

VOLUME II of III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Apr 08 2026

SC Court of Appeals

Appeal from Charleston County

Honorable Roger M. Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CURTIS ALAN SMITH,

APPELLANT

APPELLATE CASE NO 2025-000711

RECORD ON APPEAL

WANDA H. CARTER
Chief 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

MELODY J. BROWN
Senior Assistant Deputy Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED MARCH 31-APRIL 4, 2025	1
COURT’S OPENING REMARKS TO APPELLANT	17
JUROR ISSUE RAISED BY DEFENSE COUNSEL.....	20
COURT’S RULING	24
COURT’S REMARKS TO VENIREPERSONS.....	27
JURY VOIR DIRE	28
JURY SELECTION.....	53
THIRD PARTY GUILT/PRIOR BAD ACTS/HEARSAY ISSUES	67
COURT’S RULING	85
<u>JACKSON V. DENNO IN-CAMERA</u> HEARING	87
TESTIMONY	
MICHAEL ANTHONY BROWN, II.....	88
MOTION TO SUPPRESS	114
MATTERS REGARDING JAIL CALLS/THIRD PARTY GUILT	123
MOTION REGARDING PRIOR BAD ACTS.....	128
MOTION REGARDING INFLAMMATORY PHOTOGRAPHS	129
JUROR MATTER	137
MATTER REGARDING MISSING PERSON FLYER.....	141
COURT’S RULING	144
MATTER OF WITNESS’ PRIOR RECORDS	145
COURT’S RULING	148

COURT’S OPENING REMARKS.....	151
OPENING STATEMENT BY SOLICITOR.....	163
OPENIGN STATEMENT BY DEFENSE COUNSEL.....	171
TRIAL TESTIMONY	
EVA GRANT.....	176
APRIL SCURRY	191
SHALON BEAUFORT	196
JONATHAN W. LAWRENCE	265
CHARITY STEINBRUNNER	273
THERESA SMITH	295
RYAN ADAMS.....	402
TIFFANY WILCOME.....	415
LAMONICA SMALLS	474
KENDRA MOSELEY	480
KELLY NEVILL REYNOLDS.....	505
RACHEL NGUYEN.....	524
SARAH ZAPATA	543
SAM RIEDEL.....	585
JEROME DESHEERS.....	617
MELISSA HIGH	663
MIKE ANTHONY BRIAN, II	680
PAUL ALEXANDER SCHOOLFIELD	785
SUSAN ERIN PRESNELL	827

STATE RESTS	857
DIRECTED VERDICT MOTIONS AND PRIOR MOTIONS RENEWED	858
COURT’S RULING	861
TESTIMONY	
CURTIS SMITH.....	866
DEFENSE RESTS	934
DIRECTED VERDICT MOTION RENEWED & PRIOR MOTIONS RENEWED	934
COURT’S RULING	935
JURY CHARGE CONFERENCE.....	935
CLOSING ARGUMENT BY SOLICITOR	942
CLOSING ARGUMENT BY DEFENSE COUNSEL	957
CLOSING REPLY ARGUMENT BY SOLICITOR.....	971
JURY CHARGE ON THE LAW	974
JURY VERDICTS	976
POLLING OF THE JURY	997
ALL DEFENSE MOTIONS RENEWED	1004
COURT’S RULING	1004
SENTENCING	1011
INDICTMENTS AND SENTENCE SHEETS.....	1015
CERTIFICATE OF COUNSEL	1021

1 conclusion, but when you looked at the door, what was of
2 interest to you that you saw?

3 A. Spots of what we believed to be blood.

4 Q. Okay. And when you and Tiffany are working a
5 scene and see spots that look to be possible blood, what is
6 then done to preserve what you found and then have it tested
7 at SLED?

8 A. First the area is photographed. Once it's
9 photographed. We used a two-swab method and collect a sample
10 of it to be sent off tested to SLED.

11 Q. Okay. And were you present -- did you handle that
12 aspect of it or did Tiffany or do you remember?

13 A. I believe she may have already done that by the
14 time I got there.

15 Q. Okay.

16 A. Because it was near the end. We were getting
17 ready to clear, I believe.

18 Q. When you were at the home, were there any other
19 items there or any other rooms that drew your interest that
20 you were a participant in preserving for later analysis? Or
21 was Tiffany about finished at that point?

22 A. She was probably getting close to finishing up.

23 Q. Okay. Regarding a container that would've
24 designed to hold gas. Did you see that container while you
25 were out in either out near the body or when you were back at

1 the house? Did you see that container?

2 A. I don't recall.

3 Q. Okay. And when you were back at the house with
4 Tiffany, was there anything else that you did at the home or
5 that you advised Tiffany to make sure she did based on how it
6 appeared in the home?

7 A. I don't believe so.

8 Q. Okay. Do you recall what time you had got off
9 scene that night? Was it a long night for you all?

10 A. It was. We were out there for several hours. It
11 was -- could have been close to midnight maybe.

12 Q. And then the next day is when you went to the
13 autopsy itself, is that correct?

14 A. Yes.

15 Q. Did you have any other involvement in any other
16 aspect of the investigation in this case?

17 A. Nothing outside of picking up the autopsy clothes
18 and then preparing them for packaging and submission. That
19 was about it.

20 MS. SHEALY: I beg the Court's indulgence. Just a
21 moment.

22 BY MS. SHEALY:

23 Q. When you went to the autopsy, did you in fact get
24 a buccal swab from the victim?

25 A. A buccal swab?

1 Q. I don't mean you doing that yourself, but the
2 pathologist, did you then take it back to the county?

3 A. What kind of swab is that? Yes -- yes, ma'am.

4 Q. And what was the purpose?

5 A. Oral swabs. Okay. I see it. Sorry. You threw
6 me off.

7 Q. Okay. Sorry. I used the word buccal.

8 A. No, that's what I usually refer to it and I --
9 yes, it's on here.

10 Q. So after -- did Dr. Presnell actually do that act
11 herself or were you a participant in the collecting of it?

12 A. No. If Dr. Presnell did the autopsy, she more
13 likely was the one that collected the swabs and then all that
14 was done. I picked up. Typically, our time to pick up
15 autopsy stuff was about 2:00, 2:30 in the afternoon. So I
16 would go by there on my way into work. So after I -- when I
17 got there, it was already done and over.

18 Q. And you're picking it up so that North Charleston
19 can be the the body, the agency that maintains it until it's
20 sent to SLED. Is that correct?

21 A. Yes.

22 MS. SHEALY: Okay. And your Honor, I'd move that into
23 evidence at this point if it has not already been admitted as
24 State's 110.

25 THE REPORTER: It's not.

1 MS. FORD: I have no objection.

2 THE COURT: Admitted.

3 (State's Exhibit Number 110 admitted into evidence.)

4 MS. SHEALY: Showing you -- showing you what has been
5 previously marked as State's 31 -- and let me get you the
6 actual -- if we could pull it up -- but also let me get you
7 the actual photograph. I beg the Court's indulgence. Just a
8 second.

9 BY MS. SHEALY:

10 Q. I'm going to hand you the actual photo. Could you
11 tell the jury whether, or not, this item appears to have a
12 torn belt?

13 A. Yes.

14 MS. SHEALY: Thank you. I have no further questions,
15 but would ask that you answer any the Defense has. Thanks.

16 THE WITNESS: Sure.

17 THE COURT: Cross?

18 MS. FORD: Thank you, your Honor.

19 CROSS-EXAMINATION

20 BY MS. FORD:

21 Q. And just briefly, you testified earlier that after
22 finding Ms. Grant's body, you inventoried her pockets.

23 A. The coroner did. Yes.

24 Q. And while you were there, you all were able to
25 find a small, clear piece of plastic that appeared to contain

1 partially smoked green plant-like material?

2 A. Yes.

3 Q. Cigarette. And green plant-like material
4 typically is marijuana.

5 A. Yes. But before it's tested, since we can't
6 definitively say it's what it is, that's the way it's
7 described.

8 Q. And to your understanding, was that sent off for
9 testing?

10 A. It was not.

11 Q. Okay. But you did take it into evidence?

12 A. It was taken into evidence, yes.

13 MS. FORD: Thank you. I have no further questions.

14 MS. SHEALY: Your Honor, we have nothing further. We
15 would ask that she be excused.

16 THE COURT: You can step down. You are free to go.

17 THE WITNESS: Yes, sir. Thank you. Next witness?

18 MS. DAVIS: The State calls Kelly Nevill.

19 THE CLERK: Would you please raise your right hand,
20 place your left on the Bible?

21 KELLY NEVILL REYNOLDS, CORONER,

22 being duly sworn, testified as follows:

23 THE CLERK: Please be seated. Please state your full
24 name, spelling your last name loudly and clearly to the
25 microphone.

1 THE WITNESS: Kelly Reynolds, R-E-Y-N-O-L-D-S.

2 DIRECT EXAMINATION

3 BY MS. DAVIS:

4 Q. Good afternoon.

5 A. Good afternoon.

6 Q. You introduced yourself as Kelly Reynolds. Did
7 you recently change your name?

8 A. I did. I was married. I was formerly known as
9 Kelly Nevill, N-E-V-I-L-L.

10 Q. And you're married now?

11 A. Yes.

12 Q. Congratulations.

13 A. Thank you.

14 Q. Where do you work?

15 A. Charleston County Coroner's Office.

16 Q. What's your position?

17 A. I'm a deputy coroner.

18 Q. Okay. What is a coroner?

19 A. Coroner determines cause and manner of death. We
20 investigate any death that is suspicious, unnatural causes or
21 a death that occurs outside the care of a physician. We
22 notify next of kin and we identify the deceased individual
23 amongst other things.

24 Q. And you said your position is deputy coroner?

25 A. Yes.

1 Q. So do you work for the elected official, the
2 coroner?

3 A. Yes.

4 Q. How long have you worked at the coroner's office?

5 A. September will be six years.

6 Q. And prior to the coroner's office, where did you
7 work?

8 A. I worked at the Medical University of South
9 Carolina as a forensic autopsy assistant.

10 Q. How long did you do that?

11 A. Nearly two years.

12 Q. And what did you do before that?

13 A. Before that I was an anesthesia technician in the
14 operating room at MUSC as well.

15 Q. Anything else?

16 A. And several different aspects of job -- of like
17 healthcare at MUSC as well. Worked in the ICU, that sort of
18 thing.

19 Q. What is the American Board of Medical-Legal Death
20 Investigators?

21 A. It's a organization for medical-legal, death
22 investigator professionals. We can become board certified.
23 So after you practice for so many hours and investigated so
24 many deaths, you sit for an exam, you test for that exam, and
25 then you get those fancy initials after your name.

1 Q. And so, are you associated with that?

2 A. Yes, I'm a diplomat.

3 Q. Are there any other associations you're involved
4 in as a part of your profession?

5 A. There's a South Carolina Coroner's Association.
6 That's really those -- just those two.

7 Q. Now, can you just help the jury to understand, you
8 mentioned that as a coroner your role is to help determine
9 cause and manner of death, but is -- is that different from
10 what law enforcement's doing? How do -- how is the
11 relationship between your role and law enforcement?

12 A. We -- we investigate our -- we're independently
13 investigating our own case. We work hand in hand with law
14 enforcement. But in the end, we are the ones finalizing the
15 cause and manner of death.

16 Q. And do you get assistance from a pathologist
17 generally?

18 A. If it's not immediately known the cause of death,
19 we will order a forensic autopsy and have one performed to
20 help us determine cause of death.

21 Q. Can you tell us about how you became involved in
22 this case?

23 A. I was notified by law enforcement of a possible
24 deceased individual that was found. I was notified on the
25 evening of December 1st.

1 Q. And were you asked to come out to the scene at
2 Spruill and Arbutus?

3 A. Yes, I was the deputy on call that night.

4 Q. About what time was it when you got out there?

5 A. Short before 11:00 p.m. I don't recall exact
6 time.

7 Q. When you arrived on scene, were there police
8 officers there?

9 A. Yes.

10 Q. Who did you make contact with when you arrived?

11 A. I can't remember the exact person. There were
12 several officers on scene.

13 Q. Did you speak with detectives?

14 A. Yes.

15 Q. Did you speak with crime scene investigators?

16 A. Yes.

17 Q. And where did you go?

18 A. I went there was it a field across, like there's
19 some houses on one side of the street and a larger field that
20 went, I don't know how many yards back there to a railroad
21 track, and...

22 Q. What did you locate there?

23 A. Stumbled -- we -- there was some brush and under
24 the brush and shrubbery was a deceased individual.

25 Q. Could we please publish State's 27 that's been

1 previously admitted into evidence? Ms. Reynolds, can you
2 help us understand what we're looking at here?

3 A. So there are the train tracks, that large piece of
4 wood and under the green shrubbery is an unidentified body.
5 I believe there was a -- there was a sheet over the body once
6 we started removing that sh -- that that brush right there.

7 Q. Could you use the pointer that's in front of you
8 and point out to the jury any area that you see in this photo
9 that is different or looks like it's been edited from the way
10 the body appeared to you when you saw it? If there's any
11 like censoring on there?

12 A. That you would've added?

13 Q. Yeah.

14 A. Okay.

15 Q. Whatever looks different.

16 A. This here, these two areas.

17 Q. Can you help the jury understand what is gray and
18 what is the sheet that you're talking about?

19 A. There's kind of a glare. This appears to be the
20 sheet.

21 Q. Okay.

22 A. In this area.

23 Q. And so, were you able to -- you said that this was
24 an unidentified body.

25 A. Yes.

1 Q. At the time you arrived?

2 A. Yes.

3 Q. Okay. Were you able to locate -- based on what
4 you see here, what appeared to be the head of that body?

5 A. Correct.

6 Q. What did you have to do in order to identify
7 where, if there was a head?

8 A. Beginning moving layer by layer. So this was
9 removed, the pine needles and such were removed.

10 Q. Are you able to tell us anything about the body
11 parts that are grayed out in this picture, what they were or
12 do you not recall?

13 A. I don't recall.

14 Q. Okay. You can take a seat.

15 A. Okay.

16 Q. So you arrive at the scene of the body and you
17 mentioned one of your jobs is to look for manner of death.

18 A. Yes.

19 Q. And you mentioned looking for signs of suspicious
20 activity.

21 A. Yes.

22 Q. Was there anything about that scene we just saw
23 that struck you as suspicious?

24 A. Yes.

25 Q. What?

1 A. The shrubbery laying on top of the body, there
2 were branches broken in a tree nearby that appeared snapped.
3 And the shrubbery appeared green to me, not dead and falling
4 naturally. And it appeared the train tracks were abandoned
5 as well. So the large piece of wood, the shrubbery bushes
6 was very unnatural.

7 Q. Was there anything around the body as you removed
8 the layers of shrubbery that you found unnatural?

9 A. Trash, I recall water bottles, a beer bottle, like
10 a fast-food cup with like a lid nearby.

11 Q. Can we post State's 78. Is that some of the trash
12 that you're referring to?

13 A. Yes.

14 Q. And was that trash actually on the railroad
15 tracks?

16 A. It -- in between, kind of underneath her and near
17 her.

18 Q. Okay. So directly under her body?

19 A. Yes. There were -- not those specific, but there
20 was some trash.

21 Q. And can you point out in this photo if there is a
22 wooden part of the railroad that you can see?

23 A. Yes. Right here.

24 Q. And is there anywhere in this photo where there's
25 a metal or steel part of the railroad you can see?

1 A. The corner.

2 Q. Okay. You can take a seat. Did you reach a
3 conclusion about the greenery you mentioned about whether, or
4 not, it had fallen naturally on top of the body?

5 A. It appeared snapped.

6 Q. It appeared.

7 A. Like it was broken from a branch.

8 Q. And that it fell right on top?

9 A. Yeah, it was laying on top of her.

10 Q. Was there a tree directly above where the body
11 was?

12 A. No.

13 Q. Okay. So you're saying it was put there?

14 A. Yes.

15 Q. Okay. Now, when you're working with the body of a
16 deceased person that may be in a fragile position, can you
17 tell us like what your duties are in taking care of that
18 body? In consideration of things like the elements or
19 wildlife, what are your priorities?

20 A. Typically, with the examination of the body, we --
21 I do -- I remove layer by layer and photograph each layer
22 taking notes of what may be underneath each layer. Notating
23 any injuries or anything that's -- doesn't appear to be
24 something that happens naturally.

25 Q. Is that the process you took in this case?

1 A. Yes.

2 Q. And did you find any clothing that was still with
3 the body?

4 A. Yes.

5 Q. What did you find?

6 A. She was -- had a pair of pants on still. She had
7 a bra on. There was a pair of white sneakers near her. And
8 again, appeared to be a sheet kind of draped over her and a
9 -- a jacket nearby.

10 Q. As you removed these layers -- can we put up
11 State's 34. Do you recall where you found those sneakers in
12 relation to her body?

13 A. It -- it was near her body. I don't know the
14 exact inches. How many inches or, I don't recall where
15 exactly, but I know they were near her body.

16 Q. Were they covered by the brush before you removed
17 the brush or could you see it before you removed the brush?

18 A. I don't recall.

19 Q. And then as you went through the layers, what did
20 you do next with the body?

21 A. Once the body was examined and notated any, what
22 appeared to be injury, sometimes it's more difficult to do
23 given the conditions of the body. And in this case, she was
24 decomposing and had animal and insect activity, so it could
25 not be determined what was from decomposition predation or

1 what happened or was forced upon her.

2 Q. What do you mean by predation? We don't need to
3 get too gruesome.

4 A. Animal-insect activity.

5 Q. Activity like?

6 A. On the body.

7 Q. Okay. Like eating?

8 A. Yes.

9 Q. So where was the body taken?

10 A. It was taken to the Medical University of South
11 Carolina where an autopsy was scheduled for the following
12 day.

13 Q. When you were on scene, did you speak with any
14 family members of Jennifer Grant?

15 A. There were some family members on scene.

16 Q. And what was the purpose of speaking to them?

17 A. I could not visually identify her at the time. So
18 I gathered any information from family of Jennifer who had
19 been missing in the same area. I wanted to know about any
20 clothing she may have been wearing last time she was seen,
21 any -- any sort of x-ray images that could help us identify
22 her forensically because she was not visually identifiable.

23 Q. So you wanted to understand what Jennifer Grant
24 had last worn?

25 A. Yes.

1 Q. When she was seen last alive?

2 A. Yes.

3 Q. And did you get that information?

4 A. I did.

5 Q. Did you say anything to the family about who you
6 believed was on the railroad tracks?

7 A. I just said that there was a person matching that
8 description of clothing to them.

9 Q. Okay.

10 A. But that we would continue to identify.

11 Q. You talked about removing the brush that had been
12 piled or appeared to have been piled on top of the body. I
13 assume that decomposition has a smell that you can detect
14 with your nose?

15 A. Yes.

16 Q. Were there any other smells that you noted?

17 A. Gasoline.

18 Q. It smelled like gasoline when you took the
19 branches off?

20 A. Yes.

21 Q. Were there a lot of people that were not law
22 enforcement or fire on scene when you were speaking to the
23 family?

24 A. I tried to pull them away separate from a crowd.
25 I don't know what you would consider a lot, but there were

1 presence of law enforcement and a crowd had begun to form.

2 Q. Did you maintain a chain of custody for her body
3 and the items that were found with the body when they were
4 transported for autopsy?

5 A. Yes. I placed her in a body bag and sealed with a
6 specific tag number that has a specific number for that body
7 bag so no one can -- so then the tag would be removed the
8 following day at autopsy.

9 Q. And did you go to the autopsy that was performed
10 by the pathologist in this case?

11 A. I did.

12 Q. Did you -- were you able to identify who the
13 deceased body was?

14 A. We were -- I was still trying to gather dental
15 records, that sort of thing. I fingerprinted her, I was able
16 to fingerprint her once the autopsy was finished and all
17 evidence was collected. Gathered some fingerprints and later
18 turned those over to North Charleston Police Department.

19 Q. Was this on December 2nd?

20 A. Yes.

21 Q. Was the process of fingerprinting her made more
22 cumbersome or difficult than usual due to the stage of
23 decomposition of the victim?

24 A. Yes.

25 Q. After you were able to identify her using

1 fingerprints, did you notify next of kin?

2 A. I placed a phone call. Yes. To let them know she
3 was identified by fingerprints.

4 Q. And was a -- were there any preliminary findings
5 regarding the cause or manner of death?

6 MS. FORD: Objection. Your Honor, this cumulative and
7 bolstering of the pathologist's testimony, which hasn't
8 happened yet. And this witness is not an expert.

9 THE COURT: What was your question again?

10 MS. DAVIS: If there were any preliminary findings
11 regarding the cause or manner of death, which she said is
12 part of her job as the coroner -- deputy coroner.

13 THE COURT: That will be bolstering.

14 MS. DAVIS: And it's not cumulative if the pathologist
15 hasn't testified yet.

16 MS. FORD: The pathologist is the expert. So that's
17 why.

18 THE COURT: Was the pathologist going to testify?

19 MS. DAVIS: Yes.

20 THE COURT: (Inaudible).

21 BY MS. DAVIS:

22 Q. Okay. Did you report any findings that you had to
23 the case agent in this case?

24 A. Yes.

25 MS. DAVIS: Those are all the questions I have. Please

1 answer any questions the Defense has.

2 MS. FORD: I beg the Court's indulgence. I have no
3 questions for this witness.

4 THE COURT: You may step down.

5 MS. DAVIS: Your Honor, is it okay for Ms. Nevill to be
6 excused?

7 THE COURT: Yes. You can leave. Why don't we take a
8 10-minute break while you get ready for your next witness?
9 Okay.

10 MS. DAVIS: Okay. Thank you, Judge.

11 THE COURT: All right. So folks, let's take a restroom
12 break. Go stretch your legs, you can use the restroom.
13 Don't begin deliberations and discussions (inaudible).

14 (Jury exits room at 3:17 p.m.)

15 MS. DAVIS: Your Honor, the next task would be to enter
16 a stipulation regarding chain of custody into evidence. Do
17 you have any preference? We can put a state exhibit sticker
18 on it. It's a stipulation between both of us, but I'm happy
19 to give the State's number.

20 THE COURT: (Inaudible) Court's Exhibit 1.

21 MS. DAVIS: And pardon?

22 THE COURT: I said -- you asked about the sticker?

23 MS. DAVIS: Uh-huh.

24 THE COURT: I'll put it -- I'll have as Court Exhibit
25 1.

1 (Court's Exhibit Number 1 marked for identification.)

2 MS. DAVIS: Okay. And then would you, before I read it
3 into the record, before calling the next witness?

4 THE COURT: I'll be glad to do it. I'll (inaudible).

5 MS. DAVIS: Thank you.

6 THE COURT: Okay.

7 MS. DAVIS: It is two pages. Yes.

8 MS. SHEALY: Your Honor, we have two women from SLED
9 that are going to testify and then our next witness will be a
10 longer witness. Do you think that we are going to need to
11 get you the longer witness? It's 3:20.

12 THE COURT: What do you mean by longer?

13 MS. DAVIS: I mean the --

14 MS. SHEALY: Probably an hour and a half.

15 THE COURT: Why don't we just make that our last
16 witness and do it now, the two witness.

17 MS. SHEALY: Okay. The women are here from Columbia.

18 THE COURT: How long will they take?

19 MS. DAVIS: I mean, I think they would at least take a
20 half hour each.

21 THE COURT: Well then, let's do the longer one first
22 thing tomorrow.

23 MS. SHEALY: Okay. That works.

24 THE COURT: We'll do those two then break for the day.

25 MS. SHEALY: Oh, that works.

1 (Off the record at 3:19 p.m.)

2 (On the record at 3:34 p.m.)

3 THE COURT: Okay. All right. Are we ready?

4 MS. DAVIS: State's ready.

5 THE COURT: You ready, Ms. Ford?

6 MS. FORD: Yes, your Honor.

7 THE COURT: All right. Let's bring the jury back in.
8 (Inaudible).

9 MS. DAVIS: The stipulation and then Rachel Nguyen.

10 THE COURT: (Inaudible) have those?

11 MS. DAVIS: Did I -- I apologize. And then Rachel
12 Nguyen, that's N-G-U-Y-E-N.

13 THE BAILIFF: All jurors are present, your Honor.

14 (Jury enters room at 3:36 p.m.)

15 THE COURT: All right. Be seated. All right. Did we
16 get (inaudible).

17 THE CLERK: Yes.

18 THE COURT: (Inaudible).

19 JUROR NUMBER 27: Yes.

20 THE COURT: All right. And which number are you?

21 JUROR NUMBER 27: 27.

22 THE COURT: 27, Mr. Bonneau.

23 JUROR NUMBER 27: Bonneau.

24 THE COURT: Bonneau. Okay. I can (inaudible).

25 Congratulations you are the foreman of the jury. No extra

1 pay just at the end you conducted the deliberations. Make
2 sure everybody gets a chance to have a say and then whatever
3 the burden is, you write it down. Okay?

4 JUROR NUMBER 27: Yes.

5 THE COURT: Now, before we call the next witness, I'm
6 going to read you some stipulations. Stipulations are
7 adjudicated or agreed upon facts. All -- you've been hearing
8 testimony and that's how we -- one way we get facts in.
9 Sometimes to save time we have to -- a lot of times bring a
10 lot of different people in to establish what we call a chain
11 of custody. And the parties have agreed on the chain of
12 custody for a lot of the evidence that's in.

13 And so, you won't have to hear a bunch of people come
14 in and say, "Okay. Yes. I took it, put it in an envelope,
15 sealed it up and gave it to them and that person gave it on."
16 Help save a lot of time and the parties have agreed to
17 stipulations. So these are adjudicated to be true facts, and
18 so they're not in dispute and I will read you what they are.

19 And so, regarding the following items that were
20 collected in this case, the State and the Defense agreed that
21 the appropriate chain of custody was properly documented,
22 preserved, and maintained on each item from the time it was
23 collected until it was examined and analyzed by the South
24 Carolina Law Enforcement Division, which is known as SLED.

25 So there was buccal swabs from Curtis Smith, buccal

1 swabs from Jennifer Grant, a Redskins jersey swabs from a
2 Redskins jersey, a mini trophy cup swabs from the entire
3 exterior of the mini trophy cup. Swabs from the bedroom
4 door, swabs from the speaker tower, swabs from the
5 entertainment center, swabs from the handle of the gas can,
6 knife from the yard, swabs from the knife in the yard handle,
7 swabs from the knife in the yard off the blade, swabs from
8 the entire blade area of the knife from the yard, swabs from
9 the entire handle of the knife from the yard, a knife from an
10 infinity truck -- trunk.

11 Swabs from the entire exterior handle and small portion
12 under the handle of knife from the infinity trunk, swabs from
13 the entire blade area of the knife from the Infinity trunk,
14 mini trophy toppers, swabs from the entire exterior of
15 baseball player mini trophy topper, swabs from the entire
16 exterior of trophy cup, mini trophy topper.

17 A red gas can, swabs from a handle area front and back
18 portion of red gas can, swabs from the bottom right and left
19 sides of the red gas can. Again, both parties have agreed on
20 the chain of custody as to those, so you won't have to have
21 people come in on each of those. And so, this will be marked
22 as Court's Exhibit. Okay. Now, we'll go back to live
23 testimony with the State calling their next witness.

24 MS. DAVIS: State calls Rachel Nguyen.

25 AGENT RACHEL NGUYEN,

1 being duly sworn, testified as follows:

2 THE CLERK: Please be seated. Please state your full
3 name, spelling your last name loudly and clearly into the
4 microphone.

5 THE WITNESS: My name is Rachel Nguyen, N-G-U-Y-E-N.

6 DIRECT EXAMINATION

7 BY MS. DAVIS:

8 Q. Good afternoon.

9 A. Good afternoon.

10 Q. What is your occupation?

11 A. I am a forensic scientist within the DNA casework
12 department at the SLED Forensic Services Laboratory.

13 Q. How long have you worked at SLED?

14 A. I've worked at SLED for 10 years.

15 Q. Have you always worked as a forensic scientist
16 there?

17 A. I began my career at SLED in the toxicology
18 department and then after three years I transferred to the
19 DNA casework department in which I was initially a forensic
20 serologist. And then in 2021, I was promoted to a DNA
21 analyst.

22 Q. Can you tell us what is "serology"?

23 A. Serology is body fluid identification. The three
24 body fluids that we test for at SLED are blood, semen, and
25 saliva.

1 Q. What does a forensic serologist do?

2 A. A forensic serologist is responsible for taking
3 items of evidence that are submitted to the laboratory and
4 processing those items of evidence for either touch or
5 ownership DNA, which may be DNA that's left behind from
6 handling an object or wearing an article of clothing.

7 They're also responsible for performing those body
8 fluid tests that I mentioned before. Of course, we are also
9 responsible for testifying in courts based on our results or
10 any analysis that we have performed.

11 Q. You mentioned presumptive testing?

12 A. Yes. So the body fluid testing, there are two
13 types of tests that are performed at SLED. There is
14 presumptive testing which indicates the possible presence of
15 a body fluid. It does not confirm the presence of this body
16 fluid and then we further have confirmatory testing which
17 would then con -- confirm -- confirm the presence of that
18 body fluid.

19 Q. What is the reason for doing presumptive testing
20 sometimes instead of confirmatory testing?

21 A. More typically we are only doing the presumptive
22 testing. We're getting large items of evidence and we want
23 to narrow down a specific stain or location that can be
24 forwarded for DNA analysis. Further, presumptive testing
25 doesn't really consume any sample and confirmatory testing

1 does. So we want to consume as much sample as possible that
2 can give you potentially the best DNA profile down the line.

3 Q. So are you saying that when you are doing
4 presumptive testing to con -- figure out if something is a
5 body fluid, it's kind of helping you figure out where a
6 scientist should be looking to try and find DNA?

7 A. Yes. So the presumptive testing is helping to
8 narrow down an area of interest. For an example, think of a
9 bed sheet. If a bed sheet is submitted, that is a large
10 item. So we want to narrow down any stains of interest that
11 the analyst can perform DNA analysis on.

12 Q. And then you mentioned that confirmatory testing
13 consumes a sample whereas the presumptive testing does not
14 consume it. So are you saying because you only have like a
15 certain amount of that sample, you want to use it in the best
16 way? You want to use it for any possible DNA analysis and
17 not use it up in the confirmatory testing?

18 A. That's correct. So generally, we receive things
19 in the form of swabs, so I don't want to use the majority of
20 a swab for a body fluid test. It would be preferable to save
21 that sample for DNA analysis.

22 Q. And is part of being a forensic serologist
23 preparing those samples to be looked at by a DNA analyst?

24 A. Yes. So if there's any type of collection that's
25 performed or any stains of interest that are located, those

1 samples are prepared for DNA analysis.

2 Q. How long did you work as a forensic serologist?

3 A. Specifically, that title I was a forensic
4 serologist from 2017 to 2021. However, I still perform case
5 work in that area as a DNA analyst in training.

6 Q. Speaking of training, what kind of training do you
7 have?

8 A. So the training program is pretty extensive. We
9 go through a process of observation under a court qualified
10 examiner in that area of analysis that we're being trained
11 in. We are also able to perform practice samples which are -
12 - you know, the ability to practice the different types of
13 analysis that we're learning on non-casework samples.

14 Once we are at the end of our training program, we then
15 go through what's called a competency testing phase. So
16 competency testing includes a written exam, an oral exam, a
17 mock court and a mock case.

18 And all of those components are performed independently
19 to test our knowledge and abilities to perform that type of
20 analysis independently. Once all of those components are
21 successfully completed, I am then authorized to perform
22 analysis in whatever analysis I'm being trained in.

23 Q. Can you tell us about your educational background?

24 A. I have two bachelor's of science degrees from the
25 University of New Haven. One in biology and one in forensic

1 science.

2 Q. Have you ever testified as an expert in forensic
3 serology before?

4 A. I have.

5 Q. About how many times?

6 A. Approximately 19.

7 Q. In what courts?

8 A. General sessions in the State of South Carolina

9 MS. DAVIS: At this time, your Honor, we would offer
10 this witness, Rachel Nguyen as an expert in the field of
11 forensic serology.

12 THE COURT: Any objections or you (inaudible) there?

13 MS. FORD: No, your Honor. No objection.

14 THE COURT: Okay. Well, folks, remember at the
15 beginning of the trial I told you that normally when somebody
16 comes up and testifies, they tell you what they heard, they
17 saw, they touched, they felt they smelled. We don't normally
18 let witnesses get up and give you their opinion about that.
19 Just give you the facts.

20 Well, the law says is that when somebody, because of
21 education or specialized training or experience in some
22 field, rises to the level of expertise, we allow them to come
23 into court. And if they are qualified as an expert in that
24 field, they are allowed to give testimony in the form of an
25 opinion, and to give you the basis of that opinion and how

1 they came up with it.

2 This witness has now been qualified as a witness or as
3 an expert in the field of forensic serology, and will be
4 allowed to testify in the form of an opinion and give you the
5 basis for her opinion. Any expert witness, you alone decide
6 how much weight to give an expert witness's testimony. If
7 you don't think it is based on sufficient education or
8 experience or you don't think it fits in with any of the
9 other evidence that you've heard from the trial.

10 You're free to give it as much or as little weight as
11 you think it deserves. You're not -- in other words, you're
12 not required to just blindly accept an expert's witness
13 simply because they've been qualified as an expert. You and
14 you alone decide how much weight to give this witness's
15 testimony as well as any other expert or other witness who's
16 given testimony in this trial. All right. You may resume.

17 MS. DAVIS: Thank you, your Honor.

18 BY MS. DAVIS:

19 Q. Did you handle any evidence in this case?

20 A. I did.

21 Q. Could you please tell us what items you handled?

22 A. Yes. So I handled SLED item one, which is a knife
23 from yard, SLED item two, which is knife from infinity truck,
24 SLED item three, which is mini trophy toppers, SLED item
25 four, which is buccal swabs from Curtis Smith, SLED item

1 five, which was a red gas can, SLED item six, which was
2 buccal swabs from Jennifer Grant, SLED item seven, which was
3 swabs from Redskin jersey, and then finally SLED item eight,
4 which was a mini trophy cup.

5 Q. And what are the proper sealing standards used at
6 SLED?

7 A. When an item of evidence is submitted to the
8 laboratory, it must be in a sealed state. So it must either
9 be in a sealed box, a sealed envelope, a sealed heat sealed
10 pouch, which is essentially what it sounds like. It's a
11 plastic pouch that is sealed by heat. And then the seals
12 have to be initialed and dated.

13 Q. What is the purpose of those standards?

14 A. We want to be able to maintain the integrity of
15 the evidence. And by that, I mean, we want to make sure that
16 the item is contained in whatever it is contained in.
17 There's no signs of anyone opening it or tampering with it.
18 And in that respect, if the item is sealed, it's not being
19 exposed to external environments which could potentially
20 contaminate the evidence

21 Q. If a potential item, if an item seemed to be
22 potentially contaminated would you have moved forward with
23 your analysis on it when you received it?

24 A. No. So if an -- I received an item that either
25 wasn't sealed or the package appeared to be ripped, I would

1 not further do anything with that evidence. I would stop and
2 then I would contact my supervisor as well as the submitting
3 agency to figure out what further steps we need to take.

4 Q. Can you tell us where or who you received the
5 evidence in this case from?

6 A. Items one through seven, I received from Vera
7 Martinez who was a forensic technician in our evidence
8 control department, and I received them on March 25, 2021.
9 And then for SLED item eight, I received it from Vera
10 Martinez again, however that was on August 23, 2021.

11 Q. Can you tell us a little bit about the process
12 that you received them?

13 A. Yes. So when I'm ready to work on an item of
14 evidence, I will email the evidence control department. I
15 will give them the case that I want to receive the any items
16 or container numbers and the location of the shelf in the
17 evidence control department.

18 A container is simply a package that contains multiple
19 items within it. When the evidence control technician has
20 retrieved all those items for me, they will then email me
21 back and I will go to that department and we will transfer
22 the evidence both to my physical and electronic custody.

23 Q. How do you choose which body fluid to look for in
24 your serology testing?

25 A. When items of evidence are submitted to the

1 laboratory, they are given examinations requests. So this
2 submitting agency will request a particular body fluid.
3 However, if there is further documentation that is also
4 submitted with none of that case file, I will review it and
5 also, make my best decision to see if there are any other
6 types of testing, I should perform on that item.

7 Q. In this case, were you requested to conduct any
8 specific analysis?

9 A. Yes. So for items one -- one and two, which are
10 the knives and item three which are the mini trophy toppers,
11 those items were submitted to SLED with blood and touch
12 requests. Items four and six, which are the buccal swabs
13 were submitted for known standard DNA analysis.

14 Item five which is the red gas can was submitted with a
15 touch DNA request. SLED item seven, which is the swab from
16 the Redskin jersey was submitted with a blood testing
17 request. And item eight, which is the mini trophy toppers,
18 those were submitted with a blood and touch request.

19 MS. DAVIS: I beg the Court's indulgence.

20 BY MS. DAVIS:

21 Q. Item eight, is that the mini trophy cup?

22 A. It is.

23 Q. Okay. I just want to keep it all straight because
24 we got toppers and cups. So you said that SLED item eight
25 was requested to have blood and touch processing.

1 A. That's correct.

2 Q. What's the difference between blood and touch?

3 A. So blood is your red blood -- body fluid. Touch
4 as I mentioned would be DNA that may be left behind from
5 either handling an object, or coming into contact with an
6 object and therefore you leave pos -- possibly DNA behind.

7 Q. So you're saying that touching something with your
8 skin can possibly leave touch DNA?

9 A. That's correct.

10 Q. Can you tell the jury what is a buccal swab?

11 A. A buccal swab is also known as a known standard.
12 It is a sterile swab or swabs that are rubbed in the interior
13 cheek of an individual. And it's known as a known standard
14 because it's known where the collection has come from and
15 that is used for comparison for DNA analysis.

16 Q. Now, I want to discuss what you did with the
17 evidence in this case. Starting with State's Exhibit 114,
18 which is SLED item one, the knife from the yard. What did
19 you do?

20 A. So as we discussed, it came with a blood and touch
21 request. So I took two sets of swabs off of the knife. I
22 have a set of swabs which I identified as item 1.1, which are
23 swabs from the entire blade area of knife from yard. And
24 then I took a second set of swabs which I identified as item
25 1.2, which are swabs from the entire handle of knife from

1 yard.

2 I presumptively tested those swabs for blood. The
3 results of that test were negative and then I prepared those
4 samples for DNA analysis to address the touch request.

5 Q. Okay. So item two, the knife from the trunk.
6 What did you do with that? Oh, sorry -- sorry. So you --
7 what was the result of that?

8 A. The two sets of swabs that I collected; the
9 results were negative for the possible presence of blood.

10 Q. Okay, so even though it was negative, did you
11 submit it for DNA analysis?

12 A. I did. I did prepare the samples for DNA
13 analysis, which means I cut a portion of each swab, I placed
14 it into a sterile tube, I labeled that tube with the case
15 number and the item number and then I packaged it with these
16 swabs and forwarded it for DNA analysis.

17 Q. And if something is testing presumptively negative
18 for blood, does that mean that it's never touched blood ever?

19 A. It just is saying that there -- it's not detecting
20 any the possible presence of blood at that time.

21 Q. Now, item two, the knife from the trunk of the
22 infinity. What did you do with that?

23 A. This knife was processed in a very similar manner
24 as the one we just discussed. So I took two sets of swabs.
25 The first set of swabs are items two 2.1, which are swabs

1 from the entire blade area of the knife from the infinity
2 trunk. And then the second set of swabs are items 2.2, and
3 they are described as swabs from entire exterior handle and
4 small portion under handle of knife from infinity truck.

5 And then proceeded to test those swabs for blood. And
6 the result of that test was that they were presumptively
7 negative for blood. So again, the same process occurred. I
8 still prepared those samples for DNA analysis and forwarded
9 it for the further analysis.

10 Q. Okay. Now, let's move to item three, the mini
11 trophy topper. What did you do with that?

12 A. Item three had the same blood and touch requests.
13 I test five locations on the mini trophy toppers and the
14 result of those five locations were that they were negative
15 for the possible presence of blood. I then took two sets of
16 swabs.

17 Swabs from the entire exterior of the baseball player,
18 mini trophy topper, and then the second set of swabs which
19 are item 3.2, and they are described as swabs from entire
20 exterior of trophy cup, mini trophy topper. And those swabs
21 were then prepared for DNA analysis.

22 Q. Now, I want to talk about State's Exhibit 109,
23 which was SLED item 104, or, sorry, SLED item four. Is that
24 what this is?

25 A. Yes, that's what this is. I recognize this

1 because it has the unique SLED keys number and item number on
2 the outside as well as on the envelope inside which I
3 labeled. So my initials and date are present and then my
4 initials and date are also present on a seal on the pouch.

5 Q. And what did you do with that?

6 A. So item four are the buccal swabs from Curtis
7 Smith. So I just prepared this sample for DNA analysis.
8 Again, just cutting a small portion, placing it into a tube,
9 and then packaging the swabs in the tube together and
10 forwarding it for DNA analysis.

11 MS. DAVIS: Any objection to admit that?

12 MS. FORD: No.

13 MS. DAVIS: At this time, I would move to enter State's
14 109. The Defendant's buccal swab into evidence.

15 MS. FORD: I have no objection, your Honor.

16 THE COURT: Admitted.

17 (State's Exhibit Number 109 admitted into evidence.)

18 BY MS. DAVIS:

19 Q. Item five was a red gas can. We've seen it in the
20 Courtroom, it's State's 115. What did you do with that?

21 A. So for the red gas can, I swabbed -- took two sets
22 of swabs. The first set is item 5.1, which was described as
23 swabs from the handle area front and back portions of the red
24 gas can. I then took another set of swabs which was
25 identified as item 5.2, and is described as swabs from the

1 bottom right and left sides of the gas can.

2 Q. When you do this, do you use any -- do you put any
3 markings on the gas can to indicate where you've swabbed it?

4 A. Yes. So in this instance, because I took two sets
5 of swabs from different locations, I'm going to write on the
6 actual item where each set of swabs are.

7 So for example, I'm going to write 5.1 in the areas
8 that I collected item 5.1 and I will write 5.2 in the areas
9 that 5.2 was collected. I also write the case identifiers,
10 so the case number, the item number, and my initials would be
11 on that item.

12 Q. Now, looking at item six which is in evidence as
13 State's 110, the victim's buccal swab, what did you do with
14 that?

15 A. I did the same process as I did with the previous
16 buccal swabs. So I cut a small portion of the swabs that
17 were submitted, placed it in a tube, labeled that tube with
18 the case identifiers and then forwarded it for DNA analysis.

19 Q. Now, I want to talk about what has been marked as
20 State's Exhibit 111. Can you tell us what this is?

21 A. State's Exhibit 111 is SLED item seven, which is
22 swabs from Redskins jersey.

23 Q. What did you do with that item?

24 A. I presumptively tested the swabs for the possible
25 presence of blood. The result of that test was positive for

1 the possible presence of blood. And then therefore I
2 prepared the sample for DNA analysis.

3 MS. DAVIS: At this time, we'd move to enter State's
4 111 into evidence.

5 MS. FORD: What is it? I'm sorry.

6 MS. DAVIS: The swab from the Redskin jersey that
7 tested presumptive for blood.

8 MS. FORD: I have no objection.

9 THE COURT: Admitted.

10 (State's Exhibit Number 111 admitted into evidence.)

11 BY MS. DAVIS:

12 Q. Okay. And now item eight is State's 116, which is
13 already in evidence. Can you tell us what that is?

14 A. State's Exhibit 116 is SLED item eight, which is
15 described as a mini trophy cup.

16 Q. What did you do with that?

17 A. So I swab-- took a set of swabs from the entire
18 exterior of the mini trophy cup and then presumptively tested
19 those swabs for the possible presence of blood. The result
20 of that test was that it was positive for the possible
21 presence of blood. Therefore, I prepared the swabs for DNA
22 analysis.

23 Q. Do you have gloves over there?

24 A. I do.

25 Q. Could you open that up and show us which one it

1 is? Because there are a couple different trophy top cups
2 things that were collected.

3 A. Do you have scissors? Thank you.

4 Q. And while you're doing that, if we could put
5 State's 58 up on the screen or State's 61.

6 A. Do you want me to hold it up?

7 Q. Please. Thank you. Does that look to be the same
8 as that?

9 A. It does.

10 Q. Okay. And so, you said that the swabs that you
11 tested from that were presumptive positive for blood?

12 A. They were.

13 Q. Okay. Thank you. Showing you -- I'll give you
14 some time -- State's 112. Thank you.

15 A. You are welcome.

16 Q. I'll take the scissors. Thank you. What is
17 State's 112?

18 A. State's 112 is the set of swabs that I just took
19 from item eight, the trophy cup. I created this item. So
20 the package is created by me, it shows me as the initial
21 sealing official and then the date that I sealed it, which
22 was August 24, 2021.

23 Q. So you swabbed the trophy that we just observed.
24 And it was presumptive for blood, right?

25 A. Yes. It was presumptively positive for blood.

1 Q. And then you passed the sample on for DNA
2 analysis?

3 A. I did.

4 MS. DAVIS: At this time, we would move to enter
5 State's 112 into evidence.

6 MS. FORD: I have no objection.

7 THE COURT: Admitted.

8 (State's Exhibit Number 112 admitted into evidence.)

9 BY MS. DAVIS:

10 Q. Tell us a little bit about the steps that you take
11 to prevent accidental contamination while you're testing all
12 these different things that might have fluids and DNA on
13 them.

14 A. So first and foremost, we wear personal protective
15 equipment that includes your lab coat, a mask, and gloves.
16 The gloves that we wear are frequently changed and they're
17 changed definitely in between samples. They're changed when
18 we're decontaminating our workspace. And if an item is
19 submitted and there's multiple things contained, obviously
20 they're changed in between then.

21 Our surfaces are decontaminated. And the processing
22 rooms we use a hospital grade cleaner. So that includes the
23 table I'm processing on, all the countertops which I may
24 seal, any label, any envelopes, the keyboard, the mouse
25 anything else that I may use.

1 When I'm prepping samples for DNA analysis, I'm doing
2 it in a biological hood, so that's covering any kind of
3 outside interference. So if anyone comes up to maybe ask me
4 a question, the sample is in the hood and being protected
5 from possible contamination by speaking to me.

6 We decontaminate our tools, so our scissors that we use
7 to cut the samples, that's with a 10 percent bleach solution
8 followed by ethanol. So we take very several precautions.
9 We also have one item out at a time. So all of these items
10 that I processed, one was done at a time, it was resealed and
11 then the decontaminated and then the next item was opened.

12 Q. You mentioned cleaning your tools with a 10
13 percent bleach solution. Is that similar to Clorox?

14 A. Yes, we do use Clorox.

15 Q. And the purpose of that is to make sure that your
16 items are sterilized and clean.

17 A. Yes. The any DNA that may be left on those
18 scissors from cutting that sample are being removed and
19 degraded and basically eliminating it so that it's a sterile
20 pair of scissors for the next set of swabs that are being
21 prepared.

22 Q. So if you use enough Clorox or enough bleach, it
23 will get rid of the trace of bodily fluids or DNA?

24 A. Yes. Bleach itself is damaging to DNA or bodily
25 fluids.

1 Q. After you prepped these items for DNA analysis,
2 what did you do with them?

3 A. So after I prepared these items for DNA analysis,
4 I brought the evidence back to the evidence control
5 department. So the items that I processed we're going to be
6 returned to the agency and then any of the swabs that I took
7 are going to be put on a DNA intake shelf for further
8 analysis.

9 Q. Did you have any further involvement in this case?

10 A. I did not.

11 MS. DAVIS: Thank you. I have no further questions.
12 Please answer any questions from the Defense.

13 THE COURT: Cross?

14 CROSS-EXAMINATION

15 BY MS. FORD:

16 Q. Just a few questions. And really I just want to
17 summarize, I guess from what you tested, the only items that
18 tested presumptive for blood were the swabs from the Redskins
19 jersey?

20 A. That's correct.

21 Q. And then the swabs from the trophy?

22 A. The mini trophy cup. Yes.

23 Q. Okay. So from what you tested, that's all?

24 A. That's correct.

25 Q. Okay. And the other items you tested such as the

1 knives, there was no blood found, correct?

2 A. Yes. So the two knives and item three, which were
3 mini trophy toppers, were negative for the possible presence
4 of blood.

5 MS. FORD: Okay. I beg the Court's indulgence. I have
6 no further questions.

7 THE COURT: Re-direct?

8 MS. DAVIS: None, your Honor.

9 THE COURT: You may step down. Thank you.

10 MS. DAVIS: May she be released from her subpoena?

11 THE COURT: You may. (Inaudible). Next witness.

12 MS. DAVIS: State calls Sarah Zapata.

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

15 AGENT SARAH ZAPATA,

16 being duly sworn, testified as follows:

17 THE CLERK: Please be seated. Please state your full
18 name, spelling your last name loudly and clearly into the
19 microphone.

20 THE WITNESS: Sarah Zapata. Z-A-P-A-T-A.

21 DIRECT EXAMINATION

22 BY MS. DAVIS:

23 Q. Good afternoon.

24 A. Good afternoon.

25 Q. Where are you currently employed?

1 A. I'm employed at the South Carolina Law Enforcement
2 Division, commonly known as SLED.

3 Q. And what is your position there?

4 A. I'm an analyst in the DNA case work department.

5 Q. How long have you been employed there?

6 A. Since June of 2015, so almost 10 years.

7 Q. Can you describe your education and training?

8 A. I have a Bachelor of Science in forensic science
9 from Pennsylvania State University. And then upon employment
10 at SLED, I went through a training program for approximately
11 a year and a half under a qualified DNA analyst. And that
12 program covered the different laboratory procedures that are
13 used in the SLED DNA lab, as well as the interpretation of
14 DNA profiles, calculating statistics, writing reports.

15 And then to complete that training program, I had to
16 successfully perform analysis on a variety of different
17 sample types, write up our reports, calculate statistics, do
18 all of the interpretation, as well as complete several mock
19 cases, several written exams, an oral exam and a mock court.

20 And then finally be competency tested in order to be
21 released to perform analysis on case work. And then I'm also
22 proficiency tested twice per year and participate in
23 continuing education, which is just attending trainings or
24 receiving other instruction on new developments in the field
25 every year.

1 Q. Can you tell us about your work history?

2 A. I've always been employed at SLED in the field of
3 forensic science.

4 Q. And do you continue in continuing education
5 programs?

6 A. Yes, I do.

7 Q. Can you talk to us about your day-to-day
8 responsibilities at SLED?

9 A. I will receive evidence from the evidence control
10 department or from other analysts or technicians in the
11 building and perform laboratory analysis on those items. I
12 will interpret the DNA profiles developed, calculate
13 statistics, prepare report with my findings, and then also
14 testify in court as necessary.

15 Q. How does case evidence come to be in your
16 possession at SLED?

17 A. So as items are logged into the laboratory,
18 they're entered in through the evidence control department
19 and given a laboratory number that is unique to that case,
20 and then an item number that is unique to that item, and then
21 the item receives a barcode with that information on it.

22 And when the item is moved through the laboratory,
23 either from a location such as a shelf or an individual, a
24 password is entered to track the movement of that item. And
25 so, I can get the item either directly from evidence control

1 or from another technician or analyst in the laboratory.

2 Q. And once you take possession of evidence, how do
3 you handle it?

4 A. I will take the evidence up to our secure
5 laboratory area, keep it in my workstation as I'm working on
6 it, and make sure that I am only opening and handling one
7 item of evidence at a time during my analysis.

8 Q. What are the four main steps in the analysis that
9 you perform on evidence?

10 A. So the four main steps of the DNA process are
11 extraction, which is where we are isolating any DNA that may
12 be present on the item from whatever the item of evidence is.
13 So it could be a cutting from item of fabric, it could be a
14 swab or something else that is submitted.

15 So we will isolate the DNA from that item in
16 extraction. And then quantitation is the next step. We're
17 estimating the amount of DNA that is present on that item
18 because we want to target, as best we can the specific amount
19 for the next step, which is amplification.

20 And amplification is just targeting the specific areas
21 of the DNA that we are interested in when developing a DNA
22 profile and making lots of copies of those specific sections
23 so that they can be detected by our final step, which is a
24 separation of the DNA into the profile that I can then
25 interpret using our software programs.

1 Q. Can you tell us about how many cases you've worked
2 on since you started at SLED?

3 A. I don't have an exact number of cases. I know
4 that I've issued over 700 reports and some cases can have
5 multiple reports.

6 Q. Have you ever been admitted as an expert before?

7 A. I have.

8 Q. In what field?

9 A. DNA analysis.

10 Q. About how many times?

11 A. About 26 times.

12 MS. DAVIS: At this time, your Honor, I move to qualify
13 this witness as an expert in the field of DNA analysis.

14 MS. FORD: I have no objection.

15 THE COURT: Okay. Folks, this witness, like the
16 previous witness has been qualified as an expert. Her field
17 is DNA analysis and she'll be allowed to testify to you in
18 the form of an opinion. And like the earlier witness I gave
19 the instruction, she will -- based on the information that
20 she testifies, you can decide how much weight to give her
21 testimony.

22 If you don't think she has sufficient education or
23 background or her testimony doesn't add up to anything else
24 that you hear, then you -- you are entirely free to give it
25 as much or a little weight as you decide. In other words,

1 again, you're not blindly required to accept an expert
2 witness's testimony. You give it as much or a little weight
3 that you feel like it deserves. Okay. Go ahead.

4 MS. DAVIS: Thank you, your Honor.

5 BY MS. DAVIS:

6 Q. Can you tell the jury what is DNA?

7 A. DNA or Deoxyribonucleic Acid is a chemical that is
8 found throughout your body. It is unique to you as an
9 individual unless you have an identical twin and you get half
10 from your biological mother and half from biological father.

11 Q. What can you get DNA from like in the world?

12 A. So DNA can come from different body fluids such as
13 blood semen, saliva, and also from hair or from skin cells,
14 are some examples.

15 Q. Did you receive evidence to analyze for this case?

16 A. I did.

17 Q. Please tell the jury what evidence you received.

18 A. I have received buccal swabs from Curtis Smith and
19 from Jennifer Grant. I also received swabs from the entire
20 blade area of the knife from the yard, swabs from entire
21 handle of knife from yard, swabs from entire blade area of
22 knife from infinity trunk, swabs from entire exterior handle
23 and small portion under handle of knife from infinity trunk.
24 Swabs from the entire exterior of baseball player mini
25 trophy topper, swabs from entire exterior of trophy cup, mini

1 trophy topper, swabs from handle area front and back portions
2 of red gas can, swabs from bottom right and left sides of gas
3 can, swabs from Redskins jersey.

4 Swabs from entire exterior of mini trophy cup as well
5 as swabs from master bedroom door, swabs from speaker tower,
6 from entertainment center. Those are two separate swabs.
7 Swabs from handle of gas can, swabs from the knife in yard
8 handle, and swabs from knife in yard blade.

9 Q. Now, you mentioned swabs from a master bedroom
10 door, swabs from a speaker tower and swabs from an
11 entertainment center.

12 A. Yes.

13 Q. The jury just heard from Rachel Nguyen. Did she
14 do any analysis on those or did they go straight to you?

15 A. Those came straight to me.

16 Q. Can you tell us why they didn't go through her?

17 A. Because these items were simply swabs that were
18 previously collected and there was not any additional
19 evidence processing that needed to occur on the items. I
20 just was able to do the serology and proceed with the DNA
21 analysis myself.

22 Q. So you did the serology yourself for them?

23 A. Yes, I did.

24 Q. I'm showing you what's been marked as State's 113.
25 Can you tell me what that is please?

1 A. This is our SLED item 14, which are swabs from the
2 master bedroom door and it has the SLED lab number and item
3 number as well as my initials and the date from when I opened
4 it and when I sealed it also at the top.

5 MS. DAVIS: At this time, we move to enter State's 113
6 into evidence.

7 MS. FORD: I have no objection.

8 THE COURT: Admitted.

9 (State's Exhibit Number 113 admitted into evidence.)

10 BY MS. DAVIS:

11 Q. What are known standards?

12 A. Known standards are samples that are taken from a
13 known individual and then I will develop a DNA profile from
14 those items in order to compare to any unknown samples that
15 may be developed from the items of evidence.

16 Q. So can we think of known standards as, "Okay. We
17 know this is that person's DNA and now we'll compare it to
18 the things that we don't really know what they are"?

19 A. Exactly, yes.

20 Q. Okay. So did you have known standards in this
21 case?

22 A. I did.

23 Q. I think we're done with showing you stuff if you
24 want to take your gloves off.

25 A. Thank you. Yes.

1 Q. Okay. So what known standards did you have in
2 this case?

3 A. I had SLED item four, buccal swabs from Curtis
4 Smith and SLED item six, buccal swabs from Jennifer Grant.

5 Q. And what did you do with those items once they
6 were in your custody?

7 A. I took those items through the four steps of the
8 DNA analysis procedure that I discussed earlier in order to
9 develop a DNA profile to be used for comparison to the
10 profiles developed from the unknown items of evidence.

11 Q. Were you able to develop a profile from Curtis
12 Smith's buccal swab?

13 A. Yes.

14 Q. Were you able to develop a profile from Jennifer
15 Grant's buccal swab to use for comparison?

16 A. Yes.

17 Q. Did you perform analysis on the items of evidence
18 you received for this case to compare them to those known
19 profiles of Jennifer Grant and Curtis Smith?

20 A. Yes, I did.

21 Q. Please explain the analysis that you performed on
22 those items and how you did it.

23 A. So, like I explained earlier, I take those items
24 of evidence through those four steps of the DNA analysis
25 process in order to develop a profile. Once that profile is

1 developed, I will review that data that is generated and
2 determine if the profiles that were developed are suitable
3 for interpretation according to the SLED DNA laboratory
4 protocols.

5 If they are, then I will make comparisons between those
6 items of evidence and the known standards and then calculate
7 a statistic to give weight to those comparisons.

8 Q. Does the amplification or extraction change the
9 DNA itself in any way?

10 A. It is not affecting the profile that is on there,
11 it is just giving us a way to visualize that profile.

12 Q. So what information can be provided to an
13 investigation by analyzing sample swabs?

14 A. So we are analyzing items of evidence to see if
15 any biological material present on that item of evidence can
16 be compared to any known standards. And then those standards
17 can either be included or excluded as contributors to the
18 profile developed from the items of evidence.

19 Q. How can DNA get on something?

20 A. If an individual touches an item they may leave
21 behind skin cells. We call that touch DNA. There's also
22 body fluids such as blood, semen, and saliva that if
23 deposited on an item, may leave behind a DNA profile that can
24 be developed during our analysis process.

25 Q. And when you are doing your DNA analysis, can you

1 tell from DNA analysis if something -- if a DNA profile is
2 from semen or blood or touch DNA?

3 A. So we can identify body fluids that may be present
4 on an item, but we can never definitively say a DNA profile
5 is specifically from this body fluid or from touch DNA.

6 Q. And if there's more than one profile present on a
7 sample, are you able to say which profile is from semen or
8 saliva or blood or touch and which the other one is?

9 A. We are not able to, no.

10 Q. Okay. So are there sometimes mixtures of DNA from
11 more than one source?

12 A. Yes.

13 Q. And in that scenario, there's not a way to figure
14 out how that DNA or combination of DNA came about? Like what
15 -- what the combination is?

16 A. That's correct.

17 Q. Once DNA is on something, can it be removed?

18 A. It's possible. It depends on factors such as what
19 -- what the source of the DNA was originally. So body fluids
20 tend to just be better sources of DNA and might be more
21 difficult to remove. But also, the texture of the item that
22 it's deposited on can affect how much DNA is recovered.

23 How much DNA was deposited to begin with?

24 Environmental factors such as the sun or rain as well as if
25 the items were cleaned afterwards, all those things can

1 affect how much DNA may be recovered from an item.

2 Q. And you were talking about sufficient profiles.

3 You just mentioned how much DNA can be recovered. Is it
4 possible for there to be some DNA on something but SLED still
5 not be able to determine whose DNA it is?

6 A. That's correct. So we -- I'll first look at the
7 profile that is developed and see if the information there is
8 sufficient that meets our criteria for interpreting the
9 profile. And so, there may be information that is there, but
10 if it does not meet that threshold for interpretation, then I
11 cannot do anything with that profile.

12 Q. So at SLED you need to have a sufficient profile
13 to meet the standard that SLED has to even do urinalysis?

14 A. To do the interpretation. Yes.

15 Q. Okay. Have you found that items found indoors
16 maintain information for analysis better than items that were
17 outside in the elements for periods of time?

18 A. Generally, yes.

19 Q. Can something like Clorox if applied to an item
20 wash away DNA?

21 A. Yes, that is what we use to clean our instruments
22 at SLED.

23 Q. And in a scenario, if you can't develop a DNA
24 profile, does that mean that there is not DNA present?

25 A. Not necessarily.

1 Q. What does it depend on?

2 A. It depends on as you said, potentially
3 environmental factors or how the item was collected. The
4 area that was swabbed may not have DNA, but other areas of
5 the item may just kind of depends on all of those factors.

6 Q. Does the amount of contributors to a sample come
7 into play?

8 A. Yes. In order to interpret the profile, I first
9 have to determine the number of contributors. So that can be
10 one individual which we call single source or a mixture. And
11 at SLED we will interpret mixtures of up to four individuals,
12 but anything greater than four, we will not interpret.

13 Q. And when you say individuals or contributors, are
14 you saying like a human that is a source of DNA?

15 A. Yes.

16 Q. Okay. Did you repair a report of your findings
17 for this case?

18 A. I did.

19 Q. Was it really two reports?

20 A. Yes -- yes, two reports.

21 Q. Did you do that -- do you do that for every case
22 that you work on at SLED?

23 A. Yes. Anytime I perform analysis, there will be a
24 report to summarize all of the findings.

25 Q. Are the sample swabs and the buccal swabs

1 identified in your report?

2 A. Yes.

3 Q. How are they identified?

4 A. They are identified by their SLED laboratory item
5 numbers.

6 Q. Are those the same SLED numbers that would've been
7 used with the serology report?

8 A. Yeah. The serologist results are on -- on my DNA
9 report. But those items -- item numbers are the same as they
10 move through the laboratory.

11 Q. So SLED uses the same number for a whole case?

12 A. Yes.

13 Q. Okay. Can you explain to the jury what a mixture
14 means and how this might occur?

15 A. So a mixture is a DNA profile that appears to have
16 DNA from more than one individual. And so, we will first
17 determine how many individuals are in that mixture. So two,
18 three, or four individuals we will interpret. And that just
19 means that there appears to be DNA from multiple people in
20 that profile.

21 Q. What is STRmix analysis?

22 A. STRmix is the software that is used as part of our
23 interpretation process. So I, as the analyst will first make
24 that determination as to the number of contributors, and then
25 I will use STRmix in my interpretation to kind of separate

1 out what the potential contributors to that profile are.

2 And then take the known standards and make comparisons
3 to that evidence profile. And STRmix is what we use to
4 calculate our statistic because in order to make a
5 comparison, we have to have a statistical weight that
6 supports that comparison.

7 Q. So you said calculate a statistic?

8 A. Yes.

9 Q. Okay. Tell me more about how STRmix results get
10 reported in your report at SLED.

11 A. Okay. So the statistic that STRmix calculates is
12 called a likelihood ratio. And that is a comparison of two
13 different scenarios to see which scenario is a better
14 explanation of the data that we are seeing. And so, it
15 essentially puts both scenarios on either side of a seesaw.

16 And then whatever scenario is a better explanation of
17 the data that we are seeing will be given more weight and the
18 less good explanation will be given less weight. And that
19 sounds very complicated. But you do those kinds of
20 comparisons all the time without realizing that's what you're
21 doing.

22 So, for example, if you have a plate of cookies on your
23 coffee table and you have a toddler and a newborn and you
24 walk out of the room and come back and all the cookies were
25 eaten, STRmix scenario would be one side of the seesaw, you

1 have the toddler ate the cookies, and on the other side of
2 the seesaw, the newborn ate the cookies.

3 And it's going to tip into the direction of the toddler
4 eating the cookies. Right? That is a better explanation of
5 the cookies being eaten. So that's essentially what STRmix
6 does, and it will give a likelihood ratio in support of one
7 scenario over the other.

8 And when we are doing that, the first scenario that
9 we're comparing is always the person who is being compared to
10 that profile versus an unidentified unrelated individual on
11 the other side of the seesaw. And then it will tilt in one
12 direction over the other.

13 Q. So is there such thing as saying match using
14 STRmix analysis?

15 A. We do not say match, no.

16 Q. Okay. So in your analysis with the toddler and
17 the newborn, you were using that to tell us that everyone
18 would imagine it makes more sense that the toddler ate the
19 cookies because the toddler can?

20 A. Correct.

21 Q. But you're not using -- it's not like you're
22 thinking, "Oh, well, what makes most sense." But the results
23 of that analysis would be -- would read something like, "It
24 is a hundred times more likely that the toddler ate the
25 cookies, than if the newborn ate the cookies"?

1 A. Correct.

2 Q. That's how that result would read?

3 A. Correct. Yes.

4 Q. Okay.

5 A. Given that the cookies were eaten. Yes.

6 Q. Now, I said, "It's a hundred times more likely,"
7 but what is the highest form of support that STRmix DNA
8 analysis uses?

9 A. So at SLED, we use a verbal scale to kind of give
10 weight to what the numbers that STRmix gives as likelihood
11 ratios means. And anything greater than 1 million is
12 considered very strong support. That's just the highest that
13 our scale goes.

14 Q. So you use a verbal scale to indicate how strong
15 the support is that this scenario is more likely versus the
16 other scenario?

17 A. Correct. Yes.

18 Q. Okay. So you said anything over a million is
19 strong support?

20 A. It is very strong support.

21 Q. Very strong support.

22 A. For conclusion.

23 Q. Thank you. So an example of that report might be,
24 it is 1 million times more likely that the toddler ate the
25 cookies than if this newborn ate the cookies?

1 A. Correct. Yeah.

2 Q. Okay. Or if you're reading a random DNA analysis
3 report, let's say I spit on this table. And so, we all know
4 it's mine. So there's -- we're not really trying to find a
5 mystery, but that report, if you were to do it and you
6 compared my known profile to the sample from the table and it
7 said it is 4 billion times more likely that Kelsey Davis
8 contributed to the sample than if an unknown unidentified
9 person contributed to the sample, would -- would that be very
10 strong support for it being my DNA?

11 A. Yes. That number would fall under the very strong
12 support category. We're just always prefacing the result
13 with the DNA profile itself. Because we're looking at the
14 profile, we're not trying to attribute the specific source or
15 say you spit on the table.

16 Q. So you will never say Kelsey Davis spit on that
17 table?

18 A. Correct.

19 Q. You will never say it's a match for Kelsey Davis?

20 A. Correct.

21 Q. But if your results very strongly support my
22 profile being present, it'll use a big number like that?

23 A. Correct.

24 Q. Okay. Thank you. What does it mean for a partial
25 DNA profile to be sufficient or insufficient for

1 interpretation?

2 A. So like I explained earlier, the -- we might have
3 results at some or partial results where there is some DNA
4 pro --that is present, but it does not meet the criteria for
5 interpretation. So we would report that as a partial DNA
6 profile was developed but is insufficient for interpretation
7 or something along those lines.

8 Q. And then what does SLED do when something is -- an
9 item is insufficient for interpretation?

10 A. If an item of evidence is insufficient for
11 interpretation, we will stop our analysis there because we
12 don't ever really know how much DNA is present on an item of
13 evidence. It's always unknown until we want to take the best
14 portion of the sample that we can in our analysis.

15 And then if there needs to be reanalysis later, there's
16 still some to go back to. So we don't want to consume the
17 whole sample by continuing to test.

18 Q. Okay. So let's look at the swabs from the mini
19 trophy topper in this case.

20 A. Can you give me an item number? Just because I
21 think there are -- there are multiple trophies.

22 Q. Yes. Item three, mini trophy toppers.

23 A. Okay, thank you.

24 Q. That had presumptive testing for blood negative.

25 A. Yes.

1 Q. Was there a sufficient -- was the -- were the
2 swabs for those sufficient for interpretation?

3 A. So I had two sets of swabs from the mini trophy
4 topper item 3.1, with swabs from entire exterior of baseball
5 player mini trophy topper and item 3.2, swabs from entire
6 exterior of trophy cup, mini trophy topper. And for both of
7 those items a DNA pro -- the DNA profile developed is a
8 mixture of at least five individuals due to the complexity of
9 the mixture. No further interpretation will be offered.

