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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
APPEAL FROM JASPER COUNTY
Court of General Sessions
Honorable Robert Bonds, Circuit Court Judge

Published Opinion No. 6152 (S.C. Ct. App. Filed July 1, 2026)
Appellate Case No.

THE STATE, ... PETITIONER

v.

BRIAN JAMEL REDDING , ... RESPONDENT.

APPENDIX
Volume 1 of 2

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SC Court of Appeals

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Appeal from Jasper County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRIAN J. REDDING,

APPELLANT

APPELLATE CASE NO. 2022-001213

RECORD ON APPEAL

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IN THE GENERAL SESSIONS
COUNTY OF JASPER

State of South Carolina,

vs.

Transcript of Record
2020-GS-27-0701
2020-GS-27-0702

Brian Redding,

Defendant.

August 15, 2022
Jasper, South Carolina
Volume I of V

B E F O R E:

The HONORABLE ROBERT BONDS

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

Hunter Swanson, Solicitor
Carolyn Carmody, Representing the defendant

SHARON G. HARDOON, CSR
Official Circuit Court Reporter, III

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THE BAILIFF: All rise.

THE COURT: Be seated. Good morning. I wanted to follow up on one issue, and that was the cases that the solicitor provided to me to review and the issues concerning admission of evidence of discord.

I don't know if they were married. But at least some of the cases that were provided, they basically termed it admission of evidence of marital discord. And then I think, basically, this was standing for the general proposition that in a homicide case, the accused and decedent, if they've had previous difficulty, is generally admissible.

MS. CARMODY: Your Honor, I'm sorry. Can my client come out first?

THE COURT: Yeah, sure. Sure.

MS. CARMODY: I just want him to hear everything.

THE COURT: No problem.

(Defendant enters the courtroom.)

THE COURT: Mr. Redding, good morning.

All right. Mr. Redding, I -- just before you have got out here and your lawyer reminded me, one of the issues that I wanted to discuss this

morning before we moved forward dealt with the cases that the solicitor handed to me yesterday concerning what I think could be termed admission of evidence of discord.

Those cases dealt with marital discord, but I believe discord in general was the proposition that she felt these cases stood for. And when I reviewed the cases that she gave to me, that being the *State v. Taylor* case and also the *State v. Williams* case, I then also pulled the *State v. Clinkscales* case that I think also has some bearing and actually dates back to 1957 as it relates to these matters.

And what I've concluded is that, in homicide cases, evidence that the accused and decedent had previous difficulty is admissible. And it's admissible to show the animus of the parties and to aid the jury in deciding who might have been the probable aggressor. The general details of the difficulty, however, are inadmissable.

Now, I don't really know where this is going, except I do believe that I heard the solicitor indicate there was an event where, allegedly, the decedent -- excuse me -- the

defendant held a gun to the decedent or some facts of that nature. And I think that's what the counsel for defense, Ms. Carmody, was objecting to.

So, Solicitor, what is the nature -- I really want to address this now. Because what I don't want to do is have references to something in opening that can't necessarily be fixed at a later time.

MS. SWANSON: Right. And when I was preparing my opening, I was simply just going to describe the relationship as toxic. I'm not going to get into details about what those witnesses are going to say --

THE COURT: All right.

MS. SWANSON: -- since that has not been ruled on. But I can expand on what they're going to say at this point, if you wish.

THE COURT: All right. Well, first of all, Ms. Carmody, I don't think there's any objection to -- is there any objection to the description of a toxic relationship? I think the case law as it relates to that is pretty clear.

MS. CARMODY: I'm not really worried about that, Your Honor.

THE COURT: All right.

MS. CARMODY: I'm worried about specific instances.

THE COURT: That is what concerns me, Solicitor, is that the specifics as it relates to that matter, that's very concerning, particularly with that *Clinkscales* case where it actually involves a shooting and that was not admissible, a prior shooting.

And so I will tell you that concerns me. And I don't know that we have to take it up now, but I just wanted to make certain that we weren't going to get into that during the openings so that we wouldn't be -- but I think toxic, or however you want to describe him, volatile, whatever, I mean, I think that would certainly be sufficient. And I don't anticipate there will be an objection as to words of those natures. It's a specific event.

Is that correct, Ms. Carmody?

MS. CARMODY: Yes, Your Honor.

THE COURT: So, Solicitor, for right now is that good to then go ahead and move forward? And as we get into the testimony, if there's an objection, we can go and we can address those

issues at that time.

Is that satisfactory to the State?

MS. SWANSON: Yes, sir.

THE COURT: Ms. Carmody?

MS. CARMODY: Yes, Your Honor.

THE COURT: Okay. Are there any other pretrial matters that we need to -- or any other matters that we need to take up before we get the jury in here?

MS. CARMODY: Yes, Your Honor, briefly.

THE COURT: Hold on one second.

Anything from the State?

MS. SWANSON: No, Your Honor.

THE COURT: Ms. Carmody, yes, ma'am.

MS. CARMODY: Your Honor, there's two witnesses that I'm asking the Court to modify how they testify. The first one, her name is Ashley Dodson. Ashley Dodson is on the State's witness list and on our list. I'm not sure if the State intends to call her or not.

Ashley Dodson was very recently diagnosed with liver cancer. She's had a port put in. She is undergoing chemotherapy this week. She's very, very ill.

I'm asking the Court to allow her to

testify by Webex. She is under subpoena, but she is extremely ill. And I'm asking for her testimony by video.

THE COURT: Solicitor?

MS. SWANSON: Your Honor, I have no documentation of any of this. Additionally, she is local and she is a fact witness. I do believe that she is actually Mr. Redding's other girlfriend. And so I do believe that the jury would be best suited to be able to judge her credibility and her answers to the questions if she appeared right in front of them.

THE COURT: All right.

MS. CARMODY: Your Honor --

MS. SWANSON: If she were, you know, an expert or something, it would be much less important.

THE COURT: Ms. Carmody?

MS. CARMODY: Your Honor, she was, at the time, the girlfriend. She's since been engaged and I believe she is actually married now to another man.

THE COURT: Okay.

MS. CARMODY: You know, she is extremely ill.

THE COURT: Can you get me some documentation of that?

MS. CARMODY: Absolutely, Your Honor. Chemotherapy this week, and she's also having dialysis as well. She has a port. She's extremely sick. We're very fortunate she's still here right now.

THE COURT: Well, does she have a local physician?

MS. CARMODY: I can get documentation, Your Honor.

THE COURT: All right. Get some documentation, and I think that I certainly can take that up if I get some documentation as it relates to her condition, ma'am, okay?

MS. CARMODY: Thank you.

THE COURT: But certainly, she's not going to be called until your case, it seems. So, I mean, that isn't going to -- you've got time. But you need to get me some information that's going to indicate that she's not available, and then I will certainly consider that.

What else? Yes, ma'am.

MS. CARMODY: Your Honor, and one more is we also have another witness by the name if

Keith Horton. Keith Horton is the owner of the Siesta Motel where a lot of the Noonan sisters were living at. He is out of state this week, Your Honor, and I would ask that he be able to testify by Webex.

MS. SWANSON: Judge, this is getting a little ridiculous as far as -- I mean, the State's required to bring in all the witnesses for their trial, and we don't conduct complete trials over Webex. This is two witnesses now for the defense. I would object to it.

THE COURT: All right.

MS. CARMODY: Your Honor?

THE COURT: Yes, ma'am.

MS. CARMODY: The defendant is the one with a confrontation clause. The State doesn't have a confrontation clause issue.

Number two, the State actually had to replace one of their witnesses because the witness is out of state, and is replacing one of their experts and just sent me a CV for a new expert yesterday.

THE COURT: Yes, ma'am.

MS. CARMODY: So I don't see how this is any different.

THE COURT: Well, Ms. Carmody, based on the information that you provided me right now, I don't have evidence to be able. I -- don't have anything in front of me other than these allegations or statements -- not allegations. Statements from you, ma'am. And not that I don't believe you, but I've just got these statements and nothing else to consider. So I'm not in a position to grant or deny that matter at this time.

I -- we had a situation last term of court I was here involving witnesses and not being here. But I'm not going to rule on either one of those matters at this time. I think a ruling's premature. But I will tell you that I've got nothing to consider other than basically what you've told me. And I can tell you right now, that's not enough.

MS. CARMODY: Yes, Your Honor.

THE COURT: Okay.

MS. CARMODY: Your Honor, and -- before you call the jury in, I would just ask for two minutes to run to the restroom.

THE COURT: Of course. Yes, ma'am.

So what we'll do is we'll be at ease for

two or three minutes, and then I plan on bringing the jury in and I will read them some introductory language that I typically read, and then we'll let you-all go right into opening. Okay?

MS. SWANSON: Thank you, Your Honor.

THE COURT: Thank you.

(A break was taken from 9:27 a.m. to 9:37 a.m.)

THE COURT: Ms. Carmody, we ready to bring the jury in?

MS. CARMODY: Yes, Your Honor.

THE COURT: Is the State ready for us to bring the jury in?

MS. SWANSON: The State is, yes.

THE COURT: Let's get the jury.

(Jury enters the courtroom at 9:37 a.m.)

THE COURT: Ladies and gentlemen, good morning. And good to see you-all. And I want to thank you again for honoring your summons and being here. And now I'm going to ask that the clerk please swear this jury in.

THE CLERK: Can I ask you to please stand and raise your right hand.

Do you swear or affirm that you shall well and truly try the cases 2020-GS-27-701, 2020-GS-27-702, The State of South Carolina vs.

Defendant Brian Redding, and render a true verdict according to the law and through the evidence so help you God?

JURY PANEL: Yes.

THE CLERK: If you took the oath, you may be seated. Thank you.

THE COURT: Thank you, Madam Clerk.

All right. Ladies and gentlemen, we are about to begin the trial in the case of Brian Jamal Redding -- or The State of South Carolina vs. Brian Jamal Redding.

Before we begin the trial, I want to tell you this trial will probably be different from what you might expect. Many people don't have the opportunity to actually attend an actual court session as you're doing now, and may think, ladies and gentlemen, from watching TV, movies, or reading books that trials are always full of high drama, intense action, and riveting circumstances.

I will tell you that while all these things may be true at times, one of the major differences is that this trial is not for entertainment. This trial is a fundamental part of our democracy, and it's often -- and I will repeat this -- it's often a slow, deliberate, and

repetitive process. Slow, deliberate, and repetitive, ladies and gentlemen, because we've got to get this right. And that's the exact opposite of what you see on TV, the movies, and books.

The courtroom a place of honor. It's dedicated to the protection and preservation of citizens' rights for what many have called the greatest system of justice ever created.

The attorneys appearing before you are advocates for their parties they represent. But first and foremost, they are officers of the court sworn to uphold the integrity and fairness of our judicial system.

You should expect them to be professional, competent, and ethical in the representation of their client's interest. And, ladies and gentlemen, you also are expected to be professional, reasonable, and ethical.

Now, what I will now say is intended to serve as an introduction to the trial of the case. And these remarks are not a charge on the law in this case, and I'll instruct you on the applicable law at the end of the case, at the end of the trial, before you retire to consider your verdict.

This is merely an explanation of the procedure that we'll follow in the trial of this case so that you may better understand what's happening.

Now, ladies and gentlemen, I'm going to ask that you do not take notes during the trial. I believe that notes and note-taking can be distracting. Some folks may be deemed better note-takers than others. But just because they're a better note-taker doesn't mean that they're writing down or recording or making notes of the right thing. They may not being doing that.

The other thing that taking notes does is that it takes or often distracts you from the witness stand, because that's where the evidence in this case is going to come from; witnesses who will talk an oath, who will testify, and also evidence is going to come from exhibits that are entered into evidence.

What I want you to do is, ladies and gentlemen, throughout this trial, you're going to need to observe these witnesses, evaluate their believability, their credibility. And sometimes when you're taking notes, you're looking -- you're observing that witness. And so for those reasons, I'm going to ask that you not take notes during

this trial.

Now, the defendant, Mr. Redding, is charged by an indictment in this case with the crimes of murder and possession of a weapon during an alleged violent offense or violent crime.

And, ladies and gentlemen, the elements of these crimes will be explained to you later. Again, just like I said yesterday, the indictment, this piece of paper, is simply the charge by which this case or these charges are brought into court and is not in any sense evidence of the allegations it contains.

The defendant's pled not guilty to this indictment. The State, therefore, has the burden of proving each of the elements of the indictments beyond a reasonable doubt. And it will be your duty, ladies and gentlemen, to decide whether the State has met that burden.

Your purpose as jurors is to find and determine the facts. You're the sole judge of the facts. If, at any time, I make any comment regarding the facts, you must disregard it. You are to determine the facts from the testimony you hear and other evidence introduced in court. It's up to you to determine the inferences which you

feel may properly be drawn from the evidence. It is especially important that you perform your duty of determining the facts diligently and conscientiously. Because, ladies and gentlemen, ordinarily there is no way to correct an erroneous determination of facts by a jury.

On the other hand and with equal emphasis, the same law that makes you the judges of the facts makes me the judge of the law. The law as given by the Court is the only law you may consider. You must accept it, follow it, even though you may disagree with it. I cannot tell you what the facts are and you cannot disagree with me about what the law is or what the law should be.

Your job is to take the law as I give it to you, apply it to the facts as you find them from the testimony of the witnesses and other evidence that is introduced. And after doing that, you will render your verdict under the solemn oath that you just took as jurors.

Now, ladies and gentlemen, we talked about this yesterday. Until I advise you to begin your deliberations, you must not discuss this case with anyone, including your fellow jurors,

friends, family members, and anyone involved in the case. This includes discussions face to face, those by telephone, email, text, blogs, or any other method of communication. You may not use a computer, cellular telephone, or other electronic device with communication capabilities at any time while in the courtroom or during deliberations.

During breaks, over meals, or overnight, if necessary, you may use these devices. However, you may not at any time use these devices to get or send information about this case. And that includes information about a party, a witness, an attorney, a court officer, news accounts about the case, research or any topics related or raised, research or any topics that you think would be helpful in deciding the case, or any testimony presented by any witness.

During the trial, ladies and gentlemen, I would ask that you not read, listen to, or watch any news reports about the case. This includes anything that may be in the newspapers or on the internet, radio, or television. You must not consider anything you may have read or heard about the case outside of the courtroom, whether before or during the trial.

After the case is submitted to you, you must discuss it only in the jury room with your fellow jurors. The attorneys and the parties in this case have been advised that they are not to talk to you at all. So if you see somebody involved in the case and they don't say hello, they don't acknowledge you in any way or nod or smile, ladies and gentlemen, they're not being rude or unfriendly. They are following my specific instructions that I gave to them.

Now, folks, it's important that you keep an open mind and not decide any issue in the case until all the evidence has been presented, the parties have made their closing arguments, and I've instructed you on the law of the case. It's your solemn responsibility to determine whether the State has proven the defendant guilty beyond a reasonable doubt, and your verdict must be based solely on the evidence as it is presented to you in this trial and on the law as I instruct you during and at the close of the trial.

Now, in just a moment the solicitor will make what is called an opening statement in which the solicitor will explain to you the issues in this case or at least what the solicitor thinks

the issues are in this case. The attorney for the defendant may also make an opening statement, although she's not required to do so.

What the attorneys tell you, ladies and gentlemen, during their opening statement is not evidence in the case. It's only their contention as to what the issues are.

The evidence in the case will be presented to you by testimony of sworn witnesses from the witness stand and/or any other exhibits that may be introduced into evidence.

Now, from time to time, you're going to hear one or both of the lawyers say something like, "Your Honor, I believe we have a question of law" or "a matter of law to discuss with you." Or "Your Honor, may we approach the bench?" Or sometimes I might find it necessary to excuse you from the courtroom for a short while so the attorneys and I can discuss a matter of law. And let me just tell you what the reason for that is.

Ladies and gentlemen, sometimes when discussing matters of law with the attorneys, it may be necessary for me to make some comment as to the facts in connection with a ruling or as to whether a particular law applies.

I'm not supposed to tell you what I think the facts are, so I will excuse you from the courtroom while these discussions take place so that in no way will you be influenced by anything that I might say or do in connection with the facts.

In determining what the facts are in this case, you must decide whether or not the testimony of the witnesses is believable. It will be my responsibility to rule as a matter of law as to whether certain testimony is admissible at all or not. But once the testimony is admitted, whether or not you believe it, that's solely for you to determine.

Now, in deciding whether to believe a witness, you have a right to consider the interest of any witness, the bias of any witness, the prejudice of any witness, the opportunity for the witness to have seen the matters and things about which the witness may testify and the way the witness acts on the witness stand.

You have a right to consider anything that's in the record that will help you evaluate the testimony of the witnesses. That means, ladies and gentlemen, that it's your duty to pay

close attention to the witnesses, to observe the witnesses, to listen to the witnesses, and pay close attention to the attorneys and the court, try not to let your thoughts wander, but pay strict attention to the testimony in this case so that at the end of all the testimony, folks, after the arguments of counsel and the charge on the law by this Court, you will then be in a position to determine what the facts are and to apply the law to those facts and thus render a verdict.

Now, ladies and gentlemen, there's one other thing I want to remind you about, and I'm going to ask you to do is, when you take a break later this morning, I would ask if you-all could decide, or someone, or elect someone to be the foreperson of the jury. Okay? The foreperson merely is a spokesman for the jury. If the jury has a question, the foreperson will write that question down, give it to the bailiff, who will then give it to me, and we will then go and address that matter.

It's also the foreperson's duty at the close of the case to actually write down the verdict on the verdict form. But I'll give some more instructions to the foreperson about that

when the time comes. But, if you could, do that. And I would say, though, that my alternates cannot be the foreperson. The foreperson has to be one of the 12, but not one of the alternates. Okay?

Now, ladies and gentlemen, in order to preserve everyone's rights, I want to give the parties and opportunity to object to anything I've said.

Any objections to the instructions and words that I've provided to the jury from the State?

MS. SWANSON: None from the State.

THE COURT: From the defense?

MS. CARMODY: No, Your Honor.

THE COURT: All right. That being the case, ladies and gentlemen, we are ready to go ahead and start the trial.

Solicitor?

MS. SWANSON: Thank you. May it please the Court?

THE COURT: Yes, ma'am.

OPENING STATEMENT

MS. SWANSON: Brian Redding, who sits over here in the middle of these three people, was the last person to see Cypress Noonan alive right

before he shot her between the eyes. Cypress was just 16 years old when she was brutally murdered by her boyfriend, 31-year-old Brian Redding.

They had been in a relationship for about nine months prior to. It wasn't his only relationship. He also had a 34-year-old girlfriend in Beaufort and a wife that he was separated from with two kids.

In the months before her murder, they lived a very unstable lifestyle. Basically, they were scrambling for money, not gainfully employed, jumping from motel to motel, sometimes sleeping in the car. And while Cypress's family would have taken her in, Brian was another story.

They didn't approve of the vast age difference between the two. They were uncomfortable with that. And they had witnessed Brian's controlling behavior when it came to Cypress. But you've got to remember, a 16-year-old girl's version of love is very different than an adult woman who has lived life's lessons.

The first thing that you're going to hear is the 911 call from the defendant. In that call, he starts off waterworks. You're going to hear

those waterworks shut down very quickly, and then he starts spitting out specific times of where he was all morning because he knows he was the last person to see her alive.

You're going to hear that that call comes in at 9:46 a.m. on a Sunday morning. He claims -- he tells the 911 operator, the dispatcher, that he had stopped by the motel room about 8:00, 8:05, and she was sleeping. He saw her alive then.

So he's setting it up to where somebody, some stranger, came in and murdered this 16 year old who's sitting in a motel room bed between 8:00 and 9:45 on a Sunday morning in broad daylight when folks are getting ready to go to church, doing grocery shopping, I don't know, taking a morning walk with the dog in the middle of Ridgeland.

You're also going to hear about the scene and the evidence that was collected from it. You're going to hear from those witnesses from the witness stand. And we will have several experts come in and talk about the items that were collected and analyzed for forensics.

No doubt about it, this is a circumstantial case. However, it's not unlike any

other domestic homicide that I've prosecuted. Because what you have happens behind closed doors. There are two people that know what happened. Those two people are the ones in that room, in that relationship, and one of them is now dead.

So you've got to put the pieces together. And I'm telling you each piece will build on the next.

This was simply no random act of violence. No stranger home invasion. There is no forced entry. Nothing stolen. No robbery. You have to remember what makes sense here. Cypress, 16 year old Cypress, had no mortal enemies. There's nothing for any of these folks, any of her family or friends, to gain here. They have only suffered loss. Loss of a sister. She had several. You're going to hear from many of them. And loss of a daughter.

I don't want to get into too much this morning because I want you to hear from the actual witnesses and listen to the evidence as it comes out. What I say, what Ms. Carmody says, as Judge Bonds said, is not evidence. So your decisions and your view of the facts must be based on what comes in in admissible evidence through

witness testimony or through exhibits.

Now, I do want to mention that the State bears the burden of proof in this case, so it is our job to prove Mr. Redding guilty beyond a reasonable doubt. In other words, that means that you must be firmly convinced of his guilt to convict him after you've heard everything that comes in.

I believe Judge Bonds also covered the fact that it's your job to determine the facts of the case. He is the judge of the law. So once you get that law, you apply the facts, what you deem to be the truth, right, what you believe happened, to that law, and then you make -- you render your verdict from there.

Maintain your common sense. I'm sure that you all have your own life lessons that you can bring to the table, and, you know, your knowledge about how the world works. So I appreciate that.

We have, you know, the family of a murdered 16-year-old and a family seeking justice, and I know they pray that that happens here this week.

Thank you.

THE COURT: Thank you, Solicitor.

Ms. Carmody?

MS. CARMODY: Thank you, Your Honor.

THE COURT: Yes, ma'am.

MS. CARMODY: May it please the Court?

THE COURT: Yes, ma'am.

OPENING STATEMENT

MS. CARMODY: Good morning, everybody.

As I told you yesterday, my name is Carolyn Carmody. I'm an attorney here in South Carolina. I represent Mr. Brian Redding.

There's a lot of -- I want to give you a road map of what we're going to talk about. So the first thing I want to talk to you about is who is Brian Redding and who is Cypress Noonan. Then I want to talk to you about the background of who those people are and how they came together. Then you all want to hear, as I'm sure everybody wants to hear, what happened to Cypress Noonan. Then I want to tell you why we are here and what led us here. Okay?

Prior to doing that, I want to make one thing very, very crystal clear. Brian Redding is charged with murder. He is not charged with having a relationship with a 16-year-old girl. Do

we agree whether he should have a relationship with a 16-year old girl? Some of us do; some of us don't. Regardless, he is not on trial for that.

He is on trial for, as the solicitor said, putting a gun to her head and pulling the trigger. That is completely different than having a relationship with a 16-year-old girl. And I want to make sure that is crystal clear. The State did not charge him with that. That's not illegal in this state. The age of consent is 16. They were doing nothing wrong.

Additionally, Brian Redding is not on trial for drugs. This is not a drug case. This is a murder case. Okay? As I said -- and I cannot stress that enough -- this is a murder trial. He is charged with murder. And that is the facts that you will have to decide in this case.

Now, who is Brian and who is Cypress? So as the solicitor mentioned, Brian Redding was 31 years old at the time and Cypress was 16. The two of them, ironically, ended up in a relationship through Cypress's family.

Cypress did not have a good home life.

Cypress did not have a good relationship with her mom. She didn't even have a good relationship with her sisters. Oftentimes, she was living in a van outside. She was living in different motels. Brian and Cypress ended up meeting through Cypress's sister, and he ended up taking her in and caring for her. Okay?

So the two of them are staying in a hotel. Now, these aren't people of -- I mean, they have limited means. Okay? Neither one of them have the means to afford like we would look at an apartment or a house or things like that.

The Forest Motel is a motel of daily -- like daily rental. If you don't pay the bill that day, you have to leave. So it's not the situation where, you know, you would have a lot of things in the motel room because then you have to pack them up and you have to move every day. So you don't buy a lot of food and you don't put a lot of clothes in the motel room that you have to leave every day possibly by noontime.

As the State told you, Cypress was looking for money, as was Brian. Cypress -- the evidence in this case will show you what happened to Cypress. Cypress and Brian were both selling

drugs. Cypress was selling drugs to her sisters, to other people in the community, as Brian. This is not a drug case. Okay?

The evidence in this case -- you will see physical evidence in this case that there were drugs in that room that morning. When the police showed up that morning, there are drugs on the table. And you can see that the drugs on the table are packaged, that they were packaged for sale.

You can also see a baggie in the bathroom on the bathroom floor. And I believe that the evidence in this case will show you that this was a drug deal gone bad; that someone had come to the room that morning to buy drugs from Cypress, and maybe they didn't pay for them. I don't know. And at the end of this case, you are going to be left with more questions than answers. And there's one reason for that, and that's because of the way this case was investigated.

Ladies and gentlemen, this is the most botched investigation you will ever see. This investigation and the way it was handled lies solely at the feet of Agent McCallister. You will hear testimony and you will hear from

Agent McCallister how she investigated this case and what happened.

The very first day, Brian Redding called 911. He reported this to the police. He's on scene. He gives witness statements. He talks to the police. He volunteers to go to the police and talk to them. He sits hours down at the police station. They release him.

Agent McCallister calls him back. He goes back to the police station, gives several hours' worth of statement. Gives them everything they ask for; gunshot residue tests, his clothing, where he was that morning, telephone numbers, addresses for people that he was with, his cell phone. He gave them his cell phones. He gave them the passwords to his cell phones. He gave them everything they needed to investigate this case. All the information about Cypress's Facebook account, his Facebook account, he gave it to them all. He showed them, *Look, this is everything I have to give you.*

What do they do with it? Well, that day he wasn't arrested. They let him go home. Agent McCallister will testify she told him to go home and go to bed. That's what he did. He went

home.

Also, you heard testimony, Agent McCallister gave out her cell phone to numerous witnesses in this case. *Call me if you know anything. Text me if you know anything.*

Well, what happened was, she ended up developing a relationship with the family, with Cypress's sisters, and the mom, who all essentially speculated on what they thought happened. This is a grieving family who feels guilty. This is a family who did not have a relationship with Cypress. They feel guilty.

Who is the first person they are going to blame? Brian Redding. It must have been him. Who else could it have been? SLED starts buying this hook, line, and sinker. You will see through testimony that as the investigation starts to develop, SLED ignores information that's being provided to them.

They had specific information on people they should look at, and they didn't. They had an actual gun on scene that day when they have a shooting victim and told the sister, *Oh, when you have minute and you're not busy with your kids, send me a picture of your guns.*

Ladies and gentlemen, this is the most botched investigation you will ever see. That is why we are here. We are not here because Brian Redding committed murder. We are here because Agent McCallister, whether through inexperience or through passions or through just feeling bad, got emotionally connected to this case and allowed the information in this case to lead her in one direction. And in doing that, she ignored all these other pieces of evidence that could have determined what happened to Cypress.

By the end of this case, ladies and gentlemen, you will have more questions than answers. He did not commit murder.

Thank you.

THE COURT: All right. Ms. Carmody, thank you, ma'am.

Solicitor, you ready to call your first witness?

MS. SWANSON: I am, Your Honor.

THE COURT: All right.

MS. SWANSON: The State calls Philip Cothran.

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

Your testimony before this Court will be the truth so help you God?

THE WITNESS: Yes.

THE CLERK: Come around and have a seat in the witness chair.

WHEREUPON:

PHILIP COTHRAN,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Good morning.

A Good morning.

Q Can you state your name and spell it for the court reporter, please?

A Philip Cothran. First name is P-h-i-l-i-p. Last name is Cothran, C-o-t-h-r-a-n.

Q And who do you work for?

A I work for Jasper County Emergency Services in the 911 center.

Q And what is your position there?

A I am the 911 coordinator.

Q Okay. So as part of that position, do you keep records of 911 phone calls and recordings?

A Yes.

Q All right. Did we request that you make a

recording for a call that came in on September 6th of 2020?

A Yes.

Q And did you listen to that recording?

A I did.

(STATE EXH. 1, 911 recording, was marked for identification.)

BY MS. SWANSON:

Q Okay. I'm going to hand you what's been marked as State's Exhibit 1 and ask if you recognize this disc.

A I do.

Q What is it?

A That is the recording of the phone call you mentioned.

Q Is it a fair and accurate depiction of the call?

A It is.

Q Thank you.

MS. SWANSON: Your Honor, at this time, I would move to enter Exhibit 1 and request to publish.

THE COURT: Ms. Carmody, any objection to State's 1?

MS. CARMODY: No objection.

THE COURT: Admitted without objection.

(STATE EXH. 1, 911 recording, was marked for

identification.)

THE COURT: You may publish, yes, ma'am.

MS. SWANSON: Thank you.

(911 call played.)

THE COURT: Solicitor, let's start that over.

MS. SWANSON: Yes, I was about to.

THE COURT: I think with the microphone, it's certainly audible. And you may actually have to kind of push that microphone near it. That probably will do it right there. But we can start that over, please. Thank you.

MS. SWANSON: Yes, thank you.

(911 called played.)

BY MS. SWANSON:

Q Thank you, Mr. Cothran.

MS. SWANSON: No further questions.

THE COURT: All right. Any cross-examination?

MS. CARMODY: Yes, Your Honor.

Actually, may we approach?

THE COURT: Yes.

(Bench conference.)

THE COURT: Yes, ma'am.

MS. CARMODY: Your Honor, the State

admitted the 911 call, and I am requesting under the rule of completeness that we play a portion of the statement to law enfocement.

THE COURT: Solicitor, what's your position?

MS. SWANSON: That was the complete 911 call.

THE COURT: I'm not going to allow that at this time. I think she played the entire 911 call. It was admitted. You didn't object to it. There was no objection.

MS. CARMODY: All right.

THE COURT: So to that extent, I believe that is the complete 911 call. If you need to call somebody or put something on at a later time, then you can do that. But I'm not going to allow you to do that.

MS. CARMODY: We'd ask for the recordings or other statements to be considered together in fairness.

MS. SWANSON: That's hearsay.

THE COURT: Hold on.

MS. SWANSON: Okay.

MS. CARMODY: Under the rule of completeness, Your Honor -- I can grab the rule.

THE COURT: Well, that's like rule 101 or

whatever. 100 of the Rules of Evidence, I think.

MS. CARMODY: Admission of recordings and other documents to be considered together. That wasn't the entire description of what happened.

THE COURT: I understand that, but now is not the time for that to come in. And if it's going to come in at all, you can put whatever you want in. You can bring that up through the appropriate witnesseses. I'm not going to allow it at this time. I disagree with you on that. I don't think the rule of completeness states that now you just get to go and enter something else through him or ask him about something he doesn't know anything about. You'll have toget that in.

I'm overruling your objection.

MS. CARMODY: We're all on the record, right?

THE COURT: Yeah, we're on the record.

MS. CARMODY: I'm just making sure.

THE COURT: Everything is on the record.

MS. SWANSON: Thank you, Your Honor.

THE COURT: All right.

Cross-examination, Ms. Carmody?

MS. CARMODY: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good morning, Mr. Cothran.

A Good morning.

Q Mr. Cothran, did you -- do you actually answer calls for 911?

A I do have a normal shift. Yes, ma'am.

Q You do?

A Uh-huh.

Q Did you answer this particular call?

A No.

Q And do you have the CAD report?

A There should have been one submitted.

Q Do you have this?

A I don't have a copy of it, but that looks like what it should look like.

Q Do you know who actually did take the call?

A I do.

Q What was her name?

A Jessica.

Q Jessica?

A Ortega.

Q Ortega.

Okay. So if we wanted information about the call, it would best come from Jessica Ortega?

A Depending on what information you want.
Q Okay. So you're just a records custodian, correct?
A Amongst many other things.
Q But your purpose in testifying is just to present the record?
A Correct. That's my understanding of why I'm here.
Q Okay.

All right. So you didn't actually take the call or participate in any way, shape, or form that morning, correct?
A I believe I dispatched fire EMS to that case.
Q Oh, okay. All right, great. So I can ask you about dispatching the fire. When you dispatched them, did you -- were you aware if there was a weapon on scene or not?
A No.
Q And why weren't you aware of that?
A You assume there's always weapons on scene. But if I'm not there, I can't tell you whether there is a weapon there or not.
Q Is that something you would normally ask?
A Not necessarily.

Q Would you ask if the person is breathing?
A I believe normally, yes.
Q What's the purpose of you talking with the person on the phone? Like, what is the purpose just for you? And I understand you didn't actually take the call, but what would be your purpose? What's the objective?
A Like, normally when you take a phone call, you're asking information so you can figure out what's going on and who best to send to solve the problem. So, in other words, is it a law enforcement problem, is it a fire problem, is it an EMS problem, is it all three? Or is it none of those?
Q Okay. Is part of your job life-saving measures, too?
A Yes.
Q So whether somebody is breathing would be important, right?
A Typically, yes.
Q All right. And whether the scene was secure would also be an important question that you would ask?
A Yes.
Q All right. So when you dispatched the fire and EMS, you didn't have any information about whether

that scene was secure or not, correct?
A No. But then normally we wouldn't. That's typically done -- or not typically. It is done by law enforcement once they've arrived on scene.
Q All right. Do you generally ask who the person is who's calling? Would you ask?
A Again, it depends on the situation. If there's time to get that information, yes. If there's not, then no.
Q Do you have record of who -- where the call came from?
A A record of where the call --
Q Who made the call?
A It's in the CAD report.
Q If I showed it to you, would that refresh your recollection?
A Yes. It would be right here under caller name, which is Brian Redding.
Q Okay. So the call came in from Brian Redding, correct, to your knowledge?
A That's what that says.
MS. CARMODY: I beg the Court's indulgence, Your Honor.
THE COURT: Yes, ma'am.
MS. CARMODY: Thank you, Mr. Cothran. I

have no further questions.

THE COURT: Anything else, Solicitor?

MS. SWANSON: Just briefly.

REDIRECT EXAMINATION

BY MS. SWANSON:

Q Mr. Cothran, was all of the interaction between the dispatcher and Brian Redding contained in what we just listened to?

A Yes. As far as I know, that was the complete phone call.

Q Right.

MS. SWANSON: Thank you. That's all I have.

THE COURT: Ms. Carmody, anything else?

MS. CARMODY: No.

THE COURT: All right, sir. Thank you so much. You're released from your subpoena.

Any objection to him being released from the subpoena? From the State?

MS. SWANSON: Not from the State.

THE COURT: Ms. Carmody?

MS. CARMODY: No, Your Honor.

THE COURT: Thank you. Have a good day, sir.

MS. SWANSON: The State calls Chris

Warren.

THE CLERK: Raise your right hand. Place your left on the Bible. Your testimony before this Court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right around and have a seat in the witness chair.

THE COURT: Did you swear him in?

THE CLERK: Yes, Your Honor.

THE COURT: All right. Solicitor, your witness.

MS. SWANSON: Thank you.

WHEREUPON:

CHRISTOPHER WARREN,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Officer Warren, who were you working for and where on the morning of September the 6th of 2020?

A The Ridgeland Police Department.

Q All right. Are you still there?

A Yes, ma'am.

Q And what is your rank?

A Sergeant.

Q All right. And were you working the road that

morning?
A Yes, ma'am. I was coming on shift.
Q You were getting off shift?
A I was coming on.
Q Oh, coming on shift.
All right. And do you recall a call that came out around 9:45 that morning?
A Yes, ma'am.
Q What kind of call was that?
A It was a call to the Forest Motel in reference to a female that was in one of the rooms that was unresponsive and had a -- the call came out with a hole in her head.
Q Okay. Where is the Forest Motel located?
A It's on Jacob Smart Boulevard right next to the Siesta Motel, right here in the town of Ridgeland.
Q You said it was Room 22?
A It was Room 22.
Q All right. And that's within Jasper County, that motel is?
A Yes, ma'am. This town is Ridgeland.
Q Did you go inside that room?
A I did.
Q All right. And what did you find?

A I found a white female laying on the bed slumped over. She had a gunshot wound to the -- basically the forehead. She was unresponsive. Medic units arrived on scene shortly thereafter.

(STATE EXH. 4, Photo, was marked for identification.)

BY MS. SWANSON:

Q Okay. I'm going to hand you what's been marked as State's Exhibit 4 and ask you if you recognize what's contained in this picture.

A Yes.

Q What is it?

A That's the victim laying on the bed inside of Room 22. The same position as when we found her.

Q Okay. So same position as you recall walking into --

A Yes, ma'am.

Q All right. So that's a fair and accurate depiction of how you found the victim?

A Yes, ma'am.

Q And you did not move her or anything?

A I did not move her. No, ma'am.

MS. SWANSON: State's 4, I would request be admitted and move to publish.

THE COURT: Ms. Carmody, any objection to State's 4?

MS. CARMODY: State's 4?

MS. SWANSON: It's the picture I just showed you.

MS. CARMODY: No objection to State's 4.

THE COURT: Let me see that picture, please.

All right. State's 4 is admitted without objection.

(STATE EXH. 4, Photo, was entered into evidence.)

THE COURT: You may publish.

MS. SWANSON: Thank you.

And you'll have these pictures back in the jury room.

BY MS. SWANSON:

Q Where was Mr. Redding when you responded? Was he inside or outside of the room?

A If I recall correctly, he was inside the room on the bed. Sitting on the bed.

Q Okay. Did he have anything in his hands?

A He had a cell phone in his hand.

Q Can you identify Brian Redding?

A He would be the gentleman sitting at the defense table in the middle.

Q Okay, thank you.

In the room, did you see any signs of struggle?

A I did not.

Q And was there a firearm that you saw in the room?

A I did not locate a firearm, no, ma'am.

Q Did you check for a firearm?

A I did, as well as the other officer that was on scene.

Q All right. And what did you advise the investigations department of Ridgeland Police Department?

A I advised them of the nature of the call, that she was found unresponsive. She had a gunshot wound to the head. And that a shell casing was located. However, we were unable to locate a firearm, and that wasn't indicative of a suicide.

Q Did John Croft show up to the scene?

A Yes, ma'am.

Q Did you just turn it over to him at that time?

A Yes, ma'am. The scene was turned over to investigations.

MS. SWANSON: Thank you. I have nothing

further at this time.

THE COURT: Cross-examination, Ms. Carmody?

MS. CARMODY: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Corporal Warren, correct?

A Sergeant Warren.

Q Sergeant Warren. Your report said corporal. Promoted since?

A Yes, ma'am.

Q All right, congratulations.

So, Corporal Warren, were you the first officer on scene?

A Yes, ma'am.

Q Okay. And how were you dispatched? Like did you -- I mean, you weren't just driving by, right?

A No. I was dispatched via the radio.

Q Do you remember what information you were given?

A That the defendant had located the female inside the room. She had a -- she was unresponsive. And all that was advised to me was that she had a hole in her head. That's how it was dispatched and relayed to me.

Q When you arrived on scene, were you wearing a body

camera?
A Yes, ma'am.
Q All right. What's the purpose of wearing a body camera?
A To record your interactions with the public on a call.
Q All right. And were you wearing the body camera the whole time?
A I was wearing it the whole time. Yes, ma'am.
Q All right. I'd like to show you what's been premarked as Defense A, B, C, and D for identification.
MS. SWANSON: Judge, I'm not sure if it makes a difference. But just for housekeeping, I guess, is there a reason we're using letters instead of numbers?
MS. CARMODY: Does the court reporter prefer --
THE COURT: Madam Court Reporter, is it easier for everybody to use numbers?
THE COURT REPORTER: Yes.
THE COURT: Ms. Carmody, would it be okay if we just use numbers then? Is that okay?
MS. CARMODY: I can change mine to

numbers, sure.

THE COURT: That would be great. Thank you.

MS. CARMODY: So let's use numbers 1, 2, 3, and 4. Let me just change this one here. Let me relabel these.

(DFT. EXH. 1, Photo, was marked for identification.)

(DFT. EXH. 2, Photo, was marked for identification.)

(DFT. EXH. 3, Photo, was marked for identification.)

(DFT. EXH. 4, Photo, was marked for identification.)

BY MS. CARMODY:

Q Okay. Could you please look at these photographs here and tell the jury -- I mean, look at them first and see if you recognize them.

A Yes, ma'am. They appear to be pictures from the actual crime scene at the Forest Motel.

Q Okay. And hold on to those for a moment. Is that how you viewed the scene that morning when you showed up?

A It appears so, yes.

Q Okay.

A This is actually somebody else's body camera looking at me.

Q That's you in that body camera, though?

A Yeah, that's me.

Q All right. The person sitting there, do you recognize that person as well?

A That's Mr. Redding.

MS. CARMODY: Okay. Your Honor, defense moves for admission of Defense 1, 2, 3, and 4.

THE COURT: Any objection?

MS. SWANSON: No objection.

THE COURT: Admitted without objection.

Let me see them, please. Thank you.

(DFT. EXH. 1, Photo, was entered into evidence.)

(DFT. EXH. 2, Photo, was entered into evidence.)

(DFT. EXH. 3, Photo, was entered into evidence.)

(DFT. EXH. 4, Photo, was entered into evidence.)

MS. CARMODY: Your Honor, may I publish?

THE COURT: Yes, ma'am. You can publish.

MS. CARMODY: We can pass them around.

BY MS. CARMODY:

Q Who is depicted in this picture right here?
A That's myself, Mr. Redding, and I believe Deputy Johnson with the Jasper sheriff's office.
Q Is this outside of the room?
A Yes, ma'am.
Q All right. And this is Defense 2. What is that picture?
A That's a picture of the car Mr. Redding was driving in front of Room 22 outside the Forest Motel.
Q And this picture here is Defense 3. What are those?
A It's a picture outside of the front of the Forest Motel.
Q All right. And do you know what this is in this picture here? Do you know what this? Would this be to the left of the room?
A Yes.
Q Okay.
A That's to the left of it.
Q Do you remember what was over there?
A I do not.
Q All right. So let go to an overview first, defense 3. When you arrived at the Forest Motel that morning, were those vehicles in the parking lot?

