

VOLUME II 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

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1 particular case, I connected the device to one of my tools.
2 And without getting into anything more difficult than saying
3 -- you know, use a flathead screwdriver for a -- you know, a
4 flathead screw. In this case, I used a device appropriate
5 for this particular cell phone and obtained what's a --
6 what's called a full -- excuse me, a full file system
7 extraction. And without using all the language, we -- we're
8 going to call that an image. So that image file is a -- as
9 best a copy as -- as we can make of all of the data that's on
10 the device. And then we take that image, and then we put it
11 through other software to analyze it. And instead of me
12 staring at a bunch of the -- the raw ones and zeros -- you
13 know, you've seen the matrix, the -- the green -- you know,
14 it looks -- it honestly does look like that, but it's just
15 not green. The software will kind of categorize things, put
16 things into boxes and make things easier for viewing and
17 taking a look at. And then that's how we begin kind of
18 processing through what's there.

19 Q. All right. So specifically with this case, how
20 many phones did you look at?

21 A. Two.

22 Q. Okay. And start with a phone that has been
23 associated with Ms. Jackie -- Jackleen Mullen. And ask you
24 -- were you present at the law center when Detective Smith
25 requested that Ms. Mullen provide consent to search her cell

1 phone?

2 A. Yes.

3 Q. And did she provide consent?

4 A. She did.

5 Q. As part of that conversation, do you -- did you
6 request a passcode?

7 A. So as part of the consent form -- you know, you
8 list your name, address, what you're consenting to, so on and
9 so forth. There's a line for passcode and I asked her -- you
10 know, is there a passcode on the phone so I can fill that
11 out. And she provided a passcode at the time. Yes.

12 Q. Okay. And ultimately, was her phone passcode
13 protected?

14 A. It was not.

15 Q. So prior to Ms. Mullen providing consent to search
16 her phone, to your knowledge, had her phone been seized? Had
17 it been taken into law enforcement possession?

18 A. Yes.

19 Q. Okay. And by whom had it been seized?

20 A. I believe officer or Detective Beach had -- had
21 obtained the phone at her residence.

22 Q. Okay. And who did you receive the phone from?

23 A. I believe it was Officer Lambert.

24 Q. And when you were speaking -- when you were
25 discussing the seizure in the phone with Detective Beach, did

1 he provide identifying information to you regarding that
2 phone?

3 A. Yes. At the time he seized it, I believe he went
4 into the phone's settings to view the serial number. He was
5 giving me off the specifics on the phone. I believe I'd
6 asked him just for the sake of figuring out what I needed to
7 get prepared for to be able to extract the data off the
8 phone.

9 Q. And when you ultimately received that phone from
10 Officer Lambert, did that serial match -- number match what
11 Officer Beach gave?

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

13 Q. And after Ms. Mullen provided consent to search
14 her phone, did you begin searching the phone that night?

15 A. Yes, ma'am. Once I had obtained the phone I -- I
16 put it on our machine for extraction of the data.

17 Q. Okay. And what is -- what was the make and the
18 model of Ms. Mullen's telephone?

19 A. I'd have to refer to my notes specific. I know
20 it's an iPhone 7, but specific model I -- I don't know
21 without seeing my report.

22 Q. Okay. I'm going to show you a Graykey progress
23 report will that refresh your recollection?

24 A. Yes, ma'am.

25 Q. You can tell the jury what the make and model of

1 Ms. Mullen's phone was.

2 A. It's an iPhone 7 Plus.

3 Q. And what phone number was associated with
4 Ms. Mullen's phone?

5 A. 803-524-7881.

6 Q. Now, as part of looking at Ms. Mullen's phone
7 beyond somebody handing you the phone and saying this is
8 Ms. Mullen's phone, do you look to see if there's anything on
9 the phone to corroborate a person's ownership of the phone?

10 A. Yes. So generally we'll look at -- so when you
11 set up a new iPhone, you can make a name for it. So a lot of
12 times we look for the owner's name that's actually put into
13 the phone. And a lot of that's printed out on that initial
14 report when the -- that device makes the extraction. Also
15 look at email addresses, social media accounts, just things
16 to just corroborate and tie that phone to that person like.

17 Q. Did you see things that corroborated and tied
18 Ms. Mullen to that phone?

19 A. I did.

20 Q. Now, you said that you had -- you had -- you did
21 an extraction of Ms. Mullen's phone. What was -- what were
22 the tools that you used to do that extraction?

23 A. So we have a device called a GrayKey. It's a --
24 it's a -- it's a kind of a hardware software piece, but
25 generally it's -- we don't really do anything software wise

1 on it. It's -- it's more or less click a button. Well, so
2 you place a phone in airplane mode, so it's not getting text
3 messages and new notifications. It's -- and it's kind of
4 isolated from getting any new data downloaded to it during
5 that process, but just plug that into that. And then that
6 produces a file -- a set of files. Then that set of files is
7 moved over to an external hard drive that I have generally
8 use what we call sanitized media. That media has been
9 completely zeroed, so there's no commingling of -- of other
10 stuff that I've done on that drive that generally the files
11 wouldn't do that. But you want to make sure that that
12 doesn't happen again, going back to the whole kind of wearing
13 digital gloves kind of thing. That's moved over to sanitized
14 media, then that's brought over to my computer. I actually
15 make a copy of that file. I don't work off of that original
16 working copy, so that stays intact. And then I work off of a
17 copy of that file. At the conclusion of the analysis, we'll
18 compare both files to make sure through a process called
19 hashing to make sure nothing's changed in either file.

20 Q. And the Graykey that you mentioned, is that
21 something that is routinely used with cell phone analysis?

22 A. Currently it's -- it's probably the best method
23 for extraction on iPhones. Since Apple has fairly robust
24 security in place and even in a phone that you have the
25 passcode for and -- you know, consent given and you all don't

1 have to break into the phone, it -- it gets the most complete
2 version of the extraction that -- that I -- I believe that --
3 of any of the tools out there right now.

4 Q. So I think you said a reliable tool in your field?

5 A. Yes.

6 Q. Now, did you use the Cellebrite program with
7 Ms. Mullen's phone?

8 A. Yes.

9 Q. Okay. Tell -- tell -- explain to the jury what
10 the Cellebrite program is.

11 A. So Cellebrite takes all of that data and then it
12 kind of converts it into more readable format. So -- so
13 Graykey obtains the image file, which is just -- it's not by
14 definition exactly raw data, but for all intents and
15 purposes, the raw data, and it converts it into something
16 that we can understand or I can understand at a glance
17 without actually having to manually go through things.

18 Q. Now, is Cellebrite considered -- is some -- is
19 Cellebrite widely used within the forensic cell phone
20 analysis?

21 A. Cellebrite's probably a top vendor out there used
22 by state and local federal fairly large robust body of
23 international law enforcement as well as private entities use
24 Cellebrite's software for this purpose.

25 Q. Now, with Ms. Mullen's phone, were you able to do

1 a full extraction at that time?

2 A. Yes, ma'am.

3 Q. And did you -- did you Cellebrite with that phone?

4 A. Yes, ma'am.

5 Q. Now, with the -- with the data that you extract
6 from phones and specifically Ms. Mullen's phone, were you
7 able to extract data in the form of messages on her phone?

8 A. Yes.

9 Q. And like the videos we've been seeing that have a
10 date and timestamp on a phone, do messages have dates and
11 timestamps?

12 A. Yes.

13 Q. Okay. And when you look at a phone, you're
14 analyzing a phone as part of what you do looking at to see if
15 those dates and times are reliable or accurate?

16 A. Yeah. So your computers and your cell phones base
17 their time off of their relative time to UTC time or GMT
18 Greenwich meantime which is basically the zero hour that all
19 world time is based off of. So for example, in Eastern time
20 we're minus four. In daylight savings time we're actually
21 minus five because we gain an hour so we're minus one more
22 back from GMT. The phone basically understands its time
23 based on what time it is from the tower -- you know, when it
24 hits it. Now you can change your phone's time and you don't
25 have to have it set to automatically be set to Eastern time

1 or you can actually change it to be whatever you want. So
2 because of that, we have to confirm that the time on the --
3 on the phone is the same as the present time. So then I
4 know, okay, this phone is in Eastern -- you know, it's in
5 local time and the time is correct. And then that's where
6 those timestamps and those messages are based off of. So for
7 example, if the time on the phone was wrong, then the message
8 times would all look wrong. Well, they would look like they
9 were at a different time.

10 Q. So with Ms. Mullen's phone, were you able to look
11 and determine that her phone -- if I call it a clock, her
12 phone's clock was correct?

13 A. Sure. Yes, it's correct. In the report that you
14 handed me earlier, it actually prints the exact time and --
15 date and time of the phone at the time in relation to the
16 device that's being hooked to and compares those two dates,
17 they're --

18 Q. And those -- and that indicated that --

19 A. Yes, they're -- they're accurate.

20 Q. Okay.

21 A. Or they match.

22 Q. Now were you able to pull call logs from Ms.
23 Mullen's phone?

24 A. Yes, ma'am.

25 Q. And again, is the date and times stamp of a call

1 log verified in the same way as the messages you just
2 described?

3 A. Yes.

4 Q. Were you able to pull contact information from Ms.
5 Mullen's phone?

6 A. Yes.

7 Q. Did you observe contact information for Asia
8 Martin?

9 A. Yes.

10 Q. Did you observe contact information for a person
11 named James?

12 A. Yes.

13 Q. And did you observe contact information for a
14 person named Cindy?

15 A. Yes.

16 Q. Were you also able to locate internet searches on
17 Ms. Mullen's phone?

18 A. Yes. That's correct.

19 Q. Were the -- are internet searches like call logs
20 and text messages come with date and timestamps?

21 A. Yes, ma'am.

22 Q. And were -- is it -- were the internet searches
23 their date and timestamps accurate as well?

24 A. Yes.

25 Q. Okay. Now, prior to court today, Detective

1 Felmet, did I request that we place Ms. Mullen's full
2 Cellebrite extraction onto a -- onto the device?

3 A. Yes. That's -- it's the report of the extraction.

4 Q. Report of the extraction. And are you able to
5 tell that that's Ms. Mullen's?

6 A. Yes, ma'am.

7 Q. How are you able to tell that?

8 A. It says Mullen's cell on the flash drive.

9 Q. Is that what you wrote down? That you --

10 A. Yes.

11 Q. Okay. Detective Felmet, what is contained on what
12 is now marked as State's 22, the Cellebrite report --
13 extraction report that you did on Ms. Mullen's phone?

14 A. Yes. That's the -- that's the full report without
15 any -- that's ticking every box and saying, spit me on a
16 report. So that's what's on there.

17 Q. Everything (inaudible).

18 A. Uh-huh.

19 Q. Now, after receiving Ms. Mullen's phone on -- in
20 the early morning of May 27, 2020, did you subsequently
21 receive a phone associated with Audrevious Williams?

22 A. That's correct.

23 Q. And from whom did you receive that phone?

24 A. I believe it was Detective Smith.

25 Q. And was that prone passcode protected?

1 A. No, it wasn't.

2 Q. Okay. And had -- from what information you have
3 from Detective Smith, had you received consent to search that
4 phone?

5 A. Yes, that's correct.

6 Q. Detective Felmet, do you recall the make and model
7 of the -- of that phone -- Audrevious Williams' phone or the
8 -- or the phone number for that phone?

9 A. I don't remember the phone number off head. It
10 would be on the report. I believe it was an iPhone 7 plus as
11 well.

12 MR. L. SHEALEY: Go ahead here. Okay.

13 BY MS. JOYNER:

14 Q. If I showed you your Graykey progress report would
15 that refresh your -- refresh your recollection on the phone
16 number?

17 A. Yes. It's 803-616-6806.

18 Q. Were you able to obtain an abstraction --
19 extraction from Mr. Williams' phone?

20 A. Yes, that's correct.

21 Q. And what was the process that you went through in
22 order to obtain extractions from his phone?

23 A. It's -- it's effectively this exact same process
24 that I did for Ms. Mullen's phone.

25 Q. And prior to court today -- prior to court today,

1 did I request that you put his extraction onto this flash
2 drive?

3 A. You did.

4 Q. Okay. You can take a look at it and you can tell
5 if that is the same flash drive.

6 A. It is. It says "Williams' cell" on it.

7 Q. Is that your handwriting?

8 A. That's not my specific handwriting. I don't
9 believe.

10 Q. Were you there when that --

11 A. I -- I was, yeah.

12 Q. Okay. And it is what's been marked as State's
13 Exhibit 23. (Inaudible) accurate representation of the
14 extraction you did on Mr. Williams' phone?

15 A. Yes, ma'am.

16 THE COURT: Ms. Joyner, may be a good time for a break.
17 I could use one myself.

18 MS. JOYNER: Okay.

19 THE COURT: Let's take a few minutes. You all step in
20 the jury room. Have you back out here in about 10, 12
21 minutes. Everybody else is at ease.

22 (Jury exits room at 4:13 p.m.)

23 (Off the record from 4:13 p.m.)

24 (On the record at 4:26 p.m.)

25 MS. JOYNER: We had hoped to get through seven

1 witnesses today. We still have the final two in the hallway.

2 THE COURT: Uh-huh.

3 MS. JOYNER: But given the time of the day, we weren't
4 sure whether we should send them home to come back in the
5 morning. It's 4:00 -- I think it's 4:30.

6 THE COURT: And you still got more with him?

7 MS. JOYNER: Still got more of him. Yes, sir.

8 THE COURT: And is -- we're not going to get done
9 tomorrow. All right. I've been -- I've gotten some
10 inquiries from court administration about what am I going to
11 do? Because I'm scheduled for vacation. This is two court
12 reporters scheduled for here, but not one with me. It's just
13 a lot of chaos to get a court reporter as you all know.
14 Let's get done with him then we'll talk. But how much long
15 -- how much longer do you think you with Detective Felmet?

16 MS. JOYNER: I'm getting --

17 THE COURT: It's Felmet, right?

18 THE WITNESS: Yes, sir. Thank you.

19 THE COURT: I -- I -- I said it wrong.

20 MS. JOYNER: I'm getting ready to enter some exhibits
21 and I'm probably going to walk him through a little bit of
22 it, but not a lot of it.

23 THE COURT: Okay.

24 MR. B. SHEALEY: Your Honor, I don't know if -- one
25 time up it's going to take him a little bit because I got a

1 lot to put in through this witness as well.

2 THE COURT: I be -- I figured too. Let's -- let's --
3 let's -- probably safe to send those witnesses to come back
4 tomorrow morning.

5 MS. JOYNER: Yes, sir. Thank you.

6 THE COURT: Uh-huh. Bring in the jury.

7 (Jury enters room at 4:28 p.m.)

8 THE COURT: All right. Ms. Joyner.

9 MS. JOYNER: Thank you, your Honor.

10 BY MS. JOYNER:

11 Q. Detective Felmet, just briefly. Detective Felmet,
12 I'm just going to show you what has been marked for exhibit
13 purposes as State's Exhibit 24 and the flash drive has been
14 marked as Exhibit 24A.

15 A. Uh-huh.

16 Q. Part of your work on the case, did you do a
17 comparison or -- or view each one of the phones and prepare a
18 summary of what you believe is relevant (inaudible)?

19 A. Yes.

20 Q. Okay. Now I'm going to show you what's on the
21 flash drive and as you pull that please read tell me whether
22 the flash drive contain the same -- if the flash drive
23 version is the same (inaudible)?

24 A. Yeah.

25 Q. Okay.

1 A. Yes, ma'am.

2 Q. Now, is State's Exhibit 24, I'm going to ask you
3 to start (inaudible).

4 A. Right.

5 Q. You take a look at that and -- and the date range
6 -- is that a presentation that it contains messages from Ms.
7 Mullen's phone?

8 A. Yes.

9 Q. Okay. Does it also contain internet searches?

10 A. It does.

11 Q. And are those internet searches from just Ms.
12 Mullen's phone or do they also include Audrevious Williams'
13 phone?

14 A. They're also from Mr. Williams's phone.

15 Q. Okay. And does it also contain some call history
16 or call information for -- from Ms. Mullen's phone?

17 A. It does.

18 Q. Okay. Now, and I -- I wanted to ask you this a
19 moment ago, and I almost forgot with the break. When you had
20 examined Mr. Audrevious Williams's phone and you conducted an
21 extraction, were you able -- or from your view of the phone,
22 had -- did it appear that he had done a factory reset of the
23 phone?

24 A. He had not done a factory reset.

25 Q. Okay. Did you observe that he had -- whether he

1 had deleted messages?

2 A. Yes. The -- the messages between he and Jackie
3 had been deleted from the phone.

4 Q. Could you tell when they had been deleted?

5 A. No, that's --

6 Q. Is it possible to tell if they were all deleted at
7 the same time or deleted at separate times?

8 A. You'd have to make an assumption about that. So
9 no, it's not -- it's not -- it's not possible that I'm aware
10 of to be able to tell exactly when they were deleted.

11 Q. Okay.

12 A. Just that they are deleted.

13 Q. Now, when messages are deleted, can you still
14 recover deleted information from the phone?

15 A. Yes.

16 Q. Oh, so with the messages though specifically, that
17 there's been a lot of testimony about messages, but messages
18 from Ms. Mullen's phone, are those messages that were located
19 in her phone, not deleted, but active messages?

20 A. Yes. They -- they were not deleted.

21 Q. Okay. Now, going through your presentation, did
22 you focus on the dates of May 22nd through May 26th?

23 A. That's correct.

24 Q. Okay. And if you could just briefly explain your
25 process in working through Ms. Mullen's phone.

1 A. So -- so generally with -- with any case I know I
2 work for law enforcement or for the Rock Hill Police
3 Department, obviously there's interest there. Digital
4 forensic examiners, analysts we try to take a very agnostic
5 approach to them. Either there's data there or there's not
6 data there. And -- and I sit -- in most cases, I sit there
7 and I go like, here's what I found. Case agent, you -- you
8 determine what's relevant, what's not. This case was still
9 actively being worked. In that evening I was trying to
10 generate information for investigators as they were working
11 at it out in the field. I was working on the phones.
12 Essentially with any case, I usually start from the -- the
13 point of which -- usually about the time we seize the phone
14 or around the point where we believe the incident -- incident
15 do have occurred. And then generally I will work backwards.
16 And the best way that I -- I do that is -- is there's a way
17 to view everything as a timeline. So if you open your phone
18 and you send a text message and then you open Facebook and
19 you check an email, you make a phone call, receive a phone
20 call, so on and so forth, as opposed to seeing that as a
21 category, if I just open text messages, I just see text
22 messages.

23 If I look at it as far as the timeline goes, I can see
24 what you're doing as you're doing it chronologically. So I
25 can see, oh, they sent a text, made a phone call, they opened

1 a webpage, so on and so forth. And that really gives you
2 more of a sense of how a person is using the phone as opposed
3 to just looking at text messages and feeling at this time,
4 was this and this time was this and this time, well hold on
5 one minute. Did they make a phone call here? Looking at it
6 chronologically is a much easier flow and that's generally
7 how -- and everybody's different or every examiner is
8 different, but I'll usually work from the latest point and
9 work backwards and kind of see what -- what there is to tell,
10 if that makes sense.

11 Q. Okay. And so working backwards from the end point
12 going forward, I want to direct you to the last page of
13 State's Exhibit 24 and specifically to the last entry of a
14 call log 5/26/2020 11:27:06.

15 A. Yes, ma'am.

16 Q. Okay. And was that -- was that time in that phone
17 call in Ms. Mullen's phone coincide with the phone call that
18 you witnessed on State's Exhibit 21?

19 A. Yeah. So 11:27:06 p.m. on May 26th.

20 Q. Okay. And going back through the presentation and
21 the text messages that are included, did you include every
22 text message that was sent between Ms. Williams -- Ms. -- Ms.
23 Mullen and Mr. Williams between May 22nd and May 26th?

24 A. No, it doesn't include everyone.

25 Q. Okay. And were you looking for information that

1 you thought would be relevant as to their actions during the
2 time period in India's condition during the time period?

3 A. Yes, that's correct.

4 Q. Okay. And is the information of the data
5 contained in State's Exhibit 24 truthful and accurate for
6 what you have located in your extraction of Ms. Mullen's
7 phone and your extraction of Mr. Williams' phone?

8 A. Yes. This exhibit is essentially what I -- I
9 believe to be relevant to the investigation in terms of the
10 timeline for the welfare of Ms. -- of -- of **India M.**.
11 And I -- the only parts that are excluded is things that are
12 relatively banal, talking about going to get food or
13 something like that -- that things like that. It's all just
14 excluded from those.

15 MS. JOYNER: Your Honor, we would move State's Exhibit
16 24 into evidence.

17 MR. B. SHEALEY: No objection.

18 THE COURT: No objection to State's 24.

19 MR. B. SHEALEY: As long as that's what I've got. I
20 know it's been amended a good bit, so we're being told we've
21 seen it, so that's fine with me.

22 THE COURT: So you want to verify?

23 MS. JOYNER: I would like for him if -- if he has any
24 questions to take a look at (inaudible).

25 THE COURT: Okay. Let's make certain right now it's a

1 better time to do it than later.

2 MR. B. SHEALEY: All right. Without objection.

3 THE COURT: Without objection State's 24.

4 (State's Exhibit Number 24 admitted into evidence.)

5 MS. JOYNER: Thank you, your Honor. Move to publish
6 this at this time.

7 THE COURT: Okay.

8 MS. JOYNER: From flash drive. Yeah, I am ready.

9 BY MS. JOYNER:

10 Q. Detective Felmet, I want to begin on the first
11 substantive slide and just so the jury's going to get
12 oriented to what they're looking at. The messages in green
13 are from whose phone?

14 A. Those are from Ms. Mullen's phone.

15 Q. Okay. And the messages in blue are from whose
16 phone?

17 A. Mr. Williams.

18 Q. And the name that is in that -- that blue box, "My
19 Forever," and it's followed by emojis.

20 A. Uh-huh.

21 Q. Why is it -- why does it look like "My Forever"?
22 Is that a name that Ms. Mullen's phone has given it in her
23 contacts list?

24 A. That's correct.

25 Q. Okay. And so the date and timestamp of this first

1 message 5/22 9:28 a.m., and then in parentheses it says UTC-
2 4. Can you tell the jury -- I think you mentioned UTC
3 earlier, but can you tell the jury what that is?

4 A. So that's showing that that timestamp is corrected
5 to be local time. It's minus four hours from UTC so, yeah.

6 Q. We don't have -- so when the jury sees the UTC-4
7 in parenthesis, they don't have to worry about that. It's
8 just the time that they see 9:28 a.m. is the correct time?

9 A. If it says UTC-4, then that's local time. If it
10 says UTC zero, then that means that it's UTC time.

11 Q. That they will need to be converted.

12 A. Yes. So --

13 Q. That's converted? Okay.

14 A. Right.

15 Q. All right. So the first text, "Tell your sister
16 my number so she can something if needed since I have her
17 aggravating ass kids." All right. So these communications
18 are going -- so Jackie is saying that to Dre?

19 A. Correct.

20 Q. Okay. And as we move through the slides to the
21 next slide, we get a message. "India has been screaming
22 since you left." IDK means I -- I don't know, is that
23 correct?

24 A. Uh-huh.

25 Q. "I don't know what the f*ck gotten into her." And

1 that is the -- that time, correct 10:00 in the morning?

2 A. Correct.

3 Q. Okay. "She literally just keeps busting out
4 screaming and when I tell her to be quiet, she screams
5 louder. Oh my God, this is crazy. Just enjoy your first
6 day. Don't worry about us, I love you and call me when or if
7 you get a break or something." Okay. So that is -- and
8 appear -- that was Ms. Mullen is home alone with India?

9 A. Yes.

10 Q. Okay. Now, is there a break in those messages?
11 Is this picked back up when Dre is coming home from work?
12 Does it appear?

13 A. Yes.

14 Q. Okay. And specifically going to that -- that long
15 -- that message at 3:43:13 that's after Dre has gotten home
16 from work and it appears Jackie has gone to work, is that
17 correct?

18 A. I believe so.

19 Q. "Don't crush another blue until I get off." Is
20 there a break again in the text messaging that -- that's in
21 the presentation?

22 A. Yes.

23 Q. Okay. And does this pick back up when --
24 according to what you were seeing in the messages when
25 Jackie's going to be getting off of work?

1 A. Yes, she's getting back -- off of work and Mr.
2 Williams is picking her up.

3 Q. Okay. And May 22, 2020, was that a Friday, do you
4 know?

5 A. Yes.

6 Q. Okay. Now this is, I think an important slide for
7 us. Let's pause on it. What are we looking at here?

8 A. So this is search history. This is specifically
9 if you type on an iPhone. If you search in just the Safari
10 bar, like, instead of typing a webpage, you just type in
11 language and search. This is where that comes from. This is
12 not like if you went to Google and then typed in a searching
13 Google. Those -- those look different, but this is
14 specifically from searches made in Safari.

15 Q. And so the ones on the left are those from Mr.
16 Williams' phone?

17 A. Yes. And the red X indicates that they were --
18 they were deleted by the user.

19 Q. Okay. Are these staggered because they were in
20 chronological order?

21 A. Yeah. That's the way we try to set this up to
22 make it make more sense to the jury.

23 Q. Like, need to, like, read a timeline
24 chronologically?

25 A. Yes.

1 Q. Okay. And so the -- the internet searches began
2 at -- at 11:29, is that correct?

3 A. Yes. This is the first -- in either phone
4 indication that something is wrong.

5 Q. And going to the last search on this slide at
6 4:13:07 on Ms. Mullen's phone, what -- what is that search
7 just in case anybody can't read what that says?

8 A. It's the -- the final one on Ms. Mullen?

9 Q. The one on Ms. Mullen.

10 A. It says -- it says, "How to wipe your memory all
11 the way clean on iPhone."

12 Q. All right. So at the top of this slide, the text
13 message from 5:23, "Keep that pill near her, just make sure
14 she can breathe because she's loud." Okay. If I went back
15 -- can you -- on the paper copy, can you go back two slides?
16 Like, before the -- the internet searches. To -- to your
17 recollection, was there messaging between Jackie and Dre once
18 that internet search -- those internet searches started?

19 A. No.

20 Q. Okay.

21 A. The -- the first message on that page is the first
22 text of the next --

23 Q. Okay.

24 A. -- morning after the searches that occurred.

25 Q. Did at any point -- I know that this is -- how

1 many -- how many messages between Dre and Jackie did you
2 recover on her phone?

3 A. It's over 2000, I think.

4 Q. So at any point I'm asking you about a gap or
5 something.

6 A. Uh-huh.

7 Q. And it's not in the presentation those are for --
8 those are the extractions.

9 A. Uh-huh.

10 Q. That you need to redact those. Okay. Now, going
11 through these messages, did you -- did you feel like it was
12 important to select messages that would -- were they were
13 sometimes expressing their love for each other?

14 A. Yes. I believe this is within -- I think you have
15 to give this slide a little more context. I think they're
16 talking about how difficult things are for them at the time.
17 It may be later in this conversation.

18 Q. Going through -- and going to this -- this slide
19 the text message 5/13/2020 at 7:46 reading this text message
20 did it appear they were in the house at the same time, but
21 they were texting each other?

22 A. Yeah. If you -- if you read through their
23 messages, it -- it looks like one of them is upstairs and the
24 other one's downstairs at the time. One's in the room the
25 other one is elsewhere in the house, but I believe they're

1 both home at the same time.

2 Q. Now, going to the next slide and the first slide
3 or the first message 5/23/2020 7:46 a.m. in going to Ms.
4 Mullen's message, which is the third down, the second on her
5 side or the -- the -- but those messages together, did you
6 pull those messages for a specific reason?

7 A. Yeah, because this -- she makes a reference to
8 "It's hard going through without you even for a second." I
9 believe he's downstairs using the bathroom.

10 Q. Okay.

11 A. Basing off the context of the message, but this
12 seems to be alluding to the searches on the prior side and I
13 don't know if we're going to go back through those or not,
14 but it seems to indicate something is wrong.

15 Q. Now, going to the next slide is that Ms. -- do you
16 find that Ms. Mullen's internet search there eyes dripping
17 upwards to be significant?

18 A. Yes.

19 Q. In the next couple --

20 A. Because I think if you said it within the context
21 of the text conversation that they're having in the previous
22 searches, I believed it to be significant.

23 Q. Okay. Now, the message in blue on Dre's side
24 5/23/2020 at 8:35 a.m. Is that -- is -- is that the first
25 reference you come across of just a medicine -- getting

1 medicine?

2 A. Legal medicine, yes.

3 Q. Okay.

4 A. For her -- for India, yes.

5 Q. Okay. It -- there was not a lot of text messages
6 they're not included from the days prior and you weren't in
7 here and the jury heard some discussion about that. Is there
8 a lot of talk on this phone about buying drugs?

9 A. Yes.

10 Q. Okay. But this is the first legal medication.

11 A. This -- this is the first time I -- I -- I believe
12 they referenced getting medication for her. And -- you know,
13 my -- my assumption would be that her is India.

14 Q. Okay.

15 A. They discussed trying to sell the phone, I guess,
16 for some medication.

17 Q. Okay. And then moving to the next slide, did you
18 locate another internet search on Ms. Mullen's phone about a
19 medical condition?

20 A. Yes.

21 Q. Okay. Could you read that to the jury?

22 A. "Eyes drifting upwards and arms tightening."

23 Q. And the next several text messages discussion
24 about whether they were going to bring India to go sell the
25 phone?

1 A. I don't believe they mentioned that, no.

2 Q. Okay.

3 A. Or I'm -- I'm sorry. They -- she asked if you
4 wanted to bring her.

5 Q. Okay. And moving to the next slide, what is Mr.
6 Williams' response about having the boys around India
7 5/23/2020 8:38 a.m.?

8 A. "I don't want the boys to see her like that -- you
9 know, just let me go really fast."

10 Q. Okay. And based on the remainder of the
11 discussion, does it appear that's about going to sell the
12 phone?

13 A. And -- and to get medication I believe.

14 Q. Okay. I'm sorry, do you want me to go back?

15 A. You may want to go back to --

16 Q. Is that the right side?

17 A. No, you're going --

18 Q. Go back one more?

19 A. -- more than, I believe you need to go backwards.

20 Q. Is that the right side?

21 A. Oh, yeah. "I don't want the boys" -- and Jackie
22 makes some references. "I really don't want to be alone with
23 her."

24 Q. Okay. Now, does the -- does the -- the messages
25 go on about the success or failure of selling the phone that

1 are not included in the PowerPoint?

2 A. Yes.

3 Q. Okay. And ultimately going to 5/23/2020, does
4 Mr. Williams' phone -- does Mr. Williams appear to be talking
5 again about pain medication?

6 A. Yes.

7 Q. Okay.

8 A. Do you want me to read that?

9 Q. Yes, please read that.

10 A. "She needs pain med and I'm walking in now about
11 to delete our messages, so I love you and this message" --
12 "this is my last message. Okay. I'll see you soon."

13 Q. And again, not long after that message does
14 Ms. Mullen's phone make another internet search?

15 A. Yeah, it states "Winding noise and eyes drifting
16 in toddler."

17 Q. Okay. And going to this next grouping of messages
18 on the slide, is this the first reference during this time
19 period that you've seen to join starting the May 22nd to 26th
20 time period?

21 A. Yes, I believe so.

22 Q. Okay. And please read for the jury that -- that
23 --

24 MR. L. SHEALEY: Bless you.

25 THE WITNESS: I'm sorry, which question?

1 BY MS. JOYNER:

2 Q. Please read that section of communication with
3 Audrevious and Jackie.

4 A. "You think if you can call James and tell him I'm
5 stranded, he will help us out. Heck." Ms. Mullen says,
6 "Heck no, he's at Cracker Barrel. Plus I told him I'm in
7 Charlotte CMC with India and that's why I couldn't do
8 breakfast."

9 Q. And then going to the next slide, are there -- is
10 there communication continuing about trying to sell the
11 phone?

12 A. Yes.

13 Q. Okay. And again, are all the messages included
14 about selling the phone?

15 A. No.

16 Q. Okay. And directing you to 5/23/2020 at 9:38:48.
17 Can you please read the message on Ms. Mullen's phone?

18 A. "No big deal. The rush card hitting soon. We
19 need to spend time with each other right now anyways. We are
20 going through a lot."

21 Q. And what is Mr. Williams' reply?

22 A. "I hate that we are."

23 Q. Now, this message 9:39:44 from Ms. Mullen's phone,
24 can you please read that message?

25 A. "I hope it doesn't make you not want to be with me

1 anymore."

2 Q. And what does Mr. Williams reply?

3 A. "Why in the hell would you say that? Why wouldn't
4 I want to be with you anymore, Jackie? We are bound together
5 for" -- "we are bound together for life, bae."

6 Q. And what is Jackie's response?

7 A. "God, I was hoping you would say that. I knew you
8 would, bae."

9 Q. Okay. Now this is -- and just going back, is
10 there a -- a little bit of break in the text messaging. Were
11 there some text messages that were not included at this point
12 or do you need to --

13 A. I'd have to look. I believe so, but I need to
14 make sure.

15 Q. Well, just in the interest of time, if -- if it --
16 if it comes an issue, we'll circle back to that. But can you
17 read the 9:52:39 the message Mr. Williams sends to
18 Ms. Mullen?

19 A. "We are really getting punished too."

20 Q. And what is Ms. Mullen's reply?

21 A. "Yes, we are. Thank you for remaining by my side.
22 I couldn't go through half of this without you."

23 Q. All right. And -- okay. And I'm moving a little
24 forward in time to 10:03:26. What is the -- what is the
25 discussion -- we don't have to read all of it, but what is

1 the discussion at this point between Ms. Mullen and
2 Mr. Williams?

3 A. On the -- on the previous side, Mr. Williams
4 states that he's in pain. My assumption would be he's in
5 some sort of withdrawal. She replies back to Tia, which is
6 sent.

7 Q. Let me stop you, is that a continuous text string
8 or is there a break in those messages?

9 A. Go back one. I don't think there's a break
10 between 9:53 and 10:03, but I can double check that.

11 Q. Okay.

12 A. Oh yeah, my mistake. Yes, there is a break there.

13 Q. There is a break. Okay. And so -- and -- and not
14 to -- to get too far into the weeds on this, but this text
15 string at 10:03 and moving forward for a little bit. Is that
16 about purchasing drugs?

17 A. Yes, that -- and I know that from several other
18 references throughout their text. Tia or aunt Cindy is who
19 they seem to buy pills from often.

20 Q. Okay. And is the text messaging on this -- this
21 slide here -- oops -- you know, 10:36:46 and onward. Is this
22 also -- these first two texts also about purchasing drugs?

23 A. Yes.

24 Q. Okay. Now -- now looking to the side with
25 Mr. Williams, 5/23 at 10:47:48, does he make a comment about

1 India?

2 A. Yes.

3 Q. And what is that comment?

4 A. It says, "Man, India be on some other sh*t, man."

5 Q. And what's the next message after that?

6 A. "Please get some medicine while you're there.
7 Something that will put her to sleep maybe."

8 Q. Okay. And does that -- from that -- did that
9 appear they're -- they're separate from each other?

10 A. Yes, I believe from context of the text that
11 Jackie's meeting Cindy.

12 Q. Cindy -- meeting Cindy or?

13 A. Cindy.

14 Q. I'm sorry.

15 A. Cindy.

16 Q. Her aunt?

17 A. Yes. I think this follows that.

18 Q. You mean she meeting Tia?

19 A. Yeah, Tia Cindy her aunt. I -- well, I think she
20 calls her aunt Cindy or Tia.

21 Q. Well, there's aunt Cindy, but is there also a -- a
22 Tia in the phone?

23 A. Yeah, that's the same person I believe.

24 Q. Okay. We'll -- we'll come back to that.

25 A. All right. Thank you.

1 Q. All right. So this next slide is it also -- does
2 it -- okay, so read that top message 10:48:59.

3 A. "What'd she do?"

4 Q. And then Mr. Williams' response?

5 A. He says that "Shaking sh*t again, just please get
6 some medicine."

7 Q. And Ms. -- and Ms. Mullen replies?

8 A. "I will."

9 Q. Okay. Oh, I'm sorry. I'm going to go back and
10 Ms. -- what does Mr. Williams after Ms. Mullen says, "I
11 will." What does Mr. Williams say?

12 A. "Okay. Something that will put her to sleep so
13 she can get some peaceful rest."

14 Q. And is -- going to the next slide. They continue
15 talking a little bit about India getting her medicine and
16 food.

17 A. Yes.

18 Q. And going to the -- the last message on that page
19 5/23 at 10:58:28, that's Mr. Williams' side. Can you please
20 read that message?

21 A. It -- 28 seconds?

22 Q. Yes.

23 A. Sorry. "Everything will be okay, baby. God got
24 us. He's just taking us through this because he wants us to
25 be better parents. We'll take this hard time and learn from

1 it and evolve, baby."

2 Q. And at 11:03:55, what is Mr. Williams indicating
3 about?

4 A. "Hurry because she's in pain."

5 Q. And what -- what -- what's the next text request?

6 A. "Get some neosporin, that's better than A&D
7 ointment."

8 Q. And what does Ms. Mullen's reply?

9 A. "I done checked out, bae."

10 Q. All right. So now moving to these next couple of
11 slides, I'm going to show you slide 26 and 27. Does that
12 appear to be about purchasing drugs? I'm going back to slide
13 26.

14 A. Sorry, there --

15 Q. You going to move back to slide 27?

16 A. Yeah. She makes a reference to tramadol and he
17 says, "Call me when you can."

18 Q. And -- and then the next slide, Ms. Jackleen
19 Mullen at 11:59:54.

20 A. She states, "50 milligrams. I'm about to leave."
21 He says, "Okay." And then --

22 Q. And what -- what's her next internet search?

23 A. Those are searches for tramadol and then labored
24 breathing and unconsciousness in toddler.

25 Q. Okay. All right. And now moving to slide 29

1 5/23. We're still on the same day. So this is all started,
2 am I correct?

3 A. Yes.

4 Q. With the "Keep the pillow by your head." And
5 we're still on that same day. What does Ms. Mullen's message
6 indicate at 3:42:13?

7 A. "Babe, she's screaming, you've got to come shut
8 her up or you got to shut her up."

9 Q. And when Mr. Williams doesn't immediately come
10 back up, what is the next message?

11 A. Mr. Williams' message?

12 Q. When Mr. Williams says, "Hold on," what does Ms.
13 Mullen reply?

14 A. "Well, tell me and we'll" -- "and we'll -- okay,
15 babe, but I'm telling you, she's super loud, down to hear her
16 out there. What'd you just find out?"

17 Q. Okay. All right. Now, when we move to this next
18 slide, 5/23/20 at 3:46:30, does this appear to be discussion
19 of purchasing drugs?

20 A. Yes.

21 Q. Okay. And again, is this a part of that
22 conversation of purchasing drugs?

23 A. Yes.

24 Q. All right. So moving to -- I am going to kind of
25 move you forward to 5/24 9:22 a.m. So that is on slide 34.

1 Can you read for the Court what Ms. Mullen's message is at
2 9:22:09?

3 A. "You're going to jail and that's on my kid's
4 soul."

5 Q. All right. So running through this, does it --
6 these slides -- does it appear that they're having an
7 argument? If I go from slide 34 from what you just read --

8 A. Uh-huh.

9 Q. -- through -- oops. Through slide 38. Is this
10 part of an argument that they're having?

11 A. Yeah. And this is the next morning, I believe
12 from --

13 Q. So the 22nd was Friday, the 23rd is Saturday.
14 This is the --

15 A. Now we're on the 24th.

16 Q. This is Sunday. Okay. So -- okay, so going back
17 to slide 34, after Ms. Mullen says, "You're going to jail and
18 that's on my kid's soul." What is Mr. Williams' response?

19 A. "Jackie, what did I do to you? Why are you mad at
20 me, you, yoo?"

21 Q. And her reply?

22 A. "Oh, your dad's pissed. LOL. Can't wait for you
23 to get back here. F*ck you, b*tch."

24 Q. Okay. And moving forward in the conversation, is
25 there discussion of a -- a -- to a stolen car?

1 A. Yeah, I -- I believe the argument is over Dre
2 having her car, I guess.

3 Q. Okay.

4 A. And going somewhere.

5 Q. And read that second message 9:30:40 from
6 Ms. Mullen.

7 A. "I hope you get pulled over, and if your junky ass
8 even attempts to think that you can hide your coward ass over
9 there on Crawford Road while you smoke some weed, well,
10 b*tch, I can send them there too. Hoe."

11 Q. Okay. And what does Mr. Williams reply?

12 A. "Why are you doing this, Jackie?"

13 Q. And -- and Ms. Mullen's reply to that?

14 A. "B*tch, me and my kids ride on" -- "they f*cking
15 way, you'll never see us again." And he says, again, "Why
16 are you doing this?"

17 Q. Okay. All right. Now moving to the next slide.
18 The slide 36, 5/24/2020 at 9:3:55. What is Ms. Mullen --
19 read that text -- that string of text that Ms. Mullen is
20 sending?

21 A. "B*tch, where are you? Your f*cking parents
22 asking me questions like I f*cking did something. About to
23 curse them the f*ck out and take the kids and walk to where
24 the f*ck we're going. Come" -- "come clean this sh*t. Sh*t
25 is everywhere."

1 Q. Okay. And moving to the next slide, slide 37.

2 Please -- so Ms. -- Ms. Mullen at 9:39:49 says what?

3 A. "What the f*ck?"

4 Q. And then Mr. Williams replies?

5 A. "Okay, Jackleen."

6 Q. And then from the next -- please read those next
7 two text messages.

8 A. "Get Ari's chair the f*ck out of here and these
9 broken ass f*cking fans. Period. You're a piece of sh*t
10 without drugs."

11 Q. Okay.

12 A. And he says "I hate when you're acting like this."

13 Q. And then the next slide, slide 38.

14 A. Says "An angry piece of sh*t."

15 Q. That's Ms. Mullen's text message?

16 A. Yes. And Mr. Williams replies, "I was fine until
17 you got mad at me, Elizabeth."

18 Q. Okay. Her reply?

19 A. Says "How the f*ck does me getting mean" -- sorry,
20 "me getting mad mean Dre needs to get madder. B*tch you need
21 anger management and your ass single to you f*cking get it."

22 Q. Okay.

23 A. "OMM."

24 Q. Now moving to the next slide. We'll --

25 A. Not on the 20.

1 Q. Well, going back, so that last slide, the last
2 message you read was 5/24 at 9:43 a.m. And so moving forward
3 to the next slide, we have internet searches from the next
4 day. Was there any activity on -- or I'm sorry, telephone
5 calls. Was there any activity between that last text message
6 at the end of slide 38 at 9:43:06 and the phone calls that we
7 see on the next slide?

8 A. I don't believe there's -- there may be text after
9 that.

10 Q. Well, not -- just no text between 9:43 on 5/24 and
11 phone calls on 5/25? Just double check that just to be sure.

12 A. Yeah. You're saying no activity at all, correct?

13 Q. Okay.

14 A. Or that's what you're asking?

15 Q. I'm sorry, what was that last thing? No activity
16 what?

17 A. You're asking if there was any activity at all?

18 Q. Or any -- any text activity. Texting between --

19 A. Any text activity.

20 Q. -- between Ms. Mullins and Mr. Williams.

21 A. Sorry, I went back. I don't believe so. I want
22 to say there's a gap there.

23 Q. All right. So now at the top of slide 39, there
24 are two phone calls. Are those from Ms. Mullen's phone log?

25 A. Yes, ma'am.

1 Q. Okay. And the number, you have those marked as
2 Antonio Martin, is that the number that is indicated that --
3 that you have been able to connect to Mr. Martin through
4 being present in the interview room with him?

5 A. Yes.

6 Q. Okay. And what time does Ms. Mullen's phone call
7 Antonio Martin's phone?

8 A. 9:17 a.m. on the 25th.

9 Q. Does it appear that his phone calls her phone
10 back?

11 A. Yes.

12 Q. Okay. And now below that, are pictures that Ms.
13 Mullen has sent to Mr. Williams, is that correct?

14 A. Yes.

15 Q. Okay. And that is at 9:33:53 and 9:33:54?

16 A. Yes.

17 Q. Okay. And just to -- just to be clear, following
18 that -- that awful fight, there's been no text messaging
19 until she sends these pictures?

20 A. Correct.

21 Q. Okay. And at that point, does the conversation
22 resume with them talking about letting the boys out of the
23 room?

24 A. Yes.

25 Q. Okay. Is there also discussion on page 40 of

1 finding out if somebody sells drugs?

2 A. Yes. She says, "Your boy out here." And she asks
3 about finding out if he sells blues.

4 Q. And does it appear that they're going to be --
5 they're going to be physically separate at this point?

6 A. Yeah. Mr. Williams says to drive safe and text
7 when she gets to wherever she's going.

8 Q. Okay. And on this conversation on 41, does it
9 appear to be about purchasing drugs?

10 A. Yes.

11 Q. And also the conversation on slide 42, is that a
12 continuation of a drug conversation?

13 A. Yes.

14 Q. Okay. Now, when you were looking into Ms.
15 Mullen's phone, I think you testified previously you were
16 able to find a contact in the -- her contact list for Asia
17 Martin?

18 A. Yes.

19 Q. The bottom of that page, what is the date and time
20 of Ms. Mullen receiving a phone call from Asia Martin?

21 A. May 25, 2020 at 2:29 p.m.

22 Q. And what is the length of that phone call?

23 A. Five -- five minutes and six seconds.

24 Q. All right. Now, and just moving forward to this
25 next slide, slide number 43. If you could go to the bottom,

1 the last message 5/25/2020 at 9:39 p.m. and read that to the
2 Court.

3 A. She says, "Come feed her, bae. She's breathing
4 really hard, like why?"

5 Q. All right.

6 A. And then this is on the 26th is when they resume.

7 Q. Yes. So moving on 5/26 that's what -- what day is
8 5/26?

9 A. That would be the Monday, I believe.

10 Q. The 22nd is Friday, 23rd is Saturday, 24th is a
11 Sunday, 25th is a Monday.

12 A. So Tuesday.

13 Q. Tuesday. Okay. And it -- there's been a -- is it
14 -- is it correct that there's been a break in text messages?
15 All the text messages are not included at this point,
16 correct?

17 A. Yes.

18 Q. Okay. And these messages seem to pick back up
19 when Ms. Mullen is on the way home, is that correct?

20 A. Yes.

21 Q. Okay. And she's in -- is it -- this conversation
22 appear that she's instructing Mr. Williams to call out of
23 work?

24 A. Yes.

25 Q. And going to her call log entry on slide 45 at

1 5/26/2020 at 12:59 p.m. does she call Mr. Williams' phone
2 number?

3 A. Yes.

4 Q. Okay. And now moving to the top of slide 46
5 5/26/2020, are there a series of phone calls to and from
6 Antonio Martin?

7 A. Yes, that's correct.

8 Q. Okay. And those -- those -- they indicate that
9 they actually -- that the -- they actually spoke to each
10 other, the calls were actually answered?

11 A. Yes. Her -- her outgoing call to him for a minute
12 and 48 seconds. He calls her back for two minutes and one
13 second. The next two are roughly 30 seconds. So it wouldn't
14 be fair to say whether or not they had a conversation during
15 that time or if it didn't get a voicemail or something.

16 Q. All right. And so then we pick up with some text
17 messaging 5/26/2020 at 6:44:45.

18 A. Uh-huh.

19 Q. If you could please read that to the Court.

20 A. It's about an hour later. Her text message to
21 Williams is, "He's crying and throwing up. I just got the
22 food."

23 Q. And what --

24 A. Williams --

25 Q. Mr. Williams reply?

1 A. He says, "Damn man, I hate this. Just come onto
2 the house." Mullen replies, "Cousin's house if he asks where
3 our homie went to." And Mr. Williams says, "Okay."

4 Q. Okay. Now moving to the next slide, slide 47 at
5 10:58:46, does the call log indicate that Ms. Mullen is
6 attempting to call James?

7 A. Yes. There's two outgoing calls to James --
8 contact in her phone named James.

9 Q. A person named James. And -- and just below that
10 there -- this -- this looks different. This --

11 A. Yes

12 Q. -- box looks different. Why does this look
13 different?

14 A. That is -- these are from Snapchat.

15 Q. Okay. And what does this -- what does the date --
16 is the Snapchat -- with Snapchat, would that date and time be
17 accurate as well?

18 A. Yes.

19 Q. And what is the date and time of that message?

20 A. It's May 26, 2020 at 11:03 p.m. She's -- can I
21 read it?

22 Q. And what does the message say?

23 A. She says, "Cindy, Jay is" -- which I believe is a
24 typo, "is not allowed to be at Antonio's house. So I lied to
25 the police and I told them that she spent the night at your

1 house. Okay. So if they call you, please say that she is
2 there and I am picking her up in the morning. Okay. You
3 won't get in any trouble." Cindy replies, "Who is Jay?"
4 Which I believe is referring to the -- the typo there.

5 Q. What was the time of Cindy's reply?

6 A. 11:08. So about five minutes later.

7 Q. Now -- oops. Now, going back to the last slide in
8 the call log. Does Ms. Mullen's call log indicate that she
9 called Tia Cindy?

10 A. Yes.

11 Q. Okay. And the number 704-254-5428?

12 A. Correct.

13 Q. Okay. Is "tia" in Spanish the name for aunt?

14 A. Yes.

15 Q. Okay. And the second instant message, 11:08:45
16 from Cindy Laela 6253. "Who is Jay?" Is that just a
17 separate log entry of that same message we saw?

18 A. Yeah, that's the same message from -- this is
19 conversation view. The other one's from -- I -- I think
20 probably meant to take that one out, but that's -- that's the
21 same message again, just in from a different view.

22 Q. Okay. And does the call log indicate that -- that
23 Cindy tried to call Jackleen at 11:09:45?

24 A. Sorry, 11:09. Yes. Sorry. Yeah, there's an
25 incoming from Tia -- Cindy.

1 Q. Okay.

2 A. And a voicemail was left.

3 Q. What's that?

4 A. A voicemail was left it looks like.

5 Q. Okay. And then the last, there's the last things
6 in the log. We're looking at calls to Antonio Martin, is
7 that correct?

8 A. Yes.

9 Q. 11:13:11 and 11:13:56.

10 A. Yes.

11 Q. And calls going to the last two entries or -- I'm
12 sorry, let me -- I don't want to skip. 11:17:52 seconds. Is
13 there a call to James?

14 A. Yes. There's a two minute and 42 second call to
15 James followed by one to Cindy again.

16 Q. Is this is a -- does that -- is Cindy pick up
17 according to this record or is the -- do they connect to each
18 other?

19 A. No, that one does not.

20 Q. All right. An. then the final two entries are --
21 are to Mr. Martin, is that correct?

22 A. Yes.

23 Q. Okay. So the 5/26/2020 at 11:26:28 is to
24 Mr. Martin?

25 A. Yes. That's the first phone call heard in the

1 interview video where he doesn't answer it in time and ask me
2 if he wants me to answer it.

3 Q. Okay.

4 A. And then the second one is him calling her back.

5 Q. Okay. That's the one that's on there.

6 A. That's the conversation the jury heard.

7 Q. Okay. Now, and I know it's -- I know it's -- it's
8 getting late. So just briefly a couple of more questions.
9 Now this is a little bit off topic, I'm going to kind of
10 backtrack to something else. As an officer of the Rock Hill
11 Police Department, are you aware of whether the holding cells
12 have -- the holding cells at your -- at the law center record
13 the calls?

14 A. Yeah, I believe they do.

15 Q. And how long to your knowledge are those calls
16 retained?

17 A. I think it's 30 days.

18 Q. Okay -- okay. Detective Felmet, I'm going to show
19 you what has been marked as State's 25, 26, and 28 and ask
20 you to take a look at them. Once you had a chance to review,
21 look up at me.

22 A. Okay.

23 Q. Okay. And have you had an opportunity to review
24 those prior to court?

25 A. Yes.

1 Q. And are those messages -- text messages that are
2 also taken from your phone extraction that just weren't
3 included in State's Exhibit 24?

4 A. Yes.

5 Q. Okay. Now, beginning on -- with and that they
6 truthfully and accurately reflect messages that you
7 retrieved?

8 A. Yes.

9 Q. Okay. Now just for clarification, and on State's
10 Exhibit 25, there's a black spot here and here, is that just
11 a blocking of a conversation, a different part of a
12 conversation, it's not relevant?

13 A. Right.

14 Q. To that chain?

15 A. Yes.

16 Q. Okay. And also the State's Exhibit 28,
17 (inaudible), has just a blacked-out section. Is that also --
18 is blacking out of different part of the conversation, it's
19 not a relevant section?

20 A. Yes.

21 MS. JOYNER: Okay. Your Honor, we would move State's
22 25, 26, and 28 into evidence.

23 THE COURT: States 25 --

24 MR. B. SHEALEY: Without objection.

25 THE COURT: 25.

1 MS. JOYNER: 26, and 28.

2 THE COURT: Any objection?

3 MR. B. SHEALEY: No objection, your Honor.

4 THE COURT: Admitted without objection.

5 (State's Exhibit Numbers 25, 26 & 28 admitted into evidence.)

6 MS. JOYNER: Thank you very much, Detective Felmet,
7 please answer any questions the Defense has. Oh wait, I'm
8 sorry. Hold on. Sorry. Beg the Court's indulgence.

9 THE COURT: All right. Will you begin your cross?
10 Hold up. You all step in the jury room. I'll have you all
11 right back in here. Want to step out back I may have to talk
12 to lawyers very quickly, so we'll stand at ease for a couple
13 minutes.

14 (Jury exits room at 5:26 p.m.)

15 THE COURT: All right. Hold. You're done for today?

16 MR. L. SHEALEY: Pretty sure.

17 THE COURT: All right. I'm going to bring you all in
18 kind to the information I've gotten as far as trying to get
19 this trial finished up. Talking to lawyers a little bit, the
20 court administration (inaudible) my court reporter. So I
21 want to ask you all because you all are part of it. Here's
22 the deal, I talked to the lawyers and they're trying to
23 progress out how many more witnesses they have. Now, this --
24 this is taking into account. I've set a vacation actually
25 and court administration doesn't have a lot of vacation to

1 give me back till the end of the year and they don't like
2 that. But also, I've got a (inaudible) my job as a judge.
3 I've got a (inaudible). My turn is Tuesday culminating the
4 entire fall what I put together. So I'm not going to ask
5 that be moved. So here's the deal. The lawyers asked me, he
6 said let's ask the jury. I always like to do that because we
7 didn't (inaudible). We can work a little bit longer
8 tomorrow, 9:00 to 6:00 (inaudible). So about the same length
9 time as we did today. Be efficient. The lawyers have gotten
10 more efficient (inaudible) and you all noticed. So I'm
11 encouraging efficiency. Come back Monday, do the same thing.
12 And a lawyer suggested -- I don't know what the clerk's
13 office would say, but the security would help us.

14 Would any of you all consider working on Saturday, that
15 would help finish it up earlier. Generally weekends or week
16 -- you know people (inaudible) so be a requirement. I always
17 ask the jury first. I want you all to think about that
18 tonight. Then you all come in the morning -- come in -- 4:00
19 to 9:00, and you all talk about that. After the (inaudible)
20 morning, if you don't want to -- if one of you don't want to
21 do it, we're not doing it. That'll be a unanimous thing. So
22 let's work Saturday morning and try to finish everything up
23 Monday, then we'll be done.

24 It's not going to work Sunday. (Inaudible) not going
25 to work. Only you all to do that for me. So I'd like to be

1 efficient tomorrow. Keep moving. Maybe we'll order in lunch
2 and work through lunch and (inaudible) we'll help with that.
3 Think about Saturday morning, do the same thing Monday, walk
4 through lunch to try to get this case presented and we can
5 get the case to its conclusion. So that's what I'm -- that's
6 why I popped off the bench. I want to go talk to Judge Hall.
7 My other option is to trade with another judge with him
8 taking over the case. That's difficult. Put your
9 (inaudible). Both of them get (inaudible). It's probably
10 easy for me to keep, but Tuesday's out so it'll be maybe
11 Saturday. But let's work efficient tomorrow, more efficient
12 Monday. Tuesday is out, and then come back Wednesday. We
13 don't -- I don't want to come back Wednesday. I want you all
14 to be done. They want to be done Monday, everybody there.
15 So does that sound appropriate or reasonable? Yes, sir.

16 MR. ANTHONY: Your Honor, just a quick question. If be
17 accelerated (inaudible), when do we think (inaudible)?

18 THE COURT: Probably Monday.

19 MR. ANTHONY: Sometime Monday?

20 THE COURT: Yeah. If it works Saturday morning, we
21 will get it done Monday. If we work hard and efficient
22 tomorrow and Monday, we may -- you all may have it Monday
23 afternoon. That's probably the easiest thing to do. So
24 working a Saturday morning will -- I think, assure that from
25 what the lawyers have told me because that's what we're

1 looking at. So you all -- you all sleep on that. Don't talk
2 about the case, but sleep on how we're going to get finished
3 because we're in it together. Okay? And that's why I kept
4 you all here and it said you're home because I was still
5 talking to people. I've been talking to the Court
6 administration through the email and so we are where we are.
7 Not having Monday and the Court getting shut down really put
8 us behind (inaudible). It just, did and that wasn't
9 anybody's fault except court administration. They did that
10 to the judges, that every judge in the state except to --
11 there were 180 family court judges, circuit court judges, all
12 the court of appeal judges, all -- all 46 probate judges,
13 masters in equity -- courtroom people are there. We met --
14 we met (inaudible). So -- but we met I'm sure what we did
15 (inaudible).

16 All right. You all be here court till -- talk about
17 (inaudible) whether the (inaudible) option or not. It's not
18 -- it's okay. All right. That's not a we got to do it, but
19 if you all want to do it, we'll see about making it happen.
20 Okay? That's kind of -- I'll -- I'll do it if we can. I'd
21 rather go to the football game, but case is more important.
22 This case has been sitting for three and a half years.
23 (Inaudible) day in court, and that's important. And it's not
24 -- the docket is backed up because matter of fact, lunchtime,
25 there's supposed to be two courtrooms going here in this

1 courthouse starting Monday. They want to run three
2 courtrooms, this one and two more. That's how backed up the
3 system is. This case has its own merits, it needs to be
4 resolved, and we're halfway -- two thirds of the way through
5 it. It needs to appropriately get resolved. So go sleep on
6 it, we'll talk in the morning. I'll be here 8:30-ish, or to
7 9:00, start a little early morning. Sound good? All right.
8 Here we are. You all do, we'll talk to you all's office
9 because they're not here. It's just you all two, everybody's
10 gone. So all right, we're done for the day. Don't talk
11 about the case at home, but you all can talk in the morning
12 about how to get finished when you get here in the morning.
13 We're at ease.

14 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
15 5:43 P.M.)

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1 **CERTIFICATE OF TRANSCRIBER**

2

3 I, LATASHA JEFFERSON, a court-approved transcriber, do

4 hereby certify that the foregoing is a true, accurate, and

5 complete Transcript of Record of the proceedings had, and

6 evidence introduced in the trial of the captioned case,

7 relative to appeal, in the South Carolina Circuit Court 16 of

8 York County, South Carolina, on November 2, 2023.

9

10 I do further certify that I am neither of kin, counsel, nor

11 interest to any party hereto.

12

13 August 8, 2025.

14 

15

16 LATASHA JEFFERSON

17 TRANSCRIBER

18

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25

1 CONTINUATION OF PROCEEDINGS - NOVEMBER 3, 2023.

2 MR. ANTHONY: Your Honor, I -- I'll just tell the Court
3 the second witness after Detective Felmet is Ms. Brooks from
4 DDSN. I don't know if the counsel wants to put up on the
5 record about her. Not I -- I got the indication from
6 Mr. Shealey, maybe he wanted to say something about her
7 before we call her.

8 MR. L. SHEALEY: And I do. I did speak to the
9 solicitors about rationale for putting her up. I think she's
10 a -- she's a service coordinator, so obviously there's been
11 testimony about India being a special needs child and needing
12 therapy and things like that. So Ms. Brooks was performing
13 home visits and helping coordinate services and things like
14 that. I think the point of the testimony is to elicit the --
15 the condition of the child just as being sickly, not walking,
16 not verbal and things like that. To me, we've already had a
17 good bit of testimony about the -- the condition and nature
18 of the child. To me, so this -- she would be cumulative, but
19 also there's nothing more unlawful about the killing of a
20 disabled child than a perfectly healthy child. So it really
21 runs the risk of putting information to the minds of the jury
22 that they should decide this and be more passionate and
23 emotional about it, because she's a disabled four-year-old
24 versus a perfectly healthy four-year-old. And I don't think
25 that is appropriate. So the 403 would be my objection and

1 it's cumulative.

2 THE COURT: All right. Mr. Anthony, what you got?

3 MR. ANTHONY: Well, it's -- it's the first -- she's the
4 only person who is a -- a neutral outside person who will
5 testify about India's condition. The rest of the testimony
6 is coming from people who have been impeached for various
7 reasons. The co-defendant, the co-defendant's mom. So I --
8 the State feels like it's important to have someone come in
9 who can just objectively say, this was Ms. -- this was India M.
10 [REDACTED]'s condition. And we think that it is important for
11 the jury to know that India M. [REDACTED] was a -- a different kind
12 of child than a normal four-year-old child. And that could
13 go to some degree to -- to motive for -- for the homicide.
14 And so there are factors about her that the jury is entitled
15 to do. They're just -- they're just entitled to know the
16 circumstances of the victim because that's relative --
17 relevant to the whole -- the whole underlying crime here.
18 So that's -- and -- and I will say my intention with
19 Ms. Brooks is to limit her testimony to her observations of
20 India M. [REDACTED], the service providers coming and providing
21 service to India M. [REDACTED], the effect COVID had on those
22 provisions of services. I do not intend to -- on my direct
23 ask really anything about Ms. Mullen or Mr. Williams. I --
24 I'm not seeking to use this as a way to put in bad character
25 evidence about Ms. Mullen unless the door is open to that.

1 But on direct it is just solely asking her to -- to -- to
2 describe the condition India M. was in. I also think she
3 can give -- I think she can give some assessments of India
4 that because of her education and training that maybe Mr.
5 Williams and his mom could not provide.

6 THE COURT: I think it's probably irrelevant. I don't
7 think the State should be allowed to use it to try to prove
8 different -- I don't want to call it a different type of
9 malice, but the condition of the -- the condition -- medical
10 condition or diagnosis, prognosis of the child I think it's
11 important. I don't want -- I don't want character evidence
12 coming in on the parents. So with that limitation, I think
13 she'd be allowed.

14 MR. ANTHONY: Thank you, your Honor.

15 THE COURT: Uh-huh. Now, she starts testifying as
16 objections made we'll deal with them as they come in, but --
17 all right. Ready? Get them.

18 (Jury enters room at 9:07 a.m.)

19 THE COURT: All right, folks, good morning. Thank you
20 all for you all's consensus arrivals. Still presenting on
21 Mr. -- Detective Felmet. At the first break we'll then try
22 to figure out or get the lunch orders put together and
23 bailiffs will send that in through the clerk's office and
24 then should be here when we take a lunch break. All right?
25 All right. State done?

1 MS. JOYNER: Yes.

2 THE COURT: You all -- you all are finished?

3 MS. JOYNER: Yes, your Honor. The State is done.

4 THE COURT: All right. Mr. Shealey?

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

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. B. SHEALEY:

9 Q. Good morning, Detective Felmet.

10 A. Morning.

11 Q. All right. And in effort to be efficient, I'm
12 going to talk to you and have you authenticate a number of
13 messages that you're familiar with as the cell phone
14 examiner. All right? And if you -- without reading them,
15 just acknowledge if you recognize them that they're part of
16 your extraction of Ms. Mullen's phone and Dre's phone as well
17 as any Cellebrite (inaudible). I'm going to show you what's
18 marked as Defendant's 42 entitled as extraction form. Do you
19 recognize those as search history from Dre's phone?

20 A. Yes.

21 Q. All right. Does that fairly and accurately looked
22 how it looked when I checked?

23 A. Yes.

24 Q. All right. Bear with us. It's going to take a
25 second. I'm going to show you some messages here that we

1 went over with Dre Williams, you were not in a courtroom, but
2 when you look at Defense 32 for ID to see those -- the
3 messages between Dre and Ms. Mullen regarding putting her in
4 the corner, putting Ms. -- putting India in the corner, there
5 is the message.

6 A. Yeah. I'm familiar with it.

7 Q. All right. Does that fairly and accurate look
8 (inaudible)?

9 A. Yes.

10 Q. I'm going to show you the text message I'm sure
11 you're familiar with from May 19th regarding the fall that
12 India had while Ms. Mullen was at -- at work, right?

13 A. Yes.

14 Q. Fairly and accurately look like -- look -- I'm
15 going to show you a May 26th series of text messages. I'm
16 sure there's more between the parties. Tell us what those
17 look like.

18 A. Yes.

19 Q. Right. Fairly and accurately look like
20 (inaudible). All right. These are groups -- a little bit.
21 Do you recognize these series of texts --

22 MS. JOYNER: Your Honor, may we have defense numbers
23 for the last two and this current one?

24 MR. B. SHEALEY: Sorry about that. The last one was
25 Defendant's 40, the one before that was Defendant's 18. The

1 one he has now --

2 THE WITNESS: 30 -- 30.

3 MR. B. SHEALEY: Is Defense 30. Do you recognize these
4 messages?

5 THE COURT: You plan on introducing all of them?

6 MR. B. SHEALEY: I introduce all these groups. Yes,
7 your Honor.

8 THE COURT: These are subparts of something that's
9 already been introduced, isn't that right?

10 MR. B. SHEALEY: That have been impeached through
11 Mr. Williams, yes, sir. No -- no, these are -- these are not
12 argument introduced by the State. So I mean I have that at
13 some point --

14 THE COURT: I thought the whole conversation was
15 introduced.

16 MR. B. SHEALEY: No, your Honor. Not all.

17 MS. JOYNER: That's correct, your Honor. Not the whole
18 conversation.

19 THE COURT: Okay.

20 MR. B. SHEALEY: 2000 -- 2000 messages. Do you
21 recognize --

22 THE COURT: I meant -- I meant all the ones that they
23 went through yesterday. I understand the whole conversation.
24 But what he prepared is a subset of the conversations that
25 Ms. Joyner went through with -- as that -- that was

1 introduced.

2 MR. B. SHEALEY: That's in evidence.

3 THE COURT: And this is subparts of that?

4 MR. B. SHEALEY: Just a couple. A lot of the stuff we
5 were impeaching with Dre that he (inaudible).

6 THE COURT: All right. Just make certain we identify
7 the numbers.

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

9 THE COURT: All right.

10 BY MR. B. SHEALEY:

11 Q. You recognize Defense 31?

12 A. Yes.

13 Q. I'm going to show you Defense 37 regarding some
14 text about money. You recognize that between the parties?

15 A. Yes.

16 Q. All right. Showing you Defense 38 regarding a
17 financial state the messages between the parties.

18 A. Right. Yes.

19 Q. All right. Showing you Defense 39 look at that
20 real quick then regarding financial state between the
21 parties.

