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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JUSTIN TYLER ELLAREE HOPKINS,

APPELLANT

APPELLATE CASE NO. 2022-001567

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1 Q. And could you tell us whether or not during that
2 interaction with him you could observe his face and facial
3 features?

4 A. Yes, I was able to get a very good internal picture of
5 what he looked like.

6 Q. As well as physical stature?

7 A. Yes.

8 Q. As well as his hair?

9 A. Yes.

10 Q. And following that inter -- well, can you tell us
11 whether or not you observed this video before or after that
12 face-to-face interaction with him?

13 A. This was after I had that face-to-face interaction.
14 (Whereupon, State's Exhibit Number 24 was played.)

15 BY MS. MAYES:

16 Q. All right. I'm gonna ask you what you see and at what
17 point you see someone who appears to be the Jeremy Cornish
18 that you met and interacted with?

19 A. You can actually see Jeremy Cornish with his hair
20 coming in through the door right there. Right there is
21 Jeremy Cornish.

22 Q. All right. Now were you able from watching the video
23 to determine if anyone else entered with him?

24 A. There is another black male, heavysset black male, who
25 enters with him.

1 Q. And watching the video, could you see whether or not
2 they appeared to be together?

3 A. They do appear to come together. When they just
4 walked in right there, they appeared to come together. The
5 other male is right here.

6 Q. All right. And can you tell us whether or not they
7 also appear to leave together?

8 A. They come together, they sit down together and they
9 leave together.

10 Q. And ultimately while watching this video, which one
11 do you see actually interact with the cashier or customer
12 service desk?

13 A. So the male that appears to be Jeremy Cornish
14 interacts with the DMV personnel. The other male just
15 comes in and sits down right about here.

16 Q. All right. Now let me ask you this. At this point
17 in time, have you seen or interacted with Justin Hopkins
18 prior to today?

19 A. I had seen him multiple times prior to today.

20 Q. Okay. And are you also familiar with the physical
21 stature of Justin Hopkins?

22 A. Yes.

23 Q. And are you familiar with whether or not on
24 December 17, 2019, there was a description of Justin
25 Hopkins with a band-aid on the face?

1 A. There was. We were provided information that the
2 individual had a band-aid on the side of their face.

3 MR. MAULDIN: Objection to bolstering of that
4 witness, Your Honor.

5 MS. MAYES: I'm clarifying his knowledge.

6 THE COURT: Go ahead, Ms. Mayes.

7 BY MS. MAYES:

8 Q. Captain Laintz, can you tell us whether or not while
9 watching the video you were on alert for anyone with a
10 bandage or a band-aid?

11 A. We were. We were looking for somebody who a witness
12 had provided information that they had a band-aid on their
13 face.

14 Q. Can you tell us whether or not you observed that while
15 watching this video?

16 A. When he is sitting right here and he actually looks
17 over this way, you can see that there is something on his
18 face that appears to be a band-aid like when a kid scrapes
19 their knee, a large -- big square one. It appears to be
20 that.

21 MS. MAYES: And, Your Honor, permission to publish?

22 THE COURT: Yes, ma'am.

23 (State's Exhibit Number 24 continues playing.)

24 A. That hair's familiar with Jeremy Cornish. The other
25 male that walked in with him is right here.

1 Q. We're gonna have to it back up.

2 A. Yeah.

3 (State's Exhibit Number 24 continues playing.)

4 A. So they walk together, they came over here. There is
5 the male that's consistent with Jeremy Cornish, there is
6 the male that's consistent with Hopkins; heavysset, close
7 cut.

8 Q. Now the individual that you have indicated is similar
9 or meets the physical description of Justin Hopkins, what
10 color shirt is he wearing in this video?

11 A. So I worked with the eight crayon box, not the 124
12 crayon box. I would say it's an off-yellow, an off-orange.

13 Q. Okay. And what, if any, type of clothing does he have
14 over that shirt?

15 A. It looks like he's wearing layers. There's multiple
16 layers. It looks like there's a coat, a dark coat of some
17 kind, over the top of that shirt.

18 (State's Exhibit Number 24 continues playing.)

19 A. Here's the male that I pointed out. There is the
20 other male that appears to be Cornish. They'll come and
21 sit right here. At one point in time, you'll see him look
22 this way. It's right on his cheek. You can see it there.
23 Right there.

24 Q. Okay. And based upon your observations, Captain
25 Laintz, does it appear as if something is on the face?

1 A. There is something on the face.

2 (State's Exhibit Number 24 continues playing.)

3 A. So there, again, looking over, you can see the
4 band-aid on the face. There's the individual that's
5 consistent with Mr. Cornish. You can still see that on
6 the face right there. Still looking this way, so you can
7 see it on the face. There's the individual consistent
8 with Mr. Cornish, especially the haircut, really similar,
9 getting ready to conduct services with the DMV. During
10 that time that individual stays there. There's that
11 individual, Mr. Cornish -- similar to Mr. Cornish right
12 there, and that individual is still sitting there. That's
13 a good picture where you can see he's looking to his right
14 and you can see a band-aid right there. And the other
15 individual's back there. And there. This individual
16 appears to be on the phone. He's gonna walk up to him and
17 they will be departing together. One's going this way, the
18 other one's going that way, and they will go out together.
19 There and there.

20 Q. And based upon the DMV paperwork, that interaction had
21 something to do with notice of turning in a plate?

22 A. According to the DMV paperwork, it says turn in plate
23 is what it says.

24 Q. So some type of interaction in that regard?

25 A. Yes, ma'am.

1 Q. I'm gonna show you what is State's 35 in evidence.
2 What, if any, similarities do you see in State's 35 with
3 the clothing?

4 MR. MAULDIN: I'll object again under 701, Your
5 Honor.

6 THE COURT: All right. What's your objection again?

7 MR. MAULDIN: This is a -- this is a new piece that
8 they're having him give his opinion on.

9 MS. MAYES: Your Honor, it's an observation.

10 THE COURT: And he's testifying that this is what he
11 observed?

12 MS. MAYES: Your Honor, whether or not it's similar
13 in appearance.

14 THE COURT: Okay. I'm gonna let him do it. Go
15 ahead. Your objection's noted.

16 BY MS. MAYES:

17 Q. I'm gonna show you what is 32 and ask you whether or
18 not you recognize this?

19 A. Yes, ma'am.

20 Q. And can you tell us if this is a screen shot and from
21 what it was developed?

22 A. This is a screen shot from the video that we just
23 watched.

24 Q. The same video we saw already in evidence?

25 A. Yes, ma'am.

1 MS. MAYES: State's 32 for evidence.

2 MR. MAULDIN: No objection to the still frame,
3 Your Honor.

4 THE COURT: Okay. It's admitted.

5 (State's Exhibit Number 32, a photograph, was
6 admitted into evidence.)

7 BY MS. MAYES:

8 Q. Looking here at State's 32, again, would that be the
9 same two individuals you have just pointed out --

10 A. It is.

11 Q. -- from the morning DMV video?

12 Looking here at State's 35 in evidence, can you tell
13 us whether or not you observe any similarities in clothing?

14 A. I believe it to be a similar color.

15 Q. Now following the morning video, did you have reason
16 to believe that Mr. Cornish, again, had interaction at the
17 Department of Motor Vehicles?

18 A. So on that same customer service receipt that we were
19 looking at here right, there's multiple that same day. So
20 we have December 17, 2019, starts at 14 military time, so
21 that's 2:00 in the afternoon, 2:03, and it goes all the way
22 to 2:32:20 -- 2:20.

23 Q. And, Captain Laintz, the 9-1-1 call in this particular
24 case was received at what time?

25 A. 10:59. Right at 11:00. 10:59.

1 Q. And that first interaction you noted at the DMV on
2 O'Neil Court was 9:44?

3 A. Yes, ma'am.

4 Q. And now you observe Mr. Cornish, based on these
5 documents, to be -- and can you tell us whether or not this
6 is the same location?

7 A. The same -- same location. Same DMV. O'Neil Court.

8 Q. I believe you indicated this is gonna begin at
9 2:03 PM?

10 A. Yes, ma'am. I believe the video starts a little bit
11 before that. That's the first interaction that he has with
12 somebody at a customer counter.

13 Q. Okay. Once again, on December 17th?

14 A. Yes, ma'am.

15 Q. Now did you have an opportunity to view this video for
16 the afternoon as well?

17 A. I -- yes, ma'am, I have.

18 Q. And in viewing that particular video, were you able to
19 make what you would consider a positive identification of
20 Jeremy Cornish?

21 A. I am able to do a positive identification during that
22 time. During that time you'll see right up here where
23 there's a reinstatement of a driver's license and he
24 actually has his picture taken that day and the picture on
25 his driver's license is -- I mean, he takes a picture in

1 the same clothes.

2 Q. All right. I'm gonna show you what's State's 26.

3 MS. MAYES: 26, Your Honor, being the video
4 surveillance, would be offered pursuant to the State's
5 notice of evidence under 19-5-520, and then we have some
6 additional photographs.

7 THE COURT: Okay.

8 Any objection to the CD?

9 MR. MAULDIN: Not to the video itself, Your Honor.

10 THE COURT: Okay. You can lay a foundation for the
11 other ones and he can look at them.

12 (State's Exhibit Number 26, a DMV video PM, was
13 admitted into evidence.)

14 BY MS. MAYES:

15 Q. I'm gonna show you what is State's 133 and ask you
16 whether or not you recognize this?

17 A. That is the DMV of O'Neil Court and there's two
18 individuals, one of which is Cornish, and another
19 individual that is similar and appears to have the same
20 stature and haircut and everything as Justin Hopkins.

21 Q. All right. I'm gonna show you 23 and ask you whether
22 or not that is a fair and accurate representation of the
23 same DMV video?

24 A. It is.

25 Q. And now I'm gonna show you what is State's 68 and ask

1 you whether you recognize document?

2 A. Yes, ma'am. That's the top portion of a South
3 Carolina driver's license.

4 Q. And do you recognize the individual in this
5 photograph?

6 A. Yes, ma'am. That is Jeremy Cornish.

7 Q. And can you tell us whether or not the clothing in
8 this DMV photograph is identical to the clothing shown in
9 State's 23?

10 A. Yes, ma'am, it is.

11 Q. All consistent with this photograph being taken on
12 this day?

13 A. Yes, ma'am.

14 MS. MAYES: State's 23, 68 and 133 for evidence,
15 Your Honor.

16 THE COURT: Any objections, Mr. Mauldin?

17 MR. MAULDIN: No objection, Your Honor.

18 THE COURT: They're admitted.

19 MS. MAYES: Thank you, Your Honor.

20 (State's Exhibit Numbers 23, 68 and 133,
21 photographs, were admitted into evidence.)

22 BY MS. MAYES:

23 Q. 75, also the DMV video from the camera station in the
24 afternoon, also pursuant to 19-5-520.

25 MR. MAULDIN: All right. No objection.

1 MS. MAYES: 75 also an afternoon DMV video.

2 MR. MAULDIN: They've shown me the certifications
3 for that.

4 THE COURT: Okay. They're admitted.

5 (State's Exhibit Number 75, a DMV video PM, was
6 admitted into evidence.)

7 BY MS. MAYES:

8 Q. So, again, were you able to review video from the
9 South Carolina Department of Motor Vehicles from the
10 afternoon of December 17th?

11 A. Yes, ma'am, I was.

12 Q. Looking here at State's 133, would this be a still
13 shot?

14 A. Yes, ma'am.

15 Q. What do we see in this photograph?

16 A. So the setting looks exactly the same, O'Neil Court,
17 the same DMV, and right here is an individual, you'll see
18 that horizontal white and blue shirt again, and then
19 there's a jacket with stripes going down the side, that's
20 exactly what's worn in Mr. Cornish's DMV video, and he's
21 talking to heavyset black male right here.

22 Q. All right. Well, let me ask you this. Looking at
23 this photograph and making observations, can you tell us
24 whether or not Jeremy Cornish is wearing same clothes or
25 different clothes than he was in the morning DMV video?

1 A. So as seen in the morning DMV video, he's wearing an
2 all white T-shirt and in the afternoon video he's wearing
3 a blue striped -- blue and white horizontal striped shirt.

4 Q. Okay.

5 (State's Exhibit Number 75 was played.)

6 A. You'll see an individual right here carrying a bag
7 that is a black male, heavy stature, close-cut haircut,
8 right there, and at this point in time Mr. Cornish is not
9 here. He's right there conducting business.

10 At the Lexington DMV, if you go up there, that's
11 where they do your eye tests and things like that. And
12 right here, that's kind of where you get your number, if
13 you will. Still right here. So that heavyset black male
14 is gonna go from here. It will be a similar walk coming
15 over here. He's carrying a black bag and will sit in
16 the exact same spot that the individual matching the
17 description of a heavyset, black male, short hair that
18 had the band-aid on in the morning sat at. During this
19 video you do not -- there appears to be no band-aid on
20 the face. So that individual still sitting there. That
21 individual is picking up the bag and walking over.

22 Q. And can you tell us whether or not you observed any
23 paperwork?

24 A. He appears to have -- you can see the paperwork
25 right there in his hand. He appears to have some kind of

1 paperwork in his hand. That individual is still right
2 there and you can see that horizontal blue shirt. The
3 thing that sticks out to me is the hair coming in from
4 right there. There's that individual walking over, so
5 they're both right here. One's going this way, that's
6 Mr. Cornish, and another individual that has very similar
7 features as the defendant. They're talking to each other
8 right there. Right there. And there's Mr. Cornish and the
9 other individual is walking out.

10 Q. All right. And as you continued watching the DMV
11 video, were you able to get a closer view of the individual
12 you've identified as Mr. Cornish?

13 A. Yes, you will see when he goes up to get his driver's
14 license picture taken.

15 Q. That would be State's 75.

16 MS. MAYES: Permission to publish?

17 THE COURT: Yes, ma'am.

18 (State's Exhibit Number 75 was played.)

19 A. All right. So this is the picture station. That is
20 Mr. Cornish. That is the individual that I talked to that
21 night in the traffic stop. The thing that sticks out big
22 time is the hair to me, but also the facial features and
23 his driver's license. You will see the top portion,
24 there's red right here on the collar. You'll see white --
25 the white part of the shirt and then you see that jacket on

1 the outside.

2 Q. And now the time on the timestamp?

3 A. So military time, once again, is December 17, 2019,
4 at 14, which is 2 PM. 14:21. There was the picture just
5 taken. There's the picture.

6 Q. There we saw it on the monitor?

7 A. Yeah, it was right there.

8 Q. And this would be 2:21 PM also on December 17th,
9 correct?

10 A. Yes, ma'am.

11 Q. And you've indicated that this clothing is different
12 than the clothing you saw the individual you believed to be
13 Mr. Cornish wearing in the morning?

14 A. For both individuals the clothing is different.

15 Q. I'm gonna show you what is 23 in evidence.

16 A. There's the picture. There's the picture.

17 Q. And now we've got 68. Can you tell us whether or not
18 this would be an official Department of Motor Vehicles
19 driving record?

20 A. So there's the customer number, there's the driver's
21 license number, there's Jeremy Cornish's name, same
22 address, and there's that -- right there is that red in the
23 collar and there's the shirt that he was wearing during
24 that picture.

25 Q. All right. Now going back to the morning video still

1 shot, again, the individual you noted was heavyset with the
2 band-aid was wearing what color shirt?

3 A. A yellow-ish orange.

4 Q. And the individual that you observed being heavyset
5 with a bag --

6 A. Right there. It's a dark in color.

7 Q. -- in the afternoon video, can you tell us whether or
8 not that appeared to be the same clothing as the morning
9 video?

10 A. So it's a dark in color shirt, but -- I'm sorry, dark
11 in color jacket, but the shirt does not appear to be the
12 same.

13 Q. The yellow shirt?

14 A. Correct.

15 Q. Now in addition to obtaining all of the DMV videos,
16 can you tell us whether or not the Lexington County
17 Sheriff's Department had the opportunity to obtain video
18 from any other locations, including nearby businesses?

19 A. So another location that we had obtained video was
20 KJ's grocery store that was on St. Andrews Road.

21 Q. And, again, that night that you did the -- you were at
22 the traffic stop for Jeremy Cornish and you observed that
23 white dually truck, did you have the KJ's video at that
24 point in time?

25 A. We did not have the KJ video at that point in time.

1 Not yet.

2 Q. I want to go back to State's 69. Now where Landmark
3 is concerned, was the Lexington County Sheriff's Department
4 ever able to obtain actual video surveillance from Woodland
5 Village, that apartment complex?

6 A. We were not. I wish we were.

7 Q. And what, if anything -- well, where would KJ's
8 grocery store be on this map, State's 69?

9 A. KJ's is right here marked on the map.

10 Q. It's where the green dot is located?

11 A. Yes, ma'am.

12 Q. Within that grocery store?

13 A. Yes.

14 Q. And what proximity is it to Landmark?

15 A. It's literally next door. So Landmark Apartments goes
16 all through here, there's a driveway here, and you can take
17 this street up and take it there. It's next door. You can
18 walk to it.

19 Q. After obtaining the video surveillance from KJ's
20 grocery, did you yourself observe it?

21 A. I have, yes.

22 Q. And I want to start here with some photographs that
23 I believe are already in evidence. State's 105 and
24 State's 64, can you tell us whether or not in watching
25 that video surveillance you observed any type of vehicles,

1 looking here at 64 and 105, similar to the white dually
2 truck that had been of interest to the sheriff's
3 department?

4 A. So a white dually pick-up truck is what we were told,
5 a Dodge or a Chevy, that has construction-type equipment
6 in the back. At the traffic stop we saw that white fuel
7 tank, the white fuel tank that has the danger sign on it,
8 and there's the black box right there. And the tailgate
9 is descriptive to me. It has those running lights going
10 across it and it looks like a hole because the actual lever
11 is missing out of the tailgate.

12 Q. And, again, you actually observed this truck yourself
13 on the night of the 21st at the traffic stop?

14 A. Yes, ma'am.

15 Q. All right. So looking here at State's 64, can you
16 tell us whether or not that equipment -- what, if anything,
17 you observed regarding the equipment in State's 64 and
18 State's 85 from the traffic stop?

19 A. The white fuel tank, the danger sign, and that larger
20 black box, and the white fuel tank, when it's over here,
21 you can see the danger sign and that black box.

22 Q. And I'm gonna show you 105 from the KJ's video.

23 A. There's that danger sign and there's the diesel only
24 sticker right there.

25 Q. And in addition to that, what, if anything else, did

1 you observe regarding the bumper area?

2 A. So there's the sticker on the bumper, but look at the
3 lights right here. In that picture it looks like these
4 stayed together, it looks like a large hole, but you can
5 see the lever's missing from the tailgate.

6 Q. And what, if any, similarities did you see or observe
7 in that regard in looking at 105?

8 A. So it's the same here. The fuel tank. You can kind
9 of see the remanents of that, but the handle right there,
10 the lever missing, really sticks out to me, and those --
11 those running lights going across the top of the tailgate.

12 Q. Once again, looking at 48 from the traffic stop?

13 A. Yes, right there. Yes, ma'am.

14 Q. Having observed that video, can you tell us what, if
15 any, determination you made regarding that vehicle?

16 A. That it appears to be the same vehicle that was done
17 during the traffic stop and that it's --

18 Q. The same vehicle driven by Jeremy Cornish?

19 A. Yes, ma'am.

20 MS. MAYES: Your Honor, the KJ's videos are
21 offered pursuant, once again, to the State's notice of
22 evidence, South Carolina Code 19-5-520, and we have
23 three; State's 27, State's 29 and State's 34.

24 THE COURT: Any objection?

25 MR. MAULDIN: No objection to those, Your Honor.

1 THE COURT: Okay. They're admitted.

2 (State's Exhibit Numbers 27, 29 and 34, KJ's
3 Grocery Store videos, were admitted into evidence.)

4 MS. MAYES: We have 27, 29 and 34.

5 Your Honor, permission to publish?

6 THE COURT: Yes, ma'am.

7 THE WITNESS: Before we do that, I'm gonna say left
8 and right when you watch the video. Can you put that map
9 up and turn it upside down so I can show -- it's a little
10 confusing as you look at that map. So if you turn it
11 upside down, remember the cameras are attached to the
12 building itself, so the cameras are looking out this way.
13 So if we look at that map, it would be confusing if I said
14 left to right. Now that it's upside down with the cameras
15 looking from here out, so from the left would be coming
16 from Ashland, which would be coming from the -- the area
17 of Bitternut and then right over here to the right would
18 actually be where Landmark apartments are.

19 Q. And I'm gonna show you another aerial map as well,
20 Captain Laintz, that may aid in that regard, and this will
21 be State's 14, and I'll ask you -- I'm gonna turn this one
22 upside down as well. This would be 14.

23 A. All right. So that's the right way again, but here's
24 -- the cameras would be facing out this way. Here's the
25 crime scene and here is Landmark Apartments.

1 Q. And so if we turn it upside down --

2 A. So the camera is looking out here and the videos --
3 the stills that we just looked at is actually that white
4 dually pick-up truck right here.

5 Q. All right. And do you see Landmark Drive on this map?

6 A. Yes, Landmark Drive is right there. It goes all the
7 way into the apartment complex.

8 Q. All right.

9 MS. MAYES: Permission to publish?

10 THE COURT: Yes, ma'am.

11 BY MS. MAYES:

12 Q. First I want to ask you regarding the time on this
13 particular video and the date stamp. I want to go up here
14 before we start the video looking here at State's 64.
15 What, if anything, can you tell us about the date and time
16 on this photograph or still shot from KJ's video?

17 A. So it's not government, so it's written normal.
18 December 17, 2019, and it's 11:10 AM, so about eleven
19 minutes after our 9-1-1 call.

20 Q. 11:10 AM?

21 A. Yes, ma'am.

22 Q. And, again, while watching video surveillance, you
23 were specifically focussed within this timeframe?

24 A. Yes, ma'am.

25 Q. And you are now approximately how close to the crime

1 scene?

2 A. A mile and a half, if that. The way the crow flies,
3 it's about a mile.

4 Q. Okay. State's 27.

5 (State's Exhibit Number 27 was played.)

6 A. All right. So Ashland is over here. Landmark is over
7 here. So travelling down this way, you'll see that white
8 dually pick-up truck that will pull into here.

9 Q. And what, if anything, is the significance about the
10 direction in which the white dually pick-up truck is
11 approaching KJ's parking lot?

12 A. That's coming from the crime scene. That's the
13 direction from the crime scene coming from the left.

14 Q. The direction from the Ashland Drive?

15 A. Yes, ma'am.

16 Right there's that white dually pick-up truck. You'll
17 see it when it pulls in. There's the timestamp up there.
18 As it pulls in and gets closer, it's easier to see the
19 dually tires, and once it makes the turn you can see that
20 white fuel tank, you can see the black box. It appears to
21 be two males in the front -- I'm sorry, two individuals in
22 the front, both wearing white T-shirts. One male get out
23 wearing a white T-Shirt, blue jeans, what appears to be
24 wearing work boots.

25 Q. All right. Regarding this particular individual, can

1 you tell us whether or not a person wearing this clothing
2 seems to enter the store?

3 A. They do.

4 (State's Exhibit 27 continues playing.)

5 A. Same black male, short haircut, and then as the
6 vehicle goes by, you see a black male with a white T-shirt
7 and you're able to ID all the stuff in the back of the
8 truck at that point.

9 (State's Exhibit 27 continues playing.)

10 Q. Now looking here, again, at 11:10 AM, what, if
11 anything, are you able to observe regarding the driver?

12 A. So the driver appears to be a stockier, heavysset black
13 male. You can kind of see the hair a little bit, but you
14 don't see -- there doesn't appear to be anybody else in the
15 vehicle.

16 Q. Okay.

17 MR. MAULDIN: Objection. It doesn't apply under
18 701.

19 THE COURT: Well, he's stating what he's looking
20 at. I'm gonna allow it.

21 A. The vehicle drops that individual off, they go out
22 here, stops for a second, and they'll go out here and take
23 a right and to the right remember is Landmark Apartments.

24 Q. And, again, that truck once it came out of the parking
25 lot, turned left or turned right?

1 A. Turned right.

2 Q. Towards the direction of Landmark Drive?

3 A. Yes, ma'am.

4 Q. All right.

5 A. And there it goes right there.

6 Q. All right. I'm gonna show you a photograph and,
7 again, this screen shot is in evidence, State's 64, from
8 that video that we just watched. What color shirt does the
9 driver appear to be wearing?

10 A. White.

11 Q. And at the night of the traffic stop, he was driving
12 the white truck?

13 A. The white dually pick-up truck, yes. Mr. Cornish
14 was.

15 Q. Looking here at the screen shot from the DMV in the
16 morning at 9:44 AM, what, if any, color shirt is the
17 individual you said was consistent with Jeremy Cornish
18 wearing?

19 MR. MAULDIN: Asked and answered, Your Honor.

20 THE WITNESS: The individual -- I'm sorry.

21 THE COURT: Wait a minute. I'll be glad to hear
22 from you, Ms. Mayes, on his objection.

23 MS. MAYES: Yes, Your Honor. I don't believe that
24 it was offered -- that that testimony was rendered
25 regarding State's 32.

1 THE COURT: Do you want to just rephrase it?

2 MS. MAYES: Yes, Your Honor.

3 THE COURT: Thank you.

4 BY MS. MAYES:

5 Q. Regarding State's 32, can you tell us what, if any,
6 color of clothing you observed on the individual you
7 testified was consistent with Mr. Cornish?

8 A. That individual was wearing a white T-Shirt.

9 Q. Now looking at State's 83, again, already in evidence
10 and a still shot from the video, walking in this direction
11 takes one where?

12 A. Takes them right into that entrance. There's two
13 entrances that goes into KJ's. It takes them into as
14 you're looking at the building, the left entrance that
15 comes into KJ's.

16 Q. And can you tell us whether or not you had an
17 opportunity to view video from that camera and that
18 specific angle once one enters through the front door?

19 A. I have.

20 Q. I'm gonna show you what is State's 36, 21 and 150,
21 and ask you whether or not you recognize what is depicted
22 in these photographs?

23 A. Yes, ma'am. That's the entrance when you go in and
24 the individual that walked through towards the end of the
25 picture -- the middle of the picture.

1 Q. And is there a date and timestamp on these still
2 shots?

3 A. There is.

4 Q. And can you tell us whether or not it all appears to
5 be a fair and accurate representation of the video from
6 inside KJ's?

7 A. Yes, ma'am, it does.

8 MS. MAYES: State's 21, 36 and 150 for evidence,
9 Your Honor.

10 THE COURT: 21's in, 36 is in, and which one? 150
11 is not.

12 MS. MAYES: We would offer 150.

13 THE COURT: Okay. Any objection?

14 MR. MAULDIN: No objection, Your Honor.

15 THE COURT: Then it's admitted.

16 (State's Exhibit Number 150, a photograph, was
17 admitted into evidence.)

18 BY MS. MAYES:

19 Q. So looking here first at State's 21, how, if at all,
20 Captain Laintz, does the lighting of this camera angle
21 different from some of the other video surveillance we've
22 already discussed?

23 A. So the lighting is very bright here at its entrance.
24 This is a very well-lit security camera so you can try
25 to get a good shot of somebody's face, their overall

1 description, and there's ample lighting so you can get a
2 good look at them.

3 Q. And having observed this video, can you tell us
4 whether or not you recognize this individual that is
5 depicted here on this camera angle, being Camera 1?

6 A. So the Camera 1 individual, you're able to watch come
7 out of the truck. He comes in here and as you watch the
8 video there's a portion where he turns his head and you are
9 able to see a distinguishing mark on his face.

10 Q. All right. And can you tell us whether or not you
11 recognize that individual?

12 A. That individual right there is the defendant,
13 Mr. Hopkins.

14 Q. And you mentioned a mark on his face. What are you
15 referring to?

16 A. The upper right cheek. You are able to see something
17 that either looks like a large mole or a tattoo up on the
18 right cheek, and at this point in time we knew of the cross
19 on the right cheek.

20 Q. Okay. Being a tattoo?

21 A. Yes, ma'am.

22 Q. And, again, can you tell us whether or not you
23 recognize anything else on the face?

24 A. So as we talked about in the DMV video, there was that
25 large band-aid, like a large band-aid when the kid scrapes

1 their knee and you put the large band-aid over the top of
2 it, right there on his left side of his face.

3 Q. All right. And regarding this particular video, can
4 you tell us what, if anything, else you observe having
5 watched it regarding the person you've identified as Justin
6 Hopkins?

7 A. So the band-aid itself and the white shirt ends up
8 being important and then you can see that tattoo along the
9 side of his face.

10 Q. All right. And I'm gonna show you State's 150.

11 A. Yes, ma'am.

12 Q. Again, this would be 36. Is this all part of that
13 same video surveillance from that same camera angle,
14 Camera 1?

15 A. Yes. So this is that exact same angle, good lighting.
16 You can actually see -- when you watch the video, you can
17 see something right there on the corner of his cheek, like
18 almost at the top of the cheekbone over here.

19 Q. Can you tell us whether or not that is consistent with
20 the tattoo location for Mr. Hopkins?

21 A. It is.

22 Q. And, again, you have seen or observed Mr. Hopkins
23 prior to today's date?

24 A. Yes, ma'am.

25 Q. And, finally, 150.

1 A. So this is the portion where the individual walks
2 all the way through and then the white shirt you're
3 actually able to see something right there on the white
4 shirt.

5 Q. And when you talk about something on the white shirt,
6 I'm gonna ask you specifically where do you observe any
7 type of discoloration on this white shirt?

8 A. On the white shirt you can easily see discoloration
9 because the background's white and right there on white
10 back hip I'll call it. As soon as I figure out how to work
11 my pointer again -- let me grab this one right there.

12 Q. So roughly this area here on the right side?

13 A. Yes, ma'am. Right hip. And, once again, when the
14 video plays through, you'll see it play and it's easier to
15 see then.

16 MS. MAYES: Permission to publish, Your Honor.
17 This is State's 29.

18 THE COURT: Yes, ma'am.

19 BY MS. MAYES:

20 Q. And the person you've identified as Justin Hopkins,
21 does he appear to be alone?

22 A. At this point in time, yes.

23 (State's Exhibit Number 150 was played.)

24 A. So right up here, that is Justin Hopkins. He's
25 walking in, you see the band-aid, and if you'll look

1 there's discoloration to the right of his face, and a mark
2 on the hip right there.

3 Q. And, again, watching the video, where do you see the
4 discoloration?

5 A. Right there. Right hip. Right back hip I'll call it.

6 Q. The time on this video, Captain Laintz, are you able
7 to tell us what time you're observing him actually now
8 inside KJ's under this lighting?

9 A. So the time that the video was taken was, again,
10 December 17, 2019, and this is 11:10 AM.

11 Q. All right. Now already in evidence in this case,
12 Captain Laintz, is State's 9 and 10.

13 A. Yes.

14 Q. Items of clothing?

15 A. Yes, ma'am.

16 Q. Are you aware that same night that Jeremy Cornish was
17 stopped pursuant to a traffic stop whether or not there was
18 an adjacent traffic stop regarding anyone else?

19 A. There was another traffic stop. It all kind of flowed
20 together during that same time and it was of the defendant,
21 Justin Hopkins.

22 Q. And are you aware as to whether or not any items were
23 seized from Justin Hopkins at that traffic stop?

24 A. Yes, there was a bag that was taken and later searched
25 and during the search there were clothing items that were

1 discovered in it.

2 Q. All right. And among those clothing items, can you
3 tell us whether or not they went to the State Law
4 Enforcement Division for analysis?

5 A. They did.

6 Q. I'm gonna show you what is State's 131 in evidence.

7 MS. MAYES: Your Honor, permission for the witness
8 to come down.

9 THE COURT: Yes, you can step down.

10 BY MS. MAYES:

11 Q. Captain Laintz, looking at this particular item, what,
12 if any, markings are noted on this item?

13 A. So you can see the actual size of the shirt right here
14 and then you can see some items that were done by the lab
15 and there's actually a cutting that is done down here where
16 the lab cuts a piece of it out so they can do testing on
17 it.

18 Q. All right. And this is State's 131 and in regards to
19 the lab, which lab are you referring to?

20 A. The State Law Enforcement Division.

21 Q. Okay. Captain Laintz, what is front of this shirt and
22 what is the back?

23 A. So this is front, and you can tell by size, and the
24 back would be here, so this would be your back right.

25 Q. And the cutting that you noted that was made by the

1 lab is at what location on the shirt?

2 A. The rear back right.

3 Q. (Indicating.)

4 A. Yes, ma'am.

5 Q. Is that consistent with the cutting from the lab?

6 A. Yes, ma'am.

7 Q. And, Captain Laintz, can you tell us whether or not
8 the location of that cutting is consistent with the
9 discoloration you noted on the video?

10 A. It is.

11 Q. Of the right hip area?

12 A. Yeah, I'd call it the back right hip right about here
13 that we saw or that's sitting up there with the video.

14 MS. MAYES: I beg the Court's indulgence.

15 THE COURT: Take your time.

16 THE WITNESS: Right there.

17 BY MS. MAYES:

18 Q. And for identification purposes at this time, can
19 you tell us whether or not that cutting would have been
20 returned to the Lexington County Sheriff's Department?

21 A. So after SLED cuts it out, they return all the
22 evidence to us and this is an evidence bag that has the
23 cutting in it.

24 Q. Okay. Thank you. You may return.

25 MS. MAYES: This would be 114 for identification,

1 Your Honor.

2 THE COURT: Okay.

3 BY MS. MAYES:

4 Q. Now after your observations here at the front
5 entrance, Captain Laintz, what, if anything, do you see
6 this individual do?

7 A. He -- he's gone, he's out of camera for a little
8 while, and then he comes back to the cash register itself.
9 He ends purchasing some things at the cash register and
10 then leaves.

11 Q. I'm gonna show you what is State's 134 and ask you
12 whether or not you recognize this item?

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

14 Q. And can you tell us whether or not that appears to be
15 a fair and accurate representation or screen shot from the
16 video?

17 A. That is a screen shot from the video.

18 MS. MAYES: State's 134 for evidence.

19 THE COURT: Any objection?

20 MR. MAULDIN: No objection to the still shot, Your
21 Honor.

22 THE COURT: It's admitted.

23 (State's Exhibit Number 134, a photograph, was
24 admitted into evidence.)

25 BY MS. MAYES:

1 Q. Looking here at State's 134, would that be the cashier
2 location that you just described?

3 A. So this is where all the cashiers are right here.
4 That's Mr. Hopkins walking away from this lane right here
5 getting ready to walk out the same entrance he came in.

6 Q. And what, if anything, did you observe about the
7 demeanor of the person that you've identified as Justin
8 Hopkins?

9 A. So when the individual comes up here to pay for their
10 stuff, they're what I call a vigilant head on a swivel,
11 they're looking around, they're trying to figure out what's
12 going on around them and they're looking all over the
13 place. If you watch other people as they're going through
14 the line, they're what we would call wiped. They're kind
15 of just sitting there and going through the motions of life
16 and they aren't looking around their surroundings at all.
17 When he comes to the cash register, he's looking all over.
18 When his attention gets grabbed for the transaction, he
19 then kind of pays attention to the cash register, and then
20 when he leaves he's, once again, looking all over.

21 Q. All right. And can you tell us whether or not that
22 includes towards the window or parking lot area?

23 A. He appears to be looking out the window for --
24 scanning it back and forth is what I would call it.

25 MS. MAYES: Permission to publish 134, Your Honor.

1 THE COURT: Yes, ma'am.

2 (State's Exhibit Number 134 was played.)

3 A. Here's the cash register right here and the individual
4 come up. You'll see him looking all over the place. The
5 band-aid gives it -- gives it away a lot, waddling back and
6 forth.

7 MR. MAULDIN: Objection to the characterization,
8 Your Honor.

9 THE COURT: I agree. The jury can look at the video
10 unless you've got something, Ms. Mayes?

11 MS. MAYES: Yes, sir -- yes, ma'am, Your Honor.

12 BY MS. MAYES:

13 Q. Does he appear to purchase an item?

14 A. He does.

15 Q. Now if cigarettes or cigars are purchased, can you
16 tell us from what area they would be retrieved?

17 A. So with age verification, they're usually behind the
18 cash register, and at KJ's it happens to be right back
19 here.

20 Q. And what time do we have now on the timestamp?

21 A. So it's December 17, 2019, at 11:11 and 52 seconds,
22 so almost 11:12 AM.

23 Q. Looking now, Captain Laintz, at State's 21 in
24 evidence, what, if anything, can you tell us about the
25 type of footwear you observe on the defendant?

1 A. The footwear appears to be a --

2 MR. MAULDIN: Objection to that. That's the jury's
3 province.

4 THE COURT: Wait a minute.

5 MR. MAULDIN: Objection. 701 again, Your Honor.

6 MS. MAYES: Asking for observation.

7 THE COURT: As long as she's asking for observation,
8 I'm gonna let it go.

9 Could you rephrase or repeat the question?

10 MS. MAYES: Yes, Your Honor.

11 BY MS. MAYES:

12 Q. Captain Laintz, regarding State's 21, what, if
13 anything, do you observe about the color of the footwear?

14 A. They're brown or tan.

15 Q. Okay. And what, if anything, do you observe, having
16 watched the video as a whole, about the type of footwear
17 looking here at State's 36?

18 A. Push it up just a bit. Ms. Mayes, push it up just a
19 little bit. There we go. So they appear to be brown or
20 tan boots. There we go.

21 Q. Brown or tan boots?

22 A. Yes, ma'am.

23 MS. MAYES: I beg the Court's indulgence.

24 THE COURT: Take your time.

25 BY MS. MAYES:

1 Q. You've indicated that Mr. Hopkins also was subject
2 to a traffic stop on the night of December 21st?

3 A. He was.

4 Q. Can you tell us whether or not he was taken into
5 custody that night?

6 A. He was taken into custody that night.

7 MS. MAYES: Nothing further, Your Honor.

8 THE COURT: Mr. Mauldin.

9 MR. MAULDIN: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. MAULDIN:

12 Q. Hey, Captain Laintz. I have a few questions.

13 A. Okay.

14 Q. How many duallies did SLED say there was in the
15 Midlands area?

16 A. There was a lot. I actually own a white Ford dually
17 pick-up truck, so there was a lot, but the weirdest thing
18 was that night we spent four hours -- three or four hours
19 looking for them and we didn't find any on the 18th.

20 Q. How many? I forgot. How many was it?

21 A. A lot.

22 Q. A lot?

23 A. Yeah.

24 Q. Yeah, I see a lot of them. And Mr. Cornish's dually
25 there was a Chevy?

1 A. It was.

2 Q. What model was it?

3 A. It was a Chevy dually pick-up truck. I think it was
4 a 3500 or something like that. I can look it up if you
5 want me to.

6 Q. That sounds about right.

7 A. Okay.

8 Q. And, you know, you have SLED -- do you think some
9 people from SLED are gonna come and talk about the cutting
10 on that shirt and everything?

11 A. I would believe so, yeah.

12 Q. Oh. So they're gonna come talk about it, too.

13 Okay. Now this construction stuff in the back, that
14 -- you said it was a fuel tank?

15 A. It is.

16 Q. Was it like a diesel fuel tank?

17 A. It is.

18 Q. Okay.

19 A. And I grew up on a farm. I know exactly what
20 that's for. It's a hand-cranked diesel. You put it in
21 construction equipment when you arrive on scene and you
22 hand crank it in and it literally says diesel only on the
23 tank.

24 Q. And that black box, what was that?

25 A. It's a tool box.

1 Q. Oh, it's a tool box.

2 A. It's something that holds things.

3 Q. I guess, you know, people say heavy equipment. I just
4 wanted to know what it was, so thank you.

5 Now when you met with Mr. Cornish on the 21st there
6 at the traffic stop, you talked to him briefly and said
7 something about have a long talk, but you pawned him off on
8 a couple of other officers to actually do that interview;
9 is that right?

10 A. So there was two other officers that did the
11 interview, yes.

12 Q. So your encounter with him was much briefer than their
13 encounter, wasn't it?

14 A. It was. We were roadside for about fifty something
15 minutes.

16 Q. Uh-huh. And did you-all ever do a search warrant of
17 Mr. Cornish's house or apartment or whatever?

18 A. No, we did not.

19 Q. Okay. And on this DMV video in the afternoon, it was
20 a little -- I don't know if my mind wasn't working right or
21 did the -- the heavysset individual come in first and then
22 Mr. Cornish come in or was it -- how did that go? Because
23 we saw one video where Cornish is taking a picture and then
24 we saw another one where he wasn't in there and heavysset
25 guy was there. So what -- what's the order of that?

1 A. So which video are you referring to?

2 Q. The afternoon video.

3 A. The afternoon video, the individual that matches
4 the description of Mr. Hopkins is there first and then
5 Mr. Cornish comes in later.

6 Q. So -- okay. So the heavysset individual's already
7 there and then Cornish comes to get his picture taken?

8 A. That's correct.

9 Q. Okay. So Cornish is there second.

10 All right. And when there's like a still shot taken
11 of a video, they can be blurry sometimes, can't they,
12 because people are moving?

13 A. They can.

14 Q. Okay. And I think that we watched some different
15 camera views there. A couple were outside, is that right,
16 at the KJ's?

17 A. There is a camera that's outside and then we saw the
18 two different camera angles that were inside.

19 Q. Weren't there multiple inside camera angles?

20 A. There is multiple cameras inside, yes.

21 Q. And isn't there another camera angle, camera
22 number three, where you can see Mr. Hopkins walking to the
23 register?

24 A. I have not seen camera number three that I can recall.

25 Q. Oh, no. How about number four? Did you see camera

1 number four?

2 A. Which one is number four?

3 Q. That's also another view of him at the register.

4 A. The view that we did not watch?

5 Q. No, that was nine. We watched nine and one, I do
6 believe.

7 A. Okay.

8 Q. So did you see number four?

9 A. I don't recall watching number four.

10 Q. And do you think the jury's the finder of facts in a
11 trial?

12 A. I believe the judge is gonna charge them with that,
13 yeah.

14 Q. Okay. So they can watch the videos and determine for
15 themselves whether there's a spot on that shirt or whether
16 it's a shadow or anything like that?

17 A. I suggest that the jury does do that so they can see
18 it.

19 MR. MAULDIN: No further questions.

20 THE COURT: Thank you, Mr. Mauldin.

21 MS. MAYES: Nothing further, Your Honor. We ask
22 that Captain Laintz be excused.

23 THE COURT: He may. Thank you, Captain Laintz.

24 (Witness excused.)

25 MR. MAULDIN: Could we have a short break, Your

1 Honor?

2 THE COURT: Yes. And can I see the lawyers right
3 quick before I give the jury a break? It's 4:20. I
4 don't know who you've got next.

5 (Proceedings held at the bench; not reported.)

6 THE COURT: Mr. Foreman, ladies and gentlemen of
7 the jury, we've got two more witnesses, and they're
8 short witnesses, but I've got to give everybody else a
9 break, and they need a break. So let's take a 10-minute
10 break. We'll come back and do these two short witnesses
11 and then that will be it for today.

12 FOREPERSON: Yes, ma'am.

13 THE COURT: That's good. We've been through ten
14 witnesses today, so a busy day.

15 (Whereupon, the jury retires to the jury room at
16 4:21 PM.)

17 (Recess taken at 4:22 PM.)

18 (Back on the record at 4:35 PM.)

19 BAILIFF: Keep your seats.

20 THE COURT: Okay. Can I bring the jury in? I
21 don't see Ms. Mayes.

22 MR. HUBBARD: We're ready, Your Honor.

23 (Whereupon, the jury return to the courtroom at
24 4:36 PM.)

25 THE COURT: Mr. Foreman, the jury ready?

1 FOREPERSON: Yes, ma'am.

2 THE COURT: Okay. You may be seated.

3 Call your next witness.

4 MR. HUBBARD: Thank you, Your Honor. The State
5 calls Kim Herlong.

6 (Whereupon, Kim Herlong was duly sworn by the Clerk
7 of Court.)

8 THE CLERK: If you'll have a seat, please, and state
9 your name, spelling your last for the record.

10 THE WITNESS: My name is Kim Herlong. My last name
11 is H-E-R-L-O-N-G.

12 KIM HERLONG,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. HUBBARD:

16 Q. Ms. Herlong, where do you work?

17 A. I am the property manager of Landmark of Columbia
18 Apartments.

19 Q. How long have you worked there?

20 A. Five years full-time.

21 Q. Five years?

22 A. Uh-huh.

23 Q. So back in December of 2019, you were still the
24 property manager?

25 A. I was. Yes, sir.

1 Q. Very well. I want to just jump right in and ask
2 you to look at State's Exhibit 13 and ask you about
3 Apartment 27A. Do you see that apartment?

4 A. Yes, sir.

5 Q. Do you have a pointer up there with you?

6 A. I do.

7 Q. Can you point it out for the jury?

8 A. It's the bottom -- it's the bottom right there.
9 That's Building 27.

10 Q. Okay.

11 A. A's on the bottom.

12 Q. All right. Very good. Back in December of 2019, who
13 was the primary renter for that apartment?

14 A. Maxi Jacobs.

15 Q. Maxi Jacobs?

16 A. Yeah.

17 Q. Were you aware of any relationship he had to Justin
18 Hopkins?

19 A. Yes, they were half-brothers to my understanding, yes,
20 sir. That's what I was told.

21 Q. All right. Does he look anything like Justin Hopkins?

22 A. No, sir.

23 Q. How would you describe his appearance?

24 A. He's a little bit taller and he's a little bit
25 thinner.

1 Q. Okay.

2 A. And their hair is a little different.

3 Q. Was Maxi Jacobs a regular at the apartment there or
4 was he away a lot or how would you describe his activity
5 there at the apartment complex?

6 A. In the last six months to a year, he had been -- he
7 has a girlfriend and he had been staying with her and he
8 also worked out of town from my understanding from him.

9 Q. So --

10 MR. MAULDIN: I'd object to this if it's
11 hearsay-related, Your Honor.

12 MR. HUBBARD: I will --

13 MR. MAULDIN: And move to strike.

14 MR. HUBBARD: I can --

15 THE COURT: And I will strike it and let the jury
16 disregard and you can re-ask.

17 BY MR. HUBBARD:

18 Q. As property manager, is it important for you to know
19 where your renters are?

20 A. Yes, sir.

21 Q. Is it important that if they're away you know that
22 so that you know they haven't abandoned the apartment
23 complex?

24 A. Yes, sir.

25 Q. In the course of your business, was the need to know

1 met by talking to Maxi Jacobs to confirm his whereabouts?

2 A. Yes, sir.

3 Q. And based on that, were you aware that he was away a
4 lot?

5 MR. MAULDIN: Object again, Your Honor. Same
6 grounds.

7 MR. HUBBARD: It's not hearsay.

8 THE COURT: I don't believe that's hearsay unless
9 you've got another ground.

10 MR. MAULDIN: I just stand by my objection, Your
11 Honor.

12 THE COURT: Okay. She can answer.

13 THE WITNESS: Yes, sir.

14 BY MR. HUBBARD:

15 Q. Okay. So he was away a lot. Now were you aware at
16 some point in time in 2019 of Justin Hopkins residing in
17 27A?

18 A. Yes, sir.

19 Q. When about did you become aware of that?

20 A. Around Thanksgiving of 2019.

21 Q. In fact, did he come to the main office and actually
22 see you?

23 A. He did in December of 2019.

24 Q. What was the purpose for which he came to sit down and
25 talk to you?

1 A. Him and I had a discussion of when Maxi moved out of
2 his apartment because his lease was about to expire in
3 January that Justin would take over the lease, so the
4 conversation was he gave me some information about himself,
5 I gave him a pamphlet of the qualifications for him to live
6 in the apartment, and the application. He was gonna take
7 that, fill it out and return it.