A I don't recall.
Q No?
A I would assume so, but I can't say definitely. I mean ....
Q Well, you were wearing a body camera that day, correct?
A Yes, ma'am.
Q Okay. And would this be a picture from the body camera?
A If that's my bodycam, that would be an accurate depiction.
Q Approximately how many vehicles do you see in the parking lot?
A It looks like it's six.
Q And one over here?
A Yes, ma'am.
Q Seven?
A (Witness nods head up and down.)
Q All right. And then this picture here -- well, actually you can see in this picture as well -- what are all of those -- what are all of those there? Those are all doors?
A Yes, ma'am.
Q All right. And do you know if those doors are for various motel rooms?

A Yes, ma'am.
Q All right. And so we have seven vehicles outside and a bunch of motel rooms when you arrived on the scene?
A Yes, ma'am.
Q All right. And when you arrived on scene, what did you do personally yourself to secure that scene?
A We put up crime scene tape and stood outside the front of the room until investigators arrived on scene.
Q All right. When did you put the crime scene tape?
A I don't recall the exact time, but it wasn't too terribly long after we got there. We allowed the --
Q Would it have been when the detectives showed up?
A It should have been prior to that, if I remember correctly.
Q All right. You said you were wearing a bodycam that day?
A Yes, ma'am.
Q Okay. You don't know when you put up the crime scene tape, correct?
A Not exactly, no.

Q All right. Do you know if there was anybody else outside?
A There was other medic personnel as well as Officer Howard, the defendant, and Deputy Johnson.
Q What about other individuals?
A Outside the room?
Q Uh-huh.
A I didn't see anybody.
Q No?
A I don't recall none.
Q Have you had a chance to review your body camera?
A Yes, ma'am.
Q All right. And your testimony is that you did not see anybody else outside?
A Outside that specific room, no.
Q How about in the parking lot?
A I'm sure there was people outside. Yes, ma'am.
Q All right. As the first officer on scene, what did you do to talk to people that were on scene?
A At that present time, I didn't talk to anybody. My main objective was getting medic personnel there and make sure that we had

investigators en route to investigate the crime scene.

Q All right. So is it your testimony that you did not knock on any of those doors?

A Not at that present time, no.

Q No. Is it your testimony that you didn't ta1k to anybody out in the parking 1ot?

A At that present time, no.

Q Is it your testimony that you did not stop any of those vehicles from leaving?

A At that time, no.

Q Is it also your testimony that you did not search that area in any way, shape, or form?

A At that time, no.

Q It is also your testimony that there were other people out in the parking lot, correct?

A Yes, ma'am.

Q Now, do you recall -- you went into the room, correct?

A Yes, ma'am.

Q All right. And when you went into the room, you said Mr. Redding had been sitting on the bed?

A Yes, ma'am.

Q Do you recall what his demeanor was?

A He seemed upset.

Q But upset how?
A He just was upset, emotionally.
Q Emotional? Was he crying?
A He was making crying sounds. However, I never observed any tears or anything.
Q Were you looking for tears?
A Yes, ma'am.
Q Oh, okay.
So was the room light or was it dark?
A I would say in between.
Q Were the lights on?
A Not when I came in, no, ma'am. There was a lamp on later. I'm not sure if somebody else turned it on.
MS. CARMODY: All right. My apologies. I had to re-mark these with numbers instead of letters.
(DFT. EXH. 5, Photo, was marked for identification.)
(DFT. EXH. 6, Photo, was marked for identification.)
(DFT. EXH. 7, Photo, was marked for identification.)
(DFT. EXH. 8, Photo, was marked for identification.)

(DFT. EXH. 9, Photo, was marked for identification.)

(DFT. EXH. 10, Photo, was marked for identification.)

(DFT. EXH. 11, Photo, was marked for identification.)

(DFT. EXH. 12, Photo, was marked for identification.)

BY MS. CARMODY:

Q I'd like to show you what has been marked as Defense 5, Defense 6, Defense 7, Defense 8, Defense 9, 10, 11, and 12. Would you look at those? Do you recognize those photographs?

A Yes, ma'am.

Q What are those photographs of?

A Inside Room 22 of the Forest Motel.

Q Room 22 at the Forest Motel?

A Yes, ma'am.

MS. CARMODY: Your Honor, defense moves for admission of Defense 5 through 12.

THE COURT: Any objection, Solicitor?

MS. SWANSON: Without objection.

THE COURT: 5 through 12 admitted without objection.

(DFT. EXH. 5, Photo, was marked for

identification.)

(DFT. EXH. 6, Photo, was marked for identification.)

(DFT. EXH. 7, Photo, was marked for identification.)

(DFT. EXH. 8, Photo, was marked for identification.)

(DFT. EXH. 9, Photo, was marked for identification.)

(DFT. EXH. 10, Photo, was marked for identification.)

(DFT. EXH. 11, Photo, was marked for identification.)

(DFT. EXH. 12, Photo, was marked for identification.)

MS. CARMODY: All right. Your Honor, may I publish?

THE COURT: Yes, ma'am.

MS. CARMODY: I'm trying these pictures bigger.

THE COURT: Ms. Bostic, do you know how to make them bigger, the photographs? There we go.

MS. CARMODY: That's better.

THE COURT: Yes, ma'am.

MS. CARMODY: Much better.

BY MS. CARMODY:

Q So actually, let's go back to the other ones now that they're bigger. Let's start with -- so the jury can see what exactly it is we're looking at.

All right. So the first one that I showed you, this is Defense 1, correct? You had indicated that there were approximately seven vehicles in the parking lot, right?

A Yes, ma'am.

Q All right. And you also testified that you did not do anything to speak to any of those occupants of those vehicles.

A Not at that time, no.

Q And then we have -- and you did not knock on those doors, correct?

A Not at that time, no.

Q Okay. Then we have -- this is Defense 2. And this is the side-view looking down the hallway, correct?

A Yes, ma'am.

Q All right. Mr. Redding is sitting --

A To the left, outside the room.

Q I'm sorry?

A You're looking out to the left when you come

out of the room.

Q All right. And those are all motel rooms, correct?

A Yes, ma'am.

Q At this time, we don't see any crime scene tape, correct?

A No, ma'am.

Q Okay. And then this one is Defense 2. I'm sorry. This was Defense 1. This is Defense 2.

And Defense 2, this is outside of that room, correct?

A Yes, ma'am.

Q All right. And the vehicle that's outside the room right here, is this Mr. Redding's, the vehicle Mr. Redding was driving?

A Yes, ma'am.

Q Who's vehicle is this right here?

A That's mine.

Q All right. Do you see any crime scene tape in this picture?

A Not at that time, no.

Q All right. This area here, what is over here?

A That's a -- like a maintenance area.

Q All right. Would that be this right here?

A Close to it, yes.

Q Would this be that area to the left?
A Close to it, yes.
Q All right. And it was your testimony that you did not take any measures whatsoever to talk to anybody on the scene, knock on any doors, or check out any of these areas.
A Not at that time, no.
Q Okay.
All right. Then we have Defense 5. What is this a picture of?
A That's inside the room.
Q All right. Is that how the room looked when you entered?
A I don't recall.
Q You don't? Would reviewing your body camera refresh your recollection?
A I mean, I don't recall if the drawer was open. I'm not a hundred percent sure.
Q You don't know if this is -- was this the room? This is Room 22?
A Yes, ma'am.
Q Okay. Did you do anything to the room?
A I didn't open anything, no.
Q Okay. Then let's look at Defense 6. Is this also a picture of the room?

A Yes, ma'am.
Q All right. And did you do anything to change anything that's in this room?
A No, ma'am.
Q All right. And would the drawer on the end table be open?
A I did not open it, no.
Q Okay. And did you touch anything or move anything on that table?
A No, ma'am.
Q All right. What about to the left? Is there anything that you touched or moved there?
A No, ma'am.
Q Did you touch or manipulate anything at all in the room prior to the detectives showing up?
A Just retrieved an envelope that had the victim's Social Security card -- her birth certificate in it.
Q All right.
A And that was on top of the table.
Q Let's go back. On top of which table?
A The same table that had the --
Q This table here (indicating)?
A No, ma'am.
Q This table?

A Yes, ma'am.
Q Okay. And you said you retrieved what?
A It was a black bag. It looked like a mini book bag.
Q Okay. And did you -- did Mr. Redding actually tell you where to locate --
A Yes, ma'am.
Q -- her ID?
A Yes, ma'am.
Q He did. So he assisted you with getting her identification?
A Yeah, her birth certificate. Yes, ma'am.
Q All right. Did you observe anything on this table here?
A Nothing out of the norm, no, ma'am.
Q No? All right.
What about Defense 8? What is that?
A It's a pair of shoes, headphones, and a key.
Q Did you move any of those items?
A No, ma'am.
Q What about Defense 9?
A That's the side table. No, I didn't move anything.
Q Are these -- there are cigarettes on the table?

A Yes, ma'am.
Q All right. Somebody was drinking soda or something?
A I guess.
Q The drawer is open?
A Yes, ma'am.
Q Did you open that drawer?
A I did not.
Q All right. I'm going to show you what is Defense 7. What is that a picture of?
A The top of a table.
Q Did you in any way, shape, or form move anything on this table?
A No, ma'am.
Q Could you let the jury know what is observed on the table?
A A bag, a plate, an empty -- or a partial bag of Skittles, an ash tray, two cups, some change, and it looks like a cellophane bag.
Q What is this item here?
A I can't make it out in the picture.
Q Are those cellophane baggies?
A It could be.
Q Okay. Would this be razor blades right here?
A It could be.

Q All right. And cellophane bags here?
A Yes, ma'am.
Q Okay. You did not manipulate or move any of those items, correct?
A No, ma'am.
Q All right. Then we go into the bathroom. And on the bathroom floor is -- what is that on the floor?
A I don't know.
Q You want me to -- I can bring it up closer to you so you can see it.
A I can't tell what it is.
Q All right. So you didn't touch or manipulate or move anything on the bathroom floor.
A No, ma'am.
Q Okay. So I'm going to ask you now, this is the tub that was in the bathroom, correct?
A It appears so.
Q All right. And did you find -- when you went into the room, did you notice that the tub was wet or dry?
A I didn't check the tub.
Q Okay. But it would be on your body camera, right?
A I didn't check the tub.
Q You didn't go in the bathroom?
A I didn't check the tub.

Q I'm not -- did you go in the bathroom?
A Yes, ma'am.
Q Okay. You didn't notice if there was water on the floor or if anything was wet?
A I didn't see any water, no.
Q No, you didn't see any water.
A On the floor, no.
Q Okay. You didn't see any water in the tub?
A I don't recall any water in the tub.
(DFT. EXH. 12, Photo, was marked for identification.)
BY MS. SWANSON:
Q Okay. This is Defense 12. Same shower? You didn't move or manipulate anything in there, did you?
A No, ma'am.
Q You didn't notice any water pooled up anywhere, did you?
A No, ma'am.
Q Now, when you arrived on scene, you said Mr. Redding was in the room.
A If I remember correctly, yeah. He was sitting on the bed.
Q And was he on his cell phone?
A I don't think he was on the cell phone at that time. I know he was on the cell phone a

couple of times while I was there, but I don't recall him being on the phone when I first got there.

Q Okay. And so he was sitting on the bed on -- this is to the left-hand side of Cypress, so the side closest to the door?

A Yeah, to the left and towards the end of the bed. So to the left and away from her.

Q All right. So in an area that wasn't in a pool of blood?

A Correct.

Q All right And when -- did he speak with you?

A A little bit.

Q Okay. Did you tell him he had to speak with you?

A No.

Q All right. Did it seem like he was being cooperative with you?

A Yeah.

Q All right. And you went into the room. And did you go in the room or did somebody else go in the room to find the shell casing on the floor?

A Officer Howard did.

Q So that wasn't you?

A No, ma'am.

Q All right. And you asked Mr. Redding to complete a written statement as well, correct?
A Yes, ma'am.
Q All right. And did he voluntarily do that for you?
A Yes, ma'am.
Q Okay. And did he remain on scene the entire time that you were there?
A Yes, ma'am.
Q And he remained on scene until Detective Croft got there, correct?
A Until he got there. Yes, ma'am.
Q When Detective Croft got there, did you witness Mr. Redding get into the front seat of Detective Croft's vehicle?
A Yes, ma'am.
Q Did you witness Mr. Redding giving Detective Croft what is called a gunshot residue test?
A I did.
Q All right. And you witnessed that test being administered?
A Yes, ma'am.
Q And you testified earlier that you did not speak with anybody on scene at that time, you said, right?
A Correct.

Q All right. So at what point in time did you speak to people?
A Once investigators got on scene, then we started knocking on doors and things of that nature.
Q Which investigator?
A At that time, Investigator Croft was first. Once Lieutenant Litchfield got there, that's when we started knocking on doors.
Q So if we want to know what time you started to knock on doors and speak with people, it would be at the time that Lieutenant Litchfield arrived?
A It would be not too terribly long after he got on scene.
Q All right. At any point in time, did you yourself speak with the owner of the hotel?
A I did not, no.
Q All right. Can you give this jury any information about the people that lived there? Do you know who was living at the hotel?
A Not at the time. I don't. No, ma'am.
Q You don't know if anybody left either, correct?
A I do not.
Q You did not maintain a hotel manifest?
A No, ma'am.

Q Okay. And is it your understanding that this hotel is a daily rentals place?

A Daily or weekly rentals, yes.

Q It would be transient?

A For the most part.

Q All right. Did you see anybody walking around outside?

A There was a couple people walking, yes, ma'am.

Q Okay. Were one of the people outside the name Dervon Jones or Popeye?

A I believe so, yes.

Q Okay.

A Yes, yes.

Q Dervon Jones or Popeye was outside the hotel?

A Yes.

Q You did not speak with him?

A I did not, no.

Q All right. And what about Cypress's sisters? Were they outside?

A They came shortly there- -- or not shortly, but they arrived on scene while we was there.

Q Do you remember which sisters?

A To be honest, I want to say all of them.

Q You think all the sisters showed up?

A I believe so. I think the whole family arrived on scene.

Q The whole family.

So Brandie King included?

A Yes, ma'am. I believe so.

Q Brandie King came to the scene?

A I'm not a hundred percent sure. I know there was a good bit of family that was there. And when I say a good bit, there was probably eight, nine people out there that identified themselves as family.

Q Do you remember speaking with Detective Litchfield and telling Detective Litchfield that you were surprised Brandie King wasn't present?

A I don't recall.

Q Maybe it was Officer Howard.

A Could have been. I don't recall that statement. It could have been Officer Howard.

Q All right. So when you remain on scene, Mr. Redding and Detective Croft leave in his vehicle, Detective Croft's vehicle.

A Yes, ma'am.

Q All right. And prior to doing that, Mr. Redding's vehicle remained there, correct? Mr. Redding's vehicle remained on scene?

A Yes, ma'am.
Q All right. And, at some point, did somebody show up to tow that vehicle?
A Yes, I believe one of the investigators instructed Officer Howard to call the next wrecker to have it towed for processing.
Q And did you see that vehicle be towed?
A Yes, ma'am.
Q And approximately what time was that?
A I don't know the approximate time. It should be on the tow report.

MS. CARMODY: Beg the Court's indulgence, Your Honor.

THE COURT: Yes, ma'am.

MS. CARMODY: May I approach, Your Honor?

THE COURT: Yes, ma'am.

BY MS. CARMODY:
Q Would this be the tow report?
A Yes, ma'am.
Q Can you tell me what time the vehicle was towed?
A 11:08 a.m.
Q Okay. And -- all right. So using that 11:08 as a frame of reference, was crime scene tape put up before or after the tow truck arrived?
A It should have been before.

Q And how do you know that?
A I don't know for a fact. I would just assume that crime scene tape was put up before the tow truck was -- arrived on scene.
Q All right. So you don't know -- you really can't testify as to what time the tape was put up, correct?
A No, ma'am.
Q All right. Eventually, it got there.
A Yes, ma'am.
Q All right. Eventually, you-all talked to people at the motel.
A Yes, ma'am.
Q And that would have been sometime in the afternoon?
A Yes, ma'am.
Q Okay. By afternoon time -- are you aware of what time check-out time is?
A I believe it's 11:00.
Q And you wouldn't have talked to people at the rooms until after 11:00, correct?
A Correct.
Q All right. And when you talked -- knocked on the doors, did anybody answer?
A There was a few people that did answer.
Q Did anybody from that motel tell you that they saw

what happened to Cypress Noonan?

A No, ma'am.

Q Did anybody hear anything that happened to Cypress Noonan?

A Nobody told us they heard anything.

Q Okay. Did anybody at that motel tell you that they saw Brian Redding with a gun that morning?

A No, ma'am.

Q Did anybody at the motel tell you that they saw Brian Redding leaving the motel with a gun?

A No, ma'am.

Q Covered in blood.

A No, ma'am.

Q No.

Okay. Did anybody at the motel indicate that there had been a fight between Cypress Noonan and Brian Redding?

A No, ma'am.

Q Did anybody report calling 911 for any type of altercation, or anything like that?

A No, ma'am.

Q All right. How about the day prior, no altercation?

A No, ma'am.

Q All right. And did you speak with a man directly

to the left of Room 22?

A You said the manager or a man?

Q The man directly to the left.

A Yes, ma'am.

Q Did you speak with him?

A Yes, ma'am. The older gentleman, yes, ma'am.

Q So his wall -- his wall and the wall of Room 22 would have been -- like, they shared the same wall, correct?

A Yes.

Q All right. Did that man who shares the same wall with Room 22 indicate that he heard any type of a struggle?

A Not that morning, no.

Q How about -- not that morning?

A No, not at all. No.

Q Not at all. Okay.

A He did say he was out walking.

Q He was out walking.

But did he tell you about any fights between --

A No, he did not.

Q -- Cypress and Brian?

A He did not.

Q Did he say he's ever heard any type of arguments --

MS. SWANSON: Objection, Your Honor. Hearsay.

THE COURT: I'll sustain that objection.

MS. CARMODY: I'll rephrase the question.

BY MS. CARMODY:

Q Did you learn of any altercations between Cypress and Brian?

A No, ma'am.

Q And working for Ridgeland Police Department, did you receive any reports at all of any altercations ever between Cypress and Brian?

A No, ma'am.

Q Have you ever responded to a scene where anyone has ever called law enforcement and said they needed assistance and it was Cypress and Brian?

A No, ma'am.

MS. CARMODY: I beg the Court's indulgence, Your Honor.

THE COURT: Yes, ma'am.

BY MS. CARMODY:

Q I have no further questions, sir. Thank you very

much.

THE COURT: Anything else, Solicitor?

MS. SWANSON: Just briefly.

THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. SWANSON:

Q Sergeant Warren, are you aware of any evidence that indicates that Cypress Noonan was not shot in the head?

A No, ma'am.

Q All right. So whether or not someone heard shots or did not hear shots, she was shot in the head, right?

A Yes, ma'am.

MS. SWANSON: Thank you.

THE COURT: All right. Anything else, Ms. Carmody?

MS. CARMODY: No, Your Honor.

THE COURT: Okay, great.

Officer Warren, sir, thank you very much.

Any objection to him being excused from any subpoenas he may be under?

MS. SWANSON: No, Your Honor. Thank you.

MS. CARMODY: Subject to recall by defense. If he can leave a cell phone number.

THE COURT: All right. Officer Warren, if you can provide a number where you can be reached in the event -- or provide that to Ms. Carmody in the event that she wants to recall you, sir.

THE WITNESS: Yes, sir.

THE COURT: Officer Warren, please don't speak with any potential witnesses in this matter. Okay, sir?

THE WITNESS: Yes, sir.

THE COURT: Okay, thank you.

Let's take a break for a few minutes. Is that all right?

Ladies and gentlemen, what we're going to do is, we're going to take a break for a few minutes. If you-all would -- this TV's in an awkward position because I've got to dodge around it, this one right in front of me, to be able to see you. But what I want to tell you is this: Don't talk about the case. And then, also, if you would, see if you-all could elect a foreperson. And if you would write the foreperson's name down on a piece of paper, give to the bailiff so we can have that and make that a part of the Court's record. So don't talk about the case. See you

back here in a few minutes. Thank you.

(Jury exits the courtroom at 11:08 a.m.)

THE COURT: Anything before we break from the State?

MS. SWANSON: I'm sorry?

THE COURT: Anything before we break from the State?

MS. SWANSON: No. Thank you, Your Honor.

THE COURT: Anything from the defense?

MS. CARMODY: No, Your Honor.

THE COURT: Thank you.

(A break was taken from 11:15 a.m. to 11:25 a.m.)

THE DEPUTY: All rise.

THE COURT: Thank you. You can be seated.

Anything from the State before we bring the jury in?

MS. SWANSON: Nothing from the State.

THE COURT: Anything from the defense?

MS. CARMODY: No, Your Honor.

THE COURT: All right. Great, thank you.

(Jury enters the courtroom at 11:26 a.m.)

THE COURT: All right. Thank you.

Mr. Travis Reynolds?

THE FOREPERSON: Yes, sir.

THE COURT: Mr. Reynolds, thank you for being recruited or volunteering to be the foreperson. Okay? And what I'd like you to do, sir, is --

Madam Clerk, don't you normally put the foreperson in this first seat right here?

THE CLERK: Yes, sir.

THE COURT: What I need you to do -- you-all can sit wherever you want to sit. My alternates need to sit right there. But you-all can sit wherever you need to sit or want to sit except the foreperson, because the foreperson needs to sit in the seat right here up front on the first row where you are, sir. So if you-all would, switch.

And then, again, any seat, just pile in. I just need my foreperson seated right there, okay? That would be great.

So I've got this. I'm going to make this a Court's exhibit. If anybody wants to see this, it will be available for the parties to look at.

Thank you all so much.

(COURT'S EXH. 1, Foreperson, was entered into evidence.)

THE COURT: I think we're ready to continue with the trial of the case.

Solicitor, you can call your next witness, please.

MS. SWANSON: Thank you. State calls Mike Royals.

THE CLERK: Raise your right hand and place your left hand on the Bible. Your testimony before this Court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right around and have a seat in the witness chair.

THE COURT: Good morning, sir.

THE WITNESS: Good morning.

THE COURT: Solicitor, your witness.

MS. SWANSON: Thank you.

WHEREUPON:

MICHAEL ROYALS,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Mike, can you please spell your name for the court reporter.

A It's Michael Royals, M-i-c-h-a-e-l,

R-o-y-a-l-s.

Q All right. And where do you work, sir?

A Jasper County Fire Rescue.

Q How long have you worked there?

A I'm getting ready to start my 19th year.

Q Are you a paramedic?

A Yes, ma'am.

Q How long have you been a paramedic?

A Since 2003.

Q Okay. Were you on duty the morning of September 6th of 2020?

A Yes, ma'am.

Q Tell us what kind of call you were dispatched to.

A We were initially called for a GSW, which is gunshot wound. That was what we were dispatched for that morning.

Q And where were you called out?

A What do you mean?

Q What was the location?

A To the hotel that's listed on my report.

Q Okay. Do you need to see your report, sir?

A Yes, ma'am, please.

Q All right. I'm going to hand you a copy of your report. If you can, tell us where you responded that morning and at what time.

A The address was 10504 South Jacob Smart Boulevard.
Q All right. Is that within Jasper County?
A Yes, ma'am. It's in the city limits.
Q What time did you respond?
A According to this, we were notified at 9:48 in the morning.
Q All right. Who was there when you got there?
A When we got there, law enforcement, as well as Ridgeland Fire Department. Their first responders.
Q So Ridgeland Police Department and Ridgeland Fire Department?
A Yes, ma'am.
Q All right. What did you find when you went into the room?
A A 17-year-old female sitting upright in the bed with a single GSW to the head.
Q 16 or 17?
A I apologize. My report says 16 in the narrative.
Q And you recalled her position as being?
A It looked like she was sitting upright in the bed.
Q I'm going to show you what's been entered as

State's Exhibit 4 and ask if you recognize what's contained within this picture.

A This -- I believe so. When we saw her, she had covers over her legs.

Q Okay.

A So I don't know at this point. When we initially walked in, she was actually still sitting upright. The GSW was clearly visible from the door when you walked in.

Q Okay, thank you.

So you remember her legs being covered and she was more upright?

A Yes, ma'am.

Q How much blood was there?

A Not very much that was visible. She had a single trickle coming down where she was shot. That was all that I recall.

Q You do not recall much blood from the head?

A No, ma'am.

Q Does your report say anything about a severe hemorrhage?

A It does. The severe hemorrhage was from the backside of the head, if I remember correctly.

Q Did she have any signs of life?

A No, ma'am.

Q Pulse was absent?
A Pulse was absent and she was apneic.
Q So she was dead.
A Yes, ma'am.
Q No life-saving measures done?
A No, ma'am.
Q Okay. And you don't know where the entrance or exit wounds would have been?
A No, ma'am.
Q Because that's not what you're qualified to do.
A No, ma'am.
Q Okay. And did you move the victim at all?
A I did not. When we got there, my partner placed the patient on the cardiac monitor to determine the rhythm that she had. According to my report, she was in asystole, which is an absence of rhythm. And that was the extent that the body was touched.
Q Okay, thank you. I have nothing further for you at this time.

THE COURT: Ms. Carmody, do you have any cross-examination?

MS. CARMODY: Yes, Your Honor.

MS. SWANSON: And he still has a copy of the report, Ms. Carmody.

MS. CARMODY: Okay.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good morning, Mr. Royals.

A Good morning, ma'am.

Q My name is Carolyn Carmody.

What time did you arrive on scene?

A As listed in the call notes, we arrived on the scene at 9:53:10.

Q Okay. And you said you responded to -- was it a 911 call?

A Yes, ma'am.

Q All right. And what information were you given in that call?

A All we were advised was a GSW to the head, and that was what was given.

Q And when you arrived on scene, were there people around?

A Law enforcement was already there. They had to secure the scene. Originally, fire came in before us, and then we were there.

Q Okay. So when you arrived, we already have Ridgeland Fire there previously, and then you said law enforcement there as well.

A Yes.

Q Did you notice anybody else?
A There was -- as I note, the boyfriend was on scene, as he identified himself.
Q Okay. The boyfriend that you're talking about is Mr. Redding over here? Mr. Redding?
A I honestly don't remember what he looks like.
Q Okay. But your report notes boyfriend was on scene?
A Yes.
Q The place that you went to, it was the motel, the Forest Motel?
A Yes, ma'am.
Q All right. When you got there, they did not have crime scene tape up yet, correct?
A No, ma'am. Not that I recall.
Q And when you got there, you know, your job was to determine whether the victim, Cypress, needed any treatment, medical treatment.
A Yes, ma'am.
Q And -- so you can't testify as to what happened before you were there, right? You don't know whether anybody moved anything or whether anything was --
A I was not there to witness anything that occurred prior to me getting there.

Q How long were you on scene?
A According to this, we arrived on scene at 9:53. We were clear at 10:12.
Q 10:12?
A Yes, ma'am.
Q All right. And did you notice any other injury to Ms. Noonan besides the gunshot wound?
A To be completely honest, no, ma'am. Once we got there, we knew it was a crime scene. I believe I may have stepped into the room. I'm not a hundred percent sure if I approached her or not. And then we started to back out because it is a crime scene. We try to limit our interaction with it as much as possible.
Q Okay, right.

At this point, you work for EMS and you already know it's a crime scene and that you shouldn't disturb anything in the area.

A Correct.
Q All right. Did you see anybody else in the room?
A Law enforcement had gone into the room. I'm not a hundred percent positive of anybody else. I know my partner and I came in.

Again, I told him to place her on the cardiac

monitor so we could determine whether any life-saving efforts would be useful or if they would be futile and then made a point to try to get out.

I may have walked back in in an attempt to gain information for the report, but I believe that was the extent of my time in the room.

Q Did Mr. Redding provide you information for Ms. Noonan?

A That, I do not recall.

Q Would it indicate that in your report?

A No, ma'am.

Q All right. You didn't have -- you didn't know who she was, or her date of birth, or anything like that, right?

A I notated in my report the boyfriend was on scene, not able to provide any information on patient's history, medications, or allergies.

Q That's it.

A I believe I got patient's name and date of birth from law enforcement.

Q All right. Hang on one second.

I'll collect that report from you, sir. Thank you, sir. I appreciate your time, and thank you very much.

MS. CARMODY: I have no further

questions.

THE COURT: Solicitor, anything else?

MS. SWANSON: Nothing further.

THE COURT: All right, sir. Thank you so much for being here.

MS. SWANSON: Is he allowed to be excused?

THE COURT: Yes. Any objection to being excused, Ms. Carmody?

MS. CARMODY: No, Your Honor.

THE COURT: Sir, you're excused from any subpoena you may be under. Thank you.

THE WITNESS: Thank you.

MS. SWANSON: The State calls John Croft.

THE CLERK: Raise your right hand, place your left on the Bible. The testimony about to give this Court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right around.

THE COURT: Good morning, sir.

THE WITNESS: Good morning, sir.

THE COURT: Solicitor, your witness.

MS. SWANSON: Thank you, Your Honor.

WHEREUPON:

JOHN CROFT,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Deputy Croft, who do you work for now?

A Jasper County Sheriff's Office.

Q And who did you work for in September of 2020?

A Ridgeland Police Department.

Q In what capacity?

A I was an investigator in criminal investigations.

Q All right. And so were you called out the morning of September 6th of 2020?

A Yes, ma'am.

Q What kind of -- what kind of event did you respond to?

A Originally, I was told it was a suspicious death. It later turned out to be a homicide.

Q What changed it from a suspicious death to a homicide?

A The search that was conducted of the room developed no weapon that was used.

Q All right. So who called you that Sunday morning?

A He is now a sergeant, but it was Corporal Chris Warren at the time.

Q All right. And who all was on scene when you got there?
A Sergeant Warren, I believe Officer Howard, and EMS.
Q All right. Were you able to determine -- first of all, what hotel room did you respond to?
A I don't recall the hotel number, the room number, but the Siesta.
Q The Siesta or the Forest?
A I'm sorry. The Forest.
Q All right. Room 22, does that ring a bell?
A Yes, ma'am, it does.
Q Were you able to determine whose room that was?
A It was the deceased and Mr. Redding's room, Brian Redding's room.
Q So Cypress Noonan and Brian Redding's room?
A Yes, ma'am.
Q Was Brian Redding on scene when you got there?
A Yes, ma'am, he was.
Q All right. Were you-all able to determine what sort of relationship there was between the two of them?
A They were a boyfriend/girlfriend couple.
Q All right. And can you identify Brian Redding in the courtroom today?

A Yes, ma'am. The defendant.
Q Okay. What did you observe at the scene? What did the scene look like?
A The victim was sitting up in the bed with her back against the headboard. Obviously, she had a massive head trauma. There was -- the bed itself was pretty much soaked with blood.
Q Was that primarily on the left or the right side?
A I believe it was the right side.
Q Okay. Now, did you all as an agency -- I'm talking about Ridgeland PD -- decide to investigate the case or did you call anyone else in?
A We called the South Carolina Law Enforcement Division, or more commonly called SLED, to investigate.
Q All right. So did they begin assisting and then take over the case or how does that work?
A The supervisory investigator with us was Lieutenant Litchfield. He would make the call to SLED dispatch and ask for a request. They come down, and then it's kind of a meeting of the minds to figure out who's -- what kind of resources we can develop and use. That's the easiest way to put it.

Q All right. And so who was first to arrive from SLED?
A I believe Ms. McCallister was.
Q Agent McCallister?
A Yes, ma'am.
Q At some point, did you request to perform a GSR kit on Mr. Redding?
A Yes, ma'am, I did.
Q Did you complete that kit?
A Yes, ma'am, I did.
(STATE EXH. 18, GSR kit, was marked for identification.)
BY MS. SWANSON:
Q I'm going to show you State's Exhibit 18. And I'm cutting this open. I'll hand you the scissors because I know the paperwork is contained within this. But I do want you to identify this item.
A This is the analysis data sheet that has my signature on it I fill out the day of. It also has the defendant's name on it, dates, times, case number.
Q And what is the time that that kit was performed on Mr. Redding?
A 10:25 a.m.
Q 10:25 a.m.

A Yes, ma'am.
Q Thank you.
MS. SWANSON: And this is Item 18 for identification purposes at this time.
THE COURT: All right.
(STATE EXH. 17, Cell phone; Cypress, was marked for identification.)
BY MS. SWANSON:
Q I'm going to hand you what's been marked as State's Exhibit 17 and ask if -- actually, I'll just open this for you -- and ask if you can identify what's contained within this package.
A A cell phone from the victim.
Q Okay. So that's a cell phone from Cypress -- or Cypress Noonan's cell phone?
A Yes, ma'am.
Q You collected that cell phone?
A Yes.
Q And you collected it from whom?
A The defendant.
Q You collected that -- Cypress's cell phone from Mr. Redding?
A Yes, ma'am.
Q Okay, thank you.
MS. SWANSON: The State would offer 17 at

this time.

THE COURT: Any objection?

MS. CARMODY: Without objection.

THE COURT: All right. 17 is admitted into evidence without objection.

(STATE EXH. 17, Cell phone; Cypress, was marked for identification.)

BY MS. SWANSON:

Q Deputy Croft, I don't have any further questions at this time. Please answer any questions that Ms. Carmody may have for you.

A Yes, ma'am.

THE COURT: Ms. Carmody, do you have any cross-examination?

MS. CARMODY: Yes, Your Honor.

THE COURT: All right. Go right ahead, ma'am.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good morning, almost afternoon.

A Good morning.

Q All right. When -- what time did you arrive on scene?

A I don't know the exact time, but it was that morning.

Q Okay. So we established that you took the GSR test at 10:25. Was it an hour before when you got there?

A I don't recall exactly.

Q You don't remember, okay.

When you arrived on scene, crime scene tape had not been put up yet, correct?

A No, ma'am.

Q You instructed the officers to put up the crime scene tape.

A Yes, ma'am.

Q And when you arrived on scene, you arrived to a motel room?

A Yes, ma'am.

Q And there were numerous cars in the parking lot?

A Yes, ma'am.

Q And other people on scene?

A Yes, ma'am.

Q What about a guy that was determined to be Popeye or Dervon Jones? Was he on scene?

A I don't recall that.

Q You didn't speak with him?

A I don't recall.

Q When you arrived on scene, did you knock on any of the doors?

A Yes, ma'am.
Q Which doors did you knock on?
A All of them.
Q As soon as you got there?
A No, not as soon as I got there.
Q Okay. So approximately when did you knock on the doors?
A When Crime Scene with SLED began processing the room, I started a canvass of the rest of the rooms to see if anybody had any information.
Q You started knocking on doors when SLED arrived, right?
A When the Crime Scene arrived.
Q So not Katie McCallister. That would have been Beasley. Beasley?
A No, she's not part of Crime Scene.
Q Okay. Do you know who from Crime Scene arrived?
A I don't remember their names.
Q Okay. So -- okay. When you arrived on scene, Mr. Redding was on scene.
A Yes, ma'am.
Q All right. And when you arrived on scene, he was sitting outside the room in a chair?
A Yes, ma'am.
Q All right. And you were informed -- well, you're

the detective on scene now, right?
A Yes, ma'am.
Q All right. So until SLED arrived, this is essentially your show. You're responsible for what's going on.
A Yes, ma'am.
Q Okay. And so you're telling other people what to do, right?
A Yes, ma'am.
Q And the goal is to preserve evidence, preserve witnesses, things like that?
A Yes, ma'am.
Q All right. Kind of take a snapshot of what's going on so you can develop your case?
A Yes, ma'am.
Q And so at that time when you first arrived, you don't speak to anybody in the parking lot, you don't knock on any doors.
A No, not right away.
Q Okay. And did you see Mr. Redding or a vehicle Mr. Redding was using outside?
A Yes, ma'am.
Q All right. And that was a white Toyota Avalon?
A Yes, ma'am, I believe so.
Q All right. Are you aware that Mr. Redding was

completing a written statement?

A I was told he was later. Yes, ma'am.

Q And you were also -- were you aware or informed as the detective on scene that Mr. Redding had given officers a statement as well?

A Yes, I was later.

Q Okay. And when you were speaking with Mr. Redding, he wasn't under arrest?

A No, ma'am.

Q All right. At some point, you go into the room.

Did you go into the room before you went back to Ridgeland P.D. or after?

A Which room?

Q The room where Cypress is.

A I went in before.

Q You went in before, okay.

So I want to show you what's been previously introduced as Defense 3. Is this the scene as you arrived?

A The parts --

Q To the right.

A Yes, ma'am.

Q And --

MS. CARMODY: May I publish, Your Honor?

THE COURT: Yes, ma'am.

BY MS. CARMODY:

Q So this has been previously introduced as Defense 3, and this is the -- these are some of the vehicles that are on the right.

A Yes, ma'am.

Q So if we can describe for the jury the layout of the Forest Motel, is it -- what was the layout?

A It's basically an L-shaped, single-story hotel.

Q These vehicles here would be to the right-hand side of Room 22?

A Yes, ma'am.

Q Okay. And they're also at the other side of the L, correct?

A Um-hmm.

Q So do you know how many rooms are on the other side of the L?

A I don't recall the exact number.

Q Room 22 is located the second room from the middle of the L, so to speak?

A Yes, ma'am.

Q All right. And there's room to the left-hand side of that?

A Yes, ma'am.

Q And also -- I'm going to put it up on the monitor

here. So this is Defense 2. This would be -- Room 22 would be right here in front of this vehicle?

A Yes, ma'am.

Q And to the left, there's another room here?

A Yes, ma'am.

Q And then there's this area here. Is this a maintenance area?

A From the best I can tell, yes, ma'am. There's just a lot of other junk back there.

Q Okay. Let me give you another one.

This here, is this the maintenance area?

A Yes, ma'am.

Q Okay. And is this a single-story structure?

A Yes, ma'am.

(DFT. EXH. 5, Photo, was marked for identification.)

BY MS. CARMODY:

Q All right. And when you went into the room -- I'd like to show you Defense 5. Is that a fair and accurate representation of what the room looked like when you went in there?

A The -- that area.

Q That area of the room, yes, sir.

So the drawers were open?

A Yes, ma'am.

BY MS. SWANSON:

Q And what about this here? This is Defense 9. Is this the end table?

A Yes, ma'am.

Q And the end table would have been located to the left of Ms. Noonan on the bed, correct? So Ms. Noonan would be here in the bed, and the end table -- I'm sorry.

A It would be to her right.

Q Her right, our left.

A Yes, ma'am.

Q Okay. And the drawer was open when you entered the room?

A Yes, ma'am.

Q And this here, is that a fair and accurate representation of -- we have -- the bed would be here, this is the end table, this is in the corner, the door would be here?

A Yes, ma'am.

Q In this area here.

All right. Did you move or do anything with those items?

A No, ma'am.

Q Well -- these items on the floor, you didn't move or disturb those in any way?

A No, ma'am.
Q What about this photo here? And this is Defense Number 1. Did you move or disturb any items in this photograph?
A No, ma'am.
Q All right. Can you -- you've had training and experience in law enforcement for a while?
A Yes, ma'am.
Q How long have you been in law enforcement?
A About 15 years.
Q Okay. And based on what you see on that table, would it indicate to you that there is a presence or what appeared to be narcotics that were there at one point in time?
A Yes, ma'am.
Q All right. And would that be indicated by these razor blades here?
A It would be the totality of the evidence there, the Baggies and the blades and --
Q So --
A -- the way it's laid out.
Q In your training an experience, these baggies here would be used to package some type of narcotic?
A Typically, yes, ma'am.
Q And this here, too, as well?

A Yes, ma'am.
Q Do you recall residue or some narcotics on this razor blade here?
A I don't recall at this moment.
Q Okay. Do you recall -- did you go into the bathroom?
A Yes.
Q Okay. And is this a fair and accurate representation of what the bathroom looked like when you went in there?
A Yes, ma'am.
Q And this is Defense 10. And is this a baggie in the middle of the floor here in the bathroom?
A Yes, ma'am.
Q Did you collect that baggie into evidence?
A I did not.
Q What about these hear from Defense 1? Did you collect any of these narcotics or suspected narcotics or baggies on this table?
A No, I would not have.
Q You didn't collect any of them?
A That's why we called SLED Crime Scene in, to process the scene.
Q You didn't collect any evidence from the scene?
A Just the GSR kit and the phone.

Q When you went into the bathroom, do you recall -- was this a fair and accurate representation of the tub area?

A Yes, ma'am.

Q This is Defense 12 and Defense 11. Are these fair and accurate representations of the tub?

A Yes, ma'am.

Q And do you recall whether the tub was wet or there was water in and around the tub area?

A I do not recall that.

Q From these photographs, do you -- is there water in the tub or in the tub area?

A I'm sorry?

Q From the photographs, is there water -- the tub appeared to be wet?

A I can't tell from the photograph.

Q Okay. So this photograph here, this is Defense 12. Is this the shower curtain that's bunched up on the left-hand side?

A Yes, ma'am.

Q From the photograph, does it appear that there's any water in the tub?

A Again, I can't tell from the photograph.

Q I can show you a closeup and have you look at it.

MS. CARMODY: May I approach, Your Honor?

THE COURT: Sure. Yes, ma'am.

BY MS. CARMODY:

Q Does there appear to be?

A It doesn't appear so by those photographs.

Q Thank you.

All right. So you testified you didn't collect anything from inside the room itself, correct?

A Yes, ma'am.

Q All right. When you exited the room, did you speak with Mr. Redding?

A Yes, ma'am.

Q All right. And in speaking with Mr. Redding, did you ask him if he would be willing to submit to what's called a gunshot residue test?

A Yes, ma'am.

Q Did Mr. Redding cooperate with you in doing that test?

A Yes, ma'am. He did.

Q You requested an officer be near you with a body camera?

A Yes, ma'am.

(DFT. EXH. 13, Photo, was marked for identification.)

(DFT. EXH. 14, Photo, was marked for

identification.)

(DFT. EXH. 15, Photo, was marked for identification.)

BY MS. SWANSON:

Q I'd like to show you what has previously marked as Defense 13, 14, and 15 for identification.

MS. SWANSON: No objection.

BY MS. SWANSON:

Q If you could, identify those pictures there.