22 A. Yes.

23 Q. Showing you Defense 33 regarding some text message
24 regarding Keon and jealousy between the parties.

25 A. Yeah.

1 Q. Okay. Showing you 34 regarding messages between
2 the parties about how they need each other and he deserve
3 (inaudible).

4 A. Yeah, I'm familiar.

5 Q. Familiar with Defense 35 as well?

6 A. Yes.

7 Q. And then that was regarding jealousy there is a
8 text message in mind Defense 36 you recognize that fairly and
9 accurately in your extraction. Last subset here, Defense 24
10 we've already -- keep that in mind.

11 A. Uh-huh.

12 Q. All right. Similarly Defense 25?

13 A. Yes.

14 Q. Similarly Defense 26?

15 A. Yes.

16 Q. Again, regarding anger issues on Defense 27?

17 A. Yeah.

18 Q. Defense 28 regarding violence and wanting to
19 change.

20 A. Yeah.

21 Q. This bit -- little bit more Defense 29 this is in
22 your PowerPoint, and you're going to jail and that's on my
23 kid's soul messaging.

24 A. Familiar. Yes.

25 Q. All right. All these text messages that I showed

1 you fairly and accurately represent true and authentic
2 versions of the messages from the extraction that you got off
3 the phones.

4 A. That -- I haven't read every message, but yes, I
5 would say that they've all been printed from the report we've
6 provided.

7 MR. B. SHEALEY: (Inaudible).

8 MS. JOYNER: Absolutely. Your Honor, it will take me a
9 moment just to go through these, your Honor. So I beg the
10 Court's indulgence.

11 MR. B. SHEALEY: Defense (inaudible).

12 MS. JOYNER: I won't -- I won't -- I'll not --

13 THE COURT: I didn't (inaudible) all those. I just
14 couldn't. So I need him to repeat it.

15 MR. B. SHEALEY: I'll -- yes, your Honor. I'll repeat
16 them once I get them in.

17 (Off the record at 9:17 a.m.)

18 (On the record at 9:37 a.m.)

19 MS. JOYNER: Your Honor, we do not have any objections
20 to -- we do have an objection to Defense 42, I believe is the
21 number which we'd like to take up with the Court. But we do
22 not have an objection to the entry of Defense 32, 18, 40, 30,
23 31, 37, 38, 39, 33, 34, 35, 36, 24, 25, 26, 27, 28, or 29. So
24 we did have an objection to one of the exhibits and we'd like
25 to be heard outside the jury on that. Your Honor, do you

1 want us to approach on the objection of 42 just to speed
2 things along?

3 THE COURT: Sure. Let me see it.

4 MS. JOYNER: Okay.

5 (Bench conference at 9:38 a.m.)

6 THE COURT: Ms. Joyner, (inaudible) modification you
7 good with this one?

8 MS. JOYNER: Yeah -- yeah. With that -- with that
9 clarification no objection.

10 THE COURT: So the objection was resolved by agreement
11 of the parties. Perfect.

12 MR. B. SHEALEY: All right, your Honor, without
13 objection I seek to move all these in. I don't know if the
14 records -- you want me to do it again?

15 THE COURT: No, I'm going to call it out.

16 MR. B. SHEALEY: Okay.

17 THE COURT: I followed her. She said the State have no
18 objection to all of these except 42. You all have now
19 resolved 42. So exhibits by the Defense 18, 40, 30, 31, 38,
20 39, 27, 28, 29, 32, 37, 33, 34, 35, 26, 24, 25, 26, 42 all
21 without objection. There you go.

22 (Defendant's Exhibit Numbers 18, 40, 30, 31, 38, 39, 27, 28,
23 29, 32, 37, 33, 34, 35, 26, 24, 25, 26, 42 admitted into
24 evidence.)

25 MR. B. SHEALEY: Thank you, your Honor. Beg the

1 Court's indulgence.

2 THE COURT: Uh-huh.

3 BY MR. B. SHEALEY:

4 Q. All right. Detective Felmet, so you're -- you
5 wear two hats, you're a detective, but you are also a super
6 phone guy, right? You're a -- you're qualified as an expert
7 in digital cell phone forensics, right?

8 A. Digital forensics in general, but yes.

9 Q. Okay.

10 A. Okay.

11 Q. Well, in this case it's digital forensic cell
12 phone expert, correct? But now you're aware that there's two
13 phones we talked about Dre's and Jackie's, are you aware of
14 -- in your investigation in this case says detective with
15 Rock Police Department, that Dre actually sold his Samsung.

16 A. Uh-huh.

17 Q. Okay. I'm going to show you a full report that
18 was -- this shows that Samsung actually did successfully sell
19 at a kiosk, right?

20 A. Right.

21 Q. Okay. And then this says a full report to
22 Investigator Smith detailing that transaction, right?

23 A. Correct.

24 Q. Where is that? You got that?

25 A. Yes, we got that.

1 Q. Did you extract it?

2 A. I did not.

3 Q. We don't have any idea what's on his other phone?

4 A. No.

5 Q. Again, you're here as an expert because phones are
6 really important, right?

7 A. Yes.

8 Q. They can't lie.

9 A. Correct.

10 Q. Phones are just full of data. I think you said
11 something like -- you said something at the very beginning
12 about, I mean, they're incredibly important on big case
13 investigations.

14 A. Yes.

15 Q. But that one was not looked at?

16 A. No.

17 Q. That's right. And I know you said that Dre's
18 phone was not factory reset, but is that what you said? It
19 wasn't on factory reset?

20 A. It was not factory reset. No.

21 Q. But he did delete the messages?

22 A. The -- his messages between -- I think there's
23 only two sets of text messages on there. And both that were
24 recovered -- excuse me, deleted messages that were recovered
25 had been deleted. Yes.

1 Q. So that's why when we're looking through all these
2 messages, I'm going to show you some in a second. It's all
3 from really Jackie's phone perspective, right?

4 A. Correct.

5 Q. So that's how we can see how she had named Dre in
6 her -- in her phone, right?

7 A. Yes.

8 MR. B. SHEALEY: Okay. Jody, you can (inaudible) real
9 quick? Jody, can you get me going please up here? We can
10 publish this to the jury because it's already in evidence.

11 BY MR. B. SHEALEY:

12 Q. So I'm going to ask you a couple questions back
13 here. If you can't hear me, let me know. Now, when you got
14 Jackie's phone, you testified that you -- you know, it was
15 recovered by Detective Beach, right?

16 A. Yes, I believe so.

17 Q. Do you understand from your investigation that it
18 -- actually Detective Beach got it from Dre, Dre had Jackie's
19 phone in his possession?

20 A. Yes, that's correct.

21 Q. I am going to take you to a couple messages. I'm
22 not going to belabor this because we did go through this
23 yesterday, but I just want to talk to you about a couple
24 things. So the "My Forever," again, that's -- the blue is
25 always going to be Dre, and the green is always going to be

1 Jackie, right?

2 A. Yes.

3 Q. So I'm going to read you this text. "So we just
4 going to have to get some medicine that puts her to sleep. I
5 need to go and sell the damn phone FR." For real. "We need
6 that medicine. We can't afford for her to keep making noise
7 like this." So we can't afford, right? So that's Dre again
8 texting that we can't let that happen, right?

9 A. Yes.

10 Q. So I think we're moving fast yesterday when this
11 slide, I'm not sure it got actually presented, but here
12 again, we've got Dre at the very bottom referring to Jackie,
13 "You got five minutes to be back at this damn house, or I'm
14 spazzing on your ass. Play with me." What does -- what do
15 you think spazzing means? I mean, I know you're an expert in
16 cell phones, but from your detectives experience, what does
17 that mean?

18 A. It could be a variety of things. I suppose he is
19 going to get angry with her or I'm not -- I'm not really
20 certain.

21 Q. Okay. And again, we referenced this text message
22 up top from Jackie to Dre, "You're going to jail and that's
23 on my kid's soul," right?

24 A. Yes.

25 Q. And then again here, she's basically telling him

1 -- calling him a junkie and a coward, right?

2 A. Correct.

3 Q. This is a pretty important text message in my
4 opinion, but she's basically saying, "Your f*cking parents
5 are asking me questions like I did something. I'm about to
6 curse them the f*ck out and take the kids where are we
7 going." Right?

8 A. Yes. That's what the text message say.

9 Q. Here towards the bottom. She's telling him he is
10 a piece sh*t of without drugs, right?

11 A. Yep.

12 Q. Now here she's saying, "How does me getting mad
13 mean that Dre needs to get madder b*tch, you need anger
14 management and you're single until you get it," right?

15 A. Yes.

16 MR. B. SHEALEY: Jody, can you -- oh, never mind. I've
17 got it. Let me see if I can switch this over.

18 BY MR. B. SHEALEY:

19 Q. So, Detective, I'm going to show you a couple
20 things here and I want to just take one exhibit that's
21 already in. So you can understand and come together. But
22 you see this message, which is Defense 32. Take a look at
23 it.

24 A. Uh-huh.

25 Q. And take a look at these two with it. And I'll

1 ask you a couple questions real quick.

2 A. Okay.

3 Q. All right. Did you see that the messages relate
4 to India being placed in a corner by Dre and there's a
5 thumbnail from the extraction that's just a larger image
6 that's already in evidence, right?

7 A. Right.

8 Q. Okay. Real quick.

9 A. Sure.

10 Q. That up on your screen, you all see? Okay. So
11 again, this is basically that thumbnail, right?

12 A. Right.

13 Q. Okay. It was a conversation about Dre placing
14 India in that corner there, right?

15 A. Yes. I believe Jackie said something to the
16 effect of she bet that he let her sit down or something. I
17 -- I -- I -- I'm assuming from their messages that I've read
18 before was that punishment was to have her stand in place
19 somewhere.

20 Q. And here she's saying after that image is sent,
21 "Hmm, okay, babe. Sad, why you move her," right?

22 A. Uh-huh.

23 Q. And then here Dre is telling her "Because she was
24 getting on my nerves," right?

25 A. Yes.

1 Q. Okay. And again, what's already in evidence as
2 Defense 7 and that's that reference from that corner,
3 correct?

4 A. Yes.

5 Q. Now, I know you're familiar with this text. I'm
6 going to show you Defense 18 again -- you know from your
7 review of this case, this is when Dre's at the house with
8 India and that Jackie is at work, right?

9 A. That's correct.

10 Q. And again, as Dre is saying on May 19th, "Your
11 daughter is so hardheaded, she f*cking fell and hit her damn
12 face on the door by the wall because she keep moving when I'm
13 telling her to stand still. Now we have a big bruise to hide
14 on her face, SMMFH." And you understand to mean shake my
15 motherf*cking head, right?

16 A. Yes.

17 Q. I'm sorry, I don't think I can just put it back up
18 on the railing. And again, going back to that PowerPoint.

19 A. Uh-huh.

20 Q. Those are messages that aren't just sequential,
21 right? Those are -- I think you testified in response to the
22 prosecutor, those are what are relevant to the prosecution,
23 right?

24 A. Yes. So there -- there portions taken from the --
25 the full report and extraction in all 2000 messages have been

1 provided. I was tasked with going through and pulling out
2 messages and chronological dating between the 22nd and the
3 26th.

4 Q. Right.

5 A. I believe is what it was.

6 Q. And you were working with the solicitor's office
7 to prepare that PowerPoint, right?

8 A. Correct.

9 Q. They had actually in the past week it had a number
10 of revisions, maybe even three, right?

11 A. Yes.

12 Q. That make it more about how you all wanted it or
13 they wanted it, right?

14 A. So can I speak to my revisions or?

15 Q. Sure.

16 A. So those were to filter out a bunch of duplicate
17 entries that were in because of the nature of the way that
18 stuff's pulled out, there was several where it looks like
19 there's multiple searches for the same search string when
20 it's all really just the one. So we were just simplifying it
21 for the sake of the jury in the presentation.

22 Q. As you testified yesterday, it's for what you feel
23 is relevant -- you all feel is relevant to the prosecutor?

24 A. Correct.

25 Q. I want to go over these text messages and this is

1 Defense 40. This is from May 22nd. And again, just before I
2 start asking you, all but the last page are -- just to
3 confirm are from May 22nd, the very last text message is from
4 the 23rd.

5 A. Yes.

6 Q. Now these text messages start at -- on May 22nd at
7 2:26 p.m., right?

8 A. Yes.

9 Q. And that would've been on that day. And you know
10 from your investigation into what Dre has now said, that
11 would've been when he had come back from FedEx and was in
12 care of the children and then he and Jackie passed, like,
13 shift in the night and she's at work, right?

14 A. Yes.

15 Q. Okay. So we're talking about some things that are
16 normal, miss you, love you from Dre, right?

17 A. Uh-huh.

18 Q. Here's Dre saying he understands about Jackie's
19 pain she's going through. You understand that she's got
20 scoliosis, right?

21 A. Is that a question? Sorry.

22 Q. Yeah. And you understand from the records that
23 she's got a back issue, right?

24 A. Yeah. I believe she's complaining about a back
25 problem.

1 Q. It's a bunch of normal stuff. So here when again,
2 Dre is taking care of India and per his account, India is
3 supposed to be badly beaten at this point. So here he is
4 texting Jackie at work that he's just bored as hell, right?

5 A. Yes.

6 Q. "Shake my head," right?

7 A. Uh-huh.

8 Q. And he wants to be with her.

9 A. Yes.

10 Q. Talking about needing some money, right?

11 A. Yes.

12 Q. And here's relevant to India "Feeding India right
13 now, all that girl is is ribs," right?

14 A. Correct.

15 Q. Nothing about injuries, right?

16 A. No.

17 Q. He is asking if "Tia's got some blues, bae,"
18 right?

19 A. Yes.

20 Q. I mean, he is so concerned about India and the
21 alleged injury. He's letting Jackie know "I finally got to
22 watch John Wick III, bae," right?

23 A. Yes.

24 Q. Again, you're familiar with this one. This is
25 Defense 29. Actually, before I get to that, let's just cover

1 this last one with you up top. "No, I don't drop it. Ask
2 you a thousand times did you text Nelson? You keep ignoring
3 me, so I'm about to stop asking you that because I guess you
4 don't want to text him. I don't see why not, but whatever.
5 I don't care anymore. We can just be sober tonight. F*ck
6 it. We don't need them sh*t anyway." So he's just basically
7 expressing frustration about maybe not being high that
8 evening, right?

9 A. I suppose so, yes.

10 Q. Again, we're familiar with this one Defense 29,
11 this is March 24th, "You're going to jail and that's on my
12 kid's soul," right?

13 A. Yes.

14 Q. "F*cking parents ask me questions like I did
15 something," you know that when I covered that with you from
16 the PowerPoint, "I'm about to take my kids and leave," right?

17 A. Yes.

18 Q. And this isn't in the PowerPoint, but "You're a
19 piece of sh*t without drugs and an angry piece of sh*t,"
20 right?

21 A. Yes.

22 Q. And again, this is all sequential. It's not moved
23 in or -- or changed in any way, right?

24 A. Correct.

25 Q. I want to talk to you about what you learned from

1 these text messages about Dre holding things to Jackie. I
2 mean, had that cell phone of hers that Detective Beach had to
3 claim, right?

4 A. Okay.

5 Q. Yes, sir?

6 A. Yes.

7 Q. So here's a text message thread from May 12th
8 where Jackie's just having to ask him, "Okay. Just give me
9 money when you get here. I'll text the total when I order
10 it." So basically that's a reference to him having her
11 money, right?

12 A. I -- I guess so, yeah.

13 Q. And again, texts are important because they can't
14 lie, right?

15 A. The context of the text. No.

16 Q. Yeah, the text can't be changed, but it's for
17 reasonable people to determine the context, right?

18 A. Right.

19 Q. So this -- is again about their financial stress.
20 This is Jackie talking about needing the blue and we broke,
21 right?

22 A. Yes.

23 Q. I'm sorry, "You didn't tell me we was broke,"
24 right? So she makes the money, but he didn't tell her or
25 they didn't have any money, right?

1 A. I -- yeah, I suppose that's what she's insinuating
2 there. Yes.

3 MS. JOYNER: What number is?

4 MR. B. SHEALEY: That's Defense 38.

5 MS. JOYNER: Thank you.

6 BY MR. B. SHEALEY:

7 Q. And he's agreeing. "Yeah, we short right now,"
8 right? Right there.

9 A. Yes.

10 Q. So again, they're talking about the financial
11 straits and here's Jackie again in green said, "You" -- "you
12 got my ID though," right?

13 A. Yes.

14 Q. I'm just going to put this in. We don't need to
15 go through it, but you recognize this as Defense 42 is a full
16 subright -- well, subright search -- so Dre history, right?

17 A. Uh-huh.

18 Q. You all had some of that in the PowerPoint?

19 A. Yes.

20 Q. That looks correct?

21 A. Correct.

22 Q. Correct?

23 A. Yeah. Uh-huh.

24 Q. We looked out some of this, but you recall these
25 search terms about floating in out of consciousness after

1 getting beat up, right? And Dre is searching.

2 A. Yes, I'm familiar with them.

3 Q. "Brainstem damage symptoms," right?

4 A. Yes.

5 Q. "Signs of the broken rib in toddler," right?

6 A. Correct.

7 Q. Now, regarding physical abuse to other children by
8 Dre, and here's the start of this message on May 13th from
9 Dre again in blue. "So A.J. pushed Dre down the stairs.
10 Shake my head," right?

11 A. Yes. I believe A.J. and Dre are their children in
12 common. I'm not certain on that.

13 Q. Well, no, that's not true. But you don't have to
14 know that. But you can -- you can read that text, right?

15 A. Right -- right. Yes.

16 Q. And then in green here, Jackie is saying, "Well,
17 what did you do," right? Right?

18 A. Yes.

19 Q. "And why weren't you watching them? Your door
20 should always be open," right?

21 A. Correct.

22 Q. Again, because very frequently Dre is the one
23 that's providing childcare, right? Because he was unemployed
24 that time.

25 A. Correct.

1 Q. Until the very end. So you agree here, Dre's
2 admitting to popping A.J. and talk to him afterwards. Like,
3 "Why would you do that? I want to know what his thought
4 process be. And Jackie, my door is open. It has been open
5 since we had that talk about that last week," right? But he
6 is -- he is admitting here to popping A.J., right?

7 A. Yes.

8 Q. You understand that A.J. is a four-year-old,
9 right?

10 A. Yeah. I -- I don't personally know how old he is,
11 but I know they have other kids. Yes.

12 Q. Do you -- and do you know that India was four
13 years old at the time of her death?

14 A. Correct.

15 Q. And then here's a reference, you know, sometimes
16 later Dre's "You don't seem so talkative with me today,"
17 right?

18 A. Uh-huh.

19 Q. And that's after he's saying he popped Jackie's
20 child, right?

21 A. Yes.

22 Q. Again, here's Dre on May 9th saying, "I got to get
23 high. This little girl is stressing me out," right?

24 A. Yes.

25 Q. Great. And who's the only female child in that

1 home? In terms of who they were taking care of?

2 A. I -- I can't speak to the 9th because --

3 THE COURT: He's the phone guy.

4 THE WITNESS: They're --

5 THE COURT: You all keep -- you all keep putting him on
6 the spot about what all that means. You -- you -- that's the
7 interpretation for somebody else to do.

8 MR. B. SHEALEY: Sure.

9 THE COURT: He just printed that out for you.

10 MR. B. SHEALEY: And you see here --

11 THE COURT: Both sides have done that way too much
12 about what the abbreviations mean and --

13 BY MR. B. SHEALEY:

14 Q. Well, I mean, you're aware that India is a -- a
15 female child that Dre takes care of, right?

16 A. Yes, I'm aware of that. I just -- there's other
17 children at some point that are taken care of, I believe in
18 reference to sister's kids. I don't know their genders. So
19 I -- I can't speak to -- I'd have to speculate as to what
20 they're referring to. Yeah.

21 Q. We're not going to actually do that. And here Dre
22 is saying, "I need them bad," right?

23 A. Yes.

24 Q. And you know from looking at these messages that
25 Dre is -- is frequently looking for drugs, right?

1 A. Yes.

2 Q. There's a reference to drug use. "Hit up Tia, I'm
3 going to getting my sister to let me borrow some bread too.
4 She said she's going to let me know," and then here in green,
5 Jackie say, "No, because we don't have the money," right?

6 A. Correct.

7 Q. I want to talk about two last things with you
8 regarding jealousy from these messages and domestic violence.
9 Trying to be as efficient as I can. We've heard reference to
10 Keon in this case. And again, Dre is in blue. "You know
11 what Keon said is what made me mad. I see how that man looks
12 at you every time we get something from him and it piss me
13 off, Jackie. You right, I was in my feelings. I shouldn't
14 have said what I said, Jackie. Please come back to me,
15 baby." So your reference that text message regarding Keon.

16 A. Yes.

17 Q. Again, here they're in an argument. Dre is
18 saying, "You always got to win every argument. Huh? You got
19 to make me beg and plead till my face turn blue, shake my
20 head. I hate you so much because I need you so much. Sh*t
21 pisses me off so bad," right? So he's saying he's -- he's
22 pissed in that moment, right?

23 A. That's what the text message says. Yes.

24 Q. So again, here she's referencing "Bring me my
25 card," right?

1 A. Yes. That's what she says.

2 Q. And he's saying, "Let me know when you're out."

3 To Jackie, "You're not going to stop being upset to whatever
4 -- you know I love you and I let my jealousy get the best of
5 me all the time. And I'm sorry for that. Wish you would
6 just calm down and stop with all the madness." So he is
7 saying he's jealous and he is sorry, right? At least in this
8 message.

9 A. I -- I -- I agree with what the messages say. I'm
10 not --

11 Q. Yeah, that's all I'm asking.

12 A. -- going to get into it.

13 Q. Again, you'll agree that here, "I love you so" --
14 "love -- "love always wins over hate. Just know your mines
15 and mines alone." You agree he said that, right?

16 A. That's what the message says. Yes.

17 Q. That I want to talk to you a little bit about
18 domestic violence in these text messages. So you agree here
19 -- again, Jackie is in green. "I don't want that sh*t. Your
20 fat ass ugly mom you got" -- "look at me all disgusted like I
21 f*cking did something to her. Big fat f*cking ass like she
22 know her f*cking son is a f*cking mini woman beater," right?
23 You agree she says that?

24 A. That's -- that's what she says.

25 Q. Again, Jackie here in green. "What the f*ck? We

1 not arguing. You snatched my food from me. The f*ck. Then
2 try to f*cking damn near choke me when I tried to dip. Give
3 me my kids, period."

4 A. Yes, that's what it says.

5 Q. "Tried to near damn choke me when I tried to dip,"
6 right?

7 A. Yes.

8 Q. And then he's responding about choking her and he
9 is saying, "Jackie, I was just grabbing your arm. Come on
10 baby. Please answer the phone," right?

11 A. Yes.

12 Q. So here he is on May 13th so we're -- we're close
13 in time to the relevant time. It's all in the month of May,
14 "Because you can't have any" -- "you can have any man you
15 want, you deserve the world and I can't give you that right
16 now, but if you give time, I promise you I'll give you
17 everything like you deserve to have, Jackie. Just give me
18 time. Don't leave me, baby." And she's saying, "Ain't money
19 I need or want," right? That's her text?

20 A. Correct.

21 Q. So she's saying here, "It's been three years. The
22 only thing that really turns me all the way against you
23 sometimes is when you put your hands on me. That's the only
24 thing that'd be having me" -- "me ready to run. Other than
25 that, I act hard, but I adore you, period," right? She's

1 saying that?

2 A. Yes.

3 Q. Now he's responding. "Yeah. I need to step up
4 and stop putting my hands on you FR FR." Could that be for
5 real for real?

6 A. Yeah. Generally, yes.

7 Q. "I know I adore you as well and I shouldn't hurt
8 the one I adore because I know I would kill anyone if I see
9 them trying to hurt you or if they do hurt you and that's
10 real sh*t. I love you." That's -- the blue is Dre again,
11 right?

12 A. Correct.

13 Q. And again, regarding domestic violence and abuse
14 by Dre again blue. And Dre, "Jackie, please believe me, I'm
15 going to prove to you that I'm not going to lie about nothing
16 anymore, period. We love each other. Please stop. I will
17 not hurt you again. I promise you, Jackie," right? That's
18 Dre?

19 A. Yes. Correct.

20 Q. Again, regarding anger issues, all this green is
21 just Jackie, right?

22 A. Yes.

23 Q. And here, this is May 18th. So that's one day
24 before the May 19th text that we referenced where Dre's
25 talking about India having a fall, right? And a bruise to

1 hide?

2 A. Yes, I believe so.

3 Q. So here's Jackie one day before that saying that,
4 "I love you but I'm not dealing with your anger issues no
5 more. If you love me, then let it be that," right?

6 A. Uh-huh.

7 Q. Then she says, "Stop mistreating me and misusing
8 me. The kids don't need to see that and really, Dre, do you
9 want me to feel how I feel" -- "felt earlier? All I could do
10 was cry. I'm tired of loving you." She says that?

11 A. Yes.

12 Q. And then she says, "No, I'm not answering your
13 call. I'm done with that," right?

14 A. Correct.

15 Q. Again, this text message is from May 19th. Now,
16 this is the message day from when he's letting her know what
17 -- that India fell, right?

18 A. Yes.

19 Q. And again, they're going through an argument about
20 putting hands, but let me just -- let you see this one. The
21 blue again is Dre. So he says, "Just thinking about when my
22 mom was getting on me and you was telling me how it wasn't a
23 funny matter and how you" -- "how you don't want to deal with
24 it like my mom's did. And I was looking you in your eyes and
25 I was like, I'm going to change because I don't want you to

1 ever leave me. And we kissed and that just showed me how
2 much you really mean to me and how I really want to be with
3 you for the rest of my life. I love you always and forever,"
4 right? That's Dre?

5 A. Yes.

6 MR. B. SHEALEY: Beg the Court's indulgence.

7 BY MR. L. SHEALEY:

8 Q. Just back to a series of text messages regarding
9 May 22nd. And again, these are the ones I referenced Defense
10 40 when Jackie would've been at work and Dre would've been
11 with the children, right?

12 A. Correct. It's yeah -- 2:00 in the afternoon so,
13 yes.

14 Q. This would've been the time frame when Dre
15 would've come home and for his account have seen India
16 damaged, right?

17 A. I don't know about that.

18 Q. Okay.

19 THE COURT: Text message say what they say. You all --

20 MR. B. SHEALEY: That's fine.

21 THE COURT: You all -- you all both -- both sides have
22 done way more read this. It is what they mean. It's what it
23 says.

24 MR. B. SHEALEY: All right.

25 THE COURT: Not what it means.

1 BY MR. B. SHEALEY:

2 Q. So this starts at February -- or May 22nd at
3 2:26:16 p.m., right?

4 A. Correct.

5 Q. And it ends all the way through the end of the
6 last May 22nd text message -- message that says here, right?

7 A. Correct.

8 Q. None of these messages from Dre and this is
9 (inaudible) knowledge. None of these text messages between
10 Dre and India (sic) during that time frame are for India's
11 health, correct?

12 A. Dre and Jackleen?

13 Q. Dre and Jackie. Sorry. Yes.

14 A. No, they're not.

15 Q. Okay.

16 A. Are (inaudible) me that or -- oh, sorry. No, I --
17 they did not. No.

18 MR. B. SHEALEY: Beg the Court's indulgence. Thank
19 you, Detective Felmet. That's all I have. Yes. I said
20 nothing further. I have no more questions.

21 MS. JOYNER: I'm sorry. I'm sorry. I had a couple of
22 questions on re-direct. I'll make it brief, your Honor.

23 MS. JOYNER: Mr. Shealey, are you going to remove these
24 stickers?

25 MR. B. SHEALEY: Yes. I'm going to do that as soon as

1 we get them. You can start taking those off now if you want,
2 but I --

3 MS. JOYNER: Okay.

4 MR. B. SHEALEY: -- before they get them, I was going
5 to take all those off.

6 MS. JOYNER: Okay.

7 MR. B. SHEALEY: Erin, this is the Powerpoint.

8 MS. JOYNER: All right. Thank you. Can you take them
9 off? I'm just going to remove them from my (inaudible).

10 MR. B. SHEALEY: Okay. Thank you. Thank you.

11 MS. JOYNER: Get these back (inaudible). Are you
12 pulling any of those, Judge?

13 THE COURT: Sure. The jury has several.

14 MR. B. SHEALEY: Those --

15 MS. JOYNER: I think the jury is done. I'll take them
16 back. Well, they --

17 THE COURT: I -- I don't care. I mean they get -- get
18 them in the jury room.

19 MS. JOYNER: Okay.

20 RE-DIRECT EXAMINATION

21 BY MS. JOYNER:

22 Q. Okay. Now, Mr. Shealey asked you about Defense
23 Exhibit 40, which are text messages from May 27, 2020 and the
24 testimony was that those were not included in the Powerpoint,
25 is that correct?

1 A. Correct.

2 Q. Is there any reference to India being in distress
3 in any of those text messages?

4 A. No, ma'am. I don't believe so, but I will --

5 Q. Okay. And did you include in your PowerPoint from
6 May 22, 2020 text messages that regard India being
7 distressed?

8 A. Yes.

9 Q. Okay -- okay.

10 A. Yeah, there's --

11 Q. Detective Felmet, I'm going to show you -- I'm
12 going to ask you for your opinion on what's been as State's
13 28 and I'm going to hand you what's been marked as Defense 33
14 and entered as Defense 33, Defense 24, Defense 34, 35, and
15 36. I'm just going to ask you if you can -- if it -- if the
16 multiple defense exhibits of party appear in State's 28.

17 A. These (inaudible).

18 Q. I'm sorry, say --

19 A. Do you want me to address these individually?

20 This one is (inaudible).

21 Q. I'm sorry. You're saying there's a gap where?

22 A. There's a gap between (inaudible) up and down
23 (inaudible).

24 Q. And you're referring to the defense exhibit?

25 A. Yeah. Skipping -- skips forward to 11:35

1 (inaudible) 11:30. So this resumes (inaudible).

2 Q. Okay. Are you able to tell substantially the
3 messages -- all these defense exhibits for (inaudible)?

4 A. Yes. This should -- well (inaudible) this -- this
5 encompasses all those things without -- for the sake of time
6 and everything else. I'm not -- unless you want me to read
7 every individual messages.

8 Q. No, but I'm just adding...

9 A. Appears that all of this is within this and then
10 this also has more than less (inaudible).

11 Q. Okay. So you mean that State's 28 has more than
12 what has been in these Defendant's exhibits come on?

13 A. Correct.

14 Q. Okay. Now looking at what's been entered as
15 State's Exhibit 26 and what's been entered as State's Exhibit
16 18. And if you'll just tell the jury if the message -- if
17 there are similar -- same messages in those two exhibits.

18 A. All of these messages (inaudible).

19 Q. All the defense -- all the (inaudible) Defense 26?

20 A. Yes. (Inaudible).

21 MS. JOYNER: Okay. No further questions, your Honor.

22 THE COURT: You may step down.

23 DETECTIVE FELMET: Thank you.

24 THE COURT: Good time for the break. You all step in
25 the jury room, don't talk about the case. The lunch order

1 forms will be coming to you so you all order whatever you
2 like.

3 (Jury exits room at 10:32 a.m.)

4 THE COURT: All right. We'll be at ease.

5 (Off the record at 10:33 a.m.)

6 (On the record at 10:57 a.m.)

7 THE COURT: When it gets here, we'll -- within 15
8 minutes to find a breaking point, not let them meet. All
9 right. We good?

10 MR. L. SHEALEY: As far as I know. Anything we need to
11 pick up?

12 MR. ANTHONY: We're -- we're ready.

13 THE COURT: All right.

14 MS. JOYNER: Your Honor, the only thing is though, I
15 think after Ms. Brooks testimony, we'll get into Sergeant
16 George's testimony and we're going to be trying to enter a
17 picture that I know that Mr. Shealey objects to. So I don't
18 know if we need to take that up right now or just wait until
19 the testimony

20 THE COURT: Wait the testimony. It'd be probably good
21 time to have a break.

22 MS. JOYNER: Okay.

23 THE COURT: Hopefully we'll be efficient. All right.
24 Call your witness.

25 MR. ANTHONY: Next witness is Ms. Brooks.

1 THE COURT: Come here to the center where the Bible is
2 before you, and have a seat.

3 AMANDA BROOKS,

4 being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. ANTHONY:

7 Q. Would you state your name, please?

8 A. Amanda Brooks.

9 Q. Ms. Brooks, how are you employed?

10 A. I work for Max Abilities, York County Board as an
11 early interventionist.

12 Q. And you say York County Board what? The York
13 County Board of what agency?

14 A. DSN, Department of Disabilities and Special Needs.

15 Q. So Max Abilities is -- is what?

16 A. It's the new name.

17 Q. The new name?

18 A. Uh-huh.

19 Q. For the York County branch of the South Carolina
20 Department of Disabilities and Special Needs?

21 A. Yes.

22 Q. Okay. What do you do there? What's your job?

23 A. I'm an early interventionist, so I work with
24 special needs children. I provide play therapy.

25 Q. And is there an age limit to the children you work

1 with?

2 A. Usually five or six.

3 Q. How long have you been an early interventionist
4 with DDSN?

5 A. 15 and a half years.

6 Q. And in -- in that job, what is the -- the process
7 you normally go through with a DDSN client and family?

8 A. So the referral is sent to us through BabyNet,
9 which is the first agency from birth to three, and then we
10 contact the family and start by providing an initial
11 assessment and plan.

12 Q. Okay. And after you set up that plan, what does
13 that normally entail you'll be working towards?

14 A. Whatever the child needs is, if it's language,
15 gross motor, all those areas of development.

16 Q. And then how often do you normally see the kids
17 you work with?

18 A. Usually one time a week for an hour.

19 Q. Did DDSN -- was -- was DDSN involved with India
20 Martin?

21 A. Yes.

22 Q. And when did that involvement begin?

23 A. Well, BabyNet -- the involvement with BabyNet
24 began at birth and then DDSN picked up when she turned three.

25 Q. And in -- in your role at DDSN as an early

1 interventionist, did -- did you yourself become involved with
2 India M. ?

3 A. Yes.

4 Q. And when was that? Like just month and year?

5 A. June 2018.

6 Q. Okay. And as in -- in your role as the
7 interventionist for India M., how often would you see
8 her?

9 A. Usually one time a week for an hour.

10 Q. Okay. And aside from you doing the -- the play
11 therapy with India, were there also other services that were
12 provided for her through DDSN?

13 A. Yes.

14 Q. And what were those?

15 A. She had speech therapy, physical therapy, and
16 occupational therapy.

17 Q. And then were there any services out of the home
18 that were eventually provided?

19 A. India did attend school when she turned three.

20 Q. And how long -- and -- and often would that be?
21 The school part of it?

22 A. It was usually Monday through Friday, two and a
23 half hour program.

24 Q. And then in your interaction with India, did --
25 did the COVID outbreak change how you were able to interact

1 with your clients?

2 A. Yes.

3 Q. And how -- how did it change it?

4 A. So we were no longer allowed to go into the homes.

5 Q. And was there -- did you try doing anything
6 instead of that?

7 A. I would try to contact and then I also provided
8 like resource packets as well.

9 Q. So when your interaction with India was -- was
10 stopped, where was she staying at that time?

11 A. As far as I knew she was at the Utah Trail
12 address.

13 Q. Did you ever see her on Gentle Breeze Lane?

14 A. No.

15 Q. Okay. And the other therapists that were
16 providing for her were -- would -- did -- to your knowledge,
17 did they ever go to the Gentle Breeze Lane residence?

18 A. Not that I know of to my knowledge.

19 Q. Okay. So at the time that you were -- were
20 required to quit going to -- to India's home in March of 2020
21 what was -- what was her mobility like, first of all?

22 A. So she did have a walker. She also had a chair.
23 She was able to stand, but it was supported.

24 Q. Was she able to walk?

25 A. No.

1 Q. And what was her communication ability?

2 A. She was nonverbal. She would make some sounds,
3 she would use signs, but it was a lot of assistance.

4 Q. Okay. So she could -- she could make sounds but
5 not form words?

6 A. No.

7 Q. Okay. And when you say make signs, what -- what
8 are you referring to?

9 A. Just like simple baby signs. More, please.

10 Q. Okay -- okay. Was she toilet trained?

11 A. No.

12 Q. And how was she fed?

13 A. So she did have a feeding tube, but she was also
14 to -- was able to be mouth fed as well.

15 Q. And just -- just in your -- in your experience,
16 her cognitive ability, what would you look in it to as far as
17 a developmentally normal child?

18 A. I would say that maybe she was probably still a
19 baby close to a 1-year-old.

20 MR. ANTHONY: All right -- all right. Thank you.
21 That's everything on direct.

22 MR. L. SHEALEY: Just briefly, your Honor. I -- I'm
23 going to --

24 THE WITNESS: Sorry.

25 MR. L. SHEALEY: -- ask you two questions.

1 THE WITNESS: Okay. Sorry.

2 CROSS-EXAMINATION

3 BY MR. L. SHEALEY:

4 Q. Ms. Brooks, I mean, I think we talked about you
5 working for DDSN and coming into the home to provide kind of
6 play therapy services, right?

7 A. Yes.

8 Q. Something that you do in your career for children
9 that -- that need help more help than your average kid,
10 right?

11 A. Yes.

12 Q. In India's case, I think you said she was not
13 verbal and couldn't stand without assistance and things like
14 that, correct?

15 A. Yes.

16 Q. And I believe you said that you would visit her in
17 home like once a week on average?

18 A. Uh-huh.

19 Q. And part of that is to do some of these therapy
20 sessions to target certain needs to help improve a child like
21 mobility or motor skills, things like that?

22 A. Yes.

23 Q. And when you were there, I guess like Jackie would
24 be present, correct?

25 A. Yes.

1 Q. And you would kind of take a documented note, I
2 guess, of what was going on and what were the goals of that
3 play session or therapy session?

4 A. Yes.

5 Q. Okay. And I think you said that that had to taper
6 off due to COVID unfortunately, right?

7 A. Yes.

8 Q. And that was tapered off March of 2020?

9 A. Yes.

10 Q. And prior to that though, I think you said that
11 India also received or had the ability to go to school
12 weekly?

13 A. Yes.

14 Q. I think you said Monday through Friday?

15 A. Uh-huh.

16 Q. And where would that be?

17 A. Central Child Development Center. And that is
18 located in Rock Hill.

19 Q. You said that she would go for like two and a half
20 hours of a day there?

21 A. Yes. That's what's typical for children special
22 needs.

23 Q. Okay. And then once COVID hit, you were sending
24 in kind of, I think, if I heard you correctly, like, tips to
25 keep up the motor skills improvement with parents and all

1 that, right?

2 A. Yeah, just like an activity packet.

3 Q. All right. You got a big old packet of stuff from
4 you and all of your handwritten notes about your visits. But
5 I guess when you're -- when you're visiting, if you notice a
6 parent -- I guess part of the goal is to teach parents the
7 skills so they can do this when you're not there, right?

8 A. Yes.

9 Q. Okay. I guess if you'd noticed a parent being
10 extremely rough with a special needs kid, you would write
11 that note and then address that with the parent, right?

12 A. Yes, or we'd have to -- you know, report it.

13 Q. Right.

14 A. Make a call.

15 Q. You didn't do that in this case, right?

16 A. No.

17 MR. L. SHEALEY: All right. That's all. Thank you.

18 THE WITNESS: Uh-huh.

19 THE COURT: Anything else, Mr. Anthony?

20 MR. ANTHONY: No, your Honor.

21 THE COURT: Thank you. There we go.

22 MS. JOYNER: Your Honor, the State's next witness is
23 Sergeant John George. Can you please ask Sergeant George to
24 come in.

25 SERGEANT JOHN GEORGE,

1 being duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. JOYNER:

4 Q. Good afternoon -- or good morning, Sergeant
5 George, how are you?

6 A. Good.

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

9 A. It's John George.

10 Q. How are you employed, sir?

11 A. I'm a sergeant with the Rock Hill Police
12 Department.

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

15 A. Yes.

16 Q. How long have you been with the Rock Hill?

17 A. 27 years.

18 Q. I'm sorry, how many years?

19 A. 27.

20 Q. And in what capacity are you -- are you formal --
21 or currently working with the Rock Hill?

22 A. Currently I am the sergeant and supervisor in
23 charge of our forensics -- forensics unit and our evidence
24 room.

25 Q. Could you explain to the jury a little bit about

1 what the forensic service unit is? Okay.

2 A. Yes. Sorry, I started coughing out there.

3 Forensic service unit for the Rock Hill Police Department is
4 our crime scene unit. We handle everything from car
5 break-ins all the way to homicides.

6 Q. And how -- how many years have you been with the
7 forensic service unit?

8 A. Just about 20.

9 Q. 20 years. And -- and in order to be a police
10 officer, do you have to receive particular training and
11 education?

12 A. Yes.

13 Q. Do you additionally receive education and training
14 when you are working in the forensics field?

15 A. Yes, I have about \$1,100 worth of specialized
16 training in forensics.

17 Q. Now, going back to early morning hours of May 27,
18 2020, were you working with the Rock Hill Police Department
19 on that date?

20 A. Yes.

21 Q. And on that date, did you become involved in an
22 investigation at 520 Gentle Breeze Lane?

23 A. I did.

24 Q. Do you recall approximately what time or did you
25 go out to that residence?

1 A. Yes, I did.

2 Q. Do you recall approximately what time you went out
3 there?

4 A. I think it was a little after midnight, right
5 around there. I'm not exactly positive of the exact time.

6 Q. Were you the only forensic service unit officer
7 that was dispatched out?

8 A. No. Investigator Askew was also dispatched.

9 Q. Okay. And when you arrived at the residence, were
10 you briefed about the nature of the investigations and the
11 areas you'd be processing?

12 A. Yes.

13 Q. And did you search the trash?

14 A. I'm sorry?

15 Q. Did you search the trash outside?

16 A. Yes.

17 Q. Did you search a car in the driveway?

18 A. Yes, a minivan.

19 Q. Okay. And ultimately, did you -- were you called
20 upon to search a bedroom in the house?

21 A. Yes.

22 Q. Okay. And did -- you said Officer Askew -- about
23 Officer Askew searched that bedroom with you?

24 A. Yes.

25 Q. As part of your -- part of the forensic service

1 unit's job, do you photograph the scene?

2 A. Yes, we do.

3 Q. Do you photograph before you search?

4 A. Yes.

5 Q. Do you also sometimes photograph after you search?

6 A. Yes. We will photograph before we search as we're
7 searching if we find anything. And then we'll also
8 photograph afterwards too.

9 Q. Sergeant George, I'm going to show you what's
10 already been entered as Defendant's Exhibit Number 10. I'm
11 going to show you this picture. Do you recognize Defendant's
12 Exhibit 10?

13 A. Yes. That is the entrance to the bedroom that we
14 did search that night.

15 Q. And do you remember what the general state of that
16 bedroom was?

17 A. It was cluttered. Lots of items all over the
18 place.

19 Q. I am going to show you what's been marked for
20 exhibit purposes as State's Exhibits 2, 3 and 4 (inaudible)
21 you can at a look for me.

22 A. Okay.

23 Q. And just let me know when you're ready to answer
24 the questions.

25 A. Okay.

1 Q. Do you recognize State's Exhibits 2, 3 and 4?

2 A. I do.

3 Q. And what do you recognize that exhibit as?

4 A. That -- that would be the bedroom that we searched
5 that night or early morning.

6 Q. And are those pictures an accurate representation
7 of how that bedroom appeared when you first entered it?

8 A. Yes.

9 MS. JOYNER: Your Honor, we move State's 2, 3, and 4
10 into evidence.

11 MR. L. SHEALEY: No objection.

12 THE COURT: State's 2, 3 & 4 admitted without
13 objection.

14 (State's Exhibit Numbers 2, 3 & 4 admitted into evidence.)

15 MS. JOYNER: Thank you, your Honor. We move to publish
16 those please to the jury. Madam Clerk, I think I'm going to
17 try to use the Elmo.

18 MR. L. SHEALEY: You can use ours if you need it. It's
19 up.

20 THE COURT: It's on right now.

21 MS. JOYNER: On your zone?

22 MR. L. SHEALEY: Ours, I mean, yeah.

23 THE COURT: (Inaudible) see the wood.

24 MR. L. SHEALEY: Yep.

25 MS. JOYNER: Madam Clerk, if you could publish from

1 this and that's what you identified Defendant's Exhibit 9.

2 THE COURT: Rotate that -- rotate that 90 degrees
3 clockwise.

4 MS. JOYNER: Okay.

5 THE COURT: That's -- that's clockwise. There you go.

6 MR. L. SHEALEY: I can always focus on these too.

7 BY MS. JOYNER:

8 Q. Okay. And is that angle standing out in the
9 hallway and going into the bedroom?

10 A. Yes. When you come up the stairs of the
11 residence, you turn left and it kind of loops around and then
12 the bedroom is straight ahead like that. And that would be
13 the door to the bedroom that we searched.

14 Q. I'm going to put up now that's going to be the
15 State's Exhibit 2. Now, what are we looking at here in
16 State's Exhibit 2?

17 A. So if you're looking directly from the door that
18 we just showed the picture of and looking in the room, it's
19 right about where the doorframe would be taking a picture
20 directly into the room into the corner that was kitty corner
21 away from the door.

22 Q. Now, in this picture there's a mattress that is
23 propped up. What -- what is that mattress propped up?

24 A. That is propped up on a dresser.

25 Q. Okay. And there's a door that is in the -- that

1 corner. Is that a door that leads anywhere?

2 A. That door is the closet door. If you look to your
3 left, you can see where the hinge would be faulty, that's
4 where that door came from.

5 Q. So I'm going to show you the State's Exhibit 3.
6 Is that the closet that you're talking about?

7 A. Yes.

8 Q. Okay. And that piece of furniture that is to the
9 left of the closet, is that a drawer, like, chester drawers?

10 A. Yes. That's another chester drawers right there.

11 Q. And now showing you State's Exhibit 4, is that a
12 -- a head on view?

13 A. That would be the chester drawers that was on that
14 left hand side of the photograph. Just before this.

15 Q. I'm showing you what's been marked for exhibit
16 purposes as State's Exhibit 8 and 9. If you could take a
17 look at those exhibits. Do -- do you recognize those
18 exhibits?

19 A. Yes. Those were on the dresser right there. The
20 chester drawers.

21 Q. These are photo -- these photographs the print
22 outs of what she had took?

23 A. Yes.

24 Q. Truthfully and accurately represent items that
25 were located in the bedroom?

1 A. Correct.

2 MS. JOYNER: Your Honor, permission to enter State's
3 Exhibit --

4 THE COURT: 8 and 9?

5 MS. JOYNER: 8 and 9.

6 MR. L. SHEALEY: No objection.

7 MS. JOYNER: And publish to the jury.

8 THE COURT: Moved without objection.

9 (State's Exhibit Numbers 8 & 9 admitted into evidence.)

10 MS. JOYNER: Thank you.

11 BY MS. JOYNER:

12 Q. And so this is State's Exhibit 8. Where was
13 state's exhibit -- what was -- where was this motrin located
14 within the bedroom?

15 A. On that chester drawers. I think in the one
16 picture you can actually see the box and then I think right
17 behind where the box was.

18 Q. Okay. So if I pull back up this picture of
19 State's 4, are you indicating you can see it in that picture?

20 A. I think so. It's in between -- you can see the
21 box. I believe that was the box four and then it was behind
22 that.

23 Q. Okay. And I'm going to show you what's been
24 marked as -- or already entered as State's 9. Is that -- was
25 that tylenol covered on the dresser as well?

1 A. Yeah, that would be the box I was just talking
2 about that I believe the motrin actual bottle was behind
3 that.

4 Q. And there's some medication bottles in the
5 background of -- in that photograph, are those medication
6 bottles that have the name Jackleen Mullen on them?

7 A. Yes.

8 Q. I am going to go back to State's 4 and ask you to
9 just kind of direct your attention. There is, like, a blue,
10 like, long object in the picture. Do you see that?

11 A. I do.

12 Q. And there's something located underneath that blue
13 object. Do you see that?

14 A. Yes.

15 Q. What -- what are we looking at? It's a little
16 pink object there.

17 A. Those are braces, like, for leg braces.

18 Q. And going back to State's 3, it looks like between
19 this wall and maybe that -- that piece of furniture, there's
20 a box. Do you see that box?

21 A. Yes.

22 Q. Okay. Sergeant George, I'm going to hand you
23 what's been marked as State's Exhibit 6, State's Exhibit 5,
24 and State's Exhibit 7. Do you recognize these photographs?

25 A. Yes, I do.

1 Q. And what do you recognize these photographs of?

2 A. They are from a feeding tube bag and the --
3 everything that goes with a feeding tube and I think even the
4 -- the food boxes and --

5 MS. JOYNER: We move 5, 6 and 7 into evidence.

6 MR. L. SHEALEY: Oh, without objection.

7 THE COURT: 5, 6, & 7 without objection.

8 (State's Exhibit Numbers 5, 6 & 7 admitted into evidence.)

9 MS. JOYNER: Thank you.

10 THE COURT: Photographs.

11 MS. JOYNER: We'd publish these to the jury, your
12 Honor.

13 BY MS. JOYNER:

14 Q. And so putting up here State's 7 is that the box
15 that you had indicated -- we had been talking about in the
16 previous exhibits?

17 A. Yes, I believe that is the food that would go in
18 the feeding tube or bag.

19 Q. All right. Then State's Exhibit 6, is that part
20 of the -- the -- the feeding tube and bag?

21 A. That would be the controller. I think it's the
22 pump.

23 Q. And then State's 5 that the feeding tube and bag?

24 A. Feeding bag, yeah, and tubes.

25 Q. Now, Sergeant George, when you -- when you first

1 entered the room with Officer Askew and you began searching
2 the room at that point had India M. been located yet?

3 A. No.

4 Q. And as you entered the room and you began to
5 search, did you or Detective Askew locate India M.'s
6 body?

7 A. Yes.

8 Q. And who -- who was it that located her body?

9 A. Investigator Askew was the one that actually -- is
10 the one that located -- moved an item.

11 Q. Take as much time as you need, Sergeant.

12 A. So moved a piece of clothing and saw her arm in
13 there.

14 Q. Where -- where did you recover her? Where did you
15 locate her?

16 A. In the -- where you saw the mattress, she was in
17 the bottom drawer.

18 Q. I'm showing you what's been marked for exhibit
19 purposes as State's Exhibit 14. Do you -- do you -- do you
20 recognize that photograph?

21 A. I do.

22 Q. And what is that photograph?

23 A. That is the photograph of the bottom drawer where
24 we found India. You can actually see a little bit of her in
25 the picture.

1 Q. Does that truthfully and accurately reflect what
2 you saw when you all first pulled out the door?

3 A. Yes.

4 MS. JOYNER: So we move State's 14 into evidence and
5 publish to the jury.

6 MR. L. SHEALEY: No objection to this on.

7 THE COURT: 14 is admitted without objection.

8 (State's Exhibit Number 14 admitted into evidence.)

9 BY MS. JOYNER:

10 Q. And, Sergeant, when -- you said that you could see
11 a little -- a little bit of her, is that this top corner
12 right there?

13 A. Yeah, you can see her top of her head and hair.

14 Q. Now when this -- when this discovery was made, did
15 you immediately continue searching?

16 A. No, we actually stopped. And we had to step out
17 of the room for a little bit.

18 Q. Okay. And was it necessary because you had
19 located her for you to -- for you -- for you or somebody to
20 contact Detective Smith?

21 A. That and to compose ourselves.

22 Q. Did you -- after locating her, did you have to
23 wait for the coroner's office to arrive?

24 A. Yes.

25 Q. Is that -- would that be part of your standard

1 procedure after you located the deceased?

2 A. Yes. What we would do is since we did locate her,
3 before we started moving everything that was around her, we
4 wanted to wait for the coroner's office to get there so they
5 could get pictures and assist us.

6 Q. And do you recall whether office -- whether
7 Detective Smith came back to scene?

8 A. Yes, I had -- I believe I'd either called him or
9 text him and told her that we had found her.

10 Q. Okay. And did several other officers come back to
11 scene as well?

12 A. I do remember Detective Smith. I can't remember
13 who else was not already on scene that came back to the
14 scene.

15 Q. Okay. And were you present when the coroner's
16 office arrived?

17 A. Yes.

18 Q. And who from the coroner's office arrived at the
19 scene?

20 A. Gina Goss and Chris Westover, two of the deputy
21 coroners.

22 Q. Now, once the coroner's office arrived on the
23 scene, did -- did this -- did FSU and the coroner's office
24 begin to work together?

25 A. Yes.

1 Q. And so as you're working the scene at this point,
2 are you both taking photographs?

3 A. Yes. Detective Askew I believe -- I took several
4 photographs on my cell phone and sent them to the detectives
5 that were working at the police department on it. And
6 detective or Investigator Askew also took photographs along
7 with the coroner's office taking photographs at the same
8 time.

9 Q. Okay. Are -- is it the policy of FSU to -- to try
10 to photograph this alongside the coroner's office?

11 A. Yes.

12 Q. Okay. And was it necessary at that point once the
13 coroner's office arrived for you to remove India from the
14 drawer?

15 A. Yes. The coroner's office did that. We -- we
16 collected the items that were on top of her for evidence and
17 then the -- the coroner's office actually removed her from
18 the drawer and set her on the bed.

19 Q. Okay. Now, you indicated just a moment ago that
20 you collected the items that were around her, so I'm going to
21 show you what's been marked as 11, 12 and 13 for exhibit
22 purposes.

23 A. Okay.

24 Q. And tell me if you recognize those exhibits.

25 A. I do.

1 Q. Okay. And what do you recognize those exhibit as?

2 A. If you're looking at the -- the drawer right there
3 it is the blue shirt that's there, there's a blanket blue one
4 with the -- the trim around it -- the brown trim, and then
5 there's -- you can see the pink underneath pinkish red.
6 That's -- those are the items that are there.

7 Q. So are these pictures a reflection of the three
8 items that you seized from that drawer?

9 A. Yes.

10 MS. JOYNER: Your Honor, we move into evidence State's
11 11, 12, and 13.

12 MR. L. SHEALEY: No objection.

13 MS. JOYNER: And publish to the jury, your Honor.

14 THE COURT: 11, 12 and 13 admitted without objection.

15 (State's Exhibit Numbers 11, 12 & 13 admitted into evidence.)

16 BY MS. JOYNER:

17 Q. So beginning with State's 11, is that the -- the
18 blue T-shirt?

19 A. Yes, that would be right at the front of the
20 drawer.

21 Q. Okay. And so if I'm going to go back and cross
22 reference.

23 A. Okay.

24 Q. To State's 14, is it -- is that T-shirt right
25 there at the front?

1 A. Correct.

2 Q. Okay. So going -- and then going to State's 12.

3 A. That would be the pinkish red blanket you see
4 underneath, you can see bits and pieces of it from the other
5 picture.

6 Q. And then finally State's 13.

7 A. That would be the blue and brown trim blanket.

8 Q. Now going back to State's 14, there's a couple of
9 -- it looks like little towels right here. Did you collect
10 those?

11 A. We did not. We only collected the items that were
12 actually -- she was touching and wrapped her up.

13 Q. I am going to show you, Sergeant, what's already
14 been entered as Defense Exhibit -- Exhibit 21, 22, and 23.
15 Did you recognize photographs?

16 A. Yeah, that was the pillow case that was on the
17 bed.

18 Q. And did you recover that pillow case as part of
19 your crime scene processing?

20 A. Yes.

21 Q. Okay. And -- and going back to Defense Exhibit
22 10, is that -- well, let me let you look at it real close
23 here on the Elmo. That pillow -- is that pillow case visible
24 in Defense Exhibit 10?

25 A. Yes.

1 Q. Okay.

2 A. Just past the fan.

3 Q. Okay. So I did ask you about whether it was
4 visible. It's a little hard to see on the Elmo, but is that
5 pillow case recovered from the bedroom?

6 A. Yes. Where the red fan is, you can see -- you can
7 see the white from the pillow and then the pillow case is
8 right there on the left-hand side of it.

9 Q. Sergeant, when you recovered that the pillow case.

10 A. Yes.

11 Q. Did you -- did you bag it up and you submitted it
12 into evidence?

13 A. Yes.

14 Q. Sergeant, I'm going to show you what's been marked
15 as State's Exhibit 20.

16 A. Okay.

17 Q. And ask you if you recognize that exhibit.

18 A. I do.

19 Q. Okay. Before we talk about where the victim was,
20 were you present on scene or was Detective Askew or
21 Investigator Askew present and approved when the coroner's
22 office was (inaudible)?

23 A. Yes.

24 Q. Okay. And your under -- is it based -- it's your
25 understanding that a vaginal swab was taken by assistant

1 coroner Gina Goss?

2 A. Yes.

3 Q. Now, State's Exhibit 30 who do you recognize that
4 exhibit as?

5 A. That would be the vaginal swab that was taken at
6 4:35 that morning.

7 Q. Okay. Now, is your signature in the chain of
8 custody of that vaginal swab?

9 A. Yes, it is.

10 Q. Okay. How did that swab come to be in your
11 possession?

12 A. Assistant coroner Goss did the vaginal swab, gave
13 it to Detective Askew, which was -- or Investigator Askew,
14 which was in the scene and handed it to me. I bagged it up
15 and sealed it.

16 Q. Okay. Where were you when you received that from
17 Investigator Askew?

18 A. Just outside the door. The picture you see where
19 the door is right there I'm standing in that little hallway
20 right there.

21 Q. Okay. Were you with Detective Beach at the time?

22 A. Yes.

23 Q. Okay. And when she brought out the swabs, what
24 happened to the swabs at that point?

25 A. They were putting up this evidence bag right here.

1 And they weren't sealed until later, but yes, we -- I took
2 custody of them.

3 Q. Okay. Were you in charge that day of kind of
4 being the person to maintain the evidence?

5 A. Yes, I was the evidence custodian. I -- I'm the
6 one that collected everything and turned it into the evidence
7 room and sealed everything.

8 Q. Okay. So from the time that you received it from
9 Detective Askew tell -- tell me about what happened to it
10 from there. You received it and then what happened?

11 A. From there I received it. Once we cleared from
12 the scene, we had everything in taken to the police
13 department where at that point we were taken in our lab
14 sealed it as you see the -- the seal on here with my
15 signature and the date that it was sealed and then it was
16 turned into our evidence room into a locker that morning.

17 Q. Okay. Who has -- who has access to the lockers?

18 A. The evidence room custodians that -- at the time I
19 believe there was just one custodian that has access to it.

20 Q. Okay. And if you could just --

21 A. And I get -- I do have access to it as the
22 supervisor over that unit.

23 Q. Okay. So at the time that you -- did you -- you
24 put it in this -- or you it in this envelope --

25 A. Right.

1 Q. To this red evidence tape you see over it?

2 A. Yes.

3 Q. Okay.

4 A. On the top part.

5 Q. On the top part?

6 A. Yes.

7 Q. Does -- does -- does this look exactly the same as
8 the last time you saw it on 5/27/2020?

9 A. No.

10 Q. Okay. What's different about it?

11 A. Much more signatures on it and the evidence tape
12 on the bottom.

13 Q. Okay. And so once you took it and dropped it into
14 evidence now are you familiar with the signatures of Rebecca
15 Pryor?

16 A. Yes.

17 Q. Who worked in the evidence room?

18 A. Yes.

19 Q. Okay. And where -- where did it indicate from the
20 evidence drop that it went from there?

21 A. So what I had done, we have a drop bin. It was
22 put in the drop bin. Rebecca Pryor, who was the evidence
23 clerk at the time, would took it out of the drop bin says at
24 8:18 in the morning and she would turn it and put it into a
25 bin that's in the evidence room. And I think everything from

1 that case went in one in --

2 Q. Okay.

3 A. -- and was secured.

4 Q. By the time you dropped it, it was sealed?

5 A. Yes.

6 Q. Okay -- okay. So, Sergeant George, were you
7 present -- so once you arrived on the scene -- when did you
8 leave the scene on Gentle Breeze Lane?

9 A. I would have to look at the crime scene log, but
10 it was later in that morning, probably around 4:30 -- 5:00 in
11 between 4:00 and 5:00 I would say.

12 Q. Were you on scene until such time as India had
13 been removed from this scene by the coroner's office?

14 A. Yes.

15 MS. JOYNER: Your Honor, may we approach?

16 THE COURT: Yes, ma'am.

17 (Bench conference at 11:40 a.m.)

18 THE COURT: I got a matter of law to take up. You all
19 step in the jury room, have you right back in here shortly.
20 Don't discuss the case.

21 (Jury exits room at 11:40 a.m.)

22 THE COURT: All right. Jury is no longer in the
23 courtroom. What's the exhibit number you showed me on the
24 sidebar?

25 MS. JOYNER: I'm sorry. Or so -- it was -- the State

1 -- the State's intention to enter State's Exhibit 14 through
2 this witness. So the Defendant understand the Defense had an
3 objection. I can put this up --

4 THE COURT: I thought 14 was already introduced and
5 that was the one you did. It was covered.

6 MS. JOYNER: That should have been number 15, your
7 Honor.

8 THE COURT: Let's double check.

9 MS. JOYNER: Double check.

10 THE COURT: I'm certain I wrote down 14. I don't know
11 if I was listening properly.

12 MS. JOYNER: 14 (inaudible). 15 has been entered, your
13 Honor. I can put this back on the Elmo.

14 THE COURT: I just -- make sure it says 15 on the back.

15 MS. JOYNER: It does say 15, your Honor.

16 THE COURT: All right. That's the -- maybe covered.

17 MS. JOYNER: Yes, sir, your Honor, with a little bit of
18 the head.

19 THE COURT: Right. I had it marked as 14. I must have
20 (inaudible) 14 is objectionable by the Defense because?

21 MR. L. SHEALEY: The one that she's trying to admit
22 because it's -- it is the cause of death in this case that
23 will not be disputed blunt-force trauma. The State has
24 already entered one photo that shows exactly where the victim
25 was found. So now we have another photo that I would submit

1 as cumulative. It shows more of her it's another photo.
2 We've had multiple witnesses, including the 27-year CSI
3 officer cry on the stand. So it's -- it's -- it's all about
4 the emotional impact of this. We know exactly where this
5 little girl was found. So I don't think we need to have
6 another photo of the same thing slightly different. So it's
7 cumulative. It's Rule 403. You know, our -- our Supreme
8 Court is really wanting to clamp down on the admission of
9 these photos. We're going to have a longer discussion about
10 autopsy photos. So the State seeks those in the Nelson case,
11 but it's the same thing. This is a sheer case of who did it,
12 not what occurred. So we don't need the deliberation room
13 with more and more photos of the corpse.

14 THE COURT: Let me see the picture.

15 MS. JOYNER: Yes, sir. Your Honor, I do have some
16 arguments I'd like to make in support of the admission.

17 THE COURT: All right. Let's hear it.

18 MS. JOYNER: Your Honor, during -- first of all, there
19 -- there's a corroborative -- the -- the photo does
20 corroborate the testimony of other witnesses, Antonio Martin,
21 et cetera, about her being in the drawer. But also, your
22 Honor, during the opening statement, the Defense specifically
23 mentioned the way that India was found, and specifically
24 stated that she was found in a drawer with men's clothing.
25 And the way that it was said, it would create the impression

1 to the jury that India is in a drawer full of clothing and
2 that she's been hidden away as if -- hidden away in
3 Audrevious Williams' drawer. So this -- this shows the way
4 that she was -- the way that she was hidden, that when the
5 clothing -- when the -- the various items were removed from
6 her, this is not a drawer that had clothing in it, that had
7 men's clothing in it other than a T-shirt. This is her, how
8 she was left. And so I think since the jury, during opening
9 statements has been left with the impression that she was
10 basically in Audrevious' clothing drawer, they should be able
11 to see this photograph of her. And beg the Court's
12 indulgence.

13 THE COURT: And Exhibit 15 proven it's a T-shirt and
14 three blankets?

15 MS. JOYNER: That -- yes, sir.

16 THE COURT: Okay.

17 MS. JOYNER: With two small towels, one big towel, a
18 blanket and a T-shirt.

19 MR. L. SHEALEY: And to the state's point on that, I
20 don't -- I don't know how the additional photo without
21 clothing does any more or less to prove whose drawer it was.
22 I think the chance to prove that would've been through
23 Audrevious, which I don't think the State asked any questions
24 on that, but -- so I don't think it does any -- anything to
25 prove -- you know, possession of whose drawer it is. But it

1 is -- I'll just renew my same objection, your Honor.

2 MS. JOYNER: Your Honor, I think all the case law, I
3 point that -- that -- you know, there's a lot -- a big volume
4 of case law on autopsy photos. When you go to State v.
5 Collins, your Honor, there's a case from 2014. In State v.
6 Collins, unlike a lot of other cases that involve pictures of
7 deceased people. This does not involve autopsy photos. It
8 involves pre-autopsy photos. Collins was a case, and that
9 cite is 400 S.C. 524. And that is from the Supreme Court
10 2014. And Collins was -- excuse me, Collins was a case that
11 involved pre-autopsy photos. It was a -- a dog bite case,
12 involuntary manslaughter and death by a dangerous dog. But
13 in the -- in the discussion of Collins, there is a discussion
14 about ways in which photographs may be relevant. I apologize
15 to court. Let me find the -- the Collins citing to another
16 case. So the bottom of six going on to seven. The actual --
17 you know, page numbers at the bottom of the page, and citing
18 to another case says, "Even the most gruesome photographs may
19 be (inaudible). If they tend to shed light on any issue to
20 corroborate testimony or if they are essential in proving a
21 necessary element of the case are useful to enable the
22 witness to testify more effectively or enable the jury to
23 better understand the testimony. Other acceptable purposes
24 are to show the condition of the victim's body. The probable
25 type of or location of the injuries and the position in which

1 the bodies were discovered."

2 So it's -- we are offering it to show where the body
3 was discovered, the way that it was concealed to -- you know,
4 give some context to some statements and opening by the
5 defense that imply that this trial was in a drawer full of --
6 you know, men's clothes. You know, I think that unlike a lot
7 of other cases, the autopsy cases where the -- the jury is
8 being asked to look at something that is gruesome, this is
9 while unpleasant, it's not a gruesome -- it's not a gruesome
10 photograph. There are many -- many photographs that have
11 been provided to the Defense. And this is, I think, not --
12 not a gruesome photograph unpleasant because she's a deceased
13 child, but not gruesome.

14 MR. L. SHEALEY: Your Honor, may I approach? Just from
15 Passio case since state reference Collins. Because we're
16 going to be talking about Nelson. Nelson's talks about
17 Collins. It says really the only reason that Collins was
18 appropriate is because the nature of the injuries was in
19 dispute. Here, the nature of the injuries are not in
20 dispute. So that it's cited as being the only reason that
21 was acceptable in Collins. And so I think that -- that's one
22 to pass it up as we -- whenever we talk about autopsy photos,
23 we'll talk about Nelson because it's the latest greatest from
24 our Supreme Court a couple months ago about how we should be
25 doing this.

1 MS. JOYNER: But I -- but I also believe, your Honor,
2 Nelson touches upon the idea that when something is brought
3 up in -- something is not in dispute. So it -- as in I think
4 Nelson, the opening statement was very clear that the only
5 thing that it was in dispute is who did it. In this
6 particular case, we have an opening statement that's created
7 a perception of the way that this child had been left in the
8 drawer. This photograph goes to -- you know, clarify and
9 show the jury that she wasn't in a drawer full of men's
10 clothing. She was hidden away in a drawer. And when several
11 items were removed, this is where she was.

