

VOLUME I OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from York County

Honorable Eugene C. Griffith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JACKLEEN ELIZABETH MULLEN,

APPELLANT

APPELLATE CASE NO. 2024-001302

RECORD ON APPEAL

KATHRINE H. HUDGINS
Senior Appellate Defender

ALAN WILSON
Attorney General

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

ZACHARY W. JONES
Assistant Attorney General
P.O. Box 11629
Columbia, SC 29211

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT 16
COUNTY OF YORK) DOCKET No. 2020-GS-46-01928
2020-GS-46-03890
2020-GS-46-01905

THE STATE OF SOUTH CAROLINA,)
Plaintiff,)
versus)
JACKLEEN ELIZABETH MULLEN,)
Defendant.)

H E A R I N G
BEFORE THE HONORABLE EUGENE C. GRIFFITH, JR.

DATE: October 31, 2023. November 13-14, 2023.
TIME: 9:39 A.M.
LOCATION: South Carolina Circuit Court 16
TRANSCRIBED BY: Mary Ragsdale

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

1 APPEARANCES:

2 JOHN ANTHONY, ESQUIRE

3 ERIN JOYNER, ESQUIRE

4 16th Circuit Solicitor's Office

5 1555 West Main Street

6 Rock Hill, South Carolina 29732

7 Attorneys for the Plaintiff,

8

9 LUKE SHEALEY, ESQUIRE

10 BRIAN SHEALEY, ESQUIRE

11 JULIA BARRINGTON, ESQUIRE

12 Shealey Law Firm

13 924 Gervais Street

14 Columbia, South Carolina 29201

15 Attorneys for the Defendant.

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17

18

19

20

21

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23

24 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL
25 IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

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1 MR. L. SHEALEY: All itself would be our -- Defense
2 Motion Number Three, which is a motion to include bad
3 character evidence under law. I did consult with Mr. Anthony
4 and just for the Court's information, Ms. -- Ms. Mullen has a
5 prior conviction for unlawful neglect of a child pertaining
6 to the same -- the same child. He's not seeking to get into
7 it -- absent us.

8 THE COURT: Open the door for us.

9 MR. L. SHEALEY: Yeah.

10 THE COURT: He's an experienced lawyer. He is not
11 going to do that.

12 MR. L. SHEALEY: Right. So just --

13 MR. ANTHONY: That's correct.

14 MR. L. SHEALEY: -- we hadn't talked about it and I
15 appreciate that. So that -- that one has resolved itself.
16 And there -- there were some bits -- if that had not resolved
17 itself, that were in my motion regarding voir dire that we
18 can address at the appropriate time. But I'll let your Honor
19 take up all the other motions. However -- however you want
20 to do it.

21 THE COURT: Motion to sequester witnesses, if anybody
22 asks for that, I always grant that. You all -- you all got
23 no objection? Do you, Mr. Anthony?

24 MR. ANTHONY: Well, except --

25 THE COURT: Sequester -- sequestering the witnesses?

1 MR. ANTHONY: Except for the case agent.

2 THE COURT: Yeah -- yeah.

3 MR. ANTHONY: And the -- the father of the child is a
4 witness, and I think he would be exempt from sequestration
5 under victim (inaudible).

6 THE COURT: I think he would be.

7 MR. L. SHEALEY: I agree with that.

8 THE COURT: Yeah. Okay. Yeah, that's easy. She's not
9 going to be shackled in here, so that's easy too. That's a
10 piece of cake. I'm just knocking out the ones I know that we
11 don't need to argue about. All right. You all both asked
12 for Rule 5. You all both affirm, you all comply with Rule 5
13 and reciprocal discoveries, Mr. Anthony?

14 MR. ANTHONY: We -- we've got -- we've got one --
15 one record that's being updated, and we'll turn over this
16 one.

17 THE COURT: Okay.

18 MR. ANTHONY: Other than that, we (inaudible).

19 THE COURT: And likewise, Mr. Shealey, you all
20 (inaudible) comply with reciprocal Rule 5?

21 MR. L. SHEALEY: We have a dispute on a -- on a rule,
22 but I -- I believe we have -- we're going to have a
23 discussion about an expert in her notes and things like that.
24 That's one of the State's motions.

25 THE COURT: Okay.

1 MR. L. SHEALEY: And regarding -- we did ask
2 specifically for -- we have evidence that they interviewed a
3 witness that we emailed about yesterday, Mr. Quentin Weary,
4 and we think what he would have to say as far as we can tell
5 would be something that should be produced in terms of Brady
6 and -- and that, but we haven't received anything on that.
7 But I don't know if -- what the State's position is.

8 MR. ANTHONY: We don't know who Quentin Weary is.

9 THE COURT: Oh, you don't know who he is?

10 MR. ANTHONY: Yeah, we don't. Yes, sir. We -- we
11 don't know who that is.

12 MR. L. SHEALEY: Okay. He just told us he had a
13 conversation with an in-house solicitor investigator last
14 week, so I -- I don't know. Unless it's just something --

15 THE COURT: He's not on your witness list then.

16 MR. ANTHONY: No, he's not.

17 MR. L. SHEALEY: Okay -- okay.

18 THE COURT: That solves that.

19 MR. L. SHEALEY: All right.

20 THE COURT: Maybe he was -- maybe he was talking to a
21 different solicitor in a different county.

22 MR. L. SHEALEY: Eh, I don't know. I don't think so,
23 but okay.

24 THE COURT: I think it's a pretty distinguished look.
25 You ought to be able to identify it. Is that what you all

1 talking about, the Ozmint stuff?

2 MR. L. SHEALEY: No, your Honor. That's a separate --
3 I mean, I would like to be heard, if I can, on that whenever
4 you're ready.

5 THE COURT: All right. Let me -- I'm trying to go
6 through all -- let's -- do you all got any order you all want
7 to present these to me?

8 MR. L. SHEALEY: We can just go down the list if that
9 works for you.

10 THE COURT: Works for me. So we've -- we've dealt with
11 number one. So all right, let's go to number two, the Ozmint
12 -- Riddle Ozmint.

13 MR. L. SHEALEY: Your Honor -- your Honor, this is a
14 Riddle motion commonly referred to, but just kind of -- it
15 kind of dovetails with Rule 5, but we'll typically see Riddle
16 information come to light as the State is preparing for
17 trial. And, you know, it follows Brady -- Riddle v. Ozmint
18 was a situation where the solicitor's office were
19 interviewing a witness in anticipation of trial and without
20 -- without notes, but he was saying things that were
21 potentially exculpatory or relevant to impeachment or
22 favorable to the Defendant. But there weren't written notes,
23 and so it wasn't disclosed.

24 And so basically the Riddle line of cases, and I'm just
25 going to read this for the record purposes, you know, "The

1 overriding theme of the Brady cases is the emphasis that the
2 Supreme Court has placed on the prosecutor's ability for fair
3 play. Enclosed cases the prudent prosecutor will resolve
4 doubtful questions in favor of disclosure. This is how it
5 should be. Such disclosures will serve a justified trust in
6 the prosecutor as the representative of a sovereignty whose
7 interest in -- in criminal prosecutors is not that at winning
8 a case, but justice shall be done, and will intend to
9 preserve the criminal trials distinct from the prosecutor's
10 private -- private deliberations as the chosen form for
11 ascertaining the truth about criminal act accusation."

12 So essentially anything that the State is aware of,
13 written or not, that is exculpatory of impeachment or
14 favorable. And often these are just conversations with
15 folks. We did yesterday get one -- one and only Riddle-type
16 disclosure from the State witness in this case, who was a
17 Co-Defendant, Audrevious Williams, some things that he had
18 changed in his account as they were interviewing. But
19 typically you'll see Riddle disclosures with certainly a
20 Co-Defendant. We've got other lay witnesses. We've got
21 Antonio Martin, who's an important witness in this case that
22 John Anthony has already referenced. There's some family
23 members in this case that may be interviewed in preparation
24 for their trial so it doesn't have to be written down. I --
25 I -- I recall a Riddle situation we had with you.

1 Your Honor, some years ago we had to grant a mistrial
2 because the victim in the case, after being told there were
3 no Riddle information available, everything was the same,
4 came out the woodwork on the first paragraph of his
5 testimony, and you had to grant a mistrial. So it's -- it's
6 quite important.

7 THE COURT: I remember that.

8 MR. L. SHEALEY: Yeah, it was crazy. So and it -- it
9 was just something that has to be disclosed at this point.
10 We've referenced Quentin Weary, you know, and I just -- I
11 know we've talked about that a little bit here. You know, he
12 disclosed to us that he was interviewed by a female
13 investigator from this solicitor's office last Thursday
14 concerning this situation and that he told them the same
15 stuff that he was telling us.

16 So if there's some investigation that needs to be
17 looked into on that, that would be Riddle information, but
18 right now, we've only got the Co-Defendant who has changed
19 his story up a little bit here and nothing else. So out of
20 abundance of caution, we -- we place this on the record.

21 THE COURT: Okay. All right. Mr. Anthony, you all did
22 update something apparently yesterday?

23 MR. ANTHONY: Yes, sir, we did.

24 THE COURT: You aware of anything else that's
25 potentially exculpatory they need to know?

1 MR. ANTHONY: No.

2 THE COURT: From in -- from your interviews?

3 MR. ANTHONY: No, sir. I'm not.

4 THE COURT: What's the story on the Co-Defendant? What
5 did he change?

6 MR. ANTHONY: Just a couple of things about -- one was
7 where -- one -- one was whether he was present when
8 Ms. Mullen left the residence with the father of the child
9 after the father of the child came over. The other was in
10 his statement -- in the recorded statement that was turned
11 over. He -- he said that he left the residence when he got
12 back, which victim indicates was no longer out in the room.
13 She was actually in the drawer where she was found. And I
14 think -- I -- I believe what he will actually testify to is
15 that he was there when the victim was placed in the drawer.
16 So I didn't think either one of those two things were
17 particularly material, but they were, I believe, divergences
18 between what he said in that audio statement or that video
19 statement, what he told me. So I passed that on (inaudible).

20 THE COURT: Okay.

21 MR. ANTHONY: And that's -- that's -- other than that,
22 everybody I talked to has basically told me the same
23 information that was provided to law enforcement -- turned
24 over into discovery from the law enforcement case.

25 THE COURT: Okay. All right. So we got, so...

1 MR. L. SHEALEY: Yes, your Honor, and I -- I -- I'm
2 satisfied with that. I mean, I just would like to comment
3 just for -- again, for the record purposes, you know,
4 Mr. Anthony says he didn't find that to be material, but
5 that's exactly what Riddle talks about. That certainly is of
6 impeachment value. He's changed his story.

7 THE COURT: But you got it.

8 MR. L. SHEALEY: We got it. But I'm just -- he did say
9 I didn't find it to be material so... but, like, this is the
10 core of the Riddle principle. So anything else along those
11 lines with any other lay witnesses, that's just what we're
12 talking about. So if he says that's it, then we'll -- we --
13 we got it.

14 THE COURT: Okay. Motion Number Four.

15 MR. L. SHEALEY: All right. Your Honor, this is titled
16 as "Reveal The Deal." It's -- you know, I've -- we've done a
17 substantive brief on this issue and -- you know, essentially,
18 you know, it is Brady-type disclosures for any kind of offers
19 of leniency -- express promises of course to any testifying
20 witness that may have a bias, you know, in the interest of
21 due process, the State has to disclose any offers of leniency
22 -- any implicit understandings.

23 THE COURT: Sure.

24 MR. L. SHEALEY: And, your Honor, I'm --

25 THE COURT: A recent case that came out on that?

1 MR. L. SHEALEY: I know, your Honor, and I -- I -- I
2 like quoting judges that do good work. And so I'll quote
3 you, your Honor, in the case of Cory Brown, because this just
4 happened recently, and I think our Court of Appeals hold you
5 up as the gold standard because --

6 THE COURT: Oh, they -- they actually reversed me. The
7 Supreme Court said I was right granting the trial.

8 MR. L. SHEALEY: All right. The Supreme Court. So
9 justice got done. But in that case, as you're well aware,
10 and again, this is just for the record in case Mr. Anthony as
11 well is not aware of it.

12 THE COURT: But he's read the case.

13 MR. L. SHEALEY: So the -- the State didn't disclose --

14 THE COURT: What it was -- what it was --

15 MR. L. SHEALEY: Yeah.

16 THE COURT: -- they were offered a deal and he said,
17 "Well, I'm not sure. I bet I can do better than that." So
18 they never pulled the deal, but it was going to get better.
19 The first deal was good, the -- was going to get better.
20 Like, you're kidding me. That's what happened in that trial
21 when we had post -- post-trial motions as that came out.

22 MR. L. SHEALEY: Right. And it was only revealed
23 because after the guilty conviction, the -- the lawyer did
24 his homework and found these audio recordings of the
25 Defendant saying about the deal. So I don't think that was a

1 written --

2 THE COURT: A young lady actually did that.

3 MR. L. SHEALEY: Young lady?

4 THE COURT: Uh-huh.

5 MR. L. SHEALEY: Young lady, some good lawyer.

6 THE COURT: She's a candidate for a judicial seat right
7 now.

8 MR. L. SHEALEY: We -- we need to get her on the bench.
9 But just to supplement my argument, your Honor, this is a
10 unique case right here because, you know, the -- the case law
11 in the brief says "If there have been instances of already
12 leniency by the State" -- and I'll just outline two for my
13 brief:

14 Number one: he's not charged of murder the -- this --
15 he's charged initially with the same crimes as Ms. Mullen,
16 but he didn't get that extra murder charge that Ms. Mullen
17 got. So he's -- he's aware of that, but -- and I'll just say
18 this, your Honor, and you're -- you were there and I wasn't,
19 but attached to this brief is his order for bond, which was
20 December 13, 2022. And I've never seen anything like this in
21 my life. I mean, Co-Defendants get bond all the time, but
22 I've never seen in my career a condition of bond be that he
23 cooperate with the State.

24 And that is outlined in the last paragraph of his order
25 for bond. And again, for the record, "Defendant has

1 cooperated -- cooperated with law enforcement in this matter
2 and represents to the Court that he will continue to
3 cooperate with law enforcement and the prosecution of this
4 Co-Defendant, Jackleen Mullen. Therefore, as a condition of
5 this bond, the Defendant and his attorney will ensure the
6 Defendant is reasonably made available to speak with law
7 enforcement in preparation of Jackleen Mullen's trial, which
8 is tentatively set for -- back then it was in March 2023."
9 So his freedom as -- as ordered by the Court, is conditioned
10 upon his continued cooperation with the State and the
11 Prosecution of his Co-Defendant so...

12 THE COURT: I -- I -- I remember. Mr. Anthony, any
13 promises made to Mr. Co-defendant -- what is his name again?
14 Is it Williams?

15 MR. ANTHONY: Audrevious Williams.

16 THE COURT: Yeah. What -- what have you all --?

17 MR. ANTHONY: He's not been promised anything. There's
18 been no representations made about what kind of (inaudible)
19 he'd be looking at after he testifies after -- after Ms.
20 Mullen's case is concluded.

21 THE COURT: And both those indictments are still
22 pending, if not --

23 MR. ANTHONY: That's right -- that's right. They're
24 still pending. And just as to the bond order, your Honor, I
25 don't -- I don't know if your Honor remembers the bond

1 hearing. The State's position at that bond hearing is that
2 bond should be denied. It was -- the language about
3 "Cooperate with the law enforcement" that's the court's
4 language, not the State's language. We...

5 THE COURT: I think Mr. Dunn suggested that.

6 MR. ANTHONY: Yes. I think that's right.

7 THE COURT: Uh-huh.

8 MR. ANTHONY: I think that's right. But we never -- we
9 never agreed for him to receive a bond. He -- he came in
10 front of -- your Honor, Mr. Dunn moved the bond, we opposed
11 the bond. That's all on the record. And the court cited
12 grandpa and I -- I imagine that that -- that order is
13 probably Mr. Dunn's order, come to think of it.

14 THE COURT: I'm not sure -- I'm not sure, but I think
15 it is as well. Mine -- mine generally are a little different
16 format. So -- but it is no question. That's a bond order
17 signed by me last December.

18 MR. L. SHEALEY: Yes, your Honor. And I -- I guess
19 I'll say my point is: If -- if Mr. -- let's say Mr. Dunn
20 drafted that order, and it's -- it's written in a very
21 specific way that no one's ever seen before. If -- if
22 Mr. Williams believes through his Counsel and his dealings
23 with the State -- and again, they've prepped him, they've met
24 with him multiple times, they haven't brought a separate
25 murder charge. But if they -- if -- if -- there's not a

1 promise, but there's an expectation based on their
2 conversations with his Defense Counsel, Mr. Dunn or
3 Mr. Williams himself, that a future potential leniency could
4 -- could happen upon his satisfactory testimony in the
5 courts.

6 THE COURT: You -- you can argue that however you want,
7 I mean.

8 MR. L. SHEALEY: This is just for the record, your
9 Honor.

10 THE COURT: Just for the record, but my recollection
11 was, "Judge, we" -- "I want my client to get out and the
12 State was objecting to it." And I said, "If you let him out,
13 we'll be ready, willing, and available to speak if need be."
14 We won't be hard to find kind of thing is because the idea
15 was if he gets out on bond in these three, then the State
16 can't use him, then that's going to make the State very
17 unhappy. That's kind of what I recollect from the hearing,
18 but --

19 MR. L. SHEALEY: Yes, your Honor.

20 THE COURT: -- if there's no deal, there's no deal.
21 But certainly that language is there.

22 MR. L. SHEALEY: And -- and I really -- it's --- it's
23 the consequence of the -- of the bond situation plus the fact
24 they didn't charge them with a murder count if there's any
25 understanding. So right now, I'm -- I'm seeking

1 understandings -- conversations that the State has had with a
2 -- a guy that's looking at life, who's out on bond, who
3 hasn't been given another life charge about his expectations
4 for his satisfactory testimony, that the Henson case and the
5 other cases included in this brief say "It's almost more
6 important for them to disclose any understandings, even if
7 it's not just a written anything." Any -- anybody from their
8 office that said, "Hey, you get up there and you testify
9 against your Co-Defendant, possibilities are there for you."
10 If anyone said that or any implied understanding of that, it
11 has to now be disclosed to the Court, whether it's expressed
12 or written or not.

13 THE COURT: Okay. Mr. Anthony?

14 MR. ANTHONY: There's not been anything like that.

15 THE COURT: All right. (Inaudible).

16 MR. L. SHEALEY: All right.

17 THE COURT: And if it -- if there is one and it comes
18 out later, I might be the most unhappy person.

19 MR. L. SHEALEY: Yes, your Honor. I -- I -- I can tell
20 from your response in the Cory Brown case, and the -- and the
21 Court notes it.

22 THE COURT: Yes. Okay. It's kind of nice when you
23 appear in front of a judge and I -- I used to have the
24 benefit of being the summary judgment scintilla rule and they
25 overruled that case now. So I -- I don't like getting

1 overruled, but they did. Anyway, that's civil stuff. You
2 all don't need to worry. All right. Photographs are numbers
3 five and -- which is another one too, wasn't it? Seven.
4 Aren't those kind of a -- as wait and see?

5 MR. L. SHEALEY: I think Ms. Barrington can certainly
6 address number five, and seven is a little bit of a wait and
7 see. We have been working on it. Got some on number five?

8 THE COURT: Seems like we've --

9 MR. L. SHEALEY: Okay.

10 THE COURT: -- dealt with this in the Tim Jones case as
11 well.

12 MS. BARRINGTON: There's been a couple cases, your
13 Honor, that have just come out on this.

14 THE COURT: Yeah.

15 MS. BARRINGTON: One earlier. This --

16 THE COURT: This is the -- I don't remember being -- if
17 the -- if you use Tim Jones, that'll be three for three using
18 my cases to argue in front of me. So go ahead.

19 MS. BARRINGTON: Tim -- Tim Jones is cited -- it's
20 distinguished since it's a capital case and the courts have
21 brought a discretion on the sentencing phase of capital
22 cases. I'm going to rely more on Nelson from August of
23 this year and Hayward from earlier this month. Looking at
24 Rule 403 where trying to see if the probative value is going
25 to be substantially outweighed by the danger of unfair

1 prejudice. And Nelson, some of the main points on probative
2 value they talked about were if it was going to assist the
3 pathologist or coroner, there were facts and dispute proving
4 an element of the State's case, things of that nature.

5 Hayward, the --

6 THE COURT: It's kind of -- this is like a motion in
7 limine.

8 MS. BARRINGTON: Yes.

9 THE COURT: We -- when we get there, we -- we will --
10 if we need to stop, we'll stop and do something in camera.
11 That's what I would prefer to do.

12 MS. BARRINGTON: All right.

13 THE COURT: It is easier once the trial flows and we
14 get to -- get -- the -- whatever the case and deal with it
15 then. So...

16 MS. BARRINGTON: Sure.

17 THE COURT: Ms. -- and you understand -- you obviously
18 -- you -- were handling that part of it and you stood up.

19 MS. BARRINGTON: I just (inaudible) Mr. Anthony
20 (inaudible) autopsy.

21 THE COURT: Okay.

22 MR. L. SHEALEY: And, you know, the autopsy ones would
23 be particularly potentially prejudicial and so of course you
24 don't have the flavor of the case, but that I think
25 Ms. Barrington's motion goes to that as well.

1 MR. ANTHONY: Well, I -- I'll just say in regards to
2 the autopsy pictures of -- I -- if the Defense is not
3 contesting the fact that this is a murder, that the injuries
4 to the child suffered would be a result of a malicious
5 killing. I mean, I know they're going to contest to
6 inflicted wounds, but they've not contested this is a murder,
7 we would be unlikely to ask to submit autopsy evidence if
8 there's going to be some argument that these injuries --

9 THE COURT: Accidents from.

10 MR. ANTHONY: -- are not the product of malice, then I
11 think we are more likely to ask the Court to admit autopsy
12 presentations.

13 THE COURT: That's where they're going. Where are you
14 all going?

15 MR. ANTHONY: (Inaudible).

16 MR. L. SHEALEY: Well, malice is a mental state. What
17 -- what we're not contesting is that the manner of death is
18 due to blunt-force trauma to the child's head. We're not
19 going to sit here and say "It's an accident." Anything else,
20 Mr. Anthony is right. It's the question of who's the
21 perpetrator? It'd be the biggest PCR in the world if I
22 didn't contest malice. But, you know, the -- the photos
23 don't prove malice. The photos are meant to prove a manner
24 of death and that's when you start to run afoul, particularly
25 of overwhelming the jury with a gruesome photo.

1 THE COURT: Question -- wait.

2 MR. L. SHEALEY: Yeah.

3 THE COURT: He's got -- I mean, the malice and the
4 conscious disregard for human life standard, which is kind of
5 how the charge goes, now he's tasked with proving that. And
6 so if that's part of what he's got to prove, then we'll take
7 it as it comes when we get there -- we'll deal with it, okay?

8 MR. L. SHEALEY: Yes, sir. We do reserve the right to
9 argue a little bit more on that, but --

10 THE COURT: Absolutely.

11 MR. L. SHEALEY: -- obviously it's --

12 THE COURT: That's fine.

13 MR. L. SHEALEY: -- were the case kind of stuff.

14 THE COURT: Yep.

15 MR. L. SHEALEY: For the next motion, we have been
16 working together to try to narrow down. I mean, there's just
17 -- this is a -- a scene where lots of law enforcement
18 responds. Everybody's got a body cam, everybody's talking,
19 it's panicky, it's hearsay, there's improper opinions,
20 bolstering -- certainly the State has an interest in many of
21 the things that our client said on scene because some of them
22 are untrue: Her demeanor, things like that. We don't -- we
23 don't disagree that that comes in. I think we've been
24 working hard to try to narrow down the scope of it to not
25 make it cumulative and not have improper lay witness opinion

1 about her. So we have suggested some redactions. I know
2 they were looking at it, some of it was a little last night.
3 So because those witnesses may be sooner rather than later, I
4 don't know, we might want to --

5 THE COURT: How do you all want to deal with that? I
6 mean, since you all know the -- the body-cam stuff better
7 than I do, it is just -- you all are much more equipped to
8 say: That's where I have a problem, can we redact that one
9 statement? Or whatever it is.

10 MR. L. SHEALEY: We have been doing that, but we
11 haven't -- we've been lobbying things back and forth and I
12 don't know if they agree with us or not, or disagree, but --

13 MS. JOYNER: We -- we agree with some, disagree with
14 others, but this a separate opportunity -- face-to-face to
15 talk about them. So maybe that we are able to reach some
16 kind of an agreement or at least carry the issues
17 substantially.

18 THE COURT: All right. Well, why don't you all -- I
19 mean --

20 MR. L. SHEALEY: How to do that before.

21 THE COURT: We're about done and when we got to go
22 downstairs, we'll have a few more minutes. You all keep
23 working on that, and I'm very encouraged by you all working
24 it out. Thank you. All right. All right. Supplemental
25 attorney-conducted voir dire. Well, tell -- what in the

1 world is that?

2 MR. L. SHEALEY: Well, Judge, as you know, we only have
3 attorney-conducted voir dire in capital cases by statute.
4 But this is my attempt to basically say in -- in a very
5 important case like this, where it's murder -- it's homicide
6 by child abuse, two counts. It's the type of case that
7 jurors just don't want to hear it. It's very emotionally
8 reactionary. It's also a case that has had a lot of pretrial
9 publicity in the form of various news outlets, both local,
10 national, and international. Honestly, I think I saw an
11 article in the paper this morning somewhere, or heard about
12 it.

13 So it -- it's really the -- trouble with jury selection
14 is trying to root out biases that are both obvious and even
15 unknown to the juror. So what this proposes to do is to
16 allow limited supplemental attorney-conducted voir dire on
17 particular questions. Those were on page 8.

18 A couple of those have been knocked out by the
19 404(b) motion that got worked out. So I wouldn't need to ask
20 about number three, but the -- the -- the -- the idea is to
21 allow some attorney-conducted voir dire because respectfully,
22 we know more about -- more about the case than you do. And
23 then allow your Honor to go with our proposed judge-conducted
24 voir dire, which would start on page 10. Now, I've not ever
25 had this motion granted, but I still like to make the effort,

1 particularly.

2 MR. B. SHEALEY: Granted one time.

3 MR. L. SHEALEY: Oh, Brian -- Brian corrects me. He's
4 had it granted one time, but particularly on a case with dead
5 children, it becomes -- the scale slides even more to require
6 this to try to root out some of these biases. But if your
7 Honor thinks it's not appropriate or the law just simply
8 doesn't require it, I would ask that you consider please
9 asking some of those attorney-conducted voir dire questions.
10 And then all of the standard ones that we proposed started on
11 page 10. Thank you.

12 THE COURT: All right. Which one of y'all arguing
13 that?

14 MR. ANTHONY: We think that the judge -- the
15 Court conducted (inaudible) voir dire there are a number of
16 questions that are on this list of questions the Defense has
17 submitted that we believe would not be allowed under the case
18 law. Specifically any of these questions. Page 8,
19 questions 5 through 7 that ask if they would give more credit
20 to a law enforcement witness than a non-law enforcement
21 witness. I think all those questions would not be allowed
22 under the case law. Number 11 on page 9 would not be allowed
23 under the case law. Number 4 on page 10.

24 THE COURT: I've had a voir dire question going back to
25 9 and 10. It wasn't "Do you like prosecution lawyers?" But

1 it was to the whole panelists -- basically an unfavorable
2 opinion about lawyers. Basically the whole crowd stood up
3 because, you know, they -- the ABA did a study years ago
4 about lawyers and the response was nobody trusted lawyers
5 except for their own. That was the end result. As I don't
6 like lawyers, I don't trust any of them, except mine. That
7 kind of thing. That was how the result was. They only like
8 the one lawyer that -- was the one that they trusted is
9 theirs.

10 MR. ANTHONY: I -- I -- Number 10 on page 10 once
11 again, I asked if you credit one witness more than another --
12 I mean, there may be -- there may be some others in here, but
13 I know what I -- I looked over this motion. I flagged all
14 those as being objectionable.

15 MR. L. SHEALEY: Yeah, I'd be curious to know what the
16 case law is on that. I have not -- Mr. Anthony wants to
17 share that with me. Maybe I'll agree with him. But those
18 questions routinely get asked. It's very important for a
19 juror to -- to know if they have a belief that because a
20 police officer testifies, that he is simply more credible
21 than a lay witness. That's -- that's important to know. I
22 don't know what the case law would be on that. I'm happy to
23 be enlightened.

24 MR. ANTHONY: Your Honor, we -- we just got a message
25 from the clerk's office that they're -- I think they're

1 getting ready to do the actual calls and rolls.

2 THE COURT: I want to go through that.

3 MR. ANTHONY: I finished over and I apply to be down
4 there.

5 THE COURT: All right. We'll stop -- we'll stop right
6 here. And we'll -- these questions won't get asked. We'll
7 bring the pool upstairs. I won't come down and do the
8 general voir dire for constitutional stuff. So you all go
9 there and listen to roll call and get their name, rank,
10 serial number, and occupation. I'll be down there in a
11 little bit. All right. It is a good stopping point.

12 MR. B. SHEALEY: Whenever you're ready, I just
13 remembered something else.

14 THE COURT: Okay.

15 MR. B. SHEALEY: I just presented your Honor, a witness
16 list and the State witness list. There is Number 51, Alicia
17 Concepcion. That is a witness -- that is the great -- great
18 grandmother of the victim in this case. She's potentially a
19 witness in our case. And by statute, I would ask the same
20 way that they asked for Mr. Martin to be allowed to watch and
21 observe, I would ask for her to be allowed to do the same as
22 a statutory family member of the victim. That's Number 51.

23 MR. ANTHONY: I -- I don't think grandmothers fall
24 under the exception -- or grandparents fall under the
25 exception.

1 THE COURT: So she's the maternal -- oh, great
2 grandmother of the victim.

3 MR. B. SHEALEY: Yes. Yes, your Honor. So she is --
4 she can and she would like to be listening and observing, but
5 she also potentially is, you know, a witness and is on our
6 witness list?

7 THE COURT: Let me think about that. I'm -- I'm not
8 certain she's statutory on the victim rights' amendment
9 either.

10 (Off the record from 11:20 to 11:41 a.m.)

11 (Jury enters room at 11:41 a.m.)

12 THE COURT: All right. I got my microphone on now.
13 All right. Folks, welcome to Courtroom F. Isn't it nice?
14 What's going to happen now, we got a few lawyers in here
15 ready to call the first case for this courtroom. There's a
16 list of cases that are available for trial. This is the
17 first one that was assigned to me. And since I can be
18 unqualified, I'm going first. What's going to happen now,
19 I'm going to let the -- this microphone needs to be a little
20 closer to me, I guess. I'm normally in the next courtroom
21 and everything's set up a little different than here because
22 another judge generally presides in here. But here I am.
23 I'll try to make things easier as we go.

24 The next thing I'm going to do, I'm going to ask the
25 State to call the case. They're going to read the name of

1 foreperson sometime when I decide who I want it to be. So
2 you all don't have to worry about electing one, okay? All
3 right. Ms. Joyner.

4 MS. JOYNER: Thank you, your Honor. May it please the
5 Court? This is a case about what happened when an invisible
6 child is entrusted the care of a malicious or indifferent
7 parent. India M. [REDACTED] was an invisible child. India M. [REDACTED]
8 was a very special four-year-old girl with very special
9 needs. She couldn't walk on her own. She needed braces on
10 her legs and a little walker to get around. She couldn't
11 talk. She could make a sound, but she could not make words.
12 And she knew a little bit of sign language, but she couldn't
13 talk. She had a feeding tube (inaudible) for food on that
14 feeding tube.

15 India M. [REDACTED] ladies and gentlemen, did not have the
16 life that most four-year-olds have, she did not have friends
17 like most four-year-olds have, and playdates like most four
18 -- four year -- four-year-olds have. And she didn't have the
19 growing independence that most four-year-olds have. Because
20 of her age and because of her disability, India M. [REDACTED] was
21 isolated from the world. She couldn't communicate in it and
22 she could not participate in it in the way that most
23 four-year-olds could. She depended entirely on her
24 caregivers, ladies and gentlemen. Her caregiver being her
25 mother, Jackleen Mullen, and her mother's boyfriend, her

1 previous (inaudible).

2 2020, it changed all of our lives. We're all never
3 going to forget 2020. And we all became, during that period
4 of time, isolated from the world outside, and pushed into our
5 homes, and isolated from the world at large. As you will
6 hear during this trial, at the end of India M. [REDACTED]'s life in
7 May of 2020, not only was she isolated from the world
8 outside, but she was isolated, ladies and gentlemen, from the
9 other occupants of 520 Gentle Breeze Lane. She was isolated
10 from everybody except from her caregivers: Her mother and her
11 mother's boyfriend.

12 [REDACTED] had become, ladies and gentlemen, an
13 invisible child. [REDACTED] had become invisible and she
14 was so invisible, ladies and gentlemen, that no one knew that
15 she had been beaten. Nobody except for her caregivers, this
16 Defendant, her mother, and her mother's boyfriend. So
17 invisible that no one knew that she was badly injured laying
18 in her bedroom. Nobody except her caregivers. So invisible
19 that no one knew that [REDACTED] was suffering laying
20 there. Nobody except her caregivers. And so invisible that
21 when India finally succumbed to her injury and she passed
22 away, nobody knew except for her caregivers.

23 Her death was unnoticed and undiscovered until Jackleen
24 Mullen told [REDACTED]'s father, Antonio Martin, that India
25 was dead. She didn't tell him how she died, but that she was

1 dead. Jackleen Mullen, it seems, believed that India M.
2 was going to be as invisible to her father as India M.
3 was to her.

4 Now, you'll meet Antonio Martin, he'll testify during
5 this trial. And, ladies and gentlemen, he might not have
6 been the greatest dad, he might have been absent from India's
7 life in the time period leading up to her death, but even
8 though he had been absent, India M. was not invisible to
9 him because when he found out that he -- that she was gone,
10 he did what a parent should do. He called the police. And,
11 ladies and gentlemen, that is what led law enforcement to the
12 doorstep of 520 Gentle Breeze Lane on May 26 of 2020, just
13 before midnight. And that is ultimately hours later what led
14 to the discovery of India M. dead inside the dresser
15 drawer.

16 Ms. Mullen stands trial today for three charges. And
17 in a criminal case, when the State charges somebody with a
18 crime, the burden rests with the State to prove that person
19 guilty beyond a reasonable doubt. And the State must prove
20 every element of every charge beyond a reasonable doubt. At
21 the close of this trial, the Judge is going to give you
22 lengthy instructions on the law and explain to you in depth
23 the element of each of the offenses. But in order for you to
24 have context as you begin listening to the testimony and the
25 evidence in this case, I'm just going to briefly outline for

1 you what those charges are so you will know what to be
2 listening for during this case.

3 Jackleen Mullen is charged with murder. Murder is
4 defined as the killing of a person with malice aforethought.
5 It is the taking of a person's life and requires the State to
6 prove that the person acted with malice.

7 She is charged with homicide by child abuse. The law
8 provides that a person is guilty when a homicide by child
9 abuse -- when that person causes the death of a child under
10 11 while committing child abuse or neglect. And the death
11 occurs under circumstances manifesting extreme indifference
12 to human life. Extreme indifference to human life, ladies
13 and gentlemen.

14 Child abuse or neglect means an act or omission by any
15 person which causes harm to the child's physical health or
16 welfare. And harm is defined to a child's health or welfare
17 -- occurs when a person inflicts or allows to be inflicted
18 upon the child's physical injury, including injuries
19 sustained as a result of excessive corporal punishment or
20 fails to supply the child with adequate food, clothing,
21 shelter, or health care. And fails to do so -- and failing
22 to do so causes a physical injury to her condition, resulting
23 in death.

24 And finally, there's a third charge for your
25 consideration. It's akin sort of like a lesser-included

1 offense, aiding and abetting homicide by child abuse, which
2 requires the State to prove that a person knowingly aided and
3 abetted another person to commit child abuse or neglect, and
4 the child, or abuse, or neglect results in the death of the
5 child under 11.

6 Now, ladies and gentlemen, it's the State's position
7 proving Ms. Mullen is guilty of the greater charge of
8 homicide by child abuse and not the aiding and abetting. But
9 both charges will be available for your consideration.
10 During the course of this trial, you'll hear from many
11 witnesses. You're going to hear from India's father, Antonio
12 Martin, about the day he learned that India was dead; From
13 the law enforcement officers who first responded to the
14 scene, some of whom spoke to Jackleen Mullen; From the FSU
15 officers, the Forensic Service Unit -- unit officers who
16 actually discovered her body in that dresser drawer; From the
17 detectives who investigated the case; From the coroner's
18 office who was on scene; From Dr. Riemer, the pathologist who
19 conducted her autopsy. She'll come to court and she will
20 explain her findings to you.

21 And you will hear, ladies and gentlemen, from
22 Audrevious Williams, this Defendant's boyfriend and India's
23 other caregiver, this Defendant's Co-Defendant because he's
24 also charged, ladies and gentlemen, of homicide by child
25 abuse. And we anticipate that he will come before you and he

1 will testify about the final days of India's life. I ask
2 that you pay close attention throughout this trial and I know
3 that you will. Listen closely to all the testimony and
4 evidence that's presented to this courtroom. At the
5 conclusion of the trial, the State will come back before you,
6 and we will ask you to find this Defendant guilty of murder
7 and homicide by child abuse.

8 THE COURT: Thank you, Ms. Joyner. Mr. Shealey.

9 MR. B. SHEALEY: May it please the Court?

10 THE COURT: Yes, sir.

11 MR. B. SHEALEY: Good afternoon. I'm Brian Shealey.
12 This is my brother Luke Shealey. We are brothers, we look
13 alike, we're twins. Just want to introduce myself to you
14 12 jurors here serving an important role in our -- in our
15 judicial system. And you notice we spent a very -- very long
16 time meeting you guys out. We were talking about -- we were
17 talking about, I mean, obviously we like you or you wouldn't
18 be on this jury. We think you're reasonable, we think you're
19 competent. We think that you're able to use your life
20 experiences, but I want to talk to you a little bit about the
21 criminal justice system because you may not have ever been
22 involved in anything like this.

23 Jackie Mullen, my client, is presumed innocent. She
24 doesn't have to prove her innocence or disprove guilt.
25 That's not how our system works. At the four corners of the

1 table of this nice desk that the State sits behind with all
2 the power and the resources of the County of York, multiple
3 law enforcement agency's investigative techniques, lots of
4 evidence collection, lots of really good investigation can be
5 done here. They have all the proving to do. We have no
6 proving to do because she remains innocent.

7 At the end of this case, Judge Griffith, who's a very
8 experienced lawyer, is going to tell you a couple things
9 about the presumption of innocence. She's robed in a cloak
10 of righteousness that only at the very end of the case that
11 the State has met their burden beyond a reasonable doubt can
12 that robe ever be taken away from her. Up until then, she's
13 shielded by the presumption of innocence, and that is how you
14 have to assess the case.

15 We heard a little bit about the case -- the -- the case
16 presentation from the State. We heard about Antonio Martin,
17 who is the father of India, who's the four-year-old child
18 that is deceased in this case. She's the victim. We've
19 heard about a boyfriend at the very end of the presentation
20 by Ms. Joyner, Audrevious Williams. I almost thought I
21 wasn't going to hear his name at all until the very end of
22 this case in that presentation. But he's the focal point in
23 this case for us.

24 You're going to have a sum analysis to decide here, do
25 you believe Dre? He goes by Dre -- Dre Williams. His

1 version, he's a charge Co-Defendant. He's charged the same
2 penalties on the allegations of Ms. Mullen. He's not sitting
3 here on trial today. He's going to be used as a State
4 witness with all of his prejudice, and bias, and reasons, and
5 motivations to come up here and point the finger. But who is
6 he? This case is unique in the fact that there's a massive
7 amount of investigation that's already been done.

8 We're going to have body cameras, we're going to have
9 text messages. You're going to see more text messages in
10 this case between Dre and Jackie Mullen than you can possibly
11 imagine. And it's important in a case like this where you
12 have a charged Co-Defendant who's bought and paid for looking
13 to get up here and save himself. Why is he testifying? What
14 does he hope to achieve? Hopes to walk out of this
15 courthouse, that's for sure. And the thing is, the State
16 knows from their investigation into this case over the past
17 three years that he is a liar. Dre Williams is a liar, and
18 the State can't say anything about it, but they're still
19 going to trot him up here for you. And so normally, I don't
20 bring notes to the podium here. I normally like to talk to
21 you guys. I like to have a conversation like I'm talking to
22 12 people that I know, or I want to get to know.

23 But we're going to talk a little bit about what you're
24 going to hear from Dre. But who is this guy? He is the
25 live-in boyfriend of Jackie Mullen. He is -- she has

1 three children. She had India, she had AJ, who is the son of
2 another father, not Dre but another father. We had India,
3 who was the daughter of another father, Antonio Martin. And
4 then the same household, we had little Dre. Now that is the
5 son of Dre Williams. But who is Dre? You're going to hear
6 that he was unemployed until recently before this incident.
7 You're going to hear that he was a high school football
8 prospect, maybe had aspirations of maybe being the NFL one
9 day. You're going to hear he is a young man. You're going
10 to hear that he is in a house with his mother and father
11 recently on this Gentle Breeze Lane because their old house
12 had problems, and they had moved in with Dre's parents. This
13 was during COVID, all right?

14 You're going to hear through credible testimony, text
15 messages, and evidence that Dre was violent. That this house
16 had holes all through the wall. Law enforcement is not going
17 to be able to deny that. You're going to see pictures where
18 Dre punches through walls, where Dre breaks doors, where Dre
19 slams cabinets. No one's going to say that Jackie does that.
20 Dre is a young, strong, former football player who was at
21 home taking care of three children, and two of them, they're
22 not his. It's a tough spot to be.

23 You're going to hear that he physically abuses Jackie.
24 Punches her, chokes her. And that he engages in domestic
25 violence on a regular basis. It's going to be the text

1 messages. You're going to hear from witnesses. Law
2 enforcement knows this. You're going to hear that he hits
3 AJ, and that AJ -- again, a young son of another man, not his
4 child, but he is the -- his daddy day care. He's at home
5 with these children. Only one's his, two are not.

6 And guess what, ladies and gentlemen, India looks just
7 like her father, Antonio Martin. So Dre who's unemployed,
8 who had until recently, had aspirations of -- of being a
9 football star, is at home with two children looking every day
10 at the legacy of other men. And India looks just like her
11 father.

12 So law enforcement -- you're going to hear, comes out
13 to the scene that day and they're talking to everybody. And
14 like I said, I -- I brought this piece of paper up. I don't
15 normally do this, but what you're going to hear is important
16 because they know that Dre's lying from the very beginning.
17 It's on the body cameras, you're going to see it. He
18 initially says that India -- when law enforcement are
19 desperately looking for her, is up in North Carolina with
20 family. He lies. He then says when questioned about the
21 relationship between Antonio Martin, India's father and him,
22 what's that about? He's going to say, "I don't know. I
23 haven't talked to that guy in months. I'm not worried about
24 him."

25 You're going to see the look on Dre's dad's face,

1 Steven, when he lies -- boldface lies to law enforcement.
2 And it's a look of fear. "My son's in trouble. My son's
3 doing wrong. What is going on?" You're going to see that
4 it's the second lie. It comes right out of him. "I don't
5 know, I haven't talked to Antonio Martin in a long time."

6 He also lies very casually and easily and says, you
7 know, "What were you doing today?" "I was working at FedEx."
8 He just got a job at FedEx. Because everyone wants to know
9 well, "What -- who's seen India? Where's India?" Lies.

10 He then later takes Detective Beach outside and he was
11 like, "I lied" -- "I lied." You're going to hear that.
12 You're going to hear from law enforcement, you're going to
13 see it in the body cameras. So in the first hour of speaking
14 to law enforcement, he's lied four times. You're going to
15 see it. You're going to see it and hear it. He's going to
16 come up here this week sometime and testify. This is the guy
17 that is faced every day with the legacy of other men. After
18 he is arrested in this case and charged with homicide by
19 child abuse as a principal and as also a second one as aiding
20 and abetting, just like Jackie is.

21 And he's sitting down here at the jail, and he and his
22 lawyer decide to try to give a statement to law enforcement.
23 At this time, there are certain things called "discovery."
24 The evidence comes through in the case. These are good
25 prosecutors here. They do their duty, they turn over

1 evidence as they should be, but after the evidence,
2 four months in the jail, and he got some evidence, and he and
3 his lawyer want to talk to them. Okay, what you got to say?
4 Knowing that he's already lied at least four times. So now
5 he wants to give a story. Now he's got this job, right?
6 This new -- brand-new job at FedEx that you're going to hear
7 about. And he worked for two hours on May 22nd.

8 Now -- now little India, you're going to hear from the
9 pathologist Dr. Riemer, died approximately May 26th. And so
10 Dre's been coming in here with his lawyer and be interviewed
11 and say, "Hey, I know what happened. The two hours that I
12 happened to go into work on the 22nd, that's when this must
13 have happened. Because I came back and India wasn't the same
14 and India was battered and bruised. Aha, a couple hours I've
15 worked in the past six months, right then and there when I
16 have an alibi, that's when I" -- "did I not say that before?
17 That's when." And they say, "Okay, so you're going to say
18 what now? What are you going to say now Dre?" "I came back
19 and she was battered and bruised." Fifth lie.

20 So -- but he's still talking. He's -- he's going to
21 think -- you're going to hear him up here. Maybe he's
22 getting some traction. "I also saw Jackie suffocate India,"
23 that works right? Suffocate her -- suffocate her, sit on
24 her. He's -- he's telling that story now. This child did
25 not die of suffocating, this child died of blunt-force trauma

1 through the head. He want -- he thinks that's good, right?

2 You can see all that. Lie six.

3 There's also a red stain on the pillowcase that law
4 enforcement -- you're going to hear about this, finds in the
5 bedroom, red stain, kind of looks like blood. Discoveries
6 come running through with his lawyer. Dre is aware of it.
7 Let me try to solve this angle for you.

8 After the 22nd, later that day, he's going to say, "I
9 came upstairs to the bedroom and Jackie was punching India
10 through a pillowcase. That must be where the red stain comes
11 from." You're going to hear that it gets forensically
12 examined. It's not blood, it's nothing. But Dre's trying to
13 make the connection as he wants to save himself. That's lie
14 seven.

15 Just -- I'm -- you're going to see lies in here all
16 week from this guy. But these are lies that they know about.
17 They don't know what he's going to say. What could happen up
18 here right in front of your eyes. But they also have a duty
19 to disclose when he continues to lie.

20 And so they had the emails just yesterday about new
21 information this guy told them -- new changes in his story.
22 They have to. They have an ethical obligation to present
23 this to us. And the newest story was -- now for the first
24 time after three years, he's going to say, "I saw Jackie
25 Mullen put this child in a drawer." Because she's found

1 ultimately in a drawer. She's found in Dre's dresser drawer
2 -- going to have men's clothes in it, all right? So now for
3 the first time, because again this guy's fault (inaudible)
4 being on trial, he's the State's witness, he's trying to save
5 his life. So now he's saying, "Aha, that's important
6 critical information. Would you like to know that three
7 years ago? We need to tell you what I know."

8 So they have to tell us that that was yesterday after
9 three plus years, yesterday he is telling them that or
10 they're telling us that yesterday, when they're meeting with
11 him for preparation of his testimony. He also says --
12 because they're talking to Antonio Martin, India's father,
13 you're going to hear that Jackie brings India's father to the
14 home. Tells him, "She's gone, she's dead. Come over." And
15 that, you know, this guy Dre wants to distance himself from
16 it. But for the first time after three years, he now tells
17 these Prosecutors, "Not only was I there, but I went in the
18 car ride with Antonio Martin when Jackie" -- "he brought him
19 back up. Would you have liked to have known that?" He's
20 trying to distance himself because the guys that punch walls,
21 beat women, and beat children that aren't theirs, want to
22 save their soul. He's living with the legacy of other men.
23 And one looks just like Antonio Martin. India looks just
24 like Antonio Martin.

25 And you're going to learn that Dre's a jealous man.

1 You're going to learn that Antonio Martin and Jackie Mullen
2 were still having a relationship, and that drove Dre crazy.
3 We're going to ask you to use your common sense. They chose
4 poorly in their State star witness that they only mentioned
5 at the end of their presentation. We're going to mention him
6 a lot because you got a choice. Do you believe Dre's lies or
7 do you believe things that can't lie? Text messages,
8 forensic data. Got some -- a couple smart cookies on this
9 jury. Engineers, data analysts, teachers, what doesn't lie?
10 Look to the physical evidence that we're going to be bringing
11 to you. We don't have to put a case on, but we're going to.

12 The State has all the proving, we could just let them
13 ruin their case. She's presumed innocent. They have the
14 duty if they can, to try to prove her guilt beyond a
15 reasonable doubt. We can attack people like Dre. It is all
16 about doubt. If you have doubt and you cannot convict -- and
17 their burden is to prove beyond a reasonable doubt. But we
18 don't -- we're not going to just sit there. We're going to
19 put up facts, evidence, witnesses. Jackie Mullen has been
20 waiting three years for this, so we're going to do the best
21 we can for her.

22 You're also going to hear about a text message from Dre
23 to Jackie while she's at work because he didn't work until
24 just, like, literally the week before this killing of India.
25 He was unemployed, she worked. She worked at the Hibachi

1 grill, worked hard, worked a lot -- a lot of hours. And he
2 was at the home texting her constantly. And there's a text
3 message on May 19th, you're going to hear about. You're
4 going to see where he says that India fell and hit her head
5 in his care and now we got something to hide. Give me a
6 break. Give me a break, jury. He can't outlive the legacy
7 of these other men and they're staring him in -- in his face.
8 This is a tragic day. No one is sadder about what happened
9 than (inaudible).

10 But we're going to do our best to filter through the
11 lies. I don't know what Dre's going to say to you. I know
12 he has lied nine times to law enforcement and they're forced
13 to continue to disclose the lies to us. That's all they got.
14 They got this guy charged the same way, who's violent, and
15 abusive, and dealing with his own personal issues.

16 I just want you to look hard at the evidence. I want
17 you to use your common sense. Don't check it out the door.
18 This is the time in your lives when we're going to -- we and
19 the people that are -- that work in the criminal justice
20 system, and people that are charged with crimes they think
21 they (inaudible). This is when we need you to use your
22 common sense more than ever. And we thank you for that. At
23 the end of the day -- at the end of this week, it will be not
24 guilty for Jackie.

25 THE COURT: Thank you, sir. All right. Folks, you all

1 have only been here (inaudible). We started at 2:00, had the
2 preliminary stuff to do, so I need a break. So step in the
3 jury room. Don't stop -- don't talk about the case.
4 Probably figure about 10 minutes. We can attend to that.
5 And if you all need longer, I'm going to tell the bailiff
6 we're ready when you all are ready. So you'll -- you'll
7 knock on the door and let me know. So don't talk about the
8 case. Have yourself about a 10-minute break.

9 (Off the record from 3:07 to 3:16 p.m.)

10 THE COURT: Wherever you like. Nobody's got reserved
11 seats. You sit wherever you want. You can change seats
12 every time you take a break. Or you can go back to the same
13 seat every time you come back from break. It's like some
14 people think like church. Well, I always sit here. Just
15 wherever -- wherever you're comfortable. It does not matter
16 to me. No requirements. Anybody can sit anywhere.

17 Now, I told you, you could take notes if you like, and
18 you can take notes. There should be some notepads for the
19 jury. If not, the bailiffs will get them for you. You all
20 can take notes after the next break, if you like. All right.
21 Let's call -- call your witness.

22 MS. JOYNER: Thank you, your Honor. The State calls
23 Devin Askew.

24 THE COURT: I note for you as well. The lawyers agreed
25 to put the witnesses outside the courtroom except the

1 parties, the investigator, and -- and Ms. Mullen. And so
2 they don't get the benefit of sitting and listening to each
3 other's testimony. They testify and then done. Come on up,
4 stand, and be sworn.

5 DEVIN ASKEW,

6 being duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. JOYNER:

9 Q. Good afternoon.

10 A. Good afternoon.

11 Q. Can you please state your full name for the
12 record?

13 A. Devin Askew.

14 Q. How are you employed?

15 A. I'm employed with the York County Sheriff's
16 Office.

17 Q. And in what capacity are you currently employed?

18 A. Currently a detective with the Violent Crimes
19 Unit.

20 Q. How long have you been with the Sheriff's office?

21 A. Approximately six years.

22 Q. And what type -- what type of education and
23 training do you have in order to be a law enforcement
24 officer?

25 A. I have a bachelor's degree in criminal justice and

1 emergency disaster management. And then went through the
2 South Carolina Criminal Justice Academy, completed that, and
3 then went through field training as well. And then I put out
4 on patrol and then went from there.

5 Q. How long have you been a detective?

6 A. Approximately three and a half years.

7 Q. How many total years in law enforcement?

8 A. Approximately eight years.

9 Q. Now going back to May 26 of 2020, were you
10 employed at that time by the Sheriff's Office?

11 A. Yes, I was.

12 Q. What capacity were you employed at that time?

13 A. I was a patrol officer in the Rock Hill area.

14 Q. Okay. So for the jury who doesn't know what a
15 patrol officer does versus what a detective does, can you
16 explain to them what a patrol officer does?

17 A. Patrol is the people you see out in the marked
18 vehicles. They're the ones who answer calls for service or
19 do other enforcement like traffic stops or -- you know, with
20 suspicious persons. Just depends day to day.

21 Q. All right. So going back to May 26 of 2020, on
22 that day, did you become involved in an investigation of a
23 missing child?

24 A. Yes, I did.

25 Q. Was that India M. [REDACTED]

1 A. Yes, it was.

2 Q. Can you tell the jury how you became involved in
3 that investigation?

4 A. As I stated, I was on patrol, so we received a
5 call for service to respond to 820 Museum Road in the County
6 of York, South Carolina. And we made contact with an Antonio
7 who was the father of India M. He was concerned about
8 the welfare of the child.

9 Q. Okay. Do you recall -- excuse me, approximately
10 what time you were dispatched out to the residence?

11 A. It was between 9:50 and 10:00 p.m.

12 Q. And -- excuse me. And when you went out to 820
13 Museum Road, was that a residence?

14 A. Yes, it was.

15 Q. Was there anybody else at the residence besides
16 Antonio Martin?

17 A. His sister was there as well.

18 Q. Okay. While you were on the scene at 820, did you
19 speak with Antonio Martin about his concerns?

20 A. Yes.

21 Q. And what information was Mr. Martin able to
22 provide you about India M.

23 MR. L. SHEALEY: Objection. Hearsay.

24 THE WITNESS: That she was pretending --

25 MS. JOYNER: We're offering for the truth of the

1 matter, sir. We're just trying to find out what the officer
2 learned on the call.

3 THE COURT: Part of the investigation, this -- you
4 can't offer what was words of someone else, but what he
5 gleaned from his interviews.

6 MS. JOYNER: Thank you, your Honor.

7 THE COURT: So to that extent, the objection is
8 sustained, but go forward.

9 BY MS. JOYNER:

10 Q. Can you please tell basically what type of
11 information did you obtain from Mr. Martin?

12 A. Basically, we learned that he -- he was saying
13 that the India M. child, she -- that she was deceased and
14 that she was at a location in the area of Ogden Road.

15 Q. Was he able to provide an exact address for that
16 location?

17 A. The address he provided was 520 Ogden Road, but it
18 was -- go ahead. I'm sorry.

19 Q. 520 -- was 520 Ogden Road an actual address?

20 A. It was not.

21 Q. Okay. And was he able to provide other
22 information about the location where he believed India may
23 be?

24 A. He was definitive about the 520 part of it, of the
25 address that he gave. Wasn't sure about the Ogden Road area

1 or actual being -- being the road. And then he also gave
2 that it was a two-story house in a nicer neighborhood.

3 Q. And did he -- did he have information about who he
4 believed to be living in that residence?

5 A. He stated that he believed it to be Audrevious,
6 which is the Defendant's boyfriend at the time, at parents'
7 residence.

8 Q. And when he was unable to give an exact address,
9 did he offer to try to help you find the address?

10 A. He did.

11 Q. Okay. And did that involve him getting in the car
12 with you?

13 A. Yes, he got into our patrol vehicle and he
14 actually helped us go back to the area to try and locate the
15 residence.

16 Q. Was that attempt successful in locating the house?

17 A. No, it wasn't. That's how we determined it wasn't
18 a correct address.

19 Q. Okay. Now, once you determined it wasn't a
20 correct address, did you contact any other law enforcement
21 agencies to become involved?

22 A. Yes, because once we found out it was in the Ogden
23 Road area, a majority of that road is in the city limits of
24 Rock Hill, and so we did call them to assist.

25 Q. Okay. And so just to be clear, so the jury

1 understands the Sheriff's Office, the original address of 820
2 Museum Road, was that within the Sheriff's Office
3 jurisdiction?

4 A. Yeah, the -- to sum it up, York County, we have --
5 Sheriff's Office has jurisdiction in the entire county, but
6 we have municipalities who also have jurisdiction in their
7 municipality, and they handle their calls for service even
8 though we still have jurisdiction as well.

9 Q. So as a matter of policy, you -- is it correct
10 that you would defer those investigations that happened in
11 the city limits to this state's police department?

12 A. That is correct.

13 Q. Okay. And so do you -- when you contacted the
14 Rock Hill Police Department, did you meet officers at a
15 particular location?

16 A. We met at Freedom Park.

17 Q. Okay. And when -- once you were out at Freedom
18 Park, was Mr. Martin with you at that time?

19 A. He was. He was in the back of the patrol vehicle.

20 Q. Okay. And through your collaboration and
21 conversations with Mr. Martin, were you able to -- were you
22 or other law enforcement officers able to develop another
23 possible address?

24 A. Yes, we were able to determine the address of
25 ■ Gentle Breeze, I believe it's called, and that is also

1 the city limits of Rock Hill.

2 Q. Okay. Did -- once you all determined that as a
3 possible address, did you go to Gentle Breeze Lane?

4 A. I did myself along with Rock Hill, and then other
5 deputies went out to the address.

6 Q. Okay. Now, once you got to that location, were
7 you able to make contact with the occupants of the house?

8 A. Yes, we -- we knocked and announced that police
9 were there and then there was -- the door was eventually
10 answered. Yes.

11 Q. Okay. Who was it that knocked on the door?

12 A. Myself and Lieutenant Joe Johnson.

13 Q. Is he an officer with the Sheriff's Office or the
14 Rock Hill Police Department?

15 A. Rock Hill P.D.

16 Q. Okay. And who, if anyone, came to the door?

17 A. We later determined it to be Audrevious's mother,
18 his sister, and then Jackleen Mullen.

19 Q. And by Jackleen Mullen, are you referring to the
20 Defendant in this case?

21 A. I am.

22 Q. Okay. And the person -- the person that came to
23 the door that you identified as Jackleen Mullen, is she in
24 the courtroom today?

25 A. She is. She's sitting right over there.

1 MS. JOYNER: Okay. So let the record reflect that she
2 -- he's pointed to the Defendant, your Honor.

3 THE COURT: Noted.

4 BY MS. JOYNER:

5 Q. Now, when they came to the door, did you or
6 Lieutenant Johnson ask any question -- did you explain the
7 reason why you were there?

8 A. Yes. I believe it was myself that asked the
9 whereabouts of India M. [REDACTED] and went -- went from there.

10 Q. Okay. And did you ask Ms. -- the Defendant,
11 Ms. Mullen, the whereabouts of India M. [REDACTED]

12 A. Yes.

13 Q. And what did she indicate?

14 A. Indicated that the child was in Monroe with her
15 grandmother.

16 Q. Do you recall why -- did she -- did she explain
17 why the child was in Monroe?

18 A. Something about a birthday party.

19 Q. Now, when you were -- when you first made contact,
20 did you or any other law enforcement officer request --
21 assist, or request permission to search the residence?

22 A. Yes. After we made initial contact, we asked
23 Audrevious's mother to come outside. We kind of told her a
24 little bit more about the situation and then asked for
25 permission to search the residence. And at that time, she

1 said that she wanted to wait for her husband.

2 Q. Okay. Now, once she had indicated that she wanted
3 to wait for her husband, was a decision made by any law
4 enforcement officer on scene to do a protective sweep of the
5 residence?

6 A. Yes. Sergeant Harrelson determined that a
7 protective sweep was needed.

8 Q. And for the jury who may have never heard that
9 term before, can you explain to them a little bit about what
10 a protective sweep is?

11 A. Basically it's an exception to search warrant or,
12 you know, getting consent basically. In this situation it
13 was imminent or -- well, it was possibly a severely-injured
14 person or the death of someone. Or other instances could be
15 that law enforcement is in that area, and they need to make
16 sure there's no person that could cause them harm or danger
17 in certain areas.

18 Q. In this particular case, what was the purpose of
19 the protective sweep?

20 A. To try and find India to make sure that, you know,
21 if she needed medical care, she could get it.

22 Q. Okay. As part of the sweep, all of the adult
23 occupants asked to either come outside or come into a
24 contained area?

25 A. Yes.

1 Q. And were there any children located in the
2 residence?

3 A. When we went upstairs, there was a child sleeping
4 in one of the rooms.

5 Q. Okay. Did you and your -- did you participate in
6 the protective sweep (inaudible) the adults?

7 A. I did.

8 Q. Okay. And did you -- the sleeping child that you
9 observed, was that India M. [REDACTED]

10 A. It was not.

11 Q. Okay. And while you were, you know, trying to get
12 all of the adults come downstairs and out of the way so you
13 could -- so you all could do the sweep of the house, did you
14 have any interaction with Ms. Martin during that time about
15 where India was located?

16 A. Yes. While on the stairwell area before I went
17 back downstairs, Ms. Mullen had come upstairs as well to get
18 the child or assist in getting the child that we located up
19 there. And at that time, I asked for a phone number for the
20 name of the grandmother who was Cindy, and she said she did
21 have the number.

22 Q. Did you follow up with her to try to get a number
23 or where this -- where she claimed India was?

24 A. Yes, later on I did get the number.

25 Q. Okay. And did she provide that number to you?

1 A. Yes.

2 Q. Okay. Did you make -- did you call -- call the
3 number that she had provided to you?

4 A. I did.

5 Q. Okay. And did -- were you able to make contact
6 with the person who identified themselves as Cindy?

7 A. Yes, I was.

8 Q. Now, based on that conversation, were you able at
9 that point to verify that India M. [REDACTED] was in fact located in
10 Monroe?

11 A. From her word, I was able to determine or verify
12 that she was, but obviously, I did not see her or actually
13 talk to her. It was off of Cindy's word alone.

14 Q. Okay. So you said you were initially able to
15 verify that she was there?

16 A. Well, she said that she was there. So only a
17 verbal verification.

18 Q. Okay. Would a verbal notification when you're
19 dealing with a missing child be sufficient?

20 A. It would not.

21 Q. Okay. Were there any follow-up questions or
22 requests in order to try to visually confirm India's presence
23 in Monroe?

24 A. We -- we requested if she could FaceTime with us,
25 you know, just to see if the child was okay. She said that

1 she wasn't able to FaceTime and therefore we told her that we
2 were going to need her address, which we did get, and then we
3 were going to have the Union County Sheriff's Office go out
4 and make sure that she was okay.

5 Q. Okay. Ultimately, while you were on scene, did it
6 become apparent that India M. [REDACTED] was not in Monroe?

7 A. Yes. Cindy backtracked and said that she wasn't
8 there.

9 Q. Did you convey that information to the Rock Hill
10 officers who were on scene?

11 A. Yes, I did.

12 Q. Okay. Now, Detective, I ask you: Did you remain
13 at 520 Gentle Breeze Lane through the conclusion of the law
14 enforcement -- law enforcement investigation that night?

15 A. No, I did not.

16 Q. And why was that?

17 A. At that point, Rock Hill was in full swing of
18 their investigation. We weren't really needed anymore, and
19 since it was their investigation, we -- we cleared up and
20 left.

21 Q. Okay. Now, during your time in Gentle Breeze
22 Lane, I think you testified you interacted with Ms. Mullen.
23 How about -- how many times did you interact with Ms. Mullen?

24 A. Maybe four to five, maybe more.

25 Q. All right. And how would you describe her

1 demeanor when you were observing Ms. Mullen?

2 MR. L. SHEALEY: I would object to that, your Honor. I
3 think it's probably calling for improper opinion testimony
4 from the lay witness.