8 Q. Do you recall about what the date was when he came to
9 talk to you about this?

10 A. I want to say that it was around the 19th or 20th of
11 December.

12 Q. In 2019?

13 A. In 2019.

14 Q. I want to show you what's been marked State's 126.
15 What is -- do you recognize this document first?

16 A. I do. That's one of our lease renewals.

17 Q. And is that for -- for whom?

18 A. That is for Maxi Jacobs.

19 Q. Down at the bottom, do you see Mr. Hopkins' name and
20 information?

21 A. Yes, sir.

22 Q. Who wrote that?

23 A. I did.

24 Q. And who gave you that information?

25 A. Justin Hopkins did.

1 Q. Was that on December 19th or 20th when he came to talk
2 to you?

3 A. Yes, sir.

4 Q. So the information that we see there came directly
5 from him?

6 A. Yes, sir.

7 MR. HUBBARD: I move State's 126 into evidence.

8 THE COURT: Any objection?

9 MR. MAULDIN: No objection.

10 THE COURT: It's admitted.

11 (State's Exhibit Number 126, a lease renewal form,
12 was admitted into evidence.)

13 BY MR. HUBBARD:

14 Q. Looking at 126, the lease renewal, I want to direct
15 your attention to right here. Whose handwriting is that we
16 see in the right bottom corner of this exhibit?

17 A. That's mine.

18 Q. And the information that you see here, who did that
19 come from?

20 A. That came from Mr. Hopkins.

21 Q. Justin Tyler Hopkins?

22 A. Yes, sir.

23 Q. The [REDACTED]-98, what is that?

24 A. That's his date of birth.

25 Q. And he gave you that?

1 A. Yes, sir.

2 Q. And then this 803-331-██████, what is that?

3 A. That's the phone number he gave me to contact him if
4 need be.

5 Q. Okay. So you said that's his phone number?

6 A. That's correct.

7 Q. So that's the phone number he gave you?

8 A. Yes, sir.

9 Q. Now I want to ask you this. Did you in December
10 of 2019 have a resident deputy, a deputy that -- with
11 Lexington County that resided at your apartment complex?

12 A. I did. Yes, sir.

13 Q. What was his name?

14 A. Scott Zylstra.

15 Q. As part of his agreement with you, was he entitled to
16 carry master keys to assist you with security matters?

17 A. Yes, sir. Absolutely.

18 Q. He was?

19 A. Yes, sir.

20 Q. So was he entitled to master keys?

21 A. Yes, sir.

22 Q. Were you aware December 21st of 2019 of Lexington
23 County coming and wanting to search the apartment of 27A?

24 A. Yes, sir.

25 Q. Who was supposed to provide those master keys to those

1 deputies who were gonna do that?

2 A. Scott Zylstra.

3 Q. And was he available for that?

4 A. Yes, sir.

5 Q. Were you aware of how deputies actually ended up
6 making entry into that apartment?

7 A. Yes, sir.

8 Q. How did they do that?

9 A. They busted down the door.

10 Q. I'm sure that made you happy.

11 A. Not much. No, sir.

12 Q. When you went and looked at the door, did you notice
13 anything about the lock?

14 A. Yes, sir. It was not ours.

15 Q. It was not your lock?

16 A. No, sir.

17 Q. It had been changed?

18 A. Yes, sir.

19 Q. Had anybody been authorized to change that lock?

20 A. No, sir.

21 Q. Who was living there at the time?

22 A. Well, Maxi Jacobs was living there, but Justin Hopkins
23 was coming and going as well, but Maxi Jacobs was the one
24 on the lease and we knew that Justin Hopkins was actually
25 staying in the apartment.

1 Q. Okay. He was the one actually staying there?

2 A. Right.

3 MR. HUBBARD: Thank you so much.

4 THE COURT: Any questions?

5 MR. HUBBARD: I beg the Court's indulgence.

6 No further questions.

7 THE COURT: Mr. Mauldin?

8 MR. MAULDIN: I have no questions for this witness.

9 THE COURT: Okay. May I let Ms. --

10 MR. HUBBARD: The State would ask that she be
11 excused.

12 THE COURT: Thank you, Ms. Herlong.

13 THE WITNESS: You're welcome.

14 (Witness excused.)

15 MR. HUBBARD: Your Honor, for the record, 126
16 is in?

17 THE COURT: Yes.

18 MR. HUBBARD: Okay. Just making sure.

19 THE COURT: I admitted it, which is the lease.

20 MR. HUBBARD: Yes, Your Honor.

21 MS. MAYES: The State calls Detective Cody Weyandt.

22 (Whereupon, Cody Weyandt was duly sworn by the
23 Clerk of Court.)

24 THE CLERK: If you'll have a seat, please, and
25 state your name, spelling your last for the record.

1 THE WITNESS: My name is Cody Weyandt,
2 W-E-Y-A-N-D-T.

3 CODY WEYANDT,
4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. MAYES:

7 Q. Good afternoon. I think you're our last witness for
8 the day, but I want to ask you a little bit about yourself.
9 Where are you currently employed?

10 A. I'm currently employed with Lexington County Sheriff's
11 Department.

12 Q. And, Detective, what unit or team are you with?

13 A. I am a narcotics investigator assigned to the
14 Lexington County Multiagency Narcotics Enforcement Team.

15 Q. All right. So you are now a NET team detective?

16 A. Yes, ma'am.

17 Q. How, if at all, does that differ from being a CSI
18 detective?

19 A. I am now solely focussed on narcotics-related crimes.
20 It's a plainclothes unit, as well as doing surveillance and
21 stuff, that requires me to be in more of an undercover-type
22 of role.

23 Q. Okay. So you also do undercover work?

24 A. Yes, ma'am.

25 Q. Consistent with your appearance today?

1 A. Yes, ma'am.

2 Q. And let me ask you this. What role were you playing
3 or what was your actual job description back on December
4 17th of 2019 with the sheriff's department?

5 A. I was a crime scene investigator.

6 Q. All right. And how long were you with crime scene?

7 A. I was with crime scene for a little over two years, I
8 believe.

9 Q. And in this particular case, I'm gonna ask you about
10 a search warrant that was executed, and taking a look here
11 at State's 126 on the overhead, are you familiar with a
12 residence location for the defendant in this case, Justin
13 Tyler Hopkins?

14 A. Yes, ma'am.

15 Q. And can you tell us what that location was in December
16 of 2019?

17 A. If I can refer to my notes. That was [REDACTED] Landmark
18 Drive, Apartment 27A.

19 Q. And who was present for the execution of the search
20 warrant for the apartment in which Justin Hopkins was
21 residing?

22 A. Myself and a number of major crimes investigators.

23 Q. And who would have been the lead CSI officer on this
24 particular search warrant?

25 A. The lead CSI would have been myself.

1 Q. All right. I'm gonna show you some photographs and
2 ask you whether or not you recognize them. We're gonna
3 start with 128, 129, 130 and 132.

4 A. I do. I recognize all of them.

5 Q. And how so?

6 A. I took them at the apartment.

7 Q. Are these all a fair and accurate representation of
8 the search warrant that was served on the residence of
9 Justin Hopkins on the night of December 21, 2019?

10 A. Yes, ma'am.

11 MS. MAYES: For evidence, Your Honor.

12 THE COURT: Any objection?

13 MR. MAULDIN: Well, Your Honor, I'm gonna renew
14 my objection to the nature of the evidence based on
15 my pre-trial motions. Other than that, no further
16 objection.

17 THE COURT: Okay. Then they're admitted and your
18 previous objection during pre-trial is noted.

19 MS. MAYES: That's without objection?

20 MR. MAULDIN: Subject to the previous.

21 THE COURT: He made an objection earlier during
22 pre-trial, but they're admitted.

23 (State's Exhibit Numbers 128, 129, 130 and 132,
24 photographs, were admitted into evidence.)

25 BY MS. MAYES:

1 Q. First I want to ask you starting here, State's 128,
2 again, which unit is this?

3 A. It is Unit 27A. It's the front door.

4 Q. What, if anything, can you tell us, Detective Weyandt,
5 about whether or not that lock -- whether or not you had
6 any trouble gaining entry with the management's key?

7 A. Yes, ma'am. So we were provided with a master key
8 to the apartment. The keys did not work. We tried them
9 multiple times attempting to get in. It appeared that the
10 locks had been changed, so we had to force entry to the
11 door.

12 Q. All right. So the key that was supposed to work for
13 this particular apartment did not work. Was that usual or
14 unusual?

15 A. Unusual.

16 Q. And once you gained entry, I'm gonna ask you whether
17 or not you found or located any items to indicate that
18 Justin Hopkins was, in fact, an occupant?

19 A. Yes, ma'am.

20 Q. And what was that?

21 A. There was a certificate prominently displayed in the
22 living room area of the apartment with Justin Hopkins' name
23 on it.

24 Q. And how many bedrooms were in this apartment?

25 A. One.

1 Q. I'm gonna show you what is 129. Is that the item in
2 the name of Justin Hopkins that you were referring to?

3 A. Yes, ma'am, it is.

4 Q. And I believe you indicated that's in the living area?

5 A. Yes, ma'am.

6 Q. I'm gonna show you State's 130 now, also in evidence,
7 and ask you what, if anything, you photographed in 130?

8 A. That was -- that is the trash can in the bathroom of
9 the residence and I just observed a large number of used
10 band-aids that appear to be relatively fresh and took a
11 photo of it just in case it had any significance.

12 Q. So did that appear usual or unusual to you?

13 A. It was unusual.

14 Q. And, again, this would have been on the night of the
15 21st?

16 A. Yes, ma'am.

17 Q. Now were you able to recover any weapons from the
18 home?

19 A. No, ma'am.

20 Q. Were you specifically looking for firearms?

21 A. Yes, ma'am.

22 Q. Were any firearms located within that residence?

23 A. No, ma'am.

24 Q. What about ammunition?

25 A. There was no ammunition found inside the residence

1 either.

2 Q. Okay. So all firearms and ammunition not located
3 there?

4 A. No, ma'am.

5 Q. What, if anything, else was of interest to you,
6 Detective Weyandt, during the execution of this search
7 warrant?

8 A. There was description of dark clothing given that was
9 of significance, as well as different types of footwear.

10 Q. Okay. And specifically regarding the footwear, I'm
11 gonna show you what is State's 108, and I believe you were
12 working as a CSI detective at the time?

13 A. Yes, ma'am.

14 Q. I'm gonna show you what is 108 and ask you whether or
15 not you are familiar with this photograph?

16 A. Yes, ma'am, I am.

17 Q. How so?

18 A. That was taken from the original crime scene. I --
19 there were a number of shoe impressions at that scene
20 that appeared to be consistent per the other crime scene
21 investigators and I asked to see a picture of it when I
22 was at the apartment looking for specific footwear so that
23 I could narrow down the search of what I was looking for.

24 Q. All right. And upon examining this particular
25 photograph, what, if any, footwear did you retrieve from

1 the residence?

2 A. I retrieved some boots.

3 Q. I'm gonna show you what is State's 132 and ask you
4 whether you recognize what is depicted with Marker 6?

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

6 Q. How so?

7 A. My Marker 6 is a pair of work boots that were located
8 in the apartment.

9 Q. And what color are the boots?

10 A. Tan.

11 Q. And why did you take this particular pair of boots?

12 A. The tread pattern on those boots were consistent with
13 the impressions left at the scene.

14 Q. Looking here at State's 108, let me ask you what
15 specifically about the tread pattern did you have an eye
16 out for?

17 A. The center lug right here, inside of it. Obviously
18 with the different lugs on it, I believed that we were
19 looking for some type of boot. With the center one right
20 here I looked, it comes to points right here and then has
21 a center in the middle of it like that. This is an unusual
22 tread pattern that would let me narrow down what I was
23 looking for.

24 Q. And, again, looking at 132, based upon your
25 observations at the scene, can you tell us whether or not

1 that appeared similar to the naked eye?

2 A. Yes, ma'am, they did. Just in comparison.

3 Q. I'm gonna show you what is State's 124 and ask you
4 whether or not you recognize this item?

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

6 Q. Do you see your name or initials anywhere on this
7 item?

8 A. Yes, ma'am.

9 Q. And can you tell us what, if anything, else is noted
10 on the outside of the packaging for this item?

11 A. It is noted as Marker 6, tan work boots, Herman, which
12 is the brand, and then the address [REDACTED] Landmark Drive,
13 Apartment 27A, Columbia, South Carolina, and then my name.

14 Q. All right. And is there also a date associated with
15 the retrieval of this item of evidence?

16 A. Yes, ma'am, there is.

17 Q. Can you tell us, Detective, whether or not you
18 packaged this item upon retrieving it as evidence?

19 A. Yes, ma'am, I did.

20 Q. And can you tell us whether or not you sealed it as
21 evidence?

22 A. I sealed it back at our lab, yes, ma'am.

23 Q. Okay. When you actually retrieved it from the scene,
24 how did you package it?

25 A. It was originally packaged in a paper bag by itself,

1 closed up, taken to the lab and then packaged in this box.

2 Q. So individually packaged at the scene and closed?

3 A. Yes, ma'am.

4 Q. And then eventually sealed at your lab?

5 A. Yes, ma'am.

6 Q. And how close in time would it have been sealed at the
7 lab from the time it would have been packed?

8 A. Maybe a couple of hours. Long enough for me to finish
9 with the execution of the search warrant and get back.

10 Q. And was it in anyone else's possession during that
11 time?

12 A. No, ma'am.

13 Q. And can you tell us once it was sealed whether or not
14 it remained sealed to the best of your knowledge prior to
15 submission to the State Law Enforcement Division?

16 A. To the best of my knowledge, yes, ma'am, it remained
17 sealed the entire time.

18 Q. At this time -- go ahead and open it if you don't
19 mind.

20 A. (Witness complies.)

21 Q. Does that appear to be the item consistent with what
22 you have described?

23 A. Yes, ma'am.

24 MS. MAYES: Your Honor, at this time the State
25 offers 124 as evidence.

1 THE COURT: Any objection?

2 MR. MAULDIN: No further objection, Your Honor.

3 THE COURT: It's admitted.

4 (State's Exhibit Number 124, work boots, was
5 admitted into evidence.)

6 MS. MAYES: Your Honor, if the witness may have
7 permission to step down.

8 THE COURT: Yes, ma'am.

9 BY MS. MAYES:

10 Q. First I want to ask you, Detective, regarding these
11 particular boots, which you indicated to be Marker 6 that
12 we see there in the photograph --

13 A. Yes, ma'am.

14 Q. -- and the boots are what manufacturer?

15 A. Herman.

16 Q. Can you show us where the size is noted for this boot,
17 Detective?

18 A. The size is located on the label inside the tongue.

19 Q. And what is the size of these boots?

20 A. It's a size 12W mens.

21 Q. And can you tell us whether or not this was the only
22 size 12 Herman boots you recovered from that residence?

23 A. Yes, ma'am.

24 Q. And, again, looking here at the bottom, can you tell
25 us whether or not that is consistent with the image we

1 previously saw?

2 A. Yes, ma'am. The points I was talking about are right
3 there, as well as the middle lug that I was looking for
4 that was separated.

5 Q. Thank you. You may return.

6 A. (Witness complies.)

7 MS. MAYES: I beg the Court's indulgence.

8 BY MS. MAYES:

9 Q. And, again, the actual size noted on that? I just
10 want to make sure I got that correct.

11 A. The tag says 12W.

12 Q. 12W?

13 A. Yes, ma'am. Mens 12W.

14 MS. MAYES: Nothing further.

15 THE COURT: Mr. Mauldin.

16 MR. MAULDIN: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. MAULDIN:

19 Q. You have no idea when the lock was changed on that
20 door, do you?

21 A. No, sir.

22 Q. It could have been a week before or months before?

23 A. Absolutely.

24 Q. You took two pairs of boots from the apartment though,
25 didn't you?

1 A. Yes, sir.

2 Q. Okay. And they were both tan or brown or whatever?

3 A. They were both tan boots, yes, sir.

4 Q. Okay. And I know in your report you said there was
5 a large number of clothing in the bedroom in the apartment
6 strewn around haphazardly; is that correct?

7 A. Yes, sir.

8 Q. You also took a red and white shirt with a reddish
9 brown stain?

10 A. Yes, sir.

11 Q. And a pair of black jeans?

12 A. Yes, sir.

13 Q. And a door mat?

14 A. Yes, sir.

15 MR. MAULDIN: No further questions.

16 REDIRECT EXAMINATION

17 BY MS. MAYES:

18 Q. He asked you about other footwear. Let me ask you
19 this. Do you have any other size 12W tan boots?

20 A. No, ma'am.

21 Q. Only this pair?

22 A. Yes, ma'am.

23 MS. MAYES: Thank you. Nothing further.

24 MR. MAULDIN: No further questions, Your Honor.

25 THE COURT: Can I let Detective Weyandt go?

1 MS. MAYES: Yes, Your Honor.

2 (Witness excused.)

3 THE COURT: All right. Mr. Foreman, ladies and
4 gentlemen of the jury, that's a long day. You worked
5 hard. Thank you. We're gonna start back at 9:30 in
6 the morning. You-all be in the jury room at 9:15.
7 Don't talk about this case, read anything in the
8 newspaper, listen to the news. I am gonna have lunch
9 brought in for you-all again tomorrow so we can try and
10 finish.

11 I hope all of you-all have a good evening and I'll
12 see you in the morning.

13 Thank you.

14 FOREPERSON: Thank you.

15 (Whereupon, the jury was excused for the day at
16 5:01 PM.)

17 THE COURT: Okay. That was a good long day. We
18 went through ten witnesses.

19 All right. I have a plea that I'm gonna do at 9:00
20 in the morning. I will be done by 9:30.

21 Anything I need to take up with the State?

22 MR. HUBBARD: No, Your Honor.

23 THE COURT: How about the defense?

24 MR. MAULDIN: No, Your Honor.

25 THE COURT: All right. Well, then I'll see you-all

1 at 9:30 in the morning then. Have a good evening.

2 (Whereupon, the proceedings were concluded for
3 October 26, 2022 at 5:02 PM.)

4 (The following proceedings were held October 27,
5 2022, beginning at 10:02 AM.)

6 THE COURT: All right. Are we ready?

7 MR. HUBBARD: I think we are, Your Honor.

8 MS. MAULDIN: Yes, Your Honor.

9 THE COURT: Bring them in.

10 MS. MAYES: Your Honor, there was one item that we
11 believe was in or thought we called the number and the
12 court reporter, I think, indicated that she didn't have
13 it, and that is 83, being a still shot from the KJ's
14 video, so we --

15 THE COURT: I have it in. Photo, still shot, KJ's
16 no objection, admitted.

17 THE COURT REPORTER: Thank you.

18 THE COURT: I keep my own little list up here.

19 THE COURT: Did you look at it and make sure that's
20 right Mr. Mauldin?

21 MS. MAULDIN: (Thumbs up.)

22 THE COURT: Okay. It's admitted.

23 (State's Exhibit Number 83, a photograph, was
24 admitted into evidence.)

25 (Whereupon, the jury enter the courtroom at

1 10:10 AM.)

2 THE COURT: All right. Mr. Foreman, is the jury
3 ready?

4 FOREPERSON: Yes, ma'am.

5 THE COURT: All right. Have a seat.

6 All right. Ladies and gentlemen, same question.
7 Has anybody tried to contact you or have you contacted
8 anybody else about this case or have you watched, heard,
9 listened to anything on TV, social media or have you
10 conducted any research about this case? If so, please
11 raise your hand. Very good.

12 The State can call their witness, please.

13 MR. NORTON: Your Honor, the State calls
14 Investigate Jacob Hendrix.

15 (Whereupon, Jacob Hendrix was duly sworn by the
16 Clerk of Court.)

17 THE CLERK: Have a seat up there. If you'll state
18 your name and spell your last name for the record.

19 THE WITNESS: My name is Jacob Hendrix, and the
20 spelling of my last name is H-E-N-D-R-I-X.

21 JACOB HENDRIX,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. NORTON:

25 Q. Investigator Hendrix, where do you currently work?

1 A. I work with the -- sorry. I work with the South
2 Carolina Attorney General Office's Medicaid Fraud Control
3 Unit.

4 Q. And how long have you worked there?

5 A. About a year and a half.

6 Q. What did you do before that?

7 A. I was an investigator with the Lexington County
8 Sheriff's Department.

9 Q. Okay. And how long did you work with the Lexington
10 County Sheriff's Department?

11 A. Approximately six, seven years.

12 Q. And so you would have been working there in December
13 of 2019?

14 A. That's correct.

15 Q. Okay. So let's talk about December of 2019. Were you
16 working on December 31st, 2019?

17 A. I was.

18 Q. And with respect to this case, what do you recall
19 doing on December 31, 2019?

20 A. I obtained warrants for Jeremy Cornish in reference to
21 this case. Arrest warrants.

22 Q. And were those warrants served that day?

23 A. They were.

24 Q. And did you see Jeremy Cornish that day?

25 A. I did.

1 Q. Okay. And where did you see him?

2 A. At the Lexington County Sheriff's Department.

3 Q. And so you had the chance to observe him?

4 A. That is correct.

5 Q. And do you recall specifically with regards to
6 footwear what he was wearing that day?

7 A. I do.

8 Q. Okay. And what would that be?

9 A. It was brown, tan boots.

10 Q. And when someone is locked into Lexington County
11 Detention Center, what happens with respect to any personal
12 property they have?

13 A. It gets -- the clothing gets taken off and put into a
14 -- a bag and --

15 Q. And would that include -- I'm sorry. Go ahead.

16 A. That's fine.

17 Q. Would that include any footwear they have on?

18 A. That is correct.

19 MR. NORTON: Your Honor, can I approach the witness?

20 THE COURT: You may.

21 BY MR. NORTON:

22 Q. I'm gonna show you what's been marked as State's
23 Exhibit 166 and ask you to open it.

24 A. (Witness complies.)

25 Q. Now do you recognize the contents of 166?

1 A. I do.

2 Q. And how so?

3 A. That's my initials and the date tagging the evidence
4 and the case number.

5 Q. And so what are we looking at here?

6 A. It's a bag of the boots I collected from Jeremy
7 Cornish's property at the Lexington County Detention
8 Center.

9 Q. Okay.

10 MR. NORTON: Your Honor, at his time the State
11 would offer 166 for evidence.

12 THE COURT: Any objection?

13 MR. MAULDIN: No objection, Your Honor.

14 (State's Exhibit Number 166, a pair of boots, was
15 admitted into evidence.)

16 BY MR. NORTON:

17 Q. Investigator Hendrix, if you could open the package.

18 A. (Witness complies.)

19 Q. Do you recognize these boots?

20 A. I do.

21 Q. How so?

22 A. Jeremy Cornish was wearing them when he was brought to
23 the sheriff's department on 12-31.

24 Q. Okay. And you observed him in these boots?

25 A. I did.

1 Q. What kind of boots are they?

2 A. Survivors tan what looks like work boots.

3 Q. And what size are these boots?

4 A. Ten and a half.

5 MS. MAYES: I'm sorry, we couldn't hear the witness.

6 THE COURT: Could you repeat that?

7 MR. NORTON: I'll ask him again, Your Honor, if
8 that's okay.

9 THE COURT: Thank you.

10 BY MR. NORTON:

11 Q. What size are these boots?

12 A. Ten and a half.

13 Q. Okay. Ten and a half. Now I want to turn your
14 attention to January 2nd of 2020. What, if anything, do
15 you recall doing that day?

16 A. I went to the detention center and I went to the bag
17 where Jeremy Cornish's belongings were and I retrieved
18 those boots and tagged them into evidence.

19 Q. Okay. And what purpose did you tag them into evidence
20 for?

21 A. To send it to SLED for analysis.

22 MR. NORTON: I beg the Court's indulgence.

23 Investigator Hendrix, those are all the questions
24 I have for you at this time.

25 THE COURT: Mr. Mauldin.

1 MR. MAULDIN: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. MAULDIN:

4 Q. On December 21st you went over to 27A Landmark Lane,
5 purported to be the residence of Justin Hopkins, to assist
6 in the search warrant; is that correct? Or to supervise?

7 Are you having a little difficulty remembering that?

8 A. That's correct. I was making sure that was the right
9 date.

10 Q. Okay. And how many pairs of boots were seized from
11 that apartment?

12 A. Two.

13 Q. Two. How many boots were in the apartment altogether;
14 do you know?

15 A. I know there was two pairs of boots that were similar
16 to that.

17 Q. I know that were seized, but how many were in there?

18 A. I don't know exactly how many.

19 Q. Okay. And you don't know what the sizes of any other
20 boots were, do you?

21 A. Yeah, I think there was a 12 and a ten and a half.

22 Q. Well, I'm not talking about the ones that were seized,
23 I'm talking about the ones that were left that we don't
24 know about.

25 A. No, sir, I do not.

1 Q. What about other pairs of shoes? How many pairs of
2 sneakers were in there?

3 A. I do not know that, sir.

4 Q. What are the sizes of those sneakers?

5 A. I do not know that, sir.

6 Q. What about what kind of dress shoes? Do you know how
7 many dress shoes were in there and the sizes of those?

8 A. No, sir.

9 Q. You don't know the sizes of those either, do you?

10 A. No, sir.

11 Q. Okay. Did you leave the sheriff's department during
12 the middle of this case or something?

13 A. Yes, sir.

14 Q. Okay. You left in March 2020?

15 A. April 2021.

16 Q. Okay. All right. Did you do anything on this case
17 past March of 2020 or were you involved? Yes or no.

18 A. Yes. I don't know exactly. I was -- I was still
19 there.

20 Q. Okay.

21 MR. MAULDIN: No further questions.

22 THE COURT: Anything else, Mr. Norton?

23 MR. NORTON: Judge, can we approach the bench real
24 quick?

25 THE COURT: You sure can.

1 (Proceedings held at the bench; not reported.)

2 (Pause in proceedings.)

3 MR. NORTON: Your Honor, just a few.

4 THE COURT: Go ahead, Mr. Norton.

5 REDIRECT EXAMINATION

6 BY MR. NORTON:

7 Q. Investigator Hendrix, Mr. Mauldin was asking you
8 about the execution of a search warrant on Apartment 27A,
9 I believe; is that correct?

10 A. Yes, sir.

11 Q. Okay. And what date would that have been on?

12 A. Saturday.

13 Q. So that would have been the 21st of December?

14 A. Yes, sir.

15 Q. Okay. And he asked you specifically about another
16 pair of boots. Did you find a second pair of boots in that
17 apartment?

18 A. I believe there was two pairs of boots from that
19 apartment.

20 Q. I'm gonna show you what's been premarked as State's
21 Exhibit 174. I'll clear some space here for you.

22 A. Thank you.

23 Q. Do you recognize State's 174?

24 A. Yes, sir.

25 Q. How so?

1 A. The case number and the marker for tan work boots.

2 Q. Okay. And would those be the boots you collected from
3 the apartment on December 21st?

4 A. Yes, sir.

5 MR. NORTON: Your Honor, State's 174 for evidence.

6 THE COURT: Any objection?

7 MR. MAULDIN: Subject to the pre-trial motion,
8 Your Honor.

9 THE COURT: Subject to that, I'm gonna let it in.

10 (State's Exhibit Number 174, a pair of boots, was
11 admitted into evidence.)

12 BY MR. NORTON:

13 Q. Investigator Hendrix, I'm gonna ask you open
14 State's Exhibit 174.

15 A. (Witness complies.)

16 Q. Investigator Hendrix, what are we looking at here?

17 A. These are tan Survivor, it appears, work boots.

18 Q. And what size are those?

19 MS. MAYES: Again, we can't hear the witness.

20 THE WITNESS: I'm sorry. Tan Survivor work boots
21 and it is a size ten and a half.

22 BY MR. NORTON:

23 Q. Okay. And these boots were taken pursuant to a search
24 warrant from Landmark Apartments 27A?

25 A. That's correct.

1 Q. Okay. And what would have been done with these boots?

2 A. They would have been put in evidence to send to SLED.

3 Q. Sent to SLED. Okay. I want to ask you another
4 question. When you served that search warrant on 27A,
5 outside of the boots, with regard to clothing, what did you
6 find?

7 A. Like in regards to clothing?

8 Q. Uh-huh. Multiple different kinds of clothing?

9 A. That's correct. Some black jeans, a white and red
10 shirt.

11 Do you want everything or just the clothing?

12 Q. I suppose I should rephrase. Generally, clothing that
13 would be different sizes?

14 A. No, just one size.

15 Q. One singular size?

16 A. (Nods head.)

17 Q. Okay. Were there multiple beds?

18 A. No, there was just one bed.

19 Q. Okay. I'm gonna show you what's been premarked as
20 State's Exhibit 176. Do you recognize this image?

21 A. I do.

22 Q. How so?

23 A. It was at the apartments.

24 Q. Okay. And that would be 27A Landmark Apartments?

25 A. That is correct.

1 MR. NORTON: Your Honor, 176 for evidence.

2 MR. MAULDIN: Subject to prior objection.

3 THE COURT: Okay. It's admitted subject to
4 pre-trial objection and noted for the record.

5 (State's Exhibit Number 176, a photograph, was
6 admitted into evidence.)

7 BY MR. NORTON:

8 Q. So these would be two boots from 27A taken on
9 December 21st?

10 A. That's correct.

11 Q. And the boots that we looked at that were State's 166,
12 I believe, were boots that were taken from Jeremy Cornish's
13 feet?

14 A. That's correct.

15 Q. Okay. And those boots were size ten and a half?

16 A. Correct.

17 Q. Okay.

18 MR. NORTON: I beg the Court's indulgence.

19 Nothing further at this time, Your Honor.

20 THE COURT: All right. Mr. Mauldin.

21 RE CROSS EXAMINATION

22 BY MR. MAULDIN:

23 Q. Only one shirt was taken from the apartment pursuant
24 to the search warrant, right?

25 A. That is correct.

1 Q. So that would be the same size as itself, wouldn't it?

2 A. The same size as --

3 Q. As itself. I mean, you said all the clothes were the
4 same. Well, how many clothes were in the bedroom? How
5 many shirts?

6 A. There was clothing throughout the apartment.

7 Q. And you looked at the sizes of all those clothes?

8 A. It appeared to be all the same time size clothing.

9 Q. What, to the naked eye?

10 A. Yes, sir.

11 Q. And -- and how many shirts were there?

12 A. I'm not sure.

13 Q. Were they all wadded up on the floor?

14 A. They were -- they were throughout the actual
15 apartment.

16 Q. Did you pick up each shirt and hold it up and see the
17 size?

18 A. I did not pick up each individual shirt.

19 Q. Okay. The same thing, black jeans. You took one pair
20 of black jeans?

21 A. That's correct.

22 Q. And there must have been pants all over the bedroom,
23 too. Did you hold them up to see if they were all the same
24 size?

25 A. I don't remember checking every pair. There was

1 multiple people throughout the apartment checking.

2 Q. Okay. And, again, those two boots are the only pair
3 of footwear that you seized from the apartment?

4 A. Correct.

5 Q. And you don't know what other footwear and what sizes
6 of those footwear they were?

7 A. I don't recall.

8 MR. MAULDIN: Okay. No further questions.

9 THE COURT: Mr. Norton.

10 MR. NORTON: No further questions, Your Honor.

11 THE COURT: Okay. May I excuse Officer Hendrix?

12 MR. NORTON: Please, Your Honor.

13 THE COURT: Thank you for coming.

14 (Witness excused.)

15 MS. MAYES: The State calls Agent Melinda Worley.

16 MS. MAULDIN: Judge, may we approach?

17 THE COURT: You may.

18 (Proceedings held at the bench; not reported.)

19 THE COURT: Mr. Foreman, ladies and gentlemen of the
20 jury, I need to take a matter up with the lawyers and I'm
21 gonna have to ask you to go to the jury room. Please do
22 not discuss this case amongst yourselves.

23 FOREPERSON: Yes, ma'am.

24 (Whereupon, the jury retires to the jury room at
25 10:30 AM.)

1 THE COURT: All right, Ms. Mauldin.

2 MS. MAULDIN: Just briefly, Your Honor.

3 THE COURT: We're having an in-camera hearing. I
4 don't know why. Can I put it on the record?

5 MS. MAULDIN: The hearing?

6 THE COURT: I mean, why we're having this in-camera
7 questioning.

8 MS. MAULDIN: Your Honor, a lot of her -- a lot
9 of the information that she provided on her background
10 covers footwear and other things. I just want to know
11 how much time she spent specifically training in footwear
12 rather than tire impression or some other kind of crime
13 scene investigation.

14 THE COURT: I got it.

15 Okay. Let's swear the witness in first.

16 (Whereupon, Melinda Worley was duly sworn by the
17 Clerk of Court.)

18 THE CLERK: Have a seat up there. If you'll state
19 your name and spell your last name for the record.

20 THE WITNESS: Melinda Worley, W-O-R-L-E-Y.

21 MS. MAYES: And, Your Honor, usually regarding the
22 voir dire on the qualifications of the expert, the State
23 would proffer the expert and we intend to do so and then
24 certainly open to any further examination.

25 THE COURT: Okay.

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MELINDA WORLEY,

having been duly sworn, testified as follows:

VOIR DIRE EXAMINATION (In-Camera)

BY MS. MAYES:

Q. Agent Worley, can you tell us a little bit about
yourself? Where are you currently employed?

A. I'm currently employed at the South Carolina Law
Enforcement Division, commonly referred to as SLED.

Q. All right. And how long have you been with SLED?

A. Eleven years.

Q. Now what type of experience do you have in crime scene
investigations?

A. I started at SLED in the crime scene unit in 2011, so
eleven years. I just transferred out in August.

Q. Can you tell us what, if any, experience you've had
as a crime scene investigator studying footwear and
footwear impressions, including identification of footwear
impressions?

A. The analysis of footwear evidence, I started that
training in 2012 and completed the training in 2014 in
order to do casework.

Q. Can you tell us whether or not the science regarding
footwear impressions, comparison analysis of footwear and
footwear impressions, is considered scientifically
reliable?

1 A. Yes, it is.

2 Q. Can you tell us whether or not it is accepted among
3 peers in your field as a proper form of forensic science?

4 A. Yes.

5 Q. Can you tell us whether it is utilized by other crime
6 labs, not only in this state, but across the country?

7 A. It is, that's correct.

8 Q. And what labs are you familiar with that utilized
9 footwear impressions and footwear examinations?

10 A. I mean, other state labs use footwear.

11 Q. Can you tell us whether or not the FBI also uses
12 footwear examinations as forensic science?

13 A. They do, yes.

14 Q. Can you tell us whether or not your work is subject
15 for peer review?

16 A. Every case that I work is peer reviewed.

17 Q. How so? Can you describe that process?

18 A. I -- I send it to another qualified examiner who has
19 done footwear examinations and is trained to do such. He
20 reviews the evidence and my conclusions and determines
21 whether he agrees with my conclusions and, if not, then we
22 look at it again and, if so, then he approves my report.

23 Q. Can you tell us whether or not the crime lab at the
24 State Law Enforcement Division is accredited?

25 A. It is.

1 Q. And by which overseeing agency or independent
2 authority?

3 A. ANAB and ASCLAD.

4 Q. And what are those affiliations, if you know?

5 A. I can't remember exactly what they stand for.

6 Q. Okay. Are those the proper authorities to give
7 accreditation to a state crime lab?

8 A. Yes, they are.

9 Q. Now what training specifically have you had, Agent
10 Worley, regarding footwear and do you have a copy of your
11 CV with you?

12 A. I do. I started the training in 2012 internally
13 at SLED within the department going through different
14 sections, different topics related to footwear and
15 manufacturing of footwear, and then comparison analysis
16 of footwear evidence. I attended --

17 Q. I'm gonna need you to slow down a little bit for the
18 court reporter and, first, I'm gonna ask do you have a copy
19 of your CV with you?

20 A. I do, yes.

21 MS. MAYES: I beg the Court's indulgence.

22 Your Honor, I'm gonna mark this as a Court's
23 exhibit.

24 THE COURT: Court's 20.

25 BY MS. MAYES:

1 Q. Do you recognize this document?

2 A. I do, but it's my old one from when I was still in the
3 Crime Scene Unit.

4 Q. Okay. I am going to go ahead and mark this one as a
5 court's exhibit and then you can let us know any changes or
6 additions that you have made since that I time.

7 A. All right.

8 THE COURT: I think it's got to be 21. I'm sorry.

9 MS. MAYES: Okay.

10 (Court's Exhibit Number 21 was marked for
11 identification.)

12 MS. MAYES: Court's 21, Your Honor.

13 BY MS. MAYES:

14 Q. Now if you could begin, Agent Worley, by telling us
15 about your educational background and your training prior
16 to SLED.

17 A. I received a bachelor of science degree in
18 anthropology from the University of Tennessee at
19 Chattanooga, a bachelor of science degree in forensic
20 science from Mercyhurst College and a master's degree in
21 forensic science from the University of Florida. In
22 addition to the master's at Florida, I also received a
23 graduate certificate in forensic death investigation.

24 Q. All right. So you have a bachelor of science degree
25 in forensic science?

1 A. That's correct.

2 Q. As well as a master's degree that includes forensic
3 science?

4 A. That's correct.

5 Q. Now looking at your crime scene investigation
6 experience in the course of the last eleven years, I'm
7 gonna refer you to page 2 of your CV. What, if any,
8 training do you have specifically regarding the examination
9 and comparison of footwear evidence?

10 A. I attended an external week-long class in 2013
11 specifically related to footwear examination.

12 Q. And how many hours of study did that include?

13 A. It was forty hours.

14 Q. And can you tell us whether or not your training in
15 that regard was approved by the State Law Enforcement
16 Division?

17 A. It was, yes.

18 Q. Now I'm gonna ask you what, if any, type of
19 certification you have regarding impression evidence?

20 A. Just the internal at SLED, certification to do
21 footwear casework.

22 Q. And what is required for that certification within the
23 SLED Crime Scene Unit?

24 A. To complete the training program that's laid out
25 within the Department. In addition to that, it's hands-on

1 experience doing casework with a qualified examiner while
2 in training and eventually doing supervised casework and
3 casework on my own.

4 Q. All right. Now specifically in 2014, I want to ask
5 you whether or not you received any training regarding
6 footwear and tire track examination and comparison?

7 A. Yes, I attended another external class specifically
8 related to tire examination in 2014 -- or actually I think
9 that was 2013 and then in 2014 there was also another
10 week-long class that was for footwear and tires related to
11 courtroom testimony.

12 Q. And how many hours was that training?

13 A. Forty hours.

14 Q. Can you tell us whether or not that training was also
15 approved by the State Law Enforcement Division?

16 A. Yes, it was.

17 Q. Now I'm gonna refer you to the next page of your CV
18 and ask you what, if any, associations you've been involved
19 with attending conferences regarding identification?

20 A. I'm a member of the International Association for
21 Identification. I attended an IAI conference in 2018.
22 That's a week-long conference where I attended several
23 lectures related to footwear.

24 Q. And following that I'm gonna ask you what, if any,
25 additional footwear examination training you had in 2018?

1 Specifically any workshops attended.

2 A. Oh, that was while I was at the IAI. It was a
3 workshop with Bill Bodziak, who's a leading footwear
4 examiner and expert.

5 Q. And how many hours was that workshop?

6 A. I believe that was about six hours.

7 Q. And can you tell us whether or not that focussed
8 entirely on footwear examination?

9 A. It did, yes.

10 Q. Now regarding courtroom experience, how many times
11 have you been qualified as an expert specifically in
12 footwear examination?

13 A. For footwear about seven times.

14 Q. And I believe your CV references four times, but this
15 CV was dated February 2022?

16 A. That's right.

17 Q. And since that time you've been qualified as an expert
18 additional times?

19 A. That's correct.

20 Q. Does that include in this courtroom last week?

21 A. It does.

22 Q. Regarding State versus Cornish?

23 A. Yes.

24 Q. And, in addition, throughout your time working crime
25 scenes, have you had the opportunity to collect footwear

1 impressions from crime scenes?

2 A. Yes.

3 Q. And in addition to collecting footwear impressions,
4 have you had the opportunity inside the lab to compare
5 those impressions to actual footwear?

6 A. Yes, I have.

7 Q. How much of your work and training has involved that,
8 the actual comparison inside the lab of an impression to an
9 actual item of footwear?

10 A. I'd have to guess -- estimate how many cases I've
11 actually worked. Probably around forty or fifty footwear
12 cases specifically now.

13 Q. Can you tell us whether or not that includes the
14 Murdaugh murder investigation?

15 A. It does.

16 MS. MAYES: Your Honor, at this time the State
17 offers Agent Melinda Worley as an expert in the field of
18 footwear examination and impression identification.

19 THE COURT: All right. Ms. Mauldin.

20 MS. MAULDIN: Again, very briefly, Judge.

21 VOIR DIRE EXAMINATION (In-Camera)

22 BY MS. MAULDIN:

23 Q. How much of your undergraduate and graduate training
24 involved footwear impression analysis?

25 A. Not -- not specifically footwear. It was mentioned

1 as a type of impression evidence within those programs, but
2 there was never actual time spent doing any -- any footwear
3 analysis.

4 Q. And you mentioned that your training at SLED in
5 footwear impression analysis was from 2012 to 2014?

6 A. (Nods head.)

7 Q. Was that the only thing you were doing then?

8 A. No, I was also a crime scene investigator.

9 Q. About how much of your time were you spending in
10 training for footwear impression analysis?

11 A. I mean, I don't know the number of hours specifically.
12 Crime scene was the priority, was the main job that I was
13 doing. Footwear, I was spending as much time as I could
14 and as much as I needed to get through the training program
15 and learn all the topics and everything I needed to do to
16 finish the training program.

17 Q. Ballpark was it 10 percent of your work, 90 percent of
18 your work?

19 A. At that time, maybe 25.

20 Q. Okay. And then is SLED certification their own
21 internal certification or is that based on some sort of
22 national certification?

23 A. Well, it's, I guess, based on the SLED tread standards
24 of training for footwear examiners. It's more of an
25 internal certification in that I've completed the training

1 program that we've run.

2 Q. And you said you had worked on forty to fifty cases up
3 to this point?

4 A. I believe that's accurate.

5 MS. MAULDIN: Thank you.

6 No further questions, Your Honor. I don't object
7 to her --

8 THE COURT: To being an expert?

9 MS. MAULDIN: -- qualifications.

10 THE COURT: All right. Do you-all want to let her
11 down and recall her to the stand in front of the jury?

12 MS. MAYES: Yes, sir. If you may.

13 THE COURT: I'm gonna let you down, Agent Worley
14 and probably re-swear you in front of the jury.

15 THE WITNESS: All right.

16 (Witness excused.)

17 THE COURT: All right. Let's bring the jury in.

18 Just to let the lawyers know, we're e-mailing you
19 a copy of the jury instructions. Not complete, but I
20 reworked them kind of from the last time, so if you-all
21 will read them.

22 MR. HUBBARD: Thank you, Your Honor.

23 (Whereupon, the jury return to the courtroom at
24 10:45 AM.)

25 THE COURT: All right. Mr. Foreman, is the jury

1 ready?

2 FOREPERSON: Yes, ma'am.

3 THE COURT: All right. Please be seated.

4 And the State can call their next witness.

5 MS. MAYES: Your Honor, the State calls Melinda
6 Worley.

7 (Whereupon, Melinda Worley was duly sworn by the
8 Clerk of Court.)

9 THE CLERK: If you'll have a seat up there. If
10 you'll state your name and spell your last name for the
11 record.

12 THE WITNESS: Melinda Worley, W-O-R-L-E-Y.

13 MELINDA WORLEY,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. Good morning, Agent Worley. Can you tell us a little
18 bit about yourself? Where are you currently employed?

19 A. I'm currently employed at the South Carolina Law
20 Enforcement Division, commonly referred to as SLED.

21 Q. All right. I'm gonna ask if you could pull the
22 microphone up a couple of inches forward.

23 A. (Witness complies.)

24 Q. Now how long have you been with SLED?

25 A. Eleven years.

1 Q. And what have you been doing over the course of the
2 eleven years at the State Law Enforcement Division?

3 A. I started eleven years ago in the Crime Scene Unit.
4 I just transferred out of the Crime Scene Unit in August,
5 so I spent eleven years in crime scene and now I've
6 transferred to the Latent Print Unit in the forensic lab
7 to do footwear and tire examinations full-time.

8 Q. What can you tell us about your education and
9 background and training that led you to become an agent
10 with the State crime lab?

11 A. I have a bachelor's of science in anthropology from
12 the University of Tennessee in Chattanooga, a bachelor's
13 of science in forensic science from Mercyhurst College in
14 Pennsylvania, a master's in forensic science from the
15 University of Florida. In addition to the master's at
16 Florida, I've also received a graduate certificate in
17 forensic death investigation.

18 Q. Can you tell us, Agent Worley, during your eleven
19 years with crime scene investigations at the State Law
20 Enforcement Division, did that include footwear impression
21 examinations?

22 A. It did.

23 Q. And comparison analysis to items of footwear?

24 A. Yes.

25 Q. How many such times would you estimate you have

1 testified as an expert in the courts of this state
2 regarding footwear impression examination and
3 identification?

4 A. Approximately, I think, seven times.

5 MS. MAYES: Your Honor, at this time the State
6 offers Agent Worley as an expert in the field of
7 footwear impression examination and identification.

8 THE COURT: Any objection?

9 MS. MAULDIN: Without objection.

10 THE COURT: All right. Let me tell the jury.

11 This witness has been qualified as an expert in
12 footwear impression examination and identification.

13 Normally a person testifies as to what they saw
14 or heard or sensed by smell or something like that.
15 However, we have an exception when someone is qualified
16 because of education or experience, they are permitted
17 to give their opinion in certain areas and this witness
18 has been, as I told you, qualified as an expert to give
19 her opinion in that area.

20 That does not mean you must accept the opinion, but
21 it is evidence for you to use in any way you see fit.

22 Continue on, Ms. Mayes.

23 MS. MAYES: Yes, Your Honor.

24 BY MS. MAYES:

25 Q. Now, Agent Worley, tell us a little bit about your

1 examination process. How do you go about documenting your
2 findings?

3 A. I receive evidence in the lab. Each item is given an
4 item number associated with a lab number for the case. I
5 -- I receive all the evidence. I usually kind of evaluate
6 what I have as far as how many pairs of shoes, how many
7 impressions, unknown impressions, I have from the crime
8 scene. If there are photographs, I go through the photos,
9 determine which ones are the best ones that I want to have
10 printed. I'll send it to the photography studio, along
11 with the shoes that I have, to be photograph or have a
12 print of the photos that were submitted to us, have them
13 printed. Then I'll receive those back from the photo
14 studio. I make test impressions of the shoes that I have.
15 If I can see that they're consistent enough with the
16 unknown impressions that I -- that I have that I'm looking
17 at, I'll make test impressions with ink on the shoes to
18 compare those to the unknown impressions.

19 Q. All right. And do you have a copy of your report with
20 you today?

21 A. I do.

22 Q. All right. So you have a copy of your report with
23 you. I want to start with whether or not you were able to
24 receive for examination what is known as an impression in
25 this case from law enforcement?

1 A. Yes, I -- I received that in the form of a photograph
2 on a CD.

3 MS. MAYES: I beg the Court's indulgence.

4 BY MS. MAYES:

5 Q. I'm gonna show you what is marked as State's
6 Exhibit 46 and ask you whether or not you recognize this
7 item and what it is?

8 A. Yes, that's, I believe, the CD that contained the
9 photographs of the shoe impressions.

10 Q. All right. Shoe impressions from the crime scene in
11 this case?

12 A. That's right.

13 Q. All right. And now I'm gonna show you what is
14 State's 108.

15 MS. MAYES: And I believe 46 is in.

16 THE COURT: 46 is already into evidence.

17 BY MS. MAYES:

18 Q. I'm gonna take a look here at State's 108 showing
19 Marker 40 with scaling and now a closer-up view, 108, and
20 I'm gonna ask you specifically about that number in the top
21 left-hand corner marked PMW 816 JPG. Do you recognize that
22 timestamp?

23 A. Yes.

24 Q. How so?

25 A. That was the Lexington County Case Number, I believe,

1 the crime scene investigator's initials and the photo
2 number.

3 Q. Now, Agent Worley, how, if at all, does the scaling
4 of a footwear impression aid you in your examination?

5 A. That helps when I have it sent to the photography
6 studio, they can be -- the photos can be printed to scale
7 so it will be life size, the actual size of that impression
8 that was on the door, and printed for me true to size.

9 Q. All right. And you mentioned that you have a copy
10 of your report with you, so I want to start by asking
11 you whether or not you were able -- how many boots were
12 submitted to you for examination in this case?

