

VOLUME II OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lancaster County

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID DEMIAS WHITE,

APPELLANT

APPELLATE CASE NO. 2024-001528

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBITS #193-198 (AUTOPSY PHOTOGRAPHS);
STATE’S EXHIBITS #231-233 (PHOTOGRAPHS); STATE’S
EXHIBITS #236-246 (PHOTOGRAPHS)**

QUANITA CLYBURN DIRECT BY MS. MCGINNIS

1 A. Three.

2 Q. And were there other appointments made that were
3 not --

4 A. Yes.

5 Q. -- they were not visits?

6 A. Yes.

7 Q. And how are those listed on that page?

8 A. They're either unconfirmed, incomplete notes or
9 missed.

10 Q. Okay. And that would be the same for all
11 appointment details?

12 A. Yes.

13 Q. For each child?

14 A. Yes.

15 Q. And you keep these records in the ordinary course
16 of business there at the Children's Clinic?

17 A. Correct.

18 MS. MCGINNIS: Judge, at this time, I'd move
19 States 203 and 204 into evidence.

20 MR. FRICK: No objection.

21 THE COURT: Without objection, 203 and 204 are
22 into evidence for the State.

23 (WHEREUPON, State's Exhibit Numbers 203 and 204
24 were admitted into evidence.)
25

QUANITA CLYBURN DIRECT BY MS. MCGINNIS

1 BY MS. MCGINNIS:

2 Q. And behind those lists of appointments, are there
3 the provider notes for each of those children?

4 A. Yes.

5 Q. Okay. Now I want to move on to the next set of
6 notes. Who's the next child -- I have to hand it to you, I
7 apologize. I'm handing you State's 205, which child is
8 this, the appointment details for?

9 A. A.W. [REDACTED]

10 Q. And were appointments made for A.W. [REDACTED] there
11 at the Children's Clinic?

12 A. Yes, they were.

13 Q. How many appointments were made for A.W. [REDACTED]

14 A. Four.

15 Q. Four. And were those appointments attended?

16 A. No.

17 Q. They were all -- there was appointments made and
18 she never attended any one of those?

19 A. Correct.

20 Q. And what are the dates of those appointments?

21 A. January the 8th, 2021. December the 31st, 2019.
22 December the 28th, 2019. December the 27th, 2019.

23 Q. So those are all appointments made by her parents
24 and she was not brought to see a provider on any of those
25 dates?

QUANITA CLYBURN DIRECT BY MS. MCGINNIS

1 A. They were made by someone, I'm not sure who, but
2 they were made but not attended.

3 Q. Okay. And these records, too, are kept in the
4 ordinary course of your business of the Children's Clinic?

5 A. Correct.

6 MS. MCGINNIS: Judge, at this time we would move
7 State's 205 into evidence.

8 MR. FRICK: If I could see that for one second?

9 MS. MCGINNIS: Okay.

10 MR. FRICK: Okay. Thank you, ma'am. No
11 objection.

12 THE COURT: Without objection, 205 for the State
13 into evidence.

14 (WHEREUPON, State's Exhibit Number 205 was
15 admitted into evidence.)

16 BY MS. MCGINNIS:

17 Q. All right. And I'm going to hand you State's 206,
18 which child is this for?

19 A. Child 4

20 Q. Okay. And appointments were made for Child 4 at the
21 Children's Clinic, correct?

22 A. Correct.

23 Q. Did she attend some of these appointments?

24 A. Yes.

25 Q. How many appointments did Child 4 attend?

QUANITA CLYBURN DIRECT BY MS. MCGINNIS

1 A. Two.

2 Q. Two. And behind the appointment sheet, are there
3 the provider notes from those two appointments that **Child 4**
4 made?

5 A. Yes.

6 Q. And again, these are records kept in the ordinary
7 course of business?

8 A. Correct.

9 MS. MCGINNIS: Judge, we would move State's 206
10 into evidence.

11 MR. FRICK: No objection, Your Honor.

12 THE COURT: Without objection, 206 into evidence
13 for the State.

14 (WHEREUPON, State's Exhibit Number 206 was
15 admitted into evidence.)

16 BY MS. MCGINNIS:

17 Q. All right. Next I'm going to hand you State's
18 207, and which child is this for?

19 A. **Child 3** White.

20 Q. **Child 3**

21 A. **Child 3** White.

22 Q. Okay. And appointments were made for **Child 3** there
23 at the Children's Clinic as well?

24 A. Correct.

25 Q. How many total appointments were made for **Child 3**

QUANITA CLYBURN DIRECT BY MS. MCGINNIS

1 A. It looks like 21.

2 Q. 21 appointments. And how many of those
3 appointments did **Child 3** attend?

4 A. Nine, I'm sorry, eight.

5 Q. I know the provider notes for those appointments
6 also attached the back of that?

7 A. Yes.

8 MS. MCGINNIS: Judge, at this time the State would
9 move 207 into evidence.

10 MR. FRICK: No objection, Your Honor.

11 THE COURT: All right. Without objection, 207
12 into evidence for the State.

13 (WHEREUPON, State's Exhibit Number 207 was
14 admitted into evidence.)

15 BY MS. MCGINNIS:

16 Q. All right. I'm now handing you what's been marked
17 State's Exhibit 208, which child is this for?

18 A. David White.

19 Q. And with David White, when we were reviewing this
20 morning, was it determined that there were some visits that
21 David made to the Children's Clinic that had not previously
22 been turned over?

23 A. Correct.

24 Q. Was that a total of six visits in 2016?

25 A. Yes.

QUANITA CLYBURN DIRECT BY MS. MCGINNIS

1 Q. And that would have been when David was born to
2 approximately six months of age?

3 A. Not exactly sure the age, but I can say it's 2016.

4 Q. Okay. Between May and November of 2016?

5 A. Correct.

6 Q. Okay. As soon as that error was realized, were
7 you able to get those provider's notes for me?

8 A. Yes.

9 Q. And those were turned over this morning, correct?

10 A. Yes.

11 Q. And then there had been previously provided visits
12 in 2017?

13 A. Correct.

14 Q. Okay. And those are all attached to the back of
15 this appointment record?

16 A. Correct.

17 MS. MCGINNIS: Judge, at this time, we'd move
18 State's 208 into evidence.

19 MR. FRICK: No objection, Your Honor.

20 THE COURT: Without objection, 208 into evidence
21 for the State.

22 (WHEREUPON, State's Exhibit Number 208 was
23 admitted into evidence.)

24 BY MS. MCGINNIS:

25 Q. Okay. And finally, this packet is for which

QUANITA CLYBURN DIRECT BY MS. MCGINNIS

1 child?

2 A. Child 1

3 Q. And Child 1 had a number of appointments, correct?

4 A. Correct.

5 Q. What is the earliest date you have appointments
6 for Child 1

7 A. 7/2/2014.

8 Q. Okay. And then what is the --

9 A. I'm sorry, correction.

10 Q. -- would it be 2/11 of 2014 an appointment that
11 was made but canceled?

12 A. Yeah, I think it's 2/11/2014.

13 Q. Was the first time she was seen.

14 A. Uh-huh.

15 Q. And then those appointments go all the way through
16 the end of 2020 that she attended; is that right?

17 A. Correct.

18 MS. MCGINNIS: Judge, at this time, we would move
19 State's 209 into evidence.

20 MR. FRICK: No objection, Your Honor.

21 THE COURT: Without objection, 209 into evidence
22 for the State.

23 (WHEREUPON, State's Exhibit Number 209 was
24 admitted into evidence.)
25

QUANITA CLYBURN DIRECT BY MS. MCGINNIS

1 BY MS. MCGINNIS:

2 Q. And Ms. Clyburn, although you're the records
3 custodian, you are not solely responsible for pulling the
4 records in response to records requests; is that right?

5 A. Correct.

6 Q. And in this case, once the discrepancy with
7 David's records was discovered, you corrected that
8 immediately?

9 A. Correct.

10 Q. Those records weren't altered in any way, anything
11 of that nature, they were just pulled directly from your
12 system?

13 A. Correct.

14 Q. And as far as you know, what was the reason that
15 they were not initially provided?

16 A. All I can say is there's maybe an oversee of the
17 records.

18 Q. Okay. Once that discrepancy was noted, did you
19 and I go back through and ensure that all other records were
20 complete?

21 A. Correct.

22 Q. So those six months, the first six months of
23 David's life, were the only records that had not been
24 provided?

25 A. For my knowledge.

QUANITA CLYBURN CROSS BY MR. FRICK

1 MS. MCGINNIS: Beg the Court's indulgence.

2 If you'll answer what Mr. Frick has for you.

3 THE COURT: Mr. Frick, any cross?

4 MR. FRICK: Yes, sir, very briefly. But I need to
5 ask the Solicitor something.

6 CROSS-EXAMINATION

7 BY MR. FRICK:

8 Q. Ms. Clyburn, I promise I won't keep.

9 A. Okay.

10 Q. So you -- this is the records of them at the
11 Children's Clinic, correct?

12 A. Correct.

13 Q. Okay. It's not -- if they had gone someplace
14 else, you don't have those records?

15 A. Someplace like where?

16 Q. I don't know, another pediatrician?

17 A. We wouldn't have any other records from any other
18 pediatrician.

19 Q. Okay. All right. And I think you said that you
20 don't know who made the appointments?

21 A. No.

22 Q. Okay.

23 A. Different people make appointments if they are on
24 the file to make appointments for the child or the kids.

25 Q. But they have to be on the file?

QUANITA CLYBURN CROSS BY MR. FRICK

1 A. Correct.

2 Q. Okay. And typically that would be a mom or a dad
3 or a custodial person?

4 A. A lot of times they may put the grandparents, the
5 sisters, aunts, different people, depending on who they have
6 on record.

7 Q. Okay.

8 A. Will be the person to make those appointments.

9 Q. Okay. All right. Thank you, ma'am. That's all
10 the questions I have.

11 THE COURT: You can step down, ma'am.

12 THE WITNESS: Thank you.

13 THE COURT: You're free to leave the courtroom,
14 you're more than welcome to remain with us.

15 Okay. Ladies and gentlemen, the next two
16 witnesses, as you can see up on the screen, will be -- their
17 testimony will be done virtually as we did one yesterday, I
18 believe.

19 MS. MCGINNIS: Judge, at this time this day, we
20 call Allison Dinwoodie.

21 Madam Clerk, do you want to swear her in front of
22 the computer?

23 THE CLERK: Oh, yes.

24 Can you raise your right hand, please? Do you
25 swear to tell the truth, the whole truth, and nothing but

ALLISON DINWOODIE DIRECT BY MS. MCGINNIS

1 truth, so help you God?

2 THE WITNESS: I do.

3 ALLISON DINWOODIE, having been duly sworn,
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MS. MCGINNIS:

7 Q. Good morning, Ms. Dinwoodie, how are you?

8 A. Good. How are you?

9 Q. Good. And your name is Allison Dinwoodie?

10 A. Yes.

11 Q. Where are you currently employed, ma'am?

12 A. The Office of the Chief Medical Examiner in
13 Baltimore, Maryland.

14 Q. Prior to that, did you work at NMS Labs in
15 Pennsylvania?

16 A. I did.

17 Q. What was your job title there at NMS Labs?

18 A. I was an Analyst 1.

19 Q. As an analyst at NMS, what education or training
20 did you have to obtain that employment?

21 A. To become employed there, I had to have a
22 four-year Bachelor of Science degree, and I have that in
23 forensic science technology.

24 Q. Okay. And as an analyst at NMS, what department
25 did you work in?

ALLISON DINWOODIE DIRECT BY MS. MCGINNIS

1 A. The Alcohol Department.

2 Q. Can you describe a little bit to the jury what the
3 Alcohol Department does to tests for?

4 A. The Alcohol Department is specifically looking for
5 four alcohols. We are looking for ethanol, methanol,
6 acetone and isopropanol in a sample.

7 Q. And when you say, "in a sample," what types of
8 things do you perform tests on?

9 A. Bloods, urine, and vitreous fluids.

10 Q. So all bodily fluids taken from either a living or
11 a deceased person?

12 A. Yes.

13 Q. Okay. And there at NMS, can you describe a little
14 bit about how a sample would get assigned to you, Allison,
15 to perform an analysis on?

16 A. So testing gets assigned to us from our specimen
17 processing department. So I'm not familiar with what they
18 do prior to that, but we will have a list of samples that
19 need alcohol testing. So then we know that we can get those
20 samples from storage and test them.

21 Q. Okay. When the sample comes into the specimen
22 processing, how is it identified within NMS? Is it assigned
23 a number or do you work off of a patient's name or how is it
24 identified?

25 A. The samples get a specific and -- a specific work

ALLISON DINWOODIE DIRECT BY MS. MCGINNIS

1 order number assigned to that case.

2 Q. Okay. So they're all identified by work order
3 number throughout the process, from reception through your
4 testing?

5 A. Yes.

6 Q. Okay. Who decides what test is performed on a
7 particular sample?

8 A. That would be the submitting agency.

9 Q. Okay. So you get it simply because there has been
10 a test requested for alcohols in whatever that bodily fluid
11 is?

12 A. Yes.

13 Q. Okay. Once that sample gets to you in the Alcohol
14 Department, does it come along with anything else?

15 A. I'm not sure what you mean.

16 Q. I mean, is it more than one sample? Is it
17 processed with a standard? Is it processed alone?

18 A. Okay. Yeah. So we have a batch of samples that
19 we will test for the day for our shift. So it will be a
20 group of samples that we test all at once, well, you know,
21 in one batch.

22 Q. Okay. So a batch has more multiple different
23 samples in it. How do you or do you prepare that batch for
24 testing?

25 A. So the samples will each have a barcode on them

ALLISON DINWOODIE DIRECT BY MS. MCGINNIS

1 that is correlated with that work order number that's
2 assigned to it. So we can scan that into our computer and
3 that will create the batch in the order that we have to test
4 these samples in.

5 Q. Okay. Is there any control or standard or
6 anything like that that's in that testing process?

7 A. Yes. So we start each batch with a calibration
8 curve and then throughout our batch we will have controls
9 and that will just make sure that our procedure is running
10 properly.

11 Q. So what is a control? Is it essentially something
12 that you know what the contents are so you can compare it
13 and make sure that the instrument is running correctly?

14 A. A control is -- yes, it's a sample of a known
15 concentration. So then, yes, exactly, we can -- we know
16 that if we are getting that concentration at the end, when
17 we calculate our results, the procedure was done properly
18 and the instrument is running as it should be.

19 Q. And that's done with every batch that you test?

20 A. Yes.

21 Q. So how do you actually test the batch once you've
22 got the control or the standard and you're putting it into a
23 machine?

24 A. So we will take a small amount of the sample from
25 the parent container, which is specified in the alcohol SOP.

ALLISON DINWOODIE DIRECT BY MS. MCGINNIS

1 We will put that into a glass vial, we'll seal that vial and
2 then we put it on the instrument and our instrument uses
3 high heat and a gas to separate out those four alcohols that
4 we are looking for. And then we can see that on the
5 computer generated graph that we get at the end.

6 Q. And when you say it separates out the four
7 alcohols I think when we spoke before you used an example
8 about Kool-Aid. Can you give that to the jury to just kind
9 of explain how it works?

10 A. Yeah. So essentially, if you think of a sample as
11 maybe like some cherry Kool-Aid, you put that through the
12 instrument and it will separate it out into the water, the
13 sugar, the cherry flavoring, and the red dye. So that's
14 essentially what we're getting with these samples. We're
15 getting the ethanol, the methanol, the isopropanol and the
16 acetone.

17 Q. And it would only show up if it's present there in
18 that sample?

19 A. Yes.

20 Q. So then when the test is done, do you read the
21 results or are they sent somewhere? How do you get results
22 from that machine?

23 A. It comes to the computer system that we have
24 running throughout the lab. So I would enter in the results
25 from the calibrators and the controls, and then that would

ALLISON DINWOODIE DIRECT BY MS. MCGINNIS

1 give me the concentrations of any alcohols that are present
2 in a sample.

3 Q. Okay. So in this particular case, did you test
4 Work Order 21061327?

5 A. Yes.

6 Q. And that's the only way you know what this sample
7 is, is the work order number? Like you said earlier, you
8 don't work off a patient name or anything of that nature?

9 A. Correct.

10 Q. Okay. What was requested for testing in that work
11 order number?

12 A. Vitreous fluid.

13 Q. Okay. And was that for a patient A.W. [REDACTED]

14 A. Yes.

15 Q. Okay. And did you -- on that container of
16 vitreous fluid, did you provide that or process that same
17 step-by-step testing that you just talked about?

18 A. Yes.

19 Q. Okay. And in this particular case what results
20 did you get?

21 A. It has an acetone result of 6.4 milligrams per
22 deciliter.

23 Q. Okay. Once you get that sample tested and the
24 results are put in the computer system, what, if any,
25 further work do you do with that sample?

ALLISON DINWOODIE CROSS BY MR. FRICK

1 A. That's the extent of my position.

2 Q. Okay.

3 A. The results would get sent to the toxicologist for
4 interpretation.

5 Q. Okay. So you don't do any interpretation, you
6 solely do the testing?

7 A. Correct.

8 Q. All right. Please answer anything the defense
9 counsel may have for you.

10 THE COURT: Mr. Frick.

11 MR. FRICK: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. FRICK:

14 Q. Good morning, Ms. Dinwoodie.

15 A. Good morning.

16 Q. My name is William Frick. I'm the attorney for
17 the defense in this case.

18 Just quickly, you don't create the samples,
19 correct?

20 A. Correct.

21 Q. And are they prepared and given to you and you put
22 it in the machine or how does that work?

23 A. So we in the Alcohol Department, we will pull the
24 test tube for the sample, we will add it to our batch, and
25 then we will take that small amount from that and put that

ALLISON DINWOODIE CROSS BY MR. FRICK

1 onto the instrument, not the whole test tube of sample.

2 Q. Okay. Okay. And then once you've run the sample,
3 it generates the report in your computer?

4 A. Yes.

5 Q. Okay. And I think I saw something in the packet
6 there's a whole bunch of graphs?

7 A. Yeah.

8 Q. Okay.

9 A. It's a lot of data.

10 Q. Okay. And in this particular case, did you only
11 test for the four alcohols?

12 A. Yes.

13 Q. Okay. All right. And then you do not conduct any
14 further interpretation of those results, correct?

15 A. Correct.

16 Q. You pass that along to whoever the next -- I don't
17 know what the title would be, the next person who makes that
18 determination?

19 A. Yes.

20 Q. Okay. Thank you, ma'am. That's all the questions
21 I have.

22 A. Thank you.

23 MS. MCGINNIS: No redirect, Your Honor. Can
24 Ms. Dinwoodie be excused?

25 THE COURT: Yes. Tell her she's excused because

STACY DAVIS DIRECT BY MS. MCGINNIS

1 I'm muted.

2 MS. MCGINNIS: Okay. Ms. Dinwoodie, thank you,
3 you're excused. You can log off.

4 THE WITNESS: Thank you.

5 MS. MCGINNIS: Thank you.

6 All right. Judge, the State would next call Stacy
7 Davis.

8 THE CLERK: Can you raise your right hand, please?
9 Do you swear to tell the truth, the whole truth, and nothing
10 but the truth, so help you God?

11 MS. MCGINNIS: I think you are muted, Ms. Davis,
12 can you unmute?

13 THE WITNESS: I do.

14 STACY DAVIS, having been duly sworn, testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MS. MCGINNIS:

18 Q. Ms. Davis, where are you currently employed?

19 A. I currently work at Merck in West Point,
20 Pennsylvania. It's a pharmaceutical company.

21 Q. And where did you work previously?

22 A. I worked at NMS Labs in Horsham, Pennsylvania.

23 Q. Okay. And what was your job title or your role
24 there?

25 A. I was an Analyst 1.

STACY DAVIS DIRECT BY MS. MCGINNIS

1 Q. Okay. And can you tell the jury a little bit
2 about what education you have that allowed you to get that
3 role there at NMS?

4 A. Yes, I have a bachelor's in chemistry and forensic
5 chemistry and a master's in forensic science.

6 Q. And when you worked at NMS, what department did
7 you work in?

8 A. The name of the department I was in was Esoteric
9 1.

10 Q. And what is -- what does that mean?

11 A. Esoteric was sort of just the opposite of the
12 routine departments. So we did -- while the routine
13 department did test, like, the same test daily, we would do
14 them like once a weekend as opposed to daily.

15 Q. So tests that were just less frequently requested
16 by the submitting agencies?

17 A. Yes.

18 Q. Can you give me some examples? What were the
19 routine tests that were run daily?

20 A. Just the ones that I remember because my
21 department, but like fentanyl, cocaine, other drugs like
22 that.

23 Q. So the more common illicit drugs?

24 A. Yes.

25 Q. Okay. And so in the Esoteric Department, what

STACY DAVIS DIRECT BY MS. MCGINNIS

1 kind of specimens would you perform tests on?

2 A. We would perform tests on blood, urine, vitreous
3 fluids, and also any organs that were submitted that needed
4 testing.

5 Q. Okay. So all again, specimens from either a
6 living or a deceased person?

7 A. Yes.

8 Q. And so you were present for Ms. Dinwoodie's
9 testimony. Is the case being assigned to an analyst process
10 similar for the Esoteric Department as it was in the
11 Alcohols Department?

12 A. Yes, we would. The samples would have a number on
13 them and we would be assigned each day different tests by
14 our supervisor, and then whatever samples needed, that test
15 that day would be tested.

16 Q. Okay. So say it is the day for you to test blood
17 for, in this case, the beta hydroxybutyric acid. Can you
18 walk the jury through a little bit how you would prepare
19 that sample and a batch for testing?

20 A. Yes. I would have received the batch and the
21 standards and controls from another department, and then I
22 would have performed the extraction, which is the way that
23 we prepare the sample to be run on the instrumentation,
24 which is different depending on whatever test you're doing.
25 And we would prepare the standards and controls and the

STACY DAVIS DIRECT BY MS. MCGINNIS

1 patient samples all in the same manner and prepare them all
2 for the instrument to do the analysis.

3 Q. And can you explain, obviously, the sample is the
4 questioned sample that's coming from a patient, but can you
5 explain the difference between the standard and the control?

6 A. A standard is a known concentration, and we use a
7 multiple of them to create a calibration curve, which we
8 then use to calculate the concentration of all the patient
9 samples and the controls. The controls are different in
10 that they have a concentration and then that is tested and
11 the analysis is looked at to make sure those controls fell
12 within what the amount is supposed to be. The difference is
13 that the controls come with the concentration in them. And
14 then the standards, I would need the actual SOP, but the
15 standards are prepared in different ways.

16 Q. Okay. So the control is essentially the
17 calibration curve, like Ms. Dinwoodie mentioned, and then
18 the standard would be to test and make sure that your
19 machine is running correctly?

20 A. The other way around.

21 Q. The other way around, I'm sorry.

22 Okay. And so you mentioned the extract extraction
23 process. Can you talk a little bit about, specifically for
24 the BHB test, what that extraction process is?

25 A. Because I don't work there anymore, I don't have

STACY DAVIS DIRECT BY MS. MCGINNIS

1 access to the specific standard operating procedure, but I
2 would have followed the standard operating procedure, which
3 entails adding different reagents and solutions to prepare
4 the product or prepare the sample for analysis on the
5 instrument.

6 Q. And I think you had described it previously to me
7 as essentially cleaning up the sample?

8 A. Yes. It removes things that would ruin the
9 instrumentation.

10 Q. Okay. And those would be things like proteins?

11 A. Yes.

12 Q. Okay. So once the extraction process is done, you
13 mentioned that's done to the standard, the control, and the
14 sample, they're all extracted the same way?

15 A. Correct.

16 Q. What happens next?

17 A. The extract would be put on the instrument for
18 analysis.

19 Q. Okay. And the instrumentation does all the
20 testing for you?

21 A. Yes.

22 Q. And how is the result obtained?

23 A. Once the instrument has finished doing the
24 analysis, we would have it on the computer, and then we
25 would get the results off the computer.

STACY DAVIS DIRECT BY MS. MCGINNIS

1 Q. Okay. So it's all automatically connected
2 together?

3 A. Yes. The output from the instrument goes directly
4 to the computer.

5 Q. Okay. And in this case, were you assigned to Work
6 Order 21064068?

7 A. Yes.

8 Q. And what was it that you tested under that work
9 order number?

10 A. It was a blood sample.

11 Q. And did that belong to patient A.W. [REDACTED]

12 A. Yes.

13 Q. Okay. And you performed the same steps that you
14 just described to do the test for the BHB?

15 A. Yes.

16 Q. And what is BHB?

17 A. BHB is amino hydroxybutyric acid.

18 Q. Okay. When you perform that test on the blood
19 sample belonging to A.W. [REDACTED] what result did you get?

20 A. The result was 72 micrograms per milliliter.

21 Q. So the BHB was present in her blood sample at a
22 concentration of 72 micrograms per milliliter?

23 A. Correct.

24 Q. And then once the test is done, is that the end of
25 your involvement with that particular sample?

STACY DAVIS CROSS BY MR. FRICK

1 A. In this case, I also was the one that would have
2 transferred the results from the computer into the LIM
3 System, which is Laboratory Information Management System.

4 Q. Okay. So you basically put them into the
5 reporting system that your lab used?

6 A. Yes.

7 Q. Did you perform any interpretation or anything
8 like that on the results or is that done by somebody else?

9 A. That is done by somebody else.

10 Q. Thank you. Ms. Davis, if you answer anything the
11 defense has for you.

12 CROSS-EXAMINATION

13 BY MR. FRICK:

14 Q. Good morning, Ms. Davis.

15 A. Good morning.

16 Q. Just -- I won't hold you too long here.

17 So you do create the sample based on whatever the
18 client request is, correct?

19 A. The sample is brought to me from another
20 department and then I run the test on that sample.

21 Q. Okay. So you do not create the sample?

22 A. No.

23 Q. But you were told, Okay, we're looking for this
24 particular thing in this test; is that fair?

25 A. Yes. I am assigned to do a specific test and then

STACY DAVIS CROSS BY MR. FRICK

1 I brought the samples that are supposed to get that test
2 done.

3 Q. Okay. Okay. In this particular case you were
4 asked to look for the BH -- I can't say it, beta
5 hydroxybutyric acid?

6 A. Yes, that was the test I was assigned.

7 Q. Okay. Okay. And when you run the test, is there
8 a threshold that you have to reach before the results are
9 reportable?

10 A. According to this test, the reporting limit was 40
11 micrograms per milliliter.

12 Q. Okay. Is there a standard protocol, do you know
13 that the company says this is the threshold, or is that at
14 some discretion of somebody?

15 A. That I could not answer. I'm not sure where the
16 reporting limit comes from.

17 Q. Okay. All right. And this one the reporting
18 limit is 40, so if the test had come back less than 40, the
19 report would have been not found?

20 A. Correct.

21 Q. Okay. So in this one, we're at 72, correct?

22 A. Correct.

23 Q. Okay. And, I don't know, do you have a copy of
24 the report? Are you involved in generating the report, the
25 lab result report?

STACY DAVIS CROSS BY MR. FRICK

1 A. Not the actual report. Just -- my job is just
2 getting that number from the instrument to the Laboratory
3 Information Management System, which then on -- someone else
4 would be populating the report.

5 Q. Okay. So as far as interpreting that result,
6 that's not your -- that's not your job here?

7 A. No.

8 Q. Okay. All right. You just -- you just determine
9 whether or not there's a reportable number and then pass
10 that on to whoever gets it next?

11 A. Yeah, I just transferred the number that is
12 calculated by instrument into the information management
13 system.

14 Q. Okay. Thank you, ma'am. That's all the questions
15 I have.

16 A. You're welcome.

17 THE COURT: Any redirect?

18 MS. MCGINNIS: No, Your Honor.

19 Thank you so much, Ms. Davis, I appreciate it.

20 THE WITNESS: Thank you.

21 THE COURT: Does the State have any witnesses
22 before for lunch break?

23 (WHEREUPON, a brief bench conference off record.)

24 THE COURT: Okay. The next witness, as I
25 understand it, we're going to go ahead and get started with

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 that witness, probably cannot complete his entire testimony
2 before lunch. So we'll go for a while and then we're going
3 to take a regular full lunch break, an hour and 15-minutes,
4 even an hour and a half, so that's what we're going to do.
5 But we're going to go ahead and get started with this next
6 witness for the State.

7 MS. CAMPBELL: Thank you, You Honor.

8 The State would call Lieutenant Small.

9 THE CLERK: Left hand on the Bible, raise your
10 right. Do you swear to tell the truth, the whole truth, and
11 nothing but truth, so help you God?

12 THE WITNESS: I do.

13 BRIAN SMALL, having been duly sworn, testified as
14 follows:

15 THE CLERK: You may be seated.

16 DIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q. Lieutenant Small, where are you employed?

19 A. Lancaster Police Department.

20 Q. And what do you do there, sir?

21 A. Currently training supervisor and professional
22 standards.

23 Q. How long have you been in law enforcement?

24 A. 24 years, five months.

25 Q. I want to turn your attention back to February of

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 2021. Do you recall this 911 call and the subsequent
2 response going out that night?

3 A. I was called to respond to a scene.

4 Q. And where did you go first?

5 A. To the hospital.

6 Q. And once you got to the hospital, did you become
7 aware that there was a deceased 14-month-old child?

8 A. Yes, ma'am.

9 Q. And without saying anything specific, did you have
10 an opportunity to actually observe the child?

11 A. I did.

12 Q. Did you make contact there at the hospital with
13 the parents that night? Or did other people conduct the
14 interview at the parents?

15 A. Other people spoke to the parents, I was with the
16 child mainly.

17 Q. Once you determined that the child was deceased,
18 the parents were being talked to, did you make arrangements
19 to get a search warrant?

20 A. I did.

21 Q. And what was the purpose of you getting a search
22 warrant that night?

23 A. The purpose of getting a search warrant, we had to
24 go to the location where the child was located. And I
25 contacted SLED Operations Desk, requested their Child

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Fatality Investigator. And SLED requires a search warrant
2 to approach or enter a scene and also I obtained it just to
3 cover anything that we may need to seize at that point.

4 Q. And when you're talking about the scene in this
5 case, what address are we talking about?

6 A. [REDACTED] Pardue Street.

7 Q. And that was where the child was found, basically
8 not breathing but deceased?

9 A. Yes.

10 Q. So at this point, your focus is -- and you're
11 starting an investigation at this point, do you know that
12 there's any abuse or any neglect or anything like that
13 involved?

14 A. No, ma'am.

15 Q. So you go and in, per protocol, you get a search
16 warrant for the residence where the child is found deceased?

17 A. Yes, ma'am.

18 Q. And at that point, did you actually type up the
19 search warrant and get it signed by a magistrate?

20 A. By our municipal judge.

21 Q. A municipal judge, I'm sorry.

22 A. Yes.

23 Q. So once you had the legal -- a legal search
24 warrant in hand, what did you do?

25 A. I went to the apartment.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Q. And when you got to the apartment, who all was
2 there?

3 A. A couple officers. I think it was two patrol
4 officers and I met with Agent May and former officer -- I'm
5 sorry, Investigator Burns.

6 Q. And is this Agent May right here?

7 A. Yes.

8 Q. And she's the person that actually was sent over
9 from SLED, right?

10 A. Yes.

11 Q. And what is SLED?

12 A. State Law Enforcement Division. South Carolina
13 Law Enforcement Division, I'm sorry.

14 Q. Once you got to [REDACTED] Pardue Street, after going to
15 the hospital and getting the legal search warrant, what
16 measures did you take before you went in and actually
17 photographed the house?

18 A. Went into the kitchen area, had -- laid the search
19 warrant down, went over it with Investigator Burns, and he
20 signed it as the issuer and then we began just walking
21 through.

22 Q. And that's protocol on how you should proceed with
23 a search warrant?

24 A. Yes.

25 Q. Once you had done those preliminary matters, what

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 type of information are you trying to memorialize by taking
2 photographs?

3 A. What could have happened to this child? What
4 could be in this home that could cause this child to pass
5 away?

6 Q. Did you then take quite a number of photographs
7 that evening?

8 A. I did.

9 Q. And explain to the jury how is this apartment --
10 this is an apartment complex?

11 A. Yes, ma'am.

12 Q. And Pardue Street, where this is located, where is
13 that here in Lancaster County?

14 A. It's what we call at the police department
15 district, part of District 2. It's off of East Arch Street.
16 If you're going from Main Street out Highway 9, towards
17 Highway 9, it'll be on your left on Arch Street before you
18 get to the bridge and the bypass.

19 Q. So it's literally about five or six minutes from
20 this courthouse?

21 A. At the most, yes, ma'am. Probably not even that
22 far if you went straight down Meeting, you can make a right
23 on Little Lake Road, make a left, and it's the same road to
24 your left.

25 Q. I'm going to show you what hasn't been marked --

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 what's been marked as State's Exhibits Numbers 211 and 210.

2 Do you recognize these?

3 A. Yes, ma'am, those are aerial views.

4 Q. And specifically State's Exhibit 210, what does
5 that show?

6 A. It shows the complex Pardue Street Apartments
7 complex, the entire complex.

8 Q. And then State's Exhibit Number 211, what does
9 that show?

10 A. It shows the particular block where [REDACTED] Pardue
11 Street is located.

12 MS. CAMPBELL: Your Honor, at this time we'd offer
13 both into evidence 210 and 211.

14 MR. FRICK: No objective, Your Honor.

15 THE COURT: Without objection, 210 and 211 into
16 evidence for the State.

17 (WHEREUPON, State's Exhibit Numbers 210 and 211
18 were admitted into evidence.)

19 BY MS. CAMPBELL:

20 Q. Additionally, have you had an opportunity to
21 review some kind of diagrams of the layout of this
22 apartment?

23 A. Yes, ma'am.

24 Q. And I'm going to show you what's been marked as
25 State's Exhibit 184 and 185. 184, what does that show?

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 A. That is the downstairs view of [REDACTED] Pardue Street.

2 Q. And State's Exhibit Number 185, what is that?

3 A. It's the upstairs of [REDACTED] Pardue Street.

4 MS. CAMPBELL: Your Honor, we then offer 184 and
5 185 into evidence.

6 MR. FRICK: No objection, Your Honor.

7 THE COURT: Without objection, 184, 185 into
8 evidence for the State.

9 (WHEREUPON, State's Exhibit Numbers 184 and 185
10 were admitted into evidence.)

11 MS. CAMPBELL: And, Your Honor, may the witness
12 step down for a second?

13 THE COURT: Sure. Officer, just make sure you
14 speak a little louder since you're away from the microphone.

15 THE WITNESS: Yes, sir.

16 THE COURT: If you'll come over -- yeah, yeah, go
17 wherever you need to, Mr. Frick.

18 BY MS. CAMPBELL:

19 Q. On this side of me, so the Court Reporter can hear
20 you better.

21 The first one I'm showing you State's Exhibit
22 Number 210. Can you kind of point out to the jury what you
23 just referred to. This is on Arch Street here, kind of near
24 downtown Lancaster?

25 A. Yes, ma'am.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Q. And where would Arch Street be on this diagram?

2 A. Arch Street on this diagram would be back here.

3 Q. And then as you go into -- this is a fairly large
4 complex, is it not?

5 A. It is.

6 Q. And as you go into the complex, is [REDACTED] kind of
7 general area, shown on here?

8 A. Yes, ma'am.

9 Q. And there's been some video that you -- you've
10 seen here in the courtroom that shows kind of the front of
11 those apartments, some video that was taken or at around the
12 time EMS responded?

13 A. Yes.

14 Q. And would that have been in this area?

15 A. It would, yes, ma'am.

16 Q. And specifically, easier to see is State's Exhibit
17 Number 211, does that kind of show the little corner where
18 this apartment was located?

19 A. Yes, ma'am. 2400 is this building here. [REDACTED] is
20 about the center.

21 Q. Actually, it would be at the end, this last one
22 right here; is that correct?

23 A. Yes.

24 Q. And then we've also heard references to a neighbor
25 that was involved who was one apartment over at 2606?

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 A. 2406.

2 Q. 2406, thanks for correcting me. Is that where I'm
3 pointing right now?

4 A. Yes.

5 Q. And the video that was seen that was put into
6 evidence earlier, that would have been showing up towards
7 this -- the front of these apartments?

8 A. Yes, ma'am.

9 Q. And there's actually -- what's the terrain like in
10 front of this apartment, this walkway, in specific?

11 A. It's a hill, it's a little slope.

12 Q. Okay. And are there actual steps there?

13 A. Yes.

14 Q. The inside of the apartment before we get to it,
15 taking State's Exhibit 184 first, is this -- how many levels
16 in this apartment?

17 A. Two.

18 Q. And is this the upstairs or the downstairs?

19 A. This is downstairs.

20 Q. And can you show the jury basically where the
21 front door would have been located?

22 A. The front door of this schematic is right here,
23 right here at the bottom.

24 Q. And right as you walk into the front door, what's
25 kind of the first thing you run?

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 A. Living room. Living room. Some steps to your
2 left, but there's mainly your -- this is an area where steps
3 are -- the bottom of the steps are here, the living room
4 area here, and there's a small hallway.

5 Q. Okay. And once you go down the small hallway,
6 what other rooms are located on the first floor of this
7 apartment? Can you everybody see?

8 A. There's a room back here and then this is the
9 kitchen.

10 Q. And this whole area here is the kitchen?

11 A. Yes.

12 Q. Is there a back door back here?

13 A. There is.

14 Q. And then you already mentioned this, is the living
15 room?

16 A. Yes, ma'am.

17 Q. And this room here, what kind of room is that?

18 A. It's -- it's like an extra bedroom, I guess, it
19 was open.

20 Q. And we'll go back to what was in that bedroom
21 downstairs.

22 A. Yes.

23 Q. But this is the entire layout of the downstairs?

24 A. Yes, ma'am.

25 Q. And how many bathrooms are located in this house?

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 A. I think there's one upstairs.

2 Q. There's none downstairs.

3 A. I don't believe so.

4 Q. Okay. And I'm showing you State's Exhibit Number
5 185. Does this show the upstairs area?

6 A. Yes, ma'am.

7 Q. And in the upstairs area, what all is located; is
8 it labeled on here?

9 A. It is. You come up the stairway. Once you come
10 up the stairs --

11 Q. You're kind of blocking him.

12 A. I apologize.

13 Q. Sorry.

14 A. You come up the stairway here, and when you make a
15 right, there'll be a room on your left. You can walk
16 straight into a room. If you walk back this way, straight
17 down to your right, you're going to the bathroom. And then
18 this is considered most of the apartments is the master
19 bedroom.

20 Q. So the master bedroom is kind of next to the one
21 bathroom that's in this apartment?

22 A. Yes.

23 Q. And then there are two other bedrooms up here as
24 well?

25 A. Yes.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Q. So a total of four potential bedrooms or the small
2 room downstairs could be used for whatever?

3 A. Correct.

4 Q. But three bedrooms upstairs, including the master?

5 A. Yes, ma'am.

6 Q. Okay. If you could go back up on the stand.

7 And we've marked these basically taking them kind
8 of in an order that can be followed. I want to show you
9 what's been marked State's Exhibits 2 through 8. And for
10 the record, you're the one that was actually taking
11 photographs that day at the scene, right?

12 A. Yes, ma'am.

13 Q. And there was also a search done of the apartment,
14 that was done primarily by Agent May; is that correct?

15 A. That's correct.

16 Q. Okay. I want to show you two through eight first,
17 just look at these and see if you recognize them.

18 A. Yes, ma'am. These are my photos.

19 Q. And do those fairly and accurately depict the
20 scene as it was when you got there? What time of night was
21 that, by the time you got to take those photos? Was it
22 midnight?

23 A. It was close to it. Yes, ma'am.

24 Q. Okay. When you got there that night?

25 A. Yes.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Q. And prior to taking these photographs, was
2 everybody gotten out of the house, because I believe the
3 children were actually left in the house?

4 A. They were still there when we got to the
5 apartment, they were in the home with the neighbors. And we
6 asked them to step outside with the children, take them to
7 their apartment so that we can conduct the photographs,
8 search --

9 Q. Okay.

10 A. -- execute search warrant.

11 MS. CAMPBELL: Okay. And, Your Honor, at this
12 time we'd offer two through eight into evidence.

13 MR. FRICK: All the photographs are -- I would --
14 are subject to the same objection that you ruled,
15 previously.

16 THE COURT: All right. Already protected on the
17 record based upon previous discussions and rulings.

18 MR. FRICK: Thank you.

19 MS. CAMPBELL: Thank you.

20 THE COURT: All right. Two through eight into
21 evidence for the State.

22 MR. FRICK: It's the same objection on all of
23 them.

24 MS. CAMPBELL: That's fine. Are you going to
25 object to any of them or can I just put them into evidence

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 for any other reason?

2 MR. FRICK: Well, I think if we want to just
3 clarify this, I mean...

4 MS. CAMPBELL: It might be -- it might expedite
5 things for the jury.

6 THE COURT: Yeah, you don't have any additional
7 objections --

8 MR. FRICK: No, sir.

9 THE COURT: -- to the pictures other than what
10 we've discussed this week, okay.

11 MR. FRICK: That's correct.

12 THE COURT: So why don't you go ahead, Solicitor,
13 and go ahead and move into evidence the other batches of
14 pictures.

15 MS. CAMPBELL: You Honor, I can move them in this
16 one big batch if you'd let me.

17 THE COURT: Yeah. Just give me the numbers other
18 than the two through eight.

19 MS. CAMPBELL: It's two through eight and then
20 through 182.

21 THE COURT: Two through eight and what?

22 MS. CAMPBELL: Two through 182 total.

23 THE COURT: Oh, two through 182, okay.

24 MS. CAMPBELL: Yes.

25 THE COURT: Into evidence for the State.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 (WHEREUPON, State's Exhibit Numbers 2 through 182
2 were admitted into evidence.)

3 MS. CAMPBELL: And, Your Honor, like to just
4 publish them up on the screens, I think that would be
5 easier.

6 THE COURT: Okay.

7 BY MS. CAMPBELL:

8 Q. Okay. State's Exhibit 2, basically, just what
9 does that show?

10 A. The apartment number.

11 Q. And is that just done to memorialize it so you can
12 later refer to which batch of photos you're talking about?

13 A. Yes, ma'am.

14 Q. The front of the apartment, State's Exhibit Number
15 3?

16 A. Yes, ma'am.

17 Q. Is that the front door or the back door or what
18 door?

19 A. That would be the front.

20 Q. And if you go through that doorway into State's
21 Exhibit 4, is this the floor of the front hallway?

22 A. Yes, ma'am.

23 Q. And in that is depicted there's a brown spot on
24 it. What is that?

25 A. It appears to be feces.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Q. And a closer up view in State's Exhibit Number 5?

2 A. Appears to be feces, ma'am.

3 Q. And then on the left as you walk in the front
4 door, is there kind of a little closet right there?

5 A. Yes, ma'am.

6 Q. And then in front of the closet, did you take a
7 photograph in State's Exhibit Number 6?

8 A. I did.

9 Q. And in State's Exhibit Number 7, is that just a
10 slightly closer view?

11 A. Yes, ma'am.

12 Q. And what is that appear to be at that brown stain?

13 A. It appears to be feces.

14 Q. The closet that we just referred to in State's
15 Exhibit Number 8?

16 A. Yes, ma'am.

17 Q. Did you just take a general photo of the interior?

18 A. I did.

19 Q. You mentioned earlier a living room area?

20 A. Yes, ma'am.

21 Q. And I want to start with a general view from the
22 hallway. State's Exhibit Number 9, what does that show,
23 sir?

24 A. That's the couch and a small -- another small
25 loveseat style type couch in the living room.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Q. And is that how it appeared when you got there
2 that night?

3 A. Yes, ma'am.

4 Q. And I show you what's been marked as State's
5 Exhibit Number 10. What room is that, sir?

6 A. Still living room.

7 Q. And is that showing, if you're looking from the
8 hallway into the living room, what part does that show?

9 A. Can you repeat the question, please?

10 Q. If you're looking in from the hallway into the
11 living room, is this the same couch we just saw the far
12 corner of?

13 A. Yes, ma'am.

14 Q. Okay. And that's still the living room area?

15 A. Yes, ma'am.

16 Q. Moving on around the room, in State's Exhibit
17 Number 11, what does that show?

18 A. Still living room, small loveseats style piece of
19 furniture and a TV.

20 Q. And was that TV operational, do you know?

21 A. We didn't try it, it appeared to be.

22 Q. It appeared to be. State's Exhibit Number 12,
23 what does that show?

24 A. Still living room, it shows some exposed wiring
25 and a TV and a couple toys.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Q. And what is this item right here?

2 A. Looks like it used to be maybe a nightstand.

3 Q. Okay.

4 A. With a missing drawer face.

5 Q. But then looking at the top of that nightstand and
6 State's Exhibit Number 13, does that just show the items
7 located there?

8 A. Yes, ma'am.

9 Q. And then in State's Exhibit Number 14, what does
10 that show?

11 A. A small trash can or just papers or something in
12 the trash can.

13 Q. And where was that located in that living room?

14 A. Right by that -- right by the entertainment center
15 that was sitting there with the TV.

16 Q. And that's the TV, the black thing?

17 A. Yes, ma'am.

18 Q. Okay. And then State's Exhibit Number 15, what
19 does that show?

20 A. It's like -- I'm not sure if that's like a Diaper
21 Genie or if that's what that's supposed to be, or if that's
22 some kind of water heater or something like that.

23 Q. Is this the part of the AC unit we saw in the
24 front of the house?

25 A. Yes.

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1 Q. On the inside?

2 A. Yes.

3 Q. State's Exhibit Number 16, what does this show
4 part of in the living room?

5 A. Just articles on one of the couches.

6 Q. And then State's Exhibit Number 17, what does that
7 show?

8 A. So it just shows some various debris laying
9 around, a flower, and just in the corner of the couches.

10 Q. And then in State's Exhibit Number 18 is a
11 different corner?

12 A. That's correct, yes, ma'am.

13 Q. And those appear to be diapers?

14 A. Yes.

15 Q. And State's Exhibit Number 19, is that still in
16 the living room area?

17 A. It is.

18 Q. State's Exhibit Number 20, again, in the living
19 room?

20 A. Yes, ma'am.

21 Q. And then in that entertainment center in State's
22 Exhibit 21 appears to be what kind of -- what is this?

23 A. Maybe a DVD player.

24 Q. And I think we have a better picture in State's
25 Exhibit Number 22.

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1 A. Yes, ma'am.

2 Q. And a second TV in that room?

3 A. Yes.

4 Q. Much smaller?

5 A. Yes.

6 Q. And were those some of your observations from the
7 living room area?

8 A. Yes, ma'am.

9 Q. Moving on to the hallway that leads into the
10 kitchen. State's Exhibit Number 23, where is that taken
11 from?

12 A. It's leading from the living room towards the
13 kitchen.

14 Q. Okay. And there is a door depicted here; is that
15 correct?

16 A. Yes, ma'am.

17 Q. In that one room we talked about being on that
18 lower level, is that --

19 A. Yes.

20 Q. -- that door?

21 A. That is it, yes, ma'am.

22 Q. State's Exhibit 24. Is that another view of that
23 same corner, that hallway?

24 A. Yes, ma'am.

25 Q. And what's -- what are the items located on that

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1 stand?

2 A. It's canned baby food and a couple gallons of
3 distilled water.

4 Q. Then State's Exhibit Number 25, what does that
5 show?

6 A. That's leading in right there, that corner leading
7 into the kitchen.

8 Q. And then State's Exhibit Number 26 is just a
9 closer up view of the top?

10 A. Yes, ma'am.

11 Q. Okay. State's Exhibit Number 27, that room we've
12 referred to downstairs, what is that?

13 A. That's the door leading into that one room
14 downstairs.

15 Q. Okay. And then State's Exhibit Number 29, where
16 is that located?

17 A. That's in the -- that's in that one room that's
18 downstairs.

19 Q. And what are those items -- where are these items
20 located?

21 A. They're affixed to the wall when you walk through
22 the door, that one room that is down the hall from the
23 living room, you walk through the door, these shoes were
24 affixed to the walls.

25 Q. And this thing right here, is that a ceiling fan?

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1 A. Yes, ma'am.

2 Q. State's Exhibit Number 30, where is that?

3 A. That is the -- that's the room -- that's the room
4 downstairs, that's the contents of that room on the floor.

5 Q. Where the shoes were located?

6 A. Yes, ma'am.

7 Q. State's Exhibit Number 31?

8 A. That's on top of a dresser within that same room.

9 Q. State's Exhibit Number 32?

10 A. Again, on top of a dresser within that same room.

11 Q. State's Exhibit Number 33?

12 A. That's on the wall affixed in that same room.

13 Q. State's Exhibit Number 34?

14 A. More items affixed to the wall within that same
15 room.

16 Q. State's Exhibit Number 35?

17 A. Just items laying in the floor against the space
18 heater or floor heater, rather, in that room.

19 Q. And then State's Exhibit Number 36, is that a
20 second wall with some shoes?

21 A. It is.

22 Q. And State's Exhibit 37?

23 A. It's more items affixed to the wall in the same
24 room.

25 Q. State's Exhibit Number 38?

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1 A. The closet within that room.

2 Q. State's Exhibit Number 39?

3 A. Bags of clothing and items within that same closet
4 in the floor.

5 Q. Okay. And the box is below the items of the bag
6 of clothing, what's depicted on there?

7 A. That's Doritos box or chip box as we call it.

8 Q. And then in State's Exhibit Number 40, are you
9 able to see where some of those chips are?

10 A. Yes, there's little pull out drawers you can pull
11 out and just grab whatever you wanted, whenever you wanted
12 to.

13 Q. And then finally, State's Exhibit Number 41?

14 A. There's more items, it's against the heater in
15 that room.

16 Q. And those were all the photographs you took in
17 that room?

18 A. Yes, ma'am.

19 Q. Once you had photographed that room, did you then
20 go into another area of the house?

21 A. I did.

22 Q. What area was that, sir?

23 A. The kitchen.

24 Q. I'm taking these a little out of order, prior to
25 getting to the kitchen, you mentioned earlier that there

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1 were some stairs in the house?

2 A. Yes.

3 Q. And I'll show you State's Exhibit Number 42?

4 A. That is the stairway.

5 Q. From the top or the bottom?

6 A. From the bottom floor that goes to the top floor.

7 Q. And then finally in State's Exhibit Number 43,
8 does that just show that hallway going up to the second
9 floor?

10 A. Yes, ma'am.

11 Q. Moving on to the kitchen, I'll show you State's
12 Exhibit Number 45, what does that show?

13 A. The kitchen area.

14 Q. And perhaps a better picture in State's Exhibit
15 Number 46?

16 A. Still in the kitchen area, yes, ma'am.

17 Q. And does that have a stove in?

18 A. It does.

19 Q. And is there -- what is this item right here?

20 A. Point to that again, please.

21 Q. This whole area is what?

22 A. That's a table that had various items laying on
23 the table.

24 Q. State's Exhibit Number 47, what does that show?

25 A. The stacks of items on the countertop within the

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1 sink.

2 Q. State's Exhibit Number 48?

3 A. This is a bag with, I guess, artificial plants in
4 it and you're getting over here to your left is a little
5 box-type thing maybe used to sit on.

6 Q. State's Exhibit Number 49?

7 A. Trash can and the bag with the flowering in it.

8 Q. And then from State's Exhibit 50.

9 A. You just had, like an overview of right side,
10 shows the refrigerator, the few items laying down here, some
11 cups on a little table on the wall.

12 Q. Okay. State's Exhibit Number, let me skip to 52,
13 what does that show?

14 A. It's a foot massager and it had some liquid in it
15 and there was bugs in that liquid.

16 Q. And a closer up of that is, I believe, is State's
17 Exhibit Number 51?

18 A. Yes, ma'am.

19 Q. State's Exhibit Number 53?

20 A. That's just stacked plates and cups in the sink
21 area.

22 Q. State's Exhibit Number 54?

23 A. Just shows a picture of a dish drainer with some
24 pots in it and pots sitting on the stove, on two eyes, and
25 various items signal countertop.

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1 Q. Okay. And this blue line, that's just a misprint,
2 that's just a printing error, right?

3 A. Yes, ma'am.

4 Q. Okay. State's Exhibit Number 55?

5 A. Shows the stove and some pots on the stove.

6 Q. And then State's Exhibit Number 156?

7 A. Some mail to Shaquanda Page.

8 Q. Which was located, I believe, in State's Exhibit
9 Number 57?

10 A. Yes, ma'am. Top of the microwave.

11 Q. Looking at the refrigerator, State's Exhibit
12 Number 58, what does that show?

13 A. That's items in the freezer on top.

14 Q. And State's Exhibit Number 59?

15 A. That's more frozen items in the freezer on top.

16 Q. And State's Exhibit Number 60?

17 A. Open refrigerator, shows a few items within the
18 refrigerator.

19 Q. And a better shot of that, I believe, it State's
20 Exhibit Number 61; is that correct?

21 A. Yes, ma'am. It just shows a few items in the
22 refrigerator.

23 Q. And that was the contents of the refrigerator?

24 A. That is -- that is complete contents of the
25 refrigerator.

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1 Q. State's Exhibit Number 62?

2 A. That's a little table in the kitchen that's
3 holding some paper towels, plates on top, paper products.

4 Q. And again the interior of the refrigerator in
5 State's Exhibit Number 64?

6 A. Yes, ma'am. Just contents of the refrigerator.

7 Q. You mentioned that there was a front door and a
8 back door in this apartment?

9 A. Yes, ma'am.

10 Q. I'll show you State's Exhibit Number 65, what does
11 that show?

12 A. It's the back door.

13 Q. And then State's Exhibit Number 66?

14 A. Just a better -- better view of the back door.

15 Q. And then State's Exhibit Number 67?

16 A. This is a photograph of the search warrant.

17 Q. And then finally State's Exhibit Number 68, what
18 does that show?

19 A. It shows the back door, back window has been
20 covered. There's a deep freezer there, fire extinguisher on
21 the wall on the left and there's some pots on the deep
22 freezer. And the doorknobs coming to the rear door blocked
23 by a roll of carpet.

24 Q. Okay. As you go up the stairs and come to the top
25 of the stairs, I'm going to show you State's Exhibit

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1 Number 69, excuse me, do you recognize that?

2 A. Yes, ma'am. That's in the -- it's like a little
3 foyer area, open area, just before you go into either of the
4 rooms at the top of the stairs.

5 Q. And then as you get to the top of the stairs and
6 look down the hall, what is this?

7 A. That is the bathroom. If you look straight
8 down -- if you step off the stairway, just make a right, the
9 bathroom is all the way down to your right.

10 Q. And what room is this?

11 A. That would be considered the master bedroom.

12 Q. And what's the item you're able to see as you look
13 into the master bedroom from this big picture?

14 A. Crib.

15 Q. One of the cribs?

16 A. One of the cribs, yes, ma'am.

17 Q. And then State's Exhibit 71, is that just another
18 picture of the hallway?

19 A. It is.

20 Q. You mentioned earlier when talking about the
21 diagrams that there were two bedrooms kind of right at the
22 top of the stairs?

23 A. Yes, ma'am.

24 Q. And I want to talk about that first bedroom on the
25 left. I'm going to skip to State's Exhibit Number 81, is

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1 that the door to the first bedroom at the top of the stairs?

2 A. Yes, ma'am.

3 Q. So it would actually be where when you came up the
4 stairs?

5 A. When you walk up the stairway, you just pretty
6 much just slightly move to the right and walk straight into
7 the door.

8 Q. Okay. And there's a name on that doorway.

9 A. Quentin.

10 Q. Was that a child that was living in that apartment
11 at the time?

12 A. No, ma'am.

13 Q. And that was a child that was living with other
14 relatives?

15 A. Yes, ma'am. That's what we found out later, yes,
16 ma'am.

17 Q. But to be fair, that was Shaquanda Page's child,
18 not David White's child?

19 A. Correct.

20 Q. State's Exhibit Number 82, what does that show?

21 A. That's entering that one room, the first room
22 coming from the stairway.

23 Q. State's Exhibit Number 83, what does that show?

24 A. A small TV. It shows the space heater on the
25 floor that's been kind of flattened out, pulling the wires,

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1 and the windows covered.

2 Q. And on the TV it says what?

3 A. Hulu.

4 Q. State's Exhibit Number 84, where is that in the
5 room?

6 A. When you step through the door, it would be on the
7 floor to your left.

8 Q. And again, this blue line just shows up in some of
9 these pictures, but that's not part of your picture?

10 A. No, ma'am.

11 Q. Okay. State's Exhibit Number 85?

12 A. That's the floor space heater, it's been flattened
13 and pulled from the wall.

14 Q. And are there actually wires there?

15 A. Yes, ma'am.

16 Q. As shown in State's Exhibit Number 86?

17 A. Yes, ma'am.

18 Q. State's Exhibit Number 88?

19 A. It's crayon markings on the wall.

20 Q. And then State's Exhibit Number 80?

21 A. It just shows crayon markings on two walls.

22 Again, the heater down, it was face down with the wires
23 exposed. You can slightly see the mattress on the floor to
24 your left.

25 Q. How many beds were in this room?

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1 A. Just one.

2 Q. And what size bed was it?

3 A. Like a twin, it's very small.

4 Q. Moving on to State's Exhibit Number 77, what is
5 that a picture of?

6 A. That's the mattress it was on the floor. You can
7 see a cup sitting on the floor just to the right of it.

8 Q. And State's Exhibit Number 78, what were you
9 documenting there?

10 A. Some stain on that blanket that was on that
11 mattress.

12 Q. Okay. And as you're going through this house,
13 especially through the -- well, the downstairs and the
14 bedrooms, are you documenting stains that you thought were
15 significant?

16 A. Yes.

17 Q. And what type of stains were those that you
18 observed?

19 A. Feces, urine, different stains in the corners, in
20 the closets, on the floor.

21 Q. I'll show you State's Exhibit Number 73, does this
22 show the bed again?

23 A. It does, yes, ma'am.

24 Q. And what is that item that's right above the bed
25 on the wall to the left?

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1 A. Electrical receptacle.

2 Q. State's Exhibit Number 79, is that bedding from
3 that bed?

4 A. Yes, ma'am.

5 Q. And what was the significant thing you were trying
6 to document there?

7 A. The stain on that cover.

8 Q. Here?

9 A. Yes, ma'am.

10 Q. State's Exhibit Number 87?

11 A. More stains on the blanket.

12 Q. Were those a different color stain from the other
13 ones?

14 A. They were. They were reddish looking.

15 Q. State's Exhibit Number 72?

16 A. Just more of the light color staining.

17 Q. The staining here?

18 A. Yes, ma'am.

19 Q. And State's Exhibit Number 74?

20 A. Just more, again, the stains of the blanket, the
21 blue blanket.

22 Q. This and this?

23 A. Yes, ma'am. And some stains within the squares.

24 Q. Okay. State's Exhibit Number 75, what does that
25 show?

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1 A. That's a little car for a child.

2 Q. Where was it located in that room?

3 A. In the closet.

4 Q. Okay. And finally State's Exhibit Number 76.

5 A. It shows -- For some reason, there was some rope
6 tied to that, to the coat hanger, clothes hanger above that
7 car.

8 Q. Were there any children's clothes or anything else
9 in that room?

10 A. No, ma'am.

11 Q. The next bedroom that would have been encountered
12 was located, I believe, right next to this room?

13 A. Yes, ma'am. If you were to exit the room where
14 you just showed the photos, the next room would be to your
15 left.

16 Q. And as you enter that room, looking across,
17 State's Exhibit Number 94, what is that?

18 A. It's a bunk bed system.

19 Q. And I noticed in the bunk bed system, one has what
20 appears to be wood, and the other one has a dark cover on
21 it, what were those?

22 A. You referred to the color or what's a blanket
23 laying on top?

24 Q. What's on this bed?

25 A. Just a blanket.

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1 Q. Is there any mattress on it?

2 A. No. No, ma'am.

3 Q. What's on this bed?

4 A. This has a mattress.

5 Q. And a better shot of that is State's Exhibit
6 Number 98, is that showing the same bunk beds?

7 A. Yes, ma'am.

8 Q. And then as you look into the room, State's
9 Exhibit Number 100, what is shown there?

10 A. It's a TV sitting on a Chester (sic) drawer, a
11 couple crackers on it, and the TV's just sitting there,
12 fuzzy, no reception.

13 Q. And State's Exhibit Number 101, what area does
14 that show?

15 A. It's -- I'm actually standing close to the door
16 but I zoomed in on this mattress leaned up against the wall.

17 Q. And I show you State's Exhibit Number 96, what
18 does that show?

19 A. It's just a closer up view of the mattress just
20 leaning against the wall. And that to the left would be, I
21 guess, a frame.

22 Q. Okay. And State's Exhibit Number 97, what does
23 that show?

24 A. Shows the corner closet.

25 Q. And this again, over here would be the mattress

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1 we're talking about?

2 A. The mattress, yes, ma'am.

3 Q. And State's Exhibit Number 99, what does that
4 show?

5 A. It shows a sippy cup, a metal cup, and what I'm
6 pretty sure that was a like a chicken wing.

7 Q. In that bedroom?

8 A. Yes, ma'am.

9 Q. And then looking back on State's Exhibit Number 95
10 is from the bedroom out into the hallway?

11 A. Looking back towards the door, yes, ma'am. It
12 just shows the TV, no reception, sitting there going.

13 Q. On top of the TV in State's Exhibit Number 90, you
14 documented that?

15 A. Some staining that, I didn't know what it was, but
16 it appeared to -- I wasn't sure if it was feces or food, but
17 it was some kind of stain with the crackers laying there.

18 Q. And this ash right here, were you able to
19 determine what that was?

20 A. No, just ashes.

21 Q. Consistent with?

22 A. With some kind of cigarette or cigar, somebody
23 smoking something.

24 Q. And the closet in that room State's Exhibit
25 Number 91?

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1 A. Rear of a bicycle and there's something in the
2 corner there, just different things in the floor.

3 Q. State's Exhibit Number 93?

4 A. Photo of two bicycles, I'm sorry, some debris in
5 the floor.

6 Q. Again, were there any children's clothes or
7 anything else in that room?

8 A. No, ma'am.

9 Q. Moving into the upstairs closet area, where was
10 the upstairs closet located --

11 A. It's --

12 Q. -- the hallway closet?

13 A. -- if you were walking out of the room you just
14 showed, it would be on your left as you exited that room.

15 Q. So this was not in any of the bedrooms, any of the
16 bedrooms, this was out the hallway?

17 A. Yes.

18 Q. Okay. State's Exhibit Number 104?

19 A. Bags of clothing and just various clothing in the
20 bottom.

21 Q. And then, State's Exhibit Number 105?

22 A. Some more bags of clothing and items stuffed in
23 the closet.

24 Q. Did you also photograph the bathroom area?

25 A. I did.

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1 Q. State's Exhibit Number 109, what does that show?

