attempt, to be suppressed from the trial cause I don't think
15 it's necessary and I think it's more prejudicial than
16 probative to Mr. Scott.

17 THE COURT: Okay. All right. Thank you very much.

18 All right. Let me give you my ruling and I'm gonna
19 take you at your word, Ms. Boulware, that -- I've not read
20 Evan Webb's interview. But I take you at your word that he
21 says no, the, the, the murder was not the cause of the
22 suicide.

23 While the defendant's suicide attempt may very well be
24 fair game, and I -- I'm understanding that the State is
25 reserving the right to get into that. I think that's a

1 different situation than, than Ian's completed suicide.

2 So, I'm gonna grant the, the motion to suppress any
3 evidence of Ian's suicide.

4 In, in looking at Cravener's interview, it is, number
5 one, purely speculative. No mention that Ian ever said I'm
6 gonna kill myself because what I did with the -- in the
7 murder. And, two, Cravener says that, if you remember, he
8 said yeah, the suicide was caused by Ian's involvement in
9 the murder plus his problems with and he refers to Ian's
10 wife/girlfriend as baby's mama. He said it was both.

11 So, I think that, in and of itself, would not rise to
12 the level of clear and convincing evidence to get the
13 evidence of suicide in. And I think, even though Ian was
14 going to be charged as a codefendant, I understand that if
15 he had, if he had lived, under Cartwright and Middleton, we
16 are dealing with defendants, actual defendants at trial, and
17 that's where the consciousness of guilt is important. That
18 is a, a piece of evidence that the State's trying to get in
19 to prove the defendant at trial guilty of the, of the
20 charge.

21 So, I think it does not -- Cartwright and Middleton
22 does not contemplate trying to get suicide in even though
23 Middleton deals with flight, suicide in -- on a potential
24 codefendant.

25 So, under that, that line of reasoning, I'm gonna grant

1 the motion to suppress any evidence of Ian's suicide.
2 However, at anytime I will be more than happy to, to review
3 that if the State so requests.

4 So, allow the evidence they got the 9-millimeter to
5 test from Ian's house, from Ian, whatever, how you want to
6 do that, and refer to Ian as currently being deceased and
7 not deceased as a result of a suicide. And then if you want
8 me to analyze, at some point in time, evidence of the
9 defendant's attempted suicide, I think that's -- I'm not
10 prejudging, okay, not prejudging. But I think that might be
11 more fair game than Ian's completed suicide.

12 So that's, that's my ruling on that. And then
13 concerning suppression of any of Ian's statements made to
14 Cravener or anybody else, we'll just deal with that when
15 it -- when the time comes up.

16 Okay.

17 SOLICITOR LIVELY: Yes, sir.

18 THE COURT: All right. Anything further from the State
19 for this afternoon?

20 SOLICITOR LIVELY: I just wanted to make sure that I'm
21 clear on, whenever I'm asking the question, can I say and
22 when did -- and I'm not gonna ask about his Facebook post
23 cause I understand what you said about him committing
24 suicide. But if I say and when do we -- when did you learn,
25 in your investigation, that Ian had died or that he was---

1 THE COURT: Sure.

2 SOLICITOR LIVELY: ---deceased and it will be November
3 the 9th, 2020.

4 THE COURT: Sure.

5 SOLICITOR LIVELY: Okay.

6 THE COURT: No, I---

7 SOLICITOR LIVELY: I just want the timeline because it
8 needs to be that---

9 THE COURT: Sure.

10 SOLICITOR LIVELY: ---where we know where we have to go
11 after there---

12 THE COURT: Right.

13 SOLICITOR LIVELY: ---because he was no longer
14 available---

15 THE COURT: So long---

16 SOLICITOR LIVELY: ---as a witness.

17 THE COURT: So long as you don't get into the cause of
18 him being deceased --

19 SOLICITOR LIVELY: Okay.

20 THE COURT: -- I think you can ask, you know, when he,
21 when he died or anything, you know --

22 SOLICITOR LIVELY: Okay.

23 THE COURT: -- related to that. Sure. I don't see
24 that---

25 SOLICITOR LIVELY: And that weapon---

1 THE COURT: ---being a problem.

2 SOLICITOR LIVELY: We learned that he had a weapon that
3 had been in his possession and that---

4 THE COURT: Right.

5 SOLICITOR LIVELY: ---we needed to retrieve that---

6 THE COURT: Sure.

7 SOLICITOR LIVELY: ---to test it.

8 THE COURT: Sure.

9 SOLICITOR LIVELY: Okay. Got it.

10 THE COURT: Yeah. Yeah.

11 SOLICITOR LIVELY: Okay. I just want to make sure---

12 THE COURT: That's fine.

13 SOLICITOR LIVELY: ---I can tell my witnesses---

14 THE COURT: And I appreciate---

15 SOLICITOR LIVELY: ---how to testify.

16 THE COURT: ---you asking.

17 And, and, two, I think this is, in support of my, my
18 ruling, I think if you look at a, a, a 403 analysis, I, I
19 think the prejudice certainly outweighs any probative value
20 on that you would give to, give to the State.

21 Okay. All right. So, I'm gonna look at the, the
22 venue --

23 MS. BOULWARE: Yes, sir.

24 THE COURT: -- stuff.

25 Have you kind of pulled that out?

1 MS. BOULWARE: I have.

2 THE COURT: We can deal with that first thing in the
3 morning and do you envision anything else pretrial related
4 before we start into the case?

5 Solicitor.

6 SOLICITOR LIVELY: No, sir, Your Honor. I don't, I
7 don't believe so. That was major -- the main issue and --

8 THE COURT: Okay.

9 SOLICITOR LIVELY: -- you've already ruled---

10 THE COURT: Yes, ma'am.

11 SOLICITOR LIVELY: ---on, on the others. So I think
12 we're---

13 THE COURT: But I know they're some other issues still
14 hanging that we'll just deal with whenever, whenever it
15 comes up.

16 So, if that's the only thing to deal with and then
17 probably I was a little, little liberal with the time that,
18 that we'll start.

19 SOLICITOR LIVELY: Yeah.

20 THE COURT: But I will go---

21 SOLICITOR LIVELY: Yeah, that's all right.

22 THE COURT: I will go later so you can kind of stay
23 within your, your schedule.

24 SOLICITOR LIVELY: Okay. Thank you, Your Honor. I
25 appreciate it.

1 MS. BOULWARE: Thank you, Your Honor.

2 THE COURT: So, how about let's just get together about
3 10:00, 10:15. I'll get here probably about 9:30. But we
4 can get together about 10:00 or 10:15.

5 SOLICITOR LIVELY: Yes, sir, and we did have this
6 statement of the defendant redacted. I just need to look at
7 it cause I didn't do it. So, I'm gonna do that and I'll
8 provide it to the defense. So maybe---

9 THE COURT: Okay.

10 SOLICITOR LIVELY: ---we can get that done in the
11 morning---

12 THE COURT: Sure.

13 SOLICITOR LIVELY: ---before we have -- we get started.

14 THE COURT: Okay.

15 SOLICITOR LIVELY: Thank you.

16 THE COURT: Good deal.

17 Thank you.

18 MS. BOULWARE: Thank you, Your Honor.

19 THE COURT: I've seen y'all's hard work and we'll see
20 you in the morning. Have a good evening.

21

22 (WHEREUPON, Court was in recess for the evening.)

23

24

25

1 Tuesday, May 14th, 2024

3 THE COURT: We (sic) on the record this morning.
4 Continuation of the State versus Scott case and I believe
5 the defense wants to make a motion for a change of venue.

6 I have reviewed what was in the Court's file, Ms.
7 Boulware, that you pulled out for me yesterday and I have
8 read the article that came out in the News & Reporter last
9 week. But be glad to, glad to hear from you.

10 MS. BOULWARE: Yes, sir.

11 I just wanted to renew that motion for change of venue.

12 we were able to pick a jury. But, at the end of the
13 day, we had probably at -- more than half of the panel we
14 ended up with were the Facebook followers of either the
15 Chester County Sheriff's Office or the Richburg Facebook
16 page and few changes that have taken place since I have
17 actually filed this motion, which was almost two years ago.

18 So Chester County Sheriff's Office now has up to 27,000
19 followers on their Facebook page. My fear is, and the
20 reason why I'm renewing this motion is, my fear is, even
21 though some of these folks did not speak up yesterday, they,
22 they might start remembering stuff and I, I -- I know we
23 have four alternates. But I'm afraid we might burn through
24 those alternates if that's the case cause a couple of people
25 said I think I'm on the page. I don't know. Maybe I am.

1 It might -- when they start hearing all the details and
2 facts of the case, it might come back to them. The show's
3 gonna come up. So they may start remembering that. So, I
4 understand the Court is probably not inclined to grant this
5 motion.

6 THE COURT: Right.

7 MS. BOULWARE: I, I fully understand that. I just
8 wanted to renew it --

9 THE COURT: Right.

10 MS. BOULWARE: -- on the record just to preserve
11 that---

12 THE COURT: Right.

13 MS. BOULWARE: ---for Mr. Scott---

14 THE COURT: Okay.

15 MS. BOULWARE: ---should he need it.

16 THE COURT: Sure.

17 And, and I appreciate that and you're, you're doing
18 what, what you should be, should be doing.

19 You know, I, I went back and reviewed the specific voir
20 dire questions. I think about five or six that were
21 specifically geared towards any prior knowledge of any of
22 the facts in this case through any sort of, you know, media,
23 social media, Internet, whatever.

24 MS. BOULWARE: Yes, sir.

25 THE COURT: And, oddly enough, even though this was

1 just yesterday, I don't recall that many people having any
2 previous contact with sources providing information about
3 this case. There were just not that many.

4 Granted, there were a lot of people in the panel who
5 indicated that they -- I think a lot more Sheriff's Office
6 than Richburg Facebook. But nonetheless---

7 MS. BOULWARE: Yes, sir.

8 THE COURT: ---a lot who followed the Sheriff's
9 Department website or the Richburg, Richburg Facebook.

10 But just because they followed does not necessarily
11 mean that they were exposed to some of the postings that,
12 that you've attached to your, to your motion. And, and,
13 again, the exposure to any sort of pretrial information
14 concerning this case, there were just not that many that I
15 recall being exposed to it.

16 And concerning the newspaper article, I think what that
17 provides is what's gon' come out at trial anyways. At least
18 what I anticipate. And Carson even reminded me that one
19 person who read this article last week from the News &
20 Reporter, he just made the comment, he said I learned more
21 in Court yesterday about this case than he did from, from
22 this article.

23 But that being said, solicitor, you want to put
24 anything on the record with respect to the State's position
25 concerning Ms. Boulware's motion?

1 SOLICITOR LIVELY: Your Honor, the State already
2 submitted our motion in -- previously and whenever we had
3 the first motion heard by Judge Gibbons, which basically
4 stated that there was no basis at that time for a change of
5 venue, and then, after the jury selection, which was a very
6 long and tedious, necessary process yesterday, I think that
7 the Court clearly vetted any potential issues of someone who
8 may of heard about the case and who may have formed an
9 opinion or could not be fair and impartial. And all of
10 those people were cut loose.

11 The one person who knew about the actual Cold Case
12 episode, she was also cut loose.

13 THE COURT: Right.

14 SOLICITOR LIVELY: So, under those circumstances, the
15 fact that there's a Facebook page, I mean I would challenge
16 anyone these days to find the Sheriff's Office or any type
17 of agency with an elected official that doesn't have a
18 Facebook page because that's just the world we live in.

19 It's not whether or not there's that pretrial
20 publicity. It's whether or not it rises to that level to
21 where we can not find a fair and impartial jury and I
22 believe we do have one here and I know the defense has
23 brought up well, they may start remembering stuff.

24 I had a case like that whenever I first started working
25 here and guess what ends up happening?

1 If they bring that to the Court's attention, then we'll
2 have a, a conversation with that juror. That's just the
3 nature of what we do.

4 So, at this point in time, I, you know, once again,
5 support the Court's original, you know, how we handled the
6 voir dire. I believe it was appropriate and I would just
7 ask the Court, at this time, to allow the case to go forward
8 in noting their objection in regards to venue.

9 THE COURT: All right. Let -- let me, let me throw
10 this out, Ms. Boulware --

11 MS. BOULWARE: Yes, sir.

12 THE COURT: -- and this may not be a, a, a very good
13 offer. But in -- just kind of came to mind. Not
14 necessarily I would want to do this but I may.

15 You know, at the outset, tell the jury that, as we go
16 through this trial, if they -- if something is brought out
17 that jogs their memory insofar as, and I want you to comment
18 too, solicitor -- and I'm not saying I'm gon' do it. But
19 it's just a thought that came to mind that tell the jury
20 that, if at anytime, if something -- once they hear
21 something during the course of this trial that jogs their
22 memory that they did not inform the Court about during
23 qualification and voir dire yesterday to bring it to the
24 Court's attention.

25 And, again, I'm not sure I want to do that or if

1 that's -- if that is a decent remedy to the concerns that
2 you have. But you respond and then Solicitor Lively can
3 respond too.

4 MS. BOULWARE: Yes, sir.

5 Yesterday, I think I did indicate maybe some
6 instruction each day to the jury about not -- I know we do
7 the usual do not look --

8 THE COURT: Right.

9 MS. BOULWARE: -- at Google and things like that.
10 Maybe make that a little beefier then, then---

11 THE COURT: Yeah.

12 MS. BOULWARE: ---normal and---

13 THE COURT: Well, I, I did yesterday. I -- other than
14 the admonition not to go and research this case on the
15 Internet, social media --

16 MS. BOULWARE: Yes, sir.

17 THE COURT: -- but also stay away from any media
18 sources that may have some coverage which evidently there
19 will be --

20 SOLICITOR LIVELY: There's going to be, yes, sir.

21 THE COURT: -- some coverage about, about this case.
22 Now, I'll -- you know, I'll continue to do that.

23 MS. BOULWARE: Yes, sir.

24 And, and by me actually offering that to the Court,
25 I'm, I'm, I'm not offering that as a curative instruction.

1 THE COURT: Sure.

2 MS. BOULWARE: I'm, I'm just saying --

3 THE COURT: Right.

4 MS. BOULWARE: -- if, if my motion's denied, maybe we
5 can go that way. But I -- I'm, I'm not putting on the
6 record that I think that cures anything.

7 THE COURT: Right.

8 MS. BOULWARE: I just wanted to make that clear.

9 THE COURT: Sure.

10 I, I understand. I understand.

11 So, definitely, I plan, each day, and, and if I, for
12 some reason, forget to do so, y'all remind me. But that's
13 my plan, each day when we conclude, is just to admonish them
14 concerning what they can not do and add to it not just the
15 researching on the Internet or social media. But also any
16 sort of news outlet or media coverage about this case.

17 MS. BOULWARE: And, judge, I'm sorry.

18 The reason why I say that is because, even though the
19 show is no longer available out there, I think there's still
20 stuff about the show that may be---

21 THE COURT: Right.

22 MS. BOULWARE: ---out there. So, that -- that's my
23 concern on that.

24 THE COURT: Sure. Yeah. Yeah.

25 Okay. Solicitor.

1 SOLICITOR LIVELY: Yes. Thank you, Your Honor.

2 First of all, I would object to us saying anything
3 about if you start hearing something that jogs your memory
4 and here's the reason why.

5 The -- we've already gone through 20 voir dire
6 questions that were specific to every single angle of CSI
7 television you can imagine. We talked about -- you read out
8 the indictments, the names of the people. You've done
9 everything appropriately that is required in order to flesh
10 out if there was somebody who could not be fair and
11 impartial. You asked each individual person that stood up
12 from the Facebook page if they could be fair and impartial.

13 So, at this point, it's almost like invading into them
14 saying okay now, if you hear one thing or you hear something
15 that all of a sudden you remember, oh, yeah, now I remember
16 what this case is, does that mean that that makes them not a
17 fair and impartial juror and the concern that I have is
18 we're almost putting so much pressure on them on the front
19 end about this case that they're gonna start Goggling even
20 if they're told not to.

21 THE COURT: Yeah.

22 SOLICITOR LIVELY: I think by continuously drawing --
23 now, I know wanted -- just, just remind them cause I know
24 that, other judges, that's pretty standard as well too,
25 where they just remind them you're not suppose to be looking

1 at the media. You know, you see the media's in here.
2 You're not suppose to be watching television about this
3 case. You're suppose to listen to the evidence in this case
4 like any other case.

5 But about this case specifically, and going into well,
6 if you happen to remember something, I mean if they do, then
7 they will -- you know, if there's something that you need to
8 tell the Court or the bailiff -- let the bailiff know and
9 they can -- you can send a note and we'll talk about it.
10 But I am just concerned about this overreaching type of
11 instruction about specifics in the case.

12 I just think, at this point, we keep it like it is.
13 We've done the fleshing out of the jury. We're ready to go
14 and then you can just do what you said you were gonna do
15 yesterday and that's just do the standard instruction each
16 morning about what they should and shouldn't do in regards
17 to any kind of media.

18 THE COURT: Okay.

19 SOLICITOR LIVELY: That -- that's my position.

20 THE COURT: Okay. Very good.

21 Anything in final response, Ms. Boulware?

22 MS. BOULWARE: I understand what the solicitor's saying
23 about that.

24 THE COURT: Right.

25 MS. BOULWARE: I will concede -- that show will come

1 up. But what I am speaking about is remembering stuff as we
2 go along and I think this is such a, a high, high profile
3 case for Chester and a sensitive case. And, and I'm, I'm
4 putting that on the record just to protect my client's
5 rights in that regard.

6 Obviously, whatever Your Honor decides is appropriate
7 for that, you know, we'll abide with---

8 THE COURT: Right.

9 MS. BOULWARE: ---of course.

10 THE COURT: Yeah.

11 MS. BOULWARE: But it, it -- and, like I said, it
12 doesn't change the fact that I still move for a change of
13 venue.

14 THE COURT: Right.

15 MS. BOULWARE: So --.

16 THE COURT: Okay. Well, first of all, I -- I'm gonna
17 respectfully deny your motion for a change of venue. I
18 think, because of the extensive voir dire that took
19 practically the entire -- most of the day yesterday, and
20 the, the, the questions that you guys crafted concerning
21 exposure to pretrial coverage of this case in whatever
22 fashion or format, and I think, in light of that, and I did
23 excuse those who needed to be excused. I don't recall how
24 many. But, nonetheless, I did.

25 They've -- the jury that we've picked have all

1 indicated that they can be fair and impartial. We have to
2 take them at their word even though we had a discussion
3 about this back in chambers. But we have to take them for
4 their word that they can be fair and impartial.

5 So, what I'm gon' do is I'm going to continue in the
6 evening, before we adjourn, admonish them about no contact
7 with any sort of source providing information about this
8 case. And I'm also going to explain to, to them, especially
9 the forelady that, you know, any issue, concern, matter
10 comes up that -- during the course of this trial, then
11 certainly, when they begin their deliberations, make sure
12 that I am notified whatever issue or concern, if any, that
13 comes up then through the forelady that she is to
14 communicate with me in writing.

15 And so maybe -- I don't know if that's gonna get
16 anywhere close to the, the concern you have. But, you know,
17 maybe and I think that's probably about the best I can do.

18 okay?

19 MS. BOULWARE: Thank you, Your Honor.

20 THE COURT: All right. Thank you very much.

21 All right. Anything else pretrial before we --?

22 SOLICITOR LIVELY: Oh, the photos.

23 Okay. Well, I don't have my witnesses here yet for
24 that. I just wanted y'all to review it. If you want to
25 write down which ones that you don't want.

1 MS. BOULWARE: We did.

2 SOLICITOR LIVELY: Then what we'll do is --

3 MR. FRICK: Yeah, we put a---

4 SOLICITOR LIVELY: -- perform the CS -- that would be
5 from the CSI --

6 MS. BOULWARE: Okay.

7 SOLICITOR LIVELY: -- person.

8 okay?

9 MR. FRICK: We'll deal with that.

10 SOLICITOR LIVELY: All right.

11 MS. BOULWARE: Okay.

12 SOLICITOR LIVELY: All right. The coroner ones, there
13 were only how many, Julia?

14 SOLICITOR SOPRANO-CESMAT: Five.

15 SOLICITOR LIVELY: Yeah.

16 SOLICITOR SOPRANO-CESMAT: Those were not there when
17 you guys were --.

18 SOLICITOR LIVELY: Yeah. Early in the morning --
19 they're -- yeah, I want to make those generally first. So,
20 we'll just have to do those right before she testifies.

21 MR. FRICK: Okay.

22 SOLICITOR LIVELY: She's not gonna be first. We can
23 get some witnesses in before we have to do that.

24 SOLICITOR SOPRANO-CESMAT: All right.

25 SOLICITOR LIVELY: Okay.

1 THE COURT: And I just wonder if there's any other, any
2 other pretrial right now?

3 I just want to get that done before the media people
4 comes -- come in at 11:00 and start setting up.

5 So, are you aware of any, Ms. Boulware, solicitor --

6 MS. BOULWARE: I'm not aware.

7 SOLICITOR LIVELY: No, sir.

8 THE COURT: -- right now?

9 I mean I know there's some other issues as we go
10 through---

11 SOLICITOR LIVELY: Sure.

12 THE COURT: ---through trial.

13 MS. BOULWARE: Yes, sir.

14 THE COURT: But right now---

15 MS. BOULWARE: Yes, sir.

16 THE COURT: ---nothing else?

17 MS. BOULWARE: No, sir.

18 SOLICITOR LIVELY: No, sir.

19 THE COURT: All right.

20 SOLICITOR LIVELY: Thank you.

21 THE COURT: We'll be, we'll be in recess until 11:30.

22 SOLICITOR LIVELY: Thank you.

23 (WHEREUPON, a short recess was taken in this case at
24 this time.)

25 THE COURT: We're on the record on the case of State of

1 South Carolina versus Gene Alexander Scott.

2 Before we bring the jury out, let me just remind and/or
3 caution all the various friends, family members that are on
4 this side, any -- well, there's really nobody on that side.

5 As far as make sure that you have no contact, advertent
6 or inadvertent contact, with any member of the jury. I'm
7 not suggesting that you would. But just make sure that
8 there's none of that. If you happen to see a, a juror
9 outside the courthouse, I'm gonna tell them they got to keep
10 their badges on all the time. Just stay clear of them.

11 Okay. Don't talk about the case where they could
12 possibly overhear you. So, just be, be careful of that.

13 Okay. All right. Anything before we bring the jury
14 out, get them sworn, and we get started?

15 Anything from the State?

16 SOLICITOR LIVELY: Not from the State, Your Honor.

17 THE COURT: Defense?

18 MS. BOULWARE: Nothing from defense.

19 THE COURT: Okay. Let's bring the jury out please.

20 (WHEREUPON, the following takes place within the
21 presence of the jury.)

22 THE COURT: Let the record reflect the jury's back in.
23 Good morning, ladies and gentlemen.

24 (WHEREUPON, the jurors respond good morning.)

25 THE COURT: I hope you're doing well and got some, some

1 good rest last night.

2 A couple of housekeeping matters. First of all, we
3 need to have you sworn in as the trial jury in this case.

4 So, Madam Clerk, would you swear the jury in please?

5 (WHEREUPON, the jury panel was placed under oath at
6 this time.)

7 THE COURT: Okay. All right. The other housekeeping
8 matter, I know that the placement of the chairs are a little
9 awkward getting in and out.

10 what happened, as I understand it, we've just had
11 knew -- I say we. The courthouse just had new carpet put
12 down, new carpet in the jury box, and apparently they took
13 the chairs out and -- to lay the carpet down and they didn't
14 put the chairs back in the same spot.

15 So, the Clerk's Office has been in contact with the
16 company and hopefully soon they can come and position the
17 chairs so where it's not so awkward getting in and out.

18 Okay. All right. We're, we're doing our best on that.

19 Let me just give you some preliminary comments before
20 the lawyers make their opening arguments to you. Several
21 things I want to tell you and go over with you.

22 One, I do not allow jurors to takes notes. Some judges
23 do, which is fine. I don't because I have found that, if
24 you take notes, sometimes you're paying more attention
25 taking notes than you are listening to or what is being

1 testified to by the -- by a witness or maybe some things
2 that lawyers are saying.

3 So, that means it's really important for you to be
4 alert and attentive at, at all times during this trial.
5 This is gon' be a long trial. I've already told you it's
6 gonna go into next week.

7 Now, when you begin your deliberations at the end of
8 the case, certainly, individually, you're not going to
9 remember everything that was brought out to you. That's,
10 that's understandable. But, collectively, you'll have a
11 really good memory of what has been presented to you.

12 So, it is everyone's responsibility to be alert and
13 attentive at all times to everything that's presented to
14 you.

15 You are the sole judge of the facts. I'm the sole
16 judge of the law and I'll go into more detail about that
17 later. So, in order for you to do your job as the sole
18 judge of the facts of this case, it requires you to be alert
19 and, and attentive.

20 Okay. Now, as I told you yesterday before we left for
21 the day, before y'all left for the day, and we continued to
22 do some work on the case after you left, it's very important
23 that you don't do any independent research into this case by
24 going on the Internet, social media. And the reason for
25 that is your verdict in this case, whatever that verdict may

1 be, has to be based one hundred percent on what is brought
2 out in this courtroom. If you're out getting information
3 outside of this courtroom, number one, it's probably
4 erroneous information. But, two, it's information that the
5 others have not been privy to that the others have not
6 received in this courtroom. So, that's why it's very
7 important not to do that.

8 I had a case, unfortunately, several years ago in
9 Laurens where I am from, where three jurors violated my
10 instructions and did some research on their own. So, you
11 know, I'm not, I'm not trying to put any fear into you. But
12 they're consequences when people don't follow Court orders.
13 So, very important not to do that.

14 And, equally so, because, as you can see, there's media
15 coverage of this case, while this case is going on, stay
16 away from any news outlets, whether it is TV, newspapers,
17 radio, Internet, that sort of thing. Stay away from that
18 while this is -- this case is going on.

19 Okay. Now, just keep in mind, as the start of this
20 case and as we go through this entire case, Mr. Scott, the
21 defendant in this case, is presumed innocent and that
22 presumption of innocence remains with him. The State and
23 the State alone has the burden of proving him guilty of the
24 crimes charged. That's a very important legal principle.
25 We'll get into more on that later. But just keep that in

1 mind as we start and go through this, through this case.

2 Don't pass judgment early. Wait for all of the
3 evidence to be presented to you and the lawyers have made
4 their closing arguments and then I have charge -- I will
5 charge you the law that you are to apply to the facts as you
6 find them to be. But don't make any quick decisions in this
7 case. Wait till everything is presented to you.

8 And lastly, Madam Forelady, if, if at anytime during
9 the course of this trial there are any issues or concerns
10 that arise, certainly, after you begin your deliberations,
11 if they're any questions that you may have, bring it to my,
12 my attention immediately. And I like to have all
13 communication between the jury and the Court in writing and
14 signed by you the forelady, okay, so we can keep a good
15 record of whatever you are presenting to me. So, keep that
16 in mind.

17 Also, Madam Forelady, you will be responsible, once I
18 give you the case to begin your deliberations, to get those
19 deliberations started and organize those deliberations for
20 the purposes of both counting and that sort of thing in
21 order to reach a verdict in this case. So, that's another
22 hat that you will wear. And it's everyone's responsibility
23 to make sure everyone follows all of my instructions that,
24 that I've given you and will continue to give to you.

25 And, lastly, if anybody tries to have any contact with

1 you in any manner, in any form, I need to know that
2 immediately. I'm not suggesting anybody will and con --
3 some contact may be inadvertent. But any contact
4 whatsoever, I need to know about that immediately.

5 okay. All right. Now --.

6 (Pause.)

7 THE COURT: Okay. Okay. All right.

8 Now, you see that the cameras are set up. You will not
9 be on the camera.

10 okay. That's one rule that we follow that when there
11 is camera coverage of a trial that they are not -- and
12 these, these folks know their job, what they can do and
13 can't do. They will not have you on the, on the camera at
14 any point in time. Even though the camera's gon' be
15 pointing this direction, it will be pointed at the -- at, at
16 the witness box. So, understand, understand that.

17 Okay. Now, the lawyers are gon' give their opening
18 arguments to you. What they tell you is not evidence in
19 this case. It's what they believe the evidence will show
20 and they'll kind of explain what their respective positions
21 are in this case. As I told you, we have excellent lawyers
22 in this case and I know that they're gon' do a very fine job
23 as we go through this, this trial.

24 State ready?

25 SOLICITOR LIVELY: Yes, Your Honor. The State's ready

1 to proceed.

2 THE COURT: Okay.

3 SOLICITOR LIVELY: June 20th, 2020, was the last
4 chapter of the lives of Gene Rogers and his mother, Billie
5 Ruth Rogers. The end.

6 That's what that defendant wanted to see happen but it
7 didn't. This week is the last chapter of their lives. This
8 week the truth will be known by all of you as to how he
9 planned the murder of his grandparents and he's gonna tell
10 you from his own words. On body-worn camera, you're gonna
11 hear it, they killed them.

12 He was on the scene. He found their bodies. They
13 killed them like -- they killed them like cowards. They
14 killed them like they were executed. So, this is the final
15 chapter right here this week.

16 So, let me tell you, on June 20th, 2020, what
17 happened. The defendant, through his friends out of the
18 military, they were all out of the military, and he had some
19 grand idea he was gonna start a tactical business, a
20 security business, buying a bunch of guns, you know, doing
21 this overseas work for some type of Department of Defense or
22 there's -- just grandiose idea. Twenty-two years old, was
23 in the military for four years, and he has decided that he's
24 going to do something that some men 20 years in the military
25 don't have the qualifications to do.

1 And he lived that lie with his friends for several
2 months. Got out of the military in January and the one
3 person who wanted to believe in him, Gene Rogers, his
4 grandfather. Not by -- he's not biological. But through
5 marriage.

6 He had been there all through the defendant's life.
7 The one person in this world who wanted to believe in him is
8 the person -- he took that trust on the night of June 20th,
9 2020, to walk into that house. No one in that house. It
10 was Gene Rogers and Billie Ruth Rogers.

11 They were sitting there relaxing. They had ordered
12 pizza. It was a normal night. He lived as a modest man in
13 a single wide trailer never caring about any of his worldly
14 possessions because all he cared about was family and his
15 devotion to Christ and you will hear evidence of that.

16 Sitting there in his trailer and evil walks in in the
17 form of the defendant. That evil had intent that night. He
18 was going to kill his grandfather so that he would get the
19 money from the life insurance policy and from the remainder
20 of his retirement account that he knew he was a beneficiary
21 on. That evidence will be presented to you.

22 Now, let's go back a little bit because I don't have to
23 prove why. The State doesn't have to prove that to you.
24 But everyone's gonna always want to know why.

25 why would these innocent people sitting in their house

1 be gunned down, execution, for nothing, and it doesn't make
2 sense because that's not right.

3 So, on that night, he goes there armed with a
4 9-millimeter weapon. He has one of his military buddies
5 with him, and whenever they're sitting there unarmed,
6 unsuspecting, trapped in that house like a trap -- I mean I
7 hate to use these words but like animals. He hunted them
8 and killed them, shuffled through some of their papers, and
9 left, and that whole thing was planned.

10 He had people waiting to be the alibi for him. You're
11 gonna hear all about how me makes these fake alibis.

12 Oh, and guess what?

13 Premeditation, we have evidence to prove, through other
14 witnesses, his military buddies, he went and tried this on
15 May 9th that weekend before he actually got to kill them the
16 weekend of June 20th.

17 That's premeditation, ladies and gentlemen. Malice
18 aforethought. You're gonna hear evidence about how, in May,
19 he was ready to make this happen and they got scared off by
20 the dogs in the neighborhood. And so they weren't able to
21 do it.

22 So, let me break this down for you. Twenty-two year
23 old gets out of the military. His grandfather, Gene Rogers,
24 had bought him a blue Mustang late in 2019 because he loved
25 him.

1 Then, in January of 2020, Gene Rogers, who worked over
2 30 years at Airgas, put aside all this money into a T Rowe
3 investment account, went through \$120,000 for who?

4 For who he loved.

5 He had to pay taxes on it, all these penalties, but you
6 know what?

7 He believed in him and did it. He gave him \$86,000 in
8 January of 2020.

9 Guess who had \$3.00 in their account by June 8th 2020?

10 Three dollars because he used that money to buy these
11 weapons, all this grandiose idea he's gonna have this
12 business, and he never once -- he did have a business called
13 Legion International.

14 Guess what?

15 Never put a dime of that money, that \$86,000 that he
16 blew, not a dime of it went into that company cause he was
17 living a lie. He was telling his family a lie. He was
18 telling the one man that loved him, Gene Rogers, a lie the
19 whole time.

20 You're gonna hear evidence all about that, and, ladies
21 and gentlemen, once he blew through that money, he had no
22 options.

23 So, he goes back to Gene Rogers again, June 8th,
24 2020. He actually was able to convince Gene to give him
25 another \$2,500. I mean the generosity of Gene Rogers is

1 gonna be told to you by every single person that knew him.

2 But the evil inside of the defendant, his greed, and
3 his lust for money is what overtook him when he went in that
4 night and brutally shot them. And Billie, unfortunately,
5 you won't hear me say a lot about Billie, and that's not
6 intentional, ladies and gentlemen.

7 The problem is she was an afterthought for him. He
8 couldn't leave a witness.

9 So, she happened to be visiting from West Virginia to
10 see her son. They were gonna go out of town. They were
11 gonna have some -- they loved to spend time with the
12 grandkids. Loved it. Little grandkids. You'll see
13 pictures in the -- on the refrigerator of Papaw cause they
14 called him -- Gene, Papaw.

15 I mean this was a -- you'll hear evidence he was a good
16 man. He had stopped drinking like 20 years before. He was
17 a good man.

18 His plan, you will hear evidence, was I'm only gonna
19 keep about this \$45,000 left in my T Rowe account. You'll
20 see the evidence of, of all the money. That 45,000 was
21 because he wanted to buy a van, travel the country, and
22 spread the word of the Lord.

23 I mean even the defendant, when they were asking him,
24 after he finds those bodies on June 21st, 2020, I promise
25 you you will hear evidence that was calculated. He had

1 planned his alibi. You will see how he thought he was
2 smarter than everybody else because he tried to make people
3 believe okay, here's when my alibi starts, right.

4 But it fell apart because those guys that he had lied
5 for him, two of them are gonna come and testify, and they're
6 gonna tell you about it. One of them is, unfortunately,
7 gone. He's dead. But the other two are coming, and once
8 you hear that, you're gonna hear the plan, the lies, and
9 what they did to help him murder his grandfather and Billie
10 Ruth.

11 It was all for the money and nothing else. It was also
12 because he had to keep up this facade that he had built that
13 I'm gonna have this company. If he didn't have that money,
14 it fell apart. He knew he was about to lose everything with
15 three dollars in his account in six months that he
16 completely just blew away, money, strip clubs, guns, fun
17 with his friends. And when you have that kind of insatiable
18 greed and you realize you are losing that opportunity to
19 live that life, that's whenever evil takes over and that's
20 what happened in this case.

21 So, what I want to do is tell you that pay attention to
22 all the little seeds of things that he tells you in his
23 statement. He's screaming whenever they first get there and
24 they say -- he's saying those cowards. Those f'ing cowards.
25 They shot them, killed them. They executed them. He talks

1 about things like opening -- opens the door and he only was
2 maybe there about five or ten seconds and he backs up and
3 throws up on the porch. But then he starts giving the
4 details of the crime scene that only a murderer would know.

5 Listen carefully to those details, ladies and
6 gentlemen. It's been almost four years. This has been a
7 long process be -- because there's so much information. But
8 you're gonna get it all. That's why this case is going to
9 take every single day to go through it because you need to
10 hear it to understand what kind of web he was trying to
11 weave to deceive everyone. But that's not gonna happen this
12 week.

13 This week the evidence is going to write that final
14 chapter in the book. That chapter did not end when he
15 murdered Billie Ruth and Gene Rogers.

16 Instead, the truth came out. The chapter's gonna be
17 written with the evidence this week and it's gonna end with
18 your verdict.

19 Your verdict is going to speak the truth of what
20 happened based on the evidence you're gonna get from the
21 witness stand, you're gonna get from body-worn camera,
22 you're gonna get from the phone extraction once we got the
23 phone. You're gonna hear stuff about how, right after they
24 did a gunshot residue kit on him on the scene, he starts
25 Googling how long does it take GSR to get off your hands.

1 There's gonna be some other Google searches that are gonna
2 make you just drop your jaw.

3 He's guilty, ladies and gentlemen. He wanted that
4 money and he was gonna get it no matter what happened.

5 So, please listen very carefully this week. There's a
6 lot of information and we're gonna take it slow because it's
7 that important that you hear every detail about what he did,
8 how he planned it, and why he did it.

9 I have to show, beyond a reasonable doubt, that there
10 was malice, there was aforethought, some level of
11 premeditation even if it's just for seconds. But, in this
12 case, I've got over a month and it probably had been
13 gripping his mind for a while.

14 So, once he started throwing away that \$86,000, he was
15 already thinking about next what he was gonna do with this
16 money and that money ruins lives. And I thank y'all so much
17 for listening to me. Then, most of all, I thank you for
18 helping be a part of writing this last chapter that we find
19 in the book.

20 Thank you.

21 THE COURT: Solicitor.

22 MS. Boulware.

23 MS. BOULWARE: Thank you, Your Honor.

24 Good morning. So we met yesterday. I'm Kay Boulware.
25 My client is Alex Scott.

1 So, usually I'll start out with saying and -- this is
2 going to be a long trial. Absolutely. Nobody's gonna try
3 to hide that from you. Usually I'll start out by saying
4 hey, it will be a couple days, and we'll talk again in that
5 couple of days.

6 The reason why I'm not gonna say that today and the
7 reason why I'm not gonna talk long to you today is you're
8 probably not gonna remember much of what I said anyway and
9 we'll talk again in closing.

10 But there's a lot of folks in law schools and lawyers
11 who will tell you choose a theme when you do your opening.

12 Okay. Sometimes I do that. Sometimes I don't.

13 This case is one where I think I would of. One of my
14 favorite movies is My Cousin Vinny and the reason that is
15 it's about the closest to what court is about.

16 If you ever watched that movie, know that it's pretty
17 right on point. And what Vinny does with his -- I think
18 it's his cousin who's accused of murder. He explains that
19 what the State has to do is build a case like a house with
20 blocks, building blocks, and they have to be strong blocks
21 so the house will stay standing.

22 But he takes out his cards and he says but when you
23 look at the evidence in this case, you'll see that that's
24 how thin the blocks really are and I submit to you, ladies
25 and gentlemen, that when you hear everything these witnesses

1 have to testify to, you'll realize that this case is as thin
2 as a playing card.

3 All the things the solicitor has told you in con -- in
4 the context she told you, absolutely it doesn't sound good
5 at all. I agree with that. However, there's more to the
6 story. There always is and what I think is -- I think
7 you-all will listen closely. You'll give Mr. Scott the
8 benefit of the doubt that he's absolutely entitled to. He
9 is presumed innocent as he sits right there today and we
10 trust in you to absolutely consider what makes the State's
11 blocks, cards, and we'll talk about that again.

12 Y'all -- you'll see me at the end in closing and we'll
13 have a much longer talk about it cause we'll have all of
14 this stuff that you've seen over the last week and a half or
15 so to talk about. But today I will just leave you with that
16 thought to take with you as you listen to each witness on
17 this stand.

18 Some of them who will just be fact witnesses that
19 they're just saying this is what happened. This is what I
20 did. Then I'll left the -- however they say that.

21 Some of them though you'll really, really need to lean
22 in on because those are where the cards are gonna really be
23 thin.

24 So I also thank you. This is going to be long. But we
25 do appreciate your service. Mr. Scott particularly

1 appreciates your service. This is his day in court. He's
2 not happy to be here. But he's glad to have the opportunity
3 to let 12 people know his side of the story.

4 Thank you.

5 THE COURT: All right. Thank you, Ms. Boulware.

6 Ladies and gentlemen, I failed to mention to you that
7 if at anytime you need to take a break, and we haven't taken
8 a break yet, just raise your hand and that will be, that
9 will be the cue for us to take a break. I like to not go
10 any longer than about an hour and a half before we take a
11 break. But if you need one a little sooner, all you have to
12 do is just raise your hand and I'll know what, what to do.

13 Okay. All right. State ready to call its first
14 witness of the day?

15 SOLICITOR LIVELY: Yes, sir, Your Honor.

16 The State would call Johnny Roddey from 9-1-1.

17 THE COURT: Okay.

18 THE CLERK: Please raise your right-hand. State your
19 full name.

20 THE WITNESS: Johnny Cardell Roddey.

21 JOHNNY RODDEY, being first duly
22 sworn, testified as follows:

23 THE CLERK: Speak into the microphone.

24 THE COURT: Okay. All right. Thank you.

25 DIRECT EXAMINATION

Johnny Roddey - Direct examination
By Solicitor Lively

1 BY SOLICITOR LIVELY:

2 Q. All right. Good morning, Mr. Roddey.

3 How are you?

4 A. I'm good.

5 How are you?

6 Q. I'm good.

7 will you please tell this jury where you work?

8 A. Chester County 9-1-1.

9 Q. And how long have you been with Chester County 9-1-1?

10 A. Fourteen years.

11 Q. All right. And what are your job duties there?

12 A. I am the training coordinator and the records
13 custodian.

14 Q. All right. And as a records custodian, when we request
15 certain 9-1-1 calls, radio traffic, and what's (sic) we
16 referred to as a CAD report, would you have that information
17 or be able to get that information for us?

18 A. Yes, I would.

19 Q. On June the 21st, 2020, was there an incident called
20 into 9-1-1 where there were recordings made by the Chester
21 County 9-1-1 office?

22 A. Yes, there was.

23 Q. And, since that time, were you requested to provide
24 that information to our office at the Solicitor's Office as
25 well as to the defense?

Johnny Roddey - Direct examination
By Solicitor Lively

1 A. Yes, I was.

2 Q. And also, whenever there is -- there's 9-1-1 traffic
3 coming in on a call, is there also a CAD sheet that's
4 prepared through 9-1-1?

5 A. Yes, there is.

6 Q. Well, so the jury understands what a CAD sheet is,
7 would you please explain to them what that is and what the
8 purpose of it is?

9 A. All right. A CAD sheet is a computer aided dispatch.
10 It is a -- it is a timestamp of everything that is recorded
11 so times match, so you also have the -- the recordings will
12 match. You can also go back and look, you know, to -- when
13 you need to pull up something to see exactly what it is.

14 Q. Okay. All right. So, for instance, in a CAD report,
15 does it tell you the responding officers who were coming and
16 going from the scene?

17 A. It will list who is on the call, yes.

18 Q. All right. And it will tell you -- does it tell you
19 what time the call originally comes in?

20 A. It does.

21 Q. Does it tell you what time the -- everyone that's
22 involved actually clears the scene?

23 A. It does.

24 Q. Okay. And throughout that CAD report, does it also
25 provide what a particular responder might be doing?

Johnny Roddey - Direct examination
By Solicitor Lively

1 Like, for instance, are they in route or are they on
2 scene or are they clear?

3 Does it tell you that information?

4 A. Yes, it does.

5 Q. All right. Does it catch everything that's going on on
6 the scene?

7 A. Not always, no.

8 Q. Okay.

9 A. I mean there's, there's nothing that's -- do a hundred
10 percent.

11 Q. Sure.

12 So, if a police officer is on scene and they don't tell
13 you that they're going maybe to take someone for an
14 interview or they're taking someone to get a GSR test, it
15 doesn't mean it didn't happen?

16 A. That's correct.

17 Q. Okay. All right. So, this is radio traffic that's
18 documented through 9-1-1?

19 A. That's correct.

20 Q. All right. I'm gonna show you State's Exhibit No. 15
21 and State's Exhibit No. 1. We're gonna look at these
22 separate but I'm gonna put -- hand you 15 first.

23 Do you recognize what those documents are that you're
24 holding in your hand?

25 A. Yes, I do.

Johnny Roddey - Direct examination
By Solicitor Lively

1 Q. All right. And is that what we were just now referring
2 to?

3 A. This is a CAD report.

4 Q. It's a CAD report and does that CAD report actually
5 capture the, the incident that happened June 21st of 2020 in
6 regards to whenever law enforcement responded to a call?

7 A. It does.

8 SOLICITOR LIVELY: Okay. Your Honor, at this time the
9 State moves State's Exhibit 15 into evidence.

10 THE COURT: What says---

11 MS. BOULWARE: No objection.

12 THE COURT: ---the defense?

13 MS. BOULWARE: No objection, judge.

14 THE COURT: No objection. Fifteen into evidence for
15 the State.

16 SOLICITOR LIVELY: Thank you.

17 (WHEREUPON, State's Exhibit No. 15 was received into
18 evidence at this time.)

19 Q. I'm gonna show you -- it's a zip drive and it's got a
20 label on it in regards to 9-1-1 calls.

21 How many calls -- and you may not remember off the top
22 of your head.

23 But do you recall that there was an initial 9-1-1 call
24 from someone actually reporting this incident?

25 A. Yes, I do.

Johnny Roddey - Direct examination
By Solicitor Lively

1 Q. Okay. And do you recall that there was also a
2 phonecall that was made by the defendant at some point at --
3 right after that initial call?

4 A. Yes, I do.

5 Q. All right. And there was also some people that were
6 calling in, family members, who were hearing through the
7 grapevine that something had happened.

8 Do you recall that?

9 A. I do.

10 Q. All right. Now, was some of that actually documented
11 in this report as well?

12 A. Some of it was, yes.

13 Q. Okay. So what I'm gonna ask you to do is, if you
14 would, just -- oh, oh, well, we would move State's Exhibit
15 No. 1 into evidence at this time.

16 THE COURT: What says the defense?

17 MS. BOULWARE: No objection.

18 THE COURT: Without objection, No. 1 in evidence for
19 the State.

20 SOLICITOR LIVELY: Okay. Thank you.

21 (WHEREUPON, State's Exhibit No. 1 was received into
22 evidence at this time.)

23 Q. All right. Is it -- before I play this, I would like
24 you to -- you've got a---

25 A. I have a copy.

Johnny Roddey - Direct examination
By Solicitor Lively

1 Q. ---copy?

2 A. Yes.

3 Q. All right. So let's do this, Mr. Roddey, if you would
4 please.

5 What time did the original call come in?

6 A. At 12:37.

7 Q. 12:37PM?

8 A. And 20 -- and .20 seconds.

9 Q. Okay. That's fine. 12:37PM.

10 So, lunchtime on Father's Day?

11 A. Correct.

12 Q. All right. So -- and you recall that June 21st, 2020,
13 was Father's Day?

14 A. Yes.

15 Q. All right. Just wanted to remember that.

16 So, at -- that call comes in.

17 What time do law enforcement start to get dispatched?

18 A. Law enforcement was first dispatched at 12:47.

19 Q. 12:47.

20 Okay. So we have the initial call comes in at 12:37PM?

21 A. Correct.

22 Q. Is that correct?

23 A. EMS is dispatched at 12:41.

24 Q. At 12:41.

25 Now, how quickly does the first officer actually arrive

Johnny Roddey - Direct examination
By Solicitor Lively

1 on scene?

2 A. He was -- first one is on scene at 12:51.

3 Q. At 12:51.

4 So we're talking what like, how many minutes then?

5 A. Four minutes.

6 Q. Fourteen minutes?

7 A. Four minute -- well---

8 Q. From 12:30 -- oh, you're going from the actual---

9 A. Yeah, from---

10 Q. ---12:41?

11 A. Yes.

12 Q. Absolutely. Yeah.

13 So, so from---

14 A. From dispatch time, yeah.

15 Q. All right. And the location of this particular
16 incident, was it in Chester County?

17 A. Yes, it was.

18 Q. And where were they responding to?

19 A. 608 Doe Street --

20 Q. Doe Street --

21 A. -- in Richburg.

22 Q. -- in Richburg.

23 All right. So, these officers respond and we get there
24 in just a few minutes and, other than that, you don't know
25 actually what was going on whenever they got there, correct?

Johnny Roddey - Direct examination
By Solicitor Lively

1 A. Correct.

2 Q. So, do we have EMS responding?

3 A. We do.

4 Q. Do we have fire and rescue responding?

5 A. We do.

6 Q. All right. And do we have investigators responding?

7 A. We do.

8 Q. All right. And then law enforcement, which you already
9 said got there in just a few minutes.

10 A. Correct.

11 Q. All right.

12 Okay. Your Honor, at this time the State would publish
13 the 9-1-1 calls from that -- wait a minute. One other thing
14 I do want to ask you.

15 I'd ask you whether or not some family members or other
16 people had called in because it's starting to get out that
17 there was a possible incident that happened at that
18 location.

19 Is that correct?

20 A. That's correct.

21 Q. All right. And so, one of the calls that came in,
22 could you please tell the jury what that call was about and
23 who was it from?

24 A. There was a caller that was Kim Johnson. She called.
25 She said that her aunt, Deloris Millwood, is going to call

Johnny Roddey - Direct examination
By Solicitor Lively

1 her and inform her about the death and wanted investigators
2 to call her because her aunt was once married to the
3 deceased male subject.

4 Q. Okay. All right. Okay. And did she say and -- that
5 someone was going to --

6 A. In---

7 Q. -- or may have---

8 A. In the call, she said that she -- we should look at --
9 I think she said the nephew.

10 Q. All right. And that was captured on --?

11 A. The 9-1-1 recording, yes.

12 Q. -- 9-1-1?

13 SOLICITOR LIVELY: All right. Okay. Your Honor, at
14 this time the State would publish State's Exhibit No. 1.

15 THE COURT: Okay.

16 (Pause.)

17 Q. Okay. Let me do -- all right. So, the first 9-1-1
18 call, do we know, based on the CAD, who this person was that
19 actually called?

20 A. I'm sorry. Let me look at the pages.

21 Q. Okay.

22 A. There's not a name listed, no.

23 Q. No name listed.

24 Okay. So, we're hearing this call and we don't know
25 who this person is at this point in time?

Johnny Roddey - Direct examination
By Solicitor Lively

1 A. Correct.

2 Q. All right.

3 (WHEREUPON, a portion of State's Exhibit No. 1 was
4 played for the jury at this time.)

5 Q. So, was that the first call that came in that you're
6 referring to that was at -- was at 12:37?

7 A. Yes.

8 Q. All right. So, 12:37 that call comes in. Then they
9 begin to create their CAD and start documenting everything
10 coming in at that point.

11 A. That's correct.

12 Q. All right. Now, there was a net -- another call that
13 came in.

14 Tell us what time the next call came in.

15 A. The next call -- let me look. I'm not sure that that
16 one actually is documented.

17 Q. Okay. That's fine.

18 And does it say who that person was or it's not---

19 A. No.

20 Q. ---documented at all?

21 All right.

22 A. It's not.

23 Q. All right. Do you actually remember them preparing for
24 coming to court here today that there was an additional
25 9-1-1 call that came in after the -- this first call we just

Johnny Roddey - Direct examination
By Solicitor Lively

1 heard?

2 A. Yes, I did.

3 Q. Okay. All right. So -- and you provided that to me in
4 the discovery you provided, correct?

5 A. I did.

6 Q. All right.

7 (WHEREUPON, another portion of State's Exhibit No. 1
8 was played for the jury at this time.)

9 Q. Is that the call that you actually heard that was the
10 second one that came in?

11 A. Yes.

12 Q. All right. Just want to confirm that.

13 All right. And then the final call that was documented
14 you said was from a family member.

15 Is that right?

16 A. That's correct.

17 MS. BOULWARE: Objection, Your Honor.

18 May we approach?

19 THE COURT: Sure.

20 MS. BOULWARE: Thank you.

21 (WHEREUPON, a bench conference was held out of the
22 hearing of the jury at this time.)

23 THE COURT: Ladies and gentlemen, one thing that is, is
24 going to be common in this case is the fact that I have
25 legal issues that will continue to arise and we will need to

Johnny Roddey - Direct examination
By Solicitor Lively

1 properly deal with those legal issues. Often times I can't
2 do it in your presence or in front of you. So, I'll have to
3 send you to the jury room.

4 This is one of those instances. So, just be prepared
5 for this to come up as we go through this trial and I want
6 to thank you in advance for your patience and understanding.
7 It's just something that we have to do.

8 So, if you'll go back to your jury room. It shouldn't
9 be too long and we'll get you back out here.

10 (WHEREUPON, the following takes place outside the
11 presence of the jury.)

12 THE COURT: Okay. Just caution the media folks, during
13 any time the jury is sent out, can't have anything going on.

14 Thank you very much. Appreciate the effort.

15 All right. You want to state your objection on the
16 record, Ms. Boulware?

17 MS. BOULWARE: Yes, sir, Your Honor.

18 Objection hearsay. I know she's coming to testify.
19 I'm more concerned with speculation.

20 THE COURT: Okay.

21 MS. BOULWARE: She's not calling about anything she
22 directly observed. She's just calling back to point her
23 finger at someone --

24 THE COURT: Okay.

25 MS. BOULWARE: -- which I, I don't think that that is a

Johnny Roddey - Direct examination
By Solicitor Lively

1 factual -- there's no factual basis---

2 THE COURT: Right.

3 MS. BOULWARE: ---to have her up there saying or have
4 that played to the jury. I think --

5 THE COURT: Okay.

6 MS. BOULWARE: -- that that just starts out with who
7 all has been accusing Alex without any direct knowledge of
8 what actually happened.

9 THE COURT: All right. Okay.

10 All right. Solicitor, your position and, of course, as
11 I indicated over to the side, of course, I need to listen to
12 this call.

13 But your position on this?

14 SOLICITOR LIVELY: Your Honor, yes.

15 It shows her present sense impression from having heard
16 from other family members as to what occurred, what she was
17 thinking at the time. That's the reason why she's gonna be
18 an actual witness in this case.

19 I mean if she is a family member, she is close to the
20 family and she speculates if you want to use that term.
21 It's definitely relevant. It is something that she would
22 have personal knowledge about that she can be questioned on
23 on the stand. And, at this point in time, what we have is
24 immediately law enforcement's being notified that the nephew
25 is the one who needs to possibly be talked to.

Johnny Roddey - Direct examination
By Solicitor Lively

1 She doesn't say he did it. She's saying he needs to be
2 talked to.

3 THE COURT: Okay.

4 SOLICITOR LIVELY: And so that is, that is relevant at
5 that time---

6 THE COURT: All right. Well---

7 SOLICITOR LIVELY: ---cause he's on scene. He found
8 the bodies.

9 THE COURT: Okay. Well, let me listen to it---

10 SOLICITOR LIVELY: Yes, sir.

11 THE COURT: ---and, and we'll, we'll decide. I think
12 he indicates it's a real short call.

13 MS. BOULWARE: Yes, sir.

14 SOLICITOR LIVELY: Yes.

15 THE COURT: All right.

16 (WHEREUPON, the 9-1-1 call was played for the judge at
17 this time.)

18 THE COURT: I want to make sure that I understood what
19 she was saying. She said she gets a call from her aunt who
20 is formerly married to the male victim in the case.

21 SOLICITOR LIVELY: Yes, sir.

22 THE COURT: Kim is not on scene. She is elsewhere.
23 So, she -- and she says that they need to investigate --
24 does she use the word nephew?