13 A. I received three pairs of boots.

14 Q. Three pairs of boots. And what were the sizes of
15 those boots?

16 A. Two were ten and a half and one pair was size 12.

17 Q. All right. So you had two pairs which are ten and a
18 half?

19 A. That's correct.

20 Q. I'm gonna show you two items in evidence and have
21 you take a look at those and ask you whether or not you
22 recognize them.

23 We're gonna begin with -- we're gonna begin with this
24 pair here in evidence, and this would be State's 166. I'm
25 gonna ask you whether or not you recognize any markings

1 along this box to indicate that you examined this item or
2 among the shoes -- amongst the item itself, including the
3 shoe?

4 A. The boots do have my initials on them and the sealed
5 tape on the box should also have my initials.

6 Q. Okay. And do you see your initials here?

7 A. Yes.

8 Q. All right. Can you tell us looking at these boots
9 which size boots this was? And, again, this is gonna be
10 State's 166.

11 A. These were size ten and a half.

12 Q. All right. And is that noted inside the boot itself?

13 A. It should be, yes.

14 Q. Do you want to take a look?

15 A. Yes.

16 Q. All right. So this particular pair, being the size
17 ten and a half, are you familiar with the boots that were
18 recovered from Jeremy Cornish on the date of his arrest?

19 A. I believe that's these.

20 Q. Okay. And can you tell us regarding this first pair
21 of boots, being ten and a half, can you tell us whether
22 or not you were able to exclude them from causing that
23 impression?

24 A. I was able to exclude these based on the size. They
25 were too small.

1 Q. Next I want to ask you about the second pair of
2 ten and a half boots, and I believe these are gonna be
3 the boots that bear Marker Number 5 taken from Landmark
4 Apartments. I'm gonna show you what is State's 174 and
5 ask you whether or not you recognize these?

6 A. Yes.

7 Q. How so?

8 A. These also have my initials on the boots and on the
9 sealed tape on the box.

10 Q. You conducted a footwear examination of these boots
11 as well?

12 A. I did.

13 Q. I'm gonna ask you to take a look inside the boot and
14 confirm for us what size boot that is?

15 A. It's ten and a half.

16 Q. All right. Ten and a half. And can you tell us what
17 marker number is noted on the outside of this box and
18 packaging?

19 A. It's Marker 5.

20 Q. So this would be Marker Number 5, also ten and a
21 half's. Can you tell us, Agent Worley, whether or not you
22 were able to exclude this pair?

23 A. Yes, I was able to exclude them based upon the size,
24 the ten and a half was too small, and also the level of
25 wear on the bottom of the shoes was so drastic they were

1 easily excluded based on the wear and the size.

2 Q. Excluded from causing this footwear impression?

3 A. That's correct.

4 Q. Now I want to ask you about the size 12 boots. I'm
5 gonna show you what is State's 124 and ask you whether or
6 not you recognize this item?

7 A. I do.

8 Q. How so?

9 A. These have my initials on the boots and on the sealed
10 tape on the box.

11 Q. All right. So going back here looking at 176, can you
12 tell us what marker number is noted on the outside of that
13 box for the size 12W's?

14 A. It's Marker Number 6.

15 Q. Marker 6. Can you tell us whether or not those boots
16 are consistent with what is shown here by Marker Number 6
17 in the photos from Landmark Apartments?

18 A. Yes.

19 Q. Can you tell us the make and manufacturer of that
20 boots?

21 A. These are Herman Survivor brand.

22 Q. Now, Agent Worley, can you tell us how you go about
23 the process of comparing a footwear item such as what we
24 see here in State's 132 to an actual impression?

25 A. I create ink test impressions of the bottom of the

1 shoes. I apply black printer's ink to the entire bottom
2 of the shoe and I put that on a piece of paper and reprint
3 it on a transparency so I can overlay it on the top of
4 the photograph of the unknown impression. Any -- any
5 characteristics in the -- in the boot itself should be
6 recreated in that inked test impression and if it's in
7 that impression on the door, I should be able to see it
8 in there also.

9 Q. I'm gonna show you what is State's 138 and ask you
10 whether or not you recognize this item?

11 A. I do.

12 Q. How so?

13 A. I created it.

14 Q. Okay. And can you tell us whether or not this exhibit
15 shows your comparison that you just described of the known
16 standard --

17 A. Yes.

18 Q. -- against the test impression from your lab?

19 A. That's right.

20 Q. And also against the unknown impression that you have
21 identified in the photograph from the crime scene?

22 A. Yes.

23 Q. Is this a fair and accurate representation of your
24 examination process?

25 A. Yes.

1 MS. MAYES: This would be State's 138 for evidence,
2 Your Honor.

3 THE COURT: Any objection?

4 MS. MAULDIN: No, Your Honor.

5 THE COURT: They're admitted -- or it's admitted.

6 (State's Exhibit Number 138, footwear impression,
7 was admitted into evidence.)

8 BY MS. MAYES:

9 Q. Now looking at 138, Agent Worley, again, the known
10 standard is a photograph of what?

11 A. That is a photograph of the bottom of this boot, the
12 right boot, before I applied black ink. The photo was in
13 black and white. It's a photo taken before I did the test
14 impressions.

15 Q. All right. So that's a photograph taken in your lab?

16 A. That's correct.

17 Q. And can you tell us whether the inked impression that
18 we see here, the test impression, who takes that?

19 A. That's the test impression that I created.

20 Q. Okay. So that's also taken inside your lab?

21 A. That's correct.

22 Q. And finally the unknown impression, what is meant by
23 that term?

24 A. Unknown is the impression that was at the crime scene.
25 It's not known how it got on that door or what shoe created

1 it.

2 Q. So here the unknown impression is a duplicate of this
3 photograph that you've already identified from State's 108
4 that was submitted to you by the Lexington County Sheriff's
5 Department crime scene?

6 A. That's correct.

7 Q. When you examined the size 12W boots from Landmark
8 Apartments to the impression from the crime scene, Agent
9 Worley, what, if any, findings did you make?

10 A. I concluded that the impression was -- it corresponded
11 in combined class characteristics, wear pattern and some
12 random identifying characteristics as this boot.

13 Q. So I want to ask you a little bit more about that.
14 When you say combined class characteristics, let me ask you
15 this, what do you mean by combined class characteristics?

16 A. Combined class characteristics are size, shape and
17 outsole design or the pattern of the shoe.

18 Q. Size, shape and tread pattern?

19 A. Correct.

20 Q. Can you tell us whether or not those size 12 boots
21 that you have before you, and photographed here, are they
22 consistent in size to the impression from the crime scene?

23 A. Yes, they are.

24 Q. Being a size 12?

25 A. Correct.

1 Q. Are they consistent in shape to the impression from
2 the crime scene?

3 A. Yes.

4 Q. Are they consistent in tread pattern --

5 A. Yes.

6 Q. -- to the impression from the crime scene?

7 A. Yes, they're the same tread pattern.

8 Q. The same. You also mentioned wear pattern and then
9 you mentioned something else that you termed -- if you
10 could repeat that.

11 A. Random identifying characteristics.

12 Q. All right. Random identifying characteristics. Would
13 that include a unique mark or damage to the outer sole?

14 A. That's correct.

15 Q. What, if any, unique characteristic did you observe
16 regarding this boot and the impression from the crime
17 scene?

18 A. In this boot and the impression from the crime scene,
19 there is a small gap in one of the lines there, the four
20 lines in the middle of the toe -- at the top of the toe,
21 there's a break in the line where it stops, and there's a
22 little hump in the line where it restarts.

23 Q. All right. So I want to ask you a little bit more
24 about that. Once a manufacturer produces an item of
25 footwear such as this with a known tread pattern, how, if

1 at all, may that tread pattern change over normal wear and
2 tear on the boot?

3 A. When a manufacturer makes the shoe and you buy a brand
4 new pair of shoes, you get them nice and clean, there's --
5 there's no cut, there are no scrapes or anything, you know,
6 typically wrong with them. As you wear the shoes, they
7 just get subject to normal wear and tear, cuts, scrapes,
8 holes, any kind of defects in the bottom of the shoe.

9 Q. And those defects, can you tell us what, if anything,
10 in our ordinary day of wearing any piece of footwear what
11 might cause the bottom tread pattern to change?

12 A. Anything that you could step on, something sharp, just
13 you could scuff it on the ground, even a rock getting stuck
14 in the grooves.

15 Q. And in doing so, how, if at all, can that create a
16 unique characteristic after manufacturing?

17 A. That can change the -- not pattern, but it's changed
18 how it appears.

19 Q. Okay. Where, if at all, on your exhibit did you
20 observe those unique characteristics after manufacturing
21 regarding the known boot and the impression from the scene?

22 A. It's in the toe end of the boot toward the very end.
23 There are four lines that go across the boot and it was in
24 that top line.

25 Q. All right. And here we see a red circle. Who created

1 the red circle on this diagram?

2 A. That was me.

3 Q. And can you tell us whether or not that location that
4 you're noting appears to be a unique characteristic for the
5 known boot?

6 A. Yes, that's where it's located.

7 Q. Can you tell us whether or not that same unique
8 characteristic appears to be present in the impression from
9 the crime scene?

10 A. Yes, it's there.

11 MS. MAYES: I beg the Court's indulgence.

12 BY MS. MAYES:

13 Q. In addition to this examination, I'm gonna ask you
14 what is meant by the term "overlay"?

15 A. Overlay is a recreation. The test impression that I
16 create is on paper. I can't -- I can't apply the inked
17 shoe to the transparency, it's too slippery basically, so
18 I do the test impression on paper or a thick card stock
19 kind of paper and then I'll reprint that impression on the
20 copier. It prints out in red and it makes it easier for
21 me to see. It gets a better contrast for me to see the
22 impression through that test impression as I overlay it on
23 top of the unknown impression.

24 Q. I'm gonna show you what is State's 135 and ask you
25 whether or not you recognize this item?

1 A. I do.

2 Q. How so?

3 A. These are the printed photographs and test impressions
4 and overlays that I created.

5 MS. MAYES: Your Honor, permission to unseal?

6 THE COURT: Yes, ma'am.

7 MS. MAYES: This would be 170 -- I'm sorry, 135
8 for evidence.

9 THE COURT: Any objection?

10 MS. MAULDIN: No, Your Honor.

11 THE COURT: They're admitted.

12 (Exhibit Number 135, photographs, test impressions
13 and overlays, were admitted into evidence.)

14 BY MS. MAYES:

15 Q. Do you see your initials on that seal that you're
16 breaking?

17 A. I do.

18 Q. Do you see the overlays and transparencies that were
19 created for the size 12 boots?

20 A. Yes. These are the overlays reprinted on a
21 transparency from the test impression I created.

22 Q. This is where you've compared them as a whole directly
23 to the boot?

24 A. That's correct. Well, to the unknown impression.
25 The printed photograph of the unknown impression is first.

1 Q. Given that examination process, Agent Worley, can you
2 tell us whether or not the size 12 boot seized as evidence
3 was consistent in size with the crime scene impression?

4 A. Yes, it corresponds in size.

5 Q. And shape?

6 A. And shape. It was the right boot.

7 Q. Same tread pattern?

8 A. Yes, that's correct.

9 Q. And consistent in that unique characteristic that
10 occurred post-manufacturing?

11 A. That's correct. And I -- I saw it in the impression
12 photograph from the scene and also confirmed that it was in
13 the boot itself.

14 MS. MAYES: Nothing further.

15 THE COURT: Ms. Mauldin.

16 CROSS-EXAMINATION

17 BY MS. MAULDIN:

18 Q. Good morning, Agent Worley.

19 A. Good morning.

20 Q. You're employed by SLED?

21 A. That's right.

22 Q. And that's a law enforcement agency?

23 A. Yes, it is.

24 Q. And you had training in the field of footwear
25 impression analysis, but your training has included

1 several other different kinds of crime scene analyses,
2 too, correct?

3 A. That's correct.

4 Q. And I believe you testified previously that only
5 about 25 percent of your training had been in the field of
6 specifically footwear impression analysis; is that right?

7 A. It is mainly because crime scene -- being a crime
8 scene investigator was my main responsibility, so actual
9 training time for footwear was when I had time to do it.
10 So the attention was on training for footwear whenever I
11 had time, yes.

12 Q. Okay. And you've evaluated evidence in about forty to
13 fifty cases?

14 A. Approximately, yes.

15 Q. And you've also had about forty hours of training on
16 testifying in court?

17 A. Yes.

18 Q. The shoes in this case are Herman Survivors. How
19 familiar are you with that brand?

20 A. Beyond this case I don't think I've encountered them
21 before.

22 Q. Okay. This is a mass produced shoe. These are not
23 shoes that were cobbled by someone for this particular
24 individual in this incident, right?

25 A. Right.

1 Q. Okay. Are you aware that these shoes are sold at
2 Wal-Mart?

3 A. Yes.

4 Q. So there's a lot of these shoes?

5 A. Right.

6 Q. Okay. And do you know how long the company that makes
7 these shoes has produced this style of shoe?

8 A. No, I -- I really don't.

9 Q. Do you know how long the company that makes these
10 shoes has -- or do you know how many other potential styles
11 of shoe this company might produce with the same sole in a
12 different style of boot?

13 A. I don't know.

14 Q. Okay. In this case, the impression that you looked at
15 is from a door in an apartment, correct?

16 A. That's correct.

17 Q. And what you did was to look at the photograph of that
18 print on the door?

19 A. Yes.

20 Q. You're aware that SLED can cut into a wall and do
21 things like -- or, excuse me, that crime scene
22 investigators can do things like cut into a wall to look
23 for bullets?

24 A. Yes.

25 Q. So in this case, in theory, they could have taken the

1 door down and brought you the door or the part of the door
2 that had the print on it?

3 A. They could. It's not entirely necessary for something
4 that can be photographed.

5 Q. Well, talking about the photograph, what you received
6 was a disk with photographs, right?

7 A. That's correct.

8 Q. So it was a digital image?

9 A. Yes.

10 Q. Something you could zoom in and out on, right?

11 A. Yes.

12 Q. It wasn't something on a board like this with a --
13 printed out on regular paper on a board --

14 A. Right.

15 Q. -- for you to look at?

16 A. That's right.

17 Q. You got to look at the one that had much higher
18 quality where you could see the detail of the impression
19 itself?

20 A. That's correct.

21 Q. All right. And so the door in this case is one that
22 had been painted over a number of times, correct?

23 A. I have no idea.

24 Q. Okay.

25 MS. MAULDIN: Your Honor, I beg the Court's

1 indulgence.

2 THE COURT: Take your time.

3 BY MS. MAULDIN:

4 Q. Okay. Do you see these spots that I'm pointing to
5 there?

6 A. I do.

7 Q. And those appear to be paint?

8 A. I guess so. I don't know.

9 Q. And so on this surface it's not completely flat,
10 correct?

11 A. No, it's a -- it's a textured surface.

12 Q. Right. And so there are little bumps like that in the
13 paint and there are little valleys as well?

14 A. Right.

15 Q. And so if the jury had a digital image of this, they
16 would be able to zoom in and see the area that you looked
17 at that you are calling this specific unique identifier?

18 A. Sure.

19 Q. Okay. But the image itself was not done on a flat
20 surface, it's one with pits and valleys and bumps, correct?

21 A. Correct.

22 Q. And that's why you called it textured in your report?

23 A. Yes.

24 Q. Okay. How many photographs did you see of this
25 footprint?

1 A. There -- I don't remember how many there were exactly
2 on that disk. There were at least two or three. I'm not
3 sure how many more.

4 Q. Did you receive any photographs of any other prints in
5 this case?

6 A. I don't think -- I think this was the only one that I
7 looked at.

8 Q. Okay. And part of this impression is smeared,
9 correct?

10 A. It is. It's distorted from movement.

11 Q. Right. And is this what you're talking about, the
12 example here where it appears to be almost a line that's
13 moving upwards?

14 A. Yes.

15 Q. Okay. And so that means that the shoe was not placed
16 flat on the door, that it was moving or sliding at some
17 point when it made contact; is that right?

18 A. Right.

19 Q. Okay. Now you measured the height of the impression
20 as well?

21 A. I didn't measure anything.

22 Q. Well, to get the size of the shoe, you looked at the
23 size of the impression?

24 A. Well, I compared it to the test impression of the boot
25 that I have, compared the size.

1 Q. But this is one that was moving and stretching the
2 image, correct?

3 A. And I took that into account, the movement, and I
4 took into account the texture of the door as I was looking
5 at it.

6 Q. You measured the amount of movement?

7 A. I didn't measure anything.

8 Q. Well, how did you take it into account if you weren't
9 measuring?

10 A. Ones I can see, I visually see that there's movement,
11 it's -- a door is being kicked open, so the boot is -- is
12 not hitting and sticking to the door, it's moving as it's
13 hitting the door, so just visually comparing that movement
14 to the test impression of the known boot that I have, I was
15 aware that that was a contributing factor.

16 Q. But you're giving the size of a shoe that is moving
17 and stretching the image?

18 A. Yes, and it was -- it was consistent more with the
19 size 12 than the size ten and a half. I could tell the
20 difference.

21 Q. Between those two shoes?

22 A. Right.

23 Q. Okay. And to be clear, your findings are that this
24 boot could have made this impression?

25 A. That's correct.

1 Q. You are not testifying that this boot made the
2 impression; is that correct?

3 A. That's right. I did not identify this boot to that
4 impression entirely based on that one random
5 characteristic. I can't exclude all other boots, but I
6 can't necessarily -- I can't exclude this one or any
7 others. This one was more likely to have made it than any
8 other boot that has that same size and design.

9 Q. But you can't say that this boot made this impression?

10 A. It could have made, yes.

11 MS. MAULDIN: Thank you.

12 THE COURT: Thank you, Ms. Mauldin.

13 Any redirect?

14 MS. MAULDIN: Your Honor, I beg the Court's
15 indulgence.

16 THE COURT: Okay. Hold on. Let's give her a
17 second.

18 MS. MAULDIN: Nothing further, Your Honor.

19 THE COURT: Okay. Ms. Mayes.

20 MS. MAYES: Yes, Your Honor.

21 REDIRECT EXAMINATION

22 BY MS. MAYES:

23 Q. Okay. Are you trained and experienced in footwear
24 examinations being conducted from a digital photograph from
25 a crime scene?

1 A. Yes.

2 Q. Is that routine in your crime lab?

3 A. That's normal, yes.

4 Q. And is that an accepted form of forensic examination
5 among peers in your field?

6 A. Yes, it is.

7 Q. And I think the question was about whether or not
8 there indicates -- there appears to be some kind of
9 movement regarding this image. How, if at all, does the
10 fact that the person is kicking in a door affect the
11 impression?

12 A. You can see how it looks a little smeared toward the
13 top edge of -- of each of those shapes. I was able to line
14 up the test impression more at the bottom of the shape and
15 -- and see where the movement started.

16 Q. And is it -- can you tell us whether or not it's
17 common to have an actor at a crime scene in some form of
18 movement?

19 A. Yes, that's right.

20 Q. And that's how impressions are submitted to you?

21 A. Oftentimes, yes.

22 Q. Okay. Now looking here, again, regarding the known
23 standard and the impression from the scene, are you able
24 to exclude the other two pairs of boots from causing this
25 impression?

1 A. I did, yes.

2 Q. And this boot is consistent with that impression?

3 A. It is.

4 MS. MAYES: Nothing further.

5 MS. MAULDIN: Nothing further, Your Honor.

6 THE COURT: Okay. Can I excuse Agent Worley?

7 MS. MAYES: Yes, Your Honor. We ask that she be
8 excused.

9 THE COURT: Thank you.

10 (Witness excused.)

11 THE COURT: If you-all don't mind, I'm gonna give
12 the clerk and the court reporter and anybody else a quick
13 little break.

14 While you-all have had a break, we haven't, so
15 if you-all could give us about fifteen minutes. No
16 discussing this case in the jury room amongst yourselves.

17 Thank you.

18 (Whereupon, the jury retires to the jury room at
19 11:21 AM.)

20 THE COURT: Okay. Let me tell the lawyers I
21 brought the -- am having lunch brought in for the jury
22 today. Their pizza is gonna be here at 12:15. I'd like
23 for them to have it while it's warm.

24 MR. HUBBARD: Yes, Your Honor.

25 THE COURT: How are we like on witnesses?

1 MS. MAYES: We have one witness, Your Honor, just
2 on some buccal swabs and projectiles from autopsy, he's
3 probably five to ten minutes, and then we have the
4 firearms expert.

5 THE COURT: Okay. We can get that witness in?

6 MR. HUBBARD: I'm sure they won't have any
7 questions.

8 MR. MAULDIN: Just a couple. I don't know if
9 I'm gonna drag it out.

10 THE COURT: We're gonna take a 15-minute break
11 and see what we can do, but we're gonna work up to
12 around 12:00, 12:15. I'd hate for them to eat cold
13 pizza. They might not be too happy with us.

14 MR. MAULDIN: No such thing as a bad pizza.

15 THE COURT: I agree with you.

16 (Recess taken at 11:23 AM.)

17 (Back on the record at 11:46 AM.)

18 BAILIFF: Keep your seats. Court will come to
19 order.

20 (Whereupon, the jury return to the courtroom at
21 11:46 AM.)

22 THE COURT: All right. Mr. Foreman, is the jury
23 ready?

24 FOREPERSON: Yes, ma'am.

25 THE COURT: All right. And I'm gonna let you-all

1 know -- you-all can be seated -- that today is pizza
2 day. It should be here at about 12:15. We're gonna
3 try to get through two short witnesses, then we're
4 gonna break for lunch, and when you-all finish and
5 you're ready, just knock on the door, Mr. Foreman, and
6 let the bailiffs know and we'll resume, okay?

7 FOREPERSON: Yes, ma'am.

8 THE COURT: All right. I'm gonna let the State call
9 their next witness.

10 MS. MAYES: The State calls Sergeant Brannon
11 Marthers.

12 (Whereupon, Brannon Marthers was duly sworn by the
13 Clerk of Court.)

14 THE CLERK: Have a seat up there and if you'll
15 state your name and spell your last name for the record.

16 THE WITNESS: Brannon Marthers, M-A-R-T-H-E-R-S.

17 BRANNON MARTHERS,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. MAYES:

21 Q. And, Detective Marthers, where are you currently
22 employed?

23 A. Lexington County Sheriff's Department.

24 Q. And can you tell us if you were working there in 2019?

25 A. Yes, ma'am.

1 Q. And specifically I'm gonna ask you whether or not
2 you're familiar with a bike that was seized near the crime
3 scene on December 17, 2019?

4 A. Yes, ma'am.

5 Q. That's State's 149 already in evidence. What, if
6 any, measures were taken by the sheriff's department to
7 eliminate the bike owner in any potential DNA findings?

8 A. Once the owner of the bicycle was identified, we
9 arranged to meet with him to obtain a DNA collection or
10 buccal swab, if you will, to get his known DNA profile so
11 if anybody else was on the bike and it was tested we'd know
12 who the owner was and what the other profile was would be
13 the second person.

14 Q. All right. And can you tell us whether or not that
15 was an oral buccal swab collection?

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

17 Q. And who conducted that collection?

18 A. I did.

19 Q. From Dr. Kahdim, the owner of the bike?

20 A. Yes, ma'am.

21 Q. I'm gonna show you what is State's 74 and ask you
22 whether or not you recognize this?

23 A. It looks like an evidence envelope that we typically
24 have at our facility with my -- no, that one's not mine.

25 MS. MAYES: Permission to break the seal, Your

1 Honor?

2 THE COURT: Please.

3 BY MS. MAYES:

4 Q. And upon your collection of those buccal swabs, can
5 you tell us whether or not they would have been sealed by
6 you?

7 A. Yes, ma'am, they were.

8 Q. And were you wearing gloves for that collection
9 process?

10 A. Absolutely. This would be the envelope that I sealed
11 them in and it bears an evidence seal with my signature and
12 the date that I sealed it.

13 Q. All right. And what was the date of that collection?

14 A. December 18th of 2019.

15 Q. All right. And can you tell us whether or not these
16 swabs taken from Dr. Kahdim would have remained sealed
17 from the time you sealed them up through your submission of
18 these items as evidence?

19 A. Yes, ma'am.

20 Q. And if the seal had been broken, would that be
21 recognizable?

22 A. Yes, ma'am. The seal is very fragile, so as soon as
23 it breaks you can recognize that it's been broken.

24 Q. Can you tell us what agency these were submitted to?

25 A. As far as testing, it would have been to SLED.

1 MS. MAYES: Your Honor, State's 74 for evidence.

2 THE COURT: 74. Any objection?

3 MS. MAULDIN: No, Your Honor.

4 THE COURT: It's admitted.

5 (State's Exhibit Number 74, buccal swabs, were
6 admitted into evidence.)

7 BY MS. MAYES:

8 Q. Next I want to ask you about the autopsy that was
9 conducted in this case on three victims of homicide;
10 Branton Booker, Sheldon Livingston and Duwan Williams. Who
11 from the Lexington County Sheriff's Department attended
12 those autopsies?

13 A. I did.

14 Q. On what date were those autopsies conducted?

15 A. December 19, 2019.

16 Q. Okay. And where did that autopsy take place?

17 A. MUSC in Charleston.

18 Q. Can you tell us whether or not any evidence was taken
19 during the course of that autopsy?

20 A. Yes, ma'am. Clothing, DNA standards, as far as pulled
21 hair, blood, and projectiles were also recovered among a
22 few other things.

23 Q. All right. And when you say projectiles, you're
24 referring to bullets that were removed from the bodies of
25 the victims?

1 A. Yes, ma'am, at the time of autopsy.

2 Q. And when you say DNA standards, you're talking about
3 a blood standard from each of the victims?

4 A. And there were blood standards. I believe they
5 trimmed fingernails and also pulled hair from the scalp.

6 Q. And can you tell us whether those blood standards are
7 submitted to your agency to be maintained as evidence?

8 A. Yes, ma'am, they were.

9 Q. And also submitted to the State Law Enforcement
10 Division for comparison analysis for DNA purposes?

11 A. They would have been, yes, ma'am.

12 Q. And the projectiles in this case that were bullets
13 that were recovered from each victim, can you tell us
14 whether or not they were sealed as evidence?

15 A. They were.

16 Q. And were they maintained by your agency as evidence?

17 A. Yes, ma'am.

18 Q. And can you tell us whether or not those bullets were
19 also submitted to the State Law Enforcement Division for
20 firearms analysis?

21 A. They would have been, yes, ma'am.

22 Q. I'm gonna show you some items and ask you whether or
23 not you recognize them. I'm gonna begin with State's 120
24 regarding victim Branton Booker. I'm gonna ask you if you
25 recognize what is in this envelope and, if so, how?

1 A. This is the bag that I would have used from our
2 evidence room with my writing and my evidence seal and the
3 signature and -- initials and the date stamp that contained
4 these items that were retrieved from MUSC.

5 Q. Including the blood DNA standard for Branton Booker?

6 A. Yes, ma'am. A blood spot and two projectiles.

7 Q. Two bullets?

8 A. Two bullets.

9 Q. And can you tell us whether or not these items were
10 sealed by Dr. Batalis when you received them?

11 A. Yes, ma'am. The MUSC staff has a label that they
12 generate and they placed it on the smaller envelope and
13 then provided it to me once it was sealed.

14 Q. Detective Marthers, can you tell us whether or not
15 these items remained sealed from the time that you received
16 them up until they were submitted for evidence analysis?

17 A. Yes, ma'am.

18 MS. MAYES: Your Honor, this would be State's 120
19 for evidence regarding Branton Booker.

20 THE COURT: And it's already in evidence with no
21 objection.

22 BY MS. MAYES:

23 Q. Next, as to victim Sheldon Livingston, what, if
24 anything, do you recognize regarding State's 119?

25 A. So, again, the same kind of bag, my handwriting,

1 evidence sealed with my initials with the date stamp and
2 inside of it containing one blood spot and three bullets.

3 Q. So the DNA standard and three bullets collected from
4 Mr. Livingston?

5 A. In this bag, yes, ma'am.

6 Q. Again, can you tell us whether or not these items were
7 sealed by Dr. Batalis at autopsy prior to being submitted
8 to you?

9 A. Yes, ma'am. The MUSC staff placed their label on it
10 and then provided it to me.

11 Q. Did it remain sealed from the time you received it up
12 until it was submitted for evidence analysis?

13 A. Yes, ma'am.

14 MS. MAYES: This would be State's 119 for evidence,
15 Your Honor.

16 THE COURT: And it's already admitted with no
17 objection.

18 BY MS. MAYES:

19 Q. Finally, as to victim Duwan Williams, I'm gonna show
20 you what is State's 121. What, if anything, do you
21 recognize?

22 A. The same style bag with my writing and initials and
23 date stamp on the back with three bullets and one blood
24 spot.

25 Q. The blood spot, again, being a DNA standard?

1 A. Yes, ma'am.

2 Q. And the three bullets?

3 MS. MAYES: Your Honor, this would be State's 121
4 for evidence.

5 THE COURT: And it's already admitted with no
6 objection.

7 BY MS. MAYES:

8 Q. And, Detective Marthers, again, this arrived to you
9 already sealed?

10 A. Yes, ma'am.

11 Q. And did it remain sealed during the entire time it was
12 in your possession?

13 A. Yes, ma'am.

14 Q. Up until its submission for evidence analysis?

15 A. Correct.

16 Q. Can you tell us whether or not these bullets include
17 two gray in color and one copper in color?

18 A. Yes, ma'am, it does appear to be that.

19 MS. MAYES: Nothing else of Detective Marthers at
20 this time, Your Honor.

21 THE COURT: Ms. Mauldin.

22 MS. MAULDIN: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. MAULDIN:

25 Q. Good morning, Detective Marthers.

1 A. Good morning.

2 Q. You swabbed the owner of the bike?

3 A. Yes, ma'am.

4 Q. And that was Dr. Sabah Kahdim?

5 A. I don't remember his first name, but I know it was
6 Dr. Kahdim.

7 Q. Dr. Kahdim?

8 A. Sabah Kahdim.

9 MS. MAULDIN: No further questions, Your Honor.

10 THE COURT: Okay. Can I let Detective Marthers
11 down?

12 MS. MAYES: Yes, Your Honor.

13 THE WITNESS: Thank you, Judge.

14 THE COURT: Thank you.

15 (Witness excused.)

16 MS. MAYES: And, Your Honor, subject to recall the
17 State calls Sergeant Adam Creech.

18 MR. MAULDIN: Your Honor, the State and the defense
19 have agreed that he's gonna testify for a limited purpose
20 here and he's to be recalled later.

21 MS. MAYES: Correct, Your Honor.

22 THE COURT: That's fine.

23 (Whereupon, Anthony Adam Creech was duly sworn by
24 the Clerk of Court.)

25 THE CLERK: Have a seat up there. If you'll state

1 your name and spell your last name for the record.

2 THE WITNESS: Sergeant Anthony Adam Creech. Creech
3 is C-R-E-E-C-H.

4 ANTHONY ADAM CREECH,
5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. MAYES:

8 Q. All right. I want to start by asking you about
9 Donnovin -- Donnovin Haynes. Detective Creech, you're
10 aware as to whether or not Donnovin Haynes was a known
11 resident at [REDACTED] Butternut?

12 A. I am.

13 Q. And having been a resident at that location of the
14 crime scene, how, if at all, important is it for law
15 enforcement to also obtain a DNA standard for him?

16 A. It would be imperative for us to get a DNA standard
17 for him as a known resident for elimination purposes.

18 Q. Okay. Meaning to identify any of his DNA that may
19 ordinarily be in the residence?

20 A. That would be correct.

21 Q. Can you tell us whether or not a DNA standard was
22 collected from Donnovin Haynes as a resident at [REDACTED]
23 Butternut Lane?

24 A. It was.

25 Q. I'm gonna show you what is State's 25 and ask you

1 whether or not you recognize this item?

2 A. I do.

3 Q. How so?

4 A. This would be the buccal swab standard I obtain from
5 Donnovin myself on December 23rd of 2019.

6 Q. All right. And when you collect a buccal swab, tell
7 us about the process and procedure for collecting it.

8 A. It's a very simple process. You take two cotton
9 applicators on wooden sticks and you just gently swab the
10 inside of an individual's cheeks. Two swabs are typically
11 taken in a buccal swab collection. You allow those to air
12 dry and then you seal those inside sterile packaging.

13 Q. And can you tell us whether or not you're wearing
14 gloves when you collect a buccal swab?

15 A. You do. You'd be wearing gloves and in the case of
16 this collection, I absolutely wore gloves and kept those
17 gloves on until the swabs were sealed and secured.

18 Q. Okay. So you're swabbing the inside of the cheek?

19 A. Yes, ma'am, that's correct.

20 Q. For cheek cells?

21 A. Correct.

22 Q. Skin cells?

23 A. Yes, ma'am.

24 Q. Now once the swabbing is completed, how quickly
25 thereafter do you seal this evidence?

1 A. Within five minutes. You want to allow two to
2 three minutes for the sample to air dry, which is pretty
3 quick when dealing with a small cotton applicator, and then
4 it's sealed immediately.

5 Q. Is anyone else touching or handling the evidence once
6 it's collected?

7 A. No, no one else handles it once it's collected.

8 Q. And once it's sealed by you, what's the next process?

9 A. Once it's sealed by me, the next step in the process
10 would be for me to package it for intake into evidence and
11 turned over to the evidence custodian.

12 Q. I'm gonna show you what is State's 25 and ask you
13 whether or not you recognize it?

14 A. I do. This would be that buccal swab kit we talked
15 about. I know it's mine because of the way it's labeled.
16 I'm the only person in the agency who labels their evidence
17 like that because my handwriting is so terrible. It's
18 shows the date of collection, the case number, the item
19 description, which indicates Mr. Haynes' name, and then
20 this would be the sticker applied by our evidence personnel
21 once they take it in, and I know -- I can't see my seal
22 because of the way it's oriented. If we can open it, I can
23 point out my seal.

24 MS. MAYES: Permission to unseal, Your Honor?

25 THE COURT: Yes, ma'am.

1 BY MS. MAYES:

2 Q. State's 25.

3 A. So this would be my initials and date when this was
4 sealed and then placed in this envelope for packaging into
5 evidence.

6 Q. And what is the date, Sergeant Creech, in which the
7 buccal swab standard of Donnovin Haynes was collected?

8 A. December 23rd of 2019.

9 Q. And can you tell us whether or not this item remained
10 sealed after you collected it?

11 A. It did.

12 Q. Up until its submission to the State Law Enforcement
13 Division for analysis?

14 A. That would be correct.

15 Q. And it was sealed with evidence tape?

16 A. In that case, I actually sealed it initially in
17 packing tape and then initialled and dated it, but then it
18 was ultimately sealed with evidence tape.

19 MS. MAYES: State's 25 for evidence, Your Honor,
20 being the buccal swab standard of Donnovin Haynes.

21 THE COURT: Okay. This was originally ID only. Is
22 there any objection?

23 MR. MAULDIN: No, Your Honor.

24 THE COURT: Then it's gonna be submitted into
25 evidence as Exhibit Number 25.

1 (State's Exhibit Number 25, a DNA standard/Haynes,
2 was admitted into evidence.)

3 BY MS. MAYES:

4 Q. Now can you tell us whether or not you had an
5 opportunity to collect a buccal swab or DNA standard from
6 the co-defendant in this case, Jeremy Cornish?

7 MR. MAULDIN: Your Honor, I want to renew my
8 objection based on my pretrial motion.

9 THE WITNESS: I did.

10 THE COURT: Okay. It's so noted for the record.
11 Would you just repeat that, Ms. Mayes?

12 MS. MAYES: Yes, Your Honor.

13 BY MS. MAYES:

14 Q. Can you tell us whether or not you had an opportunity
15 to collect a buccal swab DNA standard from the co-defendant
16 in this case, Jeremy Cornish?

17 A. Yes, ma'am, I did.

18 Q. I'm gonna show you what is State's 136 and ask you
19 whether or not you recognize this?

20 MS. MAYES: And permission to unseal, Your Honor?

21 THE COURT: Yes, ma'am.

22 BY MS. MAYES:

23 Q. Who collected the buccal swab or skin cell cheek swab
24 from Jeremy Cornish?

25 A. I did. And this was -- again, we see my unique

1 packaging style. This was collected on September 23rd of
2 2022.

3 Q. And were you wearing gloves?

4 A. I was.

5 Q. Did you follow the procedures that you've already
6 advised us of regarding your previous buccal swab
7 collection?

8 A. I did.

9 Q. Can you tell us whether or not it was sealed
10 immediately after your collection?

11 A. It was.

12 Q. And did it remain sealed up until the time it was
13 submitted to the State Law Enforcement Division for
14 analysis?

15 A. It did.

16 Q. And did that include sealing with evidence tape?

17 A. Correct. It did.

18 Q. And what is the date of that collection?

19 A. September 23rd of 2022.

20 MS. MAYES: Your Honor, this would be State's 136
21 for evidence.

22 THE COURT: Any objection?

23 MR. MAULDIN: Yes, ma'am. Subject to the prior,
24 but no further.

25 THE COURT: So noted. It's admitted.

1 (State's Exhibit Number 136, a DNA Standard/Cornish,
2 was admitted into evidence.)

3 BY MS. MAYES:

4 Q. Finally, Sergeant Creech, I want to ask you whether
5 or not to had an opportunity to collect a buccal swab DNA
6 standard from the defendant in this case, Justin Hopkins?

7 MR. MAULDIN: Your Honor, at this time I would
8 object based on my pre-trial motion.

9 THE COURT: And so noted for the record.

10 MS. MAYES: Your Honor, permission to unseal?

11 THE COURT: Yes, ma'am.

12 BY MS. MAYES:

13 Q. Regarding State's 137, I'm gonna show you this item
14 and ask you whether or not you recognize it?

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

16 Q. How so?

17 A. So similar to the previous standard, it's packaged
18 almost identically with the label that I do on the front.
19 It's got the case number, the date of collection, which
20 was also September 23rd of 2022, and it's listed as Justin
21 Hopkins' buccal swabs.

22 Q. All right. When you collected the DNA standards from
23 the defendant, Justin Hopkins, can you tell us whether or
24 not you were wearing gloves?

25 A. Yes, ma'am, I was.

1 Q. Can you tell us whether or not you would have
2 immediately sealed the swabs after their collection?

3 A. As soon as they air dried for several minutes they
4 were immediately -- stayed in my hand during that time
5 while I was wearing gloves and immediately sealed.

6 Q. Sergeant Creech, would anyone else have handled this
7 item prior to them being sealed?

8 A. No, no one else did.

9 Q. Can you tell us whether or not the DNA standards of
10 Justin Hopkins were properly sealed with evidence tape?

11 A. They were my initials and the date.

12 Q. Can you tell us whether or not this item remained
13 sealed up until its submission to the State Law Enforcement
14 Division for analysis?

15 A. That's exactly how it remained packaged and sealed
16 until delivered to the State Law Enforcement Division that
17 day.

18 Q. And who actually made that delivery to SLED?

19 A. I delivered both samples that same day.

20 Q. The sealed sample of Justin Hopkins and the sealed
21 sample of Jeremy Cornish?

22 A. Yes, ma'am, that's correct.

23 Q. And they remained in your possession throughout that
24 time?

25 A. They were briefly turned over to evidence custodians

1 to complete the proper evidence intake and released back
2 to me.

3 Q. And were they sealed throughout that process?

4 A. They were.

5 Q. Had there been any tampering with the seal, would you
6 have noted that?

7 A. I would have and they remained sealed as I left -- as
8 I initially sealed them.

9 MS. MAYES: Your Honor, this would be State's 137
10 for evidence being the buccal swab DNA standard of
11 Justin Hopkins.

12 THE COURT: Okay. That's --

13 MR. MAULDIN: Subject to prior and no further
14 objection.

15 THE COURT: That's right, and I admitted it, so
16 it's admitted.

17 (State's Exhibit Number 137, DNA standard/ Hopkins,
18 was admitted into evidence.)

19 MS. MAYES: Nothing further, Your Honor, at this
20 time.

21 THE COURT: Mr. Mauldin.

22 MR. MAULDIN: I have no questions for this witness
23 at this time.

24 THE COURT: Okay. You are subject to recall, all
25 right --

1 THE WITNESS: Yes, ma'am.

2 THE COURT: -- Sergeant Creech, but you can be
3 excused.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 THE COURT: All right. We're gonna break for lunch.
7 I want the jury to just knock on the door, Mr. Foreman,
8 when you-all are ready. The same protocol that we did
9 yesterday. No talking amongst yourselves about this
10 case. I hope you enjoy your pizza.

11 FOREPERSON: Thank you.

12 THE COURT: Have a good lunch.

13 FOREPERSON: You, too.

14 (Whereupon, the jury was excused for lunch at
15 12:06 PM.)

16 THE COURT: All right. We're gonna be in recess.
17 Is everybody gonna be around?

18 MS. MAYES: Yes, Your Honor.

19 MR. HUBBARD: Yes, Your Honor.

20 THE COURT: I'd say we'll probably start back
21 probably about one. Five minutes after one would be
22 right.

23 MR. HUBBARD: May we approach on scheduling?

24 THE COURT: Yeah.

25 (Proceedings held at the bench; not reported.)

1 THE COURT: All right. We're in recess for lunch.

2 MR. HUBBARD: Thank you, Your Honor.

3 (Whereupon, a luncheon recess was taken at
4 12:10 PM.)

5 (Back on the record at 12:56 PM.)

6 BAILIFF: Keep your seats. Court's back in session.

7 THE COURT: All right. Everyone ready?

8 MR. HUBBARD: State's ready, Your Honor.

9 THE COURT: David, you're ready?

10 MR. MAULDIN: Yes, Your Honor.

11 THE COURT: Let's bring them in.

12 (Whereupon, the jury return to the courtroom at
13 1:03 PM.)

14 THE COURT: All right. Mr. Foreman, is the jury
15 ready?

16 FOREPERSON: Yes, ma'am.

17 THE COURT: All right. Please be seated.

18 I hope you-all enjoyed lunch. I heard one person
19 doesn't eat pizza. I apologize for that.

20 All right. Mr. Solicitor, you can call your next
21 witness.

22 MR. HUBBARD: Thank you, Your Honor.

23 The State calls Agent James Green to the stand.

24 (Whereupon, James Green was duly sworn by the Clerk
25 of Court.)

1 THE CLERK: If you'll have a seat, please, and
2 state your name, spelling your last, please, for the
3 record.

4 THE WITNESS: James Green, G-R-E-E-N.

5 JAMES GREEN,

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. HUBBARD:

9 Q. Agent Green, can you, please, tell the jury where you
10 work?

11 A. I'm employed by the South Carolina Law Enforcement
12 Division, commonly referred to as SLED.

13 Q. How long have you been with SLED?

14 A. Since June 2005.

15 Q. What do you do for SLED?

16 A. I'm a forensic firearms examiner in the forensic
17 services laboratory.

18 Q. What does that entail, Agent Green? Can you let the
19 jury know kind of what your day-to-day job is and what
20 you're often tasked with doing?

21 A. Yes, sir. Firearms identification is a subdiscipline
22 of tool mark identification where the firearm is the harder
23 surface or the tool marking the softer surface, which is
24 the cartridge case or the bullet. My job is to determine
25 if cartridge cases and fired bullets from the scene were

1 fired by a particular gun if a firearm is submitted or if
2 no firearm was submitted to try to differentiate how many
3 bullets and cartridge cases were fired by how many guns.
4 Basically if there's seventeen cartridge cases was there
5 one gun or seventeen.

6 Q. And have you had specific training for this particular
7 job that you have?

8 A. Yes, sir. I started at SLED. I began the SLED
9 firearm and tool mark course of instruction. It's about a
10 three, three and a half year course of instruction studying
11 under court-qualified firearms examiners learning to do
12 what I do now. In fact, now I'm the training officer for
13 the Department.

14 Q. And have you had an occasion to come into a court of
15 law to testify as a firearms identification expert?

16 A. Yes, sir.

17 Q. About how many times?

18 A. It's actually 102. A hundred times in state courts
19 and twice in Federal.

20 MR. HUBBARD: Your Honor, at this time I move
21 Agent Green to be qualified as an expert in firearms
22 identification.

23 THE COURT: Any objection?

24 MR. MAULDIN: No objection.

25 THE COURT: I'm gonna tell the jury, this witness

1 is gonna be an expert in firearms identification. He's
2 gonna be allowed to give his opinion testimony in that
3 area. Use it as you see fit. Treat him as any other
4 witness.

5 Thank you.

6 MR. HUBBARD: Thank you, Your Honor.

7 BY MR. HUBBARD:

8 Q. Agent Green, did you do all the firearms analyses
9 involving this case, this triple murder, at [REDACTED] Butternut
10 Lane?

11 A. Yes, sir.

12 Q. So all the case cartridges and fired bullets, whether
13 from the scene or from autopsy, were sent to you?

14 A. Yes, sir.

15 Q. For your analysis?

16 A. Yes, sir.

17 Q. Okay. If we can, let's start with some of the
18 evidence that was sent to you from the scene, and
19 particularly, the cartridge cases. Can you tell the jury
20 specifically what we're talking about when we say cartridge
21 cases?

22 A. Yes, sir. My dad, when he was still alive, used to
23 say we'd go to Wal-Mart to buy bullets. Well, he was
24 actually gonna go buy cartridges. A cartridge is a
25 complete piece of unfired ammunition consisting of the

1 cartridge case, which has the primer in it, the powder and
2 the projectile, so he'd go buy cartridges. So when you
3 shoot a cartridge, the cartridge case -- the powder burns
4 to a specific rate, the cartridge case's mouth slightly
5 opens up, the bullet is expelled down the barrel. So when
6 a cartridge is fired, you'll have a fired bullet and a
7 fired cartridge case.

8 Q. When you get these cartridge cases, what, if anything,
9 are you looking for as you analyze these?

10 A. During the manufacturing process, certain microscopic
11 striations or scratches really are left on the working
12 surfaces of those parts. So the breechface of the firearm
13 will have marks on it that are unique to that firearm, not
14 the one made before it, not the one made right after it.
15 The same thing is true with the rifling in the barrel.
16 Metal on metal contact leaves tiny individual marks. My
17 example I always give is if I go to Lowe's and buy a rake
18 and all of us go to the beach or, you know, the little
19 landing down here at lake Murray, we all rake like a
20 one foot by one foot piece of sand with the same rake,
21 looking at it just standing up looking at it, it's all
22 gonna look the same, but when you look at it
23 microscopically how the grains of sand fall different, I
24 may be taller than somebody else, somebody else may be a
25 little stronger than I am, shorter or longer arms will

1 affect the angle of which the rake has made. Just like
2 sand, metal has a graining structure. So when metal on
3 metal contact through the manufacturing process, that
4 contact, that friction, will create tiny microscopic
5 striations that let us identify possibly back to a
6 particular firearm or if no firearm is submitted we could
7 say these twelve cartridge cases were all fired by the same
8 firearm.

9 Q. Let me ask you this. Looking at these, and I
10 specifically want to direct you to your report, items
11 1 through 11 as SLED has marked them, and Item 52 and 53,
12 the thirteen cartridge cases that were submitted to you
13 from [REDACTED] Butternut Lane, you analyzed all of those looking
14 for markings?

15 A. Yes, sir.

16 Q. What, if anything, did you, first of all, conclude
17 as to the caliber of weapon used to fire these cartridge
18 cases?

19 A. It was -- all the cartridge cases were 9-millimeter
20 Luger caliber.

21 Q. And were you able to reach a conclusion if one gun
22 fired these or multiple guns?

23 A. Yes, sir. All thirteen cartridge cases were fired by
24 the same firearm.

25 Q. So it had to be a 9-millimeter pistol firing

1 9-millimeter bullets that leave 9-millimeter cartridge
2 cases?

3 A. Yes, sir, in this instance.

4 Q. Let me ask you this. If you have, say, a .38 revolver
5 or a .357 revolver, would you expect to find casings,
6 cartridge cases, at a scene if somebody didn't open it up
7 and dump them out?

8 A. No, sir, I wouldn't. Revolvers, when you fire them,
9 the cartridge cases stay in the firearm until the shooter
10 or someone else unloads the fired cartridge cases, as
11 opposed to a semiautomatic pistol that will automatically
12 load, fire -- once you pull the trigger will fire and then
13 it will automatically extract and eject the fired cartridge
14 case.

