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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Laurens County

Honorable R. Scott Sprouse, Circuit Court Judge

DARRELL E. RAINES,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002093

APPENDIX

JESSICA M. SAXON
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ZACHARY W. JONES
Assistant Attorney General
P.O. Box 11629
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
)
PLAINTIFF,)
)
)
-VS-)
)
DARRELL RAINES,)
)
DEFENDANT.)
_____)

CASE NO.: 2013-GS-30-1932
2013-GS-30-1933

TRANSCRIPT OF RECORD

DECEMBER 7, 8, 9, 10, 11, 2015
LAURENS, SOUTH CAROLINA

B E F O R E:

THE HONORABLE DONALD B. HOCKER, JUDGE

A P P E A R A N C E S:

ATTORNEY FOR PLAINTIFF:

DALE SCOTT, SOLICITOR
MARGARET BOYKIN, SOLICITOR

ATTORNEY FOR DEFENDANT:

BRIAN ABLE, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

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1 TRIAL DAY 1-12/07/15

2 THE COURT: Let me just go through the voir dire
3 requested by the State and the Defense. And let me just
4 tell you what I will and will not charge, and then I can
5 hear argument. I have no problem with the four requests
6 from the State. Mr. Able, do you want to be heard on any of
7 that?

8 MR. ABLE: No, sir.

9 THE COURT: Now, on the Defense. Some of these I will
10 cover in my standard charges. However, if you believe that
11 I have not covered it to the extent that you want it
12 covered, then you just need to let me know.

13 MR. ABLE: Yes, sir.

14 THE COURT: One I will cover. Two I will cover. I
15 will charge three, four and five, not charge, I will ask.

16 MR. ABLE: Yes, sir.

17 THE COURT: Six I will cover. Seven and eight I will
18 charge. Nine I do not want to charge. Ten, 11, 12, 13, 14,
19 15 and 16 I will ask. Seventeen will be covered. Eighteen
20 I will ask. Nineteen will be covered. Twenty I will ask.
21 Twenty-one will be covered. Twenty-two I will ask. Twenty-
22 three will be covered.

23 MR. ABLE: So the only one is --

24 THE COURT: The only one that I don't want in and I'll
25 be glad to -

1 MR. ABLE: That's fine, Judge. I have no problem that
2 that. I was second guessing that one myself.

3 THE COURT: Concerning any of the voir dire that I've
4 indicated that I will either ask or that I believe will be
5 covered in a standard voir dire question, you want to be
6 heard on that, Solicitor?

7 MR. SCOTT: Judge, it's seven -- beginning with seven
8 I've got -- I don't see any relevancy to domestic violence.
9 That's not any kind of -- at least as a statute reads. This
10 wouldn't be a domestic violence type situation.

11 THE COURT: Mr. Able, you able to respond to that?

12 MR. ABLE: Judge, I just -- given the nature of the
13 crime charged I think it would be appropriate to know if the
14 juror has been involved in any type of domestic or dating
15 violence or anything like that.

16 THE COURT: Is it alleged, Solicitor, that there was
17 some relationship between the Defendant and the victim? Is
18 that --

19 MR. SCOTT: There was. They had known each other
20 approximately a week and a half and met on an online dating
21 site.

22 THE COURT: I'm going to go ahead and allow it. I'll
23 ask that one. So any others?

24 MR. SCOTT: Number 10, I can't remember if you said you
25 would cover it or ask it as Brian had written it, but I

1 would ask that you write ask, "Would the fact alone that the
2 Defendant is charged with murder affect your ability to be
3 fair and impartial." I don't know that the -- that some
4 crimes just make you so angry that you would have to find
5 him guilty. I just think there's a better -- well, not
6 better way, but just an alternate way to ask it.

7 THE COURT: I think probably after looking at this
8 again I would have to agree with the Solicitor. The fact
9 alone of the Defendant being charged with a crime of murder,
10 that in and of itself cause you to believe that he's
11 automatically guilty and kind of get away from this --

12 MR. ABLE: I think that -- what you just said, Judge,
13 that would be fine. The fact alone that he's charged of
14 murder.

15 THE COURT: I'll write it out on my sheet, and then
16 I'll say it again to make sure we're in agreement.

17 MR. ABLE: Yes, sir.

18 THE COURT: What I will ask is the fact alone that the
19 Defendant is charged with murder, would this cause you to
20 believe that the Defendant is guilty.

21 MR. ABLE: That's fine with me.

22 THE COURT: Does that suit you, Solicitor?

23 MR. SCOTT: Yes, sir. Number 11, I think first of all
24 the threshold question, does anybody know who Darrell Raines
25 is, have any connection with him, I don't know how they'd

1 have an opinion on him if they don't know who in the world
2 he is.

3 THE COURT: Well, of course, certainly one of the first
4 voir dire questions that I will ask is, you know, related by
5 blood or marriage or have any social relationship about
6 either Darrell Raines or Myranda Southern. I don't have --
7 and, of course, I'll have a standard question, has anybody
8 formed any opinion about anything related to this case. And
9 because this is kind of a lead in, the way it appears to me,
10 concerning questions more targeted towards the venue --
11 potential venue
12 --

13 MR. ABLE: Yes, sir.

14 THE COURT: -- I don't have a problem with that.

15 MR. ABLE: That would be the reason I was asking that,
16 if they had any opinion based upon news coverage or anything
17 like that.

18 MR. SCOTT: Yeah, and I guess that would just sort of
19 link into has anybody seen or heard anything.

20 THE COURT: Right.

21 MR. SCOTT: Eighteen, I think is covered by number 10.
22 We just decided on that. And then as a secondary note, it
23 references accessory after the fact of murder. That's
24 probably a boilerplate.

25 MR. ABLE: Just a typographical error.

1 THE COURT: So what do you want me to take out,
2 Solicitor, and see if Mr. Able agrees?

3 MR. SCOTT: I think just take the whole thing out.
4 It's already covered in 10. His request for number 10.

5 THE COURT: Right. I agree. Are you okay with that,
6 Mr. Able?

7 MR. ABLE: Yes, sir. I think that's reasonable.

8 MR. SCOTT: Nineteen, did you say you were going to
9 cover or were you going to ask it as Mr. Able --

10 THE COURT: That would be -- I believe that would be
11 covered in some fashion with one of my standard voir dire,
12 and then we'll just see if everybody is satisfied with that.

13 MR. SCOTT: Twenty, the only thing I note is it's
14 cumulative to 12, 13 and 14. However, I can't say that, you
15 know what, Your Honor, just since there is a question of
16 venue I can't say that I --

17 THE COURT: Right.

18 MR. SCOTT: -- with that. Number 23, Your Honor, does
19 any juror believe the Defendant might be guilty.

20 THE COURT: Right. And that is covered in some
21 fashion, I believe, with my standard questions.

22 MR. SCOTT: Yes, sir.

23 THE COURT: And I think that what the -- the unnumbered
24 paragraph below is probably a good thing to mention to them
25 that even though you may respond, you know, even after the

1 trial got started, and then if you believe that you've come
2 to some knowledge that you may would have needed to answer a
3 different way, then you need to let us know, even though
4 they typically will do that. But I think that's probably a
5 good little thing to mention to them that -- to become aware
6 of anything that changes their answer. So I'm going to do
7 that. I'll probably do that at the outset or something.

8 MR. SCOTT: Yes, sir.

9 THE COURT: Are we good to get the panel back in?
10 Anything else?

11 MR. ABLE: Judge, can I just run to the men's room
12 real quick?

13 THE COURT: Sure.

14 (Whereupon, a brief recess was taken and jury pool
15 entered the courtroom.)

16 THE COURT: Ladies and gentlemen, we are going to be
17 starting the trial that I have been referring to. This is
18 the State of South Carolina vs. Darrell Raines Irvin Raines,
19 Jr. Mr. Raines, if you would please stand and face the
20 panel please. Thank you. Mr. Raines has been indicted by
21 the Laurens County Grand Jury for two offenses. I'm going
22 to publish the allegations contained in the indictments and
23 then explain just a little bit for you what these
24 indictments are and how you are to consider them. The first
25 indictment states that Darrell Irvin Raines, Jr. did in

1 Laurens County on or about August 19, 2013, willfully,
2 feloniously, and with malice aforethought kill Miranda --
3 and that's spelled M-Y-R-A-N-D-A, Southern by means of
4 shooting her in the back of the neck and that Miranda
5 Southern did die in Laurens County as a proximate result
6 thereof on or about August 19, 2013 in violation of section
7 16-3-10 Code of Laws for South Carolina. The other
8 indictment states that Darrell Irvin Raines, Jr. in Laurens
9 County on or about August 19, 2013 possessed a firearm or
10 visibly displayed what appeared to be a firearm during the
11 commission of a violent offense to wit, Murder, in violation
12 of section 16-23-490 Code of Laws for South Carolina.

13 Now, an indictment is not proof that Mr. Raines is
14 guilty of the two criminal offenses he's charged with. An
15 indictment is merely a charging paper, the written
16 instrument in order to get a case to where we are today to
17 start the trial of the case. It puts the Defendant on
18 notice of what the charges are and what the allegations are
19 made against him, but in no way whatsoever are these two
20 indictments proof of guilt on the part of the Defendant, Mr.
21 Raines. It is still up to the State -- and I'll go through
22 this a lot more with you. But it's still up to the State to
23 prove beyond a reasonable doubt each and every allegation,
24 each and every element, of both of these criminal offenses.
25 We just have to have paperwork so to speak to get us into

1 where we are today at the trial of this case. Now, I have a
2 series of questions, a good number of questions I'm going to
3 ask you related to this particular case. Now, you've
4 already been found qualified to sit on any jury in this
5 case. Now we need to determine your qualifications to sit
6 on this particular trial jury. Now, if you're selected on
7 the trial jury and you become aware of anything that would
8 change your answers to any of my questions that I ask you
9 then it's your responsibility and your duty to notify the
10 Court by way of the bailiffs -- and I'll introduce the
11 bailiffs to you in just a few minutes. To notify them
12 immediately if you become aware of anything that would
13 change your response to these questions. Also, if you want
14 to respond to a particular question but are reluctant to do
15 so in front of everybody, I'm going to give you the same
16 opportunity I gave you earlier to speak to me privately in
17 the presence of the Court Reporter and the attorneys
18 involve. Some of these questions are of a personal nature,
19 so I'm going to give you that opportunity. Okay? Please
20 listen very carefully to all of these questions, because it
21 is so important that we have very accurate responses from
22 you if you need to respond. I don't want -- if you're
23 selected on the trial jury and you come up to the bailiffs
24 later on and say, "You know, I just didn't really understand
25 that question. Now I understand it and here's my problem."

1 So listen very carefully, okay?

2 Is anyone related by blood or marriage, either now or
3 formerly, to either Darrell Irvin Raines, Jr. or Myranda
4 Southern? If so, please stand.

5 (Whereupon, no juror stood.)

6 Does any member of the jury panel have a close personal
7 relationship, either now or formerly, and I'm just going to
8 refer to Mr. Raines and Ms. Southern as opposed to saying
9 the whole name, okay? Any person on the jury panel have a
10 close personal relationship, either now or formerly, with
11 either Mr. Raines or Ms. Southern? If so, please stand.

12 (Whereupon, no juror stood.)

13 I'm going to publish to you a list of possible
14 witnesses who may testify in this case. It doesn't mean
15 that they will automatically testify, but there is a
16 likelihood or a possibility that they will and I need to ask
17 you about those witnesses. I have a pretty lengthy list, so
18 please listen very carefully. Keith McIntosh with the
19 Laurens County Sheriff's Office, Matt Veal with the Laurens
20 County Sheriff's Office, Steve Patterson with the Laurens
21 County Sheriff's Office, Ben Blackmon with the Laurens
22 County Sheriff's Office, Scott Franklin Laurens County
23 Sheriff's Office, Shawn Southern, James Frazier, Mike
24 Strassell, Tom Deeb, Ray Blue, Lauren Searcy, Deborah Nulph,
25 Lisa Hamlett, Mia McCarter, Crystal Smith, Jenny Reinman,

1 Debra Zick, D.J. Samms, Mary Ellen Cervetti, Casey Lynn
2 Miller, Sarah Duckworth, Christina Yates, Bobby Bohannon,
3 Dr. Goldshein, Dr. Ward, Dr. Janice Ross, Antonio Bailey
4 with the Greenville County Sheriff's Office, D.A. Hoover
5 with the Greenville County Sheriff's Office, Sergeant Weiner
6 with the Greenville County Sheriff's Office, Investigator
7 Michau with the Greenville County Sheriff's Office, Jim
8 Perry with the Greenville County Sheriff's Office, Raymond
9 Rivera Greenville County Sheriff's Office, Tracy King with
10 the Greenville County Sheriff's Office, Chris Cooper with
11 the Greenville County Sheriff's Office, Officer Derby with
12 the Greenville County Sheriff's Office, Michael Fortner with
13 the Greenville County Sheriffs Office, Investigator Hammett
14 with the Greenville County Sheriff's Office, W. Campbell
15 with the Greenville County Sheriff's Office, Jaya Hamilton
16 with the Greenville County Sheriff's Office, B. Tothorow, M.
17 Rainey, Emmanuel Davis, Dan Kelly, Jerry Williams, Tiffany
18 Hezel with SLED, Brittany Burke with SLED, Jeff Crooks with
19 SLED, Verona Gibson with SLED, Catherine Leisey with SLED,
20 Prentis Young with SLED, Susanne Young with SLED, Kent
21 Tatham, Brian Snipes, Charlene Vinson, Walter Bentley,
22 Darrell Raines, Amber Raines, Jackie Johnston. Anyone on
23 the jury panel related by blood or marriage, either now or
24 formerly, to any of those potential witnesses I've just
25 published the list of or does anyone on the jury panel have

1 a close personal or social relationship either now or
2 formerly with any of those individuals. If so, please
3 stand.

4 THE COURT: Yes, ma'am? For the record, state your name
5 and your juror number.

6 JUROR: I am Brenda Brad??? and I used to work for
7 Laurens County 9-1-1. I left that in May, so I'm no longer
8 with them.

9 THE COURT: Thank you, ma'am. Yes, sir.

10 JUROR: Ricky Jefferson, 94. In my line of work I
11 frequently speak with Mr. McIntosh. I don't know if that
12 would have anything to do with anything.

13 THE COURT: The fact that you frequently see Officer
14 McIntosh, would that prevent you from being fair and
15 impartial to both sides of this case?

16 JUROR: No, sir. I just wanted it to be known.

17 THE COURT: Thank you very much sir. You can have a
18 seat. Yes, ma'am.

19 JUROR: Susan Walden, 187. Sergeant Rivera that you
20 read is a patient of mine.

21 THE COURT: Okay. The fact that Sergeant Rivera is a
22 patient of yours, would that prevent you from being fair and
23 impartial to both sides in this case?

24 JUROR: No, sir. It will not.

25 THE COURT: I'm going to now allow the attorneys

1 involved in this case to introduce themselves. And I will
2 tell you there's three attorneys involved, two on the State,
3 one for the Defense, and I know all three of them personally
4 and I can tell you that all three are excellent attorneys.

5 Solicitor, are you ready to go?

6 MR. SCOTT: Yes, sir. Thank you, Your Honor. My name
7 is Dale Scott. I'm a Deputy Solicitor here in the Eighth
8 Circuit. I'm here in Laurens County today. Your circuit is
9 comprised of Laurens, Abbeville, Greenwood and Newberry
10 Counties. I primarily work Newberry and Laurens County.
11 Obviously my services are needed in Laurens County this
12 week.

13 With me, assisting me is Assistant Solicitor Margaret
14 Boykin. Our investigator is Walter Bentley. And lead
15 investigator in this case is Lieutenant Keith McIntosh with
16 the Laurens Sheriff's Department.

17 THE COURT: Thank you, Solicitor. Mr. Able.

18 MR. ABLE: Yes, sir. Thank you, sir. My name is Brian
19 Able. I'm an attorney here in Laurens. I've been
20 practicing law here in Laurens for 28 years. When I first
21 came to Laurens I practiced law with Paul Culbertson who is
22 now deceased, Robert Whiteside, Jay Michael Turner, and
23 Rhett Burney. Thank you.

24 THE COURT: Thank you. Any member of the jury
25 panel ever been represented by any of the attorneys involved

1 in this case or anyone in their respective offices. If so,
2 please stand.

3 (No Jurors stand.)

4 THE COURT: Any members of the jury panel related by
5 blood or marriage, either now or formally, to any of the
6 attorneys involved in this case or anyone in their
7 respective offices, or is any member of the jury panel had a
8 close personal or social relationship either now or formerly
9 with any of the attorneys involved in this case, anyone in
10 their respective offices which would include staff,
11 investigators, lawyers, anyone of that nature? If that
12 applies to you, please stand.

13 (Juror stands.)

14 THE COURT: Yes, ma'am. For the record, you need to
15 state your name again.

16 JUROR: I'm Brenda Rhodes and I don't know if this
17 means anything, but you represented me in my divorce.

18 THE COURT: Before I came on the bench I was -- I was a
19 practicing attorney here in Laurens, and that -- that would
20 not create any problems. But thank you though.

21 Now, this next question I want to ask, and I realize
22 that some of you may not know anything. I don't know. But
23 has any member of the jury panel formed or expressed any
24 opinion about any issue or any matter involved in this case?
25 And I'm going to go in this particular area a little bit

1 further later on. But just as a general question, has any
2 member of the jury panel formed or expressed any opinion
3 about any issue or matter involved in this case? If so,
4 please stand.

5 (No Juror stands.)

6 THE COURT: And again, another kind of general
7 question, but a very, very important question. Is any
8 member of the jury panel aware of any bias or prejudiced
9 towards I or the State or the Defendant in this case? If
10 so, please stand.

11 (No Jurors stand.)

12 THE COURT: No, I pretty much know the answer to this
13 next question but I'm going to ask it anyway. Is there any
14 member of the jury panel that was a member of the grand jury
15 which issued the two indictments in this case? If so,
16 please stand.

17 (No Jurors stand.)

18 THE COURT: Is any member of the jury panel who is a
19 member of or a contributor to any group which has as its
20 primary concern the promotion of law enforcement or victim's
21 rights? Now, these are organizations or groups would
22 include, but are certainly not limited to, and I'll give you
23 the acronyms for these groups, MADD, SADD or CAVE. Does
24 that apply -- if that applies to anyone, please stand.

25 (No Jurors stand.)

1 THE COURT: Is there any member of the jury panel who
2 does not use a cell phone? If so, please stand.

3 (No Jurors stand.)

4 THE COURT: Is there any member of the jury panel who
5 does not use text messaging? If so, please stand.

6 (No Jurors stand.)

7 THE COURT: Is there any member of the jury panel who
8 does not have a Face book account?

9 (Whereupon, multiple Jurors stand.)

10 THE COURT: I'll try to go row by row starting at the
11 top, and all I need you to do is give me your name and your
12 number. That's all you need to tell us with respect to this
13 question. And I'll just try to point to you and name and
14 number and just sit down.

15 JUROR: George Franklin, 63.

16 JUROR: Jack Pepper, 146.

17 THE COURT: The State or the Defense, if I'm going too
18 fast with this just tell me to slow down with it. Okay?

19 JUROR: Mark James, 93.

20 JUROR: Gary Mann, 120

21 THE COURT: As soon as you give me your name and number
22 you can automatically sit down without me telling you to.

23 JUROR: Kevin Thompson, 180.

24 JUROR: Teresa Russell, 160.

25 JUROR: Chris Ballinger, number 6.

1 JUROR: Michelle Meier, 131.

2 JUROR: Trisha McDaniel, 125.

3 JUROR: Stacy McMann, 128.

4 THE COURT: Let me start over here. I want to get my
5 rows right.

6 JUROR: Ken Pritchard, 148.

7 JUROR: Kenneth Wright, 199.

8 JUROR: Susan Waldon, 187.

9 JUROR: Johnny Thompson, 181.

10 JUROR: Katrina Miller, 138.

11 JUROR: Doris Jones, 100.

12 JUROR: Jamie Templeton. I don't remember my number.

13 THE COURT: Your name again?

14 JUROR: Jamie Templeton.

15 CLERK: 150.

16 THE COURT: 178.

17 JUROR: Lara Settles, 163.

18 JUROR: Michael Crouch, 45.

19 JUROR: Ernest Byrd, 25.

20 JUROR: Michael Howard, 87.

21 THE COURT: Now, the next question I ask, if you need
22 to respond to it, don't stand up. I want you to -- I'm
23 going to give you another opportunity like a mentioned a
24 moment ago to speak with me privately. And so, if you want
25 to respond to this next question, don't stand up. Okay?

1 But just keep a mental note and get in the line at the
2 appropriate time. Okay?

3 Has anyone on the jury panel participated in online
4 dating?

5 Any member of the jury panel ever been a civilian or
6 military law enforcement officer? If so, please stand.

7 (No Jurors stand)

8 THE COURT: Does any member of the jury panel know of
9 anyone who works for any law enforcement agency in Laurens
10 County or Greenville County? If so, please stand. Either
11 Laurens County or Greenville County.

12 (Whereupon, several jurors stand.)

13 THE COUNTY: I'm going to have to -- after you tell me
14 that you know someone, then I'll have to ask you if that
15 affects your ability to be fair and impartial. You don't
16 need to give us the name unless you decide to request a
17 particular name or names.

18 Ms. Rhodes, state your name and number for the record.

19 JUROR: Brenda Rhodes, 65.

20 THE COURT: You know someone in --

21 JUROR: Yes, sir.

22 THE COURT: Would that prevent you from being fair and
23 impartial to both sides in this case?

24 JUROR: No.

25 JUROR: You need my name and number?

1 THE COURT: Yes.

2 JUROR: 153, David Rice. I know multiple -- many
3 officers from all different --

4 THE COURT: Would that affect your ability to be fair
5 and impartial in this case?

6 JUROR: No, sir.

7 THE COURT: 194, Ricky Jefferson. Multiple as well.

8 THE COURT: Would that affect your ability to be fair
9 and impartial to both sides in this case?

10 JUROR: No, sir.

11 JUROR: Dan Boozer, number 14. I know several
12 officers.

13 THE COURT: Would that affect your ability to be fair
14 and impartial to both sides in this case?

15 JUROR: No, sir.

16 JUROR: Chris Ballinger number 6. No, it would not. I
17 know several officers.

18 THE COURT: You can be fair and impartial to both sides
19 of this case?

20 JUROR: Yes.

21 JUROR: Emil Finley, 61. I know several of the
22 sheriff's deputies from Laurens County. I could be
23 impartial however.

24 THE COURT: You can be fair and impartial to both sides
25 of this case. Thank you. I'm not sure who would be next.

1 Ma'am?

2 JUROR: Linda Talbert, 176 and I know several officers.

3 THE COURT: Can you be fair and impartial to both sides
4 in this case?

5 JUROR: Yes, I believe so.

6 THE COURT: And impartial?

7 JUROR: Uh-huh.

8 THE COURT: That's a yes?

9 JUROR: Yes.

10 THE COURT: Ma'am.

11 JUROR: Nancy McMinn, 128. I know several officers.

12 THE COURT: Would that prevent you from being fair and
13 impartial to both sides of this case?

14 JUROR: No.

15 THE COURT: Sir?

16 JUROR: Hunter Doolittle, 53. I know Scott Franklin and
17 Ricky Chastain and the family. I could be impartial.

18 THE COURT: You could be fair and impartial to both
19 sides of this case?

20 JUROR: Yes.

21 THE COURT: Thank you. Sir?

22 JUROR: Jeff Holmes, number 86. I know several
23 officers and would not --

24 THE COURT: And you can fair and impartial to both
25 sides of this case?

1 JUROR: Yes, sir.

2 THE COURT: Thank you. Sir?

3 JUROR: Robert Wooten, number 197.

4 THE COURT: Would that prevent you from being fair and
5 impartial to both sides in this case?

6 JUROR: No, sir.

7 THE COURT: Thank you.

8 JUROR: Billy Copeland, 41.

9 THE COURT: Would that prevent you from being fair and
10 impartial to both sides in this case?

11 JUROR: No, sir.

12 THE COURT: Ma'am?

13 JUROR: Susan Waldon, 187.

14 THE COURT: Would that prevent you from being fair and
15 impartial to both sides of this case?

16 JUROR: No, sir.

17 THE COURT: Sir?

18 JUROR: Michael Crouch, number 45.

19 THE COURT: Would that prevent you from being fair and
20 impartial to both sides in this case?

21 JUROR: No.

22 JUROR: Deborah Henderson, 82.

23 THE COURT: Would that prevent you from being fair and
24 impartial to both sides in this case?

25 JUROR: No.

1 THE COURT: Sir?

2 JUROR: Ernie Byrd, 25.

3 THE COURT: Would that prevent you from being fair and
4 impartial to both sides in this case?

5 JUROR: No, sir.

6 JUROR: Mandy Page, 142.

7 THE COURT: Would that prevent you from being fair and
8 impartial to both sides in this case?

9 JUROR: No, sir.

10 THE COURT: Sir?

11 JUROR: Jennings Compton, 36.

12 THE COURT: Would that prevent you from being fair and
13 impartial to both sides in this case?

14 JUROR: No, sir.

15 JUROR: Michael Howard, 87.

16 THE COURT: Would that prevent you from being fair and
17 impartial to both sides in this case?

18 JUROR: No, sir.

19 THE COURT: Has any member of the jury panel ever
20 campaigned for or made a contribution to the campaign of
21 either Ricky Chastain, Sheriff, or Solicitor David Stumbo?

22 (Juror stands)

23 THE COURT: Your name and number?

24 JUROR: 53, Clinton Doolittle, both.

25 THE COURT: Would that prevent you from being fair and

1 impartial to both sides in this case?

2 JUROR: Yes, sir. I can be fair and impartial.

3 THE COURT: Very good. Has any member of the jury
4 panel ever attended any advocacy meeting concerning domestic
5 violence?

6 (Juror stands)

7 THE COURT: For the record, your name and number?

8 JUROR: Clinton Doolittle, 53.

9 THE COURT: All right. Thank you, sir. The next
10 question, if you need to respond, don't stand up. Talk with
11 me privately when we form a line at the appropriate time.
12 Okay?

13 Has any member of the jury panel, any of your close
14 family members, relatives or friends, close friends, ever
15 been a victim of a serious crime. And again, don't stand
16 up, just keep a mental note of that.

17 The next question. The fact alone that the Defendant
18 is charged with the crime of murder, would this cause you to
19 believe the Defendant to be automatically guilty? If that
20 applies to you, please stand.

21 (No Juror stands)

22 THE COURT: Has any member of the jury panel who has
23 already formed an opinion of whatever kind about the
24 Defendant, Darrell Raines? If so, please stand.

25 (No Juror stands.)

1 THE COURT: Does any member of the jury panel have any
2 personal knowledge of any of the allegations in this case?
3 If so, please stand.

4 (No Juror stands.)

5 THE COURT: Does any member of the jury panel have had
6 any time prior to today any conversations about this
7 particular case with anyone? If so, please stand?

8 JUROR: Your Honor, Emil Finley 61.

9 THE COURT: Mr. Finley, you can speak to me privately.
10 Okay? Just state your name and number.

11 JUROR: Susan Waldon, 187.

12 THE COURT: You all can just speak to me privately.
13 Thank you. Any member of the jury panel prior to today read
14 about this case in the newspaper, heard about it on the
15 radio or TV, read about it on the Internet, which would
16 include social media, Face book and Twitter? Again, if that
17 applies to you just stand up, give us your name and number
18 and then speak to me privately at the appropriate time. If
19 that applies to you, please stand.

20 (Juror stands.)

21 THE COURT: Just give me your name and number.

22 JUROR: Doolittle, 53.

23 THE COURT: Ma'am.

24 JUROR: Susan Waldon, 187.

25 JUROR: Finly, 61.

1 JUROR: Michael Crouch, 45.

2 THE COURT: Thank you very much. Is there any member
3 of the jury panel like or follow the Face book page Friends
4 of Myranda Southern or any other like Face book or social
5 media pages; Friends of Myranda Southern, Laurens County
6 Sheriff's Office, Domestic Violence Crime Watch Page. If
7 that applies to you, please stand.

8 (No Jurors stand.)

9 THE COURT: Anybody in the jury panel know the family
10 of Myranda Southern? If so, please stand.

11 (No Jurors stand.)

12 THE COURT: Any member of the jury panel, has anything
13 that you've heard through news media, social medial,
14 conversations, and including what you have heard in this
15 courtroom today, so far influenced your opinion on how you
16 may view the evidence that is presented at this trial,
17 either for or against the State or against the Defendant?
18 If that applies to you, please stand.

19 (No Juror stands)

20 THE COURT: Next question, if you are not satisfied
21 that the prosecution has proven its case beyond a reasonable
22 doubt but the majority of jurors felt otherwise would you
23 change your opinions simply to go along with the other
24 jurors and for no other reason? If that applies to you,
25 please stand.

1 (No Jurors stand)

2 THE COURT: Does any member of the jury panel know of
3 any reason whatsoever why he or she should not serve as a
4 juror in this case, particular emphasis being placed on your
5 ability to be fair and to be impartial to both the State and
6 the Defense? If that applies to you, please stand.

7 (No Jurors stand)

8 THE COURT: Now, for those we've already identified,
9 you need to form a line. For those who wanted to respond
10 but was reluctant to do so for any reason to any of the
11 questions, get in the line, too. And then if there are just
12 any other concerns, issues whatsoever that you need -- or
13 you feel like you need to address with the Court, get in the
14 line and we'll go from there. Let's form a line.

15 That would include, I had a couple of questions -- the
16 Clerk reminds me of this, too. I don't want you to tell me
17 anything or stand up, don't respond, but speak with me
18 private. So it includes those questions, too.

19 THE COURT: 57. Yes, sir.

20 JUROR: To respond to one of your questions, I have used
21 online dating before.

22 THE COURT: Okay.

23 JUROR: It was last summer.

24 THE COURT: Thank you, sir.

25 BAILIFF: Number 61.

1 THE COURT: Okay, Mr. Finley.

2 JUROR: Basically, I've obviously read the story. I
3 wrote a story on it. I can't remember the details of it.

4 THE COURT: The fact that you own a radio station and
5 have written a piece about this case would that affect your
6 ability to be impartial?

7 JUROR: No, sir. Like I said, I don't even remember it.
8 I shouldn't admit to being so forgetful. Of course, I am in
9 church with the Defense attorney.

10 THE COURT: And the Judge too.

11 JUROR: And the Judge too. Right.

12 THE COURT: Very good. Thank you, Mr. Findley.

13 BAILIFF: 187.

14 THE COURT: Yes, ma'am.

15 JUROR: I told you that Mr. Rivera is a patient of mine
16 and we have discussed the case.

17 THE COURT: Oh, you have?

18 JUROR: We have.

19 THE COURT: Okay. Okay. I think probably I will excuse
20 this juror from this case. Any excuse for cause? Thank you
21 for your honesty. Stay with us though.

22 THE COURT: This is Mr. Doolittle. He has responded to
23 numerous questions.

24 JUROR: Yes. I am friends with Ricky Chastain, Scott
25 Franklin, and I am on Tinder. I've probably heard about the

1 case back when it was more recent.

2 MR. ABLE: What did you say about Sheriff Chastain?

3 JUROR: Me and his daughter dated up until about two or
4 three months ago.

5 THE COURT: Would all that affect your ability to be
6 fair and impartial?

7 JUROR: No, sir.

8 THE COURT: Which daughter did you date?

9 JUROR: Shelby.

10 THE COURT: Thank you.

11 BAILIFF: Juror number 30.

12 THE COURT: Yes, ma'am.

13 JUROR: I have a family member that was the victim of a
14 violent crime. He was shot during an armed robbery.

15 THE COURT: How long would you say that was roughly?

16 JUROR: '89.

17 THE COURT: Would that affect your ability to be fair
18 and impartial in this case?

19 JUROR: Absolutely not.

20 THE COURT: Thank you, ma'am.

21 MR. ABLE: What was the relationship?

22 JUROR: Brother-in-law.

23 BAILIFF: 125.

24 THE COURT: Yes, ma'am.

25 JUROR: My daughter was just released from prison for

1 attempted murder and possession of a gun during a violent
2 crime.

3 THE COURT: The fact that your daughter was convicted of
4 those two offenses, would that prevent you from being fair
5 and impartial to both sides?

6 JUROR: No. I think it made me more open minded.

7 THE COURT: That's what we want, more open minded
8 jurors. Thank you, ma'am.

9 BAILIFF: 131.

10 THE COURT: Yes, ma'am.

11 JUROR: Well, I have tried the online dating thing and I
12 have several family members that have been convicted of
13 crimes.

14 THE COURT: Okay. Concerning the second part, the
15 family members being convicted of crimes, would that prevent
16 you from being fair and impartial to both sides?

17 JUROR: No, sir. No, sir.

18 THE COURT: Thank you, ma'am.

19 BAILIFF: 176.

20 THE COURT: Yes, ma'am.

21 JUROR: I just want to make you aware that if this case
22 were to run into the weekend that I have to do supervised
23 visitations this weekend.

24 THE COURT: Do you have a family member that has
25 visitation that you need to supervise?

1 JUROR: Yes, sir.

2 THE COURT: Could it be altered in some way?

3 JUROR: I don't know. It's hard to deal with the dad in
4 altering it. Other than that, I have no problem serving.

5 THE COURT: We don't know. It's going to be a lengthy
6 case, we know that. I'm going to keep you on.

7 JUROR: I've served on a criminal case before, so...

8 BAILIFF: Juror number 45.

9 THE COURT: Yes, sir.

10 JUROR: I read about the case in the local newspaper.

11 THE COURT: Which paper do you write for?

12 JUROR: I don't write, I read it.

13 THE COURT: Oh, I thought you said...

14 JUROR: I know a number of Sheriff's in Greenville and
15 Laurens. My two adoptive children were from domestic
16 violence.

17 THE COURT: You've got three parts there. You read an
18 article in the newspaper about the case. Would that prevent
19 you from being fair and impartial to both sides?

20 JUROR: No.

21 THE COURT: The fact that you know several deputy
22 Sheriff's, would that prevent you from being fair and
23 impartial to both sides?

24 JUROR: No.

25

1 THE COURT: The fact that you have two adoptive children
2 who were victims of some domestic violence in their
3 household, would that prevent you from being fair and
4 impartial to both sides?

5 JUROR: That I'm not sure.

6 THE COURT: You think that would be a -

7 JUROR: That's a sore spot with me.

8 THE COURT: I'm going to excuse you from the trial of
9 this case. Thank you for your honesty. Stay with us,
10 please.

11 BAILIFF: Juror 91.

12 THE COURT: What's your name?

13 JUROR: Harriet Hunter Grant.

14 THE COURT: Harriet Grant?

15 THE COURT: Ladies and gentlemen of the jury panel, let
16 me first ask, any additional voir dire, that's the legal
17 term for these questions I've been asking you, voir dire,
18 from the State?

19 MR. SCOTT: No, Your Honor.

20 THE COURT: Any objections or exceptions to the voir
21 dire conducted by the Court from the State?

22 MS. BOYKIN: No, Your Honor.

23 THE COURT: Mr. Brian, any additional voir dire?

24 MR. ABLE: No, sir.

25 THE COURT: Any objections or exceptions to the voir

1 dire?

2 MR. ABLE: No, sir.

3 THE COURT: Thank you very much. Ladies and gentlemen
4 of the jury panel, what now is going to happen, if you hear
5 your name called out you will come down to the front area
6 right there and face the two counsel tables and they will
7 make an indication of whether or not they want you to sit on
8 this jury. They'll use the word swear the juror, or we
9 accept the juror, or excuse the juror. Words of that
10 nature. Now, if you are not selected, if you could down and
11 one side or the other does not accept you, don't take that
12 personally. Okay? These lawyers have certain reasons why
13 they want particular people and others they do not want.
14 But it's not personal, so don't take it as that. Now, you
15 may -- if you're anxious to serve on the jury you may be
16 disappointed, and that's fine. Some of you may be glad.
17 But just there's nothing personal about it. Okay? So if
18 you hear your name then you'll come down. And bring
19 whatever you have with you, so if you are selected then
20 you'll be directed to sit in the jury box.

21 And the attorneys, I think have decided on having four
22 alternates. Okay?

23 MR. SCOTT: Yes, sir. Can we approach for just a
24 minute?

25 THE COURT: Sure.

1 (Whereupon, a sidebar was held.)

2 THE COURT: Madam Clerk, if you will proceed, please.

3 MADAM CLERK: Juror Number 138, Katrina A. Moulder.

4 What say the State?

5 MR. SCOTT: Please present the juror.

6 MADAM CLERK: What say the Defense?

7 MR. ABLE: Please swear the juror.

8 MADAM CLERK: Juror Number 153, David M. Rice. What

9 say the State?

10 MR. SCOTT: Please present the juror.

11 MADAM CLERK: What say the Defense?

12 MR. ABLE: That was Number 153, ma'am?

13 MADAM CLERK: Yes.

14 MR. ABLE: Swear the juror.

15 MADAM CLERK: Juror Number 59, Kayla M. Edwards. What

16 say the State?

17 MR. SCOTT: Please present the juror.

18 MADAM CLERK: What say the Defense?

19 MR. ABLE: What number again?

20 MADAM CLERK: 59.

21 MR. ABLE: Please excuse this juror.

22 MADAM CLERK: Juror Number 142, Stephanie S. Page.

23 What say the State?

24 MR. SCOTT: Please present the juror.

25 MADAM CLERK: What says the Defense?

1 MR. ABLE: Please excuse the juror.

2 MADAM CLERK: Juror Number 85, Lynn D. Hoefer. What
3 says the State?

4 MR. SCOTT: Please present the juror.

5 MADAM CLERK: What says the Defense?

6 MR. ABLE: Swear the juror.

7 MADAM CLERK: Juror Number 41, Billy C. Copeland. What
8 says the State?

9 MR. SCOTT: Please present the juror.

10 MADAM CLERK: What says the Defense?

11 MR. ABLE: Swear the juror.

12 MADAM CLERK: Juror Number 166, James E. Simpson, Jr.
13 Mr. Simpson. He's already excused.

14 MADAM CLERK: Juror Number 100, Doris A. Jones. What
15 says the State?

16 MR. SCOTT: Please present the juror.

17 MADAM CLERK: What says the Defense?

18 MR. ABLE: Please swear in Ms. Jones.

19 MADAM CLERK: Juror Number 57, Blake L. Dutcher. What
20 says the State?

21 MR. SCOTT: Present the juror.

22 MADAM CLERK: What says the Defense?

23 MR. ABLE: What was the number again, Madam Clerk?

24 MADAM CLERK: 57.

25 MR. ABLE: Please excuse the juror.

1 MADAM CLERK: Juror Number 155, Maxie Richey Rice. What
2 says the State?

3 MR. SCOTT: Present the juror.

4 MADAM CLERK: What says the Defense?

5 MR. ABLE: Swear the juror.

6 MADAM CLERK: Juror 93, Mark R. James. What says the
7 State?

8 MR. SCOTT: Please excuse the juror.

9 MADAM CLERK: Juror Number 146, Jack M. Pepper. What
10 says the State?

11 MR. SCOTT: Present the juror.

12 MADAM CLERK: What says the Defense?

13 MR. ABLE: Swear the juror.

14 MADAM CLERK: Juror Number 157, Charles A. Richter.
15 What says the State?

16 MR. SCOTT: Present the juror.

17 MADAM CLERK: What says the Defense?

18 MR. ABLE: Please swear the juror.

19 MADAM CLERK: Juror Number 64, Elizabeth C. Furtick.
20 What says the State?

21 MR. SCOTT: Please present the juror.

22 MADAM CLERK: What says the Defense?

23 MR. ABLE: Please excuse this juror.

24 MADAM CLERK: Juror Number 51, Paul E. Dellinger. What
25 says the State?

1 MR. SCOTT: Present the juror.

2 MADAM CLERK: What says the Defense?

3 MR. ABLE: What was the number again?

4 MADAM CLERK: 51.

5 MR. ABLE: Swear the juror.

6 MADAM CLERK: Juror Number 6, Christopher S. Ballinger.

7 What says the State?

8 MR. SCOTT: Please present the juror.

9 MADAM CLERK: What says the Defense?

10 MR. ABLE: Please excuse the juror.

11 MADAM CLERK: Juror Number 180, Calvin D. Thomason.

12 What says the State?

13 MR. SCOTT: Please excuse the juror for this case.

14 MADAM CLERK: Juror Number 131, Linda Michelle Meier.

15 What says the State?

16 MR. SCOTT: Please present the juror.

17 MADAM CLERK: What says the Defense?

18 MR. ABLE: Swear in the juror.

19 MADAM CLERK: Juror Number 86, Jeffrey S. Holmes. What
20 says the State?

21 MR. SCOTT: Please present the juror.

22 MADAM CLERK: What says the Defense?

23 MR. ABLE: Excuse the juror.

24 MADAM CLERK: Juror Number 199, Kenneth W. Wright.

25 What says the State?

1 MR. SCOTT: Please present the juror.

2 MADAM CLERK: What says the Defense?

3 MR. ABLE: Swear the juror.

4 MADAM CLERK: Juror Number 174, Catherine A. Streeter.

5 MR. ABLE: What was that number, Madam?

6 MADAM CLERK: 174. What says the State?

7 MR. SCOTT: Present the juror.

8 MADAM CLERK: What says the Defense?

9 MR. ABLE: Swear the juror.

10 MADAM CLERK: Juror Number 137, James S. Mosley.

11 MR. SCOTT: Are we in the alternates now?

12 MADAM CLERK: We are. What says the State?

13 MR. SCOTT: Please excuse this alternate.

14 MADAM CLERK: Juror Number 114, Kiondra O. Ligon. Does
15 the State challenge for cause?

16 MR. SCOTT: Please present the alternate.

17 MADAM CLERK: What says the Defense?

18 MR. ABLE: Excuse the juror, please.

19 MADAM CLERK: Juror Number 115, Tonya C. Littleton.

20 Does the State challenge for cause?

21 MR. SCOTT: Please present this alternate.

22 MADAM CLERK: What says the Defense?

23 MR. ABLE: Swear in the juror.

24 MADAM CLERK: Juror Number 99, Susan P. Johnson. What
25 says the State?

1 MR. SCOTT: Please present the alternate.

2 MADAM CLERK: What says the Defense?

3 MR. ABLE: One moment, please. Excuse the juror.

4 MADAM CLERK: Juror Number 110, Sarah A. Koch. What
5 says the State?

6 MR. SCOTT: Please excuse this alternate from this
7 trial.

8 MADAM CLERK: Juror Number 163, Lara L. Settles. Does
9 the State challenge for cause?

10 MR. SCOTT: Please present this alternate.

11 MADAM CLERK: What say the Defense?

12 MR. ABLE: Swear the juror.

13 MADAM CLERK: Juror Number 147, Haley A. Persall. What
14 says the State?

15 MR. SCOTT: Please present the alternate.

16 MADAM CLERK: What says the Defense?

17 MR. ABLE: Please excuse this juror.

18 MADAM CLERK: Juror Number 47, Thomas K. Davis. What
19 says the State?

20 MR. SCOTT: Please present the alternate.

21 MADAM CLERK: What says the Defense?

22 MR. ABLE: Please excuse the juror.

23 MADAM CLERK: Juror Number 161, Sylver J. Sargent.
24 What says the State?

25 MR. SCOTT: Please present the juror alternate.

1 MADAME CLERK: Does the Defense challenge for cause?

2 MR. ABLE: No, ma'am.

3 MADAM CLERK: Juror Number 87, Michael E. Howard. What
4 says the State?

5 MR. SCOTT: Please excuse this alternate.

6 MADAM CLERK: Juror Number 46, Danny R. Daniel. Does
7 the State challenge for cause?

8 MR. SCOTT: Please present the alternate.

9 MADAM CLERK: What says the Defense?

10 MR. ABLE: Please present the alternate.

11 THE COURT: All right, ladies and gentlemen. We have
12 selected our trial jury. We have 12 main ones and four
13 alternates. And I'll explain a little bit more about being
14 an alternate probably after we come back from lunch. But
15 what I want you to do is -- I'll ask Mr. Bolt to take you to
16 your jury room. You'll get so see where you're going to be
17 spending some time this week. It'll also give you an
18 opportunity to meet each other, and then I'll bring you back
19 out shortly. But more than likely we're going to break for
20 lunch because it's already after 1:00.

21 I'm going to tell you something now that you'll hear me
22 tell you repeatedly throughout this whole proceeding is that
23 you cannot begin any discussions among yourselves about this
24 case. Those discussions cannot take place until at the end
25 of the case when all the evidence is in, the lawyers have

1 made their closing arguments, and I have instructed you on
2 the law in this case. So it's very important that you
3 follow that instruction. It's also going to apply when you
4 go home for a break, whether a lunch break or at home in the
5 evening. You come into contact with family, friends,
6 coworkers, whoever, and they may ask you a lot about what
7 you've done today, what you've heard and that sort of thing,
8 especially after we start the testimony in this case. It's
9 extremely important you can't engage in any conversations
10 with anyone whatsoever until I instruct you to. Okay?

11 So at this time if you'll go back to your jury room and
12 we'll bring you back out shortly. Okay?

13 (Whereupon, the jury exited the courtroom at p.m.)

14 THE COURT: Does the State have any objections or
15 exceptions to jury selection?

16 MR. SCOTT: No, Your Honor.

17 THE COURT: From the Defense?

18 MR. ABLE: No, sir, Your Honor.

19 THE COURT: Thank you very much. Ladies and gentlemen
20 of the remaining jury panel, again, I hope some of you are
21 disappointed that you were not selected. Again, it's been
22 my experience in talking with people that have served on
23 juries that they pretty much -- the vast majority of them
24 have found the experience to be rewarding, educational. And
25 as I told you at the very outside, serving on a jury is a

1 very, very high civic responsibility. So even though I do
2 not anticipate you needing to come back, I can't -- I'm not
3 going to excuse the panel yet. You have been provided with
4 a call-in number, and after 6:00 this evening call in. More
5 than likely it's going to tell you to call in after 6:00
6 tomorrow evening. But do that and it'll give you the
7 instructions on what to do. We've had a long morning. We've
8 been here pretty solid, except for one break, for about
9 three hours and everybody is probably hungry and ready to
10 get some lunch. So if I don't have an opportunity to call
11 you back, I hope that sometime in the future that you'll
12 have an opportunity, whether it's here or if you move to
13 another county, to have an opportunity to be summoned for
14 jury duty. So if I don't see you, it's been a pleasure
15 speaking with you and hope to see you soon. You're now
16 excused.

17 (Whereupon, the unselected jury panel was excused at
18 p.m.)

19 THE COURT: How long do you anticipate pretrial matters
20 to take? I want to break for lunch, but I just need to know
21 about when to have the jury back. Just kind of give me time
22 estimate, if you can.

23 MR. SCOTT: Judge, an hour, hour and a half? And don't
24 hold me to that.

25 THE COURT: I won't hold you to it. Probably give us

1 some time for lunch. Probably have them come back about
2 3:30. That'll give us about an hour for lunch, another
3 hour, and then probably opening and preliminary charge, and
4 that might do it. Go about 5:30. Maybe you got -- I don't
5 know who your first witness is, and I realize you've pretty
6 much got it in order to some extent. Maybe the first couple
7 of witnesses might be short. We might could --

8 MR. SCOTT: I think so. I think we could probably at
9 least get one in, possibly two. The first two are fairly
10 short.

11 THE COURT: Well, let's bring the jury back out and
12 I'll excuse them until 3:30 and explain to them that they
13 may -- when they get back we may not be quite ready for them
14 yet.

15 (Whereupon, the jury entered the courtroom at 1:15
16 p.m.)

17 THE COURT: Let the record reflect the jury's back out.
18 We are going to have a break for lunch, ladies and
19 gentlemen. But I have a few pretrial matters that I'm going
20 to need to deal with the lawyers, so you're going to get a
21 little longer lunch break than what we normally give you.
22 I'll need for you to be back in your jury room at 3:30.
23 It's 1:15 now. But make sure you get prompt. We may not be
24 quite ready for you at 3:30, but if we are we'll need all 16
25 of you to be in the jury room.

1 I was in Greenwood last week trying a civil case and
2 the -- and one young girl on the jury and she showed up
3 about a half hour late saying that she didn't understand.
4 She thought she had heard me say a different time from what
5 I actually said. So 3:30. All right? Because if we don't
6 have you hear and we're missing a juror then we can't get
7 started. So be prompt. Better practice is leave yourself
8 cell phones in your car, so you don't have a problem with
9 going off or it even vibrating because it can create a
10 noise. So leave your cell phones in the car. And I'll give
11 you some other instructions when we bring you back in. So
12 have a good lunch. Again, no discussion with anybody, and
13 we'll see you back at 3:30.

14 JUROR: Can I ask a question?

15 THE COURT: Yes, ma'am.

16 JUROR: Is there a certain time we get out or it just
17 --

18 THE COURT: Well, like I said, we try to finish up at
19 5:00 to 5:30. You know, if we're in the middle of something
20 that we really need to finish up, you know, it could go
21 later. If you have commitments or responsibilities that,
22 you know, may create a problem then you just need to go
23 ahead and take care of those in advance. Again, I can't
24 promise an end time, but we try to shoot for around 5:00 or
25 5:30.

1 So again, you feel like you may have something come up,
2 then try to take care of on your lunch break.

3 JUROR: Is there like a number just in case, like if
4 something happened to where we couldn't --

5 THE COURT: Yes. Have somebody to call the Clerk's
6 office which is --

7 JUROR: On that card?

8 JUROR: Was it on that little white card?

9 MADAM CLERK: Yes.

10 JUROR: Thank you.

11 (Whereupon, the jury exited the courtroom.)

12 THE COURT: Let's be at recess until about 2:15.

13 Hopefully an hour is enough for everybody to do what they
14 need to do.

15 (Whereupon, a recess was held from 1:15p.m. to 2:28
16 p.m.)

17 THE COURT: We're back on the record in the *State vs.*
18 *Darrell Raines* case, and Mr. Able, I understand you have
19 some pretrial matters you need to --

20 MR. ABLE: Yes. They're bringing Mr. Raines around.

21 THE COURT: Sorry?

22 MR. ABLE: That's okay.

23 THE COURT: Okay, Mr. Able. I'll be glad to hear from
24 you.

25 MR. ABLE: Yes, sir, Your Honor. A few pretrial

1 matters.

2 THE COURT: Certainly.

3 MR. ABLE: I'd like to hand up three different motions
4 I have. Judge --

5 THE COURT: Which one do you want to address first?

6 MR. ABLE: I've got -- Judge, if you look at them
7 they're all entitled the same thing, except I've got Roman
8 numeral two on one and Roman numeral three on one.

9 THE COURT: Okay.

10 MR. ABLE: If that's okay. I'm going to do them in
11 order. The first one without a Roman numeral and then just
12 go down the line.

13 THE COURT: Got you.

14 MR. ABLE: All right, sir. Judge, this case will
15 involve law enforcement's procurement of some cell phone
16 information concerning my client, cell phone tower
17 locations, things of that nature. What happened was in the
18 State's procurement of the records they obtained in order
19 for a magistrate judge in Greenville -- and I've got a copy
20 of that. I'll hand that up to you now.

21 If you look, the order is an order that was dated April
22 22nd, 2013 signed by the magistrate in Greenville. And it's
23 -- if you look down at the bottom portion up over the
24 handwritten part it talks about getting this information,
25 evidence concerning telephone -- cell phone calls and texts,

1 and then also tower sites and locations were requested in
2 reference to Title 18 United States Code Section 2703(d), in
3 parenthesis, and the judge initialed that.

4 Basically what that is, Your Honor, the section that
5 was cited is what is referred to as Electronic
6 Communications Privacy Act Title 2 of the Stored
7 Communications Act.

8 My first motion concerning that order and that Act,
9 it's a relatively short order, but -- I mean, short motion.
10 But basically it revolves around the fact that recently
11 there has been a decision which has -- it's been decided
12 that such -- receiving those records, procuring those
13 records, is an unreasonable search under the Fourth
14 Amendment of the Constitution of the United States. The
15 case I'm referring to is a U.S. Court of Appeals case,
16 Fourth Circuit. It was decided up in Maryland, *U.S. v.*
17 *Graham*. And I've provided a copy of that to the State's
18 counsel, Mr. Scott, earlier this morning. We've discussed
19 this matter and the fact that I had these motions earlier
20 this morning.

21 But in that case, in the *Graham* case, they held that
22 the government's procurement of the cell site location
23 information that was recorded by the defendant's cell phone
24 service provider was an unreasonable search. It was done in
25 this case, as was done in the *Graham* case, they didn't seek

1 a search warrant. They simply procured an order for a
2 magistrate judge and was able to get this information.
3 *Graham* went on to state that such procurement of those
4 records and its cell phone information was a violation of
5 defendant's Fourth Amendment rights against warrantless
6 searches. And I'm not going to read the Fourth Amendment to
7 His Honor, and I know he's familiar with that. There's no
8 doubt about it.

9 But I also would point you in the direction of South
10 Carolina Constitution Article 1 Section 10 which is
11 basically -- it doesn't mirror the Fourth Amendment of the
12 U.S. Constitution. It basically -- the rights of protection
13 against unreasonable search and seizure under the State
14 Constitution than does the Federal Constitution.

15 In *Graham*, *Graham* goes on to say that a search was --
16 it was conducted. The government had conducted a search
17 under the Fourth Amendment when it obtained and inspected
18 those cell phone records concerning the cell phone location
19 sites. And it also said that individuals who had these
20 records, that there's a reasonable expectation of privacy as
21 to these records. These cell phone records here. Some case
22 law about, of course, third party. That a third party holds
23 those records. But in *Graham* they said, no, it's still --
24 you still have that same expectation of privacy even when a
25 third party holds those records because these are not

1 necessarily records where somebody produced these records
2 and then turned them over to a third party. These are
3 records that are produced in connection with your use of the
4 cell phone and they're just held by the party but not --
5 there's still that expectation of privacy in these records.

6 *Graham* goes on to say that the federal government --
7 I'm sorry. For the government to procure these type of
8 records it must do so by application for a search warrant as
9 recognized by the Fourth Amendment and not the order. Now,
10 in all -- or an order from a magistrate's judge. Now, in
11 all fairness, Your Honor, *Graham*, even though they made
12 these holdings, made these findings and they held that it
13 was a violation of the Fourth Amendment of the U.S.
14 Constitution to do it that way, they said that it was -- the
15 government was entitled to a good faith exception. That
16 they are relied upon to Stored Communications Act which
17 provides that -- it's kind of a two-prong -- I don't know if
18 two-prong would be the correct -- but there's two ways for
19 the government under the Stored Communications Act to get
20 these type records. Number one is through a warrant where
21 they go in front of a judge, show probable cause and they're
22 provided a search warrant and they can get the records that
23 way. The second way that they can procure the records is
24 like was done here -- like was done here where they make
25 application to a judge and get an order rather than the

1 search warrant.

2 THE COURT: So what would be the really -- I mean, when
3 it's all said and done, what would be the difference in a
4 search warrant versus an order when affidavits are submitted
5 to the judge and -- what's the difference here?

6 MR. ABLE: The difference is -- and *Graham* addresses
7 that, Your Honor. The difference is the government would
8 have a -- or law enforcement or the government, whichever it
9 is. They would have a great responsibility to seek a search
10 warrant for Fourth Amendment protection because to obtain a
11 search warrant from a magistrate judge you have to show, of
12 course, probable cause. *Graham* talks about this order
13 procedure that was laid out in the Secured Communications
14 Act -- or Stored Communications Act, and says that it's a
15 lower standard to get the order because it's a -- how did
16 they word it? It's a --

17 THE COURT: How can you -- I mean --

18 MR. ABLE: It does say --

19 THE COURT: I don't mean to interrupt you, Mr. Able.
20 But if it's less than probable cause, then you're down in
21 the realm of --

22 MR. ABLE: Suspicion.

23 THE COURT: -- suspicion.

24 MR. ABLE: That's basically what -- that's what *Graham*
25 held was to get an order you don't have to show that

1 probable cause. You just have to show -- and it's another
2 term but I can't remember it right off the top of my head.
3 But it's basically suspicion is what it is.

4 So, you know, when I mentioned a moment ago, as I said,
5 in all fairness with the -- where *Graham* says, okay, law
6 enforcement, you should have gone and gotten a search
7 warrant, but we're going to give you a pass this time
8 because you relied upon the statute. The Communications
9 Act. You did what the Communications Act said.

10 My argument there, Your Honor, is that I believe this
11 is where the mantle should be taken up that -- you know,
12 basically in *Graham* they said you're okay. You get a pass
13 because it was a bad law. You relied upon a bad law. In
14 this case I don't think that law enforcement should be given
15 that same excuse that it's a bad law, you relied upon a bad
16 law, when they should have known or they should have erred
17 on the side of caution and said let's go get a search
18 warrant rather than this court order. So I believe, as in
19 *Graham*, they said it was a violation of the Fourth Amendment
20 and that those records should be suppressed because of that
21 fact.

22 THE COURT: Did *Graham* say that the 2703 was bad law?

23 MR. ABLE: Basically what *Graham* said, Your Honor, is
24 -- that's my terminology saying it was a bad law. They're
25 saying it was a -- well, in essence they do say it's a bad

1 law. Because really what that law does, Your Honor, is it
2 extends the power and the authority of law enforcement to
3 procure these records, and during -- and at the same time it
4 lessens the protections provided for under the Fourth
5 Amendment and the State Constitution by allowing them an
6 avenue, which without this law, without this -- you know,
7 because at first it says you have to get a warrant. And
8 then it says -- it says you can do it this way. You can get
9 a warrant or you can get an order. So it's saying let's get
10 a warrant, but then if you want to get an order you can go
11 apply for these orders through the magistrate. Basically
12 what it's doing is lessening the protections of the Fourth
13 Amendment, which I still -- I don't believe the statute can
14 do that either. So yeah, in essence *Graham* is saying that
15 portion is a bad law, but we're going to give them a pass
16 because they reasonably relied upon that bad law.

17 THE COURT: Do you have a spare copy of *Graham*? Or we
18 can look it up.

19 MR. ABLE: Judge, I apologize. What I have is marked
20 up and noted and everything.

21 THE COURT: That's fine. We've got it right here.

22 MR. ABLE: Do you need that cite?

23 THE COURT: No, we've got it.

24 MR. ABLE: It's a Court of Appeals case.

25 THE COURT: Anything on -- I'm just going to call it

1 cell phone one. Anything else on that? I guess we're going
2 to take all this separate and I'll hear from the State.

3 MR. ABLE: Yes, sir. That'll be fine.

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

5 Solicitor, are you prepared to make a rebuttal argument, or
6 do you need a few more minutes and I'll take a look at --

7 MR. SCOTT: I think I -- it's one of these 48 page
8 deals that I got this morning, so I've been trying to
9 familiarize myself with it.

10 THE COURT: Well, let's do this then. We'll go off the
11 record, we'll be at ease, and we'll see if we can muddle
12 through the *Graham* case and see what it says.

13 MR. ABLE: Well, Your Honor, I think I can take up the
14 first argument if you're ready.

15 THE COURT: Well, I'm not ready. I haven't looked at
16 *Graham*. So let's go off the record. We're all at ease.

17 (Whereupon, a brief recess was held.)

18 THE COURT: We're back on the record. Solicitor, you
19 want to address Mr. Able's first motion?

20 MR. SCOTT: Yes, sir. First of all I note that it
21 apparently has severe negative treatment in this case. It's
22 a pretty new case and I've been unable to really ascertain
23 what all the negative treatment is about. But that was the
24 first thing that caught my eye, was a red flag on it. On
25 its face the facts look fairly analogous to our case.

1 You've got a court order for some cell phone tower
2 information. And as Mr. Able said, that seems to be fully
3 complying with the spirit of the statute. If you look at
4 2703(c)(1)(b), one of -- "The governmental entity may
5 require a provider of electronic communication service or
6 remote computing service to disclose a record or other
7 information pertaining to a subscriber to or customer of
8 such service only when the governmental entity," and then
9 (b), "obtains a court order for such disclosure under
10 subsection (d) of this section." So just the black letter
11 of the law in that statute they comply fully with it.

12 So you've got an order just like you do in the *Graham*
13 case. What they undertake is to kind of ask for 221 days
14 worth of cell site location information. Ours is more
15 narrowed and tailored to a five-day window is what we're
16 looking for. They -- let me see. Again, our court -- let
17 me -- the glaring thing that strikes me. I was looking
18 through this and trying to figure it out and I said, wait a
19 minute, didn't he give consent. And what he did was on
20 August 22nd he came in. He was a suspect. He was not
21 detained or under arrest. He came in voluntarily and gave
22 his first statement. At the time officers just kind of
23 asked him a few questions, and then speaking with him asked
24 if he wouldn't mind them looking over his phone and he
25 consented. He turned the phone over, left the police

1 department. And that was August 22nd. That was the same
2 day the order was obtained. It's kind of -- you know, in
3 retrospect kind of belt and suspenders type thing. I'm glad
4 they did it. He gave consent. But then just to be careful
5 they went ahead and got a search warrant for the phone dump
6 and then a court order for the cell site records. So really
7 they were just being careful covering their tracks. But he
8 had given consent on that August 22nd day.

9 THE COURT: That's not the same statement that we dealt
10 with a couple weeks ago, is it?

11 MR. SCOTT: No, sir.

12 THE COURT: That statement that we had *Jackson v. Denno*
13 on was a second statement.

14 MR. SCOTT: That was a week after this. August 22nd he
15 comes in for the initial statement, turns his phone over.
16 Gives his first statement. One week later, August 29th, he
17 says, well, hey, can I come get my phone. They say yeah,
18 come on back over here. He comes back to the Sheriff's
19 Department and they do the second interview, which was the
20 *Denno* we covered, and at that time they placed him under
21 arrest. So that was a full week after that August 22nd --

22 THE COURT: He left the phone with law enforcement?

23 MR. SCOTT: Yes, sir. Yes, sir. That's correct. And
24 it took quite a while for them -- he had some data on the
25 phone and it took them a while to process everything.

1 But, Your Honor, that aside, what the court says in
2 *Graham* is that relying on good faith, which is precisely
3 what these officers did. You know, just looking at this
4 case I would probably, if I worked in Greenville, advised
5 them maybe the best practice is to get a search warrant
6 based on this case. I mean, the statute clearly says court
7 order, but this Court of Appeals in the Fourth Circuit says,
8 well, the better practice is to get a search warrant. But
9 they say good faith reliance. That's certainly what we have
10 here. They say that's what we've always done is gotten the
11 court order, because that's what the statute requires.

12 THE COURT: He's prepared to offer some testimony on
13 that?

14 MR. SCOTT: I wish I would have known this specific
15 motion was coming down the pike. As you see we've got 50
16 something witnesses. I couldn't have them all here today.
17 Ayers looks like the affiant. Now, I have Tracy King here
18 who wasn't the affiant on that order, however he was privy
19 to that whole production to the magistrate and everything.
20 I've got Antonio Baily here who can testify about the phone
21 being turned over during that first --

22 THE COURT: I think probably -- again, if I so ruled
23 denying Mr. Able's first motion I think it would have to be
24 conditioned upon testimony being offered by the affiant.
25 You say it's Ayers?

1 MR. SCOTT: Yes, sir. We can have him here --

2 THE COURT: And I realize you don't have him here right
3 now. That's fine. We can deal with that.

4 MR. SCOTT: Yes, sir.

5 THE COURT: But, Mr. Able, let me think on this -- on
6 motion one.

7 MR. ABLE: Yes, sir. Judge, I would just mention that
8 as far as the negative treatment of Ayers, it's a North
9 Carolina case. Supreme Court of North Carolina. I have a
10 copy of it. I must have left it at my office. If not, I'd
11 provide it to you. But yeah, the Supreme Court of North
12 Carolina just says Ayers is -- you know, they didn't follow
13 that at all. So that's the negative treatment. It's just
14 that one case.

15 THE COURT: But still -- I mean, still a --

16 MR. ABLE: Fourth Circuit. Fourth Circuit --

17 THE COURT: Fourth Circuit. I mean, the Supreme Court
18 hadn't overruled it yet?

19 MR. ABLE: No, sir. No, sir. And I will mention that
20 they do have it -- a rehearing set on it for October 28th.
21 That's under where it says this negative treatment. So I
22 think the government has petitioned to have it reheard on
23 October 28th.

24 The other thing, these -- these motions go to the
25 information provided by the phone company. The cell phone

1 provider or the service provider. I understand Mr. Raines
2 on August 22nd provided his phone to law enforcement.
3 That's not what I'm talking about. I'm talking about any
4 information that they obtain from the cell service provider.
5 That's the -- that's what's at issue here.

6 THE COURT: Right.

7 MR. ABLE: Not the cell phone -- the stuff they were
8 able to extract from the cell phone.

9 THE COURT: Right. Right. But I guess it would -- if
10 there's anything that they could have gotten off the cell
11 phone -- if --

12 MR. ABLE: Right.

13 THE COURT: -- that was produced by the cell phone
14 company, then I think that would -- that argument would be
15 in favor of the State, because they say, well, we could have
16 gotten it anyways because he gave us the phone. And I don't
17 know if there's anything that they got from the phone
18 company they could have also gotten from his phone. I don't
19 know that. But they may have. I'm just saying that the
20 State, that would be a --

21 MR. ABLE: Right. And I would agree with that, Judge,
22 if there were anything on there that they -- on the phone
23 that was produced subsequently by the cell provider. That
24 would -- that would be something that they got off the
25 phone.

1 THE COURT: All right. Anything further on motion one
2 before we go to motion two? Because it looks like these
3 motions have some relationship, and so --

4 MR. ABLE: They do. They do. Judge, it was just --
5 and I apologize. It was just easy for me to keep them
6 straight by doing it this way rather than put them all in
7 one motion.