12 MR. L. SHEALEY: The disputed photo doesn't show
13 clothes on top. That's why I'm struggling to understand.
14 But one that's already admitted shows the nature of some
15 clothes a men's blue T-shirt, but the one that the State is
16 seeking to admit doesn't show any clothes. So I'm -- dispute
17 that the case law topic talks about a manner and cause of
18 death, extent of injuries as a reason to show a -- a photo
19 that could inflame the passion and the prejudice of the jury.

20 MS. JOYNER: Your Honor, beg the Court's indulgence.

21 THE COURT: Looking at the picture, I don't see any
22 indications of an injury other than she is not quite short
23 enough to fit in -- fit in the drawer. I mean, she's kind of
24 warmed in there, but folded up probably 80 percent. I don't
25 see any actual or acute injuries to her side that I'm

1 viewing. I think out of abundance of caution I'm going to
2 suppress this one. As I understand you've got autopsy photos
3 that perhaps will be relevant to the manner and cause of
4 death, but the picture Exhibit 15 shows per the testimony of
5 the Sergeant George as to what drawer the child was found in
6 and what was covering her. There's a picture exactly of
7 that. I don't want to argue men's clothing, but there's a
8 singular T-shirt and the rest are blankets or linens or some
9 of that sort, so...

10 MS. JOYNER: And we -- I don't think that the State
11 intends to enter and just for the Court's information to
12 whatever -- however it affects the ruling. It's not our
13 intention to offer autopsy photographs in this case. This
14 will be the single photograph of the deceased that the jury
15 would view.

16 THE COURT: Well, it's been my experiences if you admit
17 something, then there's, like, you give a mouse a cookie,
18 then there's one more thing and then there's one more thing
19 and there's one more thing, and then there's one more thing,
20 and then there's two more things and most trials have that.
21 That doesn't change my ruling I'm sticking with it. I think
22 the -- this photo should not be admitted. There's the other
23 two photos -- there's two other photos of the child in the
24 drawer covered one slightly more than the other. I think
25 that's very sufficient to prove the way the child was

1 placed in this drawer. And however you want to describe
2 that.

3 MS. JOYNER: Thank you, your Honor.

4 THE COURT: So that's my ruling. I'm going to have
5 these cases back if (inaudible) the exhibit. Well, it's been
6 marked State's Exhibit 14 for the record. You all ready to
7 continue on?

8 MS. JOYNER: State's ready, your Honor.

9 THE COURT: All right. Bring them in please.

10 (Jury enters room at 11:55 a.m.)

11 THE COURT: All right. Continue on, Ms. Joyner.

12 BY MS. JOYNER:

13 Q. Okay. Sergeant George, we're almost done. I
14 wanted just to follow back through and I have a couple of
15 questions for you. Going back to State's Exhibit 14 and just
16 so the jury can understand how India was positioned in this
17 photo -- in this drawer, can you kind of give some
18 descriptors to us about how -- which side was she laying
19 lengthwise in the drawer?

20 A. Yes.

21 Q. Which side was her head? If you could just give
22 me some detail in the photograph that let me know where her
23 head was.

24 A. Okay. If you look at the top left corner of the
25 picture, you can see her head right there, a little bit of

1 her hair. And then her legs were down at this -- on the
2 right-hand side crossed across each other laying on her back
3 with nothing underneath her.

4 Q. And so I think you testified those two little
5 small towels were not seized?

6 A. Correct.

7 Q. Is that correct? Okay. And this -- the three
8 items represented in State's 11, 12 & 13, which is the
9 T-shirt, this blanket or towel and this blanket. Were those
10 the only other things in that drawer with India?

11 A. Yes. Those were the only other things.

12 Q. All right. Now, Detective, I'm going to show you
13 what was entered through another witness as State's Exhibit
14 15 and take -- take a look at that.

15 A. Okay.

16 THE COURT: State's 15?

17 MS. JOYNER: 15, your Honor.

18 THE COURT: It the same one?

19 MS. JOYNER: It's a -- it's a -- this was previously
20 entered through Detective Smith.

21 THE COURT: All right. Well, State's 15 was just
22 identified by him. This is another 15, isn't it?

23 MS. JOYNER: No, sir, your Honor. Well --

24 THE COURT: Where's -- where's the other picture you
25 just had? That's -- that's why I'm confused. We had 14 and

1 15 and now we've got --

2 MS. JOYNER: Your Honor, 15 was entered through
3 Detective Smith earlier.

4 THE COURT: Still State's exhibit.

5 MS. JOYNER: Yes -- yes.

6 THE COURT: 15.

7 MS. JOYNER: Yes, it's entered. Yes, sir.

8 THE COURT: I know it's entered, but there's two 15s
9 now. One you just showed him. Where's that one?

10 MS. JOYNER: This -- this is the one I just showed him.
11 This is the only State's Exhibit 15, your Honor.

12 THE COURT: Now, the other picture with the -- it had
13 the T-shirt in it. Where is that one?

14 MS. JOYNER: I -- let me --

15 THE COURT: I don't think I'm crazy.

16 MS. JOYNER: Was 14.

17 THE COURT: 14 was the other one we just discussed
18 because we talked about it. I -- I had that one as 14. This
19 -- that one it's right here.

20 MS. JOYNER: This one is State's 14 (inaudible).

21 THE COURT: All right. Now, the one that we just
22 discussed, we talked about it being 14.

23 MS. JOYNER: Uh-huh.

24 THE COURT: That's where I was getting at.

25 MR. ANTHONY: Erin, Mary says -- Mary says you all

1 we're calling 14 -- we're calling 14. She says it's 16.

2 MS. JOYNER: Oh -- oh, your Honor. Your Honor.

3 MR. ANTHONY: It's 16. She says we're calling 16 14.

4 THE COURT: You just say I'm right from there.

5 MS. JOYNER: In that picture, I think I have misstated
6 the number earlier in the argument it was Exhibit 16.

7 THE COURT: Okay. So 14 and 15 are both in. Okay.

8 MS. JOYNER: Yes, sir.

9 THE COURT: I need to -- I need to renumber mine before
10 I hand them back to you.

11 MS. JOYNER: I apologize, your Honor.

12 THE COURT: It's okay. So that was -- all right.
13 There's both of that. Continue on.

14 MS. JOYNER: Okay.

15 THE COURT: I feel much better.

16 BY MS. JOYNER:

17 Q. I'm going to read that number right this time,
18 okay?

19 A. Okay.

20 Q. I'm going to show you what's been already entered
21 through Detective Smith as State's Exhibit 15. Do you
22 recognize that photograph?

23 A. I do.

24 Q. Okay. And is that photograph that was taken by
25 forensic services?

1 A. Yes, it was.

2 Q. Okay. And so just to help the jury because the
3 other photograph was not as clear, is this also a picture of
4 how India was before she was removed from the drawer?

5 A. Correct.

6 Q. And had this -- for purposes of this photograph,
7 had the blanket been pulled back a little bit so that you
8 could confirm that -- that you were back seeing India?

9 A. Yes, as before in the picture, the blue T-shirt
10 was removed and also the two towels that were on top and we
11 pulled back the blanket a little bit also.

12 Q. Okay. And is that India's arm right there?

13 A. That would be her right arm right there. And if
14 you continued down, you can see her right knee, her leg is
15 folded up by the reddish pink blanket.

16 Q. And her right leg you said were folded over?

17 A. Yes.

18 Q. Okay. so she did not fit -- she was longer than
19 the drawer?

20 A. Correct.

21 MS. JOYNER: Okay. Thank you. Please answer any
22 questions the Defense has.

23 MR. L. SHEALEY: May it please the Court?

24 THE COURT: Sure.

25 CROSS-EXAMINATION

1 BY MR. L. SHEALEY:

2 Q. Good barely afternoon, Sergeant George. You've
3 been doing crime scenes for a long time, I think you said 20
4 years.

5 A. Yes, sir.

6 Q. And you have a very important job in -- in law
7 enforcement, correct?

8 A. Correct.

9 Q. At least I think so. Because you get called to a
10 crime scene, correct?

11 A. Yes, sir.

12 Q. And it's your specific training that allows
13 evidence collection, right?

14 A. Correct.

15 Q. So that things can be properly preserved and
16 packaged so that one day they may be very important in trial
17 such as this, correct?

18 A. Correct.

19 Q. And some of that you've probably come to a
20 thousand crime scenes? Probably?

21 A. Probably.

22 Q. Or more?

23 A. Yes.

24 Q. Okay. And sometimes they're fairly simple but
25 sometimes they leave a mark on you, right? Like this one.

1 A. Clearly.

2 Q. And but you're looking for things like shell
3 casings often, right?

4 A. Yep.

5 Q. You want to go in the scene and make sure you're
6 not kicking around showcasings, correct?

7 A. Yes.

8 Q. You're looking for DNA sometimes because the DNA
9 can help decide maybe who touched something or did something
10 in the case, correct?

11 A. Right.

12 Q. Like, that swab you took in this case could be
13 potentially tested and might have some DNA analysis that
14 could be significant, correct?

15 A. Correct.

16 Q. Do you have any personal knowledge of the -- that
17 testing in this case?

18 A. Just from the reports I read.

19 Q. Ended up not being significant, right?

20 A. Are you talking about the swab that the assistant
21 coroner --

22 Q. Yes.

23 A. Okay. Yes.

24 Q. Ended up not being significant?

25 A. Correct.

1 Q. But you don't know that your job is to get it and
2 see if it is significant?

3 A. Correct.

4 Q. And you have some training of course in -- in how
5 to take photos kind of as you're moving through a place so
6 that it makes it easier for lawyers like us to see, all
7 right, here's the entrance way, here's a hallway.

8 A. Correct.

9 Q. Kind organically see where the layout of a crime
10 scene or house.

11 A. Yes.

12 Q. And so you -- you are doing all of that in this
13 case, correct?

14 A. Myself and Investigator Askew. Correct.

15 Q. And I guess you're the senior crime scene agent
16 and she's maybe less senior.

17 A. Yes.

18 Q. Equally preserving and collecting evidence?

19 A. Correct.

20 Q. And so one of the things that you're doing is
21 taking -- did you take a picture of this specific door
22 because it had a hole in it or just because it was entrance
23 way in the bedroom or perhaps both?

24 A. Investigator Askew took that picture. That would
25 probably be just because it might have been the significance,

1 like you said, of the door with the hole and also that's the
2 entrance way to the room that we were going to search at the
3 time.

4 Q. Okay. And pictures were taken of this green
5 pillow case, correct?

6 A. Correct.

7 Q. Because potentially that red stain could be blood,
8 right?

9 A. Correct.

10 Q. But you know from following the case it wasn't
11 blood?

12 A. Correct.

13 Q. You recall some other holes in doors in this case,
14 in other parts of the house?

15 A. In other parts of the house or --

16 Q. Upstairs.

17 A. -- specifically --

18 Q. Like the bathroom door.

19 A. I think so. Do you have a picture?

20 Q. I'm looking -- this is the one I was looking at.

21 Do you recall this door as well that appears to be the
22 bathroom?

23 A. I believe I do remember seeing that.

24 Q. Okay. Did you take this photo or?

25 A. That would've been Investigator Askew.

1 Q. Okay. But I guess that was anonymous significance
2 for her, right? She's trained the same way you are?

3 A. Yep.

4 Q. We sent some photos and discussed some photos that
5 generally described the layout, but we talked about this one
6 dresser that had some items of significance in this case,
7 correct?

8 A. Yes.

9 Q. And you knew of course, kind of you had some
10 general intel on what you were looking for in the context of
11 maybe what might have occurred, right?

12 A. Correct.

13 Q. Some type of possibly dead child or distressed
14 child or missing child, something like that?

15 A. Yes, sir.

16 Q. And so you did take photos of this medication that
17 looked like a tylenol box, right?

18 A. Correct.

19 Q. And I think there was also a motrin bottle and I
20 think you've already testified that there were -- these were
21 some of Ms. Mullen's medication right next to that, correct?

22 A. Yes, sir.

23 Q. And this is the dresser that has that medication
24 that belongs to Ms. Mullen, it looks like -- that looks like
25 some female deodorant right there?

1 A. That's what appears to be.

2 Q. Some pink garment poking out of that particular
3 drawer?

4 A. Yes.

5 Q. And then there's two dressers, so that's one
6 dresser and then the other dresser is this one. And that
7 ultimately, as you testified, is where India was found,
8 correct?

9 A. Correct.

10 Q. And it's got this large navy T-shirt there, right?

11 A. Yes, sir.

12 Q. Some other items here might be basketball shorts
13 or something that you didn't inventory that door, did you?

14 A. I did not, no.

15 Q. Again, here's the -- this picture that was taken
16 of this large navy shirt that was also partially covering
17 India, correct?

18 A. Correct.

19 MR. L. SHEALEY: Nothing further. Thank you.

20 THE COURT: Anything else?

21 MS. JOYNER: No, your Honor.

22 THE COURT: All right.

23 DETECTIVE FELMET: Thank you.

24 THE COURT: You may step down. Going on the -- arrival
25 of lunch. Next witness.

1 MS. JOYNER: Next witness, yes, sir, your Honor. Call
2 Investigator Rebecca Askew. You could please ask
3 Investigator Askew to come in.

4 REBECCA ASKEW,
5 being duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. JOYNER:

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

10 A. Rebecca Askew.

11 Q. How are you employed?

12 A. The city of Rock Hill police department.

13 Q. Sorry. Do you have a cold today?

14 A. I do.

15 Q. Okay.

16 A. My voice is a little rough.

17 Q. We have water right there if you need to at any
18 point get some water, okay?

19 A. Thank you.

20 Q. Now how long have you been with the city of Rock
21 Hill?

22 A. Currently about two months. I was previously
23 employed with them starting in July of 2015. I briefly left
24 for about a year and a half in 2021.

25 Q. How long have you had total in law enforcement?

1 A. Coming up on nine years now.

2 Q. And are you currently assigned to the forensic
3 service unit?

4 A. Yes, ma'am.

5 Q. The jury's already heard a little bit about what
6 the forensic service unit is. How long -- you said you've
7 been back at the city for how long?

8 A. Approximately two -- almost three months.

9 Q. And that whole time have you been on the forensic
10 service unit?

11 A. Yes.

12 Q. And prior to leaving the city, were you also on
13 the forensic service unit?

14 A. Yes. So I went into the unit in 2017, August of
15 2017. And I've been in forensics since then, even when I
16 left.

17 Q. And you have to have particular training and
18 experience in order or -- or training and education to work
19 in the forensic service unit?

20 A. Yes.

21 Q. Okay. Tell the jury a little bit about that.

22 A. We go through a basic crime scene academy that it
23 encompasses about 80 hours, two weeks straight of intensive
24 education on how to preserve and collect evidence, process
25 scenes for DNA, fingerprints and all of that.

1 Q. And going back to May 27, 2020, were you employed
2 with the city of Rock Hill at that time?

3 A. Yes, ma'am.

4 Q. And were you assigned to the forensic service
5 unit?

6 A. Yes.

7 Q. And in the early morning hours of May 27th, were
8 you dispatched out to 520 Gentle Breeze Lane?

9 A. Yes, ma'am.

10 Q. And do you remember approximately what time you
11 arrived at the residence?

12 A. I do not.

13 Q. Okay. And were you the only forensic service
14 officer dispatched?

15 A. Initially, yes. And then, I believe Sergeant
16 George was also dispatched just shortly after.

17 Q. And when you arrived at the scene, were you
18 briefed on the general nature of the investigation and the
19 areas where you'd be searching?

20 A. Yes, ma'am.

21 Q. Okay. And I want to direct your attention to the
22 search of the bedroom and the jury's already seen -- you
23 know, some different pictures of the bedroom, so I don't want
24 to force you or them to talk in depth about that bedroom, but
25 I'm going to show you a couple of pictures and just ask you

1 -- I'm going to show you what was already been entered as
2 State's Exhibit 2 and 3.

3 A. Okay.

4 Q. Do you recognize those photographs?

5 A. Yes, ma'am.

6 Q. Okay. Are those photographs that were of the room
7 that you searched in (inaudible) on May 27, 2020?

8 A. Yes, ma'am.

9 Q. Okay. Now, when you arrived on scene, did you and
10 Sergeant George enter the room together?

11 A. Yes.

12 Q. And for the jury who's never -- you know, probably
13 never been involved in searching a room, kind of tell the
14 jury how you guys started that process.

15 A. So typically what we normally do is one will start
16 on one side of the room and the other will start on the other
17 side and then we will cross over and essentially double back
18 behind just to make sure we didn't miss anything. Or if one
19 has questions we can just be like, "Hey, did you notice
20 this?"

21 Q. All right. And so as you're -- as you're doing
22 that initial inspection, are you touching things and -- and
23 collecting things or are you just looking?

24 A. So initially we'll photograph first. Obviously,
25 we want to capture everything as is and then we'll go into

1 the in-depth search where we do start to move things around.

2 Q. Okay. Now was this bedroom that you already
3 identified in 2 and 3, was it a big room?

4 A. No.

5 Q. How would you describe the general state of
6 cleanliness or tidiness of this room?

7 A. For me, that is a very -- very messy room. And it
8 did have some trash in there as well. So I would say not
9 very clean.

10 Q. Okay. So if I put up State's 2 it's a picture of
11 the dresser, did -- just using this picture to explain which
12 side of the room you started on and which side of the room
13 Sergeant George started on?

14 A. So I started on the side of the room where you can
15 see the blinds. So that window side of the room, Sergeant
16 George started right about where the picture was being taken
17 by the dresser.

18 Q. And when you started over here by these blinds,
19 what did you do first?

20 A. I looked beside the door, kind of moved it a
21 little bit because it was standing on edge. It's not a door
22 to anything. It was, I believe, the closet door that was
23 taken off of it's hinges looked beside the bed, started to
24 look under the bed. And then I had Sergeant George move the
25 toddler mattress that was there.

1 Q. As you were searching on -- in this general area
2 where these blinds were, did you smell anything that caused
3 you to stop?

4 A. Yes. Sorry. Yes, I did. It was a very distinct
5 smell that I associate with death and -- death and
6 decomposition.

7 Q. Okay. And where were you when you noticed that
8 smell?

9 A. I was at the foot of the bed.

10 Q. Were you standing up?

11 A. I was standing up. It was a little less strong.
12 Every time I would bend over to look under the bed, it got a
13 lot stronger.

14 Q. Did you -- were you at that point hypersensitive
15 to smells?

16 A. Yes. So at that time I was actually five months
17 pregnant. And so my heightened senses were way above that.
18 And being a part of that was also my sense of smell so...

19 Q. Did you alert Sergeant George to the fact that you
20 had -- you had this suspicion based on the smell?

21 A. Yes. So every time I bent over before he moved
22 the bed for me, because like I said, I searched under the --
23 the adult full size or queen-size bed. Every time I had to
24 bend over, I was like, "Do you smell this?" And he said, "I
25 can't smell anything." And I was like, "Well, maybe I'm just

1 too sensitive to something in here."

2 Q. It ultimately did -- you said Sergeant George
3 moved the bed, are you referring to this?

4 A. The toddler bed, yes.

5 Q. Okay. And when he removed the toddler bed, did
6 one -- did -- who -- who pulled out the bottom drawer?

7 A. So after he moved the bed, he went back to
8 searching the other side of the room, and then I started from
9 the top of the -- of the dresser going through the drawers
10 and then pulled out the bottom drawer.

11 Q. And when you pulled out the bottom drawer, what
12 did you observe?

13 A. There were blankets and towels just kind of not
14 folded and -- and thrown in there. And so as I started to
15 move away -- sorry.

16 Q. Did -- did you realize what you had found?

17 A. Not as soon as I opened the drawer. I moved one
18 thing and is, I believe, it was a -- either a dark blue or a
19 black T-shirt. And I moved it and I -- as soon as I moved
20 it, I saw the edge of -- sorry, the edge of India M. [REDACTED]'s
21 arm. And I feel like I probably jumped back about a foot and
22 I asked Sergeant George to just please tell me it's not her.
23 Yeah. Thank you.

24 Q. Now, from that point on, did the search -- general
25 search stop until detectives and the coroner's office could

1 arrive?

2 A. Yes. So we stopped everything. I believe we
3 partially uncovered her face just to confirm that it was
4 India M. . And then we backed -- we backed out of the
5 room just to give ourselves a breather because as you can
6 tell even right now, it was emotional. So both of us were --
7 just kind of needed to take a breath and reset. And -- and
8 also wait on the coroner's office to get there.

9 Q. Once the coroner's office got there, did you and
10 the -- the FSU, you and Sergeant George and the coroner's
11 office work together to kind of finish photographing and
12 searching the room?

13 A. Yes.

14 Q. And were you -- were you all there together when
15 the items were removed off of India and she was removed from
16 the drawer?

17 A. Yes. So what we ended up doing was, I believe
18 just taking the drawer completely out and sending it on top
19 of the adult bed in there and then taking it off piece by
20 piece off of her.

21 Q. And was -- did you photograph India you and -- you
22 and the coroner's office documented all of your activities,
23 what you were doing, correct?

24 A. Yes, ma'am.

25 Q. Okay. And were you present in the room when

1 deputy coroner Gina Goss took a vaginal swab from India?

2 A. Yes.

3 Q. Okay. And I'm going to show you what's marked for
4 exhibit purposes as State's Exhibit 30.

5 A. Okay.

6 Q. When you obtained -- were you actually present in
7 the room when Ms. Goss obtained the vaginal swab?

8 A. Yes.

9 Q. Okay. And were you standing right next to her?

10 A. Yes, ma'am.

11 Q. Okay. And once she had completed the swab, what
12 did she do with the swab?

13 A. She placed the swab into a white swab box.

14 Q. Uh-huh.

15 A. And I took that from the room and then placed it
16 with Sergeant George in the hallway.

17 Q. Okay. I am going to show you what's been marked
18 for Exhibit purposes as State's Exhibit 31. Do you recognize
19 that exhibit?

20 A. Yes, ma'am.

21 Q. And what do you recognize that to be?

22 A. This is the blood spot that was collected from
23 India M. [REDACTED]'s autopsy at MUSC.

24 Q. And when did you -- and from -- whom did you
25 receive this blood -- this State's Exhibit 31.

1 A. Gina Goss received it from MUSC. I can't remember
2 the exact date that she had gotten it, it was prior to when
3 she gave it to me but I obtained it from her on June 5th of
4 '20.

5 Q. Okay. And when you received it from Ms. Goss was
6 it already in the envelope sealed?

7 A. So it was in a smaller envelope that it's -- that
8 is sealed inside of that.

9 Q. And so you said it's in a smaller envelope. So
10 when you received that smaller envelope from Ms. Goss, was
11 that envelope sealed?

12 A. Yes.

13 Q. Okay. Would you have accepted anything that was
14 unsealed?

15 A. No.

16 Q. Okay. And when you received it from Ms. Goss, so
17 what time did this indicate, or do you know what time you
18 received it from her?

19 A. Not off the top of my head, no.

20 Q. And when you received it from Ms. Goss and you put
21 it in this envelope, did you seal this envelope?

22 A. Yes.

23 Q. And do you see where the sign and date of the
24 evidence is?

25 A. Yes, ma'am. On the top of it.

1 Q. And do you do that so that it is clear that when
2 it is submitted into evidence that it is sealed --

3 A. Yes.

4 Q. -- so that nobody can (inaudible) it?

5 A. Correct.

6 Q. Okay. And did you place any of the stickers on --
7 on -- on (inaudible) that you submitted?

8 A. Yes, ma'am. The biohazardous material orange
9 sticker we place on anything that could potentially be a
10 biohazard.

11 Q. So once you received this from Ms. Goss, what did
12 you do with it?

13 A. I sealed it, submitted it to our evidence, and
14 from there it was released in evidence for I believe a little
15 while until we needed it for, I believe, some DNA testing.

16 Q. And so if you could take a look here and tell me
17 what date and time that you dropped it into evidence.

18 A. I dropped this into evidence, pardon me. June 5,
19 2020 at 10:25 a.m.

20 Q. And do you recognize, or when you drop it into
21 evidence, do you have -- who has access to the evidence?

22 A. Our evidence techs.

23 Q. Okay. And do you recognize the signature right
24 here on the second line?

25 A. Yes, ma'am. That was one of our evidence techs

1 Rebecca Pryor.

2 Q. And from evidence, did you retrieve this item at
3 some point?

4 A. Yes, ma'am.

5 Q. And when did you retrieve this item?

6 A. This says that I retrieved it on the October 14,
7 2021 at 10:30.

8 Q. And where did you retrieve it?

9 A. The evidence room.

10 Q. At the time that you retrieved it from evidence,
11 was it still sealed as it had been when you dropped it into
12 evidence?

13 A. Yes, ma'am.

14 Q. And would -- would you have -- if had not been
15 sealed, would you -- that would've been a cause for concern
16 if you would've not -- you would've stopped what you were
17 doing, correct?

18 A. Correct.

19 Q. And where did you take that evidence to?

20 A. I believe this was taken to York County to be
21 tested for DNA, so their DNA lab there.

22 Q. Okay. How are you able to know that?

23 A. I recognized the name.

24 Q. Okay. Does that indicate that you brought -- or
25 okay. Do you recognized these? Tell me the names that you

1 recognize.

2 A. Piper.

3 Q. And what date was that? Was that 10/14?

4 A. Yes, it was the same day.

5 Q. Okay. Prior -- so initially when you took this
6 from Ms. Goss until the time that you dropped it into
7 evidence that your (inaudible).

8 A. Yes.

9 Q. From the time that you picked it back up from
10 evidence and -- and took it to Piper, was it in your
11 continuous custody and control?

12 A. From the time I picked it up from evidence, yes.

13 Q. Okay. Yeah. Investigator Askew, do you have
14 anything on your person that would let you kind of cut this
15 tape for us?

16 A. Yes, ma'am. Yes, please. Thank you.

17 Q. Okay. I think you can just take a look at what
18 inside State's Exhibit 31. And is that the envelope that you
19 received from Ms. Goss?

20 A. Yes, ma'am.

21 Q. Okay. And at the time that you received this from
22 Ms. Goss (inaudible).

23 A. Yes.

24 Q. Okay. And I think I forgot to ask you a moment
25 ago, going back to State's Exhibit 30, you can take -- you

1 can take a look at State's Exhibit 31 and 30 side by side.
2 From State's Exhibit 30, which is the vaginal swab, can you
3 tell me if you transported the vaginal swab to the York
4 County DNA lab?

5 A. Yes, it appears that I transported the same time
6 that I transported the -- the blood spot.

7 Q. All right. Did you -- do you deliver those
8 directly to the DNA lab?

9 A. Yes, ma'am.

10 Q. Okay. To Ms. Piper?

11 A. Yes.

12 Q. Okay. And so the time that -- the time that you
13 retrieved this from evidence and you dropped into the DNA
14 lab, was it in (inaudible)?

15 A. Yes, ma'am.

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

18 MR. L. SHEALEY: May I briefly? Madam Court Reporter.

19 CROSS-EXAMINATION

20 BY MR. L. SHEALEY:

21 Q. Investigator Askew or Askew?

22 A. Askew.

23 Q. Askew, can I ask you a couple questions?

24 A. All right.

25 Q. I think I heard some testimony that your husband

1 was also involved in this a little bit.

2 A. Yes.

3 Q. That's -- I don't know if he was your husband back
4 in 2021.

5 A. Yes.

6 Q. Okay. He's on scene and you're on scene doing
7 your job and you're also pregnant, right?

8 A. Yes.

9 Q. And part of your job and what the same things I
10 talked to Investigator George collect evidence, right?

11 A. Uh-huh.

12 Q. And you've got some specific training to try to
13 preserve it and collect it without disturbing it, right?

14 A. Yes.

15 Q. And you trained to try to collect and -- and
16 preserve things that -- that might be of evidentiary value in
17 a case.

18 A. Yes, sir.

19 Q. So we've seen a lot of photos. And so you're --
20 you're one of the folks taking photos in this case, right?

21 A. Yes, sir.

22 Q. And you're walking through the house and you might
23 take a photo of the stairwell, right? You might take a photo
24 of the (inaudible), right?

25 A. Okay.

1 Q. And continue on to -- to the room of significance,
2 right?

3 A. Yes.

4 Q. And we talked about -- and we talked a lot about
5 what you found and some the things that you sampled, but you
6 did some work in this case, but I didn't want to be
7 unrewarded or left out. Do you recognize this?

8 A. Yes, that is my crime scene sketch.

9 Q. Okay. And it says not to scale, correct?

10 A. Correct.

11 Q. But this is in your training, this often is done
12 to help a jury just like this one down the road, correct?

13 A. Yes.

14 Q. And you're noting some items of significance to
15 you at that time at least, and where you found them, correct?

16 A. Yes, sir.

17 Q. You put some markers there, one, two, three, four,
18 five, six, right?

19 A. Yes.

20 Q. On the second page, do you kind of list what those
21 items were?

22 A. Yes.

23 Q. All right. Defendant's 43 fairly and accurate
24 depict your crime scene diagram from that in this case?

25 A. Yes.

1 MR. L. SHEALEY: Okay. Your Honor, at this time, I
2 would seek to admit Defendant's 43.

3 MS. JOYNER: No objection, your Honor.

4 THE COURT: 43 is admitted without objection.

5 (Defendant's Exhibit Number 43 admitted into evidence.)

6 BY MR. L. SHEALEY:

7 Q. So just so the jury -- oh, sorry, can we go ahead
8 and -- so just -- so the jury can follow along what we're
9 talking about, did you use, like, AutoCAD or did you just --

10 A. No, this is -- I just used pencil and paper with
11 graph paper.

12 Q. Okay. Very good. So just so that what they know
13 this number 4 here, that is what you list as a green pillow
14 case, correct?

15 A. Yes, sir.

16 Q. And that would be this green pillow case, right?

17 A. Yes, sir.

18 Q. I guess you all thought this could be of
19 evidentiary value because of this red stain, right?

20 A. Potentially.

21 Q. Potentially. And have you followed this case and
22 realized -- you learned that this is not blood?

23 A. That I wouldn't have anything to do with that.

24 Q. Okay.

25 A. Afterwards.

1 Q. You -- you didn't follow up, but at the time it
2 could have been something of evidentiary value?

3 A. Could have been that's why it was collected.

4 Q. And you're finding number 6 various things on the
5 dresser, a bag, feeding tube, right?

6 A. The feeding tube was beside the dresser.

7 Q. Right. And number 3, a tote bag, is that right
8 there?

9 A. Yeah.

10 Q. Number 1 is India and number 2 are items from the
11 dresser, the towels and the T-shirt and things of that
12 nature, correct?

13 A. Yes.

14 Q. And this is just part of your training to aid
15 jurors down the road. And I know this is a difficult case
16 and I sensed your emotion on it. You've probably been to
17 more than one crime scene that was difficult to -- to
18 stomach, I guess, right?

19 A. This has been the worst one.

20 Q. Right. Yeah. I understand.

21 A. But I have been to several others that -- several
22 other child doesn't -- have not nearly affected me as much as
23 this case.

24 Q. Yeah. You probably found and process or scene
25 with body -- adult bodies and things like that, right?

1 A. I have processed other homicide scenes. Yes.

2 Q. You seem relatively young, so if you stay in this
3 line of work, you probably will continue on and hopefully
4 nothing impacts you, but you -- you could find more things
5 like this, right?

6 A. Potentially, but hopefully not.

7 Q. Does -- where you work, do they provide any
8 counseling services and things like that?

9 A. Yes.

10 Q. They do. Because it -- it's kind of like -- you
11 know, soldiers who go to war and see horrific things. I
12 mean, that's kind of what you by nature of your work gets
13 exposed to, right?

14 A. Okay.

15 MR. L. SHEALEY: All right. That's all I've got for
16 you.

17 THE COURT: Any re-direct?

18 MS. JOYNER: No, no re-direct, your Honor. We ask that
19 Investigator Askew be excused.

20 THE COURT: You may be. Step down. All right. Lunch
21 is here. You all step back in jury room, figure out whose
22 lunch is whose, eat. Take a -- 45 minutes is better. So
23 it's 12:40 (inaudible) by an hour. Try to get back started.
24 When you all are done, let the bailiff know to let me know
25 and then I'll see what the lawyers are doing, okay? As far

1 as they got to get something to eat as well and so does the
2 clerk stuff and the security stuff. So you all step by
3 there, don't talk about the case.

4 (Jury exits room at 12:39 p.m.)

5 THE COURT: All jury is out of room. We're at ease for
6 about an hour.

7 (Off the record at 12:39 p.m.)

8 (On the record at 1:48 p.m.)

9 THE COURT: All right. Bring the jury.

10 (Jury enters room at 1:49 p.m.)

11 THE COURT: You all good? Excellent. Call your next
12 witness.

13 MS. JOYNER: Thank you. The State calls Gina Goss.
14 Could you please ask Ms. Gina Goss to come in?

15 THE COURT: Okay. All right.

16 GINA GOSS,

17 being duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. JOYNER:

20 Q. Good afternoon, Ms. Goss.

21 A. Good afternoon.

22 Q. Can you please state your full name for the
23 record?

24 A. Gina Goss.

25 Q. How are you employed?

1 A. I'm with the York County Coroner's Office.

2 Q. What is your title with the coroner's office?

3 A. I'm a deputy coroner.

4 Q. How long have you been with the coroner's office?

5 A. Five years.

6 Q. Please tell the jury a little bit about your
7 educational background.

8 A. I have been a registered nurse for 24 years. I
9 have received my master's degree in forensic nursing and I
10 have been nursing in forensics for the last 13 years.

11 Q. And as a deputy coroner, if you could explain to
12 the jury what your job duties are.

13 A. We are called out on suspicious deaths any unknown
14 or unexpected deaths as well as homicides, motor vehicle
15 crashes, suicides. Our job is to take precedence over the
16 body, looking at the body, evaluating health assessments with
17 the body, also reviewing medical records and speaking to
18 witnesses. Our job ultimately is to determine the cause and
19 manner of death.

20 Q. Do you -- as part of -- as part of your scene
21 investigations, do you photograph the scene?

22 A. We do.

23 Q. Okay. And do you sometimes collect evidence?

24 A. We do.

25 Q. And if the forensic service unit is out, do you

1 work in collaboration with them?

2 A. We do.

3 Q. Okay. And is it the coroner office job ultimately
4 to remove the body from the scene and take it to the morgue?

5 A. We do.

6 Q. Okay. And in the instances of suspicious deaths
7 to facilitate transporting that body for autopsy?

8 A. We do.

9 Q. Okay. And with respect to your current position,
10 if you could please tell the jury about the education you
11 received in order to be a deputy coroner.

12 A. So I originally started with a Bachelor's degree
13 in nursing and worked and completed my master's degree in
14 forensic nursing specialty. After starting with the -- the
15 coroner's office, I received my diplomat from the ABMDI,
16 which is the American Board of Medical Legal Death
17 Investigators that is provided by an organization that has
18 written the ethical and the procedure standards for death
19 investigators.

20 Q. And what is it -- what's a diplomatic or that you
21 just talked about?

22 A. The diplomat is the basic certification that you
23 can receive. It requires -- they've now changed it, but at
24 the time, 400 hours of field work as well as working
25 concurrently in a deputy -- in a deputy coroner or a medical

1 examiner.

2 MS. JOYNER: Your Honor, at this time, we'd offer Ms.
3 Goss as an expert in death investigations.

4 MS. BARRINGTON: Without objection.

5 THE COURT: All right. She's so qualified.

6 BY MS. JOYNER:

7 Q. Now, Ms. Goss, were you employed at the coroner's
8 office on May 27, 2020?

9 A. I was.

10 Q. And on that date, were you dispatched out to 520
11 Gentle Breeze Lane?

12 A. That's correct.

13 Q. Is that addressed within York County, South
14 Carolina?

15 A. It is.

16 Q. Were any other coroner's office employees
17 dispatched with you?

18 A. Yes, the Chief Deputy Coroner, Christina --
19 Christina Westover was dispatched out with me.

20 Q. And do you recall approximately what time you were
21 dispatched?

22 A. I can look if you don't mind.

23 Q. Okay.

24 Q. The call came out for me at 2:54 a.m. on May the
25 27th.

1 Q. And what time did you actually arrive on scene?

2 A. My arrival time was 3:37 in the morning.

3 Q. 27, sorry, you said 3:37?

4 A. 3:37.

5 Q. Did you arrive at the same time as Ms. Westover?

6 A. I don't recall, but it would've been within a few
7 minutes of each other.

8 Q. When you arrived, were forensic services already
9 on scene?

10 A. They were.

11 Q. Were other police officers on scene as well?

12 A. Yes.

13 Q. And did you go up into the room where you had been
14 told India was located?

15 A. I did.

16 Q. Okay. A time that you went up into the room, was
17 India still located in the drawer?

18 A. She was.

19 Q. Was she still covered?

20 A. Yes.

21 Q. I am going to show you what's previously been
22 entered as State's Exhibit 14. Is that how India appeared
23 when you and Ms. Westover arrived on scene?

24 A. No, her face was actually uncovered when I
25 arrived.

1 Q. I'm showing you what's been marked as State's
2 Exhibit 15. Is that closer to what -- how she appeared?

3 A. Yes.

4 Q. Okay. And was the door at that time still inside
5 the dresser?

6 A. It was.

7 Q. When you arrived on scene, did you remove the
8 coverings from India?

9 A. I did.

10 Q. Okay. And did you observe any signs of life from
11 India?

12 A. No, ma'am.

13 Q. Okay. And after you and forensic services removed
14 her from the drawer, did you examine India?

15 A. I did. She was examined on the bed.

16 Q. Okay. And were FSU officers present when this
17 occurred?

18 A. They were.

19 Q. Okay. Now, Ms. Goss, do you -- in examining
20 India's body, did you examine her vaginal area?

21 A. I did.

22 Q. Okay. And did you observe anything that you
23 thought was suspicious?

24 A. Yes, I did.

25 Q. Okay. And as a result, did you take vaginal --

1 vaginal swabs from India?

2 A. I did.

3 Q. Okay. And for the jury, if they don't know
4 exactly what -- what is entailed by that? Is that like a
5 sort of like a long -- longer Q-tip?

6 A. It is a six-inch applicator that's taken out of a
7 sterile packaging and that is used to swab the inside of the
8 vaginal canal.

9 Q. And when you took that swabbing, what did you do
10 with it?

11 A. I handed it off to Officer Askew with FSU.

12 MS. JOYNER: Beg the Court's indulgence.

13 BY MS. JOYNER:

14 Q. And after you handed that off to Officer Askew,
15 did you ever see that swab again?

16 A. I did not.

17 Q. Okay. While you were taking that swab, did you
18 take care to make sure that you were doing it in a way that
19 would not cause any kind of contamination?

20 A. I did.

21 Q. And what -- what types of measures do you take in
22 that regard?

23 A. So I have been a sexual assault nurse examiner
24 since 2009. So I've been trained in collecting vaginal swabs
25 on patients and gloves were used to not contaminate the

1 swabs. The swab was taken out immediately before we used it.
2 And it was put -- it was placed into packaging immediately
3 after.

4 Q. And placed into the packaging and then handed to
5 Officer Askew?

6 A. That is correct.

7 Q. Now, as part of your job at the coroner's office,
8 did you attend the autopsy in this case?

9 A. I did.

10 Q. And where did that autopsy occur?

11 A. The Medical University of South Carolina in
12 Charleston.

13 Q. Do you recall the date of the autopsy?

14 A. I can look. It was on May the 28th.

15 Q. And on May the 28th while you were down in
16 Charleston at the autopsy, I'm going to show you what's been
17 marked for exhibit (inaudible) envelope inside for that
18 envelope I'd like to ask you to take a look at.

19 A. Okay.

20 Q. Do you recognize what is contained inside that
21 envelope marked State's Exhibit 31?

22 A. It was a blood spot card that was collected during
23 autopsy.

24 Q. Did you receive that from MUSC?

25 A. I did.

1 Q. At the time that you received that, was that
2 envelope sealed?

3 A. It was sealed without the red evidence tape. Yes.

4 Q. And so the way that it was sealed inside by the
5 sticker with an autopsy number on it when you came
6 (inaudible)?

7 A. That's correct.

8 Q. Okay. And so when you received that from MUSC,
9 what did you do with it?

10 A. I brought it back to our office in Rock Hill and
11 logged it into our evidence.

12 Q. You have -- you had access to your evidence at the
13 coroner's office?

14 A. Once it is logged in and locked into evidence, we
15 only have two evidence techs to have access to that.

16 Q. Okay. When it was logged in, was it just logged
17 in -- in this was (inaudible) envelope?

18 A. Yes.

19 Q. Okay. And was it logged in when it was sealed --
20 when you logged in?

21 A. Yes.

22 Q. Okay. At some point, did you transfer the State's
23 Exhibit 31 to Ms. -- Investigator Askew with the Rock Hill
24 Police Department?

25 A. I did.

1 Q. And what -- what day did you do that?

2 A. It was transferred June 5th.

3 Q. Okay.

4 A. Of 2020.

5 Q. And in order to transfer did you personally take
6 out of your evidence at the coroner's office?

7 A. It would've been taken out by an evidence tech
8 because I don't have access back there.

9 Q. Okay. Did you receive it from that evidence tech?

10 A. I did.

11 Q. At the time that you received it, was it still
12 sealed as it had been when you had placed it into the
13 evidence?

14 A. It was.

15 Q. Okay. And how -- from the time that you received
16 it from the evidence tech at the coroner's office until you
17 gave it to Investigator Askew, was it continuously in your
18 custody and control?

19 A. Yes.

20 Q. And from the time, going back to when you first
21 received it from MUSC until you brought it and placed it into
22 the evidence at the coroner's office it -- was it
23 continuously in your custody?

24 A. It was, yes.

25 Q. Okay. Now, I want to go back for a moment and

1 talk a little bit about the scene. When you arrived at the
2 scene, you -- you guys took India out of the drawer and you
3 -- you photographed her and observed her. Did you make any
4 observations from India's appearance that would assist in
5 setting a time of death?

6 A. No, not a time of death.

7 Q. Okay. What about -- were there any -- did you
8 make any -- what is lividity or lividity?

9 A. Lividity is a change that happens to a body after
10 death. And what happens is as the body has cooled, lividity
11 is also called livor mortis. So it is a -- a different
12 characteristic. What happens is as the body cools and
13 circulation has stopped within the body, all of the vessels
14 that with -- that are within the skin and right up under the
15 skin, those vessels fill with the blood and they lie in the
16 dependent areas, which means it's the areas of non-pressure.
17 So that lividity becomes a purplish blue, sometimes red
18 uniform discoloration of the skin.

19 Q. Okay. And does the lividity -- lividity event
20 only happens after death?

21 A. Correct.

22 Q. Okay. And so did you observe fixed lividity in
23 India M. ?

24 A. I did.

25 Q. Okay. And while -- is it possible to set an

1 absolute time of death?

2 A. No.

3 Q. Okay. Does fixed -- does observing fixed lividity
4 -- lividity aid you in knowing that the death has, like,
5 occurred within a certain period -- more than a certain
6 period of time?

7 A. Yes, typically.

8 Q. Okay. How long -- when are you typically going to
9 see fixed lividity?

10 A. There are a lot of different variables that --
11 that affect lividity and rigor mortis as well. But fixed
12 lividity -- lividity is typically between six to eight hours.
13 And fixed means that if you move that body, that blood will
14 not move, it stays fixed in that position.

15 Q. And so in seeing fixed lividity in India M. [REDACTED],
16 that would mean that her death had occurred at least six to
17 eight hours prior?

18 A. Correct.

19 MS. JOYNER: All right. Thank you very much. Please
20 answer any questions the Defense has.

21 THE WITNESS: Sure.

22 MS. BARRINGTON: May it please the Court?

23 THE COURT: Yes, ma'am.

24 CROSS-EXAMINATION

25 BY MS. BARRINGTON:

1 Q. Ms. Goss, you said you've been a SANE nurse since
2 2009?

3 A. Correct.

4 Q. And that is specifically for adults and for
5 children?

6 A. 2009, 2010 for adults and adolescents, 2015 for
7 pediatrics.

8 Q. Okay. And so that is training you receive
9 specifically for helping you identify signs of potential
10 sexual assault?

11 A. And evidence collection, yes.

12 Q. Okay. And so in this case, that would've been the
13 bruising that you observed in India's vaginal area that
14 prompted you to want to take the sample?

15 A. That is correct.

16 Q. Okay. And that was obviously significant to you
17 in this case, given the age of India being four years old?

18 A. Yes.

19 Q. Okay. And so that's why you had the sample taken
20 that night?

21 A. Correct.

22 Q. And that's why you documented it in the report you
23 would've generated?

24 A. That's correct.

25 Q. And that would've also been why you notified the

1 lead investigator in the case about your findings?

2 A. Yes.

3 MS. BARRINGTON: Beg the Courts indulgence.

4 THE COURT: Yes.

5 MS. BARRINGTON: No more questions, your Honor.

6 MS. JOYNER: No re-direct, your Honor.

7 THE COURT: You may step down.

8 MS. GOSS: Thank you.

9 MR. ANTHONY: Ms. Piper will be the next witness.

10 SAMANTHA PIPER,

11 being duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. ANTHONY:

14 Q. Would you state your name please?

15 A. My name is Samantha Piper.

16 Q. And, Ms. Piper, how are you presently employed?

17 A. I'm a kindergarten assistant teacher.

18 Q. Now, back in October of 2021 in a past life, were

19 you ever employed by the York County Sheriff's Office?

20 A. Yes.

21 Q. What was your job with the sheriff's office?

22 A. I was a forensic DNA analyst.

23 Q. How long did you work for the -- the sheriff's

24 office?

25 A. From April of 2020 until last month.

1 Q. Could you tell the jury the education and training
2 you've had in the field of DNA analysis?

3 A. Yes, I have a bachelor's of science and biology
4 from NC State University with minors in genetics and
5 criminology. And I've also undergone in-house training
6 programs for both the North Carolina State Crime Lab where I
7 worked prior to the York County Sheriff's Office as well as
8 the sheriff's office here. And in that training program it
9 included lectures, quizzes, tests I had to test hundreds of
10 samples for both body fluids and DNA. I worked mock cases,
11 which are just cases that are simulated to be like real case
12 work. And I did a moot court and I did competency tests and
13 it just all encompassed for both -- both positions.

14 Q. And where did you work in North Carolina?

15 A. At the North Carolina State Crime Lab.

16 Q. And what were your dates of working in the North
17 Carolina Crime Lab?

18 A. From July of 2015 to April of 2020.

19 Q. And then you left there and came to work here?

20 A. Yes.

21 Q. Have you testified in court before as an expert
22 witness in the field of DNA?

23 A. I have.

24 Q. How many times approximately?

25 A. Approximately 11 times.

1 MR. ANTHONY: Your Honor, at this time, we'd submit Ms.
2 Piper to the Court as an expert in the field of DNA analysis.

3 MR. L. SHEALEY: No objection.

4 THE COURT: Ms. Piper is qualified to testify as an
5 expert in field of DNA analysis.

6 BY MR. ANTHONY:

7 Q. Ms. Piper, could you just briefly tell the jury
8 what DNA is and what you did with it when you were working
9 for the sheriff's office?

10 A. Yes. So DNA is the basic genetic blueprint of our
11 body. It gives us -- tells our bodies how to function and
12 gives us our unique characteristics. It's the same
13 throughout our bodies and throughout our lifetime. We get
14 half from our moms and half from our dads. And with the
15 testing that I do, there's no known two individuals to have
16 the same genetic profile except for identical twins. And as
17 far as the analysis process goes, it's a multi-step process.
18 The first step is to extract the DNA, which means I'm trying
19 to get that DNA by itself from the sample in which it's on.
20 And after I've done that in cases of potential sexual assault
21 where semen could be present, I do an extra step in that
22 extraction where I'm trying to separate out the sperm cells
23 from the non-sperm cells.

24 So after I've extracted that DNA, the next step is to
25 quantify it, which means I need to know approximately how

1 much is in there. So after I've done that, I then will make
2 millions of copies of that DNA and once those copies are
3 made, I place my sample on an instrument, which will then
4 separate the different areas of DNA that I'm actually
5 testing. And it produces genetic data, which I then
6 interpret. And then I'll make any kind of comparisons of
7 profiles between a known reference and then any profiles
8 developed off evidence.

9 Q. I'm going to show you now what's been marked for
10 identification as State's Exhibit Number 30, and up here in
11 front of you is State's Exhibit Number 31. But I'll ask that
12 you take a look at those two items and let me know if you
13 have seen them before.

14 A. Yes, I recognize them.

15 Q. Okay. When -- when did those two items come into
16 your possession?

17 A. State's Exhibit 30 came into my possession on
18 October 14, 2021. And State's Exhibit 31 was also October
19 14, 2021.

20 Q. Okay. Who brought those to you?

21 A. The initials look like Rebecca Askew.

22 Q. Okay. And who does Rebecca Askew work for?

23 A. She was working for the Rock Hill Police
24 Department.

25 Q. Okay. And is that an agency that the sheriff's

1 office DNA lab test items for?

2 A. Yes, we served that agency.

3 Q. Okay. What condition were those two envelopes 30
4 and 31 in when they came to you on October 14, 2021?

5 A. They were in a sealed condition.

6 Q. So what did you do with the two items? First off,
7 we'll -- we'll just start with the -- the blood -- well, what
8 is -- what is the item 31? What is that?

9 A. State's Exhibit 31 is the blood spot card.

10 Q. Okay. And then what is item 30?

11 A. State's Exhibit 30 is the vaginal swab.

12 Q. Okay. And we'll start with 31. What did you do
13 with item 31 the -- the blood spot card?

14 A. I developed a DNA profile.

15 Q. And then what did you do with number 32? Or I'm
16 sorry, with number 30?

17 A. I tested that for DNA.

18 Q. Okay. And number -- number 30 is the vaginal
19 swab, is that correct?

20 A. State's Exhibit 30 is the vaginal swab. Yes.

21 Q. Okay. And could you tell the -- the jury the --
22 the processes you used to try to get a result from that swab?

23 A. Yes. So just what I was describing, I extracted
24 the DNA and because it was a potential semen could have been
25 present. Then I did the extra step where I separated out

1 potential sperm cells from non-sperm cells. And then went
2 through the process that I just described with quantifying
3 it, making the copies, putting it on the instrument, and then
4 interpreting the data.

5 Q. Okay. And when you went through that process with
6 the vaginal swab from India M. [REDACTED], was there any male DNA
7 found on that swab?

8 A. There was no male DNA detected.

9 Q. Okay. Was there a -- a profile found on the --
10 the vaginal swab?

11 A. For the non sperm and the sperm fraction there was
12 a profile developed.

13 Q. Okay. And whose profile was that?

14 A. The DNA profiles obtained from the non sperm and
15 sperm fractions of the vaginal swabs matches the DNA profile
16 obtained from India M. [REDACTED].

17 Q. Okay. And you -- you said you tried to separate
18 the sperm and non-sperm fractions of the swab. Is it common
19 in a situation like this? Do you have a victim profile on a
20 sperm fraction?

21 A. Yes. It's not a perfect process because I am
22 human, but sometimes you do get a little bit of carryover
23 into the sperm fraction.

24 Q. Okay. And in addition to the -- the vaginal swab,
25 was there any other evidence submitted to you by Rock Hill

1 Police Department in conjunction with this case?

2 A. Yes.

3 Q. What was that?

4 A. A green pillow case.

5 Q. And what did you do with that pillow case?

6 A. I analyzed that pillow case for potential blood.

7 Q. And what was your finding after from that
8 analysis?

9 A. No blood was detected on the pillow case and no
10 further examination was conducted for that item.

11 MR. ANTHONY: Okay. Your Honor, that's everything. I
12 -- I would move in 30 and 31.

13 MR. L. SHEALEY: Without objection.

14 THE COURT: 30 and 31 entered without objection.

15 (State's Exhibit Numbers 30 & 31 admitted into evidence.)

16 THE COURT: Your witness.

17 MR. L. SHEALEY: May it please the Court?

18 CROSS-EXAMINATION

19 BY MR. L. SHEALEY:

20 Q. Ms. Piper?

21 A. Hello.

22 Q. You're a teacher now?

23 A. Teacher assistant. Uh-huh.

24 Q. Okay. Well, I'm just going to ask you a few
25 questions. So since you're teaching us all some things, I

1 think you said that the only two DNA profiles that could be
2 the same are identical twins, right?

3 A. In my testing, yes.

4 Q. You see that guy right there? That's my identical
5 twin. So what you're saying is if I commit a crime and leave
6 my blood or DNA on the scene it couldn't exclude him from
7 that, could they?

8 A. Correct.

9 Q. Unless there was an eye witness?

10 A. Correct.

11 Q. Or some other measure or I confessed to it, right?

12 A couple things were submitted to you in this case you were
13 just testifying about. You have your reports on those?

14 A. I do.

15 Q. Okay. Just in case. So the solicitor asked you
16 about a vaginal swab that also came with a blood sample from
17 the victim in this case, right?

18 A. Yes.

19 Q. And you probably in your time as a DNA analyst got
20 lots of things like that when there might be a suspicion of a
21 sexual assault, correct?

22 A. Yes.

23 Q. That way you can take -- you can take one known
24 sample like in this case of India M. [REDACTED], right?

25 A. Yes.

1 Q. Or a blood swab --

2 A. Uh-huh.

3 Q. -- the standard and then you take what is a
4 vaginal swab that might have someone's DNA in it. Might not.
5 You don't know until you test it, correct?

6 A. If it's coming from a body, I would suspect that
7 DNA is present.

8 Q. Right. Well --

9 A. At least the -- the person that it's coming from.

10 Q. It may have some perpetrator's DNA, it may not,
11 right?

12 A. Correct.

13 Q. But it's usually definitely if you're swabbing
14 going to have the victim's DNA as well.

15 A. Yes.

16 Q. And in that case, that's all you found on this?

17 A. Yes.

18 Q. And you completed your testing for your report on
19 that aspect October 21, 2021, is that right?

20 A. Correct.

21 Q. That was really about -- you know, close to a year
22 and a half after the swab was collected, right?

23 A. I'm not sure when the swab was collected.

24 Q. Okay. And you weren't present at the scene,
25 people just give you things to test, right?

1 A. Correct.

2 Q. And -- but it was submitted to you October 14,
3 2021?

4 A. Yes.

5 Q. Okay. And then the other thing you tested, was it
6 a green pillow case? You talked about where you used your
7 science and your tools to see if something is blood or not
8 blood, right?

9 A. Potentially, yes.

10 Q. That study of blood serology?

11 A. Yes.

12 Q. Okay. So you have as a DNA or serology analyst
13 certain tools that help you figure out if something red is in
14 fact human blood and if it is, then you can go from there and
15 see if you can get DNA comparisons, right?

16 A. Correct.

17 Q. In this case it just simply wasn't blood, right?

18 A. I did not detect it.

19 Q. And you even recall what -- what you were testing
20 from, does that look familiar to at all?

21 A. Yes. Let me make sure. It appears the same of
22 the pictures that I have, but I don't believe I've seen that
23 picture -- picture in particular.

24 Q. Okay. This looks like a green pillow case?

25 A. Yes.

1 Q. With a red stain?

2 A. It does.

3 Q. And that's what you tested, right? All right.
4 And I think you ended up with those analysis results on
5 August 18, 2022, is that right?

6 A. Yes.

7 Q. And when you get those results and you prepare
8 them into a report, do you hold on to them for a long time or
9 you give them right back to the law enforcement agency that
10 requested it?

11 A. The results?

12 Q. Yeah.

13 A. Once -- so everything is electronic, so once the
14 -- once my report is reviewed, I then release it and then
15 that goes to the investigator. So they get results as soon
16 as I release it.

17 MR. L. SHEALEY: All right. Nothing further.

18 MR. ANTHONY: No re-direct.

19 THE COURT: All right. (Inaudible). You done.

20 MR. ANTHONY: May we approach?

21 THE COURT: Yes. The next witness might be a little
22 bit longer. You all okay to start or you want a break?

23 MR. L. SHEALEY: We good.

24 THE COURT: Good. All right. Keep rolling. Call your
25 witness, Mr. Anthony.

1 MR. ANTHONY: Okay. We -- can we get Dr. Riemer,
2 please?

3 DOCTOR ELLEN RIEMER,
4 being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. ANTHONY:

7 Q. Thank you. Would you state your name, please?

8 A. It's Dr. Ellen Reimer, R-I-E-M-E-R.

9 Q. And, Dr. Riemer, how are you presently employed?

10 A. I'm employed at the Medical University of South
11 Carolina, where I'm a forensic pathologist.

12 Q. What does a forensic pathologist do?

13 A. A forensic pathologist is a -- a medical doctor.
14 So I'm an MD who specializes in determination of cause and
15 manner of death by performing autopsies of deceased
16 individuals.

17 Q. Could you tell the jury the education and -- and
18 training and work experience you've had in the field of
19 forensic pathology?

20 A. Yes. So I received my MD degree graduating from
21 medical school in 1997. Following that, I did a residency
22 and pathology, which is the training required of graduating
23 physicians who want to pursue or specialize in pathology. I
24 did that at Columbia University in the city of New York at
25 the medical school. And following that that was four years.

1 Then I did a fellowship which I was awarded a fellowship to
2 study forensic pathology at the office of the Chief Medical
3 Examiner of the State of Maryland. So and I remained there
4 for a year. Following that, after completing that, I did an
5 additional year of fellowship training at Johns Hopkins
6 University School of Medicine in cardiovascular and pulmonary
7 pathology. Because that's another area of -- of interest of
8 mine. So when I completed all those years of fellowship and
9 residency training, I -- I took a faculty position as a
10 forensic pathologist at Wake Forest University Hospital and
11 School of Medicine in North Carolina, where I remained for
12 six years until I was recruited by MUSC 14 and a half years
13 ago to be a forensic pathologist at MUSC in Charleston.

14 Q. And you've been -- you've been at MUSC 14 and a
15 half years?

16 A. Yes.

17 Q. Okay. Have you testified in court before as an
18 expert in the field of forensic pathology?

19 A. Yes. I -- I don't -- you know, keep track every
20 time I go, but estimation between 200 and 300 times over the
21 course of my career.

22 MR. ANTHONY: Your Honor, at this time, we'd submit
23 Dr. Riemer to the Court as an expert in the field of forensic
24 pathology.

25 MR. L. SHEALEY: Without objection.

1 THE COURT: All right. Folks, Dr. Riemer has been
2 qualified as a expert in the field of forensic pathology, and
3 she can offer opinions in that field of expertise.

4 MR. ANTHONY: Thank you, your Honor.

5 BY MR. ANTHONY:

6 Q. On May 28, 2020, did you come to do an -- perform
7 an autopsy of India Martin?

8 A. Yes. I performed the autopsy of India Martin on
9 May 28, 2020.

10 Q. And just as far as some -- some basic things --
11 basic observations, did you observe or -- or determine or
12 waive for Ms. Martin?

13 A. Yes. She was four years old and weighed 26
14 pounds, which is at the less than fifth percentile for age.
15 So people who have children, you go to the pediatrician --
16 you know, and they do a height and weight chart and they give
17 you a percentile. So she was very small for her age at the
18 less than fifth percentile.

19 Q. And did you do a similar measurement to determine
20 her height?

21 A. Yes. So the height she would -- was 38 and a
22 quarter inches tall, which was about the 10th percentile for
23 age. So she was short -- you know, but even thinner for her
24 height. So fifth percentile for weight, 10th percentile for
25 height.

1 Q. And did you do -- make -- make any examination of
2 India for external injuries and then do something to note the
3 injuries you had observed?

4 A. Yes. So in autopsy, it's not like -- you know, I
5 arrived and start cutting. So the autopsy begins with a
6 careful external examination of my patient who is the
7 deceased. And I -- I -- before I look inside of the body at
8 any of the internal organs, I write down and document
9 injuries that are observed externally on the body.

10 Q. And then did you make any notations documenting
11 the injuries that you had observed?

12 A. Yes. So -- you know, I did make marks. I have a
13 body diagram that is where I can take notes during my
14 autopsy. And I did mark on that diagram where there were
15 some bruises on multiple locations of her body.

16 Q. I'm going to show you what's been marked for
17 identification as State's Exhibit Number 33. You can just
18 take a look at this document to see if you recognize it.

19 A. Yes. So this is the -- you know, exact copy of
20 the diagram that I made at her autopsy where I noted bruises
21 and healing bruises on all her limbs as well as her face and
22 one on her back.

23 Q. And does that diagram fairly and accurately depict
24 the observations you made when you did India's autopsy on May
25 28, 2020?

1 A. Yes.

2 MR. ANTHONY: We move 33 into evidence.

3 MR. L. SHEALEY: No objection.

4 THE COURT: 33 is entered without objection.

5 (State's Exhibit Number 33 admitted into evidence.)

6 BY MR. ANTHONY:

7 Q. I'm going to ask you just a few brief questions
8 about the diagram right now.

9 MR. ANTHONY: If I could just have a moment, please,
10 your Honor.

11 THE WITNESS: Okay. I'm having trouble hearing you
12 because you're not on -- at the microphone.

13 THE COURT: He asked for a minute to find something on
14 the computer.

15 THE WITNESS: What?

16 THE COURT: He asked to find something on the computer
17 so he asked for a minute just --

18 THE WITNESS: Oh, okay.

19 MR. ANTHONY: Your Honor, I'm -- I'm sorry, I'm having
20 a little technical difficulty. Can I -- can I ask for just
21 five minutes?

22 THE COURT: Sure. We'll sit right here with you. Oh,
23 right now? You should take five minutes? Okay. Mr.
24 (inaudible) will take --

25 MR. ANTHONY: Thank you very much, your Honor.

1 THE COURT: All right. You'll step in the jury room,
2 don't talk about the case.

3 (Jury exits the room at 2:30 p.m.)

4 (Off the record at 2:30 p.m.)

5 (On the record at 2:38 p.m.)

6 (Jury enters the room at 2:39 p.m.)

7 THE COURT: All right. Mr. Anthony?

8 MR. ANTHONY: Appreciate it. Beg the Court's
9 indulgence. Some of this other stuff I need to play.

10 BY MR. ANTHONY:

11 Q. So, Dr. Riemer, I think we were about to take a
12 look at State's Exhibit 33. You can go ahead and share that,
13 please. And I noticed -- is this -- is this the diagram you
14 made?

15 A. Yes.

16 Q. From India's autopsy?

17 A. Yes. At the time of her autopsy.

18 Q. Now, I'll first of all direct your attention to
19 her -- her head area. I noticed there's some circles like on
20 her cheeks and around her eyes. What -- what would that
21 indicate?

22 A. Those are areas of contusions. So contusions or
23 bruises basically from impact she's got contusions around her
24 eye -- the left eye and on the left side of the forehead
25 above the eye. So that's one -- one or two contusions in the

1 left eye area. And she's got another discreet unique
2 contusion on the right cheek area, overlying the right jaw.
3 Then she has another fairly large contusion on the left side
4 of the jaw and cheek. That could have been from a single
5 impact or could have been from a couple that are overlapping.
6 I don't know. And then she had some abrasions on her lips as
7 well. So she's got multiple sites of impact bruising on her
8 face.

9 Q. Now, alongside of doing -- and I'm just going to
10 ask you some things about India's head injuries. Aside from
11 doing the external examination, do you do an internal
12 examination of an autopsy? Subjects heads --

13 A. Yes.

14 Q. -- skull area, brain area?

15 A. So part of the autopsy, this is my external exam,
16 and I also documented different, like, bruises on, like, the
17 extremities as well as I mentioned, and she had a scrape on
18 her back, but in addition to what you can see on the face
19 that I was able to see externally on internal examination
20 once I reflected the way I was able to look under the scalp
21 before going into the scalp, and the brain is part of just a
22 normal -- you know, specialized autopsy procedure that's done
23 in every person who has an autopsy. There were some
24 additional bruises on her scalp. So she had one on the right
25 side of the top of the scalp, sort of the back top of the

1 scalp over there or so. Now, I didn't notice this on the
2 external exam and I had to look underneath, and then I saw
3 there was a big -- you know, bruise of the full thickness of
4 the scalp, but it's not -- you know, I -- I didn't, like,
5 shave her head to see if I can -- you know, I -- because I'm
6 able to do an internal examination and see those when I --
7 when I look on the underside of the scalp. So one to the
8 right side of the parietal area, which is, like, back here,
9 like, in that area.

10 And then she had another one in the left side of the
11 frontal area. So that's another one left side of the frontal
12 area above where she had the -- the contusion on the left
13 side of the forehead. So this is a four-year-old child small
14 for her age, who had multiple impact sides on the head and
15 face. Okay. And then further now, she did not have any
16 skull fractures. Her skull was intact, but part of the
17 autopsy, the internal examination involves -- you know, basic
18 -- you know, carefully removing -- you know, the -- the --
19 the skull in order to evaluate the brain and whatever else
20 may be in -- in the skull. And in this case, in addition to
21 her brain, there was a lot of bleeding around the brain,
22 bleeding on the surface of the brain, on multiple surfaces of
23 the brain.

24 And that's from her -- it was not from any natural
25 disease that caused this. She didn't have any kind of

1 aneurysm or anything. So it's another reason to do an
2 autopsy is to rule out another possible causes of findings.
3 So these are from blunt-force injury and the bleeding in the
4 brain is responsible for her death. So there was bleeding on
5 the surface of the brain. There were also bleeding in the
6 ventricles of the brain, which is normally a space where
7 cerebral spinal fluid flows, and that helps, like, remove
8 toxins and other -- you know, debris. I mean, there's a lot
9 of cell turnover on -- in all our organs. So the cerebral
10 spinal fluid helps -- you know, deport -- you know -- you
11 know, cells that are -- that are retiring out of the -- out
12 of the brain space and it goes through the rest of the body
13 and then eventually gets recycled.

14 Q. Dr. Riemer is -- is it possible that you could use
15 a diagram to help explain some of these injuries?

16 A. Sure. So -- you know, it's not like we just have
17 a skull in a brain. We have many layers of the -- the scalp,
18 the -- and then the skull, and then it -- right under the
19 skull we also have different protective envelopes that
20 surround the brain, like, actually at least one, we've got
21 two discreet membranes. And I'll be able to sort of give you
22 an idea of what that looks like from a diagram and an anatomy
23 book.

24 Q. I'm handing you what has been marked as State's
25 Exhibit 32 I'm asking you to tell the jury what that is.

1 A. Yes. So this is a little cross section of -- you
2 know, the brain and skull. So we take a little -- if -- if
3 we imagine like taking a little slice through the -- the
4 scalp, skull and brain in order to see the different layers
5 of things that protect our brain within our -- within the
6 skull. And this is an example of that.

7 MR. ANTHONY: Okay. All right. We move 32 into
8 evidence as published.

9 MR. L. SHEALEY: No objection.

10 THE COURT: 32 is in without objection.

11 (State's Exhibit Number 32 admitted into evidence.)