15 Q. Let me ask you this, too. In addition to these
16 cartridge cases from the scene, did you photograph
17 everything that was sent to you?

18 A. Yes, sir. As part of our documentation of packaging
19 and everything else, so I know how it's packaged to me and
20 I know how to send it back, we take photographs of all of
21 the evidence that's received in the firearms department.

22 Q. I'd like to go ahead and show you a series of
23 photographs and see if you recognize these as your
24 photographs.

25 MR. MAULDIN: I have no objection to the Solicitor

1 introducing the photographs.

2 MR. HUBBARD: That's fine.

3 THE COURT: Okay. Then they're admitted.

4 Mr. HUBBARD: Your Honor, just for the record, these
5 are items -- or State's 142, 143, 144 --

6 MR. MAULDIN: Other than prior objection pre-trial
7 to some of them.

8 THE COURT: All right. Wait a minute.

9 MR. MAULDIN: A couple of them, they were placed
10 on a pre-trial motion, but that's it.

11 THE COURT: Okay. I just want the record to be
12 clear.

13 MR. MAULDIN: Yes, ma'am.

14 THE COURT: 142 -- Mr. Hubbard, would you tell me
15 again?

16 MR. HUBBARD: 142, 143, 144, 145, 146, 147, 148.

17 THE COURT: Okay. Thank you.

18 And your pre-trial objection is noted for the
19 record.

20 MR. MAULDIN: Yes, ma'am.

21 THE COURT: They're admitted.

22 (State's Exhibit Numbers 142, 143, 144, 145, 146,
23 147 and 148, photographs, were admitted into evidence.)

24 THE WITNESS: Yes, sir. These are all the pictures
25 I took of the evidence as it was received.

1 MR. HUBBARD: Okay.

2 BY MR. HUBBARD:

3 Q. All right. Referring back to these cartridge cases,
4 we're looking at 142, which would be your items 1 through
5 10, what are we looking at here, Agent Green?

6 A. That's a picture of SLED items 1 through 10, which are
7 ten of the fired 9-millimeter Luger caliber cartridge cases
8 I received.

9 Q. And I want to hand you a pointer that might be able
10 to help you, too, if there's anything you want to direct
11 our attention to, but I want to ask you are all of these
12 9-millimeter?

13 A. Yes, sir.

14 Q. These first two have Sig. The rest I see have W-I-N.
15 What is that?

16 A. That's the abbreviation for Winchester that they use
17 on a lot of their ammunition.

18 Q. And although -- what's the difference between Sig and
19 Winchester?

20 A. They're the same brand -- excuse me -- they're the
21 same caliber, but they're different manufacturers. Sig is
22 actually short for Sig Sauer and Winchester is owned by the
23 Olin Company.

24 Q. But they can be fired by the same weapon?

25 A. Yes, sir.

1 Q. Let me show you what you have as Item 11 and then your
2 items 52 and 53. These are also Winchester 9-millimeters?

3 A. Yes, sir.

4 Q. And are these all the cased cartridges -- or cartridge
5 cases that you got from law enforcement here in Lexington
6 from the scene at [REDACTED] Butternut Lane to be analyzed?

7 A. Yes, sir.

8 Q. In looking at all these photos, when you mentioned
9 there was one weapon used, does that pertain to all the
10 photos I've just shown you?

11 A. Yes, sir. All of the cartridge cases in those three
12 photographs were fired by the same firearm.

13 Q. Now did you also look at the projectiles that came
14 from [REDACTED] Butternut Lane?

15 A. Yes, sir.

16 Q. I'll show you several photos, I've got four of them,
17 all States's 145. What are we looking at in this photo
18 here, which is your Item 37. What is this?

19 A. 37 is a copper jacketed full metal jacket 9-millimeter
20 Luger caliber bullet.

21 Q. 9-millimeter?

22 A. Yes, sir.

23 Q. Looking at your Item 54, what are we looking at?

24 A. That's also a copper jacketed full metal jacket
25 9-millimeter Luger caliber bullet.

1 Q. And your Item 56, what is that?

2 A. That's also a full metal jacket 9-millimeter Luger
3 copper jacketed bullet.

4 Q. As to these, what, if anything, can you say as to the
5 rifling characteristics of these three fired bullets?

6 A. There are two different types of rifling used in
7 firearms. There's conventional, which manufacturers like
8 Glock -- excuse me -- conventional, we have Smith & Wesson,
9 we've got Taurus, Ruger. Those have very distinctive edges
10 on their lands and grooves. The rifling is made up of land
11 and groove impressions. What that does is it makes the
12 bullet spin in flight, makes it more accurate, makes it go
13 further. As a product of that, that's where we get the
14 markings that we can sometimes use for identification.
15 Very distinctive edges, almost like cliffs. Just
16 straight, then drops straight down to a flat bottom and
17 comes right back up and makes 90 degree angles. The other
18 type of rifling is polygonal rifling. Glock, Heckler and
19 Koch, or HK, those are the two main brands you see with
20 polygonal rifling. Those are more like rolling hills so
21 you don't really know where on the bullet the lands starts
22 and stops, you can just tell that there is some rifling on
23 it. All of the 9-millimeter Luger caliber bullets from the
24 scene all have that polygonal rifling on it. They all have
25 the same number of lands and grooves, which is six, and

1 they were all polygonal rifling.

2 Q. So -- and I heard one weapon that I was -- one brand
3 that I was familiar with, Glock, but you say there's others
4 as well?

5 A. Yes, sir.

6 Q. All right. Now looking still at State's 145, there's
7 another item that was collected from the couch cushion, and
8 it's your Item 55. What can you tell us about this? If I
9 can get it to focus. There we go.

10 A. Item 55 is a .38 Special or a .357 Magnum caliber
11 lead, round nose bullet.

12 Q. When you talk about .38-caliber or .357-caliber
13 bullet, we're looking at the bullet, are the actual bullet
14 portions of those cartridges the same?

15 A. Oftentimes, yes, sir. The .38 Special and .357 Magnum
16 calibers have the same diameter bullet and those bullets
17 are commonly used interchangeable.

18 Q. Can a .38-caliber cartridge be fired from a .38 and
19 a .357?

20 A. Yes, sir.

21 Q. Can a .357 cartridge be fired from .38-caliber pistol?

22 A. No, sir. The cartridge itself is too long.

23 Q. Okay. But in this case, this clearly is not from a
24 9-millimeter?

25 A. Yes, sir.

1 Q. And whether it's a .38 Special or a .357-caliber
2 pistol, that would be most likely a revolver?

3 A. Those are the most common ones we see, yes, sir.

4 Q. Okay. Now I believe you've said this, but you've also
5 reviewed items that were recovered from autopsy?

6 A. Yes, sir.

7 Q. I want to show you two items recovered from Branton
8 Booker's autopsy. Looking at State's 144, what are we
9 seeing there?

10 A. That's a copper jacketed bullet that's consistent with
11 being a 9-millimeter Luger caliber and also had the same
12 six right polygonal rifling on it.

13 Q. And Item 62?

14 A. A 9-millimeter Luger caliber jacketed bullet with six
15 right polygonal rifling.

16 Q. So these would be consistent with the ones found from
17 the scene?

18 A. Yes, sir.

19 Q. And, again, that's State's 144.

20 Looking at Mr. Livingston, Sheldon Livingston, items
21 recovered from his autopsy, I believe there are three.
22 Looking at Item 146, which is your item -- State's 146,
23 your item 40, what are we seeing?

24 A. That's a full metal jacket, full metal copper jacketed
25 9-millimeter Luger bullet.

1 Q. Your Item 60?

2 A. That's also a 9-millimeter Luger copper jacketed full
3 metal jacketed bullet.

4 Q. And your Item 61?

5 A. A full metal jacket 9-millimeter Luger caliber bullet.

6 Q. And what can you say, if anything, about the rifling
7 characteristics on these particular bullets recovered from
8 Mr. Livingston's autopsy?

9 A. Those three were also six right polygonal rifling.

10 Q. Consistent with the ones from Mr. Booker and also from
11 the scene?

12 A. Yes, sir. They all have similar rifling
13 characteristics.

14 Q. Now let's turn to the autopsy of Mr. Williams, Duwan
15 Williams. Looking at State's 143, and your Item 44, what
16 are we looking at?

17 A. A .38 Special or .357 Magnum caliber lead round nose
18 bullet.

19 Q. Your Item 63?

20 A. A .38 Special or .357 Magnum caliber lead bullet.

21 Q. And your Item 64?

22 A. A copper jacketed 9-millimeter Luger caliber bullet.

23 Q. As to Mr. Duwan Williams, with what was recovered from
24 him at autopsy, as an expert in firearms identification can
25 you tell us whether he was shot with one weapon or two?

1 A. There was at least two. The 9-millimeter had the
2 polygonal rifling and the .38 or .357 had conventional
3 rifling. I'm not aware of any firearm that has in the same
4 barrel two different types of rifling in it.

5 Q. And is there anything you can tell us about the -- the
6 .38 rounds or the .357 rounds from Item 143 about rifling
7 characteristics?

8 A. It was a -- I believe it was a five or six groove
9 right conventional rifling.

10 Q. Would that be -- or can you tell us if that's
11 consistent with the one we found from the scene, which is
12 your Item 55?

13 A. Yes, sir. All the -- I believe I had three lead .38
14 or .357 Magnum caliber bullets and they all had similar
15 rifling as well.

16 Q. Okay. Now I also want to show you State's 148. You
17 were sent some -- I believe two cartridge casings that came
18 from Mr. Hopkins' bag, and I want to see if you recognize
19 these. State's 148, which is your Item 12, what is that?

20 A. That's a fired .38 Special caliber cartridge case.

21 Q. And your Item 33?

22 A. That is also a fired .38 Special caliber cartridge
23 case.

24 Q. What can you say about these two cartridge cases?

25 A. They were fired by the same firearm.

1 Q. Now were you also sent an unfired .38 Special caliber
2 cartridge to analyze it?

3 A. Yes, sir.

4 Q. I'll show you State's 147, which is your Item 72.
5 What can you tell us about this?

6 A. That's the headstamp area. The headstamp on the
7 cartridge usually tells you the caliber and the
8 manufacturer, so when we document it we're taking it for
9 instances like this and we do our worksheets, our notes.
10 It's a Federal brand cartridge case and it's a .38 Special
11 and it has a brass cartridge case with a nickel primer.
12 When I'm talking about the primer, I'm talking about the
13 nickel or silver part in the middle. That's where the
14 firing pin or striker of the firearm will hit it on the
15 primer.

16 Q. And I want to show you your Item 72. What is this?

17 A. That's the bullet portion that -- when I received
18 SLED Item 72, I disassembled it to view the components, and
19 that is a picture of the bullet that was loaded into the
20 cartridge.

21 Q. Let me ask you this. I want to back up a minute. Of
22 all the projectiles that were fired, all copper jacketed
23 fired bullets that were sent to you, both from the scene,
24 which were your items 37, 54 and 56, and all copper
25 jacketed fired bullets from autopsy, which is your items

1 40, 41, 60, 61, 62 and 64, what can you conclude from
2 those? They were all fired by what caliber weapon?

3 A. They were all 9-millimeter Luger caliber.

4 Q. Did they all share the same rifling characteristics?

5 A. Yes, sir. They all had polygonal rifling with six
6 grooves.

7 Q. All the lead fired bullets, the ones that were not
8 jacketed, that were recovered from the scene, which is your
9 Item 55 from the couch, and from autopsy, which are items
10 44 and 63, which were recovered from Mr. Williams, what can
11 you tell us about those?

12 A. They were all the same calibers. .38 Special and
13 .357 Magnum, and one of them was damaged, but to the extent
14 I could tell, they all had similar rifling.

15 Q. Now looking at State's 147, which is the unfired
16 cartridge casing, is it consistent with the fired cartridge
17 casings seen in State's 148?

18 A. Yes, sir. They had that same headstamp and the
19 cartridge cases had the same construction. A brass
20 cartridge case with nickle primers.

21 Q. As to this bullet portion, which is, again, from
22 State's 147, which was the unfired .38 cartridge recovered
23 from Mr. Hopkins' bag, what, if anything, were you to
24 conclude from that?

25 A. Just like the cartridge case, was consistent. The

1 bullet from SLED Item 72 was consistent in its
2 construction. It was a lead round nose.

3 Q. The physical characteristics, were they consistent
4 or inconsistent with the items -- the lead bullets taken
5 from Mr. Williams' autopsy?

6 A. What we call the OPC's, the observable physical
7 characteristics, were similar, yes.

8 Q. Were they consistent or inconsistent with your
9 Item 55, which is the lead round recovered from the couch
10 where Mr. Williams was sleeping?

11 A. Yes, it was consistent as well.

12 Q. And, again, these are items found in Mr. Hopkins' bag
13 that were sent to you as you understand it?

14 A. Yes, sir. From -- I have no direct knowledge of
15 where things come from, so when I put in a report one
16 fired bullet listed as, and I'll put it in quotation
17 marks, that's just what's put on the documentation that's
18 submitted to SLED.

19 Q. You don't actually go to scenes, do you?

20 A. No, sir.

21 Q. And I want to show you this, too. Going back to
22 State's 142, the rounds that -- the casings that were
23 found, do you see these -- this is State's 41 and 38. Is
24 that what we're looking at as far as those physical items
25 there?

1 A. While I'm doing this, ladies and gentlemen of the
2 jury, what I'm doing when evidence comes to the firearms
3 department at SLED, the laboratory, it's big enough we'll
4 use like a Dremel tool or electric pencil and we'll ascribe
5 our lab number, item number and initials on each one so
6 that we know when we get to court or if it comes back, we
7 know that's what we actually looked at, that's what I'm
8 doing now. The packages all have the SLED seal, the
9 evidence tape with my initials on them. I'm just making
10 sure that the evidence contained in them is what I actually
11 examined in this case.

12 Yes, sir. All these are the cartridge cases -- the
13 9-millimeter Luger caliber cartridge cases I examined in
14 this case.

15 Q. And that's what we see in the State's -- the
16 photographs you took in State's 142?

17 A. Yes, sir.

18 MR. HUBBARD: And these are already in evidence,
19 Your Honor, I do believe.

20 THE COURT: I have them in evidence.

21 MR. HUBBARD: Yes, ma'am.

22 BY MR. HUBBARD:

23 Q. As far as the bullets that were recovered from the
24 scene at ■■■ Butternut Lane, I want to show you State's 43
25 and 39 to see if you can confirm those are the items you

1 analyzed?

2 A. Yes, sir.

3 Q. Those are all the projectiles that came from that
4 scene?

5 A. Yes, sir.

6 Q. Which corresponds to State's 145?

7 A. Yes, sir.

8 Q. And the shell casings that we're talking about and the
9 unfired round, I'd like you to look at those and make sure
10 we're all on the same page. The shell casings being
11 State's 107 and the unfired round being 127.

12 A. Yes, sir.

13 Q. So those cartridge casings are what we see in
14 State's 148, the photographs you took?

15 A. Yes, sir.

16 Q. And then the unfired cartridge, which is State's 147,
17 your photograph, is that what you see in the other item I
18 handed you?

19 A. Yes, sir.

20 Q. Thank you.

21 In looking at Mr. Booker's autopsy, these are the
22 fired bullets that you found in State's 120?

23 A. Yes, sir.

24 Q. And I want you to look at Mr. Livingston, which is
25 119, Mr. Williams, 121, can you say the same for those as

1 well? Starting with Mr. Livingston, as to Mr. Livingston,
2 were those the bullets that were sent to you?

3 A. Yes, sir.

4 Q. And that's consistent with 146, the photographs you
5 took?

6 A. Yes, sir.

7 Q. Okay. And as to Mr. Williams?

8 A. Yes, those were the bullets that I examined as well.

9 Q. Okay. And State's 143, where you took photographs,
10 those are all the same bullets that you analyzed and took
11 photographs of?

12 A. Yes, sir.

13 Q. Okay. And then the unfired rounds from Mr. Hopkins'
14 bag, I want you to look at State's 73 and see -- I believe
15 that one cartridge -- I don't know if that's the one you
16 took apart or not.

17 A. No, sir. The one I took apart was a .38.

18 Q. Okay. I was gonna look -- hang on. There's some
19 others in here. I may have the wrong one out here.

20 All right. That was in the other bag that you had
21 taken apart?

22 A. Yes, sir.

23 Q. Okay. So these -- these unfired ones were not sent to
24 you?

25 A. Correct.

1 Q. Okay. Again, just to wrap up, as far as the
2 9-millimeters that were fired, the casings, you say they're
3 all the same weapon?

4 A. Yes, sir. All thirteen of the fired 9-millimeter
5 Luger caliber cartridge cases were fired by the same
6 firearm.

7 Q. And all the copper jacketed bullets that were sent to
8 you had all the same physical rifling characteristics --

9 A. Yes, sir.

10 Q. -- or similar rifling characteristics?

11 A. Yes, sir.

12 Q. And the .38 Special or .357 projectiles or bullets
13 that were sent to you all shared the same rifling
14 characteristics?

15 A. Yes, sir.

16 Q. And, again, is it your conclusion as an expert that
17 how many guns were used in this case?

18 A. The cartridge cases with the .38's and the
19 9-millimeters, there were two. The .38 Special caliber
20 cartridge cases were fired by one gun and the 9-millimeter
21 Luger caliber cartridge cases were fired by a second
22 firearm. Just looking at the projectiles both from the
23 scene and from the autopsy, there were at least two
24 firearms used.

25 MR. HUBBARD: Thank you, sir.

1 I beg the Court's indulgence.

2 THE COURT: Take your time.

3 MR. HUBBARD: I believe that's all I have at this
4 time, Agent Green. Thank you.

5 THE COURT: Mr. Mauldin.

6 MR. MAULDIN: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. MAULDIN:

9 Q. Hello, Agent Green.

10 A. Hello, sir.

11 Q. I've heard -- heard the word "consistent" used a lot,
12 but consistent does not imply a match, does it?

13 A. No, sir.

14 Q. It just means things are similar?

15 A. Correct.

16 Q. So my left shoe is consistent with another left shoe?

17 A. Yes. They'd both be left shoes.

18 Q. Okay. And these headstamps, the Federal .38 Special
19 headstamp, that's not a -- that's a mass produced bullet?

20 A. Yes, sir.

21 Q. Okay. So there's a lot of them out there?

22 A. Yes.

23 Q. The same thing with a Winchester 9-millimeter
24 headstamp?

25 A. Yes, sir.

1 Q. And the same thing with the Sig Sauer 9-millimeter
2 headstamp?

3 A. Yes, sir, but not quite as much as the Federal and
4 Winchester. But, yes.

5 Q. Okay. And I know you say that all the 9-millimeter
6 casings that you found were fired by the same gun; is that
7 correct?

8 A. Yes, sir.

9 Q. But that gun could have been any gun that fired a
10 9-millimeter Luger caliber; is that correct?

11 A. I'm sorry, say that one more time.

12 Q. That gun could be any type of gun that fires
13 a 9-millimeter Luger caliber?

14 A. No.

15 Q. No?

16 A. It's the correct caliber, but the firing pin
17 impression, or more specifically the firing pin aperture
18 shape, of those cartridge cases, that's indicative of a
19 very few different manufacturers of firearms. Glock is
20 one. Old Smith & Wesson Sigmas are one, and the
21 Springfield XDM series all have similar firing pin aperture
22 shapes to that, but not every 9-millimeter will.

23 Q. Okay. So it's three manufacturers?

24 A. More than that. That's just three off the top of my
25 head.

1 Q. Okay. So there's more manufacturers than that, so it
2 could be --

3 A. I can think of -- hold on a minute. Give me just a
4 second. Glock, old Smith & Wesson Sigmas, Springfield XDM,
5 and one of the Croatian-made guns other than Springfield
6 has it. That's the only ones I can think of.

7 Q. And how many models within those manufacturers?

8 A. Well, Glock changed their aperture with their Gen 5,
9 but there are five model Glock pistols that have that
10 similar aperture shape. Smith & Wesson would have only had
11 one model.

12 Q. Okay. What about the others?

13 A. The Springfield, the only one that has it would be
14 that one XDM, and the Croatian-made, I believe it's two or
15 three.

16 Q. Okay. So roughly ten different types of manufactured
17 guns?

18 A. Yes, sir, but they were all fired by the same gun,
19 whatever type of gun that was.

20 Q. Right. And out of those ten manufactured gun, they
21 just didn't manufacture one gun, there's plenty of them out
22 there?

23 A. Yes, sir.

24 Q. Okay. Now going to the projectiles, the jacketed
25 projectiles, they had similar rifling; is that correct?

1 A. Correct.

2 Q. But you could not determine if they were fired from
3 the same gun; is that correct?

4 A. Correct.

5 Q. So they could have been fired from different guns?

6 A. Yes, sir.

7 Q. And there are twelve different types of manufacturers
8 of guns that their gun could have fired that?

9 A. Are you referring to my GRC list?

10 Q. Yes, I am.

11 A. Yes. I just wanted to make sure we're on the same
12 page.

13 Q. Right.

14 A. Do you mind if I explain that real quick?

15 Q. Yes.

16 A. Okay. A GRC list is what we call the general rifling
17 characteristics list. The FBI compiles a database of
18 rifling specifications that manufacturers voluntarily give
19 to them, they don't have to, so at the end of every GRC
20 list there's gonna be a little disclaimer stating this list
21 is not all inclusive basically because not everything's
22 listed on there, but it's a searchable database. For these
23 projectiles from this case, both from the scene and from
24 autopsy, just the 9-millimeter bullets, they were all six
25 right polygonal 9-millimeter bullets. So I put those

1 search parameters into the program and it spit out the GRC
2 list to which he's referring.

3 Q. And that's twelve different manufacturers that make
4 guns that fired those type of bullets?

5 A. Yes, sir. They all have those same specifications.

6 Q. And, again, those manufacturers could have different
7 models that could fire those type of bullets?

8 A. Yes.

9 Q. And for the .38 or .357-caliber bullets, I believe
10 you had thirteen manufacturers that could have if it was
11 a .38 that --

12 A. Yes, sir.

13 Q. There are thirteen manufactured guns of that and six
14 manufacturers of .357 Magnum caliber guns that could fire
15 those bullets?

16 A. Yes, they -- all those, the .38 Special and the .357
17 Magnum caliber, the list, each are searched on the land and
18 grove widths of those projectiles.

19 Q. And you can't say whether those bullets were fired by
20 a .38 or a .357?

21 A. Correct. The only way to do that is if an actual
22 firearm is submitted and I shoot the gun and match the
23 bullet back to the gun, then I can say yes, it's a .38
24 Special caliber bullet.

25 Q. And the -- the non-jacketed bullets, the .38 or .357

1 projectiles that you tested, you can't say they match the
2 fired .38 shell casings?

3 A. No, sir. That's not a -- we don't match cartridge
4 cases to bullets because when you take a cartridge case and
5 you load a bullet into it, sometimes marks are left on the
6 bullet as it's seated into the cartridge case. Well, when
7 the cartridge case expels the bullet during the firing
8 process, all of those marks that may have been left there
9 are basically, to use a computer term, overwritten by the
10 markings in the barrel.

11 Q. So to put it in a nutshell, you can't say that those
12 bullets came -- were attached to those cases at any one
13 time?

14 A. Right.

15 Q. Okay. So all in total, you received eight jacketed
16 bullets and three non-jacketed bullets, right?

17 A. Yes, sir.

18 Q. That's eleven?

19 A. Yes.

20 Q. All right. Did you ever receive anything that was
21 labeled a projectile fragment to look at in this case?

22 A. Can I look at my notes?

23 Q. Certainly, if that will help you refresh your memory.

24 A. The only thing I have says projectiles. I don't have
25 anything specifically stating a fragment.

1 Q. Okay. But if you were to receive a projectile,
2 something labeled a projectile fragment, you could examine
3 it to determine whether or not it really was a fragment
4 from a projectile?

5 A. Yes, sir. Potentially.

6 Q. Or an errant piece of metal or something?

7 A. A secondary projectile, yes, sir.

8 Q. But you didn't have that?

9 A. No, sir. Everything I had was a complete fired bullet
10 when I received it.

11 MR. MAULDIN: I have no further questions.

12 MR. HUBBARD: A brief follow-up.

13 THE COURT: Absolutely.

14 REDIRECT EXAMINATION

15 BY MR. HUBBARD:

16 Q. As to the fired bullets, what do you actually need to
17 have to analyze if the fired bullets were all fired from
18 the same weapon?

19 A. Can you rephrase that one because that was a little
20 confusing?

21 Q. Let me ask you this way. Would you actually need a
22 pistol to determine if that pistol fired certain
23 projectiles --

24 A. No, sir.

25 Q. -- to compare them to?

1 A. No, sir. In the absence of a submitted firearm, we
2 can sometimes look at fired bullets to see if they were
3 fired from a common origin by the same firearm in the
4 absence of a gun.

5 Q. Okay. And in this case you're saying the types of
6 groove markings that this -- what you did call the type of
7 grooves?

8 A. The polygonal 9-millimeter.

9 Q. Makes it very difficult to do that?

10 A. Yes, sir. When I was talking about the conventional
11 with the right angles, you can see -- to look here and
12 here. If you look between here and you look between here,
13 that's where your markings are. With polygonal rifling,
14 it's wavy and it doesn't -- it engages, but not like a
15 conventional barrel will do, so sometimes they don't take
16 markings quite as well as a conventionally rifled barrel.

17 Q. Okay. And the cartridge cases, you made a conclusion
18 as to all fired from the same weapon?

19 A. Yes, sir.

20 Q. And those were all 9-millimeters?

21 A. All the 9-millimeter Luger caliber ones, yes, sir.

22 Q. Of everything else you reviewed -- of everything you
23 reviewed, how many types or caliber of weapons are we
24 talking about which you are looking at are involved here?

25 A. If we split .38 Special and .357 Magnum, there's three

1 calibers.

2 Q. But you also said those can be used by the same
3 weapon?

4 A. Yes, sir. A .38 Special will shoot .38 Special only.
5 A .357 Magnum will shoot a .38 Special or a .357 Magnum.

6 Q. Okay. And all the -- the other thing you can say
7 is from the casings that were brought to you there was a
8 9-millimeter involved?

9 A. Yes, sir.

10 MR. HUBBARD: Okay. Thank you.

11 MR. MAULDIN: No further questions, Your Honor.

12 THE COURT: Can I excuse the witness?

13 MR. HUBBARD: Yes, Your Honor. Sorry.

14 THE COURT: Thank you, Agent Green. You can be
15 excused.

16 (Witness excused.)

17 THE COURT: Does the State want to call its next
18 witness?

19 MS. MAYES: Yes, Your Honor. The State calls
20 Agent Courtney Thompson.

21 (Whereupon, Courtney Thompson was duly sworn by
22 the Clerk of Court.)

23 THE CLERK: If you'll have a seat, please. State
24 your name and spell your last for the record.

25 THE WITNESS: My name is Courtney Thompson,

1 T-H-O-M-P-S-O-N.

2 COURTNEY THOMPSON,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. MAYES:

6 Q. Good afternoon. Tell us a little bit about yourself.

7 Where are you employed?

8 A. I'm employed with the South Carolina Law Enforcement
9 Division, also referred to as SLED.

10 Q. And what type of work do you do with SLED?

11 A. I'm a forensic scientist in the DNA casework
12 department.

13 Q. So I want to ask you a few questions about that. You
14 mentioned serology. What is meant by the term "serology"?

15 A. So serology is the examination of items of evidence
16 for bodily fluids. Some examples of bodily fluids might be
17 blood, semen or saliva. The reason why these bodily fluids
18 are important is because they are good sources of potential
19 DNA.

20 Q. And, Agent Thompson, how long have you been working
21 at the State Law Enforcement Division in the field of
22 serology?

23 A. I've been there for ten years.

24 Q. What can you tell us about your educational background
25 and training that led you to become a forensic analyst at

1 the State Law Enforcement Division?

2 A. So I have a bachelor's of science in forensic science
3 and biology from Southern Wesleyan University and then when
4 I became employed with SLED, I underwent their training
5 program, which was about a year long, where I was trained
6 under other competent technicians and forensic scientists
7 under evidence handling, testing procedures, maintaining
8 chain of custody and integrity of evidence. Before I was
9 allowed to handle any type of casework on my own, I had to
10 pass a series of tests to deem myself competent in this
11 area of expertise, and so I did a written exam, I did an
12 oral exam, I performed testing on a mock case and then I
13 also participated in a mock court all before I was deemed
14 eligible to handle any type of evidence on my own.

15 Q. And talking about your work specifically in the lab,
16 how long or how many years have you done work specifically
17 to serology?

18 A. I've been doing work specific to serology for about
19 nine years since it took about one year to do my training.

20 Q. And can you tell us whether or not that deals with
21 identification of bodily fluids?

22 A. Yes, it does include that.

23 Q. And whether or not that includes the collection of
24 evidence in the form of cuttings, scrapings or anything of
25 that nature?

1 A. Yes, that does include part of my training and duties
2 as a serologist.

3 Q. And can you tell us as a serologist is it possible to
4 estimate in how many such cases you have performed those
5 duties?

6 A. At this point in my time at SLED I would say I've
7 handled thousands of items and probably close to a thousand
8 cases at this point.

9 Q. Have you testified previously, Agent Thompson, in the
10 field of serology as an expert in the courts of this state?

11 A. Yes, I have.

12 Q. Is it possible to estimate how many such times you've
13 been qualified as an expert in the field of serology?

14 A. As an expert, approximately forty-five times.

15 MS. MAYES: Your Honor, at this time the State
16 offers Agent Thompson as an expert in the field of
17 serology analysis.

18 MR. MAULDIN: No objection, Your Honor.

19 THE COURT: All right. I'm gonna tell the jury
20 this witness is gonna be an expert. You give it the
21 weight you see fit, but she can give opinion testimony
22 in that area.

23 BY MS. MAYES:

24 Q. All right. Now, Agent Thompson, did you receive
25 evidence in this particular case involving the defendant,

1 Justin Hopkins?

2 A. Yes, I received evidence in a case that is the SLED
3 lab number L19-24467.

4 Q. And that particular lab number that you've just
5 identified, can you tell us whether or not that is
6 designated with the name Justin Hopkins?

7 A. Yes, it is.

8 Q. Now what is the first item of evidence that you
9 received in this case for the purpose of serology analysis?

10 A. The first item of evidence I received is SLED Item
11 Number 12.

12 Q. Okay. And that is a fired shell casing, correct?

13 A. Yes, that is correct.

14 Q. And specifically a fired .38 shell casing?

15 A. Yes, that is correct.

16 Q. And I believe that you received two of those.

17 Looking here at these photographs already in evidence,
18 State's 9 and State's 10, and I'm gonna show you what is
19 State's 107 in evidence, and ask you whether or not you
20 recognize this?

21 A. Yes, I do recognize these items.

22 Q. How so?

23 A. These have the correct lab number that is unique to
24 this case and the correct item numbers for each of these
25 items and my initials are on the outer packaging for each

1 of the pouches that the shell casings are located in.

2 Q. Okay. And this as to 107 being the -- 107 being a
3 fired shell casing -- two fired shell casings. Do your
4 notes represent whether or not these are .38 fired shell
5 casings?

6 A. Yes.

7 MR. MAULDIN: I didn't hear the number.

8 MS. MAYES: This would be 107-H.

9 MR. MAULDIN: Okay. Thank you.

10 BY MS. MAYES:

11 Q. And this would be in reference to two .38-caliber
12 fired shell casings?

13 A. Yes, that is correct.

14 Q. Now how did you go about attempting to recover
15 anything of serology value, including possible touch DNA,
16 from a fired shell casing?

17 A. There is a method that can be done to acquire
18 potential DNA found on shell casings that involves soaking
19 the shell casings in a sterile buffer. This buffer is
20 then poured over a special filter and if there is any DNA
21 that may be found on those shell casings, it can be trapped
22 inside of the filter and that filter can actually then be
23 used for DNA analysis.

24 Q. Okay. I'm gonna show you what is State's 102-H and
25 ask you whether or not you recognize what is in this

1 envelope?

2 A. Yes, I do recognize those items.

3 Q. And can you tell us whether or not that is consistent
4 with the process for collection that you just discussed?

5 A. Yes, it is. It is the filter that I previously
6 mentioned that had the sterile solution from the shell
7 casings poured over it.

8 Q. And you call that M-Vac?

9 A. Yes. We refer to it as an M-Vac filter and that is
10 just the apparatus in which it is located in whenever I
11 perform that type of processing.

12 Q. All right. So 102 would be your collection from both
13 of these fired .38 shell casings?

14 A. That is correct.

15 MS. MAYES: State's 102 for evidence, Your Honor.

16 THE COURT: All right. Let me see counsel just
17 for a second.

18 (Proceedings held at the bench; not reported.)

19 MS. MAYES: Your Honor, for the record, what was
20 identified as 102-H, we will re-label it at this time as
21 213-H, and offer it as evidence.

22 THE COURT: Okay. Any objection?

23 MR. MAULDIN: Subject to any prior objection
24 pre-trial.

25 THE COURT: Okay. It's admitted.

1 (State's Exhibit Number 213-H, M-Vac collection,
2 was marked and admitted into evidence.)

3 BY MS. MAYES:

4 Q. Now, Agent Thompson, once you do this collection as
5 you've just mentioned, what department does it go to next
6 within your crime lab?

7 A. So within the DNA casework department, it then
8 travelled to the DNA analyst who was assigned to this case.

9 Q. And who is that DNA analyst?

10 A. His name is Samuel Stewart.

11 Q. All right. And did he receive to your knowledge all
12 of the evidence being submitted for DNA analysis in this
13 case?

14 A. Yes, as far as I know.

15 Q. Next I want to ask you specifically about some boots,
16 and these are going to be what is State's 124-H, and I'm
17 gonna ask you whether or not you recognize this packaging
18 or your initials.

19 A. Yes, I do recognize this packaging. It contains the
20 SLED lab number and item number and my initials are also on
21 the outside of the box.

22 Q. And I want to ask you to take a look now inside the
23 box specifically at that shoe and tell us whether or not
24 you recognize your initials having processed that shoe?

25 And this is gonna be State's 132 on the overhead.

1 A. Yes, I do recognize both of the boots inside of this
2 box. I have labeled them with the lab number, the item
3 number and my initials.

4 Q. All right. And do your notes and does your report in
5 this case indicate what marker number was associated with
6 those boots?

7 A. The marker number says Marker 6.

8 Q. And as for Marker 6, what, if anything, does it show
9 you regarding the size of that boot?

10 A. My notes of this boot are that it is a size 12.

11 Q. Okay. And I'm gonna ask you to take a look at that
12 label and tell us whether or not there's anything more
13 descriptive beyond the 12?

14 A. My notes say that it is leather, it's a leather boot.
15 The brand is Herman Survivor.

16 Q. All right. And specifically regarding the 12, is
17 there any additional indication beyond the 12?

18 A. Not that I can see.

19 Q. Do you want to take a look at that?

20 A. It says a men's size 12W.

21 Q. All right. So these are the size 12W boots. Now
22 what, if anything, did you do within the serology lab
23 regarding the size 12W boots?

24 A. These boots were submitted to the lab with an
25 examination request for blood and so I did perform an

1 examination on these boots for the presence of blood and
2 then they also had a request for ownership collection,
3 which I also performed on these boots.

4 Q. All right.

5 MS. MAYES: And, Your Honor, if the witness may have
6 permission to step down?

7 THE COURT: She may.

8 BY MS. MAYES:

9 Q. So when we talk about ownership, you indicated that
10 your initials are, in fact, on the boot?

11 A. Yes, that's correct.

12 Q. And that would be here on the back of the boot as
13 you're processing it?

14 A. Yes.

15 Q. Now you mentioned that they were processed for blood.
16 Can you tell us, what, if anything, is meant by the term
17 "trace evidence"?

18 A. Trace evidence refers to low level amounts of
19 potential evidence that could be left behind. This can
20 be bodily fluids. It can also be other types of DNA that
21 may be left behind.

22 Q. All right. And can it also include any trace elements
23 that may be on the bottom of the shoe?

24 A. It can include that, yes.

25 Q. Okay. Now what, if anything, can you tell us as a

1 serologist and an expert in your field regarding the
2 ability to recover trace evidence in relation to weather
3 conditions?

4 A. Environmental conditions and weather conditions can
5 play a role in the ability to recover trace evidence such
6 as blood. Sun, heat, rain, soil, dirt, all of those things
7 can degrade and get rid of DNA and the ability to collect
8 it off of an item.

9 Q. Including blood or trace evidence from the bottom of
10 a shoe?

11 A. Yes, that's correct.

12 Q. Now you mentioned that your second assignment
13 regarding the processing of these boots was for ownership
14 swabs. What is meant by that term "ownership"?

15 A. The term "ownership" is referring to a type of
16 collection that can be performed when we are trying to
17 basically remove any DNA that may be involved from an item
18 of clothing and specifically we're typically looking for
19 the wearer of that item of clothing.

20 Q. And when you say you're looking for the wearer of that
21 item of clothing, how, if at all, may swabbing an item
22 indicate who has worn the item?

23 A. So swabbing an item can potentially remove any DNA
24 in skin cells and things that may have been shed on that
25 particular item in an attempt to locate who it might be

1 and we look for that in areas of where you would expect
2 someone to wear the item.

3 Q. And, for example, with a boot, where would that be?
4 Where would you swab this boot to determine who may have
5 worn it?

6 A. For a boot, I would have done the entire interior of
7 the shoe where someone's foot would go.

8 Q. And you're looking inside the boot where the foot
9 would be?

10 A. Yes.

11 Q. All right. And I'm gonna ask you whether or not you
12 recognize what is State's 125-H?

13 A. Yes, I do recognize this item. This is the swab I
14 collected from Item 31, the boots.

15 Q. All right. So these swabs came from these boots that
16 we're looking at here?

17 A. (Nods head.)

18 Q. Now can you tell us did you swab one boot or both
19 boots?

20 A. I swabbed both boots.

21 Q. And would that include inside both of the boots to
22 determine who may have worn them?

23 A. Yes.

24 Q. Okay. Thank you. You may return.

25 A. (Witness complies.)

1 Q. These particular swabs that you identified as
2 State's 125-H, I'm gonna ask you whether it was sealed by
3 you following your collection?

4 A. Yes, I did seal it and I put my initials and the date
5 on the seal.

6 Q. All right. And I just have to ask you, Agent
7 Thompson, would you have worn gloves during the processing
8 of this item?

9 A. Yes, I did.

10 Q. And every other item within your lab?

11 A. Yes, I do.

12 Q. And can you tell us whether or not those swabs
13 maintained sealed until they would have gone to Agent
14 Stewart for DNA analysis?

15 A. Yes, they would remain sealed.

16 MS. MAYES: Your Honor, this is State's 125-H for
17 evidence, being 31.1 of swabs from the size 12W boots.

18 THE COURT: Any objection?

19 MR. MAULDIN: None further subject to the prior
20 ones.

21 THE COURT: Okay. It's admitted and noted for the
22 record.

23 (State's Exhibit Number 125-H, swabs from 12W boot,
24 was admitted into evidence.)

25 BY MS. MAYES:

1 Q. Going back to this photo, this is State's 10, but I
2 want to ask you whether or not you received any items of
3 clothing for serology processing that were described as a
4 white T-Shirt or white T-shirts?

5 A. Yes, I did.

6 Q. What can you tell us in that regard?

7 A. The white T-shirts were submitted within another bag.
8 Specifically, they were submitted within a camouflage
9 backpack with other miscellaneous clothing items.

10 Q. Okay. And looking here, does this appear to be
11 consistent with what you have described?

12 A. Yes, that is correct.

13 Q. And so who in the serology lab actually unpacked the
14 camouflage bag for the purpose of examining the white
15 T-shirts?

16 A. I did that.

17 Q. Now on either one of the white T-shirts, did you
18 observe anything of interest regarding a possible bodily
19 fluid?

20 A. Yes. These -- the items within the backpack were
21 requested to be examined for the presence of any
22 bloodstains and so I did perform examinations for blood
23 on the two T-shirts.

24 Q. Did either one of the shirts have anything that caught
25 your attention regarding your examination for a possible

1 bloodstain?

2 A. Yes, it did. The two T-shirts were identical in
3 they're like size and brand and all that, so I just labeled
4 them A and B so I could keep track of which one was which,
5 and so the shirt labeled A was the one that I performed
6 some screening for possible bloodstains on.

7 Q. All right. And would that have included a cutting?

8 A. Yes, it did.

9 Q. I'm gonna show you what is State's 131-H in evidence
10 and I'm gonna ask you whether or not you recognize this
11 item?

12 A. Yes, I do recognize this item. I have labeled the
13 item with the SLED lab number, the item number, my initials
14 and then the letter A.

15 Q. All right. And what is the size on this shirt?

16 A. It is a size 2XL.

17 Q. And can you tell us whether or not you made any
18 cuttings on this particular shirt?

19 A. Yes, I did make -- take a cutting from the exterior
20 rear near the hem of the white T-shirt labeled A.

21 Q. And you called this A? This particular white T-Shirt
22 you called A?

23 A. Yes, I did.

24 MS. MAYES: Your Honor, once more if the witness
25 may step down?

1 THE COURT: Yes, she may.

2 BY MS. MAYES:

3 Q. Now, Agent Thompson, tell us what we're looking at
4 regarding -- I'm gonna switch places with you so the court
5 reporter can hear your voice.

6 All right. What are we looking at here in terms of
7 the various markings that we see across this shirt?

8 A. So the various markings indicate the type of
9 processing and what exactly I did on this shirt. So this
10 is the exterior front of the item. The exterior rear of
11 the item is where you'll be able to see my cuttings that
12 were taken -- or the cutting that was taken right here.
13 I labeled it with the item number and the positive result
14 and so this area right here is what was taken off of the
15 shirt that tested presumptively positive for blood.

16 Q. All right. So you first visually examined it and you
17 saw a stain?

18 A. Yes, I did.

19 Q. What, if anything, about that stain led you to believe
20 or in your opinion that you needed to test it for blood?

21 A. Based on the color and the fact that I am examining
22 it for blood, it lended itself for me to just test it to
23 see. I can't tell by visual exam alone that it is blood;
24 however, that is why I have a screening test that can help
25 me determine whether or not I believe an item should move

1 forward for DNA analysis, and so when that test came back
2 positive I did go ahead and remove that stain from the
3 shirt so that it could move forward to the DNA analyst.

4 Q. And it was presumptively positive for blood.

5 All right. So let me show you another item and ask
6 you whether or not you recognize it?

7 MS. MAYES: Permission to unseal, Your Honor?

8 THE COURT: Yes, ma'am.

9 BY MS. MAYES:

10 Q. The cutting itself, once you made the cutting from
11 this shirt, what did you do with that cutting?

12 A. That cutting was then placed into an envelope and
13 sealed where it then travelled to the DNA analyst for DNA
14 analysis.

15 Q. All right. Can you take a look at this item and tell
16 us whether or not you recognize it and, if so, how?

17 A. Yes, I do recognize this item. It is the cutting from
18 the shirt. It has the correct lab number, the correct item
19 number and then my initials and date along the seal.

20 Q. Okay. I'm gonna ask you to unseal that item.

21 A. (Witness complies.)

22 MS. MAYES: And, Your Honor, at this time this would
23 be State's 114 for evidence. It was previously for ID.

24 THE COURT: Any objection?

25 MR. MAULDIN: Subject to prior, Your Honor.

1 THE COURT: As a matter of fact, it was ID only at
2 one time, so now it's gonna be made an exhibit.

3 (State's Exhibit Number 114, a cutting from shirt,
4 was admitted into evidence.)

5 BY MS. MAYES:

6 Q. All right. And, Agent Thompson, if you could unseal
7 that. So what I'm gonna do, if you could stay in place,
8 I'm gonna put this on the overhead. And now if you could
9 tell us what we are looking at and what, if any, changes
10 you made to that particular cutting.

11 A. So this is the stain that was on the shirt and then
12 the hole in the center that you see, that's actually the
13 portion of the stain that went forward for DNA analysis.
14 DNA does not require a large amount of potential body fluid
15 in order to perform an analysis on it and so that small
16 hole that you see in the middle is actually the part that
17 I -- I cut it out and I placed it into a sterile tube and
18 that sterile tube with the evidence in it is what went to
19 DNA analyst Samuel Stewart, and the rest of the cutting is
20 retained in the event that further analysis needs to be
21 done on it at a later time.

22 Q. And this discoloration here, can you tell us whether
23 or not that is the portion in which you conducted your
24 testing?

25 A. Yes, that is the stain that I tested and it was

1 presumptively positive for blood.

2 Q. One moment. Now once this was determined to have a
3 stain on it that needed to go to the DNA analyst for
4 further examination, what, if anything, else did you do
5 with this shirt?

6 A. At a later time ownership processing was requested
7 on this shirt and so I did, in fact, go back at a later
8 date and perform ownership processing, which is what these
9 blue markings indicate. As I stated before, ownership
10 processing is an attempt to collect DNA from somebody who
11 may be wearing a specific item and so the areas of focus
12 are going to be ones that may have high skin contact so
13 that area of focus would have been the underarms of each
14 armhole and then the interior collar, the neck portion.
15 In order to process an item such as clothing like this for
16 ownership, I used a sterile one-time use plastic scraper
17 and I scraped that area of interest very vigorously in
18 order to disturb any potential cellular DNA-type material,
19 and then I go behind it with a sterile swab that's been
20 moistened with sterile water and I rub those areas and swab
21 those areas vigorously in an attempt to take any DNA from
22 that area off of the shirt.

23 Q. And that would include the underarm?

24 A. Yes.

25 Q. And the collar?

1 A. Yes.

2 Q. Is that where you would expect -- can you tell us
3 whether or not that's where you would expect shedding of
4 skin cells?

5 A. Yes, I would, and we focussed on areas, like I said,
6 of high skin contact to try and isolate any potential DNA.

7 Q. All right. One moment. I'm gonna show you two items
8 and ask you whether or not you recognize them.

9 MS. MAYES: And, again, Your Honor, permission to
10 unseal?

11 THE COURT: Yes, ma'am.

12 BY MS. MAYES:

13 Q. Let's start with 109-H.

14 A. This is the sterile one-time use scraper that I used
15 on the items. So before I opened it, it was in like a
16 sealed plastic bag essentially and then after I used it,
17 I never used it on another piece of evidence again, it
18 actually goes with the shirt or the item that I would have
19 processed to ensure that the integrity of the evidence
20 remains intact.

21 Q. And you would have sealed it yourself?

22 A. Yes, I would have sealed the scraper and the shirt
23 back into the packaging that it arrived in.

24 Q. All right. And I'm gonna show you 112-H and ask you
25 if you can tell us what that item is and how you recognize

1 it?

2 A. This is the swab that I collected from the T-shirt.
3 It has the correct SLED lab number and item number on it
4 and then my initials and date are on the seal on the back.

5 Q. All right. And these swabs, just to clarify, came
6 from where? What are you swabbing?

7 A. I swabbed the underarms and interior collar of the
8 white T-shirt labeled A.

9 Q. All right. And that's the T-shirt with the cutting
10 with the -- saying that you determined was presumptively
11 positive for blood?

12 A. Yes, that is correct.

13 MS. MAYES: State's 112 for evidence, Your Honor.

14 MR. MAULDIN: Subject to prior.

15 THE COURT: All right. It's admitted. Objection's
16 noted.

17 (State's Exhibit Number 112-H, swabs from T-shirt,
18 was admitted into evidence.)

19 MS. MAYES: And 109-H.

20 THE COURT: Same?

21 MR. MAULDIN: Same.

22 THE COURT: Admitted.

23 (State's Exhibit Number 109-H, a T-shirt with
24 scraper, was admitted into evidence.)

25 BY MS. MAYES:

1 Q. Thank you. You may return.

2 A. (Witness complies.)

3 Q. Here's another set of photographs I'd like to ask you
4 about, Agent Thompson, starting with State's 21 and then
5 State's 150, and I'm gonna show you 150 so that you can
6 observe that with the naked eye.