25 MS. BOULWARE: Well, I'm sorry. I, I was mistaken.

Johnny Roddey - Direct examination
By Solicitor Lively

1 That was testified to or, or said and it is -- that -- this
2 is why I remember it was about Alex cause she says grandson.

3 THE COURT: Okay. She says need to investigate the
4 grandson.

5 MS. BOULWARE: Right.

6 SOLICITOR LIVELY: Yes.

7 MS. BOULWARE: Right.

8 THE COURT: All right. Well, I mean she's basing it on
9 what somebody told her and she's not on scene. It would not
10 be present sense impression. She's just repeating what
11 somebody had told her and she has no direct knowledge
12 observing anything at the scene which would cause her to
13 think hey, needs to be investigated. She's solely basing it
14 on what the aunt told her.

15 So, I'm gonna sustain the defense objection and I guess
16 you can play the call up to the point of her saying need to
17 investigate but -- or, or not play the call at all --

18 MS. BOULWARE: Right.

19 THE COURT: -- either way. But you can play it up till
20 that. But I think that she's basing totally---

21 MS. BOULWARE: And---

22 THE COURT: ---on what was told her.

23 MS. BOULWARE: Judge, I don't think the call provides
24 any other useful information other than she's telling them
25 basically who they need to have as a suspect.

Johnny Roddey - Direct examination
By Solicitor Lively

1 THE COURT: Right.

2 And I don't think, I don't think it's necessarily
3 speculation either. She's just repeating hey, I got a call
4 from aunt, formerly married, and you need to investigate the
5 grandson and I don't even think that's speculation. She's
6 just repeating what has been told to her.

7 MS. BOULWARE: Yes, sir, and---

8 THE COURT: So I'm, I'm gonna sustain the objection. I
9 don't have a problem if you want to play it up till that
10 point. But we just need to stop it.

11 SOLICITOR LIVELY: No, Your Honor.

12 what I'm gonna do is I'm just gonna -- when Kim Johnson
13 comes to testify --

14 THE COURT: Sure.

15 SOLICITOR LIVELY: -- we'll just --

16 THE COURT: Sure.

17 SOLICITOR LIVELY: -- we'll have her actually recall
18 having made the call and then we'll play it then.

19 THE COURT: Sure. Yeah.

20 SOLICITOR LIVELY: Okay.

21 THE COURT: I think that's -- that, that -- that's
22 fine.

23 MS. BOULWARE: And I'll probably renew another
24 objection --

25 SOLICITOR LIVELY: Yeah.

Johnny Roddey - Direct examination
By Solicitor Lively

1 MS. BOULWARE: -- at that time.

2 THE COURT: Well, what we may have to do with her is
3 maybe just take a little in camera testimony to see
4 specifically what, solicitor, what you want to ask her and
5 what she's gonna say and see if we have any issues with
6 that.

7 SOLICITOR LIVELY: Yes, sir.

8 THE COURT: All right.

9 MS. BOULWARE: Thank you, Your Honor.

10 SOLICITOR LIVELY: What I'll do then, when the jury
11 comes back, just because I'll summarize what we just talked
12 about and how that's all that you had from that day.

13 THE COURT: Sure.

14 SOLICITOR LIVELY: But there was an additional call
15 and, and that we're not gonna address it at this time and
16 we'll just leave it at that.

17 Okay. So --.

18 THE COURT: All right. Let's bring the, bring the, the
19 jury back in please.

20 (WHEREUPON, the following takes place within the
21 presence of the jury.)

22 THE COURT: Okay. Let the record reflect the jury's
23 back in.

24 Solicitor, you may proceed.

25 SOLICITOR LIVELY: Yes, sir, Your Honor.

Johnny Roddey - Direct examination
By Solicitor Lively

1 Thank you.

2 CONTINUED DIRECT EXAMINATION

3 BY SOLICITOR LIVELY:

4 Q. Now, Mr. Roddey, was the 9-1-1 calls that we've already
5 heard, were those ones that you would normally keep in, in
6 your normal course of business that the jury has already
7 heard from you here today?

8 A. They are.

9 Q. Okay. And I was getting ready to play another, another
10 audio track.

11 But you could not authenticate that track, could you?

12 A. Correct.

13 Q. Okay. And in regards to everything else that happened
14 that day, were there any other recordings that, that you
15 found that would be relevant to this particular case?

16 A. No.

17 Q. So, you've given us everything you have?

18 A. Correct.

19 Q. All right. Thank you so much. Answer any questions
20 the defense may have for you.

21 THE COURT: Ms. Boulware, any questions of Mr. Roddey?

22 MS. BOULWARE: Briefly, Your Honor.

23 THE COURT: Sure.

24 CROSS-EXAMINATION

25 BY MS. BOULWARE:

Johnny Roddey - Cross-examination
By Ms. Boulware

1 Q. Good morning, Mr. Roddey.

2 A. Good morning.

3 Q. I just want to go over just to get the timeframe down
4 on this again, and I think you've already testified to this,
5 but just so it's clear.

6 12:37, very first 9-1-1 call?

7 A. Correct.

8 Q. Okay. And this -- the 12:41 is when the ambulance was
9 dispatched and then, 12:44, another ambulance and --?

10 A. 12:44 was when actually the ambulance went in route.

11 Q. On route, yeah. You're right. That's what it says.
12 So, we got rescue squad, fire station.

13 But when they actually arrived on scene, the first
14 deputy, is the 12:51:48?

15 A. Correct.

16 Q. Okay. All right.

17 That's all I had, judge.

18 THE COURT: Okay. All right. Solicitor, anything to
19 follow-up?

20 SOLICITOR LIVELY: No, Your Honor. Thank you.

21 THE COURT: Okay. Thank you, sir. You can step down.
22 You may remain with us if you'd like.

23 SOLICITOR LIVELY: State would call Claude Powell to
24 the stand.

25 THE BAILIFF: Who is it again, ma'am?

Claude Powell - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: Claude Powell.

2 THE CLERK: Please state your name -- place your
3 left-hand on the Bible. State your full name.

4 THE WITNESS: Claude Powell.

5 CLAUDE POWELL, being first duly
6 sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR LIVELY:

9 Q. Officer Powell, where do you currently work?

10 A. Chester County Sheriff's Office.

11 Q. And how long have you worked there?

12 A. Approximately six years.

13 Q. Six years.

14 And how long have been in law enforcement?

15 A. Twenty-one years.

16 Q. All right. I'm gonna need you to pull the microphone
17 in or pull yourself up to it so we can hear you.

18 okay?

19 A. Twenty-one years.

20 Q. Twenty-one years.

21 All right. What is your current rank at the Sheriff's
22 Office?

23 A. Patrol sergeant.

24 Q. Patrol sergeant.

25 All right. Now, in June of 2020, did you have an

Claude Powell - Direct examination
By Solicitor Lively

1 opportunity to respond to a 9-1-1 call regarding someone
2 possibly being shot?

3 A. Yes, ma'am.

4 Q. If you'll please tell the jury what time you got notice
5 of this and when you went to respond to that call.

6 A. At 12:48. Got there probably 12:51.

7 Q. At 12:51.

8 All right. And are you referring to the CAD sheet---

9 A. Yes, ma'am.

10 Q. ---of -- all right. And would -- that's already in
11 evidence. So I just wanted to make sure the Court knew what
12 it was you were referring to.

13 Is it this document like State's 15?

14 A. Yes, ma'am.

15 Q. Okay. Just wanted to be sure.

16 So you respond and you -- what time -- you said you got
17 on scene at 12:51?

18 A. Yes, ma'am.

19 Q. All right. Tell the jury, when you got there, was
20 there another officer who arrived basically at the same time
21 you did?

22 A. Yes, ma'am.

23 Q. And who was that?

24 A. Deputy Ostrowski.

25 Q. Ostrowski.

Claude Powell - Direct examination
By Solicitor Lively

1 And does Ostrowski still work at the Sheriff's Office?

2 A. No, she does not.

3 Q. All right. Will we see some of her on your body-worn
4 camera at some point later on if that comes into evidence?

5 A. Yes.

6 Q. All right. Now, you being first on scene, tell the
7 jury exactly what is it that you saw and who you initially
8 came into contact with.

9 A. Saw a white male wearing a purple shirt, black pants,
10 sitting there screaming, hollering, crying, distraught,
11 punching the ground, saying that his grandparents had been
12 shot, and they were inside.

13 Q. Okay. And after he tells you this, what do you do?

14 A. I told Deputy Ostrowski to stay with, with that -- with
15 that person and then I went inside to make sure there was
16 nobody there.

17 Q. Okay.

18 A. Find out what was going on.

19 Q. All right. So, whenever you got to the scene, tell the
20 jury, before you went into the house, what did you see as
21 you were walking towards the location where you said the
22 bodies were?

23 A. As I was walking up to the house?

24 Q. Yeah.

25 A. There was two cars in the driveway. Walked on up to

Claude Powell - Direct examination
By Solicitor Lively

1 the, to the house. As I was walking up the stairs, I could
2 see through the window. I could see someone sitting in the
3 chair directly across from that window. But I couldn't
4 really tell what they were doing or anything. So --.

5 Q. Okay. And whenever you, you walked up the stair --
6 before you walked up the stairs, did you see any vehicles
7 such as like a blue Mustang---

8 A. Yes, ma'am.

9 Q. ---in the driveway?

10 okay.

11 A. The blue Mustang was out by the road.

12 Q. Was by the road.

13 okay. Did you ever hear the defendant tell you what --
14 why he was there that day?

15 A. To see his grandfather for Father's Day.

16 Q. All right. Okay. So, at that point, let's take it
17 back to going up the stairs to the home.

18 Tell the jury what you did at that time when you were
19 getting ready to enter the home.

20 A. I put my gloves on. I called, called out on -- called
21 out to dispatch that I was about to go into the house.

22 Pushed the door open just a -- just slightly and I could see
23 a female subject in the chair. As I was stepping on in, you
24 could see the other subject laying on the ground. I called
25 out into the house and cleared the house, went down the back

Claude Powell - Direct examination
By Solicitor Lively

1 hallway, come back out, went through the kitchen to the
2 other house -- to the other part -- portion of the house.
3 It was obvious that both, both people in the house were
4 deceased and there was nobody else there.

5 Q. There was nobody else there.

6 And did you immediately see any type of weapon in the
7 area where the bodies were?

8 A. I did not.

9 Q. Okay. Was it immediately apparent at that time as to
10 what type of weapon had been used?

11 A. No, it was not.

12 Q. All right. And, again, you have how many years of law
13 enforcement experience?

14 A. Twenty-one.

15 Q. So, after this happened, you walk out of -- where do
16 you go after that?

17 A. So, I walked through the house and then I come back. I
18 come back through the house, go back out to the, to the road
19 where the subject was at. Told him that I didn't know who
20 he was, didn't know what was going on. He was still
21 distraught at that point, that I was gonna put him in the
22 back of my car for the time being.

23 Q. At that point, did you have any reason to believe that
24 he was possibly a suspect or had anything to do with the
25 murders?

Claude Powell - Direct examination
By Solicitor Lively

1 A. None at all.

2 Q. Okay. And, at that time, you didn't even know if they
3 were murdered, did you?

4 A. Correct.

5 Q. Okay. And so, at that point when you put him back
6 into -- into the back of -- was it your patrol car?

7 A. Yes, ma'am.

8 Q. When you put him into the patrol car, did you pat him
9 down for weapons?

10 A. I did not.

11 Q. All right. And at some point though did you ask him
12 for something that required -- that caused him to actually
13 be reaching into his pockets?

14 A. Yes, ma'am, I asked him for his ID, which he struggled
15 to get out of his back pocket.

16 Q. Okay. And was all this captured on body-worn camera?

17 A. Yes, it was.

18 Q. All right. Now, whenever he got the ID, who did it --
19 who did it say that he was?

20 A. Alexander Gene Scott.

21 Q. All right. And after you got that documentation, did
22 you have any other conversations with, with the defendant on
23 scene that day?

24 A. I asked him who they were, the identities of the people
25 inside that were deceased, as well as having him write a

Claude Powell - Direct examination
By Solicitor Lively

1 written statement of what had happened that day.

2 Q. All right. Now, while you were there, did other
3 officers begin to show up on scene?

4 A. Yes.

5 Q. All right. And what is common for the -- I guess the
6 lead patrol officer to do in regards to making sure that the
7 crime scene is maintained and documenting who comes in and
8 out?

9 A. We take the -- we tape the scene off with crime scene
10 tape and---

11 Q. Okay.

12 A. ---then we start a log---

13 Q. You start a log---

14 A. For everybody coming in, yes, ma'am.

15 Q. All right. And did you actually start that log?

16 A. I did.

17 Q. Okay. And when you do a crime scene log, does it
18 actually document the time in, who comes in, and whenever
19 they depart --

20 A. Yes, ma'am.

21 Q. -- or suppose to?

22 A. Suppose to.

23 Q. Okay. All right. Get this marked.

24 (WHEREUPON, a crime scene log was marked as State's
25 Exhibit No. 136 for identification purposes only at this

Claude Powell - Direct examination
By Solicitor Lively

1 time.)

2 Q. I'm gonna show you State's Exhibit No. 136.

3 Do you recognize this document?

4 A. Yes, ma'am, that's one of our crime scene logs.

5 Q. That's a crime scene log?

6 A. Yes, ma'am.

7 Q. And the date of this particular crime scene log and the
8 name on it, do you know who the person is that filled this
9 out?

10 A. Yes, ma'am.

11 Q. And who was it?

12 A. That was me.

13 SOLICITOR LIVELY: Okay. Your Honor, at this time the
14 State would move State's Exhibit No. 136 into evidence.

15 MS. BOULWARE: Can I look at that real quick?

16 SOLICITOR LIVELY: Yes.

17 (Pause.)

18 SOLICITOR LIVELY: Once again, State would move 136
19 into evidence.

20 THE COURT: What says the defense?

21 MS. BOULWARE: No objection, judge.

22 THE COURT: Without objection, 136 into evidence for
23 the State.

24 (WHEREUPON, State's Exhibit No. 136 was received into
25 evidence at this time.)

Claude Powell - Direct examination
By Solicitor Lively

- 1 Q. Okay. All right. So, in this crime scene log, you had
2 the comings and goings of all the law enforcement people.
3 Who else is mentioned on there that or with Chester
4 County that showed up that day?
- 5 A. Deputy Ostrowski, Captain Crawford, Sergeant -- it was
6 sergeant at time but Lieutenant Moss, Burch, Dean, Moore,
7 Crockett, and Young --
- 8 Q. Okay. And those were with---
- 9 A. -- and St. Clair.
- 10 Q. ---Chester County?
- 11 A. Yes, ma'am, those are all---
- 12 Q. All right.
- 13 A. ---Chester, Chester County Sheriff's Office.
- 14 Q. Was there a representative from the Coroner's Office?
- 15 A. Yes.
- 16 Q. All right. Who was that?
- 17 A. Tommy Williams and Jolene Clinton.
- 18 Q. All right. And in the -- also EMS people and other
19 people that were coming on the scene---
- 20 A. Yes.
- 21 Q. ---and you actually documented them as well, correct?
- 22 A. Yes, we took a paramedic and EMS --
- 23 Q. All right.
- 24 A. -- down to the scene.
- 25 Q. Okay. Great. Thank you.

Claude Powell - Direct examination
By Solicitor Lively

1 Now, you had mentioned that you got a written statement
2 from the defendant that day?

3 A. Yes, ma'am.

4 Q. Now, at any point in time did you -- before you got
5 that statement of the defendant, do you know whether or not
6 he had access to a telephone on his person?

7 A. I do not.

8 Q. You do not.

9 Did he ever tell you anything about a phone that day?

10 A. He had said something about it being in a car.

11 Q. Okay.

12 A. But we never saw it.

13 Q. You never saw it?

14 A. I never---

15 Q. Okay.

16 A. ---saw it.

17 Q. Now, at that point in time, were you aware that he had
18 somehow made a 9-1-1 call?

19 A. Somehow he had, yes.

20 Q. Okay. But you have no -- do you have any knowledge
21 about that?

22 A. No, ma'am.

23 Q. All right. Fair enough.

24 All right. So, Deputy Powell, whenever you're talking
25 to him about writing that statement, at that point had

Claude Powell - Direct examination
By Solicitor Lively

1 Crawford, Moss, and some of the other investigators, did
2 they show up on the scene?

3 A. They had.

4 Q. They had.

5 All right. So, whenever you got the statement from the
6 defendant, did you do so -- was he out your vehicle by that
7 time?

8 A. Yes, ma'am.

9 Q. He was.

10 All right. And did you actually have him handwrite
11 this statement?

12 A. I did.

13 Q. And was that statement witnessed by you?

14 A. Yes, it was.

15 Q. And did you document the time on -- of that statement
16 when he wrote it on the paperwork?

17 A. Yes, ma'am.

18 Q. You did.

19 All right. If you would please -- let's see. I think
20 I've got a copy.

21 (WHEREUPON, a statement from the defendant was marked
22 as State's Exhibit No. 139 for identification purposes only
23 at this time.)

24 Q. Okay. All right. I'm gonna show you now what's been
25 marked as State's Exhibit 139 that you've just been

Claude Powell - Direct examination
By Solicitor Lively

1 referring to and ask you if this is the statement that you
2 got---

3 A. Yes, ma'am.

4 Q. ---from the defendant?

5 A. Yes.

6 Q. It is?

7 A. Yes, ma'am.

8 Q. All right. And the date on this statement, does it
9 reflect the day that you responded to this scene?

10 A. Yes, ma'am.

11 Q. And that was June 21st, 2020?

12 A. Yes, ma'am.

13 SOLICITOR LIVELY: Your Honor, the State moves State's
14 Exhibit No. 139 into evidence at this time.

15 MS. BOULWARE: No objection.

16 THE COURT: Without objection, 139 into evidence from
17 the State.

18 (WHEREUPON, State's Exhibit No. 139 was received into
19 evidence at this time.)

20 Q. Okay. If you would, please publish this statement. If
21 you've got your -- in your possession.

22 If you would please make sure you read it slowly so
23 that the jury can hear it.

24 A. This statement that he wrote says I came to my
25 grandparent's house at around 12:20. When I got out of the

Claude Powell - Direct examination
By Solicitor Lively

1 car, I locked my phone and keys inside but figured I'd just
2 call a locksmith later. I walked to the front door and
3 opened it. I saw them lying on the, lying on the ground
4 with a lot of blood.

5 I turned around to throw up. I ran to the street
6 beside us. After I yell and started screaming for at least
7 10 minutes no one came. I ran back and stopped a passing
8 truck and asked them to call 9-1-1. After 10 minutes had
9 passed, and I hadn't heard anything, I asked Siri for SOS
10 and they told me it would be -- it had already been
11 reported. Two cars showed up five minutes later.

12 End of statement.

13 You want me to continue?

14 Q. Yes. Please.

15 A. I then wrote a question on here for him to answer and
16 initialed. The question was when was the last time you
17 spoke to them. His answer was I last spoke with, with him
18 June 20th around 7:00AM on the phone and he initialed
19 that.

20 My second question I wrote on here was what was the --
21 when was the last time you were at the residence. I was at
22 the residence -- I was at the -- last at the residence at
23 the 10th of June and he initialed that as well.

24 Q. Now, after your -- you being on the scene and, and
25 having to leave -- well, tell the jury why did you have to

Claude Powell - Direct examination
By Solicitor Lively

1 leave the scene before everything was cleared up.

2 A. We were -- we didn't have a lot of staff on -- at the
3 time and our -- one of our other officers was involved in a
4 foot chase.

5 Q. All right.

6 A. So I had to leave.

7 Q. All right. And what time did you leave?

8 A. I just looked at it. I think it was 3:30. Around
9 3:30.

10 Q. Okay. Do you remember if you were there when -- I've
11 already asked you that.

12 You were there whenever -- let me back up so I know
13 what I'm trying to say.

14 When you left, did you leave the defendant with Captain
15 Crawford and Moss to, to---

16 A. Yes, I did.

17 Q. ---to secure him and stay with him at that point in
18 time?

19 A. Yes, ma'am.

20 Q. All right. I just wanted to be sure.

21 Now, after you arrive on a case such as this where we
22 have two people who were killed, do you take the time to do
23 a supplemental report?

24 A. I do.

25 Q. You do.

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By Solicitor Lively

1 And is that standard procedure for you to do that when
2 you were especially the first responding officer that day?

3 A. Yes, it is.

4 Q. All right. And so did you actually do a supplemental
5 report---

6 A. I did.

7 Q. ---at the time?

8 All right. And what was the date that you took the
9 time to do the supplemental report after you basically had
10 nothing else to do with the scene that day?

11 A. On 6/29.

12 Q. On 6/29.

13 All right. So, about eight days later you do your
14 supplemental report?

15 A. Yes, ma'am.

16 Q. Please tell the jury what stood out in your mind that
17 you put into this report and you can use the report to
18 refresh your recollection at this point.

19 A. The fact that he was -- the fact that he was crying,
20 very hysterical, it was as though it was a -- it was -- when
21 I look back at the scene and watched my bodycam, it's as
22 though he was putting on a show. He was -- he would cry one
23 minute, scream, holler, get angry, and then stop, and turn
24 it all off. It was like he kept turning it on and off. So,
25 his emotions.

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By Solicitor Lively

1 Q. His emotions.

2 A. Um.

3 Q. All right. Did he ask you anything on scene that you
4 thought was odd?

5 A. He kept wanting to leave. He just -- he wanted to
6 leave. I mean he got very agitated when he wasn't allowed
7 to leave. But that wasn't my call to make. That was the
8 investigators call.

9 Q. Did he ask you anything about, about Chester County's
10 investigation?

11 A. Yes, he asked us how many murders that we have and what
12 our success rate was.

13 Q. Was there anything else that you documented in that
14 report that stood out from you in regards to your
15 conversation with him that day?

16 A. He, he said he was past tears.

17 Q. He said he was past tears?

18 A. Yeah, I asked -- after SLED arrived, Alex did not cry
19 in front of myself again stating that he was past tears.

20 Q. Did he give you any information about what he had done
21 earlier that morning?

22 A. Yes, he stated that he had went to Spartanburg and then
23 came and found them dead. So, during other conversations,
24 it's not in here, but during other conversations it said
25 that he'd went to a gun show. So --.

Claude Powell - Direct examination
By Solicitor Lively

1 Q. So, is that your best recollection of everything he
2 told you from---

3 A. Yes, ma'am.

4 Q. ---that day when you were there?

5 You documented it, correct?

6 A. Yes, ma'am.

7 Q. And, and then also the statement that he actually wrote
8 for you?

9 A. Yes, ma'am.

10 Q. Okay. Now, the body-worn camera that you had on that
11 day, did you provide a copy to the Solicitor's Office?

12 A. We did.

13 Q. Okay. And a copy was also provided to the defense as
14 far as you know, correct?

15 A. As far as I know.

16 Q. All right. And did you do anything to tamper, alter
17 that body-worn camera footage at all before providing it to
18 our office?

19 A. I did not.

20 Q. Okay. Let's see.

21 Your Honor, may we approach for just a moment?

22 THE COURT: Sure.

23 SOLICITOR LIVELY: Okay.

24 (WHEREUPON, a bench conference was held out of the
25 hearing of the jury at this time.)

Claude Powell - Direct examination
By Solicitor Lively

1 THE COURT: Ladies and gentlemen, we're gonna take a,
2 a, a short break. I got an issue to deal with the, with the
3 lawyers. But I was planning to take a break anyways.

4 So, go back to the jury room and get you back out
5 shortly. Remember my discussions and instruction not to
6 begin any discussions about this case. We'll get you back
7 out.

8 (WHEREUPON, the following takes place outside the
9 presence of the jury.)

10 THE COURT: Okay. Ms. Boulware, you indicated that,
11 that you had a matter of law to take up.

12 MS. BOULWARE: Yes, sir, and --.

13 THE COURT: Is it related to the bodycam video?

14 MS. BOULWARE: It is and we had agreed on things with
15 bodycam video. But there's, there's a lot of video in this
16 case and I thought this was the one that was edited. But
17 apparently that is Officer Ostrowski's, not Officer
18 Powell's. And the issue we have is that there's several
19 times when they go in and outside the trailer, which shows
20 everything in its entirety, and we'll have a hearing later
21 on the pictures of the crime scene itself, which we're gonna
22 object to some of those.

23 And, judge, we've got specific times and instances here
24 where it -- it's (sic) looks to be at least three times --
25 yeah, three times where he spends at least once five

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1 minutes, two minutes, a minute, and, and a minute 20. Mr.
2 Frick looked through that video real quick for me.

3 But -- so, the issues we have is it's going to publish
4 to the jury things we may be objecting to later as
5 opposed -- with the pictures and we, we don't -- you know,
6 we're not gonna have an opportunity to edit that for the
7 jury now. It's all gonna be out there anyway.

8 So, judge---

9 THE COURT: I mean is it primarily -- is bodycam video
10 when he's inside the house showing the two bodies, one in
11 the chair and one on the floor?

12 Is that --?

13 MS. BOULWARE: Yes, sir, and, and it's---

14 THE COURT: Okay.

15 MS. BOULWARE: I -- walk around the crime scene and---

16 THE COURT: Right.

17 MS. BOULWARE: ---and there's just certain angles in
18 there that, that we would object. I think it'd be just like
19 the pictures that would -- that we're going to---

20 THE COURT: All right.

21 MS. BOULWARE: ---talk about.

22 THE COURT: Do you anticipate, with respect to the
23 pictures, objecting to all the pictures of the bodies inside
24 the house?

25 MS. BOULWARE: We have a few that we'll stipulate to.

Claude Powell - Direct examination
By Solicitor Lively

1 We do---

2 THE COURT: Okay.

3 MS. BOULWARE: ---have some we are going to challenge.
4 But I'm afraid that if we go through this whole entire
5 bodycam video, it's going to show what we're going to
6 challenge anyway.

7 THE COURT: All right. Okay.

8 MS. BOULWARE: And she'll have the opportunity to put
9 the pictures in at some point depending on what you rule on
10 that.

11 THE COURT: Right.

12 MS. BOULWARE: So, it -- it's redundant to have---

13 THE COURT: I see.

14 MS. BOULWARE: ---have the bodycam video.

15 THE COURT: With -- as to what---

16 MS. BOULWARE: Exactly.

17 THE COURT: ---may be coming into --

18 MS. BOULWARE: Yes, sir.

19 THE COURT: -- into evidence.

20 Okay. Before I hear your arguments, solicitor, are you
21 intending to get -- what witness are you intending to get
22 the pictures, whatever I deem is admissible as far as the
23 bodies inside the house, what, what witness were you
24 planning to get those pictures in?

25 SOLICITOR LIVELY: With Jennifer Hunton from crime

Claude Powell - Direct examination
By Solicitor Lively

1 scene SLED. She's later today.

2 THE COURT: Okay. All right. Okay.

3 SOLICITOR LIVELY: This is the -- the, the relevance of
4 this is huge. The State has to show what it is that we
5 walked in -- the, the officer walked into that day.

6 THE COURT: Sure.

7 SOLICITOR LIVELY: And so, yeah, it is a brutal scene.
8 But I have to show malice aforethought --

9 THE COURT: Sure.

10 SOLICITOR LIVELY: -- and that -- I mean there's no way
11 that some of these photos aren't going to come in anyway
12 because it goes into the investigation of the case. Now,
13 the body-worn camera, he's clearing the scene. So, he's not
14 necessarily hovering over these bodies. This is what it --
15 this is what it was --

16 THE COURT: Right.

17 SOLICITOR LIVELY: -- and that's what the jury needs to
18 see.

19 THE COURT: Sure.

20 SOLICITOR LIVELY: And I -- you know, according to the
21 way that the Court is suppose to balance that, it is whether
22 or not they're more prejudicial than probative. Here,
23 they're probative. We got to show where the bodies were.
24 We got his statement to law enforcement is I opened the door
25 and I can immediately see that they had been shot, executed,

Claude Powell - Direct examination
By Solicitor Lively

1 and there were shell casings behind them.

2 well, the---

3 THE COURT: Sure.

4 SOLICITOR LIVELY: ---the jury needs to see that that's
5 not what happened.

6 THE COURT: Sure.

7 SOLICITOR LIVELY: And so that's -- it's very important
8 that this body-worn camera, in its entirety, it's 29 minutes
9 and 47 seconds, comes in because that is that initial moment
10 when we see what happens to these people.

11 THE COURT: Right.

12 And I, and I understand your argument. I think what
13 I'm hearing from Ms. Boulware, and certainly I don't mean to
14 speak for her, but she may have some objections to when we
15 say one of the broad category of some representation of the
16 bodies inside the house.

17 And so, what I need to do is make a ruling on that
18 probably at the same time as I rule on what the bodycam
19 video shows because, if she has an argument to some of the
20 pictures that I might agree to, I don't know, hadn't seen
21 any them.

22 well, I have seen some things from the inside. But,
23 anyways, I think we need to do it all at one time.

24 MS. BOULWARE: I agree.

25 SOLICITOR LIVELY: well, Your Honor, I think that, at

Claude Powell - Direct examination
By Solicitor Lively

1 this point with what I've provided with Powell, I would ask
2 the Court to go ahead and watch the body-worn camera video
3 cause, to me, that is the most compelling information about
4 what law enforcement was seeing and doing at that point in
5 time. Then we're gonna hear from the defendant from himself
6 statements that he made to law enforcement based on what was
7 in this video.

8 THE COURT: Yeah.

9 SOLICITOR LIVELY: So, even if the pictures become an
10 issue where they're actually gonna be individually given to
11 the jury later on, that's a completely separate issue in
12 regards to whether or not those pictures are too graphic or
13 you're not -- or they're not relevant for the purposes of
14 this particular case. But I would ask the Court to watch
15 this video cause, to me, it -- it's, it's so important for
16 the State to be able to show---

17 THE COURT: Sure.

18 SOLICITOR LIVELY: ---what was going on---

19 THE COURT: Well---

20 SOLICITOR LIVELY: ---on that day.

21 THE COURT: well, I think what I need to do is -- I'll
22 certainly look at the video.

23 You say it's how long?

24 SOLICITOR LIVELY: It's 29 minutes.

25 THE COURT: Okay. From start to finish?

Claude Powell - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: And what I can do, judge, is I can
2 actually get you right to where he's walking into the house
3 so you can see it and you can see what it is that they may
4 be having an objection to so you can actually get a visual
5 for yourself.

6 THE COURT: Well, I, I, I understood that his video
7 would show several times throughout the video of inside. So
8 I guess I need to watch the whole thing---

9 SOLICITOR LIVELY: It's not---

10 THE COURT: ---and I---

11 SOLICITOR LIVELY: It's not that much.

12 THE COURT: Okay.

13 SOLICITOR LIVELY: It's not.

14 THE COURT: Okay. Well --.

15 MS. BOULWARE: Judge, we would ask that you watch the
16 entire video just because there's so many different
17 instances of---

18 THE COURT: Okay.

19 MS. BOULWARE: ---when he does go in there.

20 THE COURT: And so then I think what I want to do too
21 is photographs, what you agree to and what you're not
22 agreeing to, I probably need to take a look at that cause
23 that's gonna help me, I think, in ruling on what is shown in
24 the, the video. So, I need to look at everything at
25 probably the same time to see what you agree to and see what

Claude Powell - Direct examination
By Solicitor Lively

1 you don't agree to, as far as the video -- pictures of the
2 two bodies in the house.

3 MS. BOULWARE: And, judge, we do have the stack of
4 photos we're going to object to separated out if that --.

5 THE COURT: well, what I want to see is what you agreed
6 to and what you've not agreed to as it relates to just the
7 bodies inside the house.

8 SOLICITOR LIVELY: Yes, sir.

9 THE COURT: There may be some other photographs showing
10 other things that we'll deal with later. But since we're,
11 we're honing in on bodies inside the house, I, I need to
12 look at the, the video and look at the photographs.

13 All right. So, I know that I -- we started late but --
14 and I know we want to go a little later.

15 SOLICITOR LIVELY: Yes, sir.

16 THE COURT: Probably need to go ahead and take a, a, a
17 lunch break and maybe not quite as long as we normally do.
18 But take a lunch break so I can be looking at all this and
19 plus give the jury a lunch break.

20 SOLICITOR LIVELY: That's fine, Your Honor.

21 THE COURT: Give us all a lunch break.

22 Y'all good with that?

23 MS. BOULWARE: That works.

24 THE COURT: Okay.

25 MS. BOULWARE: Yes, sir.

Claude Powell - Direct examination
By Solicitor Lively

1 THE COURT: Do you want to say do an hour?

2 So back at 2:00?

3 SOLICITOR LIVELY: Yes, sir.

4 MS. BOULWARE: Sounds good.

5 THE COURT: Okay. All right. So, let's bring the jury
6 back out and we'll go ahead and cut them loose for a lunch
7 break and then I'll, I'll look at all this stuff.

8 (WHEREUPON, the following takes place within the
9 presence of the jury.)

10 THE COURT: All right. Let the record reflect the
11 jury's back in.

12 Ladies and gentlemen, what we're gonna do, we're gonna
13 go ahead and break for lunch. We're gonna take an hour for
14 lunch and that will give me time to look at some things that
15 the lawyers want me to review.

16 So -- and if you decide to go to a local restaurant,
17 keep your juror badge visible and the reason for that is the
18 lawyers, some of the witnesses, family members, whomever,
19 may be in that same, same restaurant, may be talking about
20 the case. Certainly don't want them to where you could hear
21 whatever they may be talking.

22 They may not recognize you as being on the jury. But
23 they see that juror badge, they'll know not to speak so
24 loudly to where you can overhear that. So, if you do that
25 for me, I'd appreciate it.

Claude Powell - Direct examination
By Solicitor Lively

1 So be back at two o'clock. That's actually 55 minutes.

2 Be back at two o'clock and we'll proceed forward.

3 Okay. Have a good lunch and I think -- before you
4 leave, Ms. Mitchum can maybe tell them about parking.

5 THE BAILIFF: Yes, sir.

6 THE COURT: All right. You know, you know where --
7 okay. You know where to work and where to come in.

8 Okay. Very good. Thank you.

9 (WHEREUPON, the following takes place outside the
10 presence of the jury.)

11 THE COURT: Okay. Solicitor, if you can get me that
12 flash drive and then what I want is two stacks of
13 photographs just from inside the house, what's agreed to and
14 what's not agreed to.

15 Okay. If you do that for me.

16 SOLICITOR LIVELY: All right.

17 THE COURT: Just get them back here please.

18 MS. BOULWARE: These do mostly concern just the bodies,
19 judge, at this point---

20 THE COURT: Yeah. Yeah.

21 MS. BOULWARE: ---and being in the yard or anything
22 like that.

23 THE COURT: Just the bodies right now.

24 All right. Everybody try to get a quick lunch.

25 (WHEREUPON, Court was in recess for the lunch break.)

Claude Powell - Direct examination
By Solicitor Lively

1 THE COURT: -- on the record in and, during lunch, I
2 had an opportunity to view the -- Officer Powell's bodycam
3 video. I've also looked at the photographs. I'm only gonna
4 rule on the video now. We'll deal with the photographs
5 later.

6 But I take it, Ms. Boulware, that the defense objects
7 to anything showing the bodies because I do not see in the
8 large stack of pictures that are not in dispute, I didn't
9 see any pictures of, of -- showing the bodies inside the,
10 the house. So, I'm just assuming the defense objects to any
11 pictures of, of the bodies inside the house.

12 Is that right?

13 MS. BOULWARE: Judge, there's four that we're not
14 objecting to of the bodies inside the house---

15 THE COURT: Okay.

16 MS. BOULWARE: ---actually.

17 THE COURT: All right. I, I, I missed those then. I
18 apologize.

19 MS. BOULWARE: Okay. No, that's no problem. No
20 problem. I could give you those exhibit numbers if you want
21 them.

22 THE COURT: Right.

23 SOLICITOR SOPRANO-CESMAT: We can pull them out as
24 well.

25 THE COURT: But I'm gonna go ahead -- let me, let me

Claude Powell - Direct examination
By Solicitor Lively

1 just make my ruling on the video.

2 MS. BOULWARE: Okay.

3 THE COURT: I'm gonna allow it in.

4 There are four separate very, very brief showing of, of
5 the, of the bodies. Very, very brief at the two to three
6 minute mark. Very brief around the 10:15 mark with EMS.

7 very brief then at the 11:12 mark, very brief, and then the
8 fourth time he's in there it doesn't show the bodies at all.

9 But the fact that -- and it shows no details. Nothing.
10 Just the location of the bodies. I think it just kind of
11 confirms what Officer Powell found and as he testified to
12 when he arrived on the scene and, of course, went inside the
13 house.

14 So, with respect to the video, I'm gonna allow it in in
15 full and then we can deal with the photographs at the
16 appropriate time.

17 MS. BOULWARE: And I'll just make a contemporaneous---

18 THE COURT: Sure.

19 MS. BOULWARE: ---objection.

20 THE COURT: Sure. Exactly.

21 MS. BOULWARE: All right.

22 THE COURT: Okay. All right.

23 All right. So I can just kind of get an idea, after
24 Powell, I, I know yesterday, solicitor, you said you had
25 a -- your lineup for today was about 10 witnesses.

Claude Powell - Direct examination
By Solicitor Lively

1 So, if I just have -- kind of have an idea of the next
2 several witness would be who?

3 SOLICITOR LIVELY: We've got Justin Moss, Jolene
4 Clinton with the Coroner's Office, T. Melton with fire and
5 rescue, SLED crime scene. I can probably take her last.

6 THE COURT: Okay.

7 SOLICITOR LIVELY: Al Crawford, he's here. Amber
8 Luckey, Mickey Thomas, and Mitch Thomas. The last three are
9 lay witnesses and they should be very short.

10 THE COURT: Okay. All right. And your SLED crime
11 scene witness, we, we would need to have -- dealt with the
12 photographs --

13 SOLICITOR LIVELY: Correct.

14 THE COURT: -- of, of -- before that witness or some
15 time when that witness testifies?

16 SOLICITOR LIVELY: Yes, sir.

17 THE COURT: Okay. All right. Very good.

18 Let's bring the -- bring the jury out.

19 SOLICITOR LIVELY: Thank you.

20 (WHEREUPON, the following takes place within the
21 presence of the jury.)

22 THE COURT: All right. Let the record reflect the
23 jury's back in.

24 Good afternoon, ladies and gentlemen. Hope you had a
25 good lunch. I know I didn't give you a whole lot of time.

Claude Powell - Direct examination
By Solicitor Lively

1 But hopefully you got a little lunch.

2 We're still in Officer Powell's testimony.

3 Solicitor.

4 SOLICITOR LIVELY: Thank you, Your Honor.

5 CONTINUED DIRECT EXAMINATION

6 BY SOLICITOR LIVELY:

7 Q. Now, Officer Powell, Powell, before we recessed for
8 lunch, I had asked you about your body-worn camera.

9 Was it activated and running whenever you got there on
10 June 21st and you entered into the home of Mr. Gene Rogers?

11 A. Yes, ma'am.

12 Q. Okay. And we've already talked about -- that is
13 State's Exhibit No. 3, and on that State's Exhibit, was
14 there also a short recording from Deputy Ostrowski showing
15 whenever she got there and you were there with her and the
16 defendant was seen on, on the property?

17 A. Yes, ma'am.

18 Q. Okay. All right. So, have you seen those -- both
19 those videos and they are authenticated --

20 A. Uh-huh. (Affirmative).

21 Q. -- and no tampering with them other than just shorten
22 the one for Ostrowski?

23 A. Correct.

24 Q. Correct.

25 Okay. She's no longer with the agency.

Claude Powell - Direct examination
By Solicitor Lively

1 Is that right?

2 A. That is correct.

3 SOLICITOR LIVELY: Okay. Your Honor, at this time the
4 State would, once again, move Exhibit 3 in. There's two
5 videos. The first one being the video body-worn camera of
6 officer Powell.

7 THE COURT: Okay.

8 MS. BOULWARE: And objection as previously ruled upon.

9 THE COURT: Sure.

10 SOLICITOR LIVELY: Okay.

11 THE COURT: And then the other video's -- is just three
12 too?

13 There's two videos---

14 SOLICITOR LIVELY: Yes, sir, there's---

15 THE COURT: ---on one of them?

16 SOLICITOR LIVELY: Yes, sir. Went ahead and put both
17 of them on one since they are, they are -- they kind of
18 overlap because both officers arrived on scene at the -- at
19 approximately the same time.

20 Correct?

21 THE COURT: Okay.

22 THE WITNESS: Correct.

23 THE COURT: We're good.

24 SOLICITOR LIVELY: Okay. Thank you.

25 (WHEREUPON, State's Exhibit No. 3 was received into

Claude Powell - Direct examination
By Solicitor Lively

1 evidence at this time.)

2 MS. BOULWARE: Judge, may I come up and watch from
3 here?

4 THE COURT: Oh, sure. Yeah. Yeah.

5 MS. BOULWARE: All right.

6 THE COURT: Position yourself anywhere you need to.

7 MS. BOULWARE: Right here is fine.

8 (WHEREUPON, a portion of State's Exhibit No. 3 was
9 played for the jury at this time.)

10 Q. Now, Officer Powell, there's -- there were a lot of
11 different individuals that you talked to in that particular
12 body-worn camera.

13 Do you recall whenever you were talking to the EMS
14 worker that went with you to the actual -- inside the
15 residence?

16 A. Yes, ma'am.

17 Q. Okay. All right. And -- all right. Do you have any
18 type of a medical brack -- background or you don't have --
19 you don't dabble in pathology, do you?

20 A. No, ma'am.

21 Q. Okay. So, when you say looks like they may have been
22 here for a couple hours, do you have any idea whatsoever how
23 long the bodies had been there?

24 A. No, ma'am, I do not.

25 Q. Okay. All right. I just want to clarify that cause

Claude Powell - Direct examination
By Solicitor Lively

1 that's on your video.

2 Then there was just -- there's just a brief video for
3 about five minutes of your -- of Ms. -- of Deputy Ostrowski
4 that actually showed up at the same time.

5 Your Honor, at this time, I know it's been a lot of
6 watching. It's only five minutes and then I'll complete---

7 THE COURT: Sure.

8 SOLICITOR LIVELY: ---with this witness.

9 Thank you.

10 THE COURT: Okay.

11 (WHEREUPON, another portion of State's Exhibit No. 3
12 was played for the jury at this time.)

13 Q. Deputy Powell, when you walked into that scene and with
14 your 20 years of law enforcement experience, could you
15 immediately tell what kind of injuries the victims had?

16 A. Just that they had been shot.

17 Q. Just that they had been shot.

18 Okay. Could you tell where?

19 A. The female victim looked like in the head.

20 Q. Okay.

21 A. Once I cleared back, come through, saw that the other
22 one was also shot there.

23 Q. Okay. All right. And -- but was that after you had
24 actually walked through the scene?

25 A. Yes.

Claude Powell - Direct examination
By Solicitor Lively

1 Q. Was it readily available -- readily apparent to you as
2 to what call or where the injuries were on Mr. Rogers when
3 you walked in?

4 A. When I first walked in, no.

5 Q. Okay. Like from the doorway is what I'm asking.

6 A. No, ma'am.

7 Q. I don't want to confuse you.

8 A. Yeah. No, ma'am.

9 Q. Okay. In regards to the type of weapon that was used,
10 do you recall actually seeing some shell casings after you
11 had gone into the home?

12 A. Yes, ma'am.

13 Q. Okay. So, when you first opened the door, did you see
14 any shell casings?

15 A. No, ma'am.

16 Q. What -- how far did you have to walk into the door,
17 just approximately, before you saw anything such as shell
18 casings?

19 A. I had to be all the way in the house.

20 Q. All the way in the house.

21 All right. And when you went all the way into the
22 house, how many did you see that were like right in front of
23 you?

24 A. Two.

25 Q. Two.

Claude Powell - Direct examination
By Solicitor Lively

1 All right. And just from briefly looking at those
2 shell casings, could you tell what caliber they were from
3 you standing and looking at them on the floor?

4 A. No, ma'am.

5 Q. All right. Did you reach down to look and see what
6 caliber those shell casings were?

7 A. When I came back through with the captain.

8 Q. Okay. When you came back through with the captain?

9 A. Yes, ma'am.

10 Q. All right. And, once again, this was after you entered
11 the home to clear the scene?

12 A. Yes, ma'am.

13 Q. All right. All right. Thank you so much, Officer
14 Powell. Please answer any questions the defense may have
15 for you.

16 THE COURT: Ms. Boulware, any cross-examination?

17 MS. BOULWARE: Thank you, judge.

18 CROSS-EXAMINATION

19 BY MS. BOULWARE:

20 Q. Just a couple questions, Officer Powell.

21 Did -- and I don't recall what your answer was to this.

22 But did you say you were or were not aware that Alex
23 Scott had made a 9-1-1 call?

24 A. I was not aware that he was the one that had made that
25 call.

Claude Powell - Cross-examination
By Ms. Boulware

1 Q. Okay. Okay. Just clarifying that.

2 And did you say you left the scene at 3:30?

3 A. It's on the CAD at 3:46---

4 Q. 3:46?

5 A. ---but --.

6 Q. Okay.

7 A. Yeah.

8 Q. Around that time then?

9 A. Yeah.

10 Q. Okay. And you've had 20 years experience or how many?

11 A. About 21.

12 Q. Twenty-one.

13 Okay. How many murder scenes have you responded to
14 that, that you can recall?

15 A. Five, six.

16 Q. Okay. How many of those scenes would you say family
17 was present having found the victim?

18 A. Two.

19 Q. Okay.

20 Okay. Beg the Court's indulgence --

21 THE COURT: Sure.

22 MS. BOULWARE: -- one minute.

23 (Pause.)

24 Q. So, you were talking about the shell casings just a
25 minute ago, that you didn't see them right away until you

Claude Powell - Cross-examination
By Ms. Boulware

- 1 got --
- 2 A. Till you had---
- 3 Q. ---all the way in the house?
- 4 A. -- walked in, yes, ma'am.
- 5 Q. How far in the house was that?
- 6 A. Several steps.
- 7 Q. Okay. Steps being --
- 8 A. Being walk up---
- 9 Q. -- three, four?
- 10 A. walk up into the house.
- 11 Q. okay.
- 12 A. Two, three steps.
- 13 Q. Not all the way through the living room or anything
- 14 like that?
- 15 A. No.
- 16 Q. Two to three steps?
- 17 A. Two or three steps in.
- 18 MS. BOULWARE: Okay. I have no further questions,
- 19 judge.
- 20 THE COURT: Anything in follow-up, solicitor?
- 21 SOLICITOR LIVELY: No, Your Honor. Thank you.
- 22 THE COURT: You can step down, sir. You're free to
- 23 leave the courthouse. You're more than welcome to remain
- 24 with us if you wish.
- 25 Next witness.

Justin Moss - Direct examination
By Solicitor Lively

1 SOLICITOR LIVELY: Justin Moss.

2 THE CLERK: Please state your full name.

3 THE WITNESS: Justin Keith Moss.

4 JUSTIN MOSS, being first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY SOLICITOR LIVELY:

8 Q. Please tell the jury where you work and what your
9 current position is.

10 A. I am -- I work at Chester County Sheriff's Office. I'm
11 Lieutenant Justin Moss. I am currently the assistant
12 director of our 9-1-1 emergency center.

13 Q. All right. And prior to being in charge of the 9-1-1
14 emergency center, what were your duties at the Chester
15 County Sheriff's Office?

16 A. Prior to this I was the lieutenant over patrol and then
17 I was -- before that I was a sergeant. On this date and
18 time I was a sergeant over whatever shift I was at that
19 time, whether it be Alpha or Charlie shift.

20 Q. All right. And have you had the opportunity, prior to
21 coming in to testify today, to review what your response was
22 to the scene at 608 Doe Street on June the 21st, 2020?

23 A. Yes, ma'am.

24 Q. All right. And please tell the jury what you did on
25 that day in response to the call that came out through

Justin Moss - Direct examination
By Solicitor Lively

1 dispatch.

2 A. Okay. So, as the sergeant, I'm over the, the whole
3 shift. I'm -- a call came out to Doe Street in reference to
4 two people being murdered. Two of my deputies arrived on
5 scene, and as I'm in route to the scene, I'm giving
6 directions over the radio as to what needs to take place and
7 what needs to be done.

8 Upon arrival to Doe Street, it was blocked off by
9 ambulances and fire trucks and police trucks. And so I
10 immediately -- I noticed one of the trucks was Lieutenant
11 Crawford -- I mean Captain Crawford's truck. So, I
12 contacted him and got the keys and made a way for the
13 ambulance in case ambulance and fire trucks need to get in
14 and out. And then I made my way to the scene where it was
15 taped off just above the driveway and two police cars were
16 sitting there.

17 Q. When you arrived, did you see the defendant, Mr. Scott?

18 A. Not -- I don't think I saw right, right away cause I
19 immediately started going to do what's called a secondary
20 sweep. So, Claude Powell was the first one on scene and
21 actually cleared the house. Ostrowski was working the, the
22 crime scene log, which just takes the names and -- of people
23 coming in and out of the crime scene.

24 So, I started doing a secondary search where you go and
25 I started running cars, tags on cars. One of the vehicles

Justin Moss - Direct examination
By Solicitor Lively

1 that stood out had a West Virginia tag for -- so that stood
2 out to me. I started running the, the vehicle's tags to get
3 back the inform -- owner information to those cars.

4 I was met by Lieu -- Captain Crawford and Claude Powell
5 as to what they seen actually inside of the trailer where
6 the two bodies were. I remember Captain Crawford saying it
7 may be a murder/suicide but they didn't locate a weapon yet.

8 They continued back to where the car would of been
9 where the suspect was sitting. I do what I always do. I --
10 my background I have, investigations experience, narcotics
11 experience, and, and patrol, of course, patrol experience.
12 So, my senses kicked in to -- as to what to do, what I've
13 always done, which is search the crime scene for other
14 things that -- outside of the, the actual where the bodies
15 were.

16 Q. Okay. And let me stop you there then.

17 So, whenever you, you decided that -- they've already
18 obviously gone into the home they told you.

19 A. Uh-huh. (Affirmative).

20 Q. They told you that they found two victims.

21 Is that correct?

22 A. Yes, ma'am.

23 Q. All right. So, at that point, is that when you
24 actually started to check the perimeter of the, of the
25 trailer and the backyard and the surrounding area?

Justin Moss - Direct examination
By Solicitor Lively

1 A. Yeah, I'll -- I always start off further out, work my
2 way in.

3 Q. Okay.

4 A. So, I was checking the, the woodline. The reason I do
5 that is cause I work cases where -- like burglaries and
6 stuff where the suspects would steal stuff, hide it in the
7 woods, and then come back at night and get it, that type of
8 stuff. So, I, I started off with out next to the woodline.

9 Q. Okay.

10 A. While walking past the front porch, I noticed a, a
11 exit -- a bullet exit next to the front door.

12 Q. Okay.

13 A. I think I stopped there and checked the -- checked to
14 see if maybe it would of left a mark on the porch and
15 skipped out into the grass looking for the projectile part
16 of the bullet. I couldn't find that. And then I continued
17 around the right side of the trailer where I noticed it was
18 two strips of grass had been cut --

19 Q. Uh-huh. (Affirmative).

20 A. -- and it was like -- they was just like -- I don't
21 know if maybe he got some company and seen company pull up
22 and went and got the company or the lawn mower tore up or
23 what.

24 Q. Uh-huh. (Affirmative).

25 A. But --

Justin Moss - Direct examination
By Solicitor Lively

1 Q. Okay.

2 A. -- just one of the things that I noticed as far as the
3 couple strips of grass.

4 Q. Okay. Well, let me show you actually what's already
5 been agreed to be in evidence --

6 A. Uh-huh. (Affirmative).

7 Q. -- which is State's No. 6. Thank you.

8 And I might have you step down if you don't mind and we
9 need to make sure we get you a microphone so that---

10 A. I'll talk loud.

11 Q. We're still gonna get you a microphone.

12 A. Okay.

13 Q. Okay. Hold on just a sec.

14 (WHEREUPON, the witness comes down from the stand.)

15 MS. BOULWARE: Judge, may I?

16 THE COURT: Sure. Yeah.

17 MS. BOULWARE: Thank you.

18 THE COURT: Put yourself wherever you need.

19 MS. BOULWARE: All right.

20 Q. Now --.

21 THE COURT: That's already been agreed to be in
22 evidence, No. 6?

23 SOLICITOR LIVELY: Yes, sir.

24 MS. BOULWARE: Yes, sir.

25 THE COURT: All right. Into evidence from the State,

Justin Moss - Direct examination
By Solicitor Lively

1 No. 6.

2 SOLICITOR LIVELY: Okay.

3 (WHEREUPON, State's Exhibit No. 6 was received into
4 evidence at this time.)

5 Q. All right. Now, can you please, just for the jury's
6 prospective -- and I think you might be blocking some of
7 the---

8 A. Okay.

9 Q. ---those jurors. So---

10 A. I'm just trying to get a (indiscernible).

11 Q. I understand.

12 Okay. So, if you could please tell us where you were
13 in regards to when you pulled in at the scene?

14 A. So, I'm taking with the woods. It's kind of hard to
15 make out.

16 Is this -- this is, this is Gene's house right here?

17 Q. Uh-huh. (Affirmative).

18 A. Okay. So I pulled into this road and stopped somewhere
19 right in here and moved Captain Crawford's truck out of the
20 road somewhere right in here --

21 Q. Okay.

22 A. -- and then it was taped off here with the two police
23 cars and then I walked into the scene. There was two cars
24 parked here. There was Gene's truck, work truck, and his
25 personal truck and a Mustang parked probably 40 or 50 yards

Justin Moss - Direct examination
By Solicitor Lively

1 from -- the driveway kind of wide off a little bit. So, it
2 was like you came down the driveway, you can park here or
3 you can pull closer to the house this way.

4 Q. Okay.

5 A. So that would be about where this, this car is showing
6 up on your---

7 Q. Uh-huh. (Affirmative).

8 A. -- on your map.

9 Q. And this red spot here, is that actually indicating the
10 trailer itself?

11 A. Yeah.

12 Q. Can you see it?

13 A. Yeah, that's the trailer. Once you make it down that
14 driveway, that's where the trailer -- probably go across the
15 yard --

16 Q. Okay.

17 A. -- 15, 20 yards to get to the trailer.

18 Q. What did you find in the back woods behind the trailer?

19 A. So, as I started my clearing, I came across this way
20 and back in these woods is a campsite --

21 Q. Okay. And at the time---

22 A. -- like a tent.

23 Q. ---did you know anything about there -- the possibility
24 of a campsite being in that area?

25 A. No, ma'am.

Justin Moss - Direct examination
By Solicitor Lively

1 Q. All right. So, did you clear that campsite?

2 A. Yes, ma'am, Captain Crawford, and he's a sergeant now,
3 but in here -- I think he's just a deputy, Claude Powell
4 then, we all went down and cleared the, the tent to make
5 sure no one was in it and look around the actual campsite.