10 Q. Okay. I want to break that down a little bit
11 because -- okay, so you said one is a mini trophy topper swab
12 from a baseball trophy.

13 A. Yes.

14 Q. I know you're just given the name. You're -- you
15 don't get that.

16 A. I don't see it.

17 Q. That little trophy.

18 A. Yes.

19 Q. But -- so one was a baseball topper and one was a
20 cup topper.

21 A. Correct.

22 Q. And they both came to you as negative for blood.

23 A. Presumptive testing for blood was negative from
24 those items. Yes.

25 Q. And you couldn't do your DNA analysis because you

1 found that there were at least five contributors of DNA on
2 there?

3 A. Correct. And we will not interpret more than
4 five.

5 Q. Okay.

6 A. More than four. I'm sorry.

7 Q. Did you find any of SLED item 5.1 or 5.2, which
8 were the swabs from that red gas can, were they sufficient
9 for interpretation

10 A. For item 5.1, swabs from handle area front and
11 back portions of gas can, a partial DNA profile was developed
12 due to the inability to determine the number of contributors.
13 No further interpretation will be offered.

14 And then for the swabs from the bottom right and left
15 sides of red gas can, that's SLED item 5.2, a partial DNA
16 profile -- sorry -- the partial DNA profile developed is
17 insufficient for interpretation.

18 Q. Thank you. Now, the swabs from the Redskins
19 jersey, which I can give you an item number.

20 A. Item seven.

21 Q. Thank you. Did you find those swabs were
22 sufficient for interpretation?

23 A. So for item seven, a DNA profile suitable for
24 comparison was developed.

25 Q. Did you use STRmix analysis to compare those

1 results?

2 A. I did.

3 Q. And now that had already gone through serology and
4 been presumptive positive for blood?

5 A. Correct. Yes.

6 Q. Okay. And did you compare the results of your
7 testing with the buccal swab standard from the defendant
8 Curtis Smith and the victim in this case, Jennifer Grant?

9 A. Yes, I did.

10 Q. And can your analysis tell us whose blood was on
11 that jersey?

12 A. I cannot distinguish specifically whose blood.
13 No.

14 Q. Okay. So you cannot tell us whose blood, but what
15 can you tell us?

16 A. So for item seven, the DNA profile was interpreted
17 as a mixture originating from two individuals. And so, the
18 two scenarios on either side of the seesaw. The first
19 scenario is going to be the person being compared to the
20 profile. And an unidentified unrelated individual
21 contributed to the mixture because you have to account for
22 that second person in the mixture.

23 And then the other side of the seesaw, is two
24 unidentified unrelated individuals contributed to the
25 mixture. So for the comparison to Curtis Smith, the DNA

1 profile is approximately four octillion times more likely if
2 Curtis Smith and an unidentified unrelated individual
3 contributed to the mixture than if two unidentified unrelated
4 individuals contributed to the mixture.

5 For the comparison to Jennifer Grant, the DNA profile
6 is approximately 8.26 trillion times more likely if Jennifer
7 Grant and an unidentified unrelated individual contributed to
8 the mixture than if two unidentified unrelated individuals
9 contributed to the mixture.

10 And then because each of those individuals was included
11 as a contributor to the mixture, when I made the comparison
12 just to them individually, I'll also make a comparison of the
13 two of them together to make sure that the DNA profile that
14 was developed can still be explained by our contribution of
15 both of those individuals. So now, our seesaw is on one
16 side, Curtis Smith and Jennifer Grant contributed to the
17 mixture.

18 And on the other side it's two unidentified unrelated
19 individuals contributed to the mixture. And the DNA profile
20 is approximately 170 quintillion times more likely if Curtis
21 Smith and Jennifer Grant contributed to the mixture than if
22 two unidentified unrelated individuals contributed to the
23 mixture.

24 Q. Is that very strong support, that number?

25 A. Those are all greater than 1 million. So that

1 does meet our strong -- very strong support category.

2 Q. Did you use STRmix analysis to compare the results
3 of your testing from the swabs from the mini trophy cup?
4 That's I -- SLED item eight that was submitted in this case
5 with the buccal swab from Curtis Smith and the buccal swab
6 from Jennifer Grant?

7 A. I did.

8 Q. And that was the one that was already presumptive
9 positive for blood, the trophy cup that was positive for
10 blood?

11 A. Yes. From item eight mini trophy cup.

12 Q. Thank you. What information did you get from your
13 testing on that item?

14 A. Item 8.1, just like the one I just discussed, was
15 interpreted as a mixture originating from two individuals.
16 And so, just like the other item, I'm first comparing each
17 individual by themselves to that mixture. And so, the
18 proposition sets are the person being compared versus an
19 unidentified unrelated individual contributed to the mixture
20 versus two unidentified unrelated individuals contributed to
21 the mixture.

22 And for the comparison to Curtis Smith, the DNA profile
23 is approximately 2.3 octillion times more likely if Curtis
24 Smith and an unidentified unrelated individual contributed to
25 the mixture than if two unidentified unrelated individuals

1 contributed to the mixture.

2 For Jennifer Grant, the DNA profile is approximately
3 1.2 quintillion times more likely if Jennifer Grant and an
4 unidentified unrelated individual contributed to the mixture
5 than if two unidentified unrelated individuals contributed to
6 the mixture.

7 And then, again, I made the comparison of the two of
8 them together versus two unidentified unrelated individuals
9 contributed to the mixture. And the DNA profile is
10 approximately 18 quattuordecillion times more likely if
11 Curtis Smith and Jennifer Grant contributed to the mixture
12 than if two unidentified unrelated individuals contributed to
13 the mixture.

14 Q. Can you tell us what that last number was again?

15 A. It's 18 quattuordecillion. So there are 45 zeros
16 after the 18.

17 Q. Okay. So that's a big number?

18 A. Yes.

19 Q. Okay. And that was for item eight, the mini
20 trophy cup that was positive presumptively for blood?

21 A. Correct.

22 Q. And that really big number was in support of the
23 proposition that the DNA found on the mini trophy cup was a
24 mixture of Jennifer Grant and Curtis Smith's DNA's profiles.

25 A. They're both included as contributors to the

1 mixture.

2 Q. And is there a way for you to figure out if it's
3 blood from two sources or blood and something else?

4 A. I -- I cannot tell. No.

5 Q. Okay. Now, let's talk about the swabs from the
6 master bedroom door. That's SLED item 14. And you told us
7 you did the serology testing for that one?

8 A. Yes, I did.

9 Q. And what was the result of that Serology testing?

10 A. For item 14 swabs from master bedroom door
11 presumptive testing for blood was positive.

12 Q. Did you use STRmix analysis to compare your
13 results for that testing of the swabs in the master bedroom
14 door?

15 A. I did.

16 Q. And tell us about your results.

17 A. So for this item, the DNA profile was interpreted
18 as single source, which means DNA from only one individual.
19 And so, now the two sides of the seesaw are just the person
20 that is being compared to the item versus an unidentified
21 unrelated individual contributed to the DNA profile.

22 And for the comparison to Jennifer Grant, the DNA
23 profile is approximately 84 octillion times more likely if
24 Jennifer Grant contributed the profile than if an
25 unidentified unrelated individual contributed the profile.

1 Q. Okay. And so, that just had a single source?

2 A. Correct.

3 Q. And it was presumptive for blood?

4 A. Presumptive positive for blood. Yes.

5 Q. Thank you. And then the support included Jennifer
6 Grant as a contributor with that number that you shared. You
7 can repeat it if you want.

8 A. Yes. The DNA profile is approximately 84
9 octillion times more likely if Jennifer Grant contributed the
10 profile than if an unidentified unrelated individual
11 contributed the profile.

12 Q. Okay. And with that item 14, did you also receive
13 swabs from a speaker tower and an entertainment system?

14 A. Yes. Item 15 were swabs from the speaker tower
15 and item 16 were swabs from the entertainment center.

16 Q. Did you do serology on those?

17 A. I did.

18 Q. What was the result of those?

19 A. Presumptive testing for blood was negative for
20 both of those items.

21 Q. Okay. So was there DNA analysis done on those?

22 A. I did, but no DNA profile was developed.

23 Q. All right. Beyond what we've discussed, did you
24 have any further involvement in this matter?

25 A. Some other items where there was not anything

1 interpretable but not anything else.

2 Q. So you've told us about all of the interpretable
3 items?

4 A. I have. Yes.

5 MS. DAVIS: I know there were a lot. Thank you so
6 much. Please answer any questions the Defense has.

7 THE WITNESS: Thank you.

8 CROSS-EXAMINATION

9 BY MS. FORD:

10 Q. I'm going to try to highlight a few things. You
11 told us that you tested for number 14, the swabs from the
12 master bedroom door?

13 A. Yes.

14 Q. So that was actually -- you tested these items in
15 two different batches, correct?

16 A. Correct. Yes.

17 Q. You did some testing in 2022?

18 A. Yes.

19 Q. And then you were asked to look at some other
20 items and you just did that testing, which was completed on
21 March 17th of this year.

22 A. Correct. Yes.

23 Q. So the blood found or what was presumptive to be
24 blood on the master bedroom door, that testing was just done
25 a couple of weeks ago?

1 A. Correct. Yes.

2 Q. And you were asked to do this testing because
3 people who were involved before you thought that these items
4 might contain blood?

5 A. I was just asked to perform analysis on additional
6 items.

7 Q. All right. Well, sometimes items that police
8 might think is blood turns out not to be blood from the
9 testing.

10 A. That's why we will do presumptive testing to be
11 able to determine is there an indication that it may be blood
12 or not. Yes.

13 Q. So in here the -- the swabs from the peak -- the
14 speaker tower, there was no blood that you could find?

15 A. Presumptive testing for blood was negative.

16 Q. And that's the same for the swabs from the
17 entertainment center?

18 A. Correct.

19 Q. Now, as far as your initial testing, that's back
20 in 2022, that's when you looked at the Redskins jersey?

21 A. Yes.

22 Q. And from the testing there was a presumption of
23 blood?

24 A. Presumptive testing for blood was positive.

25 Q. And you found the DNA or there's high support that

1 the DNA of both Curtis Smith and Jennifer Grant were present.

2 Correct?

3 A. They were both included as contributors.

4 Q. You can't tell definitively whose blood it was.

5 A. I cannot, no.

6 Q. But it could have been Curtis Smith's blood.

7 A. It -- I could have been. I cannot attribute
8 specifically one person to the blood or not.

9 Q. But he -- his DNA was found.

10 A. He was included as a contributor.

11 Q. And the same goes for item 8.1, the trophy in that
12 situation?

13 A. Yes.

14 Q. You found DNA from two people. So you were able
15 to do testing, the -- the analysis rather?

16 A. For 8.1. Yes.

17 Q. And again, similar to the jersey, there's high
18 support that that DNA was a combination of the DNA of Curtis
19 Smith and Jennifer Grant.

20 A. They're both included as contributors.

21 Q. Okay. But you can't determine for sure whose
22 blood it was.

23 A. Correct.

24 Q. But it is -- there's high support that the blood
25 belonged to one of them.

1 A. I can't really say either way.

2 Q. Okay. Based on how you all do -- you know -- give
3 answers and probabilities.

4 A. There's just not really a way to be able to
5 definitively say that the DNA specifically came from blood or
6 from something else.

7 Q. Okay. But there was blood.

8 A. It was presumptive positive for blood.

9 Q. Okay. And you only found two people's DNA from
10 that sample.

11 A. It was interpreted as a mixture originating from
12 two individuals. Yes.

13 Q. And it's possible in a situation like that one
14 person left blood and the other person could have been
15 handling the object with their hands.

16 A. It's possible.

17 Q. Because you explained a little to us about touch,
18 DNA.

19 A. Uh-huh.

20 Q. And that's when people, when they're touching
21 items, they -- their cells may --

22 A. May be left behind. Yes -- yes.

23 Q. Or they may be sweating, for example, and so they
24 can leave behind their DNA that way.

25 A. Correct.

1 Q. Now, the other trophies that we talked about, 3.1
2 and 3.2, the mini trophy toppers.

3 A. Yes.

4 Q. There was DNA present on those items.

5 A. Yes.

6 Q. But you were unable to do an analysis because
7 there were at least five people who contributed.

8 A. Yes. So we will not interpret mixtures of more
9 than four individuals. So because this was a mixture of at
10 least five, I cannot perform any interpretation.

11 Q. So it -- it could be that Jennifer Grant's DNA is
12 on the trophies, but you just cannot do that test?

13 A. I cannot tell at all. Yeah.

14 Q. Now, DNA -- we talked about touch DNA, people --
15 it is not uncommon to find someone's DNA in their own home.
16 Correct?

17 A. Correct.

18 Q. It'd probably be odd if someone's DNA wasn't
19 somewhere in their own home.

20 A. Right. I would expect if you're handling things
21 in your own home, your DNA would be on those items.

22 Q. And DNA can be -- we talked about touch DNA, but
23 DNA can also be transferred from one item to another.

24 A. Yes, that's possible.

25 Q. So Ms. Davis talked earlier about spitting and if

1 she spit and I touched it and then I picked up a piece of
2 paper and then gave it to you, we could have a situation in
3 which her DNA would be transferred to multiple items.

4 A. It's possible, yes.

5 MS. FORD: I beg the Court's indulgence. I have no
6 further questions.

7 THE COURT: Re-direct?

8 MS. DAVIS: Thank you, your Honor.

9 RE-DIRECT EXAMINATION

10 BY MS. DAVIS:

11 Q. And Ms. Ford is talking about how you would expect
12 someone's DNA to be on items in their own home.

13 A. It's not unusual.

14 Q. Not unusual. Is it unusual for someone to have
15 their own DNA on their own clothes?

16 A. Oh no, I would expect.

17 Q. You would expect that?

18 A. I would expect my DNA on my own clothes, yes.

19 Q. Okay. And on the things in their home that they
20 might touch?

21 A. Correct.

22 Q. Okay. So if someone were to wield something and
23 that impact of that item came in contact with blood, it might
24 have a combination of those two contributors DNA?

25 A. It's possible. I can never say exactly how or

1 what the source of the DNA is.

2 Q. Because you weren't there?

3 A. Correct.

4 Q. Right. And you're not given the context of things
5 like injuries or how much blood was created from injuries?

6 A. No. I'm only making my interpretation based upon
7 the DNA profile that I'm seeing from that item of evidence.

8 Q. Right. You're not taking into account how much
9 blood that item appeared to have when it was swabbed. You're
10 just getting the swab?

11 A. Correct.

12 Q. Okay. Ms. Ford mentioned something about there
13 being two different batches of DNA.

14 A. Yes.

15 Q. Tell us, is SLED in a bit of a backlog? With DNA
16 analysis.

17 A. There are many cases submitted.

18 Q. Many cases.

19 A. Every year.

20 Q. Okay.

21 A. Yes.

22 Q. And does it take a while to get to the analysis
23 for a case?

24 A. It can.

25 Q. Okay. I don't want to make SLED -- SLED sound

1 inefficient. But because of this, in an effort to be quick
2 in getting results out, does SLED have a general protocol
3 about how many items can be submitted at one time for one
4 case?

5 A. Yes. We definitely ask for a smaller amount of
6 items to be submitted at a time. Generally, the most
7 probative about five items be submitted, and then if
8 additional analysis is required it can be requested by any
9 party.

10 Q. So if someone wants more analysis done, you use
11 the word required, but just requested.

12 A. Correct. Yeah.

13 Q. Then SLED can make the time to do that.

14 A. Correct. We just try to, in that first analysis,
15 do the first five most probative items, for example, and then
16 if there are more items that are requested, we can do that at
17 a later time.

18 MS. DAVIS: I have no further questions. Thanks.

19 THE WITNESS: Thanks

20 THE COURT: Re-cross?

21 MS. FORD: Just briefly.

22 RE-CROSS EXAMINATION

23 BY MS. FORD:

24 Q. So in this case though the testing was done, the
25 two different batches, it was done about nearly three years

1 apart?

2 A. I -- yes -- yes. I believe the first round was --
3 the initial analysis was -- the report was issued in November
4 of 2022.

5 Q. Okay. So maybe two and a half years. And so, if
6 somebody, if the State had asked you to do testing on the
7 other items earlier, you all would've done your best to
8 accommodate that?

9 A. Correct.

10 MS. FORD: I have no further questions.

11 THE COURT: Okay. You can step down. Thank you.

12 THE WITNESS: Thank you.

13 MS. DAVIS: May she be released from her subpoena?

14 THE COURT: You are free to go.

15 THE WITNESS: Thank you.

16 THE COURT: Okay. Folks, I think that's where we will
17 break for today. I'm going to send you home with the same
18 instructions. Don't begin deliberations, discussions, don't
19 talk to the case -- with anyone about the case, including
20 family members, friends, other members of the jury panel.

21 If someone does attempt to talk to you, please report
22 that to me in the morning. Also don't try to look up
23 anything on the internet about the case. Don't post anything
24 on social media about the case. And if there is any coverage
25 in the newspaper or on the television, please do not look at

1 it. Avert your gaze.

2 Do something else. It'll be there for you to read when
3 the trial is over with, I promise you. But during the trial,
4 it would be improper for you to watch any media coverage,
5 read anything about the case. Because again, very often
6 there's -- there may be things in the newspaper article that
7 did not come into evidence in the trial. And under the oath
8 that you took when we began this trial, you are to consider
9 only the evidence that you heard in this courtroom when you
10 are considering what the verdict will be.

11 So having said that, if you would be back in the jury
12 room tomorrow morning by 9:15 and hopefully we will get -- be
13 started at 9:30. So thank you for your patience today, and
14 have a good evening.

15 (Jury exits room at 5:01 p.m.)

16 THE COURT: Okay. How about update me on where you're
17 at on your case, Madam Solicitor?

18 MS. DAVIS: Yes, Judge. I believe the State still has
19 testimony from five to six witnesses. One being a
20 pathologist, two being phone forensics, and one being a
21 detective.

22 THE COURT: Okay.

23 MS. DAVIS: And that includes the Defendant's
24 statement.

25 THE COURT: So you don't anticipate any problem being

1 finished with your case tomorrow?

2 MS. DAVIS: I would expect we could finish tomorrow.

3 THE COURT: Okay. So if you're going to present a
4 defense, it sounds like you may want to be ready to go at
5 some point tomorrow.

6 MS. FORD: Yes, sir.

7 THE COURT: With something? Okay. All right. Well,
8 if there's -- is there anything else we need to discuss
9 before we leave?

10 MS. DAVIS: Not from the State, your Honor.

11 MS. FORD: No, your Honor.

12 THE COURT: Okay. I've got Eliza printing out some
13 jury charges for you to take and you can start looking at
14 them and be thinking about it, and we'll have a charge
15 conference at some point, but...

16 MS. FORD: Yes, sir.

17 THE COURT: Just something so that you can look at it
18 and toss it around so it doesn't come up just at the last
19 minute. Okay. There's no -- not going to be anything new or
20 unusual or anything about it. It's whatever you requested
21 plus just the normal stuff I put in.

22 MS. FORD: Yes.

23 THE COURT: Okay.

24 MS. FORD: And, your Honor, the -- the only thing about
25 that is that I think a lot would depend on my client's

1 testimony.

2 THE COURT: Oh, absolutely.

3 MS. FORD: But it wouldn't be anything out of the
4 ordinary, just may be specific, self-defense.

5 THE COURT: There may be things taken out?

6 MS. FORD: Yes.

7 THE COURT: Because there's things that I put in like
8 didn't testify, that sort of thing. That won't be in there.
9 Other than that, there's nothing.

10 MS. FORD: Yes, sir.

11 THE COURT: Unless you request it, but...

12 MS. FORD: Well, what I had -- what I had sent your law
13 clerk last week, I had said, I think my specific instruction
14 or -- you know, request would be based on my client's
15 testimony.

16 THE COURT: Okay.

17 MS. FORD: If they're -- if it's presented.

18 THE COURT: I'll -- I'll double check as to what it was
19 that you sent her, but I -- she didn't put together anything
20 that jumped out at me as being unusual.

21 MS. FORD: Well, no, I did not send her anything
22 because I had said, "What I request will depend on his
23 testimony." And so, I did not want to, I guess, indicate
24 what my client's testimony would be in.

25 THE COURT: I understand.

1 MS. FORD: A matter of speaking.

2 THE COURT: Yeah it -- we can always add.

3 MS. FORD: Yes, sir.

4 THE COURT: I'm just giving you something so that it
5 doesn't come up and say, "Oh, read it in 15 minutes we'll be
6 having a charge conference."

7 MS. FORD: Yes, sir.

8 THE COURT: Okay. All right.

9 MS. DAVIS: Thank you.

10 THE COURT: So she'll have that, and if you can wait
11 around a little bit, but she went to go print it a few
12 minutes ago. All right. Thank you.

13

14 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

15 5:03 P.M.)

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF TRANSCRIBER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, LATASHA JEFFERSON, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court of Charleston County, South Carolina, on April 2, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 12, 2025.



LATASHA JEFFERSON

Transcriber

1 CONTINUATION OF PROCEEDINGS - APRIL 3, 2025.

2 THE COURT: All right. Well, we got all the jurors
3 here. Are you all ready to go?

4 MS. DAVIS: I believe my witness is here, your Honor.
5 I think the investigator has just shown him the exhibits. So
6 that when I show it to him on the stand, he doesn't have to
7 take a long time to look at it, but I will go out and tell
8 them that we are ready.

9 THE COURT: Thank you. And who -- who's the name of
10 the witness?

11 MS. DAVIS: Sam Riedel. Your Honor, apparently, he was
12 actually in the parking lot, so he's not in the building yet.

13 THE COURT: You what?

14 MS. DAVIS: My witness -- Sam Riedel, apparently, he
15 was in the parking lot, not the building yet.

16 THE COURT: Okay.

17 MS. DAVIS: Just trying to give you an update. My
18 understanding is he flew in from DC last night. And we're
19 ready, your Honor.

20 THE COURT: Okay. Anything we need to take up?

21 MS. FORD: No, your Honor.

22 THE COURT: You ready to go?

23 MS. DAVIS: Nothing from the State. I believe there
24 was more news, but nothing to reference the plea deal or
25 anything that we discussed yesterday.

1 THE COURT: All right. Where is my bailiff standing?
2 Can you have him bring the jury in?

3 MS. DAVIS: Yes, your Honor. They're lining up now,
4 your Honor.

5 THE BAILIFF: All jurors are present, your Honor.

6 (Jury enters room at 9:35 a.m.)

7 THE COURT: Good. Be seated. Thank you. Well, we're
8 off to a good start. Didn't lose anybody this morning, so
9 that's good. Okay. First. I need to ask, did anybody
10 happen to see any media coverage on the case? Okay. Let the
11 record reflect nobody did. Good. I appreciate you all doing
12 that.

13 And again, when the case is over with, you can look up
14 whatever you want to on the internet. You can do whatever --
15 post whatever you want to on social media. Just please
16 refrain from reading anything or writing anything about the
17 case until it is over with. So we are ready to resume now,
18 with the State calling their next witness.

19 MS. DAVIS: May it please the Court? State calls
20 Detective Sam Riedel -- Riedel.

21 THE CLERK: Please raise your right hand place your
22 left hand on the Bible.

23 DETECTIVE SAM RIEDEL,

24 being duly sworn, testified as follows:

25 THE CLERK: Please be seated. Please state your full

1 name, spelling your last name loudly and clearly into the
2 microphone.

3 THE WITNESS: Sam Riedel. R-I-E-D-E-L.

4 DIRECT EXAMINATION

5 BY MS. DAVIS:

6 Q. Good morning, Detective.

7 A. Good morning.

8 Q. Where do you currently work?

9 A. I work for the City of North Charleston Police
10 Department.

11 Q. How long have you worked for North Charleston
12 Police Department?

13 A. 21 years.

14 Q. Historically, what positions have you held with
15 the police department?

16 A. I was a member of our patrol unit for my first
17 four and a half years, I was then transferred to our
18 detective bureau in 2008, and I have been with the detective
19 bureau since July of 2008.

20 Q. And what positions have you held in the detective
21 bureau?

22 A. I initially transferred up as a white-collar fraud
23 investigator. And after a few years of the normal detective
24 work, I was transferred to our Secret Service task force with
25 an emphasis on white collar investigations on federal level.

1 And I then moved over to the digital evidence side of the
2 task force to which I was assigned. And I have been
3 performing digital evidence investigations full time since
4 2018.

5 Q. So what is your current position?

6 A. I am the digital forensics investigator for the
7 City of North Charleston.

8 Q. You're "the phone guy"?

9 A. Yes.

10 Q. And how long have you been in that position?

11 A. Full-time since 2018. Part-time I had done it
12 beginning in late 2014, early 2015.

13 Q. Can you tell the jury what that job entails?

14 A. So I assist in the investigation of criminal
15 matters that both the City of North Charleston and
16 surrounding agencies, to include federal agencies,
17 investigate. They will provide me with any item that they
18 believe will contain digital evidence. So it could be phone,
19 computer, laptop, vehicles, DVR units. And I also will
20 assist in some cases with their warrant returns that they
21 receive from internet service providers, more commonly known
22 as an app like Facebook, Instagram, WhatsApp. We have
23 software that puts that into a format the investigator can
24 read easily.

25 Q. Have you completed training for forensic

1 examinations?

2 A. Yes. I have been to training and received
3 certification from a variety of entities, to include the
4 National White Collar Crime Center, the National Computer
5 Forensics Institute, as well as specific training from
6 certain tool on program manufacturers such as Cellebrite and
7 Magnet. A few other basic digital forensic companies. The
8 NW3C and National White Collar Crime Center, NCFI, the
9 National Computer Forensics Institute. They provide both a
10 training and certification in more of a tool agnostic.

11 So your basics and principles, which you can do with
12 something that is provided for free or what you can do with
13 something that you pay a significant amount of money for,
14 that makes it a little bit easier to -- to read or gives you
15 a little bit prettier output. So if somebody else can feel
16 good when they're going over it.

17 Q. So upon completions of those trainings, do you
18 receive certifications for your qualifications?

19 A. Yes. The majority of the trainings that I attend,
20 I do receive a certification, which means, I take a test at
21 the end. If I don't pass the test, I don't get the
22 certification.

23 Q. Are there some people who attend those trainings
24 that don't receive certifications?

25 A. Unfortunately, yes.

1 Q. How many people in your department share your
2 level of expertise as it relates to your subject matter?

3 A. No one.

4 Q. Do you hold any certifications for forensic
5 examination?

6 A. Yes. As I stated, I hold multiple certifications
7 through all the digital evidence platforms that I indicated.
8 Computers, laptops, DVRs, vehicles, and in this case, mobile
9 phones.

10 Q. Where have you been this week?

11 A. I have been in Washington, DC, at a conference
12 held by one of the manufacturers of cell phone forensics
13 tools.

14 Q. When did you get in to Charleston?

15 A. About 1:00 this morning.

16 Q. Well, thanks for coming back.

17 A. My pleasure.

18 Q. All right. Let's talk about this case. Were you
19 provided a search warrant that was signed by a judge for a
20 Samsung Galaxy phone?

21 A. I was, yes.

22 Q. And were you given that phone as well?

23 A. Yes. I am usually provided with both a -- either
24 a search warrant or some form showing me I have author --
25 authorizations to search a device, and those come with the

1 device as our investigators provide them to me. I don't
2 typically take one without the other because there's no point
3 in me holding it when I can't do anything with it.

4 MS. DAVIS: I'm going to show you what's been marked
5 for ID as State's 25.

6 (State's Exhibit Number 125 marked for identification.)

7 BY MS. DAVIS:

8 Q. Is that the phone that you received in this case?

9 A. Does appear to be. I can't see...

10 Q. What do you look at to tell you?

11 A. There's certain identifiers that are usually
12 placed upon a device. You have your -- you know, IMEI or a
13 serial number. Sometimes I can use sim card that's inserted
14 in it to verify that it is the one, but this does look like
15 the Samsung that I was provided. Yes.

16 Q. Thank you. And where did you get this phone from?

17 A. I was provided this phone from the investigator in
18 charge of the case, Detective Schoolfield.

19 Q. And what did he want you to do with that phone?

20 A. Pretty much his direction was the same as almost
21 everybody that brings it to me. Just give what's on the
22 phone. All of it. Anything that I can get off of it,
23 they'll take it, they'll look at it.

24 Q. Is that sometimes called "dumping a phone," like
25 do a phone dump?

591

1 A. There's a lot of terms that are used for it. Yes,
2 dumping is one. You know, I mean depending on which TV show,
3 dump, a rip -- or a download or an acquisition. There's --
4 there's a lot of different terms, but yeah, "dump" is one of
5 the terms.

6 Q. Is examination the more formal term?

7 A. Acquisition and examination are the -- the
8 industry standard. I guess you would call them terms that
9 are used across the board no matter where you're at.

10 Q. How does a phone examination work?

11 A. So upon a receipt, of course in order for me to
12 get something off of it, it has to work. So we perform an
13 initial inspection of the device just to make sure that's --
14 you know, in working order that's not too badly damaged. At
15 that point we'll do a little bit of research to see what
16 options we have because there are different levels of data
17 acquisition you can perform, especially when it comes to your
18 cellular devices.

19 After we get the general research done, it's then
20 placed on to whichever of our tools that we deem most
21 appropriate or -- or best suited for the job. And that tool
22 will go through and use its programming to obtain the data.
23 And the data is then spit out to us on a -- you know, digital
24 media platform and we place that data into an analytics
25 program that takes the ones and zeros, the weird numbers and

1 letters that are put together that your phone actually reads
2 itself in and we turn it into -- you know, English or Spanish
3 or whatever.

4 So an investigator or prosecutor or anyone would be
5 able to go through and actually make sense of what's there.
6 And as I stated in that process there are different levels of
7 data acquisition -- acquisitions that you can perform. Some
8 will give you very little to no information. Some will give
9 you all of the information that you can possibly hope to
10 achieve because that's what is left on the device.

11 Q. So you're saying -- you're talking about different
12 levels of information that can be retrieved from a device.
13 Are you saying that you can't always get the same amount of
14 things from different phones, it depends?

15 A. That's actually -- it depends as probably one of
16 the biggest answers to a forensic question nowadays. So your
17 availability and level of acquiring data is largely based
18 upon the: One, the make of the device, the model of the
19 device, the operating system of the device and then what
20 thing -- what features are within that operating system.

21 So you have different levels of encryption, you have
22 different levels of locking mechanisms, you have different
23 levels of software that will cut off your ability to even
24 connect to a device outside of plugging it into charging. So
25 in that, you have your tools which will have special

1 programming that they have designed with very, very smart
2 people, very -- you know, well sought after people, to help
3 bypass or get around some of the security features.

4 In that, you will be able to get in your -- in the past
5 like maybe three or four years ago, your most common would be
6 what's called a physical data acquisition. That is pretty
7 much a copy of the memory. And that copy is from beginning
8 to end. If it's in use, if it's not in use, if it was on
9 there and is just hanging out waiting to be -- you know,
10 written over again, it's going to be there. That physical
11 copy was and still is the best that you could ever hope to
12 get. However, nowadays you can't really get that.

13 You have the level below that which is a file system
14 and that is pretty much the equivalent of if you're looking
15 at your computer, which most people are really familiar with
16 on the backside of it because at some point you've probably
17 touched a computer and you click that left side and it drops
18 down all those folders and you have all the different names
19 and you can keep expanding it out. That's your file system.

20 That file system is what is now pretty much the
21 standard. Getting that set of files, you don't get as much
22 of that deleted or not being used data because of the
23 encryption that's there. Now, even within the file system,
24 there's a couple levels that -- you know, are on the
25 abilities, I guess you would call it. You have your full

1 file system, which is now that gold standard, the physical
2 that we used to get. Because that's every file in the -- the
3 device.

4 Whether it's a system file, a user data file, a program
5 like the actual application you download, that you install,
6 you get everything on there that's being used. You also have
7 a couple lower levels of that that are affected by some
8 programming. And those are usually just like what you would
9 get in a regular backup, an Android backup, or an iTunes
10 backup. Those are still part of a file system.

11 It's just a smaller section that the programmer or the
12 manufacturer has said, "Hey, I want you to be able to back
13 these up so you can transfer it to another device really
14 quick by plugging it in, say a computer or another device."
15 You have then the logical, which is pretty much if you can
16 see it on your device, you have a chance of getting it. But
17 that too is affected by the programming of the applications
18 themselves.

19 So if your application says "I don't want to be
20 included in any kind of backup," the machines that we use to
21 get that data still can't get it using the programming for
22 the logical acquisition. And then you have probably the most
23 tedious and unenjoyable data acquisition you can get and
24 that's a manual one because that includes scrolling through
25 and just taking pictures.

1 And that can be very, very time consuming and very
2 tedious, especially when you lose your phone because you
3 accidentally hit like a back button or something like that.
4 Then I guess the lowest level you would call it would be its
5 locked and I just can't get into it. That's the sit and wait
6 button.

7 Q. Were you able to do an extraction on this phone?

8 A. Yes. Thankfully the Samsung device that I was
9 provided was of an older model. So I was able to get that
10 physical data acquisition that the -- the best of the best
11 you could call it.

12 Q. And then how do you compile that information that
13 you get from the device to provide it to law enforcement?

14 A. So as I stated, after we get the data off the
15 phone, it's given to us in the -- the ones and zeros or the
16 weird letters you can't read. So we have to put in some kind
17 of program. There are several programs out of there that
18 will turn that into something I can read, something you can
19 read, something pretty much anybody that can read or look at
20 a picture can at least get some information gleaned from
21 that.

22 There's different vendors that provide different
23 programs that put it out in -- you know, their own, how they
24 like to display it. But we predominantly use one that is by
25 the company Cellebrite. And we provide the decoded parsed

1 data to our investigators in a -- it's called a UFED reader.

2 So that allows them to go in and they can move around
3 and look and click Buttons and -- you know, do their own
4 little exploration to find what's pertinent to them. Because
5 unfortunately, though I wish I could, I don't have the mental
6 capability -- or capability or stability to be able to
7 remember and examine.

8 And know every detail of everybody's cases because as I
9 said, I use my tools to help not only my agency but several
10 other agencies around and I just can't keep track of
11 everybody else's stuff. So they get it, they look through it
12 and then they give it back to me.

13 Q. So you -- you get the dump and provide it to a
14 case agent or the solicitor's office or whatever agency
15 you're assisting?

16 A. Correct.

17 Q. Okay. And then can you tell us what Cellebrite
18 is, how that comes into play with that?

19 A. So Cellebrite is one of the bigger manufacturers
20 of the programs that I use to acquire that data. They are an
21 international company. They were founded in 1999. And if
22 any of you remember way back when -- when the cell phone
23 first came out and it was time to get the new one and you
24 went to the -- the phone store and the guy at the phone store
25 took your phone says, I'll be right back.

1 And he went back and he came back and you had your new
2 phone and I had like your contacts and you know a few of the
3 other things that was on your old phone and they're on the
4 brand new one now. Cellebrite did that. That was their
5 company in the beginning.

6 They then changed to the platform. They said, well, if
7 we can help the regular person, we can help law enforcement
8 as well. So they adapted their program to assist us in
9 getting the data from the phone for us to use.

10 Q. Okay. So pursuant to the search warrant that we
11 mentioned, did you attempt to complete a data extraction of
12 this phone, State's 125 for this case?

13 A. I did and I was successful at that.

14 MS. DAVIS: Okay. I'm showing you what's been marked
15 for ID only as State's 107.

16 (State's Exhibit Number 107 marked for identification.)

17 THE WITNESS: Yes.

18 BY MS. DAVIS:

19 Q. Does that CD contain the report that you created
20 after extracting the information from that phone?

21 A. Yes. This -- this does contain the digital copy
22 of the report that I provided to the investigator.

23 Q. Were you asked to confirm certain information from
24 that extraction?

25 A. I was.

1 Q. Were you able to find some identifying information
2 from the phone?

3 A. Yes. As I stated, there's typically a multitude
4 of types of information that come out and your identifiers
5 are something that kind of indicates where a device belongs
6 or what company it belongs to is among those items. Yes.

7 Q. Was that information included in the report that
8 you generated?

9 A. It was.

10 MS. DAVIS: I just put in front of you State's 100.

11 (State's Exhibit Number 100 marked for identification.)

12 BY MS. DAVIS:

13 Q. Does that contain the identifying information?

14 A. Yes, it does.

15 Q. Did you compare that against the extraction you
16 did?

17 A. Yes. So upon receiving information that is deemed
18 relevant or pertinent, it is, as I stated, given back to me
19 because now I have something that I can look at and we do
20 what's called data verification. So items of importance, we
21 will go in and we will ensure that our tool is taking the
22 data.

23 The one in zero and turning it into the right actual
24 one or zero or letter or number and putting it out for us to
25 -- to view. And this is the ones and zeros turned into your

1 device information, serial number, model number, phone
2 number, associated account information.

3 MS. DAVIS: At this time, the State moves to enter
4 State's 100 into evidence.

5 MS. FORD: Your Honor, we don't believe chain has been
6 established for the phone and the report itself would be
7 hearsay and (inaudible).

8 THE COURT: I thought we agreed on the chain. What --
9 what is your objection?

10 MS. FORD: We can approach.

11 (Bench conference at 9:57 a.m.)

12 MS. DAVIS: At this time, we would move to enter
13 State's 100 into evidence. Just (inaudible) no, the phone is
14 125.

15 MS. FORD: Okay.

16 MS. DAVIS: Which is ID only right now.

17 MS. FORD: So he has 100 which is?

18 MS. DAVIS: The identifiers from the extraction and
19 then these are going to be also from the extraction.

20 MS. FORD: And, your Honor, that I -- I object to you
21 based on hearsay and bolstering but not the chain.

22 THE COURT: Object --

23 MS. FORD: Putting in the report.

24 MS. DAVIS: We can --

25 MS. FORD: The report itself is what --

1 THE COURT: Who generated the report?

2 MS. DAVIS: The witness.

3 THE COURT: Well, then he can testify about what the
4 report says. He's here to testify and he generated the
5 report so he can testify and refer to that.

6 MS. FORD: The State is trying to get the report itself
7 into evidence.

8 THE COURT: Uh-huh.

9 MS. FORD: Not the extraction, but the report.

10 MS. DAVIS: The --

11 THE COURT: Has he -- has he been qualified as an
12 expert if -- in this field?

13 MS. DAVIS: I can.

14 THE COURT: Well, if he's qualified as an expert in the
15 field, then it can come in because as an expert, he would
16 have the ability to use hearsay documents to generate his
17 opinion.

18 MS. DAVIS: Additionally, your Honor, I would point the
19 Court to Rule 1006 regarding summaries, the contents of
20 voluminous writings, recordings, or photographs which cannot
21 conveniently be examined.

22 THE COURT: Uh-huh.

23 MS. DAVIS: In court may be presented in the form of a
24 chart summary or calculation providing -- provided the
25 underlying data are admissible into evidence. The originals

1 or duplicates shall be made available for examination or
2 copying or both by other parties at reasonable time and
3 place. The Court may order that they be produced in court.

4 THE COURT: Though a question. A summary can come in
5 as long as the underlying data is in. So we haven't got that
6 yet.

7 MS. DAVIS: So you'd like me to qualify him?

8 THE COURT: I think you could. Get that in through if
9 he's qualified -- if he's qualified as an expert.

10 BY MS. DAVIS:

11 Q. Detective Riedel, have you been qualified as an
12 expert before?

13 A. Yes, I have.

14 Q. In what field?

15 A. In digital forensic examination of cell phones and
16 digital forensic acquisition of cell phones.

17 Q. In what courts?

18 A. This court for one, Dorchester County.

19 Q. About how many times?

20 A. 10 or more.

21 Q. In what was that field again?

22 A. Digital forensic examination of cell phones and
23 digital forensic examination of -- or acquisition of cell
24 phones.

25 MS. DAVIS: At this time, we offer the detective Sam

1 Riedel as an expert in the field of digital forensic
2 examination of cell phones and digital forensic acquisition
3 of cell phones.

4 MS. FORD: I have no objection, your Honor.

5 THE COURT: All right. Well, folks, he has now been
6 qualified as an expert in the field that she just said, and
7 will be allowed to testify in the form of an opinion. And
8 just like I told you yesterday's with those expert witnesses,
9 you decide how much weight to give this witness's testimony
10 based on all the evidence that you'll hear throughout the
11 trial. You're not required to ever just to blindly accept an
12 expert's testimony simply because they've been qualified as
13 an expert. All right. You can resume.

14 MS. DAVIS: Thank you, your Honor. At this time, I
15 would move to enter State's 100 into evidence.

16 THE COURT: I'm sorry, I didn't hear what you said.

17 MS. DAVIS: I'd move to enter State's 100 into
18 evidence.

19 THE COURT: Over objection. And it's admitted.

20 (State's Exhibit Number 100 admitted into evidence.)

21 BY MS. DAVIS:

22 Q. Can you tell us what the phone number on this
23 device is?

24 A. Yes. The phone number that is associated to this
25 device is [REDACTED].

1 Q. Were there any email accounts you found associated
2 with this device?

3 A. Yes. There were several email accounts that were
4 associated to the device, which were part of your usual
5 registration for your Google backups and things like that.
6 One of those was C-A-S-M-I-T-H-S-R-5-5@gmail.com.

7 Q. So casmithsr55@gmail.com?

8 A. Yes. If you put it together as -- as actual words
9 in those letters.

10 Q. Okay. Any others?

11 A. There was curtisasmith1955@gmail.com and
12 smitcurtis793@yahoo.com. I believe that's all the individual
13 ones.

14 Q. Any other accounts?

15 A. Yeah. There were other accounts. There were
16 Facebook accounts that were associated to this which is a
17 given out as an ID number to differentiate it from other
18 Facebook accounts. A messenger, I believe. There was a
19 messenger account on here and other goo -- other forms of
20 Google, like Google Drive.

21 Q. Can you take a look?

22 A. And Slotomania account.

23 Q. Is there a Yahoo account as well?

24 A. Yes, the smithcurtis793@yahoo.com.

25 Q. And what program do you use for the extraction of

1 this phone?

2 A. I used the Cellebrite extraction platform.

3 Q. And you said you got a physical extraction?

4 A. Yes. I actually had the -- a physical as well as
5 a advanced logical, which is kind of a combination of that
6 lower level file system and the logical. It just puts all
7 the commands that they use together as one. So you don't
8 have to do a lot of button pushing, you only have to push it
9 once and it gets both of them combined.

10 Q. How do you validate and verify that you have an
11 accurate digital representation?

12 A. So as part of the process after -- you know -- in
13 -- in the documentation of -- of a device, we'll go through
14 and take some pictures of screens to make sure that -- you
15 know, certain information is captured. And that helps to
16 provide us with things to spot check, such as serial numbers
17 or IMEIS, phone numbers, possibly accounts.

18 And then there's the other aspect of it, which is
19 within the program that I use. After it decodes it go in and
20 actually look at the computer language and make sure that it
21 is translating that properly to human readable.

22 Q. And when you do an extraction, can you give us an
23 idea of all the things that are included in that?

24 A. Yeah. So it -- as I said, a lot of it will depend
25 on that level that you get. But what is available normally

1 would include your accounts, your device information, phone
2 calls, text messages, application data, location data, web
3 histories, pretty much anything that you have an application
4 on your phone, if you get a physical, whatever information is
5 associated to that will be in your -- your device.

6 So it could include things that you do as you're
7 scrolling Facebook or scrolling the webpages, but it also
8 includes those things that your phone does that you don't
9 even realize. But you did sign the agreement when you opened
10 the phone and -- you know, set up your Google account or your
11 iCloud account and downloaded an app and said, "Yeah.
12 Install it."

13 And agreed to things that it does because they do
14 things in the background that you might not know about but
15 you agreed to allow it to do that. If you have a physical
16 device acquisition or in lot of cases even that full file
17 system, they're going to get those things too and that will
18 allow -- you know, a little bit of an extra ability to
19 analyze.

20 MS. DAVIS: All right. Now, I want to show you what's
21 been marked as State's 101.

22 (State's Exhibit Number 101 marked for identification.)

23 BY MS. DAVIS:

24 Q. What is this?

25 A. This is a portion of the overall call log that has

1 been exported that is specific to interaction between the
2 examined device and a specific other contact. And it has
3 also been further limited by date. So not every phone call
4 between these two ever, just within a certain time period.

5 Q. And did you create that?

6 A. Yes.

7 Q. Does -- is there a contact name regarding the call
8 log that you're looking at?

9 A. Yes. The contact is titled "Wife."

10 Q. And what's the phone number associated with wife?

11 A. That would be [REDACTED].

12 Q. And now looking at that call log from the phone
13 that you did the extraction on, does it tell us how many
14 times between 5:37 on December 1, 2020 and 6:31 p.m. -- It's
15 5:37 p.m. on December 1, 2020 and 6:31 p.m. on December 1,
16 2020. Did that phone call, that contact called "Wife"?

17 A. Yes, it does.

18 Q. How many times?

19 A. There are four calls between the device, the
20 Samsung device I examined, and the contact wife first
21 beginning at 5:37:41 p.m. and that is adjusted to our time
22 zone and to include an offset adjustment if it was daylight
23 savings or not. So it's UTC minus five and ending the last
24 recorded call was at 6:30:10 p.m. In our local time zone.

25 Q. Did those calls connect?

1 A. There is an indication that it was answered and
2 that indication comes from on -- one, two, three. Three of
3 them are indicating as answered, which means that some point
4 there was a connection between the two devices. Now that
5 connection is only saying that they have made the initial
6 stage beyond where your phones are trying to connect to each
7 other and ringing on either end to something has stopped the
8 ringing process and now there's some kind of transmission of
9 other noise between them.

10 So it only gives you a duration of that section. So
11 that could be anything from the other parties picking up,
12 answering it and saying hello to the voicemail message or
13 generated auto voicemail message. But there's some of them
14 that indicate yes, there was that some kind of connection,
15 but the connections are very brief.

16 Q. How brief?

17 A. The phone call that was placed at 5:37:42 is a
18 five second duration. The next call is at 5:40:39, which is
19 indicating as not answered, which means it never progressed
20 to that click to the next level. It just either rang or was
21 silenced. The next call was at 6:03:33 p.m. and it had a
22 duration of 21 seconds. And then the final call was the
23 6:30:10 p.m. with a noted duration of four seconds.

24 Q. And so, that could be ringing for 20 seconds and
25 going to voicemail.

1 A. The 21 second call would indicate that -- that --
2 that the ringing had stopped. There was some kind of click
3 on the other end. Like I said, whether it went to voicemail
4 or what not, I don't know. I wasn't on the other end of that
5 phone, but there was 21 seconds of connection outside of a
6 ring.

7 MS. DAVIS: At this time, we move to enter State's 101
8 into evidence.

9 MS. FORD: It -- I just object based on my prior
10 objections of hearsay.

11 THE COURT: Overruled.

12 (State's Exhibit Number 101 admitted into evidence.)

13 BY MS. DAVIS:

14 Q. Now, looking at what else you found on that
15 extraction, was there a conversation between a Facebook
16 profile named Forrest Ave or Forrest Ave and the Facebook
17 account titled "Curtis Smith" on the device that you
18 examined?

19 A. Yes. I was

20 MS. DAVIS: Showing you what's been marked as State's
21 103.

22 (State's Exhibit Number 103 marked for identification.)

23 BY MS. DAVIS:

24 Q. Do you recognize this?

25 A. Yes. This is an export of that conversation in a

1 format that's called the chat export. So it shows you in the
2 common bubbles that you're used to seeing blue or green or
3 whatever you have, but they're -- you know. This party said
4 this on this side, this party said this on this side rather
5 than a just straight PDF list or -- or one after the other.
6 So you can't easily say who said what

7 MS. DAVIS: At this time, I move State's 103 into
8 evidence.

9 MS. FORD: Just my same objection of hearsay.

10 THE COURT: Overruled. Admitted.

11 (State's Exhibit Number 103 admitted into evidence.)

12 MS. DAVIS: Move to publish?

13 THE COURT: You may.

14 BY MS. DAVIS:

15 Q. We are going to go over this conversation, State's
16 103. This is the first page. When is that conversation
17 taking place?

18 A. It will be November 22, 2020 at 10:03:21 a.m.,
19 that you can see it's UTC minus five. So adjusted to our
20 time zone.

21 Q. And can you explain what a -- a blue bubble means
22 versus what we're going to see being some green bubbles?

23 A. So as I said, this is in that chat format, which
24 is offset of color for each party. And at the top you can
25 see it says from, gives you that Facebook ID number and then

1 the associated account name that it has located for that
2 through Facebook.

3 And the Forest Ave is associated to that big long
4 number, but it's easier to -- you know, type in Forest Ave
5 than it is that big long number, much less remember it. And
6 then you'll have the content of the message, which for the
7 first one reads sweet and then the timestamp at which that
8 message was generated.

9 Q. Okay. And then can you explain what this is? Or
10 the rest of it that is on the beginning of page two. I know
11 it's kind of hard to read. I can hand you the State's 2. Is
12 this a way of connecting two accounts?

13 A. Yes. So the bottom message there is actually a
14 system-generated. So it's not from the examined device or
15 not from the other party. Something that Facebook says,
16 "Hey, guess what, now you guys are friends and you can talk."
17 So that's not a user generated issue. The other content
18 that's in there would be user generated, but the system
19 message itself is not.

20 Q. Okay. Now, looking at the bottom portion of page
21 two. From the blue bubble, which would've been incoming to
22 the account of Curtis Smith, what is that message?

23 A. It says, "Sweet. Did you speak to Jennifer?" And
24 that was on the 22nd of November, 2020 at 10:36:12 a.m.

25 Q. And what's the response from the account called

1 Curtis Smith owner?

2 A. From the account associated to the examined
3 device, the Curtis Smith Facebook account, the response,
4 "Call me, 843-830-0481."

5 Q. Is that at an eight? Sorry (inaudible).

6 A. I'm sorry. Yeah, it's nine.

7 Q. Is it nine?

8 A. Yeah, it was a little glare (inaudible).

9 Q. Thank you.

10 A. I've got a little bit of a glare over here.

11 Q. And then is that the same number that you told us
12 about from State's 100 associated with the phone State's 125?

13 A. It is.

14 Q. Okay. Thank you. All right. Now, let's look to
15 the last part of this message. Page three of State's 103.
16 See if I can put it in the right spot. Can you read that?

17 A. Yes. That message reads, "Have not seen since
18 Thursday night." It is from the account associated to the
19 Samsung device and that was at 10:38:42 a.m. on November 22,
20 2020.

21 Q. In regards to web history on the phone extraction,
22 can you explain what that is to the jury?

23 A. So the web history from your device is very
24 similar to that which you would get on a computer or laptop
25 or anything like that. Their platforms operate the same and

1 as you know, it keeps somewhat of a history of where you've
2 been, what you've done.

3 Only the way it displays it is just a little bit
4 different than it would be on a laptop. Because on a laptop
5 -- you know, you've got your tabs that you would have open
6 and you can see just all the open tabs. Well, your phone
7 doesn't have that space, so you just have to navigate through
8 tabs.

9 And if you have open tabs, you just have other web
10 entries in there because your history files will store them
11 in layers that it decodes to make it pretty for you to look
12 at. So you can have multiple tabs open at the same time and
13 your histories are going to just flow through that in the
14 entries. If I go from tab one to tab two, the -- the history
15 will flow across them, especially if you're directed from one
16 to another.

17 Q. So you're able, as a part of the phone extraction,
18 to identify search terms that are searched on the phone, on
19 the web, and when that search term was originated and when it
20 may have been -- you know, clicked through or reloaded, those
21 types of things.

22 A. Correct.

23 Q. Were you able to determine the number of
24 individual original searches that this phone made for
25 anything including the name Jamaal Collins?

1 A. Yes. So with respect to the Jamaal Collins, when
2 asked to search specifically through that, or for that
3 through the web history, I utilized just that name, Jamaal
4 Collins, which I used as a search term amongst all of the
5 history. So it takes every bit of the history and only gives
6 me what has that name that I'm searching for.

7 And then from there I can narrow it down even further
8 because as your search engines will work, Google, I'm sure
9 you -- at some point almost everybody has Googled something
10 and you know you have that initial type in your words and
11 then sometimes it'll correct it for you or -- or whatnot.

12 But after you do that first search, it sends you to a
13 new webpage. Right? And on that webpage, it has your links
14 that will take you to further deeper into your search. So
15 for this specific one, there was an initial search on
16 November the fifth of 2020. And that initial search
17 generated 15 results from just that one.

18 So the initial search led into other things and that
19 would include that initial response from Google saying, "Hey,
20 you wanted this, here's what you can look through." And then
21 from there, navigation across those results to different
22 areas. If you search a name on the internet, you're going to
23 get all kinds of things.

24 You could get LinkedIn profiles, Facebook profiles,
25 depending on how people are saving their Instagram. You

1 could get an Instagram account or a Twitter account. So
2 amongst those results you can take and click and go to the
3 next thing. In this case, there was a navigation off of that
4 initial search to a specific Facebook profile and then there
5 was some other just back and forth returning to the results
6 of the initial search and so forth, so...

7 Q. When you said a specific Facebook profile, what is
8 the name of that Facebook profile?

9 A. It is -- so the initial result that went to Google
10 went to Facebook public profile that is titled "Jamaal,"
11 J-A-M-A-A-L Collins and then it -- that would be the result
12 for the general term. So if I search Bob Davis and I go to
13 my Facebook off that Google search, there's not going to be
14 one Bob Davis, right? I mean, that's a very common name.

15 So the first result after that is going to the generic,
16 just every Jamaal Collins that it could come up with. From
17 that point on, you can pick one and then you go further into
18 Facebook itself. You've got -- navigated away from that
19 Google and now you're in the world of Facebook, which is for
20 all intents and purposes, kind of like a Google, just more
21 located to their stuff.

22 Well, now it's a little bit different because now you
23 can search for almost anything on Facebook and we'll find it.
24 But from that initial generic, Jamaal Collins, a specific
25 Jamaal Collins profile, which Facebook then identified by the

1 profile ID number, which it uses to differentiate this one
2 specific profile from every other Jamaal Collins out there.
3 And that profile, I can give you the really long number if
4 you'd like.

5 Q. No.

6 A. Of

7 Q. Were there any other identifiers related to that
8 profile on Facebook involved in that search?

9 A. Let's see. We have -- there is a specific profile
10 that is associated to it, which is J-A-M-A-A-L. Collins,
11 C-O-L-L-I-NS.777, which is what it has associated to the
12 nice, easy to read format for that big long number that is
13 your Facebook ID. And then there's some navigation back to
14 the Facebook, generic Jamaal Collins. And then back to the
15 original Google search page.

16 Q. And did you put that as part of your report?

17 A. I did.

18 Q. Is that State's 102?

19 A. It is.

20 MS. DAVIS: I move to enter State's 102 into evidence.

21 MS. FORD: Your Honor, I object based on hearsay and
22 bolstering.

23 THE COURT: Sorry?

24 MS. FORD: Hearsay and bolstering.

25 THE COURT: Overruled.

1 (State's Exhibit Number 102 admitted into evidence.)

2 BY MS. DAVIS:

3 Q. Thank you. Can you tell us again when that search
4 was conducted? Here, on that phone for Jamaal Collins?

5 A. Yes. The initial -- an initial search was on
6 November the 5th of 2020 3:57:13 p.m. Eastern time.

7 MS. DAVIS: I have no more questions at this time.
8 Please answer any questions that the Defense has for you.

9 MS. FORD: I beg the Court's indulgence. I just have a
10 few questions.

11 CROSS-EXAMINATION

12 BY MS. FORD:

13 Q. The search about Jamaal Collins, that was done on
14 November 5th?

15 A. Correct.

16 Q. Okay. And you have no way of knowing who may have
17 actually been doing the searching at that time on November
18 5th?

19 A. In the way that I do things, it's the device. I'm
20 not there. I do not see anything. I can't say whose fingers
21 touch the keypad.

22 Q. Because occasionally people will use another
23 person's phone.

24 A. Sure.

25 Q. And this phone, just so we know, this was not the

1 only phone you looked at, correct? For this case?

2 A. There were others. Yes.

3 MS. FORD: I beg the Court's indulgence. I have no
4 further questions.

5 THE COURT: Re-direct?

6 MS. DAVIS: None.

7 THE COURT: All right. You can step down. Thank you.

8 THE WITNESS: Thank you.

9 MS. DAVIS: May he be released from his subpoena?

10 THE COURT: He may.

11 MS. DAVIS: The State calls Jerome De Sheers.

12 THE CLERK: Please raise your right hand, place your
13 left on the Bible

14 DETECTIVE JEROME DE SHEERS,

15 being duly sworn, testified as follows:

16 THE CLERK: Please be seated.

17 THE WITNESS: Thank you.

18 THE CLERK: Please state your full name, spelling your
19 last name loudly, clearly into the microphone.

20 THE WITNESS: Good morning. My name is Jerome De
21 Sheers. The last name is D-E S-H-E-E-R-S.

22 DIRECT EXAMINATION

23 BY MS. DAVIS:

24 Q. Good morning, Detective.

25 A. Good morning.

1 Q. Can you tell us where you currently work?

2 A. Yes ma'am. I currently work for the City of North
3 Charleston Police Department.

4 Q. How long have you been with North Charleston
5 Police Department?

6 A. I've been with the police department since
7 November of 2007, so about 17 and a half years.

8 Q. What's your current position there?

9 A. I'm assigned to the special operations bureau and
10 I'm specifically assigned as the FBI's Task Force Officer.
11 So essentially on loan with the FBI.

12 Q. What does that job entail?

13 A. So on the task force, I belong to the low country
14 violent crime task force where I investigate violent crime
15 involving gangs and -- and to be able to prosecute those both
16 on the federal side or state side depending on how the
17 investigation goes. I also am a member of the cellular
18 Analysis survey team through the FBI, which we refer to as
19 CAST.

20 Q. Cellular Analysis Services Team?

21 A. Survey Team, CAST.

22 Q. Survey Team. Thank you.

23 A. Yes, ma'am.

24 Q. Can you tell us about your education and training?

25 A. Yes. So I attended Union College in Schenectady,

1 New York, where I got my bachelor's degree in managerial
2 Economics. At -- after graduating I moved down here to North
3 Charleston, South Carolina, where I attended the South
4 Carolina Criminal Justice Academy.

5 After completing my class one law enforcement training,
6 I began my services in North Charleston. And then after
7 getting on the FBI's Task force to join the CAST unit, there
8 was further education needed and certification or -- for
9 certification on the -- the CAST unit.

10 Q. What certifications?

11 A. So the CAST unit requires me to go through a basic
12 CAST cellular analysis course which is looking at call detail
13 records from phone companies to show how to map those and
14 then once you complete the basic, you move on to the advanced
15 course, which is select -- it's a selection based process.

16 You have to be consistently working with phone records
17 and you have to be a task force officer or a special agent
18 with the FBI to get on that. That is a three-day hands-off
19 course or -- or it's hands-on but there's assignments that
20 you have to complete. You are assessed to move on to what's
21 called the critical Incident readiness assessment, which is
22 the -- where we start getting tested on our abilities.

23 So that's three and a half days of case work where we
24 are put in a command post type of setting and we have to
25 learn how to work a case from start to finish as if an

1 incident just happened. We go through everything that
2 requires on the phone side of things to be done.
3 Once we complete that, if you are selected to move on to the
4 certification phase, that's a four-week process where we get
5 one week of instruction from in -- from -- instructors from
6 the Florida Institute of Technology and Radio Frequency
7 Theory, that is a test.

8 So every day for that week, we are tested and then we
9 have a final exam on Friday that you have to pass. Once
10 that's complete, we meet with the custodian of records for
11 each of the providers which is AT&T and Verizon at the time
12 when I went through Sprint and T-Mobile.

13 And we also meet with the engineers that work on the
14 actual network for those individual companies so that we can
15 learn the specifics of how their networks are set up. And
16 then we do a -- a week of learning the systems and
17 technologies that the CAST unit utilizes.

18 And then we have a -- essentially a final exam at the
19 end of that with records and doing a -- a drive test and that
20 sort of thing. So yes, long training. And then -- sorry,
21 every year there's a recertification that we have to go
22 through, which is about a week long.

23 Q. How many -- have you previously been qualified as
24 an expert in court?

25 A. Yes, I have.

1 Q. In what field?

2 A. In historical mobile detail or mobile location
3 analysis. And I've qualified 12 times both in state and
4 federal court.

5 Q. Historical mobile?

6 A. Location.

7 Q. Location.

8 A. Analysis.

9 Q. Analysis?

10 A. Yes, ma'am.

11 Q. About how many times have you been qualified as an
12 expert in that field?

13 A. 12 times both in state and federal court.

14 MS. DAVIS: Your Honor, at this time, the State would
15 offer Detective Jerome De Sheers as an expert in the field of
16 historical mobile location analysis.

17 MS. FORD: I have no objection, your Honor.

18 THE COURT: What was that field again?

19 MS. DAVIS: Historical mobile location analysis.

20 THE COURT: Location you said?

21 MS. DAVIS: Yes.

22 THE COURT: Analysis. Okay. Well, folks, this witness
23 has now been qualified as an expert in the field of
24 historical mobile location analysis. As I told you, with
25 other expert witnesses will be allowed to give his testimony

1 in the form of an opinion. You alone decide how much weight
2 to give his opinion and testimony based on all of the
3 evidence that you have heard and will hear throughout the
4 trial. All right. You may continue.

5 MS. DAVIS: Thank you, your Honor.

6 BY MS. DAVIS:

7 Q. Now, Detective De Sheers, you already mentioned
8 cellular analysis survey team and called it CAST. Can you
9 help the jury understand what CAST is?

10 A. Yes. So CAST -- the CAST unit and the -- is a
11 unit in the FBI and there's three main functions of our unit.
12 The first is we analyze both historical and prospective cell
13 site location information or mobile device location
14 information. And that's for case work both on state cases
15 and federal cases.

16 We partner with all law enforcement agencies. The
17 second is testifying to those records in court as experts.
18 And then the third thing we do is we do teach the how to work
19 with and analyze these records to both state and local law
20 enforcement agencies.

21 Q. What kind of -- is that the training you already
22 told us about is the training that you have to be a CAST
23 agent?

24 A. Yes. So we we do instruct the -- the basic
25 course, and that's for any law enforcement officer. And then

1 again, when you go to advance, that is selective for task
2 force and special agents with the FBI.

3 Q. And you mentioned historical cell site analysis.
4 Can you give us the baby version? What does that mean?

5 A. Yes. So essentially, we see we have a tower list
6 which is all the cell phone antennas that each company has.
7 Those are in essentially static locations. And what we do is
8 we take a call detail record which is where if you make a
9 phone call or you use an app, receive a text message, all
10 those records obtained by the company as part of their
11 business records.

12 In those records, you -- it gives us the date and time
13 that a phone call per se was used or -- or started, the
14 duration. And it also gives us the -- the location or the
15 cell antenna that was used to -- to start that call, in some
16 records to end the call.

17 And what we do is we take that starting antenna
18 information since we have a date and time and we map that
19 according to where the tower and that antenna is located.
20 And then we -- on a map, it looks like a one third of a
21 circle or -- or a pie wedge to show a geographical area of
22 where a device was.

23 Q. And now, you're talking about identifying what
24 cell towers, different phones or accessing to make their
25 phone calls. Do you -- how do you get information about a

1 specific phone's location? Like how do you come into
2 possession of that data? Is it regularly private?

3 A. So in order to get that information, a search
4 warrant is required unless there's an exigent situation,
5 emergency -- emergency situation that's taking place. But
6 generally, a search warrant is required to obtain those
7 records from the company. And again, these are business
8 records that are kept by the company for their billing
9 purposes and network -- their own network analysis.

10 Q. So you're telling us about approximate locations
11 of a cell phone, but are you able to pinpoint an exact
12 location of where someone is when they're on their phone, or
13 is it different than that?

14 A. So it is the -- essentially it's the general area
15 based on surrounding towers. So you can see -- you can't say
16 exactly where a device was with typical call detail records
17 but what you're doing, you're saying this phone was -- was
18 using this one particular sector and that cov -- that sector
19 has a limited coverage area. So if it used that antenna,
20 that phone had to have been within that coverage area.

21 Q. Now, I want to focus your attention to this case.
22 How did you become involved?

23 A. So a request was -- was conducted for CAST
24 analysis and that request came in through me or to me to look
25 at these sets of records.

1 Q. What were those accounts?

2 A. So there were three accounts. The first one was a
3 Verizon account with the phone number, [REDACTED]. The
4 second account was a T-Mobile account for [REDACTED]. And
5 then the third account was another T-Mobile, and that number
6 was [REDACTED].

7 MS. DAVIS: At this time, your Honor, the State would
8 offer what's been marked for ID as 94A, 95A, and 97A into
9 evidence.

10 MS. FORD: And I'm not certain which specific ones
11 those are, your Honor. I have no objection.

12 THE COURT: Admitted.

13 (State's Exhibits Numbers 94A, 95A, and 97A marked and
14 admitted into evidence.)

15 BY MS. DAVIS:

16 Q. Okay. So were you provided with the CDR
17 information on all three of those numbers?

18 A. Yes, I was.

19 Q. Can you tell us what these different 95A, 94A, and
20 97A are and how they help you in your analysis?

21 A. Yes. So beginning with 94A. 94A is a certificate
22 of authenticity for the records that were provided from
23 Verizon. And again, this was for the phone number that ends
24 in [REDACTED].

25 95A is a certificate of authenticity for the records

1 from T-Mobile where the phone number ending in [REDACTED]. And
2 then 97A is the certificate of authenticity for the records
3 provided by T-Mobile for the phone number ending in [REDACTED].

4 MS. DAVIS: Now, I want to show you what's been marked
5 as State's 94 for ID purposes only.

6 (State's Exhibit Number 94 marked for identification.)

7 BY MS. DAVIS:

8 Q. Are these the Verizon records for [REDACTED]?

9 A. Yes. So this is a disc that contains the -- the
10 exact records that I got for that phone number. And on this
11 disc, I do have my initials and the -- and the phone number
12 that it's referencing on that disc.

13 MS. DAVIS: At this time, we offer State's 94 into
14 evidence.

15 MS. FORD: Your Honor, I would object if that's the
16 whole phone dump.

17 MS. DAVIS: It's not the dump, it's the provider.

18 MS. FORD: I -- I just think the whole thing contains
19 too much hearsay and irrelevant information.

20 BY MS. DAVIS:

21 Q. What's on that disc?

22 A. So on that disc is a -- a set of records from
23 Verizon. So this includes the call detail records. There's
24 -- there's type or real time tool or RTT data records on
25 there. The subscriber information, the -- the SMS and MMS

1 detail records and then the -- some of the explanation forms
2 that Verizon provides. So it's all the call -- it's all the
3 records that Verizon sent on that disc.

4 MS. FORD: Your Honor, I just believe that's too much
5 information that most of which can be irrelevant. There's
6 just too much on there. I don't think it's necessary to --
7 that the whole CD for this expert to testify.

8 THE COURT: Well, it's -- it's kind of like a data
9 dump. I mean, it's there and he can -- it's his job to pull
10 out what's important about it, but I think it would be
11 misleading to not have all of the document, all of the data
12 in there. So he can -- he's -- he's qualified as an expert.
13 He testifies as to what he's pulling out in response to her
14 various questions. So, overruled.

15 (State's Exhibit Number 94 admitted into evidence.)

16 BY MS. DAVIS:

17 Q. Was there any subscriber information given for the
18 number [REDACTED] provided by the carrier?

19 A. Yes, there was. And this was a name for Daryl
20 Dickerson. And this was a business name on the account.

21 Q. Were you provided any other information regarding
22 whose phone number it was?

23 A. Yes. So I was provided information that it
24 belonged -- the phone was actually used by Curtis Smith
25 although he's not the listed subscriber, but the phone was

1 given to him to use.

2 Q. Regarding the second number, [REDACTED], was
3 subscriber information provided for that?

4 A. Yes, there was. And the subscriber was listed as
5 Antolene Smith.

6 MS. DAVIS: Okay. So I'm going to show you State's
7 Exhibit 96 for ID purposes.

8 (State's Exhibit Number 96 marked for identification.)

9 BY MS. DAVIS:

10 Q. Is this the subscriber information for Antolene
11 Smith's cell phone?

12 A. Yes. This State's 96 is the subscriber page from
13 T-Mobile for that subscriber name where it says "Antolene
14 Smith."