7 Looking here at 150, I'm gonna ask you whether or not
8 there appears to be any type of discoloration on that
9 shirt?

10 MR. MAULDIN: Objection. 701, Your Honor.

11 THE COURT: I'll hear from you, Ms. Mayes.

12 MS. MAYES: Your Honor, I believe she's been
13 qualified as an expert. I'm simply asking her if she
14 recognizes --

15 MR. MAULDIN: Well, she's not testing it for blood,
16 she's giving her opinion on whether it was a spot. She's
17 qualified as an expert in serology and blood testing.

18 THE COURT: Well, I -- yeah, 701 is lay witness
19 testimony, so I don't think that's even relevant, but
20 I think you can re-ask that question to tie it into
21 where you're going.

22 MS. MAYES: Yes, Your Honor.

23 BY MS. MAYES:

24 Q. So looking here at the location that you made the
25 cutting. Again, you've indicated if the shirt is worn

1 properly back to front, what would be the location of that
2 cutting?

3 A. It's on the exterior back portion near the bottom of
4 the shirt.

5 Q. All right. And looking here at State's 150, let me
6 ask you this way. Can you tell us whether or not the
7 cutting you made would be consistent with this area of the
8 T-shirt?

9 A. Based on the photograph, yes, it is consistent with
10 that area if the shirt is worn as you were saying front to
11 back like you would expect someone to normally wear it.

12 Q. All right. And upon observing what you -- what
13 appeared to you to be blood, you then followed through with
14 an attempt to determine who had worn this shirt?

15 A. Yes, I was -- I did perform, yes, the ownership
16 collection after that.

17 MS. MAYES: I beg the Court's indulgence.

18 Nothing further of Agent Thompson at this time,
19 Your Honor.

20 THE COURT: Thank you, Ms. Mayes.

21 Mr. Mauldin.

22 MR. MAULDIN: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. MAULDIN:

25 Q. All your examinations and swabbings, they were

1 conducted on January 30th of 2020; is that right?

2 A. My first examination that was performed. The report
3 for those examinations was issued on January 30th of 2020.

4 Q. January 30th. Okay. Did you do any subsequent
5 analysis from then?

6 A. Yes. So I have subsequent examinations on April 9th
7 of 2021 and then -- let me see -- and then also on
8 December 1st of 2021. Those bench notes are found within
9 the DNA analyst, Samuel Stewart's DNA report.

10 Q. All right. Do those all comprise of testing for blood
11 on items?

12 A. So on the examination of April 9, 2021, that was when
13 I did do an examination for blood, but then the subsequent
14 one on December 1st of 2021, that was ownership collection
15 only.

16 Q. And I believe there was a lot of talk about these
17 Item Number 31 boots; is that right? Marker 6?

18 A. Yes. Item 31 was a pair of tan work boots from
19 Marker 6.

20 Q. And when did you -- did you do a visual examination
21 on that or a swab for the test of presence for?

22 A. So whenever I do any type of examination, I start with
23 a visual examination and if there are no areas of interest
24 to test, then the report that I issue will say that there
25 were no apparent bloodstains present, which is the result

1 for Item 31, the tan work boots, from Marker 6.

2 Q. So after your visual examination, you did no
3 subsequent examination of those boots for blood; is that
4 correct?

5 A. That's correct.

6 Q. All right. Now there's a pair, Item Number 30, tan
7 work boots, Marker 5, and it says presumptive testing for
8 blood was negative; is that correct?

9 A. Yes, that is correct.

10 Q. So that went beyond the visual and you actually did
11 some sort of swab test on that pair of boots?

12 A. Yes, I did, and the reason why I did is because I
13 saw an area of interest that I thought I needed to test to
14 determine whether or not it was potentially a stain that
15 should go forward for further analysis.

16 Q. And did you ever analyze an orange or yellowish shirt?

17 A. So I had -- in my custody I did find inside Item 66,
18 which was a Red Cross duffle bag, there was an orange
19 long-sleeve shirt, and I believe that was the only -- that
20 was the only item that was orange in color.

21 Q. Okay. You didn't do any analysis on that?

22 A. Well, I did. I did look for blood on that potential
23 item, but it was negative.

24 Q. Okay. Does the -- sometimes does the DNA tech person,
25 do they do tests for bloodstains and presence of blood?

1 A. They can. So the -- kind of the difference between
2 us is that for me I'm examining larger items of evidence,
3 so that's going to be things like clothing and something
4 that's larger than a swab. A DNA analyst though typically
5 only handles smaller items of evidence since that's all
6 they really need for their portion of analysis and so they
7 may do blood screening, but it would be on something
8 smaller such as a swab or a cutting. Any larger item of
9 evidence would have to come through my area first for
10 screening.

11 Q. Well, did you screen any big items like a dark shirt
12 or jacket or dark pants?

13 A. There was. Item 29 from my first report on
14 January 30th is a pair of black jeans. Presumptive
15 testing for blood was negative on those.

16 Q. All right. How about a black shirt or a dark -- dark
17 in color shirt or jacket?

18 A. The only other item I have that would be considered
19 darker is I had a gray long-sleeve shirt that was located
20 inside of the camouflage backpack. It was -- it had no
21 apparent bloodstains present, so based on the visual exam
22 I did not see any evidence -- or any stains of interest to
23 test.

24 Q. All right. Did you test all the items from the
25 backpack, the clothing items?

1 A. The -- yes, the camouflage backpack. I --

2 Q. Let me make it simple. Other than that shirt, did any
3 of them test positive for blood?

4 A. No, none of them tested positive for blood except for
5 the other cutting.

6 MR. MAULDIN: No further questions.

7 REDIRECT EXAMINATION

8 BY MS. MAYES:

9 Q. And so to clarify, looking here at State's 176,
10 being Marker 6 and Marker 5, you tested both of those
11 for potential evidence of blood?

12 A. Yes, I did.

13 Q. And both were negative?

14 A. Yes, I did -- or yes, they were.

15 Q. And, again, regarding weather conditions, let me ask
16 you this. Can you tell us whether or not walking in water
17 or rain or mud may affect the collection of trace evidence?

18 A. Yes, it can affect that for sure.

19 Q. And then all of these items here in 10, I believe you
20 said you looked at every single one of them?

21 A. Everything that came to me inside of the camouflage
22 backpack, I did examine all of the clothing items for any
23 potential bloodstains.

24 Q. And the one that had the blood is a white T-shirt that
25 you labeled A?

1 A. Yes, that is correct.

2 MS. MAYES: Thank you. Nothing further.

3 MR. MAULDIN: No further questions.

4 THE COURT: Okay. Can I excuse Agent Thompson?

5 MS. MAYES: Yes, Your Honor. We ask that she be
6 released.

7 THE COURT: Agent Thompson, thank you.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 THE COURT: All right. Do we need a short break?
11 We're gonna take a short break. Remember, no
12 discussing this case amongst yourselves just yet.

13 (Whereupon, the jury retires to the jury room at
14 2:27 PM.)

15 (Recess taken at 2:28 PM.)

16 (Back on the record at 2:43 PM.)

17 BAILIFF: Keep your seats. Court will come to
18 order.

19 THE COURT: All right. Are we ready?

20 MS. MAYES: Yes, Your Honor.

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

22 (Whereupon, the jury return to the courtroom at
23 2:48 PM.)

24 THE COURT: All right. Mr. Foreman, is the jury
25 ready?

1 FOREPERSON: Yes, ma'am.

2 THE COURT: Please be seated. The State can call
3 their next witness.

4 MS. MAYES: Your Honor, the State calls Agent
5 Samuel Stewart.

6 (Whereupon, Samuel Stewart was duly sworn by the
7 Clerk of Court.)

8 THE CLERK: If you'll have a seat please. State
9 your name and spell your last, please, for the record.

10 THE WITNESS: Samuel Allen Stewart, S-T-E-W-A-R-T.

11 SAMUEL ALLEN STEWART,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. MAYES:

15 Q. Good afternoon, Agent Stewart. Tell us a little bit
16 about yourself. Where are you employed?

17 A. Good afternoon. I work for the South Carolina Law
18 Enforcement Division, commonly known as SLED.

19 Q. And how long have you been with SLED?

20 A. Ten years.

21 Q. And what type of work do you do there?

22 A. I'm a forensic scientist assigned to the DNA casework
23 department, so essentially a DNA analyst.

24 Q. All right. I want to ask you about that, about the
25 work of being a DNA analyst. First of all, what type of

1 background and training do you have that led you to become
2 a DNA analyst?

3 A. I received my bachelor's of science in biology from
4 Francis Marion University. I also received in-house SLED
5 training under other court-qualified analysts for over year
6 and a half. I had to successfully complete hundreds of
7 practice and training samples, a written exam, an oral
8 exam, a competency test and a mock trial before I was
9 deemed competent as a DNA analyst.

10 Q. And specifically how many years within the lab have
11 you been conducting DNA analysis?

12 A. All ten years have been in the DNA casework
13 department.

14 Q. Is it possible for you to estimate even how many such
15 cases you have conducted DNA analysis in?

16 A. Hundreds at this point.

17 Q. And, Agent Stewart, have you been qualified previously
18 as an expert in the field of DNA analysis?

19 A. Yes, I have.

20 Q. And can you tell us whether or not that includes
21 presentation of the statistical calculations that go along
22 with DNA analysis?

23 A. Yes, I have.

24 Q. And are you familiar with the software involved in the
25 use of DNA analysis and statistical calculations?

1 A. Yes, the software that we use is known as STRmix.
2 It's a software tool that we use to aid in the
3 interpretation of our DNA profiles. It also can assign
4 statistical weight to any comparisons from any kind of
5 known individual standards that we have to that DNA. The
6 statistical weight comes in the form of a likelihood ratio.
7 Essentially what a likelihood ratio is, it's a numerical
8 value that we assign to two different or varying
9 explanations for a certain scenario. So, for instance,
10 a missing cookie around a three-year-old. Is it more
11 likely that the cookie just magically disappeared or is
12 it more likely that the three-year old ate the cookie?
13 Essentially, I would believe from my experience the
14 three-year-old ate the cookie, and essentially that's what
15 we do with DNA when making these comparisons. We're given
16 a DNA profile from the evidence. Is it more likely that
17 that known individual contributed the DNA or given that
18 same DNA profile from the evidence is it more likely that
19 it's an unrelated or non-related individual.

20 Q. Can you tell us, Agent Stewart, whether the use of
21 this method of DNA analysis, including the STRmix software,
22 is accepted among peers in your field?

23 A. Yes, it's widely accepted in the forensic community.
24 It's used in approximately seventy-four labs across the
25 United States, sixteen internationally. It's used by the

1 FBI as well, so it's very commonly known and regularly
2 used.

3 Q. Including by the State Law Enforcement Division?

4 A. Yes, used by us as well. That is correct.

5 Q. And is this your primary source of DNA analysis within
6 your crime lab?

7 A. Yes, it is.

8 Q. Is it possible to estimate, Agent Stewart, how many
9 times you have previously testified as an expert in the
10 field of DNA analysis?

11 A. Approximately forty-one times.

12 MS. MAYES: Your Honor, at this time the State
13 would offer Agent Stewart as an expert in the field
14 of DNA analysis.

15 THE COURT: Any objection?

16 MR. MAULDIN: No, Your Honor.

17 THE COURT: All right. I'm gonna tell the jury
18 this witness is gonna be qualified as an expert. You
19 can give the weight of his testimony as you see fit.

20 BY MS. MAYES:

21 Q. Now, Agent Stewart, I want to start by asking you
22 what is meant in your field by the term "DNA" or
23 deoxyribonucleic acid?

24 A. Yes. So that's what it stands for. Deoxyribonucleic
25 acid. It is the genetic material that is found in every

1 individual. It is responsible for certain traits such as
2 our eye and our hair color. DNA is contained in a dense
3 package known as chromosomes that are found in every cell in
4 the human body, excluding red blood cells. We receive half
5 of our chromosomes from our mother and the other half from
6 our father. On those chromosomes, we, as DNA analysts,
7 target a certain location on each one that's known as the
8 STR, and that stands for short tandem repeats, and we look
9 at twenty-one of those STR locations that are found on
10 your various chromosomes to develop what is known as a DNA
11 profile and that DNA profile we can then use to identify
12 one individual from another except for identical twins.

13 Q. So is it unique among each individual with the
14 exception of an identical twin?

15 A. That is correct.

16 Q. Where is it found or contained within the human body?

17 A. So we can get DNA from saliva, semen, blood, even from
18 your skin cells as they come off your body.

19 Q. What is meant within the field of forensic science by
20 the term "touch DNA"?

21 A. So touch DNA is those skin cells that I referenced
22 that we can get DNA from and it is essentially if you may
23 touch or handle an item, you're potentially leaving your
24 DNA on that item. So, for instance, this podium here,
25 if I touch it, I essentially could be leaving some of my

1 DNA there and then we could possibly swab that area and
2 potentially get your DNA profile or the DNA profile of
3 someone else who may have touched it or handled it.

4 Q. Okay. So by -- by touching the particular part of
5 the podium, can you tell us whether or not there would be
6 a method to potentially recover my skin cells?

7 A. It is possible. We'd use a sterile swab and sterile
8 water. We'd first collect the -- put the sterile water on
9 the sterile swab, swab that area first with that and then
10 come back behind it with a dry sterile swab. Essentially
11 that's called a double swabbing technique and that's what
12 we use to try to essentially collect any DNA from any
13 surface items.

14 Q. What about the clothing that I'm wearing right now?

15 A. So that's the term called ownership DNA. That's
16 trying to see or determine whether or not a person may
17 have owned or worn that shirt or item of clothing. So
18 essentially we'll swab the places where you come in contact
19 most frequently with your skin, so your collar and underarm
20 of your shirt. Those areas are where we're gonna target to
21 try to determine if you may have been the wearer of that
22 particular shirt or those clothing.

23 Q. All right. So I want to start, Agent Stewart, by
24 asking you about two buccal swabs that were submitted to
25 your lab in this particular case. One is the buccal swab

1 or DNA standard of the co-defendant, Jeremy Cornish, and
2 that is 136-H, and the other is the buccal swab standard
3 of Justin Hopkins, that is 137-H. Can you tell us whether
4 or not you received these items in your lab for analysis?

5 A. Yes, I did. They have the unique SLED item number
6 and -- I'm sorry, case number and item number that's
7 assigned to each and every case that's assigned to or
8 submitted to SLED for analysis. It also has my initials
9 and date when I entered it into the heat-sealed pouch or
10 exit the heat-sealed pouch to collect those known standards
11 from these individuals.

12 Q. Now, Agent Stewart, after they were submitted to your
13 lab by Sergeant Adam Creech and sealed with evidence tape,
14 who was the first person to unseal both of these standards?

15 A. I was.

16 Q. Did anyone else handle or tamper with this item prior
17 to you unsealing it?

18 A. No, there was no -- no indications of tampering from
19 each one of those items.

20 Q. Were you able to develop a DNA profile of Jeremy
21 Cornish from this buccal swab standard?

22 A. Yes, I was.

23 Q. Were you able to developed a DNA profile for the
24 defendant in this case, Justin Hopkins, from this buccal
25 swab standard?

1 A. Yes, I was.

2 Q. Were you then able to use those DNA profiles to
3 compare against various items of evidence in this case?

4 A. Yes, I was.

5 Q. Including evidence from the crime scene?

6 A. That is correct.

7 Q. And other physical evidence items submitted in this
8 case?

9 A. Yes, that's correct.

10 Q. I want to start with asking you specifically about
11 swabs from a bicycle, and this is gonna be State's 184 that
12 we're looking at overhead, and I'm gonna ask you to refer
13 to the report and tell us whether or not you received four
14 swabs from a bicycle, 17, 18, 19 and 20?

15 A. Yes, I did. Our Item 17 was a swab from the right
16 handlebars of the bike. Our Item 18 was swabs from the
17 right brake lever of the bike. Item 19 was left brake
18 lever of bike. And Item 20 was from the left handlebars
19 of the bike.

20 Q. Now, Agent Stewart, is there any guarantee that you're
21 necessarily gonna be able to recover touch DNA from any
22 particular surface?

23 A. No, there's no guarantee. Each individual sheds
24 skin cells differently. One day a person could be a light
25 shedder or a person could be a heavy shedder and it just

1 -- it varies. We've done studies to try to see if we can
2 kind of quantify or get a good idea of how an individual
3 may shed skin cells, but there really isn't any way. It
4 depends on the person's daily routine, how they carry
5 themselves, what they do from day to day. So just because
6 an individual may handle or touch something, it doesn't
7 necessarily mean we're gonna get their DNA from it.

8 Q. And if this bike, for example, is exposed to rain or
9 weather conditions, how, if at all, may that affect your
10 ability to recover touch DNA?

11 A. So environmental factors such as air, moisture, heat,
12 these things break down DNA. So the longer this item may
13 be exposed to those environmental factors, there's less
14 likelihood of us getting DNA. I'm not saying it's
15 impossible, but it does decrease the likelihood of it.

16 Q. All right. Ultimately, Agent Stewart, were you able
17 to develop any DNA profile from this bicycle?

18 A. So for items 17, 18, 19, my results are that the
19 partial DNA profile developed is insufficient for
20 interpretation. Essentially that statement means that I
21 did get some genetic information, but it wasn't enough for
22 us to make a comparison. We have a criteria set that we
23 have to have a certain amount of DNA in order for us to
24 make comparisons and if we don't, then we -- we deem that
25 profile not suitable or insufficient for interpretation.

1 For Item 20, the swabs from the left handlebars of the
2 bike, no DNA profile was developed.

3 Q. So you were not able to match any DNA from the bike to
4 anyone; is that accurate?

5 A. That is correct.

6 Q. Because you had insufficient samples?

7 A. Either insufficient DNA or just no DNA profile was
8 developed.

9 Q. I'm gonna show you next what is State's 115 in
10 evidence, being Marker A inside of a patio door, and now
11 116, Marker B, outside a patio door, and ask you whether
12 or not you have any swabs that are labeled in relation to
13 patio sliding doors?

14 A. Yes. Our Item 68, swabs from interior of sliding
15 glass door handle, and our Item 69, swabs from exterior of
16 sliding glass door handle.

17 Q. All right. And I'm gonna ask you the same question
18 as regarding that bicycle. Were you able to develop any
19 DNA profile from the swabs on either B, exterior patio
20 door, or A, interior patio door?

21 A. I had the same results for both of these items. A
22 partial DNA profile was developed, but due to the limited
23 information obtained and the inability to determine the
24 number of contributors, no further interpretation will
25 be offered. Essentially that statement means kind of

1 essentially the same thing as the last one. I got DNA
2 there, but because I couldn't -- it didn't meet our
3 criteria for being able to make a comparison with, it was
4 deemed not suitable for any kind of further interpretation.

5 Q. All right. Next I'm gonna ask you about fired shell
6 casings, and in this particular case I believe you received
7 fired shell casings from the crime scene. And specifically
8 I'm gonna ask about items 34, 35 and 36 if you have your
9 report.

10 A. Yes, I do.

11 Q. Can you tell us whether or not 35, 36 and 34 indicate
12 they are casings that have been fired?

13 A. Yes. So my Item 34 is swabs from exterior of agency
14 items 1 and 2, which are cartridge casings. Item 35, swabs
15 from exterior of agency items 4, 6, 7, 20, 21, 22 and 24,
16 those are also cartridge casings, and my Item Number 36,
17 swabs from interior agency items 12 and 13, which are also
18 cartridge casings.

19 Q. All right. Now how in forensic science can a fired
20 cartridge -- how does the fact that a cartridge casing has
21 been fired already affect your ability to recover DNA?

22 A. So swabs from shell casings are an item where we don't
23 typically get a DNA profile from. Once again, it's not
24 impossible, but because of the extreme heat that those
25 shell casings go through once fired from a gun, that really

1 lowers or lessens the likelihood of getting any kind of
2 viable DNA profile from that item because it's just exposed
3 to such heat, so those are one of the items we don't always
4 get a DNA profile from.

5 Q. And specifically as to these items, the fired shell
6 casings from the crime scene, were you able to develop any
7 DNA profile that was suitable for analysis?

8 A. For Item 34, a partial DNA profile was developed, but
9 due to the limited information obtained and an inability
10 to determine the number of contributors, no further
11 interpretation will be offered. Item 35, no DNA profile
12 was developed. And for Item 36, no human DNA was detected.

13 And if I could explain that one. We have different
14 processes to develop DNA profiles. One of the steps is
15 quantification. That's us trying to figure out exactly
16 how much DNA we have. We have to make sure that we hit a
17 certain range of DNA in order for us to get a viable
18 profile for -- suitable for comparison purposes. So with
19 items specifically such as swabs from shell casings, we're
20 able to double quantify those items to try to be -- lessen
21 the time to work and efficiency and if we get two zeros
22 from that quantification values, then we're able to deem
23 it as no human DNA was detected.

24 Q. All right. So were you ultimately able to develop any
25 DNA profile that you could compare to any suspect in this

1 case?

2 A. Not from those items.

3 Q. Next I want to move forward to two fired shell casings
4 that were labeled as .38 casings, and those are fired shell
5 casings, again, labeled as .38-caliber, and I believe based
6 on some prior testimony an M-Vac collection was done?

7 A. That is correct. That became our Item Number 33.1,
8 which was the M-Vac collection from your items 12 and 13,
9 the .38 shell casings, and my result from that was that
10 the partial DNA profile developed is insufficient for
11 interpretation.

12 Q. All right. So, again, these are fired shell casings?

13 A. That is correct.

14 Q. Would you necessarily expect to be able to recover
15 DNA?

16 A. I would not.

17 Q. Next I want to ask you specifically about the crime
18 scene, and I'll show you a photograph, which is State's 81.
19 Did you receive an item from a Lexington County CSI
20 detective labeled E?

21 A. Yes, it did come in as labeled as their item Swab E.
22 It became our Item Number 51, swabs from interior side of
23 front door.

24 Q. All right. What, if any, submission requests came
25 along with this E?

1 A. There was a request for blood testing. Whenever an
2 agency submits items, they can request for it to be tested
3 for blood or typically for semen or touch. They're allowed
4 to make those requests whenever they submit these items for
5 analysis.

6 Q. So this is going to be the front door at the crime
7 scene and as to label E, what, if anything, are you able
8 to tell us regarding the presence of blood?

9 A. Presumptive testing for blood was positive.

10 Q. And from there, what, if anything, were you able to
11 determine as to whose blood that was on the door?

12 A. A DNA profile was developed. The likelihood ratios
13 for this profile was calculated using STRmix. The DNA
14 profile was interpreted as a single source. That's
15 essentially there was only one DNA profile found on that
16 item.

17 Q. So I want to ask you about that. A single source
18 means it is 100 percent DNA belonging to a single person?

19 A. That is correct.

20 Q. And what, if anything, were you able determine about
21 whose blood that was?

22 A. The DNA profile developed is 12 octillion times more
23 likely if Branton Booker contributed the DNA profile than
24 if an unrelated -- excuse me -- unidentified unrelated
25 individual contributed the profile.

1 Q. So that's Branton Booker, a victim in this case?

2 A. That is how he's listed.

3 Q. And, again, the likelihood, the statistical
4 calculation that this is the blood of Branton Booker as
5 opposed to any other unidentified individual?

6 A. It is 12 octillion times more likely if Branton Booker
7 than an unidentified unrelated individual.

8 Q. All right. I don't know how many zeros that is, so
9 I'm gonna write 12 octillion. 12 octillion times more
10 likely to be his?

11 A. That is correct.

12 Q. And is that considered -- what level of support is
13 that considered within the SLED crime lab?

14 A. That would be considered very strong support. We have
15 a verbal scale to try to add context to those numbers and
16 so we have like a scale where these numbers would fall
17 into. So a number like 12 octillion would fall into very
18 strong support.

19 Q. Okay. And that's the highest level of support?

20 A. That is correct.

21 Q. Next I'm gonna ask you, again, about that front door
22 at the crime scene. I'm gonna take a look here at
23 State's 118. Did you receive submission of a swab from
24 the dead bolt of that front door?

25 A. Yes, that came in as our Item Number 49, swab from

1 interior of dead bolt.

2 Q. We're talking about the inside of the door, not the
3 outside?

4 A. That is correct.

5 Q. Were you able to determine if there's only one
6 person's DNA or more than one person's DNA on that door?

7 A. This item was deemed as a mixture originating from
8 four individuals. So essentially that means I found four
9 different individuals contributing their DNA to this item.

10 Q. Okay. And specifically that would be where the dead
11 bolt itself is locked?

12 A. That is correct.

13 Q. Who was the number one contributor to this mixture?

14 A. The number one contributor was determined to be
15 Branton Booker. The DNA profile was developed as a mixture
16 originating from four individuals. The DNA profile is
17 approximately 44 quadrillion times more likely if Branton
18 Booker and three unidentified unrelated individuals
19 contributed to the mixture than if four unidentified
20 unrelated individuals contributed to the mixture.

21 Q. Were you able to determine the number two contributor?

22 A. Yes. So once I had the information that Mr. Branton
23 Booker was a resident of that home, I could -- what I
24 could do is called a conditioning or assuming his types
25 were already there, so I can tell the STRmix system that

1 I know Mr. Branton Booker is a contributor, I expect him
2 to be there, and so I want you to kind of essentially
3 take away his DNA type to account for them and only look
4 at the remaining DNA types that are there and so when
5 I told the system to do that, I compared it to the
6 remaining individuals that I had for comparison purposes,
7 and my result was that the DNA profile is approximately
8 510 million times more likely if Branton Booker, Jeremy
9 Cornish and two unidentified unrelated individuals
10 contributed than Branton Booker and three unidentified
11 unrelated individuals.

12 Q. Okay. And, again, the method that you just mentioned
13 regarding use of the STRmix, is that method accepted among
14 peers in your field of forensic science?

15 A. Yes, it is.

16 Q. So based on those findings, who would be the number
17 two contributor?

18 A. Jeremy Cornish would be consistent with that second
19 contributor.

20 Q. Agent Stewart, what, if anything, can you tell us
21 about the statistical calculation of the likelihood that
22 on that dead bolt is combination of Branton Booker and the
23 DNA of Jeremy Cornish?

24 A. This would also be considered very strong support for
25 Branton Booker, Jeremy Cornish and two unidentified rather

1 than just Branton Booker and three unidentified unrelated
2 individuals.

3 Q. And what is that statistical calculation?

4 A. 510 million times more likely.

5 Q. 510 times more likely to be a combination of those two
6 as to other unidentified persons?

7 A. Yes, 510 million times more likely Branton Booker,
8 Jeremy Cornish and two unidentified unrelated individuals
9 versus Branton Booker and three unidentified unrelated
10 individuals.

11 Q. Is it safe to say that number 510 million would be
12 greater than the current United States population?

13 A. I'm sorry. I'm not exactly sure. I'm sorry. I don't
14 know the exact population of the United States.

15 Q. All right. Next I want to ask you specifically about
16 a pair of boots. The boots as shown here in 132, can
17 you tell us specifically about boots that bear a Marker
18 Number 6 and a size 12W?

19 A. That came in as our item -- well, swabs from those
20 -- from the interior of those tan working boots from
21 Marker 6, that came in as our Item Number 31.1.

22 Q. Okay. Your 31.1. Now are you familiar with the
23 swabbing process that was conducted by Agent Thompson in
24 serology for the purpose of determining who may have worn
25 these boots?

1 A. Yes, I am.

2 Q. And I'm gonna show you 125-H and ask you whether or
3 not you were able to develop a DNA profile from those swabs
4 from inside those boots?

5 A. Yes, I did.

6 Q. And were you able to determine who the number one
7 contributor was regarding DNA from those boot swabs?

8 A. The number one contributor was consistent with Justin
9 Hopkins. The DNA profile was interpreted as a mixture
10 from three individuals and the DNA profile is approximately
11 21 billion times more likely if Justin Hopkins and two
12 unidentified unrelated individuals contributed to the
13 mixture than if three unidentified unrelated contributed
14 to the mixture.

15 Q. 21 billion times more likely to be Justin Hopkins as
16 opposed to an unidentified individual?

17 A. Justin Hopkins and two unidentified versus three
18 unidentified unrelated individuals.

19 Q. And can you tell us whether or not that is very strong
20 support?

21 A. Yes, this is considered very strong support.

22 Q. And is that the highest level of support within your
23 DNA lab?

24 A. Yes, it is.

25 Q. The highest level of likelihood?

1 A. Yes, it is considered our strongest category for very
2 strong support.

3 Q. Next I want to ask you about that cutting from the
4 white T-shirt. I'll give you a chance to look at it as
5 well. A cutting from the white T-shirt that is 67.7.1.
6 Are you familiar with that?

7 A. Yes, I am. It has my initials on it on the coin
8 envelope.

9 Q. Okay. And after Agent Thompson made this cutting and
10 sealed it, would it have gone to anyone else prior to you?

11 A. No, it would not.

12 Q. You would be the person who unsealed this?

13 A. Yes, after Forensic Scientist Thompson gave it to me,
14 then I was the next one that handled it.

15 Q. And your notes indicate that one of the white T-shirts
16 was labeled A?

17 A. That is correct.

18 Q. And is that the same T-shirt in which the cutting was
19 made?

20 A. Yes, it is. It came in our Item Number 67.7.1,
21 cutting from exterior rear near hem of white T-shirt
22 labeled A.

23 Q. So that's gonna be the 67.7.1 that we see right here?

24 A. That is correct.

25 Q. All right. Now are you aware as to whether or not

1 this was presumptively positive for blood?

2 A. Yes, it was.

3 Q. Once that determination is made, Agent Stewart, how
4 do you go about trying to determine whose blood that is on
5 this T-shirt?

6 A. Then I go through the normal steps of our DNA process
7 to develop a DNA profile from that cutting.

8 Q. Were you able to make or create a DNA profile from
9 that cutting?

10 A. Yes, I was.

11 Q. And specifically from that stain where we see the hole
12 cut in the middle of that stain?

13 A. Yes, I was.

14 Q. Whose blood or whose DNA did you determine that to be
15 within this stain?

16 A. The DNA profile was interpreted as a single source.
17 The DNA profile is approximately 3.4 septillion times more
18 likely if Duwan Williams contributed the profile than if an
19 unrelated -- excuse me -- unidentified unrelated individual
20 contributed the profile.

21 Q. You said that DNA is a 100 percent source?

22 A. That is correct.

23 Q. So it's 100 percent DNA and you determined it to be
24 that of Branton Booker?

25 A. It was --

1 Q. I'm sorry, Duwan Williams?

2 A. Yes, it was approximately 3.4 septillion times more
3 likely to be Dewan Williams that contributed the profile
4 than an unidentified unrelated individual.

5 Q. And, Agent Stewart, are you familiar with whether or
6 not Duwan Williams is a victim in this triple murder case?

7 A. Yes, he was listed as a victim.

8 Q. And, again, that number is 3.4 septillion times more
9 likely?

10 A. That is correct.

11 Q. When we talk about 3.4 septillion times, can you tell
12 us what level of support that holds within your crime lab?

13 A. Very strong support.

14 Q. The highest level?

15 A. Yes, it is.

16 Q. Now once it was determined that the blood or the DNA
17 of Mr. Williams is present, what, if any, request was made
18 to you regarding that shirt?

19 A. The shirt also came in with an ownership request to
20 try to determine who may have worn the shirt.

21 Q. I'm gonna show you what is State's 112 already in
22 evidence, as well as 109 already in evidence, being a
23 scraper and swabs from a shirt with label A, and ask you
24 if you're familiar with those items?

25 A. So I never saw the scraper that Forensic Scientist

1 Thompson used, but I did get the swabs that she created,
2 so it became our Item Number 67.7.2, which was swab from
3 scraping underarm and collar of white T-shirt labeled A.

4 Q. All right. And, again, for what reasons as a DNA
5 analyst are you concerned with swabs underneath the arms
6 and along the collar?

7 A. Again, this is an attempt to try to determine who may
8 have worn the shirt to try to determine ownership.

9 Q. And the swabs submitted to you, were you able to
10 develop a DNA profile from those swabs?

11 A. Yes, I was.

12 Q. And who was the number one contributor regarding that
13 white T-shirt, being the same white T-shirt that had the
14 stain with the DNA of Duwan Williams?

15 A. The number one contributor came back to be Justin
16 Hopkins. The DNA profile was interpreted as a mixture
17 originating from two individuals and the DNA profile is
18 approximately 70 septillion times more likely if Justin
19 Hopkins and an unidentified unrelated individual
20 contributed to the mixture than if two unidentified
21 unrelated individuals contributed to the mixture.

22 Q. 70 septillion times more likely to be that of Justin
23 Hopkins as opposed to unknown individuals?

24 A. Justin Hopkins and an unidentified unrelated
25 individual verses two unidentified unrelated individuals.

1 Q. And, Agent Stewart, when we talk about numbers like
2 70 septillion, can you tell us, again, what level of
3 support that holds within your lab?

4 A. Very strong support.

5 Q. The highest level?

6 A. That is correct.

7 Q. Now you mentioned a mixture, so let me ask you this.
8 Regarding what you found to be the DNA profile of Justin
9 Hopkins, how much of that shirt was comprised of his DNA?
10 How much of the DNA on that shirt was comprised of the
11 profile of Justin Hopkins?

12 A. Excuse me. The number one contributor came in as
13 94 percent. 94 percent.

14 Q. 94 percent of the DNA profile developed from that
15 shirt?

16 A. That is correct.

17 Q. Consistent with Justin Hopkins?

18 A. Yes, that is correct.

19 Q. Can you tell us whether or not that is consistent with
20 someone wearing an item?

21 A. I can only say that the DNA was there. I don't know
22 if I can say anything about wearing it, but I can
23 definitely say the DNA was present as the number one
24 contributor.

25 Q. And the locations tested would have been the collar

1 and underneath the armpits?

2 A. That is correct.

3 MS. MAYES: I beg the Court's indulgence.

4 I believe every item is already in, Your Honor,
5 including the DNA profiles for each of the victims in
6 this case.

7 THE COURT: Okay.

8 BY MS MAYES:

9 Q. And, finally, let me ask you again, you are
10 cross-comparing to every victim in this case? Mr. Booker?

11 A. Yes, that is correct. I'm comparing all the known
12 standards I have for the case.

13 Q. Mr. Livingston?

14 A. That is correct.

15 Q. Duwan Williams?

16 A. That is correct.

17 Q. As well as Donnovin Haynes, who was known to be a
18 resident?

19 A. That is correct.

20 Q. And where the bike is concerned, Dr. Kahdim, who had
21 been the owner of the bike?

22 A. That is correct.

23 Q. And then the two suspects being Jeremy Cornish and
24 Justin Hopkins?

25 A. Yes, that is correct.

1 Q. Now looking at these items here you're
2 cross-comparing, so let me ask you these boots, those
3 size 12 boots, can you tell us whether or not the
4 co-defendant, Jeremy Cornish, was excluded from
5 contributing DNA to those boots?

6 A. Yes, Jeremy Cornish was excluded as a contributor.

7 Q. And as to that white T-shirt labeled A, again, is
8 that the same white T-shirt with the cutting that you
9 determined to have the DNA of Duwan Williams?

10 A. Yes, that is correct.

11 Q. Presumptively positive for blood?

12 A. (Nods head.)

13 Q. Can you tell us whether or not the co-defendant,
14 Jeremy Cornish, was excluded from that white T-shirt?

15 A. Yes, he was excluded from my Item 67.7.1, the cutting
16 that presumptive tested was positive for blood, and
17 Mr. Jeremy Cornish was also excluded from my Item 67.7.2,
18 the swabs from scraping underarm and collar of white
19 T-shirt labeled A.

20 Q. So he's excluded from those swabs from the underarms
21 and the collar?

22 A. That is correct.

23 MS. MAYES: I beg the Court's indulgence.

24 THE COURT: Take your time.

25 MS. MAYES: Nothing further, Your Honor.

1 THE COURT: Mr. Mauldin.

2 MR. MAULDIN: Thank you Your Honor.

3 Sorry about that.

4 THE COURT: Take your time.

5 CROSS-EXAMINATION

6 BY MR. MAULDIN:

7 Q. Let's see. So you had that weird hypothetical about
8 that kid and a cookie. Did you ever see a dog eat a
9 cookie?

10 A. Yes, I've seen a dog eat a cookie.

11 Q. Maybe a dog at the cookie.

12 A. That wasn't one of the two -- that wasn't one of the
13 two explanations that I had posed.

14 Q. Those are two severe choices. Magic and a kid.

15 A. Well, it was just trying to give an illustration that
16 easier helps everybody understand a likelihood ratio.

17 Q. Oh. Now you did some blood testing in this case as
18 well; is that right?

19 A. Yes, blood was tested on some items in this case.
20 That's correct.

21 Q. And out of all the clothing items, that one white
22 shirt is the only one that had any blood on it; is that
23 correct?

24 A. I'm sorry. There was a lot of items tested. I'll
25 have to look.

1 Q. Oh, okay.

2 A. I apologize this is taking so long. So our Item 51,
3 the swabs from the interior side of the front door, that
4 was tested --

5 Q. I asked for clothing items.

6 A. Oh. As well as there was a Red Cross duffle bag that
7 had miscellaneous clothes and towels and clothing, those
8 items were also all tested for apparent blood.

9 Q. Uh-huh.

10 A. Approximately fourteen items --

11 Q. Okay.

12 A. -- from that Red Cross bag that was tested for blood.
13 There was also a camo backpack that had approximately --

14 Q. I was asking about clothes, not backpacks.

15 A. Well, there was clothes inside the backpack.

16 Q. Right, but nothing tested positive for blood other
17 than that one white T-shirt; is that correct?

18 A. As far as clothing?

19 Q. Yes, sir.

20 A. Yes, that is correct. I'm sorry. There was a lot of
21 items. I apologize.

22 Q. There was a lot of items, but only that one tested
23 positive for blood, right?

24 A. As far as clothing, that is correct.

25 Q. Well, I'm not talking about like the door and things

1 like that. I'm talking about clothing items.

2 Now you tested Item 28.1, which was a swab from a red
3 and white shirt; is that right?

4 A. Yes, that is correct.

5 Q. And you determined that that had the DNA profile of
6 four individuals; is that right?

7 A. Yes, that is correct.

8 Q. And the statistical analysis included a high
9 probability that it would be Justin Hopkins, Jeremy Cornish
10 and two unknown people; is that right?

11 A. Yes, that's correct versus Justin Hopkins and three
12 unidentified unrelated individuals.

13 Q. Okay. So two unknown people, is that correct, in the
14 DNA profile because you didn't have a standard there?

15 A. That is correct, yes. We label it as unknown unless
16 we have that person's known standard that -- that has a
17 high likelihood ratio to be included in that mixture.

18 Q. All right. And when you're analyzing like an evidence
19 item as opposed to a known sample, you have to develop a
20 profile, or at least a partial profile, to meet your
21 standards before you will even compare it to a known
22 profile; is that correct?

23 A. That is correct.

24 Q. So if you didn't have that, you won't bother trying to
25 compare it to a known profile; is that right?

1 A. That's correct.

2 Q. All right. Going onto Item 29.1, a pair of black
3 jeans --

4 A. (Nods head.)

5 Q. -- you determined that there was the presence of DNA
6 of three individuals in that swabbing; is that correct?

7 A. Yes, that was determined to be a mixture originating
8 from three individuals.

9 Q. And that would be a high statistical probability that
10 it would be Justin Hopkins and two unknown individuals?

11 A. Yes, sir. Versus three unidentified unrelated
12 individuals. That is correct.

13 Q. And the tan work boots I believe the solicitor
14 mentioned were Marker 6, that's 31.1, that was Justin
15 Hopkins and how many other individuals?

16 A. I'm sorry?

17 Q. How many individual profiles was in there?

18 A. That profile was deemed to be a three-person mixture.
19 The DNA from three individuals.

20 Q. Three individuals' DNA are in those boots and -- okay.

21 Now you also tested an Item 30.1 that was referred to
22 as tan boots, Marker 5; is that right?

23 A. Yes, that is correct.

24 Q. Okay. And how many DNA profiles were developed from
25 that?

1 A. That one was a mixture -- interpreted as a mixture
2 originating from three individuals.

3 Q. And there was a high likelihood that Justin Hopkins
4 and two unidentified unrelated individuals contributed to
5 that?

6 A. Versus three unidentified unrelated individuals, that
7 is correct.

8 Q. So there's a high probability there are two unknown
9 profiles in -- in that mixture?

10 A. The likelihood, I apologize, but, yes. Do you want me
11 to read the --

12 Q. No. I mean, but there are three profiles, highly --
13 your statistical analysis is it's highly likely Justin
14 Hopkins and two unidentified unrelated individuals
15 contributed to that?

16 A. That's right. Versus three unidentified unrelated
17 individuals, that is correct.

18 Q. So that's three DNA profiles in the 5 boots; is that
19 correct? The ones marked 30.1 tan work boots, Marker 5?

20 A. That is correct.

21 Q. Okay. Now were you able to eliminate Sabah Kahdim as
22 a contributor to the DNA in that pair of boots?

23 A. From 30.1 or 31.1? I'm sorry.

24 Q. From 30 --

25 A. For that one, when I compared Mr. Sabah Kahdim an

1 uninformative statistical result was obtained, so no
2 conclusion could be made regarding Sabah Kahdim as a
3 possible contributor to the mixture.

4 Q. Okay. You were able to exclude Branton Booker, Duwan
5 Williams and Donnovin Haynes; is that right?

6 A. That is correct. And sometimes that does happen where
7 I just don't have enough genetic information to include or
8 exclude somebody -- or an individual I should say, so in
9 those cases we say it's uninformative and we -- we just say
10 that there's no -- there's no conclusion that can be made.

11 Q. And going back to the T-shirt labeled A that would be
12 67.7.2, that swabbing or scraping contains the DNA profile
13 of two individuals; is that right?

14 A. That is correct.

15 Q. Now on -- let's say if I had a baseball in my office
16 that I liked to play with all the time and threw it up in
17 the air a lot and then I threw it to one person and they
18 threw it back, the chances are there's gonna be a lot more
19 of my DNA on that ball than the other person's DNA; is that
20 fair?

21 A. I can't say that. Individuals shed skin cells
22 differently. So you could be -- technically in that
23 scenario, you could be a light shedder, but the person
24 you tossed it to could be a heavy shedder on that day.

25 Q. Let's say I've had the baseball for five years.

1 A. It's still the same. It doesn't -- time doesn't
2 -- I can't say that time doesn't play a factor, but it
3 would still be the same. I couldn't say that you would
4 technically had more DNA there just because you had it
5 longer, especially if you're a light shedder and the person
6 that you tossed it to was a heavy shedder.

7 Q. Or if I was a heavy shedder and the person I tossed
8 it to was a light shedder, they would have very little DNA
9 on it?

10 A. That is possible.

11 MR. MAULDIN: No further questions.

12 THE COURT: Thank you, Mr. Mauldin.

13 Ms. Mayes.

14 MS. MAYES: Yes, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. So regarding those boots that are Marker 6, let me
18 ask you this. What is meant by the term "number one
19 contributor"?

20 A. Yeah, whenever we break down a profile in STRmix it
21 likes to break it down to the number of contributors, so
22 a number one contributor, a number two contributor and a
23 number three contributor, and based upon our comparisons
24 to known standards it will list the individuals as either
25 a number one or a two or a number three contributor to

1 that profile. So essentially just breaking down which
2 individuals may have contributed more DNA to that item.

3 Q. And based on those calculations, is the number one --
4 can you tell us whether or not the number one contributor
5 is the contributor with the most DNA?

6 A. Yes, it is.

7 Q. And who was the number one contributor for those boots
8 right there in State's 132 with Marker 6 that are size
9 12W?

10 A. Mr. Justin Hopkins. It had the DNA profile as
11 approximately 21 billion times to be Justin Hopkins and
12 two unidentified unrelated individuals than three
13 unidentified unrelated individuals.

14 Q. And regarding that white T-Shirt with the stain and
15 the blood of Duwan Williams, who is the number one
16 contributor on that T-shirt?

17 A. From the swabbings?

18 Q. Yes.

19 A. Mr. Justin Hopkins. His profile came back to be
20 70 septillion times more likely it was Justin Hopkins
21 and an unidentified unrelated individual versus two
22 unidentified unrelated individuals.

23 Q. And that's 94 percent of the DNA is his?

24 A. That is correct.

25 MS. MAYES: Nothing further.

1 MR. MAULDIN: Just real quick.

2 THE COURT: Okay.

3 RECROSS EXAMINATION

4 BY MR. MAULDIN:

5 Q. Things that contribute as a factor being a number one
6 contributor would obviously be the shedding thing that
7 you're talking about; is that correct?

8 A. That is correct.

9 Q. And based on those percentages you can't say who wore
10 or touched the things the most or the most recently, can
11 you?

12 A. I cannot. I just testify to the results as far as
13 whose DNA is present. I can't testify to, you know, like
14 you say, who touched it last. Is that what you're saying?

15 Q. Yeah, who touched it last or who touched it most?

16 A. I cannot.

17 MR. MAULDIN: No further questions.

18 THE COURT: All right. Let me ask the lawyers, is
19 this the time that we needed a specific break?

20 MR. HUBBARD: Yes, Your Honor.

21 THE COURT: Okay. Can I excuse, Agent Stewart?

22 MS. MAYES: Yes, Your Honor. We ask that he be
23 released.

24 THE COURT: You're excused.

25 THE WITNESS: Thank you very much.

1 (Witness excused.)

2 THE COURT: All right. Mr. Foreman, the lawyers
3 have requested just a quick break before the next
4 witness, so I'm gonna let you-all go back to your room
5 instead of keeping you-all in here so you can stretch
6 your legs.

7 We'll take about a 10-minute break. Thank you.
8 No talking amongst yourselves.

9 (Whereupon, the jury retires to the jury room at
10 3:40 PM.)

11 (Back on the record at 4:05 PM.)

12 BAILIFF: Keep your seats. Court come back to
13 order.

14 MS. MAYES: Your Honor, we're discussing any
15 objections to exhibits.

16 MR. MAULDIN: We're trying to work it out.

17 THE COURT: That's good. I like to hear that.

18 (Pause in proceedings.)

19 THE COURT: All right. You-all need to come on.
20 It's ten minutes after four.

21 All right. Are we ready?

22 MS. MAYES: We have made a redaction at the request
23 of Mr. Mauldin, so we are printing that.

24 Your Honor, if we could go on the record it may save
25 time here.

1 THE COURT: All right. Go on the record with?

2 MS. MAYES: Your Honor, we are revisiting where
3 we were previously with pre-trial regarding the State's
4 motion for admission of statements in furtherance of the
5 conspiracy under 801(d)(2)(E) as noted in the State's
6 motion for admission of evidence. We do move for
7 admission of those text messages from co-defendant
8 Cornish to Hopkins, including "Make sure you clean those
9 tools off" sent on 12-17-19, being the date of the crime
10 at 1:30 PM, and, quote, erase these messages, also sent
11 on December 17, 2019, at 1:04 PM, and we are prepared to
12 offer those exhibits. I believe Your Honor has ruled on
13 those pre-trial. We just wanted to preserve this for
14 the record.

15 THE COURT: Okay. I think I ruled that I was
16 gonna let them in. It's clearly in furtherance of the
17 conspiracy.

18 MS. MAYES: And then in addition to that, Your
19 Honor, there are other text messages that day on
20 December 17th between Mr. Cornish and Mr. Hopkins as
21 noted in photographs from the phone of Mr. Cornish.
22 Those are all very innocuous in nature, I don't believe
23 there's any objection to those, and so we had a redacted
24 version and an un-redacted version, and we are offering
25 the mutual conversation, I believe, without objection.

1 THE COURT: Okay. Are we in agreement on the other
2 text messages?

3 MR. MAULDIN: As far as the exhibits, I believe
4 they're fine, and I think they're gonna establish the
5 basis for the co-conspirator statement, but I think
6 they intend to introduce evidence through Creech that
7 Mr. Cornish erased certain messages from his phone,
8 which is not attributable to Mr. Hopkins, and I don't
9 think it's a statement in furtherance of a conspiracy.
10 That's an action subsequent that has nothing to do with
11 Mr. Hopkins. Mr. Hopkins isn't alleged to have erased
12 anything from his phone.