6 Q. Okay. All right. And after you did that, did you
7 actually go back up to where the defendant was being
8 secured?

9 Do you recall or where'd you go?

10 A. What I recall is coming back. It was, it was down a --
11 like an embankment. It was nice. I mean they cleared it
12 out and it -- somebody was taking care of it. But it was a
13 trail that led down. It was cleared out. When we come
14 back, you had to climb up -- come up a hill --

15 Q. Okay.

16 A. -- and then we came around and I actually cleared
17 the -- visually cleared the outside of the residence to make
18 sure there wasn't any like forced entry, fingerprints on
19 windows---

20 Q. Okay.

21 A. ---and stuff like that.

22 Q. Okay.

23 A. After that, then I made my way back to -- as I make my
24 way back, I'm clearing cars. The Mustang, because I passed
25 the Mustang first --

Justin Moss - Direct examination
By Solicitor Lively

1 Q. Uh-huh. (Affirmative).

2 A. -- as I'm about to clear the Mustang, the sheriff
3 offers me a bottle of water. So, I kind of took that---

4 Q. Okay.

5 A. ---right.

6 Q. So, in regards to clearing the house and looking for
7 forced entry, did you test any of the doors or windows of
8 the house?

9 A. No, I didn't touch anything. I just checked---

10 Q. You didn't touch anything?

11 A. I just checked them visually.

12 Q. Okay. All right. Now, once you finished doing that
13 outside perimeter, and you said that you walked back up to
14 where the vehicles were and the sheriff actually gave you a
15 bottle of water, was that whenever you had the opportunity
16 to actually see and speak with the defendant?

17 A. Yes.

18 The sheriff, I believe chief deputy walked up, Captain
19 Crawford, myself, and Claude Powell had a brief discussion.
20 At that point I muted -- at the time the practice was to
21 mute the -- so you can't hear the audio as to what is being
22 said amongst officers discussing what's going on.

23 Q. Okay.

24 A. And then we would activate it back, the vol -- to where
25 you could hear what was going on.

Justin Moss - Direct examination
By Solicitor Lively

1 So we -- I go over and I start talking to him. Captain
2 Crawford walks up and we have a, a discussion with him and
3 end up -- I think we gave him some cigarette -- he wanted a
4 cigarette and he ends up getting out of the car and smoking
5 a cigarette and talking to us.

6 Q. Okay. All right. Thank you. You can have a seat.

7 (WHEREUPON, the witness returns to the stand.)

8 Q. And have you reviewed that body-worn camera in regards
9 to your conversation with the defendant, Mr. Scott?

10 A. Yes, ma'am.

11 Q. Okay. And have you altered it or tampered with it in
12 any way?

13 A. No, ma'am.

14 Q. All right. This particular video, was it downloaded
15 and provided to my office as well as to the defense?

16 A. Yes, ma'am.

17 Q. Okay. This is State's Exhibit No. 4.

18 Your Honor, the State would move to publish just a
19 portion of the video that involves the conversation with the
20 defendant, Mr. Scott.

21 THE COURT: Ms. Boulware.

22 MS. BOULWARE: No objection.

23 THE COURT: Without objection, No. 4 into evidence for
24 the State.

25 (WHEREUPON, State's Exhibit No. 4 was received into

Justin Moss - Direct examination
By Solicitor Lively

1 evidence at this time.)

2 SOLICITOR LIVELY: Okay.

3 (WHEREUPON, a portion of State's Exhibit No. 4 was
4 played for the jury at this time.)

5 Q. Just briefly, is -- what are you doing here that you'd
6 testified to earlier?

7 A. I'm basically clearing the inside of the vehicles just
8 looking for any evidence --

9 Q. Okay.

10 A. -- as to bloody clothes, a gun, anything that would
11 help us.

12 (WHEREUPON, a portion of State's Exhibit No. 4 was
13 played for the jury at this time.)

14 Q. And just for clarification with the jury, from what you
15 testified to, was that the tent that you located in the
16 perimeter of the back of the house in the woods?

17 A. Yes, ma'am, it's probably 80 to a hundred yards down in
18 the woods off the backside of the -- back right side of the
19 property.

20 Q. Was anything of evidentiary value found in that tent---

21 A. No, the tent was---

22 Q. ---or around the area?

23 A. The tent was empty and we looked around. There wasn't
24 even any disturbance as far as like footprints or anything.

25 Q. Okay. Now, during the initial part of your

Justin Moss - Direct examination
By Solicitor Lively

1 conversation with the defendant, was your audio on?

2 A. No, that was -- we were pretty new to body cameras at
3 the time and we -- part of the practice -- part of what we
4 would do is, when the deputies were together with no
5 suspect, we would mute --

6 Q. That's right.

7 A. -- so you could not hear the conversation between law
8 enforcement.

9 Q. Gotcha.

10 A. And then once -- once you go talk to a witness or
11 suspect, you were suppose to activate it, and once you watch
12 it, you'll see that I forget to activate it until about
13 halfway through talking to him.

14 Q. Okay. And one more thing just real quick --

15 A. Uh-huh. (Affirmative).

16 Q. -- before I, I play this part.

17 I notice that on the body-worn camera on June 21st,
18 2020, would you agree that is an accurate date?

19 A. Yes, ma'am.

20 Q. What about this time here because -- let me show you
21 your CAD --

22 A. Yep.

23 Q. -- the CAD and if you'll just look at that and tell us
24 what time it was that you were actually on scene and explain
25 the, the 5:23 or 17:23 time we're seeing on this.

Justin Moss - Direct examination
By Solicitor Lively

1 A. I get on scene at 13:01, which is one -- I'm sorry.
2 13:04, which is 1:04PM.

3 Q. Okay.

4 A. This 17:23 with the Z at the end is Zulu time. I just
5 learned this this morning that that is what the military
6 uses in case they're running different things through
7 different countries so that people wouldn't have to do math
8 as to like what military time is. Like 17:00 is five
9 o'clock.

10 So, Zulu time is if we were doing a -- something at the
11 military through other countries, we would all set our time
12 to the Zulu time and we would be able to operate on the same
13 time and not get confused as to what time we were suppose to
14 be where. So, it's just a universal time that everybody
15 operates off on.

16 Q. Okay. So it's clear as mud.

17 A. Yes.

18 Q. Okay. And---

19 A. About that, about that clear, yes.

20 Q. But the CAD report that we are looking at, is that
21 gonna be an accurate re -- reflection of the timing that the
22 call came in, people arrived as best as could be actually
23 given to the dispatch for it to be put in that report?

24 A. Yeah. So in order to find the -- what time it is on
25 the Zulu time there, you just take four hours off.

Justin Moss - Direct examination
By Solicitor Lively

- 1 Q. Thank you.
- 2 A. So --.
- 3 Q. All right. Perfect.
- 4 All right. So, the -- that's -- so this is not the
- 5 time we go by.
- 6 We actually go by that---
- 7 A. Yeah, go by this one.
- 8 Q. ---and subtract four?
- 9 A. Yeah.
- 10 Q. Got it.
- 11 Okay. Now, here I'm seeing the defendant is getting
- 12 out of the vehicle.
- 13 Is that fair?
- 14 A. Yes, ma'am.
- 15 Q. Okay. And, at this point, you're muted?
- 16 A. Yes, ma'am.
- 17 Q. All right. He's speaking at this point, correct?
- 18 A. Yes, ma'am, he's talking to me.
- 19 Q. All right. And who is that?
- 20 A. That's Captain Al Crawford.
- 21 Q. So, you're having a conversation for about four minutes
- 22 before turning this back on?
- 23 A. Yes, ma'am.
- 24 Q. What are y'all talking about?
- 25 A. He's basically running us through --.

Justin Moss - Direct examination
By Solicitor Lively

1 (WHEREUPON, the audio began to play at this time.)

2 Q. Sorry about that.

3 A. That's all right. He's running us through the events
4 up to where we're at now.

5 Q. Okay.

6 (WHEREUPON, a portion of State's Exhibit No. 4 was
7 played for the jury at this time.)

8 Q. So then were you able to see his work truck from
9 Airgas?

10 A. Yes, it's---

11 Q. Okay.

12 A. It's -- I, I go to the work truck after this truck.

13 Q. Okay.

14 (WHEREUPON, another portion of State's Exhibit No. 4
15 was played for the jury at this time.)

16 A. That's the work truck there.

17 Q. Okay. So, at that point, was that the total of your
18 body-worn camera footage from that particular day?

19 A. Yes, ma'am.

20 Q. Okay. I know that we cut off the last.

21 But you, but you were actually -- y'all were waiting
22 for an investigator to get there at that point, right?

23 A. Yes, ma'am.

24 Q. Okay. Now---

25 A. I was just basically still looking for anything that

Justin Moss - Direct examination
By Solicitor Lively

1 would help.

2 Q. Correct.

3 Okay. Now, what I was gonna ask you was before your
4 body-worn camera actually turned on --

5 A. Uh-huh. (Affirmative).

6 Q. -- whenever the defendant was there speaking with you
7 and Captain Crawford, tell the jury what it is that y'all
8 were talking about.

9 A. Oh, we was just talking about how we got to where we
10 were. Like what, what he observed inside the house, what
11 happened prior to law enforcement getting to the scene.

12 Q. Okay. Tell us exactly what he said.

13 A. He basically said that he came to his grandfather,
14 grandfather's house because that's his father figure, father
15 figure to give him a Father's Day card. Upon going into the
16 house, he observed the grandmother and the grandfather shot.
17 He used the phrase that there was blood all over the place
18 and shell casings and that he exited and threw up on the
19 porch and went in -- back out to his car to try to call
20 9-1-1 but he had locked his phone inside of his car.

21 Q. Okay.

22 A. And that he tried to scream through the window at SOS
23 so that his phone would call 9-1-1, and then when that
24 didn't work, he ran to the street because a car was passing
25 by and flagged down someone to call 9-1-1 for him.

Justin Moss - Direct examination
By Solicitor Lively

1 Q. At any point did y'all discuss the type of weapon that
2 was used in regards to the victims who were shot?

3 A. I don't recall a conversation about any, any---

4 Q. Okay.

5 A. ---any weapon---

6 Q. All right.

7 A. ---that was used.

8 Q. All right. He -- did he tell you anything about how
9 far he went into the house or anything like that?

10 A. He said he opened the door and that's what he saw, shut
11 the door, threw up, and---

12 Q. Okay.

13 A. ---went back to his car.

14 Q. All right. And after that conversation with the
15 defendant, did you have any more conversations with him
16 regarding this particular case?

17 A. No, ma'am.

18 The only thing that I, that I remember is, once, once I
19 got the -- once I was able to talk to him, they're certain
20 things that he said that didn't match what was going on at
21 the house. Like he said that he had just thrown up. If you
22 could run back through my body camera, my, my body camera
23 points straight at the porch and there's a spot there but
24 it's dry. There's no liquid or anything as far as a -- of
25 somebody would of -- that would of freshly vomited.

Justin Moss - Direct examination
By Solicitor Lively

1 Q. Okay.

2 A. So, that -- that's just one of the things. I, I never
3 went back and talked to him. I, I left that invest --
4 investigation and the interview process to the investigation
5 division.

6 Q. Okay.

7 A. But that is one of the things that stood out to me.

8 Q. All right. Okay. Thank you. Answer any questions the
9 defense may have for you.

10 A. Yes, ma'am.

11 THE COURT: Let's take a -- an afternoon -- a short
12 afternoon break before, Ms. Boulware, you engage in your
13 cross-examination.

14 Ladies and gentlemen, we're gonna go back to the jury
15 room for a short afternoon break and we'll get you back out
16 shortly.

17 (WHEREUPON, a short recess was taken at this time.)

18 (WHEREUPON, the following takes place within the
19 presence of the jury panel.)

20 THE COURT: Let the record reflect the jury is back in.
21 Ms. Boulware, your cross-examination.

22 MS. BOULWARE: Thank you, Your Honor.

23 Just have a brief question.

24 CROSS-EXAMINATION

25 BY MS. BOULWARE:

Justin Moss - Cross-examination
By Ms. Boulware

- 1 Q. Sergeant?
- 2 A. Lieutenant.
- 3 Q. Lieutenant. I'm sorry. I---
- 4 A. Sergeant. You can just call me Moss or whatever you
- 5 --.
- 6 Q. Okay. You change ranks so much.
- 7 A. I know it.
- 8 Q. Okay. I just have one question for you.
- 9 A. All right.
- 10 Q. So, according to the CAD, you arrived around 12:47.
- 11 Is that correct?
- 12 A. I think I remember---
- 13 Q. Is that what you remember?
- 14 A. ---12:47, yes, ma'am.
- 15 Q. Okay. I'm sorry. You were dispatched at 12:47.
- 16 A. Yeah.
- 17 Q. Excuse me.
- 18 Arrived at 13:04 being 1:04 in the afternoon?
- 19 A. Yes.
- 20 Q. Okay. About 17 minutes it took you to get out there?
- 21 A. Yes, ma'am, I was coming from the upper end. The way
- 22 we -- the way the county works, we got four deputies. Two
- 23 usually cover what's called the upper end. Two cover the
- 24 lower end --
- 25 Q. Okay.

Justin Moss - Cross-examination
By Ms. Boulware

1 A. -- and that's a supervisor. Since it was a critical
2 incident, I had to go from here to there.

3 Q. Got you. Got you.

4 And do you recall what the temperature was that day?
5 Was it, was it hot or it was June?

6 A. I can't, I can't remember. I know it was warm enough
7 for somebody to give me a bottle of water. That's all I
8 know.

9 Q. Okay. So, so it's fair to say it was pretty warm day?

10 A. It was probably warm, yeah.

11 Q. Okay. At 1:00 in the afternoon?

12 A. Yeah.

13 Q. Okay. All right.

14 I don't have any other questions, judge.

15 THE COURT: Okay. All right. Thank you.

16 Anything to follow-up, solicitor?

17 SOLICITOR LIVELY: Not from the State, Your Honor.

18 THE COURT: Okay.

19 SOLICITOR LIVELY: Thank you.

20 THE COURT: You can step down. You're free to leave
21 the courthouse. You're more than welcome to remain with us.
22 Either way.

23 THE WITNESS: Yes, sir.

24 THE COURT: The State would call Al Crawford to the
25 stand.

Albert Crawford - Direct examination
By Solicitor Lively

1 THE CLERK: Please state your full name.

2 THE WITNESS: Albert Crawford, Junior.

3 ALBERT CRAWFORD, being first duly
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY SOLICITOR LIVELY:

7 Q. Captain Crawford, how long have you been with Chester
8 County Sheriff's Office?

9 A. Um, 18 years, give or take.

10 Q. And what did you do before you were -- went into law
11 enforcement?

12 A. I was in military. I was a military policeman and I
13 worked narcotics and investigation, K-9 most of my time.

14 Q. And what branch of the military were you in?

15 A. The Army.

16 Q. Army.

17 All right. Now, Captain Crawford, were you notified by
18 dispatch, like all these other officers, that there was a, a
19 shooting at 608 Doe Street in the County of Chester on
20 June 21st, 2020?

21 A. Yes.

22 Q. All right. And I've been referring to the CAD, which
23 is in evidence as State's Exhibit No. 15. I'm just gonna
24 have it -- hand it to you so you'll have it for reference.
25 There's been a lot of talk about the initial call came in at

Albert Crawford - Direct examination
By Solicitor Lively

1 12:47. Then the first responder on scene got there around
2 12:51.

3 Tell the jury when you actually arrived at, at that
4 location.

5 A. According to the CAD, it says I arrived at 12:52:23.

6 Q. All right. So, you were pretty quick behind the, the
7 first responder, which was Deputy Powell, correct?

8 A. Yes.

9 Q. All right. And actually, when we watch the video, was
10 that you, the very tall man in a dark shirt that was walking
11 around with Mr. -- with Deputy Powell that went back up to
12 the scene?

13 A. That was me.

14 Q. That was you.

15 All right. Now, Captain Crawford, when you went to the
16 actual -- to the trailer where you were told the victims
17 were, tell the jury what you did and what you observed
18 whenever you, whenever you went inside.

19 A. So, I met with Deputy Powell and I wanted to take a
20 quick look at the crime scene myself. So, we walked to the
21 building -- to the trailer, went up the stairs. He was
22 explaining to me what he had seen. He opened the door and I
23 could see the bodies in the, in the, the trailer.

24 Q. Okay.

25 A. So we proceeded in avoiding stepping on anything and I

Albert Crawford - Direct examination
By Solicitor Lively

1 went almost to the kitchen and I stopped there.

2 Q. All right. And why did you stop in the kitchen?

3 A. Well, so the trashcan was knocked over, which was a
4 little suspicious to me. So, I, I was -- Deputy Powell
5 pointed out some shell casings. You know, there was like
6 maybe one or two shell casings that were, that were there.
7 I did not initially see them when I went in.

8 He actually -- I actually looked down and he was
9 pointing them out to me. So, I was like nah, let's get out
10 of here and wait for the people to get here. So, we left.

11 Q. Okay. At any point in time did you hear or think of
12 what may of happened that, that led to their deaths?

13 In other words, what type of crime this was?

14 Was it a burglary?

15 Was this a, you know, some type of event that may of
16 involved, you know, another type of crime like burglary?

17 A. Well, I didn't know their status. I, I thought they
18 were husband and wife. So, my initial idea was that it
19 would -- it was maybe a murder/suicide because we had two
20 elderly adults laying in the, in the house. And not knowing
21 injuries and stuff like that, I just assumed it was a
22 murder/suicide.

23 Q. Okay. And so when you assumed that at that point in
24 time, was there any other -- when you first opened the door
25 and you looked in with Deputy Powell, was it readily

Albert Crawford - Direct examination
By Solicitor Lively

1 apparent to you any of the shell casings that were on the
2 scene?

3 A. No, not initially. It was, it was -- I didn't see them
4 until I got almost to the kitchen and I would have seen them
5 initially because, when I walk into a crime scene, you're
6 trying not to step on evidence. You're trying not to step
7 on blood. You're trying not to step on shell casings, and
8 until I got into the, the living room toward the kitchen is
9 when I first encountered any shell casings.

10 Q. All right. Okay. And in regards to that, by just
11 trying to avoid possibly stepping on a shell casing or a
12 piece of evidence, were you able to recognize the caliber
13 weapon that had been used in the shooting deaths of Billie
14 and Gene?

15 A. Once I saw the shell casings?

16 Q. Uh-huh. (Affirmative).

17 A. No. Absolutely not.

18 Q. Okay. And, and, once again, you've got several years
19 of law enforcement experience and you were military police,
20 correct?

21 A. Yes.

22 Q. And even with that experience, you can't just look and
23 tell what type of shell casings they were?

24 A. I, I can't, no. Not, not me.

25 Q. Okay. All right. Fair enough.

Albert Crawford - Direct examination
By Solicitor Lively

1 Now, Captain Crawford, after you say well, let's pull
2 out and wait for them to get here, who was them?

3 A. I was waiting on the detectives and I know myself and
4 Lieutenant Young had asked for crime scene to come.

5 Q. Okay. And where would the crime scene individuals be
6 coming from?

7 what agency?

8 A. The SLED's crime scene.

9 Q. SLED's crime scene.

10 A. Yes.

11 Q. All right. So, while you're waiting there for SLED's
12 crime scene to arrive, did you have an opportunity to have a
13 conversation with the defendant at all?

14 A. I actually had a couple of conversations with him. The
15 first time I had a conversation with him he was sitting in
16 the car. I asked him how he was doing, did he need
17 anything. Just a brief conversation.

18 The second conversation is when I had the conversation
19 outside the vehicle with him and at the time Sergeant Moss
20 where I offered him cigarettes. He asked for cigarettes.
21 So I gave him cigarettes.

22 Q. All right. And tell the jury what that conversation
23 consisted of with the defendant cause, as you can tell, tell
24 when I played it, there was a significant portion of it that
25 wasn't actually audible for the jury.

Albert Crawford - Direct examination
By Solicitor Lively

1 So, could you tell us what your conversation was with
2 the defendant?

3 A. So, it initially started with him just recapping what
4 happened. He said that he, he arrived on the scene for his
5 grandfather's Father's Day to give him a, a gift. I think
6 it was a card. And then he said he went, opened the door, I
7 think like 10 seconds or something like that, saw the -- his
8 grandmother and closed the door and came back out and that
9 he threw up on the, on the steps -- on the, the deck.

10 Q. All right. Did he ever indicate to you that he
11 actually went into the home at all?

12 A. He just said -- so let me, let me clarify.

13 Q. Okay.

14 A. He said that he opened the door. He saw them -- his
15 grandmother. He saw blood. He saw shell casings. He came
16 back out, and if my recollection is correct, I think he said
17 like no more than 10 seconds, that he did not go all the way
18 into the house.

19 Q. Okay. All right. But he told you that he saw shell
20 casings and blood?

21 A. Yes.

22 Q. All right. Now, whenever -- and so -- and then he said
23 he stepped out and threw up, which we've heard that from
24 other testimony as well.

25 Did he tell you anything about who a potential suspect

Albert Crawford - Direct examination
By Solicitor Lively

1 would be?

2 A. I don't -- I'm -- I don't recall.

3 Q. Okay. Do you remember him talking about possible
4 problems in -- domestic problems with a former wife?

5 A. Yes. So I was asking that line of question -- well, we
6 were asking that line of question because initially I
7 thought that was husband and wife inside the house. And
8 until he explained to us that that was actually his
9 grandmother, and I think you heard the bodycam video me
10 saying oh, because the realization that they weren't married
11 hit me at that time.

12 Q. Okay. So, did, at some point, y'all talk about the
13 possibility that maybe she had -- she would be the only one
14 he could think of but then he doubts she could do something
15 like that?

16 A. The, the, the ex-wife, yeah.

17 Q. The ex-wife.

18 A. His ex-wife, yes.

19 Q. Okay. So based on the -- so that -- you're -- you
20 remember having that conversation now hearing the video,
21 body-worn camera from, from Lieutenant Moss, correct?

22 A. Yes. Yes.

23 Q. All right. Now, after that whenever -- did, did the
24 lead investigator or one of the investigators show up on
25 scene and---

Albert Crawford - Direct examination
By Solicitor Lively

1 A. So, so---

2 Q. ---start talking to him?

3 A. ---Detective Burch showed up. There's some other
4 people showed up and it was a second time I entered the
5 house at that time. I entered the house because that
6 trashcan bothered me, the fact that it was leaning toward
7 the glass door.

8 So I went in, went to the kitchen, checked the glass
9 door. I pulled on it. It was locked. I checked the table
10 to make sure the table wasn't pushed up against it keeping
11 it from opening and making sure there was nothing in the, in
12 the way of the door to keep it from opening and there was,
13 there was nothing there. So it was locked.

14 As I was turning to leave, I spotted a shell casing in
15 the kitchen -- on the floor in the kitchen and I made it
16 known that there were shell casings in the kitchen floor --

17 Q. Okay.

18 A. -- and then I left again.

19 Q. All right. So, were you -- and excuse me.

20 Were you in there whenever SLED crime scene actually
21 started to process the---

22 A. Initially---

23 Q. ---house?

24 A. ---yes, until they kicked us out.

25 Q. Until they kicked you out.

Albert Crawford - Direct examination
By Solicitor Lively

1 A. The --.

2 Q. Okay. All right. And, and while you were there and
3 SLED crime scene got there, were the victims still a --
4 remaining in the home?

5 A. Yes.

6 Q. Okay. And did you see the Coroner's Office appear at
7 some point while you were still there?

8 A. Yes.

9 Q. Now, after you left the home that second time after
10 checking the door and you said you saw some other shell
11 casings in the kitchen, did you have anything else to do
12 with that at -- that actual crime scene that day?

13 A. Nope. That was it for me.

14 Q. Okay.

15 A. My job at that time was to make sure that my detectives
16 had everything they needed and just to stay out of their way
17 and let them do their job.

18 Q. Okay. At any point in time while you were out there,
19 did you check the defendant's vehicle and look into the
20 vehicle?

21 A. So, I, I did look in -- into the Mustang mostly looking
22 for it to see if I could see a gun or something like that.
23 But I didn't see anything in there.

24 Q. Okay. Did you see this phone that he was talking
25 about?

Albert Crawford - Direct examination
By Solicitor Lively

1 A. No, I never saw a phone.

2 Q. All right. And you said you never saw a gun.

3 A. No.

4 Q. All right. Did he indicate to you that there was a gun
5 in the car?

6 Do you remember?

7 A. I think there was some, some talk of a weapon maybe
8 possibly being in the vehicle.

9 Q. Okay. But you never actually saw it?

10 A. No.

11 Q. Okay. All right.

12 Beg the Court's, Court's indulgence.

13 THE COURT: Sure.

14 (Pause.)

15 Q. All right. Okay. So, I just want to clarify.

16 So, did you see a weapon and/or a phone in plain view
17 in the car when you walked up and looked into it?

18 A. I did not.

19 Q. You did not?

20 A. Nope.

21 Q. Okay. All right. Thank you. No further questions.

22 THE COURT: Ms. Boulware.

23 MR. FRICK: Actually she's gon let me do some work,
24 judge.

25 THE COURT: Okay. All right. Mr. Frick.

Albert Crawford - Cross-examination
By Mr. Frick

1 CROSS-EXAMINATION

2 BY MR. FRICK:

3 Q. Captain Crawford, when you went up to the Mustang, did
4 you just look in it?

5 A. Yes.

6 Q. You didn't shake the door handle to see if it was
7 unlocked?

8 A. I did not.

9 Q. So, you don't know whether it'd been unlocked and stuff
10 had been retrieved out of there, do you?

11 A. It -- he said it was locked and---

12 Q. Okay.

13 A. ---nobody had touched it since the time he said it was
14 locked.

15 Q. Okay. Okay. All right. Let's go to the, to the, to
16 the scene. Now, let's be clear.

17 This is a single wide trailer, correct?

18 A. Yes.

19 Q. Okay. So, when you walked inside, it's one of those
20 where it's, it's kind of got the adjoining kitchen and
21 living room?

22 Is that correct or do you remember?

23 A. Adjoining kitchen and living---

24 Q. Yeah. I mean it's---

25 A. Explain what you mean by that.

Albert Crawford - Cross-examination
By Mr. Frick

1 Q. So, is there a big wall that divides the kitchen from
2 the living room?

3 A. There is a -- there's a counter.

4 Q. A counter?

5 A. Yeah, there's a counter. There's an open counter
6 that---

7 Q. Right.

8 A. ---it looks like it had cabinets on the bottom.

9 Q. Right.

10 A. There's a space and then there's the cab -- maybe --
11 there may of been cabinets on the top, top or maybe a place
12 where people can store things on the top.

13 Q. And on the other side of that cabinet -- if I'm
14 standing -- let's see if this is that cabinet in the
15 kitchen.

16 That's the living room right there?

17 A. Yes.

18 Q. Okay.

19 A. Uh-huh. (Affirmative).

20 Q. And then the front door obviously comes into that
21 living room?

22 A. Yes.

23 Q. And then that's where you saw the decedents?

24 A. When I walked -- when you open the door, there's a wall
25 here. Off to the left of the wall you can look directly at

Albert Crawford - Cross-examination
By Mr. Frick

1 the, the one person sitting in the chair.

2 Q. Right.

3 A. Directly on the ground from that back toward the door
4 was a gentlemen.

5 Q. Right.

6 And you saw that as soon as you opened the door---

7 A. Yes.

8 Q. ---correct?

9 A. You can see it as soon as you open the door.

10 Q. Okay. So, if you -- when you stepped inside, you were
11 essentially in the middle of the scene, correct?

12 A. No.

13 Q. Okay. Where were you---

14 A. No.

15 Q. ---then?

16 A. So, if I had a picture I could show you. There, there
17 is space between the front door --

18 Q. Right.

19 A. -- and where he was.

20 Q. Okay.

21 A. You would have actually to take a couple of steps --

22 Q. Okay.

23 A. -- to reach him. There, there is no -- there was no
24 open door and he's laying---

25 Q. Right.

Albert Crawford - Cross-examination
By Mr. Frick

1 A. ---right there.

2 So, in order to get into the crime scene, you would
3 have to take quite a few steps going around him. You would
4 possibly be in the middle of the, of the crime scene and
5 then a few more steps and you'll be at that location that we
6 were just talking about.

7 Q. Okay. And initially you said it was a couple steps.

8 It's not that far inside the door, is it?

9 You said it---

10 A. From?

11 Q. From -- if you open up the front door, you immediately
12 see everybody, correct?

13 A. Right.

14 Q. Okay. And then a couple steps in---

15 A. But that assumes that the man and the woman are
16 standing right next to each other. They're not. She's
17 sitting over here. He's sitting right here.

18 So, if I take a -- took a couple of steps --

19 Q. Right.

20 A. -- I may be even with him.

21 Q. Right.

22 A. But I'm no where close to her cause she's on the other
23 side of the trailer against the wall.

24 Q. All right. Just to be clear, we are in a single wide
25 trailer?

Albert Crawford - Cross-examination
By Mr. Frick

1 A. We are in the single wide trailer.

2 Q. Okay. All right. And essentially at this point
3 obviously y'all -- y'all've cleared the scene making sure
4 it's secure. You're remaining out there waiting for SLED
5 crime scene to come.

6 Correct?

7 A. Yes.

8 Q. Okay. I mean I know you're trying to conduct some
9 information so you can -- get some information so you can
10 pass along to try to build your, your case.

11 But, essentially, we're waiting on crime scene like --
12 crime scene from Columbia to come do the processing of the
13 scene, correct?

14 A. Right.

15 Q. Okay. So y'all didn't do that?

16 That wasn't your role that day?

17 A. I think we may of taken pictures. But as far as
18 processing the crime scene, no, we did not.

19 Q. Okay. All right. And I believe the solicitor asked
20 you about any other possible suspects.

21 You were even thinking it could of been a domestic
22 dispute, correct?

23 A. Initially, yeah. I, I mean I didn't know the, the -- I
24 didn't know the status between those two. I didn't know if
25 they were -- I -- I'm assuming that they were husband and

Albert Crawford - Cross-examination
By Mr. Frick

1 wife. I didn't know that --

2 Q. Right.

3 A. -- mother and father.

4 Q. Right.

5 A. I mean mother and grand -- mother and son.

6 Q. Right. Right.

7 And then, when you're having a conversation with
8 Mr. Scott, and he says -- you know, it, it comes up about
9 this ex-wife. There's some conversation of whether or not
10 she could of done it.

11 Correct?

12 A. Right. And when he was talking, we were assuming he
13 was talking about the victim inside the house.

14 Q. I got you.

15 A. And then when he clarified who they were, that's when I
16 made that audible oh because---

17 Q. Right.

18 A. ---then I realized who, who they were, yes, sir.

19 Q. Right.

20 But as far as the, the ex-wife, he clearly says I don't
21 think she could of done this.

22 Do you recall hearing that today?

23 A. Yes.

24 Q. Okay.

25 A. Uh-huh. (Affirmative).

Albert Crawford - Cross-examination
By Mr. Frick

1 Q. And I know, I know we're talking about whether he spent
2 10 seconds inside the house, how far he walked inside of the
3 house.

4 He didn't say how far he went into the house, did he?

5 A. He said he opened the door.

6 Q. walks in?

7 A. Steps in.

8 Q. Right.

9 A. No, he didn't say walk in.

10 Q. Okay.

11 A. He said I stepped in.

12 Q. Right.

13 A. Then he said I saw them, saw shell casings and blood,
14 and I stepped out. Those were his words.

15 Q. Okay.

16 A. He didn't say walk. He said step.

17 Q. Okay. But he didn't say how many steps he had taken,
18 correct?

19 A. He said step.

20 Q. Step?

21 A. Uh-huh. (Affirmative).

22 Q. Okay. Now, you said, when you initially went into the
23 house, you made it as far as the kitchen. You saw the
24 trashcan had been knocked over.

25 A. Yes.

Albert Crawford - Cross-examination
By Mr. Frick

1 Q. And that -- you've been doing law enforcement for a
2 long time. I know 18 years with Chester and then, before
3 that, that looked like it could of been a struggle to you.

4 Is that fair?

5 A. I don't want to say it was a struggle.

6 Q. Right.

7 A. I don't, I don't want to -- I don't want to say
8 struggle.

9 Q. Okay.

10 A. I wouldn't put that on it. It was just strange that
11 the trashcan was knocked over toward the glass window.

12 Q. Toward it?

13 A. It's -- yeah, toward the glass instead of like away
14 from the glass as if somebody may of been running down the
15 hallway or something.

16 Q. Okay. Okay. Did you see any debris or anything down
17 the hallway?

18 A. I did not.

19 Q. Okay.

20 A. No.

21 Q. All right. And then it was bothering you. You wanted
22 to go have another look at it.

23 A. Uh-huh. (Affirmative).

24 Q. Is that fair?

25 A. Yes.

Albert Crawford - Cross-examination
By Mr. Frick

1 Q. Okay. So, when you go back in, you do go a little bit
2 further and you see two shell casings in the kitchen?

3 A. In the kitchen on the floor.

4 Q. And, again, this day it's not your job to mark those
5 and collect those?

6 A. It is not.

7 Q. Just to make sure you make crime scene aware when they
8 get there?

9 A. Yes.

10 MR. FRICK: Okay. Beg the Court's indulgence one
11 second.

12 THE COURT: Sure.

13 (Pause.)

14 Q. Thank you, sir.

15 That's all the questions I got.

16 THE COURT: Any redirect, solicitor?

17 SOLICITOR LIVELY: Just briefly to clarify some things
18 for the jury, Your Honor.

19 REDIRECT EXAMINATION

20 BY SOLICITOR LIVELY:

21 Q. I'm gonna show you State's Exhibit 49 and 53.

22 The State would move these into evidence at this time,
23 Your Honor.

24 MR. FRICK: No objection, Your Honor.

25 THE COURT: Okay. Forty-nine and 53 into evidence for

Albert Crawford - Redirect examination
By Solicitor Lively

1 the State.

2 (WHEREUPON, State's Exhibit Nos. 49 and 53 were
3 received into evidence at this time.)

4 Q. Okay. So I'm gonna show you 49. Mr. Frick was asking
5 you about the view from the kitchen into the living room.

6 A. Yes.

7 Q. Is that what you remember seeing?

8 A. It is.

9 Q. Okay. Is it -- can you see the counter that he's
10 talking about on -- in, in the view?

11 A. I can.

12 SOLICITOR LIVELY: All right. And, Your Honor, may I
13 ask that he step down?

14 THE COURT: Sure.

15 SOLICITOR LIVELY: I know it's hard to kind of see with
16 this.

17 But, yeah, if you'll step down.

18 (WHEREUPON, the witness comes down from the stand.)

19 THE COURT: Sure. Just be sure to speak up louder
20 since you're away from the microphone.

21 THE WITNESS: I don't think that will be a problem.

22 THE COURT: Okay.

23 Q. Okay. All right. While you're standing there, sir,
24 I'm going to pull this up for you real quick. I got the
25 right page at least. Thank you.

Albert Crawford - Redirect examination
By Solicitor Lively

1 All right. Put that in there just so the jury can see
2 this.

3 All right. You ready?

4 A. Yes.

5 Q. All right. Okay. Now, he asked you about whether or
6 not if there was an area blocking the kitchen off from the
7 living room.

8 would you please answer that question now based on this
9 exhibit?

10 A. Yeah, the, the -- so, like I was explaining, there's a
11 counter and then above the counter was the, was the, the
12 cabinets. So, to separate those two would be -- that would
13 be the only thing separating those two.

14 Q. Okay. All right. So, from the kitchen to there at --
15 which is obvious. You can actually see all the way through
16 the living room.

17 A. Right.

18 Q. All right. Okay. So that's what you were talking
19 about?

20 A. Yes.

21 Q. Okay. And then the next one that I asked you about --
22 where I did---

23 A. There.

24 Q. I did. Thank you. I do that.

25 okay. All right. Okay. This is State's No. 53.

Albert Crawford - Redirect examination
By Solicitor Lively

1 Now, explain to the jury why that was of significance
2 for you.

3 A. Like I said, the fact that it was facing toward the,
4 toward the, the glass door instead of back toward the
5 kitchen. I would assume -- I, I was assuming that somebody
6 may have been in that hallway or something and, and they hit
7 that, that trashcan and knocked it back into the kitchen.
8 Facing that door was just strange to me. It was just -- it
9 just didn't make any sense at the time.

10 Q. Okay.

11 A. So, I wanted to go back and I wanted to check that door
12 just to make sure that it was locked and that's what I did.

13 Q. Okay. And was it locked?

14 A. Yes, it was.

15 Q. Okay. Thank you.

16 All right. Any follow-up questions?

17 MR. FRICK: Can you go back to the first picture?

18 THE WITNESS: Do you need me---

19 MR. FRICK: No, sir. No, sir.

20 SOLICITOR LIVELY: Yeah, hold on.

21 MR. FRICK: I'm sorry.

22 SOLICITOR LIVELY: No, it's okay. I was -- no, they're
23 not all in yet.

24 MR. FRICK: I know. I know.

25 SOLICITOR LIVELY: All right.

Albert Crawford - Recross examination
By Mr. Frick

1 (WHEREUPON, the witness returns to the stand.)

2 RECROSS EXAMINATION

3 BY MR. FRICK:

4 Q. Investigator Crawford, I'm gon' show you what I believe
5 is State's No. 94 -- 49.

6 A. That's right.

7 Q. That's the one that we were talking about looking from
8 the kitchen into the living room?

9 A. Yes.

10 Q. And, in fact, I think you see one of the, one of the
11 people in this case, correct?

12 A. I think so. Yes.

13 Q. Okay. I'm gon' point at this.

14 Do you see what I'm pointing at from where you are?

15 A. You talking about the door?

16 Q. Yeah.

17 Is that the front door?

18 A. Well, I, I wear glasses. So, nah, I'm good. Nah.

19 Q. You good?

20 A. No, we're good on that. Yes. So, when you're
21 pointing, you have to be specific cause I can't see it---

22 Q. I'm sorry.

23 A. ---from here.

24 Q. Okay. Here. Let me -- what I've pointed at on that,
25 on that screen was this.

Albert Crawford - Recross examination
By Mr. Frick

1 A. Yes.

2 Q. The thing that's got the wreath on --.

3 A. Yes, the front door, uh-huh. (Affirmative).

4 Q. That's the front door?

5 That's the front door you came in?

6 A. Yes.

7 Q. Okay. Thank you, sir.

8 That's all the questions I have.

9 THE COURT: All right. You can step down, sir. Free
10 to leave the courthouse. You're more than welcome to remain
11 with us.

12 THE WITNESS: Thank you.

13 SOLICITOR LIVELY: The State would call Phillip Jackson
14 to the stand.

15 THE CLERK: Please raise your right-hand. You can
16 state your full name.

17 THE WITNESS: Phillip Jackson.

18 PHILLIP JACKSON, being first duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR LIVELY:

22 Q. Mr. Jackson, where were you employed at the time of
23 June 21st, 2020?

24 A. Chester County EMS.

25 Q. EMS.

Phillip Jackson - Direct examination
By Solicitor Lively

1 And have you retired since then?

2 A. Yes.

3 Q. All right. Did you respond to the scene at 608 Doe
4 Street on June 21st, 2020?

5 A. I did.

6 Q. And when you got there, just tell the jury what it is
7 that you -- what was your role whenever you got there?

8 A. Like I said, my primary role was patient care.

9 Initially got to the scene, went inside, made contact with
10 the patients, saw that they were deceased, and I came back
11 out the house.

12 Q. And when you said that you saw that they were deceased,
13 did you have to check them for a pulse or anything like
14 that?

15 A. No, ma'am, just based off the wounds---

16 Q. Okay.

17 A. ---that was observed.

18 Q. That was observed?

19 A. Yes.

20 Q. Okay. So -- and after observing those wound, was that
21 documented in a report that you keep in the normal course of
22 business through Chester County EMS?

23 A. Yes.

24 Q. All right. So, I'm gonna show you two reports so that
25 you can use them to -- just for your recollection.

Phillip Jackson - Direct examination
By Solicitor Lively

1 okay. And I've actually put on here -- how many
2 victims, once again, were there in the home?

3 A. Two.

4 Q. Two.

5 All right. And was -- male, female, one of each?

6 A. One of each.

7 Q. All right. I'm gonna show you two separate reports.

8 Now, you -- were you the only person, EMS, that
9 actually showed up on the scene or did you have someone else
10 with you?

11 A. My partner --

12 Q. Okay.

13 A. -- was with me.

14 Q. Your partner was with you?

15 A. Uh-huh. (Affirmative).

16 Q. And does she work at EMS here in Chester anymore?

17 A. No, ma'am.

18 Q. All right. Has she relocated to Borda (phonetic)?

19 A. Yes.

20 Q. All right. So, so, Mr. Jackson, the reports that
21 you're holding now, did you awful -- also sign off on them
22 in regards to your -- you being on the scene that particular
23 day?

24 A. I did.

25 Q. All right. Now, if you could please just review the

Phillip Jackson - Direct examination
By Solicitor Lively

1 report. Was -- you've already said that you didn't even
2 need to check a pulse.

3 So --

4 A. Yes.

5 Q. -- were there any resuscitative actions taken for these
6 poor victims?

7 A. No, ma'am.

8 Q. No.

9 Okay. So, at that point, you, you assessed the scene.
10 What did you document in regards to the time of death
11 in the report?

12 A. We document basically when we arrived on scene and made
13 contact with the patients.

14 Q. Okay. When -- and why do you do it that way whenever
15 you arrive on scene and you make contact with, with someone
16 that you don't have the attempt to resuscitate?

17 They're already obviously deceased?

18 A. Yeah.

19 Well, there's no way that we can tell the exact time
20 when they expired.

21 Q. Okay. All right. And so, is that just protocol for
22 you that if there -- for instance, in your experience --

23 A. Uh-huh. (Affirmative).

24 Q. -- if you're -- if you arrive on scene and they have a,
25 a faint pulse and you can actually render some type of aid

Phillip Jackson - Direct examination
By Solicitor Lively

- 1 --
- 2 A. Uh-huh. (Affirmative).
- 3 Q. -- and then they die 20 minutes later anyway --
- 4 A. Uh-huh. (Affirmative).
- 5 Q. -- are you able to give a good time of death in
- 6 something like that?
- 7 A. Yes. Then we can because it was witnessed --
- 8 Q. Exactly.
- 9 A. -- by us.
- 10 Q. Thank you.
- 11 Okay. But, in this particular case, you get on scene
- 12 and you're, you're saying they were obviously deceased?
- 13 A. Yes.
- 14 Q. Correct?
- 15 A. Yes.
- 16 Q. No resuscitative efforts were made, correct?
- 17 A. Correct.
- 18 Q. Okay. And so, at that point, you have to use the time
- 19 that you have based on your arrival---
- 20 A. Arrival.
- 21 Q. ---and making that observation?
- 22 A. Yes.
- 23 Q. And do those reports reflect that?
- 24 A. Yes, they do.
- 25 Q. They do.

Phillip Jackson - Cross-examination
By Mr. Frick

1 Okay. Thank you. Answer any questions the defense may
2 have.

3 THE COURT: Okay. Mr. Frick.

4 CROSS-EXAMINATION

5 BY MR. FRICK:

6 Q. I won't keep you long, Mr. Jackson.

7 So, when you got there, it was very apparent that they
8 had expired, correct?

9 A. Correct.

10 Q. I mean there wasn't any need to even try to check a
11 pulse?

12 A. Correct.

13 Q. So, clearly this was not the freshest injury in the
14 world, but you couldn't make a determines (sic) how, how
15 long ago it had occurred?

16 A. Correct. We could not.

17 Q. Okay. In fact, in your report, I believe it says date
18 and time to be determined by investigators.

19 Is that, is that what's reflected in your report?

20 A. Yes.

21 Q. Okay.

22 A. It is.

23 Q. All right. So, you didn't make any judgment as to
24 rigor or anything like that?

25 You just --

Phillip Jackson - Cross-examination
By Mr. Frick

1 A. No.

2 Q. -- leaving it to, to whoever's at the next level?

3 A. Correct.

4 Q. Okay. Thank you, sir.

5 A. All right.

6 MR. FRICK: That's all the questions I have.

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

8 THE WITNESS: Thank you.

9 THE COURT: You're free to leave the courthouse.
10 You're more than welcome to remain with us.

11 SOLICITOR LIVELY: State calls Amber Luckey to the
12 stand. She's in the side victim room.

13 THE CLERK: Please raise your right-hand. Place your
14 left-hand on the Bible. State your full name.

15 THE WITNESS: Amber Luckey.

16 AMBER LUCKEY, being first duly
17 sworn, testified as follows:

18 THE CLERK: Step up please.

19 THE COURT: Get a little -- pull that microphone down.
20 There you go.

21 THE WITNESS: Okay.

22 DIRECT EXAMINATION

23 BY SOLICITOR LIVELY:

24 Q. Hi, Mrs. Luckey.

25 Were you subpoenaed to be here today?

Amber Luckey - Direct examination
By Solicitor Lively

- 1 A. Yes, ma'am.
- 2 Q. All right. And would you please tell the jury where
3 you live?
- 4 A. On Doe Street.
- 5 Q. On Doe Street.
- 6 Okay. And there's -- I know you don't know this. But
7 there's been a lot of testimony today about Doe Street.
- 8 How long have you lived there?
- 9 A. Almost -- Mickey and I have been together for almost
10 six years. So six years.
- 11 Q. Six years.
- 12 Okay. And do you know any of the other residents in
13 that area?
- 14 A. I know of them. I mean I -- you see your neighbors as
15 you, you know, go down the drive and they'll be out walking
16 their dogs or just be out. But other than that --
- 17 Q. Okay.
- 18 A. -- no, yeah.
- 19 Q. Okay. And, and how is that particular area?
20 Does everybody pretty much get along or they're
21 problems --
- 22 A. Yeah.
- 23 Q. -- or, or what?
- 24 A. Everybody gets along.
- 25 Q. Okay. All right. I'm gonna actually pull this up for

Amber Luckey - Direct examination
By Solicitor Lively

1 you. It's a map.

2 A. Okay.

3 Q. It's already in evidence.

4 A. Okay.

5 Q. All right. And I may refer to it and it -- I've also
6 got to let the jury see it at the same.

7 okay?

8 A. Okay.

9 Q. But you said that you've been with Mickey --

10 A. Uh-huh. (Affirmative).

11 Q. -- for six years?

12 A. Uh-huh. (Affirmative).

13 Q. Okay. I'm gonna show this to you and, on this map, do
14 you see an area that actually refers to the residence that
15 you live in?

16 A. Yeah.

17 Q. Okay. What -- tell us what it is and I'll point to it.

18 A. Mitch Thomas residence.

19 Q. Mitch Thomas residence.

20 So, up here is where you live and, Mitch Thomas, who is
21 Mitch Thomas?

22 A. Mickey's dad.

23 Q. Mickey's dad.

24 Okay. So, Mickey's dad has a house there or residence
25 in the area off of Doe Street?

Amber Luckey - Direct examination
By Solicitor Lively

1 A. Yeah.

2 Q. All right. And you've just pointed that to us. So
3 thank you. And did you know -- and you don't have to look
4 at this road.

5 Did you actually know Mr. Gene Rogers?

6 A. No, I've known them like, you know, going on -- as soon
7 as you turn onto Fawn, that'd be out there with Gene, the
8 neighbor. They'd be talking to him. I guess their
9 mailboxes were at the same -- I'm not sure. But they'd
10 be -- always be standing out. They were talking with one
11 another when we pull in.

12 Q. Okay. You said Gene but are you talking about Gene or
13 Grant?

14 which neighbor are you talking---

15 A. Grant. Not Gene. Grant and Gene --

16 Q. Okay.

17 A. -- would be talking.

18 Q. Okay. That's fine. Cause -- so -- and Grant, is that
19 Grant Martin?

20 A. Yeah.

21 Q. I'm gonna show you that.

22 Is there like a little green spot that's -- talks about
23 where he lives?

24 A. Yeah, right there as soon as you turn in that---

25 Q. Okay.

Amber Luckey - Direct examination
By Solicitor Lively

1 A. ---first house right there, yeah.

2 Q. So, the green dot we're talking about?

3 A. Yeah.

4 Q. All right. Now, so, Amber, tell us, on June the
5 21st, what happened on that day whenever you were with
6 your boyfriend, Mickey.

7 A. Okay. We turned -- we pulled to go down Snellgrove,
8 pulled on Fawn, and he was standing at -- out kind of like
9 at the end of Gene's driveway kind of in the road standing
10 there. He looked, you know, he looked like something was
11 wrong -- bothering him.

12 He walked up to Mickey's side of the truck and sit
13 there and said that his -- please help me. My grandparents
14 in -- they been killed. Me and Mickey, I look at him and he
15 looked worried about his dad, you know.

16 So, so then I tell him it's like, you know, go check on
17 your dad. I stood there with him.

18 So, I get out of the truck. And so I go over there to
19 him and he's standing there. He cries, tries to cry, and
20 says that his grandparents have been killed and then he
21 proceeds to tell me that they were shot execution style with
22 their hands on their head and it's like they begged for
23 their life.

24 And what, what mags were used or the shell casings or
25 whatever -- what it was, was used and --.

Amber Luckey - Direct examination
By Solicitor Lively

1 Q. All right. Let me, let me do this, Mrs. Luckey.

2 Did you actually do a handwritten statement for, for
3 what you recall happening on that particular day?

4 A. Yes, ma'am.

5 Q. Okay. All right. And in that handwritten statement,
6 did you actually discuss the things that you're telling us
7 here now?

8 A. Yes, ma'am.

9 Q. All right.

10 THE COURT: You need to verbally answer and not -- give
11 a yes or no.

12 Q. Okay.

13 THE WITNESS: Yes.

14 Q. Yeah, just make sure you speak loud enough. Pull the
15 microphone a little bit closer to you.

16 A. Sorry.

17 Q. It's hard to hear.

18 Okay. How's that?

19 Okay. So, did you provide a written statement on
20 that -- on the day requested by law enforcement as to what
21 you -- what he told you?

22 When you say he, could you point out to us who it is
23 you're referring to?

24 Do you see him in the courtroom?

25 You may have to stand up and look around.

Amber Luckey - Direct examination
By Solicitor Lively

1 A. I mean---

2 Q. Are you pointing to the person in the white shirt?

3 A. Yes.

4 SOLICITOR LIVELY: All right. Let the record---

5 THE COURT: Let the record reflect the witness has
6 identified the defendant.

7 Q. Okay. I'm gonna show you State's Exhibit No. 138 and
8 just let you look over it again and just make sure that
9 you're clear about what it is that we're talking about here
10 today.

11 A. Yes, ma'am.

12 Q. Okay. If you'll just take a look at that.

13 (Pause.)

14 Q. All right. Now, Mrs. Luckey, so you've already said
15 that he told you that you recall how -- that he said how
16 they were shot.

17 Is that right?

18 A. Yes, ma'am.

19 Q. Okay.

20 A. Yes, ma'am.

21 Q. All right. And that was how?

22 A. Their hands behind their heads shot execution style.

23 Q. And at that point when you're hearing this information,
24 according to your statement, I mean were -- did -- how did
25 that make you feel?

Amber Luckey - Direct examination
By Solicitor Lively

1 A. Uncomfortable. It's like, you know, the Lord told me
2 to -- anger. Just back away. You need to go home. You
3 need to go now.

4 Q. Okay.

5 MR. FRICK: Judge, can we approach for a quick second?

6 THE COURT: Sure.

7 (WHEREUPON, a bench conference was held out of the
8 hearing of the jury at this time.)

9 Q. Okay. Amber, if you could, just when you're referring
10 to answering my questions, if you would just be real
11 specific about what you put in your statement---

12 A. Yes, ma'am.

13 Q. ---almost four years ago.

14 Okay?

15 A. Okay.

16 Q. So you can actually hold on to that one for reference.

17 Okay?

18 A. Okay.

19 Q. All right. When you, when you saw him and you observed
20 the way he looked and what he was doing, tell the jury what
21 you wrote in regards to what your observations were of him.

22 A. When we pulled in, he ran up to Mickey's side of the
23 truck and he said that he'd been screaming for over 10 to 20
24 minutes screaming for help because his grandparents had been
25 murdered and that -- Mickey then thought, you know, of his

Amber Luckey - Direct examination
By Solicitor Lively

1 dad.

2 I sit there and I told him, I said, go check on your
3 dad. I got out because I mean we have a sheriff --
4 Lancaster County sheriff woman that lives right there. I
5 thought it'd be okay.

6 So I get out and he -- he's dropped to his knees and
7 says that, that his grandparents were basically saying they
8 both were put on their hands and knees with their hands
9 behind their head and they're shot execution style.

10 Q. All right. And, Mrs. Luckey, let me just -- and I
11 understand you're, you're doing what you can remember. But
12 I need you to refer to your statement, okay, so that you can
13 give your best recollection.

14 My question was -- is right up at the top when you're
15 describing what he looked like and what he was doing.

16 All right. How did he -- his face look?

17 I mean just right there in the third line. Just
18 refresh your memory.

19 A. There was no distress in his face. There were no
20 tears. Nothing.

21 Q. Okay. All right. Thank you.

22 And then you, later on -- were you the one that end up
23 calling 9-1-1?

24 A. Yeah.

25 Q. Okay. So, we've already heard the 9-1-1 calls. I know

Amber Luckey - Direct examination
By Solicitor Lively

1 that you weren't here earlier today.

2 So, have you heard the 9-1-1 call that you made?

3 A. No, ma'am.

4 Q. Okay. Yeah.

5 But you do remember making that call for -- to actually
6 let law enforcement know what was going on.

7 Is that correct?

8 A. Yes, ma'am.

9 Q. All right. Now, could you actually, on your Page 2, if
10 you'll refer to that?

11 You end up actually -- did you walk away from the
12 defendant in order to go and get the phone?

13 A. Yeah.

14 Q. You need to---

15 THE COURT: You need to speak up, ma'am.

16 THE WITNESS: Yes.

17 Q. Yes.

18 Okay. And whenever you, whenever you got the phone, at
19 that point, the defendant was with you or had you walked
20 away completely from him?

21 A. I walked away completely from him.

22 Q. All right. And did you -- where -- which way did you
23 go?

24 Did you go towards Mitch Thomas' residence or where did
25 you go?

Amber Luckey - Direct examination
By Solicitor Lively

- 1 A. He's right there by his driveway --
- 2 Q. Okay.
- 3 A. -- and he's on his knees. I sit there, had my hand on
- 4 his -- back of his -- back of him, you know, praying --
- 5 Q. Okay. I need you just to tell me -- Mrs. Luckey---
- 6 A. -- and --.
- 7 Q. ---I understand.
- 8 where did you go---
- 9 A. It's---
- 10 Q. ---to get your phone?
- 11 A. As soon as I was told that, I sit there and turned and
- 12 I walked. As soon I hit the curb, I ran. As soon as I ran,
- 13 I went down to the house. I seen that Mickey wasn't at the
- 14 truck anymore. He was in the house with his dad. I
- 15 screamed where's the phone. The phone's in the back of the
- 16 truck. I grabbed the phone and I called 9-1-1.
- 17 Q. All right. Based on your statement, did -- was there
- 18 anything that you recall hearing the night before or
- 19 around -- or some time in the night and if you'll look at
- 20 Page 2. I don't want you guessing. I, I know it's been a
- 21 long time, Mrs. Luckey.
- 22 Okay. If you'll just read that last paragraph and tell
- 23 the jury if you recall telling law enforcement anything
- 24 regarding what you have heard.
- 25 A. I didn't write it in here but I remember.

Amber Luckey - Direct examination
By Solicitor Lively

1 Q. Okay. You need to just tell me what you remember
2 specifically just based on your statement.

3 okay?