2 A. That's entering the bathroom.

3 Q. And then State's Exhibit Number 110?

4 A. That's the commode with some fluid in it, and just
5 a photograph down beside the commode.

6 Q. State's Exhibit Number 111?

7 A. Photograph of the commode itself.

8 Q. State's Exhibit Number 107?

9 A. It's a photograph of the tub.

10 Q. State's Exhibit Number 108?

11 A. Photograph of the sink in the same bathroom.

12 Q. And was there also a closet in that bathroom?

13 A. Yes.

14 Q. I'll show you State's Exhibit Number 112?

15 A. That's a photo of the closet, yes, ma'am.

16 Q. And then States Exhibit Number 113?

17 A. It's the bottom of the closet floor.

18 Q. In the bathroom?

19 A. In the bathroom, yes, ma'am.

20 Q. The master bedroom, how many -- let me ask you
21 this: In the first bedroom we talked about, there was how
22 many beds?

23 A. The first bedroom there was one on the floor.

24 Q. Okay. And then in the second bedroom, there were
25 how many beds?

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1 A. There was one prepared to sleep on a mattress, top
2 floor didn't have a mattress on it, but that would have been
3 two beds in there.

4 Q. If it had a mattress on it?

5 A. If it had a mattress on, yes, ma'am.

6 Q. And then in the master bedroom, describe to the
7 jury what was in the master bedroom.

8 A. When you first go into the master bedroom, there's
9 a crib on your right, a crib on your left, and then the
10 master bedroom -- I mean, I'm sorry, the master bed.

11 MS. CAMPBELL: Beg the Court's indulgence.

12 BY MS. CAMPBELL:

13 Q. I'm going to show you what's been marked as
14 State's Exhibit Number 116, where is this located?

15 A. That is on the bedroom in the master bedroom.

16 Q. And a different angle slightly on State's
17 Exhibit 117?

18 A. Yes, ma'am.

19 Q. And then State's Exhibit Number 118, where was
20 that located?

21 A. It's on the corner, like a corner nightstand in
22 the master bedroom.

23 Q. State's Exhibit Number 120, where is that located?

24 A. That's -- if you're standing at the door, it's
25 across in the far corner in the master bedroom.

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1 Q. And closer up is State's Exhibit Number 119 of
2 that corner?

3 A. Yes, ma'am, it's a bag of clothing.

4 Q. And then State's Exhibit Number 121?

5 A. It shows a Chester (sic) drawers a speaker and a
6 couple other items in the master bedroom.

7 Q. And at this point I'm just focused on the main
8 furniture, State's Exhibit Number 122, where is that
9 located?

10 A. It looks like to be the master bedroom as well.

11 Q. Okay. And then State's Exhibit Number 123, is
12 that a different angle?

13 A. Yes, ma'am. I'm actually standing with my back to
14 the Chester drawer, facing across the bed and towards the
15 crib. And if you look at the photo looking at in this
16 direction, the door to the bedroom would have been to the
17 right.

18 Q. Okay. And what items are depicted in this photo?

19 A. A carry on -- car seat for a child, the bed, a
20 crib.

21 Q. And is this where the car seat was when you got
22 there?

23 A. Yes, ma'am.

24 Q. And I'm going to show you State's Exhibit
25 Number 124, what angle is that?

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1 A. I just stepped just inside the door. And the crib
2 would have been on my right and the master the bed, kind of
3 off to the front of me.

4 Q. And another photograph is State's Exhibit
5 Number 125 -- oh, I'm sorry, what is this into this corner?

6 A. It's a baby -- a carry-all baby seat, whatever you
7 want to call them.

8 Q. Okay. And then State's Exhibit Number 125, what
9 does that show?

10 A. It's like a Chromebook or something, or an iPad
11 laying on the bed.

12 Q. What's the bed covered in?

13 A. Plastic.

14 Q. State's Exhibit Number 126 is a close up, I
15 believe?

16 A. A car seat.

17 Q. The one in the corner?

18 A. Yes, ma'am.

19 Q. And then State's Exhibit 127 is a closer up of the
20 car seat than the other car seat?

21 A. The car seat in the bed, yes, ma'am.

22 Q. I'm going to show you State's Exhibit Number 129,
23 what does that show?

24 A. It's a bag of clothing in the bedroom.

25 Q. And then State's Exhibit Number -- was there an

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1 air conditioner unit in that bedroom?

2 A. Yes, ma'am.

3 Q. In State's Exhibit Number 130, what does that
4 show?

5 A. I'm not sure what that is, I notated the burn
6 marks.

7 Q. But what is it on?

8 A. It's on the air condition.

9 Q. In State's Exhibit Number 132?

10 A. The air condition, again, with this -- some burn
11 marks and some debris on it, not sure what that is.

12 THE COURT: Solicitor, it's about a quarter till.
13 So if you can get to a good stopping point, I'm not stopping
14 you right now, but if you can get to a good stopping point.

15 MS. CAMPBELL: I've got one in like five minutes,
16 would that work?

17 THE COURT: Okay. Sure.

18 MS. CAMPBELL: Is that okay?

19 THE COURT: Yeah, that's fine.

20 BY MS. CAMPBELL:

21 Q. State's Exhibit Number 138, what is that?

22 A. That is the TV that's in this bedroom.

23 Q. And then State's Exhibit Number 115?

24 A. It's a wallet and some items in a trash can in
25 this same room.

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1 MS. CAMPBELL: And, Your Honor, I can -- we can do
2 the cribs when I get back.

3 THE COURT: Okay. All right. So you ready to
4 break now?

5 MS. CAMPBELL: That's fine with me.

6 THE COURT: Sure. Okay.

7 All right. Ladies and gentlemen, it's time for a
8 lunch break. If you'll be back here at 2:15, that'll give
9 you an hour and a half. I would ask that if you were to go
10 to a local restaurant, leave your juror badges visible, the
11 purpose for that is, is that, you know, some of the people
12 connected with this case are in there maybe talking about
13 the case and they may not recognize you being on the jury,
14 but if they see the juror badge visible, then they'll know
15 not to talk loud enough to where you might overhear them.
16 So if you do that for me, I appreciate it. And we'll see
17 you back at 2:15. Have a good lunch.

18 (WHEREUPON, the jury exited the courtroom at 12:44
19 p.m.)

20 THE COURT: All right. Y'all have a good lunch.

21 MS. CAMPBELL: Thank you, Judge.

22 THE COURT: Is an hour and a half enough,
23 Mr. Frick?

24 MR. FRICK: That'll be great. Thank you.

25 THE COURT: Okay.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 (WHEREUPON, a lunch break held from 12:45 p.m.
2 until 2:24 p.m.)

3 THE COURT: All right. Are we ready to get jury
4 out? Let's bring the jury in, Nolan.

5 THE BAILIFF: The jury's coming in.

6 (WHEREUPON, the jury entered the courtroom at 2:25
7 p.m.)

8 THE COURT: Let the record reflect the jury is
9 back in. Hope you had a good lunch, ladies and gentlemen,
10 ready to get back to work?

11 THE JURY: Yes, sir.

12 THE COURT: Okay, Solicitor.

13 MS. CAMPBELL: May it please the Court?

14 DIRECT EXAMINATION CONTINUED

15 BY MS. CAMPBELL:

16 Q. Okay. When we broke we were talking about things
17 I believe in the master bedroom; is that correct?

18 A. Yes, ma'am.

19 Q. Now, turn your attention to State's Exhibit
20 Number 128. What area of the master bedroom does that show?
21 It doesn't show up as well on this.

22 A. It's like the edge of a bed.

23 MS. CAMPBELL: Your Honor, may I approach?

24 THE COURT: Sure.

25

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q. Let me show you the actual photographs which the
3 jury will have. Can you see it better than that?

4 A. Yes, ma'am.

5 Q. Can you see what's in the background?

6 A. Yes. There's a crib in the background.

7 Q. So that would be the edge of the bed?

8 A. Yes.

9 Q. Put that back up.

10 And over the edge of the bed are what items?

11 A. A blanket, some children's clothes, another
12 blanket.

13 Q. Okay. And I'll show you State's Exhibit
14 Number 137. Is that a close up of the children's clothes
15 jacket?

16 A. Yes. It's a jacket.

17 Q. Okay. Is there also a closet in the parents room?

18 A. Yes, ma'am.

19 Q. And I'm going to show you State's Exhibit
20 Number 139. Does that show the interior of that closet?

21 A. Yes, ma'am.

22 Q. State's Exhibit Number 140?

23 A. Yes, ma'am, that's the inside of the closet.

24 Q. State's Exhibit Number 141?

25 A. Yes, ma'am.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Q. And finally, another angle at State's Exhibit
2 Number 142?

3 A. Yes, ma'am.

4 Q. We've looked at the bed, the bed with the plastic
5 on it in the master bedroom. You mentioned that there were
6 two other items, sleeping areas in that room?

7 A. Yes, ma'am.

8 Q. And what were those sleeping areas?

9 A. Both were cribs.

10 Q. And where were the cribs located as you walked in
11 the room in relation to the bed?

12 A. When you walked into the door, one crib was on
13 your right running with the wall, the other crib was over
14 here on your left. And the bed, the bed itself, would have
15 been straight in the middle.

16 Q. So one would have been to the right of the bed?

17 A. If you're laying in the bed, the crib would be on
18 your left.

19 Q. Okay. If you're laying in the bed?

20 A. If you're laying in the bed, the crib's on your
21 left. And if you're laying in the bed, the other crib is at
22 your feet.

23 Q. Okay. So it's at the foot of the bed?

24 A. Yes, ma'am.

25 Q. Okay. And the cribs were both wood, but they were

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 kind of two different colors; isn't that correct?

2 A. Yes, ma'am.

3 Q. One was a lighter wood and one was a darker wood?

4 A. That's correct.

5 Q. And I want to talk about the lighter wood crib
6 first. And I'll show you State's Exhibit 143, you can
7 actually see the foot of the bed in relation to that there;
8 is that correct?

9 A. Yes, ma'am.

10 Q. And the tape on the wall, what is that on?

11 A. On the door.

12 Q. That's on the door. And then is this how the crib
13 appeared as you walked into the room?

14 A. Yes, ma'am.

15 Q. And can you see the actual foot of the bed in that
16 picture?

17 A. Yes.

18 Q. Can you kind of point to it on the...

19 A. It would be to the right of the picture.

20 Q. To the right in this area?

21 A. Yes, ma'am.

22 Q. Okay. State's Exhibit Number 144. Is that how
23 the inside of that crib looked when you got there that day?

24 A. Yes, ma'am.

25 Q. Then I want to move on to State's Exhibit

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Number 150. Is that some of the bedding that was
2 ultimately, when you removed the pillow and things, seen in
3 that bed?

4 A. Yes, ma'am.

5 Q. And State's Exhibit 151, another close up of that
6 bedding?

7 A. Yes, ma'am.

8 Q. And are there some spots on that bedding?

9 A. There are.

10 Q. And what do those appear to be?

11 A. Appear to be feces, possibly some urine as well.

12 Q. And when you unraveled it further In State's
13 Exhibit 152, does that show that as well?

14 A. Yes, ma'am.

15 Q. And then again in State's Exhibit 153, another
16 part?

17 A. Yes, ma'am.

18 Q. Going back in State's Exhibit 154, does that show
19 the actual sheet in that crib?

20 A. It does.

21 Q. And a better picture in State's Exhibit
22 Number 155?

23 A. Yes, ma'am.

24 Q. And are there some stains on that sheet as well?

25 A. They are.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Q. And they appear to be what kind of color?

2 A. Appear to be feces as well.

3 Q. I want to show you State's Exhibit Number 156,
4 what area is that in relation to the crib?

5 A. That's the wall behind the crib.

6 Q. And again, State's Exhibit Number 157, is that
7 another part of the sheet?

8 A. Yes, ma'am.

9 Q. And I believe the State's -- I'll skip 158 and put
10 up 159, does that show it as well?

11 A. Yes, ma'am.

12 Q. And then in State's Exhibit Number 160, as y'all
13 continue to take things out of the crib, did you expose more
14 things?

15 A. I did.

16 Q. And then skipping 161, which has already been seen
17 in State's Exhibit 162, does that show how the door is
18 oriented to the actual crib?

19 A. Yes, ma'am.

20 Q. So this is the doorway up here?

21 A. It is.

22 Q. And State's Exhibit 163, what does that show?

23 A. Appears to be feces stains on the pillow.

24 Q. And then State's Exhibit 166, is that of that same
25 crib?

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 A. Yes, ma'am.

2 Q. And State's Exhibit 164 kind of shows the crib in
3 relation to the whole room?

4 A. Yes, ma'am.

5 Q. And as you unravel the bedding in that, I want to
6 show you State's Exhibit Number 165, what does that show?

7 A. That appears to be feces stains.

8 Q. Moving on to State's Exhibit 168, is that also
9 bedding from that crib?

10 A. Yes, ma'am.

11 Q. And what does it have on it as well?

12 A. Appears to be feces stains.

13 Q. And State's Exhibit 167, was that another part of
14 that same blanket?

15 A. Yes, ma'am.

16 Q. And finally, State's Exhibit 169, as far as that
17 blank is concerned.

18 A. Yes, ma'am. Appears to be feces stains as well.

19 Q. Also in that crib as you took up -- and y'all
20 basically went back and took out some of the bedding layer
21 by layer; is that correct?

22 A. Yes, ma'am.

23 Q. And you photographed it as you did that?

24 A. Yes, ma'am.

25 Q. State's Exhibit Number 145, is that additional

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 bedding that was in that crib?

2 A. Yes, ma'am.

3 Q. And a better picture of that State's Exhibit
4 Number 146, is there a stain on there?

5 A. Yes, ma'am, could be possibly urine.

6 Q. And then it's State's Exhibit Number 147, does
7 that show that blanket further unraveled?

8 A. Yes, ma'am.

9 Q. And there's a finger pointing to something, what
10 is that?

11 A. Just staining at the bottom of it.

12 Q. And then State's Exhibit Number 148, what type of
13 stain there.

14 A. It's soiled like urine or something like that.

15 Q. And I believe it State's Exhibit 149 would be the
16 same, general?

17 A. Yes, ma'am.

18 Q. And I'm not going through every single one of
19 these photos because I have them but these are all photos
20 you took that night?

21 A. Yes, ma'am.

22 Q. In the course of your investigation, were you able
23 to determine which one of the children were supposedly
24 sleeping in that crib?

25 A. Supposedly at the time or that was the bed where

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 they slept?

2 Q. I don't understand your response.

3 A. Are you asking me who was sleeping there or who
4 was that bed dedicated to?

5 Q. Who was supposedly sleeping in the crib?

6 A. A.W. You talking about the one on the right or
7 which one you talking about?

8 Q. We're talking about the one on the left at the
9 bottom thing now, whose was supposed to --

10 A. Okay. Those were set up, those were for the
11 twins.

12 Q. That one was for the twins?

13 A. Yes, ma'am.

14 Q. And let's move to the one where A.W. was -- I'll
15 show you what's been marked at State's Exhibit Number 170,
16 what does that show?

17 A. It's a crib.

18 Q. And where is this photograph taken from?

19 A. From the doorway of that room.

20 Q. And is that the crib you referred to that A.W.
21 was supposedly staying in?

22 A. Yes, ma'am, on the right.

23 Q. State's Exhibit Number 171, what does that show?

24 A. It's the crib with bedding.

25 Q. State's Exhibit Number 172, what does that show?

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 A. It's a blanket with some potential stains on it.

2 Q. And I believe 173 is a duplicate of that. State's
3 Exhibit 174, what does that show?

4 A. The mattress itself.

5 Q. And are there stains evidenced in that as well?

6 A. Yes, ma'am.

7 Q. And where are those stains located, up here?

8 A. Yes, ma'am.

9 Q. State's Exhibit Number 175, what does that show?

10 A. More stains, well, that's a stain on the pillow.

11 Q. On a pillow. And that's -- the pillow was in
12 there when you got there?

13 A. Yes, ma'am.

14 Q. And then State's Exhibit Number 176?

15 A. Stains on the mattress.

16 Q. And then in this case, too, you also, I think,
17 eventually removed some of the -- well, let me get back
18 before I get to that. In State's Exhibit Number 182, does
19 that show how the room was set up in that corner where that
20 crib was?

21 A. Yes, ma'am.

22 Q. And then State's Exhibit 181, does that also show
23 that area?

24 A. Yes, ma'am.

25 Q. State's Exhibit Number 180, again, what does that

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 show?

2 A. It shows the crib mattress with some staining on
3 it.

4 Q. And then as you unravel the sheets in State's
5 Exhibit Number 177, what does that show?

6 A. Stains on blanket.

7 Q. And in fact, if you look at 178, what is this item
8 in here in the middle?

9 A. It's feces, it appears to be.

10 Q. State's Exhibit Number 179?

11 A. That's blanket in the crib.

12 Q. And then State's Exhibit 173, is that same
13 blanket?

14 A. Yes, ma'am.

15 Q. Once you had photographed the house and the areas
16 that day, was Agent Britney May from SLED actually there
17 with you when that was happening?

18 A. She was.

19 Q. And while you were going through the house, either
20 during the time you were taking the pictures or sometime
21 thereafter, were you actually taking photographs and walking
22 through the house doing a walk through?

23 A. Yes, ma'am.

24 Q. And did you have your body cam on that day?

25 A. I believe I did, yes, ma'am.

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 Q. And I'll show you what's been marked as State's,
2 Exhibit Number 183, and when you have body cam, explain to
3 the jury how that works.

4 A. We wear a body camera all the time. And when
5 we -- should, as we're responding to a scene, go ahead and
6 activate it, that way in case as soon as we get out of our
7 vehicle something going on, we catch it. But of course, I
8 activated this body camera at the beginning of execution of
9 the search warrant on the apartment.

10 Q. To further memorialize what you saw as you went
11 through?

12 A. Correct.

13 Q. And the body camera is located where on you?

14 A. That one, I believe that one would have been on my
15 chest. If it wasn't on the chest on my belt. It was in the
16 front.

17 Q. Okay. So basically as you walk through,
18 everything would be recorded?

19 A. Correct.

20 Q. And I show you State's Exhibit Number 183, have
21 you had an opportunity to review your body cam that was done
22 that day?

23 A. I have.

24 Q. And that says you did a walk-through through the
25 house with Agent May?

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 A. Yes, ma'am.

2 MS. CAMPBELL: Your Honor, at this time I'd offer
3 State's Exhibit Number 183 into evidence.

4 THE COURT: Okay.

5 MR. FRICK: Subject to the same objection, Your
6 Honor.

7 THE COURT: Okay. Same objection previously on
8 the record. 183 into evidence for the State.

9 (WHEREUPON, State's Exhibit Number 183 was
10 admitted into evidence.)

11 MS. CAMPBELL: Okay. And we can publish that with
12 a later witness.

13 THE COURT: Okay.

14 BY MS. CAMPBELL:

15 Q. Once you had photographed things and then the
16 walk-through at the house and executed that search warrant,
17 were certain items collected that day?

18 A. There were.

19 Q. And what items did y'all actually collect from the
20 scene?

21 A. A blanket, a sippy cup, and photographs.

22 Q. Photographs. Did you ever find any Pedialyte to
23 collect?

24 A. No, ma'am.

25 Q. Did you find any children's Tylenol in the house?

BRIAN SMALL DIRECT BY MS. CAMPBELL

1 A. No, ma'am.

2 Q. So the only two items you collected were a cup and
3 a blanket?

4 A. Yes, ma'am.

5 Q. After you had completed the search warrant that
6 day or that morning, did you then also assist the coroner's
7 office in transporting A.W. to MUSC-Charleston for her
8 autopsy?

9 A. I did, I followed them.

10 Q. And that was on the next day, on the 24th, I
11 believe?

12 A. Yes, ma'am.

13 Q. And is that pretty much the extent of your
14 involvement in this case?

15 A. Yes, ma'am.

16 MS. CAMPBELL: Beg the Court's indulgence.

17 THE COURT: Sure.

18 BY MS. CAMPBELL:

19 Q. Were you aware, Lieutenant Small, at a later date,
20 you didn't do this actually, but there were three phones
21 that were actually taken from the two defendants in this
22 case, Shaquanda Page and David White?

23 A. Yes, ma'am.

24 MS. CAMPBELL: Two of those phones are evidence
25 but, Your Honor, at this time we offer State's Exhibit

BRIAN SMALL CROSS BY MR. FRICK

1 Number 212 into evidence.

2 MR. FRICK: No objection, Your Honor.

3 THE COURT: All right. Without objection, 212
4 into evidence for the State, and that's two phones,
5 Solicitor?

6 MS. CAMPBELL: That's one phone.

7 (WHEREUPON, State's Exhibit Number 212 was
8 admitted into evidence.)

9 THE COURT: One phone.

10 MS. CAMPBELL: The other two have been -- are
11 different numbers.

12 THE COURT: Okay. Got you.

13 MS. CAMPBELL: 190 and 191.

14 THE COURT: Yeah. That's right.

15 MS. CAMPBELL: So this is the actual third phone.

16 THE COURT: Okay.

17 MS. CAMPBELL: Okay. Thank you. I don't have
18 anything further.

19 THE COURT: Mr. Frick. Any cross-examination?

20 MR. FRICK: Yes, Your Honor. Thank you.

21 CROSS-EXAMINATION

22 BY MR. FRICK:

23 Q. Lieutenant Small, y'all obtained and executed a
24 search warrant, correct?

25 A. Yes, sir.

BRIAN SMALL CROSS BY MR. FRICK

1 Q. Okay. And, in fact, y'all got that search warrant
2 a little bit after midnight on the 23rd, right?

3 A. It's around about, yes, sir.

4 Q. I think y'all cleared up from the hospital around
5 midnight but y'all had somebody over at the magistrate
6 getting that search warrant?

7 A. In our office.

8 Q. Yeah. Or the municipal judge, we always call it
9 the wrong thing.

10 Are you the -- for the city, are you the chief
11 investigating officer on this case?

12 A. That would have been Joe Burns. I was the
13 supervisor, but I assisted him.

14 Q. Okay. Okay. But you're -- you're the lieutenant
15 over the operations, correct?

16 A. Yes.

17 Q. Okay.

18 A. At the time.

19 Q. And you've been doing law enforcement in Lancaster
20 for a long time now, right?

21 A. Yes, sir.

22 Q. And when you have a scene like that, do you have
23 something that's called a Crime Scene Log?

24 A. Yes, sir.

25 Q. And tell me what a Crime Scene Log is.

BRIAN SMALL CROSS BY MR. FRICK

1 A. Crime Scene Log, you put the case number, the
2 time, the location, and you should put person by entry. If
3 there's five people there when you get there, those five
4 people need to be immediately put on that log. If someone
5 enters, they need to have a specific reason to enter, and
6 you add that person with the time they entered.

7 Q. Okay. Now, do you necessarily always get
8 everybody?

9 A. Not everybody, but you should. Once you're there
10 and it's established you should. You won't always get
11 everybody because people are going to walk off before you
12 get there.

13 Q. Right. Right. Okay. Do you know if there was a
14 Crime Scene Log in this case?

15 A. Yes, sir.

16 Q. I'm going to show you something, Lieutenant, do
17 you recognize that?

18 A. Yes, sir.

19 Q. What is that?

20 A. This is a Crime Scene Log.

21 Q. Okay. Thank you.

22 MR. FRICK: Your Honor, at this time, I move that
23 as Defense 1.

24 THE COURT: Okay. Any objection from the State?

25 MS. CAMPBELL: No, sir.

BRIAN SMALL CROSS BY MR. FRICK

1 THE COURT: All right. Exhibit 1 for the Defense
2 into evidence.

3 (WHEREUPON, Defendant's Exhibit Number 1 was
4 admitted into evidence.)

5 BY MR. FRICK:

6 Q. So to the best of your knowledge this -- you
7 didn't keep the Crime Scene Log?

8 A. I did not.

9 Q. There was another officer who's -- that's their
10 responsibility, correct.

11 A. Yes, sir.

12 Q. But you are on the Crime Scene Log, correct?

13 A. Yes, sir.

14 Q. Where are you on this Crime Scene Law?

15 A. I am Number 17.

16 Q. Number 17. Okay. And what time does it have you
17 entering the crime scene?

18 A. It looks like 0155 in the morning.

19 Q. So 1:55 in the morning, correct?

20 A. Yes, sir.

21 Q. Okay. And that was the first time you had set
22 foot in that apartment, correct?

23 A. Should be, yes, sir.

24 Q. Okay. On the search warrants, when you collect
25 items, you have an attachment to it that says everything

BRIAN SMALL CROSS BY MR. FRICK

1 y'all collected, correct?

2 A. Yes, sir. It's Page 4, I believe.

3 Q. Okay.

4 A. It was a return.

5 Q. And that's called a return?

6 A. Yes, sir.

7 Q. Okay. Do you typically put on there a time when
8 y'all execute the search warrant?

9 A. Yes, sir, it's at the top.

10 Q. Okay. Now, clarify for me, is that when you start
11 it or when it's done?

12 A. Generally, when we start it, we should be -- well,
13 I do, we go and get my radio, call dispatch, pull the case
14 number, and say, add search warrant executed at this time
15 you're showing.

16 Q. Okay. So clarify for me, would it typically be
17 when you started it?

18 A. Start. Yes.

19 Q. Okay.

20 A. We typically do.

21 Q. I'm going to show you this.

22 A. Okay.

23 Q. What does that appear to be to you?

24 A. It's the return.

25 Q. Okay. For this search warrant, does it have the

BRIAN SMALL CROSS BY MR. FRICK

1 items that you collected there?

2 A. Yes, sir.

3 Q. Okay.

4 A. I was checking the case number, but, yes, sir.

5 Q. Does that appear to you -- okay, does it have a
6 time on it?

7 A. Yes, Sir.

8 Q. What time?

9 A. 2:05 a.m.

10 Q. Okay. Thank you, sir.

11 Now, were you collecting the items that you were
12 photographing or was that somebody else collecting all that?

13 A. That was someone else.

14 Q. Okay. So you were going around -- and we'll see
15 it in the body cam when that gets published -- you're taking
16 pictures the whole time, correct?

17 A. Yes, sir.

18 Q. Okay. So while you're taking pictures, is law
19 enforcement going through the house, executing the search
20 warrant?

21 A. We're in the home at the time.

22 Q. Okay.

23 A. But the search warrant has been executed before we
24 start everything, before anything started, the search
25 warrant is served and that's when we get -- we begin.

BRIAN SMALL CROSS BY MR. FRICK

1 Q. Okay. All right. So people are going around
2 through the house while you're taking these pictures?

3 A. Two others.

4 Q. Two others. Okay. And it's not a huge apartment,
5 correct?

6 A. Correct.

7 Q. I know it's got an upstairs and downstairs, but
8 it's square footage wise, it's not -- it's not very huge?

9 A. No, sir. I don't know the exact footage, but it's
10 not that big.

11 Q. Okay. And at this point in time, y'all don't
12 really know what you're looking for; is that fair to say?

13 A. That's correct.

14 Q. So y'all are just kind of trying to find anything
15 that you believed might be helpful in this investigation?

16 A. Tried to determine what happened to A.W. yes.

17 Q. Okay. All right. So that means y'all are going
18 through things?

19 A. Somewhat, yes.

20 Q. Okay. Looking in stuff?

21 A. Yes.

22 Q. Okay. Let me ask you: Did you -- this -- y'all
23 went through the kitchen, you took pictures in the kitchen,
24 right?

25 A. Yes, sir.

BRIAN SMALL CROSS BY MR. FRICK

1 Q. Did y'all look in the cabinets?

2 A. Yes, sir. Just open them and looked vaguely.

3 Q. Okay. Did you take any photographs inside the
4 cabinets?

5 A. No, sir.

6 Q. Okay. In the bathroom, was there a medicine
7 cabinet?

8 A. I don't remember seeing one.

9 Q. Okay. All right. But there was a closet in
10 there?

11 A. Yes, sir.

12 Q. And y'all looked in there?

13 A. Yes, sir.

14 Q. Okay. The blankets that you did collect, did
15 y'all submit that for any kind of testing?

16 A. No, sir.

17 Q. Okay. Was there anything that you select -- that
18 you collected that you submitted for any kind of testing?

19 A. The only thing that I know that has been -- had
20 anything done to it was the phones.

21 Q. Okay. That was what I was going to say, other
22 than the phones?

23 A. Yes, sir.

24 Q. Okay. All right. Do you know how long you were
25 on scene?

BRIAN SMALL CROSS BY MR. FRICK

1 A. I don't remember, sir.

2 Q. And I don't -- I'm going to show you Defendant's 1
3 again, I don't see a time out on there; is that correct?

4 A. That's correct, no time out.

5 Q. Okay. All right. But, I mean, as we'll see in
6 your body cam, at least you were there for a while?

7 A. Yes, sir.

8 Q. Okay. Did you leave with everybody or were there
9 people there after you?

10 A. They were -- they still had to do a -- I can't
11 remember what it's called, it's like a...

12 Q. Another little walk-through thing?

13 A. A walk-through with the parents.

14 Q. Okay. And that was with Agent May?

15 A. Yes.

16 Q. Okay. And I'm not going to go back through and
17 put up pictures but you took pictures of the refrigerator,
18 correct?

19 A. Yes, sir.

20 Q. And there was in fact food in the refrigerator?

21 A. Some, yes, sir.

22 Q. Okay. And and they showed you a picture of the
23 back door, you recall that?

24 A. Yes, sir.

25 Q. And I think you indicated in one of those pictures

BRIAN SMALL CROSS BY MR. FRICK

1 that there was a deep freezer in front of that back door?

2 A. It was to the left of it.

3 Q. It wasn't blocking it?

4 A. Correct.

5 Q. But there was a deep freezer up there?

6 A. Yes, sir.

7 Q. Did you look in there?

8 A. No, sir.

9 Q. Okay. Thanks, sir. That's all the questions I
10 have.

11 THE COURT: Redirect Solicitor?

12 MS. CAMPBELL: No, sir.

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

14 THE WITNESS: Thank you, sir.

15 THE COURT: Next witness.

16 MS. CAMPBELL: May it please the Court?

17 The State will call Dr. Demi Garvin.

18 THE CLERK: Left hand on the Bible, raise your
19 right please. Do you swear to tell the truth, the whole
20 truth, and nothing but truth, so help you God?

21 THE WITNESS: I do.

22 DEMI GARVIN, having been duly sworn testified as
23 follows:

24 THE CLERK: You may be seated.

25 MS. CAMPBELL: Your Honor, may we approach for a

DEMI GARVIN DIRECT BY MS. CAMPBELL

1 sidebar?

2 THE COURT: Sure.

3 (WHEREUPON, a sidebar held off the record.)

4 MS. CAMPBELL: Your Honor, we would just put on
5 the record that there has been a stipulation between Defense
6 Counsel and the State as to the chain of evidence that was
7 done for the toxicology in this case.

8 THE COURT: Okay.

9 MR. FRICK: That he is stipulating that there's no
10 problem with the chain of evidence leading up to the testing
11 of the toxicology.

12 THE COURT: Okay. Is that correct, Mr. Frick?

13 MR. FRICK: That's correct, Your Honor.

14 THE COURT: Okay. Very good. Thank you.

15 DIRECT EXAMINATION

16 BY MS. CAMPBELL:

17 Q. Dr. Garvin, where are you employed?

18 A. I'm employed in Columbia, South Carolina at the
19 Forensic Science Network.

20 Q. And what is the Forensic Science Network?

21 A. It is a privately held company in Columbia. I'm
22 the majority owner of the company and we are engaged in
23 third party forensic support service, testing support
24 services to include toxicology, drug chemistry, occasionally
25 other forensic tests when called upon for coroners in South

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1 Carolina and some other states, law enforcement, the legal
2 profession, pathologists, and we also do education and
3 training and some laboratory inspections.

4 Q. Can you tell this jury a little bit about your
5 education and your training?

6 A. So I have a Bachelor of Science degree in biology
7 from Furman University here in South Carolina and I hold a
8 doctorate in clinical pharmacy from the University of South
9 Carolina College of Pharmacy. In addition to that, I have a
10 number of training courses that I've been involved in. This
11 is my 36th year in forensics. I was employed after --
12 during and after graduate school by the South Carolina Law
13 Enforcement Division, better known as SLED, in Columbia. I
14 was, for 16 years, a bench toxicologist and training
15 coordinator as well as a forensic drug chemist for two
16 years. That was from 1983 -- excuse me, 1984 until 2000.
17 And at that point, I left SLED and went to Richland County
18 Sheriff's Department in Columbia, where I assisted Sheriff
19 Lott in the development of a full service forensic sciences
20 laboratory, multiple forensic specialties, crime scene and
21 latent prints, evidence and property, drug chemistry, DNA,
22 firearms and tool marks, that's it. Was there for 15 years.
23 Retired from government service in 2016. And was involved
24 100% of my time with Forensic Science Network after that.

25 I spent two years as a quality manager with

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1 another company that I was a part owner of, DPX Technologies
2 in Columbia, it's a startup technology company. And also
3 did some consulting work for the Substance and Mental Health
4 Services Administration as part of the federal government,
5 traveling around the country doing laboratory inspections.

6 Q. And one of the fields you have accreditation in, I
7 think, is forensic toxicology; is that correct?

8 A. Yes. I'm board certified as forensic toxicologist
9 by the American Board of Forensic Toxicology.

10 Q. And have you ever testified before as a forensic
11 toxicologist?

12 A. Yes.

13 Q. And approximately how many times have you been
14 qualified as an expert in forensic toxicology?

15 A. Over 200.

16 MS. CAMPBELL: Your Honor, at this time we offer
17 as an expert in forensic toxicology.

18 MR. FRICK: No objection.

19 THE COURT: Without objection, Dr. Garvin is found
20 to be an expert in the area of forensic toxicology.

21 MS. CAMPBELL: Thank you.

22 BY MS. CAMPBELL:

23 Q. Doctor, can you tell this jury what is forensic
24 toxicology?

25 A. So, forensic toxicology is a subspecialty of

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1 toxicology. Toxicology is the study of alcohols, drugs, and
2 other poisons, their effects on the body that can be, that
3 is primarily in living individuals. Clinical toxicology is
4 the subspecialty in the living individual. Forensic
5 toxicology is the subspecialty in a living individual as
6 applied to driving under the influence of alcohol and other
7 drugs and also in what we refer to as drug-facilitated
8 crime, to include extortion, sexual assault, human
9 trafficking. And then also in death investigations, in the
10 deceased individual.

11 Q. And specifically to here, we're here about a death
12 investigation; Is that correct?

13 A. Yes, ma'am.

14 Q. And are you familiar with a company called, is it
15 NMS? I have a hard time saying that for some reason.

16 A. Yes. NMS Labs.

17 Q. And what does that stand for?

18 A. Well, it used to stand for National Medical
19 Services, but they truncated it now to just refer to
20 themselves as NMS Labs.

21 Q. Okay. And do you have an affiliation with NMS
22 Labs and what is your role with that?

23 A. Yes. So Forensic Science Network, the company
24 that I'm involved with, we have collaborated and partnered
25 with National Medical -- NMS, excuse me, for over 20 years.

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1 And they are our go-to laboratory, if you will, for forensic
2 toxicology testing services.

3 Q. So you aren't the person that actually does the
4 testing, are you? The person that actually looks at the
5 testing and does the interpretation?

6 A. Right. I don't perform the testing myself, that's
7 done at the laboratory. I provide direction for the testing
8 as the investigation moves forward, and also consultation
9 and interpretation.

10 Q. I want to turn your attention to this case that
11 started back on February the 22nd of 2021. When did you
12 first become involved in this case, ma'am?

13 A. I became involved -- pardon me just a moment. I
14 actually became involved on the evening of February 23rd,
15 2021, when I received a communication from the Lancaster
16 County Coroner's Office, Jennifer Collins, regarding a death
17 of a 14-month old, and that the laboratory was going to be
18 receiving specimens from both the coroner's office during,
19 directly as well as at the time of the autopsy, which was
20 scheduled for the next day.

21 Q. So at that point, you were just contacted about
22 some results that may be coming your way that needed your
23 attention?

24 A. Not just the results, but also if additional
25 testing or just to essentially be aware that this case had

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1 occurred, this death had occurred, and they wanted me to be
2 aware of it in the event that additional testing was needed
3 beyond what we refer to as routine testing, and also for
4 purposes of communication as that testing would develop.

5 Q. So when you were initially contacted, the autopsy
6 had not even been performed at this point?

7 A. Correct.

8 Q. And none of the testing results were in?

9 A. Right. The specimens hadn't even been collected
10 yet.

11 Q. And is it unusual, in your experience for, in an
12 investigation such as this with a child death, for the
13 investigation to continue over a period of months?

14 A. Oh, yes. In adults or children, it can go on even
15 for years sometimes.

16 Q. And in this case, over the next several months,
17 did you basically assist the coroner's office and ultimately
18 law enforcement, in making determinations in this case about
19 the toxicology?

20 A. Yes, and pathology as well.

21 Q. And can you kind of just walk us through your
22 involvement and what testing was done?

23 A. Yes. So to begin with, as I mentioned earlier,
24 there were two submissions to the laboratory. The first one
25 was pursuant to collection that was performed at the

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1 Lancaster County Coroner's Office. Specifically, that
2 collection was performed on February the 23rd, 2021, and
3 consisted of vitreous fluid, which is fluid from the eye,
4 and also urine from the bladder.

5 The next day, at the Medical University of South
6 Carolina, there was a second collection that occurred during
7 the autopsy, and that was a collection of cardiac blood,
8 which was performed on February the 24th, 2021. And both of
9 those independent collections, specimen collections, were
10 submitted to NMS labs for testing purposes.

11 There were five toxicology reports that were
12 generated pursuant to specimen testing from both
13 collections. And I'll walk through those now.

14 As I talk about the individual results, I'll be
15 referring to the date that the report was issued because I
16 think in my opinion it's a little bit easier to follow.

17 The first report was issued on March the 15th,
18 2021. And this report resulted vitreous fluid testing and
19 urine testing. So the vitreous fluid, again, the eye fluid,
20 is the eye, it's about, it's a fluid, a protein-filled fluid
21 that bathes the back of the eye, very important. This was
22 collected by the Lancaster County Coroner's Office and we
23 requested electrolytes and glucose testing. So specifically
24 creatinine, sodium, potassium chloride, urea nitrogen and
25 glucose. The urine was tested for acetone, alcohols and a

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1 host of drugs, both prescription and illicit, and
2 over-the-counter drugs, and in some instances their
3 metabolites. A traditional panel, if you think about a
4 panel in testing like a menu at a restaurant, you have the
5 opportunity to order exactly what's on the menu, maybe a
6 buffet where you see everything versus a la carte where you
7 can kind of cherry pick what you're going to test for or
8 what you're going to eat in that analogy.

9 So in this particular instance, the testing panel
10 in the urine was what we would routinely start out with to
11 capture the overwhelming number of substances that we
12 typically see in death investigations. They could be
13 therapeutic drugs, prescription drugs, they could be
14 controlled substances by prescription, they could be
15 over-the-counter medications, and they could be illicit
16 substances.

17 So in this particular case, in this particular
18 report, excuse me, acetone was identified in the urine, 10
19 milligrams per deciliter. The creatinine concentration was
20 1 milligram per deciliter, which is within the normal range.
21 The sodium concentration was 160 millimoles per liter, which
22 is elevated. Potassium was also elevated at 17 millimoles
23 per liter. Chloride was elevated, elevated at 140
24 millimoles per liter. And the urea nitrogen was elevated at
25 40 milligrams per deciliter. The glucose was negative.

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1 Report number two was issued on March the 18th, so
2 by comparison, three days later. And this report addresses
3 the cardiac blood testing, the testing that was performed on
4 the cardiac blood collected at autopsy. It, too, was
5 subjected to what we refer to as the 8052B, which is the
6 name of the test panel for the one that I just described
7 earlier, only that was performed on urine. The exact same
8 test panel was performed on the cardiac blood to include the
9 therapeutic, over-the-counter, illicit drugs. And the blood
10 sample was negative for any of the substances contained in
11 that panel.

12 Report number three, which was issued on March the
13 29th of 2021, addressed the vitreous fluid and urine
14 specimens from the very first report. So the same exact
15 results from the first report that I testified to earlier
16 with the addition of a direct, what we refer to as a
17 directed analysis or a targeted analysis specifically for
18 acetone. And that was because, in my opinion, I felt that
19 the presence of the acetone in urine could be -- was -- I
20 construed it to be abnormal until proven otherwise. And I
21 wanted us to determine whether acetone was also present in
22 the vitreous fluid. We knew that it was negative in the
23 blood, but wanted another backup specimen to try to begin to
24 investigate what might be the reason for the presence of the
25 acetone in the urine. And acetone was identified in the

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1 vitreous fluid at 6.4 milligrams per deciliter.

2 Report number four, which was issued on April the
3 9th, 2021, had to do with additional testing that was
4 performed on the cardiac blood samples, the sample collected
5 at autopsy. And in that situation, again, because of the
6 results that we had up to this point, it was my opinion and
7 my recommendation that a compound known as beta
8 hydroxybutyric acid, or BHB for short, be tested for in the
9 blood, that is another ketone body like acetone that we tend
10 to see under certain circumstances, wanted to try to again
11 do a deeper dive into what these test results might be due
12 to. So it was my recommendation that we move forward with
13 the BHB testing. And BHB was present at a concentration of
14 72 micrograms per milliliter, which is elevated.

15 And then the final report was issued on April the
16 13th, 2021. It is referred to as a corrected report. And
17 it is corrected from the cardiac blood result that I just
18 testified to that was issued on April the 9th. The
19 correction being that on Page 2 of the report, of the -- I'm
20 sorry, of the April the 9th report, the report was issued
21 without the units of measure. And we always -- anytime we
22 do testing, we always want to make sure that we have a unit
23 of measure associated with it. Otherwise the result, the
24 number is meaningless if we don't know what the unit is.
25 The units are reflected on Page 1a, but they're not

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1 reflected on Page 2, typographical error, and so a corrected
2 report has to be issued. And you can see when you do the
3 comparison, that the units of measure are present on the
4 second report. So that is the only difference between the
5 fourth report and the fifth report, it's just the reflection
6 of those units of measure.

7 Q. Okay. And the results that we talked about,
8 taking them, I think, in the same order you just talked
9 about, you mentioned that there were elevated amounts of
10 certain things, such as sodium, I think you said calcium and
11 other things, and then the presence of acetone in the first
12 testing that was done?

13 A. Yes. So in the vitreous fluid and urine, there
14 were abnormal results that were reported specifically in the
15 vitreous, the sodium value was abnormal, it was elevated,
16 markedly elevated. The potassium concentration was
17 elevated. The chloride concentration was elevated. The
18 urea nitrogen concentration was elevated. And then there
19 was the presence of acetone in the urine, which would be
20 considered abnormal as well.

21 Q. And what does that indicate to you, as far as you
22 as the toxicologist?

23 A. So at the time that I was reviewing the results, I
24 was concerned, clearly, I clearly felt that additional
25 testing was most probably warranted and had that

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1 communication with Dr. Presnell at the medical university
2 and also with Coroner Deese here in Lancaster. I was
3 concerned about the possibility of dehydration in the child
4 and also concerned about what the source of the acetone
5 could be, recognizing that typically, acetone spilled into
6 the urine can be a marker of, in adults, can be a marker of
7 chronic alcoholism, diabetes mellitus, sugar diabetes, if
8 you will, and also fasting or starvation states.

9 So in a child this age, and even in an adult, I
10 felt that the results of the first report warranted
11 additional communication, investigation, both from a tox
12 standpoint and other investigation.

13 Q. And in your first report, I believe you also said
14 that the glucose amount was, did you say negative or it
15 wasn't a reportable amount?

16 A. It was negative.

17 Q. And is that what you would expect to find?

18 A. Yes. So by comparison, if we're dealing with a
19 patient who has diabetes, sugar diabetes, if you will, and
20 it's uncontrolled or not well controlled, we can see sugar,
21 we can see glucose in the vitreous fluid, it's elevated, and
22 we can also see it in the blood.

23 In death -- that's in a living person, we can see
24 it in the blood -- but in death, you can't use the blood to
25 diagnose either hyperglycemia, too much glucose, or

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1 hypoglycemia, too little glucose, because of postmortem
2 changes to the blood, it's not an appropriate specimen for
3 either one of those evaluations.

4 The vitreous can be used to diagnose or evaluate,
5 in my case, elevated glucose, so hyperglycemia, but it
6 cannot ever be used for hypoglycemia. So when we have a
7 negative glucose in the vitreous, we don't really know why
8 that is. Is it because there was literally no glucose
9 available or is it because it's normal, but we're just not
10 able to capture that concentration, so we can't use it for
11 purposes of being normal or hypoglycemia, only
12 hyperglycemia.

13 Q. But in this case, there was no hyperglycemia?

14 A. Correct.

15 Q. And if there'd been hyperglycemia that would be
16 indicative of some type of what you call sugar diabetes, I
17 believe?

18 A. Yes, that would definitely be a question to try to
19 determine what the source of that was and diabetes mellitus
20 is a one reason.

21 Q. So that would -- or eliminate that as a
22 possibility, but basically that you would expect to find
23 higher amounts than you found?

24 A. Yes.

25 Q. And that wasn't present?

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1 A. Correct.

2 Q. Which can kind of take diabetes out of the --
3 whether it's diagnosed or not, out of the picture here?

4 A. In my opinion, yes.

5 Q. Okay.

6 A. From my evaluation, yes.

7 Q. And then I believe on the 15th and the 18th, there
8 were two -- there was results listed for the urine and the
9 vitreous fluid and the blood, which were your initial
10 testing that was done. And then you requested additional
11 testing after that?

12 A. Correct.

13 Q. And specifically you said that the presence of
14 acetone was of concern to you. What does acetone mean when
15 you find its presence, like you did here?

16 A. So acetone is one of several of what we refer to
17 as ketone bodies. They are substances that we produce
18 normally even when we're healthy. It's just that if we were
19 to try to measure them, they would be in such small
20 concentrations that we wouldn't be able to typically
21 identify their presence. So they're a normal part of our
22 biochemical processes in our body, the generation of
23 acetone, BHB, that I mentioned earlier, and also another
24 compound called acetoacetate, which we did not measure.
25 Acetone and BHB are typically the two prominent ones, ketone

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1 bodies, that we would evaluate.

2 When we see acetone again to identify in a
3 biological specimen, blood, urine, vitreous, warrants
4 further investigation. What is going on with the patient,
5 with the decedent? What was going on prior to death that
6 caused the acetone and or the BHB to be sufficiently high in
7 concentration that it's measurable and reportable. That
8 reflects us to a medical investigation, if you will, and
9 forensic investigation as to why that would be occurring.

10 Q. Okay. So in this case when you requested further
11 testing, I believe that you got some results back on March
12 the 29th as well, is that the BHB?

13 A. No, that was actually the acetone that was added
14 to the vitreous fluid. So when the cardiac blood was tested
15 for the traditional panel or the routine panel testing panel
16 that I mentioned earlier, the acetone concentration was
17 negative. So there was no acetone identified in the blood.
18 That can happen sometimes. It's not unusual, depending on
19 how long the decedent survived before death that you might
20 not see acetone in the blood but you might to be able to
21 identify it in the vitreous. And that's exactly what
22 happened in this case. The blood was negative but the
23 vitreous contained 6.4 milligrams per deciliter of acetone.

24 So it did two things. One, it definitively
25 supported the acetone that was identified in the urine as

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1 being what we refer to as a true positive. And also added
2 additional information about what might be transpiring with
3 a child in this case.

4 Q. So that, along with the findings of the BHB, were
5 significant in your findings?

6 A. So then the fact that the acetone was identified
7 in the vitreous, now we have it in two specimens, we have it
8 in the urine and we have it in the vitreous fluid. Then
9 made the recommendation to pursue the BHB testing, that
10 other ketone body marker in the blood, this time in the
11 blood, because the first panel in the cardiac blood would
12 not have included BHB, that's why it's a targeted analysis.

13 So that BHB testing came back to be 72 micrograms
14 per milliliter, which is elevated to give you a baseline
15 normal BHB in this laboratory at the time of this testing
16 was less than 50 micrograms per milliliter and the blood was
17 positive at 72 micrograms per milliliter.

18 Q. And we talked earlier, you talked a little bit
19 about the findings in this as far as the acetone and the
20 ketones and the BHB in those, those can be indicative of
21 certain situations, such as severe or chronic alcoholism or
22 starvation or malnutrition, and then the diabetes, which
23 we've already talked about. In this case were your findings
24 consistent with someone having been malnourished over a
25 period of time?

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1 A. So just to reiterate, when we see elevated BHB and
2 acetone the most common reasons for those elevations are due
3 to chronic alcoholism, diabetes mellitus or sugar diabetes,
4 and fasting or starvation. Those tend to be the top four,
5 if you will, reasons for these elevations that we would
6 normally see. And then it becomes a matter of investigating
7 what can we leave as a possibility, what of those items can
8 we leave and what can we take away?

9 And, in my opinion, from an evaluation standpoint,
10 based on what I knew about the history and my communications
11 with the coroner and pathologist, we were not dealing with a
12 child that was a chronic alcoholic. We were not dealing
13 with a child who was a diabetic, again, diabetes mellitus.
14 And then that left the question of was there fasting or
15 malnutrition, starvation as a possibility or as
16 possibilities.

17 Q. And your findings were consistent with, in fact,
18 this child having suffered from starvation and or
19 malnourishment? I don't know how else to put it.

20 A. That's what's communicated to me, yes, correct.

21 Q. And in addition to that, in your testing, your
22 toxicology, did you find any indications that indicated
23 dehydration of any type?

24 A. Yes. In addition to the -- what appeared to be
25 the malnourishment as the source of the elevations in the

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1 ketone bodies, there was also evidence in the vitreous fluid
2 of dehydration and specifically the vitreous sodium value,
3 which was markedly elevated, the vitreous chloride value,
4 again, markedly elevated, and then the urea nitrogen value,
5 markedly elevated.

6 Q. And those were all pretty standard indicators of
7 extreme dehydration?

8 A. Marked dehydration, yes, ma'am.

9 Q. Okay. You also did, in the initial screening, I
10 believe, testing for any kind of drug, be it illegal, legal,
11 whatever.

12 A. Right. Within the panel, as you probably might
13 surmise, there are literally hundreds of thousands,
14 actually, anything can be a poison. It's just a matter of
15 the dose. Water can be a poison, by example, and we're
16 not -- we have limited specimen. So it's a matter of
17 developing, designing a panel of what we routinely see in
18 death investigations, in prescription drug use,
19 over-the-counter drug use, illicit drug use or exposure,
20 alcohols, acetone. And designing different panels,
21 different test menus, if you will, to be used under certain
22 circumstances, not unlike what you may have experienced
23 going to the doctor and having your blood drawn or your
24 urine collected.

25 Q. And in this case there was absolutely no

DEMI GARVIN DIRECT BY MS. CAMPBELL

1 indication of any type of poison or intoxication or anything
2 that caused her death or contributed to her death?

3 A. Not within the testing menu or architecture, no.

4 Q. Was one of the items that you tested for what's
5 known as Tylenol or Children's Tylenol?

6 A. Yes, acetaminophen, Tylenol is the trade name,
7 Acetaminophen is the generic name and the testing in the
8 blood and the urine did include testing for acetaminophen.

9 Q. And even if she had received a dose of Tylenol
10 that morning and died a few hours later it may not be there,
11 depending on what?

12 A. That's correct. It was included in the test
13 panel, but it is possible that it was administered, but by
14 the time of the specimen collection, it was no longer
15 present in the body and it had been metabolized and
16 eliminated. That's dependent on the dose that's
17 administered, the frequency of the dosing and the timing of
18 the dosing.

19 Q. And once a person has died, and this is kind of
20 gory question, but, and say your urine's not collected until
21 12 hours later, or your blood's not collected until 24,
22 36 hours later, does that affect your testing results, if a
23 person's actually deceased?

24 A. That's going to be dependent on exactly,
25 literally, what substances we're testing for. In some cases

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1 that can be important. We can see degradation or absence of
2 the substance, and other times we can see an increase in the
3 substance. And then other times we see the substance has no
4 change. It literally is dependent on the substance in
5 question.

6 Q. But in this case, we didn't find any substances
7 and did that affect your testing in any way that those items
8 were collected over the next day and a half?

9 A. No.

10 Q. So that didn't affect your results in this case?

11 A. Not in my opinion.

12 Q. And again, your findings were consistent with
13 starvation and marked dehydration?

14 A. Malnutrition and dehydration, yes, ma'am.

15 Q. Malnutrition and dehydration?

16 A. Yes.

17 Q. And those results were actually forwarded by you,
18 I believe, to Dr. Presnell?

19 A. To Dr. Presnell and to Coroner Deese, yes.

20 MS. CAMPBELL: Thank you. I don't have anything
21 further.

22 THE COURT: Mr. Frick.

23 MR. FRICK: Thank you, Your Honor.

24 CROSS-EXAMINATION

25

DEMI GARVIN CROSS BY MR. FRICK

1 BY MR. FRICK:

2 Q. Good afternoon, Dr. Garvin.

3 A. Good afternoon.

4 Q. So for something to be reported on one of these
5 reports, there's a cutoff level, correct? So they run the
6 test and you see something like when they have the little
7 charts and, I'm not going to go through all that stuff, when
8 they have the little charts and little peaks and valleys,
9 it's got to reach a certain level before the analyst can say
10 yes, that's that?

11 A. That's called the reporting limit, yes, sir.

12 Q. Right. And there are different reporting limits
13 on each item according to which thing you're looking for?

14 A. Right. It's dependent on the analyte, correct.

15 Q. Okay. So if there is a little -- if it -- if it
16 peaks when they do the analysis, but it doesn't reach that
17 cutoff level, the reporting level, it's reported as not
18 being there, correct?

19 A. It would have to be -- the substance during
20 testing would have to meet the reporting limit, the minimum
21 amount of substance, however defined, with whatever units of
22 measure in order to be reported as positive as present.

23 Q. Okay. So, yes, it's got to reach that limit
24 before it is put into this report?

25 A. If a concentration is associated with it. It can

DEMI GARVIN CROSS BY MR. FRICK

1 be reported qualitatively, but that's not relevant here.

2 Q. Okay. All right. And in this particular case,
3 I'm going to go to the glucose, I understand what you're
4 saying, it cannot tell you whether someone is hypoglycemic
5 or not, is that what you said; is that fair to say?

6 A. In a post mortem scenario with a decedent you
7 cannot evaluate hypoglycemia, too little glucose, too little
8 blood sugar -- too little glucose, excuse me, you cannot
9 evaluate that and make a determination about it post mortem.

10 Q. And I understand your note on the report, but it
11 was negligible to no glucose in this, correct?

12 A. It's not uncommon. Right.

13 Q. Okay. All right. But again, we can't form any
14 kind of opinion as to whether someone, a decedent is
15 hypoglycemic based on that?

16 A. Well, in this case, as I mentioned, and you are
17 correct, hypoglycemia could not -- I could not make an
18 evaluation about hypoglycemia.

19 Q. Uh-huh.

20 A. However, in my opinion, hypoglycemia in this case
21 would be inconsistent with the other findings because we
22 have an elevated acetone and an elevated beta hydroxybutyric
23 acid that would lend itself more to -- excuse me, I would
24 expect if we were dealing with hyperglycemia that the
25 glucose would be elevated, so I wouldn't be able to make an

DEMI GARVIN CROSS BY MR. FRICK

1 evaluation about hypoglycemia.

2 Q. But isn't that exactly what you expect to see in
3 blood of somebody who was on a keto diet?

4 A. I'm sorry, I'm not following your question.

5 Q. So BHB is found in the blood, and I'm not sure if
6 this is in your area or not, I think it is, but when you run
7 out of glycose you start burning fat, right?

8 A. When you deplete your glucose stores, right, you
9 shift to the use of fatty acids for nutrition.

10 Q. And the outcome of that is you would see BHB in
11 the blood, correct?

12 A. If it's significant enough, yes.

13 Q. Okay.

14 A. An elevation.

15 Q. Right.

16 A. That is.

17 Q. Right. And it's got to be in this -- I'm -- I
18 don't know exactly what the units are, but the reporting
19 level here is, is it 50?

20 A. So at the time of this analysis, the reporting
21 limit was 40 micrograms per mil.

22 Q. Okay.

23 A. So in order for BHB to be reported as positive, it
24 would have to be equal to or greater than 40 micrograms per
25 mil and in this particular situation it was 72 micrograms

DEMI GARVIN CROSS BY MR. FRICK

1 per mil.

2 Q. Okay. And I'm looking at the report with the BHB
3 on the cardiac blood there's a note on that first page.

4 A. Could you give me the date the report was issued?

5 Q. Oh, yeah. Yeah. This is the -- this is the one
6 I'm looking at, the 4/13.

7 A. That's the corrected report, yes, sir.

8 Q. Okay. And you see the little note down there at
9 the bottom?

10 A. Right.

11 Q. And it talks about normal BHB concentrations are
12 50 or less.

13 A. Right.

14 Q. So I understand the cutoff level on the testing is
15 40.

16 A. Right.

17 Q. But 50 wouldn't be considered high?

18 A. No.

19 Q. Okay. And in this particular case, we're at 72?

20 A. Correct, it's elevated.

21 Q. Yes, ma'am. Elevated. As was the potassium and
22 of course, the acetone and some other items. And let's
23 go -- this is the report I'm looking at on this one, I don't
24 know if this is correct or not, this is 3/29 on the vitreous
25 and urine.

DEMI GARVIN CROSS BY MR. FRICK

1 What is the cutoff level on the acetone to be
2 reportable?

3 A. Which biological matrix?

4 Q. I'm going with the vitreous.

5 A. The cutoff in the vitreous fluid for acetone is,
6 the reporting limit is 5 milligrams per deciliter.

7 Q. Okay. All right. And we've got 6.4 here,
8 correct?

9 A. Correct.

10 Q. Okay. So it's elevated?

11 A. It is.

12 Q. And I'm sorry, I keep jumping you all around the
13 place. Going back to that report with the cardiac blood we
14 were just looking at, or had looked at where I was asking
15 you about the 50 being normal, is there one that's extremely
16 high, if there was a concentration of 250 or more, that
17 would be indicative of ketoacidosis, correct?

18 A. That would be marked ketoacidosis.

19 Q. Marked ketoacidosis.

20 A. Yes.

21 Q. Okay. But that's what -- that's what our note
22 here says, right? The reference comments on that second
23 page?

24 A. Yes, that's correct.

25 Q. Okay. Greater than 250 are indicative of

DEMI GARVIN REDIRECT BY MS. MCGINNIS

1 ketoacidosis.

2 A. Correct.

3 Q. Okay. Thank you, ma'am, I think I've covered it.

4 THE COURT: Any redirect, Solicitor?

5 MS. MCGINNIS: Just a quick question or two, Your
6 Honor.

7 REDIRECT EXAMINATION

8 BY MS. MCGINNIS:

9 Q. He's talking about the keto diet. Is that a diet
10 typically adults do?

11 A. Yes, ma'am.

12 Q. And if someone has been starved over a period of
13 days, effectively they aren't getting any nutrition in, they
14 might become hypoglycemic?

15 A. Hypoglycemic, yes, hypo, too little.

16 Q. Too little. Which is what he was just asking
17 about?

18 A. Yes.

19 Q. So that would also be consistent with malnutrition
20 or not being fed?

21 A. Yes.

22 Q. Thank you.

23 THE COURT: Any recross?

24 MR. FRICK: No, sir.

25 THE COURT: You can step down, Doctor, thank you.

DEMI GARVIN REDIRECT BY MS. MCGINNIS

1 You're free leave courtroom, you're more welcome to stay
2 with us.

3 Let's take a little 10-minute break before we go
4 into your next witness. Ladies and gentlemen, go back to
5 the jury room. Afternoon break. Get you back out shortly.

6 (WHEREUPON, a break was held from 3:30 p.m until
7 3:45 p.m.)

8 THE COURT: Are we ready for the jury?

9 MS. MCGINNIS: Yes, sir.

10 THE COURT: Bring the jury out, please, Nolan.

11 THE BAILIFF: Jury's coming in.

12 (WHEREUPON, the jury entered the courtroom at 3:48
13 p.m.)

14 THE COURT: All right. Let the record reflect the
15 jury is back in. Is the State for ready for the next
16 witness?

17 MS. MCGINNIS: Yes, sir. The State at this time
18 calls Alex Clark.

19 THE CLERK: Left hand on the Bible, raise your
20 right hand, please. Do you swear to tell the truth, the
21 whole truth, and nothing but the truth, so help you God?

22 THE WITNESS: Yes, ma'am.

23 ALEX CLARK, having been duly sworn, testified as
24 follows:

25 THE CLERK: Thank you, you may be seated.

ALEX CLARK DIRECT BY MS. MCGINNIS

DIRECT EXAMINATION

BY MS. MCGINNIS:

Q. Good afternoon. Could you state your name for the record?

A. Lieutenant Alex Clark, the York County Sheriff's Office.

Q. How long have you been with the York County Sheriff's Office?

A. I'm approaching 19 years.

Q. Okay. I'm sure your role has not been the same those entire 19 years. Can you tell the jury a little bit about how you started or where you started and how you got to where you are today?

A. Yeah, so when I started I was a regular patrol deputy, that was in October of '05. I spent six or seven years on the road. I was patrol sergeant for a few years and they realized I could plug in devices. So they're like, Hey, you're going to be our forensics guy. So about seven years ago, my career in digital forensics started. Really got a knack for it, really fell in love with it. Since joining this, I've been through dozens of training classes and I've actually obtained an associate's degree and a master's degree in digital forensic investigations.

Q. So currently you're a lieutenant over the digital forensics department?

ALEX CLARK DIRECT BY MS. MCGINNIS

1 A. Yes, ma'am. I run our digital forensics
2 department. So I do a lot of our complicated exams, whether
3 it's computers, cell phones, tablets. I also deal with all
4 the other supervisory stuff over the lab.

5 Q. And can you tell the jury a little bit just about
6 what does that mean to do an exam on a mobile device?

7 A. So each device is different. Since we're
8 specifically talking about cell phones, generally there are
9 two different sections on the phone. You have, like, user
10 data, which is stuff that you interact with the phone, you
11 put on the phone. Then there's other data that is running
12 in the background. It's how your device knows what time it
13 is, it knows your location whether you've told it to or not,
14 so there's all kinds of system files that are running in the
15 background.

16 When we do a mobile device extraction, the device
17 is usually powered, it has to be powered on, because we have
18 to interact with it. Whether they are locked or unlocked,
19 we will plug these into forensic software, and what we're
20 doing is interacting with a phone, trying to pull the user
21 data from the phone so that we can examine it.

22 Q. And in doing this, do you have several different
23 tools that you use, depending on whether it's a cell phone,
24 a computer, or some other sort of electronic device?

25 A. Yeah. So with experience, you learn what tools

ALEX CLARK DIRECT BY MS. MCGINNIS

1 usually work best with different phones. We have
2 Cellebrite, which is a huge company, probably the leading
3 company for forensic extractions. We use Greykey, Griffeye,
4 Magnet Forensics Specs, Axiom, there's a lot of different
5 programs we could use.

6 Q. And does it depend whether it's an iPhone versus
7 an Android, for example, are there some tools that are
8 better with one type of phone than another?