8 THE COURT: That's fine. I have no problem with that.
9 It probably helps me out.

10 MR. ABLE: All right, sir. The second motion I have,
11 again titled the same, just Roman numeral two. And this --
12 this goes to something you mentioned a moment ago, Your
13 Honor. You kind of jumped ahead of me. Under the Stored
14 Communications Act. I handed up a printout of that. It
15 tells law enforcement, this is what we're going to require
16 from you to get this court order. I'm not talking about the
17 constitutionality of it anymore. It's just basically what
18 is required under the statute. If you don't get a warrant,
19 you're going to get a court order. This is what we're going
20 to have to have. And what it says basically, in order to
21 get a court order, the court of a competent jurisdiction
22 shall issue it only if the governmental entity offers
23 specific and articulable facts showing that there are
24 reasonable grounds to believe that the content of a wire and
25 electronic communication or the records of information

1 sought are relevant and material to an ongoing criminal
2 investigation. So we're looking for specific and
3 articulable facts.

4 Now, I said a moment ago that you had jumped ahead of
5 me and you just said -- you know, when I was discussing my
6 first motion you said, well, Mr. Able, what difference does
7 it make if somebody is providing an affidavit whether it's a
8 warrant or whether it's under court order. They're
9 providing the same information. Well, on that point, if you
10 look at the statement provided by Deputy Ayers. And the
11 reason I call it a statement is because it's not in
12 affidavit form. It says affidavit, but it's not notarized,
13 so it's not a sworn statement. And what they did, they --
14 what law enforcement did was in that case they procured a
15 court order by just making a statement. I can't tell from
16 this whether Officer Ayers -- not saying that he did
17 anything inappropriate. I'm just saying I can't tell from
18 this whether he typed this out, produced it, left it on the
19 judge's desk and had the judge look at it later, or if he
20 was there to discuss it with the judge, whether he was
21 placed under oath, because obviously it's not a sworn
22 affidavit. It's just a statement.

23 THE COURT: Let me just stop you just a second.
24 Solicitor, do you know whether or not the original of this
25 document that's titled affidavit was notarized and maybe

1 there were some copies that did not get notarized? Do you
2 know that?

3 MR. SCOTT: One second, Your Honor. They tell me,
4 Judge, that there was not a notary available that day,
5 however there was sworn oral testimony. Again, I'm going to
6 need Ayers here to proffer some --

7 THE COURT: Well, it may be a situation -- all right.
8 You're arguing that this shouldn't be considered -- should
9 not have been considered because it's not notarized,
10 therefore not a proper affidavit, absent any maybe sworn
11 testimony that was --

12 MR. ABLE: I can't tell from this.

13 THE COURT: You can't tell from that. So would it not
14 be -- and I don't know what your guys -- especially the
15 State as far as an opening and how much you want to get into
16 cell phone records. And without me being able to rule on
17 your motions, then you may not, Solicitor, be able to, you
18 know, mention cell phone records. I don't know what your
19 plan is as far as opening.

20 MR. SCOTT: We will -- Your Honor, we will mention cell
21 phone records, but we can -- as far as location. I think
22 that's kind of the gist of the argument. The phone dump, I
23 don't think we're arguing about. I think we're arguing
24 about phone records. That's a whole other topic. We got a
25 search warrant for the phone dump, and he can send it to the

1 phone dump. So what we got from that is text messaging,
2 calls and everything else. With the cell phone records we
3 get locations. So we cannot -- we can go through an opening
4 without mentioning the location aspect of it. However, we
5 could -- we could allude to the fact there will be cell
6 phone records in this case.

7 THE COURT: Mr. Able, do you not think maybe, for me to
8 have a better picture of what took place in order to
9 properly rule on your three motions, that we -- as soon as
10 the Solicitor can get Mr. Ayers -- Officer Ayers here
11 tomorrow, take his in camera testimony and then we can
12 revisit your -- especially the second motion, and maybe even
13 your third one.

14 MR. ABLE: Yes, sir.

15 THE COURT: I don't think -- whether we need Ayers on
16 the first one, too, to look at -- on the statute. So can we
17 just put these on hold for right now?

18 MR. ABLE: Yes, sir. I mean, whatever you think would
19 be most appropriate.

20 THE COURT: Yeah. I think maybe it's -- and your
21 complaint would be ask to the records related to the cell
22 phone locations? Is that --

23 MR. ABLE: Yes, sir. The cell tower sites and their
24 argument or their intent to show that this information
25 places my client somewhere at a certain time.

1 THE COURT: Right. And you're really not arguing --
2 reserving any objections of a couple weeks ago. You're
3 really not complaining about, as Solicitor Scott says, the
4 cell phone dump, which I take that to mean records showing
5 that a call was made from this cell phone to this phone, or
6 this text message to this cell phone and that sort of thing?

7 MR. ABLE: That's my understanding. Yes, sir. The
8 dump being their extraction of the information off of the
9 cell phone --

10 THE COURT: That's not a basis for your objection?
11 It's the records related to cell site?

12 MR. ABLE: Yes, sir.

13 THE COURT: Tower site.

14 MR. ABLE: Right. But my -- basically -- you know, I
15 just want to make sure that this is understood. On this
16 motion number two is that the statement doesn't comply with
17 the statute. And as a result I believe it's a faulty order,
18 and as a result I believe that the record should be
19 suppressed.

20 THE COURT: Well, and the statute will allow for sworn
21 oral testimony, would it not?

22 MR. ABLE: Yes, sir. I think so.

23 THE COURT: So, again, we've got to see what Ayers has
24 to say and what he may have said in addition to what he put
25 in this unsworn document, or unsworn affidavit.

1 MR. SCOTT: Yes, sir. Judge, just in the spirit of
2 being as efficient as possible, I've got one of the
3 investigators from Greenville to call up there and see if we
4 can get him down here. Maybe after we get done with
5 openings and a couple of witnesses we can get him in at the
6 end of the day and just move on tomorrow.

7 THE COURT: That's fine. So let's just put it -- put
8 these motions on hold until we can do that.

9 MR. ABLE: Bear with a moment, Your Honor.

10 THE COURT: Sure, take your time.

11 (Whereupon, a brief pause was taken.)

12 MR. ABLE: Your Honor --

13 THE COURT: Are we back on record?

14 MR. ABLE: Yes, sir. My next pretrial motion was
15 directed toward the exclusion of certain photographs and to
16 suppress those photographs from coming into evidence.
17 Primarily, without getting too graphic, just photographs of
18 Ms. Southern and where they had located her body. And I was
19 going to argue that they should be suppressed for those
20 reasons that have been enumerated by our Supreme Court. In
21 talking with the State -- and I'm just talking about
22 photographs from the incident location or the location where
23 her --

24 THE COURT: Let's do this. The photographs that are in
25 dispute, let's go ahead and have those marked for ID only

1 and -- so let's go off the record and have them marked and
2 then we can go back on.

3 MR. ABLE: Judge, we don't have any in dispute.

4 THE COURT: Oh, we can stay on the record then.

5 MR. ABLE: That's what I was going to say. There's no
6 dispute. We've agreed to what records -- or what
7 photographs would come in. And then I was saying there
8 won't be any argument about that, the ones that will not
9 come in.

10 THE COURT: Got you. Well, I thank you both. I
11 appreciate that.

12 MR. ABLE: Can we go ahead and mark those?

13 THE COURT: You can wait when we break. I was just
14 thinking if we were going to be arguing over some
15 photographs they needed to be identified.

16 MR. ABLE: No, sir.

17 THE COURT: We can wait on putting those in. That's
18 fine.

19 MR. ABLE: Basically they've agreed, the ones that I
20 had an objection to, they're not going to come in.

21 THE COURT: Very good. I think there's -- is there a
22 *Jackson vs. Denno* that we need to at least get on the
23 record? I don't know how much dispute there is, but at
24 least -- is that correct, Mr. Able?

25 MR. ABLE: That's what I understand from the State,

1 Your Honor. Yes, sir.

2 THE COURT: Do you have any other motions?

3 MR. ABLE: Well, Judge, I had that *Lyle* motion I had
4 mentioned this morning concerning any additional bad acts
5 under Rule 403. Anything they're going to intend to show as
6 concerns my client's character by bad acts showing, you
7 know, things enumerated in *Lyle*, motive, that kind of thing.

8 THE COURT: Right. Well, Solicitor, do you intend to
9 offer some testimony in camera as to some other bad acts as
10 related to Mr. Able's motion?

11 MR. SCOTT: No, sir.

12 THE COURT: Or do you want to deal with it when it
13 comes up?

14 MR. SCOTT: Probably so. It's certainly *res gestae*
15 type evidence. Nothing that would traditionally be called
16 *Lyle* stuff. He doesn't have a prior -- I think he's got
17 like a failure to return a rental, and I certainly don't
18 plan on getting into anything like that.

19 THE COURT: Well, if you guys are in agreement, we'll
20 deal with any *Lyle* objections when it comes up. We just
21 need to make sure that, Solicitor, you don't get into it
22 with a particular witness until we can argue it. Is that
23 satisfactory with you, Mr. Able?

24 MR. ABLE: Yes, sir. That's fine. And then, of
25 course, Your Honor, I have a motion. I can hand it up, but

1 I can just do it orally as well. It's just a motion to
2 sequester all witnesses. I think that would be appropriate
3 in this case. Just on that issue, I would ask that the
4 court go ahead and -- as concerns Officer Ayers coming down
5 on those earlier motions, I would ask the court to instruct
6 anyone that they're not to discuss that -- his testimony
7 with anyone until he gets here.

8 MR. SCOTT: Judge, I don't see any reason why they
9 shouldn't be able to tell him what his purpose for coming
10 down here blindly would be here today. You're here to
11 testify about obtaining a -- I don't understand why that
12 could possibly --

13 THE COURT: I don't know how I could prevent the State
14 from discussing with a witness before they testify --

15 MR. ABLE: I'm not talking about the Solicitor's
16 office, Judge. I'm talking about anyone else saying this is
17 what the questions are going to be, you know, this is what
18 it's concerned with. That type of thing.

19 MR. SCOTT: Judge, if I'd been given a heads up on what
20 the issue was in pretrial motions I certainly would have had
21 a right to sit him down and --

22 THE COURT: And I don't think he's making an objection
23 to you.

24 MR. ABLE: That's what I'm saying.

25 THE COURT: I think what he may be objecting to, and

1 you correct me, is for any of the police officers or any of
2 your witnesses having any sort of communication with Officer
3 Ayers before he gets here. I don't think he's complaining
4 about you or Solicitor Boykin.

5 MR. SCOTT: What's the difference? They're my agents.

6 THE COURT: I understand what you're saying. I'm just
7 repeating what I understood Mr. Able to be saying.

8 MR. SCOTT: I would respectfully object to that. I
9 think they're entitled to speak with him about what his
10 testimony is going to be, Your Honor.

11 THE COURT: I don't make a distinction between
12 Solicitor Scott or Solicitor Boykin talking with Officer
13 Ayers before his testimony with respect to the other
14 officers. I don't see --

15 MR. ABLE: That's what I said. You stated
16 incorrectly. I don't have any objection to the Solicitors
17 talking to him when he gets here about what his testimony --
18 you know, what they're going to ask him.

19 THE COURT: Right.

20 MR. ABLE: Anyone else I don't believe should say -- or
21 have communication with him about these are the concerns of
22 the Court. This is what, you know, the issues are. I think
23 that should be left to the Solicitors.

24 THE COURT: Well, that's my point is that -- I mean, I
25 don't see the difference of, as Solicitor Scott said, the

1 witness when he gets here saying, okay, this is what we need
2 to get into. These are the concerns of the Court. I don't
3 see the difference in that or one of these officers calling
4 him up now and saying we need you down here and this is why
5 we need you. I mean, I don't see the difference between a
6 police officer or the Solicitor in doing that. So I'm going
7 to deny that.

8 Sequestration certainly is proper. We've got the lead
9 investigator and -- is there anybody else that you wanted to
10 remain in here?

11 MR. SCOTT: Your Honor, this is the victim's family.

12 THE COURT: Well, that's what I was -- I thought
13 somebody mentioned that some of her family members were
14 here. I wasn't exactly sure.

15 MR. SCOTT: Yes, sir. The mother would certainly be
16 entitled to be here as the mother of the victim.

17 THE COURT: Right.

18 MR. SCOTT: The rest of the family, they're not
19 witnesses. I do have two other witnesses in the Court that
20 will be subject to sequestration.

21 THE COURT: All right. So from what I'm understanding,
22 of course, the investigator is entitled to be here, the
23 victim's mother is entitled to be here under the Victim's
24 Rights Act, and other family members are not planning to
25 testify, so they can certainly remain in. And you said you

1 have a couple here that --

2 MR. SCOTT: I put Walter on the witness list as just
3 kind of a fallback. I don't anticipate using him. But
4 certainly he's -- you know, he is kind of my runner. He
5 rounds witnesses up. I would ask for consent to let Walter
6 Bentley stay in.

7 MR. ABLE: I don't have any objection to Mr. Bentley.

8 THE COURT: You don't have any objections?

9 MR. ABLE: No.

10 THE COURT: Mr. Bentley can stay. So I think we have
11 an understanding of what -- who's going to stay, who's going
12 to go.

13 MR. SCOTT: And certainly, Your Honor, a reciprocal
14 sequestration. I don't see anybody here for Mr. Raines
15 right now, but I'll -- that would be reciprocal.

16 THE COURT: Right. And I'm sure, Mr. Able, you know,
17 if somebody shows up --

18 MR. ABLE: Yes, sir.

19 THE COURT: -- you'll certainly take care of that.

20 Anything else -- other than the *Jackson vs. Denno* anything
21 else pretrial Mr. Able?

22 MR. ABLE: No, sir.

23 THE COURT: Certainly understanding that your cell
24 phone motions are just kind of put to the side for right now
25 until we get Officer Ayers here.

TRACY KING: DIRECT EXAMINATION

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1 MR. SCOTT: And I understand that the motion today that
2 there were a number of other search warrants obtained as
3 well. So I assume that that covers all the -- any kind of
4 issues with any suppression of search warrants.

5 THE COURT: I can't speak for Mr. Able. I don't know.

6 MR. ABLE: I have no intent on raising that as an issue
7 at this time.

8 THE COURT: Right. And, I guess, I mean, it always
9 holds true that, you know, if something develops, and
10 certainly Mr. Able or the State feels like an objection
11 needs to be made now as opposed to a motion in limine that
12 certainly that can be made. It's just none is expected at
13 this time.

14 MR. SCOTT: For the State, Your Honor, I'm going to
15 call Tracy King with the Greenville Sheriff's Department.
16 This time we're going to go ahead and comply with
17 sequestration.

18 (Whereupon, witnesses exited the courtroom.)

19 TRACY KING, having been first duly
20 sworn, testified as follows:

21 (IN CAMERA DIRECT EXAMINATION)

22 BY MR. SCOTT:

23 Q Would you state your name?

24 A Alvin Tracy King.

25 Q And you're an investigator with Greenville County,

1 correct?

2 A Yes, sir.

3 Q August 2013 did you have occasion to work a missing
4 person's case out of Greenville?

5 A I was one -- I assisted. Yes, sir.

6 Q And what was the subject's name who went missing?

7 A That was --

8 Q Myranda Southern?

9 A Myranda Southern.

10 Q August 22nd of 2013 did you have occasion to sit down
11 and interview a Darrell Raines?

12 A Yes, sir.

13 Q And how did that come about? How did he come -- was
14 that at the Greenville County Sheriff's Department?

15 A Yes, sir. It was.

16 Q And how did he find his way there?

17 A We had called and requested that he come down and
18 assist the Sheriff's Office with the investigation due to
19 the fact that we had received a missing person report.

20 Q Well, how did he become on your all's radar?

21 A We learned -- I believe it was in the initial report
22 that he was actually an associated boyfriend, or a close
23 friend of the victim.

24 Q But not only that, you all had an ATM image of him at
25 that point; is that right?

TRACY KING: DIRECT EXAMINATION

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1 A That's correct.

2 Q And on that ATM image he was using the missing person's
3 ATM card?

4 A That is correct.

5 Q So you asked him to come down and he showed up
6 voluntarily?

7 A He did.

8 Q Did he drive himself to the Sheriff's Department?

9 A He did.

10 Q Did he show up alone?

11 A Yes.

12 Q At that time -- let's see. Was he placed in Detention?

13 A No, sir.

14 Q How would you characterize him at that point?

15 A At that point he was still -- still considered a
16 witness.

17 Q Just a witness?

18 A That's correct.

19 Q Was he a person of interest at that point?

20 A To us at that point, no.

21 Q Well, certainly it was compelling though that he was on
22 that ATM video?

23 A That is correct.

24 Q So did you ask him about how he came to be on that
25 camera?

1 A Yes, sir.

2 Q Before you began speaking with him did you tell him who
3 you were?

4 A Yes, sir.

5 Q Did he appear to be under the influence of anything?

6 A No, sir.

7 Q Did he appear to understand who you were and did you
8 give him the reasons why he was there?

9 A Yes, sir.

10 Q So I guess you didn't read him any Miranda rights?

11 A No, sir.

12 Q Let me show you --

13 MR. SCOTT: Let me get this marked first.

14 (Whereupon, State's Exhibit No. 1 was marked for
15 identification.)

16 Q State's No. 1, Investigator King. Do you recognize
17 that?

18 A Yes, sir.

19 Q Now, I see you're looking at a copy of it as well.

20 A Yes, sir.

21 Q Is that -- is this the statement that he gave you all
22 on August 22nd?

23 A It is.

24 Q Do you mind reading it?

25 A You want me to read the entire statement?

TRACY KING: CROSS-EXAMINATION

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1 Q Yeah, read the first part of it. Well, I tell you
2 what. Let me --

3 A Sure.

4 MR. SCOTT: Your Honor, I'm going to show you State's
5 No. 1. And this is the August 22nd statement.

6 THE COURT: Okay.

7 Q Now, the top portion it's got his name and he -- it
8 says, "Do hereby give freely and voluntarily this statement
9 to Investigator Hoover and King. And Investigator Hoover is
10 here, too, correct?

11 A Yes, sir.

12 Q He left his address and his name. And each one of
13 their statements, I see -- or each sentence has a DEA -- or
14 DER. I'm sorry. Is that --

15 A DER. Yes, sir. That was Mr. Raines.

16 Q And when did he initial those?

17 A After the completion of the statement being obtained.

18 Q So he would have given a statement. Who typed it up?

19 A That was Investigator Hoover.

20 Q And so, you show it to him to review and make sure it's
21 correct?

22 A Yes, sir.

23 Q And those are his initials beside them?

24 A Yes, sir.

25 Q And then at the end, "I have read the above statement,

1 page one of two, and I find that it's true and correct to
2 the best as I recall."?

3 A Yes, sir.

4 Q Is that his signature?

5 A That is.

6 Q And you say Hoover was there to witness it?

7 A Yes, sir.

8 MR. SCOTT: Thank you, Investigator King. Your Honor,
9 the State offers that statement as in compliance with *Denno*.

10 THE COURT: For purposes of the *Jackson vs. Denno* it
11 will be an Exhibit marked for identification and certainly
12 considered by the Court for this limited purpose.

13 MR. SCOTT: Answer any questions Mr. Able has for you.

14 THE COURT: Mr. Able.

15 CROSS-EXAMINATION

16 BY MR. ABLE:

17 Q How are you, sir?

18 A Good, sir.

19 Q Good. Now, you mentioned a moment ago that Mr. Raines
20 was not a person of interest at that time.

21 A Not necessarily. We were trying to determine why he
22 was on the bank still images using the victim's ATM card at
23 that point.

24 Q And the form that Greenville County uses as far as your
25 Miranda warnings, it's a pretty simplistic form, isn't it?

TRACY KING: CROSS-EXAMINATION

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1 A That's correct.

2 Q And it's basically as a -- just out of habit that's
3 usually presented to anyone, whether they're a witness,
4 person of interest, or a suspect to have them sign that
5 before you interview them?

6 A Primarily suspects. We don't -- normally it's not a
7 common practice to read a witness or a victim their rights.
8 No, sir.

9 Q You didn't orally tell him or read to him any Miranda
10 rights?

11 A No, sir.

12 Q And you didn't -- you didn't have any sign anything
13 waiving any of those rights?

14 A No, sir.

15 Q And you didn't sign -- have him sign anything saying he
16 could leave or anything like that?

17 A No, sir. He was notified that, when he came in, we
18 were trying to work on the missing person case at that
19 point.

20 Q This is a form you all use as far as Miranda warnings?

21 A Yes, sir.

22 Q Sheriff's Office Greenville, South Carolina?

23 A Uh-huh.

24 Q You have to say yes or no.

25 A Yes, sir.

1 Q And as I said, it wouldn't have taken much to procure
2 one of these forms and have him sign it at that time, would
3 it?

4 A Not if he was a suspect or -- in the event he would
5 have implicated himself in something we would have stopped
6 the interview and proceeded with that avenue.

7 Q So if he started talking and made any -- it's your
8 position that if he started talking and, again, implicated
9 himself in anything you would have stopped him at that
10 point?

11 A Yes, sir. Yes, sir.

12 Q Thank you. That's all I have.

13 THE COURT: Solicitor, anything in redirect?

14 MR. SCOTT: Yes, sir.

15 REDIRECT EXAMINATION

16 BY MR. SCOTT:

17 Q Did you -- did he leave at the end of that statement?

18 A Yes, sir. He did.

19 Q Freely?

20 A Yes, sir.

21 Q And he wasn't arrested for another full week; is that
22 correct?

23 A That's correct.

24 Q And was that after additional information was obtained?

25 A Yes, sir.

TRACY KING: EXAMINATION BY THE COURT

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1 Q At any time during this statement did he ask for a
2 lawyer or ask to stop the questioning?

3 A No, sir.

4 Q At some point did you all ask for his phone?

5 A That was -- that was done by Investigator -- let's see.
6 Antonio Bailey had came down and was sitting in during the
7 latter portion of the interview, and he had actually
8 requested that.

9 MR. SCOTT: Thank you. Your Honor, nothing further.

10 THE COURT: Recross, Mr. Able.

11 MR. ABLE: I have no questions.

12 THE COURT: Officer King, let me ask you just a couple
13 questions. Was any other officer in the interview room
14 other than yourself?

15 THE WITNESS: Myself, Investigator Hoover, and
16 Investigator Bailey joined us shortly after we began.

17 THE COURT: All right. Now, and I understand that you
18 testified at the end of the interview he did -- he was
19 allowed to leave, correct?

20 THE WITNESS: Yes, sir. Yes, sir.

21 THE COURT: Okay. At any time during the course of the
22 interview did you or Officer Hoover or Officer Bailey say or
23 do anything that would indicate to Mr. Raines that he was in
24 custody or he was not free to leave?

25 THE WITNESS: No, sir.

1 THE COURT: And did you observe anything about Mr.
2 Raines, or did he say anything that caused you to believe
3 that his statement was not voluntarily made? This statement
4 of August the 22nd?

5 THE WITNESS: No, sir. As a matter of fact, he
6 actually -- the first short line clearly states, "I am not
7 under the influence any drugs or alcohol or anything else
8 that could affect my judgment." No, sir.

9 THE COURT: Okay. Thank you very much. Does the State
10 have any follow-up questions to the Court's questions?

11 MR. SCOTT: No, sir, Your Honor.

12 THE COURT: Defense?

13 MR. ABLE: No, sir.

14 THE COURT: Thank you, Officer King.

15 THE WITNESS: Yes, sir.

16 (Whereupon, the witness stepped down from the witness
17 stand.)

18 THE COURT: Solicitor, do you have any other witnesses
19 on this limited purpose?

20 MR. SCOTT: Your Honor, I have Investigator Hoover
21 here, but it's the State's position it's abundantly clear
22 that this was non-custodial. It may have been an
23 interrogation or questions asked but certainly he was not
24 detained. The testimony was he showed up voluntarily, he
25 left voluntarily. I think it was just a freely and

1 voluntarily given statement. I think it's in the spirit of
2 *Denno*.

3 THE COURT: Mr. Able, anything on this issue?

4 MR. ABLE: No, sir.

5 THE COURT: I do find that a Miranda warning was not
6 required in this particular situation due to the fact that
7 he was free to leave, he was not deprived in any way, nor
8 was he in police custody during the time the interview was
9 made on August 22nd, 2013. In addition, I find that the
10 statement that he made on that day was freely and
11 voluntarily given by him. Therefore, if the State so offers
12 it into evidence during the trial of this case then I will
13 allow it in, certainly giving Mr. Able the right to make any
14 further objections at that particular point in time.

15 We're going to take a very short break before we bring
16 the jury out. Was there anything else pretrial that we need
17 to deal with before the jury is brought out?

18 MR. SCOTT: Your Honor, I think the rules permit in
19 opening anything that the State reasonably believes will be
20 admitted into evidence. There is one picture that will come
21 out through a future witness, and I certainly have all the
22 confidence in the world the picture will come out. This is
23 a relatively complex case. It encompasses, I don't know,
24 three weeks in August 2013 with multiple dates. I would ask
25 that the State be allowed to use certain visuals. This

1 picture of him at the ATM, kind of what was alluded to, was
2 sort of the first red flag that Darrell Raines is somebody
3 we're going to be talking to. I have ever confidence in the
4 world it's going to come out during the case in chief and I
5 would ask that we be allowed to -- just so we don't
6 blindsides anybody, we were going to show this picture during
7 opening statements, just to let the Court aware.

8 THE COURT: Certainly I'm somewhat liberal in allowing
9 arguments, opening and closing, as far as what's brought
10 out. I always customarily tell juries that when opening
11 arguments are made that nothing that the lawyers say is
12 evidence. It's just a statement of what they believe the
13 evidence will be. And, Solicitor, in good faith and as an
14 officer of this court you believe that this picture will
15 come in under the rules of evidence and, you know, I'm going
16 to allow you to argue that. Certainly the same rules apply
17 to Mr. Able, too. You know, if he believes otherwise, then
18 he'll certainly make the appropriate objection at the
19 appropriate time.

20 MR. SCOTT: Thank you, Your Honor.

21 THE COURT: Anything else?

22 MR. SCOTT: That's all, Your Honor.

23 THE COURT: Let's take about a 10 minute break, and
24 then we'll do the preliminary charge opening, and then maybe
25 you can find a couple witness to Put up.

1 MR. SCOTT: Yes, sir.

2 THE COURT: Whatever time that may be.

3 (Whereupon, a recess was held from 3:40 p.m. to 3:54
4 p.m.)

5 THE COURT: Solicitor, are you ready?

6 MR. SCOTT: Yes, sir.

7 THE COURT: Mr. Bolt, if you'll bring the jury out,
8 please.

9 (Whereupon, the jury entered the courtroom at 4:00
10 p.m.)

11 THE COURT: Good afternoon. I hope you had a good
12 lunch. We have been -- we've had several pretrial matters
13 that I had discussed with the lawyers, but we are now ready
14 to start the case. But we have a couple housekeeping
15 matters that we need to tend to. One, I need to have you
16 sworn in as the trial jury. Madam Clerk?

17 (Whereupon, the jury was sworn in.)

18 THE COURT: The second matter, and I think one of the
19 jurors, as you were walking out to lunch, mentioned about
20 your badge. Certainly when you come to the courthouse
21 always have your juror badge on. Okay? During a lunch
22 break, or even after we break for the day, if you're out in
23 public, have it on. And the reason why I ask you to do that
24 is that, let's say, you decide you want to go to Palmetto
25 Fine Foods for lunch and you don't have your juror badge on.

1 Okay? And let's say the Solicitor and Mr. Able are at lunch
2 and they don't recognize you being on the jury, you don't
3 have your juror badge on, and they start talking about the
4 case and you overhear what they're saying. That's not good.
5 Okay? Or they just see you somewhere and they see that
6 badge they know not to speak to you. They're not being
7 rude. They're just following the Court's instructions to
8 have no contact, or any potential witness that hasn't been
9 in the courtroom yet and doesn't know what -- you know, who
10 you are. You've got that badge. Wear it. Okay? When you
11 go home actually you can take it off if you want to.

12 Thirdly, I need to appoint to a foreperson of the jury.
13 If it's a male, it's a foreman of the jury. If it's a
14 female, it's a forelady. And let me tell you what a
15 foreperson does. He wears several hats. One is I need
16 someone to make sure that all the instructions that I give
17 you are followed completely and that no juror violates those
18 instructions. Secondly, I need someone to serve as go-
19 between between the jury and the Court. Since we anticipate
20 this case taking all week there may be some issues that
21 arise that the jury needs to let the Court know about. So I
22 need a spokesperson for the jury. And thirdly, when you are
23 given the case at the conclusion, all the evidence, closing
24 arguments, instructions on the law by the Court, then I need
25 someone to start the deliberations and get the deliberations

1 organized and kind of oversee that. Now, I'm confident that
2 all 16 of you would make excellent forepersons of the jury,
3 but I can only have just one foreperson. So I am appointing
4 Mr. Wright. You will be the foreman of the jury. Okay?
5 And I'm sure you'll do a fine job. And you don't need to
6 change now, but you will always maintain this very front
7 seat. Any time you're in the courtroom you'll have that
8 seat.

9 Now, my four alternates, you are seated in the right
10 seat. You'll always maintain those seats. The rest of you
11 can sit wherever you like in this section here in the jury
12 box. Now, it's been my experience, and I tell juries this,
13 that more times than not jurors like to sit in the seat.
14 And it's kind of like going to church. You got your same
15 pew and that's where you sit. You don't have to sit in the
16 same seat, but if you kind of decide kind of informally
17 that's how you want to do it, then that's perfectly fine.
18 However, that's fine with me. Okay?

19 Now, in just a moment I'm going to give you a little
20 preliminary charge. Some things to keep in mind. The
21 lawyers who make those opening arguments to you, and I'm
22 going to explain a little bit more to you about that. And
23 then the State will start their case by putting up witnesses
24 in evidence. I'm not sure exactly how much we can get done
25 of that today, but we're going to try maybe get maybe

1 several witnesses up if that's possible.

2 Let me explain one thing about the alternates' role. I
3 want you to understand that just because you have alternate
4 next to your name doesn't mean that you're not important.
5 You are very, very important. We need people that sit
6 through the entire proceeding so if I have to excuse someone
7 off the main 12 then I've got someone who has heard and seen
8 everything that they have seen. And it's not unusual. If
9 there's an emergency at home, which, of course, I hope you
10 don't have that, but if there's an emergency at home, or if
11 you happen to get sick, or as what happened to me last week
12 in Greenwood I had a jury come late. We had to go ahead and
13 excuse her. There's a lot of reasons. So I need someone
14 who can just step right on in and don't miss a beat on
15 proceedings with this case. Of course, if you remain an
16 alternate throughout you do not engage in the deliberations.
17 That's only done by the 12 of you. Okay? So I want you to
18 know you all are very, very important, as the 12 of you all
19 are.

20 Before we begin the trial on this case I want to tell
21 you that this trial probably will be different from what you
22 might be expecting. Many people don't have a chance to
23 attend actual court sessions as you're doing here today and
24 you may think from watching television or from watching
25 movies or reading in books that trials are always full of

1 high drama and intense action and riveting circumstances,
2 and while all of these things may be true at times, this
3 trial is not for anyone's entertainment. It is a
4 fundamental part of our democracy, a search for the truth in
5 an effort to make sure that justice is done between the
6 parties before the Court. Searching for the truth and
7 making sure that justice is done is often slow, deliberate,
8 repetitive at times, which would be the opposite of what you
9 may have seen on television or seen in movies or read in
10 books. This Court runs as a place of honor, dedicated to
11 the protection and preservation of citizens' rights through
12 what many have called the greatest justice system ever
13 created. The attorneys appearing before you are advocates
14 for the parties they represent. The Solicitor's office
15 represents the State of South Carolina, Mr. Able represents
16 Mr. Raines. But first and foremost, these lawyers are
17 officers of the Court sworn to uphold the integrity and
18 fairness of our judicial system and to help you in the
19 search for the truth. You should expect them to be
20 professional, competent and ethical in the representation of
21 their client's interests, and I'm competent that they will
22 be. And you, the jury are also expected to be professional,
23 reasonable and ethical as well. Let me formally thank you
24 for accepting this important responsibility of jury service
25 and for your contribution today to our justice system.

1 Now, these preliminary remarks that I'm giving you are
2 not in any way a charge on the law of this case. I will
3 instruct you on the law applicable to this case at the end
4 of the trial before you retire to consider your verdict. I
5 may touch on a few things. But for the most part, my
6 instruction or charge on the law will be at the end of this
7 case. I just want to try to explain some things to you
8 about the procedure that we'll be following in this trial.

9 First of all, you're not permitted to take any notes
10 during this trial. What does that mean? That means that
11 all 16 of you will have to pay very close attention to what
12 goes on during this trial so you can have a good memory when
13 you go back to the jury room. It's very important that you
14 get a good night's rest every night so you can be
15 clearheaded each day when we start and throughout the day.
16 So make sure you get a lot of rest. There's nothing worse
17 -- and I can tell you this. There's nothing worse for the
18 Court to look over, and I watch juries, that's part of my
19 job, and to see a juror, you know, nodding off. Looks like
20 they're half asleep. That sort of thing. That's real
21 disheartening for the Court and can subject that person to
22 some appropriate sanctions. So be sure you get a good
23 night's rest every night. Okay?

24 Now, I told you at the outset, I think during the
25 qualification process, that Mr. Raines has been indicted and

1 charged with two criminal offenses. One is murder and one
2 is possession of a weapon during the commission of a violent
3 crime. Now, as far as the elements of those offenses, we'll
4 get into that later on. But I can't emphasize enough the
5 fact that -- the fact that Mr. Raines has been arrested and
6 charged and indicated in this case is in no way whatsoever
7 as proof of guilt on his part. Absolutely not. As I told
8 you, these indictments are just the paperwork, the documents
9 to get this case brought into Court. Mr. Raines has
10 exercised his Constitutional right and has pled not guilty
11 to these two offenses. Consequently, this puts the burden
12 of proof on the State and on the State alone to proof each
13 and every element of these two charges behind a reasonable
14 doubt, and that's something that will be discussed at length
15 with you at the -- primarily at the conclusion of this case.
16 But at the conclusion of this case it will be your duty as
17 members of this jury to decide whether or not the State has
18 met its burden of proof by proving each and every element of
19 these two charges contained in the indictments beyond a
20 reasonable doubt.

21 Your purpose as jurors is to find and determine the
22 facts. You are the sole and absolute judge of the facts.
23 If at any time during the course of this trial I make any
24 comment regarding the facts you must disregard whatever
25 comments that I make, and hopefully I do not. Sometimes I

1 have to mention the facts in making a ruling on an objection
2 or something of that nature. But if I make any comments,
3 you disregard it. You are to determine the facts from the
4 testimony you hear and any other evidence introduced in
5 Court. It is up to you to determine the inferences which
6 you feel may properly be drawn from the evidence. It is
7 especially important that you perform your duty of
8 determining the facts diligently and conscientiously,
9 because ordinarily there is absolutely no way to create an
10 erroneous determination of the facts by a jury.

11 Now, on the other hand, and with equal emphasis, the
12 same law that makes you the judge of the facts makes me the
13 sole judge of the law. The law as given by the Court is the
14 only law that you may consider. You must accept and follow
15 it even though you may disagree with the law as I explain it
16 to you. I can't tell you what the facts are, and you can't
17 tell me what the law is. Your job is to take the law as I
18 give it to you and apply it to the facts as you find them
19 from the testimony of the witnesses and any other evidence
20 that has introduced. After doing that, you'll be able to
21 render your verdict. A verdict under the solemn oath that
22 you just took as jurors a moment ago.

23 And once again, you cannot begin any discussions about
24 anything related to this case among yourselves, anybody that
25 you may come into contact with in this courthouse or outside

1 of this courthouse.

2 Now, let me explain one thing, too, along this same
3 line of thought. You are not permitted to do any
4 independent research into this case, anything related to
5 this case, the law in this case. We all recognize that we
6 have a ready source and wealth of information by the
7 Internet, social media and the like. And unfortunately
8 there have been jurors who have completely disregarded the
9 instruction of the Court and have gone home and gotten on
10 the Internet, gotten on social media and done some of their
11 own research. That has been found out by the Court and
12 those jurors have been dealt with severely. So I'm not
13 threatening you. That's not my place. But I'm just
14 explaining to you do not at any time do any independent
15 research on your own, because your decision has to be based
16 100 percent and nothing less than what is brought out in
17 this courtroom by way of witness testimony, exhibits, any
18 other evidence, anything that is admissible in the Court as
19 evidence and that's it. Now, there may be at some point in
20 time some media accounts about this case. I don't know
21 that, but there may be. Newspaper, radio, television,
22 Internet. If there is, you cannot consider that. If you
23 pick up the Laurens County Advertiser on Wednesday and you
24 see some report about this case, if there is -- again, I
25 don't know if it will be or not. Don't look at it. Don't

1 read it. And don't discuss it with anybody. That's just
2 very, very important. And I'm requesting that Mr. Foreman
3 and all the other members of this jury, if you become aware
4 of another juror's violations of these instructions, it is
5 your duty to report that to the Court.

6 It's so important that you keep an open mind and not
7 decide any issue in this case until all of the evidence has
8 been presented, lawyers made their closing arguments and
9 I've instructed you on the law. It is your solemn
10 responsibility, ladies and gentlemen of this jury to
11 determine the guilt or innocence of the Defendant and your
12 verdict must be based solely on the evidence as it is
13 presented to you.

14 Now, one other matter. There may be times when you may
15 hear one of the lawyer say, Judge, I object, or I have a
16 matter of law to take up with the Court, and we'll try to
17 resolve that particular issue by not having to send you to
18 your jury room. Sometimes we have a discussion over to the
19 side or up here. But sometimes we can't resolve it in that
20 fashion and it may require me to ask that you retire to your
21 jury room. If we do that, that's just absolutely necessary.
22 One of the reasons why we do that in discussing the
23 objection or the matter of law that one of the attorneys has
24 may require me to discuss the facts with him, and that's not
25 my place to discuss the facts in your presence because, as I

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1 told you, you are the sole judge 100 percent of the facts in
2 this case. So we'll use that sparingly, but when necessary
3 we'll use it and try to get that issue resolved so where you
4 don't have to spend a lot of time in the jury room. When
5 you're back there, any time your back in the jury room, I
6 can promise you we're working. We're not just sitting
7 around drinking coffee. Now, we may do that during a 10
8 minute recess break, but other than we'll be working. I
9 want to assure you of that. I tell juries that when I have
10 excellent lawyers like I've got in this case they're going
11 to work the judge pretty hard. Okay?

12 Now, with all that said, I'm going to ask the State are
13 there any objections to the Court's preliminary charge?

14 MR. SCOTT: No, sir.

15 THE COURT: The Defense?

16 MR. ABLE: No, Your Honor.

17 THE COURT: Thank you. All right. Solicitor Boykin, I
18 think you're going to make the opening on behalf of the
19 State?

20 MS. BOYKIN: That's correct, Your Honor.

21 THE COURT: You may proceed.

22 MS. BOYKIN: Thank you, Your Honor. May it please the
23 Court.

24 OPENING STATEMENT

25 BY MS. BOYKIN: Ladies and gentlemen, this is a case

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1 about obsession, deception, and a completely senseless
2 crime. A senseless crime, schemed, planned and hatched by a
3 man who had become entirely fixated on an unattainable idea
4 and person. This is a case about Darrell Raines and how he
5 murdered a young woman. A mother of two. Myranda Southern.
6 This is also a case about how he tried to get away with it,
7 and you'll hear a bunch of testimony about that. How every
8 single step he took to cover his tracks, in fact, turned
9 into a piece of evidence officers were able to use to get
10 closer to the truth. Much like a puzzle. Each one of these
11 pieces of evidence fit together and formed one very clear
12 picture. And that picture is that on August 19th, 2013
13 Darrell Raines killed Myranda Southern.

14 And ladies and gentlemen, I'll say this again, but this
15 is a very important case, not only to the State of South
16 Carolina, to the victim's family, to the Defendant. It's a
17 very important case, so I ask you please have patience. Pay
18 attention, because you'll have a lot of testimony to hear.
19 A lot of evidence presented to you. So I ask please pay
20 attention this week to everything that you hear.

21 So let me tell you a little bit about what I think you
22 will hear this week. The story takes place August 2013.
23 Myranda Southern and Darrell Raines are actually two very
24 similarly situated people. They both live in the Greenville
25 area. They both are parents of young children. They both

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1 are married but going through separation. Both going
2 through pretty difficult financial times. And both found
3 themselves drawn to the online dating would. In fact, they
4 both joined a dating website called PlentyOfFish, and that's
5 where they would ultimately meet. Now, before Darrell
6 joined this dating website and before he met Myranda he
7 tried to reconnect with a family childhood friend, Lisa
8 Hamlett. And you'll hear a lot about Lisa Hamlett in this
9 case. Late 2012 they went out to dinner. A seemingly
10 innocent reunion, or so Lisa thought. Darrell had something
11 else in mind. They met once again and that was it. Lisa
12 moved on but Darrell couldn't. And you'll see this in the
13 evidence presented to you how Darrell's obsessive state of
14 mind just built and built around Lisa. And you'll see this.
15 All the way up to when he meets Myranda and after he meets
16 Myranda.

17 So let's go back to August 2013 when Darrell meets
18 Myranda. August 6th is around the time when they meet
19 online. They don't meet in person until the 13th. Now,
20 you'll see evidence that during this time-frame Darryl
21 suddenly becomes fixated on owning a weapon. He wants to
22 own a gun but just doesn't have the money. August 13th
23 rolls around and Myranda had driven down to meet her money,
24 Penny Smithers, to drop her two kids off. Her mother lives
25 in Florida. It's summer break, the last week of summer, so

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1 the kids want to spend it with their grandmother. Miranda
2 meets her mother, comes back to Greenville and she meets
3 Darrell that night. They hang out, she spends the night,
4 and from there they start spending a lot of time together.
5 In fact, you'll hear testimony that their relationship grew
6 pretty quickly. He had access to her computer, a key to her
7 apartment within days. But what you will also hear is that
8 Darrell was not truly invested in this relationship. And
9 this is evidenced by a Face book message sent on Saturday
10 August 17th, 2013. It was sent from Miranda's account, her
11 Face book account, to Lisa Hamlett telling Lisa that Miranda
12 had slept with her husband -- with her boyfriend. I'm
13 sorry. And you'll see that this message was actually sent
14 by Darrell. They message back and forth, but it's actually
15 Darrell that's sending these from her account. And what
16 you'll see is that he's trying to break Lisa up with her new
17 boyfriend. One last chance to get Lisa. But does it work?
18 No. So what does Darrell do? He goes and buys a gun that
19 night. It's a Saturday, August 17th, 2013 he buys a gun.
20 The next day is a Sunday. A normal day for Miranda. She
21 works at Charter Communications in Simpsonville. She has
22 strange work hours. She goes into work hours. She goes
23 into work at 2:00 p.m. and gets off around midnight, and
24 you'll hear testimony regarding that. And she -- she had to
25 work that day. So she leaves her house. Talks to her good

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1 friend and neighbor Lauren Searcy. They chat. Nothing out
2 of the ordinary. She gets in her car and goes to work. She
3 gets to work, talks to her friends at work. Calls her mom a
4 couple hours later. Then she goes on her break around 8:00
5 p.m. She goes to a gas station then goes to visit her
6 husband, Sean. Now, you'll hear testimony that her and Sean
7 are, in fact, separated, but at this time she goes to -- She
8 goes back to work. Stays there for another couple of hours.
9 Nothing out of the ordinary. And you'll hear testimony that
10 she leaves at midnight that night. And, ladies and
11 gentlemen, that's the last time anyone, besides Darrell
12 Raines, would ever see or speak to Myranda again.

13 The next day, it's a Monday morning. Lauren Searcy
14 gets up, looks outside the window and doesn't see Myranda's
15 car. It's usually there, so she starts to worry. Well, she
16 calls friends. Tries to find her. And eventually she files
17 a missing persons report with the Greenville County
18 Sheriff's Office. During their investigation trying to
19 figure out where Myranda is they are informed that there
20 were two Face book posts from Myranda's account. The first
21 one claiming that she was going to Florida. The second one
22 claiming to go to Georgia. They look further into it and
23 they see another strange message from her account to her
24 mother saying that she was coming to get the kids. Now,
25 anyone that knew Myranda told officers this is not Myranda.

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1 This doesn't sound like her. So the next they do they is
2 they pull her financial records. Where is Myranda and what
3 has she been up to. The last transaction from Myranda's
4 account is Monday morning at 3:30 a.m. Now, remember, this
5 is a few hours after Myranda gets off work. It's a \$500
6 withdrawal from an ATM. They go pull the surveillance to
7 see what Myranda was up to. What do you think they found?
8 Darrell Raines alone in a vehicle at 3:30 in the morning
9 taking \$500 out of Myranda's account. Suspensions rise about
10 Darrell.

11 Well, Friday that week, August 23rd, Myranda is found.
12 She is found in Laurens County. She is, in fact, deceased.
13 She is found laying in a field off Bramlett Church Road in
14 Laurens County. Her body laying in a field like a piece of
15 trash with a bullet in her neck. And you'll hear testimony
16 that this bullet matches that with one that would go to a
17 .380 Hi-Point. Now, remember, Darrell Raines bought one
18 just the day before she went missing. You'll hear testimony
19 that next to Myranda's body is a clip. Now, a clip holds
20 bullets that go in a firearm. That, in fact, matches a .380
21 Hi-Point. It's the same type of weapon that Darrell Raines
22 bought just the day before she went missing.

23 You'll hear testimony from a witness from a witness
24 that lives nearby where the body was -- where Myranda was
25 found. She says that she heard two gunshots between 1:00

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1 and 1:30 a.m. late Sunday night, early Monday morning. Now,
2 remember, this is about an hour and a half or so after
3 Myranda gets off work and a couple of hours before we see
4 Darrell taking \$500 out of Myranda's account.

5 Law enforcement then is able to get phone records from
6 Darrell's phone and Myranda's phone. And there will be a
7 lot of evidence presented to you regarding that. But all I
8 will say, there are phone calls, text messages, and a bunch
9 more information that when you see it all it's very telling
10 of what exactly happened leading up to and during the time
11 that Myranda was killed. So just keep that in mind.

12 And then you will hear Darrell's story. Darrell talked
13 to law enforcement. In fact, he gave two statements.
14 You'll hear his story. A story that is disproven by
15 evidence. A story that just doesn't match up to what
16 happened. A story of lies regarding the ATM card, the cash,
17 his whereabouts, his gun, everything. You'll hear all of
18 this. Ladies and gentlemen, you will hear all of that and
19 much more regarding this case. And I submit to you that
20 when you put all these pieces of evidence together it will
21 form one very clear picture, and that picture is that
22 Darrell Raines killed Myranda Southern on August 19th, 2013.
23 And that's what he's charged with. He is charged with
24 murder. And we all know what murder is. The intentional
25 killing of another person, and Darrell Raines killed Myranda

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1 Southern. And we have that here and I submit to you that
2 the State will prove that to you beyond a reasonable doubt.

3 Now, the Judge just mentioned that term, and it can be
4 confusing. You'll hear a lot more about that in closing
5 arguments, and the Judge's instruction. But I briefly want
6 to tell you what that means. It means that you are firmly
7 convinced of someone's guilt. Of Mr. Raines' guilt. What
8 it does not mean is beyond all doubt. You can have doubt in
9 life. I submit to you there are very few things in life
10 that are 100 percent certain. The key here is reasonable
11 doubt. And I submit to you the State will prove Darrell
12 Raines is guilty of murder beyond a reasonable doubt.
13 Beyond all doubt.

14 So, ladies and gentlemen, I've said this earlier. I
15 want to say it one more time before I sit down. But this is
16 a very, very important case. So please give your undivided
17 attention this week. You are going to have a lot of
18 evidence presented to you. The many witnesses that are
19 going to testify. It will get tedious. It will get
20 complicated. So just keep your ears open and pay attention,
21 because in the end you'll be rewarded. In the end it will
22 all make sense. Every single piece of evidence that you
23 have will all irrefutably point to one, only one, reasonable
24 conclusion, and that is that Darrell Raines killed Myranda
25 Southern on August 19th, 2013. So at the end of this case

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1 we're going to ask you to render the only just verdict in
2 this case, and that is that Darrell Raines is guilty of
3 murder. Thank you.

4 THE COURT: Thanks, Solicitor. Ladies and gentlemen,
5 what I meant to tell you before the opening is that these
6 opening arguments are not evidence that Solicitor Boykin
7 just made and that Mr. Able will be making in just a second.
8 It's not evidence. It's just their statement of what they
9 believe the evidence will show. A statement of what their
10 position is in this case. The evidence actually has to come
11 by the witness stand and the exhibits and that sort of thing
12 that are put into evidence. So I just want to mention that
13 to you. Mr. Able, are you ready, sir?

14 MR. ABLE: Yes, sir. Thank you, Your Honor.

15 OPENING STATEMENT

16 BY MR. ABLE: Good afternoon. My name is Brian Able,
17 and as I told you this morning, I've been practicing law in
18 Laurens County about 28 years. Today I'm here representing
19 Darrell Raines who's seated with me, and he introduced
20 himself to you this morning. Darrell is 36-years-old and he
21 has a young daughter. At the time of his arrest he was
22 employed with a trucking company in Greenville. He's
23 divorced from his wife, and he has an Associate's degree.
24 It's my pleasure to be here to represent him today. As Ms.
25 Boykin told you, this is a very important case. It's a very

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1 important case for all persons involved, not just Ms.

2 Southern's family but to Darrell Raines as well.

3 Now, as the Judge just told you, and as I intended to
4 tell you as my first statement to you, is it's correct that
5 what we say here in these opening statements is not
6 evidence. The information that Ms. Boykin provided to you
7 in her opening statement is not evidence, and it's not to be
8 taken as such. It's the State's position as to what they
9 think they can prove in this case. And I think that's
10 important to point out because that's what they have to
11 prove. That's what they have to do.

12 In our criminal justice system the burden is always on
13 the State. The burden of proof always rests at this table
14 here. At no time does that burden ever shift to Mr. Raines.
15 The State has to prove each and every element of the crimes
16 that Mr. Raines is charged with. Mr. Raines is charged
17 with, number one, murder, and number two, possession of a
18 weapon during a violent crime. The State has to show that
19 to you each and every element of both those crimes, and it's
20 their burden to show that. Under our system Mr. Raines
21 doesn't even have to put up a case. He doesn't have to
22 testify, and the Judge will talk to you about that at a
23 later time. But at no time is the burden ever on Mr. Raines
24 to prove anything, especially he never has the obligation to
25 prove himself innocent. The State must prove him guilty.

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1 Now, Judge Hocker mentioned to you a moment ago about
2 television shows and being in courtrooms and the high drama
3 that you see on television shows and not to expect something
4 like that here. Well, the reason I mention that is because
5 in watching those type shows you hear things like burden of
6 proof and presumption of innocence. Well, that's the next
7 thing I want to talk to you about, and the Judge mentioned
8 this a moment ago. Mr. Raines comes into this courtroom
9 with the presumption of innocence. As citizens of this
10 country and of this state we all enjoy that privilege that
11 it's never our burden, never our obligation to show that
12 we're not guilty of something. We are presumed innocent
13 under our law. It envelopes us. When you are charged with
14 a crime, any person gets charged with a crime in this
15 country, in this state, the presumption of innocence
16 envelopes us. It goes around as it falls upon us like a
17 cloak. And we come into this courtroom, and people charged
18 with offenses come into this courtroom wearing that
19 presumption of innocence like a cloak wrapped around them.
20 And going back to my earlier statement. It's always the
21 burden of the state to try to remove that cloak. And if at
22 the end of this trial you determine, your belief is that
23 that cloak has not been removed you must return a verdict of
24 not guilty.

25 Now, as Ms. Boykin alluded to and the Judge will talk

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1 to you about in a moment, the manner by which that's done,
2 the State must prove Mr. Raines guilty of each element of
3 the crime. They must also -- the measuring stick that we
4 use in this court is beyond a reasonable doubt. And like
5 Ms. Boykin said, sometimes that can be confusing. That can
6 be confusing for lawyers. That can be confusing for courts.
7 And I believe sometimes it's confusing for jurors. But
8 Judge Hocker will give you a charge as to what that means
9 and he'll tell you how to define that beyond a reasonable
10 doubt.

11 Now, as the Judge showed you a moment ago, the
12 indictments that have been presented to the grand jury have
13 been returned. They are charging documents. They are not
14 evidence in this case. All they say is this is why you must
15 come to court. This is -- you're being charged with these
16 offenses. They are not -- they do not in any way imply any
17 guilt on Mr. Raines. So I want to make sure you understand
18 that.

19 The things that Ms. Boykin talked about in her opening,
20 I'm sure you can believe -- some of the things she said are
21 right on, some of the things, of course, I'm sure you can
22 imagine that Mr. Raines completely disagrees with. What's
23 important in this case -- what is important in this case is
24 not only those things that the State can show that we agree
25 with, but also those things that they're not going to be

LAUREN SEARCY: DIRECT EXAMINATION

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1 able to show you in this case. There are many things that I
2 think will come out in the evidence that they can show and
3 that they won't be able to provide to you as a jury to help
4 you make a decision. But some of the things in going
5 through this trial this week I want you to remember for me.
6 Number one, I don't believe the State at any time during
7 this trial will produce not one witness who will put Mr.
8 Raines and Ms. Southern together on the early morning hours
9 of August 19, 2013. Not one witness. They won't be able to
10 show to you any videotape. In this world where we live in
11 now where we have cameras everywhere and videotape
12 everywhere they won't be able to produce for you one
13 videotape that places Mr. Raines and Ms. Southern together
14 during their early morning hours of August 19th, 2013. I
15 don't believe they'll be able to produce to you any DNA
16 evidence that would say -- that would prove that Mr. Raines
17 was with Ms. Southern during the early morning hours of
18 August 19, 2013. There's no evidence that I believe that
19 will be produced to you that any kind of DNA, fiber evidence
20 or hair evidence, forensic type evidence like that, that
21 places Ms. Southern in the vehicle of Mr. Raines during the
22 early morning hours of August 19, 2013, or places him in her
23 vehicle at that time. And lastly, I don't believe they can
24 produce any evidence that places Mr. Raines on Bramlett
25 Church Road here in Laurens County in that field during the

1 early morning hours of August 19, 2013.

2 Now, in saying that, Ms. Boykin mentioned about the
3 gun. The .380. Well, there will be testimony about that
4 gun. There will be testimony that that's a very common gun.
5 A very inexpensive gun, and a lot of people own those guns.
6 So I just want to mention that for you. But I believe, like
7 I said, it's just as important as what the State won't be
8 able to show to you as what they think they can show to you.

9 I would ask that you listen with an open mind, that you
10 take in all the evidence, and at the conclusion of this case
11 I believe you will return a verdict of not guilty on both
12 charges against Mr. Raines. Thank you.

13 THE COURT: Thank you, Mr. Able.

14 MR. ABLE: Thank you, sir.

15 THE COURT: Is the State ready to call its first
16 witness?

17 MR. SCOTT: Yes, sir. The State calls Lauren Searcy.

18 LAUREN SEARCY, having been first
19 duly sworn, testified as follows:

20 (Whereupon, State's Exhibit Nos. 1 and 2 were marked
21 for identification.)

22 DIRECT EXAMINATION

23 BY MR. SCOTT:

24 Q Have you stated your name for the record yet?

25 A Lauren Searcy.

LAUREN SEARCY: DIRECT EXAMINATION

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1 Q And Lauren, where do you live?

2 A In Taylors.

3 Q And how long have you -- you live in an apartment
4 complex over there?

5 A Yes.

6 Q How long have you lived over there?

7 A Six or seven years.

8 Q So August 2013? It's called the Granite or --

9 A Yeah. Well, it's just recently been changed, but it
10 was called the Granite.

11 Q That's what it would have been called on August 2013?

12 A Yes.

13 Q And it's just an apartment complex; is that correct?

14 A Yes, sir.

15 Q I show you State's No. 2. Who is that?

16 A Myranda Southern.

17 Q I'm sorry. Who? I was talking to somebody. Who did
18 you say?

19 A Myranda Southern.

20 Q Is this how she appeared in August 2013?

21 A Yes, sir.

22 MR. SCOTT: Your Honor, the State offers State's No. 2.

23 THE COURT: What says the Defense?

24 MR. ABLE: Judge, I just had a chance just to look over
25 it real quick.

1 THE COURT: That's without objection, No. 2 into
2 evidence on behalf of the State.

3 (Whereupon, State's Exhibit No. 2 was admitted into
4 evidence.)

5 Q Who is Myranda Southern?

6 A She was my best friend.

7 Q How did you know her?

8 A She was my neighbor directly across the hall.

9 Q And how long did you all live across the hall from one
10 another?

11 A Five months.

12 Q But you all became best friends within five months?

13 A I was unemployed at the time and we spent pretty much
14 all day together. We talked, we went to the pool every day
15 together. She was the type of person when you met her, she
16 had a personality that was -- it was like you had known her
17 your entire life.

18 Q So in that period of time you all became that tight
19 where you would classify as your best friend?

20 A Yes.

21 Q How was it that she was able to spend the daytime with
22 you?

23 A Because she worked nighttime.

24 Q Where did she work at the time?

25 A She worked at Charter.

LAUREN SEARCY: DIRECT EXAMINATION

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1 Q Charter Communications?

2 A Yes, sir.

3 Q Now, if I got on 385 and went up towards Greenville,
4 that's the big building just right off the interstate?

5 A Yes, sir.

6 Q And you were familiar with her working hours?

7 A She would usually leave the apartment around 2:00-ish
8 in the afternoon and she would get home between 12:30 and
9 1:00.

10 Q Did you -- what was your -- did you check on her in any
11 way, like the next morning after she went to work? Did you
12 have a habit of looking out for her as far as if she got
13 home or not?

14 A My aunt would always be out on the porch when she --
15 not always, but the majority of the time she was there on
16 the porch when Myranda would come home in the morning.

17 Q At midnight?

18 A Uh-huh.

19 Q What was your aunt doing out there at midnight?

20 THE COURT: Was that a yes?

21 THE WITNESS: Yes, sir.

22 THE COURT: Move a little closer to the microphone,
23 please, ma'am. Thank you.

24 Q So her comings and goings were something you would be
25 aware of? Is that what you're saying?

1 A Yes, sir.

2 Q Who did you live with at the time? Just your aunt?

3 A My aunt and my grandma.

4 Q Your aunt would just kind of look out for her, or was
5 she smoking cigarettes on the porch?

6 A She would be on the porch smoking.

7 Q So that was a habit of you all to see when she got
8 home, or was it just coincidental that you all would see?

9 A I would usually see her in the morning when I would
10 wake up, because I would go to bed before my aunt. But my
11 aunt, her sleep schedule is off. She would sleep a lot
12 during the day and then she'll be up a lot during the night.
13 So I would usually -- the morning times was my time with
14 Myranda, and then my aunt was there when she came home from
15 work.

16 Q Did you have personal knowledge of, I guess, Myranda's
17 marital status at the time?

18 A Yes, sir.

19 Q And she was going through a separation?

20 A Yes, sir.

21 Q Did you know her ex?

22 A Yes, sir.

23 Q And what was his name?

24 A Shawn Southern.

25 Q She had two children at the time?

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- 1 A Abigail and Alex.
- 2 Q And I think they had a dog, too; is that right?
- 3 A Yes.
- 4 Q Who would look after the children when she'd go to
- 5 work?
- 6 A He would.
- 7 Q Who's he?
- 8 A The dad.
- 9 Q Shawn Southern?
- 10 A Yes, sir.
- 11 Q Would he come over to the apartment to watch them?
- 12 A Yes, sir.
- 13 Q He didn't live there?
- 14 A Yes -- no. I mean, he still had most of his stuff
- 15 there, but he was also staying with his girlfriend.
- 16 Q They were still on speaking terms? Is that your
- 17 understanding?
- 18 A Yes, sir.
- 19 Q And the dog, would he come over and walk the dog while
- 20 she was at work?
- 21 A Most of the time.
- 22 Q Were you aware, or were you privy of her seeing anybody
- 23 else during this time? Her dating anybody else?
- 24 A During what time?
- 25 Q August 2013 while she was going through her separation.

1 A Yes, sir.

2 Q You said Shawn already got a girlfriend?

3 A (Witness nods.)

4 THE COURT: You need to verbally give your answers
5 instead of nodding your head.

6 THE WITNESS: I'm sorry.

7 THE COURT: It's okay. It's all right.

8 Q And what was your answer to the last question? You
9 were aware of her dating other people?

10 A Yes, sir.

11 Q Were you aware of her participating in the online
12 dating services?

13 A Yes, sir.

14 Q She shared a lot of her personal information with you.
15 Is that safe to say?

16 A Yes, sir.

17 Q She was your confidant, I guess?

18 A Yes, sir.

19 Q Did you come to find out about Darrell Raines?

20 A Yes, sir.

21 Q Were you -- did you have personal knowledge about how
22 those two met, Myranda and Darrell Raines?

23 A On a dating website.

24 Q Do you know the name of that website?

25 A PlentyoFFish.

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- 1 Q PlentyOfFish?
- 2 A Dot com.
- 3 Q Describe how you first became aware of Darrell Raines
- 4 and her connecting on this website.
- 5 A I believe around the pool one day and she started
- 6 telling me that she had met a guy online.
- 7 MR. ABLE: Objection to what she was told.
- 8 MR. SCOTT: I'll move on, Your Honor.
- 9 Q Did you meet Darrel Raines at any time?
- 10 A Yes, sir.
- 11 Q Do you remember about when that was?
- 12 A I believe it was about a week before she was murdered.
- 13 It was the first time that they had met in person.
- 14 Q Do you remember when the first night they met was?
- 15 A I don't remember the exact date, but it was about a
- 16 week.
- 17 Q About a week before. Do you remember the last day you
- 18 saw her?
- 19 A Sunday afternoon.
- 20 Q August 18th?
- 21 A Yes, sir.
- 22 Q Do you remember -- you said a week prior. You don't
- 23 remember what day you first -- he first stayed over there?
- 24 A I don't.
- 25 Q But you met him in person whenever he came to stay with

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1 her?

2 A Yes, sir.

3 Q Do you see him in the courtroom?

4 A Yes, sir.

5 Q Where is he?

6 (Whereupon, Witness points toward Defense table.)

7 THE COURT: There's two gentlemen at that table, Madam
8 Witness.

9 A The one with the blue tie on.

10 Q And standing up here? That's Darrell Raines?

11 A Yes, sir.

12 THE COURT: Let the record reflect that she has
13 identified Mr. Raines, the Defendant.

14 Q Did he speak to you at the time?

15 A Yes, sir.

16 Q Did he hold himself out to be Myranda's boyfriend, I
17 guess?

18 A They had just met the first time I met him.

19 Q Did you have knowledge of him spending the night there?

20 A Yes, sir.

21 MR. ABLE: Judge, I think a foundation needs to be laid
22 as to how she had this knowledge. Was it something she was
23 told or something she observed.

24 THE COURT: Her knowledge related to Mr. Raines
25 spending the night?

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1 MR. ABLE: Yes, sir.

2 THE COURT: All right. Solicitor, if you would lay a
3 little bit of foundation there, please, sir.

4 Q Did you see him stay overnight?

5 A No, I didn't see him.

6 Q Did you see him there the next morning or anything like
7 that?

8 A I don't believe I did.

9 MR. ABLE: I'll object to that line of testimony then,
10 Judge.

11 THE COURT: Sustained, and I'll have that stricken from
12 the record and instruct the jury to disregard this witness'
13 testimony concerning Mr. Raines spending the night with Ms.
14 Southern.

15 Q We can't say anything Miranda told you, so we're going
16 to talk about things you personally observed and you had
17 personal knowledge of. Not anything Miranda told you. So
18 if I ask you a question that you don't have personal
19 knowledge, just tell me you don't know.

20 What did you see him doing over at -- did you go into
21 Miranda's apartment when he was there?

22 A No, sir.

23 Q Well, what did you see him doing while he was there?

24 A The first time it was -- basically it was just coming
25 into the breezeway to go into her apartment. And they would

1 stop at my balcony and they would talk.

2 Q Was it daytime or nighttime?

3 A Nighttime.

4 Q And did you see him the next day?

5 A No, sir.

6 Q Did you ever see what he was driving?

7 A I don't remember.

8 Q What do you remember about him?

9 A I remember that he made her happy. She was giggly, she
10 laughed. He made her happy.

11 Q And Shawn maybe not so much?

12 A Not at that point in time.

13 Q They were going through a separation, arguing a lot?

14 A Yes, sir.

15 Q Let me go to August 18th. You mentioned that day. Do
16 you remember seeing Myranda that day?

17 A Yes, sir.

18 Q And tell me what your recollection was.

19 A I was sitting on my balcony. I was smoking a
20 cigarette. And she came out and she was leaving for work.

21 Q Do you remember about what time that was?

22 A Around 2:00-ish in the afternoon.

23 Q I'm going to show you something for demonstrative
24 purposes at this point. August 18th, you say, at about 2:00
25 you watched her leave for work?

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1 A Yes, sir.

2 Q What do you remember about that? Nothing she said to
3 you, but what do you remember saying?

4 A Have a good day at work. Have a good night at work.

5 Q And then that was -- did you ever see her again?

6 A No, sir.

7 Q She just gets in her car and drives off and that's the
8 last you saw of her?

9 A Yes, sir.

10 Q Tell me the first time you kind of realize something
11 maybe wasn't right.

12 A The next morning.

13 Q The morning of the 19th?

14 A Yes, sir.

15 Q Well, tell me what happened on the morning of the 19th?

16 A Me and Myranda, it was a little weird, but we didn't
17 call each other or anything in the morning. It just had to
18 be either I was out on my porch and she would come out
19 within a few minutes, or she was out on hers and I would
20 come out within a few minutes. But we would both be out
21 there in the morning and we'd both be on our balconies
22 smoking and talking across the way. I mean, it was an every
23 morning thing.