5 THE COURT: He's an officer, I'll let him answer the
6 question. His -- his observation-appropriate answer.

7 THE WITNESS: Based on the entire scenario, I have kids
8 and I'd be a little bit more concerned if an officer came up
9 to me and said that, "Hey, we're here to investigate your kid
10 as being severely injured or dead." Seemed kind of put out
11 and annoyed that we were even there, would be my -- probably
12 take of the situation and going back --

13 MR. L. SHEALEY: I'll renew my objection.

14 THE COURT: Noted.

15 MS. JOYNER: I beg the Court's indulgence.

16 THE COURT: Uh-huh.

17 MS. JOYNER: Thank you very much. Please answer any
18 questions the Defense has.

19 MR. B. SHEALEY: May it please the Court?

20 THE COURT: Sure.

21 CROSS-EXAMINATION

22 BY MR. B. SHEALEY:

23 Q. Now detective, right?

24 A. Yes, sir.

25 Q. At the time you were a road officer, or...?

1 A. Yeah, it was about a month or two before I
2 transferred to detective division.

3 Q. Do you have a -- a report in this case that you've
4 compiled?

5 A. I did one on patrol, yes, sir.

6 Q. But for this particular activity on this night, on
7 this case, you did a report?

8 A. Yes, sir.

9 Q. Okay. Do you have it with you?

10 A. Not on me right this second, no, sir.

11 Q. Okay. All right. You also had a body cam on?

12 A. I did, yes, sir.

13 Q. Okay. And so it starts off, you have a call from
14 India's father, Antonio Martin, correct?

15 A. Yes, sir.

16 Q. And so you're responding to that because he's got
17 a concern about his child's welfare, right?

18 A. Yes, sir.

19 Q. So you and several other officers go to where he's
20 living with his sister, correct?

21 A. Yeah. Yes, sir. Yes.

22 Q. Okay. And you're collecting information trying to
23 figure out if it's credible, and he's trying to tell you a
24 location that he doesn't really know, right?

25 A. That's fair. Yes, sir.

1 Q. 520 something, right?

2 A. Originally Ogden. Yes, sir.

3 Q. And that was not -- the correct address ended up
4 being [REDACTED] Gentle Breeze?

5 A. Yeah. Which was later -- yeah. That's off of
6 Ogden. Yes, sir.

7 Q. And you took him -- I guess, was it in your patrol
8 car or someone else's patrol car closer to the location to
9 try to determine where it was?

10 A. Yeah, he hopped in the back. I actually -- I was
11 driving and he was in the back, and we went down there to see
12 if we could -- you know, jog his memory of where the actual
13 address was.

14 Q. And you were asked questions about demeanor, but
15 in your experience of demeanor of Mr. Martin, was he upset?

16 A. He was pretty adamant about us checking the
17 situation.

18 Q. Right. And I've observed your body cams of it,
19 but he also seemed somewhat intoxicated, right?

20 A. I don't know if I'd say intoxicated.

21 Q. You can't say that?

22 A. I didn't get that vibe when I watched it. No,
23 sir.

24 Q. Okay.

25 A. I'm not saying he didn't have one or two, but not

1 overtly.

2 Q. Okay -- okay. So the goal, of course, was to
3 determine what's the location so we can investigate and kind
4 of put --

5 A. Exactly.

6 Q. -- in -- in this question whether it's something
7 serious, which it ended up being or something not, right?

8 A. Yes, sir.

9 Q. So you go to the location, I think you said that
10 you are entering the door and this woman, and other family
11 members approach, right?

12 A. Are we still -- so we're at?

13 Q. We're at 520 now.

14 A. Yes, sir. Yep. Those three were in the -- you
15 know, front threshold.

16 Q. And Ms. Mullen says that her child is -- is in
17 North Carolina. That turned out not to be true, correct?

18 A. That's true, yes.

19 Q. Okay. Did you have interactions with Audrevious
20 Williams while you were there?

21 A. Briefly.

22 Q. Okay.

23 A. I think there was another detective talking, and I
24 happened to be there.

25 Q. Okay. You're aware that he said that child was in

1 North Carolina as well, right?

2 A. Yeah, I believe you're correct. Yes, sir.

3 Q. And you're -- you're doing this protective sweep,
4 you're -- we're waiting on consent. Consent comes, you want
5 to make sure eventually that there's nothing there to hurt
6 you, there's no emergency, you're obviously there for a
7 child, you want to see -- make sure everything's good, right?

8 A. Yeah. In this circumstance it was the child's
9 welfare, you know, possibly being severely injured or death,
10 that -- that was the reason for the protective sweep.

11 Q. Okay. And your sweep did not -- didn't produce --
12 produce the results of the child at that point, right?

13 A. No. Not during the original sweep. No, sir.

14 Q. You're in the house, so you're observing it,
15 right?

16 A. Yes, sir.

17 Q. Okay. You observed the holes in the walls in the
18 -- in the -- in the bedroom where Dre and Jackie slept with
19 India?

20 A. I can't remember that far, to be honest with you.

21 Q. You don't know that?

22 A. No, I -- if you showed maybe I could -- it would
23 familiarize me, but I do not, no, sir.

24 Q. Not staying out in your mind at this moment?

25 A. No, sir. No.

1 Q. Okay. You were asked a question about Jackie's
2 demeanor. She also seemed high to you? You were asked that
3 question about Mr. Martin, does she seem high to you?

4 A. I -- that -- that -- that's a tough question
5 without knowing her more because the whole -- you know, I
6 said annoyed and put out, that's a pretty obvious reaction.

7 Q. Uh-huh.

8 A. Just based on, like, if you're annoyed, it's going
9 to be pretty obvious, like, the person doesn't really want to
10 deal with you, but in terms of high, it's just so dependent.
11 I -- I'm not -- I'm not sure.

12 Q. Okay. But you're a police officer and you have
13 dealt with folks that are under the influence of intoxicating
14 liquors, and drugs, and things, right?

15 A. Yeah. Well, then it -- baseline, no, I don't
16 think she was under the influence of anything, but if she has
17 any, you know, if she can handle it a lot more than others
18 can, maybe, if she can't, then I feel like it'd be more
19 obvious.

20 Q. You -- You can't -- you don't have an opinion on
21 that?

22 A. No, I do. I just said I don't think she was.

23 Q. Okay. You don't think she was?

24 A. No.

25 Q. You did say that -- I think -- you said not

1 knowing her very well obviously, but when you talked about
2 her demeanor being, I think, annoyed, you don't know her very
3 well, so you don't know what's going on with her other than
4 just bumping into her and -- and your -- your brief
5 interaction, right?

6 A. Yeah.

7 Q. You don't know whether she was having a bad day,
8 bad year, whatever, right?

9 A. That's fair.

10 Q. Yeah. You don't know anything other than your
11 just brief observations in that moment, correct?

12 A. That's fair. Yes, sir.

13 MR. B. SHEALEY: I beg the Court's indulgence.

14 THE COURT: Sure.

15 MR. B. SHEALEY: I don't have anything further.

16 THE COURT: Any re-direct?

17 MS. JOYNER: No re-direct from the State, your Honor.
18 We'd ask he be excused.

19 THE COURT: You may stand down and be excused.

20 MR. ASKEW: Thanks, sir.

21 MS. JOYNER: Our next witness is going to be
22 Hugh Harrelson.

23 THE COURT: Very well.

24 THE CLERK: Raise your right hand and place your left
25 hand on the Bible.

1 HUGH LELAND HARRELSON, JR.,
2 being duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. JOYNER:

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. Can you please state your full name for the
8 record?

9 A. Yeah, my name is Hugh Leland Harrelson, Jr.

10 Q. How are you employed?

11 A. I'm employed as a lieutenant with the Rock Hill
12 Police Department.

13 Q. How long have you been with the Rock Hill Police
14 Department?

15 A. I've been with Rock Hill for 15 years.

16 Q. And -- and is that your total number of years in
17 law enforcement as well?

18 A. It is, yes.

19 Q. And how long have you been a lieutenant?

20 A. For approximately three years.

21 Q. What type of education and training have you had
22 in order to become a police officer?

23 A. I went to the South Carolina Police Academy when I
24 got hired. I completed that program and also have done
25 continuing training, you know, through the police academy to

1 -- to maintain my certification, also go to attend regular
2 training classes, you know, in reference to different --
3 different aspects of law enforcement such as drugs,
4 investigations, traffic stops, things of that nature.

5 Q. Now going back to May 26 of 2020, were you
6 employed at the Rock Hill Police Department at that time?

7 A. Yes, I was.

8 Q. Were you a lieutenant at that time?

9 A. I was not. I was currently a sergeant at that
10 time.

11 Q. And what were your job duties at that time?

12 A. I was a sergeant on the patrol team, so I'm kind
13 of like your first line supervisor out there with the
14 officers, you know, helping them work through cases, making
15 decisions kind of, you know, overseeing, you know, the work
16 that they're doing.

17 Q. Okay. Now, on that date, on May -- May 26 of
18 2020, did you become involved in an investigation looking for

19 India M. [REDACTED]

20 A. Yes, I did.

21 Q. How did you become involved in that investigation?

22 A. We had a call for service from the York County
23 Sheriff's Office in reference to this, and we wind up meeting
24 with them, and they kind of filled us in on the information
25 that they had.

1 Q. And do you -- were you part of the group of Rock
2 Hill officers that went to meet with York County Sheriff's
3 Office in Freedom Park?

4 A. That is correct. I did meet -- was myself -- some
5 other Rock Hill officers met with some deputies with the York
6 County Sheriff's Office.

7 Q. Was Antonio Martin on scene at that time?

8 A. Yes, he was.

9 Q. And did Antonio Martin speak with Rock Hill
10 officers as well as sheriff's officers on scene?

11 A. He did.

12 Q. Okay. Did you speak with him personally?

13 A. I -- I did, yes.

14 Q. Okay. And in speaking with Mr. Martin, was -- was
15 he able to provide information regarding a possible location
16 where he thought India may be?

17 A. Yes. Kind of a general facility -- vicinity he
18 didn't know the exact residence or exactly where the house
19 was.

20 Q. Ultimately, did -- did you guys develop as a
21 possible location [REDACTED] Gentle Breeze Lane?

22 A. That is correct, we did.

23 Q. Is that a location within the city limits of Rock
24 Hill?

25 A. Yes, it is.

1 Q. Okay. Now, did you go to Gentle Breeze Lane --
2 [REDACTED] Gentle Breeze?

3 A. Yes, I did.

4 Q. Did other officers from Rock Hill Police
5 Department go?

6 A. They did.

7 Q. And what about officers from the Sheriff's Office?

8 A. There were officers from the Sheriff's Office
9 there as well.

10 Q. Okay. Do you recall approximately what time the
11 sheriff or the Rock Hill and Sheriff's Office would've
12 arrived at [REDACTED] Gentle Breeze?

13 A. It was approximately 11:00. 11 -- 11:30 in the
14 evening.

15 Q. Okay. And when you and the other officers
16 arrived, were you able to make contact with the occupants of
17 the home?

18 A. We were, yes.

19 Q. And do you recall how many adults were located
20 inside the home?

21 A. I want to think there were approximately five to
22 six adults there.

23 Q. And while you were on scene, did you speak with
24 Ms. Benetta Williams -- Benetta Williams?

25 A. Yes, I did.

1 Q. Okay. And did you request consent to search the
2 residence from her?

3 A. Yes, I did.

4 Q. And did she give you permission to search?

5 A. She did.

6 Q. Okay. Did she initially give permission to
7 search?

8 A. Well, initially, she wanted to wait on her
9 husband, and then she had finally granted us permission to
10 search her residence.

11 Q. Okay. And while you were waiting for her -- for
12 her husband to -- to weigh in on the consent of search, did
13 you make a decision about the need to search the residence?

14 A. Yes, I did.

15 Q. And what was your decision about that?

16 A. I felt like we needed to search the residence.
17 Also felt like we needed to maintain control of the
18 residence. So I had officers do what's called a "Protective
19 sweep" to go in and make sure that nobody's in the residence
20 destroying any evidence. And we're not searching the
21 residence, we're just looking for -- for people to make sure
22 that we have everybody in the house kind of together. And
23 then, you know, we either wait for consent or a search
24 warrant to proceed with the actual search.

25 Q. Were you also looking to see if you could locate

1 any children in distress?

2 A. Yes. That as well.

3 Q. Okay. And did you participate in the protective
4 sweep of the residence?

5 A. I did.

6 Q. Okay. And during that sweep, were all of the
7 adult occupants asked to come downstairs into a common area
8 or outside?

9 A. That is correct, yes.

10 Q. And were there children in the residence?

11 A. There were, yeah, several children in the
12 residence.

13 Q. Were the -- were the children allowed to remain
14 inside sleeping?

15 A. Yes, there were some children that were already
16 asleep since it was 11:00 -- 11:30 in the evening, and they
17 just stayed asleep where they were.

18 Q. And were any of the children that were located in
19 the residence India M. [REDACTED]

20 A. As far as?

21 Q. Were -- were any of the initial -- I'm sorry, the
22 -- the live children that you located in the house on the
23 protective sweep, were any of those children India M. [REDACTED]

24 A. They were not.

25 Q. Okay. And at some point, did -- did Ms. Williams

1 and Mr. Williams provide consent to search the residence?

2 A. They did.

3 Q. And was that -- was that consent given to
4 Detective Smith?

5 A. It was, yes.

6 Q. Okay. And did you -- after receiving consent, was
7 a more thorough search of the residence conducted?

8 A. That is correct, yes.

9 Q. And did you personally participate in that search?

10 A. I did, yes.

11 Q. And can you tell the jury, when you're searching a
12 residence, like, how extensive a search was this? The
13 consent search.

14 A. The consent search? The consent search to start,
15 you know, we're looking for anywhere that an officer think
16 that a -- a child may be, you know, so you're looking in
17 closets, under beds, you know, I think we even looked in the
18 attic, anywhere that -- that -- that we thought we could
19 possibly find something.

20 Q. Was the out -- was around the perimeter of the
21 house searched, including the backyard?

22 A. Yes, it was.

23 Q. And in order to search the attic, did you have to
24 obtain a ladder?

25 A. We did, yes.

1 Q. And where did you obtain the ladder from, do you
2 recall?

3 A. Yeah, I believe they have one at the house. The
4 family did, they allowed us to use.

5 Q. Did officers actually go up into the attic?

6 A. They did, yes.

7 Q. And during this initial search, did -- was India M.
8 [REDACTED] located?

9 A. The initial search? No, she was not.

10 Q. Okay. Now, at some point, were -- during -- were
11 you present on the scene when forensic services arrived on
12 scene?

13 A. Yes, I was.

14 Q. Okay. And do you recall approximately what time
15 forensic services arrived?

16 A. I do not recall the exact time, but it was
17 probably maybe an hour since -- probably, you know, when we
18 first arrived there to whenever they -- they got there.

19 Q. Did you remain at Gentle Breeze Lane while
20 forensic services completed their search?

21 A. Yes, I was still there.

22 Q. Okay. At any point, did you leave and come back?

23 A. I did, yes.

24 Q. Okay. And do you recall when you came back, what
25 had happened?

1 right?

2 A. Yes. I do have 15 years' experience in law
3 enforcement.

4 Q. And I was informed by the Solicitor's office that
5 you didn't generate a report in this case, that you were just
6 there helping search and you had a body-worn camera, right?

7 A. That is correct. I did have a body camera.

8 Q. But as a lieutenant -- and sometimes you -- you
9 understand the importance of a report, right?

10 A. Yes, that is correct.

11 Q. That -- that helps law enforcement -- you know,
12 know what happened three years in the future when they may
13 have to testify one day to trial, right?

14 A. That is correct, yes.

15 Q. Some officers are going to have reports and then
16 some officers due to the -- the search issue, were just
17 moving quickly, and -- and have their body-worn cameras,
18 right?

19 A. I'm not following you.

20 Q. You said (inaudible) you were moving quickly. You
21 didn't write a report, you just were operating off your
22 camera, correct?

23 A. That is correct, yes. I did not do an incident
24 report.

25 Q. And you were searching the home, you're part of

1 that initial -- present to do that search. Do you happen to
2 notice evidence of violence in the home? Holes in the wall?
3 Did you see those holes?

4 A. Yes, there were some holes in the wall.

5 Q. Did you review your body-worn camera before -- I
6 guess, your testimony today, did you take a look at it to see
7 kind of what you did?

8 A. Yes, I did.

9 Q. Again, you didn't do a report, but the -- the
10 camera's important because it's just -- it's like your eyes,
11 right?

12 A. That is correct, yeah. The camera is actually on
13 the center of my chest, so it is looking at whatever I'm
14 looking at.

15 Q. So, I mean, you can re-familiarize yourself with
16 people you spoke to that day, right?

17 A. Yes, that is correct.

18 Q. Law enforcement officers that you interacted with?

19 A. Yes, that is correct.

20 Q. Your investigative efforts?

21 A. Yes, that is correct.

22 Q. And neighbors that you talked to, right?

23 A. Yes, that is correct.

24 Q. Do you recall speaking to some neighbors out there
25 that alerted you as -- you know, as you were doing your

1 investigative efforts, that Dre had been domestically abusive
2 with Jackie just earlier in that week?

3 A. I did have some conversation.

4 MS. JOYNER: Objection, your Honor. Hearsay.

5 MR. B. SHEALEY: It's very similar. It's investigative
6 hearsay. If it is hearsay, but it's eliciting what --

7 THE COURT: Rephrase that question one more time. He
8 can't repeat what somebody else said, but if his --

9 MR. B. SHEALEY: Yes, your Honor.

10 BY MR. B. SHEALEY:

11 Q. I'm not -- I'm not asking you to say what they
12 said, but you did come to find out that Dre was domestically
13 abusive to Jackie earlier that week. You learned about that
14 from some neighbors about an incident, correct?

15 MS. JOYNER: We -- we object. That's still hearsay.
16 He's asking him what somebody else told him.

17 THE COURT: I'm going to allow. I'm going to overrule
18 that one.

19 BY MR. B. SHEALEY:

20 Q. You can answer the question, sir.

21 A. Okay. I did have some conversation with the
22 neighbors, but now I do not recall exactly what they -- what
23 they were about. I know they were about the two of them.

24 Q. Okay. So you don't recall about domestic violence
25 from Dre to Jackie?

1 A. I do not, no.

2 Q. Okay. Now you mentioned that India was ultimately
3 found in her mother's bedroom, right?

4 A. Yes, that is correct.

5 Q. But you also recognized that is Dre Williams'
6 bedroom as well, right?

7 A. Yes. There -- that would be her -- the boyfriend?

8 Q. Yes, sir.

9 A. Yes, that is correct. It was their bedroom
10 together.

11 Q. And you understand that he's been following this
12 case as well?

13 A. Yes.

14 MR. B. SHEALEY: Okay. Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 MR. B. SHEALEY: Thank you, sir.

17 THE COURT: Anything?

18 MS. JOYNER: Nothing further, we'd ask that lieutenant
19 be released from this subpoena.

20 THE COURT: Free to go.

21 MR. HARRELSON: Thank you.

22 THE COURT: Thank you for coming.

23 MR. HARRELSON: Yes, sir.

24 MS. JOYNER: Your Honor, may we approach (inaudible)?

25 THE COURT: You may.

1 (Bench conference at 3:50 to 3:51 p.m.)

2 THE COURT: All right. Folks, remember me telling you
3 about getting things streamlined? I encourage the lawyers to
4 keep things moving. And you all seen them talking they're
5 actually -- the lawyers get along fairly well. They don't
6 know each -- I mean, don't really practice together, but they
7 are presenting the case in a very efficient manner. That
8 went a lot quicker than I imagined and than they imagined.
9 So the next witness in there, he'll be here in the morning.
10 Now, they have some other things they need to do as well that
11 I've tasked them to do and they're going to utilize the time
12 this afternoon to get that done, to streamline more for us
13 tomorrow. Again, much to our benefit.

14 So lawyers, I'm going to ask the jury what time you all
15 want to start in the morning is. If they want to come at
16 9:00, can we make that happen?

17 MR. ANTHONY: Yes, your Honor.

18 MR. L. SHEALEY: Yes, sir.

19 THE COURT: All right. You all get the choice. 9:00
20 -- 9:15. No later than 9:30. It's the latest start time. So
21 up be you all. I -- I'm going to be the first to drive. I'm
22 driving an hour and 40 minutes. I'll leave home at 7:00 to
23 start at 9:00, if you all like. The lawyers will be here.
24 They're working on here. Does 9:00 suit? All right. You
25 all be in the jury a few minutes to 9:00. We're going to

1 start at 9:00, just as promptly as we can. You good,
2 everybody? Excellent. All right. See you in the morning
3 9:00. Don't talk about the case.

4 (Jury exits room at 3:53 p.m.)

5 THE COURT: Again, that was very efficient. I'm very
6 -- very pleased with that. Now, I'll be here a few minutes
7 to 9:00, ready to go. Something comes up alert her, you see
8 -- you see her first and then in full record (inaudible),
9 okay?

10 MR. ANTHONY: Thank you, Judge. They can -- if the
11 Defense could go ahead and send us that link, that'd be
12 great.

13 MR. L. SHEALEY: Yeah, I -- I emailed my investigator.
14 I hope he's doing that, but I'll come -- I'll make sure if
15 not, I'll just get it (inaudible).

16 THE COURT: All right. See you all in the morning.

17 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
18 3:54 P.M.)

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CERTIFICATE OF TRANSCRIBER

I, MARY RAGSDALE, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 16 of York County, South Carolina, on October 31, 2023.

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

April 19, 2025.



MARY RAGSDALE

Transcriber

[illegible]

THE STATE OF SOUTH CAROLINA,)
Plaintiff,)
versus)
JACKLEEN E. MULLEN,)
Defendant.)

H E A R I N G
BEFORE THE HONORABLE EUGENE C. GRIFFITH

DATE: November 1-4, 2023.
TIME: 9:13 A.M.
LOCATION: South Carolina Circuit Court 16
TRANSCRIBED BY: Latasha Jefferson

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

1 APPEARANCES:

2 JOHN ANTHONY, ESQUIRE

3 ERIN JOYNER, ESQUIRE

4 16th Circuit Solicitor's Office

5 1675 York Highway

6 York, South Carolina 29745

7 Attorneys for the Plaintiff,

8

9 LUKE SHEALEY, ESQUIRE

10 BRIAN SHEALEY, ESQUIRE

11 JULIA BARRINGTON, ESQUIRE

12 Shealey Law Firm

13 924 Gervais Street

14 Columbia, South Carolina 29201

15 Attorneys for the Defendant.

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24 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL
 25 IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 PROCEEDINGS - NOVEMBER 1, 2023.

2 MR. L. SHEALEY: Why don't we just start with the
3 disagreements. Since...

4 THE COURT: I agree. I've agreed to stuff, I'm good.

5 MS. JOYNER: Right. But we have several points of
6 contentions.

7 THE COURT: All right. Let's go with the contentions.

8 MS. JOYNER: Okay. So if we want to begin with Smith,
9 that would be the...

10 MR. L. SHEALEY: Okay.

11 MS. JOYNER: Okay.

12 MR. L. SHEALEY: You want me to...?

13 MS. JOYNER: Well, I -- I don't know how we should
14 begin, your Honor, if we're not going to start with playing
15 the videos. Do you want...?

16 MR. L. SHEALEY: I think there's some clips that they
17 proposed such as Smith, who's the lead investigator's body
18 cam around the 29 -- 29 second mark. He's basically accusing
19 Jackie, saying, "You want to go to jail for murder." And
20 then later, they -- the other cops said that, "You're full of
21 it," so...

22 MS. JOYNER: We've agreed -- we've agreed on -- on some
23 of those. So it may be helpful if -- if it's okay with the
24 Court, I could just play this off the drive first.

25 THE COURT: Okay.

1 MS. JOYNER: And then the Court will see what's left.

2 THE COURT: Okay.

3 MR. L. SHEALEY: All right. Let's do it that way.

4 MS. JOYNER: And if you could screen share, Madam Court
5 Reporter.

6 THE COURT: I'm seeing it.

7 THE REPORTER: (Inaudible)?

8 MS. JOYNER: Yes, ma'am. Is that...

9 (Video starts playing at 9:15 a.m.)

10 DETECTIVE SMITH: You want to go to jail for murder?

11 MS. MULLEN: No, I don't.

12 DETECTIVE SMITH: Where's the child? She's dead. We
13 know it. Where's your child?

14 MS. MULLEN: My kid is not dead.

15 DETECTIVE SMITH: Where's your child then?

16 MS. JOYNER: My kid is at Cindy's house.

17 DETECTIVE SMITH: You're lying to us. There's dirt in
18 the back of your car, a hair ribbon and a bag -- plastic bag.
19 The card you are playing (inaudible) --

20 MS. MULLEN: I know. My daughter is --

21 DETECTIVE SMITH: -- at Cindy's house.

22 MS. MULLEN: My daughter (inaudible).

23 DETECTIVE SMITH: So you did -- you went to Cindy's
24 house and dropped that child off today?

25 MS. MULLEN: Yes.

1 DETECTIVE SMITH: You have to say now since you're
2 about to go to jail.

3 MS. MULLEN: I dropped her at Cindy's house.

4 DETECTIVE SMITH: She's not at Cindy's house.

5 MS. MULLEN: Ask her where she brought her.

6 DETECTIVE SMITH: Huh?

7 MS. MULLEN: Why don't you ask her where she brought
8 her?

9 DETECTIVE SMITH: Well, you're saying you had your
10 child and you left her with your child?

11 MS. MULLEN: (Inaudible).

12 DETECTIVE SMITH: They're all up there right now
13 looking at her. She's around a bunch of cops standing in the
14 house. They're talking to Cindy. She says no, she's not
15 there.

16 MS. MULLEN: I sent her to Cindy's today. You said you
17 checked the car.

18 DETECTIVE SMITH: The best I can do is see that you
19 drove up to North Carolina, but that made this look like you
20 took your child. If your child just doesn't turn up, it's
21 just a murder case. We don't know where your kid is or how
22 she died.

23 MS. MULLEN: I'm telling you guys, I don't know what
24 the hell you guys are talking about my kid being dead.

25 DETECTIVE SMITH: I've got an 11-year-old.

1 MS. MULLEN: She's perfectly healthy.

2 DETECTIVE SMITH: Let me tell you, I got an
3 11-year-old.

4 MS. MULLEN: I've got two four-year-olds and a
5 two-year-old.

6 DETECTIVE SMITH: Perfect. Do you know where they all
7 are right now?

8 MS. MULLEN: Yes. And I never...

9 DETECTIVE SMITH: Where's your four-year-old daughter?
10 Not at Cindy's house. So are you worried at all?

11 MS. MULLEN: I'm trying to tell you Cindy probably
12 brought her to, like, my aunt's house or something.

13 DETECTIVE SMITH: So you think your child is someplace
14 else?

15 MS. MULLEN: Cindy is with my kid.

16 DETECTIVE SMITH: What did she say when you guys were
17 on the phone?

18 MS. MULLEN: That the police are here. Why the police
19 here -- are here?

20 DETECTIVE SMITH: Well, what's about to happen is Cindy
21 is about to go into handcuffs because we got to take her in
22 and find out who's lying at this point. Because Cindy --
23 there's a four-year-old that is not around. There is a
24 four-year-old that nobody knows where the four-year-old is.
25 You just don't have the child all of a sudden. And as the

1 dad of an 11-year-old, if you told me that my child wasn't at
2 home in her bed right now, I'd be sideways. But you're kind
3 of like, "Ah, she" --

4 MS. MULLEN: I brought India to Cindy and I know she's
5 well.

6 DETECTIVE SMITH: But India is not --

7 MS. MULLEN: She cannot hurt India.

8 DETECTIVE SMITH: She's not with Cindy. I don't know
9 where you think she is. She's not with Cindy. I'm telling
10 you right now.

11 MS. MULLEN: The only thing that I can tell you is
12 maybe she panicked or something and brought her to my aunt or
13 something.

14 DETECTIVE SMITH: Well, how about we go hold your aunt?

15 MS. MULLEN: I don't know if she's doing that. What
16 I'm trying to tell you is that Cindy got India.

17 DETECTIVE SMITH: Cindy does not. India -- India is
18 not with Cindy. Physically she's not there. They've been
19 all through the house. The cops have walked all through the
20 home. There is no child there. There's no four-year-old
21 child there. We have a picture of your daughter. They've
22 looked at the child, walked all through the house. There is
23 no four-year-old child matching the description of your child
24 in that home. She is gone. And you are not that worried
25 about it because you're like, "Oh, Cindy's got her." Cindy

1 is there. Your child is not. Wrap your head around that.

2 MS. MULLEN: How about we find out if Cindy
3 (inaudible)?

4 DETECTIVE SMITH: That's what we asked you. And you --
5 you talked to Cindy and she said, "The police are here."
6 Yeah. Where's your kid? That would be my question. Where
7 is your freaking kid?

8 MS. MULLEN: (Inaudible).

9 DETECTIVE SMITH: They're going to match phone records
10 and show that you're covering up where your kid went. Where
11 is your kid? The truth. Where is your child? If -- if
12 something bad happened, let's -- let's find out. He's had
13 physical (inaudible) keep on crying over here. You
14 (inaudible). And we all know what happened. At least we
15 know unfortunately what has happened. But we got to get
16 there. Did she pass away? She had medical issues.

17 MS. MULLEN: I don't understand.

18 DETECTIVE SMITH: It's not a Hispanic thing at this
19 point. It's police who are about to take a whole bunch of
20 people into custody because you can't find a four-year-old
21 child. You're saying your child is alive. What you're
22 telling me right now is your child is alive. We already had
23 the cops at Cindy. You talked to her on the phone.

24 MS. MULLEN: (Inaudible).

25 DETECTIVE SMITH: You just talked to her on the phone.

1 MS. MULLEN: Probably she put --

2 DETECTIVE SMITH: Who else can take care of your --
3 your four-year-old has some -- has some disabilities, right?
4 Some special needs. Does -- do they have all the stuff they
5 need?

6 MS. MULLEN: (Inaudible) do is Cindy.

7 DETECTIVE SMITH: Right. So it's kind of a problem
8 that Cindy doesn't have your child in there.

9 MS. MULLEN: Cindy (inaudible) phone number.

10 DETECTIVE SMITH: Get that phone number from
11 (inaudible). Send it one more time. Hello. Hey, is that
12 Cindy?

13 MS. TAPIA: Hello. (Inaudible).

14 DETECTIVE SMITH: Okay.

15 MS. MULLEN: (Inaudible) get like in trouble or
16 something.

17 DETECTIVE SMITH: You don't seem very worried about
18 where your child is.

19 MS. MULLEN: I don't think (inaudible).

20 DETECTIVE SMITH: Hey, Cindy, this is Detective Smith.
21 She says that you have her child and you are just afraid
22 you're going to get in trouble. You realize you only get in
23 trouble if you lie to us about having the child, right?
24 Okay. So did you take her child someplace? Did you go hide
25 her child for some reason from the police?

1 MS. TAPIA: I didn't hide the baby.

2 DETECTIVE SMITH: Well, then where's her child?

3 MS. TAPIA: The cops searched everywhere.

4 DETECTIVE SMITH: Where's her -- where's -- these cops
5 weren't there before. Where is her child? Where is her
6 four-year-old? You're under arrest for abandonment. And
7 I'll go with murder after I get to the next step.

8 (Video stops playing at 9:24 a.m.)

9 THE COURT: Where are the contentions?

10 MR. L. SHEALEY: One contention would be in the very
11 beginning when Investigator Smith is saying, "You want to go
12 to jail for murder." Hearsay. It's also improper opinion
13 testimony. It's his opinion that she wants -- his lay
14 opinion that she wants to go to jail for murder.

15 THE COURT: It's a question.

16 MR. L. SHEALEY: He's telling her.

17 THE COURT: It was a question. That again, he said I
18 -- I thought was characterized as a question rather than a
19 statement.

20 MS. JOYNER: It was, your Honor. I can replay it.

21 THE COURT: Play it again. Let's listen to it. Maybe
22 I misheard -- misheard it.

23 (Video starts playing 9:25 a.m.)

24 DETECTIVE SMITH: You want to go to jail for murder?

25 MS. MULLEN: No, I don't.

1 DETECTIVE SMITH: Where's the child?

2 (Video stops playing at 9:25 a.m.)

3 THE COURT: That's -- that's the -- the -- that's it
4 right there?

5 MR. L. SHEALEY: Yes, sir.

6 THE COURT: And so are -- let me hear. Which -- what
7 do you --

8 MR. L. SHEALEY: Well, I think it's -- it's hearsay and
9 I think it violates 701 opinion testimony by lay witnesses.
10 It's his opinion that she wants to go to jail for murder,
11 which is what she's on trial for.

12 THE COURT: It's not like a question. Whether he had
13 the word do -- do -- do you want to go to jail, but you want
14 to go to jail for murder, was how I heard it. The
15 inflection, the voice appeared to be a question to me, so...

16 MR. L. SHEALEY: I accept your ruling, however, I just
17 --

18 THE COURT: I just -- that would be my ruling. What
19 else we got?

20 MR. L. SHEALEY: At around 8:35, again, his opinion,
21 "You don't seem very worried about where your child is." And
22 that's just simply based on his own lay opinion violating
23 701. I think it's improper characterization of her. I don't
24 think it's appropriate in this trial. I mean, it's clearly,
25 she -- the evidence will show that she's lying because they

1 discover where the child is. They know and can prove that
2 the child is -- is not in North Carolina. That the
3 investigator's lay opinion about how she feels and how she
4 seems is not appropriate in this trial.

5 THE COURT: Ms. Joyner, what -- what's say for the
6 State?

7 MS. JOYNER: Your Honor, if we could just play the
8 clip. I'm going to zing back to a little bit before 8:28, to
9 just get the whole context of the statement.

10 (Video starts playing at 9:27 a.m.)

11 DETECTIVE SMITH: You don't seem very worried about
12 where the child is.

13 MS. MULLEN: I don't think (inaudible).

14 DETECTIVE SMITH: Cindy, this is Detective Smith.

15 (Video stops playing at 9:27 a.m.)

16 THE COURT: You -- that -- that's defense argument
17 that's a violation of 701?

18 MR. L. SHEALEY: 70 -- yes, sir.

19 THE COURT: All right.

20 MS. JOYNER: I mean, your Honor, it's -- the officers
21 -- I mean, if the officer's expressing an opinion about what
22 he's observing, I don't think that he's prohibited from
23 having an opinion about what he's observing.

24 THE COURT: I don't think it's a violation of 701. I
25 think the officer is commenting on what he sees right there,

1 I mean...

2 MR. L. SHEALEY: I also think it's a violation of 704
3 because there's an opinion on the ultimate issue in this
4 case.

5 MS. JOYNER: Well, the ultimate issue in the case is
6 whether she murdered her child or whether she killed it with
7 extreme indifference or aided and abetted another. So I
8 don't think it goes to an ultimate issue.

9 MR. L. SHEALEY: The ultimate issue is who killed the
10 child in this case. And that would go to that in implicating
11 her.

12 THE COURT: I disagree with you. I think that's a fair
13 comment by the officer's observation. And it could -- it --
14 it -- it's a -- because -- I don't know because I'm novice to
15 these facts. What if she's covering for the boyfriend? "You
16 don't seem to be worried." Well, she's not worried because
17 she knows something else happened. I -- I don't know. It
18 doesn't appear to me that's the comment on the ultimate issue
19 is his observation of her demeanor. And -- and try -- he's
20 trying to get information from her. So I -- I would allow
21 that. I wouldn't -- I would not suppress that.

22 MR. L. SHEALEY: Yes, sir.

23 THE COURT: What else do we got?

24 MR. L. SHEALEY: That's all on Smith.

25 MS. JOYNER: Your Honor, I did -- and just to be fair

1 to the agreement that Ms. Barrington and I had last night, I
2 did see a couple of places where we might need to nudge the
3 time a little bit back because we had intended to catch an
4 entire statement, and it looked in that copy as if maybe we
5 had missed the mark by a millisecond. So just -- just for
6 the Court's information, we'll be pushing back with a -- a
7 mute that was ending at 52 seconds. I think it just needs to
8 be nudged a little bit and we'll be doing that. I think
9 that...

10 THE COURT: That's your agreement you all?

11 MS. BARRINGTON: Pushing it to 53 or pushing it back to
12 51.

13 MS. JOYNER: I had that it had -- the mute had stopped
14 at 52.

15 MS. BARRINGTON: Uh-huh.

16 MS. JOYNER: And I think it needs to maybe go to 53.

17 MS. BARRINGTON: Okay.

18 MS. JOYNER: Or something close to that. At 7:51 -- we
19 had agreed that we would just take out anything that Cindy
20 said, and I do think at 7:51 we catch a little snippet of --
21 of her voice. It's not substantive. I can try to remove
22 that if the Defense requires or if you're okay.

23 MR. L. SHEALEY: Can just make it clean please.

24 MS. JOYNER: Okay. And I think at -- from maybe 1:04
25 to 1:06, if I could just play that back. I thought I -- on

1 this time listening, I thought I heard something.

2 THE COURT: I'm glad you all are familiar with this
3 because you all are seeing very -- very strict details that I
4 didn't catch. I didn't hear a voice, but you all did, you
5 all listened for it.

6 (Video starts playing at 9:30 a.m.)

7 MS. MULLEN: (Inaudible).

8 DETECTIVE SMITH: So you did -- you went to --

9 MS. MULLEN: (Inaudible).

10 DETECTIVE SMITH: -- Cindy's house and dropped that
11 child off today?

12 MS. MULLEN: (Inaudible). Yes.

13 DETECTIVE SMITH: You have to say now since you're
14 about to go to jail.

15 (Video stops playing at 9:30 a.m.)

16 MS. JOYNER: I think that I should push back the mute
17 was started at 1:08. I think it needs to be pushed back to
18 1:04. So if that's okay with the Defense, I will make that
19 revision. And then I did hear something at 1:00...

20 (Video starts playing at 9:31 a.m.)

21 DETECTIVE SMITH: They're all up there right now
22 looking at her. She's looking at a bunch cops going in the
23 house. They're talking to Cindy. She says no, she's not
24 there.

25 MS. MULLEN: I sent her to Cindy today.

1 (Video stops playing at 9:31 a.m.)

2 MS. JOYNER: Okay. I didn't know if they had an
3 objection to that particular segment or if that could -- it
4 was not part of our discussion yesterday.

5 MS. BARRINGTON: Or where he's saying, "They're all up
6 there asking."

7 MS. JOYNER: Uh-huh.

8 MR. L. SHEALEY: Yeah, we did.

9 MS. JOYNER: Okay.

10 (Video starts playing at 9:32 a.m.)

11 DETECTIVE SMITH: They're all up there right now
12 looking at her. She's looking at a bunch of cops standing in
13 the house. They're talking to Cindy. She says no, she's not
14 there.

15 MS. MULLEN: I sent her to Cindy today.

16 DETECTIVE SMITH: They're all up there right now
17 looking at her. She's looking at a bunch of cops standing in
18 the house. They're talking to Cindy. She says no, she's not
19 there.

20 MS. MULLEN: I sent her to Cindy today.

21 (Video stops playing at 9:32 a.m.)

22 MS. JOYNER: So I believe that would be from 1:50 to 1:
23 55. Is that --

24 MS. BARRINGTON: Maybe 1:57. But I don't --

25 (Video starts playing at 9:32 a.m.)

1 DETECTIVE SMITH: They're talking to Cindy and she says
2 no, she's not there.

3 MS. MULLEN: I sent her to Cindy today.

4 (Video stops playing at 9:33 a.m.)

5 MS. BARRINGTON: Or just that she says no.

6 (Video starts playing at 9:33 a.m.)

7 DETECTIVE SMITH: They're talking to Cindy and she says
8 no, she's not there.

9 MS. MULLEN: I sent her to Cindy today. You said you
10 checked the car.

11 DETECTIVE SMITH: The best I can do is I see that you
12 drove --

13 (Video stops playing at 9:33 a.m.)

14 MS. JOYNER: I'll -- I'll move that to -- I think it's
15 some place between 1:56 and 1:57. And if we could just take
16 a break when we do the redactions just to confirm that.

17 THE COURT: Right now.

18 MS. JOYNER: All right. Your Honor, the second video -
19 - if that -- if that's all the request for this video, I can
20 move on. Okay. The second video is from Detective Beach,
21 and that's fairly short.

22 (Video starts playing at 9:33 a.m.)

23 DETECTIVE BEACH: Well, before I talk about that
24 (inaudible) before I talk to you -- listen, you're not under
25 arrest or anything like that. (Inaudible) but since you are

1 being detained --

2 MS. MULLEN: What do you mean "detained"?

3 DETECTIVE BEACH: Detained means that you have to do
4 what we say at the moment and not go where you -- where you
5 want to go right now. Means you can sit on the -- on the --
6 on the bench at the moment. Again, you're not under arrest,
7 nothing like that. But I just want to understand you have --
8 you do have rights. You have the right to remain silent.
9 Okay? Anything you say can be used against you in a court of
10 law. You have the right to have an attorney present. If you
11 cannot afford an attorney, one will be appointed for you.
12 Any questions you desire?

13 MS. MULLEN: (Inaudible).

14 DETECTIVE BEACH: No -- no. You can (inaudible)
15 exercise these rights, not answer any questions. Make any
16 statements. Okay? This does not mean you're under arrest
17 like I told you. You -- you're not under arrest. Okay?
18 Because I want to make sure that you completely understand
19 (inaudible), okay? I don't know what your relationship with
20 Mr. Martin Antonio is. You only call back in a second.
21 Okay? Cool. All right. I'll cut it.

22 MS. MULLEN: (Inaudible).

23 DETECTIVE SMITH: We just -- we just passed our -- the
24 whole relationship with -- start with relationship
25 (inaudible).

1 DETECTIVE BEACH: (Inaudible) get that part yet.

2 MS. MULLEN: (Inaudible). Yeah.

3 DETECTIVE BEACH: (Inaudible) something else?

4 MS. MULLEN: (Inaudible) off.

5 DETECTIVE BEACH: You -- you drove the child up for
6 yourself?

7 MS. MULLEN: Yeah.

8 DETECTIVE BEACH: Okay. We need to run the license
9 plate off that and see if the license plate reader did it
10 going up to North Carolina. If the license plate reader pick
11 it up going up there, then cool, that at least makes it look
12 like you're telling truth.

13 MS. MULLEN: Well, yeah.

14 DETECTIVE BEACH: But the plate readers don't come
15 back, but then now we're like, wait a minute, why is -- why
16 is it you're saying that you...?

17 MS. MULLEN: Because I did that.

18 DETECTIVE BEACH: Yeah.

19 MS. MULLEN: What happened to you?

20 DETECTIVE BEACH: (Inaudible) because I don't know how
21 they got there. If you going to say no, somebody else
22 (inaudible).

23 MS. MULLEN: (Inaudible).

24 DETECTIVE BEACH: That's one step. But aren't you
25 concerned about where your child is?

1 MS. MULLEN: I mean, she's -- she's -- my aunt freaked
2 out because --

3 DETECTIVE BEACH: Have you tried to call your aunt?

4 MS. MULLEN: Yeah, she didn't answer the phone.

5 DETECTIVE BEACH: Okay, where's your phone?

6 MS. MULLEN: I don't have it. I put it on (inaudible).

7 DETECTIVE BEACH: Okay. Well, that makes sense. Did
8 you try to get the aunt on the phone with her talking and see
9 if maybe when she talks to the aunt (inaudible) I -- she just
10 thinks we're trying to trick her or something. But truly at
11 this point, we just want to know where the child is. One of
12 two. Either the baby is there and she lied or the baby is
13 not there and she lied.

14 MS. MULLEN: She thinks she's in trouble.

15 DETECTIVE BEACH: Well, we really at this -- I'm
16 telling you right now, two detectives in front of you right
17 now.

18 MS. MULLEN: My aunt -- my aunt is not in trouble.

19 DETECTIVE BEACH: Listen to me. Two detectives
20 standing in front of you right now having body cameras
21 running. Swear to God, if we know that the child is okay,
22 safe, and somebody physically sees her, we are all done and
23 we're leaving and we'll find out why this guy told us today
24 that she's dead. That's our next problem. We don't care
25 about this. We just want to know that that child is okay

1 then we're done with you guys. 100 percent that is -- that
2 is -- I promise you. And we're not allowed to make promises.

3 MS. MULLEN: (Inaudible).

4 DETECTIVE BEACH: (Inaudible).

5 DETECTIVE SMITH: We need to know the kid is okay.

6 Either that -- unless -- either the kid is okay or something
7 happened, and you all panicked. If something happened, you
8 all panicked, be honest and just tell us what's going on,
9 okay?

10 DETECTIVE BEACH: If the child -- if your child -- the
11 child -- child is not died -- your child is not dead
12 (inaudible) child is dead.

13 MS. MULLEN: (Inaudible) anyway.

14 DETECTIVE BEACH: Well, what's -- what's your aunt's
15 phone number? Do you have that?

16 MS. MULLEN: (Inaudible).

17 DETECTIVE BEACH: Okay. Hang on a second. Let me
18 check off my phone.

19 MS. MULLEN: That's all I know. That's why I need to
20 go check the number on my phone.

21 DETECTIVE BEACH: Okay. Until you find your phone
22 then.

23 DETECTIVE SMITH: Where's...

24 MS. MULLEN: The cop with the -- has her number.

25 DETECTIVE BEACH: I know, and that cop had to go to

1 another call. Hey, someone got to ask this number. You got
2 it? Okay. Where -- where are shoes your at?

3 MS. MULLEN: She (inaudible). Okay. All right? I
4 (inaudible).

5 DETECTIVE BEACH: Okay. Well, your hand (inaudible)
6 give me the phone number right now. Where are your shoes?
7 Are they in right inside the door?

8 MS. MULLEN: No.

9 DETECTIVE BEACH: Okay.

10 MS. MULLEN: And I need to get my bra.

11 DETECTIVE BEACH: Okay. Well, hang out -- hang out for
12 --

13 MS. MULLEN: My titties are just flapping around like
14 they're just happy to see everybody.

15 DETECTIVE BEACH: As soon as we can get in touch with
16 her -- if you can convince her to tell us the truth in the
17 FaceTime, I need you to ask her to FaceTime you, okay? And
18 show me the child up there.

19 MS. MULLEN: What are you talking about?

20 DETECTIVE BEACH: Let me check it. Okay. Just give us
21 -- give me a second. 704 -- 704-254-5428. And Cindy is her
22 name?

23 MS. MULLEN: Yes.

24 DETECTIVE BEACH: Maybe once she talks to you,
25 (inaudible) your phone. Okay. You want to say anything?

1 DETECTIVE SMITH: Great.

2 DETECTIVE BEACH: Hey, Cindy, this is Matt -- this is
3 Matt Beach. I'm a detective with Rock Hill Police
4 Department. You just got the phone with the York County guy.
5 I was there as well. I've got Jackie here with me, okay?

6 MS. TAPIA: Okay.

7 DETECTIVE BEACH: She's telling us -- she told us about
8 dropping the child off and everything earlier. She's here
9 right now. You know what I'm saying?

10 MS. MULLEN: Hey, Cindy. They -- they're --

11 MS. TAPIA: Hello.

12 MS. MULLEN: I didn't have any choice. I just
13 (inaudible) they didn't have any choice. She's is not there.
14 (Inaudible).

15 DETECTIVE BEACH: Yeah, that's what -- that's what we
16 part of.

17 DETECTIVE SMITH: Cindy.

18 MS. MULLEN: She said she is not there.

19 MS. WILLIAMS: Jackie, what's going on? Jackie, just
20 tell the truth, baby.

21 DETECTIVE BEACH: Okay.

22 MS. WILLIAMS: Get back in here. Jackie -- Jackie,
23 where is India?

24 MS. MULLEN: I told you where India is.

25 MS. WILLIAMS: Where is she at?

1 MS. MULLEN: I know Cindy is saying that she is not
2 there.

3 MS. WILLIAMS: Jackie, where is your baby? Where is
4 your baby at?

5 (Video stops playing at 9:43 a.m.)

6 MS. JOYNER: Your Honor, I'll tell you that with my --
7 with our agreement last night, we were trying to again, keep
8 Cindy's voice out and I did notice a couple of timestamps
9 that will need to be adjusted slightly in the area of seven
10 minutes, 55 seconds. 8:05, 8:08, 8:09, and 8:36 to 8:38, and
11 like moving out the time stamp of 9:01 just a little bit
12 further. And I think that will take care of those little
13 kind of snippets that were not intended to be part of the
14 video, but we didn't want to make any other redactions since
15 we were going to be debating this, so...

16 MR. L. SHEALEY: Okay. I think the easiest place to
17 start is just the last bit where I think it's Mr. Williams'
18 mom saying, "Jackie, where's your baby? Just tell him where"
19 --

20 THE COURT: The lady walked up.

21 MR. L. SHEALEY: Right. I think she's a witness who's
22 probably going to be testifying. It's hearsay. It violates
23 her right to confrontation. I -- my understanding was that
24 was going to come out, so I would like it to come out.

25 MS. JOYNER: No, I mean, we -- we had acquiesced in the

1 latter part of the request that in the email about the
2 further statements of the Williams family to themselves --
3 amongst themselves expressing concern, which is why the video
4 ended where it was. But I don't think we have an issue with
5 the fact that there is a person on the scene asking the
6 defendant a question and she's replying back to that
7 question. It's a -- it's a question. "Where's your baby?"
8 "I told you where my baby was. She's at Aunt Cindy's house."

9 MR. L. SHEALEY: She is not law enforcement. She's a
10 witness who I expect will testify. So that could -- if she
11 doesn't recall, that could be used to refresh her memory
12 perhaps when she takes the stand. But it wouldn't be
13 appropriate to come through Officer Beach.

14 MS. JOYNER: But I mean, it's -- it's not hearsay.
15 She's not making a statement of fact. She's asking a
16 question. So she's not saying something for the truth of the
17 matter asserted. She's posing a question to Ms. Mullen and
18 Ms. Mullen is replying back. Ms. Mullen -- you know, her
19 statements made in response to the questioning on scene --
20 you know, come in. They are statements. They are statements
21 by a party opponent. We're offering those statements.

22 THE COURT: Do you plan on calling this lady?

23 MS. JOYNER: I'm sorry?

24 THE COURT: Do you plan on calling the lady as a
25 witness?

1 MS. JOYNER: We do, your Honor.

2 MR. L. SHEALEY: That will violate confrontation until
3 she's called.

4 MS. JOYNER: I -- I don't think that's...

5 THE COURT: It's not hearsay. It's just a question.

6 MR. L. SHEALEY: Confrontation is different analysis
7 than hearsay. And, your Honor, the statement is by Ms.
8 Benetta Williams. "You need to tell the truth." All right.
9 That's the statement. It's not a question. So that's --
10 that's the issue there. "You need to tell the truth."

11 THE COURT: I think that can come out without much.
12 She's not a law enforcement officer, and that concerns me.
13 She's coming up there. I had a similar issue with this in
14 another trial where the -- a family member was injected
15 trying to get someone -- actually, Tim Jones case where the
16 babies -- it went over and over in an interview and I think
17 it's easier to not have that statement in there. It keeps it
18 clean. You call her as a witness and ask her questions. But
19 bringing it in through the body cam I think is -- it troubles
20 me. So I would -- I would like to -- when she walks up and
21 starts talking, I think that should go away.

22 MS. JOYNER: Okay.

23 MR. L. SHEALEY: Okay.

24 MS. JOYNER: Let -- let me pull up for the timestamp,
25 your Honor.

1 MR. L. SHEALEY: Your Honor, appears the Williams are
2 in the courtroom right now. That's going to be an issue that
3 needs to be handled by the solicitor's office.

4 MS. BARRINGTON: Oh, they're not supposed to be
5 (inaudible) to come in.

6 MR. L. SHEALEY: They told you all to come in.

7 MS. BARRINGTON: Who -- who?

8 THE COURT: Who is who?

9 MR. L. SHEALEY: Yeah. Well I didn't know until we
10 just --

11 MS. JOYNER: No, well you didn't -- I did not realize
12 they were in the courtroom, your Honor.

13 THE COURT: Yeah.

14 MS. JOYNER: I apologize.

15 MR. L. SHEALEY: Yeah.

16 MS. JOYNER: They just walked in, your Honor. Just --
17 no.

18 MR. L. SHEALEY: Okay. All right. So that's that one.

19 MR. B. SHEALEY: Oh, she's here right now do you want
20 --

21 MS. JOYNER: Timestamps.

22 (Video starts playing at 9:47 a.m.)

23 MS. MULLEN: I didn't have any choice. I just
24 (inaudible) they didn't have any choice. She's is not there.
25 (Inaudible).

1 DETECTIVE BEACH: Yeah, that's what -- that's what we
2 part of.

3 DETECTIVE SMITH: Cindy.

4 MS. MULLEN: She said she is not there.

5 (Video stops playing at 9:48 a.m.)

6 MS. JOYNER: So I think that would be 9:05, is -- do
7 you agree?

8 MR. L. SHEALEY: I believe so.

9 THE COURT: I could hear the female voice saying
10 "Cindy" and then it was going to -- she's approaching
11 starting the conversation there.

12 MR. L. SHEALEY: They were making that on record?

13 MS. JOYNER: Well, it's -- we want to make sure that we
14 get Ms. Mullen does make a statement to she turns and says
15 she says she's not there, so...

16 (Video starts playing 9:49 a.m.)

17 MS. MULLEN: She said she's is not there. (Inaudible).

18 MS. WILLIAMS: Jackie.

19 (Video stops playing 9:49 a.m.)

20 MS. JOYNER: If we stop at right at 9:05.

21 THE COURT: Yeah.

22 MS. JOYNER: It'll stop before. Okay.

23 THE COURT: Okay.

24 MR. L. SHEALEY: All right. Just kind of going in
25 reverse order here. That there's a statement at -- when

1 Jackie when she's looking for shoes and things like that at
2 6:36 where she says she's wanting to get a bra because "My
3 titties are just flapping like they're four-year see
4 everybody." I mean, it's -- it's irrelevant it's 403. I
5 mean, we don't need the jury to get funky about Jackie
6 because her some weird sexual expression about bras and
7 titties.

8 THE COURT: Do you want -- you kind of cuts both ways.
9 Do you want her as she appears or you want her to concern
10 about her appearance? I mean, I don't care how you argue,
11 but I'm okay expressing it, but --

12 MS. JOYNER: I do have -- I think, your Honor, I do
13 think it's just relevant though. And I -- and I would like
14 to be heard on why.

15 THE COURT: Okay.

16 MS. JOYNER: That -- that statement is relevant. If I
17 could go back to the time and I think from your email, it's
18 6:05.

19 THE COURT: Make sure the jury can walk around so
20 they're not locked back there. Stretch their legs. I did
21 not mean to hold them hostage for 50 minutes.

22 (Video starts playing at 9:50 a.m.)

23 DETECTIVE BEACH: Someone got to ask this number. You
24 got it? Okay. Where -- where are shoes your at?

25 MS. MULLEN: (Inaudible) my bay. Okay. All right? I

1 (inaudible).

2 DETECTIVE BEACH: Okay. Well, your hand (inaudible)
3 give me the phone number right now. Where are your shoes?
4 Are they in right inside the door?

5 MS. MULLEN: No.

6 DETECTIVE BEACH: Okay.

7 MS. MULLEN: And I need to get my bra.

8 DETECTIVE BEACH: Okay. Well, hang out -- hang out for
9 --

10 MS. MULLEN: My titties are just flapping around like
11 they're just happy to see everybody.

12 (Video stops playing at 9:51 a.m.)

13 THE COURT: All right.

14 MS. JOYNER: Your Honor, so what I'm looking at though
15 is perhaps not titties the flapping around, but everything
16 that comes before it, we believe should come in. The fact
17 that she's trying to get back into the house that she's
18 making excuse -- my argument would be excuses to get back
19 into the house. Because at this point, she's outside the
20 house. She knows they're inside searching. She's trying to
21 get back up the stairs and she's coming up with reasons that
22 she needs to go back up the stairs. So if it is just "My
23 titties are flapping around like they're happy to see
24 someone," then I think that could be extracted out without
25 the remainder of that conversation.

1 MR. L. SHEALEY: That's all I'm -- that's all I'm
2 asking for. And this could be a great transcript.

3 MS. JOYNER: Okay. So --

4 THE COURT: She wants to get back inside to get her
5 shoes and under clothes is fine. And then not --

6 MS. JOYNER: And just put bra.

7 THE COURT: Because they pulled her out.

8 MS. JOYNER: Okay.

9 THE COURT: Let's step outside and talk. She didn't go
10 out there and was in the neighborhood. She was placed
11 outside for questioning and whatever they -- they're doing
12 interviewing her, she -- she wasn't over. She was at home.
13 They're there. They moved her outside. She wasn't prepared
14 to go somewhere from what I can tell, like put on shoes, I'm
15 going to the store.

16 MS. JOYNER: Right. So the -- but the Court -- you're
17 -- the -- the just striking the -- the titties. Okay. Let
18 me get to that timestamp, your Honor.

19 (Video starts playing 9:52 a.m.)

20 DETECTIVE BEACH: Hang out -- hang out here for --

21 MS. MULLEN: My titties are just flapping around like
22 they are just happy to see everybody.

23 (Video stops playing 9:52 a.m.)

24 THE COURT: How about stop at hang out here.

25 MS. JOYNER: Sir?

1 THE COURT: Hang out here.

2 MS. JOYNER: Okay. Yes, sir. So 6:36 to 6:44.

3 MR. L. SHEALEY: And this last one I had was around
4 3:37 where he asked, "Aren't you concerned about where your
5 child is?" Again, I think it's improper opinion, and now
6 it's cumulative to the questions by Smith on the prior video.
7 So that would be my objection to that portion.

8 THE COURT: Let me see it real quick.

9 (Video starts playing at 9:53 a.m.)

10 MS. MULLEN: (Inaudible) off.

11 DETECTIVE BEACH: You -- you drove the child up for
12 yourself?

13 MS. MULLEN: Yeah.

14 DETECTIVE BEACH: Okay. We need to run the license
15 plate off that and see if the license plate reader did it
16 going up to North Carolina. If the license plate reader pick
17 it up going up there, then cool that at least make it look
18 like you're telling truth.

19 MS. MULLEN: Well, yeah.

20 DETECTIVE BEACH: But the plate readers don't come
21 back, but then now we're like, wait a minute, why is -- why
22 is it you're saying that you --

23 MS. MULLEN: Because I did that.

24 DETECTIVE BEACH: Yeah.

25 MS. MULLEN: What happened to you?

1 (Video stops playing at 9:53 a.m.)

2 MS. JOYNER: I'm going to go back a little further,
3 your Honor, because I think I might have --

4 (Video starts playing 9:53 a.m.)

5 MS. MULLEN: (Inaudible) off.

6 DETECTIVE BEACH: You -- you drove the child up for
7 yourself?

8 MS. MULLEN: Yeah.

9 DETECTIVE BEACH: Okay. We need to run the license
10 plate off that and see if the license plate reader did it
11 going up to North Carolina. If the license plate reader pick
12 it up going up there then cool that at least make it look
13 like you're telling truth.

14 MS. MULLEN: Well, yeah.

15 DETECTIVE BEACH: But the plate readers don't come
16 back, but then now we're like, wait a minute, why is -- why
17 is it you're saying that you --

18 MS. MULLEN: Because I did that.

19 DETECTIVE BEACH: Yeah.

20 MS. MULLEN: What happened to you?

21 DETECTIVE SMITH: (Inaudible) because I don't know how
22 they got there. You're going to say no, somebody else said
23 (inaudible) --

24 MS. MULLEN: (Inaudible).

25 DETECTIVE SMITH: That's one step. But aren't you

1 concerned where your child is?

2 (Video stops playing 9:55 a.m.)

3 THE COURT: What am I looking for? This is just
4 talking about the car.

5 MS. JOYNER: It's just right there then. 3:58 "Aren't
6 you concerned about where your child is?" And I think it's
7 just a question, your Honor. He's -- she's missing at this
8 point they haven't found her body and he's asking her,
9 "Aren't you concerned about where she could be?"

10 MR. L. SHEALEY: I -- again, I think it's cumulative.
11 I've already made my objection.

12 THE COURT: All right. I -- I -- I'm going to allow
13 that one. What else you got?

14 MR. L. SHEALEY: That's it for that portion.

15 THE COURT: Okay.

16 MS. JOYNER: And those are the only two in dispute.
17 And just place on the record that there's three other clips
18 that will be entered two from Lieutenant Johnson in one in
19 the interview room that there is no objection to.

20 MR. L. SHEALEY: That's correct.

21 THE COURT: Anything else?

22 MS. JOYNER: No, your Honor. Procedurally I could -- I
23 need to -- to -- to have our IT department do this. We have
24 one witness that could go ahead, but it'd be a very short
25 witness. And then the jury, I know they're waiting, but they

1 would be left to go back and take a break again in order for
2 us to get the videos done. So I'm not sure how you want.

3 THE COURT: You can work on that, but we've been in
4 here an hour.

5 MS. JOYNER: Yes, sir.

6 THE COURT: So we could use a break. It's just
7 frustrating. Let the jury step outside the room. Because
8 now I need a break. But please just -- we let them know that
9 we've been in here working. I don't want them to think that
10 we've been goofing off. That -- that's always my concern.
11 Because they don't know and they generally just blame the
12 judge. So for the record, we've been working hard.

13 MS. JOYNER: Yes.

14 THE COURT: All right. Then you start working on that.

15 MS. JOYNER: Yes, sir.

16 THE COURT: We'll stand down till -- the clock is
17 actually right right now. Unless my watch is both wrong with
18 -- same as clock. I'm looking at my watch.

19 MS. BARRINGTON: Oh, so that one.

20 THE COURT: Right. I am too. That's why I'm holding
21 it up. Yeah. Okay. Let's stand up for 10 minutes.

22 MS. JOYNER: Maybe -- can I have about 15 just to get
23 upstairs and talk with them? Okay. Thank you. And I'm not
24 sure though how long it will take to burn the -- the -- the
25 discs and whatnot. So I might have to check in and ask for a

1 couple of more minutes, your Honor.

2 THE COURT: All right.

3 MS. JOYNER: And that we've provided -- and we're
4 getting ready to show the Defense the second one that we've
5 provided.

6 THE COURT: Uh-huh.

7 MS. JOYNER: And we still need to have our officers
8 watch it to be able to authenticate it. So I -- I apologize
9 to the Court if we could have just a couple of more minutes
10 to -- to get -- for them to review this redaction and confirm
11 that it is correct.

12 THE COURT: I mean, you got to do it, so...

13 MS. JOYNER: Thank you, sir.

14 MR. L. SHEALEY: One of the alternates?

15 THE COURT: No, I'm going to make them both pay
16 attention.

17 MR. L. SHEALEY: Okay.

18 THE COURT: They can find out which -- the way they get
19 selected later, they're both subject to -- now we may lose
20 another juror from boredom. I thought you reading. Whose
21 are those?

22 MR. L. SHEALEY: For the expert.

23 THE COURT: Oh, (inaudible) I -- I can read about every
24 10th word or so.

25 MR. L. SHEALEY: You know, they say about doctors in

1 writing.

2 THE COURT: I -- I mean, I don't mind sharing a page or
3 two with Mr. Anthony so he can see that. I don't know how
4 useful they would be to anybody but the author, but you all
5 can't read them.

6 MR. L. SHEALEY: Well, I haven't really had enough time
7 to try.

8 THE COURT: It is very difficult. How many -- I quit
9 after about the second page. How many pages of that is it?

10 MR. L. SHEALEY: Whatever you got is what she sent,
11 your Honor.

12 THE COURT: It might be the worst handwriting of a
13 female I've ever seen. My daughter has bad handwriting. She
14 -- she's in the -- she's in the top five of my roster of bad
15 handwriting.

16 (Off the record at 10:52 a.m.)

17 (On the record at 11:05 a.m.)

18 MS. JOYNER: Go ahead and call Lieutenant Joe Johnson.

19 (Jury enters the room at 11:06 a.m.)

20 THE COURT: All right. Folks, I humbly apologize for
21 the delay. We had some issues to deal with, then we had
22 technical issues, and the technical issues led into more
23 technical issues and we got place stuff on the screen. So
24 one's in front of you all as well as these are all connected
25 together, and for whatever reason, they were hard to get --

1 you know, synchronized.

2 Now, one of our jurors called in this morning with a
3 fever, so he's no longer with us. So the alternates, we'll
4 tell you all later which one of you all gets to come in. It
5 may be that both of you get to come in, but you all got to
6 listen just like everybody else. One of you'll be part of
7 the jury.

8 Now, I worry for you all. There were some news
9 articles out there. Did anyone -- if you did, raise your
10 hand, see or read (inaudible)? Anybody see the news articles
11 that were published in the -- I guess, this morning's paper
12 from yesterday? Anybody see those? I did not, but I don't
13 live here in Rock Hill. Nobody saw those? Anybody hear a
14 news report on the television?