9 A. It does. Greykey tends to do a better job with
10 Apple devices. So in this particular case, we were dealing
11 with three Android phones, so we actually used Cellebrite,
12 it's one of their newer products called Insights, but it's
13 something I'm certified on and I've been using for the last
14 seven years since I started doing this.

15 Q. And so turning your attention to this particular
16 case, obviously the case we are here for is a Lancaster
17 County case, but would it be common for neighboring
18 jurisdictions to help each other out with things like cell
19 phone extractions?

20 A. Absolutely. I do, part of my -- part of the stuff
21 I do now, I'm actually a task force officer through Homeland
22 Security Investigations, I do -- and the Secret Service, as
23 well, I'm sorry, you start getting all these acronyms
24 together in these agencies. I actually do phone extractions
25 on the federal level, I can do them on the state level.

ALEX CLARK DIRECT BY MS. MCGINNIS

1 We've done them for North Carolina, different counties over
2 there. We've done them in South Carolina. We obviously
3 help Lancaster out as well, being a neighboring county.
4 I've done phones for Charleston because at the time we were
5 the only ones that had the tools that could get into the
6 phone they needed to get into.

7 Q. So did the Lancaster Police Department ask you for
8 assistance on some phones in this particular case?

9 A. They did. I was contacted by several people,
10 including Lieutenant Henson, inquiring as to whether or not
11 we had time to run a couple of phones for them that they
12 wanted to get the data off of rather quickly. And of
13 course, we always try to help out people when they're in a
14 crutch time.

15 Q. And so in this case, you examined three phones; is
16 that correct?

17 A. Yes, ma'am. There were three phones brought to
18 us.

19 Q. And you didn't actually see -- or you did see the
20 devices, I'm sorry.

21 A. Yes, ma'am.

22 Q. I'm going to hand you what's been entered in
23 evidence already as State's 212, 190 and 191. Do these
24 devices look to be the ones that you performed an extraction
25 on last week?

ALEX CLARK DIRECT BY MS. MCGINNIS

1 A. Yes, these have the same case number. They have
2 my name and the chain of custody and it does look like the
3 evidence bags that were brought to me.

4 Q. So when you received these devices, how did you
5 get them? What state were they in?

6 A. So they were actually powered off. I was, I
7 didn't know. When they brought them to me, it was a '21
8 case. They were powered off, what we basically did was
9 charge them up, because like I said before we have to
10 interact with the device. Once we powered them up, I did
11 not have the passcodes to any of the devices and all three
12 of them were locked.

13 From talking to Lieutenant Henson, I understood
14 that two of the phones had come from one subject and the
15 other came from a different person. Since they didn't have
16 the passcodes, what we did, we started the Cellebrite
17 program using a feature called Brute Forcing.

18 So we plugged the phone up. Once it was powered
19 on, we went through some steps to start trying to basically
20 eliminate or guess the password. It's very in depth what's
21 happening in the background, but once all of the stuff is
22 done, if it can find the passcode, it will get it to us.
23 Sometimes it will bypass it and we're able to just pull the
24 data from behind the scenes.

25 Q. And in this case, were you able to determine the

ALEX CLARK DIRECT BY MS. MCGINNIS

1 passcode for the devices?

2 A. Yes. So the two phones that belong to the first
3 subject, once it cracked the passcode on one, I manually
4 entered it into the second one because people are creatures
5 of habit. And it unlocked the second one so I didn't have
6 to brute force both of those. The third phone was also
7 brute forced and we were able to find the passcode in a
8 couple of hours.

9 Q. So ultimately, once you had the passcodes and you
10 were in, you were able to utilize that Cellebrite program to
11 extract the data off of the devices?

12 A. Yes. So the software, we tend not to unplug it
13 between the brute force and go into the extraction. Because
14 the software, knowing the passcode, will actually keep
15 entering the passcode when it's required most of the time.

16 We still have to interact with the device a little
17 bit, like we'll turn on developer options. We'll make it
18 say always awake so the display doesn't turn off. But
19 beyond that, we don't mess with any of the data that's on
20 the phone while it's being extracted.

21 Q. And so you're not physically holding the phone in
22 your hand and scrolling through it, the computer program is
23 doing all that for you?

24 A. Correct. Yeah, the only thing we're doing is
25 changing a few settings and it is plugged into a box sitting

ALEX CLARK DIRECT BY MS. MCGINNIS

1 on our desk and the computer is running the software that is
2 pulling this data.

3 Q. So once the software finishes what is it
4 extracting from the phone?

5 A. So it pulls what we would refer to as the raw
6 data, it creates a folder, it talks -- there is a -- I'll
7 call it a report, for a lack of a better word, that says
8 when the extraction started, when it stopped, how long it
9 ran, whether the passcode was found, what state it was in.
10 These reports are not anything that you could look at
11 without additional software, but it is a -- it's basically a
12 lot of hex data or binary data that is hidden in a file.

13 Q. And so how do you then interpret that?

14 A. So Cellebrite offers a second -- they offer a lot
15 of programs, but another program is called Physical
16 Analyzer. We place the raw data into that, we load up the
17 file, it verifies the file, and then it will actually start
18 parsing through it so that it can pull up things to where we
19 can read it and interpret it.

20 Q. And when you say "it verifies the file," how does
21 it verify the file to make sure that it's an accurate
22 representation of that data from the phone?

23 A. All right. So when it creates the report during
24 extraction, it basically locks this down in a zip file that
25 has a hash value assigned to it. A hash value is kind of

ALEX CLARK DIRECT BY MS. MCGINNIS

1 like a serial number. Once it is loaded into Physical
2 Analyzer, the Physical Analyzer will read that, say, okay,
3 yes, this is what I just extracted and it verifies that data
4 as it opens, just to make sure it's an exact copy of what
5 came off of the phone. Then you can actually compare the
6 serial number or the IMEI numbers to verify that you are
7 looking at the data from that specific phone.

8 Q. And so in this case, all of those confirmations
9 were performed that you got accurate data off of all three
10 of these devices?

11 A. Yes, ma'am.

12 Q. And then ultimately, what do you do with those
13 reports that Cellebrite Physical Analyzer or what the report
14 that you read of Cellebrite Physical Analyzer?

15 A. So with the Physical Analyzer we can search
16 databases, we can go through messages, photos, whatever the
17 investigation entails. Once we are done with that type of
18 examination, or kind of like this, when we're assisting
19 another agency, we use that program to create a reader
20 report and then that report is actually copied onto a hard
21 drive for the investigating agency to go through so that
22 they can look at the data that was pulled.

23 Q. And so in this case, you didn't perform any, I
24 guess, analysis, for lack of a better term, on the data you
25 simply ran the extractions, got that report, and put that on

ALEX CLARK DIRECT BY MS. MCGINNIS

1 drives for the investigating agency to go through?

2 A. That is correct. I didn't do any analysis.

3 Q. Lieutenant, I want to teach you what's been marked
4 as State's 213 and 214 and are you familiar with these flash
5 drives?

6 A. I am.

7 Q. And going with the first one that's contained in a
8 CD sleeve envelope, is that the reports that you created on
9 the two phones from the same user?

10 A. Yes, these are, it's a copy of the reports that
11 were created.

12 Q. And the name of the user on those two phones?

13 A. I believe was David -- I apologize, I didn't look
14 at his name before I walked up here.

15 Q. I can hand you the phone's back.

16 A. They didn't write his last name on here, but it
17 says David. I have his last name because it's on my log.

18 Q. David White sound, correct?

19 A. David White, Yes.

20 Q. All right. And the case number on that is the law
21 enforcement case number, can you read that?

22 A. It is 2021-04136.

23 Q. Okay. And then the third phone belonged to who?

24 A. I believe her name is Shaquanda Page.

25 Q. Okay. And does that have the same law enforcement

ALEX CLARK DIRECT BY MS. MCGINNIS

1 case number?

2 A. Yes, it does.

3 Q. And is that what's contained on that second flash
4 drive that's in the manufacturer's packaging?

5 A. It is.

6 Q. And those again are true and accurate reports
7 based on the data that was extracted from the phone,
8 confirmed by the hash values to be accurately just pulled
9 off the phone?

10 A. Yes. The nice thing with these Cellebrite reports
11 is even when you give a copy to somebody, they can choose to
12 tag items and stuff, but they can't actually change the data
13 contained within the report. That would actually take
14 somebody that's got skill levels better than mine that could
15 do something like that. So it is, it's pretty much tamper
16 proof.

17 MS. MCGINNIS: Judge, at this time we would move
18 State's 213 and 214 into evidence.

19 THE COURT: 213 and 214?

20 MS. MCGINNIS: Yes, sir.

21 MR. FRICK: No, objection, Your Honor.

22 THE COURT: Without objection, 213 and 214 into
23 evidence for the State.

24 (WHEREUPON, State's Exhibit Numbers 213 and 214
25 were admitted into evidence.)

ALEX CLARK CROSS BY MR. FRICK

1 MS. MCGINNIS: Thank you, Lieutenant, if you'll
2 answer anything Mr. Frick has for you.

3 CROSS-EXAMINATION

4 BY MR. FRICK:

5 Q. Lieutenant Clark, just briefly. So I think you
6 said in this case you were not an analyst in this case?

7 A. No, sir, I did not analyze anything on the phone.

8 Q. You simply just got into the phones. And is it
9 unusual to have passwords, I know you have them sometimes,
10 sometimes you don't; is that correct?

11 A. Yeah, it depends on the investigator usually. I
12 end up getting passcodes from most of the people that I
13 arrest.

14 Q. Okay.

15 A. Sometimes we have officers that never seem to get
16 a passcode.

17 Q. Okay. All right. So maybe personality dependent,
18 then it sounds like, I don't know. But, nonetheless, you
19 got into the phones, you downloaded them, and that really is
20 the extent of your role in this case, correct?

21 A. Yes, sir. The only thing that I did on these was
22 a little bit of verification just to make sure that the
23 hashes matched and that this, you know, the data on the
24 phone was coming from the device that was plugged up.

25 Q. Okay. Thank you, sir. That's all I the questions

JESSICA KNIGHT DIRECT BY MS. CAMPBELL

1 that I have.

2 THE COURT: You can step down. Thank you. You're
3 free to leave the courtroom, you're more than welcome to
4 remain with us if you'd like.

5 MS. CAMPBELL: May it please the Court?

6 The State would call Jessica Knight.

7 THE CLERK: Left hand on the Bible, raise your
8 right, please. Do you swear to tell the truth, the whole
9 truth, and nothing but the truth, so help you God?

10 THE WITNESS: I do.

11 JESSICA KNIGHT, having been duly sworn testified
12 as follows:

13 THE CLERK: You may be seated.

14 DIRECT EXAMINATION

15 BY MS. CAMPBELL:

16 Q. Ms. Knight, where are you employed?

17 A. Lancaster County DSS.

18 Q. And what do you do there, ma'am?

19 A. I am a caseworker.

20 Q. And as a caseworker, what do your duties include?

21 A. We do investigations into child abuse and child
22 neglect.

23 Q. Did you receive a call and did you actually
24 respond to [REDACTED] Pardue Street back on February 22nd of 2021?

25 A. Yes, ma'am.

JESSICA KNIGHT DIRECT BY MS. CAMPBELL

1 Q. And where did you respond to initially?

2 A. The hospital.

3 Q. And at the hospital did you actually make contact
4 with the parents in this case?

5 A. I did.

6 Q. And where did that take place, ma'am?

7 A. In the consultation room at the hospital.

8 Q. And you've been in here while the video was being
9 played of the interview with Mr. White?

10 A. Yes.

11 Q. Were you present for that?

12 A. I was.

13 Q. And why were y'all there for that? Are you
14 trying to -- what kind of information are you trying to get
15 there?

16 A. Basically, just to see what happened to the
17 deceased child and to see if there may be any other abuse or
18 neglect going on with the other children.

19 Q. Okay. And while you were there at the hospital,
20 did you become aware that there were other siblings in that
21 home where **A.W.** died?

22 A. Yes.

23 Q. And as a result of your information you got at the
24 hospital, where did you go?

25 A. After we finished up at the hospital we went to

JESSICA KNIGHT DIRECT BY MS. CAMPBELL

1 the home, the apartment.

2 Q. And when you got to the home or the apartment were
3 the law enforcement already there?

4 A. They were.

5 Q. And once you got there, what, if anything, was
6 done with the children?

7 A. That night they went with their grandmother, their
8 paternal grandmother.

9 Q. Who had been taking care of the children while the
10 parents were at the hospital with A.W. [REDACTED]

11 A. The neighbor.

12 Q. So at some point, did the children get transferred
13 from the actual place where A.W. [REDACTED] died to the neighbor's
14 apartment?

15 A. Yeah. The grandparents were there at the
16 apartment as well when we got there and they took them with
17 them.

18 Q. And when you say the grandparents, who were the
19 grandparents?

20 A. Ms. Cynthia Lowery and her husband.

21 Q. You said that at that point that night -- and you
22 didn't participate the search of the house or anything like
23 that, did you?

24 A. No.

25 Q. Okay. Once you determined that there were six

JESSICA KNIGHT DIRECT BY MS. CAMPBELL

1 additional children that were living there, you said that
2 set up a kinship agreement; is that correct?

3 A. We did.

4 Q. And tell the jury, what's that mean?

5 A. When we place the children with family members
6 while we investigate a case, just to see what happened and
7 the parents, you know, have to be supervised, and the kids
8 live with their families for a brief time.

9 Q. And over the next week or two, did the children
10 continue to reside with Ms. Lowery?

11 A. They resided with Ms. Ruthie Hayden and Ms. Lowery
12 was also a caregiver that came over to help.

13 Q. And where did Ms. Ruthie Hayden live in and
14 Ms. Lowery live, do you remember?

15 A. I forget the exact address, but they lived in
16 close proximity to each other so she could help.

17 Q. Okay. But they didn't live with David White and
18 Shaquanda?

19 A. No, ma'am.

20 Q. So the children were living at a different
21 residence?

22 A. They were, yes.

23 Q. For that period of time. As part of your
24 investigation, once your case started with A.W. and her
25 siblings, did you request any records in this case?

JESSICA KNIGHT DIRECT BY MS. CAMPBELL

1 A. Yes, I did.

2 Q. And what kind of records did you -- or who did you
3 request records from?

4 A. Do you recall the Children's Clinic and then MUSC
5 Hospital.

6 Q. And specifically what records did you request for
7 what children from the Children's Clinic?

8 A. For all of the children? Child 1 Child 2
9 White, Child 2, Child 3 White, Child 4 and then Child 5
10 and Child 6

11 Q. As well as A.W.

12 A. As well as A.W. yes.

13 Q. And those were provided to you?

14 A. They were.

15 Q. And ultimately did you give those to Dr. Lamb?

16 A. Yes.

17 Q. And you also mentioned that you got the records
18 from MUSC-Lancaster?

19 A. Yes.

20 Q. And who was the records you were seeking for
21 there?

22 A. I requested all of the children's records. We
23 received, I believe, the oldest children's records. I'm not
24 sure if we received all of them.

25 Q. But any records you received in this case, you

JESSICA KNIGHT DIRECT BY MS. CAMPBELL

1 forwarded to law enforcement and/or Dr. Lamb or anyone else
2 involved?

3 A. Yes, that's correct.

4 Q. Ultimately, did you -- were you there when the
5 children went in for their examination with Dr. Lamb on, I
6 believe it was back March the 5th or 4th?

7 A. No, I was not there.

8 Q. You weren't there for that?

9 A. No.

10 Q. But shortly after that was there another coming
11 together of kind of law enforcement, DSS, and different
12 agencies?

13 A. Yes, we had the child fatality review.

14 Q. And you were present for that?

15 A. Yes.

16 Q. And as a result of that, and you can't say what
17 information you got, but did you get information that caused
18 there to be some concern about the placement of the
19 children?

20 A. Yes.

21 Q. And ultimately, I believe, and that was on March
22 the 9th?

23 A. Yes.

24 Q. Ultimately, shortly thereafter, or very shortly,
25 were the children taken into emergency protective custody?

JESSICA KNIGHT DIRECT BY MS. CAMPBELL

1 A. They were.

2 Q. And did you do that or did law enforcement?

3 A. Law enforcement. We were there to assist.

4 Q. But you participated in that process?

5 A. Yes.

6 Q. And at that point where were the children placed?

7 A. Into foster care.

8 Q. And once the children were placed into foster
9 care, your investigation is one thing, but then another part
10 of your agency would be supervising that; is that correct?

11 A. That's correct, yes, ma'am.

12 Q. As far as you know, though, that the children,
13 since they have been placed into foster care, I believe it's
14 March the 9th or 10th forward, have they had any medical
15 problems or developmental problems that you're aware of?

16 A. Not that I'm aware of, no, ma'am.

17 Q. And how are they doing?

18 A. They seem to be doing really well from what we've
19 seen.

20 MS. CAMPBELL: Thank you. I don't have anything
21 further.

22 THE COURT: Mr. Frick.

23 MR. FRICK: Just very briefly.

24 CROSS-EXAMINATION

25

DELORIS CROCKET DIRECT BY MS. MCGINNIS

1 BY MR. FRICK:

2 Q. While they were in custody, did Ms. Page or
3 Mr. White have supervised visitation?

4 A. Yes.

5 Q. Thank you. That's all.

6 THE COURT: You can step down, ma'am. Thank you.
7 Solicitor.

8 MS. MCGINNIS: The State would call Deloris
9 Crocket.

10 THE CLERK: Left hand on the Bible, raise your
11 right, please. Do you swear to tell the truth, the whole
12 truth, and nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 DELORIS CROCKET, having been duly sworn testified
15 as follows:

16 THE CLERK: You may be seated.

17 DIRECT EXAMINATION

18 BY MS. MCGINNIS:

19 Q. Good afternoon, Ms. Crocket. Where are you
20 employed, ma'am?

21 A. Lancaster County Department of Social Services.

22 Q. Will you lean into that microphone just a little
23 bit for me?

24 A. Yeah.

25 Q. Thank you. And what is your role there?

DELORIS CROCKET DIRECT BY MS. MCGINNIS

1 A. Administrative specialist.

2 Q. Okay. As part of your role as administrative
3 specialist, are you able to access records regarding food
4 stamps and benefits that are provided to families through
5 DSS?

6 A. I am.

7 Q. And were you asked to do that in this particular
8 case?

9 A. I was.

10 MS. MCGINNIS: If I may approach the witness,
11 Judge?

12 THE COURT: Sure.

13 BY MS. MCGINNIS:

14 Q. I'm going to hand you what's been marked as
15 State's Exhibit 215, are you familiar with this document?

16 A. I am.

17 Q. And what is this?

18 A. This is a food stamp printouts.

19 Q. And what information is contained in this
20 printout?

21 A. It contains the dates, the amount of the income
22 and medical expenses, and the amount of the food stamps.

23 Q. And in this particular case, does it include the
24 defendant, Mr. White, as well as the mother of his children,
25 Shaquanda Page, and a number of children?

DELORIS CROCKET DIRECT BY MS. MCGINNIS

1 A. It did.

2 Q. And are you able to manipulate the data on this,
3 or are you simply able to access it and print it out?

4 A. Yes.

5 Q. Just access and print it out?

6 A. Uh-huh. Yes, ma'am.

7 Q. And these records are kept in the ordinary course
8 of DSS business?

9 A. Yes.

10 MS. MCGINNIS: Judge, this time the State would
11 move 215 into evidence.

12 MS. CAMPBELL: No objection, Your Honor.

13 THE COURT: Without objection 215 into evidence
14 for the State.

15 MS. MCGINNIS: And permission to publish, Your
16 Honor?

17 THE COURT: Sure.

18 (WHEREUPON, State's Exhibit Number 215 was
19 admitted into evidence and published to the jury.)

20 BY MS. MCGINNIS:

21 Q. I'm going to take that back from you and put it on
22 the screen and ask you to explain just a little bit about
23 this for us, if you don't mind.

24 So this first page -- let me see if I can zoom it
25 in a little bit there we go.

DELORIS CROCKET DIRECT BY MS. MCGINNIS

1 What is this first page have on it, what
2 information is here?

3 A. This first page has the clients.

4 Q. Okay. And there are some columns here that say
5 "start" and "end." Can you explain what those mean? And
6 you can use your finger to mark on that screen the column
7 that you're talking about.

8 A. Okay. The first column would be, you go over it,
9 say, "Starts," it starts at September the 8th, 2016, and it
10 ended in September the 30th, 2016, and that was David White,
11 Jr., that's when he was receiving.

12 Q. That's the November the 8th through November the
13 30th?

14 A. Yeah. And then they had December the 1st, 2016,
15 through August 31st, 2019 (sic), that's also when Mr. White
16 received.

17 All right. When we're going down to -- I mean,
18 March the 1st, 2013, Shaquanda Page, she was receiving.

19 Q. And when did those benefits end?

20 A. Those benefits end February 2014.

21 Q. February 28th of '21?

22 A. Yes.

23 Q. Okay.

24 A. And then it started back up on 7/01/16. And
25 that's including her kids. All them -- all of them was on

DELORIS CROCKET DIRECT BY MS. MCGINNIS

1 there during that time --

2 Q. Okay. So it looks like --

3 A. -- 16, 17, 18, 20.

4 Q. So Child 1 is added in 2014?

5 A. Uh-huh.

6 Q. Child 2 is added in 2016?

7 A. Yes.

8 Q. Child 3 White is added in 2017?

9 A. Yes.

10 Q. Child 4 is added in 2018? And A.W. is
11 added in 2020?

12 A. Yes.

13 Q. And that's all?

14 A. That was on that case.

15 Q. Can you use your finger to kind of circle the --
16 here we go -- that's this column right here that we're
17 looking at the start.

18 A. This is the start date.

19 Q. Okay. Very good.

20 A. Going down that column.

21 Q. And then the end dates that you were referring to
22 with David is in this column right here?

23 A. Right.

24 Q. Okay. And then the rest of the information on
25 there is just biographical information, birth date, Social

DELORIS CROCKET DIRECT BY MS. MCGINNIS

1 Security number, gender, things of that nature?

2 A. Yes.

3 Q. Okay. Now, I'm going to turn your attention to
4 this second page of the report. And let's walk through
5 these ones, just kind column by column, what is this first
6 column right here, the month?

7 A. Those are the months.

8 Q. Okay.

9 A. And if we go over, it's the household size.

10 Q. Household size, so six.

11 A. That was six.

12 Q. And that would be consistent with what we saw on
13 this first page here?

14 A. What we saw on this page over here.

15 Q. And that would be Shaquanda Page and her five
16 children, correct?

17 A. Right.

18 Q. Okay. The twins, **Child 5** and **Child 6** are not listed on
19 this food stamp record?

20 A. No.

21 Q. And neither is David White?

22 A. No, he's not his.

23 Q. His ended in 2019?

24 A. Right.

25 Q. David White, Jr., I should say.

DELORIS CROCKET DIRECT BY MS. MCGINNIS

1 A. Uh-huh.

2 Q. Okay. So that's the household size, what is this
3 column right here?

4 A. That's the gross income, that's what she was
5 reporting her income during that time.

6 Q. Okay. And then this next one right here where it
7 says "STD DED"?

8 A. That's when you give deductibles automatically,
9 the deductibles.

10 Q. So that's what she's -- that's what she's saying
11 is being deducted from her income?

12 A. No, not deducted, that's what they allow.

13 Q. Okay.

14 A. Yes.

15 Q. Okay. And then moving over here to "amount," what
16 does that mean?

17 A. That amount is the amount that she received in
18 benefits.

19 Q. Okay.

20 A. For that month.

21 Q. So starting down at the bottom here, 7/2020, How
22 much did she receive per month?

23 A. She received 921.

24 Q. Okay. In August?

25 A. 921.

DELORIS CROCKET DIRECT BY MS. MCGINNIS

1 Q. All right. In September we have to do a little
2 bit of math, but 822 plus 99 is also 921?

3 A. Right.

4 Q. Okay.

5 A. 822 is the amount that she was receiving, counting
6 her gross income, which is 567. If you go over to the
7 "income" and they was giving her 822 in benefits, but that
8 was during the time of COVID. And so the time of COVID,
9 they will give you the extra that gonna take you to the max,
10 921 was the max at that time.

11 Q. Okay. So she was entitled to 822, but during
12 COVID they gave her that additional to max her out?

13 A. To max her out.

14 Q. Okay. And then does that amount go up a little
15 bit more in October of 2020?

16 A. It do, because they got an increase. So she was
17 receiving, that was January -- January '21, she was
18 receiving \$1,016.

19 Q. Okay.

20 A. And they gave her the \$98 to put her over up to
21 the maximum.

22 Q. Okay. And then she receives that same amount here
23 in February as well?

24 A. She received both amounts in that one month.

25 Q. Okay. So she was receiving --

DELORIS CROCKET CROSS BY MR. FRICK

1 A. Yeah, it goes on up.

2 Q. -- a little over \$1,100 a month in food stamp
3 benefits?

4 A. Yes.

5 Q. Okay. And then the other two pages, it contained
6 the same information, it's just going back farther
7 chronologically; is that right?

8 A. Right.

9 Q. Back to 10 of 2019 on this page?

10 A. Right. Uh-huh.

11 Q. And then 8 of 2018 on this page?

12 A. Yes.

13 Q. And again, you don't have any access to input
14 these numbers or anything, all you can do is access them and
15 print them out and then it comes --

16 A. And print them out that's all I do.

17 Q. Thank you, Ms. Crocket.

18 A. Uh-huh.

19 Q. If you'll answer anything Mr. Frick has for you,
20 please.

21 CROSS-EXAMINATION

22 BY MR. FRICK:

23 Q. Good afternoon, Ms. Crocket.

24 A. Hey, how are you, sir?

25 Q. I'm all right. How about you?

DELORIS CROCKET REDIRECT BY MS. MCGINNIS

1 A. Good.

2 Q. Good. Have you got the report up there? There it
3 is. All right. I'm going to refer you back to State's 215,
4 and you may know this off the top of your head, but as I'm
5 looking at this, David White, Jr., did not and has not
6 received any food stamps since August 31st of 2019; is that
7 correct?

8 A. Yes, sir.

9 Q. Okay. And the numbers that we're talking about
10 here, this \$1,100 a month the Solicitor was talking about
11 was to Shaquanda Page?

12 A. Shaquanda Page.

13 Q. Not David White?

14 A. Not David White?

15 Q. Thank you, ma'am. That's all the questions I
16 have.

17 THE COURT: You can step down, ma'am.

18 MS. MCGINNIS: Sorry, Judge, I've got redirect.

19 THE COURT: Oh, you got some redirect? Sorry.

20 REDIRECT EXAMINATION

21 BY MS. MCGINNIS:

22 Q. The food stamp number is based on the household
23 size and that would include the children of David White,
24 correct?

25 A. Correct.

1 Q. Thank you.

2 THE COURT: You're free to leave the courtroom,
3 you're more than welcome to stay with us.

4 MS. CAMPBELL: Judge, at this time, that was our
5 final witness for today.

6 THE COURT: Okay. We'll talk about scheduling.

7 Ladies and gentlemen, if you'll go back to the
8 jury room, I want to talk with lawyers about scheduling.
9 And as I indicated the other day, we will go into next week,
10 but we'll -- we'll cover all that. So if you just go back
11 to the jury room for just a minute, Let me talk to lawyers
12 about scheduling, okay?

13 (WHEREUPON, the jury exited the courtroom at 4:20
14 p.m.)

15 THE COURT: Okay. That's the final witness for
16 today. I think the plan was nothing tomorrow; is that
17 correct?

18 MS. MCGINNIS: Correct, Judge. Since we are only
19 at 4:20, I was hoping we could publish States's 188, which
20 is Mr. White's second interview today, that would take us to
21 about 5:00.

22 THE COURT: Sure.

23 MS. MCGINNIS: It's a 42 minute total.

24 THE COURT: Okay.

25 MS. MCGINNIS: So that way we can get that done.

1 Then next week on Tuesday finish up with witnesses for the
2 State's case.

3 THE COURT: Okay. All right. So I think just in
4 some casual conversations with the lawyers, go Tuesday with
5 witnesses, evidence, whatever the Defense, if any, as far as
6 a case and then argue and charge on Wednesday?

7 Is that kind of what we're thinking about?

8 MR. FRICK: Yes, sir. I'll tell you, I'm going to
9 get with my phone guy tomorrow, see where he is.

10 THE COURT: Okay.

11 MR. FRICK: My investigator has been out in the
12 field all day talking to potential witnesses.

13 THE COURT: Okay.

14 MR. FRICK: So I would anticipate we would have a
15 few to a couple --

16 THE COURT: Okay.

17 MR. FRICK: -- witnesses. I don't know an exact
18 number yet, I've got to get together with him.

19 THE COURT: Sure. But do you believe that
20 whatever the State has left to put up, whatever you end up
21 putting up, that we can get it done more than likely
22 Tuesday? I mean, I'm not going to hold your feet to the
23 fire.

24 MR. FRICK: I think so, Judge. I mean, I don't
25 know how many going to be to Matt Snoddy, but we'll see.

1 THE COURT: Okay.

2 MS. MCGINNIS: Yeah, we just have a handful of
3 witnesses to finish our case. So as long as Mr. Frick's not
4 too many I think we should be done.

5 THE COURT: Well, I mean, you know if we bleed
6 over to Wednesday as far as evidence, I'll be here, so.

7 MR. FRICK: Yes, sir.

8 THE COURT: Okay.

9 MS. MCGINNIS: And, Judge, I just asked if
10 Mr. Frick's got any reciprocal Rule 5 if his expert creates
11 any reports or anything like that that would be handed over.

12 THE COURT: Sure.

13 MR. FRICK: I'll turn it over when I get it,
14 Judge.

15 THE COURT: Yes. I understand.

16 MS. MCGINNIS: And he's able to get us dates of
17 birth on all his witnesses.

18 MR. FRICK: Yes, we are working on that, too.

19 THE COURT: Okay. All right. Well, let's just
20 take a five-minute break and then we'll put up that last
21 piece of evidence and and I'll talk to the jury about next
22 week after we finish that.

23 MS. MCGINNIS: Thank you, Judge.

24 (WHEREUPON, a break was held 4:21 p.m. until 4:35
25 p.m.)

1 THE COURT: We're going to bring the jury in.

2 MS. MCGINNIS: Judge, before the jury comes out.

3 THE COURT: Wait a minute, Nolan.

4 MS. MCGINNIS: This was the transcript that they
5 reviewed of the first video. I had the Court Reporter mark
6 it as a Court's Exhibit just for purposes of the record.

7 THE COURT: Sure.

8 MS. MCGINNIS: Since we did that on the first
9 video, we do have transcripts on the second video as well.

10 THE COURT: Okay. And then just then at some
11 point in time, make the second one of the Court's Exhibit.

12 MS. MCGINNIS: Yes, sir.

13 THE COURT: Yeah, go ahead and bring them in.

14 So this interview is about 40 minutes?

15 MS. MCGINNIS: Yes, sir. It's two parts. The
16 first part is about 28 and then the next part is 10 or 11 or
17 12.

18 THE BAILIFF: Jury's coming in.

19 (WHEREUPON, the jury entered the courtroom at 4:35
20 p.m.)

21 THE COURT: All right. Let the record reflect the
22 jury's back in. Ladies and gentlemen, we're going to do one
23 more thing today. We're going to take a day off tomorrow to
24 talk about scheduling for next week. I know, ma'am, you had
25 an issue as far as tomorrow, so you're good. I know we had

1 a couple, we'll talk about everybody else, but we going to
2 the second interview of Mr. White. It's about 40 minutes
3 total in length. You will be provided a transcript just
4 like you were provided first go around. And so that's going
5 to be played. And so if we get that done, that allows us to
6 take the day off tomorrow, okay.

7 JUROR: Will we still be excused, like, from work?
8 Will we still get a notice for work for tomorrow as well,
9 even though we're taking the day off?

10 THE COURT: Well, no, I don't think we can excuse
11 you from tomorrow, yeah, from work. I wish we could, but,
12 you know, that would be doing something improper, true?

13 JUROR: Yes, sir, it would.

14 THE COURT: Let's wait to get their copies.
15 Does everybody in the back row have a copy?
16 Okay. Good. All right.

17 (WHEREUPON, State's Exhibit Number 188 audio/video
18 was played and published to the jury.)

19 THE COURT: All right. Ladies and gentlemen, if
20 you'll just leave your copies on the railing or back row
21 just when you're walking out. All right, we are finished
22 for today. No work tomorrow. Of course, Monday is Labor
23 Day, so we'll start back Tuesday at 9:30 and hopefully we
24 can be finished by Wednesday. It's kind of talking with
25 lawyers, certainly not going to hold their feet to the fire,

1 but that's kind of what we think, we'll be finished by
2 Wednesday, hopefully. I know that you have your audit on
3 Thursday. You got something Friday. I think that we should
4 be fine there. And so I think -- so, anyways, have a good
5 Labor Day weekend and we'll see you back here Tuesday at
6 night, 9:30. Thank you, very much, appreciate your hard
7 work.

8 (WHEREUPON, the jury exited the courtroom at 5:11
9 p.m.)

10 THE COURT: Okay. Anything else we need to
11 discuss before we adjourn for the evening? State?

12 MS. CAMPBELL: No, sir, Your Honor.

13 THE COURT: Defense?

14 MR. FRICK: No, sir.

15 THE COURT: Okay. We'll be in recess until
16 Tuesday at 9:30. And I appreciate y'all's hard work, too.

17 MS. MCGINNIS: Thank you, Judge.

18 (WHEREUPON, the proceedings adjourned at 5:15
19 p.m.)
20
21
22
23
24
25

CERTIFICATE OF REPORTER

State of South Carolina)

County of Lancaster)

I, Cynthia D. Weaver, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the Court of General Sessions for Lancaster County, South Carolina, on the 27th, 28th, and 29th of August, 2024.

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

June 22, 2025

Cynthia D Weaver

Cynthia D. Weaver
Official Court Reporter

STATE OF SOUTH CAROLINA - COURT OF GENERAL SESSIONS
COUNTY OF LANCASTER - SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

PLAINTIFF,

V.

DAVID D. WHITE

DEFENDANT.

)

) Docket No.

) 2021-GS-29-02056

) through

) 2021-GS-29-02062

)

)

) **JURY TRIAL**

)

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September 3-5, 2024
Lancaster, South Carolina

B-E-F-O-R-E:

THE HONORABLE DONALD HOCKER

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

Melissa McGinnis, Deputy Solicitor
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Attorney for the State

William A. Frick, Public Defender
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Official Court Reporter

STATE OF SC V DAVID D. WHITE

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STATE'S CASE - CONTINUED

P R O C E E D I N G S

- September 3rd, 2024 -

THE BAILIFF: All rise.

THE COURT: Good morning. You all may have a seat.

Good morning. I hope everyone had a good, long Labor Day weekend.

Nobody's saying anything so it must not have been too much.

Juror Number 2, Allen Adams, informed the Court that his mother had a pretty serious stroke over the weekend and requested to be excused. And I honored that request.

And we, at random, have selected one of the alternates. And the one picked will be -- with the group of 12 will be Bridget Simpson, Juror Number 167.

Anything we need to put on the record before we bring the jury out and move forward?

MS. CAMPBELL: Your Honor, I think we have decided on a stipulation, rather than having to put up another DSS worker to talk about paternity testing that was done in this case.

The defense and I, I think, have agreed to stipulate that all seven of these children were the

STATE'S CASE - CONTINUED

1 biological children of Shaquanda Page and David White.

2 THE COURT: Okay. What we can do is, when we
3 bring the jury out, Solicitor, I would ask that you put
4 that stipulation on the record and Mr. Frick can concur.

5 But outside of the jury's presence; is that
6 correct?

7 MR. FRICK: Yes, sir.

8 THE COURT: Very good. Thank you.

9 MR. FRICK: Judge, I don't know in what order
10 they're going to call on witnesses today. But I know
11 one of them that they're going to call is a SLED agent
12 that had both Ms. Page and Mr. White do reenactments
13 that evening.

14 It's a total of, I guess, 20-something
15 minutes. Mr. White's is about 11 minutes. I would ask
16 to introduce that and publish it. It's about 11-minutes
17 long. I've got it parsed out where it's just his part
18 of the video.

19 And it cuts off a few seconds before the end
20 because they send him out and told him to go talk to his
21 wife. Then they are just kind of stand around chatting.
22 That's superfluous as far as I can tell. So I just cut
23 it off. So I don't know if you want to see that at this
24 point.

25 THE COURT: No, I don't. I know that the

STATE'S CASE - CONTINUED

1 first of last week, there was some -- maybe a little
2 uncertainty on your part whether or not you would want
3 that in. Evidently, you have made that decision to put
4 that in.

5 But it's not going to be the whole; it's just
6 going to be the portion that is related to Mr. White.
7 Is that correct?

8 MR. FRICK: Yes, sir.

9 THE COURT: Solicitor?

10 MS. CAMPBELL: Your Honor, if I can be heard?

11 I think we all agree that none of Shaquanda
12 Page's statements can come in --

13 MR. FRICK: I think that's correct.

14 MS. CAMPBELL: -- pursuant to the rules.

15 Your Honor, I would approach at this point.

16 Our position is this would be self-serving
17 hearsay. I will hand up the *State vs. Terry*, the *State*
18 *vs. Chesebrough*, and *Cabrera-Pena*.

19 Basically, your Honor, it goes for the -- if
20 the defendant testifies, of course, he can talk about
21 how he did a reenactment.

22 THE COURT: Right.

23 MS. CAMPBELL: But a defendant is not,
24 according to these cases, made unavailable by the fact
25 that he elects not to testify so therefore you go to

STATE'S CASE - CONTINUED

1 804(b) (3) and whether or not this is self-serving or
2 it's a statement in his interest.

3 Our position is -- and you can review it your
4 Honor -- it's a self-serving statement and therefore,
5 the defense is not allowed to introduce it unless it's
6 part of the another statement.

7 In this case, as you're aware, your Honor,
8 there was a statement taken from both defendants at the
9 hospital. They then left the hospital, and then later
10 went back to the house where there was search done.

11 And then after the search, there was an
12 reenactment done.

13 Then after that, your Honor, two months later,
14 two and-a-half-months later, there was a third set of
15 statements taken from both defendants -- and all this
16 includes both defendants -- that was done. These are
17 three separate statements.

18 Therefore, the defendant cannot, in lieu of
19 testimony, elect to put in a self-serving statement to
20 support his theory or what he wants.

21 THE COURT: Let me ask this: Now, this is
22 related to a SLED agent who the State intends to call
23 this morning. Is that correct?

24 MS. CAMPBELL: Yes, sir.

25 THE COURT: Is that your first witness for the

STATE'S CASE - CONTINUED

1 morning?

2 MS. CAMPBELL: No, sir.

3 THE COURT: Well, let's do this: Give me an
4 opportunity to read the case and certainly give
5 Mr. Frick an opportunity to oppose the State's position.

6 So let's take the first witness, whoever that
7 may be and then take a break and we can get into the end
8 of that.

9 MS. CAMPBELL: Perfect. Thank you.

10 MR. FRICK: Sounds good.

11 Judge, another thing and I'm not asking to
12 hash this out right now, I just want to put it on the
13 agenda.

14 I was reviewing photos in this case and
15 obviously, I've objected to all of the autopsy photos
16 and all of the ER photos.

17 In looking at them, I think there's a couple
18 of ER photos that I might be interested in introducing.

19 THE COURT: Okay.

20 MR. FRICK: Of course, I know if I do that
21 because I believe you ruled that none of them were
22 coming in that the State was asking for but those could
23 be described by the doctor and they were.

24 So I know the State is now going to want to go
25 back and relitigate that issue but I do want to put that

STATE'S CASE - CONTINUED

1 in, whenever we may do that. I would intend to call
2 Lieutenant Smalls. I think he's likely the person that
3 took those photographs.

4 MS. CAMPBELL: The SLED agent was also there
5 so she can do it. But if he let's me know which ones he
6 wants in, we may not object. But that can all be done
7 with the SLED agent.

8 THE COURT: Work through that. If you need my
9 help on it, I know you'll let me know.

10 MR. FRICK: Okay.

11 MS. MCGINNIS: Judge, Mr. Frick provided us
12 with names and dates of birth and identifying
13 information from his witnesses late Thursday. We had
14 those rap sheets run this morning.

15 One of his witnesses, a Ms. Degracer Walls,
16 according to the rap sheet and confirmed by law
17 enforcement, has an outstanding warrant against her for
18 domestic violence first degree.

19 The victim is actually the defendant in this
20 case, Mr. White. So I'm not exactly sure how to
21 proceed.

22 MR. FRICK: I'm not either, Judge. I figured
23 that was an issue that was going to come up. Certainly,
24 she will be called after the State rests. So we can
25 probably have some time to discuss that.

STATE'S CASE - CONTINUED

1 THE COURT: My response to that is the same as
2 the previous issue. If y'all can work that out, fine.
3 If you need my help, I'll try to help.

4 Anything else before we bring the jury out,
5 from the State?

6 MS. MCGINNIS: Nothing before this witness,
7 your Honor.

8 THE COURT: Defense?

9 MR. FRICK: Nothing additional at this time.

10 THE COURT: Okay. Let's bring the jury in,
11 please.

12 (Jury entered.)

13 THE COURT: Let the record reflect that the
14 jury is in.

15 Good morning, ladies and gentleman.

16 THE JURORS: (Collectively) "Good morning."

17 THE COURT: Hopefully you had a good, long
18 Labor Day weekend and ready to get back to work.

19 Allen Adams, one of your fellow jurors, I
20 talked with him this morning. He may have mentioned
21 this to some of you. His mother had a stroke over the
22 weekend. It sounded like a pretty serious stroke and he
23 requested to be excused and without hesitation, I
24 excused him. That's why we have alternates. So we need
25 to keep his mom in our prayers.

STATE'S CASE - CONTINUED

1 What we do when we pick one of the alternates
2 to become one of the 12, we do it at random. We
3 actually put your names on a little piece of paper in a
4 cup and my law clerk just pulls a name out and
5 Ms. Simpson, you are now one of the 12.

6 You're Ms. Simpson, I think; right?

7 JUROR 167: Uh-huh.

8 THE COURT: When you come back in after a
9 break, just take that seat there. Okay.

10 I think the State still has a few witnesses
11 left to call. So I'll turn it over to the State.

12 MS. CAMPBELL: Your Honor, at this time we
13 would put a stipulation on the record.

14 THE COURT: Oh, yes, that's right.

15 MS. CAMPBELL: Your Honor, at this point, the
16 defense and the State entered into a stipulation that
17 the seven children victims in this case are the
18 biological children of Shaquanda Page and David White,
19 the defendant.

20 THE COURT: Mr. Frick?

21 MR. FRICK: That's correct, your Honor.

22 THE COURT: Ladies and gentlemen, a
23 stipulation is an agreement between both sides
24 concerning the particular issue and matter. It's to be
25 treated by you as evidence. Give it whatever weight you

DIRECT EXAMINATION - M. SNOODY

1 feel like it deserves. Okay? Thank you.

2 Is the State ready to call another witness?

3 MS. MCGINNIS: The State would call Matthew
4 Snoddy.

5 THE COURT: Come around, Officer.

6

7 **M A T T H E W S N O D D Y**, the Witness herein, having
8 been sworn by the Clerk of Court, was examined and
9 testified as follows:

10

11 **DIRECT EXAMINATION**

12 **BY MS. MCGINNIS:**

13 Q. Good morning, Investigator Snoddy. Can you
14 state your name for the record?

15 A. Yes, it's Matt Snoddy or Matthew Snoddy.

16 Q. And where are you employed?

17 A. The Lancaster County Sheriff's Office.

18 Q. How long have you been with the sheriff's
19 office?

20 A. Since 2017.

21 Q. How did you start at the sheriff's office, in
22 what role?

23 A. I started on patrol in 2017, moved to
24 investigator in 2020 and I've been with the Violent
25 Crimes Task Force since 2021.

1 Q. As part of your role as a Violent Crimes
2 Investigator, did you have some specialized training
3 regarding cell phones and cell phone technology?

4 A. I've had training in cellular records. So
5 like any kind of call detail records, time in advance
6 and stuff like that.

7 Q. And in your experience as an investigator
8 there, have you had the opportunity to look through what
9 is commonly referred to as "cell phone dumps" or "cell
10 phone extractions"?

11 A. Yes, ma'am.

12 Q. And tell the jury a little bit about what you
13 do when you get a cell phone extraction to look through
14 that data.

15 A. It's usually when we have a search warrant for
16 a phone or something like that, we look at what's called
17 a "Reader Report." So the data is actually extracted
18 off the phone. And from there, they put it into a
19 Reader Report, which is a summary of the actual, what we
20 call "raw data." So the raw data is not binary. It has
21 nothing but numbers and zeros and all sorts of stuff.

22 But the actual tool that we use, Cellebrite,
23 basically takes that data, pulls it to a physical
24 analyzer, and what we get on the investigation side is a
25 Read Report.

DIRECT EXAMINATION - M. SNOODY

1 Q. So that report contains a readable to the
2 human eye version of data that's on the phone?

3 A. Yes, ma'am.

4 Q. And in this particular case, did you assist
5 the Lancaster Police Department in reviewing those
6 Reader Reporters for three cell phones in this case?

7 A. I did.

8 Q. And based on your review of the reports, who
9 did those cell phones belong to?

10 A. One of them belong to Ms. Page, Ms. Shaquanda
11 Page. And we had two cell phones belonging to
12 Mr. White.

13 Q. At this time I want to turn your attention to
14 the cell phone belonging to Shaquanda Page.

15 You were able to review the Reader Report that
16 you just described for the jury for that device?

17 A. Yes, ma'am.

18 Q. Can you tell the jury a little bit about that
19 device? When was that device activated?

20 A. From everything that I could tell through
21 what's called an "install" whenever the device is
22 actually installed, it was installed on 3/23/2021, which
23 would be after.

24 Q. About a month after this -- law enforcement
25 was called out to the house there in the city?

1 A. Yes, ma'am.

2 Q. Did you still continue to review that Reader
3 Report just to see what kind of data was on the device?

4 A. I did. So iChat message pretty much said
5 Straight Talk was activated on the 23rd as well of
6 March.

7 Q. How about any sort of photographs of the
8 children, specifically these seven children that were
9 involved in this case?

10 A. Yes, there were pictures of the kids.

11 Q. And based on that Reader Report, are you able
12 to look at what's referred to as the metadata on the
13 photo to tell more information about that photo itself?

14 A. Yes. A lot of times you can look at the
15 capture date or something, like what actual day it was
16 captured versus when it came in or vice versa.

17 Q. And the photos in this particular case, were
18 you able to identify the capture date?

19 A. Yes, ma'am.

20 Q. How far back did those photos go and obviously
21 there was more than just photos of children on the
22 phone?

23 A. Sure.

24 Q. Just the photos of the children, what date did
25 they go back to?

DIRECT EXAMINATION - M. SNOODY

1 A. On 2/6/21 is when I located several pictures.

2 Q. And what were those photos of? Of a minor
3 child?

4 A. A minor child. I'm not sure -- I'm not
5 totally familiar with the case and all the kids but it
6 does look like a minor child.

7 Q. Were there any subsequent to that?

8 A. There was.

9 Q. What date were those captured on?

10 A. 2/17/21.

11 Q. And those also depicted another minor child?

12 A. Yes. It does look like a minor child.

13 Q. Now, you mentioned the phone was activated on
14 March 23, 2021.

15 How would photos from February of that year
16 have gotten on that device?

17 A. So there's different possibilities. The most
18 logical on this one would be because of a backup of the
19 phone. If you have an iPhone, an iCloud, whenever you
20 get that new device or whatever it is, you log into that
21 account. And it can often bring those pictures back,
22 whatever it be.

23 This Reader Report specifically does captivate
24 2/6 and 2/17. So this was actually an Android device.
25 So it could have been in Google photos, whatever,

1 SnapChat accounts, whatever they were in.

2 Q. And there's no way to tell that from the
3 Reader Report that you reviewed?

4 A. Not the Reader Report, no.

5 Q. Moving on to David White. You mentioned that
6 there were two cell phones that you reviewed for him.

7 Talking to you first about the one I think was
8 identified as Item No. 7.

9 A. Yes, ma'am.

10 Q. Tell the jury a little about the Item No. 7
11 phone that you reviewed that belonged to David White?

12 A. Item No. 7 that was also a Google Android
13 generic-brand cellular device. It had -- essentially,
14 it had an install service on 3/15/2021, which was also
15 after the incident. And it actually had an installment
16 configuration that pretty much showed the data on the
17 phone being installed on 3/15 as well.

18 Q. Did you find any other content on that phone
19 that predated that date of 3/15?

20 A. There was -- yes, there was. There was a call
21 log. It showed a call log -- so anytime when we're
22 looking at an extraction, you actually see call logs of
23 incoming and outgoing calls. There was a phone call on
24 2/19/21, which is before the device actually showed
25 being activated.

DIRECT EXAMINATION - M. SNOODY

1 Q. And how would a call that predated the phones
2 activation get on the phone?

3 A. It could be imported. Like I previously said,
4 there's no way to really tell through the Reader
5 Reports.

6 Q. Did you find any photos or any other sort of
7 media content on that device that would be relevant?

8 A. Yes ma'am. So I looked at several photos of
9 small children. I could depict the oldest daughter, I
10 don't know the names and middle boy that was, I think --
11 I'm not sure of the age or anything like that and then a
12 newborn child. And all of those were dated on 4/8/2021,
13 so around May of 2021.

14 Q. So those were taken on the phone, not imported
15 over from the Cloud?

16 A. Correct.

17 Q. Then moving to Item 8, which is the other
18 phone that the Reader Report showed belong to David
19 White?

20 A. Yes.

21 Q. What date was that device activated?

22 A. This one was activated on 4/7/21.

23 Q. Did you find any content on that phone that
24 predated that 4/7/21 date?

25 A. No, I did not.

CROSS-EXAMINATION - M. SNOODY

1 Q. Did you find any images or anything on that
2 phone that would be relevant to this particular case?

3 A. No, ma'am.

4 MS. MCGINNIS: Beg the Court's indulgence?

5 Thank you, Investigator. Please answer
6 anything Mr. Frick has for you.

7 THE COURT: Mr. Frick, any cross-examination?

8 MR. FRICK: Yes, sir, your Honor.

9

10 **CROSS-EXAMINATION**

11 **BY MR. FRICK:**

12 Q. Investigator, you're not here as an expert
13 today; correct?

14 A. No, sir.

15 Q. You're here just to simply testify on what you
16 observed on the phone; correct?

17 A. That's correct.

18 Q. And when we talk about the "data" -- well, you
19 deal with a lot of cell phones; right?

20 A. I do.

21 Q. Everything seems to involve a cell phone these
22 days; correct?

23 A. Yes, sir.

24 Q. You're fairly familiar with -- the Cellebrite
25 Reader is what we used here; right?

CROSS-EXAMINATION - M. SNOODY

1 A. Yes, sir.

2 Q. Do you have any reports with you? I'm just
3 trying to see if we're looking at the same one.

4 A. I have just some screenshots from the Reader
5 just so I could be prepared today.

6 Q. Is it, if you go into, I guess it's timeline,
7 does it tell you all kinds of information about --

8 A. It does.

9 Q. Capture time and all that stuff?

10 A. Yes, sir.

11 Q. Is there an extraction report that you can
12 generate?

13 A. What do you mean by that?

14 Q. Is there a report where you can say, okay,
15 this is what I found on this phone?

16 A. If you were to export, yes.

17 Q. Yes?

18 A. You can export any piece of the phone that you
19 wanted, put it in a PDF and do it like that. Yeah.

20 Q. I'm going to show you this.

21 A. Sure.

22 Q. Does this look familiar to you in anyway or
23 can you tell what that is?

24 A. It's exported from what looks to be the
25 photos.

1 Q. Can you tell on there possibly who's phone it
2 might have been?

3 A. That would have been Ms. Page's phone.

4 Q. Ms. Page's phone?

5 And there's a bunch of photos on there;
6 correct?

7 A. Yes, sir.

8 Q. I think you mentioned there were some photos
9 on 2/17?

10 A. Yes, sir.

11 Q. And now, unfortunately, the color printer is
12 not working today so those are in black and white but do
13 those look like the photos that you saw?

14 A. Yes, sir.

15 Q. You did look at the photos; correct?

16 A. Yes, sir. I did look at them.

17 Q. And, in fact, if you click on those little
18 thumbnails, it shows the full photo; correct?

19 A. Correct.

20 Q. And is that the report that would be generated
21 if you exported it?

22 A. Yes, sir.

23 MR. FRICK: Your Honor, at this time I would
24 move that in as Defense 2.

25 THE COURT: It would be Number 2 that comes

CROSS-EXAMINATION - M. SNOODY

1 in.

2 The State?

3 MS. MCGINNIS: No objection.

4 THE COURT: Without objection, Number 2 for
5 the State.

6 Mr. Frick, can you hand that to the Court
7 Reporter to be marked, please?

8 MR. FRICK: Yes, sir.

9 (Defendant's Exhibit 2, S. Page Cell
10 Phone Report, was entered into evidence.)

11 Q. (By Mr. Frick) As we were saying, obviously,
12 this is in black and white?

13 A. Yes.

14 Q. But these little thumbnails, if you click on
15 it, a whole picture will come up?

16 A. Yes, sir.

17 Q. I'm going to point your attention to Number 6
18 right there.

19 A. Okay.

20 Q. Investigator, I want to show you a photo I was
21 asking you about, what I think is Number 6.

22 Does that look like that could likely be the
23 photo?

24 A. Yes, sir.

25 MR. FRICK: Your Honor, at this time I would

1 move this photo into evidence.

2 THE COURT: What says the State?

3 MS. MCGINNIS: No objection, your Honor.

4 THE COURT: Without objection, Number 3 into
5 evidence for the defense.

6 (Defendant's Exhibit 3, Photograph, was
7 entered into evidence.)

8 Q. (By Mr. Frick) So, today, you can tell us what
9 you just actually saw on the phone.

10 You can't tell us what happened with these
11 phones; correct?

12 A. No, sir.

13 Q. You can't tell me whether this was absolutely
14 a brand-new phone that they got in March or not?

15 A. No, sir.

16 Q. And then of course --

17 A. Only thing I can tell you about the phone is
18 that it comes from a Gmail account.

19 Q. Okay. So it got sent to the phone?

20 A. That's what I believe. Yes, sir.

21 Q. To be clear, the capture date on that is
22 February 17th of '21?

23 A. Of this one?

24 Q. Yes, sir. Yes, sir. The one I was asking you
25 about there, Defense Number 6.

CROSS-EXAMINATION - M. SNOODY

1 A. Yes. 2/17.

2 MR. FRICK: Thank you, sir. That's all the
3 questions I have.

4 THE COURT: Any redirect, Solicitor?

5 MS. MCGINNIS: No, your Honor.

6 THE COURT: You can step down.

7 The next witness deals with the issue that was
8 brought to my attention?

9 MS. MCGINNIS: Uh-huh.

10 THE COURT: Ladies and gentlemen, I have a
11 legal issue that I need to work through with the
12 lawyers. We'll do it as quickly as we possibly can
13 before we get you back out. So go back in the jury room
14 please. And we'll get you back out as soon as we can.

15 (Jury exited.)

16 THE COURT: Okay. Just to make sure I
17 understand correctly. There is a video that was taken
18 by a SLED agent or some officer of the defendant giving
19 a demonstration on what the defendant claims he did in
20 so far as resuscitation efforts for the child.

21 And the defense is wanting that to come in
22 through the officer and the State objects to that based
23 upon a self-serving type of argument.

24 Do I have an understanding of what the issue
25 is? MS. CAMPBELL: Yes, your Honor. It's a reenactment

STATE'S CASE - CONTINUED

1 of when he found the child and what he did right there
2 after. There was an interview at the hospital and then
3 there was a break. Then later on that next morning,
4 this is the reenactment.

5 THE COURT: Okay. All right. Before I take a
6 look at the cases that the State has handed up and I
7 certainly can take argument after I read the cases but,
8 Mr. Frick, your position on this issue?

9 MR. FRICK: Judge, I think it's a continuing
10 statement from the hospital. They were interviewing him
11 and her at the hospital, a SLED agent participated in
12 that interview. I think this is just simply a
13 continuation from that interview.

14 THE COURT: Okay. Let me ask you this
15 question. I've certainly watched and listened to the
16 interview at the hospital.

17 Did he mention at any time during that
18 interview the resuscitation efforts that he did? I
19 don't remember. That's why I'm relying on you guys to
20 help me.

21 MS. MCGINNIS: Judge, the only mention he
22 makes is, he says, "I go back in the kitchen in our
23 house and I lay on the ground and try to administer the
24 last CPR while she was still right there and that's when
25 the ambulance came."

STATE'S CASE - CONTINUED

1 THE COURT: And for some reason, my copy of
2 that interview -- somebody got it?

3 MR. FRICK: I took it.

4 THE COURT: You did?

5 MR. FRICK: Yes, sir. I picked up all of
6 them.

7 THE COURT: May I have my copy back?

8 MS. CAMPBELL: We should have made them
9 Court's exhibits as well.

10 MS. MCGINNIS: I did, Judge. I have a copy of
11 each transcript.

12 THE COURT: We kept the transcript of the
13 other one but for some reason the hospital interview --

14 MS. CAMPBELL: This, I think, is the hospital
15 interview and, Judge, I'll hand up the May 13th
16 interview as well.

17 THE COURT: What page, Solicitor, did you
18 refer to?

19 MS. MCGINNIS: What was at the very bottom of
20 page 2 and the top of page 3, your Honor.

21 THE COURT: Okay. Let me go back and take a
22 look at these cases, read this interview and I'll come
23 back and certainly we can take up further argument for
24 the record.

25 Everybody be at ease for just a little bit.

STATE'S CASE - CONTINUED

1 MR. FRICK: Judge, do you want to see the
2 video?

3 THE COURT: No. No, I don't think I need to.
4 Since you've got the transcript, I think I'm good.

5 MR. FRICK: You mean of that? I was talking
6 about the video of the reenactment.

7 THE COURT: No, I don't think so. Basically, I
8 think y'all have indicated that the doll of some sort
9 was used. And Mr. White demonstrated what he says he
10 did as far as resuscitation efforts for the child, the
11 chest compressions with the two fingers. So I think I
12 don't really need to see the video.

13 MR. FRICK: Okay.

14 THE COURT: Okay. I'll be back out shortly.

15 (Whereupon, a short recess was taken.)

16 THE COURT: Okay. We're back on the record
17 and on this issue of the video demonstration.

18 Anything further from the State on this point?

19 MS. CAMPBELL: No, sir.

20 THE COURT: Defense?

21 MR. FRICK: No, sir.

22 THE COURT: I don't want to make things more
23 difficult for y'all. But there's no question that his
24 demonstration concerning chest compressions between 9:15
25 and 9:40, that comes in simply because in the interview

STATE'S CASE - CONTINUED

1 that the State put in at the hospital, he says, "I
2 attempted CPR."

3 So that comes in.

4 But we have other portions of this video that
5 I have some concern about. I've broken the video up
6 into six parts, and again, I'm not trying to make things
7 more difficult for y'all. All right?

8 First party is upstairs showing the sleeping
9 arrangements for the children. While that may not
10 really be too troubling for the State, that really has
11 not been brought out from him in any of these interviews
12 that I can recall.

13 I'm just going to go through each of them in
14 parts.

15 The second is he puts the doll in the crib and
16 he says, "I found her sleeping. I went back
17 downstairs."

18 He said that in the interviews so that can
19 come in. Okay?

20 Third is that he's still upstairs. The doll
21 is still in the crib and he gets extremely emotional.

22 Now, I'm not being critical of the emotion
23 that the defendant showed but that would seem to me to
24 be somewhat self-serving by that coming in.

25 Now, let me just back up. If he decides to

STATE'S CASE - CONTINUED

1 testify, then I think probably everything can come in.
2 But I have a concern showing his emotion if he doesn't
3 testify.

4 Fourthly, he's downstairs, he lays the doll on
5 the floor and then goes into the kitchen area and shows
6 his emotion.

7 Again, I think that is self-serving.

8 Chest compressions, that comes in at 9:15 to
9 9:40.

10 Then the last part is just a discussion
11 between the officer and the defendant. I just don't
12 really think that should come in. So unless the State
13 -- because I'm allowing the short portion of the chest
14 compressions to come in and finding the child asleep and
15 going back downstairs, the State may decide to go ahead
16 and let the whole thing in.

17 That's fine if the State -- otherwise, it's
18 going to need to be chopped up... if my ruling makes any
19 sense at all.

20 MS. MCGINNIS: Judge, did you have a timestamp
21 for the part where he says he saw her sleeping and went
22 back downstairs?

23 THE COURT: I did not write a timestamp. I'm
24 sorry.

25 MS. MCGINNIS: That's okay.

STATE'S CASE - CONTINUED

1 THE COURT: I think the main thing again is, I
2 think it is self-serving by him even though he says, "I
3 panicked. I was hollering" to actually show his
4 emotion. If he does not testify in this case, I think
5 that is self-serving and should not come in.

6 Again, not being critical of any emotions
7 showed by anybody in this case.

8 MR. FRICK: But you have no issue from 9:15 to
9 9:40?

10 THE COURT: I do not. And that is solely
11 because -- and Solicitor McGinnis read from this. Page
12 2 in his hospital interview, at the bottom of page 2
13 going into page 3, top of page 3, he says, "I go back in
14 the kitchen in our house and I lay on the ground and try
15 administer the last -- CPR while she was still right
16 there."

17 The fact that he said that in his interview at
18 the hospital, that the State put in 9:15 to the 9:40
19 will come in.

20 MR. FRICK: If you will allow me, I can
21 probably chop that little spot right there.

22 MS. CAMPBELL: We're going to get it chopped
23 and we'll go ahead and put it in.

24 MR. FRICK: Are you --

25 THE COURT: I didn't --

STATE'S CASE - CONTINUED

1 MS. CAMPBELL: We'll get the parts you said
2 should come in, we're going to get that done right now
3 and we'll put it in.

4 THE COURT: Okay. And the other part because
5 he already talked about it, "she was sleeping." He goes
6 back downstairs. I didn't catch or I didn't write down
7 the timeframe on that. I think that can come in because
8 it was already mentioned in the interview.

9 MS. MCGINNIS: Judge, if I can have just a
10 couple of minutes to call somebody to get that clip
11 started?

12 THE COURT: Sure.

13 (Whereupon, a short recess was taken.)

14 MS. CAMPBELL: Your Honor, while we're down,
15 the defense wants to put in four of the photographs from
16 the hospital that were taken of the child.

17 THE COURT: Okay.

18 MS. CAMPBELL: Those were some of the ones
19 that you excluded previously and are from the same
20 thing. And you allowed the coroner to go into the
21 description of the feces on the body and all that but we
22 weren't allowed --

23 THE COURT: But not the video, yes.

24 MS. CAMPBELL: -- any photos of that.

25 At this time, your Honor, he is intending on

STATE'S CASE - CONTINUED

1 offering four more photographs in addition to the ones
2 that we had proposed.

3 THE COURT: And I think those photos -- you
4 pulled, if I recall correctly, you pulled a lot of
5 photos. And I think it was just a matter of just trying
6 to compromise and not necessarily take the position that
7 these were inadmissible, at least that's the way I took
8 it.