12 BY MR. ANTHONY:

13 Q. All right. Dr. Riemer, just give me a second.
14 I'm going to give this one up. All right. And what I'd ask
15 you to do is just describe the -- use that diagram to
16 describe the level of injuries that -- that India had. And
17 if you want to -- I'll -- I'll do the best I can --

18 A. Keep it -- if you keep it right there.

19 Q. Okay.

20 A. Okay.

21 Q. Do the best I can with the pointer to -- to point
22 out things you're --

23 A. Okay.

24 Q. -- needing and you kind just -- just tell me where
25 to go, okay?

1 A. That's fine. So the -- the large picture we have
2 with all of the pointers and labels on it is basically a
3 blown-up section of the -- you see where the -- the skull in
4 the corner we've got the -- the -- yeah, so we've got like
5 the skull this is, like, a skeleton. There's no -- we don't
6 see any skin or scalp there. But if we take that little
7 square and we blow it up, we are getting a section through
8 the -- the -- yeah, this is, like, the -- the skull and the
9 brain underneath it. And then the reason we're doing this is
10 just so you can see the different layers between the scalp
11 and the skull and the brain. So it's not just -- you know,
12 it's kind of, like, peeling an onion until you actually get
13 to the brain. And so that's what we're looking at over here
14 and there, it's a bunch of different labels here. You know,
15 it's -- if we start at the bottom, like, down here that you
16 can see that's -- that's the brain. So -- you know, we've
17 got two cerebral hemispheres, and -- you know, it's not just
18 like -- like a rubber ball -- you know, we've got different
19 structures and this is the right -- you know, right and left
20 cerebral hemispheres. Okay. And then immediately above that
21 there's the basically the -- the pia matter is -- it -- it's
22 not really that -- you don't -- don't -- you don't have --
23 there's no test on this, so that's just like a little layer
24 covering on top of the brain. But on top of that, the
25 arachnoid matter -- the arachnoid membrane basically covers

1 the brain and it -- and it -- it keeps -- you know, it's kind
2 of, like, a little membrane to keep the brain -- you know,
3 that covers the brain. It helps protect the brain and keep
4 it -- you know, together. So that arachnoid membrane.

5 And then on top of that is a dura matter. The dura
6 matter is a very tough membrane. It's like an envelope that
7 the entire brain, including the sub or the arachnoid membrane
8 is within the dura mater. So the dura mater is between the
9 skull and the brain, and then the arachnoid membrane covers
10 the brain. Okay. So when I said that she had bleeding in
11 the brain, okay, on -- on the surface of the brain, she
12 actually had -- India actually had bleeding in both the
13 subdural space. So that's the space between the dura mater
14 and the overlying skull. And she had blood between the brain
15 and the sub -- and the arachnoid membrane. So she had brain
16 -- blood on the -- actually on the surface of the brain and
17 then on top of the brain between the brain and dura. And
18 then she had the -- this is the scalp. And when I -- the --
19 the scalp also had some contusions, so contusions of the
20 scalp bleeding in the brain. She had contusions on the face.
21 And as a result of that, she had -- and in addition to that,
22 she had bleeding in the ventricles, which is the space of the
23 brain where the cerebral spinal fluid flows. So that --
24 there was some -- that's not depicted on here, but that was
25 also there.

1 Q. Okay. And just to use this skull here, when you
2 -- when you talk about the -- the hemorrhage of the -- the
3 left cerebral hemisphere, can you -- if you'll just point
4 that out on -- if you'll just point to that --

5 A. Yeah.

6 Q. -- over your head. I'll try to --

7 A. Okay.

8 Q. -- point it out on the --

9 A. Yeah. So if the -- the -- if we look at -- we're
10 looking at somebody's face here, right? This whole skull.
11 So this is the right side, and this is the left side, right?
12 Right side to left side and bleeding over the left cerebral
13 hemispheres bleeding on the surface of the brain over lying
14 the left side of the head.

15 Q. Okay.

16 A. Okay. So --

17 Q. The arrow is about the right place?

18 A. I can -- yeah, that's exactly where it is, but it
19 -- it's rather diffuse. It's -- you know, there is bleeding
20 and it accumulated over the -- the bleeding just doesn't stay
21 in one place because -- you know, blood kind of travels where
22 it can, the -- the -- the brain is contained within a closed
23 skull. Okay. So if you start bleeding in one place, okay?
24 Where -- you know, just because it's going to kind of follow
25 the path of least resistance, blood can continue in other

1 areas. So even though we have an impact side on the left
2 side of the front, like, the frontal scalp, we have bleeding
3 over the entire left surface of the brain.

4 Q. And so there was -- there was bleeding on the --
5 the left side, like, right about here. And then on the right
6 side.

7 A. Yeah, the right -- the right -- I said that -- I
8 mentioned earlier that it was the right parietal, which is
9 kind of that region, sort of the top back of the head. So --

10 Q. All right. Is that about where I had the arrow?

11 A. Yes, so there was bleeding also on -- on that side
12 of -- of the head and toward the back. And in addition,
13 there was some bleeding on the surface of the cerebellum,
14 which is at the base of the -- base of the brain. Why did
15 she have that? It may have been because, again, because
16 blood kind of goes where it can, so it kind of -- once
17 bleeding starts, it's going to travel and where there's
18 available space for the blood to occupy. And -- you know,
19 the brain cannot expand indefinitely to accommodate all of
20 this bleeding -- you know, it's -- it's a closed fixed space.
21 There's not a lot of room in there. So once blood starts to
22 accumulate, it's going to compress -- compress and squeeze
23 out the adjacent parenchyma and the adjacent brain tissue.
24 Okay. That's -- and -- you know, when the brain is
25 compressed blood vessels that supply oxygen to the brain also

1 get compressed. So -- you know, the -- the vessels are going
2 to be flattened because there's blood overlying the brain
3 where it shouldn't be. And when those blood vessels that
4 supply essential nutrients and oxygen to the brain get
5 compressed, oxygen cannot be delivered to the brain. And in
6 this case, the examination of the brain showed changes of
7 oxygen deprivation.

8 Q. Well, I just want to make sure as far as the
9 locations of the impacts to India skull, there's -- there's
10 one on the left side -- left, like --

11 A. Yes, there were -- there were two impact sites on
12 -- on the skull.

13 Q. Okay. And then you described subdural hemorrhage,
14 which is -- you showed the jury that would be --

15 A. Yeah, so subdural hemorrhage is the blood between
16 the dura membrane, the dura mater, and -- and the arachnoid
17 membrane. So that's a layer. And there's important veins in
18 there, blood vessels that ruptured as a result of the impact.

19 Q. So if I got the arrow on the right place for -- to
20 describe --

21 A. Yes.

22 Q. -- you know where the subdural hemorrhage
23 occurred?

24 A. Yes.

25 Q. Right there?

1 A. It's -- you know, normally we don't have space in
2 there. It's normally a tight -- a tight space, but in this
3 case it was -- it was disrupted by accumulation of blood.

4 Q. And then you said there was a subarachnoid
5 hemorrhage have I -- is that --

6 A. Yeah, so the arachnoid is the purple area. The
7 purple layer, right? The dura is the kind of the white --
8 the white and gray layer. And then the purple layer is the
9 arachnoid. That's the one basically immediately covering the
10 brain. And there's lots of small blood vessels also
11 underneath the arachnoid membrane. So those also got torn
12 and ruptured from this impact. And so bleeding in multiple
13 locations of the -- layers of the brain -- of the brain.

14 Q. And -- and I believe you -- you found what you --
15 what you called intra ventricular hemorrhage?

16 A. Yes. So the -- it's not depicted here, but the
17 ventricles are kind of little channels that run through the
18 center of the brain and help -- you know, where, like,
19 cerebral spinal fluid flows and that blood was basically or
20 that fluid contained blood, so she was also bleeding into the
21 ventricles.

22 Q. All right. Now, the injuries that you have
23 described what -- what label would you -- you put on the type
24 of act that would create those injuries to head?

25 A. Blunt-force injury to head -- to head.

1 Q. And what can you say, like, based on your autopsy,
2 what can you say about the number of blows that would've had
3 to been inflicted on India to create the injuries that you
4 saw?

5 A. Well, she did have multiple impact sites to the
6 head and face. It only takes one to cause bleeding, right?
7 So some of them may not have caused her bleeding. Some of
8 them -- her -- her bleeding and her skull, some of them may
9 just have been bruises to her face, but at some point, one of
10 those, or possibly two or more caused a cascade of bleeding
11 to start in the brain. I don't know it's -- if it was from
12 one impact, it's not possible for me to tell. And that's
13 because remember the blood kind of travels around to where
14 there's space available for it. So I can have bleeding in an
15 area that was not the direct site of impact.

16 Q. Although, can you say whether it had to be more
17 than one impact?

18 A. Yeah, I think it's most likely at least two
19 impacts that were responsible for the bleeding here because I
20 have two -- two areas of impact, like, isolated impacts to
21 the scalp, right? One was to the left side of the front and
22 one was to the right side. And a lot of times blood doesn't
23 cross the midline, okay? So we have this superior sagittal
24 sinus. It's actually kind of separates one side from the
25 other. So the fact that there's blood on both sides

1 indicates to me that it's most likely two impacts to the
2 brain that resulted in bleeding -- the fatal bleeding.

3 Q. And going back to the -- the actual diagram of the
4 autopsy are -- are any of the impacts to the face additional
5 to -- to the impacts that caused the bleeding to the brain?

6 A. Yeah, I mean, I -- I really don't -- can't say
7 with any degree of medical certainty that the injuries to the
8 face resulted in any bleeding in the brain. They may have --
9 there may have been already bleeding started and an
10 additional -- you know, remember we just -- there's lots of
11 blood vessels, so it could have been some blood vessels were
12 broken from one impact and then additional blood vessels from
13 another impact. It's not all necessarily from one -- you
14 know, or -- or more. I -- I don't know for sure and it's
15 just not possible to know because we've got multiple impact
16 sites. We've got bleeding on the multiple surfaces of the
17 brain in the ventricles. You know, whether this is from
18 blows to the face, blows to the head, a combination of those
19 I don't -- I don't know. It's not possible to know.

20 Q. And what type of force -- what type of act would
21 cause these type of injuries that India suffered?

22 A. Yeah. Well, it -- I call it -- we call it -- you
23 know, our -- our label for this is blunt force. So it's not
24 sharp force. It's not from a knife, it's not from a gun. It
25 -- it's from something that didn't cause any -- you know,

1 cuts or anything like that or holes. So it could have been
2 -- I don't have any idea actually what caused this. Could
3 have been a fist, could have been -- we have multiple areas -
4 - you know, around the eye. Could have been a hand, it could
5 have been another object -- you know, any kind of object or
6 it could have been that -- you know, her face was -- or her
7 head was struck against some furniture or something. I don't
8 know. It's just blunt-force injury -- you know. I don't
9 think anybody could ever really say exactly what the -- the
10 -- the method of injury was.

11 Q. Are there cases where maybe you can say that?

12 A. Yes. Well, other types of injuries, like if it's
13 from a knife or a -- you know, a -- a gun -- you know, they
14 have very definitive characteristics that I can -- I know the
15 object responsible for the injury, but in this case, they're
16 kind of non-specific. There's nothing that tells me -- you
17 know, it's got to be from this or -- you know, or that it
18 doesn't have -- they don't have any pattern to them that tell
19 me anything about what kind of an object or part -- part of
20 the body that may have caused any of these injuries.

21 Q. So but you -- I take it you can say it's impact
22 with an object that's hard enough to cause --

23 A. Yeah, blunt force it's blunt force injuries to the
24 -- to her head and also her face is part of her head.

25 Q. Now, after India sustained these injuries, how

1 would you anticipate her behavior to change in light of the
2 bleeding on the brain that was caused?

3 A. Yeah. Well, from my education and experience,
4 once -- if there's a blow to the head, one or more blows and
5 bleeding starts whatever her baseline of functioning was, I
6 understand she was disabled, but whatever her baseline was
7 she would've had decreased functioning, right? So she may
8 have been sleepy -- you know, she may have been crying. She
9 may have been less communicative. It's hard for me to know
10 exactly, because there's a variety of ways -- you know, that
11 -- you know, injuries to the brain can manifest in any
12 individual.

13 Q. Can -- can injuries to the brain manifest in some
14 sort of seizure type behavior?

15 A. Yes. So do you remember I was describing lack of
16 oxygen delivery to the brain because of bleeding on the brain
17 and that -- you know, basically compressing the brain and not
18 allowing -- you know, the brain to occupy the full skull
19 because there's blood in the way, and then it's going to
20 compress the vessels that supply blood to the vital centers
21 of the brain. So when there's lack of oxygen delivery to the
22 brain, and I know in this case there was definitely lack of
23 oxygen delivery to -- to the brain because I was able to see
24 the changes in the nerves under the microscope that indicate
25 lack of oxygen delivery over a period of time. Sometimes we

1 know that an individual can experience seizure-like activity.
2 Because the brain is basically an electrical organ -- you
3 know, that if you put a brain -- you know, take brain waves,
4 there's lots of spikes. So if there's lack of oxygen to the
5 brain and the brain is suffering ischemic damage, that's from
6 basically lack of -- you know, vital oxygen, the brain is --
7 can malfunction electrically. And we know a lot of times
8 injuries to the head that result in bleeding can cause
9 seizures. So you know, I don't know whether that actually
10 happened in this case, but it certainly couldn't indicate
11 that that's a -- a manifestation of -- of bleeding into the
12 brain.

13 Q. And could rolling back of the eyes be part of that
14 is part of the -- the seizure occurrence?

15 A. Yes. So -- you know, these are all things that
16 may or may not happen in a person who has bleeding in the
17 brain with consequent lack of oxygen delivery to the brain.
18 But -- you know, the -- a lot of facial features may -- may
19 not function normally. There could be seizure activity or --
20 you know, abnormal movements of the eyes, including rolling
21 back. That's a possibility.

22 Q. And just -- you mentioned ischemic injury. Could
23 you just tell the jury a little bit more about what that is
24 and what that lets you know about this -- this autopsy in
25 India's situation?

1 A. Yes. So ischemic injury is changes to the actual
2 neurons of the brain. Okay. The neurons normally -- you
3 know, they're alive and healthy. And even when somebody dies
4 -- you know, they -- we -- can -- we take a picture -- you
5 know, microscopically I can take sections of the brain and
6 look at it under the microscope. And the brain -- India's
7 brain under the microscope showed that ischemic injury to the
8 brain had already developed. So this takes a while to happen
9 if somebody dies fairly quickly, like in -- you know, 2, 3, 4
10 hours from the time of impact we don't even see those types
11 of changes of the neurons in the brain. So the changes that
12 were present in the brain it's -- it's impossible to say
13 exactly when it started, but it indicates -- they indicate
14 the fact that they're well-developed ischemic changes is from
15 lack of oxygen delivery, is that the -- the brain started
16 having lack of oxygen delivery at least a couple of days
17 earlier. So these changes in the brain take a couple of days
18 to develop or more.

19 Q. And if you could just go through, how is it that
20 having a -- a brain bleed, or just to put it in a common
21 parlance. How is it that having that bleeding on the brain
22 would act to cause India's death?

23 A. Yes. Okay. Well, first of all, blood in it -- of
24 itself blood is not supposed to be there. You know, the
25 brain is very protected within its layers. Okay. We have

1 cerebral spinal fluid flowing. Once there's blood, it can
2 interfere with not only removal of -- you know, debris and
3 senescent cells. Cells are from the brain, but also because
4 the bleeding is around the brain. And we have a closed
5 space, right? So you can't -- the brain -- the skull is not
6 to -- going to be able to expand to accommodate the -- the
7 bleeding. It's what it's going to happen it's going to
8 compress the brain. The brain is very soft, so it's easily
9 compressible. And when the brain is compressed from -- from
10 blood accumulation, the blood vessels, there's lots of blood
11 vessels in the brain, those are also going to be compressed.
12 Okay. So they're being compressed, and then the blood is
13 supposed to be running through those blood vessels to supply
14 oxygen to the brain. So the bleeding on the surface of the
15 brain where it's not supposed to be, is going to compress the
16 blood vessels that are important for actually delivering
17 blood to the vital areas of the brain. And so bleeding on
18 the surface of the brain is going to prevent the -- that's
19 not where it's supposed to be. It's going to prevent blood
20 from being supplied to the areas of the brain to keep it
21 alive and functioning because compression of the brain is
22 going to result in compression of the blood vessels that
23 supply the brain.

24 Q. And those -- those blood vessels are how the brain
25 gets oxygen. Is that fair to say?

1 A. Yes. Yeah. So the brain -- you know, like the
2 brain gets oxygen because -- you know, the -- the -- the
3 breath that we breathe in into our lungs, and then -- you
4 know, we thought the -- all the blood -- the oxygen that
5 we've taken to our body gets delivered to all the internal
6 organs, including the brain.

7 Q. And so once the brain gets into that state where
8 it is oxygen deprived, how does that act on other functions
9 of the body and lead to death?

10 A. Well, the brain is not just an isolated organ,
11 right? The brain is responsible for keeping the rest of us
12 alive, right? So once ischemic injury, lack of oxygen
13 delivery occurs in the brain, okay? The brain is going to
14 stop functioning normally. The patient may be experiencing
15 seizures or other abnormal movements as was mentioned, but
16 that also -- you know, the brain is also responsible for
17 keeping us breathing and telling the heart to keep beating.
18 So at some point, the brain -- brain death is death. It
19 causes death of all the other organs.

20 Q. And from your evaluation of India, what can you
21 say about how long she had suffered from these injuries
22 before she died?

23 A. Yeah. Well, this is -- you know, a notoriously
24 difficult area for any pathologist to -- to know with any
25 degree of medical certainty, but based on my years of

1 experience and my education, it's my estimation that the
2 bleeding started at least a couple of days prior to her
3 actually succumbing to death.

4 Q. Okay.

5 A. So bleeding started slowly, okay? She didn't have
6 a skull fracture -- you know, so there can be bleeding from
7 very small blood vessels that occurs very slowly until then,
8 we start to have lacks -- lack of oxygen delivery to the
9 brain causes brain death, and then the rest death elsewhere,
10 so...

11 Q. And -- and how long would -- would you say someone
12 -- India could have -- you said at least two days. How long
13 could she have survived once the some of these injuries had
14 been inflicted?

15 A. Yeah, well, that's -- you know, I know she didn't
16 survive more than two days if she had gotten immediate
17 medical attention -- you know, once bleeding starts in the
18 brain, they -- if she had gotten immediate medical attention
19 -- you know, from bleeding -- you know, she -- before the
20 onset of ischemic changes to the brain, she could have -- she
21 could have potentially survived. But I don't know -- you
22 know, this -- this -- you know, I -- I believe that the --
23 the bleeding and the ischemia, the changes occurred over the
24 course of a couple of days or more until she actually died.

25 Q. And is there -- is there some amount of time

1 outside of which she would not have been able to live with
2 these injuries?

3 A. Well, I think -- you know, she's -- she -- if she
4 had gone -- I -- I'm not sure I really -- if outside of which
5 -- once the injury started causing, like, the changes in the
6 brain -- you know, compression of the brain at that point,
7 she's going to die. Doesn't matter if she got to -- you
8 know, to -- the best medical care in the world, once there's
9 damage to the brain, you can't recover that. She would've
10 been -- you know, had severe brain damage if she had survived
11 so...

12 Q. Okay.

13 A. But I don't know -- you know, it -- it's not
14 possible to say -- you know, but I know it -- I can't -- it's
15 not likely that these injuries were inflicted within two
16 days, but it could have been longer. I don't know how -- you
17 know, how long, but -- you know, it's -- we're not talking
18 about -- you know, like five or six days. It's because once
19 bleeding starts in the brain, people aren't going to live for
20 like -- you know, six days, five, six days.

21 Q. Okay. So somewhere -- somewhere inside of five
22 and outside of two?

23 A. Yeah, somewhere in there. It's -- I know it's a
24 very rough estimate, but -- you know, once bleeding starts, I
25 mean, it -- it's -- there's not that much space. It doesn't

1 take that much blood. So even a very slow bleed is going to
2 start building up. But this is -- these are -- you know,
3 it's -- it's an estimation. There's no -- there's no
4 concrete evidence to say it's definitely at this time -- you
5 know, so I give a pretty wide range where I feel comfortable
6 saying that the injuries occurred at that time.

7 Q. And what is it about her injuries that let you
8 know that she did live on for at least a couple of days after
9 they -- they were inflicted?

10 A. Yes, because first of all, there's a couple of
11 things. So the bleeding that's in the brain, some of it is
12 already starting to become clotted, so that takes a while.
13 So we have some fresh blood, so probably bleeding started and
14 then continued slowly. If this all happened at one cell
15 swoop, it would all be liquid blood. But there's bleeding
16 that we have a combination of bleeding that was looked --
17 appears to have been ongoing in that some of it is already
18 clotted and then some of it's still liquid. So we know that
19 -- you know, this is occurring over a course of time plus
20 slowly depriving oxygen to the brain. I'm able to see under
21 the microscope the changes that take at least two days for --
22 for the ischemic changes to start to be visible. Ischemic
23 changes can actually happen earlier, but in order for me to
24 see them under the microscope -- you know, that's already
25 visible changes in the cells that we know take a couple of

1 days to occur.

2 Q. And what can you say about the -- you said there
3 were at least two impacts. What -- what can you say about
4 when they were inflicted in relation to each other, if
5 anything?

6 A. I can't really say that.

7 Q. And had India gotten treatment, had -- had she
8 some after the -- these injuries were inflicted, was there a
9 period of time when she could have gotten treatment and
10 avoided -- and -- and can and lived?

11 A. Absolutely. It -- I believe that would've been
12 the most -- most likely if she got good medical care. So
13 once bleeding starts in the brain there's something called a
14 -- they -- they can basically put in -- drill a hole in the
15 brain or a hole in the skull. Okay. And then put in a tube,
16 collect the blood out. So it's not accumulating or crushing
17 the brain. It -- it's called a burr hole. Okay. A burr
18 hole is made in the skull. It's like a drain is inserted and
19 it allows blood to flow out. And so -- you know and that
20 usually at some point it's going to stop, but if not, then --
21 you know, they can even, sometimes a neurosurgeon can go in
22 and -- you know, tie up vessels that are visibly torn.

23 Q. All right. I'm going take you back now to the
24 diagram, and I'll -- I'll just ask you before, is there
25 anything else notable about the internal head examination of

1 India's that we haven't talked about? Any other -- any other
2 findings from that internal brain?

3 A. Of the -- of the brain?

4 Q. Yes.

5 A. No, I think we covered that.

6 Q. Okay. All right. Well, I'm just going to go down
7 the diagram and I would ask that you let the jury advise --
8 tell the jury what all else you -- you observed as far as
9 injuries in India during your external examination.

10 A. Yes. Okay. So you can see I have some circles
11 and little marks. That's the -- the trunk, the chest.
12 That's fine. These are just part of the body diagram, like
13 the nipples and -- and the lines of the -- around the
14 abdomen. So but you can see the -- the marks that I made.
15 So she had some marks and some of them were scabs. So you
16 know about scabs then that's not -- that -- those occurred
17 previously and started to -- they're already scabbed up. So
18 she has some scrapes that are -- that are actually scabbed
19 already. And then she has some other this is an abrasion on
20 her back, so that's more fresh, but -- you know, none of
21 these -- none of the injuries to her limbs, her -- her arms
22 or her legs. She has other -- you know, contusions on the
23 legs, but none of those are responsible for her death. If
24 this was a child who -- a four-year-old can -- you know, if
25 she was able bodied four-year-old, able to run around and

1 play -- you know, none of those may be surprising to me.
2 Because four-year-olds are -- they're -- they can do all --
3 they do all sorts of things that can -- you know, they can
4 bang themselves, they're unafraid, but in this case, I know
5 she was not a mobile, and so -- you know, I don't think she
6 got those from like playing ball.

7 Q. Have I got the -- the pointer on the --

8 A. Yeah, that -- that's a -- a small scrape, but none
9 of those actually caused any internal injury. So she didn't
10 have any -- a single broken bone in her body. So none of
11 these were sufficient to break -- break a bone. So actually,
12 part of the autopsy is I get a complete skeletal survey which
13 is having X-rays of every section of her body. And because
14 I'm a pathologist, I'm not a radiologist, and I work at MUSC,
15 I'm lucky I have access to trained pediatric radiologists
16 that do this all the time. They evaluate children when they
17 come into the emergency room, they get skeletal surveys. And
18 I requested that the pediatric radiologist review the
19 skeletal survey, which is the complete X-rays of the whole
20 body. And she reported that there was no evidence of any
21 kind of bony injury.

22 Q. And like these -- these notations here on the back
23 of her left arm, what are they?

24 A. Yeah, so some are contusions, some are bruises --
25 you know, it could be from a finger or -- or something -- you

1 know, nothing wasn't, like -- you know, like, a big brick or
2 something, but -- you know, small -- they're small and some
3 of them are actually scabs. So she has some healing
4 abrasions as well as some contusions. And then on her legs,
5 she's got a couple of contusions to the back of the -- the
6 right leg around in the back of the knee area. Yes. So
7 those are a couple of contusions back there. And these -- I
8 don't know how old these are, they -- these may have been
9 from -- you know, another incident, but they have nothing to
10 do with her death, but it does indicate that. And then on
11 her -- the left side of her that that's the right leg. And
12 then she's got some other additional ones up on the right --
13 the right thigh and then left thigh and left -- so she's got
14 multiple basically bruises on her lower extremities, none of
15 which were responsible for her death.

16 Q. And did those appear to you to have been inflicted
17 at different times, or?

18 A. Well, I -- I can't tell the times of those, but I
19 do know that scabs are something that -- you know, take a few
20 days to develop. So certainly some of them were not fresh.

21 Q. Okay. Did you make any other findings regarding
22 particular conditions that India was suffering from aside
23 from the -- the head injuries?

24 A. Well, in addition to the what I noted of the back
25 and the scabs and her extremity bruises -- I mean, she had

1 some other changes that were from postmortem changes.

2 Q. Let me just ask you, was there -- was there
3 anything that you were able to determine concerning her level
4 of hydration?

5 A. Oh, yes. Okay. So on -- on she -- she was very
6 thin and I routinely take -- normally -- you know, you go for
7 blood tests at the doctor and -- you know, you've got a lot
8 of values back, sodium chloride, it's like a bunch of these
9 values and the -- those -- those tests are valuable for --
10 for -- they are sometimes important during an autopsy, but I
11 can't do them in blood because there's too much changes in
12 the blood after death. So something really interesting is
13 that, like, we have fluid in our eyeball and that -- that
14 actually mirrors the serum of the blood at the time of death.
15 So I can take some of the fluid out of the eye and send it to
16 the lab and get, like, a basic metabolic panel on that. And
17 she actually had her electrolytes showed her that she was
18 markedly dehydrated. So -- you know, what does that tell us?
19 It tells us that she probably -- you know, wasn't being given
20 water or other liquid to -- until she got severely dehydrated
21 may have been wrong -- you know, from the time she wasn't
22 able to drink or something. I -- you know, but it just tells
23 me she was dehydrated.

24 Q. And did you make an examination of her vaginal
25 area for any signs of sexual trauma?

1 A. Yeah, I -- I always -- I always do that. Whenever
2 then -- there's some kind of a traumatic death on -- you
3 know, both men and women and in this case she did not have
4 any evidence of sexual trauma.

5 Q. Okay. It could, you -- is it possible that
6 decomposition can -- can create some effects on the vaginal
7 area and --

8 A. Yeah, I mean --

9 Q. -- not appear that way to someone?

10 A. I actually described that. I -- I -- I did say
11 the vaginal mucosa, so the vagina area shows decompositional
12 related changes, and then there's also -- and the anus was
13 dilated. Okay. So why does that happen? It doesn't mean
14 that there's -- you know, was penetration. No. So why does
15 that happen after death? You know, our -- and she had green
16 -- her abdomen actually appeared green. Okay. So she was
17 very thin. She didn't have a very thin layer of fat beneath
18 her skin. And our GI tract -- you know, everybody takes
19 probiotics, right? So we have good bacteria in our -- in our
20 gut in addition to get rid of the bad ones, right? But --
21 you know, this is -- our gut is filled with bacteria and when
22 we die, the bacteria live on and they produce all sorts of
23 gas, okay? That's their waste products. You know, normally
24 -- you know, we're alive, so we manage that. But what
25 happens in -- you know, the gas builds up her abdomen was

1 actually swollen from the gas buildup, and it was green
2 because of the specific kinds of gas that the bacteria
3 produce. And the anus is actually connected to the rest of
4 the -- so anus appears expanded and widened from gas buildup
5 and also the -- the vagina normally harbors lots of bacteria.
6 They're part of the healthy vaginal flora.

7 Now, she was only four there -- there's actually --
8 this is something I've actually done a lot of reading on over
9 my years. And it's there's -- there are -- there's vaginal
10 flora that occur in -- in children even before puberty. It's
11 a different population of bacteria that occur after puberty
12 -- puberty. But those bacteria are all capable of producing
13 gas and causing expansion of the space. So -- you know,
14 somebody -- to me I was able to tell, oh, these are all
15 postmortem changes. This is why -- you know, it's important
16 that a forensic pathologist examine these areas. And -- you
17 know, somebody who's not -- not experienced as a forensic
18 pathologist doesn't -- can't -- you know, if somebody's not
19 sure what they're looking at, things can be over called, but
20 I felt there's 100 percent no evidence of sexual trauma.

21 Q. Just one -- one last question. I think you've
22 already kind in -- a large agreement, just -- can you -- you
23 can go ahead and cut that down. In -- just based on your
24 autopsy of India Martin, did you come to form an opinion as
25 to her cause of death?

1 A. Yes. The cause of death was blunt-force head
2 injury.

3 MR. ANTHONY: Thank you. That's -- that's everything
4 on direct.

5 THE COURT: Let's take a quick break before you get
6 going. You got -- you going to go a few minutes?

7 MR. L. SHEALEY: A few minutes.

8 THE COURT: Okay. Let's take a quick break. You all
9 step in the jury room, have you all back here in --
10 (Jury exits the room at 3:25 p.m.)

11 THE COURT: All right. We ready?

12 MR. L. SHEALEY: Yes, sir.

13 THE COURT: All right. Bring them.

14 (Jury enters the room at 3:34 p.m.)

15 THE COURT: All righty. Your witness.

16 MR. L. SHEALEY: May it please the Court?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. L. SHEALEY:

20 Q. Hey, Dr. Riemer, how you doing?

21 A. Hi, good afternoon.

22 Q. I'm Luke Shealey. Do you remember me?

23 A. Yes. You came to meet with me a week or so ago.

24 Q. Yeah, good to see you again. You were kind enough
25 to allow me to come visit you and that's helped my

1 understanding of this case. I'll ask you hopefully not too
2 many redundant questions, but just for some clarity. So you
3 list on your autopsy report a date of death of -- of May
4 26th, right?

5 A. The -- yeah, the date of death is not
6 independently determined by me. That was information
7 provided by the coroner. So -- you know, kind of like the
8 date of birth, I'm not going to vital records, but I get a
9 date of birth, date of death and time of death if it's
10 provided, but I don't verify that.

11 Q. I guess there was something that -- about the
12 condition of the body you received that grossly made you feel
13 that's not the date of death you would -- you would -- you
14 would do some investigation?

15 A. Well, I would -- I would call up the -- the
16 coroner's office and I'd say, "Are you sure you've written
17 February and not March?" Or -- you know, something that --
18 but I -- you know, unless it's obviously completely wrong, I
19 -- you know, that's the date I'm given. I'm not -- I -- I
20 didn't -- I don't determine that time of death.

21 Q. Nothing here to make you disagree with that,
22 right?

23 A. I -- yeah, I had no reason to disagree.

24 Q. I guess the time is a little more harder to
25 determine on the 26th, right?

1 A. Well, I don't -- like I said, that's -- you know,
2 the coroners when they show up at the scene that's really the
3 best time to -- to try to determine that. I do see some
4 changes at the autopsy that indicate -- you know, death
5 wasn't immediately -- you know, didn't just happen because of
6 the post -- the postmortem changes are -- are starting to --
7 you know, develop more than I get from somebody who's just
8 been dead a day.

9 Q. You didn't get India's body until two days later,
10 right?

11 A. That's correct.

12 Q. Okay. Doctor, do you have the diagram -- your
13 diagram over here?

14 A. Yeah.

15 Q. Okay. This is State's 33. We have been
16 discussing -- you have with the solicitors some -- and you
17 noted a lot of the external injuries on this diagram that you
18 can see, right?

19 A. Yes.

20 Q. Like the bruises and contusions of the eye.

21 A. Right.

22 Q. But of course you are not noting your internal
23 observations on this, correct?

24 A. That's correct. You can -- I didn't know what --
25 what at the time I wrote those down, I had no idea what I was

1 going to find internally.

2 Q. Just so the jury has it and can really understand
3 it, and not forget. Would you (inaudible) me, I've got this
4 kind of different pen. You mentioned some injuries of
5 bleeding on the left frontal and then the right you called
6 (inaudible), do you mind shading that in just --

7 A. Yeah. You know, there -- so these are areas of
8 the scalp that had contusions. So but they're not depicted
9 here because this is an external exam. So I'll kind of just
10 make an outline. Okay. So that's left and then somewhere
11 back there -- you know, approximately.

12 Q. Yeah. That's all -- that's all I'm asking for. I
13 appreciate that. Just if you could help me and just so we
14 can be consistent with your testimony, you did know that
15 there was this -- you noticed bleeding in this area
16 internally, right?

17 A. Well, that's where the scalp contusion was. Yes.
18 And then there was bleeding on the left side of the cerebral
19 there, and then there was a right contusion as well.

20 Q. Now that's perhaps slightly more accurate
21 embodiment of the injuries that you just discussed. And you
22 talked about blunt-force trauma being the cause of this
23 child's death, correct?

24 A. Yes.

25 Q. And you talked about some of the manners that

1 blunt-force trauma could be inflicted, but I asked you this
2 kind of hypothetical when I came to visit you, if -- if -- if
3 somebody came to an ER with a child and said, "My child fell
4 into a door or just fell into a wall and then she passed away
5 and you got this body," you wouldn't think that is consistent
6 with a fall, right?

7 A. Yeah. Well, this is part -- you know, this does
8 happen a lot. You know, I get a child and the story is the
9 child fell off a -- you know, a high chair or -- you know,
10 jumped off the kitchen table and hit their head and any
11 number of things. And my job is just when I do an autopsy,
12 it's like, is this -- are the injuries I see consistent with
13 this history? But India had so many different impact sites
14 on different surfaces that it would not -- I would not think
15 it would be consistent with a fall.

16 Q. Okay.

17 A. Okay.

18 Q. And it is your opinion that you, I think you've
19 testified at least two impacts, at least two that are
20 blunt-force trauma, right?

21 A. That's right. There -- we had on face -- we had
22 two on the scalp. So my conservative estimate at least two.

23 Q. And if -- if I told you that a -- a grown man had
24 confessed to hitting his child with grown man force in the
25 face, would you say that that could have caused this injury?

1 A. Yes.

2 Q. Okay. One of the things I asked you -- also asked
3 you when I met you, I mean, we've talked about a little bit
4 about this hypoxic ischemia, right? And you -- you even went
5 so far as to look at neurons under a microscope, right?

6 A. Yes.

7 Q. And it's because showing a depletion of oxygen in
8 India's brain.

9 A. Yeah. So there were changes that occur over time
10 once lack of oxygen delivery commences.

11 Q. Okay. When we hear about lack of oxygen, some --
12 some people might think of a child being smothered with a
13 pillow or something like that. But you've already told me
14 that this is not what occurred in this case, right?

15 A. No, that's not what occurred here.

16 Q. Okay. Not smothered with a pillow, but really due
17 to -- this is due to that brain compression that you were
18 describing?

19 A. Yes. There's bleeding in -- around the brain in
20 the closed space. So -- you know, there's -- the -- the
21 brain is -- you know, things that can get compressed like
22 blood vessels will be compressed and then there's a lack of
23 -- of oxygen delivery to the brain. And that cause those
24 ischemic neurons.

25 Q. If someone were to come and smother their child

1 with a pillow and they died due to that way, that would
2 present with a totally different injury pattern for you to
3 observe, right?

4 A. Yes. In fact, there wouldn't be any hypoxic
5 ischemic injury to the brain because if somebody smothers a
6 child to death and prevents them from breathing the brain
7 looks fine at autopsy, there's no changes in the brain.
8 Because the changes that I saw in India's brain take a while
9 to develop.

10 Q. And I think what I'm getting from your testimony
11 is due to the brain being enclosed in a cranial cavity, a
12 bone that's a -- a more difficult place to receive an injury
13 that bleeds than let's say my stomach because there's nowhere
14 for the blood to go, right?

15 A. Absolutely. It's a very small space, so it
16 doesn't take too much bleeding to actually cause the injuries
17 to the brain that I described. If -- if the same amount of
18 bleeding -- you know, wearing your -- on the abdomen or the
19 -- the -- you know, it's not going to -- your abdomen can
20 expand to accommodate.

21 Q. For example, if I'm playing baseball and I'm
22 pitcher and someone really smacks a hard hit right into my
23 stomach, that would be a much better place, although painful
24 than my brain because bleeding there is more acceptable.

25 A. Well -- you know, you could -- you still might

1 have a serious bleed there if it -- if it tore the liver or
2 something like that, you still might need -- you know, you --
3 it's still bad, right? But yeah, the -- it doesn't take --
4 you can actually have people in car crashes can have bleeding
5 internally, and we're talking about liters that -- you know,
6 but there's no room for liters of blood in the brain. I
7 think it can only accommodate -- you know, in a child, maybe
8 a couple of ounces of blood before the brain is going to be
9 compressed.

10 Q. Okay. And we were talking about some of the
11 things you might expect to see in a child like India if she
12 had this type of bleeding. I think you mentioned
13 sluggishness and --

14 A. Yeah.

15 Q. -- losing motor skills.

16 A. Yeah, I mean, I don't know exactly those are
17 possibilities. The -- the solicitor was asking me if those
18 things were possible and I said yes. I mean, different
19 people might experience different behavioral changes. So I
20 don't know exactly.

21 Q. You did note that she has a G-tube.

22 A. Yes. So she had a G-tube presumably to help with
23 feeding.

24 Q. So if you're in a -- a bad state with brain
25 hemorrhaging and you're -- you're losing function, would you

1 expect that you'd have a more difficult time perhaps eating
2 through a G-tube or would it not affect it at all?

3 A. I don't think it really matters. I think a G-tube
4 is kind of a -- you don't have to be conscious to get food
5 through a G-tube, right? So people who do suffer head injury
6 and have to be hospitalized and maybe they're unconscious or
7 in a comatose state, they can still get feedings through. So
8 I -- I don't think it would matter.

9 Q. Okay. And when you -- looking at your findings
10 that you referencing the acute and subacute subdural
11 hemorrhaging, I mean, that -- that means you talking about
12 clotting and then non clotted blood, is that due to the
13 pressure gradually expanding -- expanding?

14 A. Yeah. No, I mean, I think it's probably like a
15 slower bleed. So by the times there -- the -- the bleeding
16 toward the end was still liquid. Some of it all had already
17 clotted. So I do think that and that goes along with the
18 hypoxic ischemic changes of the brain. This wasn't a sudden
19 -- you know, death after impact. Okay. Because the changes
20 in the brain take -- the neuron changes take a while usually
21 two days or so to develop.

22 Q. And I know there were some questions asked about
23 the time frame and that seemed like it would be somewhat hard
24 to pin down, but I think you said --

25 A. Yeah.

1 Q. -- between five and two is this a good estimate?

2 A. Yeah. Something like that. I mean, I -- it's
3 really a kind of a slippery slope. I feel confident that
4 it's at least two days when this brain bleeding started until
5 she actually died -- you know, dead. No -- no -- you know,
6 bodily function. The outer limit is a little bit more
7 difficult. I would say after four or five days, based on my
8 experience as a forensic pathologist having done about 5,700
9 autopsies, that there are people who suffer head injuries --
10 you know, not -- not through any kind of malicious intent,
11 but from car crashes and they remain in the hospital and --
12 and maybe they're kept alive for a while, but after five or
13 so days after four -- their brain actually starts to fall
14 apart. It becomes mush, it's becomes necrotic. So we have
15 still here the vital tissue of the brain showing ischemic
16 changes, but if somebody is kept alive with those in -- you
17 know, if once those injuries start, they don't -- they don't
18 remain static after a certain amount of time her brain would
19 be necrotic, but -- you know, and my experience is that after
20 -- you know, that can start to happen after -- you know, four
21 or five days on life support. So -- but that's based on my
22 experience, it doesn't mean that it's absolutely -- you know,
23 couldn't have been. And -- but she's a -- you know, she's a
24 four-year-old and I understand she's disabled, but those
25 changes I wouldn't expect to be any different in her than --

1 you know, a healthy individual.

2 Q. That's your -- kind of your ballpark estimate?

3 A. It's just a ballpark estimate. Yes.

4 MR. L. SHEALEY: Beg the Courts indulgence.

5 BY MR. L. SHEALEY:

6 Q. I know you went over some of the more ancillary
7 little nicks and scrapes on some of the extremities. Your
8 opinion was had nothing to do with the cause of her death,
9 right?

10 A. Yeah, they weren't -- they -- they just showed
11 some other injuries. They were non fatal.

12 Q. Okay. And I think you said the types of things
13 you would expect to see in a normal four or 5-year-old, but
14 here -- you know, that she is not as mobile as that, right?

15 A. Right.

16 Q. But -- you know, if she's doing therapy and
17 practicing in her leg braces and all that, could you expect
18 to see little nicks and cuts --

19 A. Yeah, that could happen also.

20 MR. L. SHEALEY: Okay. I -- I think that's all,
21 doctor. Thank you.

22 THE WITNESS: Okay.

23 MR. ANTHONY: We -- we don't have any re-direct, your
24 Honor.

25 THE COURT: Thank you so much.

1 DR. RIEMER: Thank you.

2 THE COURT: For coming up to testify.

3 MR. ANTHONY: You got those -- do you have the -- you
4 don't have the exhibits.

5 DR. REIMER: I do not.

6 MR. ANTHONY: You just have your report. Okay -- okay.
7 That's right. Thank you.

8 THE COURT: It's checked.

9 MR. ANTHONY: That -- that would be the State's case,
10 your Honor.

11 THE COURT: All right -- all right. You all -- I got
12 some stuff to put on the record. You all step in the jury
13 room, I'll take a couple minutes, going to do a little work
14 and I'll let you know what we got left today.

15 (Jury exits room at 3:50 p.m.)

16 THE COURT: All right. Before we do any motions, want
17 you to do the motions. You all got a few witnesses you all
18 want to put up?

19 MR. L. SHEALEY: Yes, sir. I think it'd be -- we could
20 at least put -- we have one and we have to because we got a
21 translator.

22 THE COURT: Okay. That'll make sense. All right.
23 Well then let's get the motions done.

24 MR. L. SHEALEY: All right. Your Honor, at this time,
25 the Defense would move for a directed verdict and -- you

1 know, usually I -- I go after every aspect and every element,
2 but I -- I think just to be very candid with the Court, I --
3 I'm really focusing here on the aiding and abetting aspect of
4 the homicide by child abuse. She's charged as you know with
5 murder, she's charged with homicide by as -- by child abuse
6 as a section where she is accused of -- and an actual abuser.
7 And then she's also accused as being the aider and abettor of
8 someone who's an abuser. And then the standard is any direct
9 evidence or substantial circumstantial evidence. The entire
10 state's case that's been presented is that she is the actual
11 killer. She is the actual abuser. We've heard numerous
12 testimony, the major direct testimony coming through her
13 co-defendant, Audrevious Williams, and then there's been a --
14 a lot of cell phone information texts. None of the texts are
15 any kind of direct evidence that yes, I killed my baby or
16 anything. But there's lots of evidence of to help
17 corroborate a time frame of -- of stress perhaps.

18 And then aftermath of panic and being thankful that
19 they're still together and going through tough times and all
20 that. But the State's theory is that she is the abuser and
21 he aided and abetted her. So far there hasn't been any
22 evidence presented direct or circumstantial that she is
23 aiding and abetting his abuse. He adamantly denied millions
24 of times, even though he was impeached quite a lot, that he
25 didn't hurt his babies. He didn't strike India, he loved

1 India. He would never hurt India, denied abusing her. He
2 denied doing anything except, I think, one punch in a trailer
3 wall. But so I just simply don't think there's any evidence
4 to submit to the jury on her aiding and abetting him the fact
5 that she is not seeking medical attention for her child and
6 not calling law enforcement. That doesn't satisfy the
7 standard.

8 There's -- there's a pretty relevant probative case on
9 this that's going to be State v. Lewis, 403 S.C. 345. I can
10 email you a copy of it, but Lewis was charged with homicide
11 of child abuse and the aiding and abetting for -- you know,
12 when his -- he was in his girlfriend's home and he heard a
13 cry and -- and saw hers go stomping down the hall. And
14 basically the baby ended up being dead and he was charged as
15 well for aiding and abetting. And he tried to do what I'm
16 doing right now, which is move for a directed verdict that
17 was denied. And at the end of the day, the jury found him
18 guilty on aiding and abetting not the actual outright
19 homicide by child abuse. And the Court goes to pretty great
20 length in describing why that was error. They describe aid
21 and abet defined in Black's Law dictionary as assisting or
22 facilitating the commission of a crime or promoting its
23 accomplishment.

24 And under that accomplished liability theory, the
25 person must personally commit the crime or be present at the

1 scene of the crime and intentionally and through a common
2 design aid and abet or assist in the commission of the crime
3 through some overt act. So she's not doing an overt act that
4 Dre has testified that it occurred while he was gone and it's
5 all her, it's not even that he did something and she was
6 there and then helped him cover it up in some way. That's
7 just not the state's theory. And so that was -- that was
8 very much a reversible error in that case. And again, it
9 harps on the fact that an overt act is required to be held
10 liable for the aiding and abetting, which necessarily
11 excludes the possibility of being held liable for a failure
12 to act. And so the State's theory is that she failed to act
13 -- well, they -- they want to say that she is the primary
14 actor and then she failed to act in seeking medical
15 attention. So I -- I just don't see how that gets to the
16 jury, Judge. All right. I do have a copy. Where is that?
17 What directed verdict? Hold on. Oh, and I do, apparently, I
18 do have a copy.

19 THE COURT: Lewis?

20 MR. L. SHEALEY: Pass around. Yes, sir.

21 THE COURT: Okay. And you all are not going paper free
22 friendly. I'm glad. This is a Lawrence case, sir.

23 MR. L. SHEALEY: Yes, sir.

24 THE COURT: All right. What do you all think?

25 MR. ANTHONY: Would you like me to go ahead and

1 respond, your Honor?

2 THE COURT: Yes, sir.

3 MR. ANTHONY: All right. Well, I -- if you work from
4 the assumption that Audrevious Williams has committed the
5 abuse on India, the actual abuse that led to her injuries and
6 that Ms. Mullen was aiding and abetting him, there are plenty
7 of overt acts in the record. If you look at those phone
8 records, there's a set of internet searches on her phone that
9 would -- that describe India's condition. There are text
10 messages about keeping her quiet. And I -- I think maybe
11 most glaringly there's the phone call that Monday, both to
12 Antonio Martin and to Asia Martin conversations with them
13 saying she's a vegetable and trying to pave the path for some
14 sort of -- some sort of explanation for what if you -- if you
15 look at -- if you take it as Audrevious Williams did it, some
16 pave the path to minimize what had happened to her and
17 somewhere or another aid and abet Audrevious Williams act.

18 And the State believes that the jury, if it -- if it
19 thought that she was aiding and abetting Audrevious Williams,
20 I mean, they could certainly take that behavior and find that
21 that manifesting intent to aid and abet him. There's plenty
22 of things she did that were clearly -- clearly meant to -- to
23 cover up the act. And that's what you basically have to
24 have, you have to have an overt act meant to aid and abet an
25 act of abuse. And the jury could find that. That's

1 obviously not what the State thinks happened, but the -- the
2 jury could find that.

3 MR. L. SHEALEY: I don't think the State gets to have
4 its cake and eat it too. They're going hard at saying she is
5 the killer, she is the principal. They have not presented
6 any evidence that she's just simply an accomplice who has
7 then committed an overt act. They're saying she's the
8 principal and then she has failed to even get any medical
9 attention. There's no evidence in the record of it. We have
10 tried hard to do cross-examination to get Audrevious to admit
11 it. I even asked him to confess his sins and he refused to
12 do it. There isn't any evidence in this case of that. I
13 don't think the State gets to have two theories at once and
14 just hope -- I think it's going to be confusing to the jury.
15 Number one, if -- if they should even get that case per
16 Lewis, they should not. There's no overt act by her. Even
17 if anybody would at this point accept that there's evidence
18 that he's the principal, it's lack of action not overt acts.

19 MR. ANTHONY: Making a cause overt act. I mean, then
20 -- then the issue is not, is it confusing to the jury or --
21 or do we get to have our cake and eat it too? The issue is
22 just -- is there evidence in which a reasonable juror could
23 find she's guilty of this crime she's been indicted from.
24 And a reasonable juror looking at what she did the -- the
25 Monday before India's body was found, could -- could

1 certainly find that. They could find -- they could find --
2 they could find she was aiding and abetting him from her
3 behavior that night when the police come to the house. They
4 think that the -- that Audrevious Williams is the one who
5 actually killed her. They could look at all those lies she
6 told the police and say, well, that's meant to aid and abet
7 him and help him get away with the crime. So that, I mean,
8 the whole -- all her -- her conversations with the police
9 that night could go to support a verdict of aiding and
10 abetting homicide by child abuse. If the jury thought that
11 she wasn't the one that actually inflicted fatal injury or if
12 they thought she didn't act with extreme indifference in
13 being neglectful of India. We think she did both those
14 things. But if a jury didn't, they could still find beyond a
15 reasonable doubt that she was aiding and abetting someone
16 else who inflicted those injuries. I mean, that is -- that
17 is certainly a -- a conclusion that can be drawn from the
18 wreck.

19 MR. L. SHEALEY: I mean, the lies have been presented
20 by the State, by Ms. Mullen to show that she's trying to
21 cover up her own crime. That's the only evidence that's been
22 presented by the State about her lies that day.

23 MR. ANTHONY: Well, that -- that evidence can be
24 interpreted a number of ways. It doesn't just have to be
25 interpreted as she's covering up. She killed India. It

1 could be interpreted she's covering up what happened to India
2 whether -- whether she did it or not.

3 THE COURT: Well, I mean, of course observation of her
4 behavior that night during the questioning and the police
5 were there no question she's not being forthcoming. She's
6 covering for somebody.

7 MR. ANTHONY: Yes, sir. Yes, sir. I mean, we think --
8 well, she's either covering -- she's -- she's we -- the
9 State's theory is she's covering for herself, but that
10 doesn't exclude the possibility that a jury could find she's
11 covering for him. And either way, if she's covering for him,
12 well that's an overt act in furtherance of the crime he's
13 committed.

14 THE COURT: I think that, based upon the evidence
15 that's been presented that there's sufficient evidence to get
16 past that directed verdict of aiding and abetting. I may be
17 wrong on that, but I'm confident that enough evidence that
18 that inference of who she's covering for could go either way
19 just on that behavior alone. So I understand your argument,
20 but I'm not going to grant that directed verdict. What else
21 you got?

22 MR. L. SHEALEY: Well, I think that's about it, other
23 than renewing all of our other motions and objections and you
24 just denied that motion. And I think that's all we got right
25 now, Judge.

1 THE COURT: Very well. All right. So you've got a
2 translation -- translator type witness?

3 MR. L. SHEALEY: So, your Honor, we have a -- a witness
4 that she would -- we're hoping, I mean, she can speak fairly
5 well. English is her second language. We have a translator
6 here that can only be here this afternoon. And so what I'd
7 like to try to do is get her up first. We'd like to allow
8 her to be responsive to me in English, and if she has any
9 problems, go through with the translator. That's all right.

10 THE COURT: I'm very comfortable with that. Very
11 comfortable with that. That's easier to receive information
12 that it is through the translator, but have the translator
13 standing by. Perhaps give a full explanation of your
14 question and her response. State, if you all got a huge
15 objection, I'll -- I'll hear you. But that sounds very
16 reasonable to me.

17 MS. JOYNER: No objection, your Honor.

18 THE COURT: All right.

19 MR. L. SHEALEY: And, your Honor, just -- I -- we -- in
20 terms of scheduling of our witnesses, we have the one we just
21 spoke of. Then we have three other potential witnesses, what
22 -- whether we get them tomorrow or not that are considered
23 lay witnesses. And then we have --

24 MR. B. SHEALEY: Well, if we don't get them today, we
25 -- we will expect to finish them tomorrow.

1 MR. L. SHEALEY: Right.

2 THE COURT: Yeah. Okay. Also said they -- they were
3 short, but I didn't know whether we were looking at two hours
4 and a half this afternoon for you all's part -- portion or
5 we're looking at an hour right now for you all's portion. We
6 didn't have -- we didn't have a pretty firm grip on how much
7 time you all were going to be left yesterday. It was going
8 to be when the State finishes, you all may put up some
9 witnesses.

10 MR. L. SHEALEY: Right.

11 THE COURT: It was kind of general.

12 MR. L. SHEALEY: We also thought the State was going to
13 finish around midday. Everything always takes longer than we
14 think that's what it is.

15 THE COURT: You don't say. I agree it has.

16 MR. L. SHEALEY: We've got four lay witnesses and three
17 experts.

18 THE COURT: All right. You have -- how many experts
19 you got?

20 MR. L. SHEALEY: Three.

21 THE COURT: Three.

22 MR. L. SHEALEY: Now...

23 THE COURT: Now what we talked about with the jury, so
24 we may as well go ahead and try to see what you we're going
25 to do today and tomorrow.

1 MR. L. SHEALEY: Right.

2 THE COURT: Is the jury's conference is working
3 tomorrow morning till about lunchtime. So I'm figuring
4 9:00-ish till about 1:00. That's kind of what I envision.
5 Do you all have a different vision?

6 MR. L. SHEALEY: I don't. Our only issue is I think
7 we'll certainly finish all of our lay witnesses, our experts
8 being the experts that they are, I mean, they're just like
9 normal folks. They on -- two of them are on previously
10 scheduled vacations. Just, sorry, I'd love to come Saturday.
11 I'm out of the state.

12 THE COURT: So you got to do those Monday.

13 MR. L. SHEALEY: We basically have to do our experts
14 Monday. And I --

15 MR. B. SHEALEY: But we feel we can do that.

16 MR. L. SHEALEY: We feel like -- yeah, it's not going
17 to be two hours per expert. I think the jury's going to get
18 it Monday. That's our forecast.

19 MR. ANTHONY: Well, the only concern I have is I don't
20 have any knowledge of any experts except Dr. Knight. So, I
21 mean, I don't know what these experts have done. I don't
22 know what they're going to say, but I would -- I'd like to --
23 to get some -- some sort of proffer from them before --
24 before they go in front of the jury because for all I know
25 they're not going to even say anything relevant.

1 MR. L. SHEALEY: Well, I think to quote Mr. Anthony a
2 couple days ago, what is -- he said sometimes courts just
3 court. I don't have to forecast everything. So it's all --
4 one is a cell phone expert. I will tell you that who just is
5 totally worked up off the information that has come from the
6 state. I -- I'll tell you that right now. The other one is
7 -- is somewhat akin to Dr. Knight. You probably recognize
8 her name on her expert list. She's -- she testified a lot as
9 a state expert regarding domestic abuse and trauma dynamic
10 interpersonal relationships. That's Becky Callaham. She's
11 testified in this courthouse, I believe. None of them have
12 written reports.

13 THE COURT: All right. The -- the background notes you
14 sent to me, I want you to convey those on to Mr. Anthony so
15 he can study up on that expert on Monday.

16 MR. L. SHEALEY: All right. I will -- those notes
17 you're talking about from Dr. Knight?

18 THE COURT: Yes, sir.

19 MR. L. SHEALEY: I just renew my objection on that.
20 But I -- I will email them as soon as I have a moment. And
21 they are hieroglyphic like.

22 THE COURT: Yeah, I'm -- they're going to be difficult
23 to read and you may need some assistance from someone able to
24 read bad handwriting.

25 MR. L. SHEALEY: You'll have some handwriting experts,

1 right? The type of the -- the type of scribble you might
2 find on the interior wall of the alien mothership.

3 THE COURT: All right. Well, let's go forward with the
4 lay witness -- I presume lay, I think you said lay that needs
5 to translator assistance perhaps. And then you've got three
6 lay witnesses. Do you want to do all those tomorrow?

7 MR. L. SHEALEY: I think it'd probably be best to do
8 those tomorrow.

9 THE COURT: Okay.

10 MR. L. SHEALEY: I might be a little bit lengthier, but
11 not too bad. But --

12 THE COURT: I mean --

13 MR. L. SHEALEY: We're working tomorrow anyway.

14 THE COURT: We're working three hours tomorrow. We
15 ought to be able to get those in.

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

17 THE COURT: All right. Bring the jury, please.

18 (Jury enters room at 4:11 p.m.)

19 THE COURT: All right. Folks, State presented its case
20 (inaudible) some legal issues and we dealt with those. Now
21 the Defense have the opportunity to present what they wish.
22 So they were asking for some guidance on time and whatnot.
23 (Inaudible) told us they will present a witness this
24 afternoon that doesn't speak good English because it's her
25 second language and may need assistance with the translator.

1 The translator is only available today so we'll go with her.

2 Tomorrow there are three regular people, witnesses that
3 should be able to get done before lunch. With that working
4 then we've got three witnesses left for Monday. They're not
5 available tomorrow. They are available on Monday. So the
6 forecast is we are going to get the case presented by Monday,
7 hopefully midday. And then we're hopeful to reach to a
8 conclusion Monday afternoon. So probably lunch here again
9 Monday, but tomorrow I think we're safe to come work in the
10 morning we are -- we are away, go home and enjoy the fall
11 weather and that kind of thing. So, Mr. Shealey, call your
12 witness.

13 MR. B. SHEALEY: Your Honor, may it please the Court?
14 Your Honor, the Defense would call Alicia Campos. And -- and
15 Madam Interpreter.

16 THE COURT: All right. As they are coming up, I'll
17 explain this and have the clerk place the witness under oath
18 and then place the interpreter under oath to translate it
19 accurately. So be two oaths a little bit different. That's
20 how they'll do it, okay?

21 ALICIA CAMPOS,

22 being duly sworn, testified as follows:

23 THE CLERK: Please raise your right hand. Do you
24 solemnly swear or affirm that the translation you will make
25 in this proceeding will be true and accurate to the best of

1 your ability, and that you will neither omit the testimony or
2 statements nor add any testimony or statement.

3 THE INTERPRETER: I do.

4 THE COURT: And Ms. (Inaudible) why don't you sit right
5 here in that chair. You will sit right here? Perfect. Sit
6 right here where you got firsthand view. Sit right here.
7 All right.

8 DIRECT EXAMINATION

9 BY MR. B. SHEALEY:

10 Q. Good morning, Ms. Campos.

11 A. Morning. Good afternoon.

12 Q. And just lean into that microphone or bring the
13 microphone to you because you're a little soft spoken so
14 everyone can hear. Ms. Campos, what is your relationship to
15 Jackleen Mullen?

16 A. I am her grandmother.

17 Q. Okay. And where are you from originally?

18 A. My -- my original country is El Salvador, Central
19 America.

20 Q. Okay. How long have you lived in the United
21 States?

22 A. From 1985.

23 Q. Okay. And regarding the -- the time around April
24 and May of 2020, were you familiar with where Ms. Mullen
25 lived at that time?

1 A. Yes. Around April 2020, everybody over here in --
2 in a -- we know we have a bad situation.

3 Q. Let me just stop you right there. I'm going to
4 ask you a couple more questions. I don't want you to just
5 talk so much and again, I'm going to ask you to respond
6 really well into that microphone. Are you familiar with
7 Jackie's residence on the Utah Trail address?

8 A. Utah Trailer. Yes, sir.

9 Q. Okay. And did you ever visit her at that address?

10 A. Yes. Every Wednesday because I worked six days a
11 week and the Wednesday off the only -- my day off I used to
12 go to visiting my -- my -- my granddaughter, my
13 grandchildren, take A.J. with my other grandchildren to
14 McDonald's or something to spending time with them.

15 Q. You like to spend time with Jackie and the
16 grandchildren, right?

17 A. Yes -- yes, sir.

18 Q. And you were off on Wednesdays and so that is when
19 you would visit, is that what you just said?

20 A. Yes, sir.

21 Q. Okay. And was there a -- a time around April of
22 2020 where you recall assisting Jackleen about a flat tire?

23 A. Yes, because Jackleen have a Buick and (inaudible)
24 and I have the same vans and she have flat tire. She can't
25 go out nowhere because she have flat tire and -- and he's --

1 his -- her partner at this time, he -- he -- he -- he doesn't
2 know how to change the tire.

3 Q. Let me just stop you there so the jury understands
4 everything. Who -- when you say "he," who are you talking
5 about?

6 A. Audrevious, is the -- her baby's father.

7 Q. Okay. And so you got a call about a flat tire
8 though, and you helped?

9 A. Yeah, when the planning is -- is to take the --
10 the donut -- call the donut, right?

11 Q. Right.

12 A. In the back because they don't know where the --
13 the -- it is. And -- but when I went -- I was there -- I --
14 I say is better idea. We take the -- the flat tire put in my
15 car and we looking for someplace.

16 Q. Okay. Let me stop you there. So just to
17 reiterate, just to make sure the jury is clear, you helped
18 them locate the donut, right? And that --

19 A. Yes, sir.

20 Q. -- that's the spare tire you mean, right?

21 A. Yeah -- yeah.

22 Q. Okay. And you helped them get off the flat tire,
23 right?

24 A. Yeah -- yeah.

25 Q. And then what happened next? You were looking for

1 a place to fix the tire?

2 A. Yeah, we put the flat tire in my -- in the back of
3 my car and we -- we folded the backseat to put the -- and put
4 the towel somewhere because is story and under -- and I can
5 say his name only his.

6 Q. You can -- you can just say his name.

7 A. Audrevious. And I -- we going to looking for
8 because --

9 Q. Okay. Let me stop you there real quick. So you
10 and Audrevious went to go look for a place to -- to fix a
11 tire, right?

12 A. Yes, sir.

13 Q. And where was Jackie at this time?

14 A. In the house. Utah.

15 Q. Utah Trail house?

16 A. Yes.

17 Q. Okay. Do you recall the name of the tire shop
18 that you went to -- or you found to fix a tire?

19 A. Yeah, we are stopping in one place first, but they
20 know have something and they -- they can do and -- and then
21 we -- Audrevious say he -- he know some place was in a Cherry
22 Road with (inaudible) and the car wash over there behind the
23 car wash.

24 Q. Okay. So just stop you real quick so the jury
25 understands. It was on -- the place was on Cherry Road,

1 right?

2 A. Yeah, yeah.

3 Q. Okay. Near a car wash?

4 A. Yeah, near the car wash because I -- I do not live
5 in -- in South Carolina. I don't know the places, I don't
6 know. He knows and then he take me there. But -- you know,
7 no -- not too many places are open to -- the most place were
8 they close and was like three or four people on front us and
9 the man say you want to wait because we have the people
10 before that we waiting we don't have no choice.

11 Q. So, Ms. -- Ms. Campos, just to get through this
12 little part.

13 A. Uh-huh.

14 Q. Did the tire get fixed?

15 A. Yeah, they did.

16 Q. Who paid for the tire get fixed?

17 A. I -- I do.

18 Q. Okay.

19 A. I did.

20 Q. And what did -- what did you and -- and Dre
21 Williams do next?

22 A. Sorry?

23 Q. What did you and Dre Williams do next after the
24 tire was repaired?

25 A. Okay. Audrevious put back the tire in my -- my

1 vehicle and then he got a call from Jackleen because he
2 needed something for the -- for dinner.

3 Q. Okay.

4 A. Pasta or something, I don't know. Remember --
5 pasta. And we stopping in a Food Lion over there near to --
6 in a (inaudible) and near to the Google store over there. We
7 stopping there, he go inside to the store because he had the
8 -- a food stamp -- food stamp, how they call -- they call the
9 -- the card they give you for the --

10 Q. The EBT card?

11 A. EBT card. Yes. Right.

12 Q. Whose -- whose EBT card did he have?

13 A. Jackleen.

14 Q. Okay.

15 A. But he has -- he always have it in his pocket
16 then. He -- he -- he go inside to the supermarket and I'm
17 waiting in a car.

18 Q. Okay. Did he come out with whatever --

19 A. Maybe 50 minutes -- 10, 50 minutes.

20 Q. And he came out with what he needed for Jackleen
21 for dinner, right?

22 A. With the -- with the baggage. Yeah -- yeah.

23 Q. Okay. And what happened next?

24 A. We going back to her house.

25 Q. On Utah Trail?

1 A. Yeah.

2 Q. Okay. And you're in the car with Dre. Is he
3 driving or are you driving?

4 A. I do.

5 Q. Your -- your Buick, right?

6 A. Was my Buick, yes.

7 Q. Okay. What do you see when you get back to the
8 house?

9 A. When we go back to the house, Antonio Martin,
10 India's father was outside -- sit down in his car.

11 Q. Okay. Just -- just so the jury is clear, you're
12 saying Antonio Martin was in his car outside of the Utah
13 Trail house?

14 A. Outside. Yes.

15 Q. And where was -- who else was there?

16 A. Jackleen was -- you know, the -- the little step
17 to go inside to the trailer, Jackleen was right there.

18 Q. Okay. So Jackleen was at the little steps going
19 up to the trailer?

20 A. Yeah.

21 Q. Okay. And what -- what happened next when you
22 pulled up?

23 A. When we go there, Audrevious was going out the car
24 and he was -- he was mad. He immediately -- his face changed
25 a lot and then he go to my car, put the -- the tire outside

1 and then he go to direct to -- okay, at this time, Antonio
2 say, "Hi Abby." Because everybody --

3 Q. And I'm just going to stop you, don't say what
4 other people say, but you observed.

5 A. Okay.

6 Q. I think what you're saying is you observe --
7 you're observing Dre, so go and -- just keep it like that.

8 A. Yeah. You -- because Antonio say hi to me and
9 then he left.

10 Q. Okay.

11 A. He left. But when Audrevious go inside and say --
12 asking to Jackleen what Antonio doing here? And Jackleen say
13 he come in --

14 Q. Well, that's fine, but let's -- let's try to not
15 say what other people say, okay? So --

16 A. Oh.

17 Q. Did -- you -- you testified that Dre face changed,
18 right? Do you mean he was angry?

19 A. Yeah.

20 Q. Okay. And you've been around him before?

21 A. They go inside.

22 Q. Okay.

23 A. They go inside, I go to my -- my -- the -- back to
24 my car because I -- I pulled back the seat to leave normally
25 and -- and the 30 towers over there, and then I go inside to

1 the -- to the --

2 Q. Let me stop you right there. So when you were
3 doing what you were doing in your car at that point was --
4 were Dre and Jackie already inside?

5 A. Inside. Yes, sir.

6 Q. And what point did you go inside or tell me what
7 you saw when you went inside?

8 A. When I go inside, Audrevious have Jackleen from
9 her neck squeezing. Jackleen face was completely red. And
10 when I go inside, he's surprising. He -- he -- he didn't
11 take out with his hand, but he left in the face.