15 MR. L. SHEALEY: I heard it was in the newspaper.

16 THE COURT: That -- that's about the extent of my --
17 I've heard it's in the newspaper, but I've not perused it.

18 MR. L. SHEALEY: It was just a general thing on the way
19 out on the radio that (inaudible).

20 THE COURT: Now can I ask you, would that influence
21 your decision? Hearing you've only heard two witnesses, just
22 the news account saying there was a trial going on and you
23 got firsthand and a front row seat. No, actually second row
24 seat. All right. Any question about that for you?

25 MR. L. SHEALEY: No, it was just general article

1 (inaudible).

2 THE COURT: Because -- you know, I told you all
3 yesterday, I want you all to understand that what you all
4 need to decide in case you'll getting in here firsthand front
5 row and not what a news -- the reporters were sitting in the
6 very back, I'm not sure we got in here today. Might not. We
7 had a crowd here yesterday, and it must be news elsewhere.
8 So they report what they want. Just understand this, I -- I
9 have been reported in the paper before and they mentioned it
10 was another judge. It was Judge Addie, and I was the one
11 presiding over the case. I had an issue I had to explain
12 away yesterday to someone else that -- of a -- part of my
13 reelection process where a guy got sentenced in Greenwood and
14 he was unhappy about it. So he was doing something about it,
15 and somehow I got involved, but I wasn't the sentencing
16 judge. I wasn't even in court that week in that county, but
17 he named me because I'm a judge.

18 So anyway, everything you hear is not always true, but
19 what you see and hear is from -- what you all going do -- use
20 to evaluate this case, and that's what I want you all to know
21 is very -- very important. So we're missing one, Mr. -- I
22 believe it was Mr. Loser, is 138. He's not here. So we'll
23 bring in one of the alternates at the end. Again, I
24 apologize for the delay. Was there anything else I need to
25 deal with the jurors?

1 MS. JOYNER: Not from the State, your Honor.

2 MR. L. SHEALEY: No, sir.

3 THE COURT: All right. Call your witness.

4 MS. JOYNER: Thank you, your Honor. The State calls
5 Lieutenant Joe Johnson to the stand. You will step forward
6 and be sworn.

7 LIEUTENANT JOE JOHNSON,
8 being duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. JOYNER:

11 Q. Lieutenant Johnson, can you please state your full
12 name for the record?

13 A. Joe Johnson.

14 Q. How are you employed, sir?

15 A. I'm employed with the Rock Hill Police Department.

16 Q. And what is your current -- what are your current
17 job duties at the police department?

18 A. Currently I'm the lieutenant over our community
19 engagement division.

20 Q. What -- and what does that mean?

21 A. Basically, we handle a lot of issues with the
22 homeless. We deal with business license issues. We -- we go
23 to a lot of community events, that type of thing.

24 Q. How long have you been with the Rock Hill Police
25 Department?

1 A. This is coming up on 30 years.

2 Q. And have you always had that same job that you
3 hold now?

4 A. No.

5 Q. What -- what kind of different types of jobs have
6 you held with the police department in that 30 years?

7 A. Oh, I started out on patrol. I was a shift
8 investigator where I basically handled a lot of general
9 sessions cases, cases that you all are in now. I left there,
10 went to work undercover as a narcotics agent. I left there,
11 went to the detective division, worked at property crimes.
12 From there, I went -- became training sergeant for the
13 department. And from there, I became lieutenant over patrol
14 -- well, one of a patrol shift.

15 Q. Okay. So going back to May 26, 2020, you were
16 employed by the Rock Hill Police Department?

17 A. Yes.

18 Q. In what capacity were you employed at that time?

19 A. Patrol lieutenant.

20 Q. And what does a patrol lieutenant do?

21 A. Basically you have a team of guys roughly about
22 16, 17 guys or girls. You respond to the calls that they go
23 to, anything major you're in -- you're in charge of taking
24 command of that scene and running that scene.

25 Q. So going back to May 26, 2020, were you on shift

1 that day?

2 A. Yes.

3 Q. And that evening or into the early morning of May
4 27, 2020, did you become involved in an investigation into
5 India M. [REDACTED], a four-year-old who was missing?

6 A. Yes.

7 Q. And do you recall how you became involved in the
8 investigation?

9 A. We had gotten information from the sheriff's
10 Office to meet them with someone that had information about
11 the child.

12 Q. Do you recall where that meeting took place?

13 A. We met them on -- at Freedom Park in city limits
14 of Rock Hill.

15 Q. Do you recall who that individual was that they
16 had, that you were -- that Rock Hill needed to meet with?

17 A. I believe his name was Antonio.

18 Q. And what relationship was he to India M. [REDACTED] ?

19 A. I think he was the father.

20 Q. Okay. And did you in fact go to Freedom Park?

21 A. Yes.

22 Q. And following Freedom Park, did you then go to 520
23 Gentle Breeze Lane?

24 A. Yes.

25 Q. Is that an address that's within York County?

1 A. It's in the city limits of Rock Hill.

2 Q. Okay. Now, when you arrived at Gentle Breeze
3 Lane, is that a residence?

4 A. Yes.

5 Q. Do you recall kind of the general setup of Gentle
6 Breeze Lane?

7 A. It looks like a -- it was a two-story home. The
8 driveway was to the right and the garage was to the right and
9 the front door was in the center.

10 Q. Did you go to the front door of the residence?

11 A. Yes.

12 Q. Okay. And did you meet with the -- some of the
13 occupants of the residence?

14 A. Yes.

15 Q. How'd you come in contact with them?

16 A. We knocked on the door, took a few minutes for
17 them to answer the door, and that's how we came in contact
18 with them.

19 Q. Do you recall what time of day or night it was
20 that you knocked on the door?

21 A. It was approximately 10:55, at night.

22 Q. Okay. And so it -- would it be uncommon for it to
23 take a little bit for people to come to the door at that time
24 of night?

25 A. Sometimes.

1 Q. Okay. Now when the door -- were -- were you at
2 personally at the door?

3 A. Yes.

4 Q. What -- was there anybody there with you?

5 A. There was a deputy there with me.

6 Q. Okay. And do you remember who answered the door?

7 A. I believe it was the female owner of the home.

8 Q. Okay. Was that an older adult woman?

9 A. Older -- that lady.

10 Q. And did anybody else come to the door?

11 A. Yes, it was her daughter and Ms. Mullen.

12 Q. Okay. And by Ms. Mullen, you're referring to the
13 Defendant in this case?

14 A. Yes.

15 Q. Okay. And when you were at the front door, did
16 you speak with Ms. Mullen about why you were there?

17 A. Yes.

18 Q. And did you ask her questions about where India M.
19 [REDACTED] was?

20 A. Yes.

21 Q. And do you recall what information she provided to
22 you?

23 A. She stated that she was with the grandmother in
24 Monroe, North Carolina.

25 Q. Okay. Now at some point, there -- is it correct

1 there's a protective sweep of the residence?

2 A. Yes.

3 Q. Did you participate in that protective sweep?

4 A. Yes.

5 Q. And now, during that protective sweep, to your
6 knowledge, did anybody locate **India M. [REDACTED]**?

7 A. No.

8 Q. Okay. Now, at some point after that first initial
9 contact with Ms. Mullen, did you have any additional contact
10 with her were you able to ask her questions about where India
11 was?

12 A. Yes.

13 Q. And where did that occur?

14 A. That occurred out in front of the garage.
15 Outside.

16 Q. Were there any other officers present for that
17 interaction?

18 A. Yes.

19 Q. And what was the nature of what Ms. Mullen told
20 you about where **India M. [REDACTED]** was?

21 A. I believe she stated that India was in Monroe with
22 her aunt, Cindy.

23 Q. Now did -- when she provided that information
24 about the child, India supposedly being in Monroe, did you
25 provide that information to other officers on the scene?

1 A. Yes.

2 Q. Okay. Now, were you -- did -- were you still
3 present on the scene when officers attempted to verify
4 Ms. Mullen's statements that the child was in Monroe?

5 A. Yes.

6 Q. Okay. And were you present on the scene when
7 Detective Smith obtained consent to search the residence?

8 A. Yes.

9 Q. Okay. What role, if any, did you take in that
10 consent search of the residence?

11 A. I was just basically supervising my team of
12 officers with that, and just basically making sure everybody
13 was in place where they needed to be.

14 Q. Were you present, or just physically present on
15 the scene at 520 Gentle Breeze when Detective Smith placed
16 Jackleen Mullen under arrest?

17 A. Yes.

18 Q. Okay. And did you remain at 520 Gentle Breeze
19 Lane through the conclusion of the law enforcement's
20 investigation that night?

21 A. I left at a certain point.

22 Q. Okay. At any point after you left, did you return
23 back to the scene?

24 A. Yes.

25 Q. And what was the reason that you had returned back

1 to the scene?

2 A. Basically to come back to make sure everything was
3 fine, to see where they located the child.

4 Q. To say -- I'm sorry. Say what?

5 A. To see where they located the child.

6 Q. So you returned back after they located India?

7 A. Yes.

8 Q. Okay. Lieutenant Johnson, I'm going to show you
9 what's first been marked as State's Exhibit 17. I ask you to
10 take a look at that.

11 A. Okay.

12 Q. Do you recognize State's Exhibit 17?

13 A. Yes.

14 Q. And what is State's Exhibit 17?

15 A. That's when I arrived at the door.

16 Q. Is that a -- a portion of your body camera?

17 A. That's correct.

18 Q. Okay. And does it truthfully and accurately --
19 this video truthfully and accurately reflect that portion of
20 your body camera when you arrived at the door?

21 A. Yes.

22 Q. To speak with Ms. Mullen?

23 A. Yes.

24 MS. JOYNER: Your Honor, we'd move State's Exhibit 17
25 into evidence.

1 MS. BARRINGTON: Without objection.

2 THE COURT: Without objection, State's 17 is in.

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

4 MS. JOYNER: Thank you, your Honor.

5 BY MS. JOYNER:

6 Q. Showing you what's been marked as State's Exhibit

7 18. Do you recognize State's Exhibit 8?

8 A. Yes.

9 Q. And what do you recognize that exhibit as?

10 A. This is my body cam footage of my conversation
11 with Ms. Mullen.

12 Q. Was that the conversation in front of the garage?

13 A. Yes.

14 Q. Okay. Did you have an opportunity to review this
15 prior to trial?

16 A. Yes.

17 Q. As well as review of 17 prior to trial?

18 A. Yes.

19 Q. Okay. Does -- does State's Exhibit 18 truthfully
20 and accurately reflect that segment of time that you were
21 speaking with Ms. Mullen in the -- in the driveway in front
22 of the garage?

23 A. Yes.

24 MS. JOYNER: Your Honor, we move to take Exhibit 18
25 into evidence.

1 MS. BARRINGTON: Without objection.

2 THE COURT: Without objection.

3 (State's Exhibit Number 18 admitted into evidence.)

4 MS. JOYNER: At this time, we intend to first publish
5 to the jury State's Exhibit 17.

6 THE COURT: Okay. Let me tell the jury part of what
7 you got there just so they understand. These are body-cam
8 videos, if they've been identified and admitted, part of what
9 we were doing this morning was reviewing them and some of the
10 statements aren't relevant to the trial. Those statements
11 have been redacted or muted. So some by agreement, some by
12 court's ruling. You all get to play the -- or hear and see
13 the relevant portions. Just so you know, if it go silent for
14 a moment, that's what it was -- a irrelevant portion of that
15 video and audio. So for you all's review, these have been
16 redacted and the officers identified them and the state will
17 present them.

18 MS. JOYNER: Thank you, your Honor. Madam Clerk, if
19 you could please screen share my screen with the jury.

20 THE COURT: This is a lot of what we did as well.

21 MS. JOYNER: Madam Clerk, if you could dim the lights,
22 please.

23 (Video starts playing at 11:19 a.m.)

24 LIEUTENANT JOE: Hey, how you doing?

25 MS. MULLEN: What's going on?

1 LIEUTENANT JOE: Are you Ms. Williams?
2 MS. WILLIAMS: I am, buddy. Ms. Williams.
3 LIEUTENANT JOE: Ms. Williams, you speak loud, please.
4 You got some information about (inaudible).
5 MS. WILLIAMS: (Inaudible).
6 LIEUTENANT JOE: (Inaudible) do you have a daughter?
7 MS. WILLIAMS: Yeah, she's right here today.
8 LIEUTENANT JOE: Well, you -- you have a daughter?
9 MS. WILLIAMS: Yeah. Jackleen.
10 MS. MULLEN: Jackleen.
11 LIEUTENANT JOE: Jackleen Mullen?
12 MS. MULLEN: Yeah.
13 LIEUTENANT JOE: Okay. You have a daughter?
14 MS. MULLEN: Yeah.
15 LIEUTENANT JOE: Where is she at?
16 MS. MULLEN: I -- my -- my daughter's at my
17 grandmother's house.
18 LIEUTENANT JOE: Where is that?
19 MS. MULLEN: That's in Monroe.
20 LIEUTENANT JOE: Monroe, North Carolina?
21 MS. MULLEN: Yes. I know -- I'm going -- yeah, I'm
22 going over there tomorrow to get her because it's her
23 birthday.
24 LIEUTENANT JOE: Okay. Audrevious is here?
25 MS. MULLEN: No.

1 LIEUTENANT JOE: Okay.

2 MS. WILLIAMS: (Inaudible).

3 LIEUTENANT JOE: No one just have a baby?

4 MS. MULLEN: No.

5 MS. WILLIAMS: No.

6 LIEUTENANT JOE: No one does have baby?

7 MS. MULLEN: No.

8 MS. WILLIAMS: My granddaughter is eight months old.

9 LIEUTENANT JOE: Eight months old?

10 MS. MULLEN: Yeah. What's wrong?

11 (Video stops playing 11:21 a.m.)

12 BY MS. JOYNER:

13 Q. Now, the -- the video, it's a little -- it's a
14 little difficult to see. I'm going to go to maybe a -- the
15 timestamp of a running time of about 17 seconds. There's a
16 -- there's a kind of a shadow over the lady in the middle.
17 Can you tell the jury who that -- that woman in the middle
18 is?

19 A. That's Ms. -- Ms. Mullen.

20 Q. Ms. Mullen? And could you identify her to the
21 jury if she's in the courtroom?

22 A. It looks like her.

23 MS. JOYNER: All right. I'll let the record reflect he
24 identified the Defendant in this case.

25 THE COURT: With the lights dim as well.

1 MS. JOYNER: Okay. You can frame the lights back up.

2 I'm sorry.

3 BY MS. JOYNER:

4 Q. Now what is in Ms. Mullen's hand at that point?

5 A. Cell phone.

6 MS. JOYNER: Cell phone. Now, your Honor, I'm going to
7 publish to the jury State's Exhibit 18.

8 THE COURT: Very well.

9 MS. JOYNER: Madam Clerk, if you could dim the lights a
10 little bit?

11 BY MS. JOYNER:

12 Q. And just to -- before we -- before we get started,
13 now, Lieutenant Johnson, up in the corner of your camera is a
14 date and time.

15 A. Uh-huh.

16 Q. Is that at the -- indicates May 26, 2020, and a
17 time. The 23:06:42, is that an accurate time?

18 A. Yes.

19 Q. Okay. And is that military time?

20 A. Yes.

21 Q. So this would be 11:06?

22 A. Yes.

23 Q. Okay. So the -- the date and timestamp on your
24 previous -- on State's Exhibit 17, that date and timestamp is
25 accurate as well?

1 A. Yes.

2 Q. Okay. That would -- would that correctly indicate
3 the time that you had arrived at the residence?

4 A. Yes.

5 Q. Okay.

6 (Video starts playing at 11:23 a.m.)

7 LIEUTENANT JOE: (Inaudible).

8 (Video stops playing at 11:23 a.m.)

9 MS. JOYNER: Okay. I apologize, your Honor. I think
10 I'm going to -- I'm going to close this and restart.

11 (Video starts playing at 11:24 a.m.)

12 LIEUTENANT JOE: Jackleen, what's -- what's the name of
13 your daughter?

14 MS. MULLEN: India.

15 LIEUTENANT JOE: India? (Inaudible).

16 MS. MULLEN: (Inaudible). A.J.?

17 LIEUTENANT JOE: Yeah.

18 MS. MULLEN: Has been deceased?

19 LIEUTENANT JOE: Yeah.

20 MS. MULLEN: (Inaudible) kid in here.

21 LIEUTENANT JOE: (Inaudible).

22 MS. MULLEN: I have three kids.

23 LIEUTENANT JOE: Okay.

24 MS. MULLEN: My daughter is at my aunt's. Okay. In
25 Monroe. Want me to...?

1 LIEUTENANT JOE: How -- how old is your daughter?

2 MS. MULLEN: She's four.

3 LIEUTENANT JOE: She's four?

4 MS. MULLEN: Yes.

5 LIEUTENANT JOE: (Inaudible).

6 MS. MULLEN: My daughter is -- my daughter is
7 (inaudible) this week.

8 LIEUTENANT JOE: Okay. We're trying to figure out
9 (inaudible).

10 MS. MULLEN: Who (inaudible) information from my
11 daughter's father.

12 LIEUTENANT JOE: I'm not sure (inaudible).

13 MS. MULLEN: Yes. If you -- if you look at the
14 records, this is something that he would do. Why would any
15 -- why would any kid be -- that -- in there?

16 LIEUTENANT JOE: (Inaudible).

17 MS. MULLEN: I don't understand who says something like
18 that, though.

19 LIEUTENANT JOE: No. I'm just asking (inaudible).

20 MS. MULLEN: Who's supposed to say something like that?

21 LIEUTENANT JOE: (Inaudible).

22 MS. MULLEN: You see the kids up there.

23 LIEUTENANT JOE: (Inaudible).

24 MS. MULLEN: What do you all want me to do? Bring
25 (inaudible) tomorrow? I can go pick her up, and I'll go to

1 my -- my grandmother's 70 -- 70th birthday late?

2 LIEUTENANT JOE: All right.

3 MS. MULLEN: (Inaudible).

4 LIEUTENANT JOE: Still okay.

5 MS. MULLEN: Yes, I do.

6 LIEUTENANT JOE: (Inaudible).

7 MS. MULLEN: (Inaudible).

8 (Video stops playing at 11:28 a.m.)

9 MS. JOYNER: You can stop the screen share. Thank you.

10 Thank you very much. Lieutenant Johnson, please answer any
11 questions the Defense has.

12 MS. BARRINGTON: May it please the Court?

13 THE COURT: Yes, ma'am.

14 MS. BARRINGTON: I'm going to try to bring this a
15 little closer. I'm a little more soft spoken so everyone
16 else can hear.

17 CROSS-EXAMINATION

18 BY MS. BARRINGTON:

19 Q. So, Lieutenant Johnson, you were the lieutenant on
20 duty that night?

21 A. Yes.

22 Q. You would've been supervising all of the Rock Hill
23 Police Department deputies there -- those?

24 A. The city.

25 Q. Okay. And so you first went to Freedom Park to

1 speak with Mr. Martin?

2 A. Yes.

3 Q. And with speaking Mr. Martin, you were provided
4 Jackleen Mullen's name?

5 A. Yes.

6 Q. And Mr. Martin also provided you Audrevious
7 Williams' name?

8 A. Yes.

9 Q. And that's how you all ultimately got to
10 520 Gentle Breeze Lane?

11 A. That's correct.

12 Q. Okay. And you had your body cam on that night?

13 A. Yes.

14 Q. Okay. And we just watched two clips from the
15 Solicitor. One was approximately one minute long and the
16 other about four minutes long?

17 A. Yes.

18 Q. Okay. Did you review your entire body camera
19 before today?

20 A. Yes.

21 Q. You have? Okay. But you did meet with the
22 Solicitor's office prior to this?

23 A. Yes.

24 Q. To review those two clips?

25 A. Yes.

1 Q. Okay. And in that first clip, we hear about
2 halfway through, you ask if Audrevious Williams is present.

3 A. Yes.

4 Q. And that's because you knew from talking to
5 Mr. Martin, that he would be an important person for you all
6 to talk to that night?

7 A. Yes.

8 Q. Okay. Now, as lieutenant, you said that you were
9 going to be in charge of the scene?

10 A. Yes.

11 Q. To be supervising the officers?

12 A. Yes.

13 Q. And they would be reporting to you?

14 A. Yes.

15 Q. Okay. So you were aware that Audrevious Williams
16 was also claiming to have seen India that morning?

17 A. Yes.

18 Q. Okay. And he was claiming that she was fine that
19 morning?

20 A. Yes.

21 Q. Okay. And that he also stated that he saw India
22 before he was dropped off at work that day?

23 A. Yes.

24 Q. Okay. At approximately 2:00 p.m.?

25 A. I believe that was.

1 Q. Okay. And he also said she was fine at that
2 point?

3 A. Yes.

4 Q. Okay. And we now know that that was a lie. He
5 did not go to work that day?

6 MS. JOYNER: Your Honor, I -- I'm going to object on
7 hearsay grounds. She's asking what another person said on
8 scene.

9 MS. BARRINGTON: That are being offered for the truth
10 of the matter asserted. They're not true statements.

11 THE COURT: Well, either way you're trying to establish
12 that he said. So ask him what he did, but not what everybody
13 else told him.

14 BY MS. BARRINGTON:

15 Q. Okay. Now I'm going to show you a screenshot that
16 I took from your body camera footage from -- marked as
17 Exhibit 1, perfect depiction and similar to the (inaudible).

18 A. Okay. Yes.

19 Q. And would you say that this fairly and accurately
20 represents...?

21 MS. JOYNER: May I see it?

22 MS. BARRINGTON: Yeah.

23 BY MS. BARRINGTON:

24 Q. Fairly and accurately represents what you saw that
25 night on May 27, 2020?

1 A. Yes.

2 MS. BARRINGTON: And the Defense would seek to admit
3 this exhibit into evidence.

4 MS. JOYNER: Can we approach just briefly, your Honor?

5 THE COURT: Sure.

6 (Bench conference at 11:34 a.m.)

7 MS. JOYNER: Okay. I'm sorry.

8 THE COURT: With no objection.

9 MS. JOYNER: No -- no objection, your Honor.

10 THE COURT: Excellent. Okay. So you can mark that as
11 -- let her mark as Defense -- it's not marked yet?

12 MS. BARRINGTON: Defense 1.

13 THE COURT: Okay. Defense 1. Let her mark it.

14 (Defendant's Exhibit Number 1 marked for identification.)

15 BY MS. BARRINGTON:

16 Q. Can you identify (inaudible) for me?

17 A. That's Detective Rob Smith.

18 Q. And then who is that in the middle?

19 A. I believe that's the Audrevious the boyfriend.

20 Q. In photograph number 2?

21 A. Yes.

22 Q. And then even (inaudible) right. You don't have
23 to (inaudible) necessarily do you recognize (inaudible)?

24 A. The lady on the right in the red is the owner of
25 the home, the lady holding the child, I believe is her

1 daughter. The gentleman in the middle, I don't know.

2 MS. BARRINGTON: May I publish it to the jury?

3 THE COURT: Sure. Defense 1 for the record is admitted
4 without objection.

5 (Defendant's Exhibit Number 1 admitted into evidence.)

6 MS. BARRINGTON: Just put up (inaudible).

7 BY MS. BARRINGTON:

8 Q. You stated this was Detective Rob Smith?

9 A. Uh-huh.

10 Q. And that this was Audrevious Williams, and I
11 believe you identify this woman as the one of the homeowners?

12 A. Yes.

13 Q. And this would be her daughter?

14 A. Yes.

15 Q. Okay. And this picture shows the date and time in
16 the top right the same as your body cam when it's playing
17 does?

18 A. Yes.

19 Q. Okay. And so at this point in time, if you
20 recall, Ms. Mullen is no longer at the home?

21 A. To my knowledge, I thought she was somewhere
22 outside or on the way to the station.

23 Q. Okay. So she's -- I guess she's not in that room?

24 A. No.

25 Q. Okay. And based on that timestamp, you all are

1 still looking -- you're still looking for India M. [REDACTED] ?

2 A. Yes.

3 Q. Okay. And as best you remember this scene, that
4 is what you all were trying to do with the Williams family?

5 A. Yes.

6 Q. Okay. And at this point, Audrevious Williams is
7 maintaining his story?

8 A. Yes.

9 Q. Okay. And he's now maintaining that in front of
10 his family members?

11 A. Yes.

12 Q. Okay. Are you aware if you -- you would've still
13 been on scene that Mr. Williams ultimately changes his story
14 on scene? Would you have been informed by that?

15 A. I don't recall that.

16 Q. Okay. Well then, would you have been aware on
17 September 9, 2020, that he met with detectives of the Rock
18 Hill Police Department?

19 A. I'm sure he did at some point, but I -- I wasn't a
20 witness to that.

21 Q. Okay. But you're aware that roughly he was
22 arrested that night on May 27, 2020?

23 A. I assume he was. I -- I wasn't around for that.

24 Q. Okay. And then at some point he may have talked
25 to law enforcement again, but you weren't present for the

1 actual conversation?

2 A. That's correct.

3 Q. Okay. Were you aware of that meeting that the
4 Solicitor's office was also present?

5 A. No, I didn't.

6 Q. Would you have been aware as the senior officer
7 that night of this case that he then gave a different story?

8 A. No, I wouldn't.

9 Q. You wouldn't have been aware?

10 A. Uh-uh.

11 Q. Okay. You are aware that he's been charged with
12 homicide by child abuse in this case?

13 A. Yeah.

14 Q. Okay. And that those charges are still pending?

15 A. Yes.

16 Q. Had you been made -- made aware that he was out on
17 bond?

18 A. No.

19 MS. JOYNER: Your Honor, I'm going to object to the
20 relevance. He's -- doesn't know these particular facts that
21 she's asking him about.

22 THE COURT: He -- he was on the scene, but he's not the
23 follow-up investigator. I think maybe that would be the
24 proper witness for the -- what's occurred since.

25 MS. BARRINGTON: Okay. I beg the Court's indulgence.

1 THE COURT: Uh-huh.

2 MS. BARRINGTON: No further questions.

3 MS. JOYNER: Thank you. Just a couple of follow-up
4 questions.

5 RE-DIRECT EXAMINATION

6 BY MS. JOYNER:

7 Q. As a lieutenant on shift on scene, do you -- is it
8 typical or do lieutenants on scene follow through with the
9 rest of the investigation or is your role on scene on a
10 particular night?

11 A. It -- it just depends on the night -- how the
12 night goes. If the detective division -- if my role is no
13 longer needed on scene, everything is calmed down, I can go
14 back to patrol because -- you know, we answer so many calls,
15 I have to take care of the city. So I may have to leave at
16 some point to attend to another matter, and maybe return
17 later if something else comes up.

18 Q. So at 520 Gentle Breeze Lane, did the Rock Hill
19 detectives come and take over the investigation?

20 A. Yes.

21 Q. Okay. And so this picture of Defense Exhibit 1 is
22 -- are any of the individuals in Defense Exhibit 1, any of
23 the individuals that you mentioned had come to the door
24 initially?

25 A. Yes.

1 Q. Okay. Can you point -- well, can you kind of tell
2 me by description -- just kind of point out -- I think we saw
3 your body camera already, but is -- of the ladies that are in
4 this room, are they two of the ladies that came to the door?

5 A. Yes.

6 Q. Okay. And Mr. -- Mr. Williams is sort of this --
7 this -- this particular screen capture has him holding his
8 arms outstretched, do you recall anything particularly
9 noteworthy while you were in the -- in the -- the living room
10 while Detective Smith was talking? Was there anything -- was
11 there anything loud or aggressive about the way that -- any
12 interactions that you saw?

13 A. Not necessarily loud, but he was -- in my opinion,
14 just kind of avoiding.

15 Q. Avoiding. Okay. So this -- this posture is not
16 like an angry posture that we're looking at?

17 A. Not necessarily.

18 Q. Okay.

19 MS. JOYNER: Thank you very much. No more further
20 questions.

21 MS. BARRINGTON: No further questions.

22 THE COURT: All right. You may step down.

23 MS. JOYNER: May I ask he be released from his
24 subpoena, your Honor?

25 THE COURT: Absolutely.

1 MS. JOYNER: Your Honor, can I go ahead and call the
2 next witness?

3 THE COURT: Call your next witness.

4 MS. JOYNER: Thank you, your Honor.

5 THE COURT: Somebody may be out there in the hall.
6 Tell him to come on in. I'm not trying to pull him, but --

7 MS. JOYNER: Okay.

8 THE COURT: -- distracting them when somebody is not in
9 the courtroom.

10 MS. JOYNER: Your Honor, our next witness is going to
11 be Matt Beach. While the bailiff is looking for the media,
12 we'll ask Mr. Beach to go ahead and come on in. Can you step
13 forward to be sworn?

14 THR CLERK: Raise your right hand.

15 DETECTIVE MATTHEW JAMES BEACH,
16 being duly sworn, testified as follows:

17 MS. JOYNER: May it please the Court?

18 THE COURT: Yes, ma'am.

19 DIRECT EXAMINATION

20 BY MS. JOYNER:

21 Q. Detective Beach, can you please state your full
22 name for the record?

23 A. Yes, ma'am. Matthew James Beach.

24 Q. How are you employed?

25 A. I'm a detective with the Rock Hill Police

1 Department.

2 Q. Well, what time -- okay. Well, how many years
3 have you been a detective with the Rock Hill Police?

4 A. Been in the detective division probably about six
5 years.

6 Q. How long have you been a law enforcement officer,
7 total?

8 A. Total is about 15.

9 Q. Are all of those years with the Rock Hill Police?

10 A. No, ma'am. 13 years with Rock Hill Police
11 Department, and then I served as -- as a security officer for
12 Bob Jones University Public Safety Department.

13 Q. And what type of education and training do you
14 have to have to become a police officer?

15 A. To become a police officer in our agency, you need
16 to have your high school diploma as well as complete training
17 at the criminal Justice Academy in Columbia, South Carolina.
18 Additionally, I have a bachelor's degree as well, and
19 multiple certifications that I've achieved throughout my
20 career.

21 Q. And going back to May 26, 2020, were you a
22 detective with the Rock Hill Police Department at that time?

23 A. Yes -- yes, I was.

24 Q. And on that date, did you become involved in an
25 investigation into India M. [REDACTED] being missing?

1 A. I did.

2 Q. Please tell the jury how you first came to be
3 involved with that investigation.

4 A. Okay. Yes, ma'am. I became involved in the
5 investigation respondent to actually helping the detective
6 who was investigating the complaint, the original complaint
7 of the missing person. I went out to meet with this with
8 Detective Felmet and Antonio Martin at Freedom Park, which is
9 in Rock Hill, South Carolina. And I spoke with them for
10 about 10 minutes with the original complaint for responding
11 to the house in question on Gentle Breeze Lane.

12 Q. Okay. So going back to that location at Freedom
13 Park, you -- were there officers from the sheriff's office
14 there?

15 A. No, ma'am. Not when I was there.

16 Q. Okay.

17 A. I arrived there sometime after Detective Felmet
18 had gotten there. I was only at that scene for about 10
19 minutes.

20 Q. Okay. And so then you went over to Gentle Breeze.
21 Do you know the address that you went to on Gentle Breeze?

22 A. I can't recall the address off the top of my head.
23 It was the address that we were searching, or going to
24 eventually search where Ms. Jackleen was staying along with
25 -- with Audrevious.

1 Q. Do you recall what time approximately that you
2 arrived over on Gentle Breeze Lane?

3 A. Yes, ma'am. It was about 11:20 that night.

4 Q. Okay. And when you arrived on scene, did you come
5 in contact with the Defendant in this case, Jackleen Mullen?

6 A. I did. But it was some time I'd been on scene
7 quite some time before I first came in contact with her. I
8 came in contact with her substantively about 11:40 or so. It
9 was probably about 20, 30 minutes after I got there.

10 Q. Okay. So when you first arrived on scene, are
11 there a lot of officers on scene?

12 A. Yes, ma'am. There was.

13 Q. Lot of -- were you briefed or given information by
14 any of the other officers about where they were in the
15 investigation?

16 A. I was able to gather the information. I spoke to
17 several different people. Most of the information came from
18 Detective Askew -- oh, I'm sorry, Deputy Askew at the time.
19 He kind of got me up to speed on most of the cases while I
20 was shadowing him a little bit while he was on the phone and
21 doing some -- some workarounds. I spoke with Detective Smith
22 also kind of gathered information as I got there and was --
23 got up from several sources.

24 Q. Well, you mentioned Deputy Askew. Were you --
25 while -- you said you were shadowing him while he was on the

1 phone, were you present at any point during any times when he
2 was speaking with a person that identified herself as Cindy?

3 A. Yes, ma'am.

4 Q. Okay. And what was the nature of the
5 conversations that you heard between Deputy Askew and this
6 person identified as Cindy?

7 A. He was trying to figure out if India M. [REDACTED] was at
8 Cindy's house with information he'd received from Jackleen,
9 while we were on the -- he had her on speaker phone and was
10 speaking with her originally, she had told him that the --

11 MR. L. SHEALEY: Objection. Hearsay.

12 MS. JOYNER: We're not operating it for the truth of
13 the matter. Just to explain why the investigation is
14 focusing towards Jackleen Mullen.

15 THE COURT: I didn't hear his answer. I was writing
16 down when he first started speaking to her. So what was the
17 question to begin with?

18 MS. JOYNER: What was the nature of the conversation
19 between Deputy Askew and the woman identifying herself as
20 Cindy over the phone?

21 MR. L. SHEALEY: And he just quote -- he's (inaudible)
22 quote her, which would be hearsay.

23 THE COURT: I'm going to sustain that. Try to rephrase
24 your question.

25 BY MS. JOYNER:

1 Q. Okay. Detective Beach, after hearing the
2 conversations with -- or did you overhear the conversations?

3 A. I did overhear the -- the last part of his phone
4 conversation. Yes, ma'am.

5 Q. And was the nature of the conversation an attempt
6 to verify that India M. [REDACTED] was in Monroe?

7 A. That is correct, yes, ma'am. It was.

8 Q. And based upon what you overheard in those
9 conversations, did the investigation shift away from Monroe
10 and towards Jackleen Mullen?

11 A. Yes, ma'am, it did.

12 Q. Okay. You mentioned a moment ago that you had
13 come in contact with Jackleen, kind of substantively, had
14 some interactions with her. How often -- how many times
15 while you were on scene, did you interact with Jackleen
16 Mullen?

17 A. It was approximately twice. There was one
18 conversation that -- that I began to -- to speak with her
19 with, and then there was another conversation I walked up
20 while Detective Smith with her.

21 Q. Okay. Detective Beach, I'm going to show you
22 what's been marked for exhibit purposes as State's Exhibit
23 19. Do you recognize State's Exhibit 19?

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

25 Q. And how are you able to recognize that exhibit?

1 A. You handed this to me this morning, noted with the
2 Plaintiff's exhibit sticker, and I initialed it after
3 reviewing it.

4 Q. Okay. And is this -- continue on State's Exhibit
5 19 is this a portion of your body camera video?

6 A. It is.

7 Q. Okay. And does it truthfully and accurately
8 reflect subject to some redactions that portion of your video
9 from your first interaction with Ms. Mullen?

10 A. Yes, ma'am. It does.

11 MS. JOYNER: Your Honor, we'd offer State's Exhibit 19
12 into evidence, and would like to play it for the jury.

13 MR. L. SHEALEY: Without objection.

14 THE COURT: So -- so the record's clear all our
15 pretrial hearings regarding the redactions have been ruled
16 on, and this is the redacted version, which is no objection
17 to.

18 MR. L. SHEALEY: That's right. Subject to all the
19 prior objections. Understood.

20 THE COURT: This is what we finally came up with this
21 morning. Same explanation. Some parts will be muted because
22 of the rulings of the Court and agreements of the parties.
23 So for you all's review, you may publish it to State's
24 Exhibit 19.

25 (States's Exhibit Number 19 admitted into evidence.)

1 MS. JOYNER: Okay. And, Madam Clerk, if you could
2 please share my screen and not the -- if you could dim the
3 light a little bit, please?

4 (Video starts playing at 11:53 a.m.)

5 DETECTIVE BEACH: Well, before I talk about you
6 (inaudible) before I talk to you -- listen, you're not under
7 arrest or anything like that. (Inaudible) but since you are
8 being detained --

9 MS. MULLEN: What do you mean "detained"?

10 DETECTIVE BEACH: Detained means that you have to do
11 what we say at the moment and not go where you -- where you
12 want to go right now. Means you can sit on the -- on the --
13 on the bench at the moment. Again, you're not under arrest,
14 nothing like that. But I just want to understand you have --
15 you do have rights. You have the right to remain silent.
16 Okay? Anything you say can be used against you in a court of
17 law. You have the right to have an attorney present. If you
18 cannot afford an attorney, one will be appointed for you.
19 Any questions you desire?

20 MS. MULLEN: (Inaudible).

21 DETECTIVE BEACH: No -- no. You can (inaudible)
22 exercise these rights, not answer any questions. Make any
23 statements. Okay? This does not mean you're under arrest
24 like I told you. You -- you're not under arrest. Okay?
25 Because I want to make sure that you completely understand

1 (inaudible), okay? I don't know what your relationship with
2 Mr. Martin Antonio is. You only call back in a second.

3 Okay? Cool. All right. I'll cut it.

4 MS. MULLEN: (Inaudible).

5 DETECTIVE SMITH: We just -- we just passed our -- the
6 whole relationship with -- start with relationship
7 (inaudible).

8 DETECTIVE BEACH: (Inaudible) get that part yet.

9 MS. MULLEN: (Inaudible). Yeah.

10 DETECTIVE BEACH: (Inaudible) something else?

11 MS. MULLEN: (Inaudible) off.

12 DETECTIVE BEACH: You -- you drove the child up for
13 yourself?

14 MS. MULLEN: Yeah.

15 DETECTIVE BEACH: Okay. We need to run the license
16 plate off that and see if the license plate reader did it
17 going up to North Carolina. If the license plate reader pick
18 it up going up there then cool that at least make it look
19 like you're telling truth.

20 MS. MULLEN: Well, yeah.

21 DETECTIVE BEACH: But the plate readers don't come
22 back, but then now we're like, "Wait a minute, why is -- why
23 is it you're saying that you..."

24 MS. MULLEN: Because I did that.

25 DETECTIVE BEACH: Yeah.

1 MS. MULLEN: What happened to you?

2 DETECTIVE SMITH: (Inaudible) because I don't know how
3 they got there. If you going to say no, somebody else
4 (inaudible).

5 MS. MULLEN: (Inaudible).

6 DETECTIVE SMITH: That's one step. But aren't you
7 concerned about where your child is?

8 MS. MULLEN: I mean, she's -- she's -- my aunt freaked
9 out because --

10 DETECTIVE BEACH: Have you tried to call your aunt?

11 MS. MULLEN: Yeah, she didn't answer the phone.

12 DETECTIVE BEACH: Okay, where's your phone?

13 MS. MULLEN: I don't have it. I put it on (inaudible).

14 DETECTIVE BEACH: Okay. Well, that makes sense. Did
15 you try to get the aunt on the phone with her talking and see
16 if maybe when she talks to the aunt (inaudible) I -- she just
17 thinks we're trying to trick her or something. But truly at
18 this point, we just want to know where the child is. One of
19 two either the baby is there and she lied or the baby is not
20 there and she lied.

21 MS. MULLEN: She thinks she's in trouble.

22 DETECTIVE BEACH: Well, we really at this -- I'm
23 telling you right now, two detectives in front of you right
24 now.

25 MS. MULLEN: My aunt -- my aunt is not in trouble.

1 DETECTIVE BEACH: Listen to me. Two detectives
2 standing in front of you right now having body cameras
3 running. Swear to God, if we know that the child is okay,
4 safe, and somebody physically sees her, we are all done and
5 we're leaving, and we'll find out why this guy told us today
6 that she's dead. That's our next problem. We don't care
7 about this. We just want to know that that child is okay
8 then we're done with you guys. 100 percent that is -- that
9 is -- I promise you. And we're not allowed to make promises.

10 MS. MULLEN: (Inaudible).

11 DETECTIVE BEACH: (Inaudible).

12 DETECTIVE SMITH: We need to know the kid is okay.
13 Either that -- unless -- either the kid is okay or something
14 happened and you all panicked. If something happened, you
15 all panicked be honest and just tell us what's going on,
16 okay?

17 DETECTIVE BEACH: If the child -- if your child -- the
18 child -- child is not died -- your child is not dead
19 (inaudible) child is dead.

20 MS. MULLEN: (Inaudible) anyway.

21 DETECTIVE BEACH: Well, what's -- what's your aunt's
22 phone number? Do you have that?

23 MS. MULLEN: (Inaudible).

24 DETECTIVE BEACH: Okay. Hang on a second. Let me
25 check off my phone.

1 MS. MULLEN: That's all I know. That's why I need to
2 go check the number on my phone.

3 DETECTIVE BEACH: Okay. Until you find your phone
4 then.

5 DETECTIVE SMITH: Where's --

6 MS. MULLEN: The cop with the -- has her number.

7 DETECTIVE BEACH: I know and that cop had to go to
8 another call. Hey, someone got to ask this number. You got
9 it? Okay. Where -- where are shoes your at?

10 MS. MULLEN: (Inaudible). Okay. All right? I
11 (inaudible).

12 DETECTIVE BEACH: Okay. Well, your hand (inaudible)
13 give me the phone number right now. Where are your shoes?
14 Are they in right inside the door?

15 MS. MULLEN: No.

16 DETECTIVE BEACH: Okay.

17 MS. MULLEN: And I need to find...

18 DETECTIVE BEACH: As soon as we can get in touch with
19 her, if you can convince her to tell us the truth in the
20 FaceTime, I need you to ask her to FaceTime you, okay? And
21 show me the child up there.

22 MS. MULLEN: What are you talking about?

23 DETECTIVE BEACH: Let me check it. Okay. Just give us
24 -- give me a second. 704 -- 704-254-5428. And Cindy is her
25 name?

1 MS. MULLEN: Yes.

2 DETECTIVE BEACH: Maybe once she talks to you,
3 (inaudible) your phone. Okay. You want to say anything?

4 DETECTIVE SMITH: Great.

5 DETECTIVE BEACH: Hey, Cindy, this is Matt -- this is
6 Matt Beach. I'm a detective with Rock Hill Police
7 Department. You just got the phone with the York County guy.
8 I was there as well. I've got Jackie here with me, okay?

9 MS. TAPIA: Okay.

10 DETECTIVE BEACH: She's telling us -- she told us about
11 dropping the child off and everything earlier. She's here
12 right now. You know what I'm saying?

13 MS. MULLEN: Hey, Cindy. They -- they're --

14 MS. TAPIA: Hello.

15 MS. MULLEN: I didn't have any choice. I just
16 (inaudible) they didn't have any choice. She's is not there.
17 (Inaudible).

18 DETECTIVE BEACH: Yeah, that's what -- that's what we
19 part of.

20 DETECTIVE SMITH: Cindy.

21 MS. MULLEN: She is saying she is not there.

22 (Video stops playing 12:02 p.m.)

23 BY MS. JOYNER:

24 Q. Now, Detective Beach, going back through that
25 video, I'm going to kind of go to a time when you're on the

1 side of the house, there's another officer that walks up and
2 begins speaking with Ms. Martin and Ms. Mullen. Who is that
3 officer? And I'm -- I've got it timed at three minutes and
4 54 seconds.

5 (Video starts playing at 12:02 p.m.)

6 DETECTIVE SMITH: Got there. If you're going to say no
7 somebody else said (inaudible) that's what?

8 (Video stops playing at 12:02 p.m.)

9 BY MS. JOYNER:

10 Q. Who is that officer that's speaking?

11 A. That's Detective Smith.

12 Q. Okay. And going -- looking at this video, the top
13 corner of the video shows a date and timestamp.

14 A. Yes, ma'am.

15 Q. Is that a -- is that date and timestamp accurate?

16 A. Yes, ma'am.

17 Q. Okay. And so the 2300 is in military time?

18 A. That's correct.

19 Q. So this would be 11:00, like, 11:40-ish when you
20 start speaking to her?

21 A. That's correct. Yes, ma'am.

22 Q. Now you testified just a moment ago there were two
23 interactions. Can you tell me about the second substantive
24 interaction that you had with Ms. Mullen?

25 A. Yes, ma'am. The second interaction a little --

1 occurred a little after midnight. I actually walked up onto
2 -- Detective Smith was speaking with her and I walked up, I'm
3 trying to recall the details of that interaction.

4 Q. During that -- during that interaction, did you
5 hear Ms. Mullen providing -- continuing to provide a story
6 about where India was?

7 A. Yes, ma'am. I did. The story remained pretty
8 much the same. She said that -- that the child should be at
9 Cindy's house, and that she didn't know any other
10 explanation.

11 Q. Okay. And following that conversation with that
12 second interaction that you had, where you walked up on
13 Detective Smith, was -- Detective Smith placed Ms. Martin
14 under arrest?

15 A. Yes, ma'am, he did.

16 Q. Okay. And was she transported away from the scene
17 at that point?

18 A. She was walked away from where I was standing. I
19 -- I remained at the house. I never actually saw her get
20 into which vehicle she was placed into. My understanding was
21 she was transported very quickly after that. But I was not a
22 player in that part. I was securing the scene over towards
23 the house.

24 Q. And how long in total did you remain on scene at
25 520 Gentle Breeze? You don't have to give me an exact time.

1 A. I left about -- I left shortly after 5:00 on the
2 morning of the 27th.

3 Q. So walking through what you did following that
4 second interaction with Ms. Mullen, you said you stayed by on
5 the scene. Were you present -- were you present when the
6 Detective Dugan delivered the search warrant to continue
7 searching the house?

8 A. Yes, ma'am. I was present.

9 Q. All right. And while you were on scene did you
10 receive at any point a phone call from Detective Felmet?

11 A. I did receive a phone call from Detective Felmet.

12 Q. And do you recall what the -- what the nature of
13 that phone call was?

14 A. To be completely honest, there were so many phone
15 calls. I can't recall the exact nature of his phone call.

16 Q. But could -- could there have been more than one
17 phone call?

18 A. It's potential.

19 Q. All right. Well, let me -- let me ask the
20 question a different way. At any point while you were on
21 scene, did you speak with Detective Felmet about Jackleen
22 Mullen's cell phone?

23 A. Oh, yes, ma'am. Yes.

24 Q. Okay. And...

25 A. I did.

1 Q. What was Detective Felmet's request of you
2 regarding that?

3 A. He requested that cell phone be -- be found and
4 seized as evidence due to her being -- being arrested in
5 nature of the -- the crime.

6 Q. Okay. And were you able to locate a -- a cell
7 phone that you believe belonged to Ms. Mullen?

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

9 Q. Okay. And where did you locate that cell phone?

10 A. Actually I was just speaking with several people
11 on scene. And -- and request --

12 Q. Audrevious?

13 A. Audrevious, I'm sorry. Audrevious was actually
14 holding the cell phone, and he identified it as hers to me
15 when I asked where's her cell phone he told me it's on his
16 person.

17 Q. Okay. And did he provide...

18 A. At that -- at that point I then took it, I seized
19 it. He -- he gave it to me. I told him I need that. He
20 gave it to me. And after it was seized.

21 Q. And at -- did Detective Felmet's request -- did
22 you telephone Detective Felmet and let him know that you had
23 located the cell phone?

24 A. I did speak -- I let someone know I had it. I
25 forget exactly who I contacted that.

1 Q. Okay.

2 A. That I eventually turned that cell phone over to
3 Detective Lambert right about 2:00 in the morning when he
4 responded, to collect that -- that item for the
5 investigation.

6 Q. When you -- when you first took possession of the
7 cell phone, did you look to determine whether there was
8 anything identifying about the cell phone that would connect
9 it to Ms. Mullen?

10 A. I -- I observed the -- the front screen, but I
11 didn't dig into whether it was additional identifiers or not.

12 Q. Did you -- did you obtain a -- a serial number on
13 the phone by a description?

14 A. I did not do any of that. Identification that I
15 provided, I took the cell phone as -- as handed to me by
16 Audrevious, who -- who was her current boyfriend at the time,
17 who would know it was hers, and then passed that on for the
18 other detectives to continue that as their part of their
19 investigation because she was at the law center they could
20 always -- you know, check with her and make sure it was that.

21 Q. Okay. So from the time that you obtained the cell
22 phone to the time that you turned the cell phone over, other
23 than a cursory review of the phone, did you do anything else
24 with the phone?

25 A. No, ma'am.

1 Q. Okay. All right. And now following -- turning
2 over the cell phone, did you remain at the scene?

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

4 Q. Okay. And were you on scene when the forensic
5 service unit arrived?

6 A. Yes, ma'am, I was there.

7 Q. Okay.

8 A. The several members of the forensic service team
9 had been on scene for most of the time that had -- that I had
10 been there. Sergeant George, I believe may have even been
11 there before I got there. But when the actual search team
12 showed up to begin the more in depth search pursuant to a
13 search warrant that happened later on. I was on scene when
14 they -- when they arrived.

15 Q. And did you remain on scene the entire time the
16 forensic services was on scene?

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

18 Q. Were you on scene when India Martin's body was
19 located?

20 A. I was.

21 Q. Where were you when that happened?

22 A. I was standing right outside the door of the
23 bedroom that Jackleen Mullen and Audrevious shared at the
24 house.

25 Q. Okay. And who was inside the bedroom -- that

1 bedroom, when the body was located, to your recollection?

2 A. Sergeant George and Investigator Rebecca Askew,
3 with -- they were both with forensic services.

4 Q. And just so the jury doesn't get confused because
5 they've already heard, Rebecca Askew if she worked for the
6 Rock Hill Police Department.

7 A. She works for the Rock Hill Police Department.

8 Q. She's married to Deputy Devin Askew?

9 A. She's married to Deputy Devin Askew. They work
10 for separate departments. And at this point in time when the
11 body was located, only Investigator Askew was on scene.
12 Deputy Askew was not on scene at the time.

13 Q. Deputy. Okay. Devin Askew was not on scene
14 Rebecca Askew was?

15 A. Yeah.

16 Q. Okay. And do you recall approximately what time
17 that occurred?

18 A. That was right about 2:40 in the morning.

19 Q. Okay. And when her body was located, did that
20 stop things for a little while?

21 A. It did. It slowed -- it slowed the process down.
22 Because we had to notify coroner's office, and wait for --
23 for them to come and kind of run more of a joint thing
24 between them and our forensics.

25 Q. Did you also have to notify Detective Smith?

1 A. I personally notified Sergeant (inaudible), who's
2 our supervisor, who then relayed the information to
3 eventually get to Detective Smith. I spoke with him as soon
4 as -- as soon as the body was found.

5 Q. Okay. Now going back to -- once forensic -- once
6 the coroner's office and Detective Smith were notified, how
7 quickly did they arrive back at the scene?

8 A. Detective Smith, he came back out probably within
9 15 to 20 minutes or so. It was -- I'm trying to recall
10 exactly, because he came out --

11 Q. It was quick?

12 A. It -- it was relatively -- relatively quickly.
13 Yes.

14 Q. With the coroner's office getting there as
15 quickly?

16 A. The coroner's office arrived probably about an
17 hour after the body was found, right about 3:00, 3:50, or so,
18 I believe.

19 Q. Now going back to -- and this is a little bit of
20 uncomfortable topic, but...

21 A. Uh-huh.

22 Q. Was India's body located upstairs or downstairs?

23 A. Upstairs.

24 Q. Okay. Were any of the residents of the home still
25 up and downstairs when this happened?

1 A. No.

2 Q. Okay. Who do you recall being downstairs?

3 A. Andre -- Andric was downstairs.

4 Q. Audrevious, you mean?

5 A. Audrevious. I'm sorry. Audrevious was downstairs
6 along with, I -- I believe, it was both his parents.

7 Q. So when Detective Smith came back to the scene, at
8 -- and India had been located, Detective Smith detained
9 Audrevious at that point and take him away from the scene?

10 A. He -- yes. He was in -- in that same time period.
11 Yes.

12 Q. And following Audrevious being removed from the
13 scene and the coroner's office arriving, at some point, does
14 that -- the body needs to move -- does a body need to move
15 from the upstairs out of the house?

16 A. That was the final -- the -- the one of the final
17 things that we did that wasn't until closer to 5:00.

18 Q. Okay. And were Mr. And Mrs. Williams still
19 downstairs awake when the body needed to be removed?

20 A. I'm trying to recall. At one point they went to
21 bed because they had to get up the next morning. I can't
22 recall because there was one point where they actually were
23 up in their room.

24 Q. Uh-huh.

25 A. Honestly, I can't recall if that was before we

1 found the body or afterwards. I believe -- I know they were
2 notified when the body was found and I'm pretty sure they
3 weren't sleeping after that.

4 Q. Now, did you actually assist in carrying India's
5 body out to the coroner's vehicle for transport?

6 A. I did.

7 Q. So just going back through -- I just want to hit a
8 -- a couple of points. Once the forensic services unit
9 arrived, they were processing the scene, collecting evidence,
10 were you filling out the search warrant return and keeping
11 track of those items taken?

12 A. Yes, ma'am.

13 MS. JOYNER: Okay. I beg the Court's indulgence.
14 Thank you very much, Detective Beach. Please answer any
15 questions the Defense has.

16 MR. B. SHEALEY: May it please the Court?

17 THE COURT: Yes, sir.

18 MS. JOYNER: Oh, I'm sorry.

19 CROSS-EXAMINATION

20 BY MR. B. SHEALEY:

21 Q. Detective, you don't have any report in this case
22 or any notes or anything?

23 A. No, sir.

24 Q. Okay. So you were helping a lot and doing a lot,
25 but nothing written except for maybe with the search warrant

1 returns, is that my understanding?

2 A. Yes.

3 Q. Okay. But you had a body cam on?

4 A. Yes.

5 Q. We watched a smaller portion of that, but you also
6 have a much longer portion. I think you said you were out
7 there a long time, right? It sounds like you got there at
8 11:20, didn't leave until maybe 5:00 a.m. following morning,
9 right?

10 A. Yes, sir. That's correct.

11 Q. That's a lot. I mean, have you ever reviewed all
12 your body cam footage?

13 A. Yes, sir.

14 Q. Okay. You met with the solicitor's office in
15 preparation for your testimony today?

16 A. Yes, sir.

17 Q. So -- I mean, you didn't just talk to Jackie,
18 correct?

19 A. Right.

20 Q. I mean, I know Ms. Joyner spent a lot of time
21 talking about that, but you also were talking to Dre,
22 correct? And his father, and his mother, and -- and a lot of
23 people.

24 A. Yes.

25 Q. Because you -- I mean, you're a detective, you

1 have lots of experience in investigating matters.

2 A. Yes, sir. I think so.

3 Q. Well, yeah. I mean, you've been doing it a long
4 time, right?

5 A. Uh-huh. Yes.

6 Q. And again, it wasn't a long time -- and it was a
7 while until India's body was found, right? So you're trying
8 to figure out what to do, essentially? Okay. So you will
9 agree that you spent a lot of time investigating Dre, talking
10 to Dre trying to figure out what his story was, right?

11 A. Yes.

12 Q. Okay. And he's here today. You saw him out in
13 the hallway, right?

14 A. I did.

15 Q. Okay. And he is out there with his parents and
16 all that, right?

17 A. Yes.

18 Q. Okay. Did you talk to him out there?

19 A. Nothing more than maybe he was okay.

20 Q. Okay. But he lied to you right from the get,
21 right? He said that India was up in North Carolina.

22 MS. JOYNER: I'm going to object to hearsay.

23 BY MR. B. SHEALEY:

24 Q. You came to learn that --

25 THE COURT: Sustained.

1 BY MR. B. SHEALEY:

2 Q. Yeah. You came to learn that what he was telling
3 you about India's whereabouts was not true, correct?

4 A. Yes.

5 Q. He lied right from the get with you -- you know
6 that now, right?

7 A. Yes.

8 Q. All right. You also came to understand that he
9 lied about having any communications with Antonio Martin,
10 who's back in the courtroom here?

11 MS. JOYNER: Your Honor, I'm going to object because
12 this is all based on what somebody else has told the
13 detective. This out-of-court statement.

14 MR. B. SHEALEY: He's an investigator. I -- I -- I
15 would argue to that -- that similarly to like what she is
16 doing about what she learned in the course of investigation,
17 I'm not eliciting hearsay, but things that he knows based on
18 his investigation.

19 THE COURT: Keep that door secure please. All right.
20 I'm going to overrule that objection. He can ask the
21 question.

22 BY MR. B. SHEALEY:

23 Q. So again, Detective Beach, by directly
24 interviewing Dre, did you come to understand that he was
25 lying to you about having communication with Antonio Martin?

1 A. Yes, sir.

2 Q. I mean, he lied to your face, right?

3 A. Yes, sir.

4 Q. That's two lies we just discussed. Now -- you
5 know that Antonio Martin is India's father, right?

6 A. That's correct.

7 Q. You know that from your investigation into this
8 case. You also came to find that he lied directly to you
9 about working that day, right? Remember that?

10 A. Yes, sir.

11 Q. Three lies right from the -- your first...

12 MS. JOYNER: Your Honor, I'd ask that he'd ask him a
13 question and not make a commentary.

14 THE COURT: Yes. Do -- do a characterize the --

15 BY MR. B. SHEALEY:

16 Q. He lied to you, didn't he?

17 A. Yes, sir.

18 Q. About working that day, correct?

19 A. Yes, sir.

20 Q. At FedEx, right?

21 A. Yes.

22 Q. You learned that that was a lie, right?

23 A. He admits to me that he had lied earlier.

24 Q. He changed his story, correct?

25 A. He did. He of his own free will admitted to me

1 that he had lied.

2 Q. I'm show you what's marked as --

3 MS. JOYNER: Your Honor, can I -- may I ask you the
4 exhibit first?

5 MR. L. SHEALEY: You can authenticate first, Mr.
6 Shealey.

7 BY MR. B. SHEALEY:

8 Q. I'm going to show you what's marked --

9 THE COURT: I think you can do that. Go ahead.

10 BY MR. B. SHEALEY:

11 Q. Yeah, just you recognize this body cam right here
12 we just watched that same serial number here with it. Do you
13 recognize that this was you talking to Dre with his father
14 present right outside the door there, right?

15 A. Yes, sir.

16 Q. That's approximately time when you found out he
17 was lying to you, right?

18 A. Approximately, yes.

19 Q. Okay. And does this fairly and accurately depict
20 your -- this is really like your -- the body camera, your
21 view of when you were talking to Dre and his father when he
22 was lying to you, right?

23 A. Yes, sir. It's approximately below eye level, but
24 yes.

25 Q. You're taller?

1 A. Yes, I am.

2 MR. B. SHEALEY: At this time, I seek to admit
3 Defendant's 19 into evidence.

4 MS. JOYNER: No objection.

5 (Defendant's Exhibit Number 19 admitted into evidence.)

6 MR. B. SHEALEY: Madam Clerk, do you mind publishing
7 this?

8 BY MR. B. SHEALEY:

9 Q. That is Dre's father there. His name is Steven,
10 right?

11 A. Honestly, I can't recall his name. I haven't
12 reviewed that part of it.

13 Q. Okay.

14 A. I'm sure you're correct.

15 Q. But you recognize that as --

16 A. That is his father.

17 Q. -- his father from that night?

18 A. Yes.

19 Q. With his arms crossed?

20 A. Yes. Well, there's no question that's his father

21 Q. Looking at Dre.

22 A. Yes.

23 Q. When he was lying to you?

24 A. Yes.

25 THE COURT: All right. That question has been asked

1 and answered about five times.

2 MR. B. SHEALEY: Okay. Yes, your Honor.

3 BY MR. B. SHEALEY:

4 Q. Now, you also spent a lot of time in that house
5 because -- you know, initially consent was not given to you,
6 right?

7 A. It was never consent given to me personally, that
8 was handled by other officers. I was securing the scene as
9 we prepared for a search warrant.

10 Q. Right. And initially it -- it's your
11 understanding as being an investigator and speaking to other
12 officers as you've already testified to, that you learned
13 that initially verbal consent to enter the home was not
14 provided, right?

15 A. There was discussion of it being provided at one
16 point, and how it was either withdrawn or not withdrawn. I
17 was never privy to. We decided to get a search warrant as
18 the investigation went on. Because that would definitely
19 cover us. And there was probable cause for a search warrant
20 at that point in time, I remained there to secure the scene.
21 So the details of what you're asking, I'd never had any clear
22 details on that.

23 Q. As an investigator at the scene, do you understand
24 from your knowledge of the case that consent was not provided
25 initially?

1 A. Did one at one point consent provided what I was
2 done -- what I was told.

3 Q. So you're -- you're saying you have no idea that
4 the family did not provide consent initially?

5 A. That's what I'm saying.

6 Q. Okay. So you just don't know?

7 A. Exactly.

8 Q. Okay. But then do you know that law enforcement,
9 you and other people decide you had to do an emergency
10 protective sweep of the home? Do you know that?

11 A. I was not aware of that, no, sir.

12 Q. You don't know about that?

13 A. I do not.

14 Q. Or weren't you -- didn't you just testify that you
15 were part of that?

16 A. It was a very -- it was a very large scene. We
17 had multiple officers on scene from several different
18 agencies. Taking -- coming into a scene that has multiple
19 people already on scene, I pick a -- a part that I can get
20 some work done in. That was not an area in which I was doing
21 any work at the time. I was on the outer perimeter on the
22 outside. There was other people inside and outside. So
23 those facts were not ones I was privy to because as you can
24 even see in the video, I was fielding multiple different
25 angles of the investigation.

1 Q. Okay. When you first entered the home, was it
2 with a search warrant authority or was it that emergent
3 protective sweep authority?

4 A. I entered -- I entered the home -- I'm trying to
5 think. When I first entered the home on the video, I had not
6 entered the home at all in there. There was other officers
7 in there. I entered -- I entered -- entered in with them.

8 Q. Okay. But do you agree with me that you spent
9 quite a good amount of time in that home as you were looking
10 --

11 A. Yes.

12 Q. -- for India?

13 A. Yes. We -- I -- well, I was not in the home
14 ' looking for India. I was in the home securing the scene for
15 a search warrant, which we can do to secure the home, make
16 sure there's no evidence that is -- that is disturbed or
17 changed. We can secure the scene as a search warrant being
18 sought for. And while in communication, searching the search
19 warrant, I was securing that home.

20 Q. Okay. Now, do you have a lot of involvement in
21 this case since that day? And other than the search warrant
22 affidavit purposes, have you been assisting the solicitor's
23 office or meeting with them or law enforcement? I'm just
24 trying to -- before I ask you too many more questions, I want
25 to understand your knowledge of things that have been moving

1 forward up to today's date.

2 A. Honestly, once I cleared up from the scene, I had
3 very minimal involvement. There was very -- there was not
4 much communication with me after the fact. Except for the
5 meetings in preparation now, and discussions as when it was
6 going, this trial was actually going to take place. I really
7 had very minimal involvement. Most of -- most of my
8 involvement was there at the scene. And once that was done,
9 there was -- there was very minimal contact.

10 Q. Okay. So you don't have knowledge about Dre
11 continuing to change a story as the months progressed, do
12 you?

13 A. No.

14 Q. Okay. I won't ask you that then. Did you see
15 holes in the wall -- multiple holes in that house as you were
16 securing the scene?

17 A. I do recall seeing one hole upstairs.

18 Q. Okay. Now Dre was arrested on scene, right?

19 A. He was -- he was detained. He was actually
20 advised that that detention, that he was not under arrest, he
21 was being detained at that point. After that I moved to
22 secure other areas of the home, and I do not know at which
23 point he was arrested. That was -- that was not my call.

24 Q. But you understand that he was arrested and
25 charged with homicide by child abuse?

1 A. Yes, sir. I'm aware of that.

2 Q. Okay. And again, you spent a lot of time
3 initially talking to Dre, correct?

4 A. I did spend several -- I had several conversations
5 with him, yes.

6 MR. B. SHEALEY: I Beg the Court's indulgence.

7 THE COURT: Uh-huh.

8 MS. JOYNER: I've got just a couple of quick follow-up
9 questions.

10 RE-DIRECT EXAMINATION

11 BY MS. JOYNER:

12 Q. Now, Detective Beach, are you aware of who --
13 between Audrevious and the Defendant, Jackleen Mullen, do you
14 know who was questioned first?

15 A. Off the top of my head? I honestly don't.

16 MS. JOYNER: Thank you very much.

17 THE COURT: You may step down.

18 MS. JOYNER: And we ask that Detective Beach should be
19 excused from his subpoena.

20 THE COURT: Ready to go. What are we looking like at
21 our next witness, how long?

22 MS. JOYNER: Your Honor, our next witness is detective
23 -- would be Detective Smith. He may be lengthy.

24 THE COURT: All right. Then let's -- they'd be --
25 would be better to eat lunch. Now, folks, so you all know

1 the clock has been repaired, and it's a proper -- a proper
2 time now. So we're not off. It is 12:25 by my watch and by
3 that clock. How about 1:45? Get -- you all be back in the
4 courtroom and try to start that'll be hour and 20 minutes.
5 All right. Enjoy your lunch. Don't talk about the case.