4 A. Yeah.

5 I was standing in my room and the next thing I know I
6 hear gunshots and you sit there and you think whoa, that's
7 weird. It's kind of close right here. They don't shoot.
8 Never heard them shoot and I heard gunshots. And I walk
9 outside and I asked Mickey's dad, who was feeding the dogs,
10 I said, you know, who was that. He said it sounds like it's
11 coming from that way.

12 Q. All right. Thank you, Mrs. Luckey, and I, I do want to
13 ask you, and I'm sorry to, to ask you this, but just have
14 you recently had an accident or an injury to yourself?

15 A. Yeah.

16 Q. And just for the -- is it sometimes hard for you to
17 recollect things?

18 A. Yes. But I think that that would really stick with you
19 when someone sits there and tells you that.

20 Q. Yes, ma'am. Thank you. I'm sorry. I'm not trying to
21 upset you. I understand.

22 Could you tell us what happened to you and, and what
23 you've been recovering from?

24 A. I'm currently missing 19-centimeters of my skull. I
25 was hit by a woman driving a white Mustang.

Amber Luckey - Direct examination
By Solicitor Lively

1 Q. I'm so sorry. I'm -- so thank you for explaining that
2 to this jury so that they understand.

3 Okay. And, and that, once again, was your statement?
4 That is your statement here?

5 A. Yes, ma'am.

6 Q. Correct?

7 A. Yes, ma'am.

8 Q. Okay. Thank you so much and if -- Your Honor, at this
9 time the State would enter State's Exhibit No. 138 into
10 evidence.

11 MR. FRICK: Is that the statement?

12 SOLICITOR LIVELY: That's the statement. I mean you
13 don't---

14 MR. FRICK: No objection.

15 SOLICITOR LIVELY: Okay.

16 THE COURT: Without objection, 138 into evidence.

17 SOLICITOR LIVELY: All right.

18 (WHEREUPON, State's Exhibit No. 138 was received into
19 evidence at this time.)

20 THE COURT: You finished with direct, solicitor?

21 SOLICITOR LIVELY: I am, Your Honor.

22 THE COURT: Okay.

23 SOLICITOR LIVELY: That -- that's all the questions.

24 THE COURT: All right.

25 Q. If you'll answer any questions the defense may have for

Amber Luckey - Direct examination
By Solicitor Lively

1 you.

2 okay?

3 A. okay.

4 Q. All right.

5 CROSS-EXAMINATION

6 BY MR. FRICK:

7 Q. I'm sorry, Mrs. Luckey. I got to bother you a little
8 bit more.

9 okay?

10 A. Yes, sir.

11 Q. Okay. Have you still got your statement up there?

12 A. No, sir.

13 SOLICITOR LIVELY: It's up there. It's 139.

14 SOLICITOR SOPRANO-CESMAT: Eight.

15 SOLICITOR LIVELY: One thirty-eight.

16 Q. All right. I'm gon' direct you to that, that last part
17 of your statement --

18 A. Uh-huh. (Affirmative).

19 Q. -- that the solicitor was talking to you about about
20 the shots being fired.

21 A. Uh-huh. (Affirmative).

22 Q. Now, you, you said they don't shoot.

23 who specifically are you talking about when you say
24 they?

25 Do you remember?

Amber Luckey - Cross-examination
By Mr. Frick

1 A. The -- Gene and---

2 Q. Okay. Okay.

3 A. Yeah.

4 Q. Okay. Because it's not unusual to hear shots out there
5 in Richburg, is it?

6 A. No, it's not. They, they shoot all the time around
7 there. But from it being right there.

8 Q. Right. Right. And in your statement back then, I
9 believe you put a time when you thought you might of heard
10 those shots.

11 Do you see that down there?

12 The last sentence.

13 A. 12:00 to 3:00.

14 Q. Was it---

15 A. It was -- I can't -- I couldn't remember.

16 Q. Okay.

17 A. But it was -- it wasn't dark yet. So, it was afternoon
18 or evening.

19 Q. Okay. But, in that statement, you wrote between 12:00
20 and 3:00?

21 A. I'm not sure. I remember it was afternoon or evening.
22 So --.

23 Q. Okay. But in your sworn affidavit to law enforcement,
24 you said 12:00 to 3:00, correct?

25 A. I try to remember what -- you know, I mean I remember

Amber Luckey - Cross-examination
By Mr. Frick

1 it was like evening time, afternoon, evening.

2 Q. It was evening.

3 Okay. But we don't know what time?

4 A. And the sun was still out.

5 Q. But you did not -- you, you agree the number that you
6 wrote on this was 12:00 to 3:00.

7 Is that correct?

8 A. Yes, I mean I don't know what exactly time it was. I
9 remember the sun was still out.

10 Q. Yes, ma'am.

11 All right. And I'm sorry to do this to you, Mrs.
12 Luckey, but it's part of my job.

13 A. I understand.

14 Q. Have, have you had problems with drugs before?

15 A. In my past, yes.

16 Q. Did you have a conviction in 2020 for a possession?

17 A. Yes.

18 Q. And did you have a prior conviction for shop---

19 A. Thanks to my uncle.

20 Q. Okay. Did you have a prior conviction for shoplifting
21 in 2019?

22 A. Yes.

23 Q. Okay. How long have you lived down on Doe Street you
24 said?

25 A. Six years.

Amber Luckey - Cross-examination
By Mr. Frick

1 Q. Okay. And you were out there when this incident
2 occurred?

3 A. Yes.

4 Q. You, you were staying with Mickey---

5 A. Yeah.

6 Q. ---when this incident occurred?

7 Okay. All right. Beg the Court's indulgence.

8 THE COURT: Sure.

9 (Pause.)

10 Q. Do you know -- you -- you've lived out there for six
11 years.

12 Do you know Travis Lowe?

13 A. I've met Travis Lowe, yes.

14 Q. Okay. Is he -- and he lives out there or is, is out
15 there sometimes?

16 A. He's out there sometimes, yeah.

17 Q. Okay. Thank you, ma'am.

18 A. Jesus Christ.

19 MR. FRICK: That's all the questions I have.

20 THE COURT: Okay. Anything in follow-up, solicitor?

21 SOLICITOR LIVELY: Just one thing.

22 REDIRECT EXAMINATION

23 BY SOLICITOR LIVELY:

24 Q. Whenever you said the defendant came up to you and told
25 you that his -- he had found his grandparents shot, did he

Amber Luckey - Cross-examination
By Mr. Frick

1 specifically ask you to call 9-1-1 or did you do it -- do
2 that on your own?

3 A. I did it on my own. I mean I'm sitting there thinking
4 like, you know, why, why you been screaming for over 10, 20
5 minutes, why have you not called. You know why. I mean
6 there's a police officer right here.

7 Q. Okay. Thank you.

8 A. I mean --.

9 Q. Answer -- thank you very much.

10 THE COURT: Okay. You can step down, ma'am.

11 THE WITNESS: Okay.

12 SOLICITOR LIVELY: Mickey Thomas.

13 THE COURT: Okay.

14 THE BAILIFF: Is he in here?

15 SOLICITOR LIVELY: Yes, he is.

16 THE CLERK: Please raise your right-hand. Place your
17 left on the Bible. State your full name.

18 THE WITNESS: Mitchell Allen Thomas, Junior.

19 MITCHELL THOMAS, JR., being first
20 duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY SOLICITOR LIVELY:

23 Q. Mr. Thomas, please tell the jury where you live.

24 A. [REDACTED] Street.

25 Q. [REDACTED] Street.

Mitchell Thomas, Jr. - Direct examination
By Solicitor Lively

- 1 And how long have you lived there?
- 2 A. Since like '95.
- 3 Q. And who lives there with you?
- 4 A. My father.
- 5 Q. And what's his name?
- 6 A. Mitchell Allen Thomas. I'm a junior.
- 7 Q. You're a junior.
- 8 What is -- what name does your dad actually go by?
- 9 A. Mitch.
- 10 Q. Mitch.
- 11 Okay. And you are Mickey?
- 12 A. Yeah.
- 13 Q. All right. Now, Mickey, do you work?
- 14 A. Yes.
- 15 Q. All right. And who do you work with?
- 16 A. TechForce. It's a -- telecommunications.
- 17 Q. All right. And does your father work?
- 18 A. Yeah.
- 19 Q. Do y'all often ride together when you go to and from
- 20 work?
- 21 A. Yeah.
- 22 Q. Okay. Now, you said that you live off of Doe Street.
- 23 I'm just gonna show you this very large map here and this
- 24 is -- I can -- need to put it on the record cause I keep
- 25 forgetting to do that, State's Exhibit No. 6.

Mitchell Thomas, Jr. - Direct examination
By Solicitor Lively

1 All right. Do you see where it's allocated that it's
2 your -- the residence that you live in?

3 A. Yeah. Yes.

4 Q. What's it called?

5 A. Mitch Thomas residence.

6 Q. There you go.

7 All right. Very good. So Mitch Thomas residence.

8 Now, did you know Gene Rogers?

9 A. Not a lot but I just -- I knew him from my mom. She
10 talked about him cause she had a dog she used to walk down
11 roads and my mom had to walk and stuff too.

12 Q. Okay.

13 A. I heard from her most -- mostly. So --.

14 Q. All right. And how about the defendant, Gene Alexander
15 Scott?

16 Did you know the defendant?

17 A. No.

18 Q. Have you ever seen him before, before that day?

19 A. Yeah, just camping right below -- right behind my house
20 right there.

21 Q. Okay. All right. So -- and was that a campsite behind
22 Gene Rogers house?

23 A. Yeah, it's behind---

24 Q. Is it down between---

25 A. Yes, it's in-between both of them, yeah.

Mitchell Thomas, Jr. - Direct examination
By Solicitor Lively

1 Q. Okay. Got it.

2 Now, tell us, on the night before, which would be
3 June 20th, 2020, who were you with -- tell us about what
4 you did that day if you remember. I know it's been a long
5 time.

6 A. Yeah?

7 What you -- was, was that -- is that the Father's Day
8 or the --?

9 Q. Okay. Father's Day was on -- you know, Father's Day---

10 A. Okay.

11 Q. ---is usually on Sundays.

12 A. On Sundays.

13 Q. So, Father's Day was January 21st, 2020. I'm talking
14 about the Saturday before.

15 A. Okay.

16 Q. All right. Do you recall -- were you working that day?
17 Do you remember?

18 A. Nah.

19 Q. Okay.

20 A. I wasn't working.

21 Q. All right. Were you at home hanging out maybe with
22 Amber --

23 A. Something.

24 Q. -- or your father?

25 A. I think I was with my dad. I remember when he was

Mitchell Thomas, Jr. - Direct examination
By Solicitor Lively

1 going to -- we was cleaning out the dog pens --

2 Q. Okay.

3 A. -- and that's when we heard like -- I heard a couple of
4 shots, about three shots, and I thought it was -- it was
5 kind of weird where they came from. They come from a
6 different -- usually it get -- shots around there, people
7 got a shooting range. They didn't come from the same spot.
8 They kind of -- they sounded like muffled shots instead of
9 like on a shooting range. So --

10 Q. All right.

11 A. -- that was kind of --.

12 Q. All right. So, let me back you up a little bit.

13 Did you actually get interviewed by some SLED agents in
14 the past couple of months about what you may have heard or
15 seen that night?

16 A. Yes.

17 Q. Okay. And the night of June 20th, 2020, you ran into
18 the defendant and he asked y'all or told y'all that his
19 grandparents had been shot.

20 Do you---

21 A. Yeah.

22 Q. ---recall that?

23 A. Yes.

24 Q. All right. So, the night before, what else do you
25 recall telling law enforcement in regards to what you saw

Mitchell Thomas, Jr. - Direct examination
By Solicitor Lively

1 around Doe Street?

2 A. A dark colored -- like a car parked on the -- like
3 opposite side of where the house was. I ain't really see
4 nobody parked right there. It's like their house is here
5 and it's parked right there on like midways on that road.

6 Q. Okay. And why did that catch your attention?

7 A. I just ain't never seen it that way. There -- there's
8 no house or nothing right there for somebody, somebody to
9 park right there.

10 Q. Okay. And was it a truck or some type of a regular
11 car?

12 A. It's a car.

13 Q. Car?

14 A. I believe it was a darker colored blue I think or
15 something four door car.

16 Q. Okay. And when you saw that vehicle, could you see
17 whether somebody was in it or not?

18 A. Nah, I couldn't see that, no.

19 Q. Okay. Now, I'm, I'm gonna actually ask you to step
20 down if you don't mind, okay, from your witness stand?

21 (WHEREUPON, the witness comes down from the stand.)

22 Q. If you'll come here, and, once again, I stated -- I
23 asked you earlier did you provide a statement to SLED agents
24 regarding what you're testifying to right now, which is this
25 vehicle that you saw the night before?

Mitchell Thomas, Jr. - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. That -- yes.

3 Okay. And I'm gonna have to -- I know it's -- you
4 don't know the rules and it's not your fault. But I'm
5 actually gonna help you out.

6 Okay. You're gonna have to talk loud enough to where
7 the -- that she can hear you.

8 If you could, please come over here.

9 (WHEREUPON, the witness complies.)

10 Q. All right. Please point out to the jury where you came
11 in -- where do you normally come in when you're coming into
12 the neighborhood?

13 A. Oh, we're coming right here on Snellgrove and turn in
14 here and you roll around like this --

15 Q. Okay.

16 A. -- and you come down. We live at the end of the
17 street. So --.

18 Q. Okay. You live at the end of the street.

19 Okay. Back up just a little bit cause I think you're
20 blocking some of the jurors.

21 A. Right.

22 Q. Come over here.

23 All right. You can block me. That's fine.

24 A. Uh-huh. (Affirmative).

25 Q. All right. So you, you come in.

Mitchell Thomas, Jr. - Direct examination
By Solicitor Lively

1 What's the name of the road that you come in on?

2 A. It's Fawn Street.

3 Q. Fawn Street.

4 Okay. And that one's actually not identified on this
5 map?

6 A. Right.

7 Q. Correct?

8 Point---

9 A. No.

10 Q. Point to where Fawn Street is.

11 A. It's right here.

12 Q. Okay. Now, whenever you saw the vehicle, do you see
13 what's actually listed on this map as suspicious vehicle?

14 A. Yeah.

15 Q. Is that a close representation of what you were talking
16 about when you told law enforcement what you saw that night?

17 A. Yes. But it's -- was a darker colored car.

18 Q. It was -- okay. It's not a white car?

19 A. Yeah.

20 Q. Okay. A darker color you said earlier --?

21 A. Like a blue, bluish.

22 Q. Bluish car.

23 Okay. And, at that time, was it parked or did it look
24 like it was rolling or could you even tell?

25 A. It was parked. But it was just parked kind of just off

Mitchell Thomas, Jr. - Direct examination
By Solicitor Lively

1 to the -- off the road.

2 Q. Off the road?

3 A. Yeah.

4 Q. Okay. And, again, that was on the Saturday before you
5 were confronted with the defendant, Mr. Scott, the next day
6 about his -- about the murders?

7 A. Yes, ma'am.

8 Q. All right. Go ahead and have a seat.

9 (WHEREUPON, the witness returns to the stand.)

10 Q. Okay. Now, Mr. Thomas, you did mention just a, a
11 moment ago before you talked about the vehicle about hearing
12 some gunshots.

13 A. Yes.

14 Q. Okay. So, was that---

15 THE COURT: Scoot a little closer to the microphone,
16 Mr. Thomas.

17 Q. Yeah, you need --.

18 A. Yes, ma'am.

19 Q. And I know -- the, the audio in here's terrible. I'm
20 sorry.

21 A. All right.

22 Q. Can you pull it towards you?

23 A. Right here.

24 Q. There you go, yeah. That's much better.

25 A. All right.

Mitchell Thomas, Jr. - Direct examination
By Solicitor Lively

1 Q. I know it's uncomfortable. Thank you so much.

2 All right. So, you've testified when you first got on
3 the stand that you heard maybe three shots?

4 A. Yes, ma'am.

5 Q. Now, would that have been after you went to -- back
6 home or at what point did you hear that?

7 A. I'm thinking it was probably about two hours before
8 dark cause as soon as -- it seemed like -- probably around
9 about, about 7:00 or so.

10 Q. Okay. Did you happen to look at your watch to know---

11 A. I can't---

12 Q. ---what time it was?

13 A. It's---

14 Q. Okay.

15 A. It's been fours years. So --.

16 Q. All right. I understand. I understand.

17 But you say that it was before dark.

18 Is that right?

19 A. Yes.

20 Q. Okay. And, and at that time you do recall seeing a
21 vehicle?

22 A. Yes.

23 Q. And then, at some point -- and, and correct me if I'm
24 wrong.

25 Okay. And then, after seeing the vehicle, at some

Mitchell Thomas, Jr. - Direct examination
By Solicitor Lively

1 point you hear shots?

2 A. Yes, ma'am.

3 Q. Okay. Well, correct me if I'm wrong.

4 Were you at home by the time you heard the shots?

5 A. Yes.

6 Q. Okay. That's what I'm trying to ask you.

7 A. Yeah, I was already home and --

8 Q. Okay.

9 A. -- we, we done came out the house and was cleaning out
10 the dog pens.

11 Q. Cleaning out the dog pens.

12 All right. So, so you drive down and the vehicle was
13 actually on this road that's not marked you're saying which
14 is Fawn?

15 A. Yes, ma'am.

16 Q. Is that right?

17 Okay. Okay. Hold on just a second.

18 (Pause.)

19 Q. All right. Thank you so much. You're gonna answer a
20 few questions that the defense may have for you.

21 A. All right.

22 THE COURT: All right. Mr. Frick.

23 Q. All right. Thank you.

24 MR. FRICK: Thank you, Your Honor.

25 CROSS-EXAMINATION

Mitchell Thomas, Jr. - Cross-examination
By Mr. Frick

1 BY MR. FRICK:

2 Q. Mr. Thomas, do you still live on Doe Street?

3 A. Yes, sir.

4 Q. And you lived out there obviously in 2020?

5 A. Yes.

6 Q. And how long have you been out there, a while?

7 A. Yeah. Since like '95.

8 Q. Okay. Okay. And I don't know if you can see but I
9 think it's clear.

10 The car that you said you, you didn't recognize out
11 there --

12 A. Yes.

13 Q. -- was parked on Fawn Street, correct?

14 A. Yes.

15 Q. Okay. And that is the one that runs -- you turn off of
16 Fawn to get onto Doe?

17 Is that correct?

18 A. Yeah, you're on Fawn and it goes to Doe right there.

19 Q. Okay. All right. And it's clear as that Saturday
20 night that you saw that, the 20th?

21 A. Yeah.

22 Q. Okay. And we're not sure about what time it was?

23 A. No.

24 Q. But it was---

25 A. Like---

Mitchell Thomas, Jr. - Cross-examination
By Mr. Frick

1 Q. There ain't no street lights out there, are there?

2 A. Nah. No.

3 Q. Okay. So, clearly it was bright enough that you could
4 see the car?

5 A. Yeah.

6 Q. Bright enough that you could determine that it was a
7 dark colored vehicle?

8 A. Yes.

9 Q. And I believe you told the solicitor just now it was a
10 four door vehicle?

11 A. Yeah.

12 Q. So, you could tell all these things about this car as
13 you went by?

14 A. Yeah.

15 Q. No doubt about this?

16 A. Yeah.

17 Q. Okay. The gunshots themselves you said was about
18 three?

19 A. Yeah.

20 Q. Okay. And I know you said it, it sounded unusual.

21 But it's not unusual to hear gunshots out there, is it?

22 A. No.

23 Q. In fact, you said there was a shooting range out there,
24 right?

25 A. Yeah.

Mitchell Thomas, Jr. - Cross-examination
By Mr. Frick

1 Q. And other people shoot out there, correct?

2 A. Yes. But it -- this was -- it's different. It was
3 coming at a different angle. You could hear it.

4 Q. If I could ask him -- well, let me ask you this.

5 Your house is over, over at the end of Doe?

6 A. Yes, sir.

7 Q. Okay. And this right here with a big 77 on it, that's
8 I-77, isn't it?

9 A. Yes.

10 Q. There's a lot of traffic on that road, isn't it?

11 A. Yeah.

12 Q. It gets pretty noisy, doesn't it?

13 A. Well, it's -- in the wintertime.

14 Q. Just answer my question.

15 A. Yeah. But it's, it's different in the wintertime or
16 when the leaves on the trees.

17 Q. Okay.

18 A. It's not near as loud. So --.

19 Q. Okay. Yeah.

20 But it's still kind of noisy out there---

21 A. Yeah.

22 Q. ---right now?

23 A. You can hear, you can hear the traffic, yeah.

24 Q. Even more so with those cicadas out there, isn't it?

25 A. Yeah.

Mitchell Thomas, Jr. - Cross-examination
By Mr. Frick

1 Q. I'm sorry. Those are horrible. I couldn't hear.

2 SOLICITOR LIVELY: Objection, Your Honor. The cicadas
3 just started this year. As we all know, it's been 17
4 years---

5 MR. FRICK: I'm not inferring---

6 SOLICITOR LIVELY: ---since the last time. Thank you.

7 THE COURT: Okay.

8 SOLICITOR LIVELY: Thank you.

9 THE COURT: All right. So noted that the---

10 SOLICITOR LIVELY: Thank you, Your Honor.

11 MR. FRICK: I apologize.

12 THE COURT: ---15 year cicadas started this year.

13 SOLICITOR LIVELY: Thank you.

14 Q. All right. Mr. Thomas, I'm sorry I got to do this to
15 you.

16 But have you had a drug problem?

17 A. Off and on, yeah.

18 Q. Okay. In fact, did you have a drug conviction in 2021?

19 A. Yes, I believe so.

20 Q. Okay. And you had a shoplifting conviction back in
21 2016?

22 A. Yeah.

23 MR. FRICK: Okay. Beg the Court's indulgence.

24 THE COURT: Sure.

25 (Pause.)

Mitchell Thomas, Jr. - Cross-examination
By Mr. Frick

1 Q. Um, and, again, you've lived out in that community for
2 a while.

3 Do you know who Travis Lowe is?

4 Are you aware of Travis Lowe?

5 A. Yeah.

6 Q. Have you seen him out there?

7 A. A couple times, yeah.

8 Q. Okay. Thank you, sir.

9 That's all the questions I have.

10 THE COURT: Anything in redirect, solicitor?

11 SOLICITOR LIVELY: No, Your Honor.

12 THE COURT: You can step down, sir.

13 THE WITNESS: All right. Thank you.

14 SOLICITOR LIVELY: Mitch Thomas.

15 THE CLERK: Please raise your right-hand.

16 (Indiscernible).

17 THE WITNESS: Okay. No.

18 THE COURT: Raise your, raise your right-hand and put
19 your left-hand on there.

20 THE WITNESS: All right.

21 THE COURT: There you go.

22 THE CLERK: State your full name.

23 THE WITNESS: Mitchell Allen Thomas.

24 MITCHELL THOMAS, SENIOR, being first
25 duly sworn, testified as follows:

Mitchell Thomas, Sr. - Direct examination
By Solicitor Lively

1 THE CLERK: You may have a seat. Thank you.

2 DIRECT EXAMINATION

3 BY SOLICITOR LIVELY:

4 Q. Hey, Mr. Thomas.

5 If you would, please pull that microphone toward you.

6 It's really hard to hear anything in here.

7 (WHEREUPON, the witness complies.)

8 Q. Okay. Thank you so much.

9 A. All right.

10 Q. Mr. Thomas, where do you live?

11 A. Richburg, South Carolina.

12 Q. And do you live off of Doe Street?

13 A. Yes, ma'am, at the end.

14 Q. Okay. And at the end of that street.

15 Are you familiar with your other neighbors in that, in
16 that particular area?

17 A. Two that I've met, Mr. Grant and Geno. Geno I just met
18 cause he -- his doctor made him walk, walk for a while and
19 he walks at the end of my road and back. I met him there at
20 the mailbox every once in a while.

21 Q. So, is Geno, is that Gene Rogers --

22 A. Yeah.

23 Q. -- that you met?

24 All right. Now -- and then the Grant, would that be
25 Grant Martin?

Mitchell Thomas, Sr. - Direct examination
By Solicitor Lively

1 A. Yeah.

2 Q. Okay. So, I've shown this to other witnesses here and
3 I'm just going to make sure.

4 Does this look accurate to you as to where your
5 residence is, Grant Martin's residence is, and where Gene
6 Rogers---

7 A. Yeah.

8 Q. ---lived?

9 Okay.

10 A. Yeah.

11 Q. All right. So, in looking at this, is your residence
12 in, in walking distance of Gene's residence?

13 A. Yes.

14 Q. All right. And you said you used to see him because
15 his doctor was making him walk.

16 Is that right?

17 A. Yes, ma'am.

18 Q. Okay. Did you ever know the defendant, Mr. --

19 A. No.

20 Q. -- Scott?

21 No.

22 Okay. So you never met him?

23 A. No.

24 Q. And---

25 THE COURT: You need to speak up, sir, please.

Mitchell Thomas, Sr. - Direct examination
By Solicitor Lively

1 Q. Yeah. As a matter of fact, if you want to kind of
2 scootch the chair up just a little bit. That might help you
3 a little bit.

4 Now, do you remember whenever Gene and his mother
5 Billie were found in the home?

6 A. Yeah, I heard about it, yeah.

7 Q. Okay. All right. So, tell me, on June 20th, 2020,
8 the Saturday before Father's Day, what, if anything, you and
9 your son witnessed on that day that---

10 A. I did---

11 Q. ---caught your eye?

12 A. Didn't really witness anything. I heard, I heard the
13 shots. Like multiple shots --

14 Q. Okay.

15 A. -- two in a little space, another one, and possibly
16 another one after that. It's been a while.

17 Q. I understand.

18 All right. So, let me back you up just a little bit.

19 when you were -- were you and Mickey together that day
20 whenever you were heading home before you heard the shots?

21 A. No.

22 Q. You weren't.

23 where were y'all going?

24 A. He was -- he wasn't with me.

25 Q. Oh.

Mitchell Thomas, Sr. - Direct examination
By Solicitor Lively

1 A. I was in the dog pen cleaning the dog pen, which is
2 straight up from there. Three hundred yards is Geno's house
3 probably.

4 Q. Got you.

5 A. Yeah.

6 Q. All right. And while you were in there cleaning up the
7 dog pens, was that around dusk or was it dark or, or what?

8 A. Probably an hour to hour and a half, two hours,
9 something like that before dark.

10 Q. Okay. And, and so you're in there and you're cleaning
11 the, the dog pens and then you've described the shots that
12 you've heard.

13 when you say muffled, when you normally hear shots
14 around there, what does it sound like?

15 A. It has an echo to it.

16 Q. Okay.

17 A. You know, when you fire a shot outside, you'll hear it
18 echo. But this was just a muffled shot. I thought it was
19 either at Geno's, which would of been strange to start with
20 being that Geno's house is in the middle of a house -- bunch
21 of houses. So --.

22 Q. All right.

23 A. And I figured maybe, if it wasn't there, it was on the
24 other side over that hill there somewhere.

25 Q. Over the hill somewhere?

Mitchell Thomas, Sr. - Direct examination
By Solicitor Lively

1 A. Yeah.

2 Q. Okay. But did -- but in your prospective in your
3 testimony that it sounded like it was around Geno's house?

4 A. Yeah.

5 Q. Okay. Now, did anyone come and talk to you from law
6 enforcement on that day to ask you if you knew Mr. Rogers or
7 if you had heard or seen anything the day before?

8 A. They came down, yeah. I was thinking it was two days
9 after. But I'm not sure.

10 Q. About two days after?

11 A. Yeah.

12 Q. Okay. And, at that point in time, did you tell her
13 what you heard or saw?

14 A. Yeah.

15 Q. You did.

16 Do you remember who you talked to?

17 A. No, I don't.

18 Q. You don't.

19 Okay. That's fine. That's fine.

20 Was it someone from Chester County Sheriff's Office?

21 A. Probably, yeah.

22 Q. Probably.

23 Now, did you get to actually talk to some additional
24 officers from another agency more recently about what you
25 saw?

Mitchell Thomas, Sr. - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. All right. Was that with the South Carolina Law
3 Enforcement Division?

4 A. I guess that's who they were. There was a little young
5 girl with them too. That was kind of strange. I didn't
6 know. But they were going over what happened in the area
7 and talking to I guess people around in there.

8 Q. I'm---

9 A. They just stopped by.

10 Q. All right. Were you with Mickey whenever he was coming
11 home that night and saw a vehicle?

12 Were you with him during -- at that point in time, like
13 a different vehicle---

14 A. I don't---

15 Q. ---in the area?

16 A. I don't think he was with me then. He saw I think what
17 he said the vehicle was closer than where I saw it --

18 Q. Okay.

19 A. -- yes, ma'am. But -- so there's two different times.

20 Q. Okay. And that -- that's my question and I just wanted
21 you to clarify that.

22 Did you actually see a vehicle on Fawn Street on that
23 day that caught your attention?

24 A. Not on that day. Not till I heard about it I didn't
25 even pay attention to cars being around there.

Mitchell Thomas, Sr. - Direct examination
By Solicitor Lively

1 Q. Okay.

2 A. But --.

3 Q. All right. All right. So, you didn't see the same
4 vehicle that your son saw?

5 A. I don't really know. It was a dark blue vehicle.

6 But---

7 Q. Okay.

8 A. ---all I could see was the back end of it. So,
9 couldn't really tell you what it looked like other than
10 that.

11 Q. I understand.

12 Do you remember when that was that you saw the vehicle?

13 A. A few days after.

14 Q. Okay.

15 A. And we'd saw it probably -- I've seen it there maybe
16 eight or ten times. But --.

17 Q. Okay.

18 A. I was thinking it was somebody that was just looking to
19 buy that property or whatever back then.

20 Q. Okay. And the property that you're talking about would
21 be -- and I'll just show this to you and you can see---

22 A. The clearing on there.

23 Q. The clearing on there.

24 A. Yes.

25 Q. You've already seen that?

Mitchell Thomas, Sr. - Direct examination
By Solicitor Lively

1 A. Yeah.

2 Q. Okay. But on the night when you heard the shooting,
3 did you see that vehicle at any point the night of the
4 shooting?

5 A. No, I didn't go anywhere from the house.

6 Q. Okay. All right. And so you were not with Mickey
7 whenever he had left the house at all?

8 A. No.

9 Q. All right. I'm -- thank you for clearing that up. I
10 appreciate that.

11 All right. Hold on just a second.

12 THE COURT: Sure.

13 (Pause.)

14 Q. All right. Thank you so much, Mr. Thomas. I
15 appreciate it. Answer any questions the defense may have.

16 MR. FRICK: Just briefly.

17 CROSS-EXAMINATION

18 BY MR. FRICK:

19 Q. You, you said it was a couple shots and then maybe a
20 pause and a couple more shots?

21 A. Yeah.

22 Q. Okay. And, and I know these sounded -- they sounded
23 different but that -- there -- there's shooting that happens
24 out there all the time, right?

25 A. Oh, yeah, there's shootings all the time. You can, you

Mitchell Thomas, Sr. - Cross-examination
By Mr. Frick

1 can hear the echo. You can hear them shooting, yeah.

2 Q. Okay.

3 A. I'm post -- about say you could stand out there
4 everyday and hear shooting around there. So --.

5 Q. Got you. Got you. And I know you don't know exactly
6 what time this was but were you feeding your dogs at that
7 period of time?

8 A. No, cleaning the pen. I---

9 Q. Okay.

10 A. I know it was in the evening. I, I always wait till it
11 gets cooler in the evening to clean the pen or whatever.

12 Q. Especially that time of year?

13 A. Yeah. Yeah.

14 Q. Okay. So it was before sunset?

15 A. Yeah.

16 Q. Okay. All right. And you said Mickey was not with you
17 when this was going on?

18 A. No.

19 Q. Okay.

20 A. No.

21 Q. And you do not recall seeing a car down Fawn, Fawn
22 or -- lane, lane, drive?

23 I'm sorry. I can't remember which it is, on the---

24 A. Fawn Street, yeah.

25 Q. Okay. Street.

Mitchell Thomas, Sr. - Cross-examination
By Mr. Frick

1 You don't -- you didn't see that car that particular
2 day?

3 A. No, I didn't leave the house that evening. Once it got
4 dark, I wouldn't leave the house.

5 Q. All right.

6 All right. Beg the Court's indulgence one second.

7 THE COURT: Sure.

8 (Pause.)

9 Q. Thank you, sir.

10 A. All right.

11 Q. That's all the questions I have.

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

13 THE WITNESS: Thank you.

14 SOLICITOR LIVELY: Your Honor, may we approach just for
15 a moment?

16 THE COURT: Sure. Sure.

17 I'm gonna do the side.

18 (WHEREUPON, a bench conference was held out of the
19 hearing of the jury at this time.)

20 THE COURT: All right. Ladies and gentlemen, the State
21 has one more witness for the day. But I've got some legal
22 issues that I need to discuss with the, with the lawyers.

23 So, I ask that you go back to the jury room. I had
24 mentioned to you yesterday, and I hope it's still good with
25 you, that we're gon' go a little bit longer today than maybe

1 we otherwise will go.

2 And so if you could just go back to the jury room and
3 we'll get you back out just as soon as we can.

4 okay?

5 (WHEREUPON, the following takes place outside the
6 presence of the jury.)

7 THE COURT: Okay. Photographs that the State wants to
8 get in with the crime scene analysis, I need -- and, and
9 earlier I mentioned about I did not see any pictures agreed
10 upon that show the bodies. You indicated that there were
11 four in that stack and I just missed it.

12 So, I, I need to see those four that you've agreed to
13 and then the stack of, of photographs that are in.

14 (Pause.)

15 SOLICITOR LIVELY: And just for a second we're gonna go
16 through them real quick so we can --.

17 THE COURT: Yeah.

18 why don't we do this, before y'all talk -- I mean
19 before you talk to me, let's go off-the-record and---

20 SOLICITOR LIVELY: Right.

21 THE COURT: ---and let's go through what we need to go
22 through.

23 SOLICITOR LIVELY: Okay.

24 (WHEREUPON, an off-the-record discussion was held at
25 this time.)

1 THE COURT: All right. Tell me, in total, with this
2 next witness, the pictures, the exhibit numbers that are,
3 are agreed to by both sides.

4 Can you give me the numbers?

5 SOLICITOR SOPRANO-CESMAT: Yes, judge, I can.

6 THE COURT: Okay.

7 SOLICITOR SOPRANO-CESMAT: Starting with No. 16,
8 State's Exhibit 16 --

9 THE COURT: Okay. Is it gon' be in ranges so we can---

10 SOLICITOR SOPRANO-CESMAT: Yes, judge.

11 THE COURT: Okay.

12 SOLICITOR SOPRANO-CESMAT: Sixteen through 35---

13 THE COURT: Okay.

14 SOLICITOR SOPRANO-CESMAT: ---are in.

15 THE COURT: All right.

16 SOLICITOR SOPRANO-CESMAT: And then we've got 45
17 through -- did they object to 60?

18 SOLICITOR LIVELY: Yes.

19 SOLICITOR SOPRANO-CESMAT: Yes.

20 So, 45 through 60 --

21 THE COURT: Okay.

22 SOLICITOR SOPRANO-CESMAT: -- or through 59. I'm
23 sorry.

24 MR. FRICK: Fifty-nine.

25 SOLICITOR SOPRANO-CESMAT: Excuse me.

1 THE COURT: Fifty-nine.

2 SOLICITOR SOPRANO-CESMAT: Sixty we've got an
3 objection.

4 THE COURT: Okay.

5 SOLICITOR SOPRANO-CESMAT: Sixty-one through 86.

6 THE COURT: Okay.

7 SOLICITOR SOPRANO-CESMAT: I apologize. That's a
8 bigger range. I flipped pages. Eighty-seven through 104.

9 THE COURT: Wait a minute.

10 You had 61 through 86 and then 87 through --?

11 SOLICITOR SOPRANO-CESMAT: 105.

12 THE COURT: 105.

13 Okay.

14 SOLICITOR SOPRANO-CESMAT: One hundred four. One
15 hundred five is in dispute.

16 THE COURT: Okay.

17 SOLICITOR SOPRANO-CESMAT: One hundred six through 136.

18 THE COURT: Okay.

19 SOLICITOR SOPRANO-CESMAT: And the rest of them are
20 coroner's photos. So we won't need to address them until
21 tomorrow.

22 THE COURT: Okay. All right. And then give me the
23 exhibit numbers for those pictures that are in dispute.

24 MS. BOULWARE: Okay. We have 105.

25 THE COURT: One hundred five.

1 MS. BOULWARE: And then 60. 6-0.

2 THE COURT: Sixty.

3 Okay.

4 MS. BOULWARE: And then---

5 SOLICITOR SOPRANO-CESMAT: We've got a range of
6 numbers, 36---

7 MS. BOULWARE: Thirty-six through 44.

8 SOLICITOR SOPRANO-CESMAT: ---through 44.

9 THE COURT: Okay. All right. So pictures in dispute,
10 105, 60, and 36 through 44?

11 MS. BOULWARE: Yes, sir.

12 SOLICITOR SOPRANO-CESMAT: That's correct, judge.

13 THE COURT: Okay. All right. So hand to me the
14 pictures in dispute and then hand me the four pictures
15 agreed to that show the bodies --

16 SOLICITOR SOPRANO-CESMAT: Okay.

17 THE COURT: -- so I can do some comparison.

18 SOLICITOR LIVELY: It's gonna be in that stack.

19 SOLICITOR SOPRANO-CESMAT: What are your numbers of the
20 bodies?

21 MS. BOULWARE: All right. We got 49.

22 SOLICITOR SOPRANO-CESMAT: Forty-nine.

23 MS. BOULWARE: Seventy-eight or 78, 79, and 80. All
24 three of those.

25 SOLICITOR SOPRANO-CESMAT: Seventy-eight, 79, 80?

1 MS. BOULWARE: Uh-huh. (Affirmative).

2 THE COURT: Okay. And what -- Ms. Boulware, those four
3 numbers again please?

4 MS. BOULWARE: Forty-nine, 78, 79, and 80.

5 THE COURT: Okay. All right. Okay. So, if you can
6 hand me the two sets, pictures in dispute and then the four
7 body pictures that are in -- agreed to.

8 MS. BOULWARE: I'm putting dispute and agreed on here
9 to keep it simple.

10 SOLICITOR LIVELY: I thought 49 was already in.

11 SOLICITOR SOPRANO-CESMAT: Forty-nine is in.

12 SOLICITOR LIVELY: Yeah, 49's already in.

13 MS. BOULWARE: Yeah, we probably stipulate earlier.

14 SOLICITOR LIVELY: Yeah.

15 MS. BOULWARE: That's fine.

16 So, strike 49 with -- it's already been admitted,
17 judge.

18 SOLICITOR SOPRANO-CESMAT: That's just the CAD sheet,
19 right --

20 THE COURT: Okay.

21 SOLICITOR SOPRANO-CESMAT: -- or the---

22 SOLICITOR LIVELY: No.

23 SOLICITOR SOPRANO-CESMAT: That's looking in from the
24 kitchen into the living room. Yeah, that's---

25 SOLICITOR LIVELY: Yeah.

1 SOLICITOR SOPRANO-CESMAT: That's put in earlier.

2 THE COURT: Oh, that's in -- yeah. Okay.

3 MS. BOULWARE: I do recall that now.

4 SOLICITOR LIVELY: Yeah.

5 THE COURT: So we got three pictures of the bodies that
6 are agreed to?

7 MS. BOULWARE: Unless you want to see 49, judge, just
8 for comparison purposes.

9 THE COURT: Well, let's, let's -- all right. Give me
10 49. I'll see it for the analysis.

11 SOLICITOR LIVELY: And do you want me to go ahead and
12 bring my witness up to testify about the relevance of the
13 ones or you want to take a look---

14 THE COURT: Yeah, the---

15 SOLICITOR LIVELY: ---at it first?

16 THE COURT: Let me just take a quick peek.

17 SOLICITOR LIVELY: Sure.

18 THE COURT: Okay.

19 (Pause.)

20 SOLICITOR LIVELY: And did y'all have a -- I don't
21 remember if I asked you if you had an objection to that.

22 MS. BOULWARE: We didn't.

23 SOLICITOR LIVELY: All right. So, 169's gonna be in
24 without objection. I'm not sure if we told you that or not.
25 I know we got the big map in.

1 (WHEREUPON, State's Exhibit No. 169 was received into
2 evidence at this time.)

3 SOLICITOR LIVELY: Your Honor, may we take like a five
4 minute break while you're looking through those?

5 THE COURT: Sure. Yeah.

6 SOLICITOR LIVELY: I know -- just one quick little
7 break.

8 THE COURT: Yeah. Sure.

9 (WHEREUPON, a short recess was taken at this time.)

10 THE COURT: Back on the record.

11 Let me just make some just kind of preliminary
12 observations. Not necessarily a ruling concerning these
13 pictures but what I've been able to, to determine.

14 Okay. Thirty-nine, 40, and 41, and I don't know if
15 that's gonna help you because you don't have the pictures in
16 front of you, but 39, 40, and 41 show basically the very
17 same thing and the location of both bodies on -- and so I, I
18 think choose between one of three because it is just --
19 basically is the same thing.

20 SOLICITOR LIVELY: Yes, sir, I -- we've got it
21 documented as you could also see the shell casing in the
22 kitchen and that was one of the reasons that---

23 THE COURT: Okay. well then---

24 SOLICITOR LIVELY: ---we wanted to -- but I need to
25 look at it.

1 THE COURT: Right. And the -- well, and all three show
2 the shell casings --

3 SOLICITOR LIVELY: Okay.

4 THE COURT: -- a shell casing.

5 SOLICITOR LIVELY: Okay.

6 THE COURT: And so, my, my preliminary thought is just
7 pick one of the three. No excessive blood. Doesn't really
8 show any blood.

9 So, my thinking would be that the State would be
10 entitled to one but not all three cause they are basically
11 the same thing.

12 SOLICITOR LIVELY: Okay. Let me see cause I've got
13 everything on my flash drive. So, I want to remove it
14 before I do my presentation.

15 THE COURT: Okay.

16 SOLICITOR LIVELY: So I'd like to see which ones --.

17 THE COURT: All right. So show those to Ms. Boulware,
18 and, and unless there's just a, a, a big dispute, I think
19 one should be able to come in but not all three.

20 SOLICITOR LIVELY: Okay.

21 (Pause.)

22 THE COURT: Okay. Is that 41, 42, 43?

23 Okay.

24 SOLICITOR LIVELY: Sir?

25 THE COURT: Forty-one, 42, and 43 that --.

1 SOLICITOR SOPRANO-CESMAT: No, judge. It's 39, 40, and
2 41.

3 THE COURT: what'd she say?

4 THE BAILIFF: Thirty-nine, 40, and 41.

5 THE COURT: Okay. All right.

6 MS. BOULWARE: Yeah, the 41 for -- those are all --.

7 THE COURT: Okay.

8 MS. BOULWARE: Yeah, that's---

9 THE COURT: Just take a look.

10 Okay. You haven't given preference on --?

11 MS. BOULWARE: Judge, I just want to put on the record
12 we maintain our objection to all of these. So, I hate to
13 say I have a preference --

14 THE COURT: Okay.

15 MS. BOULWARE: -- less the Court of Appeals go---

16 THE COURT: Right.

17 MS. BOULWARE: ---well you waived your objection.

18 THE COURT: Well, I mean you want it -- possibly the
19 only testimony that I'm gon' need to hear from your witness
20 to make a determination would be the ones 60, 44, 42, 38,
21 37, and 36 was a lot of blood in each one. That's probably
22 what I'm gonna need to have testimony on.

23 So, if you want to go ahead and put your arguments on
24 the record, and then I think I can rule on, on the others
25 without hearing the testimony.

1 So, your objection to all those in dispute, 105, 60,
2 and 36, 44, Ms. Boulware.

3 MS. BOULWARE: Yes, sir.

4 Now I'm gonna switch around my argument and because the
5 video is now in evidence, I would say that a lot of these
6 photographs are cumulative to what they already have that
7 they can actually rewind, focus in on, pause, however they
8 want to look at it.

9 THE COURT: Yeah.

10 MS. BOULWARE: So, judge, we would just maintain that
11 those are cum -- now cumulative to the video and absolutely
12 more prejudicial than probative because not only do they
13 have the video they can look at, if they have these in front
14 of them, that's just -- again, it's cumulative. It's just
15 doubling the prejudice -- prejudice against my client.

16 THE COURT: All right. Solicitor.

17 SOLICITOR LIVELY: I'd respectfully disagree.

18 Here's the thing. One of the arguments she made about
19 getting the video in was because or whenever I was talking
20 about the video is I said it is an overview quickly of him
21 going in. So, this is like a snapshot of, of the actual
22 evidence that was collected by our crime scene investigator.

23 So, that's completely different. It is not him going
24 in and sweeping the house and what he immediately observed
25 in order to contradict, to some extent, what the defendant

1 has been telling other people after the murders occurred.

2 So, a lot of that was his statement of I was only five
3 to ten seconds opening the door, what I saw, what he's
4 saying was present in the crime scene that you would of
5 observed like our -- like Powell did.

6 So, this is very specific and, yeah, I'm willing to
7 definitely argue in regards to this is not cumulative at all
8 because the jury has seen that. However, that was another
9 reason why Your Honor said that you didn't have a problem
10 with it coming in because it was such a quick view of the
11 victims in the home that you did not find it to be something
12 that would be prejudicial.

13 But -- so I would like to talk about the ones that she
14 has a problem with and the State has looked at those three.
15 We would like to keep 40 in and we would be okay with 39 and
16 41 being removed from my presentation. We'll do that.

17 SOLICITOR LIVELY: Okay. Which ones, thirty---

18 THE COURT: Let me just stop you right there.

19 Ms. Boulware, any other basis for -- in general as to
20 the 105, 60, and 36, and 44 not coming into evidence other
21 than your argument that they are cumulative to what is shown
22 in the power -- bodycam---

23 MS. BOULWARE: Well---

24 THE COURT: ---video?

25 MS. BOULWARE: Well, judge, I think they also just

1 serve to shock the conscience. I mean we -- she's already
2 got pictures representing -- they're not un-similar to each
3 other and I think the, the, the graphic nature of those
4 pictures is unnecessary to get across to the jury what the
5 crime scene looked like.

6 THE COURT: Okay. All right.

7 Okay. Now, so, concerning 39, 40, 41, I'm gonna allow
8 one of those into evidence and you've selected 40---

9 SOLICITOR LIVELY: Yes, sir.

10 THE COURT: ---to be the one?

11 SOLICITOR LIVELY: Yes, sir.

12 THE COURT: Okay. And -- okay.

13 (WHEREUPON, State's Exhibit No. 40 was received into
14 evidence at this time.)

15 THE COURT: All right. Now, the next point, I find
16 that 43 is cumulative to 80 which has been agreed to.

17 SOLICITOR LIVELY: All right.

18 THE COURT: It shows Gene's left arm with the marks on
19 it and, and, and the defense has agreed to, to 80 coming in
20 as basically the, the only difference is it has Evidence
21 Marker Number 1. It shows, it shows the marks on the arm.

22 SOLICITOR LIVELY: Yes. Let me see -- if I may
23 approach, Your Honor?

24 THE COURT: Yes.

25 SOLICITOR LIVELY: which two are you talking about?

1 I'm sorry.

2 THE COURT: All right. This is agreed on. That's 80
3 and this is 44 that's not agreed on and I'm, I'm saying it
4 appears to me to be cumulative notwithstanding 80 having the
5 evidence marker.

6 SOLICITOR LIVELY: Okay. I'm fine with the evidence
7 marker.

8 THE COURT: Okay.

9 SOLICITOR LIVELY: We can remove the other one.

10 THE COURT: Okay. You're removing, removing 80.

11 SOLICITOR LIVELY: This is 43.

12 MS. BOULWARE: Forty-three.

13 THE COURT: Forty-three. I'm sorry.

14 okay. All right. Okay. All right. All right. And
15 then -- all right. All right. One hundred five is the next
16 one. This is of, of her, of Billie, and it, it just shows
17 where -- apparently where the entrance wound may be. Not a
18 whole lot of, of blood. But -- and it -- and this is not
19 depicted on the video -- bodycam video.

20 MS. BOULWARE: Yes, sir, I think on that one we just
21 had an issue -- we understand the measurements that are on
22 there. If the solicitor would like to take the body out of
23 it, I mean she'd have the measurements.

24 THE COURT: All right. Say that again now, Ms.
25 Boulware.

1 MS. BOULWARE: well, if---

2 THE COURT: I didn't follow you.

3 MS. BOULWARE: ---if, if she wants to crop it for the
4 measurements, if that's what's she's using it for, that's
5 fine. Otherwise, there are other pictures similar to that
6 one.

7 THE COURT: Okay. Oh, you're talking -- these
8 measurements, these little white---

9 MS. BOULWARE: Yes, sir.

10 THE COURT: ---tape things?

11 MS. BOULWARE: Yes, sir.

12 THE COURT: Okay. All right. And the purpose for this
13 picture would be the measurements?

14 SOLICITOR LIVELY: No, Your Honor. I have close-ups of
15 the measurements.

16 what I'm showing at that point is our pathologist will
17 come in, subsequent to my crime scene, who will say that she
18 actually had a -- an injury to her hand and how her body was
19 at the time whenever she was -- where her -- where she was
20 hit in regards to the gunshots and that her hand had a graze
21 mark on it.

22 So, I wanted to show where she's seated and where she's
23 slumped over in relation to where the bullets, the
24 projectiles actually went into the, the fireplace.

25 THE COURT: Okay.

1 SOLICITOR LIVELY: So, it's actually her position and
2 I'll tell you, and I hate to say this in front of the
3 family, this is the least graphic one that I could find and
4 she knows because she has seen---

5 THE COURT: All right.

6 SOLICITOR LIVELY: ---all of them in regards to, to
7 that as well as the fact that the defendant says, on his --
8 on the tape, on -- that he actually saw blood coming out of
9 her ear. So, I wanted to document which side of her head
10 that was as well in regards to his statement.

11 THE COURT: All right. Okay. All right. I will allow
12 105 in.

13 (WHEREUPON, State's Exhibit No. 105 was received into
14 evidence at this time.)

15 THE COURT: All right. Now, what is left -- and this
16 is where I'm gon' need to probably hear some testimony from
17 the crime scene analysis. She's -- sixty, 44, 42, 38, 37,
18 36. I apologize. It's a bit not in sweet -- sequence. But
19 all of these show extensive amount of blood.

20 SOLICITOR LIVELY: Yes.

21 THE COURT: And so, you know, you know, first -- at
22 first blush, first glance, you know, pretty, pretty graphic.
23 So, I'm gonna need to hear why those should come in or any,
24 any of them should, should come in because -- and, and
25 primarily it's all with respect to -- it looks like it's all

1 with respect to Gene as far as the extensive amount of
2 blood.

3 SOLICITOR LIVELY: Yes, sir.

4 THE COURT: So, any other arguments that you lawyers
5 want to put on the record before we take the testimony from
6 the crime scene person?

7 SOLICITOR LIVELY: If I could grab those from you, Your
8 Honor --

9 THE COURT: Okay.

10 SOLICITOR LIVELY: -- so I can actually refer to them?

11 MS. BOULWARE: That's what I was gonna say.

12 SOLICITOR LIVELY: That's part of the -- I, I
13 understand you gave us some numbers but I want to know --

14 THE COURT: Okay. All right. Yeah.

15 SOLICITOR LIVELY: -- what I'm---

16 THE COURT: These are the ones with -- that I'm
17 characterizing as a lot of blood and then I will give back
18 to you the one I'm allowing in of, of Billie that you can
19 just talk about. And then I'm gonna give you back the four
20 that are agreed to.

21 All right. Agreed to. This is what I'm allowing in
22 and these are the ones we -- that I'm gonna --.

23 SOLICITOR LIVELY: I want to see the ones that we're --
24 that's he's saying that---

25 SOLICITOR SOPRANO-CESMAT: Yeah.

1 SOLICITOR LIVELY: -- have a lot of blood.

2 (Pause.)

3 THE COURT: Yeah, if y'all can work some of that out,
4 that'd be great.

5 (Pause.)

6 THE COURT: We, we can go off-the-record right now,
7 Jenny. They're, they're just all talking.

8 (WHEREUPON, an off-the-record discussion was held at
9 this time.)

10 THE COURT: Let's go back on the record.

11 All right. Out of the ones that the -- were in
12 dispute, we've now reached an agreement.

13 SOLICITOR LIVELY: Yes, sir.

14 THE COURT: Okay.

15 SOLICITOR LIVELY: I know for a fact that we agree to
16 remove 38 and 42.

17 THE COURT: Give me those again.

18 SOLICITOR LIVELY: Thirty-eight and 42.

19 MS. BOULWARE: Forty-two.

20 (Pause.)

21 SOLICITOR LIVELY: All right. So we're still disputing
22 36, 37, and 44.

23 THE COURT: Okay. Still in dispute. Still in dispute
24 --?

25 SOLICITOR SOPRANO-CESMAT: That's 36 I believe.

1 Thirty-seven should be still over there.

2 THE COURT: So the pics still in dispute --?

3 SOLICITOR SOPRANO-CESMAT: It is -- thirty-six is in
4 dispute. Thirty-seven is in dispute. Forty-four is in
5 dispute and 60's in dispute.

6 THE COURT: Okay.

7 SOLICITOR SOPRANO-CESMAT: That's all you have, right,
8 Candice?

9 SOLICITOR LIVELY: Yes.

10 THE COURT: Okay.

11 SOLICITOR LIVELY: And, Your Honor, she was gonna call
12 the solicitor so that if we, if we might be able to split up
13 her testimony, she can come in the morning.

14 THE COURT: Okay.

15 SOLICITOR LIVELY: She was checking on that.

16 THE COURT: Okay. So you need a few more minutes,
17 that's fine.

18 SOLICITOR LIVELY: No, I'm just gonna walk and just see
19 cause she --.

20 THE COURT: Okay.

21 SOLICITOR LIVELY: I know she would of had time to do
22 that by now. So I just want to -- and I'm not really sure
23 which county she's going to.

24 (Pause.)

25 SOLICITOR LIVELY: Your Honor---

1 THE COURT: Okay.

2 SOLICITOR LIVELY: ---she said she could come---

3 THE COURT: We're, we're back on the record and the
4 next witness is a SLED crime scene analysis person.

5 So, where are we with her?

6 SOLICITOR LIVELY: She can come back in the morning and
7 she would need to -- I mean if we could start right at
8 9:30 so that she could get done and get back or get on that
9 with on -- with the solicitor. She just told me that she
10 could do that.

11 So, if we want to get started?

12 THE COURT: Why don't we do this?

13 why don't we -- cause we still have some pictures.

14 why, why can't you put her up, do everything except the
15 pictures, and then --

16 SOLICITOR LIVELY: Okay.

17 THE COURT: -- and then what we can do is, when she
18 comes at 9:30, I guess probably we'll need to take some in
19 camera testimony for me to make the decision on the four
20 pictures in dispute.