9 MS. CAMPBELL: These were the photos, yes,
10 that were taken at the hospital before autopsy.

11 THE COURT: Right, that you agreed would not
12 come in. And my point is, is that they didn't come in.
13 You were just trying to compromise. And the one where
14 he you're saying, oh, these photographs were
15 inadmissible for whatever reason.

16 MS. CAMPBELL: No, your Honor. The
17 photographs that I offered for that purpose were the
18 ones from the autopsy that are in addition to the, I
19 think, six you let in.

20 And then we had ones that were taken at the
21 hospital before autopsy that we offered and we made it
22 Court's Exhibit Number 5 and you said those would not
23 come in.

24 THE COURT: But now the defense is wanting
25 those in?

STATE'S CASE - CONTINUED

1 MR. FRICK: I don't want those in but I am
2 asking for some of the ER photos. You ruled none of
3 them would come in.

4 THE COURT: Okay.

5 MR. FRICK: And my objection was to all of the
6 photos.

7 THE COURT: Okay.

8 MR. FRICK: After reviewing the photos, I
9 think that there are some that I do want in.

10 THE COURT: Okay.

11 MR. FRICK: However, I realized and I'm now
12 opening the door for the Solicitor to relitigate about
13 that situation.

14 Judge, I'm going to make this as clear as mud.
15 I am not waiving my objection. However, since the
16 autopsy photos have come in, I feel I need to deal with
17 that by entering the ER photos.

18 So I'm not waiving my objection, but I do
19 understand that I am opening the door for the State to
20 bring in photos that I originally objected to.

21 THE COURT: Right. Well, I think you would be
22 opening the door for ER photos.

23 MR. FRICK: Yes, sir.

24 MS. CAMPBELL: And we agreed, just the ER
25 photos.

STATE'S CASE - CONTINUED

1 THE COURT: Right. They're photos, they're
2 photos, they're photos but they are different kinds of
3 photos. So I think by wanting some ER photos in, you
4 let open the door to allow the State to put in whatever
5 ER photos that it wants.

6 MS. CAMPBELL: We're good with that, as long
7 as we --

8 THE COURT: But that doesn't open the door
9 necessarily for any other sets of photos that maybe I
10 ruled could not --

11 MS. CAMPBELL: No more autopsy photos, period.

12 THE COURT: Okay.

13 MS. CAMPBELL: Your Honor, we are now
14 converting Court's Exhibit Number 5 into photographs
15 offered by the State with the Court's permission.

16 THE COURT: Okay. And those would be ER
17 photos; correct?

18 MS. CAMPBELL: ER photos. We are not offering
19 any additional autopsy photos.

20 THE COURT: You're going to have a witness
21 when you put those in?

22 MS. CAMPBELL: Uh-huh.

23 THE COURT: Okay. You just let me know
24 numbers then.

25 MS. CAMPBELL: I didn't know how to

STATE'S CASE - CONTINUED

1 differentiate.

2 THE COURT: Let him look at that.

3 Do we have the video at the house redacted?

4 Both sides good with that based upon the
5 Court's ruling?

6 MS. MCGINNIS: Yes, sir.

7 Judge, I just gave the time clips to our
8 paralegal upstairs. So she's making the clips. It will
9 take her a couple of minutes.

10 THE COURT: Okay.

11 MS. MCGINNIS: We can probably go ahead and
12 get started and she'll bring it down. But I confirmed
13 with William --

14 THE COURT: Okay.

15 MS. MCGINNIS: -- the timeframe you referenced
16 and then it's 52 seconds that he's talking about finding
17 her sleeping when he's making breakfast for the
18 children.

19 THE COURT: Okay. Mr. Frick, you good? Based
20 upon the Court's ruling, you good with how they redacted
21 the video?

22 MR. FRICK: Yes, sir. We've gone over it and
23 I'm fine with that.

24 THE COURT: Okay. Then on the other ER photos
25 that will be coming in, those will just come in with the

DIRECT EXAMINATION - B. MAY

1 witness.

2 Okay. Very good.

3 Can we bring the jury out?

4 MS. MCGINNIS: Uh-huh.

5 THE COURT: Let's bring the jury out, please.

6 (Jury entered.)

7 THE COURT: Let the record reflect that the
8 jury is back in.

9 Thank you, ladies and gentlemen, for your
10 patience. We had some legal issues we had to work
11 through with the lawyers.

12 Is the State ready?

13 MS. CAMPBELL: The State's ready, your Honor.

14 THE COURT: Okay.

15 MS. CAMPBELL: The State would call Agent
16 Britney May.

17

18 **BRITNEY MAY**, the Witness herein, having been
19 sworn by the Clerk of Court, was examined and testified
20 as follows:

21

22 **DIRECT EXAMINATION**

23 **BY MS. CAMPBELL:**

24 Q. Agent May, where are you employed?

25 A. I'm currently employed with the Rock Hill

DIRECT EXAMINATION - B. MAY

1 Police Department.

2 Q. And how long have you been with the Rock Hill
3 Police Department?

4 A. I started my law enforcement career with them
5 in 2015. I left in November of 2019 to go to the South
6 Carolina Law Enforcement Division. And I've been back
7 with Rock Hill P.D. since January of this year.

8 Q. During the time that you were at SLED, which
9 is the South Carolina Law Enforcement Division, what
10 division were you assigned to?

11 A. The Child Fatality Unit.

12 Q. And the Child Fatality Unit, what are your
13 duties as part of that Child Fatality Unit at SLED?

14 A. I was the sole agent responsible for
15 responding to Chester, Union, Cherokee and Lancaster as
16 well as York County by myself. So my job was to aid
17 those agencies. Any time they had a child die, they
18 would call me, I would come out. I was on-call 24/7.

19 Q. And during the course of your work at SLED,
20 did you have an opportunity to respond to Lancaster
21 County back on February 22, 2021?

22 A. I did.

23 Q. And what kind of call were you responding to
24 that night?

25 A. My lieutenant called me and told me that the

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1 Lancaster Police Department had a 14-month old who was
2 deceased and that the police department would be waiting
3 for me at the hospital, at MUSC Lancaster.

4 Q. Did you proceed to MUSC Lancaster?

5 A. I did.

6 Q. And approximately how long did it take you?

7 Where do you live? What area?

8 A. I live in York County. I live in Rock Hill.

9 So I had the drive from Rock Hill.

10 Q. Once you got to the hospital, tell the jury
11 what you saw.

12 A. The first thing that I did was I met with the
13 first responding officers and Lieutenant Small. A.W.'s
14 room, where her body was, was actually the first room on
15 the left when you come through the ambulance bay.

16 So I walked into her room. As you approached
17 her body -- you didn't smell it as you walked into the
18 room, but as you approached her body, she had like a
19 musty odor as if somebody hasn't showered or has been
20 working out.

21 I met with Lieutenant Small. Asked him if he
22 has talked to the parents yet? He said, no, he wanted
23 to do that with me. And we just examined her body from
24 there.

25 Q. You basically initially went into the room

DIRECT EXAMINATION - B. MAY

1 where A.W. had been pronounced deceased?

2 A. Yes, ma'am.

3 Q. And at that point, you did observe her body?

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

5 Q. Was there any kinds of things on her body or
6 any kind of feces or urine that were observable?

7 A. She did, she had feces on the bottom of her
8 feet and along the sides of her feet. There was also
9 feces near her vagina and her anus.

10 Q. I'm going to show you what's been marked as
11 State's Exhibit -- let me get the numbers straight, 236,
12 237, 238, 239, and 240 through 246 and then 231, 232,
13 and 233.

14 Do these all show the body as it was when you
15 were there that evening or after being contacted?

16 THE COURT: Solicitor, can you give me those
17 numbers again? I'm sorry. I've got the second set, but
18 the first set --

19 MS. CAMPBELL: It's 236 through 246. Then 231
20 through 233.

21 THE COURT: Got it. Thank you.

22 Q. (By Ms. Campbell) I'm sorry. First look at
23 that set.

24 A. Okay.

25 (Complies.)

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1 Yes, ma'am.

2 Q. And then the second set, 231 through 233.

3 A. (Complies.)

4 Yes. That was in the hospital.

5 Q. Is that how she appeared at the hospital when
6 you saw her?

7 A. That is. Yes, ma'am.

8 Q. Other than a couple of those pictures have
9 been redacted or cropped, do those fairly and accurately
10 show how she appeared when you got there?

11 A. Yes, ma'am.

12 MS. CAMPBELL: Your Honor, at this time we'd
13 offer 236 through 246. And then 231 through 233.

14 THE COURT: Subject to what has already been
15 placed on the record, anything further, Mr. Frick?

16 MR. FRICK: No, sir. Thank you.

17 THE COURT: 231 through 233, 236 through 246
18 are into evidence for the State.

19 (State's Exhibits 231 through 233,
20 Photographs, were entered into evidence.)

21 (State's Exhibits 236 through 246,
22 Photographs, were entered into evidence.)

23 MS. CAMPBELL: Your Honor, rather than putting
24 them up on the screen, if I could just walk in front of
25 the jury?

DIRECT EXAMINATION - B. MAY

1 THE COURT: Sure.

2 Q. (By Ms. Campbell) 236, what does that show?

3 A. A.W.'s abdomen.

4 Q. And 237 is that another view of her abdomen?

5 A. Yes, ma'am. From a different angle. And is
6 that how she appeared?

7 A. Yes, ma'am.

8 Q. When you got there that night, were they still
9 resuscitating her or had that been completed?

10 A. That was completed by the time I arrived.

11 Q. And I noticed that there's some things with
12 writing on her.

13 What is that thing, do you know, right here on
14 her chest (indicating)?

15 A. It appears to be like an electrode AED
16 shocking pad.

17 Q. Had they used any artificial means to try to
18 resuscitate her that day to try to get any oxygen into
19 her body?

20 A. The first responder who arrived at the
21 apartment used an airbag to try to get air into her
22 lungs to help her breath.

23 Q. And this is part of the resuscitative --

24 A. Yes, ma'am.

25 Q. And I'll show you State's Exhibit 238. Is

DIRECT EXAMINATION - B. MAY

1 that another view of the abdomen?

2 A. Yes, ma'am.

3 Q. State's Exhibit No. 239, what does that show,
4 ma'am?

5 A. A.W.'s face with the lifesaving measures.

6 Q. I'll show you what's been marked as State's
7 Exhibit 240.

8 Specifically, what does that show?

9 A. It shows arm and her blue fingernails.

10 Q. And down here where I'm pointing, is that her
11 hand with the blue fingernails?

12 A. Yes, ma'am.

13 Q. Was that something you observed that day when
14 you were there?

15 A. That was, yes, ma'am, in the hospital.

16 Q. And I believe her other hand is in State's
17 Exhibit 241?

18 A. Yes, ma'am. That's just an image of her hand
19 and her arm.

20 Q. And again, what about the fingernails were
21 significant to you?

22 A. The fact that they were already blue under the
23 nailbeds.

24 Q. And you mentioned some feces that was on her
25 body. I'll show you State's Exhibit 242 and 243.

DIRECT EXAMINATION - B. MAY

1 What do those show?

2 A. Those are the images of her feet with feces on
3 them.

4 Q. Was that dry or wet or how would you describe
5 it?

6 A. Dry.

7 Q. You also mentioned feces in other places.

8 State's Exhibit 244, what does that show?

9 A. Feces in her groin area.

10 Q. And I'm putting up -- if I do it with this --

11 A. In her vagina.

12 Q. Kind of right where my hand is towards the
13 top.

14 State's Exhibit No. 245 and 246, what do those
15 show?

16 A. Feces near her rectum and in that area.

17 Q. State's Exhibit No. 231, what does this show?

18 A. The top of A.W.'s head and her face, the
19 bruises on her forehead and the sunken eyes.

20 Q. And again, some of the coloration of these
21 pictures are a little different. The photographs, it
22 just depends on how the lighting is and how the flash
23 works?

24 A. Yes, ma'am.

25 Q. And of course, the angle can distort certain

DIRECT EXAMINATION - B. MAY

1 things as well; is that correct?

2 A. Yes, ma'am.

3 Q. State's Exhibit 232 and 233. What areas does
4 that show?

5 A. 232 shows the back of A.W.'s head. That
6 photo depicts a bruise that we found through her
7 hairline. 233 is the back of her body.

8 Q. When you first observed A.W.'s body, did you
9 become concerned?

10 A. I was concerned, yes, ma'am, from the initial
11 things that we saw. But you never want to think that
12 somebody would do something to their child. So we
13 didn't jump to conclusions.

14 Q. While you were at the hospital, did you make
15 contact -- after observing the body, did you make
16 contact with either of the parents that night?

17 A. I did, yes, ma'am. They were waiting in a
18 family conference room that the hospital put them in.

19 Q. And while they were there, did you observe
20 either of the parents with phones?

21 A. There were two cell phones sitting beside --
22 well, Ms. Page and Mr. White were sitting together on a
23 couch at the back of room and there were two phones
24 sitting on the couch, and one of them rang at one point,
25 which Ms. Page answered. So we assumed that was their

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1 phones.

2 Q. Did you interview both parents that night?

3 A. Yes, ma'am.

4 Q. And specifically, it's already been published,
5 but you weren't in the courtroom when the actual
6 interview of David White was published --

7 A. Yes, ma'am.

8 Q. -- to the jury?

9 A. Uh-huh.

10 Q. And that was the interview you're referring
11 to; is that correct?

12 A. Yes, with the coroner. Yes, ma'am.

13 Q. Once you had finished interviewing Ms.
14 Shaquanda Page and Mr. David White at hospital, did you
15 then leave and go anywhere else?

16 A. After our interview at the hospital, we met
17 them back at their apartment.

18 Q. Did they ride with you or did they ride
19 separately.

20 A. They rode with somebody else. They didn't
21 ride with us.

22 Q. A relative of theirs?

23 A. They did, they rode with a relative.

24 Q. And once you got back to the house -- what was
25 the purpose of you going to the house that day?

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1 A. So we have a certain protocol that we do. We
2 treat every child death the same way. We speak to the
3 parents, try to find basic information of what happened.

4 Then you want to go back to the last place
5 that the child was alive, which in this case was their
6 apartment, per their statements. So we want to go back
7 to the apartment. We did have a search warrant for it.

8 And then we also do things that are called
9 "reenactments" where I have a doll that SLED issued me
10 and we just give it to the parents and they kind of walk
11 us through every kind of physical movement they did with
12 the child.

13 And that helps us. We take that information
14 to the pathologist so they know how the parents handled
15 the child before the child was deceased.

16 Q. In this case, when you first got to the house,
17 did you make contact with any of the children in this
18 case, the surviving children?

19 A. All the children were in the living room when
20 we got back to the apartment with, I believe it was
21 Ms. Janesa Campbell that called 911.

22 Q. And in this case, were you wearing a body cam
23 that night?

24 A. I was.

25 Q. And did other law enforcement agents also have

DIRECT EXAMINATION - B. MAY

1 on some body cam?

2 A. Yes, did they.

3 Q. And did your body cam run the entire course of
4 that night?

5 A. No. So SLED only requires, per their policy,
6 when I was there, is you keep your body camera on when
7 you interact with the public. For the rest of the time,
8 you don't have to have it initiated. So I didn't have
9 mine initiated for some of the portion in the home.

10 Q. And did you get an opportunity -- I'm going to
11 show you what's been marked as State's Exhibit No. 216.

12 Did you have an opportunity to observe the
13 other children there at the home?

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

15 Q. And was that recorded on body cam?

16 A. It was.

17 Q. And I'll show you State's 216.

18 Have you had an opportunity to review this?

19 A. Yes, ma'am.

20 Q. And does it fairly and accurately show the
21 kids in the living room area with Ms. Campbell who had
22 been keeping them?

23 A. Yes. We sat and talked to the kids for a
24 minute while we were waiting.

25 MS. CAMPBELL: Your Honor, at this time we'd

DIRECT EXAMINATION - B. MAY

1 offer State's Exhibit 216.

2 MR. FRICK: No objection.

3 THE COURT: 216?

4 MS. CAMPBELL: Yes, sir.

5 THE COURT: 216 into evidence without
6 objection for the State.

7 (State's Exhibit 216, B. May Body Cam,
8 was marked for identification, as of this
9 date.)

10 (Video played.)

11 Q. (By Ms. Campbell) Does that fairly and
12 accurately show how the children appeared when you got
13 to the house that night?

14 A. It does.

15 Q. And at this point most of them had been
16 dressed?

17 A. Yes.

18 Q. I'm going to show you State's Exhibit No. 225
19 through 230.

20 Are these still shots made from that video?

21 A. They are. Yes, ma'am.

22 Q. And those were actually made from the video we
23 just put into evidence?

24 A. Yes, ma'am. I'm sorry.

25 MS. CAMPBELL: Your Honor, at this time we'd

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1 offer State Exhibit 225 to 230.

2 MR. FRICK: No objection.

3 THE COURT: Without objection 225 through 230
4 into evidence for the State.

5 (State's Exhibits 225 through 230,
6 Photographs, were entered into evidence.)

7 Q. (By Ms. Campbell) And you mentioned earlier
8 that this was **Child 4**

9 A. Yes, ma'am.

10 Q. And some of these are the front of her face as
11 in 225; is that correct?

12 A. Yes, ma'am.

13 Q. And it also showed 227, the back of her head?

14 A. Yes, ma'am.

15 Q. So she was the little one that had on the mint
16 green outfit in that video; right?

17 A. She was.

18 Q. And as to that one, that little girl was in a
19 pink and tie-dye color?

20 A. Yes, ma'am.

21 Q. And who was that?

22 A. Sinari.

23 Q. Who was, I believe, a year older than **Child 4**
24 is that correct?

25 A. She was.

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1 Q. And you weren't able to see the twins very
2 well, but they were the ones on the couch; right?

3 A. You could see them when they picked them up to
4 take them out.

5 Q. When you got there, had a search warrant
6 already been obtained by other law enforcement officials
7 to search the house?

8 A. It was by the Lancaster Police Department.

9 Q. And while you were there, did that search
10 warrant get executed so y'all can take pictures and go
11 into the house and search for things?

12 A. Yes.

13 Q. What kind of things were you looking for that
14 day?

15 A. Typically just -- specifically, you want to
16 see the area where the child passed away. Obviously,
17 you want to obtain photographs. There was a question as
18 to why she was naked when first responders arrived. So
19 we wanted to see if we could find the diaper she was
20 last wearing.

21 We also wanted to look for the Pedialyte or
22 the Tylenol, either to get a picture or to take it,
23 since that's what they said they were using to treat her
24 with.

25 Q. And there is a body camera, I believe by

DIRECT EXAMINATION - B. MAY

1 Lieutenant Small, that's already been put into evidence.

2 But did you walk with him throughout that body
3 cam?

4 A. Yes, ma'am. He took the photographs.

5 MS. CAMPBELL: Your Honor, at this time the
6 State would like to publish that body camera.

7 THE COURT: Okay.

8 MR. FRICK: I think it's already in evidence.

9 MS. CAMPBELL: It's in evidence.

10 THE COURT: Would that be 183?

11 MS. CAMPBELL: Correct.

12 THE COURT: And that's not been published
13 before; correct?

14 MR. FRICK: It has not.

15 Q. (By Ms. Campbell) Agent, I want to talk a
16 little bit about a couple of things you saw in there.

17 While you-all were upstairs going through the
18 bedding and things in the master bedroom and the
19 children's bedroom, you kept referring to a smell.

20 What was the overriding smell in this house?

21 A. Feces and urine.

22 Q. And when you went into the kitchen area, there
23 was as deep freezer over in the corner?

24 A. There was. Yes, ma'am.

25 Q. Did y'all ever search that?

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1 A. We didn't.

2 Q. Why not?

3 A. When I walked into the kitchen, there was a
4 large rug leaned up against the side of the deep freezer
5 and there were pots and pans and things stored on top of
6 it and I didn't think to move it because I didn't think
7 it was being used.

8 Q. When y'all were upstairs, the cribs, did those
9 have sheets on them?

10 A. They did not. They had sheets on them or
11 blankets on them. I'm sorry. But no fitted sheets on
12 the mattress.

13 Q. And were there any stains on the mattresses
14 themselves?

15 A. There was, there was feces on the mattresses.

16 Q. And as you walk in that master bedroom, where
17 was the crib that supposedly **A.W.** stayed in?

18 A. If you walked through the door of their master
19 bedroom, hers was the dark brown one to the right.

20 Q. And in that -- what was the bedding like in
21 that crib when y'all found it?

22 A. There was one large adult pillow with no
23 pillow case that had some staining on it. And then just
24 that one blanket with the flowers on it. That was the
25 only blanket that was in her crib.

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1 Q. And in talking about upstairs, there's another
2 room where there was a bunkbed of sorts; right?

3 A. Yes, ma'am.

4 Q. And how many mattresses was on that bunkbed?

5 A. There was one actual mattress on the bottom
6 bunk, nothing on the top bunk, it was just the wooden
7 slats. And the object that was against the wall was a
8 box spring.

9 Q. And box spring?

10 A. Uh-huh. Yes, ma'am.

11 Q. Is that what y'all were referring to moving
12 and making noise?

13 A. Yes, ma'am.

14 Q. While you were upstairs, I notice in this that
15 y'all actually collected some evidence from the master
16 bedroom?

17 A. We did. Yes, ma'am.

18 Q. I'm going to show you State's Exhibit No. 217
19 and first ask if you recognize this?

20 A. Yes, ma'am. This was the bottle that was
21 under the crib that A.W. [REDACTED] was sleeping in.

22 Q. Then I'm going to show you what's been marked
23 as State's Exhibit 218.

24 Is this the other item y'all collected that
25 was depicted in that --

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1 A. Yes, ma'am.

2 Q. What is this item?

3 A. That should be the large blanket that was in
4 A.W.'s crib, the dark brown crib.

5 Q. Did it also have certain stains and odors?

6 A. There was a thick white stain on it and then
7 there was actual feces on that one that we could see and
8 smell.

9 MS. CAMPBELL: Your Honor, at this time we'd
10 offer 217 and 218 into evidence.

11 MR. FRICK: Subject to previous --

12 THE COURT: Subject to what has already been
13 placed on the record, 217, 218 into evidence for the
14 State.

15 (State's Exhibit 217, Bottle, was entered
16 into evidence.)

17 (State's Exhibit 218, Blanket, was
18 entered into evidence.)

19 Q. (By Ms. Campbell) Why did you collect the
20 bottle that was found underneath? I believe in the
21 video you had said it had some feces on it as well?

22 A. It did have feces on the outside of the
23 bottle.

24 Q. Why did you collect that bottle and the
25 blanket?

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1 A. At the time, we didn't know what happened to
2 A.W. So waiting for autopsy, waiting for all the
3 tests and stuff that they do, if that was a bottle that
4 she had used recently, which we thought it was because
5 there was liquid staining in it, it would be good to
6 have that if the autopsy slides presented that she had
7 toxins or she had gotten into some kind of cleaners and
8 swallowed it or something like that, then we would have
9 that available to try and get it tested to see if it had
10 the same toxins.

11 Q. But her toxicology, she didn't have any
12 poisons or toxins in her blood, so there was no testing
13 done?

14 A. Yes, ma'am. There was nothing like that found
15 in her autopsy.

16 Q. There was also -- I noticed an area under the
17 stairs and a room right next to it where y'all actually
18 had to get a key to get into those areas?

19 A. Yes, ma'am.

20 Q. In the area under the stairs that y'all had a
21 key and opened and looked into, what was that area?

22 A. It was just a little closet under the stairs.
23 It had various items, Christmas decorations, diapers,
24 things like that.

25 Q. And that was locked when y'all got there?

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1 A. It was locked.

2 Q. And there was another door, a fourth bedroom
3 that was downstairs?

4 A. Yes, ma'am.

5 Q. Can you describe, did you have to get a key to
6 get into that?

7 A. We did, yes, ma'am. Mr. White actually
8 brought us the key for it.

9 Q. Once you entered that room, can you describe
10 it for the jury, what you saw?

11 A. It's the room that had the, I guess the nicest
12 things in the house, maybe that they didn't want the
13 kids to have access to. His shoes on the wall. Things
14 sitting on the dresser.

15 Then in the closet, there was these plastic
16 containers that you could get from the Dollar store that
17 was filled with snacks. I just remember seeing a bunch
18 of Cheetos bags in the closet.

19 Q. Without going through the photos again, those
20 were photographed?

21 A. They were photographed. Yes, ma'am.

22 Q. But the actual snacks, which was the only
23 available food that was on this level, was locked in
24 that room?

25 A. It was locked and it was in the closet inside

DIRECT EXAMINATION - B. MAY

1 of those plastic --

2 Q. Were there any beds in that fourth bedroom
3 where these seven children resided?

4 A. In the fourth bedroom? No, ma'am. Just a
5 couch that was covered with things.

6 Q. That's the downstairs bedroom; right?

7 A. Yes.

8 Q. During your search of the house, specifically,
9 you mentioned looking for A.W.'s diaper, Pedialyte,
10 Tylenol, things like that?

11 A. Yes, ma'am.

12 Q. And was that based on the interviews at the
13 hospital?

14 A. It was. And that was right before we got back
15 to the apartment.

16 Q. And you can see part -- you doing part of your
17 search on this but did you continue to search the house
18 that's not recorded on body cam?

19 A. I did, yes, because my body camera wasn't on.

20 Q. And during the course of your search, when you
21 searched the trash, the cabinets, all the areas of the
22 house, were you able to find the Children's Tylenol that
23 would appropriate for A.W.?

24 A. No. I never found any medication.

25 Q. Pedialyte?

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1 A. I never found any Pedialyte either.

2 Q. What about the diaper that A.W. was
3 supposedly wearing?

4 A. I never found it. We thought that maybe we
5 had found it in the living room. But the officer who
6 had been standing by in the living room while Janesa
7 Campbell and the kids were in there, said that that was
8 from them getting the kids ready to leave because it was
9 cold outside.

10 I guess Ms. Campbell was changing diapers
11 possibly. We never found Amina's pamper.

12 Q. You also mentioned earlier that y'all were
13 going to do a reenactment with Shaquanda and with David
14 White; is that correct?

15 A. Yes, ma'am.

16 Q. And I want to show you State's Exhibits 247
17 and 248.

18 Are these clips from the reenactment just with
19 David White as admissible?

20 A. Just with Mr. White. Yes, ma'am.

21 Q. And those clips were recorded on this?

22 A. They are.

23 MS. CAMPBELL: Your Honor, at this time we'd
24 offer 247 and 248 into evidence.

25 MR. FRICK: No objection.

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1 THE COURT: Without objection, 247 ad 248 for
2 the State.

3 (State's Exhibit 247, Video reenactment,
4 was entered into evidence.)

5 (State's Exhibit 248, Video reenactment,
6 was entered into evidence.)

7 MS. CAMPBELL: Your Honor, permission to
8 publish?

9 THE COURT: Okay.

10 (Video played.)

11 Q. (By Ms. Campbell) That was the first video
12 clip where he's showing you where he saw her that
13 morning?

14 A. Yes, ma'am.

15 Q. And the time periods that he mentions in here,
16 are a little different from what he told you at the
17 hospital?

18 A. Slightly, but it's fairly close.

19 (Video played.)

20 Q. (By Ms. Campbell) In that clip, was he showing
21 you how he was performing CPR downstairs?

22 A. He was. Yes, ma'am.

23 Q. And the orange doll in this was just something
24 for you to use to kind of -- for him to use to show?

25 A. Yes, ma'am. It is actually issued by SLED for

DIRECT EXAMINATION - B. MAY

1 our specific roles in child fatalities.

2 Q. Once you were there at the scene, were you
3 aware that during the course of this investigation, the
4 Lancaster Police Department collected the video showing
5 the exterior of [REDACTED] Pardue Street?

6 A. Yes, ma'am. I watched it with Detective
7 Burns, with Detective Whitaker later on.

8 Q. And just for the record, [REDACTED] Pardue, that's
9 here in Lancaster County?

10 A. It is, yes, ma'am, in the city limits.

11 Q. And what period of time is specifically on
12 there that's significant as far as this case is
13 concerned?

14 A. What really stood out for us in the video was
15 that at 9:43 is when you see a male with a clothing
16 description very similar to Mr. White's come out of
17 [REDACTED]

18 And basing it on his testimony, he was the
19 only person in there with his fiancée and their
20 children. So that male comes out of the apartment. It
21 was really significant to us because he had a light in
22 his hand, in his right hand that was the shape of a cell
23 phone.

24 So that was significant to us, just in the
25 fact that, I don't know if you guys have ever lost

1 somebody or had to call 911. But the sooner that you
2 call, the better chance of somebody surviving. And
3 already 911 wasn't called until 9:45.

4 So that was a two-minute delay from him coming
5 out of the apartment at 9:43. When he comes out of the
6 apartment, he goes down the stairs with what looks like
7 a cell phone in his hand. Then he goes into his
8 neighbors apartment, which was Ms. Janesa Campbell that
9 came.

10 After that, there's a lot of movement.
11 Ms. Page comes out with A.W. in her hand and we know
12 that it's --

13 Q. Comes out from where?

14 A. [REDACTED]

15 Q. Where they lived?

16 A. Where they lived, yeah.

17 Q. So at that point, Ms. Page, the fiancée comes
18 out with A.W. in her arms?

19 A. Yeah. So seconds later, after Mr. White runs
20 into the neighbor's house, you can see Ms. Page come out
21 with the gray towel that the first responders were
22 describing, that's what A.W.'s body was in.

23 And she comes out and meets Ms. Janesa.
24 There's so much stuff going on outside of the apartment
25 that he didn't tell us in our statement, which was

DIRECT EXAMINATION - B. MAY

1 really concerning.

2 Q. Additionally, at some point you can see him
3 come back out of the neighbor's apartment while
4 Shaquanda Page was out there in the front with A.W. in
5 her arms?

6 A. Yes. I can't remember the timestamps of that
7 off the top of my head. But he does -- there's several
8 times that he runs in and out of Ms. Janesa Campbell's
9 apartment, goes back into [REDACTED] You can see him later
10 on in the video carrying the gray towel, which we assume
11 is with A.W.'s body, back into [REDACTED]

12 And I believe it was 9:51 is when first
13 responders were taking A.W. out to their truck on body
14 cameras to work on her, and they arrived at 9:50.

15 And right before, in that time, at 9:50, he
16 was running back into the apartment. So it was
17 concerning to me and Detective Burns because from the
18 reenactments, it seemed like the chest compressions went
19 on for a while with him. And there would only have been
20 maybe ten seconds, if that, of any form of CPR by the
21 time he would have made it back into the kitchen.

22 Q. I'm not following you quite. So let me back
23 it up.

24 A. Okay.

25 Q. At some point A.W. is taken -- comes outside

DIRECT EXAMINATION - B. MAY

1 with Shaquanda?

2 A. Uh-huh.

3 Q. And at some point, Mr. White is over next door
4 at Ms. Campbell's?

5 A. Yeah. I'm sorry. I can walk you through it.

6 So at 9:43, Mr. White runs out of his
7 apartment, which is [REDACTED] He's has what we thought was
8 a cell phone, that's a shape of a cell phone in his
9 hand. He comes down those front steps that you guys saw
10 last week in front of their apartment and he goes to an
11 SUV.

12 When he approaches the SUV, he runs back
13 upstairs and runs to Janesa Campbell's apartment, which
14 was two doors down at 2406.

15 Seconds after that, Ms. Shaquanda comes out
16 with A.W. in her arms and Ms. Janesa Campbell is coming
17 out of her apartment, I guess to go assess the
18 situation, is what she testified to.

19 Her and Shaquanda meet while A.W.'s out there
20 in her arms and everybody goes to back to Ms. Janesa
21 Campbell's apartment, which is not any part of the
22 statements that we received. So that was concerning.

23 At 9:45 p.m., Mr. White runs out of Janesa's
24 apartment, picks up one of his children that were inside
25 and takes them back into their apartment of [REDACTED]

DIRECT EXAMINATION - B. MAY

1 At 9:46, somebody else comes out of
2 Ms. Janesa's apartment at 2406. It looked like a male
3 in the video.

4 At that time, Mr. White is coming back out of
5 [REDACTED] where he had just dropped off one of his children
6 that he took back inside.

7 Q. And at this point, where is A.W.'s [REDACTED] body?

8 A. From the video, it appears she's in Janesa
9 Campbell's apartment which was not any part of our
10 testimony. That's what concerned us.

11 Q. Then what happens?

12 A. At 9:46 p.m., the male that we saw come out of
13 Ms. Janesa Campbell's apartment, unlocks the black SUV
14 that everybody's been centralizing towards, opens the
15 rear hatch and then goes back into Mr. White and Ms.
16 Page's apartment, [REDACTED]

17 I'm not sure why he goes back in there or who
18 exactly he was. Based on Janesa Campbell's statement,
19 we assume that it was her husband because she said that
20 Mr. White sat down with her husband for a while but I'm
21 not sure.

22 At 9:47 p.m., David takes A.W. [REDACTED] from Janesa's
23 apartment into their apartment of [REDACTED] And we can see
24 that because he's got the gray towel in his hand which
25 A.W. [REDACTED] was wrapped in.

DIRECT EXAMINATION - B. MAY

1 At 9:48 p.m., Mr. White ran out of the his
2 apartment and back to Ms. Janesa Campbell's apartment.

3 At 9:49 p.m., whoever the other gentlemen was
4 that was in [REDACTED] came back out of [REDACTED] Pardue and he
5 went to the driver's side of this SUV downstairs that
6 everybody was centralizing to.

7 The trunk hatch was still open at that time,
8 I'm not sure why.

9 At 9:50 and nine seconds, Mr. White leaves
10 Janesa's apartment and goes back into his own apartment
11 of [REDACTED] where A.W.'s [REDACTED] body has been. I'm not sure what
12 was going on in there.

13 At 9:50 p.m. and 15 seconds, first responders
14 arrive.

15 At 9:51, the first responders are seen
16 bringing A.W.'s [REDACTED] body out and Mr. White is seen going
17 back into Janesa Campbell's apartment for some reason.
18 It was just really confusing that nobody mentioned all
19 of that.

20 Q. David White was next door at Janesa Campbell's
21 apartment for the majority of the time that A.W. [REDACTED] was
22 back in [REDACTED]

23 A. Yes. He took her body back into [REDACTED] at 9:47
24 p.m. and then went back into Ms. Janesa Campbell's
25 apartment until first responders arrived.

DIRECT EXAMINATION - B. MAY

1 Q. So he was able to get back into [REDACTED] just
2 before first responders arrived?

3 A. Yeah. There's like maybe ten seconds in
4 between and you can see the lights flashing on the hill
5 where their apartment is.

6 Q. During the course of your investigation, were
7 you able to determine what pediatrician saw any of these
8 children?

9 A. The parents said the Children's Clinic was
10 their sole pediatrician.

11 Q. And was DSS responsible for getting and
12 providing records like from the Children's Clinic and
13 form MUSC Lancaster and things like that?

14 A. Yes. DSS got all of our records for us.

15 Q. That evening, were the surviving children
16 placed into what we call "kinship care" or with
17 relatives of David White?

18 A. Yes.

19 Q. We've talked about this a lot. But it takes
20 time for the autopsy and toxicology and all that to be
21 done in these cases?

22 A. It does. Everything takes a while because you
23 don't want to jump to a conclusion when somebody's loses
24 somebody.

25 Q. Because you want to give them every benefit of

DIRECT EXAMINATION - B. MAY

1 the doubt?

2 A. Uh-huh.

3 Q. And in this case, did it take a while for
4 things to develop?

5 A. It did. We didn't have a conclusion until the
6 middle of May. May 13th.

7 Q. And specifically were there, I believe, one or
8 two child fatality review meetings to go over what, if
9 any, evidence was available to you?

10 A. There was.

11 Q. In March and then ultimately in May?

12 A. Yes. We had one March 9th and May 13th.

13 Q. And May 13th, after that child fatality
14 review, were warrants sought in this case?

15 A. They were by the Lancaster Police Department.

16 Q. And who all was charged in this case with this
17 crime?

18 A. Both Ms. Shaquanda Page and Mr. White.

19 Q. What were they charged with, ma'am?

20 A. There were six counts of unlawful conduct
21 towards a child. With that statute, we do one per child
22 because you address the concerns for each child.

23 So the six surviving children had six counts
24 of unlawful conduct towards a child. And then the
25 homicide by child abuse was for A.W. and both parents

DIRECT EXAMINATION - B. MAY

1 were charged.

2 Q. With the six counts each and one count --

3 A. Yes.

4 Q. -- did you also attempt to interview both
5 Shaquanda Page and David White again on May 13th?

6 A. We did, at the police department.

7 Q. Where did that take place?

8 A. At the Lancaster Police Department.

9 Q. Thank you.

10 During the course of that interview, which has
11 already been published, did y'all advise them of their
12 rights?

13 A. We did, both of them. Yes.

14 Q. Why did you do that at that point?

15 A. Just to be safe. I did know that the
16 Lancaster Police Department was going to arrest them
17 after the interview. But also they're in a locked
18 facility. Even though they consented to come to it, you
19 just want to make sure that they're aware of their
20 rights.

21 Q. Did David White, specifically for this case,
22 waive his rights and talk to you that day?

23 A. He did waive his rights and talked to us.

24 Q. As is recorded in that interview?

25 A. Yes.

DIRECT EXAMINATION - B. MAY

1 Q. And the purpose of that interview that day,
2 was it to go over basically his extent of the care and
3 his involvement with the children?

4 A. It was. I realized in our first interview at
5 the hospital, where we just get the basic fact-findings
6 and a timeline for the doctor and the pathologist and
7 our investigation, I realized that we didn't take the
8 time to ask him their normal routines about their
9 lifestyle, his roles in terms of what his schedule would
10 be everyday.

11 So that's what we wanted to do with both
12 parents.

13 Q. And in the course of that interview, I noticed
14 also that there was a mention that they had family
15 support.

16 Was that a situation for both Shaquanda and
17 for David White in this case?

18 A. Yes, both said they had family support.

19 Q. During the course of that interview, though,
20 did it come up again about what had happened that day?

21 A. It did.

22 Q. And did David White's story change from what
23 he had told you previously?

24 A. Completely. Yeah, it was a completely
25 different story.

DIRECT EXAMINATION - B. MAY

1 Q. And this time he said what had he been doing
2 that day?

3 A. This time he said that he had gotten off work
4 at 8:00 p.m. the day that A.W. [REDACTED] died. And that he
5 came home and him and Ms. Page were arguing. They
6 finished their argument and he went upstairs and found
7 A.W. [REDACTED] dead in her crib.

8 Q. During the course of that interview as well,
9 did it come up that he was having issues with Shaquanda,
10 his fiancée?

11 A. It did. And that's really the first time that
12 I had heard him say something or her say something about
13 them having -- I can't say "marital issues" because they
14 weren't married but relationship issues.

15 And from my experience in child death cases or
16 child abuse cases, it's really important to figure out
17 what kind of relationship the mom and dad have. Because
18 if you've got turmoil going with the parents, sometimes
19 that can spill over onto the children. So I try to get
20 a little bit more information about what they were
21 arguing about.

22 Q. During the course of all your interviews with
23 David White, did he indicate where he lived?

24 A. Yeah. At [REDACTED] Pardue.

25 Q. Did you have an opportunity to run a driver's

DIRECT EXAMINATION - B. MAY

1 license check on him as far as where he listed his
2 address?

3 A. Yes.

4 Q. Where was his address?

5 A. His address up until '22, which was a year
6 after her death, was [REDACTED] Pardue Street.

7 Q. During this time period and the years leading
8 up to it, I believe it's 2016 forward, he lived at [REDACTED]
9 Pardue --

10 A. [REDACTED] yes, ma'am. In late 2016 is when he got
11 his license.

12 Q. During the course -- and finally about this
13 interview, towards the end you were making conversation
14 with him, why is that?

15 A. Detective Burn's -- well, Detective Whitaker
16 had walked out so it was just me and him sitting in
17 there. I was just trying to keep the conversation
18 going. I also try to treat people the way I'd want to
19 be treated when I'm talking to them, so we just sat and
20 talked.

21 At that point, he started opening up about
22 having martial issues with Ms. Page and I wanted to get
23 more information on that, until I think on the video you
24 hear Lieutenant Small come in and takes over from there.

25 Q. And you mentioned that Shaquanda Page was

DIRECT EXAMINATION - B. MAY

1 charged with homicide by child abuse and six unlawful
2 conducts.

3 She's had her day in court and been convicted
4 on those charges?

5 A. Yes. Her stuff is done.

6 Q. And we're here today for David White?

7 A. Yes, ma'am.

8 Q. Let me ask you this: Are you familiar with --
9 at MUSC, is there an actual neonatal intensive care unit
10 there?

11 A. There's not, not at MUSC Lancaster.

12 Q. But there is one at MUSC Charleston?

13 A. Yes.

14 Q. There has been some testimony about some
15 phones that were ultimately taken.

16 When were those phone actually taken from
17 these two defendants?

18 A. They were taken on the day they were arrested,
19 May 13th.

20 Q. At that point, you felt it was appropriate to
21 take their phones?

22 A. Yes.

23 Q. Defense Exhibit 2 shows a series of some
24 thumbnails, some photos that were found on, I believe,
25 on Ms. Page's phone; is that correct?

DIRECT EXAMINATION - B. MAY

1 A. Yes, ma'am.

2 Q. Let me back up. I forget to mention one
3 thing.

4 State's Exhibit 234, when advising the
5 defendant of his rights, did you actually fill out a
6 sheet where he initialed and signed as to understanding
7 his rights?

8 A. We did, yeah. Just to be safe and to make
9 sure he understood them.

10 Q. In fact, at the top part is where he's read
11 those rights -- it's actually on video; right?

12 A. Yes, ma'am. It's on video.

13 Q. And then these were his initials?

14 A. Yes, ma'am.

15 Q. And down at the bottom is a Waiver of Rights.
16 Is that what he signed indicating he wanted to talk to
17 you?

18 A. That is before we talked to him. Yes, ma'am.

19 Q. Or he was willing to talk to you?

20 A. Uh-huh.

21 MS. CAMPBELL: Your Honor, at this time we'd
22 offer State's 234 into evidence.

23 MR. FRICK: No additional --

24 THE COURT: Other than what is already been
25 noted on the record?

DIRECT EXAMINATION - B. MAY

1 MR. FRICK: Yes, sir.

2 THE COURT: 234 into evidence for the State.

3 (State's Exhibit 234, Waiver of Rights
4 Form, was entered into evidence.)

5 Q. (By Ms. Campbell) I want to show you what's
6 been marked as State's Exhibits 219 through 224.

7 The thumbnails in what the defense exhibit
8 showings, are these some of those photographs that were
9 taken from the phone?

10 A. They are. Yes, ma'am. Yes.

11 Q. Those are just bigger colored photos of what's
12 already in Defense Exhibit 2, I believe; right?

13 A. Yes. These are small and in black and white.

14 MS. CAMPBELL: Your Honor, at this time we'd
15 offer State's Exhibits 219 through 224.

16 MR. FRICK: No objection, your Honor.

17 THE COURT: Without objection, 219 through 224
18 into evidence for the State.

19 (State's Exhibits 219 through 224,
20 Photographs, were entered into evidence.)

21 Q. (By Ms. Campbell) And to be fair, Defense
22 Exhibit No. 3 is also one of those photographs; is that
23 correct?

24 A. Yes.

25 Q. And what child is this that was taken

1 supposedly on February 17th of 2021?

2 A. That was is Child 4

3 Q. How do you know it's Child 4

4 A. Well, from my interactions with the children.

5 But looking at this photo, I can tell that it's Child 4

6 There's also two different hairstyles between Child 4 and

7 A.W.

8 Q. To be fair, Child 4 and A.W.'s hairstyle,

9 there's some of the same beads used?

10 A. The same colors, yeah. They have black and

11 white beads, both of them.

12 Q. But is there a significant difference if you

13 -- just looking at the face, you can tell it's Child 4

14 A. I can tell by the face, yeah.

15 Q. But in looking at the hairstyle as well, is it

16 significant?

17 A. Child 4 hair is longer, so that's significant

18 to me. And then the actual hairstyles and the way that

19 it's patterned is different between the two children.

20 Q. Showing you State's Exhibits 219 and 223, does

21 that kind of show the front and the back of her hair

22 that day?

23 A. It does. Yes, ma'am.

24 Q. And if someone were to get up here and say

25 that this was A.W. that simply wouldn't be true?

DIRECT EXAMINATION - B. MAY

1 A. It would not be true.

2 Q. Because A.W.'s hair in State's 231 and 232 is
3 significantly different?

4 A. Yes, ma'am. The pattern on the back is
5 different. And A.W. has -- I remember she has like a
6 bun in the top middle. And Child 4 was as twist that
7 was just becoming unraveled on the top of her head.

8 Q. And the clips, as I showed a minute ago,
9 specifically as showed in 219, this actually shows this
10 child looking downward; is this correct?

11 A. Yes. That's Child 4

12 Q. And there's two things here and one in the
13 middle with actual beads in them; is that correct?

14 A. Yes, ma'am. And she has a middle part that's
15 prominent.

16 Q. And if you look at State's Exhibit 226, this
17 is the clip from video from the scene of Child 4

18 A. Yes, ma'am.

19 Q. Is that the exact same hairdo?

20 A. Yes, it is.

21 Q. Is that significantly different from anyone
22 trying to say that this is A.W.

23 A. Yes. A.W.'s did not have the prominent
24 middle part. Hers started more -- maybe a few inches
25 into her head.

1 Q. And does it appear that Child 4 also had more
2 braids in the back of her head?

3 A. Yes. And Child 4 hair is longer overall.

4 Q. And let's be straight. State's Exhibit 224,
5 who is that?

6 A. That's Child 4

7 Q. But there were no photographs of A.W. from
8 that day?

9 A. No.

10 Q. David White, the father of all these children,
11 do you see him here in the courtroom?

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

13 Q. And can you identify him for the record?

14 A. He's sitting beside Mr. Frick in a white shirt
15 with a red tie.

16 THE COURT: Let the record reflect that this
17 witness has identified the defendant, Mr. White.

18 Q. (By Ms. Campbell) And that's the person that
19 you interviewed back in 2021 about the death of his
20 daughter and the abuse of his children?

21 A. Yes.

22 MS. CAMPBELL: Thank you. I don't have
23 anything further.

24 THE COURT: Mr. Frick, would you be good with
25 having your cross done after lunch?

STATE'S CASE - CONTINUED

1 MR. FRICK: That would be fine, your Honor.

2 THE COURT: Ladies and gentlemen, we're going
3 to break for lunch. And if you could be back here at
4 2:30. Hopefully that will give you enough time to get
5 you a bite and get back to work. Have a good lunch.

6 (Jury exited.)

7 THE COURT: Okay. We'll be in recess until
8 2:30 p.m.

9 (Whereupon, a recess was taken.).

10 * * * * *

11 P R O C E E D I N G S

12 - September 3rd, 2024 -

13
14 THE BAILIFF: All rise.

15 THE COURT: Please be seated. We're back on
16 the record.

17 Before we bring the jury out, just a point of
18 clarification:

19 The four ER photos that defense wants in, what
20 are those? Have they been premarked yet?

21 MR. CAMPBELL: Judge, we went ahead and put
22 them in.

23 THE COURT: Are they in with the State?

24 MS. CAMPBELL: With the State.

25 THE COURT: Can you identify which?

STATE'S CASE - CONTINUED

1 MS. CAMPBELL: Yes, sir. And I identified for
2 the court reporter on the break.

3 Court's 5, which were the ones that were
4 originally not admissible, were State's Exhibits 240
5 through 246.

6 THE COURT: Wait a minute.

7 240?

8 MS. CAMPBELL: Through 246.

9 THE COURT: 240 through 246.

10 MS. CAMPBELL: And the four that Mr. Frick
11 wanted in are State's Exhibits 236 through 239.

12 MR. FRICK: That's correct.

13 THE COURT: And those are State's exhibits?

14 MS. CAMPBELL: State's Exhibits.

15 THE COURT: Okay. I just didn't know if they
16 were separate or in that batch.

17 MR. FRICK: Judge, we just did it that way to
18 kind of expedite things.

19 THE COURT: That's fine.

20 Just with respect to what we've already put on
21 the record, that in light of the fact that defense
22 wanted four of those ER photos into evidence, which I
23 had previously not allowed any to come in from the ER,
24 that opened the door -- acknowledge that it opened the
25 door to allow the State to put in some?

CROSS-EXAMINATION - B. MAY

1 MR. FRICK: Yes, sir.

2 MS. CAMPBELL: Thank you, sir.

3 THE COURT: Very good.

4 And I understand Officer May is the last
5 State's witness. Is that correct?

6 MS. CAMPBELL: Yes, sir.

7 THE COURT: Let's bring the jury in, please.

8 (Jury entered.)

9 THE COURT: Let the record reflect the jury is
10 back in.

11 Ladies and gentlemen, hope you had a good
12 lunch and ready to get back to work.

13 Mr. Frick, are you ready for
14 cross-examination?

15 MR. FRICK: I am, your Honor, thank you.

16

17 **CROSS-EXAMINATION**

18 **BY MR. FRICK:**

19 Q. I'm going to call you Agent May. Is that all
20 right?

21 A. That's fine.

22 Q. I know you're in Rock Hill now but I've got
23 you as Agent May in my head so that's what I'm --

24 A. That's fine.

25 Q. Okay. Agent, you responded to the hospital;

1 correct?

2 A. I did, first, yes, sir.

3 Q. Just to be clear, this is a Lancaster Police
4 Department case; correct?

5 A. Yes.

6 Q. And you were called in because SLED is an
7 assisting agency; correct?

8 A. Yes.

9 Q. And you kind of have a speciality or had a
10 speciality in these types of cases.

11 So that's what your role was, assisting
12 Lancaster in the investigation of this case?

13 A. Yes, sir.

14 Q. And you were present when the photos were
15 taken in the ER; is that correct?

16 A. By Lieutenant Small.

17 Q. Lieutenant Small took them but you were in the
18 ER?

19 A. Yes, sir.

20 Q. Do you remember -- I'm not going to say a
21 time -- that's not what I meant.

22 The pictures were not taken until all
23 resuscitative efforts had stopped; correct?

24 A. Correct.

25 Q. And she had been pronounce dead, A.W. had

CROSS-EXAMINATION - B. MAY

1 been pronounced dead?

2 A. Yes, sir.

3 Q. And that's when the photographs, that are now
4 into evidence, were taken?

5 A. Yes, sir.

6 Q. And at the hospital, she didn't have a diaper
7 there, did she?

8 A. She did not.

9 Q. We never found a diaper, did we?

10 A. We did not.

11 Q. Obviously, you talked with Mr. White at the
12 hospital; correct?

13 A. Yes.

14 Q. And that is after all of this -- the
15 photographs had been taken, she had been pronounced
16 dead, that's when you're talking to the family; correct?

17 A. Yes, sir.

18 Q. And then immediately after that, y'all go back
19 over to the apartment?

20 A. Yes.

21 Q. And that's when we have the -- after some
22 time, that's when we had the reenactment that occurred
23 that we've seen the video of?

24 A. Yes.

25 Q. There was some body cam of you, I'm going to

CROSS-EXAMINATION - B. MAY

1 call it, in the living room. It's the room where all
2 the children were?

3 A. Yes, sir.

4 Q. And they're getting the children out of the
5 room. And I think it was, if you remember, it was about
6 1:56 or so in the morning. Does that sound right?

7 A. I know it was after midnight, so that could be
8 right.

9 Q. Okay. I'm going to show you Defense No. 1.
10 This is the crime scene log that's been admitted into
11 evidence.

12 You're on there. Isn't that correct?

13 A. Yes, sir.

14 Q. You're Number 18 there; right?

15 A. Yes.

16 Q. Does it indicate what time you got on the
17 scene?

18 A. 1:55.

19 Q. It doesn't say when you left the scene, does
20 it?

21 A. It does not.

22 Q. Somewhere around 2 o'clock you're back over at
23 the apartment.

24 And that's your first interaction at the
25 apartment; right?

CROSS-EXAMINATION - B. MAY

1 They're clearing so law enforcement can do the
2 search warrant; is that right?

3 A. Yes.

4 Q. Then you were there on scene from that point
5 until law enforcement cleared?

6 A. Yes, sir.

7 Q. Do you have any idea what time law enforcement
8 finally cleared?

9 A. I don't.

10 Q. That's fine. It was a while thought; right?

11 A. It was while. Yeah.

12 Q. Y'all weren't there 15 minutes and done?

13 A. Uh-huh.

14 Q. It was fair to say maybe a couple of hours?

15 A. Probably. I know it was at least an hour.

16 Q. Fair to say that y'all were doing that
17 reenactment about 3 o'clock in the morning?

18 A. It's possible.

19 Q. The time is on your body camera; right?

20 A. It should be. Yeah.

21 Q. And to your knowledge is it accurate? To the
22 best of your knowledge?

23 A. Yes, to the best of my knowledge.

24 Q. Obviously, you were sitting up there when we
25 played Lieutenant Smalls' body cam. There was some

1 indication by officers that it was worn in the
2 apartment. Do you recall?

3 A. It was really warm.

4 Q. "Really warm"?

5 A. Yeah.

6 Q. And this was, of course, February; right?

7 A. Yes, sir.

8 Q. But the apartment was really warm?

9 A. Uh-huh.

10 Q. As y'all are going through, you go by one of
11 the rooms and it's got "Quinton" on the door.

12 Did you ever find out through this
13 investigation who Quinton was?

14 A. We found out Quinton was Ms. Page's son from a
15 previous relationship.

16 Q. Was he in that home?

17 A. He was not.

18 Q. Do you know what happened to him?

19 A. He's in the care of, I believe it's a kinship
20 care, with another relative.

21 Q. But that is not Mr. David White's son;
22 correct?

23 A. That was not his son.

24 Q. But it is Shaquanda Page's son?

25 A. It is. Yes, sir.

CROSS-EXAMINATION - B. MAY

1 Q. And he had been removed?

2 A. He's been removed.

3 Q. I know there is one point in there y'all are
4 trying to get into -- it was right after I think y'all
5 got into that little small closet.

6 Y'all were trying to get into that other door
7 that was locked?

8 A. Yes. The fourth bedroom downstairs.

9 Q. The fourth bedroom. Okay.

10 And y'all got in there because somebody asked
11 David White if he had a key; is that right?

12 A. Yes. He did bring us a key.

13 Q. He did bring you a key?

14 A. Uh-huh.

15 Q. Okay. Now, I know law enforcement is there.
16 I know you were on-scene. I know Lieutenant Small is
17 there. I think Burns is there.

18 Was there another Lancaster PD officer on the
19 scene?

20 A. There was one downstairs at the doorway
21 securing the residences while we searched.

22 Q. Okay. As you're conducting the search, there
23 were a couple of other people it looked liked to me. Is
24 that DSS?

25 A. Yes. They came in during the reenactment or

CROSS-EXAMINATION - B. MAY

1 just before.

2 Q. And the items that we collected that the State
3 introduced, specifically 217 and 218. 217 is the
4 bottle. I think you said there was some fluid in there?

5 A. There was a liquid in it. Yes, sir.

6 Q. We don't have any idea what it was though;
7 right?

8 A. I don't know.

9 Q. Then 218, was there any testing of that white
10 substance that you saw on there?

11 A. From that blanket?

12 Q. Yes.

13 A. No, sir.

14 Q. Was there any testing of the blanket at all?

15 A. No, we -- typically if it's something like
16 that, if we don't know what we're looking for, we don't
17 submit it for testing yet.

18 Q. And same on the bottle, it was not submitted
19 for --

20 A. No testing --

21 Q. -- any type of testing?

22 A. No, sir.

23 Q. At some point, do you recall if anybody said
24 that David and Shaquanda had issues with washing
25 clothes?

CROSS-EXAMINATION - B. MAY

1 A. It's from Ms. Page's testimony during her
2 reenactment.

3 MS. CAMPBELL: Your Honor, may we approach?

4 THE COURT: Yes.

5 (Sidebar conference held.)

6 THE COURT: Continue.

7 Q. (By Mr. Frick) Going back, I know you, I
8 guess clarified that SLED's policy was you only had to
9 have a body camera on when you're interacting with the
10 public; correct?

11 A. Yes.

12 Q. With your reenactment -- and I know it was
13 because of the reenactment, but you had your body camera
14 activated for that?

15 A. I did. Yes, sir.

16 Q. And you had your body camera activated when
17 you were interacting with the children --

18 A. Yes.

19 Q. -- initially on scene?

20 A. Yes, sir. Yes.

21 Q. And while Lieutenant Small is conducting the
22 search, you don't have it activated; is that correct?

23 A. I did not.

24 Q. And I believe you indicated that after he was
25 done, that you looked through some, the cabinets?

CROSS-EXAMINATION - B. MAY

1 A. In the kitchen is what you're talking about?

2 Q. Yes, ma'am. In the kitchen area.

3 A. Yes, sir.

4 Q. That was after he had completed his search?

5 A. No. It wasn't after he had completed the
6 search. So I didn't walk with him the entire way during
7 his photographs. But I looked around, I didn't move
8 anything. I didn't displace anything.

9 Q. I think Solicitor asked you about the child
10 fatality review y'all had as a whole, the group and that
11 included you, DSS, Dr. Lamp, law enforcement. Is that
12 -- I guess the coroner?

13 A. Yes.

14 Q. Am I missing anybody?

15 A. I can't remember who all specific attended,
16 but it can range from the first responders all the way
17 up to if the pathologist joined in.

18 Q. But in this case, that's kind of the core
19 group?

20 A. That was our core group. Yes, sir.

21 Q. And y'all had two meetings?

22 A. We did.

23 Q. And y'all are discussing the facts of the
24 case; is that fair to say?

25 A. Yes.

CROSS-EXAMINATION - B. MAY

1 Q. Then, by the time you had the meeting on the
2 13th, you had the information back from -- the
3 pathologist had gotten the information from the
4 toxicologist; correct?

5 A. Yes, sir. They got it the day before our
6 meeting.

7 Q. So they get it on the 12th. Y'all meet on the
8 13th to review that and that's when the charging
9 decision is made?

10 A. Yes, that morning. Yes, sir.

11 Q. And the police department gets the warrant;
12 right?

13 A. Yes, sir.

14 Q. This is not SLED's case?

15 A. No.

16 Q. This is Lancaster PD's?

17 A. Yes, sir.

18 Q. Now with David, you met with him at the
19 hospital and he's on-scene on the night of the 22nd
20 going into the 23rd?

21 A. Yes, sir.

22 Q. And that's when you do the reenactment as
23 well.

24 So you've had conversation with him on
25 February 22nd, 23rd; right?

CROSS-EXAMINATION - B. MAY

1 A. Yes.

2 Q. Then you have an interview with him on May
3 13th; correct?

4 A. Yes, sir.

5 Q. But there's no interviews in between; is that
6 fair to say?

7 A. Yeah. Not from me, not that I was any part
8 of. No, sir.

9 Q. You said you had some interactions with the
10 children. Do you recall how many times you interacted
11 with the children?

12 A. I remember meeting them in the apartment that
13 morning when we came back to do the search warrant.
14 Then I met -- I believe, I met two of them during
15 their -- like prior to their forensic interviews.

16 Q. And that would be the sum total of your
17 meetings?

18 A. Yes. Yes, sir.

19 Q. Let's briefly touch on the video of the
20 parking lot.

21 A. Yes, sir.

22 Q. And I think you weren't as specific as the
23 previous witness who said that definitely was David
24 White.

25 You were saying that it looked like it could

CROSS-EXAMINATION - B. MAY

1 have been David White; is that fair to day?

2 A. Yes. I was just basing it off of his
3 testimony and the dark clothing that he had on.

4 Q. And I believe you said at some point he takes
5 A.W. over to the other apartment?

6 A. From Ms. Campbell's apartment, yes, because
7 Shaquanda took A.W. initially. Yes, sir.

8 Q. That clarifies it for me. So Shaquanda takes
9 her over to Ms. Campbell's apartment?

10 A. Yes, sir.

11 Q. And correct me if I'm wrong, I thought you
12 said that David went in there and was in that apartment
13 for some period of time?

14 A. He goes back in there at some point and then
15 comes back out to Ms. Campbell's apartment --

16 Q. Okay.

17 A. -- from what I can tell from the video. Yes,
18 sir.

19 Q. Hold on. Let me make sure that I'm straight.
20 Shaquanda takes A.W. over to Ms. Campbell's apartment;
21 correct?

22 A. Yes, sir.

23 Q. Do we know whether David is or isn't in that
24 apartment, in Ms. Campbell's apartment at that time?

25 A. He's already in there.

1 Q. He's already in there?

2 A. Yes, sir.

3 Q. And when Shaquanda comes back out, does she
4 have A.W. [REDACTED]

5 A. No. I didn't see her with A.W. [REDACTED]

6 Q. So David is in Ms. Campbell's apartment with
7 A.W. [REDACTED] and whoever else is in there?

8 A. Whoever else, yes, sir.

9 Q. Do we know how long he's in there with A.W. [REDACTED]

10 A. I can get the notes that I have if you want me
11 to.

12 Q. I don't mind.

13 A. They're beside Ms. Campbell with my report.
14 What was your question again? I'm sorry.

15 Q. Any idea how long David was in Ms. Campbell's
16 apartment when A.W. [REDACTED] was over there?

17 A. It looks like two minutes from the time that
18 he's in there with her before you see him carrying the
19 gray towel back into his apartment.

20 Q. So about two minutes he's in the apartment?

21 A. Yes.

22 Q. Now, we have no clue what he's doing in the
23 apartment; correct?

24 A. Yes.

25 Q. We don't have a camera in the apartment so we

CROSS-EXAMINATION - B. MAY

1 don't know?

2 A. We don't know.

3 Q. But then he leaves and goes back over to his
4 apartment with A.W. correct?

5 A. He does.

6 Q. And what time was that again?

7 A. That was when he goes back with A.W.

8 Q. Yes, ma'am.

9 A. 9:47.

10 Q. 9:47?

11 A. Uh-huh. P.m.

12 Q. Okay. And do you recall when -- and you may
13 not, it was last week.

14 Do you recall when 911 or when EMS was
15 dispatched?

16 A. I don't. I know they arrived at 9:50.

17 Q. They arrived at 9:50?

18 A. Yeah. 9:51 they took her body out.

19 MR. FRICK: Beg the Court's Indulgence?

20 THE COURT: Sure.

21 Q. (By Mr. Frick) And I think you did testify
22 that you saw a deep freezer over there but you did not
23 go check it?

24 A. I did not go check it.

25 MR. FRICK: Thank you, ma'am.

1 That's all the question I have.

2 THE COURT: Any redirect, Solicitor?

3 MS. CAMPBELL: Just one or two questions.

4 Your Honor, may we approach?

5 (Sidebar conference was held.)

6

7 **REDIRECT EXAMINATION**

8 **BY MS. CAMPBELL:**

9 Q. I just want to clear up one quick thing.

10 He asked you some questions about a forensic
11 interview. Were there forensic interviews done or
12 attempted with **Child 1** and **Child 2** the two older children?