6 (Jury exits room at 12:26 p.m.)

7 THE COURT: All right. We'll stand at ease till 1:45.
8 Do we need -- do we need to do anything else? We all -- this
9 morning -- we're good this afternoon?

10 MS. JOYNER: On a technology basis, your Honor, we
11 should be -- we should be fine for the afternoon.

12 THE COURT: All right.

13 (Off the record at 12:29 p.m.)

14 (On the record at 1:51 p.m.)

15 THE COURT: I'm sure. Right there. All right. There
16 we go.

17 MR. ANTHONY: Your Honor, the next witness after
18 Detective Smith is going to be Audrevious Williams, who is
19 co-defendant. I had advised the Defense, and I -- I put this
20 on the record yesterday that in talking to Mr. Williams, I
21 had taken it that he was saying that he was present when
22 India Martin's body was placed in the dresser. I -- I took
23 that from the way he had explained it, not that I'd ever
24 asked him that directly.

25 THE COURT: Uh-huh.

1 MR. ANTHONY: I have asked him that directly last night
2 when I met with him. And he -- he says that he was not
3 present when India M. [REDACTED] was placed in the dresser. And
4 given -- given my conversations with him and -- and the way I
5 interpreted the -- the disclosure I made -- given the way I
6 interpreted his comments to make the disclosure, I made -- I
7 think -- I don't think -- I think we just had a
8 misunderstanding. I -- I think that I --

9 THE COURT: You didn't ask him directly until last
10 night?

11 MR. ANTHONY: No, I didn't -- I did not. I did not,
12 like, directly confront him with that until last night. And
13 when I directly confronted him with it, he maintained, no, I
14 was not there when Jackleen or when India was placed in the
15 dresser. So I -- I mean, he -- I -- I apologize for that. I
16 think it was just a misunderstanding between me and him. I
17 -- I went ahead and disclosed that. Because I was trying to
18 make a proper disclosure, but he -- he will not say he told
19 me that. And I -- I can't say that he -- he did tell me that
20 in -- in any kind of direct way.

21 MR. L. SHEALEY: I guess, just for clarification, we
22 got the -- what we would call an appropriate riddle
23 disclosure on Monday. Assume that's because there was a
24 conversation either from the solicitor or the solicitor or
25 investigator. I'm trying to figure out.

1 THE COURT: He says that he had the conversation with
2 the witness last night.

3 MR. L. SHEALEY: We got the disclosure Monday is what
4 I'm trying to figure out.

5 MR. ANTHONY: I -- I made -- I made the disclosure
6 based on other conversations I had from him is what I took
7 from those conversations.

8 MR. L. SHEALEY: May I ask if there's an investigator
9 present taking any notes, who also --

10 MR. ANTHONY: Was --

11 MR. L. SHEALEY: -- depending with the note -- his
12 notes or her reflect that same conclusion.

13 MR. ANTHONY: They do. They do. Like we -- we -- all
14 of our notes just basically do -- do not say that he -- none
15 of us reported him as directly saying that he wasn't, or that
16 he was there when the -- the body was placed in the drawer.
17 We -- we've discussed this.

18 MR. L. SHEALEY: So you're saying you sent out an
19 abundance of caution, but you were mistaken.

20 MR. ANTHONY: I was.

21 MR. L. SHEALEY: Uh-huh.

22 MR. ANTHONY: Yeah, that's what I'm saying.

23 MR. L. SHEALEY: All right. Thank you. I just wanted
24 that question.

25 THE COURT: Very good. All right. Bring in the jury.

1 THE BAILIFF: Yes, sir.

2 MS. JOYNER: Your Honor, just really briefly.

3 THE COURT: Uh-huh.

4 MS. JOYNER: I do intend to offer one photograph of the
5 victim during the testimony. I just wanted to make sure
6 there wouldn't be an objection or we could handle it while
7 the jury come in.

8 MR. L. SHEALEY: I think we had a motion on this. I
9 think Ms. Barrington argued quite eloquently and had a -- a
10 motion submitted to preclude photographs, both autopsy and
11 any gruesome photos of the scene, your Honor, took that under
12 advisement. You know more about the case. This is the photo
13 we just renew our objection.

14 THE COURT: We'll see it.

15 MS. JOYNER: Your Honor, at this point it's going to be
16 State's 15. There may be other photos to other witnesses,
17 but this would just be of Detective Smith.

18 THE COURT: And so defense team, is it Ms. Barringer?

19 MS. BARRINGTON: Barrington.

20 THE COURT: Barrington?

21 MS. BARRINGTON: Yes, sir.

22 THE COURT: Ms. Barrington, so you're the one who
23 prepared the motion, but I'm asking all of you all, so any --
24 any of you all can respond. This picture appears to be the
25 deceased in a drawer, but covered slightly with clothing and

1 you all represented that that's graphic.

2 MR. L. SHEALEY: Well, it's not the most graphic that's
3 at the disposal. I -- I'll submit that. But it's -- I think
4 because the manner of death is not in dispute, it's more of
5 who did it, that it's -- I mean, it's not necessary per the
6 most latest case law. So that's -- that's just our basic
7 motion.

8 THE COURT: Okay. I'm -- I'm going to overrule your
9 objection. I believe this would be relevant to the proof of
10 where the baby's body was discovered. It doesn't show any of
11 the facial features. It shows a partial right ear maybe, and
12 it's covered mostly with cloth and whatnot. And so the Court
13 would allow it since it's -- it doesn't show -- it's a
14 partial picture of a baby covered -- a baby's body cover. So
15 I'll allow it. I don't think it oversteps the graphic as to
16 what would shock someone seeing. All right. Bring me the
17 jury now.

18 THE BAILIFF: Yes, please.

19 THE COURT: Moving around and adjusting. That's all
20 good. That's all good. Everybody got a good lunch. All
21 right. And thank you all for being prompt getting back.
22 Call your next witness.

23 MS. JOYNER: Thank you, your Honor. The State calls
24 Detective Rob Smith to the stand.

25 DETECTIVE ROBERT CHRISTOPHER SMITH,

1 being duly sworn, testified as follows:

2 THE WITNESS: Afternoon, your Honor.

3 DIRECT EXAMINATION

4 BY MS. JOYNER:

5 Q. Good afternoon, detective.

6 A. Afternoon, ma'am.

7 Q. Could you please state your full name for the
8 record?

9 A. My name is Robert Christopher Smith.

10 Q. How are you employed, sir?

11 A. I work for the Rock Hill Police Department.

12 Q. And in what capacity do you work for the Rock Hill
13 Police Department?

14 A. I'm a detective focusing on special victims and
15 homicides.

16 Q. How many years in total have you been in law
17 enforcement?

18 A. Approximately 27 years, ma'am. Spanning across
19 multiple agencies.

20 Q. Okay. Where did you begin your law enforcement
21 career?

22 A. Started my law enforcement career in 1994 with the
23 United States Army Military Police. From there I went to the
24 Cincinnati Police Department where I served for approximately
25 four and a half years, and then came to the Rock Hill Police

1 Department in 2010.

2 Q. How long have you been a detective?

3 A. Almost eight years.

4 Q. Okay. So going back to May 26, 2020, you were a
5 detective at the Rock Hill Police Department at that time?

6 A. That's correct.

7 Q. And on that date, did you become involved in an
8 investigation of a missing child India M. [REDACTED] ?

9 A. I did.

10 Q. How did you first become involved with the case?

11 A. Initially, our -- it was during COVID and our unit
12 had been split into two different teams, an A team and a B
13 team. And that was just simply for COVID protocols. I was
14 working on the B team, which was working second shift. I was
15 in my office, I was working on another case and I got a call
16 from at the time, Sergeant Harrelson, you met as Lieutenant
17 Harrelson. He gave me a call and let me know that there was
18 an ongoing investigation with a missing child that some
19 information had come in that led them to believe that the
20 child was not where they were initially looking. He didn't
21 feel like that was correct and he asked that I come join the
22 investigation because he thought they were going to make a
23 mistake by leaving.

24 Q. Okay. And so location where Sergeant Harrelson
25 was that he asked you to come out to was that 520 Gentle

1 Breeze Lane?

2 A. That's correct.

3 Q. At that location within Rock Hill?

4 A. That's within the city limits of Rock Hill, yes,
5 ma'am.

6 Q. And did you in fact go out to 520 Gentle Breeze
7 Lane?

8 A. I did.

9 Q. And when you arrived at the scene, what did you
10 see?

11 A. So when I initially arrived, it was probably about
12 11:15 or so. 11:17, I think, if I remember correctly, in my
13 report at night. As I pulled onto the street, it's a pretty
14 narrow, it's a normal subdivision. Everybody's a little too
15 close. There's not enough room for a firetruck to get down
16 if everybody parks on both sides of the road, that kind of a
17 street. There were a lot of police cars, a lot of police
18 activity in the area. I parked probably two, three blocks
19 away.

20 Q. Now, when you got to the scene where you briefed
21 with other officers who had been already involved with the
22 investigation?

23 A. Yes, ma'am. As I made my initial approach to the
24 scene, the first thing I did is I was contacting my superior
25 at the time and just telling him, "Hey, I just want to let

1 you know we've got a missing child. Doesn't sound good."

2 Just in case we had to do more with it. As I walked onto the
3 scene, I was approached by some of the officers and -- and
4 given a quick update that, "Hey, I think everything's okay.
5 We've talked to somebody out of state who says they have the
6 child."

7 Q. Okay. And so what -- when hearing that there was
8 somebody out of state saying something, was that sufficient?
9 Would that be sufficient to close out a missing person's
10 case?

11 A. Not even close.

12 Q. So it -- did you attempt or did anybody on scene
13 attempt to try to verify that information?

14 A. So when I first got there, I was directed to -- at
15 the time Deputy Askew he was one of the patrolmen. You met
16 him already. He had just got off the phone with a person.
17 He told me, "Hey, they're" -- "they're all good. They said
18 they've got the" -- "the child. We're going to send some
19 police officers from that jurisdiction to go visually and
20 take a look. We're going to go ahead and clear up from the
21 scene here." And at that point I said, "No, how about we get
22 them on FaceTime? Let's" -- "let's get a visual look before
23 we clear this scene."

24 Q. And were you ever able to get anybody on FaceTime
25 so that you could visually see India?

1 A. The moment he called back and said, "Hey, we're
2 going to need to see her on FaceTime." Everything changed.
3 And at that point we were told no, the child is not here in
4 North Carolina.

5 Q. Okay. And before you -- before you had arrived,
6 were you aware of whether any officer from Rock Hill had
7 requested consent to search the house?

8 A. When I first -- after I got that information, I
9 was told that initial consent had been requested from the --
10 what turned out to be the renter, which is Ms. Williams. And
11 that Ms. Williams had said she didn't have a problem giving
12 consent, but she wanted to wait until her husband got home
13 from work. It's not an unusual or -- or a strange request at
14 all. And at that point I said, "Well, let me talk to her."
15 I took control of the scene, and I became the -- the main
16 investigating detective.

17 Q. Did you personally speak with Ms. Williams about
18 consent to search?

19 A. I did. I made contact with her. I explained what
20 was going on, why we needed to search the home sooner rather
21 than later. I pointed out the fact that I knew it was
22 embarrassing that they had a lot of people on the street, a
23 lot of officers out at her home that clearing the home would
24 kind of move us onto the next phase and get us out of there
25 here. And asked if maybe we could just speak with her

1 husband by phone since he was driving from work.

2 Q. Did you speak with somebody by phone?

3 A. I did. She brought a male on the phone. She
4 identified him as her husband. He identified himself and I
5 explained to him the situation. And at that point, I
6 obtained consent by the phone and -- and from Ms. Williams.

7 Q. Do you recall if there were any other of the
8 occupants of the residence around when you received consent
9 from Mr. and Mrs. Williams?

10 A. There was another female inside the home. I was
11 made aware that Ms. Mullen was on scene and Ms. Williams.

12 Q. Outside at the time?

13 A. I believe she was outside at that time. I didn't
14 make contact with her for a little while.

15 Q. Was Mr. Audrevious Williams inside when you
16 received consent?

17 A. Audrevious Williams was also there, yes, ma'am.

18 Q. Okay. And once consent was granted how extensive
19 a search was conducted at the residence?

20 A. So since I had taken over, I know you met
21 Lieutenant Johnson, he's the ranking officer that was on
22 scene. But that becomes moot once a detective arrives on
23 scene, takes control of the investigation so that Megan says
24 it's my scene and I make all the decisions. At that point
25 what I did is I took the officers, rallied them up, explained

1 to them exactly what kind of a search I wanted, which is
2 basically anything any place where you could have a small
3 enough area to place a 26 pound four-year-old. Gave a quick
4 description of what we were looking for and we began a -- a
5 search of each of the rooms. For most of that I was
6 conducting some of the search, but I was -- I was mostly
7 supervising the search.

8 Q. And so when we get into how extensive the search
9 was, did the search involve the attic?

10 A. It did. It involved the attic, every crevice that
11 we could open doors closed -- closed cabinets, the oven,
12 everything.

13 Q. And at that stage of the investigation, based upon
14 the information that you had, were there particular parts of
15 the house that were of interest or focus in the search?

16 A. So initially what I was told was that the
17 investigation from the -- from the start had given them
18 details that the child might be hidden in one of the bedrooms
19 of the home. However, as a detective, when I walk into a
20 scene, I might see evidence laying on the other side of this
21 room, but I'm going to start where I'm standing in the
22 threshold and I'm going to work my way slowly that way. So I
23 -- I -- we began the search right there where I was standing.

24 Q. Which room were you in that you did the search?

25 A. Initially we were in the living room area. I

1 began in the kitchen. The other officers worked the first
2 floor and then we moved to the second floor.

3 Q. Okay. Once you got to the second floor, did you
4 search any of the rooms up there?

5 A. I did. We began to break off again, like I said,
6 you -- you point out the -- the attic was one of the areas.
7 There were a couple bedrooms, there was a bathroom. One of
8 the bedrooms, the door was closed and I was told there were
9 -- as I recall, there were two small children in that room
10 asleep. The officers had chose not to wake them up and scare
11 them. So what I did was, I told them I'll basically go
12 search that room. There was one closet, everything else was
13 pretty much an empty room with a mattress, I believe, on the
14 floor. It was all dark. I went in with my flashlight, left
15 the other officers to the other parts of the upstairs. There
16 was only really one primary bathroom and bedroom left that I
17 recall. Two -- two bedrooms actually. And I went in and
18 there was a closet that was stacked full of items so high
19 that I basically just opened up the closet and began stuffing
20 my hand in through the items trying to see if I could find a
21 deceased child.

22 Q. Now is there -- was there a particular reason that
23 you were focused on the closet in that room?

24 A. The information that I had heard from the officers
25 when I was in route was that the child was a -- was either in

1 a closet or potentially a drawer. I would think I initially
2 was given a real focus on closet though. And drawer was kind
3 of mentioned in the -- in the side notes.

4 Q. Okay. So while you were on scene, did you have an
5 opportunity to talk with Ms. Jackleen Mullen, the defendant
6 in this case?

7 A. I did. It was probably 20, 25 minutes after I
8 first arrived that I was -- we were done with the search. At
9 that point I decided I need to go talk with her and try to
10 find out where's -- where's her child.

11 Q. And you were -- you're the case agency, you were
12 previously in the courtroom --

13 A. Yes, ma'am.

14 Q. -- when Detective Beach testified?

15 A. I was.

16 Q. Okay. Were you the other officer that was
17 speaking with Ms. Mullen on his body camera video that was
18 played?

19 A. That's correct.

20 Q. Okay. And then was there a second time that you
21 spoke with Ms. Mullen?

22 A. Yes.

23 Q. Okay. And do you recall approximately what time
24 that was?

25 A. I don't remember the time off the top of my head.

1 It was a -- a short time later there was a -- a break while I
2 went and did some other looking around, some other
3 investigating and then I came back to her.

4 Q. Were you wearing your body camera when you had the
5 second conversation with Ms. Mullen?

6 A. I was.

7 Q. Okay. And what -- do you remember the location of
8 that second conversation with Ms. Mullen?

9 A. I believe most of the conversations with her that
10 I was a part of were on the side of the house.

11 Q. And was anybody else present during the second
12 conversation with Ms. Mullen?

13 A. I believe Detective Beach might've approached at
14 one point or was in the area and I believe Sergeant Harrelson
15 later Lieutenant Harrelson was close by.

16 Q. And what did Ms. Mullen tell you in that second
17 conversation about India's location and her -- and Ms.
18 Mullen's movement that day?

19 A. Ms. Mullen gave detailed account of her basically
20 transporting **India M.** to North Carolina where she stated
21 she had dropped her off at her aunt's house as I recall
22 because it was the child's birthday the next day.

23 Q. At the conclusion of that conversation, what did
24 you do?

25 A. I placed Ms. Mullen under arrest.

1 Q. I'm going to show you -- all right. What's been
2 marked for ID purposes as State's Exhibit 20. Take a look.
3 Do you recognize State's Exhibit 20?

4 A. Yes, ma'am.

5 Q. And what is State's Exhibit 20?

6 A. It's a USB thumb drive.

7 Q. And what is -- have you had an opportunity to look
8 at that thumb drive?

9 A. I have. I examined this earlier. It has a video
10 on it.

11 Q. Okay. And what is that video?

12 A. It's my body cam with some redacted portions. I
13 know it's mine because I may initialed it.

14 Q. Yes. So it's a truthful and accurate except for
15 the redactions as to the portion of your video -- body-cam
16 video that shows that second conversation with Ms. Mullen?

17 A. That's correct.

18 MS. JOYNER: We move State's 20 into evidence.

19 MR. L. SHEALEY: Subject to my prior objection.

20 THE COURT: Subject to your prior objection redaction
21 will be admitted.

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

23 MS. JOYNER: Thank you, your Honor. We ask to publish
24 for the jury at this time. Madam Clerk, if you could share
25 my screen, please. If you could dim the lights. I'm going

1 start, your Honor.

2 THE COURT: Okay.

3 MS. JOYNER: I think the...

4 (Video starts playing at 2:11 p.m.)

5 DETECTIVE SMITH: You want to go to jail for murder?

6 MS. MULLEN: No, I don't.

7 DETECTIVE SMITH: Where's the child? She's dead. We
8 know it. Where's your child?

9 MS. MULLEN: My kid is not dead.

10 DETECTIVE SMITH: Where's your child then?

11 MS. JOYNER: My kid is at Cindy's house.

12 DETECTIVE SMITH: There's dirt in the back of your car,
13 a hair ribbon and a bag -- plastic bag. The card you are
14 playing (inaudible) --

15 MS. MULLEN: I know. My daughter is --

16 DETECTIVE SMITH: -- at Cindy's house.

17 MS. MULLEN: -- my daughter is (inaudible).

18 DETECTIVE SMITH: So you did -- you went to Cindy's
19 house and dropped that child off today?

20 MS. MULLEN: I dropped her at Cindy's house.

21 DETECTIVE SMITH: She's not at Cindy's house.

22 MS. MULLEN: Ask her where she brought her.

23 DETECTIVE SMITH: Huh?

24 MS. MULLEN: Why don't you ask her where she brought
25 her?

1 DETECTIVE SMITH: Well, you're saying you had your
2 child and you left her with your child.

3 MS. MULLEN: (Inaudible).

4 (Video stops playing at 2:13 p.m.)

5 MS. JOYNER: I apologize, your Honor, I'm not sure why
6 --

7 (Video starts playing at 2:13 p.m.)

8 MS. MULLEN: I sent her to Cindy's today. You said you
9 checked the car.

10 DETECTIVE SMITH: The best I can do is see that you
11 drove up to North Carolina, but that made this look like you
12 took your child. If your child just doesn't turn up, it's
13 just a murder case. We don't know where your kid is, or how
14 she died.

15 MS. MULLEN: I'm telling you guys, I don't know what
16 the hell you guys are talking about my kid being dead.

17 DETECTIVE SMITH: I've got an 11-year-old.

18 MS. MULLEN: She's perfectly healthy.

19 DETECTIVE SMITH: Let me tell you, I got an
20 11-year-old.

21 MS. MULLEN: I've got two four-year-olds and a
22 two-year-old.

23 DETECTIVE SMITH: Perfect. Do you know where they all
24 are right now?

25 MS. MULLEN: Yes. And I never --

1 DETECTIVE SMITH: Where's your four-year-old daughter?

2 Not at Cindy's house. So are you worried at all?

3 MS. MULLEN: I'm trying to tell you Cindy probably

4 brought her to, like, my aunt's house or something.

5 DETECTIVE SMITH: So you think your child is someplace

6 else?

7 MS. MULLEN: Cindy is with my kid.

8 DETECTIVE SMITH: What did she say when you guys were

9 on the phone?

10 MS. MULLEN: That the police are here. Why the police

11 are here?

12 DETECTIVE SMITH: Well, what's about to happen is Cindy

13 is about to go into handcuffs because we got to take her in

14 and find out who's lying at this point. Because Cindy --

15 there a four-year-old that is not around. There is a

16 four-year-old that nobody knows where the four-year-old is.

17 You just don't have a child all of a sudden. And as the dad

18 of an 11-year-old, if you told me that my child wasn't at

19 home in her bed right now, I'd be sideways. But you're kind

20 of like, "Ah, she" --

21 MS. MULLEN: I brought India to Cindy and I know she's

22 fine.

23 DETECTIVE SMITH: But India is not --

24 MS. MULLEN: She cannot hurt India.

25 DETECTIVE SMITH: She's not with Cindy. I don't know

1 where you think she is. She's not with Cindy. I'm telling
2 you right now.

3 MS. MULLEN: The only thing that I can tell you is
4 maybe she panicked or something and brought her to my aunt or
5 something.

6 DETECTIVE SMITH: Well, how about we go hold your aunt?

7 MS. MULLEN: I don't know if she's doing that. What
8 I'm trying to tell you is that Cindy got India.

9 DETECTIVE SMITH: Cindy does not. India -- India is
10 not with Cindy. Physically, she's not there. They've been
11 all through the house. The cops have walked all through the
12 home. There is no child there. There's no four-year-old
13 child there. We have a picture of your daughter. They've
14 looked at the child, walked all through the house. There is
15 no four-year-old child matching the description of your child
16 in that home. She is gone. And you are not that worried
17 about it because you're like, "Oh, Cindy's got her." Cindy
18 is there. Your child is not. Wrap your head around that.

19 MS. MULLEN: How about we find out if Cindy
20 (inaudible)?

21 DETECTIVE SMITH: That's what we asked you. And you --
22 you talked to Cindy and she said, the police are here. Yeah.
23 Where's your kid? That would be my question. Where is your
24 freaking kid?

25 MS. MULLEN: (Inaudible).

1 DETECTIVE SMITH: There's going to match phone records
2 and show that you're covering up where your kid went. Where
3 is your kid? The truth. Where is your child? If -- if
4 something bad happened, let's -- let's find out. He's had
5 physical (inaudible) keep on crying over here. You
6 (inaudible). And we all know what happened. At least we
7 know unfortunately what has happened. But we got to get
8 there. Did she pass away? She had medical issues.

9 MS. MULLEN: I don't understand.

10 DETECTIVE SMITH: It's not a Hispanic thing at this
11 point. It's police who are about to take a whole bunch of
12 people into custody because you can't find a four-year-old
13 child. She's saying your child is alive. What you're
14 telling me right now is your child is alive. We already had
15 the cops at Cindy's. You talked to her on the phone.

16 MS. MULLEN: (Inaudible).

17 DETECTIVE SMITH: You just talked to her on the phone.

18 MS. MULLEN: Probably she put --

19 DETECTIVE SMITH: Who else can take care of your --
20 your four-year-old has some -- has some disabilities, right?
21 Some special needs. Does -- do they have all the stuff they
22 need?

23 MS. MULLEN: (Inaudible) to do is Cindy.

24 DETECTIVE SMITH: Right. So it's kind of a problem
25 that Cindy doesn't have your child in there.

1 MS. MULLEN: Cindy is not there (inaudible) phone right
2 now.

3 DETECTIVE SMITH: Get that phone number from
4 (inaudible). Send it one more time before we do (inaudible).
5 Hello. Hey, is that Cindy?

6 MS. TAPIA: Hello. (Inaudible).

7 DETECTIVE SMITH: Okay.

8 MS. MULLEN: (Inaudible) get like in trouble or
9 something.

10 DETECTIVE SMITH: You don't seem very worried about
11 where your child is.

12 MS. MULLEN: I don't think (inaudible).

13 DETECTIVE SMITH: Hey, Cindy, this is Detective Smith.
14 She says that you have her child, and you are just afraid
15 you're going to get in trouble. You realize you only get in
16 trouble if you lie to us about having the child, right?

17 MS. TAPIA: (Inaudible).

18 DETECTIVE SMITH: Okay. So did you take her child
19 someplace? Did you go hide her child for some reason from
20 the police?

21 MS. TAPIA: I didn't hide the baby.

22 DETECTIVE SMITH: Well, then where's her child?

23 MS. TAPIA: The cops searched everywhere.

24 DETECTIVE SMITH: Where's her -- where's -- these cops
25 weren't there before. Where is her child? Where is her

1 four-year-old? You're under arrest for abandonment. And
2 I'll go with murder after I get next step.

3 (Video stops playing at 2:21 p.m.)

4 MS. JOYNER: You can unshare the screen. Bring back
5 the lights. Thank you.

6 BY MS. JOYNER:

7 Q. At the -- your video leaves off with you placing
8 Ms. Mullen under arrest. Did you transport her personally to
9 the Rock Hill Police Department?

10 A. No. Patrol officer did that.

11 Q. Did you remain at the scene after her arrest for
12 any period of time?

13 A. Very shortly.

14 Q. Okay. Did you brief the occupants inside of what
15 had occurred?

16 A. I did. I gave them a quick update as to where the
17 investigation was. They were pretty concerned it seemed
18 like. So I want to keep them aware.

19 Q. After you left from briefing the family, did you
20 go back to the law center?

21 A. I did.

22 Q. And as part of your investigation, did you
23 personally interview India's father, Antonio Martin?

24 A. I did not.

25 Q. Did other officers interview him and speak with

1 him as part of the investigation?

2 A. Other detectives did, yes.

3 Q. Okay. And on May 27th in the early morning hours,
4 did you speak with Detective Felmet about his interview with
5 Antonio Martin?

6 A. I did.

7 Q. And do you remember about what time you spoke with
8 him or was it after you had placed Ms. Martin -- or Ms.
9 Mullen under arrest?

10 A. As I recall, it was after I placed Ms. Mullen or
11 Ms. Mullen -- sorry, Ms. Mullen under arrest and trying to
12 remember back exactly. It was -- I believe it was back when
13 we were back at the law center, I got an update as to what
14 information he had the latest info.

15 Q. And based upon that information, what if anything
16 did you do?

17 A. So after we conducted the search at the house and
18 after some other parts of the investigation, my belief at
19 that point was that India had passed and had been transported
20 away from the scene already, which is why my questions were
21 focused the way they were. When we got back to the law
22 center and I got a little bit more info, I began to think
23 that we had missed something in the search based upon the
24 statements about the closet and then the drawers.
25 Originally, I had heard probably the drawers had been

1 mentioned when I first got on scene, but it was a relatively
2 chaotic scene. A lot of focus was on the closet for some
3 reason. When I heard drawers at that point, I contacted
4 Sergeant George, who's in charge of the forensics unit, told
5 him that I wanted them to focus on the drawers first thing
6 once they got into the home with the search warrant.

7 Q. Okay. Now, when you arrived back at the law
8 center did you have an opportunity to briefly speak with Ms.
9 Jackleen Mullen?

10 A. I did.

11 Q. And did you request Ms. Mullen's consent to search
12 her phone?

13 A. I did. I presented her with consent to search
14 form and explained the process and -- and I asked her for
15 permission to search her phone.

16 Q. And did she give you consent to search her phone?

17 A. She did. She provided her passcode for the phone
18 and she signed a consent form.

19 Q. Okay. Now, after that conversation at some point
20 did you return back to the scene at -- to 520 Gentle Breeze
21 Lane?

22 A. I did.

23 Q. And what was the reason that you returned back?

24 A. I was advised that Ms. Martin had been located.
25 India's body had been found and I needed to go and -- and

1 actually see it myself.

2 Q. Okay. And so at that point are you aware for your
3 investigation of who was on the scene at 520 when India M.
4 [REDACTED] was located?

5 A. Investigator Askew, she was there. She was also
6 working with Sergeant George. I believe Detective Beach had
7 maintained -- we tried -- always tried to have at least one
8 detective, a senior officer, a detective maintained crime
9 scenes keep control. So he was in charge of the crime scene
10 at that point. He was still there. I believe, Officer Rex
11 Hernandez was there.

12 Q. And when you arrived back to the -- to the scene,
13 did you view India's body or you were aware she'd been
14 located?

15 A. I did.

16 Q. I am going to show you what's been marked as
17 State's Exhibit 15. You can look at photograph and tell me
18 if you recognize that photograph.

19 A. I do.

20 Q. And what do you recognize that photograph as?

21 A. This is a photograph of the lower part of the
22 chester drawers where India's body was found. She is visible
23 in the lower drawer underneath several blankets.

24 Q. Does that truthfully and accurately reflect what
25 you saw when you went back to the scene?

1 A. It does.

2 MS. JOYNER: We move State's Exhibit 15 into evidence.

3 MR. L. SHEALEY: Subject to prior objection.

4 THE COURT: Subject to objection be admitted.

5 (State's Exhibit Number 15 admitted into evidence.)

6 MS. JOYNER: Thank you, your Honor. Your Honor, at
7 this time, we'd like to publish State's Exhibit 15. Madam
8 Clerk, if you could share my screen please and dim the lights
9 briefly.

10 THE COURT: You can publish.

11 BY MS. JOYNER:

12 Q. And, Detective Smith, this dresser drawer which
13 room was this located in?

14 A. This is in the room that was identified as being
15 shared by Mr. Williams and the defendant, Ms. Mullen.

16 MS. JOYNER: Thank you, Madam Clerk, please unshare the
17 screen.

18 BY MS. JOYNER:

19 Q. After viewing India, what -- what did you do?

20 A. After coming to the scene, making sure that I
21 could say that I -- I had actually seen things myself. I
22 returned back to the law center. Well, no, first I made
23 contact with the family downstairs. They had not been
24 briefed for many reasons. People keep things pretty close to
25 the chest when they first find something like that. The

1 family was still wondering where India was. They were asking
2 questions. So I met with the family briefly.

3 Q. Did you at that time detain Audrevious Williams?

4 A. I did. Based upon some of the statements he had
5 made earlier that were not consistent with the information we
6 were starting to find to be true I placed him under arrest as
7 well while I detained him initially.

8 Q. And were you present when he was searched and
9 handcuffed?

10 A. I was.

11 Q. And who searched and handcuffed him?

12 A. If I remember correctly, I believe it was maybe
13 Officer Hernandez.

14 Q. And was he the same person who transported Mr.
15 Williams to the law center?

16 A. I believe so.

17 Q. Okay. As part of that search and handcuffing, was
18 Mr. Williams' phone removed from a pocket -- his pocket?

19 A. Yes, I secured the phone.

20 Q. You secured the phone. And did you take the phone
21 with you to the law center?

22 A. I did.

23 Q. Okay. Once at the law center, did you meet with
24 Mr. Williams?

25 A. I did.

1 Q. Okay. And during that meeting, did you request
2 consent to search his phone?

3 A. Yes.

4 Q. Did he provide you consent to search his phone?

5 A. Yes.

6 Q. Now, as the -- the case agent to the case, you're
7 kind of aware of all different aspects of the investigation,
8 is that correct?

9 A. That's the goal.

10 Q. Now, are you aware from this scene whether vaginal
11 swabs were taken by Gina Goss from the coroner's office for
12 testing?

13 A. They were.

14 Q. And was that submitted for DNA analysis?

15 A. It was.

16 Q. Are you aware of whether a standard or blood spot
17 was taken during autopsy to also be submitted for DNA
18 testing?

19 A. Correct.

20 Q. Okay. And was pillow case recovered from the
21 bedroom where India was located by Sergeant George to be
22 submitted for testing?

23 A. Yes.

24 Q. On May 27, 2020, did you receive -- did you seek
25 and receive warrants for Jackleen Mullen and Audrevious

1 Williams?

2 A. I did.

3 Q. And at that time for what offense?

4 A. Homicide by child abuse.

5 Q. Subsequent to obtain -- subsequent to obtaining

6 warrants for homicide by -- for child abuse against Ms.

7 Williams. And I'm sorry, with Ms. Mullen and Mr. Williams,

8 was Jackleen Mullen charged with murder?

9 A. No. Not at that time. Well, I guess you, know,
10 later, yes. But not that time. Yes.

11 Q. And what had occurred within the investigation
12 prior to Ms. Mullen being charged with murder?

13 A. Some time had passed. One of the things that came
14 to light was the interview with Mr. Williams he -- he wanted
15 to seek out an interview with us with his attorney.

16 Q. Okay. Is that Audrevious Williams?

17 A. Correct.

18 MS. JOYNER: Okay. Beg the Court's indulgence. All
19 right. Thank you very much. Please answer any questions the
20 Defense has.

21 MR. L. SHEALEY: May it please the Court?

22 THE COURT: Sure.

23 CROSS-EXAMINATION

24 BY MR. L. SHEALEY:

25 Q. Good afternoon, Detective.

1 A. Afternoon. I'm good. How are you, sir?

2 Q. All right. You're set up? So I think you said
3 once you arrived at the scene that it was your scene, right?

4 A. It's correct.

5 Q. You had some ranking officers around doing their
6 jobs, but once you got there, the decisions to make were --
7 were by you, right?

8 A. 99 percent of the decisions were made by me at
9 that point or approved by me. Yes.

10 Q. And so in a case like this, it's important to
11 figure out who's the culprit, right? That's your primary
12 objective, right?

13 A. That is the ultimate goal. Yes.

14 Q. And you want to seek the truth, correct?

15 A. Absolutely.

16 Q. And I think you said you -- I mean, you've been in
17 -- in law enforcement for 20 -- did you say 27 years?

18 A. Yeah, two years off when I went from the military
19 to -- after Iraq for two years I worked in hospital security.
20 So there's a little break in time there.

21 Q. Right. So you've got significant training in
22 investigations, right?

23 A. Yes.

24 Q. And interrogations, correct?

25 A. Correct.

1 Q. Interview techniques with suspects to try to see
2 if they'll come clean, right?

3 A. Yes.

4 Q. And is it fair to say that kind of in this case
5 the buck stops with you, right?

6 A. Yes.

7 Q. Okay. And you in fact applied for the arrest
8 warrants for both Audrevious Williams and Jackie Mullen,
9 correct?

10 A. That's correct.

11 Q. But the same thing, homicide by child abuse.

12 A. Yes.

13 Q. And you know when you get to the scene, we've got
14 a situation where both -- both Jackie and Dre were lying,
15 right?

16 A. Yes.

17 Q. Okay. And you -- you've talked about -- and we've
18 seen some of Jackie's lies. Jackie lied because her -- her
19 child was not with Aunt Cindy in North Carolina, right?

20 A. Correct.

21 Q. And you mentioned some of the inconsistent
22 information that you got or that your officers got from Dre.
23 That would be as well echoing that the child is in North
24 Carolina, correct?

25 A. Uh-huh.

1 Q. That he actually worked that day at FedEx, which
2 he did not, right?

3 A. That's correct.

4 Q. And also that he hadn't seen the child's father in
5 months, right?

6 A. Yes.

7 Q. All of those things that were determined not to be
8 true by your investigation.

9 A. That's correct, sir.

10 Q. So that's -- I guess, three lies for Dre right
11 there. But -- but you've got these lies from both parties
12 who you ultimately charged. And so it's -- you're -- you're
13 trying to figure out who killed this child, right?

14 A. I mean, yeah, to some degree I'm trying to figure
15 out who let the child die over a period of days. Yes.

16 Q. Absolutely. And both people are lying and -- and
17 having investigated probably thousands of cases for almost
18 three decades, it's not uncommon when people who were -- who
19 were under suspicion, let's just say, to lie to police,
20 right?

21 A. It's pretty normal.

22 Q. They want to exculpate themselves or get
23 themselves out of that jam, whatever it may be, correct?

24 A. From a speeding ticket to murder. Yes.

25 Q. Right. So what you're encountering right here is

1 not that uncommon?

2 A. It's a little unusual. It's a little extra, but
3 it's pretty normal. Yes.

4 Q. But you also have other investigative tools in
5 your toolkit to try to -- to figure out things that might
6 help you direct the case one way or the other, correct?

7 A. Sure.

8 Q. And some of those things could be in any typical
9 case forensics that could help you determine who might have
10 committed a crime.

11 A. Yes.

12 Q. DNA, correct?

13 A. Yes.

14 Q. Fingerprints, right?

15 A. Yes.

16 Q. Cell phones these days in modern times provide a
17 -- a wealth of information, right?

18 A. Supreme Court says more than your household about
19 you.

20 Q. That's true. And in this case, cell phones would
21 -- would be very instrumental into learning about this case,
22 right?

23 A. I thought they'd be very helpful. Yes. And they
24 -- they were.

25 Q. And as the -- the chief detective in this

1 particular case, I assume you've reviewed the cell phones and
2 aware of what they contained in this case, right?

3 A. I am.

4 Q. And we ended up having two cell phones in
5 evidence. And I think you told the solicitor one was
6 Jackie's cell phone, right?

7 A. That's correct.

8 Q. And one was Dre's cell phone, correct?

9 A. Correct.

10 Q. And you mentioned Jackie gave you consent for her
11 phone?

12 A. Yes.

13 Q. And gave you her passcode?

14 A. Correct.

15 Q. And there was just -- even while you were
16 interviewing Dre, there was just a litany of information
17 about recent times from text about the condition of India
18 that really informed your opinion on this case, correct?

19 A. Are you asking about specifically Jackleen's
20 phone?

21 Q. Correct. Because let -- let me backtrack. When
22 you got Dre's phone, it was wiped clean, correct?

23 A. I believe so, yes. He -- he had reset the phone,
24 if I remember correctly, yes.

25 Q. And -- and I -- you did have a fairly lengthy

1 interview with with Dre that was recorded, right?

2 A. That's correct.

3 Q. And that was after -- you know, police had already
4 spoken to Jackie, including you, and then once you found
5 India, you brought Dre in?

6 A. That's correct.

7 Q. And so I can -- I'm going to ask you some
8 questions about that interview, and I have made a transcript
9 if I need to refresh or -- refresh your recollection. So you
10 let me know if you don't remember something, but you probably
11 remember a lot of it, but Jay -- Dre had reset his phone, he
12 told you, right?

13 A. I -- I -- if I remember correctly. That's
14 correct, yes.

15 Q. Okay. And you -- so really there weren't any
16 texts available on his phone?

17 A. Not initially, no.

18 Q. Okay. And -- and you were advised that that was
19 because he was going to sell the phone, right?

20 A. I believe so, yes.

21 Q. But what you learned was that he actually sold a
22 different phone, a Samsung.

23 A. Totally different phone. Yes.

24 Q. So not that phone?

25 A. No.

1 Q. But that phone was reset, correct?

2 A. Yes.

3 Q. It did not provide the wealth of text information
4 that Jackie's phone did.

5 A. Correct.

6 Q. She had not reset her phone?

7 A. Correct.

8 Q. But as we say, so phones are something that can
9 help provide us context to a case. People are usually pretty
10 candid when they're not realizing that their phone's going to
11 be opened up one day, right?

12 A. Yes.

13 Q. And so you're -- you're familiar with what a
14 Cellebrite extraction is?

15 A. I have a very ancillary knowledge of it, but yes.

16 Q. It's someone like Investigator Felmet has more of
17 a knowledge than you.

18 A. That's correct.

19 Q. And he's actually the one that extracted this --
20 these phones in this case?

21 A. That's correct.

22 Q. We'll probably hear from him, but that's -- it's
23 not your area of expertise, but you're aware once the
24 extractions occur that they can literally create a report
25 that allows investigators like yourself to learn what was

1 going on, correct?

2 A. In most cases, there's not all the data comes back
3 sometimes, but in most cases, yes, sir.

4 Q. And have you reviewed the Cellebrite text
5 extraction in this case?

6 A. I have.

7 Q. Okay. And it has allowed us to kind of create a
8 timeline of events that significant, correct?

9 A. That is correct.

10 Q. And that gets produced to lawyers like me when I
11 take over a case and -- and it gets produced to Dre's lawyer
12 as well, right?

13 A. Sure.

14 Q. And what was produced to me was about a month's
15 worth of texts. Did -- you familiar with that?

16 A. Yes, I've seen them.

17 Q. And you've read all those, correct?

18 A. I have looked through them, yeah. It's been a
19 while though.

20 Q. Okay. Well, I have them all right here. So if I
21 need -- I'm going to ask you a couple questions about, as the
22 lead investigator about those texts, but if you need your
23 memory refreshed, I can pull those up for you, okay?

24 A. Thank you.

25 Q. But having reviewed all the texts, you would --

1 I'm sure note that there's instances of Dre being physically
2 abusive to Jackie Mullen.

3 MS. JOYNER: Your Honor, I'm going start object to the
4 -- to the -- first of all, to the form of the question. If
5 he could point him to a specific text message and maybe
6 discuss that with him.

7 MR. L. SHEALEY: I'm just generally from his review of
8 the text, asking if he's aware of that.

9 MS. JOYNER: And it's hearsay.

10 THE COURT: I believe the first question being general
11 finding.

12 MS. JOYNER: And it's hearsay, your Honor.

13 MR. L. SHEALEY: These texts are all going to come in.
14 I'm asking him from his memory.

15 THE COURT: I'll allow. The question is a general one,
16 but then I'd like you to get to more specific --

17 MR. L. SHEALEY: Okay.

18 THE COURT: -- instances.

19 BY MR. L. SHEALEY:

20 Q. All right. Do you -- do you recall throughout
21 this month of text evidence of Dre and these texts being
22 physically abusive to Jackie Mullen?

23 A. Not to avoid the question, but I am going to need
24 you to specifically kind of guide me a little bit.

25 Q. Okay.

1 A. It's just been three and a half years.

2 MR. L. SHEALEY: Happy to do that. May I approach,
3 your Honor?

4 THE COURT: You may.

5 BY MR. L. SHEALEY:

6 Q. I am going to show you this text in May, but there
7 might be a couple.

8 A. All right.

9 Q. Are you looking at May 11th, correct?

10 A. Correct. I was just -- I'm sorry, I'm looking
11 down for the dates here. I see -- I see May 2nd. Is that
12 what you're looking at? May 2nd. May 2nd. Am I looking at
13 the wrong place? Bottom right. I see May 2nd.

14 Q. Let me redo that.

15 A. Sure.

16 Q. I apologize.

17 A. Yeah.

18 Q. All right. Let's try this again. May 11th.

19 A. Yes, sir. May 11, 2020.

20 Q. All right. Having reviewed these texts, do you
21 recall specifically Ms. Mullen --

22 MS. JOYNER: Your Honor, may he provide the page that
23 we can read along?

24 MR. L. SHEALEY: This would be page 104.

25 THE COURT: There you go.

1 THE WITNESS: Are you asking me to read them or just
2 look through and give you out of the context?

3 BY MR. L. SHEALEY:

4 Q. No, you don't need to read it. But you recall Ms.
5 Mullen accusing him of being a mini wife beater?

6 A. Yeah. She -- she refers to -- she -- well she
7 says, "I don't want your mom." And then she refers to
8 knowing her son is a -- he's an explicit mini wife beater or
9 mini woman beater. I don't know why -- why a mini woman
10 beater, but --

11 Q. Can I approach with page 105. Following up on
12 that conversation, she's confronting him about choking her,
13 correct?

14 A. It looks like she says something about snatching
15 food and something about near choking her and then he's
16 replying back that he grabbed her arm.

17 Q. He's just grabbing her arm, right?

18 A. It looks like they're arguing over how they even
19 argued.

20 Q. Okay.

21 A. Yes, sir.

22 Q. So that would be a reference to physical abuse --
23 abuse by Dre?

24 A. Looks like that's what she's saying, yes.

25 Q. All right. Do you recall other instances of

1 physical abuse by Dre? And I can walk you through every one,
2 but --

3 MS. JOYNER: Your Honor -- your Honor, if I could
4 object to the question he asked if -- he's asking the officer
5 whether he's seen text regarding it, but he -- the officer's
6 not personally aware of -- of anything.

7 MR. L. SHEALEY: Right. As part of his investigation.

8 THE COURT: Rephrase the question with that context.

9 BY MR. L. SHEALEY:

10 Q. We just talked about one specific stances in the
11 text that you've reviewed. Do you recall from your memory
12 other instances of abuse by Dre, yes or no?

13 A. I'm sure throughout the text messages there are
14 similar texts, if that's what you're asking me, it sounds
15 right.

16 Q. Right. You -- you would not disagree with that?

17 A. I'm not disagreeing with you that there are
18 similar instances. No, not at all.

19 Q. And what we have here against India is a violent
20 crime, correct?

21 A. Correct.

22 Q. Where India died due to blunt-force trauma to her
23 head.

24 A. That's correct.

25 Q. So it would be relevant to you in this

1 relationship if one of the parties is violent, correct?

2 A. Sure.

3 Q. It would also be relevant to you if you noted
4 evidence of actual child abuse by any of the parties in these
5 text messages, correct? Extremely relevant.

6 A. Sure. Yes.

7 Q. You recall evidence of child abuse by Dre evidence
8 in any texts?

9 A. I don't know that I saw any evidence of anything.
10 You keep asking -- asking if I saw evidence, I saw text
11 messages throughout this -- this entire thing that they
12 characterize each other as a toxic at many times. If you're
13 asking, are there, like, pictures or video I can use. No.

14 Q. Okay. Let me refresh your recollection again if I
15 can. I'm referring to page 138 and 139 in these texts.

16 A. Uh-huh.

17 MS. JOYNER: Your Honor, if he could provide a date and
18 time. I think our page numbers are different.

19 MR. L. SHEALEY: These would be May 13th. 139 from
20 State's Cellebrite report.

21 A. The top of this first one is May 13th at 6:59:46
22 UTC-4.

23 Q. You can go ahead and review both and then I'll ask
24 you a couple of questions.

25 A. Uh-huh. If I remember correctly, the blue is --

1 is him, correct?

2 Q. Yes.

3 A. The green is her.

4 Q. Blue is listed as "My Forever."

5 A. Yep.

6 Q. It's him.

7 A. Yep. Okay. I read them.

8 Q. All right. And so here, you would've seen as part
9 of the investigation references to Dre hopping the other
10 four-year-old, A.J., correct?

11 A. Yes.

12 Q. And the conversation is regarding him reporting
13 that A.J. pushed Dre, his son, down the stairs, right?

14 A. I see. Yes. It says A.J. pushed Dre down the
15 stairs. Yes.

16 Q. Of course as we've discussed, we've got -- we've
17 got three children. We've got India, whose father is
18 Mr. Martin, correct?

19 A. Yes.

20 Q. A.J., whose father is Mr. Levar Allen, right?

21 A. Correct.

22 Q. And then Dre Junior, whose father is Dre, right?

23 A. Correct.

24 Q. So it's being reported that A.J., not his child,
25 pushed his child down the stairs, right?

1 A. That's what it says. Yes.

2 Q. And when Ms. Mullen asked what he do, he confirms
3 that he popped him, correct?

4 A. Correct.

5 Q. And talked to him like, "Why would you do that?"
6 Right?

7 A. Right.

8 Q. And that's not the first time that part of your
9 investigation of this case that you're aware of Dre hitting
10 A.J.?

11 MS. JOYNER: Your Honor, again, he's not aware -- the
12 detective is not aware.

13 THE COURT: If he -- if he knows.

14 THE WITNESS: I guess what I would specifically say to
15 this is I don't know what "popped" means, and I also don't
16 see -- as a sex crimes in a child abuse investigator with
17 extensive training, if you're asking me, "Is this evidence or
18 reference to child abuse?" my answer is definitively "no"
19 under South Carolina law.

20 BY MR. L. SHEALEY:

21 Q. I'm not -- I'm not asking your opinion of South
22 Carolina law, I'm asking you if that -- if you ever -- that
23 you have witnessed and been told in this case as part of your
24 investigation, other instances A.J. being popped or assaulted
25 by Dre?

1 A. Not that I know of, no.

2 Q. You were not told that by Mr. James Howerton
3 regarding incident where he observed Dre hit A.J.?

4 A. The last time I spoke to Mr. -- the only time I've
5 ever spoke with Mr. Howerton was a couple days ago, and I
6 don't recall exactly what he said. It is possible that he
7 said something about him popping him or spanking him or
8 something like that at -- that I can't remember off the top
9 of my head, but I don't recall that.

10 Q. You don't recall a conversation from a couple days
11 ago?

12 A. Not that detail of it, no.

13 Q. But you have a body camera of that conversation.

14 A. Yes, I do.

15 Q. Mr. Howerton did come to police early in this case
16 to express his concerns about violence by Dre, right?

17 A. That's my understanding, yes.

18 Q. But you never asked Dre about hitting any --
19 hitting A.J. at all, correct?

20 A. I don't recall asking him anything about spanking
21 or hitting the children.

22 Q. All right. (Inaudible)?

23 A. Again, three and a half years.

24 Q. You would find it relevant if you uncovered
25 evidence in this phone of Dre committing any kind of corporal

1 punishment or hitting India, right?

2 A. No.

3 Q. You would not find that relevant?

4 A. No. I think a parent could spank their child. So
5 there's absolutely nothing if -- if you're -- you're trying
6 to relate spanking a child or corporal punishment with
7 beating a child. No, I don't -- I don't find that in itself
8 relevant.

9 Q. So as you're trying to determine which one of
10 these caregivers committed this abuse, you don't find -- you
11 wouldn't find that relevant in this -- in this phone?

12 A. A spanking or something like that. No.

13 Q. Any kind of evidence, punishment or abuse by Dre
14 against India.

15 A. Abuse, yes. Punishment, no.

16 Q. Okay. Bear with me.

17 A. Uh-huh.

18 Q. I am going to refer your attention to page 160 of
19 your Cellebrite report and 161 and 162 and 163. If you could
20 refresh your memory about that little text thread, I'll ask
21 you some questions about it.

22 A. Again, I apologize. Help me out. Green is -- is
23 --

24 Q. Green is Ms. Mullen and blue is coming from Dre.

25 A. Okay, sir.

1 Q. All right. So this is a conversation with -- it
2 appears Jackie is at work and she's wondering if Dre is
3 allowing or encouraging India to stand up, right?

4 MS. JOYNER: Your Honor, if we could ask for a date and
5 time so that we can file the message.

6 MR. L. SHEALEY: It is May 15th, at 4:09 p.m.

7 THE WITNESS: Yeah, it looks like reading through this
8 completely out of context, but it looks like Ms. Mullen wants
9 to make sure that she's being punished or made to stand for
10 some reason. I don't know if it's a therapy thing or it
11 looks like she's standing in a corner, so I would think she's
12 having her child stand in a corner.

13 BY MR. L. SHEALEY:

14 Q. No. You would be aware from being an investigator
15 in this case Ms. Mullen is at work on this day and to text
16 her to Dre and she's asking if -- let me guess quote, "India
17 is sitting down, right? Shake my head. It's always you that
18 gives her the easy way out." Are you following me page 160?

19 A. Yes.

20 MS. JOYNER: Your Honor, I would object to the form of
21 the question if he could ask him a question.

22 THE COURT: Yes, I -- I agree with you. Ask the
23 question.

24 BY MR. L. SHEALEY:

25 Q. Okay. You following me?

1 A. I'm following, yes.

2 Q. All right. So it appears that they're not
3 together at this point. She's -- she's checking in on
4 whether he is having her stand up, right?

5 A. Correct. Looks like on the 15th she's at work
6 talking about going to Starbucks.

7 Q. And he's confirming that "Yes, she's standing
8 babe", right?

9 A. Correct.

10 Q. And she wants them to take a pic -- a picture
11 because she doesn't believe him.

12 A. Correct.

13 Q. And so he sends a picture, right?

14 A. Yes.

15 Q. There's a thumbnail that you see?

16 A. I see a thumbnail. Yes.

17 Q. And having been produced in the cell phone report,
18 you recognize this as the thumbnail of that extraction,
19 correct?

20 A. Yes.

21 Q. And this is just the actual print of that
22 thumbnail, right?

23 A. Correct.

24 Q. And this would be Defendant 6 and 7. Do you
25 recognize this from your extraction, correct?

1 A. I don't know that I've personally seen this in the
2 extraction before, but this looks correct. It looks like
3 it's from an extraction, it looks like it's from this text
4 thread. Yes. I believe everything would be true.

5 Q. From Audrevious Williams' phone?

6 A. Correct.

7 Q. You recognize this child as India M. [REDACTED] ?

8 A. That is -- that is India M. [REDACTED] .

9 Q. You recognize her as standing in between the
10 dresser door.

11 A. Uh-huh.

12 Q. And a door that goes off the wall, right?

13 A. That's correct.

14 Q. You recognize that space from having been in that
15 bedroom, right?

16 A. Yes.

17 Q. That's literally at the bottom of the dresser
18 drawer where she was found, right?

19 A. That's correct.

20 Q. And she's just standing in between in that corner.
21 She looks like she was maybe crying.

22 A. She looks -- well, I mean, pretty much every photo
23 I've seen of her looks about the same. It looks like she
24 could be. I can't tell if she's crying honestly, but that
25 looks normal what I've seen.

1 Q. You don't know any huge bruises or dashes or
2 anything on her at this time, (inaudible)?

3 A. Not that I see, no, that's her shoulder. Sorry.
4 Just because you have a better view of it. Can I see that?
5 I can't tell if that's lighting or what on her shoulder.

6 Q. That's where Dre put her for her standing
7 exercise, correct? From those text messages?

8 A. Like he has a -- as he -- yeah. He has her
9 standing beside the dresser. Yes.

10 Q. And she just kind of shoved between a wall and a
11 door there, right? In those pictures?

12 A. Are you asking me to use the word shoved?

13 Q. Well, she's just in a corner.

14 A. Looks like she's been told to stand over there by
15 the door -- by the drawer. Yes. Looks like she's been told
16 to stand there. Yes.

17 Q. And Ms. Mullen says, "Mm, sad. Why did you move
18 her?" Right? Do you agree with that in the text?

19 A. Sorry, give me a moment here. I'm sorry. Where's
20 the "mm, sad"? I'm sorry. I'm just missing it, going
21 through it. Which page?

22 Q. That would be on 164. Do you have that or did I
23 -- have I not given that to you?

24 A. I didn't -- yeah, you didn't get that far. It's
25 okay.

1 Q. Yeah.

2 A. The last one I've got is the "Just sent the pic."

3 Q. All right. It's the end of that conversation?

4 A. This one starts on the 15th at 4:19. It says, "I
5 don't understand why my chain is taking so long." That's --
6 that's from him. And then she says, "Okay, why did you move
7 her?"

8 Q. Uh-huh.

9 A. She says, "She aggy."

10 Q. Dre says?

11 A. It will come. Is there any way to contact him?
12 He says, "Because she was getting on my nerves." She said --
13 and he says, "Yeah, I'm about to see if I can track it. I
14 don't know. So I'm about to track it."

15 Q. So his response about why he moved her is that she
16 was getting on his nerves?

17 A. Correct.

18 Q. During her exercises?

19 A. I don't know why she's standing in the corner. It
20 looks like she's being punished to me but --

21 Q. You know from the investigation that Jackie has --
22 worked at Hibachi Express that day, right?

23 A. I don't remember the date, but it's -- she's --
24 she makes reference to, "I'm about to see if I can go to
25 Starbucks." Sounds like she's trying to get a break or

1 something like that. That's the right area. So I would
2 guess she's at work. Yes.

3 Q. So that would be relevant to your investigation,
4 right? That --

5 A. That in of itself, no.

6 Q. That's not relevant to you?

7 A. Not to me.

8 Q. Him being frustrated while having Jackie in his
9 care while mom's at work is not relevant to you?

10 A. Him having her stand there because he is
11 frustrated versus beating her to death. No.

12 Q. Now, having reviewed the text messages as you
13 have, do you recall an exchange where Dre reports that she
14 fell?

15 A. Yes.

16 Q. And that would've been on the 19th, do you recall
17 that? May 19th?

18 A. Sounds right. Yes.

19 Q. And again, I can show it to you if you need to,
20 but it seems like this might have caught your eye. You --
21 you recall him saying that she is so hardheaded, right?

22 A. Could you show me the context please? Thank you.
23 It's from May 19th. It looks like it was delivered at 6:41.
24 Starts off with "Not sure, hold on. She just asked me if
25 I've ever had straight outer base," and that goes on from

1 there.

2 Q. Well, the question I'm -- I'm asking you to recall
3 as the investigator in this case is the conversation with Dre
4 reports "Your daughter is so hardheaded." You with me there?

5 A. Yes.

6 Q. "She f*cking fell and hit her face on the door by
7 the wall because she keeps moving when I'm telling her to
8 stand still." Do you see that?

9 A. Correct.

10 Q. "Now we have a big bruise to hide on her face.
11 Shake my motherf*cking head." Do you recall that?

12 A. Yes.

13 Q. Okay. But to you that would be quite relevant to
14 your investigation about injuries to the head of Jackie -- or
15 India M. ?

16 A. Yes. I would be interested in how they handled
17 that.

18 Q. Okay. Did you ask Dre about that?

19 A. I don't -- I don't know that I -- I don't know
20 that I had this available to me when I spoke with Dre about
21 text messages that night.

22 Q. Well, in September when he comes to talk to you
23 later, you certainly had that ability?

24 A. Sure.

25 Q. You didn't ask him anything about that, right?

1 A. No.

2 Q. Oh, I'm sorry.

3 A. Uh-huh

4 Q. He also says regarding the ball, "I finally got to
5 stop no flowing," correct?

6 A. You jumped on me. I'm sorry. Where -- where
7 we're at?

8 Q. We're on page 207.

9 A. Page 207.

10 Q. Where he mentions she's eating right now I finally
11 got to stop no flowing.

12 A. Oh yes, "She's eating right now I finally got to
13 stop no flowing." Yes.

14 Q. And that would be a week prior to her death?

15 A. Correct.

16 Q. Now, having read the text the way you have as part
17 of the investigation in this case it's pretty much daily.
18 Tell me if you don't recollect, but --

19 A. Yeah.

20 Q. Dre and Jackie are discussing getting pills,
21 right?

22 A. Yes, sir.

23 Q. Okay. It's very clear that they're both addicted
24 to opioids, right?

25 A. That's correct.

1 Q. Or roxies something to that effect?

2 A. Yes.

3 Q. And it seems to be almost an obsession, correct?

4 As people get addicted, that's what they need.

5 A. Unfortunately. Yes.

6 Q. Okay. And -- but having reviewed the text the way
7 you have one thing that would've stood out to you is that the
8 only day that Dre cannot get drugs is on May 22nd, right?

9 You agree with that?

10 A. That sounds about right. Yes.

11 Q. In fact, he's -- I know you reviewed this because
12 May 22nd is a pretty important time frame for law enforcement
13 in the case, right?

14 A. That's correct.

15 Q. That's the day when he said that he went to his
16 orientation, right?

17 A. Yes.

18 Q. At FedEx, correct?

19 A. That's correct.

20 Q. And that he was gone from approximately early
21 morning to one or so, right?

22 A. Yes.

23 Q. And he comes back and then Jackie goes to her
24 shift at Hibachi Express, right?

25 A. I believe so, yes.

1 Q. Okay. And so he -- she's with the kids in the
2 morning and he's with the kids in the afternoon and evening,
3 right?

4 A. Yes.

5 Q. But he -- as you know from these texts, they are
6 very broke at this point, right? Financially stressed?

7 A. Oh, financially, yes.

8 Q. Okay. And she's the only one that is working a
9 job?

10 A. Yeah.

11 Q. He's got their orientation that day. He hasn't
12 received a check yet, right?

13 A. Correct.

14 Q. But he's looking or to find a way to get pills,
15 correct?

16 A. As I recall, yes.

17 Q. And he's encouraging her to ask people for money,
18 to front some money because he wants to get high, right?

19 A. Yes.

20 Q. And it's part of that day's exchange. While he's
21 communicating with her at Hibachi Express at the end of the
22 day, she just says, "We don't have the money," correct?

23 A. Yes.

24 Q. Do you recall that?

25 A. Uh-huh.

1 Q. And he -- and he says, "Fuck it, we'll just be
2 sober," right?

3 A. Sure.

4 Q. You -- you recall that?

5 A. Yes.

6 Q. And during this time when law enforcement position
7 is that Jackie, she -- well, let me start over. Law
8 enforcement's position that during this time while she was
9 babysitting in the morning and he was away, that she
10 delivered some type of fatal -- really bad blow to her
11 daughter, correct?

12 A. Correct.

13 Q. All right. And then they switch and so -- you
14 know, from having the text that he's not texting or anything
15 out of the ordinary while she was at work that same day,
16 right?

17 A. I don't recall anything out of the ordinary, no.

18 Q. Okay. He's texting her that he's bored, right?

19 A. Uh-huh.

20 Q. He's texting her that he finally got an
21 opportunity to watch John Wick III, the movie, correct?

22 A. I do remember John Wick being mentioned.

23 Q. He is texting her, of course, that he is looking
24 for drugs, right?

25 A. Uh-huh.

1 Q. And there's one moment where he mentions India,
2 correct?

3 A. I believe so, yes.

4 Q. Changing her diaper, and he says, "Sh*t, this girl
5 is nothing but ribs," right? "She's skinny."

6 A. Yes.

7 Q. It doesn't say, "Jackie, what's up with this
8 bruise?" Right?

9 A. No.

10 Q. Doesn't say, "Jackie, why would you beat our
11 daughter?" Correct?

12 A. No.

13 Q. He didn't say anything unusual about India M.
14 at all on the date and time when law enforcement believes
15 Jackie delivers some fatal blow to her own daughter, right?

16 A. Correct.

17 Q. I am going to show you some photos, if you can
18 authenticate, which I'm sure you can.

19 THE COURT: Mr. Shealey, how much more you got for --
20 trying to adjust for breakdown?

21 MR. L. SHEALEY: Maybe 20 minutes, tops.

22 THE COURT: Let's take a break then.

23 MR. L. SHEALEY: Okay.

24 THE COURT: You -- you -- you seem like you were
25 changing gears and that's...

1 MR. L. SHEALEY: I was going to change gears.

2 THE COURT: Okay. Remind you, you can't discuss your
3 testimony while we're on break. Let's take a break. Don't
4 discuss the case. 15 minutes, get back in here. Thank you
5 for your patience. Everybody else 15 minutes, we will get
6 started right back.

7 (Off the record at 3:06 p.m.)

8 (On the record at 3:20 p.m.)

9 THE COURT: All righty. You may continue with your
10 cross-examination.

11 MR. L. SHEALEY: Thank you, your Honor.

12 BY MR. L. SHEALEY:

13 Q. All right. Detective, I think I was about to show
14 you some photos you'll probably recognize.

15 A. Yes, sir.

16 Q. All right. (Inaudible) from a body camera. Do
17 you recognize that?

18 A. I do.

19 Q. Is that the living room the house of Audrevious
20 Williams and Jackleen Mullen?

21 A. That's correct.

22 Q. They were living with his parents?

23 A. Correct.

24 Q. Date May 27th?

25 A. Yes. 10:58 in the morning.

1 Q. Do you recognize Mr. Williams there?

2 A. I do.

3 Q. Who's this guy?

4 A. That's me. I groomed my hair up.

5 Q. You look more handsome (inaudible) today.

6 A. Thank you.

7 Q. Do you recognize yourself. And is this another

8 body cam view from that same day of the living room area?

9 A. Yes.

10 Q. You recognize Mr. Audrevious Williams sitting on

11 the recliner there?

12 A. Yes.

13 Q. It was 7:00 in the morning?

14 A. It's like --

15 Q. Do you recognize this shot of upstairs?

16 A. I -- I'm -- yeah, it looks like the same hallway

17 but I couldn't tell you which one.

18 Q. Okay. Another body camera shot?

19 A. Yes.

20 Q. Still on the same day?

21 A. Yeah. About an hour before 1:02 in the morning.

22 Q. And this would appear to be a big kind of hole in

23 the door?