12 Q. Okay.

13 A. All wrong with me.

14 Q. All right. Let's just stop right here to make
15 sure the jury understands what you're saying. So when you
16 came inside, what you're -- what you just said was that he
17 had his hands around her throat?

18 A. Yes, sir.

19 Q. And you saw this?

20 A. Yes, sir.

21 Q. And your granddaughter's face was red, is that
22 what you said?

23 A. Red.

24 Q. Okay.

25 A. Red, yes, sir.

1 Q. And then did you say that when you came in, it
2 surprised him? Is that -- did you say -- what? Okay.

3 A. Yeah.

4 Q. And then he hit her?

5 A. Yes.

6 Q. Okay. Where were they in the house? Were they
7 sitting down, standing up, were they against the floor what
8 --?

9 A. It -- no sit down. They stand up.

10 Q. Okay.

11 A. Stand up. Yeah. And when I -- I -- he did that.
12 Can I step in -- can I --

13 Q. Yes.

14 A. I say Audrevious -- Audrevious don't do that.
15 Don't do that in front of children.

16 Q. Okay.

17 A. Because the baby -- the baby was in (inaudible)
18 over there and A.J. was there.

19 Q. Okay. We'll, sit back down. You moved from the
20 microphone, but -- so you were telling Audrevious not to do
21 that, right?

22 A. Not do this.

23 Q. And what you were referring to was that the
24 choking and the slap?

25 A. Yeah.

1 Q. Can you demonstrate the slap, how hard it was?

2 A. Was hard.

3 Q. I'm sorry.

4 A. Was hard.

5 Q. Very hard. Okay. And you said the baby was

6 there. Was that Dre Junior?

7 A. Yeah, the baby Junior and A.J.

8 Q. So -- okay.

9 A. India was in her room.

10 Q. India was in her room, but this was happening in
11 front of A.J. and Dre Junior?

12 A. Yes, sir.

13 Q. Can you describe at that moment what Dre -- how he
14 looked or what his demeanor what?

15 A. Audrevious face was -- was ugly.

16 Q. What do you mean by that?

17 A. His --

18 THE INTERPRETER: Chin.

19 THE WITNESS: Chin -- chin -- oh, chin. His -- his lip
20 with no, like, no blood in -- in the lip, the face grass
21 transform me. I -- I never saw him like this. I really is
22 scared about him at that time.

23 BY MR. B. SHEALEY:

24 Q. You were -- okay. When you said that you were
25 scared about him, were you personally scared of him at that

1 time?

2 A. Yes, sir.

3 Q. Based on how he was acting in his face?

4 A. Yes, sir.

5 Q. And I don't know if you know exactly what this
6 expression, but was it -- is it safe to say he was enraged do
7 you know?

8 A. He was outside of himself.

9 BY MR. B. SHEALEY:

10 Q. Okay. Did you think that maybe he could hurt
11 Jackie in that moment even more than he had?

12 A. Yes.

13 Q. So after you witnessed this, Alicia, what did you
14 do?

15 A. When I said to him, "Stop, you can't do this in
16 front of the children." I said to him "Audrevious,
17 Audrevious, ladies Audrevious, Audrevious -- you know,
18 Antonio and Jackleen always have a relationship because they
19 have India. You believe you can't handle the situation, you
20 can support it. If no, leave Jackleen because Antonio and
21 Jackleen always going to have a relationship until Antonio
22 die or India die."

23 Q. Okay. So I think what you're saying, you were
24 telling Dre from what you just testified that -- that --

25 A. I am sorry, but --

1 Q. It's okay. Just take on second.

2 A. -- when this happen, I believe it is my fault.

3 Want to know what --

4 MR. B. SHEALEY: Just a second I'm going to ask
5 questions after that.

6 THE WITNESS: I am sorry.

7 BY MR. B. SHEALEY:

8 Q. It's all right. I want to get through this. Just
9 take some -- a moment so we can do this on the record. Hey,
10 Alicia, I know this is tough, but so the jury can understand
11 what you're saying. And I -- I think I can understand you
12 better than a lot of people because I've talked to you. But
13 did you just say that what you were telling Dre is that he
14 should leave Jackie unless he can deal with the situation.
15 And I think you just said because as long as Antonio --
16 unless Antonio is -- is no longer with us, or India is no
17 longer with us, they're always going to have the relationship
18 because of India, right?

19 A. Yeah.

20 Q. That Antonio and Jackie are going to always be
21 around each other due to India, right?

22 A. Yeah.

23 Q. You just said that you -- I think you said you
24 felt this was your fault. I want to ask you about that. Why
25 in the world did you feel that this is your fault?

1 A. Maybe I put India -- you know, because somebody --
2 India die or Antonio die their relation -- he was over. But
3 in my heart, I believe -- well, he not going to confront
4 Antonio. Antonio is a man (inaudible) -- you know, but India
5 is a baby.

6 MS. JOYNER: Objection. I think this is a speculation
7 that -- I'm having difficulty understanding her.

8 THE WITNESS: But this is what I thinking.

9 MR. B. SHEALEY: Okay.

10 MS. JOYNER: What I understand she's --

11 MR. B. SHEALEY: Let me just stop her for a second. So
12 --

13 THE COURT: Back her up a little bit.

14 MR. B. SHEALEY: Hey, we can back us up for a second
15 before -- and I don't want you to get -- let me just ask the
16 question because I think I understand what she's saying.

17 BY MR. B. SHEALEY:

18 Q. It is your belief that you gave Dre the idea about
19 India. Is that what you're saying? Is that why you say you
20 feel guilty?

21 A. Yes. This is what I'm feeling.

22 MS. JOYNER: Your Honor, it calls -- calls for
23 speculation, your Honor.

24 THE WITNESS: This is what I'm feeling.

25 MR. B. SHEALEY: All right. Okay.

1 THE WITNESS: And that the -- I come in here to say the
2 truth.

3 MR. B. SHEALEY: Hold on a second. Alicia, stop one
4 second. I think we got --

5 THE COURT: I heard an objection and she calls for
6 speculation and I think she might be right. So try to
7 rephrase that question. I'm going to sustain as to
8 speculation. As to her --

9 MR. B. SHEALEY: Let me just ask you --

10 THE COURT: -- her belief.

11 BY MR. B. SHEALEY:

12 Q. Let me just ask you this, Alicia, after what you
13 told Dre that day, you felt guilty about the situation?

14 A. Yes.

15 Q. About ultimately what happened to India, is that
16 right? You can just say yes or no.

17 A. Very much.

18 Q. But the biggest thing that you conveyed to Dre and
19 you testified is that as long as India is alive and or
20 Antonio is alive, they're always going to be in -- in --

21 A. Yeah.

22 Q. -- in Jackleen's life because of that common --

23 A. Yeah.

24 Q. -- common family bond.

25 A. Yes, sir.

1 Q. Alicia, I want to talk to you a little bit about
2 any observations you have about Jackleen physically. Did you
3 ever see scratches or bruises on her?

4 A. Yeah. When I go there -- when I go there that was
5 like May 18 or something like that because the car she has I
6 take under my name from the Buick dealer in Monroe. And we
7 have to -- we have to pay -- we have to pay the insurance
8 payment. And then I call her and I say, "Jackleen start to
9 go to" -- "to pay the insurance card." And then you say,
10 "Okay, mommy" -- "okay, grandma Abby." I had the money I --
11 I come into South Carolina to my daughter's Julia's address,
12 but we not going inside to apartment, we parking in a road --
13 in a parking lot. And then she coming out to give me the
14 money. Jackleen have a scratch over here, a scratch and over
15 here have a (in Spanish).

16 THE INTERPRETER: Bruise.

17 THE WITNESS: Bruise. And -- and I said, "We going to
18 the back of my car, right?" He was -- he was with her and he
19 was sit down in the -- in the other -- in the passenger seat.
20 BY MR. B. SHEALEY:

21 Q. Alicia, who's he? Just got to -- you got to say
22 --

23 A. Audrevious.

24 Q. Okay.

25 A. Audrevious.

1 Q. Audrevious was there?

2 A. Yeah. He -- he -- they -- they were together.

3 And then when Jackleen coming in -- in the back, oh, Michael.

4 And to give me the money, and I asking her for her -- for

5 that. But he's coming immediately outside from her car and

6 he's coming with -- stay with us over there and Jackleen only

7 look at me like that.

8 Q. Okay.

9 A. Like that.

10 Q. But you did notice --

11 A. Like that.

12 Q. -- a scratching or a bruise on her --

13 A. And her breast.

14 Q. -- something on her arm?

15 A. And her breast.

16 Q. A bruise?

17 A. Yeah.

18 Q. Okay. Now, being around Jackie and Dre every

19 Wednesday, to see the grandchildren, did you come to know

20 that Dre would keep her card and her wallet and her ID and

21 stuff like that? Would he keep her stuff?

22 A. Yeah, because before Jackleen have this card -- I

23 -- I bought -- I take the card for Jackleen sometimes when I

24 come in to see my children and she need go to the supermarket

25 to buy a food and she -- he always has his ID -- ID card, his

1 social security, the phone -- Jackleen phone. I pay for
2 Jackleen phone, put the menu in it -- in it, because
3 sometimes she don't have no service. And she told me I be
4 asking you because I don't have no menu in phone. I stop in
5 -- in a store because her phone was prepaid phone.

6 Q. Okay. So just -- and I understand. And I --

7 A. And when -- when she going to pay in a
8 supermarket, she have to ask him for the -- for the card.
9 This is what I know.

10 Q. So, Alicia, let me just ask -- just -- we're
11 talking a good bit here, but I just want to make sure the
12 jury knows. So in your experiences around Dre and Jackie, he
13 always has her -- I think you said ID, social security card,
14 phone and like EBT or debit card?

15 A. EBT.

16 Q. Okay.

17 A. EBT.

18 MR. B. SHEALEY: Beg the Courts indulgence. Alicia,
19 please answer any questions that the prosecution has for you.

20 THE WITNESS: Okay. I'm here.

21 CROSS-EXAMINATION

22 BY MS. JOYNER:

23 Q. Ma'am, can you spell your last name for me?

24 A. Campos, C-A-M-P-O-S.

25 Q. Sorry. C-A --

1 A. M-P-O-S. Campos.

2 Q. Campos. Okay. I was looking for your name on the
3 witness list. I saw Alicia Concepcion.

4 A. Concepcion Alicia Campos.

5 Q. Okay. So that -- that's you -- that -- that's
6 your name as well?

7 A. Yeah. My complete name. But my middle name is
8 Alicia Moisi because everybody Concepcion -- Concepcion. I
9 have to play. Concepcion, like -- you know, when the -- the
10 woman conceive? Concepcion. Yeah.

11 Q. I'll call you "Ms. Campos."

12 A. Yes.

13 Q. So you're Jackleen's grandmother?

14 A. Yes. So me.

15 Q. Are you -- so her mom, Julia, is your daughter?

16 A. My daughter.

17 Q. Now Cindy is also your daughter?

18 A. My daughter.

19 Q. Is that Cindy Tapia?

20 A. Cindy Tapia.

21 Q. Do you have any other daughters?

22 A. Yes. Sylvia. She's there. And my son Michael
23 Tapia, he's a doctor. He live in Raleigh. Raleigh.

24 Q. In Raleigh.

25 A. Raleigh.

1 Q. Okay. Do you live in Monroe?

2 A. No. No, we not live in Monroe anymore. My
3 daughter, Cindy and husband bought a house in Shelby.

4 Q. Shelby.

5 A. Shelby, yeah. Our house in -- in North -- in
6 North Carolina -- in Monroe we have a renting for us for
7 summer.

8 Q. So you just pointed -- is Cindy here?

9 A. Yes.

10 Q. Okay. Who -- who is -- can you point Cindy out
11 for me?

12 A. With the glasses and the -- the --

13 Q. Okay. She's raising her hand at the back?

14 A. Yeah -- yeah. Uh-huh -- uh-huh.

15 Q. So that's Cindy Tapia?

16 A. Tapia.

17 Q. So back -- going back to May 26th --

18 A. Uh-huh.

19 Q. -- of 2020. I know that was a very difficult day
20 for you. And I'm sorry to ask you about it. Were you living
21 in Monroe at that time?

22 A. Yes, ma'am.

23 Q. Did you live with Cindy?

24 A. Yes, ma'am.

25 Q. Did anybody else live in that house with you?

1 A. Cindy and her hubby now before was a boyfriend --
2 at that time was a boyfriend, Paul Carusso, and me.

3 Q. How many -- how many people was that?

4 A. Three.

5 Q. Three.

6 A. Uh-huh

7 Q. Okay. So -- and at that time that the Buick --
8 the Buick Enclave.

9 A. Uh-huh.

10 Q. Does that car belonged to you?

11 A. Jackleen has and a -- and a --

12 Q. Jackleen's car that --

13 A. Yeah. Yeah. It belong in my name because I -- I
14 take it from -- with my credit in Buick Monroe.

15 Q. I'm sorry, could you say that again? It so -- is
16 it just -- is it your car?

17 A. It's under my name.

18 Q. Do you pay for that? Did you pay for that car?

19 A. No. Really? No. Jackleen pay for that. Okay.

20 You asking me that? I want -- I have to explain to that.

21 The -- the payment is -- was 222. So -- and I paid always

22 300. I paid the rest to -- because I said to Jackleen, "We

23 pay more because we -- we want to pay more faster." And then

24 she -- she told me, "Abby, I promise to you every year when I

25 have my incomes with her, all this money going to put in a

1 principal to pay the car faster." This is what they --
2 according we -- we have it. The insurance she have for the
3 insurance is why the May -- May 18th I going to -- for the
4 money for the insurance card.

5 Q. Okay. So but you pay for her -- you paid for her
6 phone, is that correct?

7 A. Not every time, sometimes.

8 Q. And you sometimes help pay for her groceries, is
9 that right?

10 A. Okay. You asking me for the groceries, right?
11 The groceries is really not -- she had the EBT.

12 Q. Okay.

13 A. But for the babies pampers -- for the babies (in
14 Spanish) wipers, right? Wipers.

15 THE INTERPRETER: It's wipes.

16 BY MS. JOYNER:

17 Q. Wipes. Baby wipes?

18 A. Uh-huh. Yeah -- yeah, that one.

19 Q. Okay. All right. I'm sorry. I didn't understand
20 you. Baby wipes.

21 A. Yeah, yeah, she did what I have -- her because she
22 need -- you need help me always. Since A.J. was born, I
23 helping her on this. Okay. Anyway, it is a Christmas. I do
24 not give her anything. It is two bags of pampers, two bags
25 of baby wipe. Because I know because I -- I helping her --

1 you know, when India was also because she -- she -- she was a
2 single mother.

3 BY MS. JOYNER:

4 Q. Okay.

5 A. You know.

6 Q. So she had -- so Jackleen had help from her
7 family?

8 A. Yes. From me.

9 Q. Yes, ma'am. And you helped --

10 A. From me, I don't know from the other one.

11 Q. Okay. And you helped her take care of the kids
12 sometimes too, right?

13 A. Every -- yeah. As I can.

14 Q. If you can.

15 A. You know what I mean? Because my other
16 grandchildren -- I have seven grandchildren -- you know, my
17 other -- my other three children, my daughters over there
18 Sylvia's grandchildren, I take care them on Wednesday. On
19 Wednesday my day off, it was a more busy day. However,
20 working you know nobody pay me nothing. You know what I
21 mean? I -- this is where I come in with the -- my three
22 other children, grandchildren. I take care A.J. to bring
23 McDonald's, Santa and I come in -- I come in to see Jackleen
24 and I wanted tell you something more.

25 Q. Well, let me -- let me -- let me stop you. I want

1 to kind of -- it's getting late in the day.

2 A. Okay.

3 Q. And I kind of want to just get some more targeted
4 questions.

5 A. The history big one. Yeah. Okay.

6 Q. So going back to that incident in April on Utah
7 Trail.

8 A. Uh-huh.

9 Q. So from that experience.

10 A. Uh-huh.

11 Q. You -- do you know that Dre and Antonio Martin,
12 they didn't -- they didn't get along, right?

13 A. I don't know.

14 Q. But you knew that particular day that Dre did not
15 like --

16 A. Yeah, he wasn't happy.

17 Q. Not happy. All right. You're aware of Dre taking
18 care of the kids, right?

19 A. There are -- there are three kids. Si (in
20 Spanish).

21 Q. Yes. Okay. Now -- now going back to -- to May
22 26, 2020 was that actually anybody's birthday in May of 2020?

23 A. 29.

24 Q. It was your birthday?

25 A. Yes.

1 Q. On the 26th?

2 A. 29.

3 Q. 29.

4 A. May 29.

5 Q. How old were you turning?

6 A. Now I'm 73 at that time --

7 Q. Whatever the math turns out to, is that right?

8 Okay.

9 A. Uh-huh.

10 Q. All right. And were you awakened late -- did
11 something, like, on May 26, 2020 or early morning of May 27,
12 2020, did you become aware that India was missing?

13 A. No.

14 Q. No. When did --

15 A. No, my -- okay. The night before when the police
16 come into my house, and the police -- Jackleen called Cindy,
17 right? And Jackleen say something about the India and is in
18 our house, and Cindy said, no. And then I take the phone
19 from Cindy -- Cindy's hand, and I -- I'm asking Jackleen,
20 "Jackleen tell the truth where India it is," you know? And I
21 heard the police say to -- to Jackleen, you are under arrest
22 under the murder charge. I heard that -- that's the voice
23 was just before yesterday when the police --

24 Q. So you were on the phone with Jackie?

25 A. I was. That's my voice. That's my voice.

1 Q. Okay. And -- and so the police had come all
2 through your house that night, right?

3 A. Yeah.

4 Q. And India had not been at your house in --

5 A. No.

6 Q. -- in a while?

7 A. No.

8 MS. JOYNER: Thank you very much.

9 THE WITNESS: No problem.

10 MR. B. SHEALEY: Just briefly, Judge.

11 THE COURT: Okay.

12 RE-DIRECT EXAMINATION

13 BY MR. B. SHEALEY:

14 Q. Our prosecutor didn't ask you any questions about
15 that attack that you described from Dre to -- to Jackie. But
16 I -- she did ask you one question. She says that Dre took
17 care of the kids and you answered si, right?

18 A. Yeah -- yeah. But when I come here --

19 Q. Just one second, Alicia, I got one more question.

20 A. Okay.

21 Q. The big thing is --

22 A. Uh-huh.

23 Q. -- Jackie took care of the kids too, right?

24 A. Yes.

25 Q. Okay. So it's not all Dre, right?

1 A. No, no, no.

2 Q. They both did, right?

3 A. No, of course. Both.

4 Q. Right. I just wanted to make that clear.

5 A. I can say --

6 MR. B. SHEALEY: That's it, Alicia.

7 THE WITNESS: I can say --

8 MR. B. SHEALEY: That's the only thing.

9 THE WITNESS: Again, I -- because I always -- I -- I
10 want to say two things maybe are important.

11 MR. B. SHEALEY: Alicia, I just want to -- I -- I know
12 you got lots of things to say, but I -- there's lots of rules
13 of court and everything like that, so I -- I -- I appreciate
14 your testimony, but we end it right there, okay?

15 THE WITNESS: Uh-huh.

16 MR. B. SHEALEY: Si (in Spanish)?

17 THE WITNESS: No mas (in Spanish).

18 MR. B. SHEALEY: No mas. No mas (in Spanish).

19 THE WITNESS: Oh, no more.

20 MR. B. SHEALEY: No mas. I could talk to you all day.
21 You're great, but no mas (in Spanish).

22 THE COURT: No mas (in Spanish).

23 MR. B. SHEALEY: No mas (in Spanish).

24 THE COURT: You can step down. (Inaudible) what time
25 do you all want to start in the morning? 9:00, 9:15, 9:30?

1 MR. L. SHEALEY: 9:00.

2 MS. JOYNER: 9:00.

3 THE COURT: 9:00. Starting at 9:00, folks. No mas (in
4 Spanish). Don't talk about the case.

5 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
6 4:49 P.M.)

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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 3, 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 4, 2023.

2 THE COURT: Everybody is ready?

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

4 THE COURT: All right. Bring in the jury, please.

5 (Jury enters room at 9:05 a.m.)

6 THE COURT: All right. I'm commending those folks
7 wearing the colors. I've got mine on, she's got hers on. I
8 see several schools represented up there. So thumbs up for
9 them and for the team. All right. Mr. Shealey, call your
10 witness.

11 MR. B. SHEALEY: Thank you, your Honor. The Defense
12 would call Officer McCrory.

13 OFFICER KEENAN MCCRORY,
14 being duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. B. SHEALEY:

17 Q. Good morning, officer.

18 A. Morning, sir.

19 Q. Thank you for being here. I understand you worked
20 night shift.

21 A. Yes.

22 Q. All right. We're going to try to get in and out.
23 Can you please yourself -- introduce yourself to this jury?

24 A. Sergeant Keenan McCrory Rock Hill Police
25 Department.

1 Q. Okay. And how long have you been with the Rock
2 Hill Police Department?

3 A. 15 years.

4 Q. Okay. And you have an occasion to work any on the
5 case with Audrevious Williams and Jackie Mullen?

6 A. Yes, sir.

7 Q. Okay. And I noticed from yesterday and today that
8 you have a copy of a document that you were looking at that
9 references some things that you did in this case, right?

10 A. Yes, sir.

11 Q. All right. And then are you familiar with kind of
12 the general activities you did in this case?

13 A. I do.

14 Q. All right. Would you agree with me that on the
15 case notes that you had some involvement in reaching out to
16 Antonio Martin in this case?

17 A. Yes.

18 Q. And that was May 28, 2020?

19 A. That's right.

20 Q. And your job as an officer in this case, I assume
21 you're trying to get information and help law enforcement
22 figure out the parties and their roles, right?

23 A. Yes, sir.

24 Q. So is that what you did with your entry on May
25 28th? You identified who the father of India was, right?

1 A. That's right.

2 Q. And then you got his best telephone number, which
3 happened to be his sister -- sister's number, right?

4 A. Yes, sir.

5 Q. Okay. I can also see in this case note that you
6 were part along with Detective Beach of an interview with
7 James Howerton, right?

8 A. Yes, sir.

9 Q. Okay. And that case entry was that from June 1,
10 2020?

11 A. That's correct.

12 Q. Okay. And you identified his telephone number
13 from your interactions with him, right?

14 A. That's right.

15 Q. And so you -- I guess from looking at this entry
16 here, you felt it was relevant to include his telephone
17 number, and then what did you do with that telephone number
18 based on this note?

19 A. I just saved it in the case notes in case somebody
20 needed the interview.

21 Q. So -- and it says here, you saved it in
22 evidence.com. Explain to the jury what -- what law
23 enforcement does when you save something to evidence.com.
24 What does that mean?

25 A. It's just evidence as part of the case, if we need

1 to conduct any follow-ups, if we figure out that person's
2 involved in any shape or form, we make sure it's in
3 evidence.com. That way it can be referenced by all parties.
4 Make sure we get everything squared away.

5 Q. So that -- that goes to Detective Smith, right?

6 A. Yes, sir.

7 Q. It goes to the solicitor's office?

8 A. Yes, sir.

9 Q. That kind of information can get turned over in
10 discovery to -- to the defendants, right?

11 A. Yes, sir.

12 Q. So that way -- you know, in case something changes
13 -- you know, on that date you knew what James Howerton's
14 telephone number was because you entered it and saved it.

15 A. That's right.

16 Q. As part of your training to -- to investigate the
17 matter, right?

18 A. That's right.

19 Q. Okay. Now I'm looking at the next entry that you
20 entered on the same day. So this would've been right after
21 you were assisting Detective Beach in the interview of James
22 Howerton. Did you take that telephone number and then search
23 it with jail phone records with Ms. Mullen?

24 A. I actually just searched, like, listened to
25 Ms. Mullen's jail calls.

1 Q. Okay. And is that -- you know, and you're with
2 Rock Hill and you understand that initially Ms. Mullen was
3 taken into a holding area with the Rock Hill Police
4 Department, right?

5 A. That's right.

6 Q. And you also from working this case, the same
7 thing happened to -- to Dre Williams, is that right?

8 A. That's right.

9 Q. They're both in that facility, right?

10 A. That's right.

11 Q. Before they were taken to this Greater Moss
12 Justice Center Detention Center, right?

13 A. Yes, sir.

14 Q. And so did someone tell you to listen to jail
15 phone calls or do you just take that initiative yourself?

16 A. We usually have tasks. I don't recall how exactly
17 it happened. I think it was, like, a task, like, just trying
18 to listen and see what she said. That's about -- about the
19 best I can remember it was like just a part of the task
20 listening to what she said on her calls.

21 Q. Okay. But you found at least one call between her
22 and James Howerton to be relevant because you put it in this
23 little case note, right?

24 A. Yes, sir.

25 Q. And you put the relevant portion -- you didn't put

1 the whole -- you didn't type up the whole call, and you're
2 not a -- you're not like our good court reporter here is
3 writing notes of everything, right?

4 A. No, sir.

5 Q. You just taking from your investigative experience
6 what could be relevant for Detective Smith or if -- or a
7 prosecutor down the road, right?

8 A. Yes, sir.

9 Q. And so by listening to that call, you -- you came
10 to learn that Dre and Jackie per that call, had been
11 communicating at that holding facility?

12 A. That's right.

13 Q. And that Dre wanted her to take the --

14 MR. ANTHONY: Objection. Hearsay.

15 THE COURT: Rephrase the question. Sustained as to
16 hearsay.

17 BY MR. B. SHEALEY:

18 Q. And -- and I -- well, we may need to take a matter
19 of law too on some other issues other than the rules of
20 evidence. But what does take a rap mean to you?

21 MR. ANTHONY: Objection. Hearsay.

22 MR. B. SHEALEY: I'm asking what taking a rap --

23 THE COURT: I think that's not a hearsay question. I
24 think that question is fair.

25 BY MR. B. SHEALEY:

1 Q. What does taking a rap mean to you?

2 A. Taking responsibility for the -- what you've been
3 charged with.

4 Q. Okay. And you know from your training and
5 experience, you learned to listen to phone calls between
6 co-defendants, right?

7 A. Right.

8 Q. You did that in this case, and you did it on June
9 1, 2020.

10 A. Yes, sir.

11 Q. And you learned from that that -- you know --

12 MR. ANTHONY: Objection.

13 MR. B. SHEALEY: I'm not --

14 MR. ANTHONY: It -- it's still calling for hearsay.

15 MR. B. SHEALEY: Well, we can take a matter of law up
16 if this -- let's take a matter of law real quick.

17 THE COURT: Let's do that.

18 MR. B. SHEALEY: If that's okay.

19 THE COURT: All right. Ms. Loman, you all take a quick
20 break. I need to have a little preview of what we're trying
21 to get into, and then I can make a ruling. And you have you
22 all right back in here.

23 (Jury exits room at 9:11 a.m.)

24 MR. B. SHEALEY: And, your Honor, if I may, I'd like to
25 just put a couple things --

1 THE COURT: Jury is out of the courtroom, proceed.

2 MR. B. SHEALEY: Thank you, your Honor. I'd like to
3 put a couple things on the -- on the record why this would be
4 extremely appropriate and relevant. You know, he doesn't
5 take a verbatim -- verbatim statement from Jackie Mullen.
6 He's listened to a -- a phone call and -- and doing a little
7 summary. But to -- this it would be a statement against
8 interest as she's the defendant. This also goes to the
9 integrity of the investigation. I'm citing Kyles v. Whitley.
10 Now what they've got here is a testifying co-defendant, Dre
11 Williams, who got up here and said she did all this. They
12 also elicited from his mother a jail phone call that said,
13 she called me and said he -- he didn't have anything to do
14 with it and that -- you know, bond him out. So, I mean, then
15 eliciting that kind of testimony on a recorded call that was
16 allowed.

17 So what I'm attempting to elicit here is law
18 enforcement's knowledge that in that same holding facility,
19 which was verified by this officer that -- you know,
20 essentially Dre, they learned -- law enforcement has learned
21 that from Jackie's perspective, Dre is saying, "Take the
22 rap." So they -- they're getting it out through his mama,
23 basically, that it's almost a confession. Now they're trying
24 to prevent things that they are aware of from her to other
25 parties that he's asking her to take the rap. So from a due

1 process constitutional analysis, I get to attack the
2 integrity of their investigation pursuant to Kyles v. Whitley
3 on what law enforcement knows concerning this information.
4 And they did elicit the exact opposite from another lay
5 witness about a jail phone call. But again, it also is a
6 statement by Ms. Mullen.

7 THE COURT: All right. Make me aware of the
8 conversation. I'm kind of still (inaudible).

9 MR. B. SHEALEY: I -- I'll just read it.

10 THE COURT: You all are familiar with it. I'm not.

11 MR. B. SHEALEY: I'll just read it into the record real
12 quick. So that this is an entry from Keanan McCrory. It's
13 from June 1, 2020 at 11:21. And it's on the same day -- a
14 couple -- almost an hour -- a little over an hour after.
15 He's just been part of the interview with James Howerton. So
16 he's listening to these phone calls and his -- his entry note
17 is this, "Jackleen talks to James Howerton over the phone on
18 May 31, 2020. The last call" -- and he's got in parentheses
19 at 14:41. "She tells James that Audrevious told her to take
20 the rap while they both were in the holding facility. Also
21 said he told her he would bring the kids to see her." That's
22 his entry as a notation into his -- what he found to be
23 relevant based on listening to that call between Ms. Mullen
24 and Mr. Howerton.

25 THE COURT: All right. Mr. Anthony, what's -- tell --

1 explain your objection now.

2 MR. ANTHONY: Well, self-serving hearsay is not allowed
3 under the rule. Her telling James that, "Audrevious told me
4 to take the rap," that's just self-serving hearsay. It's not
5 envision to anything. There's no exception to it. That's
6 just -- that's just something she said that exculpates her,
7 which is not under the rules allowed. Just, like -- you
8 know, she -- she told somebody she didn't do it. Well,
9 that's not allowed. Because it's just self-serving hearsay
10 and there's no exception for it.

11 MR. B. SHEALEY: And, your Honor, I would say as well
12 --

13 THE COURT: Wait a minute. Now, if she said to
14 Howerton that, "Audrevious told me to take the rap" --

15 MR. ANTHONY: Yes.

16 THE COURT: -- how is that self-serving to her?

17 MR. ANTHONY: Because it's -- she -- that's like her
18 saying, "I'm not" -- "I didn't do it. Audrevious told me to
19 say I did it when I didn't do it."

20 ME. B. SHEALEY: Well --

21 MR. ANTHONY: "Audrevious told me to take the rap. I
22 didn't do it. Audrevious just told me to own it." Well,
23 that's just self-serve.

24 MR. B. SHEALEY: She's also admitting to criminal
25 exposure on a phone call, which would be a statement against

1 interest. And that doesn't necessarily mean that Dre is
2 exculpated in some way, but it's a discussion about her
3 criminal liability on the phone. So I don't think it's
4 self-serving hearsay, but it's also something that law
5 enforcement is aware of. Now, this is well before Dre came
6 and gave his statement. This is right after at the jail.

7 THE COURT: The Dre statement is several months later.

8 MR. B. SHEALEY: Way down the road. So this is her
9 essentially admitting she's not saying she's innocent on this
10 call. She's saying -- you know, "I'm supposed to be taking
11 the rap." And law enforcement is aware of it. So it's also
12 that -- that Whitley matter, your Honor.

13 MR. ANTHONY: I mean, there's no -- there's just no
14 basis for this. There's no -- this is not an admission, it's
15 not a statement against interest. That's the only way the
16 statements -- hearsay statements by defendants come in as if
17 they're admissions to something. Well, saying, "Somebody
18 else told me to do -- say I did it," that is not -- that is
19 not admitting anything, that's saying I didn't do it. So I'm
20 just -- "Somebody just told me to say I did it." So there is
21 no admission here. This is just self-serve, the rules mean
22 anything. They -- they mean this can't come in.

23 THE COURT: I mean, maybe it's true that that statement
24 can go both ways, I mean. You're interpreting it she's
25 denying it and he's trying to lay it on me and make me take

1 it as opposed to perhaps there's still some ambivalence as to
2 what happened with her. And he's saying, "Don't try to hang
3 it on me because you know you did it." I mean, something
4 along those lines. I think that statement can go either way.

5 MR. ANTHONY: Well, the Defense obviously thinks it
6 cuts for them, or they wouldn't be trying to listen to your
7 --

8 THE COURT: Well -- I mean, I understand that.

9 MR. ANTHONY: And it does -- and I -- and I -- I think
10 the State thinks it cuts for them. The State thinks that it
11 -- what they're trying to do is say, well, she -- she told
12 her friend James that -- that she -- she didn't do it. She -
13 - you know, Dre was telling her to say she did it. I mean,
14 that's -- that's clearly what they want the jury to think.

15 THE COURT: That wasn't the -- the -- I didn't do it
16 wasn't in that statement.

17 MR. ANTHONY: But -- but it is implied. It's implied
18 when you are saying, "Somebody told me to take the rap."
19 That's -- it's implied, "Well, I didn't do it. Somebody is
20 just telling me to say I did."

21 MR. B. SHEALEY: Your Honor, they are also prosecuting
22 her for aiding and abetting, which would be a --
23 participating with someone. So, I mean, it's certainly a
24 statement against interest. I'm not saying she's innocent.
25 She's saying, "I'm supposed to take the rap." So it's not --

1 it's not a self-serving hearsay. It is a statement against
2 interest on the rule. And more importantly, because of law
3 enforcement's knowledge of this, I get to explore this
4 pursuant to Kyles v. Whitley.

5 MR. ANTHONY: Well, I -- I don't think I -- it'd be a
6 statement against interest, I don't think can be -- It's --
7 it's not a statement against interest for what thing, but
8 they're not -- I think that could only be proffered by the
9 opposing party, not by her.

10 MR. B. SHEALEY: Which I don't think you -- I mean, I
11 don't think the State just gets to use it when they want to.
12 All right. That's not the rule. That's not what the rule
13 says.

14 MR. ANTHONY: If I could just point out the case State
15 -- yes. State v. Terry, 529 S.E.2d 274, the Court well -- I
16 can -- I don't -- I -- I assume the Court can look that up,
17 but we -- that's just been called to my attention.

18 MR. B. SHEALEY: Your Honor, Cosby-Whitley allows us to
19 have a constitutional right to present a full and complete
20 defense. And that's a constitutional principle that is
21 embedded in our criminal justice system.

22 MR. ANTHONY: Well, the rule -- the rules of evidence
23 limits who can put what into evidence.

24 MR. B. SHEALEY: And --

25 MR. ANTHONY: And they're violating the rule trying to

1 go into this, this way.

2 MR. B. SHEALEY: Well, Judge, I don't think it's a rule
3 violation, but I -- I certainly think any constitutional
4 principles are level above any kind of argument for hearsay
5 and Mr. Anthony here.

6 MR. ANTHONY: I -- I don't know how -- how in the world
7 you can say, well, the -- the constitution allows us to get
8 in double hearsay -- self-serving double hearsay. I don't
9 know where in the -- what federal case law allows for that.

10 MR. B. SHEALEY: Cosby-Whitley it's not hearsay. This
11 is not hearsay number one. But we do get the ability to have
12 a full complete defense on this.

13 MR. ANTHONY: Cosby-Whitley is a discovery case.

14 MR. B. SHEALEY: And for the record, your Honor, that's
15 the Sixth Amendment constitution first job, then the rules.

16 THE COURT: Let me see if I can get that case up. I --
17 I had trouble with my computer all day yesterday. I couldn't
18 get anything going. What's the name of that case you quoted
19 or called, Mr. Anthony?

20 MR. ANTHONY: We're citing the Terry case, which is 529
21 S.E.2d 274.

22 THE COURT: State v. Terry?

23 MR. ANTHONY: Yes, sir.

24 MR. B. SHEALEY: Your Honor, I've got the Cosby-Whitley
25 side of the -- your Honor, I've got an extra copy of the

1 entry if you'd like to have it up there as your --

2 THE COURT: Sure, sure, sure. I'd want to.

3 MS. JOYNER: And we do have a paper copy of
4 (inaudible).

5 THE COURT: What's this? Oh, okay. All right -- all
6 right. We agree or at least I'm going to tell you all this.
7 I think that the -- the statements, I mean, certainly is
8 relevant to this trial and reading this -- these are notes
9 from Officer McCrory and his listing of that recording is
10 that the Defendant told James, I believe, that would be James
11 Howerton, that Audrevious told her to take the rap while they
12 were in the holding facility, is that correct? That's what
13 -- that's what you all are trying to assert and "I'll bring
14 the kids to see you." I mean, clearly the statement was made
15 -- seems to me it was made to someone else and not to him.
16 He's not repeating what she told him in an interview. It was
17 made to Howerton, right?

18 MR. ANTHONY: That would make it double hearsay. So
19 and that -- so that makes it even -- that's another reason it
20 can't come in.

21 MR. B. SHEALEY: Well, I think jail phone calls are
22 coming frequently in court, your Honor. Another thing that
23 this rule -- the hearsay rule is seeking to avoid is lack of
24 trustworthiness of the -- of how it's recorded. And here we
25 have an officer on this investigation that is specifically

1 looking for these kind of jail calls. And so he's not --
2 he's not going to get up here and say, I put that in -- you
3 know, inaccurately. So some of the hallmark issues with
4 hearsay about trustworthiness are certainly abated. But
5 again, she's not saying I'm innocent. She's also -- she's
6 saying I'm supposed to take a rap. That's not saying that
7 she's innocent and that it's wrongfully so.

8 MR. ANTHONY: It's not -- it's not admission. And if
9 you look at the rule, that's what comes in under the rule or
10 admission.

11 MR. B. SHEALEY: Your Honor, I want to read a little --

12 MR. ANTHONY: It's not an admission.

13 THE COURT: Well, this Terry case talks about
14 statements again interest -- against interest.

15 MR. ANTHONY: That's right.

16 THE COURT: Which --

17 MR. ANTHONY: That's not what this is.

18 MR. B. SHEALEY: Your Honor, I want to read something
19 from 804.23 statement tending to expose the declarant of
20 criminal liability and offer to exculpate the accused is not
21 admissible unless corroborating circumstances clearly
22 indicate the trustworthiness of the statement. So, I mean,
23 here as well, we've got this officer under oath talking about
24 his investigative measures and why this is relevant. So it's
25 -- it does abate any kind of trustworthy issues. And the

1 hearsay rule looks to -- to avoid coming into court.

2 MR. ANTHONY: Well -- well, 804 only applies if the
3 witness is unavailable. And -- and you can't be -- and
4 that's what Terry says. You can't -- you can't say I can get
5 some -- my witness is -- my client is unavailable and so now
6 I can get in something self-serving that she said that's --
7 that's what Terry say. You can't do that. There's only --
8 there's only two ways this could come in. One would be under
9 80 -- one would be under 801 as an admission against
10 interest. It can't come in that way because that has to be
11 offered against the party. That's -- this is not being
12 offered against the party. It's being offered by the party.
13 The other way would be under 804. 804 requires
14 unavailability and we don't have unavailability.

15 MR. B. SHEALEY: And the thing is --

16 MR. ANTHONY: It doesn't come in either way.

17 MR. B. SHEALEY: And the thing is, your Honor, if this
18 co-defendant were not a state witness -- and at the time that
19 Officer McCrory made this entry, it was relevant to law
20 enforcement because it was admission of guilt. She's saying,
21 "I'm taking" -- "I'm supposed to take the rap." And so if we
22 didn't have this co-defendant case, Mr. Anthony would be
23 playing that, or video, or having it come out through this
24 officer as a statement against interest. But now they don't
25 like it the way this has developed. But she's not saying

1 she's innocent. So that would've been critical because it
2 would've been a statement against interest. Because she's
3 saying, "I'm supposed to take the rap. Supposed to take the
4 rap." That doesn't imply innocence. So that's why this
5 officer put it in because a future prosecutor would want to
6 be able to get it out through him as a statement against
7 interest or -- I -- I don't -- I haven't even started this
8 line of questioning about, "Is this call preserved?" Because
9 we don't have it. That's my next bit of questioning for this
10 officer.

11 THE COURT: Let's ask since we got the jury out.

12 BY MR. B. SHEALEY:

13 Q. Is this a recorded phone call?

14 A. That is -- I don't know if they still have the
15 records. I did --

16 Q. You saved it?

17 A. I did not save it because I -- it's not there. I
18 don't know what happened to it.

19 Q. So you listened to it. So it's not available to
20 be played by anyone here.

21 A. No.

22 Q. But you did listen to it and you -- and you wrote
23 what was relevant to you in an accurate way based on your
24 training in this report, right?

25 A. Yes, sir.

1 MR. B. SHEALEY: So at the time, it definitely was
2 relevant to them. It would've been admission against
3 interest, but their -- their prosecution has developed in a
4 way that now they don't want it in.

5 MR. ANTHONY: I -- I'm just trying the case right now.
6 I'm -- I'm not trying some theoretical case. Under the case
7 right now, there's -- there's two rules that might be subject
8 to admission under -- it can't come in underneath.

9 THE COURT: I think Mr. Anthony is right. I think it's
10 hearsay. If it were just for the purpose of it -- it was
11 said it may come in, but the fact it's offered for the truth
12 of what was said, that's -- I don't believe it gets to come
13 in that way. I've never seen anything like this. This is
14 very odd. So I would not -- I would not allow that comment
15 to come in through this witness.

16 MR. B. SHEALEY: So thank you, your Honor. I'm going
17 ahead and offer this if that's all right.

18 THE COURT: Yeah. Sure, absolutely. Go ahead.

19 MR. B. SHEALEY: So the Court can understand what's
20 going on.

21 BY MR. B. SHEALEY:

22 Q. So, Officer McCrory, now you --

23 THE COURT: You want to mark this as a Court's Exhibit
24 2?

25 MR. B. SHEALEY: Sure. That's -- that's --

1 THE COURT: I think that's a good idea.

2 BY MR. B. SHEALEY:

3 Q. Officer McCrory, regarding this entry on June 1,
4 2020, it was relevant to you because it was Jackie Mullen
5 talking to James Howerton, right?

6 A. Yes.

7 Q. Okay. And you pinpointed it on 14:41 because that
8 -- at the time you knew that Audrevious Williams was a
9 co-defendant, right?

10 A. That's right.

11 Q. And Jackie Williams was charged as well in this
12 matter, right?

13 A. That's right.

14 Q. And so did it pique your interest because there
15 was a discussion about the two of them having a
16 communication, right?

17 A. That's correct.

18 Q. So then that communication was relayed on this
19 phone call from Jackie to James Howerton, right?

20 A. Yes.

21 Q. And the communication was that Jackie Mullen was
22 supposed to take the rap, right?

23 A. Correct.

24 Q. And for you, taking the rap means take the charge,
25 right?

1 A. Yes, sir.

2 Q. And that is in your training experience, an
3 understanding of the admission of guilt, right?

4 A. Yes.

5 Q. Okay. And he also said that he would bring the
6 kids to see her, right?

7 A. Yes.

8 Q. Like if she's locked away forever kind of thing?

9 A. Yes.

10 Q. Okay. And again, this was an -- an accurate entry
11 by you as a trained law enforcement officer?

12 A. Yes, sir.

13 Q. But you didn't -- you didn't upload this into
14 evidence.com?

15 A. No, it's not there.

16 Q. Okay. So it's not available for us to hear it
17 ourselves in the courtroom?

18 THE COURT: By that you mean the recording?

19 MR. B. SHEALEY: The jail recording.

20 THE COURT: Yeah. Okay.

21 MR. B. SHEALEY: Okay.

22 THE COURT: And that's document you have was --

23 MR. B. SHEALEY: Yes -- yes.

24 THE COURT: -- well uploaded?

25 BY MR. B. SHEALEY:

1 Q. I mean, you -- to the extent you preserve this
2 conversation was by entering it accurately into these
3 investigative case notes, right?

4 A. Yes, sir.

5 Q. So that -- that could be argued about years in the
6 future, right?

7 A. Yes.

8 Q. Okay. But again, there's no preservation of this
9 audio recording as far as you're aware?

10 A. That's right.

11 Q. At least you didn't do it, right?

12 A. No.

13 MR. B. SHEALEY: Okay. That's what I got.

14 THE COURT: Okay. All right. So that -- that's in
15 proffer. So let's -- I need to take a quick break to go to
16 the restroom, so we'll take a couple minutes before we bring
17 the jury here back in. I'll let you continue on.

18 MR. B. SHEALEY: All right. Thank you.

19 (Off the record at 9:37 a.m.)

20 (On the record 9:41 a.m.)

21 (Jury enters room at 9:42 a.m.)

22 THE COURT: All right. Continue on, Mr. Shealey.

23 BY MR. B. SHEALEY:

24 Q. All right. Officer McCrory, so again, you made a
25 number of entries into this document that you're looking at

1 for things that were relevant to the investigation, right?

2 A. Yes, sir.

3 Q. That were important to you, right? And you
4 documented these things fairly and accurately because you
5 don't want any -- anything that wasn't accurately done in
6 this report, right?

7 A. That's right.

8 Q. So back to this June 1, 20 entry, you testified
9 that you were listening to phone calls when Jackie was at the
10 jail, right?

11 A. Correct.

12 Q. And you -- you did enter regarding a particular
13 phone call on May 31, 2020 that you listened to, right?

14 A. Yes, sir.

15 Q. And you put it in this entry because it was
16 relevant to your investigation?

17 A. Yes, sir.

18 Q. And it was a call between Jackleen Mullen and Mr.
19 Howerton, right?

20 A. That's correct.

21 Q. Okay. And without talking about the contents of
22 it, it was relevant to you because it was between Jackie and
23 Dre, right?

24 A. Yeah.

25 Q. Okay. So then you put it into this report, right?

1 A. Yes, sir.

2 Q. And the -- the call itself, you listened to it
3 back in June 1, 2020, right?

4 A. That's right.

5 Q. And you found -- you -- it was important enough to
6 put into this entry so that we can talk about it today
7 potentially, right?

8 A. Right.

9 Q. But you didn't preserve it, that phone call and --
10 and upload it into evidence.com, did you?

11 A. No.

12 Q. So we can't actually hear it today, but you did
13 note it because it was relevant?

14 A. Yes.

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

16 THE COURT: Yes, sir.

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

18 THE WITNESS: Yes, sir.

19 THE COURT: All right. Mr. Anthony?

20 CROSS-EXAMINATION

21 BY MR. ANTHONY:

22 Q. Good morning.

23 A. Good morning, sir.

24 Q. How are you doing, Officer McCrory?

25 A. Doing well, thank you.

1 Q. The -- the call -- the call you listened to, was
2 that from -- calls made from Moss?

3 A. Yes.

4 Q. Was made from the -- the jail here?

5 A. That's right.

6 Q. Okay. All right. When people are arrested with a
7 crime -- for a crime in Rock Hill, are -- they're initially
8 taken to the police department, is that right?

9 A. That's right.

10 Q. And there's a -- there's like a little holding
11 area at the police department?

12 A. That's right.

13 Q. And then at some point, like, people aren't there
14 for very long, are they?

15 A. No.

16 Q. And because basically you all don't have a whole
17 lot of space to house (inaudible).

18 A. That's right.

19 Q. And so within a day or so after being arrested,
20 you all take them from the jail -- the -- the little --
21 smaller jail you have at Rock Hill Police Department and you
22 take them to the big jail up here.

23 A. That's right.

24 Q. And so when you were listening to the calls, you
25 were listening to the calls from the big jail?

1 A. That's right.

2 MR. ANTHONY: Okay. If I can have one moment.

3 THE COURT: Yes, sir.

4 MR. ANTHONY: All right. Thank you. That's everything
5 on cross.

6 THE COURT: Okay.

7 MR. B. SHEALEY: Just real briefly about this holding
8 facility.

9 RE-DIRECT EXAMINATION

10 BY MR. B. SHEALEY:

11 Q. Officer McCrory, how small is this Rock Hill
12 Police Department holding facility?

13 A. Well, what do you mean?

14 Q. I just mean -- I mean --

15 A. It's not as big as this place, it's just a small
16 holding facility.

17 Q. So it's not designed to keep people like at the
18 Moss Justice Center.

19 A. Yeah. It's not designed to, like, keep people at
20 an extended period of time.

21 Q. Okay. So it's small.

22 A. Yes, sir.

23 Q. Okay. But you know from your investigation that
24 both Dre and Jackie were both in this small facility
25 together?

1 A. Yes.

2 MR. B. SHEALEY: Okay.

3 THE COURT: All right. Now you may step down.

4 OFFICER MCCRORY: Thank you, sir.

5 THE COURT: And you're free to go home or wherever you
6 like.

7 OFFICER MCRORY: (Inaudible).

8 MR. B. SHEALEY: Your Honor, at this time, we would
9 call Quentin Weary.

10 THE COURT: Come right here to the middle. The clerk
11 to place you under oath.

12 THE CLERK: Come right here. Place your left hand on
13 the Bible.

14 QUENTIN WEARY,

15 being duly sworn, testified as follows:

16 THE CLERK: Sit down please.

17 DIRECT EXAMINATION

18 BY MR. B. SHEALEY:

19 Q. Good morning, Quentin. Will you please introduce
20 yourself and give your full name on the record to the -- the
21 court reporter and the jury?

22 A. Yes, I'm Quentin Weary.

23 Q. Okay. And how old are you?

24 A. 29.

25 Q. And do you know Jackie Mullen?

1 A. Yes.

2 Q. How do you know her?

3 A. Childhood friends or middle school friends.

4 Q. So just first met her at middle school?

5 A. Uh-huh.

6 Q. And what middle school was that?

7 A. Sullivan.

8 Q. Sullivan. Tell the story a little bit about what
9 you do for work.

10 A. I work at AST (inaudible).

11 Q. Okay. And what do you do there?

12 A. Assemble parts and just -- just assemble.

13 Q. Okay. How long you been there?

14 A. About a year.

15 Q. All right. Are you married?

16 A. No.

17 Q. Any children?

18 A. Nope.

19 Q. Okay. But in around the time of April and May of
20 2020 were you friends with Jackie Mullen?

21 A. Yes.

22 Q. Okay. And did you know Dre Williams?

23 A. No.

24 Q. But you knew of him, right?

25 A. Uh-huh.

1 Q. Okay. So you weren't friends with him. Did you
2 ever -- ever have an occasion to visit Jackleen at the Utah
3 Trail address?

4 A. Yes.

5 Q. Okay. And when you would visit her there was Dre
6 there?

7 A. Yes.

8 Q. Okay. Tell the story a little bit about how Dre
9 would respond to you.

10 A. At first, he was nice and -- you know, presented
11 himself pretty well and stuff, but over time he didn't really
12 like me being there because I was there a lot babysitting and
13 helping out.

14 Q. Okay. Did he ever act aggressive towards you?

15 A. Yes.

16 Q. Okay. Tell the story a little bit about how that
17 played out.

18 MR. ANTHONY: Objection. Relevance. Relevance.

19 THE COURT: I'm going to let a little -- a little
20 leeway. Go ahead.

21 BY MR. B. SHEALEY:

22 Q. So you knew him to be aggressive towards you.
23 Let's talk about that a little bit.

24 A. There was times where I would come over and maybe
25 I came over after argument and I could tell he didn't really

1 want me there and we might exchange some words and I have to
2 leave before things get little or physical.

3 Q. So based on his behavior towards you, did you stop
4 coming around to -- to see Jackie?

5 A. Yes.

6 Q. Okay. Did you feel threatened by him?

7 A. A little.

8 Q. Okay. How would you describe his -- does he have
9 anger issues in your opinion?

10 MR. ANTHONY: Objection.

11 MR. B. SHEALEY: Based on his experiences -- it's based
12 on his experiences, his aggressive behavior.

13 THE COURT: I think he described aggressive behavior.
14 I don't think he can diagnose or have opinions whether he has
15 anger management issues. So rephrase that question.

16 BY MR. B. SHEALEY:

17 Q. Towards the end of your time being allowed to go
18 to Utah Trail, was he happy with you or angry with you?

19 A. Everything seemed pretty normal at the time. He
20 was pretty calm then.

21 Q. But you had to leave on, I think we talked about
22 two different occasions because --

23 MR. ANTHONY: Objection. Leading.

24 THE COURT: Go ahead.

25 BY MR. B. SHEALEY:

1 Q. Tell -- tell this court about if you had to leave
2 that -- that Utah Trail address for any reasons. And who
3 made you leave if you had to leave?

4 A. Like -- like I said, there's times where I could
5 tell he just really didn't want me over there and we would
6 just kind of get into an argument and Jackie would have to
7 get me out the house before anything escalated.

8 Q. Okay. Now, when you were over at Utah Trail, did
9 you ever observe any damage to that?

10 A. Yes.

11 Q. That trailer?

12 A. Yes.

13 Q. What did you observe?

14 A. A holes in the wall down the hallway.

15 Q. Okay. Can you describe to this jury about how
16 many holes you saw?

17 A. It could have been maybe about four, maybe. Yeah,
18 about four or five.

19 Q. And I'm going to show you Defendant's 16 you saw
20 the trail, is that one the holes you observed?

21 A. Uh-huh.

22 Q. Okay. Now, did you ever see anybody create those
23 holes?

24 A. No.

25 Q. Okay. Let me ask you this, Quentin. And I know

1 no one really wants to be testifying in court. It's not
2 normal, it's not natural, but did you ever meet with Jackleen
3 in any way where she -- you observed any marks on her face or
4 anything like that?

5 A. Yes.

6 Q. Tell this court about that.

7 A. There was a time where she wanted me to meet her
8 at the park. She needed help -- she needed money, so I
9 wanted help her out. And she met me at the park. And when I
10 met her there, I could tell like she had bruises on her arms,
11 bruise on her eye. I could tell she lost a lot of weight.
12 She -- something was going on with her.

13 Q. Okay. Now describing the bruise on her eye, did
14 it look fresh? Did it look old?

15 A. It looked -- looked like it was, like, it was
16 fresh, but healing -- in the process of healing.

17 Q. Did she give you any explanation for that?

18 A. Yes.

19 Q. Okay. Did she -- what'd she say happened?

20 MR. ANTHONY: Objection. Hearsay.

21 THE COURT: Sustained.

22 BY MR. B. SHEALEY:

23 Q. Okay. You -- I mean, what did you think about
24 that bruise. You think she fell -- based on where it was
25 what'd you think about it?

1 MR. ANTHONY: Objection. Calls for speculation.

2 MR. B. SHEALEY: It's just his opinion about what he
3 thought about it.

4 MR. ANTHONY: It's speculation.

5 MR. B. SHEALEY: It's his belief of what happened.

6 THE COURT: I sustain the objection to that as well.
7 Unless he observed something.

8 BY MR. B. SHEALEY:

9 Q. Let me -- let me ask you this. What time did you
10 -- and I know this is a long time ago when we're talking
11 about April and May of 2020, when would that have -- can you
12 estimate when that -- when you saw that bruised her eye when
13 that would've been?

14 A. It would've been around -- around her 21st
15 birthday is when I -- when I saw that.

16 Q. Okay. But when -- was that when Dre was in her
17 life?

18 A. Uh-huh.

19 Q. Okay. Did you ever see any injuries to the
20 children?

21 A. Yes.

22 Q. Okay. What did you see in terms of injuries to
23 the children?

24 A. Her oldest son A.J. had a bruise on his left eye.

25 Q. When did you see that bruise?

1 A. I can't recall.

2 Q. Okay. Was that when Dre was in the picture?

3 A. Uh-huh.

4 Q. Okay. Did you -- when you observed that bruise,
5 how was A.J.'s -- what was A.J.'s demeanor like?

6 A. I could tell he was a little nervous and he kept
7 repeating the same thing over and over to me, that he fell
8 down.

9 Q. Okay.

10 A. And -- and kept looking around the room at
11 everybody. So I kind of -- I could feel that something
12 wasn't right.

13 Q. So he was telling you that he fell down?

14 A. Uh-huh.

15 Q. Had you known A.J. for a while at that point?

16 A. Yes.

17 Q. Can you tell when he was being truthful or not?

18 MR. ANTHONY: Objection. Calls of speculation.

19 THE COURT: I think he can answer that.

20 BY MR. B. SHEALEY:

21 Q. Did he seem like he was being honest with you
22 about the -- the reason for that bruise?

23 A. No. He was -- I could tell he wasn't being honest
24 because he doesn't repeat -- he wouldn't repeat what -- what
25 happened to him.

1 Q. So he was just -- when you asked him, he just kept
2 repeating over and over again?

3 A. Uh-huh.

4 Q. That didn't seem typical to you, did it?

5 A. No.

6 Q. Okay. Let me ask you this, concerning what you
7 just testified to in terms of the black eye or the bruising
8 on Jackleen and also the bruising to the left eye of little
9 A.J., did you ever tell anybody from the solicitor's office
10 about this?

11 A. No.

12 Q. Did you have a conversation with anybody from the
13 solicitor's office last Thursday?

14 A. Yes -- yes. I'm sorry.

15 Q. Okay. And do you remember who that not -- not
16 Thursday of this week, but I'm asking you about Thursday of
17 last week. I know we're -- we're Saturday, but like, it's
18 not this past Thursday, but you're saying the one before
19 that?

20 A. Yes.

21 Q. Okay. And did you call them or did someone call
22 you?

23 A. Somebody called me.

24 Q. Do you know who called you?

25 A. I can't recall.

1 Q. Was it a man or a woman?

2 A. Man.

3 Q. Okay. And did you tell them all this stuff right
4 here?

5 A. Uh-huh.

6 Q. Okay.

7 A. Yes.

8 Q. And they identified themselves as from the
9 solicitor's office?

10 A. Yes.

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

12 THE COURT: Sure.

13 MR. B. SHEALEY: Thank you, Quentin. I don't have any
14 further questions. Please answer anything that Mr. Anthony
15 has.

16 MR. ANTHONY: We could just have one moment.

17 THE COURT: Okay.

18 CROSS-EXAMINATION

19 BY MR. ANTHONY:

20 Q. So -- hey, Mr. Weary. So you say you've known Ms.
21 Mullen since middle school, is that right?

22 A. Yes.

23 Q. Okay. And how -- how have you all kept in touch
24 over the years?

25 A. Just hanging out, just occasionally meeting up.

1 Q. All right. And you're -- you are 29 now, right?

2 A. Yes.

3 Q. And she is 27, is that right?

4 A. Yes.

5 Q. Okay. All right. So you are -- you're just a
6 little bit older than she's. Okay. And like you -- you were
7 talking about this incident that her attorney asked you about
8 where you saw a bruise on her.

9 A. Uh-huh. Yes.

10 Q. Okay. You said that was about the time of her
11 21st birthday?

12 A. Yes.

13 Q. So that was six years ago?

14 A. I believe so.

15 Q. Okay. So that would've been 2017?

16 A. Sorry. I -- I -- it might have been a different
17 birthday.

18 Q. Oh, it might have been different.

19 A. Yeah.

20 Q. Okay. Well, I mean, you're just not sure?

21 A. It's been a long time.

22 Q. All right. But you were pretty sure when you were
23 asked just a minute ago though, weren't you? I mean, you
24 sounded like you were pretty sure, didn't you?

25 A. Like I said, it's been a long time.

1 Q. Okay -- okay. So you say the two of you all would
2 hang out, you would -- you would help her out with stuff?

3 A. Yes.

4 Q. Okay. I mean, she would consider you somebody she
5 could go to if she had a problem?

6 A. Yes.

7 Q. Okay. And she -- I mean, she still does that now,
8 right?

9 A. Yes.

10 Q. I mean, you are in frequent communication with
11 her.

12 A. Yes.

13 Q. And let's see. You -- you are 29 now, so you
14 would've graduated high school, I guess, of 11 or 12 years
15 ago. So you'd graduated high school about what, 2011?

16 A. 2014.

17 Q. 2000 -- oh, 2014. I'm sorry, my math I guess is
18 bad. Okay. And so from 2014 to 2000, you would've had this
19 relationship where you would just see her from time to time?

20 A. Yes.

21 Q. Or off -- or was it more than from time to time,
22 how often would you see her?

23 A. Pretty often -- you know, help her out babysitting
24 and stuff.

25 Q. I mean, would it be like once a week, twice a

1 week, three times a week, every day?

2 A. Almost every day.

3 Q. Almost every day. Okay. Almost every day for six
4 years?

5 A. Yes.

6 Q. Okay. And so you would've been with her through
7 the time of Antonio Martin as well?

8 A. No, I wasn't in the picture around that time.

9 Q. Okay. You weren't in the picture?

10 A. Uh-huh.

11 Q. All right. But then, you got -- got in the
12 picture was -- what -- after she and Antonio split?

13 A. Yes.

14 Q. After she moved back in with her mom?

15 A. Yes.

16 Q. And so that's when you started coming back around?

17 A. Uh-huh.

18 Q. Okay. And even after she took up romantically
19 with Audrevious Williams, you stayed in the picture?

20 A. Yes.

21 Q. And you continued to be over at her place a lot?

22 A. Yes.

23 Q. And you continued to -- to be a source of money
24 for her?

25 A. Yes.

1 Q. When she -- when she needed?

2 A. Yes.

3 Q. Okay. And she would have considered you somebody
4 that if she needed -- if she needed help, if she needed a
5 friend, you were -- you were somebody she could call?

6 A. Yes.

7 Q. Okay. And you said that Dre didn't really like
8 having you over at the place on Utah Trail?

9 A. Correct.

10 Q. Now, did you -- did you come to -- did you know
11 Antonio? I mean, did you ever meet him?

12 A. Once before.

13 Q. You only met Antonio one time?

14 A. Before they got together.

15 Q. Oh, before they got together? Well, after they
16 got together, did you ever see Antonio?

17 A. Yes.

18 Q. Okay. And how would that come about?

19 A. Like, how would I see him?

20 Q. Uh-huh. Yeah.

21 A. Just -- just whenever I come visit her.

22 Q. Okay. Were you going down to McConnell's house to
23 see her?

24 A. Yes.

25 Q. Okay. And did you ever see or -- or get any kind

1 of impressions about how Antonio and Dre would interact?

2 A. I don't think I was around when they ever met each
3 other.

4 Q. Okay -- okay. Did you ever talk to Jackleen about
5 that?

6 A. I can't recall.

7 Q. Okay -- okay. All right. Well, going back to
8 just you and -- and Dre, you didn't -- you don't think Dre
9 liked you very much?

10 A. Not that much.

11 Q. Okay. Did you have a -- I mean, you -- you've
12 known Jackleen for a long time obviously, I mean, even like
13 through all her relationships, is that correct?

14 A. Yes.

15 Q. Okay. Would it be -- be fair to say that Jackleen
16 is a -- a pretty strong-willed person?

17 A. Yes.

18 Q. Okay. And you were -- you knew about India
19 obviously?

20 A. Yes.

21 Q. Okay. You knew about the -- the challenges that
22 India created for Jackie?

23 A. Yes.

24 Q. Okay. Did she ever express any frustration to you
25 about those -- those challenges?

1 A. No.

2 Q. She didn't. Did she -- she never talked about it
3 being difficult to take care of India?

4 A. I mean yeah, being a single mom, she'd talk to me
5 about that.

6 Q. Okay. And then did she ever talk to you about how
7 it was tough raising a child who had to be fed through a
8 tube?

9 A. Yes.

10 Q. Okay. I mean, because you -- you knew the drill
11 as far as feeding India, right?

12 A. Yes.

13 Q. They were talking about three feedings a day?

14 A. Yes.

15 Q. Correct?

16 A. Uh-huh.

17 Q. Like she -- when a kid gets -- a toddler gets old
18 enough to start being potty trained, India couldn't be potty
19 trained.

20 A. Yes. Right.

21 Q. And India couldn't talk -- you know, a kid gets 18
22 months, two years, they start saying words. India couldn't
23 do any of that.

24 A. Right.

25 Q. All right. And did Jackie talk to you about those

1 things?

2 A. Yes.

3 Q. And were those things frustrating to her?

4 A. No. Not -- I mean, it was a challenge for her.

5 Q. Okay -- okay. But she was -- she was a
6 strong-willed person or is a strong-willed person?

7 A. Yes.

8 Q. And she pretty much does what she wants to do?

9 A. Yes.

10 Q. Okay. Now, I -- I mean, I hate to -- to -- to pry
11 into your -- your business, Mr. Weary, but were you and Ms.
12 Mullen, was it a romantic relationship between the two of
13 you?

14 A. No.

15 Q. Okay. So you are -- you are saying that there's
16 no -- no romantic feelings between you and Ms. Mullen?

17 A. No.

18 Q. Okay. You two have never -- never been intimate,
19 never had sex?

20 A. No.

21 Q. Okay. Do you think you would -- you being over at
22 her house all the time, I mean, was that -- was that
23 something that you could see maybe Dre saw you as a --

24 MR. B. SHEALEY: Objection. That's speculation. Calls
25 for speculation.

1 THE COURT: I think that's been answered. So move on
2 to something else.

3 BY MR. ANTHONY:

4 Q. Did Dre ever tell you why he didn't like you over
5 there?

6 A. No.

7 Q. Okay. You just knew he didn't like you over
8 there?

9 A. Yes.

10 Q. And you -- were you aware that they had left the
11 Utah Trail residence and moved into the Gentle Breeze Lane
12 residence?

13 A. Yes.

14 Q. Okay. Did you ever go over to Gentle Breeze Lane?

15 A. Before they moved over there.

16 Q. Well, I -- I mean after -- after they left Utah
17 Trail and moved to Gentle Breeze Lane, did you ever go over
18 there?

19 A. No.

20 Q. Okay. So -- so the last time you ever saw them
21 was at Utah Trail?

22 A. Yes.

23 Q. Okay. The -- after they -- you were aware that
24 they had moved to Gentle Breeze Lane though, right?

25 A. Yes.

1 Q. I mean, Jackie told you that?

2 A. Uh-huh.

3 Q. Had you -- did you meet Jackie some after she had
4 moved over to Gentle Breeze?

5 A. Yeah.

6 Q. Okay. You never, like, for that whole three-week
7 period, you never saw her?

8 A. No.

9 Q. You never met up anywhere?

10 A. No, I think -- I don't think we saw each other for
11 those couple weeks.

12 Q. Okay -- okay. Did -- did you have contact with
13 her on the -- the phone or -- you know, by text, anything
14 like that?

15 A. Yes.

16 Q. Okay. So you two were -- you were in contact, you
17 just weren't seeing her in person?

18 A. Uh-huh.

19 Q. Okay. Did -- did you have any -- any knowledge
20 about what had happened to India that Memorial Day weekend in
21 May?

22 A. No.

23 Q. Okay. She -- you never had any idea she was in
24 any kind of stress?

25 A. No.

1 Q. Okay. She never -- she never reached out to you
2 about that?

3 A. No.

4 Q. Once again, I -- I mean, I hate to -- to pry into
5 your personal business, but were you and -- would -- would
6 you and Jackie and -- and even Dre sometimes use drugs
7 together?