13 A. There were, yes.

14 Q. And were you able to get anything of any use
15 out of that?

16 A. We were not.

17 Q. They were not able to give you any useful
18 information?

19 A. No, ma'am.

20 MS. CAMPBELL: Thank you. I don't have
21 anything further.

22 MR. FRICK: No recross.

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

25 MS. MCGINNIS: Judge, at this time the State

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1 rests.

2 THE COURT: Thank you very much.

3 Ladies and gentlemen, I have a legal issue
4 that I need to deal with with the lawyers and outside of
5 your presence. So if you'll go back to the jury room
6 for a few minutes.

7 (Jury exited.)

8 THE COURT: Mr. Frick, any motions you want to
9 put on the record?

10 MR. FRICK: Yes, sir.

11 At this time, the defense would move for a
12 directed verdict on all charges. Judge, taking the
13 evidence in the light most favorable to the State, I
14 would submit that there is not circumstantial evidence
15 to prove that David White had the requisite knowledge or
16 information about what was going on in this home to
17 support the charge of homicide by child abuse or the
18 neglect charges.

19 While I would conceded he was present in the
20 home, he was not -- it has not been shown that he was
21 present enough to sustain those charges.

22 And in light of that, I would ask you to find
23 a verdict of not guilty and settle this in a matter of
24 law and not send it to the jury.

25 THE COURT: Thank you, Mr. Frick.

1 Viewing the evidence in the light most
2 favorable to the State, I find there is sufficient and
3 direct evidence and substantial circumstantial evidence
4 to justify sending all the charges to the jury.

5 I need to advise Mr. White concerning
6 testifying. So if you can kind of forewarn him what
7 this is going to be about.

8 Mr. White, if you would please stand.

9 And madam clerk, swear Mr. White in.

10 MADAM CLERK: Yes, sir.

11

12 **D A V I D W H I T E**, the Witness herein, having been
13 sworn by the Clerk of Court, was examined and testified
14 as follows:

15

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Mr. White, at this time, I'm going
18 to explain to you certain of your rights.

19 If you do not understand anything I say,
20 please let me know that. If you want me to explain
21 anything in more detail, let me know that as well.

22 Do you understand sir?

23 THE DEFENDANT: Yes, sir, your Honor.

24 THE COURT: Sir?

25 THE DEFENDANT: Yes, sir, your Honor.

1 THE COURT: We've now reached the stage of the
2 trial where you may present your defense. You have the
3 right to claim the protections given to you by the Fifth
4 Amendment to the Constitution of the United States.

5 This amendment states, in part: "No person
6 shall be compelled in any criminal case to be a witness
7 against himself."

8 This means that you cannot be required to
9 testify in this case. You have the right to testify on
10 your own behalf; however, no one can make you testify.
11 This is a personal right and no one can waive this right
12 except you, sir.

13 If you decide to testify, you will be subject
14 to the same rules that govern other witnesses and you
15 may be examined and cross-examined on any relevant issue
16 in this case, in addition.

17 If you have any convictions involving
18 dishonesty or false statement or for crimes punishable
19 by imprisonment for more than one year and this Court
20 determines that the probative value of admitting this
21 evidence outweighs any unfair prejudicial effect to you,
22 the Solicitor would be able to introduce your record to
23 attack your credibility.

24 If you decide to testify, this decision on
25 your part must be freely, voluntarily and intelligently

1 made by you with knowledge of the protections given to
2 you by the Fifth Amendment and the consequences of your
3 decision to testify.

4 If you decide not to testify, this decision
5 also must be made by you freely, voluntarily and
6 intelligently.

7 And if you decide not to testify, I will
8 instruct the jurors that they cannot give the fact that
9 you did not testify any consideration whatsoever and
10 that there is to be absolutely no prejudice to you
11 because you did not testify in this case. This is left
12 entirely up to you whether or not you testify.

13 Sir, I'm sure you've talked with your
14 attorney, maybe some family members, friends or anyone
15 else. But the final decision will be left entirely up
16 to you.

17 Do you understand what I've explained to you
18 Mr. White?

19 THE DEFENDANT: Yes, sir, your Honor.

20 THE COURT: And do you have any questions
21 about what I've explained to you?

22 THE DEFENDANT: No, sir, your Honor.

23 THE COURT: Are you prepared to tell me now
24 whether or not you'll testify or do you need to wait
25 later on in your case?

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1 I assume, Mr. Frick, you're putting up a case?

2 MR. FRICK: Yes, sir.

3 THE COURT: Do you need some more time before
4 you'll let me know?

5 THE DEFENDANT: Yes, sir, your Honor.

6 THE COURT: Sure. You've got it.

7 Thank you. Have a seat.

8 Just to have an idea, I'm not going to force
9 you to show your hand, but kind of an idea of what we
10 have in your case?

11 MR. FRICK: Judge, I have two witnesses in the
12 courtroom that I'm prepared to call. I got a third, but
13 I don't know exactly know where they are.

14 THE COURT: Is that third witness one that
15 maybe has a potential issue that was touched on very
16 briefly this morning?

17 MR. FRICK: No, sir. That's an additional
18 issue.

19 Judge, that is the lady from housing
20 authority. She said she is not available today. She
21 will only be available tomorrow.

22 THE COURT: Okay.

23 MR. FRICK: And to testify virtually.

24 I've discussed that with the Solicitor. I
25 don't think they have a problem with her just going

1 through the virtual courtroom like we did with a couple
2 other witnesses.

3 THE COURT: Sure.

4 MR. FRICK: It will not be an extensive
5 witness, just some stuff about housing.

6 I did have another witness that we were
7 hopeful could be able to be here today. She's the
8 former manager of the Popeye's here in town. She's no
9 longer at that location. I think she's working in Rock
10 Hill and if she couldn't be here this afternoon, she
11 said she'd probably be available in the morning. So
12 that would be that.

13 THE COURT: Sure.

14 MR. FRICK: Judge, the only other witness I
15 would anticipate then would be the possibility of my
16 phone expert. But I need to consult with him this
17 evening. He would not be available today anyway if I
18 were calling him. I need to consult with him to see
19 whether or not -- what we're going to do on that final
20 decision.

21 THE COURT: Very good.

22 It would appear and you correct me if I'm
23 wrong, that certainly you would be finished in your
24 case-in-chief by late morning, noon at the least?

25 MR. FRICK: Yes, sir.

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1 THE COURT: Are you prepared to put up anybody
2 now, do you need a few minutes?

3 MR. FRICK: Can you give me about five
4 minutes?

5 THE COURT: Yeah, sure.

6 (Whereupon, a short recess was taken.)

7 THE COURT: Okay. Mr. Frick, what's the
8 update?

9 MR. FRICK: One of my witnesses that -- the
10 Popeye's manager who is no longer local, unfortunately
11 couldn't be here this afternoon. But my investigator
12 had spoken with her and she'd be available at 10 o'clock
13 in the morning. I think I'd advised the Solicitor of
14 that.

15 And we were just talking about the other
16 witness that would be appearing virtually and see what
17 we need to there.

18 So I'll do two today, and it looks like two
19 tomorrow.

20 THE COURT: Okay. If you're ready, we'll
21 bring the jury out and get you going.

22 MR. FRICK: Yes, sir.

23 THE COURT: And just FYI, I would like to have
24 an informal charge conference with the lawyers before we
25 leave out today, assuming that you're not going to take

DIRECT EXAMINATION - C. LOWERY

1 the balance of the afternoon.

2 MR. FRICK: If I do, I'm doing something
3 wrong.

4 THE COURT: Let's bring the jury out, please.

5 (Jury entered.)

6 THE COURT: Let the record reflect that the
7 jury is back in.

8 Mr. Frick, are you ready to start your
9 case-in-chief?

10 MR. FRICK: Yes, sir.

11 The defense calls Cynthia Lowery.

12

13 **C Y N T H I A L O W E R Y**, the Witness herein, having
14 been sworn by the Clerk of Court, was examined and
15 testified as follows:

16 THE COURT: Take a seat. Give us your name,
17 spell your last name for us, please.

18 MS. LOWERY: Cynthia Lowery, L-o-w-e-r-y.

19 THE COURT: Thank you, ma'am.

20 You may proceed.

21

22 **DIRECT EXAMINATION**

23 **BY MR. FRICK:**

24 Q. Ms. Lowery, do you know David White?

25 A. I do.

DIRECT EXAMINATION - C. LOWERY

1 Q. And how do you know David White?

2 A. He's my son.

3 Q. Your biological son?

4 A. Yes, sir.

5 Q. Fair to say you've known him his whole life?

6 A. I have.

7 Q. Back in 2021, do you remember if he was
8 working?

9 A. He worked that morning.

10 Q. And, I mean, in the year of 2020?

11 A. Oh, yeah. He was working.

12 Q. Where was he working?

13 A. At Popeye's.

14 Q. Popeye's?

15 A. Uh-huh.

16 Q. I see you've got a shirt on that says
17 "Popeye's"?

18 A. I do.

19 Q. And I'm guessing you work at Popeye's?

20 A. I do.

21 Q. How long have you been at Popeye's?

22 A. Four years.

23 Q. Did you and David work together?

24 A. Yes, sir.

25 Q. Do you remember how often he would work?

DIRECT EXAMINATION - C. LOWERY

1 A. On his scheduled shift he would work.

2 Q. And do you remember about how long he had been
3 there?

4 A. He was there before I got there. And I got
5 there through him. But he was there before it was. So
6 he started a couple months before I did.

7 Q. And is it fair to say you knew when he went to
8 work because you would drive him to work?

9 A. Yes, sir.

10 Q. Now, did you know Ms. Page?

11 A. I did.

12 Q. Did you know David and Ms. Page had a
13 relationship?

14 A. I did.

15 Q. And obviously, you're aware that they had
16 children; correct?

17 A. Yes, sir.

18 Q. How was their relationship?

19 A. Rocky.

20 Q. Rocky?

21 A. Yeah, it was rocky.

22 Q. Tell me what you mean by that.

23 A. It was an on-and-off relationship. They would
24 be together; then they wouldn't be together. They would
25 be together; then they wouldn't be together.

DIRECT EXAMINATION - C. LOWERY

1 He was in and out of the house. He wasn't
2 there all the time but he was in and out of the house.
3 He was seeing other people too.

4 Q. Do you know who he was seeing?

5 A. Yeah. I know a couple. Yeah.

6 Q. And do you remember their names?

7 A. Uh-huh.

8 Q. Can you tell me?

9 A. Degracer Walls.

10 Q. Anybody else that you remember?

11 A. He was seeing one of the other girls that was
12 down from there but I can't remember what her name was.
13 I didn't deal with her.

14 Q. "Down from there," you mean at the apartment
15 complex?

16 A. Uh-huh.

17 Q. Pardue Street is what we're talking about?

18 A. Yes.

19 Q. Did you ever go over to their apartment
20 complex?

21 A. Yes, sir.

22 Q. About how often would go over there?

23 A. Not everyday. Every other day I would go by
24 because I would have to take him home. So I'd go in
25 there and play with the kids and let them run back out

1 and go home. So it wasn't everyday.

2 Q. And when you would go in there, you would get
3 to see all the children?

4 A. Yes, sir.

5 Q. How did they look?

6 A. They was fine when I was there.

7 Q. Seemed to be fed?

8 A. Yes, fed all the time. There wasn't a time
9 when they weren't saying, "Grandma, I'm hungry.
10 Grandma, I want this."

11 Q. And how about the apartment, do you remember
12 how it looked?

13 A. It wasn't perfect but it was liveable, yeah,
14 for -- you know, for her to be able to do what she would
15 do by having so many kids and him working outside the
16 home, it was liveable.

17 Q. Okay. Going back to when we talked about that
18 he would be in and out of the house.

19 What would cause him to leave the house? Do
20 you know?

21 A. Them falling out. They fall out a lot about
22 the kids. The kids would say, "Momma did this" and him
23 and her would get to arguing about what he said -- what
24 she said they did.

25 And so he would leave and stay gone for two,

DIRECT EXAMINATION - C. LOWERY

1 three days.

2 Q. And go to whichever other house he'd go to?

3 A. Yeah.

4 Q. Was there any other places he would go stay?

5 A. He would come to my house. My mom's house.

6 Q. Who's your mom?

7 A. Ruthie Hayden.

8 Q. Ruthie Hayden?

9 A. Uh-huh.

10 Q. And where did she stay?

11 A. She'd stay on Conner Street. She'd stayed
12 across the street from me.

13 Q. You're on Conner Street?

14 A. Uh-huh.

15 Q. And she's across the street?

16 A. Uh-huh.

17 Q. There are a few places David would go when he
18 had a fallen out. Is that fair to say?

19 A. Yes, sir.

20 MR. FRICK: Beg the Court's Indulgence?

21 THE COURT: Sure.

22 MR. FRICK: Thank you, Ms. Lowery. That's all
23 the questions I have. Please answer any the Solicitor
24 has.

25 THE COURT: Cross-examination, Solicitor?

1 MS. CAMPBELL: Yes, your Honor.

2

3 CROSS-EXAMINATION

4 BY MS. CAMPBELL:

5 Q. Ms. Lowery, he's your son; right?

6 A. Yes.

7 Q. And I believe you testified earlier today that
8 they didn't have a car at the time; is that correct?

9 A. No, not at the time they didn't.

10 Q. Because I think you would drive him pretty
11 much everyday too and to from work.

12 And y'all were working the same shifts, right?

13 A. Yes, ma'am.

14 Q. And even if you didn't drive him, he lived
15 pretty close to Popeye's, he could walk there?

16 A. Yes, ma'am.

17 Q. But you drove him most days?

18 A. Yes, ma'am.

19 Q. And your testimony is, here today, that he and
20 Ms. Page, they've been in a long term-relationship;
21 right?

22 A. Yes, ma'am.

23 Q. Child 1 I believe was seven years old when
24 this happened?

25 A. Uh-huh.

CROSS-EXAMINATION - C. LOWERY

1 Q. So they've been together eight years or more?

2 A. Yes, ma'am.

3 Q. And you'd describe it as "on and off"?

4 A. Uh-huh.

5 THE COURT: You need to verbally answer,
6 ma'am, and not nod.

7 THE WITNESS: Yes, ma'am.

8 MS. CAMPBELL: Thank you, your Honor.

9 Q. (By Ms. Campbell) Do you know where he listed
10 he lived on his application to Popeye's?

11 A. Pardue Street.

12 Q. At [REDACTED]

13 A. [REDACTED] Pardue Street.

14 Q. Which is where he lived with Shaquanda?

15 A. Yes, ma'am.

16 Q. Do you know where he kept his clothes?

17 A. My house, my mom house, her house.

18 Q. What about his shoe collection?

19 A. Her house, my house, my mom house.

20 Q. You had a shoe collection of his at your
21 house?

22 A. I had some shoes of his at my house and it
23 wasn't a collection. Most of the time, when he'd buy
24 shoes, he would take them home. So he would leave a
25 couple of pair at my house. Sometimes when he comes to

1 spend the night, they'll be there.

2 Q. But his primary residence was Pardue Street?

3 A. Yes, ma'am.

4 Q. And you aren't here today to say David White
5 wasn't a good father, are you?

6 A. No, ma'am. I'm not here to say that.

7 Q. And in fact, he was very involved with his
8 children, was he not?

9 A. Yes, he was.

10 Q. And he loved each and every one of them?

11 **Child 1**

12 A. Yes, ma'am.

13 Q. **Child 2**

14 A. Yes, ma'am.

15 Q. **Child 3**

16 A. Yes, ma'am.

17 Q. **Child 4**

18 A. Yes, ma'am.

19 Q. **A.W.**

20 A. Yes, ma'am.

21 Q. And the twins?

22 A. Yes, ma'am.

23 Q. So he was involved in their life?

24 A. Yes, ma'am.

25 Q. And I think, even by his own words, that he

CROSS-EXAMINATION - C. LOWERY

1 fed them everyday, he did stuff with them everyday.

2 Those were his words?

3 A. Yes, ma'am.

4 Q. And that's what he did because he was a
5 responsible father according to you; right?

6 A. Yes, ma'am.

7 Q. And do you remember back when all this
8 happened and I think you actually took the children into
9 to your home when A.W. died?

10 A. My mom took them into her home.

11 Q. She took them? And you helped, though?

12 A. Yes, ma'am.

13 Q. Is that fair to say?

14 A. Yes, ma'am.

15 Q. Because you all live right there together?

16 A. Yes, ma'am.

17 Q. And during that time period, for that couple
18 of weeks that the children stayed with y'all, I think
19 you had occasion where you had to take them to have a
20 medical evaluation done?

21 A. Yes, ma'am.

22 Q. And you took Child 5 and Child 6

23 A. Yes, ma'am.

24 Q. Child 3

25 A. Yes, ma'am.

1 Q. Child 4

2 A. Yes, ma'am.

3 Q. Child 2

4 A. Yes, ma'am.

5 Q. And Child 1

6 A. Yes, ma'am.

7 Q. Did do you remember when you got there
8 speaking to the staff at Dr. Lamb's office?

9 A. Yes, ma'am.

10 Q. And they asked you for a history of what
11 happened; right?

12 A. Yes, ma'am.

13 Q. And you told them that you had talked to the
14 parents, that you had talked to David about what
15 happened; right?

16 A. I hadn't talked to David. I talked to
17 Shaquanda.

18 Q. And this one says, "You talked to the parents
19 about what happened."

20 A. I talked to Shaquanda.

21 Q. And you reported to them about what had
22 happened that day?

23 A. Yes, ma'am.

24 Q. And you told them at the time that you and
25 David worked together at Popeye's?

CROSS-EXAMINATION - C. LOWERY

1 A. Yes, ma'am.

2 Q. And that you were a manager and he worked in
3 the kitchen?

4 A. Yes, ma'am.

5 Q. And that you drove him to -- "works with her
6 and drops him off each day"?

7 A. Yes, ma'am.

8 Q. And that you were in the home regularly and
9 seen the children?

10 A. Yes, ma'am.

11 Q. Did you also report to them what you knew
12 about A.W.'s condition?

13 A. I can't recall about the condition, but I told
14 -- when she asked me about it, I said, "I wasn't there.
15 I don't know what happen."

16 Q. Do you remember saying that A.W. had a low
17 temperature for a few days due to cutting teeth?

18 A. Oh, yes. She did call me and tell me A.W.
19 had a fever, Shaquanda did.

20 Q. And that she was feeling better the day of her
21 death?

22 A. That's what Shaquanda, that's what she told
23 me.

24 Q. You never talked to David about what happened
25 to A.W.

1 A. No, ma'am. I haven't.

2 Q. Were you aware of the fact that David was
3 there for most of that weekend when A.W. died that
4 Monday?

5 A. Yes, he was at home. He was home.

6 Q. So you aren't denying that he wasn't in that
7 home?

8 A. No. I'm not denying that he wasn't there.

9 Q. And their relationship was tumultuous, they
10 had fights?

11 A. Yes, ma'am.

12 Q. And as you said earlier that the home was in
13 good condition considering all the children that lived
14 there?

15 A. I didn't say "good." I said it was
16 "liveable."

17 Q. Considering how many children were living
18 there?

19 A. Yes, ma'am.

20 Q. And pretty much except for a two-year period
21 between Child 1 and David, they had a new child every
22 year?

23 A. Yes, ma'am.

24 Q. And you don't dispute those are David's
25 children?

DIRECT EXAMINATION - D.L. WHITE

1 A. No, ma'am.

2 Q. And just as you said a minute a go, you
3 weren't there that weekend?

4 A. No, ma'am. I wasn't.

5 Q. And so you don't know what happened in that
6 week or so leading up to this?

7 A. No, ma'am.

8 Q. But David was definitely responsible for his
9 children?

10 A. Yes, he was responsible for them.

11 MS. CAMPBELL: Thank you.

12 THE COURT: Any redirect?

13 MR. FRICK: Very briefly.

14

15 **REDIRECT EXAMINATION**

16 **BY MR. FRICK:**

17 Q. David was there but he was not there all the
18 time, is that fair?

19 A. No. He wasn't in the house all the time, but
20 he was there. He would be in and out.

21 MR. FRICK: Thank you, ma'am.

22 THE COURT: You may step down, ma'am.

23 MR. FRICK: Defense calls David White, Sr.

24

25 **D A V I D L. W H I T E**, the Witness herein, having

DIRECT EXAMINATION - D.L. WHITE

1 been sworn by the Clerk of Court, was examined and
2 testified as follows:

4 **DIRECT EXAMINATION**

5 **BY MR. FRICK:**

6 Q. Give us your name for the record, please.

7 A. My name is David Lee White.

8 Q. And do you know this David White?

9 A. Yes, I do.

10 Q. How do you know that David White?

11 A. That is my son, he was born May of 1994.

12 Q. So you've known him for quite a while?

13 A. I have.

14 THE COURT: Just a correction, Mr. Frick, he
15 would not be a senior.

16 MR. FRICK: I've been calling him that, that
17 would be correct.

18 THE COURT: They have a different middle name?

19 MR. FRICK: Yes, sir.

20 THE COURT: Just for point of clarification.

21 MR. FRICK: Thank you, your Honor.

22 Q. (By Mr. Frick) Sorry about that, Mr. White.

23 A. That's okay.

24 Q. Back in 2021, would you see David regularly?

25 A. Honestly, I would see Shay more than I would

DIRECT EXAMINATION - D. L. WHITE

1 David.

2 Q. Tell me about that.

3 A. As was already stated, they had a rocky
4 relationship and this has been for quite some time. It
5 goes all the way back to when he had his first child by
6 her, Laya, which is the first daughter that was born.

7 She already had -- I call her son "Tune," the
8 one that's in the -- in her --

9 Q. You're saying "she" and "her," who are you
10 talking about?

11 A. I'm talking about Shay. Shay and David.

12 Q. And "Shay," is that who we call Shaquanda?

13 A. Yeah, Shaquanda. I know her as "Shay."

14 Q. Go ahead.

15 A. They had a rocky relationship all the way back
16 to when she once had custody of her son, first-born son.

17 Q. Is that Quinton that we've talked about?

18 A. That's Quinton.

19 Q. What do you know about that?

20 A. Quinton, when I first met him and I -- I was
21 growing to know Shay and the relationship that she and
22 David shared. Quinton was -- he had some slight
23 disabilities, which he was unable to speak. But he was
24 a loveable kid.

25 And at that time, before Laya was born, which

1 is the first-born daughter, they would have arguments
2 and disagreement with -- I'm going to call him Tune if
3 that's okay?

4 Q. Sure.

5 A. That's what I knew him as, Tune. Tune would
6 always been an issue from time to time between the two,
7 Shay and David.

8 Q. Okay. So they would have discussions over the
9 children.

10 When that would happen, what would happen in
11 the home?

12 A. David would disappear.

13 Q. Do you know where he would go?

14 A. He -- I'll be honest, he was a lady's man. He
15 had other female friends that he would encounter from
16 time and frequent. And from time to time, he would see
17 them.

18 Q. Do you have any idea how frequent that would
19 be?

20 A. I would say -- I can't give you no exact days.
21 I know almost every time I would go over to the house at
22 the apartment in Pardue, [REDACTED] she would be there, but
23 he wouldn't be there.

24 Q. What were you going over to the apartment for?

25 A. My grandkids. And also to see about

DIRECT EXAMINATION - D.L. WHITE

1 Shaquanda, "Shay," as I call her.

2 When the children were born to both of them,
3 she had more on her plate than she could handle. And
4 what I mean by that is, I would go over there and she
5 would have -- the house would be in disarray. And me,
6 myself personally, I would say that it was not a safe
7 environment for the children to be in, because of the
8 things I would encounter when I'm over there.

9 And I would go over there and visit with my
10 grands and I have -- so when **Child 5** and **Child 6** when they
11 came home, I went over there to visit. And she was
12 there. David was not there, she was there. And she had
13 both of them on the sofa. One was at one end of the
14 sofa and the other one was on the other end.

15 What I noticed -- I picked the baby up, I
16 picked up the little boy first. No, I picked up the
17 girl first because **Child 6** was still asleep. So I grabbed
18 the little girl up, **Child 5** and I was holding her.

19 While I was holding her, I was looking at her
20 and observing at her and she's a beautiful child, but
21 then her head kind of went to the left and you could
22 that she wasn't clean and honestly, I got on Shay about
23 it.

24 I said, "Shay," or, "Shaquanda," I said,
25 "Shay, you know, this is no excuse for this right here."

1 I said, "This baby don't have any reason to be looking
2 like this. You got all this milk and stuff all caked up
3 under her neck."

4 And then I would see some other grands running
5 through house and they got diapers on that's just soiled
6 to the point where it was just sagging. And I would get
7 on her about those things.

8 I would say, "Shay, you got to do better than
9 this."

10 I'd say, "You the mom. Regardless of what
11 David got going on, take care of these kids."

12 And I get on David when I see him. And I
13 always would. We'd sit down and have a man-to-man talk.
14 And I'd tell him these things, "Look, man, these are
15 your kids, too, I said, "You've got to do your part."

16 And he'd tell me, "I'll talk to Shay again."

17 Every now and again when I would see David
18 there, we'd get in discussions and talk about certain
19 things.

20 He'd say, "Man, you know, I keep trying to
21 clean the house and Shay just let them tear the house
22 back up and stuff everywhere and whatnot."

23 I'm like, "Well, y'all got to work together on
24 that," I said, "but she has to do her part. When you're
25 working, she's got to do her part as well."

DIRECT EXAMINATION - D.L. WHITE

1 I'm a married man. I've been married for 19
2 years and I know it's a give and take. Sometimes I got
3 to take on the biggest part of the marriage sometimes
4 and my wife as well. It goes both ways. We've got to
5 help each other.

6 Q. Right. Right. When you observed these
7 things, was David in the home?

8 A. No.

9 Q. Do you know where he was?

10 A. On one of his adventures.

11 Q. And you said you had man-to-man talks with him
12 about that?

13 A. Yeah.

14 Q. Did you notice any change after those talks?

15 A. It would last for a little bit. He'd step up
16 to the plate and start doing things. And we would have
17 conversations about certain things that were going on in
18 the home that he doesn't like or agree with.

19 And I'd say, "that's something that you got to
20 sit down and talk about these things because the
21 children need both of you. You can't put all the
22 responsibility on her; nor could she put it all on you."

23 So these things that are -- that I feel, as a
24 man, when it comes to a home and there's a man and woman
25 there, that's the responsibilities that fall upon a

1 woman and the man. And for it to work together, they
2 both have to hold up their end of the bargain on what it
3 is to be a family. Because the woman can't do it all by
4 herself. But in case they do have to do it by
5 themselves, they have to work with what they got and
6 make sure those kids have what they need.

7 I come from a single-parent home. My mom had
8 -- when my dad flew the coop and went on his adventures
9 and left me, my mom had to shoulder that responsibility
10 because that's what moms do. I've seen it time and time
11 again. Moms carry that baby in the womb so long and
12 they got a special bond that the man doesn't have with
13 the children, but at the same time, we love them. But
14 the mother has a special bond with that child. So
15 they're going to see to the needs of that child.

16 Q. And we call it a "rocky relationship." And
17 it's fair to say that they've been together for quite a
18 while?

19 A. Oh, yeah.

20 Q. And they would have these difficulties?

21 A. Uh-huh. Yes, they would.

22 Q. David would step out?

23 A. Yes, he would.

24 Q. Do you know if he was working at the time?

25 A. Down here, at end with my granddaughter's

CROSS-EXAMINATION - D.L. WHITE

1 passing, he was working.

2 Q. Okay.

3 A. He was working and he was trying to do the
4 right thing.

5 Q. Working regular hours?

6 A. What I mean by that is he was working at
7 Popeye's and he would go back to the Pardue address more
8 often than he was. And he would make sure the kids have
9 what they need and make sure they're eating.

10 I think I heard -- well, I know I heard them
11 say it earlier in one of the things on the screen, when
12 they was talking about questioning him at the hospital,
13 how he would get breakfast ready for the kids and all
14 this stuff. These things I saw with my own eyes. I saw
15 him making meals for the kids and from time to time. I
16 got on Shay. She need to step up and be the mother that
17 she's supposed to be.

18 Q. But in your mind, she was the primary
19 caretaker?

20 A. Yes, she was.

21 MR. FRICK: Thank you, sir. Please answer
22 any questions the Solicitor has.

23 THE COURT: Does the State have any
24 cross-examination?

25

CROSS-EXAMINATION**BY MS. CAMPBELL:**

Q. So Amina's death was Shay's problem?

A. I didn't say that.

Q. You said that there were definite roles in the household.

What was David's role as a father?

A. To be a provider.

Q. To be a provider?

A. Yes.

Q. To look out for his children?

A. Yes.

Q. To make sure that they were well-taken care of?

A. Yes.

Q. To make sure they had the medical needs they needed?

A. Yes.

Q. The educational things they needed?

A. I agree, yes.

Q. And a home that they could live in?

A. Yes.

Q. At any point did David ever reach out to you or to his mother for help?

A. Yes.

CROSS-EXAMINATION - D.L. WHITE

1 Q. And did y'all give them help, take the
2 children in?

3 A. Well, I didn't take any children in because at
4 the time I was having a -- I was going through a heart
5 transplant. That's one of the reasons why I didn't get
6 any of my grandkids.

7 Q. So when all this happened, you didn't get any
8 of the grandkids because of that?

9 A. Yeah. I was unable to be around children
10 because of my immune system. I couldn't be around
11 anybody.

12 Q. What year did you have a heart transplant, I'm
13 sorry?

14 A. 2020.

15 Q. 2020?

16 A. Yeah, in 2020.

17 Q. So this would have been about a year later?

18 A. Yeah.

19 Q. So you were still recovering?

20 A. Yeah.

21 Q. In that case, you had raised David. He
22 graduated from high school; right?

23 A. He did, but his mother and I, we divorced and
24 we had some issues there for a time. David did come and
25 live with me for a while. And he was about 16, going on

1 17 when he came and lived with me for a little bit.

2 Q. But David grew up into a man. He met
3 Shaquanda. They started a family. They continued to
4 have a family and he was a father, he was a responsible
5 father?

6 A. No.

7 Q. So he did ignore his children?

8 A. To a degree, but not totally.

9 Q. David was aware of your medical needs; right?

10 A. Excuse me?

11 Q. David was aware of your medical needs?

12 A. David was aware of my medical needs?

13 Q. Yes, sir. Was he?

14 A. No, ma'am.

15 Q. He didn't know you had a heart transplant?

16 A. He didn't know about that until I came over to
17 the hospital after I had -- I had
18 pacemaker/defibrillator -- I was fitted for that.

19 First I had that when A.W. passed and I went
20 out to the hospital to see about him and Shay because I
21 had just received that news when they was at the
22 hospital. And I went over there and I talked to both of
23 them and they was distraught. He was really, really
24 upset.

25 Q. So is your testimony that -- and I'm sorry,

CROSS-EXAMINATION - D.L. WHITE

1 I'm not following -- with your medical condition, you
2 didn't get your defibrillator until A.W. died?

3 A. No, I had it then and I was --

4 Q. But David didn't know about that?

5 A. No, David knew about that. He didn't know
6 about my heart transplant, that's what he found out
7 about.

8 Q. So David understood the importance of having
9 good medical care?

10 A. I'm sure he did. Yes, I agree.

11 Q. And David loved his children?

12 A. Yes, he did.

13 Q. He loved all seven of them?

14 A. Yes, he did. No, I correct that. Strike that
15 from the record. He loved all eight of them, because
16 Quinton too.

17 Q. And Quinton wasn't even his biological child
18 and he still loved Quinton?

19 A. Yes, he did.

20 Q. Even though Quinton had lived in another home?

21 A. That was shortly after -- a little after A.W.
22 was -- not A.W. I'm sorry. Laya was about, I think
23 around four or fiveish, somewhere in there, when Quinton
24 was taken away.

25 Q. Let's talk about that.

1 A. Okay.

2 Q. So while David was being a parent to Quinton
3 and **Child 1** Quinton was removed from the home because
4 it wasn't suitable?

5 A. No. My understanding on that was that
6 Quinton -- like I said, he was a special child at the
7 time and he wouldn't talk, not that he couldn't talk,
8 but he wouldn't talk at the time.

9 Q. And now he talks beautifully, doesn't he?

10 A. Yes, he does.

11 Q. Once he got into the correct atmosphere in
12 somebody else's home?

13 A. I disagree with that. I think that came
14 because of the attention that was given to him that he
15 didn't have where he was.

16 Q. With your son and Shay?

17 A. With Shay and my son.

18 Q. Okay. With Shay and your son?

19 A. Yes, ma'am.

20 Q. And once he got into an environment where he
21 could thrive, he overcame his difficulties as well?

22 A. Yes, ma'am.

23 Q. Just like all these children have done since
24 they've been removed from Shay and your son's care?

25 A. Yes, ma'am. So I've been told. I haven't had

CROSS-EXAMINATION - D.L. WHITE

1 an opportunity to see any of them since all that.

2 Q. Did your son know how to dial 911?

3 A. I'm sure he did. He's intelligent.

4 Q. As far as how often David was in the household
5 in the time period leading up to this, he would know
6 better than you, wouldn't he?

7 A. Oh, I agree with you there. Yes.

8 MS. CAMPBELL: Thank you, sir. I don't have
9 anything further.

10 THE COURT: Mr. Frick, any redirect?

11 MR. FRICK: No redirect. Thank you.

12 THE COURT: You can step down, sir. Thank
13 you.

14 MR. FRICK: Judge, that would be our last
15 witness for the day.

16 THE COURT: Ladies and gentlemen, it appears
17 that we're going to finish up a little early today. If
18 you'll just go back to the jury room, I want to talk
19 with the lawyers and figure out about tomorrow and try
20 to get a good schedule in place.

21 So just go back to the jury room and we'll get
22 you back out with further instructions. Okay?

23 (Jury exited.)

24 THE COURT: Okay. Mr. Frick, your two
25 witnesses for tomorrow, one is going to be virtual and

DEFENSE CASE-IN-CHIEF

1 one is going to be in person?

2 MR. FRICK: Yes, sir.

3 THE COURT: If your client decides to testify,
4 what would be your plan, before the two witnesses or
5 after the two witnesses?

6 MR. FRICK: More than likely after the two.

7 THE COURT: After? Okay. And your in person
8 or your virtual, can they be ready at 9:30?

9 MR. FRICK: I will see if we can make that
10 happen. Yes, sir.

11 THE COURT: So I'll get the jury back at 9:30
12 and we'll move ahead.

13 MR. FRICK: Sounds good.

14 THE COURT: Does the State anticipate any
15 rebuttal case or is it hard to tell right now?

16 MS. CAMPBELL: It's hard to -- I never like to
17 say "never," your Honor.

18 THE COURT: Even if you say no rebuttal case
19 and you decide to have one, you got one.

20 MS. CAMPBELL: We don't anticipate it at this
21 point.

22 THE COURT: Let's bring them back out.

23 (Jury entered.)

24 THE COURT: Let the record reflect that the
25 jury is back in.

DEFENSE CASE-IN-CHIEF

1 Ladies and gentlemen, we're going to end
2 today. We'll start back at 9:30 in the morning. The
3 defense will start back in its case so you get to go
4 home a little early today. So we'll see you at 9:30 in
5 the morning. Have a good afternoon and evening.

6 (Jury exited.)

7 THE COURT: Okay. What we're going to do is,
8 we've got to draft the charge and we'll get you a copy
9 of it, get you a copy of the verdict form. Take a look
10 at it.

11 In the draft charge, we do have a Hand of One,
12 Hand of All. I don't know, because the statute on
13 homicide by child abuse does have that "aiding and
14 abetting" portion in there. So I'm not so certain that
15 we need a Hand of One, Hand of All. It's in there, but
16 we can certainly take it out. So take a look at it and
17 we can have, this afternoon, an informal charge
18 conference back in chambers and then put on the record
19 whatever we need to put on in the morning as a result of
20 our charge conference.

21 So Carson will make you copies in just a
22 little bit and we'll go from there.

23 And I do have it in there that the defendant
24 has elected not to testify. Of course, we can take that
25 out, too. It's easier to take out than to add.

DEFENSE CASE-IN-CHIEF (CONTINUED)

1 MR. FRICK: Judge, the only thing I would ask
2 right at this moment is, do you have the *Logan* charge?

3 THE COURT: Yes. I use the *Logan* charge, I
4 do.

5 All right. We'll be at ease for just a little
6 bit.

7 (Whereupon, Court was adjourned for the
8 day.)

9 * * * * *

10 P R O C E E D I N G S

11 - September 4th, 2024 -

12
13 THE BAILIFF: All rise. Court is now in
14 sessions.

15 THE COURT: Thank you. Please have a seat.
16 Mr. Frick?

17 MR. FRICK: Your Honor, I have one witness,
18 Ms. Williams, who was the witness we were going to do
19 virtual this morning, who has not returned a phone call.
20 We have not been able to get in contact with her. We've
21 advised her how to get into the virtual hearing. So I
22 don't have her at this time. We'll continue to try to
23 get her but don't have her at this time.

24 I do have Ms. Kennedy here, she's ready to
25 testify. Ms. Howze, who's one of the other witnesses I

DEFENSE CASE-IN-CHIEF (CONTINUED)

1 was going to have. The investigator got in touch with
2 her. Her vehicle had broken down. She is in Great
3 Falls. He is going to go pick her up.

4 THE COURT: Okay.

5 MR. FRICK: So she should be here momentarily.
6 He's about 15 minutes to Great Falls, so shouldn't be
7 terribly long.

8 THE COURT: Okay. I do have Ms. Kennedy
9 prepared to go. I don't know how you want to do this.

10 I've spoken with my client. I don't know if
11 he has made a decision on what he wishes. I'm prepared
12 to do whatever the Court wants to do.

13 THE COURT: Let's go ahead and put Ms. Kennedy
14 up. And hopefully, you'll have the other witness ready
15 to go. We'll play it by ear.

16 So let's go ahead and get the jury out,
17 please.

18 (Jury entered.)

19 THE COURT: Let the record reflect, the jury
20 is back in.

21 Morning, ladies and gentlemen. Ready to get
22 back to work?

23 Mr. Frick, are you ready to call your next
24 witness?

25 MR. FRICK: I am, your Honor.

DIRECT EXAMINATION - T. KENNEDY

1 Defense would call Tori Kennedy.

2

3 **T O R I K E N N E D Y**, the Witness herein, having been
4 sworn by the Clerk of Court, was examined and testified
5 as follows:

6

7 **DIRECT EXAMINATION**

8 **BY MR. FRICK:**

9 Q. Can you give us your name for the record?

10 A. Tori Kennedy.

11 Q. Can you spell Tori for us?

12 A. T-o-r-i.

13 Q. And thank you, Ms. Kennedy.

14 Ms. Kennedy, where are you currently employed?

15 A. At Publix in Rock Hill.

16 Q. And 2001, more specifically, February of 2001
17 where were you employed?

18 THE COURT: 2001 -- '21?

19 MR. FRICK: Yes, sir. That's not the first
20 time I've done this talking about this case. '21. Yes,
21 sir.

22 Q. (By Mr. Frick) 2021, February, where were you
23 employed?

24 A. I was the general manager at Popeye's in
25 Lancaster.

DIRECT EXAMINATION - T. KENNEDY

1 Q. And how long had you been there?

2 A. I opened that location.

3 Q. Do you recall about when that location opened
4 up?

5 A. Maybe three years ago.

6 Q. But you were there from the beginning?

7 A. Yes, sir.

8 Q. And did you have an employee by the name of
9 David White?

10 A. Yes, sir. I did.

11 Q. And do you recognize David White today?

12 A. Yes, sir.

13 Q. Do you see -- where do you see him?

14 A. Sitting right there with the white shirt on
15 (indicating.)

16 THE COURT: Let the record reflect she's
17 identified the defendant.

18 Q. (By Mr. Frick) Ms. Kennedy, in February of
19 '21, was David White an employee of Popeye's here in
20 Lancaster?

21 A. Yes, sir. He was.

22 Q. Tell me about him as an employee.

23 A. He was a cook for me. He came in when I
24 needed him to come in, when he was always scheduled. He
25 also came in on his days off, if I would ask him to come

DIRECT EXAMINATION - T. KENNEDY

1 in. He did everything I asked him to do when he was
2 there.

3 Q. At the end of a shift, is there leftover food
4 sometimes?

5 A. Yes, sir. There's always leftover food.

6 Q. Always leftover food?

7 A. Uh-huh.

8 Q. Would he take leftover food home sometimes?

9 A. They'd have to get permission to take leftover
10 food. And on occasion, David would ask if could he take
11 leftover food home.

12 Q. And what kind of food? I know we got chicken.
13 What else did they have generally?

14 A. They was really supposed to take like a \$9.00
15 meal home. But at the end of the night, it's only waste
16 and so I decide to waste it out. I would just let him
17 take whatever that's leftover. Maybe chicken,
18 large-sized family meals, et cetera.

19 Q. And would it be fair to say David was a good
20 worker?

21 A. I'm sorry?

22 Q. And would it be fair to say David was a good
23 worker?

24 A. He was a good worker for me. I can only speak
25 for when he was at Popeye's.

DIRECT EXAMINATION - T. KENNEDY

1 Q. Absolutely.

2 And you said he would come in on his days off?

3 A. If I was short staffed and I needed a cook and
4 if I couldn't get nobody on the phone, I would call
5 David. He would say that -- I mean, he would be there
6 but it's going to take him some time to get there.

7 Q. And if he came in on his day off, he wasn't
8 scheduled to come in. He came in on a day off, would it
9 necessarily be reflected on a time card. How would that
10 happen, to get it on a time card?

11 A. If he was not scheduled to work, it's not
12 going to show up on -- he would have to get a manager,
13 me or myself, to clock him in. Because if he's not
14 scheduled, he can't just go ahead and put his finger on
15 and it will recognize his finger because he's not
16 schedule.

17 So in a case like that being said, that me or
18 myself or another manager would have to override for him
19 to clock in.

20 Q. If he didn't approach you and do that, it
21 might not be on his time card?

22 A. No, he'd just be working for free. Unless one
23 of the managers clock him in the next day of the same
24 day.

25 Q. I'm going to show you what's been marked as

DIRECT EXAMINATION - T. KENNEDY

1 State's 201.

2 Does that look familiar to you?

3 A. Yes, sir.

4 Q. What is that?

5 A. On what part?

6 Q. Just in general, what is that?

7 A. It's a time card that keeps up with all
8 employees punches, when they're punching in and out, and
9 also for their breaks.

10 For instance, on February 2, 2021, David
11 clocked in 9:21. He looks like he went on a break at
12 12:31 and returned at 1:49. And he clocked out for the
13 day at 4:19.

14 Q. On that time card, what is the last date
15 that's showing he worked?

16 A. This is the only sheet?

17 Q. Yes, ma'am.

18 A. It said that David worked February 21st, 2021.

19 Q. Nothing as far as the 22nd on what you've been
20 presented?

21 A. No, sir.

22 MR. FRICK: Thank you, ma'am. Please answer
23 any questions the Solicitor has.

24 THE COURT: Any cross-examination from the
25 State?

CROSS-EXAMINATION - T. KENNEDY

1 MS. CAMPBELL: May it please the Court?

2 THE COURT: Sure.

3

4

CROSS-EXAMINATION

5

BY MS. CAMPBELL:

6

Q. Ma'am, your interaction with David was purely professional?

7

8

A. I'm sorry?

9

Q. It was purely professional at work?

10

A. What you mean "professional"?

11

Q. You knew him through work?

12

A. That's the only time I knew David, when he came -- was employed for me. I didn't know anything about David before then.

14

15

Q. And you don't know anything about what he was doing at home, whether or not he was taking care of his kids or anything like that?

17

18

A. No, ma'am.

19

Q. And he would sometimes come in. And David didn't typically work for free, did he?

20

21

A. No. What I said, if an employee would come in and not clock-in, that was being sarcastic saying, they're working for free.

23

24

Q. And I'm sorry. I don't mean to -- I'm just saying, and a manager could override and clock him in

25

1 and it would show up on his time card?

2 A. That's correct.

3 Q. Then this time card would show everything back
4 from 2021, February 2021, that was just shown to you?

5 A. Anything that they -- employees clock-in and
6 out should be on their time punches.

7 Q. And even if he wasn't scheduled, if a manager
8 clocked him in if he came in, which they would do, it
9 would show up on his time card?

10 A. That is correct.

11 Q. And I just want to talk to you a little bit
12 about that weekend, before he asked you specifically
13 about on the 21st?

14 A. Uh-huh.

15 Q. And I believe that the last time -- and
16 typically, how many hours in a day would a shift go?

17 A. It depends.

18 Q. Sometimes it could be longer and sometimes
19 shorter?

20 A. Uh-huh.

21 THE COURT: You need to verbally respond,
22 ma'am, with your answer.

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Thank you.

25 Q. (By Ms. Campbell) And typically, what shift

CROSS-EXAMINATION - T. KENNEDY

1 would David work, do you remember?

2 A. It varies. All employees don't work all the
3 mornings and they don't work all the nights. It depends
4 on availability.

5 Q. So there's a morning shift and a nightshift?

6 A. That's correct.

7 Q. And what were the hours of Popeye's?

8 A. Normally a cook would come in between 8:00,
9 8:30.

10 Q. And how late would Popeye's stay open?

11 A. They normally got out of there no later than
12 10:00 or 10:30. It depends on what all they have to do,
13 like to cleanup. How long it takes for that manager and
14 the employees to cleanup to get out of there. They're
15 allowed maybe 45 minutes.

16 Q. And typically, it would start around 8:00 in
17 the morning and go to maybe 10:00 at night before the
18 final shift was over?

19 A. That's correct.

20 Q. And you said at the end of the day that he
21 might be able to take food home?

22 A. Uh-huh.

23 Q. So if he worked the night, he could take food
24 home?

25 A. He could take food home -- all employees are

CROSS-EXAMINATION - T. KENNEDY

1 allowed a meal, a free meal.

2 Q. A free meal?

3 A. Up to nine or \$10.00 a day.

4 Q. In this case, this would be an accurate
5 representation of when he worked?

6 A. If you got it from HR, it should be correct.

7 Q. So if HR came here and testified, it should be
8 correct?

9 A. Yes. It should be.

10 Q. And I just want to show you this time card
11 again and direct your attention to that last weekend in
12 February when he was working.

13 A. Okay.

14 Q. I believe starting on February the 18th. You
15 see that on there?

16 A. Uh-huh.

17 Q. And I think on February 18th, he worked for a
18 couple hours in the morning, from 9:51 to 11:37.

19 A. Uh-huh.

20 Q. And then he worked from 11:57 to 5:45.

21 A. Okay.

22 Q. For a total of 7.57 hours.

23 A. Okay.

24 Q. And that was on Thursday, the 18th of
25 February; is that correct?

CROSS-EXAMINATION - T. KENNEDY

1 A. Uh-huh.

2 Q. And then can you look at February 19th, that
3 Friday?

4 A. (Complies.)

5 Q. What hours did he work that day?

6 A. Oh, man, whatever HR told you or gave you, the
7 person at the time of punches. I hadn't been there
8 in --

9 Q. I understand. It's reflected on that card,
10 how about that?

11 A. On what day?

12 Q. February the 19th.

13 A. Uh-huh.

14 Q. I think it starts at 10:59 a.m.

15 A. Uh-huh.

16 Q. And it shows where he worked until 2:00 p.m.;
17 right?

18 A. Uh-huh.

19 Q. So on that day, he would have worked right at
20 three hours?

21 A. Okay.

22 Q. 3.02 hours?

23 A. Uh-huh.

24 Q. Is that what it shows on there?

25 A. It states 10:59 a.m. to 2:00 p.m., that's

1 correct, 3.02.

2 Q. That would have been that Friday?

3 A. It says, February the 19th.

4 Q. And I think it says --

5 A. Right here, that Friday (indicating.).

6 Q. Thank you.

7 And I'm just talking about what's on that
8 piece of paper.

9 Then on the 20th, that Saturday, does it show
10 whether he worked or not that Saturday?

11 A. The next following day that David worked is
12 February 22nd. It doesn't say a Saturday on here. It
13 states, he goes Thursday, Friday and Sunday.

14 Q. And Sunday, which is the 21st?

15 A. That's correct.

16 Q. So that Saturday, it doesn't show he worked at
17 all?

18 A. No, ma'am. Not according to what you
19 presented in front of me, he didn't work.

20 Q. Not according to that sheet?

21 A. That's correct.

22 Q. And I'm just talking about what's on that
23 sheet.

24 A. Uh-huh.

25 Q. You don't have any independent memory of when

REDIRECT EXAMINATION - T. KENNEDY

1 he worked that weekend, do you?

2 A. I do not.

3 Q. Finally, on the 21st, that Sunday, it shows he
4 worked from 8:17 a.m. until 3:20 in the afternoon, 3:24?

5 A. That's correct.

6 Q. And that's all the times that are reflected on
7 this street; right?

8 A. Uh-huh. Yes, ma'am.

9 Q. And again, as you just said, you don't know
10 what was going on with David when he wasn't at work?

11 A. No, ma'am. I do not.

12 MS. CAMPBELL: Thank you, ma'am. I don't have
13 anything further.

14 THE COURT: Any redirect, Mr. Frick?

15

16 **REDIRECT EXAMINATION**

17 **BY MR. FRICK:**

18 Q. You don't know whether he had another job or
19 was hanging at some other place. You have no idea,
20 outside of work, what he did?

21 A. No, sir.

22 MR. FRICK: Thank you, ma'am. That's all the
23 questions I have.

24 THE COURT: You can step down, ma'am. You're
25 free to leave the courthouse or remain with us.

DEFENSE CASE-IN-CHIEF - CONTINUED

1 Mr. Frick, you want to check and see if your
2 next witness is here?

3 MR. FRICK: Yes, sir. Probably about 15
4 minutes.

5 THE COURT: About 15 minute?

6 MR. FRICK: Yes, sir.

7 THE COURT: Ladies and gentlemen, the next
8 witness for the defense, as I understand it, had car
9 trouble and that's why it's a little bit of a delay. So
10 I'm going to ask that you go back to the jury room.

11 Mr. Frick says about 15 minutes for this
12 witness to get here. And as soon as she does, we'll get
13 you back out.

14 Thank you for your understanding and your
15 patience.

16 (Jury exited.)

17 THE COURT: Mr. Frick, during this break, talk
18 with your client to see what his decision is about
19 testifying. Because if he were to testify, then he
20 would be right after. So talk to him about that.

21 MR. FRICK: Yes, sir.

22 THE COURT: We will be at ease.

23 (Whereupon, a recess was taken.)

24 MR. FRICK: Judge, we are good to go.

25 MS. CAMPBELL: One issue, Judge. This witness

DEFENSE CASE-IN-CHIEF - CONTINUED

1 is Sakeena Howze. She does have two pending unlawful
2 conduct charges in our office and I think pursuant to --
3 and I'll hand up *State vs. Mandel Sims* -- I believe
4 there are some newer cases. We don't intend to get into
5 any prior record with her but I think the fact that she
6 has pending charges in our office would show prejudice.

7 THE COURT: Okay. Let me take a look at the
8 case.

9 MS. CAMPBELL: It's on the last page, your
10 Honor, the argument. And in this case, your Honor, it's
11 where the State actually put up a witness who had
12 pending charges in the office and they talked about the
13 bias or prejudice and I believe it would just go both
14 ways.

15 We do not intend to get into how much time it
16 carries.

17 THE COURT: Okay. Mr. Frick, what is your
18 response to the State's request to examine your witness,
19 Sakeena Howze, concerning pending unlawful neglect
20 charges?

21 MR. FRICK: As I'm reading the case, the
22 witness on the stand is actually the State's witness.

23 THE COURT: Right.

24 MR. FRICK: I think that puts it in a little
25 different light. As we know, the rules are designed to

DEFENSE CASE-IN-CHIEF - CONTINUED

1 protect the defendant's rights; not necessarily the
2 State's right. I think that puts it in a different
3 light in this circumstance.

4 Also, I think it's problematic, since they're
5 similar charges. She's got an unlawful neglect, this is
6 unlawful neglect case. I think that causes some problem
7 as far as prejudice goes.

8 But as far as cross-examining her about her
9 pending charges, I think it's absolutely differentiated
10 because it's my witness and not the State's witness.

11 THE COURT: I think what the -- if I read the
12 *Sims* case correctly, the defendant wanted to get into
13 any potential deals between State and the witness or
14 that possibly the State would tell the sentencing judge
15 in the witnesses case that there was cooperation,
16 therefore, maybe having an issue of bias or prejudice.
17 So I think we've got a little different situation here.

18 Solicitor?

19 MS. CAMPBELL: Yes, sir. I do agree that
20 that's what it was. What was allowed in that case was
21 that it came out with that witness that he had pending
22 charges. And then they went so far as to say that, you
23 know, you may hope for some help down the road or
24 anything like that from the Solicitor's Office since he
25 was testifying.

DEFENSE CASE-IN-CHIEF - CONTINUED

1 And the Court specifically found that that was
2 not specific enough, that they had a right to know
3 because he would have had a burglary first charge that
4 carried zero to life.

5 If you want to limit me to saying she had
6 pending charges -- because the bias goes both ways,
7 Judge. You can be bias for the State or bias against
8 the State.

9 THE COURT: The fact that this witness has
10 pending charges, however similar, how would that create
11 some bias on behalf of this witnesses testimony? That's
12 what I'm trying to understand.

13 MS. CAMPBELL: Our office is prosecuting her.

14 THE COURT: So she would testify in favor of
15 the defendant because she would have some sort of bias
16 against your office for prosecuting. Is that what
17 you're suggesting?

18 MS. CAMPBELL: Yes, sir, there would be some
19 bias.

20 THE COURT: Here's what I'll do. I'll allow
21 you to ask her that she has pending charges. Even
22 though *Sims* says yeah, you can get into the specifics, I
23 think in this situation, I'm going to allow you to ask
24 her about pending charges in Lancaster. Is that
25 correct?

DEFENSE CASE-IN-CHIEF - CONTINUED

1 MS. CAMPBELL: In this office. If there was
2 another office, your Honor, I would agree, we wouldn't
3 have that issue.

4 THE COURT: I can see where there could
5 potentially be or at least an argument for some bias.
6 She's testifying against the State on behalf of the
7 defendant because she's having to deal with pending
8 charges, but don't get into the specifics.

9 MS. CAMPBELL: Yes, sir.

10 MR. FRICK: And your Honor, I'm not entirely
11 clear she's represented by our office or not. I think
12 we're getting her appointed. It's an older case now.

13 MS. CAMPBELL: She was represented by Katrina
14 Moore.

15 MR. FRICK: I think we reassigned it. We do
16 represent her. I'm not her attorney, but I did advise
17 her that she'd probably did not want to get into any
18 details. I did want to put that on the record.

19 THE COURT: Let's just leave it at pending
20 charges that the State is prosecuting and leave it at
21 that.

22 MS. CAMPBELL: We aren't going into the
23 underlining facts of the case.

24 THE COURT: Okay.

25 MR. FRICK: That's fine.

DEFENSE CASE-IN-CHIEF - CONTINUED

1 THE COURT: Now, let's clear up -- Mr. White,
2 would you please stand. And I'll remind you, you're
3 still under oath from yesterday.

4 I need a decision either way whether or not
5 you're testifying. Have you made that decision?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Has that decision been freely,
8 voluntarily and intelligently made by you after
9 consulting with Mr. Frick?

10 THE DEFENDANT: Yes, sir, your Honor.

11 THE COURT: Thank you very much. You can have
12 a seat.

13 So we have Ms. Howze and we've got Mr. White
14 and that will be the extent of the defense case?

15 MR. FRICK: Yes, sir.

16 THE COURT: Then probably that would run us up
17 to lunch. We'll break for lunch for whatever period of
18 time. Y'all want to get your closing arguments polished
19 and then we'll start back after lunch.

20 Let's bring the jury out.

21 (Jury entered.)

22 THE COURT: Let the record reflect, the jury
23 is back in.

24 Ladies and gentlemen, it took a little bit
25 longer for the witness to arrive. Thank you for your

DIRECT EXAMINATION - S. HOWZE

1 patience.

2 Mr. Frick, you may proceed.

3 MR. FRICK: Thank you, your Honor.

4 The defense calls Sakeena Howze.

5

6 **S A K E E N A H O W Z E**, the Witness herein, having
7 been sworn by the Clerk of Court, was examined and
8 testified as follows:

9

DIRECT EXAMINATION

10 **BY MR. FRICK:**

11 Q. Give us your name for the record.

12 A. Sakeena Howze.

13 Q. Can you spell Sakeena for us?

14 A. Yes. It's S-A-K-E-E-N-A.

15 Q. And just to be clear, Howze?

16 A. H-O-W-Z-E.

17 Q. Thank you.

18 Ms. Howze, you've kind of had a hectic
19 morning, haven't you?

20 A. Yes.

21 Q. A little car trouble this morning?

22 A. Yes, sir. I have.

23 Q. You didn't necessarily expect to be sitting in
24 a witness box in the courtroom this morning, did you?

25 A. No, sir. I was supposed to be at work.

DIRECT EXAMINATION - S. HOWZE

1 Q. So that's why you got an NBA T-shirt on right
2 now?

3 A. Yes, sir.

4 Q. Ms. Howze, do you know David White?

5 A. I do.

6 Q. Do you see David White in the courtroom?

7 A. I do.

8 Q. Where is he?

9 A. (Indicating.)

10 Q. Sitting over at that table?

11 A. Behind the panel.

12 THE COURT: Let the record reflect this
13 witness has identified the defendant.

14 Q. (By Mr. Frick) How long have you known David
15 White?

16 A. Since 2019.

17 Q. And what was y'all relationship?

18 A. We started off as friends, but it ended -- it
19 started to be sexual, a sexual relationship.

20 Q. When did that begin?

21 A. I would say at the end of 2019. I would say
22 November, December, around that time.

23 Q. And where were you living?

24 THE COURT: Could you speak up a little bit
25 please, ma'am?

DIRECT EXAMINATION - S. HOWZE

1 THE WITNESS: Yes, sir.

2 Around the end of 2019, November or December.

3 Q. (By Mr. Frick) Where were you living at that
4 time?

5 A. I was staying in the Pardue Apartments.

6 Q. And where was David staying at that time?

7 A. Pardue Apartments. What was originally known
8 as Palmetto Place now, here in Lancaster.

9 Q. That's what I always call it too, Pardue
10 Street.

11 And in relation to your apartments, how close
12 were y'all?

13 A. I stayed in 2401. He stayed in 2004.

14 Q. Where is that?

15 A. In the same building. Each building has six
16 apartments.

17 Q. Did you ever go over to his apartment?

18 A. I've only been there twice.

19 Q. Did you know Shaquanda Page?

20 A. I do.

21 Q. What did you know about her?

22 A. That she was his -- the mother of his child
23 and his girlfriend at the time, the person he resided
24 with.

25 Q. Did David ever come stay with you?

DIRECT EXAMINATION - S. HOWZE

1 A. He never stayed with me but he would stay
2 nights at times, sometimes.

3 Q. He would stay overnight?

4 A. Uh-huh.

5 Q. And you have to answer "yes" or "no."

6 THE COURT: You need to verbally answer "yes"
7 or "no."

8 THE WITNESS: Yes, he did. Yes.

9 Q. (By Mr. Frick) Was that a frequent thing?

10 A. Not frequent but -- yes, it was frequent. I
11 don't know any other way to put it but frequent.

12 Q. Did that cause some issues in the neighborhood
13 with you?

14 A. Yes, sir.

15 Q. What were those issues?

16 A. The issues were not him. It was her banging
17 at my door different times of the night. When I say
18 "different times of night," to be specific or more
19 specific, it would be around 12 or after 12:00 a.m.
20 yelling his name, banging on my doors or windows, asking
21 him to come out.

22 Q. She was looking for him it sounded like?

23 A. Yes.

24 Q. Did David live at Pardue Street at that time?

25 A. Yes.

DIRECT EXAMINATION - S. HOWZE

1 Q. Would you see him around the apartment
2 complex?

3 A. Yes, when he stepped out.

4 Q. When he would come see you too; right?

5 A. Yes.

6 Q. So in February 2021, you got in a relationship
7 with him; right?

8 A. Yes.

9 Q. And he could come see you?

10 A. Yes, sir.

11 Q. And this caused some problems between you and
12 Shaquanda?

13 A. Yes.

14 Q. Did David -- tell me what you know about his
15 routine, what would you observe?

16 A. Since I've known David, David originally
17 stayed in the house most of the time. What I mean by
18 "most of the time" with, that is, maybe Sunday through
19 Friday afternoon, but Friday evening, he may come out to
20 associate.

21 Saturday, he was out associating. But as I
22 know of, it's only Friday and Saturday, that's his free
23 days because he always would be in the house with his
24 kid, maintaining himself with his kids.

25 Q. Did that ever change at some point?

DIRECT EXAMINATION - S. HOWZE

1 A. Yes, sir. It did.

2 Q. What happened?

3 A. He started working for Popeye's.

4 Q. And what changed?

5 A. His hours at Popeye's. He would be at
6 Popeye's all the time, more than he would be at home.
7 So he kind of lost time with the kids and what he would
8 normally be doing.

9 Q. Did that cause trouble for you and him?

10 A. Being honest, yes, but not within a bad
11 situation. It would cause problems with me and him
12 because I would still try to fit my time in with him to
13 spend time with him, but he couldn't spend time with me
14 either because of the hours with Popeye's.

15 Q. So his work was interfering with y'all's
16 relationship as well?

17 A. Yes, sir.

18 Q. And he was spending less time at home?

19 A. Yes, sir.

20 Q. This is what was going on in February of 2021
21 to your knowledge?

22 A. Yes, sir.

23 MR. FRICK: Thank you, ma'am. Please answer
24 any questions the Solicitor has.

25 THE COURT: State have cross-examination?

1 MS. CAMPBELL: Yes, sir.

2

3 CROSS-EXAMINATION

4 BY MS. CAMPBELL:

5 Q. Ms. Howze, hi.

6 A. Hi. How are you?

7 Q. Good.

8 This relationship started at the end of 2019
9 and went through February of 2021?

10 A. This relationship never ended. Yes, ma'am.
11 It started --

12 Q. Is it still ongoing?

13 A. May I answer the first question, please?

14 Q. Of course.

15 A. What was the first question again?

16 Q. When did the relationship start and did it go
17 on through February --

18 A. It started 2019 as a friendship. It started,
19 deeply at the end of 2019, as in sexuality. So yes,
20 ma'am. It was sexual throughout those years, all the
21 way up to 2021.

22 And if I'm being honest, it was -- before he
23 got locked up this time, it was still sexual. It never
24 ended.

25 Q. And so it went beyond February of 2021?

CROSS-EXAMINATION - S. HOWZE

1 A. Yes, ma'am. It stopped when -- of course,
2 when he got arrested but once he got released and I seen
3 him again, yes, ma'am, it began again.