A Those would be Mr. Redding sitting in passenger's seat of my patrol vehicle.

MS. CARMODY: And may I publish, Your Honor?

THE COURT: Yes, ma'am. Have those already been admitted?

MS. CARMODY: I'm sorry, Your Honor. Defense seeks to admit Defense 13, 14, and 15.

THE COURT: 13, 14, and 15. And I believe the solicitor has already indicated that she has no objection to them?

MS. SWANSON: That's correct.

THE COURT: So we're going to admit them without objection. Thank you.

(DFT. EXH. 13, Photo, was entered into evidence.)

(DFT. EXH. 14, Photo, was entered into evidence.)

(DFT. EXH. 15, Photo, was entered into evidence.)

MS. CARMODY: May I publish, Your Honor?

THE COURT: Yes, ma'am.

BY MS. CARMODY:

Q So this picture here, can you let the jury know what's going on in this photograph.

A Mr. Redding is sitting in my passenger's side of my vehicle.

Q Okay. Mr. Redding is -- has dark skin, correct?

A Yes, ma'am.

Q All right. And this picture here, same thing?

A Yes, ma'am.

Q And this picture here, same thing?

A Yes, ma'am.

Q Okay. And Mr. Redding was sitting in the front seat of your vehicle. He was not under arrest?

A No, ma'am. He wasn't.

Q All right. And he agreed to do the gunshot residue test.

A Yes, ma'am.

Q And you completed the test and gave it to Officer Warren to package for you?

A I believe I asked him to put it in a bag for me.
Q And you also instructed Officer Warren to put up crime scene tape then, correct?
A Yes, ma'am.
Q Okay. And then immediately after doing that -- or shortly thereafter, Detective Litchfield shows up?
A Yes, ma'am.
Q Okay. And when Detective Litchfield shows up, you decide that you're going to take Mr. Redding to Ridgeland P.D.?
A Yes, ma'am.
Q And the purposes of bringing Mr. Redding to Ridgeland P.D. is you want to talk to him, right?
A Yes, ma'am.
Q Usually you want to talk to somebody and remove them from the situation that's happening?
A Yes, ma'am.
Q All right. And did you do that with any other witness on scene or any other person on scene? Did you bring them down to Ridgeland P.D.?
A I believe his mother came with us.
Q But, I mean -- so there were other people that were on scene that day, other people out in the parking lot?

A Um-hmm. Yes.

THE COURT: Hold on one second. Is that a "Yes," sir?

THE WITNESS: Yes.

THE COURT: Thank you. Go ahead.

BY MS. CARMODY:

Q There were other people out in the parking lot.

A Yes, ma'am.

Q Did you request any of them to go to Ridgeland Police Department with you?

A I don't recall.

Q If you did, you would have a report, correct?

A Yes, ma'am.

Q Okay. And so Mr. Redding gets in the front seat of your vehicle and you drive to Ridgeland P.D.

When you get there, he's still not under arrest?

A No, ma'am.

Q He's cooperative?

A Yes, ma'am.

Q Okay. And he goes in and you interview him, correct?

A Yes, ma'am.

Q That that interview was audio- and video-recorded, correct?

A Yes, ma'am.
Q And during the interview that lasted, according to your camera, one hour and ten minutes and 55 seconds?
A If that's what the timing says. Yes, ma'am.
Q Does that sound about accurate to you?
A Yes, ma'am.
Q At that end of that interview, Mr. Redding was not arrested.
A No, ma'am.
Q And, in fact, Mr. Redding -- you gave him a ride, correct?
A Yes, ma'am.
Q And you gave him a ride home?
A I don't recall where I took him. I believe it was back to the motel.
Q Did you bring him back to the motel or did you bring him to Pineland?
A Like I said, I don't recall. But I know I went back to the hotel afterwards.
Q Okay. So -- now, as a detective right now, you are aware that Mr. Redding has called 911, correct?
A Yes, ma'am.
Q Mr. Redding's given a written statement to law

enforcement?
A Yes, ma'am.
Q Mr. Redding has also provided you with a GSR sample?
A Yes, ma'am.
Q And at this point right now, he's already spoken with you for over an hour at Ridgeland P.D.
A Yes, ma'am.
Q All right. During that interview with Mr. Redding, you asked him for his address?
A Yes, ma'am.
Q He provided that to you?
MS. SWANSON: Your Honor, I believe we're getting into hearsay, so I would object.
MS. CARMODY: I'm not asking him what Mr. Redding said.
THE COURT: I'm going to sustain that. Just rephrase your question. Go ahead.
BY MS. CARMODY:
Q As part of your investigation, was it important for you to find out where Mr. Redding was living?
A Yes, ma'am.
Q And did you obtain that information from him?
A Yes, ma'am.
Q Okay. Did you ask him what his telephone numbers

were?
A Yes, ma'am.
Q Okay. And as part of your investigation that would have been important, right?
A Yes, ma'am.
Q All right. And did he voluntarily provide those numbers to you?
A Yes, ma'am.
Q Okay. And did you ask him if he had a Facebook page?
A Yes, ma'am.
Q Okay. And did he voluntarily provide that information to you?
A Yes, ma'am.
Q Did you ask him who the providers were for his cell phones?
A I believe so.
Q And he voluntarily provided that as well?
A Yes, ma'am.
MS. SWANSON: The State is happy to stipulate that he voluntarily provided all of that information to law enforcement.
THE COURT: I understand that, but I'm going to allow her to continue.
BY MS. CARMODY:

Q You also asked him about whether Cypress had a Facebook page?
A Yes, ma'am.
Q And he voluntarily provided that to you as well?
A Yes, ma'am.
Q Did you ask to see pictures on the phone?
A I don't recall.
Q Do you recall seeing pictures on his phone?
A Yes.
Q Do you recall him watching videos on his phone?
A Yes, ma'am.
Q Do you recall him crying uncontrollably?
A I don't remember seeing any tears.
Q That's not what I'm asking you. I'm asking if you heard him audibly crying.
A Crying to me is weeping with tears.
Q But -- that's not my -- okay.
THE COURT: Hold on. I think he's answered that question.
MS. CARMODY: Sure. Okay.
BY MS. CARMODY:
Q So -- all right. At one point, did you obtain a trash barrel, a garbage bag?
A Yes, ma'am.
Q And you brought it to Mr. Redding?

A Yes, ma'am.
Q And you brought that to Mr. Redding because he was going to vomit?
A Yes, ma'am.
Q Okay. And you asked Mr. Redding what he had done that morning?
A Yes, ma'am.
Q And he's looking -- you saw him looking on his phone to provide you those answers?
A Yes, ma'am.
Q And, at some point, did you learn of a female by the name of Ashley Dodson?
A Yes, ma'am.
Q And who is Ashley Dodson?
A Another girlfriend of Mr. Redding's.
Q And what significance does Ashley Dodson have?
A That was her vehicle that Mr. Redding was driving.
Q And through your investigation, what was the purpose of him driving her -- that vehicle?

MS. SWANSON: Objection.

THE COURT: Counsel, approach.

MS. CARMODY: Sure.

(Bench conference.)

THE COURT: All right. What's the

objection, Solicitor?

MS. SWANSON: She's trying to get information out through this witness about her client's statement. It's hearsay.

THE COURT: Hold on. What's your response to that?

MS. CARMODY: His statements are not hearsay. What my client said is not hearsay. His questions are not hearsay.

MS. SWANSON: You're trying to get information that Brian said he was at Ashley Dodson's.

THE COURT: The question was: Based upon his investigation, did he come to find out why the defendant was driving Ashley Dodson's car.

MS. SWANSON: Correct.

THE COURT: That's what I understand.

MS. SWANSON: That information would come from Brian Redding. It's a way to backdoor her client's statements and his alibi defense without him having to take the stand.

THE COURT: All right. Ladies and gentlemen, I'm going to have to ask you-all to please go back to the jury room for just a minute. There's a matter of law that I'm going to need to

take up outside of your presence. I'll get you back in here as soon as I can. Please don't talk about the case. Thank you.

(Jury exits the courtroom at 12:11 p.m.)

THE COURT: Give me one minute.

All right. My understanding is that the solicitor objected to the question -- or to the response of a question that was basically to the extent from the officer's investigation that the officer -- was the officer able to learn why the defendant was driving Ashley -- is it Dodson?

MS. CARMODY: Yes, Your Honor.

THE COURT: -- Ashley Dodson's vehicle. And the State's objection is that it's hearsay.

Let me hear from you a little more on that, Solicitor, please.

MS. SWANSON: Yes, Your Honor. Well, any information learned would have either come from Brian Redding in his interview or Ashley Dodson. So for him to say, *Oh, yes, through my investigation I learned that Brian Redding was driving her car because his broke down and he was taking her for a ride to McDonald's*, well, that all came from interviews, so it's hearsay. It's trying to backdoor hearsay. She has to call those

witnesses to get that information in.

MS. CARMODY: Your Honor, the whole theory of the defense's case is that, you know -- what the officers had for information and when they had it and what they did with it. If through his investigation he has information and they don't follow up -- I'm not trying to backdoor hearsay. I mean, we have these witnesses on our witness list.

THE COURT: Well, if you've got the witnesses on the witness list, aren't the witnesses the best person to provide the answer to that question, not this --

MS. CARMODY: Your Honor --

THE COURT: Hold on. Hold on.

-- and not this individual? It would seem to me that the best evidence would come from the witnesses that you just said are on your witness list.

MS. CARMODY: Your Honor, it's also this detective having information, what he has, and when they have it. That's the whole theory of the defense's case, is that SLED has -- SLED and Ridgeland P.D. have information and they don't follow up on it. They pick and choose what

information they're going to follow up on and only information that leads to his arrest.

THE COURT: What about that, Solicitor? Because, I mean, basically everything they get and everything they testify to is coming from somebody else in the scope of formulating their investigation. So why can't she ask that?

MS. SWANSON: Because that contains -- I mean, if she wants to ask, "Did you interview Ashley Dodson," then that shows what he has done with whatever information.

I mean, first of all, the proper time to call this witness for that purpose would be after the alibi defense is presented. Because that's what she's trying to do, is present the alibi defense without calling those witnesses, and then lock these guys into something.

Now, I will say that Katie McCallister is the actual case agent. So SLED investigated this case. Ridgeland P.D. did not. So there's that as well.

THE COURT: Yeah, but he can --

MS. SWANSON: He didn't conduct an interview of Ashley Dodson.

THE COURT: Did he learn about -- did he

learn about -- I guess the question is, did he learn about that during the interview?

MS. CARMODY: I don't know how we're going to get into Parker's gas station without asking him these questions I'm asking him.

THE COURT: I'm sorry?

MS. CARMODY: I don't know how we even get to Parker's gas station, if they won't admit that, without asking him these questions.

THE COURT: I don't even know what you're talking about. I don't know anything about Parker's gas station.

MS. CARMODY: I'm sorry.

THE COURT: Except what I read in the papers. Okay? I don't what you're talking about.

MS. CARMODY: Your Honor --

THE COURT: Hold on.

MS. CARMODY: I essentially have to ask him the same question I'm asking him now.

MS. SWANSON: I've already done my direct, so I did not ask that question.

THE COURT: We'll be at ease.

(A break was taken from 12:15 p.m. to 12:21 p.m.)

THE COURT: You-all be seated.

All right. I thought about this. I'm going to sustain the objection. I believe that it is getting into hearsay testimony.

So that's going to be my ruling. I'm going to sustain the objection.

But certainly, you can proceed, Ms. Carmody. And any objection -- anything before we bring the jury back in?

MS. SWANSON: No, Your Honor.

THE COURT: Ms. Carmody, are we ready to bring the jury back in?

MS. CARMODY: Yes, Your Honor.

THE COURT: Let's go ahead and bring the jury back in.

Hold on one second.

Ms. Carmody, do you think you'll be done with your cross by 1:00?

MS. CARMODY: Oh, yes, Your Honor.

THE COURT: Okay, great. Thank you.

(Jury enters the courtroom at 12:22 p.m.)

THE COURT: Mr. Foreman, ladies and gentlemen, I want to first tell you that was completely my fault when I told him to open the door and tell you to come out and then closed the door right in front of you. So I apologize for

that. It was just a planning matter I had to take up.

I'm sorry to keep you waiting. But again, unlike TV, unlike the movies, unlike books, it's a slow, deliberative process that we've got to try to make sure we get right. So some of these matters just take a little more time than others. But at this point, we're ready to move forward.

And so, Ms. Carmody, I'm going to sustain the Solicitor's objection, and go ahead and you can continue with your examination. Okay, ma'am?

MS. CARMODY: Thank you, Your Honor.

THE COURT: Yes, ma'am.

BY MS. CARMODY:

Q All right. Detective, just to backtrack a little bit, so at this point SLED is not involved, you are investigating.

A At what point?

Q At the point that you're speaking with Mr. Redding.

A They are involved, yes, ma'am.

Q They're not on the scene yet, are they?

A We had called their SLED dispatch and requested assistance, so technically they are

involved.
Q But are they on scene?
A Not that I recall, no, ma'am.
Q Okay. So while you were speaking with Mr. Redding, it's important for you to get as much information as you can for the purposes of your investigation, correct?
A Yes, ma'am.
Q Okay. During your investigation, did you learn of a female by the name of Ashley Dodson?
A Yes, ma'am.
Q Okay. During your investigation, did you learn that the white Toyota Avalon was registered to Ashley Dodson?
A Yes, ma'am.
Q Did you also, through your investigation, learn of a female by the name of Danielle Smith?
A Yes, ma'am.
Q Okay. Did you obtain addresses and contact information for Ashley Dodson? Yes?
A Yes.
Q What about Danielle Smith?
A I believe so.
Q Yes, okay.
During your conversation with Mr. Redding,

you had indicated earlier that was not under arrest, correct.

A Yes, ma'am.

Q And did you also ask him for a DNA sample?

A Yes, ma'am.

Q Okay. Did he voluntarily give you that sample?

A Yes, ma'am.

Q You indicated earlier that you had seen videos on his cell phone?

A Yes, ma'am.

Q Do you recall at 32 minutes and 55 seconds into the interview telling Mr. Redding, "Man, that just shows two people in love"?

A I don't recall my exact statement, no, ma'am.

Q Do you want me to play the recording?

A Yeah, that would be the only way I could recall my exact statement.

MS. SWANSON: For the purposes of refreshing his memory, I want to make sure there are no hearsay statements on this portion by Mr. Redding.

THE COURT: Well, have you seen it?

MS. SWANSON: I've seen the entirety.

THE COURT: Well, why don't we do this:

Why don't you just pull the spot -- I'm assuming that somewhere on the video it says, "quote," or words to that effect.

MS. CARMODY: I also prepared a transcript if you would like to read it. I mean, this is -- I wanted him to hear himself. So...

THE COURT: Ms. Carmody, as long as there's no hearsay in it, I think that's -- you can play that. But I don't want any hearsay in it.

MS. SWANSON: I'm not sure -- he's just saying he doesn't recall.

THE COURT: Right.

MS. SWANSON: He's not denying making the statement.

THE COURT: Why don't you rephrase the statement, Ms. Carmody. Why don't you rephrase it and ask would you doubt, or does he dispute that he may have indeed said that? I mean --

MS. CARMODY: All right.

THE COURT: Is that satisfactory? Can you do that, Ms. Carmody?

MS. CARMODY: Yes, Your Honor. That's fine.

THE COURT: Sure.

BY MS. CARMODY:

Q Detective Croft, while -- at 32 minutes and 55 seconds, Brian Redding is showing you his cell phone.

Do you recall seeing his phone?

A Yes, ma'am.

Q Okay. And do you dispute saying, quote, "Man, that just shows two people in love"?

A No, ma'am, I don't dispute it.

Q Thank you.

And after your interview with Mr. Redding, you drove him back to the motel?

A I don't remember exactly where I drove him.

Q But you did transport him somewhere.

A Yes, ma'am.

Q It wasn't to jail.

A No, ma'am.

Q Okay. And on the way transporting him, did you, in fact, stop at BP to buy him cigarettes?

A I don't recall.

Q You don't recall whether you stopped anywhere? Would that be out of the ordinary?

A Stopping to get somebody a pack of cigarettes? No.

Q Okay. Did you transport anybody else from the

scene to Ridgeland P.D. to speak with you?
A I don't recall if I did. If I had my report, I would be able to tell you.
Q Let me see if I have an unhighlighted version.
MS. CARMODY: Beg the Court's indulgence.
THE COURT: Yes, ma'am.
BY MS. CARMODY:
Q Detective Croft, I'm going to show you my highlighted version just for the sake of expediency.
A Yes, ma'am.
Q If you could, review that report, please, and please let me know if you transported anyone else from the scene to Ridgeland P.D. for the purposes of an investigation.
A Okay, ma'am.
Q Did you transport anybody else?
A No, ma'am.
Q Okay. And you indicated earlier that you knocked on doors to speak with people?
A Yes, ma'am.
Q All right. And in speaking with people -- let's start with the room directly adjacent to Mr. Redding's room. Well, first of all, before I ask you that, how did you find out Mr. Redding rented the room?

A I believe he told me.
Q Did you ever obtain the hotel manifest?
A Yes.
Q Okay. And did you speak with the owner of the hotel?
A I believe it was the owner, yes, ma'am.
Q Mr. Peter Patel?
A Yes, ma'am.
Q Okay. And Mr. Peter Patel was there when Mr. Redding called 911?
A I don't know that.
Q Okay. This here is Defense 2. So this picture here, just to confirm what we're looking at, in front of this vehicle right here, this is Room 22, correct?
A Yes, ma'am.
Q Did you speak with the occupants of this room to the left?
A Yes, ma'am.
Q All right. And do you remember who that was?
A It would be documented in my report.
Q You want your report back?
A Sure.
Q I'm not sure if it has it in there, but ...
A Yeah, this just appears to be the sections of

the interview with Mr. Redding, not the full report.

Q All right. So you did not prepare another report in this case, did you? Did you prepare another report?

A That was just the interview section with Mr. Redding. There should have been another of the initial response.

Q Was that provided to the State?

A I don't know. I'm not in charge of evidence.com.

Q So is it your testimony that you prepared an incident report in the case?

A I would have prepared a supplement for the case.

Q Besides for the supplement that I just handed you?

A Beside for the supplement for the interview, yes, ma'am. There should have been a response from me to the scene.

Q Okay. And you uploaded that into evidence.com?

A I'm not in charge of evidence.com.

Q Okay. And who is in charge of the evidence at your office?

A That would be Lieutenant Litchfield.

Q Okay. Well, do you remember speaking with a man to the left of Room 22?
A Yes, ma'am.
Q Okay. And did that man indicate to you that he heard any type of gunshot?
A No, ma'am.
Q Did that man indicate to you that he had heard Cypress or Brian fighting?
A No, ma'am.
Q Did that man indicate to you that he saw Brian with a weapon?
A No, ma'am.
Q Did the man indicate that he had ever called 911 to report any type of argument between Cypress and Brian?
A No, ma'am.
Q Did you respond ever -- in your time with Ridgeland Police Department, ever respond to Room 22 in response to a domestic situation between Brian and Cypress?
A No, ma'am. I would not have.
Q Have you ever investigated a domestic violence incident between Brian and Cypress?
A Not that I recall.
Q If you did, SLED would have that information,

correct? If there was a prior incident of domestic violence, that information would have been provided to SLED.

A Yes, ma'am.

Q Now, you indicated that you were knocking and talking to people. So let's go to the right. So we have to the right of Room 22 here. Did you speak with anybody in that room?

A Like I said, I don't recall. There were some rooms that were empty and some rooms that were vacant altogether. Nobody was renting those rooms. So I don't recall exactly which ones had people in them.

Q Do you know if anybody had checked out that day?

A I don't recall.

Q Okay. Do you recall whether anybody at all at the Forest Motel heard or saw an argument between Cypress and Brian?

A No, ma'am.

Q Did they hear anything at all happen between Cypress and Brian?

A Not that was informed to me.

Q Were you informed during the course of your investigation how long Cypress and Brian had been living at the motel?

A I want to say it was a month or two. I can't recall the exact date and time.

Q Did anybody at any point in time indicate -- well, first of all, did you ask -- did you ask people whether there were any type of domestic disputes between Brian and Cypress?

A Yes, ma'am.

Q Did anybody indicate --

MS. SWANSON: This would be hearsay, Your Honor.

THE COURT: I would -- Ms. Carmody --

MS. CARMODY: Sure.

THE COURT: -- I would sustain the objection as it relates to hearsay, ma'am.

BY MS. CARMODY:

Q All right. So, in the course of your investigation, if you would have obtained information that there was a domestic dispute between Brian Redding and Cypress Noonan, Brian Redding would have been under arrest, correct? If you obtained information that there had been a domestic dispute on September 6th, instead of driving Brian Redding back to the motel, you would have placed him under arrest.

MS. SWANSON: Objection. I don't believe it would actually have been his call. And this is

a hypothetical question.

THE COURT: I'm going to sustain that objection. I think it's a hypothetical. I think he is the -- he's not the patrolman. He was an investigator at the time.

MS. CARMODY: I will rephrase the question, Your Honor.

THE COURT: All right.

BY MS. CARMODY:

Q Do you have arresting authority?

A Yes, ma'am.

Q Okay. Now, when you to the room -- to the left of Room 22, if the man in that room had told you that he heard or witnessed a domestic dispute between Brian and Cypress, would you have placed him under arrest?

A Depends on the circumstances.

Q We have a gunshot victim. Would you have placed the man under arrest?

A Depending on the information that was turned over to me.

Q All right. To the right of Room 22, did you speak with anybody at all in the motel?

A Yes, ma'am.

Q Okay. Did anybody at that motel provide you with information that they saw a dispute between Cypress

and Brian?

MS. SWANSON: Again, this would be hearsay. She keeps asking about providing --

THE COURT: Solicitor, you said hearsay. And I believe the way the question is phrased, that's calling for hearsay. I'll sustain that objection.

BY MS. CARMODY:

Q Through your investigation, did you obtain any information from a single person at that motel, anyone, that had witnessed a domestic dispute between Cypress and Brian?

MS. SWANSON: Same objection. Hearsay.

THE COURT: All right. I'm going to overrule that objection. He can go ahead and answer the question if he understands the question, ma'am.

THE WITNESS: No, I don't remember getting any information.

BY MS. CARMODY:

Q Okay. Now, let's go to the left of Room 22. We have this area right here, correct?

A Yes, ma'am.

Q All right. What, if anything, did you do to look at that area there? Did you look at it or investigate

it at all?
A I looked at it, of course.
Q Okay. Is there anything behind there?
A I don't recall what's behind it. But obviously, the blankets or sheets are covering something.
Q Did you remove any of them?
A No, ma'am.
Q Okay. So to be clear, you're investigating a shooting that happened two doors down, correct?
A Yes, ma'am.
Q This is in the corner of the L at the Forest?
A Yes, ma'am.
Q Did you look in this area at all and search for any evidence?
A Again, we called SLED Crime Scene in to process.
Q Okay. Before SLED arrived, did you do anything to look in this area?
A I would have looked at it, yes, ma'am.
Q Okay. So you would have -- would you have moved anything, or no?
A I would not have moved anything if I called SLED Crime Scene.
Q All right. Do you recall speaking with a man by

the name of Dervon James or Popeye?
A I don't recall. I do recall a Popeye coming up, but I don't recall. What time are we talking about?
Q The same day.
A I don't recall exactly speaking to him that day.
Q Okay. He was on scene, correct?
A I don't recall.
Q Okay. There were other officers on scene with you. Officer Warren --
A Yes, ma'am.
Q -- was on scene?
A Yes, ma'am.
Q Okay. And you don't recall if Popeye was there.
A No, ma'am. I don't recall.
Q All right. Did get any search warrants?
A Yes, ma'am.
Q For what?
A The room and the vehicle.
Q All right. Now, the search warrant for the room authorized you --

MS. CARMODY: Beg the Court's indulgence, Your Honor.

THE COURT: Yes, ma'am.

BY MS. CARMODY:

Q When you obtained the search warrant for the room, you hadn't asked Mr. Redding for his consent, had you?

A No, ma'am.

Q Okay. You obtained the warrant on your own volition?

A Yes, ma'am.

Q And in obtaining the warrant, do you remember what the warrant was for, like what area to be searched?

A The hotel room.

Q All right. Is this the search warrant?

A Yes, ma'am.

Q Okay. And the search warrant, what is it -- what's the p1ace to be searched?

A The address residence property curtilage to inc1ude vehicles, persons, outbuildings, sheds, conex boxes, kennels, containers, other such storage capacities, pull-behind trailers located at 10504 South Jacob Smart Boulevard, Forest Motel Room 22, Ridgeland, South Carolina, County of Jasper. Residence is further described as being a single-story structure, a motel with a dark in color shingles, front door to the residence is blue with the number 22 on it.

Q Thank you.

And what is -- what is curtilage?

A Basically, any property that is upkept.

Q So would the curtilage include the area that I showed you in the picture in the corner?

A Yes, ma'am.

Q All right. This would include curtilage, yes?

A Yes, ma'am.

Q Would this area up here include curtilage?

A Yes, ma'am.

Q What about down both sides of the L at the hotel? Would that have been curtilage?

A Yes, ma'am.

Q Was any of that searched or seized by you? Anything searched?

A You would have to ask SLED Crime Scene.

Q But you obtained the warrant.

A Yes, ma'am.

Q Okay. So you personally did not conduct a search or seizure in any of those areas.

A Typically, you don't execute your own search warrant.

Q All right. But it would authorize those areas.

A Yes, ma'am.

Q All right. And when you took the GSR from

Mr. Redding, are you aware of the results?

A I was later told, yes, ma'am.

Q What were those results?

MS. SWANSON: Objection, Your Honor. Hearsay.

THE COURT: I believe that is hearsay, and so I'll sustain that objection.

MS. CARMODY: Beg the Court's indulgence, Your Honor.

THE COURT: Yes, ma'am.

MS. CARMODY: Your Honor, I don't have any further questions for the witness at this time, but subject to recall once I have that incident report.

THE COURT: All right. Yes, ma'am.

MS. CARMODY: Thank you.

THE COURT: All right. Any redirect, Solicitor?

MS. SWANSON: Yes, sir.

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MS. SWANSON:

Q Deputy Croft, do you know for a fact that there's another incident report?

A No, I don't know for a fact. No, ma'am.

Q Okay. Would it be unusual for a road deputy to write an initial report and then other officers write supplementals and only supplementals?

A Yes, ma'am, that's the way it works.

Q And so would it be unusual for us to have two responding officers -- or a responding officer's report, a supplemental from another responding officer, and a supplemental from the investigator?

A That's usually how it works, yes, ma'am.

Q Okay. Ms. Carmody asked you about whether Brian showed you some videos. Do you recall the content of those videos that he showed you?

A No, ma'am. I don't recall the actual content of them.

Q Okay. At that point when you're interviewing him, was he considered a suspect?

A No, ma'am.

Q He was not considered a suspect? Was he ruled out as a suspect?

A No. We hadn't ruled him out as a suspect, no. But he wasn't our primary suspect, is what I'm trying to say.

Q You had other suspects?

A You have to develop information to develop your suspect pool. Basically, at that time

everybody was. Everybody in the county was a suspect at the time until we had information that steers us in that direction.

Q I understand. So you had not narrowed on him as your only suspect.

A Yes, ma'am.

Q But he had not been ruled out.

A No, ma'am, he had not.

Q And when you are conducting an interview, what is rapport building?

A A short term for it is building a really fast friendship with somebody, getting him to talk with you and open up. Basic interview techniques.

Q All right. And that's so that you can try and get the most information possible?

A Yes, ma'am.

Q All right. Is complimenting someone part of that?

A Yes, ma'am.

MS. SWANSON: I have nothing further. Thank you.

THE COURT: Ms. Carmody?

MS. CARMODY: Just as I said earlier, Your Honor.

THE COURT: All right.

MS. CARMODY: No more questions. Subject to recall.

THE COURT: All right. Yes, ma'am.

Sir, you can step down. You are subject to recall. And, as a result, please don't talk to anybody or any potential witnesses concerning this matter. Thank you very much.

THE WITNESS: Yes, sir.

THE COURT: Ladies and gentlemen, we're going to go ahead and break for lunch. I'm going to ask that you be back at 2:15. And please don't talk about the case. And I'll see you back at 2:15.

Anything else before I let the jury go? From the State?

MS. SWANSON: No, Your Honor.

THE COURT: Defense?

MS. CARMODY: No, Your Honor.

THE COURT: All right. We'll see you-all back at 2:15. Thank you very much.

(Jury exits the courtroom at 12:50 p.m.)

THE COURT: All right. Solicitor, can we inquire about the existence of an initial report? I know that when you conducted some redirect, he -- on direct -- or on cross, he was sure there

was something else. And on redirect, he's sure there's not anything else.

MS. SWANSON: We've already reached out to Lieutenant Litchfield, but neither the SLED agent nor I had any additional report.

THE COURT: I understand. And, of course, one of the things that I ask -- sir, come on up here for one minute.

All right. Let me ask you this. Right there is fine. When you were being crossed, it seemed that you were fairly certain that there was some type -- some other portion of your report that wasn't a supplement, that what you were making a reference to on the stand was a supplement.

THE WITNESS: Yes, sir.

THE COURT: But you thought that there was another portion of your report. But then on redirect, you tended to indicate there was not another portion of your report or no other portion.

And what I want to ask you, sir: Do you know for certain whether there's any other portions of your report? Did you do anything else, sir?

THE WITNESS: I don't know that there's any more portions that have been turned over.

THE COURT: Okay.

THE WITNESS: Typically, when I come to a scene, I'll do a short narrative of, I responded to the scene and did this.

THE COURT: All right. So what we need to do is -- and who would be the person that -- since you're not sure about that, who would be the person that would know where that -- if that report existed, sir?

THE WITNESS: Lieutenant Litchfield is in charge of downloading things into evidence.com.

THE COURT: All right.

THE WITNESS: And he would be the one to pull it from the report and put it into evidence.com.

THE COURT: And where would your report be? In the file and he's responsible, or you put it onto a computer? How does Litchfield get it to evidence.com? How does it get to evidence.com so Litchfield can then download it and distribute it?

THE WITNESS: We have, obviously, a computer report system.

THE COURT: Okay.

THE WITNESS: We type up our reports in that. Once they're completed, he downloads that file and then puts it into evidence.com.

THE COURT: All right. So, Solicitor, I'm going to ask that you inquire of Mr. Litchfield as to whether --

MS. SWANSON: I understand, Your Honor. And we inquired five minutes ago. We're still waiting on a response.

THE COURT: I understand. But again, that's why I wanted to know exactly what his understanding was as it relates to that.

Thank you, sir. Thank you so much.

MS. SWANSON: Right. We are following up with it as we speak.

THE COURT: That sounds great. We'll be at ease. I'll see everybody back here at five or ten after 2:00.

(A break was taken at 12:54 p.m. to 2:10 p.m.)

THE DEPUTY: All rise.

THE COURT: Anything from the State before we bring the jury in?

MS. SWANSON: No, Your Honor.

THE COURT: Anything from the defense, Ms. Carmody?

MS. CARMODY: Hang on one moment, Your Honor.

Nothing right now, Your Honor.

THE COURT: I think we're waiting one more minute for a few jurors.

MS. SWANSON: Judge, I did convey to Ms. Carmody that we got word back from Lieutenant Litchfield that there was no additional information in Ridgeland P.D.'s system that had not been uploaded to evidence.com. So we do not appear to be missing a report

THE COURT: All right.

THE CLERK: We have them all, Your Honor.

THE COURT: Okay, thank you. Let's go ahead and get the jury in.

(Jury enters the courtroom at 2:16 p.m.)

THE COURT: All right. Mr. Foreman, ladies and gentlemen of the jury, welcome back.

I believe the State is ready to call their next witness.

THE CLERK: We're missing one

THE COURT: Who are we missing?

Thank you, Ms. Bostick.

All right. As I was saying, welcome

back.

And I think the State is ready to proceed. And Solicitor, you can call your next witness.

MS. SWANSON: Thank you. The State calls Delila Cirencione.

THE CLERK: Raise your right hand. Place your left on the Bible. The testimony you're about to give will be the truth so help you God?

THE WITNESS: Yes, ma'am.

WHEREUPON:

DELILA CIRENCIONE,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q If you can spell your name for the court reporter, please, ma'am.

A It's Delila -- pull this down?

THE COURT: Pull that down. Right. Thank you.

THE WITNESS: Delila Cirencione, C-i-r-e-n-c-i-o-n-e.

BY MS. SWANSON:

Q All right. And I'm just going to call you Delila.

A Yes, ma'am.

Q Where do you work?
A I work for the South Carolina Law Enforcement Division, also known as SLED.
Q All right. And how long have you worked there?
A I've been with SLED about six and a half years and with the Crime Scene Unit for five and a half years.
Q Tell us how you got involved in the case against Mr. Redding.
A On September 6th, 2020, I was on call. And I received a call from our operations desk, also known as OD. It's essentially dispatch for SLED. And it was a request for a death investigation for a 16-year-old juvenile female out of the Ridgeland Police Department.
Q All right. Who did you first make contact with when you got on scene?
A I initially made contact with Lieutenant Litchfield, Daniel Litchfield, and Special Agent Katie McCallister with SLED's Low Country Region.
Q Okay. And did you at some point take custody of a GSR kit that had been performed by John Croft?
A Yes, ma'am. John Croft collected a gunshot residue kit from Brian Redding and I received it by a chain of custody form.

Q So that was done prior to your arrival, correct?
A Yes, ma'am, it was.
Q All right. I'm going to the hand you State's 18 and just ask if this is the GSR kit that was turned over to you.
A Yes, ma'am, it is.
Q So what kind of establishment was this?
A This was the Forest Motel off of South Jacob Smart Boulevard, I believe.
Q All right. And do you recall the room number?
A Yes, ma'am. It was Room 22.
(STATE EXH. 2, Photo, was marked for identification.)
(STATE EXH. 3, Photo, was marked for identification.)
BY MS. SWANSON:
Q Okay. I'm going to show you what has been marked as State's 2 and 3 and ask if this is a fair and accurate depiction of the motel room that you responded to.
A It is.
MS. SWANSON: Okay. State would move 2 and 3 into evidence at this time.
THE COURT: Any objection?
MS. CARMODY: No, Your Honor.

THE COURT: Admitted without objection.

(STATE EXH. 2, Photo, was entered into evidence.)

(STATE EXH. 3, Photo, was entered into evidence.)

MS. SWANSON: Move to publish.

THE COURT: Yes, ma'am.

BY MS. SWANSON:

Q I'll publish State's 2 first.

Agent, if you can tell us what we are looking at here.

A You're looking at the door of Room 22 at the Forest Motel. And it's just sealed off and secured with crime scene tape, barrier tape.

Q Was that tape there prior to your -- or upon your arrival?

A It was there upon my arrival.

Q That's how it appeared?

A Yes, ma'am.

Q And then this is State's 3.

A You're looking at Room 22, and you can see some suspected blood on the exterior of the door and as well on the handle of the door, the exterior door handle.

(STATE EXH. 7, Photo, was marked for

identification.)

(STATE EXH. 8, Photo, was marked for identification.)

BY MS. SWANSON:

Q Okay. I'm going to show you State's 7 and 8 and ask if you can identify what's contained within these pictures, beginning with State's 7.

A Yes, ma'am.

Q Okay. And what are those pictures of?

A The pictures are scale tape that we placed on the suspected bloodstain on the exterior of the door labeled as Stain A with the date, initials, and a description. And then a scale tape on the interior of the door, which is labeled as Stain B, with the initials, date, and description of the stain.

Q And are those fair and accurate depictions of the stains as they appeared when you saw them?

A Yes, ma'am, they are.

MS. SWANSON: I would move 7 and 8 --

MS. CARMODY: Your Honor, may we approach?

THE COURT: Yeah.

(Bench conference.)

THE COURT: Yes, ma'am.

MS. CARMODY: Her sister is in the

courthouse and they were sequestered.

MS. SWANSON: She wasn't subpoenaed. Well, she wasn't subpoenaed by you.

THE COURT: The State -- it's not a State's witness. Did you subpoena her to be here?

MS. CARMODY: She lives in the area.

THE COURT: Let's check. And who is this?

MS. CARMODY: Sabrina Noonan.

THE COURT: Sabrina Noonan. She's on the list, yes, ma'am. Go ahead.

MS. CARMODY: Raven was not subpoenaed.

THE COURT: This is Raven Johnson.

All right. So she's a witness that you're calling, and you want your witness to be sequestered.

MS. CARMODY: Especially fact witnesses. The State can call her. I can call her.

THE COURT: I will ask that she be sequestered and not be in the courtroom while this is going on.

MS. CARMODY: Thank you.

THE COURT: Solicitor, have the victim's advocate advise her that she cannot be in here because she's a potential witness and not to

discuss this matter with any of the potential witnesses.

MS. SWANSON: Yes, sir. She is not under subpoena, though.

THE COURT: I understand that.

Is that satisfactory from the defense?

MS. CARMODY: Yes, Your Honor.

THE COURT: Thank you.

All right. Solicitor, you can proceed.

MS. SWANSON: Thank you, Your Honor.

MS. SWANSON: I believe I was at the stage of moving State's 7 and 8 into evidence at this time.

THE COURT: Any objection to State's 7 or 8?

MS. CARMODY: No, Your Honor.

THE COURT: ALl right. 7 and 8 admitted without objection.

(STATE EXH. 7, Photo, was marked for identification.)

(STATE EXH. 8, Photo, was marked for identification.)

MS. SWANSON: If I may publish?

THE COURT: Yes, ma'am.

BY MS. SWANSON:

Q This is State's 7. And that's a bloodstain from the exterior?
A The exterior door, yes, ma'am, of Room 22.
Q Did you take any swabs of the exterior of the door?
A Yes. I collected two swabs from the suspected blood on Stain A.
Q All right. I'm going to publish State's 8 and ask if you collected any swabs from the interior of the door.
A I did. I collected two swabs from the interior suspected blood from Stain B.
Q Did you collect swabs from any other area of the door?
A I did. I collected swabs from the exterior door handle, as well as two swabs from the interior door handle.

(STATE EXH. 19, Bag of swabs, was marked for identification.)

BY MS. SWANSON:
Q I'm going to hand you what's been marked as State's Exhibit 19 for identification purposes and ask if this bag contains all the swabs that you took from the exterior and interior of the door and the exterior and interior of the door handle.

A Yes, ma'am, they do.
Q Okay. And then you turned those in for testing?
A I did. I collected that and then submitted it in the lab for analysis.
Q Thank you.
At some point, did you obtain a buccal swab from the defendant?
A Yes, ma'am, I did.
Q Can you tell the jury what a buccal swab is.
A A buccal swab is a non-invasive swab of DNA from the inside of the mouth. So we take two, they look like Q-Tips but a little bit longer, and they're sterile, it has a sterile container, and you swab the cheeks of the mouth. And we use that for elimination purposes or comparison purposes for any DNA that may be collected within the crime scene or outside of the crime scene depending on the investigation. And those were collected with a signed voluntary consent to search from the witness Brian Redding.
Q So he provided that voluntarily.
A Yes, ma'am, he did.
(STATE EXH. 6, Bag containing swabs, was marked for identification.)
BY MS. SWANSON:

Q I'm going to hand you what's been marked as State's Exhibit 6 and ask if this bag contains the swabs that you just referenced.
A Yes, ma'am, they do.
Q That went to SLED for analysis?
A It did.
Q Going back to the door, did you note any signs of forced entry?
A No, ma'am, there were no signs of forced entry that I saw.
Q Once inside, what did you find?
A Once we got inside of Room 22 at the motel, we observed a female victim with a suspected gunshot wound to the left side of her forehead. She was slumped over the bed. There was suspected blood around the bed and on the bed.
Q Was there a lot of blood?
A There was a blood-letting event.
(STATE EXH. 26, Photo, was marked for identification.)
BY MS. SWANSON:
Q I'm going to show you what has been marked as State's 26 and ask if you recognize what's contained within this picture.
A Yes, ma'am.

Q And does that accurately reflect the state of the victim when you came on the crime scene?
A Yes, ma'am.
Q Okay. And the position?
A From what I can see, yes, ma'am.
MS. SWANSON: I would move State's 26 into evidence at this time.
THE COURT: Any objection to State's 26?
MS. CARMODY: No objection.
THE COURT: Submitted without objection State's 26.
(STATE EXH. 26, Photo, was entered into evidence.)
THE COURT: You can publish, Solicitor.
BY MS. SWANSON:
Q Okay. Is there anything else that this picture contains?
A Yes, ma'am. If you are looking at the picture to the right side, there is a cartridge case on the floor between the bed and the wall.
Q Is that what you're referring to?
A I can't see it from here, but, yes, ma'am.
Q All right. I've got another picture.
(STATE EXH. 15, Photo, was marked for identification.)

(STATE EXH. 16, Photo, was marked for identification.)

BY MS. SWANSON:

Q I'm going to hand you 15 and 16 and ask if you can identify what's contained within these pictures.

A Yes, ma'am.

Q Are those pictures of where the cartridge case was found?

A They are.

MS. SWANSON: I would move 15 and 16 into evidence at this time.

THE COURT: Any objection?

MS. CARMODY: No, Your Honor.

THE COURT: Admitted without objection.

(STATE EXH. 15, Photo, was entered into evidence.)

(STATE EXH. 16, Photo, was entered into evidence.)

(STATE EXH. 5, Cartridge case, was marked for identification.)

BY MS. SWANSON:

Q And I'm handing you what's been marked as State's Exhibit 5 for identification purposes and ask if this is the cartridge case that you collected from the right side of the bed at the Forest Motel room.

A It is.
Q And that went off to testing?
A Yes, ma'am, it did.
MS. SWANSON: Your Honor, I would ask to publish 15 and 16 at this time.
THE COURT: That's fine. Yes, ma'am.
BY MS. CARMODY:
Q It's a little difficult to see, but it's behind this bottle; is that right?
A Yes, ma'am, it's a cartridge case found on the ground.
Q And then with the placard right there?
A Yes, ma'am. That's the same cartridge case head-stamped WMA19 and marked with a Marker 1.
Q Thank you.
Did you locate any firearms in the hotel room?
A No, we did not.
Q All right. So no gun was collected from Room 22.
A No, ma'am.
Q Was there any sign of a struggle?
A Not to my observations, no, there was not.
Q No overturned furniture or anything of that sort?
A Nothing.