24 Q So August 19th, that morning when you woke up, did you
25 see her there?

1 A No, I didn't.

2 Q Did you look for her car?

3 A Yes, I did.

4 Q Did you see her car?

5 A No, I didn't.

6 Q Was that immediately something that set off alarms or
7 was it --

8 A Yes, sir.

9 Q It did? Just because her car wasn't there?

10 A Because, I mean, the kids were in Florida with her mom.
11 So she let me and my aunt know pretty much where -- like if
12 she was leaving to go to a store she would say, you know,
13 I'm leaving to go to the store. I'm going to be back in a
14 little bit. Just kind of like we became an unofficial kind
15 of family and she just let us know where she was going for,
16 I guess, safety. So she would have let us known if she
17 wasn't going to be there.

18 Q So it did --

19 MR. ABLE: I'm going to object to that, especially to
20 what she would let someone know.

21 THE COURT: I think she's basing it on the relationship
22 that Myranda had with her family, based on prior experiences
23 of that. That's the way I took it. You may want to re-ask
24 the question, Solicitor, and let's hear this answer again.

25 Q What was your routine in the mornings? You talked

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1 about -- you said something about cigarettes and balconies.

2 What was your routine with Miranda in the mornings?

3 A We would both be on the balconies and smoking
4 cigarettes, talking across the breezeway to each other.

5 Q And that was commonplace?

6 A Just about every morning.

7 Q Then you mentioned you become an unofficial type
8 family? Is that what you said?

9 A Yeah, because she didn't have like any family up here,
10 and Shawn didn't either. So we just -- we became kind of an
11 unofficial family.

12 Q You'd kind of look out for her?

13 A Yes.

14 Q That was a habit of yours?

15 A Yes.

16 Q So in abiding by this habit, when the morning of the
17 19th came around and you didn't see her car, why was that
18 curious for you?

19 A Because she didn't let us know that she was going
20 somewhere.

21 Q And that would have been routine for her?

22 A Yes.

23 THE COURT: I'm going to overrule the objection.

24 MR. ABLE: Yes, sir.

25 Q So what did you do? What was the first step?

1 A I believe the first thing I did was text Mr. Raines.

2 Q Who?

3 A Darrel Raines.

4 Q You texted Darrel Raines?

5 A Yes, sir. I asked him if he'd heard from Myranda.

6 Q Do you remember his response?

7 A He said no.

8 Q He said he had not?

9 A Yes.

10 Q What else did you do?

11 A I believe at that point my aunt was the one -- either
12 me or my aunt texted Shawn to ask him if he had heard from
13 her.

14 Q Were you on Face book at the time?

15 A Yes, sir.

16 Q Were you friends with Myranda?

17 A Yes, sir.

18 Q Did you check your Face book account?

19 A Yes, sir.

20 Q And I want to show you State's No. 3. Do you recognize
21 what that is?

22 A Yes, sir.

23 Q And is that something you saw on the 19th?

24 A Yes, sir.

25 MR. ABLE: No objection.

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1 THE COURT: Without objection, No. 3 will be in
2 evidence for the State.

3 MR. SCOTT: Your Honor, the State offers State's No. 3
4 into admission.

5 (Whereupon, State's Exhibit No. 3 was admitted into
6 evidence.

7 Q Do you remember when it was that you opened up your
8 Face book account and saw that message?

9 A It was after I realized her car wasn't there.

10 Q Had you any knowledge of her before that making plans
11 to go down to Florida early?

12 A I believe she was to go on Tuesday, but not earlier
13 than that.

14 Q Tuesday the 20th?

15 A Yes.

16 Q And you -- that message was August 19th, posted 4:07
17 a.m.?

18 A Yeah. I didn't know anything about her leaving to go
19 sooner.

20 Q What did you think when you saw that message?

21 A That wasn't her.

22 Q Why did you think that?

23 A When you're around somebody every day you get -- you
24 pick up on the way they talk, their certain lingo, and
25 that's not the way Myranda would talk.

1 Q Would you text with her a lot?

2 A Yes, sir.

3 Q Would you text with her a lot?

4 A Yes, sir.

5 Q Would you Face book message with her very much?

6 A Not really. I mean, just more or less texting, phone
7 calls and, you know, face-to-face.

8 Q So I guess kind of like some people have an accent,
9 some people might have a texting dialect? Is that what
10 you're kind of saying?

11 A Yes.

12 Q And that didn't sound like her to you?

13 A No, sir. It didn't.

14 Q Did you get any other messages that day from her?

15 A I believe there was one later on that afternoon, or
16 that morning.

17 Q Let me show you State's No. 4. Do you recognize that?

18 A Yes, sir.

19 Q What is that?

20 A That was the second posting that was posted on her
21 account.

22 Q What's the time on that?

23 A 7:29 p.m.

24 Q So 4:07 you received that one on the 19th. On the
25 19th. And then at 7:29 p.m. you receive this one.

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1 MR. ABLE: Your Honor, without objection except as to
2 the agreement the Solicitor and I have regarding a portion
3 of the document.

4 THE COURT: Let me see the lawyers for just a second.
5 (Whereupon, a sidebar was held.)

6 THE COURT: Without objection, except for one little
7 explanation that's given to the Court, it'll be in evidence
8 as No. 4 for the State.

9 MR. SCOTT: This is State's No. 4.

10 (Whereupon, State's Exhibit No. 4 was admitted into
11 evidence.)

12 Q So this is what you -- this was posted 7:29 p.m. on
13 August 19th and that was the second Face book posting you
14 saw from Myranda?

15 A Yes, sir.

16 Q Again, what did you think about this one when you saw
17 it?

18 A That wasn't her.

19 Q The same reasons?

20 A Yes, sir.

21 Q 7:29 p.m. Now, at some point did you make a report to
22 the police?

23 A Yes, sir.

24 Q And you told them some of these suspicions you had that
25 she had gone missing?

1 A Yes, sir.

2 Q 8:59 sound right?

3 A I believe so. Yes, sir.

4 THE COURT: What was that answer, ma'am?

5 THE WITNESS: I believe so. Yes, sir.

6 Q Let me be clear. You didn't suspect Mr. Raines at that
7 time, did you?

8 A Not at all.

9 Q You just knew that she was gone and you had these
10 suspicious Face book messages and you felt like it was
11 important to report that?

12 A Yes, sir.

13 Q Did you know of anything about what Darrell did for a
14 living?

15 A Some sort of electronics, I believe.

16 Q And you were not over in the apartment when he was over
17 there?

18 A Not while Myranda was there.

19 Q But you were in there with him later on?

20 A After she went missing.

21 Q How did that come to happen?

22 A He had a the spare key to her apartment, because she
23 had given to him to come walk the dog while she was at work
24 at night. And he had brought it over for us to go look to
25 see if there was anything missing out of her apartment.

LAUREN SEARCY: CROSS-EXAMINATION

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1 Q What did he talk about while you all were there?

2 A We were just trying to figure out where she was, who
3 she could be with. Just trying to figure out where she was.

4 Q Did he at any time mention working on her computer?

5 MR. ABLE: Objection to the leading, Your Honor.

6 Q Did you know anything about her computer?

7 A Yes.

8 Q Did you know anything about Darrell and her computer?

9 A It goes back to what Myranda told me.

10 Q You had no personal knowledge of that?

11 A I didn't see it firsthand, no.

12 Q Did he mention anything to you about her computer?

13 Darrell?

14 A I don't remember.

15 Q Did he mention anything to you about any passwords?

16 A No, sir.

17 MS. SCOTT: Answer any questions Mr. Able has for you,

18 Ms. Searcy.

19 THE COURT: Cross-examination?

20 MR. ABLE: Thank you, sir.

21 CROSS-EXAMINATION

22 BY MR. ABLE:

23 Q Ms. Searcy?

24 A Yes, sir.

25 Q Ms. Searcy, in the five months that you knew Myranda

1 like you say, you and she had to be best friends?

2 A Yes, sir.

3 Q And, of course, her husband Shawn was living with
4 another woman at that time?

5 A Yes, sir.

6 Q And I believe he had gotten that other woman pregnant,
7 too, correct?

8 A Yes, sir.

9 THE COURT: You need to speak up, ma'am, please.

10 A Yes, sir.

11 Q And it would be a fair description of Myranda and
12 Shawn's relationship as pretty rocky, wasn't it?

13 A Yes, sir.

14 Q You had seen bruises on her before?

15 A I don't remember seeing bruises on her.

16 Q Now, as close friends Ms. Southern had allowed you on
17 occasion to use her ATM card, correct?

18 A Yes, sir.

19 Q And she would provide to you the ATM card and the pen
20 number, of course?

21 A Yes, sir.

22 Q And I think, as a matter of fact, sometime that
23 weekend, I think, maybe that Sunday morning, you had used
24 her ATM card and pin number to go to Hardee's, I think?

25 A If I remember correctly, I think she was with me that

LAUREN SEARCY: CROSS-EXAMINATION

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1 time.

2 Q All right. Maybe I misunderstood that. But she had on
3 occasion allowed you to use her ATM card --

4 A Yes, sir.

5 Q -- and give you the pin number, correct?

6 A Yes, sir.

7 Q You wouldn't consider that something unusual for good
8 friends?

9 A No.

10 Q Now, as far as this PlentyOfFish website, Myranda had
11 met other men on Plentyoffish, too, hadn't she?

12 A I only know one other one.

13 Q One other one? You mean other than Mr. Raines?

14 A Yes, sir.

15 Q She was dating other men at the time?

16 A No, sir.

17 Q Now, you had mentioned when you -- the first thing you
18 did was text Mr. Raines; is that correct?

19 A Yes, sir.

20 Q And you text him on August 19, 2013 saying, "Hey,
21 Darrell. It's Myranda's neighbor, Lauren. Have you heard
22 from her lately? I know she's on her way to Florida but I
23 was just trying to check on her. Her phone is going
24 straight to voice mail and it is making me worry." Is that
25 the text you sent?

1 A Yes, sir.

2 Q And that was at 1:49 in the afternoon?

3 A Yes, sir.

4 Q So the first thing you wanted to do was contact Darrell
5 Raines?

6 A Yes, sir.

7 Q And you saying about State's Exhibit No. 2, I think it
8 was -- I'm sorry, State's Exhibit 3, where it said that she
9 was "heading to see my babies. Florida here I come." You
10 said that didn't sound like Myranda, but you think it
11 sounded enough like Myranda that when you text my client you
12 said you believed she was on her way to Florida, correct?

13 A I was trying to take her word for it at that time what
14 I was thinking.

15 Q So you think at that time it sounded enough like
16 Myranda that she was headed to Florida?

17 A Yes, sir.

18 MR. ABLE: One moment, Your Honor. Thank you, Your
19 Honor, that's all I have.

20 THE COURT: Any redirect, Solicitor?

21 REDIRECT EXAMINATION

22 BY MR. SCOTT:

23 Q You said you had used Myranda's ATM card before?

24 A Yes, sir.

25 Q What were the circumstances?

PENNY SMITHERS: DIRECT EXAMINATION

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1 A Just random. Like if we were all out at the pool, run
2 into the gas station to get cigarettes or to get a drink,
3 run into Hardee's to get breakfast. Things like that.

4 Q It was a situation where --

5 A One of us was going.

6 Q Would she have the kids with her at the pool and you --

7 A Yes.

8 Q -- would go out to get cigarettes?

9 A Yes.

10 Q Did she ever leave it with you for days at a time or
11 anything like that?

12 A No. I gave it back to her as soon as I got back to the
13 apartment.

14 Q Any other kind of situations besides running out for a
15 pack of cigarettes or something like that?

16 A No, sir.

17 Q Did she ever ask you to withdraw \$500 for her?

18 A No, sir.

19 MR. SCOTT: Thank you.

20 THE COURT: Anything in recross? Okay. Thank you for
21 your testimony, ma'am. You can step down.

22 (Whereupon, the witness stepped down from the witness
23 stand.)

24 THE COURT: You're welcome to remain in the Court if
25 you like or you're free to leave. Have you got another

1 witness?

2 MS. BOYKIN: Yes, Your Honor. The State calls Penny
3 Smithers.

4 PENNY SMITHERS, having been first
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. BOYKIN:

8 Q Ms. Smithers, if you could, just where are you from?

9 A Florida.

10 Q Do you have any children?

11 A Myranda is my child.

12 THE COURT: Let me see the lawyers for just a minute.

13 (Whereupon, a sidebar was held.)

14 THE COURT: Ms. Smithers, I know this is a difficult
15 time for you, but I need you to speak up a little bit louder
16 so I can hear you. The court reporter says she can hear you
17 fine. I need to be able to hear you, too. Okay?

18 THE WITNESS: Yes, sir.

19 THE COURT: Thank you very much.

20 Q Ms. Smithers, you just said that you have one daughter
21 Myranda; is that correct?

22 A Yes.

23 Q And that's Myranda Southern?

24 A Yes, it is.

25 Q Did she grow up in Florida?

PENNY SMITHERS: DIRECT EXAMINATION

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1 A She did. She did. She was born and raised in Florida.

2 Q What year was she born?

3 A She was born in 1981.

4 Q Okay. Keep going. Tell me a little bit about it,
5 about Myranda.

6 A About Myranda?

7 Q Just growing up and how she came down to Greenville.

8 A Okay. She was born and raised in Florida. And in '95
9 my parents were selling their home and moving to Greenville,
10 South Carolina area. My father and his family were
11 originally from South Carolina. I had gone through a
12 divorce and I thought it would be a good idea to go with my
13 parents. But I ended -- there was a sale on their house. I
14 moved up here. I made sure I had a job and then I moved up
15 here. And my parents sale on the house fell through a few
16 months into it. But we stayed three years. And then in '98
17 we were homesick and went back home.

18 Q But did Myranda eventually move back to Greenville?

19 A She did. She did.

20 Q Do you know what year?

21 A She's been here almost three years. Abby was six.
22 Alex was eight or nine. I couldn't -- I'm sorry.

23 Q And Abby and Alex, who are they?

24 A They're my grandchildren.

25 Q Are they Myranda's children?

1 A Yes.

2 Q Now, was Myranda married?

3 A Yes. And Shawn moved back to his home.

4 Q And who's Shawn?

5 A Shawn is her estranged husband.

6 Q 2013 how were they doing that year?

7 A It was rocky.

8 Q Were they still together or separated?

9 A They were back and forth at first, and then separated.

10 He was there to help with the children while she worked.

11 Q Was Myranda dating anyone else to your knowledge?

12 A I remember her telling me about another guy she had
13 met, but I can't remember what his name was, and she said
14 that, you know, they met a couple of times and talked but
15 that was about it. And then she had told me about Darrell.
16 Before the day the kids came down to Florida she had told me
17 that, you know, they had been talking online and that he was
18 going through a similar situation as her. And they
19 basically were going through the same hard time in their
20 estranged marriages.

21 Q Let's talk about -- you said the kids came to stay with
22 you.

23 A Yeah.

24 Q Do you know what day Myranda met you to bring the kids?

25 A Yeah. She brought them down on August 12th, which was

PENNY SMITHERS: DIRECT EXAMINATION

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1 a Tuesday.

2 Q Now, did she meet you in Florida?

3 A No. We always met in Pooler, Georgia. It was a
4 halfway point for us.

5 Q So you said Tuesday the 13th; is that correct?

6 A Yes. Or Tuesday --

7 Q Let me see if I can show you this.

8 A Yes, so it was Tuesday.

9 Q It would be the 13th; is that correct?

10 A Yes.

11 Q Around what time did she leave? When you met with her
12 that day on Tuesday the 13th?

13 A What time did she leave her home or --

14 Q Yes.

15 A Myranda left a lot earlier than her mother. I want to
16 say she must have left between around 8:00-ish because I
17 think we were supposed to meet at 1:00 or 1:30.

18 Q Do you -- so you have the kids starting Tuesday the
19 13th. When were you supposed to meet Myranda?

20 A The following Tuesday.

21 Q So that would have been the 20th?

22 A Yes.

23 Q But not the -- now, the 19th was -- is that an
24 important day?

25 A Yes. The 19th was Abigail's birthday -- or is

1 Abigail's birthday. She turned eight the day Miranda left
2 this world.

3 Q And that's Miranda's daughter; is that correct?

4 A Yes, she is.

5 Q Did you talk to Miranda from the time you saw her on
6 Tuesday up until when she went missing on late Sunday night?

7 A Oh, yes. Of course.

8 Q How often would you talk to Miranda?

9 A Miranda and I talked all the time. We either talked by
10 phone or by text or by email. We were close.

11 Q Do you know where she worked?

12 A Yes. She worked at Charter Communications.

13 Q Do you know her work schedule?

14 A I know that at that time she was now at her training
15 and released to the floor and she was working the afternoon
16 to midnight shift.

17 Q So do you know about what time she would go into work?

18 A I want to say she went in somewhere around 2:00.

19 MR. ABLE: I think there has to be a foundation laid
20 for this testimony. I assume it's based upon what her
21 daughter has told her. Hearsay objection.

22 THE COURT: I think it's already been established in
23 the evidence by the first witness concerning Miranda's work
24 hours. So it's already into evidence without objection, so
25 I'm going to overrule the objection. Thanks, Mr. Able.

PENNY SMITHERS: DIRECT EXAMINATION

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1 Q Do you know when Myranda started working at Charter?

2 A She had been there just shy of three months, if I
3 remember correctly.

4 Q Did you personally know anything about Myranda's
5 financials?

6 A Yes, I did, because we'd been helping her once she was
7 no longer getting any child support.

8 Q So did she have a lot of money?

9 A No.

10 Q Now, Ms. Smithers, when was the last time that you
11 spoke to Myranda?

12 A That Sunday night I talked to her -- or evening.

13 Q About what time? Do you remember?

14 A About 6:30.

15 Q Was she at work at the time?

16 A Well, she said she was -- had driven home to take Bella
17 for a walk.

18 MR. ABLE: Objection, Your Honor.

19 THE COURT: I'll sustain the objection. Strike it from
20 the record. Instruct the jury to disregard testimony
21 concerning going home and walking the dog.

22 Q How long did you talk to Myranda? How long did the
23 call last?

24 A Fifteen minutes.

25 Q How did she sound?

1 A She sounded good.

2 Q Did she -- did you all discuss coming to Florida to
3 pick the kids up on Tuesday?

4 A Yes. Oh, yes.

5 Q What day exactly did you all discuss getting the kids?

6 A Well, we preplanned it ahead of time before I picked up
7 the kids. We always -- you know, there was a pickup time
8 for bringing them and then me bringing them and returned
9 them to her. So I always had to -- you know, we prearranged
10 that. But we always followed up with each other, and she
11 was planning on being there on Tuesday around the same time,
12 around 1:00 or so.

13 Q Now, so around 6:30 Sunday night was the last time you
14 spoke to her?

15 A Yes.

16 (Whereupon, State's Exhibit No. 5 was marked for
17 identification.)

18 Q I want to -- Ms. Smithers, I want to show you what has
19 been marked as State's Exhibit 5.

20 THE COURT: Is that for ID only at this time?

21 MS. BOYKIN: After this, Your Honor, I'd like to admit
22 it into evidence.

23 A I'm driving down there -

24 THE COURT: Don't tell us. Just identify what it is,
25 ma'am, and then there may be some discussion. I don't know.

PENNY SMITHERS: DIRECT EXAMINATION

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1 Just identify it, please.

2 THE WITNESS: Oh, I see.

3 Q Do you know what this is?

4 A I do know what this is, yes.

5 Q And what is it?

6 A It is a Face book -- it's a Face book message that was
7 supposed to be Myranda sending it to me. And then I replied
8 because it didn't make sense to me. But then she never
9 answered.

10 Q Do you know what date you received this?

11 A The 19th. The day before we were supposed to meet.

12 MS. BOYKIN: Your Honor, at this time the State offers
13 State's Exhibit 5 for admission into evidence.

14 MR. ABLE: I would objection, Your Honor, on the
15 grounds that it's hearsay.

16 THE COURT: All right.

17 MS. BOYKIN: Your Honor, we would say that --

18 THE COURT: Let me see the lawyers for just a sec.

19 (Whereupon, a sidebar was held.)

20 THE COURT: Okay. No. 5 is into evidence on behalf of
21 the State.

22 (Whereupon, State's Exhibit No. 5 was admitted into
23 evidence.)

24 MS. BOYKIN: Thank you, Your Honor. With permission to
25 publish?

1 THE COURT: Certainly.

2 Q Ms. Smithers, is this what you received?

3 A Yes, it is.

4 Q And did you try to call Myranda after that?

5 A Yes. I had -- because that wasn't our plan. And she
6 would not make that change. I mean, my gut knew at that
7 time this didn't feel right, but I went ahead and asked her
8 what time did she think she'd be there. She never
9 responded. I called and I called and it went straight to
10 voice mail. Something wasn't right.

11 Q Did you ever talk to Lauren Searcy that next day?

12 A Yes, I did.

13 Q Did you talk to anyone else?

14 A Yes. I called Darrell. I looked online and called a
15 Raines that wasn't the right one. Don't remember the first
16 name. But they gave me his cell phone number and I called
17 him and asked him had he seen or heard from Myranda.

18 Q And what was said?

19 A He told me that he had talked to her on her way home
20 from work that night for an hour and that she was venting
21 about having to deal with Shawn and that she didn't want to
22 have to deal with him anymore and that she was tired of it.
23 And he said that she just called because she just needed to
24 vent. And he talked to her until she got home he said.

25 Q Had you ever met Darrell in person?

PENNY SMITHERS: DIRECT EXAMINATION

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1 A No. Myranda just -- again, we were close.

2 Q Now, was that the only time you had talked to Darrell

3 or did --

4 A That was the first time I ever talked to Darrell.

5 Q Did you talk to him again?

6 A Yes.

7 Q About how many times?

8 A Several. Until his phone didn't answer anymore, which

9 is when he had turned it over to the police. I just didn't

10 know at the time.

11 Q Could you see about what time that is this message was

12 sent to you?

13 A It looks from here about 5:14. But my contacts aren't

14 Q If you could just read off the date and time, please.

15 A August 19th, 5:16 a.m.

16 Q So 5:00 in the morning?

17 A Yes.

18 Q Do you know of any prescriptions Myranda was taking?

19 A Yes.

20 Q What were those?

21 A It was Prozac for depression, and she said she had seen

22 the doctor -- she was supposed to check in with the doctor a

23 couple of weeks later and see how that was going and they

24 might adjust it. And then she said they had put her on a

25 second medication.

1 Q Were you aware of anyone in Savannah that Myranda might
2 have been visiting?

3 A Absolutely not.

4 Q Did you see those Face book posts?

5 A I did. And I called the police department and told
6 them repeatedly she didn't know anybody in Savannah,
7 Georgia, and she would not go visit -- she would not. She
8 would call me. I had her babies. She's not going to just
9 change her mind and go to Savannah for a week and not want
10 to talk to me or anybody until she's feeling better. She's
11 not going to do that with her babies. She's supposed to
12 pick up her babies. And Myranda, she left them. Like I
13 said, she made me give them back every time.

14 Q Especially on Monday the 19th?

15 A Yes.

16 Q Did they sound like her, those messages?

17 A No. Absolutely not. It's not her lingo. It's not the
18 way she -- it's not the way she speaks at all. She was more
19 articulate and more -- the punctuation didn't even seem
20 right for her. It just wasn't -- it just -- my gut didn't
21 feel good about it. I knew then, and I told the Sheriff's
22 Office something's wrong. She's -- something's wrong.

23 MS. BOYKIN: Thank you. Please answer any questions
24 Mr. Able has for you.

25 THE COURT: Any cross-examination?

PENNY SMITHERS: CROSS-EXAMINATION

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1 MR. ABLE: Yes. Thank you.

2 CROSS-EXAMINATION

3 BY MR. ABLE:

4 Q Now, Ms. Smithers, you had mentioned helping Myranda
5 financially since she was no longer getting child support.

6 A Yes, sir.

7 Q The father and husband was not paying child support?

8 A Not when he didn't have any job any longer. He had
9 been.

10 Q And his name is Shawn?

11 A That's correct.

12 Q And they were having a lot of trouble during their
13 marriage, correct?

14 A Yes, they were.

15 Q It was a rocky marriage?

16 A Yes, it was.

17 Q And he was between Ms. Southern and his girlfriend, he
18 was back and forth continuously?

19 A Yes, he was.

20 Q And when Mr. Southern came down to Florida on Monday,
21 the 19th to retrieve his children you wouldn't give them to
22 him, would you?

23 A No, sir.

24 MR. ABLE: Thank you.

25 THE COURT: Redirect?

1 MS. BOYKIN: No, Your Honor.

2 THE COURT: Thank you, ma'am. You can step down now.

3 (Whereupon, the witness stepped down from the witness
4 stand.)

5 THE COURT: Can I see the lawyers up here one more
6 time.

7 (Whereupon, a sidebar was held.)

8 THE COURT: Mr. Foreman, ladies and gentlemen of the
9 jury, we're going to go ahead and break for this afternoon
10 and we're going to start back -- we're going to work on some
11 matters outside your presence at 9:00 and hopefully be
12 ready, hopefully, at 9:30. So I'm going to go ahead and
13 release you for the day. Again, you're going to get tired
14 of me saying this but I'm going to say it anyways. Don't
15 talk to anybody that you come in contact with about this
16 case. Again, don't do any independent research about
17 anything related to this case. And give yourself enough
18 time to get here promptly at 9:30. I hope you have a good
19 evening. Get some rest. We'll see you in the morning.

20 (Whereupon, the jury was excused for the day at 5:35
21 p.m.)

22 THE COURT: We will be in recess until 9:00. Do you
23 have something?

24 MR. SCOTT: Yes, sir. No. 5.

25 THE COURT: Well, let's do No. --

CHAD AYERS: DIRECT EXAMINATION (IN CAMERA)

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1 MR. SCOTT: No. 4, I think. Yes.

2 THE COURT: I think No. 4 it's been agreed that a
3 portion will be redacted by way of actually cutting off the
4 bottom of that exhibit.

5 MR. SCOTT: Yes.

6 THE COURT: And then once that is done then there is no
7 objection to that exhibit, right?

8 MR. ABLE: No objection.

9 THE COURT: And then, Mr. Able, you made an objection
10 to No. 5 based upon hearsay and in a bench conference I
11 indicated that I would overrule your objection due to the
12 fact that the State has maintained correctly, or
13 incorrectly, the position that these various Face book
14 postings were not done by Myranda but, in fact, done by the
15 Defendant. So taking that position concerning those Face
16 book postings, I'm going to overrule your objection to No.
17 5.

18 MR. ABLE: All right, sir.

19 THE COURT: Anything else on the record before we
20 adjourn?

21 MR. SCOTT: Nothing from the State, Your Honor.

22 THE COURT: Thank you very much. We'll be in recess
23 until 9:00 in the morning, at which time we'll take care of
24 Officer Ayers and the issues related to the cell phone
25 motions. You all have a good evening. See you in the

1 morning.

2 TRIAL DAY 2-12/08/15

3 THE COURT: Okay. We're on the record this morning in
4 the State vs. Darrell Raines and I think the plan was to go
5 back to the motions that -- the three motions that the
6 Defense has filed as it relates to certain cell phone
7 records. And I think there was going to be some testimony
8 from an officer; is that correct?

9 MR. ABLE: Yes, sir.

10 MR. SCOTT: I have Deputy Chad Ayers with the
11 Greenville Sheriff's Department here.

12 THE COURT: All right. Well, let's go ahead and take
13 him.

14 OFFICER CHAD AYERS, having been
15 first duly sworn, testified as follows:

16 THE COURT: Let me see the lawyers for just a second.
17 (Whereupon, a sidebar was held.)

18 THE COURT: Okay, Solicitor. Is Officer Ayers sworn
19 in?

20 MR. SCOTT: Yes.

21 DIRECT EXAMINATION (IN CAMERA)

22 BY MR. SCOTT:

23 Q State your name for the record.

24 A Chad Ayers, A-y-e-r-s.

25 Q And you're with the Greenville Sheriff's Department?

CHAD AYERS: DIRECT EXAMINATION (IN CAMERA)

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1 A Greenville County Sheriff's Office. Yes, sir.

2 Q How long have you been there?

3 A Almost 10 years.

4 Q So August 2013. What unit are you in up there?

5 A At the time I was assigned with the direct patrol unit
6 which was a street level narcotics unit. That was cross-
7 training over a 90 period with the armed robbery unit.

8 Q And is that -- is Tracy King in that unit?

9 A He is.

10 Q That was the investigator we heard from yesterday, I
11 think, who was involved in this case. And how did you
12 become involved with the missing person's case of Myranda
13 Southern?

14 A During the time period Tracy had taken on a role in
15 assisting our investigators that work on missing persons
16 cases. The lead investigator in that was out, and so Tracy
17 kind of took the position of working this case. I was
18 working alongside Tracy on some other cases and assisting
19 him just on some various -- he needed help during this
20 investigation.

21 Q Was he -- I don't know what the word is. But was he
22 kind of your supervisor as far as cross-training you for
23 armed robbery investigations?

24 A Yeah. I mean, there were several of them down there,
25 and I would just kind of -- I had worked investigations

1 before. They were just kind of plugging into a system,
2 other investigators caseloads whenever I could.

3 Q Do you remember getting this order for some phone
4 records on August 22nd?

5 A Oh, yes, sir.

6 Q Ms. Southern goes missing on the 19th and you swear out
7 this affidavit for the order on the 22nd. What had happened
8 in between the time she goes missing and the time you get
9 this order?

10 A The Defendant had come into the office voluntarily. He
11 had been interviewed in our office. I was there during the
12 interview. He voluntarily relinquished his cell phone to
13 investigators and we got his number. This was late in the
14 day by the time that I had typed this order up. And so, we
15 then -- after looking at some of the details we knew the
16 victim had gone missing. It had been several days. We also
17 had subpoenaed some bank records where her debit card was
18 used and the still images from the ATM where the Defendant's
19 photograph was on there. This raised some suspicions for
20 us. And so, at that time we decided to subpoena his phone
21 records, which is why I went ahead and got an order for
22 production of records.

23 Q So he had consented and turned over the phone, but you
24 went ahead and got the order --

25 A That's correct.

CHAD AYERS: DIRECT EXAMINATION (IN CAMERA)

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1 Q -- despite the consent?

2 A Yes, sir.

3 Q Had you asked for such orders before as far as cell
4 site locations?

5 A No. I have in narcotics cases and one on the federal
6 level when I was working for the DEA.

7 Q And was it your practice to get an order or a search
8 warrant? This is an order here. But what was your common
9 practice?

10 A It would be a search warrant for a phone.

11 Q Why did you get an order on this one?

12 A Investigator King stated that working these kind of
13 cases he --

14 MR. ABLE: Objection to the hearsay, Your Honor.

15 THE COURT: Well, for purposes of this in camera
16 hearing I'm going to overrule your objection and will allow
17 it. You may proceed.

18 Q Go ahead. For cell site locations King said the
19 practice was what?

20 A Better off to go ahead with the -- production of
21 records would be the route that he would recommend taking.

22 Q Okay. What's your affidavit say on there? The order?
23 Have you got the order in front of you?

24 A I do. The actual affidavit says, "Order to compile and
25 release to Deputy Chad Ayers of the Greenville County

1 Sheriff's Office copies of any and all documents in your
2 custody and/or control related to any and all phone records
3 to include subscriber information, all incoming and outgoing
4 calls and text messages for cell number area code 864-380-
5 5121. Also cell tower sites during the calls and texts and
6 the list of Verizon tower locations. The dates requested
7 are beginning with August 17th at midnight to August 22nd,
8 2013 at 11:00 a.m." That is what my -- that's where mine
9 ended right there.

10 Q Did it say anything about -- you know, like a search
11 warrant has got the affidavit that talks about the reason
12 that you think there's going to be probably cause. Does it
13 have a reason in there?

14 A No. I presented that to the magistrate. When I went
15 up to the judge I went into more detail with Judge Hudson as
16 to the case we were working and why we wished to do that.

17 Q So you presented some supplemental oral testimony is
18 what you're saying?

19 A Correct.

20 Q Let me back up for a minute. August 22nd Ms. Southern
21 hadn't been found at that point; is that correct?

22 A That's correct.

23 Q So your primary, I guess, drive at that point was
24 located Ms. Southern?

25 A Correct.

CHAD AYERS: DIRECT EXAMINATION (IN CAMERA)

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1 Q All right. Tell me what you had told the magistrate as
2 far as sworn oral testimony.

3 A I went up to Judge Hudson's office. It was -- like I
4 said, it was late in the afternoon, and let him know that we
5 were working a missing person's case. I informed him that
6 the Defendant had come in and had been interviewed. That
7 there was some discrepancies initially in his statement.
8 That we had subpoenaed cell phone -- or, correct, the
9 victim's debit card information and had still images of him
10 using her debit card. And that based on those facts we
11 wished to further the investigation by subpoenaing these
12 cell phone records.

13 Q Do you see the image?

14 A I do.

15 Q That's the image you saw?

16 A That's correct.

17 Q And that would have been the night she went missing?

18 A That's correct.

19 Q You would have told the magistrate that?

20 A Yes, sir. I had the initial report that Deputy Davis
21 had written on 8/19. I had read over his report.

22 Q There's no notarized signature on there. Do you have
23 an explanation for that?

24 A From what I can recall, the -- so we were working late
25 on this case. We caught the judge right as he was leaving.

CHAD AYERS-CROSS-EXAMINATION (IN CAMERA)

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1 And he -- after we presented the facts to him he signed it.

2 And I don't believe the secretary was there to notarize it.

3 Q Would you agree with me that timing was of the essence
4 as far as getting those phone records?

5 A Absolutely. Any time we're working a missing person's
6 case, and especially something that after interviewing the
7 Defendant the feeling that we got, we need to locate this
8 victim as soon as possible.

9 MR. SCOTT: Okay. Thank you, Mr. Ayers. Answer any
10 questions Mr. Able has for you.

11 THE COURT: Mr. Able, any cross-examination of this in
12 camera witness?

13 CROSS-EXAMINATION

14 BY MR. ABLE:

15 Q Officer Ayers, now, again I want to make sure we
16 understand. Because as you were testifying on direct
17 examination there was -- sometimes the word affidavit would
18 be used, sometimes the word statement would be used. You
19 would agree with me that what you signed was not an
20 affidavit?

21 A I'm not sure if I understand your question.

22 Q Well, let me ask you this way. You agree that it was
23 not a sworn statement because it was not in front of a
24 notary public?

25 A It was a sworn statement before a magistrate.

CHAD AYERS-CROSS-EXAMINATION (IN CAMERA)

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1 Q So it's your position that this document is a sworn
2 statement?

3 A I'm swearing to the facts of this and what I presented
4 to the judge as true and accurate. Yes, sir.

5 Q Now, you mentioned that you caught Judge Hudson as he
6 was leaving. So there was no sworn testimony? You just
7 told him what the case was about?

8 A I swore to -- I presented the facts of our
9 investigation that we had had so far in our investigation.
10 I presented those to the magistrate. Before he signs this
11 document I must swear to that. I've worked with Judge
12 Hudson since I started. The type of magistrate he is, he is
13 not willing to sign any document without the deputy or
14 investigator going into great detail about what we have so
15 far.

16 Q You would agree that the statement you signed doesn't
17 contain all the detail that you just testified to?

18 A That's correct.

19 Q And you --

20 A It's almost like getting a warrant on someone. It
21 might not contain every aspect of the case, or every aspect
22 of the charge. But I'm going to present all the facts
23 orally, as well as what's written here, to the judge.

24 Q And you mentioned, too, during your direct examination
25 that you were seeking a subpoena but you -- at one point you

CHAD AYERS-CROSS-EXAMINATION (IN CAMERA)

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1 said the word subpoena. But this was not a subpoena?

2 A No, sir.

3 Q Who prepared the order?

4 A I did.

5 Q And you had that prepared when you went to see Judge
6 Hudson?

7 A That's correct.

8 Q It's just -- I'm just going to use -- say affidavit
9 because that's what it's titled. Unsworn affidavit. You
10 presented that to him at that time?

11 A Before there's cell service needed, something added
12 into that. I was -- I had already left, and that's when
13 Investigator King added that portion there, faxed it to the
14 judge and had that initialed. But I swore to the facts down
15 here at the bottom of this production.

16 Q You said you were placed under --

17 A Yes, sir.

18 Q By Judge Hudson?

19 A Correct.

20 Q And this part that was added in on the foot of the
21 order, that was done the next day?

22 A I don't -- I don't know if it was done the next day or
23 later on that evening.

24 Q I thought you said Judge Hudson was leaving that day
25 when you caught him and -

1 A Correct. It was towards the end. But I don't -- I
2 can't testify as to when Investigator King went back and had
3 that signed.

4 MR. ABLE: That's all I have, Your Honor.

5 THE COURT: Anything on redirect?

6 MR. SCOTT: No, sir. Your Honor.

7 THE COURT: Thank you, Officer Ayers. You can step
8 down, sir.

9 (Whereupon, the witness stepped down from the witness
10 stand.)

11 THE COURT: Now, the way I read 2703 is that there's no
12 requirement that there be sworn testimony or that a
13 statement be notarized, the way I read it. And I may not be
14 reading it correctly. But in looking at the (d) section
15 requirements for court order, I don't see where the -- where
16 there is requirement. Notwithstanding the fact that Officer
17 Ayers indicated that when he presented to the magistrate he
18 was placed under oath and gave all of this information while
19 being sworn. But I don't read (d) -- because you've touched
20 on it today, we touched on it yesterday, that this document
21 called an affidavit is not notarized. But I don't see where
22 that requirement, under the statute, is there.

23 You guys read it and see if I'm not reading it
24 correctly. I mean, the fact it still has to be -- I have
25 to find that there were, you know, specific facts presented.

1 I understand that. But I think we kind of got hung up a
2 little bit that this document is not notarized.

3 MR. ABLE: Judge, in referring to my second motion on
4 this issue. The primary gist of the motion was the specific
5 and articulable facts --

6 THE COURT: Right.

7 MR. ABLE: -- and then the last part of it dealt with
8 the fact that, again, what's been titled as an affidavit was
9 not a sworn statement.

10 THE COURT: Right.

11 MR. ABLE: I agree with you. There's not a requirement
12 that -- under this particular statement that it be sworn
13 testimony. But the affidavit being presented, or the
14 document that's been characterized as an affidavit, it was
15 just my point that that was not a sworn statement.

16 THE COURT: I understand.

17 MR. ABLE: Yes, sir.

18 THE COURT: I understand. Any additional argument
19 concerning the three motions? And I realize the motions are
20 all really interrelated.

21 MR. ABLE: Yes, sir.

22 THE COURT: But any additional argument that you want
23 to put on the record, Mr. Able, concerning your three
24 motions?

25 MR. ABLE: Well, Judge, just touching briefly on -- I

1 did, at the point that we stopped yesterday when we were
2 arguing these motions, on -- it was number 2 where you said
3 you wanted to have Office Ayers come down.

4 THE COURT: Right.

5 MR. ABLE: As to my second motion. As I said, the gist
6 of it goes to the specific and articulable facts that are
7 required by the statute to be shown to the magistrate or the
8 judge before an order would be issued. I understand the
9 Officer's testimony today, but I think we have to look at it
10 again with the realization that it doesn't have to be a
11 sworn statement, but the document has been articulated as an
12 affidavit. You know, basically what it says is that the
13 Greenville County's office is conducting an investigation
14 into the disappearance of Ms. Southern and her boyfriend's
15 telephone number is a certain number. And that's basically
16 what the statement says. And I think we have to rely upon
17 what we have, or have had during the preparation of the this
18 case for some time now, that that's basically what was
19 presented to the magistrate and an order issued. So we
20 don't believe it complies with the requirement of the
21 statute as to the necessary facts that have to be shown, and
22 we would argue that the order is deficient in that way and
23 the cell phone records should be suppressed.

24 My third motion, which I didn't touch on yesterday,
25 basically is giving me -- the manner by which the Storage

1 Communications Act is structured it basically says, number
2 one, law enforcement can get these records if you can get a
3 warrant. Number two, you can get a court order. And it
4 lays out the mechanism by which you get the court order. We
5 all know how a subpoena is derived. My argument on that,
6 Judge, is basically the order -- I mean, the statute -- the
7 Storage Communications Act is inconsistent. It's internally
8 inconsistent and it would be unconstitutional.

9 As I argued yesterday, which kind of comes back around
10 full circle from my first motion, is that basically what the
11 Act attempts to do, or does, is lessen the requirements of
12 the Fourth Amendment against unreasonable search and says,
13 okay, you don't -- specifically in the Fourth Amendment and
14 the Article 1, Section 10 of the South Carolina
15 Constitution, you know, the word is you have to get a
16 warrant. I mean, that's basically what it says. If you're
17 going to search these things -- or search -- conduct a
18 search against somebody you have to have a search warrant.
19 What this law does is basically says, okay, you can get the
20 warrant, but we're going to say also you can go ahead and
21 get these orders. It lessens the authority of the Fourth
22 Amendment, which I think would make it unconstitutional,
23 because you can't do that by law. You just can't change the
24 Constitution of either the nation or the state just by
25 saying we're going to impose this in a statute when you have

1 the Constitution -- Fourth Amendment of the Constitution
2 which is the supreme law of the land. So it would be
3 internally inconsistent. It would lessen the authority of
4 the Fourth Amendment, and it would lessen the rights of the
5 citizenry by doing that, while at the same time extending
6 authority to the government and law enforcement that would
7 not be encompassed in the Constitution of the nation or this
8 state.

9 Thank you, sir.

10 THE COURT: Thank you very much, Mr. Able. Solicitor,
11 the -- from what I heard Officer Ayers say, and I want you
12 to elaborate a little bit, but he indicated that through
13 oral testimony he supplemented what was in the written
14 document, in the affidavit, with additional facts, correct?

15 MR. SCOTT: Yes, sir.

16 THE COURT: And specifically he testified there was a
17 mention of the withdrawal of the money at the ATM by the
18 Defendant?

19 MR. SCOTT: That's correct.

20 THE COURT: What additional information did Officer
21 Ayers say that he presented to the magistrate in
22 supplementing the affidavit?

23 MR. SCOTT: Your Honor, he sat in on the first
24 statement of the Defendant.

25 THE COURT: Right.

1 MR. SCOTT: And at that time the Defendant indicated
2 that he had this ongoing relationship with Ms. Southern.

3 THE COURT: Right.

4 MR. SCOTT: I do believe he mentioned speaking with her
5 the night that she went missing. He indicated the times
6 that she was last accounted for. The fact that this was a
7 missing person. And, of course, the fact the subpoena --
8 where it came up and they subpoenaed her bank records and
9 found that those suspicious withdraws occurred directly
10 after she went missing. And then they pulled the video and,
11 of course, he becomes kind of the prime suspect at that
12 time. So, of course, location of Ms. Southern is of primary
13 interest and timing was of the essence at that point. So
14 therefore, I think those are the specific and articulable
15 reasons for the location being so important. Cell towers
16 being so important.

17 THE COURT: All right. Thank you very much. Since we
18 have a case which authorizes the manner in which the cell
19 phone records, as to the tower location, and I think that's
20 the area of dispute, then I'm going to deny the motions to
21 suppress. I believe that there were sufficient specific
22 facts presented to the magistrate to justify the issuance of
23 the order under 2703 by Officer Ayers by way of this
24 document entitled affidavit, even though it was
25 unauthorized, and the additional testimony given to the

1 magistrate.

2 Anything else to be put on the record before -- Mr.
3 Able, your three motions, I'm going to have them marked as
4 Court's exhibits.

5 MR. ABLE: That's fine, Judge. I was going to ask that
6 you would. Yes, sir.

7 THE COURT: Because it looks like I've got the
8 original.

9 MR. ABLE: You do. Yes, sir. Yes, sir. I would ask
10 that you mark those. That was what I was going to do.

11 MR. ABLE: Judge, I think one exhibit -- I'm sorry,
12 sir. I'm sorry.

13 (Whereupon, Court's Exhibit No. 1 was marked for
14 identification.)

15 THE COURT: Okay. Mr. Able, you were saying what?
16 Yes, sir.

17 MR. ABLE: I was just asking if it was going to be
18 Exhibits 1, 2 and 3 or --

19 THE COURT: I think we'll just mark them all as one.

20 MR. ABLE: Thank you.

21 THE COURT: Anything else before we bring the jury out?

22 MR. SCOTT: No, sir. None from the State.

23 MR. ABLE: No, sir.

24 THE COURT: Okay. If you will bring the -- Mr. Bolt
25 indicated that some of the jurors have indicated that

1 they're having trouble reading what has been put on the
2 screen. So I don't know if that is a fixable problem, or if
3 you need maybe to move it. We'll bring the jury out. And I
4 think Mr. Bentley is your IT guy?

5 MR. SCOTT: Yes, sir.

6 THE COURT: If you could get him to look at it and --

7 MR. SCOTT: Yeah. Well, with this next witness I could
8 probably republish some of those things and just zoom in a
9 little bit more on it.

10 THE COURT: Okay. Do whatever you need to do. If it
11 can be corrected, then that's what we need to do for the
12 jury.

13 MR. SCOTT: Yes, sir.

14 THE COURT: All right. Bring the jury out, please.

15 (Whereupon, the jury entered the courtroom at 9:37
16 a.m.)

17 THE COURT: Good morning, ladies and gentlemen. I hope
18 you had a good restful evening and ready to get to work. We
19 have a full day ahead of us. I know some of you have
20 mentioned to Mr. Bolt that you had a little trouble reading
21 the documents or whatever's been shown on the screen and I
22 talked to the lawyers about it and they feel like they can
23 correct that and make it a little bit better. Again, if
24 you're still having problems seeing it then you let us know.
25 Okay?

SHAWN SOUTHERN: DIRECT EXAMINATION

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1 All right. Solicitor, are you ready to proceed?

2 MR. SCOTT: Yes, sir, Your Honor. The State calls
3 Shawn Southern.

4 THE COURT: Some around, please, sir.

5 SHAWN SOUTHERN, having been first
6 duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. SCOTT:

9 Q Mr. Southern, who is Myranda Southern?

10 A Myranda Southern was my wife.

11 Q And how long were you all married?

12 A We were married for about three years.

13 Q And how long have you known her?

14 A Since the seventh grade.

15 Q Seventh grade?

16 A Seventh grade.

17 Q Sit closer to that microphone for me and speak up
18 louder so we can -- I can't hardly hear you from here.

19 A Okay. Is this better?

20 Q Yeah. Seventh grade.

21 A Seventh grade.

22 Q And when did you all get married?

23 A We got married at the beginning of 2011.

24 Q And you all have children together?

25 A A 12-year-old and a 10-year-old.

1 Q Where did you two live?

2 A We lived over in Taylors when we lived in South
3 Carolina and we lived in Lake Mary when we lived in Florida.

4 Q When did you all move back to Taylors from Lake Mary?

5 A We moved from Lake Mary to Taylors. So we moved in
6 March of '11.

7 Q Tell me about August 2013. What was going on with you
8 and Myranda at that time?

9 A Our relationship had pretty much come to the
10 determination that it was ending. We were trying to figure
11 out ways to still maintain our long-term friendship, still
12 maintain co-parenting together, and just try to figure out
13 that type of stuff.

14 Q Where were you living at the time?

15 A At the time I was currently living with my girlfriend.

16 Q Okay. And you and Myranda were separated?

17 A We were working on it. Yes, sir.

18 Q What does that mean?

19 A Some nights I would still be there. Myranda worked
20 until 12:00 at night. I would stay and watch the kids until
21 then, and sometimes I would just stay and spend the night
22 still.

23 Q Okay. Did you still have some of your stuff over at
24 the apartment?

25 A Oh, yeah.

SHAWN SOUTHERN: DIRECT EXAMINATION

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1 Q And tell me, what was her working hours again?

2 A I believe she worked from like 2:00 to 12:00.

3 Q So during that time you would watch the kids?

4 A Uh-huh. Yes, sir.

5 Q Do you still have a key to the place?

6 A Yes, sir. Well, I had a key of the place until the
7 final week.

8 Q Tell me about that.

9 A I found out that she had had Darrell coming over and
10 told her, I said, it's your house now, so here's your key.

11 Q You all had kind of an argument about that, didn't you?

12 A Yeah. Yes, sir. Yes, sir.

13 Q You took her phone and broke it, didn't you?

14 A Yes, sir.

15 Q What else did you do?

16 A We argued and I took the big screen TV from her and
17 just little bitty spits and spats here and there.

18 Q You said some ugly things to her, didn't you?

19 A Oh, yes, sir.

20 Q You were ugly towards her, weren't you?

21 A Yes, sir.

22 Q Did you all make up?

23 A Yes, sir. We -- me and Myranda had known each other
24 for such a long time that we knew that no matter what the
25 argument at that moment was about, what we had the rest of

1 our lives wasn't worth that argument. We still had two kids
2 together. We had had the decades of long friendships, you
3 know. We -- that was more important to us than an argument
4 over a phone or an argument over a TV.

5 Q Did you return the TV back to her?

6 A Oh, yes, sir.

7 Q Do you remember the last time you saw her?

8 A I saw her, I believe, around 8:00 or 8:30. Her lunch
9 break that night. And she had brought me a cup of coffee
10 and a pack of cigarettes.

11 Q Did you ask her for the coffee and cigarettes?

12 A Yes, sir.

13 Q And where were you?

14 A I was over at my girlfriend's house.

15 Q So she went during her break, I guess?

16 A Uh-huh.

17 Q While she was at Charter. What time was it?

18 A Somewhere between 8:00 and 8:30.

19 Q Okay. Do you know where she got the cigarettes and
20 coffee?

21 A Probably would have been the Palms right there off of
22 Wade Hampton.

23 Q Is that Hickory Point or --

24 A It's now a 7-Eleven. They went from Hickory Point to
25 Palms to 7-Eleven.

SHAWN SOUTHERN: DIRECT EXAMINATION

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1 Q And you said it was about 8:00?

2 A Yeah, around there. 8:00, 8:30 or somewhere.

3 Q Do you remember about when you found out about Darrell?

4 A It would have been probably the beginning of that week,
5 maybe Tuesday or Wednesday. I had -- I still had access to
6 the house key, so I came over to walk and -- you know, walk
7 the dog and feed and water the dog, and noticed that the
8 house was spotless and there was new sheets on the bed and
9 the old sheets were in the washing machine. And that was
10 just out of character. So I knew something had went up.

11 And I actually called Myranda that day at work and she
12 actually left work, and that was when I was like if you're
13 going to do this here, this is no longer my house.

14 Q I don't understand though. Just the house was clean so
15 you thought there was a man in it?

16 A Well, Myranda was not the housekeeper. For everything
17 she was, she was not a housekeeper. So to come in all of a
18 sudden one day and dishes are done in the dishwasher, brand
19 new bed sheets on the bed, the old sheets in the washing
20 machine. That's not Myranda. Myranda was having to hide
21 something.

22 Q Okay. The 18th was when she went missing. Had you
23 spoke to her that day?

24 A I spoke to her -- the last time I spoke to her on the
25 18th was around 10:00 or 10:30 on her last break at work.

1 Q And that was the day she brought you the coffee and the
2 cigarettes around 8:00 p.m. is what you said?

3 A Yeah, between 8:00 and 8:30. I can't remember the
4 exact -- the exact time.

5 Q And tell me about you all's conversation. Was it a
6 friendly --

7 A Our conversation was pretty much about Abigail's
8 birthday who is -- her birthday is the 19th of August. Just
9 trying to make plans. She was excited because she would be
10 leaving, I think, that next day or the Tuesday the 20th to
11 go get them. So we were trying to coordinate to where we
12 could do kind of a conference call to where we'd both be
13 able to call Abby and tell her happy birthday, and just
14 trying to figure out where we went from this point on. And
15 it was a good conversation. We ended up telling each other
16 we loved each other and I'll talk to you later.

17 Q And then that was the last time you saw her?

18 A That was -- after that there was nothing.

19 Q Your understanding was she was going back to work after
20 that break?

21 A Yeah, because when I did talk to her on her 10:30 break
22 she was yawning so much. She was exhausted. I was like you
23 just -- I remember telling her, you got to get home and get
24 to bed.

25 Q So you spoke with her on the phone while she was at

SHAWN SOUTHERN: DIRECT EXAMINATION

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1 work at 10:30 on the 18th?

2 A Yes, sir.

3 Q Did you have any understanding what she was going to be
4 doing later that night?

5 A No. To me it sounded like she was going to go home,
6 get some rest and go get the kids the next day.

7 Q She was supposed to get the kids on Tuesday is what you
8 said?

9 A Correct. But she needed -- as tired as she was, she
10 needed the full rest.

11 Q Okay. What were you up to that night?

12 A My girlfriend was working until 11:00, so I was just
13 hanging out at the apartment watching Netflix.

14 Q And where was the apartment you shared with your
15 girlfriend?

16 A It's off of Watson Road which is -- you know anything
17 about Taylors, South Carolina, it's right across from the
18 Brunswick Bowling Alley near the Houser Shoes.

19 Q And where was -- what's your girlfriend's name?

20 A Debbie.

21 Q Debbie what?

22 A At that time it was Nulph.

23 Q Nulph, -u -

24 A N-u-l-p-h. Yes, sir.

25 Q Where was she working?

SHAWN SOUTHERN: DIRECT EXAMINATION

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1 A She was working at the Westin Poinsett downtown.

2 Q Downtown Greenville?

3 A Uh-huh.

4 Q And how did she get there?

5 A She drove her own vehicle.

6 Q How many cars did you two have at the time?

7 A At the time Debbie had the one, Myranda had the one,
8 and I didn't have a vehicle.

9 Q So she left you at the apartment in Taylors and she
10 drove downtown to Greenville?

11 A Uh-huh. Yes, sir.

12 Q What time would Deborah have gotten off work at the
13 Westin?

14 A She would have gotten off at 11:00. Probably would
15 have been home around 11:30-ish or so.

16 Q And you were home that night at the apartment?

17 A All night. Yes, sir.

18 Q What did you do when Debbie got home?

19 A We ate and did what we normally do. Probably watched (
20 Netflix.

21 Q Both of you all slept at the apartment that night?

22 A Oh, yes, sir.

23 Q And what, if anything, did you have to do the next
24 morning?

25 A I went to the doctor's office, Milestone Family

SHAWN SOUTHERN: DIRECT EXAMINATION

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1 Medicine. And it was after that appointment was when I
2 started getting phone calls from neighbors that Myranda
3 never showed up from work the next -- that night. And
4 called down to Florida to speak to Myranda's mother to see
5 if she, Myranda, had called Abby and wished her a happy
6 birthday and she hadn't yet. And this was probably 11:00
7 a.m.

8 Q And who was the neighbor? Was it Searcy?

9 A Yes, ma'am.

10 Q Yes, ma'am?

11 A Or yes, sir. Sorry.

12 Q Searcy was the neighbor who Myranda was pretty close
13 with; is that right?

14 A Yeah. Lauren and Joyce. They were extremely close
15 with Myranda.

16 Q Did that immediately raise a red flag that her car
17 wasn't there that morning?

18 A Yeah. Joyce was the one that actually called me.

19 Q Okay. And you said that other people were saying that
20 she hadn't called to wish your daughter a happy birthday?

21 A Right. Penny -- Myranda's mom, Penny, when I had
22 called to wish Abby a happy birthday, had told me that
23 Myranda hadn't called yet.

24 Q So what's going through your head at this point?

25 A At that point a lot, because I thought maybe she had

1 just ran away for a day or two, kind of sneaked off for a
2 little bit. But then when she wouldn't even call her
3 daughter on her birthday that -- that's opposite of what
4 Myranda was.

5 Q Well, did you see any Face book posts from her that
6 day?

7 A The one you mean after the 18th and 19th?

8 Q Yeah.

9 A Yeah. Yes, sir. I did.

10 Q Let me show you -- let me show you State's No. 3.

11 MR. SCOTT: Can we cut these lights off, Mr. Bolt?

12 MR. BOLT: Can I see it?

13 MR. SCOTT: Can we cut this off?

14 MR. BOLT: Yes, sir.

15 MR. SCOTT: Can everybody see this?

16 (Whereupon, the jury responds in the affirmative.)

17 Q All right. Shawn, August 19th at 4:07 a.m. this was
18 posted. Did you see this as far as on her Face book page?

19 A I had friends. At that time me and Myranda weren't on
20 -- we weren't friends, but I had a friend that would screen
21 shot it and send it to me.

22 Q Was this interesting or --

23 A That's not Myranda.

24 Q What do you mean?

25 A Myranda would have never started out "so tired." It

SHAWN SOUTHERN: DIRECT EXAMINATION

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1 would have been "I'm so tired that I don't care." She would
2 have had a comma in there. She was a grammar perfectionist.
3 In other words, she would cross Ts, dotted Is, used commas.

4 Q So it didn't sound like her to you is what you're
5 saying?

6 A Not at all.

7 Q All right. So that was significant to you when you saw
8 that?

9 A Yes. Yes. And especially the time-frame. I think you
10 can go back to all of Myranda's posts that she had and she
11 would have never posted at 4:07 in the morning.

12 Q So that would have been unlike her as well?

13 A That's -- all that's completely out of characteristic.
14 Yes, sir.

15 Q Let me show you State's No. 4. Did you see that one?

16 A Yes, sir. Yes, sir, I did. Now, that one is the
17 tell-tale. Myranda would have never ever used okay in
18 capital letters like that. She would actually probably
19 spelled it out. And then Savannah would have been
20 capitalized because it's a proper noun. And, I mean, she --
21 she is a very much -- like I'm not even sure I see a period
22 between ready and I love you. None of that is Myranda.

23 Q Well, I guess the point is it just didn't sound like
24 her.

25 A Yeah. And plus the fact that she's staying with

1 friends with Savannah. I've known Myranda for 20 years and
2 had been in a relationship with her for going on 10 and we
3 didn't know a soul in Savannah.

4 Q So that was significant to you as well?

5 A Yeah. The only reason why Savannah would have been
6 anywhere in Myranda's vocabulary was because that's where
7 when it was Mimi's week we would meet them in Savannah and
8 drop the kids off, and that's where we would pick them up
9 was Savannah.

10 Q Were you trying to call her during this time?

11 A Oh, I had called her numerous times, especially that
12 Monday. I called her so much that her phone just eventually
13 went straight to voice mail.

14 Q And were you texting her and everything else?

15 A Yeah. Yes, sir.

16 Q No response?

17 A No, none.

18 Q And were you aware about, I guess, some of these
19 financial difficulties Myranda was going through?

20 A Yes, sir.

21 Q Tell me about that.

22 A She was paycheck to paycheck, sometimes a little bit
23 behind.

24 Q You told me about something with some jewelry.

25 A She had to cover some bills, so she had pawned some of

SHAWN SOUTHERN: DIRECT EXAMINATION

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1 her -- or her wedding band.

2 Q She was behind on the rent?

3 A They -- about a week later, when I finally was able to
4 clear out the apartment from our stuff, they had just
5 written an eviction notice. On -- it would have been, I'm
6 guessing, the 16th she got paid with a bonus. So she had
7 more than enough to cover her bills. So she would have been
8 all right past that weekend.

9 Q But they had already started -- began the eviction
10 process?

11 A No, sir. When Myranda didn't pay that month and it
12 clicked back over nobody had heard anything from her,
13 including the apartment complex. So they just assumed write
14 the eviction notice.

15 Q When was it that you said you found out about Darrell?
16 I'm trying to build a calendar here.

17 A I think it was the 19th or the 20th when people were
18 really starting to wonder where Myranda was.

19 Q Now, wait a minute. Because you testified earlier
20 about finding out about him because there was some clean
21 sheets or something like that?

22 A Right. Well, that was earlier in the week.

23 Q What week? This week?

24 A Yeah. That was -- I don't know. The 13th or 14th.
25 Probably the 14th.

1 Q I failed to mention this, but sometime in here you
2 mention to Myranda that Deborah, your other girlfriend, had
3 gotten pregnant; is that right?

4 A Yeah. But I didn't tell her that until later on in
5 that week. I had already known about --

6 Q What week? You can't just say that week. There's four
7 weeks here. Which week? Which week? You got to --

8 A Okay.

9 Q Which week?

10 A We're talking about the 13th, 14th or 15th week.

11 Q That's when you --

12 A Closer to probably the 15th or the 16th of that week.

13 Q That's when you told her Deborah was pregnant?

14 A Uh-huh.

15 Q How did she take that?

16 MR. ABLE: You said uh-huh.

17 THE COURT: You need to verbally answer instead of --

18 Q That's a yes or no?

19 A Yes, sir.

20 Q Tell me one more time. 15th or 16th?

21 A We'll shoot 15th.

22 Q How did she take that?

23 A Not very well.

24 Q It upset her?

25 A Oh, yes, sir.

SHAWN SOUTHERN: CROSS-EXAMINATION

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1 Q But it was after that that you all, I guess, had made
2 up to some degree, because on the 18th she's speaking with
3 you on the phone and she brings you coffee and cigarettes
4 during a break; is that right?

5 A On the 18th. Yes, sir.

6 Q And you're married to Deborah Nulph now; is that right?

7 A That's correct.

8 Q She's Deborah Southern?

9 A Correct.

10 Q And you all have a child together?

11 A Correct.

12 MR. SCOTT: Thank you, Shawn. Answer anything Mr. Able
13 has for you. Okay?

14 THE WITNESS: Okay.

15 THE COURT: Cross-examination, Mr. Able?

16 MR. ABLE: Thank you.

17 CROSS-EXAMINATION

18 BY MR. ABLE:

19 Q Mr. Southern, you and Myranda were never divorced?

20 A No, sir.

21 Q And it was during that time proceeding August 2013 you
22 had been living with Deborah for about a year?

23 A Oh, no, sir. No, sir.

24 Q When did you and she move in together?

25 A Officially moved in was probably a week or two before

1 the 19th.

2 Q But you moved into --

3 A I was in and out.

4 Q Well, for about that year you were back and forth,
5 weren't you?

6 A Well, I had my toothbrush at Myranda's house. So if
7 that helps you out where I was permanently living. I mean,
8 I -- my mail was still coming to Myranda's house.

9 Q So, I mean, you were spending the night over -- with
10 Deborah?

11 A Uh-huh.

12 Q You have to say yes or no.

13 A Yes, sir.

14 Q Okay. And how long had you been spending those nights
15 at Deborah's apartment?

16 A Probably six, seven, eight months. Somewhere in there.

17 Q Okay. And then you would -- I believe you would go
18 back home, getting the kids ready for school, things like
19 that in the morning?

20 A No, at night, because Myranda worked at night.

21 Q Okay. That's right. And you would go and keep the
22 kids while she worked at night?

23 A Uh-huh.

24 Q You have to say yes or no.

25 A Yes, sorry.

1 Q We're recording here. Okay? So you're back and forth
2 between Myranda and Deborah, but you consider Myranda's home
3 to be your place of residence?

4 A I would -- if anybody would ask me where I would have
5 lived at that point, yes, I would have said I lived over
6 there.

7 Q Okay. During that time -- and I want to use your
8 words. But when you were interviewed in this case you
9 described your relationship -- your and Myranda's
10 relationship -- and I won't say the word, but F'd.
11 As F'd up, wasn't it?

12 A Yeah.

13 Q That's what you said?

14 A Uh-huh.

15 Q Our relationship is pretty F'd up?

16 A Uh-huh.

17 Q You have to say yes or no.

18 THE COURT: You have to say yes or no instead of making
19 a sound.

20 A Yes, sir.

21 Q And talking about that week, the week of the 11th,
22 Sunday the 11th, you described that as a pretty rough week
23 for you and Myranda?

24 A Yes, sir.

25 Q Because that's the week that you had informed Myranda

1 that your girlfriend, Deborah, was pregnant?

2 A Yes, sir.

3 Q And you still had a key? You had a key to both
4 apartments, didn't you?

5 A Up until probably Tuesday or Wednesday of that week.

6 Q The week of the 11th?

7 A The week of the 12th through the 16th.

8 Q So sometime during that week?

9 A Yeah. I believe it was Wednesday or Tuesday I gave the
10 key back to her.

11 Q Now, you had -- the manner by which you informed your
12 wife that your girlfriend was pregnant, you called her on
13 the phone?

14 A No. That would have been a conversation I think me and
15 her would have had face to face.

16 Q Well, wasn't it when you had talked to her on the phone
17 and said that didn't she leave work to come find you? Isn't
18 that when you all had the big argument?

19 A No. That was when I found all of the clean sheets and
20 called her and said you've had somebody here, so I'm going
21 to leave your key on the bar and walk out.

22 Q Anyway, when you told Myranda Deborah is pregnant she
23 got very upset?

24 A Yes, sir.

25 Q And you used words to describe her at that time when

1 you told her as explosive?

2 A I don't get what you mean.

3 Q You said that she got mad enough to -- you used the
4 words -- said she'd been crying, she was explosive,
5 hysterical?

6 A Yes, sir.

7 MR. ABLE: One moment, Your Honor.

8 THE COURT: Sure.

9 Q Now, when was the occasion that you broke her
10 telephone?

11 A I don't remember the exact date.

12 Q Well, that was after an argument you and she had?

13 A Yes, sir.

14 Q That was -- that was -- before you broke her phone you
15 and she had had an argument, and I believe that's when you
16 found out she had a boyfriend and you went over to the
17 apartment and took the television?

18 A Yes, sir. But I think I broke her phone after that.

19 Q That's right. And that's what I'm saying. You took
20 the television. You called her and said I'm not coming back
21 here. She left work to come find you?