4 Q. And did he move back into Pardue Apartments at
5 that point?

6 A. I was not in Pardue Apartment and neither was
7 he --

8 Q. Okay. Let me back up --

9 A. I was no longer residing there.

10 Q. And don't let me interrupt because I don't
11 mean to. Okay? Tell me when you're finished.

12 A. I'm finished.

13 Q. When did you move out of Pardue Apartments?

14 A. I moved out of Pardue Apartments, it was 2021.
15 And it was November of 2021.

16 Q. In November of 2021?

17 A. Yes, ma'am. I'm trying to remember the month
18 and I'm pretty sure it was November '21.

19 Q. And when did David move out of Pardue
20 Apartments, in 2021 or 2022 or 2023?

21 A. David? They were gone after the incident they
22 had with the baby. They were gone instantly.

23 Q. So they were gone instantly. But David would
24 continue to come see you --

25 A. No, ma'am.

1 Q. -- in the Pardue Apartments?

2 A. No, ma'am.

3 Q. And I'm sorry, I'm just being slow today.

4 A. No. I can correct it for you.

5 When they left Pardue after the incident with
6 the baby happened, I didn't see David. I didn't see
7 David for a while. David was also arrested and released
8 and I still hadn't seen David in so long. I seen David
9 again just crossing paths from being out socializing
10 with the same people who we talk to, I just crossed
11 paths with him again.

12 Q. And then y'all took up your sexual
13 relationship again?

14 A. Like it never ended. Yes, ma'am.

15 Q. When you met David, was he with Shaquanda, I
16 think is her name?

17 A. When I met David, he was in a relationship
18 with her. But when I met him, did I know that when I
19 first met him? No, ma'am. I figured it out later on.

20 Q. Well, you mentioned that you lived at 2401
21 Pardue; is that correct?

22 A. Correct.

23 Q. And he lived [REDACTED] Pardue?

24 A. Correct.

25 Q. So there were, what, two or three apartments

CROSS-EXAMINATION - S. HOWZE

1 between y'all?

2 A. It was two apartments in between us. They was
3 the third.

4 Q. And when did you realize that he was in a
5 relationship with Shaquanda?

6 A. I knew you was going to ask that question.

7 So with that question being asked to me, as I
8 stated before, he stayed in the house a lot. You rarely
9 knew that they were together because you would mostly
10 see her outside socializing while he's still on the
11 inside with the children.

12 You'd never see him --

13 Q. Were you --

14 A. I'm sorry. I just want to answer your
15 question.

16 So when I would see him outside, it would be
17 on Friday night or Saturday night, which means she's
18 inside with the kids. When I met David, he was alone
19 outside.

20 Q. So when you meet David, he was alone outside,
21 but you knew he lived two doors or three doors down from
22 you; right?

23 A. When I first met David, I didn't know where
24 David stayed.

25 Q. At what point did you become aware --

1 A. I'm telling you when I figured out once the
2 relationship got deeper. Once we started communicating,
3 I'm letting you know how everything turned out then.
4 You never asked me how it was at the beginning?

5 At the beginning, I did not know David was
6 staying with Shay. It was not looking like he was
7 staying with Shay. And Shay is a nickname to us. We
8 did not know he was staying with her.

9 When I came back -- it's not even "we," -- me,
10 I did not know he was staying with her. He would be in
11 the house with his kids from Sunday through Thursday or
12 Friday afternoon. Friday evening, Saturday evening,
13 Saturday, Saturday evening David is outside socializing,
14 as he should because he would be in the house with his
15 children throughout the week.

16 Shay would then be in the house with them on
17 the weekend. So you would never catch them together at
18 same time. This what I'm trying to tell you.

19 So I did not know he was staying two doors
20 down from me and I did not know he was Shay's boyfriend
21 until after a couple of weeks of messing around with
22 him. That's when I --

23 Q. Let me be specific. When did you meet him and
24 start socializing with him before the sexual
25 relationship in November or December?

CROSS-EXAMINATION - S. HOWZE

1 A. When I met him? I met him as soon as I moved
2 in, it was February of 2019. He welcomed me to the
3 neighborhood.

4 Q. And at that point you would see him on Fridays
5 and Saturdays?

6 A. Yes.

7 Q. And you did not know that he and Shay were
8 together?

9 A. No, ma'am.

10 Q. So he never told you that he was in a
11 relationship with a woman who was the mother of, at that
12 point, five of his children?

13 A. I won't say he "never." He eventually told
14 me. But at the time, I did not know that.

15 Q. You just testified he didn't tell you any of
16 that until after y'all had started a sexual relationship
17 in November after you'd been knowing him from February
18 to November or even December when your sexual
19 relationship started.

20 He never told you about the mother of his
21 children?

22 A. At the beginning of the relationship he didn't
23 tell me about the mother of his children. I figured it
24 out a couple weeks after. So I'm not going to say
25 "never." I know what I testify. I standby what I

1 testify. I'm very accurate on it. And he told me. I'm
2 not going to never say he never told me because he
3 eventually told me.

4 Q. So let's be clear for this jury to understand.

5 A. I am.

6 Q. But you did know that he was in a relationship
7 with Shaquanda Page who lived three doors down from you
8 and at that point, they had five or six children?

9 A. I found out a couple of weeks later. Yes,
10 ma'am. I did know a couple of weeks later. And at that
11 time, they had five children and she was pregnant with
12 one on the way.

13 Q. Okay. Thank you.

14 At that point then, you continued in your
15 sexual relationship with him; correct?

16 A. Yes, ma'am.

17 Q. Starting November or December of 2019?

18 A. Yes, ma'am.

19 Q. From the whole of 2020 up until February of
20 2021, you continued to have a sexual relationship David?

21 A. It would be on and off, but yes, ma'am. Were
22 we seeing each other, yes, ma'am.

23 Q. And he would come to your house and sometimes
24 spend the night?

25 A. Yes, ma'am.

CROSS-EXAMINATION - S. HOWZE

1 Q. And that's where your relationship would take
2 place?

3 A. Yes, ma'am.

4 Q. And during that period of time, did you become
5 aware that they had had additional children, that he had
6 had additional children with Shaquanda?

7 A. Yes, ma'am. I was invited to their house both
8 times by Shaquanda. She invited me to their house both
9 times.

10 Q. So let me clear something up. At what point
11 did Shaquanda find out about this relationship that she
12 would come banging on your door in the middle of the
13 night after midnight?

14 A. Well, Shaquanda -- surprisingly, Shaquanda
15 knew about me before I knew about her.

16 Q. And yet she invited you over for the birth of
17 her children?

18 A. I know, right.

19 Q. But at the same time, she would come bang on
20 your door in the middle of the night because she was mad
21 David was sleeping at your house?

22 A. Yes, ma'am.

23 Excuse me. May I ask you what's your name
24 again?

25 THE COURT: No. You just answer the question,

1 ma'am.

2 THE WITNESS: Okay. I am answering. 'Cause I
3 don't want to approach her if I don't know the name. I
4 want to approach her by her name, that's what I asked.

5 THE COURT: Just call her Solicitor.

6 THE WITNESS: Okay. Ms. Solicitor?

7 Q. (By Ms. Campbell) Uh-huh.

8 A. When it comes to Shay and David's
9 relationship, to be honest with you, nobody really knew
10 what kind of relationship it was. We all knew that they
11 was in a relationship, but nobody knew what that was.
12 Because it would be times where she would be okay with
13 David doing what he's doing. And there would be times
14 where she wouldn't be okay with David doing what he's
15 doing.

16 So to clarify and to clear it up for everyone
17 in here, including the jurors, I just want to let it be
18 known that Shay knew where David would be at. Shay
19 would just have her days where she cared. And Shay
20 would have her days where she didn't care.

21 The days where she didn't care, she would just
22 stay outside on the sidewalk and talk while her kids
23 were in the house. She wouldn't even go check on them.
24 Days that she wasn't okay with, she would come to my
25 door.

CROSS-EXAMINATION - S. HOWZE

1 Ma'am, I was never looking for her.

2 Q. I'm sure you weren't.

3 A. Uh-huh.

4 Q. This, I don't know how to characterized it.

5 This up-and-down relationship continued from at least
6 the end of 2019 until 2021 when the incident happened,
7 as you said, with the child?

8 A. Yes, ma'am. And before it happened with the
9 child -- before any of the incident happened with the
10 child, me and David was still talking like a week before
11 that happened, and he stayed in the house or either at
12 work then, because they had an altercation about me.

13 Q. Wow.

14 So that week before or a week prior to the
15 altercation with the child, you were with David?

16 A. Yes.

17 Q. And he stayed at your house?

18 A. No.

19 Q. Okay. And I'm just -- I'm having to go off --
20 I've never met you before; right?

21 A. Yes, ma'am.

22 Q. And I didn't know what you were going to
23 testify about?

24 A. No, ma'am.

25 Q. Because you never went to the police and told

1 them all this, did you?

2 A. No, ma'am. I had nothing to do with any of
3 that.

4 Q. So you have nothing to do with anything that
5 happened here in court today, what we're here about?

6 A. No, ma'am.

7 Q. And you mentioned, I believe on direct
8 examination and I'm sure you'll correct me, but you'd
9 only been to their house on one or two occasions?

10 A. Twice.

11 Q. So when was the last time you had seen the
12 children before **A.W.** died -- her children, Shaquanda's
13 children, David's children.

14 A. I never -- I'm aware. I've never seen all of
15 them all at once. But the only time anybody would see
16 those kids would be when he would bring them outside to
17 play. And he would bring like three or four of them
18 outside at a time to play.

19 So to answer your question, I seen them.
20 That's how I seen David. I was on the back porch and he
21 had like three or four of the younger kids outside
22 playing out in the backyard, and they was eating chicken
23 or something that he had cooked, and that's how we
24 crossed paths to talk about that while the kids were
25 outside playing.

CROSS-EXAMINATION - S. HOWZE

1 Q. Was this when you first met?

2 A. This is not when we first met. This is the
3 last time I'd seen him before the incident happened with
4 baby girl.

5 Q. Let me ask you this: Do you have children?

6 A. I do.

7 Q. Did you have any children with David?

8 A. No.

9 Q. Were you aware of how many children David had
10 with Shaquanda and other people?

11 A. Yes, ma'am.

12 Q. How many children did he have?

13 A. At the time, when I first met him? David had
14 six at the time when I first meet him.

15 Q. How many with Shaquanda?

16 A. I think seven or eight.

17 Q. I'm not following the number. When you first
18 met David, how many did he have with Shaquanda?

19 A. Five, I would say.

20 Q. Then he had an additional one that you knew
21 of?

22 A. Yes. I thought it was an additional two that
23 he knew of from an outside parent.

24 Q. So would you agree with me that that would
25 make seven?

CROSS-EXAMINATION - S. HOWZE

1 A. In all, but you asked me with Shaquanda.

2 Q. Okay. Let me back up. He had five with
3 Shaquanda when you first met?

4 A. Yes.

5 Q. And then he had two others other places?

6 A. Yes.

7 Q. And then he started a relationship with you?

8 A. Yes.

9 Q. And Shaquanda would come over at night after
10 12:00, as you testified. Remember testifying?

11 A. Yes.

12 Q. And bang on your door upset that David would
13 stay with you?

14 A. Yes.

15 Q. And David would only stay with you at night
16 occasionally?

17 A. Occasionally, from time to time.

18 Q. Other than that he was living at [REDACTED] Pardue
19 with Shaquanda and all the children?

20 A. Yes.

21 Q. And the weekend that A.W. died, did you see
22 any of the children that weekend?

23 A. No, ma'am.

24 Q. And then you testified that after David was
25 arrested for this, then he got out and you started up

CROSS-EXAMINATION - S. HOWZE

1 your relationship again "like it never ended"?

2 A. Yes.

3 Q. And you never went to the police and told them
4 any of this information about how he would spend time
5 with you?

6 A. No.

7 Q. And you were also talking about how he had
8 less time at home when he would work at Popeye's?

9 A. Yes.

10 Q. But David was still involved in his children's
11 lives?

12 A. Yes, from what I seen. Yes, ma'am.

13 Q. And as far as that specific week or weekend or
14 weeks leading up to that, you don't know what happened
15 with A.W. You're not here to tell the jury that, are
16 you?

17 A. No, ma'am. I really don't know what happened
18 to that girl because we were done talking a week before
19 that. As I said, we were on and off.

20 What I mean by "on and off," I could text
21 him -- he's an antisocial person. I could text him and
22 if he feels like doing the right thing, he will. If
23 not, he won't. He won't respond. So it was an
24 on-and-off relationship.

25 Q. Thank you.

REDIRECT EXAMINATION - S. HOWZE

1 A. Yes, ma'am.

2 THE COURT: Mr. Frick, any redirect?

3 MR. FRICK: Yes, sir. Very briefly.

4

5 **REDIRECT EXAMINATION**

6 **BY MR. FRICK:**

7 Q. As you testified to, y'all's relationship
8 changed when he got this job?

9 A. Yes.

10 Q. And you testified you didn't see him around
11 the house as much after he got this job?

12 A. No.

13 Q. He still spent time with his children?

14 A. Yes.

15 Q. But nothing like he was?

16 A. No.

17 Q. And it sounds like everybody knew about
18 everybody's business?

19 A. Everybody know everybody business over there.

20 Q. Are you aware if David had another girl
21 besides you?

22 A. A couple.

23 Q. Okay.

24 MR. FRICK: Thank you, ma'am. That's all the
25 questions I have.

DIRECT EXAMINATION - DAVID D. WHITE

1 THE COURT: Any recross, Solicitor?

2 MS. CAMPBELL: No, sir.

3 THE COURT: You can step down, ma'am.

4 You're free to leave the courthouse or you're
5 more than welcome to remain with us if you'd like.

6 Mr. Frick?

7 MR. FRICK: Defense calls David White.

8 THE COURT: Okay. Come around please,
9 Mr. White.

10

11 **D A V I D W H I T E**, the Defendant herein, having been
12 **sworn by the Clerk of Court, was examined and testified**
13 **as follows:**

14

15 **DIRECT EXAMINATION**

16 **BY MR. FRICK:**

17 Q. For the record, give us your name.

18 A. David Demias White, Jr.

19 Q. Thank you, Mr. White. And stay right there.

20 I know you're soft spoken but that was excellent.

21 A. Okay.

22 Q. Mr. White, tell me about you and Shaquanda
23 Page, when did y'all get together?

24 A. I'm trying to give you an exact year.

25 Q. You don't have to give me an exact year.

1 How long had y'all been together? As of
2 February of '21, y'all been together a while?

3 A. Yes, sir. On and off.

4 Q. On and off? Tell me about that.

5 A. The relationship was kind of rocky from the
6 start. She had a son name Quinton that I took interest
7 in, mainly because I have a cousin that's autistic. And
8 throughout the years, I had to help take care of him
9 when me and my brother was going to school. So I'm kind
10 of familiar with kids that's autistic and how to
11 associate with them and things like that.

12 And at first, Shaquanda Page didn't notice
13 that he had autism. I was at the basketball court and I
14 had kind of turned her attention to it.

15 I was like, "I think your son might be
16 autistic," I said, "I have a cousin that's autistic," I
17 said, "they have similar features with the things they
18 do."

19 From there, we started communicating. I
20 walked her home. She was kind of big on the fact that
21 her mom and her stepdad really wouldn't allow boys at
22 the house. So I had to stand in the road and it's like
23 probably 40 yards from the road -- excuse me. Probably
24 like 20, 25 yards from the road to her house. So I
25 stayed in the road talking to her for a while before she

DIRECT EXAMINATION - DAVID D. WHITE

1 entered the house.

2 From there, we got more acquainted and she
3 came to my house when I stayed in Northwest apartment
4 with my mom. She met my cousin Arkel [phonetic], which
5 is the person that I used to help with back in school,
6 elementary through high school and seen that he had
7 autism.

8 And I think, you know, around that time, she
9 ended up getting him into a Head Start. A couple of
10 years after that, Child 1 which is my second
11 child, but my first daughter by her was there --

12 Q. This was still some years ago. Is that fair
13 to say?

14 A. Yes.

15 Q. Okay. Go back. You had Child 1

16 A. We had Child 1 From there, it kind of got
17 rocky.

18 Q. What caused it to be rocky?

19 A. I had a sexual encounters with her neighbor
20 when she stayed in Fort Lawn and she found out about it
21 before she got pregnant with Child 1 and things kind of
22 got rocky from there.

23 She never let it go. We took a break. I
24 found out that she was pregnant. I came back, tried to
25 work it out. And then I went through her phone and

1 found out she was messing around with somebody else.
2 And it pretty much became, she's messing around, I'm
3 messing around. She messed around, I messed around.

4 Then she ended up moving to Pardue Street.
5 She stayed in 2205. I didn't know until the first
6 mother of my kids, my first-born son and his mother, she
7 told me that Shaquanda Page -- she knew about her,
8 because she came to my house one day to pick up my son
9 and she was there.

10 And she was asking who this woman was and she
11 ended up taking my son and leaving. So she kind of felt
12 hurt because I had another woman, which was Shaquanda
13 Page, around my son, Demias.

14 Q. Just to clarify, this is the mother of your
15 first child?

16 A. Yes, sir. Dakendra Stewart.

17 Q. And then now you've got a relationship with
18 Shaquanda?

19 A. Shaquanda Page. She had my second child,
20 which is my first-born daughter.

21 Q. Was she staying in Pardue at that time?

22 A. Dakendra or Shaquanda?

23 Q. Well, either one. Tell me about Dakendra.

24 Yes? No?

25 A. Dakendra was. Yes, sir.

DIRECT EXAMINATION - DAVID D. WHITE

1 Q. Where was Shaquanda?

2 A. Shaquanda stayed -- had just moved to Pardue
3 Street. She stayed in 2205. So this would be the
4 apartment that Dakendra stay in. So if you walk up the
5 hill, that's where Shaquanda Page stay. So you can
6 pretty much go out Dakendra Page (sic) backdoor and see
7 Shaquanda Page's apartment.

8 Q. Y'all have a child. Y'all aren't living
9 together at this point. Is that right?

10 A. No, sir.

11 Q. At some point did y'all move in together?

12 A. We tried.

13 Q. Tell me about that. What do you mean, "we
14 tried"?

15 A. Around that time when me and her was trying to
16 move in with Shaquanda Page, me and Dakendra, the mother
17 of my first-born son, we was kind of back and forth in a
18 relationship. And Shaquanda Page had found out about it
19 and pretty much, I wasn't pretty much welcomed over
20 there anymore.

21 It even got to the point where she wouldn't
22 even allow me to see my daughter. I would come, knock
23 on the door, try to give my daughter diapers, formula,
24 things like that. She wouldn't even come to the door.

25 Even got to the point where me and my mom had

1 came to pick up my daughter, **Child 1** And she found out
2 that another female was at my house from her dad, who
3 was dating a woman that stayed in Northwest Apartments
4 where I stayed.

5 The woman he was dating, she had daughter that
6 Shaquanda Page went to school with. And they was
7 familiar with each other and they still communicated.
8 So she sent a text to Shaquanda Page and told Shaquanda
9 that I had another woman around my kids. And Shaquanda
10 Page called me and sent texts to me. She's threatening
11 to call the police and say I kidnapped my daughter if I
12 ain't bring her back.

13 Q. But eventually y'all got back together?

14 A. Eventually, yes, sir.

15 Q. And y'all had, I think you said -- we've heard
16 your relationship termed "rocky." Is that fair to say?

17 A. Yes, sir.

18 Q. It was basically because of infidelity on both
19 sides; is that fair to say?

20 A. Yes, sir.

21 Q. But y'all would always get back together?

22 A. Yes, sir.

23 Q. Why would y'all get back together?

24 A. She know basically from Dakendra Stewart that
25 I love my kids. My kids are my world. I got their

DIRECT EXAMINATION - DAVID D. WHITE

1 names tatted on me. Even when my daughter being passed,
2 which broke my heart, I got her tatted right here on my
3 heart for a memory of her.

4 Q. And eventually, y'all moved into [REDACTED] Pardue
5 Street together; is that right?

6 A. Yes, sir. She had -- with her having more
7 living space, they transferred to a three, but it's like
8 a four-bedroom apartment. So she had access to that.

9 Q. So she's the one who got the apartment?

10 A. Yes, sir. It's housing authority, so only
11 mainly woman stay there. If you have parental rights of
12 your kids, that's the only way that you can really move
13 into those apartments. It's like a program for housing
14 assistance.

15 Q. So about when -- and I don't need the exact
16 date, but just kind of approximately, when did she move
17 in to Pardue Street, to the [REDACTED]

18 A. I'd say around 2015, '16, '17. Somewhere in
19 between '15 and '17. 2000.

20 Q. So she'd been in that apartment for a while --

21 A. Uh-huh.

22 Q. -- come 2021?

23 A. Yes, sir.

24 Q. When she first moved in, did you move in with
25 her?

1 A. No, sir. I didn't have no idea. You're
2 talking about -- can you elaborate more on the question,
3 when she first moved to Pardue Street?

4 Q. Sure.

5 When Shaquanda Page moved to Pardue Street
6 apartments back in 2015, '16, whenever it was --

7 A. Yes, sir.

8 Q. -- did you move in with her?

9 A. No, sir. I had no idea that she had even
10 moved to Lancaster or to Pardue Street. She didn't tell
11 me at all. And around that time, that's when **Child 1**
12 was born, when she moved there. Like I said, she didn't
13 allow me access to my daughter because of the female
14 situation.

15 Q. Sure.

16 But eventually, y'all did get back together
17 because y'all had a few more kids?

18 A. Yes, sir.

19 Q. When did y'all get back together?

20 A. A little after my daughter was two.

21 Q. Okay.

22 A. Had turned two or three.

23 Q. Did you move into Pardue Street at that point?

24 A. Not officially. I was staying nights.

25 Q. Staying nights?

DIRECT EXAMINATION - DAVID D. WHITE

1 A. Yes, sir.

2 Q. Where was your official address at?

3 A. Northwest Apartments. 366 Northwest
4 Apartments.

5 Q. Did you ever officially move to [REDACTED] Pardue
6 Street?

7 A. Not officially. No, sir.

8 Q. Not officially? Okay.

9 You've obviously been here all week --

10 A. You want me to elaborate more on that? I
11 officially mean, I was never on the lease. So
12 officially, no, I was not staying there. And in the
13 lease form, it says a resident can stay up to five days.
14 If it's more than a week, they'd have to be on the
15 lease. So it was kind of more of I was walking the line
16 so she wouldn't have to put me on the lease so her rent
17 wouldn't go up.

18 Q. Every few days, you'd have to vacate and find
19 another place to go?

20 A. Yes, sir.

21 Q. Where would you go?

22 A. Either to my mom's, grandmother's, a female
23 that I was talking to sometimes.

24 Q. Now, let's be fair. You had more than one on
25 the side, didn't you?

1 A. There was Sakeena Howze, Degracer Walls,
2 Neesha, Bree, Shane, it was a few. That's just a couple
3 names.

4 Q. You had a few? Okay.

5 A. Uh-huh.

6 Q. And you would stay at these places
7 occasionally?

8 A. Yes, sir.

9 Q. So if weren't at [REDACTED] Pardue Street and you
10 weren't at Sakeena Howze's place, where would you be?

11 A. Most of the time, my grandmother or my mom
12 house.

13 Q. And that is where?

14 A. 300 Connor Street and 305 Connor Street.

15 Q. Just to clarify, you've seen it, your
16 information with Popeye's and we'll talk about your work
17 in a minute.

18 Your information with Popeye's and your
19 driver's license says your address is [REDACTED] Pardue
20 Street. Tell me about that.

21 A. That was around the time where I was staying
22 nights with Shaquanda Page. So the only thing that
23 would come to mail would be my W-2 form because I didn't
24 get any mail like that. And I needed an address to put
25 down for my ID and both went at the same time. So I

DIRECT EXAMINATION - DAVID D. WHITE

1 used [REDACTED] Pardue Street.

2 And as we all know, driver's license stay
3 valid for almost five years or up to whenever, so it was
4 a housing change.

5 By this time COVID was out, so to get to the
6 DMV to change your address would be pretty much
7 impossible.

8 Q. Let's jump ahead a little bit. You started
9 working at Popeye's?

10 A. Yes, sir.

11 Q. When did you start working at Popeye's?

12 A. When they first opened, I was one of the first
13 hires.

14 Q. Do you remember about when that was?

15 A. 2020 going into 2021.

16 Q. Sometime in 2021?

17 A. Yes, sir.

18 Q. So in February of 2021, you were working at
19 Popeye's?

20 A. Yes, sir.

21 Q. And tell me about your work: How often, how
22 long, what did you do?

23 A. I would stay over most of the times -- with me
24 staying over because I was a shift lead. I had worked
25 up to a shift lead. So, many times, I had to come in on

DIRECT EXAMINATION - DAVID D. WHITE

1 my days off. And most of the time, I didn't clock-in
2 because the work hours -- it's a franchise. So it's
3 independently owed by one person.

4 So with that being stated, money was scarce.
5 So around that time we had to come in and clock-in and
6 those who were willing to work for free, we had to come
7 in without clocking in.

8 And I was one of the ones because I was a
9 shift lead. So most of my days I had to come in without
10 clocking in so that -- because of the money being
11 scarce, I had to work for free.

12 Q. How often would you do that?

13 A. A lot.

14 Q. A lot? Okay. And at that time, because you
15 didn't clock-in, did you tell your manager so you can
16 get on your time card?

17 A. No. Around that time, as I stated, money with
18 the franchise was scarce. And they were serious about
19 overtime and things like that, and I was past my
20 overtime. So most of the time, when I'd come in and
21 won't clock-in, just do my things, like change the
22 grease oil. Stay over for three or four hours until
23 they could find somebody to fill in that position or
24 that spot and I'd leave.

25 Q. And I think you said you had gotten a

DIRECT EXAMINATION - DAVID D. WHITE

1 promotion?

2 A. Yes, sir. I did.

3 Q. And you'd been there not terribly long?

4 A. Yes, sir. The promotion came because I used
5 to work at Bojangles and they was making me a shift lead
6 over there. So when I transferred over to Popeye's, the
7 work was a lot, pretty much familiar. So with being
8 familiar, it was easy for me to progress in.

9 Q. We've heard testimony that prior to this job
10 that you had spent a lot of time with your kids; is that
11 right?

12 A. Yes, sir. Every chance I could, I did.

13 Q. Once you got this job, you were working these
14 hours, did that change your time with your kids?

15 A. Drastically.

16 Q. Tell me about that.

17 A. It became working doubles. When Popeye's
18 first opened, it was pretty much strictly serious about
19 cleaning habits. So most of the times, we didn't get
20 out until 12 o'clock or almost -- at the earliest, it
21 was 11:15, but the latest it would be like 12 o'clock.

22 Q. And did you get food from there?

23 A. Yes, sir. As much as possible.

24 Q. How would you do that?

25 A. Most of the time it depends on who's working

1 that night. If they're lenient about letting us take
2 food home, we won't have to pay. Most times we have to
3 pay a percentage of it.

4 So I would -- you know, with me being shift
5 lead, I was able to talk to a supervisor. Because of my
6 work performance also, they didn't mind. And most of
7 the people that worked there knew about my kids.

8 Because when you first go to a workplace, that's the
9 first thing they ask about is your family, your life,
10 what you do in your spare time and things like that?

11 So a lot of people knew about the kids that I
12 have, they would make sure, "David, you take any food
13 home. Make sure you go over there, take as much as you
14 can."

15 They're like, "it's going to get destroyed
16 anyway so just take it, if you can."

17 Most of the time, I would take green beans,
18 mashed potatoes, red beans and rice, biscuits. At that
19 time we was serving corn on the cob, chicken, chicken
20 fingers, things like that.

21 Q. Did you have any other jobs?

22 A. I wouldn't call them jobs. I call them side
23 hustles. Things that I would do on the side.

24 Q. What would you do?

25 A. My dad is a barber, so I took up barber. I

DIRECT EXAMINATION - DAVID D. WHITE

1 was cutting children's hair, people in the neighborhood
2 hair. I didn't have my tattoo license, but I was
3 practicing it. I bought the machine so I would be doing
4 tattoos on the side also.

5 Q. So you stayed busy?

6 A. Yes, sir. I did.

7 Q. Let's jump to February of 2021.

8 A. Uh-huh.

9 Q. What was your relationship with Ms. Page at
10 that time?

11 A. It got rocky, real bad.

12 Q. Tell me about that.

13 A. The females got out of hand. I was around
14 that time seeing Sakeena Howze and Neesha and Degracar.
15 Most of my time would be with Sakeena.

16 Q. Who was just around the corner?

17 A. Uh-huh.

18 Q. And Shaquanda knew about that?

19 A. Yes, sir.

20 Q. Did you tell her?

21 A. Later on because it became me spending a
22 little bit too much time over there. And she started
23 asking questions and it became a heated conversation
24 where I just openly told her.

25 Q. So during this time, when it got rocky, were

DIRECT EXAMINATION - DAVID D. WHITE

1 you still staying in the apartment?

2 A. Which apartment?

3 Q. █████ Pardue.

4 A. No, not as often. No, sir.

5 Q. Not as often. Tell me a little about that.

6 What you mean "not as often"?

7 A. She knew, Shaquanda Page knew about Degracer
8 because she would come to Popeye's trying to fight her
9 while she was at work.

10 Q. Degracer worked there with you?

11 A. Yes, sir.

12 Q. Go ahead.

13 A. So around that time, I would be -- if I wasn't
14 with Sakeena, I was with Degracer. When I wasn't with
15 Degracer, I was with Neesha, who also stayed in Pardue
16 Street.

17 Q. Kind of, on average, would you stay any nights
18 per week at this point -- at this point when you're in
19 the rocky relationship, you're going to these other
20 places, would you spend any nights at █████ Pardue?

21 A. No, sir.

22 Q. Would you go visit?

23 A. It was kind of hard to visit because she
24 wasn't allowing me to see them. There would be times
25 where I'm banging on the door and my kids running to the

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1 door telling her "Mom, someone's at the door," and
2 Shaquanda would never answer.

3 Q. Now, when A.W. was born, how was y'all's
4 relationship?

5 A. It was bad.

6 Q. It was bad? Kind of like what you were just
7 talking about?

8 A. Uh-huh.

9 Q. Fair to say you weren't in the house much?

10 A. No, sir.

11 Q. Were you aware of any doctor's appointments
12 that had been missed or scheduled or rescheduled or
13 anything like that?

14 A. No, sir.

15 Q. Had you attended any doctor's appointment
16 before with any of children, not just A.W.

17 A. A few after my twins was born.

18 Q. With A.W. did you attend any?

19 A. No, sir.

20 Q. Were you aware of any medical condition she
21 might have had?

22 A. No, sir.

23 Q. On the 22nd of February, you were at the
24 house; right?

25 A. Yes, sir.

1 Q. Tell me, how did you get back in good graces
2 so you could see these children?

3 A. I was missing my kids, and we had gotten into
4 an argument in the midst of it and she asked me why I
5 keep coming back?

6 Q. Why did you keep coming back?

7 A. I told her, "I love my kids and I want to see
8 my kids." And I told her, "I'm afraid if I come here
9 one day one of my kids might be passed away."

10 Q. Okay.

11 A. And I feel like ever since I told her that
12 day, I feel like I spoke that into existence because my
13 baby ain't here.

14 Q. So let's talk about that day. Did you go to
15 work that day, the 22nd of February?

16 A. Around that time, I can't recall because they
17 was questioning me and I was stressing. I was
18 panicking. I couldn't even think straight. I could
19 barely talk.

20 Q. Do you recall on the video when they're
21 talking to you at the hospital, did you tell them that
22 you had the day off?

23 A. When I watched the video, I noticed that I had
24 told them that I had watched them.

25 Q. Okay. Well, did you?

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1 A. I can't recall. From when I had talked to my
2 manager Renee, who was the manager at the time, Renee
3 Brown, She told me she had asked me to come in and
4 change the grease, but I can't clock-in because I'd be
5 stealing hours because I was past my overtime.

6 Q. So you recall going in, just not clocking in?

7 A. Yes, sir.

8 Q. And when did you get home?

9 A. Probably about 6 o'clock. No later than 7:00.

10 Q. And when you got there, did you see the
11 children?

12 A. When I got there my kids was upstairs. It was
13 just Shaquanda down there. And she came to the door
14 like she had just woke up.

15 Q. Had she told you anything about A.W. [REDACTED]

16 A. She had told me that A.W. [REDACTED] had like a mild
17 fever and she wasn't feeling good.

18 Q. You remember when she told you that?

19 A. Probably two, three days prior to.

20 Q. Okay.

21 A. And I was with Sakeena or Degracar around that
22 time and she had called and sent me messages and told me
23 that A.W. [REDACTED] wasn't feeling so good.

24 Q. So she's mad at you, won't let you in the
25 house but y'all are still communicating?

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1 A. Yes, sir.

2 Q. About the children?

3 A. Yes, sir.

4 Q. Did you tell her to take the kid to the doctor
5 or anything like that?

6 A. With her having a mild fever and her being her
7 age, the only thing they was going to do was prescribe
8 her Tylenol or Ibuprofen. So I told her, just get some
9 Tylenol or some Ibuprofen and some Pedialyte and break
10 her fever.

11 With me having experience with kids and having
12 so many that we had that was sick around that time, it's
13 kind of like a routine habit. Just Pedialyte, Motrin or
14 Ibuprofen, Tylenol, try to break the fever. There's not
15 really too much medicine you can give a one year old.

16 Q. And so did y'all have Pedialyte and Tylenol in
17 the house?

18 A. From my knowledge, yes, sir, we did.

19 Q. If someone were to give the medication to

20 **A.W.** who would have given it to her?

21 A. Shaquanda.

22 Q. When you got home that night, did you go check
23 on **A.W.**

24 A. Yes, sir. I did.

25 Q. And we've seen the video, the reenactment, is

DIRECT EXAMINATION - DAVID D. WHITE

1 that fairly accurate?

2 A. It's fairly accurate. Yes, sir.

3 Q. And you were also here yesterday when there
4 was whole lot of testimony about the video from outside
5 and you running from place to place.

6 Do you recall what you did? Do you recall
7 exactly what you did that evening?

8 A. Only thing I can recall was me just freaking
9 out, panicking.

10 Q. Do you recall if you had a phone?

11 A. No, sir. I don't.

12 Q. What was your state of mind at that moment?

13 A. Help. When I looked at the video, I seen
14 myself running downstairs. That was my friend, Keith
15 Benson. He had passed -- he had cancer, he passed away
16 from cancer about two or three years ago.

17 And I remember going down to the Jeep because
18 we smoke marijuana, as I testified in the video
19 statement and he usually be outside most of the time or
20 in the car. So when I ran down, I was hoping he was in
21 the car but he wasn't in the car.

22 So I ran next door, a couple of doors down to
23 where Janessa Campbell stayed and her husband and most
24 likely our common friend, Keith Benson, would be there
25 too.

1 So I'm banging on the door. Her son Donyea
2 [phonetic] came to the door. And I just came rushing
3 in, screaming. And he was in the back room with Keith
4 Benson. They was listening to music, playing a game.
5 And I asked them -- I was telling them screaming and
6 shouting. I was like, "I think my daughter going. I
7 need help."

8 He was like, "Calm down."

9 I kept screaming and I kept screaming and it
10 was -- things just went black from there. Like, I
11 blacked out.

12 Q. Do you know why you didn't call 911?

13 A. I was panicking. I was in so much confusion.
14 Scared to my life because my daughter wasn't breathing,
15 she was lifeless. That's something I've never seen in
16 my life before. In any situation, I couldn't see how
17 anybody could think straight or even figure out what's
18 going on around them at the time.

19 Q. Going back, A.W. was born in December of what
20 year?

21 A. A.W. was born [REDACTED]. She was
22 born and I cherished her dearly because if y'all don't
23 mind me pointing, she looks exactly like my grandmother
24 that's with the gray wig sitting beside my dad with the
25 green hoodie. Their baby pictures are identical. They

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1 look like identical twins.

2 And what made it even more special that I hold
3 her dearly to me, because my grandmother was born
4 December 22nd and A.W. was born a day before my
5 grandmother. And I remember talking with my grandmother
6 telling her, "If I ever have a day where I have to lose
7 you, I said, "I know that you'd come back as my daughter
8 A.W. because she's a day before you."

9 Same month, just as different day, one day
10 apart.

11 Q. Now let's talk about the conditions of the
12 house. You've seen the pictures?

13 A. Yes, sir.

14 Q. Is that what it typically looked like?

15 A. No, sir. Not at all.

16 Q. And tell me, do you know why it looked like
17 this at this time?

18 A. From my knowledge, Shaquanda Page had her
19 house, Section 8 Housing vouchers and she was getting
20 ready to move, so everything was pretty much packed up.

21 And around that time, that's when the argument
22 had happened. And if you go back to the photos, to that
23 back room, my stuff was also in the container on the
24 floor, to where it was pretty much me picking my things
25 up, like she pretty much had enough.

1 Q. Let's talk. Is that the room that you had to
2 go get the key to unlock?

3 A. I didn't have a key on my person. The key was
4 in the cabinet. If you look at that video, I went to
5 the cabinet and grabbed the key. So the whole time, the
6 key was in the house, in the cabinet.

7 Q. But it was that room?

8 A. Yes, sir.

9 Q. And I kind of look at it like a "man cave."
10 Is that what it was?

11 A. Not really. Shaquanda Page, around that time
12 while we was trying to figure things out, she made me
13 keep some of my things there.

14 Q. I know the State's going to ask you about this
15 so I'm go ahead and do it.

16 David, you're working all this time, you
17 working these doubles, you making money. You've got
18 these expensive shoes on the wall but there ain't no
19 food in the refrigerator.

20 Tell me, what's going on there?

21 A. That would be an impossible statement. The
22 refrigerator and the freezer at Pardue Apartments are
23 fairly small. You can barely fit anything in here. So
24 a deep freezer was bought for extra storage for food.

25 Q. Was it operational at the time?

DIRECT EXAMINATION - DAVID D. WHITE

1 A. Yes, sir. If you look back at the video, the
2 deep freezer was plugged in and running.

3 Q. To your knowledge, was there anything in it?

4 A. To my knowledge, it was filled up to the top.
5 It would be impossible for -- reason being, it would be
6 questionable as to why they didn't check it. But her
7 statement was, "things were occupied on top of it, so it
8 was fair to say that it wasn't used."

9 So if that was fair to say, her to say that,
10 there was fairly other things in there that was piled up
11 and stacked on top of each other that y'all still
12 searched.

13 So why didn't you search the deep freezer?
14 You was taken pictures of everything else in the
15 refrigerator, but why didn't you search the cabinet?

16 She said she searched the cabinet. If she
17 did, she would have found the key that was in the
18 cabinet to that room.

19 If she searched the cabinet, as you seen when
20 I opened it, it was filled up with food.

21 If you searched the cabinet you would have
22 seen that the Tylenol and Pedialyte and the Pediasure
23 was in the cabinet also, but you didn't do that.

24 And she said she did, but the cabinet above
25 the sink is fairly high. I'm six-foot, almost 6'1" and

1 I still have to stand on the chair to get things out of
2 that cabinet. But she's almost 5', 5' 3". How could
3 you see in the top of that cabinet if you didn't stand
4 on top of anything? Wasn't anything moved to show that
5 you stood on top of anything to search in that cabinet
6 where the Tylenol was.

7 Q. Let's talk about, at this time, you were not
8 receiving any food stamps; is that correct?

9 A. Correct.

10 Q. Shaquanda was receiving all the food stamps;
11 correct?

12 A. Correct.

13 Q. Going back briefly to the condition of the
14 house, do you recall the pictures that were put up that
15 show a whole lot of dishes, dirty dishes all over the
16 counter, in the sink, sinks filled up, stuff on the
17 stove. Is that a typical condition of that home?

18 A. No, sir. When I'm there, that house is
19 spotless.

20 Q. But you weren't there at that time?

21 A. Which is obviously saying that it would be
22 impossible for me to be there because I'm a neat freak.
23 I'm highly organized.

24 Q. This was when y'all were having a rough time?

25 A. Yes, sir.

DIRECT EXAMINATION - DAVID D. WHITE

1 Q. And you were staying other places?

2 A. Yes, sir.

3 Q. David, I'm going to ask you one more very
4 broad question. Do you feel that there's anything
5 important about this case I have not asked you?

6 A. Just a few.

7 Q. Tell us about it. Don't ask me the questions,
8 but what have I not covered that we need to cover?

9 A. About my shoes on the wall.

10 Q. Okay. Yeah, I did want to cover that. Tell
11 me about your shoes on the wall.

12 A. That was not of my doing. Shaquanda Page did
13 that as a gesture before she had got her Section 8
14 vouchers to pretty much -- she straightened up the whole
15 back room to where it looked like -- you stated, like, a
16 "man cave." She invited me in, showed me the room. And
17 said she had pinned up my shoes on the wall.

18 And I asked her why she did that?

19 And she said that, to her, it looked more
20 accommodating. So that was not of my doing. I usually
21 keep my shoes in the boxes because I usually resell them
22 before they get too dirty or anything like that. I'd be
23 selling it to people at a cheaper, more reasonable price
24 than what I paid for them.

25 Q. What else do we need to cover?

1 A. They stated that my children were in a
2 horrible condition.

3 Q. Okay. Tell me about that. What was your
4 assessment?

5 A. From the video, I think it's fair to say with
6 the toys laying around, with the markers on the wall,
7 that my kids pretty much had freedom to be kids.
8 Something that we couldn't do when we were that age.
9 We'd normally get punished for drawing or writing on the
10 wall, toys laying around freely.

11 With the house looking like that, my kids were
12 free to make mistakes as kids should be.

13 They say my kids were in an ill-will manner.
14 But when you looked at the video and seen my kids, my
15 daughter's hair was done. She had nice clothes on.
16 They were playing in living room. My youngest daughter
17 was talking, which was **Child 4** the baby, was talking to
18 the police officer, just like my daughter **Child 1** was
19 interacting with them. Like she was having a
20 conversation like a normal seven-year old would have.

21 But for a two-year old to walk up, hair done,
22 talking to them, how can you say that my kids weren't
23 talking or interacting or didn't have no imagination?

24 If they didn't have no imagination, how did
25 the markers and crayons get on the wall? They had to

CROSS-EXAMINATION - DAVID D. WHITE

1 come up with an idea, it had to come from imagination.

2 How can you say that my kids weren't speaking
3 when clearly in that video you heard all six of my kids
4 voices.

5 Q. Let's talk briefly about that. They were
6 saying that David was essentially a mute.

7 A. And you heard him in the video speaking, but
8 he's mute?

9 Q. Anything else?

10 A. No, sir. Nothing that I can think of at the
11 moment.

12 MR. FRICK: David, I'm going to turn you over
13 to the Solicitor. Please answer any questions that she
14 has.

15 THE COURT: Cross-examination, Solicitor?

16 MS. CAMPBELL: Yes, sir.

17

18 **CROSS-EXAMINATION**

19 **BY MS. CAMPBELL:**

20 Q. So can I call you David?

21 A. Yes, ma'am. That's my name.

22 Q. Would you rather me call you Mr. White?

23 A. If you want to use it on a professional level,
24 then Mr. White will suit fairly well for this position.

25 Q. So that would be suitable for me to address

1 you as Mr. White?

2 A. This is a professional thing, so Mr. White
3 would do fine, if you want to call me Mr. White.

4 Q. And, Mr. White, you're actually a victim here,
5 that is what you just testified to?

6 A. No, ma'am. I did not testify to being the
7 victim. The conversation was pretty much of my
8 day-to-day basis and my life and my relationship with my
9 kids. My daughter, A.W. is the victim.

10 Q. Your daughter, A.W. is the victim in this
11 case, but you're a victim too, of Shaquanda?

12 A. No, ma'am. What me and Shaquanda was going
13 through had nothing to do with my kids.

14 Q. Who wasn't taking care of A.W. Who failed
15 to give A.W. food so she could live?

16 A. She's keeping me away from my kids. So it's
17 fair to say, I can't force myself into her position or
18 my kids life, because we all have heard of situations
19 where it would be pretty much like kidnapping or
20 breaking and entering, breach of peace, disturbing the
21 peace. Because I don't have legal parental rights of my
22 kids, Shaquanda Page does, a father really doesn't have
23 that unless he goes to court and get those parental
24 rights.

25 Q. And you want to talk about you going to court

CROSS-EXAMINATION - DAVID D. WHITE

1 and getting parent rights?

2 A. I didn't want to seem like a monster because I
3 didn't have nowhere officially to stay or anywhere to
4 house my kids, if I did go get my parental rights. So
5 it would be pretty much like the situation where I'm in
6 right now, my kids would be in foster care or DSS care
7 if I did do that.

8 Q. Who got your kids originally when this all
9 happened with A.W.

10 A. Around that time, my grandmother had a type of
11 guardianship.

12 Q. And your mother participated with your kids?

13 A. She was an additional caregiver because of my
14 grandmother and her age.

15 Q. And let's be real, as you told the
16 investigators and we'll get to your interviews, you had
17 family support, sir. You've always had family support.
18 You have a loving, caring family who was there for you
19 if you needed them?

20 A. I had a loving and caring family that would
21 help and support. But with that being said, why was the
22 children still taken from my grandmother if they was
23 already in her custody and her care? And you just
24 pretty much verified that I had a loving, caring family
25 and support.

1 Q. That's my point. And we'll get into the
2 reasons they were taken from your family later, as far
3 as their care.

4 But you had family members to turn to that
5 could help you. They gave you rides to work, didn't
6 they?

7 A. When they could, they did.

8 Q. And you had a good relationship with your
9 father?

10 A. Yes, ma'am. But he stayed all the way in Fort
11 Lawn, pretty much in Chester County.

12 Q. In Chester County. But he was someone you
13 could turn to for guidance. In fact, you were here when
14 he testified and he testified how he would give you
15 advise to take care of your kids.

16 A. Not "taking care of my kids." Pretty much
17 dealing with the situation with Shaquanda because he
18 knew and he stated that she would keep my kids from me.
19 So with him being my dad and dealing with some of a
20 similar situation with my mom, it became more of a
21 guidance because he knew how to deal with a situation
22 like that.

23 And as he stated, sometimes it hurts to let
24 go, but you have to let go in order to make progress for
25 yourself.

CROSS-EXAMINATION - DAVID D. WHITE

1 Q. So again, you're saying, Shaquanda was keeping
2 the kids from you?

3 A. Yes, ma'am.

4 Q. Is that what your testimony is?

5 A. That's what I stated.

6 Q. And you talked about how here, in court
7 today -- and by the way, this is the first time you're
8 talking about how you never stayed at the house, how you
9 weren't at the house that weekend and all that.

10 Because the only thing you ever told police
11 officers, the coroner's office, DSS, is that you lived
12 there and you were there that weekend?

13 A. At that time it was a stressful situation,
14 which is pretty much normal --

15 Q. And you can answer anything you want to but
16 you have to answer "yes" or "no" first, then you can
17 explain it. But you have to answer my question, okay?

18 A. What was the question?

19 Q. The question is: This is the first time,
20 three and-a-half years later, that you have ever said
21 that you weren't living there?

22 A. Yes. This is my first time stating that,
23 because as you noted, in the video, they even never
24 asked that question, where I stayed. They assumed I
25 stayed at [REDACTED] Pardue Street if you look at the video.

1 Q. No, sir. You also told them about what had
2 happened that day in detail when they first questioned
3 you. You went through detail after detail about what
4 happened when you got off work the day before.

5 About how your sister-in-law or your fiancée's
6 sister had come over and A.W. was running around.

7 Then you changed it to walking and that she
8 would smile faintly. That she had had a fever, that you
9 knew about it. You told them what happened from the
10 night before. You told them when Tylenol was given to
11 your child that day. You told them how many naps you
12 took that day. You told them when you fed them lunch.

13 A. As I stated --

14 Q. When you fed them breakfast in detail.

15 A. As I stated, and if you listen to the
16 statements, I said Shaquanda Page told me she
17 administered her Tylenol.

18 I also stated that Shaquanda Page told me that
19 A.W. was sick. That's what I stated. I said,
20 Shaquanda Page told me. Not that I knew based off of
21 what Shaquanda Page referred and told me.

22 Q. Sir, are you denying that you told them that
23 you had gotten home the night before --

24 A. Once again --

25 Q. -- and what had gone on that whole day, as far

CROSS-EXAMINATION - DAVID D. WHITE

1 as with you and the children and your one child going to
2 the bus stop, coming home from school, knocking on the
3 door, are you denying any of that, that you said that?

4 A. I'm not denying any of that. I'm stating that
5 at that time they questioned me, at a stressful
6 situation of me losing my daughter, who would think,
7 under any circumstances, think straight or correct or
8 recall anything exactly of that date or how things went?

9 I'm more focused on what's going on, what
10 happened to my daughter?

11 If anybody can think and recall every time and
12 every hour or everything they did that day when they
13 lose someone significant as a child or a grandmother and
14 then something is insane or not right with that person.

15 Q. You aren't getting up in front of this jury
16 and saying that that recording that was done at the
17 hospital where your child, who you chose not to go say
18 goodbye to, was laying, that that's what recorded, was
19 what you said?

20 A. With you stating that, I did not want to go
21 see my daughter because I didn't want to have that one
22 last memory of what I seen. The last thing I seen was
23 me picking my daughter up out of her crib lifeless and
24 it was already tough dealing with that picture.

25 So picturing her laying on that hospital bed,

1 even like in that situation, where it would be more deal
2 breaking and heartbreaking. It was the same way when my
3 aunt passed, I couldn't deal with it.

4 Q. Okay. I understand that. Do you agree with
5 me that they recorded what you told them about the
6 events that lead up to A.W.'s death, that you told them
7 about what you did and what you knew?

8 A. From watching that video, that's what I seen.

9 Q. And you referred several times to "watching
10 the video." Was that in preparation for your testimony
11 here today?

12 A. Can you elaborate?

13 Q. Do I care -- I'm asking you a question: Was
14 that in preparation for your testimony here today three
15 and-a-half-years later?

16 A. I don't get the question you're trying to ask.

17 Q. Did you review the videos, did you review the
18 evidence?

19 You've talked about what other people said in
20 court. You've talked about what the videos show.

21 A. Yes.

22 Q. You've brought up certain things. Was that in
23 preparation for the story you decided to tell, here in
24 court, three and-a-half-years later?

25 A. No, this is not prepared (sic).

CROSS-EXAMINATION - DAVID D. WHITE

1 Q. It's not in preparation for that?

2 A. No, ma'am.

3 Q. I want to back up. You said specifically that
4 -- and these are a few housekeeping matters -- that on
5 your driver's license, it reflects that it was -- [REDACTED]
6 Pardue Street was your address?

7 A. That's what is on my ID. Yes, ma'am.

8 Q. And you said you did that just because you
9 went with Shaquanda to get your license?

10 A. Yes, ma'am. At that time, as I also stated,
11 that I would stay nights there.

12 Q. And would you agree with me that on this
13 driver's license record, it indicates that you got your
14 driver's license issued at that address on February 19,
15 2016?

16 A. Yes, ma'am. That is that day.

17 Q. And you kept that as your driver's license
18 until you changed it on August 23rd of 2022?

19 A. Yes, ma'am.

20 Q. But your testimony here today is that the
21 months leading up to A.W.'s death, you weren't really
22 staying there anymore.

23 Why didn't you change your address then like
24 you managed to do in 2022?

25 A. Around that time, it was still hard to get

1 into the DMV. And she failed to state that I had just
2 got released from county in 2021, going into 2022. I
3 had got released in December 2021. So around that time,
4 my ID had expired and when I got it changed, that was
5 the day I got it changed.

6 Q. But before then, you'd never gotten it changed
7 even though you weren't, according to your testimony
8 here today, staying there much anymore?

9 A. As I stated, it was around the time of COVID.
10 So it was impossible to get into the DMV. The sheriff's
11 department is pretty much right across the street from
12 it. So it's not a lot lie or a false when I say it was
13 really hard to get into the DMV, as we all know, because
14 we all tried to get into DMV around COVID time and it
15 was impossible.

16 Q. When this happened, how long had you been
17 working at Popeye's?

18 A. Probably about a year and a half, going on
19 two, I think I recall.

20 Q. Do know why you would put down your address at
21 [REDACTED] Pardue Street and never changed at Popeye's?

22 A. Like I stated, around that time, me and
23 Shaquanda Page were on and off, so that's the nights
24 where I was staying.

25 Q. Do you know why one of your girlfriends, I

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1 think Sakeena just came in here and testified that you
2 were still living there at Pardue Street at that time
3 and that was her testimony?

4 A. She stated that it would be an on-and-off
5 thing. I mean, I was staying at Pardue Street as I
6 stated with Neesha, who also stayed in Pardue Street.

7 Q. What's Neesha's last name?

8 A. That been some years ago. I can't recall her
9 last name.

10 Q. And you mentioned, I think, a Bree or a Shane
11 or somebody?

12 A. Shane and Bree. Bree recently had an incident
13 where her son, her four-year old had got shot due to a
14 gun being left in her house. So she's kind of dealing
15 with a similar case also.

16 Q. And does she have a last name?

17 A. Not that I recall.

18 Q. What about the other one?

19 A. Shane? She has a last name. Her last name is
20 Campbell. She stays in New York now.

21 Q. And you mentioned that you had first met
22 Shaquanda when she had a son that wasn't your natural
23 son; right?

24 A. That's correct.

25 Q. What was his name?

1 A. Quinton Nyreek.

2 Q. And Quinton is one of the reason y'all got
3 together, because you noticed that Quinton had some
4 traits of autism?

5 A. That's correct.

6 Q. And that you were good with your cousin who
7 had autism?

8 A. That's correct.

9 Q. And you knew how to deal with children with
10 autism?

11 A. That's correct.

12 Q. And you would agree with me, children with
13 autism require some medical care?

14 A. They do.

15 Q. And they require certain specific interaction
16 and things and maybe specialized programs in school and
17 things of that nature?

18 A. That's correct.

19 Q. But you had the experience to deal with
20 Quinton; right?

21 A. That's correct.

22 Q. Why wasn't Quinton leaving with y'all?

23 A. Quinton had got taken from Shaquanda Page
24 because around five years old, six --

25 Q. And that would have been after your daughter

CROSS-EXAMINATION - DAVID D. WHITE

1 **Child 1** was born?

2 A. That's correct.

3 Q. And that would have been when you and
4 Shaquanda were living together?

5 A. No, that's not. Because I stated that around
6 that time, me and Shaquanda was in a rocky relationship
7 where she wouldn't allow me access to my daughter.

8 Q. And your testimony is, is that Quinton then
9 got taken from her?

10 A. That's correct.

11 Q. And did you and Shaquanda get together after
12 that?

13 A. We kind of did. We were together mostly for
14 emotional support. She was kind of broken, heartbroken
15 about the situation.

16 Q. And at this point authorities, whoever it is,
17 think it's appropriate to take Quinton from her but they
18 left your young daughter **Child 1** with her, is that your
19 testimony of what they did?

20 A. Quinton was took because of a truancy case.
21 Not anything like child abuse or anything like that. It
22 was that he missed too many days of school, so they took
23 Quinton from her because of that. My daughter, **Child 1**
24 was not in school at all.

25 Q. Let me ask you this: How long was it before

1 **Child 2** your son was born?

2 A. Two years after my daughter **Child 1** My
3 daughter **Child 1** was born 2017.

4 Q. And what's his date of birth?

5 A. 2018. No, 2019.

6 Q. Do you want to try again?

7 A. No, because it's not a guessing game. I have
8 a lot of kids.

9 Q. I know you do. Let's talk about how many kids
10 you have real quick.

11 A. I can tell you. If you want to elaborate, I
12 can tell you each month and day my kids were born, but
13 the year, it would be kind of impossible. But I know
14 the month and year -- I mean, the month and day that my
15 kids were born.

16 Q. How many children do you have in total?

17 A. Biologically, I have eight kids total. But I
18 have a daughter that I've been taking care of ever since
19 she was born and I'm the only dad she knows.

20 Q. And who is that with?

21 A. The first mother of my kids.

22 Q. Dakendra?

23 A. Dakendra Stewart.

24 Q. And other than that, all your children are
25 with Shaquanda?

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1 A. Yes, ma'am.

2 Q. And you said you don't know the date and
3 everything. And you said specifically with A.W. that
4 she was special because she looked just like your
5 grandmother?

6 A. That's correct.

7 Q. And that she was born on [REDACTED]?

8 A. [REDACTED]. I'll never forget her.

9 Q. You will never forget that? Would it be
10 surprising that perhaps you were wrong about that and
11 her date of birth was December 22nd?

12 A. No, my grandma was born December 22nd.

13 Q. And I'll get back to that in a minute.

14 Your testimony is that y'all were on and off
15 but y'all pretty much had -- Shaquanda pretty much
16 stayed pregnant from the point of when she got pregnant
17 with Child 2 forward; isn't that correct?

18 A. Can you state your question again?

19 Q. Isn't it pretty much true that Shaquanda
20 stayed pregnant -- from the point when she got pregnant
21 with Child 2 every year there would be a new child or
22 children actually?

23 A. That sounds correct. Yes, ma'am.

24 Q. So despite your rocky relationship, despite
25 all your relationships with all these other women, you

1 and Shaquanda kept getting back together?

2 A. On and off, yes.

3 Q. And you mentioned that she moved into the
4 apartment, the larger apartment in 2016, the
5 four-bedroom apartment?

6 A. Somewhere around that time.

7 Q. Who would have been born then? Why would she
8 be moving into a four-bedroom apartment?

9 A. Around that time, she had Quinton, **Child 1** and
10 **Child 2** my son.

11 Q. And this was around the same time that you
12 were listing **████** Pardue Street as your apartment. And
13 would you agree, you were living there then?

14 A. On and off.

15 Q. Why did it take you until 2019 to meet your
16 girlfriend Sakeena?

17 A. What do you mean by that question?

18 Q. Sakeena testified that you didn't met until
19 2019, was she wrong about that?

20 A. No, she wasn't wrong. She had just moved over
21 there, if I'm not mistaken.

22 Q. You've testified earlier that your kids are
23 pretty much everything to you?

24 A. They are.

25 Q. And would you say that you're a pretty good

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1 father?

2 A. No, I wasn't.

3 Q. Why weren't you a good father?

4 A. Most of my time -- sometimes I hang in the
5 streets and stay out late, I would cheat. Me having
6 daughters and a son, it's not a good role model.

7 Q. But during the time you were there, you did
8 your best, as you talked about to these officers, about
9 trying to provide for your children?

10 A. Yes, ma'am.

11 Q. You recognize that responsibility?

12 A. Yes, ma'am.

13 Q. And in fact, when you were first -- and let's
14 talk about when you were first talked to at the hospital
15 that night right after **A.W.** died. Do you remember
16 that?

17 A. No. I prefer "passed away."

18 Q. And after she passed away, do you remember
19 talking to officers?

20 A. Yes, ma'am.

21 Q. Specifically when you were first asked, the
22 first thing you said was: "I came home from work
23 yesterday and that's when she told me **A.W.** wasn't
24 feeling too good. She wasn't really eating or drinking
25 or anything like that. She went to the store while I

1 stayed home with the kids."

2 Do you remember saying that?

3 A. I remember seeing that in the video. Yes.

4 Q. Do you remember saying that, "She bought some
5 Pedialyte and some apple juice and she was trying to
6 make her drink"?

7 A. I remember seeing the video. Yes.

8 Q. Do you remember saying specifically, "we was
9 monitoring her"?

10 A. I remember hearing that in the video. Yes.

11 Q. Do you remember saying that?

12 A. I remember hearing it in the video. Yes.

13 Q. And that was you that said that; right?

14 A. Yes.

15 Q. And why would you say that if it wasn't true?

16 A. "We," as in monitoring, would mean pretty much
17 alternating. We were going in, seeing how she was,
18 peeking in, checking on her.

19 Q. So it was true that you had come home from
20 work the night before?

21 A. That I came home from work the night before?

22 Q. Uh-huh. And that you were monitoring her
23 along with Shaquanda?

24 A. Yes.

25 Q. That she had given her Tylenol and let her

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1 rest?

2 A. That's what she told me, yes.

3 Q. And then you said specifically, "The next day
4 I was off."

5 And that would be the day you found A.W.
6 lifeless; isn't that true?

7 A. That would be the day that I found her laying
8 in her crib. Yes.

9 Q. And we've got your records here and that's
10 true, you were off that day?

11 A. Not necessarily. Renee Brown was the manager
12 and she called me in to change the grease.

13 Q. So you didn't think it was important, when
14 detailing what happened that day, to tell them that you
15 left specifically?

16 A. Once again, my daughter had passed, how could
17 I possibly think straight?

18 Q. Let's go back through what you did tell them
19 about all the details of that day because you left out
20 -- what time of day was it that you went into work for
21 free?

22 A. Probably around 3:00 going on 4:00.

23 Q. But in this statement you said that, "the next
24 day came, you were off and that Shaquanda put your
25 daughter on the bus." You told them that detail.

1 And then you said specifically about A.W.

2 "She was good. She was in the crib."

3 A. Uh-huh.

4 Q. And that's what you said you observed. You
5 said, "I went up there and checked on her, she was still
6 asleep."

7 A. That's correct.

8 Q. And that would have been that morning?

9 A. That's correct.

10 Q. So is that true?

11 A. Typically yes, that would be true. I did
12 check on her that morning. I peeked my head in the door
13 to see how she was.

14 Q. And not "typically." Is that what you did?

15 A. Once again, I stated yes, I went upstairs and
16 peeked my head in the door and checked on her.

17 Q. And let me ask you this: When you would come
18 in and greet your children, would you pick them up?

19 A. They would run to me. So picking up wouldn't
20 be like really a necessity because they would be hugging
21 me all around my legs before I could even get in the
22 door.

23 Q. As a father -- like they did that obviously,
24 that weekend? They did that?

25 A. I don't know.

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1 Q. And we'll get back to A.W. in a minute.

2 A. My daughter A.W. did not but the rest of my
3 kids, they did.

4 Q. Okay. When was the last time you had picked
5 up your child A.W.

6 A. Probably two days before she had passed
7 because we had got into an argument.

8 Q. And I'll get back to that. So two days before
9 she passed, you picked her up.

10 A. It had forced me to leave the house. But
11 reasonably speaking, the last time picking up my
12 daughter physically, was when she had passed away.

13 Q. The time before that, before she passed away
14 that day, when she had passed, when was the last time
15 you had held A.W. in your arms?

16 A. Two days before she had passed.

17 Q. Did you notice at that point that she weighed
18 about a month -- as the average, not even a robust, but
19 an average four month old?

20 A. That wouldn't be right because I basically
21 weighed nothing when I was that age. I have a high
22 metabolism and so do their mother, so that was pretty
23 much hereditary.

24 If you look at the high school and elementary
25 pictures or look up my hospital, doctor records, I have

1 a high metabolism and I was small, just as they were in
2 size and structure.

3 Q. The great part is you had doctor records.

4 A.W. didn't have any doctor records, did she?

5 A. Around that time, I was not involved in her
6 life, no, she didn't have any records.

7 Q. You talked about that after you checked on

8 A.W. that morning, you went back downstairs, fixed your
9 kids some breakfast. You were specific about this, "It
10 was around 12 or 1 o'clock."

11 And that would have been 12 or 1 o'clock in
12 the afternoon; right?

13 A. That's correct.

14 Q. That's what you told them, that then you went
15 downstairs and took a light nap until your daughter
16 knocked on the door from the bus?

17 A. That's correct.

18 Q. And that then your daughter took a nap as
19 well. And it was around 8 o'clock, "We all woke up at
20 eight or nine o'clock that evening."