Q Was there any evidence of drug use in the room?
A Yes, ma'am. There was a white powdery substance collected from the table in the corner closest to a window, and it was directly collected by Investigator Croft, but documented by SLED Crime Scene.

(STATE EXH. 9, Photo, was marked for identification.)

BY MS. SWANSON:

Q I'm going to hand you what's been marked as State's Exhibit 9 and ask if this is what you were referring to when you say white powdery substance.
A It is.
Q Is that how those razors and the substance appeared in the room what you guys got there?
A Yes, ma'am, that's how it was.

MS. SWANSON: I would move 9 into evidence at this time and request to publish.

THE COURT: Ms. Carmody, any objection to State's 9 being entered into evidence?

MS. CARMODY: No, Your Honor.

THE COURT: It is 9, isn't it?

MS. SWANSON: It is.

THE COURT: Okay. Admitted without objection.

(STATE EXH. 9, Photo, was entered into evidence.)

BY MS. SWANSON:

Q All right. Also, from the scene you collected some evidence -- some forensic evidence from the victim. What did you collect from the victim?

A From the victim, with the permission from the coroner, the Jasper County coroner, we collected a set of postmortem major case prints. That's just inked fingerprints for comparison purposes or elimination purposes to any latents found on any evidence. We also collected a buccal swab like we did with Mr. Redding and fingernail scrapings and a GSR or gunshot residue kit.

(STATE EXH. 22, Finger nail scraping; Noonan, was marked for identification.)

BY MS. SWANSON:

Q I'm going to hand you State's 22 and ask if these were the fingernail scrapings that you collected from the victim Cypress Noonan.

A Yes, ma'am, these are.

Q And those were sent off for testing?

A Yes, ma'am, I believe so.

(STATE EXH. 23, GSR kit, was marked for identification.)

BY MS. SWANSON:

Q I'm going to hand you State's 23 and ask if this is the GSR kit that you collected from Cypress Noonan.

A Yes, ma'am, it is.

Q And, again, that was sent off for testing.

A It was.

Q Thank you.

All right. Once you were finished at the scene, did you photograph the defendant?

A Yes, ma'am. I was requested by Ridgeland P.D. to go to the police department and document Redding with additional photographs.

Q Okay. And you took photos of his person and his hands?

A Yes, ma'am.

Q And his shoes and things of that nature?

A His clothing, yes.

(STATE EXH. 10, Photo, was marked for identification.)

(STATE EXH. 11, Photo, was marked for identification.)

(STATE EXH. 12, Photo, was marked for identification.)

(STATE EXH. 13, Photo, was marked for identification.)

(STATE EXH. 14, Photo, was marked for identification.)

BY MS. SWANSON:

Q I'm going to hand you State's Exhibits 10 through 14 and ask if these are photos that you took of Mr. Redding that day after you left the crime scene.

A Yes, ma'am, they are.

Q And that accurately portrays what he -- how he appeared --

A Yes, it does.

Q -- on September 6th?

A Yes, ma'am.

Q Thank you.

MS. SWANSON: The State would move 10 to 14 into evidence at this time.

THE COURT: Any objection, Ms. Carmody?

MS. CARMODY: No, Your Honor.

THE COURT: No objection, State's 10 through 14 admitted without objection.

(STATE EXH. 10, Photo, was entered into evidence.)

(STATE EXH. 11, Photo, was was entered into evidence.)

(STATE EXH. 12, Photo, was was entered into evidence.)

(STATE EXH. 13, Photo, was was entered into evidence.)

(STATE EXH. 14, Photo, was was entered into evidence.)

MS. SWANSON: Thank you. Beg the Court's indulgence.

BY MS. SWANSON:

Q Do you recall if you asked Mr. Redding whether or not he had changed clothes?

A I don't recall asking.

Q Okay. What about -- I'm sorry.

MS. SWANSON: Okay. I would move to publish these at this time.

THE COURT: All right. Go ahead.

BY MS. SWANSON:

Q Did you end up collecting the clothing that he was wearing in those photos?

A Yes. I collected the red Adidas shirt and the shorts with a consent to search form.

(STATE EXH. 24, L20-14672; Item number 13, was marked for identification.)

BY MS. SWANSON:

Q I'm going to show you what's been marked as State's 24 and ask if these are the shorts that you collected from Mr. Redding.

A Yes, ma'am, they are.

(STATE EXH. 25, Red shirt; Redding, was marked for identification.)

BY MS. SWANSON:

Q All right. And State's 25, is this the red Adidas shirt that you collected from Mr. Redding?

A Yes, ma'am, it is.

Q All right. Thank you.

And both of these items were sent off to SLED?

A They were.

Q All right. You took buccal swabs from the victim as well?

A Yes, ma'am, I did.

(STATE EXH. 20, Buccal swabs; Noonan, was marked for identification.)

BY MS. SWANSON:

Q I'm handing you what's been marked as State's Exhibit 20, are these the swabs that you took from the victim in this case?

A They are.

(STATE EXH. 21, Firearms evidence, was marked for identification.)

BY MS. SWANSON:

Q Okay. I'm handing you State's Exhibit 21 labeled

as Items 2 and 3. Can you explain what those items are.

A One of them is a suspected fire projectile fragment from Defect A inside the motel room 22. There was a headboard. Once the victim was moved, when the coroner arrived on the scene, you could see a suspected bullet defect to the back of the headboard. Next to it was a small fired projectile fragment.

And then I can't really get to the other one.

Q That's okay.

A Oh, I see it. That was a fired projectile. I attended autopsy on September 9th at the Medical University of South Carolina, and I received a fired projectile that purportedly came from the hair of Cypress Noonan with the medical staff at MUSC.

Q Okay. And so that's the firearms evidence that was then sent for analysis.

A Yes, ma'am. This was all sent to firearms.

Q All right. Thank you.

All right. When you were finished with processing the hotel room, were you tasked with processing a Toyota Avalon?

A Yes, ma'am. Once we were done with the crime scene, we were requested to go to the Ridgeland Police Department where there was a Toyota Avalon that was white in color, and we searched it as well as documented with digital photographs.

Q Okay. Did you end up swabbing that car at some point?

A A few days later, I believe on -- I want to say the 23rd. Yup. On the 23rd, we were requested to go back out to the Ridgeland Police Department, and we processed the Toyota Avalon with leucocrystal violet. It's a chemical for -- it's called LCV. It's a chemical that looks at the presumptive presence of suspected blood. It did test positive for the driver's door handle on the exterior.

MS. CARMODY: Objection, Your Honor. Facts not in evidence.

MS. SWANSON: I'm sorry?

THE COURT: Come here. Counsel approach.

(Benc conference.)

THE COURT: Hold on. What's your objection?

MS. CARMODY: My objection is to the blood analysis on the car.

THE COURT: I think all she said was --

MS. SWANSON: It was just a presumptive test, she said.

THE COURT: I'll sustain the objection. I think she can rephrase it in such a way that doesn't use the "positive." I think what happens is, she sprayed it down and it then basically was presumptive for the presence of blood on the handle, or whatever it was.

MS. SWANSON: The swabs did come back --

THE COURT: I'll sustain. And as it relates to the test, just rephrase it however you want to. Thank you. (End .

I will sustain the objection. Solicitor -- I'd ask the jury to disregard the last comment. If you'd just rephrase the question, please.

BY MS. SWANSON:

Q Did you use a presumptive test to determine a couple of places on where to swab in the Toyota Avalon?

A Yes, there was a presumptive test.

Q Okay. And you're not a serologist.

A No, ma'am. I'm not.

Q You don't know the results of that test, do you?

A I do not.
Q All right. So photos of the car were taken, a couple swabs, and that was the extent of the Toyota Avalon?
A Yes, ma'am.
Q I think that's everything I have for you at this time. If you can please answer any questions that the defense may have for you.
A Thank you.
THE COURT: Ms. Carmody, do you have any questions for this witness?
MS. CARMODY: Yes, Your Honor.
THE COURT: All right. Yes, ma'am.

CROSS-EXAMINATION

BY MS. CARMODY:
Q Good afternoon, ma'am.
A Good afternoon.
Q So, ma'am, you indicated earlier that you're a crime scene specialist, correct?
A Yes, ma'am.
Q And you're working under the direction of Agent McCallister?
A No, ma'am. She was just there to assist us and we're there to assist her. We work together.

Q You prepared a report in this case?
A Yes, ma'am. I wrote a report.
Q Okay. So in your report, when it would indicate "All actions were discussed with S.A. McCallister," Special Agent McCallister, "no further processing was requested at that time," would that indicate that you were in charge of the investigation or Special Agent McCallister?
A We do the crime scene portion of the investigation and she does the entire investigation, and she's going to be the lead agent for it.
Q So if she wanted any further processing of anything, that would come from her?
A Yes, ma'am. It would.
Q And so it's -- you check in with her and indicate what's been done, how it's been done, and why?
A Yes, ma'am. We do an entire walk-through of everything that we've done so we're all on the same page before we leave the crime scene.
Q Okay, great.

So your report indicates that you got to the crime scene at 12:26 p.m., correct?
A Yes, ma'am. 12:26, yep.
Q All right. And you testified earlier the scene

that we're talking about was the Forest Motel.
A Yes, ma'am.
Q Okay. Now, you need information in order to do your job, correct?
A I do.
Q All right. So your report indicates that the information that you were provided to do your investigation -- your investigation is based on the information that you have so you know what you're looking for, correct?
A We get information once we get on the scene, and it's helpful to our investigation as a whole. But we look for evidence. We search everything. We process everything that we can. So we don't know all the information of what could be or what had happened until we look for that evidence. So we let the evidence kind of tell us the story.
Q All right, ma'am. So your report indicates that you went on scene with this following information. And please correct me if I'm wrong. You arrived on scene with the information that Mr. Redding had called 911.
A Yes, ma'am.
Q Okay. Additionally, the reason that you were processing -- hold on one second. Let me find the

right spot.

Okay. And that the -- so when you say a male witness, you're referring to Mr. Redding, that he had left the motel room and reported the victim alive at that time, correct?

A Yes, ma'am, that's what we were told.

MS. SWANSON: Your Honor, that's hearsay.

MS. CARMODY: This is the information she's being provided in order to collect evidence.

THE COURT: I'm going to overrule that. I think this is information that she's indicated that she's going to rely upon as she then goes about conducting her analysis. I'm going to overrule that.

Go ahead, please.

BY MS. CARMODY:

Q And then you also had information that the witness, Mr. Redding, had returned to the motel room and found the victim deceased with a suspected gunshot wound to the head, correct?

A That's what we were told at the time, yes, ma'am.

Q This is what you're basing your investigation on,

correct?
A That's not what I based my investigation on. That's just the information that I receive when I initially get there, yes, ma'am.
Q Additionally, you also had information that Mr. Redding touched the victim's head and arms and then reported to have called 911, correct?
A Yes, ma'am. We were told that he touched the victim.
Q Okay. And as you had testified earlier, Investigator Croft had already collected a gunshot residue kit. You had that information as well.
A Yes, ma'am.
Q Okay. Were you aware that a DNA sample had already been provided as well?
THE WITNESS: Your Honor, may I look at my notes?
THE COURT: Sure.
THE WITNESS: Ma'am, could you rephrase that?
BY MS. CARMODY:
Q I'm sorry.
Were you made aware that Mr. Redding had already provided a DNA sample to Investigator Croft?
A No, ma'am.

Q And when you arrived on scene, you were with Special Agent Worley, correct?
A Yes, ma'am, I was.
Q And McCallister was on scene as well, correct?
A Yes, ma'am.
Q So it would be -- is it fair to assume that you were not alone and you had help with you?
A Yes, ma'am. We are teamed up with a second partner, so we always work as two people on a crime scene.
Q In this case, there were actually three, correct?
A With Crime Scene, there was only two.
Q Okay. And your -- is it your understanding that you entered the motel room -- or actually you went to the Forest Motel pursuant to a search warrant?
A Yes, ma'am. The Ridgeland Police Department obtained a search warrant for the motel room and curtilage.
Q Okay. Ma'am, do you remember what areas -- the places that the Court ordered to be searched?
A No, ma'am. I don't have the search warrant with me right now.
Q Would it refresh your recollection if I showed you a copy?
A Yes, ma'am.

Q (Hands document.)
A Yes, ma'am.
Q Okay. And what areas were to be searched?
A The address residence property to include curtilage and all vehicles, persons, outbuildings, sheds, conex boxes, kennels, containers, and other such storage contraptions, pull-behind trailers all located at 10504 South Jacob Smart Boulevard or the Forest Motel, Room 22 in Ridgeland, South Carolina, 29036, County of Jasper.

And the residence is further described as being a single-story structure motel with dark in color shingles, and the front door of the residence is blue in color with the number 22 on the door.

Q Ma'am, when you were on scene -- when you arrived on scene, you did not know what had happened with Cypress Noonan.
A No, ma'am. I did not know the victim's name at the time. I just knew that it was a female juvenile victim with a gunshot wound to the head.
Q So again, you don't know what happened to her.
A No, ma'am.
Q All right, great.

So your job in being on scene is to examine

the crime scene and to collect evidence?
A Yes, ma'am. We documented the crime scene with digital photographs and notes, measurements in a rough stretch, and then we collect all the evidence and keep it as pristine as we can, drive it to the SLED Forensic Services Laboratory where we submit it all.
Q Ma'am, have you been sitting in the courtroom while the other officer testified?
A No, ma'am.
Q Okay. You're not aware of the previous officer's testimony?
A No, ma'am.
Q All right. The jury has seen this picture earlier, but I'm going to show you a picture of what has previously marked as Defense 3.

So ma'am, is this the right side of the L-shaped Forest Motel?
A I can't really see the picture. I'm sorry.
Q I can hand it to you, ma'am.
A Thank you. I don't know from this picture. I'm sorry.
Q You don't know what the Forest Motel looks like?
A I know that it was yellow outside with tan and blue doors, but I can't read the name of the

motel.
Q Ma'am, when you arrived on scene, were there other cars in the parking lot?
A Yes, ma'am, there were.
Q All right. And there were people in the parking lot as well, correct?
A I can't recall if there were people in the parking lot other than law enforcement and law enforcement vehicles and residents' vehicles.
Q All right. And maybe this picture will help you better. How about this one? Is this one -- this is Defense 2. Does this one refresh your recollection of what the Forest Motel looks like?
A I can't really see the picture from here. I'm sorry.
Q I'm sorry. (Hands document).
A Thank you. That appears to be the L-shaped area of the Forest Motel, but I can't see -- it's not my photo. I didn't take this. And I can't see that that is Room 22 or that it is the Forest Motel, but it looks similar.
Q Okay. And I think the big one the State produced. We'll just use that one.
Okay. Ma'am, I'm going to show you State's 2. How about this one?

A Yes, ma'am.
Q Can you identify this one?
A Yes, ma'am.
Q Okay. Ma'am, this area here, what is this?
A I can't see from the photo.
Q (Hands document).
A Thank you. I'm not sure what that area is. Maybe it's a fly. I don't know. I was focused on Room 22 at that time.
Q Oh, okay. So the crime scene, according to your testimony, is only Room 22.
A We typically also search the outside area and anything around it. We don't remember any observations made on the outside of the motel room at that time.
Q Ma'am -- so, specifically, Room 22 is right here.
A Yes.
Q And did you search this area or any area surrounding Room 22 for a weapon?
A I don't recall searching it myself, no, ma'am.
Q Okay. This is a single-story structure, correct?
A Yes, ma'am. It is.
Q Did you search anywhere up here, up top, for a

weapon?
A No, ma'am, I didn't.
Q Okay. Did you search anywhere outside in the curtilage of Room 22 for a weapon?
A Not that I can recall.
Q Did you talk to any of the neighbors in the adjoining rooms?
A No, ma'am. That's typically not part of my job duties. That's more of the investigation side.
Q Your job is only looking for physical evidence, like a firearm?
A That's part of it, yes, ma'am, and then latent evidence as well that you can't see.
Q All right. And so when you're in the room, you would have documented and collected evidence, correct?
A Yes, ma'am.
Q All right. Now, you indicated earlier -- I'd like to show you State's 7 and --

MS. SWANSON: I believe that's defense.

BY MS. CARMODY:
Q I'm sorry. Defense 7.

And was this the table in the room?
A Can I please see the picture closer up?

Q Sure.
A Thank you. Yes, ma'am, I believe it was.
Q Okay. So your testimony is that this was a table in the room. And, ma'am, did you collect any evidence from the table?
A No, ma'am, that day I did not collect any evidence.
Q That day you didn't collect any evidence?
A I did not collect any evidence from this table -- or from the table of Room 22 at the Forest Motel.
Q Okay. And you testified earlier that you were there responding to a gunshot wound, correct?
A Yes, ma'am.
Q You don't know at this point what happened to Cypress Noonan, correct?
A No, ma'am, I don't.
Q All right. You didn't collect anything at all on the table.
A No, ma'am. I did not collect anything from that table.
Q What about this picture here where the drawers were open? Did you collect anything out of the drawers?
A No, ma'am. I didn't collect anything out of

the drawers. It was all documented with digital photographs.

(DFT. EXH. 17, Photo, was marked for identification.)

(DFT. EXH. 18, Photo, was marked for identification.)

(DFT. EXH. 19, Photo, was marked for identification.)

(DFT. EXH. 20, Photo, was marked for identification.)

BY MS. SWANSON:

Q All right. I'd like to show you what has been pre-marked as Defense 17 -- 17 and 18.

A Yes, ma'am.

Q All right. And, actually, while I'm over here, Defense 19 and 20.

A Yes.

MS. CARMODY: Your Honor, defense moves 17, 18, 19, and 20 into evidence. May I publish?

THE COURT: Any objection, Solicitor?

MS. SWANSON: No objection.

THE COURT: Yes, ma'am. Admitted without objection. You can publish. Yes, ma'am.

(DFT. EXH. 17, Photo, was marked for identification.)

(DFT. EXH. 18, Photo, was entered into evidence.)

(DFT. EXH. 19, Photo, was entered into evidence.)

(DFT. EXH. 20, Photo, was entered into evidence.)

BY MS. SWANSON:

Q Ma'am, do you know where these were located?

A I believe those were from the side table next to the bed, but they also could have been from the dresser where the TV was on top in front of the -- we look through each one of the drawers typically on scene and document everything that could be in there, as well as pocketbooks, purses, book bags, et cetera.

Q Ma'am, what is the picture? What is depicted in the picture?

A This is a picture of Tri-Legest FE for Cypress Noonan. I believe those are birth control pills.

Q Ma'am, what's the date on the prescription?

A I believe that's -- is that 8/27/20 on the far right corner?

Q Right here. Do you want me to blow it up bigger before showing it to you? Is that better?

A I believe it's August 27th.
Q August 27, 2020?
A Yes, ma'am.
Q And when were these collected?
A These were not collected.
Q When did you take this picture?
A This picture was taken on September 6, 2020.
Q Okay. It's fair to assume there was no pills missing out of the container, correct?
A Yes, ma'am, that can be assumed.
Q I'm sorry?
A Yes, ma'am. It can be assumed that there's no pills missing out of that container.
Q All right. Ma'am, I'm going to show you Defense 7, this picture. So these are -- what are these?
A The clear plastic bags.
Q And those were left on the table?
A To my knowledge, yes.
Q And, ma'am, this picture here, what is this?
A This appears to be the bathroom and toilet on the right-hand side.
Q In the middle of the floor in the bathroom, what was in the middle of floor in the bathroom?

A I'm not sure. I can't see that.
Q It would be in your report, too, ma'am, right?
A If there wasn't any evidentiary value to it, it probably was not in my report.
Q Okay. Are you saying that drugs in the room -- is it your testimony that suspected narcotics in the room and suspected drug paraphernalia on the bathroom floor are not items of evidentiary value?
A I don't recall seeing suspected drugs on the bathroom floor. I do remember suspected drugs on the side table, which were collected by Investigator Croft.
Q Here (indicating). This table, ma'am?
A Yes, ma'am.
Q Okay. And you said Investigator Croft collected them?
A Yes, ma'am.
Q Did he confirm that with you?
A Yes, ma'am. Those were collected by Investigator Croft per my report.
Q And, ma'am, you had testified earlier that there were no signs of forced entry, correct?
A Yes, ma'am.
Q All right. I want to show you Defense 20.
Ma'am, is that the door right here?

A It is.
Q Okay. And do you -- did you have opportunity to examine the door to see if that door closes and latches correctly?
A I don't recall at this time.
Q It would be indicated in your report, no?
A Unless there was -- the door was not closed or locked or there was an issue with it, typically, no. I didn't observe any forced entry to the motel room door.
Q Okay. When you're saying you're not observing forced entry, you're talking about a door being kicked in, like a busted doorjamb?
A Typically, the doorjamb or the strike plate off the door or footwear impression on the door, or damage to the door, or if the door does not lock or close properly.
Q All right. You testified that your job on scene is to document, right?
A Yes, ma'am.
Q And do you recognize Defense 11?
A Yes, ma'am. That's the bathroom in Room 22.
Q Okay.
A The bathtub.
Q And also Defense 12.

A Yes, ma'am. That's the bathtub.
Q Did you observe water in either of those pictures or in the tub?
A No, ma'am, not that I can see.
Q Okay. What about the sink in the room? You didn't observe water in that either, did you?
A Not that I recall.
Q Okay. Ma'am, let me show you -- let's see. Let's use this one. I'm going to show you State's 4. Do you recognize that?
A Yes, ma'am. I do.
Q Ma'am, that's a picture of Cypress on the bed?
A Yes, that's a picture of Cypress Noonan.
Q Okay. Ma'am, there was a significant amount of blood on the bed, right?
A There was a blood-letting event on the bed, yes, ma'am.
Q There was also blood on the wall behind her, ma'am?
A There was.
Q And there was blood on the ceiling?
A Yes, there was blood on the ceiling as well.
Q Brain matter, ma'am, on the wall?
A Yes, ma'am. Brain matter on the ceiling and the wall.

Q And the ceiling, okay.

And you had indicated earlier -- you testified that that also sprayed off the side of the bed on the right, on the floor?

A Possibly.

(DFT. EXH. 22, Photo, was marked for identification.)

(DFT EXH. 23, Photo, was marked for identification.)

(DFT. EXH. 25, Photo, was marked for identification.)

(DFT. EXH. 26, Photo, was marked for identification.)

(DFT. EXH. 27, Photo, was marked for identification.)

(DFT. EXH. 28, Photo, was marked for identification.)

BY MS. SWANSON:

Q Okay. Ma'am, I want to show you what has been pre-marked as Defense 22, 23 -- I'm sorry. Wait a minute. 22, 23, 26, 27, and 28, and 25 as well.

Can you identify those?

A Yes, ma'am.

Q Thank you.

Ma'am, you indicated -- well, you saw

Cypress Noonan with a gunshot wound to the forehead?
A I did. Yes, ma'am.
Q Okay. Ma'am, would it be reasonable to say that this was a close-contact gunshot wound? The person had to be in close vicinity to the person?
A I can't testify to the close proximity of the gunshot wound.
Q So you don't know how far away the person was? Were they across the room?
A No, ma'am. I can't say that.
Q You don't know that. But you do know that when you took photographs of Mr. Redding --
MS. SWANSON: Your Honor, defense seeks to admit and publish 26, 22, 23, 27, 28, and 25.
THE COURT: 22, 23, 25 --
MS. CARMODY: I'm sorry. 22, 23, 25, 26, and 27?
THE COURT: All right. Is there a 28? Is there a 28 in that batch? There may not be.
MS. CARMODY: I don't believe so.
THE COURT: That's fine. So you want to admit 22, 23, 25, 26, 27 into evidence?
MS. SWANSON: Yes, Your Honor.
THE COURT: Is there any objection to those, Solicitor?

MS. SWANSON: These are photos of the defendant taken by SLED? I'm asking you what they are.

THE COURT: Show her.

MS. SWANSON: Thank you. No objection.

THE COURT: The photographs are admitted without objection.

(DFT. EXH. 22, Photo, were entered into evidence.)

(DFT EXH. 23, Photo, were entered into evidence.)

(DFT. EXH. 25, Photo, were entered into evidence.)

(DFT. EXH. 26, Photo, was marked for identification.)

(DFT. EXH. 27, Photo, were entered into evidence.)

BY MS. CARMODY:

Q Ma'am, you went to Ridgeland Police Department to photograph Mr. Redding, correct?

A Yes, I did.

Q Okay. And when you went to photograph him, you asked him if you could take pictures of him, correct?

A I believe so.

Q All right. And he was cooperative with you,

correct?
A Yes, he was cooperative.
Q And when you saw him, you didn't observe blood --
A No, ma'am.
Q -- on his person?
A No, ma'am. I saw no blood on his person.
Q How about on his arms?
A I did not see any blood on his arms.
Q His legs?
A Or his legs.
Q Shoes?
A No, ma'am.
Q That's the left shoe. What about the right one?
A That's the left shoe.
Q Right and then left.
A Yes, ma'am. I did not see any blood on his shoes.
Q The stains on the jeans -- I'm sorry. Was there stains on the jeans?
A There was some staining on his jean shorts.
Q Okay. You gave these shorts to Special Agent Worley to photograph and send off to SLED?
A I collected the shorts myself, and I submitted it to the SLED Forensic Services

Laboratory for analysis.

Q And his hands, as well as arms, there was no blood?

A No. There was no blood on his arms or his hands.

Q No brain matter either, right?

A No, ma'am. Not that I could see.

Q Now, the baggie on the bathroom floor, you indicated that you did not collect that?

A I don't recall a baggie on the bathroom floor. I did not collect any baggies or baggie or any evidence from the bathroom floor.

Q The photograph, ma'am, I can show it to you again. The bathroom floor.

A I can't tell what that is, but I didn't collect anything off the bathroom floor.

Q So if items were not collected off the bathroom floor, they would not have been sent out for testing, correct?

A That's correct. There was no evidence to collect. It was not submitted.

Q All right. You indicated earlier you collected DNA from Mr. Redding, Brian?

A Yes, ma'am. I took a buccal swab from Mr. Brian Redding.

Q What about DNA from her sisters, Cypress's sisters?
A I wasn't aware that the victim had sisters.
Q Well, nobody else volunteered their DNA to you, right?
A I was not aware there was anyone else.
Q What about an individual by the name of Popeye or Dervon Jones?
A I don't know who that is.
Q No, you didn't collect any DNA from Popeye?
A No.
Q Did you collect DNA from Peter Patel?
A No, ma'am.
Q What about any of the adjacent rooms at the Forest Motel, did you collect DNA from any of those people?
A No, ma'am. I did not.
Q Okay. Ma'am, when you collected -- when you asked Mr. Redding for his DNA, we would expect to find his DNA there, correct?
A Yes, ma'am, you would expect to find his DNA in the room since he was habitually living there. From what we were told, he stayed in the room.
Q You'd also expect to find Cypress's DNA in the room, correct?

A Yes, ma'am, same with Cypress. We had information that she lived there, so her DNA should be expected to be in the room.

Q All right. Now, ma'am, you said you also were looking for -- you know, when you're doing the crime scene, did you locate any cameras in or around the property?

A Not that I recall.

Q Did you notice if any of the vehicles had any dashcams or anything like that?

A Not to my knowledge. Not at the time.

Q Are you aware that there's a post across the street from the Forest Motel?

A No, ma'am. I don't have that information.

Q So you're not aware if the post has cameras across the street?

A No, ma'am.

Q All right. Ma'am, you indicated earlier that you collected Brian's shirt and his shorts to send them off to SLED for testing.

You did not collect his shoes or his socks, correct?

A That's correct.

Q And that's because there was no blood on the shoes and socks, correct?

A I was requested to collect his shirt, as well as the shorts.
Q And you never asked Mr. Redding if he had the same shirt on when he woke up that morning, did you?
A No.
Q All right. I want talk to you about the search of the vehicle. So we have -- we're talking about the search of the white Toyota Avalon.
A Yes.
Q Okay. Now, on 9/6, the day that Cypress passed away, you executed a search warrant on the Toyota Avalon, correct?
A Yes, ma'am.
Q And at the -- when you executed the search warrant on the Toyota Avalon, you indicate in your report that you obtained, quote, "There was a cell phone recovered from the vehicle."
A Yes, ma'am. There was.
Q And the vehicle was documented, correct?
A Yes.
Q With photographs?
A Yes, ma'am. The car was documented with photographs --
Q And --
A -- by SLED Crime Scene.

THE COURT: Hold on. Ms. Carmody, just allow her to answer, and then ask a question. Thank you.

BY MS. CARMODY:

Q Ma'am, if you can just repeat your answer. I'm sorry.

A The car was documented with photographs by SLED Crime Scene agents. The phone itself was collected my Special Agent McCallister with SLED.

Q Okay. And then your report indicates there were no other items of evidentiary value.

A No, ma'am. Nothing else was collected from that vehicle by Crime Scene that day.

Q On September 6th -- we're talking about the day that Cypress passed away. That vehicle was released to the owner Ashley Dodson, correct?

A I don't have that information.

Q You don't know who released the vehicle or whether it was released?

A No, ma'am. Once I finished my documentation of the vehicle and all the evidence was collected, we left the scene and the vehicle was released to the SLED Low Country Region, as well as the Ridgeland Police Department. And what's done with

it from then on, we left.

Q All right. Ma'am, so on September 6th, you released -- you completed the search of the vehicle.

A Yes. I completed my search of the vehicle, yes, ma'am.

Q And then there was another search warrant obtained on September 17th. So -- I have the warrant here if you need to see it.

A I went back out to the vehicle on September 23rd.

Q Okay. So you testified earlier that you sprayed the vehicle. That was on September 23rd?

A Yes, ma'am, that was on September 23rd.

Q Okay. And Cypress passed away on September 6th.

A Yes, ma'am.

Q So excuse my math, but we're talking about 15 -- the 6th to the 23rd. A couple weeks later?

A Yes, ma'am.

Q That's when you sprayed the vehicle and you said that -- I forgot how you phrased it, but you had like suspected blood on the vehicle. Is that what you said?

A Yes, ma'am. We sprayed the vehicle with leucocrystal violet, the presumptive agent -- chemical agent for presumptive or suspected blood,

which was positive.

Q On the 23rd of September.

A Yes, ma'am, on the 23rd of September.

Q All right. Are you aware that there was another search warrant on the vehicle?

A No, ma'am, I'm not. There was a search warrant by Ridgeland Police Department that I received on the -- September 6th, and then a search warrant by the SLED Low Country Region on the 23rd that I received. I look over a search warrant before I do anything with a crime scene related to a piece of evidence or anything to be processed.

Q Okay. On September 6th -- just so we're clear. September 6th, there were no more items of evidentiary value, but then you go you and get another search warrant 17 days after Cypress passed away?

A Yes, ma'am. I didn't obtain the search warrant. I just saw a copy of the search warrant.

Q Ma'am, I'd like to show you what's marked as Defendant's 18.

A Yes, ma'am.

MS. CARMODY: Your Honor, defense moves Defense 18 into evidence.

MS. SWANSON: Without objection.

THE COURT: All right. Admitted without objection.

(DFT EXH. 18 previously entered into evidence.)

MS. CARMODY: May I publish?

THE COURT: Yes, ma'am.

BY MS. CARMODY:

Q Ma'am, this is a picture of you collecting the projectile from the floor?

A Yes, ma'am. This is the cartridge case projectile.

Q I'm sorry. The cartridge casing from the floor, yes.

Also, ma'am, I showed you a picture earlier where you collected the birth control pills. Do you remember that?

A I did not collect the birth control pills.

Q I'm sorry. You picked them up and photographed them, though, correct?

A Yes, ma'am. Special Agent Worley documented all the evidence.

Q So, ma'am, are these picked up with the same gloves?

A This was Special Agent Worley's gloves. And our typical procedure is to change gloves out

while collecting and documenting evidence.

Q But you don't know that that happened.

A I don't. That's not my hands.

Q Did you also -- I'd like to show you Defendant's 19.

A Yes, ma'am.

MS. SWANSON: Without objection.

THE COURT: You want to admit Defendant's 19 without objection?

MS. CARMODY: Yes, Your Honor. May I publish?

THE COURT: Sure.

(DFT. EXH. 19 previously entered into evidence.)

BY MS. CARMODY:

Q Ma'am, in this photograph here -- let me just scroll this up. In this corner right here, ma'am -- you took this photograph?

A I didn't take this photograph, but I recognize the photograph.

Q You do, okay.

Ma'am, is this a shoeprint in the corner on the sheet?

A It doesn't appear to have any characteristics, and I don't recall any footwear in this case. No, ma'am.

Q Okay. But you did take shoe prints from Mr. Redding.

A I did not.

Q Pictures of the bottom of his shoes?

A Yes, ma'am. That's standard practice for us, to take pictures of the bottom of their shoes, as well as their hands, to look for any suspected blood or debris or any bruises that the person may have; cuts, scrapes, anything like that.

Q Ma'am, there was a significant amount of blood on the scene.

A There was a blood-letting event on scene.

Q Okay.

MS. CARMODY: Beg the Court's indulgence, Your Honor.

THE COURT: Yes, ma'am.

BY MS. CARMODY:

Q Thank you very much, ma'am. I don't have any further questions.

THE COURT: Redirect, Solicitor?

MS. SWANSON: Just briefly.

REDIRECT EXAMINATION

BY MS. SWANSON:

Q Agent, you said that you had received information that the defendant had touched the victim's head and

arms, right?

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

Q Okay. What time did you arrive at the Forest Motel that day?

A I arrived around 12:26 p.m. on the 6th.

Q So that was a few hours after the responding officers had initially been there?

A We received the initial call at 10:41 a.m. from Ridgeland Police Department.

Q Okay. So that was the call to SLED for assistance?

A Yes, ma'am.

MS. SWANSON: Thank you very much. Nothing further.

THE COURT: All right. Anything else, Ms. Carmody?

MS. CARMODY: No, Your Honor.

THE COURT: All right. Thank you. Any objection to this witness being released?

MS. CARMODY: No, Your Honor.

THE COURT: Solicitor?

MS. SWANSON: No.

THE COURT: Thank you so much, ma'am. Have a safe trip back.

THE WITNESS: Thank you.

THE COURT: All right. Ladies and gentlemen, we are going to take about ten minutes, take a brief break. I'll have you back in here and I think the State will be calling their next witness. Thank you. Don't talk about the case.

(Jury exits the courtroom at 3:29 p.m.)

THE COURT: Solicitor, I didn't mean to cut you off. It was a good time for a break.

Was there something you wanted to tell me?

MS. SWANSON: Yes, sir. I was just going to ask to approach because I was going to let you know that the next several witnesses are sisters and lay witnesses. And I just wanted to make sure we were all on the same page about the parameters of their testimony, that the details of the difficulties are not admissible, but the fact that there were difficulties between the parties are.

MS. CARMODY: I would ask that the testimony be proffered, Your Honor.

THE COURT: Well, as far as -- let me ask you this, Solicitor: As far as generalities, please understand they're not going to go into any specific instance. They're not going to talk about the defendant allegedly holding a firearm to

the decedent.

And I would just say that I think from my reading of the law and looking at the *Clinkscales* case, and that case involves somebody that was shot, and the same facts as it relates to -- it was a domestic violence-type of situation, may have excluded that.

So I think this -- I think any reference to holding a gun or pointing a gun at her, I think following the same line of thought, that would be excluded. But I think as it relates to generalities, I think that those generalities are --

(Knock on jury room door.)

THE COURT: Is that the door?

THE CLERK: Yes.

THE COURT: See what's up.

THE CLERK: A note.

THE COURT: As it relates to those generalities, I think she is allowed to hear from that.

Ms. Carmody, what's your position on that?

MS. CARMODY: Your Honor, it depends on what the Court means by "generalities." So I

believe in the case, they -- evidence was admitted that they heard a thump in the room. Things like that, Your Honor, I think is -- would be within what the case law talks about, but, you know -- like hearing a thump, or something like that, I think that's a generality to me versus, you know, saying, you know, "I saw him thump her," that type of situation.

THE COURT: All right. Well, again, what we're going to do is, we'll let them get started. And if there's an issue, then I'll probably send them back out and I'll just hear from them as we move along. If there's an issue, you certainly can object.

But I think the solicitor understands that they need to be cautioned as it relates to generalities and not specific events. Because I think it could be easy to move into specific events.

But, right now, let's deal with something else. I got a note from the jury. The note says, "Someone I know came in and sat on the defendant's side. Someone I know very well," dot, dot dot, " close friend. I think went to the school with the defendant."

Okay. So that's the note that I just got.

MS. CARMODY: On the defendant's side.

THE COURT: I'm just -- well, I guess what I need to do is, I need to bring -- pull this juror out. Let's get this juror out here and see what's going on.

Do you-all want to come look at the note?

MS. SWANSON: I don't need to see the note.

MS. CARMODY: I don't need to see it. I don't understand it, but I don't need to see it.

THE CLERK: Is she a witness?

THE COURT: It just says, "Someone I know came in and sat on the defendant's side, someone I know very well...close friend. I think I went to school with the defendant."

So now it's -- I think we need to get this juror out here and get to the bottom of it.

Any objection for bringing the juror out and allowing me to question the juror? From the State?

MS. SWANSON: No, Your Honor.

THE COURT: From the Solicitor? Excuse me. From the defense?

MS. CARMODY: No, Your Honor.

THE CLERK: Did they sign the name?

THE COURT: No, didn't sign the name.

Do you know which one -- was it the foreperson that handed you this note or someone other than the foreperson?

THE DEPUTY: Other.

THE COURT: Other than the foreperson?

All right. In that case, why don't you bring -- just get that individual to come out here, okay?

THE DEPUTY: Yes, sir.

(Juror 69 enters the courtroom.)

THE CLERK: Ms. Eason.

THE COURT: Hey, ma'am. How are you doing?

JUROR 69: Good.

THE COURT: Ma'am, did you write this note?

JUROR 69: Yes.

THE COURT: I just wanted to make certain before I inquired further.

So, ma'am, when you said someone you know came in and sat on the defendant's side. The defendant's side, you're talking about right over here on this side?

JUROR 69: Yes.

THE COURT: All right. And you also think you went to school now -- you may have gone to school with the defendant, Mr. Redding; is that correct?

JUROR 69: Yes.

THE COURT: Let me ask you this, ma'am: Were you-all friends in school?

JUROR 69: I would say yes. Not close friends, but friends, yes.

THE COURT: All right. So let me ask you this, ma'am: Have you -- how long have you been out of school?

JUROR 69: About 12 years.

THE COURT: Okay. And I wasn't going to assume anything. So what I wanted to do now, ma'am, is, have you had any contact with the defendant since finishing school?

JUROR 69: No.

THE COURT: Okay.

JUROR 69: Him, no.

THE COURT: Hold on. I'm going to get to that in a minute.

JUROR 69: Okay.

THE COURT: I'm going to get to that in a minute. What I want to know is about the

defendant. Have you had any contact, interaction, any relationship -- I mean, just business dealings, social dealings with the defendant, Mr. Brian Redding? Have you had any dealings with him --

JUROR 69: No.

THE COURT: -- since school?

JUROR 69: No.

THE COURT: All right. Hold on one second.

Counsel, approach.

(Bench conference off the record.)

THE COURT: Okay. Ma'am, let me ask you this: You indicated that someone came in.

And I wanted to let you know, you've done nothing wrong.

JUROR 69: Okay.

THE COURT: No, no, no. You've done nothing wrong. What you've done is you've brought something to my attention. I appreciate that. Okay?

JUROR 69: Okay.

THE COURT: All right. Now, what I want to ask you is this: The individual that came in and sat down on the defendant's side, who was

that?

JUROR 69: You want me say her name?

THE COURT: Yeah.

JUROR 69: Varenisha (ph) Scott.

THE COURT: Ms. Scott?

JUROR 69: Yes.

THE COURT: So how do you know Ms. Scott?

JUROR 69: A very close family friend.

THE COURT: Of yours?

JUROR 69: Yes.

THE COURT: And do you know, has she got any relationship to the defendant?

JUROR 69: I'm not sure.

THE COURT: You don't know.

JUROR 69: I'm not sure. I just assumed.

THE COURT: Let me ask you this, ma'am: Have you spoken with Ms. Scott about this matter?

JUROR 69: No.

THE COURT: Have you spoken with her -- when I say "this matter," let me just ask you this.

JUROR 69: Okay.

THE COURT: Have you spoken with her since you received your notice or your summons that you would have received from the Clerk of

Court to come and appear in court yesterday? Have you spoken with her about this matter, about being on jury duty, anything of that nature?

JUROR 69: No.

THE COURT: All right. Before this -- before you would have received your summons to come to court, have you discussed this case or this incident with her in any fashion?

JUROR 69: No.

THE COURT: All right. Have you spoken with anybody in the jury room about this?

JUROR 69: No.

THE COURT: Okay. All right. What I want to to do is this.

Counsel approach.

(Bench conference.)

THE COURT: Let me just ask: Who is Miss Scott?

MS. CARMODY: His mom.

THE COURT: She is the -- that's his mom?

MS. CARMODY: Yes.

THE COURT: What we're going to do is -- do you all want me to put her back in the jury room while I talk about this. Right now we're going to talk about this ouside of her presence.

I'm just going to ask her to back in the jury room and not discuss this matter with any of the jurors and I may need to bring her back out.

Is that satisfactory to the State?

MS. SWANSON: Yes.

THE COURT: To the defense?

MS. CARMODY: Yes.

THE COURT: Ma'am, what I'm going to do is this: I'm going to ask that you go back into the jury room.

JUROR 69: Okay.

THE COURT: But I am going to instruct you, do not discuss this matter or anything that we discussed here with any member of the jury, okay?

JUROR 69: Um-hmm.

THE COURT: And I may bring you back out in just a minute, but there's a couple things I've got to take up outside of your presence. Do not discuss this matter with any of your fellow jurors, okay?