8 A. No.

9 Q. So you -- you were -- were not a -- not a drug
10 user at that time?

11 A. No.

12 Q. Did -- do you know that she and Dre were?

13 A. I know of Dre, but no.

14 Q. You didn't know her. You didn't know she was?

15 A. No.

16 Q. And what did you think -- what'd you think Dre
17 used?

18 A. I knew he smoked.

19 Q. Smoked weed?

20 A. Yes.

21 Q. You didn't -- you didn't know that the two of them
22 used roxycodone blue pills?

23 A. No.

24 MR. ANTHONY: If I could just have a moment.

25 THE COURT: Yes, sir.

1 MR. ANTHONY: Okay. That's -- that's everything on
2 cross. Thank you, your Honor.

3 MR. B. SHEALEY: Re-directing John. You want me to
4 approach?

5 THE COURT: Yes, sir.

6 (Bench conference at 10:10 a.m.)

7 RE-DIRECT EXAMINATION

8 BY MR. B. SHEALEY:

9 Q. Just briefly, Quentin. And the solicitor asked
10 you a little bit about your involvement going over to Utah
11 Trail and some other places, right?

12 A. Uh-huh.

13 Q. And you answered his question that you had come
14 over and you'd help with the children, right?

15 A. Yes.

16 Q. Okay. And she was a -- a single mother for a
17 while, right?

18 A. Uh-huh.

19 Q. And then Dre came into the picture, right?

20 A. Yes.

21 Q. Okay. Now in terms of you -- you know, being
22 around while she was caring for India, did you observe her
23 working with India?

24 A. Yes.

25 Q. Working -- was she working with her about her

1 exercises that she needed?

2 A. Uh-huh.

3 Q. These were for her walking and mobility and that
4 kind of stuff?

5 A. Yes.

6 Q. So over the years, would you observe her doing the
7 exercises that she was trained to do with India?

8 A. Yes.

9 Q. Okay. And she would do it in your presence?

10 A. Yes.

11 Q. Did she seem to do it willingly?

12 A. Yeah.

13 Q. Okay. Did she do it frequently when you were over
14 there?

15 A. Uh-huh.

16 Q. Okay. Now there was some information about -- or
17 some discussion about the year that you saw the bruise on
18 Jackie's eye. And I just want to clarify, was that when Dre
19 was in the picture that you saw that bruise?

20 A. Yes.

21 Q. Regarding the -- the injury to A.J.'s eye, was
22 that when Dre was in the picture?

23 A. Yes.

24 Q. And you observed that?

25 A. Yes.

1 Q. And he was talking funny?

2 A. Yes.

3 Q. And again, when Dre was in the picture, is it safe
4 to say he didn't want you in the picture?

5 A. Yes.

6 MR. B. SHEALEY: Thank you. No further questions,
7 Judge.

8 THE COURT: All right. You may step down. And you all
9 heads up there, we getting some more uh-huh -- uh-huh like
10 that.

11 MR. L. SHEALEY: Try not to.

12 THE COURT: Try to get them to say more.

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

14 THE COURT: Emmy wants to give you a good record, and
15 she's not sure that's going to make much.

16 MR. L. SHEALEY: Defense is calling James Howerton.

17 THE CLERK: Place your left hand on the Bible and raise
18 your right.

19 JAMES HOWERTON,

20 being duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. L. SHEALEY:

23 Q. Good morning, Mr. Howerton.

24 A. Good morning.

25 Q. Mr. Howerton, how old are you?

1 A. 60.

2 Q. Where are you from?

3 A. Huntington, West Virginia.

4 Q. Okay. How long you been living in this area?

5 A. From 1986.

6 Q. All right. You currently working somewhere?

7 A. Yeah, I work at Chemtrade Logistics under Homeland
8 Security.

9 Q. Okay. What do you do there?

10 A. Manufacture chemicals.

11 Q. Okay. Now, do you know Jackie -- Jackie Mullen?

12 A. Yes.

13 Q. Okay. Do you know her family?

14 A. Yes.

15 Q. Tell the jury about how you came to know Jackie
16 Mullen.

17 A. She was involved in a -- an automobile accident
18 and then like two weeks later I think she was involved in
19 another automobile accident as a passenger in both -- but in
20 the second one she was with friends. The first one she was
21 with Antonio Martin. And she had come to the office for
22 legal representation.

23 Q. Okay. Now, at that time were you employed at a
24 law firm?

25 A. Yes. At that time, I worked at a Lewis Law firm

1 and I was also contracted with the FBI.

2 Q. Okay.

3 A. Yeah.

4 Q. Well, relating to your Lewis law firm work, what
5 did you do there?

6 A. Legal research, investigations, workers' comp,
7 medical malpractice, automobile accidents.

8 Q. Okay.

9 A. Personal injury.

10 Q. Is that the law firm where I've been seeing some
11 billboards and stuff around town?

12 A. Yeah, he's big on advertising.

13 Q. Okay. And was he engaged to handle her car wreck
14 cases?

15 A. Yes.

16 Q. So that's how you met her?

17 A. Yes.

18 Q. Would you ever help her get to her doctor's
19 appointments and things like that?

20 A. Yeah, part of the firm's thing to the clients is
21 they had transportation vehicles to take people to
22 chiropractic services, doctor appointments, X-rays, therapy
23 mainly people didn't have transportation but -- you know, if
24 you had issues with getting there.

25 Q. Okay. Did she ever ask you for transportation to

1 -- for some of these appointments?

2 A. Yeah, she didn't have transportation at all.

3 Q. Okay. And so as part of you getting to know her
4 this way, did you continue on with some type of relationship
5 with her throughout the next few years?

6 A. Oh yeah, I got to know her.

7 Q. Okay.

8 A. Yeah.

9 Q. Did you say you all were friends at that time?

10 A. Uh-huh.

11 Q. Did you get to know her family at all?

12 A. Yeah.

13 Q. Okay.

14 A. Oh yeah, all of them.

15 Q. Their mom.

16 A. Grandmother, mother, stepfather, siblings.

17 Q. Did you get to know her children at all?

18 A. Oh yeah, I knew her before she had children.

19 Q. Okay. So that time with the car wreck was before
20 she had children?

21 A. Yes.

22 Q. And is it fair to say you stayed in her life as
23 she had children?

24 A. Yes.

25 Q. I want to kind of draw your attention to, let's

1 just say the spring of 2020. At this timeframe, were you
2 familiar with Jackie living at a trailer on Utah Trail?

3 A. Yeah, she rented a trailer over there.

4 Q. Do you recall who, if anybody she was romantically
5 involved in a relationship with at that time?

6 A. Antonio Martin and Dre Audrevious Williams.

7 Q. Audrevious Williams. Do you recall her living at
8 that trailer with Audrevious Williams?

9 A. Yeah, she lived there first.

10 Q. Okay.

11 A. And then he moved in, he lived with his parents
12 and then he moved over there.

13 Q. Okay. And she had her three children over there?

14 A. No, she only had the two and then she had the baby
15 Dre's baby

16 Q. Dre Junior?

17 A. I don't think he has junior at the end of his
18 name.

19 Q. Okay. But he's -- I think he is named Dre, is
20 that?

21 A. Yeah -- yeah. I don't know if his whole name's
22 the same as his dad's.

23 Q. Okay. Now her accident case is probably long gone
24 by now, but what is the nature of your role in her life at
25 this time? And did you offer any support or anything you

1 just -- can you describe that?

2 A. You mean --

3 Q. Around the spring of 2020.

4 A. -- 2020 prior to that?

5 Q. Yeah. Spring of 2020 over just ongoing.

6 A. Well, she was an employee of mine. I have a side
7 business lawn care.

8 Q. Okay.

9 A. She worked for me at that and janitorial services.

10 Q. Okay.

11 A. From 2017 to -- to when she got arrested.

12 Q. The Utah Trail address, did you ever do any
13 maintenance or yard work?

14 A. Cutting grass.

15 Q. Okay.

16 A. And maintenance on that trailer too.

17 Q. Okay.

18 A. Some.

19 Q. All right.

20 A. You know.

21 Q. Now, do you ever recall a time when you were over
22 there -- let me ask you this, around that same time frame, do
23 you ever recall a time when Dre reached out to you for help?
24 Wanting you to help him with something?

25 A. He would say he wanted help with work, but he

1 didn't want to do landscaping work.

2 Q. Okay. Well, more specifically, do you ever recall
3 him reaching out, wanting you to babysit for any particular
4 time?

5 A. Oh -- oh yeah.

6 Q. Okay.

7 A. Yeah.

8 Q. What -- what -- why was he needing your assistance
9 in babysitting?

10 A. Well, see, it's -- it didn't start out as wanting
11 me to babysit. What he did was he called me and he wanted
12 know if I had talked --

13 MR. ANTHONY: Objection. Hearsay.

14 THE WITNESS: -- to Jackie.

15 THE COURT: All right. Rephrase the question without
16 repeating what Audre says.

17 BY MR. L. SHEALEY:

18 Q. Without saying specifically what he said, was he
19 asking you if you knew where Jackie was?

20 A. Yeah.

21 Q. Okay. And did -- did it seem clear to you that
22 she wasn't at the house with him?

23 A. Oh yeah, he said she wasn't. He was upset.

24 Q. Okay. Did he indicate if -- if at all, that he
25 was needing to leave and -- and go look for her?

1 A. Yeah, he -- well, he --

2 Q. Don't say what he said, but we're talking about --

3 A. Well, he was talking to me on the telephone until
4 I went over there in face to face. I mean, so I have to say
5 what he said because it was on the phone.

6 Q. Well, I know it doesn't seem like natural.

7 A. That's what got me over there.

8 Q. So his conversation got you over there, right?

9 A. Yeah.

10 Q. And did -- from your understanding, did he believe
11 that Jackie might be with Antonio?

12 A. Yes.

13 Q. Okay. And based on that, did he leave the Utah
14 Trail address?

15 A. Yes.

16 Q. For what purpose?

17 A. To look for her.

18 Q. Okay.

19 A. But he said to go get cigarettes, he needed to
20 settle down.

21 Q. Okay.

22 A. But that wasn't it.

23 Q. All right.

24 A. And he did -- he was gone for an hour and a half
25 and I got worried because the kids was up of course and

1 excited and all this stuff because it was like 9:00 at night.
2 And plus I was worried because I never learned how to clean
3 India's trach and I didn't know when she'd last been fed and
4 stuff. And because she didn't eat like a -- a regular child.
5 She ate through a tube in her belly. And so I -- you know,
6 when he didn't come back after a few minutes, because the
7 convenience store is just around the corner. I mean, it
8 might be a mile and a half. It's over at Met Gala and the
9 curve in the road. Utah Trail isn't even a street light.
10 There's no street lights out there. And so when he didn't
11 come back after a little bit and stuff, I got worried about
12 on her trach because, I mean, I didn't know -- I just didn't
13 know on how to do that stuff. And so I called Julia --
14 Julia, Jackie's mom, and she was at work. She'd drive a
15 transportation bus at Charlotte Douglas Airport picking
16 people up and taking them to get their airplanes. And, I
17 told her that -- you know, hey, I'm here at this house with
18 these kids and of course she want to know why and -- and I
19 told her what was going on. And so -- and she -- she
20 couldn't just leave work right then, but she said she would
21 try to get there as soon as she could and probably, I don't
22 know, it wasn't quite two hours.

23 Q. Okay.

24 A. And then he come back and -- you know --

25 Q. So based on --

1 A. He -- he went looking for her.

2 Q. Okay. You -- you gleaned that he did in fact go
3 looking for her, is that right?

4 A. Yeah, because I told him it don't take no damn
5 hour and 45 minutes, hour and a half whatever to go right
6 around the corner and get cigarettes and settle down.

7 Q. So I guess being with the three children by
8 yourself left you somewhat frustrated, right?

9 A. Yeah.

10 Q. All right.

11 A. Yeah.

12 Q. But he did come back eventually?

13 A. Yeah.

14 Q. Okay. And then would you leave?

15 A. I did leave.

16 Q. All right. So let's fast forward a little bit.

17 Still in the spring of 2020, do you ever recall occasion at
18 Utah Trail where you would've seen any children injured?

19 A. I went -- you know, I'd go over just to visit too,
20 not just cut the grass and -- and play with the kids and all
21 this stuff. And I had went over there and her oldest boy,
22 A.J., he -- I don't know, I guess because he seemed like he
23 favored me and -- and maybe I favored him a little bit too --
24 you know. And so he would always want to play with me and
25 stuff like as soon as I'd come in. And he had a pump knot on

1 his forehead right above his eye.

2 Q. What -- what's a pump knot? You just mean like a

3 --

4 A. I really don't know medically what -- you got --

5 Q. Well, is it --

6 A. -- you hit your head on something and then you --

7 Q. Was it -- what was that you mean?

8 A. -- get a little knot. Yeah -- yeah. You get a --

9 Q. Like a goose egg, maybe that's --

10 A. Yeah -- yeah -- yeah, yeah. People call that too.

11 Q. All right. So you're observing this.

12 A. What happened to your head?

13 Q. Did you make any inquiries about it?

14 A. Yeah, I said, "What happened to your head?" And he
15 said, "I was bad; daddy spanked me." And see he called --
16 Jackie had him calling Dre "dad."

17 Q. All right.

18 A. And that's because his dad wasn't involved with
19 him.

20 Q. Stop you right there. So he is indicating that he
21 was bad and daddy spanked him now, but he wasn't presenting
22 any bruises on his behind. It was a -- a pump knot or a
23 goose egg on his head, right?

24 A. Yeah. We were talking about his forehead.

25 Q. So based on learning this, what did you do?

1 A. Well, Dre was sitting there, and Jackie was in the
2 -- the living room, and the kitchen was separated by a
3 counter. And she was doing something over there. I don't
4 know what she was doing, I can't remember that. And -- and
5 then -- but he -- when I said, "A.J. told me that daddy" --
6 "I was bad, daddy spanked me." Then -- you know, I looked
7 over there at him and then I said, "You can't be hitting on
8 kids, man." And so he -- he got kind of squinty eyed, like
9 he was mad or something and he said, "A.J., come on." And
10 then A.J. wanted to stay there and so he got him by the arm
11 and A.J. was kind of -- he's like, "Come on." And then I
12 said, "Hey, you can't be like that with kids." And then I
13 don't know if -- I don't know why he did it. He punched the
14 wall.

15 Q. Okay. So as you're --

16 A. It was like the living room.

17 Q. Right.

18 A. And there's a hallway thing right there. And he
19 punched -- he just punched the wall.

20 Q. As you were confronting him about --

21 A. And then he took A.J. to the bedroom.

22 Q. You're saying as you confronted him about how he
23 can't do that to kids, he punched the wall?

24 A. As he was walking away with --

25 Q. Did he have one hand on A.J.?

1 A. A.J. had him by the arm.

2 Q. Do you recognize this photograph, which is
3 Defendant's 16?

4 A. Yeah. That's where he punched the wall. Because
5 right there is the hallway, it goes to the -- A.J.'s bedroom
6 was the first one and then the bathroom.

7 Q. Did you actually take this photograph?

8 A. That picture I took when -- because when Jackie
9 got arrested, her mom and them didn't have anybody to help
10 them move all the stuff out of the trailer. Because they had
11 to be moved out of the trailer. And so when it was over and
12 I said, "Hey -- you know, we should take pictures of these"
13 -- "these holes in the wall and stuff because that might be
14 important on this." And then her mom took pictures too.

15 Q. Okay.

16 A. Same ones. Not that one.

17 Q. So on that topic I'm going to show you what's
18 marked for ID purposes as Defendant's 14 -- 13, 14, 15, and
19 17. Do you recognize these photos? Go ahead and hold them
20 -- look at them.

21 A. That's the bathroom -- bathroom -- bathroom.
22 Yeah.

23 Q. Just real quick on that, are those all photos that
24 you took around?

25 A. Oh yeah. I took these photos. Now I didn't see

1 them holes poked in the wall.

2 Q. Right. You weren't there when you (inaudible), is
3 what you're saying, right?

4 A. I don't know who did it.

5 Q. After Jackie's arrest, I think you said you were
6 over there (inaudible) the trailer with the mom?

7 A. When -- yeah. Yes, when I took in pictures.

8 Q. And you thought this would be relevant for her
9 case you wanted to put --

10 A. Yeah. Holes knocked on the walls.

11 Q. Right.

12 A. I mean, somebody put them there.

13 Q. These -- these fairly accurately represent the
14 condition of Jackie's former address around May or early June
15 of 2020.

16 A. Yeah. Utah Trail.

17 MR. ANTHONY: No objection.

18 THE COURT: Call the numbers out to me one more time,
19 Mr. Shealey.

20 MR. L. SHEALEY: Your Honor, this would be 13, 14, 15,
21 and 17.

22 THE COURT: All right. 13, 14, 15, and 17 admitted
23 without objection.

24 (Defendant's Exhibit Numbers 13, 14, 15 & 17 admitted into
25 evidence.)

1 MR. L. SHEALEY: Madam Clerk, can I publish?

2 BY MR. L. SHEALEY:

3 Q. All right. James, this should be popping up on
4 the computer screen in front of you. Do you see that?

5 A. Yeah.

6 Q. So just so the jury is clear, specifically when
7 you came over to the trailer that day and A.J. had a pump
8 knot on his head and was telling you that he was bad and
9 daddy spanked him and you confronted Dre about it, you're
10 saying he punched this hole in the wall?

11 A. Yes.

12 Q. And how would you describe his demeanor at that
13 moment again?

14 A. He seemed upset because I was saying something to
15 him and I guess maybe because A.J. said something, but I
16 think he was obviously upset with me, I guess, for saying
17 something to him.

18 Q. All right. Now, these photos, Defendant's 13, I
19 think you testified that you and Jackie's mom after her
20 arrest went over to the Utah Trail address to clean out the
21 trailer?

22 A. Yes.

23 Q. And you observed these holes in the wall?

24 A. Yeah, I had seen that hole -- those -- that hole
25 there in the bathroom. I had seen them before there.

1 Q. Okay.

2 A. Yeah, but I didn't see who made them.

3 Q. Okay. Did you have any knowledge about who made
4 them from seeing them?

5 A. Well, I don't know who made them. I wasn't there
6 when they was poked in the wall.

7 Q. And did you also take a picture of this particular
8 hole in the sheet rock --

9 A. Yes.

10 Q. All from that same day?

11 A. Yeah, that -- I took all the pictures on the same
12 day.

13 Q. And these as well?

14 A. Yes -- yes.

15 Q. That one? Okay. Now, based on this interaction,
16 did you ever encourage anything of Jackie regarding Dre? Do
17 you recall?

18 A. What do you mean? Say -- can you say that again?
19 Yeah.

20 Q. Did you encourage --

21 A. What's that?

22 Q. Did you encourage her to -- to leave Dre?

23 A. Oh, yeah. I mean, one: because property damage
24 over -- her landlord going to kick her out and then she --
25 where she -- she ain't going anywhere, had to move back in

1 with her mom -- you know.

2 Q. Right.

3 A. And but also it wasn't good in the home
4 environment. I mean, it was chaotic over there.

5 Q. Okay. Now, in this time in her life -- and your
6 relationship with her, did you ever provide her any financial
7 support or help in any way?

8 A. You mean besides what I paid her for working for
9 me?

10 Q. Right, right.

11 A. Yeah, I helped her.

12 Q. Okay. If she needed money, would you help her?

13 A. Yeah -- yeah. She sometimes say she didn't have
14 enough money to get groceries or pay the electric bill.

15 Q. All right.

16 A. You know.

17 Q. I want to show you generally what I have printed
18 off from the internet as a calendar for May of 2020.

19 A. Okay.

20 Q. Does that looks like a calendar of May of 2020?

21 A. Yeah, that's what it says.

22 Q. Okay. And I have had some discussions about this
23 case. There -- is there a day in 2020 that stands out in
24 your mind where Jackie paid you a visit?

25 A. You're talking about on this case?

1 Q. In this case -- were in this case in May prior to
2 her arrest?

3 A. Yeah. Up here on she came to the house that
4 Saturday is when she first said about ending.

5 Q. Right. Don't tell me what she said.

6 A. Okay.

7 Q. Saturday that would be the 23rd?

8 A. Yeah.

9 Q. You -- you recall from your recollection that she
10 came to your house on that Saturday?

11 A. Yes.

12 Q. Okay. Without talking about it, I just -- I think
13 it'd be good to have a visual day representation of this time
14 frame and ask to seek to admit a 2020 May calendar into
15 evidence.

16 MR. ANTHONY: No, we don't object.

17 THE COURT: No objection to the calendar.

18 MR. L. SHEALEY: All right.

19 THE COURT: What -- what's the number?

20 MR. L. SHEALEY: This is Defendant's 46.

21 THE COURT: Defendant's 46 without objection.

22 (Defendant's Exhibit Number 46 admitted into evidence.)

23 BY MR. L. SHEALEY:

24 Q. And I am just going to -- just since we've been
25 talking about so many dates in this case. So now again,

1 before we get into the nitty gritty on that Saturday, did you
2 have -- what were you doing on that Saturday in your own
3 personal life?

4 A. Well, Jeremy Redinger was -- he helps me every
5 once in a while with the lawn care stuff. We was try and
6 figure out what we was going to go get for lunch and because
7 it wasn't lunchtime, it was just for luncho. It was 11
8 something and that's when Jackie showed up.

9 Q. Okay.

10 A. Yeah.

11 Q. Now, when she showed up, did you expect her to
12 show up?

13 A. No.

14 Q. Okay.

15 A. No, we was going to cut grass.

16 Q. Okay. And it was sometime around lunchtime, but I
17 guess you -- you had not eaten, I guess.

18 A. Yeah -- yeah. Was trying to figure out what we
19 was going to eat for --

20 Q. All right.

21 A. -- when we start back to cut grass.

22 Q. And when Jackie showed up unexpectedly, what was
23 her demeanor?

24 A. She was upset. She...

25 Q. Okay. She was -- was she -- what was she upset

1 regarding?

2 A. She -- am I -- she said --

3 Q. What was --

4 A. I mean, she --

5 Q. -- upset about India?

6 A. Yeah -- yeah. Okay. Yeah, I didn't know if it
7 was -- because a minute ago you said I couldn't say what he
8 said. So this is what she said.

9 Q. I'm walking you through this.

10 A. Okay. So yes, she said that Dre had put his hands
11 on India. She said, "On my baby." And of course that's what
12 are you talking about. And then she said that the night
13 before when she was over at Hibachi, that's where she worked
14 at the restaurant by the hospital that he had called her or
15 text her. He got a hold of her over her and said that India
16 --

17 Q. Well, hold on. I don't want you to --

18 A. Okay.

19 Q. Let's just focus on what she has told you.

20 A. That's what she said.

21 Q. So again Dre had -- quote, "Put his hands on her
22 baby."

23 A. Yeah.

24 Q. You said she was upset about it?

25 A. Yeah, I knew something is -- because she don't

1 show emotion, like -- you know -- I mean, I know her a long
2 time. She don't easily cry about stuff.

3 Q. And what, if anything, did you do based on that?
4 Or did you counsel her in any way?

5 A. Oh yeah, well, after she told me what -- what she
6 was saying, she -- I told her to go -- she need to go to the
7 hospital and call the police.

8 Q. And how -- how long was this conversation? Was
9 she over there three hours or was she over there --

10 A. No.

11 Q. -- a little while?

12 A. No. 20 minutes. Okay. 30 minutes. I don't even
13 think 30 minutes.

14 Q. Did you -- did she indicate that she would in fact
15 get help?

16 A. No. That's what she said.

17 Q. Okay. Now would she then leave?

18 A. Yes.

19 Q. Drive away in her Buick?

20 A. Yeah -- yeah, the one her grandma got her.

21 Q. Now fast forward a little bit further along in the
22 week, do you recall getting any phone calls from Jackie
23 around the 26th? I mean, you have a memory of when she got
24 arrested, right?

25 A. Yeah. Two -- two -- well, I always get confused.

1 Some people say it'd be like 1:00, 2:00 in the morning today,
2 but they'll say, well last night, but really it wasn't last
3 night, it was today.

4 Q. Right. If we're being technical about it, if you
5 stay up long enough --

6 A. Well, I mean --

7 Q. -- you'll be in the next day, right?

8 A. Right, right. She was arrested on -- on
9 Wednesday.

10 Q. Okay. But do you recall getting any calls from
11 her on Tuesday evening?

12 A. Yeah. At -- at -- at like 11:30 at night.

13 Q. What was her demeanor?

14 A. She was excited and she said, "The police is at
15 the front door."

16 Q. Okay.

17 A. I said, "Go to the door."

18 Q. All right.

19 A. I mean --

20 Q. You didn't ever advise her to run for the hills or
21 --

22 A. Oh, no.

23 Q. -- get rid of the evidence or anything like that.

24 A. I said, "Go to the door." And -- and she said,
25 "Okay." And I said, "Just call me" and then hung up.

1 Q. Okay. Now obviously you're aware that she got
2 arrested on, I guess, technically the 27th or late on the
3 26th. In terms of your involvement with this investigation,
4 did you feel the need to speak to police about what you knew
5 about Dre or anything you thought was relevant?

6 A. Yeah.

7 Q. Okay.

8 A. I went to -- I -- I know Officer McCrory, now he's
9 detective for Rock Hill and -- and --

10 Q. Officer McCrory the one that just testified a
11 little while ago?

12 A. Yeah.

13 Q. Right.

14 A. Yeah.

15 Q. Okay.

16 A. And I known him 20 years ago.

17 Q. Okay.

18 A. And -- but I didn't know at the time he was
19 involved in this, but no, I reach out to him because I noted
20 and the reason I wanted to talk to him is really because, I
21 guess, I -- I mean I wasn't -- I accepted that something had
22 happened of course because it's on news and all that, but
23 there was just -- you know, I guess aspects of it that I just
24 --

25 Q. Okay. Well, let me stop you there. You had

1 questions, but you also, I guess, had some information you
2 felt was relevant, right?

3 A. Yeah.

4 Q. Was that regarding the things you testified to
5 about Dre and the holes and things of that nature?

6 A. I -- I think I told him, I can't remember on three
7 years ago detail on that -- on that meeting in there.
8 Because I was -- I was more focused on that -- on that stuff
9 that he was saying about a dresser. And then -- but I did
10 let him -- you know, I told him that, yeah, I know who she is
11 and the -- you know, Dre the -- the guy is involved in this
12 too and that -- and then what was going on over there. And
13 --

14 Q. So you told him what was going on over there and
15 as far as you know they were --

16 A. Wasn't really in detail. They didn't really, I
17 mean, they talked to me, they polite and all that, but they
18 -- they was just basically, I guess, confirming --

19 Q. Okay.

20 A. -- what I had heard --

21 Q. Okay.

22 A. -- on the news and stuff.

23 Q. All right. But you have no idea what if anything,
24 they did with the information you provided, right? You don't
25 know?

1 A. No, I -- no, I didn't.

2 Q. All right. Now, as part of my representation did
3 my office represent --

4 A. Hold on a second. I took it -- but now -- you
5 know, like -- well, I don't -- I don't want anything get --
6 because it's very easy for things to get misconstrued or
7 misinterpreted. I mean, in daily life it is. So, I mean, I
8 don't want to -- I feel like you -- you're asking me
9 something then you're cutting it off.

10 Q. Well --

11 A. Is what I'm saying, but I know that's what your
12 job is. What I'm saying is is that I didn't know what they
13 was going to do with anything about me coming over there to
14 the police station.

15 Q. Got you.

16 A. And -- and then I didn't even know it was recorded
17 or nothing until, like, last year.

18 Q. All right. Turns out your interview --

19 A. Then I noted it was recorded.

20 Q. Your interview was recorded. But what I'm saying
21 is you don't know based on the information you provided, if
22 they took it seriously and it directed their investigation or
23 if they just kind of pushed it aside, you don't know.

24 A. I didn't know. I thought they just listened to me
25 and went on their business.

1 Q. Right. But at some point, my office got in
2 contact with you based on what you knew, right?

3 A. Yeah. I reach out to you all.

4 Q. Right. Well, yeah.

5 A. Because I didn't hear from them and also the --
6 the solicitor.

7 Q. So I think you wrote a letter to my office and
8 almost an identical letter to the solicitor, correct?

9 A. Yes.

10 Q. And was the -- basically the nature of that letter
11 was like, "Hey, there's these holes in the wall that may have
12 some importance to this case."

13 A. Oh, yeah. It wasn't just that though.

14 Q. I know.

15 A. It was -- yeah.

16 Q. And other things.

17 A. Yeah -- yeah.

18 Q. And of course you're here on the witness stand, so
19 I did reach out to you, right?

20 A. Yeah, yeah, you did. They did too.

21 Q. All right. And did they -- they reached out. Did
22 you have a conversation with Detective Smith Monday before
23 trial?

24 A. Yeah.

25 Q. Okay. Monday before trial?

1 A. This -- this past Monday?

2 Q. Correct.

3 A. Yeah.

4 Q. And you told him what you're telling me?

5 A. Yeah.

6 Q. Okay. All right. Now, after -- you testified
7 that you're close to this family, but the fact that you're
8 close to this family or close to Ms. Mullen, does that impact
9 your statement today in terms of the truthfulness of it?

10 A. No, I -- am I allowed to say anything else?

11 Q. Well --

12 A. I mean.

13 Q. Let me ask you this. You wouldn't lie just to
14 help Jackie, would you?

15 A. Oh, no, no. This whole thing is a big mess.

16 Q. You are close to the family, right?

17 A. Yes.

18 Q. Do you recognize this Defense Number 45 for ID?

19 A. That's -- that's where I -- I paid over half
20 India's funeral expenses.

21 Q. All right. So did you send me this by email last
22 night?

23 A. Yeah -- yeah.

24 Q. And does this look like a -- a receipt from your
25 checkbook of May 28, 2020?

1 A. Yeah, that -- that's the check.

2 Q. That's the --

3 A. That I give to the funeral home Faith Funeral
4 home.

5 Q. All right. And does that check out for \$1,000?

6 A. Yes.

7 Q. Is it referenced for India Martin's funeral?

8 A. Yeah, that's what it's for. They didn't have
9 money to bury her.

10 Q. Right. So did you help out in that way to make
11 sure she had burial -- a proper burial?

12 A. Yeah.

13 MR. L. SHEALEY: Your Honor, at this time, I'd seek to
14 admit Defense 40 -- I think it's 45. I (inaudible) read it
15 might be me.

16 THE COURT: Defense 45 any objection?

17 MR. ANTHONY: No, sir.

18 THE COURT: All right. 45 is admitted without
19 objection.

20 (Defendant's Exhibit Number 45 admitted into evidence.)

21 BY MR. L. SHEALEY:

22 Q. Again, James, this -- this is just that check you
23 wrote to help India's funeral costs, right?

24 A. Yes.

25 Q. Now, James, I'm going to have to ask you a

1 personal question. So over the years that you knew Jackie,
2 you testified that you provided some financial support and
3 you're clearly close with the family. Was your -- did -- did
4 you ever end up having any kind of sexual relationship with
5 Jackie?

6 A. Yes.

7 Q. Okay. How -- how did that develop?

8 A. I knew her for a little while and then I -- I
9 really don't know. I mean, it wasn't like no alcohol or
10 nothing like that involved or something like that. But --

11 Q. You guys knew each other for a while and -- and
12 stuff happens, is that fair?

13 A. Yeah. I mean, yeah, I mean --

14 Q. Okay.

15 A. That'd be like asking me about some other girl or
16 woman or something. I really couldn't -- I can't at all.

17 Q. Well, now you weren't in a relationship with
18 Jackie, right?

19 A. No. No, no, no. No boyfriend girlfriend nothing
20 like that.

21 Q. All right. Now, the fact that you had at some
22 point a sexual off and on relationship with Jackie, does that
23 mean that you're going to come in here and lie to help her or
24 save her?

25 A. Oh, no. I'm not committing perjure.

1 Q. All right.

2 A. No.

3 MR. L. SHEALEY: Beg the Court indulgence.

4 BY MR. L. SHEALEY:

5 Q. Just real quick. Now, when -- when she came to
6 your house on that Saturday and said that Dre had put hands
7 on her baby, that -- real your address is 1064 Chandler
8 Drive, is that right?

9 A. Rock Hill.

10 Q. That's where you've been living? That's where she
11 came, right?

12 A. February 2016, I bought the place.

13 MR. L. SHEALEY: Okay. All right. James, please
14 answer any questions that the solicitor might have for you.

15 THE WITNESS: All right.

16 CROSS-EXAMINATION

17 BY MR. ANTHONY:

18 Q. Hey, Mr. Howerton.

19 A. Hey.

20 Q. I will ask you first of all, you -- you testified
21 that you got to know Ms. Mullen through a car wreck?

22 A. Yes, that's how I first met her.

23 Q. And -- and that's because you were working for
24 Stacey Lewis?

25 A. Yes. Law firm.

1 Q. Okay. And so just as part of your employment with
2 Stacey Lewis, you -- you wound up meeting Ms. Mullen?

3 A. Yes.

4 Q. Is that right? And then kind of -- and that was
5 in 2014, is that right?

6 A. Yeah. After my birthday it is September.

7 Q. Okay -- okay. And then kind of as things went on,
8 you just sort of met her whole family?

9 A. Yeah -- yeah. She lived with her mother.

10 Q. And she came to -- she came to work for you as
11 well?

12 A. 2017.

13 Q. And that's at the -- at your -- your lawn care
14 services?

15 A. Yes.

16 Q. Okay. All right.

17 A. She mainly did the cleaning at the building down
18 on Main Street, the janitorial, but sometimes she did rake
19 leaves and stuff like that. She didn't do no heavy lifting
20 or anything like that.

21 Q. Okay. And she would -- you would pay her --

22 A. Uh-huh.

23 Q. -- for -- for the things she did like in the lawn
24 care business and that kind of thing? Is that --

25 A. Yeah, I didn't have a printer, but this morning I

1 thought you all might want something on that. So I -- I got
2 on thumb drive in my pocket. I got the -- like, because I --
3 I -- everything is still IRS -- you know, 1099 for wages and
4 -- and all that.

5 Q. The payroll, all of it?

6 A. Yeah.

7 Q. Okay.

8 A. Yeah.

9 Q. All right. So -- so there was -- there was work
10 she would do and you'd pay her, but then at the same time, if
11 she just needed a hand with something that needed a little
12 money to buy --

13 A. Yeah.

14 Q. -- you'd -- you'd help her out with that?

15 A. Yeah. Sometimes it wasn't from -- for work. It
16 -- sometimes I just give it to her. Yeah.

17 Q. And you -- you also, I mean, she met you through a
18 law firm, so she would be somebody you'd think of or you'd be
19 somebody she would think of maybe if she needed legal advice?

20 A. Yeah.

21 Q. Okay. All right.

22 A. Or ask me to ask Stacey or something.

23 Q. All right.

24 A. Uh-huh.

25 Q. Well, I want to ask you first -- first off just a

1 few things about the -- the actual weekend that -- that you
2 just got through asking -- answering a few questions about
3 that the -- was on the calendar. You --

4 A. Yeah.

5 Q. -- you said -- you said you saw her on Saturday
6 the 24th, is that -- is that -- or am I right?

7 A. 23.

8 Q. 23rd. That's right. Saturday the 23rd. Okay.
9 And that's when -- that's when she came to your house?

10 A. Yes.

11 Q. Correct? Okay.

12 A. Chandler Drive.

13 Q. Okay. And she was -- she just came to your house
14 by herself?

15 A. Yeah.

16 Q. And she told you at that -- that time that India
17 was -- was hurt, correct?

18 A. She said Dre had put his hands on her.

19 Q. All right. Did she --

20 A. She didn't go into no detail, she just said nicely
21 quiet and said he -- he'd hit her in the head.

22 Q. Okay -- okay. So -- so she was -- she was worried
23 enough to -- to tell you this, right?

24 A. Uh-huh. Yes. She was upset.

25 Q. And she was describing a head injury.

1 A. Uh-huh.

2 Q. And she was telling you Dre did it, right?

3 A. Uh-huh.

4 Q. Okay.

5 A. Is what she said.

6 Q. Okay. And at that point in time, the kids were
7 back on Gentle Breeze as far as you knew?

8 A. I don't think they was over there. I think -- I
9 -- I think they was with their mom, but I don't know for
10 sure.

11 Q. You don't -- you don't know where --

12 A. Because, I mean, I didn't say, "Where's your
13 kids?" I don't remember saying that.

14 Q. All right. You don't know where the kids were?

15 A. I was just -- I guess more focused on telling her
16 you need to go get her to the hospital and call the police.

17 Q. Okay. I mean the kids could have been with Dre?

18 A. They could have been anywhere. I don't know where
19 they was at.

20 Q. You don't know where they were?

21 A. I -- I don't know where they was at.

22 Q. All right. And -- and she -- the way she
23 described this to you, you thought what had happened to India
24 was serious enough that you told her to take India to the
25 hospital?

1 A. Yes, I did.

2 Q. Okay. All right. And you told her to call the
3 police?

4 A. Yes, I did.

5 Q. Okay. And this is coming to her from the person
6 that's really like the -- the closest thing she's got to a --
7 a legal advisor?

8 A. I wouldn't say a legal advisor, I'd say as a
9 friend and all that stuff.

10 Q. All right. Well, I mean she probably had a lot --

11 A. I don't like to think of as legal advisor because
12 I'm not a lawyer.

13 Q. Well, I know you're not a lawyer, but you used to
14 work for one, right? I mean --

15 A. And I worked for a plumber too one time, but I
16 ain't a plumber, I mean.

17 Q. Okay.

18 A. You know.

19 Q. But -- but in her -- in her mind, if she's --
20 she's got -- if she -- she needs to call somebody who's a
21 friend who -- who knows a little something --

22 A. Yeah, for a friend.

23 Q. -- about the law that would be you.

24 A. Yeah -- yeah. I just don't want to be labeled
25 something I ain't.

1 Q. Okay. Well, I'm not labeling you that.

2 A. Okay.

3 Q. But she might -- she might label you that though.

4 A. I don't know what she thinks.

5 Q. Okay. Well, she -- so -- so that you tell her go

6 to the -- go to the -- go -- take India to the hospital and

7 call the police?

8 A. Uh-huh.

9 Q. Okay. And -- and she doesn't do either one?

10 Turns out --

11 A. Yeah.

12 Q. -- turns out she didn't do either one.

13 A. Yeah. Later, she says "no" because I kept asking.

14 Q. Okay -- okay. And that -- so did you talk to her

15 that Sunday or that Monday? Did you hear anything from her?

16 Talk to her?

17 A. I'm -- I'm sure I did. I can't be specific. I --

18 because I was worried about India.

19 Q. Yeah.

20 A. And the situation.

21 Q. Uh-huh. Uh-huh. So you think maybe that Sunday?

22 A. So I would call, but then she didn't answer the

23 phone.

24 Q. All right. So you -- you felt like there was

25 enough concern about India's condition from what she told you

1 that Saturday that you -- you were actually checking on her.

2 You -- you were trying to check on India.

3 A. Yeah. Well, I think anytime a child gets hit in
4 the head, it don't matter. You should have them looked at, I
5 mean.

6 Q. Uh-huh. Okay.

7 A. Just for general purpose.

8 Q. All right. And that -- the -- when was the next
9 time you saw her after -- after that Saturday?

10 A. Jackie?

11 Q. Yeah. She stopped at the house on -- she went
12 from -- on Tuesday -- Monday.

13 Q. She came by the house on Monday?

14 A. Monday, I think it was Monday for a few minutes.
15 She was getting -- going to get groceries or something.

16 Q. All right. And did -- did you talk to her about
17 India then?

18 A. That's when she said she didn't go because I asked
19 her about her.

20 Q. Okay -- okay. And did you -- did you talk to
21 Jackie that Tuesday the -- the day that the police came to
22 her house? That like that afternoon?

23 A. Yeah, she called.

24 Q. Okay.

25 A. Yeah.

1 Q. All right.

2 A. At -- or you want me to say something else?

3 Q. Well, I'm -- I'm -- I -- I just -- the only
4 question was did you talk to her?

5 A. Yeah -- yeah. I didn't know if -- here is one yes
6 or no or you want to know.

7 Q. No.

8 A. Something else.

9 Q. The next question would be, did she tell you that
10 Tuesday that India was dead?

11 A. Oh, no.

12 Q. Okay.

13 A. No, she never said that. No. She said the police
14 was at the door.

15 Q. Well, now I'm -- I'm talking about like that
16 Tuesday afternoon I'm talking about before.

17 A. Oh no, no. She never say nothing about the child
18 being dead.

19 Q. Okay. But she did talk to you that Tuesday
20 afternoon?

21 A. Yeah -- yeah, she did.

22 Q. Okay. The police came at night, but you had --

23 A. Yes, they did that.

24 Q. -- had a conversation that afternoon.

25 A. Exactly.

1 Q. Okay. And but she did not tell you that
2 afternoon. Your testimony is she did not tell you that
3 afternoon that India was dead?

4 A. Yeah, she never -- I didn't know India is dead
5 until I heard it on -- the next day after she was arrested.

6 Q. All right -- all right. And did you -- did you
7 talk about India at all that Tuesday afternoon?

8 A. I would assume I just asked.

9 Q. You just asked about --

10 A. You know, yeah -- yeah.

11 Q. Okay.

12 A. I mean.

13 Q. And did -- what -- what did she tell you about
14 India that afternoon?

15 A. It seems to me she said she's getting better.

16 Q. Okay. She's getting better.

17 A. So she didn't need to go to the doctor.

18 Q. Okay. All right. And then after that afternoon
19 when you talked to her, the -- was the next time you all
20 talked that night -- that Tuesday night when the police came
21 to the door?

22 A. Yeah, she just called for a second and she said
23 the police is at the front door.

24 Q. Okay. And --

25 A. And I said, "Answer."

1 Q. You told her to answer. Okay -- okay. Did -- how
2 many times did she call you while the police were at the
3 house?

4 A. That was it.

5 Q. Just one time?

6 A. Yes. She said there was the door. I assume she
7 answered the -- she answered the door and couldn't get back
8 on the phone.

9 Q. Okay. So there was just -- just one call, police
10 are at the door you said, "Well, answer the door."

11 A. Yeah.

12 Q. And that was pretty much the extent of it?

13 A. Yeah -- yeah. It wasn't no conversation.

14 Q. All right. And then the next -- the next thing
15 you heard about it was she'd been arrested?

16 A. Next day.

17 Q. Okay.

18 A. Yeah.

19 Q. All right. Okay. And so going back to you and --
20 and the legal advice, when the police showed up at her house,
21 you were the person she thought to come?

22 A. I wouldn't think that's legal advice. That's
23 normal talking. If police is at your front door, you go to
24 the door.

25 Q. Okay. But -- but yeah, you go to the front door.

1 And I'm not saying --

2 A. Yeah, that ain't legal.

3 Q. I'm not saying you gave her legal advice.

4 A. Oh, okay. Yes, sir. I know you keep saying that.
5 I'm like, no, I didn't give nobody no legal advice.

6 Q. She didn't -- she didn't call a lawyer when the
7 police showed up at her house, she called you?

8 A. Yeah.

9 Q. Okay. That's -- that's all I'm saying.

10 A. I don't think she had a lawyer at that time for
11 nothing. She didn't have no reason for one.

12 Q. Okay. All right. So you were -- you -- you've
13 known her since 2014, so that would be about six years or so
14 before this happened?

15 A. Yes.

16 Q. Okay. And so I guess when she met you, that was
17 when she was with Antonio, right?

18 A. She was living at her mom's.

19 Q. Okay.

20 A. And she was dating at that time if, I guess -- you
21 know, dating has such a broad definition nowadays.

22 Q. Uh-huh.

23 A. She was seeing, I guess, would be more
24 appropriate.

25 Q. Uh-huh.

1 A. Antonio Martin.

2 Q. Uh-huh.

3 A. And Levar Allen.

4 Q. Okay -- okay. So she was seeing -- seeing two
5 guys?

6 A. Levar Allen is A.J.'s dad.

7 Q. Yeah -- yeah.

8 A. And Antonio Martin is India's dad.

9 Q. Okay. So she was seeing two guys at the same
10 time, right?

11 A. Yes.

12 Q. And then it turns out she --

13 A. They didn't like each other.

14 Q. Okay.

15 A. The guys.

16 Q. Okay -- okay. So it turns out she has a son by
17 Levar.

18 A. Uh-huh.

19 Q. In 2015. And then she has India by Antonio in
20 2016.

21 A. Yeah.

22 Q. Okay. All right. And you were in the -- you knew
23 her -- were sort of friends with her through all of that,
24 right?

25 A. Yeah. From -- yeah -- yeah, from the car wreck.

1 Q. All right. And then you were also there as -- as
2 her -- being her friend when she met Dre, correct?

3 A. Yes.

4 Q. Okay. And then of course she had A.J. --

5 A. Now she wasn't seeing Levar Allen --

6 Q. Yes.

7 A. -- when she's seeing Dre.

8 Q. Dre. Yes.

9 A. Then it was still Antonio.

10 Q. Yeah. Okay -- okay. Levar was out of the
11 picture.

12 A. Yep.

13 Q. Dre comes back into the pic --

14 A. Right.

15 Q. Dre comes in the picture --

16 A. Right.

17 Q. -- for the first time.

18 A. Right. Right. Right.

19 Q. And then she has A.J. with Dre in 2018 that --

20 A. No, A.J. is Levar Allen's son.

21 Q. I'm sorry, she has Audrevious --

22 A. Yeah, the baby.

23 Q. The baby.

24 A. Yeah -- yeah.

25 Q. Okay.

1 A. Little Dre.

2 Q. With -- with Dre in 2018?

3 A. Yeah -- yeah.

4 Q. Okay. All right. And so -- you know, I mean, you
5 were already talking about, like, Antonio and Levar didn't
6 like each other. I mean, you kind of knew the dynamic too
7 between --

8 A. Oh yeah -- yeah.

9 Q. -- Antonio and Dre, right?

10 A. Sure. Because they didn't like each other.

11 Q. Yeah.

12 A. Same reason.

13 Q. You just testified about -- you just testified
14 about Dre calling you up and --

15 A. Yeah.

16 Q. -- wanting you to come take care of the --

17 A. Oh, yeah.

18 Q. -- children, while he tried to see if Jackie was
19 out.

20 A. Well, he didn't call me to come see the kids. He
21 called me -- was excited because she -- she wasn't there and
22 he thought she was with Antonio.

23 Q. Uh-huh.

24 A. And then he said he was going to call the police
25 to say she abandoned the children.

1 Q. Okay.

2 A. And I said, "Why would you call the police and say
3 she abandoned the children when that baby's your baby?"

4 Q. Okay.

5 A. And -- and then -- and then basically it seem to
6 me, he hung up. I mean, he just hung up on me.

7 Q. All right.

8 A. He talked for a second and then -- then I called
9 him back, or he called me back again. He called me I think,
10 because I -- I think I was already up and getting dressed
11 then. And then he -- he -- because he says, "I need to
12 settle down. Can" -- "can you watch the kids for a few
13 minutes and we'll go get a pack of cigarettes?"

14 Q. Okay.

15 A. And I said, "I'm on my way over there."

16 Q. Yeah. You -- you told us about that. I don't --
17 want --

18 A. All the way he cut me off and I didn't get to
19 finish. That's what I was reasoning then.

20 Q. All right -- all right. Well, I wasn't going to
21 take you through all that again.

22 A. Okay.

23 Q. But the -- the -- the thing was you -- you knew
24 kind of how Antonio and Dre, how they related to each other,
25 right? Or didn't relate to each other.

1 A. Oh, yeah -- yeah.

2 Q. And you knew -- you knew --

3 A. They didn't like sharing a woman.

4 Q. Yeah.

5 A. Yeah.

6 Q. And you knew -- you knew they -- there was an
7 animosity between the two of them?

8 A. Yeah -- yeah. You could say that.

9 Q. All right -- all right. And they wouldn't, like,
10 there's no way that Dre and Antonio would come together
11 voluntarily. Like the -- the only -- the only thing that
12 would bring Dre and Antonio together would be Jackie.

13 A. I think -- are you talking about social? Like go
14 to eat together and hang out?

15 Q. Yeah.

16 A. No, that ain't happening.

17 Q. Okay.

18 A. No.

19 Q. Okay. I didn't think so.

20 A. No.

21 Q. Okay -- okay. And then would it be fair to say --
22 and you knew -- you knew Dre for a long time, right? I mean,
23 you knew Dre for a couple years. Three years?

24 A. Yeah. She -- she knew him a little bit before
25 they -- they become romantic involved.

1 Q. Okay.

2 A. Yeah -- yeah.

3 Q. And would it be fair to say just -- just talking
4 about Dre, that he is -- he is a little bit slow as a person?

5 A. I don't think his touch, but I think he's a little
6 slow.

7 Q. Okay -- okay. Yeah. I mean, he -- yeah. Not
8 touch, but not -- not the sharp?

9 A. Yeah.

10 Q. Not the sharpest knife in a drawer as they say
11 that'd be fair to say about Dre?

12 A. Well, he's hung up on -- he was since sports in
13 high school.

14 Q. He was what?

15 A. He -- he -- in high school he's played some kind
16 of football.

17 Q. Uh-huh. Uh-huh.

18 A. And I think he wanted to be a professional sports
19 person, but -- you know, it didn't pan out. And then so he
20 kind -- he did have a lot of trophies though.

21 Q. Uh-huh.

22 A. For something to do with football.

23 Q. But he's one of these people that, like, he was --
24 now he's kind of a little bit lost out in the world. Like
25 just --

1 A. Yeah. He didn't get the dream.

2 Q. Yeah. Okay.

3 A. Yeah.

4 Q. Okay. And would you say Jackleen is a -- would
5 you describe her as a pretty street smart person?

6 A. Kind of.

7 Q. Okay.

8 A. Yeah. Because she had -- she had a little bit of
9 a rough upbringing.

10 Q. Uh-huh.

11 A. You know.

12 Q. Uh-huh.

13 A. And...

14 Q. Would it be fair -- would it be fair to say that
15 Jackleen is a more sophisticated person than Dre?

16 A. Well, when you say sophisticated, what are you
17 talking about?

18 Q. Now, I mean, somebody who can make their way in
19 the world figure things out.

20 A. Oh, she was the only one that really worked over.

21 Q. Uh-huh.

22 A. He couldn't keep a job. He got a job at the car
23 wash and couldn't keep it, I think two weeks, three weeks.

24 Q. Uh-huh -- uh-huh. Just -- just --

25 A. Had another issue with a girl over there.

1 Q. Yeah. Just able to function a little better.

2 Jackie --

3 A. Yeah. She was more responsible.

4 Q. I got you. Okay.

5 A. Yeah.

6 Q. And Jackleen is a -- a strong-willed person,
7 wouldn't you say that?

8 A. Yeah. She was determined to raise her kids and
9 stuff.

10 Q. Yeah.

11 A. And work.

12 Q. And -- and she's -- she's just strong willed about
13 everything, right?

14 A. I don't know on everything. I mean, what do you
15 mean?

16 Q. I mean...

17 A. Give me example.

18 Q. I mean, what she makes her mind up that things are
19 going to be a certain way. That's -- that's the way they're
20 going to be.

21 A. She wasn't hardheaded.

22 Q. Oh, really?

23 A. I mean, I don't -- I don't think she really was.
24 I mean, she was -- I think, see this is just my opinion from
25 what I've seen and stuff. So I can't -- I can't -- I'm not

1 no doctor and her brain stuff. I think that, like, with
2 Levar -- you know, and Antonio and then -- and then with Dre
3 that she -- I -- she just used to -- they'd say puppy love.

4 Q. Uh-huh.

5 A. They used that term puppy love. And it just,
6 like, well, you just didn't see no wrong in that person and
7 you just thought that they was it better than sliced bread.
8 And so he -- you know, he -- she wouldn't -- she wouldn't --
9 she wouldn't -- like I'd say -- you know, the boy won't even
10 cut the grass. I say, "Don't you cut the grass, I'll leave a
11 lawnmower." He won't even cut the grass. I come back over
12 and the lawnmower is where I left it, the grass ain't cut.

13 Q. Uh-huh.

14 A. I mean, he couldn't keep a job. He got a job at
15 the car wash. And then there's some problem over with the
16 girl over there. He said something to her and then --

17 Q. Uh-huh.

18 A. -- I don't know. They lost a job. So, I mean,
19 but she wouldn't -- like I'd say you could do so much better.
20 Why don't you --

21 Q. But -- but --

22 A. -- get shed of him and then she would -- but she
23 didn't want to do it. She was, like -- she was -- she was
24 hung on him, boy.

25 Q. But he --

1 A. But she was, like, with the other two too -- you
2 know.

3 Q. But -- but they were hung on her too, right?

4 A. Oh, yeah -- yeah.

5 Q. I mean, they --

6 A. Yeah -- yeah.

7 Q. Yeah. I mean, it -- it would be fair to say.

8 A. Oh no, they were, yeah -- yeah.

9 Q. She had -- she had a power over me.

10 MR. L. SHEALEY: Objection.

11 THE WITNESS: I don't think she had --

12 MR. L. SHEALEY: Objection. Speculation.

13 THE WITNESS: I mean, nobody made them. I mean...

14 MR. L. SHEALEY: Objection.

15 THE COURT: Sustaining the objection. Rephrase your
16 question.

17 BY MR. ANTHONY:

18 Q. She had -- she had a -- a power over Antonio and
19 she had a power over Dre, correct?

20 MR. L. SHEALEY: Objection.

21 THE COURT: Rephrase that. Use a different word than
22 power.

23 BY MR. ANTHONY:

24 Q. They were -- they were -- they were very attracted
25 and attached to her. Wouldn't that be fair to say? Both of

1 them?

2 A. Well, they obviously liked her. They had kids
3 with her.

4 Q. That's right.

5 A. That's right.

6 Q. Okay -- okay. And -- and, Mr. Howerton, it would
7 -- I mean, it would be fair to say she had a -- she -- you
8 were strongly attracted and attached to her?

9 A. Oh, I thought she was attractive. Yeah.

10 Q. Okay -- okay. And you've -- you provided money
11 for her, correct? Like you just testified, like, before this
12 all happened?

13 A. Yeah, she asked me sometimes when she need diapers
14 for the kids. She was -- didn't have all the money for the
15 electric bill or the rent.

16 Q. Uh-huh.

17 A. And sometimes it was advance. She was always good
18 for working it off and taking it out of her pay. But
19 sometimes it wasn't that it she -- you know, I just say, yeah
20 here, \$40 go get the diapers, whatever.

21 Q. And you are still -- you are still doing things
22 for -- for Ms. Mullen, right?

23 A. You mean this minute?

24 Q. I mean, you're still -- you're still giving her
25 money, correct?

1 A. Oh, yeah, because I drop money off up here at --
2 to jail sometimes for.

3 Q. Yeah. You -- you gave her money.

4 A. She got no money.

5 Q. Yeah.

6 A. Yeah.

7 Q. You give her money today?

8 A. Today?

9 Q. Yeah. And didn't you give her --

10 A. I didn't give her money today.

11 Q. You didn't -- you didn't put some credits on her
12 account.

13 A. Oh, that's so she can email her people.

14 Q. Uh-huh.

15 A. Yeah -- yeah -- yeah.

16 Q. And you -- you did that?

17 A. I thought you meant physical putting money on the
18 account. No, that email for stuff. Yeah, that's how she
19 stays in touch with her -- all her dad and them is up in New
20 York.

21 Q. All right. But you --

22 MR. L. SHEALEY: Your Honor, let me approach.

23 THE COURT: Sure.

24 (Bench conference at 11:09 a.m.)

25 THE COURT: You got much, Mr. Anthony?

1 MR. ANTHONY: I -- I don't have much more.

2 THE COURT: Okay. Put the record on. When dealing
3 with this witness, I want to put something on the record when
4 the jury is dismissed.

5 THE WITNESS: You know, I put money on other people's
6 jail account too. Because they got no money.

7 BY MR. ANTHONY:

8 Q. Okay -- okay.

9 A. I just thought I'd say that because I do. You can
10 look and see.

11 Q. And, Mr. Howerton, you -- you testified that you
12 were attracted to her, is that correct?

13 A. You talking about sexually?

14 Q. Yeah. You were sexually attracted?

15 A. Yeah, I was.

16 Q. Okay.

17 A. I mean, she's not ugly now, but I mean, yeah.

18 Q. Okay. And you --

19 MR. ANTHONY: Can I just have a moment?

20 THE COURT: Sure.

21 MR. ANTHONY: Can I just have a moment?

22 BY MR. ANTHONY:

23 Q. Well, Mr. Howerton, I just -- just asked you --
24 you know, you -- you talked about that Saturday that Ms.
25 Mullen came to your residence.

1 A. Yeah -- yeah.

2 Q. And told you about India.

3 A. Yeah.

4 Q. Did the two of you have sexual relations that

5 Saturday?

6 A. No. No.

7 Q. You didn't?

8 A. No.

9 Q. Okay.

10 A. I went and cut grass.

11 Q. I am going to show you a document. I'd ask that

12 you just take a look at that and see if that refreshes your

13 recollection. I'm going to ask to that question.

14 A. Okay.

15 THE COURT: Read it to yourself.

16 THE WITNESS: Huh?

17 THE COURT: Read it to yourself.

18 BY MR. ANTHONY:

19 Q. Yeah. I'm not asking you to read to the jury.

20 A. Oh. Oh, okay.

21 Q. I just want you to read it yourself.

22 MR. L. SHEALEY: Something produced in discovery, John?

23 THE WITNESS: Huh?

24 MR. L. SHEALEY: I may want to check it out before

25 further questions are asked on it.

1 THE COURT: Once he's done reading it, show it to Mr.
2 Shealey.

3 MR. ANTHONY: I will.

4 THE WITNESS: Yeah.

5 MR. ANTHONY: We're not (inaudible) made a statement
6 I'm not asking you a question.

7 THE WITNESS: Okay.

8 MR. L. SHEALEY: Your Honor, we're going to have a
9 matter of law before, I think, there's any question on this.

10 THE COURT: Okay. All right. You'll step in the jury
11 room. I'll try to be a little bit real quick. Once the jury
12 steps in there, I want take a break and then we'll take it
13 up. Okay. So we're going to take about 10 minutes for the
14 Court's staff. Mr. Howerton, you can stretch your legs, but
15 you can't talk about your testimony with anybody.

16 THE WITNESS: Okay.

17 THE COURT: Move around or use the restroom if you may.
18 Just don't talk about your testimony. All right.

19 (Jury exits room at 11:15 a.m.)

20 (Off the record at 11:15 a.m.)

21 (On the record at 11:23 a.m.)

22 THE COURT: All right. Go ahead.

23 MR. L. SHEALEY: Your Honor, just to place my concerns
24 and objection on the record, what -- what has been passed up
25 in an attempt to try to impeach Mr. Howerton is an email that

1 he sent Ms. Mullen at the jail sometime recently post her
2 arrest where the topic is -- title is pregnant and he's going
3 on about a few different things, but he's wondering if she
4 might be pregnant because at least per the email, his
5 recollection is that they had sex about three days prior to
6 her arrest. So then it goes on about various things. But so
7 one, my opinion is this should have been turned over as part
8 of their Rule 5 obligations specifically. I mean, this is --
9 this is -- these are documents and tangible things. We
10 certainly sent our Rule 5 requests that -- you know, without
11 we -- they material to us to prepare to provide a defense.
12 Clearly he is a defense witness. He has been on their list.
13 He's been interviewed by police -- he's been on our list.
14 Apologies. He was interviewed by police right from the get
15 go. He was talked to by Detective Smith Monday. We've
16 already had a conversation about a jail call that he had with
17 Ms. Mullen that you've excluded from evidence concerning
18 whether the testifying co-defendant was trying to make her
19 take the rap. So it's -- it is no surprise that he's an
20 important aspect of this case. And this has just been --
21 this is an email that we had no ability to get because it
22 appears it has been deleted. But the -- the State has the
23 power to get it through their investigative processes. It
24 was retrieved by Investigator Collins. It should have been
25 provided to us so that we could have addressed this with him

1 prior to putting him on the stand. That's one.

2 Now, even if it's not a discovery violation, the topic
3 of it would violate Rule 403 and 404(b). The point of it is
4 to show almost while Jackie's child is riving in agony and --
5 and circling the drain, that Jackie's out almost having sex
6 in a glorified manner with a -- a guy who -- you know, is a
7 -- is a -- is a man and -- and legal advisor, as the State
8 keeps saying. That would violate Rule 403, although it may
9 be irrelevant to the State -- you know, the -- the
10 prejudicial effect of its admission outweighs any probative
11 value and it just puts her in bad character. I think we've
12 all done a pretty good job of running the clean trial,
13 avoiding bad character evidence. We filed motion on it, of
14 course, but this would just simply call her a hoe while her
15 child is -- is writhing in pain. We didn't get it. We
16 haven't had an opportunity to address it and would run a file
17 403, 404(b). All right. And this -- this is all after we
18 were required to pull out a search reference of the
19 co-defendant that -- that allegedly was about a pornography.
20 And here we are talking about six.

21 THE COURT: Response, Mr. Anthony?

22 MR. ANTHONY: Well, this is -- this is their witness.
23 They called this man that they elicited testimony that
24 Ms. Mullen and this man had a sexual relationship. They
25 talked specifically on direct about what -- he testified

1 specifically on direct about what happened that Saturday.
2 And I'm entitled to cross-examine him about any -- whether
3 anything else happened on that Saturday. And then when he
4 denies that anything sexual happened on that Saturday, and
5 there's an email that says, "I knew you were on your period
6 the last time we had sex. That was on Saturday, three days
7 before you got arrested on Tuesday, May 26th." Well, that's
8 impeachment. That's just classic impeachment. And I'm
9 entitled to ask him, didn't he write Ms. Mullen an email and
10 saying that they had sex that Saturday. So I -- I -- this
11 just -- this is just easy really. I -- I mean he's up on the
12 stand. He said something that's contradicted by prior
13 statement he made, I'm entitled to ask him about it.

14 MR. L. SHEALEY: And the reason I knew about the sexual
15 relationship is because Detective Smith on Monday went and
16 interviewed Mr. Howerton and the State as they should produce
17 the contents of that interview where Detective Smith outright
18 asked him and he outright told him. So again, that's good
19 because it allows us to prepare our defense. But when you
20 hold on to a secret little email and then try to bust it on
21 -- on the witness, that doesn't allow us to prepare for
22 defense. It did violate the Rule 5 obligation, but again,
23 it's more about 404(b) and 403 is why it shouldn't come in.

24 MR. ANTHONY: Well, it doesn't violate Rule 5. Rule 5
25 says, I have turnover statements from Ms. Mullen. It doesn't

1 say I have turnover statements from defense witnesses that I
2 made have some reason to --

3 MR. L. SHEALEY: Rule 5(a) --

4 MR. ANTHONY: -- at some point have a basis for
5 impeaching.

6 MR. L. SHEALEY: Rule 5(c) documents and tangible
7 objects. Upon our request the prosecutor should allow us to
8 inspect copy books, papers, documents, photographs, tangible
9 objects da da da which are material to preparation of the
10 defense, or going to be used by the pProsecution. That would
11 be certainly material to our preparation to have that
12 document. It's well within the rule, but the more important
13 rules, much beyond just whether we're prepared, or 403 and
14 404(b), it just calls her a hoe who's out there celebrating
15 having sex with a guy while her -- her baby is circling a
16 drain. That is how this will be used in front of the jury.
17 And that's exactly how it should not be used.

18 MR. ANTHONY: Well, it just -- it's cross-examination
19 of him. He -- you know, he's -- he said, what he said
20 happened that day. I'm entitled to ask him if he said --
21 said something else.

22 THE COURT: You weren't intending on introducing --

23 MR. ANTHONY: Oh, no.

24 THE COURT: -- the emails just to refresh his memory.

25 MR. ANTHONY: No, sir. No. Well, I -- I mean, I --

1 I've refreshed his recollection. I don't know what he will
2 say now. Do not say what you would say now, Mr. Howerton.
3 But I -- I -- you know, I -- I intend to ask him about it.

4 MR. L. SHEALEY: Go ahead and proffer it because
5 there's only one point for the question -- the line of
6 questioning. Go ahead and proffer it.

7 THE COURT: Proffer that question.

8 BY MR. ANTHONY:

9 Q. Mr. Howerton, having -- having reread that --
10 having read this email, what would be your answer to my
11 question about whether you had sex with Ms. Mullen that
12 Saturday?

13 A. I -- I don't remember if I had sex, but if I -- I
14 wrote that, then I must have had sex.

15 MR. L. SHEALEY: It doesn't change the analysis from
16 the defense. So if he admits that it again, is something we
17 haven't -- hasn't been provided in a Rule 5 for us to be
18 prepared for. And number two, it shouldn't come in this
19 trial anyway under 403 and 404(b). What does it prove? He's
20 admitted a sexual relationship. That's fine. That's been
21 addressed. They can think -- you know, they can glean that
22 perhaps maybe because of that over time, he -- he really
23 wants to help her with his testimony. But to say that she's
24 out having sex with a man while her baby is dying is the
25 point the State wants to make. And that violates 403.

1 MR. ANTHONY: Well, we have to prove extreme
2 indifference. It's part of homicide by child abuse. So I
3 think it's -- I know they don't like it, but it is very
4 relevant. I mean, as her -- whether she's -- when her child
5 is at home dying and she's having sex with someone who's just
6 told her to call -- go to the hospital and call the police.
7 That's -- that's -- that is classic relevant to extreme
8 indifference.

9 MR. L. SHEALEY: That's a bad --

10 MR. ANTHONY: Which is part of what we have to prove.

11 MR. L. SHEALEY: It's bad character. It's not extreme
12 indifference. Extreme indifference is not taking your child
13 to the doctor. Extreme indifference is not calling police,
14 having gratuitous sex with someone that's not even your
15 boyfriend is bad character.

16 MR. ANTHONY: Is -- is --

17 MR. L. SHEALEY: That's -- that's the whole point of
18 it. Bad character.

19 MR. ANTHONY: It's extreme indifferent to be looking
20 for drugs while your child is dying. It's extreme
21 indifference to be over at a man's house having sex with him
22 while your child is dying. It's -- it's the very same thing.
23 And -- and of course the records replete with references to
24 drug use. The having sex is -- is just the very same thing.

25 MR. L. SHEALEY: That is not the very same thing. It's

1 bad character.

2 MR. ANTHONY: Well, using drugs is bad character.

3 There's -- there's a relevant purpose for this combination.

4 MR. L. SHEALEY: The drugs is replete in the evidence

5 by both -- both sides. There's no getting away from that.

6 That's just the story of their lives during this time. This

7 isn't the case about drug use -- you know, drugs in the

8 system of the baby, they're both making terrible choices.

9 But for -- it really draws a line on a case that's been

10 relatively clean to put this in. That -- her having a sexual

11 escapade while her baby is suffering, doesn't mean that she's

12 acting indifference towards the baby. It just shows that

13 she's the type of person that would go out, not give a crap

14 and go have sex with some guy that she has had sex with

15 before. We're -- we're on the -- we're teetering on the

16 verge of this being real problem with this case.

17 MR. ANTHONY: I -- I fail to see it. I -- I think it's

18 classic. It's just -- it's extreme indifference just like

19 the drug use. She's -- she's been told by a man to go to the

20 police, go to the hospital, she had sex with him. The man

21 now says she had sex with him. There's no -- no reason the

22 jury should hear this. Very probative.

23 MR. L. SHEALEY: And 403 says, although probative.

24 THE COURT: Oh, here is -- my concern is this, this is

25 your witness for the Defense. And if Mr. Anthony is allowed

1 to use that email written from this witness to Ms. Mullen,
2 then refresh his memory. That seems appropriate to me. Now
3 what seems odd is how you all didn't know it. She got the
4 email. He's your witness. That baffles me.