15 Q. And what's the phone number?

16 A. This is for phone number [REDACTED].

17 Q. Now, we already have evidence from Detective
18 Riedel, State's 101, which is a call log that he got from his
19 extraction, and I just want to help keep the jury -- help the
20 jury keep track of different numbers. So can you read what
21 number is associated from the phone dump with the contact
22 name, "Wife." And tell us if it's the same as the one that
23 you got from Antolene Smith's subscriber records?

24 A. Yes. So line one of this page it does say the
25 phone number [REDACTED], that's listed as wife. And the --

1 that phone number does match the phone number that the
2 records were obtained from for T-Mobile.

3 Q. Okay. So the -- the wife, that one ended in 5369?

4 A. That's correct.

5 Q. And if we look at a report later that you did or
6 presentation, she's blue, right?

7 A. That's correct.

8 Q. Okay. And in -- in the presentation that you did,
9 that earlier number we heard, [REDACTED] was the last four digits?

10 A. Correct. Yes.

11 Q. And that's going to be red?

12 A. That's -- that's correct. That is red.

13 Q. I'm just trying -- trying to help everybody keep
14 track. What was the carrier?

15 A. For [REDACTED]?

16 Q. The carrier -- sorry, for -- for the 5369 number.

17 A. Again. So that was a T-Mobile carrier.

18 Q. Okay. And you said the sub -- subscriber's name
19 was?

20 A. Antolene Smith.

21 MS. DAVIS: Okay. And now we move to enter State's
22 Exhibit 96 into evidence.

23 MS. FORD: Just my prior objection.

24 THE COURT: Overruled. It's admitted.

25 (State's Exhibit Number 96 admitted into evidence.)

1 MS. DAVIS: Okay. Last phone number that you were
2 asked to look at the records for. I'm going to show you
3 what's been marked as State's 98.

4 (State's Exhibit Number 98 marked for identification.)

5 BY MS. DAVIS:

6 Q. Is this the subscriber information for the
7 T-Mobile number, [REDACTED]?

8 A. Yes ma'am, it is. The subscriber's name is listed
9 as Jennifer Grant.

10 Q. Okay. And so, that ends in [REDACTED]. And what color
11 do you use when you go over that number in your report?

12 A. So that will be indicated by green, the color
13 green.

14 MS. DAVIS: Okay. At this time, we move to enter
15 State's Exhibit 98 into evidence.

16 MS. FORD: Just my prior objection.

17 THE COURT: Overruled. Admitted.

18 (State's Exhibit Number 98 admitted into evidence.)

19 BY MS. DAVIS:

20 Q. All right. Focusing your attention back to the
21 records that you were asked to analyze and map out, can you
22 tell the jury what kind of information was contained in those
23 records?

24 A. Yes. So the call detail records, so in T-Mobile
25 they're listed as CDR, and that's the record that again, it

1 contains the date and time stamp that a phone call or text
2 message was made. It provides the duration, the phone number
3 that it was in contact with, and also for the calls.
4 It -- it provides the the actual cell tower antenna that was
5 used. There are some service codes on there that we can
6 discuss later. And then for Verizon, it's a 4G LTE or VoLTE
7 record which is essentially the CDR. It can contain the same
8 information, just minus the service codes.

9 MS. DAVIS: Court's indulgence, just a moment? Let me
10 show you what's been marked as State's Exhibit 97.

11 (State's Exhibit Number 97 marked for identification.)

12 BY MS. DAVIS:

13 Q. Can you tell us what this is?

14 A. Yes. So this is the T-Mobile records for the
15 phone number ending in [REDACTED]. On this disc contains the CDR
16 and the subscriber page. And again, I have initialed this
17 disc so I saw what was on that disc.

18 Q. Okay. And that's the number associated with
19 Jennifer Grant?

20 A. That's correct.

21 MS. DAVIS: Thank you. At this time, we move to enter
22 State's 97 the into evidence.

23 MS. FORD: Oh. Just based on my prior objection about
24 the disc with there's hearsay, irrelevance and confusing
25 because of all the extraneous information.

1 THE COURT: Overruled. Admitted.

2 (State's Exhibit Number 97 admitted into evidence.)

3 MS. DAVIS: Thank you, your Honor.

4 BY MS. DAVIS:

5 Q. Okay. So you told us about the call detail
6 records. Is that what you're talking about when you say CDR?

7 A. Yes, that's correct.

8 Q. So once you provided with the different sets of
9 records in this case, what did you do with them?

10 A. So those records get put into a software that we
11 used from gladiator forensics. And we also pull in the tower
12 list that was -- that was available at the time of the actual
13 incident. So in this case 2020. Around November, 2020, this
14 tower list was pulled not in 2024 when the analysis was
15 completed. And what happens is the call records marry up
16 with the tower records and it creates this this map.

17 And so, what we do is we take the time range that's
18 requested to analyze and then we produce a visual
19 representation via a map of where those phone locations were.
20 And then once we complete that, that report goes to another
21 CAST member who's been on CAST for a year or longer to get
22 what's called a peer review.

23 So they look at the same sets of records, they use a
24 different program. And then, so we -- so we -- we have two
25 -- two different programs. They're trying to hopefully show

1 us the same thing and as long as all the records are being
2 consistently shown on the map. So both through the program
3 and us looking at them just apples to apples looking at one
4 record to the other to make sure everything looks right, that
5 map is then produced to the Court.

6 Q. Okay. So -- and when you say the Court like to
7 the solicitor's office?

8 A. Yes.

9 Q. Law enforcement?

10 A. Yes, ma'am. So it goes back to the requester.
11 And at -- at the time of this request, it already been
12 submitted to the solicitor's office. So the requester and
13 the solicitor's office got a copy.

14 Q. Forgot one disc. Can you tell us what State's 95
15 is?

16 A. Yes. So State's 95 is the disc containing Ms.
17 Smith. So the phone number ending in [REDACTED], it's again, this
18 is the call detail records and the subscriber form from
19 T-Mobile.

20 Q. And did you use those in your CAST analysis?

21 A. Yes.

22 MS. DAVIS: Move to enter State's 95 into evidence?

23 MS. FORD: Your Honor, I just object based to my prior
24 objections for the CDs.

25 THE COURT: Overruled. Admitted.

1 (State's Exhibit Number 95 admitted into evidence.)

2 BY MS. DAVIS:

3 Q. Okay. So you use all of the provider records for
4 the -- these three different phones during a requested period
5 of time that's told -- you're told is relevant. And so, are
6 you essentially mapping out the results of what cell towers
7 these different phones were accessing when they were
8 accessing towers during that relevant time period?

9 A. Yes, that's what was completed.

10 Q. Okay. And what information is helpful to you when
11 you're analyzing the records and mapping out these results?

12 A. So the information that we need is a -- the date
13 and time of the crime. And then the date range that's being
14 requested. We also need the location and -- and -- that's
15 relation.

16 So whether the crime scene or any other locations that
17 may be involved, we need to know those because those
18 locations are placed on the map. And then again, we need the
19 -- the -- the records from the phone company, the original
20 records from the phone company as well as tower list.

21 Q. So what time period was important in this case?

22 A. So November 19th through the 20th was the initial
23 time. And then for other reasons, there were requests to
24 look at November 1st through December 1st, on the phone
25 number ending in [REDACTED]. And then overall, just looking at

1 some -- some call specific information throughout the
2 records.

3 Q. And the -- you said November 1st through December
4 1st, so the whole month of November for [REDACTED], that's the
5 phone number associated with the victim, Jennifer Grant?

6 A. I'm sorry, [REDACTED]. The -- the number --

7 Q. [REDACTED]?

8 A. Yes. For Smith. So asked to look at November 1st
9 through December 1st for location information regarding [REDACTED],
10 apologize.

11 Q. Okay. Did you also look at it for the [REDACTED]
12 regarding life pattern?

13 A. Yes. So the entirety of the records for [REDACTED]
14 based on this life pattern.

15 Q. Okay, we'll get into that in just a minute. But
16 -- so you looked at November 1st to December 1st for the [REDACTED]
17 number associated with Antolene Smith?

18 A. That's correct.

19 Q. Okay. And how were you able to do all of that?

20 A. So looking at the records, so opening up, they
21 come in an Excel spreadsheet. Open up the Excel spreadsheet,
22 and we do have to convert the times. So they are provided in
23 UTC, we convert the time so we know what we're looking at.

24 And then just comparing what numbers, so who's talking
25 to who, how much that helps establish a -- a pattern of life

1 for who's in communication with who, which -- which -- which
2 phone contacts other phones more or less. And then looking
3 at the locations. And then again, that information is also
4 provided in -- in -- or put into this gladiator forensics
5 program that we use to map out those records.

6 Q. And once you've analyzed the records and created
7 the mapping, do you have your results reviewed by another
8 person you -- you mentioned, I believe.

9 A. Yes. So that's -- that's the peer review process.
10 That's a requirement for any document that's going to court
11 for us. We do have to get it peer reviewed.

12 And again, it is by another CAST member that's been on
13 for at least a year or more. And that's just because they
14 are experienced and have -- have significantly shown they
15 know how to -- or they understand records, so...

16 Q. Did you prepare a presentation of your findings?

17 A. Yes, I did.

18 Q. Is it a summary of all the records that you
19 received in this case?

20 A. This is a summary. It is from all the records,
21 but again, narrowed down to the timeframes requested.

22 MS. DAVIS: Okay. Now, I want to show you what's been
23 marked as exhibit -- State's Exhibit 99.

24 (State's Exhibit Number 99 marked for identification.)

25 BY MS. DAVIS:

1 Q. Is this that presentation you prepared?

2 A. Yes. This is the presentation I prepared. And I
3 did notice that one of the numbers does have a -- a -- a mark
4 on it that was essentially blocked from view and I was made
5 aware of -- that, that was going to happen by the courts --
6 by the solicitor's office. So, yes. This is my report.

7 Q. And that number that's blacked out. Is it your
8 understanding that that's, because that's still an active
9 phone number used by Ms. Eva Grant, the victim's mother?

10 A. Yes. That's my understanding.

11 Q. And so, we just didn't want to publish it?

12 A. That's correct.

13 Q. Okay. Would reference to this presentation you
14 created contained in State's Exhibit 99 assist you in
15 explaining your analysis to the jury?

16 A. Yes, ma'am. It would.

17 MS. DAVIS: At this time, your Honor, the State would
18 offer what's been marked as State's 99 into evidence.

19 MS. FORD: No objection, your Honor.

20 THE COURT: Admitted.

21 (State's Exhibit Number 99 admitted into evidence.)

22 MS. DAVIS: May we publish?

23 THE COURT: You may.

24 MS. DAVIS: Now, before we get into putting this
25 present --

1 THE COURT: Before you go further, the jury needs a
2 break.

3 MS. DAVIS: Okay.

4 THE COURT: So let's take about a 15-minute break and
5 we will again, leave you with the admonition not to discuss
6 the case or talk about it amongst each other. And we'll see
7 you back in about 15 minutes.

8 MS. DAVIS: Thank you, Judge.

9 (Jury exits room at 11:03 p.m.)

10 THE COURT: Okay. You can go to the bathroom if you
11 need to, but you can't talk to anybody during the break. All
12 right.

13 THE WITNESS: Thank you.

14 THE COURT: Thank you. Right. See you in about 15
15 minutes.

16 (Off the record at 11:04 p.m.)

17 (On the record at 11:22 p.m.)

18 THE COURT: All right. Are we ready? Let the record
19 reflect the Defendant is in the courtroom. Bring the jury
20 back in.

21 THE BAILIFF: All jurors are present, your Honor.

22 (Jury enters room at 11:23 p.m.)

23 THE COURT: Okay. Be seated. All right. We will
24 resume with direct examination of the witness.

25 BY MS. DAVIS:

1 Q. Thank you, your Honor. Okay. So we have State's
2 99 published up there. That's the presentation you made to
3 help present the results of your analysis in this case?

4 A. Yes. This is.

5 Q. Okay. Before we get into that, you mentioned a
6 life pattern earlier. Can you help us understand what that
7 is in your line of work?

8 A. Yes. So a pattern of life is -- it's an analysis
9 that we conduct, especially with phone records to show us a
10 few different things. So we want to see what's typical of
11 someone's movement, their activities day to day and compare
12 that with an event that may take place.

13 We also want to see who they're calling and -- and who
14 they talk to, and the kind of the frequency level when they
15 talk to them. The easiest way to explain this is if there's
16 a kidnapping.

17 If we have the victim's phone number, we get their
18 records and we see that their phone is now in an area where
19 they typically wouldn't be. That's something that we would
20 look at to determine where's the location of this person,
21 where this person might be being held.

22 And then it could also give us some other information.
23 If that person was there before then there may be some
24 familiarity, and then we can start looking at potential
25 suspects and things of that nature to help move that

1 investigation along. So that's the pat -- that's the pattern
2 of life, what we mean by pattern of life analysis.

3 Q. Thank you. I will let you give your presentation
4 and I might interject with some -- some questions, but can
5 you tell us about the first slides on your presentation?

6 A. Yes. So this slide is -- it's providing the
7 information that's relevant to this case which is the North
8 Charleston Police Department's case number. And then the --
9 the records that were analyzed are here in the center. And
10 again, these numbers are color coded and they're going to be
11 color coded throughout the presentation.

12 So the account records that were analyzed belong to
13 [REDACTED], the Verizon phone that's indicated in -- in
14 red. [REDACTED], T-Mobile phone that was -- that's going
15 to be indicated as blue. And then [REDACTED], another
16 T-Mobile phone, that's going to be the green phone that we
17 see throughout the presentation.

18 And then the date, November 19, 2024, that was the date
19 that the report was completed after it was peer reviewed.

20 Q. Thank you. By the way, there is a little pointer
21 on that desk if you ever need it.

22 A. Okay.

23 Q. It pulls out. Great. Thank you.

24 Q. Next slide.

25 A. I know this is a little hard to see but this

1 explains a few things -- if I may stand --

2 Q. Uh-huh.

3 A. -- to present. So what we see, line one is the
4 background. So that's the requesting -- the requester. It
5 also provides, again, the phone numbers that are being
6 analyzed in this report. And then it also says the
7 information that is important, like I mentioned earlier, we
8 do have a location.

9 So on or about November 20, 2020 is when this crime was
10 believed to have occurred. And then the location of [REDACTED]
11 Arbutus is the -- one of the locations where this homicide
12 took place.

13 The second is the methodology. This is explaining that
14 we are taking the call detail records that are coming from
15 these companies. And that those records again with 2.1 are
16 matched up to the cell site list or the tower list. We
17 combine those records to be able to make these maps that form
18 the images that we'll see later.

19 And then the conclusion is based on the records. And
20 only based on these records, was I able to produce a map.
21 And then there's a little note here that says it doesn't --
22 I'm not displaying every single call from the entirety of the
23 records.

24 And the original records were from January -- were
25 requested for January 1, 2020, all the way up to December 1,

1 2020. So there's not a day by day map of each of those.
2 This is just a selection based upon the dates that were
3 requested for analyzing.

4 Q. Thank you. What's the next slide?

5 A. So this slide, this is an introduction to cell
6 sites. So we do have normal cell sites, the monopole and the
7 lattice tower that you see in the upper right-hand corner.
8 That's the general cell sites that we see. And if you look
9 at these towers, you'll see there's multiple antennas.
10 So these -- these guys right up here facing each way,
11 that's the antenna. So when I say -- when I say tower, I'm
12 -- I'm talking about the actual physical pole or -- or tower
13 that's being used. And then we're going to refer to the
14 antenna or the cell site. That's that actual -- that's the
15 antenna based on the direction inside of that tower.

16 And as you can see, they do come in many different
17 forms. They try to blend in with the environment. So just
18 because you don't -- you may not see towers everywhere. When
19 you look at buildings, you see antennas or on top of the on
20 sidewalks, you see this coffee can looking devices on top of
21 the -- the yay high tower.

22 And those are just antennas that are -- that are being
23 put in place to kind of blend in and make the environment
24 look nice. Here in Charleston, I think the most noticeable
25 is that one. It looks like a toilet paper roll going onto

1 the Ravenel bridge from -- from 26th. But that's was just
2 the -- it's just a design feature that they wanted to use.
3 So these towers all -- all over, and this is what's being
4 mapped, and we'll see those representatives dots, different
5 color dots on the maps.

6 Q. All right. Next.

7 A. So what this is, is it explains that how we get
8 our sectors and how we draw a map. So in the call detail
9 records, we get the cell site information, which is the tower
10 that was being used in that specific antenna that's being
11 used. And we get a -- the antenna is going to give us, which
12 -- or a number in there is going to give us which direction
13 that's facing.

14 So we call out the azimuth or the orientation or the
15 sector. Different companies call them different things, but
16 they all mean the same thing. So, and this is an example, if
17 we were provided this -- this specific antenna so we'll call
18 this antenna one, two, three, four.

19 Q. So that triangle in the middle is the antenna?

20 A. That -- well, that -- that's the tower, one, two,
21 three, four.

22 Q. Okay.

23 A. This antenna, we'll call that A. So if we look in
24 our tower list, and on some call detail records provided,
25 it's going to give us an azimuth or an orientation, which

1 direction and degrees is this facing? So this example that
2 antenna, that specific antenna on the tower is facing zero
3 degrees, so due north. That is then portrayed on the map by
4 these arms. So it is divided -- the entire tower is divided
5 into thirds.

6 So 120 degrees, that's one -- this is one third of the
7 entire circle that's giving our three sides of that tower.
8 We do provide this shaded area that's just to help orientate
9 the eye to which direction that antenna is actually facing.
10 It is not indicating that the phone is necessarily within
11 that shaded area. We do have to look -- so in this -- in
12 this example, we have this antenna that's being used by the
13 phone.

14 We also have another cell site and tower that's located
15 up here. So generally speaking, that phone with this
16 information could be anywhere in this area about seven -- 70
17 percent of the distance between the two towers. So that's
18 how we are able to identify the geographic area of a
19 particular device.

20 Q. So do phones generally use the tower they're
21 closest to?

22 A. So phones use the tower that gives the strongest
23 signal, the best signal. It may not be generally is the
24 closer, but it may not be the closer tower. And that could
25 depend on the type of antenna that's in that area. Some --

1 some antennas are designed to just have a small -- small
2 service coverage area. It may look closer than a -- a tower
3 that's used essentially for all the customers in the area.

4 And then other things could be blocking, like a
5 building might block your closest antenna. So your strongest
6 antenna might be another block away. But it's -- it's
7 generally going to be close, especially in the -- in the
8 Charleston area where we do have such a high density of
9 people. There's a lot more towers in the area.

10 Q. Okay. What does the next slide tell us, slide
11 six?

12 A. So this air -- this is a map and it shows a few
13 things. The first thing is this red indicator which is the
14 address of [REDACTED] Arbutus, which is the original crime scene.
15 I had to zoom in because the second location, which is where
16 the victim was located on the railroad tracks, the -- the
17 markers indicate or cover each other.

18 So we have [REDACTED] Arbutus, and then across Spruill avenue
19 on these railroad tracks is where the victim was located.
20 And then the dots. So we have red dots and green dots. The
21 red dots are where each cell tower was for the Verizon
22 network in 2020. The green dots are the T-Mobile towers and
23 where those were located in 2020.

24 Q. Okay. Anything else we take from that slide?

25 A. We can go back. So again, we see one of the --

1 one of the questions of, is it always the -- the closest
2 tower? So we see a huge cluster green dots up here. These
3 are micro cells. You have to be in that home that -- that
4 bought that cell to be able to use it.

5 So generally, your main cell, the actual tower sits up
6 here. Most people were going to see, even if they're in the
7 neighborhood, they're probably -- they're going to be using
8 the -- the -- the tower that's designed to cover the entire
9 neighborhood, not these little dots. So that just helps you
10 guys understand. It's not necessarily the -- the closest
11 tower, but it's just going to be the best signal.

12 Q. Okay. Move -- moving to page six of your
13 presentation. That was page five.

14 A. Yes. All right. So this page, it shows November
15 19th between 3:01 p.m. and 4:45 p.m. These are the -- these
16 records or this map shows the records for phone numbers
17 ending in [REDACTED] and [REDACTED]. So starting up here at 3:01, this
18 is the upper part of or -- or Ashley Phosphate near
19 Dorchester Road area -- or Dorchester Road, sorry, near
20 Ashley Phosphate area.

21 So the phone number ending [REDACTED], Ms. Grant's phone was
22 using a tower -- was using this tower. And then eventually
23 by 4:44 started or was moved south down essentially
24 Dorchester Road back towards the Union Heights neighborhood
25 where -- where Arbutus is.

1 And then at 3:58, the phone number ending is [REDACTED], it's
2 here, it's using this tower here, which would cover the 526
3 or the the -- the Mark Clark here. And then at 4:45, that's
4 same phone ending in [REDACTED], has moved down again the south
5 part of North Charleston closer to the Arbutus address.

6 Q. So this shows us instances that the phone number
7 associated with Jennifer Grant used cell phone towers early
8 in the day on November 19, 2020.

9 A. Yes.

10 Q. Okay.

11 A. So not only did it use -- did it -- did it attach
12 itself or use an actual tower, we also can see that the phone
13 was moving. There was phone calls made both act, or all the
14 calls made here are outgoing. So the -- the phone coming
15 from the -- the -- the phone ending in [REDACTED] was actually
16 placing calls to the numbers provided are shown at the end of
17 these -- these call out boxes.

18 Q. So one of those phone numbers is the one
19 associated with Curtis Smith, right?

20 A. Yes. So the number in red ending in [REDACTED] is the
21 one for Curtis Smith.

22 Q. That was communicating with Jennifer Grant's phone
23 that day?

24 A. Yes. So at 4:44:57, Jennifer Grant's phone made
25 an outgoing call to Mr. Smith's phone. And then at 4:45:06

1 is when Mr. Smith's phone actually received that phone call.
2 And then the -- again, the south end of North Charleston is
3 where that tower is.

4 Q. And then looking up at that top call that has the
5 redacted one that we went over as Ms. Eva Grant's phone
6 number.

7 A. Yes.

8 Q. That shows that the victim's phone call had an
9 outgoing call to Ms. Eva Grant's phone earlier in the day.

10 A. Yes. That's correct.

11 Q. Okay. What else do you have for us. Looking at
12 page seven?

13 A. Again, just the -- the numbers or -- all right.
14 Page seven, sorry. So what we have here is showing November
15 19th from 4:58 p.m. to November 20th at 7:01 a.m. And what
16 we're seeing here is that we do have calls that -- that are
17 placing Mr. Smith and Ms. Grant's phone in the area of
18 Arbutus, [REDACTED] Arbutus. Again, this is -- is this red
19 indicator.

20 So it's showing the phones in the same general area,
21 essentially would probably be in this Union Heights
22 neighborhood, but definitely in the area or using antennas
23 that cover the Arbutus address. We also see that up until --
24 or up until 8:07 p.m. on the 19th, is when phone calls are
25 being completed. So we had an incoming call to the number

1 ending in 6028 to Ms. Grant's phone. And then the next
2 morning --

3 Q. What time was that one?

4 A. So that was at 8:07:34 p.m.

5 Q. Okay. And so, Shalon Beaufort testified in this
6 trial that she spoke to Jennifer Grant on the phone the night
7 of the 19th, and that at that time, Shalon Beaufort's phone
8 number was 843-532-6082. So is that reflected on -- on this
9 slide?

10 A. Yes.

11 Q. Okay.

12 A. And the -- so that is the call at 8:07:34 p.m. and
13 then the antenna that's being used is the one that's also
14 facing Arbutus.

15 Q. Okay.

16 A. And then on this slide, so there's a little note
17 down here beginning with the incoming call at 7:00:33 a.m. on
18 November 20, 2020 the most of these call activities were
19 route to voicemail for the phone number ending in [REDACTED].

20 So calls that came into Ms. Grant's phone were all
21 being routed to voicemail. We see that I mentioned service
22 codes earlier. So there's two ways that we see it. We see a
23 call that comes in, there's a service code of two B. That
24 service code means that the device, so Ms. Grant's device was
25 not reachable on the network, which means it is either -- it

1 was either off or in airplane mode. And what that shows, it
2 helps develop this pattern of life.

3 So now we would want to look at all the other times
4 that the phone was not -- was not used or was off of the
5 network and we could not find, or I could not find in these
6 records where there was at over a day that the phone was not
7 on the network.

8 A. All right. I'm going to stop you there.

9 A. Yes.

10 Q. So, you're saying in the past you didn't see any
11 days in that Jennifer Grant phone number history where she
12 spent the whole day not on network, not making calls?

13 A. Correct.

14 Q. Okay. Looking at the pattern of life, we talked
15 about how Ms. Eva Grant testified in this trial about her
16 phone number and her correspondence with her daughter being
17 relatively often. Were you able to determine a pattern of --
18 pattern of the correspondence between Jennifer Grant's phone
19 number and Eva Grant's phone number during November of 2020?

20 A. Yes. So those two numbers were in communication
21 with each other almost daily. I can't say that every day
22 there was phone calls. There may have been a day in between.
23 But very frequently on almost -- almost a daily basis, those
24 two numbers were in communication with each other.

25 There were -- there was times when I saw on Ms. Grant's

1 phone that a call was sent to voicemail, but that call was
2 shortly later returned.

3 Q. Okay. And based on your analysis, what would have
4 been the last active phone call that the victim's phone ever
5 had, either outgoing or incoming?

6 A. So the last active call would've been the 8:07:34
7 p.m. or yeah, 34 second, p.m. call on November 19, 2020.

8 Q. And based on the information that you have in your
9 analysis, is that the last time the victim's phone was using
10 towers at all?

11 A. So the -- the last call I have here at 7:00 in the
12 morning, so 7:00 a.m. on the 20th, there is an incoming call.
13 This call was unanswered.

14 Q. Who -- who made -- what number makes that incoming
15 call?

16 A. So...

17 Q. The next day at 7:00 a.m.?

18 A. That call came in from zero four, the number
19 ending in [REDACTED], the number related to Mr. Smith.

20 Q. Okay. So that number call the next day at seven
21 in the morning?

22 A. Yes. On November 20, 2020.

23 Q. And it goes unanswered.

24 A. It is unanswered.

25 Q. Okay. So after that 8:07 p.m. call from the

1 number associated with Shalon Beaufort, are there any other
2 numbers that call Jennifer Grant in general that they call
3 her phone?

4 A. Yes. So again, there's several numbers that
5 called Ms. Eva's number called this number ending is 6082,
6 that number called. And there were some text messages. All
7 the phone calls went to, again, were forward to voicemail.
8 And we saw that based on the voicemail record in the call
9 detail record as well as that two B service code where the
10 phone was unreachable. And then --

11 Q. So when you say unreachable, like it's -- it's off
12 probably?

13 A. Yes.

14 Q. Okay.

15 A. So that -- that service code means that that phone
16 is and usually there's no tower information, actually,
17 associated with it because that there was no Tower on
18 T-Mobile's network that was able to find that phone.

19 Q. And are you able to tell us, from looking at slide
20 seven of State's 99, where did it appear the victim's phone
21 was located when it engaged in that last active incoming call
22 at 8:07 p.m. on the 19th of November?

23 A. So that would be again, the antenna that does
24 cover -- that would provide coverage to Arbutus -- [REDACTED]
25 Arbutus.

1 Q. Okay. The crime scene in this case?

2 A. That's correct.

3 Q. So we -- we spoke about the pattern of life with
4 Ms. Eva Grant and her daughter. You told us how they spoke
5 often. After November 19, 2020, does Ms. Eva try calling
6 Jennifer often?

7 A. Yes. So on the 20th, there were several incoming
8 calls. Again, those were -- those were unanswered.

9 Q. And not -- not ever called back?

10 A. Correct. No outgoing calls were made from that
11 device.

12 Q. We heard a statement that was published from a
13 body-worn camera in this trial where the Defendant said that
14 he called Jennifer the next morning on November 20th. And is
15 that the call that you're referring to there at seven in the
16 morning?

17 A. Yes. So if that statement was made, then this --
18 the phone records do indicate that at 7:00 a.m. an outgoing
19 call was made to the victim in this case phone belonging to
20 [REDACTED]. So yes, Mr. Smith would've made a call to Ms. Grant at
21 7:00 a.m. that morning on the 20th.

22 Q. And does that phone number associated with Curtis
23 Smith make even more calls to Jennifer Grant's phone number
24 even after that 7:00 a.m. one?

25 A. So there -- there were a few calls made throughout

1 the -- the days following November 20th. Not many, but there
2 were a few and again, those calls went unanswered.

3 Q. We also heard a statement in this trial where
4 Curtis Smith on body-worn camera said that -- told police
5 that Jennifer Grant got a phone call. That it was after
6 midnight so maybe early Friday, November 20 -- November 20,
7 2020.

8 But you told us that the last active use of Jennifer's
9 phone was that 8:07 p.m. call that she received from Shalon
10 Beaufort, the night of the 19th. So can you just make it
11 really clear to the jury, did Jennifer Grant's phone receive
12 any other phone calls that night around that time according
13 to these records?

14 A. No. Not according to these records. No other
15 phone calls were made other than what's shown here. So 8:07
16 between, sorry, between yes, between 8:07 p.m. and then 7:00
17 a.m. there were no other calls on the phone for Ms. Grant.

18 Q. And that's incoming or outgoing?

19 A. Correct.

20 Q. Okay. Now, let's look at slide eight. I want to
21 talk about the phone number associated with Antolene Smith in
22 this case. Can you explain to the jury your analysis res --
23 regarding the data from her records?

24 A. Yes. So I was asked to look at this phone, this
25 set of phone records between November 1st and December 1st to

1 see how many times or when that phone ending in 5369, for Ms.
2 Smith was in the area of Arbutus or -- or Union Heights
3 neighborhood. And from the records, the phone was not in
4 that area.

5 There were no calls to her from that device until
6 November 21st where that phone was in the area. From
7 November 21, 2020, each day up until the last set of records
8 that we have 11:30 was that that phone started appearing in
9 that neighborhood around that [REDACTED] Arbutus address.

10 Q. So between November 21st and November 30th, was
11 the phone number associated with Antolene Smith in the area
12 of that Arbutus address?

13 A. Yes.

14 Q. But between November 1st and November 20th, it
15 wasn't using cell towers in the area of Union Heights.

16 A. Correct.

17 Q. At all?

18 A. Correct.

19 Q. Did your analysis reveal if she usually did use
20 her phone during -- you know, the daylight hours? Was -- was
21 it accessing cell towers elsewhere?

22 A. Yes. So with her phone, we were able to look and
23 see that the phone was actively being used. And it was
24 mostly in Summerville. Most of the towers were used in
25 Summerville. And then also noticed that this was -- this

1 phone was very indicative of a normal person's pattern of
2 life.

3 And when I say normal -- you know, there wasn't
4 activity or much activity at night as if someone was -- you
5 know, sleeping a regular schedule. So it -- it just shows
6 that that pattern was away from the Union Heights
7 neighborhood up until November 21st.

8 Q. Okay. One more question about Ms. Antolene
9 Smith's records. You already told us that her phone wasn't
10 pinging on the towers in the area of Union Heights between
11 November 19th and November 20th, but can you tell the jury
12 were Antolene Smith's phone and Curtis Smith's phone number,
13 were they talking to each other on those dates; the 19th and
14 the 20th?

15 A. No, they were not. There was no communication
16 between those two phones between November 19th and November
17 20th. I believe the -- the first and last, so before
18 November 20th, I think, I believe it was November 17th and
19 after, I believe it was November 21st.

20 MS. DAVIS: Thank you very much. Those are all the
21 questions I have. Please answer any questions that Ms. Ford
22 may have.

23 THE COURT: Cross?

24 CROSS-EXAMINATION

25 BY MS. FORD:

1 Q. Just a few questions.

2 A. Yes, ma'am.

3 Q. From what you've presented us, you've told us that
4 there are a variety of cell towers in any given location. In
5 the area of Arbutus Street, it appeared from the map that was
6 shown to us earlier that it appears there may be fewer towers
7 than in other areas nearby?

8 A. Yes. And that's based on population density. So
9 where there's more people, there would be more towers.

10 Q. And so, that means -- when specifically, the
11 solicitor was asking you about Arbutus Street, the -- the
12 cell tower isn't just for Arbutus Avenue, correct?

13 A. That's correct. So I also referred to the Union
14 Heights neighborhood, which is that neighborhood that -- that
15 Arbutus is in, it's called Union Heights. So I was general
16 -- I was making generalization that it's in the neighborhood,
17 but it does coverage or it does have coverage area at
18 Arbutus.

19 Q. So if someone were somewhere else in that general
20 area, it would still look the same on the map you showed us?

21 A. That's absolutely correct, yes.

22 Q. And there's no way to narrow down a specific
23 location.

24 A. No, there's not. Not with these sets of records.

25 Q. I believe you said you can't tell how far away a

1 phone is from a tower?

2 A. So no. You can -- you can identify based on the
3 surrounding towers, which is why it's important to us that we
4 show all the towers on the map. So we can see where that --
5 that -- so we call it the neighboring tower which is
6 basically the next tower within that sector that was being
7 used.

8 And again, I mentioned we go generally 70 percent. So,
9 and -- and when we look at these phones and try to identify
10 the area that they're in, that's how we make that
11 generalization.

12 Q. And when you're looking at records, you're just
13 looking at the activity of the literal phone, correct?

14 A. Yes, we are. This is solely based on the phone
15 communicating with the -- with the network.

16 Q. Okay. And you can't say necessarily who was using
17 that phone at any given time?

18 A. That's correct. I cannot tell you that any
19 particular call or -- or act -- activity on the phone was
20 made by any particular person. This is -- I'm solely
21 reporting on what the records for that device shows.

22 Q. And well, of course, phones are usually very
23 important to people. People may not always have their phone
24 on them.

25 A. That's correct.

1 Q. You told us about a lack of communication between
2 Ms. Smith and Mr. Smith's phone on the 19th and 20th, but you
3 did testify, I just want to confirm that there was
4 communication between them earlier in November.

5 A. Yes. Earlier in November.

6 Q. You thought maybe the 17th sounded right?

7 A. I believe the -- the closest before the 20th was
8 November 17th, I believe, midday.

9 Q. And you've just been telling us about the cell
10 tower information based on phone calls. Is that correct?

11 A. So Verizon and T-Mobile are only showing the -- or
12 only provide tower data for actual calls. In some instances,
13 T-Mobile does provide an SMS tower. But yes, these are all
14 the phone calls made. I -- I don't believe there was any SMS
15 activity on these. But these were all the phone calls during
16 those times that are indicated on the title slides or titles
17 of each slide.

18 Q. Okay. But the locations are based on calls and
19 not text messages then?

20 A. Right. A call has to be made or sent from that
21 phone.

22 MS. FORD: I beg the Court's indulgence.

23 BY MS. FORD:

24 Q. And a phone, you testified earlier that it
25 appeared at 7:00 a.m. that the phone was either turned off or

1 on airplane mode.

2 A. So after -- so calls coming after 7:00 a.m. So
3 the last call to actually hit a tower was that incoming call
4 at 7:00 a.m. After that, the phone started reporting two Bs,
5 which was again, the phone went off of the network and that
6 was, that started after that seven, 7:00 a.m. call.

7 Q. And of course, a phone could be off because it
8 just lost battery life, correct?

9 A. Yes, that's correct.

10 Q. Not necessarily because someone actively turned it
11 off.

12 A. That's correct.

13 MS. FORD: I have no further questions.

14 THE COURT: Re-direct?

15 RE-DIRECT EXAMINATION

16 BY MS. DAVIS:

17 Q. So you told us about how your analysis, it's
18 taking the information when phones are making calls, what
19 towers they're using, but you can't say based on that data
20 who has the phone, right?

21 A. That's correct. We can't say -- we can't say
22 who's holding the phone at that time. If there's -- what we
23 would look at is the -- this pattern of life with who's
24 talking to who. If there's new numbers that pop up,
25 especially in areas that aren't normal for a -- a person that

1 may be an indicator that someone else borrowed that phone or
2 was using that phone.

3 In this case, these patterns were very consistent up
4 until the phone went off of the network for an extended
5 period of time. After or on November 20th for the phone
6 number ending in [REDACTED].

7 Q. Okay. And so, is the reason that your CAST
8 analysis is important for law enforcement is it can help
9 confirm whether, or not, the data that comes from these cell
10 phone provider companies like Verizon and T-Mobile is
11 consistent with facts of an investigation that is being done
12 by other --

13 MS. FORD: Objection. Bolstering.

14 THE COURT: Overruled.

15 BY MS. DAVIS:

16 Q. By other law enforcement officers? Is the
17 helpfulness that it can be compared if it's consistent with
18 other facts?

19 A. Yes. So -- so everything with the device is -- is
20 useful in investigations. Consistency or inconsistencies
21 kind of tells us when something changed. When an -- when
22 something changes an event you -- I -- I used the example
23 earlier of we're looking for a kidnapped person.

24 We want to see you know, where their phone is. If it's
25 in a new -- if it's in an area that has never been before,

1 that helps us lead to certain information, i.e., suspect
2 information and location -- potential location information.

3 Q. So for instance, if a hypothetical person says, "I
4 was not near that crime scene, I was not there." Your
5 analysis can help figure out if they were using that, their
6 phone during that time, if it was pinging in a different area
7 or to a cell tower near that crime scene. Right?

8 A. Yes. This -- this information is -- is used again
9 to locate people. It's -- it's used to help in cases. It's
10 also helped to use clear innocent people.

11 Q. Okay. And then you said regarding the phone
12 number associated with Antolene Smith that, that didn't use
13 any towers in the area of Union Heights until Saturday,
14 November 21, 2020?

15 A. Yes. November -- November 21, 2020.

16 MS. DAVIS: I have no more questions. Thanks.

17 THE COURT: Re-cross?

18 MS. FORD: No, your Honor.

19 THE COURT: All right. You may step down. Thank you.

20 THE WITNESS: All right. Thank you. Thank you.

21 MS. DAVIS: May he be released from his subpoena?

22 THE COURT: He may. You are free to.

23 THE WITNESS: Thank you, sir.

24 MS. DAVIS: Thank you, your Honor.

25 THE WITNESS: Thank you, ladies and gentlemen.

1 MS. FORD: Your Honor, may we approach for a moment?

2 THE COURT: Certainly.

3 (Bench conference at 11:59 a.m.)

4 THE COURT: Okay. The next witness, she went down to
5 her car. She didn't think we could get to her, but we were
6 going to get to her because the -- the lunch isn't here yet.
7 And so, we end up put in a shorter witness. So let me send
8 you back to the jury room so you can stretch your legs and
9 use the restroom, and we'll have you back when she gets back
10 (inaudible).

11 (Jury exits room at 12:02 p.m.)

12 (Off the record at 12:03 p.m.)

13 (On the record at 12:15 p.m.)

14 MS. DAVIS: She is back. She says she's in the
15 restroom is coming. She's here, your Honor.

16 THE COURT: Okay. Let's bring the jury in.

17 THE BAILIFF: All jurors are present, your Honor.

18 (Jury enters room at 12:17 p.m.)

19 THE COURT: All right. Be seated. Okay. Next
20 witness.

21 MS. DAVIS: State calls Melissa High.

22 THE CLERK: Please raise your right hand, place your
23 left on the Bible.

24 MELISSA HIGH, CUSTODIAN,
25 being duly sworn, testified as follows:

1 THE CLERK: Please be seated. Please state your full
2 name, spelling your last name loudly and clearly into the
3 microphone.

4 THE WITNESS: Melissa High, H-I-G-H.

5 DIRECT EXAMINATION

6 BY MS. DAVIS:

7 Q. Good afternoon. Ms. High, where do you work?

8 A. I work at the Sheriff Al Cannon Detention Center.

9 Q. Is that the county jail in Charleston?

10 A. It is.

11 Q. How long have you been employed there?

12 A. About five years.

13 Q. What is your position?

14 A. I am the records custodian.

15 Q. What does a records custodian do?

16 A. Basically, whenever I pull the subpoenas and the
17 search warrants for whenever anybody wants any information,
18 jail calls, inmate records, anything like that.

19 Q. And how long have you been in that position?

20 A. Almost two years.

21 Q. Do you get law enforcement requests for jail
22 calls?

23 A. I do.

24 Q. Did you get a request for the jail calls in this
25 case?

1 A. I did.

2 Q. How do you maintain calls made by inmates at the
3 county jail.

4 A. They're kept in a secure server.

5 Q. Are they maintained on a computer?

6 A. Yes.

7 Q. Are in my -- inmates advised that their calls are
8 being recorded when they're on the phone?

9 A. They are.

10 Q. Do inmates have to identify themselves as the
11 person who's making a phone call?

12 A. Yes.

13 Q. Do they have individual pin numbers so that the
14 jail's able to verify who -- which inmate is making those
15 phone calls?

16 A. They do.

17 Q. Is there anything else that they have to auth --
18 authenticate?

19 A. They have to state their name when they call.

20 Q. Is an officer present when they state their name?

21 A. Yes.

22 Q. How long can these jail calls be at most?

23 A. In most 20 minutes.

24 MS. DAVIS: Okay. I'm handing you what have been
25 marked as State's 108, 127, and 128.

1 (State's Exhibits Numbers 108, 127, and 128 marked for
2 identification.)

3 BY MS. DAVIS:

4 Q. Do you know what these are?

5 A. Those are the jail calls that you had requested.
6 Clips of them.

7 Q. Clips?

8 A. Yes.

9 Q. How do you know that's what those are?

10 A. I listened to them. I initialed them.

11 Q. Are they true and accurate excerpts of jail calls
12 from Curtis Smith?

13 A. They are.

14 Q. So they're not the whole 20 minutes of a call?

15 A. Correct.

16 Q. And is the beginning portion of all jail calls
17 where they identify themselves, is that contained on these
18 clips?

19 A. Yes.

20 Q. Okay. So it's the very beginning of every jail
21 call and then a clip from some point in that jail call?

22 A. Correct.

23 Q. Can you tell us when each of these calls were
24 made?

25 A. This one was on December 28th of '20.

1 Q. Is that State's Exhibit 108?

2 A. 108.

3 Q. So the -- State's 108 jail call clip from 12/28/20
4 at 2:29:03?

5 A. Correct.

6 Q. State's 127. When's that from?

7 A. March 17th of 2021.

8 Q. Is that call placed at 7:53:39?

9 A. Yes.

10 Q. And State's 128, when's that from?

11 A. June 17th of 2021 at 8:20.

12 MS. DAVIS: Your Honor, at this time, the State would
13 offer Exhibits 128, 127, and 108 into evidence.

14 MS. FORD: Your Honor, I object. Based on invasion of
15 privacy, coerced consent and hasn't been established yet why
16 all these are relevant.

17 THE COURT: Overruled. Admitted.

18 (State's Exhibit Number 108, 127, and 128 admitted into
19 evidence.)

20 MS. DAVIS: Thank, your Honor.

21 BY MS. DAVIS:

22 Q. And just a correction, I believe it was 108, 127,
23 and 128.

24 A. Correct.

25 MS. DAVIS: Thank you. Your Honor, at this time, I'd

1 like to publish State's 108. Phone call from December 28,
2 2020.

3 THE COURT: You may.

4 MS. DAVIS: Thank you. And if anybody needs the audio
5 assistance, let us know.

6 (Audio starts 12:22:47 p.m.)

7 MR. SMITH: Curtis Smith.

8 UNIDENTIFIED SPEAKER: (Inaudible).

9 MR. SMITH: I made the wrong decision man. I -- I just
10 snapped, but you know I before I tell you out (inaudible).

11 (Audio stops at 12:24:36 p.m.)

12 MS. DAVIS: At this time, I'd like to play jail call
13 clip from March 17, 2021, State's 127.

14 (Audio starts at 12:24:52 p.m.)

15 MR. SMITH: Curtis Smith. I can't (inaudible).

16 (Audio stops at 12:26:54 p.m.)

17 MS. DAVIS: And, at this time, I move to publish
18 State's 128. Jail call clip from June 17, 2021.

19 (Audio starts at 12:27:16 p.m.)

20 MR. SMITH: Curtis Smith. Curtis Smith. Curtis Smith.
21 Yeah -- yeah. Seem like a dream, bro. Seem like a dream.
22 (Inaudible).

23 UNIDENTIFIED SPEAKER: Why (inaudible).

24 MR. SMITH: Huh?

25 UNIDENTIFIED SPEAKER: Why do you feel like

1 (inaudible)?

2 MR. SMITH: Why did what?

3 UNIDENTIFIED SPEAKER: Why did you -- like why did you
4 do that?

5 MR. SMITH: Why I did what?

6 UNIDENTIFIED SPEAKER: Like why didn't you listen to
7 me?

8 MR. SMITH: I don't know, man. I (inaudible) you know,
9 so that's -- all right. I made -- I made a mistake
10 (inaudible) made mistake in my life. That's the (inaudible)
11 mistake I made in my life. (Inaudible).

12 (Audio stops at 12:29:49 p.m.)

13 BY MS. DAVIS:

14 Q. Were you also asked by my office to look for
15 booking records for the Defendant, Curtis Alan Smith?

16 A. Yes.

17 Q. What was the date of that arrest?

18 A. December 2nd of 2020.

19 Q. Was that when he was booked on the charge of
20 murder and possession of a weapon during commission of a
21 violent crime?

22 A. Yes.

23 Q. And are those the two of the charges for which he
24 is standing trial today?

25 A. Yes.

1 MS. DAVIS: Showing you what's been marked as State's
2 129.

3 (State's Exhibit Number 129 marked for identification.)

4 BY MS. DAVIS:

5 Q. What is that?

6 A. Let's see. His identification. It's in our jail
7 system.

8 Q. Are these kept and maintained during the regular
9 course of business at the Charleston County Jail?

10 A. They are.

11 MS. DAVIS: At this time, we move to enter State's 129
12 into evidence.

13 MS. FORD: I would object based on hearsay, your Honor.

14 THE COURT: Overruled. Admitted.

15 (State's Exhibit Number 129 admitted into evidence.)

16 MS. DAVIS: Permission to publish?

17 THE COURT: You may.

18 BY MS. DAVIS:

19 Q. Okay. Can we zoom in on that please? Can you
20 tell us what is the Defendant's height and weight when he was
21 booked in on this murder charge?

22 A. He is five foot seven and 195 pounds.

23 Q. And how does that information get collected at the
24 jail?

25 A. They -- they can ask them, and they can get it

1 from the driver's license. It's also in the booking report
2 when they're brought in. And then after they are brought in,
3 the nurse sees them and gets their information.

4 Q. Okay.

5 A. They are measured.

6 Q. What about his phone number? Is that on the
7 booking report?

8 A. Yes.

9 Q. What is it?

10 A. It is [REDACTED].

11 Q. Does it say which hand is his dominant hand?

12 A. Yes, he's right-handed.

13 Q. Does it say how old he was when he got charged?

14 A. Yes. 65.

15 Q. And does it say what he reported his marital
16 status to be when he was booked at the jail? It's towards
17 the bottom.

18 A. Oh, yes. He's single.

19 MS. DAVIS: I have no more questions. Please answer
20 any questions the Defense has.

21 THE COURT: Cross?

22 MS. FORD: Yes, your Honor.

23 CROSS-EXAMINATION

24 BY MS. FORD:

25 Q. All right. When the -- that booking form, you

1 just talked about or the booking information was done, you
2 weren't actually present?

3 A. No, ma'am.

4 Q. So you have no idea who may have said what?

5 A. No.

6 Q. Or if a question was actually even asked?

7 A. No.

8 Q. And at the jail people don't have any choice but
9 to use the system that we just heard playing for us today, if
10 they're going to talk to their family and friends?

11 A. Correct.

12 Q. And we heard just three small parts from three
13 different calls, correct?

14 A. Yes.

15 Q. And fair to say, there are a lot more calls made
16 by Curtis Smith from your records?

17 A. Yes.

18 Q. And you didn't listen to any of those calls?

19 A. No, just these.

20 Q. So you're not -- here -- you can't tell us if in
21 those calls he actually was talking to his family?

22 MS. DAVIS: Objection.

23 THE COURT: I'm sorry, what?

24 MS. DAVIS: Objection. Hearsay.

25 MS. FORD: He has the completeness.

1 THE COURT: What was your question?

2 MS. FORD: I'm asking if from those, is it possible
3 from those other calls, he was saying that he acted in
4 self-defense, your Honor.

5 THE COURT: Overruled.

6 BY MS. FORD:

7 Q. So from those calls, it's very possible that when
8 he's talking to people, he's telling them more details,
9 correct?

10 A. Correct.

11 Q. And that he's telling them he acted to protect
12 himself. Correct?

13 A. It's possible.

14 Q. And it's possible that he was telling his friends
15 and family that he acted in self-defense.

16 A. That's possible.

17 MS. FORD: I beg the Court's indulgence. I have no
18 further questions.

19 THE COURT: Re-direct?

20 RE-DIRECT EXAMINATION

21 BY MS. DAVIS:

22 Q. You said that this is the only way that inmates
23 are able to communicate with their loved ones?

24 A. Right.

25 Q. And if someone is in jail, they're inherently

1 separated from loved ones.

2 A. Yes.

3 Q. And those loved ones might be being deprived of
4 having that family member actively in their life too.

5 A. Correct.

6 MS. DAVIS: Would you be surprised if people that are
7 incarcerated lie to their family members and friends?

8 MS. FORD: Objection, speculation.

9 THE COURT: Sustained.

10 MS. DAVIS: No further questions.

11 THE COURT: You have anything else?

12 MS. FORD: No, your Honor.

13 THE COURT: You can step down.

14 THE WITNESS: Thank you.

15 MS. DAVIS: May she be excused?

16 THE COURT: Yes, she may. Well, to tell you what
17 folks, lunch is not here yet, but I don't think we've got
18 another short witness to put on. So what we'll do is we'll
19 go ahead and take a lunch break. You can go back to the jury
20 room and wait for the lunches to get here. Should be here
21 any moment.

22 And then when it comes, you can eat lunch there, you
23 can take it out if you want to. And while you're together,
24 don't begin deliberations or discussions with the group about
25 the case. And let's just plan to resume at 2:00. Okay?

1 Okay. Enjoy your lunch.

2 (Jury exits room at 12:36 p.m.)

3 THE COURT: What's your afternoon looking like now?

4 MS. SHEALY: The next witness is going to be Mike
5 Brown, who we are getting the Defendant's statement in
6 through the recording from the jail.

7 THE COURT: Uh-huh.

8 MS. SHEALY: And then after that, it is Detective
9 Schoolfield, who will not be overly long unless she has a
10 bunch of questions for him. And then we have Dr. Presnell
11 from MUSC, who performed the autopsy. I was just trying to
12 think through. I'm sorry.

13 THE COURT: I -- I was going to say, as I recall, it
14 was about an hour and a half on the --

15 MS. SHEALY: On the first -- the next witness?

16 THE COURT: Yes.

17 MS. SHEALY: So I was trying to figure out whether I
18 need to tell Dr. Presnell maybe this afternoon or first thing
19 in the morning.

20 THE COURT: That sounds like a first thing in the
21 morning kind of thing.

22 MS. SHEALY: Okay.

23 THE COURT: All right.

24 MS. SHEALY: Yes, sir.

25 THE COURT: So we'll get -- we'll get your -- the --

1 the -- those two witnesses in today.

2 MS. SHEALY: Okay.

3 THE COURT: And then Dr. Presnell tomorrow. Will the
4 pathologist be the last witness?

5 MS. SHEALY: She will be.

6 THE COURT: Okay. All right. Well, let's get back
7 together at 2:00.

8 MS. SHEALY: Thank you, your Honor.

9 MS. DAVIS: Thank you.

10 (Off the record at 12:36 p.m.)

11 (On the record at 2:04 p.m.)

12 THE COURT: Okay. You got your next witness ready?

13 MS. SHEALY: We do, your Honor. You want me to go
14 ahead and bring him in?

15 THE COURT: Sure.

16 MS. SHEALY: Oh, your Honor, may I ask one question to
17 the Court? When I play the -- the statement of the
18 Defendant, is it okay with the Court if I were to sit during
19 that part just because it's 70 minutes or whatever, you'll
20 just stay at the podium?

21 THE COURT: Was this where we needed to pass out the
22 devices too?

23 THE CLERK: I did not know if you would maybe be able
24 to test it to see and hear the volume okay.

25 MS. SHEALY: Okay. We could do that.

1 THE CLERK: I didn't know.

2 MS. SHEALY: We could do that. Can we do that?

3 THE CLERK: Okay.

4 (Video starts at 2:08:00 p.m.)

5 UNIDENTIFIED SPEAKER: So you said she left the house.

6 We have a reason to believe she never left the house.

7 MR. SMITH: Yeah.

8 UNIDENTIFIED SPEAKER: We have a reason to believe that
9 she was buried in your backyard?

10 MR. SMITH: Now -- you know, whatever you say. I got
11 some dirt down.

12 UNIDENTIFIED SPEAKER: Anderson sent you some dirt?

13 MR. SMITH: Yes, I got that (inaudible).

14 (Video stops at 2:09:11 p.m.)

15 MS. SHEALY: Pause for a second. I don't think that
16 necessarily volume's an issue because it seems like we've got
17 it breach well, but...

18 THE COURT: We have 12.

19 THE CLERK: Yes.

20 THE COURT: And we have 12 jurors.

21 THE CLERK: Yes.

22 THE COURT: Why don't we give it to them and if they
23 want they can use them?

24 THE CLERK: (Inaudible), your Honor.

25 THE CLERK: So I'm always going to have them plugged in

1 and set to the right channel. So it needs just a put on,
2 take off If they don't really (inaudible) don't have to
3 modify (inaudible).

4 THE COURT: (Inaudible).

5 THE CLERK: Your Honor, I just have to put temporary
6 (inaudible). Your Honor, would it be all right as -- as the
7 bailiffs are lining the up out there that I can give them the
8 instruction on how to use them or put them on and what the
9 disposable muffs are. Just again, as they're lining up for
10 efficiency's sake or would you like me to do that when they
11 come in?

12 THE COURT: We'll bring them up (inaudible) everything.

13 THE CLERK: Of course.

14 THE BAILIFF: Bring them in?

15 THE COURT: Yeah. Bring them in.

16 THE BAILIFF: All jurors are present, your Honor.

17 (Jury enters room at 2:16 p.m.)

18 THE COURT: All right. Be seated. Okay. Well,
19 welcome back folks. We're getting ready to have the next
20 witness who will be basically introducing a -- a video. And
21 the video is kind of hard to understand and so, we've got
22 some assisted hearing devices there that they -- the clerk
23 will be able to explain to you how to use it.

24 You can use them or not use them depending on -- you
25 know, your level of hearing and all that. But it's totally

1 up to you. But if you would just explain to them how to use
2 these things if they want to use them, we'll distribute them.
3 And when it comes time to start playing the video you can put
4 them in and decide if it helps you or not. Okay.

5 THE CLERK: Yes, your Honor. So the headphones are
6 available for your use. They are also going to be
7 accompanied by the disposable muffs that go around the side
8 as well. We have the monitors that go with them. So what
9 we'll just do is you'll unravel the cord that goes with your
10 headphone and then just plug the jack into the monitor.

11 It's already set to the correct channel. There's
12 nothing that you have to do to go to the different settings,
13 system input or volume. The volume is coming through our
14 speakers and our court system. So there's nothing that
15 you'll be able to or be required to change once you have the
16 monitor at hand. It is just for your use.

17 If you are having any difficulty with hearing, They do
18 have a bit of a muffs to them because again, it's picking up
19 any sound that is in the courtroom. So just be advised of
20 that as well. Not all those sounds are coming directly from
21 the video that seems play is amplifying all sound that is in
22 the courtroom.

23 THE COURT: Okay. If you are ready, you can call your
24 next witness.

25 MS. SHEALY: Thank you, your Honor. Lieutenant Mike

1 Brown.

2 THE CLERK: Please raise your right hand, place your
3 left on the Bible.

4 LIEUTENANT MIKE ANTHONY BROWN, II,
5 being duly sworn, testified as follows:

6 THE CLERK: Please be seated. Please state your full
7 name, spelling your last name loudly and clearly into the
8 microphone.

9 THE WITNESS: Michael Anthony Brown, B-R-O-W-N.

10 DIRECT EXAMINATION

11 BY MS. SHEALY:

12 Q. Mr. Brown, would you please tell the jury where
13 are you from?

14 A. From the Accabee community in the City of North
15 Charleston.

16 Q. Okay. And what area of town is that?

17 A. That would be considered the southern end of the
18 city. The neighborhood is Accabee, also grew up in Union
19 Heights from my father's side of the family.

20 Q. Okay. If you would tell us about your educational
21 background.

22 A. I graduated from North Charleston High School.
23 Went to Morehouse College afterwards stayed in Atlanta for
24 quite some time and moved back to South Carolina, North
25 Charleston, South Carolina where I was hired by the North

1 Charleston Police Department and attended the South Carolina
2 Criminal Justice Academy.

3 Q. Okay. And what year was it that you started
4 actively working for North Charleston Police Department?

5 A. 2009.

6 Q. Would you describe for the jury what different
7 units at North Charleston you have worked in?

8 A. Initially, I started off in the patrol unit. From
9 there I moved to the saturation, which was a specialized
10 patrol unit. From there it was the narcotics unit, then the
11 school Resource Unit. I was promoted to Sergeant from the
12 School Resource Unit where I was patrol sergeant.

13 Then I was the detective sergeant. From there, I was a
14 sergeant in Internal Affairs, the Office of Professional
15 Standards, and promoted from there to lieutenant. And now I
16 am the night shift patrol lieutenant.

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

19 A. Approximately two months.

20 Q. Looking back to 2020 December 1st, can you tell
21 the jury please, what unit you were involved with at that
22 time?

23 A. At that time, I was the sergeant in the property
24 unit for the detectives, detective division.

25 Q. Would you tell the jury that earlier in the day on

1 December 1st, did you have much knowledge about a young woman
2 who was missing in the North Charleston area, or did you
3 learn more about it later?

4 A. I did not have much knowledge about that earlier
5 in the day. Again, I was over the property unit and each
6 unit is in charge of their own areas of expertise. And so,
7 there may have been chatter about what the SVU, Special
8 Victims unit was doing, but it was not important to the
9 details of property. And later on, I found out more after or
10 later on in the shift.

11 Q. Okay. When you learned more about it, could you
12 tell the jury, was that from Detective Schoolfield or was it
13 from somebody else at North Charleston who knew where
14 Detective school -- oh, excuse me -- where Scooby as we call
15 him, was heading that afternoon.

16 A. It was from Detective Schoolfield. The property
17 unit worked a staggered shift during that time where we came
18 in at 1:00 p.m. and worked until 9:00 p.m. the rest of the
19 bay is what we call it. The rest of the detectives in their
20 respective divisions would've come in 9:00 and would've been
21 done at 5:00. So I found out after 5:00 -- after everybody
22 left, and I want to say closer to maybe between 7:00 and 9:00
23 towards the end of our shift, I believe.

24 Q. So you're talking about in the evening hours?

25 A. Absolutely, yes.

1 Q. When you were alerted, were you advised as to
2 where you needed to report?

3 A. Yes, ma'am. I was advised briefly of the details
4 and kind of what they were working on. And at the time I was
5 over six other detectives and when we got the information, I
6 sent them to the area of Arbutus Street in that area, and
7 myself also went with them to kind of canvas the area.

8 Q. Okay. And did you talk to Detective Schoolfield
9 about what he learned when he went to Summerville?

10 A. Yes, ma'am. Briefly.

11 Q. Okay. And what you had learned, what did you
12 believe was you all's mission in going over to Spruill to
13 talk this afternoon; Spruill and Arbutus.

14 A. At that time, the mission was that there was a
15 missing person. We did not know the state that she was in.
16 And also, that there may have been some physical evidence in
17 that area that would have led us to some kind of decision on
18 her state of well-being and where she may have been.

19 Q. So did you have many details at that point, or you
20 were just told to report and involved a missing woman?

21 A. Yes, ma'am. We didn't have many details. We kind
22 of went out there and looked for anything of evidentiary
23 value that would lead us to where she may have been or give
24 us some leads to follow up on.

25 Q. Okay. And what was your role in your position

1 once you got there? Were there people from other units at
2 North Charleston also assigned to go over there?

3 A. Yes, ma'am. Later on in the evening, as things
4 developed, I requested additional units.

5 Q. Okay. What was your understanding as to whether
6 Detective Schoolfield was going to be heading over that way
7 as well?

8 A. I believe we stayed in pretty constant
9 communication in that he was going to be headed that way. He
10 was involved in the case and had a lot more intimate
11 knowledge than I had. And again, I was more -- I was the
12 supervisor then, and so I was just more of the director and
13 kind of making sure everybody was where they needed to be and
14 the mission was getting accomplished.

15 Q. Okay. And were you alerting them that you all
16 were looking for a possible body?

17 A. Yes, ma'am. I -- I did. That's, that would've
18 been within the scope of looking for a missing person.

19 Q. Okay. What was your role then? Were you sticking
20 closer to the house itself or were you also looking for a
21 body?

22 A. Both. When we initially got on scene, that's
23 where we began. We began our search in -- at that corner of
24 Spruill and Arbutus in that area. So it would've been both.
25 It would -- there's an overgrown field or a -- a -- a vacant

1 field in that area, which is also next to the house. So yes,
2 I was next to the house or a house and I was also canvassing
3 the area around it.

4 Q. Could you tell the jury whether, or not, you were
5 told of items that might be in that area in addition to a
6 body?

7 A. Yes, ma'am. So one of the things that we got was
8 that there may be a recycling bin that was involved in the
9 disappearance of this individual. There also may be a knife
10 -- a knife, and a hose and different other things. And I
11 remember distinctly that when we got to the area directly
12 across the street from the Defendant's residence was a
13 recycling bin.

14 That bin was -- it had been there for a while. It was
15 full of old trash, it was dirty. It -- it hadn't been
16 emptied in some time. You could tell that it had been there
17 for quite some time. It was, again, full of trash, very
18 dirty dirt on top. And we also canvassed the field where we
19 saw a fresh, clean, almost pristine condition recycling bin
20 in that field.

21 Q. And how did that one look compared to the other
22 one that you're talking about?

23 A. Pristine. It was clean as if it was freshly
24 clean. And it also contained I believe to be a bottle of
25 bleach.

1 Q. Okay.

2 A. An empty bottle of bleach.

3 Q. As you are learning of those things, are you
4 relaying those to Detective Schoolfield at all or are you
5 waiting for him to come to the scene itself?

6 A. So, yes, we would've relayed those things to him.
7 Those were -- it's kind of a back-and-forth thing where if we
8 find something of evidentiary value, we stopped, we noted,
9 but we -- we also continue. So we would secure that
10 particular piece, or that item with our presence.

11 Meaning -- meaning, of course, crime scene tape, nobody
12 would be able to go there. That area would've been secured,
13 but also within that we would continue to look until we got
14 more and made calls to our crime scene unit and different
15 other things to properly collect the evidence.

16 Q. So were you aware that Kendra Moseley and Tiffany
17 Wilcome actually reported to both the house and the area
18 where you all had been looking?

19 A. Yes, ma'am. I am aware. I requested them to come
20 to the scene once we discovered these items.

21 Q. Before you went over to the area that doesn't have
22 any houses, had you walked around Mr. Smith's house at all at
23 that point, or did that happen later?

24 A. Not around his house, as in -- in the yard, his
25 house. The way his house is situated, the fence is like

1 almost on the street. It's very close to Union Heights
2 neighborhood is a -- is a small neighborhood where the --
3 where the houses -- the setback on the houses are really
4 close to the street.

5 And again, the trash can or the recycling bin was
6 directly across the street. Union Heights is a neighborhood
7 where there's one direction vehicle travel on most of the
8 streets, so that makes the streets a lot smaller and a lot
9 more closed in.

10 So yes, was I in -- near his home? Yeah, absolutely.
11 Was I in his home at that time? No. Or anything? We were
12 still canvassing the area, the open field, and of course that
13 dirty recycling bin until we saw the other stuff.

14 Q. Okay. So as Detective Schoolfield was advising
15 you of information they were receiving, your initial
16 attention is towards that area where there aren't houses that
17 it is to this, if you're at Mr. Smith's house to the left
18 side, if you're standing in his house over on Spruill. Is
19 that correct?

20 A. That's correct. Yes, ma'am.

21 Q. Now, at some point, did Detective Schoolfield
22 arrive?

23 A. Yes, ma'am.

24 Q. And do you recall whether, or not, the body had
25 already been located before he got there, or if it was

1 located after he got there, do you remember?

2 A. I believe it would've been located after he had
3 gotten there.

4 Q. When he arrived -- in what vehicle, whose vehicle
5 was he in, or do you know?

6 A. I don't know. I -- I -- I don't know. I don't
7 recall. I -- I don't think that that was anything of any
8 sequential value for me at the time. All officers with our
9 department are assigned their own vehicles, and so it would
10 not -- it wouldn't be out of the ordinary for him to arrive
11 in his assigned vehicle.

12 Q. Okay. Or he could have been in someone else's,
13 you're not sure?

14 A. He could have been.

15 Q. When you first saw him, were you aware that
16 Antolene was in a police vehicle?

17 A. Yes, ma'am. I believe I spoke with Detective
18 Schoolfield and he advised me at that time that she would
19 have been arriving in a Summerville police department
20 officer's vehicle. So, yes.

21 Q. And you saw the Summerville vehicle?

22 A. Absolutely. Yes, ma'am. That's -- yes.

23 Q. Now, when you walked over to talk to them, was
24 Schoolfield also near that vehicle or in that vehicle?

25 A. Yes, ma'am.

1 Q. And did you attempt to talk to Antolene Smith?

2 A. I did.

3 Q. Prior to that, earlier in the evening, could you
4 tell the jury whether, or not, the Defendant came out of his
5 house when people were gathering?

6 A. Yes, ma'am. In people I would define as officers
7 as we got in the area, we canvassed, and again, it's in close
8 proximity to his home. And yes, he came out multiple times.
9 He asked us what we were doing. I didn't divulge any
10 information on what we were doing at the time. I was very
11 vague but multiple times he engaged us as we were working.

12 Q. Describe for the jury, if you would, were there
13 officers in -- in the road area in the back of the house in
14 case he was to try to leave and the -- while you all are
15 looking out there that evening and others are coming?

16 A. No, ma'am. There wasn't a -- a perimeter form or
17 anything. We had officers just canvassing, looking,
18 searching for a person, a missing person that we didn't know
19 what state she was in. And anything of evidentiary value
20 that would lead us to find out where she was or if she's
21 injured or any of that stuff. No, we weren't on a perimeter.

22 Q. And as the evening progresses and the body is
23 found, where were you when the body was found? Do you
24 remember?

25 A. Yes, ma'am. I was across the street in the open

1 lot where there are train tracks that crossed that area a
2 little further back. It's very overgrown and the front was
3 not so much kind of, I wouldn't say freshly mowed, but mowed
4 enough to where I could walk without any obstruction.

5 MS. SHEALY: Okay. I beg the Court's indulgence, just
6 a moment?

7 BY MS. SHEALY:

8 Q. And showing you what has previously been marked as
9 State's Exhibit 24. You'll take a look at that. Are you
10 familiar with that area? Can you get your bearings?

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

12 Q. Okay. There is a pointer here. And if you could
13 point out where Curtis Smith's house is.

14 A. It would be here on the corner of Spruill Avenue
15 and Arbutus Avenue.

16 Q. Okay. And the area that you're pointing to is
17 more of the backyard area?

18 A. This is the house. This is the yard -- the
19 backyard, and I guess you could say the side yard. There's
20 not really much of a front yard there.

21 Q. Okay. When you mentioned that one of the
22 Summerville officers came and they had Antolene Smith in the
23 car with them, do you remember, approximately, where that
24 was, that you approached their vehicle?

25 A. Yes, ma'am. Absolutely. The vehicle was parked

1 here on this corner in the roadway.

2 Q. Okay.

3 A. I believe at that time we had blocked the roadway.

4 Q. And at that time, where was Curtis Smith?

5 A. I don't recall if he was within his residence or
6 if he had already left.

7 Q. Had already been taken to North Charleston?

8 A. Yes, ma'am.

9 Q. You're not sure?

10 A. Yes, ma'am. I don't recall at this time.

11 Q. Okay. Do you recall when you all learned that a
12 body had in fact been found in the area across from his side
13 yard?