JUROR 69: Okay.

THE COURT: Thank you.

(Juror 69 exits the courtroom.)

THE COURT: So, Ms. Bostick, you told

me -- this juror's name and number?

THE CLERK: Juror number 69, Marvele Eason.

THE COURT: Ms. Eason. Okay. So Ms. Eason indicates that she is close friends with Ms. Scott. Is it my understanding that Ms. Scott is the defendant's mother?

MS. SWANSON: Yes, Your Honor, that's correct. And she's also a witness for the defense and not supposed to be in the courtroom.

MS. CARMODY: Right. I didn't even know she came in, Your Honor.

THE COURT: All right. Hold on. We'll deal with that. Kind of got two different things going on here.

All right. So it would appear that this witness -- that this juror is close friends with the defendant's mother? Would that be accurate? I mean, I guess the question is, who is Ms. -- where is Ms. Scott? Is she here?

VARENISHA SCOTT: This is on behalf of the sister, not the mom.

THE COURT: Hold, hold, hold, hold on.

What name did she say she was friends with?

MS. CARMODY: Verdell Scott.

THE COURT: Who is Verdell Scott?

VARENISHA SCOTT: She said Varenisha Scott.

MRS. SCOTT: My daughter.

THE COURT: Okay, hold on.

MS. CARMODY: I thought she said Verdell.

VARENISHA SCOTT: No. She said Varenisha.

THE COURT: Well, let's get Varenisha.

Let me ask you, are you Varenisha Scott?

VARENISHA SCOTT: Yes.

THE COURT: Did you go to school with this young lady?

VARENISHA SCOTT: Yes.

THE COURT: What is your relationship, ma'am, to the defendant?

VARENISHA SCOTT: That's my brother.

THE COURT: Your brother?

VARENISHA SCOTT: Um-hmm.

THE COURT: What the State's position?

MS. SWANSON: I would ask that she be replaced by an alternate. I do not feel that she is going to feel comfortable to render a fair verdict for the State against the brother of a very close friend of hers.

MS. CARMODY: Your Honor, I brought this up earlier. You know, it seems like the only

people that are being excused from the juries or that are here are all African-Americans, Your Honor. I brought this up in the Batson motion.

THE COURT: All right.

MS. CARMODY: The State literally strike every African-American, and now here we are trying to get rid of another one.

THE COURT: Now, hold on. Hold on.

MS. CARMODY: I know. I know.

THE COURT: If this had been a white person, what would you be saying? If this was a Caucasian person that wrote this note --

MS. CARMODY: Your Honor --

THE COURT: Hold on. Hold on. If this was a Caucasian person who wrote this note, are you telling me you'd feel differently?

MS. CARMODY: Your Honor, I believe that right now the demographics of the jury is already -- the whole jury pool, Your Honor, was already a very, very small jury pool. And there were not enough African-Americans in the jury pool to be representative of people in the community.

THE COURT: That's another matter. You should have made that motion and you didn't.

MS. CARMODY: Your --

THE COURT: Hold on. There's a specific motion to be made for that. I asked at the beginning of this trial before we started, "Are there any motions concerning jury selection, jury qualification?" Your response was, "No."

MS. CARMODY: I understand, Your Honor.

THE COURT: I've got the information right here, because we've been faced with that. So that's water under the bridge. You can't go back now. That's done.

So that having been said, I guess -- I mean, I understand where you're coming from, but I don't know how I keep somebody on here who writes a note that says, "Someone I know very well," dot, dot dot, "close friend..." And it is the sister of the defendant.

MS. CARMODY: Your Honor, I didn't --

THE COURT: Go ahead.

MS. CARMODY: I would ask the Court to ask if she could be fair and impartial as we did at the beginning of the trial.

MS. SWANSON: Your Honor, I would point out that both of our alternates are African-American. So it actually doesn't change the dynamic of the jury pool at all. So it would

just be the strict analysis of whether or not she can remain.

THE COURT: Well, that's a good point. We'd be replacing one African-American female with another. And I hadn't thought about that.

I'll tell you, Ms. Carmody, I understand exactly where you're coming from. I understand that. I understand the cross-sectional argument that wasn't made.

MS. CARMODY: And the victim's white, Your Honor.

THE COURT: Well, again, I mean, the cross-sectional argument wasn't made. That's water under the bridge. I think that what we would be doing is, I think we would be substituting -- as it relates to your concern, I don't think that the dynamics of the jury as it relates to race is going to be changed.

But irrespective of whether that individual was black or white, I will tell you that I think that the only thing I can look at, at this point, ma'am, I've got to look at this note and what was written, and I think that given that note and given the information that I have, that irrespective of who the next batter would be, so

to speak, as it relates to the jury pool, I think that I would still move and go ahead and remove this juror from the jury panel out of an abundance of caution.

But I also believe that it is certainly -- it is certainly worth noting that the dynamics of the jury will remain the same. So what I'm going to do is, I'm going to ask that this juror be removed. I'm going to have her come out and I'm going to discharge her from this matter.

And then we've got two jurors remaining. And so if Ms. Bostick would put their names into a cup or some other -- a hat, or whatever she wants to do, and then if you-all can watch those names go in the hat, she can shake it all about, and then she can pull one out. And I want to make sure you all see that. And then that person will become our alternate.

Is that satisfactory as to how to select the alternate juror from the State?

MS. SWANSON: Yes, Your Honor.

THE COURT: From the defense?

MS. CARMODY: Yes, Your Honor.

THE COURT: How about bringing this juror

out for me?

THE DEPUTY: Certainly.

(Juror 69 enters the courtroom.)

THE COURT: All right. What I'm going to do, ma'am, given this note that you provided me, is I'm going to excuse you from service on this jury. Okay?

JUROR 69: Okay.

THE COURT: That way the relationship and close friend, we're not going to have to worry about that. You're not going to have to worry about that.

JUROR 69: Okay.

THE COURT: So I'm going to discharge you from this jury.

Now, I want you to know, you didn't do anything wrong.

JUROR 69: Okay.

THE COURT: You didn't. You recognized -- this came to you once you saw her. You brought that to my attention. You did exactly what you were supposed to do. Okay?

JUROR 69: Okay.

THE COURT: And if you did not, I'd be letting you know. You did exactly what you needed

to do. So what I'm going do is, I'm going to discharge you from this jury.

JUROR 69: Okay.

THE COURT: Do you have any personal belongings back there?

JUROR 69: No.

THE COURT: Then what I'm going to do is I'm going to have you call back -- when would she call back, tonight after 6:00?

THE CLERK: Tonight after 6:00.

THE COURT: Did Miss Bostick give you a number to call back?

JURO 69: To call back.

THE COURT: Just call that number tonight after 6:00 and they'll have instructions as to what you need to do, okay?

JUROR 69: Okay.

THE COURT: So thank you very much. Thank you for bringing this to my attention, and you're discharged.

JUROR 69: Thank you.

THE COURT: Just call back tonight after 6:00. Okay? Thank you, ma'am.

I'm going to make this a Court's exhibit.

And if you need anything, or an excuse for

work or anything, they'll take care of you, okay?

THE CLERK: Go to the clerk's office on the first floor.

THE COURT: Thank you, ma'am.

THE CLERK: That's Juror 69.

(COURT EXH. 2, Note from Juror 69, was marked for identification.)

(Juror 69 was excused from the trial of the case.)

THE COURT: We're going to pick that juror and then recess.

MS. CARMODY: Your Honor, can I ask for a brief recess?

THE COURT: Yeah, we're going to get a recess. We're going to pick this juror right now and get that done, then we're going to take the break. Okay?

Have you put the two names in there, Miss Bostick, and shaking it up?

THE CLERK: Yes.

THE COURT: That's good, Miss Bostick. So she's going to pick one of those names out, and that name will be our new juror.

THE CLERK: Juror number 77, which is Alternate 1, Comernita Frazier-Kemp.

THE COURT: Okay. Let's take a few

minutes. All right?

MS. SWANSON: Thank you, Your Honor.

(A break was taken from 3:50 p.m. to 3:59 p.m.)

MS. CARMODY: If I may, Ms. Verdell Scott, she's right here. She is on the defense witness list, Your Honor. This is my client's mother.

Your Honor, he is sitting here facing murder and a life term in prison. He does need the support of his family. I'm asking the Court to make an exception for his mom. She got out of work today to sit here. She's not speaking with anybody. She's been instructed not to talk to anybody about the case.

I would request that she stay, as the victim's mom is here as well.

THE COURT: Solicitor?

MS. SWANSON: I would object to that. The victim's mother is here because of the Victim's Bill of Rights. The defendant is not a victim here. His mother is a fact witness on the witness list. And no such exceptions were made for any of the sisters of the actual victim who he is accused of murdering. So I certainly would object. It's just not fair. She is supposed to

be sequestered. And that was agreed to pretrial.

Thank you.

MS. CARMODY: Your Honor, I mean, it's his mother.

THE COURT: Ms. Carmody, we're just not going to get into that. She's got to be sequestered. I mean, I can't -- I can't get into -- you know, the sisters weren't in. She's in. She's the mother. She needs to be sequestered. So she needs to leave the courtroom. Anybody who's going to be testifying or possibly testifying needs to be leaving the courtroom.

MS. CARMODY: One other thing.

THE COURT: Yes, ma'am.

MS. CARMODY: It's my understanding -- I just want you to know in advance the issue with the video is coming up, because I do have a cell phone expert who needs to be here for that and he is in Columbia. And he would need advance notice of when to be here, so I'm trying to give him some notice.

THE COURT: Okay. Are we planning on using a video today?

MS. SWANSON: Not today. I was

thinking -- before I realized how long cross was taking.

THE COURT: Right.

MS. SWANSON: You know, I certainly can't predict how long that's going to take. I imagine we'll get into it at some point tomorrow.

THE COURT: Then she's on notice that the individual needs to be here sometime tomorrow -- or needs to be here tomorrow. I have no idea, nor do I think the solicitor has to tell you, when she plans on calling a witness. You know, it would be great if you-all could work and try to find out when that is to minimize your expert's down time. If not, you need to plan to have your witness here at the appropriate time. Okay, Ms. Carmody?

MS. CARMODY: Yes, Your Honor.

MS. SWANSON: Of course, it depends on what we get through it.

THE COURT: I understand that.

All right. Anything before we bring the jury in?

MS. SWANSON: I will tell the Court that I did speak to all of the sisters and the lay witnesses and told them I will not be asking about specific instances of difficulty.

THE COURT: All right. So Ms. Carmody, if there is an issue with that, then bring it to my attention. I think you-all both have an idea as to what my position is on that in this matter. But if there's a problem, you can object, of course, and we'll take that up at the appropriate time.

I'm going to bring the jury in. I'm going to tell the jury that I had to release one of their jurors. The juror didn't do anything wrong. It's not for them to speculate as to why or guess why she's not here, but that Mrs. -- is think -- is it Francis-Kemp?

MS. SWANSON: Frazier-Kemp.

THE COURT: Frazier-Kemp, number 77, is now going to be one of our jurors.

Is that satisfactory to the State?

MS. SWANSON: Yes, sir.

THE COURT: Ms. Carmody?

MS. CARMODY: Yes, Your Honor.

THE COURT: Thank you. You can bring the jury in.

(Jury enters the courtroom at 4:10 p.m.)

THE COURT: Thank you.

All right. Ladies and gentlemen, I have

released one of the jurors, one of your fellow jurors, from serving on this case. The juror didn't do anything wrong. Don't speculate or try to guess why she's not with you. But that's the reason we have alternates. Okay?

And so, Ms. Frazier-Kemp, congratulations. I see a look of relief on somebody's face right there. Right in front of you. But, Ms. Frazier-Kemp, you are now going to be one of the 12 jurors. Okay? And so what you can do is, if you want to right now, you can move or you can just stay right there. The next time you come in, I'd ask that you move to one of the 12 seats. Again, you-all can sit wherever you want to, but you'll sit in one of those seats. Okay?

All right. Any objections to the instructions that I just gave the jury, from the State?

MS. SWANSON: None from the State.

THE COURT: From the defense?

MS. CARMODY: No, Your Honor.

THE COURT: All right. Solicitor, you can call your next witness.

MS. SWANSON: Thank you. The State calls.

Desiree Noonan.

THE CLERK: Come right this way. Raise your right. Place your left on the Bible. The testimony you're about to give the Court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right around and have a seat in the witness box. You can pull your mask down while you're on the stand.

WHEREUPON:

DESIREE NOONAN,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Desiree, if you can please state and spell your name for the court reporter.

A My name is Desiree Noonan, D-e-s-i-r-e-e, N-o-o-n-a-n.

Q Okay. How many sisters do you have?

A Six.

Q All right. Was Cypress one of your sisters?

A Yes.

Q And where were you living about a month before her death?

A I was staying at the Days Inn.

Q All right. Where was Cypress living?
A At the Days Inn as well.
Q Okay. And who was she living with at the Days Inn at that time?
A Brian.
Q Brian who?
A Redding.
Q Okay. Do you see him in the courtroom today?
A Yes, ma'am.
Q Can you point him out for me?
A He's sitting over there.
Q All right. Had you ever -- did you ever hang out with he and Cypress?
A One time, yes, ma'am.
Q All right. But not really after that?
A No, ma'am.
Q Why is that?
A Because I wasn't allowed to.
Q All right. Did you ever see Cypress or go into Cypress's room without him knowing?
A Yes, ma'am.
Q How many times did that happen?
A Once.
Q Did he come home when you were there?
A Yes, ma'am.

Q What was his reaction?
A He just stared at her and slammed the door when he got upstairs.
Q All right. Did you ever see a gun in the room?
A Yes.
Q All right. What did it look like?
A All I knew, it was a pretty blue. Like turquoise.
Q Okay. A gun that was turquoise. You don't know what kind or anything?
A No, ma'am. I didn't pay attention.
Q All right. When you were around Cypress without Brian, was she ever on the phone?
A Always on the phone.
Q Do you know with who?
A With Brian.
Q How do you know?
A Because she told me.
Q Did she do FaceTime?
A No, not around me.
Q Okay. Let's see. A few weeks before her death, did you and Cypress have an altercation at the Siesta?
A Yes, ma'am, we did.
Q Where is the Siesta in relation to the Forest Motel?

A Right next door.
Q Okay. Did the altercation get physical?
A Yes, ma'am.
Q Were any weapons used?
A No, ma'am.
Q Did anyone go to the hospital?
A No, ma'am.
Q Would you ever kill your sister?
A No, I would not.
Q Who else was there at the altercation?
A It was me, Cypress, Paige, Paige's boyfriend at the time, and another girl named Desiree.
Q Alll right. Who was the altercation between?
A Me and Cypress.
Q All right. And were the other people just there?
A Yes, ma'am.
Q All right. Was this the only time you and your sisters fought?
A No, ma'am.
Q All right. Because there's six of you, right?
A Yes, ma'am. We've always fought.
Q All right. Are you-all close in age?
A Yes, ma'am.
Q Okay. And had things between you and your sisters

gotten physical before?
A Yes, ma'am.
Q Were guns ever used?
A No, ma'am.
Q Did you love your sister?
A Yes, ma'am.
Q Thank you. Please answer any questions that the defense may have for you?
A Yes, ma'am.
THE COURT: Ms. Carmody, do you have any questions of this witness?
MS. CARMODY: Yes, Your Honor.
THE COURT: All right.

CROSS-EXAMINATION

BY MS. CARMODY:
Q Good afternoon, Ms. Noonan.
Ms. Noonan, you indicated that a month before your sister passed away, that she was at the Days Inn with Brian?
A Yes, ma'am.
Q And is that the time that you hung out with her?
A Yes, ma'am.
Q Okay. And then you said you were one time in Cypress's room.
A Yes, ma'am.

Q Okay. And was that about two weeks prior?
A No, ma'am.
Q How long was that?
A That was while we were saying at the Days Inn.
Q Okay. So -- all right. So while staying at the Days Inn, you saw Cypress two times, right?
A Yes, ma'am.
Q One time was at your room -- your room?
A Uh-huh.
Q And one time at her room.
A Yes, ma'am.
Q And you indicated that you'd seen a gun in the room and that it was turquoise. So we're talking about at least a month prior to her passing away, correct?
A Yes, ma'am.
Q Okay. And you indicated that she was always on the phone?
A Yes, ma'am.
Q You don't know who she was on the phone with, correct?
A She told me she was on the phone with Brian.
Q Oh, okay. How old are you?

A Twenty-four.
Q So when you were 16, did you talk on the phone?
A Oh, yeah.
Q All right. And you also -- you testified about the altercation at the Siesta. And so you say it was Paige and Paige's boyfriend. Now, Paige's boyfriend, his name is what?
A It's Dervon Jones.
Q He's no longer the boyfriend now?
A No, ma'am.
Q Do you know know why?
A No. No, ma'am, I don't.
Q Okay. And Dervon Jones, does he have a nickname?
A Popeye.
Q And there was also a girl -- another female by the name of Desiree?
A Yes, ma'am.
Q And do you know if her last name is Ansley?
A Yes, ma'am, it is.
Q Okay. During this altercation, do you remember -- well, you said you didn't have a weapon. Do you remember if Popeye, Dervon Jones, had a weapon?
A Yes, ma'am.
Q Did he?

A Yes, he did.
Q Thank you. And did anybody pull out that weapon during that argument?
A No.
Q It wasn't taken out during the argument?
A No, it was not.
Q Okay. He had the weapon on him?
A Yes.
Q Do you remember what type of container it was in?
A It was in a bag.
Q What color bag?
A I have no idea.
Q All right. But you know that there was a gun in a bag?
A Yes.
Q So you don't know what the gun looked like.
A No, I do not.
Q You don't know the caliber?
A No, I do not.
Q Do you know if Popeye, Dervon Jones, uses drugs?
A I do not.
Q Do you know if your sister was selling drugs?
A No, she was not.
Q She was not? In the month prior? Which point?

MS. SWANSON: Your Honor, I believe --

THE WITNESS: I'm sorry. Which sister?

THE COURT: Ma'am, hold on one second.

Do you have an objection?

MS. SWANSON: Objection. I believe that may not be within her realm of knowledge. I believe she answered she has not.

THE COURT: Well, I note your objection. I'm going to overrule your objection.

Ask the question again and let's see what the response is.

BY MS. CARMODY:

Q So a month prior is the last time you saw her, right?

A No. I saw her with the altercation.

Q Okay.

A That wasn't a month prior.

Q She wouldn't have been selling drugs during the altercation, would she?

A I'm not sure, honestly.

Q Was the altercation over money?

A No. The altercation was over the fact that she thought I wanted Brian.

Q Had you had a previous relationship with Brian?

A No, ma'am.

Q But your sister thought you wanted her boyfriend?
A Yes, she did.
Q Now, you've never seen Brian with a gun, have you?
A No, I have not.
Q And the day that Cypress passed away, you weren't in the area, were you?
A I was sleeping in my apartment at the Siesta.
Q And where is the Siesta located?
A Right next door to the Forest.
Q Did you hear any fight?
A No, ma'am.
Q Did you hear any gunshots?
A No, ma'am.
Q Do you remember having a conversation with SLED?
A Yes, ma'am.
Q And the conversation with SLED was on September 25th of 2020, right?
A Yes, ma'am.
Q Do you remember at approximately 23 minutes into the conversation where you tell Agent McCallister, "We need Brian gone"?
A Yes, ma'am.
Q How many times did you communicate with

Agent McCallister?
A I'm not sure how many times exactly, but it was more than once.
Q Did you have her cell phone number?
A At one point, I did.
Q Did you ever call her on the phone?
A Yes.
Q Did you ever text her?
A Maybe a few times.
Q Do you remember 33 minutes into the conversation where you told Agent McCallister that Cypress was happy with Brian?
A I do not remember saying that.
Q "Even with Brian, Cypress was happy." Does that sound familiar?
A Yes, ma'am.
Q Okay. You never thought Brian would actually hurt her?
A At first. We didn't know him.
Q But is that what you told Agent McCallister?
A Yes, ma'am.
Q So you never -- prior to meeting Brian, do you recall that your sister had a relationship with another older man?
A No, ma'am.

Q Do you remember telling Agent McCallister approximately 47 minutes into the conversation, "I feel like what if he didn't do it and we are all bashing him and making him look like this big, bad person?" Do you remember saying that?

A Yes, I do.

Q Do you remember telling Agent McCallister, "And I really fell like Hollywood name got mentioned"?

A Yes, I do.

Q To your knowledge, did Agent McCallister follow up on that?

A I'm not sure.

Q Do you remember telling Agent McCallister that you knew that Hollywood did coke and that he had been -- "Now he's a full-fledged crackhead and everything"?

MS. SWANSON: Your Honor, I would object to the relevance of this.

THE COURT: I'm going to sustain that. I'm going to sustain that.

BY MS. CARMODY:

Q Do you have personal knowledge on whether he uses drugs?

A Hollywood?

Q Uh-huh.

A Yes.

Q Okay. And Popeye as well?
A I'm not sure about Popeye.
MS. CARMODY: Beg the Court's indulgence.
THE COURT: Yes, ma'am.
BY MS. CARMODY:
Q Do you recall your sister living in a vehicle?
A I do not recall that.
Q Or in a van?
A I do not recall that.
Q Do you know -- do any -- well, is there a reason that you live in the hotel and not in your mother's home?
A Because I wanted to.
Q Do you know why Cypress chose to not live at home?
A I have no idea.
MS. CARMODY: I don't have any further questions, Your Honor. Thank you.
THE COURT: Anything else, Solicitor?
MS. SWANSON: Just briefly.
REDIRECT EXAMINATION
BY MS. SWANSON:
Q Desiree, Ms. Carmody asking you what the altercation was about, and it was about that she had impression you wanted Brian.

A Yes.
Q So they had issues of jealousy in their relationship?
A From what I --
MS. CARMODY: Objection; calls for speculation.
THE COURT: I'm going to sustain that.
BY MS. SWANSON:
Q When Ms. Carmody asked you if you recalled saying Cypress was happy with Brian, you did not recall that, but then she read it back to you.
And it was actually that -- did you mean to express that even with Brian, Cypress was a happy person?
A Yes, ma'am.
Q All right. Because actually it was, "Even with Brian, Cypress was happy." Is that what you said?
A Yes, ma'am.
Q And then you did express concern to Agent McCallister, "What if he's innocent?"
So you not made a snap decision about his guilt or innocence, had you?
A No, ma'am.
Q All right. And were you happy to let SLED's investigation take its course?

A Yes, ma'am.

MS. SWANSON: All right. Thank you.

THE COURT: Anything else, Ms. Carmody? Ms. Carmody?

MS. CARMODY: I beg the Court's indulgence, Your Honor.

THE COURT: Yes, ma'am.

MS. CARMODY: Sorry. I have no further questions, Your Honor.

THE COURT: All right. Thank you.

MS. SWANSON: I would ask that Desiree be allowed to be excused at this time.

THE COURT: Yes, ma'am. She just can't talk with any other witnesses about her testimony or about what took place in the courtroom today.

Thank you, ma'am.

MS. SWANSON: Thank you.

State calls Taylor Cowherd.

THE COURT: All right.

THE CLERK: Come right around this way. Raise your right hand, put your left hand on the Bible. The testimony you're about to give the Court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right around. Have a

seat in the witness stand.

WHEREUPON:

TAYLOR COWHERD,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Hey, Taylor. Can you state and spell your name for the court reporter, please.

A Taylor Cowherd, T-a-y-l-o-r, C-o-w-h-e-r-d.

Q All right. Can you tell the jury what your relationship with Cypress Noonan was?

A My sister.

Q All right. How many sisters do you have?

A All together, there's five.

Q And then one brother?

A Yes, ma'am.

Q Okay. Are you married?

A Yes, ma'am.

Q Do you have kids?

A Yes, ma'am. Three.

Q Three. What would you describe as your kind of sister role in the family dynamic?

A I'm the granny.

Q All right. You take care of people?

A Yes, ma'am.

Q You live in Ridgeland?
A Yes, ma'am.
Q And would you see Cypress on a regular basis?
A Yeah.
Q How often do you think you would see her?
A Maybe once or twice during the week. It just depends on what was going on that week.
Q Okay. And how would she get to your house?
A Drove. Sometimes she got dropped off.
Q Who would she get dropped off by?
A Mostly Brian.
Q All right. And what was her relationship with Brian?
A They were dating.
Q Can you identify Brian Redding?
A Yes, ma'am. He's right there.
Q Okay. Seated between --
A The two --
Q -- the two women at counsel table?
A Yes.
Q All right. How long had you known of Brian?
A Like, how long I've known him?
Q Known him as a person.
A Since 2014.
Q All right. You guys worked together at one

time?
A Yes, ma'am. Waffle House.
Q Did you socialize with him?
A Yes, ma'am. My friend would sometimes give him a ride home on occasions when he didn't have a ride.
Q But did you hang out beyond work with him?
A No, ma'am.
Q Okay. Did you express any concerns to Cypress about their relationship?
A Yes, ma'am, absolutely.
Q What did you tell her, or what advice did you give her?
A That she should get away from that person and that it wasn't a good relationship.
Q Okay. Was Brian ever invited into your home?
A No, ma'am.
Q Would you welcome Cypress into your home?
A Absolutely.
Q And would you offer to let her sleep there sometimes?
A All the time.
Q All right. And then what would happen?
A She would go do her own thing sometimes, and most of the times she would come in the morning.

Q Okay. Did they ever sleep out in the car in the yard?
A Yes, ma'am.
Q Or in the driveway?
A Yes, ma'am.
Q But again, at that point in time, Cypress was welcome in the house. It was Brian who wasn't.
A Yes, ma'am.
Q Were those times when they had no money for a motel?
A Yes, ma'am.
Q So because you didn't allow Brian into your home, you didn't really see them interact a lot, did you?
A No, ma'am.
Q What would Cypress do when she came over to your house?
A She would sleep, eat, shower. We'd hang out. Hang out with my kids. Normal sister stuff.
Q Okay. Was she on the phone a lot?
A Yes.
Q Do you know who she was on the phone with?
A With Brian most of the time.
Q Did she FaceTime?
A No, ma'am. It was normally on speaker.
Q Speaker.

A Yes.
Q So you recognized his voice?
A Yes, ma'am.
Q Would you say it was a lot of the time?
A Yes, ma'am.
Q Did you know Brian to have a gun --
A Yes, ma'am.
Q -- or carry a gun?
A Yes, ma'am.
Q All right. Did you see that gun?
A Yes, ma'am.
Q What did it look like?
A It was like aqua/teal looking.
Q Do you recall when you saw that gun?
A Yes, ma'am.
Q When was that?
A One day they were in the car together when I pulled up to my mom's house, and he and her were sitting in the car. And I walked up to the car, and I actually looked at it and I touched it and stuff.
Q Do you know what type or make or model or --
A To be honest, no. I just know it was an aqua, pretty blue color.
Q Okay. Do you remember where you were that Sunday

morning, September 6th of 2020, when you learned of Cypress's death?

A Yes, ma'am. I was in the vehicle getting ready to head back from Florida.

Q And how did you find out?

A I got a call from Cypress's Facebook and it was Brian, and he told me.

Q What did he say?

A At first, he was telling me that she was unresponsive. And I asked him what was she unresponsive from. And he just kept saying, "She's unresponsive. She's unresponsive." And I kept asking what was she unresponsive from. And then he told me that, you know, she was unresponsive. I hung up the phone and I called my friend.

THE COURT: Hold on. We've got some feedback.

THE WITNESS: Am I too close?

THE COURT: You might be. Hold on.

THE WITNESS: Okay.

THE COURT: All right. Thank you.

THE WITNESS: So I called my husband and told him that something was happening, if he could please go to the Forest and see what was going on.

I then called him back and asked him again what was going on. He proceeded to tell me about his morning and what happened in the morning. Then --

BY MS. SWANSON:

Q Brian did?

A Yes. He proceeded to tell me what he did that morning, and then he told me that somebody had shot her.

Q Okay. So he told you what he had been doing all morning --

A Yes.

Q -- before he told you that your sister had been shot in the head.

A Yes, ma'am.

Q Thank you, Taylor.

MS. SWANSON: I don't have anything further at this time.

THE COURT: Go ahead.

MS. SWANSON: Just a minute, Desiree.

THE COURT: Ms. Carmody, do you have any cross-examination of this witness, ma'am?

MS. CARMODY: Yes, Your Honor.

THE COURT: Go ahead.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Okay. Good afternoon, ma'am.

A Good afternoon.

Q Ma'am, do you remember speaking with Agent McCallister?

A Yes.

Q Okay. And did you -- you did not approve of Cypress having a relationship with Brian because of his age, correct?

A Yes.

Q And do you remember your sister having a relationship with another man?

A I do not recall.

Q You don't recall whether she had a relationship with another man or not?

A I know she had little boyfriends, but not as far as a man. No, ma'am.

Q All right. And you indicated Brian would drive Cypress to your house, right?

A Yes.

Q And he would leave her there all day with you?

A Yes, ma'am.

Q And you didn't see your sister injured, correct?

A No, ma'am.

Q Your sister wasn't -- you know, she didn't have

black eyes and bruises and things like that, correct?

A No, ma'am.

Q And you said that she was on the phone, but she was 16, right?

A Yes, ma'am.

Q Okay. And you don't know what happened with Cypress that night, do you?

A No, ma'am.

Q Now, you indicated that Cypress didn't have money for the room at times. I want to ask you about her relationship with your mom.

Cypress was 16, right?

A Yes, ma'am.

Q Is there a reason she wasn't living at home?

A If there was, she never really told me.

Q Do you recall your sister living in a van, a white van?

A Yes. Sleeping in it sometimes, yes, ma'am.

Q Prior to meeting Brian?

A Yes, ma'am.

Q Okay. So prior to meeting Brian, your sister was not living at your mother's home, correct?

A She didn't live there full time, yes, ma'am.

Q So prior to meeting Brian, your sister was living

in a van?
A Sometimes she would sleep in the van, yes. But she wasn't fully living in the van.
Q But she would sleep overnight in a van.
A Yes.
Q All right. And you indicated that Brian had called you that morning, correct?
A Yes, ma'am.
Q Okay. And when he called you, he was telling you about everything that had happened, right?
A When he first called me, the first phone call, he was telling me that she was unresponsive, and that's what he kept telling me.

So I hung up on him and I called my husband so that -- because I was three hours away. So I called my husband so that he could go and see what was going on.

So when I called him back after I talked to my husband, that's when he proceeded to tell me about his morning. And then at the end, he told me that she was gone.
Q Okay. So he was -- would be fair to say that he was letting you know everything that had occurred that morning?
A Yeah, I guess.

Q And when he first talked to you on the phone and he said she was unresponsive, would it be fair to say that he didn't want to tell you your sister was deceased over the phone?

A No.

MS. SWANSON: That would be conjecture.

THE COURT: I'm going to -- your objection is what?

MS. SWANSON: Conjecture.

THE COURT: I would sustain that objection. Thank you.

BY MS. CARMODY:

Q Do you know if your -- was anybody receiving any type of assistance for Cypress, like food stamps or cash assistance?

A No, I don't --

Q You don't know?

A I don't know. No, ma'am.

Q So Cypress was looking for a job?

A I don't know if she was, per se, looking for a job at the time. I know she did work at KFC at one time. But at the time, I don't know if she was really looking for a job.

Q When is the last time you'd seen her prior to her passing away?

A I believe I'd seen her that Thursday, because I left for Florida Friday.
Q You saw her on Thursday. She was working at KFC on Thursday.
A No, ma'am.
Q Okay. And do you know if Cypress used drugs?
A No, ma'am.
Q To your knowledge, you don't know?
A To my knowledge.
Q What about marijuana?
A Yes, she does.
Q Okay.
A She did. I'm sorry.
Q Okay. And you don't live in the daily rentals, do you?
A No, ma'am.
Q And how often did you talk with Agent McCallister?
A To be honest, I'm not really sure. Because when I was talking with them, this just happened and my mind was a bit scattered.
Q I'm sorry?
A I'm not really sure.
Q Did you have her cell phone number?
A Ma'am?
Q Did you have her cell phone number?

A I believe I did. I broke my phone, kind of, right after everything happened, so I wouldn't -- I didn't have it anymore.

Q You broke your phone?

A Yes, ma'am.

Q Did something happen to it or you just dropped it?

A My kid was playing with it and my kid dropped it.

Q All right. So you received no phone call from your sister on the 5th or the 6th indicating that anything had been wrong, right?

A No, ma'am.

Q And you indicated on direct that you were the granny, so to speak, right?

A Yes, ma'am.

Q Okay. And it's fair to say she would have come to you, right?

A No, ma'am. I'm the granny that they hide all the bad stuff from.

Q I'm sorry?

A I'm the granny that they hide all the bad stuff from. They don't tell me the bad stuff.

Q Your sister wouldn't have told you she needed help?

A Obviously not.
Q Obviously not or no?
A No, she didn't --
Q She didn't indicate --
A -- tell me she needed help. She did not indicate that she needed help.
Q All right. As far as you knew, everything was good, right?
A Yes, ma'am.
Q Yes?
A Yes.
Q Thank you. I don't believe I have any further questions.

MS. CARMODY: No further questions, Your Honor.

THE COURT: All right. Do you have anything else, Solicitor? Any redirect?

MS. SWANSON: Just briefly.

THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. SWANSON:

Q Just to clarify as to when you saw the aqua -- the pretty blue gun, do you know about when it was in connection to the Cypress's death when they pulled up to your mom's house?

A Honestly, I don't.
Q I mean, months? Weeks?
A I would say -- I went to Florida -- I would say two months.
Q Okay. Just ballpark.
A Yes.
MS. SWANSON: Thank you.
THE COURT: Ms. Carmody, anything?
MS. CARMODY: Nothing further, Your Honor.
THE COURT: All right, ma'am. Thank you so much. You're released. And you can't talk with anybody about this matter, about your testimony today, that is a witness in this case.
THE WITNESS: Yes, sir.
THE COURT: Can she sit in the courtroom?
Well, we'll get into that in one second. You can go have a seat in the courtroom right now, yes, ma'am. That would be fine.
THE WITNESS: Okay.
THE COURT: All right. Ladies and gentlemen, I'm going to go ahead and break for the day. I can tell you, I've looked over. Every time I've looked over, I hadn't seen anybody sleeping. I've seen people paying attention. And

what that tells me is that you are honoring the oath that you took.

As you see, we're dealing with important matters; important to the State and important to the defendant.

So I'm going to ask you to be back here tomorrow morning at 9:30. I'm also going to ask that you don't talk about this matter with anyone. Don't discuss this matter with anyone. Don't do any research on this matter. Remember, everything is going to come from this witness stand or from exhibits that are admitted into evidence.

So with that, I'm going to discharge you for the evening. I'll see everybody back tomorrow morning at 9:30. Thank you.

(Jury exits the courtroom at 4:51 p.m.)

THE COURT: All right. Anything from the State before we break for the evening?

MS. SWANSON: Your Honor, I know that I initially said that I was not going to get into statements made by the defendant to Agent McCallister, and, therefore, we didn't need a Denno hearing. But at this point, the record is abundantly clear that the encounter was voluntary and noncustodial, and these are self-serving

statements. So I just wanted to let everyone know that I will be eliciting some of his statements from Agent McCallister, but I will not be trying to play the whole video that has things that are referencing prior bad acts or that he's a felon or anything like that.

MS. CARMODY: Your Honor, I would go back to the Rule of Completeness that I asked the Court about earlier. And if the State intends to play a portion of his statement, I'd ask that the whole thing be played. I've already sent the State a list of redactions prior to trial. There are not many. And I just think that to play a portion of his statement without playing the whole thing would be prejudicial and unfair to my client.

MS. SWANSON: I'm not playing the recording. I'm eliciting testimony from the agent. And it's certainly -- you know, if there is something that Agent McCallister can't answer, then Ms. Carmody can cross on that.

MS. CARMODY: Your Honor?

THE COURT: Um-hmm.

MS. CARMODY: That's essentially admitting portions of his statement and picking and choosing which pieces and parcels they want to

tell the story.

THE COURT: All right. Well, I'll think about that overnight. I'll think about that overnight. And we'll be in here at 9:00 tomorrow morning and we'll discuss the Rule of Completeness.

All right. Anything else, Solicitor?

MS. SWANSON: Just -- let's see. I guess any of the sisters who want to come for the trial, are they going to remain sequestered?

THE COURT: I think if they've already testified --

MS. CARMODY: Your Honor, I can let them know first thing in the morning. I have no -- I just need to make sure I don't need anything else out of them. If I don't, then that's fine. I can let them know by morning. I understand why they want to be here.

THE COURT: Sure.

MS. SWANSON: Thank you.

THE COURT: Anything else, Solicitor?

MS. SWANSON: That's it from the State.

THE COURT: Okay. Anything else, Ms. Carmody?

MS. CARMODY: Nothing -- Ashley Dodson.

THE COURT: Yes, ma'am?

MS. CARMODY: Your Honor, Ashley Dodson, as I mentioned, has liver cancer. I have personal experience with my husband with cancer, Your Honor. And especially after chemotherapy, they tend to be very, very ill and weak. And also, her immune system would be compromised.

MS. SWANSON: While I appreciate --

THE COURT: Hold on, Solicitor. Solicitor, I'll give you an opportunity. Let Ms. Carmody finish.

Go ahead, ma'am.

MS. CARMODY: Your Honor, so I would request that under those circumstances, she's no longer in a relationship with Mr. Redding. She has not been in a relationship with him since shortly after he went to the jail. And I believe she's, if not married, at least engaged right now to another man.

And I would ask that she testify by Webex, Your Honor. She would be testifying to the same thing that --

THE COURT: Hold on. So you're producing me a document that appears to come from her physician; is that right?

MS. CARMODY: Yes, Your Honor.

THE COURT: "Please excuse her from other labs, appointments..."

So her chemo treatment is being delayed?

MS. CARMODY: No, Your Honor. I believe she had chemo today.

THE COURT: This says, "Planned for chemo, but delayed." I'm just reading this, the document that you provided me.

MS. CARMODY: I believe she had a port put in, Your Honor, as well.

THE COURT: All right.

MS. CARMODY: She just had surgery. She had surgery on the liver cancer as well, Your Honor. And dialysis.

THE COURT: Solicitor, I'm happy to hear from you.

MS. SWANSON: Again, my objection is still the same. I don't think that Ms. Carmody has any personal knowledge of exactly how ill she is, although I appreciate the fact that she has had some personal knowledge of someone else being that ill. She is local. She is a fact witness whose credibility should be judged by the jury.

Thank you.

THE COURT: All right. Let's make these Court's exhibits, these two documents. And then I I'd like a copy of them. I'm going to take them with me.

(COURT EXH. 3, Doctor note, was marked for indentification.)

(COURT EXH. 4, Doctor note, was marked for indentification.)

MS. CARMODY: Your Honor, my investigator in Beaufort, Christi Estrada, she actually went to her home and saw her in person, and that's when she -- when she served the subpoena, that's when she informed me how ill she was. I hadn't talked to her in probably a year and a half, Your Honor. I did not realize that she was that ill.

And Christi, the investigator in Beaufort, has actually offered to go there and make sure she has Webex available. And she's the one that brought all this to my attention.

THE COURT: All right. I'll let you know something about that in the morning, also.

MS. CARMODY: Thank you, Your Honor.

MS. SWANSON: Thank you, Your Honor.

THE COURT: All right. Anything else?

MS. SWANSON: No, Your Honor.

THE COURT: Thank you. We'll see everybody back about 9:00 okay tomorrow morning.

(Trial adjourned at 4:58 p.m.)

STATE OF SOUTH CAROLINA
IN THE GENERAL SESSIONS
COUNTY OF JASPER

State of South Carolina,

vs.

Brian Redding,

Defendant.

Transcript of Record
2020-GS-27-0701
2020-GS-27-0702

August 17, 2022
Jasper, South Carolina
Volume III of V

B E F O R E:

The HONORABLE ROBERT BONDS

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

Hunter Swanson, Solicitor
Carolyn Carmody, Representing the defendant

SHARON G. HARDOON, CSR
Official Circuit Court Reporter, III

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THE DEPUTY: All rise.

THE COURT: Yesterday, we took up two matters, and I've had an opportunity to consider both of them.

Miss Carmody, as it stands right now, I'm going to require your witness to be here.

MS. CARMODY: I have new information, Your Honor.

THE COURT: Okay.

MS. CARMODY: Medical records that I received last night. I just gave them to Miss Swanson.

THE COURT: Well, I'll deal with that later. Right now, based on the information I have, I'm going to require her to be here. If there's more information you want to submit later, I'll consider that.

There is something concerning the rule of completeness as it relates to the State and if and when the State will call the investigator who had, I guess, a detailed interview with the defendant, Mr. Redding.

Miss Carmody, I believe that you are correct, and I think that when I look at the case of State vs. Carbrera-Pena, 361 S.C. 372, deals

with this issue pretty much spot on. And it indicates if an officer is going to give testimony about conversation when part of a conversation is put into evidence, and that can be through an oral statement, a recorded statement, or a written statement.

So, even if I don't put in the statement itself, but if she provides any type of testimony concerning the conversation, what he may have said, an adverse party is entitled to prove the remainder of the conversation so long as it's relevant, particularly when it explains or gives new meaning to the part orginally cited. Plaintiffs principals of justice require that if one of the statements is to be used against the party, all of the other statements tending to explain or qualify this use should be shown and considered in connection with it.

So, what I've -- that doesn't mean you're going to be able to play the recording. I mean, you just don't -- because they bring it up, that doesn't mean you get to just hit play and play the recording.

If there are parts of the recording, or if there are -- if you're going to bring up

issues -- I mean, for example, you know, if he says -- or somebody says -- tells the officer, *I did take the pen*, and then later in the statement says, *I didn't take the pen*, I certainly think you could inquire from the officer did he, in fact, state later in the interview that he did not take the pen.

But as far as them saying, well, I get to play the whole tape. No, ma'am. I don't think the case stands for that. I think it stands for the proposition that, basically, if something is irrelevant, that portion can then be played.