22 A Correct. No, she came back to work. She didn't have
23 to find me. She went back to her apartment.

24 Q And that's where you were loading up the television?

25 A I was already gone.

1 Q And she came to Deborah's apartment?

2 A Uh-huh. Yes, sir.

3 Q And that's when you described her as hysterical and
4 explosive?

5 A Yes, sir.

6 Q And you had followed her to a parking lot and reached
7 in her car window and grabbed her phone, correct?

8 A Yes, sir.

9 Q And took it and threw it to the ground?

10 A Yes, sir.

11 Q Now, you had asked Myranda many, many times for a
12 divorce, correct?

13 A Not that my knowledge is, no.

14 Q You asked her for a divorce?

15 A To my knowledge, no.

16 Q You never asked her for a divorce?

17 A No.

18 MR. ABLE: Again, Your Honor, one moment, please.

19 THE COURT: Sure.

20 Q Now, you knew the password to Myranda's laptop,
21 correct?

22 A No, sir.

23 Q You didn't know the password to her laptop?

24 A No, sir.

25 Q And when you found out from Lauren, when Lauren called

SHAWN SOUTHERN: REDIRECT EXAMINATION

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1 you and said that Myranda hadn't come home, you went
2 straight to Florida to pick up your kids, correct?

3 A Lauren never told me that Myranda came straight home.

4 Q But you left and went straight to Florida to pick up
5 your children?

6 A The next day. Yes, sir.

7 Q The 19th or the 20th?

8 A The 19th.

9 Q So she worked -- Myranda worked on Sunday evening?

10 A Yes, sir.

11 Q From 3:00 to midnight?

12 A Yes, sir.

13 Q And the 19th would have been the Monday of that week?

14 A Yes, sir.

15 Q And you left on the 19th to go back and go to Florida
16 to pick up your children?

17 A Yes, sir.

18 Q And your mother-in-law wouldn't let you have the
19 children?

20 A No, sir.

21 MR. ABLE: Thank you. That's all I have, Your Honor.

22 THE COURT: Anything on redirect, Solicitor?

23 REDIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q Did you have any knowledge of anybody doing any work on

1 Myranda's laptop?

2 A She had told me that --

3 MR. ABLE: Objection to the --

4 THE COURT: Sustained.

5 Q Do you have any personal knowledge other than her
6 telling you something?

7 A No, sir.

8 MR. SCOTT: That's all. Thank you, Your Honor.

9 THE COURT: Thank you for your testimony, sir. You can
10 step down. You're free to leave or you're welcome to remain
11 with us.

12 (Whereupon, the witness stepped down from the witness
13 stand.)

14 MR. SCOTT: The State calls Deborah Nulph Southern.

15 DEBORAH NULPH SOUTHERN, having been
16 first duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. SCOTT:

19 Q What's your name?

20 A Deborah Southern.

21 Q Deborah, you are married to Shawn Southern?

22 A Yes, I am.

23 Q When did you all get married?

24 A July of 2014.

25 Q Do you remember August of 2013?

DEBORAH SOUTHERN: DIRECT EXAMINATION

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1 A Uh-huh.

2 MR. ABLE: Is that yes?

3 THE WITNESS: Yes.

4 THE COURT: You need to give verbal answers, either yes
5 or no.

6 THE WITNESS: Yes.

7 Q And how are you able to remember that, that month and
8 that year?

9 A That was the year that -- or that was the month that
10 Myranda was murdered.

11 Q Did you know Myranda?

12 A Very little.

13 Q She was at the time Shawn's, I guess, separated wife?

14 A Yes, sir.

15 Q And where was he living at that time?

16 A He was living with me.

17 Q Had he fully moved into your place?

18 A Uh-huh. Yes.

19 Q But did he have other items at the other -- Myranda's
20 place?

21 A Yes.

22 Q But during the nighttime where would he sleep?

23 A With me.

24 Q Was he working at the time?

25 A He had just gotten a job at Comfort Inn.

1 Q Where?

2 A At Comfort Inn.

3 Q Oh, okay. And his two children with Myranda, who was
4 watching them while she was at work?

5 A He was.

6 Q And where would he watch them?

7 A At her house.

8 Q So he would go over back to the place he used to live
9 with Myranda, watch the children while she was at work --

10 A Yes, sir.

11 Q -- and then when she would get home from work he would
12 do what?

13 A He would come back.

14 Q To your place?

15 A Yes, sir.

16 Q You had met Myranda in person before?

17 A Yes.

18 Q And how had that gone?

19 A As well as you would think.

20 Q When did you find out you were pregnant, when you and
21 Shawn got pregnant together?

22 A I can't remember the exact date. I took a pregnancy
23 test, a home pregnancy test, and I got a positive. But I
24 wasn't actually able to go to the doctor until three weeks
25 later. So --

DEBORAH SOUTHERN: DIRECT EXAMINATION

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1 THE COURT: Ms. Southern, you need to sit a little
2 closer to that microphone, please. I'm having a hard time
3 hearing you.

4 THE WITNESS: Okay.

5 THE COURT: Thank you.

6 A Is that better?

7 Q That's better. Just speak up so everybody can hear
8 you.

9 A Yes, sir.

10 Q And was it in August of 2013, sometime this month?

11 A It was -- I found out I was pregnant before August.
12 Probably near the end of July.

13 Q Do you remember when Myranda went missing?

14 A I remember the call was Monday morning. That's when
15 she didn't come home from work.

16 Q Monday August 19th?

17 A 19th.

18 Q Do you remember the night before?

19 A I do.

20 Q And you had to speak with investigators about that,
21 right?

22 A I did.

23 Q They interviewed you shortly after she went missing; is
24 that right?

25 A Yes, they did.

1 Q Tell me what was going on that you remember on Sunday
2 the 18th. What do you remember about that day and night?

3 A I mean, it was a regular Saturday. I was working that
4 night. When I got back from dropping Shawn back at home we
5 probably spent the -- together. I had to be at work at
6 3:00. Went to work. Talked to him on my break. Came home.
7 I think I went to Taco Bell that night on the way home.

8 Q Back up. So you were working where?

9 A The Westin Poinsett.

10 Q Downtown Greenville?

11 A Yes, sir.

12 Q And what was your shift?

13 A It was 3:00 to 11:00.

14 Q 3:00 p.m. to 11:00 p.m.?

15 A Yes, sir.

16 Q How did you get from Taylors, where you lived, over to
17 Greenville?

18 A I usually would take Wade Hampton.

19 Q I mean, but drive?

20 A Yes, I drove.

21 Q What kind of car did you drive?

22 A A CRV.

23 Q And did Shawn have a car?

24 A He had one that him and Myranda shared, but she --

25 Q Where was that car that night?

DEBORAH SOUTHERN: DIRECT EXAMINATION

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- 1 A She had it.
- 2 Q At Charter?
- 3 A Yes.
- 4 Q So where was he when you went to work?
- 5 A He was at our apartment.
- 6 Q You left him at your apartment?
- 7 A Yes.
- 8 Q And then drove to the Westin?
- 9 A Yes.
- 10 Q At 3:00 p.m.?
- 11 A Uh-huh.
- 12 Q Did you have a break?
- 13 A I did, yeah.
- 14 Q What did you do during your break?
- 15 A I called him, and then I ate.
- 16 Q You ate there at the Westin?
- 17 A Uh-huh. Yeah.
- 18 Q And you got off at 11:00 p.m.?
- 19 A I did.
- 20 Q And where would you have gone after that? You said
- 21 Taco Bell?
- 22 A Yeah. I had been craving Taco Bell the whole day. So
- 23 I went to Taco Bell and then I went home.
- 24 Q And did you pick anything up for Shawn?
- 25 A I did.

1 Q So you took the Taco Bell from Greenville and drove it
2 back to Taylors and ate with Shawn there?

3 A I did.

4 Q At the apartment?

5 A Yes.

6 Q What did you all do after that?

7 A Watched TV probably for a few hours.

8 Q And so, if you got home -- you got off work at 11:00
9 and went to Taco Bell what time would you have gotten home?

10 A Probably around 11:30, 11:40.

11 Q And then you all ate dinner after that?

12 A Yeah.

13 Q And you said you watched some TV?

14 A Yeah.

15 Q So what time would you have gone to bed approximately?

16 A It was late that night. I mean, he wasn't really
17 feeling well that whole weekend, so we probably went --
18 initially went to bed around 12:00 or 1:00. 12:30, 1:00.

19 Q Midnight to 1:00?

20 A Yeah.

21 Q And then the next morning, the morning of the 19th,
22 tell me what you remember about that morning.

23 A Shawn went to the doctor, and then after he got back
24 from the doctor we were just talking about Abby's birthday.
25 He was going to make a call. They were going to do a call

DEBORAH SOUTHERN: CROSS-EXAMINATION

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1 together to Abby for her birthday. And then he got a call
2 from Joyce saying that Myranda never came home the night
3 before.

4 Q And then eventually you all had to -- did you all file
5 a missing person's report, or had that already been done?

6 A He did it, yeah.

7 MR. SCOTT: Deborah, answer any questions Mr. Able has
8 for you.

9 THE WITNESS: Yes, sir.

10 THE COURT: Mr. Able, any cross-examination?

11 MR. ABLE: Yes, sir. Thank you.

12 CROSS-EXAMINATION

13 BY MR. ABLE:

14 Q Ma'am, you and Shawn had been living together about a
15 year up to this time; is that correct?

16 A About.

17 Q Ma'am?

18 A Yes, about.

19 Q About a year --

20 A Uh-huh.

21 Q -- prior to this?

22 A Yeah. Not quite a year yet, but yeah.

23 Q And, of course, he was still married to Myranda?

24 A Yes, sir.

25 Q And it was kind of a back and forth thing with Shawn,

1 correct? He had left you three or four times to go back to

2 Myranda, and leave there and come back to you, correct?

3 A Yes.

4 Q And he was primarily sleeping in your apartment?

5 A Yes.

6 Q But I think he left most of his stuff over at Myranda's
7 apartment?

8 A Yes.

9 Q And there was always kind of a lot of drama with Mr.
10 and Mrs. Southern in their relationship, correct?

11 A A little bit.

12 Q They argued a lot?

13 A They -- yeah. A couple.

14 Q It was pretty standard that they argued?

15 A Yeah, they had argued, but -- yeah.

16 Q And you and Shawn, of course, have a baby now?

17 A Yeah.

18 Q And you had conceived that child sometime during 2013?

19 A Yes.

20 Q And you were pregnant with that baby at the time this
21 event occurred?

22 A Yes.

23 Q And Shawn had told his wife about your pregnancy?

24 A Yes.

25 Q Do you know how he told her?

DEBORAH SOUTHERN: CROSS-EXAMINATION

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1 A I'm not sure.

2 Q Now, Shawn got very upset when he found out Myranda had
3 a boyfriend, correct?

4 A He was upset.

5 Q He was upset enough to go over to her apartment and
6 take stuff out of the apartment, correct?

7 A Yes.

8 Q Now, after that he had brought the television and other
9 stuff to where you and he were living together?

10 A Yes.

11 Q And Myranda met him there?

12 A Yes.

13 Q And they argued?

14 A Yes.

15 Q And that's the occasion when she had driven off and he
16 broke her cell phone?

17 A Yes.

18 Q Now, after the Sunday of the 18th when Myranda worked,
19 you and Mr. Southern went straight on the 19th to Florida to
20 try to pick up his kids, correct?

21 A We did.

22 Q And they weren't scheduled to come back until, I
23 believe, the 20th?

24 A The next day, yes.

25 Q Tuesday the 20th?

1 A Uh-huh.

2 Q So he had been informed that his wife was missing, and
3 rather than stay in Greenville to see what help he could
4 provide there he went straight to Florida with you to get
5 the children?

6 A Yes.

7 Q And that was the occasion that his mother-in-law
8 wouldn't allow him to take the children, correct?

9 A Yes.

10 MR. ABLE: That's all I have, Your Honor.

11 THE COURT: Anything on redirect, Solicitor?

12 MR. SCOTT: Yes, sir.

13 REDIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q I think you all -- explain why did you all feel the
16 need to go down to Florida to get the kids at that point?

17 A Because he was worried about what was going on with
18 Myranda and he wanted to make sure the kids were with him.

19 Q Were you privy to this Face book post that came from
20 her account?

21 A I wasn't friends with her on Face book. I heard about
22 them from Shawn.

23 Q Okay. And, of course, you knew when Abigail's birthday
24 was, didn't you?

25 A I did.

DEBORAH SOUTHERN: REDIRECT EXAMINATION

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1 Q And you knew that she hadn't called to wish her a happy
2 birthday?

3 A Yeah, I knew that.

4 Q And did you know she wasn't answering her phone?

5 A I did know.

6 Q So did all that come into play in wanting to get those
7 kids safe and in you all's hands as quick as possible?

8 A It did. Shawn knew that that was really out of
9 Myranda's character and was just very worried and --

10 Q Something was up?

11 A Yeah. And like any man would, wanted to make sure he
12 had the rest of his family there with him.

13 MR. SCOTT: Thank you.

14 THE COURT: Recross?

15 MR. ABLE: No, sir.

16 THE COURT: Thank you for your testimony, ma'am. You
17 can step down. You're free to leave the courthouse or
18 you're welcome to remain with us.

19 (Whereupon, the witness stepped down from the witness
20 stand.)

21 MR. SCOTT: Investigator Hoover, Your Honor, with the
22 Greenville Sheriff's Department.

23 THE COURT: Okay.

24 SERGEANT DEVIN HOOVER, having first
25 been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q State your full name for the record, please.

4 A Devin Hoover.

5 Q Sergeant Devin Hoover? That's Devin with an I?

6 A Yes, sir.

7 Q You are with the Greenville Sheriff's Department?

8 A Yes, sir.

9 Q And you recall this missing persons case involving
10 Myranda Southern?

11 A Yes, sir. I do.

12 Q Were you involved -- you sat in on a statement that
13 Darrell Raines gave; is that right?

14 A Yes, sir.

15 Q Also, what I really want to talk to you about is, were
16 you able to go to Charter Communications --

17 A Yes, sir.

18 Q -- at some point during this investigation?

19 A Yes, sir.

20 Q And why was Charter Communications relevant?

21 A That is the place where she was working.

22 Q And who's she?

23 A Myranda Southern.

24 Q And what was your purpose for going there though?

25 A To determine she had, in fact, been at work that day.

DEVIN HOOVER: DIRECT EXAMINATION

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1 Q And what was her shift supposed to be?

2 A It's like a second shift. I believe she got off at
3 like midnight, 11:50. It was late.

4 Q Were you able to speak with some of her coworkers?

5 A We did.

6 Q And did they have surveillance at that office?

7 A Yes, sir.

8 Q Were you able to review it?

9 A Yes, sir.

10 Q And what did that surveillance show?

11 A It showed --

12 MR. ABLE: Object to referring to some videotape that's
13 not into evidence. We haven't had -- we haven't viewed
14 that, and I don't think it would be appropriate for him to
15 tell us what the videotape showed.

16 THE COURT: Do you intend to offer this surveillance --

17 MR. SCOTT: No, sir.

18 THE COURT: -- into evidence?

19 MR. SCOTT: No, sir. I think he can testify the sky
20 was blue that day, if he wants to. He can testify what
21 Charter Communications looked like. I can certainly proffer
22 some testimony why we don't have that video.

23 THE COURT: Well, I think probably what we need to do
24 is let's hear from this officer outside the presence of the
25 jury and then kind of go from there.

1 Take a short morning break, Mr. Foreman and ladies and
2 gentlemen of the jury. Again, I would advise you not to
3 begin any discussions about this case. And take a little
4 break, get something to drink, and we'll get you back out
5 shortly.

6 (Whereupon, the jury exited the courtroom at 10:23
7 a.m.)

8 THE COURT: Okay, Solicitor. Let's examine Officer
9 Hoover concerning this surveillance tape so I can try to
10 move on Mr. Able's objection.

11 IN CAMERA

12 DIRECT EXAMINATION

13 BY MR. SCOTT:

14 Q Sergeant Hoover, so who did you speak with in regards
15 to the surveillance tape?

16 A I believe initially I talked to one security personnel
17 downstairs. And they just put in that date and time and see
18 her exit.

19 Q And were you able to view the video?

20 A Yes, sir.

21 Q And were you able to identify Ms. Southern on the
22 video?

23 A Yes, sir.

24 Q And were you able to identify the time that she was
25 leaving the building?

DEVIN HOOVER: DIRECT EXAMINATION

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1 A Yes, sir. I believe it was actually time stamped. It
2 was like 11:50 something, I believe. If I remember
3 correctly.

4 Q And that's your sworn testimony to what you observed
5 with your own eyes?

6 A. Yes, sir.

7 MR. SCOTT: Judge, that's pretty much the testimony we
8 would proffer.

9 THE COURT: Mr. Able, do you want to examine Officer
10 Hoover concerning this one issue?

11 MR. ABLE: No, sir. I really don't. I mean, as the
12 Solicitor said he can testify that the sky is blue. I can
13 cross-examining him on that because I can look outside and
14 see the sky is blue. I can't -- I can't expect to cross-
15 examining him on a videotape that I have seen. It hasn't
16 been produced for the Court. So that's my -- that's my
17 objection. Just because there's a videotape and somebody
18 views it, to come in here and say this is what I viewed
19 without everybody seeing it.

20 THE COURT: Let me look at something real quick.
21 Everybody be at ease for just a moment.

22 (Whereupon, there was a brief pause in the
23 proceedings.)

24 THE COURT: It seems like Mr. Able is correct on this.
25 Without him having the benefit to look at this -- it's not

1 in evidence. It's not in evidence. But this is what this
2 Officer is basing his testimony on, it seems to me that
3 video would have to have been disclosed for Mr. Able to have
4 an opportunity to view it. Plus -- and, of course, you
5 haven't asked this Officer this, but how would he know that
6 what he -- the person he saw in the video was, in fact, Ms.
7 Southern. Was it -- somebody told him, yeah, that's Ms.
8 Southern in the video. I think without the benefit of the
9 video I'm going to have to sustain Mr. Able's objection.

10 MR. SCOTT: If there's no vide -- if there's simply no
11 video that exists, it's kind of like I was saying. If he
12 was to testify on August 2013 I went to so and so address
13 and it had a -- you know, the wind was blowing through the
14 trees.

15 THE COURT: Right.

16 MR. SCOTT: The same way he cross-examines him. This
17 is what he sees, hears, smells, touches.

18 THE COURT: Right.

19 MR. SCOTT: And that's what is testimony is. If he
20 sees a video -- if they can't burn the video is it just lost
21 forever into the ether of the judicial system? No. He can
22 testify seeing it. I mean --

23 THE COURT: I don't see the analogy, Solicitor, that
24 you're making that he can testify whether the sky is blue,
25 and that's the same thing as him testifying as to something

DEVIN HOOVER: DIRECT EXAMINATION

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1 that is actually concrete that was in existence at one time.
2 I understand that possibly that video is no longer in
3 existence and you couldn't produce it in discovery. But I
4 don't see the analogy being the same that he could testify
5 the sky was blue on that day versus he looked at a video.
6 And again, the question I have in my mind is how did he know
7 that the person he says is Myranda Southern leaving work,
8 how did he know that was Myranda Southern? I'm going to
9 sustain the -- Mr. Able's objection and not allow this
10 witness' testimony. But now --

11 MR. SCOTT: Can I see the Court's witness list?
12 Because I may need to call another witness.

13 THE COURT: All right.

14 MR. SCOTT: I just want to see if we've got some people
15 on that.

16 THE COURT: Yeah.

17 MR. SCOTT: Thank you, Your Honor.

18 THE COURT: A proffer has already been made. So his
19 testimony is in the record, so the record is protected. Do
20 you need this Officer for any other --

21 MR. SCOTT: I'm going to see what else I can get out of
22 him.

23 THE COURT: All right.

24 MR. SCOTT: I'm going to dig a little bit more.

25 THE COURT: Let's take about five minutes and we'll

1 come back.

2 (Whereupon, a brief recess was held from 10:40 a.m. to
3 10:46 a.m.)

4 THE COURT: Mr. Bolt, bring the jury back out, please.

5 (Whereupon, the jury entered the courtroom at 10:46
6 a.m.)

7 THE COURT: Solicitor, you may proceed, sir.

8 Q So, Sergeant Hoover, you were able to go to Ms.
9 Southern's place of employment?

10 A Yes, sir.

11 Q Charter Communications?

12 A Yes, sir.

13 Q And do you remember when you went there?

14 A If I can refer back to my --

15 Q Yeah.

16 A It looks like it would have been on the 22nd.

17 Q 22nd is when you visited Charter Communications?

18 A Yes, sir. I believe so. Yes, sir.

19 Q And the purpose of going there was what?

20 A To find out if she, in fact, had been at work.

21 Q On when?

22 A The day that she had gone missing.

23 Q The night of Sunday, August 18th?

24 A Yes, sir. I believe that would have been correct. I
25 have to have the original to tell you for sure.

DEVIN HOOVER: DIRECT EXAMINATION

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1 Q And did you speak to coworkers?

2 A We did.

3 Q And did you review any, I don't know, log in records or
4 anything like that?

5 A Not at the time. I believe they asked for
6 documentation from us, some kind of record order, before
7 obviously they would provide that.

8 Q And did you review other things?

9 A As far as --

10 Q What else did you review in trying to determine if she
11 had been working that night?

12 A We talked to her supervision, kind of -- that's
13 basically what I remember.

14 Q And you said they pulled some kind of records at some
15 point?

16 A Yes, sir.

17 Q What were they?

18 A I believe they were looking for work logs and things of
19 that nature. Time cards or something like that. I was not
20 present for that part of it.

21 Q And you reviewed some surveillance?

22 A Yes, sir.

23 Q And what were you investigating at this time?

24 A A missing person.

25 Q And so, you were able -- were you able to account for

1 her on the night of the 18th?

2 A Yes, sir.

3 MR. ABLE: Objection, Judge. Any foundation hasn't
4 been made as to the information he had and how he obtained
5 that information. It sounds like hearsay to me that he's
6 accounting for Ms. Southern on the night of the 18th.

7 THE COURT: Sustained.

8 MR. ABLE: And I'd ask that it be stricken.

9 MR. SCOTT: Your Honor, if I may?

10 THE COURT: Sure.

11 MR. SCOTT: I would argue that some of the
12 investigator's exception to the hearsay. This is part of
13 his investigation to show why he's undertaken certain
14 actions as far as investigating missing persons.

15 THE COURT: Yeah, he can certainly testify why he did
16 certain things. Why did he go to Charter. Why he reviewed
17 this and that. He can testify to that. But the results
18 could very well come in under the hearsay objection. So,
19 you know, what he actually learned could very well be
20 hearsay. So I'm going to sustain the objection at this time
21 and order that that last testimony be stricken. However, if
22 you want to lay some more foundation. Maybe come in in
23 another way.

24 MR. SCOTT: Yes, sir.

25 Q So you were able to speak with coworkers?

1 A Yes, sir.

2 Q And you did review the surveillance video?

3 A Yes, sir.

4 Q You mentioned other investigators got some work logs?

5 A Yes, sir.

6 Q Now, going there on the 22nd, through your trying to
7 investigate this case, did you already have a working
8 understanding of what her scheduled hours of work were?

9 A Through friends we kind of knew that she was working
10 the second shift type scenario, due to other witnesses.

11 Q If we don't work second shift --

12 MR. ABLE: Objection. It's hearsay.

13 THE COURT: Let me see the lawyers just a second over
14 here.

15 (Whereupon, a sidebar was held.)

16 THE COURT: That objection is overruled. You may
17 proceed, Solicitor.

18 Q So when you go in there you already kind of had an idea
19 that she worked second shift?

20 A Yes, sir.

21 Q And if we don't work the second shift, what does that
22 mean?

23 A It means you work a shift that's somewhere late evening
24 hours.

25 Q And what was your understanding of when she was

1 supposed to get off?

2 A Around midnight.

3 MR. SCOTT: Thank you, Investigator.

4 THE COURT: Cross-examination, Mr. Able?

5 MR. ABLE: None, Your Honor.

6 THE COURT: Thank you for your testimony, sir. You can
7 step down. You're certainly free to leave the courthouse or
8 you're welcome to remain with us.

9 THE WITNESS: Thank you, sir.

10 THE COURT: Thank you.

11 (Whereupon, the witness stepped down from the witness
12 stand.)

13 MR. SCOTT: Christian Yates, Your Honor.

14 THE COURT: Christina or Christian?

15 MR. SCOTT: It's Christian.

16 THE COURT: I've got a Christina on my list, but it
17 should be Christian?

18 MR. ABLE: I think it's Christian.

19 MR. SCOTT: I've got it spelled two different ways. I
20 think her mom said Christian.

21 CHRISTIAN YATES, having first been
22 duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q Would you please state your name for the record?

CHRISTIAN YATES: DIRECT EXAMINATION

211

1 A Christian Yates.

2 Q Christian. Would you spell that?

3 A C-h-r-I-s-t-I-a-n.

4 Q Okay. And you sometimes go by Nikki; is that correct?

5 A Yes.

6 Q Ms. Yates, do you remember August of 2013?

7 A Yes, sir. I do.

8 Q And where were you living at the time?

9 A 4108 Bramlett Church Road in Greenville.

10 Q Let me show you State's No. 9 which has been admitted
11 into evidence.

12 THE COURT: Did you say 9 as been admitted into
13 evidence?

14 MR. SCOTT: Yes, sir. Through stipulation we've agreed
15 that 9 will be -- a photo that was agreed upon, was my
16 understanding.

17 THE COURT: Is that correct, Mr. Able, 9 is --

18 MR. ABLE: Yesterday prior to trial stipulations were
19 made for certain photographs.

20 THE COURT: Is that 6 through 11 that's been agreed to?
21 Take a look just to make sure.

22 MR. ABLE: Yes, sir. I've looked at them during the
23 break. Yes, sir.

24 THE COURT: 6 through 11, by way of agreement, are into
25 evidence on behalf of the State.

1 (Whereupon, State's Exhibit Nos. 6 through 11 were
2 admitted.)

3 Q Let me show you State's Exhibit 9. Do you recognize
4 this?

5 A Yes, sir. I do. That's right next to my house.

6 Q And in looking at this house, or looking at this
7 picture, what are these outbuildings over here?

8 A That's our two buildings that we keep our mowers and
9 cans in.

10 Q Say that one more time?

11 A That's our buildings that we keep miscellaneous things,
12 like a lawnmower, cans. Just miscellaneous things.

13 Q Where is your house in this picture?

14 A The address post is right there in the picture. We are
15 on the right next to that.

16 Q It's just off screen?

17 A Just off screen. Yes, sir.

18 Q And then what is this area right here?

19 A My mother had a trailer. My mother and my step-father
20 had a trailer there and they had recently moved it. That's
21 just the empty piece of our property.

22 Q Is that how it looked in August 2013?

23 A Yes, sir.

24 Q And then if we go to this side over here just off of
25 the screen here, what would be over here?

CHRISTIAN YATES: DIRECT EXAMINATION

213

1 A A two-story red and white house that had been vacant
2 for -- since before I was born.

3 Q Tell me about the week --

4 MR. SCOTT: We can cut the lights back up.

5 Q The week of the 18th here. Tell me about that field
6 and what was going on out in that field that week.

7 A Sunday night into Monday morning, which was the 18th
8 into the 19th, around 1:30 -- 1:00, 1:30 in the morning, I
9 had got woken up to two gunshots that sounded like they were
10 right next to my bedroom window. And then I got up. I
11 looked out my bedroom window, which is directly at that
12 field. I didn't see anything because it was dark outside.
13 I didn't pay it much attention. I was half asleep, and I
14 went back to bed. That Wednesday --

15 Q So wait. The 18th and into the 19th you said 1:00 and
16 1:30 you hear two gunshots?

17 A Yes, sir.

18 Q So you hear the gunshots between 1:00 and 1:30. Is it
19 dark outside at that point?

20 A Yes, sir.

21 Q And you look out and you don't see anything?

22 A I didn't see anything at all. We had a nightlight that
23 was put at the front of that property, but it doesn't show
24 -- the light doesn't shine all the way back.

25 MR. ABLE: Without objection.

1 Q Okay. I've got another -- let me show you State's 13.
2 this might be able to help us out a little bit. Do you
3 recognize this?

4 A Yes, sir. I believe that's an overview of my land,
5 plus the road to my house.

6 MR. SCOTT: Now the State's going to offer 13. State's
7 13.

8 THE COURT: And that's without objection. 13 into
9 evidence on behalf of the State.

10 (Whereupon, State's Exhibit No. 13 was admitted into
11 evidence.)

12 Q Can you see that, Christian?

13 A Yes, sir. I can.

14 Q Show the jury where your house would be.

15 A Right here.

16 Q And then if we're looking at the projected screen up
17 there it would be just off to the right?

18 A Correct.

19 Q And then where's the field?

20 A Right here.

21 Q And then the other house right there to the left. That
22 is a vacant house?

23 A It was at the time.

24 Q So about 1:00, 1:30 a.m. on the 19th you hear gunshots.
25 Where's your -- tell me where your bedroom is on this house?

CHRISTIAN YATES: DIRECT EXAMINATION

215

1 A Right here.

2 Q This back corner?

3 A On the back corner. Yes, sir.

4 Q So you would have had a -- you would have been able to
5 look out at the field?

6 A Yes, sir.

7 Q You didn't see anything?

8 A I didn't see anything at all. Like I said, it was
9 dark.

10 Q Okay. And so, the next day -- you were going forward
11 to the Wednesday after that.

12 A Right, correct.

13 Q So you're talking about Wednesday the 21st?

14 A The 21st.

15 Q What happened then?

16 A A man that was friends with my grandfather, Mr. Jerry
17 Williams, Sr., called my house and said that he was coming
18 bush hog that --

19 MR. ABLE: Objection to the hearsay, Your Honor.

20 THE COURT: Don't repeat what this particular
21 individual said. Sustained.

22 A Do you want me to continue?

23 Q Yeah. Just don't say what he said.

24 A Okay. He come to bush hog that part of our property
25 because we'd let it grow up for a year after they moved the

1 trailer from the land.

2 Q And did you speak with him after he bush hogged?

3 A No, sir. I didn't.

4 Q Did somebody in your family speak with him?

5 A My grandmother.

6 Q Did you do anything as a result of that conversation?

7 A No, sir.

8 Q What about the next day, Thursday the 22nd?

9 A Thursday the 22nd I was at home and received a phone
10 call from Mr. Jerry's wife, Cindy Williams, stating that she
11 needed my mother's cell phone number --

12 MR. ABLE: Judge, there again --

13 THE COURT: Yeah. Can't repeat what this person told
14 you over the phone. If it falls under some hearsay
15 objection. I don't know. I'm not trying to --

16 MR. SCOTT: It's just not being offered for the truth
17 of the matter asserted. She's saying -- I think if we could
18 let it progress along a little bit and then if it becomes
19 objectionable.

20 THE COURT: All right. You may proceed.

21 Q There was a phone call you got?

22 A Correct.

23 Q And did that make you do anything?

24 A Yeah. My mother -- I had to get in touch with my
25 mother. She called me back and told me that something had

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1 been found outside of our property. That I needed to call
2 police.

3 Q This was on the 22nd?

4 A This was on the 22nd, correct.

5 Q Did you go investigate?

6 A I did not.

7 Q And at some point did you go investigate?

8 A That was Friday the 23rd.

9 Q 23rd. Did you walk out into the field there?

10 A Yes. Me and my boyfriend did.

11 Q Go ahead. The 23rd what did you do?

12 A I just -- I went to -- was at home, and brought my work
13 at home with me. And we got in my car and walked
14 immediately down to that part of our field. He walked in
15 front of me. We walked directly down there. Got about, I
16 want to say -- But we found what was a human body, and that
17 was it. We called --

18 Q Called 911?

19 A Yes, sir.

20 Q And this was Friday the 23rd. Now, I'll affirm that's
21 State's 13. Here's your house. Here's the vacant house.
22 Here's the field. Show us, I guess, about where the --
23 where you saw the body.

24 A Right in that area, around about.

25 Q At that point you called police and the police came out

1 there and found it?

2 A Correct.

3 Q I think that's all, Ms. Yates. But I just want to
4 clarify it was 1:00 to 1:30 you heard the gunshots?

5 A Correct.

6 Q On the 23rd is when you walked out there and then
7 called the police about finding the body?

8 A Yes, sir.

9 MR. SCOTT: Answer any questions Mr. Able has for you,
10 please.

11 THE COURT: Mr. Able, any cross-examination?

12 MR. ABLE: Thank you, sir. Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. ABLE:

15 Q How are you this morning?

16 A I'm fine. How are you?

17 Q Good. Good. Do you remember when we previously met?

18 A Yes, sir.

19 Q And I want to ask you some questions about what you
20 just testified to and what we talked about that day I came
21 out and met you. Now, August 23rd, that was not the first
22 day you had called law enforcement, correct?

23 A No, sir. It was not.

24 Q You called law enforcement on August 22nd, the day
25 before, that Thursday, about something being in that field,

CHRISTIAN YATES: CROSS-EXAMINATION

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1 correct?

2 A Correct.

3 Q And you located -- when you had the laser, it was
4 somewhere right in here; is that correct?

5 A Yes, sir.

6 Q Now, this property, this is 4108 Bramlett Church Road.
7 This is, I think, technically 4120 Bramlett Church Road.

8 A Yes, sir.

9 Q And are both these properties owned -- I think owned by
10 your grandmother?

11 A They're owned by my grandmother, correct.

12 Q And you were staying there with her. Living there with
13 her at the time --

14 A Correct.

15 Q -- back on August of 2013?

16 A Yes.

17 Q And your bedroom was right here in this corner?

18 A Yes, sir.

19 Q And you have a window facing right out over here to
20 4120. What we refer to as the field. You have a window
21 right there looking out that way?

22 A Yes, sir.

23 Q Now, this Bramlett Church Road right here, it's up in
24 Gray Court?

25 A Yes, sir.

1 Q And it's off -- if you go this way -- I don't know if
2 there's a directional. I don't see it. But if you go
3 travel to the left of this you go up to 101?

4 A Highway 101. Yes.

5 Q And Highway 101, I think, if you turn left it goes down
6 to the interstate?

7 A Correct.

8 Q And right there at the end of Highway 101 is Haywood's
9 Store?

10 A It's Kellett's Quick Stop.

11 Q Kellett's. That's right. I'm sorry. That's right.
12 Kellett's Quick Stop?

13 A Yes, sir.

14 Q Right there -- right at the intersection?

15 A Yes, sir.

16 Q Now, on August 22nd you called 911 and a deputy came
17 out to the house, correct?

18 A Correct.

19 Q And Laurens County Sheriff's Office?

20 A Correct.

21 Q And the deputy came to the house or did he come out to
22 the field?

23 A He come to the house.

24 Q Okay. He came to the house and you all explained that
25 there was something out in the field?

CHRISTIAN YATES: CROSS-EXAMINATION

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- 1 A Correct.
- 2 Q And he didn't go over there and look, did he?
- 3 A No, sir. He did not.
- 4 Q Did he get out of the car?
- 5 A He got out of the car and met me on the sidewalk that
- 6 you see in front of the house there.
- 7 Q Right here?
- 8 A Yes, sir. He told me that it was just a -- it was
- 9 probably just a Halloween prank. Not to pay it no mind.
- 10 That they would up patrol in the area, and he left.
- 11 Q That was in August?
- 12 A That was in August.
- 13 Q Yeah, it wasn't Halloween.
- 14 A I know. But I'm just saying what he told me.
- 15 Q The officer was there for about five minutes?
- 16 A Correct.
- 17 Q And this was after you had called and said you had
- 18 concern about something over in the field right next to your
- 19 house?
- 20 A Yes, sir.
- 21 Q Now, the next day on the 23rd, that's when you called,
- 22 and you and your boyfriend, Bo, had walked over there and
- 23 found what you found?
- 24 A Yes, sir.
- 25 Q And at that time that's when law enforcement came back?

1 A Correct.

2 Q So from the 22nd to the 23rd the body had been laying
3 out there for that day, that night?

4 A Yes, sir.

5 Q You don't have any idea as to how long that body has
6 been --

7 A I have no idea whatsoever.

8 Q You mentioned a moment ago that you were awoken by
9 gunshots?

10 A Correct.

11 Q And you kind of got right up --

12 A Yes, sir.

13 Q -- from your bed here at the corner of the house, and
14 you looked out into this field?

15 A Correct.

16 Q And you couldn't see anything?

17 A I couldn't see anything.

18 Q It was very dark?

19 A It was very dark on the back piece of that property.

20 Q Right. I believe there's a yard light somewhere up in
21 here?

22 A There's one in the back of our house and then one in
23 the front of 4120.

24 Q So this field is pretty dark?

25 A Pretty dark.

CHRISTIAN YATES: CROSS-EXAMINATION

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1 Q And at the time on the 23rd the property had recently
2 been bush hogged?

3 A Correct.

4 Q And prior to it being bush hogged that grass was pretty
5 -- pretty high.

6 A It was knee high.

7 Q At least knee high, wasn't it?

8 A Yes, sir.

9 Q Now, so you looked out your window and you couldn't see
10 anything?

11 A No, sir.

12 Q Now, the window here, you pretty much have a complete
13 view of that field other than maybe back here where this
14 tree line is, and you have a complete view in front of the
15 field as far as Bramlett Church Road, correct?

16 A Correct.

17 Q And you didn't see -- when you got up -- you heard
18 gunshots. You jumped up. You looked out the window and you
19 didn't see anybody in that field?

20 A I didn't see anybody.

21 Q And you -- like I said, from your window here you can
22 see down to Bramlet Church Road. You didn't see a vehicle
23 on that road?

24 A No, sir.

25 Q You didn't see any car lights or anything like that?

1 A No, sir.

2 Q And this was right after you heard the gunshots?

3 A Yes, sir.

4 Q Now, did you see any kind of lighting? A flashlight or
5 anything over in the field that night?

6 A No, sir. I did not.

7 Q And again, like I said, I think the yard light is
8 somewhere behind your house here?

9 A Correct. It's more up towards the back. Closer to the
10 back of the house.

11 Q And at that time in the morning, 1:00, 1:30 in the
12 morning, it would be very difficult, knee high grass, for
13 somebody to get into that field and walk around, correct?

14 A Yes, sir.

15 Q And it's really dark?

16 A It's dark. Yes, sir.

17 Q And so, you didn't see any lights or anything like
18 that?

19 A No, sir.

20 Q Now, this field, it's kind of hard from this two
21 dimensional photograph, but it kind of -- from the road it
22 kind of slopes down to the right down to this tree line,
23 doesn't it?

24 A Yes, sir.

25 Q Kind of goes down this way --

CHRISTIAN YATES: REDIRECT EXAMINATION

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1 A Yes, sir.

2 Q -- from the road. And right up here at the road
3 there's kind of a gully right here and it kind of humps up
4 and goes down again, right?

5 A Yes, sir.

6 Q So there's no -- there's no driveway or anything like
7 that right there?

8 A Not in the back. No, sir.

9 MR. ABLE: That's all I have of this witness, Your
10 Honor. Thank you.

11 THE COURT: Any redirect, Solicitor?

12 MR. SCOTT: Briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q But you do have this driveway right here, don't you?

16 A Correct. That's to 4120, yes.

17 Q Is that an abandoned house there?

18 A The other driveway is to the abandoned house.

19 Q This one?

20 A Yes, sir.

21 Q Oh, so this driveway --

22 A Was put there --

23 Q -- was assigned to this lot?

24 A Yes, sir.

25 Q And you can freely drive an automobile through here?

1 A Yes, sir.

2 Q Likewise, you could park back in here?

3 A Correct.

4 Q Do these trees at all block your view looking out that
5 way?

6 A Barely, but they do in a way. Yes, sir.

7 Q But you are -- you are certain, you told law
8 enforcement, it was the morning of the 19th between 1:00 and
9 1:30 a.m. that you heard those gunshots?

10 A Yes, sir. I'm certain.

11 MR. SCOTT: Thank you.

12 THE COURT: Any recross?

13 MR. ABLE: One moment, Your Honor.

14 THE COURT: Sure. Take your time.

15 MR. ABLE: That's all I have, Your Honor.

16 THE COURT: Thank you, ma'am, for your testimony.

17 THE WITNESS: Thank you.

18 (Whereupon, the witness stepped down from the witness
19 stand.)

20 MS. BOYKIN: Your Honor, the State would call Tiffany
21 Hezel.

22 TIFFANY HEZEL, having been first
23 duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. BOYKIN:

TIFFANY HEZEL: DIRECT EXAMINATION

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1 Q. Good morning, Ms. Hezel. If you could, please
2 just state your full name for the record.

3 A Tiffany Hezel, H-e-z-e-l.

4 Q Hezel, then. I'm sorry about that. Ms. Hezel, where
5 do you work?

6 A I'm working for -- at the South Carolina Law
7 Enforcement Division, commonly referred to as SLED.

8 Q And how often have you worked there?

9 A I've worked there since June of 2011.

10 Q And what's your position there?

11 A I'm a special agent in crime scene and latent prints.

12 Q Do you have any training for your working a crime
13 scene?

14 A Yes. I have a Bachelor of Science degree in criminal
15 justice with minors in chemistry and psychology from the
16 University of Wisconsin. I have a Master of forensic
17 science with a emphasis in technical investigations from the
18 University of Central Oklahoma. I am a nationally certified
19 medical legal death investigator, and I worked as a medical
20 legal death investigator in Memphis, Tennessee for four
21 years prior to my employment at SLED. I'm a state certified
22 law enforcement officer for South Carolina, and I'm also a
23 nationally certified crime scene analyst through the
24 International Association Of Crime Scene Analysts.

25 Q About how many crime scenes do you think you've been

1 to?

2 A In the high 100s.

3 Q What do you do specifically at -- when you go to a
4 crime scene? What's your job when you get there?

5 A The first thing that I do when I arrive at a scene, I
6 talk with the local investigators who have already been
7 there and already secured the scene most of the time and
8 already kind of done an initial walkthrough. I will then do
9 my own walkthrough with those investigators to see kind of
10 what they have seen and kind of take the scene in everything
11 that I observed maybe that they haven't and just kind of
12 take in the whole picture. I will then document the scene
13 with photographs, take notes, measurements, and then we will
14 search and collect evidence. Sometimes we'll have to
15 process a scene, such as a vehicle or a house for additional
16 evidence, that may not be seen to the naked eye. We might
17 have to use chemicals or powders or something like that.

18 Q And were you working in August 2013?

19 A Yes.

20 Q And did you happen to become involved in the case of a
21 missing persons report of Myranda Southern?

22 A Yes, I was.

23 Q And if you wouldn't mind, just tell me a little bit
24 about how you became involved?

25 A On August 23rd I received word from my lieutenant at

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1 the time, Deborah Cook, that the Laurens County Sheriff's
2 Office was requesting crime scene assistance as a deceased
3 person had been located within a grassy field area and that
4 the individual was in a state of decomposition. So Laurens
5 County was requesting us to come out to process the scene
6 and document accordingly.

7 Q And did you, in fact, go out there?

8 A Yes. Myself and Special Agent Brittany Burke responded
9 to the scene on Bramlett Church Road.

10 Q Do you know the exact address?

11 A The initial address, I was told, was 4108. However,
12 when we got there it was actually going to be within the
13 4120 address spot, I believe.

14 Q And do you know what county that would be in?

15 A Laurens County.

16 Q And when you arrived did you, in fact, find Myranda
17 Southern there?

18 A We found an unidentified female in a state of
19 decomposition.

20 Q I'd like to show you some pictures that have been
21 marked State's Exhibit 6, 7, 8, 9, 10 and 11. If you
22 wouldn't mind just looking at those for me.

23 A Okay.

24 MR. ABLE: Madam Solicitor, what numbers were those?

25 MS. BOYKIN: 6 through 11.

1 MR. ABLE: Thank you.

2 Q And do you recognize those?

3 A Yes, ma'am. Those are the crime scene photographs that
4 we took the day we responded to that location.

5 Q Okay.

6 MR. ABLE: Without objection, Your Honor, as agreed.

7 THE COURT: Right. I think they're already into
8 evidence without objection.

9 Q And this is State's Exhibit 9. What is this picture?

10 A That is from the roadway looking toward the grassy
11 field where the victim was located. And this marker on the
12 right-hand side of the screen denotes the 4120 address spot
13 of that field.

14 Q If you wouldn't mind -- that one right there. If you
15 wouldn't mind, just point where's Bramlett Church Road?

16 A It's going to be this road right here.

17 Q And you said 4120 is what marker?

18 A Well, this blue indicator here.

19 Q And where was the body found?

20 A Right here on the left-hand side you can kind of see a
21 yellow line. That is the barrier tape that the Laurens
22 County Sheriff's Office had left to secure that location.
23 And -- was actually located behind that tape back towards
24 the tree line in that area of the field.

25 Q I show you State's 11. This is the closer up of the

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1 marker?

2 A Correct.

3 Q Now, when you arrived on scene did you find any other
4 pieces of evidence besides a body?

5 A When we arrived on scene the victim was in the field
6 and a magazine from a handgun had previously been identified
7 with a plastic evidence marker bearing the number one. And
8 the magazine was underneath kind of a tented placard prior
9 to our arrival that had been marked.

10 Q State's Exhibit 6. Is this the magazine that --

11 A Yes, ma'am. That's the evidence placard here. I mean,
12 you can kind of see it right underneath that tented area.
13 That black item is a magazine.

14 Q Now, what's that?

15 A This is the same magazine. We've removed that plastic
16 marker denoting its location for a better photograph of what
17 the item actually is.

18 Q And what about that?

19 A Again, same piece of evidence. We just picked it up
20 kind of to show this side and if there were cartridges
21 within the magazine.

22 MR. ABLE: Judge, I would ask that -- I don't think she
23 referenced the number on that.

24 MS. BOYKIN: State's Exhibit 8.

25 MR. ABLE: Thank you.

1 Q State's Exhibit 10. If you wouldn't mind telling us
2 what this picture shows.

3 A Back up towards this way, if you recall that very first
4 picture we showed that had the road kind of leading back.
5 This is going to be that field area that was behind that
6 yellow tape that I pointed out. So if you can imagine, the
7 yellow tape is going to be somewhere over here. This right
8 here is the location that the victim was discovered. You
9 can see that the majority of the field had been cut down.
10 However, the grassy area immediately around the victim is
11 kind of still taller than the surrounding area.

12 Q Is the clip, the magazine, is that in this picture as
13 well?

14 A It is. This is our victim right here. And based on
15 measurements from a pole that's out here, the clip is right
16 here, the magazine from the gun, and this distance from the
17 victim's head to marker one is about seven feet. So that's
18 the distance you're looking at between the victim and where
19 the magazine was located.

20 Q Ms. Hezel, I'd like to ask you to please look at this.
21 State's Exhibit 14. Do you recognize that?

22 A This is a magazine that was collected from marker one.

23 Q And how do you recognize that?

24 A The initial packaging it was placed in has the lab
25 number that was assigned to this case, the item number that

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1 I assigned it when it was logged in, and my initials. And
2 this is the original packaging prior to it going to
3 firearms, and it shows it was sealed by me on 8/28 of 2013.

4 Q So did you, in fact, seal -- you took this from the
5 field back to SLED; is that correct?

6 A Yes, ma'am.

7 Q And who did you hand it off to from there?

8 A The magazine stayed in my custody for processing for
9 latent prints and swabbing for touch DNA. Upon my
10 completion and processing of the magazine and the contained
11 cartridges it was then transferred to the firearms
12 department for further analysis. I believe Suzanne Cromer
13 was the firearms examiner that then took custody of the
14 evidence.

15 Q And do you know what caliber this goes to?

16 A It was recorded at the time of the scene that there
17 were four .380 cartridges found within it.

18 MS. BOYKIN: Your Honor, at this time we would offer
19 State's Exhibit 14 for admission into evidence.

20 THE COURT: And what says the Defense?

21 MR. ABLE: Without objection.

22 THE COURT: All right. Without objection, 14 on behalf
23 of the State is admitted into evidence.

24 (Whereupon, State's Exhibit No. 14 was admitted into
25 evidence.)

1 Q I'd like to show you now State's Exhibit 12. Do you
2 recognize this?

3 A Yes, ma'am. That is the sketch that was completed for
4 this specific case.

5 Q And did you, in fact, do this sketch?

6 A Yes, ma'am.

7 Q Now, is this to scale or is it blown up?

8 A It's blown up. It is not to scale.

9 MS. BOYKIN: Your Honor, at this time we would offer
10 State's Exhibit 12 for admission into evidence.

11 THE COURT: What says the Defense?

12 MR. ABLE: No objection, Your Honor.

13 THE COURT: All right. Without objection No. 12 into
14 evidence on behalf of the State.

15 (Whereupon, State's Exhibit No. 12 was admitted into
16 evidence.)

17 Q If you wouldn't mind, please just explain a little bit
18 about your sketch.

19 A Okay. Unfortunately the location that we responded to
20 didn't have a lot of reference points to use. So the
21 reference point that was selected was actually a utility
22 pole that -- or light pole that was marked with the numbers
23 3628702, which is referenced as marker A on the sketch with
24 those numerics. That was located to the west of the victim
25 and to the east of the nearest dwelling that was present

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1 around there. The measurements that we took were from that
2 light pole to both the location of the magazine, that was
3 denoted with marker one, and both the head and the foot, on
4 this case the left foot, of the victim. Just to give an
5 approximate location of where the individual was if at any
6 point in time we needed to go back to that specific location
7 again.

8 Q So over here was 4108 Bramlett Church Road; is that
9 correct?

10 A Yes, ma'am.

11 Q I'm going to show you State's Exhibits 13. Now, this
12 is the aerial of 4120 Bramlett Church Road. And this would
13 be 4108; is that correct?

14 A Yes, ma'am.

15 Q If you wouldn't mind pointing to us exactly whereabouts
16 the victim was found around this way.

17 A Based just on where the location of -- based on where
18 this house is and my recollection for the photograph that I
19 took, I would assume that she was in this general area here
20 back from the marker off the roadway, give or take. I
21 haven't seen that area a week prior to.

22 Q Now, after you left the scene what else did you do in
23 regards to this case?

24 A After we finished up with the scene and the victim was
25 transported from the scene by the coroner, I then collected

1 evidence from my supervisor who then attended the victim's
2 autopsy the following day. He collected her hands, as we
3 were still trying to get identification, and the prints that
4 I obtained on scene produced no hits in the database system
5 that the print was run through. And that database system
6 was the AFIS, so the Automatic Fingerprint Identification
7 System. There were no hits. The prints unfortunately that
8 we obtained from the scene were not that good. I was only
9 able to print three fingers due to the state of
10 decomposition the victim was in. So her hands had to be
11 removed and brought back to our lab for additional printing
12 to try to get a positive identification on the individual.
13 In addition, routine autopsy specimens were transported back
14 to various units within our laboratory, as well as
15 fingernail scrapings. My supervisor also collected two
16 items known to be from Myranda Southern, and that was a
17 toothbrush and a hair brush. All of those items were
18 assigned over to me from my supervisor via chain of custody.

19 Q If you wouldn't mind, please look at State's Exhibit 14
20 for me and tell me what that is.

21 A This is the white and purple stripped toothbrush that
22 was collected as belonging to Myranda Southern. And again,
23 it is sealed by me and logged in with the unique lab number
24 and the identifying item number for this particular item of
25 evidence.

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1 Q And what did you do with it after you received it?

2 A I sent it to DNA as an alternative known standard for
3 comparison to autopsy specimens collected from the Jane Doe.

4 MS. BOYKIN: Your Honor, at this time we would offer
5 State's Exhibit 15 for admission into evidence.

6 THE COURT: What says the Defense?

7 MR. ABLE: No objection.

8 THE COURT: Without objection, 15 for the State into
9 evidence.

10 (Whereupon, State's Exhibit No. 15 was admitted into
11 evidence.)

12 Q Now I'd like to show you State's Exhibit 16. If you
13 wouldn't mind, just tell me what that is, please.

14 A These appear to be swabs. However, I did not take
15 these. These would have been done in the DNA department
16 once they received the items that I had forwarded. So these
17 would have been swabs that they took in their presence from
18 the items I submitted to them.

19 Q Could you tell what the swabs are taken from?

20 A That I could not tell you right now. Not without
21 breaking the seal of the bag.

22 Q Allo right. And let me show you State's Exhibit 17, if
23 you wouldn't mind, please.

24 A This is going to be a brown handled hairbrush collected
25 as belonging to Myranda Southern. Again, it has the unique

1 lab number and item number from when I logged this item in
2 after receiving it from the chain of custody, and the bag is
3 secured with my initials and it is sealed.

4 Q And what did you do with this after you received it?

5 A Again, that item was submitted to the DNA department as
6 an alternative known standard for comparison to our
7 specimens to make positive identification on the victim.

8 Q And again, who did you receive State's Exhibit 17 and
9 State's Exhibit 15 from?

10 A I received them from Lieutenant Jeffrey Crooks via
11 chain of custody.

12 MS. BOYKIN: Your Honor, at this time I would offer
13 State's Exhibit 17 for admission into evidence.

14 THE COURT: What says the Defense?

15 MR. ABLE: No objection.

16 THE COURT: Without objection, 17 into evidence for the
17 State.

18 (Whereupon, State's Exhibit No. 17 was admitted into
19 evidence.)

20 MR. BOYKIN: Your Honor, may we approach?

21 THE COURT: Sure.

22 (Whereupon, a sidebar was held.)

23 THE COURT: Mr. Foreman, ladies and gentlemen of the
24 jury, we need to take about a five minute break. A real
25 short break so the State can handle a piece of evidence.

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1 And so, it won't be long we'll get you back out and we'll
2 proceed forward. So go back to your jury room. Again, no
3 discussions about this case.

4 (Whereupon, the jury exited the courtroom at 11:38
5 a.m.)

6 THE COURT: Let me just mention real carefully,
7 Solicitor, just be real careful with proximity to the jury
8 box. You're real close. And I know you're talking with
9 Officer McIntosh, and that's fine. But just be real careful
10 because I would not want them to overhear something maybe
11 you and Officer McIntosh may say to each other.

12 MR. SCOTT: Yes, sir. Yes, sir. Are they turning
13 heads or something when I was --

14 THE COURT: Well, one time they did and I've kind of
15 kept a look on them. And I know it's unintentional. Just
16 be careful.

17 MR. SCOTT: Yes, sir.

18 (Whereupon, a break was held from 11:38 a.m. to 11:50
19 a.m.)

20 (Whereupon, the jury entered the courtroom at 11:50
21 a.m.)

22 THE COURT: Ladies and gentlemen, one thing about how
23 the Laurens Courthouse is designed from the jury room to the
24 courtroom you get you some exercise. So you didn't realized
25 that serving on the jury you'll also get some good exercise.

1 Solicitor, you ready to proceed?

2 MS. BOYKIN: Yes, Your Honor. Thank you.

3 Q Now I'd like to show you what has been marked as
4 State's Exhibit 18. Can you identify that for me, please?

5 A These are the four cartridges that were removed from
6 the magazine at the time of processing. And again, each of
7 the items have been marked with the unique lab number, item
8 number, and the bag was sealed and dated by me at the time
9 that it was secured.

10 Q And you -- did you, in fact, remove these bullets from
11 this magazine, State's Exhibit 14?

12 A Yes, it is.

13 MS. BOYKIN: Your Honor, at this time we would offer
14 State's Exhibit 18 for admission into evidence.

15 MR. ABLE: Without objection.

16 THE COURT: Without objection, 18 for the State is in
17 evidence.

18 (Whereupon, State's Exhibit No. 18 was admitted into
19 evidence.)

20 Q And could you tell which -- what caliber these were?

21 A Just based on the head stamp, they were marked PMC .380
22 auto I believe was the stamp marking on those. Let me just
23 confirm this with my notes. Yes, PMC .380 auto.

24 MR. ABLE: PMC?

25 A P as in Paul, M as in Mary, C as in Charlie.

TIFFANY HEZEL: CROSS-EXAMINATION

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1 Q Now I'd like to show you what has been marked as
2 State's Exhibit 19. Could you identify that for me, please.

3 A This is a fired projectile that was collected at
4 autopsy from the victim, and it was labeled, again,
5 according to the unique lab number and item number for the
6 specific case and the item number to this piece of evidence.
7 It was logged in by me, sealed, secured and then transferred
8 to firearms for further analysis.

9 Q And who did you receive this from?

10 A That item was received along with all the other items
11 from autopsy via chain of custody from my supervisor,
12 Lieutenant Jeffrey Crooks.

13 Q And who did you then give it to after you received it?

14 A It was transferred to the firearms unit and, in this
15 particular case, Special Agent Suzanne Cromer was the
16 firearms examiner.

17 MS. BOYKIN: Thank you. Please answer any questions
18 Mr. Able has.

19 THE COURT: Mr. Able, cross-examination?

20 MR. ABLE: Yes, sir, Your Honor. Thank you, Your
21 Honor.

22 CROSS-EXAMINATION

23 BY MR. ABLE:

24 Q Is it Hazel?

25 A Hezel.

1 Q Hezel. I'm sorry. Ms. Hezel, I'm sorry. Now, the
2 call you received initially in this matter was from the
3 Laurens County Sheriff's Office, correct?

4 A Yes, it was.

5 Q And there was a report of a body of a female found out
6 on Bramlett Church Road?

7 A Yes, it was.

8 Q And you were made aware upon your arrival that there
9 had been an earlier report of a body in that field the day
10 before?

11 A The information that I was advised of is we received a
12 call at 8/23. It was reported to me that on 8/20 there had
13 been a prior citing of a body in a field. However, the
14 individual at that time believed it to have been a mannequin
15 was the information referred to me.

16 Q And that was the individual who was bush hogging that
17 lot?

18 A Correct.

19 Q But on the 22nd there had also been a report of a body
20 in that field, correct, too, wasn't it?

21 A I don't have that specifically documented in my notes.

22 Q I thought that was from your notes. Now, when you get
23 a call like that you and another office or agent report
24 directly to the scene?

25 A Correct.

1 Q And you've testified you found a magazine that
2 contained four bullets at that time?

3 A Yes, I did.

4 Q Now, I read from your report that you said a magazine
5 was found and that looking at the magazine it had no
6 identification value, correct?

7 A The no value for identification was the result of the
8 fingerprints analysis were it was process for latent
9 fingerprints, and the prints that were developed on the
10 magazine were not suitable for comparison to yield any sort
11 of identification.

12 Q So there were no fingerprints of any found -- you had
13 found on the magazine or the bullets?

14 A Correct.

15 Q So you don't have any evidence from that?

16 A I don't have any evidence that was deemed suitable for
17 identification, meaning that there were ridges from
18 fingerprints present. However, when you touch something --
19 may I explain how --

20 THE COURT: You sure can.

21 Q Yes. Yes, ma'am.

22 A If you look on the palm of your hand you have little
23 ridges and squiggly lines. Okay? This pattern is unique to
24 you and you alone. Okay? So you have a unique pattern and
25 then each of those ridges within that pattern are unique.

1 It can split, it can stop, it can just be a dot. Okay? So
2 the way your fingerprints work is like a stamp. You think
3 of a rubber stamp. When you touch something there is a
4 chance, and I use chance heavily, that you may leave a
5 stamped impression of your fingerprints, and sweat and
6 grease and dirt, as you have sweat glands along those
7 ridges. But based on the evidence, the individual, the
8 surface you're touching, you may not always leave a perfect
9 impression or enough of that stamp for someone in my
10 expertise of fingerprints to be able to compare to a known.
11 So it's kind of a pyramid situation if you're going to leave
12 enough of that impression for a comparison later. In this
13 particular case off of the magazine the impressions that
14 were left were not completed enough for us to compare to any
15 known. It doesn't mean it wasn't touched. It just means
16 that there wasn't a complete enough impression there.

17 Q So there was not enough --

18 A Correct.

19 Q -- fingerprint there for you to compare for any type of
20 analysis?

21 A That's correct.

22 Q And you had taken swabs from both the magazine and the
23 bullets that were in the magazine as well, correct?

24 A Yes, sir. I swabbed the base of the magazine and the
25 head stamped portion of the cartridges.

TIFFANY HEZEL: CROSS-EXAMINATION

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1 Q And what was the purpose for that?

2 A A lot of times when we get evidence they want it
3 processed for both touch DNA and latent prints. So I have
4 to be selective of where I'm going to swab so I don't
5 unintentionally disrupt any fingerprints that might be
6 there. So we're going to pick the smallest surface, the
7 most textured surface. Any surface that's not going to be
8 as conducive to hold that stamped impression that we talked
9 about before.

10 Q And on the magazine, referring to State's Exhibit
11 Number 14, you would have swabbed where?

12 A I swabbed at the base of the magazine.

13 Q Just show -- just point to it for me, if you would.

14 A The magazine inserts in the gun in this direction. So
15 this kind of textured area, that hard plastic at the bottom
16 is where I swabbed off of this piece of evidence for touch
17 DNA purposes.

18 Q And the reason being, it's mostly likely if there were
19 touch DNA it would have been on the base because that's
20 where you put the magazine up in the gun?

21 A Correct. And then the sides of the magazine would have
22 been more conducive for that stamped impression to stay
23 without being smudged or smeared.

24 Q And referring to State's Exhibit 18, you would have
25 swabbed these bullets where?

1 A I would have swabbed the head stamp region. And the
2 head stamp region on a cartridge is going to be kind of that
3 flat end that might have some bowing and have some
4 indentions that have like the main or the caliber of the
5 ammunition. So we're kind of seeing a small surface, and
6 really all that's happening on that, again, that stamped
7 impression doesn't have as much flat surface.

8 Q And it was -- you felt that most likely that if there
9 had been any touch DNA it would have been in that area?

10 A That would have been the best place for me to swab
11 without potentially taking away any ridges off of that
12 smooth cylinder portion of the items.

13 Q And just like there were no latent fingerprints, there
14 was no DNA, was there?

15 A I do not know what the results of the DNA were.

16 Q No, in looking at your report, your crime scene notes,
17 there's a notation that the resident -- and I'm reading from
18 it. "The resident of 4108 Bramlett Church Road stated they
19 heard gunshots late morning night --" I'm sorry, "late
20 Monday night or early Tuesday morning"; is that correct?

21 A That was information that was provided to me, not
22 information I received from the resident themselves. So
23 that was just information passed on to me.

24 Q So you didn't talk to the resident?

25 A No, sir. I did not.

TIFFANY HEZEL: CROSS-EXAMINATION

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1 Q Okay. I thought you had. Who relayed that information
2 to you?

3 A Someone from the Laurens County Sheriff's Office. When
4 we arrived on scene we were getting information from
5 personnel on scene. And that first portion of my notes was
6 just kind of a quick bullet point of everything that we were
7 being told of once we got there.

8 Q But it said Monday night or early Tuesday morning.

9 A Yes, sir. That's the information I was told.

10 Q Now, the --

11 MR. ABLE: Mr. Bolt, can we have the lights?

12 Q Referring to the overhead, State's Exhibit 10, it's
13 obvious that the field had recently been bush hogged; is
14 that correct?

15 A We were advised it had been bush hogged in the previous
16 day. But I don't really know what bush hogging is. I
17 learned that on the scene.

18 Q Well, let me ask you this way. Well, go ahead. I'm
19 sorry. I interrupted you. I shouldn't have done that.

20 A I personally couldn't tell you the time-frame of which
21 it was done based on just looking at the grass.

22 Q I understand. But just in looking at it, the area
23 around the body, the vegetation is lower than the vegetation
24 around the body, correct?

25 A Yes.

1 Q The vegetation over there on the left where the marker
2 had been placed for the magazine, to cover the magazine, to
3 identify where it was, that -- the vegetation there, the
4 grass was significantly lower?

5 A Yes.

6 Q So the magazine was found in the area that had been
7 bush hogged, or cut down?

8 A It's in the area of the lower grass, yes.

9 Q I'm showing you State's Exhibit 12. This is, I assume,
10 the light post here?

11 A Yes.

12 Q The body -- I understand the position you had
13 described. But it was laying with it's arms above its head,
14 correct?

15 A The right arm was bent at the elbow with the hand
16 extended above the head, and the left arm erected out kind
17 of perpendicular to the torso with the hand up as well.

18 Q And the reason I pointed it out, they just -- they
19 weren't down by the side of the body?

20 A Correct. The diagram doesn't show the exact location
21 of the arms. It's just an overall --

22 Q Right, just --

23 A -- for measurement.

24 Q Just do show where it was?

25 A Yes.

TIFFANY HEZEL: CROSS-EXAMINATION

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1 Q You noted in your notes that the bottom of the feet
2 were clean?

3 A Yes.

4 Q There were no shoes located anywhere?

5 A That is correct. There were no shoes and there were no
6 injuries to the soles of the feet that would have indicated
7 any kind of walking through harsh terrain or anything like
8 that.

9 Q And there were no -- you didn't notice during your
10 investigation any vehicle tracks in the field or anything
11 like that?

12 A Not at that time, no.

13 Q And no shoe prints or indentations where someone had
14 walked?

15 A Not at that time. However, by the time we responded
16 there had been a heavy foot tracking presence by both
17 emergency personnel and police.

18 Q Would that be the same reason you don't believe you had
19 seen any vehicle tracks or --

20 A Yeah. There were multiple vehicles on the scene. The
21 vehicles did not go all the way to where the victim was
22 located at that time, but there was heavy foot traffic
23 around her. Also, the terrain -- it was 92 degrees the day
24 we responded, so the ground was very hard. It hadn't
25 rained. So again you're not going to have anything that's

1 going to leave an impression with footwear with hard ground
2 as well.

3 Q But just going back to the fingerprints for minute.
4 There were no fingerprints found -- I want to make sure I
5 understand. There were no fingerprints found on the
6 magazine at all, much less matching Darrell Raines?

7 A There were areas of ridge detail located or developed
8 on the magazine, but the ridges that was there was not
9 enough for me to do a comparison.

10 Q Now, also there was a metal detector run over that
11 field, correct, during the time you were --

12 A Correct. Lieutenant Shelton utilized a metal detector
13 while myself and my partner, Special Agent Burke, were
14 attempting to print the victim prior to the Coroner removing
15 her from the scene.