14 A. I do recall that.

15 Q. And once that occurred how did things change?
16 Were people given different assignments or told to do
17 something slightly different, or did they stay where they
18 were until somebody else came?

19 A. Can you repeat that? That was a --

20 Q. Well, that was kind of a --

21 A. That was a lot.

22 Q. That was a lot. When you learned that a body had
23 been found, first of all --

24 A. Okay.

25 Q. -- how did you -- how did you hear of it? Was

1 there a calling out about it or?

2 A. No. So where I pointed to earlier right here --
3 right here on this side of the street is where the
4 Summerville officer was with I can't remember her name.

5 Q. Antolene.

6 A. Antolene. And so, being a supervisor on scene,
7 again, we didn't know what state this person was in. And
8 it's a -- it's a primary concern. That's one of our first
9 duties is to save lives, to find out what's going on with
10 this person. And so, that was my biggest concern. Where she
11 -- where was she and what state she was in.

12 Again, that night, it was -- it was very, very, very,
13 very cold. We had been out there canvassing and searching
14 for quite some time, so much that our flashlights were dying,
15 our radios were dying. And so, my primary goal at the time
16 was to find out where this individual was.

17 So I spoke to her, she was sitting in the pa -- front
18 passenger seat. And so, as I walked up to the -- to the car,
19 I had a dialogue with her, but she wasn't engaging. She
20 wasn't -- there was no eye contact. Her head was down almost
21 like in a sad kind of state.

22 Q. Can you show us how her head appeared?

23 A. Yes. If -- if I am here at the passenger window,
24 she would never turn to engage me or make any kind of eye
25 contact. Her head was down and it was a very soft, subtle

1 speech. Anything I asked, I almost had to stick my head in
2 the car to get an answer, just to be able to hear what was
3 going on. So from that, I knew whatever she had going on, me
4 standing there wasn't helping.

5 And so, what I did was -- he was in the SUV, and so at
6 that pillar between the front seat and the back seat, I kind
7 of fell back and I was talking to her from there so that way
8 my -- my official presence wasn't kind of discouraging her
9 from talking to me. And one of the things that she was
10 saying -- that she said was that she's --

11 MS. FORD: Objection. Hearsay and bolstering.

12 BY MS. SHEALY:

13 Q. You can't repeat anything that she said to you.
14 But based on your changing your position, could you tell the
15 jury whether, or not, she became more vocal without telling
16 us what she said?

17 A. She was not more vocal, as in she raised her
18 volume or her level of intensity with talking to me. But at
19 that time, I learned that the victim was across the street.

20 Q. And you learned that from one of your employees
21 that was out at the scene or how did you learn that?

22 A. I learned that from Antolene.

23 Q. Okay.

24 A. And so, I tried to get more details because as you
25 can see, that across the street is -- across the street, like

1 there's -- it's almost impossible to canvas all of that on
2 foot with what we were given. Flashlight's dying, radio's
3 dying. We were behind the eight ball on it.

4 So I asked for more details. I asked for like, is --
5 there's a light pole somewhere? There's a light pole, it
6 looked like right here. I think that may be the light pole.
7 And so, one of my questions was to the right of the light
8 pole to the left of the light pole. And the only thing I got
9 was across the street. Across the street.

10 And so, here in this area on the sidewalk, there was a
11 large crowd that started to form, I believe, from the
12 neighborhood. I -- I'm -- I'm not sure, I didn't really
13 contact those individuals, but there was a large crowd
14 starting to form.

15 And so, with the information that I had, in the urgency
16 of trying to find this individual, I made the decision to
17 call the fire department at that time to arrive with the
18 large ladder trucks to give us more lighting, afford us
19 better lighting at the time. I also called for any available
20 officers within the city to help us search and canvas for
21 this suspect at that time.

22 Q. Okay. And did you see Curtis Smith come back out
23 of the house after Antolene got there, or not after she
24 arrived, or do you remember?

25 A. I saw him come out of the house when he initially

1 challenged us. That was before she had gotten there. When
2 we had got -- when we -- I don't want to say first gotten
3 there, but we had been there relatively closer to the time
4 that we were called out and notified of it more so than
5 matter.

6 Q. And when you say he challenged you, he was asking
7 why you all were there?

8 A. Yeah.

9 Q. Okay.

10 A. Just asking, "What's going on? Why are you here?
11 What are you doing? What's going on?" That type deal. More
12 of a curiosity --

13 Q. Okay.

14 A. -- type nature.

15 Q. So can you describe for the jury, did you go in
16 his house that evening at any point?

17 A. I did.

18 Q. And what was the purpose of your going in there?

19 A. Detective Steinbrunner had arrived and she wanted
20 to speak with him and he invited us within the residence to
21 speak. Again, it was -- it was cold that night. It was
22 very, very cold. And it was just custom he invited us into
23 his homes to -- to talk, I guess, in a more comfortable
24 setting.

25 Q. And you all were welcoming the -- the warmer

1 setting as well?

2 A. Absolutely.

3 Q. Did you learn that Detective Steinbrunner had
4 previously been in his house on a different occasion? Were
5 you aware of that at the time or?

6 A. I don't -- I don't -- I wasn't aware of it. I --
7 again, in the detective bay there are four different units
8 and the only time we really cross is if another unit needs
9 assistance. Generally, we stay in our own lane and we do our
10 own -- we work our own cases.

11 So that would not have been something that -- an
12 information that would've been divulged to myself at the time
13 that -- that I could recall. It's not really something that
14 would've been imperative to -- to what we had going on right
15 then

16 Q. Would you tell the jury, please, where were you
17 when you heard that they had found the body? Do you remember
18 approximately where you or what you were doing at that point?
19 And if you don't, that's fine.

20 A. So I would say, it's hard to tell from here. I
21 would've been, I believe, somewhere on this side of Spruill.
22 But I -- I don't remember exactly where I was. I can kind of
23 tell you what led up to us finding the victim.

24 Q. Okay. If you could describe that for us.

25 A. So once the scene got a little more active and we

1 got the information, we had I believe our assistant chief
2 arrived to the scene, a major at the time arrived to the
3 scene and they wanted to be briefed on what information I had
4 at the time. So I -- I told them, and I also kind of told
5 them what my plan was to accomplish this. And that was the
6 same thing I said about the firetrucks and the other units.

7 And so, they agreed that it was a great decision. The
8 other units got on scene, I briefed them on what I wanted,
9 what I expected. And so, they lined up in kind of equal
10 distance intervals from each other and kind of just pushed
11 this -- this field in this direction going towards the
12 tracks.

13 Q. And you are talking about earlier before
14 everything was organized to the extent it could be organized
15 with all of that going on. Are you saying that when the
16 other units got there, that's when you then asked them to
17 place themselves apart?

18 A. Yes, ma'am.

19 Q. Okay.

20 A. Once we --

21 Q. And what was that an effort to achieve?

22 A. An effective search for the victim. Again, it --
23 it -- it was cold. The information that we got was that this
24 individual was missing for quite some time. And so, we had
25 -- we had enough resources to do the best we can, but then

1 also there was no other option.

2 We had a crowd of people forming that I believe were
3 community -- community members, concerned citizens. And so,
4 there was absolutely no way we could leave that scene knowing
5 that we were told somebody may be in the field and we did
6 nothing. It was urgent that we push to at least try to make
7 an attempt to find this individual.

8 Q. So you had a lot of responsibility in keeping
9 things orderly so that the goals that night could be
10 accomplished. Is that fair to say?

11 A. Absolutely.

12 Q. Okay. And chronically, what happened when was
13 less important than making sure things were happening in a
14 way to discover the body and that people in the community
15 weren't coming forward and messing things up in some way?

16 A. Yeah. And my current -- my concern wasn't more so
17 of the people in the community messing things up, but my
18 concern was that this is a community situation and the
19 communities coming out to see what's going on, we owe them
20 that.

21 We owe that neighborhood, that community, all of our
22 resources to try to find a missing person from -- from their
23 neighborhood. So it was just more of a -- of -- of a duty
24 thing. It wasn't really a -- a safety -- a site safety
25 concern of anybody tampering with anything is just what our

1 responsibility was.

2 We knew something wasn't right. We had enough to move
3 forward. And so, even with all of the things that we had
4 against us, we, we still had to do. We still had to go, we
5 had no other option.

6 Q. So when you went into Mr. Smith's house with Ms.
7 Steinbrunner, how long were you all in there and what
8 happened when you were leaving there?

9 A. We -- I don't recall the exact amount of minutes
10 that we were in there. We were in there for some time. And
11 I -- I think that, that was -- is when I determined that she
12 had met with him earlier that day or the day before. She'd
13 met with him previously.

14 My concern was that we had been invited into the
15 residence, so if there was anything of evidentiary value,
16 then I was looking for something in plain sight that would've
17 gotten us more than we already had.

18 Q. Okay. So when you were in there, was there --
19 tell the jury whether there was or was not a concern that
20 certain items could be destroyed in some fashion if no one
21 was in there watching?

22 A. Absolutely, yes. Yes.

23 Q. Okay. And when you leave the inside of his house,
24 is he leaving at that point as well to go to North
25 Charleston? Had the body already been found or did you go

1 back outside and there still was some time before he went to
2 North Charleston, if you remember?

3 A. I -- I don't recall the exact time that the body
4 was located versus when he left. I would --

5 Q. If you don't remember, that's okay.

6 A. Yeah, I -- I don't -- I don't recall at this time,
7 but I don't -- I remember that there was a lot going on. We
8 had the house side of what was going on, and then we had the
9 feel side of what was going on.

10 So I was more so on both on making sure everything that
11 was going right and everything was being set up on one side
12 and then making sure that everything was being set up on the
13 other side of Spruill.

14 Q. And when you did go into his house, he allowed you
15 in?

16 A. Yes, ma'am.

17 Q. Okay. Was there any force used or anything?

18 A. No, ma'am.

19 Q. Okay. Tell the jury what you remember about the
20 body being detected. If where -- if you remember about where
21 you were, that's fine, but if not, could you describe what
22 happened after that -- the body indeed was found?

23 A. So we sent the units in, and so there's several
24 sets of train tracks. I would say that the set of train
25 tracks that go along here that are overgrown is where we

1 located, I want to say, because this looks like a landmark
2 here, somewhere in this area is where the body was located.

3 And so, the officers that were there were directed once
4 they locate the body to go ahead and advise us, make
5 notifications that they did and then stop, just like we did
6 across the scene, kind of secure it, make sure nobody is
7 going in or -- or away or anything like that.

8 Q. So that there could be no tampering with the area?

9 A. Yes, ma'am.

10 Q. Do you know who Kendra Moseley is?

11 A. I do.

12 Q. Okay.

13 A. Yes, ma'am.

14 Q. Do you remember her also being out there that
15 evening and she worked in your crime scene department, is
16 that correct?

17 A. Yes, ma'am, I do. She was there, she was a crime
18 scene -- one of the crime scene technicians that were there
19 that night.

20 Q. Okay. When you and detective Steinbrunner were in
21 the house, was -- Tiffany Wilcome wasn't there yet because
22 the body had not been found yet, is that right?

23 A. Correct. She was not there. It was just me and
24 Detective Steinbrunner.

25 Q. And that was also before the body had been found?

1 A. Yes.

2 Q. Okay.

3 A. Yes, ma'am. That was.

4 Q. Were there efforts to keep the scene as you -- I
5 think you indicated not to be tampered with at all until
6 crime scene got there?

7 A. Yes, ma'am.

8 Q. And then what about the -- the coroner's office,
9 they also arrive at a scene once that a body has --

10 A. Correct.

11 Q. -- been located, et cetera?

12 A. Yes, ma'am.

13 Q. And do you know Kelly Nevill?

14 A. I do.

15 Q. Do you recall seeing her at the scene at some
16 point?

17 A. I believe I do, yes, ma'am.

18 Q. So when that's happening, where the body is, are
19 you still manning people in the neighborhood coming out
20 because of all the activity down the street? When I say
21 manning, you're not saying they were being disrespectful. So
22 were -- was that still happening or did you put them back at
23 a distance?

24 A. No, so that they -- that I -- that's a, I guess a
25 two-parter. So the crowd never was hostile in any way or

1 never approached. They were very respectful. Not -- not --
2 I mean, there was -- there was no issue at all. And once it
3 -- once the body was located, I went back to the detective
4 bay to assist Detective Schoolfield with the interview.

5 Q. Okay.

6 A. And I -- go ahead. I'm sorry.

7 Q. So when you say, "With the interview," was there
8 one person that you all intended to interview that evening or
9 were there two people who needed to be interviewed?

10 A. Two people.

11 Q. And who were the two people?

12 A. The Defendant and Antolene.

13 Q. And Antolene?

14 A. Yes, ma'am.

15 Q. Okay. When you got back there, where was the
16 Defendant located when you arrived?

17 A. When I arrived, he was within the interview room.

18 Q. He was already put in an interview room?

19 A. Yes, ma'am.

20 Q. Take one second to tell the jury about the
21 detective's area at North Charleston. Could you explain how
22 many interview rooms there are approximately in the detective
23 area?

24 A. Yes, ma'am. So there are four interview rooms
25 within the detective bay. They're all equipped with audio

1 and video recording. There's a small desk in there. There
2 are two chair -- three chairs generally. All of our
3 interviews are done with two detectives. And then there
4 would be one on the other side for the interviewee, I would
5 assume.

6 Q. When you arrived there, what was Detective
7 Schoolfield in the middle of? Or is he already tasked with
8 something by the time you got there?

9 A. I don't recall -- I don't recall. Again,
10 Detective Schoolfield was the case agent on this, and so I
11 own the -- all of the information that I got -- I got that
12 night. I didn't know anything prior to. And -- and the way
13 it -- the way it runs is, the detectives are the case agent.

14 They, essentially, make all of the correct -- all of
15 the decisions involving the case and the supervisors kind of
16 okay it or not, depending on if it's within policy, within
17 law. But I wouldn't have any real involvement on his case.
18 He would be the case agent for that.

19 Q. And when a fellow officer, it's not their case, do
20 they sometimes, however, participate in getting statements
21 from defendants if they agree?

22 A. Yes, ma'am. So we -- we in the detective bay, we
23 all pitch in wherever we can to help out. If a detective
24 needs help in any way, we pitch in and we do what we can to
25 help them. On this one, I assisted Detective Schoolfield

1 because I had spoken with the Defendant on the scene.

2 Q. Okay. Do you know whether an Antolene was being
3 interviewed before you all spoke with Mr. Smith, or do you
4 know?

5 A. I believe she was spoken -- excuse me -- as far in
6 the detective bay?

7 Q. At North Charleston.

8 A. I believe it was afterwards, after speaking with
9 Mr. Smith.

10 Q. But you didn't participate in that one?

11 A. I did not.

12 Q. So you -- you weren't around for when that may
13 have happened, is that fair to say?

14 A. I wasn't in the inter -- involved in the interview
15 room. I may still have been within the bay. There's no
16 telling what I could have been doing or tasked with at the
17 time.

18 Q. Okay. When you were called upon to participate in
19 the interview of Mr. Smith could you tell the jury whether
20 there are important rights that need to be told to the
21 Defendant and that he waives his rights prior to you all
22 being able to ask him questions?

23 A. Absolutely. Every person that's being
24 interviewed, they're given their Miranda warnings which is
25 all on a -- a written form. There's initials to check

1 there's passage at the bottom with the ability for them to
2 waive their rights. If they do, they acknowledge and they
3 sign.

4 And then, also, there are two slots for witnesses. And
5 those detectives that are in there doing an interview sign
6 that they have acknowledged that this person either have
7 waived their rights or -- or have not.

8 Q. You have explained to us that people working the
9 scene and then also back at North Charleston had multiple
10 duties going on during the evening. Is that fair to say?

11 A. Yes, ma'am. That was a very fluid scene.

12 Q. And would you tell the jury, was it you and
13 Detective Schoolfield who handled the questioning of Curtis
14 Smith?

15 A. Yes, ma'am.

16 Q. Okay. At North Charleston, is there a camera that
17 depicts that whole process?

18 A. Yes, ma'am.

19 Q. Now, when Mr. Smith was put in one of the
20 interview rooms, did you all immediately start asking him
21 questions or were there a lot of things going on regarding
22 this investigation?

23 A. There were multiple things going on involving the
24 investigation. We didn't immediately question him. I
25 believe when he arrived, I was still at the scene. And may

1 have been on the way back to the detective bay so. I wasn't
2 there waiting on him to get there. I still was again, doing
3 both kind of splitting my duties.

4 Q. Okay. And then at some point you enter, and do
5 you go over his Miranda warnings with him?

6 A. Yes, ma'am.

7 Q. And did he in fact, waive his Miranda warnings?

8 A. Yes, ma'am.

9 MS. SHEALY: Your Honor, at this time, I would offer
10 into evidence State's Exhibit 105, which is a recording of
11 the Defendant's interview that evening. I will note for the
12 record that we have condensed the -- we have con -- con --
13 excuse me.

14 We have -- condensed the entire thing that was over a
15 number of hours to include that which he shares about the
16 evening and all relevant matters as to what happened on the
17 date that Jennifer Grant had been seen for the last time.
18 We'd like to play it for the jury.

19 THE COURT: All right.

20 MS. SHEALY: And that's 105.

21 MS. FORD: Just, your Honor, my prior objection I would
22 raise at this point.

23 (State's Exhibit Number 105 admitted into evidence.)

24 THE COURT: Okay. Well, folks, you'll now hear this
25 video. This video took place over a number of hours, but

1 there was a lot of time in which there was nobody in the --
2 the room other than the Defendant. And so, rather than to
3 have you just watch him sitting in a chair, they have
4 condensed it down to the portions to which he's being
5 interviewed by the -- the officers. I have made a
6 preliminary finding that his statements were made freely,
7 voluntarily, and then he was given his Miranda rights.

8 Ultimately, my decision is for admissibility. It's up
9 to you to decide whether, or not, the State has proved beyond
10 with a -- a -- a reasonable doubt that the statements were
11 freely, voluntarily, and intelligently made. So you may
12 begin.

13 MS. SHEALY: Thank you, your Honor.

14 THE COURT: And you guys may want to put your devices
15 on or not. It's up to you.

16 BY MS. SHEALY:

17 Q. Mr. Brown, I think I can ask you this question
18 over that. At this point, is that the Defendant sleeping
19 with his head on the table?

20 A. Yes, ma'am.

21 Q. And that is what you've referred to as the
22 interview room?

23 A. Yes, ma'am.

24 (Video starts at 3:00:30 p.m.)

25 LIEUTENANT BROWN: (Inaudible).

1 (Video stops at 3:00:45 p.m.)

2 MS. SHEALY: Let's pause it for a second.

3 BY MS. SHEALY:

4 Q. Just to make sure the jury is aware of this. By
5 the time that you all come in there, he has been in that room
6 already for four hours, is that correct?

7 A. Yes, ma'am. I believe so.

8 Q. Okay. Did he have the opportunity to go to the
9 bathroom during that time period?

10 A. Yes, ma'am.

11 Q. So you and detective Schoolfield were doing other
12 tasks, but when he needed to go to the restroom, he was
13 certainly given that opportunity?

14 A. Yes, ma'am. There were other detectives within
15 that bay that would've facilitated that.

16 (Video starts at 3:01:27 p.m.)

17 LIEUTENANT BROWN: You were at your work today? What
18 work were you doing? (Inaudible).

19 (Video stops at 3:01:42 p.m.)

20 MS. SHEALY: Let me pause down for second.

21 BY MS. SHEALY:

22 Q. Could you tell the jury, because it's a little bit
23 hard to hear, where did he indicate he worked?

24 A. At the mortuary.

25 Q. And is that Dickerson Mortuary?

1 A. Yes, ma'am.

2 Q. And did he indicate to you what his job was at the
3 funeral home?

4 A. Yes, ma'am. A grave digger.

5 Q. A grave digger. Okay.

6 (Video starts at 3:02:05 p.m.)

7 LIEUTENANT BROWN: (Inaudible). You said you had a
8 funeral you went to on Saturday? Where was that in?

9 MR. SMITH: (Inaudible).

10 LIEUTENANT BROWN: Yeah. When we talked at your house?

11 MR. SMITH: (Inaudible).

12 LIEUTENANT BROWN: (Inaudible), talk about something
13 and -- and I know you know what we're talking about.

14 MR. SMITH: I do. Yeah.

15 LIEUTENANT BROWN: Yeah. Same thing I talked to you
16 about down there. (Inaudible). So we'll talk a little bit
17 more, but before we talk, and I know we search warrant at
18 your house, okay? And there's some things we got to talk
19 about that we got down there. All right?

20 And before we do that, I have to, by law, advise you of
21 your right (inaudible) constitutional right. Okay? We're
22 just going to go through, just like I said, I'm -- I'm -- I'm
23 not accusing you of doing anything, I'm just telling you what
24 -- just on what we have to do just -- by law, before we talk
25 to you. We have to. Okay? (Inaudible). Mr. Smith, what's

1 your first name? I'm sorry. Curtis. C-U-T-I-S?

2 MR. SMITH: Yeah.

3 LIEUTENANT BROWN: You have another name?

4 MR. SMITH: Yeah.

5 LIEUTENANT BROWN: A Smith?

6 MR. SMITH: Uh-huh.

7 LIEUTENANT BROWN: I grew up (inaudible).

8 (Video stops at 3:04:25 p.m.)

9 MS. SHEALY: Pause it there.

10 BY MS. SHEALY:

11 Q. What was that reference to C.J.? I couldn't quite

12 make that out.

13 A. Yes, ma'am. On -- on scene, I found out that the

14 Defendant's son and myself grew up in the same neighborhood.

15 I've known him the majority of my life. He -- he was on

16 scene. The Defendant's son was on scene that night as well.

17 Q. So when you got there, was the son already there?

18 A. No, when we initially got there, he was not

19 already there. There was no one there out in the streets

20 when we initially got there.

21 Q. But you saw C.J. at some point during that

22 evening?

23 A. Yes. He arrived after things became a little more

24 concrete.

25 MS. SHEALY: Okay. Continue please.

1 (Video starts at 3:05:15 p.m.)

2 LIEUTENANT BROWN: 11/10/55?

3 MR. SMITH: Yeah.

4 LIEUTENANT BROWN: (Inaudible). What grade you

5 (inaudible)? Graduate?

6 MR. SMITH: Yeah. (Inaudible) stories all the time.

7 (Inaudible).

8 LIEUTENANT BROWN: Bobby (inaudible)?

9 (Video stops at 3:06:04 p.m.)

10 MS. SHEALY: Let's pause it there as well.

11 BY MS. SHEALY:

12 Q. Were you able to make out other people's names

13 that he was talking about?

14 A. Yes, ma'am. In an effort to relate to the

15 Defendant a little more. I asked him if he knew several

16 other individuals that lived within that neighborhood. And

17 he acknowledged that he did. I believe he said that the one

18 individual was older than him.

19 Q. Okay. And do you remember what -- could you make

20 out what that person's name was?

21 A. He said Bobby.

22 Q. Is that Bobby Mason (ph)?

23 A. No. It's a different Bobby.

24 Q. A different Bobby?

25 A. Yes, ma'am.

1 MS. SHEALY: Okay.

2 (Video starts at 3:06:40 p.m.)

3 LIEUTENANT BROWN: All right. It says right here: I
4 can -- oh, do you need (inaudible)?

5 MR. SMITH: (Inaudible).

6 (Video stops at 3:07:02 p.m.)

7 BY MS. SHEALY:

8 Q. What were you bringing in?

9 A. Some reading glasses. Those would've been within
10 the items that was on his person in a little cubby-type
11 receptacle that we have outside on the wall. So if anybody
12 has anything, phones, glasses, things of that nature, we just
13 put them inside that receptacle. So that they can get them
14 when they leave or as they need in this case, as you need it.

15 Q. And It's outside each interview room?

16 A. Yes, ma'am.

17 MS. SHEALY: Okay.

18 (Video starts at 3:07:43 p.m.)

19 DETECTIVE SCHOOLFIELD: It says, "I, Curtis Smith have
20 been advised by Detective Schoolfield, that's me, of the
21 North Charleston Police Department. That I have the absolute
22 right to remain silent and do not have to answer any
23 questions or give a statement, any statement. This, in fact,
24 cannot not used against me." You understand that?

25 MR. SMITH: Uh-huh.

1 DETECTIVE SCHOOLFIELD: All right. "So if I answer
2 questions or give any statement, anything I say can and will
3 be used against me in a court of law." You understand? You
4 understand?

5 MR. SMITH: Uh-huh.

6 DETECTIVE SCHOOLFIELD: Okay. "I have the right to
7 consult with a lawyer of my choice before I answer questions
8 or give a statement, and also have him or her present while
9 I'm being questioned." You understand?

10 MR. SMITH: Uh-huh.

11 DETECTIVE SCHOOLFIELD: All right. "If I wish to talk
12 to a lawyer, have him or her present, if I'm unable to afford
13 to hire a lawyer, one will be appointed to represent me for
14 the charge." You understand?

15 MR. SMITH: Uh-huh.

16 DETECTIVE SCHOOLFIELD: "If I decide to answer the
17 questions" --

18 (Video stops at 3:08:40 p.m.)

19 MS. SHEALY: Pause it for just a second.

20 BY MS. SHEALY:

21 Q. It's a -- a little hard to hear when Detective
22 Schoolfield is asking, asking him, "Do you understand?"
23 Could you describe for the jury in what way he's responding?

24 A. He's saying, "Uh-huh," as in, "Yes," as in
25 affirmative that he understood.

1 MS. SHEALY: Okay.

2 (Video starts at 3:08:59 p.m.)

3 DETECTIVE SCHOOLFIELD: -- "without having a lawyer
4 present representing me, I have the absolute right, during
5 this interview, to stop answering questions and to remain
6 silent." You understand all that?

7 MR. SMITH: Uh-huh.

8 DETECTIVE SCHOOLFIELD: All right. So (inaudible).
9 Excuse me. All right. So have these rights to waive, "I
10 wish to waive these rights and asked the questions, no
11 threats or promises of any kind have been made (inaudible)."

12 (Video stops at 3:10:28 p.m.)

13 MS. SHEALY: Could you tell us -- well, I'll ask that
14 in a moment. I'm sorry. Go ahead.

15 (Video starts at 3:10:34 p.m.)

16 DETECTIVE SCHOOLFIELD: "I have the right to consult a
17 lawyer (inaudible)."

18 (Video stops at 3:11:17 p.m.)

19 MS. SHEALY: Pause for a second.

20 BY MS. SHEALY:

21 Q. Is he signing the waiver at that point?

22 A. Yes, ma'am. He's signing a signature to the
23 waiver and initialing acknowledgement of each line. That was
24 -- that Detective Schoolfield went over with them.

25 MS. SHEALY: Okay.

1 (Video starts at 3:11:36 p.m.)

2 DETECTIVE SCHOOLFIELD: "I wish to waive these rights
3 and asked the questions, no threats or promises of any kind
4 have been made (inaudible)."

5 (Video stops at 3:12:22 p.m.)

6 BY MS. SHEALY:

7 Q. What are you doing there?

8 A. Signing my signature to the bottom and
9 acknowledgement that he has been given his Miranda warnings.

10 Q. Okay.

11 A. Essentially as a witness.

12 (Video starts at 3:12:40 p.m.)

13 DETECTIVE SCHOOLFIELD: All right. Mr. Smith, what do
14 you mean (inaudible) water? (Inaudible).

15 (Video stops at 3:13:23 p.m.)

16 MS. SHEALY: Pause it for just a second, please. Your
17 Honor, I will, at this point, move into evidence State's
18 Exhibit 91, which is the waiver of his Miranda warnings into
19 evidence.

20 MS. FORD: I have no objection.

21 THE COURT: Admitted.

22 (State's Exhibit Number 91 admitted into evidence.)

23 BY MS. SHEALY:

24 Q. Okay. It's sometimes difficult to hear what he's
25 saying, so I may pause and ask you whether you could

1 understand what he was saying, okay?

2 A. Okay. Absolutely.

3 (Video starts at 3:13:50 p.m.)

4 MR. SMITH: No (inaudible).

5 LIEUTENANT BROWN: Did you all have an, I guess,
6 intimate relationship, you and Jennifer?

7 MR. SMITH: (Inaudible)

8 (Video stops at 3:14:12 p.m.)

9 MS. SHEALY: So let's stop for a second.

10 BY MS. SHEALY:

11 Q. Could you tell the jury, who are you talking to
12 him about at this point?

13 A. Between himself and Jennifer on the intimacy of
14 their relationship if they were intimate while he was still
15 married.

16 Q. Meaning to Antolene? Yes.

17 A. Antolene --

18 Q. Antolene? I'm sorry.

19 A. Yes -- yes, ma'am.

20 Q. Okay. And that's what you have just asked him?

21 A. Yes, ma'am.

22 Q. Could you tell the jury how he's answering that?

23 A. He said I think he was a little more hesitant at
24 the beginning, and then he says, "Not within the last year,"
25 I believe is what I heard

1 Q. As it related to Jennifer, not in the last year
2 had he been intimate --

3 A. Correct.

4 Q. -- with her? Okay.

5 (Video starts at 3:14:59 p.m.)

6 MR. SMITH: Talk. Just -- just talking.

7 DETECTIVE SCHOOLFIELD: So now Antolene, she called
8 you, what? Last week before Thanksgiving? Needed some
9 money?

10 MR. SMITH: Uh-huh.

11 DETECTIVE SCHOOLFIELD: How did she (inaudible)?

12 MR. SMITH: I don't know (inaudible).

13 DETECTIVE SCHOOLFIELD: She give it to you (inaudible).

14 (Video stops at 3:15:32 p.m.)

15 MS. SHEALY: Let's pause it for a second.

16 BY MS. SHEALY:

17 Q. Did he just -- did Detective Schoolfield, just ask
18 him, "Did Jennifer ask you for some money?" I think he may
19 have said last Saturday?

20 A. Right. And --

21 Q. Or that did -- yes. That he had promised he'd
22 give her some money upon her asking. Is that right?

23 A. Yes, ma'am.

24 Q. Okay. And what was his answer?

25 A. He said he didn't give her any money.

1 Q. Didn't give her any money? Okay.

2 (Video starts at 3:16:03 p.m.)

3 DETECTIVE SCHOOLFIELD: Got you. Got you. So you
4 already trying to (inaudible)?

5 MR. SMITH: (Inaudible).

6 DETECTIVE SCHOOLFIELD: You got (inaudible)?

7 MR. SMITH: Uh-huh.

8 DETECTIVE SCHOOLFIELD: So while she's here, you're
9 going to tell her anything?

10 MR. SMITH: (Inaudible).

11 DETECTIVE SCHOOLFIELD: I don't know what I'm asking
12 you. Did you all talk about anything? Did you all talk
13 about getting back together? Did it talk about trying to
14 start -- start life all over again? (Inaudible)?

15 (Video stops at 3:16:58 p.m.)

16 MS. SHEALY: Pause that for a second, please.

17 BY MS. SHEALY:

18 Q. Can you understand what he's saying at that point?

19 A. It sounds like he's --

20 Q. He using the word, "Boo"?

21 A. Yeah. He's -- at that time he was referencing the
22 adult children that she had and saying that they don't see
23 eye-to-eye and that there's -- there's disagreements between
24 her adult children and himself.

25 Q. And that was when -- when Detective Schoolfield

1 was asking, "Were you all going to get back together"?

2 A. Yes.

3 MS. SHEALY: Okay.

4 (Video starts at 3:17:34 p.m.)

5 DETECTIVE SCHOOLFIELD: She stayed because I know she
6 was there when I -- when I got there. Did she stay the whole
7 time or did she go back to somewhere? (Inaudible).

8 MR. SMITH: (Inaudible)

9 DETECTIVE SCHOOLFIELD: So she never spent the night?

10 MR. SMITH: Yeah.

11 DETECTIVE SCHOOLFIELD: Or she had?

12 MR. SMITH: (Inaudible).

13 DETECTIVE SCHOOLFIELD: I'm just -- I'm asking these
14 questions because -- like, I don't know you, I don't know --
15 I don't know her. I talked to her, now I'm talking to you.

16 MR. SMITH: (Inaudible).

17 DETECTIVE SCHOOLFIELD: She what?

18 MR. SMITH: (Inaudible).

19 (Video stops at 3:18:23 p.m.)

20 BY MS. SHEALY:

21 Q. What is he talking about?

22 A. He's talking about her mental state saying her
23 head is bad.

24 Q. Her head is bad?

25 A. Yes, ma'am.

1 Q. Okay. And he was saying that in response to, what
2 could you tell?

3 A. Detective Schoolfield said that he had spoken to
4 her. I don't remember the timeframe, if we run it back and
5 tell you, but he said that he had spoken to the Defendant's
6 wife previously, and I don't know exactly when. I didn't
7 hear that part, but he -- that's what he said.

8 MS. SHEALY: Okay. You can continue.

9 (Video starts at 3:18:58 p.m.)

10 MR. SMITH: (Inaudible).

11 DETECTIVE SCHOOLFIELD: Oh. Okay. (Inaudible), right?

12 MR. SMITH: (Inaudible). She -- she messed up. She
13 (inaudible).

14 DETECTIVE SCHOOLFIELD: Oh. Okay. So Jennifer was at
15 your house? Her -- her cousin, Shalon and -- and her
16 boyfriend? Shalon's boyfriend, right? You're sitting there
17 watching football game?

18 MR. SMITH: Well, I was watching they were playing
19 music (inaudible).

20 DETECTIVE SCHOOLFIELD: So Shalon and Jennifer
21 (inaudible)?

22 (Video stops at 3:20:00 p.m.)

23 MS. SHEALY: If we could pause it again.

24 BY MS. SHEALY:

25 Q. Is -- what was he asked? Was he asked about an

1 earlier evening that was pretty recent?

2 A. Yes. He was asking if they were sitting around
3 watching football and then he said that they were playing
4 music and then he says the, "Yeah. Yeah." All like
5 encompassing other things, not really defining what those --
6 what those activities were.

7 MS. SHEALY: Okay.

8 (Video starts at 3:20:37 p.m.)

9 MR. SMITH: Jennifer got a phone call (inaudible) after
10 12:00 that night.

11 (Video stops at 3:20:52 p.m.)

12 MS. SHEALY: So pause it there.

13 BY MS. SHEALY:

14 Q. He's saying that Jennifer got a phone call like an
15 hour later when the other people left?

16 A. Around 12:00 that night. Correct.

17 MS. SHEALY: Okay.

18 (Video starts at 3:21:09 p.m.)

19 MR. SMITH: She -- yeah. Right by the chair
20 (inaudible).

21 DETECTIVE SCHOOLFIELD: (Inaudible) when around phone.

22 MR. SMITH: (Inaudible).

23 DETECTIVE SCHOOLFIELD: All right. You all had an
24 argument?

25 MR. SMITH: No.

1 DETECTIVE SCHOOLFIELD: She didn't get (inaudible)?

2 MR. SMITH: No.

3 DETECTIVE SCHOOLFIELD: She didn't invite you?

4 MR. SMITH: No. (Inaudible).

5 (Video stops at 3:21:44 p.m.)

6 MS. SHEALY: Stop that for a second, please.

7 BY MS. SHEALY:

8 Q. So did Mr. Smith indicate that -- if I heard it
9 correctly, that she left the house after a phone call?

10 A. Yes, ma'am.

11 Q. Okay. And did he indicate whether she said where
12 she was going to go?

13 A. It sounds like he said he believed his -- her
14 mother's house. And they said around

15 Q. The corner. Around the corner?

16 A. Yes.

17 MS. SHEALY: Okay.

18 (Video starts at 3:22:17 p.m.)

19 DETECTIVE SCHOOLFIELD: (Inaudible).

20 (Video stops at 3:22:30 p.m.)

21 MS. SHEALY: Pause it.

22 BY MS. SHEALY:

23 Q. And did he just -- did he indicate that she said,
24 "I'll be back"?

25 A. Yes, ma'am.

1 MS. SHEALY: Okay.

2 (Video starts at 3:22:41 p.m.)

3 DETECTIVE SCHOOLFIELD: What if I tell you that -- that
4 there (inaudible) believe that she never left your house?

5 MR. SMITH: (Inaudible).

6 DETECTIVE SCHOOLFIELD: You know what I'm saying? I
7 said we did a search warrant at your house. That (inaudible)
8 that there was an altercation at the house?

9 MR. SMITH: (Inaudible).

10 DETECTIVE SCHOOLFIELD: When she left, she took the --
11 away a bag or, like, at any point did she come back?

12 MR. SMITH: No.

13 DETECTIVE SCHOOLFIELD: Not at all?

14 MR. SMITH: No. (Inaudible) nothing.

15 DETECTIVE SCHOOLFIELD: Okay. And you never tried to
16 get in touch with her?

17 MR. SMITH: Yeah. I did call her when daylight came.

18 DETECTIVE SCHOOLFIELD: Okay. (Inaudible) but what
19 time did you (inaudible) that phone?

20 MR. SMITH: I didn't call her (inaudible).

21 DETECTIVE SCHOOLFIELD: Which day was that?

22 MR. SMITH: Friday (inaudible).

23 DETECTIVE SCHOOLFIELD: (Inaudible). So you said she
24 left the house, where (inaudible) she never left the house?

25 MR. SMITH: Yeah.

1 DETECTIVE SCHOOLFIELD: (Inaudible) reason that she was
2 buried in that yard?

3 MR. SMITH: No. You know what I'm saying? I got some
4 dirt down (inaudible) sent there some dirt, I said. You
5 know? Yeah. And I got that dirt and I had to (inaudible).

6 (Video stops at 3:24:48 p.m.)

7 MS. SHEALY: If you could pause it for a second. We'll
8 probably have to back up just a little bit.

9 BY MS. SHEALY:

10 Q. So at this point in the interview, is he telling
11 you all that Darrell Dickerson worked that funeral home, is
12 that correct?

13 A. That's right.

14 Q. Gave him a bunch of dirt and he'd had people that
15 were helping him spread it out in the backyard?

16 A. Yes, ma'am.

17 (Video starts at 3:25:16 p.m.)

18 MR. SMITH: (Inaudible).

19 DETECTIVE SCHOOLFIELD: So, Curtis, let me ask. At any
20 point, did anybody get in a fight? Was there any fight at
21 your house -- inside your house? At any point? Did anybody,
22 at any point -- when the last time there was a fight inside
23 the house?

24 MR. SMITH: I don't know. I -- I -- I was here, I
25 don't know (inaudible).

1 DETECTIVE SCHOOLFIELD: (Inaudible) the last fight?
2 This year?

3 MR. SMITH: No.

4 DETECTIVE SCHOOLFIELD: Not this year?

5 MR. SMITH: No -- no.

6 DETECTIVE SCHOOLFIELD: Last year? Did you have a
7 fight -- did somebody fight in your house?

8 MR. SMITH: (Inaudible).

9 DETECTIVE SCHOOLFIELD: But this year, 2020, not in any
10 fights? Nobody's been fighting in your house? You've not
11 been fight -- nobody else has been fighting in the house?

12 MR. SMITH: (Inaudible). No.

13 DETECTIVE SCHOOLFIELD: Nobody has ever got hurt in
14 your house?

15 MR. SMITH: No.

16 DETECTIVE SCHOOLFIELD: Okay. So your --

17 (Video stops at 3:27:09 p.m.)

18 BY MS. SHEALY:

19 Q. And there he said nobody never got hurt in his
20 house?

21 A. Correct. Yes, ma'am.

22 (Video starts at 3:27:20 p.m.)

23 LIEUTENANT BROWN: We're told you're the last person
24 that seen Jennifer. Right? That we know of. Right?

25 MR. SMITH: That's what you're saying.

727

1 LIEUTENANT BROWN: Right. But you're the last person
2 that we know of -- of that had seen her healthy. Right?

3 MR. SMITH: Yeah.

4 LIEUTENANT BROWN: (Inaudible) work? (Inaudible).

5 MR. SMITH: (Inaudible). Yeah -- yeah -- yeah. But I
6 told her she knows. She knows (inaudible) phone call and all
7 that and she (inaudible).

8 (Video stops at 3:28:05 p.m.)

9 MS. SHEALY: Just pause it for a second.

10 BY MS. SHEALY:

11 Q. At this point he's telling you that he would do
12 for Jennifer by taking to -- taking her to work because she
13 was scared?

14 A. Yes, ma'am. That's correct.

15 Q. Is that what we heard?

16 A. That is correct. Yes, ma'am.

17 Q. And did he indicate she was scared of Alfred?

18 Could you tell that? Alvin, I'm sorry. Alvin.

19 A. Alvin is what I heard. Yes, ma'am.

20 Q. Okay. And when he was just mocking her and
21 saying, "I'm scared, I'm scared, I'm scared." He's talking
22 about Jennifer right then, right?

23 A. Yes, ma'am.

24 MS. SHEALY: Okay.

25 (Video starts at 3:28:45 p.m.)

1 MR. SMITH: (Inaudible) nobody that.

2 LIEUTENANT BROWN: Who would've access? Okay. You
3 talked to us yesterday. We still investigating. I
4 investigated this. Let us run back to you. That's why we
5 got search warrant at your house (inaudible) get out of the
6 house (inaudible).

7 MR. SMITH: I don't know. Why do you ask me all these
8 questions? I don't know.

9 LIEUTENANT BROWN: So who wouldn't -- who -- who should
10 -- that in your house? Who should we talk to? Who is the
11 homeowner that would know about that?

12 MR. SMITH: (Inaudible).

13 LIEUTENANT BROWN: Right. So (inaudible) when did she
14 come back down --

15 (Video stops at 3:29:45 p.m.)

16 MS. SHEALY: Judge, let me pause it for just a second.

17 BY MS. SHEALY:

18 Q. Can I give you a cup of coffee? Because you've
19 been awake since what time?

20 A. Maybe.

21 Q. Did she come straight from your shift?

22 A. Yes, ma'am. Probably noon from yesterday. Thank
23 you.

24 Q. Okay.

25 A. Well over 24 hours.

1 Q. Okay. I'm going to try to speed it up as much as
2 I can, but it's hard. Okay.

3 A. I'm good -- I'm good.

4 Q. Okay. Very good.

5 A. Life's good.

6 (Video starts at 3:30:15 p.m.)

7 MR. SMITH: (Inaudible).

8 LIEUTENANT BROWN: Did they get to your wife?

9 MR. SMITH: No. (Inaudible).

10 LIEUTENANT BROWN: Did she come that night when -- when
11 -- when -- when -- was Jennifer (inaudible).

12 MR. SMITH: (Inaudible) that -- that Thursday.

13 LIEUTENANT BROWN: So --

14 MR. SMITH: She left.

15 LIEUTENANT BROWN: So if the two of them worked
16 together and didn't fight and the two of you have been there,
17 who was -- the two of you fighting?

18 MR. SMITH: Who?

19 LIEUTENANT BROWN: You two?

20 MR. SMITH: There was no fighting.

21 LIEUTENANT BROWN: (Inaudible).

22 MR. SMITH: No. No one was fighting (inaudible) --

23 (Video stops at 3:31:11 p.m.)

24 BY MS. SHEALY:

25 Q. And the question you just asked him was, "Did she

1 hit you in your head?"

2 A. Correct.

3 Q. And what was his answer?

4 A. No.

5 Q. Okay.

6 A. No one hit him.

7 MS. SHEALY: Continue, please.

8 (Video starts at 3:31:25 p.m.)

9 MR. SMITH: (Inaudible). No. We were not fighting
10 (inaudible). She left. Right (inaudible). We don't know
11 that. We don't know that. "Oh, we know about what everybody
12 else says."

13 LIEUTENANT BROWN: Everybody is still looking for her
14 in your house. (Inaudible) right. So -- so explain to me
15 the blood in your living room. On the floor by the couch.

16 MR. SMITH: (Inaudible).

17 DETECTIVE SCHOOLFIELD: Yes, sir.

18 MR. SMITH: (Inaudible) I don't know.

19 LIEUTENANT BROWN: Dude, you have a homeowner, man.
20 You got to know (inaudible).

21 MR. SMITH: Yes.

22 LIEUTENANT BROWN: (Inaudible) by the kitchen knife
23 also.

24 MR. SMITH: (Inaudible).

25 (Video stops at 3:32:51 p.m.)

1 MS. SHEALY: So can we pause that for a second?

2 BY MS. SHEALY:

3 Q. During the part that we just watched, you all were
4 asking him about, "Why is there blood on the floor at your
5 house?"

6 A. Correct. Yes, ma'am.

7 Q. And how is he reacting to that?

8 A. As if he did not know that there was blood on the
9 floor.

10 Q. Okay. Did he acknowledge at any point, "Yes, we
11 got into a struggle or a fight"?

12 A. No ma'am.

13 Q. Or she tried to attack him?

14 A. No, ma'am.

15 MS. SHEALY: Okay.

16 (Video starts at 3:33:26 p.m.)

17 MR. SMITH: (Inaudible) the snag -- the nail -- that
18 nail into the hole and it's snagging.

19 LIEUTENANT BROWN: So I -- I'll -- how to explain this
20 to you?

21 MR. SMITH: (Inaudible).

22 LIEUTENANT BROWN: (Inaudible) explain. That looks
23 like it will be consistent with a bite.

24 MR. SMITH: No, sir.

25 LIEUTENANT BROWN: (Inaudible) because when -- when

1 nails -- nails -- when they cut you, it -- you leave a fresh
2 cut.

3 MR. SMITH: (Inaudible). And no, I'm telling you
4 because I -- all time. (Inaudible) I'm serious.
5 (Inaudible).

6 LIEUTENANT BROWN: Curtis, Curtis (inaudible) and
7 that's going to be tested.

8 MR. SMITH: All right.

9 LIEUTENANT BROWN: We're going to figure out where it
10 came from. So we're trying to figure out, I mean, if you got
11 something to tell us, you tell us. If you don't, you keep on
12 with this. Say, "I don't know. I don't know. I don't
13 know." We have people say, "I know, I know, I know."

14 MR. SMITH: I don't know. (Inaudible).

15 (Video stops at 3:35:04 p.m.)

16 BY MS. SHEALY:

17 Q. So Lieutenant you were asking him questions about
18 an injury to his finger?

19 A. Yes, ma'am.

20 Q. And could you tell us what you asked him? It was
21 a little muddled.

22 A. I was asking him to see the -- the bite, the
23 injury on his finger. And then he proceeded to say that he
24 -- he essentially, he was not bit. It occurred while he was
25 at work putting a -- putting up a tent at the -- I don't want

1 to say funeral home, but for his employment he was putting up
2 a tent. And that a nail cut him as he was putting his finger
3 through a hole.

4 Q. And how could you see that area? Was there a
5 bandage on it?

6 A. It was a -- a bandage on his -- on his hand. Yes,
7 ma'am.

8 Q. Were you able to see what it looked like?

9 A. Yes, ma'am. Later on we -- we were able to see a
10 more of it when we took photographs of it.

11 Q. But at this point, when you're asking him about
12 it, were you asking what was under the -- the bandage or how
13 did you start asking him about it?

14 A. Yeah. I asked him to see it. Yes. What was
15 under the injury, under the bandage.

16 Q. Okay.

17 A. Without saying under the bandage. "Let me see the
18 bite -- let me see the bite on your hand. The injury on your
19 hand."

20 (Video starts at 3:36:25 p.m.)

21 LIEUTENANT BROWN: (Inaudible) if you keep up -- I
22 don't understand. Like, this got to be way (inaudible) this
23 got to be you up, this got to be cutting you (inaudible) that
24 -- that the person that you were last seen or somebody that
25 you admire is no longer here.

1 MR. SMITH: (Inaudible).

2 LIEUTENANT BROWN: So if you don't know, who else?

3 MR. SMITH: I don't know.

4 LIEUTENANT BROWN: (Inaudible) what you saying, "I
5 don't know, I don't know." It's not really helping anything,
6 man.

7 MR. SMITH: (Inaudible).

8 LIEUTENANT BROWN: Right. So when we do this
9 (inaudible) in the process of doing a search warrant on your
10 house and all your cars and all that stuff, (inaudible) what
11 -- what -- what does that tell us? What were we (inaudible)?

12 MR. SMITH: (Inaudible).

13 LIEUTENANT BROWN: You know if anybody found the phone?

14 MR. SMITH: (Inaudible) I heard, truthful (inaudible)
15 kangaroo (inaudible) Two speed car. And he told me
16 (inaudible).

17 (Video stops at 3:38:26 p.m.)

18 MS. SHEALY: Lets pause it there for a second.

19 BY MS. SHEALY:

20 Q. What is he telling you that he heard about
21 Jennifer's phone?

22 A. That someone in the neighborhood, I think by the
23 name of Two-speed or something like that, told him that the
24 phone is near some other individual's house location. After
25 Detective Schoolfield asked him would we find her phone

1 within his house.

2 Q. And are you aware of whether, or not, Jennifer's
3 phone was ever found?

4 A. I don't believe it was. I would have to see the
5 search warrant.

6 Q. I can ask Detective Schoolfield. That's okay
7 because...

8 A. Yes, ma'am.

9 MS. SHEALY: Okay. Let's continue.

10 (Video starts at 3:39:14 p.m.)

11 DETECTIVE SCHOOLFIELD: Did you -- did -- when -- when
12 did you do that?

13 MR. SMITH: Sunday.

14 DETECTIVE SCHOOLFIELD: Did you (inaudible)?

15 MR. SMITH: (Inaudible).

16 DETECTIVE SCHOOLFIELD: So why didn't you tell me that
17 yesterday when I saw you? So we can continue to look for
18 her. Don't you think this (inaudible).

19 MR. SMITH: (Inaudible) information (inaudible).

20 DETECTIVE SCHOOLFIELD: (Inaudible) looking for
21 somebody, we looking (inaudible).

22 (Video stops at 3:40:10 p.m.)

23 BY MS. SHEALY:

24 Q. I -- I -- I know it's difficult to hear those
25 voices at the same time, but let me ask you: What is he

1 saying during this conversation about, "Are you aware that
2 Detective Schoolfield went over to his house, I think, the
3 day before?"

4 A. Right. Yes, ma'am. So -- yes, I am aware that
5 they met the day before at his residence. And so,
6 essentially Detective Schoolfield is asking him, "Why aren't
7 you -- why are you providing this information of where her
8 phone is? Some information that you got that would've been
9 critical in locating this individual the next day in the
10 interview room after we've been in a lengthy period of time
11 in the interview versus when I'm in your house questioning
12 you and trying to get more information. You're providing us
13 with stale evidence or stale information to essentially
14 hindering us from finding this individual."

15 MS. SHEALY: Okay. Thank you. Proceed.

16 (Video starts at 3:41:16 p.m.)

17 DETECTIVE SCHOOLFIELD: I just (inaudible) you got your
18 phone?

19 MR. SMITH: They got it right.

20 DETECTIVE SCHOOLFIELD: But you (inaudible) you were in
21 your house, right?

22 MR. SMITH: Uh-huh.

23 DETECTIVE SCHOOLFIELD: So you don't think this piece
24 of machine right here (inaudible)? Come on, man. Yeah.
25 (Inaudible) about this girl that would be like angel, this is

1 what I heard. I'm -- I'm in the (inaudible). This is what I
2 heard, and especially (inaudible). Either you had something
3 to do with it or you helped -- helped somebody clean it up.
4 Which one is it?

5 MR. SMITH: (Inaudible).

6 DETECTIVE SCHOOLFIELD: Listen.

7 MR. SMITH: (Inaudible) I don't know (inaudible).

8 LIEUTENANT BROWN: Is Jennifer dead?

9 MR. SMITH: I don't know. I don't know, Jennifer
10 (inaudible) knife. She probably (inaudible).

11 DETECTIVE SCHOOLFIELD: (Inaudible). We were still
12 looking for her, what were (inaudible) We you -- come on,
13 man. (Inaudible)? So that's -- that -- that's -- that's
14 what we have with this. The last person that seen her knows
15 nothing (inaudible).

16 MR. SMITH: (Inaudible) I did not tell you. I'm
17 telling the truth. (Inaudible).

18 DETECTIVE SCHOOLFIELD: She was still there. And
19 that's the truth? That's the truth? You've been in here so
20 long.

21 MR. SMITH: (Inaudible). She said she (inaudible) --

22 (Video stops at 3:44:02 p.m.)

23 BY MS. SHEALY:

24 Q. What was he saying was the God's honest truth?

25 What was he saying about Jennifer?

1 A. That he didn't know where she was. I believe I
2 asked him a direct question. "Was she dead?" He's saying
3 that he didn't know. So it's more repeating that he did not
4 know or had no knowledge of her location or her whereabouts.

5 MS. SHEALY: Okay. Thank you.

6 (Video starts at 3:44:30 p.m.)

7 MR. SMITH: (Inaudible) that makes no sense me.

8 DETECTIVE SCHOOLFIELD: So (inaudible) something to do
9 with Jennifer?

10 MR. SMITH: I don't know (inaudible).

11 DETECTIVE SCHOOLFIELD: You don't know then? You told
12 -- you (inaudible) you said I she was there or not. She
13 (inaudible) but she left the next day? So you don't know if
14 she came back?

15 MR. SMITH: (Inaudible) true. (Inaudible).

16 DETECTIVE SCHOOLFIELD: (Inaudible) know what happened
17 to her?

18 MR. SMITH: I don't -- I don't know.

19 DETECTIVE SCHOOLFIELD: So (inaudible) today?

20 MR. SMITH: Huh?

21 DETECTIVE SCHOOLFIELD: (Inaudible) about to ask you.
22 If we talk to her right now.

23 MR. SMITH: I don't know. I don't know.

24 DETECTIVE SCHOOLFIELD: (Inaudible) everybody heard
25 (inaudible). Oh. Yeah. What did happen to her?

1 MR. SMITH: She -- what?

2 DETECTIVE SCHOOLFIELD: (Inaudible). What's -- listen,
3 man. You can't --

4 MR. SMITH: (Inaudible).

5 DETECTIVE SCHOOLFIELD: (Inaudible) saying what -- what
6 Antolene says about her. Did she say anything about her?
7 Don't tell me, "I don't know." If she sitting in your house
8 and she said something about her. Did she say something
9 about her"

10 MR. SMITH: (Inaudible).

11 LIEUTENANT BROWN: (Inaudible) she ask about her? When
12 she said (inaudible).

13 MR. SMITH: (Inaudible).

14 (Video stops at 3:46:57 p.m.)

15 BY MS. SHEALY:

16 Q. Could you tell us what you all are talking about
17 in this last bit?

18 UNIDENTIFIED SPEAKER: We need to take a break --

19 THE WITNESS: I think he went off on kind of deflecting
20 --

21 UNIDENTIFIED SPEAKER: -- so they can fill out
22 (inaudible).

23 THE WITNESS: -- the question and saying something
24 about a ton of cars. I would have to hear it one more time.
25 I kind of got lost in the audio.

1 MS. SHEALY: Okay. Could we back that up, please?

2 THE COURT: Ms. Shealy?

3 MS. SHEALY: Yes.

4 THE COURT: We need to take a break.

5 MS. SHEALY: Okay.

6 THE COURT: Okay. So let's take a break and send you
7 all back, stretch your legs, use the restroom and we'll have
8 you back in about 15 minutes. Again, don't begin
9 deliberations or discussions about the case.

10 (Jury exits room at 3:47 p.m.)

11 (Off the record at 3:47 p.m.)

12 (On the record at 4:03 p.m.)

13 THE COURT: Jennifer, where -- where do you think
14 you're at in your direct? Halfway?

15 MS. DAVIS: We have 30 more minutes of the video. Oh,
16 we're at (inaudible) of the video.

17 THE COURT: Okay.

18 MS. SHEALY: Still have -- how much more do we have?

19 THE COURT: I don't know if Ms. Ford is going to have
20 -- are you going to have a long cross?

21 MS. SHEALY: 40 more minutes.

22 THE COURT: I'm thinking it might be a little ambitious
23 to think would get any witnesses other than him in today.

24 MS. SHEALY: I -- I that's what I was just --

25 THE COURT: Yeah.

1 MS. SHEALY: I kind of like -- I'm not sure we're going
2 to get there.

3 THE COURT: Yeah. Okay. That's fine.

4 MS. FORD: I don't see my cross lasting more than maybe
5 10 minutes.

6 THE COURT: We'll play that by ear. But I know you had
7 talked originally about having him plus another one, plus
8 somebody in the morning.

9 MS. SHEALY: I've had quite a few of those
10 proclamations that have not come true thus far. So I did --
11 I thought we might can also get Detective Schoolfield, but I
12 don't (inaudible).

13 THE COURT: It's a fluid situation.

14 MS. SHEALY: Very fluid.

15 THE COURT: Okay. Let the record reflect the Defendant
16 is in the courtroom. Bring them back in.

17 THE BAILIFF: Yes. All jurors are present, your Honor.

18 (Jury enters room at 4:05 p.m.)

19 THE COURT: All right. Be seated. All right. We will
20 resume now with the direct examination. Thank you.

21 (Video starts at 4:05:58 p.m.)

22 MR. SMITH: (Inaudible).

23 DETECTIVE SCHOOLFIELD: Listen, man. You can't -- you
24 got to stop that, "I don't know."

25 MR. SMITH: I told you (inaudible).

1 DETECTIVE SCHOOLFIELD: (Inaudible) saying what about
2 her? If she said about her. Don't tell me, "I don't know."
3 If she's seen in your house, and she said something about it,
4 then she said something about her.

5 MR. SMITH: She just -- who (inaudible)?

6 DETECTIVE SCHOOLFIELD: When she asks about her. When
7 she (inaudible).

8 MR. SMITH: (Inaudible).

9 DETECTIVE SCHOOLFIELD: How many times did you call
10 (inaudible)?

11 MR. SMITH: (Inaudible).

12 DETECTIVE SCHOOLFIELD: How many times?

13 MR. SMITH: Three.

14 DETECTIVE SCHOOLFIELD: Three times tonight?

15 MR. SMITH: Yeah.

16 DETECTIVE SCHOOLFIELD: So when Antolene moved back,
17 when she started coming back around?

18 MR. SMITH: Did she -- back and forth.

19 DETECTIVE SCHOOLFIELD: But she finally came
20 (inaudible)?

21 MR. SMITH: Uh-huh.

22 DETECTIVE SCHOOLFIELD: She ain't coming on Sunday
23 (inaudible) your house.

24 MR. SMIRTH: (Inaudible) didn't care. (Inaudible)
25 church service (inaudible).

1 DETECTIVE SCHOOLFIELD: Now, I'll ask you, I know you
2 (inaudible). How many?

3 MR. SMITH: About four -- seven -- well, about six,
4 eight -- seven.

5 LIEUTENANT BROWN: Think more than that. Okay. Do you
6 have work tomorrow?

7 MR. SMITH: Work tomorrow? No. (Inaudible).

8 LIEUTENANT BROWN: Okay. Was Jennifer (inaudible) she
9 was back around?

10 MR. SMITH: So Jennifer (inaudible) Jennifer
11 (inaudible) she said -- scared (inaudible) and all that. I
12 (inaudible) her. She got (inaudible) --

13 (Video stops at 4:09:26)

14 MS. SHEALY: Can you pause it for a second?

15 BY MS. SHEALY:

16 Q. What is he talking about there?

17 A. I believe we asked him if Antolene was upset about
18 Jennifer coming back around and he said something about her
19 saying that she'd pay him to take her home.

20 Q. That what?

21 A. She would pay him to take her home.

22 Q. Who would pay him?

23 A. It sounded like Antolene would pay the Defendant
24 to take Jennifer home. If I'm not mistaken. You probably
25 have to play it again. It was --

1 MS. SHEALY: Can we play that again?

2 (Video starts at 4:10:00 p.m.)

3 MR. SMITH: About four -- seven -- well, about six,
4 eight -- seven.

5 LIEUTENANT BROWN: Think more than that. Okay. Do you
6 have work tomorrow?

7 MR. SMITH: Work tomorrow? No. (Inaudible).

8 LIEUTENANT BROWN: Okay. Was Jennifer (inaudible) she
9 was back around?

10 MR. SMITH: So Jennifer (inaudible) Jennifer
11 (inaudible) she said -- scared (inaudible) and all that. I
12 (inaudible) her. She got (inaudible) --

13 (Video stops at 4:11:34 p.m.)

14 MS. SHEALY: Could you pause it for a second?

15 BY MS. SHEALY:

16 Q. So were you able to --

17 A. Yes.

18 Q. -- understand what he was saying?

19 A. Yes.

20 Q. What was that?

21 A. I asked him if Jennifer was upset that Antolene
22 was coming back around and his wife was back at the house and
23 he said that she wasn't. But that Jennifer still wanted to
24 pay him to take her to work.

25 MS. SHEALY: Okay. Go ahead.

1 (Video starts at 4:11:58 p.m.)

2 MR. SMITH: (Inaudible) I didn't know nothing about
3 that. Somebody I know. I didn't -- nothing.

4 LIEUTENANT BROWN: Curtis, listen. Look at me.
5 (Inaudible) bail you (inaudible).

6 MR. SMITH: (Inaudible).

7 LIEUTENANT BROWN: Yeah. Here we are. With that being
8 said, if you think that I would tell you anything that they
9 ain't (inaudible) "Yes," or "No" -- "Yes," or "No", you think
10 I'm going to lie to you?

11 MR. SMITH: I don't know (inaudible).

12 LIEUTENANT BROWN: You may not know that -- you may not
13 know that and that's totally fine. I totally understand it.
14 But come on now. You think that with as much as our people
15 know each other, that I don't do research, that I don't ask
16 questions? Come on now.

17 MR. SMITH: Over there.

18 LIEUTENANT BROWN: Come on now, honey. Listen. For
19 real.

20 MR. SMITH: I know.

21 LIEUTENANT BROWN: And so -- and so with that being
22 said, I'm only asking you questions that pertain to this,
23 that pertains where she is. Are (inaudible) I -- I listen,
24 if something happened between the two of them, I (inaudible)
25 listen. That explains. If you -- if -- if they were sitting

1 at you because you go (inaudible).

2 MR. SMITH: (Inaudible) and I don't know. I'm asking.
3 But that's something I got to know. That's something I got
4 to know. If -- if -- if they're bull-shiting at you, I got
5 to know that. If they're shooting at each other, I got to
6 know that (inaudible).

7 LIEUTENANT BROWN: (Inaudible) that evening. She
8 wasn't there. After 12 (inaudible).

9 MR. SMITH: (Inaudible).

10 (Video stops at 4:15:22 p.m.)

11 MS. SHEALY: Could you pause that for a second?

12 BY MS. SHEALY:

13 Q. Is he describing something that happened between
14 him and Jennifer's brother that was looking for her?

15 A. Yes, ma'am. He is.

16 Q. Could you tell us what he said?

17 A. Yeah, absolutely. He starts with a series of
18 events saying that, referencing what he was saying earlier,
19 that she left around 12 and turned the corner. And then he
20 said that the brother came, I think, said Sunday that her
21 brother came asking where was she? And he told the victim's
22 brother that he had not seen her earlier before that. He
23 said that Antolene had not been in the house when Jennifer
24 left.

25 MS. SHEALY: Okay. Thank you.

1 (Video starts at 4:16:07 p.m.)

2 MR. SMITH: (Inaudible) and I -- I said that ain't --
3 that ain't -- I could have been crazy. It could have been.
4 That doesn't make no sense. (Inaudible) walk out the house
5 (inaudible). That's -- that's -- I don't -- that makes sense
6 -- no sense.

7 LIEUTENANT BROWN: That's okay. If something happened,
8 if something went on. That's what I need to find out. If
9 she was -- when she left the house, if her and Antolene got
10 into an argument, but you and her (inaudible). Did you and
11 her get into an argument?

12 MR. SMITH: No.

13 LIEUTENANT BROWN: Did you all have any words?

14 MR. SMITH: No.

15 LIEUTENANT BROWN: Nothing? Nothing happened? No
16 words?

17 MR. SMITH: Like I said, the (inaudible) 12:00
18 Thursday.

19 LIEUTENANT BROWN: Did you all get you a fight?

20 MR. SMITH: No.

21 LIEUTENANT BROWN: Not at all? No fight?

22 MR. SMITH: No fight at all.

23 LIEUTENANT BROWN: No words exchanged? No words
24 (inaudible)? Her, like, was she at (inaudible) boyfriend?
25 Wait, but you keep saying that, but they weren't there.

1 MR. SMITH: Yeah.

2 LIEUTENANT BROWN: They left. After they left -- after
3 they left (inaudible) there. Right. Yeah. So what -- help
4 me -- help me understand that time frame.

5 MR. SMITH: (Inaudible) she left. I don't know where
6 she went. She let -- she -- she was going (inaudible).

7 (Video stops at 4:18:37 p.m.)

8 MS. SHEALY: If you could pause it for a second,
9 please.

10 BY MS. SHEALY:

11 Q. The part that we've just listened to is the
12 Defendant saying, again, that Jennifer got a phone call?

13 A. Correct.

14 MS. SHEALY: Okay.

15 (Video starts at 4:18:50 p.m.)

16 MR. SMITH: (Inaudible) that makes no sense. She was
17 -- she had her stuff there. (Inaudible) right away. I don't
18 smoke. We -- I don't smoke (inaudible) yeah. (inaudible)
19 high and all that (inaudible) walk from to my house
20 (inaudible).

21 LIEUTENANT BROWN: Right. But that's the thing.
22 Nobody saw her leave your house.

23 MR. SMITH: (Inaudible) like that (inaudible).

24 LIEUTENANT BROWN: Everybody that you said she went to,
25 the -- the -- he told you, he told you, he talked to. Who?

1 MR. SMITH: I don't know nothing (inaudible).

2 LIEUTENANT BROWN: The same people that detective told
3 you he talked to (inaudible) that's not true. That she did
4 not (inaudible) to whoever that was.

5 MR. SMITH: I don't know where she went (inaudible) my
6 house.

7 LIEUTENANT BROWN: Where would she have gone?

8 MR. SMITH: I don't know. (Inaudible)

9 LIEUTENANT BROWN: (Inaudible) right. But she normally
10 goes to her job?

11 MR. SMITH: (Inaudible). Unfortunately, this -- this
12 stone the same look don't make any sense.

13 LIEUTENANT BROWN: (Inaudible) telling. All right.
14 Right. But I -- I don't -- I -- there's absolutely no way.
15 There's absolutely no way. And as much as I (inaudible).

16 MR. SMITH: I can't (inaudible) there's absolutely no
17 -- I don't understand. (Inaudible) there's no way I can do
18 that. (Inaudible). She -- she had her personal stuff.

19 DETECTIVE SCHOOLFIELD: Right. So the stuff she had
20 (inaudible)?

21 MR. SMITH: (Inaudible).

22 LIEUTENANT BROWN: So (inaudible) I don't think that
23 she -- so she grabbed -- she grabbed deodorant and stuff
24 (inaudible) stuff the bag was, right? She grabbed her wig?

25 MR. SMITH: And the bag.

1 LIEUTENANT BROWN: (Inaudible) she grabbed her wallet,
2 like, all that stuff?

3 MR. SMITH: (inaudible) wallet.

4 LIEUTENANT BROWN: No, I don't know, I'm just asking.

5 MR. SMITH: (Inaudible) wallet.

6 LIEUTENANT BROWN: Well, I'm trying to understand if
7 she grabbed her stuff, as if she wasn't coming back or she
8 grabbed only certain things and left certain things too?

9 MR. SMITH: (Inaudible) the bag.

10 LIEUTENANT BROWN: So she had her -- she had the bags,
11 she had other stuff?

12 MR. SMITH: She went to the store and got (inaudible).

13 LIEUTENANT BROWN: Right. She got her phone?

14 MR. SMITH: Yeah. She had.

15 LIEUTENANT BROWN: She had her bag (inaudible)? And
16 that's it?

17 MR. SMITH: Uh-huh.

18 LIEUTENANT BROWN: Yes, sir. So let me ask you this:
19 That phone -- her phone number from her phone, they're
20 pulling the GPS from. Right?

21 MR. SMITH: Uh-huh.

22 LIEUTENANT BROWN: Will that be the same thing that you
23 telling me?

24 MR. SMITH: Uh-huh.

25 LIEUTENANT BROWN: You know how -- how your phone

1 tracks you -- you where you go, right? Based on the hours?