21 A. That's correct.

22 Q. That you went upstairs to feed your kids, like
23 always.

24 "They were in the room to wake them up."

25 What room, what room would all these children

CROSS-EXAMINATION - DAVID D. WHITE

1 sleep in?

2 A. Around that time, I think all of them was in
3 the second bedroom where the full size mattress was.

4 Q. Where the bunk bed was?

5 A. Yeah, if I'm not mistaken. Yes, ma'am.

6 Q. But you woke them up and you fed them around
7 eight or nine that night, that they came downstairs and
8 that's when you went upstairs and discovered your
9 daughter.

10 So is your testimony here today, now, that
11 none of this that you told the officers, the coroner's
12 office and everyone right after it happened, none of
13 this is true?

14 A. Not none of it. It would be fair to say that
15 it's a stressful situation to even try to --

16 Q. No doubt.

17 A. -- recall any and every step of that day. If
18 they took the time, like they did in the second
19 statement that you haven't gotten to yet, that's where
20 everything was more of a -- so you can think clearly in
21 the environment where they was questioning me.

22 Q. So we'll get to that second statement in a
23 minute. But at that point you gave them details about
24 when you went up there:

25 "She wasn't breathing."

1 "She was laying there, her eyes were open."

2 "I was just hoping, like always, she was just
3 tired."

4 Is that what you told them?

5 A. Yes, because Shaquanda Page told me that she
6 wasn't feeling good and that she wasn't really eating
7 anything. So to me, and to anyone that would have a
8 one-year old that's sick, playing and moving and things
9 like that, where there wouldn't be too much stuff that
10 they would be doing. Resting would be more of something
11 that they'd be doing when their sick, which we all know.

12 Q. If a one-year old is sick and she hasn't eaten
13 in days and she's not drinking, you don't take her to
14 the doctor?

15 A. I did not know. And I stated in that video
16 before, Detective Small had cut the video off. I did
17 not know that she hadn't eaten in days besides what
18 Shaquanda Page told me.

19 Q. We'll get back to that.

20 THE COURT: Solicitor, when you get to a good
21 stopping point, I want to take a little short break.

22 MS. CAMPBELL: It's fine.

23 THE COURT: I don't want to cut you off
24 either.

25 MS. CAMPBELL: We're good.

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1 THE COURT: You're good? Okay.

2 Ladies and gentlemen, we're going to take a
3 short break. I'm going to go ahead and tell you, we
4 ordered pizza. So I'm going to keep you here and
5 hopefully that's okay with y'all. Let's take a short
6 break and then we'll come back and finish up with this
7 witness. Okay?

8 (Jury exited.)

9 THE COURT: We will be in short recess.

10 (Whereupon, a recess was taken.).

11 THE BAILIFF: All rise. Court is back in
12 session.

13 THE COURT: Please have a seat.

14 Come back up, Mr. White.

15 Let's bring the jury out.

16 (Jury entered.)

17 THE COURT: Let the record reflect, the jury
18 is back in.

19 Solicitor, you may continue.

20 MS. CAMPBELL: Your Honor, may I approach the
21 witness?

22 THE COURT: Sure.

23 BY MS. CAMPBELL:

24 Q. Mr. White, I'm going to show you State's
25 Exhibit 187.

1 Would you agree with me, these are your
2 child's birth records, Amina's birth records?

3 A. I'm thinking that's hers.

4 Q. What is the date of birth right here on the
5 front?

6 A. [REDACTED].

7 Q. [REDACTED]?

8 A. Uh-huh.

9 Q. In this first statement, you said you don't
10 really remember because you blacked out?

11 A. Uh-huh.

12 Q. But you were able to give them details about
13 how you found your daughter?

14 A. Uh-huh.

15 Q. That she wasn't breathing?

16 A. That's correct.

17 Q. Her eyes were open?

18 A. That's correct.

19 Q. That you went to your neighbor's house?

20 A. That's correct.

21 Q. That you went into the kitchen and tried to
22 administer CPR?

23 A. That's correct.

24 Q. And that the neighbor is the one that actually
25 called 911?

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1 A. That's correct.

2 Q. So all those details you were able to remember
3 back then but you're saying you blacked out. So are
4 those details accurate or not?

5 A. From my knowledge, they're accurate. And the
6 only reason why they're accurate is because I was in a
7 state of, I got to save my daughter. I was back -- my
8 friend -- well, his name is Alfonso Alonso Thames.

9 Q. Alfonso?

10 A. Yeah, all I remember is him shaking me. He's
11 like, "You got to go back. You got to go back over
12 there. You got to do something."

13 And that's when he took me back over there and
14 I was administering CPR to my daughter.

15 Q. And I'm talking about when you gave the
16 statement, you're saying you blacked out?

17 A. That's correct.

18 Q. Okay. In your blacked out state, you were
19 able to tell them that -- they asked you about how long
20 **A.W.** hadn't been feeling good and you told them, "It
21 was only two days, like a mild fever."

22 A. Uh-huh.

23 Q. "She was still warm even after we gave her the
24 Tylenol."

25 A. Uh-huh.

1 Q. "We just thought it was a regular fever that
2 had just come and it would go.

3 A. "We," stating as Shaquanda gave it to her.
4 How can I and Shaquanda give her Tylenol at the same
5 time?

6 Q. I'm talking about your statement, sir, not
7 about what happened. I'm talking about, is this what
8 you told them?

9 A. Yes. But you said "we" and I'm elaborating on
10 "we."

11 Q. And then they asked you about whether she had
12 an upset stomach or any kind of congestion. And you
13 said, "No, not that I know of."

14 A. Not that I know of, correct.

15 Q. They asked you specifically, "When is the last
16 time you saw her and she was okay?"

17 And you told them, "It was Friday or Saturday
18 because her aunt, which is her sister, came over."

19 And that would be Shay's sister; right?

20 A. That's correct.

21 Q. "She still had the fever, but she was smiling.
22 It was like a faint smile, like she was tired.

23 A. That's correct.

24 Q. And when you said "she came over," that would
25 have been to the apartment at [REDACTED] where even though now

CROSS-EXAMINATION - DAVID D. WHITE

1 you're saying you didn't live there, A.W. definitely
2 lived there, didn't she?

3 A. That's correct.

4 Q. So you were there when the aunt came over?

5 A. That's correct.

6 Q. That part is correct?

7 And then they asked you about today and you
8 said, "I went up there. She was in her crib sleeping
9 about the time I gave my kids some breakfast. It was
10 around like 12 o'clock, 1 o'clock, 2 o'clock, she was
11 still breathing."

12 A. That's correct. From what the video said,
13 that's correct.

14 Q. And that's what you told them?

15 A. That's correct.

16 Q. And that's what happened?

17 A. From my knowledge, that's correct.

18 Q. And then they asked you, "So you checked on
19 her after you made the other kids breakfast and she was
20 still asleep?"

21 And you said, "Yes, ma'am."

22 A. That's correct.

23 Q. They asked you, "How you knew she was
24 breathing?"

25 You said, "I could just tell from the door

1 that she was breathing."

2 A. That's correct.

3 Q. Then they asked you again about Friday and
4 Saturday when you saw her and she had a fever, but she
5 was smiling.

6 You said, "She was a walking around, but she
7 wasn't really walking. It was more like she would just
8 like take three or four steps and fall to ground and
9 start crying."

10 A. That's correct.

11 Q. That's when you saw her at the house on that
12 Friday or Saturday?

13 A. When I came, that's correct.

14 Q. So that is true too, even though you blacked
15 out.

16 And then they asked if there's anything at all
17 you wanted them to tell the doctors and you said, "Not
18 that I know of. To break the fever, we just had let her
19 sleep without any clothes on. Like usually, she has a
20 diaper but no socks, shirt, pants or anything like
21 that."

22 A. That's correct.

23 Q. So that was while she was in the house, you
24 would agree with that?

25 A. That's correct because the officer stated that

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1 the house was fairly hot. So it would be hot as to
2 where she would have to sleep with just a pamper on.

3 Q. And then they asked you, "Did she have a
4 diaper on when you found her?"

5 And they're talking about when you found her
6 not breathing.

7 A. No, she did not.

8 Q. So that was correct?

9 A. Correct.

10 Q. And then they asked you, "When was the last
11 time you saw her with a pamper on?"

12 And you said, "Like, earlier in the day when I
13 went and checked on her, but before I tried to feed her
14 breakfast, which would have been around 12 or one or two
15 that day."

16 A. That's correct.

17 Q. And that was true, too?

18 A. Correct.

19 Q. And it's true today?

20 A. Correct.

21 Q. And then you said, "While her brother's and
22 sister's were eating, she had a pamper on because she
23 was bouncing in her crib."

24 A. From what I seen, that's correct.

25 Q. Now let me go further.

1 "That's what me and my fiancée tried to
2 understand. She was just bouncing in her crib."

3 And they asked you, "When was the last time
4 you remember hearing her bouncing above you?"

5 And you said, "Around ten or 11 this morning."

6 And that would have been at Pardue Street?

7 A. That would have been correct.

8 Q. And that was what you told them. So in fact,
9 even though you're now saying you blacked out and some
10 of this isn't true, it is true?

11 A. Not all of it. It's more of what you went
12 back on the statement saying, "two days." That would
13 have been obvious to remember because nothing stressful
14 had happened that day besides her being sick or having a
15 mild fever. So it been easier to remember two days.

16 Q. Well, you just agreed with me that going
17 through the events of that day were all correct and
18 that's what happened?

19 A. No, I agree that the statement that was at the
20 hospital that I couldn't remember step by step detail,
21 detail what exactly was going on, what I was doing that
22 day when she had passed away when I found her.

23 Q. You did agree or you didn't, I'm sorry, sir?

24 A. I didn't agree.

25 Q. Okay. So the stuff you just said you agreed

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1 with me about, you don't agree with now?

2 A. No. I'm stating that what you had elaborated
3 on when you said, "the day of her passing," I don't
4 recall a lot of stuff that did happen that day.

5 Q. Okay. And I want to talk about, you were
6 under stress then but then two months later, you gave
7 another statement; right?

8 A. That's correct.

9 Q. Because the gist of what you're trying to tell
10 the jury here today is that you just weren't around
11 enough. You weren't around A.W. and your children very
12 much?

13 A. I was not.

14 Q. And that's important for you to get that
15 across to them today; isn't it?

16 A. Correct.

17 Q. So let's talk about your second statement.
18 And you've had an opportunity to review it and you're
19 the one that made the statement; right?

20 A. Correct.

21 Q. And that was May 13th, two and-a-half-months
22 after this all happened or two months plus?

23 A. Two days -- the 13th, a day before my son's
24 birthday, that's correct.

25 Q. And at that point you were able to tell them

1 what you wanted to tell them as long as it kind of
2 answered some of their questions -- they asked you some
3 questions; right?

4 A. Not really any questions that made it seem
5 like I was a suspect in this case.

6 Q. So the truth is different. If you're a
7 suspect in this case, then the truth would have been
8 when you were just trying to give the police information
9 that was important to their investigation?

10 A. No, ma'am. The truth -- the questions that
11 they asked were, "How many times did you feed your
12 kids?"

13 You watched the video. That's all they asked.
14 They didn't ask, was I around or anything like
15 that?

16 They just said, "How much did you feed your
17 kids?"

18 "What about A.W.

19 "What about Child 3

20 "What about Child 4

21 And that was pretty much it of the questions.
22 And how much -- how was the relationship with me and
23 Shaquanda? That was it.

24 It wasn't any questions asked of me like,
25 pretty much like, what hand did you have in your

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1 daughter's passing?

2 It wasn't any type of those questions.

3 Q. I'll get back to that in a second.

4 What point in this statement on May the
5 13th -- well, certainly in the first statement, you
6 never said you didn't live there; right? You would
7 agree with that? Just what you said?

8 A. The first statement?

9 Q. In the first statement that night at the
10 hospital after A.W. died, did you ever --

11 A. Passed.

12 Q. -- tell them that you weren't living there?

13 A. I'd appreciate it if you used "passed."
14 That's still my daughter. She's still human and she's
15 still -- regardless if she's not here, she's --

16 Q. The first night when she passed, did you ever
17 tell them that you didn't live there?

18 A. I don't recall telling them that I lived
19 there. I said "stayed." "Stayed" and "lived" are two
20 different things. You can stay somewhere and not live
21 there.

22 Q. Well, did you tell them that you stayed there
23 then?

24 A. Yes. I did tell them I stayed there.

25 Q. Now your testimony is that you did live there?

1 A. I never stated that I lived there that I
2 recall.

3 Q. Okay. Let me ask you this: In your second
4 statement, on May the 13th, when you talked to the
5 police officers, do you ever tell them that you didn't
6 either stay there or live there at [REDACTED] Pardue where
7 A.W. [REDACTED] passed?

8 A. I remember saying I stayed there, yes.

9 Q. At that point were you in any blackout stage
10 or anything of that nature?

11 A. No. I was pretty much in the recovery stage.

12 Q. Let me just hit a few things. They talked to
13 you about your education and about your family support;
14 right?

15 A. Not that I recall about my education. Family
16 support, I remember that.

17 Q. Do you remember telling them you went through
18 the 12 grade and got a high school diploma?

19 A. If I told them that, I would have also told
20 them I went to USCL.

21 Q. Do you remember telling them that you got a
22 high school diploma?

23 A. I think I did. But if I did, I would also
24 recall that I went to USCL, Lancaster.

25 Q. Do you remember agreeing with them that you

CROSS-EXAMINATION - DAVID D. WHITE

1 had good family support?

2 A. Yes. I did tell them that.

3 Q. Do you remember that you would get up in the
4 morning and what your usual routine was with the
5 children?

6 A. Yes, I did. I remember telling them that.

7 Q. And you told them that you would help your
8 fiancée get your daughter ready for school everyday?

9 A. When I'm there, make sure you add that because
10 in the video it says -- in the statement it says, "Did
11 you feed them?" And I said "yes."

12 "When did they eat?"

13 "Whenever I ate, whenever I'm there."

14 Q. They asked you about, what's a normal routine
15 with you and the kids?

16 A. Uh-huh.

17 Q. And then you replied --

18 A. When I'm there. That's the normal routine
19 when I'm there. You keep leaving out that statement
20 when I said, "when I'm there."

21 Q. At any point, did you ever add in the thing of
22 "when I'm there"?

23 A. Yes, I did.

24 Q. In that statement?

25 A. When they asked, "How frequently did they

1 eat?" And I said, "Whenever I ate, they ate, when I'm
2 there."

3 Q. So your testimony is that's in that video?

4 A. Yes, it is. If you play that video back, it
5 does say that.

6 Q. Okay. And then you say -- talk about your
7 child going to school. That would be Child 1

8 A. Uh-huh.

9 Q. And that usually you'll walk to work because
10 it's just around the corner from "where I stay"?

11 A. Correct.

12 Q. And that would be [REDACTED] Pardue?

13 A. Incorrect. As you said, "stayed" not "lived."

14 Q. And then they asked you about the twins.

15 Do you remember that?

16 A. Correct.

17 Q. And that you had actually recently taken
18 them -- at least once or twice, you'd gone to their
19 actual doctor's visits; right?

20 A. Correct.

21 Q. Despite all the turmoil between you and their
22 mother?

23 A. Correct.

24 Q. And since their birth, they had actually
25 gotten to go to the doctor; right?

CROSS-EXAMINATION - DAVID D. WHITE

1 A. Correct. It's fair to say that you're making
2 statements that when I'm there, they'll make their
3 doctor's appointments versus when I'm not there, they
4 don't make it.

5 Q. Then they asked you about your next oldest
6 child. And at first it said "Child 4" and then you
7 corrected and said "A.W." right?

8 A. Correct.

9 Q. And they asked you, "How much would A.W. eat
10 a day?"

11 Do you remember what you replied?

12 A. A lot.

13 Q. "She eats about everyday because I bring home
14 Popeye's every chance I get off."

15 A. Every chance.

16 Q. Where is home? "I bring home Popeye's."

17 A. That's their home. When I'm there, it's home.

18 Q. You talk about, "So it's like my knowledge,
19 whenever I came home, they ate for sure."

20 A. Once again, that's what I stated. From my
21 knowledge, when I'm there, they ate.

22 Q. "She would eat until she fell asleep."

23 A. That's correct. I have pictures on my phone
24 that y'all had confiscated that she was sleep eating and
25 she had a big plate in front of her. For some reason,

1 those photos weren't pulled from my phone but all the
2 bad ones were.

3 Q. I'll get back to that.

4 You talked about how you would feed her
5 potatoes, rice, beans, "tear up the chicken strips"?

6 A. Correct.

7 Q. You'd have to give her a refill every time she
8 eats, she wants it?

9 A. Correct.

10 Q. And that "she would eat until all of a sudden
11 she'd start throwing the food and that would be when she
12 was full"?

13 A. Correct.

14 Q. And then you talked about how you got a couple
15 of videos of her doing that?

16 A. Correct.

17 Q. But those weren't on the phone?

18 A. They're on my SnapChat. Y'all aren't willing
19 to give me my phone where it says "photos." But there's
20 an app called SnapChat where I keep pretty much all
21 those because you can add filters and smiley faces and
22 things like that, that actually makes it look like a
23 professional took it.

24 Q. And then they ask you, "How many times, how
25 many times a week do you feed her?"

CROSS-EXAMINATION - DAVID D. WHITE

1 And you said, "How many times?" "Too much."

2 They asked you, "Do you feed her everyday?"

3 And you said, "Like, it's everyday. Around,
4 like, I say, eat, she's eating. I got a snack, they got
5 a snack. It's like if I'm eating ice cream, y'all eat
6 ice cream too. It's like pretty much what I'm eating
7 they're eating, so it's constant."

8 And that applied to all your children,
9 according to you?

10 A. Correct.

11 Q. Then they asked about daily routine, that you
12 said you worked almost everyday?

13 A. Correct.

14 Q. And normally they asked you if you leave
15 early, and you said, "I'm back either afternoon or
16 around ten or 11, if you worked a double."

17 A. Correct. So around that time, it's fair to
18 say that while I'm at work or working those doubles,
19 Shaquanda Page had already had them in bed, so I don't
20 know if they ate or what happened.

21 I can only go off of what she tell me, which
22 is why --

23 Q. How many doubles did you work in February?

24 A. A lot. Because I was a shift lead, so I
25 worked a lot.

1 Q. For free?

2 A. Most of the time yes, because we were short
3 staffed.

4 Q. Then it talked about, "You would come home and
5 you would feed them and all of that and take care of
6 them."

7 And they had asked you specifically, "Did you
8 hangout with them?"

9 And you had said, "All the time."

10 A. Every chance I get. Yes, that's correct.

11 Q. "All the time. Drawing with crayons, hand
12 paintings on the wall, all the time"?

13 A. That's correct. If you look back on the
14 video, you can see little canvasses there by the light,
15 12 by 8, where they would drew (sic) with crayons,
16 markers, handprints, things like that that I keep a
17 record for them for when they get older, they can look
18 back on it.

19 Q. And they had specifically asked about how, "If
20 you were at work, Shaquanda would be taking care of
21 them?"

22 A. That's correct.

23 Q. And then they asked you, "If Shaquanda is
24 gone, you would take care of them?"

25 And you said, "Oh, yes."

CROSS-EXAMINATION - DAVID D. WHITE

1 A. That's correct.

2 Q. And you would take days off to go to the
3 doctor and stuff?

4 A. Every chance that I got, yes, that's correct.

5 Q. Then they asked you about the last time **A.W.**
6 had been to the doctor?

7 A. Uh-huh. That's correct.

8 Q. And do you remember what you said?

9 A. I recall, from what I said, that Shaquanda
10 Page had -- supposed to had took them to get her shots
11 or something like that, but I don't know if she had made
12 it or not. If that's correct, correct me. If I'm wrong
13 let, me know.

14 Q. And the video speaks for itself. You would
15 agree with that?

16 A. Was that correct or was I wrong?

17 Q. Everything that's on the video accurately
18 reflects what you were saying that day?

19 A. Which video are you talking about?

20 Q. Either one.

21 A. Mainly the second one at the police station.

22 Q. Okay. Then they asked you about how much
23 **Child 4** would eat?

24 And you said, "She eats a lot, all the time."
25 And that she'd recently been to the doctor when the

1 twins got their shots.

2 A. Correct.

3 Q. That's what you told them?

4 A. Correct.

5 Q. But that wasn't true?

6 A. It was. Some doctors, especially ones that
7 know you, that if theirs family in there, they'll still
8 see one of the child's off the record and it has
9 happened.

10 Q. So the doctor's would see the children for
11 free too?

12 A. No, not for free.

13 Like, just minor things. Like, okay, when she
14 got a bad cough, she would check her throat and say,
15 "Okay. We'll she probably got strep throat. We'll give
16 you something for strep throat."

17 Things like that. It wouldn't be like a
18 physical, routine checkup or anything like that. Just
19 like minor things that maybe were a concern to us. They
20 would do that while they're there if it's for something
21 simple and it has happened.

22 Q. And then they wouldn't document the fact that
23 they treated your child?

24 A. They didn't treat our child. They didn't give
25 any medication. Medication would be treating.

CROSS-EXAMINATION - DAVID D. WHITE

1 Q. And then you talked about Child 2 as being the
2 next child, is that correct, in that video?

3 A. Child 3 would be the next child.

4 Q. You didn't mention Child 3 in this video. Did
5 you just forget her?

6 A. No, I didn't forget. Like I said, I have a
7 lot of kids and that's on the record.

8 Q. You do. And then you talked about the last
9 time Child 2 went to the doctor but that he eats a lot?

10 A. He does. The foster parents has also stated
11 that even though they are the size that they are now,
12 they also stated they eat everything. So therefore,
13 what I'm saying is not false or a lie.

14 Q. "He does. He eats a lot and now he gains
15 weight."

16 A. Yet when I was child, I did too. My daughter
17 Child 1 you have the picture, you showed it. She's
18 tall and skinny.

19 Q. She's gone through a growth spurt; correct?

20 A. But as you've also seen in the video, as I
21 recall, what did May say, "Oh, you're tall. You're
22 going to be taller than me."

23 She was already tall when May seen her --

24 Q. No doubt Child 1 --

25 A. But May's statement was that my kids were

1 malnourished. But in that video, it didn't show at all
2 any of them now or any of you guys had stated.

3 Q. And there's no question, y'all did give
4 **Child 1** plenty to eat, that she was in the normal
5 percentiles?

6 A. You said it was some -- she was slightly
7 under. If you go back, you did state that.

8 Q. Then it comes up again and you talk about what
9 happened that day and they ask you, "About how long had
10 **A.W.** been sick?"

11 And you said, "It probably been two days she'd
12 been sick."

13 Then you talk about your fiancée's sister.

14 "She came over and got a couple of pictures of
15 when they were laughing. She was walking and eating
16 little chips, like Cheetos Puffs."

17 A. That's correct. And she's here today.

18 Q. That would have been two days before?

19 A. If I recall.

20 Q. Three days before?

21 A. Somewhere around there. Yes, ma'am.

22 Q. And you talked about, "When she came over,
23 **A.W.** was running. Well, she wasn't running, she was
24 walking and smiling."

25 A. From what I recall, it wasn't really like a

CROSS-EXAMINATION - DAVID D. WHITE

1 smile, it was more like a smirk. Like, she really
2 wasn't smiley smiling like she normally would.

3 Q. I'm just talking about what you told the
4 police.

5 A. But that's a sign of child that's sick,
6 especially a one-year old. I mean, they don't know that
7 they're sick.

8 Q. And that, "You came in and checked on A.W.
9 and she was sleeping"?

10 A. Yes.

11 Q. And that then y'all had an argument, you and
12 Shaquanda?

13 A. That's correct.

14 Q. And then you went up and checked on her. But
15 they talked about then, at that point, you said that you
16 and Shaquanda got into a fight about a woman. Because
17 at that point you went into pretty good detail, not as
18 much as today --

19 A. That's correct.

20 Q. -- about these other woman. And that
21 Shaquanda didn't like it and that y'all fought about it.

22 Then you talked specifically about how tiring
23 it was because the daily routing -- "tiring, was always
24 arguing, yelling and fussing."

25 And that was you and Shaquanda?

1 A. That's correct.

2 Q. But you said, "We had to raise our kids."

3 A. That's correct.

4 Q. And then you talk about, "How you chose women
5 to let off some steam from your home life"?

6 A. That's correct.

7 Q. Were any other adults living in the house with
8 you and Shaquanda at [REDACTED] Pardue? Any other adults, was
9 **Child 1** the oldest?

10 A. She had her older sister, Alicia Page, that
11 stayed with her.

12 Q. And when was the last time they'd been in the
13 house, because they weren't in that weekend by your own
14 testimony?

15 A. She had went and stayed with her grandmother
16 in Rock Hill on her dad's side for a while because of
17 the arguments between me and Shaquanda.

18 Q. At any point, over the last three
19 and-a-half-years, because your testimony here today on
20 direct examination is much different than what you told
21 the police.

22 Did you ever think --

23 A. No, I didn't --

24 Q. -- to go back to talk to them and tell them,
25 hey, I got it wrong. I need to tell y'all what really

REDIRECT EXAMINATION - DAVID D. WHITE

1 happened?

2 A. That's what the whole interview at the police
3 station was for, because a statement versus a distressed
4 -- a statement in a distressed situation versus an
5 interrogation months after the situation, you get an
6 accurate answer, which you see before you now.

7 Q. And at no point in that first or second
8 interview, did you ever tell the police, "I wasn't
9 around, I didn't know what was going on, I had no idea
10 she was sick"?

11 A. They never asked and it never came up. And I
12 did say, from my knowledge, from what Shaquanda told me,
13 that I didn't know for sure, only what Shaquanda told
14 me. So that's pretty much backing up the statement that
15 I didn't know.

16 MS. CAMPBELL: I don't have anything further,
17 your Honor.

18 THE COURT: Mr. Frick, any redirect?

19 MR. FRICK: Yes, sir.

20
21 **REDIRECT EXAMINATION**

22 **BY MR. FRICK:**

23 Q. Well, you recall, they did kind of touch on
24 that? Officers asked you, "If you recall, do you
25 remember going to any of A.W.'s doctors appointments?"

1 And do you recall what your answer was?

2 A. Not that I recall based on what she was
3 telling me, only what she told me.

4 Q. Okay. And why didn't you go to any of the
5 doctor's appointments?

6 A. I was either working or we wasn't on good
7 terms.

8 Q. And were you staying other places?

9 A. Yes, I was, as I stated.

10 Q. Let's talk about your definition of "live at
11 and "stay at."

12 In your mind, in your own words, what is the
13 difference between the place where you live and the
14 place where you stay?

15 A. Living is somewhere official. Staying is
16 trying to figure out where you're going. Staying could
17 be a few nights, a couple of days or you can let a
18 relative stay with you until they get on their feet but
19 it doesn't mean they live there.

20 Q. And where was the place in February of 2021
21 that you considered that you lived?

22 A. Actually, at my mom's house because I had most
23 of my things there, but also some things at Shaquanda
24 Page's house. I had a few things at Sakeena's house. I
25 had a few things at my friend Laquasha Douglas' house,

REDIRECT EXAMINATION - DAVID D. WHITE

1 which is the friend of the mother of my kid, Dakendra.
2 And Dakendra would stay at Laquasha house's sometimes; I
3 would stay there too.

4 Q. So you had several places that you were
5 staying at?

6 A. Correct, as I stated.

7 Q. Let's talk briefly.

8 How many times did law enforcement talk to
9 you?

10 A. Twice outside of the time that me and
11 Detective Small talked.

12 Q. But as far as just sitting down and I guess
13 interviewing you, it was twice?

14 A. Yes. Unless you want to count the time that
15 law enforcement, DSS, came to my grandmother's house and
16 removed my kids. He made a statement that they had to
17 remove my kids because my daughter had passed of
18 dehydration. That was around like March 7th, March 8th
19 he made that statement in the yard.

20 And I kind of brought that up in the video,
21 which he was trying to cover his tracks. That's why he
22 asked to cut the video off because if you listen to the
23 video, May did make that statement, "Who you talking
24 about this Detective Small?"

25 And she pointed.

1 And Detective Small said, "That's what I want
2 to talk about, go ahead and cut the video."

3 So the interaction went on a little longer,
4 but the video was cut short.

5 Q. Do you recall the nature of that conversation?

6 A. Kind of I do.

7 Q. Briefly, what was that about?

8 A. He went into detail asking me, "Do you know
9 what your daughter passed of?"

10 I was, like, "Yes, you said dehydration when
11 you came into the yard."

12 And he was like -- I'm going to elaborate on
13 this, he said, "basically, your daughter had passed of
14 malnourished and dehydration."

15 And I broke down a little and cried a little
16 and I asked him, "So basically what you're telling me is
17 the mother of my kids wasn't feeding my kids when I
18 wasn't around?"

19 And he just kept going into detail. He was
20 like, "It's you -- it's you too, you too."

21 I was like, "What do you mean me too? I
22 wasn't there."

23 So therefore, I made the statement that I'm
24 not always around but you can see in the interview
25 because he had asked for the camera to be cut off.

REDIRECT EXAMINATION - DAVID D. WHITE

1 Q. The camera was cut off. All right. And it's
2 on the camera but do you recall the night of the
3 incident after your baby passed and they're talking to
4 you at the hospital.

5 Do you recall about what time that was?

6 A. At the hospital, I know it was late. It had
7 to be somewhere -- I'm guessing 11:00, almost going on
8 12:00, I think.

9 Q. Late in the evening?

10 A. Uh-huh.

11 MR. FRICK: Thank you, sir. That's all I
12 have.

13 THE COURT: Does the State have any recross?

14 MS. CAMPBELL: Beg the Court's indulgence?

15 I don't have anything further, your Honor.

16 THE COURT: You can step down, sir.

17 Mr. Frick, any other witnesses for the
18 defense?

19 MR. FRICK: Defense rests, your Honor.

20 THE COURT: Thank you.

21 State, have any reply case?

22 MS. MCGINNIS: Judge, can we have a brief
23 five-minute recess to discuss?

24 THE COURT: If you just need to go out and
25 talk with your people, I'm going to keep the jury right

1 here.

2 MS. MCGINNIS: That's fine.

3 THE COURT: If you just want to go out and
4 talk and decide what y'all want to do, that would be
5 fine.

6 (Whereupon, a brief recess was taken.)

7 MS. MCGINNIS: Judge, one brief reply witness.

8 THE COURT: Are you prepared to put that reply
9 witness up now?

10 MS. MCGINNIS: Yes, your Honor.

11 THE COURT: Okay.

12 MS. MCGINNIS: State would call Agent Britney
13 May.

14

15 **B R I T N E Y M A Y**, the Witness herein, having been
16 sworn by the Clerk of Court, was examined and testified
17 as follows:

18

19 **DIRECT EXAMINATION**

20 **BY** MS. MCGINNIS:

21 Q. Agent May, you've obviously been present in
22 the courtroom for the entire trial?

23 A. Yes, ma'am.

24 Q. And you witnessed Mr. White testify about some
25 events that happened after his May 13, 2021 interview at

STATE'S REPLY CASE - DIRECT EXAMINATION - B. MAY

1 the Lancaster Police Department?

2 A. Yes, ma'am.

3 Q. You were present and kind of lead that
4 interview; is that correct?

5 A. Yes, and then talked with him while we were
6 waiting on Lieutenant Small.

7 Q. Did you remain present in that room after the
8 video was cut off?

9 A. I did.

10 Q. Can you tell the jury what happened in that
11 room after the video camera was cut off that day?

12 A. So when Lieutenant Small turned off the video
13 camera, he was read his warrants and transported back to
14 the jail, which is in the same building as the interview
15 room.

16 Q. Is that procedure for anybody who's arrested,
17 that the warrant is read to them?

18 A. It is.

19 Q. And that's your experience from being at the
20 Rock Hill Police Department, as well as being at SLED?

21 A. Yes.

22 Q. And you were present the whole time, you
23 didn't leave or anything like that?

24 A. I did not walk back to the jail with him but I
25 was present in that room when they were speaking and he

1 was being read his warrants.

2 Q. Did Lieutenant Small ask him any questions
3 during that procedure?

4 A. No.

5 Q. Did you ask him any further questions?

6 A. No.

7 Q. Did he make any statement, to the best of your
8 recollection, about not being there or about the mother
9 of his child and not feeding his children?

10 A. No.

11 MS. MCGINNIS: Thank you.

12 THE COURT: Mr. Frick, do you have
13 cross-examination?

14 MR. FRICK: Yes.

15
16 **CROSS-EXAMINATION**

17 **BY MR. FRICK:**

18 Q. The camera was cut off though; correct?

19 A. Lieutenant Small did turn the camera off.

20 Q. At his request; right?

21 A. Yes.

22 Q. And then the warrants are read?

23 A. Yes, sir.

24 Q. And you're saying that there was no
25 conversation. And I'm not asking you to say if he said

STATE'S REPLY CASE - REDIRECT EXAMINATION - B. MAY

1 anything but did Mr. White say anything?

2 A. I don't recall what he said in response to the
3 warrants, I don't. But there was no continued
4 conversation.

5 Q. I mean, the Solicitor just asked you about
6 your expertise in serving warrants.

7 So obviously, you've seen people serve
8 warrants. Is it uncommon for somebody to react when
9 they're served a warrant?

10 A. No, it's not uncommon.

11 Q. So we don't recall what Mr. David White said;
12 correct?

13 A. I don't recall. No, sir.

14 Q. And it's not on camera?

15 A. It's not on camera.

16 Q. Because it was cut off?

17 A. Yes.

18 MR. FRICK: No further questions.

19 THE COURT: Any redirect?

20

21 **REDIRECT EXAMINATION**

22 **BY MS. MCGINNIS:**

23 Q. If he said anything that was relevant to this
24 case, would you recall that?

25 A. I would. Yes, ma'am.

1 MS. MCGINNIS: Thank you.

2 THE COURT: You may step down.

3

4 **RECROSS-EXAMINATION**

5 **BY MR. FRICK:**

6 Q. But a camera would have that; right?

7 A. It would. Yes, ma'am.

8 MR. FRICK: Thank you.

9 THE COURT: Now you can step down.

10 Anything else in reply?

11 MS. MCGINNIS: No, your Honor.

12 THE COURT: The evidentiary record in this
13 case is now closed.

14 Ladies and gentlemen, go back to the jury
15 room, enjoy your pizza. We'll take about a 30-minute
16 break and then we'll bring you out and what we have left
17 to do, the lawyers will make their closing arguments to
18 you.

19 Depending upon how long they go, we may take a
20 short break in between that and do the Court's charge on
21 the law or we may just get straight into it, just
22 depending.

23 So go back and enjoy your pizza and we'll get
24 you back out in about 30 minutes. Okay?

25 (Jury exited.)

1 THE COURT: We'll be in recess for about 30
2 minutes. Make sure you looked at the last draft of the
3 charge. I want to make sure whatever changes were made,
4 that everybody's good with that. We'll address that
5 right before your closing.

6 (Whereupon, a recess was taken.).

7 * * * * *

8 P R O C E E D I N G S

9 - September 4th, 2024 -

10
11 THE COURT: We're back on the record.
12 The first item, are y'all good with the final
13 charge?

14 Mr. Frick, you're shaking your head?

15 MR. FRICK: Yes, sir.

16 THE COURT: State?

17 MS. CAMPBELL: Yes, sir. I think so.

18 Just one moment.

19 (Pause.)

20 MS. CAMPBELL: Yes, sir.

21 THE COURT: Very good.

22 Secondly, I don't place a time limit on
23 closing arguments. I do always encourage some amount of
24 brevity. I'll leave it up to you fine lawyers to
25 determine how long you need to talk to the jury.

1 And lastly, since the defense put up a case,
2 we'll certainly follow *Beaty*. The State will close in
3 full. Defense closes in full. Then the State has the
4 opportunity to put up a reply argument as to any new
5 matters brought out by defense.

6 MR. FRICK: I need to renew my directed
7 verdict motion at the close of defense case. And he and
8 I would renew my motion to request a directed verdict of
9 not guilty on the charges in light of the evidence
10 presented by the defense.

11 THE COURT: So noted, Mr. Frick. And my
12 ruling will remain the same.

13 If y'all are ready, let's bring the jury out
14 and get started.

15 Bring the jury out, please, Nolan.

16 (Jury entered.)

17 THE COURT: Let the record reflect, the jury
18 is back in.

19 Ladies and gentlemen, I hope you enjoyed your
20 pizza.

21 Once again, the lawyers will make their
22 closing arguments. The State will go first, then the
23 defense and the State has the opportunity to come up
24 with what we call a "reply argument" as to any new
25 matters that possibly the defense argues in their

1 closing.

2 Then I will charge you the law that you are to
3 apply to the facts as you find them in this case.

4 These lawyers have worked extremely hard. Not
5 only in preparing for this trial, but also during the
6 multiple days we've been in this courtroom. Closing
7 arguments are very important. So please give these fine
8 lawyers your undivided attention as they present their
9 closing arguments to you.

10 Solicitor McGinnis, you ready?

11 MS. MCGINNIS: Thank you, Judge.

12 May it please the Court?

13 THE COURT: Yes, ma'am.

14

15 **CLOSING ARGUMENTS**

16

17 MS. MCGINNIS: I first want to thank y'all for
18 paying attention. It's felt like a long time but
19 really, y'all have heard a lot of information in a short
20 amount of time. And at this point, you have heard all
21 of the evidence that is relevant and admissible in this
22 particular case.

23 I'm going to talk to you and start just a
24 little bit about the law. The Judge in this case, as he
25 told you at the start, is the sole judge of the law and

1 he's going to instruct you as to that once closing
2 arguments are finished, but there's a couple points I
3 want to touch on before we get started.

4 The first is reasonable doubt and Solicitor
5 Campbell told y'all at the beginning of this case, the
6 State bears the burden to prove each and every element
7 of each and every.

8 Charge to you beyond a reasonable doubt. And
9 she stated in this case, in this courtroom with these
10 facts, it's a burden we welcomed.

11 Beyond a reasonable doubt does not mean beyond
12 any doubt or beyond a shadow of a doubt.

13 The legal definition of proof beyond
14 reasonable doubt is proof that leaves you firmly
15 convinced of a defendant's guilt. There are very few
16 things in this world that we know with absolute
17 certainty. And the law in criminal cases does not
18 require proof that overcomes every possible doubt.

19 Once you consider the evidence, if based on
20 that consideration you are firmly convinced that the
21 defendant is guilty of the crime charged, you must find
22 him guilty.

23 On the other hand, if there is a real
24 possibility that the defendant is not guilty, you must
25 give him the benefit of the doubt and find him not

1 guilty.

2 Again, I submit to you, in this case, we have
3 more than proven this beyond a reasonable doubt.

4 David White is charged with six counts of
5 unlawful conduct towards a child for his six surviving
6 children; the twins, Child 6 and Child 5 Child 4 Child 3
7 [REDACTED], or Child 2 and Child 1

8 Unlawful conduct towards a child, it means
9 that: "It is unlawful for a person who has charge or
10 custody of a child or who is the parent or guardian of
11 the child..."

12 And in this case, the defense and State
13 stipulated that Mr. White is the biological parent of
14 all of these children. "It is unlawful for that person
15 to place the child at unreasonable risk or harm
16 affecting the child's life, physical or mental health or
17 safety."

18 "Or." This is not an "and." The State can
19 prove anyone of these three.

20 "Do or caused to be done unlawfully or
21 maliciously, any bodily harm to the child so that the
22 life or health of the child is in danger or likely to be
23 in danger or to willfully abandon the child."

24 I want y'all to keep in mind the conditions of
25 this house. I want you to keep in mind Dr. Lamb's

1 testimony about the unsafe sleep. The fact that there
2 was no safe place for those baby twins to sleep other
3 than sharing a crib, I want you to think about the
4 conditions of the house that you saw in that body-worn
5 camera video from Lieutenant Small.

6 And, of course, those photos that you'll have
7 back in your jury room.

8 I want you to think about Dr. Lamb's testimony
9 as well about the condition of the children. How they
10 were all underweight, off the growth chart, had
11 developmental delays that were not addressed, that were
12 not taken to the pediatrician. Think about that with
13 all of these children as you consider the evidence this
14 week.

15 David was also charged with homicide by child
16 abuse. South Carolina State law says that "A person is
17 guilty of homicide by child abuse if the person causes
18 the death of a child under the age of 11 while
19 committing child abuse or neglect and the death occurs
20 under circumstances manifesting extreme indifference to
21 human life."

22 What is child abuse or neglect? It's an act
23 or failure to act. It's an act or an omission by any
24 person which causes harm to the child's physical health
25 or welfare.

1 In this case, as you go through the evidence,
2 think of all of the ways that David White failed to act
3 in his care of his daughter, A.W. [REDACTED] She was never
4 once taken to see a medical professional. She was
5 discharged from the hospital and did not see another
6 medical professional until she was already dead on
7 February 22, 2021.

8 "Harm to a child's welfare occurs when a
9 person inflicts or allows to be inflicted physical
10 injury, including injuries sustained as a result of
11 corporal punishment or fails to supply the child with
12 adequate food, clothing, shelter, healthcare and a
13 failure to do so causes a physical injury or condition
14 resulting in death or abandons the child resulting in
15 the child's death."

16 Now, there's some other legal definitions that
17 the Judge is going to give you. Things like criminal
18 intent.

19 Criminal intent: In order to establish
20 criminal liability in this State for any charge,
21 criminal intent is required.

22 The mental states differ. It could be, for
23 example, "purpose, intent, knowledge, recklessness, or
24 criminal negligence."

25 Criminal intent is always a matter that must

1 be determined by the jury from the circumstances
2 surrounding the situation. There's no way to prove
3 intent to a mathematical certainty. There's no way that
4 medical science can dissect a person's brain and
5 determine what that person had in mind.

6 So the law says that criminal intent maybe
7 inferred from the circumstances shown to have existed.
8 This is how you make a determination of whether or not
9 the element requiring intent is present.

10 It's not necessary to establish intent by
11 direct and positive evidence but may be established by
12 inference in the same way as any other fact, taking into
13 consideration the acts of the parties and all the facts
14 and circumstances of the case.

15 Criminal intent is a mental state, a conscious
16 wrongdoing. It is up to you to determine what the
17 defendant intended to do based on the circumstances
18 shown to have existed.

19 Criminal intent can arise from action or a
20 failure to act. It may arise from negligence,
21 recklessness or indifference to duty or to consequences
22 that is considered by the law to be the equivalent of
23 criminal intent.

24 In this case, the death has to occur under
25 circumstance manifesting extreme indifference to human

1 life.

2 Extreme indifference is a mental state, akin
3 to intent, characterized by a deliberate act culminating
4 in death.

5 There are two types of evidence that the State
6 presents in any case: Direct and circumstantial
7 evidence.

8 Direct evidence is the testimony of a person
9 who claims to have actual knowledge of the a fact, such
10 as an eyewitness.

11 Just a few examples of the direct evidence you
12 have in this case are, the defendant's own statements,
13 the autopsy, the toxicology, the photographs, the
14 doctor's testimony.

15 Circumstantial evidence, on the other hand, is
16 proof of a chain of facts and circumstances indicating
17 the existence of a fact. Examples of circumstantial
18 evidence in this case are the surveillance video showing
19 David not performing CPR on his child from the moment he
20 found her but running back and forth between apartments,
21 the cell phone evidence.

22 The law makes no distinction between the
23 weight or value to be given to either direct or
24 circumstantial evidence; nor is a greater degree of
25 certainty required of circumstantial evidence than of

1 direct evidence.

2 You should weigh all of the evidence in the
3 case. After weighing all of the evidence, if you are
4 not convinced of the guilt of the defendant beyond a
5 reasonable doubt, you must find him not guilty.

6 And finally, credibility. In determining the
7 believability of the witnesses who have testified in
8 this case, you may believe one witness over several or
9 several over one. You may believe a part of the
10 testimony of a witness and reject the remaining part of
11 the testimony. You may believe the testimony of a
12 witness in its entirety or reject the testimony of a
13 witness in its entirety.

14 You may consider whether any witness has
15 exhibited to you any interest, bias, prejudice or any
16 other motive in this case. You may also consider the
17 appearance and manner of the witness while on the
18 witness stand.

19 And I urge you, ladies and gentlemen, when you
20 think about the testimony that David White gave today,
21 judge his credibility.

22 Now let me go to the facts.

23 It's 9:45 p.m., February 22, 2021, a cold
24 night here. It's about as cold as we get in Lancaster
25 County, it's the middle of February. Janessa Campbell

1 who lived just two doors down from the Page and White
2 family at 2406 Pardue remembered that somebody came
3 beating on her door. Her son answered the door and
4 David White came in. He came in, he grabbed her husband
5 by the collar and said, "I need help, something's wrong
6 with my child."

7 She remembered and testified to you that David
8 sat down on the couch with her husband. She came out of
9 the door, went over to the apartment to check on Shay
10 and the baby. She saw Shay carrying A.W. out in a
11 towel unresponsive and not moving. Janessa told you
12 that she stayed on the phone with 911 until first
13 responders showed up.

14 The 911 call was placed at 9:45:17. And you
15 saw on that surveillance camera, that first responders
16 show up just a little before 9:51, a little less than
17 six minutes of response.

18 The first two on the scene were Paul Blas from
19 the Lancaster Police Department and Andrew Porte from
20 the Lancaster Fire Department. Both of these gentlemen,
21 in addition to their training as firefighter and police
22 officer, had EMT training. And they were able to get in
23 and get A.W. and immediately start rendering aid to
24 her.

25 You heard testimony that they carried her

1 outside away from the chaos inside. Got the oxygen tank
2 off the fire truck. Got the child size mask and
3 immediately began CPR. EMS showed up just a couple of
4 minutes later. They carried her into that ambulance and
5 they assisted David Demby and his team with the
6 Lancaster EMS, in getting oxygen to her by intubation.
7 They put a tube down her throat to breath air into her
8 artificially. Because she was so dehydrated, they could
9 not get an IV in her arm. They had to go through what's
10 called an intraosseous or an IO device. They put a
11 needle directly into the bone of her leg so they could
12 administer medicine to A.W.

13 You heard them testify that they gave
14 epinephrine, that they gave fluids, that they were
15 breathing for A.W. but they never saw any signs of
16 life.

17 You heard from Dr. Vinuya, all the way from
18 New Zealand, who said that A.W. came in after EMS had
19 done everything right in the field. They had set her up
20 so that they could bring her in and immediately treat
21 her in the hospital.

22 Again, he administered epinephrine. He
23 performed CPR. He tried his best. He told you how with
24 children, they try harder than with adults because he
25 believes children have an extra store, an extra reserve

1 of energy. They tried to get her back longer than
2 reasonable and they were unsuccessful. And A.W. was
3 pronounced dead at 10:24 p.m. at the hospital, here at
4 MUSC.

5 You hear next from Joe Burns. Joe Burns was
6 an on-call investigator at that time for the Lancaster
7 Police Department. He got a call from his lieutenant
8 that night. Had an unresponsive child that had
9 ultimately died. He responded to the hospital. And as
10 required by state law for any child death under the age
11 of 18, the SLED Child Fatality Task Force was activated.
12 It includes SLED, the coroner's office, DSS, law
13 enforcement. And he waited there at the hospital for
14 everybody to show up.

15 They interviewed Shaquanda Page, Amina's mom
16 and David White, Amina's dad, there at the hospital that
17 night. And you saw David's interview, the relevant
18 admissible evidence in this case.

19 You heard that after they interviewed mom and
20 dad at the hospital, they went back to the apartment and
21 they searched to try and find out what would kill a
22 14-month-old-baby. What could have happened to this
23 14-month-old-child to cause her death?

24 He also told you as a Lancaster Police
25 Department officer, they had access to surveillance in

1 Pardue. And that within the month, he was able to go
2 back and obtain the surveillance footage from outside of
3 the apartments from that night. That was played. He
4 walked you through that. I'm not going to play it for
5 you again, but I do want to walk you through some of the
6 times.

7 9:43, David exits the apartment. He runs down
8 the stairs to the car. As he's running back up the
9 stairs, you can see a cell phone in his hand with the
10 screen lit up yet he does not call 911.

11 He goes two doors down, enters apartment 2406
12 where Janessa Campbell lives with her family.

13 At 9:43:48, Shaquanda exits apartment 2440
14 carrying A.W. in her arms.

15 Janessa exits 2406 and comes to meet her,
16 exactly as she testified. Shaquanda takes A.W. in her
17 arms into apartment 2406.

18 9:46, someone unlocks the SUV and opens the
19 back hatch. You can see the lights flash in the video
20 and the hatch come open.

21 At 9:47, David carries A.W. back into
22 apartment at 9:47:41.

23 At 9:48, Janessa is seen pacing outside of
24 apartment on the phone. And that is substantiated
25 on the 911 call.

1 You can hear her say, "I'm outside the
2 apartment." This is when, according to David's
3 statement, he was performing CPR on his unresponsive
4 child. But the video evidence shows that he exits
5 apartment [REDACTED] and runs back into 2406 leaving A.W. [REDACTED] on
6 the floor in the kitchen of his apartment.

7 At 9:50:07, David runs back into apartment
8 [REDACTED] and 33 seconds later, the firefighter enters
9 apartment [REDACTED] and picks up A.W. [REDACTED] and has carried her
10 back down to fire engine where they begin lifesaving
11 measures on her at that point.

12 David had a phone in his hand. You'll have
13 access to watch the video again if y'all decide, yet he
14 did not call 911. In the five minutes between 911 is
15 called and first responder's arrival, he is not crying
16 over his child performing CPR, he's running back and
17 forth between apartments.

18 Now, at this point, I want to thank y'all for
19 your patience. Our witnesses got a little bit out of
20 order. We had to call people out of order due to
21 schedules. And I appreciate y'all for paying attention
22 as they testified, even if you didn't quite know how
23 they fit in yet. I'm going to take them for closing
24 purposes chronologically in order of case.

25 To Brian Small, Lieutenant of the Lancaster

1 Police Department testified about getting the search
2 warrant for that apartment at [REDACTED] Pardue. You're going
3 to have all the photos back in your jury room. So I'm
4 not going go through all of them, but there are a couple
5 I want to go through.

6 Pay close attention from the photos from the
7 kitchen, the photos from the frig and the freezer.

8 David testified today that it was a small frig
9 so there wasn't a whole lot of room to store food in it.
10 Look at all the empty space on these shelves, ladies and
11 gentlemen. You have a half a pack of hotdogs. You have
12 a couple of half empty packs of deli meat. You've got
13 sodas. Look at the freezer, plenty of room in there.
14 It's filled with toaster strudels, cinnamon pastries,
15 frozen french fries. This is not enough food for a
16 family of nine people. And it's not nutritious food
17 even if it were enough to feed a family of nine people.

18 Y'all heard from Deloris Crocket from DSS
19 about the food stamps, the benefits that this family
20 received. Over \$1,000 a month in food stamps for this
21 family and this all the food they have in their frig.

22 Remember the downstairs bedroom? We referred
23 to it as the "shoe room," the shoes mounted on the wall.
24 The snacks in the closet. A perfect snack for a family
25 of children, but this room is locked. David had to come

1 in, dig through the drawer of the dresser next to this
2 room to find the key to get law enforcement into that
3 room.

4 Look closely at the upstairs rooms. The
5 exposed wiring coming from the walls, coming from the
6 light fixtures. The lack of suitable sleeping spaces
7 for the amount of children in this house. Two cribs for
8 three infants filled with adult bedding, stained with
9 feces and urine, bare mattresses, adult pillows. There
10 was not a piece of bedding in that house that law
11 enforcement touched that did not have a stain of some
12 sort of bodily fluid on it.

13 Amina's crib, where she died, an adult pillow
14 and a blanket and a mattress covered in feces.

15 Look at all these photos of this house. I
16 urge you to take them back and flip through them and
17 take your time with these photos.

18 Was this a house where children were safe?
19 Was this a house where children could thrive?

20 Now, next Dr. Presnell, a forensic pathologist
21 who has the unenviable job of performing autopsies and
22 performed an autopsy on A.W. on this baby, to try and
23 find out what killed her. These photo are hard to look
24 at, but they are incredibly important for y'all to look
25 at and pay close attention to.

1 This is what A.W. looked like. This is
2 the child that David White looked at and thought, we
3 don't need to get medical attention for this child.
4 This child's fine, she just needs rest.

5 In fact he testified today, ladies and
6 gentleman, he told Shaquanda, "She doesn't need to go to
7 the doctor. She just has a slight fever. You don't
8 need to take her. All they're going to do is tell you
9 to give her Tylenol. She doesn't need to go to the
10 doctor."

11 Dr. Presnell testified that her initial step
12 in any autopsy is an external examination. She needed
13 to see exactly what condition A.W. was in at the time
14 of her death. She testified that as soon as she looked
15 at A.W. she could tell this was a child who was
16 malnourished and dehydrated.

17 She testified about A.W.'s face, about her
18 eyes and cheeks being sunken in, about the bruise across
19 her forehead. She talked about her concave belly. She
20 talked about the fact that she had no fat on her body.
21 Not only can you see all her ribs on the front, but also
22 on A.W.'s back. You can see her vertebrae. You can
23 see each of her ribs.

24 Dr. Presnell testified, and ladies and
25 gentlemen, you did not need expert testimony for this.

1 This is a child that as soon as you saw her, you could
2 tell she needed emergency medical attention.

3 Now, Dr. Presnell of course, doesn't just do
4 an external examination. She does an internal.

5 Dr. Presnell's internal examination showed her
6 that although A.W.'s organs were tacky, it stuck to her
7 gloves when removes them and they were small. They were
8 all in the right place and they all looked as healthy as
9 they could. There was no evidence of any disease that
10 would cause A.W. to get in this condition.

11 And Dr. Presnell went through a laundry list.
12 She testified that she checked A.W.'s heart, her lungs,
13 both of her kidneys, her pancreas, her liver, her bowel
14 and her colon, her thymus, her thyroid, her brain,
15 checked all of those for evidence of any sort of disease
16 that could cause this condition. There was no evidence.

17 Dr. Presnell testified of cystic fibrous,
18 bowel disease, cancer, tumor, congenital heart defects
19 or anything internally that would explain why A.W. was
20 in this physical condition.

21 When A.W. died, her weight was 14 pounds. 14
22 months old, 14 pounds. That's less than the first
23 percentile of weight.

24 Dr. Lamb testified that that's the average
25 weight of a four-month-old-infant. A

1 four-month-old-infant.

2 A bone survey was conducted, a skeletal survey
3 done at MUSC when A.W. was there for autopsy. That
4 showed her bone images were nine months. What that
5 means, ladies and gentlemen, is that her bones stopped
6 growing before she was nine months old. She did not get
7 the nutrition that her bones needed to continue to grow
8 before she was nine months old.

9 And what that indicates, this is not a
10 short-term condition. This is not an acute illness that
11 happens over a weekend or even weeks. This is a
12 condition that had been going on majority of A.W.'s
13 short life.

14 Now Dr. Presnell did not rely solely on just
15 her examination. She also drew blood to be sent for
16 toxicology testing in addition to the vitreous fluid
17 that was drawn by the coroner's office. That was all
18 sent to NMS Labs up in Pennsylvania. Tests were
19 conducted on all those fluids, her urine, her vitreous,
20 her blood to try to determine how was A.W.'s system
21 functioning at the time of her death.

22 The initial test was a drug panel performed on
23 her cardiac blood. It was negative for any drugs,
24 illicit or over the counter. And recall, A.W. was
25 supposedly given Tylenol by her parents to treat her

1 fever. That did not show up in that blood panel.

2 A red flag was acetones present in Amina's
3 urine. And Dr. Garvin testified to you that that caused
4 her to ask for some additional testing. She ordered a
5 more targeted test on the vitreous fluid, which also
6 showed an elevated level of acetones in Amina's
7 vitreous. Again, based on that result, Dr. Garvin
8 ordered additional testing.

9 She said, take the cardiac blood and test it
10 for that Beta-hydroxybutyric acid or BHB, which is
11 another evidence of an acetone in the system.

12 Dr. Garvin, as well as Dr. Presnell and I
13 believe, Dr. Lamb all testified that there's three main
14 reason that these levels can be elevated in human body.

15 One is diabetes mellitus; so sugar diabetes.
16 When your blood sugar gets so out of control, your body
17 starts bring in alcohol. A.W. didn't have diabetes.

18 The next is chronic alcoholism. This 14 month
19 old did not have chronic alcoholism.

20 So the third reason, the acetones, the ketones
21 are elevated in your body, is starvation. Essentially,
22 your body doesn't have any carbohydrates to use, it
23 starts burning up fat and that's what creates those
24 alcohols. It was called "fasting." It was called
25 "malnutrition."

1 But what it is, ladies and gentleman, is it's
2 starvation. A.W. is not an adult like you or I who has
3 access to the foods that are eaten. A.W. is
4 wholly-dependant on her parents as her caregivers to
5 provide her with the nutrition that she needs. A.W.
6 was not in daycare. Amina's not cared for by a
7 babysitter. A.W. is cared for by her parents in the
8 home full time.

9 Now, Dr. Garvin and Dr. Presnell both talked
10 about the levels of sodium, chloride, urea nitrogen and
11 potassium in Amina's vitreous fluid. All of those
12 levels were elevated to indicate dehydration.

13 So we've talked all week and you've heard
14 testimony all week about malnutrition and dehydration.
15 Ultimately, Dr. Presnell's expert opinion was that
16 dehydration was the final cause of Amina's death. Her
17 body ultimately shutdown because it did not have the
18 fluids that it needed to so sustain life. But the
19 reason that her body could not take in those fluids is
20 because of the chronic malnutrition. Her body simply
21 did not have the energy to allow its systems to process
22 food or liquid.

23 Now y'all heard from Dr. Lamb and she was
24 certainly the witness that give you the most information
25 last week.

1 Formally with Prisma Health, she now operates
2 at a hospital in Washington State. She had several
3 roles in this case. Initially, she was the adviser for
4 SLED for the Child Fatality Unit. She consulted from
5 the very beginning with SLED, with the coroner's office
6 about Amina's death. But she also was a child abuse
7 pediatrician.

8 And what that means is that her practice
9 involved seeing children that are suspected of being
10 abused or neglected and making determinations as to how
11 they got in the condition they presented to her in.

12 Much of this cases evidence was focused on
13 A.W. but I do not want to discount, leave out or gloss
14 over these other six children.

15 David was charged with unlawful conduct
16 towards each of these six children. And I urge you to
17 take each of their cases just as seriously as you take
18 Amina's.

19 Now, first off are the twins, Child 6 and Child 5
20 born on [REDACTED] [REDACTED]. They are just a little bit
21 shy or -- a little over 4 months old at the time of
22 Amina's death.

23 Now, the twins, although they presented as
24 "fairly healthy," Dr. Lamb noted they were behind in
25 their expected milestones. Neither twin had head

1 control either when seated or when propped up on their
2 bellies for tummy-time. There were some other
3 developmental milestones that they didn't reach.

4 Dr. Lamb talked about cooing or turning their
5 head to follow a person talking. This in and of itself
6 was not extraordinarily concerning for Dr. Lamb;
7 however, the pediatrician reports that Dr. Lamb's review
8 stated that the parents told the pediatrician they were
9 meeting all of their milestones.

10 When inaccurate information is given to the
11 pediatrician from caregivers, how are the doctors
12 supposed to assess these delays and give parents advice
13 on how to treat or correct them?

14 As far as household conditions with regards to
15 the twins, again, Dr. Lamb, noted that unsafe sleep is
16 the number one killer of infants in the United States
17 and there was not a safe sleep surface for these twins
18 in this house.

19 The crib that they were supposed to use was
20 filled with dirty, stained adult-sized bedding, which is
21 an extreme sleep safety risk.

22 The next oldest after A.W. was Child 4
23 Child 4 was about two and a half when Dr. Lamb saw her.
24 Child 4 did not exhibit any profound developmental delays
25 like the rest of the surviving children did. But her

1 growth parameters were way off and it was Dr. Lamb's
2 opinion that she was also suffering from medical
3 neglect.

4 The last time Child 4 was seen at the
5 pediatrician was when she was six months old, she
6 weighed 15 pounds.

7 When she was seen more than two years later by
8 Dr. Lamb, she had only gained eight pounds, in the
9 fourth percentile for weight.

10 She was referred to a pediatric orthopedic
11 doctor when she was an infant by the Children's Clinic.
12 She had noted abnormalities of her knees and her hips.
13 The parents never took her to that appointment, never
14 followed up on that. Additionally, Child 4 was behind on
15 two years worth of her vaccinations.

16 In summary, Dr. Lamb's opinion was that Child 4
17 suffered from extreme medical neglect as well as
18 physical neglect based on the conditions of the house.

19 Next up was Child 3 [REDACTED] was almost four,
20 about a week shy of four when she seen by Dr. Lamb. But
21 she too had not been seen at a pediatrician's office
22 since November of 2017, when she was eight months old.
23 Child 3 displayed profound developmental delays including
24 a lack of language.

25 Dr. Lamb testified that she was functioning

1 more than a one to two year old, in the almost four year
2 old that she was.

3 At her eight-month appointment, **Child 3** was 15
4 pounds and 27 and three-quarter-inches tall. Over three
5 years later at Dr. Lamb's office, **Child 3** was 37 pounds.
6 She was a good weight but she was only 29 inches tall.
7 She had gained only one and a quarter inches of height
8 in over three years.

9 They told Dr. Lamb that **Child 3** had been
10 diagnosed with autism. But Dr. Lamb testified, the two
11 ways you'd receive an autism diagnosis is from the
12 pediatrician, which she hadn't seen since 2017 or from
13 somebody at school, where **Child 3** was also not going.

14 Ultimately, **Child 3** suffered from profound
15 developmental delays, medical neglect and nutritional
16 neglect as well as physical neglect and unsafe
17 conditions of the home. Dr. Lamb had also reviewed some
18 medical records from **Child 3** time in foster care. She
19 noted that **Child 3** was back on the growth curve for both
20 height and weight after being placed in foster care and
21 had had a genetic screening that came back normal.

22 As far as behaviorally, **Child 3** now in school
23 and when they considered putting her on an IEP, they
24 decided not to. She's in a normal classroom without an
25 individualized education plan. And to Dr. Lamb, this

1 was an indication that Child 3 struggles was not
2 because of an underlining medical condition, because an
3 underlining medical condition would not have resolved
4 itself in a foster home. She was in the condition that
5 she was in from not being provided adequate nutrition or
6 adequate attention to her behavioral needs.

7 Next up was David White or "Child 2" as they
8 called him. He was almost five years old at the time of
9 A.W.'s death. The grandmother had indicated to
10 Dr. Lamb that David had been diagnosed with selective
11 mutism. But again, he had not been seen by a
12 pediatrician since November of 2017 and there's no
13 diagnoses noted in his records.

14 Now, at 15 months old, David was having
15 trouble gaining weight. David and Shaquanda did in fact
16 take him to the pediatrician to try to figure out how to
17 help him. And the pediatrician was trying to help the
18 family. They were educating them about things like
19 Pediasure, additional nutrition.

20 Despite the fact that he was not having
21 success on these interventions, Shaquanda and David
22 stopped taking him to the doctor at 18 months old and
23 never followed back up after that.