16 Q And there were no shell casings found anywhere in that
17 field, were there?

18 A The metal detector did not hit on anything at that
19 time.

20 Q And you're familiar with a .380?

21 A I am not. I am not a firearms expert.

22 Q Okay. I didn't know.

23 MR. ABLE: One moment, Your Honor.

24 THE COURT: Sure.

25 MR. ABLE: Thank you. That's all I have.

TIFFANY HEZEL: REDIRECT EXAMINATION

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1 THE COURT: Any redirect, Solicitor?

2 MS. BOYKIN: Yes, Your Honor. Briefly.

3 REDIRECT EXAMINATION

4 BY MS. BOYKIN:

5 Q Now, you testified that there were no fingerprints or
6 DNA found; is that correct?

7 A There --

8 Q Or partial --

9 A There were partial -- there were areas of ridge detail
10 found, but not enough of that ridge detail was present for
11 me to do a comparison.

12 Q Now, does the type of surface that you touch affect if
13 you'll leave fingerprints or DNA? More likely or not that
14 you'll leave a fingerprint, say, on a casing or a magazine?

15 MR. ABLE: I think that was explained during cross-
16 examination, Judge, when she asked can I explain.

17 THE COURT: I think so. But I think since you got into
18 it I'll allow it in redirect. Proceed.

19 A I can only speak on fingerprint behalf because that's
20 my area of expertise. I can't speak on behalf of DNA. But
21 based on the surface or the fancy word substrate meaning the
22 exact same thing as surface, it can alter how much of a
23 print it left. If you touch something smooth you have a
24 better chance of leaving that perfect stamped impression.
25 If you think about stamping bubble wrap, you're not going to

1 leave that perfect print all in one surface. Okay? Because
2 you're going to have the ups and downs of bubbles and all
3 that. So you have the surface that you touch that's
4 affected, the environment. If it's cold you're not going to
5 sweat. If it's hot you're going to sweat profusely. At
6 least I do. So you're just taking basically a puddle and
7 pushing on something. So if you think about that, you're
8 not leaving anything. So there's a lot of factors that have
9 to kind of pretty much line up in perfect harmony for you to
10 have the right amount of moisture, the right amount on the
11 hands, and come into contact with the surface that's going
12 to allow that stamp to transfer in a fashion that enough of
13 the ridges are there that can be compared to a known
14 fingerprint later.

15 Q Now, you said factors will affect this. What about the
16 amount of time since someone has touched something? Does
17 that affect how long a fingerprint might stay on the
18 particular object?

19 A It is possible. You can't -- I can't time stamp a
20 finger. If this has not been wiped down in six months I
21 can't tell you if the fingerprint developed on it was left
22 today or six months ago. So you have to take into account
23 the last time it was cleaned. The last time it was wiped
24 down. Had it been rained on. Has it dried. Fingerprints
25 are basically consisting mostly of moisture. So if you put

TIFFANY HEZEL: REDIRECT EXAMINATION

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1 moisture out in extreme heat it's going to kind of suck all
2 that moisture right up. If you put moisture out in more
3 moisture, now you're going to have an even bigger puddle of
4 moisture out there. Okay? So you have to think about the
5 individual, the environmental factors, the surface that
6 you're testing. I can't really testify time, place. That
7 big a role. Like I said before, I can't time stamp a
8 fingerprint. But there are a lot of things that go into
9 preserving it and us being able to process to recover it.

10 Q So if this was left out in a field for days in the hot
11 weather, possibly raining, would that affect whether you
12 would find fingerprints or DNA on this?

13 A It is possible, yes.

14 Q Now, you also testified that this was found right here
15 at this marker --

16 A Correct.

17 Q -- and the grass was lower?

18 A Correct.

19 Q And bush hogging might have been done they day or two
20 before that. Would that also affect what might have
21 happened to the DNA or the fingerprinting?

22 A It's possible. I couldn't tell you for certain.

23 Q What about the tracks in the grass for a car? Would
24 bush hogging affect that as well?

25 A Yes.

1 Q Would that also affect whether there were shell casings
2 out in the field?

3 A If the equipment would have picked them up and
4 redisbursed them outside the area where we searched, it's
5 possible that that could have happened. So you're basically
6 -- you're taking what was a, for better lack of words,
7 pristine high grassy area and whatever may or may not have
8 been there, now you've introduced a piece of equipment that
9 is going to disburse everything on that ground. So is it
10 possible that other pieces were disbursed in that area?
11 Yes. I would say it's possible.

12 MS. BOYKIN: Thank you.

13 THE COURT: Recross?

14 MR. ABLE: No, sir.

15 THE COURT: Thank you, ma'am, for your testimony. You
16 may step down. You're free to leave or you're welcome to
17 remain with us.

18 THE WITNESS: Thank you.

19 (Whereupon, the witness stepped down from the witness
20 stand.)

21 Mr. Scott: Your Honor, the State calls Tracy King.

22 OFFICER TRACY KING, having first
23 been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. SCOTT:

TRACY KING: DIRECT EXAMINATION

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1 Q State your name for the record.

2 A Alvin Tracy King.

3 Q You're an investigator with Greenville County?

4 A Yes, sir.

5 Q You had occasion to work this case. The case started

6 out as a missing person, Myranda Southern?

7 A Yes, sir.

8 Q And tell me how you became to be involved in that case.

9 A At the time I was assigned to the armed robbery unit
10 with Greenville County, and we assisted. They work a lot of
11 missing person cases. But they're more part-time. So we
12 were asked to assist with this. And, of course, we got
13 information to do the reports and started making contact
14 with the last people who had -- or that we were advised that
15 had had contact with the victim.

16 Q Now, how did you get that information as far as who was
17 last in contact with the victim?

18 A We initially started with the information from the
19 people who had filed the report. Gained the information as
20 far as who the victim was dating. Was she married to
21 anybody. That type of -- that's the way we actually
22 obtained that information.

23 Q And did you learn that she was married and separated at
24 the time?

25 A That's correct.

1 Q And then did you -- through your investigation and
2 gathering information were you able to determine whether she
3 was dating somebody at the time?

4 A We did. That's correct.

5 Q And who did you learn she was dating?

6 A She was dating Mr. Darrell Raines.

7 Q At some point did you have an occasion to interview
8 him?

9 A Yes, sir. That was, I believe, myself and Investigator
10 Hoover interviewed Mr. Raines on 8/22 of 2013.

11 Q How did you all come to -- 8/22, the first statement.
12 How did you all come to interview him?

13 A Well, again, when we have a missing person report come
14 through you obviously want to talk to the people that are
15 close to that person. Also the people that you believe or
16 have reason to believe could be the last people who spoke to
17 her prior to her being reported as missing.

18 Q At that time had you tried to get any phone records or
19 anything like that?

20 A That's correct. Later on that afternoon, after --
21 following the interview with Mr. Raines, I assisted Deputy
22 --

23 Q Ayers?

24 A -- cross-trained Deputy Ayers, who was cross-training
25 with us at the time, I assisted him with preparing the

1 orders for the phone records.

2 Q For whose phone records?

3 A All involved. Myranda's phone and Darrell's phone, and
4 we also did the phone of the husband she was separated from?

5 Q Phone records?

6 A That's correct.

7 Q What about her car? At that point on the 22nd when you
8 all were talking to Darrell Raines had you found Myranda's
9 car?

10 A No, sir.

11 Q What other significant information had you become aware
12 of that made you want to speak to Darrell Raines?

13 A We had -- several of our investigators had actually
14 sent out -- obtained court orders for bank records. Bank
15 surveillance images which were provided to us in the way of
16 still images. We had found out that Myranda's bank card, or
17 debit card, had been used at an ATM machine. That would
18 have been in the early morning hours of the 19th, I believe.

19 Q Right here?

20 A Right. Sunday night into Monday morning. Early
21 morning hours.

22 Q Now, is that when she, I guess, would have gone
23 missing?

24 A That's correct.

25 Q Hold on one second. So on the 22nd when you were

1 interviewing him you have knowledge that he was one of the
2 last people to speak with her? Is that what you said?

3 A That is correct. That is what we were advised.

4 Q And you said you had knowledge that her bank card had
5 been used twice in the early morning hours of the 19th?

6 A That's correct.

7 Q And then you had some kind of surveillance of Darrell
8 Raines using the card?

9 A That's correct.

10 Q And do you remember approximately what time it was?

11 A I want to say it was 3:00 -- between 3:30 and 3:36.
12 Around that time-frame.

13 Q A.m.?

14 A Yeah, right. Early in the morning.

15 Q So then what did Darrell have to say to you when you
16 spoke to him on the 22nd?

17 A He basically -- when we interviewed him on the 22nd we
18 basically wanted to know how he had met Myranda. Had came
19 to know Myranda. He advised us that he had met her through
20 a dating service called Plentyoffish. That they had talked
21 on Plentyoffish for about a week before they officially met.
22 He stated that he met them at Kids Planet in Greer. Spent
23 time at Century Park the week prior to our interview
24 actually. States that this would have been on Tuesday the
25 week before, around August the 13th of 2013. Do you want

TRACY KING: DIRECT EXAMINATION

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1 his whole statement?

2 Q Yeah. Did you ask him about the ATM card and what in
3 the world he was doing on that video at 3:30 a.m.?

4 A Absolutely. He basically went on into how they had met
5 and how they continued to see each other. He stated that
6 she had called -- she was going to call and let him know
7 when she was getting off. When she called, told me that she
8 was dealing with Shawn again. This was about midnight or a
9 little after. The night before she had given me her bank
10 card. She gave me the pin number.

11 MR. ABLE: Judge, can I ask what -- is he referring to
12 the statement itself, because --

13 THE COURT: I assume he is, but I don't know that.

14 MR. ABLE: I need to see. I don't know what you're
15 referring to.

16 THE COURT: Do you want to ask him what he's referring
17 to?

18 Q Let me just do this. Let me show you State's 1. Do
19 you recognize this?

20 A Yes, sir.

21 Q What is it?

22 A This is the two page statement that Investigator Hoover
23 and I obtained from Mr. Darrell Raines.

24 Q That's what you were referring to from August 22nd?

25 A Yes, sir. I'm reading -- actually reading from the

1 second page.

2 Q You would have, I guess, sat in and -- during this
3 interview?

4 A Yes, sir.

5 Q And then how did it become typed like this?

6 A Investigator Hoover typed it as Darrell Raines spoke.

7 Q And then did he get an opportunity to review the typed
8 version of this?

9 A Yes, sir.

10 Q And then did he indicate that it was a true and
11 accurate version of his story?

12 A Yes, sir. He did.

13 Q And did he sign it?

14 A He signed it and then he also initialed the paragraphs.

15 MR. SCOTT: Your Honor, the State would offer State's
16 No. 1 for admission.

17 MR. ABLE: What number?

18 THE COURT: No. 1 marked for ID and he's asking to put
19 it into evidence.

20 MR. ABLE: Your Honor --

21 THE COURT: Subject to previous discussions?

22 MR. ABLE: Yes. The previous objections that we had on
23 this subject.

24 THE COURT: Sure, okay. So noted. Into evidence as
25 State's 1.

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1 (Whereupon, State's Exhibit No. 1 was admitted into
2 evidence.)

3 Q Investigator King, I tell you what, just -- you're
4 reading from the second page and summarizing. Just go ahead
5 and read it, starting at "This went on for a day or two."

6 A Okay. "This went on for a day or two. Then on Sunday
7 the 18th I told her to call me -- or call and wake me up at
8 11:00 p.m. She called and I told her let me know when she
9 was getting off. When she called she told me that she was
10 dealing with Shawn again. This was about midnight or a
11 little after. The night before she had given me her bank
12 card."

13 Q So he is referring to the night before. If he's
14 talking on the 18th, he's telling you she had given him her
15 bank card on the 17th?

16 A That's correct.

17 Q I want to put that down on this calendar. Raines says
18 this is when Myranda gave him her bank card. Okay. Go on.

19 A He states, "She gave me the pin number before that when
20 we got gas at a Spinx off exit 31 on 385. The stuff she was
21 saying about Shawn was the normal stuff she says, like I
22 hate you and you are a - We discussed several times how he
23 talks about her like that, but he has gotten another girl
24 pregnant and cheated on her several times. We already
25 arranged that she was going to help me with my car payment

1 in the amount of \$200. We had talked about that Saturday
2 alone in the apartment. She offered. So she texted me and
3 said that she was having to continue to deal with Shawn. I
4 was reminded that I still needed to get the money, so I
5 drove to the bank by my parents house. I was on the phone
6 with her at the time I was at the ATM. She told me to just
7 get 500 out, keep the 200 I needed and save the other 300
8 for her. I told her okay. We talked for a little while
9 longer. I told her that I was going home and going to bed.
10 Q Okay. So you show him the evidence you've got and say,
11 now, explain to me you being at the ATM at 3:30 a.m. on the
12 19th. He says, oh, well, there's a good explanation. On
13 the 17th she gave me her ATM card. Is that what he told
14 you?
15 A That's correct.
16 Q And told him the pin number and everything?
17 A Right.
18 Q And then what he tells you is that he suddenly wakes up
19 at 3:30 a.m. and decides he needs to go and get the money
20 out?
21 A Correct.
22 Q Did I understand correctly that on the 17th she said
23 that she was going to help him pay a \$200 truck payment.
24 But then when he's on the phone with her at 3:30 a.m. she
25 just said, well, go ahead and take the max out. Take 500

TRACY KING: DIRECT EXAMINATION

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1 out?

2 A Correct.

3 Q That's what he told you?

4 A That's his statement. That's correct.

5 Q At that point did you think it was important to get his
6 phone from him?

7 A Yes, sir. Also present during that interview was
8 Investigator Bailey, and that was something Investigator
9 Bailey addressed.

10 Q Was he -- what was something he addressed?

11 A BT spoke to Mr. Raines about getting his cell phone.
12 And Mr. Raines voluntarily provided Investigator Bailey with
13 the cell phone.

14 Q So he handed it over at that point?

15 A Yes, sir.

16 Q Did you all do some kind of -- tell me what a phone
17 dump is.

18 A To the best of my knowledge, we had a tech unit that
19 works out of County Square. They specialize in recovering
20 data from our cell phones. That's to include photos,
21 telephone calls, text messages. Any data that's stored on
22 their cell phones they can retrieve.

23 Q So you got Darrell's phone from him on the 22nd and you
24 began that process?

25 A That is correct.

1 Q Did you -- at some point did you find it to be
2 important to get the cell phone tower locations?

3 A That's correct.

4 Q Did you do anything on the 22nd to undertake doing
5 that?

6 A Yes, sir. We obtained court orders for both Verizon
7 and for Sprint due to the fact that Mr. Raines' phone was
8 through Verizon. Myranda's phone was through Sprint. We
9 had to obtain several different court orders, and just sent
10 those court orders out requesting that they be returned in a
11 timely manner due to the fact that we were working a missing
12 person case.

13 Q Okay.

14 THE COURT: Can I see the lawyers for just a second?
15 (Whereupon, a sidebar was held.)

16 Q So you got a court order. How many court orders did
17 you get?

18 A Got three court orders, for Darrell Raines, Myranda
19 Southern, and I believe his name is Shawn Southern.

20 Q Okay. Let me show you State's 20 and 21. I'll show
21 you State's 20 and 21. Do you recognize what that is?

22 A Yes, sir.

23 Q What is that?

24 A These are certifications from Sprint and from Verizon -
25 - Verizon. The study of records from Sprint and Verizon

1 acknowledging receipt of the court orders.

2 Q And then what do those -- what do those affidavits
3 undertake to do? What do they say about the documents they
4 provide?

5 A They're certifying the documentation that they sent us.

6 Q What were the documents they sent you?

7 A They sent me phone records and tower locations for the
8 phones.

9 MR. ABLE: May I see those?

10 THE COURT: Yeah. Take your time.

11 Q I'm going to show you State's 23.

12 THE COURT: Is that number 23?

13 MR. SCOTT: Yes, sir.

14 A This is a copy of the call records for -- this is for
15 Myranda's phone.

16 Q Is it the Sprint records?

17 A Correct. Yes, sir.

18 Q And what information do those records contain?

19 A It contains the outgoing and incoming calls. And also
20 -- I believe it's the second set actually shows the tower
21 locations. It gives the coordinates, the longitude and
22 latitude of the phones. The cell tower sites.

23 Q So you were able to get the cell tower site locations?

24 A That is correct.

25 Q Was that something that was important for you to find?

1 A Yes, sir.

2 Q And that was part of your court order that you were
3 asking for those cell phone tower locations?

4 A Yes, sir.

5 Q I show you State's No. 22.

6 A This is a copy of the phone records for Mr. Darrell
7 Raines.

8 Q Okay. And he was the Verizon?

9 A That's correct. Verizon records. Yes, sir.

10 Q And what information did you get from Verizon on his
11 phone?

12 A It also shows the number dialed, the number making the
13 call, and also obtained the tower site locations as well.

14 Q Okay. I'll show you State's No. 24.

15 A This is a -- it contains the tower key information from
16 Verizon.

17 Q So you've got State's 22 which are the records from
18 Verizon. You said it was outgoing calls, incoming calls,
19 and then tower locations?

20 A Correct.

21 Q And then Verizon also provided you with a tower key?

22 A That's correct.

23 Q That would be State's 22 and 24. And then State's 23
24 would be the Sprint record, and you said that was outgoing
25 and incoming calls, as well as the tower locations?

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1 A Correct.

2 MR. SCOTT: Judge, the State offers State's 20, 21, 22,
3 23 and 24 for admission.

4 THE COURT: Okay. Tell me again what 20 and 21 are. I
5 know it related to phone records, but I was a little unclear
6 as far as what --

7 MR. SCOTT: Yes, sir. 20 and 21 are the certificate of
8 records provided. 21 is Verizon. 20 would be Sprint. And
9 their record custodians indicating that these records are --
10 were made at or near the time of the occurrence of the
11 matter set forth in the records from information transmitted
12 by a person with knowledge of those matters. That these
13 records were kept in the court of the regularly conducted
14 business activity. And they were made by regularly
15 conducted business activity as a regular practice.

16 THE COURT: So those go with 22 and 23?

17 MR. SCOTT: Yes, sir.

18 THE COURT: You're just offering them as a separate --

19 MR. SCOTT: Yes, sir.

20 THE COURT: Okay.

21 MR. SCOTT: They are certifying that 23 and 22 are true
22 and accurate copies respectively.

23 THE COURT: Mr. Able, subject to prior discussions that
24 we've had?

25 MR. ABLE: Yes, sir. I would object based upon prior

1 discussions as concerning those --

2 THE COURT: Right.

3 MR. ABLE: -- Exhibits 20, 21, 22, 23 and 24.

4 THE COURT: All right. Now, does 21 also deal with 24,
5 the CD?

6 MR. SCOTT: It does, Your Honor.

7 THE COURT: All right. Subject to prior hearings, the
8 five exhibits will be into evidence; 20, 21, 22, 23, 24 for
9 the State.

10 MR. ABLE: Judge, if I could just -- not to correct
11 Your Honor, but prior hearings and prior rulings.

12 THE COURT: And prior rulings. Yes, sir.

13 MR. ABLE: Thank you. I just want to make sure the
14 record is clear.

15 THE COURT: Everything in connection with those prior
16 rulings.

17 MR. ABLE: Yes, sir.

18 (Whereupon, State's Exhibit Nos. 20, 21, 22, 23, 24
19 were admitted into evidence.)

20 Q All right. Investigator King, using these documents
21 were you able -- were you aided in attempting to find Ms.
22 Southern's automobile?

23 A Yes, sir.

24 Q And how did that happen?

25 A When I got the records back, and using the key that

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1 basically helps you decipher the longitude and latitude of
2 the cell sites that I requested, I was actually able to
3 utilize the longitude and latitude numbers. Entered those
4 into Google maps and got the actual physical address of the
5 towers involved. And by doing so I noticed that Mr. Raines'
6 phone at 0003 on the 19th, the night of the 18th, was near
7 117 Duffy Road, Simpsonville, South Carolina. Myranda's
8 phone, which was Sprint -- Sprint carrier, also on the 19th
9 at 12:03 a.m. was hitting 211 Bridges Road, which is very --
10 very close to her work, and it's also in close proximity to
11 where the 117 Duffy Road is. As a result of this
12 information, myself, Investigator Hammett and Investigator
13 Fortner all got together and we met at the intersection of
14 Bridges Road and Holland Road which is very close to the
15 Charter building where Myranda worked. We decided to go
16 different directions. And receiving this information,
17 already viewing it on a map at work on my computer, I drove
18 down Holland Road to Highway 14, turned right on Highway 14
19 and actually passed Duffy Road. And then I came up on the
20 Super Bi-Lo which is located at the Main Street and Highway
21 14 in Simpsonville. I believe the actual physical address
22 is 120 Highway 14, or South Highway 14. I pulled into the
23 parking lot there, drove through the parking lot and
24 actually -- we already had the vehicle information that we
25 were looking for, to include the tag number. And I found

1 the victim's car parked in front of, I believe it was,
2 Bertolo's or Bertoli's Pizza which is adjacent -- buildings
3 are attached to the Super Bi-Lo.

4 Q What was that date that you found the car?

5 A That was on the 23rd. The evening of the 23rd. It was
6 a Friday evening.

7 Q So you get the -- I just want to make sure I'm clear on
8 this. You get the tower keys from Verizon and Sprint and
9 the cell phone information for Myranda and Darrell, and
10 you're seeing -- you said at 12:03 a.m. on the 19th?

11 A Yes, sir.

12 Q Both of their phones are using cell phone towers in a
13 general vicinity located near one another?

14 A Yes, sir.

15 Q That was your starting point. So you said you and some
16 other officers went to that general area and started just
17 kind of combing the area for her car?

18 A That's correct. We branched out and went in different
19 directions.

20 Q Let me show you State's No. 25. Can you see that?

21 A Yes, sir.

22 Q What I want you to do is identify some things on here.
23 And I guess it's fairly evident. But what is this right
24 here?

25 A That's the Bi-Lo building itself.

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1 Q And it's on Highway 14 in Simpsonville?

2 A That's correct.

3 Q This would be the one that you said just -- because you
4 knew you were around here somewhere due to the cell phone
5 tower information. You just kind of randomly went up and
6 down the parking lot here in Bi-Lo?

7 A Right. Well, I actually came in at the upper entrance.
8 That was my direction of travel.

9 Q Okay.

10 A So I actually came in this entrance and actually just
11 drove around the parking lot checking -- checking on the
12 vehicles. And when I came down I actually cut across here,
13 and when I came down I found the vehicle. I believe it was
14 in one of these parking spots right here in this general
15 area. And the Bertolo's Pizza that I'm speaking of is right
16 there. Right directly in front of it.

17 Q The car was just abandoned?

18 A Yes, sir. It was actually -- it was actually pulled
19 nose first, or front of the vehicle into the parking spot.

20 Q Like you would normally park?

21 A Yeah.

22 Q They didn't back in? They pulled straight in?

23 A That's correct.

24 Q Did you guys attempt to pull some video footage or
25 surveillance footage?

1 A Yes, sir. We actually went inside and spoke to the
2 store manager at the Bi-Lo itself. If you'll look right
3 here at these little islands they have in the front, they've
4 actually got -- and I don't know if it actually shows, or
5 clearly shows it at all, but they've basically got Bradford
6 pear trees grown up in these little islands, which actually
7 blocks the rest of the parking lot from the video coverage
8 itself.

9 Q So they've got these surveillance cameras but then they
10 plant Bradford pears right in front of them?

11 A It looks nice, but it takes the cameras out of order
12 for us.

13 Q Okay. So were you able to see anything on the --

14 A No, sir.

15 Q No video that was useful to you?

16 A No, sir. And the -- we also checked the -- I think I'm
17 saying it right, Bertolo's or Berteli's Pizza. They didn't
18 have video either. There's a -- I believe there's a CVS or
19 Walgreens. It's a drug store, and we checked that location
20 as well hoping that in a drive-thru somebody would have
21 video.

22 Q None?

23 A None. No, sir.

24 Q Let me ask you this. Did you ever try to find phone
25 numbers for this Bi-Lo?

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1 A Later on. Yes, sir.

2 Q You don't have them with you up there, do you?

3 A I do not.

4 Q Well then, those phone records that you got, did you
5 pass those on to anyone?

6 A Yes, sir. We have another gentleman that works in our
7 IT department which obviously knows computers a lot better
8 than I do. I provided him with all the records and
9 documents that I obtained from the phone companies.

10 Q Is that Dan Kelly?

11 A Yes, sir. That's Sergeant Dan Kelly.

12 MR. SCOTT: Thanks. Answer any questions Mr. Able has
13 for you, please.

14 THE COURT: Is that photo offered?

15 MR. SCOTT: If I failed to do so, Your Honor, the State
16 would offer 25 for admission into evidence.

17 THE COURT: What says the Defense?

18 MR. ABLE: No objection.

19 THE COURT: Without objection, 25 into evidence for the
20 State.

21 (Whereupon, State's Exhibit No. 25 was admitted into
22 evidence.)

23 CROSS-EXAMINATION

24 BY MR. ABLE:

25 Q Now, Officer, you don't know how long that vehicle had

1 been in that parking lot, do you?

2 A No, sir. Other than the time of the report and the
3 time we located the vehicle. No, sir.

4 Q It could have been placed -- you're talking about the
5 initial missing person report?

6 A That's correct. From that Monday morning.

7 Q From that Monday morning until you found it on the
8 22nd?

9 A That's correct, on Friday evening.

10 Q Between those two periods of time you don't know when
11 that vehicle came into that parking lot?

12 A No.

13 Q Now, you -- of course, you found the vehicle and there
14 were -- the vehicle was towed and certain items retrieved
15 from the vehicle, correct?

16 A Yes, sir.

17 Q Do you know what those items were? Did you collect any
18 of that?

19 A No, sir. I did not.

20 Q Now, as far as the cell tower information that you had
21 and in locating the vehicle, that didn't give you a precise
22 location of the vehicle? It was telling you where the cell
23 tower was that Ms. Southern's phone was hitting off of at a
24 certain time, correct?

25 A That's correct.

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1 Q And it didn't tell you this is where the vehicle is or

2 --

3 A No, sir.

4 Q -- or where the phone was? So it's kind of a broad
5 area that it covers, correct?

6 A That's correct.

7 Q And you and two other officers had to comb a pretty
8 large area to find that vehicle?

9 A We actually started from her location where she was
10 employed, where she worked, and basically branched out from
11 there. Which I don't know how many people are familiar with
12 Hollands Road, but Hollands Road actually parallels 385
13 going down into Simpsonville.

14 Q Right.

15 A So it was basically a straight shot from her work to
16 Highway 14 and then turn right.

17 Q The tower was close to her proximity of her work?

18 A The tower for her phone was in close proximity
19 initially to her work.

20 Q Right.

21 A The tower for Mr. Raines' phone was actually closer in
22 proximity to the location the vehicle was found.

23 Q But from the -- getting back to my question about the
24 broad area. The location of her work at Charter to the Bi-
25 Lo takes about 10 minutes to travel that far, doesn't it?

1 A Roughly. Yes, sir.

2 Q And like you said, there's a Holland Road, which kind
3 of parallels 385?

4 A Yes, sir.

5 Q And, of course, there's no telling how the vehicle got
6 there? What road was traveled or whatever?

7 A We had no way of telling which road. That's correct.

8 Q So the point I'm making is you have the tower
9 information, you travel 10 minutes this way. It would be a
10 10 minute radius even further out as to the area that had to
11 be covered, correct?

12 A Correct.

13 MR. ABLE: Thank you. That's all I have.

14 THE COURT: Redirect, Solicitor?

15 MR. SCOTT: No, Your Honor.

16 THE COURT: Thank you for your testimony, Officer. You
17 can step down.

18 THE WITNESS: Yes, sir.

19 THE COURT: You're certainly free to leave or you're
20 welcome to remain with us.

21 (Whereupon, the witness stepped down from the witness
22 stand.)

23 THE COURT: Mr. Foreman, and ladies and gentlemen of
24 the jury, I think we're at a good stop. So this would be a
25 real good time to break for lunch. And I need you back at

1 2:00. As I mentioned to you yesterday, if you're going to
2 be out in public during the lunch break, a restaurant, store
3 or whatever, keep your badge on so everybody will know --
4 who's connected with this case will know that you're on the
5 jury. I'm sure by the end of the week they're going to be
6 able to recognize all faces. But we're still kind of early
7 on, so wear your badge. And don't discuss this among
8 yourselves or anybody that you come in contact with with
9 respect to this case. And have a good lunch and we'll see
10 you back at 2:00.

11 (Whereupon, the jury exited the courtroom at 12:50
12 p.m.)

13 THE COURT: Solicitor, anything we need to -- oh, we do
14 need to pick up one thing. The order from the Greenville
15 Magistrate that we discussed at length that's attached un-
16 notarized affidavit, that only pertains to Verizon records.
17 And I inquired of the attorneys if there was another order
18 out there as pertains to Sprint records, because I need to
19 have these orders marked as Court's exhibits. So, Solicitor
20 --

21 MR. SCOTT: I'm going to track that down. But it
22 occurred to me -- Your Honor, I'm happy to provide to
23 provide it. But does the Defendant have any standing to
24 challenge that order? I mean, it's Myranda's phone.

25 Just for clarification, I'm happy to track that down

1 because he's testified to it. I'll look for it.

2 THE COURT: If you don't mind.

3 MR. SCOTT: Yes, sir.

4 THE COURT: And we'll just have those marked as Court's
5 Exhibits. You probably should have had this marked as a
6 Court's exhibit, the Verizon, because we did discuss at
7 length this order and the affidavit from Officer Ayers.

8 MR. SCOTT: Yes, sir.

9 THE COURT: If you don't mind, get the other one --

10 MR. SCOTT: Yes, sir.

11 THE COURT: -- and just have -- make it a part of the
12 record.

13 Okay. We'll be at recess until 2:00.

14 (Whereupon, a lunch break was held from 12:50 p.m. to
15 2:17 p.m.)

16 (Whereupon, the jury entered the courtroom at 2:17
17 p.m.)

18 THE COURT: Solicitor, are you ready to call your next
19 witness?

20 MR. SCOTT: I am. The State calls Mary Ellen Cervetti.

21 MARY ELLEN CERVETTI, having first
22 been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q Ma'am, if you would, state your full name and then

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1 spell your last name for me.

2 A. My name is Mary Ellen Cervetti, and it's spelled C-e-r-
3 v-e-t-t-I.

4 Q. Thank you. And where are you employed?

5 A. I'm employed with BB&T.

6 Q. And what is your title there?

7 A. I'm assistant vice-president in corporate
8 investigations.

9 Q. So what does that mean?

10 A. That means I investigate fraud for the bank, either
11 external or internal, and I assist law enforcement in their
12 need for records and things of that nature that they need
13 from the bank.

14 Q. August 2013 there was a missing person out of
15 Greenville and her name was Myranda Southern. Did you have
16 occasion to become involved in that investigation?

17 A. I did.

18 Q. And how did that come to be?

19 A. I received a call from a detective at Greenville
20 County, and I do not recall who it was, but advising that
21 they had a missing person and they thought that she banked
22 with BB&T. So they asked if we could look and see if, in
23 fact, she did and when her last transactions would have
24 been.

25 Q. So how would you search for her? Just by name?

1 A. By name, by Social Security number, by date of birth.
2 And again, I don't recall specifically how I searched, but
3 it would have been one of those.

4 Q. And were you able to gather some information on
5 Myranda Southern?

6 A. Yes, I was.

7 Q. And what did you find? What did you pull?

8 A. I found that she did have a bank account with us
9 and that she did have a debit card, ATM card. And so, I
10 pulled her record and I pulled her last transactions. And
11 then as an additional thing, I went in and locked the
12 account so that nobody could use it going forward because we
13 knew she was a missing person.

14 Q. Let me start by showing you State's No. 27. Do
15 you recognize that?

16 A. I do.

17 Q. What is that?

18 A. That is a bank statement, an account statement on
19 the accounts of Ms. Myranda Southern and Shawn Southern.

20 Q. They had a joint account then?

21 A. Yes.

22 Q. All right. Explain this to me. If they have a
23 joint account and they both have bank cards, debit cards,
24 ATM cards, whatever you all them, tell me what would happen
25 if they had a joint checking account that drew out of the

1 same account but they had -- each had a card. Would they
2 have different numbers or the same number?

3 A. Yeah. A joint account, when you have an ATM card,
4 as most people do today, that ATM card would be -- each
5 individual on that account would have a separate number. So
6 that number -- when you get your card, your statement in the
7 mail, your card -- your bank, it's going to have your name
8 with a particular number. So when we go back to look at
9 records, we're looking under that particular number for that
10 particular individual. And everybody on the account is
11 going to have a separate account or debit card number.

12 Q. And so, tell me about State's No. 27. If you go
13 to the very end there, what was the last transaction on it?

14 A. The last transaction was a BB&T 24 cash
15 withdrawal, which is our ATM, and the location was in Berea
16 in Greenville, South Carolina. And that would be our Berea
17 branch.

18 Q. And were you able to establish a time that that
19 withdrawal was made?

20 A. Yes. I did pull another document that showed --
21 because when you make a cash transaction or an ATM
22 transaction there's a report that generates and it will tell
23 a specific date and a specific time, because later when you
24 get your statement, as we all know, it reconciles the time
25 zone on the statement, but the report I pulled it shows the

1 exact time that this \$500 withdrawal was made at that ATM.

2 Q. And then using that corresponding time and that
3 corresponding ATM location what did you do? Did you pull
4 any other evidence?

5 A. I did. Based on that ATM report I went and had
6 video pulled of the person making the transaction. What was
7 essentially going on at the ATM at that time, and so those
8 two times would correspond.

9 Q. And were you able to get a result?

10 A. Yes, I was.

11 Q. Let me show you State's 26. Do you recognize
12 that?

13 A. I do.

14 Q. And what is that?

15 A. That is a photo that was pulled from the ATM that
16 corresponds with the last transaction on this statement on
17 August 19th of \$500.

18 MR. SCOTT: Your Honor, State offers 26 and 27 for
19 admission into evidence.

20 THE COURT: And what says the Defense?

21 MR. ABLE: No objection.

22 THE COURT: All right. Without objection, 26 and 27
23 for the State into evidence.

24 (Whereupon, State's Exhibit Nos. 26 and 27 were
25 admitted into evidence.)

1 Q So law enforcement tells you we've got a missing
2 person. Pull her bank records. When you do so you find her
3 very last transaction was a \$500 ATM withdrawal, August
4 19th?

5 A August 19th.

6 Q At 3:36 a.m.?

7 A At 3:36 a.m.

8 Q Go ahead. I'm sorry.

9 A What I was going to say is this is a snapshot of the
10 entire transaction. So our records are going to show when
11 that ATM card goes into the ATM, and then we're going to
12 have a whole video of this individual through that
13 transaction. So this is just one snapshot of the
14 transaction.

15 Q I've never seen the video. Are you able to pull the
16 video?

17 A We do pull video, if requested.

18 Q So do you remember providing law enforcement the video
19 or just the snapshot?

20 A I don't recall. I would have provided them with a
21 snapshot if that's that had asked for.

22 Q But it's your testimony that that is a snapshot from
23 whatever video the ATM produced that was generated at 3:36
24 a.m., August 19th?

25 A Absolutely. Yes, sir.

1 Q And you're telling me that Myranda Southern's bank
2 records correlate to that picture and that \$500 was drawn
3 from that bank account around 3:30 a.m. at that location?

4 A Yes, sir.

5 Q So what we learned from that is this person is
6 withdrawing money from Myranda Southern's bank account at
7 3:30 a.m.?

8 A Yes.

9 Q And were you able to get multiple, I guess, angles?

10 A Yes. There's an interior and exterior camera on an
11 ATM. So it takes different pictures.

12 Q Okay. State's No. 29. Do you recognize that?

13 A Yes.

14 Q So that would have been just a different angle of the
15 same transaction?

16 A It would have been a different angle of the same
17 transaction from our exterior camera.

18 Q Okay. Were you able to determine, I guess, any
19 transaction that were immediately precedent to the \$500
20 withdrawal?

21 MR. SCOTT: And, Your Honor, State offers 29 for
22 admission into evidence.

23 THE COURT: Okay. What says the Defense?

24 MR. ABLE: Exhibit 29? No objection.

25 THE COURT: Without objection, 29 for the State into

1 evidence.

2 (Whereupon, State's Exhibit No. 29 was admitted into
3 evidence.)

4 Q Before I go any further, let me show you State's No. 28
5 real quick. Now, aside from the \$500, tell me what the last
6 two transactions were, and also the times that Myranda's
7 bank card was used.

8 A Let me be clear what you're asking, because I don't
9 want to answer the wrong thing. So you're asking the last
10 two transactions on this document that you just showed me?
11 I just want to make sure I have the right question. Sorry.

12 Q All right. What is State's No. 27?

13 A That is an account statement that you would get at the
14 end of a monthly billing cycle.

15 Q Linked to Myranda Southern's bank account?

16 A Linked to Myranda Southern's bank account.

17 Q Linked to that card that is only associated with her?

18 A Yes.

19 Q Go to the very last transaction on there. You already
20 testified there's a \$500 ATM withdrawal from a BB&T in
21 Berea, or Berea -

22 A Correct.

23 Q -- at 3:30 a.m. August 19th?

24 A Yes, sir.

25 Q What was the transaction just before that?

1 A Before that there was a pin based transaction done at a
2 7-Eleven on Wade Hampton in Taylors, South Carolina.

3 Q What's a pin based transaction as opposed to an ATM
4 transaction?

5 A With your ATM card you can use several different kinds
6 of transaction. You can do the ATM, that's with your pin
7 number. You can do a signature based transaction. That
8 would be when you use it at a grocery store. And then a pin
9 based transaction would be where you have to actually enter
10 your pin. And I always equate that with, you know, when you
11 go to the gas station and you get a better price if you use
12 cash. And so, if you run your card as a pin based
13 transaction then you get it at the cash price. So that's
14 what that would be.

15 Q So when was that and where was it, one more time?

16 A On the 19th at the 7-Eleven on Wade Hampton in Taylors.

17 Q And what time was that?

18 A Well, on the statement it shows 8:19 is when it shows
19 on the statement. But it was actually done on the 18th.
20 And when you come over here to another transaction report,
21 which was your Exhibit 28, you see that it was done at 20:03
22 on the 18th.

23 MR. ABLE: What exhibit is she referring to, Your
24 Honor?

25 THE COURT: I think she's referring to No. 28.

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1 THE WITNESS: Right now I'm referring to No. 28.

2 Q One more time, just because we -- 20:08. What time is
3 that? I don't do military time.

4 A Well, 20 -- it's 20:03 and --

5 Q Subtract two, I guess?

6 A Well, I always have to go --

7 Q Is it 8:00?

8 A 3:00 is 15:00? Is that -- don't ask me. I'm sorry.
9 I'm not military, so I have to figure that out. So let me
10 think. 13:20 would be --

11 JUROR: 8:03.

12 THE WITNESS: 8:03. Thank you, sir.

13 Q Is that the --

14 MR. ABLE: I don't think a juror can --

15 THE COURT: Yeah. Appreciate your help, but we can't
16 have jury participation. Thank you.

17 MR. SCOTT: Just a judicial notice, Your Honor, 20 --

18 Q What was it?

19 A 20:03.

20 MR. SCOTT: 20:03, we're talking about 8:03 p.m.

21 Q And then what was the date?

22 A It was the 18th of August.

23 Q 18th of August, 8:03 p.m., Miranda transaction. At
24 where?

25 A At the 7-Eleven on Wade Hampton in Taylors, South

1 Carolina.

2 Q What about just before that? What was the next one?

3 A It was another pin based transaction at the same
4 location.

5 Q Do you have a time?

6 A 13:20.

7 MR. SCOTT: Your Honor, judicial notice. That would be
8 1:20 p.m.

9 THE COURT: That's correct.

10 Q Is that also on the 18th?

11 A Yes, sir. It is.

12 Q 1:20 p.m. Is it the same location?

13 A No. I'm sorry. On the statement it shows the first
14 location was 3301 Wade Hampton, Taylors, South Carolina, and
15 the second location was 3440 Wade Hampton, Taylors, South
16 Carolina.

17 Q 3301 Wade Hampton. And then 33 what?

18 A And then 3440 Wade Hampton.

19 Q All right. I'm looking at State's -- when you reviewed
20 the information and the documentation concerning the ATM
21 withdrawal, what other sources of -- depicted in State's 26,
22 what other information were you able to gather about this
23 transaction?

24 A What we talked about. It was --

25 Q Let me ask you this. What, if anything, did you learn

1 about balance inquiries?

2 A I believe that there was a -- well, I know that I
3 pulled a report that was part of her account. We see it
4 online. And it shows that there were balance -- anytime you
5 do something with an ATM, you put your card in there and you
6 check your balance, we're going to get that. It's going to
7 show on our report what was done. So when your card is in
8 there, if there's a balance inquiry, it shows. And my
9 recollection is on her account there were two balance
10 inquiries and then a withdrawal of \$500 on the 19th.

11 Q So this person made two balance inquiries on that
12 checking account before ultimately making a \$500 withdrawal?

13 A Yes.

14 Q And the balance inquiry is what, just to see how much
15 money the account holds?

16 A To check your balance. Could be how much is available.
17 You know, when you make a mistake and back out and then you
18 put it back in and do it again. There's different reasons.
19 But a balance inquiry is to tell you the balance in that
20 account.

21 Q I got a question. How much can you withdraw out of an
22 ATM at any one given time?

23 A BB&T has a limit of \$500 --

24 Q \$500?

25 A \$500 that you can withdraw a day.

1 Q That's the max?

2 A That's the maximum.

3 Q And he withdrew how much?

4 A \$500.

5 MR. SCOTT: I think that's all. Please answer any
6 questions -- well, before I -- Your Honor, just to make
7 sure. State's 29, State's --

8 THE COURT: 29 is already into evidence.

9 MR. SCOTT: Okay. 27, 28 and 26?

10 THE COURT: The only one that's not into evidence is
11 28.

12 MR. SCOTT: Okay. Your Honor, State does offer 28 for
13 admission.

14 THE COURT: And what says the Defense?

15 MR. ABLE: I just want to make sure.

16 THE COURT: Solicitor, show Mr. Able that --

17 MR. SCOTT: Yes, sir.

18 THE COURT -- before he responds. Without objection, 28
19 is evidence for the State.

20 MR. ABLE: Yes, sir. Without objection.

21 (Whereupon, State's Exhibit No. 28 was admitted into
22 evidence.)

23 THE COURT: Cross-examination, Mr. Able?

24 MR. ABLE: Yes, ma'am -- yes, sir. I'm sorry. Yes,
25 ma'am. Thank you.

1 CROSS-EXAMINATION

2 BY MR. ABLE:

3 Q Now, after that \$500 withdrawal on -- during the early
4 morning hours of August 19th, 2013 that left a balance of
5 \$2,196.58 in that account, correct?

6 A That's what it shows on the account statement. But if
7 I can explain that. The account statement is a picture in
8 time. That may not be the legitimate balance that was when
9 that withdrawal was done. But this is the account
10 statement. We have daily records. But yes, that's what it
11 shows in there as of that day.

12 Q You're referring to, I believe, Exhibit 26? 27, I'm
13 sorry.

14 A Yes, sir.

15 Q So Exhibit -- let me ask you this way. Exhibit 27 --

16 A Uh-huh.

17 Q You have to say yes or no.

18 A Yes, sir. I'm sorry.

19 Q Exhibit 27, which is the, I believe, August 2013
20 statement on that account, correct?

21 A Yes, sir.

22 Q It shows an ending balance of \$2,196.58?

23 A Yes, sir.

24 Q And that's after the \$500 withdrawal during the early
25 morning hours of August 19, 2013?

1 A Yes, sir.

2 Q Subsequent to that withdrawal there were no -- you
3 don't have any records showing there were any attempted
4 withdrawals on August 20, 21, 22? Do you have anything
5 showing that?

6 A I don't have anything in front of me that shows that.
7 No, sir.

8 Q Do you recall in your investigation any attempted
9 withdrawals from that account with that card on August 20,
10 21, 22, 23?

11 A Without the documents in front of me, I don't recall.

12 Q Now, Ms. Southern's card -- and I don't know if you
13 have an exhibit showing that. But her card ended with 9468;
14 is that correct?

15 A Yes, sir.

16 Q And Mr. Southern's card ended with 3147?

17 A Yes, sir.

18 Q Now, when you use these ATM cards there is a
19 transaction time?

20 A Correct.

21 Q And that's when the actual transaction, when you swipe
22 the card, the time that that card is used?

23 A That's the time that the card would be put into the
24 system, whether it be the ATM or the grocery store or the
25 gas station. That would be the time that the card was put

1 in, yes.

2 Q So swiped?

3 A Yes.

4 Q If you swipe the card, that's the time the card's put
5 in?

6 A Correct.

7 Q And then in the processing date and time, that would be
8 when the bank actually processes that transaction?

9 A Yes. There's a -- the processing time -- it's the
10 date, not so much the time. There's a date of when the
11 transaction actually hits the account and is reconciled. So
12 if transactions are done over a weekend, those are not going
13 to show up until the date on Monday. But we have the ATM
14 record which will show the actual day and actual time that a
15 transaction is done.

16 Q So I want to make sure I understand. The transaction
17 time being the time actually when the purchase is made or
18 the withdrawal is made is always going to be before the
19 processing time.

20 A Not always. But the transaction time is the real time
21 that that purchase was made.

22 Q So it can be processed before it's transacted?

23 A No. The process time could be the same time as the
24 transaction time. It's not going to be prior to the
25 transaction time.

1 Q So the -- I want to make sure I understand. The
2 processing time is either going to be the time of the
3 transaction or afterwards?

4 A Correct.

5 Q Let me show you this document. This is a transaction
6 inquiry result. Is that something the bank would have
7 produced?

8 A Yes.

9 Q And that shows that this was Ms. Southern's card
10 number, correct?

11 A Correct.

12 Q I'm going to show you this transaction down here to
13 Hardee's.

14 A Uh-huh.

15 Q And it shows a processing time of August 19 --

16 A I see it. August 19, 2013.

17 Q And what time was it?

18 A At 13:02:24.

19 Q Okay. So that would have been 1:00 -- that would have
20 been at 1:02:24 in the p.m. on August 19th?

21 A Correct.

22 Q And the transaction time being the time that a purchase
23 or a withdrawal had been made would have been earlier?

24 A In a case like this, because this is what we call --
25 this would be a signature based transaction. So this would

1 be Hardee's - when you run it through their strip, this
2 would be the time that day -- this would have been the
3 process they take it. This would have been the time it was
4 -- it went through their system, which there could be a
5 delay. This is different than our ATM.

6 Q But from what you told me before, this being August 19
7 at 1:00 in the afternoon, this would have -- this
8 transaction would have been August 18th?

9 A No. This transaction would -- let me look at the
10 statement. But what I was answering you before was the ATM.
11 I thought your question related to our ATM transaction and
12 processing time. When you do a debit card in a merchant
13 situation, it's really the merchant's system that does the
14 transaction and processing time, and then it hits us.

15 Q But my point being, the merchant has to first do the
16 transaction, correct?

17 A Yes.

18 Q So the merchant first has to do the transaction,
19 because there's no reason to process a transaction until
20 it's actually done, correct?

21 A Well, the word means something different based on how
22 you're using the card. So let me -- what I need to do is
23 look at the statement and see that particular charge. So
24 let me do that so I answer correctly, because I don't want
25 to be confusing. I can't answer as to why that happens

1 other than it's a system, and that charge does not actually
2 show up on this statement. So I would have to have
3 additional bank documents to explain what this is versus
4 what's on the account.

5 Q Okay. But can't you tell me that the processing time
6 would have been after the transaction time? And this being
7 the transaction time for that Hardee's purchase would have
8 been August 18 at 11:56 in the evening?

9 A Based on this report, which is the merchant's
10 transaction, that's what that says. The processing
11 transaction time.

12 Q Thank you. So with the transaction time being on
13 August 18, 2013 at 11:56, that would show somebody was using
14 that card at that time?

15 A It's possible.

16 MR. ABLE: Thank you.

17 THE COURT: Any redirect, Solicitor?

18 REDIRECT EXAMINATION

19 BY MR. SCOTT:

20 Q What was that last -- on August 18th somebody was using
21 the card? What was the time?

22 A I think -- I think he has the form.

23 Q Don't worry about it. All I want to know, what time
24 was this man in this picture using Myranda's ATM card
25 and on what date?

MARY ELLEN CERVETTI: REDIRECT EXAMINATION

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1 A That was done on August 19th at our Berea branch.

2 Q Any doubt whatsoever, according to those records, that
3 that was 3:30 a.m. in the morning, August 19th at an ATM in
4 Berea?

5 A Yeah.

6 Q Immediately proceeding that transaction, is there any
7 doubt whatsoever that Myranda Southern's bank card was used
8 --

9 MR. ABLE: Your Honor, He's just going back over what
10 she testified -

11 MR. SCOTT: I was confused.

12 MR. ABLE: I object.

13 THE COURT: I'm going to allow him to go back over it,
14 even though he did cover that in direct.

15 MR. ABLE: All right, sir.

16 Q Is there any doubt -- I don't know what you all were
17 talking about a minute ago. But 8:03 p.m., that Myranda's
18 card was used at a 7-Eleven at 3440 Wade Hampton? According
19 to the records?

20 A No, there's absolutely no doubt.

21 Q Is there any doubt, according to the records, that her
22 bank card was used at 1:20 p.m. in a transaction at 3301
23 Wade Hampton Boulevard?

24 A No, there's no doubt.

25 MR. SCOTT: Thank you. That's all I have.

1 THE COURT: Recross?

2 MR. ABLE: No, sir. I recrossed on that. Thank you.

3 THE COURT: Thank you, ma'am, for your testimony. You
4 can step down.

5 THE WITNESS: Thank you.

6 THE COURT: You're welcome to remain with us or you're
7 free to leave.

8 (Whereupon, the witness stepped down from the witness
9 stand.)

10 MR. SCOTT: The State calls Jim Perry.

11 JAMES PERRY, having first been duly
12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q State your name for the record.

16 A James Perry.

17 Q Mr. Perry, you are employed with the Greenville
18 Sheriff's Department?

19 A Greenville County Sheriff's Office, correct.

20 Q Okay. Greenville County Sheriff's Department. And
21 what unit are you in?

22 A I'm in the Computer Crime Investigations Unit.

23 Q So what do you do on a day-to-day basis?

24 A Oh, wow. We do -- we do anything from online
25 predators. We do the computer forensics, cell phone

JAMES PERRY: DIRECT EXAMINATION

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1 forensics dealing with any kind of case. We're also members
2 of the ICAC, which is the Internet Crimes Against Children's
3 Task Force out of the Attorney General's Office. So we have
4 a -- we wear several different hats on a daily basis.

5 Q So on a day-to-day basis you're digging through other
6 peoples' computers and other peoples' phones and everything?

7 A Phones, correct.

8 Q August of 2013, did you have an occasion to become
9 involved with -- started off as a missing person's case up
10 in Greenville County of Myranda Southern?

11 A Correct.

12 Q And how did you come to get involved with that case?

13 A On the 22nd Investigator Antonio Bailey brought us this
14 cell phone and a consent to search for that cell phone. We
15 began the search of the cell phone. What we have to do is
16 we have to hook it up to a machine that does a forensic
17 image of that machine -- of the phone. And what ended up
18 happening was -- it'll give you an estimated amount of time
19 needed to download that phone. I believe it was telling us
20 it was going to be about 59 hours to download it.

21 Q Is there a reason that it would take so long on certain
22 phones to download?

23 A Different -- every phone, depending on the make, the
24 model, the carrier, the size of the hard drive and the
25 amount of data that that phone will hold, it could take that

1 long.

2 Q August 22nd, that's when Mr. Raines came in and gave a
3 statement. At that time you all obtained his phone?

4 A On the 22nd.

5 Q What is the -- what's the system you do to do an
6 abstraction on the phone? Is it Cellebrite?

7 A Yes, sir. It's a cell phone forensic machine called
8 Cellebrite.

9 Q So Mr. Raines handed over his phone to you guys and
10 then you hook it up to the Cellebrite machine, and it does
11 what from there?

12 A Once we hook it up we locate that particular make and
13 model phone on the Cellebrite machine. Then you decide
14 which kind of extraction you want. You want a physical
15 extraction, a file system, which just determines the amount
16 of data you're going to get. We chose the files physical
17 extraction because that captures the most data. It gets
18 deleted text messages and other deleted information.

19 Q Wait a minute. So you can actually find the deleted
20 stuff on there?

21 A That is correct.

22 Q So we were talking earlier about some cell phone
23 records we get from Sprint and Verizon and everything.

24 A Uh-huh.

25 Q Would that show deleted calls?

JAMES PERRY: DIRECT EXAMINATION

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1 A Would the phone records show the deleted calls?

2 Q Yeah. If Verizon sent me some records, would it show
3 deleted information?

4 A It'll show you everything they have, but it won't say
5 it was deleted. In other words, when you get -- when you
6 get phone records of a person's call, it gets all the calls
7 that that person made. So it's going to have everything.

8 Q But it wouldn't show text messages, would it?

9 A No. The text messages -- if the text messages are
10 deleted normally the carrier can't supply those to us.

11 Q Okay. So if I got my phone and I delete a bunch of
12 texts, you ask for my Verizon records, those deleted texts
13 wouldn't show up?

14 A No. It would show that a text message might have been
15 sent.

16 Q But not the content?

17 A Not the content.

18 Q But now, if you hooked it up to your Cellebrite machine
19 could you get my deleted texts?

20 A Very possible.

21 Q That's scary. Did you do that in this case?

22 A We did in this case.

23 Q Let me show you State's No. 30. Do you recognize that?

24 A I do.

25 Q What is that?

1 A This is a disc of the report I generated from the cell
2 phone.

3 Q So this would be the content of the cell phone
4 extraction you performed on the phone?

5 A This is the report that I generated from the
6 extraction.

7 Q Okay.

8 MR. SCOTT: Your Honor, the State would offer State's
9 30 for admission into evidence.

10 THE COURT: What says the Defense?

11 MR. ABLE: Let me see it, Judge. No objection.

12 THE COURT: All right. Without objection, I'll put 30
13 for the State into evidence.

14 (Whereupon, State's Exhibit No. 30 was admitted into
15 evidence.)

16 Q Were you able to review your report that you generated
17 from that cell phone extraction?

18 A Have I reviewed it?

19 Q Yeah.

20 A Yes, I have.

21 Q And what kind of -- does it -- does it show, aside from
22 the calls and text messages and everything else, would it
23 show, I don't know, like Internet searches and everything
24 like that?

25 A It'll show Internet searches, different Face book

1 things. It just totally depends on what you're looking for
2 and what type phone it is.

3 Q Were you able to find Face book information for Darrell
4 Raines?

5 A There was some Face book information on there.

6 Q Face book searches by Darrell Raines?

7 A Correct.

8 Q You were even able to find his Face book password,
9 weren't you?

10 A I found a password for a Face book account.

11 Q What was his password for Face book?

12 A All4Lisa.

13 Q All4Lisa?

14 A Yeah with the 4 being -- not f-o-r but the letter -- or
15 the number 4.

16 Q Lisa Hamlett. You're familiar with that name in your
17 search of his phone at all?

18 A Yes. Yes. There was searches for that name.

19 Q There were searches for Lisa Hamlett?

20 A Correct.

21 Q Did you find searches for a Jason Gillespie?

22 A I did.

23 Q Did you find deleted messages and calls?

24 A There were deleted messages and calls. That's correct.

25 MR. SCOTT: Judge, can I take some time to -- can we

1 approach?

2 THE COURT: Sure, yeah.

3 (Whereupon, a sidebar was held.)

4 THE COURT: Mr. Foreman, ladies and gentlemen of the

5 jury, I think the attorneys need a few minutes to review

6 some evidence. Consequently, we're going to take break.

7 And I ask that you go back to the jury room and don't begin

8 any discussions about this case among yourselves and we'll

9 get you back out shortly.

10 (Whereupon, the jury exited the courtroom at 2:55 p.m.)

11 THE COURT: We'll be at recess about 10, 15 minutes.

12 (Whereupon, a recess was held from 2:55 p.m. to 3:14

13 p.m.)

14 (Whereupon, the jury entered the courtroom at 3:14

15 p.m.)

16 THE COURT: Let the record reflect the jury's back in.

17 Solicitor, you may proceed, sir.

18 MR. SCOTT: Yes, sir.

19 Q Mr. Perry, just to back up two steps what we were

20 talking about. State's No. 30 was your report generated

21 from the phone extraction of Mr. Raines' phone?

22 A Correct.

23 Q And then I was showing you something. Well, let me

24 back up. The times listed on that phone when you generate

25 your report, does it show up standard eastern time?

1 A Daylight time.

2 Q What is that?

3 A That's basically Daylight time which is -- depending on
4 what time of year it is, it's either four hours or five
5 hours different than our time. On Eastern time. If it's
6 daylight savings time, it's four hours standard time. Like
7 it is now, it's minus five hours.

8 Q So in August, if you were looking at what he was doing
9 --

10 A It would be four hours.

11 Q Four hours. So what you would do -- if it said he sent
12 a text message at 4:00 p.m, you back up and say it was
13 actually 12:00 p.m.?

14 A Correct.

15 Q And I want to show you State's 31. Have you reviewed
16 that document?

17 A I have.

18 Q What is that?

19 A It's basically an excerpt from my report. My lengthy
20 report.

21 Q Because if you print your report out this would just be
22 a portion of it. Is that safe to say?

23 A That's safe to say. We normally don't print them out.

24 Q Well, it's thousands of pages?

25 A It's thousands of pages.

1 Q But if you're looking at a snapshot in time, is that an
2 accurate summary of that snapshot around August? Some of
3 the text thing that Darrell Raines and Myranda Southern were
4 doing?

5 A Yeah, that's correct. This is an excerpt out of there.
6 It's a snapshot of the particular dates that are listed on
7 here.

8 Q And they're accurate according to your phone extraction
9 information?

10 A That is correct.

11 Q And they're adjusted for standard eastern time?

12 A Correct.

13 Q And, you know, when you print them up on here are they
14 necessarily in order? Like do they say Dale Scott sent this
15 to Jim Perry, then Jim Perry responded to this, then Dale --
16 I mean, is it in order like chronological?

17 A Depending on how the person's using the phone, but not
18 usually.

19 Q But has that been adjusted to --

20 A It's been adjusted to dictate these two people.

21 MR. SCOTT: Your Honor, the State would offer that
22 exhibit, but the number escapes me. But we would offer it.

23 THE COURT: It would be 31.

24 MR. SCOTT: Okay. The State would offer State's 31.

25 And we would do so basically as a summary of a voluminous

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1 report under Rule 1006, Rules of Evidence.

2 THE COURT: What says the Defense?

3 MR. ABLE: Your Honor, as to those portions generated
4 by my client there would be no objection. But I believe the
5 Solicitor just said those were text messages by Myranda
6 Southern. Those would be objectionable as hearsay.

7 THE COURT: Okay. Does the actual summary 31 contain
8 text contents?

9 MR. SCOTT: It does.

10 THE COURT: And so, what Mr. Able has objected to is
11 anything that Myranda may have said in a text message; is
12 that correct?

13 MR. ABLE: Yes, sir.

14 THE COURT: The State's response?

15 MR. SCOTT: I don't see it anything that's going to the
16 truth of the matter ascertained, again, Your Honor. These
17 are -- these are things that Mr. Raines has provided law
18 enforcement from his own phone and they were generated from
19 his phone.

20 MR. ABLE: Under the rule that doesn't matter. It's
21 hearsay.

22 MR. SCOTT: I'm not finished. None of it -- none of it
23 is to the truth of the matter asserted. I guess we could
24 review it in-camera if we needed to, but --

25 THE COURT: Well, I guess probably what I need to do is

1 to not review the entire report but just review a sampling
2 to kind of get an idea of what is there for me to determine
3 whether or not it's being offered for the truth of the
4 matter asserted or not. So Mr. Foreman, ladies and
5 gentlemen of the jury, be patient with us, but this is
6 something I want to review with the lawyers to make a ruling
7 whether or not this will come in in full or not.
8 Consequently, that means you'll have to go back to your jury
9 room. And again, please be patient with us. Don't begin
10 any discussions about this case. Thank you.

11 (Whereupon, the jury exited the courtroom at 3:30 p.m.)

12 THE COURT: Solicitor, if you will just give me several
13 examples of what this report shows these text messages.

14 MR. SCOTT: Yes, sir. And this is just kind of the
15 same thing but in a blown up, I guess, version of it.

16 What we have undertaken to do to make it, I guess,
17 reader friendly, blue would be Darrell Raines, pink would be
18 Myranda Southern.

19 THE COURT: Okay.

20 MR. SCOTT: The yellow indicate deleted texts. And
21 again, this is from a phone extraction of Mr. Raines' phone.
22 And this is going to make sense with subsequent witnesses.
23 But here's what Darrell text on August 16th around 9:33 p.m.
24 "Thought. If he isn't there tonight, he's home right now,
25 and we send the messages tonight and she confronts him. I

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1 know how I'd react to something like that and went to drive
2 over immediately. Think we should plant phase two either
3 way." She says, "I know. I can't -- I can't use my
4 computer." He says, "Huh". She says, "I can't use my
5 computer here to plug in the charger, and I need to think
6 about that," referencing his thought. He goes, "Only two
7 more hours before you get off. If your battery is low, turn
8 your data off and it might save some battery." She says,
9 "Yea." And then he says, "If you go under settings and then
10 under networks, mobile networks, uncheck data," that turns
11 off the Internet portion." Then she says, "Are you
12 anxiously awaiting me to get off - lol." He says, "Yes -
13 lol." And she says "Lol. I will when I get a sec." Then
14 he says, "Will what A-M-A-O." And then she says the thing
15 about my battery. It goes on. It's just really kind of
16 laying the groundwork. You ultimately get down to -- if I
17 could fast forward. I'm going to start about August 17th,
18 10:08. He's out, I think, downtown drinking liquor or
19 something, and she says, "Wow, sounds like quite the party."
20 10:08 he says, "Not really." And then she does a Emoticon.
21 It looks like a frowny face. He says, "Oh, well. Maybe one
22 more drink and that's it for me. The slushies suck. The
23 waitress is cute though. Too bad she looks a lot like
24 Lisa." As you know, Lisa is going to be a name you're going
25 to be hearing a lot of. She says, "Geez. I could possibly

1 get out at 11:00 if you need or want company." He says, "I
2 don't know." She says, "Maybe you need some alone time.
3 Try a different type of slushy," and he says, "The slushies
4 are 750 each - lol -- or \$7.50 each."

5 Here you have Myranda calls Darrell and the call lasts
6 24 seconds. That's August 18th, 11:03 p.m. 11:49 p.m. he
7 says, "You off?" And she says, "Hey, you, 10 minutes." And
8 then he does a smiley face.

9 Now, here's the critical time right here, Judge. 12:03
10 a.m. there's an outgoing call from Myranda to Darrell's
11 phone and it lasts six minutes and 12 seconds, and then it
12 just goes off. And we're going to have like -- what we
13 intend to show as some animation. What her phone -- the
14 location she's traveling after she gets off work. Regarding
15 her testimony, between 1:00 and 1:30 there's a gunshot.
16 Then you heard testimony at 3:30 a.m. he's at the bank using
17 her card. 2:56 a.m. his phone sends a text message to hers.
18 "Can't sleep. You," question mark. What we now know, or
19 what the State's proposition is, this is him using her phone
20 to text back, because she's dead. 3:00 a.m. from her phone
21 you get, "I'm still with Shawn. He's being an ass. I'm not
22 giving him what he wants. I'll call you tomorrow." Then
23 Darrell says, "Okay. Just let me know when you make it
24 home. I'm headed to bed. Good night." It all fits into a
25 larger theory that the the State is trying to show. None of

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1 this, Your Honor, is really being offered for proof of the
2 content or proof of what --

3 THE COURT: Well, and I'm going to -- I'm going to
4 allow it in. Two grounds, one is it does not appear from --
5 we didn't go through the entire record. But you gave me a
6 sampling, and based upon the sampling it does not appear
7 it's being offered for the truth of the matter asserted,
8 which would make it hearsay. And two, the comment is
9 similar to that of the Face book postings wherein the
10 State's theory is that the Face book postings were created
11 by the Defendant and not by Myranda. And so, their theory,
12 as far as these last texts from Myranda's phone, is based
13 upon their theory that the Defendant created those text
14 messages.

15 MR. ABLE: And I understand that, Judge.

16 THE COURT: Right.

17 MR. ABLE: I mean, but if over my objection you're
18 wanting to allow the last few lines into that, I could
19 understand that based upon -- but my objection is to the
20 whole thing.

21 THE COURT: Right. I understand.

22 MR. ABLE: I don't know what it would be offered for
23 except for the truth of the matter asserted.

24 THE COURT: Well, just for example. I mean, they
25 talked about her computer going dead and then recharging it.

1 I mean, because I don't know where -- how that is really
2 helpful to the State's case. But, you know, offered for --
3 it's not offered for the truth of the matter asserted that
4 she had a dead computer. You see what I'm saying? So based
5 upon the sampling that the Solicitor gave me -- and it's the
6 same kind of stuff, correct, throughout this whole --

7 MR. SCOTT: Yes, sir. I mean, Your Honor, I'm not
8 going to introduce it now. I want him to ID it, because
9 there's still a lot of information that needs to come in to
10 make some of this stuff relevant. I was telling you some of
11 this stuff that hadn't been testified to yet. So I don't
12 want to publish this to a jury yet. What I can do -- let me
13 get him to ID it and I'll provide Your Honor with a copy to
14 sort of review.