13 MS. MAYES: So, Your Honor, that is an action
14 that Mr. Cornish took after deleting the messages. So
15 he sends a message that says "Make sure you clean those
16 tools" and the immediately thereafter is a second message,
17 "Erase these messages". As Sergeant Creech will testify
18 when he photographed the phone of Cornish, the other texts
19 were present for that date as corroborated by the Verizon
20 records of Mr. Hopkins, but the two missing texts were
21 those very texts and so we certainly think that's relevant
22 and probative as to the meaning behind the message itself
23 and the nature of conspiracy.

24 As for Mr. Hopkins, Your Honor, the only reason
25 that can't be established is because we've got direct

1 records from Verizon and those are never gonna show
2 what's deleted. Those are actually from the provider
3 and so they have preserved every text message whether
4 deleted or not. So we know that they exist because
5 they're in the Verizon records. So that comparison is --

6 THE COURT: Which belonged to Mr. Cornish?

7 MS. MAYES: Yes, Your Honor. That is certainly
8 probative to the State's case.

9 THE COURT: I got it and I'm gonna allow it in.
10 I find it to be relevant, probative, and basically it
11 shows they did exactly what --

12 MR. MAULDIN: Well, I don't think they have any
13 evidence that Mr. Hopkins deleted his messages.

14 THE COURT: Well, I think the relevance is that it
15 did go to Mr. Hopkins in furtherance of the conspiracy
16 and Mr. Cornish just happened to erase his; therefore,
17 it's not ever gonna show on your client's phone is what
18 she's telling the Court.

19 I'm gonna allow it and let the jury figure it out.

20 MS. MAYES: And, for the record, Your Honor, in
21 addition, a phone extraction was attempted of
22 Mr. Hopkins' physical phone and they were unable to
23 access it without a passcode.

24 THE COURT: Okay. Which was never supplied?

25 MS. MAYES: Correct, Your Honor.

1 THE COURT: And let me just make sure while I was
2 working on my jury charges, Mr. Hopkins never gave a
3 statement?

4 MR. MAULDIN: Well, they're not using one, Your
5 Honor.

6 THE COURT: Okay.

7 MS. MAYES: He did give a statement, Your Honor,
8 that night at the traffic stop and the statement in
9 summary was that he spent the day of December 17th
10 with Mr. Cornish and that they were not in the area
11 of St. Andrews; however, we are not offering that
12 statement.

13 THE COURT: Okay. I'm just wondering for jury
14 charges. I didn't put that in there. I also took out
15 prior inconsistent statement. Didn't see any of that.

16 You-all make sure you look at the jury charges
17 tonight. I'm gonna be here at 8:30 in the morning.
18 I've got some other matters I've got to hear before we
19 start this case again, but I'd like to be able to go
20 over the jury charges. If you-all could be here, say,
21 at 9:15, so that we could go over them. If you would,
22 please, look at them tonight. Don't look at them first
23 thing in the morning since I took the time to e-mail
24 them to you-all around lunchtime today.

25 MR. MAULDIN: We'll be in the office around six,

1 Your Honor. I get in at 6 AM, so I can --

2 THE COURT: Don't call me at 6 AM, Mr. Mauldin.

3 MR. MAULDIN: Okay.

4 THE COURT: 9:15 will do.

5 All right. We've got Sergeant Creech. Is that
6 going to be our last witness for today?

7 MS. MAYES: Your Honor, I believe Sergeant Zwolak,
8 we also can fit him in today, and I think he'll be
9 fairly brief.

10 THE COURT: Okay. Can we get started?

11 MS. MAYES: Yes, Your Honor.

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

13 (Whereupon, the jury return to the courtroom at
14 4:22 PM.)

15 THE COURT: All right. Mr. Foreman, is the jury
16 ready?

17 FOREPERSON: Yes, ma'am.

18 THE COURT: All right. Please be seated.

19 The State can call their next witness.

20 MS. MAYES: Your Honor, the State calls Sergeant
21 Adam Creech.

22 (Whereupon, Anthony Adam Creech was duly sworn by
23 the Clerk of Court.)

24 THE CLERK: If you'll have a seat, please. State
25 your name and spell your last for the record, please.

1 THE WITNESS: Sergeant Anthony Adam Creech. Creech
2 is C-R-E-E-C-H.

3 ANTHONY ADAM CREECH,
4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. MAYES:

7 Q. All right. Sergeant Creech, good afternoon. Tell
8 us a little bit about yourself. Where are you currently
9 employed?

10 A. I'm a USC graduate with a bachelor's of science in
11 biology and anthropology and since August 24th of 2009,
12 I've been employed with Lexington County Sheriff's
13 Department, which is the only law enforcement agency I've
14 ever been employed with. In that time, I've been a patrol
15 deputy, a field training officer, a master deputy. Since
16 July of 2014, I've been in criminal investigations with
17 the Major Crimes Unit, and then in October of 2017 I got
18 promoted within that same unit to sergeant, and I've been
19 the sergeant over the -- what we refer to as the Special
20 Victims Unit since then, and I'm also an affiliate and
21 participate in the South Carolina ICAC Task Force and the
22 U.S. Secret Service cyber crime task force.

23 Q. Can you tell us what assignment you had going back
24 to December 17th of 2019 regarding this on-going murder
25 envision with three victims?

1 A. On December 17th of 2019, I was the day call
2 supervisor. We began day call during the weekdays at
3 4 AM and it runs until 2 PM that afternoon. I was the day
4 call supervisor that day, myself and Detective Hendrix.
5 All my other detectives were either sick or unavailable.

6 Q. All right. Tell us what you recall about your initial
7 arrival at the scene.

8 A. I found out about this incident. I actually didn't
9 have my radio on me, it was in the car. We had been out
10 almost eight hours on an unrelated call-out. Myself and
11 Detective Hendrix were actually getting ready to try to go
12 home for the day when Captain Currence, who's our North
13 Region commander walked through, walked by my office, and
14 told me what was going on. It was a little after 11. I
15 believe it was -- it was a little after 11, not quite
16 11:30. I ended up telling dispatch I was en route at
17 11:23. I arrived on-scene at about 11:32, so I was not
18 too far out after the initial responding deputies.

19 Q. All right. What, if anything, can you tell us about
20 the weather conditions on that date, being December 17th?

21 A. It was a very cold and rainy day. It didn't rain
22 constantly all day, but it rained heavy in various
23 increments, so much so that we ended up having to bring
24 some tents out because it was a very lengthy crime scene
25 to work. We were in and out of the apartment building a

1 lot, so we actually had to set up a couple of tents so that
2 we could operate in the rain.

3 Q. All right. Sergeant Creech, did you also have an
4 opportunity to at some point inspect the crime scene?

5 A. I did. I spent considerable time in the crime scene
6 that day shortly after the search warrant was signed and
7 CSI did their overviews. I was inside the scene in and out
8 until probably about 10 PM that night.

9 Q. And who actually at the scene took -- took part in
10 interviewing Donnovin Haynes, who had been the surviving
11 resident at that location?

12 A. So I was lucky or unlucky enough to be the first
13 investigator to arrive and so we were still in that --
14 what we kind of call that initial kind of chaos stage
15 trying to figure out what's going on and what we're dealing
16 with. So while patrol deputies were securing the scene, I
17 take a few moments to make initial contact with Mr. Haynes
18 and actually get the first initial statement from him.

19 Q. And what, if anything, can you tell us about his
20 demeanor?

21 A. He was pretty upset. I would almost describe him
22 being almost in a state of shock.

23 Q. Upon examining the crime scene, I'm gonna ask you
24 whether or not you had a chance to become familiar with the
25 exterior of the residence where the back patio sliding door

1 would be located?

2 A. Again, so prior to -- prior to the search warrant
3 being signed, being able to go inside the scene, I spent
4 a fair amount of time kind of walking just the immediate
5 perimeter area to kind of see if there was anything that
6 stood out to me. The back patio area was right here and
7 then the open window where Mr. Haynes would later tell us
8 that he came out of was right here because you could still
9 see the curtains pulled out.

10 Q. All right. Were you ever able to recover any video
11 surveillance from any nearby neighbors?

12 A. We were. One of the first thing I did once I had
13 some additional detectives show up on-scene because I only
14 had Detective Hendrix, just because of the nature of what
15 was going on, everybody else who was not on call started
16 showing if they were working and asking to help, so I
17 ended up kind of splitting people into two tasks initially,
18 and that was, one, canvass the immediate neighborhood and
19 go door by door, and as part of that looking for witnesses
20 as well as any kind of ring doorbell cameras or security
21 cameras in the complex, and then I also directed a group
22 of investigators to go to immediately -- since we are
23 right off of Bush River, any business that are close by,
24 like convenience stores, gas stations, to try to get
25 surveillance video from this time period.

1 Q. And now we're gonna take a look at State's 206. You
2 remember or you noted the work of law enforcement in trying
3 to determine any potential witnesses in the case. What,
4 if anything, did you become familiar with in that regard?

5 A. So a few hours into the investigation, we became aware
6 of some witnesses up here. It was Christine and Hanson
7 Meneses. As you heard from Christy earlier in the trial,
8 she was one of the first people to give us clear testimony
9 of what we believed to be a possible suspect in this case.
10 They described a heavysset black male on a --

11 Q. All right. Let me ask you to -- let me --

12 A. Yes, ma'am.

13 Q. Let me ask you were you able to get a physical
14 description from Christy Meneses?

15 A. We were.

16 Q. As well as a suspect vehicle?

17 A. Correct.

18 Q. And what was that suspect vehicle?

19 A. The suspect vehicle was a white dually. What was
20 described to us as a work truck.

21 Q. All right. So now what can you tell us about the path
22 of travel between where the incident occurred at Butternut
23 Lane and ultimately that location that you just told us
24 about where the suspect and the suspect vehicle were
25 observed?

1 A. So if you look at a map, it looks like a pretty big
2 distance, but if you break it down this is about 400 meters
3 from point to point, which would be just basically one lap
4 around like a standard football field.

5 Q. 400 meters?

6 A. Yes, ma'am. And this would be our incident location
7 right here at [REDACTED] Butternut Lane and this would be where
8 the Meneses had the sighting of the subject getting into a
9 white dually work truck.

10 Q. So that particular path of travel between Butternut
11 Lane and the area at Pine Springs Road, I'm gonna ask you
12 whether or not that path of travel could be made by foot?

13 A. It absolutely could. You've got the roads which are
14 almost a straight shot. It cants here a little bit in
15 the middle, but you could go almost straight that way,
16 but walking behind the [REDACTED] Butternut Lane there's a lot
17 of open areas. You see trees kind of dotted through, but
18 what there is, is there's a fence that runs basically the
19 perimeter of the apartment complex because there's a
20 neighborhood next door that is not Woodland Village
21 Apartments and that fence kind of operates as a dividing
22 line between the two cants up here where the Meneses live
23 and Dr. Kahdim because this is the upper edge of the
24 complex and there's a series of paths running along this
25 fence line or open area that are occasionally broken up by

1 these parking lot areas as you get to different buildings,
2 but one could either travel directly down the roadways or,
3 like I said, there's a number of -- it's fairly open if an
4 individual was to run to go from here to here on foot.

5 Q. Okay. And next I want to move forward in the
6 investigation to the following day and days between the
7 17th and the 21st. Were you present and participating in
8 various briefings regarding this case?

9 A. I was. We had briefings once or twice a day,
10 especially in the beginning, they were almost twice a day,
11 as we were sharing any information that anybody's got. We
12 were actually I would say almost having too many briefings
13 there for the first two or three days because there was a
14 lot of repeat information coming out.

15 Q. And moving forward now to the night of the 21st,
16 can you tell us whether or not you were present -- and,
17 again, looking up here at Zulu time, if we subtract five,
18 approximately what time would we be at?

19 A. Yes, so Zulu time would be minus five so this would
20 be approximately about 9:00 PM. What this is, is this a
21 picture from the traffic stop that was conducted on the
22 vehicle that Justin Hopkins was in and so we were setting
23 up point as you guys heard on Landmark Apartments preparing
24 for a search warrant when his vehicle -- he was sighted
25 getting in this vehicle with two bags and then was stopped.

1 Sergeant Poole, then Detective Brock, then Sergeant Burt
2 were the first three units and then I was really just kind
3 of on the tail end. I was right behind Sergeant Burt when
4 the stop was conducted.

5 Q. All right. And you were already aware of Justin
6 Hopkins as a potential suspect in this case?

7 A. I was. Justin Hopkins had become a potential suspect
8 the previous night, late that night. We had spent all day
9 Saturday developing that information and making plans to
10 conduct a search warrant.

11 Q. All right. I'm gonna show you what is State's 4 and
12 ask you again regarding these items from the bags. You're
13 familiar with all of that being confiscated during the stop
14 of Mr. Hopkins on the night of the 21st?

15 A. Yes, I am aware of those being in the bags that were
16 in his possession on the night of the 21st that we ended up
17 seizing.

18 Q. And then did you also have an opportunity to make it
19 over to the traffic stop near the Waffle House regarding
20 Jeremy Cornish and the white Chevy?

21 A. I did. In fact, I actually took this picture here.
22 So after a few minutes of the stop with Mr. Hopkins because
23 they were pretty close to one another, the two stops were,
24 I ended up relocating and going down here and spending some
25 time at the stop with Mr. Cornish.

1 Q. When you arrived here at the stop of Jeremy Cornish,
2 I'm gonna ask you whether or not you had an opportunity to
3 request consent for search of his phone?

4 A. I did. I asked Mr. Cornish if I could look at his
5 phone. The particular interest was in the communications
6 between himself and Justin Hopkins, particularly on the day
7 of December 17th and the surrounding dates, and he allowed
8 me to do so.

9 Q. All right. I'm gonna show you what is State's 160 and
10 159 and ask you whether or not you're familiar with these
11 items?

12 A. I am. These would be pictures that I took of the
13 screen content of Cornish's phone regarding text messages
14 between himself and Mr. Hopkins dating back to the Sunday
15 before, as well as Justin Hopkins' saved contact in
16 Mr. Cornish's phone.

17 Q. And did that also allow you to preserve -- your access
18 to the phone and your consent by Mr. Cornish, can you tell
19 us whether or not that also allowed you to preserve
20 information regarding the phone number of Mr. Cornish?

21 A. It did.

22 Q. What can you tell us regarding the phone number for
23 Jeremy Cornish?

24 A. Jeremy Cornish's phone number was 803-834-[REDACTED].

25 Q. 803-834 -- what are the last four?

1 A. [REDACTED].

2 MS. MAYES: This would be State's 159 and 160 for
3 evidence.

4 THE COURT: Any objections?

5 MR. MAULDIN: Subject to prior 403 objection, Your
6 Honor.

7 THE COURT: So noted for the record and they're
8 admitted.

9 (State's Exhibit Number 159 and 160, photographs,
10 were admitted into evidence.)

11 BY MS. MAYES:

12 Q. And upon examining the phone of Mr. Cornish, were you
13 able to determine whether or not the defendant, Justin
14 Hopkins, was a contact in his phone?

15 A. He was a saved contact in Mr. Hopkins' phone -- I'm
16 sorry, Mr. Cornish's phone.

17 Q. We're gonna take a look here at 159 in evidence and
18 I'm gonna ask you whether or not that phone number for
19 Mr. Hopkins corresponds with the phone number that
20 Landmark Apartments, the management there, also had on
21 file for Mr. Hopkins?

22 A. It did. We had gotten this same number from Landmark
23 Apartments the night before as the number that we believed
24 to be associated with Mr. Hopkins and this confirmed that.
25 It was 803-331-[REDACTED].

1 Q. Were you able to identify any text messages between
2 Mr. Hopkins and Mr. Cornish?

3 A. We were.

4 Q. And based upon the investigation what, if anything,
5 did you determine regarding their work relationship?

6 A. They appeared to work together, but they also appeared
7 to have fairly personal interactions outside of work.

8 Q. All right. And when you say worked together, based on
9 the investigation were you able to determine that location
10 of work?

11 A. Yes, we did. I was able to determine they both worked
12 for PatCon Construction or PatCon Industries and the day of
13 the 17th they had actually been on a job the first thing
14 that morning at McEntire Air Base.

15 Q. And what, if anything, affected that workday based on
16 your investigation?

17 A. The same rain and inclement conditions that affected
18 our investigation rained out their job first thing that
19 morning.

20 Q. All right.

21 MR. MAULDIN: Object, Your Honor, under 803 and
22 move to strike -- or 802. Hearsay.

23 THE COURT: Ms. Mayes, I'll be glad to hear from
24 you.

25 MS. MAYES: Yes, Your Honor.

1 BY MS. MAYES:

2 Q. Let me show you an item and ask you whether or not
3 you're familiar with this?

4 A. Yes, ma'am, I am.

5 Q. And without saying what it is, let me ask you whether
6 or not that contains information related to the work
7 schedule?

8 A. It does.

9 Q. Including Jeremy Cornish?

10 A. Jeremy Cornish and Justin Hopkins, yes, ma'am.

11 Q. All right. And can you tell us whether --

12 MR. MAULDIN: Again, object under 802. Hearsay.

13 MS. MAYES: I'm laying the foundation.

14 THE COURT: Let her lay the foundation first.

15 BY MS. MAYES:

16 Q. Does this appear to be a conversation or something
17 else?

18 A. It appears to be a reporting of hours to an employer.

19 Q. Does it -- can you tell us whether or not this appears
20 to be consistent with a timesheet?

21 A. It does.

22 Q. And a work record?

23 A. That's what I would consider it, yes, ma'am.

24 Q. And you recovered this from the phone of Jeremy
25 Cornish?

1 A. Yes, ma'am. And this particular capture is from the
2 physical phone extraction.

3 MS. MAYES: This would be State's 170 for evidence,
4 Your Honor, and the State's position is that this is
5 a document, a worksheet, a timesheet, and not a
6 communication or conversation.

7 MR. MAULDIN: It's his interpretation of it. I
8 stand by my objection, Your Honor.

9 THE COURT: As hearsay? I'd like to see it so I
10 can decide.

11 MS. MAYES: Yes, Your Honor. May we approach?

12 THE COURT: Because I don't know what you-all are
13 talking about if I can't see it.

14 (Proceedings held at the bench; not reported.)

15 THE COURT: All right. I understand your objection,
16 Mr. Mauldin, but I'm gonna go ahead and allow it.

17 (State's Exhibit Number 170, a photograph, was
18 admitted into evidence.)

19 BY MS. MAYES:

20 Q. All right. Regarding Tuesday, I believe we have a
21 calendar. Well, let me ask you this way. Were you able
22 to determine based on your investigation and all of the
23 evidence that you reviewed in this case, including a
24 calculation of worksheets on the phone of Mr. Cornish,
25 whether or not Tuesday, December 17th, included any hours

1 for Mr. Cornish?

2 A. It did not.

3 Q. Whether or not it included any hours for Mr. Hopkins?

4 A. It did not.

5 Q. And based upon your personal knowledge of the weather
6 conditions that day, can you tell us whether or not the
7 conditions were suitable for construction work?

8 A. No, they weren't. Like I said, it was extreme rain,
9 extremely wet. We had to bring awnings out. I remember
10 my boots that I wore that day got so wet that I couldn't
11 wear them for several more days because they were so
12 waterlogged.

13 Q. All right. And then in addition to that, ultimately
14 in this investigation were you able to obtain video footage
15 from the Department of Motor Vehicles?

16 A. I was. Over the course of the following week, we were
17 able to recover morning and afternoon footage from the DMV
18 on O'Neil Court.

19 Q. Okay. And can you tell us whether or not you reviewed
20 that footage?

21 A. I reviewed -- reviewed both sets of that footage.

22 Q. And can you tell us whether or not based upon your
23 review of the video footage you believed there were any
24 individuals consistent with the physical description of
25 Mr. Cornish?

1 A. Yes.

2 Q. As well as Mr. Hopkins?

3 A. As well as Mr. Hopkins, yes.

4 Q. All right. And then regarding KJ's, I'm gonna ask you
5 specifically about State's 21, already in evidence. You're
6 familiar with this particular screen shot?

7 A. I am. Yes, ma'am.

8 Q. And, again, the date and time?

9 A. Yes, ma'am.

10 Q. December 17th. And what, if anything, is significant
11 about this time, Sergeant Creech?

12 A. December 17, 2019, at 11:10 AM, our 9-1-1 call was at
13 10:59 and the sighting of the white dually truck by the
14 Meneses was at 11 AM.

15 Q. All right. So this would be approximately eleven
16 minutes after the 9-1-1 call?

17 A. Yes, ma'am, that is correct.

18 Q. And what is the proximity between this location of
19 KJ's on St. Andrews Road and the crime scene?

20 A. It's approximately a mile.

21 Q. So based upon your review of all the video footage,
22 do you have any indication of Mr. Cornish or Mr. Hopkins
23 working that day?

24 A. I did not have any indication of them working that
25 day.

1 Q. Now I want to go back to the photos that you took from
2 the phone of Mr. Cornish and you indicated that you were
3 able to identify communications between Mr. Hopkins and
4 Mr. Cornish?

5 A. Yes, ma'am, that's correct.

6 Q. We're gonna start with State's 160. Looking here at
7 State's 160, what was the date -- or what day of the week
8 was December 17th?

9 A. December 17th of 2019 was a Tuesday.

10 Q. Why, if at all, did you photograph these particular
11 communications?

12 A. Because we already believed Justin Hopkins --

13 Q. No. Let me ask you this. Regarding what, if
14 anything, caused you to photograph this day?

15 A. Because that was the day of the homicides at
16 [REDACTED] Butternut Lane.

17 Q. All right. So where it says Tuesday, 5:26 AM, can
18 you tell us whether or not you were able to determine
19 from reviewing the text messages if that would have been
20 Tuesday, December 17th?

21 A. Yes, ma'am, that is correct. That would have been
22 December 17, 2019, which was a Tuesday.

23 Q. All right. And you're photographing these images on
24 the night of the 21st?

25 A. Yes, ma'am, that is correct.

1 Q. All right. So I want to go here and start at the top
2 and, again, who is receiving the message and who is sending
3 it?

4 A. Right here would be the messages from Justin Hopkins
5 or from the contact saved as Justin Hopkins. You'll see
6 the "J" next to it and then on the right side in blue would
7 be the responses from Jeremy Cornish.

8 Q. All right. So looking here, this message is gonna
9 begin prior to Sunday, so can you tell us what day looking
10 here at the calendar that would be consistent with?

11 A. The messages in that shot -- screen shot would begin
12 on Saturday, December 14th.

13 Q. All right. And the content of this message from
14 Mr. Hopkins to Mr. Cornish?

15 A. "We on go to the gym unc", followed by "HMU".

16 Q. And can you tell us what is understood to be HMU?

17 A. I'm actually not sure.

18 Q. Would hit me up sound --

19 A. Hit me up. Oh, yes, ma'am.

20 MR. MAULDIN: Leading.

21 THE COURT: I agree.

22 THE WITNESS: It's not a message -- it's not an
23 abbreviation I use personally, so.

24 BY MS. MAYES:

25 Q. All right. As for the term "unc", can you tell us

1 whether you saw that on one occasion or more than one
2 occasion in the text messages?

3 A. That shows up on more than one occasion.

4 Q. All right. Now we're gonna move forward to Sunday and
5 what day would this be?

6 A. That would be December 15th of 2019.

7 Q. All right. And what, if any, communication on this
8 date?

9 A. It says "Unc, I'm gonna be at my house in the
10 morning".

11 Q. All right. Now what about Monday at 6:06 AM, and this
12 would be Monday, December 16th?

13 A. It's a message from Mr. Cornish to Mr. Hopkins that
14 says "OTW", which would be on the way.

15 Q. Now where it says Tuesday, again, which date did you
16 confirm this to be in examining the text messages?

17 A. This would be December 17, 2019, which would be the
18 day of the homicides.

19 Q. All right. Tuesday 5:26 AM, what, if any,
20 communication?

21 A. From Mr. Cornish, you've got "U-Y-O-O" and then
22 response, you've got a response from Justin Hopkins, "I'm
23 in Richland Village. Can you scoop me?".

24 Q. All right. I'm in Richland Village. Can you scoop
25 me?

1 A. (Nods head.)

2 Q. And based on this investigation, were you able to
3 confirm what county Richland Village was located in?

4 A. Richland Village would be a location in Richland
5 County.

6 Q. All right. And do we see here a continuation of that
7 same communication?

8 A. We do. The response from Mr. Cornish is "Bet".

9 Q. All right. And what is the next communication or --
10 or interaction you see that day?

11 A. 7:02 AM there's another message from Mr. Cornish that
12 says "What apartment?".

13 Q. All right. And then do you see any response from
14 Mr. Hopkins?

15 A. Mr. Hopkins responds "In the back.".

16 Q. Okay. Now without getting into the content, did you
17 also have later -- a later message or message that followed
18 that?

19 A. We did.

20 Q. All right. And did that -- did these screen chats
21 contain all of the messages that you were able to visualize
22 for the date of Tuesday, December 17th?

23 A. They did. They were all the messages available. We
24 actually captured everything from that entire week up
25 through the 21st.

1 Q. Okay. And based on this particular exhibit, being
2 160, anything after the 17th would be redacted?

3 A. Correct.

4 Q. But as for the 17th, you saw no further messages on
5 that date?

6 A. No, ma'am, we did not. Or I did not.

7 Q. And going back again to that KJ's video for a moment,
8 you had a chance at that traffic stop -- or let me ask you
9 whether or not you had a chance at that traffic stop on the
10 night of the 21st to actually see Justin Hopkins?

11 A. I did. Yes, ma'am.

12 Q. As well as have some form of interaction with him?

13 A. I did.

14 Q. Was that face-to-face?

15 A. It was.

16 Q. Can you tell us whether or not when you viewed this
17 video from KJ's whether or not you were able to recognize
18 the individual who is depicted on the video surveillance
19 here in 150, as well as 21?

20 A. I am confident that that would be the same individual
21 I met as Justin Hopkins on the night of December 21st.

22 MR. MAULDIN: I renew my 701 objection, Your Honor.

23 THE COURT: It's renewed and noted for the record.

24 BY MS. MAYES:

25 Q. And what, if any, unique physical characteristics did

1 you observe in watching the video in comparison with your
2 face-to-face contact with Justin Hopkins?

3 A. He had the same height, weight, build, hairstyle.
4 There's a distinct cross tattoo that he's got on his right
5 cheek.

6 Q. I want to show you State's 36. Upon actually having
7 the video, where, if at all, did you see an indication of
8 that tattoo?

9 A. A little mark in the video. It's hard to see on the
10 overhead screen, but it's about right there.

11 Q. And, again, the individual that you're observing here
12 on December 17th at 11:10 AM, and you've indicated that's
13 eleven minutes after the murders or the 9-1-1 call?

14 A. Yes, ma'am. That's correct.

15 Q. What color of footwear does the individual appear to
16 be wearing?

17 A. Tan or light brown work boots.

18 Q. And then looking here at 150, are you familiar with
19 whether or not this -- an item of clothing similar to what
20 is depicted here in 150 was seized by your department and
21 submitted to SLED for analysis?

22 A. I am. There was a white shirt in one of the bags that
23 Mr. Hopkins had with him on the night he was arrested, on
24 the 21st, and it had a white T-shirt -- actually two white
25 T-shirts in the bag.

1 Q. Now I want to ask you specifically about the weapons
2 or firearms in this particular case. Regarding a
3 9-millimeter weapon, can you tell us whether or not you
4 or any other member of the Lexington County Sheriff's
5 Department have been able to locate the 9-millimeter weapon
6 used in this crime?

7 A. We have not to this day located the 9-millimeter
8 handgun that was used in this crime.

9 Q. Can you tell us whether or not you or any other member
10 of your sheriff's department has been able to locate a
11 .38-caliber revolver or a .357 revolver that would fire a
12 .38-caliber bullet in connection with this case?

13 A. That would also be correct. To this day we have not
14 located a revolver, either a .357 or a .38 Special, to be
15 matched to this crime.

16 Q. So both guns are unrecovered?

17 A. Yes, ma'am. That is correct.

18 Q. Now I'm gonna show you what is State's 142 in evidence
19 and also show you what is State's 41 in evidence. You're
20 familiar with the casings seized from the crime scene in
21 this case?

22 A. Yes, ma'am, I am.

23 Q. And the headstamps affiliated with those?

24 A. That is correct. I am.

25 Q. And you're also familiar with the headstamps of any

1 ammunition seized from Mr. Cornish?

2 A. I am.

3 Q. At the traffic stop on the 21st?

4 A. That is correct.

5 Q. I'm gonna ask you what, if any, similarities you
6 yourself personally observed?

7 A. Yes, ma'am. If I may?

8 Q. I'm gonna show you what is State's 73 in evidence.

9 A. So there's two types of shell casings that were
10 recovered at the scene. With the glare on this picture,
11 it's kind of hard to tell, but the SIG Sauer casings are
12 actually a nickel finish, so they're kind of a silver tone.
13 The remainder of which are Winchester expended shell
14 casings are right here. The bag that was with Justin
15 Hopkins -- one of the bags on the night of the traffic
16 stop on December 21st, there was an intact 9-millimeter
17 cartridge that was also a Winchester 9-millimeter Luger,
18 the same as the recovered shell -- or consistent with the
19 shell casings recovered from the scene that were also
20 Winchester 9-millimeter Luger.

21 Q. You mean consistent as what, if any, consistencies
22 would be a headstamp or engraving?

23 A. It would be the same manufacturer with the same
24 headstamp and the center gold primer.

25 Q. And you were present for the review of those items as

1 well to make those observations prior to your testimony
2 today?

3 A. I was. I actually got to see all the items from the
4 bag the night the bags were seized following Detective
5 Brock and Sergeant Burt doing their initial review of the
6 contents.

7 Q. Now there's been testimony about the date of arrest
8 for the co-defendant in this case. What can you tell us
9 about that night at the Waffle House and looking here at
10 State's 30. At that point in time, was Mr. Cornish a known
11 suspect?

12 A. He certainly became somebody we wanted to look at
13 further based on the truck, which we strongly believe was
14 gonna be the vehicle described by the Meneses, but we felt
15 like we needed to do some more work. So following our
16 interaction with Mr. Cornish, he was actually released and
17 he was actually allowed to leave in that vehicle that
18 night.

19 Q. What, if anything, did you recover following that
20 interaction with Mr. Cornish on the 21st?

21 A. During this interaction we had recovered the DMV
22 paperwork from the vehicle that had Justin Hopkins' name
23 on it that was dated December 17, 2019.

24 Q. And what about the video of the DMV from the morning?

25 A. So that led us to pursue the DMV video, which we

1 ended up obtaining video from the afternoon and from the
2 morning from that day. I believe we got the afternoon
3 video first.

4 Q. And the KJ's video, can you tell us whether or not
5 you had the KJ's video on that date?

6 A. We did not have the KJ's video yet.

7 Q. You obtained that later?

8 A. We did. That was -- I believe that was a couple of
9 weeks later. I'd have to check the actual date.

10 Q. And finally between the 21st when you had that
11 interaction with Mr. Cornish at the Waffle House and the
12 31st, the date that he was arrested, what, if any, other
13 records of interest did you receive in the case?

14 A. So between the 21st and the 31st we also recovered
15 individual DMV video from that morning and that afternoon
16 and then we also received records from Verizon Wireless for
17 Mr. Hopkins' phone number right here.

18 Q. I'm gonna show you some items and ask you whether or
19 not you recognize them. This is gonna be State's 155,
20 being Verizon records.

21 A. Yes.

22 Q. A CD?

23 A. Yes, ma'am.

24 Q. You recognize that?

25 A. I do. This would be the disk containing all of the

1 records that were produced by Verizon Wireless.

2 Q. What about State's 167? If you could just tell us
3 whether or not you recognize it?

4 A. I do.

5 Q. And can you tell us whether or not that's a fair and
6 accurate representation of something from the Verizon
7 records?

8 A. It is.

9 Q. And State's 165, if you could review that, please.

10 A. Yes, this would also be an accurate representation of
11 the Verizon records.

12 Q. As well as State's 168 and 169?

13 A. Yes, ma'am.

14 Q. All a fair and accurate representation of the contents
15 of the Verizon records?

16 A. They are. Yes, ma'am.

17 Q. And can you tell us whether or not the Verizon
18 records contain communications between Mr. Hopkins and
19 Mr. Cornish?

20 A. I do. In dealing with cellular records, Verizon is
21 effectively the only major provider that you can actually
22 get SMS text message content from. Most of the other
23 providers won't provide it, but just show you interactions
24 where there were text messages that were sent, but don't
25 give you the content. Verizon is the only major provider

1 that will actually give you the content as long it's
2 requested within a five-day period of the content being
3 transmitted.

4 MS. MAYES: Your Honor, this is State's 155, 168,
5 167, 165 and 169.

6 THE COURT: Any objection?

7 MR. MAULDIN: The only objection I would have is to
8 the entire phone record coming in.

9 MS. MAYES: And we have no objection to marking that
10 for ID.

11 THE COURT: Can we do a Court -- a Court ID
12 only.

13 MS. MAYES: That would be 155, Your Honor, for ID
14 only okay.

15 THE COURT: Okay.

16 MS. MAYES: And we will be utilizing excerpts in
17 the form of State's 168, 169, 165 and 167.

18 THE COURT: Okay.

19 (State's Exhibit Numbers 165, 167, 168 and 169,
20 Verizon Wireless texts, were admitted into evidence.)

21 BY MS. MAYES:

22 Q. Now you discussed earlier photographs of text messages
23 from the phone of Mr. Cornish that you examined at that
24 traffic stop?

25 A. Yes, ma'am. That's correct.

1 Q. Did you observe any additional text messages beyond
2 what you were able to visually see on the phone?

3 A. Once we obtained the Verizon Wireless records, yes,
4 there were two additional text messages that were not
5 present on the phone on the night of the December 21st.

6 Q. And a little bit more about that. The Verizon records
7 that are now in evidence came from who? Who had Verizon?

8 A. Justin Hopkins.

9 Q. All right. And what provider, if any, did Mr. Cornish
10 have?

11 A. At the time the service provider for Mr. Cornish would
12 have been Sprint.

13 Q. Now were you able to actually conduct an extraction on
14 the phone of Mr. Hopkins? I'm gonna go back to that photo
15 that you had of some of his belongings. I believe four.
16 There's a phone visible as well as in the other photo in
17 evidence. Were you able to actually conduct an extraction
18 on the phone of Mr. Hopkins?

19 A. We were not. It's an iPhone and it was secured with
20 the six digit passcode that we did not have and there's
21 like a million possible combinations there, so even with
22 the forensic equipment available at the time we were not
23 able to access the device at the time or since then.

24 Q. All right. And so without a phone extraction, can you
25 tell us what, if anything, you sent the search warrant to

1 Verizon for?

2 A. So one of the things that we would be interested in,
3 especially with Verizon, would have been content of SMS
4 text messages.

5 Q. And upon reviewing that content, how, if at all, did
6 that allow you to make an arrest of Mr. Cornish?

7 A. There were two -- two key text messages that were sent
8 from Mr. Cornish to Mr. Hopkins about two hours after the
9 murders.

10 Q. So I'm gonna ask you a little bit about that. We're
11 gonna take little look at State's 165. I'm gonna go back
12 to this item already in evidence, 160, a photo from the
13 phone of Mr. Cornish. 165, this particular message. And,
14 again, these being Verizon records, have they already been
15 converted to accurate time?

16 A. Yes, ma'am. These are already converted to Eastern
17 standard time.

18 Q. And so that message that we see there, "Yo", is that
19 consistent with what you saw on the phone of Mr. Cornish?

20 A. It is. You see the date, the arrival time for
21 Mr. Hopkins' phone, and then it's got the originating
22 number and then the terminating number, which would be the
23 -- the other number involved in the interaction.

24 Q. All right. And the next message, "I'm in Richland
25 Village, can you scoop me", can you tell us whether or not

1 that is consistent with what you observed on the phone?

2 A. It is.

3 Q. At 5:50 AM?

4 A. Yes, ma'am. That is correct.

5 Q. All right. The next message, "Bet", can you tell us
6 whether or not that is consistent with what you observed in
7 the Verizon records?

8 A. It is.

9 Q. The next message, "What apartment?", at 7:02, can you
10 tell us whether or not that is consistent with what you
11 observed in the Verizon records?

12 A. It is.

13 Q. And then the next message, in the back, can you tell
14 us whether that's consistent?

15 A. It is.

16 Q. Again, at 7:02 AM?

17 A. That is correct.

18 Q. And then, again, regarding the redaction here, would
19 that be for the same day or is that just a later unrelated
20 message?

21 A. It's a later unrelated message after the 17th.

22 Q. Okay. So this would conclude everything you observed
23 for the 17th?

24 A. Yes, ma'am. That's correct.

25 Q. Now we're gonna take a look at State's 165, this

1 message. Were you able to discover that message on the
2 phone of Mr. Cornish when you photographed it at the
3 traffic stop?

4 A. I was not. This message was not present.

5 Q. And who is sending that message and who are they
6 sending it to?

7 A. So the originating number is gonna be Mr. Cornish's
8 number, the receiving number is gonna be Mr. Hopkins'
9 number, and the content of the message, which is
10 December 17, 2019, so it's in military time, so it doesn't
11 need to be converted for the time zone, but that would be
12 1:03 PM, is -- which is about two hours after the murders
13 and the message content is "Make sure you clean those tools
14 off".

15 Q. Sent from Mr. Cornish to Mr. Hopkins?

16 A. That would be correct.

17 Q. And that particular phone number for Mr. Cornish, can
18 you tell us whether or not you were able to also verify it
19 through any other records or means other than you observing
20 it yourself that night at the traffic stop?

21 A. Yes. So his actual Sprint records do show the SMS
22 interaction, but with it being Sprint, Sprint does not
23 produce the actual SMS content like Verizon does in this
24 case, which would be the message content.

25 Q. So you were able to cross-compare that message with

1 the Sprint records for Mr. Cornish?

2 A. We were.

3 Q. To confirm that a text message was sent or received on
4 that date?

5 A. Yes, it was.

6 Q. At that time?

7 A. Correct.

8 Q. Now in addition, can you tell us whether or not you
9 obtained Google records from Mr. Cornish?

10 A. We did.

11 Q. Can you tell us whether or not that also confirmed
12 that phone number for Mr. Cornish?

13 A. We did. His Google records, which I believe were
14 Jeremy Cornish.

15 Q. The subscriber information contained on the phone?

16 A. Yeah, it's his e-mail account from his phone, but it
17 does have that same phone number of 803-834-[REDACTED] listed
18 under subscriber information.

19 Q. All right. And, again, you said this is gonna be
20 military time?

21 A. Yes, ma'am. That is correct.

22 Q. That would convert to 1:03 PM?

23 A. 1:03 PM. Yes, ma'am.

24 Q. Now following this message, what, if anything, else
25 did you observe?

1 A. There's an additional message immediately following
2 this.

3 Q. And that message is?

4 A. So it's at 1:04 PM, so within a minute, and the
5 message content for this message two hours after the
6 murders and following "Make sure you clean those tools
7 off" is "Erase these messages".

8 Q. Based upon your observation of Mr. Cornish's phone,
9 can you tell us whether or not they appear to be erased or
10 deleted?

11 A. Yes, on the night of December 21st of 2019, neither
12 of those messages were present on Mr. Cornish's phone.

13 Q. And cross-comparing the messages that you observed
14 on Mr. Cornish's phone with the Verizon records of
15 Mr. Hopkins, did you observe any other messages that
16 appeared to be deleted?

17 A. No, those appeared to be the only two deleted text
18 messages in the text messages we had available from Verizon
19 Wireless correlating with what we knew was on his phone on
20 December 21st.

21 MS. MAYES: I beg the Court's indulgence.

22 THE COURT: Take your time.

23 MS. MAYES: That is all from Sergeant Creech at this
24 time, Your Honor.

25 THE COURT: All right. Mr. Mauldin.

1 MR. MAULDIN: I have no questions for this witness.

2 THE COURT: Okay. Can I excuse Sergeant Creech?

3 MS. MAYES: Yes, Your Honor.

4 (Witness excused.)

5 MS. MAYES: And I believe the State has one
6 additional witness.

7 THE COURT: Okay.

8 MR. HUBBARD: The State calls Investigator Brian
9 Zwolak.

10 THE COURT: Okay.

11 (Whereupon, Brian Zwolak was duly sworn by the
12 Clerk of Court.)

13 THE CLERK: If you'll have a seat, please. State
14 your name and spell your last for the record.

15 THE WITNESS: My name is Brian Zwolak. My last
16 name is spelled Z-W-O-L-A-K.

17 BRIAN ZWOLAK,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. HUBBARD:

21 Q. Where do you work?

22 A. The Lexington County Sheriff's Department.

23 Q. And what do you do there?

24 A. I'm a sergeant in the Crime Reduction Unit.

25 Q. Sergeant, how long have you been in law enforcement?

1 A. Just under sixteen years.

2 Q. And how long have you been with Lexington County?

3 A. Just under six years.

4 Q. What do you do in the Crime Reduction Unit?

5 A. We are an intelligence-based unit and we work violent
6 crimes, violent offenders.

7 Q. Okay. Now did you work somewhere before Lexington
8 County?

9 A. I did. I worked at the South Carolina Criminal
10 Justice Academy.

11 Q. Did you teach on criminal intelligence?

12 A. I did.

13 Q. Where did you work prior to that?

14 A. The Columbia Police Department.

15 Q. Were you involved in this same field there?

16 A. I was.

17 Q. How many years have you been in law enforcement?

18 A. Just under sixteen.

19 Q. Do you belong to any task forces right now?

20 A. Yes, the FBI violent crimes task force out of the
21 Columbia field office.

22 Q. In law enforcement violent crime intelligence
23 operations, do you have to be familiar with slang
24 terminology?

25 A. Yes.

1 Q. Is that particularly true in crimes of violence?

2 A. Yes.

3 Q. And in crimes involving weapons and firearms?

4 A. Absolutely.

5 Q. Have you actually instructed other law enforcement
6 officers on these issues?

7 A. Yes.

8 Q. Have you had an opportunity to testify in a court as
9 an expert in violent crime intelligence?

10 A. I have.

11 Q. In that regard, have you testified in a court of law
12 as an expert in slang terminology?

13 A. I have.

14 MR. HUBBARD: Your Honor, at this time I offer
15 Sergeant Zwolak as an expert in violent crime
16 intelligence.

17 THE COURT: Any objection?

18 MR. MAULDIN: No objection.

19 THE COURT: All right. Let me tell the jury. This
20 witness is gonna be qualified as an expert. He can give
21 his opinion and you give it the weight that you think it
22 deserves.

23 Thank you.

24 BY MR. HUBBARD:

25 Q. Sergeant, as expert in violent crime intelligence as

1 it relates to slang terminology, are you familiar with the
2 term "tools"?

3 A. I am.

4 Q. In the context in which you work, how are you familiar
5 with that term as to what it means?

6 A. I've heard that term used regularly for -- to refer
7 to handguns and firearms.

8 Q. How have you come across this term in your line of
9 work?

10 A. Social media, various forms of investigation,
11 interviews, and things such as that.

12 Q. As far as the terminology goes, the term "tools" is
13 that common in your line?

14 A. Yes.

15 Q. And is it common in meaning what?

16 A. Handgun. Firearm.

17 MR. HUBBARD: Nothing further at this time.

18 THE COURT: Anything, Mr. Mauldin?

19 CROSS-EXAMINATION

20 BY MR. MAULDIN:

21 Q. Have you ever heard the phrase "sometimes a cigar is
22 just a cigar"?

23 A. No.

24 Q. It's a psychology thing from Freud.

25 MR. MAULDIN: No further questions.

1 MR. HUBBARD: A quick follow-up.

2 REDIRECT EXAMINATION

3 BY MR. HUBBARD:

4 Q. We're talking context, correct?

5 A. Yes.

6 Q. If "Make sure you clean those tools off" is followed
7 one minute later with "Erase these messages", is that how
8 you view the con -- you look at that context and determine
9 what tools is?

10 A. Yes.

11 Q. And that's important to you?

12 A. Yes, context is everything when looking at slang.

13 Q. So although tools may mean a lot, you're gonna look
14 at the context in which it was used in this case?

15 A. Yes, looking at context and slang's used to cover up
16 what would be the term because you want to hide it.

17 Q. And the context you know it as is what?

18 A. A handgun in this situation.

19 MR. HUBBARD: Thank you.

20 MR. MAULDIN: Nothing further, Your Honor.

21 THE COURT: Okay. Can I excuse Sergeant Zwolak?

22 MR. HUBBARD: Yes, Your Honor.

23 THE WITNESS: Thank you.

24 (Witness excused.)

25 THE COURT: All right. The State can call their

1 next witness.

2 MR. HUBBARD: Your Honor, at this time the State
3 rests.

4 THE COURT: Okay. This is probably gonna be a
5 good time for me to let the jury go home. Remember,
6 you're getting close, but you can't talk about this
7 case just yet. Don't do any research, don't watch the
8 news, don't read anything about it in the paper, and
9 certainly do not get on the Internet and do any research
10 whatsoever.

11 If you-all could be in the jury room at 9:15 in
12 the morning, I believe we'll finish this case tomorrow,
13 okay?

14 Thank you. And I hope you-all have a good evening.
15 I'll see you in the morning.

16 (Whereupon, the jury was excused for the day at
17 5:16 PM.)

18 THE COURT: All right. Does the State have any
19 motions?

20 MR. HUBBARD: What was that, Your Honor?

21 THE COURT: Does the State have any motions?

22 MR. HUBBARD: Not from the State, Your Honor.

23 THE COURT: Anything from the defense?

24 MR. MAULDIN: Thank you, Your Honor.

25 At this time the defense would move for a directed

1 verdict on behalf of Mr. Hopkins for all charges. Taking
2 the evidence in light most favorable to the State, there
3 isn't a sufficient case to present to a trier of fact. We
4 also base this motion on all prior objections and motions
5 both individually and as a cumulative.

6 THE COURT: Thank you.

7 I'll be glad to hear from the State.

8 MR. HUBBARD: Your Honor, we believe there's an
9 abundance of evidence as to burglary, there's obviously
10 blood at the door, a sign that someone came in without
11 the consent of Mr. Booker or anybody else in that
12 apartment complex -- or apartment. There's missing
13 money. Inside that apartment things were all askew
14 and when Mr. Booker himself was found, he was buried
15 in clothes from where someone had been rummaging through
16 the closet where he was found, the linen closet. Clearly
17 there is sufficient evidence for burglary first.

18 As to murder, just the mere fact these individuals
19 are shot while sleeping shows a malice. This is clearly
20 an intent crime. There was not even an opportunity for
21 the individuals to resist and protect themselves.

22 Mr. Livingston's found shot twelve times by his bed.

23 Mr. Williams was found shot and his dying words are he
24 didn't know who did it, he was sleep. And, Mr. Booker,
25 well, Your Honor, the fact that they stood on top of his

1 body as they're rummaging through clothes shows extra
2 malice there.

3 So we believe there's an abundance of evidence and
4 there's an abundance of evidence tying Mr. Hopkins to
5 this crime. There's a boot marking, there's the blood
6 of Mr. Williams on his shirt that he's seen wearing
7 literally eleven minutes after this crime. And his tie
8 with Mr. Cornish, whose DNA is found on the lock inside
9 that house. The -- the witness seeing someone who meets
10 and clearly meets the description of Mr. Hopkins who's
11 then seen at KJ's meeting that very same description
12 getting out of what we know is Mr. Cornish's truck and,
13 Your Honor, I can go on. There's just an abundance of
14 evidence tying -- saying there have been three murders
15 and a burg first and this individual's involved.

16 THE COURT: Thank you, Mr. Hubbard.

17 I agree. I'm gonna deny your motion. They've got
18 a shoe print, they've got blood on his shirt, they've
19 got obviously sufficient evidence enough to show that
20 three murders happened and while they were sleeping.
21 We'll let the jury decide on the burglary and the murder
22 charges, so that motion's denied.

23 I will renew any and all of your objections are
24 noted for the record.

25 Anything else from the defense?

1 MR. MAULDIN: No, Your Honor. We've discussed
2 presenting a case and I've discussed with Mr. Hopkins
3 his right to testify and not to testify, and his
4 decision is not to testify, Your Honor.