2 MR. SMITH: Uh-huh.

3 LIEUTENANT BROWN: And your move now?

4 MR. SMITH: Yeah.

5 LIEUTENANT BROWN: Is that (inaudible) there?

6 MR. SMITH: (Inaudible).

7 LIEUTENANT BROWN: Right. That's what I'm asking you.

8 Is that -- is that what -- that -- is that what that shows?

9 That she left your house that night after 1:00?

10 MR. SMITH: Right.

11 LIEUTENANT BROWN: With her phone, correct?

12 MR. SMITH: Right.

13 LIEUTENANT BROWN: (Inaudible) back turned the corner

14 night?

15 MR. SMITH: (Inaudible).

16 LIEUTENANT BROWN: Okay. So if it does not, then

17 (inaudible)?

18 MR. SMITH: (Inaudible) she left. If she ain't leave

19 -- she went like this, but she left. She got (inaudible) got

20 going. You want me (inaudible)?

21 LIEUTENANT BROWN: No. I'll be back.

22 MR. SMITH: (Inaudible).

23 LIEUTENANT BROWN: (Inaudible).

24 DETECTIVE SCHOOLFIELD: (Inaudible) she back down be

25 with you. Why would she lie like that?

1 MR. SMITH: (Inaudible).

2 DETECTIVE SCHOOLFIELD: So if -- if she -- if she
3 didn't have anything to do with this, then how (inaudible)?
4 If she had nothing to do with this, you need to be mad enough
5 to let us know. Why -- why -- why we -- why would we go down
6 the railroad if she had nothing to do with this?

7 MR. SMITH: Look, look. I tell you all (inaudible)
8 going down (inaudible). Well, I (inaudible) that makes you
9 (inaudible).

10 (Video stops at 4:26:31 p.m.)

11 BY MS. SHEALY:

12 Q. What is being said during this time? I mean, I
13 know that's a lot, but when he started to talk especially
14 loud, what is he saying?

15 A. More so that we're trying to make him lie. I
16 guess, solicit some response that is favorable to us.

17 Q. Okay.

18 A. And we told him that's not what we were doing.

19 (Video starts at 4:18:50 p.m.)

20 MR. SMITH: (Inaudible).

21 LIEUTENANT BROWN: So (inaudible) I don't think that
22 she -- so she grabbed -- she grabbed deodorant and stuff
23 (inaudible) stuff the bag was, right? She grabbed her wig?

24 MR. SMITH: And the bag.

25 LIEUTENANT BROWN: (Inaudible) she grabbed her wallet,

1 like, all that stuff?

2 MR. SMITH: (inaudible) wallet.

3 LIEUTENANT BROWN: No, I don't know, I'm just asking.

4 MR. SMITH: (Inaudible) wallet.

5 LIEUTENANT BROWN: Well, I'm trying to understand if
6 she grabbed her stuff, as if she wasn't coming back or she
7 grabbed only certain things and left certain things too?

8 MR. SMITH: (Inaudible) the bag.

9 LIEUTENANT BROWN: So she had her -- she had the bags,
10 she had other stuff?

11 MR. SMITH: She went to the store and got (inaudible).

12 LIEUTENANT BROWN: Right. She got her phone?

13 MR. SMITH: Yeah. She had.

14 LIEUTENANT BROWN: She had her bag (inaudible)? And
15 that's it?

16 MR. SMITH: Uh-huh.

17 LIEUTENANT BROWN: Yes, sir. So let me ask you this:
18 That phone -- her phone number from her phone, they're
19 pulling the GPS from. Right?

20 MR. SMITH: Uh-huh.

21 LIEUTENANT BROWN: Will that be the same thing that you
22 telling me?

23 MR. SMITH: Uh-huh.

24 LIEUTENANT BROWN: You know how -- how your phone
25 tracks you -- you where you go, right? Based on the hours?

1 MR. SMITH: Uh-huh.

2 LIEUTENANT BROWN: And your move now?

3 MR. SMITH: Yeah.

4 LIEUTENANT BROWN: Is that (inaudible) there?

5 MR. SMITH: (Inaudible).

6 LIEUTENANT BROWN: Right. That's what I'm asking you.

7 Is that -- is that what -- that -- is that what that shows?

8 That she left your house that night after 1:00?

9 MR. SMITH: Right.

10 LIEUTENANT BROWN: With her phone, correct?

11 MR. SMITH: Right.

12 LIEUTENANT BROWN: (Inaudible) back turned the corner

13 night?

14 MR. SMITH: (Inaudible).

15 LIEUTENANT BROWN: Okay. So if it does not, then

16 (inaudible)?

17 MR. SMITH: (Inaudible) she left. If she ain't leave

18 -- she went like this, but she left. She got (inaudible) got

19 going. You want me (inaudible)?

20 LIEUTENANT BROWN: No. I'll be back.

21 MR. SMITH: (Inaudible).

22 LIEUTENANT BROWN: (Inaudible).

23 DETECTIVE SCHOOLFIELD: (Inaudible) she back down be

24 with you. Why would she lie like that?

25 MR. SMITH: (Inaudible).

1 DETECTIVE SCHOOLFIELD: So if -- if she -- if she
2 didn't have anything to do with this, then how (inaudible)?
3 If she had nothing to do with this, you need to be mad enough
4 to let us know. Why -- why -- why we -- why would we go down
5 the railroad if she had nothing to do with this?

6 MR. SMITH: Look, look. I tell you all (inaudible)
7 going down (inaudible). Well, I (inaudible) that makes you
8 (inaudible).

9 (Video stops at 4:26:31 p.m.)

10 BY MS. SHEALY:

11 Q. What is being said during this time? I mean, I
12 know that's a lot, but when he started to talk especially
13 loud, what is he saying?

14 A. More so that we're trying to make him lie, I
15 guess, solicit some response that is favorable to us.

16 Q. Okay.

17 A. And we told him that's not what we were doing.
18 The question then essentially never changed. We asked the --

19 Q. Talk a little bit louder.

20 A. The questioning that we had for him essentially
21 never changed. Maybe a few variants here in there, but we
22 asked straightforward questions in reference to what was
23 going on.

24 MS. SHEALY: Okay.

25 (Video starts at 4:27:19 p.m.)

1 MR. SMITH: (Inaudible).

2 LIEUTENANT BROWN: When you all like (inaudible) when
3 -- what room were you all sitting? Where were you all
4 seated?

5 MR. SMITH: (Inaudible).

6 LIEUTENANT BROWN: I know, I -- I didn't know you all
7 (inaudible).

8 MR. SMITH: (Inaudible).

9 LIEUTENANT BROWN: (Inaudible) and when she in there
10 (inaudible) Antolene -- when Antolene went there (inaudible),
11 you all both -- everybody (inaudible)?

12 MR. SMITH: (Inaudible).

13 LIEUTENANT BROWN: Yeah. But Antolene (inaudible).

14 MR. SMITH: (Inaudible).

15 LIEUTENANT BROWN: Well, that's when she decided to
16 leave that (inaudible). What did you (inaudible)?

17 MR. SMITH: (Inaudible).

18 LIEUTENANT BROWN: I got that.

19 MR. SMITH: (Inaudible).

20 DETECTIVE SCHOOLFIELD: I -- I -- I understand what
21 you're saying. I hear what you're saying, but unfortunately,
22 I don't believe it

23 MR. SMITH: (Inaudible).

24 DETECTIVE SCHOOLFIELD: I understand that (inaudible).

25 MR. SMITH: (Inaudible).

1 DETECTIVE SCHOOLFIELD: I just got to ask some
2 questions. My job is to make sure everybody (inaudible).
3 You know what I'm saying?

4 MR. SMITH: Yeah.

5 DETECTIVE SCHOOLFIELD: (Inaudible) why I'm asking.
6 That's what I'm talking about. That's why I just want to
7 know what the truth i -- . Like what do you -- you know,
8 what do you know? What -- what -- tell me something
9 (inaudible).

10 MR. SMITH: (Inaudible).

11 DETECTIVE SCHOOLFIELD: I don't believe that. I think
12 that -- I think that the (inaudible) have into a fight or so?

13 MR. SMITH: I don't know.

14 DETECTIVE SCHOOLFIELD: Did the two of you all got into
15 a fight?

16 MR. SMITH: I don't know.

17 DETECTIVE SCHOOLFIELD: Did Jennifer get to fight her?

18 MR. SMITH: (Inaudible).

19 DETECTIVE SCHOOLFIELD: (Inaudible) search warrant?

20 LIEUTENANT BROWN: Yeah.

21 DETECTIVE SCHOOLFIELD: (Inaudible)?

22 LIEUTENANT BROWN: Yes. This is a -- a search warrant.
23 This is going to be a search warrant for your DNA.

24 MR. SMITH: My DNA?

25 LIEUTENANT BROWN: Yes, sir. So what happens is

1 (inaudible) I'm serious, right? That's -- that's your name,
2 right?

3 MR. SMITH: Uh-huh.

4 LIEUTENANT BROWN: Right. So this is, again, the
5 search warrant for your DNA.

6 MR. SMITH: Uh-huh.

7 LIEUTENANT BROWN: (Inaudible) legally believe that
8 your DNA (inaudible) your DNA is going to be found at the
9 crime scene or case related at a crime scene reference to
10 (inaudible), okay? Can you read (inaudible) this to you?

11 MR. SMITH: I can read. (Inaudible).

12 LIEUTENANT BROWN: I'm not saying I just want -- I want
13 to know. So I want you to understand everything that goes
14 on.

15 (Video stops at 4:33:54 p.m.)

16 MS. SHEALY: If we could pause it for just a moment?

17 BY MS. SHEALY:

18 Q. Describe for the jury what is he reading that you
19 all put down in front of him?

20 A. So he's reading a copy of the buccal search
21 warrant. Essentially the search warrant that we have
22 established a probable cause take to an independent Judge or
23 magistrate to get signed, which would give us the right to
24 collect his DNA within that search warrant.

25 The probable cause would have been the things that we

1 were told. Like I said before, a lot of the questionings
2 were consistent and didn't change much. And that would have
3 been what was in the search warrant. So he knew exactly why
4 we asked the questions that we asked at that time, and where
5 the source of those questions were coming from.

6 So at that point, he knew everything that got him to
7 where he was in our detective base and what got us into the
8 search warrant for the residence as well.

9 Q. So in the way that you're describing that, are you
10 saying that he is learning that Antolene has talked to you
11 all and told what she knows about it all?

12 A. Absolutely. Okay.

13 Q. You can continue. And let me ask real quick, is
14 that -- is that Tiffany Wilcome in that picture?

15 A. Yes, ma'am. This -- the crime scene tech Tiffany,
16 here.

17 Q. And describe for the jury what's the purpose of
18 her having come into the interview room?

19 A. So once the search warrant was signed and served
20 to him crime scene technicians are the ones that administer
21 the -- the buccal. Essentially, they take the DNA that
22 consists of a sterile swab that's placed within the mouth and
23 swabbed along the cheeks to acquire cells from within the
24 mouth on both sides, and then put into a sterile container to
25 be sent off and analyzed. That's what she does.

1 Q. And when you're saying sent off, do -- are you
2 aware in this case it was to SLED, which is located in
3 Columbia?

4 A. Yes, ma'am. That's where all of those are
5 customarily sent. That's the only lab that we use to my
6 knowledge for that type of work.

7 Q. Okay. Thank you.

8 A. Yes, ma'am.

9 (Video starts at 4:36:32 p.m.)

10 DETECTIVE SCHOOLFIELD: That's what Antolene said?

11 MR. SMITH: Oh, no.

12 (Video stops at 4:36:48 p.m.)

13 BY MS. SHEALY:

14 Q. He said that's where Antolene been?

15 A. He says --

16 Q. Is that what he --

17 A. -- that's what Antolene said.

18 Q. Okay.

19 A. He's referencing the search warrant.

20 (Video starts at 4:37:08 p.m.)

21 LIEUTENANT BROWN: (Inaudible) bunch of -- you can't
22 tell us any different (inaudible).

23 MR. SMITH: (Inaudible).

24 LIEUTENANT BROWN: (Inaudible) any quantitation, I
25 don't understand.

1 MR. SMITH: I don't know (inaudible).

2 LIEUTENANT BROWN: Okay. So let me -- I'll explain
3 this to you. So based on this, what we'll do is take the
4 photographs of all your injuries, okay?

5 MR. SMITH: Uh-huh.

6 LIEUTENANT BROWN: You understand?

7 MR. SMITH: Yes. No. Go ahead.

8 LIEUTENANT BROWN: All the injuries. We'll take a
9 photograph of your body, okay?

10 MR. SMITH: Uh-huh.

11 LIEUTENANT BROWN: After that we'll take a DNA. A DNA
12 swab is (inaudible) that the run inside of your mouth. For
13 like five seconds on each side, inside of your cheek. And in
14 that -- that's it. That's what DNA is. Okay?

15 MR. SMITH: Uh-huh.

16 LIEUTENANT BROWN: You got any questions?

17 MR. SMITH: Uh-uh.

18 LIEUTENANT BROWN: Okay. So that's about it. This is
19 the search warrant for that. And these are the -- that's the
20 probable cause that we established to get where we are.

21 (Inaudible) you don't know. I don't (inaudible) don't know.
22 So I'm going to let our crime scene technician (inaudible)
23 they have to do. There's two copies. You're going to get
24 one, and then we're going keep one, okay?

25 MR. SMITH: Uh-huh.

1 LIEUTENANT BROWN: (Inaudible). Is it on me?

2 AGENT WILCOME: (Inaudible).

3 LIEUTENANT BROWN: (Inaudible).

4 AGENT WILCOME: (Inaudible) here?

5 MR. SMITH: (Inaudible).

6 AGENT WILCOME: (Inaudible) and then head on the back
7 of your head?

8 MR. SMITH: (Inaudible).

9 (Video stops at 4:42:15 p.m.)

10 MS. SHEALY: Could we stop that for a second?

11 BY MS. SHEALY:

12 Q. What did she ask him about something on his head?

13 A. If he had any injuries on his head.

14 Q. And what was his response?

15 A, He was saying that he did not have any injuries on his
16 head.

17 Q. Did he also say, "I don't know where that came
18 from"?

19 A. Yes.

20 MS. SHEALY: Okay.

21 (Video starts at 4:42:38 p.m.)

22 AGENT WILCOME: (Inaudible) sit down?

23 MR. SMITH: (Inaudible).

24 LIEUTENANT BROWN: Sit down.

25 AGENT WILCOME: (Inaudible) injuries to your head?

1 MR. SMITH: No.

2 AGENT WILCOME: (Inaudible). Okay. Anything else?

3 MR. SMITH: No.

4 AGENT WILCOME: No other injury? All right. So the
5 last step as they explained (inaudible) going to five seconds
6 (inaudible) take 1, 2, 3, 4, 4, 5. On the other side: 1, 2,
7 3, 4, 5.

8 (Video stops at 4:43:57 p.m.)

9 MS. SHEALY: If we would pause there.

10 BY MS. SHEALY:

11 Q. It's a little bit hard to see in here when the
12 evidence custodian is putting the -- it's like a -- almost
13 like a Q-tip --

14 A. Yes, ma'am.

15 Q. -- in his mouth and is counting, can you show the
16 jury just with your hand what she's doing in his mouth?

17 A. Yep. So she would -- essentially, it's like a
18 Q-tip, but as a -- a round disc, soft round disc on the end.
19 And so, she put it in his mouth and she would push against
20 the inside wall of his cheek to collect those cheek cells.
21 And it's just a -- a light rubbing motion.

22 It's nothing abrasive or nothing stern or hurt or
23 anything. And she would do that to collect the -- the cheek
24 cells from the inside wall of the mouth. She would do it on
25 one side, and then she would do it on the other side. That

1 way there's consistency there.

2 Q. And as she's counting, is the movement continuing
3 inside the mouth?

4 A. Yes, ma'am.

5 MS. SHEALY: Okay.

6 (Video starts at 4:44:58 p.m.)

7 LIEUTENANT BROWN: (Inaudible).

8 MR. SMITH: (Inaudible) why would somebody pick all
9 this stuff up? I don't know. (Inaudible) but as you can
10 see, I mean -- right? You may not (inaudible) but -- I mean,
11 for a reason?

12 (Video stops at 4:47:49 p.m.)

13 BY MS. SHEALY:

14 Q. What is that that you're writing on?

15 A. I can't tell.

16 MS. SHEALY: Okay.

17 (Video starts at 4:48:01 p.m.)

18 (Video stops at 4:49:05 p.m.)

19 THE WITNESS: Oh, I know what that is.

20 BY MS. SHEALY:

21 Q. Okay.

22 A. That's the return -- that's the return for the for
23 the buccal.

24 Q. For this -- the search warrant --

25 A. Search warrant.

1 Q. -- for the buccal?

2 A. Yes.

3 Q. Okay.

4 A. The return is the last copy or the -- we -- we --
5 it's called the return. It's the last page of a search
6 warrant. Essentially it tells you it tells the recipient and
7 the judge that we have to bring it back to what was taken.
8 So it would've been a DNA buccal written on that last page.

9 You can see that there are more -- there are multiple
10 lines where if you take more things, you can, and you see
11 where I, my hand goes across the page, down the page and back
12 across with the pen, essentially to scratch out these other
13 lines to show that nothing else was taken.

14 And that, that can't be redacted in any way. Nobody
15 can later come in and altered that piece of document because
16 I would've scratched through it and signed it before getting
17 the return.

18 Q. And then what would you do with that document
19 after that evening?

20 A. So there's two copies. I believe I -- I -- I know
21 I said it when I was serving it to him. I told him there's
22 two copies, there's one for him and then there's one that
23 we'll keep the first copy would have been the one that he
24 receives, letting him know the probable cause, the same thing
25 that he read and what we took.

1 The other one would have been the copy that we keep,
2 that we returned back to the Judge or magistrate that shows
3 that judge or magistrate that that search warrant had been
4 served. And it shows the time, the date and what was
5 recovered.

6 Q. So just briefly, the form that's designated for
7 that initially, you all get a search warrant seeing if the
8 judge will let you onto property or have access to someone's
9 physicality?

10 A. Yes ma'am.

11 Q. And then when you have -- if the judge signs off
12 that there's probable cause, then once you've gained that
13 information, you take a part that's called the return back to
14 the judge's office so they'll know what you've done?

15 A. Yes, ma'am. After we executed. Yes.

16 MS. SHEALY: Okay. Very good.

17 (Video starts at 4:51:11 p.m.)

18 (Video stops at 4:52:15 p.m.)

19 THE WITNESS: That's the second copy. You see where I
20 take the paperclip off of the second copy that I take of the
21 one that's on my left and start to fill it out. Like I did
22 the first copy, so the same information would've been on his
23 copy and the copy that we retained.

24 (Video starts at 4:52:39 p.m.)

25 LIEUTENANT BROWN: (Inaudible). And so, as you can

767

1 see, things -- things have started to change a little bit. I
2 -- I did. (Inaudible), I -- I don't know, I don't know. I
3 started to look a little bit different (inaudible) being
4 honest with you, you're a grown man, right? Yeah. No.
5 Listen. You want me to let you read that first?

6 MR. SMITH: (Inaudible).

7 LIEUTENANT BROWN: (Inaudible) I'll let you read that
8 first (inaudible).

9 MR. SMITH: I don't know. (Inaudible) crazy.

10 LIEUTENANT BROWN: Why is somebody saying (inaudible)?

11 MR. SMITH: I don't know. She's crazy.

12 LIEUTENANT BROWN: Why?

13 MR. SMITH: She (inaudible).

14 LIEUTENANT BROWN: Why? Why is she crazy?
15 (Inaudible).

16 MR. SMITH: (Inaudible).

17 (Video stops at 4:59:09 p.m.)

18 BY MS. SHEALY:

19 Q. What is he saying?

20 A. You got to replay that. It is a lot of muffles at
21 that time. I think his head is down and --

22 Q. Okay. We'll back it up.

23 A. Yeah.

24 (Video starts at 4:59:24 p.m.)

25 LIEUTENANT BROWN: Why? Why she crazy?

1 MR. SMITH: That's crazy.

2 LIEUTENANT BROWN: That's not true?

3 MR. SMITH: Uh-huh.

4 LIEUTENANT BROWN: (Inaudible).

5 MR. SMITH: (Inaudible).

6 LIEUTENANT BROWN: Is that true? Is that true?

7 MR. SMITH: No. No.

8 LIEUTENANT BROWN: (Inaudible) go back to your wife?

9 MR. SMITH: (Inaudible).

10 LIEUTENANT BROWN: (Inaudible)? No? (Inaudible) about

11 that. You want to go through it together?

12 MR. SMITH: Huh?

13 LIEUTENANT BROWN: You want to go through it together?

14 MR. SMITH: (Inaudible)?

15 LIEUTENANT BROWN: Me and you. Go through it and --

16 and -- and talk about it.

17 MR. SMITH: (Inaudible).

18 LIEUTENANT BROWN: (Inaudible) been through it. What

19 about you?

20 MR. SMITH: (Inaudible).

21 LIEUTENANT BROWN: So nothing in there is true?

22 (Inaudible) tell him? Yeah. I see there's recycling bin and

23 all that stuff. What about -- I mean, is that -- is that

24 true about (inaudible)?

25 MR. SMITH: (Inaudible).

769

1 LIEUTENANT BROWN: Who?

2 MR. SMITH: (Inaudible).

3 LIEUTENANT BROWN: But let me go find -- let me find
4 out (inaudible) so I can go talk to them. Don't have
5 (inaudible) I understand (inaudible).

6 (Video stops 5:04:28 p.m.)

7 MS. SHEALY: If you'll pause it for just a moment.

8 BY MS. SHEALY:

9 Q. What was he saying about his head?

10 A. So throughout that whole encounter, he's reading
11 the probable cause from the search warrant. That's what --
12 what he's talking about. Everything that he's saying is what
13 he's discovered in that search warrant.

14 Q. And tell the jury, if you would, in the search
15 warrant where it's being described, who is being quoted.

16 A. He says, "Mr. Smith," which is himself. And then
17 before that he says, "She's crazy -- she's crazy." He was
18 talking about Antolene, the person who, in the search
19 warrant, we got the information from.

20 Q. Okay.

21 A. So it's essentially quotes from the situation.

22 Q. What she had advised you all?

23 A. Absolutely.

24 MS. SHEALY: Okay. If you'll continue.

25 (Video starts at 5:05:21 p.m.)

1 DETECTIVE SCHOOLFIELD: I think that's the truth. But
2 I'm asking is that, is this the truth? Is this what happened
3 to this girl?

4 MR. SMITH: No.

5 DETECTIVE SCHOOLFIELD: What happened to her?
6 (Inaudible).

7 (Video stops at 5:05:33 p.m.)

8 MS. SHEALY: Is that it?

9 BY MS. SHEALY:

10 Q. Okay. I have two photographs to show you quickly.
11 You were in there when Tiffany Wilcome came to take
12 photographs of the Defendant, is that correct?

13 A. I was.

14 MS. SHEALY And in fact -- well, let me show you -- let
15 me show you this first. Showing you what has been marked for
16 ID. Show it to Ms. Ford. I believe without objection, your
17 Honor, I would move into evidence State's 130.

18 MS. FORD: No objection, your Honor.

19 THE COURT: Admitted.

20 (State's Exhibit Number 130 admitted into evidence.)

21 BY MS. SHEALY:

22 Q. Okay. So first of all, let's -- if we could put
23 up State's 130, use your pointer for me please and tell me
24 whether you're depicted in this photograph.

25 A. Yes, ma'am. I believe I'm here with the white

1 shirt and the wrinkled khaki pants.

2 Q. Okay. And you can go ahead and have a seat back
3 there. In looking at this photograph to bring quiz for me,
4 but it is the left hand of the Defendant. Is that accurate?

5 A. It is.

6 Q. The palm side?

7 A. Yes, ma'am.

8 Q. Do you see any cuts on that?

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

10 Q. And where are you pointing to?

11 A. This area here looks like there's -- or at least
12 was something at that point in that area.

13 Q. Okay. When you look up closer, did you get a
14 chance to look at the palms of his hand?

15 A. I did initially. He -- when -- when I asked him
16 during the -- earlier in the -- in the interview, he showed
17 me the top side of his hand and then later during this time
18 is when I could see from where I was.

19 Q. Okay.

20 A. The reverse.

21 Q. And so, when you see the line above the one that
22 you just pointed to, is it fair to say that the palm side of
23 his hands had a lot of markings that appear to have not been
24 some type of injury that's healing?

25 A. I could say that, yes.

1 Q. Okay. And in looking at State's Exhibit 2, and
2 this one is of the right hand, once you see this one. Let's
3 see. Is that it?

4 MS. DAVIS: Defense's 2.

5 MS. SHEALY: Oh, I'm sorry. Defense's 2. Yes.

6 BY MS. SHEALY:

7 Q. This would be the palm side of his right hand. Do
8 both hands have characteristics of a number of lines?

9 A. Yes, ma'am. They do.

10 Q. And in looking at that one and reminding yourself
11 about State's 130, is it fair to say that he had hands with
12 deep grooves?

13 A. Absolutely. Yes, ma'am.

14 Q. And what did he do for a living?

15 A. He was a grave digger.

16 MS. SHEALY: I have no further questions, your Honor.

17 (Bench conference at 5:09 p.m.)

18 CROSS-EXAMINATION

19 BY MS. FORD:

20 Q. So I think I just have a few questions.

21 A. Yes, ma'am.

22 Q. You talked about you -- you knew a little of C.J.?
23 Curtis' son?

24 A. Yes, ma'am.

25 Q. But you didn't actually know Curtis, Sr. before

1 any of this, correct?

2 A. Correct. You're right.

3 Q. And you told us before we played the statement,
4 you went into a lot of detail, but you didn't actually write
5 a report for this case?

6 A. No, ma'am. There was, there would not have been a
7 report done for this.

8 Q. Okay. You didn't document anything?

9 A. There were documents in the search warrant, the
10 returns, and things of that nature, but as far as an incident
11 report, it would not have been done. That would've been done
12 by the case agent.

13 Q. Well, a variety of officers may do a report in a
14 case, not just the case agent, correct?

15 A. Yeah, it depends on, on the officer.

16 Q. And when you go to the academy, did you go to the
17 academy? I believe --

18 A. Yes, ma'am.

19 Q. -- no need to discuss that.

20 A. I did.

21 Q. You learn about report writing?

22 A. Yes, absolutely.

23 Q. And report writing is actually an important part
24 of your job?

25 A. Yes, absolutely.

1 Q. And that is for a variety of reasons. One may be
2 because lawyers may need to review them, correct?

3 A. That's possible. Yes, ma'am.

4 Q. And one reason may be to help you to remember
5 things when you go to court?

6 A. That's possible. Documenting what occurred. Yes,
7 ma'am. Could be a reason to do a report.

8 Q. Because sometimes it can be years before someone
9 goes to trial, correct?

10 A. Indeed.

11 Q. Just like in this case?

12 A. Yes.

13 Q. And in the meantime, you may deal with hundreds
14 and hundreds of people in cases. Is that fair to say?

15 A. That is fair to say.

16 Q. Now, a little -- I just want to ask you a few
17 questions about the statement. You testified earlier that
18 Curtis was in the interview room for about four hours before
19 the interview started?

20 A. Approximately. Yes, ma'am.

21 Q. And so, when the interview started, we saw that
22 you, shortly afterwards, gave him the Miranda warnings,
23 correct?

24 A. I believe Detective Schoolfield went over the
25 Miranda. I kind of reiterated some of the things, but yes, I

775

1 believe Detective Schoolfield went over the Miranda with him.

2 Q. And that Miranda form was signed at 11:30 in the
3 evening?

4 A. I would have to see the Miranda, I don't know, but
5 it should be on there, if I'm not mistaken.

6 Q. Would it help if you are able to see the Miranda
7 form?

8 A. Yes, ma'am. Sure.

9 Q. From State's Exhibit 91. The time on the bottom
10 is a little cut off, but it's 2330 hours?

11 A. Yes, ma'am.

12 Q. And that is 11:30 p.m.?

13 A. Correct.

14 Q. So it would've taken a little bit of time to get
15 to the police station first, correct?

16 A. Yes.

17 Q. From his house, meaning after he was taken into
18 custody?

19 A. Yeah, that's fair to say. There is a travel time.

20 Q. So if he had been sitting in that interview room
21 since 7:30, 4 hours earlier, then he probably left his house
22 at around 7:00?

23 A. That's a fair calculation.

24 Q. And as we saw the Solicitor, the first thing she
25 pointed out when watching the interview, he had been sleeping

1 when you all came into the room to interview him?

2 A. Yes, ma'am. Correct.

3 Q. And he actually indicated multiple times that he
4 was pretty tired. Is that fair to say?

5 A. Yes, ma'am.

6 Q. Because we saw a -- a big portion of the video,
7 but there was talking going on other than the time we saw,
8 correct?

9 A. Yes, ma'am.

10 Q. The interview itself lasted about three hours?

11 A. That's fair to say.

12 Q. Okay. Some at that time you were walking in and
13 out?

14 A. Yeah -- yeah, I -- yeah. Approximately, yeah.

15 MS. FORD: I beg the Court's indulgence. I have no
16 further questions for this witness, your Honor.

17 MS. SHEALY: Just very briefly, Judge.

18 THE COURT: Go ahead.

19 RE-DIRECT EXAMINATION

20 BY MS. SHEALY:

21 Q. The -- excuse me, the part that we saw today was
22 -- did not include when he is resting on the table, laying on
23 the table, perhaps sleeping on the table. Is that correct?
24 We didn't -- we didn't include the full number of hours that
25 he may have been doing that?

1 A. Correct.

2 Q. Is that correct?

3 A. Yes, ma'am.

4 Q. Okay. And also, as we tried to condense it to
5 make it as accurate and not repetitive of other things that
6 were going on that -- that evening when you were in and out
7 of the room, was there a lot going on that both you and
8 Detective Schoolfield were having to work on at the same time
9 that you all were trying to get ready to talk to him, et
10 cetera?

11 A. Yes, ma'am. Absolutely.

12 Q. Tell the jury, is that unique to this murder
13 investigation or does that happen in many of them?

14 A. It happens in many of them. This one again, was
15 slightly different. We had a scene, we had six detectives --
16 approximately six. I don't remember the amount that -- that
17 was there at work to date that day, but I was over six
18 detectives myself. Those detectives would have been at the
19 initial scene doing that.

20 When Mr. Smith was brought back to the detective bay,
21 there would -- would have had to been a detective from there
22 at the bay ready to receive him with the cameras rolling and
23 all of that stuff. And again, I was the only supervisor
24 there. So it's very -- very -- very fluid. I'm managing the
25 scene there. And then also coming here to do the interview.

1 We also had the search warrant of the residence going
2 on. Remember they had to find the victim in the field. We
3 had the search warrant of the residence going on, and also
4 the relay of information of what was found within the
5 residence to the interviewer's real time. So you got a lot
6 going on that we're trying to digest and process all while
7 making sure that our interview is -- is done correctly. It's
8 fair. All pieces of document -- documents were read
9 thoroughly and explained thoroughly. There were no short --
10 shortcuts taken in any of that, even though we were a little
11 distressed with the manpower and the resources that we had.

12 Q. Okay. And what we've obviously seen today was in
13 fact recorded to be able to make a record of what you all
14 were asking him and how he responded. Is that fair to say?

15 A. Yes, ma'am.

16 MS. SHEALY: Okay. I beg the Court's indulgence, just
17 one moment? I have no further questions. Thank you very
18 much. And I'd ask that he be excused.

19 MS. FORD: If I may, briefly?

20 THE COURT: Sure.

21 RE-CROSS EXAMINATION

22 BY MS. FORD:

23 Q. Unless this has changed since Monday, you actually
24 didn't bother to watch the whole statement, did you? The
25 whole recorded statement?

1 A. I watched the whole statement. I did.

2 Q. So you did that since Monday?

3 A. Yes, ma'am.

4 Q. Did you testified Monday and you hadn't -- hadn't
5 watched at all?

6 A. I watched -- yes, ma'am. On that day I watched
7 portions of it before the hearing began and since then I've
8 watched the entire record. And I think it's not to be noted
9 that the record from Monday and the record from today has
10 changed. So they would not have been the same.

11 Q. Okay. Well, that's good to know. And there is --
12 just to be clear, there is more talking in the interview.
13 It's not merely the time that was taken out is, not merely
14 just you walking in and out, correct?

15 A. There's more talking in the interview. Yes.

16 Q. Okay.

17 A. There's more dialogue in the interview. Correct.

18 Q. All right. Thank you.

19 A. Yes, ma'am.

20 MS. FORD: No further questions.

21 MS. SHEALY: Just one follow up, Judge?

22 RE-DIRECT EXAMINATION

23 BY MS. SHEALY:

24 Q. You indicated that the one that you were watching
25 on Monday was different than the one today? The one on

1 Monday, did it have the whole seven hours? Is that what you
2 had started with?

3 A. It -- I don't remember the exact amount of hours
4 in it, but it was way more than -- it was more than what was
5 reviewed today. And again, today has dead space taken out of
6 it things of him sleeping. So yes, it -- it's different
7 because it doesn't have those things.

8 MS. SHEALY: Okay. Thank you.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Okay. You're free to go. Thank you.

11 THE WITNESS: Thank you, sir.

12 THE COURT: All right. Folks, this is where we will
13 break for today. And then I'd like to send you home with the
14 same instructions that I've been giving you. Please don't
15 discuss the case with anybody, including other members of the
16 jury panel. Don't try to find out anything about the case on
17 the internet. Don't go on social media or any of the local
18 news things. I know the one local television station's been
19 here all day, so they'll -- I'm -- I'm sure we'll have
20 coverage, but please don't watch that tonight or tomorrow
21 morning before you come back. If there's anything in the
22 newspaper tomorrow or later on today in the internet, please
23 don't read that.

24 Again, there'll be plenty of time to do that after the
25 trial is over, and you'll have no restrictions on being able

1 to watch it as much as you want to and comment on it however
2 you might want to, to anyone.

3 So tomorrow morning if you would be back over here by
4 about 9:15, we will get started at 9:30. Hopefully very
5 promptly. And thank you for your patience, and I know it's
6 been a long day.

7 MS. SHEALY: Your Honor?

8 THE COURT: Yes.

9 MS. SHEALY: One of your -- one of the jurors was
10 trying to get your attention next.

11 THE COURT: What's that? Yes.

12 UNIDENTIFIED JUROR: I'm sorry, your Honor. I was
13 going to ask about the protocol to discuss scheduling
14 potentially next week. Can we just do that for the bailiff
15 or how does that work?

16 THE COURT: I don't think there's -- I think every --
17 everybody is still in line that it will be finished tomorrow,
18 right?

19 MS. FORD: Yes, sir. There -- I think there would only
20 be an issue with deliberations.

21 THE COURT: What's that?

22 MS. FORD: Just the testimony will be done tomorrow.

23 THE COURT: Yeah, testimony will be done tomorrow. And
24 so, deliberations take however long deliberations take.
25 Okay. All right. Well, thank you so much for your patience,

1 and we will see you tomorrow morning.

2 (Jury exits room at 5:20:32 p.m.)

3 THE COURT: Okay. Anybody have anything we need to
4 take up?

5 MS. FORD: No, sir.

6 THE COURT: All right.

7 MS. SHEALY: No, sir.

8 THE COURT: Let me see the lawyers a minute.

9

10 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
11 5:21 P.M.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF TRANSCRIBER

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I, LATASHA JEFFERSON, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 9 of Charleston County, South Carolina, on April 3, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 12, 2025.



LATASHA JEFFERSON

Transcriber

1 CONTINUATION OF PROCEEDINGS - APRIL 4, 2025.

2 MS. DAVIS: Good morning, your Honor.

3 THE COURT: Got things to do. Yes, ma'am.

4 (Bench conference at 9:30 a.m.)

5 MS. DAVIS: And I do have an update. They are with the
6 nurse already.

7 THE COURT: I'm sorry, what did you say?

8 MS. DAVIS: They are already with the nurse, so that's
9 good.

10 THE COURT: Good. Who's your first witness?

11 MS. DAVIS: Paul Schoolfield.

12 THE COURT: Okay. Is your witness ready?

13 MS. DAVIS: Yes, Judge.

14 THE COURT: All right. Bring the jury in.

15 THE BAILIFF: All jurors are present, your Honor.

16 (Jury enters room at 9:36 a.m.)

17 THE COURT: Thank you. Please be seated. All right.

18 Well, thank you for all showing up so early. I was really
19 worried you'd turn a bit earlier, but there's just nothing,
20 it's normal. Some weeks on trials and this is certainly one
21 of those weeks. But Ms. Shealy, who is one of the
22 prosecutors has had a medical issue come up. She won't be
23 here this morning and hopefully will be able to join us a
24 little later. But Mr. Zeigler, the start seat there in the
25 middle table will be second chair from Ms. Davis, and so if

1 -- I need to ask: Is there any member of the jury panel
2 related like blood or marriage or acquainting with Mr.
3 Ziegler? Can you stand up? Thank you. Okay. I see none.
4 Thank you. All right. So back on track. And so, we will
5 now resume with the next State's witness. Ms. Davis, you may
6 call your next witness:

7 MS. DAVIS: State calls Paul Schoolfield.

8 THE CLERK: Please raise your right hand, place your
9 left on the Bible.

10 DETECTIVE PAUL ALEXANDER SCHOOLFIELD,
11 being duly sworn, testified as follows:

12 THE CLERK: Please be seated. Please state your full
13 name, spelling your last name loudly and clearly to the
14 microphone.

15 THE WITNESS: My name is Paul Alexander Schoolfield,
16 S-C-H-O-O-L-F-I-E-L-D.

17 DIRECT EXAMINATION

18 BY MS. DAVIS:

19 Q. Good morning.

20 A. Good morning.

21 Q. Where do you work currently?

22 A. I work for Walmart International Distribution
23 Center in Ridgeville.

24 Q. How long have you worked there?

25 A. About three years.

1 Q. Where did you work before that?

2 A. I worked for the City of North Charleston.

3 Q. With the police department?

4 A. Yes, ma'am. In the detective bay.

5 Q. How many years were you in law enforcement?

6 A. All in -- all together, I was in law enforcement
7 for 22 years.

8 Q. Are you retired now?

9 A. Yes, I am.

10 Q. Did you take time away from your current job to be
11 here this week for this case?

12 A. Yes, I did.

13 Q. Can you tell us about the different positions you
14 held during your career in law enforcement?

15 A. I started at Lieber Correctional Institution in
16 Jedburg, where I was the correctional officer in the special
17 management unit and death row. I left there, I went to the
18 College of Charleston and was the public safety officer at
19 the College of Charleston. When an opening came at the North
20 Charleston Police Department, I went to North Charleston
21 where I was on patrol, West Bureau.

22 From West Bureau, I did the bike patrol and what --
23 what is called "the speed team," which is it's a low street
24 level narcotics unit. From there I went to the Property
25 Crimes unit where I investigated property crimes thefts and

1 things of that nature.

2 From property crime, they moved me to Juvenile, which
3 is now called "The Special Victims Unit." At the time I was
4 there, it was called "Juvenile." Went back to patrol for a
5 couple of years and they moved me to the School Resource
6 Officer Program where I served six years there and then
7 called me back to the Special Victims Unit where I retired
8 from.

9 Q. And we've heard a little bit about the Special
10 Victims Unit, but can you tell the jury what are your duties
11 as a Special Victims Unit detective?

12 A. Yes. Well, the Special Victims Unit is basically
13 just that we deal with special cases, very sensitive cases
14 such as crimes against children, infant fatalities with
15 sexual assaults, abuse of the elderly, runaways, and missing
16 persons.

17 Q. Were you in that position as a detective in the
18 Special Victims Unit during November and December of 2020?

19 A. Yes, I was.

20 Q. Why are -- why is there a specific unit for those
21 special victims' cases?

22 A. Wow, that's -- well, not everybody can do that
23 type of job for the things that we actually see and actually
24 do. We deal a lot with very sensitive, very emotional cases.
25 So we have to -- you know, there's a few people who are put

1 in that position that they feel have the -- the -- the
2 mentality and the ability to handle those type of cases.

3 Q. Were you assigned to a case involving Jennifer
4 Grant?

5 A. Yes, I was. I was assigned that case by my then
6 sergeant, Glenn, who assigned the case to me. It was a
7 missing persons report.

8 Q. So when you were assigned it was a missing persons
9 investigation?

10 A. Yes, it was.

11 Q. And when did you get assigned that case?

12 A. I believe it was November 23, 2020.

13 Q. I want to talk a little bit about the first steps
14 you took when you were first assigned to this case. Can you
15 tell us what is a BOLO?

16 A. A BOLO is a "Be On the Look Out." What happens a
17 lot of times with our cases if it's a missing person or
18 runaway, we'll actually put out what's called a BOLO, and
19 it's distributed to the police department, to the police
20 information officer who will then distribute it to the -- the
21 news media, social -- or social media.

22 And it's basically to give a description of the person,
23 a picture of the person and where that person was last seen,
24 and, of course, contact information for myself.

25 Q. Did you contact the family of Jennifer Grant as

1 part of the investigation?

2 A. Yes, I did. I spoke with her mother, Eva Grant.

3 Q. Did you get a photo from Ms. Eva for that BOLO?

4 A. Yes, I -- I got a -- a photo and her phone number.

5 I -- if she -- I don't remember if she remember what she was

6 wearing, lasting wearing. And I got a last known location

7 that she knew of.

8 Q. Did you ask questions about who Jennifer hangs out

9 with, where she hangs out, those types of things?

10 A. Yes, I did.

11 Q. And you said you got Jennifer's phone number from

12 Ms. Grant. We previously heard testimony at this trial that

13 Jennifer Grant's phone number was [REDACTED]. Is that the

14 number Ms. Eva gave you?

15 A. I'm not very good with remembering numbers. It --

16 possibly, yes. From what I heard in testimony, yes.

17 Q. Did you call the number Ms. Eva gave you?

18 A. Yes, I did. I called it immediately to see if I

19 could get an answer just to see if maybe she just -- you

20 know, decided to take a sabbatical somewhere, and just didn't

21 let anybody know.

22 Q. And you said you did that immediately, so was it

23 on November 23rd when you were assigned the case?

24 A. Yes.

25 Q. Okay. Did she answer?

1 A. No, it went straight to voicemail.

2 Q. Do you know, was her phone ever found as a part of
3 this investigation?

4 A. No, it was not.

5 Q. Did you learn where she worked?

6 A. Yes, I did. I learned that she worked at the
7 Veterans Administration. At first, we thought it was the
8 main building, and we were instructed that it was the Fisher
9 House where she worked.

10 Q. Where's the Fisher House?

11 A. The Fisher House is on Wentworth Street in the
12 City of Charleston.

13 Q. So downtown?

14 A. Yes, ma'am.

15 Q. Okay. Did you meet with anybody at the Veterans
16 Affairs building?

17 A. Yes. Well, we first made contact with the VA
18 police and I don't remember the investigator's name there,
19 but he pointed us to the Fisher House.

20 Q. Okay. Did you speak with Shalon Beaufort at the
21 VA?

22 A. Yes, I did.

23 Q. We heard from Shalon in this trial, but when you
24 spoke with her, it was still a missing person's case, right?

25 A. Yes, it was.

1 Q. Okay. Can you tell us what her demeanor was like
2 when she spoke to you?

3 A. She was very anxious. She was worried. You could
4 tell that there was -- you can hear a little bit of quiver
5 and fear in her voice that she couldn't make contact with her
6 cousin.

7 Q. Was she cooperative?

8 A. Very cooperative. Very cooperative.

9 Q. Did she give you a timeline of when she had last
10 seen Jennifer?

11 A. Yes, she did. She explained --

12 Q. You don't have to tell me what she said.

13 A. Okay. Yes -- yes -- yes -- she did.

14 Q. And did she talk to you about the plans that she
15 knew Jennifer had for the days after she had last seen her?

16 A. Yes, she did.

17 Q. Okay. And did you also go to the Fisher House and
18 speak to her supervisors there?

19 A. Yes, I did.

20 Q. Did you get any information about her patterns of
21 work that were relative to the missing persons case?

22 A. Yes, I did.

23 Q. What were those?

24 A. Well, I was told that she's -- she had taken off
25 that Saturday, but was supposed to work a double that Sunday.

1 And it was not in her character not to show up or not to
2 call.

3 Q. And was it your understanding that she had not?

4 A. Correct.

5 Q. Were you aware that Ms. Eva had created a flyer
6 for missing persons?

7 A. Not at first, but as we canvassed the Union
8 Heights neighborhood, I did see flyers in -- in the
9 neighborhood.

10 Q. We've heard a little bit about a call out, what --
11 what is -- no, sorry, about a shift briefing?

12 A. Yes. Well, shift briefing is what happens is 15
13 minutes before a patrol officer goes out onto the street, the
14 sergeant will pull up what's called either a special patrol
15 requests or any major events that're happening in the city or
16 -- and/or a BOLO for missing person, stolen vehicles, things
17 of that nature.

18 Q. And what's the purpose of telling the North
19 Charleston Police Department patrol officers about these
20 BOLOs?

21 A. Well, they're on the street all the time, whereas
22 in investigations we are not -- at the time, there was only
23 three investigators in the Special Victims Unit and it's kind
24 of difficult to cover an entire city with just three people.

25 Q. So it's helpful for them to have an understanding:

1 "We're looking for this missing person, Jennifer Grant.
2 She's last seen here lives over here."

3 A. Correct.

4 Q. That -- that might be helpful for the
5 investigation?

6 A. Correct. Because most of our, our leads come from
7 patrol.

8 Q. Were you made aware if any patrol officers made
9 contact with the Defendant, Curtis Smith, in reference the
10 missing persons case?

11 A. Yes. Corporal Lawrence basically, gave -- he gave
12 me a call that day and told me he had made contact with Mr.
13 Grant.

14 Q. Okay. Did he tell you about the interaction that
15 he had?

16 A. Yes, he did.

17 Q. Do you recall, was it on November 25, or on a
18 different day?

19 A. I would have to look at the -- my supplement. I
20 don't remember offhand.

21 Q. When you say your supplement, are you talking
22 about the report you wrote in this case?

23 A. Yes. What -- what happens is, as we work through
24 a case, it is important to make notes as to what you've done
25 and who you've spoken to.

1 MS. DAVIS: May I approach?

2 THE COURT: Yes.

3 BY MS. DAVIS:

4 Q. I'm showing you one page of the report you did in
5 this case. Would it refresh your memory about Corporal
6 Lawrence to look at the highlighted portion in blue?

7 A. Yes. That -- that was on the 11 -- November 25th.

8 Q. And did he have a body-worn camera video for you
9 to review?

10 A. Yes, he did. It was a one of the newer body cams
11 that -- that the city got, and I was able to review it from
12 my desk.

13 Q. So you watched the video that he -- of his
14 encounter with the Defendant?

15 A. Yes, I did.

16 Q. And what did you do after watching it?

17 A. I went ahead and made this -- this note of the
18 encounter and made note of the vehicle that was described in
19 this encounter.

20 Q. What vehicle?

21 A. He was talking about a pickup truck or whatever,
22 spinning laps or burning out in the street.

23 Q. The Defendant was?

24 A. Yes.

25 Q. Did you have an understanding about whose truck he

1 was saying that was?

2 A. Yes and no. I kind of knew but didn't want to
3 make any assumptions, but it was the mechanics.

4 Q. Alvin?

5 A. Yes.

6 Q. Okay. Did you have an understanding that there
7 was someone named Alvin who knew Jennifer Grant, who lived on
8 Hugo Street in Union Heights?

9 A. Yes.

10 Q. Okay. Moving on to later in that investigation.
11 On November 30, did you and Detective Steinbrenner go to the
12 Defendant's house?

13 A. Yes, we did. We were out that day and decided --
14 you know, to go by the last known location knocked on the
15 door Mr. Smith invited -- asked him if he was coming out. He
16 actually invited us into his house.

17 Q. Okay. Who -- who else was in his house?

18 A. It was him and who I learned later learned that
19 was Antolene Smith, his wife.

20 Q. Okay. And did you all ask him questions?

21 A. Well, not -- yeah, I mean, basically yes, we did
22 ask him questions. When was the last time he saw Jennifer
23 and -- you know, what was she doing -- you know, what
24 happened during that day? If he had any information of where
25 she might be or who she might hang out with.

1 Q. Did you ask specific questions of his wife?

2 A. No.

3 Q. No.

4 A. We did not.

5 Q. Did you include her, really, in the investigation
6 at all at that time?

7 A. Not at that time. She -- she seemed like a statue
8 sitting on the couch, so I didn't really think that she would
9 know anything at that time.

10 MS. DAVIS: Court's indulgence?

11 BY MS. DAVIS:

12 Q. I would like to show you what's already in
13 evidence as State's 20. Does this photo fairly and
14 accurately depict how Curtis Smith looked when you were with
15 him at his house on November 30th?

16 A. Yes, it is.

17 Q. And that's the day before he ended up getting
18 arrested, right?

19 A. Correct.

20 Q. Okay. So when he was in his house, did he seem to
21 be forthcoming with you?

22 A. And then -- you know -- forthcoming? Yes. He was
23 forthcoming with inform -- some information, but he was
24 really nonchalant.

25 Q. Okay. That we see the TVs on in the corner there,

1 did -- did he offer to turn it down so you guys could have a
2 thorough conversation?

3 A. No, the TV was fairly loud.

4 Q. Did he give you information when you spoke with
5 him about when the last time, he saw Jennifer was?

6 A. Yes. He -- it was that the -- that Thursday, he
7 said -- yes, he did. It was that Thursday.

8 Q. Okay. And what did he say about how they
9 departed, how they departed from each other?

10 A. He said he -- she got a phone call, grabbed her
11 bag left, went around the corner.

12 Q. Went around the corner?

13 A. Yes.

14 Q. Is that different at all from what you had already
15 watched on the body camera from Corporal Lawrence?

16 A. Yes. A little -- a little different. Yes.

17 Q. Okay. Now we know from the testimony of Detective
18 De Sheers that Jennifer Grant didn't get a phone call?

19 A. Correct.

20 Q. That time?

21 A. Correct.

22 Q. But at that time, he was -- he seemed certain that
23 there was a phone call?

24 A. Yes.

25 Q. Okay. Did he seem eager to appear forthcoming?

1 A. I wouldn't say eager, but -- you know, he was
2 talking to us.

3 Q. Did he indicate to you that there were people you
4 should investigate regarding her disappearance?

5 A. Yes. There were several.

6 Q. Were they men?

7 A. Yes, they were.

8 Q. Were they members of the Union Heights
9 neighborhood?

10 A. Yes -- yes, they were.

11 Q. Did you ask him about who else was there that
12 night when she had last been seen at his house?

13 A. Yes, I did.

14 Q. Did he give you their names?

15 A. Yes, I -- he said Shalon Beaufort and her
16 boyfriend. I don't think he gave me the name of the
17 boyfriend.

18 Q. He couldn't remember the boyfriend's name?

19 A. Correct.

20 Q. Did he offer to find out what it was?

21 A. No, he did not.

22 Q. Make a phone call?

23 A. No, he did not.

24 Q. No? Did he seem upset or worried about Jennifer?

25 A. No.

1 Q. Was he asking you, "How can I help? How can I
2 spend my time helping out?"

3 A. No.

4 Q. Do you remember asking him if he knew who Jamaal
5 Collins was?

6 A. Yes, I did.

7 Q. And what was his response?

8 A. He said he didn't know what Jamaal -- Collins.

9 Q. Why did you want to know if he knew who Jamaal
10 Collins was?

11 A. There was a event coming up and Ms. Grant was
12 supposed to go to a wedding with Jamaal Collins.

13 Q. Are you familiar with the phone extraction that
14 was done on the Defendant's phone in this case that Detective
15 Readal --

16 A. Yes.

17 Q. -- testified about yesterday?

18 A. Yes.

19 Q. Is there anything about Jamaal Collins on that
20 dump from Curtis Smith's phone?

21 MS. FORD: Objection. Going outside the scope of his
22 personal knowledge?

23 MS. DAVIS: He just testified that he's familiar with
24 the extraction.

25 THE COURT: Overruled.

1 THE WITNESS: Yes. There was a Facebook search for a
2 Jamaal Collins.

3 BY MS. DAVIS:

4 Q. Was it testified that it was a Google search that
5 led to Facebook?

6 A. Yes.

7 Q. And you are talking to him on the 30th of
8 November, and Jennifer was last seen late the 19 of November.
9 Do you know when that search was done on Curtis Smith's phone
10 for Jamaal Collins?

11 A. I don't know the exact -- don't remember the exact
12 date, but I know it was earlier in the month.

13 Q. Earlier in November?

14 A. Yes.

15 Q. Would November 5, 2020 sound right to you?

16 A. Okay. Yes.

17 Q. And is that consistent with what he said when he
18 was standing in his living room speaking to you?

19 A. No.

20 Q. Now, when you were speaking to him, did you notice
21 any injuries on his person, his body?

22 A. Yeah, I did see a band aid, I want to say it was
23 on his ring finger.

24 Q. On which hand? Can we put that Exhibit, State's,
25 20 back up?

1 A. Like his left hand.

2 Q. Okay. On the tip of the finger?

3 A. Yes.

4 Q. All right. Now, I want to talk to you about the
5 next day, December 1st. Did you receive a phone call about
6 this case that night?

7 A. Yes, I did. We had just finished up our -- our
8 shift, got home ready to eat dinner, and got a call from my
9 sergeant, Sergeant Glenn, who said --

10 Q. Don't tell me what he said.

11 A. Sorry.

12 Q. What did you -- what'd you do as a result?

13 A. I was directed to a house in Somerville, possibly,
14 information on a missing person.

15 Q. Who did you meet out in Somerville?

16 A. I met with Somerville Police Department. When I
17 got there, there were several officers sitting outside and
18 was met at the door by Lieutenant Forsyth from the Somerville
19 Police Department.

20 Q. You said there were officers outside the home..
21 Why were they out there?

22 A. They were providing security for the house.

23 Q. Was there a specific reason for that?

24 A. From -- yes.

25 Q. What was the reason?

1 A. The Defendant kept calling the --

2 Q. Who did he call?

3 A. He was calling Antolene.

4 Q. So, while Antolene was speaking with officers
5 about Curtis Smith, he's calling her phone?

6 A. Correct.

7 Q. Okay. And that's why there was some security?

8 A. Yes.

9 Q. Did you speak with Antolene at her home in
10 Somerville?

11 A. Yes, I did.

12 Q. Tell us, what was her demeanor like?

13 A. She was shaking. She was crying. She was very
14 fearful. But she was pretty much forthcoming with the
15 information that she knew.

16 Q. And you say, "She was forthcoming," was she giving
17 you information about what she knew had been done to Jennifer
18 Grant?

19 A. Yes. It started with the information that she
20 knew and then what she participated in.

21 Q. Okay. She told you about both in Somerville?

22 A. Yes.

23 Q. And while you're receiving this information or you
24 communicating with other officers from North Charleston
25 Police Department?

1 A. Yes, I was talking with Sergeant Glenn and also,
2 now Lieutenant Brown.

3 Q. Pardon?

4 A. Lieutenant Brown.

5 Q. Okay. Because they were going to the crime scene
6 and securing the scene.

7 A. Correct.

8 Q. Now, you said she was forthcoming. Did she answer
9 the questions you asked her?

10 A. Yes, she did.

11 Q. Okay. And when you're asking her questions, what
12 is your mission that night?

13 A. My mission that night was to find Jennifer.

14 Q. Okay.

15 A. That was my mission.

16 Q. Okay. So it's -- you know, like a -- an active
17 emergency?

18 A. Yes.

19 Q. Okay.

20 A. Yes.

21 Q. Where did you go next from Somerville?

22 A. From there she actually got in the car with
23 Lieutenant Forsyth. I followed behind in my city issued
24 vehicle. We went to City Hall first, where I dropped my
25 vehicle off, got into the backseat of Lieutenant Forsyth --

1 vehicle, and went down to Spruill Avenue -- Spruill and
2 Arbutus.

3 Q. Who was at Spruill and Arbutus when you got there?
4 What -- what -- was it too many people to remember?

5 A. Yes. I don't remember all the names. A lot of
6 them were young officers, so I don't really know all of their
7 names. But, yeah, there -- there were a lot of people out
8 there, a lot of officers out there.

9 Q. When you got there with Officer Forsyth and
10 Antolene Smith, had Jennifer's body been found?

11 A. Not at that time, no.

12 Q. So were they doing that grid search and looking?

13 A. I -- if I'm not mistaken, I'm -- I'm -- you're
14 trying to get an old man to go by memory, but they were
15 huddled up to start the search.

16 Q. Okay. And did Antolene stay in the car or did she
17 get out of the car?

18 A. She stayed in the car. She really -- she didn't
19 want to be in the neighborhood. You could tell she she was
20 afraid to be in the neighborhood.

21 Q. Did she give information to assist in the officers
22 that were there to search for Jennifer?

23 A. Yes, she did.

24 Q. And then where did you all go next?

25 A. From there, once we had a pretty good idea of

1 where to look, went back to city Hall where Antolene was
2 placed into one of our interview rooms where the video and
3 audio was activated.

4 Q. So was Antolene put in her own interview room at
5 North Charleston?

6 A. Yes, she was.

7 Q. And was she Mirandized?

8 A. Yes. I -- I actually read her -- her Miranda
9 rights, yes.

10 Q. And did you get a statement from her after she
11 waived her rights?

12 A. Yes, I did.

13 Q. And as she gave you that information, you're
14 telling North Charleston about items that they should
15 probably keep an eye out for on -- at the scene?

16 A. Yes. As -- as -- as she gave information. I
17 don't know if you can see from the other video where I was in
18 with the Defendant, my phone kept going off. That was me
19 relaying information and relaying information back.

20 Q. Did you have like a Pink Panther phone ring?

21 A. Yes, I did.

22 Q. So were there certain items you wanted them to
23 look for at the crime scene?

24 A. Correct.

25 Q. Do you remember what they were?

1 A. I wanted them to look for the fresh dirt, water
2 hose, knife, and the recycling bin.

3 Q. Where did you want them to look for a knife?

4 A. Anywhere in -- either in the yard or the adjacent
5 yard.

6 Q. Okay.

7 A. Well, it's like an open field. There's no house
8 there.

9 Q. The open lot?

10 A. Yes.

11 Q. The vacant lot?

12 A. Uh-huh.

13 Q. Okay. And did you want photos taken of the
14 Defendant?

15 A. Yes, I did. To document any injuries that he may
16 have suffered.

17 Q. And at this point, it's November 1st -- December
18 1st. And your understanding is that she'd last been seen
19 November 19?

20 A. Yes.

21 Q. So is that about 11 days between?

22 A. Give or take. Yes.

23 Q. Okay. So you're not looking for brand new
24 injuries?

25 A. No.

1 Q. You're looking for what kind of injuries?

2 A. Anything within the state of healing. Any -- any
3 type of wounds that would've been either scabbed over or
4 scarred or anything like that.

5 Q. And when you say wounds, are you looking for
6 wounds that can be caused by a gun, or what -- what type of
7 thing?

8 A. I'm looking for wounds that would be consistent
9 with a wound from a trophy, a bite, or any type of physical
10 altercation.

11 Q. Or a knife?

12 A. Correct.

13 Q. Okay. I want to go over briefly some photos now
14 that were taken that night of the Defendant. Can we put up
15 87? Is that a photo of the Defendant's right hand?

16 A. Excuse me. Yes, I believe so.

17 Q. Which finger on his right hand has that? About
18 one-inch-long laceration.

19 A. It looks like the pinky.

20 Q. Okay. And was that significant to you at all?

21 A. Yeah. Because it -- it looked like a laceration,
22 but I'm not a medical expert, so...

23 Q. To your knowledge, is he right-handed?

24 A. Yes. Correct.

25 Q. And was that significant to you because this is an

1 alleged stabbing?

2 A. Yes, ma'am.

3 Q. How so?

4 A. Well, normally, and this is just from training,
5 when someone is stabbing another person, the blood would get
6 on the other person's hand and the knife could slip or slide
7 because it becomes slick.

8 Q. Okay.

9 A. And normally in a stabbing, the person doing the
10 stabbing would also suffer lacerations.

11 MS. FORD: Objection. He's not qualified as an expert.
12 Sorry. He's not qualified as an expert in any of injuries to
13 people.

14 BY MS. DAVIS:

15 Q. Are you trained to look for wounds on the hands of
16 somebody that might have been involved in a stabbing?

17 A. Yes, ma'am.

18 Q. And he had another injury, one on his other hand.
19 Right? Let's look at State's -- you said 130? No, the --
20 State's 84 and 85. So that's his left hand, right?

21 A. Yes, it is.

22 Q. Okay. And let's look at the other side, which is
23 85. So is that the same finger that has the bruise on it,
24 the --

25 A. On --

1 Q. -- ring finger on his left hand?

2 A. Yes, it is.

3 Q. Why was that significant to you?

4 A. Again, it's a -- it's a healing wound that we were
5 basically looking for.

6 Q. Okay. And you said you were looking for what
7 could possibly be a bite, right?

8 A. Correct.

9 Q. Okay. Did you or Detective Brown ask him what
10 happened to his hand while you all are interviewing him?

11 A. Yes. We -- if I'm not mistaken, I think it was
12 Detective Brown who had asked what happened to his hand.

13 Q. And what was his response?

14 A. He said he did it on the nail while setting up a
15 tent.

16 Q. And did you know which injury he was talking about
17 was caused by that?

18 A. I -- I don't know if it was that one or the other
19 one.

20 Q. Okay. And then what about an injury on his palm?
21 Did you -- did you see an injury on his palm? Can we look at
22 Defense's 2? Let's zoom in on the center of the hand. Did
23 he point that out to you?

24 A. No, he did not.

25 Q. Move it down a little bit. And did you see

1 anything that looked like it might be from a knife?

2 A. On the --

3 Q. In this picture, you see any...

4 A. Yeah. It's a little deep indentation there.

5 Q. So does that look like a groove of his hand or
6 does that look like a healing wound? Can we zoom in on it?

7 A. Which one? The --

8 Q. In the center that swipes across his palm?

9 A. It looked like it could be a healing wound. But
10 I'm -- I'm not sure. I don't remember actually looking that
11 close at the palm of his hand at the time.

12 Q. Does it look like he might have any calluses on
13 his hand?

14 A. Yeah.

15 Q. Was that relevant to you based on what he said he
16 did for a living?

17 A. Well, yes. Any type of calluses -- you know, I
18 mean, rough hands -- you know, from his line of work. Yeah,
19 it's going to be there.

20 Q. Okay. So that's his right hand it appears?

21 A. Yes.

22 Q. All right. Let's look at State's 130. Does that
23 hand also have a similar groove in the same area?

24 A. Yes, it does.

25 Q. Does -- does that make you feel anything about the

1 one that was in Defense's 2?

2 A. Not really, no. I mean, it just looks like -- I
3 mean, he's a hardworking man with deep, I guess, lifelines,
4 they call it.

5 Q. Deep -- deep grooves?

6 A. Yes.

7 Q. Okay. Is there anything similar to that
8 laceration we saw in the pinky that's all scabbed, and...

9 A. I didn't see that. No.

10 Q. No. Tell me about any observations you may have
11 made about the Defendant's stature?

12 A. He is a pretty -- pretty solid guy. Had big
13 wrists, big burly hands.

14 Q. When you say, "Big wrists," like -- how -- how did
15 that come about to be something you noticed?

16 A. When the officer adjusted the cuffs, he made
17 mention of it, "Wow, your wrist are kind of big, so if you
18 turn it this way, I can kind of get them on there without
19 pinching."

20 Q. Is that consistent with someone who's spent many
21 years shoveling dirt, manual labor?

22 A. Yes.

23 Q. All right. Let's talk a little bit about that
24 interview that you had with Detective Brown and Curtis Smith.
25 Did you ask him about his phone during that interview?

1 A. Yes, I did.

2 Q. And did he show you his phone?

3 A. I believe he --

4 Q. Indicate he gave to you what it was?

5 A. Yes.

6 Q. Showing you State's 125, that is currently for ID.

7 Did he tell you that was his phone?

8 A. Yes, he did.

9 Q. Did you collect it as part of this case?

10 A. Yes, I did.

11 Q. Did you put it into evidence?

12 A. I did.

13 Q. Did you ask Detective Riedel to do a dump on it?

14 A. Yes. It is a form that we have to fill out, and
15 if we want in-depth, then a search warrant is done.

16 Q. Okay. And did you, in fact, inquire, "Is this the
17 phone that you called Jennifer from?"

18 A. Yes.

19 Q. And did he tell you what -- what she was saved as
20 in his phone?

21 A. Grant.

22 Q. Okay. And because he had been telling you, "I
23 called her when daylight came"?

24 A. Correct?

25 Q. "I -- and I've been calling her all day"?

1 A. Yes.

2 Q. So you wanted to make sure that was the right
3 phone?

4 A. Correct.

5 MS. DAVIS: Okay. At this time, we moved to enter
6 State's 125 into evidence.

7 MS. FORD: The phone?

8 MS. DAVIS: Yes.

9 MS. FORD: I have no objection.

10 THE COURT: Admitted.

11 (State's Exhibit Number 125 admitted into evidence.)

12 BY MS. DAVIS:

13 Q. When you all were interviewing Curtis, did you ask
14 him if he had an injury to his head?

15 A. Yes, I did.

16 Q. What was his reaction?

17 A. He kind of laughed and said, "I ain't got no
18 injury to my head."

19 Q. Did he act like he was confused why you'd be
20 asking?

21 A. I can't say that he, I seemed confused. No.

22 Q. He denied having a head injury?

23 A. Correct.

24 Q. Did you all ever confront him with Angeline's
25 story?

1 A. I want to say close to the end, we did.

2 Q. Okay. He was -- there was a search warrant done
3 for his DNA sample, right?

4 A. Correct.

5 Q. And the search warrant for a DNA sample had a
6 probable cause set out in it, right?

7 A. Yes -- yes.

8 Q. Okay.

9 A. Yes.

10 Q. And part of that probable cause was a bunch of
11 quotes for Antolene?

12 A. Yes, there was.

13 Q. Okay. So he was shown that?

14 A. Yes.

15 Q. And we saw him read it on the statement?

16 A. Yes.

17 Q. Okay. So after he reads that, does he say, "It's
18 a bunch of lies"?

19 A. Yes, he does. And he says other things, but, yes.

20 Q. Okay. Does he tell you that her head is bad?

21 A. Yes, he does.

22 Q. Okay. Was he ever asked, "Was there a fight in
23 your house?"

24 A. Yes. We asked him, "If at any time, was there a
25 fight?" It didn't have to be that night, but, "At any time

1 was there ever a fight, a physical altercation in your
2 house?"

3 Q. And what'd he say?

4 A. Not that he knows of.

5 Q. Was he specifically asked if Jennifer attacked
6 him?

7 A. I don't think he was asked. We said that she hit
8 him upside the head and wanted to know what happened, and he
9 said it never happened.

10 Q. Okay. In fact, did he say he knew what happened
11 to Jennifer at all?

12 A. No.

13 Q. Okay. So as far as he was concerned, she's
14 probably still alive.

15 A. As far as he's concerned, yes.

16 Q. Okay. Antolene testified in this trial that the
17 night the Defendant told her what had happened to Jennifer
18 and they went outside and he dug her up and moved her body
19 from his yard. She said that was the night before
20 Thanksgiving, so November 25th.

21 A. Yes.

22 Q. As the case agent in this case. Is that date
23 significant to you?

24 A. Yes, it is.

25 Q. Why?

1 A. Yes, it is. Because it -- it kind of coincides
2 with corporal Lawrence visit to the house.

3 MS. DAVIS: At this time, I have no more questions for
4 you. Take that. Thank you. Please answer any questions the
5 Defense have.

6 CROSS-EXAMINATION

7 BY MS. FORD:

8 Q. Hello?

9 A. Good morning.

10 Q. You told us how you were the first detective
11 assigned to this case when Jennifer was considered a missing
12 person?

13 A. Yes, ma'am.

14 Q. And you spoke to her mom?

15 A. Yes, ma'am.

16 Q. And you -- you gathered a little bit of
17 information about Jennifer?

18 A. Yes, I did.

19 Q. And you told us that -- is it Corporal Lawrence
20 went and talked to Curtis?

21 A. Yes -- yes, it was.

22 Q. Okay. And you're the one who directed him to do
23 that?

24 A. No, I didn't direct him. And I can't tell you
25 what he got, but during briefing, they put out the -- the

1 flyers that I put out.