So, A -- and we'll get into this, but I want to give you a heads up as to what my preliminary ruling would be. When we get into it, if there are portions, specific focused portions that are going to counter a specific thing or a specific comment that he made that the case officer discusses, then I would allow it. And, of course, again, it's got to be related to that fact.

And so, again, I really think that this case was -- was spot on. My clerk did a good job finding it for me.

That would be my tentative ruling as it

relates to that.

Any questions, Solicitor?

MS. SWANSON: No, Your Honor. I just want to say that the audio on the recording is kind of difficult to hear and also it's extremely long, and so that's why I would like to present the officer's testimony. But I completely agree that, whatever he said to her, you know, on cross is going to be relevant.

THE COURT: Right. Whatever you want to put up in your case is fine.

MS. SWANSON: Thank you.

THE COURT: I just want to let Miss Carmody know that that does not mean the entire document plays. What she could do is cross on a particular issue, if it's relevant. Again, using my example, which is very simple, but if there's something along those lines -- but also there is no hearsay. That does not mean that hearsay testimony of this defendant comes in.

So she obviously -- again, hearsay testimony, it doesn't defeat the hearsay rule. But would be my ruling. I don't know if that's going to come up right away. But in any event that's the case from which I'm gleaning my

information and what I believe my decision will be if that even becomes an issue.

But, again, I just wanted to give you-all the heads up. Are there any other matters that we need to take up before we get the jury in here. We got a few more minutes, but is there anything from the State?

MS. SWANSON: None from the State.

THE COURT: Miss Carmody? Miss Carmody, you have some additional information.

MS. CARMODY: Yes, I do.

THE COURT: All right.

MS. CARMODY: Just one second. This is her medical record, Your Honor.

THE COURT: All right. Thank you.

MS. CARMODY: My investigator -- Christy in the Beaufort office, she's the investigator for Beaufort. And this witness lives in Beaufort and she went out and obtained her medical record, and I believe Miss Price highlighted the relevant portions. It also explains why the chemo was delayed.

THE COURT: Solicitor, have you seen the information she's provided to the court this morning?

MS. SWANSON: I have, Your Honor.

THE COURT: Let me ask you this, Miss Carmody: What is this witness supposed to testify to? I don't have any idea. And I'm not trying get you to give away the farm, but, I mean -- what I'm trying to do is, I'm trying to understand what is she supposed to be testifying to.

MS. CARMODY: So, essentially, Mr. Redding was using her vehicle and she had to be at work that morning. He had to pick her up. He had to bring her to work. He had to -- and this is all corroborated by her, too. SLED has corroborated this by time stamps of what time she arrived at work by his cell phone records of where he was that morning. So it's corroborated information.

All she is going to testify to is where he brought her and whether the man -- essentially, you know, was covered in blood that morning and whether she saw a gun and things like that. He brought her to work. He dropped her off and then he picked up his cousin that morning. It goes to his alibi, Your Honor.

THE COURT: All right.

MS. CARMODY: She's an alibi witness.

THE COURT: All right.

MS. CARMODY: SLED has already corroborated all the information. I don't believe that she'll testify to anything different than what she told SLED.

THE COURT: All right. Solicitor, what is your position?

MS. SWANSON: My position remains the same. I didn't see anything in those medical records that would make me change my mind.

THE COURT: Would you agree with me that the medical records appear authentic, Solicitor?

MS. SWANSON: Yes, sir. I still see where -- I mean, unless I'm reading it wrong, but she received a treatment yesterday, and it says stage three something, but that it's moderate.

THE COURT: Well, the first question I asked was -- or the question that I asked and I think you answered it. The documents that she's provided certainly to me appear to be authentic.

MS. SWANSON: Yes.

THE COURT: As in these appear to be legitimate records over 30 years of representing folks and reviewing medical records. To me, they appear to be authentic records. What I'm asking

is: Do you have any reason to doubt the authenticity of these records, Solictor?

MS. SWANSON: I do not.

THE COURT: Okay. Well, the information that she's provided concerning the records that she's provided the court today is certainly more detailed than the information that she provided yesterday.

From my review of the 8/16/22 note, it indicates that she was there to get chemotherapy yesterday, but, apparently, it was postponed due to the fact that she apparently already had dialysis that morning and maybe they want to do it on another day, or a day that she doesn't have dialysis. They also gave her some new medication.

I see she's been diagnosed with some type of colon cancer. She has chronic kidney disease. She receives -- she's on dialysis, I believe, three days a week per the note. She has a colostomy bag. She's recovering from surgery. The 8/13 note indicates she remains recovering from surgery and is getting used to her colostomy.

The note on 8/16 yesterday, which was yesterday, expresses concern that her ANC was low.

I think with the information that she's

provided me, that I will allow her to appear virtually.

MS. CARMODY: Thank you, Your Honor.

THE COURT: Miss Carmody, you're going to be responsible for getting this set up.

THE CLERK: Yes, Your Honor.

THE COURT: Having a solid connection. Because if there's problems with it, then we're moving on. I'm not going to have -- you know, because one of the things, you know, I don't want this set up so that she can't be heard or can't be seen.

I don't want this in a car on the side of the road. Well, you shake your head and say no. I got to say that unfortunately. Because if I don't -- and I'm not saying you would do that. That's where this ends up.

I do believe that this woman, per these notes, and I have no reason to doubt the notes, is recovering from the surgery that obviously involved her receiving a colostomy. And I have family that has had to deal with that issue, and that's just not -- going and moving anywhere when you're getting used and accompanied to that appliance. It just is not a pleasant situation.

She's obviously immunocompromised.

So I want for you to set that up. It needs to be set up. I'm not going to wait. We're not going to have down time waiting for this to get done. So you need to get one of your assistants to help bring this together when that comes.

And I do, for the record, assuming we do have a good connection I would say that -- I would say that the chief justice has encouraged us when possible, if at all possible, to use Webex and other types of virtual capabilities when we deem it's necessary. I think this is necessary. I think that if we have a good connection. I think that the jury will be able to observe appropriately the demeanor and will be able to hear and evaluate this witness sufficiently.

And that is why, Miss Carmody, I am requiring that this be set up in as professional of a setting as possible. Because that -- I don't want there to be any distractions that's going to distract the jury from their abilibity to evaluate the credibility, demeanor of this witness. Okay?

I think that can be done via Zoom or Webex, and I think with this information that you

provided me, I think it's reasonable under the circumstances that have been presented to me.

All right. So is there -- yes, ma'am.

MS. CARMODY: Should we use the virtual courtroom?

THE COURT: Well, you get with my clerk on that. You-all can -- it's unlikely that's going to be today anyway.

MS. CARMODY: No. I'm thinking tomorrow.

THE COURT: It also says she gets her dialysis in the morning on Thursday, so you're going to have to work around that.

I will tell you this, we're not going to work out her schedule. She's going to have to work around the court's schedule. Okay?

All right. Anything else, Solicitor?

MS. SWANSON: Nothing from the State.

THE COURT: Anything from the defense?

MS. CARMODY: Yes. Yesterday, Taylor Howard had testified and Miss Swanson asked if she could come in the courtroom if I need her on recall. I only need to ask her one question on recall that she has already provided the information to SLED and can easily be impeached if she were to say something different. I don't

believe she testified truthfully yesterday, so I would have no objection if she wanted to come in and sit with her mom.

THE COURT: Thank you, Miss Carmody. Great.

MS. CARMODY: And the same with the other sister, Your Honor, as well.

THE COURT: Same with the other sister. All right. Thank you, Miss Carmody.

Is there anything else? Do we need to take a break before we bring the jury in?

MS. SWANSON: Two seconds to run to the restroom.

THE COURT: Two seconds, Miss Carmody. I'll give you four seconds. Just joking. Take your time.

(Off the record.)

THE COURT: Are we ready to bring the jury in from the State?

MS. SWANSON: State's ready.

THE COURT: Miss Carmody, is the defense

ready?

MS. CARMODY: Yes, Your Honor.

MS. CARMODY: Yes, Your Honor.

(Jury enters the courtroom at 9:41 a.m.)

THE COURT: Ladies and gentlemen, good morning. We are ready to proceed with the trial of this case. And so, Solicitor, are you ready to call your next witness?

MS. SWANSON: Thank you, Your Honor. State calls Whitney Uva.

THE CLERK: Raise your right hand. Place your left hand on the Bible. The testimony you're about to give will be the truth, so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right round. Have a seat in the witness chair.

WHEREUPON:

WHITNEY UVA,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Good morning, Whitney. Can you please state your name and spell it for the court reporter?

A Whitney Uva, W-h-i-t-n-e-y, U-v-a.

Q Can you tell the tell the jury how you knew

Cypress Noonan?

A I was a friend. I grew up with her. I worked with her. Went out of town with her. We were very close.

Q All right. At some point, did you work with her mom at KFC?

A Yes, ma'am. That's where I met her.

Q So you knew her family?

A Yes, ma'am.

Q And about how long were you and Cypress close?

A I was close before I started working at KFC, like I knew her around school. So I want to say I probably known her about five years, tops.

Q Okay. What was Cypress like when you first became friends with her. What was her personality like before she started dating Brian Redding?

A She was very bubbly. Like, you always saw her around town. She knew everyone. She was cheerful. She, like, was way out there. Didn't care about what anyone had thought of her. She was very outgoing. She was just a very cheerful person, like one of a kind.

Q Okay. And did you notice any changes in her personality when she and Brian began dating?

A Yes, ma'am. You didn't see her around town

anymore. You barely saw her at all. If you ever tried to get in contact with her, it would take a while for her to reply, which is very unlike her. And she stopped checking in on me lately. Like, she used to always text me almost every single day and that slowly died down.

Q Okay. Did you ever meet Brian Redding?

A No, ma'am.

Q Let's see. You were not living in Ridgeland at the time?

A No, ma'am. I was in Hardeeville.

Q All right. So you never spent any time around them together?

A No, ma'am.

Q Did Cypress ever ask you for money?

A Yes, ma'am.

Q All right. And did you give it to her?

A Yes, ma'am.

Q You helped her out when you could?

A Yes, ma'am.

Q Did you ever go to the Forest Motel?

A Yes, ma'am. One time.

Q All right. And what were you going to the Forest Motel for?

A That was the day I came over and gave her a

bunch of clothes, perfume, undergarments and stuff, and I hung with her about three hours with my sister.

Q Okay. When you guys went over there to drop off toiletries and clothing, did she come to the door, was she outside of the door?

A She came to the door and just peaked out. Opening it up a crack.

Q And did she invite you-all in after that?

A Yes, ma'am.

Q Okay. Do you recall if she locked the door after that?

A Yes, she did.

Q And Brian was not there, right?

A No, ma'am.

Q Why did you guys leave?

A She was adamant about when he was coming. But she didn't necessarily say for us to go, but she just kept mentioning when he was coming, so that gave me, like, yeah, I need to go.

Q Okay. At some point you and Cypress and some of other friends were discussing a trip to Florida.

A Yes, ma'am.

Q And did you want Cypress to go?

A Yes, ma'am.

Q All right. But what was the problem?
A A lot of my other friends were uncomfortable with his age, so they didn't want him to come but they wanted her to come. And there was a point where she wasn't going to come because he couldn't come, but she did end up coming in the end.
Q And what age are your friends?
A My friends are like 18, 17, 20, 19.
Q And when you say "he," do you mean Brian Redding?
A Yes, ma'am.
Q Did you receive messages from that group text that didn't sound like Cypress?
A Yes, I did. It was weird because, like, it was something she wouldn't say. I'm sorry. I can't remember what it was, but I know I said that it was weird.
Q So you received messages from her phone that didn't sound like her?
A Yes, ma'am.
Q Did you ever see Cypress upset about her and Brian's relationship?
A Yes. When she came to me for --
Q We don't need to get into the specifics of it, but thank you.

Do you recall seeing Cypress with a gun?

A Yes, ma'am. On Snap. Yes.

Q In Snapchat?

A Yes, ma'am.

Q Do you recall what the gun looked like?

A No, ma'am. I don't. Sorry.

Q Had you ever seen Cypress with a gun before she started dating Brian Redding?

A No, ma'am.

Q Thank you, Whitney.

MS. SWANSON: Beg the Court's indulgence.

MS. SWANSON: All right. Thank you, Whitney. Please answer any questions that the defense may have for you.

THE COURT: Miss Carmody, do you have any questions of this witness?

MS. CARMODY: Yes, Your Honor.

THE COURT: All right. Yes, ma'am.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good morning, Miss Uva.

A Good morning.

Q I'm Carolyn Carmody. Miss Uva, I want to go back to what you first testified to that -- well, you had

known Cypress for a long time, correct?
A Yes, ma'am.
Q So did you know Cypress when she was living in her vehicle?
A Yes, ma'am.
Q And do you know why she was living in her vehicle?
A I believe it was because her family wasn't okay with her dating Brian and she wanted to get away from them so she could be with him.
Q So you're saying she was living in her vehicle while -- prior to knowing Brian or while she knew Brian?
A While she knew Brian.
Q Is that when she first started seeing Brian?
A I'm not sure. I'm not sure.
Q Do you know when she was living in her vehicle?
A No, ma'am.
Q So you're not sure of the exact time period.
A No, ma'am. I just know about them staying in the vehicle before.
Q All right. And the -- you testified that you had always seen her around town.
A Yes, ma'am.
Q Prior to meeting Brian, right?

A Uh-huh.
Q And that would be, she would be walking around town, right?
A Yes, ma'am.
Q And where did you see her walking around town? You testified you're from Hardeeville, correct?
A Yes, ma'am.
Q So how would you see her walking around town?
A Because I used to stay in Ridgeland. Like, this was prior to me moving.
Q Did you have a vehicle at the time?
A Yes, ma'am.
Q Did you pick her up?
A Yes, I drove her home one time after work.
Q Before she met Brian?
A Yes, ma'am.
Q So you're always familiar with Cypress's home life because you know her family?
A Yes, ma'am.
Q And isn't it true that prior to Cypress moving out of her mother's house that they often struggled with money in the home?
A I'm not aware of that.
Q She didn't have a lot of clothes at home?
A Well, I gave her clothes just because I

didn't want to throw them away. I'm not sure if she had them or not.

Q Prior to her meeting Brian, she didn't have a lot of clothes at home, right?

A I would think so, yes.

Q Okay. So -- all right. So you're testifying she didn't have a lot of clothes when she lived with her mother?

A Yes.

Q Would you say that she did not have a good relationship with her sisters?

A No, I wouldn't say that.

Q She did have a good relationship with sisters, is that what you're saying?

A Yes, she did.

Q So when she was living in a vehicle, which sister agreed to take her in?

A I want to say Raven.

Q Did she go to Raven's house?

A Yes, she stayed with Raven multiple times.

Q Okay. So when was that?

A When she was staying in the car, that was Raven's van that she was staying in.

Q So, is it your testimony that essentially instead of staying at Raven's house in a bed, her sister Raven

gave her a car to stay in?
A I believe so. I'm not sure.
Q She would have been about 15 or 14 at the time?
A I guess. I don't know.
Q All right. And when you gave clothes to Cypress, you were trying to be a good friend, right?
A Yes, ma'am.
Q And, you know, oftentimes teenage girls, they share clothes, correct?
A Yes, ma'am.
Q Okay. And you brought her, like, tops, I guess, and pants and things like that?
A Yes, ma'am.
Q All right. But that's not out of the ordinary for teenagers to give each other clothes, correct?
A No, ma'am.
Q All right. And you said that Cypress had asked you for money. Isn't it true that she asked you for money to help pay for the motel room?
A No, ma'am. She asked for money to eat.
Q How much money did you send her?
A Twenty dollars.
Q Okay, $20. So we're not talking about substantial amounts of money?
A No, ma'am.

Q All right. Maybe another time -- like 15, does that sound about right?
A No, ma'am. I sent her money one time.
Q I believe you -- that's fine. You said you went to the Forest one time and that was to bring her clothes?
A Yes, ma'am.
Q Okay. And at the time that you were at the Forest, you did not see Cypress with bruises on her body or anything like that, correct?
A No, ma'am.
Q You did not see Cypress with any signs that she had been abused, correct?
A Not that I'm aware of.
Q Okay. Well, you would have saw it?
A Yes, ma'am.
Q All right. And she's your friend?
A Yes, ma'am.
Q She would have told you, correct?
A Yes, ma'am.
Q Okay. And when you were talking about on direct examination that you had wanted to go with Cypress on a trip to Florida, isn't it true that the reason that she did not want to go to Florida is because she did not want to be the only person there without her

boyfriend?

A Yes, ma'am.

Q And that she did not want to be away from her boyfriend for five days?

A Yes, ma'am.

Q Okay. And it wasn't that he would not let her go, correct?

A No, ma'am.

MS. SWANSON: I'm sorry. Objection; conjecture.

THE COURT: I'll sustain that. Disregard that answer and please move on.

BY MS. CARMODY:

Q You indicated that Cypress's personality had changed since she had been with Brian?

A Yes, I did.

Q And that she was no longer walking around town, right?

A Yes, ma'am.

Q But when she was with Brian, she had a place to live, correct?

A Yes, ma'am.

Q All right. She wouldn't be walking around town with a place to live, right?

A Well, when she was staying in town, she was

still walking around. So she had a place to live, but she was still in town.

Q To your knowledge, does Brian have a vehicle?

A I believe so, yes.

Q Okay. Ridgeland is not a safe town to walk around, is it?

A No, ma'am.

Q Okay. Remember I asked you earlier about her relationship with her sisters?

A Yes, ma'am.

Q Whitney, do you have a Facebook account?

A Yes, ma'am.

Q Do you know what your Facebook name is?

A Whitney Briana Uva, it should be.

Q Did you regularly talk to Brandy Johnson King on Facebook?

A Yes, ma'am.

Q Okay. And do you recall sending a message on Facebook after Cypress passed away on September 8th of 2020? Do you recall sending messages to Brandy?

A I'm sure when you read it, I will.

Q Okay. Do you recall telling Brandy King, "I can hear her saying," the F word, "them. Nobody really messed with her when she was here. Now, everyone all of a sudden, oh, I talked to her this day and I just

say to her that at least we know she knows who genuinely cared about her." Do you remember putting that on there?

A Yes, ma'am.

Q All right. And that refers to the relationship that she had with her family?

A No, that refers to the relationship with her friends.

Q With her friends?

A Yes.

Q And people were posting all kinds of messages on Facebook about that they care for her but they showed up after she passed away, right?

A Yes, ma'am.

Q All right. Thank you.

MS. CARMODY: Court's indulgence, Your Honor.

THE COURT: Yes, ma'am.

BY MS. CARMODY:

Q Ma'am, just one more question. Have you ever been in a relationship?

A Yes, ma'am.

Q And when you're in a relationship with a boyfriend, is it normal for you to want to spend time with him?

A Yes, ma'am.
Q And it's also normal that you would talk to your friends less to spend time with the new boyfriend?
A Yes, ma'am.
Q Okay, thank you.

MS. CARMODY: No further questions.

THE COURT: All right. Solicitor, do you have any redirect?

MS. SWANSON: Just briefly.

THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. SWANSON:
Q Miss Carmody asked you about Facbook and how it seemed that people were coming out of the woodwork. Based on all these Facebook messages, did it seem that Cypress Noonan was well-loved by the community?
A Yes, she was.
Q And had Cypress dated people before?
A Yes, ma'am.
Q And did she remain in touch with you when she dated those people?
A Yes, ma'am.
Q Thank you.

THE COURT: Miss Carmody, anything else,

ma'am?

MS. CARMODY: No, Your Honor.

THE COURT: All right. Ma'am, thank you so much. You can step down.

MS. SWANSON: The State calls Taniya Payne.

THE CLERK: Right this way. Come right around. Could you raise your right hand. Place your left hand on the Bible. The testimony you're about to give the court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come around. You can pull down the mask while you're on the stand.

WHEREUPON:

TANIYA PAYNE,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Thank you for being here, Taniya. Can you state and your spell your name for the court reporter?

A Taniya, T-a-n-i-y-a.

Q And spell your last name for me. Take your time. I know this is emotional for you?

A P-a-y-n-e.

Q Okay. You go by Niya?
A Yes, ma'am.
Q All right. Niya, when did you become friends with Cypress?
A In fifth grade.
Q Can you pull your mask down?
A In fifth grade.
Q In what grade?
A Fifth grade.
Q Fifth grade, okay.
Q And did you remain friends with her until the time of her death?
A Yes.
Q Did you ever hang out with her when she began dating Brian?
A Yes.
Q Do you know who Brian Redding is?
A Yes.
Q Do you recognize him in the courtroom?
A Yes.
Q Okay. Can you point him out for me?
A (Indicating.)
Q Okay. He's seated at the table over to your left?
A Yes, ma'am.

Q Okay, thank you.

Did she ever talk to you about her relationship with Brian?

A Yes, she did.

Q Did you give her any advice?

A Yes, I did.

Q What did you tell her?

A I just told her that, you know, we're kids, and we got a lot of life to live. One person shouldn't control you and that you should get away.

Q Did you ever see her emotional because of her relationship with Brian?

A Yes.

Q You saw her cry as a result?

A Yes, ma'am.

MS. CARMODY: Objection; calls for speculation.

THE COURT: I'm going to overrule that. Go ahead.

MS. SWANSON: Thank you.

BY MS. SWANSON:

Q Did you ever see Brian be controlling with Cypress?

A Yes, ma'am.

Q Did you ever see him with a gun?
A Yes, ma'am.
Q What did that gun look like?
A It was a torquise blue and it was silver -- like a dark silver one.
Q Okay. So it was blue and silver?
A Yes.
Q Okay. Did you ever go to the Forest Motel?
A Yes, ma'am.
Q Did you ever go when it was just Cypress sometimes?
A Not -- like, for a second, we were by ourselves.
Q Right. So if you went there and it was just Cypress, would she let you in the room?
A If it was already planned for me to come, but, if not, no, ma'am.
Q So tell me how she would deal with coming outside to meet you if you showed up at the motel room?
A If I showed up, she would -- just showed up unannounced, she wouldn't come out outside for me. She would just text me over the phone and I would just go home.
Q Okay. Did she have a habit of locking the motel room door?

A Always.
Q All right. Are you -- is she the type of person that answered the door for strangers?
A Unh-uh.
Q Because you're her friend, right?
A Yeah.
Q And she wouldn't necessarily answer the door for you?
A No, unh-uh.
Q Did you go to the Forest Motel with her and Brian one day?
A Yes.
Q And were there difficulties between the two of them that day?
A Yes, ma'am.
Q Did you ever go back?
A No, ma'am.
Q Did you talk to Cypress after that?
A A little.
Q Okay. But you-all weren't as close?
A No, ma'am.
MS. SWANSON: Beg the Court's indulgence.
THE COURT: Yes, ma'am.
BY MS. SWANSON:

Q All right. Please answer any questions that the defense may have for you.

THE COURT: All right. Miss Carmody, do you have any questions of this witness?

MS. CARMODY: Yes, Your Honor.

THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good morning, ma'am.

A Good morning.

Q Do you need a minute?

A I'm fine.

Q I can give you a minute, ma'am.

A I'm fine.

THE COURT: Go ahead.

BY MS. CARMODY:

Q All right. Ma'am, you testified that you saw Brian with a gun that was blue and silver, correct?

A Two different guns.

Q Two different guns?

A Yes, ma'am.

Q One was blue and one was silver?

A Yes, ma'am.

Q Okay. Is this -- did you previously tell agent McCallister about two separate guns?

A The first lady that I ever talked to when it first happened, I told her. And I was only asked about the blue gun and told about both of them, though.

Q Ma'am -- so hold on one second. Okay.

So -- all right. Let's back up for a second. Where were you when you saw Brian with a blue gun?

A At the Forest in the corner room on the side of the bed. I was sitting on the side of the bed.

Q Okay. Ma'am, do you remember speaking with Agent McCallister in reference to this case?

A I don't really know names of anybody.

Q Do you remember speaking to a SLED agent in reference to this case?

A Like, two years ago, the lady.

Q Yes.

A Yes, ma'am.

Q All right. Did you tell Agent McCallister that where you saw the gun was at the Sure Stay Motel?

A Everywhere. I don't know if I can -- everywhere he goes, she asks like where have I been them, and I named the Sure Stay motel as one of the places as well.

Q Ma'am, you just testified this was at

Forest Motel.

A Yes, I know. This was at the Forest. When I saw, when I first was introduced to the guns, I was at the Forest. But I also visited them at the other hotel is what I told them. And, yes, he did have guns there, too.

Q Ma'am, hold on for a second.

All right. Back in -- let's back up.

Okay. Cypress passed away in September of 2020, correct?

A Yes, ma'am.

Q And you had an interview with Special Agent McCallister on September 10th of 2020. And we're talking about four days after your friend -- she's your friend, correct -- four days after your friend passed away, okay? And at the time that you had this conversation with Agent McCallister, first, you did not mention to her about seeing Brian with a gun at the Forest Motel, did you?

A I think I did. I'm sure that I did. She asked me if I ever saw him with a gun and I told her that I did.

Q Ma'am, did you --

MS. CARMODY: Beg the Court's indulgence, Your Honor.

THE COURT: Yes, ma'am.

BY MS. CARMODY:

Q Okay. Ma'am, so four days after your friend passed away when you had the conversation with Special Agent McCallister -- you recall that, right? With SLED. You're not sure? She was a female, right?

A Yes.

Q Was it this lady here?

A I'm not sure.

Q You don't know, okay. So, this is four days after your friend had passed away?

A Correct.

THE COURT: All right. Ma'am, you're going to have to speak up a little bit louder, okay? Thank you.

Go ahead.

BY MS. CARMODY:

Q Ma'am, in four days after your friend had been shot, it would have been extremely important for you to provide as much detail to SLED as possible, correct?

A Right.

Q Okay. And do you recall at 26 minutes and 44 seconds into the conversation that you told Agent McCallister, SLED, that you had saw Brian with a gun

at the hotel by the Dairy Queen?
A Yeah.
Q Okay, ma'am. Is the Forest Motel by the Dairy Queen?
A No.
THE COURT: Ma'am, you have got to speak up. I cannot hear you.
THE WITNESS: I'm sorry, sir.
THE COURT: All right. Then get closer to the microphone. Thank you.
Go right ahead.
BY MS. CARMODY:
Q Do you need a minute?
THE COURT: Go ahead.
THE WITNESS: No, ma'am. It isn't. Forest isn't near the Dairy Queen.
BY MS. CARMODY:
Q So this is new information that you're providing to the jury today, correct?
A That I mentioned to her before I got her.
Q I understand, ma'am. But this is new information that you're providing to the court today?
A (Witness moves head from side to side.)
Q All right. Now, also you indicated earlier that you saw -- you testified that you saw Brian with two

guns; one was blue and one was silver, correct?
A Yes, ma'am.
Q And, again, on September 10th of 2020 four days after your best friend, your friend had passed away, you did not indicate to Special Agent McCallister, SLED, anything at all about a silver gun, correct?
A I'm not sure. If I did not, then I was shaken up. I was a 15-year-old who had just lost the friend she had.
Q Okay. Ma'am? Ma'am?
A I don't know. I'm telling you what --
Q All right. Ma'am, let me ask you this: After Cypress had passed away, were you having conversations with her sisters?
A Not really.
Q How about her mom?
A Not really.
Q You didn't talk to nobody?
A I visit, but as a conversation, not really.
Q But you did not visit or talk to the family?
A No, I visit.
Q You did?
A Like, I hang around but I didn't really conversate and get into the conversation. I was just there because that was my best friend.

Q Okay. So prior to -- how did you know to speak with Special Agent McCallister?
A Would you repeat that?
Q How did you know to speak with Special Agent McCallister?
A I don't -- I think somebody gave me a card and told me that I had to go there and I just went there. I never wanted to go over nothing.
Q Ma'am?
A I don't know.
Q Ma'am, did Cypress's family tell you to go see Special Agent McCallister?
A No. No, ma'am. I don't remember who gave me a card. It was a police card and it had a number on the back. And when I called, they told me that I had to go up there and I went. My mama took me.
Q Okay. All right.
And what date did you -- do you remember the day that you got that card? Was it like the day before or was it?
A It was probably, like, two days after.
Q Okay. No conversation with her family about why you received this card from the police that came out of nowhere?

A I don't know. It wasn't coming out of nowhere. She had just got murdered. Of course, they wanted to speak with me. And the message is in the phone and stuff. That's what they were telling me.

Q All right. You said -- I believe that you said, and please correct me if I'm wrong, everyone was talking about a blue gun, correct?

A Yes.

Q All right. So when you say everyone was talking about a blue gun, you're talking about her family and members of the community, correct?

A Like friends, kids, because she would post with the same gun. She would take videos with it.

Q Ma'am, that's not what I'm asking you.

A I'm telling you the friends, like not the family members.

Q So --

THE COURT: Hold on. Yes, ma'am, you have an objection?

MS. SWANSON: Your Honor, I would object because that was responsive to Miss Carmody's question and she is explaining how she knows that the community was talking about the gun.

THE COURT: All right. I'm going to

sustain the objection.

Miss Carmody, let's move on.

BY MS. CARMODY:

Q Ma'am, so prior to talking to SLED, you are talking to members of the community about what happened to Cypress?

A Not really talking, but I'm hearing.

Q Your hearing information. Okay, that's what I'm getting at.

So the information that you provided to SLED was based on information that you had been hearing in the community?

A Incorrect. That statement that I let her know that also other people knew about the gun, that's not, like, saying hearsay.

Q Ma'am, that's not what I asked you.

A I didn't tell her that. Seeing that -- you know, trying to tell her what I heard. I told her everything that I knew.

Q Okay, right. But you just testified earlier the one that everybody is talking about, correct?

A Yes, ma'am.

Q Okay.

A The one everybody seen as well.

Q You also --

THE COURT: Miss Carmody? Miss Carmody --

MS. CARMODY: I'm sorry.

THE COURT: Let her finish her answers.

MS. CARMODY: Yes, Your Honor.

THE COURT: Ma'am, hold on. Let her finish her answers and then ask the question, okay?

MS. CARMODY: Uh-huh.

THE COURT: All right. Go ahead.

BY MS. CARMODY:

Q Ma'am, isn't it true that today is the very first mention that you ever made of a silver gun?

A False. Incorrect.

Q Okay, ma'am. There's -- in your interview with SLED -- we have a transcript here, ma'am, would you like to review it? Because there is no mention of a silver gun.

A If there's no mentioning it with her, I'm telling you, I've told them. I had to keep constantly telling them because I couldn't remember everything at once. It was so much.

Q Ma'am, you're upset --

THE COURT: Miss Carmody, don't interrupt the witness, please.

MS. CARMODY: I'm sorry.

THE COURT: Miss Carmody, don't interrupt me.

All right. Do you have any other questions of this witness, Miss Carmody?

BY MS. CARMODY:

Q Ma'am, you're upset that your friend passed away, correct?

A I'm upset that she passed away.

Q Okay, thank you.

MS. CARMODY: Your Honor, I don't believe I have any further questions.

THE COURT: Okay, take your time.

MS. CARMODY: No further questions, Your Honor.

THE COURT: All right. Any redirect?

MS. SWANSON: Very briefly.

REDIRECT EXAMINATION

BY MS. SWANSON:

Q Niya, the last time you saw Cypress and you saw the gun was about how long before her death?

A A week and a half.

Q A week and a half?

A Yes, ma'am.

Q Thank you.

MS. SWANSON: That's all I have.

THE COURT: Anything else? Yes, ma'am.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Ma'am, in the same conversation that you had with SLED, do you recall telling SLED the last time that you had hung out with Cypress was three weeks ago?

A That's -- I don't recall saying that. It has been, like, about two weeks. But the last time I'd been with her, it was about a week and a half.

MS. CARMODY: I don't have any further questions, Your Honor.

THE COURT: All right, thank you. Thank you, ma'am.

MS. SWANSON: I would ask that Miss Payne be allowed to be excused.

THE COURT: Miss Carmody?

MS. CARMODY: No objection, Your Honor.

THE COURT: No objection. Thank you.

All right. Solicitor, you can call your next witness.

MS. SWANSON: Okay, thank you. The State

calls Paige Johnson.

THE CLERK: Come right around. Right here. Raise your right hand, place your left hand on the Bible. The testimony you give will be the truth, so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right around. Come a little closer to the mic.

WHEREUPON:

PAIGE MAYMA,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Thank you for being here, Paige. Can you please state and spell your name for the record?

A It's Paige Mayma, P-a-i-g-e, M-a-y-m-a.

Q All right. And you've got married in the past two years?

A Yes, ma'am.

Q All right. Paige, you're one of Cypress's sisters, right?

A Yes, ma'am.

Q At the time of her death, who would you say was the closest to Cypress?

A I would say my twin.

Q I'm sorry?
A I would say -- as far as not me, my twin.
Q Okay. Your twin is who?
A Raven.
Q Raven, okay. Would you consider yourself having been close to Cypress at this time?
A Yes, ma'am.
Q At this time, was, say, you know, the month before her death, did you see her on a regular basis?
A Yes, ma'am. What were the places that you were living in the couple of months before Cypress's death.
A The weekly rentals.
Q And those are located where?
A I think Jacob Smart Boulevard, across from the Siesta.
Q Okay.
A I don't remember the address there.
Q Okay. How close is it to the Forest Motel?
A A skip and a hop.
Q Okay. So, right near the Forest Motel?
A Yes, ma'am.
Q And then Siesta is right there as well?
A Yes, ma'am.
Q And who were you living there with?

A My boyfriend at the time.
Q Which is who?
A Dervon Jones.
Q Dervon Jones?
A Yes, ma'am. And my four children.
Q Okay. Do you recall how Cypress and Brian got together?
A She said they met at the laundromat. They already new each other, but they started becoming a thing.
Q All right.
A He caught her attention at the laundromat.
Q Okay. So that's where she connected?
A Yes, ma'am.
Q They knew of each other, but they connected at the laundromat?
A Yes, ma'am.
Q Did you and Dervon hang out with Cypress and Brian?
A We have, yes, ma'am.
Q You have. And where have you hung out with them?
A In my room.
Q At your room at the weekly rentals?
A Yes, ma'am.

Q Did you ever hang out in their room?
A I gone by there to see Cypress, but he wasn't never there.
Q When you went by there to see Cypress, did she let you in the motel room?
A Uh-huh.
Q Okay. Could you tell if she had the door locked?
A She always had the door locked.
Q All right. Did she check to see who it was at the door when you came over?
A Yes.
Q All right.
A She would want you to announce yourself.
Q I'm sorry?
A She would want you to announce yourself.
Q Okay. Did he ever come back to the motel room while you were there?
A No, ma'am.
Q Did you ever have to leave because he was coming home?
A She always -- yeah.
Q Yes?
A Yes.
Q Was she on her phone a lot?

A All the time.
Q With who?
A With him.
Q How do you know that?
A Because she always had him on speaker phone.
Q Would she ever mute yourself if she were talking to you?
A No, ma'am.
Q Okay. So, you don't know if he knew if you were there or not?
A No, he knew.
Q Oh, okay.
THE COURT: Ma'am, could you just -- uh-huh, if you would just answer yes, no, or however you want to answer the question assuming you understand it, because she's just making a record of everything. That just makes for a clearer record, okay?
THE WITNESS: Okay.
THE COURT: Thank you. You're good. Thank you, ma'am.
BY MS. SWANSON:
Q All right. Did you ever see Brian with a gun?
A Yes.
Q All right. And can you describe that gun?

A It looked like a 9, it was blue. Like a turquoise color maybe.
Q A Turquoise 9.
A Yes, ma'am.
Q Did you ever handle that gun?
A No, ma'am.
Q Okay. Did you compare it to a gun of yours?
A Yes, ma'am.
Q All right. And did you actually give him a grip for his gun?
A Yes, ma'am.
Q So, you had an ample opportunity to observe the gun?
A Yes, ma'am.
Q Did you only see it once?
A Several times.
Q Okay. How long before her death was the last time that you had seen it?
A It had to be a couple days.
Q So within the week before?
A Yes, ma'am.
Q All right. Do you remember the sister fight between Desiree and Cypress that took place at the Siesta?
A Yes, ma'am.

Q Okay. Tell me what you recall about that.
A I know it started over -- I think, I can't say really the other details. But from what I could see, it was like a bowl of beans. It was just really dumb. From what I could see, they were just arguing going back and forth, and that's pretty much it.
Q Okay. Was the argument between Cypress and Desiree?
A Yes, ma'am.
Q It wasn't between you, Dervon, or anyone else there?
A No. No, no, no, no.
Q At that time, did Dervon have a firearm on him?
A Yes, ma'am.
Q All right. And what firearm did he have on him?
A One of mine.
Q Okay. What color is your firearm?
A Black.
Q All right. And what kind?
A I can't remember if it was the G2 or G3 on the 9.
Q So G2 or G3, 9-millimeter. Did he use that gun that night?
A No.

Q Okay. Moving on to -- let me ask you this: Did you ever see Cypress with a gun while she was dating Brian?

A Yes, ma'am.

Q And what did that gun look like?

A That gun, the blue --

Q The blue 9?

A Yes, ma'am.

Q The same gun?

A Yes, ma'am.

Q And when was the last time you saw Cypress with that gun?

A I've only seen it with her once.

Q Okay.

A And I can't recall when was the last time.

Q Had you ever seen her with guns before she met Brian?

A No, ma'am.

Q Did you ever let her mess with your guns?

A No, ma'am.

Q Did she ever load any ammmo into your guns?

A No, ma'am.

Q Was there any animosity between Dervon and Cypress?

A No, ma'am.

Q Did you-all hang out?
A On a regular.
Q Was that generally at your place?
A Yes, ma'am.
Q Okay. Was Cypress well-liked by her friends and family?
A Yes, ma'am.
Q You don't know of any mortal enemies that she had?
A No, ma'am.
Q Let's go to the night before her murder, that would be Saturday, September 5th of 2020. Where were you and Dervon staying?
A Weekly rentals. No. I was staying with my mother.
Q Okay.
A We got kicked out of weekly rentals.
Q So you were staying with your mom because you got kicked out of the weekly rentals?
A Yes, ma'am.
Q About how long beforehand had you gotten kicked out of the weekly rentals?
A It had to have been like a week or two prior.
Q Okay. About what time do you recall getting to your mom's house? Was it that eveing?

A Yes, ma'am. It was before I went to work.
Q Okay. I mean, Saturday. Did you work that Saturday?
A Yes, ma'am. I worked Saturday.
Q Okay. What time do you get off?
A Around, like, 4:00, if I can remember.
Q And did you go anywhere after work that day that you can recall?
A No, ma'am.
Q You just went back to your mom's?
A Yes, ma'am.
Q Okay. Were your kids at your mom's?
A Yes, ma'am.
Q Was Dervon at your mom's?
A Yes, ma'am.
Q Did you-all go to bed together?
A Yes, ma'am.
Q Did you wake up together Sunday morning?
A Yes, ma'am.
Q What time did you wake up Sunday morning?
A It was around 8-something. I was already getting ready for work to be there at 9:00.
Q Do you recall anyone driving by the house that morning?
A Yes, ma'am.

Q Who did you see drive by the house that morning?
A Brian.
Q Brian?
A Yes, ma'am.
Q Do you recall what car he was in?
A In a white car.
Q All right. Did he have any windows down?
A The driver.
Q All right. And did he do anything when he drove by?
A He said, hey, waived.
Q Did he honk his horn?
A Yes, ma'am.
Q Honked his horn, waived, said, hey. And this was at 8-something?
A Yes, ma'am.
Q On Sunday morning?
A Yes, ma'am.
Q Before you learned that your sister had been shot in the head?
A Yes, ma'am.
MS. CARMODY: Objection, Your Honor. Leading.
THE COURT: I'll sustain that objection. Yes, ma'am.

MS. SWANSON: Beg the Court's indulgence.

THE COURT: Certainly.

BY MS. SWANSON:

Q All right. When you and Cypress and Brian were together, did you ever witness any controlling behavior?

A Yes, ma'am.

Q All right. Did you ever see Cypress cry as a result of anything that he did?

A Yes, ma'am.

Q In your interactions with him and from what you observed, were there problems within the relationship?

A Yes, ma'am.

MS. CARMODY: Calls for speculation, Your Honor.

THE COURT: I'm going to sustain that objection.

BY MS. SWANSON:

Q Did you witness difficulties in their relationship?

MS. CARMODY: Objection; calls for speculation.

THE COURT: I'll overrule that.

THE WITNESS: Yes, ma'am.

BY MS. SWANSON:

Q Okay. Did you ever give her any advice about the relationship?

A Yes, ma'am.

Q What did you tell Cypress?

A Pretty much do what makes her happy, but you can't make somebody else happy if you're not happy yourself.

Q Did you and Dervon break up after Cypress's death?

A Yes, ma'am.

Q And what was the basis for that break up? Why did you-all break up?

A For him cheating on me.

Q All right. Is there any animosity between Dervon and you and your family?

A No, ma'am.

Q All right. In fact, did he help take care of your kids when you were working?

A Yes, ma'am.

Q All right. I have nothing further at this time, Paige. Please answer any questions that the defense may have for you.

A Yes, ma'am.

THE COURT: Miss Carmody, do you have cross-examination?

MS. CARMODY: Yes, Your Honor.

THE COURT: Okay.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good morning, ma'am.

A Good morning.

Q All right. Ma'am, you saw Cypress on a regular occasion?

A Yes, ma'am.

Q Okay. And you didn't witness any bruising or signs that Cypress had been beaten?

A No, ma'am.

Q Okay. And you knew that your -- you knew where your sister was living, correct?

A Yes, ma'am.

Q You knew that your sister was in a relationship with Mr. Redding?

A Yes, ma'am.

Q Okay. I mean, you didn't go there and try to remove her from the hotel or anything, did you?

A No, ma'am.

Q Now, I want to talk to you about Dervon Jones. What is his nickname?