21 SOLICITOR LIVELY: Okay.

22 THE COURT: And --.

23 SOLICITOR LIVELY: May I make a suggestion?

24 THE COURT: I'm, I'm always open to suggestion.

25 SOLICITOR LIVELY: I could remove these four right now

1 --

2 THE COURT: Okay.

3 SOLICITOR LIVELY: -- because I actually have them as a
4 slide.

5 Could she---

6 THE COURT: That would---

7 SOLICITOR LIVELY: She could go through and it's
8 actually kind of a quick process.

9 THE COURT: Okay.

10 SOLICITOR LIVELY: And that way she's not having to do
11 it separately. She can talk about what she's documenting as
12 she goes through the scene.

13 THE COURT: Okay. So we're not gonna deal with her
14 this afternoon with respect to 36, 37, 44, and 60?

15 SOLICITOR LIVELY: Yes, sir.

16 THE COURT: Okay.

17 SOLICITOR LIVELY: I think it's just easier to do it
18 that way.

19 THE COURT: Okay.

20 SOLICITOR LIVELY: I'll take them out of my slide
21 presentation --

22 THE COURT: All right.

23 SOLICITOR LIVELY: -- and we can deal with that---

24 THE COURT: Then we can deal with those.

25 SOLICITOR LIVELY: Yes, sir.

1 THE COURT: Okay. Let me just, for the record, so the
2 record's clear, and y'all, y'all check behind me, I'm gonna
3 just cover what we've got concerning pictures.

4 Pictures agreed to, 16 through 35, 45 to 59, 61 to 86,
5 87 to 104, 106 to 136. The State agreed to remove from
6 evidence 38 and 42.

7 Pics still in dispute, 36, 37, 44, and 60.

8 I found that 39, 40, and 41 was cumulative. So the
9 State picked 40 to put in.

10 I ordered 43 to be removed since it was cumulative to
11 80, which was agreed to, and then I allowed 105 to come in
12 because it's going to aid the pathologist when he testifies
13 about the position of the hands. So, the position of Billie
14 would be important concerning 105.

15 So I know I went kind of fast through that. But
16 hopefully that's an accurate summary of where we are with
17 respect to the pictures.

18 (WHEREUPON, State's Exhibit Nos. 16 through 35, 45
19 through 59, 61 through 104, and 106 through 136 were
20 received into evidence at this time.)

21 THE COURT: Okay. Solicitor Cesmat, you were shaking
22 your head yes?

23 SOLICITOR LIVELY: Oh, yes, sir. Yes, sir.

24 THE COURT: No. No, this, this solicitor back here.

25 SOLICITOR SOPRANO-CESMAT: Yes, sir, judge, and that's

1 correct---

2 THE COURT: I think I'm correcting---

3 MR. FRICK: ---based on my---

4 THE COURT: ---what I miss -- stated, stated.

5 Okay.

6 SOLICITOR SOPRANO-CESMAT: Based on my spreadsheet,

7 yes, sir.

8 THE COURT: All right. Okay. Very good.

9 All right. Well, thank you---

10 MS. BOULWARE: Judge?

11 THE COURT: ---for whittling it down to what, what I
12 still have to decide on. I appreciate that.

13 MS. BOULWARE: And just for my purposes for objection
14 purposes, I would be objecting to 105 and 40 or renewing
15 objection to 105 and 40.

16 THE COURT: Right.

17 MS. BOULWARE: Okay.

18 THE COURT: Okay. So we gon' cover what we can today
19 with her now and then probably we would start back at 9:30
20 with a little in camera testimony from her concerning the
21 four pictures in dispute. So, I'll probably have the jury
22 come back at 10:00. That should give us enough time.

23 SOLICITOR LIVELY: Okay. would that work?

24 (Pause.)

25 SOLICITOR LIVELY: Let me show you what I did so you'll

1 know. I've got SLED CSI, all the ones we've agreed in one
2 folder. These are the four that are in dispute and I've
3 actually put them there.

4 okay?

5 MS. BOULWARE: Yeah.

6 SOLICITOR LIVELY: So we're just gonna be doing this --
7 these right here. And then if he rules that they come
8 out---

9 MS. BOULWARE: Uh-huh. (Affirmative).

10 SOLICITOR LIVELY: ---I'll completely remove them from
11 the flash drive.

12 MS. BOULWARE: Okay.

13 SOLICITOR LIVELY: Got it.

14 (Pause.)

15 MS. BOULWARE: I'll go through---

16 SOLICITOR LIVELY: Not right now.

17 MS. BOULWARE: I'll go through them later.

18 SOLICITOR LIVELY: Okay.

19 MS. BOULWARE: I can do it. Yeah.

20 SOLICITOR LIVELY: I'm sorry.

21 MS. BOULWARE: No, that's fine.

22 SOLICITOR LIVELY: Okay.

23 MS. BOULWARE: Because, of course, mine are just the
24 image numbers that were never sent.

25 SOLICITOR LIVELY: That's what we did.

1 SOLICITOR SOPRANO-CESMAT: They're written on the back.

2 MS. BOULWARE: Lovely.

3 SOLICITOR LIVELY: We've already done your job for you.

4 MS. BOULWARE: Look at you.

5 SOLICITOR LIVELY: All right.

6 MS. BOULWARE: Awesome.

7 SOLICITOR LIVELY: We're ready.

8 MS. BOULWARE: I will do that.

9 THE COURT: All right. Let's bring the jury out.

10 (WHEREUPON, the following takes place within the
11 presence of the jury.)

12 THE COURT: All right. Let the record reflect the
13 jury's back in.

14 Ladies and gentlemen, we're gonna start with the last
15 witness for the State today. We're not gonna take all her
16 testimony. We'll finish her testimony up in the morning.
17 But the State's gonna start with her now. And so, as soon
18 as we finish that, then we'll, we'll be finished for the
19 day.

20 Thank you for your patience and understanding.

21 SOLICITOR LIVELY: Yes, sir, Your Honor.

22 The State would call Jennifer Hunton to the stand.

23 THE COURT: Okay.

24 THE CLERK: Please raise your right-hand. Place your
25 left-hand on the Bible and state your full name.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 THE WITNESS: Jennifer Hunton.

2 JENNIFER HUNTON, being first duly
3 sworn, testified as follows:

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY SOLICITOR LIVELY:

7 Q. Hi. Please tell the jury where you're currently
8 employed.

9 A. I'm employed with the South Carolina Law Enforcement
10 Division also known as SLED.

11 Q. And your name is Jennifer Miller Hunton.

12 Is that correct?

13 A. Jennifer Hunton. Miller was my maiden name.

14 Q. Your maiden name.

15 Is that the name that's actually on your report from
16 this particular case that you worked the crime scene on from
17 June of -- 21st, 2020?

18 A. Yes, ma'am.

19 Q. All right. And in your job as SLED crime scene, what
20 are the duties that you have in regards to showing up to
21 assist in a death investigation?

22 A. So, we assist any local law enforcement agencies in the
23 State of South Carolina. When we get requested, we respond
24 to whatever county or department, wherever the scene
25 location is. We meet with their lead investigators, do an

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1 initial walk-through of the scene to see what we have, and
2 we document and collect evidence.

3 Q. All right. And did you do that on this scene back in
4 June of 2020?

5 A. Yes, ma'am.

6 Q. All right. Tell the jury what time -- now, do you do
7 an investigative summary of everything you do whenever you
8 actually arrive to assist on a particular crime scene?

9 A. Yes, we have our crime scene report that's known as our
10 crime scene notes.

11 Q. All right. And whenever you fill that out, did you
12 provide information like who you talked to, what the
13 temperature was on that day, what the weather was like, and
14 what time you got there, and all these general types of
15 things?

16 A. Yes, ma'am.

17 Q. All right. If you will tell the jury the answer to, to
18 those matters I just brought up.

19 Tell us what you observed and what the day was like.

20 A. The call came in at approximately 1:09PM is when our
21 dispatch notified us and we responded to Chester. The
22 weather was clear and 93 degrees that day. We arrived on
23 scene at approximately 2:25PM and met with Investigator
24 Ritchie -- Rikki Burch.

25 Q. And when you met with Rikki Burch at that time, was she

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1 able to provide you some information about what you were
2 able to walk into and see when you went into the actual
3 scene?

4 A. Yes, ma'am.

5 Q. Okay. What information did she provide to you?

6 A. She advised that there were two victims inside the
7 residence that had suffered multiple gunshot wounds and the
8 grandson of one of the victims discovered the victims and he
9 was still present on scene.

10 Q. Did you ever -- do you go and actually talk to or
11 interview witnesses on a scene?

12 A. No, ma'am.

13 Q. All right. So, is it your job solely to actually, as
14 you said, document evidence, a scene, and collect evidence?

15 A. Yes, ma'am.

16 Q. All right. And that's what you did that day, correct?

17 A. Correct.

18 Q. All right. So, while you were there, did you actually,
19 as you went into the home, was one of the things you did
20 start taking pictures of the scene itself?

21 A. Yes, ma'am.

22 Q. Now, one of the things that you do when you take
23 pictures -- what are you trained to do in regards to how you
24 do those pictures?

25 A. So, we take three types of photographs. They're called

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1 overall, midrange, and close-up photographs. Our overall
2 photographs are capturing the scene in its, in its entirety.
3 Midrange are, for example, like pieces of evidence in
4 relation to other pieces of evidence or landmarks within the
5 crime scene. And our close-up photographs are zoomed in
6 close-up pictures of a particular item.

7 Q. Okay. It's like -- for instance, in this particular
8 case where a victim was actually on -- located on the floor,
9 do you recall that?

10 A. Yes, ma'am.

11 Q. All right. So, would one of those photos be a back-up
12 to get the -- that victim in the photo and then a shell
13 casing was found later on and then you would move in closer
14 to show where it was in proximity to the body?

15 Is that a fair assessment?

16 A. Yes, ma'am.

17 Q. Okay. All right. Now, in the photographs that were
18 taken, several of them have already been introduced into
19 evidence and admitted by consent or stipulated to by the
20 defense.

21 Are you prepared at this time to discuss the photos
22 that were taken on that day and the crime scene and what you
23 observed?

24 A. Yes, ma'am.

25 Q. Okay. Let's do that then for the jury.

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1 Okay. And do you recall about how many photographs you
2 actually took for this particular scene?

3 A. I'm not sure of the exact number.

4 Q. That's okay.

5 And I'm gonna show you what's already in evidence as
6 State's Exhibit No. 169 and I know we'll talk about this in
7 a, a little while.

8 But is this something that you actually prepared for --
9 as a part of your crime scene documentation in your report?

10 A. Yes, ma'am.

11 Q. Okay. All right. And this is obviously not to scale,
12 correct?

13 A. Correct.

14 Q. All right. And is this to identify the different
15 markers that we're gonna be seeing that you put down with
16 the different pictures that were taken in evidence
17 collected?

18 A. Yes, ma'am, it's a bird's-eye view over atop of the
19 residence or crime scene.

20 Q. Okay. So we'll, we'll discuss that as we go.

21 All right. I'm gonna hand you these and they're in the
22 same order. If you would please just, before we talk about
23 something, will you just state what the State's Exhibit No.
24 is on the back of the, of the photograph?

25 A. Okay.

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1 Q. Okay. What are we seeing here in this particular
2 picture?

3 A. This is State's Exhibit 9. This is the blue Mustang
4 that was parked in the driveway outside the residence.

5 Q. Okay. And did you know at the time whose blue Mustang
6 that was?

7 A. Chester County advised us that it had, had belonged to
8 one of the victim's grandson.

9 Q. Okay. And what do you show on here in this particular
10 photo?

11 What is this---

12 A. The---

13 Q. It's State's Exhibit what?

14 A. State's Exhibit 10, that is an overrule picture of the
15 front driver's seat of the blue Mustang.

16 Q. Do you recall collecting anything out of the Mustang,
17 Mrs. Hunton?

18 A. We collected a handgun out of the center console.

19 Q. Okay. Let me go through a couple more photos and is
20 this the -- what are we seeing here?

21 Is this the center console you're referring to?

22 A. That is a picture taken from the passenger side of the
23 vehicle and the center console can be seen in that photo.

24 Q. Okay. And that is which State's Exhibit?

25 A. State's Exhibit 11.

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1 Q. All right. And then what are we looking at here?

2 I know it's kind of hard to see but what is this that's
3 leaned over?

4 A. This is State Exhibit 12 and that is the front
5 passenger seat --

6 Q. Okay.

7 A. -- and that's behind the front passenger seat in the
8 back of the vehicle.

9 Q. Okay. Do you recall collecting anything out of that
10 backseat of items that were in the vehicle?

11 A. No, ma'am.

12 Q. All right. All right. What exhibit is this?

13 A. This is State Exhibit 13 and---

14 Q. Okay.

15 A. ---that is the center console with the lid opened.

16 Q. All right. And what is it that you recover from the
17 center console?

18 A. The handgun that is pictured.

19 Q. All right. And what is that hand -- that handgun
20 actually collected as evidence in this particular case?

21 A. Yes, ma'am.

22 Q. Okay. Now, what are we seeing in this particular
23 picture?

24 What's the view that we're getting from that one?

25 A. This is State's Exhibit 16. That is a overall view

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By Solicitor Lively

1 from the driveway shooting towards the front exterior of the
2 residence.

3 Q. All right. And then do you actually document the
4 vehicles and their license tag numbers so that you can -- so
5 law enforcement can follow-up on who they belong to?

6 A. Yes, ma'am.

7 Q. Okay. So, what are, what are you documenting in this
8 particular picture and I think is -- is it State's 17?

9 A. This is State's Exhibit 17, yes.

10 Q. Okay. All right. And we've got that picture of the
11 car in the driveway and then we've got State's No. 18,
12 another vehicle that you documented, correct?

13 A. Correct.

14 Q. Well, did you go into those vehicles or collect
15 anything from inside either one of those vehicles?

16 A. They were documented with photographs on the inside as
17 well as the outside and they were both searched.

18 Q. Okay. All right. But was anything of evidentiary
19 value collected from either one of those vehicles?

20 A. No, ma'am.

21 Q. Okay. Thank you.

22 okay. So now this prospective. This is State's
23 Exhibit No. 19.

24 Are these -- is this where we're seeing the vehicles
25 that you just documented that were in the driveway --

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By Solicitor Lively

1 A. Yes.

2 Q. -- at this same mark?

3 Okay. So, where -- what angle are you going at at this
4 point to show to, to document in your crime scene?

5 A. This is into the front yard. We're just taking a
6 picture back from where we just came from near those
7 vehicles.

8 Q. Okay. And that's 19.

9 And then what about 20?

10 Are we just rotating around the, the home?

11 A. Yes, ma'am.

12 Q. All right.

13 A. You can still see the front porch. We're photographing
14 towards the side of that residence.

15 Q. And State's No. 21, is that what we're still doing?
16 We're going counterclockwise?

17 A. Yes, ma'am, that's moving towards the side of the
18 residence.

19 Q. All right. And this prospective in State's 22, another
20 angle, correct?

21 A. Yes, that's at the corner at the back of the residence
22 shooting back towards the front where we just were.

23 Q. And let me ask you this.

24 As we're looking at this -- I know it seems like it's,
25 it's a lot of specifics.

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By Solicitor Lively

1 Do you actually go back over that scene with like metal
2 detectors in, in order to try to see if you can find things
3 like projectiles or shell casings?

4 A. Depending on the scene.

5 Q. Okay.

6 A. But yes.

7 Q. Okay. All right. So you want to show everywhere that
8 you've set foot whenever you're, you're documenting the
9 scene.

10 Is that right?

11 A. Yes, we try to tell a story through the photos kind of
12 showing where we're going.

13 Q. Okay. All right. So, where -- is this the very back
14 of the trailer at this point?

15 A. Yes, ma'am.

16 Q. All right. And this is 23 and then 24.

17 we're continuing to move around the trailer, correct?

18 A. Correct.

19 Q. And this is State's 25.

20 Are we starting to see where the back porch area or
21 where the back steps area is?

22 A. Yes, ma'am.

23 Q. And if I -- if I'm misstating things, please correct
24 me.

25 And then what is it that we see in 26 -- in State's 26?

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By Solicitor Lively

1 A. That's on the other side still at the back of the
2 residence on the other side of the, the back porch.

3 Q. Okay. All right. So -- and then is that a close-up of
4 the back porch and the, the door?

5 A. Yes, that's State's Exhibit 27. That's showing the
6 stairs leading up to the backdoor.

7 Q. All right. And no -- did you document -- was there any
8 broken glass or damage to that door?

9 A. No, ma'am.

10 Q. All right. So now we're moving back around on the side
11 of the, the house grade and that's State's No. 28.

12 A. Yes, that's the other end of the residence.

13 Q. All right. And, again, this is a little further out.
14 Is that correct?

15 A. Yes.

16 Q. State's No. 29.

17 All right. And then here -- are those the front stairs
18 back in -- we're back in front of the trailer now.

19 Is that correct?

20 A. Yes, this is State's Exhibit 30 and that is shooting
21 towards the front porch.

22 Q. All right. So now, at this point, is this whenever you
23 begin to move into the actual crime scene area that you're
24 gonna walk into the home?

25 A. Yes.

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By Solicitor Lively

1 Q. Once you got---

2 A. We were---

3 Q. You've gotten the full view, the 360 view of the house
4 at this point?

5 A. Yes.

6 Q. Correct?

7 A. Yes, ma'am.

8 Q. All right. So now, as you go up into the -- up the
9 stairs, is there anything that, that I brought up when we
10 met -- we've met previously to talk about your crime scene
11 photos, correct?

12 A. Yes, ma'am.

13 Q. All right. Do you recall me asking you about what this
14 item was down here at the very bottom corner of the
15 stairway?

16 A. Yes, ma'am.

17 Q. Okay. About a card?

18 A. Correct.

19 Q. Yeah. And it's actually in your picture.

20 Do you know -- did, did anyone mention to you about
21 possibly collecting this card or taking it in as evidence?

22 A. No, ma'am.

23 Q. Okay. All right. If -- so, at that point in time, did
24 you even know what that card on the ground meant?

25 A. It was Father's Day and it was a greeting card that was

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By Solicitor Lively

1 --

2 Q. Okay.

3 A. -- sitting there.

4 Q. It was just sitting there.

5 Okay. All right. Thank you.

6 Now we're up on the porch and what are you documenting
7 in this picture?

8 A. This is the front porch on, on the ground. I'm not
9 sure if you can see it in that photo. We were told by
10 Chester that the grandson had thrown up on the porch.

11 Q. All right. And that's State's No. 33.

12 A. Yes, ma'am.

13 Q. Now, in 34, what, as a crime scene investigator, do you
14 see in this particular photo that was of significance in 34?

15 A. So, this is the front door. To the left of the front
16 door you see a small hole there that we refer to as a
17 suspected, suspected bullet defect.

18 Q. Okay. In my -- and what I'm pointing at, Agent Hunton,
19 is this what you're referring to up under the doorbell?

20 A. Yes, ma'am.

21 Q. Okay. And was there another bullet defect that you
22 documented that was beside the door?

23 A. Yes, ma'am.

24 Q. Okay. Where's that?

25 A. It's to the right of the front door in that -- we

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By Solicitor Lively

1 referred to it as the white underpinning.

2 Q. Okay. All right. And you took several pictures of
3 those.

4 Do you -- isn't that correct?

5 A. Yes, ma'am.

6 Q. All right. And let's go through.

7 So is this the one that I was just now, we can go back,
8 which was State's No. 34 and this -- is that a close-up of
9 the one that's on the right side of the door?

10 A. Yes, ma'am.

11 Q. Okay. And that's State's 35.

12 All right. Now, this is State's 40. In State's 40,
13 you're in the actual home at this point.

14 So, what are we seeing -- what are you documenting in
15 this particular picture?

16 A. So, this is in the living room and one victim is to the
17 left in the recliner and the other victim is on the floor
18 and the front door. You can see it towards the back of that
19 photo.

20 Q. Okay. All right. So where are you standing in that
21 prospective?

22 Do you recall?

23 A. In the living room.

24 Q. In the living room.

25 All right. And do you know what the living room opens

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By Solicitor Lively

1 up into?

2 Do you remember that?

3 A. Behind this photo's the kitchen.

4 Q. Okay. And I can actually show you on here if you --
5 this is, like I said, State's No. 169.

6 About where were you standing in regards to that
7 particular picture.

8 If we could just point to the jury?

9 A. (WHEREUPON, the witness complies.)

10 SOLICITOR LIVELY: Okay. And let the record reflect,
11 Your Honor, she's showing it right in the middle of the
12 kitchen facing into the living.

13 Is that correct?

14 A. Yes, ma'am.

15 Q. Okay. Closer---

16 A. Right---

17 Q. ---to the table?

18 A. Right by like the, the corner of the couch. You can
19 kind of see the --

20 Q. The corner of the couch?

21 A. Yes.

22 Q. Okay. I'm gonna point to it and we'll see if we can
23 make that a little, a little more clear. This would of been
24 the end corner of the couch over this way.

25 Is this correct?

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By Solicitor Lively

1 A little bit further?

2 A. A little bit further down, yeah.

3 Q. Okay. All right. Let's see if we've got a better
4 picture of that.

5 All right. Okay. Now we're turning -- and, and this
6 is State's 45. Just for prospective, we were just looking
7 at where Mr. Gene Rogers was laying. One thing I forgot to
8 ask you.

9 what is it that we see here behind him on the floor?

10 A. There is a cartridge case on the floor.

11 Q. Okay. There's a cartridge case on the floor.

12 Now, here's his feet and you got a picture here and
13 that's State's No. 45.

14 what, if anything, stood out to you in that particular
15 picture?

16 A. This is State's Exhibit 45. There's a cartridge case
17 near that green cabinet in the corner there.

18 Q. Here?

19 A. Yes, ma'am.

20 Q. All right. So, what I'm pointing to is at the bottom
21 part of the green file cabinet.

22 Is that correct?

23 A. Yes, ma'am.

24 Q. And is State's No. 46 a close-up or closer photo of
25 where that shell casing was located?

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By Solicitor Lively

1 A. Yes, ma'am.

2 Q. Okay. And what are all these things piled up over in
3 regards to where the shell casing is?

4 Was it out in the view unless you were looking at it
5 from that prospective, the shell casing?

6 A. We could see it looking---

7 Q. Right.

8 Looking towards the, the file cabinet?

9 A. Yes.

10 Q. But coming from -- if you were looking from this
11 prospective, could you see that shell casing on this side of
12 the, the --?

13 A. No, ma'am.

14 Q. Okay. Okay. Cause this is where he was laying and
15 here's the shell casing, which is 45.

16 A. Yes.

17 Q. Okay. Do you see this from 46, which is a close-up?

18 Okay. And then this is a very close-up, which is
19 State's No. 47.

20 Is that right?

21 A. Correct.

22 Q. Now all these shell casings that we're seeing, were
23 they actually collected as evidence?

24 A. Yes, ma'am.

25 Q. All right. Now, what -- this prospective, No. 48, is

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By Solicitor Lively

1 looking into what area of the home?

2 A. The kitchen.

3 Q. Okay. Now, when you took that prospective picture
4 the -- a minute ago when you were looking towards the front
5 door, would it have been like close to where this table is
6 and where's the -- in the couch?

7 Did the couch lean up against this table?

8 A. The couch is like on the other side of that pillar.
9 The paperwork that you just saw is to the left and back a
10 little further.

11 Q. Okay. Got it.

12 So, this is a better angle to show us where the couch
13 is in prospective with the kitchen?

14 A. Yes, ma'am.

15 Q. All right. And this is State's No. 49.

16 Okay. Now, this picture, State's 50, what are we
17 seeing in this picture, picture of significance?

18 A. This is in the kitchen and to the -- on the floor to
19 the left of the oven is a cartridge case.

20 Q. And what I'm circling here with my finger, is this what
21 you're referring to to the left of the stove?

22 A. Yes, ma'am.

23 Q. Okay. Okay. And just for the purposes of, of
24 clarifying to the jury, were all of these shell casings,
25 cartridge casings that you found in the home, were they all

Jennifer Hunton - Direct examination
By Solicitor Lively

1 the same caliber?

2 A. Yes, ma'am.

3 Q. And what was that?

4 A. May I refer to my --?

5 THE COURT: Sure.

6 Q. Yes.

7 THE COURT: Please. Yes.

8 A. FC 9-millimeter luger.

9 Q. Were they all 9-millimeter?

10 A. Yes, ma'am.

11 Q. All right. And is that a close-up in 51 of that shell
12 casing?

13 A. Yes, ma'am.

14 Q. Okay. Now, did you receive any information about,
15 about the pizza, pizza being delivered to the victims at any
16 point in time?

17 A. No, ma'am.

18 Q. All right. But we do have these pictures of pizza
19 boxes and -- from the kitchen.

20 Is that right?

21 A. Yes.

22 Q. Okay. Do you know anything about were there pizza --
23 was there actual pizza inside or anything like that?

24 Do you recall looking into those boxes?

25 A. I don't remember.

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By Solicitor Lively

1 Q. Okay. That's fine.

2 However, they are documented here, correct?

3 A. Yes.

4 Q. All right. Now, what are we seeing in this particular
5 picture which is State's No. 53?

6 A. This is the end of the kitchen table and a trashcan
7 that's on, on the ground on its side and that's the
8 backdoor.

9 Q. This is the backdoor, which we saw from the outside
10 that you had taken a picture of?

11 A. Yes, ma'am.

12 Q. Okay. Now, what prospective are we looking at here?
13 where are we going in this particular picture?

14 A. So, from the last photo on the -- near the backdoor,
15 that's shooting down that hallway.

16 Q. Okay. In that small narrow hallway next to the, the
17 door?

18 A. Yes, ma'am.

19 Q. This is what we're seeing in State's 54.

20 All right. So what is that a picture of?

21 A. What we're photographing towards is a bedroom right
22 there.

23 Q. Okay. All right. And now No. 55, is this a bedroom
24 that you're referring to?

25 A. Yes, ma'am.

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By Solicitor Lively

1 Q. Okay. And, in this bedroom, what are you documenting
2 at this --?

3 A. This is just an overall photograph of the bedroom.

4 Q. And what do we see here in State's No. 47?

5 A. I have this as 57.

6 Q. That's -- all right. What's the -- after that?

7 A. Fifty-eight.

8 Q. Yeah. You have to speak up. Glossed over.

9 okay. Close enough. We'll fix that.

10 So, in this particular picture, the word actually has
11 the chairs with clothes on it.

12 what are you documenting there?

13 A. Just the clothing and items that were on the chair.

14 Q. Okay. And do you know whether or not that was the
15 victim, Gene Rogers, room?

16 A. I was not aware.

17 Q. No one told you.

18 okay. That's fine.

19 All right. So, this does reflect that there's a Bible
20 in that particular picture, correct?

21 A. Yes, ma'am.

22 Q. Okay. All right. So, this particular item, Airgas,
23 did you know whether or not any of the victims worked at
24 Airgas or were you given that information?

25 A. I wasn't given that information.

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By Solicitor Lively

1 Q. All right.

2 A. Just from the photograph on the uniform and the name on
3 there.

4 Q. All right. Where are we back at now in regards to this
5 particular picture?

6 A. This is State's Exhibit 61. That's back in the living
7 room. You can see the front door to the left. And on that
8 rocking chair that's above the victim that's laying on the
9 floor, if you see the fabric kind of poking out there,
10 that's a suspected bullet defect and behind it is another
11 suspected bullet defect in the wall.

12 Q. All right. And what about this particular picture to
13 the left of the front door?

14 A. This is State's Exhibit 62 and that is another
15 suspected bullet defect in that hallway near the front door.

16 Q. Now, what is it that we're seeing -- where's the, the
17 actual living room from this prospective, this prospective?
18 which way are we looking at this point?

19 A. So this is from that back bedroom photographing down
20 that hallway. So the living room's at the end of that
21 hallway.

22 Q. So, at the end of the hallway we'd be back in the
23 living room?

24 A. Yes, ma'am.

25 Q. All right. All right. So, what is this that you

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By Solicitor Lively

1 picked up and observed here?

2 A. This is State's Exhibit 64 and it appeared to be a
3 piece of a headlamp.

4 Q. Piece of a headlamp.

5 And, once again, that's all the way at the end of
6 the -- out of -- leaving the hallway from the living room,
7 correct?

8 A. Yes, ma'am.

9 Q. And did you -- do you recall taking photographs of the
10 victim, Mr. Gene Rogers, whenever he was found?

11 A. Yes, ma'am.

12 Q. Do you recall whether or not he had something around
13 his head?

14 A. I believe so.

15 But if I refer to my report?

16 THE COURT: Sure. Please.

17 Q. Absolutely.

18 A. Yes, he had a strap around his head.

19 Q. Okay. All right. And he had a strap around his head.

20 He was -- was it a strap that -- did you know the strap
21 that would be from a headlamp such as this?

22 A. It ap---

23 Q. would that---

24 A. It appeared to be, yes.

25 Q. It appeared to be.

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By Solicitor Lively

1 Okay. All right. And what is -- well, I'll just leave
2 this one alone.

3 All right. Now here's another photograph.
4 whose bedroom is this?

5 Do you know?

6 This is from the -- 66.

7 A. I just have it labeled as Bedroom 2 I believe in my --.

8 Q. All right. Okay. All right. So, let's see.

9 Bedroom 2 would be right in this area here?

10 A. Yes, ma'am.

11 Q. Okay. All right. So we got Bedroom 2.

12 what do you document in Bedroom 2?

13 what are we seeing here?

14 A. So this is photographing from -- okay. This is State's
15 Exhibit 67. That is a nightstand next to the bed and above
16 it are suspected bullet defects in the wall.

17 Q. Okay. And is this a close-up, No. 68, of those little
18 defects that are in the wall?

19 A. Yes, ma'am.

20 Q. Okay. And where are those bullet defects coming from?

21 A. So, on the other side of that wall in the living room
22 is that corner fireplace. They're coming through there.

23 Q. Coming through the fireplace into Bedroom Number 2?

24 A. Yes.

25 Q. Okay. And where -- is this the same bedroom, Bedroom

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By Solicitor Lively

1 2?

2 A. Yes, ma'am, that's State's Exhibit 70.

3 Q. Seventy.

4 And what are we seeing?

5 Are there any bullet defects that you wanted to
6 document here?

7 A. Yes, there's one in the top drawer, and if you see at
8 the television at the corner of that wall, yes.

9 Q. Okay. All right. So you've got two bullet defects
10 there?

11 A. Yep.

12 Q. All right. And, and you document that more clearly
13 later on with, with measuring tape.

14 Is that correct?

15 A. Yes, ma'am.

16 Q. All right. And is that a close-up of the door full of
17 those defects that goes into the wall?

18 A. Yes, ma'am.

19 Q. Okay.

20 A. That's 71.

21 Q. Seventy-one.

22 Okay. And, on this particular one, State's 72, what
23 are we looking at in this particular one?

24 A. So, this is the bathroom that was located inside that
25 bedroom. So, we just saw, in the previous photo, the

Jennifer Hunton - Direct examination
By Solicitor Lively

1 dresser's on the other side of that wall and this is the
2 wall inside the bathroom.

3 Q. Okay. And is that a bullet defect?

4 This is State's No. 73.

5 A. That is one of the bullet defects --

6 Q. Okay.

7 A. -- to that wall, yes.

8 Q. Okay. And what are we seeing in this particular -- is
9 this, is this still inside that bathroom?

10 A. Yes, this is the --

11 Q. Okay.

12 A. -- cabinet above the toilet.

13 Q. All right. And what is that that you documented that
14 you see here?

15 A. It's another suspected bullet defect.

16 Q. Okay. And is that a close-up of that bullet defect?

17 A. Yes, ma'am.

18 Q. And did you actually find that particular bullet or
19 what you believed to be that bullet?

20 A. We found a projectile on the countertop in the
21 bathroom.

22 Q. Okay. All right. And what are we seeing here?

23 Is this that same bathroom?

24 A. This is 76 and, yes, that's the bathtub.

25 Q. The bathtub.

Jennifer Hunton - Direct examination
By Solicitor Lively

- 1 All right. And what is that that's in the bathtub?
- 2 That is 76 and then there's 77.
- 3 Is that the same thing?
- 4 A. This is 77. This is a close-up of the bullet -- fired
- 5 bullet that was in the bathtub.
- 6 Q. And did that fired bullet match the casings?
- 7 Not like -- I'm not talking forensically. I'm just
- 8 saying the type of bullet that was -- casings that were
- 9 found in the house.
- 10 A. That's a question for firearms.
- 11 Q. Firearms?
- 12 A. Yes.
- 13 Q. That's why I wanted to ask you.
- 14 But, at that time, were you following the, the bullet
- 15 defect pathways that you were finding in this particular
- 16 bedroom?
- 17 A. Yes.
- 18 Q. All right. And, based on that, did you then locate
- 19 that bullet in the bathtub?
- 20 A. Yes, ma'am.
- 21 Q. Okay. Is it unusual to find a bullet in a bathtub in
- 22 crime scenes?
- 23 A. It just depends on where it's traveling.
- 24 Q. Okay. That's fair enough.
- 25 All right. What is this a picture of in No. 78?

Jennifer Hutton - Direct examination
By Solicitor Lively

1 I'm not sure if that was actually -- was that -- were
2 you there whenever that picture was taken?

3 A. Yes.

4 Q. Okay. All right. So, in that particular picture, what
5 are we seeing or what's being documented?

6 A. This is the male victim on the floor.

7 Q. Okay. And, at that time, he's actually been moved.

8 Is that right?

9 A. Yes, I think --

10 Q. Okay.

11 A. -- he was rolled over.

12 Q. Okay. All right. So, that's different from his
13 original position is what I, I meant to ask a little bit
14 before.

15 A. Yes.

16 Q. Okay. And is this a picture of how he was prior to
17 being rolled over?

18 This is State's No. 79.

19 A. Yes, ma'am.

20 Q. And, at this point, is this where you're starting to
21 document the shell casings that you located?

22 A. Yes, ma'am.

23 Q. All right. And so we've got two that you've actually
24 already talked about before and one.

25 Let's see. Yeah.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 Is this the other shell casing that you found?

2 A. Yes, this is State's Exhibit 80 and that's by the male
3 victim's arm.

4 Q. And, once again, these are all 9-millimeter shell
5 casings, correct?

6 A. Yes, ma'am.

7 Q. And this one, No. 2, that's the one that we had seen in
8 State's No. 79, correct?

9 A. Yes, ma'am.

10 Q. And that's a close-up of it.

11 Is that right?

12 A. Yes, ma'am, that's 81.

13 Q. Eighty-one.

14 Okay. Now, in State's Exhibit No. 4, and we had talked
15 about this earlier, that's the shell casing you found next
16 to the stove.

17 Is that right?

18 A. Yes, ma'am, on the floor.

19 Q. On the floor.

20 All right. And that's a close-up and that's State's
21 No. 83 and then we have No. 3.

22 What one was that that we were talking about?

23 A. That's a cartridge case next to that green filing
24 cabinet in the living room.

25 Q. And we've got a Marker 9 here and, in Marker Number 9,

Jennifer Hunton - Direct examination
By Solicitor Lively

1 where -- what are we looking at in Marker Number 9?

2 A. You can see the marker number. But it's marking a
3 cartridge case that's on top of that paperwork.

4 Q. It's on top of the paperwork?

5 A. Yes.

6 Q. Were any items -- any items have to be removed in order
7 for you to visually see that particular mark -- that
8 particular item?

9 A. Yes.

10 So, in previous photos, there were more items like down
11 in here. So we're starting to move all of that to search
12 back there.

13 Q. All right. Okay. I'm going to -- this is one of the
14 ones I meant to, to show you earlier, one of your previous
15 photos of that before putting the markers down and then what
16 you have with the marker, and just ask if that's a fair
17 representation of how it looked before you put that marker
18 down.

19 A. Yes, ma'am.

20 Q. Okay. All right.

21 Your Honor, the State would move 137 into evidence.

22 MS. BOULWARE: No objection.

23 THE COURT: Without objection, 137 is into evidence.

24 (WHEREUPON, State's Exhibit No. 137 was received into
25 evidence at this time.)

Jennifer Hunton - Direct examination
By Solicitor Lively

1 Q. Okay. So, by the green filing cabinet in the top part
2 of the picture, there are blue notebooks and -- on top of
3 the papers.

4 Is that right?

5 A. Yes, ma'am.

6 Q. When you removed the blue notebook, what do you
7 discover underneath them?

8 A. A cartridge case.

9 Q. A cartridge case --
10 okay.

11 A. -- or shell casing.

12 Q. Or shell casing.

13 Your Honor, if I may publish to this jury while we
14 continue?

15 THE COURT: Sure.

16 Q. Give this to you on that -- actually on the screen. I
17 forgot they loaded it on here. It's in (indiscernible).

18 All right. So, at -- until you moved that, that
19 particular notebook, were you able to actually see the shell
20 casing?

21 A. No, ma'am.

22 Q. Okay. And this is a close-up of the same.

23 Is that correct?

24 A. Yes.

25 Q. All right. Of the actual shell casing.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 where it was, was it kind of wedged in-between these
2 papers or underneath the notebook based on that photo?

3 Do you recall?

4 A. If you just -- if you lifted up the blue notebook as
5 it's pictured is how --

6 Q. Okay.

7 A. -- it was observed.

8 Q. Sounds good.

9 Okay. All right. Now we've got No. 10 and what are we
10 seeing in regards to this particular photo?

11 A. That's next to the desk. You can see that storage bin
12 towards the bottom. To the right of Marker 10, a little bit
13 under that storage area, there's a cartridge case.

14 Q. All right. And this is State's No. 86.

15 All right. So this is Marker 1 and that's a close-up
16 of it as well?

17 A. Yes.

18 Q. All right. Eighty-seven was put in and then a really
19 close-up 88, correct?

20 A. Correct.

21 Q. And now we've got State's No. 89. We're back in the
22 bathroom.

23 what are we seeing in Marker Number 11?

24 A. That is a fired projectile or a fired bullet.

25 Q. Okay. And so we're back in Bedroom Number 2.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 All right.

2 A. Yes.

3 Q. All right. So the Bedroom Number 2 here and we've got
4 Marker Number 11, which is on the scene, correct?

5 A. Yes, ma'am.

6 Q. All right. So, when you talk about bullet defects, it
7 hits a cabinet, would that be what it is you're talking
8 about that could of ricocheted on -- onto the, the actual I
9 say vanity?

10 A. Yes, ma'am.

11 So the, the photo that showed the bullet defect in that
12 cabinet above the toilet, you can see that it doesn't
13 perforate or go all the way through that cabinet. So, it
14 could have, once the bullet struck it, bounced off that
15 cabinet and land where that is at Marker 11.

16 Q. And here's your close-up with that, which is State's 90
17 and State's 91.

18 And, once again, is this showing the pathway in State's
19 No. 92 through Bedroom Number 2 from the holes in the wall
20 that meets the holes of the lamp that you had in that three
21 bullet defect?

22 Do you recall -- this is State's 92?

23 A. Yes, ma'am.

24 Q. All right. And then the defect hitting the actual
25 dresser.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 Is that correct?

2 A. Yes.

3 Q. And then there's one above here above -- high up above
4 the television.

5 Do you recall that?

6 A. Yes.

7 Q. Okay. And all this is reflected in this document,
8 right?

9 A. The markers, yes.

10 Q. The markers. I'm sorry. Yes.

11 And what are we seeing on the floor here in No. 5?

12 A. That is another fired projectile.

13 Q. Another projectile.

14 And that's a close-up of 94, correct?

15 A. Yes, ma'am.

16 Q. And we already talked about the bathroom -- the bathtub
17 bullet.

18 Have you now identified it under Marker Number 6?

19 A. Yes, ma'am.

20 Q. And this is a close-up of that ruler that you
21 documented in No., I'm sorry, State's 96?

22 A. Yes, ma'am.

23 Q. All right. Now, if, if we could, and just give me just
24 a minute.

25 Your Honor, if I may approach?

Jennifer Hunton - Direct examination
By Solicitor Lively

1 This is where you actually start to, to measure out the
2 defects.

3 Is that correct?

4 A. We just placed scale tape over -- around the defect,
5 yes.

6 Q. Okay. All right.

7 Your Honor, may we approach for just a moment?

8 THE COURT: Sure.

9 SOLICITOR LIVELY: Okay.

10 THE COURT: Have you moved the diagram into evidence?

11 SOLICITOR LIVELY: Yes, sir.

12 THE COURT: You have?

13 What number is that?

14 SOLICITOR LIVELY: It's No. 139.

15 SOLICITOR SOPRANO-CESMAT: One sixty-nine, no.

16 SOLICITOR LIVELY: One sixty-nine. I apologize.

17 THE COURT: One fifty-nine?

18 SOLICITOR LIVELY: One sixty-nine.

19 THE COURT: One sixty-nine?

20 SOLICITOR LIVELY: Yes, sir.

21 (WHEREUPON, a bench conference was held out of the
22 hearing of the jury at this time.)

23 THE COURT: Okay. All right. Ladies and gentlemen,
24 we're gonna go ahead and break for the evening rely on the
25 fact that this witness will be back in the morning.

1 So, I want the jury to be back at ten o'clock in the
2 morning and we gon' be doing some work before you get here.

3 So, thank you for your hard work today and your, your
4 patience with us. And I've kept my eye on you and you've
5 been very alert and attentive. And that's what you need to
6 do. And get some rest tonight.

7 Have a good evening and we'll see you back here in the
8 morning at ten o'clock.

9 Okay?

10 (WHEREUPON, the jury begins to leave the courtroom at
11 this time.)

12 THE COURT: Oh, hey. Bring them back in just a second.
13 Bring them back in.

14 Just forgot to give them my instructions. I'm sorry.

15 (WHEREUPON, the following takes place within the
16 presence of the jury.)

17 THE COURT: Sorry about that and, no, I've not decided
18 to, to work another two hours.

19 Okay. Just want to remind you stay away from any news
20 coverage of this case whether it's TV, newspapers, radio,
21 the Internet. Stay away from that.

22 Okay. All right. And, again, no research into this
23 case. Don't talk about this case with anyone and now we'll
24 see you back here in the morning at ten o'clock.

25 Okay. Thank you very much.

1 (WHEREUPON, the following takes place outside the
2 presence of the jury.)

3 THE COURT: Okay. Appreciate y'all's hard work. we'll
4 see you in the morning.

5 SOLICITOR LIVELY: Thank you so much, Your Honor.

6 THE COURT: Let's get back together at 9:30.

7 SOLICITOR LIVELY: Yes, sir, that's not a problem. I'm
8 just gonna -- that's all I'm gonna discuss with her tomorrow
9 --

10 THE COURT: Sure.

11 SOLICITOR LIVELY: -- is we got to do photos and---

12 (WHEREUPON, the recording ended at this time.)

13

14 (WHEREUPON, Court was in recess for the evening.)

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1 Wednesday, May 15th, 2024

2

3 THE COURT: What we need to do is take some in camera
4 testimony from Agent Hunton concerning some photographs.

5 So is Agent Hunton here?

6 SOLICITOR LIVELY: She is. I just --.

7 THE COURT: Oh, she's in the back?

8 SOLICITOR LIVELY: Yeah, I just didn't call her out
9 until --.

10 THE COURT: Sure. That's fine.

11 SOLICITOR LIVELY: I'll go ahead and get her.

12 THE COURT: If you would please and I'm just -- she's
13 still under oath. You don't need to swear her in again.

14 SOLICITOR LIVELY: And, judge, I'm gonna go ahead and
15 hand you --.

16 THE COURT: Come on. You can have a seat in the
17 witness stand, Agent Hunton, and just remind you you're
18 still under oath from yesterday.

19 THE WITNESS: Yes, sir.

20 (WHEREUPON, the witness returns to the stand.)

21 SOLICITOR LIVELY: Your Honor, I'm gonna hand you the
22 pictures that are actually in dispute based on the defense
23 objection.

24 THE COURT: Okay.

25 SOLICITOR LIVELY: Those are State's 36, 37, 44, and

1 60. Unless the Court wants me to actually put them up on
2 the television, I don't have to do it right now. I just was
3 gonna give you that option.

4 THE COURT: I, I, I don't think you need to.

5 SOLICITOR LIVELY: Okay. I didn't think so either.
6 But I just wanted to offer.

7 THE COURT: Okay.

8 SOLICITOR LIVELY: All right. So I'm gonna---

9 THE COURT: Before, before you start, let me just get
10 to where I need to be on this.

11 SOLICITOR LIVELY: Yes, sir.

12 THE COURT: Give me one second.

13 (WHEREUPON, State's Exhibit Nos. 176 and 177 were
14 marked for identification purposes only at this time.)

15 SOLICITOR LIVELY: Your Honor, as soon as she's
16 finished marking this one, we'll be ready to start.

17 THE COURT: Okay.

18 SOLICITOR LIVELY: Okay. All right. Can we go back on
19 the record?

20 You can keep doing what you're doing, Julia. I just
21 want to go on the record.

22 All right. Your Honor, as stated before, we have those
23 four photographs that are still in dispute. I've mentioned
24 the numbers to you.

25 In State's Exhibit No. 44, it's a picture of the broken

1 fireplace glass. It was the one that was taken by crime
2 scene Agent Hunton. When I went back through the corner's
3 photos from, from Jolene Clinton, who's going to be
4 testifying, I thought -- all right.

5 When I went back through hers, I was able to find a
6 less graphic -- a couple of less graphic photographs and
7 what I'm -- what I've told defense counsel was, if I need to
8 argue about all of them, then I will. However, I have an
9 alternative that would be less gruesome that's gonna come in
10 through the coroner that I just wanted the Court to be aware
11 of so that we could take that into consideration when
12 deciding whether or not this 44 should come in.

13 I just wanted you to know that I did pull some options.
14 I've got State's -- we just marked these 176 and 177. The
15 State would be willing for one of those to be an alternative
16 to the disputed 44.

17 THE COURT: Okay. All right.

18 SOLICITOR LIVELY: And --.

19 THE COURT: Would the defense -- if 44 is pulled and
20 replaced with either 176, 177, would there be any objection
21 to that?

22 MR. FRICK: I think we agreed on one.

23 Isn't that correct?

24 SOLICITOR LIVELY: And that's what I was gonna ask. I
25 wanted to put that on the record first.

1 So now what we have are -- and I'll just hand these up
2 to you, Your Honor. The one I think that they want in I
3 would assume is 176.

4 MR. FRICK: Yes.

5 SOLICITOR LIVELY: Okay.

6 THE COURT: Okay.

7 SOLICITOR LIVELY: So---

8 THE COURT: So the defense is good with 176 replacing
9 44?

10 MR. FRICK: Judge, and let me just clarify for the
11 record on that. I do believe that the Court would allow the
12 State one of these four pictures in because they're -- it,
13 it, it demonstrates the projectile that damaged the --

14 THE COURT: Fireplace.

15 MR. FRICK: -- the glass in the fireplace. The one
16 that I am agreeing to, albeit reluctantly, but it has the --
17 I think it's the least gruesome one.

18 THE COURT: Okay. All right.

19 MR. FRICK: But I do believe the Court would, would
20 allow the solicited (phonetic) --

21 THE COURT: Sure.

22 MR. FRICK: -- one in. And so I'd just as soon agree
23 on one than --.

24 THE COURT: All right. Okay. So one -- all right.
25 I'm gonna hand these back.

1 And so 176 is replacing 44?

2 SOLICITOR LIVELY: That's -- the State would move for
3 176 to replace 44. And, again, this is actually because
4 that photo was taken by the coroner --.

5 THE COURT: Just, just gon' wait for the coroner to
6 testify.

7 SOLICITOR LIVELY: I can either have her test or it's,
8 it's basically the same thing. It's just a different shot
9 that this Ms. Hunton took or Agent Hunton took. So, you
10 know, I could put it in there now through saying it's coming
11 or I can wait to put it in through the coroner. Whatever
12 the Court---

13 THE COURT: No, since the defense has reluctantly
14 agreed --

15 SOLICITOR LIVELY: Okay.

16 THE COURT: -- for 176 to come in and replacing 44,
17 then why don't you just wait and---

18 SOLICITOR LIVELY: I can do that.

19 THE COURT: I'll, I'll deal with it with the coroner.
20 So we now have three pictures in dispute.

21 SOLICITOR LIVELY: Yes, sir.

22 All right. So, I'm gonna hand these back to the court
23 reporter here. These are gonna, gonna be placed into
24 evidence. Sorry about that.

25 So now what we have in dispute are 60, 37, and 36, Your

1 Honor. So the State---

2 THE COURT: Right.

3 SOLICITOR LIVELY: ---is ready at this point --

4 THE COURT: Okay.

5 SOLICITOR LIVELY: -- to proceed on those and I'll move
6 this out of the way.

7 JENNIFER HUNTON, having been
8 previously sworn, testified as follows:

9 SOLICITOR LIVELY: All right. May it please the Court?

10 THE COURT: Yes.

11 SOLICITOR LIVELY: All right. Thank you.

12 DIRECT EXAMINATION

13 BY SOLICITOR LIVELY:

14 Q. Agent Hunton, I'm going to start with -- in numerical
15 order here, No. 36, and I'm gonna show you that particular
16 photo there.

17 Tell the judge what the significance was in taking that
18 picture and from that angle.

19 A. This is the view that you can see as you're standing in
20 the front door.

21 Q. All right.

22 THE COURT: Okay.

23 Q. All right. And is that where the picture was taken
24 from the prospective of the photographer is standing at the
25 front door?

Jennifer Hunton - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. And if you'll tell us what you actually see to the left
3 of the photo that documents -- no, to the right of the photo
4 that documents that that's actually where the door is.

5 A. Yes, this is the, the front doorknob --

6 THE COURT: Okay.

7 A. -- as the door's swinging open.

8 Q. All right. So that is right where the door would swing
9 open if you can actually see the doorknob there?

10 A. Yes.

11 Q. All right. And then -- okay. So let me take that one
12 back from you.

13 All right. So then I'm gonna show you State's No. 37.

14 All right. Now, where -- what's the prospective from
15 that particular photograph from where it was taken?

16 A. This is in -- inside -- just inside the front door and
17 that front entryway and this is shown the male victim on the
18 floor.

19 Q. Okay. In that particular picture, and I'm gonna go
20 back and show you 36 that we've just talked about, are you
21 able, in 36, to see any shell casings from that prospective?

22 A. No.

23 Q. Okay. And then, in 37, as you step further into the
24 foyer area, is that what your testimony was that you can
25 actually step -- made a few steps into the room at that

Jennifer Hunton - Direct examination
By Solicitor Lively

1 point?

2 A. Yes.

3 Q. All right. From that prospective, are you able to see
4 any shell casings with the naked eye?

5 A. Yes.

6 Q. All right. Yes.

7 And how many do you see?

8 A. One.

9 Q. One.

10 All right. And I believe you've documented that
11 obviously in your diagram which I have randomly here.

12 Okay. So, the one that you're able to see once you've
13 actually stepped inside, would that be on Marker Number 2?

14 A. Yes, ma'am.

15 Q. All right. Okay. But that would be the only one that
16 you could see?

17 A. Yes, ma'am.

18 Q. All right. And that picture documents that particular
19 shell casing.

20 All right. Oh and also one other thing in 37.

21 In regards to the victim in that particular picture,
22 did you also -- were you at -- also able to capture a piece
23 of the headlight lamp that he was wearing in that particular
24 picture?

25 A. Yes.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 Q. All right. And does he still have that actual band
2 from the headband on at the time whenever you got there?

3 A. Yes, ma'am.

4 Q. Okay. All right. So, did that -- so that picture also
5 documents that piece that was broken off of his headlamp?

6 A. Yes, ma'am.

7 Q. All right. Okay. And now, finally, I'm gonna show you
8 No. 60 and ask you is this another angle or prospective of
9 the victim, Mr. Gene Rogers, and a picture of the broken
10 headlamp and where it was located?

11 A. Yes. There's a piece of it in that front entryway.

12 Q. Okay. All right.

13 A. This is taking a photograph back towards the front
14 door.

15 Q. Back towards the front door.

16 Okay. All right. But with that particular photo, are
17 you able to see -- and let me just grab it back so I can
18 find out where we're looking at here.

19 But with this particular photo, are you able to see
20 where that shell casing was laying that you documented as
21 Marker 2?

22 A. Not in this photo, no.

23 Q. Not in this photo cause where you were standing?

24 A. Correct.

25 Q. Okay. Or where the prospective of the picture was

Jennifer Hunton - Direct examination
By Solicitor Lively

1 taken?

2 A. Yes.

3 Q. All right. So that's back towards the door?

4 A. Yes.

5 Q. Okay. So, the two best photographs that document
6 standing at the door and looking in right at the doorway,
7 for instance, if the defendant had said he opened the door
8 and stepped, saw the victims, and then shut the door, and
9 turned around, threw up, and left, would this be consistent
10 with that statement?

11 A. That is the view that you would see opening the front
12 door.

13 Q. Okay. And that's 36.

14 Then we talked about whether or not you could actually
15 see the shell casing that was in this photograph by doing
16 that, correct?

17 That was the question I asked you a minute ago.

18 A. Yes, from---

19 Q. All right.

20 A. From that photograph you can't see it---

21 Q. Okay.

22 A. ---from there.

23 Q. Okay. And then, in this photograph now where the
24 photographer has stepped all the way into the foyer, and, at
25 this point, are you able to now see a shell casing in No.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 37?

2 A. Yes.

3 Q. All right. Okay. And, once again, your testimony is
4 how many did you see even from that prospective once you've
5 walked in maybe three or four steps?

6 A. Yes. From that photo standing on that -- in that front
7 entryway that -- the pad that goes around the front door,
8 from there you can see one.

9 Q. Just one?

10 A. Yes.

11 Q. Okay. And, once again, that's documented in your --
12 that one is Marker 2, which is in your documents --

13 A. Yes, ma'am.

14 Q. -- correct?

15 Okay. All right. Thank you. Answer any questions the
16 defense may have.

17 THE COURT: Okay. Defense have any examination on this
18 limited issue with respect to the three photographs?

19 MS. BOULWARE: I think just one question on the --
20 let's see.

21 CROSS-EXAMINATION

22 BY MS. BOULWARE:

23 Q. And just double if -- it's Agent Miller now?

24 A. Hunton.

25 Q. Hunton.

Jennifer Hunton - Cross-examination
By Ms. Boulware

1 okay.

2 THE COURT: Was Miller I think.

3 Q. It was Miller. That's right.

4 A. Yes.

5 Q. I'm sorry.

6 A. It's okay.

7 Q. I knew we got a name change somewhere.

8 So, can you clarify for me in State's, State's 37, I
9 think it's 37, the piece of the headlamp?

10 A. In the front entryway on that pad that --.

11 Q. Okay. And---

12 A. And there's some pieces behind the rocking chair.

13 Q. Okay. And just for clarification, I'll just get you to
14 point to that if you don't mind.

15 A. (WHEREUPON, the witness complies.)

16 Q. Okay. Thank you.

17 And she was pointing to the orange piece of headlamp in
18 the entryway, judge.

19 THE COURT: Okay.

20 Q. And I believe we also had I think that, pardon me,
21 another photo that was entered yesterday that actually had a
22 marker on it. That was the headlamp piece down the hallway.

23 Is that correct?

24 A. I don't recall if there was a marker there. But in the
25 back bedroom down that hallway there was a piece --

Jennifer Hunton - Cross-examination
By Ms. Boulware

1 Q. Okay.

2 A. -- like you see in that photo.

3 Q. Got you.

4 Okay. All right. Judge, that's all the questions I
5 have.

6 THE COURT: Okay. Let me have the photographs just a
7 minute.

8 (Pause.)