24 A. Yes. Hole in the door.

25 Q. Circular door -- hole in that door?

1 A. Yes.

2 Q. You said it looks like being punched by a fist?

3 A. Could have been, yes.

4 Q. Recognize these as a stairway going up to
5 upstairs?

6 A. Correct.

7 Q. That's where Dre and Jackleen bedroom was with
8 kids?

9 A. Yes.

10 Q. This will be -- you recognized as a view to that
11 bedroom of Jackleen and Audrevious Williams?

12 A. Yes. That appears to be their bedroom.

13 Q. Do you recognize this round -- this size hole in
14 that bedroom door?

15 A. Correct.

16 Q. That fairly and accurately depicts how it was the
17 day you interviewed?

18 A. Yes. At least.

19 Q. Maybe ever slightly different angle looks like --
20 do you recognize that as well, correct?

21 A. Yeah. These look like they're forensic shots, not
22 body cams, right?

23 Q. Right. You recognize that?

24 A. Yes.

25 Q. You have access to all that as part of your role

1 as lead detective in this case?

2 A. I did.

3 Q. Do you recognize this as the kind of closet and
4 area of that same room?

5 A. I do.

6 Q. That bedroom?

7 A. Uh-huh.

8 Q. You notice this square cut out that appears to be
9 some kind of damaged sheet rock or fix that's in progress?

10 A. Looks like it. Yep.

11 Q. Do you notice that there's not a closet door on
12 that closet?

13 A. Correct. The door is off.

14 Q. That door would be over by the dresser in the
15 living room, right?

16 A. To the right of that. Yes.

17 Q. Okay. Do all those fairly and accurately depict
18 your memory of the scene that you investigated the day of
19 this incident?

20 A. Correct.

21 MS. JOYNER: Your Honor, I don't object to the majority
22 of these coming in, but State's Exhibit 10 and 11 appear to
23 be the exact same photo.

24 THE COURT: I think if they come in that it will very

25 --

1 MS. JOYNER: Yes, your Honor. Which...

2 MR. L. SHEALEY: We can remove 11.

3 MS. JOYNER: Okay. So I have no objection to 10, 12,
4 2, 4, 9, and 3.

5 MR. L. SHEALEY: All right. Your Honor, at the time
6 I'd was seek to move those into evidence.

7 THE COURT: That will be Exhibits 2, 3, 4, 9, 10, 12,
8 if I heard correctly without objection.

9 MR. L. SHEALEY: Yes, sir.

10 THE COURT: Very well. They're admitted.

11 (Defendant's Exhibit Numbers 2, 3, 4, 9, 10, 12 admitted into
12 evidence.)

13 BY MR. L. SHEALEY:

14 Q. And two others I want to discuss with you. Well,
15 actually -- before I forget, you had already answered any of
16 these questions about your recollection from the Cellebrite
17 report of India M. [REDACTED] photo in the corner between the door
18 -- and the door on May 15th, correct?

19 A. That's correct, sir.

20 Q. And that is from your memory fairly and accurately
21 a produce from the Cellebrite report in this case, right?

22 A. Yes, sir.

23 Q. I'm going to show you two other photos. Do you
24 recall that there was evidence collected, originally seen the
25 evidentiary value in the form of a stain on a green pillow

1 case? Do you recall that?

2 A. Yes, I was made aware of it.

3 Q. And you aware of it being collected and tested in
4 this case, right?

5 A. Yes, sir.

6 Q. Does that look like the green pillow case in same
7 question that was collected and tested in this case as part
8 of this investigation?

9 A. It does.

10 MR. L. SHEALEY: All right.

11 MS. JOYNER: Your Honor, no objection to 21, 22 or 23.
12 We do have an objection to 6 and 7.

13 THE COURT: 21, 22, 23 are admitted without objection.
14 (Defendant's Exhibit Numbers 21, 22, 23 admitted into
15 evidence.)

16 THE COURT: The other one is 27?

17 MS. JOYNER: 6 and 7.

18 THE COURT: 6 and 7. Is that 26 and 27 or just Numbers
19 6 and 7?

20 MS. JOYNER: I'm sorry, 26.

21 THE COURT: What are the numbers?

22 MS. JOYNER: 6 -- Number 6 and Number 7.

23 THE COURT: Number 6 and 7.

24 MS. JOYNER: We object, your Honor. We think that
25 there's no way the officer can authenticate these. He's

1 coming through a Cellebrite report that he did not prepare
2 and so this would best be through Detective Felmet.

3 MR. L. SHEALEY: Your Honor, he has already
4 authenticated, he's reviewed the Cellebrite report. He's
5 confirmed that these are things that he reviewed and they are
6 from this case.

7 MS. JOYNER: And he didn't prepare the Cellebrite
8 report. He could look through it, but he's asking very
9 specific questions about introducing very specific
10 information from the Cellebrite report about that needs to be
11 explained by the officer that conducted the Cellebrite
12 report.

13 MR. L. SHEALEY: I don't intend to ask him any
14 scientific information about the extraction. He's already
15 answered it.

16 THE COURT: Let's do it with the proper witness. So
17 I'll sustain their objection to those two.

18 MS. JOYNER: Thank you, your Honor.

19 MR. L. SHEALEY: Okay. Madam Clerk, if you would
20 publish -- help me publish.

21 BY MR. L. SHEALEY:

22 Q. All right. Thank you. So first of all, this is
23 -- this is you back then May 26th, three hours to May 27th
24 and talking to Mr. Dre Williams in this case, right?

25 A. Yes, sir.

1 Q. That was the living room mirror, I think you've
2 already testified to. This is Dre sitting in the living room
3 at some point during that night looks like 2:07 a.m.?

4 A. Yes.

5 Q. And as we take our path up to the bedroom, you
6 recognize these as being the stairway up?

7 A. Yes.

8 Q. That's the same path that you took that day,
9 correct?

10 A. That's the stairwell, it goes to the second floor,
11 correct.

12 Q. Right. And we've got a door there. You testified
13 it appears to have some type of round shaped, this size hole
14 in it, correct?

15 A. It -- I can't tell the size of it. Yeah, it looks
16 like a four-inch hole roughly, maybe.

17 Q. And here going into the actual bedroom where India
18 was found, that's your understanding where she slept with her
19 mom, Jackie, and then Audrevious Williams, correct?

20 A. Correct.

21 Q. Again, there's this conspicuous hole in that door
22 that you observed, right?

23 A. Yes, sir.

24 Q. And you've got another picture here of the closet
25 that has some clothing in it, correct?

1 A. Yes.

2 Q. Is that the closet -- closet where you would've
3 been looking around perhaps for a child that you testified to
4 on direct?

5 A. No, this was not the one that I looked through.
6 This would've been the room where the -- the other officers
7 conducted their search. I know they conducted the search
8 because I watched the body cam later, but I was in a
9 different room.

10 Q. Okay. And we discussed, but you know that there's
11 some type of mid progress patch repair on some type of hole
12 in this sheet rock, correct?

13 A. Yes.

14 Q. And that this is the closet that does not have
15 that door attached anymore, right?

16 A. Yes, sir.

17 Q. That door is actually next to the dresser where
18 India M. [REDACTED] was found, correct?

19 A. Yes.

20 Q. We talked about how there was some -- a pillow
21 case that seemed originally that was significance in this
22 case. This would be an example of that pillow case, right?

23 A. Yes. That was the pillow case or -- well, I guess
24 it was one of the items it was collected from that room.

25 Q. And per the investigation it was of interest

1 because of this kind of red stain that appeared to be blood,
2 correct?

3 A. Yes.

4 Q. And of course when you're investigating a crime,
5 anything that looks like blood is of evidentiary value,
6 right?

7 A. Yes.

8 Q. But that would turn out to not be blood, correct?

9 A. Yeah. It was not blood.

10 Q. Right.

11 A. No.

12 Q. And ultimately, that would be sent to the lab and
13 then would confirm it was not even blood?

14 A. Correct.

15 Q. That -- that result would come October. Does that
16 sound familiar?

17 A. Sounds about right.

18 Q. You don't dispute that I've got forensic report,
19 but if I told you that it -- that final report came from
20 Samantha Piper October 21, 2021, you wouldn't disagree with
21 that?

22 A. Sounds right 2021. Yep.

23 Q. So that's almost a year and a half after this
24 incident occurred?

25 A. Yes, sir.

1 Q. But up until that time, no one would really know
2 whether that was actual blood or not, right?

3 A. That's correct.

4 Q. So when you got Dre Williams into your
5 interrogation room, that was recorded, right?

6 A. Yes.

7 Q. I -- I've told you I've got a transcript if you
8 need it, but you may not need it. Have you reviewed that
9 recently? That -- that interview video?

10 A. Are we talking about the interview that night or
11 are we talking about the later?

12 Q. That night.

13 A. That night. Yeah, I -- I looked at it not too
14 long ago.

15 Q. Okay. And you're -- you're trying to get
16 information because you don't feel he's being honest,
17 correct?

18 A. That's correct.

19 Q. Because we've already talked about the three lies
20 he told you on scene?

21 A. Correct.

22 Q. Right. And you know he's basically -- one of the
23 things -- correct me if I'm wrong, it was kind of like a
24 Matlock moment for you was when you said, "Well, which one is
25 your room?" And he replies it's the -- it's where India was

1 found, correct?

2 A. Yes.

3 Q. You got pretty excited in that moment, correct?

4 A. It was a good moment, yeah.

5 Q. Okay. Because what you know is that part of your
6 investigative protocol -- protocol is to make sure the
7 information about the case and where evidence is, is not
8 going to witnesses and/or potential suspects, right?

9 A. That's -- that is the hope. Yes.

10 Q. And at that point he had basically said -- you
11 know, "I was at work, I don't know anything. I told you
12 everything I know." So there's no reason for him to know
13 that the body was in that room other than that he was
14 previously aware of that?

15 A. Unless the transport officer had told him.

16 Q. And now he told you that he must have just heard
17 it on the scene, but you went back and you checked.

18 A. I couldn't find anybody that matched the
19 description he described. No. It seemed like he had that
20 knowledge before.

21 Q. So that was an exciting moment for you at that
22 point that would be -- that would be suspicious, correct?

23 A. Very helpful, yes.

24 Q. But he continued to kind of maintain his course
25 even though he had given you a phone that was wiped, right?

1 A. Uh-huh.

2 Q. And -- you know, eventually he asked for his
3 lawyer, which is his right, correct?

4 A. Absolutely.

5 Q. Now at this time, though, you had information as
6 an -- also a sex crimes investigator that was concerning to
7 you at this time?

8 A. Yes.

9 Q. And that was the -- the -- I think it's the deputy
10 coroner who's also a licensed SANE nurse I think, had
11 discovered some evidence of potential sexual trauma to India,
12 correct?

13 A. She was -- she indicated she was concerned that
14 India had sexual trauma. Yes.

15 Q. And because of that, you took a buccal swab from
16 Mr. Williams, right?

17 A. Yes, we did.

18 Q. And that's the way that investigators through kind
19 of a Q-tip can get DNA and they can compare and if there's
20 any of his DNA in a place where it shouldn't be, that would
21 seriously be of significant investigative value to you?

22 A. Called a clue. Yes, sir.

23 Q. Because there's no reason his DNA should be
24 anywhere around the vaginal area of that child, correct?

25 A. Wouldn't say that there's no reason, but it would

1 -- he'd have to explain it. At that point, he had no
2 explanation if there was.

3 Q. And so you let him know that at this point you've
4 got him under investigation for potential sexual assault and
5 homicide by child abuse, right?

6 A. Correct.

7 Q. And again, that's how -- that's the context of his
8 arrest at that time, correct?

9 A. Yes.

10 Q. He goes to jail for homicide by child abuse.
11 Jackie goes to jail for homicide by child abuse.

12 A. Yes.

13 Q. And then some time evolves several months from May
14 to September. When I think you testified to, he approached
15 law enforcement with some new information.

16 A. Yeah. He wanted to get a statement. Yes.

17 Q. And you met with him, correct?

18 A. Yes.

19 Q. And his lawyer was present at that time, right?

20 A. That's correct.

21 Q. And his solicitor was present at that time, right?

22 A. Correct.

23 Q. I think your partner, your -- was -- was there.

24 And maybe some other personnel. And he provided a recorded
25 statement?

1 A. Yes.

2 Q. Okay. I've got a transcript of that if you want,
3 but I bet you don't need it.

4 A. Mostly not, no.

5 Q. Okay. And so now at this time, it's pretty --
6 it's pretty clear that he's providing some very much
7 different information, right?

8 A. A lot more detail, obviously. And cleaning up his
9 -- his original statements. Yes.

10 Q. He comes forward and says, "Yes, on May 22nd, I
11 remember now when I was at" --

12 MS. JOYNER: Your Honor, if we -- I object to hearsay,
13 through out of court statements that are being offered for
14 the truth of the matter asserted. I think that this is
15 appropriately -- not appropriate for this witness.

16 MR. L. SHEALEY: Your Honor, if I -- I'll let you.

17 THE COURT: All right. I think that you need to ask
18 questions.

19 MR. L. SHEALEY: Yes.

20 THE COURT: So rephrase your question without, I mean,
21 I presume Mr. Williams is testifying he'd be appropriate.
22 You can ask this officer anything about his statement if you
23 like, except don't read the entire statement like you were
24 and then say, isn't that what he said about that.

25 MR. L. SHEALEY: Yes, sir.

1 THE COURT: Very well.

2 BY MR. L. SHEALEY:

3 Q. I think we are at new information has been
4 provided, correct?

5 A. Yes, sir.

6 Q. And now it is that while what you -- what you
7 glean is that while he's away at his FedEx orientation,
8 something terrible happen -- happens to India, correct?

9 A. Yes.

10 Q. While in Jackie's care?

11 A. Yes.

12 Q. Any references her not being the same after that?

13 A. Correct. Talking about India not being the same?

14 Q. Yes.

15 A. Correct.

16 Q. And that was -- that was when a change occurred.

17 A. Yes.

18 Q. And that one time when he was away at his job
19 orientation, right?

20 MS. JOYNER: Objection, your Honor. This is still
21 hearsay.

22 MR. L. SHEALEY: That's not -- I'm not calling --

23 THE COURT: That's not hearsay about when he -- where
24 he was when --

25 MS. JOYNER: I think he's saying what Mr. Williams

1 said.

2 MR. L. SHEALEY: I did.

3 THE COURT: He interviewed Mr. Williams. He was given
4 context as to when the events were. Continue and I'll
5 overrule that object.

6 MR. L. SHEALEY: Yes, sir.

7 BY MR. L. SHEALEY:

8 Q. And again, we -- we've talked about those -- that
9 pillow case with that red stain on it. And this is now
10 September, correct?

11 A. Yes, sir.

12 Q. And we have access to the evidence in this case at
13 this point, correct?

14 A. Yes.

15 Q. Although the -- that stain has not been tested
16 yet, right?

17 A. Yeah. We don't have the results back.

18 Q. It wouldn't come till the following year.

19 A. Correct, sir.

20 Q. What he provides to law enforcement is an
21 eyewitness account to Jackie beating her child as well with a
22 pillow on top, correct? That's what he tells now.

23 A. May I have to --

24 MS. JOYNER: Objection. It's hearsay. He's asking him
25 what Mr. Williams said.

1 THE COURT: I've never seen the statement, so I don't
2 know. Let's -- let's take a break. You all step in the jury
3 room. I need to read the statement. I don't want to sit
4 here and read it in front of the entire crowd because I'm --
5 I know how long it is. So jump in the jury room. We'll be
6 back in here in a moment.

7 (Jury exits room at 3:40 p.m.)

8 THE COURT: Do you mind if I see the statement?

9 MR. L. SHEALEY: Oh, I mean, I have a transcript.
10 There's no official statement. I don't know if you want it
11 but, your Honor, I -- I'm really -- maybe I'm asking a
12 question in odd...

13 THE COURT: Put it on the record the jury's out -- out
14 of the room now. Go ahead.

15 MR. L. SHEALEY: Maybe I'm asking the question in odd
16 way, but I'm trying to draw out changes in the co-defendant's
17 version of events that law enforcement's aware of. This type
18 -- these types of changes have been allowed to come out
19 throughout this case. This is a man that's charged with
20 homicide by child abuse. These are statements that are
21 against interest by him. I'm not seeking to elicit the exact
22 words, but I am seeking that this is an -- a change in his
23 position on the case. Maybe -- I apologize if the questions
24 are not being very artfully asked, but that's -- that's
25 really what it is. If you want to read a 58-page transcript,

1 I can, but that's what I'm getting at.

2 THE COURT: And just so that I know Mr. Williams is
3 being called?

4 MS. JOYNER: He is being called to testify, your Honor.

5 THE COURT: All right. That's helpful. And would it
6 be easier to allow this investigator to be recalled after
7 Williams testify. Would that help allow you to get wherever
8 you need to go. I mean, I think you can ask the context of
9 his version of events changed right after he returned from
10 Friday morning doing his job interview or whatever it was
11 while he was away from the home. That's kind of where you
12 were.

13 MR. L. SHEALEY: I just want to elicit the change in
14 terms of the detail that I have to confront this
15 investigation because he still -- after all these changes
16 continues to -- law enforcement wants to take his side versus
17 hers. So I think that's a fair question and that's more of a
18 constitutional ground.

19 THE COURT: Well, I think you can say more or less like
20 you just did. That was a great rephrasing of your question
21 is as a result of what Williams came and cleared up some of
22 his initial positions, what changes did you take in the
23 investigation? Sure.

24 MR. L. SHEALEY: All right.

25 THE COURT: Anybody else need to stretch while the

1 jury's out because I don't want to bring them right back in.
2 They may use the bathroom. Is anybody -- everybody else
3 good?

4 MS. JOYNER: I -- I, your Honor, if I can have that for
5 two seconds.

6 THE COURT: Okay. You can.

7 (Jury enters room at 3:43 p.m.)

8 THE COURT: All right. Mr. Shealey, continue on.

9 MR. L. SHEALEY: Thank you. May it please the Court?

10 THE COURT: Uh-huh.

11 BY MR. L. SHEALEY:

12 Q. All right. Detective, I think what I was getting
13 at is that during this several months later, the Court
14 interviewed Dre Williams offers up a different account,
15 correct?

16 A. That's correct, sir.

17 Q. The offer -- also offers up an explanation for how
18 blood got on that pillow, correct?

19 A. Yes.

20 Q. What he's calling blood, correct?

21 A. As I recall, he believed it to be blood when we
22 described it to him and he was trying to come up with an
23 answer for that. Yes.

24 Q. And that explanation includes a beating by Jackie
25 of her own child with a pillow --

1 MS. JOYNER: Your Honor, I'm going to object to him
2 getting into what Mr. Williams said.

3 THE COURT: I'm going to allow at this time, because
4 Mr. Williams will come and you can ask him all you like. You
5 promised you were going to call him as a witness.

6 BY MR. L. SHEALEY:

7 Q. You were there that -- that explanation involved
8 -- he claimed that a beating occurred through that one same
9 pillow, correct?

10 A. As I recall the -- he described her placing the
11 pillow over India. I -- I don't recall the portion that
12 you're talking about specifically, which is probably why I'm
13 not --

14 Q. Okay.

15 A. -- able to testify to it right this second.

16 Q. You don't recall mentioning of actual punches to
17 the pillow?

18 A. You remember -- I remember a description of some
19 punches, but I don't remember that particular moment that
20 you're describing.

21 Q. Okay. Let me refresh your memory if I can.

22 MR. L. SHEALEY: Beg the Court's indulgence.

23 BY MR. L. SHEALEY:

24 Q. All right. Page 6 already from there.

25 A. Thank you, sir.

1 Q. 6 through 7 and 8.

2 A. You okay with me just reading the line?

3 Q. No. But you don't have to read it. But you
4 recall him saying that the punches occurred with the pillow,
5 right?

6 A. Yeah. This helps refresh my memory that he was
7 describing putting the pillow over her face and kind of -- he
8 says like punching her in the face.

9 Q. Okay. And that's a new portion, correct?

10 A. Yes. That's a -- that's details that he never
11 provided before.

12 Q. And you all talked for a while and he provides you
13 some information that you would later find out to be a lie
14 regarding the taking Antonio Martin back to his house, right?

15 A. Yeah -- yeah. He gave more information about
16 transporting Antonio Martin or not being there.

17 Q. The questions were asked about whether once
18 Antonio Martin came over, whether they all went together and
19 he -- and he advised he did not, he held back, correct?

20 A. Yeah -- yeah. He again, removed himself and
21 distanced himself.

22 Q. But you would ultimately determine that to be a
23 lie, correct?

24 A. Correct.

25 Q. And his GPS data proves it, right?

1 A. It appears to, yes.

2 Q. Okay. And phones and GPS are the types of things
3 that help because they don't really lie, right? They're just
4 objects of information that collect things.

5 A. It's a -- they are. It's a little difficult for
6 me to give specific testimony on the GPS data and that -- and
7 that kind of stuff.

8 Q. Okay. But again, at this point, we don't have the
9 evidence that that's not blood, correct?

10 A. Correct.

11 Q. We also don't have the sexual assault buccal swab
12 comparison back yet either, right?

13 A. No, I don't think I had it come back either yet.

14 Q. It would be quite significant if that conversation
15 had occurred with him and then all of a sudden, his DNA came
16 back somewhere it wouldn't -- shouldn't be, right?

17 A. Oh yeah, absolutely.

18 Q. But after this interview where he offered his
19 cooperation, you're -- you're aware that ultimately a -- a
20 new murder charge would come and be applied towards Jackie
21 Mullen?

22 A. Yes. The solicitor's office I believe did a
23 direct indictment for that.

24 Q. That's one of the charges we're here for today,
25 right?

1 A. Sure.

2 Q. Now, there's been some reference to dirt and bags
3 that you originally thought were relevant in the early part
4 of your investigation in the back of Ms. Mullen's car, right?

5 A. Yeah. When we -- when we initially searched her
6 vehicle before the video that you saw where I made contact
7 with her still not knowing where she was thinking the
8 officers had thoroughly searched the room and -- and not
9 knowing that she had been missed in the home, saw some trash
10 bags in the back, some dirt and a hair braid immediately my
11 mind went to the disposal of the body and that's why I
12 approached Ms. Mullen the way I did.

13 Q. Right. And there was some discussion of that in
14 the interview, the September interview with Dre. And
15 ultimately you -- I mean, you would even advise him that that
16 was not relevant to this case, right?

17 A. As I recall, yeah.

18 Q. So again, we have two people who lied originally
19 to detectives and investigators, right?

20 A. Correct.

21 Q. We have a wealth of information that aids law
22 enforcement and this jury in -- in the form of these text
23 messages, correct?

24 A. Correct.

25 Q. You have -- what we have documented is some

1 instances of Dre hitting A.J. or popping A.J., right?

2 A. Yes.

3 Q. Placing India in a corner that Jackie says is sad,
4 right?

5 A. Yes.

6 Q. Okay. Referencing on the 19th that she fell and
7 we've got a big ass bruise to hide, right?

8 A. Yes.

9 Q. And on May 22nd, the time that's significant to
10 law enforcement, not any mention by Dre about any condition
11 that was bad of Jackie -- of India, correct?

12 A. Correct.

13 Q. He's bored. He is watching John -- John Wick,
14 right?

15 A. Yes.

16 Q. He's also talking about taking -- wanting her to
17 take ecstasy, right? You recall that?

18 A. Sounds right.

19 Q. Uh-huh.

20 A. Consistent text messages.

21 Q. You've already testified that -- that one day that
22 law enforcement thinks is significant in this case is the one
23 time that Dre could not score pills or those text messages?

24 A. From what I can recall from the text messages,
25 yes.

1 Q. Being in law enforcement, as long as you've been
2 you know that people who are addicted to drugs and they won't
3 get their fix that can affect their mood, correct?

4 A. Sure.

5 Q. Their demeanor and they can be irritable, right?

6 A. Sure.

7 Q. And you charged both of them? You charged both of
8 them?

9 A. Yes. With homicide with child abuse. Yes.

10 Q. Last thing. Now I've been provided a -- a video
11 in discovery of your interview originally with Dre Williams.
12 Have you watched that interview?

13 A. Yeah. It's been a while, but yes. This is from
14 the night of the incident.

15 Q. Yes, sir.

16 MS. JOYNER: Your Honor, I'm -- I'm going to ask that
17 he not play a video in front of the jury that has not been
18 entered into evidence.

19 MR. L. SHEALEY: I'm not playing it to the jury.

20 MS. JOYNER: Well, is it -- is it a -- it -- there's
21 audio that the jury can hear?

22 THE COURT: He says it's muted.

23 MR. L. SHEALEY: I'm just trying to get detective off
24 (inaudible).

25 THE WITNESS: Yes, sir.

1 BY MR. L. SHEALEY:

2 Q. Does that look familiar to you?

3 A. Yeah.

4 Q. The officer (inaudible) dated May 27th.

5 A. Correct.

6 Q. And it starts at 8:35 in the morning?

7 A. Yeah. Sooner. That timestamp -- this is our
8 timestamp.

9 Q. That's all right?

10 A. Yeah, it should be right.

11 Q. This will be the period of time where you and
12 Agent May I believe conduct your interview investigation to
13 this case (inaudible), right?

14 A. Correct.

15 Q. You know the time when you leave the room, is that
16 fair?

17 A. Yes.

18 Q. I think you probably get some of the cell phone
19 information from Felmet, is that right?

20 A. I believe yeah. Detective Felmet had managed to
21 start getting some data extracted and put it on a -- an iPad
22 for me.

23 Q. You got the shot and ultimately with -- in front
24 of him with some of those messages, right?

25 A. Yes, sir.

1 Q. And then ultimately arrest him or (inaudible)?

2 A. Yes, sir.

3 Q. Does that look -- I give you the email to do with
4 that interview.

5 A. Yes.

6 Q. Fairly and accurately depicts (inaudible)
7 interview with Audrevious Williams (inaudible), correct?

8 A. Correct.

9 MR. L. SHEALEY: Your Honor, at this time, I would seek
10 to admit Defendant's 20 in evidence.

11 MS. JOYNER: Your Honor, I have had an opportunity to
12 take a look at -- at State's or Defense 20.

13 THE COURT: Okay.

14 MR. L. SHEALEY: I'll (inaudible) they provided me,
15 your Honor.

16 MS. JOYNER: Will we approach, your Honor?

17 THE COURT: Let's take a break while I hear this
18 because she's probably going to watch it the way it works.
19 We're going (inaudible) step in the jury room, stretch your
20 legs.

21 (Jury exits room at 3:57 p.m.)

22 THE COURT: Sure. Jury is not in the courtroom.

23 MS. JOYNER: Thank you, your Honor.

24 THE COURT: How long is this video of your interview?

25 MS. JOYNER: It's like --

1 MR. L. SHEALEY: 40-something minutes, and a lot of it
2 is some dead time when he leave and -- but everything is
3 discussed.

4 MS. JOYNER: And -- and for clarification, you're --
5 he's attempting to enter, it was authenticated with no audio,
6 but you are wanting to enter the audio and the video.

7 MR. L. SHEALEY: Correct.

8 MS. JOYNER: Which is, your Honor, this is Audrevious
9 Williams' statement. If I'm understanding the context of
10 these questions, I don't think it's appropriate for him to
11 enter into evidence Audrevious Williams statements. These
12 are out of court statements. They're being offered for the
13 truth of the matter asserted. Audrevious Williams has not
14 testified yet, he has not yet testified yet inconsistently
15 with anything that is on the video. I think that this entry
16 of this video is -- it's not appropriate at this time.

17 MR. L. SHEALEY: Your Honor, this is not hearsay.
18 There is a statement against interest by a man who has been
19 charged by homicide by child abuse. This statement would
20 come into evidence any day of the week if it were her trial.
21 It was not hearsay, but -- I mean, I -- it's not hearsay.
22 It's a statement against interest by a co-defendant. He's
23 authenticated it very much part of this case.

24 MS. JOYNER: And, your Honor, I think it's also
25 cumulative to the questions that he is already asked the

1 detective. He's already been allowed to ask a number of
2 these questions.

3 MR. L. SHEALEY: We certainly had a lot of cumulative
4 evidence in this case between Ms. Mullen's interviews and
5 testifying about it on scene to -- so what's good for the
6 goose is good for the gander. That's just simply the subject
7 of what I asked him these questions about. It's not the full
8 picture. The jury has a right to that.

9 THE COURT: Why -- what purpose is it being introduced?
10 Because he's given this is the statement. The night the body
11 was found, not the -- not the day of the statement in the
12 lawyer and the solicitor, correct?

13 MR. L. SHEALEY: Yes, sir. The purpose from my
14 perspective is it goes to show his lies, his demeanor and
15 same demeanor that has been brought up very much against
16 Jackie Mullen, the demeanor that caused this investigator to
17 pursue -- well, he pursued a case against both of them. I
18 think the jury has the right to see his answers to the
19 questions in the same way they saw her answer the questions
20 and make their decision on who killed this baby.

21 THE COURT: He has authenticated it. It seems to be --
22 it'd be more appropriate as cross-examination or impeachment
23 evidence against Mr. Williams himself.

24 MR. L. SHEALEY: It certainly could be impeachment
25 against him, but I think in terms of admission, this is

1 appropriate witness. He's the one that conducted the
2 interview. I mean, if -- if this were the trial of
3 Audrevious, this -- this would come in without question.
4 It's just that they've chosen to call him as a witness, not a
5 defendant by the rule.

6 THE COURT: But no, but don't we have a bruton issue if
7 you call this in and he gives all these statements and then
8 they don't call it.

9 MR. L. SHEALEY: Well --

10 THE COURT: And then I've got trouble.

11 MR. L. SHEALEY: He doesn't --

12 THE COURT: I mean, a challenge. I don't say trouble.

13 MR. L. SHEALEY: I thought about that. But he doesn't
14 give any incriminating statements towards Jackie and that's
15 just his lies and things are significant. Like he knows
16 where the body is when he says, and there's no reason for him
17 to know at that point, so...

18 THE COURT: You've -- you've elicited all that with
19 your questions from this witness and the two statements --
20 day of two months after or whatever that time frame
21 difference is four months after. I don't know the time
22 difference. Two statements. You brought that out.

23 MR. L. SHEALEY: I just don't want nothing to be
24 forgotten, your Honor.

25 THE COURT: I don't want to sit here for 40 minutes and

1 listen to a bunch of redundant stuff. If you got something
2 specific you want to do, let's pair it down like we did the
3 other two. But 40 minutes of interrogation -- not
4 interrogation, but of a statement. Is that what we're trying
5 to introduce?

6 MR. L. SHEALEY: It's just a complete statement. Some
7 of it is dead time, but there's nothing objectionable in it
8 in terms of hearsay.

9 THE COURT: And I haven't reviewed it. So -- I mean, I
10 know you're saying that, but isn't that putting me in an
11 awkward spot? She says it's hearsay. You say it's not. 40
12 minutes for me to listen to it.

13 MR. L. SHEALEY: I haven't heard any objections that I
14 think would be full of merit on this.

15 THE COURT: I know, but now I can't rule on without
16 listening to it. You understand that?

17 MR. L. SHEALEY: Well, maybe we can have it under
18 advisement for admission and then it comes in at some point.

19 THE COURT: He's definitely identified it what it was
20 when it was.

21 MR. L. SHEALEY: Yes, sir.

22 THE COURT: So he's authenticated it. So let's put
23 that on the shelf.

24 MR. L. SHEALEY: Okay.

25 THE COURT: Not -- not saying you can't, but it seems

1 more appropriate Mr. Williams, if he's called and you want to
2 use it then, but perhaps we could pair it down a little bit.

3 MR. L. SHEALEY: We could certainly cut out the dead
4 time.

5 THE COURT: That'd be very nice.

6 MR. L. SHEALEY: I mean, honestly, that'd probably help
7 the jury if it comes in because there's a -- there's 20 -- 20
8 minutes or so when he walks away. So I -- I don't -- I'm not
9 interested in the dead time. I'm just interested in the
10 evidence itself.

11 THE COURT: And I'm just trying to make good use of
12 today and I don't think playing a 40-minute video with 20
13 minutes of dead time is efficient use of the Court's time.

14 MR. L. SHEALEY: I did not plan on playing it. I just
15 wanted it in. I wanted it in so they can -- they can
16 consider it if they want as they evaluate all the evidence.
17 I wasn't going to play the whole thing.

18 THE COURT: You sure misled me on that. I thought you
19 were about to play it.

20 MR. L. SHEALEY: Just want to make sure it got in
21 because I think it is admissible and this was the appropriate
22 witness. No, I definitely wasn't going to play it, publish
23 it at least.

24 THE COURT: I'm taking it under advisement. I -- I
25 think it probably comes in, I don't know why it wouldn't

1 publish it now, but I'm taking under advisement. I'm going
2 to give you my inclinations. You all can think about it.
3 You all can think of a reason it shouldn't come in. I
4 haven't seen it. So it's difficult for me to say absolutely
5 yes or absolutely no. (Inaudible) it's nearly impossible for
6 me.

7 MS. JOYNER: Beg the Court's indulgence for one moment.

8 THE COURT: I'm not going to rule right now, I'm just
9 telling you I'm -- I've ruled it's under advisement so you
10 can keep talking if you want, but I'm not going to say I've
11 changed my mind until I look at it so that -- that won't
12 help. I -- I -- I can't guess. I've got to see it in camera
13 and then we'll make a decision. All right. How much more
14 you got with him?

15 MR. L. SHEALEY: That was my last thing, your Honor.

16 THE COURT: Okay. Yes, certainly for the record,
17 video, it's on a DVD, has been authenticated and identified
18 by this witness that he conducted the interview on the
19 cameras. His -- his body cam, is that right?

20 MR. L. SHEALEY: Yes -- yes, sir. I mean, it's -- it's
21 an interrogation room camera that he -- is in his station
22 with him there.

23 THE COURT: Okay. It wasn't on the scene. It was --
24 was at night.

25 MR. L. SHEALEY: Back at the station.

1 THE COURT: Okay. All right. I'm aware now. I got
2 it.

3 MR. L. SHEALEY: You all want to talk scheduling? I --
4 I know they are saying the next witness is Mr. Williams.

5 MR. ANTHONY: No, actually the --

6 MR. L. SHEALEY: Oh, okay.

7 MR. ANTHONY: The next witness is going to be Mr.
8 Williams' mother.

9 MR. L. SHEALEY: Oh, okay.

10 MR. ANTHONY: And then the witness after that would be
11 Mr. Williams.

12 MR. L. SHEALEY: So I just trying to check in because I
13 think Mr. Williams would be significantly longer than
14 detective, so I just wanted to bring that up, but...

15 THE COURT: If the jury's ready, we'll bring them in.
16 We'll get done with him because you're about done, then
17 she'll have opportunity to re-direct. I want that marked as
18 a court's exhibit.

19 MS. JOYNER: It is right here, your Honor.

20 THE COURT: And it's under advisement. That'll be more
21 appropriate. Ready to go? Bring them in.

22 (Jury enters room at 4:05 p.m.)

23 THE COURT: All right, folks. So you all kind of
24 understand what we were doing, there was an interview
25 conducted by this witness right at police station, that type

1 of thing. I've got to review it. They may condense it
2 because there's some time when there's some waiting that's
3 under advisement. It's not being overruled or sustained,
4 it's just under advisement whether that comes in or not
5 later. Okay? So is that your last question?

6 MR. L. SHEALEY: Yes, sir. I don't have anything
7 further for Detective Smith at this -- this moment.

8 THE COURT: All right.

9 RE-DIRECT EXAMINATION

10 BY MS. JOYNER:

11 Q. All right. Detective Smith, I'll try to make this
12 quick. I know you've been up there for a long time. All
13 right. So there were some questions on cross-examinations
14 about things that are relevant to the charge of homicide by
15 child abuse.

16 A. Yes, ma'am.

17 Q. Okay. And the Defense was asking you about
18 whether it's relevant regarding -- evidence regarding
19 infliction of injury, and whether that was relevant?

20 A. Correct.

21 Q. Okay. And an investigation for homicide by child
22 abuse, is it relevant to look at who had knowledge that
23 injuries had been inflicted upon a child?

24 A. Absolutely.

25 Q. Is it relevant to look at whether a child has been

1 denied medical care while they -- after they have been
2 injured?

3 A. That would be one of my primary focuses, yes.

4 Q. Okay. And so in your investigation, could either
5 of that conduct support a charge of homicide by child abuse?

6 A. Yes, ma'am.

7 Q. So going to some text messages, now who actually
8 did the Cellebrite extraction of the phone?

9 A. That would be Detective Brooks Felmet. He is a
10 forensic -- forensic examiner, I think is a technical term.
11 He's the -- he's the phone nerd.

12 Q. Okay. Phone nerd? And he -- he -- he provides
13 that information to you and other detectives once he has done
14 the rip of the phone, is that correct?

15 A. Yes, ma'am. He has specific specialized training
16 in that area.

17 Q. And so did you receive information from him?

18 A. I did.

19 Q. And did you review that information?

20 A. I did.

21 Q. Now Mr. Shealey had you reading from text
22 messages, he was asking you questions about the totality of
23 all the text messages. Do you remember each of these text
24 messages verbatim?

25 A. No.

1 Q. Okay. Do you have instant recall of on what date
2 and time a particular topic was discussed?

3 A. No, ma'am.

4 Q. Okay. Do you -- in order for you to intelligently
5 discuss the text messages, do you need to be able to refer to
6 the text messages?

7 A. Absolutely.

8 MS. JOYNER: Okay. Beg the Court's indulgence for just
9 one moment.

10 BY MS. JOYNER:

11 Q. So Mr. Shealey was asking you about text messages
12 that indicated domestic violence. Do you recall that
13 questioning?

14 A. I do, ma'am.

15 Q. And -- and when Mr. Shealey was asking you about
16 that conversation, did he have you read the entire
17 conversation?

18 A. No, ma'am. He picked very specific areas for me
19 to look at.

20 Q. And in reading through the text messages between
21 Mr. Williams and Ms. Mullen, do they argue?

22 A. A lot.

23 Q. Do they -- do -- do -- does Ms. Mullen mince words
24 with Mr. Williams?

25 A. No, they're pretty straight with arguing with each

1 other.

2 Q. Do they -- they express their love for each other,
3 any (inaudible) as well?

4 A. Yeah, I believe -- I believe the -- the name that
5 she saved under is something about "forever love" or
6 something like that.

7 Q. Now, Mr. Shealey asked you about text messaging
8 that involved a bruise -- a hidden bruise?

9 A. Correct.

10 Q. Do you recall those that questioning?

11 A. A bruise that they were going to hide, I think.

12 Q. Okay. Did he have you read all the text messages
13 from that string?

14 A. Not that I -- I don't believe so, no.

15 Q. Do you recall the -- the date and time of those
16 messages?

17 A. May the -- are you talking about the bruise? Was
18 that May the 19th? I remember that was one of the time
19 frames we looked at. Sometime that time frame.

20 Q. Showing you text messages date and time 5/19/2020
21 at 7:41:09 p.m. Is that the text message of the bruise -- a
22 hidden bruise that Mr. Shealey had asked you to read?

23 A. It's the one that starts off -- It's to "My
24 Forever," which is his name for her on his phone. It says,
25 "Your daughter is so hardheaded." It goes on from there.

1 Q. Yes. So that's the message that he had you read?

2 A. Yes, ma'am.

3 Q. Okay. You take a look at the messages that
4 follow, and you don't need to read everyone aloud, but just
5 read them and look at me when you're done. All right. Mr.
6 -- Detective Smith, after that message, "Your hardheaded
7 daughter, now we have this bruise to hide." Does Ms. Mullen
8 at any point after receiving that information inquire about
9 taking India to the doctor or to express concern about her
10 physical issues?

11 A. Not a single thing.

12 Q. Now, there was a lot of discussion about May 22nd
13 and -- because that's an important day in the investigation,
14 correct?

15 A. That's correct, ma'am.

16 Q. And Mr. Shealey asked you on direct, he asked you
17 whether there were text messages that indicated that Ms. --
18 that Mr. Williams was unable to get drugs that day?

19 A. Yes.

20 Q. Do you recall that?

21 A. Yes, that's correct.

22 Q. Okay. I'm going to ask you to take a look at this
23 text message. This last text message on this page is dated
24 5/23/2020, at 3:42 p.m. And I believe that you've already
25 testified that was past the point at which Ms. Mullen

1 would've been at work.

2 A. Yes.

3 Q. What -- what is that text message from Ms. Mullen
4 to Mr. Williams say?

5 A. It says, "Don't crush another blue, bae. Just
6 wait till I get off. I won't be working too long. I get off
7 at 9:30."

8 Q. Now, for those of -- of those people on the jury,
9 they're not familiar with the term blue. What is the -- the
10 -- the street meaning, what -- what's the common
11 understanding of what blue mean?

12 A. Commonly, that refers to fentanyl pills.

13 Q. Okay. And so does it appear from the text
14 messages that Mr. Williams did in fact have drugs that day?

15 A. Yeah. When you're referring to crushing a blue,
16 you're talking about basically prepping it to snort.

17 Q. Now going back to some questioning about text
18 messaging that dealt with one child, possibly pushing another
19 child down the stairs. Do you recall by chance the date of
20 that text?

21 A. May the 15th, I believe.

22 MS. JOYNER: May the 15th. Okay. Beg the Court's
23 indulgence for one moment.

24 BY MS. JOYNER:

25 Q. All right. So I'm at going -- I think I've

1 located at 5/13, 06:59. We got the text message that
2 Mr. Shealey had you read about A.J. pushing Dre down the
3 stairs.

4 A. Yes, it is.

5 Q. Okay. You can read all the text messages aloud,
6 but if you could read them to yourself and then look at me
7 when you're -- when you complete them.

8 A. Yes, ma'am.

9 Q. Now, in the messages that follow where it
10 indicates that A.J. pushed Dre down the stairs, does Ms.
11 Mullen inquire about the health of -- of the child?

12 A. Not once.

13 Q. And is there anything within that text exchange
14 that would've aroused suspicion to you regarding that
15 particular -- that particular -- those particular instance?

16 A. No.

17 MS. JOYNER: Beg the Court's indulgence for one moment.

18 THE COURT: Yes, ma'am.

19 MS. JOYNER: Thank you very much, your Honor. No
20 further questions.

21 MR. L. SHEALEY: Very briefly.

22 THE COURT: Very brief.

23 RE-CROSS EXAMINATION

24 BY MR. L. SHEALEY:

25 Q. Detective, a couple follow-ups on what Ms. Joyner

1 was asking you.

2 A. Sure.

3 Q. Sir, I'm turn your attention to what we've already
4 talked about, the text exchange on May 9th, right?

5 A. Yes, sir.

6 Q. These folks are texting because they're not
7 sitting next to each other like you and me, right?

8 A. Most of the time, yes.

9 Q. Okay. And we know from looking at the phones and
10 the conversation on that day, she's at work at Hibachi
11 Express, correct?

12 A. I believe so, if I remember correctly.

13 Q. Okay. And it's while she's at work and not
14 present, that she receives a text about your daughter being
15 hardheaded, right?

16 A. That's correct.

17 Q. That "She f*cking fell and hit her damn face the
18 door," right?

19 A. Yes.

20 Q. "Just move her away tell her to stand still,"
21 right?

22 A. That's what it says. Yes.

23 Q. "Now we have this big bruise that hide on her
24 face," correct?

25 A. Yes.

1 Q. Okay. Now you're asked about whether there was
2 any inquiry by Jackie about, "Oh gosh, what's going on?" But
3 she can't see the severity of any bruises from Hibachi
4 Express, can she?

5 A. Nope. She doesn't ask at all.

6 Q. I mean, whatever they would say once she sees the
7 bruises when she comes home after her shift, right?

8 A. Sure.

9 Q. Okay. So does that make sense to you (inaudible)
10 right?

11 A. I mean --

12 Q. She can't see a bruise unless he texts it to her
13 when she is at Hibachi Express.

14 A. Unless she asked for a photo like she did before
15 with the picture of her standing. Correct.

16 Q. And now that's pretty critical. The -- the
17 (inaudible) the law enforcement believes is very significant,
18 right?

19 A. Sure.

20 Q. Because that's basically when Dre says everything
21 went down while he was at orientation at that, right?

22 A. Yes.

23 Q. And the text seemed to indicate that there was a
24 shift in their concern over her health at that point, right?

25 A. Some of the texts, yes.

1 Q. Concerns about changes in her health and safety
2 (inaudible) for medicine, right?

3 A. As I recall, yes.

4 Q. Well, what I asked you on my cross was that was
5 the only day and you confirmed that it didn't appear that Dre
6 was able to get his pills, right?

7 A. I mean, you're asking me to remember from all that
8 big stack of text messages --

9 Q. I'm asking --

10 A. -- that's best I can recall. I -- I don't recall.

11 Q. We -- we had agreed with that on cross-
12 examination?

13 A. Sure.

14 Q. Okay. And then you were asked another question,
15 but the question you were asked about crushing the blue was
16 on the 23rd, right?

17 A. Correct.

18 Q. The date that law enforcement thinks is
19 significant is May 22nd, correct?

20 A. Sure.

21 Q. And then I'm going to refer you up here to where
22 you know Dre is very concerned about not doing his pills,
23 right?

24 A. Yes.

25 Q. Saying, "F*ck it, we can just be sober," correct?

1 A. Uh-huh. Yes.

2 Q. And that's at 5:48 p.m., correct?

3 A. Yes.

4 Q. Then you have some texts up until 9:08, correct?

5 A. Assuming these time -- these time stamps are

6 correct.

7 Q. Yeah.

8 A. I don't -- I don't know how to interpret the time

9 stamps.

10 Q. Sure. (Inaudible), right?

11 A. Yes, sir.

12 Q. Go all the way to the end of that day where she's

13 coming out to meet him because (inaudible), right?

14 A. Yes.

15 Q. And he's coming, correct?

16 A. Uh-huh.

17 Q. She's in a lot of pain, right?

18 A. So she's in a lot of pain.

19 Q. You aware from this case that she has scoliosis,

20 right? (Inaudible).

21 A. Sure. Yeah.

22 Q. She's ready to go home. No reference to snoring

23 drugs. And then we have the next morning on the 23rd,

24 correct?

25 A. Correct.

1 Q. You don't see any evidence of him paying drugs on
2 the 22nd, correct?

3 A. I don't see anything on the text messages, no.

4 Q. Thank you.

5 MS. JOYNER: Your Honor, may I see what he's showing
6 him?

7 THE COURT: All right. When you done I'm going to need
8 you to step down.

9 MS. JOYNER: Your Honor?

10 THE COURT: Step down.

11 DETECTIVE. SMITH: Yes, your Honor.

12 THE COURT: All right. Call your next witness.

13 MR. ANTHONY: Next witness is Ms. Williams. Excuse me.

14 MR. L. SHEALEY: Your Honor, we're -- we're still
15 subject to the sequestration rule for other witnesses on the
16 witness list that have come into the courtroom other than
17 Ms. Benetta Williams, right?

18 MR. ANTHONY: Mr. -- Mr. Williams would need to step
19 out because he's on the list.

20 THE COURT: Thank you, Mr. Anthony. All right. Ma'am,
21 come forward right here to my clerk of court and she's going
22 to place you under oath and you have a seat over here in the
23 witness stand. Now, you've been outside don't really know
24 when they're coming in. She's right there. Come up a little
25 closer.

1 BENETTA WILLIAMS,

2 being duly sworn, testified as follows:

3 THE COURT: Come around here and have a seat.

4 DIRECT EXAMINATION

5 BY MR. ANTHONY:

6 Q. Could you state your name, please?

7 A. Benetta Williams.

8 Q. Ms. Williams, where do you live?

9 A. I live -- I -- I live in Rock Hill, South
10 Carolina.

11 Q. Who currently resides with you?

12 A. My husband Steven Williams and Audrevious
13 Williams.

14 Q. Okay. And what's your relation to Audrevious
15 Williams?

16 A. I'm his mother.

17 Q. And are you currently employed?

18 A. I am. I work at Republic Finance.

19 Q. What do you do there?

20 A. Customer service representative.

21 Q. I want to take you back to May of 2020. Where'd
22 you live at that time?

23 A. We resided at 520 Gentle Breeze Lane, Rock Hill,
24 South Carolina.

25 Q. And at that time, who lived with you -- with you?

1 A. My husband Steven Williams, my daughter Shanita
2 Williams. Her friend Antoine Rosenboro. Shanita has two
3 children. Audrevious Williams, Jackie, and the two children
4 along with the India.

5 Q. What -- what are your daughter's two children's
6 names?

7 A. Carson Davis and Aria Rosenboro.

8 Q. And when did Audrevious and Ms. Mullen move in
9 with you?

10 A. I'm going to say late April, maybe early May.

11 Q. Where did they stay?

12 A. They stayed in Audrevious' previous room.

13 Q. And aside from Audrevious previous room, did the
14 five of them take up any other space in your house?

15 A. The two boys was in the -- the -- we pretty much
16 had it at as an office, but they resided in there, the two
17 boys.

18 Q. And so what was the -- the allocation of the rooms
19 in your house between you and your husband and Audrevious and
20 Ms. Mullen and your daughter and Ms. Rosenboro?

21 A. Pretty much me and Steven stayed in our room.
22 Shanita and her friend and her two -- two children stayed in
23 the room that she was at home and Audrevious and his family
24 stayed in the other two rooms.

25 Q. So basically all three of the families had their

1 own areas in the house?

2 A. Pretty much, yes, sir.

3 Q. How many times from -- from the time they moved in
4 late April or early May till the time India passed. How many
5 times would you say you saw her?

6 A. I would give it no more than four to five times to
7 the most.

8 Q. And did you ever speak to Ms. Mullen about how she
9 was treating India or where she was keeping her?

10 A. No. I would just ask -- you know, where's India?
11 And she will state because of COVID she would try to keep
12 India away from everybody because of COVID. So I respected
13 that because she was a -- you know, a child that had -- you
14 know, illness.

15 Q. And where would -- would Ms. Mullen keep India?

16 A. I'm thinking in the room with her and Audrevious.

17 Q. And -- and then for your -- yourself, where would
18 you stay normally in the house?

19 A. I would be in my room.

20 Q. And what did you -- how -- did you work from home?

21 A. Yes, I worked from home. Yes, sir.

22 Q. So during your workday, what would you -- how
23 would you go about getting privacy to do your job?

24 A. I pretty much locked my door. I had a
25 refrigerator, microwave, we had drinks and I had different

1 things if I needed to pop into the microwave, we had pretty
2 much like a -- a college refrigerator in there.

3 Q. All right. So you said you saw India about four
4 or five times while she lived with you?

5 A. Correct.

6 Q. Okay. What -- where did you see her? When you
7 would see her where would you see her?

8 A. I seen her the one time and they came up the night
9 when Audrevious called and said, "Mom, they needed someone to
10 live because of the storm." I seen him bring them up, the --
11 bring her up the steps. I seen another time Audrevious had
12 her in the room.

13 MR. B. SHEALEY: Objection. I'm sorry, I withdraw that
14 until I hear a little bit further.

15 THE COURT: Okay, fair enough.

16 THE WITNESS: I seen another time in the room when
17 Audrevious had her in the room playing on her belly with the
18 other two boys. A third time I had got off from work one
19 late evening I -- I got off work about 9:00 p.m. I came
20 downstairs and he had the three boys downstairs in the living
21 room area and she was on the floor. I seen her then. And
22 the fourth time, maybe like a couple of days before the
23 incident happened.

24 BY MR. ANTHONY:

25 Q. I'll -- I'll ask you about that in just --

1 A. Yes, sir.

2 Q. Okay. So when you saw India on these occasions,
3 what were you able to observe about her condition?

4 A. She didn't talk. She had breathing issues. She
5 couldn't walk.

6 Q. And when you saw her with the other kids, did you
7 make any other observations about her?

8 A. No.

9 Q. Okay. All right. And when was the last time you
10 saw India?

11 A. I didn't verbally -- I didn't visually see her. I
12 actually seen where Jackleen had her said that she had just
13 gave a bath, so she was covered with the towel.

14 Q. Okay. And when was that?

15 A. I would say that would be that Sunday night.

16 Q. Okay. All right. And so where -- you say she was
17 covered with a towel, where did you see her in the house?
18 Where was --

19 A. My room when you come out of my room, the bathroom
20 upstairs is right next to my room. So as I was coming out
21 the door she was coming out the bathroom with -- with -- she
22 was coming out the bathroom with the baby.

23 Q. And how much of India was exposed that you could
24 tell?

25 A. I couldn't really tell none.

1 Q. Okay.

2 A. She was just saying, yeah.

3 Q. I'm sorry.

4 A. No, I couldn't tell none.

5 Q. All right. Why was that?

6 A. Because she had her covered up.

7 Q. Okay. So I will take you now to the late on the
8 night of May the 26th. Did the police come to your house
9 that night?

10 A. Yes, sir.

11 Q. And what happened? What -- what happened -- what
12 -- when the police came to your house, once you heard that
13 knock at the door, what did you do? What else happened?

14 A. We went downstairs and they knocked on the door.
15 When I opened the door, they said that they was searching for
16 a dead fetus. So I'm thinking a fetus is not so much a four
17 baby. So I'm looking at my daughter because she had just
18 came from the beach. I'm like, what happened? And then he
19 said that they was looking for Jackie Mullen and everyone was
20 behind me. And then that's when Jackie said, "I'm Jackie
21 Mullen."

22 MR. B. SHEALEY: Objection. I'm sorry, I'm
23 withdrawing. Withdrawn.

24 BY MR. ANTHONY:

25 Q. And what did the -- what did it turn out that the

1 -- the law enforcement people who were they looking for?

2 A. India. I can't think of her last name.

3 Q. Ms. Mullen tell them -- did she give them an
4 answer to where India was?

5 A. She stated that she was with her aunt in North
6 Carolina.

7 Q. And what did the law enforcement people ask to be
8 allowed to do?

9 A. They asked could they search the home. I got on
10 the phone with my husband and I said, "You know, they said
11 that there's a baby in the house dead and they wanted to
12 search the home." And my husband said, "Yeah, that's fine."
13 And I think one of the officers began to speak to Steven on
14 the phone and he gave him permission to search the home.

15 Q. Your husband gave permission?

16 A. My husband gave permission, yes, sir.

17 Q. And so did the -- the police officers actually
18 search your house that night?

19 A. They did, yes, sir.

20 Q. And -- and when they searched your house, what did
21 -- what did you do alongside of them while they were
22 searching your house?

23 A. I pretty much showed them every part of the house
24 from upstairs to downstairs. We kind of went around the
25 house.

1 Q. And didn't they go through your entire house
2 initially?

3 A. Yes, sir.

4 Q. And did -- did they find India the first time they
5 looked for her?

6 A. From my understanding, they did not.

7 Q. After they made disperse attempt to find India,
8 where did -- where did you stay after that? Where did you go
9 to?

10 A. We stayed downstairs in the living room area.

11 Q. During that time, did you see any other
12 questioning of Ms. Mullen?

13 A. Yeah, they questioned her constantly asked her
14 where was the baby at, and she continued to state that the
15 baby was in North Carolina.

16 Q. And did you at -- at some point interject and --
17 and say some words to Ms. Mullen while she was being
18 questioned?

19 A. Yeah, I went over to her. Because maybe -- you
20 know, I'm thinking maybe she would answer me. So I
21 questioned her and said, "You know, Jackie, where's your
22 baby? Where's your baby?" And she said, "Well, she's
23 supposed to be with my aunt, but they saying that she's not
24 so."

25 Q. And so eventually what -- what happened to Ms.

1 Mullen after that?

2 A. They -- they took her away.

3 Q. And after Ms. Mullen had been taken into custody,
4 was there another search made of your house?

5 A. There was another search.

6 Q. And during that search, where were you located?

7 A. We was downstairs in the living room area.

8 Q. And eventually did you get some news while that
9 search was going on? Did you get some news about India being
10 located?

11 A. Yes, sir. They said that she was in the house.

12 Q. Once that had happened, what happened to
13 Audrevious?

14 A. Audrevious was -- he talked to one of the officers
15 and at that time they said that they was taking him down --
16 downtown.

17 Q. And what time of -- what time of the day was this
18 when they -- when they found India and took Audrevious into
19 custody?

20 A. I'm going to say about 2:00 -- 3:00 a.m. I -- it
21 was -- it was a long period of time that we was there. It
22 was a long period of time.

23 Q. All right. And then later that day, on up -- on
24 up in the day, did you hear anything from Ms. Mullen?

25 A. Ms. Mullen called me from the police, Rock Hill

1 Police Department and said, "Dre had nothing to do with
2 this." She stated, "I have money on a debit card, I have
3 money" -- "I have a check at my job. Get that money and get
4 Audrevious out."

5 Q. And was that the -- the last time you heard from
6 Ms. Mullen?

7 A. Yes.

8 MR. ANTHONY: Can I have one moment please. That's --
9 that's everything.

10 THE COURT: Sure.

11 MR. B. SHEALEY: May it please the Court?

12 CROSS-EXAMINATION

13 BY MR. B. SHEALEY:

14 Q. Afternoon, Ms. Williams. How are you doing?

15 A. Good. How are you?

16 Q. Good. You love your son, don't you?

17 A. Of course I do.

18 Q. He is your only -- only son?

19 A. My only son, yes, sir.

20 Q. And he's been charged with homicide by child
21 abuse, right?

22 A. I think so, yes, sir.

23 Q. And you know that he is looked for the rest of his
24 life, right?

25 A. I don't know that.

1 Q. Okay. You don't know what he is charged with or
2 what it carries?

3 A. I know what the -- I know what it states, but I
4 don't know what it carries. No, sir.

5 Q. You know that the person that gets to decide what
6 happens to him potentially is this man right here, right?

7 A. Yes, sir.

8 Q. You understand that your son's on trial today,
9 right? He's not?

10 A. I do. Yes.

11 Q. Because he's a cooperating witness, correct?

12 A. Correct.

13 Q. And is it likely that you hope he never has to be
14 on trial, right?

15 A. Of course.

16 Q. You want what's best for your son, right?

17 A. Of course.

18 Q. As a mother who loves her only son, right?

19 A. Yes. Uh-huh.

20 Q. You want him to be free, right?

21 A. Of course.

22 Q. You don't want him to be locked away where you
23 have to schedule visits with the Department of Corrections
24 with them, right?

25 A. Yes.

1 Q. Because again, you love him.

2 A. I do.

3 Q. And you want to be cooperative to this solicitor's
4 office here today, right?

5 A. Yes.

6 Q. Are you in subpoena?

7 A. I am.

8 Q. Okay. And how many times have you met with the
9 solicitor's office in preparation for your testimony?

10 A. Two times in person.

11 Q. How recently?

12 A. I think last Wednesday or last Wednesday.

13 Q. Was Dre with you?

14 A. He was, yes.

15 Q. Does Dre live with you now?

16 A. He does.

17 Q. Now, you didn't even recall India's last name just
18 now on the stand. You said, "India I can't" -- "I can't
19 remember her last name," right?

20 A. Correct.

21 Q. Now, she's not your granddaughter.

22 A. She's not.

23 Q. You're not related to her?

24 A. I'm not.

25 Q. And Dre's not related to her?

1 A. Correct.

2 Q. She's Mr. Martin's child. Is sitting back there.

3 Do you know Antonio Martin?

4 A. I do not.

5 Q. You're aware that his -- you know, that Dre's not
6 the father of this baby?

7 A. I didn't know.

8 Q. This four-year-old?

9 A. Yes.

10 Q. And you don't even know her last name, right?

11 A. Well, I did know her last name, but I just forgot.

12 Q. Okay.

13 A. At the moment.

14 Q. Let's talk about Dre, your son, and his anger --
15 you know he punches holes in walls at your house, right?

16 A. I don't know that.

17 Q. You know that there are holes in your house,
18 right?

19 A. There are holes in the wall.

20 Q. And there's cabinets that are broken?

21 A. Cabinets that's broken?

22 Q. Doors that are off the wall up in that bedroom
23 where they stayed?

24 A. Yeah, yes, sir.

25 Q. And you're on the lease, right?

1 A. I am. Uh-huh.

2 Q. That would concern you if there are a bunch of
3 holes in the wall, right? You would want to -- you would be
4 keeping your eye on that, correct?

5 A. Correct. Yes.

6 Q. You might have to pay for that?

7 A. Correct.

8 Q. Or get kicked out for damaging the house.

9 A. Right.

10 Q. Now you didn't punch the hole in that wall, right?

11 A. Right. Correct.

12 Q. Now Steven, your husband -- can we just talk
13 briefly for a second. He didn't punch a hole in that wall?

14 A. He did not. No.

15 Q. Now you know that Dre gets angry, right?

16 A. Everybody get upset, but Dre's not an angry
17 person.

18 Q. Do you understand that Dre punches holes in your
19 house, right?

20 A. I mean, I have never seen Audrevious punch a hole
21 in the wall.

22 Q. You understand that Dre puts his hands on Jackie?

23 A. No, sir. I did not understand that.

24 Q. Now again, you love your boy, right?

25 A. I do. Yes, sir.

1 Q. You want to help this solicitor that was just
2 asking you questions, right?

3 A. Correct.

4 Q. Because you don't want your son to go to prison
5 for the rest of his life.

6 A. Correct.

7 Q. Now, it's my understanding that Dre was beaten as
8 a child by your husband, right?

9 A. No, sir. That's not true.

10 Q. He was never -- I mean, people learn anger all
11 kinds of ways. So your testimony today is that he was never
12 abused by your husband?

13 A. Correct. That's correct.

14 Q. And that you were never abused by your husband.

15 A. Correct.

16 Q. And again, you just testified you want to help
17 this solicitor's office, right?

18 A. Correct.

19 Q. Is -- you want to be with your son, right?

20 A. Correct.

21 Q. He's outside right now still, right?

22 A. He is. Yes.

23 Q. You've been talking to him sitting next to him,
24 right?

25 A. He's my child.

1 Q. Exactly. You love your baby, right?

2 A. Correct.

3 Q. Now, talk about this phone call that Jackie
4 allegedly made to you. And the contents of it are important,
5 right?

6 A. Yes.

7 Q. Again, you want to help the solicitor's office,
8 right?

9 A. Yes.

10 Q. So that you can continue to see your only son out
11 in the free air and not between prison cells, right?

12 A. Yes.

13 Q. Don't you think there'd be a recording from a jail
14 phone to you? You don't think the Rock Hill Police
15 Department records those phones?

16 A. I would think they would.

17 Q. They've played that to you yet?

18 A. They have not.

19 Q. Again, you love your boy, right?

20 A. Say what I'm sorry?

21 Q. You love your boy, right?

22 A. I do love my son.

23 Q. You want him to be free?

24 A. I do, yes.

25 MR. B. SHEALEY: Beg the Courts indulgence.

1 THE COURT: Yes, sir.

2 MR. B. SHEALEY: Thank you.

3 THE COURT: Anything else, Mr. Anthony?

4 RE-DIRECT EXAMINATION

5 BY MR. ANTHONY:

6 Q. You -- you said you've never -- never seen
7 Audrevious damage your property?

8 A. No, sir. I have not seen with my eyes.

9 Q. What were the -- the holes in that -- in the wall.
10 The -- the door to that room to his room was it there when
11 they moved in?

12 A. It was there when he moved in.

13 MR. B. SHEALEY: Objection. We've got a matter of law.

14 THE COURT: Okay. Can we --

15 MR. B. SHEALEY: Can you excuse the jury?

16 THE COURT: I'm aware of that. Do -- can I excuse them
17 for the day? So that's my question.

18 MR. B. SHEALEY: It'd probably be prudent if --
19 depending on who the next witness is.

20 THE COURT: Well, based upon our conversation planning
21 earlier, the next witness would be lengthier we can do that
22 in the morning?

23 MR. ANTHONY: Yes. That'd probably make the most sense
24 time-wise.

25 THE COURT: That's what I'm thinking. All right,

1 folks. I got a matter of law. So I don't need you all here,
2 but we're done for the day. We're going to start in the
3 morning. And since we've extended two hours getting ready
4 this morning when I had you all here too early, just in case
5 you all be here at 9:30 in the morning, I'll be here at 9:00
6 to iron out any wrinkles I may have to deal with. So don't
7 talk about the case. Enjoy your evening. See you in the
8 morning at 9:30.

9 (Jury exits room at 4:47 p.m.)

10 THE COURT: All right. Jury is not in the courtroom.
11 Matter of law.

12 MR. B. SHEALEY: Thank you, your Honor. May it please
13 the Court? Your Honor, this last question, which was asked
14 by Mr. Anthony, he knew the answer to it. When he asked
15 that, you could tell from the inflection from his voice that
16 when they moved in these holes -- particular to Dre and
17 Ms. Mullen's room, were already there. So I've got a lot of
18 information about this particular witness. I knew what she
19 was going to say about the phone call because there's an
20 investigative summary about it. I know I've been provided
21 phone records from that. So we got a lot of information
22 generally about that phone call. Now, if that phone call had
23 come out without having it been provided in advance, that'd
24 be real problematic. But it was -- that was disclosed that
25 information. I've got information, basically what she

1 testified to, concerning the investigation and body-cam
2 footage.

3 The acts of physical violence by Dre are a big part of
4 the defense. There are holes in the wall coming through the
5 investigation. You know, there's no information that they
6 were there previously. This information has never been
7 disclosed by this particular solicitor's office.