5 MR. L. SHEALEY: Well, we don't know it because it
6 wasn't disclosed. That was my first objection. And a remedy
7 for disclosure violations is to suppress it. It should have
8 been disclosed under Rule (5)(c) as I just read, literally to
9 -- to as we -- which are material to preparation of our
10 events.

11 MR. ANTHONY: Well, I -- I --

12 THE COURT: That's what's getting me is it's perhaps
13 discoverable, but they're not using it except to refresh his
14 memory. But he's your witness and your client was a party to
15 the email. She knows she got the -- oh, I don't know if she
16 got the email. The email was drafted to her.

17 MR. L. SHEALEY: The email was not a -- we requested
18 all emails, but it was deleted. So we -- we don't have the
19 power to get that. We didn't get in the case until last
20 year. He -- he had this email per that record in April 2022.
21 So we -- we have no power to get it. We requested as many
22 emails as we could that was -- was not available to us.

23 THE COURT: But your client is available to you.

24 MR. L. SHEALEY: Well, yeah, she's -- she's available
25 to me, but I don't know if something's going to be bad until

1 it's produced to me, I knew that there was a sexual
2 relationship because of something that was produced to me on
3 Monday. So but I -- I don't -- I don't know every instance
4 clearly a reference to sex three days prior. I would --

5 THE COURT: I mean, you weren't aware there was a
6 sexual relationship with this gentleman until three days ago,
7 Monday, Tuesday, whenever?

8 MR. L. SHEALEY: Right. But I'm talking about specific
9 sex acts while the child is declining. That's -- that's the
10 problem here. But yeah, I didn't -- I didn't ask her if she
11 had sex with every man she comes into contact with. No,
12 that's not a question I asked from my client. But when it
13 came out from a specific question by Detective Smith, of
14 course I had to explore it with our witness. And once I did,
15 I realized, okay, well, this is something now I know, but
16 there's a big difference between generally whether you have
17 ongoing sexual relationship versus what I would describe as
18 gratuitous sex act while your child is dying.

19 THE COURT: Yeah.

20 MR. L. SHEALEY: I need to know about that.

21 THE COURT: Well, had Mr. Anthony called this man, I
22 think my announce would be totally different. He did not.
23 You did. So I think it's appropriate for Mr. Anthony to be
24 able to refresh Mr. Howerton's memory that would -- I would
25 allow that. I will not allow it to be introduced into

1 evidence or to be published at all.

2 MR. L. SHEALEY: Well, it's not extrinsic. I mean, no,
3 but, like. So your ruling is that it didn't violate Rule 5
4 that this does not violate Rule 403 and it does not violate
5 Rule 404(b). Is that -- this is so I understand?

6 THE COURT: Yeah. That's my ruling.

7 MR. L. SHEALEY: Yes, sir.

8 THE COURT: Okay.

9 MR. L. SHEALEY: I want to take up the -- my mistrial
10 motion.

11 THE COURT: You may as well. You may --

12 MR. L. SHEALEY: (Inaudible) for sitting here --

13 THE COURT: You may talk about it over here.

14 MR. L. SHEALEY: Right. So prior to this, Mr. Anthony
15 asked a question about how he's still providing -- because it
16 -- it is come out that he's provided money over time as other
17 witnesses.

18 THE COURT: For different reasons, groceries, this and
19 that and the other.

20 MR. L. SHEALEY: Right. Right.

21 THE COURT: Still providing today.

22 MR. L. SHEALEY: But the question on cross was you
23 provide -- you're still providing her assistance today,
24 didn't you put jail --

25 THE COURT: Well, and he -- you mean this minute.

1 MR. L. SHEALEY: He means today.

2 MR. ANTHONY: Yeah.

3 THE COURT: Well, he asked this minute and he didn't
4 understand that.

5 MR. L. SHEALEY: Right.

6 THE COURT: And he -- he's not been by the detention
7 center to give money to her or put it on her account today.

8 MR. L. SHEALEY: Right.

9 THE COURT: But she done something with an email
10 account, I presume is online and he can transmit money
11 electronically.

12 MR. L. SHEALEY: Correct. And so he said -- that was
13 clarified yes.

14 THE COURT: That's what I -- I want to make sure my
15 presumption on that issue was what we're talking about.

16 MR. L. SHEALEY: Clarify by Mr. Anthony. "Yes, I'm
17 talking about today." And then he was like, "Oh yeah, well I
18 put some money on her books. So yeah, I've been helping her
19 out since she's been at the jail. I put money on her books."
20 So what we have is we spend all this time to try to have a
21 fair trial. And it's very known in case law and in courts
22 all around our state that we try to not let the jury
23 understand that she has been incarcerated this whole time.
24 Because they'll take an inference that someone who's
25 incarcerated is likely guilty because they don't have a bond

1 or that they -- you know, they're in jail. That's why we
2 don't sit here in her armed, jail uniforms all shackled in
3 handcuffs. So that -- that appearance has been carefully
4 protected throughout this trial to maintain due process. And
5 Mr. Anthony has decided to strip that away for what he feels
6 is appropriate impeachment, just to say that you provide her
7 money. He's already said he provides her money.

8 Any evidence to say that he's biased has already been
9 established. But he wants to say today while you're in jail.
10 So now the jury knows that she's in jail three and a half
11 years while the testifying co-defendant who has a bond order
12 that's in evidence that says he's supposed to be a good boy
13 and cooperate with the state, that he is more worthy. He's
14 elevated as someone who has the ability to walk in and off
15 the street. So when you juxtapose those two, it presents a
16 real due process problem that we have all tried to carefully
17 protect that veil has been lifted. And I don't think she can
18 have a fair trial from here just simply for that. We might
19 as well just sit here and jumpsuit the rest of the trial. So
20 I'm going to move for a mistrial based on that unforced error
21 by Mr. Anthony.

22 THE COURT: Mr. Anthony?

23 MR. ANTHONY: Well, I -- I never said she was in jail.
24 I never used the word jail. I just said you put credits on.
25 I -- I think what I said, this was all kind going back and

1 forth, but I think he -- I just asked him, you put credits on
2 her account. The other thing is, I think when you -- you
3 look at this whole trial and you -- especially given the
4 emphasis the defense has been -- has put on Mr. Williams
5 being out on bond and the -- the bias they say that creates
6 for him, I mean, it's hard for me to imagine that the jury
7 doesn't take that as -- well, he's out on bond while she's
8 still in jail. I -- I'm just think it's pretty much assumed
9 by the jury, by the way, the -- the record is been created by
10 the defense.

11 THE COURT: And that hadn't been said, but I don't
12 disagree with you just the entire flavor --

13 MR. ANTHONY: Yes, sir. Yes, sir. I mean, they --
14 there are making --

15 THE COURT: -- flavor of the case is being he's out and
16 --

17 MR. ANTHONY: She's in. That's all my thought. Yeah.

18 MR. L. SHEALEY: I -- I got to disagree with that. We
19 haven't insinuated she's in, we just are insinuating about
20 his bias. Because he has a condition to cooperate with the
21 state.

22 THE COURT: But I -- I think it's the unsaid and she's
23 in -- I want to think about that one. I don't want to make
24 that decision sitting here right now. So let's get done with
25 him. I'd like to read on that and think on that because

1 that's -- that's a tough one. So I'm not going to make that
2 decision right now. That's -- I -- I agree with both of you.
3 I think the cat is out of the bag, even though it hasn't been
4 said strictly, the bail is been lifted is a good way to
5 characterize it, but I'm not certain it wasn't alluded to by
6 inference already as well by different witnesses,
7 particularly Mr. Williams is on portrayal. All right. Let's
8 bring the jury in. Let's finish with him. And then that's
9 your last witness this morning?

10 MR. L. SHEALEY: Yes, sir.

11 THE COURT: Okay. That was the reference back to my
12 mistrial. I mean -- I mean something to put on the record
13 earlier.

14 MR. L. SHEALEY: Yes, sir.

15 (Jury enters room at 11:42 a.m.)

16 THE COURT: Mr. Anthony, you may resume your
17 cross-examination.

18 BY MR. ANTHONY:

19 Q. Mr. Howerton.

20 A. Yes -- yes.

21 Q. Just having reviewed that document, I'll just ask
22 you: Does that refresh your recollection about whether you
23 and Ms. Mullen had sex that Saturday?

24 A. See, I know we didn't have sex when she come to
25 the house that morning because me and Jeremy went and got

1 lunch out there after tequila, and went and finished cutting
2 grass.

3 Q. Uh-huh.

4 A. And I -- I don't remember having sex that evening
5 with her. But -- I mean, that email you say it says on there
6 that I sent that, so I don't -- you know, I don't remember
7 having sex that day.

8 Q. But you -- you told her in that communication to
9 her --

10 A. Yeah.

11 Q. -- you told her that you -- you remembered having
12 sex with her three days before she was arrested on Saturday?

13 A. That was at -- it said three days, I thought --

14 Q. You said --

15 A. -- I said on the 23rd.

16 Q. You said you had sex with her on Saturday, three
17 days before she got arrested on Tuesday the 26th. Is
18 that...?

19 A. Yeah, I remember saying on that. Well, I -- if I
20 said it I said it.

21 Q. Okay -- okay.

22 A. I can't remember, but I said it.

23 Q. But you said.

24 A. Yeah, if you say I said, I said.

25 MR. ANTHONY: Okay.

1 THE COURT: Anything else? You done -- you done?

2 MR. ANTHONY: Yes, sir.

3 THE COURT: Okay. Mr. Shealey.

4 RE-DIRECT EXAMINATION

5 BY MR. L. SHEALEY:

6 Q. Well, if you had sex at some time prior to arrest,
7 I guess it wasn't very memorable, was it? Again --

8 A. Oh, Lord.

9 Q. -- again, all in all seriousness, the fact that
10 you and Ms. Mullen who knew each other over a period of
11 years, the fact -- does the fact that you all were in an off
12 on sexual relationship impact whether you're telling the
13 truth today about what you've testified to?

14 A. Oh, no. I'm telling the truth.

15 Q. Okay.

16 A. That's why I contacted the police, and contacted
17 you all.

18 Q. Now, the solicitor seemed to -- kept calling you a
19 legal advisor because you worked at a law firm, I think you
20 said, "Well, I worked for a plumber and I'm not" -- "I'm not
21 a plumber." But...

22 A. It's true.

23 Q. It's not -- when you're telling her to call the
24 police or get medical help because she's saying, "Dre hit my
25 baby." That -- is that common sense advice?

1 A. Yeah. I mean, somebody hit a kid, you call the
2 police, you take them to the doctor.

3 Q. Right. Now, I think you said something about --
4 regarding Dre and -- and his life in playing football. You
5 said something, I think I wrote it down.

6 A. He said something about high school. I think it
7 was something.

8 Q. I think you said, "Dre didn't get the dream,"
9 right?

10 A. Yeah. He wanted to be professional football
11 player.

12 Q. Okay.

13 A. Like -- you know, up in Charlotte and stuff.

14 Q. But he wasn't a professional football player, was
15 he?

16 A. No.

17 Q. He was an unemployed, stay-at-home dad, of two
18 other men's children, right?

19 MR. ANTHONY: Objection. Leading.

20 THE WITNESS: Well, yeah, that is what --

21 THE COURT: I'm going to allow that.

22 THE WITNESS: He worked at the car wash for a few
23 weeks.

24 THE COURT: That's been -- that's been established by
25 multiple witnesses.

1 THE WITNESS: Yeah.

2 THE COURT: I'm going to allow that.

3 THE WITNESS: But he didn't -- yeah, he stayed home.

4 BY MR. L. SHEALEY:

5 Q. Okay. Now, I think there's some questions about
6 Dre not being the sharpest tool in the shed, right?

7 A. Yeah.

8 Q. Now he wasn't disabled, was he?

9 A. Oh, no. He could work if he wanted.

10 Q. He just wasn't the sharpest tool?

11 A. He didn't want to cut the grass and stuff.

12 Q. Okay.

13 A. You know.

14 Q. You were -- you were asked questions about their
15 relationship, and I think at the end of the day, correct me
16 if I'm -- if I heard it wrong, but your response was that you
17 -- you encouraged Jackie to get shed of him, just get shed of
18 him, right?

19 A. Oh yeah, she could do better.

20 Q. Okay.

21 A. I would think.

22 MR. L. SHEALEY: That's all I got. Thank you.

23 THE COURT: All right. Mr. Howerton, you may step
24 down. You're done.

25 MR. HOWERTON: Okey dokey.

1 THE COURT: And, Mr. Shealey, at the break for the
2 jury's benefit, that's all the witnesses the Defense team to
3 call today?

4 MR. L. SHEALEY: Yes, sir.

5 THE COURT: All right. Folks, few minutes to lunchtime
6 may get kick off. You all got a short ride (inaudible) if
7 you'll hear my name on the radio. Thank you all for your
8 patience this morning and coming in. You enjoyed the donuts,
9 who got the one with a bacon on it? Was it good?

10 UNIDENTIFIED JUROR: Very good.

11 THE COURT: I didn't know that even existed till the
12 clerk of court told me that she got one.

13 UNIDENTIFIED JUROR: (Inaudible).

14 THE COURT: Okay. All right. Can't talk about the
15 case. Go home and enjoy your Saturday afternoon tomorrow.
16 See you Monday morning. I got -- I'll be here about 9:15. I
17 got something to put on the record at 9:00, on that morning.
18 So you all be here about 9:15. All right.

19 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

20 11:47 A.M.)

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CERTIFICATE OF TRANSCRIBER

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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 4, 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 13, 2023.

2 THE COURT: Thank you everybody for somehow being
3 available today to get this thing -- trying to get it
4 finished up today. I didn't -- I was concerned that'd be
5 really, really tough. But thank you all for that. Thank you
6 for your patience. Anything we need to take up before we
7 start bringing the jury in? Because I was very concerned a
8 moment ago. I didn't see my notes up here. I knew I put
9 them in my briefcase. I didn't, but somebody moved them back
10 to my chambers and I have them. But that's a good thing.

11 MR. L. SHEALEY: Good morning, your Honor. Just -- I
12 guess the first issue would be -- I guess, as it relates to
13 the jury, I -- this is a little bit of an unusual
14 circumstance given a week delay. I'm not sure if they
15 understand why the delay, you know, what was relayed to them.
16 But --

17 THE COURT: I think I told them.

18 MR. L. SHEALEY: I -- I didn't know if that message was
19 relayed by a clerk or they just had no idea. But I guess --

20 THE COURT: I -- I think candor with the jury is the
21 best.

22 MR. L. SHEALEY: Okay. Well, so if there's going to be
23 candor, I want to -- I would ask your Honor to consider
24 asking them some questions about their comfort level in the
25 courtroom, knowing that there's --

1 THE COURT: Sure.

2 MR. L. SHEALEY: It's the judge, but it's -- you know,
3 whether they're freaking out. Because we're -- we're at the
4 final stretch and we all want them to hopefully deliberate
5 without thought of, "How do I get out of this building and
6 not get COVID?" So I think that would be some -- something
7 to that effect would be good. And then just also to make
8 sure that they haven't taken this week's break to do any
9 independent research, or look at the news articles, or
10 somehow think that this is over and your obligations are
11 somehow less or so. Those would be my only things regarding
12 the jury. I know we had some things to discuss regarding Dr.
13 Knight, I believe, and we can -- it may help me at least on
14 -- or may help the State if I address one thing on that.

15 And this is really -- this doesn't have to do with the
16 readability of her notes or any of that issue that was
17 emailed about, but, you know, this is more about the scope of
18 her testimony. So I've been doing some research on this.
19 Obviously under 803(4), hearsay is allowed to -- for an
20 expert under this medical diagnosis. I'm looking at recent
21 cases, *Glinyanay v. Tobias*, which is 436 S.C. 137, it was
22 kind of specifically more about a psychologist. And if they
23 could talk about hearsay, does that follow one of the rules
24 for whatever reason that the Court said it was a matter of
25 first impression, I can't imagine that, but they say it was,

1 and they agreed that the -- the exception for medical
2 diagnosis under 803(4) does also apply to the psychologist
3 and mental health professionals clearly. But they -- they
4 did kind of give some caveats to it.

5 So, you know, it's in relation to their regular course
6 of work and to determine -- to help determine their -- their
7 diagnosis, right? Because there's a question -- because Dr.
8 Knight, she gives -- she's going to give a general diagnosis
9 in this case, but she also interviews multiple people and
10 Jackie herself about the event that we're all here for. So I
11 don't -- just being fair to the thrust of the rule -- the
12 rule and from the other cases say, well, it's meant to -- the
13 hearsay is allowed to help aid in the diagnosis, but not --
14 it's in the judge's discretion, but not really designed to
15 get to the truth of the ultimate issue asserted, which would
16 be -- if I just -- my plan is it helps the State. I'm not
17 going to put Dr. Knight up to, "Hey, just tell me exactly
18 what Jackie says about the cause of death of India." I'm not
19 going to -- I don't think that's what the rule would allow me
20 to do, just an honest reading of it.

21 THE COURT: I agree with you on that.

22 MR. L. SHEALEY: If that helps them or if they just
23 assume that, I don't know, but I just wanted to share that.
24 But I don't plan on going into that because I don't think the
25 rule allows for it unless they go into it, and then I have to

1 respond. But that's just one parameter I -- I think we could
2 probably agree on, that I just want to put out there.

3 MR. ANTHONY: Well -- I mean, I -- I agree. I -- I
4 don't think Dr. Knight can just get on the stand and quote
5 Ms. Mullen, but that doesn't mean that I shouldn't be
6 entitled to see her notes from conversations with Ms. Mullen
7 and other people because that's -- I -- I would expect that
8 would be part of the basis for the formulation of the opinion
9 she gives. And so anything she relies on informing that
10 opinion, I'm -- I'm still entitled to know what it was. And
11 --

12 THE COURT: I think you just have to ask her that,
13 because translating the notes wasn't a viable option.

14 MR. ANTHONY: Yes, sir. Well, it -- it -- it puts
15 State in a -- a very bad position to have to ask that in
16 front of the jury, and not knowing what the answers are going
17 to be -- and knowing that maybe a -- a lot of what she would
18 say would be inadmissible otherwise. So I would ask the
19 Court to have her read the notes outside the presence of the
20 jury so we can know what they say and then we can -- we can
21 give the jury the benefit of a full cross-examination.

22 MR. L. SHEALEY: I don't think that's required,
23 honestly. I mean, I'm not going to -- the hearsay that is
24 allowed, of course, is relating to collateral interviews and
25 things she's learned, not to the -- the thrust of whether

1 Jackie killed her child or not, or whether Dre did. But,
2 like, they have the notes. If they're just difficult to
3 read, if I had to be -- in order to produce my notes, they as
4 well would be difficult to read. If this was some kind of
5 expert that dealt with, like, engineering data and it was
6 ordered to be turned over, but I couldn't read it, I wouldn't
7 be allowed to force the engineer to make it in a way that I
8 could understand. It's just -- just an unexpected difficulty
9 of this situation. But I don't think she's required to do
10 above and beyond. If he wants to through his cross, ask her
11 to read a particular note, I can't stop him from doing that.
12 She can read a note, but, like, to take a huge time out to
13 just have her for a couple hours read every note that she
14 ever made to him.

15 THE COURT: Well, this is not several pages of notes.
16 This is many pages of notes.

17 MR. ANTHONY: I -- I understand that, but I -- I think
18 the State's still entitled to know what they say. It is --
19 is a minimization to say her notes are difficult to read.
20 They're not difficult to read, they're impossible to read.
21 And --

22 THE COURT: Nobody can read them. I don't think -- I
23 don't think the Shealeys can read them.

24 MR. ANTHONY: I -- I've asked numerous people to try to
25 read them. Nobody -- nobody can. And I think to do -- the

1 State to be able to do a -- what it's entitled to do on
2 cross-examination and do a fair cross-examination -- a fair
3 presentation for this jury, we're entitled to know the basis
4 of her opinion. The basis of her opinions come from the
5 notes. And if -- and I've made -- as Court knows, I've made
6 attempts to try to do this before this morning and Defense
7 didn't -- didn't agree to do that. And so that puts me in a
8 position where I -- I know it's you -- it -- it -- it's not a
9 good thing to stop the trial for her to have to read these --
10 these to -- to us.

11 THE COURT: I think that's going to be our best option.

12 MR. L. SHEALEY: Yes, sir.

13 THE COURT: I think -- I mean, really true -- that's
14 what I think the best option is. Present her, direct, you're
15 getting cross. And if you ask a question of a basis of her
16 opinion, and she refers to her notes, you can have her
17 publish it in -- you know, that portion of it in full.

18 MR. ANTHONY: But, your Honor, I don't -- I don't think
19 it's fair to the State to have to do that in front of the
20 jury.

21 THE COURT: Well, I -- I -- I'm --

22 MR. ANTHONY: You can't unring -- you can't unring the
23 bell if she says something that's inadmissible, I don't have
24 -- I mean, the jury's already heard it. I don't know if
25 she's going to say anything that's inadmissible because I

1 don't have the benefit of knowing ahead of time what she's
2 going to say.

3 THE COURT: We run --

4 MR. ANTHONY: I think I'm entitled.

5 THE COURT: I -- I -- I think we're going to run that
6 risk either way we go. So I appreciate your point. But if
7 she says something that's inadmissible, you all object, we'll
8 deal with it.

9 MR. L. SHEALEY: That's the way it works for every
10 witness in any trial.

11 THE COURT: I mean --

12 MR. L. SHEALEY: I'm not -- that's why I advise the
13 Court about where I'm going to steer her away from. So I'm
14 not trying to get to anything inadmissible. She's going to
15 testify about her and then the due records. So we have all
16 the records. There's way more that's been provided than just
17 our handwritten notes. I -- I clearly safely know where
18 we're going. So I appreciate your ruling.

19 THE COURT: I -- I -- I think we'll do the best we can.
20 And if we have to interrupt cross-examination, and I -- I
21 don't think that's an improper thing for the jury to know a
22 lot of handwritten notes were provided. They're nearly
23 impossible to read. Obviously, somebody can read them.
24 Dr. Knight, but I couldn't read them.

25 MR. ANTHONY: Yes, sir.

1 THE COURT: But --

2 MR. ANTHONY: But -- but the Court's not going to allow
3 me to ask to have her in camera read --

4 THE COURT: No.

5 MR. ANTHONY: Okay.

6 THE COURT: That'd take too long. I'm sorry. That's
7 my reasoning. But the...

8 MR. ANTHONY: All right. The only other thing I --

9 THE COURT: And then I do -- for the record, one of
10 your emails said "Allow you to have a phone conversation so
11 she could more or less help you translate them to yourself
12 and you could take notes." And that didn't happen for
13 whatever reason. But for the record, you did ask.

14 MR. ANTHONY: Yes sir. I -- well, it didn't happen
15 because the Defense wouldn't agree to it. So I -- I mean,
16 I've been a spot now where -- to be able to represent the
17 State. I -- I -- I'm not going to be able to give the jury
18 the benefit of the cross-examination. It should have -- of
19 her -- if I can't find out what she's -- what these notes say
20 outside their presence.

21 THE COURT: Your final word, Mr. Anthony.

22 MR. ANTHONY: Thank -- thank you, your Honor. I'm
23 doing the best I can. I do have one other thing.

24 THE COURT: Let me -- let me -- Mr. Anthony, you -- is
25 that microphone back up? Okay, go ahead.

1 MR. ANTHONY: Before -- before we start and I -- I
2 don't know, I'll just go ahead and -- and just tell the --
3 advise the Court this, because I -- I sort of would
4 anticipate this is coming, and I obviously don't know what
5 Dr. Knight's going to say, but if there are references in
6 what I have to -- to PTSD and Ms. Mullen having PTSD, so I
7 would anticipate some sort of defense that basically says
8 that she's not criminally responsible under the homicide by
9 child abuse law for allowing her daughter to die because she
10 has PTSD that was brought on in part by Mr. Williams, her --
11 her boyfriend.

12 And it appears -- it seems to the State that if the
13 Defense is going to proffer that kind of testimony and say
14 that the neglect that occurred over the period of time that
15 India M. [REDACTED] was dying was brought on by -- by PTSD, then the
16 jury, in making that assessment, needs to know the full
17 history of Ms. Mullen's neglect of India M. [REDACTED]
18 Specifically that before -- before she ever met Audrevious
19 Williams, she had India M. [REDACTED] with cocaine in her system and
20 was convicted of child neglect for that.

21 And then about a year in April of 2019, before -- you
22 know, a full year before this incident happened with India
23 Martin. India M. [REDACTED] was taken out of the house for
24 malnutrition. So I think those things become relevant if --

25 THE COURT: It very certainly could.

1 MR. ANTHONY: -- PTSD, you know -- if -- if that's
2 going to be the explanation for the -- the neglect in 2020.
3 And I -- I just wanted to go ahead and advise the Court that
4 I -- I mean, I just -- I don't know what they're going to
5 say, but I see that coming.

6 MR. L. SHEALEY: As I've advised the Court and the
7 State, this is -- this is not a case where State -- we're
8 saying she's not criminally responsible due to some mental
9 statement, that's not the case. But as -- as your Honor has
10 heard throughout the State's presentation, they're
11 specifically diving into her behavior on scene or inaction to
12 say she's a -- a guilty -- guilty killer of her child. And
13 look, she's try -- look how bizarre she's acting.

14 The mental health aspect of this case isn't to absolve
15 her responsibility, but it's allowed us to present a complete
16 full defense to explain why she may be acting a certain way
17 based on her full trauma scope. We're not going to come in
18 here and say she has PTSD. Other doctors have diagnosed her
19 with that. Or just a heads-up, Dr. Knight is not diagnosing
20 her with full-blown PTSD, but even if we attempt to help the
21 jury understand some of her actions in this case that the
22 State is asserting equals malice or extreme indifference, it
23 is not just simply open the door to every criminal condition
24 or anything like that.

25 THE COURT: It's going to be a high place -- it -- I'm

1 not going to preclude a ruling if the door gets opened or
2 it's suggested and the State wants to make that -- I mean,
3 this -- this is going to be a --

4 MR. L. SHEALEY: To get ahead of it because what has
5 been articulated by the State in any conceivable fashion does
6 not open the door to an unrelated cocaine birth six years
7 ago. So that --

8 THE COURT: That -- that's to be determined.

9 MR. L. SHEALEY: Okay.

10 THE COURT: I don't -- I don't think I'm going to say
11 that can't happen when I haven't heard it either.

12 MR. L. SHEALEY: I had --

13 THE COURT: You're hoping it doesn't happen.

14 MR. L. SHEALEY: I'm not opening any doors to any --
15 anything like that.

16 MR. ANTHONY: Well, if the -- if the trauma status of
17 Ms. Mullen doesn't go to where the -- whether she's guilty of
18 the crime, then it's not relevant.

19 MR. L. SHEALEY: It's not true. That's not true. I've
20 already explained why it's relevant. I'm not opening any
21 doors. Let's just get to it.

22 THE COURT: Okay. Jury -- everybody's upstairs? All
23 right. I'm going to step out back. I'd like to see the
24 lawyers real quick, just for a quick conversation, and then
25 we're going to get started.

1 (Off the record from 9:14 to 9:21 a.m.)

2 THE COURT: All right. Something to put on the record.

3 MS. JOYNER: Your Honor, just -- do I need to place the
4 -- I -- Detective Felman on the record really quick.

5 THE COURT: Yeah, that's what -- go ahead, for a
6 minute.

7 MS. JOYNER: Yes, sir. Your Honor, we were just -- and
8 we advised the Court in the back. Detective Felman is in --
9 in the courtroom, he was our expert -- our phone expert. And
10 we'd ask if he be allowed to remain in the courtroom for the
11 testimony today and possibly be subject to recall?

12 THE COURT: Sure. I mean, the Defense can call him if
13 they need too. All right. He's -- he's fair game. All
14 right. Ready to go?

15 MR. L. SHEALEY: Yes, sir.

16 THE COURT: All right. We'll do our best. Bring the
17 jury.

18 THE BAILIFF: Yes, sir.

19 (Jury enters room at 9:23 a.m.)

20 THE COURT: Good morning, folks (inaudible) everybody
21 well?

22 MR. L. SHEALEY: Yes, sir.

23 THE COURT: All right. The reason we didn't reconvene
24 last Monday, I got COVID last Sunday. (Inaudible) no
25 symptoms now, but we've a close conversation (inaudible)

1 wearing a mask. So that was the reason for the delay.
2 Anybody -- anybody other than me -- the law clerk didn't get
3 it either for whatever reason, she's not here today. She
4 getting sworn in. She's a young lawyer, finished law school,
5 took the bar exam late July and they went (inaudible) with
6 the results. So she got the results a couple weeks ago and
7 she made a very good score at (inaudible). She had to go to
8 the Supreme Court today and swear to promise to do a good job
9 and, you know, that kind of thing. She's getting sworn in
10 that's why she's not here. (Inaudible) miss her.

11 Now, during the break, we -- well, this last Saturday
12 -- 10 days. Anybody (inaudible) service you all understand
13 the reason for the delay why -- you did, but thank you, you
14 all. But we also know the juror who had a vacation this
15 week. I did not discuss that with any of you all 10 days
16 ago. We were reading, following on (inaudible) that vacation
17 (inaudible) not recollection which -- which juror misses.
18 Now, twelve you all are in. I don't have any more
19 alternates. Twelve jurors, you all are in.

20 Now, did anyone make any attempts to talk to you, speak
21 with you, get an influence to communicate with you any
22 fashion about this case during -- to the last time we were
23 here on Saturday weeks ago, anybody?

24 Now, anybody did any independent research, use
25 articles, anything on television, anything of that sort over

1 the last 10 days about this case? All right. COVID, comfort
2 zone, health concerns, anybody on hold about sitting in the
3 courtroom today (inaudible) last week? You know, you don't
4 know where to get -- that convention thing went through
5 Monday (inaudible) Tuesday. I think that's where I got it
6 was 400 of us all (inaudible) days. Everybody comfortable,
7 good to go? Any concerns (inaudible) or anybody in there in
8 your group? Thank you for sitting there for a second. Any
9 further questions from the jury? All good?

10 MR. L. SHEALEY: No, your Honor. That's good.

11 THE COURT: Okay. All right. Call your witness.

12 MR. L. SHEALEY: Your Honor, Defense calls Dr. Susan
13 Knight.

14 DOCTOR SUSAN KNIGHT,
15 being duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. L. SHEALEY:

18 Q. Good morning, Dr. Knight.

19 A. Good morning.

20 Q. Can you go ahead and tell this jury what you do
21 for a living?

22 A. I'm a clinical forensic psychologist.

23 Q. And what exactly is that?

24 A. So a forensic psychologist evaluates psychological
25 issues that intersect with the legal system. So if there's

1 mental illness involved in a crime, or if somebody's
2 competency to proceed with their case is at question because
3 of a mental illness, or does the Court have a concern about
4 somebody's dangerousness? Those are all types of issues that
5 a forensic psychologist would assess.

6 Q. Can you tell the jury a little bit about your
7 educational background?

8 A. I have a bachelor's degree in psychology from
9 Trinity University in San Antonio, Texas. I have a master's
10 degree in clinical psychology from the University of
11 Louisville in Kentucky as well as a PhD in clinical
12 psychology from the University of Louisville. I then
13 completed a predoctoral internship with the US Department of
14 Justice at the Federal Medical Center in Butner, North
15 Carolina. That's a federal prison. And then completed a
16 postdoctoral fellowship in forensic psychology from the Keck
17 School of Medicine in Los Angeles.

18 Q. Where do you -- where are you currently employed?

19 A. I'm employed in a private practice in Charleston,
20 South Carolina. I've been in private practice since 2013.
21 I'm also on faculty at two law schools. So I teach
22 psychiatry and the law at Charleston School of Law, and then
23 I teach at Cornell Law School in Ithaca.

24 Q. Have you ever worked in any other capacities or
25 settings as a psychologist?

1 A. Yes. So I have worked in correctional settings.
2 So county jails, state prisons, federal prison. I have
3 worked as an assistant professor at MUSC in Charleston, the
4 medical university as teaching residents, and fellows, and
5 students about forensic psychology. I did that for
6 six years. I've worked teaching and in other -- in another
7 private practice setting as well.

8 Q. Are you considered what we call "board-certified"
9 in forensic psychology?

10 A. Yes.

11 Q. What -- what all goes into getting someone
12 board-certified?

13 A. So board certification through the American Board
14 of Professional Psychology, that's the only board that's
15 recognized by the American Psychological Association. It is
16 a long process. It took me about a year to get boarded. I
17 had to sit for a national written examination. I had to
18 submit my work samples. So my forensic reports had to be
19 reviewed by a national panel of experts, and then I had to
20 sit for an oral examination three hours in -- with a panel of
21 national experts. So it's quite a process.

22 Q. Okay. And how long have you been board-certified?

23 A. Since 2009. About 14 years.

24 Q. And have you previously conducted a forensic
25 psychological evaluation before?

1 A. Yes, many -- many hundreds of evaluations.

2 Q. I was going to ask you that. So hundreds over
3 your career of how long?

4 A. About 20 years.

5 Q. All right. Do you have any additional experience
6 in the area of -- specifically of trauma as it relates to
7 your forensic work?

8 A. So trauma is very common in forensic populations.
9 There's an intersection a lot of times between trauma and the
10 criminal justice system. So I routinely evaluate for trauma
11 in my forensic evaluations, do trauma interviewing. And
12 since 2015, I've taught trauma lectures at Cornell to the
13 students in the Capital case clinic, the juvenile justice
14 clinics about the neurobiology of trauma, the social impact
15 of trauma, the legal impact of trauma. And then I have
16 spoken at several national conferences on trauma, the
17 National Habeas Corpus seminar, the Mitigation Evidence
18 Seminar for Federal Capital Defenders.

19 Q. Dr. Knight, have you ever been qualified as an
20 expert witness in court before?

21 A. Yes.

22 Q. Approximately how many times?

23 A. Maybe 25 times or so.

24 Q. Okay. In South Carolina courts?

25 A. Yes.

1 MR. L. SHEALEY: Your Honor, at this time I would seek
2 to admit Dr. Knight as an expert witness in the field of
3 clinical psychology and forensic psychology.

4 THE COURT: Any voir dire?

5 MR. ANTHONY: No, your Honor.

6 THE COURT: All right. Ladies and gentlemen of the
7 jury, Ms. -- Dr. Knight will be recognized and qualified as
8 an expert witness in clinical psychology forensic. And she
9 said she was a clinical forensic psychologist actually -- was
10 her job title. She can offer opinions in that field of study
11 because of her training, education, and experience. Continue
12 on.

13 MR. L. SHEALEY: Thank you, your Honor.

14 BY MR. L. SHEALEY:

15 Q. Dr. Knight, how -- how did you get involved in
16 Ms. Mullen's case?

17 A. Your law firm contacted me in 2022, I believe, for
18 a forensic consultation on Ms. Mullen's case.

19 Q. And what was the nature of that consultation?

20 A. To assess if she had any history of trauma or
21 abuse, particularly any history of intimate partner violence
22 or domestic violence.

23 Q. Did you write a -- a prepared report for this
24 case?

25 A. So a formal forensic psychological report was not

1 requested in this case. It is not requested or needed in
2 every case, but I did prepare, at -- at the law firm's
3 request, a summary accounting of her chronological traumas
4 over the course of her life.

5 Q. Okay. Let me ask you what may sound like a silly
6 question, but do you get paid for your work in a case such as
7 this one?

8 A. I'm compensated for my time, yes.

9 Q. Okay. And you did mention your -- your vast
10 educational experience, but -- but is there -- is there a
11 difference between being paid for your work versus being paid
12 for your opinion?

13 A. So I bill for my time no matter what the opinion
14 is. And so I routinely have cases where I'm not sitting here
15 testifying and I'm not writing a report because the opinion
16 is not helpful for the side that retained me. In fact, it
17 could be hurtful or detrimental to the case. And so if that
18 happens, the attorneys don't have me testify, they don't
19 disclose me to the other side or have me write a report.
20 That happens regularly. And in those cases, I still bill for
21 my time. The opinion just didn't happen to help in that
22 case.

23 Q. So I guess if you evaluate one of my clients and
24 you tell me he's going to be the next Jeffrey Dahmer, and I
25 say, "Well, thank you, nice to hear from you." You're still

1 going to send me a bill, right?

2 A. Correct.

3 Q. Okay. And that the contract that outlines that
4 you get paid for your time regardless, is that something that
5 we had in -- in Ms. Mullen's case?

6 A. Yes. So I have attorneys sign a contract before I
7 will accept a case that states this -- my findings, my
8 opinion may not be helpful for your goals with the case and
9 in fact it could be hurtful for the case. But my opinion is
10 independent and I bill anyway. And so the attorneys sign a
11 contract to state that they agreed to that, and that was
12 signed in this case.

13 Q. Okay. Let me ask you this, have you ever been
14 called to testify for the State or the Prosecution in any
15 case?

16 A. I was a state examiner for six years and -- for
17 the State of South Carolina, and I conducted competency to
18 stand trial criminally -- criminal responsibility
19 evaluations, and I did testify in those cases. I must have
20 conducted well over a hundred evaluations for the state.

21 Q. I want to talk to you a little bit about your
22 methodology when you approach a case like this. What kind of
23 procedures or methods do you use when you approach a request
24 for an evaluation like this?

25 A. Record review is very important. So I reviewed a

1 lot of records in this case, clinical interviews of the
2 criminal Defendant, and collateral interviews.

3 Q. Okay. And those types of things, that
4 methodology, is that something that you believe other experts
5 in your field also do the same thing?

6 A. Yes. Those are very standard pieces of data.

7 Q. And do they inform the basis of your findings?

8 A. Yes.

9 Q. All right. Let's talk to you about your -- your
10 particular procedures in a little more detail starting with
11 records that you reviewed. What -- what records have you
12 reviewed specifically for Ms. Mullen's case?

13 A. There were many -- many hundreds of records, or
14 hundreds of pages of records, in this case. So I reviewed
15 all of the discovery, so that's all of the police reports and
16 incident reports and autopsy reports. I reviewed
17 Ms. Mullen's health records, so her mental health treatment
18 records, her psychiatric hospitalization records, her medical
19 records, any prior mental health evaluations. And then I
20 reviewed digital data. So that would be the interviews by
21 law enforcement of those involved in the case, the body-cam
22 video, that sort of thing.

23 Q. Why are records important to a forensic
24 evaluation?

25 A. So -- because they're -- in forensic work, unlike

1 maybe therapeutic work, there are incentives to either
2 exaggerate information, or maybe fabricate information, or
3 maybe not report everything. And so I really rely on the
4 records pretty heavily in forensic cases so I can confirm or
5 disconfirm what's being told to me by the Defendant.

6 Q. And let's -- let's talk a little bit about
7 collateral reviews and clinical interviews. Did you do any
8 collateral interviews in this particular case?

9 A. Yes.

10 Q. Who did you interview?

11 A. I interviewed Ms. Mullen's mother, her maternal
12 grandmother, her maternal aunt, Cindy, and her two
13 acquaintances, Mr. Quentin Weary and James Howerton.

14 Q. Did you also have a chance to interview Jackie
15 herself?

16 A. Yes.

17 Q. And -- and what data are you looking to gather
18 during these collateral clinical interviews?

19 A. That all depends on the referral issue. You know,
20 what am I being asked to evaluate with this particular
21 Defendant? This case -- the referral issue revolved around
22 any history of trauma. And so my interviews with her were
23 detailing any history of trauma or abuse, if she had any, as
24 -- and that was also the focus of the collateral interviews.

25 A. You mentioned you talked to Ms. Mullen in terms of

1 her presentation was she eager to discuss her history of
2 trauma with you?

3 A. She was not. So she was pretty avoidant of that
4 topic. She was resistant. When I first met with Ms. Mullen,
5 I explained to her the purpose of why I was meeting with her,
6 that her attorneys thought this could be helpful in her case,
7 but they weren't sure, you know -- we have to do the
8 evaluation first. And when I told her that I needed to talk
9 about abusive incidents or traumatic incidents in her life,
10 she -- she said, you know, do I have --?

11 MR. ANTHONY: Objection. Hearsay.

12 MR. L. SHEALEY: She's allowed to, under 80 --

13 THE COURT: I think she said that she's reluctant. So
14 she doesn't have to go into all specifics. I'll sustain it
15 to that -- to that extent.

16 MR. L. SHEALEY: Thanks.

17 THE WITNESS: So she was reluctant to talk to me about
18 the trauma. And this is not uncommon for people that have
19 been through trauma. I'm asking them to tell me about bad
20 things that have happened to them and that can make them feel
21 bad. So a lot of times people experience anxiety or, they
22 experience panic attacks, or nightmares when they have to
23 detail their past trauma. So it wasn't an unusual reaction,
24 but she did have that sort of avoidant reaction to the
25 trauma.

1 BY MR. L. SHEALEY:

2 Q. And as -- as a psychologist, is it significant to
3 you when someone is reluctant to speak on those issues versus
4 someone who is extremely forthcoming? Does that mean
5 anything to you?

6 A. Well, throughout the interviews, Ms. Mullen seemed
7 to be minimizing her trauma or her abuse as opposed to
8 exaggerating. For one, she didn't want to talk about it.
9 And when she did talk about it, she didn't report to me
10 everything that was in her records. I found out about
11 traumatic incidents that were in her records that then I had
12 to go ask her about. So she was withholding some of the
13 traumatic incidents. She wasn't giving me a lot of detail
14 sometimes. So she fell within more of a minimizing type of
15 presentation, and that provides a little bit more credibility
16 because she wasn't somebody that was exaggerating what had
17 happened to her.

18 Q. Dr. Knight, I want to turn your attention to some
19 of these trauma findings, but what findings of trauma, if
20 any, did you note from Ms. Mullen?

21 A. So she -- her trauma history starts as a child.
22 She did experience some childhood sexual abuse. She
23 experienced abuse --

24 MR. ANTHONY: Objection. All -- all this calls for
25 hearsay.

1 MR. L. SHEALEY: Your Honor, under 803(4), Dr. Knight
2 is allowed to discuss hearsay, which would normally be
3 hearsay, but it's not because it's made for the purpose of
4 the medical diagnosis. This is the case we discussed just
5 prior to this witness.

6 THE COURT: You want to be heard further, Mr. Anthony.

7 MR. ANTHONY: Yeah. Your Honor, this is not -- this is
8 not what the -- the rule contemplates as a medical diagnosis.

9 MR. L. SHEALEY: Specifically is, and I can pass the
10 case around that we've already discussed, which I thought we
11 had a clear understanding. I'm not going into the -- the
12 ultimate issue in this case.

13 MR. ANTHONY: Can we -- we just deal with this outside
14 the jury?

15 THE COURT: I think it'll be more appropriate. You all
16 step in the jury room. Let me sort out this legal issue and
17 have you all right back in here.

18 (Jury exits room at 9:41 a.m.)

19 MR. L. SHEALEY: May I approach, your Honor?

20 THE COURT: You may.

21 MR. L. SHEALEY: This is why I wanted to add that
22 conversation prior. Should be specifically under 803(4),
23 hearsay is allowed. This forms a basis of her opinion.
24 She's going to give an opinion about Ms. Mullen's trauma.
25 This case that I've passed up specifically addressed the

1 issue of whether it could be allowed concerning a
2 psychologist, you know, whether -- whether that was
3 consistent with the exception for purpose of medical
4 diagnosis. It's also for purposes of psychological diagnosis
5 and treatment. The only caveat, and the only real concern
6 was if you start getting into, kind of, the truth of the
7 matter in question, but what Dr. Knight is attempting to
8 elicit, she's not specific -- specifically echoing things
9 that Jackie has said, although she could under this rule.
10 She's eliciting what she has learned about her history of
11 trauma from review of the records. So it clearly comes in as
12 a rule. I don't quite understand the State's objection.

13 THE COURT: Mr. Anthony, what -- what about we proffer
14 a little bit of it here?

15 MR. ANTHONY: Yes, sir. I think that would be good.

16 THE COURT: That would be helpful to me. So continue
17 on that line (inaudible).

18 BY MR. L. SHEALEY:

19 Q. Dr. Knight, getting back to any trauma findings
20 that you may have found, did you find any -- any history of
21 trauma that Ms. -- Ms. Mullen has received over her life?

22 A. Yes.

23 Q. And what specifically -- based on your review of
24 the records, based on your collateral interviews, would that
25 trauma be starting chronologically?

1 A. She experienced an incident of sexual abuse at
2 age six from a female baby -- babysitter. She experienced
3 physical and emotional abuse in her childhood home. She
4 experienced a rape at age 14 by a 19-year-old, and then she
5 was involved in three separate abusive relationships, each
6 with the father of her children.

7 Q. And would those be Lavar Allen, Antonio Martin,
8 and Audrevious Williams?

9 A. Yes.

10 Q. Okay. And essentially, just to sum this up, do --
11 does this type of trauma inflicted on someone from a young
12 age, does that help -- does that shape their makeup, for lack
13 of a -- a better word, in any kind of way? How -- how does
14 that impact someone?

15 A. Well, it varies based on if the person has
16 treatment or not, if they're -- if they have a supportive
17 caregiving system. Ms. Mullen did not have either one of
18 those. And so by age 15, she was diagnosed with PTSD at the
19 conclusion of a mental health evaluation.

20 Q. And that diagnosis, is that based on -- that's a
21 -- based on a review of records that you've received, not
22 based on Ms. Mullen telling you anything, right?

23 A. She did not tell me that. That was in -- in her
24 records.

25 Q. And you've already testified that records are a

1 big part of the totality of your opinion in the case,
2 correct?

3 A. Yes.

4 Q. You're not just simply talking to Jackie or just
5 -- just relying on Jackie's grandmother to get a big picture
6 of -- of something like this, right?

7 A. Correct.

8 Q. And are these records based on government records,
9 DSS records from her childhood, things of that nature?

10 A. Yes.

11 Q. Discovery -- again, discovery in this case that we
12 provided to you to review?

13 A. Yes.

14 MR. L. SHEALEY: Okay. Well, your Honor, just on the
15 chapter of kind of trauma and what she was in the process of
16 testifying to -- I mean, that's really what it is. I'm not
17 -- although I think the rule would allow it, I'm not asking
18 for her to say, "Tell me what Jackie said about her trauma or
19 her rape." I'm just documenting the history of this woman's
20 life through the psychologist.

21 THE COURT: All right. Mr. Anthony?

22 MR. ANTHONY: Well -- well, her sexual abuse at six is
23 -- I mean, I -- this is obviously something that could be --
24 could be further inquired about, but I'm -- I'm assuming that
25 most of the things she is relaying, the sexual abuse at six,

1 the rape at 14, those are things that come from Ms. Mullen.
2 So they're just hearsay. So I think she could say -- I -- I
3 don't think she can just start reciting all this hearsay
4 without saying she has an opinion and what that opinion is.
5 And -- and I don't -- I don't know how it -- I don't think
6 that they can just say, "Well, we're" -- "we're doing this
7 for diagnosis or treatment." There -- she's not treating
8 her. She's just talking -- she is talking to her, and
9 getting a history, and -- as part of the litigation.

10 And the rule of 803(4) actually says that this --
11 "Admissibility of statements made after the commencement of
12 the litigation is left to the Court's discretion." So it --
13 I mean, it would seem to me like what we have here is the
14 Defense just trying to basically put in self-serving hearsay
15 from the Defendant.

16 MR. L. SHEALEY: And it's not.

17 MR. ANTHONY: That was --

18 MR. L. SHEALEY: It's not.

19 MR. ANTHONY: -- that was gathered as part of the case.

20 MR. L. SHEALEY: Mr. Anthony?

21 MR. ANTHONY: This is -- this isn't like -- it is not
22 like Dr. Knight was treating her beforehand or anything like
23 that. They -- they hired Dr. Knight to come up and talk to
24 her and get her to tell Dr. Knight all the bad things that
25 have happened to her. And if that's -- if that's the basis

1 for an opinion, I think Dr. Knight can say, "Well, I talked
2 to her and she related this history to me, and based on that
3 history she related, here's my opinion." But I don't think
4 they can start getting in all this hearsay about all the bad
5 things Ms. Mullen says happened to her through 803(4).

6 MR. L. SHEALEY: That's not what we're doing. These
7 are not -- this information is not coming from Ms. Mullen.
8 And I hope that the solicitor actually reviewed all the
9 records we sent him because in those records of where this
10 information is coming from.

11 MR. ANTHONY: Well, there -- if there --

12 MR. L. SHEALEY: So -- so it is not just hearsay, it's
13 part of a total opinion. But again, even if any part of that
14 came from Ms. Mullen --

15 THE COURT: We haven't had -- had the opinion yet of
16 what her diagnosis is, just as a history thus far. We're
17 going to get to that?

18 MR. L. SHEALEY: We will if I stop getting objected to
19 pointlessly.

20 THE COURT: I gave him an opportunity to be heard. So
21 that wasn't pointless. I made him stand up. So you kind of
22 interrupted him when I was still listening.

23 MR. L. SHEALEY: I just want the record to be clear,
24 this is not just coming from Ms. Mullen. This is coming from
25 a massive review of her childhood records, lateral

1 interviews, including her mom, her grandmother, discovery.
2 But even if something were coming from Ms. Mullen, that is
3 allowed under the rules, specifically under this case as a
4 hearsay -- hearsay exception. You know, they bring it up in
5 terms of litigation. Well, I -- I can't -- I can't do
6 anything until I get hired on a case and I'm employed as a
7 psychologist.

8 THE COURT: No, I understand that. But these things
9 assist a treating medical provider in reaching a diagnosis.
10 I'm still listening for more, so...

11 MR. L. SHEALEY: We will have a diagnosis. It is --
12 it's not that far down the road.

13 THE COURT: Let's -- let's keep moving forward. I'm
14 not ruling on any motion. I'm still listening. And since
15 we're in camera, we can do that.

16 BY MR. L. SHEALEY:

17 Q. So -- just to reiterate for the record,
18 Dr. Knight, when -- when you state, as you have that you're
19 seeing evidence that Jackie was -- let's say, molested as a
20 six-year-old or raped as a 14-year-old, is that coming from
21 Jackie's mouth to you?

22 A. So Ms. Mullen did not report the childhood sexual
23 abuse to me. I found that out in the records and then I
24 asked her about that. She did not report the rape at age 14.
25 That was documented in the records. I had to ask her about

1 that. So she did not spontaneously report those
2 two traumatic events.

3 Q. Okay. But do these traumas, in your professional
4 opinion, that occur to a woman such as Jackie at a young age
5 in her adolescence and childhood, do they continue to shape
6 someone's trauma history, so to speak?

7 A. There are cumulative traumas. And so when
8 somebody has cumulative trauma, their coping skills erode
9 over time. They're not as -- especially if they're -- if
10 they remain untreated for something like PTSD. And so over
11 time, if there are multiple or cumulative traumas with no
12 treatment or intervention, and that can lead to something
13 like PTSD or other types of syndromes like low self-esteem,
14 for example.

15 Q. Okay. And did you discover, as part of your
16 review of these case records, any evidence of family abuse
17 specifically relating to Jackie -- Jackleen's mother?

18 A. Yes.

19 Q. And in what way, if any, does that shape your --
20 well -- we will get to in a second, your diagnosis in the
21 case. What did -- what did you note there?

22 A. So I had her childhood DSS records and DSS was
23 called for the family multiple times, specifically for her
24 mother's physical abuse. It was alleged that her mother hit
25 her, threw things at her, left bruises on her, would put her

1 out of the house. She was placed into emergency protective
2 custody because at one point her mother refused to accept her
3 back in the home. Also in the records were emotional abuse
4 that her mother would tell her she wished she had never been
5 born, that she was not part of this family, that there was no
6 hope for her. So all of that is documented in her childhood
7 DSS records.

8 Q. Okay. And does -- and does that experience help
9 shape Ms. Mullen as it relates to the person that was charged
10 with this crime and also the person that you encountered as
11 part of your work in this case?

12 A. She told me that her mother was the first person
13 that ever made her feel worthless about herself. And she was
14 very young, 14, 15. So she adopted that view of herself as a
15 young teenager. She felt worthless. And so as she moved on
16 in life, that emotional abuse made her much more vulnerable
17 to being abused by other people, and namely her intimate
18 partners.

19 Q. Okay. Well, let's -- let's turn to that intimate
20 partner violence. Did you as part of your review of records
21 in this case and part of your analysis, discover any evidence
22 of intimate partner violence?

23 A. Yes.

24 Q. And in what -- by whom?

25 A. Three significant relationships. These were the

1 father of each of her children. So Lavar Allen, Antonio
2 Martin, Audrevious Williams.

3 Q. Okay. And what did you note regarding Lavar
4 Allen?

5 A. She met him when she was 15. He was 34. He had
6 just completed a 10-year prison sentence for felony child
7 abuse. And they began a sexual relationship that was an
8 illegal relationship obviously because of her age. There is
9 documentation in the records that he was aggressive. He
10 broke into their home, he knocked over furniture, he tried to
11 sexually assault her during that encounter. Her mother did
12 report that to the police. Ms. Mullen did not want to
13 prosecute. She was not cooperative in that prosecution. And
14 over time when Ms. Mullen was 16, she was in foster care and
15 Mr. Allen came and -- and retrieved her from foster care,
16 moved her in with him. He was 35 or 36, at the time she was
17 16, and she began a live-in relationship with him. And
18 that's when he became more abusive -- more physically
19 abusive. And she was able to leave that relationship at
20 age 17 when he went to jail.

21 Q. Okay. So -- and she had a child by Mr. Allen?

22 A. She was pregnant when she left the relationship.

23 Q. Who is the second relationship, you know? Is that
24 Mr. Antonio Martin?

25 A. Yes.

1 Q. What did you note from the records and your
2 collateral review about him?

3 A. So in the records, he's described as hostile and
4 verbally aggressive. There was an incident of physical
5 aggression in the home, which resulted in a CDV charge
6 against him by Ms. Mullen. In the records, there was concern
7 for the health care workers coming into the home to care for
8 India because of his aggression towards them. Her mother
9 told me that she saw marks and bruises on Ms. Mullen from
10 Mr. Martin and her mother would actually move her out of his
11 home, move all of the children out, and then Ms. Mullen would
12 go back to him. So that cycle of an abusive relationship,
13 and that happened several times.

14 Q. And how did that relationship end?

15 A. So she also left him when he was in jail, I
16 believe for the CDV, although I'm not sure.

17 Q. Okay. And did you know any -- who is the
18 remaining partner that you noted domestic abuse by?

19 A. Mr. Williams.

20 Q. And what -- what records did you review and who
21 did you talk to to learn this information?

22 A. So those -- in -- in the social services records,
23 there's documentation that -- of people reporting that he was
24 abusive to her. I had dispatch records from their shared
25 residence in York County where neighbors were calling the

1 police about hearing a male beating a female, hearing a
2 female crying in distress, hearing children crying, hearing
3 items thrown around the trailer. So these are neighbors that
4 are hearing the domestic abuse going on inside the trailer,
5 and the police would come and investigate this. I also had
6 her grandmother's affidavit when her grandmother walked in on
7 the abuse -- on the physical abuse and witnessed that.

8 Q. Okay. And you also reviewed discovery in this
9 case?

10 A. Yes.

11 Q. Now, in talking -- so you talked to people such as
12 grandmother and mother that were fairly consistent regarding
13 the abuse of those three men with the records that you also
14 obtained?

15 A. Yes. The -- the reports from the collateral
16 sources were consistent with the reports and the records.

17 Q. And you -- did you also talk to friends and
18 associates of Ms. Mullen?

19 A. Yes.

20 Q. Or James Howerton?

21 A. Yes. Mr. Howerton told me that he knew about the
22 abuse. He saw bruises and marks on her. He encouraged her
23 to go to law enforcement. She finally agreed. He actually
24 took her down to the -- the Sheriff's Office to report the
25 abuse by Mr. Williams. And he said that she came out of the

1 interview crying, upset, that they didn't believe her about
2 the abuse, and so she never reported it again. He also told
3 me about seeing Mr. Williams put a fist hole in the wall of
4 the trailers and punching the trailer aggressively. And he
5 took some pictures of those holes in the walls and I was able
6 to view those -- those photos.

7 Q. And did you also speak to Mr. Quentin Weary
8 regarding Mr. Williams' abuse?

9 A. Yes. So Mr. Weary has known Ms. Mullen for years.
10 He also knew about the abuse. He saw marks and bruises, saw
11 a black eye at one point, and he strongly encouraged her to
12 leave. He said that she was frightened of Mr. Williams, was
13 not quite sure if she would be able to leave him. And then
14 he told me an incident about when Mr. Williams kicked in the
15 door of their trailer and they actually had to push a couch
16 in front of it so that it would close. So just to give me an
17 idea of Mr. Williams' aggressiveness.

18 Q. And in your interviews with Jackie herself, did
19 you learn anything about Mr. Williams' abuse?

20 A. Ms. Mullen confirmed what these records -- what I
21 was gathering from the records and from the collateral
22 interviews. She reported that he -- early on in their
23 relationship, he choked her and she realized that this was
24 another abusive relationship. So she decided to end it, and
25 then she found out she was pregnant, and then decided to give

1 it another try. After moving in with -- with her,
2 Mr. Williams became much more physically aggressive. She
3 said he would choke her, and slap her, and -- and punch
4 things at -- when they lived together in the trailer on Utah
5 trail.

6 Q. And did you learn anything about her rationale
7 regarding why she would not leave him even though she was
8 suffering abuse?

9 A. She told me a couple things. She -- one, I think
10 she loved him and he had asked her to marry her, and she said
11 "Yes," but she told him she -- that he had to get six months
12 of counseling before she would do that. And she thought the
13 counseling would fix everything. She also had a child with
14 him. She was afraid to lose the child if she left the
15 relationship. She was scared of him. And then she told me
16 that she just got used to him hitting her, and it just felt,
17 you know, that that's how things were supposed to be. This
18 was her third abusive relationship. And so she just lacked
19 the initiative to really -- and the strength to really leave.

20 Q. So is it fair to say that what she told you was
21 also corroborated by these other witnesses and records?

22 A. Yes.

23 Q. Let's get to your actual diagnosis in this case.
24 Based on the -- the totality of all the records you've
25 reviewed regarding relationships or childhood, do you have a

1 diagnosis of -- of Ms. Mullen in this case?

2 A. So she meets criteria for an unspecified -- I'm
3 sorry, a specified trauma disorder. So she has diagnoses of
4 PTSD in her records, but she no longer meets full criteria
5 for PTSD when I interviewed her. Since her traumatic
6 experiences, she has undergone therapy with a domestic
7 violence counselor. She's taken psychiatric medication,
8 she's attending groups. So some of those interventions have
9 helped to reduce her symptoms so that she no longer meets
10 full criteria for PTSD. And that is not unusual with PTSD.
11 It can remit over time. It can remit with intervention. And
12 so what we're left with is more of a partial PTSD or a
13 subthreshold presentation.

14 Q. Okay. And I think as part of your work in this
15 case, you mentioned creating kind of a trauma summary, right?

16 A. Correct.

17 Q. And -- and did you provide that to any other
18 experts in this case?

19 A. I did not. I provided it to the law firm.

20 Q. Right. Well, did -- and we provided it to -- are
21 you familiar with Ms. Callahan?

22 A. Yes.

23 MR. L. SHEALEY: Okay. All right. Your Honor, that's
24 essentially where we're going. That would be essentially how
25 she would testify based on the records and interviews.

1 THE COURT: All right. Now, back up so I can see
2 Mr. Anthony, let me hear him.

3 MR. ANTHONY: And just one -- one thing I would point
4 out this -- this -- is Ms. Callaham in the courtroom?

5 THE COURT: Move so I can see him.

6 MR. ANTHONY: Is Ms. Callaham here in the courtroom?

7 MR. L. SHEALEY: Yeah.

8 MR. ANTHONY: Well, she sequestered.

9 MR. L. SHEALEY: Experts are allowed to rely on other
10 experts.

11 THE COURT: They've already relied.

12 MR. L. SHEALEY: Well, her testimony is also what she's
13 relying on. Just as Dr. -- Mr. Thomas in here potentially
14 relying on our experts. So that's -- that's, well --

15 THE COURT: He's already testified.

16 MR. L. SHEALEY: Experts are allowed to rely on the --
17 rely on the opinion of the other experts.

18 THE COURT: I'm certain we have not discussed that in
19 this trial. Whether an expert witness can sit in here and
20 listen to the testimony, surely can rely on other expert's
21 opinions, but I think that's a step further than I was
22 anticipating.

23 MR. L. SHEALEY: Well, it would -- I don't think
24 there's any difference between -- whether Dr. Knight have
25 prepared a full report and handed it to her or whether she's

1 sitting there listening. It -- it's the same thing. I mean,
2 experts rely on other experts all the time.

3 THE COURT: I realize that. But we ask the sequestered
4 witnesses and everybody agreed. And then unilaterally,
5 you're bringing what's an expert. So that's not required.
6 It's different.

7 MR. L. SHEALEY: Well, I -- I apologize for that. I
8 just thought the rule was really clear on that. And so I
9 don't think that expert was subject to --

10 THE COURT: Well, I mean, he stood up. It's not clear.

11 MR. L. SHEALEY: Because he stands up. I -- I can
12 understand why he may not like it, but it's not running afoul
13 --

14 THE COURT: I want you to move over here. No, all the
15 way over here. Get on your side of the courtroom.

16 UNIDENTIFIED SPEAKER: Yes, sir.

17 THE COURT: So you're not in my way of -- I can hear
18 Mr. Anthony without looking through you.

19 UNIDENTIFIED SPEAKER: I understand.

20 THE COURT: All right.

21 MR. ANTHONY: Well, when we made -- when we made the
22 sequestration motions at the start of the trial, it was just
23 agreed it would be reciprocal. There wasn't anything said
24 about exceptions for experts or anything like that. So I --
25 I mean, she -- I -- I mean, she's broken sequestration, and I

1 don't know exactly how we deal with that. But she needs --
2 she certainly needs to be out of the courtroom now. Can I
3 just have a moment?

4 THE COURT: Yeah, you may. He's still talking. I
5 don't want to --

6 MR. L. SHEALEY: Oh, I thought he was done.

7 THE COURT: Oh, he asked me for a minute.

8 MR. ANTHONY: I believe she can -- that she talked to
9 Ms. Mullen. She reviewed records. Based on that review, she
10 formed an opinion. Her opinion was that Ms. Mullen had a
11 specified trauma disorder. And she can talk about what --
12 what that means and how -- how that -- how that would affect
13 -- would affect Ms. Mullen. But to be saying what Ms. Mullen
14 told her and what all these records say, I mean, that's just
15 hearsay. I mean, they're just using her as a -- a vehicle to
16 get in all this inadmissible self-serving hearsay. And so
17 that's -- that is not what the -- the 803(4) exception is
18 allowed for is -- is meant for. Because it specifically has
19 that proviso at -- at the end that says "The admissibility of
20 statements made after the commencement of the litigation is
21 left to the Court's discretion."

22 And if you look just very quickly, I've -- I've had a
23 chance to look at the case the Defense submitted, and the
24 statements that were admitted in that case were made to a --
25 to a counselor to the -- the girls' counselor. And then it

1 also -- they also were made to a person who was ordered by
2 the Court to do an assessment. So I think those are very
3 different declarants than Dr. Knight. I mean, Dr. Knight was
4 hired by the Defense to talk to the Defendant and assist in
5 the presentation of the defense.

6 And the -- this 803(4) is just not -- it's just not
7 meant for statements made in anticipation of litigation to a
8 person hired by a party. That's not -- it's not what 803(4)
9 is for because the whole trustworthiness, and there's a --
10 there's some language about this in the Glinyanay opinion
11 that talks about their statements made for the purpose of
12 medical diagnosis or treatment are exempt from the rule
13 against hearsay because of their inherent trust --
14 trustworthiness of a sensible -- no sensible person genuinely
15 seeking a doctor's help would speak falsely about his
16 perception of his condition.

17 Well, this is not Ms. Mullen going to a doctor and
18 getting help, this is an expert the Defense hired going to
19 her, getting statements from her, to try to help her case. I
20 mean, that's the only reason these two people ever met was
21 because Dr. Knight was hired to try and help Ms. Mullen's
22 case. And that's not -- that's not what 803 is for, and
23 that's not what was going on in this Glinyanay case. Like,
24 the -- the declarants in that case were not hired for the
25 purpose of litigation.

1 And -- and given that, we don't think that it should be
2 used as a basis for Dr. Knight to say all the things that
3 Ms. Mullen said. We don't -- we don't have an objection to
4 Dr. Knight saying, "I reviewed these things and I formed this
5 opinion." And this is as if -- if she -- if she has this
6 condition, then she would be affected this way. But we do
7 object to all the -- all the hearsay that comes in that --
8 that they're trying to introduce to say, "Well, she formed
9 this opinion for this reason." That -- that is not allowed
10 under the rule.

11 THE COURT: All right. Mr. Shealey?

12 MR. L. SHEALEY: May it please the Court? I think
13 specifically in -- in the Glinyanay case, which I said before
14 we started, which I was surprised that this was a -- a novel
15 issue in South Carolina, they specifically outlined why it is
16 allowed that -- that case was for litigation. It was a
17 contested, nasty divorce, custody battle. Father lost, was
18 objecting to the doctor -- the psychologist that spoke on
19 behalf as an expert for the mom. I have no other way than to
20 hire someone once litigation has started. That's how we do
21 our defense. I don't get the benefit of any other way, but
22 if it is -- it comes with some caution to the Court.
23 Obviously, there's some nice language in there that gives
24 your Honor a lot of discretion. I'm really not trying to
25 elicit specific testimony, but I think it is allowed for this

1 diagnosis by (inaudible).

2 THE COURT: Okay. Here's -- here's my ruling. I've
3 kind of understood that you saying that and what Mr. Anthony
4 said. I think Dr. Knight can testify to the diagnosis
5 certainly, but backing up that she can review the records,
6 interviews with all the folks, and I think she can give the
7 trauma history as she did the sex abuse at six, emotional
8 abuse by her family as a child and teenager. The rape at 14
9 came from records, diagnosed with PTSD from records, and then
10 she had abusive relationships with three fathers -- intimate
11 relationships, how she described it. Abusive intimate
12 partners. I don't think it's appropriate for her to testify.
13 He's a 10-year felon. He got out, and he's 35 and she was
14 16. And that's a -- I think that's getting way off base for
15 her diagnosis what a bad dude he was. Abusive relationship,
16 I think, is far enough, then would do the same thing with
17 Antonio Martin. He was hostile, and aggressive, and had a
18 CDV charge that's just -- that's getting off base in my
19 opinion.

20 So I think she can say, "I reviewed and found
21 three abusive relationships from the intimate partners, the
22 fathers of her three children, and as a result of everything
23 else I reviewed, my diagnosis is nothing." So I don't think
24 the details of the abusive relationships, or the comment that
25 she thought she, or she just finally decided to get used to

1 getting beaten. That's pretty -- that's hearsay. I don't
2 think that's appropriate for the diagnosis. I mean,
3 certainly she considered it, but you don't get everything.
4 So history -- trauma history, interviews with Ms. Mullen, and
5 then she came up with this diagnosis. But the details of
6 those things, I think, is getting a little far afield and I
7 was kind of gleaning from page 3 of this Glinyanay opinion.
8 803(4) is subject to an overextension, almost anything a
9 mental health patient can -- could be reasonably pertinent.
10 And the wise trial judge will, when appropriate, deploy his
11 discretion to admit statements on his proof of the condition
12 -- honest proof of the occurrence of the recited events.
13 Judge Hill is a very good author. So that's kind of where
14 I'm going. So that's where I think that would be appropriate
15 for you to compartmentalize those questions in that way in
16 front of the jury.