9 THE COURT: Agent Hunton, all three of these
10 photographs show a -- as it relates to Gene, a considerable
11 amount of blood a -- around his head area.

12 Is there any significance of that or is, is that one of
13 the reasons why you took these photographs to show the
14 amount of blood around Gene's head or did -- the blood just
15 happened to be there but you were taking pictures for other
16 reasons?

17 THE WITNESS: So, when we're documenting a crime scene,
18 we're getting everything that we can. So, that's depicting
19 exactly how he was found.

20 THE COURT: Okay. All right. But is there any
21 significance with this picture or the -- all three pictures
22 showing the blood?

23 THE WITNESS: It just shows that he had some kind of
24 wound or bloodletting event.

25 THE COURT: All right. Okay. Any other examination of

Jennifer Hunton - Redirect examination
By Solicitor Lively

1 Agent Hunton on this limited issue?

2 SOLICITOR LIVELY: Yes, sir, based on the questions you
3 just asked her.

4 THE COURT: Sure.

5 REDIRECT EXAMINATION

6 BY SOLICITOR LIVELY:

7 Q. In crime scene investigation and documentation, are you
8 also suppose to note where pooling of blood would be from an
9 individual who was shot, stabbed, or somehow had a bleeding
10 injury?

11 A. We're notating those things, yes.

12 Q. Okay. So, all of that is a part of what you need to
13 show in order to show where possibly the, the body had
14 fallen and where the pooling of blood actually went whenever
15 the, the victim fell, correct?

16 A. Yes.

17 Q. All right. And as a matter of fact, one of the
18 pictures actually has -- depicts some blood that is on the
19 corner of the desk where Mr. Gene Rogers may of been sitting
20 at the time.

21 Do you recall that picture?

22 A. Of blood on the desk?

23 Q. Yes.

24 A. Yes.

25 Q. Okay. So, once again, that picture of blood was to

Jennifer Hunton - Redirect examination
By Solicitor Lively

1 document where some -- where the victim's blood could of
2 potentially landed before he ended up on the floor.

3 Is that right?

4 A. Yes, it was there. So it was documented and
5 photographed as---

6 Q. Okay.

7 A. ---we do normally.

8 Q. Okay. So, in order to show exactly how the
9 defendant -- the victim would of been laying, it also shows
10 that the body hadn't been moved after the victim died at
11 that time cause sometimes don't people move bodies after
12 they've been shot or stabbed?

13 A. If they were rendered aid by emergency medical services
14 before we get there, that's, that's something that's
15 possible. So, I'm not sure if they were moved or not.

16 Q. Right.

17 But by taking that picture, doesn't it show pooling of
18 the blood right at the, the head area of the victim?

19 A. Yes, it's showing where he was laying and how he was
20 found.

21 Q. Okay. Did you find any drag marks or any footprints in
22 the blood or anything like that to indicate that someone had
23 touched the crime scene before you got there --

24 A. No.

25 Q. -- or touched that area before you got there?

Jennifer Hunton - Redirect examination
By Solicitor Lively

1 A. No, ma'am.

2 Q. Cause if they had, you would of documented it, correct?

3 A. Correct.

4 Q. So, the killer shot and killed him, he fell, and where
5 he lay and bled out is what you documented?

6 A. What I documented is what I -- when we arrived at the
7 scene and what was there.

8 Q. Got it.

9 A. And as we walked in the door, those photos that were
10 taken, everything is depicted exactly how we found it.

11 Q. Okay. All right. Thank you.

12 THE COURT: Defense have any follow-up in response to
13 the state's questions?

14 MS. BOULWARE: No, sir.

15 THE COURT: All right. I'll hear from the defense
16 first with respect to these photos. You're objecting to
17 those coming in. So I'll hear from you first.

18 MS. BOULWARE: Yes, sir. Thank you, judge.

19 Two of those photos, one being 37 and the other number
20 I can't recall at the moment---

21 THE COURT: Well---

22 MS. BOULWARE: ---but---

23 THE COURT: ---there's 36, 37, and 60. So I make sure
24 which one---

25 MS. BOULWARE: And---

1 THE COURT: ---you're referring to.

2 MS. BOULWARE: ---60, the ones with the two pieces of
3 headlamps, I know -- or the one piece of headlamp in the, in
4 the doorway, I know one of those is 37.

5 THE COURT: Well here.

6 MS. BOULWARE: Yeah, that might be easier.

7 Thirty-seven and 60, judge, are the ones---

8 THE COURT: Okay.

9 MS. BOULWARE: ---and 37 and 60, even though they're
10 from different angles, judge, they both basically show the
11 same thing. There's a piece of a headlamp, which I believe
12 Agent Hunton testified to that that was the primary reason
13 for that picture was to gather evidence of the headlamp
14 being broken. I, I believe those are cum -- cumulative
15 themselves.

16 THE COURT: Okay.

17 MS. BOULWARE: And for the other picture, it's the same
18 objection we had yes -- or yesterday I believe that it's
19 cumulative to -- I will say -- I will say the video again
20 because I think they can pause the video and see what they
21 need to see. But they're also so graphic or that picture is
22 so graphic as to be prejudicial under 403 as well.

23 So, judge, we're asking for all to be excluded because
24 I think we already have other evidence of the headlamp down
25 the hallway as well that it was broken.

1 THE COURT: Right.

2 well, what, what is concerning to me -- and I didn't
3 mean to cut you off.

4 You finished?

5 MS. BOULWARE: Oh, you're fine. I was done.

6 THE COURT: What's concerning to me, from the, the
7 direct examination of Agent Hunton, was the purpose for the
8 photographs was the, one, show the view from the front door,
9 location of shell casing, Marker Number 2, which is in some
10 other photographs, and then this headlamp band, which I
11 really haven't gotten my arms wrapped around that and why
12 it's on his head. But, nevertheless, and not really the
13 existence of the blood.

14 I know, solicitor, you asked her that would show where
15 the body had landed after getting shot and that it had not
16 been moved. But it would seem like to me that the
17 prejudicial a -- fact of this massive amount of blood around
18 his head certainly would outweigh any probative value of
19 showing, one, the location from the front door, which we
20 have evidence of that, location of Marker Number 2 shell
21 casings, we have evidence of that, and then this headlamp
22 band around his head.

23 And so this is concerning to me just the massive amount
24 of blood and where is the probative value to show the blood
25 to the jury and that -- that's what's concerning to me.

1 Now, if I decide to rule them inadmissible, possibly,
2 possibly through the pathologist or maybe another witness,
3 they might could come up with, with them. But I think the,
4 the massive amount of blood is collateral to the purpose for
5 the photographs and I just think the unfair prejudicial
6 effect is -- far exceeds the probative value.

7 SOLICITOR LIVELY: May I look at those photos---

8 THE COURT: Sure.

9 SOLICITOR LIVELY: ---again, Your Honor?

10 THE COURT: Yes. Please.

11 SOLICITOR LIVELY: Because the, the concern that I
12 have, and I respect your ruling, but now I want to see how I
13 can make this happen.

14 I've, I've got to be able to show the whole basis of,
15 of, of what we're trying to do here or I -- what I think is
16 really important and the jury needs to see is the
17 prospective that the defendant claimed that he had and that
18 he was able to actually see a shell casing that far into the
19 room in prospective of the body blocking him and other
20 things he saw.

21 So, if I have to, in order to make this work, somehow,
22 you know, figure out how to cover-up that stain, I'll do
23 that.

24 THE COURT: Well --.

25 SOLICITOR LIVELY: Because, at this point, my thing --

1 the most important thing is not even the pooling.

2 THE COURT: Right.

3 SOLICITOR LIVELY: I asked about the questions after---

4 THE COURT: Sure.

5 SOLICITOR LIVELY: ---you asked her.

6 THE COURT: Sure.

7 SOLICITOR LIVELY: So -- but I want to be able for the
8 jury to see what the defendant claims he saw --

9 THE COURT: And, and---

10 SOLICITOR LIVELY: -- and I think that's critical to
11 our---

12 THE COURT: Right.

13 SOLICITOR LIVELY: ---our case.

14 THE COURT: And notwithstanding Ms. Boulware's argument
15 that two of those pictures are cumulative, apart from that,
16 I, I think if you can, somehow or another, take out the
17 blood of those pictures, I would, I would feel a whole lot
18 better.

19 SOLICITOR LIVELY: Okay. Well, can you let me do that,
20 Your Honor?

21 THE COURT: Sure. Yeah.

22 SOLICITOR LIVELY: Perfect. Thank you.

23 THE COURT: I'm not sure exactly how you gon' be able
24 to do that. But you're probably a whole lot more creativity
25 than I am.

1 SOLICITOR LIVELY: If I have to put a sticky note over
2 it and make a copy, that's how I'll do it.

3 THE COURT: Okay.

4 SOLICITOR LIVELY: I'll figure it out.

5 THE COURT: Okay.

6 MS. BOULWARE: That will be obvious.

7 THE COURT: All right.

8 SOLICITOR LIVELY: I know but there's nothing else I
9 can --.

10 MS. BOULWARE: Well---

11 THE COURT: Right.

12 MS. BOULWARE: ---I mean---

13 SOLICITOR LIVELY: Even if it's obvious, Your Honor---

14 MS. BOULWARE: That---

15 SOLICITOR LIVELY: ---that's the thing is it's being
16 redacted just like it's gonna be weird when he's in the
17 middle of talking and we took out the --

18 THE COURT: Sure.

19 SOLICITOR LIVELY: -- other stuff.

20 THE COURT: Right.

21 MS. BOULWARE: Well, and, judge, my argument to that is
22 I don't think there's been any testimony as to actually how
23 far he got in the house. There's no---

24 SOLICITOR LIVELY: Yes.

25 MS. BOULWARE: ---measurement to that though.

1 SOLICITOR LIVELY: But it -- he said stepped and you --
2 and actually William Fricks (sic) specifically---

3 THE COURT: Yeah.

4 SOLICITOR LIVELY: ---asked Al Crawford what the
5 defendant said. He said -- did he say he took a couple of
6 steps. He said no. He stepped in, turned around, threw up,
7 or brought -- pulled the door shut, threw up. I remember
8 that very specifically because, whenever Mr. Frick asked
9 that question, I made a point to document that.

10 THE COURT: Yeah.

11 well, and, and, and certainly that's -- that can be
12 argued in closing---

13 SOLICITOR LIVELY: Yes.

14 THE COURT: ---and the State certainly can say well,
15 what, what the defendant said means he was just right in the
16 doorway, how in the world could he see all this stuff. You
17 can certainly argue no, that's not what he intended. He
18 intended that he was way enough in to be able to see the
19 shell casings or whatever.

20 So, I, I think that's just a, a -- something that can
21 be argued in closing.

22 All right. well, let's --.

23 MS. BOULWARE: And, judge, I did want to -- if we're
24 gonna redact that picture, I think we'd agree for, once they
25 get that set up on -- with the evidence number as far as

1 what all pictures are coming in, they were going to be nice
2 enough to provide me a copy on a thumb drive so I'm not
3 sitting up there trying to -- I can sit here and follow
4 along---

5 THE COURT: Sure.

6 MS. BOULWARE: ---with them. So, we might need a
7 couple minutes to do that is what I'm thinking.

8 SOLICITOR LIVELY: Here's what I'm gonna do, Your
9 Honor, if I -- sorry I'm not standing. I wanted to---

10 THE COURT: No, that's fine.

11 SOLICITOR LIVELY: ---do this quickly. I'm going to
12 pull these three photos and save them on my computer.

13 MS. BOULWARE: Okay.

14 SOLICITOR LIVELY: Give her my flash drive so she can
15 go ahead and transfer over the ones that are in.

16 THE COURT: Right.

17 SOLICITOR LIVELY: And so she'll have her own flash
18 drive while I actually see what I can do with these
19 pictures.

20 THE COURT: Okay. All right.

21 SOLICITOR LIVELY: And that way that should --

22 THE COURT: Yeah.

23 SOLICITOR LIVELY: -- handle it.

24 THE COURT: Okay. All right. So let's just -- let's
25 go off-the-record, take a little recess, and give you an

1 opportunity to do that.

2 MS. BOULWARE: Thank you.

3 (WHEREUPON, a short recess was taken at this time.)

4 THE COURT: The jury -- ready for the jury?

5 SOLICITOR LIVELY: Well, Your Honor, I do want to put
6 on the record that one of the things that I'm withdrawing --

7 THE COURT: Sure. Okay.

8 SOLICITOR LIVELY: -- so that we can be clear about
9 that. I'm just gonna put the, the redacted ones into the
10 lineup of all of the other photos.

11 THE COURT: Sure.

12 SOLICITOR LIVELY: So, the State is withdrawing its
13 request to have 60 placed into evidence. So, I'm gonna
14 return that to our court reporter. And I have, for the
15 record, 37. The judge -- Your Honor has stated is too
16 prejudicial under 403. So one is not coming in. However, I
17 want to put it in because it is -- we've got the redacted
18 37.

19 THE COURT: Yes.

20 SOLICITOR LIVELY: We're calling that 37-A.

21 THE COURT: Okay.

22 SOLICITOR LIVELY: And had -- does the Court have any
23 problem with me, whenever I show it to the crime scene
24 investigator, for them to say that certain portions have
25 been redacted based --

1 THE COURT: Sure.

2 SOLICITOR LIVELY: -- on your ruling or how do you want
3 me to say?

4 Based on --.

5 THE COURT: Yeah, just certain portions been redacted
6 not---

7 SOLICITOR LIVELY: I'm good with that.

8 THE COURT: ---not necessarily based upon, upon my
9 ruling --

10 SOLICITOR LIVELY: Okay.

11 THE COURT: -- and, and just leave it at that.

12 SOLICITOR LIVELY: Just leave it.

13 Okay.

14 THE COURT: Yeah.

15 SOLICITOR LIVELY: Is that fine?

16 THE COURT: You know, sometimes I will explain to a
17 jury the purpose for redaction. Then sometimes I don't. It
18 just kind of depends on what is being redacted, and I don't
19 think I really need to comment on and just let, you know --.

20 SOLICITOR LIVELY: Okay.

21 MS. BOULWARE: Well, I, I agree. That would draw more
22 attention to the fact that---

23 SOLICITOR LIVELY: Okay.

24 MS. BOULWARE: ---it is and have them looking around --

25 THE COURT: Yeah.

1 MS. BOULWARE: -- the square.

2 THE COURT: Okay.

3 SOLICITOR LIVELY: I know. It's just it looks weird.

4 I just went -- but I am just gonna tell her that it has
5 been -- there's a redaction to it --

6 MS. BOULWARE: That's fine.

7 SOLICITOR LIVELY: -- and just leave it at that.

8 THE COURT: Right. Yeah.

9 SOLICITOR LIVELY: Okay.

10 THE COURT: Yeah.

11 SOLICITOR LIVELY: And then the---

12 THE COURT: Okay.

13 SOLICITOR LIVELY: I'm sorry.

14 THE COURT: No, go ahead.

15 SOLICITOR LIVELY: Thirty-seven -- I mean 36 is gonna
16 be the original which you have said is prejudicial and the
17 State is now entering 36-A in its place.

18 THE COURT: Okay.

19 SOLICITOR LIVELY: All right.

20 THE COURT: Okay.

21 SOLICITOR LIVELY: Thank you.

22 THE COURT: All right. Is the defense reasonably
23 comfortable with how the redaction was, was done?

24 MS. BOULWARE: I will use Mr. Frick's term of we are
25 reluctantly agreeing to it.

1 THE COURT: Okay. All right.

2 Okay. Very good. Thank you.

3 THE COURT: All right. All right. Let's, let's bring
4 the -- bring the jury out please.

5 (WHEREUPON, the redacted photographs were marked as
6 State's Exhibit Nos. 36-A and 37-A and were received into
7 evidence at this time.)

8 (WHEREUPON, the following takes place within the
9 presence of the jury.)

10 THE COURT: Let the record reflect the jury is back in.

11 Good morning, ladies and gentlemen. Thank you for your
12 patience. We've been working on some legal issues. We've
13 gotten those resolved and we're ready to proceed forward.

14 As you remember, we ended yesterday with SLED agent
15 Hunton's testimony and there's -- will be some more
16 testimony.

17 And so, solicitor, if you're ready.

18 SOLICITOR LIVELY: Yes, sir, Your Honor. Let me
19 just -- if, if -- one moment. I'm just cutting and pasting
20 something.

21 THE COURT: Sure.

22 SOLICITOR LIVELY: I don't want to --

23 THE COURT: No problem.

24 SOLICITOR LIVELY: -- leave something where it's not
25 suppose to be.

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1 (Pause.)

2 SOLICITOR LIVELY: All right. Thank you, Your Honor,
3 and I apologize for having to do that.

4 THE COURT: No problem.

5 SOLICITOR LIVELY: All right. So let's pull this up.

6 JENNIFER HUNTON, having been
7 previously sworn, testified as follows:

8 CONTINUED DIRECT EXAMINATION

9 BY SOLICITOR LIVELY:

10 Q. Agent Hunton, would you just refresh my memory and tell
11 me what number we are starting back on State's Exhibit. I
12 think -- did I say 97?

13 A. State's Exhibit 97.

14 Q. All right. Perfect. Thank you so much.

15 Now, Agent Hunton, as you're going through and taking
16 these pictures, is it just you present or do you actually
17 have another SLED agent who's assisting you?

18 A. I have a partner that's assisting me --

19 Q. All right.

20 A. -- and who's taking these photographs.

21 Q. He's taking the photographs.

22 And so, the prospectives that you get in doing these
23 photographs, is it to try and document each and every angle
24 that is around that particular piece of evidence that you
25 may need to collect?

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1 A. Yes, it's depicting the crime scene as we --

2 Q. Okay.

3 A. -- see it.

4 Q. Now, I'm showing you what's State's Exhibit No. 97 and
5 I'll go back, let's see, so I can make sure and kind of
6 get -- okay. This was the bullet that was in the bathtub.
7 We were coming -- that was just to refresh everybody's
8 memory.

9 It's what we were talking about yesterday, correct?

10 A. Yes, ma'am.

11 Q. All right. And you've actually -- when you mark a
12 particular item, is that because that is an item that you're
13 going to collect for potentially being either tested or sent
14 to SLED for additional analysis --

15 A. Yes.

16 Q. -- possibly?

17 Okay. All right. And, ultimately, which agency is the
18 one that's gonna decide whether or not something gets tested
19 or further analyzed?

20 A. Whoever the lead agency is on the case.

21 Q. Okay. And, in this particular case, was that Chester
22 County Sheriff's Office?

23 A. Yes, ma'am.

24 Q. Okay. So let's go back to the next one then. Go
25 backwards.

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1 All right. So back to 97.

2 What is it that we're seeing in this particular photo
3 and describe what it is that you've done, what you
4 physically did in that photo?

5 A. This is a picture of the inside part of the front door,
6 that entryway. You'll notice some white scale tape around a
7 suspected bullet defect --

8 Q. All right.

9 A. -- next to the rocking chair.

10 Q. And is that, that -- so that white tape that, excuse
11 me, would that be something that you actually used
12 whenever -- as a crime scene analyst to document bullet
13 defects?

14 A. Yes, ma'am.

15 Q. All right. And, in this particular one, have you
16 stated as -- the one that's close to the door, do you
17 actually give a letter to each one so you can identify
18 whether or not you think something is an entry of the bullet
19 or an exit of a particular projectile?

20 A. Yes, ma'am.

21 Q. Okay. So, in this particular one that we're looking at
22 here, have you marked that yet?

23 A. It's marked. You just can't see it from --

24 Q. Okay.

25 A. -- this picture.

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By Solicitor Lively

1 Q. Let me get a little bit closer.

2 All right. Now, is this what we're looking at?

3 Can you see -- I've turned the TV a little bit. But
4 this is gonna be State's No. 98.

5 what bullet defect is that one?

6 A. We labeled it as Defect A.

7 Q. Defect A.

8 And it states exterior front of residence near front
9 door on the front porch?

10 A. Defect A is gonna be on the interior side.

11 Q. I'm sorry. I just -- I jumped down to A-1. I
12 apologize.

13 So, interior, sorry, west wall in the living room near
14 the door, correct?

15 A. Yes.

16 Q. All right. Thank you.

17 And, in this particular photograph, were you
18 documenting where the projectile entered that wall?

19 A. Yes.

20 Q. All right. Now, the next photograph -- and that's
21 State's 98. So now we've got State's No. 99.

22 what is 99?

23 A. That is the exterior front of the residence. So you
24 saw the corresponding defect on the interior side on the
25 opposite side of the wall. This is on the front exterior

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By Solicitor Lively

1 part --

2 Q. Okay.

3 A. -- outside.

4 Q. So, when you say Defect A and then A-1, are you stating
5 that that particular pathway is from this same projectile or
6 bullet?

7 A. Yes.

8 Q. Okay. All right. So Defect A is one bullet from the
9 inside coming out, correct?

10 A. Yes, ma'am.

11 Q. And how do we know that it's actually coming out in
12 Defect A-1?

13 what are you, what are you documenting in that picture?

14 A. So, the metal part of the residence, when a bullet
15 strikes an object, it will go in and kind of flare out.
16 You'll see that piece of metal flipped out and that's
17 what---

18 Q. Okay.

19 A. ---shows that it's exiting the residence.

20 Q. Okay. Thank you.

21 All right. Here we have now back inside. This is
22 State's Exhibit No. 100.

23 what defect are you documenting in this particular
24 photograph?

25 A. I believe it's Defect B.

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By Solicitor Lively

1 Q. B.

2 All right. So, Defect B, if you can tell us in your
3 report how that's labeled?

4 Do you have it?

5 A. My report?

6 Q. Yeah.

7 A. Yeah.

8 Your Honor, may I refer --

9 Q. Yeah, you---

10 A. -- to my report?

11 SOLICITOR LIVELY: Your Honor, may she refer to her
12 report?

13 THE COURT: Oh, sure. Yeah.

14 SOLICITOR LIVELY: Yes.

15 THE COURT: Please do.

16 SOLICITOR LIVELY: Yeah.

17 THE COURT: Please do.

18 Q. Please do cause that can kind of help us move along as
19 well.

20 A. Defect B is labeled as the interior west hallway near
21 the front door.

22 Q. Okay. And so would that also be an entry of a
23 projectile or bullet?

24 A. Yes, ma'am.

25 Q. Okay. And is this the -- it is a close-up picture of

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By Solicitor Lively

1 that particular defect, Defect B?

2 A. Yes.

3 Q. Okay.

4 A. Exhibit 101.

5 Q. One hundred one. Thank you.

6 And a really close-up of Defect B is in 102.

7 All right.

8 A. Yes, ma'am.

9 Q. All right. Now we're at 103.

10 Once again, just like you did with the pathway of
11 Defect A, is that what you're doing with the pathway of
12 Defect B in this particular picture?

13 A. We're documenting the corresponding defect on the
14 outside of the residence.

15 Q. Okay. So, the bullet traveled through that hole out of
16 the residence, correct?

17 A. Yes, ma'am.

18 Q. All right. And that would be B-1 that we're looking at
19 in State's Exhibit 103, correct?

20 A. Yes, ma'am.

21 Q. All right. Okay.

22 All right. And that's Defect B-1 is in State's Exhibit
23 104?

24 A. Yes, ma'am.

25 Q. All right. And it's, once again, showing the metal

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By Solicitor Lively

1 that's perforated out from a projectile going through it---

2 A. Yes, ma'am.

3 Q. ---correct?

4 Thank you.

5 All right. So here we have a photograph -- this is
6 gonna be 105 and this is one that you had, defense
7 counsel --.

8 MS. BOULWARE: Oh, yes. I'm sorry. Objection as
9 previously ruled on.

10 THE COURT: Sure. So noted.

11 SOLICITOR LIVELY: Thank you, Your Honor.

12 So, in this particular picture, what are you
13 documenting in regards to the, the pathways of certain
14 bullets in this photograph?

15 A. This is an overall picture showing those suspected
16 bullet defects to the fireplace.

17 Q. All right. And tell us the first defect that you
18 document in this particular photograph.

19 It's -- would that be Defect C?

20 A. Yes, ma'am.

21 Q. Okay. And how many defects do you actually note in the
22 fireplace itself?

23 A. I believe three.

24 Q. Three.

25 All right. Okay. So and that would be the different

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1 scaled markings that you have on the fireplace in this
2 picture?

3 A. Yes, ma'am.

4 Q. Okay. So we're seeing three locations.

5 All right. This one here, we're zoomed in, this would
6 be Defect C.

7 Is that correct?

8 A. Yes, ma'am.

9 Q. And that is Photo 106.

10 All right. So Defect C.

11 Now, on your report, and I know the, the jury can't see
12 this yet, as a part of what we've talked about before, you
13 have A, Defect A and then A-1, which shows the exit of the
14 projectile bullet. Then we've got B and B-1.

15 Is there -- the, the next thing that you're gonna be
16 doing is looking for where the bullet traveled after it
17 entered that fireplace in Defect C?

18 A. Yes.

19 Q. All right. Okay. So you've actually, on your report,
20 already listed Defect C-1. But we're not gonna be able to
21 see that until we go into another room.

22 Is that correct?

23 A. Yes, Bedroom 2.

24 Q. Bedroom 2.

25 Okay. Okay. Let me do this just to make it make

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1 sense.

2 Okay. All right. Okay. So, so Bedroom 2 is where
3 we're gonna be seeing the Defect C-1 and probably D-1 and
4 E-1, is that correct, in regard to your --?

5 A. Yes, that's correct.

6 Q. All right. Thank you.

7 All right. So, this is the first one that we're seeing
8 is this Defect C and then here we are in No. 107 and what
9 are we seeing in 107?

10 A. This is the wall in Bedroom 2 that's showing the
11 corresponding defects from Defect C, D, and E.

12 Q. Okay. All right. So, in Bedroom 2, is it adjacent to
13 and connecting to where the fireplace is---

14 A. Yes.

15 Q. ---in that home?

16 A. Yes.

17 Q. Okay. All right. So, it went through the fireplace
18 and through that wall -- those walls -- that wall of Bedroom
19 2?

20 A. Yes.

21 Q. All right. So, we have three different defects that
22 are documented here.

23 Okay. The first one, Defect C-1, which is what we had
24 seen on -- through the wooden fireplace on the other side in
25 the living room. Now we're seeing this through the wall.

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By Solicitor Lively

1 Correct?

2 A. Yes, ma'am.

3 Q. All right. Is that showing the pathway of the bullet
4 through the wall and actually exiting from C-1?

5 A. That is the exit defect for C-1.

6 Q. All right.

7 A. Yes.

8 Q. And then we have here, in No. 109, Defect D.

9 So we're back into the fireplace area again and I think
10 you -- what is Defect D, what part of the fireplace?

11 A. It's the black metal frame.

12 Q. The black metal frame.

13 A. So the previous defect was the wood paneling above
14 that. This is below on the black metal frame.

15 Q. Okay. And this is a close-up of it.

16 Is that correct?

17 This would be 10 -- 110, close up of D?

18 A. Yes, ma'am.

19 Q. All right. Now then now we're back in Bedroom Number

20 2. This is State's Exhibit 111.

21 Is that correct?

22 A. Yes, ma'am.

23 Q. All right. So, are we seeing Defect D-1 in the Bedroom
24 Number 2 wall in this photograph?

25 A. Yes, ma'am.

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1 Q. All right. And, once again, is that showing that the
2 path of the bullet went through that wall and continued on?

3 A. That's the exit defect for --

4 Q. Yes.

5 A. -- Defect D.

6 Q. And, once again, this close-up of D-1 and that's in
7 State's 112, correct?

8 A. Yes.

9 Q. All right. Now we're back into the fireplace again.
10 All right. So, this is State's No. 113 and this is
11 Defect E.

12 Is that correct?

13 A. Yes.

14 Q. All right. So Defect E is the, I'm just gonna say it,
15 black metal frame of fireplace.

16 Is that correct?

17 A. Yes.

18 Q. All right. Now we're back in Bedroom Number 2.

19 Is that correct?

20 A. Correct.

21 Q. All right.

22 A. No. 114.

23 Q. No. 114 and, in 114, we see the third bullet defect or
24 we see the E-1 bullet defect that's noted through the
25 bedroom wall.

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1 Is that right?

2 A. Yes.

3 Q. Now, does the bullet path of D -- of E -- all right. I
4 know you call it defect based on -- when you call it a
5 defect, just explain to the jury what does that mean.

6 A. We refer to it as a suspect -- suspected bullet defect.
7 It's -- instead of calling it a hole, just it left that
8 marking in that wall.

9 Q. It left a marking.

10 Okay. So, it messed it up basically. So now it's
11 defective if we want to use just simple terms.

12 A. Sure.

13 Q. Sure.

14 A. I mean you can call it a bullet hole. We just---

15 Q. Okay.

16 A. ---refer to them as defects. It's a defect to the
17 wall---

18 Q. Right.

19 A. ---that once was not there prior.

20 Q. Okay. And just because it sounds -- it does --
21 would -- it sounds a little bit weird to say defect whenever
22 it's a bullet hole. So that's why I was having you explain
23 why you use that terminology.

24 A. Yes.

25 Q. Okay.

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1 A. That's just the term that---

2 Q. Okay.

3 A. ---that we use.

4 Q. Not a problem.

5 Okay. So, moving along here, the pathway of Defect E
6 through the fireplace and then through the wall, was there a
7 continuation for that particular bullet?

8 A. Yes.

9 Q. All right. And you've documented that in your report.
10 And so the continuation of that bullet, is that
11 documented in 115?

12 A. Yes.

13 Q. All right. So, bullet -- I'm just gonna call it -- you
14 call it defect. I'm gonna call it Bullet E's pathway. You
15 marked this as E-2.

16 Is that right?

17 A. Yes.

18 Q. All right. So, that's another defect from that
19 particular projectile?

20 A. Yes.

21 Q. All right. And that -- is this the close-up of the
22 116?

23 A. Yes.

24 Q. All right. Thank you.

25 Now we're seeing a photograph which is 117 and we're

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1 just -- we're, we're seeing not only the defect you've just
2 now documented, which is Defect E-2 on the dresser door,
3 we're seeing another defect that you've documented.

4 Is that an entry of that same projectile?

5 A. Yes, ma'am.

6 Q. And is that Defect E-3?

7 A. Yes, ma'am.

8 Q. All right. And this is a close-up and actually, in
9 this particular photo which is State's No. 118, are you able
10 to see the defect to the dresser drawer as well as to the
11 wall for that same projectile?

12 A. Yes, ma'am.

13 Q. Okay. And this is a close-up, correct --

14 A. Correct.

15 Q. -- which is -- yeah.

16 And it actually shows the path of the bullet going into
17 the wall, right?

18 A. Yes, ma'am.

19 Q. Okay. Now, in this particular photograph, up in the
20 top part of the vanity with the door opened, what is 120
21 depicting?

22 A. So, that is Defect E-4, the -- inside the bathroom
23 under the sink cabinet. So the prior photo, the prior
24 defect of that. The dresser's on the opposite side---

25 Q. Okay.

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1 A. ---of the corner of that wall. So this is coming
2 through---

3 Q. Okay.

4 A. ---under that sink cabinet.

5 Q. Okay. All right. So here on the -- in Bedroom Number
6 2, we're seeing it going into where your Markers 11 and 6---

7 A. Yeah, underneath. Underneath.

8 Q. Underneath where 11---

9 A. Sorry.

10 Q. Okay. I'm gonna do that --

11 A. Yes.

12 Q. -- and then -- okay. So, under the vanity is where
13 this picture is taken.

14 So, the bullet traveled through there and that would be
15 Defect 4, right?

16 A. Yes, ma'am.

17 Q. Is that four?

18 All right. Now is this a close-up of E-4 in State's
19 No. 121?

20 A. Closer, yes.

21 Q. Closer obviously.

22 Now, this particular one -- oh, it's even closer. I'm
23 just gonna get through. That's 122.

24 All right. So what are we seeing in 123?

25 A. One twenty-three is showing a defect on -- by that

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1 toilet paper holder coming out from under the sink cabinet.

2 Q. Okay. And you've got a notation here in your report
3 that D -- with the defects, are you suppose to get both
4 where it enters a particular like either a wall or piece of
5 wood and then where it exits?

6 That's why it would be E-1 and then E-2, correct?

7 A. Yes.

8 Q. All right. But, in this case, we have an E-5 and an
9 E-6.

10 where's E-5?

11 A. E-5 is on the opposite side of the sink cabinet where
12 that toilet paper holder's coming out under the sink
13 cabinet.

14 Q. Okay. So, on the other side -- so just like whenever
15 we opened the door on the side where the bullet came through
16 the wall and you documented on the inside, was that picture
17 taken for E-6 documented?

18 A. No.

19 Q. Okay. So, it, it actually -- what does it say in your
20 report?

21 A. It was inadvertently not photographed --

22 Q. Okay.

23 A. -- under the sink cabinet wall.

24 Q. All right. But in -- were you comfortable, in your
25 experience in crime scene, documenting that that was the

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1 same projectile that traveled through where the toilet paper
2 holder is?

3 A. Yes, and it---

4 Q. All right.

5 A. It was scaled under there. It just wasn't
6 photographed.

7 Q. Got it. All right.

8 A. But with it coming out near that toilet paper holder,
9 there's obviously one on the opposite side.

10 Q. All right. Thank you.

11 And this is a close-up of defect D-6 in State's 123,
12 correct?

13 A. Correct.

14 Q. All right. Now we have 125.

15 what are we looking at in 125?

16 A. That is above that dresser in Bedroom 2. We labeled it
17 as Defect F.

18 Q. Defect F.

19 Okay. And then that's still the same bedroom, correct?

20 A. Yes.

21 Q. And this would be the close-up of it going into that
22 wall, which is State's 126, right?

23 A. Yes, ma'am.

24 Q. And then -- and 127 is that, once again, the next --
25 second part of the defect which shows where the bullet

Jennifer Hunton - Direct examination
By Solicitor Lively

1 traveled through the wall?

2 A. Yes, this is on the bathroom side of the wall --

3 Q. Okay.

4 A. -- above that sink cabinet above the sink.

5 Q. All right. And that would be Defect F-1.

6 Is that correct?

7 A. Yes.

8 Q. Okay. And then we've got a close-up of that in State's

9 128. You can see the number. And then really close-up,

10 129.

11 All right. Now what do we see here on 130?

12 A. That is the cabinet above the toilet.

13 Q. All right. And, according to your actual report, if
14 you will refer to what -- how you documented, and based upon
15 your experience in crime scene, that particular defect.

16 what are you documenting that as?

17 A. So we document it as this -- Defect F-2 to the side of
18 the wooden cabinet above the toilet. The projectile
19 appear -- appeared to have ricocheted.

20 Q. Okay. Appeared to have ricocheted.

21 So that is not an actually -- an entryway like on the
22 other defects that you've documented---

23 A. No, ma'am.

24 Q. ---correct?

25 A. It does not go through that cabinet.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 Q. All right.

2 A. There's not -- you'll see where the bullet hit. But
3 there's no actual hole to show that it went through.

4 Q. Okay. And that's a close-up to show that it did not go
5 through the cabinet, correct?

6 A. Yes, ma'am.

7 Q. State's No. 131.

8 All right. Now, what are you trying to do here in
9 State's 132?

10 we're looking Defect A. So we're back in the front
11 room next to the, the actual door into the home.

12 what are you doing whenever you used those, those rods?
13 what are they called?

14 A. They're metal trajectory rods to show---

15 Q. And---

16 A. ---the, the projectile -- the path of the projectile.
17 we use them to assist because, in this case, the bullet
18 exited the residence. We were just getting a general angle
19 in attempts to help us locate a projectile outside the
20 residence.

21 Q. And I believe yesterday when we were talking -- when I
22 was asking you questions about that, did you actually try
23 and use a metal detector to see if y'all could locate some
24 of those projectiles after you finished inside doing the
25 crime scene?

Jennifer Hunton - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. Okay. Were you successful?

3 A. No.

4 Q. All right. So -- and according to your Defect A and B,
5 were those the two defects that were around the front door?

6 A. Yes.

7 Q. All right. And so were those the two that you were
8 actually trying to determine if you could find a projectile
9 or a fragment outside?

10 A. Yes, because they exited the residence. So we were
11 trying to find where we went.

12 Q. Okay. What, if any, issues are there whenever you're
13 dealing with something like in this particular case where
14 you're -- you have a wall and then you have metal that was
15 wrapping the, the single wide trailer?

16 How does that affect the pathway of the bullet?

17 A. So, when a bullet strikes an object or a surface, they
18 can flip. They can tumble. It's -- it just is dependent
19 upon the surface that it strikes.

20 Q. Okay. All right. So, as for -- are you qualified as
21 for actually determining that the trajectory would be
22 exactly the way that the bullet was originally fired?

23 A. No, I'm not an expert in shooting reconstruction.

24 Q. Okay. All right. So -- but for this particular event,
25 tell the jury, once again, what the purposes of the rods

Jennifer Hunton - Direct examination
By Solicitor Lively

1 were.

2 A. This was to assist us in locating a general direction
3 of where the path -- the projectile exited the residence so
4 we could search for a bullet outside.

5 Q. Okay. Thank you.

6 A. They also help us line up the projectile path. So the
7 defects that were in the fireplace, we did attempt to line
8 those up with the rods. But the way that the fireplace was
9 angled to that wall, we weren't able to get the rods through
10 that dead space behind the fireplace through there.

11 Q. Okay. All right. Thank you. That was what I was
12 gonna ask you in a minute.

13 In this particular one, is this the other side of where
14 you put the rod through in Defect A, which would be that
15 first bullet hole that you, that you documented?

16 A. Yes.

17 Q. Okay. And this is in State's Exhibit No. 133. And
18 then this is a close -- oh, and this is Defect B.

19 So when you go back inside, Defect B, once again, was
20 the entryway of another bullet hole, correct?

21 A. Correct.

22 Q. Okay. And so this is where you put the rod into that
23 hole and that's in State's 134 and then is this 135 showing
24 where the rod actually pushed through the metal on the
25 outside?

Jennifer Hunton - Direct examination
By Solicitor Lively

1 A. Yes.

2 Q. Okay. That's it.

3 Okay. So just a couple of more photographs I wanted to
4 show you. Just a second.

5 where did I put those?

6 I'm gonna show you State's Exhibits 36-A and 37-A and
7 ask you if you recognize these photographs as being
8 photographs that were taken that are somewhat redacted at
9 this point?

10 A. Yes.

11 Q. Okay. So, in 36-A I believe is what we're calling it,
12 or 37-A, in this particular photograph, what was the point
13 of taking that particular photograph whenever your partner
14 was there with you?

15 A. Thirty-six-A?

16 Q. Thirty-seven-A. I'm sorry. Actually let me go back
17 cause we had -- this is showing it a little bit different.
18 Hold on. There we go. I'm sorry. 36-A.

19 what was the point of you -- you were trying to get in
20 36-A?

21 A. Thirty-six-A is in the front doorway shooting inside of
22 the residence.

23 Q. Okay. And so, in this particular photograph, I want
24 you to be very specific, what can we see in the right
25 portion of that photograph?

Jennifer Hunton - Direct examination
By Solicitor Lively

1 A. The front door.

2 Q. Okay. And the actual door knob?

3 A. Yes.

4 Q. And then what do we see to the left in regards to the
5 doorway?

6 A. The -- you can see the rocking chair and part of the
7 male victim.

8 Q. Okay. And what do we see actually -- don't we see
9 where the door would shut where the door jamb is?

10 A. Yes.

11 Q. Okay. All right. So, that prospective that was taken,
12 again, was that right in the doorway of the, of the house
13 when you swing open the door?

14 A. That is in the doorway, yes.

15 Q. Okay. That is in the doorway.

16 Can you please tell me, from that prospective, were you
17 able to see a shell casing or casings from that prospective?

18 A. From this photograph, no.

19 Q. All right. And we're showing the actual -- in your
20 diagram, where was the only visible, once you walked in once
21 we get to the next photo, which was the only visible one
22 once you actually took so many steps in that you could
23 actually see?

24 A. Marker 2.

25 Q. Marker 2.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 Okay. So let's look at that.

2 Okay. So this is 37-A and we're looking at this. Now
3 this is before you put the marker in.

4 Now the prospective we see -- do you remember this like
5 fake stone pathway going into the house --

6 A. Yes.

7 Q. -- that you documented?

8 A. That's in the front entryway, yes.

9 Q. The front entryway.

10 Okay. So, at this point, in prospective of where you
11 are or where your partner is, is he at the end of this stone
12 pathway?

13 A. He's standing on it.

14 Q. He's standing on it.

15 Okay. And is this particular photograph, we can't --
16 can you see the doorway at all --

17 A. No.

18 Q. -- from that prospective.

19 Okay. So he's inside the home.

20 Is that accurate?

21 A. Yes.

22 Q. All right. At that point, how many, if any, shell
23 casings can you see from that prospective?

24 It was documented in your photo.

25 A. From this photo, one.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 Q. One.

2 And would that be the Number 2 that we've been talking
3 about?

4 A. Yes, Marker 2.

5 Q. All right. In the living room area.

6 And that particular shell casing is behind who?

7 A. The male victim on the floor.

8 Q. The male victim on the floor.

9 Okay. Now, to go through your report just to finish
10 up, Agent Hunton, what items did you actually collect for
11 evidence that was, that was actually submitted or given to
12 the, the lead agency in this particular case?

13 A. Do you want me to read all the items off of my
14 submission?

15 Q. Okay. Let me just ask you this.

16 Are there a total of 11 markers which were 11 items
17 that were collected?

18 A. Yes.

19 Q. All right. So, in regards to those items that were
20 collected, just tell the jury -- just read out what exactly
21 those were at each marker.

22 A. In Markers 1 through 11, I just want to note those
23 aren't the only things that we collected from the residence.

24 Q. Okay.

25 A. But Marker 1 is one cartridge case headstamped FC

Jennifer Hunton - Direct examination
By Solicitor Lively

1 9-millimeter luger from the living room. That is for
2 Markers 1 through 4. They all have that, that same
3 headstamp.

4 Marker 5 is a fired projectile from the Bedroom 2
5 floor.

6 Marker 6 is a fired projectile from the bathtub in
7 Bedroom 2.

8 Marker 7 is a fired projectile from on top of the
9 bookshelf with the television in Bedroom 2.

10 Marker 8 is a fired projectile from that -- the ash
11 holder below the fireplace in the living room.

12 Marker 9 is one cartridge case -- Markers 9 and 10 are
13 cartridge case headstamped FC 9-millimeter luger both from
14 the living room.

15 And Marker 11 is a fired projectile from the bathroom
16 counter in Bedroom 2.

17 Q. Okay. And, once again, all of those cartridge casings
18 were the same caliber and the same headstamp, correct?

19 A. Yes, ma'am.

20 Q. All right. So, what other items did you actually
21 collect or things that you collected from the scene that
22 were turned over to Chester County Sheriff's Office?

23 A. So these were submitted by me.

24 Q. Okay.

25 A. If they have made their own submissions I'm not sure.

Jennifer Hunton - Direct examination
By Solicitor Lively

1 Q. That's fine. Just what you---

2 A. The items that were submitted by me are the Markers
3 that were just listed, the handgun from the blue Mustang
4 that was out in the driveway.

5 Q. Okay.

6 A. We scaled suspected blood from inside the residence.
7 Those were labeled and we took swabs from each of those and
8 those are A, B, C, and D.

9 Q. Okay.

10 A. We took swabs from the desk near the front door, swabs
11 of suspected blood. We took swabs of suspected blood from
12 the wooden folding table between the couch and the recliner
13 where the female victim was located. We collected two white
14 paper napkins with suspected blood from the wooden folding
15 table in-between the couch and the recliner where the female
16 victim was located.

17 We took exterior and interior swabs from all the door
18 handles from the front door and the rear door of the
19 residence. We have buccal swabs from Gene Scott, Gene
20 Rogers, and Billie Rogers. We have fingernail scrapings
21 from Gene Rogers and Billie Rogers.

22 We have a GSR kit from Gene Scott and then Gene Rogers
23 and Billie Rogers and postmortem, which are case prints,
24 which are fingerprints, from Gene Rogers and Billie Rogers.

25 Q. Okay. In regards to the, the blood items that you

Jennifer Hunton - Direct examination
By Solicitor Lively

1 actually swabbed, were these in locations in close proximity
2 to the victims in this particular case?

3 A. Yes.

4 Q. Okay. And, and was this dried blood consistent with
5 all of the blood in that particular area of each victim as
6 in it appeared to have come from that particular victim at
7 that time based upon what you were seeing?

8 A. Mostly likely, yes.

9 Q. Yeah, most likely. I know you can't say a hundred
10 percent but all right. So those and then also you had
11 testified yesterday that there was no sign of any kind of
12 forced entry of the house.

13 Is that right?

14 A. Correct.

15 Q. Okay. But you still swabbed the doors in both the back
16 and the front.

17 Is that correct?

18 A. They were still processed for latent prints and DNA.

19 Q. All right. And did you see any type of forced entry
20 through any windows or any damage to any of the other rooms
21 in the house?

22 A. No, ma'am.

23 Q. Okay. And the GSR kit you said you got, who actually
24 turned that over to you?

25 A. Special Agent -- sorry. He doesn't work with us

Jennifer Hunton - Direct examination
By Solicitor Lively

1 anymore.

2 Q. Would it be Kevin Blake?

3 A. Yes.

4 Q. All right. And when he turned that over to you, it
5 doesn't mean that you did the gunshot residue kit.

6 would he have been the one that actually did the kit?

7 A. He did the kit and then signed it over to me --

8 Q. Okay.

9 A. -- through a chain of custody form.

10 Q. Okay. All right. Now, Agent Hunton, were all of the
11 shell casings from this case located in the main living room
12 area and then kitchen area, the ones you collected?

13 A. Yes.

14 Q. Okay.

15 A. The living room and one in the kitchen.

16 Q. And that would be one, two, three, four, eight, nine,
17 and ten, correct?

18 And I'll just show you this so you don't have to go
19 back through that.

20 A. No. Okay. The order. I'm sorry.

21 One, two, three, four, eight, nine, and ten, yes.

22 Q. Okay. All right. So, that's what we have in regards
23 to shell casings.

24 Based upon those shell casings that you actually found
25 in the living room and kitchen area, would you expect the

Jennifer Hunton - Direct examination
By Solicitor Lively

1 shooter would of either been in the kitchen or somewhere
2 between the middle of the living room and the kitchen
3 whenever he shot the victims?

4 A. I'd say somewhere in the living room or---

5 MS. BOULWARE: Objection, Your Honor.

6 A. ---in-between the living room.

7 THE COURT: Wait a minute.

8 MS. BOULWARE: She hasn't been qualified as an expert
9 on -- this specific area.

10 THE COURT: I think she said as far as the---

11 SOLICITOR LIVELY: I can lay a better foundation.

12 THE COURT: Okay. Lay, lay a foundation and---

13 SOLICITOR LIVELY: Okay.

14 THE COURT: ---if you need to renew your objection,
15 then please do so.

16 SOLICITOR LIVELY: Okay.

17 Let me -- okay. When you go into a crime scene and in
18 your -- and you collect something like shell casings, is
19 this why you put on a diagram the location of those shell
20 casings and where they're located?

21 A. Yes.

22 Q. All right. So, whenever you find those shell casings,
23 are you looking in that, in that particular area to
24 determine, you know, where these shots may have come from in
25 order for those shell casings to be present where they are

Jennifer Hunton - Direct examination
By Solicitor Lively

1 or where there -- where they actually landed?

2 I'm sorry.

3 A. Yes.

4 So it's also important to notate when shots are fired
5 by a gun and where the shell casing is ejected from the
6 firearm. They don't take a particular path. They can
7 bounce off things. They can hit things and land wherever
8 they land.

9 Q. Okay. So, let me ask you this way then cause the
10 picture -- did you find shell casings in any other bedroom
11 or any other place in the home other than the kitchen and
12 the living room area?

13 A. No, ma'am.

14 Q. So, if someone was shooting a weapon in either the
15 kitchen or the living room area, would you expect to find
16 shell casings in that immediate area?

17 A. Yes.

18 Q. Okay. That was my question then. Thank you so much.
19 Answer any questions the defense may have.

20 THE COURT: Okay. Cross-examination by the defense.

21 MS. BOULWARE: Judge, may we approach?

22 THE COURT: Sure can.

23 (WHEREUPON, a bench conference was held out of the
24 hearing of the jury at this time.)

25 THE COURT: All right. Ladies and gentlemen, I think

1 we need to -- I think the defense wants to be able to print
2 out a picture to use in examination of this witness. Take
3 just a couple minutes, not long. But I'll need for you to
4 go back to the jury room and it should be just a couple
5 minutes. We'll be back.

6 Okay.

7 (WHEREUPON, the following takes place outside the
8 presence of the jury.)

9 THE COURT: Okay. Everybody be at ease for a few
10 minutes.

11 SOLICITOR LIVELY: Thank you, judge.

12 (WHEREUPON, a short recess was taken at this time.)

13 (WHEREUPON, Defendant's Exhibit Nos. 1 through 4 were
14 marked for identification purposes only at this time.)

15 MS. BOULWARE: Solicitor stipulate to the four photos
16 we're going to enter into evidence. She's not objecting to
17 them---

18 THE COURT: Is that correct---

19 MS. BOULWARE: ---as I understand.

20 THE COURT: ---solicitor?

21 SOLICITOR LIVELY: That's correct, Your Honor.

22 THE COURT: So that will be one through four in -- into
23 evidence for defense.

24 MS. BOULWARE: Yes, sir.

25 (WHEREUPON, Defendant's Exhibit Nos. 1 through 4 were

1 received into evidence at this time.)

2 THE COURT: All right. Very good.

3 Let's bring the jury out please, sir.

4 SOLICITOR LIVELY: May I step up here while she does
5 that?

6 THE COURT: You sure can.

7 SOLICITOR LIVELY: Thank you, Your Honor.

8 (WHEREUPON, the following takes place within the
9 presence of the jury.)

10 THE COURT: The record will reflect that the jury is
11 back in.

12 Ladies and gentlemen, the, the candy that's back in the
13 jury room, has that been satisfactory?

14 (WHEREUPON, there was no audible response.)

15 THE COURT: Okay. Not getting much response. It must
16 not be.

17 THE JUROR: We need snack.

18 THE COURT: Ma'am?

19 THE JUROR: We need more snacks.

20 THE COURT: More snacks.

21 Okay. Well, the judge and the judge's law clerk
22 provided the candy. So hopefully it's -- you like it.

23 Yeah, we'll get some more snacks. We'll, we'll make sure
24 there's more -- plenty of snacks back there for you.

25 THE COURT: Okay. Ms. Boulware, you ready?

Jennifer Hunton - Cross-examination
By Ms. Boulware

1 MS. BOULWARE: Yes, sir.

2 CROSS-EXAMINATION

3 BY MS. BOULWARE:

4 Q. So, Agent Hunton, just a couple of quick questions.
5 Not too many. So -- and, and I think the solicitor actually
6 covered this but I'll just clarify because one thing I
7 wasn't sure about, on your report for Defect A and Defect B
8 --

9 A. Yes, ma'am.

10 Q. -- and, and A-1 and B-1 as well, you've got those
11 entering and exiting inside to the outside, and I believe
12 you testified on A that no projectile was found as from that
13 particular --

14 A. Outside the residence --

15 Q. -- defect?

16 Right.

17 A. -- we weren't able to locate any projectiles, no.

18 Q. Okay. Was that the same for Defect B?

19 A. Yes, they were both exiting the residence, and when we
20 ran the metal detector out there, we did not find any
21 projectiles.

22 Q. Okay. Great. Great. And I believe you have what's
23 marked as State's 37-A and I don't think it's necessary.
24 But we can show it again. The jury's already seen that.

25 But looking at 37-A, and just to refresh for the jury,

Jennifer Hunton - Cross-examination
By Ms. Boulware

1 this is the walking in the front door, the scene as you
2 would walk in the front door.

3 Is that correct?

4 A. Yes, this is in the front entryway.

5 Q. Okay. Yeah.

6 So, this particular exhibit right here that the
7 solicitor was referring to, it's obviously not to scale,
8 right?

9 A. Yes, ma'am.

10 Q. Okay. would you agree that, in that photo, that the
11 bodies are closer together then they're shown to be on this
12 exhibit?

13 A. Yes, from the picture and the exhibit, they --

14 Q. Okay.

15 A. -- they---

16 Q. Okay.

17 A. ---look farther away on there.

18 Q. Great. Thank you.

19 And, at the scene, was GSR and buccal swabs collected
20 from Mr. Scott, the defendant, Mr. Scott, in this --

21 A. Yes, ma'am.

22 Q. -- case?

23 Okay. And so, moving onto some pictures that I don't
24 believe the jury has seen yet. I'm gonna show you what's
25 marked as Defense Exhibit 1.

Jennifer Hunton - Cross-examination
By Ms. Boulware

1 Is that a photo taken by you, Agent Hunton, or taken
2 during your investigation that day?

3 A. Yes, ma'am.

4 Q. Okay. What does that photo depict?

5 A. This is a table outside the residence somewhere without
6 seeing photos before it for context. But I know that it's
7 outside. There's a case to a Glock handgun that's out on
8 the table with a hose nozzle on top of it.

9 MS. BOULWARE: Okay. And so defense would move to
10 exhibit -- ah, excuse me. Defense Exhibit 1 into evidence.

11 THE COURT: I believe that's without objection---

12 SOLICITOR LIVELY: Without objection.

13 THE COURT: ---solicitor?

14 SOLICITOR LIVELY: No objection.

15 MS. BOULWARE: Yes, sir.

16 THE COURT: Okay. One into evidence for the defense.

17 MS. BOULWARE: All right. Thank you.

18 (WHEREUPON, Defendant's Exhibit No. 1 was again
19 received into evidence.)

20 MS. BOULWARE: Request permission to publish---

21 THE COURT: Sure.

22 MS. BOULWARE: ---to the jury?

23 Okay. So, as you've described right here, is the box
24 that would usually go with a Glock pistol?

25 A. Yes, ma'am.

Jennifer Hunton - Cross-examination
By Ms. Boulware

1 Q. Okay. And where was that located again?

2 A. On one of the outside tables outside the residence.

3 Q. All right. And, and then I'm gonna show you what's
4 marked Defense Exhibit 2, and is that another photo that
5 you-all took during your investigation?

6 A. I don't know that this is one of my photos.

7 Q. Okay. Would you -- it -- is it -- does it look similar
8 to the first one that I showed you or would it --?

9 A. The previous one you showed me was with it closed.
10 This is opened.

11 Q. Okay.

12 A. I know we had a closed one in my photos. But I don't
13 think we had an opened one. So --

14 Q. Okay.

15 A. -- that's why I'm -- I don't think this one is mine.

16 Q. Okay. Well, I'll get that one back.

17 And I'm gonna show you what's marked Defense Exhibit 3
18 and what does that depict?

19 A. The same table outside the residence.

20 Q. A little bit further away?

21 A. Yes.

22 MS. BOULWARE: Okay. Request to move Defense Exhibit 3
23 into evidence, judge.

24 SOLICITOR LIVELY: No objection.

25 THE COURT: Without objection, three into evidence for

Jennifer Hunton - Cross-examination
By Ms. Boulware

1 the defense.