2 Q. Well, at that point, you were referring to Curtis
3 as the boyfriend, correct? In your report?

4 A. I believe so, yes.

5 Q. So after talking to his mom, that's what you
6 referred to Curtis as?

7 A. Correct.

8 Q. Now, we heard a little in this trial about report
9 writing. You wrote a report in this case?

10 A. It's called a supplement. It's not act -- the
11 actual, like, the incident report is one thing. Once we get
12 it, we put in our supplement -- supplemental notes to the
13 report.

14 Q. Well, it's quite common, especially in a murder
15 case, for numerous officers to do supplemental reports,
16 correct?

17 A. Yes.

18 Q. You talked a little about how when you went to
19 Curtis' house -- and Antolene was there?

20 A. Yes, she was.

21 Q. Okay. And at no point did she try to talk to
22 police?

23 A. No.

24 Q. She was just sitting on the couch?

25 A. Yes.

1 Q. And there was no indication that she knew anything
2 about -- anything regarding Jennifer?

3 A. At that point. No.

4 Q. You ended up meeting with Antolene. You went to
5 Somerville where she first reported the situation, correct?

6 A. Yes, correct.

7 Q. And so, you were there for a little while talking
8 to her there, correct?

9 A. Yes.

10 Q. And that's after the other officers from
11 Somerville had talked to her?

12 A. Yes.

13 Q. Or they were still there while you were talking to
14 her?

15 A. They were still there. Yes.

16 Q. And then you went back to the station, and you did
17 a more formal interview, correct?

18 A. Correct.

19 Q. Similar to how we saw with Curtis?

20 A. Correct.

21 Q. And Curtis was sitting in his interview room for
22 seven and a half hours, about Antolene was in her room for
23 about five hours and 40 minutes. Does that sound right?

24 A. Yes. I guess, yes.

25 Q. You weren't talking to her the whole time though,

1 of course?

2 A. I was not just talking to her, but also trying to
3 follow up on what was being found and where the search had
4 was going.

5 Q. Okay. Well, at this point, Mr. Smith had already
6 been taken into custody?

7 A. I believe so, yes.

8 Q. Okay.

9 A. I couldn't tell you exactly when he was taken into
10 custody.

11 Q. And you were trying to get as much information as
12 you could about what she knew?

13 A. Correct.

14 Q. And so, she told you her involvement in the case?

15 A. Yes, she did.

16 Q. And she told you certain things that Curtis had
17 told her about the case?

18 A. Yes, she did.

19 Q. And at no time, did she indicate that she was
20 motivated to come forward because of an Ashanti's song?

21 A. No.

22 Q. Okay. Now, you also spoke to Ms. Beaufort?

23 A. Yes, I did.

24 Q. And she wasn't a suspect or anything like that?

25 A. No, it was still a missing persons.

1 Q. Okay. Because you were trying to find out as much
2 -- as much information as possible?

3 A. Yes.

4 Q. And she mentioned Jamaal in her interview?

5 A. Yes, she did.

6 Q. And she's the one who told you Jennifer was
7 supposed to go to a wedding?

8 A. Yes.

9 Q. She referred to Jamaal as a friend?

10 A. Yes.

11 Q. So she never used the term "boyfriend"?

12 A. No. But can I use the term that she did use?

13 Q. Well --

14 A. She said that she really liked him.

15 Q. Okay. But she never said he was her boyfriend?

16 A. No.

17 Q. And you never were prompted -- or never talked to
18 Jamaal?

19 A. No, I did not. Did not talk to Jamaal?

20 Q. She never indicated they were in some type of
21 committed relationship or anything like that?

22 A. No, I -- I don't believe that that came up in our
23 conversation. No.

24 Q. Now, the Solicitor asked you about a knife that
25 was found. You actually don't know if that was even the

1 knife used in the situation?

2 A. No, I do not

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

4 BY MS. FORD:

5 Q. Just briefly. Going back to Ms. Beaufort, she
6 also -- she told you about the evening at Curtis' house on
7 the 19th?

8 A. Yes, she did.

9 Q. Okay. And she never indicated that there was a
10 situation in which Curtis tried to kiss Jennifer?

11 A. No.

12 Q. And she never said that. Jennifer said, "No, I
13 have a boyfriend."

14 A. No.

15 MS. FORD: No further questions.

16 THE COURT: Re-direct?

17 MS. DAVIS: Thank you, Judge.

18 RE-DIRECT EXAMINATION

19 BY MS. DAVIS:

20 Q. You were in here yesterday when we watched
21 portions of the Defendant's statement too, you and Detective
22 Brown, right?

23 A. Yes.

24 Q. And we talked already about the part where he's
25 given the search warrant that lists out -- you know, why

1 police think they have probable cause to get his DNA?

2 A. Yes.

3 Q. Did you notice that when he's reading that he kind
4 of mumbled aloud, "Oh, I'm her boyfriend now"?

5 A. Yes.

6 Q. Now, Ms. Ford was asking about the knife in the
7 yard and you weren't there. You don't know what Jennifer was
8 killed with, right?

9 A. Correct.

10 Q. Okay. But Antolene testified in this trial that
11 Curtis Smith told her he stabbed Jennifer with a knife. Is
12 that right?

13 MS. FORD: Objection. That's actually not what she
14 testified to.

15 THE COURT: You'll have the chance to -- to clear that
16 up on re-cross if you want.

17 MS. FORD: It's putting something into evidence that
18 isn't there, your Honor. (Inaudible).

19 THE COURT: What was your question again?

20 MS. DAVIS: That Antolene testified that the Defendant
21 told her he stabbed her with a knife.

22 MS. FORD: And your -- we may need to approach, your
23 Honor, I don't know if this is...

24 (Bench conference at 10:24 a.m.)

25 THE COURT: Let me send the jury out for couple minutes

1 while we (inaudible).

2 (Jury exits room at 10:26 a.m.)

3 THE COURT: Okay. Can you tell her where -- if you
4 want to go back, please?

5 MS. FORD: Well, my understanding is that in
6 Ms. Smith's testimony, she never indicated what Curtis said
7 about how Jennifer died. She never talked about stabbing or
8 anything of that nature. I -- I certainly could be wrong,
9 but both my co-counsel and I have that memory because we were
10 actually surprised that that did not come out in the
11 re-direct examination. I recall Ms. Shealy trying to get
12 that information out, but Antolene really didn't seem to
13 recall anything and it was just brushed over.

14 So because of that, I -- I do not believe -- I believe
15 it would be hearsay for Detective Schoolfield to testify to
16 it. It wouldn't be impeachment because Antolene was never
17 confronted with it. So we do not feel that the State should
18 be able to get into that piece of information since it was
19 not brought out through Antolene.

20 THE COURT: Well -- you know, the only thing I can do
21 is have her go back and -- and look at the transcript. Play
22 it not loud. You can listen to it. Because you said, "She
23 didn't say, she said she thought she said it." And... you
24 know.

25 MS. FORD: This is my note. (Inaudible) stabbed. Do

1 you see what I'm saying? Like he may have said he threw a
2 knife. That may imply that there was a knife involved. You
3 know, that definitely suggest there was no one involved, she
4 didn't say -- he said he stabbed her.

5 MS. DAVIS: Okay. So I found my notes where he's
6 talking about where Jennifer, Ms. Shealy, and Antolene went
7 over that he threw a knife in the lot. And that's really the
8 point of my question. So I'm happy to just focus on that.

9 THE COURT: Okay. All right. Well, why don't we take
10 the opportunity to use the restroom here really quick and
11 bring them back. Let them know they can use the restroom and
12 we'll be -- start back. In the meantime, if you want to --
13 Ms. Davis, in the meantime, do you want to check on
14 Ms. Shealy --

15 MS. DAVIS: Yes.

16 THE COURT: -- see if she's -- be on her way back or
17 when she'll be ready to (inaudible). If you need to use the
18 restroom (inaudible).

19 MS. DAVIS: Do you need to use the restroom?

20 THE WITNESS: No.

21 MS. DAVIS: Okay.

22 THE COURT: (Inaudible) restroom (inaudible).

23 THE WITNESS: Okay. Just -- okay.

24 (Off the record at 10:29 a.m.)

25 (On the record at 10:47 a.m.)

1 THE COURT: Okay. What'd you find out about
2 Ms. Shealy?

3 MS. DAVIS: She has not been seen by the doctor yet.

4 THE COURT: Okay. All right. Well, are we ready to
5 resume?

6 MS. FORD: Yes, your Honor. I think I would ask for a
7 curative instruction of the jury as to ignore that last
8 segment proportion.

9 THE COURT: What would you like me to say?

10 MS. FORD: Just that there was a question about what
11 Jennifer -- about what Antolene testified to or -- or may
12 have testified to or not, and we'd ask you to not consider
13 that because it's not in evidence.

14 MS. DAVIS: Or what I say is not evidence.

15 MS. FORD: Yes. And what the Solicitor said because
16 he's not going to answer it, so...

17 MS. DAVIS: Correct. And then if I ask, but did she
18 tell you that there was -- she testified in this trial that
19 he told her he threw the knife in the yard. You're not going
20 to have the same feeling about that?

21 MS. FORD: Well, I don't -- we don't recall that
22 exactly, but I don't have as much of an issue with that.

23 MS. DAVIS: I have -- I have a note on that.

24 MS. FORD: Okay. Then that's -- I will go with that.

25 MS. DAVIS: Thank you.

1 MS. FORD: Yes.

2 THE COURT: So what did you say?

3 MS. DAVIS: So I'm fine with moving on if you want to
4 do a curative instruction. I defer to your Honor. My next
5 question would be: He heard Antolene testify in this trial
6 that the Defendant told her he threw the knife in the vacant
7 lot next door, and that's why he wanted officers to look for
8 a knife there.

9 THE COURT: Okay. I'm just -- all right. Let's bring
10 the jury back in.

11 THE BAILIFF: All jurors are present, your Honor.

12 (Jury enters room at 10:51 a.m.)

13 THE COURT: All right. You may be seated. All right.
14 Folks, we had an objection over the last question the
15 Solicitor asked, and she's withdrawn her question. So I want
16 to instruct you that you are not to regard what she said in
17 her question as evidence or question implied that an earlier
18 witness had said a particular thing.

19 She asked that -- she's withdrawn that question. And
20 so, you are not to take away anything or you -- you're not to
21 regard her question as having raised a -- a factual inference
22 that what the earlier witness said, you're to disregard her
23 question entirely, in other words. Okay. You ready?

24 MS. DAVIS: May it please the Court?

25 BY MS. DAVIS:

1 Q. You were here when Antolene Smith testified in
2 this trial?

3 A. Yes, I was.

4 Q. And she said that the Defendant, Curtis Smith,
5 told her he threw the knife in the vacant lot next to his
6 house. Is that right?

7 A. Yes -- yes, it is.

8 Q. And is that why you wanted officers to look in
9 that lot for evidence?

10 A. Yes, it is.

11 Q. And is it your understanding whether there was a
12 knife found in that vacant lot?

13 A. From the evidence. Yes, there was a knife found
14 in that vacant lot.

15 MS. DAVIS: Nothing further.

16 THE COURT: All right. Cross?

17 MS. FORD: I have no further questions, your Honor.

18 THE COURT: All right. You may step down. All right.
19 Next witness.

20 MS. DAVIS: State calls Dr. Erin Presnell.

21 THE CLERK: Please raise your right hand, place your
22 left on the Bible.

23 DR. SUSAN ERIN PRESNELL, PATHOLOGIST,
24 being duly sworn, testified as follows:

25 THE CLERK: Please be seated. Please state your full

1 name, spelling your last name loudly and clearly into the
2 microphone.

3 THE WITNESS: Hi, my name is Susan Erin Presnell. It's
4 P-R-E-S-N-E-L-L.

5 DIRECT EXAMINATION

6 BY MS. DAVIS:

7 Q. Good morning.

8 A. Good morning.

9 Q. Can you tell the jury what is your profession?

10 A. I'm a forensic pathologist. I work at MUSC down
11 the road in Charleston.

12 Q. What is a forensic pathologist?

13 A. A forensic pathologist? It's actually a -- a
14 subspecialty of pathology. So pathology is a diagnosis of
15 disease. So most pathologists are the physicians that get a
16 biopsy that one of the clinic -- like a clinician might take
17 a biopsy or a surgeon might do some -- would do some surgery
18 and take something out that goes to the pathologist and they
19 look at it under the microscope and diagnose disease like is
20 it cancer? Is it not? Did the surgeon get all the cancer
21 out? Did they not?

22 So I'm trained in that, but then I also trained in a
23 subspecialty of that forensic pathology. And so, in that
24 what we're doing is not looking at just a piece of tissue or
25 like an appendix. We're looking at the entire body of

1 somebody that's passed. That process is called the autopsy.
2 We are looking for disease, but we're also evaluating trauma.
3 And ultimately the goal is to decide the cause and manner of
4 death for an individual.

5 Q. Do you have any medical license?

6 A. Yes. So I licensed practice medicine in South
7 Carolina. I went to medical school here. I then chose
8 pathology as my specialty in medicine and I did that here.
9 Then I did my forensic training here in pathology, forensic
10 pathology, and then I was hired on as faculty in 1999. So
11 I've been doing it for like 25 years, from time and a half
12 years. And through this process I've taken the board. So
13 I'm board-certified in general pathology, but also forensic
14 pathology.

15 Q. And when you say "here," do you mean MUSC?

16 A. Yes -- yes.

17 Q. Is the function of the medical examiner similar to
18 the coroner or is it different in South Carolina?

19 A. Well, a coroner and a medical examiner, those are
20 two systems -- two death investigation systems. And in -- in
21 South Carolina we have a coroner system. We don't have a
22 medical examiner system. So the coroner -- so we have a
23 coroner that's elected in Charleston County.

24 They respond to death scenes and they decide who gets
25 autopsy, and if they want to get a forensic autopsy, then

1 they could send it to whoever they -- whichever pathologist
2 they would like to. And we have seven forensic pathologists
3 at MUSC that do cases for various counties.

4 Q. So who does the autopsy in South Carolina?

5 A. The pathologist does the autopsy.

6 Q. And how many, about, autopsies have you performed?

7 A. It's a -- so it's a low estimate. I'm going I do
8 more than 200 a year, but 200 a year times 25 years. So over
9 5,000.

10 Q. Can you tell us all about what pathology involves?

11 A. I think I really touched on the general aspect of
12 it, which is the diagnosis of disease, and then the
13 subspecialty where I'm looking at a deceased person, doing an
14 autopsy, trying to decide cause, and manner of death.

15 Q. Are you a member of any specialized medical or
16 scientific groups or associations?

17 A. Yeah. So just the standard pathology and the
18 forensic pathology ones. So National Association of Medical
19 Examiners, Academy of Forensic Sciences, and just some
20 general pathology organizations.

21 Q. Have you ever been qualified as an expert in any
22 courts?

23 A. Yeah, I've been qualified as an expert in forensic
24 pathology in South Carolina. Approximately 200, again, an
25 estimate.

1 Q. And does that include circuit courts?

2 A. I -- I don't know what that means.

3 Q. That's where we are today.

4 A. Oh, yes.

5 MS. DAVIS: At this time, your Honor, I would offer Dr.
6 Susan Presnell as an expert in the field of forensic
7 pathology.

8 MS. FORD: I have no objection, your Honor.

9 THE COURT: All right. This witness has now been
10 qualified as a expert in the field of forensic pathology,
11 like the earlier witnesses who were also qualified as an
12 expert. You decide how much weight to give this testimony of
13 the -- this witness based on all of the evidence that you
14 have heard or will hear throughout the trial.

15 If you decide that it is not -- because of education,
16 experience, background don't feel that she's qualified,
17 that's completely your call. But you're not blindly required
18 to accept this or any expert's testimony. You base it on all
19 of the evidence that you have heard and will hear throughout
20 the trial. Okay. You may continue.

21 MS. DAVIS: Thank you, your Honor.

22 BY MS. DAVIS:

23 Q. Did you conduct an autopsy on Jennifer Grant?

24 A. Yes. I did an autopsy on -- on Ms. Grant on
25 December 2, 2020, again, at MUSC down the road.

1 Q. And did you make a report regarding that autopsy?

2 A. Yes. The final autopsy report, yes.

3 Q. And as a part of that autopsy, do you take lots of
4 photos?

5 A. I do, and I also do diagrams and in this instance
6 we also did x-rays.

7 Q. Okay. And what's the purpose of those different
8 things?

9 A. Well, and -- so the diagrams are to help me to put
10 together my final report, so documenting all of my findings
11 and then kind of translate that to verb verbiage. The x-rays
12 are to make sure there's no bullets in her that I can't --
13 that I -- or pieces of metal that I need to recover for
14 potential evidence. And the photographs, again for me and my
15 report, but also if the case needs to be reviewed in the
16 future.

17 Q. Did you determine the cause of death in this case?

18 A. Yes. Multiple stab wounds to her torso.

19 Q. Did you determine the manner of death?

20 A. Yes. I called this death a homicide, meaning
21 death at the hands of another.

22 Q. And you mentioned using diagrams as a part of
23 doing a report. Did you -- were you able to bring a blank
24 one with you today?

25 A. Yes, I did.

1 Q. May I see it?

2 A. Here's my blank one and I actually have another
3 one that is a little cleaned up that might be easier to go
4 from if you want to protect it and I can draw on it still.

5 MS. DAVIS: Any objection to either of these?

6 MS. FORD: No.

7 MS. DAVIS: Okay. What next number is this?

8 UNIDENTIFIED SPEAKER: 131.

9 MS. DAVIS: 131?

10 BY MS. DAVIS:

11 Q. I'm going to mark the one that you brought with
12 you -- you called this a cleaned-up version of the diagram
13 you did for Jennifer Grant's autopsy?

14 A. Yes.

15 MS. DAVIS: I want to mark this as State's 131 and move
16 to enter it into evidence, I believe, without objection.

17 MS. FORD: Correct. Without objection.

18 THE COURT: Admitted.

19 (State's Exhibit Number 131 admitted into evidence.)

20 BY MS. DAVIS:

21 Q. Would using this diagram assist you in your
22 testimony and explaining to the jury what your findings were
23 from Jennifer Grant's autopsy?

24 A. Yes, it would.

25 Q. Okay. So if you wouldn't mind, the way this

1 courtroom is set up, I can put it over here and you're going
2 to have to walk over here. Do you have the utensils you
3 would need?

4 A. Yeah.

5 Q. All right. So can you tell us about the state of
6 this body when it came into your possession?

7 A. Yes. Ms. Grant was decomposing. So not only does
8 she have some deep, like, breakdown of the body just from
9 being deceased, but she also has animal activity, including
10 maggots and other scavengers that remove some of her body
11 tissue.

12 Q. You said scavengers?

13 A. Scavenger, like vulture, coyote, some other
14 wildlife that would be on something that has passed.

15 Q. In what areas of her body did you identify that
16 animal activity?

17 A. Well, what I -- I -- I like to show you on the
18 diagram, I can kind of -- I -- I get it really well. It
19 looks pretty good up there actually. But I'll kind of go
20 through. Overall, I remember her entire body is decomposing,
21 but we have in some areas more loss of tissue than others.

22 So on the left side of her face there is the absence of
23 tissue so that I can see like her jaw bones and her teeth in
24 this area. And then across her torso, all of this, and I --
25 and this is important because I mean, the decomposition in

1 itself makes it somewhat difficult to interpret injuries, but
2 the loss of tissue sometimes will, if you lose tissue in the
3 area of an injury, you lose that injury.

4 So that's just something to understand what I'm -- what
5 I'm going through this. So the second main part of tissue
6 loss on her body was kind of through the mid to lower chest,
7 and then across the abdomen.

8 With that being said, there is an area of preserved
9 tissue right here on the left abdomen. Right? So then
10 taking it -- the next step to go over the injuries, she has
11 at least 10 stab wounds into the abdomen. Okay? So -- and
12 when I go through these, it's not in any particular order,
13 it's just what I'm -- just the direction I'm going through
14 for -- for autopsy.

15 So this stab wound right here, it kind of looks almost
16 at the chest. It's up high, but it's in the abdomen. And
17 the stab wound goes in, obviously -- well, in -- and actually
18 it's going upward a little bit into the right. And it goes
19 through the stomach and the liver. Then there's another
20 defect right here, and a third one right here. The one that
21 -- that second one is going into the -- into the abdominal
22 cavity, but I really can't tell where it goes after that.

23 The third one goes in and hits the intestines and the
24 mesentery -- the mesentery is the tissue that holds the
25 intestines together like fibro fatty tissue. So that's three

1 on kind of the upper abdomen. And then she has on this
2 (inaudible) meaning like -- it's like it's still there, it's
3 dried out. It's kind of a little mummified. I can make out
4 discrete defects of here. Oops, sorry. Seven defects.

5 Q. When you say, "Defects," what are you talking
6 about?

7 A. I'm talking about there that it is like a hole --
8 a hole through the skin or through, actually it's not skin.
9 It's like subcutaneous tissue. It's the tissue underneath
10 the skin into the body. Now, several of these, and let me
11 back up to the one on the -- the top there. You can see when
12 it goes into the liver, that is a long thin defect that's
13 consistent with sharp pores, consistent with something like a
14 knife.

15 It is a long, skinny wound that is cleanly cut or
16 cleanly incised. And the several of the ones on the abdomen
17 and that preserved piece of skin on the inside of the tissue,
18 on the abdominal musculature on the inside, that's still
19 preserved. You can see the thin cut -- the thin cuts that
20 are consistent with a -- a knife or sharp-force injury.
21 These ones here, again, they go into the abdominal cavity
22 intestines move.

23 So it's really hard to say which one had intestines,
24 which one just went into the soft tissue. But I will say
25 that, at least two of them went down and struck the -- not

1 struck, disrupted the tissue on either side of the backbone.
2 So like the backbone is here, you can see it -- not see it,
3 but feel it from the outside. But there's the inside part
4 two and there's soft tissue on either side. So it went all
5 the way down towards her -- towards her back.

6 There are some other defects as well. I just don't
7 know if they're animal activity or something or -- or actual
8 pre-mortem trauma or post-mortem trauma. But the ones that I
9 know for sure are antemortem injuries, injuries that are
10 consistent with stab wounds are the ones that I highlighted,
11 the time that I highlighted.

12 Q. So you're saying it's possible there were more
13 than 10 stab wounds to her body, but there were at least 10
14 that you could identify with certainty?

15 A. There are 10 that I could identify with certainty,
16 and then also there is either a cut or a laceration above the
17 right eyebrow. It's superficial. It doesn't really go
18 anywhere. She doesn't have any hemorrhage in her head. And
19 --

20 Q. What do you mean by that?

21 A. Like -- as far as if somebody had blunt force
22 trauma and caused a brain bleed, even though the brain was
23 decomposing and really couldn't tell structure there wasn't
24 any bleeding inside the -- inside the skull.

25 Q. What was the size of that laceration on the

1 forehead?

2 A. I think it's 1.2 inch, but I have to -- to go look
3 at my notes.

4 Q. That's what I have. Are you able to determine
5 whether, or not, the wound on the forehead would have been a
6 slice or would've been more like a blunt force trauma injury?

7 A. Because of the decomposition I cannot
8 differentiate it whether this is from something sharp like a
9 knife or whether this is a laceration from blunt trauma, from
10 the strike.

11 Q. But it was an open wound? Like --

12 A. It's a --

13 Q. -- the skin was broken?

14 A. Yes.

15 Q. Are you familiar with -- do head injuries
16 generally produce a fair amount of blood if the skin is
17 broken?

18 A. Facial injuries tend to bleed a lot, yes.

19 Q. Okay. Anything else that you want to show us on
20 the diagram?

21 A. Well, it's not really on the diagram, but she also
22 had a -- one of her ribs fractured.

23 Q. Can you tell us what is the hyoid bone? Where is
24 that?

25 A. The hyoid bone is at the base of your tongue. So

1 despite what you can see of your tongue, the tongue goes way
2 back and at the base of your tongue, there's this little
3 U-shaped bone called the hyoid bone. That is something that
4 is, can potentially be fractured during strangulation

5 Q. Was Jennifer Grant's hyoid bone loosened --

6 A. So --

7 Q. -- when you examined it?

8 A. So the hyoid bone is actually three bones. It's
9 the little U-shaped bone and then two little bones that kind
10 of extend the -- the ends of the U. As you age, those little
11 extra bones kind of fuse onto the U-shaped bone. So you get
12 one big U. So if you're real, if you're relatively young,
13 then the two ends aren't necessarily -- you know, part of the
14 U-shaped bone. They're just attached by soft tissue.

15 So with Ms. Grant, one of the ends of hers was loose.
16 Usually, when we're trying to decide if something's a real
17 fracture or maybe it's just not fused, we look for
18 hemorrhage. We look for evidence that the injury bled. I
19 didn't see any, but she's also decomposing, and the blood
20 hemolysis and gets processed. And that is -- and I -- so I
21 cannot definitely say that was or was not a fractured.

22 Q. But you said that the rib was fractured?

23 A. The rib was fractured. I can see it. Now, does
24 it have (inaudible) with it? No. So it potentially could
25 have been a postmortem injury as well, or not as well, but a

1 postmortem injury, but it is there.

2 Q. You can take a seat for the rest of the questions.
3 Thank you so much. You can leave that up. Are you able to
4 tell much -- well, does the level of decomposition affect how
5 much you can tell from an autopsy?

6 A. Yes.

7 Q. Okay. Are you able to tell, in this case, the
8 angle or -- you know, direction that whatever stabbed her
9 torso came in?

10 A. You'll see on the diagram the ones that I could
11 kind of like get a probe and -- and feel the direction that
12 it was going. Like the very top, it says, "Up RB," that's
13 for the very top one, that's -- that one's going up to her
14 right and backwards. And then the second one is up left and
15 back.

16 So that second one that's the -- not second, but the
17 one that's underneath the -- the top one is going up left and
18 back. And then the others, I really just say they're going
19 backwards. It's going again into the abdominal cavity and
20 things bloat; things move as far as intestines and all. So I
21 really can't be definitive on the direction other than back.

22 Q. So they were all front to back?

23 A. Right.

24 Q. Okay. And then you said this one was up and
25 towards her, right?

1 A. Yes.

2 Q. Like this way towards the back?

3 A. Yes.

4 Q. And then this one was up towards the left, but to
5 the back?

6 A. Yes.

7 Q. Okay. Would your findings be consistent with her
8 being on the ground when those wounds were inflicted?

9 A. I mean, they could be. I -- so I document my
10 findings at a time of autopsy, so whatever position you could
11 put her in and -- and flip the wounds is what -- it could be
12 consistent with that. So, yes, she could have been laying on
13 the ground.

14 Q. Can you tell us about the position of her body
15 when it came to you?

16 A. Not really.

17 Q. Like the effects of decomposition or rigor, if
18 that shows how she would've been when she died or if it could
19 be different?

20 A. So I -- I mean, I have decomposition over the
21 entire body. There's some drying artifact, which sometimes
22 that'll be an area that's exposed to air. I described some
23 drying on the arms and the left hip and thigh.

24 Q. We had some testimony in this case about her body
25 almost being in like a curled in position or a fetal

1 position. Is that how it was when it came to you?

2 A. I'd have to refer -- usually -- see -- usually
3 when the body's going to be moved at the scene, they're laid
4 out in a body bag. And so, that's how she would've arrived
5 to us.

6 Q. Okay. But can that kind of change after someone
7 dies, like the positions of their body?

8 A. Yes. When you move them from a scene position to
9 lay out in a body bag, that'll change that.

10 Q. Okay. Or if anyone's moving the body at any time
11 after death?

12 A. Yes.

13 Q. Okay. Let's talk a little bit about blood loss,
14 because of decomposition when this body comes to you, is it
15 full of blood?

16 A. No. Because -- so how would you die from these
17 injuries? I would think if she died -- you know, within
18 minutes to hours, it would be from blood loss, bleeding, from
19 the liver injury, from the soft tissue injury, from the
20 intestinal injury and the -- you know, the -- all the -- the
21 soft tissue on -- on the back and the stomach. Did I find
22 any blood in the abdomen? No. I found decomposition fluid.
23 Is that surprising? No. Because of the extent of her
24 decomposition.

25 Q. You said minutes to hours. So are you testifying

1 that she may not have died right away from these 10 stab
2 wounds?

3 A. Right. I -- I don't know, because of the
4 decomposition.

5 Q. Is it possible that it took her longer than a
6 couple minutes to die from these injuries?

7 A. I mean, it could have. And, also, depending on
8 like how quickly were the injuries delivered, were they
9 spaced out? You know, did she get some non-fatal injuries
10 first and then later -- I mean, I just don't -- I can't tell
11 that from the autopsy.

12 Q. You can't tell the order of the injuries either?

13 A. Right.

14 Q. Okay. With regards to blood loss, are you able to
15 testify or form an opinion about if all of the blood in her
16 body would have bled internally from these injuries versus
17 into a -- you know, into the house or wherever she died?
18 Like, would it have made a -- a bloody scene?

19 A. It depends on her body positioning really. I
20 mean, if she's on her back, then a lot of it would be
21 internal. If she's on her face, then maybe a lot could leak
22 out.

23 Q. So gravity comes into play?

24 A. It does.

25 Q. Okay. And on this diagram, we don't see any holes

1 in the back, right?

2 A. Correct.

3 Q. So the -- the wounds did not go through, correct?

4 A. Right. And there's no wounds on the back or that
5 I can see on the arms.

6 Q. Okay. And if she had been laying down, then it's
7 possible or likely that the blood would've stayed relatively
8 inside of her body, but she would've bled out internally?

9 A. Right. So bleeding just meaning, and when I say
10 bleeding as the -- as the mechanism of death, bleeding out of
11 the vessels where blood needs to be to get oxygen to your
12 brain and the rest of your organs. So whether you bleed into
13 your abdomen and it's sitting there or out into the outside
14 of your body and what it -- whether it's out there, it's the
15 same effect as far as bleeding to death.

16 Q. In your report, do you note whether, or not, you
17 observed any evidence of attempts to resuscitate or medical
18 intervention?

19 A. Oh, I said there was nothing that I could see
20 regarding resuscitation attempts.

21 Q. Is there anything else in your report that you
22 feel we haven't gone over relevant to the manner or cause of
23 death?

24 A. I mean, no. Not as far as her cause of death.

25 Q. How tall was she?

1 A. Let's see. She is 66.5 inches, which is five --
2 five-feet, six and a half inches.

3 Q. And how much did she weigh?

4 A. Her, in a state of decomposition, she weighed 165
5 pounds. So that's usually a little lighter than maybe what
6 they were in real life. And we have some tissue lost as
7 well.

8 MS. DAVIS: No more questions. Thank you.

9 THE COURT: Cross?

10 MS. FORD: Yes, sir. I beg the Court's indulgence.

11 CROSS-EXAMINATION

12 BY MS. FORD:

13 Q. Hi, Dr. Presnell.

14 A. Hello.

15 Q. And your years of experience, you have come across
16 numerous decomposing bodies before?

17 A. Yes.

18 Q. But it is kind of rare to come across one with
19 stab wounds?

20 A. I don't know the specific numbers, but I've done
21 them before.

22 Q. So a stab wound is different than a cut wound, is
23 that fair to say?

24 A. Right. So a stab and a cut, also known as an
25 incised wound, they're both made by something sharp: Knife,

1 shard of glass. A stab means that it -- and it's just based
2 on the dimensions of the injury. So a cut is longer on the
3 surface of the skin and -- and shallow, so it's longer than
4 it is deep in the body.

5 A stab is shorter on the surface of the body and deeper
6 into the body. So the length on the surface of the skin is
7 -- is smaller than the depth in the body. And so, that's
8 what differentiates the terminology for -- for the two.

9 Q. But the same object could make both types of
10 wounds?

11 A. Yes, absolutely.

12 Q. And even the -- the tip of a sharp object such as
13 a knife can make a wound as well?

14 A. Yes.

15 Q. You told us of a few injuries other than the stab
16 wounds but you can't actually tell when they may have
17 occurred?

18 A. Right. With her state of decomposition? Again,
19 I'm limited. Typically, when I try to differentiate
20 something that happened before someone died, and after you're
21 looking like an injury, you're looking for bleeding, the
22 heart's pumping, something's injured, then the vessels bleed
23 and secondary to the injury. With decomposition and losing
24 that blood, it's hard to -- well, sorry, let me back up.

25 So it -- it's a injury that happened before death, then

1 you're -- you see bleeding. If it happened substantially
2 after death, then you're not going to see bleeding. So even
3 when I'm doing the autopsy with the Y incision, my cuts don't
4 cause bleeding.

5 So that's how I -- you know, on a person that's not
6 decomposing with decomposition, again, that blood is
7 decomposed and I may or I may not see it. So in this case, I
8 had described the hyoid bone that was loose, but I don't see
9 any blood.

10 And then the rib fracture, I don't see blood, but in a
11 decomposed body, that's not surprising. But it makes it
12 difficult to say, "Was this a real antemortem injury versus
13 postmortem injury?"

14 Q. So just in this situation, because of that, you
15 can't tell?

16 A. Right.

17 Q. Because injuries can happen to a body after death?

18 A. Yes.

19 Q. And you described a little bit of a head injury
20 that could have come from some type of blunt force trauma?

21 A. Right. But the -- remember this we described the
22 cut right above the right eyebrow -- eyebrow so it could be a
23 cut, but it also could have been a laceration from blunt
24 trauma. Again, just difficult to differentiate with the
25 state of decomp...

1 Q. Could have come from hitting something during the
2 fall?

3 A. Yes.

4 Q. And the Solicitor asked you if the wounds were
5 consistent with her having been on the ground, and you said
6 it -- it was possible, correct?

7 A. I did.

8 Q. But in truth, you have no idea what position she
9 was in when she received the stab wounds?

10 A. I -- yes. The autopsy is not going to tell me
11 what position she was in.

12 Q. The wounds from this case are not uniform. Is
13 that fair to say?

14 A. Right. They were varying in length and size.

15 Q. So you can't say with certainty that they were
16 even done with the same object?

17 A. No.

18 Q. And you can't say with certainty that they were
19 done at the same time?

20 A. No. Remember I made reference to that earlier as
21 far as -- you know, how quick was the delivery of the
22 injuries could be spaced apart, et cetera.

23 Q. And you can't tell if the injuries were done with
24 a sharp or a blunt knife, is that...

25 A. Just some -- a sharp instrument. I don't know how

1 blunt a knife would have to be to not be able to cause a
2 sharp or a -- a stab wound.

3 Q. But it's possible that one or more of the injuries
4 may have been caused with an object other than a knife?

5 A. Something sharp, is what I can say.

6 Q. We talked a little about the throat, I just wanted
7 to clarify. There was no indication of choking, correct?

8 A. I don't have any -- well, so for me, choking is --
9 and a -- a forensic pathologist choking is like an aspirating
10 or breathing in like a bolus of food and choking on it. Then
11 there's strangulation where you think of manual strangulation
12 where there's compression of the neck, and then there's
13 smothering where you're compressing the airways from --
14 externally. So I -- again, with the decomposition, I don't
15 have evidence. I can't exclude it, but I don't have evidence
16 of it.

17 Q. And Ms. Grant, she died as a result of bleeding?

18 A. That would be my -- my -- that would be the most
19 likely mechanism. I don't see the blood again, because of
20 the decomposition.

21 Q. And the bleeding, she -- it could have been
22 internal?

23 A. Yes.

24 Q. Meaning there wouldn't have necessarily been a lot
25 of blood on -- on scene?

1 A. Right.

2 Q. And the Solicitor asked you it could have taken a
3 while to die, but it also could have taken just minutes.

4 A. Correct.

5 Q. Now, part of your job you gather everything you
6 can from the body, correct?

7 A. Well, we examined it all. Yeah.

8 Q. Sometimes you're looking for any evidence such as
9 a -- a bullet if there's a shooting?

10 A. Right. Yes.

11 Q. And it is part of your job to take certain samples
12 to be tested?

13 A. It depends on the different types of cases, like
14 whether I take tissue to look at under the microscope. I did
15 sample some of her tissue. But the other thing that we do on
16 all of our forensic cases is get samples for toxicology. So
17 looking for drugs and alcohol.

18 Q. So in this case, there was evidence of cocaine and
19 alcohol?

20 A. There -- it -- so in this case she doesn't have
21 blood to test, which is what would tell me exactly what she
22 was under the influence at the time of her death. But there
23 is none. So instead, we sent liver and so, we got back
24 positives. I can't really tell you specifically how the
25 levels relate to what was actually in her blood, but we don't

1 -- we do know that she has alcohol in her system.

2 Now, some of the alcohol can also be made by the
3 bacteria from decomposition, but -- but we also have this
4 compound called Coca ethylene, which is a combination of
5 alcohol and cocaine. So it suggests that she -- is
6 consistent with her having used cocaine and alcohol. And
7 then there is marijuana and nicotine -- and nicotine
8 metabolite. And then there is also decomposition compound
9 that was detected.

10 Q. And when examining Jennifer Grant, you did not
11 observe any defensive wounds?

12 A. Right. Now, she has what we call skin slippage.
13 So because of the decomp. So a lot of the skin has come off.
14 So I see no defensive marks. But I may not have seen a
15 scratch or something very superficial.

16 Q. And what are defensive wounds?

17 A. It's -- it's really just a definitional
18 description of where an injury would occur if someone is
19 trying to defend themselves. So if someone's approached with
20 a knife if they were to put their arms up and get injuries on
21 the -- their forearms, that would be consistent with a
22 defensive injury or put their hands out and there was
23 something on their hand that would be a defensive injury.

24 Q. So the palms are -- of the hands are a common area
25 to find defensive wounds?

1 A. You can. Yes.

2 MS. FORD: I beg the Court's indulgence. I have no
3 further questions.

4 MS. DAVIS: Re-direct?

5 THE COURT: Yeah. Go ahead.

6 RE-DIRECT EXAMINATION

7 BY MS. DAVIS:

8 Q. So you said you take liver samples to send off to
9 toxicology -- a toxicologist?

10 A. In this case. Usually, we send blood, but in this
11 case we send liver -- we send liver.

12 Q. Do you have an understanding whether you usually
13 send blood because that is a better specimen for determining
14 toxicology?

15 A. Yes. The blood is going to show what the person
16 is actively under the influence of at the time of death. And
17 then also, like if you're trying to say how much of a drug or
18 alcohol does she have in her, the -- the reference samples
19 are done on blood. So that's typically what we test.

20 Q. And are you a toxicologist?

21 A. No.

22 Q. Okay. So the toxicology for this case was done by
23 Demi Garvin, and...

24 A. No. So this -- we would -- the way that it's set
25 up here in Charleston is we package up the specimen and they

1 get sent to NMS labs. It's like -- it's in Pennsylvania, I
2 believe, but they're -- they do a lot of forensic toxicology
3 testing. And so, they do the actual testing. And then
4 Charleston County has Dr. Garvin, Dr. Demi Garvin, who's a
5 forensic toxicologist who also looks at the -- the results of
6 the testing.

7 Q. But because you create the autopsy report, the
8 pathology report, you're familiar with results of toxicology
9 testing, right?

10 A. I mean, it's part of our autopsy. I mean, that --
11 we have cases -- you know, that toxicology is significant in
12 the cause of death. So it is something that we include.

13 Q. And so, you're familiar with the result that some
14 autopsies have that show actual presence of cocaine, right?
15 like a positive result for cocaine?

16 A. Some cases, yes. In some cases, the toxicology
17 will show cocaine. In this case, it did not, but the but the
18 laboratory said that it couldn't actually test for cocaine
19 because there was some kind of interfering substance in the
20 decomposed tissue.

21 Q. So the decomposed tissue made it unable to --

22 A. Test for the cocaine.

23 Q. -- determine that?

24 A. Yes.

25 Q. So are you able to say whether, or not, she was

1 under the if she was inebriated or intoxicated by anything at
2 the time that she died?

3 A. I mean, it -- she is under -- there are active --
4 there's active alcohol and there's alcohol -- active cocaine,
5 alcohol product. I just can't tell you how high that is in
6 her blood system. So I don't know -- I can't predict her
7 behavior.

8 Q. And can you determine when it would have been
9 ingested?

10 A. No.

11 MS. DAVIS: No? No further questions.

12 MS. FORD: I beg the Court's indulgence.

13 THE COURT: Did you have any other questions, Ms. Ford?

14 MS. FORD: Yes, your Honor. I'm just reviewing my
15 notes.

16 THE COURT: Okay.

17 MS. DAVIS: Your Honor, I actually did have one more
18 question for re-direct, Ms. Ford has said she's okay with
19 that.

20 THE COURT: Go ahead.

21 BY MS. DAVIS.

22 Q. You mentioned slippage. Can you -- can you help
23 us understand what you're talking about when you're talking
24 about the skin of a decomposed body?

25 A. So when you think of skin, there's multiple

1 layers, and that -- when I say skin slippage, I'm talking
2 about the outer layer of the skin separates from the
3 underlying soft tissue and -- and comes off.

4 Q. What is sloughing or sloughing?

5 A. That -- that's the same thing. Slippage and
6 sloughage (ph) is the same thing.

7 Q. So you're talking about like actual layers
8 detaching from the body as a part of decomposition?

9 A. Yes. The outer layer of skin.

10 Q. And was the outer layer of skin -- was there any
11 sloughing regarding Jennifer Grant's hands in this case?

12 A. Yes. So the -- both the feet and the hands have
13 thicker skin than a lot of other areas of your body. So when
14 the skin's slippage or sloughage happens to the -- the hands
15 it frequently the skin often stays together and it can kind
16 of be like a -- look like a glove. It can kind of come off
17 like a glove.

18 Q. Do different body parts decompose at different
19 rates?

20 A. Not that I know of.

21 Q. In this case, were all of her body parts in the
22 same stage of decomposition?

23 A. They -- they looked very similar. Yes.

24 Q. Okay. Does where a body is, while decomposing,
25 affect the rate of decomposition?

1 A. It does. So like if somebody is in a -- like in a
2 refrigerator, obviously, that's going to slow down
3 decomposition because it slows down the bacteria, which is a
4 big driver of decomposition. I mean, most of the bacteria
5 when someone starts to decompose is coming from their
6 intestines.

7 So if you cool them down, then back -- just then --
8 then the bacteria don't grow as quickly. But if they're out
9 in -- you know, July in Charleston, things are going to move
10 a lot quicker because of the heat.

11 MS. DAVIS: Thank you.

12 RE-CROSS EXAMINATION

13 BY MS. FORD:

14 Q. Just briefly. In Ms. Grant's -- in the toxicology
15 report, there was also levamisole? I mean the...

16 A. Yeah, it's levamisole. That is something that --
17 so that was -- levamisole was tested as positive. They
18 didn't --actually, quantitative. And that is something that
19 -- it's actually a veterinary drug used to treat parasitic
20 infections, but for some reason it's not uncommon to be mixed
21 with cocaine.

22 MS. FORD: I have no further questions.

23 THE COURT: All right. You may step down.

24 THE WITNESS: Thank you.

25 THE COURT: Thank You. The State have any other

1 witnesses?

2 MS. DAVIS: May we approach?

3 THE COURT: Yes.

4 (Bench conference at 11:35 a.m.)

5 THE COURT: Okay. Does the State have any witnesses,
6 ma'am?

7 MS. DAVIS: At this time, your Honor, the State rests.

8 THE COURT: All right. Well, folks, you've now heard
9 the State's case and so, we have to take up some legal
10 matters. So I need -- we have to do that obviously outside
11 of your presence. So I'm going to send you back to the jury
12 room and again, you have not heard all of the case.

13 It's improper for you to begin your deliberations or
14 discussions about this case. And so, just go and we'll have
15 you back in a few minutes after we've had a chance to take
16 care of these matters, and then we'll let you know what the
17 -- the rest of the day is. Okay? So thank you (inaudible).

18 (Jury exits room at 11:37 a.m.)

19 THE COURT: Okay. Well, let's take a 10 while we wait
20 on Ms. Shealy, and we'll come back and hear the Defense's
21 motions, figure out what the rest of our day it's going to
22 look like.

23 MS. DAVIS: We appreciate the accommodation, Judge.

24 THE COURT: Sure.

25 (Off the record at 11:37 a.m.)

1 (On the record at 11:54 a.m.)

2 THE COURT: How are you?

3 MS. SHEALY: Hi. I'm much better, thank you.

4 THE COURT: Good. Well, she did well on her solo
5 flight time.

6 MS. SHEALY: Good. Very good.

7 THE COURT: Yeah. All right. So --

8 MS. SHEALY: Trial by fire.

9 THE COURT: That's the best way to learn, right?
10 You'll never forget your first. All right. So State has
11 rested. Motions.

12 MS. FORD: Thank you. At this time, your Honor, I
13 would like to renew all my prior motions including -- or
14 especially pointing out the pictures of Ms. Grant, which I
15 believe are inflammatory, not relevant, more probative than
16 relevant if there is any relevance. But I also would ask for
17 a directed verdict. In particular, the murder charge, your
18 Honor.

19 There -- there isn't any witness who was present during
20 what happened to Jennifer. According to Antolene's
21 statement, she says that my client told her where Jennifer's
22 body was. I can't remember her exact language, but as we
23 brought out through the objection earlier today, she never
24 said that he stabbed her or anything of that nature, or --
25 basically nobody knows what happened, essentially.

1 So we would ask for a directed verdict that there's not
2 enough evidence to show that my client murdered Jennifer
3 Grant, that he acted with malice aforethought in that, your
4 Honor.

5 THE COURT: Okay. Any response, Ms. Davis?

6 MS. DAVIS: Regarding the directed verdict, your Honor?

7 THE COURT: Yeah. As to the photos, denied after --
8 the same reason of denial earlier.

9 MS. FORD: Yes, sir.

10 THE COURT: Okay. So DV on murder.

11 MS: DAVIS: Thank you, Judge. I request you deny the
12 Defense's motion. I think that there is more than enough
13 evidence in this case to send this to the jury. Yes,
14 Ms. Smith testified that the defendant told her he killed
15 Jennifer Grant, that he killed the bitch. I apologize for my
16 language. He told her that he threw the knife in the side
17 yard. The knife was found there.

18 Jennifer Grant's blood was found in his house. He lied
19 repeatedly to the family members of the victim and law
20 enforcement about when he last saw her. He told law
21 enforcement on video to go investigate other people when we
22 now have heard evidence that it was, in fact, by his hand
23 that she lost her life. Not only that, but after she was
24 killed, his actions in trying to cover up his crime are
25 further indication of the malice and the disregard for human

1 life in this case.

2 He continued to allow the family members to be looking
3 for her while she was buried in his backyard. We heard
4 testimony from Dr. Presnell that she had, at least, 10 stab
5 wounds to her torso, and that she would have bled out from
6 these injuries.

7 She also had a wound to her forehead. And we believe
8 that the evidence suggests that this incident took place in
9 the Defendant's home. And that is why Jennifer Grant's blood
10 was found there and that he later did everything he could to
11 get away with it.

12 Further, your Honor, we heard on a jail call the
13 Defendant himself say he just snapped, and that he regrets
14 it, and that it's the biggest mistake of his life. I believe
15 I mentioned he lied to law enforcement about it. I believe
16 all of this points to the malice and disregard for human life
17 that's required for us to meet our burden in this case.

18 I believe we had testimony regarding that this all
19 happened in Charleston County. I think the desecration of
20 the corpse, your Honor, just wanted to hear about murder. So
21 I -- that's all I've gone into, but I can speak to the other
22 two charges.

23 THE COURT: Okay. Well, she didn't make a motion on
24 that. All right. You want to reply?

25 MS. FORD: Yes, your Honor. I -- lying about what he

1 knew or didn't know, or what he may have done, that's not
2 proof that he murdered Jennifer Grant. So that's -- there's
3 been much testimony as to that. We understand that's a big
4 sticking point or something the State wants to -- or they
5 have shown and they'll emphasize further, but that has
6 nothing to do with them proving murder. So we would just
7 like to stress that.

8 THE COURT: All right. Well, the -- his direct
9 evidence and circumstantial evidence is direct, as you know.
10 He did say on to -- to his wife that he killed her. With 10
11 stab wounds on the victim, that certainly suggests it was an
12 act of rage. It wasn't an accident. And I think it would
13 support malice aforethought.

14 I don't know if there's going to be any discussion or
15 request for voluntary manslaughter at some point, but it
16 also, the fact that there's 10 stab wounds wounded the
17 forehead, there was some struggle which would support a
18 circumstantial evidence case of murder. And so, your -- the
19 motion is denied. All right. What else we got? Go on.
20 You're going on? Have you made a decision about testifying?

21 MS. FORD: My -- my client is going to testify, your
22 Honor.

23 THE COURT: Okay. All right. Well, let me go talk to
24 you again, Mr. Smith, before we get to that point. I talked
25 to you on -- I guess, it was maybe Monday about your right to

1 testify, and I told you that you didn't have to testify.

2 And if you didn't want to testify, I would instruct the
3 jury that they're not hold that against you in any way. And
4 that, that is a constitutional right that you have. But you
5 also have the right to testify. You will testify truthfully.

6 The State will be able to cross-examine you, and you
7 will have to answer their questions as well, truthfully.
8 Your lawyer has told us just now that you will be testifying.
9 Is that correct?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. And you've had plenty of opportunity
12 to talk that over with them?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Both your lawyers?

15 THE DEFENDANT: Yes.

16 THE COURT: And this is your decision?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. All right. Well, you can be seated.
19 Well, we are supposed to be having their lunch come in a few
20 minutes somewhere in 12:15 area. So I would suggest that we
21 break for lunch, and then we come back and you can put up
22 your finish at that point because are you going to have any
23 other witnesses other than him?

24 MS. FORD: I do not plan to. I guess something could
25 come out in his testimony, but I do not plan to.

1 THE COURT: Okay. All right. Well, then what I'll do
2 is I'll bring the jury in, tell them what will break for
3 lunch and that when their lunch comes -- are you all having
4 them go down to another room? So you go down there and do
5 that. So let's -- let's resume at 1:30. Okay?

6 UNIDENTIFIED SPEAKER: Your Honor --

7 THE COURT: (Inaudible) 12:15. That'll give a little
8 over an hour you all to get ready for your -- get your
9 cross-examination going and start thinking about your jury
10 charges. We will -- we'll have a conference, but I know you
11 sent me -- gave a copy of the jury charges.

12 We'll have a charge conference later. We'll take out
13 the things about him not testifying and then talk about any
14 other things. If you have anything you want us to add that's
15 not any of your, please have it emailed too so that we can
16 have it in determining it properly. Okay?

17 MS. FORD: Thank you.

18 MS. SHEALY: And your Honor your intention is to charge
19 the jury today, is that correct?

20 THE COURT: Oh, yeah.

21 MS. SHEALY: Okay.

22 THE COURT: One way or the other --

23 MS. SHEALY: I assumed that, that's why I wanted to
24 clarify.

25 THE COURT: It's going to the jury today. All right.

1 Let's get the jury back in.

2 THE BAILIFF: All jurors are present, your Honor.

3 (Jury enters room at 12:05 p.m.)

4 THE COURT: All right. Be seated. Okay. Well, folks,
5 the -- you've heard all the evidence that the State has
6 presented, and the Defense tells me they intend call at least
7 one witness. And so, we are -- your lunch should be here
8 very -- very shortly.

9 So we'll just go ahead and break for lunch, and when --
10 when it comes, it'll take you down to where you've been
11 going. I understand the order is pizza and assuming it gets
12 there 12:15, in that neighborhood, the plan would be give you
13 about an hour and we will plan to resume at 1:30.

14 And so, when you get your lunch, after you do, if you
15 want to stretch your legs, walk out in sunshine or whatever,
16 you're welcome to do that. But let's be back in the jury
17 room at 1:30, and we will hear the State or the Defense case,
18 then the plan would be to have closing arguments, and I'll
19 charge you on the law and get it for you to begin your
20 deliberations later in the afternoon.

21 So the plan is still finished with the case today.
22 Okay? So don't be getting your deliberations or discussions.
23 Don't try to find out anything about the case on the
24 internet. If anybody contacts you about the case, please
25 report that when you get back, we'll see you back at 1:30.

1 Thank you.

2 (Jury exits room at 12:07 p.m.)

3 THE COURT: Okay. We'll back at 1:30.

4 (Off the record at 12:08 p.m.)

5 (On the record at 1:31 p.m.)

6 THE COURT: Court comes to order. Are there any 404(b)
7 or 609 issues you need to deal with before the witness
8 testifies?

9 MS. FORD: Your Honor, my client only has a petty
10 larceny from -- I believe, 2017. And we believe that
11 shouldn't come in. It doesn't carry more than a year. And
12 according to State v Bryant, which says that a conviction for
13 robbery, burglary, theft, and drug possession beyond the
14 basic crime itself is not probative of truthfulness. So we
15 should -- would argue that should not come in, but that's the
16 only conviction on his record.

17 THE COURT: I mumbled (inaudible).

18 MS. FORD: So we've -- that the only conviction on his
19 record is the petty larceny from the past 10 years. So we
20 believe that should not come in. So I don't know if the
21 State...

22 MS. SHEALY: The State has no problem with that, your
23 Honor.

24 THE COURT: Do we need to wait on Ms. Davis or move on?

25 MS. SHEALY: She was literally trying to print

1 something out she was going to need right after the next
2 witness. If we could wait just a second.

3 MS. FORD: Okay. And that's why I kind of, because I
4 -- in my file folder, I just had like multiple, and I was
5 like, "I don't know which one."

6 MS. SHEALY: One without.

7 MS. FORD: Okay -- okay. Don't try to -- you want to
8 get out?

9 THE COURT: All right. Are we ready?

10 MS. DAVIS: State is ready.

11 THE COURT: Ready?

12 MS. FORD: Yes, sir.

13 THE COURT: All right. Bring the jury in.

14 THE BAILIFF: All jurors are present, your Honor.

15 (Jury enters room at 1:34 p.m.)

16 THE COURT: All right. Be seated. Okay. Folks, we
17 are -- you've heard now the State's case, and so the Defense
18 is ready to call its first witness. Ms. Ford?

19 MS. FORD: Thank you, your Honor. The Defense calls
20 Curtis Smith to the stand.

21 THE CLERK: Please raise your right hand, place your
22 left on the Bible.

23 CURTIS ALAN SMITH, DEFENDANT,

24 being duly sworn, testified as follows:

25 THE CLERK: Please be seated. Please state your full

1 name, spelling your last name loud and clearly into the
2 microphone.

3 THE WITNESS: My name is Curtis Allan Smith, S-M-I-T-H.

4 DIRECT EXAMINATION

5 BY MS. FORD:

6 Q. Curtis, were you present when Jennifer Grant died?

7 A. Yes.

8 Q. And did you lie to the police about that?

9 A. Yes -- yes, I did.

10 Q. Why?

11 A. Because I was scared.

12 Q. Now, I'm going to go back to get more details, but
13 I want to give the Court a few background inform -- some
14 background information on you. Okay? How old are you right
15 now?

16 A. 69.

17 Q. And back in November of 2020, how old were you?

18 A. 65.

19 Q. And where are you from, Curtis?

20 A. Charleston, South Carolina.

21 Q. Did you live in Arbutus Avenue?

22 A. Yes.

23 Q. For how long?

24 A. Over 30 years.

25 Q. And in 2020, were you still working or were you

1 retired?

2 A. Retired.

3 Q. Okay. Were you working at all?

4 A. Part-time.

5 Q. What kind of work did you do?

6 A. Had funeral rector assistant, making removals, and

7 attending funeral services.

8 Q. Okay. Were you digging graves at that point?

9 A. No, ma'am.

10 Q. Had you previously?

11 A. I stopped digging graves in 2017.

12 Q. Okay. And why was that?

13 A. Because I had rheumatoid arthritis, I couldn't...

14 Q. And there was a limo in your -- at your house, did

15 you drive limos?

16 A. Drive limo part-time too.

17 Q. Okay. And what was that for? Was that for the

18 funeral business as well?

19 A. Going on funeral services.

20 Q. And do you have any children, Curtis?

21 A. I have two kids.

22 Q. And are they grown?

23 A. Yes.

24 Q. Who are they?

25 A. Curtis --

1 Q. What are their names?

2 A. Curtis, Jr., and April.

3 Q. How about grandkids?

4 A. Two grandkids.

5 Q. Now, you told us about the arthritis -- the
6 rheumatoid arthritis, but back in November, 2020, did you
7 have any other health issues?

8 A. No. Just hypertension and...

9 Q. And we heard --

10 MS. SHEALY: I have difficulty hearing his answers
11 (inaudible).

12 THE WITNESS: No. Just hypertension and rheumatoid
13 arthritis.

14 BY MS. FORD:

15 Q. Okay. And we heard from Ms. Beaufort, I believe
16 it was, about a heart attack. Had you had a heart attack?

17 A. I had a heart attack in 2017 -- 2018.

18 Q. Okay, so it wasn't shortly before November of
19 2020?

20 A. Yeah. It was before.

21 Q. Now we heard and saw some pictures of some
22 trophies at your house. Were those your trophies or your
23 son's?

24 A. No, my trophies.

25 Q. Okay. And what were they for?

1 A. I was a coach for little league football and
2 baseball team, corporate (inaudible) district. And was the
3 -- what you call -- you know, we had a whole lead team for
4 the funeral home and everything.

5 Q. Sponsorship?

6 A. Was the commissioner -- a couple of parks and
7 playgrounds.

8 Q. Now, Curtis, how long did you know Jennifer Grant?
9 About when did you meet her?

10 A. About 2012.

11 Q. And the two of you, did you ever have a romantic
12 relationship at any time?

13 A. About a month later.

14 Q. And would you describe your relationship as on
15 again, off again as other people have?

16 A. Yeah, we were friends. Good friends, very close.

17 Q. And romantic at times?

18 A. Yes.

19 Q. And would you see other people?

20 A. Yes.

21 Q. Did she?

22 A. Yes.

23 Q. Now, Antolene, when did she come into the picture?
24 Do you recall when you met her?

25 A. 2017.

1 Q. Were you still with Jennifer at that time when you
2 met?

3 A. No.

4 Q. And when did you marry Antolene? Do you recall
5 when you got married?

6 A. I think 2018.

7 Q. Now, the Solicitor -- the State, a few times,
8 they've paused or try to emphasize you mentioning to police
9 Antolene having mental health issues. What did you mean by
10 that?

11 MS. SHEALY: Objection to the relevance, your Honor.

12 MS. FORD: The State's brought it up multiple times.
13 They emphasized that.

14 THE COURT: Overruled.

15 THE WITNESS: She was going through mental health.

16 BY MS. FORD:

17 Q. Like the Department of Mental Health?

18 A. Yes.

19 Q. Okay. So you were saying she literally has mental
20 health --

21 A. Right.

22 Q. -- diagnosis?

23 MS. SHEALY: May I ask that she ask direct questions,
24 your Honor, not leading.

25 THE COURT: Okay. Sustained. Rephrase.

1 BY MS. FORD:

2 Q. Now, did you and Antolene separate at some point
3 in 2020?

4 A. I -- I think it was in end of September.

5 Q. Okay.

6 A. 2020.

7 Q. So after you all separated, did your relationship
8 with Jennifer change at all?

9 A. Yeah, we started seeing each other again.

10 Q. And would she come to your house?

11 A. Yes.

12 Q. How often was she there?

13 A. About -- just about when she got off just about
14 every day.

15 Q. Now, would she ever spend the night in 2020?

16 A. Yes.

17 Q. Were you talking to Antolene during this time at
18 all?

19 A. By phone.

20 Q. By phone? Now, we've heard of Jamaal Collins.
21 The State showed that there was a search on your phone from
22 November 5th of 2020.

23 A. Yes.

24 Q. Do you know anything about that search?

25 A. I -- Jennifer told -- asked me about if I know

1 Jamaal Collins. You know, she tells me just about
2 everything. She said -- she got my phone, "Let me show you."
3 And she brings the profile up, because Jennifer was the one
4 created my Facebook page and all that.

5 I don't know nothing about -- you know, Google and all
6 that shit. She made a -- a account for me and everything and
7 she showed me the picture. I -- I didn't know them. Never
8 seen him. Never met him.

9 Q. Okay. But you were aware of his name?

10 A. Right.

11 Q. Okay. Now, we've heard a little about you being
12 asked for money. Did Antolene ever ask you for money?

13 A. Yes.

14 Q. And -- actually, let me go back. Did you and
15 Antolene -- you said you all had some conversations on the
16 phone. Were you all discussing getting back together at all?

17 A. She talked about it. So she was ready to come
18 home.

19 Q. And did she request for money at some point?

20 A. That she had wanted to borrow some money for car
21 or something like that.

22 Q. Okay. And when did she ask about that? Do you
23 recall?

24 A. It was the early part of November.

25 Q. Was it before or after the 19th?

1 A. Before.

2 Q. Now, do you recall the night that Ms. Beaufort
3 came over with her -- and her boyfriend followed?

4 A. Yes.

5 Q. Was Jennifer at your house at that point?

6 A. Yes.

7 Q. And what were the ladies doing that you could see?

8 A. They were in the bedroom. I couldn't see what
9 they were doing. I was in the living room watching TV.

10 Q. And was anybody else there with you watching TV?

11 A. Well, Shalon called her boyfriend, just to keep me
12 company watching football. He came over.

13 Q. At some point in the evening, did Ms. Beaufort and
14 her boyfriend leave?

15 A. Yes, they left.

16 Q. Okay. And was -- was Jennifer still there?

17 A. Yes.

18 Q. So what did Jennifer do once the other two left?

19 A. Well, I -- I -- she -- she came back in and she
20 went outside. I don't know if she was like on telephone. I
21 don't know if someone called her or she called someone. She
22 said she'd be back.

23 Q. Okay. Do you know if she made a phone call?

24 A. I -- had the phone in her ear. I -- I don't know.
25 I didn't pay no attention because I was still watching TV.

1 Q. Okay. Do you know how long she was outside or do
2 you recall?

3 A. She was about 15, 20 minutes.

4 Q. Okay. So when she was outside, what were you
5 doing?

6 A. I was still watching TV.

7 Q. Okay. Any, were you doing anything else?

8 A. No.

9 Q. Did you go in your bedroom?

10 A. Yes. Right.

11 Q. Did you -- did you do anything in your bedroom?

12 A. Yeah. It was (inaudible) it was on the
13 nightstand, and it was -- looked like running over cigarette
14 ashtray and some -- a little plastic bag, white powder, and
15 some refill (inaudible) and all that. And so, I threw it
16 away.

17 Q. Okay. And when Jennifer came back inside, did she
18 say anything, or what happened when she came back inside?

19 A. She came away in the room. She saw the ashtray
20 was empty and she asked me what did I do with -- what the --
21 why -- why did I mess with the ashtray? I said, "It was
22 running over, threw it in the garbage." She went to the
23 garbage can. She said I owed her. "Owe you what?" She
24 said, "I had something inside the ashtray." I don't know.
25 She said, "Let -- let me hold \$35." And told her my card

1 (inaudible). I said, "For what?" She wanted to get
2 something -- she said she wanted to get something.

3 MS. SHEALY: Your Honor, I'm going to object to the
4 hearsay.

5 MS. FORD: If it goes to a well-being mind.

6 THE COURT: Overruled.

7 BY MS. FORD:

8 Q. And what did you do at that point?

9 A. Well, I told her I wasn't going to give her money.

10 Q. And what was her reaction?

11 A. She started cursing -- cursing me. And so, I
12 asked her, "Just -- see, I cannot. Just leave." I asked her
13 to leave. She -- she said she wasn't going home,
14 "Goddammit." She wasn't going.

15 Q. Okay. So what did you do?

16 A. I went to refrigerator. I was drinking some red
17 wine. I went to get some wine. All of a sudden, she started
18 talking. I said, "You -- you ain't going to leave?" My
19 phone was on the kitchen counter. I said, "I know who'll
20 make you leave. Let me call Eva." Which is her mother. I
21 called Eva and I reached for the phone and she got a knife
22 out the little thing I had -- a knife holder about eight or
23 nine knives. She just grabbed the knife and she -- every
24 time we get into something, "You can't call my gadamn mama."
25 And she nicked me on the finger. I jerked back and I looked

1 at her and she just said, "Look." And unusual, I said,
2 "Jennifer, what's -- what's wrong?"

3 I grabbed a piece of towel, my hand was bleeding, and
4 she said, "I'll kill you and let me find out" -- I think she
5 overheard a phone call. She said -- I didn't know. She said
6 she heard me and Antolene was speaking one day, "You going to
7 give that" -- whatever, what she called her, "I'm going to
8 give her money. I'm unable to. Let me find out you're going
9 to give her money, I'll kill you and her."

10 Q. Now, Curtis, before Jennifer grabbed the knife,
11 did anything else happen when you went to the refrigerator?

12 A. She hit me with a trophy --

13 Q. Okay. So --

14 A. -- when I was getting the wine.

15 Q. Okay.

16 A. Right by the -- the living room. It's not that
17 big. And -- and the kitchen is right there. The
18 refrigerator was on the left -- right hand side. As soon as
19 I reached down, she hit me.

20 Q. And how did that feel when she hit you?

21 A. Stanned me.

22 Q. Did it hurt?

23 A. I asked her again, "Leave. Just leave. Please
24 leave." She went -- she -- she wasn't going. She was
25 cursing. She came at me with the knife. I backed up and up

1 in the -- in the -- in the -- in the bedroom.

2 Q. Okay. Well, let's slow down a little. Which
3 happened first, the trophy or the knife?

4 A. The trophy.

5 Q. Okay. And so, after she hit you with the trophy,
6 what did you do?

7 A. Couldn't do nothing. I reached -- reached for my
8 phone to call her mother, and that's when the knife came.

9 Q. Okay. And where did she -- did she get you with
10 the knife?

11 A. On my pinky, just...

12 Q. Okay. So after that happened, I think, did you
13 say you got the paper towel?

14 A. Right.

15 Q. So what did you do then?

16 A. I put off in the -- as I was going back and up in
17 the room, she had the knife coming at her -- coming in --
18 towards me, keeps saying she was going to kill me. And I
19 said, "Jennifer, put the knife down." She just keeps talking
20 and I grabbed her pillow. Tried to -- you know, to get the
21 knife -- you know, out of her hand.

22 Q. I'm sorry. Did you say -- did you say "pillow"?

23 A. Yeah -- yeah. A pillow. And she just kept check
24 -- poking and poking, and we ended up on the side of the bed
25 and I grabbed her hand, never had the knife. I grabbed her

1 hand, and she bit me.

2 Q. Okay.

3 A. She bit me on my finger, loose her and she swung
4 and didn't see the coat because I threw the coat away. Was a
5 black court I had on with my jersey. She swung and I jumped
6 in the corner and couldn't get out the door and she just kept
7 saying she was going to kill me, "I'm going to kill you."

8 Q. So what was going --

9 A. Tussled with the knife.

10 Q. Okay. You were tussling?

11 A. We were tussling back and forth with pulling the
12 knife. Now, I was trying to get the knife out of her hand.
13 I didn't stab her. Nothing like we -- back and forth with
14 the knife.

15 Q. And how long did that go on?

16 A. At least about four or five minutes.

17 Q. Were you able -- ever able to get full possession
18 of the knife?

19 A. Until we fell.

20 Q. Okay. Now, while the two of you were struggling
21 with the knife, what was going through your head?

22 A. She was going to kill me. She saying she could
23 kill me. "I'm going to kill you."

24 Q. Did you try to get away?

25 A. I -- I couldn't get -- I -- I -- I tried to get

1 the knife out of hand, I couldn't go nowhere. She had me in
2 a corner between the bed and -- and the dresser.

3 Q. Now, you told us -- you started to say the two of
4 you fell. Can you tell us about that?

5 A. We tussled with the knife, and I hit my -- I hit
6 my leg on the footboard of the bed. And between the bed, she
7 fell, hit her head on the bed of the dresser, and I fell on
8 the side, on the -- by the bed. When I got -- we got -- I
9 got up and looked. She wasn't moving. That's when I got
10 scared, try to wake her up and she wouldn't wake up. I
11 didn't kill her. We were tussling with a knife. I got
12 scared. I'd never been in a situation like that.

13 Q. Curtis, did you see how many times Jennifer got
14 cut with that knife?

15 A. No, ma'am.

16 Q. And you mentioned -- I think it was a little hard
17 to hear, did he say you were wearing a jacket?

18 A. A black jacket.

19 Q. And did anything happen to that jacket?

20 A. It got cut, ripped on the -- on the corner. On
21 the -- and the front when she swing -- swings at me.

22 Q. And were your hands injured during any of this
23 time?

24 A. Yes. She -- she struck me couple of times, she --
25 she struck me a couple of times, and I told her, "Jennifer,

1 put the knife down." And, like, I killed her -- I didn't
2 kill her. She -- we were poke -- she's poking at me with the
3 knife. We were going back and forth with the knife. I -- I
4 just got scared, and she -- she wasn't moving on the floor,
5 and I panicked.