8 They're coming through law enforcement. They met with
9 her numerous times. So it's clear for this jury and for your
10 Honor as a fact finder that we are insinuating that Dre has
11 anger issues, he's punching holes through walls, punching the
12 holes through doors, and then Mr. Anthony knowing full well
13 how she's going to respond, he follows up. That's new
14 information for us. That's new information about physical
15 evidence that was not disclosed. We've had no Riddle
16 disclosures except for Mr. Audrevious Williams. None of the
17 other witnesses in this -- in this case have been provided
18 any tidbits of information. Now, maybe they already knew it
19 and there was just an oversight, but that's a big point in
20 this case, your Honor. He -- he knew it.

21 THE COURT: I think that -- maybe I misunderstood. His
22 question was the hole in the door.

23 MR. B. SHEALEY: We can --

24 THE COURT: Not all the holes, is what I understood. I
25 think you may have -- I may have misheard that, but...

1 MR. B. SHEALEY: And, your Honor --

2 THE COURT: I've been paying attention to taking notes
3 and --

4 MR. B. SHEALEY: -- all the holes are in that room that
5 -- that he stayed in. So this information would be relevant.

6 THE COURT: But the hole in the door.

7 MR. B. SHEALEY: To their room.

8 THE COURT: Right. That was the question. The holes
9 in that room not the hole in the door, the -- the one on the
10 -- the bedroom door, not -- that's what I understood the
11 question to be. I can -- we can go back and listen if you
12 like.

13 MR. B. SHEALEY: The Riddle violation is still clear,
14 your Honor. That's a Riddle violation explaining a hole -- a
15 punch when we're saying that the guy they charged with also
16 with killing this child for the first time, there's an
17 explanation for the holes because we would've looked for
18 records if we had known about holes when they moved in into
19 this rental that were already there. We'd be looking for
20 those investigative records from the leasing agency looking
21 for records of repair. This is -- this is a problem.

22 THE COURT: Let's -- let me hear from Mr. Anthony.

23 MR. ANTHONY: There's no obligation on me to tell the
24 defense every single thing, every single witness is going to
25 say. I mean, I -- I don't have an obligation to that. It's

1 not -- it's not Brady. It's not Brady that the holes that
2 she says the hole in the door wasn't there when they moved
3 in. It's not impeaching her. Because she's never said
4 anything contrary to that. So I -- I don't understand what
5 they're -- why they're so exercised about this now. I'm not
6 -- State is not obligated to just tell the Defense every
7 single thing every witness is going to say. There are
8 certain things witnesses are going to say that I'm required
9 to share with them. I'm might be required to share with them
10 the answer to that question.

11 MR. B. SHEALEY: And is dead wrong under the rule.
12 That written brief with all the case law in it, talking about
13 how the prosecution's disclosure from witness investigations
14 is not meant for their private deliberations in the interest
15 of justice. It's a huge due process violation. It is
16 something that we could verify and explain. So he's
17 asserting that he knows about it. That he has known about
18 this explanation for holes in the wall that we are --

19 THE COURT: He said the hole in the door you keep
20 expounding on -- in all the holes. I did not hear that.

21 MR. B. SHEALEY: The hole in the door then.

22 THE COURT: There's a hole to the right of the closet.
23 There's a repair hole that's patched up underneath that
24 square hole cut, closet doors missing. I think there was
25 another door -- hole in the door that there was a debatable

1 four-inch mark on it that had been made by something that
2 nobody could identify with (inaudible) to find so. That's
3 five other injury to property that I can name that I heard.
4 He said the hole in the door.

5 MR. B. SHEALEY: Yes, your Honor. I think whatever he
6 said, any defense to a hole -- when we're alleging it's due
7 to her son's aggressive mannerisms, they have an explanation
8 for it. It is -- it's impeachment. It is an explanation
9 that we could verify. It is classic Riddle information that
10 he's failed to disclose. And he is not saying he didn't know
11 about it. Most instances like this, a -- a prosecutor will
12 say, "I didn't know she was going to say that. She never
13 said it before." Okay. He's not saying that. He's saying,
14 "I've known about it. I just don't have to disclose it."
15 And that's the problem here pursuant to Riddle v. Ozmint,
16 which we filed and it -- it talks about this kind of behavior
17 exactly. It's a real problem. And we're moving for a
18 mistrial. That's the remedy at this point. We hate to do
19 it, hate to do it. That's why we have the Riddle motion for
20 all the family witnesses that have been interviewing because
21 we can't do our job with this information being sat on by the
22 prosecution. And it's -- it is Riddle. It's the essence of
23 Riddle. We're saying he put holes in the wall. She's come
24 up with no excuse for it. This prosecutor's known about it
25 and it sat on it.

1 THE COURT: I don't think you're entitled to a mistrial
2 on that question. We're done with this witness, correct?

3 MR. B. SHEALEY: I'd love to examine her a little bit
4 outside the presence of the jury about her -- her
5 conversations with a solicitor, what other holes she can
6 explain. I think that'd be appropriate this time.

7 THE COURT: All right. Good.

8 MR. B. SHEALEY: Thank you.

9 THE COURT: She's under oath.

10 BY MR. B. SHEALEY:

11 Q. Ms. Williams, when did you first tell this
12 prosecutor about -- and before we get to that, talk to me
13 about what holes you say were there when you moved in so we
14 can start looking for this information.

15 A. I never said a hole was there when I moved in.
16 The holes was there when Audrevious and Jackie came there
17 that night with the kids. I prepared the room when
18 Audrevious called me and said, "Ma, I need somewhere to live.
19 Because the storm came in the house." The trailer they was
20 living with -- and was not proper at the time for them to
21 stay in. So I went in the room and I prepared the room. The
22 holes was already there before Jackleen, Audrevious and the
23 three children arrived.

24 Q. Okay. So what's your information about the holes
25 in your house? How they got there?

1 A. I -- I can't really explain how the holes got
2 there, but I explain that when Jackleen and Audrevious and
3 the three kids got there, them holes was already there.

4 Q. When did you first realize the holes were there?

5 A. I -- I knew they was there. They was there for a
6 while, even before Jacklen got in the picture.

7 Q. So -- okay. Not sure how the holes got there,
8 right?

9 A. That's what I said, sir.

10 Q. But you're sure they got there before --

11 A. I knew that they was there before they --

12 Q. -- your son moved back in.

13 A. -- came there. Yes, sir.

14 Q. Right?

15 Q. So Defendant's 4, what do you see there?

16 A. A hole in the door. Yes.

17 Q. Now that's on the outside of the door to where Dre
18 stayed, right?

19 A. It's according to how you're looking at the house.
20 Explain to me which room you are looking at.

21 Q. Outside of his bedroom where he and Ms. Mullen
22 moved back in.

23 A. If that's the room you're saying that he stayed
24 in, I mean, I don't know. Because all the doors look the
25 same in the room.

1 Q. You just said --

2 THE COURT: I think that the detective identified that
3 as the door you're asking about. That -- that's what I had
4 notes down on that.

5 MR. B. SHEALEY: Okay.

6 THE COURT: So maybe you rephrase your question for
7 her.

8 MR. B. SHEALEY: Yeah.

9 BY MR. B. SHEALEY:

10 Q. Is that -- is that Dre's bedroom where he used to
11 stay?

12 A. Okay. Yes.

13 Q. So what you're telling this judge in this court is
14 that this hole was already there. Is that what you're
15 saying?

16 A. I am saying that, yes.

17 Q. But it was -- it was Dre's bedroom where he lived.

18 A. It was Dre's bedroom. Yes.

19 Q. How long have you been living there?

20 A. We had been there over seven years.

21 Q. Okay. So you must have knowledge about how that
22 hole got there?

23 A. I don't really know. I wasn't always at home all
24 the time. Now Dre haven't lived there all the time. Neither
25 Dre was off at school, but I don't know exactly how it got

1 there particularly if that's what you're asking.

2 Q. And you don't know when you first noticed it?

3 A. Of course I don't. No.

4 Q. But you of course you recall that it was already
5 there when Dre got in.

6 A. It -- when Dre came with Jackleen it was already
7 there.

8 Q. So you're firm -- you're firm on that?

9 A. I am.

10 Q. But you're not firm on when it appeared in his
11 door?

12 A. I do not remember that, no, sir.

13 Q. Are you aware of the other holes in that room?

14 A. I am, yes. Because I prepared the room when they
15 got there.

16 Q. Are you firm on them also already existing before
17 Dre and Jackie got there?

18 A. Yeah, the holes was there before they got there.

19 Q. Do you know when those occurred?

20 A. I do not.

21 Q. Why not? You don't know when holes appear in your
22 house?

23 A. Well, Audrevious is a grown man, so I didn't go in
24 his room. I didn't go in other -- the rooms actually until
25 that night when Audrevious called and I prepared the rooms.

1 So I didn't -- I don't go in their rooms. They're -- they're
2 grown people.

3 Q. Okay. But he lived in this room before, right?

4 A. He did, yes.

5 Q. That's his bedroom?

6 A. Yes, it is.

7 Q. Before he moved out?

8 A. It is, yeah.

9 Q. Okay. It's safe to say he put these holes in this
10 wall?

11 A. I can't say that. I can't say how Audrevious did
12 that.

13 Q. You know your boy puts holes in walls?

14 A. I do not know my boy put holes in walls.

15 Q. Ma'am, are you lying right now?

16 A. No, I'm not lying. I can't -- I'm not lying.

17 Q. But you're clear on the fact that these holes were
18 already there when they got there, right?

19 A. Yeah. I'm clear on that.

20 Q. Well, you're unclear on who put these holes in
21 your boy's bedroom door.

22 A. I'm unclear of that. Yes.

23 Q. When did you first tell this prosecutor about your
24 knowledge of these holes when you met with him?

25 A. I guess it was Wednesday evening.

1 Q. Wednesday evening you told him about what you just
2 told us?

3 A. Well, he asked me about them and I said they was
4 there as I told him before Audrevious and Jackleen came to
5 the house.

6 Q. You can understand why holes and walls would be
7 important to this prosecutor, right?

8 A. I can, yeah.

9 Q. Okay. So what you told him on Wednesday night,
10 last week, a week ago, was that you were firm on the fact
11 that they were already there before Dre and Jackie moved back
12 in.

13 A. Uh-huh.

14 Q. What else did he ask you about them?

15 A. That's the question he asked me. Did I know about
16 them or did I know how -- who put them there? Or for
17 instance how long have they been there? And I said they have
18 been there before they moved in the home.

19 Q. Did you answer any -- who was -- when you were
20 answering these questions to Mr. Anthony, who else was in the
21 room?

22 A. My husband, Audrevious, the young lady sitting
23 there beside him and herself. And I think Jamie was there.
24 If I'm -- if I'm not mistaken.

25 Q. Jamie is the in-house investigator, right?

1 A. I -- I think so. Yeah.

2 Q. He takes -- he investigate, takes notes
3 (inaudible) for the solicitor's office, right?

4 A. Yeah. He was there. Yes.

5 Q. You're telling this -- you're answering this
6 question for John Anthony and Ms. Joyner with their
7 investigator present and also your son's present and your
8 husband?

9 A. Yes.

10 Q. And you're giving an explanation about why the
11 holes were there, right? Or at least that they were there
12 before they moved back in, right?

13 A. They were, yeah.

14 Q. But you know it'd be important to establish that
15 your son's not violent, right?

16 A. He's not violent. His father's not violent.
17 Never been hit by a man in my life.

18 Q. And again, you all huddled up what -- in this
19 courthouse? In a solicitor's office?

20 A. Yes.

21 Q. With your baby boy right next to you, right?

22 A. Yeah.

23 Q. Trying to help out Mr. John Anthony, right?

24 A. Helping out with the case.

25 Q. Against Ms. Mullen, right?

1 A. Correct.

2 Q. They don't prosecute your son, correct?

3 A. Correct.

4 MR. B. SHEALEY: Your Honor, I'm going to renew my
5 motion. It's clear what's happened here and this line of
6 examination I need to have in front of a jury. If you don't
7 grant this mistrial motion.

8 THE COURT: All right. Mr. Anthony, what's say you?

9 MR. ANTHONY: Well, I -- I -- I mean I've read the
10 Riddle case when I got that motion and what the Riddle case
11 says is that you have a witness who has said something, made
12 a statement and you can come aware that there's a divergence
13 between what that statement says and what that witness said,
14 then you need to tell the other side, which I -- I've done in
15 a -- in regards to a couple witnesses.

16 THE COURT: Right.

17 MR. ANTHONY: But if a witness tells you something that
18 they've never said to anyone before and that's not Brady,
19 then there's not any obligation on the State to go tell the
20 Defense every single thing witness is going to say. I mean,
21 this is -- you know, this is just how court works. We don't
22 do depositions. You know, we don't transcribe every single
23 witness interview. And I -- I just don't think there's any
24 -- there was any obligation on the State to say what her
25 answer to that question was going to be.

1 THE COURT: All right. I understand your position.

2 You -- you're done for the day so you can step down.

3 MS. WILLIAMS: Thank you.

4 THE COURT: He'll meet you up if you would stand there
5 by yourself.

6 MS. WILLIAMS: Thank you.

7 MR. B. SHEALEY: And, your Honor, I'd -- I'd like to
8 respond on the record if I may, about --

9 THE COURT: Sure.

10 MR. B. SHEALEY: -- about Mr. Anthony's legal
11 reasoning. It's just clear on the Riddle case, your Honor.
12 I mean this is exactly what Riddle talks about. It's
13 pretrial interviews not disclosed concerning anything that
14 could be exculpatory relevant, or impeachment, or favorable
15 to the Defendant. And so here they've got a reason for the
16 holes. We're saying Dre is a violent guy. Violent enough to
17 hit the children that aren't his. Violent enough to hit
18 Ms. Mullen. Violent enough to punch holes in the wall. And
19 now a week later after they learn about it, they've got a --
20 a -- a little cleanup -- a little bit of relevant impeachment
21 that I could talk to this witness about. And they're not
22 disclosing it until the last question they ask her. And it
23 is just exactly what Riddle requires, and I hate it. They
24 should just turn this stuff over. Because we could
25 investigate witnesses to that. There's witnesses available

1 to -- and it's clear she's biased. She wants to help her
2 son. The record is -- is -- that's...

3 THE COURT: You asked that question at least half dozen
4 times. She loves him and she want to help him, and she want
5 to help Mr. Anthony.

6 MR. B. SHEALEY: Well, respectfully, your Honor,
7 Mr. Anthony has to play by the rules.

8 THE COURT: Respectfully, I understand that.
9 Respectfully, I don't want to read all (inaudible) ruling
10 right now.

11 MR. B. SHEALEY: Your Honor, I got a copy of the case
12 or the motion, if you need it.

13 THE COURT: I think you gave it to me.

14 MR. B. SHEALEY: Yes, your Honor. I -- I know you know
15 the law so well. I -- you know, I just don't know if you
16 read everything we send you, but it is on point.

17 THE COURT: Those that I have it in my hand. So give
18 me your copy right here. You sent to me through email.

19 MR. B. SHEALEY: Well, I've got my motion, and it's all
20 marked up. Forgive that.

21 THE COURT: Hang on, I may have it here.

22 MR. B. SHEALEY: I think I dropped off a copy of the
23 first motion.

24 THE COURT: I've got in the email I think over here.
25 Melissa if she has it. All right. Cut the record off so we

1 can relax. I think ticking in my face is annoying right now.

2 MR. B. SHEALEY: Your Honor, I know you're going to
3 read the case.

4 THE COURT: All right. I'm taking the matter under
5 advisement. I've also advised Mr. Anthony and both lawyers
6 that Ms. Williams is still on her subpoena. She's not to
7 discuss her testimony with anyone until the issue is resolved
8 and issue a ruling in the morning. I'm glad we built in a
9 little extra time or in the morning. Anything else that I
10 did not -- the State -- I mean, I'm sorry the Court has not
11 ruled on the mistrial or corrective instructions or -- or
12 other testimony not ruled on that at all either way.
13 Anything else that we need on the record that I had off for a
14 moment?

15 MR. B. SHEALEY: No, sir. No, your Honor.

16 THE COURT: All right.

17 MR. ANTHONY: No, sir.

18 THE COURT: All right. Now, Wednesday's records
19 closed.

20 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

21 5:06 P.M.)

22

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CERTIFICATE OF TRANSCRIBER

I, LATASHA JEFFERSON, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 16 of York County, South Carolina, on November 1, 2023.

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

August 8, 2025.



LATASHA JEFFERSON

TRANSCRIBER

1 CONTINUATION OF PROCEEDINGS - NOVEMBER 2, 2023.

2 MR. ANTHONY: After -- after we finish with
3 Ms. Williams.

4 THE COURT: She in here?

5 MR. ANTHONY: She is -- she is not. The -- the next
6 witness will be Audrevious Williams. Just to make the
7 disclosure, I talked to Mr. Williams at lunchtime yesterday,
8 along with his attorney, Mr. Dunn. At that time, he told me
9 that after the Rock Hill Police arrived at the residence and
10 after the initial search of the house for India M. [REDACTED], the
11 victim in the case, he and Ms. Mullen went up to their
12 bedroom and the drawer was opened and a cover was placed over
13 India M. [REDACTED] in the drawer. And that the two of them were
14 there where that -- when that happened. So that is not
15 something he had ever told me before. It's -- you know,
16 completely new to the case. It's not -- it's not something
17 that is contradicted by anything he's told me before. It's
18 just a new matter. And I wanted to go ahead and just put
19 that on the record before he testifies so defense counsel
20 will be aware of it.

21 THE COURT: Bring Ms. Williams please. Bring Ms.
22 Williams.

23 MR. ANTHONY: You are going to pick up with the
24 re-cross of Ms. Williams or is that where --

25 THE COURT: Yes.

1 MR. ANTHONY: I -- I'm just trying to remember.

2 MR. B. SHEALEY: Re-cross from Mr. Brian Shealey.

3 MR. ANTHONY: Okay -- okay. Because I did my
4 re-direct.

5 THE COURT: That's correct.

6 MR. ANTHONY: And that's where we -- okay.

7 THE COURT: And he's been cautioned to be brief. He
8 said he would.

9 MR. B. SHEALEY: Yes -- yes, your Honor. I'll -- the
10 extent the Shealey can be brief. I'm going to trying.

11 THE COURT: All right. Yes, ma'am, come on -- come on
12 Ms. Williams. How you doing this morning?

13 MS. WILLIAMS: I'm great. How about yourself?

14 THE COURT: I'm chillier. All right. I remind you
15 you're still under oath, but have a seat back in the witness
16 stand.

17 THE WITNESS: Yes, sir.

18 THE COURT: Now bring me the jury.

19 MR. ANTHONY: Your Honor, I think -- I don't think I
20 was through with the re-direct. I think -- I'm not sure.

21 THE COURT: He was --

22 MR. ANTHONY: I had a -- I was in the middle of --

23 THE COURT: He -- he was at the end and he got an
24 answer. He said I got a matter of law and that's where we
25 stopped.

1 MR. B. SHEALEY: Well, he asked that question on
2 re-direct. That was -- and I made my motion as a matter of
3 law.

4 THE COURT: So he was up.

5 MR. B. SHEALEY: He -- he could be up. And -- but then
6 you allowed me to examine her a little bit on that issue.

7 THE COURT: That's -- that's what I'm thinking. Okay.
8 So he still going -- he's still going on with re-direct.

9 MR. B. SHEALEY: Sounds good.

10 THE COURT: Okay. Bring the jury. If you all repeat
11 yourself, I'm going to tell either side asked and answered.
12 Be aware. You're so cautious.

13 (Jury enters room at 9:46 a.m.)

14 THE COURT: All right. How's everybody this morning?
15 A little cool? It did come in cooler. All right. When we
16 broke yesterday Ms. Williams was on re-direct by Mr. Anthony.
17 Mr. Anthony, continue on.

18 MR. ANTHONY: Thank you, your Honor.

19 THE COURT: Yes, sir.

20 RE-DIRECT EXAMINATION CONT'D

21 BY MR. ANTHONY:

22 Q. Ms. Williams, I think I left off yesterday just
23 asking you if your son Audrevious if -- if -- if the hole in
24 the bedroom wall was there when he moved in?

25 A. When him and Jackleen moved in, it was already

1 there.

2 Q. He and Ms. Mullen moved back in your house?

3 A. Yes, sir.

4 Q. And you had -- I believe you said that that hole
5 was not there when they moved back in?

6 A. It was there.

7 Q. I mean, I'm sorry it was there when they moved
8 back in.

9 A. Yes, sir. Uh-huh.

10 Q. All right. And then there are some other holes
11 also, but in the bedroom, is that correct?

12 A. That's correct.

13 Q. And then one to the bathroom though, is that
14 correct?

15 A. I would say yes.

16 Q. Okay. And were those holes there as well when
17 Mr. Williams and Ms. Mullen moved back in?

18 A. Yes, sir, they was.

19 MR. ANTHONY: All right. Thank you. That's -- that's
20 everything on re-direct.

21 THE COURT: Ms. Williams, I'm sorry. Mr. Shealey, I
22 apologize. Got Williams -- Ms. Williams on my mind.

23 MR. B. SHEALEY: Me too, judge.

24 RE-CROSS EXAMINATION

25 BY MR. B. SHEALEY:

1 Q. All right. Ms. Williams, I'm not going to try to
2 belabor this point, but you love your boy, right?

3 A. Yes, sir.

4 Q. And you testified yesterday, you want to help him
5 any way you can, right? And help Mr. John Anthony, right?

6 A. Yes.

7 Q. I only get to ask you that one time. So I -- I
8 feel like I've done that since we're back here today. About
9 these holes, and -- you know, you and I had a little chance
10 to talk about these holes a little bit when jury left
11 yesterday, right? So we've covered some ground already.

12 A. Yes.

13 Q. You remember the oath?

14 A. Yes, sir.

15 Q. Okay. Now just so the jury knows what we're
16 talking about again, I'm going to show you State's 4 that's
17 the outside of that bedroom -- bedroom, right?

18 A. Correct.

19 Q. And you recognize that hole?

20 A. Uh-huh.

21 Q. Again that States -- or excuse me, Defense 10, is
22 just that door opened up into Dre's bedroom that he and
23 Ms. Mullen, right?

24 A. Correct.

25 Q. And opens up and it shows a little bit of their --

1 where they slept, right? Right?

2 A. Right. Oh, I'm sorry. Yes.

3 Q. And then this hole, again, is in that bedroom?

4 A. Right.

5 Q. Okay. And this is Defendant's 12. And you notice
6 a large square, like someone had cut out sheet rock to maybe
7 repair damage, right?

8 A. Uh-huh.

9 Q. And then it's something that someone way smarter
10 than me pointed out to me. If you look closely, there's
11 another hangover where someone has patched that up, right?

12 A. Correct.

13 Q. Okay. I need to show it the jury because I didn't
14 catch it just want to make sure they catch it. And again,
15 this was Dre's bedroom, right? Right?

16 A. Right -- right.

17 Q. Now what we talked about a little bit yesterday
18 outside of the presence of the jury was that you met with
19 Mr. Anthony last Wednesday along with your son who's charged
20 in this case, right? In a meeting to prepare your testimony
21 for trial.

22 A. Correct.

23 Q. And that is the first time that you gave him the
24 answer that the holes were there before your son and Jackie
25 moved back into the apartment, right?

1 A. Correct.

2 Q. So now you told me yesterday you were firm on
3 that, right?

4 A. Yes.

5 Q. But what you told me yesterday as well was you
6 can't tell me when those holes appeared, right?

7 A. I cannot -- I cannot give an exact answer when --
8 when them holes appeared yes, sir.

9 Q. Affirm on that they were already there?

10 A. Affirm. Yes, sir.

11 Q. But not when they occurred?

12 A. Correct.

13 Q. Now I want to ask you something. When you took --
14 took -- took that lease seven years -- you know, you said
15 you'd been in that house for seven years, right?

16 A. Yes.

17 Q. Those holes weren't there, right? You remember
18 that, right?

19 A. Correct. Yes.

20 MR. B. SHEALEY: Okay. Beg the Court's indulgence.

21 THE COURT: Yes, sir.

22 MR. B. SHEALEY: Thank you, Ms. Williams.

23 THE COURT: All right. You may step down, ma'am.

24 MS. WILLIAMS: Thank you.

25 THE COURT: Call your next witness.

1 MR. ANTHONY: Next witness will be Audrevious Williams.

2 THE COURT: Mr. Williams, come right here to the clerk
3 of court here in the center to place you under oath then have
4 a seat in the witness stand. You've been outside didn't see
5 what everybody was doing (inaudible) right there.

6 AUDREVIOUS WILLIAMS,
7 being duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. ANTHONY:

10 Q. Would you state your name, please?

11 A. Audrevious Williams.

12 Q. And, Mr. Williams, where do you live?

13 A. I live at 1355 Cypress Point Drive.

14 Q. And is that Rock Hill?

15 A. It is.

16 Q. And who do you live with?

17 A. My mother and my father.

18 Q. And I want take you now back to May of 2020.

19 Where were you living then?

20 A. 520 Gentle Breeze Lane.

21 Q. And who were you living with at that time?

22 A. My mother and my father as well.

23 Q. And who else was living there? In -- in house?

24 A. My sister -- my sister, her baby father, and her
25 children -- the two children.

1 Q. You -- you need just lean a little bit into that
2 microphone so everybody can hear you.

3 A. Okay.

4 Q. What was your sister's name?

5 A. Shanita Williams.

6 Q. And then what was her -- you say she was there
7 with her boyfriend?

8 A. Yes.

9 Q. What was her boyfriend's name?

10 A. Pete Rosenboro.

11 Q. And she had some children there?

12 A. Yes.

13 Q. And what were their names?

14 A. Carson Davis and Aria Rosenboro.

15 Q. And then who did you live there with in May of
16 2020?

17 A. I lived there with Jackleen, India, A.J., and my
18 son Audrevious Junior.

19 Q. Going back now to you and your relationship with
20 Jackleen Mullen, when did you meet her?

21 A. I met Jackleen May of 2017.

22 Q. And how'd you come to meet her?

23 A. Through my cousin. My cousin previously knew her
24 and I was introduced through my family.

25 Q. And at the time you met her, did you have any

1 children?

2 A. Yes, she had A.J. and also India.

3 Q. Did you and Ms. Mullen begin a romantic
4 relationship?

5 A. Like, towards the end of May of 2017, it wasn't
6 really like romantic, it was more like just sexual. It
7 didn't really get romantic till later on.

8 Q. And at -- at some point, did -- did the two of you
9 all come to live together?

10 A. Yeah. In like March of 2018.

11 Q. And when you all actually moved in together, how
12 old was India at that time?

13 A. India had -- she had just had a birthday March
14 7th. I moved in probably a week after that. So she was two
15 years old at the time.

16 Q. And did Ms. Mullen eventually, like, during the --
17 the course of your relationship before -- before you moved in
18 even had she become pregnant with your child?

19 A. She became pregnant in November of 2017.

20 Q. And -- and who was the -- the child that you two
21 have in common?

22 A. Audrevious Junior.

23 Q. And when was Audrevious Junior born?

24 A. July 12, 2018.

25 Q. When you two started living together in -- in

- 1 March of 2018, where did the two of you all initially live?
- 2 A. 717 Utah Trail.
- 3 Q. Were there any -- talking a few minutes about
- 4 India, were there any special needs that India had?
- 5 A. Yes. India --
- 6 Q. Could you describe India's problems for us?
- 7 A. She couldn't speak verbally. She was not able to
- 8 walk. She couldn't eat orally, so she had to be fed through
- 9 a gastro tube in her stomach. She also had a trach.
- 10 Q. What was the trach? What did it help with?
- 11 A. It was like -- it kind of like helped like with
- 12 her -- with her breathing and whatnot.
- 13 Q. You said she couldn't speak. How would you
- 14 communicate with her?
- 15 A. She was learning line -- sign language, excuse me,
- 16 sign language through therapy.
- 17 Q. And you said she had to be fed through a tube.
- 18 How did that work exactly?
- 19 A. Well, it was like a feeding tube. She had like a
- 20 feeding pump. So the -- the liquid would go into the pump,
- 21 it would go through the tube into her stomach, through the
- 22 gastro tube.
- 23 Q. And was that the same for both food and drink?
- 24 A. Yes.
- 25 Q. Okay. She all -- that was --

1 A. All that coincided together.

2 Q. Okay. And how many times a day would you feed her
3 that way?

4 A. It was --

5 Q. You or Ms. Mullen.

6 A. It was normal like twice, three times a day.

7 Q. Aside from -- from the things you've just
8 described, was India able to be toilet trained?

9 A. No. India wore pampers.

10 Q. So before COVID hit in -- in March of 2020, were
11 there people that would provide services to India at -- at
12 your home?

13 A. Yes. India had therapy five days a week.

14 Q. What -- what kind of therapists would come to the
15 home?

16 A. Speech therapists. Play therapists.

17 Q. How often would they come to the home?

18 A. Four to five times a week. There was somebody
19 there.

20 Q. And -- and then eventually did India start going
21 somewhere to receive services as well?

22 A. Yeah, she had started going to a home a special
23 needs school and also going to, like, a play therapy with
24 another therapist.

25 Q. And how often would those things happen?

1 A. Maybe she was going to school like three or four
2 days out the week and the play therapy was just like one day
3 a week.

4 Q. And when COVID hit, how did all of that provision
5 of services change?

6 A. Oh, it stopped completely.

7 Q. So after COVID hit all the people who were making
8 home visits stopped making home visits?

9 A. Right.

10 Q. Well, I want to take you now to the -- the late --
11 latter part of April, early part of May of 2020. What --
12 what did you and Ms. Mullen do at that time in regards to
13 your living situation?

14 A. Like the end of April, beginning of May, we moved
15 in with my mother and father.

16 Q. And why did you do that?

17 A. Well, we had, like, a very roach infested, we had
18 rats as well, and it was like a storm that same night. Like
19 the roof was kind of leaky a little bit, so we kind of just
20 was like -- you know, let's get up on out of here.

21 Q. And so is that when you moved in with your -- back
22 in with your parents?

23 A. Yes.

24 Q. Now, when you moved back in with your parents were
25 your sister and her boyfriend already there?

1 A. They were already there.

2 Q. Okay. And your parents were already there?

3 A. Yes.

4 Q. So when you -- when you moved back in, where did
5 you and Ms. Mullen and the -- the three children, where did
6 you all begin to occupy in the house?

7 A. Well, we -- we all moved into my room, my old
8 room, but the boys end up sleeping in -- we had, like, a
9 guest room. That's where the boys would, like, stay and play
10 and sleep.

11 Q. And then where did your sister and her boyfriend
12 and children live?

13 A. They was in my sister's room.

14 Q. Now, when you made this move to your parents'
15 house, did Ms. Mullen have a job?

16 A. Yeah, she was working at Hibachi.

17 Q. And when you made the move, did you have a job?

18 A. At that time, no.

19 Q. So who was taking care of the children, at least
20 at the time that the move happened?

21 A. I mean, we both were. She would only work like
22 four hours a day. So, like, it was just -- we both were
23 taking care of the children.

24 Q. Okay. But -- but when she was at work, who was
25 taking care --

1 A. Obviously I would be, yes sir.

2 Q. And aside -- at the time you all made that move,
3 aside from her income did -- from Hibachi place, did you all
4 have any other money coming in?

5 A. Yeah, India was getting money, like \$700 a month
6 -- 750.

7 Q. That was money, like a disability pay money?

8 A. Yes.

9 Q. Okay.

10 A. Yes.

11 Q. And when -- when you kept India did -- was there
12 ever a -- an incident where she -- she might have fallen?

13 A. Yes.

14 Q. Okay. Tell...

15 A. She was going through her standing up therapy and
16 she had fell over to the side and hit her face.

17 Q. And did she have any injuries from that?

18 A. Yeah, it wasn't, like, a big bruise or anything
19 like that. It was just, like, a little small little bruise.

20 Q. And other -- other than the bruise, was there
21 anything abnormal, anything changed about her after?

22 A. No, she was still normal. Everything was still
23 normal.

24 Q. And in the -- from -- after the -- the time you
25 all made this move to -- to Gentle Breeze into your parents'

1 house, how would you describe Ms. Mullen's attitude towards
2 India?

3 A. Ms. Mullen's attitude towards India? It's always
4 been the same. Nasty.

5 Q. And how -- how -- what -- what do you mean by
6 nasty?

7 A. I mean, she never treated India with love at all.

8 Q. And was there anything physical that you would --
9 that you noticed about how she treated India?

10 A. Yeah, she would physically abuse India.

11 Q. In what way?

12 A. Hit her in her face. Smack her in her face. When
13 she would make her do the standing up therapy, she would
14 literally not care if she fell and hit her head. I would try
15 to catch her. She'd be like, "No, stop. Don't catch her."
16 This that and the other.

17 Q. So moving on into May.

18 A. Uh-huh.

19 Q. Did you eventually get a job?

20 A. Yes, I started at FedEx.

21 Q. And I want to take you now to the Friday, May
22 22nd.

23 A. Yes.

24 Q. 2020. What did you have to do that morning in
25 regards to your job?

1 A. I had orientation.

2 Q. And roughly what hours was that?

3 A. From like 8:00 a.m. to like 1:00 p.m. something
4 like that. Ran a little bit over.

5 Q. And after you went to orientation, where did you
6 return to?

7 A. I went back home.

8 Q. And when you got home, what -- did you notice
9 anything different about India?

10 A. Well, she was totally different. I guess whatever
11 coincided with Jackie that day, whatever exercises she was
12 doing or whatever, she was not the same.

13 Q. Did you notice anything physically different
14 about, like, as far as her appearance anything?

15 A. Yeah, she had bruises all over her face.

16 Q. And then did you notice anything about how she was
17 behaving that changed?

18 A. She was just laying there just different.

19 Q. Well, what -- what do you mean when you say
20 different? What -- what else was -- was going on with her as
21 far as --

22 A. Usually India is like way more active. She just
23 wasn't her normal self, she wasn't being active at all. She
24 was just like laying there.

25 Q. And was -- were there any sounds being made?

1 A. Yeah. Well, at first it was kind of not as loud.
2 You can hear like she was, like, struggling to breathe. But
3 as we went through that day, later on through that night, it
4 got very loud.

5 Q. And as you said, as you went on through that day,
6 it got very loud. Like as the day progressed, what -- what
7 happened as far as India's condition?

8 A. Well, I was just trying to comfort her and as she
9 just kept going on, she just kept getting louder and just
10 louder.

11 Q. At some point, did you and Ms. Mullen have a
12 conversation about trying to get her some medical attention?

13 A. Well, when we -- I end up getting Jackie that
14 night coming home, she started doing like internet searches,
15 trying to figure out like what exactly like what was going on
16 with her. So the -- the medical attention started, like,
17 probably, like, that next day. You know what I'm saying? We
18 was -- I decided that we needed to get some stuff that -- you
19 know, we had to clear up her face and to comfort her to take
20 away her pain that she was going through.

21 Q. Yeah.

22 A. Yeah.

23 Q. And did you -- did you think about -- did you and
24 Ms. Mullen ever talk about taking her to a provider, taking
25 her to a hospital or something?

1 A. Yeah, we talked about that, but she didn't want to
2 do that because she knew she would've been in big trouble
3 with that, so...

4 Q. All right. And when she -- when she said she
5 thought she would -- would get in trouble for that and didn't
6 want to do it, what -- was there any reason why you didn't
7 insist on getting medical attention for India?

8 A. I know at that time I should have most definitely.
9 But I was thinking about India at that time. I was also
10 thinking about Jackleen.

11 Q. And when you say thinking about Jackleen.

12 A. Uh-huh.

13 Q. What do you -- what do you mean by that?

14 A. I was trying to help everybody. At that time I
15 did care about her, so I was trying to help her.

16 Q. And you made mention of doing text searches.

17 A. Uh-huh.

18 Q. How -- whose phone did those text searches
19 initially get done on?

20 A. She started on my phone. I didn't even know she
21 grabbed my phone. Then I looked at her, I was like, "Why are
22 you searching it on my phone?" And then that's when she
23 stopped and started searching on her phone.

24 Q. And you said that Saturday you -- well, let me
25 strike that. Let me just ask you, during the -- during the

1 course of -- of that -- that Friday and late early Saturday
2 morning, as India was getting worse, did you notice any
3 shaking, anything like that that was going on with her?

4 A. Yeah, she was shaking a lot. Eyes was rolling
5 back behind her head.

6 Q. So I'll take you now to, like, that next Saturday
7 morning. What did you decide to do that Saturday morning to
8 try to attend to India?

9 A. I was going to sell my phone to try to get some
10 money so we can get some stuff for her pain.

11 Q. And where were you going to sell your phone?

12 A. I went to the Walmart in Newport to the kiosk.

13 Q. And what did you -- what did you -- do --- like,
14 in preparation for thinking you were going to sell your
15 phone?

16 A. I reset my phone.

17 Q. And what -- what happened with -- with your phone
18 that day when you went to the Walmart to try to resell?

19 A. It wasn't enough to get anything that I needed to
20 get. I needed to get stuff for India of her pain and as
21 well, I didn't even have enough gas to even make it there by
22 grace of God, I made it there so I needed gas money as well.
23 And it just wasn't enough for any of that.

24 Q. So -- so you -- you ended up not selling the
25 phone?

1 A. No.

2 Q. So what did you do after you finished up at the
3 Walmart?

4 A. I texted her and asked her could she get in touch
5 with her friend James. And I don't -- I can't remember
6 exactly what it went through with the -- with that, but I
7 ended up just going back home.

8 Q. And after you got home, did Ms. Mullen eventually
9 leave the house?

10 A. Yeah, she went out and met James.

11 Q. And did you ask her to get some medicine for India
12 while she was out?

13 A. Yes, I told her to get some aquaphor and also some
14 motrin so India would be able to rest. Because I knew she
15 was dealing with a lot of pain.

16 Q. So is the -- that weekend progressed that
17 Saturday, that Sunday, that Monday. What -- what was going
18 on with India during that time?

19 A. Oh, it just was horrible. It just got worse and
20 worse and worse. Her breathing, the hissing sound she was
21 making just got louder and louder.

22 Q. And did you do anything to try to attend to India
23 during that time?

24 A. Yeah, I was trying to comfort her.

25 Q. And how would you do that?

1 A. We would put like warm towels on her. We was
2 giving her the medicine, we was doing the aquaphor, was
3 making sure her head was --

4 Q. Or doing the what?

5 A. Was putting the aquaphor on her face, on her skin
6 -- you know, making sure her head was elevated.

7 Q. And during that time, did you try to feed India
8 and -- and hydrate her?

9 A. Yes.

10 Q. And what were the results of that? How --

11 A. Even before -- even in the incident, India was
12 having trouble holding down food. She would throw up every
13 single thing that she was -- that was -- that she was
14 intaking.

15 Q. And during the course of that weekend, did you
16 also, you and Ms. Mullen try to buy drugs?

17 A. Yes.

18 Q. And what kind of drugs were you primarily
19 interested in getting?

20 A. Street term would say "blues," "roxies."

21 Q. So I want to take you out of that Monday.

22 A. Uh-huh.

23 Q. Afternoon that Monday after that weekend. What --
24 did -- did Ms. Mullen advise you of any kind of change in
25 India's condition on that Monday?

1 A. It was -- her -- her condition was totally just --
2 it was different. It was -- the 25th it was -- it was -- it
3 was different.

4 Q. Okay. Well, did you specifically get a -- a
5 message from Ms. Mullen wanting you to do something?

6 A. Yes, I was downstairs cooking and Jackie was
7 trying to sleep and like I said, previously before India was
8 making a loud noise, like a hissing noise, like, struggling
9 to breathe. And she told me to come upstairs to comfort her.

10 Q. And what did you do?

11 A. I went upstairs.

12 Q. And when you got upstairs, what was going on?

13 A. Jackie was sitting on top of India's face with a
14 pillow on top of her face.

15 Q. And how -- what was India doing?

16 A. India was trying to move her off of her. Like,
17 she was waving her hand trying to push her off of her.

18 Q. And so how did you respond to seeing that?

19 A. I made her get off of her.

20 Q. And what -- what had been going on when this
21 happened?

22 A. Jackie was trying to sleep and she was making too
23 much noise, so she was trying to shut her up so she could
24 rest.

25 Q. So that Monday night, what was -- was India's

1 condition when you -- when you all went -- when you went to
2 sleep that night?

3 A. It was still -- it was still bad. I was able to
4 comfort her just a little bit.

5 Q. Was she still alive?

6 A. Yes, she was.

7 Q. And what had changed with her condition when you
8 woke up that Tuesday morning?

9 A. We woke up that Tuesday morning India was not
10 alive anymore.

11 Q. How did you respond to that? What did you do when
12 you realized she wasn't breathing?

13 A. I was trying to resuscitate her.

14 Q. And were you able to do that?

15 A. No.

16 Q. And that morning, did Ms. Mullen leave the home?

17 A. Yes.

18 Q. Okay. And when she -- when she left the home,
19 were you still there?

20 A. Yes.

21 Q. Okay. Along with the two boys?

22 A. Yes.

23 Q. And where was -- was India's body when Jackleen
24 left the home that morning?

25 A. She was still laying on the mattress.

- 1 Q. And is that a mattress just on the floor?
- 2 A. Yes.
- 3 Q. Of the room. Okay. While she was gone, did you
- 4 receive any messages from her?
- 5 A. Yeah, she was telling me that she was going to
- 6 meet James after she left where she had went to.
- 7 Q. Okay. She was going to go meet James?
- 8 A. Yes.
- 9 Q. All right. And then did she ask you to do
- 10 anything in regards to your job?
- 11 A. She told me to call out.
- 12 Q. She said what?
- 13 A. She told me to call out.
- 14 Q. And what does -- what does that mean? What do you
- 15 mean by that?
- 16 A. She told me not to -- basically not to go in -- to
- 17 work.
- 18 Q. Not go to work?
- 19 A. Yes.
- 20 Q. Okay. All right. And did Ms. Mullen -- did she
- 21 get home early that afternoon?
- 22 A. Yes.
- 23 Q. Okay. When she got home, what did you do?
- 24 A. I left.
- 25 Q. And why did you leave?

1 A. I didn't want to be there, so I left and went and
2 got some things.

3 Q. What -- what in particular did you go get?

4 A. I went and got some pills.

5 Q. Some pills?

6 A. Yes.

7 Q. Okay. And when -- when you got home, where was --
8 what had happened to India's body?

9 A. India was not on the mattress anymore. She was
10 now in the drawer.

11 Q. In the -- the dresser drawer in the room?

12 A. The dresser drawer. Yes.

13 Q. And did Ms. Mullen tell you anything she wanted to
14 do with India's body?

15 A. Yes, she -- at that time, we had a storage
16 building we had put our stuff in when we had moved in with
17 our parents. And she was just, like, coming up with ideas.
18 She had wanted to put her in the storage building -- her
19 body.

20 Q. And when she -- she told you that's what she
21 wanted to do, how did you react to that?

22 A. No, well, that was not going down. I wasn't going
23 to be a part of that.

24 Q. And after you told her that, did she decide to
25 contact anybody else about India's body?

1 A. Yes, she contacted India's father, Antonio Martin.

2 Q. And what was -- did she tell you why she was
3 calling -- why she was trying to get in touch with Antonio
4 Martin?

5 A. I mean, that's -- that was her past role person,
6 whatever -- you know, she felt like he was going to be down
7 with her -- you know, she felt like he would understand. She
8 knew I wasn't going to be a part of that. So she felt like
9 he probably would.

10 Q. And after -- after you all -- after she came home
11 and or after you came home, the body was -- had been put in
12 the dresser, she told you she wanted to get in touch with
13 Antonio. What -- what did Ms. Mullen do?

14 A. She went and picked up Antonio.

15 Q. Did she give you any instructions about what to
16 tell Antonio as far as where India's body was?

17 A. Yeah, she texted and said -- I'm paraphrasing if
18 he asks about cousin or a homie, tell him that -- tell him
19 that the homie is at our cousin house. I believe it was kind
20 of like that. Her cousin house.

21 Q. And did Mr. Martin eventually come to the
22 residence with Ms. Mullen?

23 A. He did.

24 Q. What -- while they were gone, did you have contact
25 with anyone about trying to make any kind of purchase for

1 yourself?

2 A. Yeah, it was already a person that was supposed to
3 have been coming to the house to bring something.

4 Q. What did -- what was -- what did somebody come to
5 the house and bring?

6 A. Some pills.

7 Q. You said that Ms. Mullen came back to the house
8 with Mr. Martin?

9 A. Yes.

10 Q. What happened when -- between -- what did the two
11 of them do when they got to your house?

12 A. They went up into our room and they had a
13 conversation.

14 Q. Were you present for the conversation?

15 A. No, I was in the boys room cleaning up.

16 Q. Once the conversation was had what did you all do?
17 What did the -- you and Antonio and Ms. Mullen do?

18 A. Well, at first Antonio was talking to me. He
19 said, "Dre" --

20 MR. L. SHEALEY: Objection as to hearsay.

21 THE COURT: Sustained to hearsay.

22 BY MR. ANTHONY:

23 Q. I'm just asking, where are you -- where did you
24 go? What -- what happened?

25 A. We took him home.

1 Q. So that night, this is -- this is Tuesday evening
2 we're talking about late afternoon, evening, later on that
3 night, did any law enforcement people come to your house?

4 A. They did.

5 Q. And what were they -- who -- what were they there
6 for?

7 A. For India. They were looking for India.

8 Q. Did you and Ms. Mullen have any conversations
9 about what to tell the police or did you -- did you make any
10 -- get any impression from her about what to tell the police?

11 A. It was never anything about what to tell the
12 police. It was more like the impression. I was really just
13 going off how she was flowing. So like the only -- and only
14 thing that was ever, like, talked about or anything like that
15 was she kept saying, "Dre, no face no case." She just kept
16 saying that.

17 Q. Were you able to hear what she was telling the
18 police about where India was?

19 A. Yes. She was saying that India was with her aunt
20 Cindy.

21 Q. And knowing she was saying that, what did you tell
22 the police about where in India was?

23 A. At that time I went along with it.

24 Q. Did you ever hear any conversation between Ms.
25 Mullen and -- and Cindy or was it just -- you just gathered

1 it from what she was telling the police?

2 A. Well, the first initial search, when the police
3 came in, they went through all the house, they did not find
4 India and for a split second was able to be upstairs and she
5 made several calls and one call was to Cindy.

6 Q. But at that point you'd already heard what she had
7 told the police?

8 A. Well, she didn't really talk to the police till
9 after the first initial search. So after the first initial
10 search and I knew that she had called Cindy, that's when I
11 heard exactly what she was saying to them about what India
12 was.

13 Q. All right. And so when you were asked where India
14 was, what did you tell them?

15 A. I told them also that India was with Cindy.

16 Q. And how did you -- did you tell them you knew that
17 or at least you thought that?

18 A. I just -- just went off with it. I didn't tell
19 them how I knew. I just went off on what I was hearing.

20 Q. Okay. And later on, like, is this -- as this
21 police presence at your house progressed, did -- what what
22 did the police eventually do with Jackleen?

23 A. They took her away.

24 Q. And once Ms. Mullen had been taken to jail, did
25 you make any kind of change to what you were telling the

1 police?

2 A. Yes, I initially told the police that I had went
3 to work that day and I told them that I didn't.

4 Q. And although you still didn't tell them that you
5 knew India was upstairs in the drawer?

6 A. I did not at the time, no.

7 Q. So were you there at the house when the police
8 found India's body?

9 A. I was.

10 Q. Once they found India's body, what did they do to
11 you?

12 A. They told me that they would take me down to the
13 station to talk to me.

14 Q. And when you were taken down to the station, did
15 you, at that time, like, that morning, did you agree to talk
16 to the detective?

17 A. No. At that time I asked for a lawyer.

18 Q. And eventually did you make a decision about how
19 you wanted to -- about whether you wanted to speak to law
20 enforcement people about what had happened with India?

21 A. Yes.

22 Q. And what did you decide to do?

23 A. That I was going to step up and tell the truth for
24 India.

25 Q. Now you have met with me several times about this,

1 correct?

2 A. Yes.

3 Q. And we've -- we've discussed this several times,
4 is that correct?

5 A. Yes.

6 Q. And you've talked to me about what happened when
7 Ms. Mullen got back to the house and India was placed into
8 the drawer?

9 A. Yes.

10 Q. And did you see Ms. Mullen place India in the
11 drawer? Were you there when that happened?

12 A. I was not there when India was placed in the
13 drawer.

14 Q. Because you said you had -- you had left to go get
15 some pills?

16 A. I did.

17 Q. Okay. Just in our conversations, is it possible
18 that I could have misunderstood what you said and maybe --

19 MR. L. SHEALEY: Objection. Calls for speculation.

20 THE COURT: Rephrase the question.

21 BY MR. ANTHONY:

22 Q. Do you think it -- from our from our
23 conversations, could it -- could have been -- could it have
24 been taken that you -- someone might have thought you been --
25 you were there when she was placed back in the drawer?

1 MR. L. SHEALEY: Objection. Calls for speculation.

2 THE COURT: He's answered the question. He wasn't
3 there. So go to something else.

4 BY MR. ANTHONY:

5 Q. I am going to show you what's been marked for
6 identification as Exhibits 24, 25, 26, and 28. And I -- I
7 just ask you to take a look at these sets of -- of documents
8 and -- and tell me if you had -- if you have seen those
9 before.

10 A. Yes, I've seen these before.

11 Q. And what are the -- those? The text messages that
12 are contained in those documents, who were those exchanged
13 between?

14 A. This is me and Jackleen.

15 Q. All right. And I'm -- I'm going to ask you just a
16 couple of questions about some of the things that are
17 referenced in those text messages without having you go
18 through all of them right now. Who is James?

19 A. James is a close friend to Jackie.

20 Q. And who was Tia?

21 A. Tia was someone that Jackie would get pills from.

22 Q. And when you make a reference to blues in those
23 text messages, what are blues?

24 A. The roxies.

25 Q. And who is Kenyon?

1 A. Keon?

2 Q. Or I'm sorry, Keon.

3 A. Yeah, that was somebody else we also get pills
4 from.

5 Q. Okay. And was there any kind of tension between
6 you and Keon?

7 A. Yeah, I kind of knew -- you know, they did
8 something in the past. I kind of knew he kind of still
9 wanted to, so yeah, it is -- there was a little bit of
10 tension there between me and him.

11 Q. Okay. When you say did something in the past, you
12 mean there might have been some romantic involvement between
13 --

14 A. Yeah, yeah.

15 Q. -- Ms. Mullen and Keon?

16 A. Yes.

17 Q. Okay. And I can show you the -- the messages
18 again if you need to see them, but is there on the 24th of
19 May, that -- that Sunday, was there an argument between you
20 and Ms. Mullen over -- well, was there -- there an argument
21 at your residence between the two of you that's reflected in
22 the messages?

23 A. Yes.

24 Q. Okay. What was that argument about?

25 A. I believe that was the day about oatmeal. She was

1 upset that I made the oatmeal wrong.

2 Q. And what happened between the two of you all that
3 morning?

4 A. Like, she just -- like, she, like, spazzed out
5 because I made the oatmeal wrong. So, like, I just -- I just
6 stormed out the room and left, got in the car and left.

7 Q. Okay. Was there -- was there something in
8 reference in the text messages to fans?

9 A. Yes.

10 Q. What -- what's the thing? What -- what does that
11 mean? What's --

12 A. It was a fan in the room, it wasn't even put up
13 properly and as I stormed out the room, I bumped the fan and
14 it, like, went to pieces -- broke to pieces.

15 Q. And was there some -- did -- did you touch Ms.
16 Mullen, like, that morning in a way that she did not agree
17 with, for some reference do you think?

18 A. I did not touch her. I didn't touch her.

19 Q. Okay.

20 A. No.

21 MR. ANTHONY: All right. If I could have one moment.

22 THE COURT: Sure.

23 BY MR. ANTHONY:

24 Q. All right. Mr. Williams, as a result of this
25 death in investigation, were you charged with any crimes?

1 A. Yes, I was charged with homicide by child abuse
2 aiding and abetting.

3 Q. Okay. And do you know what the penalties are for
4 those crimes?

5 A. That one carries 20 to life.

6 Q. Homicide by child abuse?

7 A. Yes.

8 Q. And what does the aiding and abetting carry?

9 A. 10 to 20.

10 Q. And have you ever been offered or promised
11 anything from the State for your cooperation in this case?

12 A. I have not.

13 MR. ANTHONY: All right. That's everything on direct.

14 THE COURT: All right. Folks, I'm in need of a break.
15 We're going to take a break before they start their
16 cross-examination, for my benefit. So we were out here a
17 little bit early before you all got in here, so step into the
18 jury room, have you right back in here very quickly.

19 (Jury exits room at 10:31 a.m.)

20 (Off the record at 10:31 a.m.)

21 (On the record at 10:42 a.m.)

22 THE COURT: All right. We'll continue on.

23 MR. L. SHEALEY: Your Honor, may it please the Court?

24 THE COURT: (Inaudible).

25 CROSS-EXAMINATION

1 BY MR. L. SHEALEY:

2 Q. Dre, I'm Luke Shealey. I'm one of Jackie's
3 lawyers. I'm going to be asking you a few questions, okay?

4 A. All right.

5 Q. Now, you touched on it a little bit there with
6 Mr. Anthony, that you're facing two charges currently, right?

7 A. I am.

8 Q. Facing homicide by child abuse as the principal
9 abuser, correct?

10 A. The principal abuser? I don't understand what
11 that means.

12 Q. And then you got the other charge as an aider and
13 abettor, right? You understand the difference between those?

14 A. I don't understand what you're saying by
15 "principal abuser." I don't (inaudible) what you're saying.

16 Q. Well -- you know, that one carries 20 to life. I
17 think you testified to that.

18 A. Yes.

19 Q. Okay. And the other one carries 10 to 20,
20 correct?

21 A. Okay.

22 Q. Two different charges, right? Right?

23 A. Uh-huh.

24 Q. About this case. So you know you're exposed to
25 doing life in prison? You have to answer the question.

1 A. Okay. Yes, sir.

2 Q. You understand that?

3 A. Uh-huh.

4 Q. You don't want to do life in prison, do you?

5 A. No.

6 Q. Okay. You spent some time at the county jail,

7 correct?

8 A. Two and a half years, yes, sir.

9 Q. That was not fun, was it?

10 A. It was not.

11 Q. Okay. Because when you're incarcerated, people

12 tell you when to sleep, right?

13 A. Yes.

14 Q. Tell you when to get up, correct?

15 A. Yes, sir.

16 Q. And they shove plates of food that you don't care

17 to eat and that's your meal, right?

18 A. They do.

19 Q. You don't have to spend -- you don't get to spend

20 time with your family, do you?

21 A. Uh-huh. No.

22 Q. You don't get to spend time with your mama or any

23 other relatives, correct?

24 A. No.

25 Q. No loved ones, no girlfriend, no kids, correct?

1 A. Correct.

2 Q. And that's what you're hoping to avoid in this
3 case, right?

4 A. I don't want to go to prison. No.

5 Q. You do not want to go to prison. And you enjoy
6 walking in out of court today on the free world, correct?

7 A. I do, yes.

8 Q. Okay. And part of what you understand your duty
9 to do is try to help Mr. Anthony win this case against your
10 ex-girlfriend, correct?

11 A. No, it's for -- this is for India.

12 Q. And you have a child with -- with Jackie Little
13 Dre?

14 A. I do.

15 Q. And it's your understanding that if you testify
16 well that it's your hope that you don't want to go to prison,
17 right?

18 A. No. That's my hope to get justice for India, but
19 I do not want to go to prison. That is correct.

20 Q. That's your hope for sure. And it's your belief
21 that that will happen if you testify well in this case,
22 correct?

23 A. I really, but my main thing is about India, that
24 is -- yeah.

25 Q. You're just not thinking about your future or

1 anything. Your main thing is about India, is that your
2 testimony today?

3 A. Of course, I am thinking about my future. I
4 wouldn't sit here and say I'm not thinking about my future.
5 But the main thing, the main goal, the main focus is India.

6 Q. Now, I want to talk to you about the time you got
7 out of jail. Did you ever look at this? I'm going to show
8 you Defendant's 41. Go ahead and look at that for me. Do
9 you recognize is a bond order in your case?

10 A. Yes.

11 Q. That's the keys to your jail cell that got you a
12 bond and you posted and you got out, right?

13 A. I got out of jail, sir.

14 Q. And that certified court bond order, it tells --
15 it states that you have to continue cooperating as a
16 condition of your bond, right?

17 A. It says so.

18 Q. Right. You agree with that? So a condition of
19 your freedom is that you continue cooperating with Mr. John
20 Anthony. You agree with that?

21 A. John Anthony did not even want me to get a bond.

22 Q. That's not my question. That's in that order,
23 right?

24 A. Uh-huh.

25 Q. So if you don't -- if you had not met with John

1 Anthony, do you know what a motion to revoke bond is?

2 A. I don't.

3 Q. Have you ever heard any guys get violated on
4 motions to revoke bonds while you're in the county?

5 A. Not too familiar.

6 Q. You disagree so that means you go back to jail if
7 you don't cooperate?

8 A. I mean, I don't disagree with that.

9 MR. L. SHEALEY: Your Honor, at this time, I would seek
10 to admit this certified public record into evidence.

11 MR. ANTHONY: Objection. Relevance.

12 MR. L. SHEALEY: Relevance, your Honor, it's probably
13 clear if we can -- do you want me to argue that?

14 THE COURT: I -- I think it's relevant. It'll come in
15 subject to the objection.

16 (Defendant's Exhibit Number 41 admitted into evidence.)

17 BY MR. L. SHEALEY:

18 Q. Dre, I think you said I believe on direct with
19 Mr. Anthony that you were here to tell -- step up and tell
20 your truth, right?

21 A. Yes.

22 Q. Okay. Because for a long time you weren't -- you
23 weren't stepping up, right?

24 A. No, I did not.

25 Q. Okay. You told several untruths in this case in

1 your previous dealings with law enforcement, correct?

2 A. I did.

3 Q. You agree with that? You are under oath today,
4 right?

5 A. I am.

6 Q. So you also told several untruths in your previous
7 meetings with Detective Rob Smith right there when they
8 arrested you?

9 A. Okay.

10 Q. You agree with that?

11 A. I told some untruths to -- on that first, yes.

12 Q. Okay. Let's talk about some of the -- some of
13 them off see if you agree. Number one, India was in Monroe
14 with aunt Cindy, you already testified on direct at the time
15 you were saying that that was untrue, correct?

16 A. Uh-huh.

17 Q. Is that a yes?

18 A. Yes. That was untrue.

19 Q. We'll check that. That's one. 5:26 when they
20 were at your house on top of saying that you agreed that you
21 told them that you were at work at FedEx, right?

22 A. Uh-huh.

23 Q. Okay. But you weren't at work that day at FedEx,
24 right?

25 A. I was not.

1 Q. So that would be an untrue?

2 A. Yes.

3 Q. And then in your interview room with Detective
4 Smith, did you realize that was recorded when you went in
5 there later? 3:00 a.m. in the morning you met with Detective
6 Smith that night?

7 A. I realize that. Yes.

8 Q. Okay. Did you ever watch it recording of that?

9 A. I didn't watch the recording of that, no.

10 Q. I've got some transcripts here of that. Do you
11 know what the transcript is?

12 A. You got the transcripts of the recording?

13 Q. That's a court reporter right there. She is
14 typing up everything, going to listen, and make official
15 documents so you know what was said, right?

16 A. Okay.

17 Q. You agreed that during that encounter you told
18 Detective Smith, "I had no idea she had contact with her
19 baby's father today." You remember that, right? Antonio?

20 A. I don't remember saying that.

21 Q. Disagree with that?

22 A. I -- if it's on the recording -- if I -- I don't
23 remember right now at this time. Remember me saying that
24 about that -- I don't disagree.

25 Q. Have you seen Mr. Martin back here in court today?

1 A. I have.

2 Q. And then again, when you're talking to
3 Investigator Smith in that initial interview, you told him
4 the only reason you knew India's body was in that drawer
5 because that's what you heard from police, right? Remember
6 that? He said, "What room is yours?" And you said, "The
7 room that India was found." You remember that moment?

8 A. Yes.

9 Q. That was a difficult moment for you, wasn't it?

10 A. Very difficult.

11 Q. You were found a liar, correct?

12 A. I was not truthful at that time, no.

13 Q. A liar and being not truthful those two way it's
14 the same -- the same thing, isn't it?

15 A. I would say so.

16 Q. Okay. And that got Detective Smith quite excited
17 because he knew that he had secured that scene. He told you
18 that in that moment, right?

19 A. Uh-huh.

20 Q. You hadn't let any of that information out about
21 where India's body was found, correct?

22 A. Correct.

23 Q. But you knew and you lied to him about it, right?
24 Yes?

25 A. Yes.

1 Q. You shut that. Now, you met with the solicitors
2 in September of 2020. You remember that meeting?

3 A. Yes.

4 Q. You met with a different solicitor than
5 Mr. Anthony, right?

6 A. The -- the solicitor wasn't there. I don't
7 believe the head solicitor wasn't there.

8 Q. And Detective Smith right there?

9 A. Detective Smith was there. Yeah.

10 Q. Some other in-house investigators were there?

11 A. Yeah.

12 Q. And you talked about putting India's body on a
13 mattress and then you could only assume that Jackie had put
14 her in the drawer, right?

15 A. India's body was already on the mattress.

16 Q. And you could only assume that -- that Jackie had
17 put her in the drawer, right?

18 A. Yeah, because it -- when I was gone, I didn't see
19 her put in the drawer and I know the kids didn't do it. I
20 know my parents didn't do it.

21 Q. Never told them that Jackie -- you watched Jackie
22 put her in the drawer?

23 A. I told them that I did not see her put her in --
24 put India in the drawer, no.

25 Q. In that same conversation, this is -- that

1 conversation is when you rolled your hand up and said, "I'm"
2 -- "I'm here to tell my truth," right?

3 A. Uh-huh.

4 Q. I want to get justice for India, right?

5 A. Yes.

6 Q. You're talking about a lot of the stuff that you
7 said today at that moment, right? Several months later.
8 Okay. And regarding leaving the house and Antonio and Jackie
9 leave the house at that moment, you told him you didn't leave
10 with Antonio and Jackie, right? In that meeting.

11 A. At the September the 20th -- September the 9th
12 meeting?

13 Q. Yeah, I got a transcript. But you don't remember
14 that?

15 A. I re-watched that. Yeah.

16 Q. Okay.

17 A. Yeah.

18 Q. You remember they said, "Did you leave with him?"
19 You said, "No, (inaudible) they made their plans," remember
20 that?

21 A. They did make their plans. Yeah.

22 Q. But you insisted that you stayed home and that
23 when she dropped him off after (inaudible) being negative.

24 A. It could've been possible I said, yeah.

25 Q. That wasn't the truth either, was it?

1 A. That was -- I rode with them.

2 Q. You actually rode with them?

3 A Uh-huh.

4 Q. And so, you know, your GPS -- have you looked at
5 your GPS records over time?

6 A. I've not.

7 Q. Okay. Well, you've been informed of that --
8 that's not the truth?

9 MR. ANTHONY: Objection. Hearsay.

10 THE COURT: I think it's been established by other
11 evidence already. So I'm going to overrule that.

12 MR. L. SHEALEY: So what I'm saying is that --

13 MR. ANTHONY: I don't -- may I be heard on that?

14 THE COURT: Sure.

15 MR. ANTHONY: I would just argue it hasn't been
16 established by other evidence. I don't think it's in the
17 record.

18 MR. L. SHEALEY: You can answer the question so...

19 THE COURT: Ask the question again. You're kind of
20 hopping around on me.

21 MR. L. SHEALEY: Yes.

22 THE COURT: Re-ask the question so I can hear it again.

23 MR. L. SHEALEY: Sure.

24 BY MR. L. SHEALEY:

25 Q. All right. Dre, we're talking about the September

1 9th meeting you had with the solicitor and Detective Smith,
2 correct?

3 A. Yes.

4 Q. Do you remember telling upon asking whether you
5 left the Antonio -- Antonio and Jackie to drop him off or
6 whether you stayed at the house and you said you stayed at
7 the house, you recall that?

8 A. Yes.

9 Q. That was the untruth, correct?

10 A. At that time, yes.

11 Q. Okay.

12 A. Yes.

13 Q. Well, not at that time?

14 A. Yes, it was -- the --

15 Q. It was untruth, right?

16 A. Yes.

17 Q. So that -- that's kind of a minor detail, right?

18 Whether you went and rode with them or not, it's not like
19 talking about punching a baby in the face or smothering a
20 baby, right? That's a bigger detail, correct?