2 MS. BOULWARE: Thank you.

3 (WHEREUPON, Defendant's Exhibit No. 3 was again
4 received into evidence at this time.)

5 MS. BOULWARE: Thank you.

6 Request to publish to the jury?

7 THE COURT: Publish to the jury.

8 MS. BOULWARE: Thank you.

9 All right. So, that is the Glock box far away, same --
10 basically the same position just a further back picture like
11 you would do on the inside like you explained?

12 A. Yes.

13 Q. Okay. Did you-all happen to collect any prints or swab
14 the Glock box?

15 A. No, ma'am.

16 Q. Okay. Do you know if it was empty?

17 A. Yes, it was empty.

18 MS. BOULWARE: Okay. Okay. Beg the Court's indulgence
19 one --

20 THE COURT: Sure.

21 MS. BOULWARE: -- moment.

22 (Pause.)

23 Q. How, how did you know it was empty, Agent Hunton?

24 A. Because we opened it on scene and looked in it and it
25 was empty.

Jennifer Hunton - Cross-examination
By Ms. Boulware

1 Q. Okay. So, you did view the empty and it did not
2 have -- or the, the empty box and it did not have a gun in
3 it?

4 A. No, ma'am.

5 Q. Okay. What else was in the box?

6 A. I'm not sure.

7 Q. Okay. All right. Did you happen to swab the inside of
8 the box when you opened it or try to get prints from
9 anything in that --

10 A. No, ma'am.

11 Q. -- in the box?

12 Okay. All right. That's all the questions I have,
13 judge.

14 THE COURT: What about No. 4?

15 MS. BOULWARE: I don't think she can authenticate it.

16 THE COURT: All right.

17 MS. BOULWARE: So --.

18 THE COURT: All right. Very good.

19 All right. Any -- anything in redirect, solicitor?

20 SOLICITOR LIVELY: No. Thank you, Your Honor.

21 THE COURT: Okay. All right. Ma'am, you can step
22 down. You're free to leave the courthouse or you're more
23 than welcome to remain with us.

24 All right. Next witness for the State.

25 SOLICITOR SOPRANO-CESMAT: State would call Grant

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 Martin.

2 THE COURT: All right.

3 THE CLERK: Raise your right-hand. Place your
4 left-hand on the Bible and state your name for the record.

5 THE WITNESS: Grant Martin.

6 GRANT MARTIN, being first duly
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR SOPRANO-CESMAT:

10 Q. Good morning.

11 A. Morning.

12 Q. Can you pull that microphone to you and speak loudly
13 into it for me please?

14 A. Okay.

15 Q. Please state your name for the record.

16 A. Grant Martin.

17 Q. Okay. And where do you live, Mr. Martin?

18 A. Richburg.

19 Q. Okay. And what, what street do you live on?

20 A. Well, Fawn Street.

21 Q. Fawn Street.

22 And is that -- let me show you this map.

23 Is that shown on this map?

24 A. Well, you see my name -- my residence right there.

25 Q. Okay. Is that an accurate depiction of your

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

- 1 residence---
- 2 A. Yeah.
- 3 Q. ---that's on the map?
- 4 A. Yeah.
- 5 Q. Okay. How long have you lived there?
- 6 A. Twenty-five, 26, 27 years, something.
- 7 Q. Okay. So a good long while?
- 8 A. Yep.
- 9 Q. Does anybody live there with you?
- 10 A. My family.
- 11 Q. Do you work outside of the home, Mr. Martin?
- 12 A. I'm retired.
- 13 Q. Okay. And what did you do before retirement?
- 14 A. Property management.
- 15 Q. Okay. Describe the Doe Street, Fawn Street area that
- 16 you live in.
- 17 Is it a real busy area?
- 18 Is it quiet?
- 19 A. No, it's quiet. It's out in the woods. Very quiet.
- 20 Q. And---
- 21 A. No through traffic.
- 22 Q. Do you know many of your neighbors?
- 23 A. Yes, I do.
- 24 Q. Which neighbors do you know?
- 25 A. The ones around me. We don't communicate much. We

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

- 1 just mind our own business but --.
- 2 Q. Okay. Did you know your live -- your neighbors that
- 3 lived at 608 Doe Street?
- 4 A. Yes, I did.
- 5 Q. And who lived there?
- 6 A. Gene Rogers.
- 7 Q. Did he have visitors from out-of-town that would come
- 8 and stay with him that you're aware of?
- 9 A. Yes, he did.
- 10 Q. Who would come and stay with him?
- 11 A. His mom would come at times and then his grandkids or
- 12 something like that. Young kids.
- 13 Q. Okay. About how far is it from your house to Gene's
- 14 house?
- 15 A. A little over a football field.
- 16 Q. Okay. And that's, that's a scale map.
- 17 Is that correct?
- 18 A. Yes.
- 19 Q. Were you and Gene close?
- 20 A. We were close.
- 21 Q. For neighbors---
- 22 A. Yes.
- 23 Q. ---like you said---
- 24 A. Yes.
- 25 Q. You kind of keep to yourself?

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 A. The closest of everyone out there, yes.

2 Q. Okay. Were you aware of any enemies that Gene had?

3 A. No.

4 Q. Did you ever meet Gene's grandson, Alex?

5 A. Yes.

6 Q. Okay. Have you met him -- did you get a chance to get
7 to know him or was it just kind of in passing a couple times
8 here and there?

9 A. He's lived -- he's (sic) was out there a long time, a
10 good while.

11 Q. Do you see him in the courtroom here today?

12 A. I guess that's him right there.

13 Q. Okay. That's, that's Alex?

14 A. Yes.

15 Q. Gene's grandson?

16 THE COURT: The one on the far right?

17 THE WITNESS: Yes, in the glasses.

18 THE COURT: Okay. Let the record reflect he's
19 identified the defendant.

20 Q. Did you see Alex out at Gene's house in close proximity
21 to the date in question that we're talking about here
22 today---

23 A. Yes, I did.

24 Q. ---Father's Day of 2020?

25 You did.

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 Okay. What was he doing out there before?

2 A. Well, he was out there a week or so before but I didn't
3 see him. I just heard that he was out there with his
4 friends.

5 Q. Okay. So you were not able to personally observe that?

6 A. No.

7 Q. Okay. What do you know about the relationship between Gene
8 and Alex?

9 A. Gene loved Alex with all his heart. He, he bragged
10 about him all the time. He, he loved him. He was, I guess,
11 his favorite.

12 Q. Okay. Do you know if Gene had any pets?

13 A. Yes.

14 Q. What kind of pets did he have?

15 A. A dog.

16 Q. Just one?

17 A. Yes.

18 Q. Do you remember anything unusual about his dog's
19 behavior leading up to the murders?

20 A. The dog was a brother to my -- I have the sister to the
21 brother of that dog. So, he was at the top of my driveway
22 everyday, every morning cause I had a little poodle dog and
23 they played a little bit.

24 So, a little prior to Father's Day---

25 MS. BOULWARE: Judge---

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 A. ---we seen the dog. He was---

2 MS. BOULWARE: ---can we approach for a moment?

3 THE COURT: what (indiscernible) -- ma'am?

4 MS. BOULWARE: May we approach for a moment?

5 THE COURT: Sure.

6 (WHEREUPON, a bench conference was held out of the
7 hearing of the jury at this time.)

8 THE COURT: All right. Solicitor, you may want to
9 repeat that question.

10 SOLICITOR SOPRANO-CESMAT: Okay. Thank you, judge.

11 Do you remember anything unusual about Gene's dog's
12 behavior?

13 A. Yes, it was not walking correctly. It was sort of
14 staggering a little bit like it -- his equilibrium was off
15 like --

16 Q. Okay.

17 A. -- and a little while after that the dog was gone.

18 Q. Okay. So did Gene still have that dog when he was
19 killed?

20 A. No.

21 Q. And you don't know what happened to the dog, correct?

22 A. No.

23 Q. Okay. When is the last time that you spoke to Gene
24 prior to his, to his death?

25 A. The Friday before --

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 Q. Okay.

2 A. -- Father's Day.

3 Q. Okay. What was the content of that conversation?

4 What did you guys speak about?

5 A. Well, Alex, that Alex was coming in and his family was
6 coming in or whatever, that he was gonna give Alex some more
7 money, that he had already give Alex a lot of money for his
8 business, and that he was gonna go ahead and give him the
9 rest of what he had because he had enough to retire on for
10 hisself.

11 Q. Do you know if Alex was aware of that plan of Gene to
12 give him some more money?

13 A. I do not.

14 MS. BOULWARE: Objection, Your Honor. That's
15 speculation.

16 THE COURT: All right. I'll sustain the objection.

17 SOLICITOR SOPRANO-CESMAT: Okay. We'll move on.

18 What do you recall about the evening of Saturday, May
19 the 20th?

20 Do you remember anything about your dogs that evening?

21 A. Well, I have dogs that they usually barking at night.
22 But they went a little berserk Saturday night. But --.

23 Q. Did you ever figure out what got them all worked up?

24 A. No.

25 Q. Okay. I'm gonna take you to Father's Day of 2020,

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 which the date of that was May 21st of 2020.

2 Okay, Mr. Martin?

3 Do you encounter -- did you encounter Alex Scott on
4 Father's Day?

5 A. Yes.

6 Q. How many times did you encounter him?

7 A. Twice.

8 Q. Okay. Now tell me about the first time that you
9 encountered him.

10 what was that encounter like?

11 How did you find him or how did that encounter begin?

12 A. Well, I was -- we were gone and I came back around 1:30
13 or so. But I seen a lot of cars on my road around there.

14 So then my son had got a phonecall saying that there
15 was a murder on Doe Street. So, I said well, let me go
16 check Geno because it's only three or four people live
17 there.

18 So I walked up my driveway and noticed a lot of
19 policeman talking over their cars, smoking cigarettes, and
20 such like that. I peeped through and I seen Alex on the
21 road. He was crouched down and he was holding his head in
22 his arm -- in his hands. So, I hollered at him and he
23 walked over and we spoke.

24 SOLICITOR SOPRANO-CESMAT: Okay. And I'd like to
25 clarify for the record. I misspoke by saying that Father's

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 Day was June 21st or May 21st of 2020. I would like to
2 correct that for the record.

3 THE COURT: Okay.

4 SOLICITOR SOPRANO-CESMAT: It was June 21st.

5 THE COURT: Okay.

6 SOLICITOR SOPRANO-CESMAT: Thank you, judge.

7 And what was that -- you said that you and Alex had a
8 chance to speak at that time.

9 What was the content of that conversation?

10 A. I asked him where Geno was and he said that somebody
11 murdered them, that it looked like they was executed and
12 shot in the back of the head.

13 Q. Okay. So Alex told you that somebody murdered them.
14 Who is them that you're referring to?

15 A. Bill -- Geno's mom, Billie, and him.

16 Q. Okay. So the two of them.

17 Did Alex tell you anything else?

18 A. No, we spoke a little bit. It was sort of a shock, you
19 know. So, I asked him was, was it like a scuffle --

20 Q. Uh-huh. (Affirmative).

21 A. -- you know, did anything look out the ordinary and he
22 said no. Just looks like they were sort of, sort of
23 executed.

24 Q. Okay. And did he indicate to you the position that he
25 found Gene and Billie in?

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 A. He just said he was slumped over. That was about it.

2 Q. And did he indicate the injuries that were sustained to
3 you?

4 A. Yes, back -- shot in the back of the head.

5 Q. Did he tell you how many times they were shot?

6 A. Twice.

7 Q. And you said in the back of the head, correct?

8 A. Yes.

9 Q. That's what Alex told you?

10 How did you respond to that?

11 A. I was in shock. It doesn't get any closer to home than
12 next door.

13 Q. All right.

14 A. So I was in a little shock. So, I told him if he
15 needed anything or if he needed to come down to the house,
16 you know, to get away from that, come on down.

17 Q. Okay. And that was the end of that first---

18 A. Yes.

19 Q. ---encounter?

20 A. Yes.

21 Q. And you indicated that you encountered him again at
22 some point in time.

23 Can you tell me about that?

24 A. Yeah, I, I was curious. So I kept looking over there
25 at stuff. So, about 11:30 or so the last police cars were

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 leaving. So, a little after that Alex came out. So, I
2 stepped out from my mailbox and we spoke a little bit then.

3 Q. Okay. And tell me about that second encounter.

4 A. We rolled down the window and I forgot what I said.
5 But he told me immediately that if he finds out who did it
6 he would kill them.

7 Q. Okay.

8 A. And then I commenced to tell him about how Geno and I
9 had a conversation Friday and how much he loved him and
10 what, you know, the -- his intentions of leaving the money.

11 Q. Okay. How did Alex respond to that?

12 A. He just -- he dropped his head and held his, you know,
13 just face down. Just sort of like that.

14 Q. How long did you speak that second time around 11:30PM
15 that you indicated?

16 A. Maybe 10 or 15 minutes or something like that.

17 Q. Okay. Did he indicate to you any leads that law
18 enforcement had or any ideas that law enforcement had given
19 him as to kind of what happened or anything like that?

20 A. Well, no---

21 MS. BOULWARE: Objection---

22 A. ---but he did mention---

23 MS. BOULWARE: ---Your Honor. Hearsay.

24 SOLICITOR SOPRANO-CESMAT: Okay. Let me rephrase that.

25 THE COURT: This is a conversation that he had with the

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 defendant?

2 SOLICITOR SOPRANO-CESMAT: That's correct, Your Honor.

3 THE COURT: Okay. Overruled.

4 MS. BOULWARE: Judge, she's asking him what law
5 enforcement told Alex.

6 THE COURT: Oh.

7 MS. BOULWARE: Yeah.

8 THE COURT: Okay. Then I misunderstood. You could
9 not -- you can repeat whatever Al -- Alex told you. You
10 just can't repeat anything that somebody else said.

11 Okay. So you may want to rephrase, solicitor.

12 SOLICITOR SOPRANO-CESMAT: Okay. Yes, Your Honor. Let
13 me rephrase.

14 Did Alex indicate to you anything that he knew about
15 the scene?

16 A. About what?

17 Q. About the scene. About the home.

18 A. He mentioned something about the police told him --
19 this is what he told me. The police told him---

20 THE COURT: You can't, you can't repeat what the police
21 told Alex. And so if Alex told you that, that would be
22 hearsay coming from the police. So, you can't do that.

23 SOLICITOR SOPRANO-CESMAT: Okay. Let me rephrase, Your
24 Honor.

25 So Alex had indicated to you that he -- did he indicate

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 to you that he was nervous about anything?

2 A. Yes, he did. He mentioned that they -- the police told
3 him -- well, I can't say --.

4 MS. BOULWARE: Objection, Your Honor.

5 Q. You can't say that---

6 THE COURT: well, let me---

7 Q. ---Mr. Martin.

8 THE COURT: well, his state of mind but it came on
9 somebody else's -- I'll, I'll sustain. Just don't -- maybe
10 move on to something else, solicitor, if you can.

11 SOLICITOR SOPRANO-CESMAT: Okay. Thank you, judge.

12 Did you speak to Alex at any point in time after the
13 murders?

14 A. The two conversations we had then and at 11:30 that
15 night. Nothing, nothing after that.

16 Q. And did he ever mention anything to you about the
17 caliber of weapon that was used?

18 A. Yes.

19 Q. Okay.

20 A. He said that it was suppose to be a 9-millimeter. But
21 he said it was a .40 or vice versa.

22 Q. Okay.

23 A. So, he told---

24 Q. So he had given you specific details about the---

25 A. Yes, he told me that --

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 Q. ---the caliber of weapon that was used?

2 A. -- they mentioned that to him and sort of like a how
3 would he know that, that it was a nine---

4 Q. Okay. We're gonna---

5 A. ---.40 instead of a nine.

6 Q. We're gonna move on.

7 Okay, Mr. Martin?

8 A. Okay.

9 THE COURT: Well, I, I think it's already in, in
10 evidence that I---

11 MS. BOULWARE: I just---

12 THE COURT: ---don't need to review. So -- I'm sorry.
13 I'm on the record.

14 Maybe move on please.

15 SOLICITOR SOPRANO-CESMAT: Okay.

16 Did Alex indicate to you any knowledge that he had of
17 which door the shooter may of come in?

18 A. He said they came in the backdoor.

19 Q. Okay. What'd you think about that statement?

20 A. I---

21 Q. What was your impression of it?

22 A. Didn't give it much thought right then.

23 SOLICITOR SOPRANO-CESMAT: Okay. I beg the Court's
24 indulgence.

25 THE COURT: Sure.

Grant Martin - Direct examination
By Solicitor Soprano-Cesmat

1 (Pause.)

2 Q. So, just to reiterate, Mr. Martin, these conversations
3 that you had with the defendant, Alex Scott, were on the day
4 that the bodies were found.

5 Is that correct?

6 A. Yes.

7 Q. And that's when he indicated to you how many times they
8 were shot and where they were shot?

9 A. Yes.

10 Q. Okay. No further questions. Please answer any
11 questions the defense may have.

12 THE COURT: Cross-examination.

13 MS. BOULWARE: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. BOULWARE:

16 Q. Good morning, Mr. Martin. I won't keep you too long.
17 I just got a couple of clarifications I'd like you to make.

18 So, you mentioned that the dogs -- I believe when you
19 first mentioned this, the way you phrased it and this was a
20 long time ago I think back in -- four years ago when you
21 gave an interview then, I believe you said the dogs were
22 raising hell.

23 Does that sound about right?

24 A. Yes.

25 Q. Okay. And you also mentioned it was about maybe 10:30

Grant Martin - Cross-examination
By Ms. Boulware

1 or eleven o'clock at night that the dogs were acting up like
2 that?

3 A. Yes.

4 Q. Okay. Okay. And you mentioned back then too that you
5 were aware of another person named Travis Lowe.

6 Okay. What, what do you know about Travis Lowe?

7 A. He lived over there with Gene a while.

8 Q. Okay. Okay. What else -- anything else you knew about
9 him?

10 SOLICITOR LIVELY: Your Honor, I'm just gonna object as
11 to relevance and also on an issue that she's raising that
12 could potentially open the door to something else that we've
13 been discussing --

14 THE COURT: Okay.

15 SOLICITOR LIVELY: -- that she has an objection to.

16 THE COURT: Okay. Well, you know, I, I don't know
17 where you're headed with, with this. I mean I'm gonna allow
18 it -- allow her to continue and see.

19 SOLICITOR LIVELY: Okay.

20 THE COURT: Objection so noted.

21 SOLICITOR LIVELY: Okay.

22 MS. BOULWARE: I'll ask it direct -- more directly
23 then.

24 THE COURT: Sure.

25 Q. Do, do you know if Travis Lowe did -- was he into

Grant Martin - Cross-examination
By Ms. Boulware

1 drugs?

2 A. Yes, I think he was.

3 Q. Okay.

4 All right. Beg the Court's indulgence---

5 THE COURT: All right.

6 MS. BOULWARE: ---one moment.

7 (Pause.)

8 MS. BOULWARE: No further questions, judge.

9 THE COURT: All right. Solicitor, anything to
10 follow-up?

11 SOLICITOR SOPRANO-CESMAT: Just brief -- briefly, Your
12 Honor.

13 THE COURT: Sure.

14 REDIRECT EXAMINATION

15 BY SOLICITOR SOPRANO-CESMAT:

16 Q. Mr. Martin, did you know -- you indicated that you knew
17 Travis Lowe, correct?

18 A. Yes.

19 Q. Do you know if he was in jail or prison at the time of
20 these murders?

21 A. Yes, he was.

22 Q. Thank you.

23 A. I believe so.

24 SOLICITOR SOPRANO-CESMAT: No further questions, Your
25 Honor.

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

3 THE WITNESS: Yes, sir.

4 THE COURT: You can -- y'all -- quits.

5 THE WITNESS: Okay.

6 THE COURT: All right. You can stay at the courthouse
7 if you'd like.

8 THE WITNESS: Okay.

9 THE COURT: You're more than welcome to---

10 THE WITNESS: Leave.

11 THE COURT: The State have another witness that you can
12 call?

13 SOLICITOR SOPRANO-CESMAT: We have a short witness,
14 judge --

15 THE COURT: Okay.

16 SOLICITOR SOPRANO-CESMAT: -- if that's all right with
17 you.

18 We would call Cassie Thompson.

19 THE COURT: Okay.

20 THE CLERK: Please raise your right-hand and place your
21 left-hand on the Bible and state your full name for the
22 record.

23 THE WITNESS: Cassandra Nicole Thompson.

24 CASSIE THOMPSON, being first duly
25 sworn, testified as follows:

Cassie Thompson - Direct examination
By Solicitor Soprano-Cesmat

1 THE CLERK: Please have a seat.

2 THE COURT: You may proceed.

3 SOLICITOR SOPRANO-CESMAT: Thank you, judge.

4 DIRECT EXAMINATION

5 BY SOLICITOR SOPRANO-CESMAT:

6 Q. If you'll pull that microphone to you and speak loudly
7 into it so the court reporter can hear you.

8 Okay?

9 A. Yes, ma'am.

10 Q. Please state your name for the record.

11 A. Cassandra Nicole Thompson.

12 Q. Okay. And where do you live?

13 A. [REDACTED] Street, Richburg, South Carolina, 29729.

14 Q. Okay. And I'm looking at this map.

15 Is your residence depicted on this map?

16 A. Yes, ma'am.

17 Q. And is that a correct representation of where you live?

18 A. Yes, ma'am.

19 Q. All right. How long have you lived there?

20 A. Since April of 2012.

21 Q. Okay. And where do you work?

22 I see you're in uniform here today.

23 A. Yes, ma'am, the Lancaster County Sheriff's Office.

24 Q. How long have you worked there?

25 A. Since August of 2015.

Cassie Thompson - Direct examination
By Solicitor Soprano-Cesmat

1 Q. What's your position at the Lancaster County Sheriff's
2 Office?

3 A. I'm a patrol supervisor.

4 Q. Do you drive a marked police car?

5 A. Yes, ma'am.

6 Q. And where does that car remain parked when you're
7 off-duty?

8 A. Typically up at the top of my driveway.

9 Q. Okay. So you get to take it home with you?

10 A. Yes, ma'am.

11 Q. Wonderful.

12 would that marked car be visible to neighbors and
13 travelers who pass by your house?

14 A. Yes, ma'am.

15 Q. Do you know any of your neighbors?

16 A. Yes, ma'am.

17 Q. Which neighbors do you know?

18 A. Grant Martin --

19 Q. Uh-huh. (Affirmative).

20 A. -- Chance Millwood and Amber Moore that lived directly
21 beside me and then Mickey Thomas that lives down at the
22 bottom of the hill at the end of Doe.

23 Q. Okay. Did you know who lived at 608 Doe Street?

24 I believe it's vacant now.

25 A. Yes, ma'am. Gene Rogers.

Cassie Thompson - Direct examination
By Solicitor Soprano-Cesmat

1 Q. Okay. Did you know him well?

2 A. No, ma'am, just only in passing.

3 Q. Okay. Have you ever met his grandson, Gene Alexander
4 Scott?

5 A. No, ma'am.

6 Q. Did you know of him?

7 Did you know that Gene had a grandson?

8 A. I had no idea.

9 Q. Okay. What type of neighborhood is it that -- this Doe
10 Street area?

11 A. I would say it's fairly quiet. I mean it's a little
12 bit off the beaten path. We've never really had much issue
13 --

14 Q. Okay.

15 A. -- with anything.

16 Q. Everybody kind of gets along.

17 Is that correct?

18 A. I would say that, yes, ma'am.

19 Q. Have -- and you indicated that you've never really had
20 any problems.

21 So you don't have any problems with crimes such as
22 burglaries, violent crimes, anything like that---

23 A. No, ma'am.

24 Q. ---in the neighborhood?

25 A. At least that I know of. I know personally I have not

Cassie Thompson - Direct examination
By Solicitor Soprano-Cesmat

1 been a victim of any.

2 Q. Okay. Do you recall Father's Day weekend of 2020?

3 A. Yes, ma'am.

4 Q. Were you home on Father's Day?

5 A. I was.

6 Q. What anyone home with you?

7 A. My husband.

8 Q. Do you recall anything unusual happening that day?

9 A. Not until I was contacted by some friends from the fire
10 department and Highway Patrol about a notification of a
11 shooting coming out over the radio. I had been contacted --
12 people were concerned that, with me being a law enforcement
13 officer, that something may of happened to me. So, they
14 reached out to me to make sure that I was okay.

15 Q. Okay. So you were made aware that the shooting had
16 happened?

17 A. Yes, ma'am.

18 Q. Okay. Do you have any animals, any pets?

19 A. Yes, ma'am.

20 Q. What kind of pets do you have?

21 A. I have currently three dogs.

22 Q. Okay. What about on Father's Day of 2020, how many
23 did---

24 A. At that point in time I had four.

25 Q. Dogs?

Cassie Thompson - Direct examination
By Solicitor Soprano-Cesmat

1 A. Yes, ma'am.

2 Q. Okay. Are they large dogs, small dogs?

3 A. Two chihuahuas and, at that time, I had two Huskies.

4 Q. Okay. Where do you normally keep your dogs on your
5 property?

6 A. Prior to a previous incident where one of my dogs got
7 mauled, the dogs would stay outside when we were gone from
8 the residence, and whenever we were at home, they would come
9 inside and hang out in the home with us.

10 Q. Okay. And on Father's Day in June of 2020, where were
11 you most of the day?

12 You said that you were home that day, correct?

13 A. Yes, ma'am.

14 Q. Okay. Where were your dogs?

15 A. They were in the residence with us.

16 Q. Did anyone come knocking on your door?

17 A. No, ma'am.

18 Q. Did you hear any unusual sounds?

19 A. Nothing that drew my attention.

20 Q. Okay. Could someone have knocked on your door and you
21 not know?

22 A. We were sitting in the living room, and if they were to
23 approach the front door, we would of been able to see them
24 coming and approaching.

25 Q. How would you have been able to see them approaching?

Cassie Thompson - Direct examination
By Solicitor Soprano-Cesmat

- 1 A. So we have a interior steel door and then we have a
2 clear glass storm door.
- 3 Q. Okay. And was that door opened---
- 4 A. Yes, ma'am.
- 5 Q. ---the steel door?
- 6 A. The interior steel door, steel door was.
- 7 Q. Okay. As a police officer, are you trained to
8 recognize and respond to someone in distress?
- 9 A. Yes, ma'am.
- 10 Q. Okay. Did you encounter anybody in distress on
11 Father's Day of 2020?
- 12 A. No, ma'am.
- 13 Q. Did anyone ever come and ask you for help that day --
- 14 A. No, ma'am.
- 15 Q. -- or that weekend in general?
- 16 A. No, ma'am.
- 17 Q. Okay. When, if ever, did you become aware of the
18 murders that occurred---
- 19 A. Um.
- 20 Q. ---on 608 Doe Street?
- 21 A. So after I had been notified by phone what had gone on,
22 I went to my radio, my work radio, and switched over to the
23 Chester County channel.
- 24 Q. Uh-huh. (Affirmative).
- 25 A. And by the time I had made it to their channel,

Cassie Thompson - Direct examination
By Solicitor Soprano-Cesmat

1 officers were arriving on scene and approaching the
2 residence.

3 Q. Okay. Were you asked to be involved in the
4 investigation of these murders?

5 A. Not directly. I had been contacted by a Chester County
6 detective at the time on the day of the incident and I was
7 asked about whether or not I had been home during that
8 morning and then also had been asked whether or not my dogs
9 had been out in the yard.

10 Q. Okay. So, was that them asking you, in your capacity
11 as the -- law enforcement, to assist in the investigation?

12 A. I would think it was just for confirmation or denial of
13 a statement.

14 Q. Okay. So more as a witness---

15 A. Yes, ma'am.

16 Q. ---would you say?

17 Okay. And why weren't you involved in this
18 investigation in your law enforcement capacity?

19 Did you have jurisdiction to be involved?

20 A. No, ma'am, my jurisdiction lies in Lancaster County.

21 Q. Okay. Who did you speak with about what you recalled
22 from that day?

23 I know you said that you had spoke to some law
24 enforcement and kind of given a statement.

25 A. It was Randy St. Clair.

Cassie Thompson - Direct examination
By Solicitor Soprano-Cesmat

1 Q. Okay. And what did you tell them?

2 A. I had told him that we had been home all morning. I
3 remember it vividly. We had been -- the new season of
4 Yellowstone was starting that evening.

5 So, we were binge watching the previous season and I
6 told him that we had been home and hadn't been approached by
7 anybody. And then I had later been informed, through a text
8 message, that the statement had then changed, that nobody
9 had actually approached our residence because of our dogs
10 being out in the yard.

11 Q. Okay. And on that Saturday before Father's Day, were
12 you home that Saturday?

13 A. I was.

14 Q. Okay. And what were you doing that Saturday evening?

15 A. We had grilled out with my best friend and her husband
16 and their daughter. I've kind of become I guess like a
17 creature of habit. I go to bed early working the day shift
18 schedule that I work. So, we were in bed about 8:30 that
19 Saturday evening.

20 Q. Okay. So, you were in bed.

21 Did you hear any gunshots on---

22 A. No, ma'am.

23 Q. ---Saturday night?

24 Okay. And you went to bed early.

25 Is that correct?

Cassie Thompson - Direct examination
By Solicitor Soprano-Cesmat

1 A. Yes, ma'am.

2 Q. Okay. Okay. Thank you. Please answer any questions
3 the defense may have for you.

4 A. Yes, ma'am.

5 THE COURT: Defense have any --

6 MR. FRICK: Yes, sir.

7 THE COURT: -- cross-examination?

8 CROSS-EXAMINATION

9 BY MR. FRICK:

10 Q. officer, I didn't catch your rank.

11 what is it?

12 A. Sergeant.

13 Q. Sergeant. I, I, I try to keep it right but sometimes I
14 get it messed up.

15 How long had you lived out there?

16 A. April of 2012.

17 Q. Okay. So you've been out there a long time?

18 A. Yes, sir.

19 Q. Okay. All right. Now, I know you said you hadn't had
20 any violent stuff and you hadn't been a victim of anything.

21 But you've had some issues with neighbors out there,
22 hadn't you?

23 A. In regards to animal incidents---

24 Q. Right.

25 A. ---yes.

Cassie Thompson - Cross-examination
By Mr. Frick

1 Q. Right.

2 And what, what -- and that was an incident where some
3 dogs from down the road came up to your house?

4 A. Yes, sir.

5 Q. Okay. Do you know where those dogs came from?

6 A. From what I had been told by Animal Control, the
7 animals had come from---

8 SOLICITOR SOPRANO-CESMAT: Objection. Hearsay, Your
9 Honor.

10 THE COURT: Okay.

11 Q. Do you recall telling law enforcement---

12 SOLICITOR LIVELY: That, that---

13 THE COURT: Okay. Well, I'll sustain.

14 You want them to rephrase the---

15 MR. FRICK: Yes, sir.

16 THE COURT: ---question?

17 MR. FRICK: I assume you were gonna sustain it. I'm
18 sorry.

19 THE COURT: That's all right.

20 Q. Do you recall telling law enforcement in an interview
21 that's -- that those came from the Mark -- from the Thomas
22 residence down the road?

23 A. From Mickey, Mickey Thomas' residence?

24 Q. Yes.

25 A. Yes, sir.

Cassie Thompson - Cross-examination
By Mr. Frick

1 Q. Okay.

2 A. There was a female that had laid claim to them.

3 Q. Okay. Okay. And, in fact, did you not refer to that
4 as a drug house down the road?

5 SOLICITOR LIVELY: Ob---

6 A. Suspected drug residence, yes.

7 Q. Okay.

8 All right. And, yeah, judge, I would ask, can I only
9 have one solicitor I got to compete with over here?

10 SOLICITOR LIVELY: I'm sorry. It's habit. I apologize
11 and that's why I stopped.

12 THE COURT: That's fine. That's fine.

13 SOLICITOR LIVELY: Okay. Thank you.

14 THE COURT: She's sitting down.

15 SOLICITOR LIVELY: Thank you.

16 MR. FRICK: It's tough being second chair sometimes. I
17 know. I'm with you.

18 All right. And do you recall telling law enforcement
19 that there was a dopehead who had showed up on your front
20 porch?

21 A. Yes.

22 SOLICITOR SOPRANO-CESMAT: Objection, Your Honor.

23 THE COURT: Okay. Are you referring to the
24 statement---

25 MR. FRICK: Her interview.

Cassie Thompson - Cross-examination
By Mr. Frick

1 THE COURT: Okay. Referring to the statement of --
2 yeah, I think that's fair game.

3 Overruled.

4 A. Um.

5 THE COURT: Now, you may want to show her her
6 statement.

7 SOLICITOR LIVELY: Yeah.

8 MR. FRICK: Well, I asked her if she recognized. She
9 hadn't had a chance to respond to that yet.

10 THE WITNESS: I do, yes.

11 Q. Do you recall telling that---

12 SOLICITOR SOPRANO-CESMAT: Objection.

13 SOLICITOR LIVELY: Your Honor, may we take this up
14 outside the presence of the jury cause we don't know what
15 interview that he's referring to. That's the only thing
16 we're asking is we don't know what interview -- this isn't
17 the interview that we have with her that we submitted---

18 THE COURT: Okay.

19 SOLICITOR LIVELY: ---to the defense.

20 THE COURT: All right.

21 MR. FRICK: Yeah, it is.

22 THE COURT: Well, I probably need to send the jury out.

23 Mr. Frick, have you informed the State---

24 MR. FRICK: Sure.

25 THE COURT: ---of the interview you're referring to and

Cassie Thompson - Cross-examination
By Mr. Frick

1 asking Officer Thompson about it?

2 MR. FRICK: Yes, she was interviewed by Richard Cullop
3 at her home.

4 THE COURT: Okay.

5 MR. FRICK: I believe it was this year.

6 SOLICITOR LIVELY: I just wanted to make sure which --
7 we just wanted to know which one he was---

8 THE COURT: Okay.

9 SOLICITOR LIVELY: ---she's referring to.

10 THE COURT: Okay.

11 SOLICITOR LIVELY: I think that's the one---

12 SOLICITOR SOPRANO-CESMAT: Withdrawn, Your Honor.

13 THE COURT: Okay. All right. You may proceed. You
14 may want to ask her---

15 SOLICITOR LIVELY: Yes.

16 THE COURT: Reask her one -- the last question.

17 Q. Do you recall, in an interview with a SLED agent
18 earlier this year---

19 SOLICITOR LIVELY: Thank you.

20 A. Yes, sir.

21 Q. ---that you referred -- that you talked about having a
22 dopehead coming knocking on your front door?

23 A. Yes, sir.

24 Q. And that's at your residence where you've been since
25 2012, right?

Cassie Thompson - Cross-examination
By Mr. Frick

1 A. Correct.

2 Q. Okay. Now, that morning, nobody came up your
3 driveway -- that Father's Day morning, nobody came up your
4 driveway?

5 A. No, no.

6 Q. Okay. But you're (sic) don't know whether anybody was
7 standing in the road yelling, do you?

8 A. During that incident, no.

9 Q. All right. In fact, you're -- you can see clearly back
10 to -- was that dope -- your dog's a dope, right?

11 A. Yes, sir.

12 Q. Okay. And just show you Defense -- State's No. -- this
13 big giant map -- okay. No. 6.

14 Just so I'm clear, that's, that's you right here---

15 A. Correct.

16 Q. ---right?

17 A. Yes, sir.

18 Q. Okay. And your driveway faces this curve in the road?

19 A. Yes, sir.

20 Q. Okay. And there's a bunch of woods right here, right?

21 A. Yes, sir.

22 Q. And, and, and Gene's residence was a little bit further
23 down the road past---

24 A. I can actually see -- it would be the C.D. corner of
25 Gene's residence from my, from my driveway.

Cassie Thompson - Cross-examination
By Mr. Frick

1 Q. All right. I feel like you're using a law enforcement
2 term when you say---

3 A. I'm sorry.

4 Q. ---you used those words.

5 A. So it would be the, the back right corner of the
6 residence.

7 Q. Can you see the backside of his trailer?

8 A. Yes, sir.

9 Q. Okay. All right. But as far as his driveway?

10 A. I can't not see the, the entrance to the driveway, no.

11 Q. Okay. And that Saturday night -- I know you work
12 dayshift. And so you go to bed maybe around 9:00 to 10:00,
13 maybe around---

14 A. That's late for me.

15 Q. I understand. We're -- okay. But if you'd of heard --
16 you were not awakened by any noises --

17 A. No, sir.

18 Q. -- right?

19 And prior to that, you had this cookout.

20 When was your cookout?

21 A. They came over for dinner at like 4:30 and they were
22 gone by 6:00.

23 Q. By 6:00?

24 A. Yes, sir.

25 Q. Okay. But you're still awake around seven o'clock?

Cassie Thompson - Cross-examination
By Mr. Frick

1 A. Yes, sir.

2 Q. And then up until -- we'll give you 8:30.

3 How about that?

4 A. Yeah, that's be -- usually about the latest that I'm---

5 Q. Okay.

6 A. ---I'm up and about.

7 Q. Okay. At this time, had you heard any gunshots?

8 A. No, sir.

9 Q. Okay. Thank you.

10 Beg the Court's indulgence, judge.

11 (Pause.)

12 MR. FRICK: Thank you, sir. That's all the questions I
13 have.

14 THE WITNESS: Yes, sir.

15 THE COURT: Any---

16 SOLICITOR SOPRANO-CESMAT: Beg the Court's indulgence
17 for just a moment.

18 THE COURT: Sure.

19 (Pause.)

20 THE COURT: All right. Any redirect---

21 SOLICITOR SOPRANO-CESMAT: Just briefly, Your Honor.

22 THE COURT: ---solicitor?

23 REDIRECT EXAMINATION

24 BY SOLICITOR SOPRANO-CESMAT:

25 Q. The defense asked you about a dopehead coming and

Cassie Thompson - Redirect examination
By Solicitor Soprano-Cesmat

1 knocking on your door.

2 Is that correct?

3 A. Yes, ma'am.

4 Q. Do you remember about what -- when that was?

5 A. That was October of 2023.

6 Q. Okay. So that was after this?

7 A. Yes, ma'am.

8 Q. Okay. And do you know the direction that this person
9 was coming from?

10 A. I know they slept all night in my yard. I was actually
11 on my way home from Florida from vacation and received a
12 phonecall from my neighbor next door that somebody was in
13 the driveway yelling for help.

14 I had reached out to the Chester County Sheriff's
15 Office by phone and somebody responded. By the time they
16 responded to the residence, he was not at my house anymore.
17 But we did have him on our surveillance cameras that we had
18 at home.

19 Chester County ended up making contact with him and he
20 was originally from North Carolina and had told the deputy
21 that responded that he did a bad batch of meth with his
22 buddy and had gotten kicked out. He had wondered the
23 neighborhood, saw my patrol car parked in the driveway, and
24 felt like it would be a safe place to be for the night, and
25 that's where he stayed.

Cassie Thompson - Redirect examination
By Solicitor Soprano-Cesmat

1 Q. Okay. So no indication of any connection between this
2 individual and any of your neighbors?

3 A. No, ma'am.

4 Q. Okay. And are you a hard sleeper?

5 Do you --?

6 A. Not really.

7 Q. No.

8 If the defendant had said that he was yelling for help
9 for 10 minutes or so after he found---

10 MR. FRICK: I believe we're outside the scope of my
11 cross-examination.

12 THE COURT: Well, it, it probably is. I'll allow it.
13 Go ahead.

14 MR. FRICK: I understand.

15 SOLICITOR SOPRANO-CESMAT: Thank you, judge.

16 So if the defendant was yelling for 10 minutes or out
17 in the middle of the road at this time that you're -- you
18 indicated that you were home, would you have heard him?

19 A. I would---

20 MR. FRICK: That's speculation, Your Honor.

21 A. ---say so.

22 THE COURT: Well, it probably is speculation. I'll,
23 I'll sustain that.

24 SOLICITOR SOPRANO-CESMAT: Okay. Nothing further, Your
25 Honor.

Cassie Thompson - Recross examination
By Mr. Frick

1 THE COURT: Okay.

2 SOLICITOR SOPRANO-CESMAT: Thank you, Ms. Thompson.

3 THE COURT: You may step down.

4 MR. FRICK: Judge, can I ask one quick question?

5 THE COURT: Okay. One question.

6 RECROSS EXAMINATION

7 BY MR. FRICK:

8 Q. The, the whole incident with the dopehead that showed
9 up and whoever was down the road, this was a random person
10 who showed up on Doe Lane, right?

11 A. Yes, sir.

12 Q. Okay. Thank you, ma'am.

13 THE COURT: All right. You can step down now. We're
14 probably gonna be ready for lunch.

15 SOLICITOR SOPRANO-CESMAT: Okay.

16 THE COURT: Ms. Lively, this will be a good time to
17 break for lunch unless you got maybe another little short
18 one?

19 SOLICITOR LIVELY: Let's see here. Who else do we
20 have?

21 Just one moment, Your Honor.

22 THE COURT: Sure.

23 SOLICITOR LIVELY: We could call Eric Parker.

24 THE COURT: Ma'am?

25 SOLICITOR LIVELY: Eric Parker.

Eric Parker - Direct examination
By Solicitor Lively

1 THE COURT: Okay.

2 THE BAILIFF: Do you know where he's located?

3 SOLICITOR LIVELY: I'm sorry?

4 THE BAILIFF: Do you know where he's located?

5 SOLICITOR SOPRANO-CESMAT: Eric Parker, Parker's right
6 here.

7 SOLICITOR LIVELY: I'm sorry. I didn't realize he was,
8 he was right there.

9 THE CLERK: Raise your right-hand and place your
10 left-hand on the Bible. Please state your full name.

11 THE WITNESS: Eric Parker.

12 ERIC PARKER, being first duly
13 sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY SOLICITOR LIVELY:

16 Q. Hi, Mr. Parker. Where are you from?

17 A. I'm from -- I live in Dallas, North Carolina.

18 Q. And how long have you lived in Dallas, North Carolina?

19 A. I live on the current address 11 years.

20 Q. Eleven years.

21 A. Before that I lived one mile down the road and was born
22 and raised there.

23 Q. All right. Have you ever lived in South Carolina --
24 you said you were born and raised in North Carolina.

25 So, have you ever been to Doe Street in Richburg, South

Eric Parker - Direct examination
By Solicitor Lively

1 Carolina?

2 A. I've been to Doe Street. I have been past that area
3 before.

4 Q. All right. And what do you do?

5 where do you work?

6 A. I work at Airgas. My title is chraginet (phonetic)
7 technician.

8 Q. And how long have you worked at Airgas?

9 A. Going on 19 years.

10 Q. Okay.

11 A. Eighteen and a half.

12 Q. And do you know the defendant, Mr. Alexander Scott?

13 A. I've never met the defendant. But I do know of him.
14 I've seen pictures of him and so forth.

15 Q. All right. And how about Gene Rogers?

16 Did you know Mr. Rogers?

17 A. Yes, ma'am, I knew Gene very well.

18 Q. And why is that?

19 A. We worked together. I met Gene in 2006 when I first
20 got employed. Shortly after that we started working
21 together pretty regular. The last year that he was with us
22 we worked together, stayed out of town together on an
23 average of three nights a week.

24 Q. All right. So, did you get to know his -- like his
25 immediate family members and, and people that he actually

Eric Parker - Direct examination
By Solicitor Lively

1 spent a lot of time with?

2 A. I did. Not in person, but through Gene, and, and the
3 telephone.

4 Q. And through -- okay. And through telephone. So, you
5 said that y'all would spend probably three days together.

6 would this be times whenever you were actually out of
7 town on work or what would that be like?

8 A. That would be -- that, that would be an average of that
9 last 12 months that he was with us---

10 Q. Okay.

11 A. ---three nights a week on average. Sometimes more,
12 sometimes less out of town at the same hotel.

13 Q. Okay.

14 A. Breakfast, lunch, supper --

15 Q. All right.

16 A. -- so forth.

17 Q. Okay. And so, at that point in time, based on all of
18 the time that you actually spent with Mr. Rogers, did you
19 feel like you had a, a really close and, and personal
20 relationship with him as well as a work relationship?

21 A. Yes, ma'am, we were, we were, I would say, very close.

22 Q. Now, were you familiar with the fact that he had been
23 married twice?

24 A. I was.

25 Q. All right. And do you happen to remember his -- the

Eric Parker - Direct examination
By Solicitor Lively

1 names of his wives?

2 A. Robin is the only one that I recall.

3 Q. Okay. And was Robin his most recent wife?

4 A. I believe so.

5 Q. Okay. Now, did you know whether or not the defendant
6 was actually his biological grandson or did you know the
7 dynamic of that relationship?

8 A. Yes, ma'am, I did.

9 Q. You did.

10 Okay. So, was he biological---

11 A. No.

12 Q. ---or not?

13 He was not.

14 Okay.

15 A. No.

16 Q. Did that ever seem to make Mr. Rogers hesitate in
17 regards to caring for him and doing for him?

18 A. No, ma'am. If you did not know that, then you
19 wouldn't, you wouldn't -- you just wouldn't know it. He
20 loved, he loved his family, especially his grandkids,
21 especially the defendant.

22 Q. Especially the defendant.

23 And how did -- were you aware of when the defendant
24 actually went into the Marines?

25 A. Was I aware of when or if?

Eric Parker - Direct examination
By Solicitor Lively

1 Q. If.

2 A. Yes, I knew he was in the military.

3 Q. Okay. And how did Mr. Rogers feel about that?

4 A. I -- the take I took on it was proud. He had a lot of
5 pride for the defendant.

6 Q. Did he ever -- do -- did you know Mr. Rogers to
7 actually buy him something extravagant?

8 A. I knew that he bought him a, a vehicle, the Mustang.

9 Q. Okay. And had you discussed with -- well, how old was
10 he whenever he was murdered?

11 Do you remember how old --

12 A. How old Gene was?

13 Q. -- Gene was?

14 Uh-huh. (Affirmative).

15 A. I know that he had one more year to retire. I'm
16 assuming he was retiring at 62.

17 Q. Okay. That was gonna be my follow-up question is did
18 you know when he---

19 A. I'm not very good at math. But yeah.

20 Q. All right. So, that was gonna be my question was were
21 you aware when Gene Rogers was planning to retire?

22 A. Yes, ma'am.

23 Q. Okay. So in about a year?

24 A. Yeah, roughly a year if I'm not --

25 Q. Okay.

Eric Parker - Direct examination
By Solicitor Lively

1 A. -- from what he stated to me.

2 Q. At the time whenever he talked about retirement, do you
3 know what his plan was whenever he retired?

4 A. Yes, like I said, we, we spent a lot of time together,
5 had a lot of conversations. The way I took it and
6 conversations that we had, he was going to retire and buy a
7 van or acquire a van and travel around, maybe not the whole
8 country, but travel around and, excuse me, sell boiled
9 peanuts, hand out gospel tracks, and tell people about
10 Jesus.

11 Q. All right. Did you know him before he had stopped
12 drinking?

13 A. Before, ma'am?

14 Q. Did you know him before he had stopped drinking?

15 Did you -- were you aware that he had, at one time --?

16 A. I was aware that at, at one time Gene drank. I don't
17 know to the extent. I'm sure he had a storied past like
18 most of us do. But when Gene changed shortly -- I think
19 shortly before, during, or after the major surgery that he
20 had, he, he, he changed. So it was a -- yeah, you know,
21 complete 180.

22 Q. All right. All right. Thank you, Mr. Parker.

23 So -- and let's talk about just the time before the
24 actual murders occurred.

25 How was Gene -- how was he doing at that time in

Eric Parker - Direct examination
By Solicitor Lively

1 regards to his family relationships and with his, I think at
2 this time, may of been his ex Robin?

3 How -- did you know anything about those relationships?

4 A. I was always, always under the assumption that it was
5 a, a decent relationship. Gene has grand -- grandchildren
6 regularly.

7 Q. Okay.

8 A. They went to the beach. He took them to a beach on --
9 for a week trip just about every year I believe. I was
10 under the assumption, from what I know, Robin brought -- you
11 know, they had a good relationship. She would bring the
12 grandchildren to his home. I never, I never heard any --
13 anything ill spoken about her.

14 Q. All right.

15 A. Not through Gene or anybody else.

16 Q. Okay. And had you actually met her yourself?

17 A. No, ma'am.

18 Q. You did not.

19 All right. So, all of this that you're hearing, would
20 that be directly from your friend, Mr. Rogers?

21 A. Yes, ma'am, directly from Gene.

22 Q. So, getting closer in time to whenever the murders
23 happened, was he, you know, anxious or worried or upset
24 about anything?

25 A. I don't know if he was worried. You know, prior to

Eric Parker - Direct examination
By Solicitor Lively

1 what happened happening, we had conversations regarding
2 monies that he gave the defendant and --.

3 Q. Tell us what you know about the monies that he gave the
4 defendant.

5 A. You know, I don't -- I don't -- I can not remember an
6 exact number. It was around the 90 to \$100,000 mark.

7 Q. Did you say 90 to 100,000?

8 A. Yeah, somewhere around that, around that figure. He
9 had conversations with me that he was gonna do, do this to,
10 to help the defendant. He wanted to help him. He wanted to
11 see him do good, succeed, maybe have more help in -- at a
12 younger age than, than Gene had or didn't have.

13 So, as far as being anxious, I don't, I don't know if
14 it was any true worries. But I did, I did get Gene was
15 anxious later on due to, I guess, the business not really,
16 you know, taking off and --

17 Q. And what business are you talking about?

18 A. The business of the defendant was, was to start.

19 Q. Okay. All right. So that -- did -- you're referring
20 to his anxiety about that, Mr. Rogers?

21 A. Yeah, the, the conversations that, that I had with
22 Gene, it was, you know, basically -- and Gene -- and I, I
23 never took it as Gene giving this money as an investment
24 with, you know, anticipation of, of monies being returned.
25 But I did get the, the notion that, you know, the -- nothing

Eric Parker - Direct examination
By Solicitor Lively

1 was happening.

2 You know, large of -- there -- you know, there was a
3 large, a large sum of money that was, that was given and I
4 remember Gene saying that the only thing really that's being
5 done is a lot of weapons are being purchased, guns are being
6 purchased, and, and that's it. So --.

7 Q. Okay. Have you ever been in the vehicle whenever,
8 whenever Gene would be on the telephone with family members
9 or possibly the defendant?

10 A. Yes, ma'am, I -- I've been in the vehicle as also -- as
11 well as outside the vehicle --

12 Q. Okay.

13 A. -- on a, on a job site or, or, or restaurant or so
14 forth.

15 Q. Okay. And do you recall any of those conversations
16 that he may of had with the defendant specific --
17 specifically that you knew he was talking to Alex --

18 A. Yes, ma'am.

19 Q. -- the defendant.

20 You do.

21 Okay. Tell us about that.

22 A. There's, there's been instances where -- Gene talked to
23 Alex -- I can't say he spoke to him everyday. But he spoke
24 to him every day that I was with him. Sometimes multiple
25 times a day if it was no more than Gene calling him up and

Eric Parker - Direct examination
By Solicitor Lively

1 saying love you, checking on you, so forth.

2 Q. And was---

3 A. There was---

4 Q. ---this close in time to the murders or was this all
5 throughout?

6 I'm just trying to get an idea.

7 A. I mean that was -- yeah, it was all the way throughout.
8 of course, you know, the -- we had conversations about
9 monies were -- was closer to the --

10 Q. okay.

11 A. -- to, to the murder.

12 Q. All right. So tell us about any conversations that you
13 specifically heard between the defendant and Mr. Gene Rogers
14 as it related to the money and the business.

15 A. Most of the conversations I heard between Gene and, and
16 the defendant, of course, I could not hear the defendant.
17 It was on the phone. There was times where I could hear the
18 defendant on the phone being loud. But I couldn't decipher
19 what was being said.

20 There, there was one, maybe two times, that Gene would
21 put it on speakerphone and just say hey, just say -- you
22 know, tell me to say hey to my grandson. That's about the
23 extent of hearing his voice.

24 Q. Got you.

25 A. After the fact of those conversations, you know, me and

Eric Parker - Direct examination
By Solicitor Lively

1 Gene was very close. I never did ask anything. So,
2 everything I know, you know, he, he just came forth to give
3 me because we were close.

4 Q. All right.

5 A. So there was instances where, you know, I would mention
6 hey, you okay or -- and then that's when he mentioned the
7 monies and then the, the defendant requesting more money at
8 a, at a later time after the initial conversation of telling
9 me about the money.

10 Q. Okay. I know it's been a long time.

11 But have you been able to -- could you remember about
12 how long before he, Mr. Rogers, was murdered that these
13 conversations were taking place?

14 Was it like weeks or months?

15 Can you recall?

16 A. Six to eight weeks at the most.

17 Q. Six to eight weeks at the most?

18 A. Yes, ma'am.

19 Q. And were those conversations, when they were with the
20 defendant, they were about the money, were those the ones
21 that would be the loud conversations with the defendant
22 over -- that would leave Mr. Rogers --

23 A. Yes, ma'am.

24 Q. -- bothered?

25 I think you used the word bothered.

Eric Parker - Direct examination
By Solicitor Lively

1 Is that the -- was that the term you used?

2 A. Yeah. I mean Gene was a -- he wasn't a very tall, tall
3 man. But he was a man's man. So, he never, he never told
4 me hey, I'm, I'm so scared or so worried. But I gathered
5 that he was bothered.

6 Q. And based on your relationship with him and knowing
7 him, I mean did it affect his demeanor after he would have
8 these loud conversations with the defendant?

9 A. It would in, in a bothersome way. Not an extravagant,
10 you know, losing, losing the ability to think way. But just
11 a bothered way that I could see, you know, from on, on him.

12 Q. Were there any conversations with Mr. Rogers about the
13 beneficiaries of his estate?

14 A. Yes, ma'am.

15 Q. Okay. Tell us about those conversations.

16 A. There was conversations between me and him where he
17 told me that -- to kind of go back to the monies, I was, I
18 was told, of course, like I stated, that he gave him the
19 money and then there was a request a little bit after that
20 for more monies. I -- at that time, Gene told me that he
21 said no.

22 I was unaware that he gave him money twice. But the
23 conversation I had with Gene six to eight weeks before Gene
24 told me that he said no that he had to have---

25 Q. Okay. Let me correct -- let me just make sure I

Eric Parker - Direct examination
By Solicitor Lively

1 understand.

2 A. Yes, ma'am.

3 Q. So, six to eight weeks before the murder, Gene told you
4 that he told the defendant no for more money?

5 Is that what you're saying?

6 A. I would say -- yes, that's correct.

7 Q. Okay. Okay.

8 A. Yes.

9 Q. I just wanted to make sure I was hearing that right.

10 All right. So, after Gene tells you that he turned --
11 basically said no to any more money---

12 A. Gene said no. He said, you know, he was, I guess, just
13 opening up to me just, you know, speaking verbally to get it
14 out. He said no because I got to have something to live on.
15 You know, I'm wanting to do this van thing and, and the
16 boiled peanuts --

17 Q. And the boiled peanuts.

18 A. -- and so forth.

19 Q. Okay. Did you know anything about his life insurance
20 policies?

21 A. I did. I knew a little bit.

22 Q. Okay.

23 A. I didn't know no great detail.

24 Q. Okay.

25 A. Gene made the comment that---

Eric Parker - Direct examination
By Solicitor Lively

1 Q. All right.

2 A. ---that he made the comment to them, and I took it as
3 referring to, to Alex and his son, that after Gene died,
4 then that's when he -- you know, the monies would go I
5 assume to the defendant and the property was to go to his
6 son --

7 Q. His son.

8 A. -- is what I understood.

9 Q. Okay. All right. And did you know his -- who he
10 refers to as his son?

11 Do you know -- remember what his name was?

12 A. Aaron --

13 Q. Aaron?

14 Okay.

15 A. -- which I've never met but --.

16 Q. Okay. So, Aaron Scott, does that sound right?

17 A. It sounds right.

18 Q. If you don't remember---

19 A. But I --.

20 Q. Okay. Fair enough. If, if the -- Aaron's fine.

21 So, the conversation from Gene would -- was that the
22 money would go to the defendant and, and the property would
23 go to Aaron?