6 Q. Did you want Jennifer to die?

7 A. No -- no, ma'am.

8 Q. So Curtis, after you realized Jennifer was dead,
9 did you call the police?

10 A. Nope. I -- I -- I was scared. I didn't call. I
11 got scared. I was really -- I was scared.

12 Q. Well, why were you scared if you didn't -- if you
13 didn't -- if you weren't the one trying to hurt her?

14 A. I don't know -- I don't know. I just panicked. I
15 saw Jennifer, she wasn't moving. I just panicked. I -- I --
16 I just -- I just -- I -- I don't know. I just panicked. I
17 -- I didn't know why I made a mistake like that. I didn't --
18 I should have called the police, but I didn't. I lied to the
19 police. I did lie. And right then I said, "I got to get her
20 out this house."

21 Q. So what you --

22 A. To me --

23 Q. What'd you decide to do then?

24 A. I couldn't tow her, so I pulled her by her two
25 feet. And, generally, I kept thinking she'd get up, she

1 wouldn't get -- get up. And that's when I got a sheet. I
2 put it -- put it on her -- put it on in her, like, drag her
3 by her two legs, take her outside in the backyard.

4 Q. Did you bury? Did you --

5 A. I didn't bury her. I dug a trench. I had a blue
6 tar -- a -- a like a -- a plastic blue tar. I had her in the
7 sheet and I wrapped -- I dug a little trench, so the top
8 would go on the ground and I covered the -- cover up with the
9 top and throw some dirt -- dirt on top of the top on her full
10 body. Covered -- covered -- covered her head up with the
11 top, put her -- put some chairs around, so nobody would've
12 seen it. And I went back, and I was like -- just sit there.
13 I couldn't -- I just was out of -- I didn't believe what --
14 what happened.

15 Q. Did you go to sleep that night, Curtis?

16 A. That was early that morning. No, I didn't sleep
17 at all.

18 Q. Curtis, I want to -- before we talk about what
19 happened later with Antolene, I want to go over a few of the
20 pictures that we've already seen, okay? Now, Curtis, were
21 you able to see the back of your head?

22 A. No.

23 Q. Do you know if you had an injury to the back of
24 your head?

25 A. Yeah -- no. A little blood came out when I looked

1 a little back.

2 Q. And when you were ultimately photographed about 12
3 days later, do you know if anything was still there or not?

4 A. No. Just when little -- it was going down. A
5 little swelling, but it went down.

6 Q. Now, did -- were you wearing a band aid? We -- we
7 saw and heard about a band aid?

8 A. Yes.

9 Q. And what was that band aid for?

10 A. That was the bite mark.

11 Q. I'm going to show you what's marked as State's
12 Exhibit 84. Is that your finger?

13 A. Yes.

14 Q. And what's that bruise from?

15 A. That's a bite mark. She put -- she bit me on up
16 and -- she bit down on my finger.

17 Q. And I'm showing you what's marked as State's
18 Exhibit 85. Is that the same finger?

19 A. That's the same finger.

20 Q. And is that -- what is that?

21 A. A bite. When she bit me.

22 Q. Now, I'm showing you what's been marked as State's
23 Exhibit 87. Can you tell what that is?

24 A. That's from the knife when I went to the counter
25 to grab the phone. She nicked me with the knife.

1 Q. And where -- what finger is that?

2 A. That's my left -- left hand. Left pinky finger.

3 Q. Okay. Is that -- is your left hand, is that --
4 where would you describe that injury? Is it from the outside
5 of your finger?

6 A. No, it was right on the top.

7 Q. Right on the top?

8 A. Yeah.

9 Q. Now, this is Defendant's Exhibit 2. And what's
10 that a picture of?

11 A. My hand.

12 Q. Okay. And can -- can you see the little marks on
13 your -- all over your hand?

14 A. The -- right to the -- where? The black spot? I
15 know that's when I got stick -- stuck me right there.

16 Q. Okay. And do you -- are your hands normally like
17 that? Do you normally have those dots?

18 A. No -- no.

19 Q. And would you get injuries like that from the work
20 you were doing at the time?

21 A. No, ma'am.

22 Q. So I'm showing you what's been marked as State's
23 Exhibit 130. Is that your other hand?

24 A. Yes, ma'am.

25 Q. And what are those -- all those marks on your

1 hand?

2 A. Those right there? Those little nicks -- nicks.
3 I was jumping back, nicks and she was just -- just stuck and
4 jumping, just jumping back. Couldn't do nothing.

5 Q. And then -- so the trophy -- we heard about from
6 Antolene, a pin coming out. Can you explain what -- what
7 that meant?

8 A. One of the trophies had a -- a -- a -- filled with
9 a baseball on top and on the side had two cops. The pins had
10 been -- I know the cup holding the cups on the base of the
11 trophy.

12 Q. Okay. So do you know what pin came out?

13 A. I guess the pin -- what -- what was holding the
14 cup on the trophy -- on the standing trophy.

15 Q. Okay. I'm going to show you some pictures of the
16 trophies. State's Exhibit 43. Are those the trophies in
17 your house?

18 A. Yes.

19 Q. And --

20 A. That one on the bottom, the floor, in the middle
21 looked like -- looked like pulled with the back. Right in
22 there, but I don't see the base.

23 Q. Okay. Are you -- are -- do you even know for sure
24 which trophy it was?

25 A. I couldn't -- I couldn't tell. I know I had a --

1 a fill with the back, back on it, but I -- I can't tell
2 because I don't even see -- see the other part.

3 Q. And there -- there are two trophy parts on the
4 ground over there. Can you describe them?

5 A. I see a cup and little hill. That's about it.
6 One.

7 Q. Okay.

8 A. One cup.

9 Q. Okay. And then what else? Was that a baseball
10 man?

11 A. It had a baseball man in the middle, but I don't
12 see the base on it.

13 Q. Now, we were -- we did get to see a little trophy
14 that was shown to us with some blood on it. Is that what was
15 used to hit you or do you know?

16 A. Trophy hit me, had two cups on it. Fell in the
17 middle with the baseball. And I don't see the base where the
18 trophy was sitting on that one of the cops could have been --
19 I don't -- I don't know.

20 Q. So the -- the blood on that trophy that we saw, do
21 you know if that was your blood?

22 A. Could have been mine, could have been.

23 Q. And we did -- we did hear about some blood on a
24 Redskins jersey?

25 A. Yeah.

1 Q. Is that your Redskins jersey?

2 A. That came up of my finger that -- when we was
3 going in the room.

4 Q. Okay. So the blood --

5 A. It was on on -- right on the number, I remember
6 that. Right on my jersey. I remember that.

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

8 BY MS. FORD:

9 Q. Okay. Curtis. Now, we saw a knife that had been
10 found in the yard. Was that the knife that was used?

11 A. No, ma'am.

12 Q. What did you do with the knife that was used?

13 A. I threw out the knife to Ms. Marie neighbor in the
14 back of me and her yard.

15 Q. Okay. And so, the knife that was found by the
16 police, why was there just a knife in the yard?

17 A. I don't know. They got a -- a pad right next door
18 to me. Those fell going fishing. You got knives all -- I
19 got knives in my yard all over. And this concrete slab where
20 they clean fish and all kind of stuff, they leave knives out
21 there. That wasn't the knife.

22 Q. Okay. And was there a lot of blood in the house?

23 A. No, ma'am.

24 Q. You told us you didn't sleep that night. Do you
25 recall what you did the next day?

1 A. I believe I had a service. I just couldn't think.
2 I think I had Friday. I think Antolene came over.

3 Q. Was that the following day? The very next day or
4 the following day?

5 A. It was a -- it was after the 20th. So that was
6 Friday.

7 Q. Does the 21st sound right?

8 A. Friday.

9 Q. I think -- I think there's a -- another testimony
10 about the 21st. Or do you -- do you recall which day exactly
11 she came over?

12 A. I think it was on Friday or Saturday. Friday or
13 Saturday -- Friday, I think, it was.

14 Q. Okay. Now, why did she come over?

15 A. For money.

16 Q. For money? Is that the money that you all had
17 discussed on the phone previously?

18 A. Yes.

19 Q. And when she got, did she come to your house?

20 A. Yes.

21 Q. And when she got there, did you all have a
22 conversation about getting back together?

23 A. No. Because she -- she had wanted the money. I
24 started telling her, "I got a problem and something
25 happened." You know? I told her, "Me and Jennifer been in

1 an argument and Jennifer died." She just looked -- looked at
2 me and, "What happened?" I told her, "We were fighting over
3 a knife. She was drawing a knife. She -- she was going to
4 kill me and kill you too."

5 Q. Now, Curtis, was that -- did she -- when she came
6 over, did she decide to stay over to sleep over?

7 A. She -- yes, she stayed over.

8 Q. Well, when you told her about it, was it that
9 first night or was it later?

10 A. I told -- I told her first because I didn't talk
11 to no nobody but her, nobody. And was eating me up. And I
12 -- I told her.

13 Q. What was her reaction when you told her?

14 A. She was as shocked. She looked at me. She just
15 asked, "Where -- where is she?" I told her, "In the
16 backyard."

17 Q. Did you show her?

18 A. Yes.

19 Q. And how were you able to show her, Curtis?

20 A. Just pulled the -- the top off the top and showed
21 her.

22 Q. What was her reaction to that?

23 A. She said, "You got to get her out of here."

24 Q. And so, did the two of you come up with a plan?

25 A. Well, right then when -- when she said, "I -- I

1 just -- so -- you know, I'm just -- I'm going to call the
2 police." I got scared. I -- I just, "I -- I'm -- I'm going
3 to call the police." And she told me, "No." I don't know
4 what she meant. She said, "We're in this together." That's
5 all she said. She told me I need to go take some rest
6 because I didn't shower, nothing. She said, "You need some
7 rest." And she gave me a morphine pill, told me to go get a
8 nap.

9 Q. Did you take it?

10 A. Yeah, I took it. I don't know -- I think I wake
11 up in the night, the next -- the night -- the next morning, I
12 don't know. The next -- next morning.

13 Q. Now, at some point, did you all decide to move
14 Jennifer?

15 A. Yes.

16 Q. How did that come about?

17 A. I told her, I said, "I'm going to call the
18 police." And she said, "No." So I -- I had a limousine in
19 the back. We waited until -- waited to get -- got dark.
20 Just like I said I didn't -- she wasn't buried in the yard.
21 She was on the ground in the sheet, I got the hose and
22 wrapped around her because I couldn't tow her, pull her up,
23 wrap -- pulled her on the side of the house by the -- they
24 call a -- the recycling bin. I got that from across the
25 street.

1 Q. And so, did you put Jennifer in the recycling bin?

2 A. Yeah. We pushed by the hose, had popped the
3 litter on the side, she pushed her by the -- the feet and we
4 finally got her in the -- in -- in the bin.

5 Q. And then what did you all do?

6 A. Went across Spruill Avenue.

7 Q. And did you leave her there?

8 A. Yes.

9 Q. And at some point, did you all decide to move her
10 again or to do something again with her body?

11 A. Well, the next morning I was coming down Beach
12 Avenue and I looked across, through light, sort of container
13 because when we had moved in the night, it was dark -- you
14 know, got up early that morning, I could see the container
15 from the next street over. I looked right across the street.
16 I could see the container.

17 And I told her, I said, "I thought you had put -- put
18 the container" -- because she went over there with me,
19 "Thought you put the container in the back?" She said, "No."
20 I said, "I -- I got to move that because every -- anybody
21 could have spotted the container, and I -- on me." Me and
22 her went over there. She took off her tennis, she said, "I
23 don't leave nothing -- nothing wrong." She took her tennis
24 off.

25 Q. Her tennis shoes?

1 A. Antolene took her tennis shoes off and she threw
2 it in the -- in the -- in the -- in the -- and recycling --
3 the -- and we put her -- after we took her out the recycling
4 bin, she said, "Get some gas." I tell her, "No" -- I told
5 her, "No." She mentioned -- I had my head messed up, told me
6 to burn her. I said, "No, I -- I -- I ain't going to do it.
7 No, I ain't going to do it."

8 Just she doesn't want to leave nothing. And her tennis
9 and all that, was over there with -- with her -- we dumped
10 her out and brought the container back. And it's like I
11 said, garbage (inaudible) wash -- I always used bleach around
12 the house to wash garbage cans and all that out. And we did
13 wash out the container and put the container back in the lot.

14 Q. So Curtis, after other people realized that
15 Jennifer was missing, did people come talk to you about
16 Jennifer?

17 A. Yes. I remember one day, her brother, Brandon,
18 came and I couldn't play with Brandon -- Brandon because --
19 you know, they didn't -- they didn't do nothing to me.
20 Jennifer didn't do nothing to me. Just like I said, Brandon
21 asked me, and I -- I couldn't (inaudible) Brandon. He asked
22 me, "Man, Sweet, you seen Jennifer?" I couldn't look at --
23 look in -- look in his eye. It was over my head. I said,
24 "No. I seen her last night." You know, he -- he started
25 saying, "Hey -- you know, she always keeping secretly stuff

1 and all that." And -- you know, I said, "No man. I couldn't
2 look at him, look at -- at -- look at him.

3 Q. So Curtis, you -- just to be clear, you -- did you
4 say he called you "Sweet"?

5 A. Yeah, that's what he called me. That's my
6 nickname.

7 Q. We saw a text -- a message with Ave -- Mr. Forest
8 yesterday. Did he call you Sweet as well? It is that your
9 nickname? Is that what you're saying?

10 A. Yes.

11 Q. Okay. Did you talk to Ms. Beaufort at any point?

12 A. Yes.

13 Q. Did you lie to her?

14 A. Yeah.

15 Q. When you -- did you talk to police?

16 A. I admit I lied. I lied. I lied because I was
17 scared. I didn't know what to do. I was scared, right
18 there.

19 Q. Now, at some point we've heard that you were
20 arrested. Why did you still lie, or -- I'm guessing you're
21 going to say, did you lie to the police when you met with
22 them in that interview room that we saw?

23 A. Yes. Because why I lied. Listened to Antolene,
24 she said, "No one to say nothing to nobody." And I -- I was
25 on a daze. I -- i -- I was -- seemed like it was a dream.

1 And she said, "Don't say nothing to nobody." She told me.

2 Q. So -- well, we -- we saw on the video that at some
3 point the police gave you the information that she told.

4 A. Yeah.

5 Q. Why didn't you come clean at that point?

6 A. Because I -- I didn't believe it.

7 Q. You didn't believe it?

8 A. I didn't believe it. I just -- I didn't believe
9 it. She did something. I didn't believe it.

10 Q. Now, we heard a few jail calls, snippets from some
11 jail calls. What did you mean when you said -- when you said
12 you snapped?

13 A. That I shouldn't have -- you know, I should have
14 called the police -- you know, and she backed up. She had
15 the knife. I didn't -- never had control of that knife. And
16 talking about when I buried her, I should have called the
17 police. I just -- but not -- I should -- that's the main
18 thing I should have called police. And I didn't. And I
19 messed up.

20 Q. And did you make more jail calls than we heard?
21 That -- more jail calls than the three?

22 A. I don't think. No. I -- I didn't call and
23 discuss nothing. Nobody.

24 Q. Didn't -- didn't you talk to people a little bit
25 about the charges on the phone?

1 MS. SHEALY: I object to the leading (inaudible).

2 THE COURT: Overruled.

3 BY MS. FORD:

4 Q. Curtis, did you tell Antolene it was self-defense
5 how you acted that night?

6 A. Yes. I told her. I told her when she came over.

7 Q. Did you tell other people too?

8 A. Yes.

9 Q. From the jail?

10 A. Yeah, I told -- yeah -- I told -- yeah, I told a
11 couple of -- like friends, it -- I didn't do nothing. I just
12 messed up it. She come at me and I -- she was self -- she
13 was trying to stab me and we just -- back and forth with the
14 knife. Struggling with the knife.

15 Q. So going back to that -- what -- what was
16 Jennifer's demeanor during that -- that situation, that last
17 situation?

18 A. Me and Jennifer been through a lot, but I never
19 seen her act like that. She seemed like she was high.

20 Q. And what do you want the jury to know, Curtis?

21 A. I did not murder Jennifer. That's all I want. I
22 did not -- honestly, I didn't -- I lied to the police. I was
23 scared, but I did not -- true, I did not murder her. I did
24 not -- I didn't kill her.

25 MS. FORD: I beg the Court's indulgence. I have no

1 further questions, your Honor.

2 MS. SHEALY: May it please the Court?

3 THE COURT: Yes.

4 CROSS-EXAMINATION

5 BY MS. SHEALY:

6 Q. Mr. Smith, you're telling the jury that the bad
7 guys are Jennifer and Antolene. Is that right?

8 A. No. I'm not saying they're bad guys. I'm not
9 saying that.

10 Q. Who killed Jennifer? The bed?

11 A. The who?

12 Q. The bed?

13 A. No, ma'am. What I'm saying, we was tussling over
14 the knife back and forth, pulling. She was pulling knife. I
15 never had my hand on the knife.

16 Q. She was pulling the knife.

17 A. I was pulling it from her and trying to get -- get
18 the knife out of her hand.

19 Q. But the knife was pointing towards Jennifer?

20 A. The knife was pointing -- between me.

21 Q. So if you are pulling, you're saying it was coming
22 towards you?

23 A. Coming towards me.

24 Q. So As that knife is coming through you -- towards
25 you, Jennifer gets stabbed 10 times?

1 A. All -- I don't know how many times she got
2 stabbed. That knife was all -- all over, back and forth.
3 Just pulling towards, when she bit me. I -- I -- I didn't
4 give up. I just grabbed her, and we just tussled that knife.
5 Just like back and forth, back and forth.

6 Q. How long have you been practicing this story for
7 the jury?

8 A. I wasn't practicing. This is what happened.

9 Q. You're not practicing?

10 A. No, ma'am.

11 Q. You're not practicing it?

12 A. No, ma'am. That's what happened.

13 Q. So the knife is coming towards you, but somehow
14 Jennifer gets stabbed 10 times?

15 A. I don't know how much times she got stabbed. I
16 did not know that life was back and forth. I'm telling you.

17 Q. And you mean like it's towards you then? It's
18 towards her, then it's towards you, then it's towards her?

19 A. Her -- we was -- we was, like, a tag of pulling.
20 She was just jugging at me and we were just struggling with
21 the knife. I didn't look at the knife. I -- I was scared of
22 trying to get out the way.

23 Q. Trying to get out the way?

24 A. She was -- right. She was --

25 Q. But she was so mad at you, is what you're saying

1 now?

2 A. She was -- I don't know what -- she was mad. She
3 just was --

4 Q. So she may not have been mad?

5 A. Yeah. She -- she was angry, but she was just --
6 she said, "I'm going to kill you. I'm going to kill you."
7 And I just kept, back and forth.

8 Q. Look at this jury. What was she excited about
9 that was coming up in two days, going somewhere nice with a
10 man who was nice? Is that correct?

11 A. I do not know. All she told me she was going to a
12 wedding. That's the -- I do not know who she was going with.

13 Q. Jamaal Smalls? You didn't know that?

14 A. I don't know. I never met him. I don't know
15 Jamaal Smalls or Jamaal who.

16 Q. Why didn't you tell the police that you knew his
17 name when they asked you?

18 A. They didn't ask me if I know -- I told her -- I do
19 not know no Jamaal. I never met him.

20 Q. But it's on your phone?

21 A. Miss, I told you Jennifer, she showed him. She
22 said -- look, this the way how we talk, we communicate back
23 there. She said, "I got this nice fella here." She pulled
24 it up.

25 Q. Why --

1 A. I don't know about --

2 Q. -- did you pull it up on your phone?

3 A. She -- oh, she's the one that made my Facebook,
4 she made the Google and all these stuff on it. I didn't know
5 nothing about these things.

6 Q. You mentioned to us earlier that Antolene had some
7 type of mental issue. Is that right?

8 A. She do -- she do.

9 Q. So after you take the life of the woman who had
10 helped you and been your companion, you're telling the jury
11 that the mastermind behind moving her body and hiding things,
12 et cetera, was Antolene and you were just a puppet?

13 A. I didn't take her life -- I didn't take her life.

14 Q. You didn't take Jennifer's life?

15 A. No, I didn't.

16 Q. So you're saying that you didn't -- aren't even
17 the one who did the strikes against her?

18 A. We were struggling with the knife, me and her.

19 Q. You were in here when the pathologist testified.
20 Is that correct?

21 A. Yeah, I was in here.

22 Q. And you're saying that in this struggle while the
23 knife was going back and forth, you only get a little
24 something on your hands?

25 A. I got that before.

1 Q. You had that before, you mean before that night?

2 A. I got that before she -- we was tussling. I told
3 you I reached for the phone and that's when she nicked me on
4 my -- my panky.

5 Q. Why didn't you walk out the house for a minute?

6 A. I couldn't walk out the house because she had me
7 blocked there. She had knife.

8 Q. She had slept in your bedroom. Is that what
9 you're saying?

10 A. I -- right. I couldn't get out.

11 Q. Let me ask you something, you worked for Suburban
12 Funeral Home for years, right?

13 A. Yes.

14 Q. And at funerals, police are frequently there to
15 assist with traffic, et cetera. Is that right?

16 A. Sometimes.

17 Q. Is it fair to say that over the course of your
18 working for funeral homes, you knew a bunch of the police
19 officers in North Charleston, is that correct?

20 A. Yeah. I know some.

21 Q. Okay. And did you enjoy a friendly relationship
22 with them?

23 A. I enjoy --

24 Q. You joking along and talk while you're at the
25 funeral?

1 A. Not really.

2 Q. You didn't talk to any of them?

3 A. Not really, I talked to them when they --
4 something I might see -- you know, on the street, we talk.

5 Q. Okay. So when you would see members of the police
6 on the street, in your neighborhood, et cetera, you didn't
7 have a difficult relationship with the police, is that
8 correct? You got along, you might say, "Hey." Et cetera?

9 A. Yeah.

10 Q. Well, why didn't you call the police that night?
11 Why didn't you?

12 A. Like I said, I was scared.

13 Q. You were scared? Scared of Jennifer. Scared of
14 Antolene. That's what you want this jury to believe. Is
15 that right?

16 A. I wasn't -- no, I wasn't scared of Antolene.

17 Q. You -- you weren't --

18 A. I -- just scared what took place. We was fighting
19 over knife and I was scared. And what happened.

20 Q. But after you took her life, why did you not call
21 the police?

22 A. I tell you --

23 Q. And tell them what happened?

24 A. -- I did not take her life. I did not kill her.

25 Q. If you didn't take her knife, why -- life, why

1 didn't you call and go, "I got to tell you what just
2 happened. Please get over here quick"? Why didn't you?

3 A. Just like I said, I was scared.

4 Q. Scared of the police, scared of Jennifer. Scared
5 of Antolene, but not scared of a dead body in the back of
6 your yard, right? Not scared to walk across the street and
7 hide it. Not scared to get gas and pour it in a container.
8 Right?

9 A. I didn't pour no gas in the container. You --

10 Q. Why -- why the container?

11 A. I did not pour -- I did not pour -- Antolene said,
12 "Go get gas." I did not get no gas and pour on her. I
13 couldn't do it.

14 Q. So have women told you what to do all your life?

15 A. She told me -- she suggested that, I didn't do it.
16 I didn't pour no gas on her.

17 Q. Well, yesterday you were in here when we were
18 looking at the video and the police kept trying to encourage
19 you, "Man, tell us what happened. Tell us what happened.
20 Spare to say for a number of hours." You lied, you lied, you
21 lied, and you lied. And then they brought in a search
22 warrant so that you would know what Antolene was saying. Is
23 that correct?

24 A. Nope.

25 Q. Isn't that when you said, "Oh, now I'm the

1 boyfriend"?

2 A. Who boyfriend?

3 Q. When they were telling you what Antolene had said,
4 do you remember saying, "Oh, now I'm the boyfriend"? When
5 you were reading the search warrant and being interviewed?

6 A. I don't know -- I -- I don't know. I -- I -- not
7 say that I don't know. I -- too much -- too much happen in
8 my mind. I don't -- I don't know.

9 Q. That's your answer to the question? You have
10 members of your family that have worked for the police. Do
11 you?

12 A. Members of my family? Cousins.

13 Q. Okay. And were they working for North Charleston?

14 A. Yes.

15 Q. And despite the fact that you have cousins that
16 work for North Charleston Police, you thought the better
17 course was, "I'll drag her body outside, I'll put her in a
18 ditch." That's what you will extend to someone that you got
19 into an argument with that evening. Is that right?

20 A. No.

21 Q. Did you call any of your buddies that night?

22 A. Did I call who?

23 Q. Any of your buddies that night?

24 A. No, ma'am. I didn't call. No -- nobody.

25 Q. Well, you were telling the police that you all

1 were spreading dirt like the next day.

2 A. That -- no, ma'am. No, ma'am.

3 Q. When were you spreading dirt?

4 A. I got that dirt -- (inaudible) much where it was
5 doing some landscaping, and my yard got a little truck. It
6 always get flooded when it rained. And this happened,
7 Jennifer wasn't in the yard when I got that dirt.

8 Q. Well, when did -- did you get the dirt?

9 A. I got that dirt -- dirt full of the -- the lot.
10 Must -- I had a sight.

11 Q. But I'm asking you, when did you get it?

12 A. Before all this happened.

13 Q. So why were you bringing it up to the police when
14 they were asking you about these days?

15 A. I -- what -- what you talking about I brought up
16 what? The -- the dirt?

17 Q. Yeah. You were talking about spreading the dirt
18 in your backyard with your friends.

19 A. Well, I brought it up. They might have seen a
20 trailer. A I had a -- a trailer under in the yard. I don't
21 know, they questioned me about the yard. This -- this wasn't
22 before. This was way before anything like that happened --

23 Q. What happened --

24 A. -- with the dirt.

25 Q. What happened is that you felt disrespected by

1 Jennifer when she was talking about the upcoming wedding. Is
2 that not true?

3 A. No, ma'am. I -- no -- I don't know what you -- I
4 don't know where you're coming from with that. No, ma'am.

5 Q. Let me ask you. When she moved in after Antolene
6 left, did you and she have a platonic relationship, meaning
7 not a sexual relationship or did you also have a sexual
8 relationship?

9 A. Yeah. We were sexually active.

10 Q. So during the time that she was talking about
11 going to the wedding with Jamaal, you all had a sexual
12 relationship?

13 A. Yeah.

14 Q. So did you sit there and hear her talking about
15 the wedding that night?

16 A. No. She just told me she was going to a wedding.
17 Jen go -- I go -- I won't go. She goes -- she won't go.

18 Q. So it was nothing about that -- that bothered you
19 that evening?

20 A. No, ma'am -- no, ma'am. I had nothing -- nothing
21 to do with it. Nothing.

22 Q. Tell us how far away Ms. Eva lives from you?

23 A. Streets in alphabet order, A, B, C, D, E plus six
24 -- six streets over.

25 Q. Okay. And you knew that she loved Jennifer?

1 A. Yes.

2 Q. Okay. And so, when you made this big decision
3 about, "I'm not going to be able to tell anybody," you knew
4 Ms. Eva would be devastated, right? Not to know where
5 Jennifer was?

6 A. One time, when this happened, me and Antolene came
7 to Ms. Eva's house.

8 Q. That was way after you were taking down the
9 flyers, right?

10 A. I didn't take down no flyer. I don't know what
11 you talking about Miss, serious.

12 Q. The flyer in your yard.

13 A. I didn't take no flyer. The flyer was not in my
14 yard.

15 Q. Did you --

16 A. I don't -- I never seen no flyer. No flyer.

17 Q. Did you have any concern about the fact that
18 Jennifer's brother, Jennifer's mother, Jennifer's cousins,
19 Jennifer's coworkers were devastated not to know where she
20 was? Did you have any concern about that?

21 A. Just like I said, I was scared what -- what
22 happened. I never been in no situation like that. I was
23 scared.

24 Q. You got a stepdaughter that's a lawyer, right?

25 A. Yeah.

1 Q. Did you go run into her and say, "I got to talk to
2 you about this, please help me get this straight"?

3 A. Nope.

4 Q. You got a daughter and a son. Did you reach out
5 to them and say, "I got to have some advice, I got to
6 straighten this out. I've got to tell what happened"? No?

7 A. No. Afterwards.

8 Q. But you didn't have them come to the police and
9 say what you're saying really happened, right? Is that
10 right?

11 A. I didn't tell nobody -- nobody -- nobody but
12 Antolene what happened.

13 Q. So with the advice, you say Antolene was giving
14 you, you've all -- that was better advice than your
15 stepdaughters, your sons, your daughters, these dogs that
16 lived in the neighborhood, the guys that you hung out with,
17 of all the people. All of a sudden, when she says she needs
18 money, you're like, "Yeah. Come over." Is that right?

19 A. No.

20 Q. Well, you told us, you told her she could come
21 over.

22 A. Yeah, I told her to come over because that -- that
23 -- that was my -- you know, she was -- she -- we were
24 married. I help her out

25 Q. And that -- so when she's there, you're saying,

1 "The person I'm going to tell It's not a lawyer."

2 A. No -- no.

3 Q. "Not my children, not my stepchild. I'm going to
4 tell Antolene." Because you thought she would be wise? Did
5 you think she would be wise or did you know of all those
6 people, she would stick by you. Because You knew she loved
7 you? Tell them the truth. She's not the mastermind behind
8 what to do with the body that of a person you killed.

9 A. I didn't --

10 Q. You thought you could trust her?

11 A. You keep saying I killed her. I said I didn't
12 kill her.

13 Q. Tell me again, please. How did she die?

14 A. Just like I said.

15 Q. What her -- her body went up and down and up and
16 down on a knife?

17 A. We were struggling over a knife.

18 Q. And you're saying in that struggle somehow, she
19 gets stabbed severely 10 times, if not, more?

20 A. I didn't stab her.

21 Q. And you want this jury to believe that?

22 A. I didn't stab her. I didn't stab her.

23 Q. Are telling the jury that Antolene comes over kind
24 of like Mary Tompkins with a big bag and gives you a morphine
25 pill. Is that right? You're telling that she was trying to

1 drug you. She had such good ideas what to do?

2 A. No, she told me I look like a nervous wreck. I
3 need to get some rest.

4 Q. Is that bad advice or is that loving advice?

5 A. No. I -- I didn't sleep and I was feeling lot
6 tired. And so, I took -- took a shower, took -- took the
7 pill, laid down.

8 Q. And still, even after resting, you didn't think
9 the better of your decision, right?

10 A. No. I made a bad decision. I made -- I lied. I
11 made a bad decision.

12 Q. So you made that bad decision --

13 A. I didn't -- I didn't call the police.

14 Q. Didn't call the police, got in an argument with
15 Jennifer, right?

16 A. Said I didn't get a -- Jennifer got an argument.
17 She came --

18 Q. Jennifer got an argument with you.

19 A. Right.

20 Q. Antolene is the one with all these ideas, you are
21 pushing what you did on other people. Right?

22 A. You -- that's what you're saying. You wasn't -- I
23 know what happened. Jennifer got mad at me. So you -- I
24 know you're doing -- trying to do your job, but it didn't
25 happen like that. I didn't kill Jennifer.

1 Q. So day after day, as Jennifer's body has not been
2 found, you allow her family to have hope -- hoped that
3 somebody would see her. And that didn't persuade you to go
4 tell this story you're telling today, right? Too scared to
5 do that. Is that fair to say?

6 A. Yeah. Because I...

7 Q. And you've had, I guess, almost five years or
8 maybe over five years -- no, almost five years, I guess, to
9 come up with what you're testifying to today. You would
10 agree with that, do you not?

11 A. No -- no. I That happened from the start. I
12 didn't go to think about -- I know what happened. That --
13 what happened.

14 Q. Well, you worked for the Dickerson funeral home
15 for a long time?

16 A. No.

17 Q. How long?

18 A. I was -- since '14 or '15 when the Suburban closed
19 down.

20 Q. Okay. And the Suburban before then. And there
21 was no one who knew you as a good worker that you could
22 explain this to? Instead, the family keeps waiting, keeps
23 hoping, and you know where the body is?

24 A. I don't know about you, when I -- when I'm scared
25 -- I was scared.

1 Q. Well, you are being scared --

2 A. I didn't talk to nobody.

3 Q. You didn't tell your children?

4 A. No, I -- I didn't -- I -- I didn't tell nothing.

5 I -- I -- I didn't tell nobody nothing. Told? What do I
6 tell?

7 Q. Excuse me?

8 A. I -- I told -- I told one person. I didn't get
9 nobody involved in nothing.

10 Q. You didn't tell anybody except Antolene because
11 you knew she would stick with you. She was the one who would
12 say, "That's okay -- that's okay." That's what you hoped
13 for, right?

14 A. No.

15 Q. Well, when Officer Lawrence came by your house and
16 wanted to ask you if you knew where she was, he was being
17 nice to you, wasn't he?

18 A. I told him, "No." I told him I didn't know.

19 Yeah, I told him. I said I lied. Yeah, I told all them I
20 didn't know. I told police -- I -- I -- I lied, because I
21 was scared. Simple. I was scared.

22 Q. And you think in coming in here today, and
23 admitting that you lied back then, you're hoping the jury's
24 going to think well, "He is come clean now," as you're
25 sitting there in your own trial, right? But not when a

1 family's grieving, not when the police are looking
2 everywhere, correct? Is that correct?

3 A. No. I was scared. That's all --

4 Q. She'd hurt your feelings that evening. Is that
5 fair to say?

6 A. Who?

7 Q. Jennifer. On the night that she gets stabbed --

8 A. No, ma'am.

9 Q. -- repeatedly?

10 A. No, ma'am -- no, ma'am. She -- she -- she -- she
11 done -- done nothing to me.

12 Q. When you've worked for these funeral homes -- you
13 know what a body looks like as it decomposes. Do you not?
14 Do you know what a body looks like as it decomposes?

15 A. Yes.

16 Q. As it rots, right?

17 A. Yes.

18 Q. And you made a decision to not come forward
19 because you were scared and allow that to happen as Jennifer
20 was not found until Antolene told the police what had
21 happened, correct? You made that choice?

22 A. Yes. Yeah.

23 Q. You told the police during this period of time
24 that Jennifer said she was going to be coming back after she
25 supposedly left the house. Is that correct?

1 A. Yes.

2 Q. But her phone had not left the house. Right?

3 A. I don't know.

4 Q. You don't know?

5 A. I don't know because I -- I called the phone. I

6 -- I didn't see no phone there.

7 Q. Did you ever take the time to count how many lies

8 you told the police the night they were trying to interview

9 you?

10 A. I told her I didn't know where she was at.

11 Q. You would agree, would you not? That you lied to

12 them on a number of occasions to Officer Lawrence who

13 approached your yard then to Detective Schoolfield when he

14 came over to talk to you? Let's think about that for a

15 second, shall we? You were relaxed. Remember he came up to

16 your house, you bring him in, he's asking you questions and

17 you're like, "Wait, let me show you my phone. She was dating

18 this guy named Alfred." Remember?

19 A. Sure --

20 Q. Or Alvin -- Alvin.

21 A. I don't know what you're talking about. I ain't

22 showing no body no phone --

23 Q. What were you showing them on the phone?

24 A. What was I showing on the phone? What are you

25 talking about?

1 Q. In your house, when -- when an Antolene is sitting
2 on the couch, not peeping a word, and Detective Schoolfield
3 and the female partner of his that came with him, and they're
4 trying to ask you, "Look, we're -- we're looking for Jennifer
5 Grant."

6 And as they were telling you that you were like, "Oh,
7 you need to check out, check out Alvin." And then it sounded
8 like you were suggesting there was some man that had
9 prostitutes in his yard or something. You were trying to
10 divert their attention from you and put it elsewhere, right?
11 But you weren't scared to do that to a police officer? Is
12 that correct?

13 A. I don't know -- I don't know.

14 Q. And then Schoolfield and Mike Brown, you were here
15 when they did get you and brought you in. Tell us how did
16 that feel? How scared were you when officer, after officer,
17 after officer, after crime scene person, crime scene person,
18 the coroner's office is right outside your door, across the
19 street looking for Jennifer's body? Were you scared then?

20 A. I wasn't home.

21 Q. You weren't home?

22 A. I wasn't there.

23 Q. You were not at your home?

24 A. They already arrested me when they -- when they
25 found me.

1 Q. When they found the body. But you knew they had
2 been out there, right?

3 A. No, I don't -- I didn't -- I wasn't home.

4 Q. You weren't home while they were out there?

5 A. Nope.

6 Q. So Mike Brown didn't come into your house?

7 A. I got locked up December 2nd.

8 Q. I understand that. I'm talking to you about the
9 night that they were out there looking for the body.

10 A. I wasn't there.

11 Q. So that didn't happen? Now, when you were in the
12 interview room that evening that they took you down to North
13 Charleston and the police asked you this, "Did your head get
14 hurt?" And you laugh, "No, ma'am. No, ma'am. My -- my head
15 didn't get hurt. My head didn't get hit." Lying to the
16 police again, right?

17 A. Yep.

18 Q. Are you picking out things to try to make it look
19 like you aren't guilty and missing the point?

20 A. I'm guilty of moving the body, but I did not
21 murder Jennifer. I'm guilty of lying to the police. Yes,
22 I'm guilty of that. But I'm -- I'm not -- I didn't murder
23 Jennifer. I did not murder her, and like -- I just called
24 her over there and just stab her. Stab her. No, it didn't
25 happen like that. No, I'm telling you.

1 Q. And you're still saying that you don't understand
2 how she got stabbed? So can you tell us?

3 A. I'm telling you, we were tussling over the knife.

4 Q. And somehow, she has the knife pointed at her and
5 you don't get stabbed at all?

6 A. Right. I don't know. She just took pulled a tag
7 of war and pull the knife -- the knife, I was pulling.

8 Q. I mean, you are taking that knife and going
9 towards her -- towards her?

10 A. I didn't. No. No, ma'am. I didn't -- I didn't
11 -- never grab a knife. Never had possession of the knife.

12 Q. Are you telling us that Dr. Presnell was wrong
13 about where the --

14 MS. FORD: Objection.

15 BY MS. SHEALY:

16 Q. -- injuries were?

17 MS. FORD: Pitting the witnesses.

18 MS. SHEALY: I think that question is --

19 THE COURT: What was your objection?

20 MS. FORD: Pitting the witnesses against each other.

21 MS. SHEALY: I'm ask -- well, you heard the question.

22 THE COURT: Go ahead.

23 MS. SHEALY: So, when Dr. Presnell testified about
24 where the injuries were -- I beg the Court's indulgence for
25 one second?

1 BY MS. SHEALY:

2 Q. When you were in here and you heard Dr. Presnell
3 testify she was wrong?

4 MS. FORD: See. Objection, pitting the witnesses.

5 THE COURT: Sustained.

6 BY MS. SHEALY:

7 Q. You were in here when she testified?

8 A. I started to say something, but I couldn't say
9 nothing. We -- I still said whatever she said, I don't know
10 what she meant and never did like I got the knife and stabbed
11 her. It wasn't -- it wasn't like that. I just, like I said,
12 we were fighting over the knife. I never had my hand on the
13 knife. I had my hand on her hand and we were pulling back
14 and forth with the knife.

15 Q. So you deny that Jennifer was getting struck with
16 a knife. Was she yelling out? Was she --

17 A. No.

18 Q. -- moaning?

19 A. No.

20 Q. You had no idea that she was getting hurt?

21 A. She -- Jennifer, was just keep putting when she --
22 one -- one time -- one time, like, on her stomach, she --
23 "Oh, you stick it, you stick it, you stick it." And she just
24 keeps pulling back and we just keep fighting with the knife.
25 So until we fell.

1 Q. Are you telling the jury that Jennifer actually
2 repeatedly stabbed herself?

3 A. Just like I said, we was fighting over the knife.
4 Just the knife. You said. I did not stab her. We was
5 fighting over the knife -- knife was going back and forth.

6 Q. The truth is that when you talked to Antolene
7 after she came over and then you're, you're open to her
8 staying at night with you. Is that right? Once she comes
9 back?

10 A. You said the truth is when Antolene came over,
11 what -- what that mean?

12 Q. When she came over to get the money?

13 A. I never --

14 Q. You were not --

15 A. I never -- I never gave her no money.

16 Q. She came over for money and got no money?

17 A. No, because just like I said, I was all mixed up
18 and -- and I -- and she -- that's -- I guess that's what she
19 told. Because I told her, "I got the money but, hey, right
20 now I'm confused. Hey, this thing here." I said, "Jennifer
21 is dead." Never did give her no money. That -- that had me
22 met -- mixed up in my mind, my mind.

23 Q. And Jennifer stayed with you. Did she stay with
24 you the night she came to get the money? Did she spend the
25 night at your house that night?

1 A. No -- no -- no.

2 Q. But the days that followed --

3 A. You said -- you got it -- you got it wrong.

4 Q. Okay. Tell me when she spent the night, tell us

5 all. Well, how many days did she spend the night?

6 A. When she -- tell who spent the night? Who -- who

7 are you talking about?

8 Q. Antolene. Did I say Jennifer? If I said

9 Jennifer, I meant Antolene.

10 A. Antolene came there afterwards.

11 Q. Yes, I know that. And I'm asking you when she

12 did, did you all then you said, "Why don't you stay?"

13 A. No, I didn't say that. She came there and said

14 she was going to stay.

15 Q. She said she was going to stay?

16 A. Right.

17 Q. And did she also spend some of those days back at

18 her family's house?

19 A. I don't know. I -- I -- I don't know when they

20 leave my -- I don't know where she goes. I don't know. I

21 don't -- I don't keep -- you know, tabs on none of that.

22 Q. You don't care that much about what they're doing?

23 The girls?

24 A. No, I just -- look, we had a relationship. We --

25 you do what you do, I do what I do. Seriously. Simple as

1 that. I ain't no jealousy or nothing like that. Just like
2 you saying, I was mad at Jennifer. I was -- we never -- we
3 ain't going to no argument or nothing.

4 We wasn't until she came back and asked me for the \$35
5 she ever get something. And she -- I told her, "No, you
6 don't need nothing." And she just brought the little thing
7 up. "Yeah. You thought, I done heard the conversation with
8 you and that" --

9 Q. With what?

10 A. Me and that bitch on the phone talking about
11 Antolene. She come -- "And let me find out she's coming to
12 get money from you." I said, "I just going to help her with
13 the car." No. She said, "Don't give her nothing. And I'm
14 -- I'm here with you and you will give her." She -- she
15 said, "I'll kill you."

16 Q. So are you telling the jury, then, that it was
17 that night that she had overheard a conversation between you
18 and Antolene?

19 A. She didn't -- she didn't -- she didn't hear that
20 conversation that night. She said she -- she said, "You
21 don't know. I heard your conversation the other day when
22 Antolene called you."

23 Q. And -- okay. So what'd you do with Jennifer's
24 clothes?

25 A. What clothes?

1 Q. Did she not have any clothes at your house?

2 A. Jennifer came and go, I tell you, when she wanted.
3 And that -- I don't think it -- I could recall. I don't know
4 if she's -- she spend that night -- night before wherever she
5 got her clothes and take it, wash it.

6 Q. Tell the jury where was the wig that she had?

7 A. I don't know.

8 Q. Still sitting in that house?

9 A. This -- this you talking -- this 2025. I do not
10 know.

11 Q. You were in that house a number of days after you
12 killed her. Right?

13 A. It's just like you -- you saying that. I -- I
14 told you I did not kill Jennifer. And you -- I didn't kill
15 her.

16 Q. Then why didn't you go to the police? Why did you
17 not go to the police? You knew a number of policemen.

18 A. I did not kill Jennifer.

19 Q. The reason you sought out Antolene to help you is
20 you knew that she loved you, right?

21 A. No.

22 Q. You didn't know she loved you?

23 A. Uh-uh.

24 Q. Yet she agreed to come back after you -- and she
25 had broken up previously?

1 A. She said this before. All I said. She's ready to
2 come back home before all these even happened.

3 Q. And when she came back home --

4 A. She's been saying.

5 Q. Well, you chose not to tell your son. You chose
6 not to tell your daughter. You chose not to tell your
7 stepdaughter. You chose not to tell the friends that you had
8 in the neighborhood. Did you think everybody would know you
9 were lying? The people who knew you best?

10 A. Nope. Because --

11 Q. So why didn't you tell them?

12 A. I was scared and I wasn't -- about all this
13 happened to me and Jennifer. Me and Jennifer wasn't no bad
14 blood between me and her. It wasn't -- it wasn't. That
15 happened that night, I don't know why. It was just, like I
16 said, I never seen her like that. And, seriously, she came
17 at me with the knife, and I didn't kill her -- I didn't kill
18 her. I'm serious, I'm saying I did not kill her.

19 Q. But you didn't tell anybody that you were close to
20 what really happened?

21 A. Nope.

22 Q. Not your son, not Esau (ph). None of them?
23 Instead, you let a woman be in whatever you called it the
24 first night, and then out where the coyotes and wildlife was
25 out there. That's how much regard you had for human life.

1 Is that correct?

2 A. No. I -- no. I wasn't thinking.

3 Q. And the tears of Ms. Eva, the concern of her
4 brother, the petrified state her cousins were in, none of
5 that led you to go to the police and tell them what you're
6 saying right now, right? None of it. Person after person,
7 mother, brother, cousin, employees, coworkers, none of that
8 led you to do the right thing. Is that correct? Tell me how
9 you moved the body or Antolene do that too? How'd you get
10 her outside?

11 A. I told you.

12 Q. I -- give me the details of how that went.

13 A. I -- I already told you.

14 Q. You took the body from the bedroom, is that
15 correct?

16 A. Yes.

17 Q. How'd you take it? Did you drag it?

18 A. I put it in a sheet.

19 Q. And then you pulled the sheet through the house?

20 A. (Inaudible).

21 Q. I'm sorry?

22 A. Yeah. You say so.

23 Q. Okay. So you pulled the body on a sheet through
24 the house and that takes you through your living room area
25 through the kitchen. She knocking into any walls during that

1 transportation, did she?

2 A. No.

3 Q. And you opened the kitchen door. Did she -- her
4 head bounce on a step as you went out?

5 A. No -- no. I had --

6 Q. How did that not happen?

7 A. I had her by her arms, and -- by her arms.

8 Q. You had her like this, is what you're saying?

9 A. Oh, Lord have mercy.

10 Q. Tell us again where it was you put her. I don't
11 understand what you were describing.

12 A. On the side. Right in the backyard, on the side
13 -- on the side of the steps. Right. As soon as I got out
14 the backyard and out of the house.

15 Q. And why is it that no one would be able to see
16 that in your backyard?

17 A. Because nobody come -- they come to the front,
18 come to the side door.

19 Q. Say that again.

20 A. In the side yard.

21 Q. Nobody comes in the side yard?

22 A. They come through on the side. They don't come in
23 the back. All the way in the back.

24 Q. I thought that's where you and your buddies would
25 hang out?

1 A. On the side, I got a big yard. We'd be right on
2 the side -- side of the house.

3 Q. And is that why you needed some dirt to spread out
4 in the back?

5 A. No, ma'am.

6 Q. So you weren't worried about her body being out
7 there and --

8 A. She wasn't -- she wasn't back there when the dirt
9 was -- was being spread out.

10 Q. So you're telling the jury that it's Antolene who
11 came up with all the ideas, the recycling bin, putting her on
12 a railroad track? Or was that your idea?

13 A. No -- no -- no -- no. It wasn't railroad track.
14 It wasn't -- we wasn't put her on. No. We didn't -- we took
15 her across. We didn't no -- no railroad -- railroad track.
16 I saw the railroad track. I didn't know, it was dark. I
17 don't know.

18 Q. But as you're walking -- are you the one who
19 pulled the green leaves down, put it over? Her down?

20 A. No -- no -- no.

21 Q. Was that Antolene?

22 A. No -- no -- no.

23 Q. How'd they (inaudible)?

24 A. Step on it. Those green leaves was on a -- like a
25 tree was right by me. And you just -- you got to put your

1 feet on it and just popped it off.

2 Q. And you wanted to make sure her body was hidden,
3 right?

4 A. Yeah. We both put it on it.

5 Q. But you want the jury to believe that Antolene
6 took those tennis shoes off?

7 A. She did took her shoes off.

8 Q. Did Jennifer had her shoes on in the house?

9 A. I'm not talking about Jennifer's shoes. They are
10 talking about Antolene shoes. Her shoes.

11 Q. Oh, she took her shoes off?

12 A. Her shoes. See -- listen. I said Antolene took
13 her shoes and said destroy everything. She doesn't want her
14 footprint or nothing. And she said, go get some gas and burn
15 everything up. I told her, "No."

16 Q. So all those things were Antolene's idea?

17 A. Yeah. She -- yeah. She took her shoes off. I
18 didn't took my shoes. She took her shoes off.

19 Q. Are you somebody that's easily led?

20 A. Huh?

21 Q. Are you somebody that's easily led by other
22 people?

23 A. No -- no. Not really -- not really. I was --
24 this is the first time I ever been in a situation like this.
25 I -- I was scared. I'm serious.

1 Q. And it's the situation that you were in, right?

2 A. Yes.

3 MS. SHEALY: I beg the Court's indulgence, a moment?

4 BY MS. SHEALY:

5 Q. When you talked to Antolene and were telling her
6 about this, you told her, "I'm going to go to jail for
7 murder." Right?

8 A. I said that everybody was going to think, I
9 murdered her, but I didn't kill her. Told --

10 Q. But you told Antolene, and that's what you were
11 realizing that you were going to go to jail for murder?

12 A. I don't recall saying, "I was going to jail for
13 murder." I said, "They probably going to think I murdered
14 her."

15 Q. The shoes that you were talking about were dirty,
16 right? Is that the shoes that you're talking about when
17 you're saying that they were Antolene's?

18 A. Tennis shoes.

19 Q. And they were dirty because --

20 A. No. Wasn't dirty.

21 Q. Do what?

22 A. It wasn't dirty, green pair of tennis shoes.

23 Q. A green pair of tennis shoes? Did you decide at
24 any time after you got arrested, when those two officers
25 talked to you for hours, when you've got plenty of time as

1 you're sitting in jail thinking about it all, you never
2 decided you wanted to tell the police what happened?

3 MS. FORD: Objection. Commenting on my client's
4 rights.

5 THE COURT: Say that again.

6 MS. FORD: Commenting on -- his right to have an
7 attorney, and...

8 MS. SHEALY: That's not what I've asked.

9 THE COURT: Overruled. Go ahead.

10 THE WITNESS: I was in jail.

11 BY MS. SHEALY:

12 Q. Huh?

13 A. I was in jail.

14 Q. I -- I -- I couldn't -- I -- I just didn't hear
15 what you said.

16 A. You said during the time I got locked up, I
17 couldn't talk to no police. I couldn't talk to nobody. I
18 was in jail. I couldn't talk to nobody.

19 Q. So you think that if you're in jail, you can't
20 talk to the police?

21 A. I couldn't talk to nobody.

22 Q. You tell your -- you had two different lawyers,
23 right?

24 MS. FORD: Objection. Just going into the (inaudible)

25 --

1 THE COURT: Sustained.

2 MS. SHEALY: No.

3 THE COURT: Sustained.

4 BY MS. SHEALY:

5 Q. Okay. So you're saying that your position is you
6 can't talk to the police if you're in the jail. No way to
7 make that happen?

8 A. No.

9 Q. Mr. Smith, you do regret now what you did then,
10 right?

11 A. I regret I lied to the police. And what you said.
12 I did not murder Jennifer. I just lied. I lied to the
13 police. I did not murder Jennifer.

14 MS. SHEALY: Jennifer murdered herself? I have nothing
15 further.

16 RE-DIRECT EXAMINATION

17 BY MS. FORD:

18 Q. Curtis --

19 THE COURT: Before you start, you all need to use a
20 restroom break before we go back? Yeah. Let's take about a
21 10, 15-minute break. Let everybody stretch your legs, use
22 the restroom. We'll have you all back in about 15 minutes.
23 Again, don't begin deliberations or discussions.

24 (Jury exits room at 3:08 p.m.)

25 UNIDENTIFIED SPEAKER: I think so. Check.

1 THE COURT: Is that the last one?

2 MS. FORD: Curtis, do you need to go to the restroom or
3 anything?

4 THE COURT: Yes. If he needs to go to -- if you need
5 to go to the restroom, they can take you back to use the
6 restroom. But you can't talk to anybody during the break.

7 THE WITNESS: Am all right.

8 (Off the record at 3:08 p.m.)

9 (On the record at 3:26 p.m.)

10 THE COURT: Okay. We got everybody in. You ready to
11 go?

12 MS. FORD: Yes, sir.

13 THE COURT: Okay. You're doing --

14 MS. FORD: Re-direct.

15 THE COURT: -- re-direct? Got that. Okay. Let's
16 bring the jury back in.

17 MS. FORD: And, your Honor, I don't know if there
18 should be an -- a curative instruction on the comment about
19 his communication with his attorney. I know the question
20 wasn't allowed. The answer wasn't, but I think the fact that
21 the State raised it is concerning.

22 THE COURT: Hold off on bringing them in for just a
23 second. Refresh what the question was.

24 MS. FORD: So the Solicitor was asking him, basically,
25 "You've been in jail -- or you've had two attorneys" -- she

1 started to say, "You've had two attorneys." She clearly was
2 suggesting, "Your attorney could have come forward during all
3 this time and could have told the police it was self-defense
4 or an accident." That -- that is what the Solicitor was
5 suggesting by her question. I objected before he could
6 answer, but I think clearly the jury, from even the question,
7 it's out there.

8 MS. SHEALY: I think it might be helpful we could have
9 it read back because he had answered a question of mine about
10 he wasn't able to be able to tell the police his side of the
11 story because he'd been in jail. And if we could read from
12 there.

13 THE COURT: Well, it doesn't matter if you -- you're
14 not supposed to allude to -- any communications with his
15 lawyer. And so, I will -- I'll instruct him on that. Okay.
16 Bring them in.

17 THE BAILIFF: All jurors are present, your Honor.

18 (Jurors enters at 3:28 p.m.)

19 THE COURT: Okay. Be seated. All right. Before we
20 resume with the re-direct, I want to tell you, there was a
21 question by the State to the Defendant a few minutes ago
22 about while he was in jail, would he -- did he ever have any
23 communications with his lawyer?

24 No one is -- the right to have a lawyer is
25 constitutionally protected. I didn't -- I didn't allow the

1 question, but the fact that the question was asked raises
2 some negative inferences that you might draw from that.

3 Right to have counsel and to not speak to your
4 communications about that with your lawyer. And so, I want
5 you to disregard the question. I did not allow the answer,
6 but I want you to disregard the question and strike it from
7 your memory. All right. Ms. Ford, whenever you're ready.

8 MS. FORD: Thank you, your Honor.

9 BY MS. FORD:

10 Q. Curtis, I know it's been a long day. So I just
11 have a few more questions. I think we've all got the picture
12 that you lied. But what was your state of mind when you told
13 Antolene what happened?

14 A. Well, I -- I was still confused. It was just like
15 I said, I couldn't believe what had happened. I couldn't
16 believe it.

17 Q. And what was your state of mind when you talked to
18 police?

19 A. I -- I was out -- I was out. I -- just -- I --
20 just like I said, I never been in a situation like this
21 before, and I didn't know because I didn't trust the police.

22 Q. Did you want to get your family involved, your
23 children?

24 A. No -- no, I sure didn't.

25 Q. Now, just to be clear, even though you lied to

1 police when you opened up to Antolene, you did tell her you
2 were protect -- you were protecting yourself, correct?

3 A. Yes.

4 Q. And that was back in 2020?

5 A. Yes.

6 Q. So was it before you even talked to the police?

7 A. Yes -- yes.

8 Q. And Curtis, we heard from Ms. Beaufort during her
9 conversation with you after Jennifer went missing, that you
10 had been inebriated. Were you -- after all this happened,
11 were you drinking a good bit?

12 A. I started, yeah. I -- I did.

13 Q. And why?

14 A. Nerve -- nerve wracking. Just nerves.

15 THE COURT: Take that phone.

16 BY MS. FORD:

17 Q. And Curtis, are you sorry for lying to police?

18 A. Yes, ma'am.

19 Q. And are you sorry for lying to Antolene's -- or to
20 Jennifer's family?

21 A. Yes. Surely. Really. Yes. Really.

22 Q. And are you sorry for not calling the police in
23 the first place?

24 A. Yes. Big mistake. Yeah.

25 MS. FORD: I beg the Court's indulgence. No further

1 questions.

2 THE COURT: Re-cross?

3 MS. SHEALY: Nothing further. Thank you.

4 THE COURT: All right. You may step down. All right.

5 Any other witnesses from the Defense?

6 MS. FORD: Your Honor, at this time, the Defense rests.

7 THE COURT: All right. Will there be anything in reply
8 from the State?

9 MS. SHEALY: No, your Honor.

10 THE COURT: All right. Well folks, you have now heard
11 all of the evidence that you're going to hear during this
12 trial. And so, there's a few minutes that we need to spend
13 going over a couple of legal points. And I consult with the
14 lawyers about the jury charge language. And then I'll bring
15 you back for the closing arguments and then the charge on the
16 law.

17 So while you've heard all of the evidence, it's still
18 not -- it's not time for you to begin your deliberations or
19 discussions yet. So if you would just go back to the jury
20 room and we'll have you back in just a few minutes. All
21 right. Again, no -- no deliberations or discussions yet.

22 (Jurors exits at 3:33 p.m.)

23 THE COURT: You given the -- okay. All right. Any
24 motions?

25 MS. FORD: Your Honor, at this time, I would renew my

1 motion for directed verdict at this time, specifically, since
2 we have raised the combination of self-defense and accident,
3 and that my client was acting in self-defense when an
4 accident occurred, and Ms. Grant died. We do not think the
5 State has shown evidence to disprove accident or
6 self-defense. So we would renew our motion based on that.
7 Thank you.

8 THE COURT: All right. What's the State's position?

9 MS. DAVIS: Your Honor, I ask you to deny the Defense's
10 motion. There's more than enough for the jury to get these
11 facts back and deliberate especially considering the lack of
12 credibility that the Defendant has. He's admitted that he's
13 a liar and the evidence is not consistent with what he
14 testified to regarding it being an accident or in
15 self-defense. As well due to disprove of those.

16 THE COURT: All right. Well, I think there is
17 sufficient evidence in the record to raise those two
18 defenses, but I don't think it's conclusive and there's
19 enough evidence for it to go to the jury. So the motions for
20 directed verdict are denied. All right. So I've given you
21 revised jury instructions. I doubt seriously, you've had a
22 chance to look at them too much. I know there was...

23 MS. DAVIS: Your Honor, are you saying since yesterday?

24 THE COURT: Well, since earlier today, Ms. Ford gave
25 me, before lunch, some changes that she requested, and...

1 yeah.

2 MS. DAVIS: And you have a new -- you revised your
3 charges?

4 THE COURT: Didn't Eliza give you something just before
5 we broke to go to the restroom?

6 MS. DAVIS: I didn't get anything. Let me see.

7 THE COURT: Well, who'd you give it to?

8 THE CLERK: I gave it to all of them (inaudible).

9 MS. DAVIS: Today?

10 THE CLERK: Oh, yeah.

11 UNIDENTIFIED SPEAKER: Yeah, I think -- yeah. Today.

12 THE CLERK: (Inaudible) that were just placed under the
13 table.

14 MS. DAVIS: I'll take a look. Sorry.

15 THE COURT: Okay. Why don't you take a couple of
16 minutes and look at them? And, specifically, I know there
17 was a -- well, there was a que some language under
18 self-defense that she wanted, and I added each of those and
19 then the accident defense, she wanted. And so, I added that.
20 Seems to me there was also something earlier in the charge
21 about -- what was it? There was one point under -- do you
22 have those?

23 UNIDENTIFIED SPEAKER: Mary?

24 THE COURT: The -- the one that Mary sent? Reasonable
25 doubts -- under reasonable doubt. Page...

1 MS. DAVIS: That's page -- page two? So it should have
2 this option.

3 MS. FORD: Okay. So this is not it.

4 THE COURT: The last bullet point number three is --
5 she requested that.

6 MS. SHEALY: Would you mind reading that out loud just
7 to make sure, your Honor?

8 THE COURT: "A reasonable doubt is the kind of doubt
9 that would cause a reasonable person to hesitate to act."
10 That's an alternative that is frequently used. Well, I gave
11 you this, it -- I -- you probably got this from her in an
12 email, but it -- it'll tell you -- it'll show you the ones
13 that she asked for, all of which I added.

14 MS. DAVIS: Thank you.

15 THE COURT: Other than that, it's the same -- should be
16 the same thing roughly that you went home with last night. I
17 don't think it --

18 MS. DAVIS: The one with check marks are the ones that
19 you added?

20 THE COURT: I added all of them.

21 MS. DAVIS: Everything? Okay.

22 THE COURT: At some point, there was a check or marks.
23 Think at the time I first looked at it, there hadn't been any
24 evidence of accident.

25 UNIDENTIFIED SPEAKER: This is (inaudible).

1 THE COURT: What was three?

2 MS. DAVIS: Your Honor, did you look at what Ms. Ford
3 mentioned regarding the Belcher case?

4 MS. FORD: I think that was taken out.

5 MS. DAVIS: Okay. And my understanding is that the
6 State can argue malice based on the use of the -- that the
7 weapon. She shouldn't have had the charge.

8 THE COURT: Correct. Yeah, I don't -- but it's -- I --
9 it was in my original charge from a long time ago. Eliza
10 picked up an old one. I took it out. So if it was in the --
11 it was in my first draft, and somehow or another that it made
12 it to the second draft, but she tells me it shouldn't have
13 gone to you and it didn't go to you. But in case it went to
14 you, the line about deadly weapon was taken out.

15 MS. DAVIS: Okay.

16 THE COURT: Okay. But you are correct. You can argue
17 it.

18 MS. DAVIS: Yes.

19 THE COURT: But for some reason, it's not proper for me
20 to charge it.

21 MS. SHEALY: Your Honor, the addition regarding the
22 threats by the victim, I have a concern just that there --
23 could there be a qualification of -- you know, if determined
24 by the jury that there were threats made by the victim, then
25 that can be maybe considered in the end.

1 THE COURT: Which one are you referring to? Because
2 Mary corrected me that three and four on that did not get
3 added on. I thought it -- I thought I just --

4 MS. SHEALY: I'm looking at number two.

5 THE COURT: Number two. All right. And where's that
6 at on the -- on the revised one?

7 MS. SHEALY: Imminent danger. And are -- are you going
8 to be out of (inaudible)?

9 THE COURT: No -- no.

10 MS. SHEALY: Okay.

11 THE COURT: Not right now. "Threats made by the victim
12 may be considered in determining whether the Defendant
13 actually was or believed he was in imminent danger." Okay.
14 What's wrong with that?

15 MS. SHEALY: I was just saying if the jury finds that
16 threats were made by the victim might be more clear. It
17 almost sounds like we're already breached those threats were
18 made to the victim. By the victim -- I mean by the victim.

19 THE COURT: I think you're overreading that. If there
20 were threats and they were made by the victim, they can be
21 considered. That's a way of --

22 MS. SHEALY: That satisfies it.

23 THE COURT: Well, I think it's not -- I -- I don't
24 think it's unclear the way it's written, but, "Threats made
25 by the victim may be" -- that's just a -- that is a -- that

1 is a statement of the law. If I were to put, "If they were
2 made," I think that might be a comment on the facts.

3 MS. SHEALY: And we're just looking at it exact
4 opposite those threats made that they may think because he
5 testified that way.

6 THE COURT: Well, I think it's fine the way it is.
7 Okay?

8 MS. SHEALY: Okay.

9 THE COURT: What else?

10 MS. DAVIS: I don't believe I have anything else,
11 Judge.

12 THE COURT: Ms. Ford?

13 MS. FORD: I don't have any objection, your Honor.

14 THE COURT: All right. Okay. How about 30 minutes for
15 you to open in full 30 minutes for you to argue and close in
16 10 minutes to reply to anything she said?

17 MS. DAVIS: Thank you, Judge.

18 THE COURT: Okay. We ready to go? Or you need a
19 minute?

20 MS. DAVIS: One brief moment, Judge. I don't have the
21 words accident in here.

22 THE COURT: All right. Why don't you take 10 minutes?

23 MS. DAVIS: I don't think I need that, Judge.

24 THE COURT: Well, I'll give it to you.

25 (Off the record at 3:46 p.m.)

1 (On the record at 3:53 p.m.)

2 THE COURT: Okay -- okay. Let the record reflect the
3 Defendant is in the courtroom. You all ready?

4 MS. DAVIS: State is ready.

5 THE COURT: Are you arguing Ms. Davis?

6 MS. DAVIS: Yes.

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

8 THE BAILIFF: Okay. Make sure all cell phones are off.
9 It makes a noise. Judge orders to be taken away.

10 THE COURT: Yeah. And nobody leaves or enters once we
11 start argument, so if you need to go, go now.

12 THE BAILIFF: All jurors are present.

13 (Jurors enters at 3:57 p.m.)

14 THE COURT: All right. Be seated. Okay. Folks, we
15 are now going into the last phase of the trial before you
16 begin your deliberations. This is the closing statements,
17 which as I told you at the beginning, the lawyers were now
18 get up and review the evidence that you heard, give you a
19 little preview of the law that I'll be charging to you and
20 trying to persuade you to render a verdict on their client's
21 behalf.

22 Remember, the lawyers are -- were not witnesses. What
23 they say is not to be considered by you as evidence. They
24 will be discussing the evidence. Our rules of procedure say
25 that because the State has the burden of proof, the State

1 gets to open and close. So the State will be making their
2 argument in full to begin with. Then you will hear from the
3 Defense. And then the State will have the short opportunity
4 to respond to anything raised by the Defense in their
5 closing. So Ms. Davis is going to argue on behalf of the
6 State. So if you're ready, you may begin.

7 MS. DAVIS: May it please the Court? He thought he
8 could get away with this. At the beginning of this case, the
9 Defense asked you to keep things separate. There's what
10 happened when Jennifer was killed, and then there's what he
11 did afterwards. As jurors in this case, the Judge will tell
12 you, "You're here to apply your common sense." He stabbed
13 her 10 times. That's not an accident, that's not
14 self-defense. It's murder. Jennifer may not be here to tell
15 you what happened to her, but the evidence tells the story
16 for her, and that story's consistent and based on reason.

17 The Defendant's story has been changing from the moment
18 he started telling it. He's been weaving a web of lies and
19 leaving a trail of mayhem. As his lies unravel, as people
20 come forward, as the evidence becomes revealed, he keeps
21 changing his story. He wants it to match whatever's going on
22 that second, he keeps changing his story always in one single
23 effort, in an attempt to get away with murder. But he's not
24 as smart as he thinks he is, and he's not going to get away
25 with it.

1 Ladies and gentlemen of the jury, I know it's been a
2 long week. I want to start by thanking you all for your time
3 and your attention during the testimony in this case. I know
4 some of it has been more dry than other parts. But it really
5 is important, all of it. And I want to thank you.

6 Now, the Judge is going to be the one who instructs you
7 on the law in this case that you'll be applying. So if I
8 tell you anything different, listen to the Judge. But let's
9 briefly look at some slides to discuss the State's burden
10 because it is our burden to prove beyond a reasonable doubt
11 that Curtis Smith is guilty.

12 Murder in South Carolina is defined as killing another
13 person with malice aforethought. Malice has been defined in
14 different ways: Ill will, hatred, or hostility towards
15 another person, intentional doing of a wrongful act without
16 just cause or excuses with an intent to inflict injury.

17 The law does not require that malice exists for any
18 particular time, before the act is committed. But malice
19 must exist in the mind of the defendant just before and at
20 the time that the act is committed. It's that combination of
21 an evil intent and the act.

22 I submit what you heard from Dr. Presnell today, the
23 pathologist, about the hit in her head that sliced about the
24 10, at least, stab wounds with a knife. That's malice. It's
25 no accident. It's not whatever he was saying, it was up

1 there, which he wouldn't acknowledge. He even really did.
2 He said, "No, I didn't -- I didn't stab her that many times."
3 In a struggle.