21 A. Yes.

22 Q. Well, whether you rode with them or not, you agree
23 that's a common lie, right?

24 A. I'd say so. Yeah.

25 Q. Did you lie about the minor detail? Yes?

1 A. At the time. Yeah -- yeah.

2 Q. Do you expect us to agree about the major details,
3 correct? You don't expect this jury to trust you about the
4 major detail?

5 A. Because the major details are the truth.

6 Q. You've already admitted to lying all these time?

7 A. Yeah.

8 Q. Let's back up a little bit. I heard about when
9 you met Jackie, I think you said in 2017, is that right?

10 A. Yes.

11 Q. And it was just sexual at first, but then it came
12 more romantic. Is that what you testified to?

13 A. Yes.

14 Q. How old were you then?

15 A. I was 26 years old.

16 Q. When...

17 A. Oh, excuse me. I was 23 years old.

18 Q. Okay. Now, my understanding is that you were some
19 kind of football prospect in high school?

20 A. Yeah, I was. I was very good at football.

21 Q. You were always very good at football?

22 A. Yes, I was.

23 Q. What was your position?

24 A. I played safety.

25 Q. Safety?

1 A. Yeah. Quite a little bit of quarterback.

2 Q. Okay. Where'd you play high school football?

3 A. Rocky High.

4 Q. Okay. I think I heard something about going to
5 college and playing football. Am I right in that?

6 A. Yeah, I could've went to South Carolina.

7 Q. Okay. Did you go somewhere to play football at
8 all?

9 A. Yeah, I went to Minnesota to a junior college up
10 there.

11 Q. And was it your hope to transfer back and maybe
12 play at South Carolina?

13 A. Yeah, it was.

14 Q. That didn't pan out, did it?

15 A. No, it didn't work out.

16 Q. That something to do with credits or something
17 like that?

18 MR. ANTHONY: Objection. Relevance.

19 THE COURT: Sustained to relevance.

20 BY MR. L. SHEALEY:

21 Q. Okay. So I guess to say your -- your -- your
22 college football dream is playing football didn't pan out,
23 correct?

24 A. No.

25 Q. All right. And you meet Jackie and she's already

1 got two children by other men, right?

2 A. She does, yeah.

3 Q. She got India M. [REDACTED], who's the daughter of
4 Antonio Martin back there and she also had A.J., her daughter
5 with Levar Allen, is that right?

6 A. Yes.

7 Q. Okay. So -- and during that time there was a time
8 when you lived with her mom for a little bit, right?

9 A. Who's mom? Jackie's?

10 Q. Yeah.

11 A. Never lived with her mom.

12 Q. Never lived with her mom, okay.

13 A. At one time.

14 Q. But you all lived at that trailer on Utah Trail,
15 is that right?

16 A. Yes.

17 Q. Is that where she became pregnant with your son,
18 Dre?

19 A. No.

20 Q. No. You had Dre there though?

21 A. No. Dre wasn't born until July 2018. She didn't
22 move into that trailer until December of 2017.

23 Q. And you mentioned moving out of that trailer
24 because of the conditions there, right?

25 A. Yes.

1 Q. So you at age 26 or so moved back in with your
2 parents?

3 A. I did.

4 Q. Not playing football. And you're romantically
5 involved with Jackie, correct?

6 A. Yes.

7 Q. And you've got some care and obligation of two
8 children that don't belong to you, right?

9 A. Yes.

10 Q. And then Dre comes along?

11 A. Uh-huh.

12 Q. And you do not have a job at this time, you agree?

13 A. Not a permanent job, no. No.

14 Q. Spring-ish March, April, May of 2020 you're
15 unemployed, yes?

16 A. Run by April. Yes.

17 Q. Now Jackie is working at Hibachi Express, correct?

18 A. She had just got back there. Yeah.

19 Q. Okay. And she usually works in the afternoon.
20 Like you -- you would drive her sometimes. Sometimes she
21 would drive that Buick about 3:30 to 9:00 or so. Is that
22 what you remember, that kind of shift?

23 A. Something like that around that time. Yeah.

24 Q. Some days you drive her, some days she'd drive,
25 right?

1 A. Yeah.

2 Q. And you also answered some questions for this
3 solicitor about India in her care, correct?

4 A. Yes.

5 Q. She's a -- a young girl that had disabilities that
6 you referenced, correct?

7 A. She did.

8 Q. And she was receiving some services due to her
9 disabilities, correct?

10 A. Yes.

11 Q. Some of that was in home care, right?

12 A. Yes.

13 Q. And a lot of that was daycare and other out of
14 home treatment and things like that, correct?

15 A. Somewhat a bit, yeah.

16 Q. Several days a week.

17 A. Mostly the in care at the home.

18 Q. And then COVID hit?

19 A. It did.

20 Q. And so she was in the home all the time then,
21 right?

22 A. Really around about end of April is when it really
23 stopped. If you are referring to as in the therapy coming to
24 the house.

25 Q. Right. And then May you moved in with your

1 parents?

2 A. Yeah.

3 Q. Services are stopped and you're in your -- in --
4 back in your old bedroom with your parents with three
5 children plus the children of your sister, right?

6 A. Uh-huh.

7 Q. Now, I've got one 5-year-old and it stresses me
8 out. So you've got three children, two of which are not
9 yours, correct?

10 A. Yes.

11 Q. And there's no more services taking India out of
12 the house, right?

13 A. Well, towards the beginning of May, yeah. There
14 wasn't nothing going there. No.

15 Q. Jackie's at work in the afternoons till about
16 9:00?

17 A. Yeah.

18 Q. And all the time when she leaves, you're on play
19 daddy daycare, correct?

20 A. Yeah.

21 Q. And you talked about some abuse outright by Jackie
22 towards her kid, right?

23 A. Yes.

24 Q. Dre, you agree that you used to abuse Jackie?

25 A. I did never abuse Jackie.

1 Q. You never abused Jackie?

2 A. Never. No sir, I did not.

3 Q. Well, we've looked at some cell phone records with
4 Mr. Anthony. You seem very familiar with those.

5 A. Yes.

6 Q. Maybe I can refresh your recollection by showing
7 you some of your own cell phone records. How about we do
8 that? Okay?

9 A. All right.

10 Q. Go ahead and take a look at what's marked as
11 Defendant's 24 for ID at this time. Please go ahead and
12 refresh your recollection of that. Does that refresh your
13 recollection a little bit?

14 A. It does.

15 Q. Regarding the May 11th argument you guys had, she
16 outright accuses you of being a mini woman beater, correct?

17 MR. ANTHONY: Your Honor, could I -- I get a date and
18 time on that please.

19 MR. L. SHEALEY: May 11th, 11:07 p.m.

20 MR. ANTHONY: I just need a second.

21 MR. L. SHEALEY: Around page 104.

22 MR. ANTHONY: 11:07 p.m.?

23 MR. L. SHEALEY: Yes, sir.

24 BY MR. L. SHEALEY:

25 Q. Do you agree with that she texted you that?

1 A. She said that.

2 Q. Okay. You want her to come back home because
3 she's left that morning, right?

4 A. Uh-huh.

5 Q. And you respond, "I'm just upset," right?

6 A. Yes, I did.

7 Q. She tells you damn near choked me when she tried
8 to dip, right?

9 A. She was saying that she was choking over the food.

10 Q. She said, "You damn near choke me when I tried to
11 dip."

12 A. She was talking about the food.

13 Q. Oh. She said, "You tried to choke me" and she was
14 talking about food?

15 A. Because I put too much salt in her food.

16 Q. And you said, "I was just upset. I was just
17 grabbing your arm."

18 A. Yeah. So how does -- how's me grabbing her arm,
19 choking her?

20 Q. You grabbed her arm are you telling me?

21 A. I just grabbed her arm to talk to her. I never
22 abused her, nor choked her.

23 Q. Okay. Take that back for me. You already
24 admitted you told untruth, correct?

25 A. At the beginning of this, yes, I did say that.

1 Q. I want to refer you to May 13th just look at this
2 to refresh your recollection about abuse.

3 A. Okay.

4 Q. You all are in the middle of another argument,
5 right?

6 A. Uh-huh.

7 Q. You recall telling -- starting off by texting her,
8 "I don't want to lose you."

9 MR. ANTHONY: Can I get a date and time on that,
10 please?

11 MR. L. SHEALEY: May 13th, 4:35 p.m. We're on page
12 135.

13 BY MR. L. SHEALEY:

14 Q. You recall telling her, "I don't want to lose
15 you," right?

16 A. Okay. Yes, sir.

17 Q. And she's responding to you back, you want to
18 provide her, "It's not about money, it's loyalty." It's been
19 three years and quote, "The only thing that turns me all the
20 way against you is when you put your hands on me."

21 A. Uh-huh.

22 Q. You see that right there now?

23 A. Yes, I do.

24 Q. That was in the physical about putting her hands
25 -- your hands on her. Do you agree with that?

1 A. Me putting my hands on her?

2 Q. Yeah.

3 A. Is me like trying to hug her or grab her as in
4 stop trying to -- let's talk this conversation out.

5 Q. You agree your response is "I need to step up and
6 stop putting my hands on you." You see that?

7 A. Yes. Because she -- she didn't like me wanting to
8 talk to her when she -- we got upset -- when she got upset.
9 We got into an argument.

10 Q. You agree to respond that "I adored you. I
11 shouldn't hurt the one I adore." That's what you responded
12 (inaudible).

13 A. Yeah, I did.

14 Q. Do you can't agree with that general concept,
15 right? You shouldn't hurt the one you adore, right?

16 A. You shouldn't, no.

17 Q. Let me show you this, do you recall this about
18 abuse and this would be on May 14th, around 3:50 p.m. about
19 one -- page 145, 146.

20 A. (Inaudible).

21 Q. You remember this conversation about relationship
22 going backwards. You tell her, "I don't have to take my
23 steps back, Jackie. I know I f*cked up and I'm going to fix
24 that." Saying, "It's stressing me out. I know I f*cked up
25 and I'm going to fix that," right?

1 A. Okay.

2 Q. You agree with that, correct?

3 A. Oh yeah.

4 Q. Okay. Again, since you claim to not have abused
5 her. I want to turn your attention to around May 18th look
6 at these -- these texts if you would, please.

7 MR. L. SHEALEY: All right. I'm sorry, your Honor,
8 this is about 7:39 p.m. 189 so.

9 THE WITNESS: Okay.

10 BY MR. L. SHEALEY:

11 Q. You all in an argument again, right?

12 A. Uh-huh.

13 Q. Do you recall her telling you "I'm not dealing" --
14 "not dealing with your anger issues no more. Stop
15 mistreating me and misusing me. Your kids don't need to see
16 that." She told you that, right?

17 A. Uh-huh.

18 Q. "You don't want me to feel like I felt hurt. All
19 I can do is cry." Right?

20 A. Okay.

21 Q. She is not answering your calls that morning, is
22 she?

23 A. No.

24 Q. Turn your attention to the conversation you all
25 had on May 19th. That was around 5:30 p.m. on May 19th.

1 A. One page as well?

2 Q. Yeah. Do you recall that conversation after an
3 argument?

4 A. Uh-huh.

5 Q. Do you recall reflecting about how your mom was
6 getting on you and was telling you how it wasn't a funny
7 matter not to be regarding you putting your hands on Jackie.
8 "You don't want" -- "you don't want her to have to deal with
9 it like my mom did," right? Do you recall that -- showing
10 her that? That's you in blue texting her.

11 A. Deal with what like my mom did. My mom was never
12 abused.

13 Q. Read the text, but she was getting on you about it
14 and you looked her in her eyes and I was like, "I'm going to
15 change because I don't want you to leave me." Do you
16 remember that?

17 A. Send the text message.

18 Q. The text message that you sent, correct?

19 A. Okay.

20 Q. And you're doing roxies about every day during
21 this time of your life, right?

22 A. Uh-huh. Probably not every day.

23 Q. Not every day?

24 A. No.

25 Q. Maybe you don't remember every text you sent, does

1 roxies affect your memory?

2 A. No.

3 Q. Did they help you when you're stressing, right?

4 A. I want to say help me, no.

5 Q. I'm going to show you on this topic of how you
6 know abuse is. Let's go to February 24 and look a couple
7 pages to refresh your recollection. (Inaudible).

8 A. You said February 24th or May 24th?

9 Q. Sorry, May 24th. This will be around 9:22 a.m. in
10 the morning.

11 A. Yeah.

12 Q. You remember that conversation?

13 A. I do.

14 Q. Now, you've already testified to -- recall by
15 India on May 19th, correct?

16 A. Yes.

17 Q. And you testified to some significant change in
18 India's condition on May 22nd, and you happened to be at
19 FedEx, right?

20 A. Uh-huh.

21 Q. Now we're on the 24th and she's declining. You --
22 you've already testified to that. Her health is declining,
23 right?

24 A. Yes.

25 Q. You all arguing that morning, you recall her

1 telling you, "You're going to jail and that's on my kids
2 soul." You remember her texting you that you? Do you see
3 that?

4 A. Yes, I see it.

5 Q. She tells you, "Your f*cking parents asking me
6 questions like I f*cking did that." You remember her texting
7 you that?

8 A. Yeah. They had nothing to do with India.

9 Q. She didn't do something, did she? She tells you,
10 "I'm about to curse them out and take the kids and walk
11 where" -- "the f*ck we're going," right? That's in that
12 text?

13 A. Yeah.

14 Q. She threatened to leave you based on your
15 behavior?

16 A. Had nothing to do with India.

17 Q. Okay. You mom has been telling the untruth?

18 A. No.

19 Q. All right. Take that back for me. Is it still
20 your position under oath the man who's got a life sentencing
21 on his head that you did not abuse Jackie Mullen?

22 A. I never ever abused Jackie Mullen. No, I did not.

23 Q. Okay. You also were hitting and abused her kids,
24 correct?

25 A. No.

1 Q. Okay. That's your position today under oath?

2 A. I would not abuse the kids. No.

3 Q. Okay. Let's talk about it. See if I can refresh
4 your recollection. Now, I agree -- I -- I'll tell you this,
5 I've never seen any mention of you abusing your child Dre. I
6 don't think you hit Dre. You never hit Dre, did you?

7 A. I don't. Didn't pop him. No.

8 Q. Okay. Again, he's your -- he's your own son,
9 right?

10 A. I -- I did discipline my child.

11 Q. Well, there is difference between discipline and
12 abuse, correct? This is going to be on May 13th earlier the
13 month 6:59 p.m. You with me?

14 A. Yes, sir.

15 Q. Now this time, so you guys are together sitting
16 next to each other, you're not texting each other, right?
17 There's (inaudible) to that, do you agree with that?

18 A. Correct.

19 Q. So if she's at work at Hibachi Express and you're
20 home with kids, something is going on. You all with
21 (inaudible), right?

22 A. Yes.

23 Q. So you agree that you're reporting that A.J.,
24 Levar Allen's son, pushed Dre down the stairs -- that's your
25 son, right? And A.J. is Jackie's son of course. And she

1 wants to know why, and she wants to know what you did, right?

2 A. Uh-huh.

3 Q. And you respond to her, "I popped him." Correct?

4 A. Yes, sir.

5 Q. "Then I talked to him afterwards though." Why
6 would you do that? Because you want to know what his thought
7 process is, right?

8 A. Yes.

9 Q. Now, at the time, A.J. is four years old, right?

10 A. Yes.

11 Q. Now, India is four as well, but there's a big gap.
12 So they're both four. So you hit a four-year-old, you popped
13 him, right?

14 A. Yes.

15 Q. Okay. Take that back. Now, we talked a little
16 bit about how babysitting multiple kids can be frustrating,
17 correct?

18 A. It can be.

19 Q. Draw your attention into the conversation you and
20 Jackie had on May 9th about 6:40 p.m.

21 MR. L. SHEALEY: Page 97, John.

22 BY MR. L. SHEALEY:

23 Q. Again, this would be at time at 6:40 p.m. and
24 Jackie is at work, you're at home with the kids, right?

25 A. Yes.

1 Q. You tell her, "This damn baby so f*cking aggy, got
2 to get high. This little girl stressing" -- "stressing me
3 out." Correct? Do you remember that?

4 A. Yes.

5 Q. Okay. "This little girl is so aggy," and that's
6 kind of slang for aggravated, right?

7 A. Yes, it is.

8 Q. It stresses you out watching the little girl. Did
9 you get high right then? Do you recall?

10 A. I didn't get high. I didn't, no. Jackie had the
11 pills at the time.

12 Q. But you were wishing you were high at that moment,
13 right?

14 A. At the time. Yes.

15 Q. Now, I want to refer your attention to
16 conversation that you and Jackie had about India on May 15th.

17 MR. L. SHEALEY: John, just pull around 9:00 p.m.
18 around page 160.

19 BY MR. L. SHEALEY:

20 Q. Do you recall that conversation?

21 A. Yes.

22 Q. When you testified that India needed therapy, she
23 needed to practice standing because she wasn't going to stand
24 up for walk, right?

25 A. Uh-huh.

1 Q. And so when you're home and Jackie is at work as
2 she was then part of your job sometimes is try to help her
3 with that, right?

4 A. Yeah.

5 Q. Do you recall her texting you about whether you're
6 letting her sit down or whether you're actually having her
7 walk and stand up like she needs to, right?

8 A. Uh-huh.

9 Q. Do you recall her telling you that you always let
10 her take the easy way out in regards to sitting down,
11 correct?

12 A. Yes. I was very easy on India.

13 Q. Okay.

14 A. I was not hard on her at all.

15 Q. And you're telling her, "Her ass is standing, bae,
16 and (inaudible)."

17 MR. ANTHONY: Can I get a time on that again?

18 MR. L. SHEALEY: 5:15, 4:09 p.m. page 160.

19 MR. ANTHONY: 4:19.

20 MR. L. SHEALEY: 4:00 -- 4:09 p.m.

21 MR. ANTHONY: 4:00, oh, I'm sorry. 4:09. Okay.

22 BY MR. L. SHEALEY:

23 Q. And you respond, "Her ass is standing, bae."

24 Right?

25 A. Yes.

1 Q. And she wants a proof. She says, "Take a picture.
2 You lie." You -- so you recall, you see a little phone there
3 -- on there. You send her a picture, right?

4 A. Uh-huh.

5 Q. I'm going to show this is from your phone. It's
6 been produced in discovery, Defendant's 7. You recognize
7 this little girl?

8 A. Yes. That's baby India. Yes.

9 Q. That's India?

10 A. Uh-huh.

11 Q. And where she's standing is it between dresser
12 door where she was found and a -- a door that's just off wall
13 there from your closet, right?

14 A. Yes.

15 Q. You got her standing there, just right there,
16 right?

17 A. Uh-huh.

18 Q. Once you send the pics, Jackie is like, "Well,
19 hmm, okay. Sad. Why'd you move her?"

20 A. Because she was never really standing. I just did
21 that really quick just to accommodate Jackie. That's why she
22 say I'm always easy on her because I was never hard on an
23 India.

24 Q. And your response is, "She was getting on my
25 nerves." Correct?

1 A. Yes.

2 Q. And this is a picture you sent her that day?

3 A. Uh-huh.

4 Q. Correct?

5 A. Uh-huh.

6 MR. L. SHEALEY: Your Honor, at this time, I seek to
7 admit this.

8 MR. ANTHONY: Can I see it? We have no objection.

9 THE COURT: Is it marked -- has been marked yet?

10 MR. L. SHEALEY: Yes. This is Defendant's 7.

11 THE COURT: Defendant's 7 admitted without objection.

12 (Defendant's Exhibit Number 7 admitted into evidence.)

13 BY MR. L. SHEALEY:

14 Q. And so on this day when you put her in that corner
15 because she was getting on your nerves, right?

16 A. I just said that. Yes.

17 Q. You also say you don't abuse these children?

18 A. If I was abusive to India why would she say, "Why
19 are you so easy on her all the time?"

20 Q. You're an admitted liar. You've already told us
21 that, correct? Answer the question, sir.

22 A. What was the question again, sir?

23 Q. You're an admitted liar, correct?

24 A. I said I told some untruths. Yes, I did

25 Q. Let me refer your attention to conversation you

1 had on May 19th, and I think this is the one that Mr. Anthony
2 already referenced to.

3 MR. ANTHONY: What -- what's the date and time we're
4 talking about?

5 MR. L. SHEALEY: This will be May 19th, 7:41 p.m.
6 around page 206 or so -- so right.

7 BY MR. L. SHEALEY:

8 Q. Does that refresh your recollection?

9 A. Yes. Mr. Dunn already talked -- we already talked
10 about this. Yes.

11 Q. Again, at 7:41 Jackie is at work, you're at home
12 with no job taking care of the kids, right?

13 A. Yes.

14 Q. And you tell her "Your daughter is so hardheaded."

15 MR. ANTHONY: Can we -- I'm sorry. Can we approach?

16 (Bench conference at 11:20 a.m.)

17 MR. L. SHEALEY: Beg the Court's indulgence.

18 THE COURT: Mr. Shealey, continue on if you like.

19 BY MR. L. SHEALEY:

20 Q. All right. That refresh your recollection from
21 May 19th, 7:41 p.m.?

22 A. Yes.

23 Q. Again, this is when Jackie's at work, right?

24 A. It is.

25 Q. And you advised her that "Your daughter is so

1 hardheaded," correct?

2 A. Uh-huh.

3 Q. "She f*cking fell on her damn face on the door by
4 the wall because she keeps moving when I'm telling her to
5 stand still." Right?

6 A. Yes.

7 Q. And then that door by the wall right there where
8 you had her in this corner. Is this the door? Same door?
9 Another thing to tell her. "Now we have a big bruise to hide
10 on her face."

11 A. Uh-huh.

12 Q. "Shake my motherf*cking head." That's what you
13 texted her, right?

14 A. Uh-huh.

15 Q. To hide.

16 A. Uh-huh.

17 Q. I think you testified earlier, just some little
18 minimal bruise. Just some nothing bruise, right? Something
19 nothing. That's not what you texted it, right?

20 A. It was a bruise. Yes, it was.

21 Q. It's a big bruise, right?

22 A. That's what I said in the text. Yeah.

23 Q. And you're suggesting that we need to hide it,
24 right?

25 A. Yeah.

1 Q. She's at work. You didn't send her a picture of
2 her bruise, did you?

3 A. I didn't.

4 Q. So she won't understand how big or little that
5 bruise is until she gets from work, right?

6 A. Yeah.

7 Q. Solicitor asked you some questions about the
8 gentleman named Keon. Do you recall that?

9 A. Yes.

10 Q. Drug dealer you got drugs up from?

11 A. Yes.

12 Q. Let's talk about that a little more in detail.
13 Let me show you what's marked as Defendant's, 33 the
14 conversation on May 11th.

15 A. All right.

16 Q. All right. And so conversation starts because you
17 all are in an argument and you're begging her to come back,
18 right?

19 A. Okay.

20 Q. She left the house, you agree with that?

21 A. Yes.

22 MR. ANTHONY: Can I get a time on that, please?

23 MR. L. SHEALEY: I apologize. 11:04 p.m.

24 BY MR. L. SHEALEY:

25 Q. And you're talking about how Keon said what made

1 you mad and you quote, "Don't like how that man looks at
2 you."

3 A. Uh-huh.

4 Q. But he shouldn't have said what he said, meaning
5 you to her. Do you agree with that?

6 A. Rephrase that again. Say it again.

7 Q. You meant you shouldn't have said what you said to
8 her?

9 A. Yeah.

10 Q. Now, page 103, she tells you, "We're done. You
11 are f*ucking whack." Is what she said, right?

12 A. Uh-huh.

13 Q. Because you got jealous and you exploded over
14 Jackie and Keon, right?

15 A. I don't think I exploded, but I got jealous.
16 Yeah.

17 Q. And you're apologizing to her in that moment. Do
18 you agree with that?

19 A. Uh-huh.

20 Q. Go ahead and review this from May 11.

21 MR. ANTHONY: There -- is there a time?

22 MR. L. SHEALEY: Yeah. This will be around 11:30 p.m.

23 THE WITNESS: Uh-huh.

24 BY MR. L. SHEALEY:

25 Q. Regarding kind of being jealous and the aftermath

1 of the argument. Do you recall telling her, "I hate you so
2 much because I need you so much." Right?

3 A. I don't see that message.

4 Q. Right about (inaudible).

5 A. Okay.

6 Q. That "I hate you so much because I need you so
7 much."

8 A. Uh-huh.

9 Q. You're very jealous of Jackie.

10 A. Jealous of Jackie?

11 Q. The other men, other influences. Do you agree
12 with that?

13 A. She would get me -- you know, jealous when men try
14 to come at her or she would do her thing with other men.

15 Q. And when you're babysitting every day the legacy
16 of other men in her life. Do you agree with that?

17 A. I'm babysitting the legacy of other men in her
18 life?

19 Q. Yeah. Other children: India, A.J. Children are
20 our legacy.

21 A. Yeah, I was. Yeah, we were both babysitting the
22 children. Yeah, but I was babysitting the children as well.
23 Yeah.

24 Q. And you're a jealous guy. Do you agree with that?
25 No reason to hide it.

1 A. I said I would get jealous about when she would
2 deal with other men. Yeah.

3 Q. Let me show you -- let me show you this
4 conversation you had on May 11th and just to refresh your
5 memory it's about one page.

6 A. All right.

7 Q. Do you recall if she's leaving you and you're
8 trying to get her --

9 MR. ANTHONY: What's the -- what's the time?

10 MR. L. SHEALEY: I'm sorry. May 11th, 11:35 p.m.

11 BY MR. L. SHEALEY:

12 Q. Do you recall if she's leaving you and you're
13 trying to get her back and you let her know quote "My
14 jealousy gets the best of me all the time and I'm sorry for
15 that." Right?

16 A. Uh-huh.

17 Q. Very jealous, man?

18 A. You don't want to read that?

19 Q. That's what you said. You don't disagree with
20 that, right? You disagree with that?

21 A. No.

22 Q. You said?

23 A. You didn't want to read about the heart being cold
24 thing? I'm just asking.

25 Q. I'm just asking you the questions. So you're the

1 witness I got to ask you the questions.

2 A. Okay.

3 Q. Yeah, I think this does go to that part. Let's
4 see, this is a follow-up on that. We're at May 11th. I'm
5 going to talk to you again about your jealousy. May 11th,
6 11:39 p.m. Take a look at that.

7 A. Okay.

8 Q. Let's talk about your jealousy and you're
9 apologizing, and you said quote, "Just know you are mines and
10 mines alone." You agree you told her that?

11 A. Yeah.

12 Q. Yeah.

13 A. Uh-huh.

14 Q. You texted her that? So you're not just jealous
15 of what you're possessing -- you know what that means?

16 A. Yeah.

17 Q. You want to control her. You agree with that?

18 A. I could never control her.

19 Q. You controlled her money, right?

20 A. I controlled her money?

21 Q. Yeah. You disagree that you held her money from
22 her check, kept her money, and as the, kind of, the man of
23 the relationship, decided how it was spent and when it was
24 spent?

25 A. No, Jackie did what she wanted with her money.

1 Q. Okay. You didn't have to break it off just so she
2 can buy food?

3 A. I'd have to break it off so she can buy food?

4 Q. Break it off some money when she needed something.

5 A. She did what she wanted with her money. If she
6 gave it to me, she gave it to me. She did what she wanted
7 with her money.

8 Q. You didn't have a job at this point, correct?

9 A. Supposed to be beginning of May. No, I didn't
10 have a job.

11 Q. There's just one little instance. May 12th she's
12 working -- see if that refreshes your recollection?

13 A. Okay.

14 Q. She's working she wants food, but she needs you to
15 bring her money, correct? To buy food?

16 A. She left her money at the house. Yeah.

17 MR. ANTHONY: Can I get a time, please?

18 MR. L. SHEALEY: May 12th, 8:51 p.m.

19 BY MR. L. SHEALEY:

20 Q. She says, "So give me money when you get there and
21 I'll text the total." Correct?

22 A. Yeah. She asked me did I want some food. I told
23 her no.

24 Q. Now, you really financially stressed at this time,
25 you agree?

1 A. Yeah.

2 Q. Because you're not working and you're spending
3 money every day on blues, correct?

4 A. That's just about, yeah.

5 Q. Buying from Tia, correct?

6 A. Uh-huh.

7 Q. Buying from F, right?

8 A. Uh-huh.

9 Q. You buying from your sister's boyfriend sometimes
10 though, right?

11 A. Sometimes. Yeah.

12 Q. She's the only one providing any income. Turn
13 your attention to conversation from May 5th (inaudible).

14 A. Okay.

15 Q. Now you recall her telling you quote, "You didn't
16 tell me we were broke."

17 MR. L. SHEALEY: I'm sorry, John. It's May 5th, 9:16.

18 BY MR. L. SHEALEY:

19 Q. She's -- she's telling you "You didn't tell me we
20 were broke." You -- do you see that?

21 A. Yeah.

22 Q. So if she held her own money as the -- as the one
23 -- the only one with the job, she wouldn't understand if she
24 has money or not. She won't be bothering you with you didn't
25 tell her that we were broke, correct?

1 A. Okay.

2 Q. You respond "Yeah, we are short right now." Do
3 you recall that?

4 A. Uh-huh.

5 Q. You are telling her the state of your financial
6 affairs. Do you understand that?

7 A. Okay.

8 Q. And again, she says her boss isn't paying for
9 another week. Do you recall that?

10 A. Uh-huh.

11 Q. I am going refer you to the conversation you guys
12 had on May 8th. See if that refreshes your recollection.

13 A. Right.

14 Q. You're wanting her to hit up Tia for drugs, right?

15 A. Uh-huh.

16 Q. Even as you're asking your own sister for money,
17 correct?

18 A. Yes.

19 Q. And she says quote, "No, because we don't have the
20 money." You agree that she told you that?

21 MR. ANTHONY: Can I get a time on that?

22 MR. L. SHEALEY: Apologies. May 8th, 6:21 p.m. around
23 pages 79, 80.

24 THE WITNESS: Okay.

25 BY MR. L. SHEALEY:

1 Q. Right. She's telling you, "We don't have the
2 money to hit up Tia." And your response is, "We've got 45
3 and you're hopeful that your sister would let you borrow some
4 money," correct? You're a drug addict even --

5 A. I wanted drugs at this point.

6 Q. -- even though you don't have money. You agree
7 with that?

8 A. I wanted drugs at the time. Yes.

9 Q. You are on drugs now?

10 A. I am not.

11 Q. You out there in the world living at your mom's
12 house again, you managed to maintain your sobriety?

13 A. Yes. I was two and a half years sober.

14 Q. That's from being in jail?

15 A. When I came home, I didn't -- I'm not thinking
16 about no drugs. I can care less.

17 Q. Now, you -- when you came forward to tell your
18 truth in September, after you spent a few months in jail in
19 2020, you provided some vastly new details about this case,
20 right?

21 A. Correct.

22 Q. Again, you described in your -- your first
23 orientation with FedEx that you were out of the house for the
24 first time for job-related purposes from around 8:00 to 1:00,
25 correct?

1 A. Yes.

2 Q. It was during this time that Jackie is home with
3 kids?

4 A. Correct. Correct.

5 Q. But she then asked to go to work shortly
6 thereafter. So you don't really have much time to spend
7 together, right?

8 A. Uh-huh.

9 Q. And you telling the solicitor and that detective
10 over there, that means your truth which is that you came home
11 something was changed. She was vastly different, correct?

12 A. Yeah.

13 Q. She wasn't the same. There was bruising on her I
14 think is what you testified to, right?

15 A. Okay. Yeah.

16 Q. And that's just what happened over the next couple
17 days India's condition got worse, right?

18 A. It does.

19 Q. Then even later, at some point Jackie calls for
20 help when you get up there. Oh man, she's just suffocating
21 you. Is your testimony here today, though?

22 A. She was.

23 Q. The man who is admitted liar, right?

24 A. I said I lied about some things, yeah.

25 Q. And let's -- I want you to look at your text

1 messages and your communications to her on the date that you
2 say she was never the same. When Jackie is now at work.

3 MR. L. SHEALEY: John, it's around 3:34 in the
4 afternoon, starting around 283 (inaudible).

5 THE WITNESS: Okay.

6 BY MR. L. SHEALEY:

7 Q. All right. You got a good refreshment of that
8 kind of time frame you want?

9 A. I do.

10 Q. So you agree she's at work and you're texting
11 about how you need gas money for your oil change appointment
12 the next day, right?

13 A. Yeah.

14 Q. And she suggest -- she suggests to you that maybe
15 you could do breakfast -- she could do breakfast with James
16 and maybe borrow some money from him, right?

17 A. Uh-huh.

18 Q. James would help -- help her out at this time,
19 right?

20 A. Uh-huh.

21 Q. You recall texting her that you missed her and
22 love her?

23 A. Uh-huh.

24 Q. And she's asking you to not crush any blues,
25 right?

1 A. Uh-huh.

2 Q. And she's also sad that you all didn't really get
3 any time together that day because you all kind of -- they
4 got her later than normal and she had to go to work, right?

5 A. Uh-huh.

6 Q. You text her, "I'm bored as hell," right?

7 A. Uh-huh.

8 Q. You want to be with her, right? That's why you
9 texted her?

10 A. Hold on one second. Why is that?

11 Q. Around -- this is around 4:28 p.m. You are bored.
12 You mentioned how you want to be with her, right? And she
13 tells you, "Well take a nap or something. Watch a movie with
14 the boys," right?

15 A. Uh-huh.

16 Q. And you're talking about trying to get some blues
17 from Tia again, but she says quote, "We don't have any
18 money." Do you agree with that?

19 A. Uh-huh.

20 Q. She says, "Well, I'm going to try to have some
21 money by the time you get off," correct?

22 A. Yes.

23 Q. Trying to figure out a way to borrow some money
24 from somebody, right?

25 A. Uh-huh.

1 Q. And then you decide to start asking her, "Well,
2 let's" -- "do you want to do some yoks tonight since we got
3 the weekend off," right?

4 A. Uh-huh.

5 Q. And yoks are ecstasy, right?

6 A. Uh-huh.

7 Q. So ecstasy is really fun for you because it's a
8 real romantic kind of -- that she loves -- other drug, right?

9 A. Yes.

10 Q. And she just doesn't like it when you're out
11 asking about doing drugs, correct?

12 A. No.

13 Q. She says, "Why can't we just have a normal life?"

14 A. Uh-huh.

15 Q. Right? And you go on and talk about -- now here's
16 a moment when you actually very clear are dealing with India.

17 A. Uh-huh.

18 Q. You tell her that, "Changing India, and all that
19 girl is is ribs." Is that correct?

20 A. I was feeding her.

21 Q. Okay. Feeding her?

22 A. Uh-huh.

23 Q. Because she's skinny, right? She's a skinny young
24 girl at that time.

25 A. Uh-huh.

1 Q. You are not saying, "Damn, Jackie, you punched
2 this girl in the face," or "Damn, Jackie, I hate you. I'm
3 going to leave you because you hurt my baby while at
4 orientation." Didn't say nothing like that, right?

5 A. No, I didn't say that at the time. No.

6 Q. Start talking about tattoos that you like. You
7 agree with that?

8 A. Yes.

9 Q. She's going on talking about, "Well, yeah, that's
10 a good idea," but -- you know, you talking about tattoos,
11 right?

12 A. Uh-huh.

13 Q. You let her know that you finally got a chance to
14 watch the movie John Wick III.

15 A. Uh-huh.

16 Q. Right?

17 A. Yes.

18 Q. Because that was important. And then you let her
19 know that you're really sick of Dre's ass. "I'm really am."

20 MS. JOYNER: Page 2, your Honor.

21 MR. L. SHEALEY: 5:45 p.m.

22 THE WITNESS: All right.

23 BY MR. L. SHEALEY:

24 Q. Because Dre was frustrating you in that moment,
25 your own son, correct?

1 A. I said yeah.

2 Q. Okay. I didn't hear you. And you're also
3 frustrated that you're not getting any drugs that night
4 because you all were broke, correct?

5 A. No, I wasn't frustrated about that at all.

6 Q. You said, "No, I don't drop it and a hundred times
7 I've asked you to text Nelson for money." Do you recall
8 that?

9 A. I said that, yeah.

10 Q. And you didn't know you said you're not
11 frustrated. You tell her, "F*ck it, we can just be sober
12 tonight."

13 A. Yeah. And I'm saying we don't need it anyway.

14 Q. "We'll just be sober tonight. F*ck it. We don't
15 need it anyway." Right?

16 A. I don't need it. Yeah.

17 Q. Well, you've been asking her to try to get money
18 -- try to get Tia -- even asking her to see if Tia well --
19 you know, give her a favor because she's cute, right? You
20 remember doing some of that? Yeah?

21 A. Yeah.

22 Q. And nowhere in those texts -- I can take that back
23 from you.

24 A. Uh-huh.

25 Q. You didn't mention anything about brutal lies,

1 four-year-old little girl to Jackie, right?

2 A. No. At that time I didn't.

3 Q. At that time you didn't because it hadn't happened
4 until you had care of the child. You agree with that?

5 A. No, I don't know, sir.

6 Q. You know, sir, speak the truth.

7 A. I am.

8 Q. Speak your truth to that man back there, Antonio
9 Martin.

10 A. It is true.

11 Q. About his baby. Did you care?

12 A. Yes. I never ever injured her.

13 MR. ANTHONY: Objection. Is not -- the questions are
14 not to be directed to people in the audience.

15 THE COURT: Ask your question, but just don't bring
16 other man in the --

17 BY MR. L. SHEALEY:

18 Q. Dre, I saw you reading the Bible outside in the
19 hallway, is that correct in that?

20 A. Yes.

21 Q. Okay. You know, in the religious world there's
22 something to be said for confession. Do you want to confess
23 your sins today?

24 A. Do I want to confess my sins today?

25 Q. That's right. Do you want to confess your sins?

1 A. My sins was that I never stepped up and said what
2 was going on with India from the first place.

3 Q. But you're stepping up now?

4 A. Yes.

5 Q. You recognize this nice little family photo
6 Defendant's 8?

7 A. Yes.

8 Q. You recognize that man there?

9 A. Yes. That's me.

10 Q. You recognize Jackie?

11 A. Yes.

12 Q. India?

13 A. Yes.

14 Q. Is that A.J.?

15 A. It is.

16 Q. You recognize Jackie with your son?

17 A. Yes.

18 Q. Cuddling there?

19 A. Yes.

20 Q. Let's talk about some other things. Utah Trail
21 when you lived in that trailer.

22 A. Yes.

23 Q. You recognize that hole in the wall?

24 A. Yeah. Looks familiar.

25 Q. Yeah. Because you punched a hole in it, right?

1 A. More than likely probably, yeah.

2 MR. ANTHONY: I'm sorry, I didn't hear his answer.

3 MR. L. SHEALEY: He said, "More than likely probably,
4 yeah."

5 BY MR. L. SHEALEY:

6 Q. Right next to it there's a little patch. Right
7 little square in photo there, right?

8 A. Uh-huh.

9 Q. That's patching out the prior hole that you
10 punched?

11 A. No, I did not punch the hole.

12 Q. You didn't do that?

13 A. No.

14 Q. Okay. This hole at Utah Trail, you recognize that
15 one?

16 A. Where is that at?

17 Q. See a picture of hallway or bathroom. You
18 recognize that you lived there?

19 A. That house was -- that trailer was already old.
20 All them holes and damage in there was not from me.

21 Q. Oh, so you came into a lease with holes in the
22 wall?

23 A. That trailer was already damaged when we got into
24 it.

25 Q. You meant you did that one?

1 A. I did punch a hole in the wall, but I did not
2 punch all those holes in that damaged at that trailer. No.

3 Q. Well, you punched some of these holes, just not
4 other holes, right?

5 A. I did not do that hole.

6 Q. You didn't do that hole. What about these?

7 A. That stuff was already there.

8 Q. What about that in the bathroom? You didn't punch
9 those?

10 A. No, I didn't do all those holes.

11 Q. What about that hole right there? Did you do that
12 hole?

13 A. I was not the only one that got upset or anything
14 in the house. I did not do all that stuff in the house.

15 Q. You're saying 4'11 Jackie punched these holes in
16 the walls?

17 A. Jackie would get upset countless at times.

18 Q. Not the football --

19 A. -- and destroy and all that kind of stuff.

20 Q. Not the football prospect? The strong man?

21 A. No.

22 Q. Oh, well I think we can at least agree at this
23 time, that you recognize and authenticate this family photo,
24 correct?

25 A. Yes.

1 Q. This photo of her loving on your boy.

2 A. Uh-huh.

3 Q. And this one hole, that Utah Trail at you punched,
4 right?

5 A. Yeah.

6 Q. We agreed on that. Okay. Is this fairly and
7 accurately depict exactly what we talked about from those
8 time frames?

9 MR. ANTHONY: We -- we'd object to relevance on 8 and
10 5. We would not object on 16.

11 MR. L. SHEALEY: Well, 8, your Honor, is a picture of
12 the family that he's authenticated from around that time so
13 that jurors understand who these children are.

14 MR. ANTHONY: Well, I -- I mean, I'd -- I'd like to
15 approach or have this heard outside of the presence of the
16 jury.

17 THE COURT: I think that's a problem. Let's take a
18 break. You all step in the jury room. Take a few minutes
19 and let me deal with this and then we will -- we may take a
20 break too. So you all have a nice break. I'll talk about
21 the case.

22 (Jury exits room at 11:48 a.m.)

23 THE COURT: All right. The jury is out.

24 MR. L. SHEALEY: You want to see those?

25 THE COURT: I'd like to see them. That would be

1 helpful. And Mr. Anthony number 8 is family picture what's
2 the objection to that?

3 MR. ANTHONY: It's just not relevant. It -- I -- I --
4 I don't see how that's relevant to whether -- I don't see how
5 a photo of her family is relevant to whether she committed
6 this crime or not. What -- what probative value does it
7 have? There's a family picture.

8 MR. L. SHEALEY: Yeah, it is extremely relevant, your
9 Honor. Because they're calling her a monster and abuser and
10 here she is with a nice family photo. It also helps identify
11 so the jury can understand well, here's a picture, the one
12 picture they have or so of India when she's not brutalized.
13 Here's the other child that we've been talking about, A.J.,
14 explicitly throughout this case. So it is very relevant so
15 they understand these family members and who they are.

16 THE COURT: And the number -- I guess it's 5.

17 MR. L. SHEALEY: That's the other child, Dre. So they
18 understand who that child is. That's his biological son that
19 we've been discussing a lot throughout this
20 cross-examination.

21 THE COURT: This one?

22 MR. L. SHEALEY: That.

23 THE COURT: Any objection to that?

24 MR. ANTHONY: Just don't see the relevance or in bed
25 with another one of the children.

1 THE COURT: 16 no objection?

2 MR. ANTHONY: No, I -- I won't object to 16.

3 THE COURT: This -- this is the victim here in the
4 middle.

5 MR. L. SHEALEY: Yes, sir.

6 MR. ANTHONY: Well, I will -- if I -- can I just have a
7 moment?

8 THE COURT: Yeah.

9 MR. ANTHONY: All right. Well, we will -- we'll
10 withdraw the objection to the picture of Ms. Mullen and the
11 child in bed. We will maintain our objection of the family
12 photos being irrelevant.

13 THE COURT: I think the family should come in. Just
14 gives the jury some context of who the children are. There's
15 three children. That's -- that's two pictures. Mother?

16 MR. L. SHEALEY: Yes, sir.

17 THE COURT: Father. I'm going to allow it subject to
18 your objection I think -- I mean, I don't think we need five
19 pictures, but one picture of the -- family of four and one
20 picture of mother and son.

21 MR. L. SHEALEY: All I got, Judge.

22 THE COURT: All right. I think that's appropriate. So
23 subject to your objection, I'm going to allow all three
24 exhibits. So it'd be 8, 5, and 16. And which one is it
25 again that's of the family?

1 MR. L. SHEALEY: Eight.

2 THE COURT: Eight is subject to the objection but
3 admitted. All right. How much more you got?

4 MR. L. SHEALEY: I think I'm wrapping up mostly. I
5 don't have a huge amount, but maybe 20 minutes if I get a
6 wild here. I don't think I will, though.

7 THE COURT: Okay. Well I'm thinking I'm going to take
8 a break then. You've been going enough for -- we all deserve
9 a break.

10 MR. L. SHEALEY: All right.

11 THE COURT: We'll take a few minutes to take a break
12 then we'll let Mr. Shealey finish up and Mr. Anthony as well.

13 THE WITNESS: I'm allowed to --

14 THE COURT: Don't talk about your testimony with
15 anybody.

16 (Off the record at 11:53 a.m)

17 (On the record at 12:03 p.m.)

18 THE COURT: All righty. Mr. Shealey, you may continue.

19 MR. L. SHEALEY: Thank you, your Honor. I think I was
20 seeking to move Defendant's 8, 5, and 16 into evidence at
21 this time.

22 THE COURT: They're all admitted. Eight is subject to
23 the Plaintiff's objection.

24 (Defendant's Exhibit Numbers 5, 8, 16 admitted into
25 evidence.)

1 MR. L. SHEALEY: All right. Thank you. Madam Clerk,
2 can I get your help publishing on this?

3 BY MR. L. SHEALEY:

4 Q. Audre, you've already said you recognize this
5 photo, right?

6 A. Correct.

7 Q. And this is India, correct?

8 A. Yes, it is.

9 Q. This is Jackie's other child, A.J.?

10 A. Uh-huh.

11 Q. You recognize Jackie, you recognize yourself,
12 correct?

13 A. Yes, sir.

14 Q. Now, your son is named Dre, you've testified to,
15 you recognize him here?

16 A. I do.

17 Q. This is him in bed with Jackie, right?

18 A. Yes.

19 Q. Now, you agreed that you at your formal address on
20 Utah Trail at least punched this hole in this wall right
21 there with your fist, correct?

22 A. Yes.

23 Q. Now, I'm going to show you some photos that are
24 already -- that already came in evidence prior to your
25 testimony. Do you recognize these people in this room?

1 A. Yes.

2 Q. All right. You can see the date is May 27th and
3 this is when law enforcement came into your house looking for
4 India, right?

5 A. Uh-huh.

6 Q. You've got your family over here, correct?

7 A. Yes.

8 Q. Detective Smith and this is you, right?

9 A. Yes.

10 Q. And that's what you're wearing that night. You
11 recognize this photo here. Who's that standing with you?

12 A. It looks like it's my father.

13 Q. Okay. And that would be about the time that
14 you're discussing how you were at -- you were at work that
15 day and didn't know what was going on, right?

16 A. Could've been, yeah.

17 Q. And your father is looking at you. Your house
18 prior to going to college, you -- I think your mom testified
19 you all lived in that location seven years, right?

20 A. Uh-huh.

21 Q. And it was a lease. You all didn't own it, that's
22 why it was a lease, right?

23 A. Yeah.

24 Q. You recognize the door to your bedroom?

25 A. Yes.

1 Q. And that's where you stayed after you came back
2 from Utah Trail with Jackie and India slept on the mattress
3 in your old bedroom from high school, right?

4 A. No.

5 Q. Not high school.

6 A. I had already graduated high school when my
7 parents moved into the house.

8 Q. College, whatever prior time when you lived in
9 that room, right?

10 A. Yeah.

11 Q. You see this punch hole in this door?

12 A. I do.

13 Q. That's a punch hole you made, right?

14 A. I don't recall.

15 Q. You don't have any recollection of that punch hole
16 in your door?

17 A. I had moved out of that house with my parents way
18 before I even met Jackie, so it was a lot going on at the --
19 at the house.

20 Q. Okay. Did your mom punched that hole?

21 A. I don't know.

22 Q. Your dad punch that hole?

23 A. I don't know.

24 Q. Your little nieces and nephews punched that hole?

25 A. I don't know.

1 Q. Okay. Do you know about this punch hole right
2 here? We turn around so it's easier to look from here. How
3 about that one? Is that going to the bathroom?

4 A. It looks like it's the bathroom.

5 Q. You punched that hole, correct?

6 A. No, I did not.

7 Q. Okay. Let me get this straight. Just so the jury
8 is clear and I'm clear, you punched this hole at Utah Trail.
9 You know nothing about these holes, is that what you're
10 saying today?

11 A. Is -- that is exactly what I'm saying.

12 Q. Under oath?

13 A. Yes.

14 Q. As someone who's admitted to being a liar.

15 A. I mean, I told a couple of lies, yes, but I did
16 not punch those holes, no.

17 Q. Okay. I'm going to show you a picture of the
18 inside of your bedroom. This is what crime scene people
19 took.

20 A. Uh-huh.

21 Q. You recognize that?

22 A. Yeah. To the right yes, I do.

23 Q. This is the closet?

24 A. Yeah.

25 Q. That doesn't have a door on it, does it?

1 A. No.

2 Q. The door for that was over on the wall where you
3 put in India, right?

4 A. Yeah. That door is previously already off. Yeah.

5 Q. And this is a -- some type of sheet rock repair in
6 progress right here, correct?

7 A. Yes.

8 Q. Your punch holes?

9 A. I did not punch that.

10 Q. And here's some more repair right here, right? I
11 think there's some testimony elicited by you on direct about
12 how you were caring for India after she started to decline,
13 correct?

14 A. Yes.

15 Q. You were wanting to get medicine for her, right?

16 A. Yes.

17 Q. And you went out one day to Walmart to try to sell
18 your phone, right?

19 A. I did.

20 Q. You didn't sell your iPhone, but you sold your
21 Samsung phone for \$9, correct?

22 A. I don't believe so.

23 Q. You don't remember selling your cell --

24 A. I remember -- I remember bringing my phone up
25 there. The iPhone.

1 Q. You don't remember selling?

2 A. I don't remember particularly selling the Samsung.
3 I don't know. I don't know if I took it out or sold it or
4 not. I don't know.

5 Q. You have no recollection of that?

6 A. I don't know if I did it or not. I know I brought
7 two phones up there. That's what I'm saying.

8 Q. You were looking to get money, right? You all
9 were really broke at that time.

10 A. Yeah, I was looking to get some money, yes.

11 Q. And it ended up being that Jackie was able to
12 borrow money from her sister to get money for medicine,
13 right?

14 A. From her sister?

15 Q. Uh-huh.

16 A. No. Jackie has younger sisters that don't -- they
17 don't work or anything like that.

18 Q. She -- she got the money. You weren't working.

19 A. Not from her sister, I believe she got the money
20 fro James.

21 Q. She got the money and got the medicine, right?

22 A. She got the money from James. Yeah. James got
23 the medicine. Yeah.

24 Q. She went to the store and got the medicine. Do
25 you agree with that?

1 A. She met James at the store and got the medicine.

2 Yeah.

3 Q. You didn't get the medicine, she got the medicine,
4 correct?

5 A. Yeah.

6 Q. And you wanted her to get the medicine to keep
7 India quiet, correct?

8 A. I wanted her to get the medicine because India's
9 in pain and I wanted India's pain to stop and yes, she was
10 loud. Yes. She was making a very loud noise.

11 Q. We'll have to through the text messages. So texts
12 don't lie, right?

13 A. No.

14 MR. ANTHONY: Well, I -- I strike that.

15 THE COURT: Okay.

16 BY MR. L. SHEALEY:

17 Q. In recording to make a real accurate assessment of
18 data and information, that's fair?

19 A. Yeah.

20 Q. The people lie, the people they have biases,
21 right?

22 A. Okay.

23 Q. Looks like you don't want to go to jail today,
24 right? You going to testify you don't want to go to prison
25 today.

1 A. I didn't do it. No. Why would I want to go to
2 prison for something that I did not do?

3 Q. Let's talk about this. Go ahead and read that.
4 Take a look at the top paragraph.

5 A. Yeah.

6 Q. You remember that?

7 A. Uh-huh.

8 MR. ANTHONY: Can I get a time for that please?

9 MR. L. SHEALEY: We're -- we're talking May 23rd at
10 8:35 a.m.

11 BY MR. L. SHEALEY:

12 Q. You recall a text from Jackie that quote, "We're
13 are going to have to get some medicine that puts her to
14 sleep." Right?

15 A. Uh-huh.

16 Q. "I'm going to go and sell this damn phone for
17 real." Right?

18 A. Uh-huh.

19 Q. "We need that medicine and we can't afford for her
20 to keep making noise like this." Right?

21 A. Yeah.

22 Q. You -- you're more interested in not being
23 discovered than actually caring for this child?

24 A. No.

25 Q. This text isn't lying, is it?

1 A. I totally cared for India.

2 Q. Now, in September of '20, after you've been
3 sitting in jail for a few months, we talked about that
4 meeting you had with the solicitors and Detective Smith,
5 right?

6 A. Yes.

7 Q. You came forward to tell your truth and at this
8 time, you had a lawyer, correct?

9 A. I did.

10 Q. Mr. Dunn?

11 A. Yes.

12 Q. Is he in the courtroom?

13 A. Yes.

14 Q. Point him out for me.

15 A. Mr. Dunn is right there with the glasses on.

16 Q. Arms crossed and glasses?

17 A. Yes.

18 Q. Okay. And you and your lawyer met with the
19 detectives and you had what we call discovery, correct?

20 A. Yes.

21 Q. And discovery is basic information about your
22 case, police reports, things like that to give a defendant an
23 understand of what he's facing, right?

24 A. Yes.

25 Q. And at that time, police asked you several

1 questions about a pillow case in that case, right?

2 A. Yes.

3 Q. If you'll do it one more time. Do you remember
4 seeing a picture of this pillowcase in discovery that has
5 this red stain on it?

6 A. I do.

7 Q. Okay. At that time, police were very interested
8 because it looked like blood. Do you agree?

9 A. Yes.

10 Q. I'm going to give you one of those transcripts
11 that I talked about (inaudible) where you can follow along.
12 Take -- take a moment to read it first before I ask the
13 questions. Really focusing in go to line 21 at the bottom of
14 page 12, if you are with me.

15 A. Uh-huh.

16 Q. Can you recall telling the solicitor's office and
17 investigators that quote "Yeah, that's how like the blood
18 stains that was on the pillowcase. Because like she was" --
19 "she was" -- "she was" -- "she was sitting on her face like
20 pressed down because she was crying so loud and she didn't
21 want nobody in the house to hear." Right? You recall
22 telling them that?

23 A. Yes.

24 Q. But you're connecting the dots for them about what
25 you knew from your discovery is a blood stain on a

1 pillowcase, right?

2 A. Okay.

3 Q. Because at that time, all throughout the paperwork
4 of the discovery, it was called a blood stain. You remember
5 that?

6 A. Yes.

7 Q. Has anybody ever informed you that that turned out
8 to not be blood?

9 A. No.

10 Q. Okay. But at the time you -- you thought it was
11 blood and so you're connecting the dots with important
12 evidence, correct?

13 A. Because there was blood.

14 Q. Okay. That's what you thought, right? But no
15 one's ever told you that's actually not tested for blood?

16 A. That's what it was, man.

17 Q. Mr. Anthony hasn't informed that that's not blood
18 before you testify?

19 A. No.

20 Q. No. Okay. We talked some about your jealousy,
21 but let me ask you specifically when you lived at Utah Trail
22 and the interaction you had with Antonio Martin back there.
23 You remember a time when Jackie got a flat tire and her
24 grandma came over and told you how to change that tire?

25 A. Yeah, we changed the tire, yeah.

1 Q. Okay. At some point Antonio showed up, remember
2 that?

3 A. Yeah, he did.

4 Q. Okay. And that upset you, right? Because you
5 were jealous and this is the father of -- of India.

6 A. Oh well, me and Jackie's mom had went to go get a
7 spare tire and when I got back to the house, Antonio and
8 Jackie was outside talking.

9 Q. And that upset you?

10 A. Yeah. Because she didn't tell me that he was
11 coming by, they was doing, doing what they was going to do.

12 Q. And you ran him off. This is your -- as you said
13 in your text, "She's mines and mines alone." Right?

14 A. I didn't run him off. He just left. I only had
15 friendly --

16 Q. Right in front --

17 A. -- conversations with Antonio.

18 Q. In front of her grandma right over there, you
19 pushed and slammed Jackie against the wall.

20 A. No.

21 Q. You disagree with that?

22 A. No. The only person that was really acting crazy
23 and going crazy was Jackleen. Her grandmother was right
24 there.

25 Q. All right. That's your testimony today under

1 oath?

2 A. I know that. That's a fact because that's what
3 happened, sir. Yes, sir.

4 Q. Again, you're an admitted liar.

5 MR. ANTHONY: Objection. That's -- that's just been
6 asked and answered a hundred times.

7 THE COURT: Well, maybe not to a hundred, but enough
8 so...

9 MR. L. SHEALEY: I'm making the record clear on that
10 part.

11 THE COURT: Next question.

12 MR. L. SHEALEY: Beg the Court's indulgence. Nothing
13 further at this moment.

14 MR. ANTHONY: Thank you, your Honor.

15 RE-DIRECT EXAMINATION

16 BY MR. ANTHONY:

17 Q. I'm going -- not going to go back through. We're
18 close to all the things you were asked about (inaudible).
19 I'll show you what's been marked as Exhibit 26 and ask you to
20 look back over that text message.

21 A. All right.

22 Q. Look over on the next page too.

23 A. All right.

24 Q. Now, this is May 19th, 7:48 p.m. this is the text
25 you were asked about on cross where you communicated with

1 Ms. Mullen that India fell and hit her face.

2 A. Yes.

3 Q. Correct?

4 A. Yes.

5 Q. All right. And then just the next text that Ms.
6 Mullen sent to you at -- you texted her at 7:41, she texted
7 you back at 7:48. What did she say?

8 A. You said she texted at 7:41?

9 Q. No, you texted at 7:41. She texted at 7:48.

10 A. Oh, she said, "Oh, she aggy."

11 Q. She what?

12 A. She said, "Oh, she aggy."

13 Q. Okay. So basically her response to you telling
14 her India fell was that India was aggravated?

15 A. Yes.

16 Q. And I'm going to show you now of what was marked
17 as Exhibit 28. And this is a -- a pretty long string. I'm
18 not going to ask you to just read the whole thing. Just take
19 a look at it. Make -- make sure you know what we're -- what
20 we're talking about here.

21 A. You want me to read these out or?

22 Q. No, I'm not asking you to read. Just look through
23 and make sure you know what -- what topic we're talking
24 about.

25 A. All right.

1 Q. And then what did these texts refer to? These set
2 up messages.

3 A. Jackleen had asked me to make her some food and I
4 had put too much salt in it and she was upset about that.

5 Q. Okay. And this is where there's the big --
6 there's a long set of messages where you all are -- are
7 arguing and she's mad at you?

8 A. Yes.

9 Q. Okay. And then, this -- this starts out -- starts
10 out talking about Keon, you being -- you being mad about her
11 contacting Keon.

12 A. Uh-huh.

13 Q. Is that right?

14 A. Uh-huh.

15 Q. Okay. And that's where she makes the -- the
16 comment about --

17 MR. L. SHEALEY: Objection to leading.

18 MR. ANTHONY: Well, I'm just trying to speak it up a
19 little bit.

20 THE COURT: All right.

21 MR. ANTHONY: I mean --

22 THE COURT: Do your best.

23 BY MR. ANTHONY:

24 Q. I mean, she -- she makes a comment that -- that
25 you were asked about on -- on cross about your mother

1 thinking your son --

2 MR. L. SHEALEY: Hearsay.

3 BY MR. ANTHONY:

4 Q. -- is a mini woman beater.

5 A. Uh-huh.

6 Q. Is that correct?

7 A. Yeah.

8 Q. Okay. And once again, what was this argument
9 about?

10 A. It was about the food that I put too much salt on
11 food.

12 Q. And I would call you now -- I'll draw your
13 attention to May 11th. During this -- during this argument
14 at 11:22, what does Ms. Mullen say to you? That right up
15 there at the top.

16 A. She says, like, "That food is f*cking disgraceful.
17 I can't believe I've been with you three years and you still
18 put too much salt in my f*cking food."

19 Q. And then your response to her was -- was what?

20 A. I said, "Jackie, I deserved that because I was
21 wrong, stupid for getting upset. And I have a heavy hand,
22 Jackie. Damn, I'm sorry. I can get better with making your
23 food. I usually do good with your food. I'm sorry, baby.
24 Damn, I'm sorry. Stop with the f*cking grudges, Jackie."

25 Q. And then what was her response back?

1 A. "F*ck you, man. F*ck you. That big oompa loompa
2 ass mom of yours."

3 Q. That's her reference to your mother?

4 A. Yes.

5 MR. ANTHONY: Okay. I am sorry if I could just have
6 the Court's indulgence for a moment.

7 THE COURT: Sure.

8 BY MR. ANTHONY:

9 Q. Okay. You were asked about a text you sent to
10 Jackie. This is on May 19th at 1:40 p.m. And I'll -- I'll
11 just have you read -- read that.

12 A. At what time, I'm sorry?

13 Q. You -- you just read the page.

14 A. "Okay. And why" --

15 MR. L. SHEALEY: I object to that. I mean, he can
16 refresh his recollection. I don't think he just needs to --

17 MR. ANTHONY: I'm not meaning -- I don't mean read it
18 to the jury.

19 THE WITNESS: I'm saying -- are you just saying me read
20 it open?

21 MR. ANTHONY: I'm just -- I'm not asking you to read --
22 just look over it make sure you -- you remember being shown
23 that (inaudible).

24 THE COURT: I think that was a misunderstanding.

25 MR. L. SHEALEY: I think so. But I just want --

1 THE COURT: Yeah.

2 MR. L. SHEALEY: -- clarify that.

3 THE WITNESS: Right.

4 BY MR. ANTHONY:

5 Q. Okay. Now this is a -- a text where you -- you
6 text Ms. Mullen about a conversation you had with your
7 mother?

8 A. Uh-huh.

9 Q. Your mom was getting on you. She was telling you
10 it wasn't funny matter and you were -- how -- how do you want
11 to deal with it like my mom's did?

12 A. Uh-huh.

13 Q. What are you referring to?

14 A. That had nothing to do with abuse. I believe it
15 had something to do with cheating. Because that's the only
16 thing my mother ever dealt with. My mother was never abused.

17 Q. Okay. All right. But that was -- that's a
18 reference to a conversation you had with your mom about
19 infidelity?

20 A. Yes.

21 Q. Okay. You were -- there's some questions about
22 finances and -- and money. When -- when you would buy drugs,
23 who would use them?

24 A. Who would use them?

25 Q. Yeah.

1 A. Me and Jackie.

2 Q. Okay. You admit Ms. Mullen brought -- bought
3 drugs. Who would use them?

4 A. We would both use them.

5 Q. And the -- did the -- the man James that you made
6 a reference to?

7 A. Yes.

8 Q. Was he a -- a source of income for Ms. Mullen?

9 A. Very much so, yes.

10 Q. Okay. And when Ms. Mullen got back to the house
11 on the -- the morning India was found dead?

12 A. Uh-huh.

13 Q. Had she talked to James?

14 A. Yes. She had met up with James before she had got
15 back to the house.

16 MR. ANTHONY: If I can just have one moment.

17 BY MR. ANTHONY:

18 Q. All right. Just done -- one other thing I'm going
19 to ask you about. You were asked some questions on cross
20 about -- about being released from jail and getting the bond.

21 A. Yes.

22 Q. And the -- I believe you were shown the -- the
23 order -- the -- the bond order in your case?

24 A. Correct.

25 Q. And that order says that you have to be available

1 to talk to law enforcement.

2 A. Yes, sir.

3 Q. And that you -- you continue to cooperate with law
4 enforcement?

5 A. Yes.

6 Q. Does that -- does that order tie you to tell a law
7 enforcement any particular thing?

8 A. No.

9 Q. And you were in court when you -- you went in
10 front of the judge to ask for a bond back in --

11 A. December 13th.

12 Q. In December of last year, is that right?

13 A. Yes, that's correct.

14 Q. Okay. And as a matter of fact, it was -- it was
15 Judge Griffith that you were in front of?

16 A. That is correct.

17 Q. All right. And I was in court, correct?

18 A. You were.

19 Q. And when Mr. Dunn came in to ask the judge to set
20 you a bond, what was the position of the solicitor's office
21 on -- on that question?

22 A. You guys was not in agreeance with it.

23 Q. And -- and I asked the judge to hold you in -- in
24 the jail, didn't I?

25 A. Yeah, that is correct.

1 MR. ANTHONY: And -- okay. All right. Thank you.

2 That's everything on re-direct.

3 MR. L. SHEALEY: Very briefly.

4 THE COURT: Very well.

5 RE-CROSS EXAMINATION

6 BY MR. L. SHEALEY:

7 Q. Just on that final point about your bond or
8 permission to cooperate with the solicitor's office, I think
9 Mr. Anthony just asked you doesn't tie you to any particular
10 testimony, right?

11 A. Yes.

12 Q. Okay. But you're the cooperating witness. He
13 doesn't want to hear that you did it, does he? That's not
14 helpful to his case, is it?