24 A. Yes, ma'am, that's the way I understood it.

25 Q. Okay. And what type of policy do you have if you have

Eric Parker - Direct examination
By Solicitor Lively

1 one in regards to life insurance with Airgas?

2 A. Me personally?

3 Q. Uh-huh. (Affirmative).

4 A. I do not even know the, the, the exact dollar amount.

5 It's---

6 Q. Okay.

7 A. I'm, I'm worth a lot more not here then I'm here.

8 Q. Okay. Fair enough.

9 A. I think there's some---

10 Q. Okay.

11 A. There's some clauses in there if certain things happen.

12 Q. Uh-huh. (Affirmative).

13 A. I think those payouts go to my beneficiary, my wife --

14 Q. Okay.

15 A. -- at a larger sum I believe. I don't, I don't really
16 look into that too much but --.

17 Q. That's fine. But my, my question should of been a
18 little bit easier than that.

19 My question is does the -- does Airgas actually provide
20 you the ability to get a life insurance policy through their
21 company?

22 A. Yes, ma'am.

23 Q. Okay.

24 A. The company I work, Airgas, they offer, they offer -- I
25 think it's a, a, a standard amount and then you have an

Eric Parker - Direct examination
By Solicitor Lively

1 option to buy up.

2 Q. You can buy up.

3 Okay. All right. Hold on just a second.

4 Court's indulgence.

5 A. Yes, ma'am.

6 (Pause.)

7 Q. And if you could please tell the jury when was the last
8 time you remember speaking with Gene before you found out
9 that he had been killed.

10 A. I spoke to Gene -- we worked together the Thursday
11 before and I spoke to Gene -- I spoke to Gene then. I also
12 spoke to Gene's mother then and then I spoke to Gene on the
13 phone Friday, the day before, 72 hours before, 16 hours or
14 whatever that was. We were suppose to meet is why I, I know
15 that.

16 Q. And did he mention anything about the defendant during
17 those conversations -- those last conversations?

18 A. On, on the phone, no.

19 Q. Okay.

20 A. But that week, yes.

21 Q. Okay. And what were those conversations?

22 A. As I stated before, just, you know, the monies, talking
23 about money and he never did state to me that he gave more
24 money probably because I never told Gene what to do. I mean
25 he was older than me. He's a grown man as well. But I did

Eric Parker - Direct examination
By Solicitor Lively

1 make it known that I personally would not give any more
2 monies until I seen progress in the business.

3 Q. How'd you find out that he'd been murdered?

4 A. Friday -- we spoke on the phone Friday afternoon,
5 Friday evening, whatever time it was. I think they were
6 suppose to go to West Virginia or out of town.

7 I've got some property in the North Carolina mountains
8 that, that I purchased recently at that time that he was
9 excited about for me. And, on the way there or on the way
10 back from being out of town, him and his mother was gonna
11 stop and look at my property and meet with me.

12 I didn't hear from Gene, of course. I just thought
13 maybe he, he got tied up out of town with family. Monday
14 is, is when my supervisor called me and, and said hey, where
15 you at. I'm -- I told him and he said well, you know, sit
16 down. I want to tell you something and, and that's when I
17 found out.

18 Q. Did you---

19 A. That could of been it. Honestly, it could of been
20 Tuesday morning but I'm, I'm pretty sure it was Monday,
21 yeah.

22 Q. And after you learned that, did you have any con -- any
23 contact at all with the -- his family or with the defendant
24 after the murder?

25 A. No, ma'am.

Eric Parker - Direct examination
By Solicitor Lively

1 Q. Okay. Is this the first time that you've had the
2 opportunity to actually talk about your relationship with
3 Gene other than whenever you contacted our office?

4 A. When I contacted your office initially years ago or --?

5 Q. Well, let me ask you that.

6 When was -- did you attempt to actually reach out to
7 any agency in Chester County so that you could give
8 information regarding this case?

9 A. I personally didn't reach out. The reason being it
10 didn't take long for them to reach out to me initially and I
11 mean it's been -- you know, I can't tell you what -- exactly
12 what they asked me. But general questions probably similar
13 to today.

14 Q. Okay.

15 A. And it -- the conversation ended as, you know, if
16 needed, we will follow back up with you or we'll contact
17 you, which ultimately happened.

18 Q. Okay. All right. And is everything you're telling us
19 here today how you remember your last few weeks in your
20 friendship with Mr. Rogers?

21 A. Yes, it's, it's, it's, you know, it's vivid for me.
22 It's, it's a hundred percent accurate.

23 Q. All right. Thank you so much. Answer any questions
24 the defense may have.

25 A. Thank you, ma'am.

Eric Parker - Direct examination
By Solicitor Lively

1 THE COURT: Ms. Boulware, any questions of Mr. Parker?

2 MS. BOULWARE: Brief one question and we can all maybe
3 go to lunch then.

4 CROSS-EXAMINATION

5 BY MS. BOULWARE:

6 Q. So, Mr. Parker, you mentioned that every day Eugene was
7 with you he did have contact or he talked to Alex.

8 He would talk to him on the phone?

9 A. Everyday that he was with me.

10 Q. With you.

11 A. Cause he was not with me everyday.

12 Q. I, I understand. But -- and that was my next question.
13 Well, sorry about the questions.

14 And, and you said about three days a week maybe on
15 average?

16 A. That's an average.

17 Q. Okay. All right.

18 A. It could of been a week or two with no days and then a
19 week or two of four, four to five days.

20 Q. Got you.

21 You spent a lot of time together though is---

22 A. We did, yes, ma'am.

23 Q. Okay. All right.

24 No further questions, judge.

25 THE COURT: All right. You can step down, sir. Thank

1 you.

2 All right. Ladies and gentlemen. This will be a good
3 time to break for lunch and let's start back at two o'clock.
4 And remember, as I told you yesterday, if we go to a local
5 restaurant, keep your badges visible and we'll see you back
6 at 2:00.

7 Have a good lunch.

8 (WHEREUPON, Court was in recess for the lunch hour.)

9 (WHEREUPON, the following takes place within the
10 presence of the jury.)

11 THE COURT: Let the record reflect the jury is back in.
12 Ladies and gentlemen, hope you had a good lunch and
13 ready to get back to work.

14 Okay. All right. Ready to call the next witness for
15 the State?

16 SOLICITOR LIVELY: Yes, Your Honor. Thank you so much.
17 The State would call Jolene Clinton to the stand.

18 THE COURT: Okay.

19 THE CLERK: Raise your right-hand. State your full
20 name.

21 THE WITNESS: Jolene Clinton.

22 JOLENE CLINTON, being first duly
23 sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY SOLICITOR LIVELY:

Jolene Clinton - Direct examination
By Solicitor Lively

1 Q. Mrs. Clinton, please tell the jury what your current
2 position is here in Chester County in regards to the
3 Coroner's Office.

4 A. Deputy coroner.

5 Q. And how long have you been in that position?

6 A. Since 2017.

7 Q. And what does it mean that you're the deputy coroner?
8 what are your duties?

9 A. You go out and assess deaths to determine the cause of
10 the death.

11 Q. All right. And what is the legal terminology for what
12 is it that you actually would call those different -- like
13 actually declaring the death and the type of death?

14 A. Homicides. You have natural, accidental.

15 Q. All right. So those legal terminology?

16 A. Yes.

17 Q. All right. And who else works with you at the
18 Coroner's Office that also on -- at different times would go
19 on scenes of a death?

20 A. The coroner --

21 Q. Yes.

22 A. -- Terry Tinker, our chief deputy coroner, who at that
23 time was Tommy Williams and now is Bobby Bass --

24 Q. Okay.

25 A. -- and some of our other deputies depending on the type

Jolene Clinton - Direct examination
By Solicitor Lively

1 of call we have.

2 Q. All right. And whenever you get a call, is it
3 preferred that at least two of you can go to the scene so
4 that y'all can assist one another when you get there?

5 A. Depending on the type of call.

6 Q. All right.

7 A. Yes, ma'am.

8 Q. Well, let's talk about the call you got on
9 June 21st of 2020.

10 Tell the jury when you first got the information that
11 the Coroner's Office needed to actually go to a scene.

12 A. It came out as a shooting involving two individuals.

13 Q. Okay. And where was that?

14 A. 608 Doe Street in Richburg.

15 Q. And when you got that call, about how far out were you
16 and how long did it take you to get there?

17 A. I would of been at home. So, I had to get ready and go
18 to the office and get a vehicle. So, it was approximately
19 about 45 minutes before we got to the scene.

20 Q. Do you actually have a copy of the CAD that gives you
21 information as to what your timeline was?

22 A. Yes, ma'am.

23 SOLICITOR LIVELY: Judge, is that distracting for you
24 as it is for me?

25 THE COURT: Well, it was a little more distracting out

Jolene Clinton - Direct examination
By Solicitor Lively

1 there. Maybe let's give it a few more minutes, and if it's
2 still going, then I'm gonna ask one of the bailiffs to tell
3 them to put a halt to it. But now if it's bothering you too
4 much right now.

5 SOLICITOR LIVELY: It's just the hearing. I want to
6 make -- if I'm having any trouble hearing, I'm just worried
7 that the jury might.

8 THE COURT: Okay.

9 SOLICITOR LIVELY: I don't know.

10 THE COURT: Anybody on the jury having a hard time
11 hearing the witness or the solicitor with this blower out
12 here?

13 (WHEREUPON, there was no audible response.)

14 THE COURT: Everybody good?

15 (WHEREUPON, there was no audible response.)

16 SOLICITOR LIVELY: All right. That's fine. I just
17 wanted to be sure.

18 THE COURT: I think they're gon' probably put a stop to
19 it.

20 Q. All right. So, now, Mrs. Clinton, if you could please
21 tell us -- you can refer to the CAD. We have a CAD in
22 evidence as State's Exhibit No. 15.

23 Is the CAD that you're referring to the one from
24 June 21st, 2020?

25 A. Yes.

Jolene Clinton - Direct examination
By Solicitor Lively

1 Q. Okay. And if you could please let the jury know --
2 I'll just confirm the time that the call came in was
3 12:41PM.

4 Is that correct?

5 A. That's correct.

6 Q. All right. Now, Mrs. Clinton, please tell us when you
7 actually headed to the scene and what time you got there.

8 A. I was notified at 12:58 and I went in route at 13:28.

9 Q. So one -- all right. And what time did you actually
10 get on scene?

11 A. I was on scene at 13:43.

12 Q. Okay. 13:43.

13 All right. So that would be 1:43PM, correct?

14 A. Yes, ma'am.

15 Q. All right. So, when you got there, tell the jury what
16 it is that you saw.

17 A. When I got there, the driveway was completely marked
18 off with tape that the officers had marked it off with. The
19 defendant was at the end of the driveway very hysterical and
20 the officers stopped us from going in at that point until
21 they could get some crime scene there. They did show us
22 around the house. When I walked up, I did notice a Father's
23 Day card laying beside the porch that was unsigned.

24 Q. All right. And did you know any facts at all about
25 this case when you first got there?

Jolene Clinton - Direct examination
By Solicitor Lively

1 A. No, ma'am.

2 Q. All right. And did you know at the time, whenever you
3 walked up, who the defendant was or why he was there?

4 A. I did not.

5 Q. Okay. Did you later learn who he was and, and get some
6 information in regards to the victims in the home as well as
7 the defendant himself?

8 A. Yes.

9 Q. All right. Now, what is your job in regards to, just
10 for the jury to understand, in regards to actually notifying
11 family and determining who is, you know, deserves to get
12 that type of information or should get that type of
13 information?

14 A. We have to try to find out who their actual next of kin
15 is from someone on scene and, at that, that day, our chief
16 deputy made contact with the brother, Paul.

17 Q. All right. And so, at that time, while -- and the
18 chief coroner that you were talking -- chief deputy coroner,
19 that was Tommy Williams?

20 A. Tommy Williams.

21 Q. Okay. And whenever he made contact with the brother,
22 Paul Rogers, did you make contact with any of the family
23 members or were you doing other things?

24 A. I was doing other things.

25 Q. All right. At some point are y'all -- do you actually

Jolene Clinton - Direct examination
By Solicitor Lively

1 take photographs of what you're observing at the crime scene
2 while you're there?

3 A. We do.

4 Q. And please tell the jury what you observed whenever you
5 finally were able to go into the home.

6 A. When we went up to the home, there was bullet holes in
7 the front of the trailer. As we went to step into the
8 house, Gene Rogers was laying in the floor face down and
9 blood was everywhere, all over the carpet, which was dried
10 already. And then Mrs. Billie Gene -- Billie Rogers was
11 sitting in the chair slumped over to the left side of the
12 chair by the fireplace with blood coming out of the top of
13 her head and on the floor.

14 Q. Okay. All right. So, in -- whenever you are looking
15 at this, this scene and you're seeing these individuals at
16 that point, were you able to actually either touch the
17 bodies or do anything with the bodies at that point?

18 A. No, ma'am.

19 Q. All right. What are you waiting for whenever you get
20 there and you, you first observed all that in front of you?

21 A. We have to wait on SLED to come do crime scene
22 investigation and then we're allowed to come back in and do
23 our photographs once they're finished.

24 Q. Okay. So, let's see -- just so we can have a timeline
25 here. You said that you got there around 1:43PM.

Jolene Clinton - Direct examination
By Solicitor Lively

1 So you -- were you allowed then to immediately get into
2 the scene and do the pictures and all that?

3 A. We were allowed to take a glance at the scene and then
4 we had to step back out.

5 Q. Okay. All right. So, at that point you're (sic)
6 stepped back out and were there any conversations that were
7 had with law enforcement and the defendant while y'all were
8 outside?

9 A. Chief Deputy Tommy Williams had some conversations with
10 them. I did not.

11 Q. Okay. And did any of that information go into your
12 report that you were collecting from the defendant?

13 A. Chief Williams told me some information and I had to
14 send an email to Detective Rikki Burch --

15 Q. Okay.

16 A. -- and, at that time, it was discussed that our chief
17 deputy thought that it might of been a .40 caliber that was
18 shot into the front of the home. And the defendant stated
19 no, I think it's a 9-millimeter.

20 Q. Okay. And what about the other information that was
21 retrieved from the defendant?

22 was he very forthcoming about his family and money that
23 he received?

24 Do you recall that?

25 A. Yeah, he was very forthcoming with Chief Williams about

Jolene Clinton - Direct examination
By Solicitor Lively

1 receiving \$100,000 to start a business and that he had spoke
2 with them at seven o'clock that morning.

3 Q. All right. And so -- and is -- said that he had spoken
4 to who at seven o'clock this morning?

5 A. Billie.

6 Q. He said he'd talked to Billie at seven o'clock?

7 A. Billie and Gene. He called them that, that morning.

8 Q. All right. Okay. And do you actually have a copy of
9 your coroner's report with you?

10 A. I do.

11 Q. Okay. And, once again, that -- as you're looking for
12 it, that information that you're getting is what the
13 defendant is telling the chief deputy coroner, correct?

14 A. Yes.

15 Q. Okay. Okay. You got your report?

16 A. Yes, ma'am.

17 Q. All right. Let me see that just a second. I have my
18 own copy too. But I want to make sure I've got the same.
19 You do.

20 All right. Whenever you're doing an investigation
21 report, is that to document the information that you're
22 gathering?

23 It's referred to as a narrative?

24 A. Yes.

25 Q. Okay. So, you had actually -- in that information

Jolene Clinton - Direct examination
By Solicitor Lively

1 that's put in there, it's got the specifics that the
2 defendant had given to the deputy chief coroner, correct?

3 A. Yes.

4 Q. All right. Now, was there other information that was
5 also given to you that was based on what the law enforcement
6 officers were already -- had already found themselves?

7 A. They just told us that they had found the decedents in
8 the home and they appeared to have gunshot wounds to the
9 head.

10 Q. Okay. All right. Did -- were they able to tell you
11 how many gunshot wounds to the head that they had?

12 A. They were not.

13 Q. Okay. All right. And did anyone tell you how many
14 gunshot wounds that the victims had at that time?

15 A. No, ma'am.

16 Q. All right. Did you look to see how many gunshot wounds
17 they had at that time?

18 A. Not until crime scene finished their investigation did
19 we touch the bodies to look.

20 Q. All right. And after you touched the bodies, were you
21 able to see how many gunshot wounds each victim had?

22 A. You could see, yes, ma'am.

23 Q. You could see.

24 All right. I'm looking through your report here and,
25 you know, it's (sic) talks about them being shot.

Jolene Clinton - Direct examination
By Solicitor Lively

1 Do you recall whether or not you saw how many times
2 they were shot?

3 A. Billie had two shots to the head and Gene had a shot to
4 the arm and a shot to the head.

5 Q. Okay. So two shots each?

6 A. (WHEREUPON, there was no audible response.)

7 Q. All right. Is that a yes?

8 A. Yes, ma'am.

9 Q. Okay. All right. Sorry. I have to get that on the
10 record.

11 All right. Thank you.

12 Now, when you're actually able to go in, would this
13 have been after SLED crime scene arrives on the scene or is
14 it after they're finished?

15 A. After they finish their investigation.

16 Q. All right. So we've already had Agent Hunton come in
17 here and testify about all the pictures that were taken by
18 SLED.

19 were they there for quite a long time?

20 A. They were.

21 Q. They were.

22 All right. So, once they actually removed themselves
23 from the home, was that whenever you were able to go in?

24 A. Yes, ma'am.

25 Q. Okay. And I'm looking at the -- that would -- would

Jolene Clinton - Direct examination
By Solicitor Lively

1 that be on the CAD sheet as to when you actually started
2 your processing of the bodies?

3 A. No, ma'am.

4 Q. Okay. Do you remember around what time that was?

5 A. Approximately 5:20, 5:30.

6 Q. Okay. And, and so when you go in, is the first thing
7 you're doing taking pictures of the bodies and the positions
8 that they're in?

9 A. It is.

10 Q. Okay. So you haven't touched the bodies yet---

11 A. No, ma'am.

12 Q. ---correct?

13 All right. So, as you're doing that, are you also
14 taking pictures of other things that you're seeing in the
15 house that may be of importance?

16 A. Yes, ma'am, we take pictures of the room that they're
17 in. We took some pictures of the kitchen.

18 Q. All right. Is the last thing that you do -- is the
19 last that you're gonna do when you actually move or start to
20 manipulate the bodies and then place them into the body
21 bags?

22 A. We roll the decedents---

23 Q. Okay.

24 A. ---to look for any lividity --

25 Q. Okay.

Jolene Clinton - Direct examination
By Solicitor Lively

1 A. -- in the patients.

2 Q. Right.

3 Okay. Well, let me back that -- I'm sorry. I didn't
4 break that down.

5 So, do you take all of the other pictures first to get
6 the full crime scene?

7 Is that what you're saying?

8 A. Yes, ma'am.

9 Q. Okay. I wanted to make sure.

10 So everything's just the way it was whenever SLED
11 walked out?

12 A. Yes, ma'am.

13 Q. All right. So, you're taking these photographs, and
14 then once you take these photographs and you documented
15 that, is that whenever you then go over to where the bodies
16 are and start to check other things?

17 A. Yes, ma'am.

18 Q. All right. So, after you've done the other pictures,
19 is that whenever you went over to manipulate the bodies?

20 A. Yes.

21 Q. Okay. Thank you. I'm gonna show you State's 176 and
22 give me just one minute.

23 May -- I'm gonna approach defense real quick.

24 (Pause.)

25 SOLICITOR LIVELY: No. Just beg the Court's

Jolene Clinton - Direct examination
By Solicitor Lively

1 indulgence.

2 (Pause.)

3 SOLICITOR LIVELY: I'm gonna hand these to you-all.

4 These are just the photographs.

5 MS. BOULWARE: Okay.

6 (Pause.)

7 SOLICITOR LIVELY: All right. These were all without
8 objection, correct?

9 MR. FRICK: That's correct.

10 SOLICITOR LIVELY: Okay. Just want to be sure.

11 All right.

12 THE COURT: Go ahead and give me the numbers and I'll
13 go ahead and put them into evidence.

14 SOLICITOR LIVELY: Yes, sir, Your Honor. It is, excuse
15 me, State's 171, 172, 176, 178, 179, and 180.

16 THE COURT: Okay. Without objection, those -- 171, 72
17 (sic), 176, 178, 179, and 180 into evidence.

18 (WHEREUPON, State's Exhibits Nos. 171, 172, 176, and
19 178 through 180 were received into evidence at this time.)

20 Q. All right. So, in the first photograph that you have,
21 you had already testified that, when you got there, you saw
22 a, a card and where was that located?

23 A. It was located at the bottom beside the steps.

24 Q. All right. Well, why did you take a picture?

25 A. Just seemed very odd that it would be a Father's Day

Jolene Clinton - Direct examination
By Solicitor Lively

1 card laying there unsigned.

2 Q. Okay. All right. Did you ever learn anything about
3 what the purpose of that card was or who it could of
4 belonged to?

5 A. No, ma'am.

6 Q. Okay. All right. So, if you'll just hand that one up
7 to me.

8 All right. And that is State's No. 171 and then what's
9 State's 172?

10 A. The front of the Father's Day card.

11 Q. The front of the Father's Day card.

12 Okay. Your Honor, I'm gonna have these published to
13 the jury --

14 THE COURT: Sure.

15 SOLICITOR LIVELY: -- in admission.

16 okay. Okay. So, your -- after you, you noticed that
17 and it kind of catches your eye, you take the pictures.

18 When you go into the house then, what is the first
19 thing -- I think you already mentioned the first thing you
20 see is Mr. Rogers in a pool of blood and then Mrs. Billie
21 Rogers, correct?

22 A. Yes.

23 Q. Okay. So, when you're there, are you concerned about
24 finding out the identity of the particular victims?

25 A. Yes.

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By Solicitor Lively

1 Q. All right. So how's one way that you actually do that?

2 A. We look for any identification that may be on the
3 person or around the person.

4 Q. All right. Were you able to locate the identification
5 of Mr. Gene Rogers?

6 A. Yes.

7 Q. All right. Will you please look through those photos
8 and tell us -- look at the back and State's Exhibit No. and
9 tell us what photos assisted you with that?

10 A. It's State Exhibit 179.

11 Q. Uh-huh. (Affirmative).

12 A. And it was in his billfold.

13 Q. It was in his billfold?

14 A. Yes, ma'am.

15 Q. Okay. So, his billfold, are we referring to the wallet
16 that belonged to Mr. Gene Rogers?

17 A. That's correct.

18 Q. All right. I mean where was that wallet located when
19 you found it?

20 A. It was in his back pocket.

21 Q. All right. And was there -- did you document any money
22 that was on his person?

23 A. We did.

24 Q. Okay. All right. So, money and wallet were on his
25 person?

Jolene Clinton - Direct examination
By Solicitor Lively

1 A. Yes, ma'am.

2 Q. All right. What about Mrs. Billie Ruth Rogers, did you
3 find anything that belonged to her?

4 A. Her purse --

5 Q. Her purse?

6 A. -- was sitting, sitting in the floor.

7 Q. All right. Okay. And what State Exhibit No. is that?

8 A. One hundred seventy-eight.

9 Q. Okay. When you say it's sitting on the floor, was it
10 in close proximity to where she was laying or, or where she
11 was found or, or do you recall?

12 A. It, it was close to her leg.

13 Q. Okay. It was close to her leg.

14 All right. So it -- was it in plain view?

15 A. It was.

16 Q. All right. Okay. Now, there's also a photo of -- that
17 you provided in regards to the fireplace area where -- next
18 to where Mrs. Billie Ruth was found.

19 Is that right?

20 A. That's correct.

21 Q. Okay. So, why did you take a picture of that fireplace
22 area in and document it?

23 A. Because the glass was shattered in the fireplace.

24 Q. In the fireplace.

25 All right. And were you able to see whether or not

Jolene Clinton - Direct examination
By Solicitor Lively

1 there were any bullet holes that were in the fireplace at
2 that time?

3 A. You could not tell cause it was completely shattered.
4 There was no glass left except for at the very top and the
5 very bottom.

6 Q. All right. Okay. So the entire front of the fireplace
7 was --

8 A. Shattered.

9 Q. -- shattered.

10 Okay. Your Honor, I'd like to publish these as well.

11 THE COURT: And what are those?

12 SOLICITOR LIVELY: These are State's 176, 178, 179, and
13 180.

14 THE COURT: Okay.

15 Q. All right. So I'm gonna refer now back to the -- your
16 report that you showed us earlier.

17 On the report, are you required, based on part of your
18 duties, to actually put a time of death on your report
19 whenever you go onto a scene such as this?

20 A. We are and we get our time of death from EMS.

21 Q. All right. And, and whenever you say you get it from
22 EMS, what is it based on?

23 A. Based on them pronouncing that that person has
24 deceased. Whether it be -- whether they worked a code and
25 they call a doctor or they arrive on scene and it's obvious

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By Solicitor Lively

1 death.

2 Q. Okay. So there's no resuscitative efforts made by EMS
3 and the, and the person or persons are already dead, then
4 that's the time that they put on theirs when they find them
5 dead?

6 A. Yes, ma'am.

7 Q. Okay. In regards to any kind of when they may have
8 been murdered or when the injuries that caused their murder
9 happened, would that be best dealt with by the pathologist?

10 A. That's correct.

11 Q. All right. And was an autopsy performed on Billie Ruth
12 and Gene Rogers in this case?

13 A. Yes, ma'am.

14 Q. Do you recall when that autopsy took place?

15 A. I can look at my form and tell you.

16 (Pause.)

17 A. It doesn't have a -- the date it was done. It has a
18 date it was signed off on for her report. Ah, excuse me.
19 It does. It's at the top. 6/23. I'm sorry.

20 Q. That's okay.

21 A. I overlooked it.

22 Q. That's okay. I was gonna -- I was fixing to say I know
23 it's on there.

24 Okay. So, on June 23rd of 2020 is when the autopsies
25 were performed, correct?

Jolene Clinton - Direct examination
By Solicitor Lively

1 A. June 23rd, yes, ma'am.

2 Q. All right. And, and their bodies were discovered on
3 June the 21st, 2020 --

4 A. That's correct.

5 Q. -- correct?

6 All right. So what was the findings that you put into
7 your final report regarding the autopsies?

8 A. Gunshot wound to the head.

9 Q. Okay. All right. And were these deemed to be a
10 homicide?

11 A. They were.

12 Q. All right. And that's how you actually put it in --
13 into your report, correct?

14 A. Yes, ma'am.

15 Q. All right. But the official call of what the cause of
16 death is and the manner of death comes from the pathologist,
17 correct?

18 A. That's correct.

19 Q. All right. And do you work hand-in-hand with the
20 pathologist, pathologist in getting the bodies there for the
21 autopsy?

22 A. Yes, ma'am.

23 Q. All right. So let's go back to your timeline just so
24 we can wrap this up.

25 In regards to when you got there, which you already

Jolene Clinton - Direct examination
By Solicitor Lively

1 said was around 1:43, and then you waited for SLED crime
2 scene to basically vacate so that you could get in there.

3 Is that right?

4 A. Yes, ma'am.

5 Q. Okay. So, when you got there, you said maybe around
6 5:25 or 5:30, you -- the first thing you're doing, and
7 correct me if I'm misstating, is that you go in there and
8 you start taking your own photographs, correct?

9 A. That's correct.

10 Q. All right. And we've seen some of the photographs that
11 you've taken.

12 Were there other photographs that were specific to the
13 bodies of Billie and Gene Rogers that we're not passing out
14 here today?

15 A. Yes, ma'am.

16 Q. All right. When you move the bodies, do you have to
17 actually -- do you want to take pictures of every angle of
18 the body whenever you're moving it?

19 A. Yes.

20 Q. All right. And some of those pictures are difficult to
21 look at.

22 Would you agree?

23 A. I agree.

24 Q. All right. So, in regards to the pictures that you
25 took, you took some normal pictures of where they were

Jolene Clinton - Direct examination
By Solicitor Lively

1 laying before you actually moved them, correct?

2 A. Yes.

3 Q. All right. Now, once again, going to whenever you
4 would of put them in the body bag, it would of been for
5 whenever the fire and -- the fire and rescue from Richburg
6 was called to actually assist with removing them.

7 Is that right?

8 A. Yes.

9 Q. Okay. And according to this here, it's showing that it
10 was at 6:04.

11 Is that right?

12 A. That's correct.

13 Q. All right. So, at that time, would that have been
14 around the time whenever you had -- you know, that was right
15 after you rolled them and took other pictures of their body
16 and, and pulled the shirt up on Mr. Gene Rogers?

17 A. Yes.

18 Q. Okay. And you documented that as well, correct?

19 A. Yes.

20 Q. Let me see. I'm gonna show you 173 and 175.

21 I'm gonna ask you if you recognize 173 and 175 as being
22 photographs that you took.

23 A. Yes, ma'am.

24 Q. All right. And in those photographs, in 173, what was
25 the purpose of you taking that photograph?

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By Solicitor Lively

1 A. To show that there was blood splattered onto the table

2 --

3 Q. Okay.

4 A. -- beside.

5 Q. And in the -- regards to 175, what was the purpose of
6 showing that one?

7 A. One hundred seventy-five was where Gene Rogers was
8 laying.

9 Q. Okay. All right. And this was after his body was
10 removed --

11 A. Yes.

12 Q. -- from the scene?

13 Okay. And what was the significance of that particular
14 picture in regards to how the blood was?

15 A. How it was splattered out and how it was dried.

16 SOLICITOR LIVELY: Okay. Your Honor, the State would
17 move State's 173 and 175 into evidence.

18 MR. FRICK: Objection is reason -- reasonably --
19 previously ruled upon.

20 THE COURT: Okay. Let me -- hand them up here.

21 SOLICITOR LIVELY: Yes, sir.

22 THE COURT: Yeah, I think 175 would be in line with my
23 previous ruling, what we discussed.

24 SOLICITOR LIVELY: Okay.

25 THE COURT: Maybe, maybe the lawyers can come up here

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By Solicitor Lively

1 just a minute.

2 (WHEREUPON, a bench conference was held out of the
3 hearing of the jury at this time.)

4 THE COURT: So, 173 would come into evidence and not
5 175.

6 SOLICITOR LIVELY: Okay.

7 THE COURT: All right.

8 (WHEREUPON, State's Exhibit No. 173 was received into
9 evidence at this time.)

10 SOLICITOR LIVELY: Can we step back up on this one
11 before I --

12 THE COURT: Yes.

13 SOLICITOR LIVELY: -- deal with this too?

14 THE COURT: Yeah.

15 (WHEREUPON, a bench conference was held out of the
16 hearing of the jury at this time.)

17 SOLICITOR LIVELY: I'm so sorry. They're so many
18 photographs, Your Honor, I --

19 THE COURT: It's okay.

20 SOLICITOR LIVELY: -- finally figured it out. I'm
21 not---

22 THE COURT: They're a lot of them.

23 SOLICITOR LIVELY: I know.

24 All right. State's Exhibit No. 78, which is in
25 evidence, I'm gonna show that to you.

Jolene Clinton - Direct examination
By Solicitor Lively

1 Now, is -- what are you -- why are you taking that
2 picture?

3 What's the significance of that picture?

4 A. It shows the lividity on the back.

5 Q. And this explains, and we'll have the pathologist
6 explain, but what is your understanding of what lividity is?

7 A. The pooling of blood after death.

8 Q. The pooling of blood after death.

9 Okay. Was there anything kind of strange in that
10 picture that -- in regards to the reflection and the
11 sunlight?

12 A. The sun's shining through the window onto his back.

13 Q. Okay. But the lividity -- what, what is the lividity?
14 What color is that?

15 A. Purple.

16 Q. It's purple.

17 All right. Thank you.

18 So, after the bodies were removed, was that all that
19 you had to do other than follow-up with the report and make
20 sure the, the autopsy was done in this particular case?

21 A. We take both of them back to the office and we document
22 all valuables and everything in their wallets, money.

23 Everything has to be documented onto a form. And then each
24 deceased person is tagged, the bag's tagged, and then a
25 seal was put on it for SLED.

Jolene Clinton - Direct examination
By Solicitor Lively

1 Q. Okay. So, all of that -- in all the items that were
2 taken from the, the bodies and the clothing and everything
3 from the actual victims, would that, later on, either be put
4 into evidence or turned over to the victim's family members?

5 A. It was put into evidence at the time.

6 Q. It was put into evidence.

7 Okay. All right. And was that the last thing that you
8 did in this particular case?

9 A. Yes.

10 Q. All right. Thank you so much, Mrs. Clinton. Please
11 answer any questions the defense may have.

12 THE COURT: Mr. Frick, any cross?

13 MR. FRICK: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. FRICK:

16 Q. Hey, Mrs. Clinton.

17 How you doing this afternoon?

18 A. Hello.

19 Q. Okay. You said the -- your role is to investigate the,
20 the cause of death, correct?

21 A. Yes.

22 Q. And, and, in that, is part of your investigation
23 sometimes trying to determine a more exact time of death
24 than what EMS gave you?

25 A. We can't determine a more exact time. That would be

Jolene Clinton - Cross-examination
By Mr. Frick

1 up, up to the pathologist at --

2 Q. Okay.

3 A. -- the autopsy.

4 Q. So you, you don't -- you don't check with people, see
5 what---

6 A. We talk to when the last time they were spoken to.

7 Q. Okay.

8 A. But we can't determine death on that timeline.

9 Q. Right.

10 Check the mail, see the last time the mail was checked?

11 A. But we still don't give a certain time of death.

12 Q. Right.

13 A. When EMS comes, and they are determined to be deceased,
14 that's the time we use.

15 Q. Okay. You mentioned a couple times that, when you got
16 there, you saw the, the blood was dry.

17 A. It is, yes.

18 Q. What does that indicate to you?

19 A. That indicates that it did not just happen.

20 Q. Okay. So, you, you are kind of looking -- I'm not
21 trying to pin you on an exact timeframe but that's, that's
22 not -- I know you can't do that.

23 A. No. But I do have a medical background. So I know
24 bright red blood from dried blood.

25 Q. Right.

Jolene Clinton - Cross-examination
By Mr. Frick

1 But that indicates to you that that wasn't the exact
2 time of death, correct?

3 A. Yes.

4 Q. So it was earlier than that. You can't say when but it
5 was earlier than --

6 A. That's correct.

7 Q. -- whenever EMS declared them cause that's when they
8 got there?

9 A. That's correct.

10 Q. Okay. In fact, it's kind of the same thing with
11 lividity, isn't it?

12 A. Lividity differs for every person that dies.

13 Q. Right.

14 A. It can be hours.

15 Q. Right.

16 But if, if, if it had just occurred, you wouldn't
17 expect to see lividity?

18 A. No.

19 Q. So, it would take some time for lividity to, to occur,
20 correct?

21 A. (WHEREUPON, there was no audible response.)

22 Q. And how about rigor mortis?

23 would -- did, did you look for that in this situation?

24 A. They did have rigor.

25 Q. Okay. Can you say what stage of rigor?

Jolene Clinton - Cross-examination
By Mr. Frick

1 A. I can not.

2 Q. Okay. All right. And I know we got -- you -- part of
3 your, part of your investigation is you took photographs,
4 correct?

5 A. Yes.

6 Q. Obviously inside the house. I know we got two outside
7 the house.

8 Do you recall if you took any others outside of the
9 house?

10 A. I just took the ones on the porch of the bullet holes.
11 I took the one of the car beside the porch and back. That
12 was it.

13 Q. Those are the only ones.

14 Okay. Your inform -- did you pass along any
15 information to the coroner as to any sus -- your, your
16 thoughts about the lividity or the dried blood or anything
17 like that?

18 A. We do our report and it's passed on to pathology. So,
19 when she examines the decedent, she has a background of what
20 may have happened.

21 Q. Got you. Got you.

22 And, ultimately, y'all prepared the, the death
23 certificate in the case, correct?

24 A. The coroner does.

25 Q. Okay. And it's submitted to, to DHEC?

Jolene Clinton - Cross-examination
By Mr. Frick

1 A. That's correct.

2 Q. On that, there's a place for time of death.
3 was there one in this case?

4 A. I don't have that with me. So, I do not know what was
5 put on it.

6 Q. Okay. All right. Thank you, ma'am. That's all the
7 questions I have.

8 THE COURT: Any redirect, solicitor?

9 SOLICITOR LIVELY: No. Thank you, Your Honor.

10 THE COURT: Okay. You can step down, ma'am.

11 THE WITNESS: Okay.

12 THE COURT: You're free to leave the courthouse and
13 you're welcome to remain with us if you'd like.

14 Next witness for the State.

15 SOLICITOR LIVELY: Yes. Thank you, Your Honor.

16 The State would call Doctor Kelly Rose to the stand.

17 THE CLERK: Please raise your right-hand. State your
18 full name.

19 THE WITNESS: Kelly Rose.

20 KELLY ROSE, being first duly sworn,
21 testified as follows:

22 THE CLERK: Thank you.

23 DIRECT EXAMINATION

24 BY SOLICITOR LIVELY:

25 Q. Doctor Rose, where are you currently employed?

Kelly Rose - Direct examination
By Solicitor Lively

1 A. I'm employed at Newberry Pathology Group. That's in
2 Newberry, South Carolina.

3 Q. All right. And how long have you worked at Newberry
4 Pathology Group up to this point?

5 A. Since 2018.

6 Q. And what is your actual position there?

7 A. I am the forensic pathologist there.

8 Q. And do you have to actually go to medical school in
9 order to become a forensic or a pathologist first?

10 A. Yes. A forensic pathologist is a subspecialty of
11 pathology and both are medical doctors. So, you have to go
12 to medical school and then residency and then do
13 subspecialty training in forensics.

14 Q. And what does it mean whenever you have forensics
15 tagged on to the, the actual pathology name or the, the
16 expertise?

17 A. So, a forensic pathologist determines cause and manner
18 of death using the autopsies. So, if you have forensic
19 pathology tagged on, that means you've completed a
20 fellowship and are board certified in forensic pathology.

21 Q. And once you've gotten that board certification, at
22 that point in time, are you doing these different autopsies
23 and able to make your determinations as to the actual
24 manners of death?

25 A. Yes. And as long as you're board eligible and have

Kelly Rose - Direct examination
By Solicitor Lively

1 done the training, you're allowed to perform autopsies cause
2 they only offer the test every so often. But --.

3 Q. And when did you get your board certification?

4 A. In 2020.

5 Q. All right. And how many autopsies have you actually
6 performed, just a ballpark figure, up through now?

7 A. It's right around 6,300 now.

8 Q. Okay. And how many times have you testified in a
9 courtroom and been qualified as a forensic pathologist -- an
10 expert in forensic pathology?

11 A. It's around 57 times now and then once in Federal
12 Court.

13 SOLICITOR LIVELY: Okay. Your Honor, at this time we
14 would offer Doctor Kelly Rose as an expert in the field of
15 forensic pathology.

16 MR. FRICK: No objection, Your Honor.

17 THE COURT: All right. Without objection, now Doctor
18 Rose is found to be an, an expert in the area of pathology
19 and also forensic pathology.

20 Ladies and gentlemen, when the Court determines or
21 declares a witness to be an expert, that allows that witness
22 to render opinions and any basis or grounds for the
23 opinions. Normally witnesses, with a few exceptions,
24 generally lay witnesses, are not entitled to offer opinions.
25 This -- generally testify as to what they've seen, heard,

Kelly Rose - Direct examination
By Solicitor Lively

1 that sort of thing.

2 An expert witnesses is be -- by virtue of training,
3 experience, expertise in a particular field, are allowed to
4 give opinions and the basis for the opinions. Just because
5 Doctor Rose was found to be an expert in a particular field,
6 that does not automatically mean that you have to give her
7 testimony any different weight then you would ordinarily
8 give a witnesses testimony.

9 okay. Solicitor.

10 SOLICITOR LIVELY: Thank you, Your Honor. Just one
11 moment.

12 (Pause.)

13 CONTINUED DIRECT EXAMINATION

14 BY SOLICITOR LIVELY:

15 SOLICITOR LIVELY: I apologize, Your Honor.

16 THE COURT: You're fine.

17 SOLICITOR LIVELY: I, I hate to do this but may we
18 approach?

19 It's just in regards to before we get too far into the
20 witness --

21 THE COURT: Sure.

22 SOLICITOR LIVELY: -- what the defense may what to
23 address.

24 (WHEREUPON, a bench conference was held out of the
25 hearing of the jury at this time.)

Kelly Rose - Direct examination
By Solicitor Lively

1 Q. Okay. Doctor Rose, do you have a copy of your actual
2 autopsy reports performed on Billy Ruth Rogers and Gene
3 Rogers?

4 A. I do.

5 Q. All right. And when was the, the autopsy performed on
6 these two individuals?

7 A. 6/23 of 2020. So June 23rd, 2020.

8 Q. All right. And what information, if any, did you have
9 from law enforcement prior to actually starting the
10 autopsies?

11 A. That Mr. Rogers was a 61 year old white man who was
12 found deceased laying on the floor with an apparent gunshot
13 to his head. On Mrs. Billie, I was told that she was killed
14 by gunshot wounds to the head.

15 Q. All right. And once you got that information, then do
16 you start your actual autopsy procedure which you assess the
17 bodies as you're looking at them when you first get them?

18 A. Yes. And usually they'll call to schedule the autopsy
19 and give us a brief history then. That's, you know, day
20 before or two days before so I'll know how to schedule them.
21 So, if I have two people that have been shot, I give them a
22 certain amount of time.

23 Q. All right.

24 A. Once the bodies arrive, I -- we start taking pictures
25 of how they're received. They're gonna be in a body bag.

Kelly Rose - Direct examination
By Solicitor Lively

1 They're gonna, depending on the type of case and the
2 coroner, they're gonna have identifiers meaning, you know,
3 names, stuff like that, and sometimes, in crimes or where
4 they want to really protect the body, they'll have a seal
5 lock, which is a seal that you have to break off in order to
6 open the bag. And both had the seal locks on their bags.

7 Q. Okay. So, the bodies were properly contained and
8 sealed before you actually began your examination, correct?

9 A. Correct.

10 Q. All right. So, let's talk about Mrs. Billie Ruth
11 Rogers first.

12 What was her documented age at the time of the autopsy?

13 A. Her documented age was 78.

14 Q. All right. And in regards to Mrs. Rogers, if you can
15 tell the jury -- I know you start out with your autopsy
16 diagnosis.

17 But tell them what you observed on her and some of the
18 findings that you had regarding injuries.

19 A. Okay. She had two gunshot wounds. They were both to
20 her head. So, of course, she had the associated findings of
21 the -- of blood and all that and we'll take pictures of her
22 as she is. And then we'll clean up the wounds and take
23 pictures of those.

24 So, she had two gunshot wounds to her head and she also
25 had some graze type wounds to her hands and as if she's

Kelly Rose - Direct examination
By Solicitor Lively

1 saying no, stop and the bullets on the way to the head catch
2 her fingers.

3 She -- do you want to keep going or --?

4 Q. Yes. And actually this may assist you.

5 I have -- do you make an actual diagram of the injuries
6 and identify them on this diagram to explain the, the actual
7 gunshot wounds that you're talking about?

8 A. Yes.

9 Q. All right. And, and documenting that, does it also
10 have the hand injuries that you're talking about or the hand
11 injury that you're talking about?

12 A. Yes.

13 Q. Okay. All right. Doctor Rose, this is State's Exhibit
14 No. 2 is my understanding.

15 Without objection, defense?

16 MR. FRICK: No objection.

17 SOLICITOR LIVELY: Okay.

18 In State's---

19 THE COURT: No objection. Entered into evidence for
20 the State.

21 SOLICITOR LIVELY: Thank you.

22 (WHEREUPON, State's Exhibit No. 2 was received into
23 evidence at this time.)

24 Q. All right. So, do you have a copy of your diagnosis
25 with you?

Kelly Rose - Direct examination
By Solicitor Lively

1 A. (WHEREUPON, there was no audible response.)

2 Q. All right. So, I'm just gonna refer to the first page,
3 which is the actual diagram of the head.

4 So, in regards to this particular picture, the very
5 first thing we're looking at, how do you document the shots
6 to Mrs. Billie Ruth Rogers head?

7 A. Okay. So, I -- when I'm diagramming gunshot wounds, I
8 use letters and that just helps me keep them straight for my
9 report and it has nothing -- doesn't have anything to do
10 with the order which I think the person received them. I'll
11 use a circle, little round circle for an entrance wound, and
12 an X for an exit wound.

13 Q. All right. So, on this first picture that we're
14 looking at the side-view, which would be the right side of
15 her face, we're seeing dots with A and B.

16 So, that circular, is -- that's the entrance wound?

17 A. Correct.

18 Q. Okay. And then you label them as what letters?

19 A. A and B.

20 Q. A and B.

21 All right. On your report, if -- is there some
22 information that you put in there in regards to whether or
23 not anything from a closely held weapon or something was
24 touching or close to her whenever she was shot?

25 A. Yes. And in this case there was not.

Kelly Rose - Direct examination
By Solicitor Lively

1 So, there's two things you can look for that helps you
2 determine range or more like three things. If you see a
3 muzzle imprint, that is a contact wound.

4 If you see soot around an entrance wound, that means
5 that it's close range. It's within 12 inches. Usually
6 6 inches is what's needed to have heavy soot.

7 If you don't see soot, but you see what looks like
8 little pepper -- like the pepper -- the wound got pepper,
9 it's little abrasions, that is actually gunpowder that did
10 not catch fire, did not burn up, and it impacted the skin
11 and would leave abrasions just like if you've got scratched.

12 So, that's another way and that lets you know that
13 you're anywhere from one to 3 feet in general when you see
14 that. I did not see -- and that's called stippling. I did
15 not see soot. I did not see stippling and there was not a
16 muzzle imprint.

17 Q. Thank you so much for explaining that.

18 Now, as for the exit wounds on Mrs., Mrs. Billie, that
19 is shown on these diagrams as well too, correct?

20 A. Correct.

21 Q. And the X stands for -- is that -- you said that's the
22 exit wound?

23 A. Yes.

24 Q. You got it.

25 All right. So, in regards to A, the, the entry wound

Kelly Rose - Direct examination
By Solicitor Lively

1 over her right ear --

2 A. Yeah, it went -- actually went through her ear.

3 Q. Through her ear.

4 Okay. And then it exited --?

5 A. In front of her left ear.

6 Q. All right. Okay. So straight through?

7 A. Yes.

8 Q. All right. Was that a fatal injury?

9 A. Most definitely that was a very fatal injury. It got
10 not only the brain, the hemispheres of the brain, it got the
11 brain stem and that's an instant death.

12 Q. All right. What about B --

13 A. Okay.

14 Q. -- injury and then the exit on B?

15 A. B was to the lower side of her cheek here. It went
16 kind of in this never never land of what's behind your
17 throat. If you look in the -- when the doctor looks in your
18 throat, so it goes from here, through that never never land
19 of your throat, and then into the base of her skull.

20 So, the bottom of the skull. It's called the basilar
21 skull into the brain and then across and out the brain -- I
22 mean out the head. That, again, because it caused basilar
23 skull fractures or the base of the skull, fractures to that,
24 that would of been a lethal shot as well.

25 Q. All right. So, either one of those shots would of

Kelly Rose - Direct examination
By Solicitor Lively

1 killed her?

2 A. Yes.

3 Q. All right. Now, let's flip this over to the next page,
4 which I -- is your second page. You would of testified
5 previously to a graze or injury to her hand.

6 Is that correct?

7 A. Correct.

8 Q. All right. So, I'm holding up your second page with
9 the hands and what are we seeing in regards to the -- this
10 side, the flat side---

11 A. Uh-huh. (Affirmative).

12 Q. ---of her right-hand?

13 what are we seeing?

14 A. There is a graze gunshot wound and that means that it
15 doesn't enter the body. It slides along the body. And so
16 it just takes out skin on its way by.

17 Q. Okay. All right. And was that a, a recent injury that
18 you -- injury?

19 A. Yes, that occurred at the same time as her other wounds
20 occurred.

21 Q. All right. And was that why you demonstrated how it
22 could of happened?

23 A. Yes, that -- and when -- I, I, I see that when people
24 got shot in the head. They'll put their hands up. A lot of
25 times it will go through a hand, you know, cause they

Kelly Rose - Direct examination
By Solicitor Lively

1 don't -- they're trying to save their life and, in this
2 case, it just grazed by her hand.

3 Q. Okay. Then you have a final page and this is also
4 showing a graze. It's a 1-inch graze at this point, which
5 is to the left-hand --

6 A. Uh-huh. (Affirmative).

7 Q. -- correct?

8 All right. So in regards to that particular injury,
9 once again, is this what you're referring to as the bullet
10 wound of --

11 A. Uh-huh. (Affirmative).

12 Q. -- basically passed by and just didn't go through?

13 A. Yep.

14 Q. Explain that to the jury.

15 A. Just on its way towards the head, it caught her finger.

16 Q. Okay. All right. And, once again, was that an acute
17 or recent injury?

18 A. Yes, it was.

19 SOLICITOR LIVELY: All right. And, Your Honor, if I
20 can, I'll just publish this to the jury so they can --

21 THE COURT: Sure.

22 SOLICITOR LIVELY: -- look at it.

23 Thank you.

24 So, after you've documented all of these injuries and
25 you've determined, at that point in time, these -- the two

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1 gunshots to Mrs. Billie Ruth, what was your conclusion as to
2 the cause of death?

3 A. It was two perforating gunshots of head.

4 Q. And what, in your expert opinion based upon that cause
5 of death, did you find as being man -- the manner of death
6 for Mrs. Billie Ruth Rogers?

7 A. Homicide because you can't shoot yourself from far away
8 and these showed characteristics of not being close.

9 Q. Okay. All right. Did you get any information that a,
10 that a weapon had been found in proximity of either one of
11 these victims?

12 A. If I did I don't recall that.

13 Q. Okay. All right. So -- and were you actually
14 conducting these autopsies at the same time?

15 A. Well, they arrived at the same time. So, we would
16 photograph the bags. I got two separate cameras, two
17 separate tables, and we photograph this bag, and then
18 photograph the next bag. And then I -- up to a point I do
19 it like back and forth because we're gonna have to x-ray
20 both and that machine is huge. So, I only want to bring it
21 in one time.

22 So, once we then open and diagram this body, then we'd
23 go do the same thing on that body. We bring the x-ray in,
24 do x-rays on this body, and then x-rays on this body, and
25 then I would finish one body.

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1 Q. All right. And in regards to -- I'm just gonna ask you
2 about the personal items and everything.

3 It is -- do you specifically document everything that's
4 taken off the body?

5 A. Yes, I do.

6 Q. Okay. And that information is provided in your form
7 that has the clothing and personal effects.

8 Is that right?

9 A. Yes. And I include it in my report.

10 Q. Okay. All right. Now, let me -- so your conclusions
11 are, manner of death, homicide on Billie Ruth Rogers.

12 Let's talk about your findings with Mr. Gene Rogers.

13 Oh, let me ask you one thing I did forget.

14 what about the toxicology on Ms. Billie Ruth?

15 Did anything come back in regards to anything in her
16 blood from --?

17 A. It was completely negative.

18 Q. Okay. All right. So, let's talk about Mr. Gene
19 Rogers.

20 Tell the jury what the age of Mr. Rogers was at the
21 time of autopsy.

22 A. He was 61 years old.

23 Q. And whenever you did your initial observations of the
24 body, what, if anything, was immediately apparent to you and
25 what did you document in your autopsy?

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1 A. well, he also had a gunshot to his head. So, it went
2 in and came out. So, he had an entrance and an exit wound.
3 And he had a second gunshot wound to his arm here. It was a
4 superficial gunshot wound meaning that it only went into the
5 tissue right under the skin.

6 Q. All right. And I remember asking you a question about
7 that particular injury to his arm.

8 It's -- in regards to the way that it looks, it is kind
9 of difficult to explain -- were you able to tell whether --
10 where the exit -- the entrance and exit wound -- wounds were
11 on that particular injury?

12 A. I was.

13 Q. Okay. All right. And would possibly a photograph
14 assist with that in order to explaining what it is?

15 A. Yes.

16 Q. Okay. And I'll, I'll get to that in just a minute.

17 Let me ask you about -- that wound -- was that wound
18 fatal?

19 A. No.

20 Q. Okay. So, let's talk about the wound that actually was
21 a concern for you in regards to your findings.

22 what did you label the -- that wound for Mr. Rogers as?

23 A. Also A on the head diagram.

24 Q. Okay. And, once again, A with a circle means what?

25 A. Entrance.

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1 Q. Entrance.

2 And A with an X means?

3 A. Exit.

4 Q. Exit.

5 All right. And you've already testified he had one
6 gunshot wound to the head.

7 Is that right?

8 A. That is correct.

9 Q. When looking at Mr. Rogers, was there also some odd
10 injuries to the front of his head that, at first glance, you
11 may not know what had caused it?

12 A. He had some abrasions on his forehead. Just like if
13 you were to fall and get a rug burn on your knee, that's an
14 abrasion. That meant some of the skin was actually scraped
15 off. I see that with people that wear hats sometimes and
16 get shot in the head. The brim of the hat scrapes them.

17 Because a bullet is traveling so fast that it, it
18 generates such of an intent -- intense high amount of energy
19 that you can get unusual type injuries associated with them.

20 Q. All right. And, and do you actually place some of that
21 on this particular picture, I haven't got this in yet, on
22 this particular picture that talks about the, the abrasions
23 to his forehead, correct?

24 A. Correct.

25 SOLICITOR LIVELY: I'm gonna go ahead and get this

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1 marked.)

2 (WHEREUPON, the autopsy drawing of the body of Mr. Gene
3 Rogers was marked as State's Exhibit No. 181 for
4 identification purposes only at this time.)

5 Q. All right. So I'm gonna show you State's Exhibit 181.
6 This is -- you -- okay.

7 All right. It's without objection?

8 MR. FRICK: No objection.

9 SOLICITOR LIVELY: Is that correct?

10 Okay. No objection from the defense. That's 181, Your
11 Honor.

12 THE COURT: One hundred eight-one into evidence for the
13 State.

14 SOLICITOR LIVELY: Thank you so much.

15 (WHEREUPON, State's Exhibit No. 181 was received into
16 evidence at this time.)

17 Q. And do you have a copy of his diagrams with you?

18 A. (WHEREUPON, there was no audible response.)

19 Q. All right. I'll just refer to that then.

20 So, the, the fatal wound to Mr. Gene Rogers was what
21 wound that you're reflecting on this diagram?

22 A. A.

23 Q. A.

24 All right. And tell the jury the path of that
25 particular, that particular gunshot.