A Popeye.
Q Popeye? Okay.
Ma'am, you had given -- on direct examination, you talked about an argument at the -- I believe it was the Siesta, you said, correct?
A Yes, ma'am.
Q You said it involved beans, or something like that?
A Yeah.
Q Ma'am, the police were called to that incident, weren't they?
A Yes, ma'am.
Q And as a result of the police being called, did Popeye do anything?
A Yeah. He tried to leave.
Q He tried to leave.
A Yeah.
Q Did he try to do anything with the firearm?
A Yeah. He tried to take it back to the room.
Q Okay. Was he -- did he get rid of it?
A No, ma'am.
Q He didn't toss it under a vehicle?
A I don't know. I wasn't up there whenever that happened.

Q Okay. So you weren't there after he left with a firearm?
A I wasn't there whenever the police got him at the front with the firearm.
Q All right. And, ma'am, do you -- you had a conversation with -- actually, I believe you had three conversations with law enforcement, correct?
A When?
Q Did you have three conversations with law enforcement after your sister passed away?
A Yes.
Q Is that correct, three?
A I can't recall how many times, but yes.
Q It was several times?
A Yes.
Q You had Special Agent McCallister's cell phone number and you texted her and called her regularly?
A Not regularly.
Q But you texted her and called her?
A Yes, ma'am. When I had questions.
Q All right, ma'am. So your first interview -- during your first interview with Special Agent McCallister, did you mention anything at all to Special Agent McCallister about a gun being at the Forest Motel on the day that your sister was

killed?
A No, I didn't say anything about it because I don't know if there was one there.
Q Okay. Ma'am, you were working the morning that your sister died, correct?
A Yes, ma'am.
Q Okay. Did you -- approximately, probably several weeks after your sister had passed away, did you have a second inter action with Special Agent McCallister?
A You said several weeks after?
Q Several weeks later. Did she call you and ask you to come back?
A Not that I recall. I don't remember much.
Q Okay. So, do you recall SLED calling you because they wanted to talk to you about a gun?
A Yes, ma'am.
Q All right. And the reason, isn't it true that the reason that SLED called you to ask you about a gun is because you never mentioned it at the first interview, correct?
A You're talking about my personal?
Q I'm asking you about any firearm, ma'am, that you or Popeye may have owned.
A Can you ask your question again, please?
MS. CARMODY: Madam Court Reporter, do

you have the question?

(The last question is played back.)

THE WITNESS: Yes, ma'am, I have.

BY MS. SWANSON:

Q Okay. So in your second interview with Special Agent McCallister, and I believe this is on the 25th of September, so this is several weeks after your sister had passed away, isn't it true that the reason Special Agent McCallister called you back to meet with her is because she wanted to talk to you about the firearm?

A Yes, ma'am.

Q And did you, during that interview, relay to Special Agent McCallister that you had knowledge about a firearm at the Forest Motel on the morning that your sister passed away?

A Yes, ma'am.

Q Okay. And did you relate to Special Agent McCallister that you had knowledge that Popeye had passed a bag over the fence from the Forest Motel to the Siesta?

A Yes, ma'am.

Q Okay. Did you also relay to Special Agent McCallister that you had knowledge that the bag that was passed over the fence from the Forest Motel to the

Siesta contained a firearm?
A On the arrival of the person, yes, ma'am. The arrival of the person.
Q I'm sorry, ma'am?
A When the person got there, that's when I learned that it was there.
Q Okay. So, ma'am, so you're conveying this information to Special Agent McCallister, correct?
A Yes, ma'am.
Q Okay. And you also conveyed to Special Agent McCallister that you had knowledge that the firearm that was in the bag that was passed from the Forest Motel to the Siesta by Popeye?
A Yes, ma'am.
Q Okay. So, on September 25th -- let me make sure I got the date right. September 25th, Special Agent McCallister has knowledge that Popeye passed a gun in a bag from the Forest Motel where your sister was killed to the Siesta next door?
A Yes, ma'am.
Q The person that Popeye handed that bag to was a man by the name of Matthew Hatchell.
A Yes, ma'am.
Q And when you provided this information to Special Agent McCallister, did she ask you to see any

of your guns?
A Yes, ma'am.
Q All right. Did you bring those guns to her?
A No, ma'am.
Q Isn't it true that Special Agent McCallister told you, and I quote, when you are not busy with the kids why don't you send me a picture of your guns?
A She did.
Q Okay. Did you ever send Special Agent McCallister a picture?
A No, ma'am.
Q So Special Agent McCallister has never been to your house to look at any weapons?
A No, ma'am.
Q All right. Did you -- Special Agent McCallister let you know that she wanted to speak with Popeye.
A Yes, ma'am.
Q Okay. And did you tell Special Agent McCallister that you would try to talk to him?
A Yes, ma'am.
Q To your knowledge, did you have that conversation?
A Yes, ma'am.
Q Okay. To your knowledge, did Popeye ever speak with Special Agent McCallister?

A Not that I know of.
Q Okay. You were at work that morning, correct?
A Yes, ma'am.
Q All right. So you were not with Popeye that morning?
A No, ma'am.
Q Okay. We are talking about the morning of September 6th when your sister passed away when she was shot, correct?
A Yes, ma'am.
Q And, ma'am, you indicated that you and Popeye had broken up because he had cheated on you?
A Yes, ma'am.
Q Ma'am, you also had a cell phone with your sister's pictures on it, correct?
A Yes, ma'am.
Q And isn't it true that Popeye took your cell phone with your sister's pictures on it and threw it into a pool?
A Yes, ma'am.
Q So he damaged your personal property that pertained to her sister?
MS. SWANSON: I would object to relevance.
THE COURT: Hold on. Your objection is

relevance?

MS. SWANSON: Correct.

MS. CARMODY: Your Honor, she asked why they had broken up. I'm clarifying.

THE COURT: I'm going to sustain that objection.

Let's move on, Miss Carmody.

MS. CARMODY: All right.

BY MS. CARMODY:

Q You didn't only break up because he had cheated on you, correct?

A Yes, ma'am.

Q Okay.

All right. Ma'am, that morning when you saw Brian drive a way in the white car and he beeped the horn, you didn't see any firearm, correct?

A No, ma'am.

Q You didn't see any blood?

A No, ma'am.

Q All right.

MS. CARMODY: Beg the Court's indulgence, Your Honor.

THE COURT: Yes, ma'am.

MS. CARMODY: No further questions, Your

Honor.

THE COURT: Solicitor, do you have any follow-up?

MS. SWANSON: Briefly.

THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. SWANSON:

Q All right. Paige, I want to clarify something that I got a little confused about because we had talked earlier that on the day of your sister's murder -- okay. First of all, that Saturday, the night before, you and Dervon went to bed together and then you woke up together that morning.

A Yes, ma'am.

Q Was he still at the house when Brian drove by?

A Yes, ma'am. He had to stay.

Q He was taking care of your kids that Sunday morning?

A That's correct.

Q So did he leave the house at all that morning.

A Not until the call.

Q And the call that you're referring to is the call about Cypress?

A Yes, ma'am.

Q All right. You stated that you were getting ready

to go to work. Did you make it in to work?
A Yes, ma'am.
Q Okay. And so for how long and at what times were you at work?
A I can't remember much, but I do know that I wasn't there very long. It couldn't have been more than an hour.
Q All right. Where were you working at the time?
A Hardee's.
Q Hardee's. And Dervon was baby-sitting?
A Yes, ma'am.
Q Do you know what gun was in the bag that Dervon passed over the fence?
A I can't remember if it was the G2 or G3.
Q It was one of your guns?
A Yes, ma'am.
Q Do you know why he was passing it to Matt Hatchell?
A Because he arrived.
THE COURT: Counsel approach.
(Bench conference.)
THE COURT: Solicitor, what was your question? Why he --
MS. SWANSON: If she knew why he was passing the bag with her gun over to Matt

Hatchell.

THE COURT: And your objection?

MS. CARMODY: It calls for speculation. She wasn't there. This is information she provided to SLED.

MS. SWANSON: She might have knowledge of it. It's not for the truth of the matter asserted.

THE COURT: I'm going to sustain the objection. Thank you.

I'm going to sustain the objection. Please proceed, Solicitor.

BY MS. SWANSON:

Q Paige, do you know if Dervon was legally allowed to carry a gun?

A I don't know.

Q Okay.

A I didn't try to care -- try to see.

Q Okay. Do you have any knowledge that Dervon -- any personal knowledge that Dervon was at all connected to the death of your sister, Cypress?

A Was not connected at all.

Q Thank you.

A Yes, ma'am.

THE COURT: Miss Carmody, anything else?

MS. CARMODY: Briefly, Your Honor.

THE COURT: Yes, ma'am.

RECROSS-EXAMINATION

BY MS. CARMODY:

Q Ma'am, you indicated in your testimony that you know that Dervon, Popeye, did not leave your house, ma'am, but isn't it true you were at work?

A Yes, ma'am.

Q So you don't know if he left your house or not.

A My mother was home.

Q Ma'am, that's not what I asked. You personally do not have knowledge whether he left your home?

A Not with me telling him not to.

Q Ma'am, what is the distance from your mother's house to the Forest Motel?

A Ten minutes, maybe.

Q Ten minutes, maybe?

A Yes, ma'am.

Q Okay. And you have no knowledge of -- or no personal knowledge of what gun was passed over the fence from the Forest Motel to the Siesta, correct?

A Correct.

Q Thank you.

MS. CARMODY: No further questions, Your Honor.

THE COURT: All right. Anything else, Solicitor?

MS. SWANSON: No, Your Honor.

THE COURT: All right. Ma'am, thank you very much. You can step down. Thank you.

All right. Ladies and gentlemen, I think now is a good time to take a break and so I'm going to let you go back and do that and I'll get you back in here in just a few minutes. Please don't talk about the case.

Anything from the State before we have a break?

MS. SWANSON: No, Your Honor.

THE COURT: Anything from the defense?

MS. CARMODY: No, Your Honor.

THE COURT: Let's try to be back in here 5 or 10 after.

MS. SWANSON: Thank you, Your Honor.

MS. CARMODY: Thank you, Your Honor.

(A break was taken from 10:53 a.m. to 11:08 a.m.)

THE BAILIFF: All rise.

THE COURT: All right. Counsel, the bailiff informed me that one of the jurors approached him as they were leaving and he indicated that this individual was having some difficulty hearing, and so I'm going to ask you to encourage your witnesses to speak up. You know, he didn't indicate that he had not heard information, but I think what we need to do is make sure that our witnesses are speaking up.

So I want you to know -- I know one witness I asked at least two times to speak up. Not trying to pick on any witnesses. I just want to make sure that the jury hears these witnesses such that they can look at, evaluate their testimony when it comes time to deliberate.

So I would appreciate your making sure that your witnesses speak up and don't think I'm picking on anybody if I'm asking them to speak up. All right?

MS. CARMODY: Your Honor, I think that's why I end up talking over her, because I couldn't hear if she was done with her answer. I thought she was done. I couldn't hear her. I think that's why I was asking her another question.

THE COURT: All right. So anything from the State before we bring the jury in?

MS. SWANSON: Your Honor, we have our firearms expert next, and there is a photo -- a stock photo from the Internet that I intend to show my witness after laying a foundation for it, to ask her if this is consistent with her findings, this type of firearm is consistent with her findings. And I believe Miss Carmody has an objection to that.

THE COURT: All right. Miss Carmody, you got an objection?

MS. CARMODY: Absolutely.

THE COURT: Hold on. If the witness can identify that photograph.

MS. CARMODY: Your Honor, yes. So, first of all, number 1, the firearms report only says that it's consistent with -- the rifle is consistent with guns manufactured by SCCY. So the solicitor pulled a baby blue gun manufactured by SCCY. Your Honor, SCCY manufactures hundred of guns. Did different colors. All different calibers. Not a single witness has testified that they knew that the baby blue gun was an SCCY.

So I believe that she is trying to rope in

the witnesses saying, oh, they didn't testify it was an SCCY. One person said they thought it was a 9-millimeter but they never actually handled it.

So to have a firearms expert testify that that's an SCCY and it's baby blue, I think, is making an improper connection. It would be prejudicial to my client. And, Your Honor, it's also from the Internet, Your Honor. I don't even know where it came from.

THE COURT: Miss Carmody, I think that all of that would be appropriate for cross-examination. I think that if this individual is identified as an expert and can identify that photograph and describe what it is, I don't think -- and certainly if he's trying to make that out to be the gun or appear to be the gun, I think that's fertile for cross-examination, but I'm going to -- right now, I think I'm going to allow that if the proper foundation is allowed.

MS. CARMODY: Your Honor, I would request that the photograph be in black and white.

THE COURT: No.

Let me see the photograph. Let me take a look.

MS. CARMODY: Not a single witness has testified they saw it on SCCY, Your Honor.

THE COURT: I understand that.

MS. SWANSON: Right. And it's the expert that's going to testify that the projectile and shell case match in SCCY.

MS. CARMODY: On SCCY, not that SCCY.

MS. SWANSON: I'm asking if this is consistent with the gun that fired the projectile.

MS. CARMODY: Your Honor, I believe that's improper evidence.

THE COURT: All right. Let's see.

MS. CARMODY: I mean, I could probably pull a bunch of different blue guns, Your Honor.

THE COURT: I'm sure you can.

All right. I'll note your objection for the record, and, at the appropriate time, you can renew it. But I'm going to allow it, if he can identify it.

MS. SWANSON: Thank you, Your Honor.

THE COURT: If they lay the proper foundation, excuse me.

MS. SWANSON: Yes, Your Honor.

THE COURT: Anything else, Miss Carmody?

MS. CARMODY: Is that who they are

calling right now?

THE COURT: I'm sorry?

MS. CARMODY: Is that who they're calling right now?

MS. SWANSON: Correct.

THE COURT: Yes.

MS. CARMODY: Okay.

THE COURT: All right. Let's get the jury.

(Jury enters the courtroom at 11:10 a.m.)

THE COURT: All right. Ladies and gentlemen, the bailiff indicated that one of the jurors stopped him and indicated that it sometimes was hard hearing fo1ks, okay, and I wanted to 1et you know that's why I have asked people to please speak up. I'm not trying to be rude. I just want to make sure that you-all hear what's going on.

So I have asked the parties if they would make certain that their witnesses are aware that they need to speak up. And also if you're having trouble hearing, please raise your hand, let me know, let him know, so we can make sure that we got that witness speaking in such a fashion that you can hear him or her.

Thank you very much, Mr. Foreman, ladies and gentlemen.

Solicitor, you can call your next witness.

MS. SWANSON: Thank you. The State calls Michelle Eichenmiller.

THE CLERK: Raise your hand. Place your left on the Bible. The testimony you're about to give the court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right around. You can adjust that mic.

WHEREUPON:

MICHELLE EICHENMILLER,

after having been sworn to tell the truth, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Agent Eichenmiller, can you please spell your name for the record?

A Eichenmiller, E-i-c-h-e-n-m-i-l-l-e-r.

Q And tell the jury where you work and in what capacity.

A I work for the South Carolina Law Enforcement Division, also known as SLED. I work in the

forensic lab in the firearms department.

Q How long have you worked in the firearms department?

A Approximately, 16 years.

Q All right. And what sort of education and special training did you acquire to do your job?

A In order to be a SLED agent, you need a bachelor's degree. I have a bachelor's degree in biology and psychology. I also have a master's of science in forensic science.

Q All right. And did you receive special on-the-job training in firearms and tool marks?

A Yes, I did. There is no college that you can attend or classes. It's basically an apprenticeship program. So once you're hired somewhere, you learn with the firearms examiners that are there. You do a lot of reading and practice case work on your own. Microscopic examinations. After the end of -- it's about three to four years. So at the end of three or four years, you take a test, comprehensive. If you pass it, they deem you competent to do things on your own.

Q Okay. And so you've been doing case work on your own for about 12 years now?

A That's correct.
Q And how many times have you testified in court as an expert in firearms and tool marks?
A Approximately, 115 times.
Q And any clue how man cases you've worked?
A I'd have to say probably thousands.
Q Okay.

MS. SWANSON: At this time, I would offer Agent Eichenmiller has an expert in firearms and tool marks.

THE COURT: Any objection?

MS. CARMODY: No, Your Honor.

THE COURT: All right. So, ladies and gentlemen, normally a person cannot give opinion testimony. Normally, when a person testifies, they must testify as to what they saw or heard or smelled or observed. Something of that nature. However, there is an exception when someone basically is permitted to give opinion testimony, if the Court qualifies them to be such an expert witness.

And, in this case, ladies and gentlemen, through her qualifications, education and experience, and with the parties stipulating, I hereby will inform you that Agent Eichenmiller

will be deemed an expert in firearms and tool marks.

Now, ladies and gentlemen, I want to let you know, that means that she can give opinion testimony in that area. That does not mean, ladies and gentlemen, that you must accept the opinion, but it is evidence for you to use in any way you see fit.

Thank you. Your witness.

MS. SWANSON: Thank you.

BY MS. SWANSON:

Q So if you can briefly tell the jury what you are looking at when you're analyzing projectiles and shell casings.

A When we receive evidence at SLED, I'm in charge of any firearms evidence. So if we receive a bullet, we'll document it how we received it, take photographs, fill out a worksheet based on its general characteristics. So we look for the number of lands and grooves, the diameter which tells me the caliber, the direction of twists for those lands and grooves.

For cartridge cases we do something similar. I document the head stamp, the caliber, and then look at both of them under my microscope

to see if they're suitable for identification.
Q Okay. And is it SLED's routine or policy or protocol to have two firearms experts analyze every case before reporting out conclusions?
A Yes. One of us will work the case, most of the case, and then one of us will come in and do what we call a micro verification. So that person will examine the evidence and reach a conclusion and their conclusions should agree.
Q Okay. And so did that happen in this case?
A Yes.
Q All right. Who was the other person that worked the case?
A It was Lieutenant Tracy Thrower.
Q All right. And so you did your own independent examination of same evidence and reached the same conclusion?
A Yes.
Q Can you tell us -- let me hand you -- I'm going to hand you State's Exhibit 5 and ask if this is an item that you examined.
A Whenever we receive evidence at SLED, we'll scribe -- so, engrave the case number, the item number and our initials on the evidence. When we complete our examination, we heat seal the bag,

date it, and initial it as well. So this is the evidence that we examined.

Q Okay. And what conclusions did you reach -- first of all. What is that item?

A It's a 9-millimeter caliber cartridge case, which is the same as a 9-millimeter Luger.

Q So it's a 9-millimeter case?

A Yes.

Q And that's the cartridge case that you microscopically examined?

A Yes.

MS. SWANSON: State would move 5 into evidence at this time.

THE COURT: Any objection?

MS. CARMODY: Your Honor, briefly, if I could look at the bag.

THE COURT: Sure.

BY MS. SWANSON:

Q Agent Eichenmiller, your initials on here?

A Mine are not.

Q Okay. Does SLED keep a certified chain of custody.

A Yes.

Q And would that show you as having this evidence for a period of time to do your analysis?

A No. We do the micro-verification in the office, the office of the examiner who's case it is. So the only person in the chain would be Lieutenant Thrower.

Q Did that piece of evidence ever leave the office?

A Just to be returned back to log in.

Q Okay. Is that typical of SLED protocol?

A Yes.

MS. SWANSON: The State would move 5 into evidence at this time.

THE COURT: Any objection?

MS. CARMODY: No, Your Honor.

THE COURT: So 5 moved into evidence without objection. Thank you.

MS. SWANSON: Thank you.

(STATE EXH. 5, Cartridge case, was entered into evidence.)

BY MS. SWANSON:

Q I'm going to hand you what's been marked as State's 21, and it includes items two and three. I'm going to ask if these are items that you analyzed.

A Yes, these are the items we examined.

Q Okay. What is Item 2?

A SLED Item 2 is a fired bullet.

Q And that was the fired bullet that you analyzed and were able to reach conclusions about?

A Yes.

Q Okay. What is Item 3?

A Item 3 is one piece of lead.

Q All right. Were you able to reach any conclusions about Item 3?

A We just reached the conclusion that was unsuitable due to its size and damage.

Q So what conclusions were you able to reach about the fired bullet?

A The fired bullet was consistent with being a 9-millimeter Luger caliber. We found marks of value and it was suitable for identification to other firearms-related evidence.

In the absence of receiving a firearm to compare it to, we have a database that we can put in the measurements, the width of lands and grooves, the number, the direction of twists, and the caliber, and the database has in it manufactures that make firearms with those specifications. So we put the bullet in the database and came back with a manufacturer that makes firearms with those specifications.

Q And what manufacturer was that?

A SCCY.

Q And that's S-C-C-Y?
A Correct.
Q So the bullet could only come from an SCCY 9-millimeter?
A That's correct.
MS. SWANSON: At this time, I would move State's 21, which is the projective fragment, into evidence.
THE COURT: Any objection, Miss Carmody?
BY MS. SWANSON:
Q And, again, Agent Eichenmiller --
THE COURT: Was there any objection? I'm sorry? Oh, you're going to ask a few more questions?
MS. SWANSON: I'm just going to ask a couple more questions.
THE COURT: No problem.
MS. SWANSON: Thank you.
BY MS. SWANSON:
Q Agent Eichenmiller, this never left the custody of the firearms department, correct?
A Correct.
Q And so there was no break in the chain or anything like that?
A That's correct.

Q Thank you.

MS. SWANSON: State would move 21 into evidence at this time.

THE COURT: Miss Carmody?

MS. CARMODY: No objection.

THE COURT: Thank you. 21 admitted without objection.

MS. SWANSON: Thank you.

(STATE EXH. 21, Fired cartridge; piece of lead, was entered into evidence.)

BY MS. SWANSON:

Q So are you -- do you know if SCCY 9-millimeters come in a teal color?

A They do.

Q All right. Do you know what model that would be?

A They make their CPX series in a multitude of colors.

Q Okay. Have you ever -- here, actually, let me go ahead and show you State's Exhibit 34.

(STATE EXH. 34, Photo; SCCY CPX 2, 9-millimeter, was marked for identification.)

BY MS. SWANSON:

Q Do you recognize the make and model of the firearm contained in this picture?

A Yes.
Q All right. What is it?
A It's a picture of a SCCY CPX 2 in 9-millimeter.
Q All right. Is the gun in that picture consistent with the firearm that created or shot the projectile and the shell casing that you analyzed?
A We can't determine if the cartridge case came from this kind of firearm, but the bullet could have been fired from this firearm.
Q All right, thanks.
MS. SWANSON: I would move 34 into evidence at this time.
THE COURT: Any objection?
MS. CARMODY: Yes, Your Honor. My previous objection.
THE COURT: I'll note your objection for the record and would deny it, but I think you've got everything on the record you need. Okay?
MS. CARMODY: Thank you, Your Honor.
THE COURT: Thank you.
MS. SWANSON: I would move to publish at this time.
THE COURT: Yes, ma'am. And what number was that?

MS. SWANSON: This is 34.

THE COURT: Thank you.

(STATE EXH. 34, Photo; SCCY CPX 2, 9-millimeter, was marked for identification.)

BY MS. SWANSON:

Q All right. Can you tell us how the ejection port works on that type of 9-millimeter?

A The ejection port is on the right, so provided the firearm is held in the proper form, the cartridge case should eject to the right.

Q All right. And can you add an extended magazine to those types of firearms?

A Yes.

Q What kind of manufacturer -- manufacturer's G2 or G3 models -- am I saying that right?

A Taurus makes a G2 and a G3 model of firearms.

Q All right. So does SCCY make G2 or G3 models?

A Not that I'm aware of.

Q All right.

MS. SWANSON: Beg the Court's indulgence.

All right. Thank you, agent. Please answer any questions that the defense may have for you.

THE COURT: All right. Miss Carmody, do you have cross-examination?

MS. CARMODY: Yes, Your Honor.

THE COURT: Certainly. Yes, ma'am.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good morning, ma'am.

A Good morning.

Q Still morning, right? Yes.

Ma'am, now -- so you reviewed the projectile in this case?

A Yes.

Q Okay. And you determined that that projectile is most consistent with an SCCY?

A Yes.

Q So, great. That's perfect. Which one?

A Any firearms that were made by SCCY with those specifications.

Q How many guns does SCCY manufacture?

A I would imagine thousands.

Q Okay. Ma'am, how many SCCY guns have been sold in the United States, do you know?

A I don't have a guess.

Q Would half a million sound like an estimate? Is that a good estimate?

A A lot is a good estimate.

Q A lot is a good estimate. So more than half a million, maybe? Okay.

Ma'am, what -- you can't tell by looking at the projectile what color a gun is, correct?

A That's correct.

Q And that SCCY manufacturers guns in all different colors, correct?

A Yes.

Q Silver?

A I think so.

Q Black?

A Yes.

Q And there's SCCY also is a relatively cheap gun, is it not?

A Relatively speaking.

Q It's considered a budget gun so to speak?

A That's what I call it.

Q All right. It wouldn't be a high end. Maybe selling for a maximum of 300 bucks.

A I think so.

Q And relatively inexpensive for people in the community?

A Yes.

Q And also, you saw a picture, this picture that the State put up. This picture here. This isn't a firearm that you actually examined in this case, is it?

A No.
Q And you testified earlier, you don't know what firearm other than an SCCY that could have fired that projectile?
A Correct.
Q Okay. And my other question for you, too, is that, did you examine any other firearms in this case?
A We didn't receive any firearms in this case.
Q Okay. Did you recover -- was any firearm in this case at all recovered?
A No.
Q So is it your testimony that you don't have a firearm to compare that projectile to?
A Correct.
Q Okay. Did SLED ever provide any Taurus guns to you to examine?
A We didn't exam any firearms in this case.
Q All right. Then basically, ma'am, it's your testimony that we have no idea which gun fired that projectile, correct?
A We had a SCCY model.
Q You said a SCCY model, but you said that they actually manufactured thousands of models?

A Yes.

MS. CARMODY: Thank you, ma'am. No further questions.

THE COURT: Solicitor, anything else?

MS. SWANSON: No, redirect. I would just ask that Agent Eichenmiller be allowed to be released from her subpoena.

THE COURT: All right, hold on one second.

All right. Ma'am, thank you so much. You're excused. Have a safe trip back, okay?

THE WITNESS: Thank you.

THE COURT: Thank you.

All right. Solicitor, you ready to call your next witness?

MS. SWANSON: Yes, thank you, Your Honor. The State calls Kiera Amor.

THE COURT: All right.

THE CLERK: Raise your right hand. Place your left hand on the Bible. The testimony you're about to give the court will be the truth so help you God?

THE WITNESS: Yes.

THE CLERK: Come right around.

MS. SWANSON: Your Honor, may we

approach?

THE COURT: Sure.

THE CLERK: When you start testifying, if you'll speak into the mic loudly. Pull up your chair just a little bit. You can adjust that mic.

THE WITNESS: Okay.

(Bench conference.)

THE COURT: Yes.

MS. CARMODY: The State is going to put this video in and introduce photos from the video. I object to this because they are the same thing.

MS. SWANSON: Judge, I'm authenticating and entering these items. I don't intend to publish them at this time. They will be in evidence if the defense wishes to publish it.

THE COURT: What she's going to do, Miss Carmody, as I understand it, she's going to authenticate the DVD. And basically, from authenticating the DVD, then she's going to ask, would these be the two photographs from the DVD. I believe that she can say yes they are -- I don't know. I don't know, but if she wants to admit them, then she probably could.

Now, as it relates to -- I'm assuming, but are you admitted that DVD into evidence?

MS. SWANSON: I am, and the whole thing will be in here. I am just choosing not to put --

THE COURT: I understand. So, you know, Miss Carmody, if the DVD is entered into evidence, I take it that there's no hearsay --

MS. SWANSON: No.

THE COURT: And nothing else on that. Well, I don't know anything that's on there. So, I think if the DVD is admitted, I think you could use it for whatever you want to use it for.

MS. CARMODY: Well, if she's --

THE COURT: Well, I'm not going to answer the question, but if that's in the evidence, I don't know why off the top of my head why you wouldn't be able to use that in any way you see fit, ma'am. You with me?

MS. SWANSON: Yes.

MS. CARMODY: Yes.

THE COURT: All right. Thank you.

WHEREUPON:

KIERA AMOR,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Okay. Miss Amor, can you please tell --

MS. SWANSON: I'm sorry, Madame Court Reporter, did you get her name and spelling?

COURT REPORTER: Yes, ma'am.

BY MS. SWANSON:

Q Can you please tell the Court where you are occupied?

A I work for Parker's Corp loss prevention.

THE COURT: Ma'am, I am sorry to have to tell you this, but would you please try to speak up.

THE WITNESS: Yes.

THE COURT: Because we want everybody to hear what you said. Okay?

THE WITNESS: Yes.

THE COURT: Thank you for being here. Okay.

THE WITNESS: You're welcome.

THE COURT: Yes, ma'am.

BY MS. SWANSON:

Q So you work in loss prevention for Parker's?

A Yes.
Q And as part of your duties, do you go to court and authenticate video surveillance that comes from your stores?
A Yes.
(STATE EXH. 30, Parker's 55 surveillance, was marked for identification.)
BY MS. SWANSON:
Q Okay. Were you asked to review video from Parker's 55?
A Yes.
Q All right. And where is that Parker's 55 located?
A In Ridgeland, 7021 North Okatie Highway.
Q All right. Is that the Parker's by Snake Road by Beaufort, Jasper Water and Sewer?
A Yes.
Q I'm going to hand you what has been marked as State's Exhibit 30 and ask if you can identify this video.
A Yes.
Q Is that video that came from Parker's 55?
A Yes.
Q Did you review that?
A Yes.

Q And you can authenticate that it came from there and it's a fair and accurate depiction of surveillance taken at that time?
A Yes.
Q Okay. And you initialed that and dated it after you reviewed it?
A Yes.
Q Thank you.
MS. SWANSON: State would move 30 into evidence.
THE COURT: Any objection?
MS. CARMODY: No objection, Your Honor.
THE COURT: All right. State's 30 is admitted without objection.
(STATE EXH. 30, Parker's 55 surveillance, was entered into evidence.)
(STATE EXH. 31, Still shots; Parker's 55 surveillance, was marked for identification.)
(STATE EXH. 32, Still shots; Parker's 55 surveillance, was marked for identification evidence.)
BY MS. SWANSON:
Q I'm going to hand you State's 31 and State's 32 and ask if these are still shots taken from that video from Parker's 55?
A Yes.

Q And those are fair and accurate depictions, one is just blown up from that video that you reviewed?

A Yes.

MS. SWANSON: All right. State would move 31 and 32 into evidence at this time.

THE COURT: Any objection?

MS. CARMODY: No objection.

THE COURT: All right. State's 31 and 32 admitted without objection.

(STATE EXH. 31, Still shots; Parker's 55 surveillance, was entered into evidence.)

(STATE EXH. 32, Still shots; Parker's 55 surveillance, was entered into evidence.)

MS. SWANSON: Thank you. I have no further questions.

THE COURT: All right. Miss Carmody, do you have any questions of this witness?

MS. CARMODY: No questions, Your Honor.

THE COURT: All right. Ma'am, thank you so much for being here. You can step down. You're excused from any subpoena that may have been served upon you.

THE WITNESS: Thank you.

THE COURT: Solicitor, you ready to call your next witness?

MS. SWANSON: Yes. The next witness is going to be Agent McCallister.

THE COURT: Okay.

THE CLERK: The testimony you're about to give the court will be the truth so help you God?

THE WITNESS: Yes.

THE CLERK: Come right around.

WHEREUPON:

AGENT KATIE MCCALLISTER,

after having been sworn to tell the truth, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q All right. Agent McCallister, can you please spell and state your name for the court reporter?

A Yes. It's Mary Katherine McCallister, M-c-C-a-l-l-i-s-t-e-r, but I go by Katie, K-a-t-i-e.

Q Thanks. And, Katie, how long have you been in law enforcement?

A Fourteen years.

Q All right. Where were you before SLED?

A The Hampton County Sheriff's Office. I was there for four years.

Q Okay. So how long have you been with SLED?

A Almost 10.
Q Can you tell us how you became involved in the case and investigation against Brian Redding?
A Yes. So on the morning of September 6, 2020, I received a phone call from my captain stating that there had been a homicide in Ridgeland. I was on-call at the time and he asked me to respond to the scene.
Q All right. And what did you do as a matter of course through your investigation?
A We -- I arrived on scene. We looked at everything we had. I consulted with crime scene. And, from that point, we began our investigation into Miss Noonan's death.
Q Okay. And did that consist of a lot of interviews?
A It did.
Q And about how many interviews do you think you conducted through the course of this investigation?
A I believe it was around 15 to 20. Somewhere in there.
Q And were those friends and family?
A Some of them were, yes.
Q Okay. And you didn't actually get any eyewitness witnesses, did you?

A No, we didn't find anyone who had witnessed the incident.
Q Through the course of your investigation, did you ever come across anybody that heard a shot in the early morning of September 6th or the morning of September 6th?
A No, no one reported to us that they had heard a gunshot.
Q Now, a lot of names came up through this investigation, a lot of names with nicknames. For instance, Popeye, Hollywood. I believe there's another. Who am I thinking of?
A Miami.
Q Miami. Did you look into those people as possible suspects? Did you -- sorry. Did you look at those people as possible suspects?
A We did, yes.
Q So you followed up on those possible leads?
MS. CARMODY: Objection; leading.
THE COURT: Please rephrase. I'll sustain the objection.
BY MS. SWANSON:
Q Did you follow up on those possible leads?
A We did.
Q And how did you do that?

A We interviewed them, if we could find them and if they willing to talk. SLED can't make people talk, so if they chose not to interview, obviously, an interview wasn't conducted. But the ones that did come and speak with me, we did conduct an interview.

Q All right. And did you also interview people who were with them or people who were associated with them?

A We tried to, yes.

Q Okay. Were you able to rule out any of those people as a suspect?

A We were.

Q All right. Who were you able to rule out?

A Most of them. Everyone.

Q All right. Eventually, do you develop one suspect?

A We did.

Q And who was that?

A Brian Redding.

Q All right. And how long did you work this case in this investigation before making an arrest?

A I believe it was about two months.

Q All right. So Brian was not arrested right away.

A He was not, no.

Q And why was that?
A We had an investigation to conduct.
Q Okay. What did you arrest Brian Redding for?
A Murder.
Q Of?
A Cypress Noonan.
Q Can you identify the man that was arrested for the murder of Cypress Noonan?
A Yes.
Q All right. Where is he?
A He is at the defense table in a black vest and a multi-colored -- I think that's a plaid shirt.
Q Okay, thank you.

Now, at some point were you able, through the course of your investigation able to verify or get surveillance that Brian Redding had stopped at a Parker's on 170?

A Yes, we were.
Q Okay. And law enforcement obtained that surveillance?
A Yes. Investigator Croft, who, at the time, was with the Ridgeland Police Department.
Q And then that became part of your case file?
A It did.

Q Okay. And do you recall reviewing the surveillance?
A We did.
Q All right. Were you able to identify Brian Redding on that surveillance?
A I was.
Q Do you recall what he was wearing on that surveillance?
A Denim shorts, they were kind of long, and a black shirt that we believed to have a Batman emblem on the front.
Q Okay. I'm going to show what's been entered as State's 31 and 32 and ask if these are still shots from that surveillance showing Brian Redding, a white Toyota, and what he was wearing.
A They are, yes.
Q All right.

MS. SWANSON: At this time, I'm going to publish 31, Your Honor.

THE COURT: Yes, ma'am.

BY MS. SWANSON:
Q Okay. And, Agent McCallister, we can see here this has a time stamp and a date?
A Yes.
Q Okay. And what is that date and time stamp?

A The time is 06:33:15 a.m. and the date is September the 6th, 2020.
Q And is this who you identified as Mr. Redding -- oh, I'm sorry. Right here.
A Yes.
Q Sorry. We have a -- State's 32 is a blown-up picture. So we're talking about this Batman t-shirt?
A Yes.
Q All right. When you got to the crime scene, the Forest Motel, was Mr. Redding there?
A He was.
Q What was he wearing at the motel that morning?
A So he was wearing denim shorts, they were rather long and a red t-shirt.
Q Okay. At some point, did you come across information that you relayed to crime scene that he touched the body on the head and arms?
A Yes.
Q Did he appear to have any blood on him?
A No.
Q Did you observe any blood around the head of Cypress Noonan?
A I did.
Q All right. Were you able to collect any cell

phones?
A I was.
Q Which cell phones did you collect? Whose were they?
A I collected one from Mr. Redding himself and then I collected the victim's cell phone, Miss Noonan's.
(STATE EXH. 28, Blue Samsung cell phone; 9/6/2020, was marked for identification.)
BY MS. SWANSON:
Q All right. I'm going to hand you what's been marked as State's 28 and ask whose cell phone this is and where it came from and if you collected it.
A This is one blue in color Samsung cell phone with a black in colored Body Glove case from the driver's seat of the Avalon. It's dated 9/6/2020, and, yes, I collected it.
Q Okay.
MS. SWANSON: State would move 28 into evidence at this time.
THE COURT: Any objection?
MS. CARMODY: No objection.
THE COURT: All right. Admitted without objection, State's 28.
(STATE EXH. 28, Blue Samsung cell phone;

9/6/2020, was entered into evidence.)

(STATE EXH. 29, Black Samsung S9 Plus in black case, was marked for identification.)

BY MS. SWANSON:

Q I'm handing you what's been marked as State's 29. What is this item?

A This is one black in color Samsung S9 Plus cell phone in a black case from the possession of Brian Redding.

Q Okay.

A And I did collect it.

Q Whose phone is that?

A This phone appears to be Mr. Redding's.

Q Okay. Is that not Cypress's cell phone?

A I don't think so.

Q I got you. So this is another cell phone that Mr. Redding had?

A Yes.

Q Okay.

MS. SWANSON: At this time, I would move 29 into evidence.

THE COURT: Any objection?

MS. CARMODY: Without objection.

THE COURT: All right. State's 29 admitted without objection.

(STATE EXH. 29, Black Samsung S9 Plus in black case, was admitted into evidence.)

BY MS. SWANSON:

Q Did you have those cell phones analyzed?

A We did.

Q Did you review the analysis?

A I did.

(STATE EXH. 17, Cell phone; Cypress Noonan, was marked for identification.)

BY MS. SWANSON:

Q All right. I'm going to hand you what has been marked as State's Exhibit 17 and ask you if you had this item analyzed.

A I did.

Q What is that item?

A This is Cypress Noonan's cell phone.

Q And where did that item come from?

A I received it from Detective Croft.

Q All right. And once it was analyzed -- and are we talking about a cell phone dump here?

A Yes.

Q Once it was analyzed, did you then physically go through that phone?

A I did.

Q All right. Tell us about that?

A We did a physical search of the phone. I manually went through the phone and looked through it.

Q What were you looking for?

A Anything that we thought would be relevant to the case at that point.

Q Okay. And did you find anything that you thought to be relevant to the case?

A We did.

Q All right. What was that?

A It's video --

MS. CARMODY: Objection, Your Honor.

THE COURT: Hold on. Counsel approach.

MS. CARMODY: We have a matter of law that we need to take up.

THE COURT: All right. Ladies and gentlemen, I'm going to ask you to step outside for one minute. I'll get you back here as soon as I can. Thank you. Don't talk about the case, please.

(Jury exits the courtroom at 1:54 p.m.)

THE COURT: All right. So I believe the question was, she was searching the phone, and I believe was about to testify to what -- did she find anything that was relevant and it was, and I

think she was about to say a video and I think that's when you made your objection, Counsel.

MS. CARMODY: Yes, Your Honor.

THE COURT: What's your objection?

MS. CARMODY: Your Honor, the State cannot authenticate that video and they cannot determine when the video was created. They can't even determine where the video came from.

I actually have our cell phone expert here, Your Honor, as well who can inform the Court of the technicalities in a better language than I can and explain it better.

But it's -- they don't know when the video was created. They don't even know where the video came from. And I believe that that is the issue for the objection. It was not included in the cell phone dump either.

THE COURT: But she testified that she manually went through the phone and found this video. Isn't that what she said?

MS. CARMODY: Yes, Your Honor. But my cell phone expert could better explain to the Court.

THE COURT: But I don't -- right now, she went through it -- I mean, your concern is --

MS. CARMODY: The video cannot be properly authenticated, Your Honor.

THE COURT: What is the video?

MS. SWANSON: It is a video of Mr. Redding with a teal firearm. And it came from Cypress Noonan's Facebook app, which is why it did not show up on the cell phone dump.

THE COURT: Well, so it's just video that shows him with a gun?

MS. SWANSON: Correct.

MS. CARMODY: Your Honor, but the issue is that the State cannot show when the video was created.

THE COURT: I understand. I understand that, Miss Carmody. I'm just trying --

MS. CARMODY: And it's not a complete video.

THE COURT: Are you finished?

MS. CARMODY: It's not a complete video either, Your Honor.

THE COURT: All I was inquiring about is what the video showed because I haven't seen it.

MS. CARMODY: Okay.

THE COURT: Okay. So if she says it just shows him with this teal-colored gun or some type

of gun, it doesn't have any talking -- there's no communication, no talking on it, it's just -- the video is for the purposes him holding this gun. Is that what the video shows?

MS. SWANSON: Yes, Your Honor. There's some music in the background, but there's nothing -- no statements or anything.

MS. CARMODY: Your Honor?

THE COURT: Yes, ma'am.

MS. CARMODY: The issue that comes in is that I believe that the State is trying to show that this was posted on Cypress's Facebook at a certain date at a certain time, and that implies that the video was created on a certain date at a certain date. That is completely inaccurate. We don't know when this video was created. And I believe, actually, based on the forensic review of my cell phone examiner that the video was created sometime back in June possibly. We have evidence to suggest it was created in June, which is nowhere near the time -- it's too remote and no where near the time that -- and that's only a speculation too that it was created in June. We really don't know when it was created. We don't even know whose they're working from.

MS. SWANSON: I am not eliciting any testimony about when or where it was posted on the Facebook. This is the evidence.

THE COURT: What's the significance -- let me ask you this, Miss Carmody. Okay, I would assume that the solicitor would agree that she doesn't know when that video was created.

MS. SWANSON: Correct.

THE COURT: I would assume that she would agree that basically it's a video of what she purports to be, or what I'm assuming this witness will be able to identify as your client holding a gun.

MS. CARMODY: Your Honor?