4 The other things he did afterwards, those are going to
5 help you understand. We've met our burden, improving malice.
6 The bearing of the body, digging her up, wrapping a hose
7 around her body, pulling on her with the force of a car in
8 the middle of the night.

9 Shoveling her into a recycling bin, lying to all her
10 loved ones about when he last saw her while she's in the
11 ground behind his house, while she's in his recycling can
12 across the street while they're looking for her in the
13 neighborhood. That tells you about the malice that he had in
14 his heart when he was trying to get away with murder.

15 Telling Antolene after he dumped her like trash with
16 his own trash onto the train tracks and tried to cover up his
17 crimes with branches, telling Antolene, "I hope the coyotes
18 eat her." He thought he was going to get away with this.

19 He's also charged with possession of a weapon during
20 commission of a violent crime. That one's simple. State has
21 accused him of using a knife when he killed her. And murder
22 is a violent crime. I think destruction, desecration, or
23 removal of human remains. It's a unique one, but it speaks
24 for itself. You can choose which part he told you about from
25 the stand, but he said himself, he's guilty of that one.

1 Degrading her body. He says it was an accident, didn't
2 treat it like it was an accident. Didn't treat her like
3 someone he loved, had known, and cared about for eight years
4 when he did what he did with her body when he let it rot
5 outside.

6 Now, as the jurors in this case, it's your job to
7 assess the credibility of witnesses. You get to decide who
8 you want to give weight to you decide who you think was
9 telling the truth when you were judging our burden. Now, in
10 considering this, I want you to think about how each witness
11 appeared when they were testifying. What was their body
12 language like? Did what they were saying make sense? Was it
13 consistent with the other evidence that you heard?

14 Curtis Smith, he has no credibility. He told you
15 himself, he's a liar. He said he was scared. So he lied.
16 Do we think he's scared today? He's on trial for murder.
17 What we have here is a man with a tremendous ego. "How dare
18 she? How dare she turn away from me when I let her friends
19 in my house embarrass me like that? How dare she look
20 forward to this wedding with this other man who's her age,
21 who she's excited about? How dare she have a life beyond him
22 and his needs and feeding his ego?"

23 Even when he got married, he didn't want to let her go.
24 He didn't want to let her out from under his thumb, let her
25 out from his control. You heard him in the interview and

1 you'll have a chance to watch it again. Reading the
2 allegations. When that search warrant referred to him as
3 Jennifer Grant's boyfriend, he said, "Oh. Now, I'm the
4 boyfriend?"

5 Don't let him fool you. This whole case is about his
6 ego. He takes account for nothing. Antolene wasn't even
7 there, but it's her fault. He didn't call the police
8 afterwards when she -- when -- when she finds out. "It's
9 Jennifer's fault that she got stabbed 10 times in the
10 stomach, and that somehow he got stabbed too. At the same
11 time when they're fighting back and forth." Is it a
12 double-edged knife?

13 In his attempt to get away with murder, he's trying to
14 send police in other directions. Wild goose chases trying to
15 frame an innocent man. He'll stop at nothing to get away
16 with it.

17 Now, today, his story is they're in the bedroom
18 fighting on the bed. He doesn't know she's been stabbed and
19 she falls off the bed and doesn't wake up. That bedroom's,
20 carpeted where saw the blood. It doesn't make sense. That's
21 not where she died.

22 He takes advantage of the opportunity to describe
23 Jennifer to others. Tries to make her sound like a drug
24 user. Someone who would just come and go. He says he's
25 given her a ride places because she's so scared, so scared of

1 Alvin. He's her savior. He's her protector. She confides
2 in him. They were really close. He was fine letting Ms. Eva
3 wonder for 11 days.

4 Shalon wandering around Union Heights, where they grew
5 up as girls together looking in tall grass, looking in
6 abandoned houses, trying to find her cousin. He was fine
7 with all this, but Antolene wasn't. And she told you she's a
8 mother herself.

9 And it was the weight of that guilt of Ms. Eva never
10 knowing where her daughter was of Jennifer lying on the train
11 tracks as her body got eaten away by insects and coyotes and
12 no one might ever find her.

13 So even though they'd had their differences, this is a
14 woman was apparently living at her husband's house while
15 they're separated. The police hadn't asked Antolene: "Where
16 is Jennifer? Did you have anything to do with it?" No one
17 is coming for her, but she wanted Jennifer to be found. And
18 Jennifer can't speak for herself, but the evidence can. I
19 bet, as he sits here today, he wishes that he hadn't done
20 that. But there are no take-backs. Jennifer's dead. What
21 was done to her cannot be undone.

22 Let's talk about his injuries a little bit. So he's
23 saying now that that cut on his pinky is from that night
24 being cut with a knife. So you all can look at that photo of
25 the cut on his pinky. You can decide what makes sense to you

1 about how he got it.

2 I submit, if you're stabbing someone like this, that
3 blade is awfully closed to this part of your pinky. And if
4 that knife's getting wet with blood or if you're hitting
5 something like a rib or a backbone, that blade might slice
6 that pinky. And Detective Schoolfield told you they look for
7 that kind of thing when there's a stabbing.

8 But he wants to say, "No, no, no." Jennifer did that
9 to him in the kitchen because he wanted to call her mama on
10 her. So if that's what a cut looks like that happened
11 November 19, why doesn't the -- why don't the other cuts that
12 he's telling you about those poke, poke, poke, poke, pokes?
13 Why don't they look like that? Why are they all healed?

14 These are little spots. I don't know what they're. He
15 certainly didn't tell police: "I have all these injuries on
16 my hands from this double pointed knife that we were tugging
17 back and forth and it was hitting my hands like this while
18 she was getting stabbed in the stomach."

19 In fact, he said the opposite. He said, "There was no
20 fight in my house. I don't know what happened to Jennifer.
21 I don't know where she went. She went around the corner.
22 She got a phone call." We all heard it. He said it over and
23 over went.

24 When police ask him, "What happened to your hand?" He
25 says, "Oh, I got snagged putting up a tent and I was hanging

1 a tent for my job." I don't know what injury he's talking
2 about, but we know he's got the slice and we know he is got
3 the bite from when Jennifer was fighting for her life.

4 Who is Curtis Smith? A man who spent years and years
5 digging graves as soon as he was in trouble. That's the
6 first thing that came to his mind. He wants to tell you he
7 didn't do it. Antolene told you she was in the ground.
8 Those shoes, those white brand-new shoes, they were in the
9 ground. He's a man who's been handling the bodies of dead
10 people for years.

11 His arms are strong from the manual labor. His hands
12 are weathered and calloused from working with his hands for
13 years. What else do we know about him? Antolene told you he
14 drinks every day. He told police in his statement, six,
15 eight beers every day.

16 Now, he's saying, "Oh, no. It was after I was so upset
17 that Jennifer had died with my knife and I never told
18 anybody. That's when I started drinking." You saw his
19 trash; you saw his house. He drinks every day. She also
20 told you about how he spoke to her that night.

21 At night, she's helping him get rid of his misdeeds.
22 He told her she was retarded, stupid, that if he had someone
23 else out there helping him, he'd be done already. She said
24 he speaks to her like that all the time. He's not only a
25 liar, he's also a desperate man. From the moment Jennifer is

1 dead, he is dancing as fast as he can.

2 The police went to his house and talked to him. He's
3 in his -- you know, home field advantage. Then he's spinning
4 his web of lies, telling them everything he wants them to
5 know to keep them distracted. Once he's caught his -- his
6 body language changes a little bit.

7 You'll have the interview, you can -- you can take note
8 once he's caught. He wants to tell the police, "Oh, oh.
9 Yeah. No, her phone was found near Jim Mullin's house. Let
10 me tell you about it. God's honest truth, she left the
11 house." That's what he says. He doesn't know where she is.

12 But let's talk about some of those things he told
13 Antolene because she told you that he said, "I killed her. I
14 killed the bitch." And she said that when he did it, he had
15 a violent tone, not a crying. "I'm so upset to him." And
16 she mentioned that he said a trophy was involved, that there
17 was a knife, that it was self-defense according to him. What
18 he tells her is a little different from what he said on the
19 stand today.

20 He said to her, "Oh, baby. She said she was going to
21 kill me and kill you. So I had to do it." Because he wants
22 her to be on his side and he's telling her, "I -- she was
23 going to kill you." Because she's in his house and he needs
24 her cooperation while he digs this body up and tries to get
25 away with murder. But then when police show him that

1 statement of what Antolene said, he said he denies it all.

2 The same things that he says are crazy didn't happen
3 are all lies -- lies -- lies are now the same things he wants
4 you to believe. But he's lost all his credibility. He said,
5 "I ain't got no injury on my head. What are you talking
6 about? There was no fight, recycling bin. No. Her head is
7 bad. That girl, crazy." But now he wants you, "Don't
8 believe your eyes, don't believe your ears. It was
9 self-defense. It was an accident. Listen to me now. Those
10 things I said to Antolene that I said were a lie. No now --
11 now listen to some of them."

12 Let's talk about Antolene. She came forward before
13 anybody was accusing her of anything. What was her
14 motivation? You think that was easy for her? Sit here while
15 he's sitting right there. She's charged with crimes from
16 this. It wasn't easy. He told Antolene, "If she is found,
17 I'm going to jail for murder." And he told her he had a plan
18 to frame Alvin. He probably doesn't like Alvin that much
19 considering that someone that was involved with Jennifer at
20 one point.

21 Let's talk about Shalon. When she left that night,
22 Jennifer was alive and in a good mood. Curtis is saying,
23 "Well, no, she brought up this conversation that she heard."
24 Now that he knows we've proven, he wasn't talking to Antolene
25 that night.

1 She heard a conversation that happened before then.
2 "She heard me say I was going to lend Antolene some money."
3 And she held onto it until no one else is there. And then
4 she's so upset about it that she wants to kill him. It
5 doesn't make sense because it's not true. It's another one
6 of his lies.

7 The Defendant lied to Shalon. He told her the same lie
8 he was set in before the ground started coming out from
9 underneath him. "Jennifer left. She got a phone call. She
10 went around the corner." We know she didn't get a phone
11 call. He said he loved Jennifer and he would never hurt her.
12 If he was telling the truth then, don't you think he would've
13 told her this story about what he's saying really happened
14 with the fight with the knife where he didn't stab her but
15 she got stabbed 10 times?

16 And Shalon, she told you about the clothing Jennifer
17 was wearing about how she had those brand-new white shoes,
18 the green jacket, the pants, and that's just another part of
19 our burden we're showing you. She ain't go anywhere.
20 Jennifer never left that house alive. She's still wearing
21 the same clothes.

22 Let's talk a little bit about Detective Jerome De
23 Sheers. The things that we know for sure from him.
24 Jennifer's last active phone call from that phone was that
25 eight oh seven call from Shalon that night. He told us the

1 phone was in the area of the crime scene in Union Heights
2 when she got that call. And it's the last phone call that
3 ever connects with her phone.

4 And this can help, again, confirm that Jennifer was
5 killed that night sometime after Shalon and her boyfriend
6 left the house. It's also another example of Curtis Smith
7 being a liar because he kept telling everyone, "She got some
8 phone call and that's why she left." He told that to
9 Ms. Eva, Shalon, the police person on Facebook.

10 Another -- huge fact we got from Detective De Sheer's
11 testimony told you where an Antolene's phone was during all
12 this. And that really is a big deal is if we didn't have
13 that, maybe we would've been hearing, "Oh, maybe Antolene did
14 it." But the evidence shows that just like Antolene told
15 you, she was staying in Somerville. She didn't even talk to
16 him until the 21st, and then she came to his neighborhood.
17 And that's what the records show.

18 The things that Antolene told you are backed up by
19 other evidence. She tells police about the hose. They find
20 the hose, the recycling bin in the side where she said he
21 rolled it back, cleaned out just like she said he did. Can
22 of bleach in there. Police finds the knife. They find
23 Jennifer in the woods where Antolene said they would.

24 Detective Riedel, he was our other phone guy. He
25 showed you that other instance of people reaching out to

1 Curtis, thinking Curtis is going to be someone that will help
2 find Jennifer when she's missing. And he's lying there.
3 He's lied on camera. He is lied in writing. He said he
4 doesn't use Facebook, but he used Facebook then. Jennifer
5 was dead then.

6 What was that other thing about Curtis' phone-dump? He
7 wants you to believe that Jennifer is the one who was upset
8 that night. He told Antolene that the fight was about him
9 saying, "I'm getting back with my wife." But on his phone,
10 he's looking up Jamaal Collins two weeks before Jennifer's
11 killed. And then he's lying to police when they're asking if
12 they know -- if he knows who he is.

13 The second the police ask him about Jamaal Collins, you
14 have the video you'll see, he takes a drag of a cigarette and
15 says, "No. What about Jim Mullins? I think -- I think you
16 all should look at Jim Mullins." He wants to bring up
17 somebody else. "Let's change the subject. I don't want to
18 talk about Jamaal Collins." He'd been stewing about him for
19 weeks.

20 Someone she had just started to date. He testified
21 that Jennifer, when she apparently showed Jamaal Collins on
22 his phone, which doesn't make sense, but when he was telling
23 you about that, he said, Jennifer said, "Oh, look at this
24 nice man I found." Okay. So he did know about him. Jamaal
25 Collins was one of the things that made him snap, pushed him

1 over the edge.

2 He is saying, "No, don't look at this knife. It was a
3 different knife in a different yard near my house. Don't
4 look at that one." No, that knife didn't have any blood on
5 it or any DNA. He had a lot of time to clean up. He had 11
6 days, 11 days to think about his story, talked to his friends
7 about framing Alvin 11 days to bleach the entertainment
8 system that corner in his house that had the blood droplets
9 on his bedroom door and what looks like blood on the side of
10 the speaker tower and the entertainment system.

11 And you'll have all these photos back to look at.
12 You'll notice all that blood on the master bedroom door.
13 It's between the doorknob height and the floor. And the
14 drops that we see on the speaker tower in the entertainment
15 system. SLED didn't get any testing that said it was blood,
16 didn't get any testing that had DNA. That's what Clorox
17 does, it cleans. It gets rid of evidence. That's why they
18 use it to clean their own instruments.

19 But where those spots are, if you believe that they
20 were her blood before he cleaned up, they're all low. If
21 someone is stabbing while they're fighting or if they're on a
22 bed, those blood droplets don't end up there. That's what
23 happens when someone's on the floor being violently stabbed.

24 And what's right in this area? The fish tank that had
25 all the trophies who got hit with a trophy? So on this

1 trophy that Tiffany Wilcome collected. You'll be able to
2 look at these photos more closely. You'll see there's blood
3 pooled on the bottom base and on the top lip. Like it had
4 really been caked in there. Like there was a lot of blood
5 involved with that trophy.

6 Only one of them had an injury bad enough to cause that
7 much blood. Jennifer had over 10 of them. But she did have
8 that one injury that Dr. Presnell said could have been blunt
9 force trauma, and that trophy the swabs from that tested
10 positive for blood. And she said it was a mixture of DNA
11 from Curtis and Jennifer. It's his house, his DNA should be
12 everywhere. That's why it's on his jersey.

13 The one baseball trophy had over four people's DNA on
14 it. That's why they couldn't do any real testing on it. But
15 this one had so much of Jennifer's blood on it that he didn't
16 get it all off. That's because she's the one that got
17 whacked with a trophy. With all that time he had to bleach
18 the house, didn't get it all. He thought he was going to get
19 away with it, but he's not as smart as he thought he was.

20 THE COURT: You need to start winding up.

21 MS. DAVIS: He treated her like trash. He wants you to
22 believe now that it was self-defense and an accident and he
23 didn't stab her because he takes accountability for nothing.
24 Someone he has loved and cared about and shared a bed with
25 for years dies violently, suffers tragically.

1 And he did that to her with malice. He dumped her out
2 with the trash, with malice. You don't do all that to cover
3 up for an accident. He snapped. You heard it in the jail
4 call. Find him guilty of murder and the other charges.
5 Thank you.

6 THE COURT: All right. Ms. Ford?

7 MS. FORD: Thank you. The State has spent much of this
8 week showing you evidence that Curtis Smith lied and they did
9 that even though I admitted that within the first 10 seconds
10 of my opening statement. So why did they do that? Because
11 it's all a distraction. Because ultimately the fact that he
12 lied doesn't go to prove any of the elements that the State
13 has to show.

14 Having lied afterwards does not mean that Curtis killed
15 Jennifer. As I said at the beginning, there's the before and
16 the after and it's important to focus on the before to
17 determine if the State has proven murder. The State is
18 asking you ultimately to make a decision to come to a verdict
19 based on nothing but speculation.

20 They're asking you to just assume that Curtis got upset
21 and lost his mind because what? Jennifer wouldn't kiss him?
22 That's their story. And they've built up this story about a
23 relationship with Jamaal and Curtis being jealous of Jamaal
24 in order to come up with something because they're desperate,
25 because they have nothing, because it doesn't make sense what

1 they're saying, that Curtis would kill Jennifer in cold
2 blood.

3 What we know is that Jennifer was using drugs. Shalon
4 admitted that she would do cocaine. Curtis told you that he
5 found drugs, threw it away, and Jennifer seemed really angry
6 and like she was high, wanted him to give her money for more
7 -- more. You heard from Dr. Presnell that she had cocaine in
8 her system.

9 And while she couldn't specifically say how much or
10 when she had done it, she did specifically said there is this
11 one chemical called coca ethylene, which is a combination of
12 cocaine and alcohol being done at the same time that was
13 present. Jennifer was high, and that is why this happened.

14 The State is asking you to find Curtis guilty, not
15 because of the evidence they have, but -- but because they're
16 asking you to feel sorry for her family. And her family went
17 through something traumatic and it's very sad and Curtis
18 knows it. He told you how sorry he is, but that is not a
19 reason to find a man guilty of murder. We told you from the
20 beginning that his decisions were horrible and they were, but
21 he wasn't unreasonable in everything he thought.

22 When something like this happens, and obviously
23 probably none of us have been through anything like this. A
24 reasonable person would come to the conclusion that, "I'm
25 going to be arrested no matter what." Unless there's an

1 independent person in the room, perhaps, or video of what
2 happened in a case with a man and a woman especially, there
3 is no possible way the police are not going to make an
4 arrest. They're going to just say, "You can figure it out
5 later."

6 The police were going to arrest him. He was right in
7 that conclusion. He was wrong how he went about it. But he
8 was correct in assuming and knowing that they were not going
9 to care what he said, and that they were going to arrest him.
10 That is why he hid Jennifer and why he didn't tell her family
11 and why he didn't tell the police what had happened.

12 There's a saying that many, if not all of you may have
13 heard in for a penny in for a pound. So yes, once he made
14 that decision to not tell police, he stuck to it. He had
15 wanted to it first you heard that he couldn't sleep that
16 first night. And when Antolene came over, he told her he
17 wanted to tell that she said, "No, we're in this together."

18 And so, at that point, he made the decision, "I'm not
19 going to tell." And it was wrong, but it doesn't mean that
20 he wasn't justified in what happened earlier. When he told
21 Antolene he was in a certain state of mind, you heard from
22 Antolene. "He broke down," she said. Those were her words.
23 He cried. She had to hold him. Her story now about, "Oh, he
24 was angry and called Jennifer a name." He was very
25 emotional. He was upset. It was traumatic. He cried to

1 her. He was not callous about what had happened to Jennifer.

2 The State tried to portray him as someone who just
3 didn't care at all. But you saw him on the stand crying.
4 You heard from Antolene, he cried. You heard from Shalon
5 that he was inebriated so clearly, he was drinking a lot. He
6 told you he didn't sleep at all that first night. Antolene
7 told you that before she found out he wasn't acting like
8 himself. The two weren't intimate, he was outside, he wasn't
9 paying her attention.

10 So it's just not true that he was nonchalant and just
11 didn't care at all. Antolene also made some bad decisions.
12 She too, just like Curtis, when she found out something
13 horrible, she decided not to tell. She had opportunity to
14 tell Jennifer's family, but she didn't. She had opportunity
15 to tell police, but she didn't. Eventually, she did come
16 forward. So why was that?

17 Well, we heard about this song by Ashanti, about a
18 mother and a child. It sounds cinematic like it's from a
19 movie or a television show, and that's because it's not true.
20 She never told police anything about this being the reason
21 she came forward back in 2020. But what do we know about was
22 go -- what was going on? Even this -- even though the State
23 would have you believe that, "Oh, she just didn't have time,"
24 or just wasn't being asked questions, she made a point of
25 telling them this kind of bizarre story about Buttons in the

1 gun and she didn't want to talk about it, but she's the one
2 who brought it up to police back on December 1, 2020. She
3 brought it up because she thought it was relevant, and she
4 told police that she overheard Buttons and Curtis talking and
5 Curtis said, "Thank you." And so, she came to the conclusion
6 that, "Maybe they're going to try to set me up." Okay? This
7 is the story she told police.

8 So she clearly was becoming paranoid at that point,
9 that Curtis somehow was going to point the finger at her.
10 And we also know that the police visited the house just the
11 day before. Those are the reasons she came forward, not
12 because she wanted the family to have closure.

13 I told you from the beginning that Antolene would try
14 to make herself look better, and make Curtis look worse. And
15 that's what she's done. She's added this story about how
16 Curtis was going to work with his friends to set up people.
17 She added the stuff about him calling her names, even though
18 she never mentioned this before. It all was to make Curtis
19 look better -- worse, and her better because she still has
20 pending charges, and how the State thinks about her, it -- it
21 -- that will determine what is going to happen with her
22 charges.

23 Now, Ms. Beaufort obviously loved her cousin very much
24 and is still grieving. And she too, though, has been trying
25 to help the State paint this picture of this possible reason

1 why Curtis may have lost it on Jennifer. Shalon tried to
2 exaggerate basically the relationship that Jennifer had with
3 Jamaal.

4 In court this week, she called Jamaal "Jennifer's
5 boyfriend." She made it sound like they were in a serious
6 relationship. And she testified that Curtis tried to kiss
7 Jennifer and that Jennifer basically shouted him off and
8 said, "I have a boyfriend. I have a boyfriend." She never
9 said that back in 2020. And she met with Detective
10 Schoolfield for a while at the VA where she was working,
11 because at that point Jennifer wasn't found and they wanted
12 -- the police wanted as much information as possible so they
13 could try to find her.

14 So of course, she was trying to tell them everything
15 she could about what she knew. The last night she saw her,
16 she said everything was ordinary. She didn't mention
17 anything about a kiss or anything about an altercation or
18 incident between Curtis and Jennifer.

19 She didn't mention it now because it didn't happen.
20 It's just being used to try to paint this story, that is
21 ridiculous and doesn't make sense. Just because maybe Curtis
22 or maybe even Jennifer looked up Jamaal Collins one day, two
23 weeks prior, doesn't mean that anyone was obsessed with --
24 with Jamaal Collins.

25 The State could have put him on the stand and he could

1 have maybe clarified the relationship, but they didn't. What
2 we do know is that when Jennifer was first reported missing
3 by her family, Detective Schoolfield actually referred to
4 Curtis as the boyfriend. And -- you know, ultimately it
5 doesn't even matter. I think there was an on again, off
6 again relationship.

7 Nobody has said they weren't in this serious committed
8 relationship. Curtis was separated from his wife. He was
9 actually, as you heard from Antolene, already talking about
10 getting back together with her. But the point is, is that
11 there was not some serious relationship with Jamaal, which is
12 the basis for the murder.

13 Curtis told you what happened. He was on the stand, he
14 cried. He was very emotional. He was raw. It's not the
15 first time that he's told people, he acted in self-defense
16 when he was holding on to Jennifer trying to get that knife
17 away from her. So even though he lied to police when he
18 spoke to them, he told Antolene --

19 MS. DAVIS: Objection. Facts not in evidence.

20 MS. FORD: I -- I don't know what she's talking about.

21 THE COURT: Well --

22 MS. SHEALY: May we approach?

23 (Bench conference at 4:43 p.m.)

24 MS. FORD: You heard how Curtis did tell Antolene that
25 he acted to defend himself, that he was attacked by Jennifer

1 and that Jennifer threatened to kill him. You also heard, he
2 testified that in some of the calls he made, he did express
3 to people that he acted in defense of himself. So this is
4 not the first time, as the State would have you believe that
5 he has brought this up.

6 The evidence helps prove Curtis' story. So how -- how
7 does it do that? Well, we heard about the trophies. Okay?
8 So Curtis from the beginning, he told Antolene about a
9 trophy. That's why police were looking for a trophy in his
10 house. And they took several into evidence. One had some
11 blood on it. They can't tell if it's Curtis' blood or
12 Jennifer's blood, but obviously there's some indication that
13 a trophy is involved.

14 And you saw all of those trophies at Curtis' house and
15 there were broken pieces. So on the floor you can clearly
16 see there's a broken, there's a guy -- you know, a baseball
17 player that's broken off from a trophy. There's another cup
18 from a trophy. And what he told Antolene from the beginning,
19 something specifically that she mentioned is that when he was
20 hit, a pin came out.

21 So Jennifer hit him with a bigger trophy and this
22 trophy broke because she hit him so hard. But even then, he
23 didn't try to get back at Jennifer at that point. He asked
24 her to leave, but she didn't. She didn't. And she ended up
25 injuring Curtis. And we've seen those injuries.

1 Now, you've seen pictures of Curtis' hands. There are
2 all these marks. Okay? And they could be from the tip of a
3 knife or a sharp object. One is actually looks more serious;
4 it's starting to scabbed over a bit. But you see all these
5 marks, and even Sergeant Brown, I believe said he actually
6 thought he could still see a cut as well.

7 And you heard from Dr. Presnell that one thing they
8 look for are defensive wounds. And of course, she didn't
9 look at Curtis, but she testified that defensive wounds are
10 often on the hands, specifically on the palm of hands, if
11 someone's holding their hands up trying to defend himself.
12 Then we have the cut on the pinky. That cut corroborates
13 what Curtis told us about Jennifer initially going after him
14 with the knife and slicing his finger when he was reaching
15 for the phone to call Eva.

16 Now, the State on the one side is saying that could
17 have happened when he was stabbing her. And then they're
18 also saying it looks newer than the others. Well, injuries
19 do heal differently, but ultimately, it's on the outside of
20 his pinky.

21 It doesn't make sense that if he was holding a knife
22 handle that it -- like he would've had to cut himself that
23 way. It just doesn't make sense. It makes sense what he
24 said, that Jennifer grabbed the knife while he was trying to
25 call her mom and she cut him there.

1 And then we have his head. While the police couldn't
2 see anything, there is some type of mark on his head, but --
3 and of course Curtis, he wasn't looking at the back of his
4 head during this, but Antolene specifically, she had been
5 with him for days at that point. She testified he did have
6 an injury on his head.

7 The Solicitor, when she asked Antolene about it, the
8 Solicitor tried to get her to say, "Oh, it wasn't that bad."
9 And Jennifer was like -- or Antolene rather said that it
10 actually had been -- it did look bloody a little bit. It
11 wasn't bleeding, but she did describe it as having blood. It
12 just apparently it must have healed during that time. But
13 Antolene specifically discussed an injury that she saw on
14 Curtis' head.

15 And then we have the bite. Curtis was wearing a band
16 aid. Curtis told Antolene from the beginning that Jennifer
17 had bit him. And then he told you on the stand that as well
18 the -- it was so bad, it was -- still all these days later,
19 it was still in pretty bad shape. But all of those things
20 help corroborate Curtis' story and confirmed that he was the
21 one attacked.

22 Now, Jennifer had a lot of injuries to her body,
23 unfortunately because of the State she was in. It was
24 difficult for the doctor to determine a lot of specifics.
25 But Dr. Presnell did testify that she can't say when those

1 injuries occurred, if they all occurred at the same time, if
2 they happened with the same object, if they happened before
3 she died or after. And there was a lot of movement with the
4 body. But she also said that she couldn't say Jennifer's
5 position.

6 The State has tried to paint this picture that Jennifer
7 was on the ground or something. And Dr. Presnell said,
8 "Sure, that's possible. But there -- there's really no --
9 there's nothing suggesting that more than any other position
10 that she may have been in. The Solicitor's trying to paint
11 this picture. That again, is based on just speculation and
12 nothing more.

13 Dr. Presnell also said Jennifer could have died within
14 a few minutes, which is also consistent with Curtis' side.
15 Curtis told you that the struggle happened for about four or
16 so minutes. That was a lot of time. And by the time she
17 fell, which describes the injury on her head, he realized
18 that she was dead.

19 Murder is the killing of another with malice, ill will.
20 Curtis had no ill will towards Jennifer. It wasn't like that
21 at all. There has to be an intentional doing of a wrongful
22 act without justification. Curtis did not intend to hurt
23 Jennifer. He was acting in self-defense and she died by
24 accident.

25 So what is self-defense? There are several factors,

1 the Judge is going to explain to you to determine if he was
2 acting in self-defense. One is that he couldn't have been
3 the cause of the incident, essentially. Was he at fault in
4 bringing on the difficulty? No. He wasn't.

5 He was just minding his own business. Jennifer got
6 angry because of the drugs being thrown away and because of
7 the money situation, not giving it to her, but giving it to
8 Antolene. She first attacked him with a trophy and then she
9 attacked him with a knife. He was not at fault in bringing
10 on the difficulty.

11 Was he in imminent danger of death or serious bodily
12 injury or did he actually believe he was in such danger?
13 Yes, he did. Jennifer was going after him with a knife and
14 she wouldn't give up. He begged her to stop. He asked her
15 to leave. She wouldn't do it. He tried to get the knife
16 from her, but nothing worked.

17 What -- you can consider a few things in looking at
18 this factor: Were there threats made by the person? Yes.
19 Jennifer threatened to kill him. Was there intoxication
20 involved? Yes, Jennifer was intoxicated. You can also look
21 at the physical condition, and age of the people. Curtis was
22 a 65-year-old man. He -- you heard about his arthritis. He
23 was still, of course, he was still able to do many things.
24 We're not saying that he wasn't capable of -- you know, doing
25 a lot, but he still was in a weaker state than Jennifer,

1 who's a woman in her mid thirties.

2 So the third factor, if Curtis was in actual danger,
3 the circumstances would've warranted a person of ordinary
4 firmness and courage to act in the same way. Yes, he had no
5 choice but to act if he did, because if he didn't, if he
6 didn't try to fight back, if he didn't try to get the knife,
7 then Jennifer would've killed him as she said she wanted to
8 in the State of mind that she was in.

9 And then lastly, there's, did he have any other way to
10 avoid the danger? No. He told you specifically he couldn't
11 get away. He was stuck in that room. But also, since it was
12 his house, he actually had no duty to retreat. So even
13 though Curtis was acting in self-defense, in what led up to
14 Jennifer's death, ultimately as he explained to you, that
15 wasn't his intent, he wasn't trying to hurt her, he was just
16 trying to protect himself.

17 So that's why you're going to be instructed on the law
18 of accident. So an accident is -- it's harm to another is
19 excusable in the ground of accident if it was caused by the
20 unintentional and lawful act of defendant exercising due
21 care. You must find that the act was accidental and not
22 intentional. The act was lawful and the act was not
23 careless, negligent, or reckless.

24 If you find the defensive accident applies, you can
25 find him not guilty. And specifically, when someone's acting

1 while in self-defense, if they're arming themselves in
2 self-defense, then that would mean he was exercising due care
3 or if he's exercising due care. When he's acting in
4 self-defense, he is acting lawfully. So here he had no
5 choice but to act as if he did -- as if -- as he did in order
6 to protect himself.

7 The State has to actively disprove self-defense, and
8 actively disprove accident. They cannot do that. That is
9 why instead of focusing on what led up to Jennifer's death,
10 they have focused on the distractions. The distractions
11 about how Jennifer's family felt, the distractions about
12 Curtis lying because they do not know what happened, and they
13 have made up a preposterous story to try to explain it.

14 All of this stuff they have is the after. And again,
15 when you deliberate, please look at the before and what makes
16 sense. The simple fact is that the State doesn't know what
17 happened and they don't have a good theory because -- it
18 doesn't make sense because Curtis and Jennifer, they were on
19 good terms. Just because Jennifer liked a guy doesn't mean
20 Curtis decided to kill her. Just because he was cowardly
21 afterwards doesn't mean that he wasn't justified in his
22 actions leading up to Jennifer's death.

23 Curtis was in danger that night, he was in fear, and
24 then afterwards he was in fear about what would happen to
25 him. Yes. But that doesn't mean that he's guilty of murder.

1 It doesn't mean that the State has proven their case beyond a
2 reasonable doubt. It doesn't mean that the State can
3 disprove accident and self-defense beyond a reasonable doubt.

4 Curtis Smith is innocent of murder. He made a lot of
5 poor decisions, but he's not a murderer. He cared about
6 Jennifer. He didn't want her to die. He's sorry she died.
7 He's sorry that he lied and that he didn't come forward to
8 give her family the closure.

9 He treated Jennifer's body disrespectfully and that was
10 horrible. He acknowledges that he's not denying that, but
11 that doesn't mean he murdered her. Finding him guilty of
12 murder would be merely on speculation and suspicion, and not
13 actual proof because the State has no proof. Thank you.

14 THE COURT: All right. Reply from the State?

15 MS. DAVIS: Thank you, Judge. I am just going to
16 briefly touch on some things Ms. Ford said. She said he
17 wasn't trying to hurt her. He was trying to protect himself,
18 but really, let's think about this. Does it make any sense?
19 If they're fighting over a knife? He kept saying he never
20 got the knife. He was just trying to get the knife away from
21 her to take it away from her.

22 If you're trying to do that, you're bringing a knife
23 towards you. How is it sticking in her 10 times? But the
24 force that it's reaching her backbone, that's not how you
25 protect yourself. It's definitely not an accident. And when

1 he got pushed on it on the stand, he started saying, "Oh.
2 Well, no. She did say" -- when Ms. Shealy was talking to
3 him, she did say, "Oh, yeah. You stick me, you stick me, you
4 stick me." That was the first time he brought that up. He's
5 still spinning his lies.

6 Ms. Ford said, we're trying to use Jennifer's family's
7 pain as a distraction. That pain he caused, it's real, but
8 it's also an indication of his guilty conscience. The way he
9 acted afterwards is because he's trying to get away with a
10 murder. He's had five years, almost, to try and come up with
11 a story, to craft something that addresses all the evidence
12 that the State has to explain each injury in a different way.

13 He can't keep his life straight anymore. You have
14 heard so many from him, but you get to use your common sense
15 and all of your life experiences. What he told you is a
16 story, a fabricated story. Now, remember what Shalon told
17 you when she left, Jennifer was in a good mood. Things were
18 okay.

19 The Defense is trying to say that maybe she was in some
20 drug fueled rage, and that's why she attacked him in the
21 kitchen and then in the bedroom, and... It doesn't make
22 sense. Dr. Presnell, she said she's not a toxicologist. She
23 knows what those different things indicate, but she
24 acknowledged there wasn't an actual positive result for
25 cocaine.

1 And that real -- really you do that kind of toxicology
2 with blood. Jennifer Grant didn't have any left, and that's
3 the Defendant's fault. Don't let him hide behind the fact
4 that her body tissue was so decomposed and her blood had been
5 drained from her body and turned into bodily fluid and
6 bloated gas that he now gets to point at the toxicology and
7 the ambiguousness and point another finger at Jennifer in his
8 attempt to avoid accountability for his crimes.

9 Dr. Presnell said she can't tell you anything about
10 when cocaine was ingested. That -- I mean, every -- I think
11 there was testimony that she was drinking that night, but she
12 even said that ethanol, that also comes from a body
13 decomposing. She said she couldn't tell you anything about
14 how much cocaine, when the cocaine was taken, and especially
15 not whether, or not, she was in intoxicated with cocaine when
16 she died or what her behavior may have been like.

17 Certainly, when Sharon is talking to police, she's not
18 saying, "You know, she was going crazy when I left. She was
19 really amped up." And Curtis is also talking about
20 marijuana. Jennifer, according to him, is doing all the
21 drugs. I don't think marijuana motivates people to suddenly
22 pick a fight with a man that has at least 30 pounds on them.

23 Ms. Ford was talking about how Antolene said the
24 Defendant was acting strangely. He wasn't acting strangely
25 in a way of remorse. He was hanging out in his backyard

1 where the body was, trying to make sure he could get away
2 with the murder that he had just committed.

3 She said that Antolene was acting paranoid. Is it
4 really paranoia when you're sleeping next to someone who told
5 you, "I killed her, I might go to jail for murder"? Antolene
6 is not on trial today. They keep wanting to talk about her
7 and point the finger at her. He needs to look in the mirror.

8 We don't need to prove what happened between Jennifer
9 and Curtis that made him stab her 10 times. But you've heard
10 enough in this trial to put together that he had some rage,
11 he had some sensitive topics, and you heard him on that jail
12 call saying he just snapped.

13 Sometimes there isn't a good reason. There ever a good
14 reason for a murder? He's a manipulator. He manipulated the
15 police when he had them in his house. He manipulated
16 Antolene when he told her, "She said she was going to kill
17 you." He manipulated Shalon when he said, "I love Jennifer.
18 I would've never hurt her."

19 He manipulated the police when he tried to tell them
20 about all the different other people. He manipulated all the
21 people whose time he wasted today when he told that nonsense.
22 And he's doing all this because he's got blood on his hands.
23 Find him guilty.

24 THE COURT: Okay. Well, folks, you've now heard all
25 the arguments of the Counsel for their clients, and it is my

1 duty to charge you on the law. Some of these things we've
2 already talked about throughout the trial and before the
3 trial. But I'll go over them with you again and then I'll
4 talk about the elements of the -- the crimes in a little more
5 detail.

6 But I told you at the beginning of the trial my job is
7 to trial as the trial judge is to preside over this case.
8 Make sure our rules of procedures get followed, our rules of
9 admission of evidence gets followed. You, on the other hand,
10 are to consider only the evidence that was presented to you
11 in this courtroom. Evidence is, again, witnesses getting up
12 on the witness stand and testifying, any exhibits, any
13 stipulations that got put in. Any videos or anything like
14 that that got showed.

15 It's my job to now charge you on the law that applies
16 to this kind of case. And it is your duty as jurors, under
17 the oath that you took at the beginning of the trial, to
18 apply the law exactly as I state it. You're to put aside any
19 beliefs on what you think the law ought to be or wish the law
20 was if it disagrees with anything that I'm about to tell you,
21 then you're under an obligation to -- to disregard those
22 beliefs and apply the law only as I charge it to you now.

23 You are what we call the judges of the facts, and you
24 are the sole judges of the facts. I, as the Judge, cannot
25 comment to you anything about the fact. I'm not allowed to

1 have an opinion about the facts, and I'm not allowed to
2 express to you any opinion that I might have about the facts.
3 You, alone, determine how much how to judge the credibility,
4 the weight, and the truth of the evidence that was presented
5 in this courtroom.

6 I want to remind you that the fact that the Defendant
7 was arrested, charged, and indicted in this case is not
8 evidence in this case. And it cannot be considered by you as
9 evidence of guilt in this case, nor does it create any kind
10 of a presumption -- a -- presumption or evidence of guilt.

11 The fact that the Defendant was arrested, charged, and
12 indicted is not evidence of guilt and you cannot consider it
13 as such. An indictment is merely the formal document that
14 brings this case into this court.

15 The Defendant pled not guilty to those indictments and
16 that places the burden of proof entirely on the State. The
17 Defendant is not required to prove his innocence, this
18 presumption of innocence. This is a fundamental
19 constitutional right that he has, I have, you have, and
20 everyone that lives in this country has, it remains in effect
21 throughout the trial unless and until the State proves to you
22 guilt beyond a reasonable doubt.

23 We've talked about proof beyond a reasonable doubt
24 several times. This is a higher standard than a
25 preponderance of evidence that we talked about at the

1 beginning of the trial. And I gave you the example of the --
2 the scales of justice.

3 Proof beyond a reasonable doubt means that you must be
4 firmly convinced of the Defendant's guilt. If you find that
5 there is a real possibility in your mind that the Defendant
6 is not guilty, you must find him not guilty. A reasonable
7 doubt has also been defined as the kind of doubt that would
8 cause a reasonable person to hesitate to act.

9 Now, throughout the trial, there are two types of
10 evidence that gets presented. There's direct evidence and
11 there's circumstantial evidence. Direct evidence directly
12 proves the existence of a fact, and it does not require any
13 sort of deduction. Circumstantial evidence is proof of a
14 chain of facts and circumstances that indicate the existence
15 of a fact.

16 Crimes can be proven by circumstantial evidence. The
17 law makes no distinction between the weight or value to be
18 given by you to either direct or circumstantial evidence.
19 However, to the extent that the -- the State relies on
20 circumstantial evidence, all of the circumstances must be
21 consistent with each other. And when taken together, point
22 conclusively to the guilt of the accused beyond a reasonable
23 doubt.

24 If these circumstances merely portrayed the Defendant's
25 behavior as suspicious, then the proof has failed. The State

1 has the burden of proving the Defendant guilty beyond a
2 reasonable doubt, and this burden rests with the State
3 regardless of whether the State relies on direct evidence,
4 circumstantial evidence, or some combination of the two.

5 Now, you also heard, during the trial, some -- the
6 statements that were alleged to have been made by the
7 Defendant and those were admitted into court as evidence in
8 this case. I, as the judge, made a preliminary determination
9 that those statements were made voluntarily and they were
10 admissible. You, however, must decide what weight, if any,
11 to give those statements.

12 You may give the statements any further consideration
13 that you deem to be proper. You, alone, judge credibility of
14 witnesses. You can accept or reject the testimony of a
15 witness in whole or in part you can consider such things as
16 biased interest, demeanor, consistency, things like that when
17 evaluating evidence. The number of -- the number of
18 witnesses is not determinative. The quality of testimony is
19 what matters.

20 We also talked about expert witnesses several times
21 throughout the trial. And again, those people -- those are
22 witnesses who have become experts in a field and because of
23 their expertise and training in a field, we're allowed to
24 give you opinions about evidence. You're not required to
25 accept an expert's opinion without giving it a scrutiny. And

1 if you find that the expert's testimony is unconvincing, you
2 may disregard it.

3 Now, there were three indictments in this case. The
4 indictments charged Mr. Smith with murder, possession of a
5 weapon during the commission of a violent crime, and
6 destruction, desecration or removal of human remains. Each
7 of these charges must be considered by you separately, and
8 based on the evidence and the law that applies to that
9 charge, you are to render a separate verdict for each charge.

10 Now, in order to establish criminal liability, criminal
11 intent is required. For example, the mental state required
12 to be proven by the State for a particular crime might be
13 purpose, intent, knowledge, recklessness or criminal
14 negligence. Criminal intent must be proven by the State
15 beyond a reasonable doubt. Criminal intent is always a
16 matter that must be determined by you, the jury, from the
17 circumstances surrounding the situation.

18 There is no way to prove intent to a mathematical
19 certainty. There is no way medical science can dissect a
20 person's brain and determine what the person had in mind. So
21 the law says that criminal intent may be inferred from the
22 circumstances that were shown to have existed at the time.
23 This is how you make a determination of whether, or not, the
24 element requiring intent was present.

25 It's not necessary to establish intent by direct and

1 positive evidence, but intent may be established by inference
2 in the same way as any other fact, by taking into
3 consideration the acts of the parties and all of the facts
4 and circumstances of the case. Criminal intent is a mental
5 state, a conscious wrongdoing. It's up to you to determine
6 what the Defendant intended to do based on the circumstances
7 shown to have existed.

8 Criminal intent can arise from action or failure to
9 act. It may arise from negligence, recklessness, or
10 indifference to duty, or to consequences that are considered
11 by the law to be the -- equivalent of criminal intent.

12 Now, let me go over each of the elements of each of
13 these charges. The first one is murder, and that's in
14 violation of South Carolina code 16-3-10. Now, I noticed
15 that you all are taking notes and that's fine, but I will be
16 giving you a copy of these charges so you can take this back
17 to the jury room with you so you don't have to write down
18 each and everything that I say. Okay?

19 Now the State must prove that the Defendant killed
20 another person with malice aforethought in order to prove
21 murder. Malice is the intentional doing of a wrongful act
22 without justification. Malice aforethought may be expressed
23 such as shown by words or preparation, or it may be inferred
24 from circumstances that show a disregard for human life.

25 The Defendant is charged with murder. And South

1 Carolina law defines this as the killing of any person with
2 -- with malice aforethought, either express or implied.
3 Malice is hatred ill will or hostility towards another
4 person. And is the intentional doing of a wrongful act
5 without cause or excuse, and with an intent to inflict an
6 injury.

7 Malice aforethought does not require that malice exists
8 for any particular time before the act is committed. But
9 malice must exist in the mind of the Defendant just before
10 and at the time the act was committed. Therefore, there must
11 be a combination of the previous evil intent and the act.

12 Malice aforethought may be expressed or inferred.
13 These terms, express or inferred, does not mean different
14 kinds of malice, but merely the manner in which malice may be
15 shown to exist.

16 Express malice is shown when a person speaks words
17 which express hatred or ill will for another, or when the
18 person prepared beforehand to do the act, which was later
19 accomplished. For example, lying in wake for a person or any
20 other acts of preparation, going to show that the deed was
21 within the Defendant's mind would be expressed malice.

22 Inferred malice can be shown from conduct showing a
23 total disregard for human life. If facts are proved beyond a
24 reasonable doubt, sufficient to raise an inference of malice
25 to your satisfaction, this inference would simply be an

1 evidentiary fact to be taken into consideration by you, the
2 jury, along with any other evidence in the case. And you may
3 give it such weight as you determine it should receive.

4 Now, the second indictment was for possession of a
5 weapon during the commission of a violent crime Code Section
6 16-23-490. Possession of a -- the possession of a weapon
7 during the commission of a violent crime requires that the
8 State prove beyond a reasonable doubt that the Defendant was
9 in possession of a weapon during the commission of a violent
10 crime.

11 In order that the Defendant, be found guilty of -- of
12 possession of a weapon during the commission of a violent
13 crime, you must first find the Defendant guilty of either
14 committing a violent crime or attempting to commit a violent
15 crime. And I charge you that murder is a violent crime as
16 defined by South Carolina Law. South -- the State must also
17 prove beyond a reasonable doubt that the weapon furthered
18 advanced or helped in the commission of the alleged murder.

19 And then the final charge is for destruction, dis
20 desecration or the removal of human remains in violation of
21 16-17-600(A) of the South Carolina Code of Laws. The State
22 must prove, beyond a reasonable doubt, that the Defendant
23 willfully, knowingly, and without proper authority: One,
24 destroyed or damaged the remains of a deceased human being,
25 or two, removed a portion of the remains of a deceased human

1 being from a burial ground where the human skeletal remains
2 were buried, a grave crypt, vault mausoleum, native American
3 burial ground, or burial mound, or other repository, or
4 desecrated human remains.

5 Desecration includes treating the human remains with
6 violent disrespect, intentionally defacing, damaging or mis
7 -- physically mistreating the human remains.

8 Now, the Defendant has raised two defenses. The first
9 one is self-defense. Self-Defense is a complete defense, and
10 if it is established, you must find the Defendant not guilty.
11 The State has the burden of disproving self-defense by proof
12 beyond a reasonable doubt. So if you have a reasonable doubt
13 of the Defendant's guilt, after considering all of the
14 evidence, including evidence of self-defense, then you must
15 find the Defendant not guilty.

16 On the other hand, if you have no reasonable doubt of
17 the Defendant's guilt, after considering all the evidence,
18 including the evidence of self-defense, then you must find
19 the Defendant guilty. The elements of self-defense are as
20 follows: First, the Defendant must be without fault in
21 bringing on the difficulty.

22 If the Defendant's conduct was the type which was
23 reasonably calculated to and did provoke a deadly assault,
24 the Defendant would be at fault in bringing on the
25 difficulty, and would not be entitled to an acquittal based

1 on self-defense.

2 The second element of self-defense is that the
3 Defendant was actually in imminent danger of death or serious
4 bodily injury, or that the Defendant actually believed he was
5 in imminent danger of death or serious bodily injury.

6 Threats made by the victim may be considered, in determining
7 whether the Defendant actually was or believed he was in,
8 imminent danger.

9 The intoxication of the victim may be considered in
10 determining whether the Defendant actually was or believed he
11 was in imminent danger and deciding whether the Defendant
12 actually was or believed he was in imminent danger of death
13 or serious bodily injury. You should consider all of the
14 facts and circumstances surrounding the crime, including the
15 physical condition and characteristics of the Defendant and
16 the victim.

17 If the Defendant was in imminent danger, it must be
18 shown that the circumstances would have warranted a person of
19 ordinary fitness, and courage to strike the fatal blow to
20 prevent death or serious bodily injury. If the Defendant
21 believed he was in imminent danger of death or serious bodily
22 injury, it must be shown that a reasonably prudent person of
23 ordinary firmness and courage would have had the same belief.

24 A person cannot be required to make an exact
25 calculation as to the degree or amount of force which may be

1 needed to avoid death or serious bodily injury -- serious
2 bodily harm. Excuse me. Therefore, in self-defense, the
3 Defendant has the right to use the force needed to avoid
4 death or serious bodily harm.

5 The force used in self-defense does not have to be
6 limited to the degree or amount of force used by the victim.
7 The Defendant has the right to use so much force as appeared
8 to be necessary for complete self-protection in which a
9 person of ordinary reason and firmness would've believed to
10 be needed to prevent death or serious bodily harm.

11 If the Defendant is justified in defending himself or
12 others and initially using the weapon, then the Defendant is
13 also justified in continuing to use it until it is apparent
14 that the danger of death or serious bodily injury has
15 completely ended.

16 Then the final element of self-defense is that the
17 Defendant had no -- no other probable way to avoid the danger
18 of death or serious bodily injury, then to act as the
19 Defendant did in this particular instance. If the Defendant
20 was on his own premises, the Defendant had no duty to retreat
21 before acting in self-defense.

22 Now, he also raised the defense of accident harm to
23 another and including death is excusable on the ground of
24 accident. If the harm was caused by the unintentional and
25 lawful act of a defendant exercising due care. For the

1 defense of accident to apply, you must find one that the act
2 of the Defendant that caused the harm was accidental and not
3 intentional. Two, that the effect that the act was lawful,
4 and three, that the act was not -- careless, negligent, or
5 reckless.

6 If you find the Defense of accident applies, then you
7 must find the Defendant not guilty. However, if the State
8 has proven, beyond a reasonable doubt, that any of the three
9 elements of the Defense of accident do not apply, then the
10 Defendant is not entitled to the Defense. A defendant
11 exercising due care, who accidentally harms another while
12 acting in self-defense is acting lawfully.

13 Now, I'm going to give you a copy of these jury charges
14 and you are to consider these instructions as a whole. In
15 other words, don't just get focused in on one part to the
16 exclusion of the others. I also tell you not consider any
17 possible penalties when determining guilt or innocence.
18 Sentencing is the responsibility of the Court. Your verdict
19 must be unanimous.

20 In other words, all 12 jurors must agree on the
21 Defendant's guilt or innocence for each charge. Now, Mr.
22 Foreman, these are the three indictments, and you'll see on
23 the back page in bright red there it says "True bill." Well,
24 that was the action of the jury -- grand jury, and just below
25 that, you probably can't read it from this far, but it says,

1 "Verdict." That's where you, the foreman, will write the
2 verdict, which will be either guilty or not guilty. So
3 whatever the jury decides, that's what you write down there.
4 Verdict of guilty or not guilty.

5 Each of these three charges, you have to have a
6 unanimous verdict as to each of them. And you can have
7 verdicts of guilty or not guilty on the others -- on one or
8 the other. Except in order to find the Defendant guilty of
9 possession of a weapon during the commission of a violent
10 crime, you have to find him guilty of murder. If you don't
11 find him guilty of murder, you have to find him not guilty of
12 that charge. But you can also then separately consider the
13 charge of destruction or desecration of human remains also as
14 a separate charge.

15 Now, I'm going to send you back to the jury room and
16 you are to not begin deliberations just yet. I have to give
17 the lawyers the opportunity to let me know if I misspoke in
18 some way. Then I'll bring you back and correct the charge.
19 And then we get the evidence together. I'll send the
20 instructions back with the verdict form, and the bailiff will
21 tell you, "The judge says you can begin your deliberations."
22 But don't begin deliberations until I either bring you back
23 to correct something I misspoke on, or I send this back with
24 the -- the bailiff.

25 So now it's 5:30. We had you -- we ordered some -- I

1 took your lunch order or dinner orders for you because it
2 takes a couple hours to get it done. And we wouldn't want to
3 wait until just now to begin that process. But your dinner
4 will be here. You can try -- you can take as long as you
5 want to. And if your dinner comes while you're still
6 deliberating, you can continue to eat through deliberations.
7 But you can also stop if you want to, but all the jurors have
8 to be in the jury room in order for you to do your
9 deliberations. So take as long as you need, and we're in no
10 rush. We will wait on you. But again, I'll send you back
11 right now with the bailiffs, and do not begin deliberations
12 until I send the word back. Thank you.

13 (Juror exits at 5:29 p.m.)

14 THE COURT: All right. Anything from the State?

15 MS. DAVIS: No, your Honor.

16 THE COURT: From the Defense?

17 MS. FORD: Not about the charges, your Honor. I did
18 want to make the Court aware I received a note that a
19 paralegal in my office, she's not my paralegal. So she
20 didn't work on this case or anything. She just found out
21 that there are cousins on the jury, Bobby, it -- I don't know
22 anything more. I just wanted to let people know.

23 UNIDENTIFIED SPEAKER: No, I don't think (inaudible).

24 THE COURT: I know it was too good to last.

25 MS. DAVIS: I mean, I'm pretty sure she (inaudible)

1 Robert Cox.

2 THE COURT: Where's the jury list?

3 UNIDENTIFIED SPEAKER: It might be.

4 THE COURT: That's Robert Cox, Jr. The only Robert.

5 MS. FORD: Oh. No, it's a female.

6 THE COURT: No? What's the name of the juror?

7 MS. FORD: Well, the note at the end it says

8 (inaudible).

9 MS. DAVIS: Robin?

10 THE COURT: There's a Robin and there's a Robert.

11 MS. FORD: Well, it's a female because she said, so
12 it's a female.

13 THE COURT: So Robin Hernandez. Number 129?

14 MS. FORD: She did not give the whole name. I guess
15 they (inaudible).

16 MS. DAVIS: But it is her what? Her aunt?

17 MS. FORD: Her aunt? Yes. Sorry.

18 THE COURT: So Ms. Hernandez is cousins with a
19 paralegal in your office?

20 MS. FORD: Paralegal -- she's the aunt to the paralegal
21 in my office.

22 THE COURT: She's an aunt to a paralegal in your
23 office?

24 MS. FORD: Yes.

25 THE COURT: Okay. She -- was this paralegal involved

1 in this case in any way?

2 MS. FORD: No.

3 TH Okay.

4 MS. SHEALY: The only thing I think, your Honor, may be
5 -- I beg the Court's indulgence.

6 THE COURT: Uh-huh.

7 MS. SHEALY: She's just going to inquire if she can
8 find out whether she spoke to her aunt.

9 UNIDENTIFIED SPEAKER: (Inaudible).

10 THE COURT: What?

11 UNIDENTIFIED SPEAKER: (Inaudible).

12 THE COURT: Not right now.

13 MS. SHEALY: She like -- just realize it?

14 MS. FORD: Yeah. I don't know. Maybe like a family
15 member.

16 THE COURT: Can you all get the evidence together while
17 we're waiting on others?

18 MS. SHEALY: Yes.

19 UNIDENTIFIED SPEAKER: (Inaudible) these are mostly
20 (inaudible) they might need to have a couple added. The
21 things that were ID only. Do you know the numbers that were
22 ID only items? (Inaudible). The what? (Inaudible).

23 THE COURT: Tell them that the knife is in evidence,
24 but it's in the courtroom. If they want to see it, we can
25 send it back to them, but I would prefer that it remains in

1 here unless they want to see it and they can either come back
2 out here or we can send it in there with. Okay? And also,
3 let them know if they need to watch a video or something.
4 We'll make arrangements for that.

5 UNIDENTIFIED SPEAKER: (Inaudible).

6 THE COURT: The only time I ever do these is if there's
7 a -- like, a lesser included offense.

8 MULTIPLE SPEAKERS: Okay. (Inaudible). Okay. She
9 (inaudible) 41.

10 MS. FORD: Okay. So Caitlyn hasn't talked to aunt.
11 Caitlyn's mom went to lunch with her grandparents and
12 grandparents mentioned aunt was on the jury.

13 MULTIPLE SPEAKERS: Well, yeah. I'm saying your
14 (inaudible) you were. Yeah, I don't think -- I don't think
15 my question was asked. It may not. Okay. But you haven't
16 talked to her, to your knowledge? She hasn't (inaudible).
17 It's just her (inaudible). I'm 62. Your grandparents knew?
18 Okay -- okay -- okay.

19 So, yeah, the grandparents (inaudible) for lunch
20 (inaudible) that's nine. And then Kay's mom (inaudible)
21 lunch. Okay. (Inaudible). Don't -- okay. Okay. You're on
22 speaker. Is that (inaudible) okay? I just want have on
23 (inaudible). Thank you so much. Okay. (Inaudible).
24 Evidence 87 and 89 (inaudible).

25 THE COURT: Okay. Let's put it on the record.

1 UNIDENTIFIED SPEAKER: It should be 86 (inaudible).

2 THE COURT: Take a pause there and let's put this on
3 the record.

4 UNIDENTIFIED SPEAKER: Yes, sir.

5 THE COURT: All right. What -- for the record, what'd
6 you find out?

7 MS. FORD: So I found out -- my paralegal found out
8 through her mom who went to lunch with the grandparents.
9 They asked -- it came up about the aunt and the grandparents
10 said, "Oh, she's on a jury -- she's on a jury panel this
11 week."

12 THE COURT: Okay.

13 MS. FORD: And so, then my paralegal's mom told her,
14 "Oh, do you all have a murder trial this week?" That was the
15 extent of it. There was no conversation between my paralegal
16 and the aunt who's the juror. And I don't believe the
17 question was asked at the beginning if anyone knows anybody
18 from the Public Defender's Office. So I don't think that
19 was...

20 THE COURT: Yeah. Okay. You're right with that?

21 UNIDENTIFIED SPEAKER: We are.

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

23 UNIDENTIFIED SPEAKER: 86.

24 THE COURT: I don't usually ask about the Public
25 Defender's Office unless they answer you (inaudible) because

1 sometimes the defendants -- you know, you don't -- you know,
2 some there might be is like, "Oh, what's Public Defender?"
3 Or --

4 MULTIPLE SPEAKERS: (Inaudible). Well, he did ask
5 about...

6 THE COURT: Well, it's not -- so it's not so much that
7 there's a better chance of knowing somebody as some people
8 associated stigma with public representation or public
9 defender representation, which I find to be completely
10 unjustified, but nevertheless, it's there. So unless the --
11 the defendants ask for it, I don't typically do it.

12 UNIDENTIFIED SPEAKER: (Inaudible).

13 MULTIPLE SPEAKERS: (Inaudible) 94, 94A, 95, 95A, 96,
14 96A (inaudible).

15 THE COURT: So are you healed?

16 UNIDENTIFIED SPEAKER: Yeah.

17 MULTIPLE SPEAKERS: (Inaudible) 97 and 97A.

18 UNIDENTIFIED SPEAKER: Did they tell you what it was?

19 THE COURT: They said something about you having a nose
20 bleed.

21 MULTIPLE SPEAKERS: 98 (inaudible).

22 THE COURT: Not blood pressure related or anything.

23 UNIDENTIFIED SPEAKER: So when I was doing my closing,
24 my earring fell off.

25 THE COURT: Do you take blood pressure? Yeah.

1 UNIDENTIFIED SPEAKER: And so, it was --

2 THE COURT: I got so many of them right now. I just --
3 I'm just like, "I don't -- let me get my iPhone out."

4 MULTIPLE SPEAKERS: Well, I -- it's underneath.
5 111,112, 113 (inaudible).

6 THE COURT: Because Jefferson had the other one and we
7 only have two courtrooms that could do the digital court
8 report. So it was either this one or that one. I don't know
9 if they flipped the coin or the other one had more lawyers or
10 what, but, yeah. There's only two -- yeah, there's only two
11 wired up for that in this courthouse. And so, it was this
12 one or that one.

13 MULTIPLE SPEAKERS: (Inaudible) Defense 1 (inaudible).
14 Yes, we have everything.

15 THE COURT: Everything's already?

16 UNIDENTIFIED SPEAKER: Yes.

17 THE COURT: Okay. Tell them they can begin
18 deliberations, and...

19 (Off the record at 5:43 p.m.)

20 (On the record at 8:59 p.m.)

21 THE COURT: Do you want to read the verdicts? Do you
22 want to read the verdicts?

23 UNIDENTIFIED SPEAKER: I can.

24 THE COURT: Okay. Sometimes I don't want to. You
25 don't seem shy.

1 UNIDENTIFIED SPEAKER: Have you got the game
2 (inaudible)?

3 THE COURT: What's that?

4 UNIDENTIFIED SPEAKER: You got the game going
5 (inaudible).

6 THE COURT: (Inaudible). Yeah. (Inaudible) can you
7 hear it? Just -- I thought I turned it all the way down.
8 We're up 62 to 48 with -- 60 minutes ago. So we were there,
9 it started out 10:00 to 2:00 off to a slow start. All right.
10 Let the record reflect the Defendant is in the courtroom.
11 Bring the jury back in.

12 UNIDENTIFIED SPEAKER: (Inaudible).

13 THE COURT: Yes. Sometimes the clerks don't want to do
14 it, so I'll just read them myself.

15 UNIDENTIFIED SPEAKER: (Inaudible).

16 THE COURT: I'll let you see it. I've been in a
17 someplace where the clerks are just too shy, don't want to
18 it, don't like public speaking. You know, you stop and think
19 about it. We -- we speak in public every day. You -- if you
20 got a -- if you have a speaking in public, problem.
21 (Inaudible). You'll just get over it.

22 THE BAILIFF: All jurors are present, your Honor.

23 (Jury enters room at 9:02 p.m.)

24 THE COURT: All right. Be seated. All right.

25 Mr. Foreman, I understand the jury has reached a verdict, is

1 that correct?

2 JUROR NUMBER 27: Yes, your Honor. We have.

3 THE COURT: Is it a unanimous verdict?

4 JUROR NUMBER 27: Yes, your Honor, it is.

5 THE COURT: And that's as to each indictment?

6 JUROR NUMBER 27: Yes, your Honor.

7 THE COURT: All right. Would you hand it to the
8 bailiff, please? Thank you. All right. Defendant, arise.
9 Clerk will publish.

10 THE CLERK: Case Number 2022-GS-10-03317, the State of
11 South Carolina versus Curtis Allan Smith, indictment for
12 murder, "We, the jury, unanimously find the Defendant, Curtis
13 Alan Smith, as to the charge of murder, guilty." Signed by
14 the foreperson of the jury, dated April 4, 2025. Mr.
15 Foreperson, ladies and gentlemen of the jury, if this is your
16 verdict, please raise your right hand. Thank you.

17 Case Number 2022-GS-10-03316, the State of South
18 Carolina versus Curtis Alan Smith, indictment for possession
19 of a weapon during the commission of a violent crime. "We,
20 the jury, unanimously find the Defendant, Curtis Alan Smith,
21 as to the charge of possession of a weapon during the
22 commission of a violent crime, guilty." Signed by the
23 foreperson of the jury, dated April 4, 2025. Mr. Foreperson,
24 ladies and gentlemen of the jury, if this is your verdict,
25 please raise your right hand. Thank you.

1 Case number 2022-GS-10-03329, the State of South
2 Carolina versus Curtis Alan Smith, verdict of the jury as
3 follows, "We, the jury, unanimously find the Defendant,
4 Curtis Alan Smith, as to the charge of destruction,
5 desecration, or removal of human remains, guilty." Signed by
6 the foreperson of the jury, dated April 4, 2025. Mr.
7 Foreperson, ladies and gentlemen of the jury, if this is your
8 verdict, please raise your right hand. Thank you.

9 THE COURT: All right. Do you wish to have the jury
10 polled?

11 MS. FORD: Yes, your Honor.

12 THE COURT: All right. Clerk will poll the jury,
13 please.

14 THE CLERK: Yes, your Honor.

15 THE COURT: Thank you. Proceed.

16 THE CLERK: Ladies and gentlemen of the jury, I will
17 call out your number, and when I do, please raise your hand.
18 I'll then ask you each two questions. Please answer "Yes,"
19 or "No". Juror Number 20. Is this your verdict?

20 JUROR NUMBER 20: Yes.

21 THE CLERK: Is this still your verdict?

22 JUROR NUMBER 20: Yes.

23 THE CLERK: Juror Number 27. Is this your verdict?

24 JUROR NUMBER 27: Yes.

25 THE CLERK: Is this still your verdict?

1 JUROR NUMBER 27: Yes.

2 THE CLERK: Juror Number 69. Is this your verdict?

3 JUROR NUMBER 69: Yes.

4 THE CLERK: Is this still your verdict?

5 JUROR NUMBER 69: Yes.

6 THE CLERK: Juror Number 86. Is this your verdict?

7 JUROR NUMBER 86: Yes.

8 THE CLERK: Is this still your verdict?

9 JUROR NUMBER 86: Yes.

10 THE CLERK: Juror Number 99. Is this your verdict?

11 JUROR NUMBER 99: Yes.

12 THE CLERK: Is this still your verdict?

13 JUROR NUMBER 99: Yes.

14 THE CLERK: Juror Number 111. Is this your verdict?

15 JUROR NUMBER 111: Yes.

16 THE CLERK: Is this still your verdict?

17 JUROR NUMBER 111: Yes.

18 THE CLERK: Juror Number 129. Is this your verdict?

19 JUROR NUMBER 129: Yes.

20 THE CLERK: Is this still your verdict?

21 JUROR NUMBER 129: Yes.

22 THE CLERK: Juror Number 152. Is this your verdict?

23 JUROR NUMBER 152: Yes.

24 THE CLERK: Is this still your verdict?

25 JUROR NUMBER 152: Yes.

1 THE CLERK: Juror Number 172. Is this your verdict?
2 JUROR NUMBER 172: Yes.
3 THE CLERK: Is this still your verdict?
4 JUROR NUMBER 172: Yes.
5 THE CLERK: Juror Number 178. Is this your verdict?
6 JUROR NUMBER 178: Yes.
7 THE CLERK: Is this still your verdict?
8 JUROR NUMBER 178: Yes.
9 THE CLERK: Juror Number 253.
10 JUROR NUMBER 253: Yes
11 THE CLERK: Juror -- thank you. Juror Number 253. Is
12 this your verdict?
13 JUROR NUMBER 253: Yes.
14 THE CLERK: Is this still your verdict?
15 JUROR NUMBER 253: Yes.
16 THE COURT: Juror Number 139. Is this your verdict?
17 JUROR NUMBER 139: Yes.
18 THE CLERK: Is this still your verdict?
19 JUROR NUMBER 139: Yes.
20 THE CLERK: Your Honor, the verdict has been polled,
21 and the verdict stands.
22 THE COURT: Thank you. All right. Well folks, this
23 will conclude your jury service for the week. Thank you for
24 your service. This is a very difficult thing that we ask
25 people to do sometimes. You've been here for a -- a long

1 week, and it's a very difficult set of facts that we heard
2 throughout this trial. Some of the things I've never heard
3 before, and I've been doing this for 22 -- 23 years. And I
4 swear sometimes I think I've seen it all and then we have
5 something else.

6 So you heard a -- a very difficult case out of the
7 ordinary. And we thank you for your service. It is a -- a
8 very special thing to have the opportunity to serve on a jury
9 and to serve your country and your state in this way. We ask
10 people to do a -- a very difficult thing. It's taking you at
11 a minimum out of your normal life for a few days. And -- you
12 know, we ask people to come in and listen and pay attention
13 and then base your decision on what I instruct you the law
14 is, and then you guys go in and deliberate. And this could
15 -- sometimes you have verdicts that come back in about 10, 15
16 minutes and then you have some that they come back after a
17 few hours, and you go, "Well, those people are really taking
18 this job very seriously." And it always makes me feel better
19 about a verdict when you have people that take time to come
20 to a verdict under very, very difficult set of facts and
21 difficult circumstances.

22 I -- I think I probably mentioned when I was qualifying
23 the jury on Monday, not everybody gets to have the right to
24 have a jury trial around the world. And again, because we do
25 this all the time, people take it for granted. But I think