5 THE COURT: Okay. You know, usually I'll tell
6 you, Mr. Mauldin, especially if I know that we're gonna
7 end for the day, I'd like to go ahead and read him his
8 rights to testify. It's a very important right and I'd
9 like to at least give him overnight to think about it,
10 so I could talk to him in the morning --

11 MR. MAULDIN: Certainly, Your Honor.

12 THE COURT: -- and let him decide.

13 But, if you would, Mr. Hopkins, stand for me.
14 I'm gonna get the clerk to swear you in.

15 THE CLERK: Raise your right hand, please.

16 (Whereupon, Justin Tyler Hopkins was duly sworn
17 by the Clerk of Court.)

18 THE COURT: All right. Mr. Hopkins, at this time
19 I'm going to explain to you your rights. If you don't
20 understand anything I say, please let me know.

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: If you want me to explain anything to
23 you in more detail, please let me know.

24 Do you understand?

25 THE DEFENDANT: I do.

1 THE COURT: We have now reached the stage of the
2 trial where you may present your defense. You have
3 the right to claim the protections given to you by the
4 Fifth Amendment to the Constitution of the United States.
5 The amendment states, in part, no person shall be
6 compelled in any criminal case to be a witness against
7 himself. This means that you cannot be required to
8 testify in this case. You have the right to testify on
9 your own behalf; however, no one can make you testify.
10 This is a personal right and no one can waive this right
11 except you.

12 If you decide to testify, you will be subject to
13 the same rules that govern other witnesses and you may
14 be examined and cross-examined on any relevant issues in
15 this case.

16 In addition, if you have any convictions involving
17 dishonesty or false statements or for crimes punishable
18 by imprisonment for more than one year and this Court
19 determines that the probative value of admitting this
20 evidence outweighs its prejudicial effect to you, the
21 Solicitor will be able to introduce your record to
22 attack your credibility.

23 Let me ask, does he have a record?

24 MR. HUBBARD: No, Your Honor. And even if he did,
25 I would represent to this Court that we would not seek

1 to impeach him for anything at all if he chooses to take
2 the stand.

3 THE COURT: Okay. Do you understand that,
4 Mr. Hopkins? The State's telling me if you take the
5 stand, you don't have anything that they're gonna use
6 to impeach you, any crimes of dishonesty or anything
7 carrying over one year they're not gonna bring that up.

8 Do you understand?

9 THE DEFENDANT: I understand that.

10 THE COURT: Okay. Now if you decide to testify,
11 this decision on your part must be freely, voluntarily
12 and intelligently made with knowledge of the protections
13 given you by the Fifth Amendment and the consequences of
14 your decision to testify.

15 If you decide not to testify, I will instruct the
16 jurors that they cannot give the fact that you did not
17 testify any consideration whatsoever and that there is
18 to be absolutely no prejudice to you because you did
19 not testify. It is left entirely up to you whether or
20 not to testify.

21 You may talk with your attorney, your family, and
22 friends or anyone else, but the final decision will be
23 left entirely up to you.

24 Let me ask you, do you understand what I've just
25 explained to you?

1 THE DEFENDANT: I do completely.

2 THE COURT: I'm gonna tell you, Mr. Hopkins,
3 it's an important decision. Probably one of the most
4 important decisions you will ever make. We've got time,
5 so I'm gonna give you overnight to think about this.
6 If you -- I know you've got some family members here.
7 If you need to speak with them, I'll let you speak with
8 them. You've got two fine lawyers. I want you to
9 talk to them, I want you to think about it overnight,
10 and you and I will talk in the morning --

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: -- and then you can tell me whether or
13 not you wish to testify.

14 Do you understand?

15 THE DEFENDANT: I do.

16 THE COURT: Okay.

17 All right. With that said, Court's adjourned.

18 Let me ask -- not that you have to tell me or
19 anything, are you calling witnesses tomorrow or are
20 you-all gonna talk about it?

21 MR. MAULDIN: No, Your Honor. He's wondering if
22 he -- does he talk to his family now about testifying or
23 on the phone or --

24 THE COURT: I'll give him a few minutes to talk to
25 family.

1 MR. MAULDIN: All right.

2 THE COURT: I mean, it's an important decision.

3 All right. We'll start at 9:30 in the morning.

4 I'm doing some stuff at 8:30, so I will be here hopefully
5 doing a plea and a bond hearing they tell me, and we'll
6 start at 9:30.

7 Please look over, Mr. Norton, the jury charges.

8 MR. NORTON: I've already done so, Your Honor.

9 THE COURT: I kind of cleaned them up and shortened
10 the burglary where it made more sense and kind of tried
11 to lay out the four factors that are needed so they would
12 understand it. If not, I'm glad we didn't send it back to
13 them. It probably would have confused them.

14 MR. HUBBARD: Okay. Good.

15 (Whereupon, the proceedings were concluded for
16 October 27, 2022, at 5:26 PM.)

17 (The following proceedings were held October 28,
18 2022, beginning at 9:37 AM.)

19 BAILIFF: All rise. Court is now in session.

20 THE COURT: All right, Mr. Hopkins.

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Now yesterday -- stand up for me -- I
23 talked to you about testifying in your case and I told
24 you all about your Fifth Amendment rights, that your
25 choice must be freely and voluntarily and intelligently

1 made as to whether you wanted to testify or not. I also
2 gave you the opportunity to speak with your family
3 yesterday afternoon. Also your lawyers.

4 So let me ask you -- and before I do, let me put
5 him back under oath right quick, Myra.

6 THE CLERK: Raise your right hand, please.

7 (Whereupon, Justin Tyler Hopkins was duly sworn by
8 the Clerk of Court.)

9 THE DEFENDANT: Yes, ma'am, I do.

10 THE CLERK: Thank you.

11 THE COURT: Okay. Mr. Hopkins, did you have enough
12 time to speak with your attorneys?

13 THE DEFENDANT: I did and I surely appreciate you
14 letting speak with my family.

15 THE COURT: And you had enough time with them?

16 THE DEFENDANT: Yes, ma'am, I did.

17 THE COURT: And do you need any more time?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: Okay. Or to decide whether you want
20 to testify or not?

21 THE DEFENDANT: No, ma'am. I -- I made my decision.

22 THE COURT: Okay. I'll be glad to hear it.

23 Do you want to testify or not?

24 THE DEFENDANT: I decided not to testify, Your
25 Honor.

1 THE COURT: Okay.

2 All right. Thank you, Mr. Hopkins.

3 THE DEFENDANT: Thank you.

4 THE COURT: All right. Now before I bring the jury
5 in, I want to be able to talk to the lawyers. Did you
6 get an opportunity to go over the jury charges? And do
7 I have a copy of them?

8 MR. NORTON: Your Honor, the State has no objections
9 to your proposed jury charges.

10 MR. MAULDIN: Nor does the defense, Your Honor.

11 THE COURT: For real?

12 MR. MAULDIN: For real.

13 THE COURT: Okay. Let me ask the lawyers to come
14 up and look at the verdict form.

15 And also let me ask you-all, do you-all want to
16 send a copy of the instructions back or not?

17 MS. MAYES: That's up to you, Judge.

18 MR. MAULDIN: I have no objection if you decide to.

19 THE COURT: If I do -- I didn't send it back in the
20 co-defendant's case, so.

21 MR. HUBBARD: It's up to you.

22 THE COURT: It's kind of straightforward.

23 MR. HUBBARD: It's up to you, Your Honor. If you
24 want to do it like you did the last trial and then if
25 there's an issue, you can always revisit that.

1 THE COURT: Right. If they've got an issue with
2 the law, I'll ask you-all again.

3 All right. Let me ask the State, anything before
4 we go into closing that we need to put on the record in
5 this case?

6 MS. MAYES: Nothing from the State, Your Honor.

7 THE COURT: Mr. Mauldin, is there anything that we
8 need to put on the record from the defense?

9 MR. MAULDIN: No, Your Honor.

10 Are we gonna do the thing where I close on the
11 record or can I just close here and renew my motions or
12 rest here and renew my motions or how do you --

13 MR. HUBBARD: Your Honor, I -- my preference just
14 to be safe and have a clean record, I think it's probably
15 good for him to rest in front of the jury when they're
16 out and then for us to take the next step.

17 THE COURT: We'll send them out. I'll let you
18 renew your motions and then I'll bring them back in to
19 charge.

20 MR. MAULDIN: Yes, Your Honor.

21 THE COURT: Does that suit?

22 MR. HUBBARD: Yes, Your Honor. Thank you.

23 THE COURT: It's the old way of doing it, but I'm
24 an old school kind of girl.

25 MR. HUBBARD: I think that's probably the safest

1 way, Your Honor, and with the charges we're dealing with,
2 that's probably the best way to do it.

3 THE COURT: Okay. So Mr. Hubbard's going first.
4 You didn't put up a defense, you get to finish.

5 MR. MAULDIN: Okay.

6 THE COURT: I'm gonna print you-all a copy of the
7 jury instructions.

8 MR. MAULDIN: I printed one out already.

9 THE COURT: You've got yours.

10 MR. NORTON: The State has a hard copy, Your Honor.

11 THE COURT: Okay. You print out a hard copy for the
12 court reporter then.

13 Okay. I am also, just to let you-all know, we're
14 gonna feed the jury again today so they can keep working
15 over lunch.

16 I assume there's no objection to that?

17 MR. HUBBARD: None from the State, Your Honor.

18 MR. MAULDIN: No, Your Honor.

19 THE COURT: All right. Let's bring them in.

20 And I'm gonna bring them in, you're gonna rest,
21 and I'm gonna send them back out.

22 MR. MAULDIN: Yes, Your Honor.

23 (Whereupon, the jury enter the courtroom at
24 9:44 AM.)

25 THE COURT: Mr. Foreman, is the jury ready?

1 FOREPERSON: Yes, ma'am.

2 THE COURT: All right. Please be seated.

3 All right. The State rested. Let me turn to the
4 defense.

5 Mr. Mauldin, are you-all ready?

6 MR. MAULDIN: Your Honor, the defense rests. We
7 intend to put up no evidence.

8 THE COURT: Okay.

9 All right. Mr. Foreman, ladies and gentlemen of
10 the jury, I'm gonna have to ask you to return to the
11 jury room for a brief moment. Let me take up a matter
12 with the lawyers and I'll call you right back in.

13 No discussing this case amongst yourselves just
14 yet.

15 (Whereupon, the jury retires to the jury room at
16 9:45 PM.)

17 THE COURT: That will give them time to fill out
18 their lunch forms.

19 Okay.

20 All right. Let me hear from you, Mr. Mauldin.

21 MR. MAULDIN: Thank you, Your Honor.

22 At this time, on behalf of Mr. Hopkins, I would
23 renew the directed verdict motion based on the same
24 grounds as I stated previously.

25 THE COURT: Okay. And, again, as I ruled

1 previously, I'm gonna deny that motion, and the Court
2 will renew all your objections that you had throughout
3 this trial.

4 MR. MAULDIN: Yes, Your Honor.

5 THE COURT: Now let me ask is everybody ready for
6 closings?

7 MR. HUBBARD: Yes, Your Honor.

8 THE COURT: I probably need to give them just about
9 five minutes so they can fill out their lunch forms.

10 Is that right, Myra?

11 THE CLERK: Yes, ma'am.

12 MR. HUBBARD: And, Your Honor, at some point I was
13 gonna use a tripod, if that's all right? I don't -- I
14 don't want it to interfere with you, but I figure once
15 they get in here maybe if I put it over this way so they
16 can see. I just wanted to get your permission.

17 THE COURT: You can block me out. That's perfectly
18 fine. They don't need me.

19 MR. HUBBARD: Well, I don't -- that's not my intent,
20 but anyway I just wanted to ask your permission.

21 THE COURT: Yeah, that's fine. Do what you need to
22 do.

23 MR. HUBBARD: Thank you.

24 (Pause in proceedings.)

25 THE COURT: All right. Are you-all ready?

1 MR. HUBBARD: Yes, Your Honor.

2 THE COURT: All right. Let's bring them back in.

3 (Whereupon, the jury return to the courtroom at
4 9:51 AM.)

5 THE COURT: All right. Mr. Foreman, is the jury
6 ready?

7 FOREPERSON: Yes, ma'am.

8 THE COURT: All right. Please be seated.

9 All right. Let's proceed with closing arguments.
10 I'm gonna turn to the State.

11 MR. HUBBARD: May it please the Court? Thank you.

12 At the beginning of this week Deputy Solicitor Mayes
13 mentioned to all of you that you probably had no idea
14 what you were getting into coming to jury service. You
15 probably had no idea you'd be sitting and listening to
16 a murder case, much less a triple murder. There's no
17 way to prepare for that. To prepare anyone walking in
18 the street, coming into a courtroom where we work and
19 seeing this kind of evil because that's what it is.
20 It's evil. No way to prepare anyone to say hang on,
21 you're gonna see something disturbing. You just can't
22 prepare. And what's so horrifying is it happened here.
23 This is our community. And most of us go about our
24 lives and we don't really pay much attention to these
25 things, but it happened. It happened in this case here.

1 Now you've heard the charge of burglary and three
2 murders. You already know those happened. Take all the
3 names out of who's charged, you know a burglary happened.
4 Someone, somebodies, entered into the home or dwelling
5 of another. They weren't invited. They meant business.
6 They were there to come in and take. And the more you
7 heard the facts, it wasn't just taking. This was kill
8 then steal. That's what's so horrifying.

9 And you know there are three murders. There's no
10 question. A man shot at his door. That's murder.
11 That's malice. And we'll talk about what malice is and
12 what these charges are. A man shot while sleeping. All
13 shots in the backside. That's cold. And another man
14 shot while he's jumping out of bed. What a wretched way
15 to go. So you know right now, right now, you have three
16 murders and a burglary, and let me explain the law just
17 to clarify that.

18 And, Your Honor, if you need to see, I will take
19 these down.

20 THE COURT: I know it. Don't worry about it. I'm
21 fine.

22 MR. HUBBARD: All right. Burglary in the first
23 degree, and this comes from the statute, and the judge
24 is gonna give you the law at the end of the case. This
25 is kind of the CliffsNotes just to guide you as you go

1 through these facts. Burglary is when somebody enters a
2 dwelling without consent. A dwelling is an apartment,
3 anybody's home. Without consent with the intent to
4 commit a crime inside. You've got that. And burglary
5 first degree, what makes it a first degree is, in
6 addition to that, while somebody is gaining entry or in
7 immediate flight thereof, they're armed with a deadly
8 weapon. You've got that. Somebody causes physical
9 injury to somebody that's not a participant in the
10 crime. You have that. Threatens the use of a dangerous
11 instrument. A firearm. Displays what is or appears to
12 be a knife, pistol, revolver. You have all of that.
13 And we only have to prove one of those for burg first.

14 Without talking names right now Justin Hopkins,
15 Jeremy Cornish, you've got a burg first. You've got
16 it. It's right there. Somebody broke in and it is
17 clear, it is clear, they weren't invited in. They
18 weren't invited in. You've got a burg first.

19 And murder is the killing of a person, another
20 human being, with malice aforethought, either express
21 or implied. What is malice? It's evil intent, ill
22 will. Isn't that what you have? How can you have more
23 malice than when a man opens a door and as he's opening
24 that door gets double tapped in his chest. That is cold.
25 That is cold. And stand on top of him as you rummage

1 through his closets. That's malice. Malice is when you
2 shoot a man twelve times as he's getting out of bed,
3 spinning around, and dumping every round into him until
4 he drops. An unarmed man getting out of bed. That's
5 malice. Malice is shooting a man who is sleeping and
6 four shots hit him in the back. He doesn't even know
7 who did it. Wakes up to death. His own death. That's
8 malice.

9 There's some other things you know about this case,
10 folks. You know that three men died brutally. Duwan
11 Williams bled out on this sofa, still alive when law
12 enforcement got there, but you heard the -- Dr. Batalis,
13 a lung shot. If any of you hunt, you know a lung shot
14 means you've got minutes. He lived long enough to speak
15 to law enforcement. "Who shot you?" "I don't know. I
16 was asleep."

17 Branton Booker answers that door. He's hit in the
18 lung as well, but that fight at the door, that blood at
19 the door, that's his life's blood. When officers got
20 there minutes later, he was already dead. He spent what
21 little life he had fighting at the door and running down
22 that hall.

23 And Sheldon Livingston, folks, you may wonder why
24 was he shot so many times. I want to suggest something
25 to you. When a man jumps out of bed, he's being shot,

1 he's moving around, the shooter is moving in and is
2 shooting until this man drops. He's not a pro. He's
3 not some Delta Force guy; one shot, one kill. He is
4 pulling the trigger until this man goes down, and that's
5 what it took for Sheldon Livingston that day.

6 What else do you know though? You know this crime
7 involved two people and two guns. Clearly two different
8 caliber ammo was used, so two different caliber guns
9 were used. A 9-millimeter. You-all heard about every
10 casing collected from this scene, every single one,
11 9-millimeter fired by the same gun, and all the rounds
12 recovered from that scene and from these autopsies had
13 consistent rifling.

14 So what about the other gun? A revolver. It's
15 either a .38, .357. Agent Green was saying that's why
16 he says two because he's like it's one of the two. A
17 .357 will fire a .38 round and a .357 will fire a .357
18 round. They look the same. And you know where these
19 rounds go. One into a sofa and two into Duwan Williams.
20 Two guns. You know it's two shooters.

21 Look, this isn't one man, this isn't a one-man
22 mission. A 9-millimeter and a .38, those of you know
23 guns, two very different guns. A hard pull on a revolver.
24 Anybody that's fired a revolver you know it's a hard
25 pull. Semi-auto, easier. Going in it takes a lot of

1 coordination if you're gonna use two different guns at
2 the same time. Well, what if one is a backup? You know
3 that didn't happen either, and here's why.

4 A shooter, if it's a single shooter, goes in that
5 front door. Who pops up first after Booker is shot
6 twice. Da-da. A double tap 9-millimeter. 9-millimeter.
7 Then we see a man on this sofa pop up. He hears shooting.
8 He's hit one time with a nine. So if the guy with the
9 9-millimeter is using that .38 as a backup, he's gonna
10 work his way down the hall, make sure Booker's gone, he's
11 gonna fire repeatedly to kill Mr. Sheldon Livingston, and
12 then he's got to go in that bathroom. The problem is if
13 it's just a nine, Duwan Williams was hit in the arm with
14 a nine, he'd been alive. The killer can't come back and
15 use a .38 and then kill the guy. There's two shooters.
16 Two shooters.

17 Well, let's take a look and let's start with Jeremy
18 Cornish. What do you know about him? You know -- you
19 know his DNA is on that dead bolt on the inside of that
20 apartment at [REDACTED] Butternut Lane. And Booker's is on it.
21 Here's what you know. Branton Booker was the last man
22 to ever unlock this dead bolt. Jeremy Cornish was the
23 last man to ever lock it back. Why? Why? To keep help
24 out and to keep everyone else in. Kill and steal. They
25 turned that apartment, that home, into a kill box. Ain't

1 anybody getting out alive. Everyone's gonna die. No
2 witnesses. Everyone's going to die.

3 What else do you know about Cornish? Well, you
4 know because you heard a good bit about this white
5 pick-up truck. There's no question at this point that
6 this is the white pick-up truck Jeremy Cornish drives.
7 There's no question that this white pickup is seen at
8 11:00 at the apartment complex, Woodland Village
9 Apartments. No question. One minute after the 9-1-1
10 call this truck is seen. Cornish is there. You know
11 he's inside, you know he's in the parking lot one minute
12 later, and then this shot comes from KJ's at 11:10.
13 Eleven minutes after the 9-1-1 call. You know Cornish
14 is involved. You know. There's no question.

15 But, folks, this truck is also seen on another
16 day, December 21st. It is seen dropping off someone
17 at Landmark Apartments, 27A. Justin Hopkins. Justin
18 Hopkins. So if Cornish is actually involved in this,
19 who's gone inside? Who's with him? Well, who do we
20 know was with Cornish all that day? Begin at the DMV
21 early in the morning before these murders. And I want
22 to tell you, you know there's two people, two shooters,
23 two voices. Two voices. "I got it" is not the guy
24 kicking in Donnovin's bathroom door.

25 So let's look at Hopkins. He begins his day with

1 Cornish. You see him at the DMV in Richland County.
2 It's 9:43. The murders haven't happened yet. You have
3 four fellows asleep at [REDACTED] Butternut Lane at that time.
4 No clue about what's to happen to them. These guys
5 already know what's gonna happen. It's business. You
6 know Hopkins is seen in the parking lot at 11:00 getting
7 into this vehicle. He's on the back side of Woodland
8 Village Apartments on a stolen bike with a patch on his
9 face. Does anybody question that's Hopkins? One minute
10 after the 9-1-1 call getting into this truck. What's
11 going on? What is going on? He's involved, folks. Why
12 is he running? That's almost a thousand yards away from
13 [REDACTED] Butternut Lane. He has hoofed his way all the way
14 on the back side, not running in the parking lot where
15 he could be seen by his ride, but on the back side,
16 steals a bike, and they both meet, and they're seen.
17 Witnesses see that. You go, well, why did that truck
18 stop and he get back out and put the bike up? Don't
19 you think Cornish is looking and going my, God, there's
20 a young couple over there. Get out and put that bike up.
21 We've already made a spectacle. It's too late though.
22 They've been seen.

23 And then you see Hopkins walking into KJ's at
24 11:10. Officers are all over at Woodland Village Mall
25 -- Apartments and he's at KJ's with that patch on his

1 face wearing those work boots and a white T-shirt at
2 11:10. And those officers when they saw this, they
3 were able to identify the man you see, this is
4 State's 21, as that man sitting right over there. And
5 what they all said, too, is he wasn't wearing glasses
6 that day, he wasn't wearing glasses on December 21st
7 when they saw him, arrested him. Do you think those
8 are reading glasses? Who wears reading glasses all
9 day? What's going on?

10 And then he sees Cornish a second time at that DMV.
11 Business is now done. And, remember, he's there first,
12 they don't come together, and we'll talk about that in
13 a little bit. That's at 2:03. 2:03 on December 17,
14 2019. Hopkins was not just a passenger in that truck,
15 he wasn't just merely present at the crime. The judge
16 is actually gonna tell you there is a theory of law
17 called mere presence. If you just happen to be somewhere
18 where there's a crime and you're not involved, you're not
19 guilty.

20 Folks, what you're hearing about is another concept
21 called hand of one is the hand of all. If you do one
22 thing, you've done it all. The crime is committed by
23 two or more people acting together in a crime, the act
24 of one is the act of all. You kill one person, you've
25 killed them all. You break in and agree to the burglary,

1 you're guilty of the murders. It doesn't matter what
2 your role is. If you were the getaway driver and you've
3 agreed to be part of this, you are guilty just like you
4 went inside and pulled the trigger and killed everyone.
5 That's the law.

6 Two people acting together. That's what you have.
7 Hopkins isn't just a passenger. He's a partner. And
8 under our law it doesn't matter who he killed, he's
9 responsible for all of them. It doesn't matter who
10 Cornish killed, he's responsible for all of them. Blood
11 is on both of their hands.

12 Now you know Hopkins went inside. You know that.
13 There's very clear evidence right out of the gate. These
14 boots. You heard about these boots from Donnovin Haynes.
15 He didn't know about the boots, but he knew what the
16 boots were doing. The person wearing these boots came
17 down this hallway, kicked in Donnovin Haynes' door.
18 Donnovin's in the closet. He's hearing it. It is like
19 a child's nightmare hearing the boogieman coming, but
20 this is real. This is real. Somebody wearing these
21 boots was coming. This person kicked in that door, the
22 bedroom door, and then it got scarier. He comes into
23 the bathroom where Donnovin is and Donnovin's behind
24 that closet door and the person wearing these boots is
25 Hopkins and you know that. You know Hopkins was wearing

1 these.

2 Jeremy Cornish, DNA excludes him from these boots.
3 He wasn't wearing these boots. Somebody was. Jeremy
4 Cornish wears a ten and a half. When he was arrested
5 December 31, 2019, he was wearing ten and a half's.
6 That's not what it was. That's not what Hopkins was
7 wearing. Size 12 wide. It's these boots that left
8 these impressions and it's also these boots that was
9 kicking in that closet door. These boots. The SLED
10 analyst looked at these and said these are consistent,
11 but also the pattern, size, shape, wear, everything.
12 Highly unlikely you'll find another brand of these boots
13 the same size leaving these marks and at least one unique
14 characteristic saying the boots that were recovered in
15 Justin Hopkins' apartment were the boots that were at
16 [REDACTED] Butternut Lane.

17 Now I'm gonna tell you, you've heard Donnovin talk
18 about this, and you can think about Donnovin Haynes
19 when he sat up here on this stand, you can think about
20 him whatever you want, but keep something in mind.
21 Everything he said is backed up by forensic evidence.
22 Everything. He escaped with his life. Does anybody have
23 any question that if this bathroom door had been kicked
24 open Donnovin Haynes wouldn't be here? Donnovin Haynes
25 would not have testified, but let me tell you what else

1 wouldn't have happened. There would not have been a
2 timely 9-1-1 phone call. Law enforcement would not have
3 gotten there in four minutes. Duwan Williams' last words
4 would have gone unspoken. The sight of -- the comical
5 sight of a large black male with a patch on his face
6 riding a stolen bike getting in a white truck would be
7 lost because it would lost in time. What was the time
8 sequence? We don't know but for Donnovin Haynes. Think
9 of him what you will, but he is the most fortunate man
10 to be able to climb out of a window alive and for
11 whatever he's done wrong in his life, he made a call
12 that has allowed us to be here today.

13 What else do you know about Hopkins being inside?
14 Folks, it's the white T-shirt. It's that white T-shirt.
15 Now that video, it's really hard to see on that big
16 screen. I hate you lose so much on the screen and
17 sometimes it's even hard to print stuff out. Still
18 shots. You almost have to watch it like on those TV's
19 or a computer to get a clear picture, but what's on his
20 shirt? You may be saying, first of all, but, but wait,
21 I thought he wore something dark. He probably did, but
22 that T-shirt's hanging out from under it. Well, why is
23 he not wearing something dark now? These guys are
24 fleeing a murder. They've both taken their shirts off,
25 but I want to suggest something else. When a three

1 hundred plus man moves as fast as he can about a thousand
2 yards and steals a bike, he's huffing. And it can be
3 incredibly cold outside, he ain't gonna keep wearing
4 those shirts. They're coming off. That's why when you
5 see the pickup truck that window's down because Cornish
6 is hot, too. They're both in T-shirts now. You won't
7 be able to recognize them by what their wearing, but
8 they're probably as hot as Hades literally.

9 And that white T-shirt, that white T-shirt, has
10 that one dot. Now it's interesting where it is. You
11 see the officer explaining where it was? What was right
12 there on that officer? A gun. Now we can all guess how
13 that dot got there, that blood, but one thing you are
14 absolutely certain of, blood dries fast. It's not like
15 water, it dries fast. Particularly a little bit. The
16 only way that blood dot would get there is if Hopkins
17 was inside when Williams' blood was shed, when his blood
18 was wet, when it was being spattered. It got on him.
19 He's inside, his boots are inside, his shirt's inside
20 because he's inside. He's inside.

21 And here's something else. Duwan Williams, when he
22 was asked: Do you know who did this? No, not at all.
23 I was asleep. But his blood speaks. Blood speaks.
24 Duwan, when he closed his eyes for the last time didn't
25 know who did it, but his blood speaks to all of us and it

1 speaks to you of who did it.

2 Folks, that's justice. When a killer gets touched
3 by the victim, by a drop of blood, and that drop is
4 100 percent Duwan Williams. And that shirt, Cornish is
5 ruled out from wearing that shirt. He's excluded. But
6 who's wearing that shirt? That man right there. Justin
7 Hopkins is wearing that shirt. The shirt that speaks
8 to you. He was inside. He was inside when blood was
9 being shed. Hand of one, hand of all. It doesn't matter
10 who he killed, he's responsible for them all. The blood
11 on that shirt is blood on his hands.

12 And here's something else. While -- while he's
13 walking around at KJ's some eleven minutes after the
14 9-1-1 call, that dot, that spot, is still drying and
15 Duwan Williams is still dying because at this time EMS
16 was pulling out all the stops to keep Duwan alive. This
17 is cold, folks. This is malice. How calm he walks in.
18 That's a man who doesn't care.

19 Both of these men went inside, Hopkins and Cornish.
20 Both. No question. It doesn't matter who shot the
21 9-millimeter, who had the .38 or, you know, the .357.
22 Both acted together. Both. Both acted together
23 committing these crimes. Both are guilty of everything.

24 And we know this, too. Hopkins, he had to be the
25 one kicking in that door. He had to be. We know he's

1 inside, so his boots, that shirt, that blood, it speaks
2 to you. The footprints of a killer and the blood of a
3 victim.

4 Both of these men, Hopkins and Cornish, their
5 phones go dead during what period of time? The time of
6 the crime. What is the likelihood that both of them
7 would just cease to have phone activity during the time
8 of the crime? They're working. They're busy.

9 And you even have more evidence. When Hopkins is
10 stopped December 21st, he's found with bags. What is
11 that about? Who's truck does he get out of originally?
12 Cornish's. He goes to 27A Landmark. He goes in that
13 apartment and later he's seen in that silver car.
14 Remember, there's a little bit of a time gap, but he's
15 seen going back in and when he comes out he's got two
16 bags. Why? Where's he going with two bags on a Saturday
17 night? What's in them? Well, we know the white T-shirt
18 and we also know he's got some ammo. He's got .38 rounds,
19 38-caliber rounds. He's got 9-millimeter rounds. He's
20 got two spent .38 casings. It just so happens both are
21 consistent with what's used where? At [REDACTED] Butternut Lane,
22 December 17th, 2019.

23 What happened to those guns? Well, here's a little
24 clue. At 1:03 the day of these murders after the killings
25 there is a text from Cornish to Hopkins. "Make sure you

1 clean those tools off" and one minute later, one minute
2 later, "Erase these messages". And what did Cornish do?
3 He deleted these off his phone. Why?

4 And nowhere are there any other messages like this.
5 Clean tools. They're in construction work. What kind
6 of work was done on a rainy day? And you've seen these
7 guys are together all day. They're not working at
8 construction. Sergeant Zwolak cleared that up if you
9 had any doubt what tools are. It's slang for guns.

10 And Cornish wasn't concerned about cleaning them.
11 It's getting rid of them, and he did. Why weren't they
12 together at that point? Hopkins had more business to do.
13 Hopkins, the man who when they went to his apartment,
14 they found those tan boots. It's him. Hopkins, who
15 clearly identified that room as his own. It's Hopkins.
16 It's Hopkins. He is the other man. It's two people.
17 Hopkins is one of them. They're partners. They're
18 both guilty. Each has a day set for this courtroom.
19 Today is Justin Hopkins' day. Today is his day.

20 And the evidence you've been presented is
21 overwhelming. There was a burglary and those who
22 committed it were Jeremy Cornish and Justin Hopkins.
23 There are three murders. Clearly three murders. Who
24 is guilty? Justin Hopkins. Guilty of the murder of
25 Branton Booker, guilty of murdering Sheldon Livingston,

1 guilty of murdering Duwan Williams. It doesn't matter
2 who pulled the trigger. He's guilty.

3 You've been presented overwhelming evidence. Law
4 enforcement did an amazing job piecing this together.
5 And, folks, my office has struggled the best we can to
6 present in meticulous detail how this went down for you
7 and you found court's not like TV. You take breaks.
8 It's a struggle at times, you wonder what's going on,
9 but I want to say this about you-all. You-all paid
10 attention. You-all have grasped the seriousness of this.
11 You-all have been faithful. And it's at this point we
12 hand this case to you and we have complete confidence
13 you'll do your job.

14 Thank you.

15 THE COURT: Thank you, Solicitor Hubbard.

16 Mr. Mauldin.

17 MR. MAULDIN: Unfortunately, Your Honor, I need a
18 brief restroom break.

19 THE COURT: Sure.

20 All right. Mr. Foreman, ladies and gentlemen of
21 the jury, we're gonna take a short break. Remember, no
22 talking amongst each other.

23 (Whereupon, the jury retire to the jury room at
24 10:25 AM.)

25 THE COURT: Okay. That will give them time to

1 redo the courtroom. Let's be in recess for about
2 ten minutes.

3 (Recess taken at 10:25 AM.)

4 (Back on the record at 10:39 AM.)

5 BAILIFF: Court will come to order.

6 THE COURT: All right. Is the defense ready?

7 MR. MAULDIN: Yes, Your Honor.

8 THE COURT: All right. Please be seated.

9 As soon as you finish, I'm gonna go straight into
10 charging, okay?

11 MR. MAULDIN: Yes, ma'am.

12 THE COURT: All right. Let's bring the jury in.

13 I'm just warning everybody in the gallery make sure
14 you -- you're not allowed to have a cell phone in this
15 courtroom, and when I charge, I lock the doors, and
16 there's to be absolutely no talking at all.

17 Thank you.

18 (Whereupon, the jury return to the courtroom at
19 10:40 AM.)

20 THE COURT: All right. Mr. Foreman, is the jury
21 ready?

22 FOREPERSON: Yes, ma'am.

23 THE COURT: Okay. Be seated.

24 Go ahead, Mr. Mauldin.

25 MR. MAULDIN: Thank you, Your Honor.

1 Reasonable doubt. As a defense attorney, it
2 would kind of behove me to talk about that a little
3 bit. That's what this is all about. That's what the
4 criminal system is based on. Reasonable doubt is the
5 State's burden. They have to prove their case beyond
6 a reasonable doubt.

7 But what does that really mean? The judge will
8 instruct that you that a reasonable doubt -- proof
9 beyond a reasonable doubt is proof that would leave
10 you so firmly convinced of the defendant's guilt, that
11 there's no real possibility that he's not guilty, that
12 there's no real possibilities out there that would cause
13 you to hesitate to act to convict the defendant.

14 Now what kind of things can make you hesitate to
15 act? I'll give you some examples. You put on some pants
16 in the morning and they're a little bit too tight. You
17 know, really should I wear these throughout the day or
18 maybe I should put on another pair? Or you go to the
19 grocery store and you see a really good price on a pack
20 of steaks and you look it up and oh, the expiration
21 date's today, should I really buy that meat? Or you're
22 at a stop sign at an intersection and you look and you
23 think you're gonna go, but you see a car out of the
24 corner of your eye coming and you can't really tell how
25 fast it's coming and you hesitate to go out. Those are

1 real possibilities that you're gonna be uncomfortable
2 during the day from your pants, a real possibility that
3 you'll get sick from the meat, a real possibility you
4 could have been hit by that car, and that's why you
5 hesitate to act to do that.

6 The evidence that they've shown you this week should
7 not leave you firmly convinced of what went on in that
8 apartment. You'll be left with no firm belief exactly
9 what happened in that apartment.

10 Now reasonable doubt, that's a level of proof and
11 it's the same level of proof in every type of criminal
12 case whether you steal a candy bar, whether you forge a
13 check, whether you get in a bar fight or a very serious
14 case like this one. Your decision should be based on
15 your evaluation of the evidence, based on reason and
16 logical examination of the evidence, it shouldn't be
17 based on emotion, pity or worry.

18 These are bad events. I think we all understand
19 that. And the Solicitor did not let you forget it.
20 It's hard to prepare for a case like this. They use
21 words like "heinous", "evil", "disturbing" and
22 "horrifying", "brutal", and "kill box". They show you
23 pictures over and over again with bodies in them when
24 they could have just had a picture without a body. They
25 say things like it's not critical, but which bullet is

1 the death bullet, and then they walk the death bullet in
2 front of you. That's trying to play on your emotions.
3 That is trying to get you to not to logically evaluate
4 the evidence and go where they ask you to go.

5 MR. HUBBARD: Your Honor, I don't have any objection
6 as to the argument, but my motivation, I do. I don't
7 mind arguing evidence, but my motives are not part of this
8 trial.

9 THE COURT: I understand.

10 Mr. Mauldin, let's leave the motivation of the
11 Solicitor out of this. It's not proper for the jury, so
12 I'm gonna ask the jury to disregard that.

13 MR. MAULDIN: Yes, ma'am.

14 THE COURT: Go ahead.

15 MR. MAULDIN: Again, you're supposed to evaluate
16 this on the evidence, not your emotions. Your emotions
17 should not lower that bar of reasonable doubt.

18 Another thing I hope you notice is that the State
19 seemed to repeat a lot of things over and over again.
20 If you heard one thing, you heard it multiple times with
21 three or four witnesses. People going over the same
22 pictures, testifying to their opinions, who's in what
23 video and what's in their clothes. Their judgment should
24 not be substituted for your judgment. They think if they
25 do the same thing over and over again that they're gonna

1 drill that version of their events into your head and
2 that you'll overlook the bad or negative facts of their
3 case. And often you'll see where they would gloss over
4 those facts and when I pointed them out, they had to
5 re-question to make excuses for that to try to clear that
6 up. Too many excuses should lead to a reasonable doubt,
7 to that hesitancy to act.

8 Now let's review the State's story. These guys,
9 they come in through the front door, they shoot Booker,
10 they go to the couch, they shoot Williams, maybe one stays
11 there while the other one goes through the apartment,
12 Booker's running, sometimes like this from the door to
13 the closet. Is that while they're shooting Williams? Is
14 that while somebody's in one room and somebody's in the
15 other one? You don't know because they have haven't
16 proved what happened in that apartment.

17 Go in and kick on Mr. Haynes' door, kick on the --
18 depending on who you believe, kick on one or two more
19 doors until they hear "I've got it", and so the kill and
20 steal mission is leaving one witness alive.

21 And then they decide to separate. They come to
22 the apartment together, but then they decide to separate
23 for a quick getaway, I suppose, where one guy's on the
24 total other side of the apartment complex and the guy
25 that drove up in the truck is driving around trying to

1 find him. Does that make a lot of sense or does that
2 cause some questions? And then they go grocery shopping.

3 So let's break it down. Jeremy Cornish. You heard
4 a little bit about him during this trial. DNA presence
5 on the bolt of the door. You don't really know whether
6 he had a prior relationship with these people or not.
7 You only have Mr. Haynes' word for it, and apparently
8 he wasn't there a lot and didn't know about the dealings
9 of the other people. He could have been there before
10 to buy marijuana. The DNA guy says there's multiple
11 profiles on that door and from what he can tell he can't
12 say how long or how recent or how much somebody touched
13 something, just that there's DNA present.

14 On the 21st they're on the lookout for a white
15 dually. They saw the white dually. A white dually.
16 We heard white dually like a thousand times, I'd suppose.
17 And it was very important that they stop that truck
18 because they thought it was involved in the murder
19 because it had been described by a witness, and when
20 they get the truck, not only is it a truck that's
21 described by the witness, it's got paperwork from the
22 suspect they developed in it. Did they do any kind
23 of testing or keep that truck in evidence then? I'm
24 not talking about Mr. Cornish. They could have let
25 Mr. Cornish go and kept that truck, but you didn't hear

1 anything about testing on that truck until January, and
2 all those tests were negative. And just because these
3 people are associates, that doesn't say who was in that
4 apartment or what happened in that apartment.

5 Then they have these text messages from one
6 construction guy to another about tools and then deleting
7 the messages. There's no other messages that one day,
8 but if they were at the DMV and they knew what was gonna
9 happen and they planned that out and then all of a sudden
10 they're separated, don't you think they would be trying
11 to communicate? Where are you? We need to get out of
12 here. Do you think there gonna text back and forth
13 about that? Maybe, but that's not there either. And
14 Mr. Cornish deleted those messages off that phone.
15 That's on him. That's his rodeo. It doesn't tell you
16 what happened in that apartment and who was there.
17 There's no evidence that Justin deleted anything or
18 tried to hide anything on his phone.

19 So let's go back to the scene. The scene witnesses.
20 Mr. Williams. I was asleep. I don't know who shot me.
21 That doesn't really tell you who was in the apartment or
22 what happened in that apartment.

23 Then you have Mr. Haynes who didn't see anybody,
24 couldn't identify anybody, didn't know if there were two
25 or three or more people in the apartment, didn't ID any

1 of the voices that he heard. That doesn't tell you and
2 that doesn't leave you firmly convinced of what happened
3 in that apartment, who was in that apartment.

4 And you can see his demeanor. One of the things
5 you used to determine credibility of the witness is
6 demeanor. He acted kind of like he was on the trial.
7 And you can listen to his demeanor in the video and the
8 9-1-1. He didn't really sound all that upset. But he
9 was so upset that he made this excited utterance to
10 Officer Purdy that he heard shots, he looked out of his
11 bedroom, saw a body, and then went and hid in his closet.
12 That's not what he said up on the stand.

13 Sometimes you think that somebody in the moment of
14 excitement when they blurt something out like that that
15 it's more reliable and that might have some truth to it.
16 That's why other witnesses can testify about it even
17 though it's said by another person. But when they
18 realized, when I pointed it out that it was out of order
19 and conflicted with their narrative, they either tried
20 to blame Mr. Haynes and said well, he was real excited
21 and he didn't know what he was saying or blamed the
22 officer that he didn't put it down right in his report
23 after they had touted up his ten years' of experience.
24 That's another excuse. He said he heard four, then
25 five shots, but then they got up and said well, you

1 really don't know how many shots. That's another
2 excuse.

3 He didn't know how that big bag of marijuana got
4 in his room. Well, maybe the home invaders planted it
5 there and took his money as payment for the marijuana
6 they left in his room.

7 He heard somebody say "I found it" in another
8 room, but his money was in the bathroom. Speaking of
9 that money, he said that cash was mostly his, that the
10 others weren't contributing as much to the rent and the
11 utilities. That would lead one to believe that there's
12 not a lot of money lying around in that apartment.

13 The marijuana was in other places in that house,
14 on that table in the other room, several bags of it,
15 and scales. Those weren't taken.

16 What happened in that apartment? What really went
17 on in that apartment?

18 Going on with Mr. Haynes, he said his bedroom door
19 was kicked in. He had run into the bathroom, he had
20 locked the bathroom door and was holding the closet
21 door shut. CSI didn't testify about any damage to the
22 bathroom door being kicked open or locked or any damages
23 to that lock. And he said they were weak kicks, but the
24 door still opened to the closet. You didn't hear about
25 any damage to the knob or the tongue of that closet door

1 where it got kicked open. And if this was a kill and
2 steal mission, you could shoot through a door. That
3 doesn't stop you. Of course, that door opening story
4 didn't come out until about a month ago even though he
5 talked to officers a half a dozen more times at the time
6 the crime happened.

7 And then we have Ms. Meneses. Christy Meneses.
8 She doesn't know what direction this fat black guy came
9 from. Doesn't say he's soaking wet from the rain,
10 doesn't say he's struggling from flat tires on the bike.
11 He's wearing dark clothes. No different colors. No
12 orange. No white. She could positively identify a
13 truck from a picture that she saw two years later, but
14 no identification of the defendant. Her husband was in
15 a better position to see this fellow and we know the
16 State has no problem with having witnesses testify about
17 the same thing over and over again, so why didn't they
18 put him up? Maybe what he saw didn't fit their narrative
19 and that's why they didn't call him. That should cause
20 you some questions.

21 Let's move onto the physical evidence in the
22 investigation. Let's talk about this search warrant.
23 We have Officer Pratt who was observing the house and
24 then leaves with the white truck, leaves after the white
25 truck drops Justin Hopkins off at the apartment, and

1 then Brock who comes in and takes over the surveillance,
2 sees a car coming, an unknown individual comes out of
3 that car, unidentified, they go into the house. He sees
4 Justin leave and get in that car and then he goes off.
5 Well, they said no, they didn't find anybody in the
6 house. Well, that person could have left before the
7 police busted in and did their search warrant.

8 You have officers here that are pulling over
9 trucks, they don't know the model of the truck. That
10 would be important to the case.

11 They have officers that go into painstaking detail
12 about swabbing the handles on the bicycle, but totally
13 forget that they processed a car, went through and
14 searched an entire car from the same incident. That's
15 what we're dealing with here.

16 Now let's get to the scene. The State is guessing,
17 guessing, not firmly convincing you, that the point of
18 entry is the door and either the guy partially opened
19 the door or all opened the door or something and he was
20 tapped twice. Bam. Bam. The shells are way on the
21 inside here. If the door was kind of shut or ajar and
22 the guy just got shot right here, wouldn't the shells
23 be outside of the house? There's no blood on the edge
24 of that door. If somebody just opened the door and they
25 got shot, wouldn't there be blood on the edge of the door

1 where the door tongue sticks out? If you look at those
2 pictures, they're all on the inside of the house. Not
3 on the inside of the doorjamb, not on the inside of the
4 doorknob, not on the outside of the house, so he might
5 have been shot when that door was shut.

6 Mr. Haynes has also testified he didn't know whether
7 that door, the sliding door was open. And who knows how
8 they makes their drug serves or their sales. You know,
9 do people come in the back door, do people come in the
10 front door? Was somebody let in that Mr. Haynes didn't
11 hear, somebody let in with permission and maybe an
12 argument happened over a drug deal and then the shooting
13 happened? We don't know. We don't know what happened
14 because they haven't proved it.

15 Also, if it was a close confrontation with
16 Mr. Booker here at the door, there was no stippling or
17 soot in his wounds. Soot, if you're about six inches
18 to a foot away. Stippling, if you're two to four feet
19 away. None in his wounds. They tried to make excuses.
20 Well, maybe his shirt was in the way, but they didn't
21 test any shirts to prove it to you. Stippling only
22 mattered when it came to Mr. Livingston here in this
23 room. And the funny thing is the way they testified
24 all these shells around him, the guy would have had to
25 be practically standing over him shooting him and

1 there's no stippling but in one wound.

2 And Mr. Williams on the couch. I think one bullet
3 was angled up, but others were straight through. I
4 mean, if he's lying in a prone position and according to
5 them because of their blood spot he didn't move around
6 anywhere, somebody would have to be right over him and
7 to do those through and through shots, and there's no
8 stippling there or soot.

9 And blood, he didn't move, it's malice, he's shot
10 in his sleep, but nowhere on direct did they testify
11 about a blood trail leading from the front door all the
12 way to here where Mr. Booker was found. When I mentioned
13 that oh, it wasn't much that could be seen, but there's
14 no real evidence that there's a blood trail all the way
15 to this. And you saw the clothes piled on top of him.
16 They were covered in blood, they were full of blood.
17 He was still bleeding. So does a presence or absence
18 of a blood trail mean that somebody moved or didn't
19 move? We don't know because they didn't prove it.

20 There's testimony there's no blood on the bed even
21 though there's shots up here on the wall. So those shots
22 were misses, I suppose. It didn't hit anybody. There's
23 no blood on the bed. There wasn't blood all in the bed
24 and he rolled out. They did an angle in one place, but
25 they didn't do angles in any other place. You can't

1 exactly tell what happened. Does that leave you firmly
2 convinced about what happened in that apartment?

3 And you heard that they were standing on Mr. Booker
4 rummaging through that closet or somebody was standing
5 on him rummaging through that closet, but you didn't hear
6 about any blood on people's shoes or pants or anything
7 like that.

8 Unfortunately, we're gonna -- we talked about
9 ballistics and it involves a little bit of math and a
10 lot of numbers. I did it beforehand, so I could get it
11 worked out, but we've got 9-millimeter bullets and you
12 can't say that they're from the same gun, but twelve to
13 thirteen brands with various models that could have fired
14 it. They collected thirteen 9-millimeter shells. Two
15 here by the door, one here in the den, another one over
16 here on the couch, that's four, and nine in the room
17 where Mr. Livingston was. Mr. Livingston was shot twelve
18 times, but there are only nine casings in the room. Does
19 that cause some questions about what happened?

20 They recovered eight bullets from the autopsy, four
21 from the scene. I'll even give them the two that they
22 say they didn't find, so that would be six from the
23 scene. That's fourteen bullets. There are eighteen
24 wounds total; twelve, four and two. That leaves four
25 bullets missing. Does that give you a picture of what

1 happened? Thirteen 9-millimeter casings, but they only
2 found eleven 9-millimeter bullets. That's two
3 unaccounted for. And these numbers are only if these
4 people were hit with every shot that was made. That
5 there was no missed shots. Where are all these casings?
6 Where are all these bullets? They should have no excuses
7 for not findings any of these like it was raining or it
8 might have been grassy or muddy or he might have got rid
9 of them or anything like that. They sat on that place
10 for like three days looking for evidence. They haven't
11 found it.