15 THE COURT: Let's do that.

16 MR. SCOTT: This is the same thing. This is --

17 MR. ABLE: Yeah, it's the same thing. So what are you
18 talking about putting in, that or this, or having ID?

19 MR. SCOTT: Probably what I'm -- yeah, I'm just going
20 to ID them for now regardless.

21 MR. ABLE: Both of them?

22 MR. SCOTT: Yeah, I want them to be able to sit around
23 and look at that together. So I'm going to introduce that
24 ultimately. So what I'll do is I'll get -- I'm just showing
25 this. It's the same thing. I'll show you this. I'm going

1 to get you to ID and then --

2 MR. ABLE: Well, I'm going to just state for the
3 record, Judge, I object to both of them.

4 THE COURT: But it's the --

5 MR. ABLE: They're the same exhibit.

6 THE COURT: Right. Well, let's -- if you want to ID
7 that, why don't you ID the 31 for right now. And then at
8 least that resolves the objection right now. And then once
9 you get some other witnesses in and then certainly the
10 objection will be renewed. Okay?

11 MR. ABLE: Okay.

12 THE COURT: So Madam Court Reporter, if you will
13 designate -- well, I think 31 has not been offered yet
14 anyway.

15 MR. ABLE: No, sir. It hasn't. I don't think 31 has
16 been --

17 THE COURT: 31. Both for ID at this time?

18 MR. ABLE: For ID, yeah. They haven't been offered
19 yet.

20 THE COURT: Good enough for you, Solicitor?

21 MR. SCOTT: Yes, sir. Yes, sir. Both for ID.

22 (Whereupon, State's Exhibit No. 31 and 32 were marked
23 for identification.)

24 MR. ABLE: And, Dale, you're just going to have him ID
25 that, correct?

1 MR. SCOTT: Yes.

2 THE COURT: All right. Mr. Bolt, bring the jury out,
3 please.

4 (Whereupon, the jury entered the courtroom at 3:30
5 p.m.)

6 THE COURT: Solicitor, you may proceed.

7 MR. SCOTT: Thank you, Your Honor.

8 Q We were talking about State's 31. Have you reviewed
9 that?

10 A I have.

11 Q And that is an accurate summary of text messages
12 between Darrell Raines and Myranda Southern from August 16th
13 up to August 19th, 2013?

14 A That is correct.

15 Q And it has standard eastern times on it?

16 A Standard -- no. Daylight.

17 Q What is that? The time we're in right now?

18 A No. We're in standard now.

19 Q The times --

20 A -- times here, correct.

21 Q For the South Carolina time?

22 A At that time. South Carolina time at that time.

23 Q And does it accurately reflect messages sent by Darrell
24 Raines?

25 A Correct.

JAMES PERRY: DIRECT EXAMINATION

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1 Q And then does it accurately reflect responses sent by
2 Myranda Southern?

3 A It does.

4 Q And does it accurate show the text messages that
5 Darrell Raines has deleted from his phone?

6 A It does show the ones deleted.

7 Q And that a fair and accurate representation summary
8 then. Is that what you're saying?

9 A It is.

10 Q And likewise, 32, just to ID it, that is the same
11 document but just in a format on a poster board?

12 A That is correct.

13 Q Let me show you State's 33. Have you seen that
14 document?

15 A I have.

16 Q And have you reconciled that against your report that
17 you generated from State's 30?

18 A I did.

19 Q And is that a fair summary of phone calls that Darrell
20 Raines made between August 18th, 2013 and August 21st, 2013
21 to two specific businesses?

22 A It does.

23 Q And does it accurately reflect -- does it accurately
24 reflect which calls were deleted?

25 A It shows them all being deleted.

1 Q And is that accurate as far as your review of that
2 summary -

3 A It is.

4 Q -- and then the report you generated?

5 A It is.

6 Q Thank you.

7 MR. SCOTT: Jim Perry, answer any questions Mr. Able
8 has for you, please.

9 THE COURT: Cross-examination?

10 MR. ABLE: No questions, Your Honor.

11 THE COURT: Thank you for your testimony, sir. You can
12 step down. You're welcome to remain with us or you're free
13 to leave.

14 THE WITNESS: Thank you, sir.

15 (Whereupon, the witness stepped down from the witness
16 stand.)

17 MS. BOYKIN: Your Honor, the State would call Dr. Ross.

18 DR. JANET ROSS, having first been
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. BOYKIN:

22 Q Dr. Ross, could you please state your full name for the
23 record.

24 A Janice Edwards Ross.

25 Q And, Dr. Ross, what do you do?

DR. JANET ROSS: DIRECT EXAMINATION

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1 A I'm a forensic pathologist in Newberry, South Carolina.

2 Q And what is a forensic pathologist?

3 A I'll give you my background. I have a degree -- a
4 Bachelor's degree from the University of South Carolina and
5 my M.D. from Upstate Medical Center in Syracuse, New York
6 where I had further training in the field of pathology.
7 Pathology is the study of disease. We learn in general
8 pathology how to do an autopsy, find a cause of death. We
9 learn how to identify diseases like cancers and anemias,
10 infections. We learn how to use information from a clinical
11 laboratory of a hospital to identify disease states. And I
12 did further training in the field of forensic pathology
13 which -- the word forensic means legal, where we use a
14 medical knowledge of legal matters like homicides, suicides,
15 accidents and rapes. We learn how to do a specific autopsy
16 to find patterns of injury and to collect specimens for a
17 court of law and for toxicology. We take photographs and
18 find a cause of the manner of death.

19 Q You mentioned cause and manner of death. What are --
20 are there different types of causes?

21 A yes. The cause of death is what actually caused the
22 death. Just like it says. The manner of death is how that
23 cause came about. There are five manners of death. One's
24 natural, like a heart attack. One's suicide, one is
25 homicide, one is accidents, and then if we can't determine,

1 it's undetermined.

2 Q And you mentioned part of your job is to conduct an
3 autopsy. What exactly is an autopsy?

4 A Yes. An autopsy -- you do autopsies for coroners of
5 the counties. They're authorized, and they send us the
6 person, patient, in a body bag at the morgue at Newberry
7 County Memorial Hospital. We open the body bag, identify
8 clothing, identify name and -- that we have. We identify
9 clothing. We then take the clothing out. Take photographs
10 of everything. We take photographs of the body and identify
11 any kind of injury on the external side. Then we do a
12 general thorough internal examination.

13 Q And about how long have you been a forensic
14 pathologist?

15 A Thirty-nine years.

16 Q Have you ever testified in court before?

17 A Yes.

18 Q About how many times?

19 A Two hundred.

20 Q And have you been qualified as an expert those 200
21 times?

22 A Yes.

23 MS. BOYKIN: Your Honor, at this time I would offer Dr.
24 Ross as an expert in forensic pathology.

25 THE COURT: Mr. Able, do you have any examination of

DR. JANET ROSS: DIRECT EXAMINATION

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1 Dr. Ross related to qualifications?

2 MR. ABLE: No, sir. I'm familiar with Dr. Ross and
3 have no problem with her being qualified as an expert.

4 THE COURT: All right. Let me explain to the jury
5 concerning expert witnesses. Normally a person a person
6 cannot give opinion testimony. Normally when a person
7 testifies they must testify to what they either saw, heard,
8 or sensed by smell or something of that nature. However,
9 there's an exception. When someone is qualified because of
10 education or experience they are committed to give their
11 opinion in certain areas if the court qualifies them that
12 way. I find that Dr. Ross is qualified in the area of
13 forensic pathology and is entitled to give opinion testimony
14 in that particular area. Now, it does not mean that you
15 must accept her opinion. But it is evidence. Her testimony
16 is evidence for you to use in any way you see fit and give
17 it the weight and credibility that you believe is just and
18 appropriate.

19 You may proceed, Solicitor.

20 MS. BOYKIN: Thank you, Your Honor.

21 Q Now, Dr. Ross, did you happen to become involved in an
22 autopsy on August 24th, 2013?

23 A Yes.

24 Q And did that autopsy involve a body found off Bramlett
25 Church Road in Laurens County?

1 A Yes.

2 Q If you wouldn't mind, just tell us a little bit how you
3 became involved and where it went from there.

4 A Nick Nichols, the Coroner, called and authorized and
5 asked for a time for the autopsy. And they brought the
6 patient to us on that date, August 24th, 2013. We found
7 that the patient had some clothing on, which we photographed
8 and then we took off. The patient also had changed into
9 decomposition. There are certain things that happen after
10 death, especially in the heat. There's changes in the
11 tissue. In this case there was also skeletal -- what we
12 call skeletonization. There was some tissue actually
13 absent off of part of the head and the neck area. So we did
14 -- because of that, because you couldn't see a lot of
15 external injuries, we did x-rays.

16 Q Could you tell if this was a man or a woman?

17 A It was female, yes.

18 Q Could you tell the race?

19 A It appeared to have Caucasian skin and hair. What hair
20 was there.

21 Q And you mentioned you took x-rays. Did you also take
22 pictures?

23 A Yes.

24 Q What did you observe while performing this autopsy?

25 Any damage to the body besides decomposition?

DR. JANET ROSS: DIRECT EXAMINATION

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1 A All I could see was decomposition externally.

2 Q And once you performed the x-rays did you see something
3 else?

4 A Yes. We found a bullet in the area of the upper neck.

5 Q Dr. Ross, I'd like to show you what has been marked as
6 State's Exhibit 34. Do you recognize that?

7 A Yes. It's a photograph of the x-ray we performed at
8 the autopsy.

9 Q Are there any measurements or anything on there?

10 A Well, there's a -- there are a few -- there's -- our
11 number is put on a marker that has it's an inch long. There
12 may be some distortion about the neck because it's an x-ray.
13 But it does show the bullet at the top of the neck.

14 Q And you mentioned your number. Is there a lab number
15 specific for this case?

16 A This is -- the new number is FA, Forensic Autopsy, 13,
17 which is the year, 2013, and it was number 595 for the year.

18 Q And so, you are certain that this is the picture that
19 you took?

20 A Correct.

21 MS. BOYKIN: State would offer State's Exhibit 34 for
22 admission into evidence.

23 THE COURT: And what says the Defense?

24 MR. ABLE: Your Honor, the only objection I would raise
25 would be Dr. Ross has said a couple of times that we took x-

1 rays I would just -- if there would be inquiry made as to
2 whether or not it was an x-ray that she took or she was
3 present when the x-ray was taken.

4 THE COURT: All right. You want to pursue that with
5 Dr. Ross?

6 MS. BOYKIN: Of course, Your Honor.

7 Q Were you the only person there that took this picture?
8 This x-ray?

9 A When we do an autopsy we have a morgue assistant who
10 helps with the dissection, and I have a person putting
11 information into the computer for our evidence forms, et
12 cetera. So altogether with the person doing the autopsy,
13 the morgue assistant and myself do the x-rays.

14 MR. ABLE: You Honor, I have no objection.

15 THE COURT: Without objection, 34 into evidence for the
16 State.

17 (Whereupon, State's Exhibit 34 was admitted into
18 evidence.)

19 MS. BOYKIN: Your Honor, permission to publish.

20 THE COURT: Sure.

21 Q Dr. Ross, while this is coming up I want to show you
22 what has been marked as State's Exhibit 19. So you
23 recognize this?

24 A Yes. That's the bullet we retrieved from the neck of
25 -- at that time it was Jane Doe from the autopsy that we're

DR. JANET ROSS: DIRECT EXAMINATION

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1 talking about, 13-595.

2 Q And what did you do with this bullet after you
3 retrieved it from the body?

4 A We sealed it in material just as it is, and Jeff Crooks
5 from SLED took the evidence.

6 THE COURT: Dr. Ross, could you speak up just a little
7 bit, please, ma'am?

8 THE WITNESS: Yes, sir.

9 THE COURT: Thank you.

10 Q State's Exhibit 34. Dr. Ross, if you could just point.

11 A The bullet is right there. This is the side view of
12 the head. The neck here, and this -- and this is basically
13 the jaw. And this is the bullet right here.

14 Q Whereabouts in the body is this?

15 A It's the right side of the upper neck. Just underneath
16 the skull.

17 Q Based on this can you tell directionality of the
18 bullet?

19 A It looks like it's going sort of upward and backward.
20 But because of the condition of the tissue, there's a lot of
21 tissue that's lacking there and this was embedded in the
22 soft tissue, I can't say for sure. It could have moved
23 around while the patient was being moved.

24 Q So based on just an x-ray you can't -- it's not
25 determined what direction the bullet came from, from the

1 front or the back?

2 A That is correct. There's no -- there was no soft
3 tissue there, skin to show me an entrance wound.

4 Q Now, would this shot be fatal?

5 A Yes.

6 Q And was it fatal?

7 A Yes.

8 Q Dr. Ross, was there any other evidence relating to
9 bullet wounds or evidence on the body that would show damage
10 similar to that of a bullet?

11 A No. No.

12 Q What about on the clothing.

13 A The cervical vertebra number one is scratched. But in
14 the clothing -- part of the clothing was a hooded sweatshirt
15 that was unzipped. But in the back of that hood there was a
16 hole that could have been a hole where the bullet came out.

17 Q Do you happen to remember the color of that sweatshirt?

18 A It was kind of a pinkish red color.

19 Q And after you found this bullet what did you do next?
20 Did you take any samples?

21 A We -- no. The general autopsy we try to take samples
22 for drug analysis. In a case like this there was no blood
23 to be retrieved because of the state of the body. So we
24 collect brain and liver tissue for SLED to analysis for
25 drugs. There was some urine also that we sent to -- for

DR. JANET ROSS: CROSS-EXAMINATION

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1 drug analysis.

2 Q If you could, just tell us what you sent off to SLED to
3 be analyzed.

4 A We went brain and liver and urine. The -- we also sent
5 fingernails. We sent hand tissue for fingerprinting. And I
6 said brain, liver and urine.

7 Q And in your opinion, what was the cause of death?

8 A The gunshot wound to the neck.

9 Q And in your opinion, what was the manner of death?

10 A Homicide.

11 MS. BOYKIN: Thank you. Please answer any questions
12 Mr. Able has.

13 THE COURT: Mr. Able.

14 CROSS-EXAMINATION

15 BY MR. ABLE:

16 Q Doctor, you receive a report back after you send off
17 this tissue to be analyzed for drugs?

18 A Yes.

19 Q And did you receive a report back in this case?

20 A Yes.

21 Q And did that have any affect upon your conclusions in
22 this case?

23 A No, it did not.

24 Q What drugs did she have in her system?

25 A They analyzed the urine and all they could say was what

1 was there. It doesn't necessarily mean how much was there.
2 There were drugs. For instance, there was methamphetamine,
3 amphetamine, pseudoephedrine, hydrocodone, hydromorphone,
4 some marijuana metabolites, clonazepam, alprazolam, and
5 hydroxyalprazolam.

6 Q To make sure I understood, you said methamphetamine?

7 A Yes.

8 Q Thank you, Doctor.

9 MR. ABLE: That's all I have, Your Honor.

10 THE COURT: Anything on redirect?

11 MS. BOYKIN: Briefly, Your Honor.

12 REDIRECT EXAMINATION

13 BY MS. BOYKIN:

14 Q Of those drugs you just named are any of those
15 prescription drugs?

16 A Yes. The hydrocodone could be, the pseudoephedrine
17 could be. Some of the others, yes.

18 Q Thank you, Dr. Ross.

19 THE COURT: Thank you, Dr. Ross. And, Solicitor, how
20 about letting the court reporter see this document she read
21 off of so we can get -- she can get a complete list of those
22 drugs.

23 MS. BOYKIN: Of course, Your Honor.

24 THE COURT: I don't think that's in evidence.

25 Okay. Ladies and gentlemen, we're going to take an

JEFF CROOKS: DIRECT EXAMINATION

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1 afternoon break for about 10 minutes. About 10 till 4:00.

2 So go back to your jury room and don't discuss anything
3 about this case and we'll get you back out shortly.

4 (Whereupon, the jury exited the courtroom at 4:00 p.m.)

5 (Whereupon a recess was held from 4:00 p.m. to 4:17

6 p.m.)

7 (Whereupon, the jury entered the courtroom at 4:17

8 p.m.)

9 THE COURT: Solicitor, you may proceed.

10 MS. BOYKIN: Thank you, Your Honor. The state calls
11 Jeff Crooks.

12 JEFF CROOKS, having first been duly
13 sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. BOYKIN?

16 Q Mr. Crook, where do you work?

17 A With the South Carolina State Law Enforcement Division
18 commonly referred to as SLED.

19 Q And what are your duties there?

20 A I am currently the Lieutenant of the Latent Print
21 Department. I supervise the department.

22 Q Were you working SLED back in 2013?

23 A Yes, ma'am. I was.

24 Q And did you happy to become involved in the case with
25 Myranda Southern?

1 A Yes, ma'am.

2 Q Tell me how you got involved?

3 A At the time I was the supervisor of the Crime Scene
4 Unit, and as such one of the things we would do is attend
5 autopsies. I attended the autopsy in Newberry for her.

6 Q I want to show you State's Exhibit 19. Do you
7 recognize that?

8 A Yes, ma'am.

9 Q And what is it?

10 A This is some of the evidence that I received from the
11 autopsy to bring back to the laboratory so that it could be
12 examined.

13 Q And can you tell what type of evidence that is?

14 A It looks like a bullet or a bullet fragment.

15 Q And do you know where that was found?

16 A No, ma'am. All I know is it came from the autopsy.

17 Q And once you took this from the autopsy who did you
18 give it to?

19 A When I received it from the autopsy I took it to the
20 SLED laboratory, secured it and turned it over to Special
21 Agent Tiffany Hezel who logged it in.

22 Q Did you get anything else from the autopsy when you
23 were there?

24 A Yes, ma'am. There's quite a few items from the actual
25 autopsy, as well as some items that were received. Personal

1 effects from the victim that were turned over to me from the
2 Laurens County Sheriff's Office. I took custody of that at
3 the autopsy and I brought both -- both sets of items to the
4 laboratory.

5 Q And did you get any sort of body tissues or organs to
6 take back?

7 THE WITNESS: Your Honor, may I refer to my notes?

8 THE COURT: Sure, you may.

9 A Yes, ma'am. I received several test tubes of blood, as
10 well as some brain, liver, fingernail -- fingernails, and
11 some other items as well.

12 Q Did you get -- I'm sorry. I might have missed that.
13 Did you say a liver? Piece of --

14 A Yes, ma'am. There was one -- one item was listed bio
15 tissue of the liver, as well as some brain, and the bullet
16 from the neck. We received her hands as well.

17 Q And what did you do with all this evidence once you got
18 it from the autopsy?

19 A It was all in sealed containers. I signed a paper of
20 chain of custody. Brought the evidence straight to the
21 forensic laboratory at SLED headquarters in Columbia and
22 secured it in our storage facility until it could be logged
23 in. Once it was logged in it was sent to the respective
24 laboratory departments for analysis.

25 Q Of the personal effects, do you remember what those

1 items were that you took of the victim?

2 A A tooth brush and a hair brush, according to the chain
3 of custody that I signed.

4 Q I'd like to show you State's Exhibit 15. Do you
5 recognize that?

6 A This looks like a paper bag that I received. I didn't
7 -- I didn't open these bags to look at what was in it, but
8 they were presented to me in these paper bags.

9 Q And do you initial these paper bags or the plastic
10 bags?

11 A No, ma'am, I do not.

12 Q And State's Exhibit 17. Do you recognize this?

13 A Yes, ma'am. It was another one of the bags.

14 Q And do you know what is inside these bags based on the
15 label?

16 A Well, this one states hair brushed -- or, excuse me,
17 hairbrush return from SLED. The plastic container would
18 have been used to send the evidence back. When I received
19 it, it was just in the paper bags.

20 Q And if you could, just read what this one is for me,
21 please. State's Exhibit 15.

22 A It says "White purple stripe Reach toothbrush."

23 MS. BOYKIN: Thank you. Please answer any questions
24 Mr. Able has.

25 THE COURT: Any cross-examination?

KEITH MCINTOSH: DIRECT EXAMINATION

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1 MR. ABLE: No, sir. I have questions.

2 THE COURT: Thank you for your testimony, sir. You can
3 step down. You're free to leave or you're welcome to remain
4 with us.

5 THE WITNESS: Thank you.

6 (Whereupon, the witness stepped down from the witness
7 stand.)

8 MR. SCOTT: The State calls Lieutenant Keith McIntosh,
9 Your Honor.

10 LIEUTENANT KEITH MCINTOSH, having
11 first been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. SCOTT:

14 Q State your full name.

15 A Joseph Keith McIntosh.

16 Q And you're an investigator with Laurens County?

17 A Yes, sir.

18 Q And we've been talking about this case. It originates
19 as a missing person out of Greenville County. At what point
20 does Laurens County come into the mix here?

21 A We became involved on August 23rd of 2013. We received
22 a call from the complaint had called this in about the body
23 in the field. And myself along with Investigator Cheeks and
24 Investigator Franklin responded to the location.

25 Q So you actually went out into the -- you went out to

1 the field on Bramlett Church Road?

2 A Yes, sir. I did.

3 Q And the 23rd, that's when Laurens County gets the call
4 that there was something found in the field? State's No.
5 13?

6 A Yes, sir. We was dispatched at 11:48 in the morning.

7 Q And were you able to walk the field out there?

8 A Yes, sir. I did.

9 Q Can you see the general area of the field where the
10 body was?

11 A Yes, sir.

12 Q Point to it for me. Somewhere in here?

13 A Yes, sir.

14 Q And when you go up there were you aware of the missing
15 person report out of Greenville County?

16 A Yes, sir. I was aware through news media and news
17 outlets that there was -- Greenville County had a missing
18 person. They had put on the news that it was a white
19 female. A younger person.

20 Q From what you could tell, was this consistent with what
21 Greenville County was looking for?

22 A All I could tell was that it was a white female.

23 Q Did you immediate contact authorities up in Greenville
24 County?

25 A Yes, sir. I called dispatch -- Greenville County

1 dispatch to let them know where we was at and what we had
2 discovered and asked them to get into the -- get to the
3 proper investigators who was working the missing person case
4 up there and have them to contact me.

5 Q Did you speak with the neighbors around there?

6 A Yes, sir. I did. I spoke with the lady that testified
7 this morning, Christine -- Christine Yates.

8 Q Or Christian Yates?

9 A Christian Yates.

10 Q All right. And that's her home right there?

11 A Yes, sir.

12 Q And did she -- did she speak with you about hearing the
13 gunshots and everything?

14 A Yes, sir. She did. She gave a statement to that
15 effect.

16 Q Now, once Greenville County got down there did they
17 share some information with you of what they had done up to
18 that point?

19 A Yes, sir. They did. We began to converse with one
20 another about this -- their case and our case. They began
21 to tell me some things that they had already discovered as
22 far as, you know, the picture and the video.

23 Q So you knew about Darrell Raines?

24 A Yes, sir.

25 Q You knew about this picture here in State's 26?

1 A Yes, sir.

2 Q And so, you knew about the transactions, using Myranda
3 Southern's card?

4 A Yes, sir.

5 Q And you knew the last time she was seen?

6 A Yes, sir. I knew that from a missing person report
7 that they told us that she had went to work on Sunday
8 afternoon and she was supposed to get off at 12:00.

9 Q So when was the last time she was accounted for?

10 A To my knowledge it was Sunday evening at 12:00.
11 Midnight.

12 Q So Sunday at midnight, or Monday morning at midnight,
13 just however you want to put it?

14 A Yes.

15 Q That's the last time she could be accounted for?

16 A Yes.

17 Q And then it's a missing person up in Greenville until
18 the 23rd and that's when she's found in that field in
19 Laurens County?

20 A Yes, sir.

21 Q Now, what does Laurens County do at that point when you
22 all pick up the investigation?

23 A Greenville County investigations - The first thing we
24 need to do is try to identify the person in the field. So
25 we sought to obtain some records, dental records. She

1 didn't have any dental records around here, so we sought
2 dental records from a Dr. Goldstein in Florida and
3 eventually was able to obtain those dental records to
4 positively identify. We continued to work with Greenville
5 County on investigations as far as the other evidence that
6 they already had.

7 Q And were you aware of her car being found on the 23rd
8 as well?

9 A Yes, sir. I was. I was contacted, I believe, by
10 Investigator Antonio Bailey that they had located the car at
11 the Bi-Lo parking lot.

12 Q And then were you able to go to the autopsy on the
13 24th?

14 A Yes, sir. I did. I attended. Myself and Lieutenant
15 Cheek.

16 Q Tell me about -- now, we talked about the bank records
17 that Greenville County shared with you. And we had a BB&T
18 representative here that talked about two other transactions
19 made using Myranda Southern's card on August 18th.

20 A Yes, sir.

21 Q We've got one at 1:20 p.m. and then one at 8:03 p.m.
22 Were you able to follow-up on that information?

23 A Yes, sir. I did. I actually -- myself and, again,
24 Lieutenant Blackmon, we went to -- it's a 7-Eleven now. To
25 the different stores and asked them to bring up the video

1 for that particular date and particular time. The manager
2 was very helpful. She brought up the video at the time of
3 the transaction that Ms. Southern had made at that
4 particular time, and we was able to see her swipe her card
5 and purchase --

6 MR. ABLE: I make the same objection I did as the last
7 time. There was no videotape mentioned. The videotape is
8 not here. I haven't had the opportunity to review it and
9 cross-examine him on it, so I'm going to object to it.

10 THE COURT: Is that the --

11 MR. SCOTT: It's the video.

12 THE COURT: -- video? Just to show to Mr. Able. You
13 certainly can view it.

14 MR. ABLE: Yes.

15 THE COURT: So we have the video. Are you still
16 objecting?

17 MR. ABLE: I mean, yes, sir. Yes, sir.

18 THE COURT: In light of the fact that we have the
19 video, which we did not have in the other situation that we
20 discussed, I'm going to overrule your objection.

21 Q I show you State's 35, Mr. McIntosh. Do you recognize
22 that?

23 A Yes.

24 Q And that was -- you were able to obtain this?

25 A Yes, sir. Through Greenville County. The manager was

1 not able to download, so we asked one of their forensic
2 department to come and assist us and they were able to
3 download the videos for us.

4 Q Were you able to watch it at the store?

5 A I was able to watch it at the store.

6 Q And this would depict the 1:20 p.m. transaction?

7 A It's either the 1:20, or I believe it's 8:03.

8 Q You're right.

9 MR. ABLE: What --

10 THE COURT: I couldn't hear what he said.

11 MR. SCOTT: I've got to backtrack. I was showing him
12 the wrong one, I think.

13 Q Which one was the one -- I'm going to show you State's
14 35 and 36.

15 A Exhibit 36 is the second video, at 8:00.

16 Q So this was the second time she used her card?

17 A Yes, sir.

18 Q State's 35 is what?

19 A That's 3440 Wade Hampton, Taylors, South Carolina. It
20 was used at 1:20 in the afternoon.

21 Q Thank you. And you've reviewed these?

22 A Yes, sir.

23 Q And they fairly and accurately represent what you
24 yourself witnessed on -- or whenever you pulled these to
25 review them?

1 A Yes, sir.

2 MR. SCOTT: Your Honor, the State would publish these
3 videos now.

4 THE COURT: Now, you're moving 36 into evidence as
5 well? You're moving --

6 MR. SCOTT: Yes, sir. I'm going to -- I'm going to
7 move 35 and 36 for admission.

8 THE COURT: Okay. Over the objection of Mr. Able, I
9 will allow those in. I think Officer McIntosh did state
10 that he was at the store viewing these videos, correct,
11 Solicitor?

12 MR. SCOTT: Yes, sir. That was his testimony.

13 THE COURT: Admitted into evidence over Mr. Able's
14 objection.

15 (Whereupon, State's Exhibit Nos. 35 and 36 were
16 admitted into evidence.)

17 MR. SCOTT: Beg the Court's indulgence.

18 THE COURT: Sure, take your time. Which one is this,
19 35 or 36 that you're playing first?

20 MR. SCOTT: This is 35, Your Honor. And we're calling
21 it the 1:20 p.m. transaction.

22 Q Do you recognize that car, Mr. McIntosh, that pulls
23 into the spot?

24 A Yes, sir. I do.

25 Q And what is that automobile?

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1 A That appears to be what Myranda Southern was driving at
2 the time.

3 Q Can you see the time on there at the bottom left
4 corner, Mr. McIntosh?

5 A I believe it's 1:17.

6 Q P.m.?

7 A P.m.

8 Q That's August 18th?

9 A Yes, sir. August 18th, 2013.

10 Q Mr. McIntosh, were you able to identify the person in
11 this video?

12 A Yes, sir.

13 Q And in conjunction with the car, who did you determine
14 that to be?

15 A Myranda Southern.

16 Q And for the record, what was the time at the bottom
17 left-hand corner of the video at this point?

18 A 1:18.

19 Q 1:18 p.m.?

20 A 1:18 p.m.

21 Q And this, again, is this a different angle? Is this
22 the inside of that gas station?

23 A Yes, sir.

24 Q And who is this at the counter paying?

25 A I believe it to be Myranda Southern.

1 Q And the time at this point is what?

2 A 1:20, 19 seconds.

3 Q And did that correspond with the bank records you had
4 of her using her BB&T card?

5 A Yes, sir. It did.

6 Q Okay. And you clearly see her using her ATM card on
7 the video?

8 A Yes, sir.

9 Q This person here. Who is this, Mr. McIntosh?

10 A This is Myranda Southern.

11 Q The time is what? What time did she enter that
12 building?

13 A 8:00.

14 Q And then we went to another clip. Is that her paying
15 at the counter there?

16 A Yes, sir.

17 Q Can you read the time stamp?

18 A 8:03. 8:03.

19 Q 8:03 p.m. is when she pays and then leaves?

20 A Yes, sir.

21 Q And that corresponds with the bank records that BB&T
22 provided you?

23 A Yes, sir.

24 Q So you're able to account for her using her bank card
25 as late as 8:00 p.m. on August 18th?

1 A Yes, sir.

2 Q So just to clarify. By the time you guys would come
3 involved you got the bank information. You don't have phone
4 information yet, do you?

5 A No, sir.

6 Q That's still being worked on?

7 A Yes, sir.

8 Q But -- and you don't have the results -- or do you have
9 the results back of the identity of Myranda at this time?

10 A No, sir.

11 Q You've already spoken with Ms. Yates about the 1:00 to
12 1:30 a.m. gunshot?

13 A Yes, sir.

14 Q All right. What else are you doing around this time?
15 You go to the autopsy on the 24th, and what's the next
16 thing?

17 A Yes, sir. We do go to the autopsy on the 24th, which
18 is on a Saturday. We continue, there again, to work with
19 Greenville County. Soon after that receive some more
20 information about cell phone towers and phone records and
21 that type of thing.

22 Q Well, I know you eventually were able to sit down and
23 interview Darrell Raines on the 29th; is that right?

24 A Yes, sir. On the 29th.

25 Q Anything else leading up to that that you were doing in

1 your investigation at this time?

2 A No, sir. Not that I can say that stands out a whole
3 lot. We just continued to work on it.

4 Q Well, I know at one point when she's missing you all
5 are trying to figure out is this Myranda Southern. Were you
6 involved with collecting -- there's some testimony about a
7 toothbrush and a hairbrush that was collected to see if they
8 could test that DNA, which was known to be Myranda's,
9 against the DNA taken from the body at the autopsy?

10 A Lieutenant Blackmon, along with Investigator Antonio
11 Bailey was able to -- Antonio Bailey, I believe, got a
12 search warrant at her residence and was able to obtain that.
13 He turned it over to Lieutenant Blackmon.

14 Q And you didn't have --

15 A And I ended up turning it over to SLED.

16 Q So you took the hairbrush and the toothbrush up to
17 SLED?

18 A I believe that's the way it was.

19 Q Explain to the jury, what's the reason for that?
20 Because you know that stuff has her DNA on it.

21 A Yes, sir. DNA comes from just about any source. It
22 comes from hair fibers. Even your toothbrush. You can get
23 DNA from a toothbrush. So to be able to positively identify
24 her at that time we needed to get her hairbrush because we
25 need to -- we got her hair. Plus the toothbrush that she

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1 was known to use. So we obtained those -- Lieutenant Bailey
2 from Greenville County obtained those items so we could send
3 them to SLED.

4 Q Okay. They collected them and then you transported
5 them on to SLED?

6 A I believe Lieutenant Blackmon met him in Greenville
7 and brought them back to autopsy and we took them to the
8 autopsy.

9 Q What's the address right there at the field on Bramlett
10 Church Road?

11 A It's 4120.

12 Q Did you have the address of where Mr. Raines lived?

13 A Yes, sir. He lived at 107 Saluda Ridge in Greenville,
14 South Carolina.

15 Q And where did Ms. Southern work?

16 A Ms. Southern, she worked at Charter Communications just
17 off 385, off of Bridges Road, I believe is the name of that
18 road.

19 Q And where was the BB&T that Mr. Raines was seen making
20 that transaction?

21 A He was in Berea.

22 Q About how far away was that from his house?

23 A About 15 minutes.

24 Q Then where was the Bi-Lo where her car was found?

25 A It was just off 14 in Simpsonville. The Bi-Lo Super

1 Center is what they call it. Super store.

2 Q I show you State's 37. Does that accurately reflect
3 where some of those locations are on that map?

4 A Yes, sir. It does.

5 Q So here's 385. Here's Greenville. We're down here in
6 Laurens. And Bramlett Church Road was, what, the Gray Court
7 area of Laurens County?

8 A Yes, sir. It is, but it's a Greenville address.

9 Q 4108. I think that's where Christian Yates lives; is
10 that right?

11 A Yes, sir.

12 Q The field was the -- just the lot without the address,
13 I guess, right next door?

14 A Yes, sir.

15 Q Bi-Lo is up here in Simpsonville where her car is
16 found?

17 A Yes, sir.

18 Q And then Charter is up here kind of in between
19 Simpsonville and Mauldin?

20 A Yes, sir.

21 Q And then you go up here. What's it called, Berea?

22 A It is, sir. I believe it's Berea.

23 Q And that's where that BB&T was?

24 A Yes, sir. I believe that's what they -- I believe it
25 is.

1 Q And then just right here is where Darrell Raines lives?

2 A Yes, sir. On Saluda Ridge Road.

3 Q Now, let me ask you this. I think this came up
4 earlier. Right here on Bramlett Church Road there's some
5 kind of country store down the road, Kellett's or something?

6 A Yes, sir. Kellett's Quick Stop.

7 Q Did you go -- I think you -- did you go try to get some
8 video from there to see if you could see her?

9 A Yes, sir. I did.

10 Q What did you see when you -- were you able to obtain
11 any useful information from those videos?

12 A Just the some headlights.

13 Q So you did make an attempt to get some surveillance --

14 A Yes, sir.

15 Q -- but it was just headlights is all you could see.
16 From multiple cars?

17 A Yes, sir.

18 Q Never able to make any kind of identification --

19 A No, sir.

20 Q -- that was helpful for you? Then ultimately you say
21 on the 29th though is when you sit down and you have, what,
22 about an hour and a half conversation with Darrell Raines?

23 A Yes, sir.

24 Q Right here. What did he say in regards to his
25 knowledge about who was the last person to speak with

1 Myranda?

2 A Right at the beginning of the interview he made mention
3 that he knew that he was -- he said he was the last person
4 to talk to her while she was alive.

5 Q Did you tell him that?

6 A No, sir.

7 Q Do you have any idea how he knew that?

8 A I don't.

9 Q What was his explanation as far as the ATM thing?
10 Where he's at the ATM at 3:30 a.m. in the morning using her
11 card?

12 A He said he had gotten the ATM card from Myranda
13 Southern on Sunday -- late Saturday night, Sunday morning,
14 and that they had made an agreement that he could get some
15 money out of her account. That she was going to loan him or
16 give him \$200.

17 Q So he says he gets it Sunday morning? August 18th,
18 Sunday morning?

19 A Sunday night or Sunday morning.

20 Q You mean Saturday night --

21 A Saturday night, Sunday morning.

22 Q -- Sunday morning?

23 A Yes, sir.

24 Q And his explanation was what? That she just gave it to
25 him and let him keep it for a while?

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1 A Yes, sir. That they was -- she was going to help him
2 out with his bills.

3 Q His bills, okay. And did he have an explanation of why
4 she didn't just go withdraw the money and give it to him?

5 A No, sir.

6 Q Did he have an explanation -- what did he tell you that
7 -- how much money she was supposed to loan him?

8 A Well, to start off with I believe they agreed 200, but
9 he said whenever he was talking to her on the phone while he
10 was at the bank she said, well, get me -- get me 300 and you
11 200.

12 Q So she changed it to 500 total --

13 A Yes, sir.

14 Q -- while he was at the bank?

15 A Yes, sir.

16 Q Where did he say he was that night before he went to
17 get the money from the bank?

18 A I believe he told us he was at home.

19 Q Did he ever mention going down to Gray Court?

20 A No, sir.

21 Q So when was the last time he said he actually saw
22 Myranda?

23 A That would have been Saturday night -- late Saturday,
24 early Sunday morning whenever he left her apartment.

25 Q Did he say he ever saw her again Sunday?

- 1 A No, sir. He said he didn't.
- 2 Q He said he would have gotten her ATM card that morning?
- 3 A Yes, sir. Late Saturday night, Sunday morning.
- 4 Q What did he say his education was in?
- 5 A He said he had a degree in computer science.
- 6 Q Did he describe what computer science was to you guys?
- 7 A He just said he worked on computers and he was -- the
- 8 terminology that he could make them talk.
- 9 Q He could make computers talk?
- 10 A Yeah, he was --
- 11 Q By the way, you've got all this recorded, don't you?
- 12 A Yes, sir.
- 13 Q And we're going to watch that tomorrow morning.
- 14 A Okay.
- 15 Q But you recorded this whole thing we're talking about?
- 16 A Yes, sir.
- 17 Q All right. Now, did he describe if she gave him the
- 18 card Sunday morning why he would wait all day and into 3:30
- 19 a.m. that night and into Monday morning to actually just get
- 20 up and go out and use the card? Did he describe why he'd do
- 21 that?
- 22 A He didn't really know an explanation that I can recall.
- 23 Q Well, at some point did he tell you where that money
- 24 was he got?
- 25 A Yes, sir.

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1 Q He went ahead and turned it over to you then, didn't
2 he?

3 A Turned what over?

4 Q The money he took out of the ATM out of Myranda's
5 account?

6 A He -- during the course of the interview he told us
7 where it was at, and that was at his mother's house --

8 Q So you went up there and you went -- where did he say
9 it was going to be?

10 A At one of the end tables -- excuse me. One of the end
11 tables in the living area.

12 Q So the next part of the story is law enforcement went
13 to where he said it was going to be and you all got it,
14 right?

15 A They went there. Probably they obtained a search
16 warrant, they went there. And some of the other
17 investigators. I didn't go. But there was no money or the
18 card there.

19 Q So he said it was going to be there and it wasn't?

20 A Yes, sir. That's correct.

21 Q So you asked him about a gun at some point?

22 A Yes, sir. Toward the end of the interview I believe it
23 was Lieutenant Cheek brought it up, or myself one, did he
24 own a firearm, which he responded he did.

25 Q What kind of gun did he say he --

1 A He said he owned a 9 millimeter Hi Point.

2 Q A 9 millimeter? Did he mention any other gun to you
3 all?

4 A No, sir. No, sir.

5 Q So you said do you own a gun, and he said I do, a 9
6 millimeter?

7 A He said that.

8 Q He didn't mention any other gun to you?

9 A No, sir.

10 Q And you very clearly asked him if he had a gun?

11 A Yes, sir.

12 Q Were you guys ever able to obtain that 9 millimeter
13 from him?

14 A Yes, sir.

15 Q What, if anything, did he say about -- he said he had a
16 background in computers. Did he mention anything about
17 working on Myranda's computer?

18 A I believe he told us that he bought a hard drive for a
19 computer to put it in.

20 Q So he had worked on her computer?

21 A Yes.

22 Q Did you find the 9 millimeter he had?

23 A Yes, sir. It was Greenville County took care of that.

24 Q What else did he say to you in regards to the 9
25 millimeter? Where did he say he got it from?

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1 A We asked him where he purchased this and he told us he
2 purchased it from Trader's, which is a gun shop in
3 Greenville County.

4 Q Did you all go to Trader's?

5 A The next day or the day after myself and Lieutenant
6 Blackmon went to Trader's.

7 Q Did you speak with anybody there?

8 A Yes, sir. We spoke to James Frazier, and I believe
9 he's the store owner.

10 Q Did James Frazier have some information regarding
11 Darrell Raines for you?

12 A Yes, sir. He said he remembered him coming into the
13 store.

14 Q He specifically remembered Darrell Raines?

15 A Yes, sir.

16 Q And as a result of speaking with James Frazier what did
17 law enforcement do?

18 A Well, we took a statement from him and got records from
19 where he -- Darrell Raines purchased the gun from him there.

20 Q Do you have the -- do you have knowledge of when he
21 purchased the 9 millimeter?

22 A I've got the records. I believe it was the -- it was
23 on the 20th of August.

24 Q So you were able to determine he bought the 9
25 millimeter on the 20th of August. Now, after you spoke

1 with Frazier and you took a statement from Frazier who did
2 law enforcement call next?

3 A Who did law enforcement call next?

4 Q Did you all call Hi Point maybe?

5 A Oh, yes, sir. We learned the information and we called
6 Hi Point to discover a little bit more about -- Mr. Frazier
7 had made mention in his statement --

8 MR. ABLE: Objection to what Mr. Frazier said.

9 THE COURT: Sustained.

10 Q So not what Mr. Frazier said, but what did you all do
11 after you spoke with Mr. Frazier and you took his statement?

12 A We called Raines -- excuse me. We called Hi Point.

13 Q What did you ask them.

14 A We asked them had the Defendant, Darrell Raines,
15 shipped the gun to them. And they told us --

16 MR. ABLE: Objection.

17 THE COURT: Don't repeat what was told to you. Is this
18 Hi Point?

19 Q Yeah. What is Hi Point, by the way?

20 A Oh, it's the gun -- where they make the Hi Point guns.
21 The manufacturer of Hi Point guns.

22 Q Where are they out of?

23 A I don't know.

24 Q But you called them and you asked them had he shipped a
25 gun to them?

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1 A Greenville County, but I was there.

2 Q And the question was had Darrell Raines shipped a gun
3 to you guys?

4 A Yes, sir.

5 Q After that were you involved with getting a search
6 warrant?

7 A Along with, again, Antonio Bailey with Greenville
8 County.

9 Q What was the search warrant for?

10 A We obtained records that it was coming back.

11 Q The gun was coming back?

12 A It was getting shipped back.

13 Q Okay. Were you ever able to learn what the gun was
14 that he shipped to Hi Point that you called about?

15 A Yes, sir. It was a Hi Point .380.

16 Q A .380?

17 A Yes, sir.

18 Q All right. Now, when you all asked him do you have a
19 gun he said a 9 millimeter?

20 A Yes, sir.

21 Q He never said anything about a .380?

22 A No, sir. He didn't.

23 Q And were you privy to the caliber of the clip that was
24 found out in the field on Bramlett Church Road?

25 A Yes, sir. It was a .380.

1 Q That was a .380?

2 A Yes, sir.

3 Q And did the clip have a manufacturer on it?

4 A I don't recall. I believe it did, but I don't recall.

5 Q Okay. But it was a .380 caliber?

6 A Yes, sir.

7 MR. SCOTT: I think that's all.

8 Q Well, let me ask you this real quick. I don't think
9 we've done this. This field, Bramlett Church Road. What
10 county is that in?

11 A Laurens County.

12 Q You did the -- you did the interview on the 29th. You
13 filmed it and recorded it and we're going to show that in
14 the morning. But when was he arrested?

15 A The 29th. That night.

16 Q And when was the body identified as Myranda Southern?
17 The 29th?

18 A Yes.

19 Q What did you charge him with?

20 A Murder and possession of a weapon in the commission of
21 a violent crime.

22 MR. SCOTT: Thank you. Judge, I think this would be a
23 good time to stop for the day.

24 THE COURT: Okay. Mr. Foreman, ladies and gentlemen of
25 the jury, as indicated in the Officer's testimony, you will

1 be back up here in the morning for purposes of this
2 interview of the Defendant and any other matters that need
3 to be brought out through his testimony. And the interview,
4 as I understand it, takes about an hour, hour and a half.
5 So that would really push us up to about 6:30, and we're
6 going to go ahead and break for the day and start back at
7 9:30 in the morning. Be promptly back at the jury room and
8 we will continue this case. Appreciate your patience with
9 us. And maybe some of you have enjoyed the little walk to
10 and from. And I remind you again not to engage in
11 conversation with anyone this evening or in the morning
12 before you get back here. Again, I remind you don't do any
13 research on your own. Don't read any accounts of this case.
14 You notice we've had a camera in the courtroom, and I don't
15 know what is intended to be done there, but don't consider
16 to look at any media accounts of any kind. Okay? And we'll
17 start back at 9:30, and get another good night's rest.
18 Okay? Thank you.

19 (Whereupon, the jury was released for the day at 5:06
20 p.m.)

21 THE COURT: We'll be at recess until 9:30 in the
22 morning. Officer McIntosh, I know you know this, but I need
23 to remind you anyway. Since we're in the middle of your
24 testimony you cannot discuss anything related to this case
25 with any of the Solicitors or your fellow officers, anybody

1 concerning your testimony. Okay?

2 THE WITNESS: Yes, sir.

3 THE COURT: Thank you very much. See you in the
4 morning at 9:30. Off the record.

5 (Whereupon, court was adjourned at 5:06 p.m.)

6 TRIAL DAY 3-12/09/15

7 THE COURT: The videotape of the interview.

8 MR. ABLE: I understand that would be the next --

9 THE COURT: Right.

10 MR. ABLE: What we had talked about that last night
11 where the State would be willing to -- Judge, I was going to
12 object to the introduction of the video on several grounds.
13 Number one, there are -- I understand the State is wanting
14 to put it in through Officer McIntosh. He is in the video.
15 There are other persons in the video, law enforcement
16 officers. Mr. Bryant Cheeks of the Laurens County Sheriff's
17 Office, and then Mr. Cooper, I believe, of the Greenville
18 County Sheriff's Office. He speaks to my client during the
19 video. And then there are people in and out of the room who
20 I don't identify or didn't know. I would object, of course,
21 on the basis of hearsay. These persons, I don't believe,
22 are listed -- especially Mr. Cheeks, and I don't believe Mr.
23 Cooper. I believe that's his name, Cooper, are not listed
24 as witnesses. And, of course, I think it would be hearsay
25 and possibly unsworn testimony for a court -- for a jury to

1 see that.

2 The video -- and I don't attribute some of these things
3 to anybody there. I'm just saying that this is some of the
4 things that were addressed. I'm not saying it's Mr.
5 McIntosh, Mr. Cheeks or who. The -- some of the things
6 mentioned in the video that would be an introduction or
7 would allude to facts that are not into evidence. They at
8 many times discuss the possibility of there being videos.
9 Videotape recordings of my client's movements on the --
10 during the morning hours of August 19th, 2013 which I have
11 not, during the course of my representation, been presented
12 with any videos concerning that. Any type of -- they keep
13 discussing videos taken from the cameras on the interstates.
14 Things like that. And I haven't seen anything like that.
15 There are several times in there they make improper
16 conclusions of law. So they just are telling my client
17 things that I believe are inappropriate conclusions of law.
18 The end of it -- which I think that portion could be easily
19 redacted, but shows my client's arrest, handcuffs being
20 placed on him which I think, of course, would go toward a
21 question of presumption of innocence and a jury to be
22 influenced to believe that the Defendant is guilty just
23 because the police -- the police arrest him at that time.
24 Throughout the video several times they call my client my
25 liar. Tell him he's a bad liar. Demand that he tell the

1 truth. Again, they make misrepresentations. This goes back
2 to the video issues I was talking about a moment ago.
3 Misrepresentations as to the strength and existence of
4 evidence against him. They reportedly misrepresent the fact
5 that they have these interstate videos showing him his
6 movements that morning of August 19th. They repeatedly ask
7 him the same thing, or ask him to explain the same thing
8 over and over. At some points they make threatening
9 statements. At one point he's told he'll never see his
10 child again. And at one point -- I think it's Mr. Cooper
11 from the Greenville Sheriff's Office informs my client or
12 tells my client, state's to my client, that they have enough
13 to have him sit in the chair. I assume alluding to the fact
14 that they were going to seek a death penalty case against
15 him. And then parts of it they're telling him, or someone
16 -- again, I'm not attributing these to any one person. That
17 there are mention that he needs to get right with his heart
18 and do the right thing and that kind of stuff. So for those
19 reasons, I would ask that the court suppress the videotape
20 as a whole and keep it out. There are certain parts, I
21 guess, that there's not anything like that said, but it runs
22 -- these type things run throughout the video, and it's a
23 pretty lengthy video.

24 THE COURT: Well -- and I'll hear from the State in
25 just a second. On a purely hearsay objection, I don't think

1 anything that the officers say are being offered to the
2 truth of the matter asserted. However, if you are arguing
3 -- or your basis for the suppression is that whatever was
4 said by the Defendant was not voluntary, that it was coerced
5 in some manner, if that's what you're kind of getting at,
6 because of these statements that you claim to be
7 misrepresentations statements as to law, maybe references to
8 the death penalty and things of that nature, then I think we
9 need to take a long hard look at this interview, if that's
10 where you're coming from.

11 Again, on a purely hearsay argument, I'm not real
12 concerned -- of course, I'm going to have to look at the
13 video evidently, but I'm not so certain that it's going to
14 be a hearsay situation. But we may have a coercion type
15 involuntary situation.

16 Is that kind of where you're coming from? I mean, I'm
17 not trying to speak for you, Mr. Able, but I'm trying to get
18 a good feel for where we are with this interview.

19 And I will -- let me just say this. Of course, I
20 realize in Newberry two weeks ago, whenever it was, when we
21 dealt primarily with a cell phone issue, we didn't deal with
22 this. And, of course, I issued an order finding that the
23 statement was voluntarily made and admissible. However,
24 that was in a motion for limine and I don't think that would
25 necessarily prevent you from litigating this.

1 MR. ABLE: Yes, sir.

2 THE COURT: Because we really didn't get into that.
3 The arguments you're making now. We really didn't -- I
4 think it was a pretty short Jackson vs. Denno --

5 MR. ABLE: Yes, sir.

6 THE COURT: -- hearing if I recall correctly.

7 MR. ABLE: Judge, I don't think I'm -- the basis of my
8 motion is not so much that the responses from my client are
9 coerced or that he didn't -- you know, that he be compelled
10 to make certain responses to certain questions. My
11 objection is as to the questions that -- the questions
12 themselves. The statements made. A jury being -- having --
13 seeing the manner in which these questions are being asked.
14 I'm not saying that I think his responses were coerced or
15 forced. I'm saying that it's just that these statements
16 being made in the way that they are, and the statements
17 themselves I think would influence a jury.

18 THE COURT: Let me hear from the State your response.
19 It's not necessarily, if I understood them correctly, you're
20 not arguing that the behavior was necessarily coercive in
21 obtaining involuntary statements by the Defendant. But what
22 you're saying is that the statements were inappropriate in
23 some fashion that could be -- that could carry some
24 prejudicial influence on the jury. Is that --

25 MR. ABLE: Yes. I mean, them calling him a liar

1 repeatedly. That's something that wouldn't -- if they were
2 -- if they were being taking life testimony that wouldn't be
3 allowed. That's exactly what my point is. The manner about
4 which they asked these questions. The comments they make to
5 him I think would be inappropriate and would cause the jury
6 to be -- it would be highly prejudicial of him.

7 THE COURT: Solicitor?

8 MR. SCOTT: If I was a defense attorney I'd argue the
9 reverse. I'd say look at this law enforcement who's overly
10 aggressive, foaming at the mouth, acting like a jerk, you
11 know, and here he is being cool, calm and collective.
12 That's kind of how I would argue it if I was a defense
13 attorney. I think there's a flip side to this whole thing.
14 I don't know how I can control the way these guys interview
15 these people. But I don't see it as being overly
16 prejudicial where the jury should be kept from seeing this
17 interview, and I'm certainly not interested in anything the
18 officers are saying. I want to focus on what he's talking
19 about, and I think that's what the jury is going to do as
20 well. If they call him a liar, I don't remember that. I
21 plan on calling him a liar in my closing. I mean, so I
22 don't know -- that's not really in evidence. And I don't
23 know that the jury would be persuaded by the fact they're
24 calling him a liar. I just -- I can't figure out a way to
25 chop the video up where get rid of like some of these

1 tactics. And maybe I can, on direct, you know, question
2 McIntosh about some police procedures as far as
3 interrogation. Like they might have to play good cop, bad
4 cop in order to ascertain a certain statement. Ultimately
5 I'll tell the court that there really wasn't any confession.
6 There's some inconsistencies in his statement and what we
7 now know to be true through surveillance and everything
8 else. But ultimately they were unsuccessful if they were
9 trying to scare him into some kind of confession. But I
10 don't see that. I think the vast majority of these
11 interrogations involve some sort of behavior like this. And
12 as far as the video cameras, I think that's a police ruse
13 type thing. From what I remember they're telling him, well,
14 you know, you better go ahead and come clean because we got
15 cameras up and down the interstate filming all the cars that
16 we're going to catch you, and ultimately it was unsuccessful
17 because he wasn't persuaded into saying, well, yeah, you're
18 right. I was down in Gray Court. I just don't see -- for
19 those reasons I don't see any reason they should keep the
20 video out.

21 If Bryan can provide a time stamp on the electric chair
22 reference we could perhaps, with some time, cut that out or
23 edit it somehow. I don't recall that specifically. But
24 it'll take some time. And again, I had hoped to address
25 this when we did the statement -- or the Denno in Newberry

1 on some of these issues. But I understand that this might
2 have been called later on.

3 But as far as an office just kind of being
4 heavy-handed, I think that is to be expected in an
5 interrogation of a murder suspect.

6 THE COURT: Well, you know, the dilemma that I'm in at
7 the present is, you know, in order to make a proper ruling,
8 you know, do I need to view this video. I think it's, what,
9 about an hour and a half --

10 MR. ABLE: Yes, sir.

11 THE COURT: -- is what you said yesterday, to make an
12 appropriate ruling. You know, it does not -- Mr. Able,
13 since you are not arguing coercion that caused some
14 involuntary statements to be made, I'm not necessarily real
15 concerned about police tactics. I almost have to, to some
16 extent, agree with Solicitor Scott that that might be
17 working in your advantage. The police give you some
18 arguments to make to the jury to really cast some --
19 something against the police. But I think in all fairness
20 for me to intelligently, you know, make a ruling, I think
21 I'm going to have to look at the video in-camera.

22 MR. SCOTT: Well, perhaps if Mr. Able had the specific
23 time points. He did reference a couple things that he was
24 concerned with. Maybe we don't have to watch the entire
25 thing in-camera, but --

1 THE COURT: Well, I think Mr. Able kind of said this.
2 His concerns kind of go throughout the whole video.

3 MR. ABLE: There are certain points. Judge, as far as
4 like -- I think Officer Cooper alluding to we have enough to
5 put you in the chair, that's at the end. I can tell you
6 that. And then the part about you need to get right with
7 your heart, or something like that. That's at the end. So
8 those can be identified. But some of these others are kind
9 of throughout the video. Talking about video cameras and --

10 THE COURT: Well, of course, regardless if I keep the
11 video in, even with whatever redactions that may come about,
12 certainly I would instruct the jury that anything said by
13 the police officers during the entire interview are not
14 evidence, because they are to -- the interview is -- their
15 consideration of the interview is what the Defendant either
16 said or did not say. That is their focus and not on
17 whatever the police officers may have said and that's not
18 evidence. So, I mean, I'll definitely do that.

19 So, you know, here's our choice. We can go ahead and
20 let me look at the interview in its entirety, or if you want
21 to try to get with the Solicitor and try to collect some of
22 the main things and redact those, then we can go on with it.

23 MR. ABLE: I think that would be very difficult, Your
24 Honor.

25 THE COURT: All right. And let me just say this, and

1 I'm not prejudging. But from what I'm hearing, probably I
2 will not suppress it. But again, I'm not prejudging your
3 motion without seeing it. So here's what I'm going to do.
4 I'm going to bring the jury out and tell them that -- to
5 avoid them having to sit back there for probably an hour and
6 a half to two hours, I'm going to go ahead and cut them
7 loose and have them come back in a couple of hours. Okay?
8 So that's what we're going to do.

9 And just for your information, one of the jurors, Lynn
10 -- is it Hoefer? Lynn Hoefer, that's juror number 85, has
11 been excused. She called in and indicated she had a stomach
12 virus all night, and even though she wanted to remain on the
13 jury she could not be able to be here today. So alternate
14 one, which is Tonya Littleton, juror number 115, will be
15 replaced -- or be the replacement. Okay?

16 So what that means is, if I have them come back at
17 12:00 they're just going to have to get their early lunch
18 and we may even miss lunch because we need to -- we need to
19 plow ahead the best we can. Okay?

20 Anything else before we bring the jury out to excuse
21 them?

22 MR. SCOTT: Yeah, Walter tells me we got a Kodak --
23 some kind of -- something installed in the laptop that
24 allows us to play the video. So we've got two laptops that
25 will play them. So I guess we can just play it out here,

1 Your Honor, or else send one of our laptops back with you to
2 watch them.

3 THE COURT: What -- you mean show it on the screen?

4 MR. SCOTT: Yes, sir.

5 THE COURT: Yeah, let's -- what do you think is going
6 to be better for us? Do it out here or go back in chambers?

7 MR. SCOTT: Well, the way -- I think we can just do it
8 out here, because Walter's got it hooked up where it's --
9 the audio is real good on it and we should just --

10 THE COURT: All right. Mr. Bolt, let's bring the jury
11 out so I can cut them loose for a couple of hours.

12 (Whereupon, the jury entered the courtroom at 10:00
13 a.m.)

14 THE COURT: Good morning, ladies and gentlemen. A
15 couple of things. One, and you probably have already
16 realized this, Lynn Hoefer is not here with us today. She
17 called into the Clerk's Office and indicated she had a
18 stomach virus last night and still has it. And even though
19 she wanted to continue serving, she just was not able to
20 physically. So I have excused her, and I will appoint the
21 first alternate. Ms. Littleton, you are now on the 12. So
22 the next time you come back in then just sit with the 12.
23 Okay?

24 Secondly, I've got a matter that has arisen that's
25 probably going to take anywhere from an hour and a half to

1 two hours outside of your presence, and I would assume that
2 you would rather not sit back in the jury room for an hour
3 and a half to two hours. Okay? So what I'm going to do,
4 I'm going to go ahead and excuse you for two hours. It's
5 five after 10 right now. I'm going to need for you to come
6 back about 12:00. Consequently that means you need to take
7 a little early lunch. I think we're probably going to end
8 up missing lunch today. But that's fine. That's fine.
9 That's all part of the job. So get you something to eat
10 before you get back and come back to the jury room at 12:00.
11 Okay?

12 Again, don't discuss anything related to this case
13 among yourselves or anybody that you come into contact with
14 during this unexpected two hour break. Okay? Thank you
15 very much.

16 (Whereupon, the jury exited the courtroom at 10:06
17 a.m.)

18 THE COURT: We'll take a short little recess and give
19 you a chance to get set up. And then when it's ready to go,
20 if -- just let Mr. Bolt or somebody -- Officer Turner know
21 to come get me. Okay?

22 (Whereupon a recess was held from 10:06 a.m. to 10:27
23 a.m.)

24 (In-Camera viewing of August 29, 2013 Police Interview
25 from 10:27 a.m. to 1:17 p.m.)

1 THE COURT: We're back on the record. We have
2 concluded the in-camera viewing of the August 29th interview
3 with the Defendant by law enforcement.

4 Mr. Able, do you want to put this on the record?

5 MR. ABLE: Yes, sir. Just reiterate the -- my client's
6 position concerning the video now that the Court has seen it
7 in-camera. I think the points that I had made earlier this
8 morning before the Court watched it I think were obviously
9 present in the video as far as my objection on the hearsay
10 issue. Mr. Cheek, Mr. Bryant Cheek of the Laurens County
11 Sheriff's Office, essentially testifies for most of the
12 video. From the point -- and I'm going to use -- there was
13 a point that the Court will remember where Mr. McIntosh of
14 the Sheriff's Office, he leaves the room for the first time
15 and Mr. Cheek is asking -- questioning my client about the
16 make and model of the vehicle he drives. That's pretty much
17 the dividing point for me when I watched the video. Pretty
18 much everything prior to that, from the beginning of the
19 video up to where Mr. McIntosh leaves I don't see that as
20 objectionable. From that point, Mr. Cheek is in the room
21 with my client by himself. And then from that point to the
22 end of the video I think would be objectionable. Basically,
23 as I said, the hearsay objection with Mr. Cheek over and
24 over again saying this is what we know. These are the
25 facts. The -- numerous times. I lost count of the times my

1 client was essentially called a liar. Told him many times
2 he was a bad liar, demanding that he tells the truth. I
3 think, Judge, on that, I think it would essentially shift
4 the burden. I mean, of course, that would be improper in a
5 courtroom to say something like that. And I think what it
6 is going to do in the mind of this jury is to say, okay, the
7 police have said he's a liar. They told him he's a liar.
8 It essentially shifts the burden from the State to the
9 Defendant to prove his innocence. I think it's a violation
10 of the Fifth Amendment of the U.S. Constitution where my
11 client -- it's almost compelling him to testify so he can
12 deny, you know, the fact that they're saying over and over
13 and over again repeatedly that he's a liar.

14 The next thing I'd mention is when the
15 misrepresentations as to the strength and the existence of
16 the evidence against Mr. Raines repeatedly misrepresented by
17 telling him -- I've made notes, but it's a voluminous list.
18 But it's primarily the issues dealing with the video saying
19 that they have -- I think at one point he says, look, we can
20 pull it up on the computer. We've got your tag. A picture
21 of your tag going down the interstate, and then that pulls
22 up a picture of your -- you know, a picture of you and
23 matches the two. And at one point Mr. Cheek says something
24 to the effect that 385 knows you're a liar, talking about
25 the videos and how they can just, you know, dial it up on

1 the computer and they can pull it up and see, track the
2 movements of anyone. And they're implying to my client that
3 they were tracking his movements at that time.

4 Up to the point where I mentioned a moment ago where
5 it's kind of like the breaking point in the video from me,
6 beginning to where Mr. McIntosh first leaves the room.
7 Really, if you look at the video, from that point on it's
8 basically just repeating over and over and over again what
9 they accomplish in that first part of the video. So I think
10 it's just repetitively asking the same questions and getting
11 the same answers. We would object on that basis.

12 And then, of course, I mentioned the directing
13 statements where -- and I think I misquoted it this morning,
14 but we have enough essentially to place you into the
15 electric chair. I didn't think he said electric chair. And
16 then alluding -- I think at one point he said something
17 after that that you'll never see your child again, or
18 somebody said on that you'll never see your child again.

19 Judge, in support of our position, I would point to the
20 case of State vs. Brewer, a South Carolina case, 411 S.C.
21 401, decided this year, 2015. But for those reasons, we
22 would ask that the video be excluded.

23 THE COURT: What does State vs. Brewer say?

24 MR. ABLE: Judge, in a lot of -- it basically -- it's
25 kind of giving the Court -- or giving the Court's directive

1 as to on these type things where -- it basically just --
2 it's a cautionary opinion, in my opinion. It didn't really
3 just come down and say this is a hard and fast rule.
4 Basically it says that. It says "Caution must be exercised
5 in the admission of such evidence to ensure that out of
6 court statements are either admissible or a valid
7 non-hearsay purpose or as an exception to the hearsay rule
8 in order to safeguard against an end run around the
9 evidentiary and constitutional proscriptions against the
10 admission of hearsay." And in all fairness it does say, "To
11 that end, we remind --" and they're quoting from a North
12 Carolina case, which is in this case. "To that end, we
13 would like to remind trial courts that questions -- that the
14 questions police pose during suspect's interview may contain
15 false accusations, inherently unreliable, unconfirmed or
16 false statements, inflammatory remarks that constitute
17 legitimate points of inquiry during a police investigation
18 but that would otherwise be inadmissible in open court. The
19 wholesale publication of a recording of a police interview
20 to the jury, especially law enforcement's investigation
21 investigatory questions might very well violate the
22 proscriptions against admitting hearsay or Rule 403 causing
23 trial courts to be vigilant -- and cautioning trial courts
24 to be vigilant and redacting it excluding problematic
25 portions of law enforcement's investigatory questions." It

1 goes on to say, "Law enforcement's ad nauseam insistence
2 that Brewer -- in this case Brewer prove his innocence has
3 no place before a jury." I would -- I would take the
4 position that essentially saying -- calling him a liar,
5 saying over and over again you're a liar and you are a bad
6 liar, I think that -- to me that equates to prove your
7 innocence. And the court here said that that's something
8 that has no place in front of a jury. Thank you, sir.

9 THE COURT: Let me take a look at this. Anything from
10 the State? Let me take a look at this Brewer case.

11 (Whereupon, a brief pause was held.)

12 THE COURT: From what I'm hearing Mr. Able say is that
13 he's -- State vs. Brewer was dealt with the situation where
14 the investigators kept stating to the defendant that he had
15 to prove his innocence. I think that was the main crux of
16 that opinion. Correct, Mr. Able?

17 MR. ABLE: Yes, sir.

18 THE COURT: But what I'm hearing Mr. Able say is that
19 he is equating the numerous references that the defendant in
20 this case was lying, or not telling the truth, and Mr. Able
21 is equating that to be the same thing as saying you must
22 prove your innocence. Would that be a fair statement, Mr.
23 Able?