24 At 18 months old he only weighed 18 pounds,
25 which was the average weight of a six-month-old-infant.

1 Additionally, David, at the hospital, failed his newborn
2 hearing screen. He was referred to an ENT. He was seen
3 by the pediatrician and again referred to an ENT, the
4 parents never followed up with that.

5 Developmentally, Dr. Lamb testified that David
6 was behind on all of his milestones. When he was almost
7 five, she tested him or evaluated him based on two to
8 three-year milestones, which he was not able to meet,
9 including following a two part command, saying phrases,
10 putting on shoes or identifying colors and numbers.

11 Again, it was Dr. Lamb's opinion that David
12 suffered severe malnutrition and no-fault neglect while
13 in the parents custody.

14 Finally, Child 1 Child 1 was the
15 oldest child in the household. She was seven year. She
16 was the only child who was outside of the house on a
17 regular basis because she attended school, probably not
18 coincidentally.

19 Child 1 was also in the best physical
20 condition. Dr. Lamb testified that Child 1 who saw the
21 same pediatrician as all of her other siblings, was not
22 only up-to-date on all of her vaccinations, but she had
23 attended every checkup from infant hood through almost
24 the time of A.W.'s death.

25 Now, I think it's very important to note that

1 at 15 months old, **Child 1** too was failing to thrive.
2 She was low weight, they were having trouble getting her
3 to gain weight. In **Child 1** case, however, David and
4 Shaquanda took her to the doctor. They followed up with
5 the doctor. The doctor recommended Pediasure,
6 supplemental nutrition and they followed through. They
7 gave it to **A.W.'s** -- I'm sorry, to **Child 1** They
8 bounced back **Child 1** onto the growth curve.

9 Dr. Lamb testified that she was consistently
10 in the 50th to 75th percentile for weight and 90th
11 percentile for height.

12 These parents had been through this before.
13 They knew that if their child was underweight, their
14 child was not eating. Their child was not growing like
15 they were supposed to, they knew to take them to the
16 pediatrician. They knew that the pediatrician could
17 help give them steps to help the child but they didn't
18 do that with **A.W.**

19 Since **Child 1** has been in a foster home, she's
20 been taken off her IEP. According to the foster
21 parents, "smart as a whip." And you've heard from the
22 foster parents for the older children and the father who
23 ended up adopting the twins. All of them testified that
24 as soon as these children were taken out of David and
25 Shaquanda's care and placed in a foster home where they

1 were fed regularly, where they were taken to the doctor,
2 where they were taken to school, where they were
3 evaluated for their delays, these children have thrived.

4 And Dr. Lamb told you, if these children are
5 suffering from some genetic underlined congenital
6 condition, they would not be able to thrive in a
7 different environment, and they have.

8 Finally, Dr. Lamb talked about A.W. She
9 reviewed A.W.'s birth records, which will be in
10 evidence. You'll have those to read as well as her
11 pediatrician records, or the lack thereof, records
12 custodians from MUSC Lancaster as well as the Children's
13 Clinic testified about the records for all the children.
14 And that at the Children's Clinic they were provided
15 with appointment documentation for each of the children.

16 Take a look at those records and specifically
17 during A.W.'s lifetime. The parents, both Shaquanda
18 and David, had taken children to the pediatrician five
19 times during A.W.'s life. This was not a lack of
20 transportation. This was not a poverty issue. They
21 were able to take these other kids to the doctor; they
22 just didn't care about A.W.

23 Now A.W. was born healthy. She was
24 approximately 37-weeks gestation, couldn't be quite
25 sure. Mom didn't have the best prenatal care. But she

1 was born at six pounds, six ounces, which Dr. Lamb
2 testified is right there at the sweet spot of a good
3 weight for babies.

4 She stayed in the hospital for a couple of
5 days, which is a little bit longer than the average
6 newborn for a vaginal delivery based on mom's lack of
7 prenatal care which, ironically, means that we got a
8 better picture of A.W.'s health at birth because mom
9 didn't take care of herself when she was pregnant.

10 Typically, they do a newborn screenings. DHEC
11 mandates it on all newborns born in South Carolina. It
12 checks for genetic conditions, things of that nature.

13 A.W. had additional blood work. It looks for sepsis
14 infection. Dr. Lamb testified about all the things they
15 do to make sure that mom's lack of prenatal care doesn't
16 affect the baby at all. A.W. was healthy.

17 The couple of issues the hospital noted was a
18 slightly low blood sugar and Dr. Lamb emphasized, it was
19 "slightly low." And how you fix low blood sugar in a
20 baby? You feed them.

21 Hospital said, "Give her some formula." A.W.
22 had a little bit of jaundice, which happens in 60
23 percent of full-term babies. The number is even higher
24 for premature babies and A.W. was approximately three
25 weeks early.

1 Other than that, she was a healthy baby, born
2 and discharged, according to the hospital, to lead a
3 healthy life.

4 Now Dr. Lamb reviewed the autopsy photos, the
5 ER photos, again, which y'all are going to have to
6 review, it showed A.W. was emaciated, with no visible
7 fat on her. She reviewed the autopsy findings and noted
8 that all of A.W.'s organs were healthy and that all the
9 tests, infections, respiratory illnesses, sepsis, COVID,
10 flu, they were all negative. A.W.'s weight, 14 pounds,
11 average size of a four month old.

12 She agreed with Dr. Presnell's findings of
13 dehydration and malnutrition. This was not a condition
14 that happened overnight in the days leading up to her
15 death.

16 When your body is not getting adequate
17 nutrition, it prioritizes what Dr. Lamb called the
18 "important things." Your brain. Your heart. Your
19 lungs. The things you need to sustain life. Doesn't
20 prioritize growing and getting bigger.

21 And the skeletal survey Dr. Lamb talked about
22 showed that same delayed bone age. As the body got less
23 and less nutrition, it turned its priorities away from
24 the bones, growing them, lengthening them because the
25 bigger the body is, the more energy it takes to sustain.

1 Before A.W. was even nine months old, she was
2 not getting the nutrition she needed to grow, to thrive
3 and that's why her bone age stops at nine months.

4 Now, as the body nears the end of its life,
5 the lack of nutrition, it starts to shut down. And one
6 of the things that it shuts down nears the end is the
7 intestines, which Dr. Lamb told you is very vascular.
8 They require a lot of blood flow to continue to work.
9 The person at the very end of their life is not able to
10 eat or drink, which is what happened to A.W. Dr. Lamb
11 testified that as these final organs in A.W. shut down,
12 A.W. wouldn't have the energy to run, to jump, to walk
13 even just a few steps. She certainly would not have
14 been bouncing in her crib less than 12 hours before her
15 death.

16 That day, February 21st, the day of her death,
17 probably the day and days before A.W. was actively
18 dying, that's what Dr. Lamb told you. She would not
19 have had the energy to even lift her arms over her head.

20 Now David, the defendant, by his own
21 statements to police, although he's trying to step away
22 from those statements now, is an involved father. He's
23 there everyday. He feeds his children. He plays with
24 his children. He walks his daughter to the bus stop.
25 He gets them up early with his son and talks to them

1 over breakfast.

2 In that first statement that night, at the
3 hospital, David talks about how he hadn't worked the day
4 A.W. died. But the night before when he got home, Shay
5 said, "A.W. s still not feeling well."

6 He says he watched the children while she went
7 to get Tylenol, apple juice, Pedialyte to try to help
8 A.W. None of which was found in the house, by the
9 way.

10 The next day, his day off, which is
11 substantiated by the time card, David spent his whole
12 day at home with his family. He checked in on A.W.
13 when he woke up and fixed the children breakfast 12,
14 one, two o'clock p.m. when they wake up for the day.

15 He says, She was laying in her crib in just a
16 pamper. She was still breathing, he could see from the
17 doorway. He took a light nap after breakfast until
18 Child 1 got home from school. He lets her in when she
19 knocks on the door, a neighbor walks her home. Then the
20 whole family takes another nap.

21 They wake up at 8:00 or 9:00 p.m. He mentions
22 going upstairs to check on his other children, who I
23 suppose are napping upstairs, in their bedrooms
24 upstairs. He feeds them dinner, cooks a snack for them.
25 And it's only at this point that he goes to check in on

1 A.W.

2 This time when he looks in, he says, "She's
3 still. She's not breathing. Her eyes are open."

4 He goes to pick her up and she's limp.
5 According to David, he's panicked stricken. He gets
6 Shay to grab A.W. and he goes next door for help. He
7 comes back and gives CPR to A.W. until a first
8 responder shows up.

9 Again, review that video. Review that
10 timeline. The statement from the beginning is not true.
11 David says now, he was blacked out that night. He
12 doesn't remember giving that statement.

13 But think back, he does not say his statement
14 is untrue. He will not come out and tell you that the
15 statement is not true. He told you it was a stressful
16 situation. He was under a lot of stress. He was
17 blacked out. But he would not commit on that witness
18 stand to saying that what he said initially was not
19 true.

20 Now, by the time May rolls around, David gives
21 another statement to the police and he said: Things are
22 settled and he feels better about being able to tell the
23 police everything, give them all the information.

24 And by this point, he's realized he wants to
25 distance himself from that day of the incident.

1 At that time he tells law enforcement that he
2 actually worked that day. He worked the day of Amina's
3 death until 8:00 p.m. He didn't get home until 8:00.
4 He argued with Shaquanda. And then only then does he go
5 upstairs and check on A.W.

6 Now, today, he's got another version. That he
7 went into work, it's not on his time card because he
8 worked for free. But he got home about six o'clock,
9 still didn't go up and check on A.W. until nine
10 o'clock. But take a look, and again, you'll have the
11 time card that will go back with y'all to your jury
12 room.

13 The last time David worked anywhere even close
14 to late in the evening was February 7th, he worked until
15 7:22 p.m. And that weekend leading up to Amina's death,
16 he only worked about ten hours. On Friday, he worked
17 three hours. He was off all day Saturday. Sunday, he
18 worked seven hours. He was off all day on Sunday.

19 I'm sorry. He was off on Saturday, worked
20 seven hours Sunday and was off on Monday, the day A.W.
21 died.

22 Now, he told law enforcement in May that he
23 was usually at work until 7:00 or 8:00 p.m. often
24 pulling doubles, "they were short staffed."

25 Just not substantiated by the time card,

1 ladies and gentlemen.

2 Tori, his former manager that you heard from
3 today, testified that employees would be allowed to have
4 one free meal during their shift; or if they worked
5 until the end of night, which she testified was 10:00 or
6 10:30, that sometimes she'd allow him to take food --
7 otherwise it will wasted -- home. Again, that's at
8 10:00 or 10:30. The very latest that David White worked
9 was 7:22 p.m., in the entire month of February.

10 David would have you believe he was working
11 much more than what his time card reflected because he
12 worked so much overtime. Add the hours on the time card
13 when you go back there. It's a little over 100 hours.
14 I don't know in what world 100 hours every three weeks
15 makes overtime, certainly not a 40-hour workweek, not
16 even a 35-hour workweek.

17 Not to mention David says he was a shift lead.
18 His manager that testified today said he was a cook.
19 And she scoffed at the idea that employees would work
20 for free. She made a comment about how sarcastic it was
21 when she said "employees would be working for free."

22 Now, in May, David walks law enforcement
23 through hid daily routine, through the feeding schedule
24 for all his children while he forgets **Child 3**

25 He tells them he is involved. He takes his

1 kids to the doctor. He takes days off to go to the
2 doctor with the kids. He'll arrange his work schedule
3 to do that. He gets up in the morning with Child 1
4 before school and he walks her to school. He feeds them
5 frequently.

6 I want to draw your attention to a couple of
7 the comments he made about A.W.

8 "She'll eat until she falls asleep."

9 "You have to give her a refill. Every time
10 she eats, she want it."

11 "Whenever I eat, she is eating."

12 And again, ladies and gentlemen, these
13 statements are not true. A.W. did not get to be the
14 weight of a four month old at 14 months old with five
15 months delayed bone age, chronic malnutrition from a
16 father who fed her Popeye's every time he ate.

17 And again, David's statement in May, when he's
18 settled, when he's had time to think about things, he
19 tells law enforcement, "I hangout with the kids all the
20 time. I feed them. I spend time with them."

21 Agent May asked him, "Do you hangout with your
22 kids?"

23 He said, "All the time. All the time.

24 You see the house, all those drawings with
25 crayons, all the hand paintings we've got on the wall,

1 all the time."

2 He wants you, today, to believe that that was
3 not true, that he was an absentee father who took time
4 with his kids and snatches here and there.

5 The gist of the testimony today that he wants
6 you to believe is that he just wasn't around. He was
7 not around the children enough to know their conditions,
8 so he can't be held responsible for those conditions.
9 Can't be held responsible for Amina's death.

10 The problem with that is, David can't quite
11 decide why he wants you to believe he's not around. At
12 first, he told you Shay kept him out of the house.

13 Shay would close the door. He would go to
14 knock. The kids would say "Dad's here. Momma,
15 someone's at the door," and Shay wouldn't let him in.

16 Then he said that Shay was the one, out of a
17 loving gesture, who mounted all his shoes on the wall in
18 the shoe room in the home.

19 Then he says, "Well I didn't try to get
20 parental rights to my kid because I didn't want to be a
21 monster. I didn't want to go to court to do that."

22 But then he says, "I had all these
23 girlfriends, I was splitting my time."

24 He named at least five girlfriends today that
25 he had in addition to Shaquanda. He wants you to put

1 emphasis on where he stayed versus where he lived.

2 According to David, where he lived, is
3 something official. Look at his employment records from
4 Popeye's. His address is [REDACTED] Pardue Street. His
5 driver's license, as he testified, listed [REDACTED] Pardue
6 Street. Look at the pictures. His Popeye's uniform is
7 in the closet. His shoe collection is on the wall. His
8 DVDs are all there. He's got more shoes on the floor in
9 the house. That was David White's home.

10 Y'all heard the statements that he gave.
11 Y'all reviewed the testimony. Think back to how many
12 times he said, "I put her on the kitchen floor in our
13 house to perform CPR."

14 "We went home."

15 "My house."

16 "Our house."

17 "Home."

18 That's what he called [REDACTED] Pardue Street,
19 ladies and gentlemen, because that's where he lived.
20 That was his home. His theory today is that he thinks
21 he can distance himself by saying that he was staying
22 with these other girls all the time, he can absolve
23 himself of responsibility.

24 Now, he talked again about how, his kids, he
25 took them to the doctor. He took days off to go to the

1 doctor with them. Scheduled days off around the
2 doctor's appointments, that was the statement to law
3 enforcement.

4 Now he says, "Well, when I was around, I went
5 to the doctor, but Shay didn't take them."

6 "Shay kept me out of the house."

7 "Shay kept me away from the kids."

8 "I didn't know what was going on with them."

9 He also told you today that the kid saw the
10 doctor, it just wasn't documented. That if they had an
11 extra child along for a well-child checkup, that the
12 doctor would see that child, assess that child for
13 problems they had going on and that just wasn't
14 documented.

15 Take a look at the records. These doctors
16 were extremely through in their documentation. You'll
17 have lists of dates where they no showed, dates where
18 they canceled appointments, dates where they missed
19 appointments. Yet, David wants you to believe that
20 these children were seen "off the books" is what he
21 called it.

22 There was claims made that he didn't have
23 transportation. "It was hard to get a ride."

24 Again, David told you today, from the stand,
25 told law enforcement, "I've got good family support."

1 He told Agent May that himself. One of the first
2 things, she asked.

3 "How's your family? You got a good family
4 support?"

5 He said, "Yes, ma'am. I've got a great family
6 support."

7 His mother gave him rides to work everyday.
8 He talked about being close to his grandma. Surely, if
9 he thought his children were sick and needed to go to
10 the doctor, he could have called and said, "Momma,
11 grandma, can you give me a ride? Can I borrow a car, my
12 babies need to go to a doctor?"

13 His dad testified that he went over there all
14 the time to check on his grandkids. Again, surely, his
15 dad would have given him a ride, even though he lived in
16 Chester County.

17 Poor A.W. the last time she saw a doctor was
18 Christmas Eve of 2019 when she was discharged from the
19 hospital with her parents. By the time EMS got there on
20 February 22, 2021, it was too late for A.W.

21 You heard a little bit about the phones that
22 were seized from David and Shaquanda. Phone extractions
23 were performed on those. For whatever reason, both
24 parents obtained new devices. David got two new devices
25 between the time A.W. died and the time of his arrest

1 in May. One activated in March, one activated in April.
2 David testified today there was photos and videos in his
3 phones of A.W. eating, falling asleep eating, looking
4 healthy.

5 The State entered all of these phone
6 extractions into evidence. The defense entered
7 photographs that they felt were relevant and helpful to
8 this case into evidence. No photos of A.W.

9 Now, the defense talked to Dr. Lamb about
10 hypoglycemia mentioned in the birth records. Slightly
11 low blood sugar. The response from the hospital to
12 A.W.'s slightly low blood sugar, "Feed your baby. Give
13 her some formula." Questions we're asked of Dr. Lamb,
14 Dr. Presnell, and Dr. Garvin about the negative glucose
15 finding in A.W.'s vitreous.

16 Wouldn't that mean that she was hypoglycemic?

17 It could. It could be a normal finding.
18 Dr. Presnell testified that it would be typical in a
19 deceased person to have negative blood glucose. But it
20 could also be because she was hypoglycemic.

21 Now, y'all did not leave your common sense at
22 the door to this courthouse when you took your oath to
23 be jurors. Hypoglycemia is low blood sugar. What else
24 would you expect in a child who is not being fed, but
25 low blood sugar?

1 Mr. Frick also asked several questions about
2 the keto diet. Could these elevated levels of the
3 ketones in Amina's blood be because she was on a keto
4 diet?

5 Again, common sense. This child is 14 months
6 old. Why would she be on a keto diet? If she were on a
7 keto diet, don't you think that would be something the
8 parents would mention to medical staff when their child
9 is dead? She was on this diet, maybe that had something
10 to do with it.

11 Take a look of the photos of the frig, the
12 freezer. Is there any high protein foods in there? No.
13 It's filled with sugary sweets, sodas.

14 And remember David's statements, he said, "If
15 I eat ice cream, they eat ice cream." That's not a
16 child on a keto diet. He fed A.W. mashed potatoes,
17 fried chicken, rice and beans. This child was not on a
18 keto diet. This child had elevated acetone and BHB in
19 her system because she was being starved to death.

20 Now, there's also a suggestion that there's
21 some underlining medical condition that caused Amina's
22 death. The failure to thrive in other kids. And that
23 just does not stand up to any scrutiny. The likelihood
24 that there was a medical condition severe enough to
25 cause this child to starve to death, and that was missed

1 by the doctors at the hospital, the extra newborn
2 screenings they did on A.W. all of the testing done at
3 autopsy. The toxicology testing, the blood testing, the
4 vitreous testing. Not to mention the pathologist who
5 held A.W.'s organs in her hands, all of those people
6 missed some sort of underling condition that caused
7 A.W.'s death.

8 Common sense. What's more, could this
9 mysterious disease have affected all the other children,
10 cause them to fail to thrive, fail to grow only when in
11 they're in David White's home? This mysterious disease
12 disappears when they go into foster care where they all
13 thrive?

14 They're growing like they're supposed to in
15 foster care when they're fed. When they're cared for.
16 Their development grows by leaps and bounds. They're
17 all on the growth curve. They're all in school.
18 They're all thriving once they're outside of David
19 White's home.

20 Now, you've heard from both David's parents.
21 David's mom told you he was in and out of the house at
22 Pardue. She didn't say he lived with her by the way.
23 David does.

24 David says, "I lived with my mom. If you
25 asked me where I lived in February 2021, I lived with my

1 mom."

2 His mother didn't tell you that. She said,
3 "He'd stay there from time to time." But she said, "He
4 was a good, responsible and involved and loving
5 father."

6 She said, "I was in that house frequently,
7 almost daily."

8 What did she say the kids told her every time
9 she was in that house?

10 "Grandma, I'm hungry."

11 I bet they did. I believe that part of her
12 testimony.

13 David's father told you his son was a loving,
14 involved father. He even loved Quinton, Shaquanda's son
15 who was not his. He testified that Quinton wouldn't
16 talk when he was in the home with David and Shaquanda.
17 But when he was removed, placed in the care of somebody
18 else, David White, Sr, said he talks beautiful now, that
19 he thrived when he was removed from that environment,
20 just like all of these other surviving children.

21 He too told you that David had been in and out
22 of the house. But he said, at the time of Amina's
23 passing, he was back there. He was trying to do what he
24 was supposed to do. He was there more taking care of
25 his kids. David's father made mention of different

1 roles in the house. The roles of the woman and the
2 roles of the man in the house.

3 And ladies and gentlemen, this is 2024, this
4 happened in 2021. Parents share responsibility for
5 their children, for their children's wellbeing.

6 David White, by everyone's statements is an
7 involved father in the home daily, caring for his
8 children, equally responsible.

9 Now, David White's had the last
10 three-and-a-half-years to sit and think about the best
11 way to make himself look like he's not responsible in
12 this case. He started in May of 2021. He starts to
13 distance himself when he gives that second statement.

14 He says, "I was at work that day. I wasn't
15 home. I wasn't home."

16 But as he sat here over the past week and a
17 half, he's heard the evidence presented to y'all and he
18 has come to this story that y'all heard from him today,
19 that Shaquanda Page was not only the primary parent and
20 the primary caregiver of these children, but that she
21 kept him from his children. He testified today that he
22 was so concerned about his kids with Shaquanda Page.

23 His exact words, "I worried that when I came
24 back, one of my kids would be passed away."

25 He cried on the stand as he said he felt like

1 he spoke that into existence.

2 What David did not testify to today was that
3 he asked for any help. If he felt that way, he sure
4 didn't call law enforcement. Didn't call DSS. Didn't
5 call his mom. Didn't call his dad. Didn't call his
6 grandmother. Didn't ask his manager. Didn't ask any of
7 his five girlfriends for help. He decided that the best
8 thing for David would be to try and distance himself,
9 keep him out of trouble, take himself away from the
10 situation.

11 He created this rhetoric that he presented to
12 you today, that he's an absentee father. He is laying
13 the blame at the feet of the children's mother,
14 Shaquanda Page.

15 I remind you, Shaquanda Page, the mother of
16 this children, had her day in court. She was convicted
17 of these charged. But her conviction does not absolve
18 David White of his responsibility to these children.

19 Ladies and gentlemen, A.W. death was
20 entirely preventable. A.W. did not suffer from cancer.
21 A congenital disease or defect that medical science is
22 not advanced yet to treat. A.W. died because her
23 parents, her father David White, didn't care enough
24 about her.

25 At any point in her life, A.W. could have

1 been taken to the doctor. If she refused to eat, if
2 they cared about her small size, a pediatrician could
3 have helped them. They had experience with that. David
4 and his oldest daughter Child 1 had experience with
5 that. He did the right thing. He took Child 1 to the
6 doctor. He followed their recommendations for
7 supplemental nutrition. They gave her Pediasure and got
8 her back on track. But A.W. they just didn't care
9 about A.W.

10 Dr. Lamb described to you the lethargy, the
11 low energy. Not being able to move, lift her arms,
12 begin quiet, that comes along with malnutrition.

13 I submit to you ladies and gentlemen, that
14 made A.W. easier to care for for David White and
15 Shaquanda Page. It made it easier for them to put her
16 in her crib and forget she existed.

17 The only silver lining in this case is that
18 A.W.'s death brought to that household the attention
19 that those other children needed, to get out of that
20 environment. A.W. died to save her siblings. At
21 any point during the last week of A.W.'s life, if David
22 White had been any semblance of a parent, he could have
23 saved her. He could have taken her to the pediatrician.
24 He could have taken her to the emergency room. He could
25 have called 911 before he found her dead in the crib.

1 Instead A.W. spent her final hours naked,
2 alone in her crib. I ask you to find David White guilty
3 in his role in A.W.'s death and his role in the
4 unlawful conduct of each and every one of his other
5 children. Thank you.

6 THE COURT: Mr. Frick, you ready for your
7 closing, sir?

8 MR. FRICK: Yes, sir.

9 One moment while I get this set up.

10 THE COURT: Sure.

11 MR. FRICK: The secret none of us ever talk
12 about is, we get up here and we're absolutely concerned
13 that we're going to forget what we wanted to say to you.
14 Now we have this cool technology and thankfully it
15 worked.

16 Obviously, you know what we're here for,
17 ladies and gentleman. This is the State of South
18 Carolina vs. David White, Jr. And when I turn my
19 clicker on, it will work.

20 You know he's charged with homicide by child
21 abuse six times and he's charged with unlawful --
22 unlawful conduct six times and homicide one time. And I
23 tell you the State has got to prove their case beyond a
24 reasonable doubt.

25 David White doesn't have to prove a thing.

1 Doesn't have to prove a thing. Doesn't have to get up
2 there and testify. Doesn't have to do anything. The
3 State bears the entire burden of proving that David
4 White did what they say he did.

5 And I tell you, and I told you at the very
6 beginning, it was about a week and a half ago. I know
7 it seems about three by now, at least it does to me.
8 This is a very difficult job. And I know I'm asking you
9 to do something very difficult. But you have to
10 separate emotion out of this and look at the facts. And
11 you, as the judge of the facts, get to determine what
12 you believe are the facts. And just because somebody
13 gets up there and swears to tell the truth, you don't
14 have to believe them. You can believe part of it. You
15 can believe some of. You can believe none of it. You
16 could believe all of it if you choose to. And just
17 because somebody's got some credentials doesn't mean you
18 have to believe exactly what they tell you either. They
19 have an opinion, but guess who's the final arbiter of
20 the opinion? Y'all are. Y'all are the judges of the
21 facts.

22 So what's the State got to do? They've got to
23 prove to you with believable evidence, credible
24 evidence. And I went through what you can believe and
25 what parts not. Again, beyond a reasonable doubt, of

1 course, is not beyond all doubt.

2 But it's also more than "I think he's probably
3 guilty."

4 It's more than, "Possibly he's guilty."

5 It's more than, "Maybe."

6 It's more than, "Yeah, I think he was around
7 the house. He should have known what was going on."

8 No. There has to be no other reasonable
9 explanation, other than David White is guilty of what
10 the State is accusing him of.

11 Now let's jump right to it, let's talk about
12 the condition of this house. Here we go. I promise I'm
13 not going to show every one of these picture. Promise.
14 You got all of them, but I'm going to go through some of
15 them.

16 You look at these pictures here and you see
17 some crackers on the steps. You see some dirt on the
18 steps. Remember when these pictures were taken, ladies
19 and gentlemen. These pictures were taken as law
20 enforcement is there, about the same time they're
21 serving the search warrant and it's about two o'clock in
22 the morning.

23 Prior to this, people have come up these
24 stairs, in and out of this house. They've come into the
25 house to get A.W. out. Who alls come through this

1 house? Well, you've got it. This is the crime scene
2 log. They list 20-something people that were in and out
3 of this house that night. A lot of them are law
4 enforcement, but this includes the children. This
5 includes Ms. Campbell who was there to watch the
6 children.

7 I think you see her in one of the body cam
8 videos where she's hanging around watching after all
9 those children. I submit to you, it's pretty chaotic at
10 that point and it's almost two o'clock in the morning at
11 that point.

12 You've got other families coming through.
13 You've got law enforcement. You've got DSS. A lot of
14 folks coming in and out of that house. So maybe it's
15 not the cleanest house. I'm not trying to say it was
16 the best housekeeping in the world. Well, maybe not all
17 of it was attributed to who all was in the house that
18 night. And look at this.

19 Again, we're about two o'clock in the morning
20 after A.W.'s been taken to the hospital, Ms. Campbell's
21 trying to watch after those children. It looks like
22 somebody swept that into a pile. But remember what they
23 also did when they got there because it's on Agent May's
24 body cam. They got everybody out of the house. They've
25 got to clear the house. Law enforcements got a job to

1 do. They're going through there. They're taking
2 pictures, trying to collect whatever they deem necessary
3 in their investigation of this case. So nobody's going
4 to say, "Oh, yeah. Go ahead and finish sweeping up the
5 house."

6 That's a baseboard heater. I don't know how
7 many people are familiar with baseboard heat but these
8 are horrible. Horrible. They do not heat worth
9 anything, but this is what Pardue Street provides their
10 tenants. And the reason I say that is, they're tenants.
11 They don't own this house. They're not responsible for
12 the maintenance of this house.

13 If there's something wrong with this heater,
14 they have to call the office, and say, "Hey, come fix my
15 heater."

16 Now is this ideal? Absolutely not.

17 But what don't we know? Is this heater
18 working?

19 Is the breaker on?

20 We don't know these things. So yeah, we've
21 got a heater laying up.

22 What don't we know? A lot. Just like the
23 rest of this case. There's a lot we don't know.

24 Then there's this: This is the
25 air-conditioner unit that is mounted in the bedroom, the

1 master bedroom. You'll note on one of the body cams
2 they were looking at it and going, okay, let's take this
3 front off and they grab it.

4 Now, I think it was even Lieutenant Small who
5 grabbed it and goes, "Nope, that's mounted in there."
6 It's stuck. You can't take that off. That's a fixture
7 that was put in there before these folks moved in. They
8 didn't put this in there. This is not theirs.

9 Again, like the baseboard heat, this is what
10 Pardue provides. So how long has it been there? Don't
11 have the first clue. Maybe as long as the apartment
12 complex has been there. And you see, it's got some
13 issues there. And they specifically look at this. Wow.
14 Well, that proves it.

15 How long has that been there?

16 When did that get burned?

17 There's no way to tell, ladies and gentlemen.
18 And then there was some suggestion early that it was on
19 an unsafe because this cord is plugged inside the
20 apartment. Well, who did that? The management of
21 Pardue, not David White.

22 Now, I call it man cave. People call it
23 different things. This is the room that's got the
24 shoes. David told you -- and David let them in this
25 room, let's remember that. They couldn't figure out how

1 to get into this room. And David went to the kitchen
2 into the kitchen cabinet. And I submit to you, when you
3 look, the only person that opened up the kitchen
4 cabinet, as you can see, is David White. David White
5 got the key, goes over there, unlocks the door, for them
6 to be able to come in. And then they see his shoes on
7 the wall. He tells you, "Shaquanda put them on the
8 wall," that wasn't him.

9 Now, why would she do that? If they're having
10 such as -- you've heard exactly. I think it's fair to
11 say Shaquanda's got some issues here. One day she's all
12 in love with him, the next day she wants to throw him
13 out of the house. They had a lot of issues. He had his
14 infidelities and maybe she had hers too, but they kept
15 coming back together. Why? David tells you 'cause he's
16 trying to be there for the kids.

17 It was not a great relationship.

18 "Who put these on wall?"

19 "I don't know."

20 But the State wants you to look at these and
21 go, oh, look at those expensive shoes that they could
22 have spent on the kids.

23 Ladies and gentlemen, this is what I'm talking
24 about, the emotion in this case. This ain't got a thing
25 to do with whether these kids eat or not. But that's

1 what they're suggesting by showing you all these
2 pictures of these shoes.

3 They go, oh, look how expensive these shoes
4 are.

5 Then they say, see, cared more about the
6 shoes, than he cared about his kids.

7 What else did he have in this apartment?

8 Oh look, there's a couple of kid bicycles.
9 There's some kid toys. There's some games. There's a
10 lot of DVD right there, a TV set. We've got carriers.
11 There's two in that picture. This is the man cave. The
12 sacred man cave that David kept locked. Look at all the
13 toys that are in there. There's even stuff on this, I
14 guess it's a dresser, I'm not even entirely sure. But
15 there's a lot of stuff on there. You see some child
16 stuff there. Some games, toys, candy, markers. There's
17 more on the chair and that's the couch in that same
18 room.

19 And low and behold, under the Nike's there,
20 there's more toys that's mounted on the wall right
21 there. Then look, this is the living room. And bear in
22 mind, this is the living room where everybody was just
23 before they were run out so law enforcement could come
24 in and take pictures. So it's a little disarray. I
25 think you could tell that from the body cam as they're

1 being taken out of the residence. There's toys there.

2 And what's in the corner? Diapers. A lot of diapers.

3 Then they've got Similac. Not just Similac.

4 It's the Pediasure that we use to feed children that
5 have issues with maintaining weight. And what's that
6 right beside it? My gosh, I think that's even distilled
7 water. So they're not even using tap water, they're
8 using special water to make the Similac.

9 Then on the wall over here, we've got pictures
10 that look like they've been drawn by children. And oh,
11 yes, remember, the chest of drawers right there that the
12 Pediasure is on, what was testified too that's in there?
13 There were a bunch of wipes, cleaning supplies for the
14 kids and there's a Diaper Genie. So there are many,
15 many, things.

16 Here's some more DVDs. Obviously, a lot of
17 movies on the right side, but I'm asking you to look on
18 the left. If you read those things, it's a lot of
19 children's movies. Then beside that, they even got VHS,
20 them old things, like Porky the Pig. All kinds of good
21 old cartoons that we grew up watching, a bunch of them.

22 Well, how do they play those? Oh, my gosh.
23 It's this funny TV that has a VHS player on it. Then
24 this is the bathroom. Those are clean towels. There's
25 a first aid kit.

1 Then we say, "there was not nutritious food in
2 the house, not enough nutritious food." Well, I want
3 you to look at this thing. Let's talk about what we've
4 got in here. As I'm looking at this, I actually see two
5 cartons of almond milk. This isn't going to the store
6 and buying the two gallon whole milk or two percent or
7 whatever I can get cheap, that's almond milk. I assure
8 you almond milk is a little pricer than regular milk.

9 Look behind that Dr. Pepper right there.
10 That's alkaline water. I don't know if you know anybody
11 that likes alkaline water, that stuff is a little pricey
12 too.

13 And then it's not, it's not the Land O'Frost
14 or processed luncheon meat that I eat way too much of.
15 It's the Oscar Mayer, Deli Fresh. It's like deli
16 slices. That's expensive stuff.

17 Then we've got not Walmart, \$.99, what the
18 heck's in this hotdog? That's Nathan's all beef
19 hotdogs. Then we've got orange juice. And I believe up
20 there at the top, that is some hamburger, at least
21 that's what it looks like to me.

22 And then in the drawer down there, there's
23 some summer sausage and some more hotdogs, which look to
24 be Nathan hotdogs again.

25 Again, they're not skimping on the quality of

1 the items they have in their refrigerator.

2 "Yeah, but it's all meat and processed foods."

3 Is it?

4 We'll note the picture here.

5 And yeah, we've got some Cinnabons right here,
6 is what it looks like. I'm not sure.

7 And we've got Cinnabons up here and we do have
8 Toaster Strudel. And we do have -- maybe that's french
9 fries over there.

10 But look to the left right there, that's looks
11 like that little Birds Eye symbol, which would be
12 vegetables.

13 Low and behold, right here, beside the Reese's
14 Cup, there are vegetables.

15 And again, there's the Similac on the counter.

16 And yeah, they had junk food. This was in the
17 closet, that's behind the locked door in the man cave.
18 So it ain't like the children can just wonder in there,
19 grab packages and that's all they ate. Somebody had to
20 let them in to get it.

21 And here, I believe it was testified to by
22 Lieutenant Small, that looked to him to be a chicken
23 wing. And I would agree with his assessment. That
24 looks to be chicken and possibly a chicken wing to me
25 which is indicative of there recently -- because that

1 looks kind of fresh -- recently being some chicken in
2 that house.

3 And we know that's the case because you heard
4 by several people that David would take food home from
5 the Popeye's, which is mainly known for chicken.

6 Then here's the trash can. And here's where
7 it starts getting a little mirky.

8 So we look at it, take a picture of it. I
9 don't know if anybody went through it. If they did,
10 they didn't document it:

11 So what's in there?

12 I don't know.

13 Is that where the Pedialyte is?

14 I don't know.

15 Neither do you. We just looked in it and
16 said, Okay, that's all we need.

17 And then look at this: That's the deep
18 freezer you've heard about. And you see the
19 obstructions that are around it that would be indicative
20 of someone not using it. Except, ladies and gentleman,
21 you notice that little cord that's running from it to
22 the wall? It's plugged in. No one looked at it.

23 So we got a bunch of dirty dishes. There are,
24 I agree, 100 percent. There's a ton of dirty dishes.
25 This sink is full of dirty dishes. Little bowls that

1 look like kids would use. Cups that look like kids
2 would use, stuff like that.

3 How do you get dirty dishes? You put food in
4 it and it gets consumed. Now, how did it get into this
5 state? I submit to you, ladies and gentlemen, Ms. Page
6 was overwhelmed, could not handle it. And we've got
7 these dirty dishes that desperately need some attention.

8 Here's stuff on the stove indicative of food
9 being prepared. Once again, dirty dishes happening
10 because you did something with food.

11 And that's the other thing in this house,
12 there is no dishwasher as far as I can tell. Here's the
13 kitchen, it goes from the wall over halfway down.
14 There's from the microwave back to that door past there,
15 no dishwasher visible. So all of those dishes have got
16 to be washed by hand.

17 Again, there's a lot of children in this
18 house. I submit to you, Ms. Page got absolutely
19 overwhelmed and just could not handle the situation.

20 Let's talk about the scene a little bit. I've
21 already talked about the freezer and not looking at it.
22 And I talked about the trash can and not looking at it.
23 And I touched on this too.

24 We looked at the cabinets. We took pictures
25 of the cabinets but no one took pictures of inside the

1 cabinets. As I told you, if you go look at the body
2 cam, you will see the only person that you will be able
3 to see opening up these cabinets is David White.

4 Law enforcement testifies, Agent May
5 testifies, "Well, I looked through them but I didn't
6 have my body cam on."

7 Conveniently, we're not looking in the
8 cabinets. We take pictures of a whole lot of stuff. We
9 look into a whole lot of things but we don't bother
10 looking in these cabinets for possibly some of the items
11 they said that they were looking for would be?

12 Another thing we don't do -- and you can go
13 back and I recall asking about this and when we did the
14 search warrant, was there a medicine cabinet in the
15 bathroom?

16 There's only one bathroom.

17 Was there a medicine cabinet in the bathroom?

18 Now, I submit to you, if you go back and look
19 at that body cam, you will see above that sink, mounted
20 on the wall, that is a medicine cabinet. No one opened
21 it. No one looked in it. Could there possibly be
22 Tylenol in the medicine cabinet in the bathroom? Ladies
23 and gentlemen, we'll never know.

24 I'll also just show you this. If you look
25 right there on the front of the table, you see the glove

1 box right there, Nitrile glove box? That's placed there
2 by law enforcement.

3 So I submit to you, law enforcement got people
4 going around this house, they're moving stuff around,
5 they're bringing stuff into this house. So how accurate
6 are these pictures anyway?

7 Who actually lived at this residence? David
8 told you, he's got a complicated life. I'll give him
9 that. He complicated it himself. I think he would even
10 tell you that and I think he did tell you that. But who
11 was there all the time? Shaquanda Page.

12 "Oh, oh, yeah, but when he did his Popeye's
13 form, he said he lived at 2402 Pardue Street."

14 This DMV thing that you heard, that he got his
15 driver's license in 2016, he put that address as 2402
16 Pardue Street and didn't change it because he didn't
17 have to renew it for a long time.

18 Well, look where he put his emergency contact.
19 Ruthie Hayden. And you heard from his mom, that's his
20 grandmother. She said, "Oh, yeah, she lives across from
21 me on Conner Street."

22 What is the address he put down for Ruthie
23 Hayden? 2402 Pardue Street.

24 What does this tell you? Nothing.

25 That means they put in their system whatever

1 address you tell them. If he said I live at 123 Happy
2 Lane, they would have put that in there and that's where
3 he would have lived according to Popeye's.

4 I submit to you that information is not
5 indicative of anything that's truthful.

6 Now let's talk about -- this is the food
7 stamps. You've heard about the food stamps. And you
8 see there, David White did not get any food stamps. On
9 the column that says "end," you look below there. After
10 8/31/19, David White never gets anymore food stamps from
11 Lancaster DSS. Shaquanda Page, however is still getting
12 food stamps until February of '21, as are the children,
13 not including Quinton, who we know is no longer in the
14 residence and is off of hers by that time in 2018.

15 And yet she, "case name," that says "Shaquanda
16 Page." \$1,100 was going to Shaquanda Page.

17 Now, folks I do want to point something out.
18 Look up there where it says "month." I submit to you,
19 that is the payday. And what does it say would be the
20 payday here? 2/21. So maybe it is just possible that
21 if you think there wasn't enough food in that kitchen,
22 that they had just gotten the money that day. It just
23 hit the bank in Shaquanda Page's account that day. So
24 no one had any time to go get the food because the
25 events occurred that day into that night.

1 But again, it's going to her, not going to
2 David White. And the piece of mail that they've got,
3 whose name do we see in the apartment with mail
4 addressed to them? It's Shaquanda Page.

5 How much time was David really in the house?
6 He told you he had a lot of different places he could
7 go. He did say he was staying with his mom. His mom
8 said he would stay with her. Stay at grandma's home.
9 He went over to Ms. Howze's place just around the corner
10 from [REDACTED] and that caused some issues.

11 And they would get in arguments and he and
12 Ms. Page would go back and forth and he would get kicked
13 out or move out or be told to move out. And then she'd
14 come around looking for him again and he'd come back.

15 He also told you today about other places he
16 had to go. He had about five different places he would
17 go and he also was at work.

18 You heard Ms. Howze testify that she wanted to
19 spend more time with him in their relationship, but that
20 changed when he was working because he did work a lot of
21 hours.

22 Now, did he get paid for all those hours?
23 Well, I submit to you, the time card shows no, he does
24 not. But you also heard, "Yeah, it's possible that
25 people can come in and work and if they don't go to the

1 manager and get the override, then they're not going to
2 get paid for it."

3 And I submit to you, it's entirely possible
4 David did that because he told you he got a promotion,
5 maybe he thought he was going to do another one. Who
6 knows? Maybe he just really enjoyed being there. I
7 don't know. Maybe he wanted to stay until closing time
8 so he had food he could take home? I don't know.

9 But it's a possibility, it's very possible he
10 did not stay there very much. He told you, told you
11 in -- and it's in the interview. The interview on May
12 5th, they're asking about going to the doctor with
13 A.W. He said -- I'm summarizing it. You've got it.
14 You can go back and look at it. Don't rely on what I'm
15 telling you. I'm summing it up.

16 He basically says, I didn't go to the doctor
17 with A.W. because we were on the outs and I wasn't
18 around.

19 So what happened with doctor visits after
20 she's born in December of the year before or '19? And
21 what happens the month before when she's got whatever
22 issues going on?

23 David is not around enough.

24 Let's talk about some of these findings here.
25 The pathologist, her autopsy was conducted on February

1 24th. That was not long afterwards, I agree. And I
2 agree, we've got a morgue and we put people in the
3 morgue when they pass away. And as soon as they can get
4 them to whichever facility we're taking them to to have
5 an autopsy performed, they do it. But time has passed.
6 Time has passed. And stuff is happening.

7 Overall, their findings were that the organs
8 were normal. They were small. They were a little
9 undersized but otherwise, there was no real issues with
10 them; they seem proper. There's autolysis of the
11 internal organs. They're beginning to decompose. This
12 is a naturally occurring thing, ladies and gentlemen.
13 But it proves there is decomposition going on.

14 And what is being autolyzed? She put it in
15 her report. She read it to you. I asked her about it.
16 The myocardial, we know that's heart. The liver,
17 kidney, skin, small bowels, colon, thymus, thyroid,
18 pancreas, ovary, cerebrum and varying degrees of
19 decomposition naturally occurring.

20 But ladies and gentlemen, decomposition was
21 occurring on February 24th, and she didn't have any
22 medical records. And yeah, we do have medical records.
23 You've got her birth records that tell you from when she
24 was admitted into the hospital to when she was
25 discharged from the hospital, what happened at MUSC and

1 what they found out about it. She not have those, do
2 not look at that.

3 The final opinion. Remember, she does this
4 autopsy on February 24th. She doesn't render a final
5 opinion until May, and that's when we get the toxicology
6 back. And that's when we have the stuff be the BHB and
7 the ketones and the bad looking stuff that they go,
8 Okay, this is clear, clear case of starvation, that's
9 the only explanation here.

10 Is it? Is it? It's not auto ketosis, it's
11 ketosis, which is the beginning of that. That's when
12 you run out of glycogen.

13 And yeah, I did ask about the keto diet. And
14 no, I'm not suggesting the 14-month-old-baby was on a
15 keto diet. What I'm suggesting is, is a thing that
16 people do and it causes ketosis. Because you're trying
17 to burn fat instead of glycogen. Why? We'll get to
18 that in a second but that's what I'm suggesting.

19 Now, as I stated, just because you've got the
20 credentials, doesn't mean that their opinion is any
21 better than yours. So I tell you in the beginning,
22 while educated, it's still a guess.

23 Let's talk about the toxicology. There was no
24 drugs. There was no chemical found in her system.
25 There was acetaminophen at a reportable level is what

1 she said. She was asked, "No acetaminophen was found?"
2 She said, "No reportable level."

3 Remember there is a cut-off level that you've
4 got to reach. When you run the test, you've got to
5 locate yes, it's hit this marker. We're going to say
6 that this item is in the blood. She specifically said
7 there was no reportable level.

8 But folks, A.W.'s been given about six shots
9 of epinephrine. They run saline through her. They've
10 run other medicines through her in an effort to
11 resuscitate her.

12 I suggest to you, one, perhaps it already had
13 been metabolized through the system; or, two, perhaps
14 all the stuff didn't go through it, maybe it effects it.
15 I don't know.

16 Again, we didn't look in the cabinets. We
17 didn't look in places where you'd normally keep
18 medicine. So we don't even know if it exists. We were
19 told. But remember who told you. You were told
20 Shaquanda Page was the one that gave acetaminophen.

21 And her potassium was elevated. Why do I
22 mention this? Because your ER doctor tells you that
23 when we're doing the electrolytes and the epinephrine,
24 we also give this drug that combats high potassium.

25 What's the problem with high potassium? It

1 can cause, in some cases, cardiac arrest.

2 This is cardiac arrest.

3 Then there's the BHB, the beta-hydroxybutyric
4 acid. This is what you get in your blood. This why I
5 asked the question about the keto diet. This is what
6 you get in your blood when you've run out of glycogen
7 and you are now burning fat. You get this and you get
8 some acetone. But let's look at levels.

9 250 is going to be keto acidosis. That is
10 where you are starving to death and you are eating
11 yourself. Your body is just eating itself. Normal is
12 50 or below. That's what she said. And the reportable
13 cut off is about 40, but she said 50 or below is normal.

14 We're at 72. It's elevated. It's elevated
15 which would be indicative of being in ketosis. The
16 acetone is elevated. Well, it's still elevated which
17 would be, again, indicative of being in that state. The
18 glucose, there was none detected.

19 Now, I certainly understand and recall she
20 said you can't necessarily rely on the glycogen to talk
21 about hypoglycemia. You can talk about hyperglycemia if
22 it's there, but it's difficult to hone in on
23 hypoglycemia. And I agree. And I think it's even said
24 if it's at a certain level. Here we had none. Zero.

25 Dr. Lamb. Ladies and gentlemen, Dr. Lamb is,

1 by no means, a neutral and detached witness in this
2 case. She's a doctor who is on the investigative team
3 who investigates child fatalities. She did it here in
4 Lancaster. She did it throughout the state on a
5 statewide team. And she told you she is doing it
6 locally in Washington State in the county that's she's
7 in there.

8 Then I believe it was the coroner, the deputy
9 coroner that said, when I asked about that team, she
10 said, Oh, yeah. SLED always brings Dr. Lamb in.

11 So her role is investigator, not doctor in
12 this case.

13 And her opinion on the children, she said, I
14 talked to them. I looked at records. I rendered a
15 findings but it's not the final conclusion. I'm sending
16 it to a specialist and the specialist will confirm or
17 deny my conclusion.

18 You heard nothing about the specialist in this
19 case; you just heard Dr. Lamb's opinion. She saw the
20 children one time. They went down to Columbia on one
21 day, spent time in her office. And I believe she said
22 it was about six hours total.

23 Well, it was six children, yet she only saw
24 them at one time?

25 And then her opinions on A.W. it was all on

1 paper, ladies and gentlemen. There was no real
2 investigation here.

3 She read the pathologist report, she read the
4 toxicologist finding and said, Yeah, I agree with that.
5 But she didn't consult with anybody. She just read it
6 and said, That looks right to me.

7 So I submit to you, her opinion on that is
8 not -- does not hold up.

9 Let's talk about the birth records. This is
10 the blood panel that they ran. Everything is fairly
11 normal, but we do have low glucose. And you see the
12 range there. The bottom range is 60, top of the range
13 is 130. We're at 46. That's not extremely low, but
14 it's low.

15 Even MUSC said this is problematic because
16 they put it on a thing they called, "Problem: Newborn
17 glucose stabilization. Hypoglycemia management."

18 And then the only answer is to feed. But what
19 if there is a condition where you're just in a
20 hypoglycemic state? Well, we don't know. But they did
21 tell mom what to do with it.

22 Now, how do we know this? Because this letter
23 right here says, "Advice given and reviewed with mom.
24 All discharge education completed. Mom denies any
25 questions or concerns."

1 There's no family. There's no mother/father.
2 It's simply mom. I submit to you, David White has no
3 idea that his child has this issue. One, maybe he's not
4 there. I don't know. But two, they clearly indicate
5 that they had not reviewed it with him. So he does not
6 know about this situation. And perhaps if we had a
7 little more education, we could have been on the lookout
8 more for hypoglycemia but we don't have that.

9 The mom was the one given the information and
10 mom was the one who was the primary caretaker. And mom
11 is the one who does make the appointments or cancels the
12 appointments.

13 Let's talk about the cell phone evidence.
14 There's not much there. Ladies and gentlemen, okay,
15 they got new phones and some data carried over. Maybe
16 they got some new phones in March or April. That is all
17 you have. And as far as the pictures, ladies and
18 gentlemen, I'm not about to try and tell you who that
19 little girl with the black-and-white beads in her hair
20 is. I mean, I know pictures I saw of A.W. She had
21 beads of black and white -- black-and-white beads in her
22 hair.

23 And I know on that video, I see a young girl
24 who I think they identified as Child 4 She has
25 black-and-white beads in her hair. And I'll be honest,

1 I don't know which is which. But what I do know is that
2 picture was taken on February 17th and it was in
3 Shaquanda Page's phone. And if it is A.W. that's five
4 days before she died and the State says she was
5 "completely emaciated."

6 Now, Child 4 well, that's five days before she
7 was taken into custody and they tell you that she was
8 malnourished as well. Take a look at those pictures.
9 Make your own conclusions.

10 And David, they've got him at the hospital,
11 and I'll get into that in a minute. They've talked to
12 him at the hospital, room full of people. They bring
13 him back to the apartment where he's seen this lifeless
14 body of his child laying in the crib, trying to get help
15 for that.

16 And then they say, Hey, can you do a
17 reenactment for us? It's 3 o'clock in the morning.
18 Look at the body cam, there's a clock inside those.
19 It's about 3 o'clock in the morning. And he does, he
20 comes to the crib and he says, "This is what I did," and
21 he goes through the whole thing. And I'll get to his
22 reaction in just a second.

23 But let's talk about the interviews. We've
24 got two interviews at the hospital. It's right after he
25 is told that his child has passed away. They take him

1 and Shaquanda into a courtroom. A little conference
2 room, a little room. They talk to them individually.

3 And they talked to him and he's sitting in
4 this room and there is a lot of the folks with the
5 government between him and the door. And yeah, I'm not
6 -- there was a path. I guess he could have run out the
7 door if he didn't want to talk to them. But I submit to
8 you, nobody who felt that way sitting there would have
9 thought that they could have left that room.

10 But this is somewhere around midnight at the
11 hospital under the shock and whatever other emotion
12 you're feeling at this point right after this event, and
13 they want to talk to him about it.

14 And he tells you now, you know, "I don't
15 really remember what I said." And maybe it's accurate,
16 maybe not. I don't know. And I submit to you that that
17 can entirely be the truth, because how does anybody know
18 how you would react in that situation?

19 And then there's no more conversation. Nobody
20 else talks to me until May 13th, where they say, Hey,
21 come on down to the police station. And I say warrant
22 in hand -- law enforcement knew he wasn't leaving that
23 day. David didn't know he was leaving that day, but
24 they have a warrant. They've decided they're going to
25 arrest him for the charges that he is here for today, on

1 May 13th.

2 Maybe the day before -- I think that's what
3 they said, that there was a meeting the day before they
4 got the warrants. Then they had the interview that they
5 were going to arrest him on. At that time, he talks to
6 them. Sits down, waives his right, talks to them and
7 tells them what he recalls.

8 He tells the good, the bad, and the ugly. He
9 tells what he recalls and doesn't necessarily say all
10 the favorable things about him. But he also does say in
11 that interview, "I wasn't around for the last little bit
12 of time so I didn't know what was going on with A.W."

13 Let's talk about reaction here. I don't have
14 any other way to say this: I am taken back that the
15 State wants you to judge him on the way he reacted upon
16 finding the lifeless body of his child in her crib. And
17 they want to go, he didn't do this, he didn't do that,
18 he didn't do that.

19 He absolutely panicked, ladies and gentlemen,
20 and I submit to you, you saw David on the stand, you saw
21 his demeanor. Maybe he just didn't have the capacity to
22 deal with it and he just literally didn't know what to
23 do. Did he have a phone or not? We don't really know.
24 They said they see a light in his hand. Okay. I don't
25 know. He didn't immediately call 911 but he was trying

1 to get help.

2 And I submit to you, he did get somebody who
3 got help. They called 911 fairly close in time. Is it
4 ideal what he did? I'm not going to say it is. But
5 ladies and gentlemen, I don't know how anybody would
6 react in that situation. And I think everybody would
7 react a little bit differently.

8 And he did go down to that car, he testified,
9 trying to see if his friend was down there and there
10 wasn't anybody there. So he goes back up. And maybe he
11 didn't perform CPR in his own house. Maybe. Because
12 there was testimony yesterday by Agent May that there
13 was about two minutes where David was in the other
14 apartment and A.W. was in there.

15 Maybe that's where he actually performed CPR.
16 Maybe he doesn't know where he did it. That doesn't
17 mean he didn't do it. That doesn't mean he didn't try
18 to render aid. But everything he did was his response
19 at that time to try to get help for his child. And help
20 did come. And help came quickly. And they did
21 everything they could do.

22 But the State wants to have it both ways: Oh,
23 if he would have reacted quicker, they could have saved
24 her life.

25 But look at these fingernails, she's been dead

1 for a while.

2 The State wants to have it both ways here,
3 ladies and gentlemen.

4 What did David know and when did he know it?
5 I'm not going to rehash it. You've heard it. You've
6 heard testimony. He tells you he was not there a lot
7 during that time. There had been fallen outs. He's
8 back and forth. He's in a lot of different places.

9 Did he know any conditions that his daughter
10 had? Didn't sound like it to me.

11 When did he find out his daughter had a
12 low-grade fever? Two days before. And yeah, he said,
13 it was a low-grade fever, "maybe give her some Tylenol."
14 And she said she did. He doesn't know any different.
15 He's at work or some other place. He is there that
16 night. And he's the one that goes and finds her.

17 Remember who put her down. She said, "I put
18 her down at like three o'clock."

19 Nobody checked on her since three o'clock.
20 David went to check on her and then tried to nap.

21 Are there any other reasonable explanations?
22 Yes. I think there's an issue with the hypoglycemia and
23 it not being properly taken care of. And I submit to
24 you, you've got a young girl who has hypoglycemia, who
25 was sick, was not eating at that time; and in a short

1 period of time, had burned up all of her glycogen and
2 fell into this state and fell into ketosis and
3 tragically suffered.

4 Ladies and gentlemen, I'm not going to show
5 you all the pictures. But you got them. But I do want
6 to show you, they show you the pictures of her at
7 autopsy. I want you to see the pictures from the ER
8 that night and you tell me if she doesn't look
9 different.

10 You don't see the ribs. Her eyes are not as
11 sunken in as you see in that other picture. Something's
12 different. What happened? I don't know. I'm not
13 alleging any mistreatment. What I am saying is that
14 something looks different. This is right after all
15 resuscitative efforts stopped. And they go in and they
16 take pictures to document what she looked like at the
17 time.

18 And then it's two days later when they do the
19 autopsy. As we know, there is some decomposition going
20 on as documented by the pathologist. I'm telling you
21 that's not the same way she looked that night. So she
22 was not as emaciated as the State wants you to believe
23 that night.

24 What you've heard is a bunch of opinions.
25 Like I told you, you render your own opinion. Just

1 because someone has credentials and can read a document
2 doesn't mean that you've got to believe them. And I
3 submit to you, it is someone relying on someone else's.

4 A few opportunities, they only talked to him
5 twice. Agent May's testimony that she is so firmly
6 convinced that that is not A.W. she said, "It's from
7 my interaction with the children."

8 So I asked, "How many time you interact with
9 the children?"

10 "Well, that night and maybe one other."

11 This is not a rush to judgement. Everyone
12 keeps saying this over and over, this is not a rush to
13 judgement. This is not a rush to judgement. And I
14 agree, it took three months to get this warrant. But I
15 submit to you, they decided right after that autopsy, a
16 day later, a day or two later, that they were going to
17 come up with these charges.

18 They only had two meetings. They had the
19 meeting right after the event and they had the meeting
20 the day before the warrants.

21 Chronologically, it may not have been a rush
22 to judgement, but factually, practically, it was a rush
23 to judgment.

24 Ladies and gentlemen, again, I know it's
25 difficult because of the subject matter of this case. I

1 ask you, I beg of you to honor your oath and I know you
2 will. Set aside the notion and look at what has been
3 presented to you and see whether or not the State has
4 carried their very high burden of beyond a reasonable
5 doubt.

6 Is there any other reasonable explanation of
7 what happened to A.W. and these children, who even
8 Dr. Lamb at some point said, Well, yeah. The twins are
9 in pretty good shape. Well, yeah, the oldest, she was
10 in pretty good shape. And then the other ones, It
11 didn't seem to take a whole lot of work to get them
12 'back on track,' so how bad were they?

13 It's all on emotion. It's all trying to
14 build. And you can't let that happen, ladies and
15 gentlemen. And I submit to you, when you go back there
16 and evaluate all of it and weigh all of it and put the
17 emotion aside, you will come to the conclusion that
18 David White is not guilty of these charges.

19 I thank you very much for your time, your
20 attention and your service.

21 THE COURT: Solicitor, any brief reply
22 argument?

23 MS. MCGINNIS: Yes, judge.

24 Ladies and gentlemen, I'm not going to go
25 tit-for-tat and address every point Mr. Frick did.

1 He mentioned how no one looked inside the
2 cabinets. No one opened the cabinets besides David
3 White that night.

4 You've heard testimony from Britney May that
5 while Brian Small was upstairs taking photographs, that
6 she was going through the kitchen cabinets, she was
7 going through the trash.

8 Ladies and gentlemen, they didn't know that
9 night that A.W. had been starved to death. They did
10 not know that night how important the amount of food in
11 the house would be. Agent May searched for the Tylenol,
12 the Pedialyte, the apple juice and she testified that
13 she didn't find them.

14 As far as the food stamps pay, you'll have
15 that back there. I'm not going to put it up on the
16 Elmo. But it was not the pay date that the benefits
17 went into the account. It was the month and the year.
18 February 2021 was the last date on that page. Again,
19 y'all will have that back there to take a look at.

20 As far as the Mr. Frick saying, what if
21 there's a condition that keeps A.W. in a hypoglycemic
22 state all the time, we just don't know?

23 That's right, we just don't know because David
24 White did not take A.W. to the doctor. If there was
25 concern about her hypoglycemic state carrying on

1 throughout her life, a medical professional would have
2 been able to address that. It was not addressed.

3 Then as far as her appearance in the emergency
4 department. Keep in mind, CPR had been performed on
5 A.W. for approximately 45 minutes by the time she was
6 pronounced dead. Since about four or five minutes into
7 EMS treatment, they had intubated her and were
8 artificially blowing air into her body for a period, at
9 minimum, 30 minutes. Of course, she looks more
10 distended than she did at the autopsy. They had been
11 pumping air into this child's body. It wasn't being
12 processed through her lungs because she was already
13 dead.

14 Ladies and gentlemen, I also ask you to set
15 aside your emotions and to look at the facts in this
16 case and find David White guilty.

17 THE COURT: Ladies and gentlemen, we're going
18 to take a really short break before I bring you back in
19 to charge you the law. So go back to the jury room.
20 Like I said, it's going to be very short. We'll get you
21 back out. Thank you very much.

22 (Jury exited.)

23 THE COURT: Real short break. Don't go real
24 far.

25 Hour and 9 minutes. And 48 minutes, just FYI.

STATE OF SC V DAVID D. WHITE - JURY CHARGE BY THE COURT

1 (Whereupon, a short recess was taken.).

2 THE COURT: Let the record reflect, the jury
3 is back in.

4 Madam forelady and ladies and gentleman of the
5 jury, I now will charge you with the law that applies to
6 this case. You must consider the charge as a whole and
7 not focus on some portions to the exclusion of others.

8 Once again, the indictments charge the
9 defendant with six counts of unlawful neglect of a child
10 and one count of homicide by child abuse. I remind you,
11 the fact that the defendant was arrested, charged and
12 indicted in this case is not evidence in this case and
13 cannot be considered by you as evidence of guilt in this
14 case; nor does it create any presumption or inference of
15 guilt. These documents are simply the formal written
16 instruments which contain the charges made against the
17 defendant. These are the formal documents by which this
18 case is brought into this court.

19 Once again, the indictments in this case
20 allege several different offenses against the defendant:
21 Six counts of unlawful neglect of a child, one count of
22 homicide by child abuse. Each indictment charges a
23 separate and distinct offense. You must decide each
24 indictment separately on the evidence and the law that
25 applies to it uninfluenced by your decision as to any

STATE OF SC V DAVID D. WHITE - JURY CHARGE BY THE COURT

1 other indictment. The defendant maybe convicted or
2 acquitted on any or all of the offenses charged.

3 The defendant has pled not guilty to these
4 indictments and that plea puts the burden on the State
5 to prove the defendant guilty. A person charged with
6 committing a criminal offense in South Carolina is never
7 required to prove himself innocent. I charge you that
8 it is an important rule of the law that the defendant in
9 a criminal trial, no matter what the seriousness of the
10 charge or charges may be, will always been presumed to
11 be innocent of the crime for which the indictment was
12 issued, unless guilt has been proven by evidence
13 satisfying you of that guilt beyond a reasonable doubt.

14 This presumption of innocence does not end
15 when you begin your deliberations but it accompanies the
16 defendant throughout the trial, unless you reach a
17 verdict of guilty based on evidence satisfying you of
18 that guilt beyond a reasonable doubt.

19 The presumption of innocence is like a robe of
20 righteousness placed about the shoulders of the
21 defendant which remains with the defendant unless it has
22 been striped from the defendant by evidence satisfying
23 you of the defendant's guilt beyond a reasonable doubt.

24 The presumption of innocence is not a mere
25 legal theory. It's not just a legal phrase that we use.