17 MR. L. SHEALEY: Yes, sir.

18 THE COURT: All right. Now as far as the sequestration
19 of the expert, what do you say about that?

20 MR. L. SHEALEY: Your Honor, I wasn't trying to run a
21 file of any rulings. It hasn't been an issue in any other
22 cases I've had where -- where I have had an expert, as we
23 have stated, Ms. Callahan is a teaching expert, which has
24 been handed the summary by Dr. Knight. Dr. Knight is
25 basically verbalizing the summary to the jury. I don't

1 intend on trying to admit the summary, but experts under 703
2 can rely on other experts. That's just simply what she's
3 doing. I wasn't -- honestly -- just because it's so
4 commonplace, at least where I am, typically that I didn't,
5 you know, (inaudible) sequestration is for any witnesses to
6 not piggyback their testimony, but she is -- this is not any
7 different than actually check on the phone and gotten a --
8 you know, 10-hour phone call with Dr. Knight about the
9 trauma. So I'm not trying to run to file a rule. She can
10 leave at this point if it makes anybody feel better, but I
11 just -- because of 703, I thought it was permissible.

12 THE COURT: Well, we talked about sequestration and
13 then the State this morning said we -- we want to bring the
14 phone guy in because he may be recalled. Hey, kind of
15 (inaudible) may I? Here's the issue, the Defense did not.
16 So I think the sequestration should be enforced and that
17 she'd be required to step out. She can rely on the opinion,
18 but she's already had that opportunity to rely on
19 Dr. Knight's opinion or whatever reports and records she's --
20 she's reviewed. That's just -- that's where I'm going to
21 rule on that.

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

23 THE COURT: And she's already heard the proffer
24 testimony, but she'll hear the -- she won't hear the
25 testimony the jury hears. All right? All right. Do we need

1 a short break? Because I do.

2 MR. ANTHONY: Yes, sir.

3 THE COURT: All right.

4 (Jury enters room at 10:33 a.m.)

5 THE COURT: All right. Ladies and gentlemen, as you
6 all know there was the issues -- I'd deal with the lawyers
7 and I needed a break too. So that's the reason for the
8 extended time. We had to go take a few minutes out back.
9 So ready to continue. Mr. Shealey?

10 MR. L. SHEALEY: Yes, sir. May it please the Court?

11 THE COURT: Yes, sir.

12 BY MR. L. SHEALEY:

13 Q. All right. Dr. Knight, I'll try to kind of pick
14 back right where we left, but as you've testified to having
15 reviewed the records as part of your assessment in this case,
16 I think you said you noted that she suffered some childhood
17 abuse; is that right?

18 A. Yes.

19 Q. Okay. Some sexual abuse as a younger child; is
20 that correct?

21 A. Yes. Age six.

22 Q. Noted some from the records, some abuse within the
23 household, I guess, from her mom?

24 A. Yes. Physical and emotional.

25 Q. And you noted specifically a rape as a teenager;

1 is that right?

2 A. Correct.

3 Q. Are those abuses -- as you start to formulate your
4 opinion in the case, in your professional opinion, do they --
5 do they leave someone more susceptible to adult abuse? Is
6 that a thing?

7 A. Well, particularly the emotional abuse that was
8 from her mother. So in the records, her mother is documented
9 as telling Ms. Mullen that she was not part of the family,
10 that there was no hope for her, that she was done with her,
11 that she was worthless, essentially. And so hearing that as
12 a -- and it's as an adolescent from your mother, that had an
13 impact on Ms. Mullen, she began to think of herself as
14 worthless, developed very low self-esteem, and then that can
15 set the stage for later abuse because she already thinks of
16 herself as worthless. And if somebody comes along and treats
17 her badly, she's more likely to accept that kind of
18 treatment.

19 Q. And on the topic of later abuse, did you note from
20 the review of your extensive records any -- what we call
21 intimate partner abuse upon Ms. Mullen?

22 A. Yes.

23 Q. And would those be specifically from the fathers
24 of her children?

25 A. Correct.

1 Q. Who -- who -- is one of those a man named Lavar
2 Allen?

3 A. Yes.

4 Q. And is that the father of AJ?

5 A. Yes, her oldest son.

6 Q. Okay. And based on your review of the records and
7 collateral interviews, what type of abuse did you note there?

8 A. Mr. Allen was very controlling, jealous, he was
9 physically abusive. He would threaten her with a gun. He
10 was sexually aggressive once they started living together.

11 Q. Okay. And how did -- how did Ms. Mullen -- if she
12 did at all, end that relationship or get -- get away from
13 Mr. Allen?

14 A. Mr. Allen was incarcerated.

15 MR. ANTHONY: Objection. Based on the Court's prior
16 ruling, move to strike.

17 THE COURT: I think I'll -- that's sustained. Rephrase
18 your question. I'll-- please disregard and I'll strike that
19 from the record, the last answer. Try to -- try to rephrase
20 that, Mr. Shealey, if you can.

21 MR. L. SHEALEY: I -- I can move on from that question.

22 THE COURT: Okay.

23 BY MR. L. SHEALEY:

24 Q. Okay. So that -- that is Lavar Allen. And how --
25 how old was she when she met Lavar?

1 A. 15.

2 Q. 15. Was he a much older man?

3 A. Yes.

4 Q. How much older?

5 A. 19 years older. So he was 35 when they met, I
6 believe, or 34.

7 Q. And once that relationship ended, did you note --
8 did she have another relationship with a man named Antonio
9 Martin that you reviewed from the records?

10 A. Yes.

11 Q. And did that relationship have any hallmarks of,
12 you know, intimate partner abuse?

13 A. Yes, that's documented in her records as well as
14 -- as far as his physical abuse.

15 Q. Okay. And that was the form of that abuse?

16 A. Yes.

17 Q. And did she also -- based on the review of the
18 records, suffer intimate partner -- partner abuse by
19 Mr. Dre Williams?

20 A. Yes. And that is -- of all of these individuals,
21 that's the most clear in the records that there was physical
22 abuse in that relationship.

23 Q. Okay. And -- against her?

24 A. Yes.

25 Q. And that corroborated by interviews of -- of

1 collateral sources in this case?

2 A. Yes. Individuals that I interviewed supported
3 what the records were telling me about the abuse. So the
4 information was consistent both from the collateral
5 interviews and from the records.

6 Q. Now do you have a professional opinion regarding
7 the diagnosis of Jackie Mullen in this case?

8 A. Yes.

9 Q. And what is your professional opinion regarding
10 what diagnosis she might have, if any?

11 A. So Ms. Mullen presently meets criteria for a
12 specified trauma disorder. That is a form of PTSD or
13 Post-Traumatic Stress Disorder. In her records, she carries
14 that diagnosis first from age 15 and again from age 21 or 24,
15 I believe, she no longer meets full criteria for PTSD. She's
16 reporting some anxiety, some nightmares, some intrusive
17 memories of this abuse, but she's not reporting enough
18 symptoms to make the diagnosis of PTSD at this time. So
19 she's given this other specified trauma disorder. So PTSD is
20 one of those disorders where the symptoms can remit over
21 time, particularly with treatment. And since her arrest,
22 she's been meeting with a domestic violence counselor, she's
23 taking psychiatric medication, she's been going to groups.
24 So it makes sense that she no longer meets full criteria for
25 the disorder at this time.

1 Q. Okay. Did someone get that type of disorder,
2 whether it's full PTSD or a lesser version as you stated that
3 -- is that specifically from the abuse from her early
4 childhood?

5 A. So a -- a diagnostic criteria of PTSD is that you
6 have to have a traumatic event, otherwise you can't --
7 there's no diagnosis. So yes, her trauma is important in
8 making that diagnosis.

9 Q. As part of your review of the records and
10 discovering this case, are you familiar with Ms. Mullen's
11 opioid use in this case?

12 A. Yes.

13 Q. Okay. And are you familiar with that from
14 discovery, and body-cam interviews, and things of that
15 nature?

16 A. A lot of text messages about Ms. Mullen and
17 Mr. Williams using opioids, abusing opioids. But yes, it's
18 clearly documented in the records.

19 Q. All right. And as a psychologist, are you
20 familiar with how opioids can affect someone's demeanor?

21 A. Yes, I -- I have evaluated lots of defendants who
22 abuse opioids. Unfortunately with the opioid epidemic, that
23 has become very common in forensic work. And while they're
24 prescribed to -- for physical pain -- to alleviate physical
25 pain, they also provide an emotional numbing for the

1 individual. So they become emotionally numb. And that's
2 another reason why people abuse them because it keeps the bad
3 stuff out and they just exist in kind of a bubble where they
4 don't have to deal with negativity, or stress, or anxiety or,
5 these bad things that are happening in their life. It really
6 results in a detachment from those things. So they're numb
7 to those things.

8 MR. L. SHEALEY: Okay. Beg the Court's indulgence?

9 THE COURT: Uh-huh.

10 MR. L. SHEALEY: Dr. Knight, please answer any
11 questions that Mr. Anthony might have for you.

12 THE WITNESS: Sure.

13 MR. ANTHONY: If I could just have one moment?

14 THE COURT: You may.

15 CROSS-EXAMINATION

16 BY MR. ANTHONY:

17 Q. Good morning, Dr. Knight.

18 A. Good morning.

19 Q. You testified that you used -- you have in the
20 past done competency evaluations?

21 A. That's correct.

22 Q. In South Carolina?

23 A. Yes.

24 Q. And you -- you did those -- I take it through the
25 Department of Mental Health?

1 A. Correct.

2 Q. How -- did the Department of Mental Health
3 contract with you to perform evaluations on defendants when
4 it was thought they might not be competent to go to court?

5 A. I worked at the Medical University of South
6 Carolina and they had a contract with the Department of
7 Mental Health for the psychologist there to conduct the state
8 evaluations. Yes.

9 Q. And in -- in that job, did you ever do evaluations
10 for criminal responsibility?

11 A. Yes.

12 Q. And just so we're -- we're clear on this, the law
13 does provide some defenses that people charged with crimes
14 can assert in regards to criminal responsibility, is that --

15 A. Yes.

16 Q. -- correct? And probably the one that's -- that's
17 most familiar to people is insanity.

18 A. Yes.

19 Q. And insanity is basically when a defendant would
20 come to court and say: "I'm not responsible for this crime
21 I'm charged with because I didn't know what I was doing was
22 wrong," is that --?

23 A. Correct.

24 Q. That's like a layman's way to put it, but it's --
25 that's -- that's the legal standard, correct?

1 A. Yes.

2 Q. And so you would do these evaluations and you
3 would try to determine if the defendant knew right from wrong
4 from talking to them, and reviewing records, and going
5 through the process?

6 A. Yes.

7 Q. And then there's also another defense in the law
8 pertaining to mental state called "Guilty But Mentally Ill,"
9 correct?

10 A. Correct.

11 Q. And guilty But Mentally Ill basically is that you
12 would find that a defendant knew what they were doing was
13 wrong, but they couldn't help but do it essentially?

14 A. Correct.

15 Q. Okay. And you -- in -- in speaking with
16 Ms. Mullen, I assume you have made at least some
17 consideration about whether those defenses would apply to
18 her?

19 A. So in Ms. Mullen's case, I was not asked to
20 evaluate her mental state at the time of the offense. So I
21 was not asked to evaluate in GRI or not Guilty by Reason of
22 Insanity or GBMI, Guilty But Mentally Ill, those apply in
23 some cases and sometimes that's the referral question for my
24 work. That was not the referral question here, so I didn't
25 evaluate her for that.

1 Q. Okay. Understanding you didn't evaluate her for
2 it, there's no -- there's no claim on her part that those
3 defenses would apply in this case to your knowledge?

4 A. Not to my knowledge.

5 Q. Okay. All right. And you have said that she has
6 -- that -- that Ms. Mullen has what you called "An
7 unspecified trauma disorder"?

8 A. Specified, yeah.

9 Q. Specify -- "Specified trauma disorder"?

10 A. Correct.

11 Q. Okay. And what is -- what is the -- is there --
12 is there a classification of "Unspecified trauma disorder"?

13 A. Yes.

14 Q. What -- what is the difference between a specified
15 and an unspecified?

16 A. So most of the mental disorders in the DSM, that's
17 the "Diagnostic and Statistical manual" that we use to
18 diagnose. Most of the disorders have an option for a
19 specified or an unspecified disorder. So depression, there's
20 a specified disorder for depression. There's an unspecified.
21 Psychosis. So all of the larger disorders have that option.
22 It just means the individual's not meeting enough symptoms
23 for the full diagnosis. And if not, the clinician can
24 diagnose "Specified," meaning we know why or "Unspecified,"
25 we really don't know why they're not meeting enough criteria,

1 but they're not.

2 In Ms. Mullen's case, she has a specified trauma
3 disorder, partial PTSD or subthreshold PTSD, or examples from
4 the DSM that they use for the specified trauma disorder. And
5 that just means that we know she's been in treatment now, we
6 know some of these symptoms have remitted over time, and so
7 we would give her a specified trauma disorder.

8 Q. And you're -- you're saying it's specified because
9 you have an opinion as to the reason why the symptoms have
10 remitted?

11 A. Correct. And in the --

12 Q. Is that correct?

13 A. -- and in the case of PTSD, that is in the DSM as
14 examples of a specified trauma disorder.

15 Q. Okay. All right. And you have spoken -- you --
16 you testified you -- you spoke to Ms. Mullen on
17 three different occasions --

18 A. Correct.

19 Q. -- about the -- this -- in -- in doing your
20 evaluation?

21 A. Yes.

22 Q. And you also named a number of other people you
23 spoke to. I -- I believe you said you talked to her mother,
24 and her grandmother, and her aunt, is that --

25 A. Correct.

1 Q. Is that correct? And then you talked to
2 Mr. Howerton and you talked to Mr. Weary?

3 A. Correct.

4 Q. Is that correct? Okay. So all of these -- you
5 talked to Ms. Mullen and all these other people who are
6 family members of hers and friends of hers?

7 A. Correct.

8 Q. Now, the diagnosis that you give in -- in this
9 sort of -- in this kind of circumstance, is -- is necessarily
10 based on things that people -- the -- the people you are
11 evaluating tell you, is that -- I mean, is that correct? I
12 mean, I know you use your reports, you -- there are other --
13 other sources, but a lot of your opinion comes from things
14 that you're -- you're told by the people you're talking to.

15 A. So in -- in this case, a lot of the information
16 about her trauma came from the records. For example, she had
17 some childhood trauma she did not tell me about. I learned
18 about it from the records and then I had to ask her about
19 that. The same with the sexual assault in her teenage years,
20 I learned about it from the records. And so I heavily relied
21 on the records in this case to learn about her trauma and her
22 abuse. Again, she was avoidant in talking about that with
23 me. She -- she was distressed talking about it.

24 Q. But at least part of what you gathered in doing
25 your evaluation came from things you were told by Ms. Mullen

1 and her family?

2 A. Correct.

3 Q. Okay. And you are aware -- you -- you said that
4 you made a review of the -- the basic facts, in the case
5 you'd read the police reports and had some familiarity with
6 the discovery in the case?

7 A. Correct.

8 Q. And you know then that Ms. Mullen gave false
9 information about her daughter's location multiple times --

10 A. Right.

11 Q. -- when the police came to her house?

12 A. Yes.

13 Q. Okay. And you know that she called aunt -- when
14 -- when the police claim -- came to her house, she claimed
15 that India was in Monroe, North Carolina?

16 A. Yes.

17 Q. And she -- she claimed that knowing that India was
18 in a drawer in her bedroom?

19 A. Correct.

20 Q. And that she called India's father and told him
21 that India had been -- she called India's father the day
22 before this, and her aunt the day before this, and said that
23 India had been sent home from the hospital and was a
24 vegetable?

25 A. Correct.

1 Q. And those -- those reports from her, when you make
2 your evaluation of the -- the condition Ms. Mullen's in, did
3 -- do you consider the fact that she was dishonest during the
4 investigation of this crime and leading up to the -- her
5 arrest?

6 A. Yes. So particularly in this case, because I did
7 have that information, there's no question she lied to the
8 police. Her reports to me were secondary to the records and
9 to the collateral interviews. And a lot of times that
10 happens in forensic cases because records confirm or
11 disconfirm what the defendant is saying. And in -- in her
12 case, I had records going back all the way through to her
13 childhood. And these traumas that I'm talking about are
14 clearly documented in those records. I did not have to rely
15 on Ms. Mullen's report. I did talk to her about it. She
16 reported things about it, but they're in the records. I have
17 those records.

18 Q. And you said -- you talked about an early incident
19 of sexual abuse; is that correct?

20 A. Yes.

21 Q. That Ms. Mullen had?

22 A. Correct.

23 Q. And where did you -- you find out about that?
24 What record are you -- did you -- did you get that
25 information from?

1 A. So this was in a 2010 psychological evaluation.
2 She was 13. She reported it during that evaluation. Her
3 mother knew about it by that time and she was diagnosed with
4 sexual abuse of a child from that evaluation because of her
5 reports then.

6 Q. Okay. And you're talking about the -- the DJJ
7 evaluation from October of 2010?

8 A. Correct.

9 MR. L. SHEALEY: Objection, your Honor. May we
10 approach?

11 THE COURT: Sure.

12 (Bench conference at 10:53 a.m.)

13 THE COURT: You'll put it on the record?

14 MR. L. SHEALEY: Yes, sir.

15 THE COURT: All right -- all right. I got something to
16 put on the record. You'll step in the jury room. Be right
17 back in here.

18 (Jury exits room at 10:53 a.m.)

19 THE COURT: Mr. Shealey?

20 MR. L. SHEALEY: Yes, sir. This time I would move for
21 Mr. (inaudible) again. I think this will be the third one.
22 And it -- this one is very similar to the basis for the
23 second one. Again, we've got a fairly benign records-based
24 report that Dr. Knight is aware of -- of a sexual assault or
25 sexual abuse without really having any reason to get the

1 exact source of that record. Mr. Anthony elicited on cross.
2 She didn't just volunteer it up, but this was in fact a DJJ,
3 Department of Juvenile Justice evaluation, meaning that
4 Jackie was in jail. Everybody knows what DJJ is, has some
5 kind of criminal juvenile problem. Only for that purpose,
6 just like the last mistrial motion where he elicited from
7 James Howerton that he put money on her jail account today.
8 Sure, there was an appropriate inquiry there about his bias
9 and his, perhaps, favoritism or the sexual relationship, but
10 it's just to let the jury know that she's a criminal who
11 currently is in jail.

12 And back then, she's been a criminal since she was a
13 young child. Specifically violates 404(b), specifically
14 violates 403. And it is designed by a very clever,
15 experienced prosecutor specifically for that purpose. So I
16 would, again, move to -- for a mistrial. Both sides, at
17 least objectively, have tried to have as clean a trial as
18 possible, run the -- not run a file of things that would
19 obviously inappropriately prejudice this case. So that has
20 been done just for that one little zinger to let them know
21 that she was a criminal as a child, and it's more of the
22 same. So I think we have to have a mistrial granted at this
23 point.

24 THE COURT: All right. Mr. Anthony?

25 MR. ANTHONY: Yes, sir. I -- this DJJ evaluation was

1 for giving false information to the police, which I think is
2 -- is something I'm also entitled to ask about because it
3 should go to an assessment of her credibility -- Ms. Mullen's
4 credibility of her self-report to -- to Dr. Knight. I -- I
5 think that using the abbreviation DJJ I think is pretty --
6 pretty innocuous. I don't know that -- you know, how many
7 jurors even know what that is. It certainly would be
8 something that rises to the level of a mistrial.

9 MR. L. SHEALEY: And I do appreciate Mr. Anthony
10 informing us where he plans to go, but that's also improper.
11 She's not -- hasn't testified yet. It's 404(b). And we
12 might as well just talk about -- have you ever -- you know of
13 any other arrest record of her for unlawful neglect or having
14 cocaine in her -- in the child's system? And, like, the fact
15 that she's referencing records to make her opinion doesn't
16 allow him to specifically go into that. It's 404(b), 609,
17 it's 401, 402, 403. She's referenced the records to
18 establish a trauma diagnosis, not to just have a zero, and
19 you're a liar, and you're not credible. If she testifies,
20 maybe that would be irrelevant if she opens the door.

21 MR. ANTHONY: Well, she's -- she's testified that she
22 talked to Ms. Mullen three times. Part of her opinion's
23 based on things Ms. Mullen told her. If Ms. Mullen has a --
24 a conviction in the past for lying, that's -- that ought to
25 be part of some -- something she would think about in

1 evaluating her credibility. It goes to the basis of her
2 opinion.

3 MR. L. SHEALEY: She has asked -- answered that
4 question about that, she admitted that she lied during the
5 investigation, that she -- that she has already testified
6 that Ms. Mullen's account is only a secondary source, main
7 source is the records.

8 MR. ANTHONY: Well, she's still the source.

9 MR. L. SHEALEY: Just doesn't open the door to every
10 lie and every bad thing she's ever done.

11 THE COURT: Okay. How do you figure Ms. Knight --
12 Dr. Knight's already responded to -- she saw the interviews
13 the night of the arrest and whatnot, and the false statements
14 that Ms. Mullen made, and she answered that. How do you
15 fashion the -- the way to get into false information to
16 police when she was a juvenile?

17 MR. ANTHONY: Well, I think just any instance of
18 Ms. Mullen lying is -- should be relevant to Dr. Knight's
19 opinion. Seeing how her opinion depends on an interview with
20 Ms. Mullen. If Ms. Mullen's not credible giving her
21 information, then that -- that's something I -- the State
22 should be entitled to impeach.

23 MR. L. SHEALEY: The doctor has testified that
24 specifically as a forensic psychologist, it's almost what
25 client says is the least thing she relies upon. So we're

1 going to sit here and say she's a liar from when she was 13,
2 and think that -- that doesn't run her file of 404(b). I
3 mean, we -- we filed a 404(b) pretrial motion generally to
4 preclude other crimes, wrongs, bad acts. So I think it's --
5 again, I didn't object when it's asked about her lies on the
6 scene because it's just part of this particular case, but to
7 just go into everything she ever did or reported as a child
8 specifically in custody for something criminal she did, which
9 has been a risk (inaudible) on your Honor thinking about that
10 mistrial motion. Is it inappropriate? I mean -- on direct,
11 I was perhaps correctly admonished to not go into the
12 criminal history of Lavar Allen, who's not even on trial in
13 this case, and that was your ruling motion to strike
14 sustained. But here, we're going to get -- we're going to
15 "back door" in every bad thing she's ever thought as an in
16 runaround through this expert. It's not even -- it's just
17 wildly inappropriate, putting this trial in serious jeopardy
18 if your -- the mistrial motion isn't granted.

19 THE COURT: Correct. Anything else, Mr. Anthony?

20 MR. ANTHONY: No, sir.

21 THE COURT: I got to stretch my legs, folks, and I am
22 -- I'll get back in a minute.

23 (Off the record from 11:02 to 11:16 a.m.)

24 THE COURT: Anything further from either side?

25 MR. ANTHONY: Your Honor?

1 THE COURT: Yes, sir.

2 MR. ANTHONY: I can -- the State can just move on from
3 the inquiry about the juvenile conviction. And I would just
4 -- just say in regards to the mistrial, I never said we -- I
5 never asked her if Ms. Mullen had been convicted of anything,
6 charged with anything to -- to -- I -- I should not have used
7 the term "DJJ" so quickly in the questioning, but I really
8 just -- I -- I just don't think -- and I don't think most
9 jurors think of DJJ is necessarily being a criminal agency.
10 DJJ could -- for all the jurors know, DJJ could evaluate
11 people for any number of reasons. So I don't think using
12 those initials infected the trial with any kind of prejudice
13 that would necessitate this trial. Thank you.

14 THE COURT: Well, I'm kind of concerned about the
15 cumulative effect ruled against the Defense on the account at
16 the jail, or the account at the detention center, or whatever
17 the words were, because that was certainly a reference that
18 she's not -- I don't -- I don't --

19 MR. ANTHONY: But the account at the jail was not
20 elicited by the State. The -- I mean, that was just
21 spontaneous from the Defense witness. I didn't ask if
22 Ms. Mullen was in jail.

23 THE COURT: Your question was something along the lines
24 of: "You've given her money as recently as today."

25 MR. ANTHONY: Yes, sir.

1 MR. L. SHEALEY: And -- and we specifically put that
2 excerpt in our motion, which was denied. It was specifically
3 listed by the State. The witness, Mr. Harrison, was confused
4 at first, and he said, "At her accounts at the jail today,"
5 and that's when the whole thing blew up. This was not just
6 spontaneously anything. It's cleverly designed for that sole
7 purpose.

8 MR. ANTHONY: Well, I -- I'm just pointing out I was --
9 I didn't -- he said, "Jail." I never said jail. I never
10 asked a question that the answer had be -- had to be the use
11 of the word "jail."

12 THE COURT: You know, the unfortunate thing is that we
13 can't bring the jury and say, "What do you all get from that
14 last statement? What do you think it meant?" We're going to
15 have that -- have that benefit of asking them, "What do you
16 mean? What do you mean?" Or "What do you understand it to
17 mean?" All right. 20 after 11:00 right now. I -- I want to
18 think about this a little bit longer. I want to get through
19 with her, but I'm not ruling on it yet. This -- this -- it's
20 -- the cumulative effect is bothering me more than anything.
21 It's just happened. It happened again, it happened on
22 cross-examination both times. Little bits and pieces that
23 isolated can be harmless. Start to consider them together,
24 we're getting messier. So bring the jury back in, you resume
25 your cross, move on to another issue. And when we're done

1 with her, then I'm going to rule.

2 MR. L. SHEALEY: Your Honor, just -- did I hear
3 Mr. Anthony saying he was not going to delve into the -- any
4 -- all prior bad acts?

5 THE COURT: I -- I don't -- I -- I think that's -- I
6 think that would be unsafe ground. That would be harmful to
7 the --

8 MR. L. SHEALEY: I'll continue with my objection on
9 that. I just wanted to get ahead of anything.

10 THE COURT: Yeah.

11 MR. L. SHEALEY: While we have a break.

12 THE COURT: Yeah. So I don't think it'd be appropriate
13 to ask her that she was accused of -- or convicted of false
14 information to police back then. And that was -- she -- she
15 can testify -- she's already testified that she knew
16 Ms. Mullen was not truthful to the police the night of the
17 incident and continually not truthful with them for a while.
18 Bring in the jury. That's your limiting instruction there,
19 Mr. Anthony.

20 MR. ANTHONY: Thank you, your Honor.

21 (Jury enters room at 11:21 a.m.)

22 THE COURT: All right. Continue on.

23 MR. ANTHONY: Thank you.

24 THE COURT: Uh-huh.

25 BY MR. ANTHONY:

1 Q. Dr. Knight, there was -- you -- you testified that
2 you had made an evaluation of Ms. Mullen and found that she
3 had experienced childhood sexual trauma; is that correct?

4 A. That was noted as reported in her records, yes.

5 Q. Okay. And there is an evaluation report from 2010
6 that talks about her being touched when she was six years
7 old; is that correct?

8 A. Correct.

9 Q. Okay. And that evaluation report says that
10 three months before the report, she told her mother that a
11 babysitter touched her private parts, is that correct?

12 A. Correct.

13 Q. All right. And then it -- it goes on to say that
14 Jackleen didn't remember who it was, but said it was an older
15 female, is that correct?

16 A. Yes.

17 Q. Okay. Now, this is only reported by Jackleen,
18 correct?

19 A. Correct. She reported it to her mother before
20 this evaluation, and then she reported it during the
21 psychological evaluation.

22 Q. Okay.

23 A. She was 13 at the time.

24 Q. Okay. So as far as -- there's -- there's a --
25 there -- the report is -- is documented in a record, but it's

1 -- it's documented in a record, it's just solely coming from
2 Ms. Mullen?

3 A. Correct.

4 Q. Okay. And then there's another -- you mentioned a
5 report of her being raped when she was 14; is that correct?

6 A. Correct.

7 Q. All right. And that was -- that report in -- in
8 the -- the confidential there was -- there was another
9 confidential -- another evaluation done, correct? And that
10 -- that evaluation was done in November of 2012; is that
11 right?

12 A. Correct. When she was 15.

13 Q. Okay. And the report from 2012, it documents the
14 sexual assault by referencing another record where it says
15 "Jackleen reported she'd been sexually assaulted by a
16 19-year-old around October 2021."

17 A. 2011. Yes, sir.

18 Q. I'm sorry, 2011. I'm sorry. Okay. So once
19 again, this is not something that there is -- that there is
20 independent documentation on, it's just -- it is something
21 that was reported by -- by Ms. Mullen?

22 A. Correct. She reported a crime, I believe, the
23 police investigated the crime, but it came from her reporting
24 the crime.

25 Q. Now, the trauma disorder that you have said,

1 reported that she has -- that is a -- I guess, it would be
2 safe to characterize as a -- right now you say she is -- she
3 is dealing with a slightly lesser form of PTSD?

4 A. Correct.

5 Q. Okay. And PTSD is a condition that is -- that's
6 widely found in the population, is that fair to say?

7 A. About 8 percent of females in the female
8 population.

9 Q. Okay. And PTSD doesn't -- having -- having PTSD
10 does not act as a -- a -- a legal excuse -- a legal
11 justification for assaulting a child; is that correct?

12 A. PTSD is a mental disorder. It's a psychiatric
13 disorder.

14 Q. Okay. And it doesn't necessarily render a person
15 incapable of protecting their child.

16 A. No. Not just having PTSD. No.

17 Q. Okay. It doesn't necessarily render a person of
18 -- incapable of getting medical care for their child?

19 A. Not the diagnosis itself, no.

20 Q. Okay. Because it's -- it is a condition that
21 8 percent of the female population has. Is that -- that part
22 of the consensus at this time?

23 A. Yes. Uh-huh. In -- in the United States.

24 Q. Okay. And that -- so that's -- that's almost one
25 out of every 10. Certainly, you are not saying that one out

1 of every 10 females is not capable of rendering medical care
2 for their child?

3 A. I haven't testified to that.

4 Q. Okay -- okay. And so when you make an assessment
5 of PTSD and -- and its effects, would it -- those effects
6 vary from person to person; is that correct?

7 A. Correct. So PTSD can have different levels of
8 severity in different people. So some people are more
9 susceptible or vulnerable to the symptoms. Some people
10 experience a milder form. Again, it really depends on if the
11 person is exposed to treatment or support in their -- in
12 their support system or their caregiving system. There's a
13 lot of factors that go into how severe PTSD might be for
14 somebody.

15 Q. And to -- to determine how severe a case of PTSD
16 could be, you have to basically look at individual behavior;
17 is that correct? Like, you have to look at the individual
18 who's suffering from it and say, "Well, the PTSD appears to
19 be affecting their behavior to this extent?"

20 A. Well, it's the symptoms that they're exhibiting,
21 or reporting or found in their records. It's not necessarily
22 behavior so much as symptoms. So nightmares,
23 hypervigilance, a heightened startle response, intrusive
24 memories of the abuse. Those are all symptoms of PTSD that
25 we would use to evaluate whether the person meets the

1 criteria or not. Not necessarily certain behaviors.

2 Q. And did those -- did those behaviors manifest
3 themselves -- can -- can those behaviors come to manifest
4 themselves in a particular way in -- say in a domestic
5 context?

6 A. Well, certainly if -- if someone has untreated
7 PTSD and they're in an abusive relationship, their coping
8 skills can be overwhelmed by their untreated symptoms. So
9 it's harder for them to deal with the abusive relationship,
10 and they often sometimes turn to substances or things like
11 that.

12 Q. And -- and so you would look to -- to try to make
13 an assessment of how a person's coping skills have been
14 affected, you would tend to look at their individual
15 behavior, is that -- you would look at their behavior and be
16 able to -- to make a -- a -- a determination about how
17 effective their coping skills are?

18 A. Well, I'm -- I'm a little confused. I'm not sure
19 if we're talking about the diagnosis of PTSD that revolves
20 around the symptoms that are found.

21 Q. Uh-huh.

22 A. The coping skills and the behaviors that can be an
23 impact of PTSD, but not a necessary -- necessary diagnostic
24 criteria.

25 Q. Okay. So -- so it -- what you're saying is that

1 individual behavior would show impact?

2 A. It can.

3 Q. Okay. All right. And one way -- if you have PTSD
4 that is purported to be inflicted in a domestic context -- I
5 mean, one way to measure the -- the extent of that would be
6 to look at how the person -- how the subject with the PTSD
7 interacts with the abuser; is that accurate?

8 A. Again, that's not part of the diagnostic criteria
9 for PTSD. We don't use that to make the PTSD. And the DSM,
10 which we use to diagnose, it doesn't have a separate section
11 on people that have PTSD because of an abusive relationship.
12 It's all the same diagnostic criteria. So we're not -- when
13 I diagnose PTSD, I'm not really looking at their relationship
14 so much as to -- to see if there's the trauma there from the
15 relationship, and then move forward with the diagnosis if it
16 -- if it's appropriate.

17 Q. Okay. So -- but, I guess, is it accurate to say
18 that a prerequisite to forming the diagnosis is to make a
19 determination about the existence of the abusive
20 relationship?

21 A. So there has to be some sort of trauma.

22 Q. Okay.

23 A. Whether it's an assault, it can be a natural
24 disaster, it can be a car accident, it can be combat-related
25 PTSD in our veterans. There has to be some sort of trauma to

1 make the diagnosis.

2 Q. Okay. All right. And in your particular
3 evaluation of Ms. Mullen's situation, did you identify any
4 factors that would tend to indicate that possibly she wasn't
5 traumatized?

6 A. Well, when I start an evaluation, I -- I have no
7 opinion about -- in this case, whether she had been
8 traumatized or not. You know, I have to come in with it --
9 with a neutral mind and then see where the data takes me.
10 And in this case, the records were very clear, particularly
11 the text messages between Ms. Mullen and Mr. Williams where
12 he's acknowledging physically abusing her. So those were
13 pretty strong evidence for me. So to consider that -- that
14 -- that it didn't happen, in the face of him acknowledging
15 that it happened, would be difficult.

16 Q. Okay. Well, you -- you -- in -- in looking at the
17 text messages, there's also some -- some exchanges where she
18 -- where Ms. Mullen is going to buy drugs from a man named
19 Keon. Do you recall that?

20 A. There was a lot of text messages about drugs.
21 Yes.

22 Q. Okay. And -- and it's also clear that
23 Mr. Williams is jealous of Keon.

24 A. Yes.

25 Q. And Ms. Mullen goes and buys drugs from him

1 anyway, knowing that Mr. Williams is jealous of him. Do you
2 recall that?

3 A. Yes. They were both heavily addicted to opioids,
4 is the way that I read those texts.

5 Q. And you also -- if you -- in -- in the text
6 messages -- I assume you saw the ones -- there -- there are
7 at least two different occasions where Ms. Mullen is telling
8 Mr. Williams she's going to call the police on him. You
9 recall those?

10 A. Yes.

11 Q. And then you testified that you reviewed some
12 calls -- to some reports of calls to the Utah Trail
13 residence?

14 A. The dispatch records. Yes.

15 Q. Okay. All right.

16 A. 911 records.

17 MR. ANTHONY: Okay. Can I just have a moment?

18 BY MR. ANTHONY:

19 Q. I -- I'm going to show you three records. I'll
20 ask if you have seen these.

21 A. I believe so, yes.

22 Q. Okay. And those are records from the Sheriff's
23 Office, correct?

24 A. Yes.

25 Q. And they document calls out to the -- the Utah

1 Trail residence; is that accurate?

2 A. Yes.

3 Q. All right. And I'll -- I'll ask you first off
4 about the one that's dated August 12, 2018, that the
5 complainant listed on that call is Ms. Mullen; is that --

6 A. Correct.

7 Q. -- correct?

8 A. Correct.

9 Q. Okay. And then, looking at the December 19th
10 call, there's no -- there's no complainant listed on that
11 call; is that correct?

12 A. I'll take your word for it. I don't see that
13 immediately.

14 Q. Okay -- okay. And in -- in that call, the two of
15 them, the -- the -- the deputy reported coming to the door
16 and it said that Mr. Williams came and said he was -- he and
17 Ms. Mullen were having an argument?

18 A. Correct.

19 Q. Okay. And Ms. Mullen stepped out and said they'd
20 been arguing and said she wanted him gone from the residence?

21 A. Correct.

22 Q. And claimed that Mr. -- Mr. Williams didn't live
23 there?

24 A. Yes.

25 Q. And then it says Mr. Williams said he did live

1 there and showed -- showed a letter with his name and address
2 at Utah Trail?

3 A. Yes.

4 Q. And according to the report, that resolved where
5 Mr. Williams said he was leaving for the night?

6 A. It appears so, yes.

7 Q. Okay. Now there's another one that's dated
8 April 20 of 2020.

9 A. Yes.

10 Q. All right. And that would only be a little over
11 six weeks from the -- from the death of India; is that
12 correct?

13 A. Yes.

14 Q. Okay. And the -- the complainant on that call out
15 to Utah Trail is listed as Ms. Mullen?

16 A. Correct.

17 Q. And the report says that the deputy arrived and
18 Ms. Mullen said she was in her car trying to listen to music
19 and her boyfriend wouldn't stop bothering her?

20 A. Correct.

21 Q. And the boyfriend is -- the suspect is listed as
22 Mr. Williams, correct?

23 A. Correct.

24 Q. On the first page. And it says that Ms. Mullen
25 says that Mr. Williams threw a juice bottle at their car

1 causing a light dent and said the property was mutual since
2 they lived together and have a child, they were advised to
3 separate for the night.

4 A. Correct. Now, there on this particular date of
5 incident, there was an anonymous call who had heard a female
6 crying. And so it was not just Ms. Mullen calling, there was
7 another caller for this incident.

8 Q. Okay. But Ms. Mullen's report was that she was
9 trying to listen to music and Mr. Williams wouldn't leave her
10 alone?

11 A. Correct.

12 Q. Now, you -- you testified about the report from
13 2012, I believe it was, where the -- the one I asked you
14 about where the alleged rape was reported?

15 A. Correct.

16 Q. All right. And that report also made a -- made a
17 finding that Ms. Mullen had PTSD; is that correct?

18 A. Yes.

19 Q. All right. And you used that report to -- to
20 inform your opinion in the -- the evaluation that you did?

21 A. Correct. So another psychologist had diagnosed
22 her with PTSD when she was 15 years old, meaning her trauma
23 symptoms go back for years.

24 Q. And when they did that evaluation of Ms. Mullen,
25 they gave her something called the -- the MACI test?

1 A. Yes.

2 Q. Okay. And the -- there's part of -- the report
3 documents what the finding was from that MACI test; is that
4 correct?

5 A. Yes.

6 Q. And the report indicates that -- said "Her scores
7 appeared to be valid and" -- "and she identified family life
8 and restless and bored as the problems that are troubling her
9 the most," is that...?

10 A. So in that evaluation they gave a specific trauma
11 measure. So the -- the MACI is not a trauma measure, it's
12 given to adolescents for their clinical functioning.

13 Q. Okay. But it -- it did indicate that her
14 responses to this scale indicate that Jackleen has a tendency
15 to be oppositional and unruly, correct?

16 A. Yes.

17 Q. Okay. Now, in -- in light of that, did you
18 consider any other diagnosis for Ms. Mullen?

19 A. So this is data from when she's 15 years old. If
20 she's -- she's referred to as oppositional at 15, that's not
21 necessarily going to translate to any kind of adult
22 diagnosis.

23 Q. But -- I mean, it could, couldn't it? I mean, it
24 could inform an adult diagnosis.

25 A. It -- it would be a very big stretch.

1 Q. Well -- like, there is a -- there is a diagnosis
2 called "Oppositional Defiant Disorder," is that...?

3 A. For children. Yes.

4 Q. Okay. And that you don't -- that doesn't pertain
5 to adults?

6 A. We do not diagnose adults with ODD, Oppositional
7 Defiant Disorder.

8 Q. Okay. Is there something comparable to that you
9 would diagnose adults with?

10 A. Not in adults. So Oppositional Defiant Disorders
11 where children just don't listen to adults, and psychiatry
12 gave it a name and calls them defiant, but there's no
13 translation for an adult who doesn't listen to other adults.

14 Q. Okay. And you -- you said that one of the people
15 you interviewed was Mr. Weary?

16 A. Yes.

17 Q. Okay. And did you -- did you document when you
18 talked to him?

19 A. I did.

20 Q. Okay. What -- do you know when you talked to him?

21 A. I -- I would have to check.

22 Q. Okay. Do you have your notes with you?

23 A. I believe so.

24 Q. Okay.

25 A. October 24th.

1 Q. Okay. So October 24th, that was -- that was week
2 before last, I guess. Does that sound right?

3 A. A couple weeks ago.

4 Q. Okay. And you -- you called him -- did you talk
5 to him on the phone?

6 A. Yes.

7 Q. Okay. All right. And you called him up and --
8 and without going into what he told you, you -- you just
9 asked him about his basic knowledge of the relationship
10 between Ms. Mullen and Mr. Williams?

11 A. Yes.

12 MR. ANTHONY: All right. And if I could have one
13 moment?

14 BY MR. ANTHONY:

15 Q. All right. And, Dr. Knight, you -- you testified
16 that you had been paid for working on the case?

17 A. Paid for the time. Yes.

18 Q. Paid for the time? How much do you get paid?

19 A. 250 an hour.

20 Q. And how much time did you put in on -- on this
21 case?

22 A. I have not totaled up the time, so I -- I just
23 don't know at this point. That would be done after the case.

24 Q. Okay. Do you get paid a different rate for being
25 in court as opposed to -- to not?

1 A. No.

2 Q. It's just 250 an hour flat?

3 A. Yes.

4 Q. And -- well -- I mean, just ballpark, would you
5 say 10 hours, 20 hours, 50 hours?

6 A. At least 30.

7 Q. Okay. And you testified that you did not do a
8 report in this case?

9 A. Correct.

10 Q. Okay. Now you do reports on some cases, correct?

11 A. Yes.

12 Q. Okay. Because there was a -- there was a York
13 County case back in the summer where you -- you were retained
14 and did, like, a 90-page report, did you?

15 A. Some reports are very long.

16 Q. Okay -- okay. And in this case, you basically did
17 a -- just a -- a touch over a -- well, really just a
18 two-page report, or -- and -- and it wasn't really a report,
19 it's just a summary of --

20 A. Correct.

21 Q. -- the -- the -- the bad things that have happened
22 to Ms. Mullen, essentially?

23 A. Correct.

24 Q. Okay. Well, why didn't you write a report in this
25 case?

1 A. So reports aren't requested in every case.
2 Sometimes the referral issue begs a report. So if there's a
3 legal standard like competency, or insanity, or waiver of a
4 juvenile, sometimes you have to have reports in those cases.
5 But really reports are -- are requested by the attorney if
6 they're needed in the case. So I don't write reports in
7 every case.

8 Q. Okay. So -- so the attorney -- Ms. Mullen's
9 attorneys apparently didn't think you needed to do one?

10 A. They did not request one.

11 Q. Do you know how the -- the rules of discovery work
12 in South Carolina?

13 A. I believe so.

14 Q. Okay. And you -- did you know that if you write
15 --?

16 MR. L. SHEALEY: Your Honor, I'm going to object to
17 this line of questioning of that. I think it goes beyond the
18 scope of her expertise. I know she's generally familiar.

19 THE COURT: She wasn't paid to do a report, she's done
20 a report. I think everything else may be irrelevant.

21 MR. L. SHEALEY: All right.

22 MR. ANTHONY: Can I just have one moment?

23 THE COURT: Sure.

24 MR. ANTHONY: All right. Thank you. That's everything
25 on cross.

1 MR. L. SHEALEY: Relatively briefly.

2 RE-DIRECT EXAMINATION

3 BY MR. L. SHEALEY:

4 Q. Doctor, you mentioned some of the types of cases
5 that might require a report and I think you said things like
6 criminal responsibility and competency, right?

7 A. Correct.

8 Q. And I haven't asked you to do that type of
9 evaluation here, right?

10 A. No.

11 Q. That wasn't your -- your remit -- your mandate, my
12 request to you, right?

13 A. Correct.

14 Q. And we talked about her diagnosis not -- for
15 layman's terms, not quite being at PTSD level, correct?

16 A. Correct.

17 Q. But it seems like she has been diagnosed with
18 those -- that diagnosis before in the past?

19 A. Yes.

20 Q. Is it fair to say that would be closer in time to
21 a rape or some other really traumatic thing, correct?

22 A. Correct.

23 Q. Okay. But I think you testified that with time,
24 and therapy, and medication that PTSD can get better. That's
25 what we hope, right?

1 A. Yes.

2 Q. I think Mr. Anthony asked you specifically about
3 -- well, before we get to that, you already testified, I
4 believe, that Jackie's trauma from age six to 15, with
5 domestic partners -- I mean, that's -- it's an evolving thing
6 that kind of creates a -- a domino effect; is that fair?

7 A. Yeah. We would refer to that as cumulative
8 traumas over time.

9 Q. Okay. And that your diagnosis isn't just based on
10 -- let's say one instance in her relationship with Dre
11 Williams, for instance, right?

12 A. Correct.

13 Q. And I think you said that a statistic which I
14 didn't get out of you, but the solicitor did, did you say
15 8 percent of females in the US have Post-Traumatic Stress
16 Disorder?

17 A. Approximately.

18 Q. Approximately?

19 A. Yes.

20 Q. And there were some questions about whether having
21 PTSD would physically prevent someone with that diagnosis
22 from going out and caring for their child. You're not saying
23 that right?

24 A. No.

25 Q. But PTSD, you have symptoms that I think some of

1 the ones you testified to -- to be like hypervigilant,
2 restlessness, intrusive thoughts, is that what you testified
3 to?

4 A. Correct.

5 Q. But it's -- it's -- you know, in your experience
6 in domestic violence partnerships, it's other things that may
7 prevent someone from going out and seeking medical care, not
8 just the actual diagnosis, right?

9 A. Correct.

10 Q. And someone who might have a PTSD diagnosis or a
11 subthreshold, not quite as bad as a PTSD diagnosis, that
12 doesn't mean, does it, that that person can never assert
13 themselves against a domestic partner, does it?

14 A. No.

15 Q. That doesn't mean that they will always have to
16 bend to that person's will, does it?

17 A. No.

18 MR. L. SHEALEY: I think that's all, Dr. Knight. Thank
19 you.

20 THE COURT: You may step down.

21 DR. KNIGHT: Thank you, your Honor. May I be excused?

22 THE COURT: You may.

23 DR. KNIGHT: Okay. Thank you.

24 THE COURT: Call your next one.

25 MR. L. SHEALEY: Your Honor, at this time, we call

1 Becky Callaham.

2 MR. B. SHEALEY: Oh, Becky, if you'll just come up here
3 and be sworn in. Sorry, we called your name when you were in
4 the hallway.

5 MS. CALLAHAM: Okay.

6 BECKY CALLAHAM,
7 being duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. B. SHEALEY:

10 Q. Good morning, Ms. Callaham. Please enter yourself
11 -- introduce yourself to this jury and let them know what you
12 do for a living.

13 A. My name is Becky Callaham, and I am currently a
14 psychotherapist in private practice in Greenville, South
15 Carolina.

16 Q. Okay. And what does a psychotherapist do?

17 A. A psychotherapist is someone who works with folks
18 who either have a mental illness or want change in their
19 life. I'm trained to understand the dynamics of what is
20 going on within the psychology of a person and work with them
21 on their goals of either anxiety, depression, grief, those
22 kinds of things.

23 Q. And, Becky, please tell the jury about your
24 employment history, what you've done in terms of work from a
25 chronological perspective.

1 A. Okay. My first job out of undergraduate was at a
2 program called Gateway House. Gateway House is a
3 psychosocial rehabilitation program for people with chronic
4 mental illness. From there, I went to work at Mecklenburg
5 County, their developmental disabilities, mental health and
6 substance abuse services. I was the client advocate there.

7 And then, went back to Gateway House because I moved
8 back to Greenville, became the program director there. And
9 then from there, I left Gateway House and then became a
10 counselor at Safe Harbor, the Domestic Violence Organization
11 in the upstate of South Carolina. I was a counselor there
12 for several years. Got my master's degree while I was
13 working at Safe Harbor, and became a licensed professional
14 counselor while working at Safe Harbor. And eventually
15 became the executive director at Safe Harbor.

16 Q. Ms. Callaham, tell me about your position as
17 executive director of Safe Harbor. What is your -- what does
18 your role there encompass, and how long were you in that
19 position, and what -- what did you do with the agency when
20 you became executive director?

21 A. Yes. I was at Safe Harbor, overall, for 22 years.
22 I started work there in the year of 2000, and then retired in
23 2022 to open my practice. As the executive director, I was
24 responsible for the overall health and well-being of the
25 organization, basically making sure that the services that

1 Safe Harbor provided, which were prevention of domestic
2 violence -- support for domestic violence and outreach and
3 education to the community regarding domestic violence, was
4 -- was -- was done in a healthy and fiduciary, responsible --
5 responsible way. One of the things that I did as we became
6 more and more aware of the impact of trauma on domestic
7 violence victims -- which really moved toward becoming what's
8 called a trauma-informed agency --

9 Q. Okay.

10 A. -- which basically --

11 Q. Yeah, go ahead. I'm sorry.

12 A. Yeah. Which basically means, you know, somebody
13 who's experienced trauma, which many domestic violence
14 victims have. It -- trauma itself kind of changes your
15 worldview. And it really affects how you may interact with
16 especially service providers. And so, we did about a
17 three-year training and implementing new ways of doing things
18 at Safe Harbor to make sure that we were focusing on the
19 impact of trauma and that we were not -- we were providing
20 healing and hope to the -- the clients we were serving as
21 opposed to re-victimizing them. So there was a lot of work
22 that we did to learn about the impact and how we could meet
23 those clients with empathy, and try to help them heal.

24 Q. Okay. And by trying to transform Safe Harbor into
25 a trauma-informed agency, is that considered best practice?

1 A. It is, yes.

2 Q. And how long did you remain as the executive
3 director and what did you do after you left Safe Harbor?

4 A. I was the executive director for 13 years. And I
5 retired in May of last year, and opened up a private practice
6 psychotherapy group. Well, I -- I joined a psychotherapy
7 group in August of last year.

8 Q. Okay. Ms. Callaham, do you have to -- to maintain
9 your credentials, do any continuing education requirements?

10 A. I do, yes. In order to maintain my license.

11 Q. Okay. Ms. Callaham, have you ever been qualified
12 as an expert witness before?

13 A. I have.

14 Q. And have you been qualified as an expert witness
15 in the dynamics of domestic violence in state courts?

16 A. I have.

17 Q. And where have you been qualified as an expert?

18 A. In South Carolina, in the 13th circuit, and the
19 10th circuit, and then in the 8th circuit.

20 Q. Have you been used as an expert for both the
21 prosecution and the defense?

22 A. I have.

23 Q. Okay. And how many times for each approximately?

24 A. I have probably five or six times for the
25 prosecution and one time for the defense.

1 MR. B. SHEALEY: Okay. Your Honor, at this time, I'd
2 seek to admit Ms. Becky Callaham as an expert in the field of
3 dynamics of domestic violence.

4 THE COURT: Any voir dire?

5 MR. ANTHONY: No, your Honor.

6 THE COURT: Ms. Calla -- is Callaham or Callahan?

7 THE WITNESS: It's 'ham with an M.

8 THE COURT: Okay. Ms. Callaham will be qualified in
9 the field of domestic -- dynamics of domestic violence, and
10 may offer her opinions in that field of expertise.

11 BY MR. B. SHEALEY:

12 Q. Ms. Callaham, did my firm retain your services in
13 this case?

14 A. Yes.

15 Q. Okay. And do you -- do you work for free or do
16 you get paid for your -- for your work?

17 A. I'm compensated for my work.

18 Q. Okay. Is that normally how experts are --

19 A. Yes.

20 Q. -- (inaudible), do they?

21 A. No.

22 Q. Okay. And again, you do expert work, but you also
23 have your own private practice, right?

24 A. Correct.

25 Q. Now, you have never personally interviewed

1 Jackleen Mullen, right?

2 A. No, I have not.

3 Q. Okay. But you have relied upon a report or a
4 summary letter that Dr. Knight provided you, right?

5 A. Correct.

6 Q. Okay. But you have experience -- vast experience,
7 would you say, in relationships between parties that are
8 engaged in domestic abuse, right?

9 A. Correct. I have had years experience working with
10 the impact of domestic violence on victims as well as
11 children.

12 Q. Okay. And -- I mean, can you approximate for this
13 jury, how many, from your time at Safe Harbor and your -- and
14 the other employment, how many cases you've come across and
15 -- and help provide services to?

16 A. Individually myself? Hundreds. And I oversaw --
17 oh, in the over 22 years, probably thousands.

18 Q. Okay. Well, let me rely on your expertise, and so
19 we can try to answer some questions for a jury. Why does
20 someone in a -- who's being domestically abused in a
21 traumatic relationship stay with their abusive partner?

22 A. That's a -- that's a real -- it's -- it's not a
23 simple answer. Domestic violence is a very complicated and
24 nuanced phenomenon. You have partners who seemingly love
25 each other and slowly, but surely, one partner has more and

1 more control over the other partner. And so when there is
2 abuse going on, it really creates this sense of fear,
3 obviously, for the -- the victim. But it also shows the
4 victim the power that the abuser has. In most domestic
5 violence relationships, there are -- there is a -- there are
6 three cycles that the relationship kind of goes through.
7 There is the tension phase. That is when a victim typically
8 will say, "I feel like I'm walking on eggshells. There --
9 everything is tense. Nothing I say or do is right. I can't
10 do anything that will please him." And typically, in victims
11 of domestic violence, and most cases are female, and the
12 perpetrators are male.

13 During that tension phase, it's thick in the house --
14 the -- the -- the -- the -- the feelings of tension. And
15 then, there is a -- an explosive event, which is the -- the
16 abuse -- the active abuse. Then soon after that, is what's
17 called, the "Honeymoon period." That is when --

18 Q. That doesn't come first?

19 A. Well, actually in -- in relationships, yes, that
20 -- that starts all relationships, right? The honeymoon
21 phase, the courtship, that does start at the very beginning.
22 And then in abusive relationships, that's when the tension
23 starts. And then the abusive explosive incident. And then
24 it goes back to the honeymoon period. And so, we're talking
25 about this cycle that is consistently going on, and sometimes

1 the cycle can go for months or years. So leaving and getting
2 out of that cycle is very difficult for financial reasons,
3 for -- because, you know, when -- when a victim leaves a
4 domestic violence situation, she typically doesn't have as
5 many resources. So trying to get up and leave is hard.

6 They may have children together, and they -- there may
7 be some difficulties in trying to figure out what to -- you
8 know, how to -- how to navigate life after this relationship.
9 Many times victims say, you know, they -- they love this
10 partner. They don't want to leave the partner, they just
11 want the abuse to stop. Laid on this cycle of violence is
12 this power and control that the abuser is consistently
13 working on them.

14 24/7 basically, the abuser is not always abusive. It's
15 not always physically abusive, but there's a lot of
16 manipulation, coercion going on at the same time. Victims
17 don't leave many times because they don't trust systems that
18 are set up to -- to help them. If they've had experiences
19 where they have tried to reach out and have -- haven't gotten
20 the -- the help that they felt like they needed, they're less
21 likely to reach out.

22 Q. Yeah, that was going to be my --

23 A. They just want to be safer.

24 Q. That was going to be one of my next questions is:
25 Why can't someone -- or why does someone just not call the

1 police when they're being abused? What -- you know, why --
2 why do they decline to do that sometimes?

3 A. Well, because of fear. When someone is being in
4 -- when they are being controlled by another person or
5 they're fearful of -- of their partner, and their partner has
6 shown them that, "Yes, not only am -- can I threaten to hurt
7 you, but I absolutely will threaten you." The knowledge is
8 that -- is that they're not going to be staying away from
9 them forever. A lot of folks will say, "Okay, once he goes
10 to jail," surely she's going to be safe." But typically when
11 someone goes to jail, they don't stay in jail for very long,
12 and once they get out, it's very difficult for the -- the
13 victim to stay safe. Sometimes staying in the abusive
14 relationship is -- it's -- it sounds counterintuitive, but
15 staying in the relationship is sometimes the safest thing to
16 do. Women who are killed by domestic violence, the majority
17 of them are killed as they are leaving the relationship.

18 Q. Ms. Callahan, is there -- we talked a little bit
19 in preparation for -- by education in your testimony, but --

20 A. Uh-huh.

21 Q. -- can there be an isolation dynamic with abusive
22 relationships? Talk -- talk to the jury a little bit about
23 that.

24 A. Yeah. So there is this term that's -- that's
25 called "coercive control." And basically that is that level

1 of domestic abuse where it moves beyond just physical abuse.
2 It's manipulation, it's -- it's almost like brain -- having
3 someone brainwashed and -- and really getting into --
4 allowing the -- the -- the perpetrator to feel like that they
5 have all the power in -- in the relationship and of the -- of
6 the -- of the victim. And so with that kind of dynamic --
7 you know what? I forgot what your question was. I went
8 through -- I -- I got up on my --

9 Q. I -- I know -- I know.

10 A. Isolation.

11 Q. Isolation.

12 A. So yes. So this isolation of, "It's just us,
13 right? Nobody else. People, you know, don't understand what
14 our situation is. They don't -- they're not a part of what
15 we have together. And it's just -- just the two of us, and
16 it's kind of this, you and me against the world." And I --
17 the -- the -- the abuser does become almost godlike. And so
18 that isolation and -- and not having outside voices to help
19 the victim to really understand or -- or -- or start to
20 question what the abuser is saying or doing, slowly but
21 surely goes away.

22 Q. And that's for control purposes?

23 A. It's for control purposes. Absolutely.

24 Q. Ms. Callahan, I'm going to talk about examples of
25 control and abusive relationships. I mean, do you -- in your

1 experience with these situations, do you see abusers hold
2 personal effects of the person they're abusing, such as
3 phones, and wallets, and money, and passports and that kind
4 of thing? Is that common?

5 A. Oh, sure. Again --

6 Q. Why do they do that?

7 A. In this -- yeah, this coercive control kind of a
8 phenomenon. It's that the -- it's -- it's very dehumanizing
9 to the victim in that they don't have their own sense of
10 agency. They don't have power and control over their own
11 day-to-day lives. Examples that victims that I would work
12 with would say is that their partner would check the mileage
13 on their car. They would keep all of their personal effects,
14 their -- their -- their wallet, their -- their passport, all
15 of those things. Because they would -- in the beginning
16 would say, "Well, I'm just going to keep these and -- and --
17 safe because maybe you are not responsible enough to -- to
18 keep these things." And then slowly, but surely, they have
19 control over the finances. They have control over pretty
20 much everything that -- that the victim is doing. And so
21 that is -- that just -- that is part of that coercive
22 control.

23 Q. Ms. Callahan, in your experience -- you know, are
24 people that are victimized by abusers, are they necessarily
25 always going to be weak people or can they be strong as well?

1 A. Oh, no. I mean, I think in the past few years, if
2 we've followed -- you know, folks who have said that they
3 have been victimized by domestic violence, you're going to
4 run the gamut of people, professionals, you know, very
5 educated people, folks who in other areas of their life seem
6 to be doing really -- really well. It's just that in this
7 relationship, they have managed to lose their sense of self
8 and their sense of self-worth because their partner is
9 consistently slowly and -- and surely -- consistently just
10 eroding their sense of self-worth in the relationship.

11 Q. Okay. Ms. Callaham, can you describe examples of
12 traditional physical abuse that you've observed in domestic
13 abuse relationships?

14 A. Yes. Physical abuse can be your quintessential
15 black eye, broken bones. Typically, it's -- you know, when
16 one person is putting their hands on another person. There's
17 strangulation and the -- the -- the -- the typical thing that
18 more and more often that I would see in the shelter would be
19 grab marks on -- on the victim's arms. And so that would be
20 -- that typically would be when the victim was trying to get
21 out of a situation and the perpetrator was trying to hold
22 them back, and trying to keep them from moving.

23 Other things were if there were bruises that were ever
24 visible, that the abuser many times would stop abusing them
25 in that particular area, so it wouldn't be seen outside of

1 the home. So they would just do their abuse and, you know,
2 maybe on -- on somebody's head or somewhere where the -- the
3 bruises wouldn't be seen.

4 Q. And there --

5 A. With this idea that, you know, "This is happening
6 in our home. I've got complete control over you, and
7 nobody's going to know about it."

8 Q. Okay. Do you see these abusers if they've caused
9 a bruise or black eye or an injury, do they -- is it your
10 experience they're concerned about trying to conceal that --
11 hide that injury?

12 A. Oh, yes.

13 Q. Okay.

14 A. Yes.

15 Q. And so then maybe the abuse stops for a little bit
16 or changes direction?

17 A. That would -- that would be the hope of the
18 victim, right? Is to -- if I don't -- if I'm not going to
19 acknowledge this, if I'm not going to let anybody know about
20 this, then -- then hopefully my partner will change and see
21 that what they did was hurtful and this was a one-off, or,
22 you know, because at this point, after the abuse in this
23 honeymoon period -- and we're saying, you know, the abuser
24 could be saying, you know, "I'm going to change. Things
25 aren't going to be this bad. I didn't mean it for -- to go

1 this far." So there is this period of -- of yes saying,
2 "Okay, you know, I can --" in part -- perhaps the victim is
3 also saying, "Well, maybe I did do something that added to
4 your stress. And so this -- you know, you never meant for
5 this to go very far." So she's really trying to make sure
6 that -- that nobody else on the outside understands what's
7 going on the inside of their home.

8 Q. Can you describe nonphysical abuse -- emotional
9 abuse?

10 A. Uh-huh.

11 Q. What does that look like? What does -- in your
12 experience?

13 A. Yeah. Emotional abuse is really, if I said, I
14 told -- I said that physical abuse is -- is not necessarily
15 happening all the time. The perpetrator of domestic violence
16 isn't always abusive. And the physical abuse is usually the
17 last resort. The emotional abuse is really what's going on
18 most of the time. That is calling someone names, making them
19 feel worthless, telling them that they're a terrible parent,
20 telling them that they're fat or they're worthless, calling
21 -- calling them -- that -- telling them how stupid they are,
22 and -- and really consistently manipulating them to make them
23 feel like they are less than.

24 In the experience that I've had working with victims of
25 domestic violence, most of them say, you know, "I would much

1 rather have had him punch me in the face, just -- just hit me
2 and get it over with. It's this psychological abuse that he
3 torments me with, keeping me up all night, not letting me
4 sleep." That is what is -- that creates the worst damage.
5 Because it's damage to the -- your internal spirit and your
6 existence of being a human being.

7 Q. Is that -- I know we talked a little bit about
8 gaslighting, is that kind of part of that?

9 A. Yeah. Gaslighting is definitely one of those
10 tactics and what gaslighting is, we've heard it, you know,
11 and lately -- but gaslighting is really taking a situation
12 and saying, "That didn't happen that way. You -- you -- you
13 -- you imagine that or you caused that. And it really is
14 this crazy-making kind of tactic that an abuser will use
15 against a victim to make her second-guess or question her own
16 belief or her own recollection of something that may have
17 happened.

18 Q. Ms. Callaham, in your expertise, can you talk to
19 the jury about what the -- the domestic violence rates are in
20 South Carolina?

21 A. South Carolina consistently --

22 MR. ANTHONY: I don't know what the relevance is.

23 MR. B. SHEALEY: I mean, this -- this will become
24 relevant in the next question, so...

25 THE COURT: I'm going to overrule it. I'll allow it.

1 BY MR. B. SHEALEY:

2 Q. Go ahead, Ms. Callaham.

3 A. South Carolina consistently ranks in the top 10
4 deaths of women by men due to domestic violence in the United
5 States.

6 Q. Okay. Are the threats of abuse, do they increase
7 with pregnancy?

8 A. So there is a study that has been done -- several
9 studies that have been done that say that extreme jealousy is
10 one of the precursors to -- to abuse. And it says that many
11 times women, the first time they're abused is when they --
12 physically abused, is when they are pregnant. So you would
13 think that because a victim is pregnant, that might be a
14 respite from the abuse, and sometimes that is, but the risk
15 of being abused while pregnant is -- is -- is -- is very
16 high. And that would -- it -- it is assumed that because of
17 that jealousy, because of the lack of power and control
18 during the pregnancy that the abuser does not have, during
19 that time, the victim is focusing on her own health. She's
20 focusing on the health of the baby. And that increases the
21 -- the likelihood if there is going to be abuse, that it will
22 be happening in the pregnancy as well.

23 Q. So they -- there's a threat there by the abuser
24 due to pregnancy and you testified it's because they're
25 focusing on themselves or they're -- there's something that

1 can't be controlled, right?

2 A. Correct.

3 Q. Can they feel threatened by children, the abuser?

4 A. Oh, yes.

5 Q. Just tell us about that.

6 A. Yeah. So again, in this relationship, if the --
7 the abuser is -- the whole point is to have all the power,
8 and control, and have the attention on him. He is very
9 powerful over her. He is her god, and as I said -- and --
10 and is also the victim of all the circumstances that happened
11 to him. So really it is this person who really wants to have
12 his partner be everything to him. And so when there is a
13 partner who is caring for children, that means the attention
14 is not necessarily going to be on her partner at all times.
15 And so there is this sense of jealousy that happens,
16 especially if there are non-biological children that the --
17 that the abuser's non-biological children that the victim is
18 -- is caring for.

19 Q. Tell the jury a little bit more about that. Do
20 you have any data about threats to non-biological children by
21 abusers?

22 A. So domestic violence and child abuse, although are
23 two separate things, they correlate in the sense that if
24 there is domestic violence going on in the home and there are
25 children there, the likelihood for child abuse to occur

1 increases by about 70 percent. The concern also is that if
2 there is domestic violence and then child abuse going on, the
3 likelihood of that child being abused to the point of being
4 killed is eight times more likely if the child is not
5 biologically the -- the -- the perpetrator's.

6 Q. Okay. I know we've talked a little bit before,
7 and I've learned a lot from you, but are there certain
8 factors -- what -- what children are -- what qualities in a
9 child are most at -- put themselves most at risk from abuse
10 by an abuser of their mother? What -- what factors?

11 A. The -- the -- the factors that are the -- the
12 highest risk -- risk factors are children who are younger,
13 children who are the opposite gender of the perpetrator. And
14 children who have a -- who -- who need more care. Kids who
15 may have some difficulties in their own lives that require an
16 inordinate amount of care from the mom as well as from the --

17 Q. And children with disabilities?

18 A. Yes.

19 Q. And again, the ones that are not related to the
20 abuser are the most at risk?

21 A. Correct.

22 Q. And have you worked cases where harm -- in your
23 experience, where harm has come to the non-biological child
24 in this kind of scenario?

25 A. I have.