24 MR. ABLE: Yes, sir.

25 THE COURT: Solicitor?

1 MR. SCOTT: Well, Your Honor, as the Court would
2 probably recognize, I deal with analogies. So if he was to
3 take a stand here, certainly I will be able to cross-examine
4 him. I would not be able to shift the burden and ask him to
5 prove his innocence. However, I would question different
6 inconsistencies with his story as compared to the evidence
7 we were able to produce at trial. And I would equate a
8 situation like that to what's going on in our interrogation
9 of Mr. Raines. At no time do they ask the man, you know,
10 prove your innocence. You can prove your innocence, can't
11 you, and ask him where were you that night. What did you do
12 with the money. Why did you get the ATM card Saturday in
13 one statement and you said Sunday in the other. I won't
14 equate that to them shifting the burden on him. It's a
15 ask/answer type situation.

16 What's troubling in the Brewer case, which I think
17 really kind of got the Court of Appeals riled up, was the
18 defendant in that case attempts to stop the interrogation
19 multiple times, and that seems to be the one glaring issue
20 in that case.

21 You're right though. In the Brewer case multiple times
22 they say, well, you know, saying that gun -- I'm saying that
23 gun will prove you are absolutely innocent, along with, help
24 me prove you're innocent. You're the only one out here
25 that -- and you just absolutely don't want to prove yourself

1 innocent. That seems to be in stark contrast to what we
2 have here with -- all I really heard in the interrogation
3 was just posing questions and then asking him for answers.
4 I don't -- I don't really equate that with shifting the
5 burden.

6 THE COURT: No. I think what the -- I counted 14, and
7 probably there's maybe more, but I counted 14 different
8 statements, primarily by Officer Cheek, that either, Mr.
9 Raines, you're lying. Mr. Raines, you're not telling the
10 truth. Words to that. And I think what Mr. Able is saying,
11 those statements are saying that, Mr. Raines, prove your
12 innocence.

13 MR. SCOTT: Judge, let me answer that. If Raines takes
14 the stand tomorrow and he gets up there and tells his side
15 of the story and I go to him and say that's just not the
16 truth though, is it. That's not the truth. You're telling
17 me that's the truth. That's not the truth, is it. I can
18 cross-examine him all day long saying -- that's not shifting
19 the burden. And that would be a proper cross-examination.

20 THE COURT: What I'm going to do, I'm going to deny the
21 motion to suppress. I will -- consistent with what I told
22 the lawyers back in chambers, I will want the statement made
23 by the officer at the end that there's enough evidence to
24 give him the electric chair, I believe that is totally
25 improper. It causes the Court great concern that that

1 statement was made. And also redact the arrest. All that
2 taking place at the very end. And presumably Mr. Bentley
3 has already cut it off.

4 I would ask when it's played again maybe the volume
5 turned down just a little bit --

6 MR. SCOTT: Yes, sir.

7 THE COURT: -- because of the numerous instances of
8 talking over everybody, and it was so loud it was kind of
9 hard to sit through. But nonetheless, that's my ruling.

10 And I am going to instruct the jury several things when
11 they come back out before they see the video. One is I will
12 explain that there is a small portion at the very end that
13 was redacted. That was done by agreement. They should
14 place no significance to that. Two, that anything said by
15 the police officers is not evidence and not to be considered
16 by them. And again, I'll just reaffirm the fact that the
17 State has the burden of proof.

18 Anything else?

19 MR. ABLE: No, sir.

20 MR. SCOTT: No, sir.

21 THE COURT: All right. Mr. Bolt, bring the jury out,
22 please.

23 (Whereupon, the jury entered the courtroom at 1:40
24 p.m.)

25 THE COURT: Ladies and gentlemen, first of all, thank

1 you for your patience, and I know you all are probably in
2 agreement that I didn't do a very good job of estimating the
3 amount of time that we needed to deal with several matters.
4 Sometimes the Court is not correct in estimating time. So,
5 nonetheless, we've been working, and just a very little bit
6 of time that we allowed anybody to go get lunch, and I don't
7 think anybody has because we've been working.

8 In just a moment the State is going to, as far as their
9 case, play a video of an interview that was conducted by law
10 enforcement with Mr. Raines. And let me explain several
11 things to you. One, by agreement there's a portion at the
12 very end of this video that was what we call redacted or
13 taken out. So at the very end if it looks like it just kind
14 of stops at a funny place, that is the reason for that. You
15 are to place absolutely so significance in the fact that a
16 portion -- a small portion, but nonetheless a portion of
17 that video was taken out and not for your viewing.

18 Secondly, anything that the police officers say during
19 the course of this interview is not evidence and is not to
20 be considered whatsoever as evidence in this case.

21 Thirdly, I'll remind you, and we'll explain this in
22 great detail at the conclusion of this case, but it's
23 already been mentioned at the outside, the State has the
24 burden of proof to prove each and every element of these two
25 offenses beyond a reasonable doubt is standard. The

1 Defendant has no obligation whatsoever to prove anything.

2 It's to the State to prove each and every element beyond a
3 reasonable doubt. Keep that in your mind as we continue
4 through this case. Okay?

5 All right. This video is about an hour and 45 minutes
6 long roughly, Solicitor?

7 MR. SCOTT: Yes, sir.

8 THE COURT: So we will play that. And after that is
9 played we'll certainly take a break after that is done.

10 All right. Solicitor, Mr. Bentley if you would assist
11 to get the video ready.

12 MR. SCOTT: Your Honor, this is State's 47 and we're
13 admitting into evidence at this point.

14 THE COURT: Mr. Able, subject to the objections made?

15 MR. ABLE: Yes, previously objections and the previous
16 ruling. Yes, sir.

17 (Whereupon, State's Exhibit No. 47 was admitted into
18 evidence.)

19 THE COURT: Right.

20 MR. ABLE: Thank you.

21 THE COURT: If you believe that the sound is a little
22 bit too high or too low speak up.

23 (Whereupon, State's Exhibit No. 47, August 29, 2013
24 Police Interview, was published to the jury.)

25 THE COURT: All right. Ladies and gentlemen, we're

1 going to take a break. And again, as I told you at the
2 outset of this video, anything that the police officers said
3 during this entire interview is not evidence for you to
4 consider in this case. Go back to the jury room, take a
5 break, and we'll get you back out shortly. Again, no
6 discussions among yourselves about this case.

7 (Whereupon, the jury exited the courtroom at 3:33 p.m.)

8 THE COURT: All right. We'll be at recess about 15
9 minutes.)

10 (WHEREUPON, a recess was held from 3:33 p.m. to 3:55
11 p.m.)

12 THE COURT: We're back on the record. Are we ready for
13 the jury?

14 MR. SCOTT: Yes, sir.

15 THE COURT: Okay. Mr. Bolt, bring the jury out,
16 please.

17 (Whereupon, the jury entered the courtroom at 3:55
18 p.m.)

19 THE COURT: Officer McIntosh, I'll remind you you're
20 still under oath from yesterday, sir.

21 THE WITNESS: Yes, sir.

22 THE COURT: You may proceed, Solicitor.

23 Q State's 47. That's what we just watched?

24 A Yes, sir.

25 Q And that was the entirety of the interview you

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1 conducted on the 29th of August?

2 A Yes, sir.

3 Q And that was you giving him his Miranda warnings in the
4 beginning?

5 A Yes, sir.

6 Q And he seemed to understand his rights not to answer
7 any questions or continue answering questions?

8 A Yes, sir.

9 Q And did he seem to be under the influence of anything?

10 A No, sir. Not at all.

11 Q And you recall that interview?

12 A Yes, sir.

13 Q So you recall on there where you talked about working
14 on Myranda's laptop?

15 A Yes, sir.

16 Q And, let's see. He said the last time he saw her was
17 the morning of the 18th, Sunday morning; is that correct?

18 A Yes, sir. Sunday morning.

19 Q And that's when he told you he got her ATM card?

20 A Yes, sir.

21 Q You asked him if he owned a gun and he said what kind
22 of gun did he have?

23 A He said he had a 9 millimeter Hi Point.

24 Q And it was in his truck?

25 A Yes, sir. It was.

1 Q Did you participate in retrieving that 9 millimeter?

2 A No, sir. Greenville County did that.

3 Q Did you ever get to see it?

4 A No, sir.

5 Q Just really the last thing. But up there he talked
6 about getting \$500 in total from the ATM. And where did he
7 say he put the money after he left the ATM?

8 A In an end table at the corner of a couch.

9 Q And where did he say he put Myranda's ATM card?

10 A With the money.

11 MR. SCOTT: Lieutenant, answer any questions Mr. Able
12 has for you.

13 THE COURT: Cross-examination.

14 MR. ABLE: Thank you, sir.

15 CROSS-EXAMINATION

16 BY MR. ABLE:

17 Q Lieutenant you're the lead investigator on this case?

18 A Yes, sir.

19 Q And you were one of the first ones out there on
20 Bramlett Church Road?

21 A Yes, sir. Along with -- well, first responding
22 deputies was already there, then myself. And then the two
23 other investigators showed up.

24 Q Mr. Blackmon and Mr. Cheek?

25 A Yes, sir.

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1 Q All right. And that was when Ms. Yates, who testified
2 yesterdays, she came out? She's the one that called 911
3 that day, correct?

4 A Yes, sir. I believe it was her or either her
5 boyfriend.

6 Q Mr. Bohannan?

7 A Bohannan, yes, sir.

8 Q And that was August 23rd of 2013?

9 A Yes, sir.

10 Q And that's not the first time there had been a call
11 about this problem out there on Bramlett Church Road, was
12 it?

13 A No, sir. It wasn't.

14 Q The day before Ms. Yates had called and reported
15 something in that field, hadn't she?

16 A Yes, sir.

17 Q And a deputy responded?

18 A Yes, sir.

19 Q And there was a report done?

20 A Yes, sir.

21 Q And the deputy went out there and didn't bother to even
22 walk over in the field to see what was in the -- what the
23 problem was?

24 A Right.

25 Q All right, sir. Now, you understand, of course, that

1 the magazine and the bullets that were found in that
2 magazine, Exhibit -- State's Exhibits 18 and State's Exhibit
3 14, there was no fingerprints on those?

4 A Right. Only small ridges.

5 Q And there was no DNA evidence on those?

6 A No, sir.

7 Q That's right?

8 A Right. That's correct.

9 Q Now, after SLED had done what they needed to do that
10 day and your office had done what they needed to that day
11 you thought it wise to go up to Kellett's store right up
12 there on 101, correct?

13 A Yes, sir. I believe it was the same day.

14 Q You went up there and you spoke to Mr. -- I think his
15 name is David Kellett?

16 A Yes, sir. He's the owner of the store.

17 Q Right. And you were aware that there were video
18 surveillance cameras outside?

19 A Yes, sir. I've -- with my experience I've used those
20 cameras before in incidents; the gas drive offs, or a car
21 was stolen one day during the daytime and we was able to
22 pull video.

23 Q And that store sits right into Highway 101, correct?

24 A Yes, sir. It's almost --

25 Q It sits right there at the intersection?

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1 A Just a little ways up on Bramlett Church.

2 Q It sits right almost right there --

3 A You have to go Bramlett Church and the store is on the
4 left, coming out of Gray Court.

5 Q Right there on the left?

6 A Yes, sir.

7 Q And there's quite a number of -- Mr. Kellett has a lot
8 of -- quite a number of cameras?

9 A He has, of course, inside cameras, and he has outside
10 cameras that point toward the gas pumps, and that's -- would
11 be toward the road. Yes, sir.

12 Q And you reviewed all those videos?

13 A Yes, sir. I did.

14 Q And from reviewing those videos you couldn't place my
15 client's vehicle on Highway 101 turning there at Bramlett
16 Church Road during the morning hours of August 19th, 2013?

17 A No, sir. Not at night. It was the way the headlights
18 and the speed it's unable to determine. I did see
19 headlights, but I was not able to determine whether it was a
20 truck or car.

21 Q And it didn't show -- for that fact, it didn't show Ms.
22 Southern's car either? You couldn't make out --

23 A No, sir. I couldn't -- I couldn't determine. During
24 daytime the camera is good, but at nighttime it's different.

25 Q And in looking at the video a few moments ago when

1 Officer Cheek says -- he's talking about videos, he said
2 even in Gray Court, and I assume he was talking about Mr.
3 Kellett's video?

4 A I can't answer that. I don't know if he was talking
5 about Gray Court or if he was talking about Kellett's or
6 not. We had viewed the video the best we could, so it could
7 --

8 Q But you don't know of any other videos that were viewed
9 by your office in relation to this investigation other than
10 those of Mr. Kellett's at Gray Court?

11 A And other than the Bi-Lo in Simpsonville.

12 Q Right. No, I'm just asking about Gray Court for right
13 now.

14 A Right, yes.

15 Q He made mention, you know, about the camera and he
16 said, you know, you can't even go through Gray Court without
17 a camera seeing you.

18 A Yes, sir. He did.

19 Q All right. And Officer Cheek said something about --
20 in the video about he had my client's picture in his truck
21 going down the highway. Going down the road that morning.
22 There's no picture of him in the truck, is there?

23 A Other than the one at the ATM.

24 Q Right. You know what I'm talking about. He was
25 telling my client on that video I've got a picture of you in

1 your truck going down the road that night, and there's no
2 such picture, is there?

3 A No, sir.

4 Q And on the video you're telling my client, you and him
5 both, about -- you know, we got you going down 385 coming
6 and going on these Highway Department cameras that are on
7 these poles on the interstate. There's no such videos, are
8 there?

9 A There is video out there but it's not recordable.
10 There is cameras on the interstate but it's not recordable.

11 Q My point is, you all are saying we've got videos of you
12 going up and down the highway. You all don't have those
13 videos of my client going up and down the highway?

14 A No, sir. There's no video there.

15 Q And you mentioned a moment ago about the Bi-Lo video.
16 There's nothing on that Bi-Lo video, is there? Surveillance
17 video?

18 A Only at one part we did see headlights and that's all.
19 You couldn't see anything or make anything out as far as car
20 or truck.

21 Q And on August 28th of this year -- I'm sorry. August
22 28th of that year, 2013, you examined Ms. Southern's vehicle
23 firsthand?

24 A No, sir. Greenville -- Greenville County processed the
25 car when it was found. I did -- I did view the car.

- 1 Q Right. That's what I'm asking.
- 2 A Afterwards. Yes, sir.
- 3 Q You viewed it.
- 4 A Yes, sir.
- 5 THE COURT: Let me stop you all. Try not to talk over
6 one another --
- 7 MR. ABLE: I'm sorry.
- 8 THE COURT: -- Mr. Able, Officer McIntosh.
- 9 THE WITNESS: Okay. I'm sorry.
- 10 Q But you went and viewed the video -- I mean, viewed the
11 vehicle?
- 12 A Yes, sir.
- 13 Q But Greenville processed it?
- 14 A Yes, sir.
- 15 Q Do you know the results of that?
- 16 A No, sir. I mean, there is no results. They took what
17 they did out of the car.
- 18 Q Took what they did out of the car?
- 19 A Yes, sir. I've got the -- I've got what they took out
20 of the car.
- 21 Q And they processed it for fingerprints and DNA and
22 everything they do. I guess blood, fibers, hairs, things
23 like that?
- 24 A Mostly looking, I'm sure, for blood and fibers of that
25 thing -- of that type.

1 Q And there was nothing from Ms. Southern's vehicle to
2 put my client in that vehicle?

3 A No, sir.

4 Q All right. And likewise with my client, you're aware
5 that -- with his vehicle you're aware that Greenville
6 processed his vehicle?

7 A Yes, sir. I was aware of it.

8 Q And they issue a report? Or they took stuff out and
9 did the same type investigation?

10 A Yes, sir.

11 Q Same type forensic investigation looking for DNA,
12 fingerprints. And there's nothing from your investigation,
13 or through your investigation, that you've learned that
14 would place Ms. Southern in my client's vehicle? No blood,
15 hair, DNA, fingerprints, anything of that nature?

16 A Nothing at that time that we could -- as far as DNA.
17 But we had known previously that she had been with him.
18 Previous testimony.

19 Q I'm saying in that vehicle you couldn't find anything
20 to say that she'd been in that vehicle?

21 A Not -- no, sir. The way you put it, no, sir. You're
22 correct.

23 Q All right, sir. And when you asked my client in the
24 video had he had any prior criminal problem, I think Mr.
25 Cheek said he's never been in trouble before? My client

1 doesn't have a prior criminal record, does he?

2 A Yes, sir. I believe that's what he said.

3 Q Does your investigation reveal differently?

4 A No, sir. No, sir.

5 Q And through your investigation there's -- you don't
6 have any eyewitness who can say my client and Ms. Southern
7 were together the morning hours of August 19th --

8 A Eyewitness, no, sir.

9 Q -- 2013? There's no witnesses?

10 A No, sir. No eyewitness.

11 Q Now, were you present when Detective Hoover interviewed
12 my client for the first interview?

13 A No, sir.

14 Q So you don't know what the two of them talked about?

15 A Only what I read in his statement. That's all.

16 Q And when my client said that he was the last one to
17 talk to Ms. Southern on the telephone that night, do you
18 know if Detective Hoover told him that? That he was the
19 last one to talk to her that night?

20 A I couldn't -- not that I know of. I couldn't really
21 say.

22 Q And you had asked him about a gun, and he told you he
23 owned a gun, right?

24 A Yes, sir. He owned 9 millimeter Hi Point.

25 Q And right after you had asked him about the 9 -- or

KENT TATHAM: DIRECT EXAMINATION

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1 asked him about a gun and he said, yes, I own a 9
2 millimeter, I think the next question, I think from Officer
3 Cheek, was where's the gun. Where is that gun, or something
4 of that nature.

5 A Yes, sir.

6 Q And I think that you and Mr. Cheek and Mr. Raines
7 started talking about that gun and the shells he had and
8 where it was and it was under a hat. You never came back
9 and asked him did he have another gun, did you?

10 A Not at that time I didn't, no.

11 MR. ABLE: Thank you, sir. That's all I have.

12 THE COURT: Anything on redirect, Solicitor?

13 MR. SCOTT: No, Your Honor.

14 THE COURT: Okay. Thank you for you testimony.
15 Officer, you can step down.

16 THE WITNESS: Thank you.

17 (Whereupon, the witness stepped down from the witness
18 stand.)

19 MS. BOYKIN: The State calls Kent Tatham.

20 KENT TATHAM, having first been duly
21 sworn, testified as follows:

22 MR. ABLE: Judge, can we approach for a moment?

23 THE COURT: Sure can.

24 (Whereupon, a sidebar was held.)

25 DIRECT EXAMINATION

KENT TATHAM: DIRECT EXAMINATION

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- 1 BY MS. BOYKIN:
- 2 Q Mr. Tatham, is that correct?
- 3 A That's right.
- 4 Q What's your occupation?
- 5 A I'm a pawnbroker.
- 6 Q So do you own your own shop?
- 7 A I do.
- 8 Q What's it called?
- 9 A Reds Pawn Shop.
- 10 Q Where is that located?
- 11 A In Greenville, 1225 Pendleton Street.
- 12 Q How long have you owned that shop?
- 13 A Thirty-three years.
- 14 Q What do you sell there?
- 15 A Everything.
- 16 Q Do you sell guns?
- 17 A I do.
- 18 Q I'd like to show you what's been marked as State's
- 19 Exhibit 48. What is that?
- 20 A That's a 4473 issues to do a federal background check
- 21 on someone wanting to purchase a firearm.
- 22 Q So does everyone that buys a gun have to fill these
- 23 out?
- 24 A They do, and they have to be approved by ATF.
- 25 Q What kind of information would they have to provide?

KENT TATHAM: DIRECT EXAMINATION

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1 A They have to provide their name, address, place of
2 birth, height, weight, date of birth, Hispanic, not
3 Hispanic, the state they live in, and if they're a United
4 States citizen.

5 Q And once they fill that out what do you do with that
6 form?

7 A We call it into ATF and they give you either a proceed,
8 a delay or a denial to proceed with the purchase.

9 Q Now, after someone fills this out and someone purchases
10 a gun what do you do with that form?

11 A It's kept on our -- in our store, in our records.

12 Q Are you required to keep that form?

13 A Yes.

14 Q For how long?

15 A I think forever.

16 Q Forever, okay. If you wouldn't mind, look at that
17 State's Exhibit 48 for me, please. Does that indicate that
18 a gun was purchased?

19 A Yes.

20 Q Can you tell me what type of gun was purchased?

21 A A Hi Point .380 pistol.

22 Q Can you tell me the name of the purchaser?

23 A Darrell Ervin Raines, Jr.

24 Q Can you tell me the date that it was purchased?

25 A 8/17/2013.

1 Q Can you read off the serial number for me, please?

2 A P8000136.

3 Q I want to show you what's been marked as State's

4 Exhibit 44. If you wouldn't mind, please tell me what type

5 of weapon that is.

6 A It's a Hi Point .380 automatic pistol.

7 Q Can you read off the serial number on that, please.

8 A P8000136.

9 Q Now, does that number match the number you just read
10 from State's Exhibit 48?

11 A Yes, it does.

12 Q So is State's Exhibit 44 the gun that you sold to
13 Darrell Raines --

14 A Yes, ma'am.

15 Q -- on August 17th? And this form, State's Exhibit 48,
16 you keep these forms in the ordinary course of your
17 business, correct?

18 A Yes, ma'am.

19 Q For years?

20 A Until we go out of business.

21 MS. BOYKIN: Your Honor, at this time we offer State's
22 Exhibit 48 for admission into evidence.

23 THE COURT: And what says the Defense?

24 MR. ABLE: No objection.

25 THE COURT: All right. 48 into evidence for the State.

KENT TATHAM: DIRECT EXAMINATION

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1 (Whereupon, State's Exhibit No. 48 was admitted into
2 evidence.)

3 MS. BOYKIN: Your Honor, permission to publish.

4 THE COURT: Certainly.

5 Q Now, Mr. Tatham, if you wouldn't mind, I'd like for you
6 to point out a few things for the jury. This right here is
7 the thing that you'll use. Could you please point out the
8 name of the person that bought this weapon?

9 A This is the last name, first and the --

10 Q And that's the address beneath?

11 A Yes, ma'am. That's the address.

12 Q Height, weight and birth date?

13 A Yeah.

14 Q And can you point to the type of weapon and the serial
15 number, please?

16 A This is the serial number.

17 Q Okay. Can you talk -- can you also point to the date
18 that it was purchased?

19 A Well, that's the transfer date. That's the same as the
20 date -- the date purchased is actually on a -- it's the
21 same. I think it's on the second page.

22 Q And does it also have a serial number on there as well?

23 A Well, that's the serial number.

24 Q And then that's -- what's next to that, the pistol?

25 A Yeah.

1 Q And then the caliber is --

2 A .380 is the caliber.

3 Q Now, this right here. What is that?

4 A That's our company.

5 Q And please point to the signature.

6 A And that's the date he signed it.

7 Q So that's the date that he purchased it?

8 A Yes, ma'am.

9 Q What does this mean?

10 A It was sold at the South Carolina Gun Collector's
11 Association Gun Show.

12 Q Does that mean it wasn't purchased at your pawn shop?

13 A That's right.

14 Q What is this gun show? What is South Carolina
15 Association's Gun Show? Do you normally go there and --

16 A Yes, we do a few shows a year there.

17 Q Okay. And you were there on August 17th, 2013?

18 A Yes, ma'am.

19 Q And Darrell Raines did purchase a .380 Hi Point from
20 you that evening?

21 A Yes, ma'am.

22 MS. BOYKIN: Thank you. Please answer any questions
23 Mr. Able has.

24 THE COURT: Cross from the State?

25 MR. ABLE: Thank you, sir.

KENT TATHAM: CROSS-EXAMINATION

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1 CROSS-EXAMINATION

2 BY MR. ABLE:

3 Q Mr. Tatham, a Hi Point .380, that's not a very uncommon
4 weapon, is it?

5 A No, sir.

6 Q And they're not -- I'm not trying to be disparaging,
7 but they're not really a very expensive gun?

8 A They're not. They're inexpensive.

9 Q And you sell a lot of Hi Points?

10 A Yes, sir.

11 Q You sell a lot of that model?

12 A Yes, sir.

13 Q And it's a very common firearm in this area?

14 A Yes, sir.

15 Q A very common firearm for people to have for protection
16 --

17 A Yes, sir.

18 Q -- or for whatever reason?

19 A It is.

20 Q And I assume that the fact that it's so common is
21 because it's -- it's a low cost firearm?

22 A It's an inexpensive, good -- operates well.

23 Q And you probably sell a lot of them out of your store?

24 A I do.

25 Q And you go to any other gun shows other than the one

1 you were discussing here?

2 A No. This --

3 Q This is the one in Greenville?

4 A Yeah, it's a local. It's close to our business, so we
5 do it to kind of promote our business there.

6 Q And they have it -- they have it there, what, two or
7 three times a year?

8 A It's five times a year.

9 Q Five times a year.

10 A We don't do it five times a year always. Sometimes,
11 but sometimes we don't do it that many times.

12 Q And are you a dealer with Hi Point?

13 A I sell. I'm -- yeah.

14 Q I mean, you're a listed dealer for them?

15 A Probably.

16 Q I don't know.

17 A We buy -- I don't buy -- Hi Point don't sell directly
18 to dealers. They sell to distributors and we buy them
19 through distributors.

20 Q All right. But there are a lot -- a lot of places in
21 the Greenville area and the surrounding area that --

22 A Yes.

23 Q -- sell Hi Point weapons?

24 A Probably every gun store in Greenville sells them.

25 Q And they would sell that particular model?

JAMES FRAZIER: DIRECT EXAMINATION

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1 A Yes.

2 MR. ABLE: Thank you, sir.

3 THE COURT: Redirect, Solicitor?

4 MS. BOYKIN: Briefly, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. BOYKIN:

7 Q Were you the only one that sold that particular gun to
8 Darrell Raines?

9 A Yes.

10 MS. BOYKIN: Thank you.

11 THE COURT: Thank you for your testimony, sir. You can
12 step down. You are free to leave the courthouse or you're
13 welcome to remain with us.

14 THE WITNESS: Thank you.

15 (Whereupon, the witness stepped down from the witness
16 stand.)

17 JAMES FRAZIER, having first been
18 duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. SCOTT:

21 Q State your full name for the record.

22 A My name is James R. Frazier, F-r-a-z-i-e-r.

23 Q Mr. Frazier, what is your occupation?

24 A I'm actually retired, but I sell guns. I've been
25 working in gun stores since I retired from the fire service.

1 Q August 2013 were you working at a -- I guess a gun
2 dealer --

3 A Yes, sir.

4 Q -- called Traders?

5 A Traders Gun Shop. Yes, sir.

6 Q Where is Traders Gun Shop?

7 A It's on Wade Hampton Boulevard in Greenville, South
8 Carolina. Well, actually it's Taylors, South Carolina.

9 Q And we were just talking about Form 4473.

10 A Yes, sir.

11 Q And what is that?

12 A Form 4473 is the federal form that has to be filled out
13 to do the background check on all firearms purchases.

14 Q So you're familiar with filling those out and --

15 A Yes, sir.

16 Q -- and selling guns to people and them having to fill
17 those forms out? Let me show you State's 49. Do you
18 recognize that?

19 A Yes, sir. This one was done at our shop. The shop I
20 worked at at that time. It has our stamp on it and also the
21 federal firearms license number on the back. It was sold by
22 one of the employees that worked for me.

23 Q And who is the -- I guess the person who purchased the
24 weapon on that particular 4473?

25 A Darrell Ervin Raines, Jr.

JAMES FRAZIER: DIRECT EXAMINATION

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1 Q And what type of pistol did he purchase?

2 A Purchased a Hi Point 9 millimeter compact. It was a
3 pistol, which means it's a semiautomatic.

4 Q Does it show when he purchased it?

5 A Purchase date was 8/20 of 2013.

6 Q August 20th he purchased a 9 millimeter. August --

7 A August 20th.

8 Q -- 20th.

9 MR. ABLE Judge, I'm going to lay an objection at this
10 time as far as the relevance. I don't know what this line
11 of questioning as to a 9 millimeter has any relevance to any
12 testimony as to what -- in earlier testimony in the case a
13 .380, and my objection is to the line of relevance as to the
14 9 millimeter.

15 MR. SCOTT: Three or four questions and it will be very
16 relevant.

17 THE COURT: I'm going to overrule the objection at this
18 point in time and get the Solicitor to delve a little bit
19 deeper. And if you feel compelled to object then, Mr. Able,
20 then feel free to do so.

21 Q Does that have a serial number on it?

22 A Serial number is P, as in pappa, 1233801.

23 Q Can you find the serial number on State's 43?

24 A Serial number is P, as in pappa, 1343801.

25 Q So is that the pistol Traders sold Darrell Raines on

1 August 20th, 2013?

2 A By serial number it is. Yes, sir.

3 Q At some point in August 2013 do you recall law
4 enforcement coming into your shop, Traders, to speak with
5 you about Darrell Raines?

6 A I do.

7 Q And do you recall some information you gave them about
8 Darrell Raines?

9 A I do.

10 Q Tell this jury what exactly you told them about Darrell
11 Raines.

12 A Well, on the 29th of August Mr. Raines came into the
13 shop and brought the firearm in that we just identified. He
14 said that the gun was jamming, was not working properly, and
15 wanted to know if we would take the gun back.

16 Q Now, at this time he's talking about the 9 millimeter?

17 A The 9 millimeter. This is correct.

18 Q All right. He said my 9 millimeter is jamming, and he
19 wants you to do what with it?

20 A He wants us to, you know, refund his money. You know,
21 if we would take it back.

22 Q What did you say?

23 A At that point I informed him that all warranties were
24 by the manufacturer of the individual firearm. Whatever
25 company it would be. In this case, Hi Point.

1 Q So you say no, we're not going to refund your money,
2 but Hi Point has their own --

3 A Yeah, they warranty the firearm. And I offered to send
4 the firearm back for him at that point in time. He stated
5 that he was very familiar with their warranty policies
6 because he had just sent a .380 handgun back to Hi Point
7 himself.

8 Q Let me get it straight. So he said, you're right. I
9 understand Hi Points policy. I'm familiar with it. I've
10 sent a Hi Point .380 back to them?

11 A That's correct.

12 Q And then you told law enforcement that?

13 A I did.

14 Q What else did you provide law enforcement at that time?

15 A They asked me how they could get in touch with -- you
16 know, to find out about whether or not the gun was still
17 there. I have a book or -- that has all the manufacturers
18 listed in it. I looked up their phone number and gave them
19 the phone number. The officer that was there pulled out his
20 cell phone, stepped over to the side, called and they had a
21 conversation. I was not privy to that conversation.

22 Q So just I want to be clear. Law enforcement comes to
23 you to talk about the 9 millimeter and you tell them that
24 little story about Darrell Raines being in there and telling
25 you that he had previous sent a .380 to Hi Point?

1 A That is correct.

2 Q And did that appear to be information that was new to
3 law enforcement?

4 A They asked me if I would give them a written statement.

5 MR. ABLE: Objection to speculation, Your Honor.

6 THE COURT: Hold it just a second.

7 MR. ABLE: It's calling for -- it's calling for
8 speculation as to how law enforcement -- what it meant to
9 them when he said what he said.

10 THE COURT: Repeat the question, Solicitor.

11 Q As a result of that story what did law enforcement do?

12 A Asked me if I would --

13 THE COURT: If he had personal knowledge of what they
14 did?

15 Q Did you see what they did after you told them that
16 story?

17 A I gave them a phone number and they called that number.
18 I did not hear that conversation.

19 Q That number was the Hi Point --

20 A That was the Hi Point factory number. Yes, sir.

21 Q Do you know where Hi Point is based out of?

22 A Ohio, I believe.

23 MR. SCOTT: Beg the Court's indulgence.

24 THE COURT: Sure.

25 Q You said Mr. Raines came in there to speak with you --

JAMES FRAZIER: CROSS-EXAMINATION

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1 A On the 29th.

2 THE COURT: What month and year?

3 THE WITNESS: August of 2013.

4 Q Do you remember was it early in the day, was it later
5 in the day?

6 A I do not remember the exact time. No, sir.

7 MR. SCOTT: Thank you, Mr. Frazier. Answer any
8 questions Mr. Able has for you.

9 THE COURT: Mr. Able, cross?

10 MR. ABLE: Yes, sir. Thank you.

11 CROSS-EXAMINATION

12 BY MR. ABLE:

13 Q Mr. Frazier, you were the manager or are you the
14 manager of Traders?

15 A I was the manager at Traders Gun Shop at that point in
16 time. Since I have changed to another gun shop in town.
17 I'm now their purchasing manager.

18 Q All right, sir. And how long have you been involved in
19 this line of work as far as gun shops?

20 A I retired from the fire service in -- on April 30th of
21 2005. I went to work for Traders the following week. I
22 worked there nine and a half years before moving.

23 Q And Traders sells the line of Hi Point firearms?

24 A And many others. Yes, sir.

25 Q And many others. Like a lot of --

- 1 A Yeah, most gun shops.
- 2 Q Yeah. And Hi Point firearms are not a very expensive
- 3 line of firearm, are they?
- 4 A They are an inexpensive line. Yes, sir.
- 5 Q I mean, the retail cost on one of these .380s is about
- 6 a little over \$100?
- 7 A At that -- they range -- MSRP on them is actually 175,
- 8 200, \$225. Most places sell them for 100 to 150.
- 9 Q And Traders sold the Hi point CF-.380? They sold that
- 10 particular gun?
- 11 A We sold that. But now, we did not sell that -- the one
- 12 we sold to Mr. Raines was a 9 millimeter.
- 13 Q I understand. I'm sorry. I asked you a bad question.
- 14 You all sell that type of gun? Not that --
- 15 A That is correct, yes.
- 16 Q And I believe, as far as the .380, there's like four
- 17 different models of that gun?
- 18 A Hi Point made a variety of models of each of their
- 19 guns. Yes, sir.
- 20 Q So the Hi Point gun, even the Hi Point CF-.380, it's a
- 21 pretty common gun around here?
- 22 A Fairly common. Yes, fairly common.
- 23 Q And I would imagine, like you said, a lot of stores
- 24 sell those around here. How many -- would you have any idea
- 25 how many CF-.380s made by Hi Point your store would have

1 sold in a month?

2 A Normally not many. Most people would purchase, you
3 know, a little higher quality firearm. I might sell, of the
4 .380s, maybe one every two months. As far as the 9s,
5 roughly the same.

6 Q And that's just --

7 A It's not an item that I stocked all the time.

8 Q And that's just in your store?

9 A That was in the store that I was manager.

10 Q All right. And as far as with your background in that
11 area, I mean, not only are there stores, I mean, there's a
12 lot of gun shows that sell these type weapons, too?

13 A That is correct, sir.

14 Q I mean, did Traders ever go to any gun shows or
15 anything like that?

16 A When they first opened 25 years ago they did, but they
17 hadn't been to a gun show in probably the last 15 years.

18 MR. ABLE: Thank you, sir.

19 THE WITNESS: You're very welcome, sir.

20 THE COURT: Redirect?

21 MR. SCOTT: Your Honor, only to -- just to enter that
22 4473 for admission into evidence.

23 THE COURT: And that's going to be State's Exhibit 49?

24 MR. SCOTT: Yes, sir.

25 THE COURT: Any objection, Mr. Able?

1 MR. ABLE: Which one is the -- that, okay. No, sir.

2 THE COURT: Okay. 49 into evidence for the State.

3 (Whereupon, State's Exhibit No. 49 was admitted into
4 evidence.)

5 MR. SCOTT: Nothing further for this witness, Your
6 Honor.

7 THE COURT: You can step down, sir, and you're free to
8 leave the courthouse or you're welcome to remain with us,
9 either way.

10 THE WITNESS: Thank you, sir.

11 THE COURT: Thank you for your testimony.

12 (Whereupon, the witness stepped down from the witness
13 stand.)

14 MR. SCOTT: The State calls Ben Blackmon, Your Honor.
15 I'm sorry.

16 THE COURT: That's all right.

17 MR. SCOTT. Went to go get him. I didn't call his
18 name.

19 THE COURT: That's okay.

20 BEN BLACKMON, having first been
21 duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. SCOTT:

24 Q State your name for the record.

25 A Ben Blackmon.

BEN BLACKMON: DIRECT EXAMINATION

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1 Q And, Mr. Blackmon, you are with the Laurens County
2 Sheriff's Department?

3 A That's correct.

4 Q How long have you been with that agency?

5 A Since 1999.

6 Q And you an investigator?

7 A Yes, sir.

8 Q August 2013 did you have occasion to become involved
9 with a -- what started off as a missing person in Greenville
10 and then ended up being a homicide investigation in Laurens
11 County?

12 A That's correct. I assisted Lieutenant McIntosh in the
13 investigation.

14 Q And do you recall -- we just had a witness from a
15 Traders Gun Shop. Did you go to Traders to talk to him
16 about a weapon?

17 A Yes, sir. I did.

18 Q And that was a 9 millimeter?

19 A Yes, sir. It was -- came to our attention that I
20 believe the Defendant had purchased a 9 millimeter from that
21 facility. We went to inquire about the acquisition of that
22 gun, and while there the individual we spoke with stated
23 that the Defendant had brought up the fact that he had owned
24 a .380 caliber pistol of the similar make of what he had
25 purchased recently, and that he had sent it back to the

1 manufacturer for modifications.

2 Q Tell me why the fact that Mr. Raines had sent back a
3 .380 for modifications was significant to you in August of
4 2013?

5 A At that time, I believe, the -- during the incident
6 that we're speaking of in which the victim was found
7 deceased in our county, that she was, to our understanding,
8 shot with a .380 caliber pistol. We also recovered a
9 magazine on the crime scene.

10 Q Are you talking about that, State's No. 8?

11 A Yes, sir. And that was recovered by the State Law
12 Enforcement Division during the processing of the crime
13 scene.

14 Q So the field where Ms. Southern was found you found
15 this clip as depicted in State's 8, and that was a .380 --
16 or, I say clip. A magazine from a .380?

17 A Yes.

18 Q All right. So then after you investigate the 9
19 millimeter that was purchased from Traders, it's at that
20 point that you discover that Mr. Raines had a .380 that he
21 had sent back to have some work done on; is that right?

22 A That's correct.

23 Q So as a result of this what do you do?

24 A From that point we made contact with the manufacturer,
25 which is Hi Point Manufacturing Company, or whatever their

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1 official title is, that made the -- made the gun, and also
2 that he supposedly shipped it to, and they did confirm that
3 they had received --

4 MR. ABLE: Objection to confirmation hearsay.

5 THE COURT: It's sustained.

6 Q How about this. Let me ask you, what did you tell Hi
7 point to do when you got them on the phone?

8 A To see if the Defendant in this matter had recently
9 sent them a gun for modification or repairs or, you know,
10 sent back to the shop, so to speak.

11 Q After speaking with the representatives from Hi Point
12 what did law enforcement do?

13 A We learned that the firearm had been taken in there at
14 this store -- or the manufacturer and it had requested
15 repairs or requested modifications done and had been sent
16 back to the Defendant's residence. At that point, a search
17 warrant was acquired by the Greenville County Sheriff's
18 Office for that residence. We went there and watched the
19 FedEx truck deliver the package to the home. It was signed
20 for by, I believe, the Defendant's mother. We walked up to
21 the residence, announced our presence. Spoke with them
22 about, you know, the package that had just been received,
23 and she wasn't sure what was in the package. And we asked
24 her if she understood that she was possibly signing for the
25 return of a firearm. She didn't know that. So at that

1 point we opened the package to identify the contents as a
2 firearm and --

3 Q This is State's No. 46. Do you recognize that?

4 A Yes, sir.

5 Q What is it?

6 A That's the box that was signed for that day.

7 Q Who's it addressed to?

8 A It's addressed to Darrell Raines, and down below it it
9 says Darrell Raines, 107 Saluda Ridge, Greenville, South
10 Carolina, 29611.

11 Q Is that the box you opened that day?

12 A Yes, sir.

13 Q Is that the box you intercepted that day?

14 A Yes, sir.

15 MR. SCOTT: Your Honor, the State offers 46 for
16 admission into evidence.

17 THE COURT: Defense?

18 MR. ABLE: Without objection.

19 THE COURT: Without objection, No. 46 into evidence for
20 the State.

21 (Whereupon, State's Exhibit No. 46 was admitted into
22 evidence.)

23 Q When you opened it up what did you find?

24 A We found a .380 ACP Hi Point pistol.

25 Q Look at this, Investigator Blackmon. This is State's

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1 44. Do you recognize that?

2 A Yes, sir.

3 Q What is that?

4 A That is a -- looks to be a .380 caliber Hi Point
5 pistol.

6 Q And is that the pistol that was in the box that you
7 intercepted at Mr. Raines' residence?

8 A As far as I can identify. Yes, sir. It's got an
9 evidence tag on it.

10 Q Let me show you State's 45. Do you recognize that?

11 A Yes, sir. This was also enclosed in the package, which
12 is a copy of Mr. Raines' driver's license, and it has a
13 handwritten note below it. It says, "My license does not
14 reflect my current address. The SC DMV does not require you
15 to get a new license when you move provided that you update
16 them with a correct one. My address is listed on the other
17 form and listed below. Darrell Raines, 107 Saluda Ridge,
18 Greenville, South Carolina 29611."

19 Q What's on the other page?

20 A On the attached page is a typed or printed paper and it
21 says, "Please answer in all fields and once you complete the
22 form print a copy of it and include it with the firearm you
23 send to Hi Point for repair."

24 Q Let me stop you. What is the work that was done on his
25 .380?

1 A Reamed chamber, replace live clip, firing pin and
2 springs. Test fired, no problems. Sent extra clips," and
3 it's signed "Thanks Rocky" in handwriting.

4 Q They sent him back extra clips and then they reamed the
5 whole barrel out?

6 A Reamed the chamber. Yes, sir.

7 MR. SCOTT: Judge, at this point I'm going to go ahead
8 and introduce State's 44 which is the .380. It's been
9 identified a number of times.

10 THE COURT: And what says the Defense?

11 MR. ABLE: This is No. what?

12 THE COURT: 44, the .380.

13 MR. ABLE: No objection.

14 THE COURT: All right. Without objection, 44 comes
15 into evidence for the State.

16 (Whereupon, State's Exhibit No. 44 was admitted into
17 evidence.)

18 MR. SCOTT: I'm going to also introduce 45 which is the
19 form which he just testified to.

20 MR. ABLE: No objection.

21 THE COURT: Without objection, 45 is in evidence on
22 behalf of the State.

23 (Whereupon State's Exhibit No. 45 was admitted into
24 evidence.)

25 Q State's 44, the pistol, did you do anything with the

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1 gun after that?

2 A Logged it into evidence.

3 Q So you took possession of it? Logged it into evidence?

4 A Turned it over to the evidence custodian where it was
5 taken to the South Carolina Law Enforcement Division.

6 Q So you took it, logged it in, went to the evidence
7 custodian and then they took it to SLED to do some testing
8 on it?

9 A Yes, sir.

10 Q All right. Did you participate in the search warrant
11 of Darrell Raines' home?

12 A Yes, sir. The one we spoke of concerning the firearm
13 was the latter incident in which a search warrant was
14 executed there. We also went, I believe, on the -- I don't
15 want to speak out of turn, but I believe the 29th.

16 Q Do you have your report?

17 A Yes, sir. If I may reference it, I can look it up for
18 you.

19 Q Yeah, certainly. When was the search warrant of his
20 home?

21 A August the 29th, Thursday.

22 Q Were you looking -- I guess you were looking for any
23 evidence that would link him. But specifically was an ATM
24 card significant when you were doing your search?

25 A Yes, sir. During the interview the Defendant in this

1 case, myself and other investigators from the Greenville
2 County Sheriff's Office went to Mr. Raines' residence and
3 executed the search warrant based also on information that
4 Mr. McIntosh had learned during the interview that Mr.
5 Raines still had \$300 that was taken from the victim's
6 account at an ATM machine, and that it should be around a
7 night stand, or an end table, if you will, that was near a
8 couch where he slept.

9 Q I show you State's 51. Do you recognize that?

10 A Yes, sir. That's the end table or night stand.

11 Q And that's beside --

12 A Near the couch.

13 Q -- a couch?

14 A Yes, sir.

15 MR. SCOTT: Your Honor, the State would offer 51 for
16 admission into evidence.

17 (Whereupon, a brief pause was held.)

18 MR. SCOTT: State's 51, Your Honor, we're offering for
19 admission.

20 MR. ABLE: Judge, I would object to 51 right now. The
21 -- there's a notepad with -- well, it appears to be a
22 notepad with writing on it. There's been no claim that the
23 writing is my client's. I don't know what relevance it
24 would have to this case or if it's been authenticated as
25 him.

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1 THE COURT: Let me see 51. I'm going to allow --

2 Exhibit 51 is now Exhibit 50 for the State. Over the
3 objection, Mr. Able, I'm going to allow it in.

4 Q Investigator Blackmon, in State's 50 what is this?

5 A That's the end table or night stand next to the -- next
6 to the couch in the livingroom of Defendant's residence.

7 Q Did you open the drawer?

8 A Yes, sir. We looked in the drawer based on the
9 information that Lieutenant McIntosh had provided to us from
10 the interview with Mr. Raines.

11 Q Can you speak up a little bit louder? Maybe sit a
12 little bit closer to the mic.

13 A I'm sorry. Yes, sir. We did open the drawer and
14 examined the inside of the drawer based on the information
15 that Mr. McIntosh had provided us from the interview with
16 the Defendant that it was supposed to be the remaining --
17 debit card that belonged to the victim and, I think he
18 stated to them, that there was still \$300 in that drawer
19 from an ATM withdraw.

20 Q Did you find \$300?

21 A No, sir.

22 Q Did you look thoroughly through the drawers of that --

23 A Yes, sir.

24 Q In fact, did you look through other drawers in that
25 room?

1 A Yes, sir. We looked around the immediate area as well
2 thinking maybe he was mistaken where he placed it. We never
3 found any amount of money, you know, her debit card or
4 anything.

5 Q Did you find Myranda Southern's bank card?

6 A No, sir. We did not. I just wanted to be sure. I'm
7 referencing my report.

8 Q Let me show you State's 40.

9 THE COURT: Did you say 40?

10 MR. SCOTT: Yes, sir.

11 Q I'm not asking you to read it. But do you recognize
12 that?

13 A Yes, sir.

14 Q And what is it?

15 A That's a notepad that was inside the home.

16 Q Do you remember where it was?

17 A Yes, sir. I believe it was right around that same area
18 with the --

19 Q You're talking about the dresser here that's State's
20 50?

21 A Yes, sir. The end table. Yes, sir.

22 Q I'm looking at these. I think you've got pictures of
23 them. Do you remember whether you found bills or anything
24 that would indicate Darrell Raines used that drawer?

25 A Yes, sir. I believe those items are pieces of mail

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1 addressed to the Defendant.

2 Q And that notepad which you got, No. 40, is that this
3 notepad here?

4 A Yes, sir. It appears to be that notepad.

5 MR. SCOTT: Judge, the State would offer State's No. 40
6 for admission into evidence. The notepad that was found on
7 the dresser.

8 MR. ABLE: Judge, for the reasons I mentioned a moment
9 ago, relevance. I don't think there's any testimony that my
10 client produced that document and I would object on that
11 basis.

12 THE COURT: Okay. I just need to take a look at it.
13 Can you get it, Solicitor?

14 Let me see the lawyers.

15 (Whereupon, a sidebar was held.)

16 THE COURT: No. 40 for the State is in evidence on
17 behalf of the State over the objections of Mr. Able.

18 (Whereupon, State's Exhibit No. 40 was admitted into
19 evidence.)

20 Q Would you read to the jury what that notepad amongst
21 Mr. Raines' belongs said? It's got two columns it looks
22 like. Read for me the first column.

23 A The column on the left says "want", below it it says,
24 "house, new car, motorcycle," and "Lisa."

25 Q On the right, what is that column?

1 A "How to get there." And the first line is skipped.

2 The second one says "new job" and below that it says "save".

3 Q So there's no entry on how to get there as far as a new
4 house or Lisa, but for a new car, whoever wrote this needs a
5 new job and for a motorcycle they just need to save?

6 A That appears correct.

7 Q Did I ask you to find some phone numbers for me for a
8 Bi-Lo?

9 A Yes, sir.

10 Q State's No. 25 is the Bi-Lo in Simpsonville on Highway
11 14. Do you have those numbers?

12 A I believe they're on the board that we provided the
13 investigator from your office.

14 Q You don't have them with you?

15 A No, sir. But I can identify them from those boards.

16 Q I don't know what board you're talking about. Are you
17 talking about this?

18 A Yes, sir.

19 Q Tell us what numbers you have for the Bi-Lo in
20 Simpsonville.

21 A 864-967-9029 and 864-927 --

22 Q Hold on. Whoa, whoa, whoa. 864-967 what?

23 A 9029.

24 Q Then what else?

25 A 864-967-4986.

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1 Q 49 --

2 A 86.

3 Q Those are two numbers that you have confirmed were
4 phone numbers for the Bi-Lo at Highway 14 in Simpsonville?

5 A Yes, sir.

6 Q Thank you. There was a toothbrush and a hairbrush that
7 were retrieved from Myranda Southern's home?

8 A Yes, sir.

9 Q Did you have any involvement in that?

10 A Those were retrieved by investigators from Greenville
11 County Sheriff's Office on the night the victim was located
12 in our county and I picked them up from them after being
13 with them in Simpsonville and turned them over to Lieutenant
14 McIntosh.

15 Q So Greenville County retrieved a hairbrush and a tooth
16 brush from Myranda Southern's apartment and they handed it
17 over to you?

18 A Yes, sir.

19 Q And you handed it over to McIntosh?

20 A Yes, sir.

21 Q And then he took it to SLED?

22 A I'm assuming.

23 Q State's 15. What is that?

24 A White and purple striped Reach toothbrush returned from
25 SLED.

1 Q All right. State's 16?

2 A Swabs from toothbrush and hairbrush and debris from
3 hairbrush returned from SLED.

4 Q 17?

5 A Description is the hairbrush returned from SLED.

6 Q All right. Thank you. These were items that you would
7 have, I guess, transferred from one person to another and
8 ultimately it went to SLED?

9 A Yes, sir.

10 MR. SCOTT: Thank you. Mr. Blackmon, answer any
11 questions that Mr. Able has for you.

12 THE COURT: Cross-examination?

13 MR. ABLE: Yes, sir. Thank you. Just briefly.

14 CROSS-EXAMINATION

15 BY MR. ABLE:

16 Q Lieutenant Blackmon, the notepad marked as State's
17 Exhibit No. 40, you don't know when that was produced, do
18 you?

19 A No, sir.

20 Q And then -- now, do you have --

21 MR. ABLE: I'm sorry. Mr. Scott, do you have the
22 exhibit?

23 Q Officer I'm going to show you State's Exhibit No. 45.

24 A Yes, sir.

25 Q Now, you had read from the second page of that as to

BEN BLACKMON: CROSS-EXAMINATION

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1 the things that Hi Point did to this particular gun. That
2 was the things that they -- they did to correct the
3 problems, correct?

4 A I would assume that -- that kind of looks like a work
5 order and a return.

6 Q Over to the left of it right here it says, "Please
7 state the nature of your request."

8 A Uh-huh.

9 Q Is that correct?

10 A Yes, sir.

11 Q And this is a form that shows the name of Darrell
12 Raines at the top, correct?

13 A Yes, sir.

14 Q And right there beside where it says "state the nature
15 of your request" it was typed in there "gun consistently
16 jams. I've been able to get the rounds out manually. Spent
17 casings consistently become lodged in exit as well." This
18 that was produced that you read out before, "Reamed the
19 chamber, replacing the slide in the clip," that was done by
20 the Hi Point people, correct?

21 A Yes, sir. It appears that way.

22 Q Nowhere on here does it say that Mr. Raines requested
23 that they ream the chamber or anything like that?

24 A No, sir.

25 Q He just stated what problems he was having with the gun

1 and that was it?

2 A That appears correct on here.

3 Q Didn't request any particular work to be done?

4 A No, sir.

5 MR. ABLE: All right. Thank you, sir.

6 THE WITNESS: Thank you.

7 THE COURT: Finished with your cross?

8 MR. ABLE: Yes, that's all.

9 THE COURT: Anything on redirect?

10 MR. SCOTT: No, sir.

11 THE COURT: All right. Let me see the lawyers again.

12 (Whereupon, a sidebar was held.)

13 THE COURT: Anything on redirect, Solicitor?

14 MR. SCOTT: Briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. SCOTT:

17 Q The Exhibit No. 46, do you recall the date that you all
18 went to the house and retrieved -- or intercepted the
19 firearm?

20 A Yes, sir. It's in our report. If you'll give me one
21 moment to look it over. It appears on the -- on the
22 supplement to the incident report, it looks like Tuesday,
23 September the 3rd.

24 Q My calendar only goes to August. Right here on the
25 31st. September what?

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1 A 3rd.

2 Q 3rd.

3 A It was a Tuesday.

4 Q Intercept FedEx package containing .380.

5 MR. SCOTT: Thank you. Your Honor, that's all I have.

6 THE COURT: Anything on recross?

7 MR. ABLE: No.

8 THE COURT: Okay. Thank you, Officer Blackmon for your
9 testimony. You can step down. You're free to leave or
10 you're welcome to remain with us.

11 THE WITNESS: Thank you, Your Honor.

12 (Whereupon, the witness stepped down from the witness
13 stand.)

14 MR. SCOTT: Your Honor, the State calls Suzanne Cromer.

15 SUZANNE CROMER, having been first
16 duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. SCOTT:

19 Q What is your name for the record?

20 A My name is Suzanne Cromer.

21 Q And, Ms. Cromer, where are you employed?

22 A I'm employed by the South Carolina Law Enforcement
23 Division commonly referred to as SLED.

24 Q And tell me what you do at SLED.

25 A I'm a firearm and tool mark examiner in the forensic

1 services laboratory.

2 Q What type of things do you do in that unit over at
3 SLED?

4 A What we do is called firearms identification. We look
5 at ammunition components, bullets, cartridge cases, shotgun
6 shells, cartridges, to determine whether they were fired by
7 or loaded into and extracted from a specific firearm. If we
8 don't have a specific firearm we can look at the rifling
9 marks on a projectile, on a bullet, and give investigators a
10 list of possible firearms that could have fired that bullet.
11 We also do serial number restoration, tool mark exams, bolt
12 cutters on padlocks. We do destruction of firearms for all
13 over the state, and we also do Integrated Ballistics
14 Identification System, which is a database of images of
15 cartridge cases that is searchable. So we can put cartridge
16 cases in and see if they could be related to any other
17 crimes.

18 Q May 30th of 2014 did you have an occasion to examine, I
19 guess, some different items involved with a case of Myranda
20 Southern and Darrell Raines?

21 A Yes. I authored a report on May 30th of --

22 Q That's SLED lab number L13-11094?

23 A Yes, sir.

24 Q What were some of the items that you examined?

25 A I received a magazine. I received four unfired .380

SUZANNE CROMER: DIRECT EXAMINATION

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1 auto caliber cartridges. I received a fired bullet from
2 autopsy, and I received a Hi Point .380 auto caliber pistol.

3 Q What kind of training have you had to do to get to your
4 position?

5 A I have a Bachelor's degree from Clemson University. I
6 did some graduate work at the University of South Carolina.
7 While there I did an internship in the SLED laboratory in
8 the firearms department. I was hired on at SLED. It'll be
9 17 years ago next week. I started the in-house training
10 program in 2000 for firearm and tool mark examiners. It is
11 an intense study program. It takes three to five years to
12 be trained in this discipline. We take written tests, oral
13 tests, practical exercises. It's more of an apprenticeship,
14 if you will. We work under other examiners. Upon
15 completion of the written training modules we are given a
16 comprehensive final examine which is graded on by your
17 training officer and your lieutenant before you deemed
18 competent. I have taken classes and attended seminars with
19 the Association of Firearm and Tool Mark Examiners which is
20 an international organization for our profession. They meet
21 once a year for a week long seminar and offer extra classes.
22 I've taken through them familiarization of Hi Point firearms
23 with Mr. Tom Deeb. I have taken machine gun conversion,
24 barrel making, gunshot residue. I've also taken classes
25 with the South Carolina chapter of the International

1 Association of Identification. Most pertinent being
2 forensic photography, forensic anthropology, and a three day
3 shooting scene reconstruction workshop. I've taken classes
4 with the Bureau of Alcohol, Tobacco and Firearms, commonly
5 referred to as the ATF on serial number restoration and the
6 Integrative Ballistics Identification System which runs on
7 the National Integrative Ballistics Identification Network.
8 I have been invited and represented North and South Carolina
9 several times in their workshops.

10 Q Did you just say the name Tom Deeb?

11 A Yes, sir. I did.

12 Q Who's that?

13 A He is the owner of Hi Point firearms.

14 Q You did what with him?

15 A I took a Hi Point firearm familiarization class with
16 him.

17 Q I want to get back to that. But you're talking about
18 your experience now and your role with SLED. Have you
19 testified in Court before?

20 A Yes, sir. I have.

21 Q Do you know about how many times?

22 A Approximately 88 times.

23 Q In big court? General Sessions Court?

24 A General Sessions Court, Federal Court, Family Court.

25 Q And qualified as an expert in all those times?

SUZANNE CROMER: DIRECT EXAMINATION

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1 A Yes, sir. I have.

2 Q And what were you qualified as?

3 A An expert in the field of firearm and tool mark
4 identification.

5 MR. SCOTT: Your Honor, at this time we're going to
6 offer Ms. Cromer as an expert in firearms and tool work
7 identification.

8 THE COURT: You said too work?

9 MR. SCOTT: I think it's tool mark.

10 THE WITNESS: Tool mark.

11 MR. SCOTT: Tool mark.

12 THE COURT: Tool mark?

13 MR. SCOTT: Yes, sir.

14 THE COURT: Okay. Mr. Able, do you have any
15 qualification questions?

16 MR. ABLE: No, sir. No objections.

17 THE COURT: Okay. Without objection, this witness is
18 qualified as an expert in the area of firearm and tool mark
19 identification.

20 Q So, now you've taken some training where Tom Deeb
21 helped train some of the people in the class?

22 A He taught the class.

23 Q And who was he, one more time?

24 A He is the owner of Hi Point Firearms.

25 Q He owns Hi Point, the manufacturer who made the .380

1 that you examined in this case?

2 A Yes, sir.

3 Q All right. Tell me -- tell me about Hi Point pistols
4 and projectiles that are fired out of Hi Point pistols.

5 Tell me how they're different than a lot of other pistols.

6 A Well, Hi Point firearms is a brand of firearm. They're
7 a little unique in that -- especially in the 9 millimeter
8 and .380 auto caliber firearms, they use -- commonly, they
9 use 9 left rifling. So if I see a projectile that is in 9
10 millimeter Luger or .380 auto caliber and it has 9 left
11 rifling on it, then I know that we're looking for a Hi Point
12 firearm because no other manufacturer at this time uses that
13 type of rifling. And when I say rifling, rifling is what's
14 put in the gun barrel by the manufacturer to make the bullet
15 spin. It gives it a rotary motion. Very similar to a
16 quarterback when he throws the football. He wants it to go
17 into a tight spiral so it goes more accurately to it's
18 target. That's the premise of rifling. It's made up of
19 raised and depressed areas that we call lands and groves.
20 And you can have any number of those. But at this time Hi
21 Point firearms is the only one that uses 9, and when I say
22 left, meaning which way is that bullet going to spin. Is it
23 going to spin to the right or to the left. At this time
24 he's the only manufacturer to use 9 left rifling in 9
25 millimeter Luger and .380 auto handguns.

1 Q So, I guess in essence, it makes a very easily
2 identifiable projectile?

3 A Well, what it does is it makes it easier to eliminate
4 certain firearms. When I'm looking at fired bullets in a
5 case, it's kind of like a step ladder. First, is it the
6 same caliber. Then if it is, does it have the same rifling.
7 Is it the same number of lands and grooves? If it is, then I
8 can go is it the same twist. Is it spinning to the left or
9 to the right. So it helps me get up that ladder.

10 Q Now, I guess the lands and grooves, they leave an
11 impression on the fired projectile?

12 A That's correct.

13 Q And you said you were able to receive a number of
14 items. One of them was a fired projectile in this case; is
15 that right?

16 A Yes, sir. That is.

17 Q Let me show you State's No. 19. Do you recognize what
18 that is?

19 A Yes, sir. State's No. 19 was my item four. It is a
20 fired bullet, and it's still in a sealed container with my
21 initials and seal date.

22 Q And did you have information that was found in the neck
23 of our victim in this case?

24 A Yes, I did.

25 Q And what were your findings regarding that projectile

1 that was found in the neck of Myranda Southern?

2 A I determined it to be most consistent with .380 auto
3 caliber. That's based on weight and the diameter of the
4 bullet, and it had 9 left rifling on it.

5 Q And 9 left rifling is significant why?

6 A The only known manufacture to use 9 left rifling is Hi
7 Point firearms.

8 Q Any other -- did you have any other findings regarding
9 that piece of evidence?

10 A I compared it to test fired bullets that I fired from
11 the Hi Point I received in this case.

12 Q And what were your findings then?

13 A My findings were inclusive with that Hi Point. This
14 projectile had some damage to it. If you look closely you
15 can see some black marks that wouldn't come off. It was
16 kind of oxidized. It had wear and tear on it, possibly from
17 being out in the elements. So it didn't have enough of
18 those individual markings that are left on the bullet from
19 the rifling for me to say yes or no to the particular Hi
20 Point that I had.

21 MR. SCOTT: Your Honor, the State would offer State's
22 No. 19 for admission into evidence.

23 THE COURT: Yes. That was still marked for
24 identification. What says the Defense?

25 MR. ABLE: Without objection, Your Honor.

SUZANNE CROMER: DIRECT EXAMINATION

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1 THE COURT: Without objection, 19 is now into evidence
2 for the State.

3 (Whereupon, State's Exhibit No. 19 was admitted into
4 evidence.)

5 Q Let me show you State's No. 44. Do you recognize this?

6 A Yes, I do. And what I'm doing is I'm looking for my
7 markings. I scribed on this firearm my lab number, my item
8 number and my initials in several locations. This was the
9 firearm I received in this case.

10 Q And that's the weapon you test fired?

11 A Yes, sir. It is.

12 Q And it produced some inclusive findings is what you're
13 saying?

14 A It was inclusive with this projectile.

15 Q And you stated some of the reasons were some heavy
16 damage to the projectile; is that right?

17 A That's correct.

18 Q If the chamber -- after that bullet was fired, let me
19 ask you if the chamber had been reamed, a slide had been
20 replaced, a clip, a firing pin and springs had been
21 replaced, would that -- would that have any affect on you
22 being able to match that weapon with that fired bullet?

23 A The only thing that would -- that would have come in
24 contact with the bullet that's listed there would have been
25 the reams chamber. But that should not have had any affect

1 on the rifling. The slide, which is this portion of the
2 gun, does not come in contact with the bullet. It was
3 mostly because of the wear and tear on this bullet that I
4 could not identify.

5 Q Was that uncommon as far as matching? Being able to
6 match a pistol with a fired projectile?

7 A It depends on many different factors. You could have
8 differences in type of ammo can affect a positive
9 identification. Being left out in the elements can affect a
10 positive identification. What's happened to the firearm in
11 the meantime can affect identification. There are numerous
12 different factors.

13 Q Well, let me just ask you. If I took that gun right
14 now and you watched me load a bullet into it and I fired it
15 into that door, even though we know that projectile came
16 from that gun, you may not necessarily be able to use your,
17 I guess, testing to match that projectile with the gun?

18 A That's correct.

19 Q Just because it might be so heavily damaged that it's
20 unable to be identified?

21 A That is correct.

22 Q But what you're testing showed was that that -- it was
23 inconclusive, I guess?

24 A Meaning I could not say it didn't come from this gun
25 and I could not say it did.

SUZANNE CROMER: DIRECT EXAMINATION

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1 Q But what you could say is the fired bullet was a .380?
2 Consistent with a .380 caliber?

3 A That's correct.

4 Q And it was consistent with a Hi Point -- being fired
5 from a Hi Point weapon?

6 A With 9 left rifling. That's correct.

7 Q And then you -- let me show you State's 14.

8 A State's 14 was part of my item one. It is a detachable
9 box magazine that was consistent with being a Hi Point
10 magazine.

11 Q And was it tested on that weapon?

12 A This magazine would fit and function in this firearm.

13 Q So it was suitable for that firearm?

14 A Yes, sir.

15 Q And did you have knowledge that that was a magazine
16 that was found in the field where the body was found?

17 A Yes, sir.

18 Q State's 18.

19 MR. SCOTT: Well, first of all, let me -- Your Honor,
20 if I haven't already, I'm going to admit State's No. 14 for
21 admission into evidence.

22 THE COURT: I have 14 already into evidence.

23 MR. SCOTT: Okay.

24 Q State's 18. What did you do with those?

25 A State's 18, I examined them and they are .380 auto

1 caliber cartridges.

2 Q Thank you. Ms. Cromer -

3 MR. SCOTT: Well, let me -- I think these are already
4 in, too, Your Honor, but just in case. State's 18.

5 THE COURT: 18 is into evidence.

6 MR. SCOTT: That's all I have for you. Answer any
7 question Mr. Able has, please.

8 THE COURT: Cross-examination?

9 MR. ABLE: Thank you, sir.

10 CROSS-EXAMINATION

11 BY MR. ABLE:

12 Q Ms. Cromer, the magazine which you just held up, as I
13 understand it there are four different models of the Hi
14 Point .380.

15 A The four different models that are listed are two 9
16 millimeter and 3 -- and two .380 autos.

17 Q All right. And that magazine would fit in any of those
18 guns?

19 A That's correct.

20 Q And again, Hi Points are very common firearms?

21 A That is correct.

22 Q Inexpensive firearms?

23 A Can you say that again, please?

24 Q Inexpensive? I mean, they're --

25 A Oh, yes. They are.

1 Q -- not a very unique high priced weapon?

2 A No, they're not.

3 Q Now, the four cartridges you just identified, those
4 could have been used in any firearm chamber for a .380 auto
5 caliber ammunition?