15 A. No. It wouldn't be helpful to a case. No.

16 Q. Well, you talked about something about, you said
17 you were heavy handed with salt and trying to put some
18 clarity on a conversation, but do you agree with that? You
19 remember that?

20 A. Yeah.

21 Q. I over -- salty oatmeal or something?

22 A. No, it was salty like afredo.

23 Q. Being heavy handed is different than putting hands
24 on somebody, right?

25 A. When I said I was heavy handed it was because I

1 was saying I was heavy handed with shaking the salt.

2 Q. You and I have already talked through about four
3 different sets of texts regarding putting hands on Jackie,
4 right?

5 A. Yeah, just grabbing her or hugging her until she
6 can talk to me.

7 Q. You grabbing and hugging her until she talk to
8 you?

9 A. Yeah, she didn't like that. No.

10 Q. She doesn't like that. And then the text from May
11 19th when you're letting -- letting Jackie know while she was
12 at work, she had a hardheaded daughter fell that we have a
13 bruise to hide. It was solicitor got you to -- to talk about
14 what Jackie's response was just now, right?

15 A. Yeah.

16 Q. That was "Oh, she's so aggy," which is short or
17 aggravated, right?

18 A. Yeah.

19 Q. Again, she's at work. She doesn't know what kind
20 of injuries. You didn't text her any injuries, right?

21 A. No.

22 Q. You're saying she's hardheaded. She's saying
23 she's aggy. Okay.

24 A. Okay.

25 MR. L. SHEALEY: That's all.

1 THE COURT: You may step down.

2 MR. WILLIAMS: All right.

3 MR. ANTHONY: Can I ask him one other question?

4 THE COURT: I think you all have had the opportunity.

5 MR. ANTHONY: Thank you.

6 THE COURT: He's had enough. Step down. All right.

7 It's 25 till by that clock. You all be back in just before

8 2:00. Trying to get started back at 2:00. Don't talk about

9 the case. See you back at 2:00.

10 (Jury exits the room at 12:34 p.m.)

11 THE COURT: All right. Jury is out the room, but the
12 door is not shut yet. Anything else for the record before we
13 cut the record off we talk about what we got left. I

14 (inaudible). Anything else for the record?

15 MS. JOYNER: Your Honor, just -- we foresee word
16 through our victim advocate. And we haven't had a chance to
17 talk with the defense about it, but I know that we're all
18 ready to eat some lunch. That there has been some -- I
19 think, unwanted contact between maybe Grandma and Mom on this
20 side to India's dad and aunt maybe inquiring what they were
21 going to testify to or making similar comments like that. I
22 think that's unwanted contact at this point. If the Court
23 could just advise --

24 THE COURT: I think everybody should be --

25 MS. JOYNER: -- just the witness.

1 THE COURT: -- admonished, no communication along with
2 each other. That's just creates issues we don't need deal
3 with and nobody is under bond possibility of not talking to
4 other, but unless is more (inaudible) don't -- don't create
5 issues that lawyers have to deal with. And then tell me to
6 just -- better to -- what your mom said because the only
7 thing -- nice thing is don't create anything. So exercise
8 your right to remain silence. All right. Now, we are off
9 the record.

10 (Off the record at 12:36 p.m.)

11 (On the record at 2:05 p.m.)

12 MR. ANTHONY: Just realized she left her laptop up in
13 the office. She'll be right back.

14 THE COURT: Okay.

15 MR. ANTHONY: She'll be right back down with it.

16 THE COURT: All right.

17 (Jury enters room at 2:08 p.m)

18 THE COURT: All right. Call your witness.

19 MR. ANTHONY: Next witness will be Mr. Martin.

20 ANTONIO MARTIN,

21 being duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. ANTHONY:

24 Q. Could you state your name please?

25 A. Antonio Martin.

1 Q. Mr. Martin, where do you live?

2 A. McConnell, South Carolina.

3 Q. And are you employed?

4 A. Yes, sir.

5 Q. And how are you employed?

6 A. Andre's Trees Service.

7 Q. Do you know Jackleen Mullen?

8 A. Yes, sir.

9 Q. And do you and Ms. Mullen -- or did you and Ms.

10 Mullen have a child together?

11 A. Yes, sir.

12 Q. And who was that child?

13 A. India M. [REDACTED].

14 Q. Okay. And can you just lean, make sure you lean

15 into that microphone so everybody can hear you talk. That's

16 good. Thank you very much.

17 A. Yes, sir.

18 Q. And when was India born?

19 A. March 7, 2016.

20 Q. When did you and -- and Jackleen begin seeing each

21 other?

22 A. Roughly around -- towards the end of -- the end of

23 2014 and the beginning of '15.

24 Q. And during the time that you all were seeing each

25 other, did Ms. -- Ms. Mullen have her first child?

1 A. Yes, sir.

2 Q. And who was the first child?

3 A. A.J., Antonio Mullen.

4 Q. Okay. And was it -- when -- do you know the month
5 and year Antonio was born -- A.J. was born?

6 A. July -- July, I'm not sure the date.

7 Q. Okay. Of what year?

8 A. Was that '16?

9 Q. Well --

10 A. The beginning of '16.

11 Q. India was born in March of '16?

12 A. It was at the end of '15.

13 Q. Okay. So Antonio would've been born in -- in July
14 '15?

15 A. That sounds about right. Yes, sir.

16 Q. Okay. Now, is Antonio your child?

17 A. No, sir.

18 Q. But in -- after Antonio was born and during the --
19 the time -- between the time Antonio was born and the time
20 India was born, did you and Jackleen continue to have a
21 relationship?

22 A. Yes, sir.

23 Q. Okay. And where did the two of you come to
24 reside?

25 A. At my mother's in McConnell, South Carolina.

1 Q. Now, India you said was born in March of 2016.

2 Was there anything difficult about her birth?

3 A. Yeah, she was born prematurely.

4 Q. And how long was she in the hospital after she was
5 born premature?

6 A. I think around seven months. Right in there
7 somewhere.

8 Q. Where -- where was she in a -- a hospital?

9 A. I believe the name was Palmetto. Palmetto
10 children's Nick Unit in Columbia.

11 Q. And during this time when India was in the
12 hospital, where was -- where was Ms. Mullen residing. And
13 where were you residing?

14 A. From McConnell's to the hospital. There was
15 somewhat let's stay at the hospital on and off.

16 Q. And then once India was released from the
17 hospital, where did -- where did the two of you continue to
18 -- to stay?

19 A. We went back to McConnell's.

20 Q. Now, what -- was there a change in your
21 relationship with Ms. Mullen in 2017?

22 A. Yeah. I believe it was 2017 things -- it just
23 seemed like we were kind of growing apart. I think it was
24 because of she --

25 Q. Well, I'm just -- just asking.

1 A. Yeah. We grew apart.

2 Q. Any change?

3 A. Yes.

4 Q. Okay. And what did -- did Ms. Mullen do in
5 regards to staying with you at -- in -- in the early part of
6 2017?

7 A. She left.

8 Q. And where did she go to?

9 A. Her mother's.

10 Q. Now, in -- after the two of you broke up, just in
11 the -- say, immediate months after you broke up, how often
12 would you see India?

13 A. I'd say maybe once a week. Somewhere around there
14 or for the -- yeah, somewhere around there.

15 Q. All right. And where would you go to see her?

16 A. Her mother's.

17 Q. All right. And at that point in time, how would
18 you describe the relationship you had with Ms. Mullen?

19 A. It wasn't bad. It wasn't bad. It was pretty
20 normal, pretty friendly still.

21 Q. Now, did you become aware in 2017 that Ms. Mullen
22 was starting to see Audrevious Williams?

23 A. No, sir. I didn't -- I didn't know that until
24 they had been together for some time.

25 Q. Okay -- okay. Well, once -- once you saw that she

1 had been together -- she was with Audrevious Wilson (sic),
2 did the amount of contact you had with India change?

3 A. Yeah, I only seen her maybe -- it changed. I only
4 seen her maybe once or twice a month after that somewhere
5 around there.

6 Q. Okay -- okay. All right. Well, I will take you
7 now up to May of 2020. Was that still basically the
8 situation with -- with you seeing India maybe a couple times
9 a month?

10 A. Yes, sir.

11 Q. All right.

12 A. Yes, sir.

13 Q. All right. And in May of 2020, where were you
14 living?

15 A. I was residing at my sister's in Rock Hill, South
16 Carolina.

17 Q. And I will take you now specifically to May 25,
18 2020. Did you have contact with Jackleen that day?

19 A. Yes, sir.

20 Q. Okay. And how -- how did you get into contact?

21 A. She called. She called.

22 Q. And when she called, did she tell you anything
23 about India?

24 A. Yes, she did. She said something had happened to
25 India. It was kind of on the lines of -- you know, she was

1 -- she -- something had happened. She was in bad shape.

2 Q. And did she use any -- any kind of word to
3 describe the condition she was in?

4 A. At one point in time she used the word vegetable.

5 Q. And did she tell you where India was?

6 A. Yes, she said -- she said that she was with some
7 of Audrevious' family or cousins or uncles or cousins or
8 aunts or something.

9 Q. At that time she told you that?

10 A. It was either then or the next day. It was either
11 then or the next day.

12 Q. Okay.

13 A. But it -- if not, she had told me that she
14 definitely said that she was back home from the hospital at
15 least. She told me that first.

16 Q. Okay -- okay. She said that -- said that India
17 wasn't in the hospital?

18 A. No.

19 Q. And -- and did -- why did -- did you ask her any
20 questions about what had happened to India?

21 A. Yeah, I did. And it was -- if I'm not mistaken,
22 it was -- I thought at first it was something like A.J. had
23 kind of got rough with her playing and that's kind of what
24 caused it.

25 Q. Okay.

1 A. It didn't -- it didn't -- she used the term
2 vegetable, and she wasn't too concerned about it, so I wasn't
3 too concerned at the time.

4 Q. How did you -- you say she wasn't too concerned.
5 How did she -- from -- from talking to her, how did she
6 appear to be about this? What was her attitude about?

7 A. I mean, I just -- I just figured if she was like,
8 I thought -- you know, she was just kind of misusing the word
9 vegetable. I felt like if she was a vegetable, she probably
10 would've been -- you know, an actual vegetable if she knew --
11 realized what that means, she probably would've been crying
12 and nothing that -- and I just didn't hear her crying. So I
13 didn't think it was nothing too serious.

14 Q. And did Ms. Mullen say she was doing anything for
15 India in this condition she was in?

16 A. I think she said the doctor said to give her I
17 don't know if it was motrin or tylenol around the clock. And
18 that's all that they could do for her at the moment.

19 Q. All right. And so after you had this conversation
20 with Jackleen, did you tell anybody what she'd said?

21 A. I told my sister.

22 Q. And who's your sister again?

23 A. Asia Martin.

24 Q. And so was that all that happened that day as far
25 as contact with Jackleen?

1 A. I'm -- I'm pretty sure she may have called one
2 more time that day, I'm not sure, but I think that was just
3 about it for that day.

4 Q. Well, I want to take you to the next day on the --
5 the 26th. Did you hear from Jackleen on the next day?

6 A. Yes.

7 Q. And how did -- you hear from her initially that
8 day?

9 A. She -- she said something about -- she asked me
10 was I busy. I told her no, I wasn't really busy. And she
11 asked me did I have time to sit down and talk with her. She
12 wanted to talk to me about something and I said, yeah. And
13 so she came and got me.

14 Q. And where were you when she came and got you?

15 A. I was at my sister's house.

16 Q. And where did the two of you go initially?

17 A. Initially she asked me was I hungry I said no, but
18 she said she was buying, so I said, why not? And we went to
19 her place of employment, Hibachi Chicken, and grabbed a
20 something to eat.

21 Q. Okay. Did you all eat there?

22 A. No.

23 Q. Okay. So once you got the food, where -- where --
24 where did you head?

25 A. We got the food we started headed towards our new

1 place of -- of residence, I guess you would say. Which was
2 our -- her and -- Audrevious parents' house.

3 Q. Okay. So on the way to Audrevious parents' house
4 -- well, let me just ask you, when she comes and picks you
5 up, is anybody with her at that time?

6 A. No.

7 Q. Just -- so it's just you and her in a car?

8 A. Yes.

9 Q. Okay. So -- so on the way to Audrevious house,
10 did she tell you anything about India?

11 A. Yes. She said, "I don't know how to tell you
12 this, but India is gone."

13 Q. And -- and when she told you that your daughter
14 was dead, what did you do?

15 A. I started crying and -- you know, I asked her what
16 happened and it was just kind of -- it was just kind of,
17 yeah, she -- we -- we didn't really get into what happened.
18 She said we would talk about it once we got there.

19 Q. And is that what -- so did you wind up -- went to
20 her residence on where she was staying?

21 A. Yes. Well -- yeah. Well, where her and
22 Audrevious were staying, yeah.

23 Q. And when you got there, where did you go to in the
24 house?

25 A. Up to a upstairs bedroom.

1 Q. And who was in the bedroom?

2 A. Audrevious and her, I don't remember the kids.

3 Q. Okay. So what conversation did you have in the
4 bedroom?

5 A. It was -- like I said, it was -- it was kind of --
6 it was really -- it was really weird. I just -- you know, I
7 was kind saying -- you know, what happened -- you know, I
8 mean, you really not telling me like what happened and -- you
9 know, it was kind of -- I heard -- you know, back to what you
10 said about what I told you about, it might've been something
11 with the kid that one of the other kids might've kind of got
12 rough with her all the way up to somewhere saying, I think at
13 one point it was saying, like, she fell down the stairs. So
14 I just wasn't getting a clear idea of what -- what happened.
15 It just -- it -- you know, I didn't -- I wasn't thinking a
16 foul play at the time. I was not at that time, but I was - I
17 was just thinking -- you know, somebody's -- you know, hiding
18 something.

19 Q. You -- you said you weren't thinking about what?

20 A. Foul play.

21 Q. Oh, okay. All right. And at that -- at some
22 point during the conversation, did you ask where India was?

23 A. Yes.

24 Q. And how -- what was the response to that?

25 A. The same thing she was with the aunt or cousin of

1 -- I don't know, her or Audrevious and her cousin.

2 Q. Okay. And -- and is that what Jackleen told you?

3 A. Yeah.

4 Q. Okay. And at -- at any point did that account of
5 where India was change?

6 A. Yes, sir.

7 Q. Okay. And when was that during the -- in the
8 course of the conversation?

9 A. That was at the very end of the conversation. As
10 I was leaving, I told them I wanted -- I -- I had to leave
11 and we could figure it out later. And as I was leaving, she
12 asked me did I want to see her.

13 Q. And how did you respond?

14 A. I told her -- I said, "You told me she wasn't
15 here. What are you talking about? How am I going to see
16 her?"

17 Q. And then how did she respond to you telling her
18 that?

19 A. She, like, made, like, some type of gesture with
20 her -- with her head or on -- I don't really recall which
21 one. And nodded towards the dresser. And I asked her -- I
22 said, "What -- you know, what are you talking about?" And
23 she said, "Do you want to see her? She's in there." And I
24 said, "No, we'll figure this out later. And just to take me
25 home."

1 Q. And when she -- when she made that motion, were
2 you sure it was the dresser or did you think it might be a
3 dresser or something else?

4 A. No, I was -- I'd say I was about 90, 95 percent
5 sure it was the dresser. I think I may --

6 Q. Not -- not a closet?

7 A. No, not -- thinking back on it. No, I don't -- I
8 thought it was a dresser.

9 Q. Okay. So when she told you India was in the
10 dresser, how did you respond to that?

11 A. I didn't say anything. I said, I was kind of in
12 shock, I guess. I -- I asked her again. I said, "Are you
13 saying she's in there?" And -- and she just kind of, like,
14 nodded her head and asked me did I want to see her. And then
15 I -- I told -- I told her "No, just go ahead and take me
16 home."

17 Q. And did you tell Ms. Mullen that she -- that she
18 needed to do anything or contact anybody about this?

19 A. Yeah, I -- I asked her, I said, "Why don't -- "you
20 know, why don't" -- "you know, why don't you go to the police
21 or whatever?" And I don't recall what her exact answer was,
22 but I mean, she -- I don't know if she -- I don't know what
23 her reason was, but it was for some reason she didn't want to
24 go to the cops. I don't -- like I said, it was so long ago,
25 I don't want to lie about it, but she had some -- some reason

1 why she didn't want to go to the cops.

2 Q. So -- so when you told them you needed to go home,
3 what -- what happened after that?

4 A. They got up and brought me home.

5 Q. And when you say they, who -- who took you home?

6 A. Her and Mr. Williams.

7 Q. And when you say take you home, where -- what
8 location were you considering home at that time?

9 A. My sister's in Rock Hill, South Carolina.

10 Q. So when you get home, what did -- who did you tell
11 about this conversation you'd had with Ms. Mullen and Mr.
12 Williams?

13 A. I went straight to -- I went straight to my
14 sister.

15 Q. And did you -- you tell -- told Asia what had
16 happened?

17 A. Yeah, I told her exactly what had happened, what I
18 had just heard and what I seen. And -- and she said then
19 call -- call the cops. I said, "I'm about to. I just wanted
20 to tell you what I" -- "what I saw first before I even call I
21 just want to let you know."

22 Q. And is that what you did?

23 A. Yes.

24 Q. After you called 911 and made the report, did --
25 who -- who was the next person you had contact with about

1 this?

2 A. A York County -- York County sheriff. One or two
3 pulled up.

4 Q. And what did you tell them?

5 A. I told them that my kid's mom had told me
6 something had happened. There was some type of -- I believe
7 I told them there was some type of accident or something and
8 something happened and for whatever reason she wasn't going
9 to the police about it. So it was a dead body over there
10 where she was located at.

11 Q. What -- what information could you give them about
12 the location of Ms. Mullen and Mr. Williams home?

13 A. I -- I recall -- I remember I recall the name of
14 the -- I got the number on the address, but I couldn't -- I
15 couldn't see the -- I don't remember the -- the name of the
16 street.

17 Q. Okay. So you knew a -- a house number, but you
18 didn't know the road?

19 A. Right.

20 Q. Okay. Had you ever been there before?

21 A. No, it wasn't my first time ever going over there.

22 Q. What -- what did the deputy want you to do to help
23 locate where India was?

24 A. I think at one point he wanted a ride over there,
25 but once we got to the street, I told him this isn't it.

1 Then from there I think he -- the next move was he called
2 some other officers -- officers or detectives. And somebody
3 eventually said, "Do you think this could be the" -- the --
4 the -- I think -- I think the address was right, but the
5 street was wrong, said, "Do you think this could be it?" And
6 I think I told them, "Yeah, that might be it." And
7 eventually found her or them.

8 Q. Did -- were you ever taken to that -- back to that
9 house?

10 A. I don't -- I don't remember going back over there.

11 Q. Okay. Where -- where were you taken?

12 A. Rock Hill City.

13 Q. And did you talk to an investigator that night?

14 A. Yes, sir.

15 Q. Okay. And in talking to that investigator, you --
16 you basically gave him a full account of what had happened
17 that evening, is that correct?

18 A. Yes -- yes.

19 Q. Okay. Did -- did you say anything or recall
20 telling the investigator anything about a man called James,
21 about Ms. Mullen telling you she talked to a man called
22 James?

23 A. See, I don't recall telling them anything about
24 James.

25 Q. Okay. Do you -- you have a recollection of

1 telling that investigator that James had told Ms. Mullen she
2 was going --

3 MR. L. SHEALEY: Objection, your Honor. He's already
4 said he doesn't recall anything about James.

5 MR. ANTHONY: I -- I'm impeaching the witness. I'm
6 asking about a prior statement.

7 THE COURT: But you can do that. All right.

8 BY MR. ANTHONY:

9 Q. Do you recall telling the investigator that this
10 -- this James had told Ms. Mullen she was going to be charged
11 with first degree murder because India had a bruise?

12 A. I don't -- I don't at the time.

13 Q. Okay. And do -- do you recall telling the
14 investigator that Ms. Mullen --

15 MR. L. SHEALEY: Your Honor, objection. He doesn't
16 have a transcript. He's not impeach him anything other than
17 his questions. It's not proper impeachment. He says he
18 doesn't recall James.

19 THE COURT: I think he's -- is there a written
20 statement?

21 MR. ANTHONY: There's a -- there's a -- a video
22 statement and the investigator is going to testify.

23 THE COURT: Well --

24 MR. L. SHEALEY: Well, that would be a good time to
25 talk about that, but I mean, unless she's going to impeach

1 the witness with some evidence.

2 THE COURT: You all had this with that other long
3 90-page statement. Has the statement been transcribed?

4 MR. ANTHONY: No, it hasn't. But it is -- I -- I mean,
5 I -- I just intend to ask -- ask him.

6 THE COURT: All right. Come on right here (inaudible).

7 MR. ANTHONY: Your Honor, is the Court's ruling or
8 you're going on?

9 THE COURT: I'll let you ask him does he remember the
10 interview.

11 MR. ANTHONY: Okay.

12 BY MR. ANTHONY:

13 Q. Did -- do you -- do you recall talking to that
14 investigator at Rock Hill that night?

15 A. I do.

16 Q. Do you recall talking to -- do you remember the
17 specifics of anything you said to him?

18 A. Some of them, not -- not all of them.

19 THE COURT: Okay.

20 THE WITNESS: It was -- it was a pretty long
21 conversation.

22 THE COURT: Ladies and gentlemen of the jury, so if
23 we've gotten more modern, so I need to take up something, he
24 needs to review the prior statement. Back in the day it was
25 all handwritten. You'd have it in your hand and show it to

1 him and he could read over it like they've done this text
2 messages. Having the video makes it a little different. So
3 he's got view it to see if it will assist him. And so while
4 he's viewing that, we're going to take a break. You all step
5 in there, we'll let him view it, and then we'll get back here
6 in a minute. So that's what's going on. It's just not on
7 paper, it's on some video.

8 (Jury exits room at 2:33 p.m.)

9 THE COURT: All right. The jury is out. Is that video
10 on the computer or something? Okay.

11 MR. ANTHONY: We can -- he can just watch it.

12 THE COURT: He can watch it right there. But while
13 he's watching it, we don't need to be on the record so we can
14 cut the record off, let him view it, and then come back on
15 the record.

16 MS. JOYNER: Okay.

17 THE COURT: While he's doing that, I'm going to step
18 off and speak (inaudible). Let him review the video.

19 MR. L. SHEALEY: He's not --

20 MR. ANTHONY: You have to play it to the whole
21 courtroom.

22 MS. JOYNER: Or I can hand up my computer with disk
23 drive.

24 THE REPORTER: (Inaudible).

25 MS. JOYNER: Okay.

1 MR. ANTHONY: Okay. Well -- we'll just...

2 THE COURT: I think he do on your computer, Ms. Joyner.

3 MS. JOYNER: Yeah. Okay.

4 THE COURT: Let him look the statement.

5 MR. ANTHONY: Yes, sir. If -- from my notes, it looked
6 like he would need to watch about first 15 minutes of it.

7 THE WITNESS: I can watch -- I can watch a couple more.
8 I just got past the part where it said where he -- they were
9 asking about the James guy. Well, when I was talking about
10 the James guy.

11 MR. ANTHONY: There might be a little more.

12 THE COURT: Okay. Watch a little more then.

13 MR. ANTHONY: He probably needs to watch it about --
14 about 15 minutes in until he -- he tells the investigator to
15 use the bathroom.

16 THE WITNESS: Okay.

17 (Off the record at 2:48 p.m.)

18 (On the record at 2:55 p.m.)

19 THE WITNESS: It felt like 10 more minutes.

20 THE COURT: Let's bring the jury back in.

21 (Jury enters the room at 2:55 p.m.)

22 THE COURT: All done. Mr. Martin has reviewed the
23 video recorded statement. Mr. Anthony, your witness.

24 MR. ANTHONY: Thank you, your Honor.

25 BY MR. ANTHONY:

1 Q. Mr. Martin, having -- having watched that
2 statement, do you -- do you remember now talking to Ms.
3 Mullen about James?

4 A. If I open my mouth to the investigator, which I
5 did, I'm sure we did say something about James, but I just
6 don't remember her saying exactly that to me. It's been so
7 long ago, I'm not going to lie.

8 Q. I understand. All right. Well, you -- you
9 watched the conversation with the investigator and -- and saw
10 yourself talking to him, correct?

11 A. Right.

12 Q. And did you -- you tell the investigator that
13 Ms. Mullen had talked to you about James?

14 A. Yes.

15 Q. And did you tell the investigator that James had
16 told her she was going to be charged with first degree murder
17 because India had a bruise?

18 A. Yes.

19 Q. And did you tell the investigator that night that
20 Ms. Mullen wanted to get rid of the body and might have to
21 burn it?

22 A. On the video. Yes, I did say that.

23 Q. Okay. And these are things you said like just
24 within hours of talking to Ms. Mullen at -- at the house?

25 A. Yes.

1 Q. Okay.

2 A. Yes.

3 Q. All right. And while you were at the police
4 department did you get a call from anybody?

5 A. Yes.

6 Q. Okay. Who called you?

7 A. Ms. Mullen.

8 Q. Okay. And what did Ms. Mullen want when she
9 called you?

10 A. She was telling me the cops were at the house.
11 She was saying the cops are all over my house.

12 Q. Okay. All right. And was she asking you a
13 question?

14 A. I don't think so. I think she was just saying --
15 I think she just wanted to see what I was going to say about
16 it.

17 Q. Okay -- okay. And what did you tell her?

18 A. I think I told her go ahead and do the right
19 thing. Do the right thing, or just tell the police what
20 happened and -- you know, get you -- get you -- help yourself
21 out basically or it turns worse.

22 Q. And after you had that interview with the Rock
23 Hill Police, where did -- what happened after that? To you,
24 were you taken anywhere?

25 A. Back to my sister's.

1 Q. And did you have any other involvement with the
2 investigation after that night?

3 A. No.

4 Q. And were you doing any kind of drinking or using
5 any kind of substances that day?

6 A. Yes, I had been drinking beers and I had -- I
7 don't remember exactly the amount, but I took a couple of
8 painkillers -- prescription painkillers.

9 Q. Okay. And do you -- do you recall the phone
10 number that you were using that day that you would've called
11 911 from?

12 A. No, unless I used my sister's phone. I don't
13 remember her number, but I had several phones.

14 Q. Okay. If -- if I showed you a report from the
15 case, would -- do you think it might refresh your
16 recollection as to the number?

17 A. Yeah.

18 Q. All right.

19 A. Okay. Is -- is the number on here or no, it's
20 number on the paper.

21 Q. Do you see a phone number on there?

22 A. That's what I was -- that's what I was looking
23 for.

24 Q. Just look at --

25 A. Okay. Let's see.

1 Q. -- and see if that refresh your recollection.

2 A. That's -- that's what I'm saying. I hadn't found
3 it yet. Let me find the number on here.

4 Q. Okay.

5 A. 02 -- this number right here. 203-2611. No, I
6 don't remember that number, but like I said, I -- I've had so
7 many.

8 Q. Okay.

9 A. I get like two or three a year.

10 Q. Okay. And, Mr. Martin, just -- let -- if I could
11 just have one moment. All right. Mr. Martin, just to go
12 through one other thing with you. In 2012 you were convicted
13 of possession with intent to distribute marijuana, is that --

14 A. Yeah. Yes, sir. Yes, sir.

15 Q. And then you have convictions from 2017 for
16 financial institution fraud?

17 A. Yes, sir.

18 Q. And you have an another conviction for financial
19 institution fraud in 2022 along with a -- a grand larceny and
20 two shoplifts, is that correct?

21 A. Yes, sir. Unfortunately, yes.

22 Q. Okay. And you have a pending case for breaking
23 into a motor vehicle, is that right?

24 A. Yes, sir.

25 Q. All right. And has anybody promised you anything

1 at all in connection with that pending case for you
2 testifying in this case where your daughter was killed?

3 A. No, sir.

4 Q. Okay. Have I even had any discussion with you
5 about that?

6 A. No, sir.

7 MR. ANTHONY: Okay. All right. Thank you. That's --
8 that's everything on direct.

9 MR. L. SHEALEY: May it please the Court?

10 THE COURT: Sure.

11 CROSS-EXAMINATION

12 BY MR. L. SHEALEY:

13 Q. Good afternoon, Mr. Martin.

14 A. Good afternoon, sir.

15 Q. I'm Luke Shealey, I'm one of Jackleen's lawyers.

16 A. Okay.

17 Q. We haven't met, I do want to extend my condolences
18 for India. We haven't talked before.

19 A. Thank you. Thank you.

20 Q. Now, we've heard some about your involvement in
21 this case and it seems to be basically Jackie reaching out to
22 you, kind of close to India's death, right?

23 A. Uh-huh.

24 Q. And she's got some concerns about India's
25 condition, right? On the 25th I think you talked about. And

1 then the 20, is that right? And then -- then the day of, she
2 actually wants to come talk to you in person, right?

3 A. Yes, correct.

4 Q. We heard some of that, but she comes to your house
5 in her car I guess, right?

6 A. Yes.

7 Q. And then you all drive to Hibachi and get some
8 food and she's talking to you a little bit, right?

9 A. Yes.

10 Q. And ultimately she would say that India is gone,
11 right?

12 A. Yeah. That's (inaudible).

13 Q. And she takes you -- takes you back to the house
14 and you all go open that room, two of you, right?

15 A. Uh-huh.

16 Q. And this is the house where Dre lives, correct?

17 A. Yeah, his parents' house.

18 Q. His parents. So when -- when we get involved in a
19 case like this, I get a lot of documents and videos like the
20 one you just saw. And as far as I can tell, your involvement
21 in this case gets number one that you call 911 even though
22 you don't remember the phone number, no one disputes that,
23 right?

24 A. Right.

25 Q. Right. Police come and they take you kind of

1 swarm around you and want to figure out what you know because
2 what you've said is very important, right?

3 A. Right, right.

4 Q. I think they took you somewhere near a park and
5 you're just kind of -- you just call 911 and you're talking
6 about what you know, right?

7 A. Correct.

8 Q. But you know -- you don't even know the full
9 address. You just kind of know generally the area, right?

10 A. For the most part. Yeah.

11 Q. And some of those police officers have testified,
12 I think you've been here most of the week.

13 A. Yeah -- yeah.

14 Q. They're all wearing body cameras and -- and trying
15 to get information from you, correct?

16 A. Correct.

17 Q. And you remember one of them advising you or
18 asking you if -- if you thought that Jackie was making this
19 up, right?

20 A. Uh-huh.

21 Q. You recall that?

22 A. Uh-huh.

23 Q. And you responding no, because she was bawling her
24 eyes out, right?

25 A. Right.

1 Q. Okay. And also asking --

2 A. Well, no -- no. I don't -- I don't remember
3 saying anything about her bawling her eyes out. I may have
4 told her, I don't think she made it up. I don't remember
5 saying that because she was crying.

6 Q. You don't remember her saying that she was
7 definitely quote, "Definitely not bawling her eyes out, no
8 reason she would make something like this up?"

9 A. No, I don't remember.

10 Q. Okay. And they're asking you when -- when was the
11 last time you had seen her, you recall telling them it had
12 been about a month and a half ago because you and Audrevious
13 had got into a verbal altercation? Remember that?

14 A. I don't, but I can -- I could believe that it had
15 been a while because of -- you know, Audrevious.

16 Q. You -- you do remember the verbal altercation with
17 Audrevious?

18 A. It was -- it was a couple of them between me and
19 him, so I...

20 Q. Yeah.

21 A. Yeah, I don't doubt that at all.

22 Q. Is it fair to say that he didn't really like you
23 around who he considered his woman in -- in that time?

24 A. Kind sort of, yeah. That was kind of on and off.
25 One day he'd be fine about it and the next day -- you know,

1 not so much.

2 Q. You remember telling police on -- on that body
3 camera it -- it was quote, "It was kind of like, stay away
4 it's my daughter" regarding India?

5 A. He did say that to me one time.

6 Q. Okay. Regarding past counters with Audrevious, do
7 you recall a situation that -- do you remember that trailer
8 at Utah Trail?

9 A. Oh, yeah.

10 Q. Where -- where they lived?

11 A. Uh-huh.

12 Q. Do you remember a time when Jackie had a flat tire
13 and her grandma was over there and you ended up showing up
14 over there?

15 A. Yeah.

16 Q. Okay. He come out and kind of -- ran you off a
17 little bit, didn't like you over there?

18 A. Yeah, I think he was -- he was coming from
19 somewhere else that day.

20 Q. Uh-huh.

21 A. If I'm not mistaken. When he got there he didn't
22 really say nothing to me, but I think Jackie said that he's
23 tripping or something like that.

24 Q. About your presence being there?

25 A. Yeah.

1 Q. You've seen the signs of abuse by him to her
2 before, right?

3 A. Yes. She -- she did come to the house before with
4 a busted lip and I asked her what happened. She said --

5 MR. ANTHONY: Objection. Hearsay.

6 MR. L. SHEALEY: I said, you had seen signs, he's
7 personally observant, signs of --

8 MR. ANTHONY: He was going -- he was going to say
9 something she said that so.

10 THE COURT: His question and he was going to make
11 reference she said such and such, he objected, I'll sustain
12 it.

13 BY MR. L. SHEALEY:

14 Q. Well, without --

15 THE COURT: To the balance of the answer.

16 MR. L. SHEALEY: Yes, sir.

17 BY MR. L. SHEALEY:

18 Q. Okay. Without saying what she said, did you
19 observe signs like you just mentioned busted eye and busted
20 lip, things like that?

21 A. Busted lip. Yeah.

22 Q. Now the night you -- we're talking about this
23 terrible night where she invites you over to this house where
24 ultimately your daughter is found and she takes you up in
25 this room you testified to and ultimately kind of points out

1 towards a dresser or a closet, and Dre's not sitting there
2 right in that bedroom with you two guys at that moment,
3 right?

4 A. I -- I'm pretty sure he was.

5 Q. He was?

6 A. I'm pretty sure he was. I'm not 100 percent sure,
7 but when we -- when I got there, we were all talking. He was
8 -- he was with us in the room.

9 Q. Okay. Now, at this point, I think you said
10 earlier you didn't have any suspicions that there would've
11 been foul play. It's not like we're sitting here in this
12 trial about abuse. You just had been told that she was gone,
13 right?

14 A. Right, right. I didn't expect any foul play.

15 Q. But clearly she brought you here.

16 A. Uh-huh.

17 Q. Now you're a witness in the trial against her,
18 right?

19 A. Right.

20 Q. Okay. So it wasn't exactly like she was trying to
21 hide something or not make witnesses or -- or keep the secret
22 at least from you, right?

23 A. Right.

24 Q. You're the -- you're the father. I mean, she
25 reached out to you.

1 A. Right.

2 Q. And that time you all still had a little bit of an
3 off and on again kind of thing, right? Little bit?

4 A. Yeah. Something like that.

5 Q. Okay. And then when you all -- did you all do any
6 pills or anything at her place? Do any roxy or any of that?

7 A. We had before.

8 Q. Yeah. It's kind of -- this is a stressful time
9 for you?

10 A. For me?

11 Q. Yeah. Hearing about all this?

12 A. Oh yeah -- yeah, of course. Yeah, absolutely.

13 Q. And then I think you testified that he decided to
14 take you home.

15 A. Uh-huh.

16 Q. Right? And Dre and the kids, everybody went with
17 you, right?

18 A. I didn't recall if the kids came or not, but if
19 that's what they said I'm sure Dre and the kids.

20 Q. Okay. You definitely remember Dre coming with
21 you?

22 A. Dre. Yeah.

23 Q. Right. Wasn't the one -- that she is going to be
24 allowed to take you by yourself?

25 A. For -- for the most part. Yeah. It's kind of

1 like that.

2 Q. And a lot of questions about whether Jackie was
3 proper or not calling the police or not, but you didn't get
4 an indication from Dre that he was wanting you to call the
5 police, right?

6 A. No, I didn't get any indication like that from
7 him.

8 Q. And ultimately would be taken down to the police
9 station where you'd kind of give a more formal interview,
10 right?

11 A. Uh-huh.

12 Q. And you just listen to some of that, you kind of
13 have a better memory and it was a long time, right?

14 A. It was a very long time.

15 Q. And I think you said you had -- had some alcohol
16 and some pills?

17 A. Right.

18 Q. But in that interview, I think that you just
19 listened to you recall telling the investigator that she told
20 you that she was changing her diaper and that India stopped
21 breathing, having just now listened to it?

22 A. When I heard that, yeah. I do remember her saying
23 something like that.

24 Q. That she attempted CPR, but it didn't work.

25 A. I don't remember. I -- I definitely don't

1 remember who she said. I'm sure she -- yeah, I don't
2 remember that part, but when I heard -- when I seen the part
3 about the diaper, I do remember that part that -- that was --
4 I remember that being -- because I've been asking myself the
5 whole time, when -- when did she initially find her or
6 whatever. And after hearing that diaper part, that is
7 ultimately how it came to be -- you know, the initial spot --
8 you know, noticing of the death, I guess.

9 Q. Right. And they're asking you about your
10 relationship with India and you do have -- did you have five
11 other daughters?

12 A. Four.

13 Q. Four other daughters? Okay. So you got those
14 daughters and I think you mentioned you hadn't seen India as
15 much because of Dre, right?

16 A. One of the reasons I just hadn't been doing a good
17 job about it, but on top of that, yeah, he -- you know, yeah,
18 that didn't help with him at all.

19 Q. Okay. And the other official kind of record,
20 other than being on body cams and being in the interview,
21 ultimately DSS followed up with you due to the passing of
22 your child, India, right?

23 A. Uh-huh.

24 Q. You recall sitting down and talking to them a
25 little bit about that?

1 A. After the fact?

2 Q. Uh-huh.

3 A. Yeah -- yeah. I don't remember too many of the
4 details off the top of the head, but I definitely remember
5 them coming.

6 Q. Do you recall advising them that you believed that
7 Dre did something to the baby?

8 MR. ANTHONY: Objection. Speculation.

9 MR. L. SHEALEY: I'm just asking him if he recalls who
10 --

11 THE COURT: You can answer your calls, but I think he
12 can answer that question.

13 THE WITNESS: I don't recall. I don't recall saying
14 it.

15 BY MR. L. SHEALEY:

16 Q. Let me show you that DSS report from that.

17 A. Yeah. Well, I'm sure they wouldn't put the
18 statement wrong if I said. If they got it right there, then
19 yeah. I don't deny saying it if they got it in the report.

20 Q. That's what's in the report, right?

21 A. Right.

22 Q. Now, when Jackie was in jail, you -- you would
23 reach out and communicate with her somewhat, right?

24 A. Yeah, we've spoken.

25 Q. And they had a little email system where you can

1 communicate with folks, right?

2 A. Right.

3 Q. Part of my job is investigating this case, and did
4 get an order to get some of those emails. Do you recall an
5 email around April 27 of last year entitled "Still with you."
6 Does that sound like something you recall?

7 A. Still with you. The title? I couldn't tell you.
8 I know it's been several times I've spoken to her since she's
9 been in jail that way.

10 Q. (Inaudible). Do you remember any?

11 A. Yeah, I definitely said that.

12 Q. That was the title. And you advice her that you
13 were -- that you believe she was innocent?

14 A. I did. I did.

15 Q. Do you know (inaudible)?

16 A. Mine.

17 MR. L. SHEALEY: Nothing further, Judge.

18 THE COURT: Any re-direct?

19 MR. ANTHONY: If we could have one moment.

20 THE COURT: Sure.

21 RE-DIRECT EXAMINATION

22 BY MR. ANTHONY:

23 Q. Is -- is it fair to say that like when you sent
24 that email in April of -- of last year, you still had
25 romantic feelings for Ms. Mullen?

1 A. I wouldn't say romantic feelings, I would just say
2 kind of like the feeling -- the feelings that parents always
3 share -- you know, whether they're seeing each other or not.

4 Q. Uh-huh.

5 A. I would -- I would -- I would put it like that,
6 so...

7 Q. And -- and at that time had -- did you know any of
8 the details of -- of the case and any of the -- the details
9 of the events surrounding India's death?

10 A. No. Not -- no.

11 Q. You had no idea what her cause of death was?

12 A. Yes, I did. I did -- I did, but like I said, she
13 -- from the jump, she -- she -- she always said it was him.
14 And like I said, I mean, knowing her as long as I wanted to
15 believe it was her.

16 Q. You won't --

17 A. I mean, it -- it wasn't her.

18 Q. You won't believe it wasn't her?

19 A. Right.

20 Q. Okay. But as far as the particulars of the case,
21 you didn't know anything about that?

22 A. No.

23 Q. Okay.

24 A. Everything that we've been finding out this week
25 and --

1 MR. ANTHONY: Okay. All right -- all right. Thank
2 you. That's everything on re-direct.

3 THE WITNESS: All right.

4 THE COURT: All right -- all right. You can step down.
5 All right.

6 MR. ANTHONY: Next witness would be Asia Martin, your
7 Honor.

8 ASIA MARTIN,
9 being duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. ANTHONY:

12 Q. Can you state your name please?

13 A. Asia Martin.

14 Q. Ms. Martin, where do you live?

15 A. Rock Hill, South Carolina.

16 Q. And how are you employed?

17 A. York County.

18 Q. All right. Can you just make sure you lean into
19 that microphone (inaudible). What is your relation to
20 Antonio Martin?

21 A. Sister.

22 Q. And how did you know India M. [REDACTED] ?

23 A. My niece.

24 Q. Okay. And how -- how did you know Jackleen
25 Mullen?

1 A. Through my brother Antonio Martin.

2 Q. When was the last time you saw India M. [REDACTED] ?

3 A. I don't recall.

4 Q. Okay. I -- I mean it -- is there a certain --
5 certain amount of time since she -- since she died that you
6 would recall seeing her or a time when you know she was --

7 A. No, I didn't see her often.

8 Q. -- at your residence?

9 A. My brother would ask if it was okay, if he would
10 get her and I tell him I didn't have an issue. But as far as
11 me interacting with her, I didn't see her often.

12 Q. Okay. All right. Do you recall a time where --
13 where she was at your home?

14 A. From a photo would've been May of 2019.

15 Q. All right. And where was -- and -- and who was in
16 that photo?

17 A. My brother, India, my son and two of his girls.

18 Q. And where was -- where had -- had that photo been
19 made?

20 A. It was at my house in my driveway. I had took it.

21 Q. Okay. And is that's in -- you said that was May
22 of 2019. Did you -- do you have any recollection of seeing
23 India after that?

24 A. No, sir.

25 Q. Okay.

1 A. Not that I can recall.

2 Q. Okay. Well, I want to take you now to the -- the
3 25th of May of 2020. Did you speak to Antonio that day about
4 a call he'd received?

5 A. Yes.

6 Q. And who had he gotten a call from?

7 A. Jackie.

8 Q. Okay. And just please lean into that -- that mic
9 so everybody -- everybody can hear you. Once -- once he told
10 you about that phone call, Ms. Martin, what did you decide to
11 do?

12 A. Follow up with Jackie directly.

13 Q. And how did you go about doing that?

14 A. I called her.

15 Q. And what did you ask her about?

16 A. How was in India doing from the information that
17 my brother had relayed to me.

18 Q. And what did she tell you about how India was
19 doing?

20 A. She told me that India was -- I don't recall
21 exactly, but it was something along -- along the lines that
22 India was a vegetable and she was wondering if we had any
23 family history of seizures. And my mom -- well our mom had
24 passed away from a seizure.

25 Q. And why was she asking if you had a -- what was

1 going on with India that made her ask that question?

2 A. I don't know if she was referencing India having
3 seizures or just a vegetable.

4 Q. And did she tell you any conditions she thought
5 India might have?

6 A. No, she just said -- you know, India is a
7 vegetable. And then I said, "Where is she? Can I come see
8 her?" And she said -- I said, "Is she in a hospital, which
9 hospital so the family can come see her?" And she said, "No,
10 she's at home."

11 Q. And why did they say -- why did Ms. Mullen say
12 India had been sent home?

13 A. I said, "Well, she's at home, she's a vegetable."
14 But she said at home, it don't make any sense to me. And she
15 said, "Well, they said it wasn't much they could do." And I
16 didn't think much of it because I didn't think it would've
17 been foul play or anything. So I said, "Okay." But I didn't
18 follow up or ask her if I could go, because I know her and
19 Dre had a relationship and I wasn't got to go to his family's
20 house.

21 Q. Did -- did she say they were doing anything for
22 India?

23 A. She told me that they were giving her something
24 for pain.

25 Q. And did she -- how -- did you ask any -- did she

1 tell you anything else about India's condition and what she
2 was doing at the house?

3 A. No, I asked -- I said, "Well, what's the pain for
4 why are they giving her something for pain?" And she said.
5 "Once she hears the other kids playing, she gets excited and
6 she's in pain because she can't really interact with them."

7 Q. And how did you react to this conversation,
8 Ms. Martin?

9 A. I was a little confused, but then again, I didn't
10 overthink it because I didn't think foul play or vegetable.
11 I just -- just it didn't dawn on me that she could've been
12 actually injured.

13 Q. All right. And on the next day, did you -- did
14 you see Antonio on the evening of May 26th?

15 A. Yep. I'm recalling correctly I was sitting on the
16 porch when Jackie came by to pick him up.

17 Q. Okay. All right. And then and this was from your
18 house, is that right?

19 A. Correct.

20 Q. Okay. And that's where Antonio was staying?

21 A. At the time.

22 Q. Okay. And then where were you when Antonio got
23 home?

24 A. I was at -- I was at home when he came back that
25 night.

1 Q. Okay. And what was Antonio's demeanor when he got
2 home that night?

3 A. He was just a little tense. You could tell
4 something was bothering. He said, "I want to talk to you."
5 And I said, "Okay." I think I may have been doing something
6 on the phone. So I said, "Well, we can talk." But I could
7 tell something was off. So I said, "What's wrong?" And then
8 he said, "India is gone." And I say, "You mean she's gone?"
9 And he said, "She's dead." And I was a little confused and
10 he kind of went in details and I just said, "I don't want to
11 hear, just call 911. I don't want to hear anymore."

12 Q. All right. So is that what he did?

13 A. He did.

14 Q. And after Antonio had called 911, did someone from
15 law enforcement come to your residence?

16 A. Yeah, if I remember it was the sheriff.

17 Q. Okay.

18 A. And they picked him up. Because I guess he
19 couldn't really explain, so they asked if he could get in the
20 car and go with them.

21 Q. Okay. And after -- after Antonio had -- had left
22 the house with the deputy, were you there when he returned
23 home?

24 A. Yes. Correct.

25 Q. When he returned home, did anyone from the police

1 department do anything at your house?

2 A. Yes. They asked if it was okay, if they come and
3 search.

4 Q. Search for -- or what or for who?

5 A. India. Just confirmation that there was no signs
6 of India being at my house or since she was missing and
7 hadn't been -- I don't know if they were -- had found her,
8 but just didn't release information, but just no evidence
9 that she was actually at my residence.

10 Q. Okay. And was Antonio just dropped off there at
11 your house that night?

12 A. He was.

13 Q. When did you learn that India was dead?

14 A. No one ever followed up that I recall. And the
15 next day I got a call from my cousin and she said -- I said,
16 "Have you seen the news?" I don't remember if it was my
17 cousin or my aunt. And I said, "What do you mean?" And she
18 said they found India and they charged Jackie and the
19 boyfriend.

20 Q. Did you ever have a conversation with anybody who
21 was investigating the incident?

22 A. I spoke to Sabrina Gas, the coroner.

23 Q. And did you let the coroner's office know what you
24 -- what had taken place as far as --

25 A. I did. I -- I informed them that I had a

1 conversation with Jackie a couple days prior to the event.

2 MR. ANTHONY: All right -- all right. Thank you.

3 That's everything on direct.

4 MS. BARRINGTON: No questions for this witness.

5 THE COURT: All right. Ms. Martin, you step down.

6 MS. JOYNER: Are you ready for the next witness, your
7 Honor?

8 THE COURT: I am.

9 MS. JOYNER: Sorry. Are you ready for us to call the
10 next witness?

11 THE COURT: I am.

12 MS. JOYNER: We call Detective Brooks Felmet. You can
13 please ask Felmet to come in. Detective Felmet.

14 DETECTIVE BROOKS FELMET,
15 being duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. JOYNER:

18 Q. Just in anticipation, right. I have some
19 questions we're going to ask you just a minute (inaudible) --

20 A. Go ahead when you ready.

21 Q. -- get set up. Are you ready?

22 A. Yes, ma'am.

23 Q. Can you please state your full name?

24 A. Detective --

25 Q. For the record.

1 A. Sorry. Detective Brooks Felmet with the Rock Hill
2 Police Department.

3 Q. How are you employed with the Rock Hill Police
4 Department?

5 A. Currently I'm a detective for the Crimes Against
6 Persons Division. I've been a police officer for 16 years.
7 I've been in investigations for the last 10.

8 Q. Now, what type of education and training do you
9 have to have in order to become a police officer?

10 A. So you attend basic law enforcement through the
11 South Carolina Criminal Justice Academy. And then we have
12 supplemental training that we have to meet so many hours for
13 every three years to maintain our certification.

14 Q. Now, as part of your duties at Rock Hill, do you
15 perform forensic analysis of cell phones?

16 A. Yes. I -- so I'm a digital forensics examiner. I
17 essentially perform forensic analysis of any electronic
18 devices that are capable of storing data. I do that as a
19 supplemental for any cases that the Rock Hill Police
20 Department works as well as surrounding agencies and federal
21 agencies.

22 Q. Now, in order to do that kind of work, do you have
23 to have additional training outside of what is required for
24 you to be a police officer?

25 A. Yes, ma'am. That's correct.

1 Q. Okay. Go ahead. If you could tell the courtroom
2 a little bit about the training and experience you have in
3 order to do forensic cell phone analysis.

4 A. So there's a couple different kinds of trainings.
5 Some of them are vendor specific meaning they're specific to
6 the software that we use. Others are more broad, just
7 subject matter based. I've attended the National Computer
8 Forensics Institute is a federal organization. It's a --
9 it's a -- an educational body that's put forth by the --
10 excuse me, my laptop. That's put together by the United
11 States Secret Service under the Department of Homeland
12 Security. I've attended about 520 at my last count. Course
13 hours at that institute that encompasses doing forensics on
14 computers, cell phones, mobile devices we can analyze flash
15 drives any of that stuff. Gone through network intrusion
16 training there as well as a number of other courses.

17 And I'm also trained by Cellebrite which is the
18 software that's used in this case. Another piece of software
19 black bag. And what else I went through? Axiom has a suite
20 of software and that's supplemented by webinars. A lot of
21 colleagues have -- you know, peer review published papers
22 that we review and read. A lot of supplemental education
23 throughout the year stuff changes.

24 Q. Approximately in your career, how many cell phones
25 have you analyzed?

1 A. I think my last time I tallied up, I -- I was over
2 a thousand. I -- I've had probably -- and that was -- that
3 last count was about a year ago. So I do about -- to put it
4 in better perspective, I do roughly around 200 analysis per
5 year.

6 Q. Okay. And have you ever been qualified as an
7 expert in the area for forensic cell phone analysis?

8 A. I have three times in this court specifically.

9 MS. JOYNER: Your Honor, we'd like to offer Detective
10 Felmet as an expert in forensic cell phone analysis.

11 THE COURT: Any voir dire?

12 MR. B. SHEALEY: Yeah. Just briefly voir dire if
13 that's all right.

14 VOIR DIRE

15 BY MR. B. SHEALEY:

16 Q. Detective Felmet, I just have a couple questions
17 for you.

18 A. Sure.

19 Q. Now I use digital forensic experts too, but you're
20 also a detective, which I think is a little bit of an --
21 you're kind of a hybrid, right? Because you're still working
22 as a detective.

23 A. Yeah, it -- yes, I still work as a detective.

24 Q. So -- you know, I know some people just kind of go
25 into digital forensics and then they consult with law

1 enforcement and that's all they do is that digital forensic
2 part. But it seems like looking at your CV, you started as a
3 -- you know, just a rank-and-file officer and worked your way
4 up and that kind of thing, is that correct?

5 A. That's correct.

6 Q. And would it be fair to say that maybe you had a
7 skillset that your -- that Rock Hill Police Department was
8 looking to utilize in you, is that fair?

9 A. I -- I suppose that's fair. The -- the way I got
10 into digital forensics there was a -- there's a federal task
11 force put together by the Secret Service that I'm a member
12 of. And I kind of learned my way through that. Once I was
13 appointed in, I think, 2014 or 2015.

14 Q. You started getting involved in around 2014 and
15 2015?

16 A. Yes.

17 Q. Okay. Is your -- did you get a higher pay scale
18 being a detective and wearing that other hat as a digital
19 forensic expert?

20 A. No.

21 Q. Okay. I'm sorry.

22 A. Unfortunately.

23 Q. But -- but are you still -- we've heard from a lot
24 of detectives in this case are -- going to scenes and doing
25 that kind of stuff. Are you still doing that?

1 A. I -- I do as -- as is necessary depending on what
2 staff we have that day. My caseloads are a lot lighter than
3 most of the other detectives.

4 Q. Because your other hat is kind of big, right?

5 A. Unfortunately, yes.

6 Q. Okay. And just going back to some of the training
7 that you mentioned that really honed your skillset with the
8 National Computer Forensic Institute -- you know, a number of
9 hours there, and that is kind of a -- a body of specialists
10 that, I mean, you're almost in school, right? Is that kind
11 of how it works?

12 A. Correct. It's -- it -- it's very similar to like
13 college courses.

14 Q. Okay. And would you say that would be a -- a real
15 substantive education for you when you started that process
16 with that academy?

17 A. Yes. I mean that's -- that's fairly robust as far
18 as the -- the base knowledge. It's -- it's beyond just
19 understanding how to use the software, it's understanding how
20 the software works.

21 Q. Okay. And I'm looking at your CV that you started
22 that in 2018?

23 A. I believe that was my first year going there.

24 Q. This case we're talking about today is 2020,
25 right?

1 A. Yes.

2 Q. Two years before this case, you were starting that
3 process, right?

4 A. That was the first time I've been to NCFI. I had
5 previously gone through Cellebrite courses a few years prior
6 to that.

7 Q. Cellebrite's for the jury that you're going to
8 talk -- talk to about it. But that is a -- a well-used
9 extraction of digital forensic equipment. That's a tool that
10 you can use to help get information, right?

11 A. Yes.

12 Q. Okay. And I'm looking here that you've been
13 qualified as an expert that's here in four trials, but she
14 said three.

15 A. I -- I said three. I -- I'm just going off of
16 memory. I --

17 Q. Okay. That's three -- three or four, is that
18 accurate?

19 A. As -- as a save back I would say three I remember
20 specifically.

21 Q. Okay. Is that just in this court?

22 A. That's just in the Court.

23 MR. B. SHEALEY: Beg the Court's indulgence.

24 THE COURT: Okay.

25 MR. B. SHEALEY: I don't have any objection for the

1 detective to be qualified as an expert in digital forensics.

2 THE COURT: All right. Any objection that being his
3 expertise area? Here we go.

4 MS. JOYNER: Beg the Court's indulgence. As opposed to
5 digital -- forensic cell phone analysis, which is what the
6 State was offering.

7 MR. B. SHEALEY: Yeah, no objection.

8 MS. JOYNER: Okay.

9 THE COURT: All right.

10 MS. JOYNER: So forensic cell phone analysis.

11 THE COURT: Forensic -- forensic cell phone analysis.

12 All right. So here's what an expert witness is, if so
13 offered. It's a witness who has specialized training
14 expertise, experience in a particular field that he's studied
15 and worked within. He has particularized skills and he can
16 offer testimony in that field of expertise. Mr. Felmet has
17 been offered as an expert in a field of digital forensics
18 analysis cell phone analysis. And so he'll be qualified as
19 an expert in that field and can offer his opinions as to what
20 he understands in that specialized field. All right.
21 Continue, Ms. Joyner.

22 MS. JOYNER: Thank you, your Honor.

23 DIRECT EXAMINATION CONT'D

24 BY MS. JOYNER:

25 Q. Now, Detective Felmet, before we talk about phones

1 in this case, I want to talk with you about your other work
2 on the case. So the defense counsel was just asking you
3 about whether you did other detective work. Did you work in
4 -- were you involved in this investigation into **India M.**
5 on May 26, 2020, outside of the forensic cell phone analysis?

6 A. That's correct. During that time in 2020, we
7 working a split schedule where roughly about half the
8 division was working day shift and evening shift for the
9 whole -- what they call that back -- social distancing thing
10 that was going on at the time. So yeah, I was on duty at the
11 time, yes.

12 Q. Okay. And -- and what was that -- what -- what
13 action, if any, did you take on -- on the scene on May 26,
14 2020?

15 A. So we were advised by dispatch of a male subject
16 that the county -- the York County Sheriff's Office was out
17 with who had -- he had reported something to the effect about
18 a -- a child that had been deceased and that the -- the other
19 subject was attempting to dispose of that body.

20 Q. And did you respond out to Freedom Park?

21 A. I did. I met the county at Freedom Park who had
22 Mr. Antonio Martin with them. They had transported him to
23 Freedom Park.

24 Q. Okay. And were you -- did you speak with
25 Mr. Martin at Freedom Park or were you present when other

1 officers spoke with him?

2 A. Yes, to both.

3 Q. Okay. And following the -- the time at Freedom
4 Park, did you bring Mr. Martin back to the Rock Hill Police
5 Department?

6 A. I did.

7 Q. What was the purpose of bringing him back to the
8 police department?

9 A. So we like to get an initial statement from just
10 about anybody we talked to, especially if the case is there's
11 a potential to become more complicated. We like to lock any
12 witnesses or -- or anybody involved with the case into an
13 initial statement so that we can compare that in case there
14 are questioned further down the road.

15 Q. Did you bring him directly from Freedom Park back
16 to -- to the law center?

17 A. I did. I transported him matter of fact he rode
18 in the front seat of my vehicle. We drove back to the police
19 department and went to the interview room.

20 Q. Now, when you interviewed Mr. Martin in the
21 interview room, was that interview recorded?

22 A. It was.

23 Q. Okay. Now, I am not going to show you the whole
24 video, Detective, but talk to me a little bit about something
25 that happened while you were interviewing Mr. Martin. Really

1 in the interview, did Mr. Martin have a phone conversation
2 with a female on speaker phone?

3 A. Yes.

4 Q. Okay. And are you familiar with Ms. Jackleen
5 Mullen's voice?

6 A. Yes.

7 Q. And while you were in the interview room, did you
8 recognize Ms. Mullen's voice?

9 A. Yes, ma'am.

10 Q. I'm sorry, say again?

11 A. Yes, ma'am.

12 Q. Okay. And do you recall what you heard Ms. Mullen
13 say in general?

14 A. As -- as a point of correction, I -- I believe at
15 the time the phone call came through, he held his phone up
16 and he said, "This is her, do you want me to answer it?" And
17 that -- to that point I said, "Yeah, go ahead see what she
18 has to say." It -- it's -- I could not hear very clearly
19 what she said. It's something to the effect of -- I remember
20 hearing the word they said, there's a baby here, or something
21 of that -- that nature as well as she's talking about the
22 police being out there, but I -- I couldn't hear very clear
23 detail about what she was talking about exactly.

24 Q. All right. I'm going to show you what's been
25 marked at this point as is for exhibit purposes as State's

1 Exhibit 21. Can you recognize State's Exhibit 21?

2 A. Yes, ma'am.

3 Q. And how do you -- how are you able to recognize
4 that?

5 A. It's my signature here on the disk.

6 Q. Okay. And does that signature indicate that you
7 have reviewed State's Exhibit 21 prior to trial?

8 A. Yes, ma'am.

9 Q. And what is on this disk?

10 A. That is the interview with Antonio Martin.

11 Q. Is it the full interview or a part of clip of the
12 interview?

13 A. I believe that's the clip of the interview.

14 Q. Okay. And does this clip contained on this
15 truthfully and accurately reflects what occurred in the
16 interview room during the -- that particular time period?

17 A. Yes, ma'am.

18 MS. JOYNER: Okay. Your Honor, we move State's 21 into
19 evidence and ask to publish it to the jury.

20 MR. B. SHEALEY: Beg the Court's indulgence. Without
21 objection or I should say subject to our prior discussions on
22 the matter.

23 THE COURT: Subject to your objection to relevance the
24 redacted version will be admitted. Is it number 21?

25 MS. JOYNER: Number 21, your Honor.

1 THE COURT: State's 21 is admitted.

2 (State's Exhibit Number 21 admitted into evidence.)

3 MS. JOYNER: Please screen share, please.

4 BY MS. JOYNER:

5 Q. Now, before we begin to play, there's a little
6 hard maybe to see. It's a little different than some body
7 camera that have been placed. So the bottom -- the bottom of
8 that video, is there a date and timestamp?

9 A. That's correct. Do you want me to read it?

10 Q. Yes, please read it.

11 A. It's May 26, 2020, at 23:24, which would be 11:24
12 p.m.

13 Q. Okay. And is the date and timestamp on this video
14 correct?

15 A. Yes, ma'am.

16 Q. Okay. So just -- just for a little bit of
17 information so we understand. When you transported
18 Mr. Martin back in the law center, is there anything that
19 happens before he ends up in this interview room?

20 A. So there's a room beside it that has a computer.
21 We have to set that up to start the recording. It just --
22 there's some basic case details and -- and it's a system we
23 have to log into to start recording basically.

24 Q. And so where this picks up, you're not in the room
25 yet? And -- but it's recording even though you're not in the

1 room, is that correct?

2 A. That's correct.

3 MS. JOYNER: Oh, I'm sorry. I apologize.

4 (Video starts playing at 3:46 p.m.)

5 DETECTIVE FELMET: (Inaudible). I -- I -- what's --
6 what's your date of birth?

7 MR. MARTIN: (Inaudible).

8 DETECTIVE FELMET: (Inaudible) got to here. Everything
9 cool with you?

10 MR. MARTIN: Okay. I'm fine.

11 DETECTIVE FELMET: Do you live in Rock Hill? I know I
12 drove you over here, but what I wanted to get is kind quick
13 statement.

14 MR. MARTIN: (Inaudible).

15 DETECTIVE FELMET: (Inaudible). You're not sure
16 (inaudible). You're not sure, but (inaudible).

17 (Video stops playing at 3:50 p.m.)

18 BY MS. JOYNER:

19 Q. And just to go back, detective, if I bring the --
20 the clip forward to -- I am going to start back at 23:27:03.

21 (Video starts playing at 3:51 p.m.)

22 DETECTIVE FELMET: You're not sure (inaudible). You're
23 not sure, but (inaudible).

24 (Video stops playing at 3:52 p.m.)

25 BY MS. JOYNER:

1 Q. Is that -- that call coming in at roughly
2 11:27:06, 07, 08? Is that about when that call starts?

3 A. Yes.

4 MS. JOYNER: Okay -- okay. Madam Clerk, if you could
5 --

6 BY MS. JOYNER:

7 Q. Now, approximately how long did Mr. Martin's
8 interview last?

9 A. Probably -- I think it was probably about 10. It
10 was 15 minutes maybe if it was that.

11 Q. And following that interview, did you take him
12 back to his house?

13 A. I took him back to his residence, yeah. Or well,
14 his sister's, which is where he was living at the time.

15 Q. And as part of taking him home to his sister's
16 residence, did you conduct a search of that residence?

17 A. Yes. So we -- at this point they were still on
18 the scene I believe at Gentle Breeze. We were going to the
19 sister's house just to ensure that Mr. Antonio hadn't -- it
20 wasn't anything back at his house.

21 Q. Uh-huh.

22 A. Related to the case.

23 Q. And it you didn't find anything of value at the
24 time?

25 A. No, ma'am. We met with the -- his sister, I

1 believe her name is Asia we met with his sister who was
2 there. She walked us through the house, walked through the
3 backyard. I think there was a shed. We checked that we
4 didn't find anything. No.

5 Q. Detective Felmet, I want to now kind of move on to
6 your assistance with the cell phones in this case. And
7 before we get into -- you know, what you did to assist with
8 (inaudible), let's keep it -- give the jury a general
9 overview of your cell phone analysis. You kind of explain to
10 the jury the basic overview of what your cell phone analysis
11 involve or entail.

12 A. I'm sorry, say that last part.

13 Q. General overview of what cell phone analysis
14 involve or entail.

15 A. Okay. So specifically with a cell phone -- well,
16 with any device that we examine, we want to make sure that we
17 do as little to the device as possible. We don't manipulate
18 data, we don't change data that -- that in -- in the way that
19 -- you know, a crime scene forensic person wears gloves to
20 not -- you know, taint the crime scene. We try to do what we
21 can to prevent tainting any evidence. And to do that, we --
22 we generally use very specific software to make these
23 extractions. So it's different than, like, say I plug it in
24 and I drag a bunch of folders over to my computer and we do
25 this so we don't alter and manipulate anything. So in this