12 And from the evidence they found, a .38 or
13 .357-caliber shot at least three times, possibly more
14 if they had bullets they didn't find, and they find two
15 spent shells on Justin Hopkins. That math doesn't add
16 up. He's gonna save just two? He'll toss away some
17 other ones, but he's gonna save two shells? Now he's
18 gonna get rid of some, but keep the others? These
19 bullets are mass produced. These things are widely
20 available.

21 Let's move onto the clothes. When he was stopped,
22 there were a plethora of clothes in the bag and one out
23 of that plethora tested positive for blood. A large
24 amount of clothes were strewn about the apartment, but
25 they only took one shirt out to test to try to prove to

1 you. They've got to prove it. We have no idea what
2 other clothes were in the apartment, what other shoes.
3 What are the sizes of the shoes? We don't know what
4 size shoe Justin was wearing when he was arrested.
5 There's just no proof of that.

6 They want you to believe that there's quick changes
7 going on. He must have changed his clothes from the
8 DMV so there would be no blood on the orange shirt or
9 whatever he was wearing at the DMV. A quick change after
10 the shooting, so he won't have anything on him in the
11 ten minutes or so in between the 9-1-1 call and the
12 grocery store. These masterminds have got all these
13 clothes to do these quick changes, but he's gonna leave
14 a bandage on his face. I don't know.

15 And if you look at that cutting or whatever on the
16 shirt, that's more than one drop of blood. That's a
17 splotch. I'd encourage you to look at those videos
18 again and make your own determination of whether or not
19 there's a stain there. I wish they'd brought in all the
20 angles that I mentioned, some of the other camera angles,
21 so you'd definitely have a lot of proof about it, but
22 they want to rely on still shots that are blurred and
23 having the police tell you about it, but do not substitute
24 their judgment for your judgment. And I would note that
25 the shirt that he's wearing in KJ's looks like a very

1 bright white shirt. That shirt that they have with the
2 cuttings off it is kind of gray and dingy looking. Did
3 it become that dingy in four days?

4 Now these boots they say are consistent with the
5 markings on the door in the apartment and I don't know
6 if I'm real satisfied that they eyeball some and do
7 tests on others. Why don't you just do a real test on
8 all of them? Especially if people are standing on top
9 of other people and there's blood all up and down the
10 door where people are walking through to get into the
11 apartment. You didn't see any foot tracks through that
12 blood or boot tracks.

13 You know, they had the expert testify. It seemed
14 like boots seemed to be a sideline to her, not her main
15 focus. It was mainly CSI. She only has lesser hours,
16 maybe a fourth of her time, on that. I don't think she
17 satisfactorily explained whether the defect was actually
18 in the boot or if that was a matter of the door paint
19 or a defect in the door. The fact that it's a sliding
20 print. I mean, that didn't come out during direct, that
21 came out during cross.

22 But even if that was the boot, they did the DNA.
23 There are two DNA profiles in that boot, Mr. Hopkins and
24 an unknown person. Oh, three. I'm sorry. Three. Two
25 unknown people. And the DNA man said he couldn't tell

1 you how many times somebody had worn something, how
2 recently they wore something, or even if they wore it,
3 if you remember that. There was also an unknown profile
4 on the shirt as well. You can't say who touched what,
5 when, most or last. Just that it's present.

6 And you heard that there were other clothes in the
7 apartment with multiple profiles and even on the one pair
8 of boots that they say was Hopkins' size, his DNA is in
9 that pair of boots, too. So apparently he can wear more
10 than one size of boot. There's nothing to say that he
11 wore those boots on that day. Did they try to match this
12 unknown profile on the boot and the shirt to see if that
13 was one person? No. That's an unknown quantity to go
14 with all of the unknown quantities in this case. The
15 evidence is not the smoking gun the State thinks it is.

16 Oh, he's leaving the apartment with two bags, he's
17 getting rid of evidence, but he's leaving the shoes in
18 the apartment? He's a quick-change artist, but they
19 really didn't plan for a quick getaway, did they? They
20 separate. That doesn't seem like a plan at all. If
21 they left together, they would know where the car is and
22 get out of there and not be messing around the apartment
23 complex, and there would be blood all over the it. The
24 evidence should firmly convince you of this.

25 Now this is a circumstantial evidence case.

1 There's no direct person saying I saw so and so do
2 what, and the judge will tell you that circumstantial
3 evidence is just as good as direct evidence, but all
4 those circumstances taken together must firmly convince
5 you of the guilt of Mr. Hopkins, must firmly convince
6 you of the whole picture of what went on. It's like a
7 connect the dots puzzle. They have this piece of
8 evidence, this piece of evidence, this piece, and it's
9 supposed to give you the whole picture.

10 Now when I was a kid, I was into space and dinosaurs,
11 and in space I learned about NASA and you also learn
12 about the stars. When you learn about the stars a little
13 bit, you learn about constellations, things that the
14 Greek people or the Roman people came up with way back
15 when, and you see there's like five -- five dots like
16 this or seven dots like this and they want to tell you
17 that's a flying horse or a Minotaur or a bear. You
18 know, the Big Dipper and the Little Dipper, I get. Those
19 look like the Big Dipper and the Little Dipper, but
20 that's not what we have here. These points that the
21 State made in the evidence do not make a full picture of
22 Mr. Hopkins being guilty. There is a real possibility
23 that something else could have happened. You don't
24 know who was in the apartment or what happened in that
25 apartment. You don't know of any plans to do anything

1 in this apartment, you don't know anything about Justin
2 participating in the apartment. You should find him not
3 guilty.

4 Thank you.

5 THE COURT: Thank you, Mr. Mauldin.

6 All right. Mr. Foreman, ladies and gentlemen of
7 the jury, I'd like to charge you on the law. It's gonna
8 take me about thirty-five minutes. Do you need a break
9 beforehand?

10 Okay. I'm gonna make sure those courtroom -- she's
11 locking them now.

12 All right. I am now going to charge you on the
13 law applicable to this case. You must consider the
14 charge as a whole and not focus on some portions to the
15 exclusion of others.

16 I don't want anybody else coming in and out of any
17 doors in this courtroom while I'm charging the law.

18 Sorry for the interruption.

19 The indictments charge the defendant with three
20 counts of murder and burglary in the first degree. I
21 remind you the fact the defendant was arrested, charged
22 and indicted in this case is not evidence in this case
23 and cannot be considered by you as evidence of guilt
24 in this case, nor does it create any presumption of or
25 inference of guilt. These documents are simply the

1 There will be no outbursts in this courtroom. If I hear
2 it, I'm gonna put you out. So I know it's emotional,
3 but I would ask that there be no outburst regardless of
4 what the verdict is.

5 Are you-all ready for me to bring them in?

6 MS. MAYES: The State's ready, Your Honor.

7 MR. MAULDIN: Defense is ready.

8 THE COURT: All right. Let's bring them in.

9 (Whereupon, the jury return to the courtroom at
10 1:53 PM.)

11 THE COURT: All right. Mr. Foreman, do we have a
12 verdict?

13 FOREPERSON: Yes, ma'am, we do.

14 THE COURT: Is it unanimous?

15 FOREPERSON: Yes, ma'am, it is.

16 THE COURT: If you'd hand it to the bailiff, please.

17 FOREPERSON: Yes, ma'am.

18 THE COURT: And you can be seated.

19 If you'll publish the verdict, please.

20 THE CLERK: Yes, ma'am.

21 Indictment 2022-GS-32-250A, 2022-GS-32-251A,
22 2022-GS-32-260A and 2022-GS-32-261A, the State versus
23 Justin Hopkins.

24 As to the charge of burglary in the first degree,
25 we, the jury, unanimously find the defendant guilty.

1 As to the charge of the murder of Branton Booker,
2 we, the jury, find the defendant guilty.

3 As to the charge of murder against Sheldon
4 Livingston, we, the jury, unanimously find the defendant
5 guilty.

6 As to the charge of murder against Duwan Williams,
7 we, the jury, find the defendant guilty.

8 It is so signed by the foreperson and dated
9 October 28, 2022.

10 Ladies and gentlemen of the jury, if these were
11 your verdicts, please indicate by raising your right
12 hand.

13 Thank you.

14 THE COURT: All right. Mr. Mauldin, would you like
15 the jury polled?

16 MR. MAULDIN: Yes, Your Honor.

17 THE COURT: And I would ask that they be polled by
18 juror number only.

19 THE CLERK: Yes, ma'am.

20 When I call your juror number, I will ask you if
21 these were your verdicts and are they still your verdicts,
22 and if you'll just indicate the appropriate response.

23 Juror Number 52. Were these your verdicts and are
24 they still your verdicts?

25 JUROR NUMBER 52: Yes.

1 been working for that masonry company. He also has an
2 SC Work Certificate from Lower Richland High School and
3 a license to do forklift driving.

4 Before he worked in the PatCon Construction, he did
5 work at Tidewater Boats for about a year and he's also
6 had restaurant jobs through high school. I believe all
7 of his immediate family is local here, Your Honor.

8 As the State said, he has no prior record. We
9 understand that these charges are serious and Your Honor
10 has very little options. We hope you could consider
11 whatever mercy you can.

12 I've been informed that none of his family wish to
13 speak; however, if you had noticed that side of the
14 courtroom, there have been quite a number of people here
15 to support him throughout the week.

16 THE COURT: And they've been here throughout the
17 trial. The Court notes that.

18 MR. MAULDIN: Yes, ma'am.

19 THE COURT: Mr. Hopkins, would you like to say
20 anything on your behalf?

21 THE DEFENDANT: No, ma'am, I don't. Thank you.

22 THE COURT: Okay.

23 All right. Again, I'd like to thank the jury for
24 their time and their dedication in this case. They were
25 attentive, they were patient, and I thank them for their

1 service. And, again, as in the co-defendant case, I
2 think the jury got it right.

3 I'd also thank Lexington County and all the other
4 law enforcement agencies. I think you-all did an
5 excellent job at piecing it together.

6 And, again, to the Williams' family, the
7 Livingston's and Booker's, I know you-all have been
8 sitting here three weeks. I'll tell you, you're
9 adamant, you're dedicated. I am truly, truly sorry for
10 the loss of your loved ones. I think I told you last
11 week I was hoping that these trials would bring closure
12 to your families. It probably won't. It's something
13 that you-all are gonna deal with for the rest of your
14 lives, but, again, I'm gonna tell you the Court's gonna
15 hold them accountable and I hope that you can take that
16 with you when you leave this courtroom to know that you
17 did for your sons received justice.

18 I'm gonna tell you, Mr. Hopkins, you know, it's my
19 responsibility to impose a sentence that's sufficient,
20 but not greater than necessary to reflect the seriousness
21 of the crimes. I've heard a lot of cases, but this is a
22 triple homicide and probably one of the most disturbing
23 cases that I've heard. I want to tell you it is one case
24 that I just can't think of anything that has more blatant
25 disregard for human life. I've got one young man who's

1 shot in the back, another one who's shot twelve times,
2 and another one answering the door. Two of them were
3 sleeping. You know, I'm just gonna tell you it's cold
4 and calculated and it's execution style right here in
5 Lexington County.

6 And I look at your age. You're twenty-four years
7 old and I have three dead young men. I think I told
8 this court last week this gun violence has just got to
9 stop. These young people with guns. I read about it
10 every morning that I pick up a newspaper. I read it
11 this morning. Every day. I mean, our youth is just
12 killing our youth. I've never seen anything like it,
13 but I'm gonna tell you, Mr. Hopkins, I take no pleasure
14 in what I'm fixing to sentence you to. I really don't.
15 You deserve every bit of it, but I take no pleasure in
16 it.

17 On the burglary first charge, the sentence of the
18 Court is eighteen years.

19 On the murder of Mr. Williams, the sentence is life;
20 on the murder of Mr. Livingston, the sentence is life;
21 and on the murder of Mr. Booker, the sentence is life.

22 MR. HUBBARD: Thank you, Your Honor.

23 MS. MAYES: Thank you, Your Honor.

24 (Whereupon, the proceedings were concluded at
25 2:54 PM.)

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

Date 12-21-2019
Officer Det J. Hendrix
Case # 19-024577

2030

RETURN

I received the attached Search Warrant 12/21/19, 20 19, and have executed it as follows:
On 12/21/19 20 19 at 2119 o'clock P M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with DINING ROOM TABLE OF RESIDENCE
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

- 0 BLACK CELLPHONE
- BLACK IPHONE
- WHITE & RED SHIRT
- BLACK JEANS
- 2 PAIRS OF TAN WORKBOOTS
- EXTERIOR DOOR MAT

This inventory was made in the presence of DET. JACOB HENDRIX
AND CSI C. WEYANDT

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this _____)

day of JAN 17 2020 20 _____

[Signature] (L. S.)
Signature of Judge

[Signature]
(Signature of Officer Executing Warrant)

1009

STATE OF SOUTH CAROLINA
COUNTY OF }

AFFIDAVIT

Personally appeared before me, one Det J Hendrix
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140 of the South Carolina Code of Laws, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

In this search warrant Law Enforcement is seeking any and all evidence related to a shooting incident where Branton Booker, Sheldon Livingston, and Duwan Williams were shot and killed at [REDACTED] Butternut Ln in the Columbia area of Lexington County, South Carolina. The evidence sought is to help determine motive of these deaths as well as identifying any possible suspects in this case. The evidence sought in this search includes but it not limited to any and all clothing matching suspect clothing descriptions, blood or other serological evidence, trace evidence, latent prints, paper effects and any and all firearms, firearm accessories, ammunition, shell casing, and projectiles. Also sought are any and all electronic communication devices, to include cell phones and computers that could have used by a possible suspect, which will be searched subsequent to their seizure. Also sought is a buccal swabs from the suspect in this case Justin Hopkins DOB: [REDACTED] and other adult males on scene that may be developed as additional persons of interest during the execution of the search warrant. Also sought in this search is any footwear that matches the size or pattern of multiple shoe impressions found at [REDACTED] Butternut Ln. Property sought also includes all narcotics, narcotics related martial, and other illegal drugs to include any and all paraphernalia commonly associated with the manufacturing/growing of narcotics, as well as the use, packaging, sale and distribution of narcotics.

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

The grounds, outbuildings, place, premise, residence and vehicles to be searched are located at [REDACTED] Landmark Dr, Landmark Apartments, in the Columbia area of Lexington County, South Carolina. The structure is a two story brick apartment building with wood on the upper part painted green. The room to be searched is 27A. The letter "A" in black on the white front door. Building numeric "27" in black letters and white back ground on the building. The front door faces landmark Dr. The apartment is a first floor apartment. There is double windows to the right of the front door. There is a brick wall on the back porch.

**REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

On 12-17-2019 deputies responded to [REDACTED] Butternut Ln in the Columbia area of Lexington County, South Carolina. Upon arrival deputies located 3 individuals with apparent gunshot wounds. Two victims (Branton Booker and Sheldon Livingston) were pronounced deceased at the incident location and another victim (Duwan Williams) was pronounced deceased at the

hospital. A fourth individual (Donnovin Haynes) was able to escape the location. He advised deputies that marijuana is being sold out of the residence by one of the victims. Marijuana was located in the residence. Numerous spent 9mm shell casings were located in residence. The shell casings were believed to be from a 9mm Glock handgun.

A confidential informant ("CI") provided information that he was made aware by an acquaintance that a 9mm Glock 26 handgun was for sale at a discounted price because it was "hot". The gun was described to the "CI" to have "3 bodies" on it, and the shooter was described as heavy set light skinned black male with a beard named Justin or "Justo," who lived in Landmark Apartments. It was reported by the "CI" that the shooting was a relation for a physical fight that recently took place with some of the victim's at the incident location, and following the shooting, the "CI" reported that a firearm and several miscellaneous items were taken. The details provided by the "CI" were verifiable non-public details of the crime and surrounding circumstances, to include a firearm having been taken from the residence, the recent fight at the incident location, and the suspected make and caliber of the murder weapon. Through information gathered through social media, Landmark Apartment records, and the SC DMV this new person of interest was identified as Justin Hopkins.

The "CI" spoke to Justin by phone while law enforcement listened which we were able to confirm was the same Verizon Wireless number listed for him with Landmark Apartments as accurate, and during the call Justin confirmed that he had a Glock handgun for sale for \$380.00. Justin, who lives within approximately a mile of the incident location, at 5 feet 9 inches tall and 300 lbs, also matches the distinct physical description of a short, heavy set, light skinned black male with a beard seen fleeing the area by multiple witnesses. One witness reported that he heard loud noise coming from the incident location, similar to a hammer hitting wood and after looking out his back door saw an individual matching this description running from the scene. The same witness was presented with a photo lineup and positively identified the same Justin Tyler Ellaree Hopkins as the individual seen running from the scene the day and time of the incident. He also described seeing Justin near the incident location on previous occasions, and Justin's description is consistent with individuals described by another witness as having been in a fight at this location recently. The Lexington County Sheriff's Department is seeking a search warrant in this case for to search the property to preserve and collect any potential evidence related to this incident which may establish the facts of the shooting, which it is reasonably believed at this time will be present at the above listed premises. It is also believed that this search will assist in potentially identifying additional suspects in this case.

Sworn to and Subscribed before me
This 21 day of Dec, 2019

2030

Signature of Judge

(I.S.)


Affiant

Detective Jacob E Hendrix
Lexington County Sheriff's Department
521 Gibson Rd
Lexington, SC 29072

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON



SEARCH WARRANT

TO ANY BONDED LAW ENFORCEMENT OFFICER OF LEXINGTON
COUNTY _____:

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, of the South Carolina Code of Laws, as amended, is located on the following premises:

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

The grounds, outbuildings, place, premise, residence and vehicles to be searched are located at [REDACTED] Landmark Dr, Landmark Apartments, in the Columbia area of Lexington County, South Carolina. The structure is a two story brick apartment building with wood on the upper part painted green. The room to be searched is 27A. The letter "A" in black on the white front door. Building numeric "27" in black letters and white back ground on the building. The front door faces landmark Dr. The apartment is a first floor apartment. There is double windows to the right of the front door. There is a brick wall on the back porch.

Now, therefore, you are hereby authorized to search the subject premises for the property described below and to seize such property if found:

DESCRIPTION OF PROPERTY

In this search warrant Law Enforcement is seeking any and all evidence related to a shooting incident where Branton Booker, Sheldon Livingston, and Duwan Williams were shot and killed at [REDACTED] Butternut Ln in the Columbia area of Lexington County, South Carolina. The evidence sought is to help determine motive of these deaths as well as identifying any possible suspects in this case. The evidence sought in this search includes but it not limited to any and all clothing matching suspect clothing descriptions, blood, blood, saliva, or other serological evidence, trace evidence, latent prints, paper effects and any and all firearms, firearm accessories, ammunition, shell casing, and projectiles. Also sought are any and all electronic communication devices, to include cell phones and computers that could have used by a possible suspect, which will be searched subsequent to their seizure. Also sought is a buccal swabs from the suspect in this case Justin Hopkins DOB: _____ and other adult males on scene that may be developed as additional persons of interest during the execution of the search warrant. Also sought in this search is any footwear that matches the size or pattern of multiple shoe impressions found at [REDACTED] Butternut Ln. Property sought also includes all narcotics, narcotics related martial, and other



illegal drugs to include any and all paraphernalia commonly associated with the manufacturing/growing of narcotics, as well as the use, packaging, sale and distribution of narcotics.

A written inventory of all property seized pursuant to this Search Warrant shall be made to Judge Morgan within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

LEXINGTON COUNTY, S.C.

12-21-19
Date



Signature of Judge (L.S.)

STATE OF SOUTH CAROLINA

County of Lexington

SEARCH WARRANT

Date 12-22-19 0033
Officer Det. H. Livingston
Case # 19024577

Return

I received the attached Search Warrant 12-22, 20 19, And have executed it as follows:
On 12-22, 20 19 at 0101 o'clock A M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with JUSTIN HOPKINS

Name of the person searched or "at the place of
search" with. JUSTIN HOPKINS

Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

02 BULLAL SWAPS FROM MOUTH

The contents of all digital storage media referenced above.

This inventory was made in the presence of CSI C. WEINANDT
AND

I swear that this Inventory is a true and detailed account of all property taken by me on the warrant.

SWORN to before me this JAN 02 2020
day of JAN 02, 2019

[Signature] (L.S.)
Signature of Judge

10:08

[Signature]
(Signature of Officer Executing Warrant)

STATE OF SOUTH CAROLINA
COUNTY OF

}

AFFIDAVIT

Personally appeared before me, one Det. H. Livingston
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140 of the South Carolina Code of Laws, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Property sought are buccal swabs for the development of a DNA standard for Justin Tyler Ellaree Hopkins (DOB [REDACTED] 98).

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

The person of Justin Tyler Ellaree Hopkins (DOB [REDACTED]), located at [REDACTED] Gibson Rd, Lexington County, SC.

**REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

On 12/17/19 deputies responded to [REDACTED] Butternut Ln in the Columbia area of Lexington County, South Carolina. Upon arrival deputies located 3 individuals with apparent gunshot wounds. Two victims (Branton Booker and Sheldon Livingston) were pronounced deceased at the incident location and another victim (Duwan Williams) was pronounced deceased at the hospital. A fourth individual (Donnovin Haynes) was able to escape the location. He advised deputies that marijuana is being sold out of the residence by one of the victims. Marijuana was located in the residence. Numerous spent 9mm shell casings were located in residence. The shell casings were believed to be from a 9mm Glock handgun.

A confidential informant ("CI") provided information that he was made aware by an acquaintance that a 9mm Glock 26 handgun was for sale at a discounted price because it was "hot". The gun was described to the "CI" to have "3 bodies" on it, and the shooter was described as heavy set light skinned black male with a beard named Justin or "Justo," who lived in Landmark Apartments. It was reported by the "CI" that the shooting was a relation for a physical fight that recently took place with some of the victim's at the incident location, and following the shooting, the "CI" reported that a firearm and several miscellaneous items were taken. The details provided by the "CI" were verifiable non-public details of the crime and surrounding circumstances, to include a firearm having been taken from the residence, the recent fight at the incident location, and the suspected make and caliber of the murder weapon. Through information gathered through social media, Landmark Apartment records, and the SC DMV this new person of interest was identified as Justin Hopkins. The "CI" spoke to Justin by phone while law enforcement listened which we were able to confirm was the same Verizon



Wireless number listed for him with Landmark Apartments as accurate, and during the call Justin confirmed that he had a Glock handgun for sale for \$380.00.

Justin, who lives within approximately a mile of the incident location, at 5 feet 9 inches tall and 300 lbs, also matches the distinct physical description of a short, heavy set, light skinned black male with a beard seen fleeing the area by multiple witnesses. One witness reported that he heard loud noise coming from the incident location, similar to a hammer hitting wood and after looking out his back door saw an individual matching this description running from the scene. The same witness was presented with a photo lineup and positively identified the same Justin Tyler Ellaree Hopkins as the individual seen running from the scene the day and time of the incident. He also described seeing Justin near the incident location on previous occasions, and Justin's description is consistent with individuals described by another witness as having been in a fight at this location recently.

On 12/21/19, while preparing to execute a search warrant at Justin's apartment of [REDACTED] Landmark Dr, Columbia, SC, a traffic stop was conducted on a vehicle leaving the apartment, at which time contact was made with Justin, who had multiple belongings in his possession. These bags were seized and found to contain a Glock 26 handgun with a Glock 19 magazine. Justin provided an alleged alibi for his actions on 12/17/19, which was immediately disproven by information being obtained by deputies elsewhere. Meanwhile, at the residence, footwear was located that matched shoe impressions taken from the crime scene, and the footwear in question tested positive presumptively for blood. Justin has been taken into custody and charged with Murder. The requested property is sought as a known standard to compare against DNA swabs for touch DNA and swabs of blood taken from the crime scene, which it is reasonably believed will further tie Justin to this incident.

Sworn to and Subscribed before me
This 22 day of Dec, 2019
0033



Signature of Judge (L.S.)



Affiant

Detective H. Livingston
Lexington County Sheriff's Department
521 Gibson Rd
Lexington, SC 29072

STATE OF SOUTH CAROLINA }
COUNTY OF LEXINGTON

SEARCH WARRANT

TO ANY BONDED LAW ENFORCEMENT OFFICER OF LEXINGTON
COUNTY:

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, of the South Carolina Code of Laws, as amended, is located on the following premises:

**DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED**

The person of Justin Tyler Ellaree Hopkins (DOB _____), located at [REDACTED] Gibson Rd, Lexington County, SC.

Now, therefore, you are hereby authorized to search the subject premises for the property described below and to seize such property if found:

DESCRIPTION OF PROPERTY

Property sought are buccal swabs for the development of a DNA standard for Justin Tyler Ellaree Hopkins (DOB _____).

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to _____ within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

LEXINGTON COUNTY, S.C.

12-22-19
Date
00:33

[Signature] (L.S.)
Signature of Judge

STATE OF SOUTH CAROLINA

County of Lexington

9/23/22
[Signature]
1505

SEARCH WARRANT

Date _____

Officer Sgt. A. Creech

19-024577

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF LexingtonForm Approved by
S.C. Attorney General
Section 17-0-160
March 16, 1918

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

The person to be searched is the person of Justin Tyler Hopkins (DOB [REDACTED] 98) currently present at the Lexington County Detention Center, located at 521 Gibson Rd, Lexington, SC, for the purpose of oral buccal swab collection.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Property sought are oral buccal swab standards for DNA comparison analysis from Justin Tyler Hopkins (DOB [REDACTED] 98). The method used to collect this standard is known to be medically safe and reliable, and not overly intrusive, pursuant to the 4th Amendment. The method involves orally collected cheek swabs, which are collected without injury, or further invasion of the person.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

Judge BUCK

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

LEXINGTON
9/23

, S. C.

, 20 22

[Signature]

(L.S.)

Signature of Judge

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

AFFIDAVIT

Personally appeared before me, one Sgt. A. Creech
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Property sought are oral buccal swab standards for DNA comparison analysis from Justin Tyler Hopkins (DOB [REDACTED]/98). The method used to collect this standard is known to be medically safe and reliable, and not overly intrusive, pursuant to the 4th Amendment. The method involves orally collected cheek swabs, which are collected without injury, or further invasion of the person.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

The person to be searched is the person of Justin Tyler Hopkins (DOB [REDACTED]/98) currently present at the Lexington County Detention Center, located at 521 Gibson Rd, Lexington, SC, for the purpose of oral buccal swab collection.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

See Page 5 Affidavit

Sworn to and Subscribed before me

this 23rd day of SEP 20 22
[Signature] (L. S.)
Signature of Judge

[Signature]
Affiant

Address 521 Gibson Rd.
Lexington, SC 29072

Phone 803-785-2493

Page 5 Affidavit:

On 12/17/2019, deputies responded to [REDACTED] Butternut Ln, located in the Columbia area of Lexington County, South Carolina, in reference to a possible home invasion. Upon arrival deputies found 3 individuals with apparent gunshot wounds. Two victims (Branton Booker and Sheldon Livingston) were pronounced deceased at the incident location and another victim (Duwan Williams) was pronounced deceased at the hospital. A fourth individual (Donnovin Haynes) was able to escape the location after hearing gunfire.

Based on multiple caliber projectiles located during the investigation, and statements from Donnvin, it was believed that at least two suspects were present inside the victims' residence during the crime. During the subsequent investigation, a person with information, Taquiem Ketter, came forward with information that helped lead investigators to the identification of Justin Hopkins as a possible suspect in this case; Hopkins was alleged to have committed the offense with someone referred to as his "uncle," based upon information received by Taquiem Ketter from another person familiar with Hopkins, Jamei Patrick (a former roommate of Hopkins). Jamei Patrick reported that another mutual acquaintance heard information directly from Hopkins that he (Hopkins) committed the triple homicide.

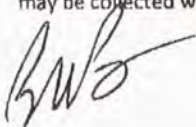
Justin Hopkins was identified by a witness, Dale Galloway, via photo lineup, as appearing to be the same man seen fleeing [REDACTED] Butternut Ln after the shooting. Two witnesses, Christy and Hansen Meneses, described seeing a heavy set black male with a bandage on his face, believed by law enforcement to be Justin Hopkins, leaving the area near the crime scene, after getting into the passenger side of a white Dually pickup truck, immediately following the timeframe of the crime.

On 12/21/19, Justin Hopkins was detained during a traffic stop leaving his apartment at Landmark Apartments, after being dropped off at his apartment by a white work truck, similar to the one also described by witnesses who observed a vehicle at the scene following the shooting. The white work truck was stopped, and the driver was identified as Jeremy Cornish. Deputies spoke with Jeremy, who was originally believed to be a potential witness, regarding the events of 12/17/19. Based on conflicting statements from Jeremy Cornish and Justin Hopkins regarding their alleged mutual whereabouts on the morning of 12/17/19, and findings at Justin Hopkins' apartment, Justin was placed under arrest for the incident on 12/17/19.

During his initial contact with law enforcement, Jeremy told law enforcement he went alone to the SCDMV in Columbia, SC. Jeremy told law enforcement this was after he dropped Justin off that morning in Columbia, after their job site got rained out, after which time he stayed in the Two Notch Rd area, and did not see Justin again that day. SCDMV video was later obtained, which showed Jeremy and Justin at the SCDMV together that morning, a short time before the incident on 12/17/19, as well as together that afternoon at the same SCDMV, after the incident. Phone records were also obtained for Jeremy and Justin. Location data associated with Jeremy's phone number placed him in the area of [REDACTED] Butternut Ln during the time frame of the incident, and text messages obtained from Verizon Wireless for Justin's phone number, documented an exchange between the two individuals, on 12/17/19. In this exchange, following the crime, Jeremy sends Justin a SMS text message stating, "Make sure u clean those tools off," followed by, "Erase these messages," all believed by law enforcement to be statements directly attributable to the crime. Surveillance video obtained from the KJ's Supermarket, located near the incident location, also depicted a person believed by law enforcement to be Jeremy (a heavy set black male in a white t-shirt) dropping off Justin, who matches the description provided the Menses, off at that location, in a white Dually pickup truck, approximately 15 minutes after the incident. The black male driving the white Dually pickup truck appears consistent in clothing and appearance to Jeremy's depiction on SCDMV video just prior to the incident. This truck also appeared to be consistent with the vehicle driven by Jeremy on 12/21/19, when stopped by law enforcement, which contained SCDMV paperwork for Justin from 12/17/19. The individual dropped off at KJ's (a heavy set black male with a bandage on his face) is believed to be Justin, who matches the description of the subject described by the Menses getting into the white Dually truck. Jeremy was determined to be a potential suspect, as opposed to a potential witness, and he was arrested as a codefendant in this case on 12/31/19.

Facebook records obtained for Justin also depicted him in possession of two handguns, consistent with the two suspected calibers identified at the crime scene. When arrested on 12/21/19, Justin was also in possession of ammunition matching both of these calibers.

Touch DNA swabs from areas in the apartment that suspects may have had contact with were among the trace evidence collected by Crime Scene Investigators at the original scene of [REDACTED] Butternut Ln, and other physical evidence items obtained in this case. It is reasonably believed that DNA standards obtainable from the defendants are relevant to compare against these samples, as they could establish their presence at the incident location, or associations with other physical or trace evidence located outside of the initial scene. The method used to collect such standards is known to be medically safe and reliable, and not overly intrusive, pursuant to the 4th Amendment. The method involves orally collected cheek swabs, and may be collected without injury, or further invasion of the person.



RETURN

I received the attached Search Warrant Sept. 23, 20 22, and have executed it as follows:
On Sept. 23 20 22 at 3:35 o'clock P. M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with Justin Hopkins (LCDC)
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:
Oral Buccal Swabs were obtained from Justin Hopkins
/

This inventory was made in the presence of _____
AND _____

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 23rd
day of SEP 20 22
[Signature] (L. S.)
Signature of Judge

[Signature]
(Signature of Officer Executing Warrant)

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF LexingtonForm Approved by
S.C. Attorney General
Section 17-0-160
March 16, 2018

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Lexington

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

The person to be searched is the person of Jeremy Savoy Cornish (DOB [REDACTED] 81), currently present at the Lexington County Detention Center, located at 521 Gibson Rd, Lexington, SC, for the purpose of oral buccal swab collection.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Property sought are oral buccal swab standards for DNA comparison analysis from Jeremy Savoy Cornish (DOB [REDACTED] /81). The method used to collect this standard is known to be medically safe and reliable, and not overly intrusive, pursuant to the 4th Amendment. The method involves orally collected cheek swabs, which are collected without injury, or further invasion of the person.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

Judge Buck

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

LEXINGTON
9/13

, S. C.

, 20 22

[Signature]

(L.S.)

Signature of Judge

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Lexington

Personally appeared before me, one Sgt. A. Creech
who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Property sought are oral buccal swab standards for DNA comparison analysis from Jeremy Savoy Cornish (DOB [REDACTED]/81). The method used to collect this standard is known to be medically safe and reliable, and not overly intrusive, pursuant to the 4th Amendment. The method involves orally collected cheek swabs, which are collected without injury, or further invasion of the person.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

The person to be searched is the person of Jeremy Savoy Cornish (DOB [REDACTED]/81), currently present at the Lexington County Detention Center, located at 521 Gibson Rd, Lexington, SC, for the purpose of oral buccal swab collection.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

See Page 5 Affidavit

Sworn to and Subscribed before me
this 23rd day of April 20 22
[Signature] (L. S.)
Signature of Judge

[Signature]
Affiant
Address 521 Gibson Rd.
Lexington, SC 29072
Phone 803-785-2493

Page 5 Affidavit:

On 12/17/2019, deputies responded to [REDACTED] Butternut Ln, located in the Columbia area of Lexington County, South Carolina, in reference to a possible home invasion. Upon arrival deputies found 3 individuals with apparent gunshot wounds. Two victims (Branton Booker and Sheldon Livingston) were pronounced deceased at the incident location and another victim (Duwan Williams) was pronounced deceased at the hospital. A fourth individual (Donnovin Haynes) was able to escape the location after hearing gunfire.

Based on multiple caliber projectiles located during the investigation, and statements from Donnvin, it was believed that at least two suspects were present inside the victims' residence during the crime. During the subsequent investigation, a person with information, Taquiem Ketter, came forward with information that helped lead investigators to the identification of Justin Hopkins as a possible suspect in this case; Hopkins was alleged to have committed the offense with someone referred to as his "uncle," based upon information received by Taquiem Ketter from another person familiar with Hopkins, Jamel Patrick (a former roommate of Hopkins). Jamel Patrick reported that another mutual acquaintance heard information directly from Hopkins that he (Hopkins) committed the triple homicide.

Justin Hopkins was identified by a witness, Dale Galloway, via photo lineup, as appearing to be the same man seen fleeing [REDACTED] Butternut Ln after the shooting. Two witnesses, Christy and Hansen Meneses, described seeing a heavy set black male with a bandage on his face, believed by law enforcement to be Justin Hopkins, leaving the area near the crime scene, after getting into the passenger side of a white Dually pickup truck, immediately following the timeframe of the crime.

On 12/21/19, Justin Hopkins was detained during a traffic stop leaving his apartment at Landmark Apartments, after being dropped off at his apartment by a white work truck, similar to the one also described by witnesses who observed a vehicle at the scene following the shooting. The white work truck was stopped, and the driver was identified as Jeremy Cornish. Deputies spoke with Jeremy, who was originally believed to be a potential witness, regarding the events of 12/17/19. Based on conflicting statements from Jeremy Cornish and Justin Hopkins regarding their alleged mutual whereabouts on the morning of 12/17/19, and findings at Justin Hopkins' apartment, Justin was placed under arrest for the incident on 12/17/19.

During his initial contact with law enforcement, Jeremy told law enforcement he went alone to the SCDMV in Columbia, SC. Jeremy told law enforcement this was after he dropped Justin off that morning in Columbia, after their job site got rained out, after which time he stayed in the Two Notch Rd area, and did not see Justin again that day. SCDMV video was later obtained, which showed Jeremy and Justin at the SCDMV together that morning, a short time before the incident on 12/17/19, as well as together that afternoon at the same SCDMV, after the incident. Phone records were also obtained for Jeremy and Justin. Location data associated with Jeremy's phone number placed him in the area of [REDACTED] Butternut Ln during the time frame of the incident, and text messages obtained from Verizon Wireless for Justin's phone number, documented an exchange between the two individuals, on 12/17/19. In this exchange, following the crime, Jeremy sends Justin a SMS text message stating, "Make sure u clean those tools off," followed by, "Erase these messages," all believed by law enforcement to be statements directly attributable to the crime. Surveillance video obtained from the KJ's Supermarket, located near the incident location, also depicted a person believed by law enforcement to be Jeremy (a heavy set black male in a white t-shirt) dropping off Justin, who matches the description provided the Menses, off at that location, in a white Dually pickup truck, approximately 15 minutes after the incident. The black male driving the white Dually pickup truck appears consistent in clothing and appearance to Jeremy's depiction on SCDMV video just prior to the incident. This truck also appeared to be consistent with the vehicle driven by Jeremy on 12/21/19, when stopped by law enforcement, which contained SCDMV paperwork for Justin from 12/17/19. The individual dropped off at KJ's (a heavy set black male with a bandage on his face) is believed to be Justin, who matches the description of the subject described by the Menses getting into the white Dually truck. Jeremy was determined to be a potential suspect, as opposed to a potential witness, and he was arrested as a codefendant in this case on 12/31/19.

Facebook records obtained for Justin also depicted him in possession of two handguns, consistent with the two suspected calibers identified at the crime scene. When arrested on 12/21/19, Justin was also in possession of ammunition matching both of these calibers.

Touch DNA swabs from areas in the apartment that suspects may have had contact with were among the trace evidence collected by Crime Scene Investigators at the original scene of [REDACTED] Butternut Ln, and other physical evidence items obtained in this case. It is reasonably believed that DNA standards obtainable from the defendants are relevant to compare against these samples, as they could establish their presence at the incident location, or associations with other physical or trace evidence located outside of the initial scene. The method used to collect such standards is known to be medically safe and reliable, and not overly intrusive, pursuant to the 4th Amendment. The method involves orally collected cheek swabs, and may be collected without injury, or further invasion of the person.

RETURN

I received the attached Search Warrant Sept 23, 20 22, and have executed it as follows:
On Sept. 23 20 22 at 3:28 o'clock P M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with Jeremy Cornish (LCDR)
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

Oral Buccal Swabs were obtained from Jeremy Cornish

This inventory was made in the presence of _____

AND _____

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 23rd

day of Sept 20 22

[Signature]
Signature of Judge

(L. S.)

[Signature]
(Signature of Officer Executing Warrant)

DOCKET NO. 2022GS3200250A

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

vs.

Justin Tyler Ellaree Hopkins

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Adam Creech

Law Enforcement Case #: 19024577

DSG

ARREST WARRANT NUMBER

2019A3219202430

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

12th 8.8.22

VERDICT

Guilty

Foreperson of Petit Jury

Date:

10-28-22

RECEIVED
NOV 04 2022
SC Court of Appeals

A TRUE COPY
Lex. Co. C.C.C.P., G.S. & H.C.

STATE OF SOUTH CAROLINA)

INDICTMENT FOR
Murder

COUNTY OF LEXINGTON)

§ 16-03-0010

At a Court of General Sessions, convened on August 2022, the Grand Jurors of Lexington County present upon their oath:

That **Justin Tyler Ellaree Hopkins**, whether acting alone or in concert with another, did in Lexington County on or about December 17, 2019, unlawfully, willfully, feloniously, and with malice aforethought kill the victim, Sheldon Livingston, by shooting the victim, and the victim died as a proximate result thereof, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Suzanne Mayer
DEPUTY SOLICITOR

SCANNED 08092022

WITNESSES

Lexington County Sheriffs Department

Adam Creech

Law Enforcement Case #: 19024577

DSG

ARREST WARRANT NUMBER

2019A3210202432

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 8.8.22

VERDICT

Guilty

Foreperson of Petit Jury

Date: 10-28-22

DOCKET NO. 2022GS3200260A

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

vs.

Justin Tyler Ellaree Hopkins

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

RECEIVED

NOV 04 2022

SC Court of Appeals

A TRUE COPY
Lex. Ct. C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Murder

§ 16-03-0010

At a Court of General Sessions, convened on August 2022, the Grand Jurors of Lexington County present upon their oath:

That **Justin Tyler Ellaree Hopkins**, whether acting alone or in concert with another, did in Lexington County on or about December 17, 2019, unlawfully, willfully, feloniously, and with malice aforethought kill the victim, Duwan Williams, by shooting the victim, and the victim died as a proximate result thereof, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Suzanne Mayes
 DEPUTY SOLICITOR

SCANNED 08092022

WITNESSES

Lexington County Sheriffs Department

Adam Creech

Law Enforcement Case #: 19024577

DSG

ARREST WARRANT NUMBER

2019A3210202431

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

8-8-22

VERDICT

Guilty

Foreperson of Petit Jury

Date:

10-28-22

DOCKET NO. 2022GS3200261A

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

vs.

Justin Tyler Ellaree Hopkins

CDR #: 0116

Indictment for

Murder

§ 16-03-0010

S.R. Hubbard III, SOLICITOR

RECEIVED

NOV 04 2022

SC Court of Appeals

A TRUE COPY

Lex. Ct. of App. 11/4/22

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

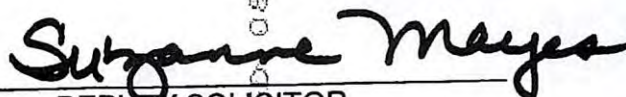
INDICTMENT FOR
Murder

§ 16-03-0010

At a Court of General Sessions, convened on August 2022, the Grand Jurors of Lexington County present upon their oath:

That **Justin Tyler Ellaree Hopkins**, whether acting alone or in concert with another, did in Lexington County on or about December 17, 2019, unlawfully, willfully, feloniously, and with malice aforethought kill the victim, Branton Booker, by shooting the victim, and the victim died as a proximate result thereof, in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

SCANNED 08092022

WITNESSES

Lexington County Sheriffs Department

Adam Creech

Law Enforcement Case #: 19024577

DSC

ARREST WARRANT NUMBER

2019A3210202428

ACTION OF GRAND JURY

TRUE BILL

Prothonotary

Foreperson of Grand Jury

Date:

8.8.22

VERDICT

Guilty

Foreperson of Petit Jury

Date:

10-28-22

DOCKET NO. 2022GS3200251A

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

AUGUST TERM 2022

THE STATE

vs.

Justin Tyler Ellaree Hopkins

CDR #: 0079

Indictment for

Burglary / Burglary First Degree

§ 16-11-0311

S.R. Hubbard III, SOLICITOR

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NOV 04 2022
SC Court of Appeals

A TRUE COPY
[Signature]
Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Burglary / Burglary First Degree

§ 16-11-0311

At a Court of General Sessions, convened on August 2022, the Grand Jurors of Lexington County present upon their oath:

That **Justin Tyler Ellaree Hopkins** did in Lexington County, South Carolina on or about December 17, 2019, whether acting alone or in concert with another, knowingly and willfully enter a dwelling at [REDACTED] Butternut Lane, to wit: being the dwelling of Duwan Williams and/or Sheldon Livingston, and /or Branton Booker and/or Donovan Hayes, without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, he/she or another participant in the crime,

- a) was armed with a deadly weapon or explosive, or
- b) caused physical injury to a person who is not a participant in the crime, or
- c) used or threatened the use of a dangerous instrument, or
- d) displayed what was or appeared to be a knife, pistol, revolver, shotgun, machine gun, or other firearm,

in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Suzanne Mayes
 DEPUTY SOLICITOR

SCANNED 08/09/2022

30-LIFE

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Justin Tyler Ellaree Hopkins

AKA:

Race: BlackSex: MAge: 24

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2022 - GS - 32 - 00250AAJW#: 2019A3210202430Date of Offense: 12/17/2019S.C. Code §: 16-03-0010CDR Code #: 0116

SENTENCE SHEET

NOV 04 2022

SC Court of Appeals

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder / MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 2nd)This charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Y. S. May 64191
Solicitor SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of LIFE days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2022-65-32-00260A
1043 days/months 00261A
00251A☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDP.☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

A TRUE COPY

Lex. Cl. C.C.C.P., G.S. & I.C.

30-LIFE

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Justin Tyler Ellaree Hopkins

AKA:

Race: BlackSex: MAge: 24

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2022 - GS - 32 - 00260AA.W.#: 2019A3210202432Date of Offense: 12/17/2019S.C. Code §: 16-03-0010CDR Code #: 0116SENTENCE **RECEIVED**

NOV 04 2022

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or**SC Court of Appeals**TO: Murder / MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)

The charge is:

☒

As indicted,

☐Lesser Included
Offense,☐

Defendant Waives

Presentment to Grand Jury.

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST.

Solicitor

64191

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of LIFE days/months/years/Time Served☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:2022-GS-32-00250A
2022-GS-32-00261A
" " " 00257A☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP.1043 (days/months)☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

A TRUE COPY

Lex. Ct. C.C.C.P., C.S. & F.C.

30-LIFE

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

STATE

VS.

Justin Tyler Ellaree Hopkins

AKA:

Race: BlackSex: MAge: 24

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murder / MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

64191

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of LIFE days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2022-65-32-00260A☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDDC.1043 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2022 - GS - 32 - 00261AA/W#: 2019A3210202431Date of Offense: 12/17/2019S.C. Code §: 16-03-0010CDR Code #: 0116

SENTENCE SHEET

NOV 04 2022

SC Court of Appeals

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Lex. Cl. C.O.C.P., G.S. & P.C.

15-LIFE

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

INDICTMENT/CASE# 2022 - GS - 32 - 00251AJustin Tyler Ellaree Hopkins

AKA:

AW#: 2019A3210202428Race: BlackSex: MAge: 24Date of Offense: 12/17/2019

DOB: _____

SS#: _____

S.C. Code §: 16-11-0311

Address: _____

CDR Code #: 0079

City, State, Zip: _____

DL#: _____

SID# _____

SENTENCE SHEET

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NOV 04 2022

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐**SC Court of Appeals**In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Burglary / Burglary (After June 20, 1985) - First degreeIn violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

64191

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Correction ☐ County Detention Center,for a determinate term of 18 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOP.☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

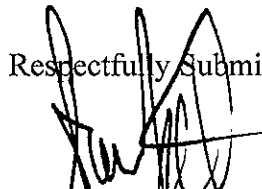
A TRUE COPY

Lex. Co. C.O.C.P., S.E. 6 10.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Gary H. Johnson
Appellate Defender

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Feb 22 2024

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 22nd day of February, 2024.

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Feb 22 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

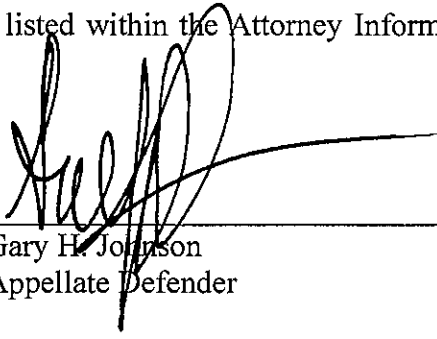
JUSTIN TYLER ELLAREE HOPKINS,

APPELLANT

APPELLATE CASE NO. 2022-001567

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Tommy Evans, Jr. Esquire, at the primary email address listed within the Attorney Information System (AIS), this 22nd day of February, 2024.



Gary H. Johnson
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: tommyevansjr@scag.gov
Cc: [Johnson, Gary](#); [Brandy Rankin](#)
Subject: 2022-001567 The State v. Justin Tyler Ellaree Hopkins
Date: Thursday, February 22, 2024 9:42:00 AM
Attachments: [2022-001567 The State v. Justin Tyler Ellaree Hopkins Record on Appeal Volume I.pdf](#)
[2022-001567 The State v. Justin Tyler Ellaree Hopkins Record on Appeal Volume II.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the two-volume Record on Appeal which will be filed today, February 22, 2024, with the Court of Appeals via email filing.

Respectfully,
Kaylynn

Kaylynn Warren

Administrative Assistant
South Carolina Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1330