6 A That's correct.

7 Q Now, in your report, as I understand it, you took the
8 bullet that had been recovered from the deceased and
9 compared it with bullets -- you did tests, correct?

10 A That's correct. That's how we examine. I will shoot
11 this firearm into a bullet recovery tank. I mark those
12 projectiles before I shoot them. I load it into a magazine.
13 I shoot it in this firearm, pull those bullets out and
14 microscopically compare them to each other.

15 Q And you do a comparison to see if that bullet -- the
16 bullet that was recovered was fired from that firearm?

17 A That's correct.

18 Q And what you just told this jury was that the result of
19 those tests were inclusively?

20 A That is correct.

21 Q And you actually put the bullets under a microscope and
22 look at them and try to -- try to decide whatever it is as
23 far as the bullets being fired from a particular weapon?

24 A That is correct. We have a comparison microscope.

25 It's like you're looking through binoculars and you get to

1 see two stages at the same time. So it's pretty similar to
2 putting a 360 degree puzzle together. I'm looking at each
3 one of those land and groove impressions on this bullet to
4 each one of the test specimens I fired to each other.

5 Q And the reason it was inclusive was the damage to the
6 bullet that was recovered? There wasn't -- there wasn't any
7 problem with the test bullets?

8 A The test bullets were fine. This bullet may or may not
9 be suitable, because it just had limited markings that I
10 needed from the rifling.

11 Q And there was no problem with the firearm as far as the
12 use of it?

13 A No, sir.

14 Q And you could fire it --

15 A The firearm fires well.

16 Q So your conclusion is that the bullet recovered from
17 the deceased could have been fired by another firearm with
18 similar rifling specifications?

19 A That's correct.

20 Q So simply stated, there's a lot of firearms that bullet
21 could have come from?

22 A It could have come from another Hi Point firearm.

23 Q Another Hi Point firearm?

24 A That's correct.

25 Q Which you agree with me is a very common firearm in

1 this area? Everywhere?

2 A That's correct.

3 Q You also stated in your report that the fired bullet -
4 the item four bullet could have been fired by the item 134
5 pistol or another firearm, parenthesis, gun barrel, closed
6 parenthesis, with similar rifling specifications?

7 A That's correct. If this barrel had been removed from
8 the firearm and put on a different firearm it could have
9 been fired by that gun barrel. That's the part that we need
10 to look at for a bullet that's been fired.

11 Q So the lack of identification is the result of the
12 bullet that was retrieved, not because of anything that was
13 done to that gun?

14 A I had no problem with examining these test specimens to
15 each other. Now, I do not know what happened to this
16 firearm. But it was in pristine condition with I received
17 it.

18 Q So it goes -- as you say, it goes back to the condition
19 of the bullet that was recovered?

20 A That's correct.

21 MR. ABLE: Thank you.

22 THE COURT: Solicitor, any redirect?

23 REDIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q I hate to beat a dead horse. But you say you can't say

1 with certainty that that gun fired the bullet, but on the
2 flip side you can't say that it didn't?

3 A That's correct.

4 Q And that's just because of the damage to the bullet?

5 A That's correct.

6 MR. SCOTT: Nothing further, Your Honor.

7 THE COURT: Okay. Thank you, ma'am, for your
8 testimony. You're free to leave.

9 (Whereupon, the witness stepped down from the witness
10 stand.)

11 THE COURT: Let me see --

12 (Whereupon, a sidebar was held.)

13 THE COURT: Mr. Foreman and ladies and gentlemen of the
14 jury, after talking with the lawyers it appears that this is
15 a good stopping point for the day. You worked very hard,
16 even though it hasn't been a full day when you've been here,
17 then spending some time back in the jury room. You've
18 worked very hard and we appreciate that. Appreciate your
19 patience with us. So we're going to recess for the day, and
20 please be back at 9:30 in the morning.

21 And again, I remember you don't have any discussions
22 whatsoever about this case among yourselves or with anybody
23 that you coming into contact with. I also remind you, don't
24 do any independent research on the Internet or social media
25 or the like about this case or any aspect related to the

SUZANNE CROMER: REDIRECT EXAMINATION

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1 case, and any media accounts, whether it's TV, radio,
2 Internet, newspapers, whatever. Don't look at it. Don't
3 consider it. And we'll see you bright and early 9:30 in the
4 morning. Have a good evening.

5 (Whereupon, the jury was released for the day at 5:28
6 p.m.)

7 THE COURT: A very brief matter. Let me state for the
8 record, the notepad found on the end table at the
9 Defendant's home, Exhibit No. 40, Mr. Able, you had objected
10 to that basically on relevance grounds, and at sidebar I
11 indicated I would overrule your objection. I believe it
12 goes more towards the weight of that document, because
13 there's no proof that that was -- the writing on there is
14 the Defendant's handwriting. I believe it goes more toward
15 the weight in the admissibility simply because it was at the
16 end table that was discussed by the Defendant during his
17 interview.

18 Anything else for the record before we break for the
19 day?

20 MR. SCOTT: Nothing from the State, Your Honor.

21 MR. ABLE: No, sir.

22 THE COURT: Okay. Thank you very much. Appreciate
23 your all's hard work. We'll see you in the morning at 9:30.

24

25 (Whereupon, court was adjourned at 5:28 p.m.)

1 TRIAL DAY 4-12/10/15

2 THE COURT: We're on the record. Any item of business
3 we need to attend to before the jury is brought out?

4 MR. SCOTT: No.

5 THE COURT: Mr. Bolt, would you bring the jury out,
6 please.

7 (Whereupon, the jury entered the courtroom at 9:40
8 a.m.)

9 THE COURT: Good morning everybody. I hope you're
10 doing well this morning and are ready to get back to work.

11 Solicitor, you may proceed.

12 MR. SCOTT: Your Honor, the State calls Sarah
13 Duckworth.

14 SARAH DUCKWORTH, having first been
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. SCOTT:

18 Q Sarah, where are you employed?

19 A Charter Communications.

20 Q August 2013 were you employed there?

21 A Yes, I was.

22 Q What was your position?

23 A Sales supervisor in the call center.

24 Q State's No. 2. Who is this?

25 A Myranda Southern.

SARAH DUCKWORTH: DIRECT EXAMINATION

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1 Q How did you know Myranda Southern?

2 A Myranda was one of my team members.

3 THE COURT: Ma'am, can you speak up just a little bit,
4 please?

5 THE WITNESS: Yes.

6 THE COURT: Maybe you could sit closer to the
7 microphone if that would help.

8 THE WITNESS: Okay.

9 THE COURT: Could you repeat that question, Solicitor?

10 Q Who is Ms. Southern?

11 A Myranda was one of my team members. I was her
12 supervisor.

13 Q So you would -- I guess you were her supervisor. That
14 would mean you would kind of have to keep track of her hours
15 and when she worked and everything?

16 A Yes.

17 Q I specifically asked about August 18th of 2013. Do you
18 recall that day?

19 A Yes.

20 Q And you were asked about that day by law enforcement at
21 the time, weren't you, when Ms. Southern went missing?

22 A Yes.

23 Q And what was Ms. Southern's working hours that day?

24 A From 3:00 p.m. until midnight.

25 Q And can you account for her up until midnight that day?

1 A Yes. My hours are the same. I was there.

2 Q And you remember Ms. Southern working that day?

3 A Yes.

4 Q Thank you.

5 A She sat right next to me.

6 MR. SCOTT: Thank you, Ms. Duckworth. Answer any
7 questions Mr. Able has for you.

8 THE COURT: Mr. Able, any cross-examination?

9 MR. ABLE: One moment, Your Honor.

10 THE COURT: Sure. Take your time.

11 CROSS-EXAMINATION

12 BY MR. ABLE:

13 Q Ms. Duckworth, how long have you been the supervisor of
14 Ms. Southern?

15 A I was her supervisor for about six weeks. She came out
16 of training in July of 2013 and she was with me through that
17 August.

18 Q And when -- did her work hours always correspond with
19 yours, or did you all have some different days off or what?

20 A No. We have the same work hours. The whole team did.

21 Q So you got to know her pretty well?

22 A Yeah, I would say so.

23 Q You discussed with her a lot of the trouble she was
24 having with her husband, Shawn, correct?

25 MR. SCOTT: Your Honor, object to any impermissible

TOM DEEB: DIRECT EXAMINATION

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1 hearsay at this point.

2 THE COURT: Okay. Agreed.

3 MR. ABLE: That's all I have. Thank you.

4 THE COURT: Thank you, ma'am, for your testimony. You

5 can step down. You're free to leave, or certainly you can

6 remain with us if you like.

7 THE WITNESS: Thank you.

8 (Whereupon, the witness stepped down from the witness

9 stand.)

10 MR. SCOTT: The State calls Tom Deeb, Your Honor.

11 TOM DEEB, having first been duly

12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q Please state your name for the record.

16 A Thomas E. Deeb.

17 Q Mr. Deeb, where did you come from to be here today?

18 A From Mansfield, Ohio.

19 Q And what do you do for a living?

20 A At the present time I'm a consultant for a company that

21 I founded named Hi-Point Firearms.

22 Q You helped create the company Hi-Point?

23 A Yeah. I'm the founder. I designed all the firearms

24 and started the company in the early '90s.

25 Q And where is Hi-Point based out of?

1 A Mansfield, Ohio.

2 Q What types of guns does Hi-Point manufacture?

3 A Pistols. We make .380s, 9 millimeter, 40 S&W and 45
4 ACP. We also make the same caliber -- the same in rifles.

5 Q I'm going to show you, this is State's No. 44. You
6 might not recognize that specific gun, but do you recognize
7 that -- what that is?

8 A Yeah, it's one of my .380s.

9 Q And any other -- is there a model or is there anything
10 --

11 A Yeah, it's a model CF-.380.

12 Q What was it? CF what?

13 A Model CF-.380.

14 Q Now, do you recall being contacted about this specific
15 case in August 2013?

16 A Yes.

17 Q And were you asked about this specific gun?

18 A Yes. From -- I can't remember the gentleman's name
19 offhand. But, yeah, we were asked to look for it. We had
20 just sent it. We had just shipped it.

21 Q And what was the -- what was your company's involvement
22 with that particular pistol?

23 A I actually had to rework it to repair it.

24 Q Let me show you State's No. 45. Do you recognize what
25 that is?

TOM DEEB: DIRECT EXAMINATION

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1 A Yes. Yes, I do. This is one of our -- an information
2 sheet that we pass out. People write what's wrong with the
3 firearm and send it in with it.

4 Q And what was the requested work to be done?

5 A Apparently the gun was jamming and spent casing
6 consistently lodged in the exit. It kind of would indicate
7 that there was something wrong with the barrel.

8 Q And what -- as a result of that work request what did
9 you guys do with the gun?

10 A We reamed the chamber. Well, whenever somebody sends a
11 gun in for repair we go over it completely, because we don't
12 want them to send it back. We don't have to have troubles.
13 So if something is wrong, we literally will just fix
14 everything that there is on it and replace the slide or
15 whatever and make it look like a new gun.

16 Q Did you all do that in this case?

17 A Yes, we did.

18 Q You did pretty much a complete overhaul on the gun?

19 A Yes.

20 Q Do your records indicate when you guys received that
21 gun?

22 A August the 13th, 2013.

23 Q August 13th?

24 A I had it written down here. The 13th or the 23rd. No,
25 23rd. I'm sorry. Not the 13th.

1 Q So you guys at Hi-Point received the gun on August
2 23rd?

3 A Uh-huh.

4 Q Let me just show you something and see if you recognize
5 that.

6 A Yeah, these are the shop phone numbers.

7 Q Phone numbers for the shop? How many phone numbers do
8 you guys have at Hi-Point?

9 A (No verbal response)

10 THE COURT: Mr. Deeb, could you sit closer to the
11 microphone, please, sir.

12 THE WITNESS: Oh, I'm sorry.

13 MR. ABLE: I didn't hear that answer, Judge.

14 THE COURT: Would you repeat the question, Solicitor,
15 and allow Mr. Deeb to answer it?

16 Q How many phone lines do you guys have at Hi-Point?

17 A Five lines.

18 Q I'll ask you, are you familiar with the phone number
19 419-747-9444?

20 A That's our main line.

21 Q That's the main line?

22 A Yes.

23 Q What about 419-747-6095?

24 A That's our second line. And by the way, if one line is
25 busy, if 9444 is busy, it switches over to 6095.

TOM DEEB: DIRECT EXAMINATION

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1 Q Okay. Finally let me ask you about 419-468-3746.

2 A That's the -- I think that's my -- I think that's the
3 -- I'm pretty sure that's Jim Cole's number.

4 Q Who's Jim Cole?

5 A He's the gentleman that manufactures the 40 S&W
6 pistols.

7 Q Is that a phone number listed on your website?

8 A Yes, it is.

9 Q So if somebody was looking to call Hi-Point and they
10 got on your website, all three of those numbers would be
11 ones they'd find?

12 A Oh, yeah. Yes.

13 Q August 2013, was that a particular busy month and year
14 for you guys?

15 A Absolutely.

16 Q Why was that?

17 A Well, there was kind of a -- the President had done a
18 few things as far as firearms are concerned and caused some
19 scares. And the history of, not just my company but all the
20 other manufacturers, too, it's easily the busy year we've
21 ever had for everyone. It was enormously busy. A lot of
22 people buying guns, trading guns. But mostly new gun sales.

23 Q Well, if -- would there be a reason that somebody
24 within an hour, hour and a half period of time would call
25 your phone number 20 times? What happens if I call your

1 phone number and it's -- is it busy? Does it go to a voice
2 mail, or what happens if I call you during a busy time?

3 A It'll just ring busy.

4 Q And then I could try to call a different number and
5 possibly get somebody that way?

6 A Possibly, yes.

7 Q I don't know if you know this. But you said you
8 received the gun on the 23rd. And do you know when you sent
9 it back?

10 A It would either be the 29th or -- let's see. There's
11 -- or the following Thursday.

12 Q You think it might have been the 29th?

13 A Most likely. Let me explain that. We do all of our
14 repairs, the vast majority of them --

15 THE COURT: One second, Mr. Deeb.

16 MR. ABLE: It's non-responsive to a question.

17 THE COURT: Not responsive to the question?

18 MR. ABLE: It's non-responsive to a question that was
19 posed. I think the question was when did you send it back
20 and he answered it. Non-responsive to any question.

21 THE COURT: Well, it may be an explanation to the
22 answer, so I will allow it. Overruled.

23 Go ahead, Mr. Deeb.

24 A When we're very busy we manufacturer thousands of guns
25 per week. So on Wednesday, any repairs that come in we work

1 on them, get them finished up, and then Thursday they're
2 shipped. All of them are shipped together. It's just
3 generally the way we do it. Wednesday actually ends our
4 week, and Thursday is the first day of the next week. It
5 all has to do with shipping, but it's -- so traditionally we
6 ship our repairs on Thursdays.

7 Q Well, if we received it back in Laurens on September
8 3rd, which was the next Tuesday, then we can safely say that
9 Thursday the 29th is when you sent it back?

10 A Yes.

11 Q It's in a bag, but can you recognize State's No. 14, or
12 does that have any identifiable characteristics?

13 A It's a magazine that I design and manufacturer.

14 Q So that is a Hi-Point specific magazine?

15 A Yes, it is.

16 Q Will it fit in other models?

17 A It fits in two models. The CF-.380 and the model C-9.

18 Q Does it fit in any other gun?

19 A No.

20 Q So the only two guns that this magazine will fit into
21 are two Hi-Point models, one of which is a CF-.380?

22 A Correct.

23 MR. SCOTT: Okay. Thank you very much. Answer any
24 questions Mr. Able has for you.

25 THE COURT: Mr. Able, any cross?

1 MR. ABLE: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. ABLE:

4 Q Good morning, Mr. Deeb, how are you?

5 A I look terrible, but I'm fine.

6 Q You look fine, sir. Now, a Hi-Point, they've very
7 popular firearms, correct?

8 A Yes.

9 Q And they're very portable firearms?

10 A Yes.

11 Q When you designed them --

12 THE COURT: You need to verbally respond, Mr. Deeb.
13 Don't nod your head. Verbally respond.

14 MR. ABLE: I think he said yes.

15 THE WITNESS: Yes.

16 THE COURT: All right. I just didn't hear it.

17 MR. ABLE: All right, sir. I'm sorry.

18 Q You need to make sure you speak up for us. Okay? And
19 when you designed these weapons you designed them with an
20 idea that you were going to design a portable weapon for
21 protection?

22 A Absolutely.

23 Q And did you say a moment ago that you all repair or
24 produce thousands of weapons in a week?

25 A We manufacture -- of this particular model, .380 and 9

TOM DEEB: CROSS-EXAMINATION

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1 millimeter, we manufacture approximately 2,000 per week of
2 that model.

3 Q All right. Of that -- of the gun you just identified?

4 A Yes, sir.

5 Q I assume the reason being, they're very affordable
6 weapons. I looked on your website and the CF-.380 sells for
7 under \$150 retail, doesn't it?

8 A Yes, sir.

9 Q Now, you said 2013 was a very popular year, very busy
10 year for your company?

11 A Yes, it was.

12 Q And going back to a moment ago you said of this
13 particular style gun you produced 2,000 -- I think you said
14 2,000 a week?

15 A Of this particular model -- literally this weapon is a
16 certain size, and that size is the same exact size as the 9
17 millimeter. Well, we sell many more 9s than we do .380s.
18 So the most I make in .380s would be 500 a week. 1,500 of
19 them would be 9s. Only 500 would be .380s.

20 Q Is that now or was that back in 2013 when I understand
21 you're talking about --

22 A I'm talking about 2013.

23 Q You're talking about 2013, okay.

24 A Yes.

25 Q So even with that you would have produced, what, a

1 quarter of a million of that CF-.380 that year?

2 A Not hardly. That's -- you're a digit or two off there.

3 Q 25,000.

4 A The most I could possibly make would be 20,000.

5 Q So is that about what you believe -- my math is wrong.

6 Is that what you believe you produce?

7 A I would -- probably closer to 18,000 or so. If you do
8 the math, 500 times 50, there's 52 weeks in a year, we only
9 work 50 of them, five times -- five times 500 would be --
10 you're right, 25. So I'm going to guess around 23,000 or
11 so.

12 Q All right, sir. And also on your website you list the
13 dealers that are in this area. And I counted, and just in
14 the state of South Carolina, 45 different dealers that sell
15 Hi-Point weapons.

16 A I'm not familiar with the area.

17 Q But this is information I found on the website. Would
18 you dispute that?

19 A Oh, no, not at all.

20 Q And then within 100 miles of Greenville, South Carolina
21 it shows 57 different dealers on the website. Would that
22 sound about right to you?

23 A It's very possible, yes.

24 Q Now, when a gun is sent in for repair to Hi-Point -- do
25 you still have -- let me see the documents you have, sir.

TOM DEEB: CROSS-EXAMINATION

453

1 This one right here. I'm sorry. Is this -- this is a
2 document -- I'm referring to State's Exhibit No. 45. This
3 is a document that somebody prints off the website?

4 A Yes, sir.

5 Q And again, I went on your website and looked at it and
6 the information that is required is your -- the personal
7 information of the individual sending the gun in, the serial
8 number of the gun, the model of the firearm, and a
9 description of the needed repairs. Now, referring to
10 Exhibit 45 you have here an area that says, "Please state
11 the nature of your request." And that's just basically a
12 description of what's wrong with the gun?

13 A For the most part, yes.

14 Q And on State's Exhibit No. 45 it was stated by Mr.
15 Raines, "Gun consistent jams. I have been able to get the
16 rounds out manually. Spent casings consistently become
17 lodged in exit as well." He didn't say anything about I
18 believe it needs to be -- have the chamber reamed out or
19 anything like that?

20 A You just read it. No, I didn't read anything --

21 Q But I'm saying -- but the handwritten portion down
22 here, it looks like it was written by somebody named Rocky.
23 This is what the gunsmith did in response to the description
24 that Mr. Raines gave about what was wrong with his firearm?

25 A Yes.

1 Q The point I'm making is Mr. Raines didn't say this is
2 what I want you to do to fix my gun?

3 A Obviously not.

4 Q All right, sir. Now, talking about the telephones. I
5 think you may have answered this. But if a number is busy
6 it rolls over to a second number?

7 A Yes, sir.

8 Q And then if the lines are all busy -- and you mentioned
9 that August of 2013 was probably one of the company's
10 busiest times?

11 A It was a busy year.

12 Q The entire year? So my point is, if somebody is
13 calling in, they get a busy signal, they call back, correct?

14 A Ordinarily, yes.

15 Q I'm sorry?

16 A Ordinarily, yes.

17 Q And if they keep getting a busy signal they keep trying
18 to call back. It's just a busy signal, right?

19 A Yes.

20 MR. ABLE: All right, sir. That's all I have. Thank
21 you, Judge.

22 THE COURT: Any redirect, Solicitor.

23 MR. SCOTT: One or two.

24 REDIRECT EXAMINATION

25 BY MR. SCOTT:

TOM DEEB: REDIRECT EXAMINATION

455

1 Q This clip only fits two guns in the world; is that
2 correct?

3 A That's correct.

4 Q The CF-.380, and what was the other one?

5 A The 9 millimeter.

6 Q What 9 millimeter?

7 A The C-9 millimeter that I manufacture.

8 Q And this wouldn't fit a Ruger?

9 A No.

10 Q Would it fit a Smith and Wesson?

11 A No.

12 Q Would it fit a Glock?

13 A No.

14 Q The only thing it will fit is the CF-.380 and a 9
15 millimeter you make?

16 A Correct.

17 Q If somebody bought that gun on the 17th and they said
18 it was misfiring and you received it on the 23rd, I guess
19 they would have shot it sometime between the 17th and the
20 23rd?

21 A That would make sense.

22 MR. SCOTT: Thanks. Nothing further.

23 THE COURT: Anything on recross?

24 RECROSS-EXAMINATION

25 BY MR. ABLE:

1 Q If it only fits -- if the magazine only fits the
2 CF-.380 and the C-9, and you said you produced about 2,000
3 of those guns a week?

4 A Total. Yes, sir.

5 Q So for the year 2013 you would have produced 100,000 of
6 those two model guns?

7 A Approximate. Well, because of holidays and short days
8 and --

9 Q Approximately.

10 A Usually around 80,000. 80 to 85.

11 Q And that would be in a normal year?

12 A That would be in a normal year.

13 Q So 80 to 85,000 of the guns would have been
14 manufactured for that magazine to fit in any calendar year?

15 A Correct.

16 MR. ABLE: All right, sir. That's all I have. Thank
17 you, sir.

18 THE COURT: Thank you for your testimony, Mr. Deeb.
19 You can stand down. You're welcome to stay with us or
20 you're free to leave.

21 (Whereupon, the witness stepped down from the witness
22 stand.)

23 MR. SCOTT: The State calls Ginny Reinman.

24 GINNY REINMAN, having first been
25 duly sworn, testified as follows:

GINNY REINMAN: DIRECT EXAMINATION

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1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q Ms. Reinman, what do you do for a living?

4 A I am special ed aid at Riley Child Development Center.

5 Q And how old are you?

6 A I'm 41.

7 Q How do you know Darrell Raines?

8 A We went to high school together.

9 Q You were a little bit older than him?

10 A Yes, sir.

11 Q And I guess you were in the color guard; is that right?

12 A Color guard.

13 Q And you're friends with his mother?

14 A Yes.

15 Q You talked with her a good bit?

16 A Off and on.

17 Q You talked to her last night?

18 A Yes.

19 Q And you've been -- she's been telling you about the
20 case a little and everything, how it's going?

21 A Just a bit, yes.

22 Q She's been passing messages to you from Darrell?

23 A Not really. Just, you know, saying hey.

24 Q He's a good friend of yours though; is that right?

25 A It is.

1 Q Now, how far back to do you all go? Just high school?

2 A Just high school.

3 Q And did you all maintain a friendly relationship after
4 that?

5 A Well, we lost contact until Face book came back, and
6 then we found each other back on Face book.

7 Q And you all reconnected through Face book?

8 A Yes, sir.

9 Q And who were some of your other friends? Who is --
10 who's Crystal -- is it Crystal Smith?

11 A Crystal Smith is my sister's best friend, so she's like
12 a sister to me.

13 Q And then there's Jackie Johnson?

14 A Yes, sir.

15 Q And are you married?

16 A I'm divorced.

17 Q Is Jackie married to --

18 A Jackie is married.

19 Q What about Crystal?

20 A Crystal is not married.

21 Q Was you girls and then Darrell kind of like a group of
22 friends?

23 A Yes, sir.

24 Q And you hang out with women and kind of go out and
25 drink and carry on in Greenville; is that right?

GINNY REINMAN: DIRECT EXAMINATION

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1 A We go out a couple of times.

2 Q City Tavern, is that a place you all would go
3 sometimes?

4 A City Tavern. I forgot the name of the other bar.

5 Q Is it safe to say you're fairly protective of Darrell?
6 Is he kind of like a little brother to you?

7 A Yeah.

8 Q Crystal is kind of like a little sister to you?

9 A Yes, sir.

10 Q Do you remember August 2013?

11 A Vaguely.

12 Q Vaguely? Do you know why we're here?

13 A Well, yeah.

14 Q Do you remember something that happened August 2013?

15 A Well, yeah.

16 Q Okay. Something rather significant happened in 2013,
17 didn't it?

18 A Yes, sir.

19 Q That's not vague to you, is it?

20 A No.

21 Q Around that time do you remember doing a lot of texting
22 with Darrell?

23 A I texted him every day.

24 Q Tell me his general mood in 2013 as far as
25 relationships were concerned?

1 A Well, I mean, he did say he was going on a date and if
2 it worked out, he'd go, okay, this worked out, and if didn't
3 work out he'd be bummed about it. But, I mean, it's your
4 normal dating scene.

5 Q Did you find that you were -- you would attempt to
6 cheer him up by taking him out because he was sort of
7 forlorn over somebody?

8 A No, not really. We'd just all go out all the time.

9 Q Let me ask you about Lisa Hamlett. Okay? And I've got
10 a text message. You remember Lisa Hamlett?

11 A I heard of her but --

12 Q Did you --

13 A -- I didn't know her.

14 THE COURT: Let her finish her answers now.

15 A I don't know her. I never met her. So I know of her.

16 Q How do you know of her?

17 A Because he talked about her.

18 Q Who's he?

19 A Darrell.

20 Q How often did he talk about Lisa Hamlett?

21 A Every now and then. It'd be like, you know, I miss
22 Lisa or, you know -- you know. I don't -- I've never met
23 her.

24 Q I'm not asking you that. I'm asking you how do you
25 know of Lisa Hamlett?

GINNY REINMAN: DIRECT EXAMINATION

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1 A Because Darrell would talk about her here and there.

2 Q And what did he tell you about Lisa?

3 A That they dated and then that they parted ways and he
4 still loved her.

5 Q He loved her? And you said they'd dated?

6 A Yeah.

7 Q And did he say about how long they'd dated? Did you
8 tell me before they dated about a year?

9 A Maybe.

10 Q What did he do for a living? Do you know?

11 A As far as I know he was IT tech.

12 Q ITT what? IT tech?

13 A IT tech.

14 Q What does that mean?

15 A Working on computers.

16 Q Did he ever work on your computer?

17 A No. He worked on my phones.

18 Q He worked on your phone?

19 A Yes. Computer, phone. They're all the same.

20 Q What is a -- do you ever do laser tag?

21 A Yes.

22 Q What is a Zombie Apocalypse? I'm sorry. Never mind.
23 You do laser tag. Is there a zombie hunt in Anderson that
24 you would ever do?

25 A No. It came up but we never went.

1 Q Is that something you've -- you know what I'm talking
2 about?

3 A Yes.

4 Q Around that time do you recall Darrell becoming
5 interested in guns?

6 A We've talked about it, but nothing -- nothing anybody
7 else wouldn't be talking about.

8 Q What does that mean?

9 A Well, I mean, back then everybody was interested in
10 everything going on. Everybody was talking about getting a
11 gun or getting...

12 Q What was in the news?

13 A Shoot, I don't remember, sir. That was --

14 Q I'm not asking you to -- you just testifying as a
15 witness. Okay?

16 A Okay.

17 Q I'm just asking you a simple thing about him talking
18 about guns. Do you remember that?

19 A Vaguely.

20 Q Do you remember him sending you pictures of guns?

21 A 9 millimeter.

22 Q You do remember that?

23 A I remember that.

24 Q And what was he -- what his issue as far as wanting
25 this gun and trying to get this gun? What was stopping him

GINNY REINMAN: DIRECT EXAMINATION

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1 from getting a gun?

2 A Money.

3 Q Do you remember mentioning to him he ought to go to a
4 pawn shop to buy one?

5 A No.

6 Q If I showed you some text messages would it help
7 refresh your memory?

8 A Maybe.

9 Q August 15th of 2013. Read to yourself just right
10 there.

11 A Okay.

12 Q Do you remember that?

13 A Not really.

14 Q Well, August 15th of 2013 what did you suggest to
15 Darrell Raines he do?

16 A This says go to the pawn shop.

17 Q Do you remember him becoming disappointed because he
18 couldn't afford the gun at the time?

19 A No.

20 Q Let me show you down here August 16th, 2013, just down
21 at the bottom.

22 A I knew he was looking for a job.

23 Q But then do you remember him just being disappointed he
24 couldn't get the money together to buy the gun?

25 A No.

1 Q But you don't deny you talked to him about that?

2 A I don't deny it.

3 Q He's like a little brother to you. I know. Say yes or
4 no.

5 A Yes.

6 Q But you do recall him mid-August talking to you about
7 purchasing a gun?

8 A Yeah.

9 Q And you do recall multiple conversations about him
10 wanting this gun?

11 A Yeah. There wasn't one particular gun.

12 Q Well, what kind did he say? What all kinds did he
13 want?

14 A Well, I don't know. I mean, he was just looking.

15 Q Were you looking for guns, too?

16 A No.

17 Q Did he tell you why he suddenly wanted that gun?

18 A No.

19 Q But he told you about Lisa Hamlett, right?

20 A Yes.

21 Q And he mentioned her multiple times, didn't he?

22 A Yes.

23 Q He talked about her a lot, didn't he?

24 A Yes.

25 Q And he was upset about her, wasn't he?

GINNY REINMAN: CROSS-EXAMINATION

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1 A Yes, because he loved her.

2 Q And how long did he say they dated?

3 A A year, I guess. I don't really remember.

4 Q Did he ever tell you all they lived together?

5 A No.

6 Q He didn't say that to you?

7 A No.

8 MR. SCOTT: All right. Answer any question Mr. Able
9 has for you.

10 THE COURT: Cross-examination.

11 CROSS-EXAMINATION

12 BY MR. ABLE:

13 Q Ms. Reinman, have you ever -- you've known Darrell
14 Raines 15 -- 18 years?

15 A Yes, sir.

16 Q Have you ever known him to be a violent person?

17 A No, sir.

18 Q Have you ever known him to display any violent
19 tendencies toward women or anything like that?

20 A No, sir.

21 MR. ABLE: Thank you.

22 THE COURT: Thank you, ma'am, for your testimony. You
23 may step down. You're free to leave or you're welcome to
24 remain with us.

25 (Whereupon, the witness stepped down from the witness

CRYSTAL SMITH: DIRECT EXAMINATION

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1 stand.)

2 MS. BOYKIN: The State calls Crystal Smith.

3 CRYSTAL SMITH, having first been
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. BOYKIN:

7 Q Ms. Smith, please state your full name for the record.

8 A It's Crystal Ann Smith.

9 Q Now, Crystal, do you know Darrell Raines?

10 A Yes.

11 Q How do you know him?

12 A From high school. At middle school, high school.

13 Q And were you all friends?

14 A Yeah.

15 Q Back in 2013 would you all message each other?

16 A Yeah. We reconnected on Face book.

17 Q About what time?

18 A I'd say maybe the beginning of that year, maybe.

19 Q Beginning of 2013?

20 A Yeah.

21 Q Tell me about y'all's conversation?

22 A I mean, we were both going through some break ups. I
23 went through a really bad break up. He went through a
24 really bad break up. We pretty much confided in one another
25 about what we were going through. How we were feeling.

CRYSTAL SMITH: DIRECT EXAMINATION

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1 What we were doing to cope getting over what I was, you know

2 --

3 Q In that break up?

4 A Yeah.

5 Q Who did Darrell break up with?

6 A Lisa.

7 Q Do you know Lisa's last name?

8 A Hamlett.

9 Q What all did Darrell tell you about Lisa?

10 A He just said that, you know, he was in love with her.
11 Something about they had been together. He had had a crush
12 on her since we were in high school. They finally started
13 dating and everything was going well. Then some girl came
14 into play saying that she was pregnant. At one point I
15 thought it was his ex-wife, but it wasn't. I'm not really
16 sure about that. So he would just tell me, you know, how
17 much he missed her and loved her and how he wanted to be
18 back with her. And I understood what he was going through
19 because, like I said, I was going through the same thing
20 myself.

21 Q So did his love seem to grow towards Lisa in your text
22 messages?

23 A It did.

24 Q And so, obsessive?

25 A At one point I would say yes.

1 Q Did he ever tell you how long they'd been dating?

2 A I believe he said eight months.

3 Q Did he ever tell you they lived together?

4 A I believe that they did.

5 Q Did he tell you that?

6 A Seems like he did. Again, this was 2013, so I'm going
7 to say yes.

8 Q Did he tell you about any Face book messages or letters
9 he would send Lisa?

10 A Yeah. He would send them to me to read. I would read
11 them. And, you know, they were kind of sweet.

12 Q He would send you the letters? What for?

13 A Just for me to read over and say what do you think.

14 Q About how many letters, do you know?

15 A I'd say maybe three or four, depending on, you know, if
16 he found a problem or added something, you know.

17 Q Do you remember the last letter he got you to look
18 over?

19 A It was -- the last one that I believe where she had
20 started seeing somebody and he had wrote her a letter trying
21 to give himself closure.

22 Q Do you know who Lisa was seeing?

23 A I think his name was Chris. I don't know the last
24 name. But I don't -- I didn't know him personally. Just
25 know from Face book.

CRYSTAL SMITH: DIRECT EXAMINATION

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1 Q And would Darrell tell you things about this man that
2 Lisa was seeing?

3 A I mean, other than what he saw on Face book, because I
4 didn't know him.

5 Q But you did see him on Face book?

6 A Yeah.

7 Q Crystal, tell me -- have you talked to Darrell about
8 this case?

9 A Not -- well, not recently. But when it first -- when
10 it first came into play I talked to two day -- or a day
11 after when he called me from jail.

12 Q Now, what did he tell you?

13 A Well, I asked him. I flat out asked him, you know,
14 what's going on, because I saw on the news. We talked. He
15 said that he didn't do it. I asked him something about the
16 ATM video. And I said, well, you know, what about this,
17 because it was -- you know, they said on the news that they
18 saw the video. He said that Myranda was in the car and that
19 she was afraid to get out and he got money out of the ATM
20 for him -- for her.

21 Q Let me stop you right there. I want to show you
22 State's Exhibit 26. Do you recognize the person in this
23 picture?

24 A Yeah, it's Darrell.

25 Q That's Darrell. Do you see anyone else in that car?

1 A No.

2 Q But he told you that Myranda was in that car?

3 A That's what he told me.

4 Q The night of -- the morning of the 19th, when he took
5 the money out, he told you Myranda was in the vehicle?

6 A That's to my understanding, yes.

7 MS. BOYKIN: Thank you. Please answer any questions
8 Mr. Able has.

9 THE WITNESS: Sure.

10 THE COURT: Cross-examination, Mr. Able?

11 MR. ABLE: Yes, sir. One moment.

12 THE COURT: Sure, take your time.

13 CROSS-EXAMINATION

14 BY MR. ABLE:

15 Q Now, Ms. Smith, how long have you known Darrell?

16 A Since middle school, high school. We were in band
17 together.

18 Q And in all that time had you ever known him to display
19 violent tendencies toward women?

20 A No, never.

21 Q Have you ever seen him violent toward anyone?

22 A No.

23 Q Now, when you spoke with him on the telephone about --
24 and you report that he said that Myranda was in the car with
25 him, did he say specifically at the ATM machine or --

CRYSTAL SMITH: REDIRECT EXAMINATION

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1 A All I know is that I was confused about what was going
2 on, because this is totally not him. And, you know, when I
3 asked him what was going on and what about this ATM, I -- I
4 thought he had told me -- he had told me that she was in the
5 car. I mean --

6 Q Are you just not sure?

7 A I'm really not sure. I mean, this is back in 2013. A
8 lot of things have changed. And, you know, I can't remember
9 what happened two, three years ago.

10 MR. ABLE: Thank you. That's all.

11 THE COURT: Redirect, Solicitor?

12 MS. BOYKIN: Briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. BOYKIN:

15 Q You asked Darrell about going to the ATM?

16 A Right.

17 Q After you were discussing him being arrested; is that
18 correct?

19 A Yes.

20 Q And what did he tell you about going to the ATM and
21 using Myranda's card?

22 A He said that she was with him, I mean, but I -- she
23 might not have been in the car. I don't know.

24 Q But he told you that she was in the car?

25 A She was in the vicinity. It's on the recorded thing of

CRYSTAL SMITH: REDIRECT EXAMINATION

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1 jail. It was --

2 Q But that's what he told you, that she was there?

3 A Yeah.

4 MS. BOYKIN: Thank you.

5 THE WITNESS: Thanks.

6 THE COURT: Thank you for your testimony, ma'am. You
7 can step down.

8 THE WITNESS: Thank you.

9 THE COURT: You're free to leave or you're welcome to
10 remain with us.

11 (Whereupon, the witness stepped down from the witness
12 stand.)

13 MR. SCOTT: Can we take just five -- just brief? I'm
14 lining up one of my witnesses.

15 THE COURT: That's fine. Mr. Foreman, ladies and
16 gentlemen of the jury, we're going to take a short morning
17 break. So if you'll go back to the jury room. Again, I
18 remind you, don't begin any discussions about this case and
19 we'll get you back out shortly.

20 (Whereupon, the jury exited the courtroom at 10:31
21 a.m.)

22 THE COURT: We'll be at recess about 10 minutes.

23 (Whereupon, a recess was held from 10:31 a.m. to 11:28
24 a.m.)

25 (Whereupon, the jury entered the courtroom at 11:28

MIA MCCARTER: DIRECT EXAMINATION

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1 a.m.)

2 THE COURT: Ladies and gentlemen, I had Mr. Bolt tell
3 you that the delay was caused by we were waiting on some
4 witnesses. So that's why the originally anticipated short
5 break turned into about an hour break. Okay?

6 Solicitor, you may proceed, sir.

7 MS. BOYKIN: The State calls Mia McCarter.

8 MIA MCCARTER, having first been
9 duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. BOYKIN:

12 Q Mia, if you could, just state your full name for the
13 record.

14 A Mia Jane McCarter.

15 Q Now, Mia, do you know Darrell Raines?

16 A I do.

17 Q How do you know him?

18 A He took our volleyball pictures for my volleyball team
19 when I was 16.

20 Q For a school volleyball event?

21 A It was actually a tournament week my team went to. He
22 was actually doing photos for the other school.

23 Q Do you know what year that was?

24 A I don't know the year. I know how old I was, but I
25 don't what year. It was when I was 16, so four years ago.

1 Q What happened after he took the pictures?

2 A He took the pictures for the team. We got our pictures
3 back. And then about a year later he contacted me via Face
4 book.

5 Q And you were 17 at the time?

6 A Yes, ma'am.

7 Q What did he say on -- did he message you or just friend
8 request or --

9 A Sent me a friend request. I don't know that it was a
10 year that he sent the friend request, but it was a year
11 between when he actually contacted me with a message.

12 Q So was that late 2013, thereabout?

13 A Yes, ma'am.

14 Q How did your all's relationship progress?

15 A It started off very casual. Just kind of hey, how are
16 you. You know, I took your volleyball pictures. Just very
17 casual and it kind of progressed more romantically. We
18 never actually met in person other than when he did our
19 pictures, but there were many Face book messages and text
20 messages back and forth.

21 Q So it was a romantic relationship?

22 A Yes.

23 Q Did he seem to have other thoughts toward another
24 relationship?

25 A Yes, ma'am. There were other thoughts. A lot of the

MIA MCCARTER: DIRECT EXAMINATION

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1 times he would seem interested in me, but at the same time
2 he would talk about another girl named Lisa, and this person
3 was someone that he was very interested in being with.

4 Q Do you know Lisa's last name?

5 A I do not.

6 Q What did he tell you about Lisa?

7 A I assumed they had some kind of relationship only
8 because he had said that there would have been something
9 that went on. Something happened where the relationship
10 ended. But that was the relationship he wanted and he was
11 very much determined to get back with her.

12 Q Very determined?

13 A Yes.

14 Q Did he ever send you anything over Face book to look at
15 for him?

16 A He sent me a letter once or twice actually to read that
17 he was going to give to her, yes.

18 Q Why did he send them to you?

19 A Just to proof read them to see if it sounded good. See
20 if it sounded like something that could get her back maybe.

21 Q How did they sound to you?

22 A I mean, as a girl, if a guy sent me that and everything
23 was normal, then I would probably say okay, yeah. someone
24 though that if you think someone's interested in you but
25 they're sending you a letter for another person, that's kind

1 of strange to me.

2 Q How did y'all's relationship end?

3 A I actually at the time was going through several health
4 issues, so I was in and out of the hospital with surgeries
5 and everything and just kind of -- there would be times when
6 he wouldn't say anything for a while and then he'd reappear.
7 And then I get a call from one of my friends saying that
8 he's on the news, so...

9 Q And that call that he's on the news, around that point
10 was he still talking about Lisa to you?

11 A Yes. That was an ongoing thing for a year or so.

12 Q So that was the majority of your conversation with
13 Darrell was about Lisa?

14 A Yes.

15 MS. BOYKIN: Thank you. Please answer any questions
16 Mr. Able has.

17 THE COURT: Mr. Able, any cross-examination?

18 MR. ABLE: One moment, Your Honor.

19 THE COURT: Sure.

20 CROSS-EXAMINATION

21 BY MR. ABLE:

22 Q Now, Ms. McCarter, you said you met my client on one
23 occasion?

24 A Yes, sir.

25 Q And that was four years ago?

MIA MCCARTER: CROSS-EXAMINATION

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1 A Yes, when he took our volleyball pictures.

2 Q I'm sorry?

3 A When he took our volleyball pictures. So yes, it was
4 about four years ago.

5 Q And that's the only time you've ever physically met
6 him?

7 A Yes.

8 Q And you and he became Face book friends?

9 A Yes, sir.

10 Q And you characterized it as a romantic relationship but
11 you never met him?

12 A We never actually met. It was more the subject in
13 which we would talk about. There was a lot of flirting,
14 sometimes sexual conversations, yes.

15 Q And that's what you term romantic?

16 A That's what I -- well --

17 Q There was never a physical relationship?

18 A There was never a physical relationship. No, sir.

19 MR. ABLE: Thank you. That's all I have.

20 THE COURT: Redirect?

21 MS. BOYKIN: Briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. BOYKIN:

24 Q Would he send any pictures of himself?

25 A Yes, ma'am.

1 MR. ABLE: Judge, that should have been in direct
2 examination. I mean, that's not -- that's not cross.

3 MS. BOYKIN: Your Honor, it's what he crossed.

4 THE COURT: I'll overrule it. I'll allow it.

5 Q Did he send you pictures of himself?

6 A Yes, ma'am.

7 Q Romantic pictures?

8 A Yes, ma'am.

9 MS. BOYKIN: Thank you.

10 THE COURT: Thank you, ma'am, for your testimony. You
11 can step down. You are free to remain with us or you're
12 free to leave, either way.

13 THE WITNESS: Thank you.

14 (Whereupon, the witness stepped down from the witness
15 stand.)

16 MR. SCOTT: Your Honor, the State calls Lisa Hamlett.

17 LISA HAMLETT, having first been
18 duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. SCOTT:

21 Q State your full name for the record.

22 A Lisa Marie Hamlett.

23 Q Lisa, how old are you?

24 A Thirty-four.

25 Q And where are you from?

LISA HAMLETT: DIRECT EXAMINATION

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1 A Originally Greenville. I'm from Simpsonville, South
2 Carolina is where I currently live.

3 Q And you grew up in Greenville?

4 A Yes.

5 Q And did you go to school there?

6 A Yes.

7 Q And, of course, you know why you are here. And you
8 were subpoenaed to be here?

9 A Yes.

10 Q Who is Darrell Raines?

11 A As in --

12 Q Who is he? How do you know him?

13 A I've known Darrell Raines since I was in third grade.
14 Approximately third grade. Eight-years-old. We lived in
15 the same neighborhood. I know him. I know his brothers.
16 His family. My mother has been friends with his mother for
17 years. Went to the same schools. Went to elementary,
18 middle, high school. I've always known him.

19 Q Were you all really close in elementary school?

20 A No. He's a couple -- he is a couple years older than
21 me, so we were never in the same classes.

22 Q So you all weren't even contemporaries as far as
23 school? I mean, you all weren't in the same grades?

24 A No.

25 Q And then when he was in your neighborhood were you all

1 good friends then?

2 A We would ride the bus. Like I said, we were two years
3 apart. However, we would ride the bus home in elementary
4 school up until middle school, I believe. I can't --

5 Q Was that the extent of your, I guess, dealings with him
6 back in the neighborhood days?

7 A Well, when we were kids we would hang out. As far as
8 -- like I said, Debbie and my mother, Nancy, are -- were
9 friends, you know. We -- Debbie would be at my house. My
10 mom would be at Debbie's house. There was a relationship
11 there.

12 Q And when you say Debbie, you're talking about Debbie
13 Zick who is Darrell Raines' mother?

14 A Right.

15 Q So his mother and your mother were friends?

16 A Right.

17 Q And through that relationship you would come into
18 contact with Mr. Raines from time to time?

19 A Right.

20 Q Getting into school, were you all boyfriend and
21 girlfriend?

22 A No.

23 Q You all never were?

24 A No.

25 Q High school? Were you all in high school at the same

LISA HAMLETT: DIRECT EXAMINATION

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1 time?

2 A Uh-huh.

3 Q And -

4 MR. ABLE: Is that a yes, Your Honor?

5 A That's a yes.

6 Q Thank you, Lisa.

7 A You're welcome.

8 Q Were you in color guard; is that right?

9 A Correct.

10 Q And then he was in the marching band or something like
11 that?

12 A Yes.

13 Q And then at that time did you all interact with one
14 another?

15 A To the extent we had practices and competitions and
16 things like that. He was in marching band. I was in color
17 guard. So, yes.

18 Q But was it ever of a -- I guess I'll term it a romantic
19 type relationship?

20 A No.

21 Q Did he at that time profess any feelings for you?

22 A No.

23 Q After high school and you graduated what did you do
24 with your life after that?

25 A I have two children. I went to nursing school. I'm a

1 registered nurse now. I haven't spoken or had any contact
2 with Darrell for 15 to 20 years. I mean, I would have to
3 look back. I mean, it's been a long time. After high
4 school we didn't cross paths.

5 Q You went your separate ways? Is that what you're
6 saying?

7 A Right.

8 Q So to the extent you even knew him in high school,
9 after high school was over he did his thing and you went and
10 did your thing?

11 A Yes.

12 Q And then tell me when was it that he decided to reach
13 back out and try to reconnect with you.

14 A We became Face book friends - and I don't have the
15 date. I can't remember. This has been years ago. And we
16 had talked on Face book about the family, of course, because
17 we -- our families knew each other. And then eventually we
18 met at an Applebee's in Simpsonville where I live just to
19 kind of catch up.

20 Q Do you remember about when that was?

21 A It would have to have been at the end of 2012, I
22 believe.

23 Q So at the end of 2012 you all had a -- would you call
24 it a date? What was it?

25 A It was kind of like you would meet -- I mean, you would

LISA HAMLETT: DIRECT EXAMINATION

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1 catch up with someone that you haven't seen for so long that
2 -- family friend and that sort of thing. I don't know if
3 you would call it a date. I don't know really what you
4 would call that.

5 Q Well, did you hope it would become a romantic type
6 relationship when you ate at Applebee's with him?

7 A No, at the time. I mean, you can't judge that you're
8 going to be in a relationship with somebody at an
9 Applebee's.

10 Q It was just catching up is what you kind of termed it
11 already?

12 A Right, yes.

13 Q Then after you ate at Applebee's what did he do? He
14 gave you a kiss, didn't he?

15 A Yes.

16 Q What did you think about that?

17 A In the parking lot.

18 Q What did you think about that?

19 A I didn't really think anything of it. I mean, it was
20 just what it was.

21 Q Did he say anything to you at that time?

22 A Not that I can recall, no. No.

23 Q Now, tell me after the Applebee's meeting. Did he
24 contact you anymore through text or Face book or anything?

25 A Yeah.

1 Q And what was the tone of those communications?

2 A We talked back and forth. He had -- he told me about
3 his daughter and, you know, I was at the time a single mom.
4 We talked about football and that sort of thing. I just --
5 I don't want to say anything that -- you know, I can't
6 remember exactly what we specifically spoke about that many
7 years ago.

8 Q Did you ever get to meet in person again?

9 A We did, yeah.

10 Q Do you remember when that was?

11 A it had to be sometime during, like I said, the end of
12 the year in 2012, because I'm a Clemson fan and he came to
13 my house to watch a football game.

14 Q Tell me about that. Where were -- were your children
15 there?

16 A They were there.

17 Q Were they with you and Darrell?

18 A No. They were asleep.

19 Q Did he ever get a chance to meet your children?

20 A He never met -- as far as that night?

21 Q Yeah.

22 A I don't -- there was no meeting the kids. As far as if
23 he ever ran across them that I don't know of through some
24 other means, I don't know, but no. There was no
25 introduction made, if that's what you're asking.

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1 Q What else happened that night?

2 A Well, we watched football. Some other things happened.

3 Do you want me to be specific? How specific do I need to be
4 about what happened?

5 Q Were you all together, I guess --

6 A Yes.

7 Q -- romantically that night?

8 A Yes.

9 Q Was that the only time you all were?

10 A Yes.

11 Q Tell me, did he stay the night?

12 A No.

13 Q Did he leave?

14 A He left.

15 Q After that did you ever meet with him again in person?

16 A I think there may have been a time -- my sister has a
17 pet rescue and we were at the Greenville Humane Society,
18 Furman Hall Road, and I believe he may have given me a ride
19 home, back to my house, because I was with her. She's a
20 hospice nurse and had a phone call. So he took me back to
21 my house.

22 Q Did this relationship progress any further than that
23 night?

24 A No. Can -- can I explain a few things or am I --

25 Q Please do.

1 A Okay. Like I said, I've known Darrell pretty much my
2 entire life. I always thought he was a great guy, you know.
3 Never felt that there was anything to be afraid of with him
4 growing up, obviously. He's very intelligent. You know, we
5 did have conversations. Things like that. I'm sorry. I'm
6 sorry. When I found out -- after what happened at my house
7 that night, I found out that not only was he still married
8 to Amber, I believe is her name, he also had a girlfriend
9 that he worked with. And finding out all of that
10 information I no longer wanted, obviously, to pursue any
11 kind of a relationship with him regardless of what happened.
12 And I'm not sure anybody who would. I was, like I said,
13 completely unaware that all of that was going on.

14 Q So after the night of the Clemson game you discovered
15 some of these things is what you're saying?

16 A Right.

17 Q And then what steps did you take to kind of let him
18 know it ain't going any further?

19 A Well, I questioned him about it. I can't remember if
20 it was text messages or Face book. I don't know. I can't
21 remember which. It was one or the other. But I did make it
22 clear that obviously I would not want to be in that type of
23 situation with all of that continuing to go on. There was
24 even talk of this person possibly being pregnant. I mean,
25 you know, it really -- I mean, as you can imagine, finding

1 that out after-the-fact. And so, yeah, there was no further
2 desire for any kind of a relationship after that fact.

3 Q So you expressed to him pretty much that you weren't
4 interested in seeing him anymore?

5 A Right.

6 Q How did he take that?

7 A Well, there were a series of letters, text messages,
8 Face book posts.

9 Q Tell me what was the gist of the -- tell me about the
10 letters. How would you receive these letters? Were they in
11 the mail?

12 A No, they would -- I received some blank cards in the
13 mail. But most of the letters -- all of the letters
14 actually were either cross-posted to an instant message on
15 my Face book account, and also left in an envelope on my
16 front porch at my home.

17 Q How many times did that happen?

18 A I couldn't even tell you.

19 Q Let me show you something. State's 42. Have you seen
20 these before?

21 A Yes.

22 Q Do you recognize them?

23 A Uh-huh. I do, yeah.

24 Q And what are those?

25 A These are the letters that were left on my porch. This

1 is actually a letter written from Laurens County. These are
2 pretty much all the letters that were left on my porch.

3 There's a lot.

4 Q How frequently was he leaving these letters on your
5 porch?

6 A Daily to every couple of days.

7 Q So every day when you walk out on your porch you're
8 either going to find a letter from Darrell Raines --

9 A Uh-huh.

10 Q -- or what other kinds of things was he leaving on your
11 porch?

12 A Candy, Build-A-Bears.

13 Q Hold on a second. Candy? What's the significance of
14 that?

15 A They were Jolly Ranchers.

16 Q Why is that? Why would he think to leave Jolly
17 Ranchers on your porch?

18 A Well, because at Applebee's that's what I -- I had one
19 in my purse and that's what I ate was a Jolly Rancher and --

20 Q He remembered that?

21 A I suppose.

22 Q Didn't he create some kind of a vase or something out
23 of Jolly Ranchers for you?

24 A Yes. It was --

25 Q Tell the jury about that.

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1 A It was in a dish. Like an ice cream Sunday dish. And
2 it had some sort of Styrofoam in the middle with Jolly
3 Ranchers glued all of it.

4 Q Did it look like it would take some time to make?

5 A Yes.

6 Q What did you think about that?

7 A It's kind of hard to know the difference between
8 somebody just really having a hard time getting over
9 something and something being -- going to the next level.

10 Q This is after two times meeting with you, correct?

11 A Right.

12 Q And then what else did he do with candy? Did he throw
13 it all over your porch or something and cover the whole
14 porch up?

15 A Yes.

16 Q Tell the jury about that.

17 A I came home -- I either came home or woke up, because I
18 never saw him leaving these things. I never saw this. But
19 there would be like hundreds of the wrapped Jolly Rancher
20 candies all over my front porch. Covering my porch.

21 Q So was he doing this at nighttime while you were in the
22 bed, or when was he doing it?

23 A I was either asleep or not home, because I never saw
24 him actually do it. But I would get messages, you know.

25 The Build-A-Bear was in a box. That's what they come in. I

1 went outside. I found that. And I have cats, so they had
2 already taken it out of the box and pretty much -- I mean,
3 the box was on my porch. The bear is laying over, you know,
4 off the side of my porch in the bushes. But as far as I can
5 remember, he would, I mean, obviously claim the fact that
6 that was his doing.

7 Q Would he text you and just kind of reference the
8 Build-A-Bear?

9 A Right.

10 Q Now, Build-A-Bear, he would have had to take himself
11 into a toy store and actually build the bear for you?

12 A Right.

13 Q Is that how those things work? So he went to the toy
14 store and made a bear for you?

15 A I suppose.

16 Q When would you find these items on your porch those?
17 I'm saying, was it in the middle of the day or was it when
18 you got up to leave for work in the morning, or when was it?

19 A It would be in the morning most of the time. Sometimes
20 I would come home and -- you know, I would come home at
21 10:00 or 11:00 and there would be letters there. But like I
22 say, most of the time it would be -- you know, I would wake
23 up and they would be there. I have this table. I have two
24 rocking chairs on my front porch, and in the middle I have a
25 table with a plant, and that's where they were every time,

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1 in the same spot.

2 Q He even left some money out there, too, didn't he?

3 A Yes.

4 Q He'd just leave cash money on the porch?

5 A He made an offer to me to -- that he was going to leave
6 a debit card at my house. And that's on my Face book
7 messages. And I said absolutely not. I wouldn't accept it.
8 So I'm assuming that from that is where the cash came from.

9 Q Do you recall being in your neighborhood and seeing him
10 drive around?

11 A Yes.

12 Q How many times did that happen?

13 A I probably passed him five or six times. And I live on
14 a circle. There's one way -- there's one way -- well, it's
15 a circle. There's pretty much -- I mean, there's no
16 connecting road. If you're going to go to my house you're
17 going to go --

18 Q So it wouldn't be like a cut through from one road to
19 another?

20 A No.

21 Q So both entrances come out on this same road?

22 A Right.

23 Q And to your knowledge, did he live in that
24 neighborhood?

25 A No.

1 Q Do you know where he lived?

2 A I assumed he lived with his mother.

3 Q He did. But -- well, if he did, do you know where she
4 lived?

5 A No, I don't know where she lived.

6 Q To your knowledge, any reason that he would be in your
7 neighborhood then?

8 A No.

9 Q Did he ever send you text messages telling you he was
10 in your yard?

11 A Yes.

12 Q Tell us about that.

13 A I was asleep one morning and I got a text message that
14 said that he was outside and he wanted to talk. So I looked
15 outside of my bedroom window and he was there. And I
16 responded that I was not coming outside and I was not going
17 to talk about anything and that he just needed to leave. I
18 didn't go out. I didn't talk to him. Twenty, 25 minutes
19 goes by and he left.

20 Q What affect did all this have on you?

21 A Well, at this point it's a little strange. Like I
22 said, there's a line that you can cross. And at that point,
23 when I started seeing him in my neighborhood and coming to
24 my house and in my driveway, that's a little -- that's
25 crossing the line.

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1 Q And at some point did -- you moved on pretty quick.

2 There wasn't anything to move on from, was there?

3 A No.

4 Q And you started dating somebody else?

5 A Yeah, I think -- like I said, I can't remember. But

6 several months later I did.

7 Q Do you remember Jason Gillespie?

8 A Yes.

9 Q And you remember why you kind of had a falling out with
10 him?

11 A I started receiving messages from Myranda on Face book.

12 We were not Face book friends. I never knew Myranda.

13 However, on Face book you can message someone without being

14 friends. I started receiving messages that -- from her, I

15 assumed at the time, that she was having a relationship with

16 my, at that time, boyfriend Jason Gillespie.

17 Q That was the gist of the message that was supposedly

18 from Myranda Southern?

19 A Yes.

20 Q Hold on one second. Did Darrell Raines ever live with
21 you?

22 A No.

23 Q Did he ever ask if he could live with you?

24 A Yes.

25 Q Tell us about that.

1 A He offered to pay me to live -- I have an extra room in
2 my house downstairs. That he wanted to rent out a room from
3 me and I said no. I mean, this is way -- this is -- you got
4 to think. The time-frame that all of this happened and when
5 he's making this offer. This is -- this is -- I mean,
6 there's quite a bit of time has gone by.

7 Q So a lot of time has gone by since your all's two
8 encounters?

9 A Yeah.

10 Q Time's gone by and he's still making these offers and
11 everything?

12 A Yes.

13 Q Well, tell us more of this. You said he wanted to rent
14 a room?

15 A Yes.

16 Q And you live there with your two children?

17 A Right.

18 Q And what was he proposing?

19 A To rent a room from me, which is -- no.

20 Q Just take care of you and your kids?

21 A There's actually a reference to it in one of these
22 letters. I mean, there's so much I could go through and --

23 Q Did he ever, to your knowledge, go to your mother's
24 house looking for you?

25 A Yes.

1 Q How many -- that just happened one time, to your
2 knowledge?

3 A Yes.

4 Q Did his mother ever contact you on his behalf?

5 A Yes.

6 Q How many times did that happen?

7 A Countless. That's all on Face book also. It's all
8 messages.

9 Q Have you ever had anybody react like this to you
10 before? Any guys that have done this to you before?

11 A No.

12 Q Am I missing anything besides these two dates? There
13 was no other encounters between you two?

14 A Other than the ride home from the Humane Society, no.

15 Q Did you tell him you loved him?

16 A No. I'm looking through all this stuff just --

17 Q Well, just trying to -- if you could help this jury
18 understand how this reaction came to be. We're all trying
19 to figure out why he reacted like this. If you have
20 anymore --

21 A Well, I would like to figure that out as well.

22 Q I want to show you State's 52.

23 THE COURT: Did you say 52?

24 MR. SCOTT: Yes, sir.

25 Q Is that what you were alluding to as far as the message

1 from Myranda?

2 A It is.

3 Q And did you have any idea who Myranda Southern was at
4 the time?

5 A No. When I saw this on TV, this -- these are from
6 August 17th.

7 Q Hold on one second. August 17th is when you get Face
8 book messages supposedly from Myranda Southern?

9 A Yes.

10 Q You have no idea who Myranda Southern is, do you?

11 A No.

12 Q What time are those messages sent? Just when the first
13 post is. What was the time on it?

14 A The first one was posted August 17th at 6:38 a.m.

15 Q 6:38 a.m.

16 MR. SCOTT: Your Honor, with permission from the Court,
17 we would offer State's 52 for admission into evidence.

18 Also, permission to publish.

19 THE COURT: Okay.

20 Q Read what the --

21 THE COURT: Wait a minute. Mr. Able, any objection?

22 MR. ABLE: No objection.

23 THE COURT: All right. 52 is into evidence on behalf
24 of the State.

25 (Whereupon, State's Exhibit No. 52 was admitted into

1 evidence.)

2 Q Read for the jury what the text -- or the Face book
3 message says supposedly from Myranda Southern.

4 A Okay. "Hi. I've been debating telling you this for a
5 couple of days and I hate that I didn't know, but being
6 someone who has been cheated on and found out too late, I
7 thought you should know. Your boyfriend, Jason, cheated on
8 you with me a few nights ago. I didn't know at the time he
9 had a girlfriend or I would never have slept with him. I'm
10 sorry that I did -- that I did it now that I know. If I had
11 known, I wouldn't have done it. I hate cheaters and can't
12 stand that he tries -- can't stand that he did this to you
13 and me. I felt like I had to say something. I do have
14 children, and if you could please not mention my name as he
15 and I have many mutual friends, or at least be as discreet
16 as possible, I would greatly appreciate it. I'm truly
17 sorry." Continue?

18 Q Well, so did this come as a surprise to you that this
19 Myranda Southern person is saying that she slept with Jason
20 Gillespie?

21 A Of course.

22 Q Did you have any reason to believe they knew one
23 another?

24 A No.

25 Q And she is basically telling you to confront him about

1 this?

2 A Right. I asked my question. The next message that I
3 sent. This was at 11:00 I respond to this, because this was
4 sent at 6:30 in the morning. I ask, where did this happen
5 and when, because I'm trying to figure out what -- I mean,
6 you know, I've never met her. I don't know her. And
7 obviously it's odd.

8 Q Right.

9 A And her message goes on to read, "His house, Wednesday
10 night." From there it says, "I was hoping you would be
11 discreet. I just blocked him. I see his house is up for
12 sale now. I hope you don't end up realizing things a little
13 too late. Again, I'm sorry. If I had known, I wouldn't
14 have."

15 Q Does it continue?

16 A Yes. My response was, "If someone told you that your
17 boyfriend was cheating on you would you confront him with a
18 name? He denies even knowing you." Of course, I had asked
19 Jason what is this, you know. Who is this person. I don't
20 know this person. He doesn't know this person.

21 Q Myranda Southern?

22 A Yes. And her response was, "We went to Wade Hampton
23 together. I'm just worried about my kids. I've known too
24 many crazy people in my life and I don't want it all coming
25 back on them." She says, "My ex is bipolar. I don't know

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1 if you know what this is like, but I'm just worried
2 something bad might happen." And I told her, "Yes, I'm
3 familiar with mental disorders. It's my profession. I'm a
4 psych nurse. Tell me how this happened with Jason. I need
5 to know," is what I asked. I said, "He denies everything.
6 Says it's his ex-girlfriend, Robin, maybe playing some type
7 of game or whatever." I don't know. Let's see. And then I
8 said, "I would appreciate it if you could explain this to
9 me. I'm not angry with you in the least. I just want to
10 know how this happened." This -- then from Myranda says,
11 "We ran into each other Wednesday and started chatting. He
12 invited me over and we sat and talked a good bit. Then he
13 kissed me and I just kind of went with it." And I said,
14 "Where did you run into him. If I end a relationship, I
15 have to know this is the truth. I don't give second
16 chances. I realize you didn't know about me, but he and I
17 have known each other for a long while." And then again
18 from -- a post from Myranda. "At the gas station near his
19 house. I live a little further down the road than he does
20 so I stop there a lot." And can I add as far as what I said
21 with Jason's house being for sale? That home had just been
22 put for sale the day before. So this is not information
23 that somebody would know that had not been to that house.

24 Q Oh, really?

25 A Yes.

1 Q So whoever is writing that would have to be familiar
2 with Jason's home and --

3 A The fact that it was listed for sale by owner, by sign
4 in his front yard the day before. So I said, "So that's it,
5 like a one night stand or something or had it been going on
6 longer." At this -- you know, at this point I'm trying to
7 figure out what's going on. Then another post from
8 Myranda's account says, "Well, I had hoped it would be
9 longer, but I saw that he was in a relationship with you on
10 Face book and obviously I didn't want anything to do with
11 him afterward." And then I said, "Let's confront him." She
12 says, "Listen, this is making me feel worse about the whole
13 thing, I'm assuming is what was meant to be said. "I feel
14 terrible as is and kind of want to forget it. I'm sorry
15 about all of it and I hope you can forgive me." And I ask
16 if she was angry and she said, "Very, but that's not the
17 point. My job is to keep my kids' lives as stable and
18 protected as possible. I told you because I thought that
19 was right, but I'm done now. I have -- I have given you the
20 information and it's your choice what to do with it. I'm
21 sorry, but I can't risk my kids' happiness or their safety."
22 And I said, "I understand. This will be something we will
23 discuss with a counselor for sure. Jason is selling the
24 house because we are starting a life together. I'm not sure
25 where this goes from here. But thank you for your messages.