THE COURT: I don't understand the significance of when it was created. I don't -- because we know -- they don't know when it was created. I'm with you on that.

MS. CARMODY: Right, Your Honor. It goes to authentication. The State cannot authenticate that video. And I believe if you can't authenticate evidence and let the jury know when it was created and where it came from, then, you know, Your Honor, that's -- I mean, it's not properly authenticated. And under 403, it's going

to imply that he had a gun at the time that she died, and it's false. It's nowhere near accurate, Your Honor.

And implying that information to the jury is extremely prejudicial. There's no probative value of it, Your Honor, at all because we don't know when it was created. And, actually, I have information that it's significantly remote, if anything. If anything it was created back in June. I don't believe there's any probative value whatsoever and it's extremely prejudicial.

THE COURT: I think it's probative by virtue of the fact that we've heard nothing but him -- nothing but evidence of him owning -- what's been presented so far is just evidence after evidence after evidence of him owning a gun that is teal in color or emerald, or whatever folks have described the color of the gun.

So, I mean, and I think some of the testimony was that they saw him with this gun some time ago.

All right. Let me go back and think about this for a minute. We'll be at ease.

(A break was taken from 12:00 p.m. to 12:03 p.m.)

THE COURT: All right. You can be

seated.

I want to see the video. I need to see the video because, tentatively, what I will say is this: I don't think -- I don't think authenticity here is an issue. I think the evidence that they proved, or will be able to present -- and I know Miss Carmody disagrees with me on that -- that it's authentic, that is it's a video that she found on the phone and it purports what it purports to be, and I'm assuming that's somebody she's going to identify that she recognizes as Mr. Redding.

Now, and he's got a gun. But I want to see the video because then I want to look at this and determine because there was -- you made, in essence, you know, a 404 -- I guess, a 404(b) or --

MS. CARMODY: Right.

THE COURT: All right. So, I want to look at that video, because I've got to make a determination. I want to see the video before I rule on that.

Can we play the video?

MS. SWANSON: Yes, sir. For whatever reason, the courthouse DVD player is not working.

I can bring it, Your Honor. Do you have a disk drive?

THE CLERK: I think it started.

MS. SWANSON: Oh, you think it did?

THE CLERK: I think it did. It finally loaded. It took so long to load it.

MS. SWANSON: Let me throw it back in and see. I'm pressing the play button.

Actually, I guess the audio is problematic in here, but the audio is not necessary. It's simply Agent McCallister stating what she just testified to, that she is looking at Cypress Noonan's phone and it's such and such date and she's there. We can listen to it.

THE COURT: All right. Just play the video.

MS. SWANSON: It is playing. It will start in two seconds. This is when she was there.

(Video played.)

MS. SWANSON: That's it.

THE COURT: All right. My concern now turns to the video and the prejudicial effect of the video. Of course, I understand all evidence is prejudicial. I've heard that, and I understand that. But the question is whether it's

substantially -- the prejudicial value substantially outweighs the probative value.

And what I think exists is, I think there are some portions of what the video shows that are relevant and would be applicable and that the prejudicial value does not outweigh the probative effect, but I think there are other aspects of that video that I believe that the prejudicial effect outweighs the probative value.

I don't -- it's got a gentleman, who purportedly is Mr. Redding, smoking what appears to be a marijuana cigarette. At least, from my looking at that. Moving back and forth. I -- the way he was talking into the camera -- even though I didn't hear what was being said, I think it projected potential stereotypical behavior. I just didn't like that.

As it relates to him holding the gun in his hand, though, I think holding the gun is, in fact -- I think it goes to show that he had a teal-colored gun at some point, and I think that's relevant.

So, what I'm going to do is: I'm not going to allow the video to be played, Miss Carmody. I agree with you. The video -- and I

understand all your objections and you certainly, I think, have protected the record, but as it relates to a still of him holding that gun, I believe that that is relevant.

I understand your authenticity argument. I think it can be properly authenticated that it came from the phone. We don't know when it was made. But I think it does show that he was in possession of a teal-colored firearm at some point.

And so for those reasons, I would allow a still of that, but I'm not going to allow the video in because I just don't -- I just think the video, as a whole, is more prejudicial than probative.

So that would be my ruling as it relates to the video.

MS. SWANSON: Okay.

THE COURT: So however you-all want to do that -- when I say -- I know you don't want to do it at all, Miss Carmody, I understand that, but that's what I'm going to allow. I'm going to allow the still of him holding the gun, but not the video.

MS. SWANSON: Judge, in the event that I

cannot get a not burry enough still, can I just elicit the testimony about what -- that there was a video on the phone with Brian Redding holding a teal gun?

THE COURT: Yeah, I think that's appropriate. In fact, Miss Carmody, I don't think you have a -- I mean, I don't know that you have -- you still have your authenticity objection, but I don't think you would object to her doing that.

MS. CARMODY: That's absolutely fine, Your Honor.

THE COURT: Okay. So --

MS. SWANSON: We'll just handle it that way.

THE COURT: Miss Carmody, I understand your authenticity objection. That still exists. But as it relates to letting her do that, you got no objection to that.

MS. CARMODY: No objection, Your Honor. So no picture and no video.

THE COURT: Yes, ma'am.

MS. SWANSON: I would say, Your Honor, though, that I don't think it would be fair for Miss Carmody to suggest that we are withholding

that information or that it doesn't exist if it's not placed before the jury.

THE COURT: Well, I think she can certainly cross-examine that she doesn't know when the video was made.

MS. SWANSON: Right.

THE COURT: But to sit there and say, hey, why did they play that video for you is because I didn't --

MS. SWANSON: Just making sure.

THE COURT: I understand. I don't think she would ever do that.

MS. CARMODY: No.

THE COURT: But I understand your concerns, Solicitor. I don't think she would do that.

But, no, it would absolutely be proper for her to cross-examine that she didn't -- doesn't know when it was made and things of this nature.

MS. SWANSON: Sure.

THE COURT: All right. So are we all on one page there?

MS. SWANSON: Yes, sir.

THE COURT: So let's see if we can get

the jury back in here.

Hold on one second. For planning purposes, we may end up taking a break for lunch during the middle -- or when the State finishes the direct. Because also at 1:45, I've got a brief hearing that I need to take up that I think may take about 15, 20 minutes. Okay? So I think that's what we'll do for planning purposes.

Let's go ahead and get the jury in here.

(Jury enters the courtroom at 12:15 p.m.)

THE COURT: Mr. Foreman, ladies and gentlemen of the jury, as I told you in the past, there's matters of law that we've got to take up outside of your presence and sometimes they take a little longer than others. I'm sorry. But, again, unlike TV, radio, and books, you know, it's a slow, deliberative, and repetitive process because we got to try to get it right.

So I believe that I am going to sustain the objection and -- or, actually, just a matter of law was brought to my attention. We've addressed that matter of law.

And, Solicitor, you can continue with your examination of this witness, please.

MS. SWANSON: Yes, sir.

BY MS. SWANSON:

Q All right. Agent McCallister, last we were talking, I had handed you State's Exhibit 17, which is a phone, Cypress Noonan's phone --

A Yes.

Q -- that you searched physically.

A I did.

Q All right. And what were you looking for?

A Anything that was relevant to the case at that time.

Q All right. And did you find anything that was relevant to the case?

A I did.

Q All right. And where did you find that?

A It was within the Facebook app on the phone.

Q All right. And what did you find? Can you describe the video that you found?

A It was a video of Mr. Redding and he's holding what appears to be a blue firearm.

Q All right. And what color blue?

A Aqua, teal, turquoise, something along those lines.

Q Okay.

MS. SWANSON: All right. I believe that's all I have for Agent McCallister at this

time.

THE COURT: All right. Counsel, approach for one minute.

Solicitor, I just want to ask you, the phone, it's in evidence?

MS. SWANSON: Yes.

THE COURT: So the contents -- it's the contents that's on the video, technically they can access to the phone.

MS. SWANSON: I wouldn't think so. But we can keep it out.

THE COURT: I just want to make sure.

MS. SWANSON: Yeah.

THE COURT: I just want to make sure we don't -- I just want to make sure that doesn't happen. So we can remove something, the SIM card or whatever. I just don't want them --

MS. SWANSON: Okay.

THE COURT: If something else comes up in the testimony, and they want to look at it and make sure it's relevant, that they can't. I want to make sure that the video doesn't go back there so they can look at it.

MS. SWANSON: Okay.

THE COURT: All right. Ladies and

gentlemen, what I'm going to do is, I'm going to ask you to go to lunch. And I will have to tell you, this is my fault. I have another matter that I have to hear at 1:45 in this courtroom that I think will last probably 15 minutes. Not much more than that.

I expect that Miss Carmody's cross-examination of this witness will be lengthy. And so what I'm going to do is, I'm going to ask you to go to lunch and come back at two o'clock. It's a little longer lunch than I would regularly send you to, but I apologize. That's my fault, but I've got to have this other hearing. I've got to address this matter.

So I'm going to ask that you come back at two o'clock when you continue with the cross-examination of the SLED agent. And, please, during the break, don't talk about the case. Thank you very much.

(Jury exits the courtroom at 12:19 p.m.)

THE COURT: All right. Thank you.

Agent, of course, I would remind you that during the break, you're not allowed to talk to anybody about your testimony. Okay?

THE WITNESS: Yes, sir.

THE COURT: All right. Anything before we break for lunch?

MS. SWANSON: Nothing from the state.

THE COURT: I hope to start back right at 2:00, if these folks get here. In fact, they might get here a few minutes early.

So, Miss Sharon, could you be back around 1:30 so we can see whether or not they come back a 1ittle early and we can knock this hearing out?

COURT REPORTER: Of course, Judge.

THE COURT: Thank you very much.

Anything before we break from the State?

MS. SWANSON: No, Your Honor.

THE COURT: Defense?

MS. CARMODY: No, Your Honor. I just want to say that defense is amenable to working, you know, like to maybe 6:00 or so to try to get in as much as we can today, because I know today is already Wednesday and we still have to put on our defense, too.

THE COURT: All right. Well, we'll see where we go. We'll see where we go with that. Okay?

MS. CARMODY: Okay.

THE COURT: Thank you.

(A break was taken from 12:21 p.m. to 2:00 p.m.)

THE BAILIFF: All rise.

THE COURT: Be seated. Can the witness come back around and take the stand?

MS. SWANSON: Yes, Your Honor.

THE COURT: All right. Is there anything from the State before we bring the jury in?

MS. SWANSON: Yes, Your Honor. Miss Carmody has shown me some pictures on her cell phone that she said she would like to use to cross-examine Agent McCallister. They appear to be various teal guns. She does not have a printout. She is not -- Agent McCallister is not a firearms expert, has never seen these. I don't think that that's an appropriate demonstrative item for this witness.

I think, if Miss Carmody wanted it in, the appropriate party -- and I think she did that through cross, she brought out the testimony of the firearms expert that there are many different types of makes and models that come in teal or aqua green.

THE COURT: All right. Miss Carmody, yes, ma'am.

MS. CARMODY: Thank you, Your Honor.

Your Honor, the web site that I'm referring to is nrawoman.com. And the only reason it's on my cell phone is because I haven't pulled it up on my actual laptop yet. But I would like to just use it as a demonstrative aid. And, essentially, cross-examining Agent McCallister about her investigation and why she focused on one particular gun instead of doing her investigation and focusing on a gun that was on scene that morning that very well could have been teal because the witness testified that she had a G2 gun, and they actually do have a teal G2, so she's assuming.

There's been no testimony at all that any gun that my client had was an SCCY. And I believe that she narrowed her investigation and the scope of her investigation and that's what I wanted to cross-examine her on. Just use this as a demonstrative aid.

THE COURT: Let me see it.

MS. CARMODY: I can show it to the Court, Your Honor. It's on my phone because I haven't pulled it up on my laptop. It's the NRA's web site.

MS. SWANSON: Could I inquire if Miss

Carmody -- is she intending it publish something that is not admitted or admissible into evidence to the jury?

MS. CARMODY: Demonstrative aid, Your Honor. It's not going to be admitted. Just a demonstrative aid.

THE COURT: So you want to show it to the jury. You just don't want to admit it.

MS. CARMODY: I'm not going to admit, Your Honor, no.

THE COURT: All right.

MS. CARMODY: I mean, she admitted a picture she pulled off of Google. I mean, so --

MS. SWANSON: After laying a proper foundation.

THE COURT: Hold on. All right. Hold on one second.

MS. CARMODY: Your Honor, at the beginning of that, there's actually one page that just shows all one, two, three, four --

THE COURT: Yeah, I see it. Right. So what do you plan to do with this?

MS. CARMODY: I just want to show it to her and ask her why she narrowed her investigation to one particular gun when the gun she should be

looking for, a teal gun apparently, there's five of them, Your Honor. So I just think that --

THE COURT: Well, you already brought up there's thousands of them.

MS. CARMODY: I mean, this is at least five though. And on the sister, Popeye, actually had -- she testified she had a G2 and that Popeye had a G2 and one of these is a G2.

THE COURT: Why can't you just ask her if the G2 has a teal handle?

MS. CARMODY: Well, what if she says she don't know?

THE COURT: Well, then, in that case, I think you can use your demonstrative evidence.

MS. CARMODY: Okay.

MS. SWANSON: That's fine.

THE COURT: You know, if she says, *Oh, I have no idea*, then you say, *well, is it* -- or, *are you aware of guns* -- I mean, I'm just saying, you know, she's not the gun expert. I don't know what her expertise is, but, I mean, she's familiar enough that I think that if she denies that, oh, there's no other gun other than the SCCY, or, you know, lots of colors, lots of whatever. If she denies it, I think you can go and you can

potentially use this demonstrative aid to see if that helps her as it relates to that.

But under that circumstance, I think I would allow it.

I think I would have allowed it with the other witness, the gun expert.

MS. CARMODY: You want me to recall her, Your Honor?

THE COURT: The gun expert has gone back to Columbia.

MS. CARMODY: Yeah.

THE COURT: I'm not worried about that. Not right now. That's gone.

But under that expert, I think I probably would have said, go right ahead. But on this one, as long as she goes and answers your question, then I'm not going to get into this.

MS. SWANSON: And, Judge, the firearms expert actually did already testify that there are many makes and models. And, of course, it's not a Taurus G2 that the murder weapon is.

THE COURT: I understand.

MS. SWANSON: Okay.

THE COURT: As it relates to the use of the demonstrative evidence, I'm going to deny this

at the present time. However, depending on what the testimony is, it may be that you could use this aid to see if this does, in fact, aid her in her testimony or her recollection and her knowledge. All right? I'm going to hand you back your phone, Miss Carmody.

MS. CARMODY: Thank you.

THE COURT: Anything else?

MS. SWANSON: Nothing from the State.

THE COURT: Miss Carmody?

MS. CARMODY: Your Honor, the Solicitor just mentioned my cell phone expert.

THE COURT: I'm sorry? What?

MS. CARMODY: My cell phone expert, Chris Watson.

THE COURT: What about him?

MS. CARMODY: Your Honor, he did not prepare a report for the defense. That's why we have not turned over a report. What he did was, he analyzed the cell phones and he's essentially -- I mean, he also looked at the State's report.

THE COURT: You're not calling him today, are you?

MS. CARMODY: I'm not calling him

today.

THE COURT: Then let's move. Let's rock.

MS. SWANSON: We don't need to spend time on that right now.

THE COURT: Why would I address that right now when I got a jury waiting?

MS. CARMODY: I understand, Your Honor.

THE COURT: I'm asking. Is there a reason? That has nothing to do with your testimony or examination of this witness, does it?

MS. CARMODY: No, Your Honor. I'm not asking her about cell phone data.

THE COURT: Okay, great. Let's get the jury in here.

(Jury enters the courtroom at 2:10.)

THE COURT: Mr. Foreman, ladies and gentlemen, thank you and I appreciate your patience. That was my bad as it relates to this almost 15 minutes. But I had another matter, a hearing that I had to take care of this afternoon. I'm sorry for that. I believe we are now ready.

Miss Carmody, are you ready to cross-examine Agent McCallister?

MS. CARMODY: Yes, Your Honor.

THE COURT: All right. Your witness,

ma'am.

You're still under oath, okay?

THE WITNESS: Yes, sir.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good afternoon, ma'am.

A Good afternoon.

Q All right. So, ma'am, you became involved in this investigation after the Ridgeland Police Department?

A I'm sorry.

Q You became involved in the investigation after the Ridgeland Police Department?

A Yes, ma'am.

Q Okay. And you arrived on scene at what time?

A It was around 12:15, 12:30, I believe.

Q Okay. And when you arrived on scene, you became aware that Ridgeland Police Department had not talked to or tried to talk to anybody at the hotel, correct?

A I don't think it was immediate, but, yes, ma'am.

Q Okay. So by 12:30 in the afternoon, nobody had tried to reach out to any of the people at the Forest Motel?

A I was not there. I don't know if they tried

yet or not.

Q Okay. And you testified that no one reported hearing a gunshot, correct?

A Yes, ma'am.

Q But you didn't talk to the people at the hotel that morning, correct?

A That was later during the investigation.

Q Is it fair to say you don't know who was at the hotel that morning?

A We learned later who was there. But, at the time, no, ma'am. Upon my arrival, I did not know who was there.

Q How did you learn later who was there?

A We did a canvas of the hotel.

Q After 12:30?

A Yes, ma'am. It would have been after 12:30.

Q Okay. But the 911 call came in at what time?

A I believe it's around 9:46 a.m.

Q All right. So we're talking about almost three hours later you're looking for people that would have been there that morning?

A Yes, ma'am.

Q Ma'am, when you arrive on scene, you were informed that Mr. Redding had already gone to Ridgeland Police Department and spoken with Detective Croft, correct?

A Yes, ma'am.
Q And Detective Croft had actually given him a ride back to the Forest Motel?
A I was not there for the ride back, so I'm not sure.
Q When you got there, was Mr. Redding there?
A He was.
Q Okay. So at 12:30 in the afternoon, he's still sticking around, correct?
A Yes.
Q Okay. And, at some point, you ask him if he's willing to speak with you?
A I did.
Q And he voluntarily when to Ridgeland Po1ice Department to speak with you.
A He did.
Q And while he was at Ridgeland Police Department speaking with you, he had his ce11 phone on him?
A He did.
Q Okay. And he, without being asked, showed you his ce11 phone, correct?
A He did, yes.
Q And he's showing videos and picture and things like that on his phone?
A He is.

Q And also without being asked, he provided -- he showed his Facebook page as well?
A I don't recall if he showed the Facebook page or not.
Q So when you're talking with him, at some point, did you ask him if you could collect the phone?
A I believe we did, yes.
Q And did he voluntarily give you his cell phone?
A He did.
Q And that cell phone was actually password protected, was it not?
A I believe that it was, yes.
Q And he provided you the password, did he not?
A I think he did, yes, ma'am.
Q And the password worked, correct?
A I think it did, yes.
Q You actually confirmed while they're sitting there that it worked?
A Okay.
Q And you started going through his phone, correct, with him sitting there?
A I don't know that I would use the words "going through his phone," no, ma'am.
Q Well, you're looking at the video and you're looking at Facebook with him, correct?

A Yes, but he's showing me those things.
Q But you have the phone in your hand at some point and you're going through the phone and you're asking him what things are, correct?
A I have the phone in my hand and we are looking at it together, yes, ma'am.
Q All right. And he also provided you with his Facebook name?
A He did, yes.
Q Okay. And he provided you with Cypress's Facebook accounts?
A I believe it was him, yes, ma'am.
Q And it was a weird Facebook name, suppressiveglen, and he spelled that out for you too, correct?
A Yes.
Q Okay. And he also informed you of his cell phone number.
A He did.
Q He also informed you that he had another cell phone in the vehicle?
A I don't recall if he told us at that point if there was another one in the vehicle.
Q Okay. Did you ask him if you could collect that phone?
A That phone was collected pursuant to the

search warrant for that vehicle.

Q Ma'am, do you recall asking him if you could collect the phone?

A I don't, no, ma'am.

Q The search warrant was not obtained because he did not want you to have access to that phone, correct? The search warrant was obtained because the vehicle wasn't his, isn't that true?

A It's SLED protocol to get a search warrant to search anything.

Q Okay. But he voluntarily gave you access to both phones, correct?

A No, ma'am. I don't think that's correct. I think that second phone was taken pursuant to the search warrant for that white Avalon.

Q I'll have my investigator pull up the specifics of the conversation.

Moving forward for now, also, at some point, you believe you -- I believe you were informed that he had already provided a DNA sample.

A Yes, I was.

Q Two DNA samples, correct?

A One was done before I arrived and the second one was done while I was there at the crime scene.

Q Okay. Both were voluntarily, correct?
A I believe, yes.
Q Okay. You met with Mr. Redding that day for -- I want to say at least two and a half to three hours, correct?
A Yes.
Q Okay. And during that time he wasn't under arrest?
A No, ma'am.
Q Okay. At the end of your meeting with him that day, he also provided you -- or prior to leaving that day, he provided you with his whereabouts that day.
A He did.
Q He provided you with the names of the people that could verify his whereabouts.
A He did.
Q He provide you with their phone numbers.
A I believe so, yes.
Q And he also provided you with the addresses.
A I believe we had some addresses, yes, ma'am.
Q Okay. And, at the end of that day, he was not under arrest, correct?
A No, ma'am. He was not.
Q Okay. And you actually at the end of that

conversation told him to go home and get some sleep?

A I did.

Q And, ma'am, talking about the Toyota Avalon for a minute. Do you recall obtaining three separate search warrants for that vehicle?

A Three?

Q Yes, ma'am.

A I don't remember the exact number, but I know it was at least two.

Q Okay. The first day was on 9/6 when Cypress passed away?

A Yes, ma'am.

Q And the vehicle then was released to the registered owner, Ashley Dodson, correct?

A It was.

Q Ashley Dodson had come in and given you an interview as well?

A Yes. That day, she did.

Q And the purpose of that interview was to confirm the information that Mr. Redding had given you?

A It was.

Q Okay. After meeting with Ashley Dodson, Mr. Redding was not placed under arrest, correct?

A No, he was not.

Q Okay. And a couple days later, I believe you also

met with a female by the name of Danielle Smith?

A Yes.

Q Okay. And Danielle Smith's name was provided by Mr. Redding?

A It was.

Q The purpose of meeting with Danielle Smith was to confirm Mr. Redding's whereabouts?

A It was.

Q And after meeting with Danielle Smith, Mr. Redding was still not placed under arrest, correct?

A Correct.

Q Okay. Additionally, when you obtained the video from Parker's gas station, you discussed that with Mr. Redding as well?

THE WITNESS: Your Honor, may I refer to my report?

THE COURT: Sure.

THE WITNESS: I need to double check that.

I don't recall discussing the specifics of that video with Mr. Redding.

BY MS. CARMODY:

Q Okay. Did you -- you had a conversation with Mr. Redding that day about Parker's gas station, correct?

A We did, yes.
Q Okay. And after that conversation, he still was not placed under arrest, correct?
A Correct.
Q And then during that same day on 9/6, you were provided with the name of -- well, you learned on 9/6 that a man by the name of Popeye or Dervon Jones was on scene, correct?
A Yes.
Q Okay. And also -- you also learned of the name Hollywood.
A Yes.
Q And Hollywood's name is a nickname for Antwone Drake, correct?
A Let me double check, but, yes, I believe that's correct.
Q And this information was provided to you to confirm on September 6th.
A Yes, Hollywood is Antwone Drake.
Q All right. Okay. So, ma'am, do you -- you said your investigation lasted approximately two months?
A Yes, ma'am.
Q And Mr. Redding was arrested on November 12th?
A Let me look at the warrant. According to the warrant, it was served on November the 10th,

2012.

Q November 10th. I'm sorry, ma'am.

And on November 10th, you seized that same white Avalon for the 4th time, correct?

A No, ma'am. I don't believe we seized the Avalon that day.

Q It was towed, correct?

A Not on that day. No, ma'am.

Q When Mr. Redding was arrested, are you saying that the vehicle wasn't towed?

A No, ma'am. I don't believe that was. Not that day.

Q Where did the vehicle go?

A He was not -- I think he was in someone else's vehicle that day, if I recall correctly.

Q Okay. Ma'am, now looking at -- we saw earlier the pictures from the Parker's. And it appears in the pictures that Mr. Redding is wearing a black t-shirt with a Batman logo on the front, correct?

A Yes, ma'am.

Q Okay. And isn't it true that you never asked Mr. Redding about the black Batman t-shirt?

A Yes.

Q You actually, when you went out to his home, and correct me if I'm wrong, on the date that you picked

up the vehicle -- what day did you pick up the vehicle for the second or third search? You were out at his house. What date was that? Was that 9/25? Oh, wait. Actually, I have it here. 9/23, ma'am?

A Yes, ma'am.

Q On 9/23, isn't it true that you went out to [redacted] Cohen Road?

A Yes, ma'am.

Q And the purpose of going out to [redacted] Cohen Road, which is the home of Letha Shiggs, was to execute a search warrant on that home? On the vehicle? I'm sorry. On the vehicle?

A Yes, ma'am.

Q Okay. And while you were there, you end up speaking with Miss Shiggs, correct?

A Yes, ma'am.

Q And Miss Shiggs is the owner of that home?

A She is.

Q And Miss Shiggs actually signed a voluntary consent to search form?

A She did.

Q She gave you permission to go into her home?

A Yes, ma'am.

Q Mr. Redding was actually sitting right outside on -- I believe there was two tires stacked up outside

and he was sitting outside, correct?
A He was outside, yes, ma'am.
Q Did you ever inform Mr. Redding what you were looking for?
A I don't think I directly did, no, ma'am.
Q Now, when you were inside the home, did you, yourself, or anyone on your team ever search the laundry basket that was in the living room?
A We searched the entire residence. Yes, ma'am.
Q Did you have a body cam that day?
A I don't recall if I had it or not.
Q You don't. How many people showed up at the residence?
A I believe, with the two crime scene agents, there was maybe five of us.
Q Okay. Ma'am, up to this point in your investigation, everything you asked Mr. Redding for he provided to you, correct?
A Yes, ma'am.
Q What is the reason that you wouldn't have asked him for a Batman t-shirt?
A I don't -- at that time that was information that we were keeping close to us. We don't always reveal everything we know at the time.

Q Okay. But, ma'am, he provided everything to you?

A He had. Yes, ma'am.

Q I mean, you never asked him for it, correct?

A No, ma'am.

Q Okay.

All right. Now, the name Popeye had initially come up through Detective Litchfield, correct?

A I don't remember exactly how we originally got Popeye's name.

Q You were in the room with Mr. Redding approximately one hour and 17 minutes into the interview and did you hear Detective Litchfield say, *You don't think Popeye would have any reason to do with Cypress*, do you *(sic)?* Do you recall that?

A Yes, ma'am, vaguely.

Q Okay. And -- all right. So, ma'am, you've been in the courtroom since the testimony began this week?

A Yes, ma'am.

Q Okay. And you've been here listening to the testimony?

A Yes, ma'am.

Q And I'm sure that you heard officers testify that

nobody talked to anyone on scene that morning at the Forest?

A That's correct.

Q Okay. And you also heard testimony that no one searched the area around the Forest for a gun, correct?

A I did.

Q You had a search warrant that would have allowed you to search the area around the Forest for a gun?

A Yes, ma'am.

Q And the search of the Forest was strictly related to the inside of Room 22, correct?

A Yes, ma'am, it was.

Q Okay. Isn't it true that we don't have a list of names of people that were actually on scene that morning because no one bothered to talk to anybody, right?

A Yes, ma'am.

Q Okay. And it's true that someone may have heard something or witnessed something, but we have no idea because we don't know who checked out of the motel?

A Yes, ma'am.

Q Okay.

All right. And now, earlier, we've heard testimony about a baby blue gun, correct?

A Yes.
Q And you were desperate to find one specific gun, isn't that true?
A No, ma'am, not initially.
Q Okay. One minute, ma'am.
Isn't it true that the firearm's report doesn't tell you what color the gun was?
A That's correct. It doesn't.
Q Okay. But that didn't matter, did it? You were looking for one particular gun?
A Not initially, no, ma'am.
Q Okay. So you interviewed a man by the name of Keith Willis, correct?
A I don't remember Keith Willis, no, ma'am.
Q Keith Willis -- you want to check your report, ma'am?
A Yes, ma'am, I will. No, ma'am. I don't have an interview with Keith Willis.
Q I do have a transcript. I can tell you the date. Maybe it's Williams. I'm sorry. Let me just look it up. One second. I think it's Willis, though. One moment. I believe that this is a man who was the uncle of Mr. Redding, if that refreshes your recollection. I believe it was an uncle or a cousin.
A No, ma'am. I don't remember a Keith Willis.

Q Okay. So -- that's what I have his name as, Keith Willis. But, ma'am -- well, regardless of the man's name, do you remember telling a witness that you interviewed that you were, *beating down doors because we need that gun, the blue one*?

A That sounds like something I would say, yes, ma'am.

Q And you actually asked the witness if he knew what gun you are referring to but he did not?

A Yes, ma'am.

Q Okay. And isn't it true that you also told the same witness that, *This is a crucial piece of evidence and we need it. I am to the point of begging people. I'm not going to lie*?

A Yes, ma'am.

Q Okay. And you also interviewed a man by the name of Lorenzo Dash, correct?

A I don't recall a Mr. Dash.

Q I have a transcript of that as well, ma'am. And do you recall telling somebody Mr. Dash, Lorenzo Dash, ma'am, the transcript, *It's a small gun. It's a 9-millimeter, baby blue*. Do you recall telling a witness it was small a gun, 9-millimeter, baby blue?

A I don't recall that specific comment to that specific person, no, ma'am.

Q I can have my team pull that up as well.

Ma'am, my point in asking you these questions is that -- and the reason that I keep bringing up transcripts is -- so are you aware that -- you heard the firearms expert testify earlier?

A Yes, ma'am.

Q By looking at the projectile, the firearms expert was unable to determine what type of SCCY gun -- what type of SCCY gun it was, correct?

A Yes, ma'am. That's what I understand.

Q And are you also aware that there are many guns, many manufacturers that manufacturer baby blue guns, that it's not an odd color?

A Yes, ma'am.

Q One of those manufacturers is a Taurus G2. Are you aware of that?

A I'm not familiar with that specific weapon, no, ma'am.

Q You're not familiar with Taurus G2 coming in light baby blue, teal color?

A I personally have never owned a Taurus. I've never fired a Taurus. I'm not familiar with the colors it would come in.

Q But you are familiar with there are many guns that come in teal and baby blue?

A Yes.
Q And so, at this point, you have information that the gun is an SCCY. You have no testimony or no information from any witness that Mr. Redding specifically carried an SCCY.
A That's correct.
Q Okay. And -- but yet you limit your investigation to baby blue. In hindsight, that's an over-generalization, correct?
A No, ma'am. I don't believe so.
Q Okay. Well, during the investigation, you also speak with Paige Noonan, Cypress's sister?
A Yes, ma'am.
Q And when you talk with Paige Noonan you had to ask her, at least two times -- actually, she had already been interviewed by lieutenant -- not Lieutenant Litchfield -- Detective Croft, so this was the third time she had been in, you had to call her back to talk to you about a gun, correct?
A Yes, ma'am.
Q And the first time you talked to Paige was on September 8, a couple days after Cypress passed away?
A Yes, ma'am.
Q When you called her back to talk about a gun that

had been on scene at the Forest Motel that morning, that was on 9/25, correct?

A That sounds right, yes, ma'am.

Q All right. And the reason that you called her in is because she didn't mention anything about a gun at the Forest Motel that morning, initially?

A Yes, ma'am.

Q All right. And during your investigation, you had learned that there was a gun there on scene?

A Yes.

Q You also learned that the witness who saw that a witness told you, one of the people you had talked to told you that they saw a man pass a bag with a gun over the fence at the Forest Motel?

A I believe they saw that the bag was passed, but I don't know that they initially thought it might be a gun.

Q Ma'am, the bag that passed over the fence from the Forest Motel -- this is where Cypress died, correct?

A Yes.

Q And the bag was passed over the fence from the Forest Motel where we just had a shooting to the Siesta Motel next door?

A Yes, that was the information we learned.

Q All right. And these are adjacent properties,

correct?
A I believe they are, yes, ma'am.
Q And are you familiar with where the fences are that they're talking about?
A So the hotel is in an L shape, and on the -- I think it's the short part of the L, once the building ends, a chain-link fence begins and runs back to Jacob Smart Boulevard.
Q And this area had not been previously searched, correct?
A No, ma'am.
Q All right. Now, you would agree that having a gun on scene at the Forest Motel on September 6th, the morning that Cypress Noonan died, would be critical information to your investigation?
A Absolutely.
Q Okay. And the -- you wait until September 25th to call Paige in for a second interview?
A Because we did not develop the information about the gun while we were on scene initially.
Q Okay.
A It was sometime later that we developed that information.
Q That was because nobody had talked to anybody on scene, correct?

A No, ma'am. We had talked to Paige shortly.
Q Okay.
A After the incident.
Q But she didn't mention anything at all about a gun?
A No, ma'am.
Q Okay. So the reason that you contacted Paige versus contacting another one of the people that you talked to, is that you learned that Paige's boyfriend's name is Popeye, correct?
A Popeye, yes.
Q And Popeye is the man who the witness told you passed a bag over the fence from the Forest Motel to the Siesta, correct?
A Yes.
Q So you call Paige because this is her boyfriend?
A Yes.
Q You never went directly to Popeye, did you?
A No, ma'am. He would not come in for an interview.
Q You asked Paige to talk to him for you?
A I asked her to see if she could get him to come and speak with me, yes.
Q And so Paige also confirms to you that she knows that Popeye had a gun in a black bag?

A She does.
Q And she knows that Popeye passed the bag over the fence from the Forest to the Siesta?
A She did.
Q And she also knows that Popeye passed the bag over the fence from the Forest to the Siesta to a man named Matthew Hatchell, correct?
A Yes, ma'am.
Q So when you ask -- so now you testified earlier this was a critical piece of information that you have, correct?
A Yes.
Q Okay. Now, instead of contacting Popeye directly, you testified that you asked Paige to see if he would come in and talk with you?
A I did.
Q And he refused.
A He did.
Q Okay. Do we know the make and caliber of the gun that was passed over the fence, ma'am?
A Yes. Miss Noonan told me it was a Taurus.
Q Ma'am, no.

Do you know the make and caliber of the gun that was passed over the fence?

A I know that Miss Noonan told me it was a

Taurus.

Q Ma'am, I'm not asking you what Miss Noonan told you. I'm asking you what you investigated.

MS. SWANSON: Your Honor, I would object to her objecting to her own question.

THE COURT: All right.

MS. CARMODY: It's unresponsive, Your Honor.

THE COURT: No, I disagree. I think she's responded to that question. I sustain the objection.

BY MS. CARMODY:

Q Ma'am, you did not personally look at the gun, correct?

A No, ma'am.

Q You didn't personally look at the bag, correct?

A No, ma'am.

Q Okay. And you also testified that you have not talked to Popeye, he refused?

A Yes, ma'am.

Q Okay. And was the gun that was passed over the fence the morning of Cypress's death collected at any point in time?

A No, ma'am. It was not.

Q And has any gun been recovered in this case?

A It has not.
Q And although SLED firearms does have a projectile that they can compare, correct?
A Yes.
Q And your report indicates that you were going to check with Ridgeland Police Department about a report about Paige's gun, correct?
A Yes.
Q Nothing in the report indicates that it was ever done.
A Okay.
Q Okay. And Popeye was living with Paige, ma'am?
A I believe they were living together, yes.
Q Okay. At the time, Paige also tells you that she has other guns at her home as well?
A Yes.
Q Ma'am, these guns are all guns that Popeye had access to, correct?
A I don't know if he had access to them or not.
Q Ma'am, he's living with her, correct?
A Yes.
Q You didn't go to Paige's house to collect any of those guns that Popeye had access to, did you?
A No, ma'am.
Q And you didn't go to Paige's house to see if any

of her guns were missing?

A No, ma'am.

Q In fact, ma'am, do you recall telling Paige, ma'am, *When you are not busy with the kids, send me a picture of your guns*?

A Yes.

Q Ma'am, you never received those pictures, did you?

A No, ma'am.

Q Ma'am, and the report indicates that this is the same Popeye that refuses to talk to you and you did actually nothing to follow up, correct?

A I did attempt to follow up. He refused to come in. I can't make him. And so there's not much there for me to follow up on as far as the interview with Mr. Jones.

Q You never got a search warrant?

A No, ma'am.

Q You have the authority to get a search warrant, correct?

A If there's probable cause, yes, ma'am.

Q Okay. Ma'am, in addition, I also want to talk about a man named Hollywood, Antoine Drake.

A Okay.

Q So, ma'am, on September 6th, you testified that

you had information about Antoine Drake possibly being involved in Cypress's murder, correct?

A Yes, ma'am.

Q Ma'am, on September 25th, Desiree, which is Cypress's sister, also tells you about Hollywood potentially being involved in Cypress's murder, correct?

A Yes, ma'am.

Q In fact, she mentions it two times during the interview, correct?

A Yes, ma'am.

Q Ma'am, what day did you say Mr. Redding was arrested?

A November the 10th.

Q Ma'am, isn't it true that you finally went to go see Antoine Drake on November 13th?

A November 13th was the day that we were able to make contact with him for the first time.

Q Okay. So he was not in the area?

A I don't know where he was.

Q Okay. And November 13th, we're talking about two and a half months after Cypress died?

A Yes.

Q Two and a half months after you received the information he was potentially involved in a murder?

A Yes, ma'am.
Q And this was after Mr. Redding was arrested?
A It was.
Q Okay. And, ma'am, when you met with him, that conversation was not recorded?
A It was not, no, ma'am.
Q Ma'am, you never asked where he was that morning, did you?
A I believe that I did, yes, ma'am.
Q Can you refer to your report?
A Yes, ma'am. I have it right here.
Q Did you ask him where he was that morning?
A It's not written in this memorandum of interview, no, ma'am.
Q Okay. And you never asked him if he owns a gun?
A No, ma'am. I don't think I did.
Q And you never asked him for DNA, or anything like that?
A No, ma'am.
Q Okay. So again, ma'am, this is a person of interest named by both Brian and Cypress's sister and there was no follow-up, correct?
A There was an interview with him, yes, ma'am, which is considered a follow-up.
Q Ma'am, you testified that you didn't ask the man

where he had been that morning.
A I don't recall.
Q All right. This information came from Cypress's sister Desiree, correct?
A Yes.
Q Okay. So, ma'am, how many witnesses did you interview?
A I believe it was about 15.
Q Okay. And, as I told you earlier, I was talking about the transcript, so the defense actually in preparation for trial prepared a transcript of all those interviews.

And would it surprise you to know that Hollywood's name came up over a hundred times in a search?
A No, ma'am.
Q And, ma'am, through your talking with all of these witnesses, Mr. Redding is the only person who actually sat down with you for hours, correct?
A I don't remember the exact total amount of time.
Q Okay. But this is the same man who called 911?
A It is.
Q And waited on scene for officers?
A I was not there when they arrived.

Q He was on scene when you got there?
A When I got there, yes, ma'am.
Q Okay. He also gave a written statement?
A He did.
Q Do you have his DNA?
A We do.
Q Gunshot residue?
A Yes, ma'am.
Q Both of this cell phones?
A Yes, ma'am.
Q Passwords?
A I believe so.
Q Facebook accounts?
A Yes.
Q His whereabouts that morning?

MS. SWANSON: Objection; asked and answered several times.

THE COURT: So far you --

MS. CARMODY: That's fine.

THE COURT: Whoa, whoa, whoa, whoa. Miss Carmody -- counsel approach.

MS. CARMODY: Yes, sir.

THE COURT: Miss Carmody, do not -- when I'm talking, don't talk.

MS. CARMODY: I'm sorry, Your Honor.

THE COURT: Okay. I would like to think that I pride myself on letting people talk and protect their record.

MS. CARMODY: Okay.

THE COURT: That's all I'm going to say, but, please, do not --

MS. CARMODY: I understand.

THE COURT: Let me finish right now. Please do not interrupt me in front of the jury. This is the second time today. Just don't do that, okay?

MS. CARMODY: Okay.

THE COURT: Thank you.

MS. CARMODY: Beg the Court's indulgence.

THE COURT: No problem. Take your time. Yes, ma'am.

BY MS. CARMODY:

Q Ma'am, I want to follow-up on what I asked you earlier. The conversation with Mr. Lorenzo Dash at approximately one minute and 48 seconds in the conversation, did you indicate to Mr. Dash it's a small gun, it's a 9-millimeter?

A That sounds about right, yes, ma'am.

Q And did you hear Miss Beasley, who was working

with you, inform the Mr. Dash that the gun had been --

MS. SWANSON: Objection.

THE COURT: Hold on.

MS. SWANSON: Hearsay.

THE COURT: I'm going to sustain that.

BY MS. CARMODY:

Q Ma'am, regarding the consent for the cell phones, do you recall telling Mr. Redding, *Well, here is the thing. If you allow me and give me consent, I can look at them and go through them and get them right back to you*?

A Yes, ma'am.

Q And you asked him if he was okay with that?

A Yes, ma'am.

Q Okay. He did sign the voluntarily consent, ma'am?

A He did.

Q All right.

MS. CARMODY: I do not believe I have further questions, Your Honor. Just, I beg the Court's indulgence.

THE COURT: Take your time. Yes, ma'am.

MS. CARMODY: We're good, Your Honor. Thank you. Thank you, ma'am.

THE COURT: Solicitor, do you have any

redirect?

MS. SWANSON: Just a few questions, Your Honor.

THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. SWANSON:

Q Agent McCallister, the defense asked you why you focused on a specific gun and when. Why is that?

A So during the investigation, I communicate regularly with the lab. And when they indicated that the weapon was most likely the SCCY, or S-C-C-Y, that is what we focused on at that point.

Q Okay. And prior to you knowing that you were looking for a blue gun of some type?

A A blue gun, yes.

Q Okay. And, again, it's your understanding that the Taurus G2 is not the murder weapon?

A That's my understanding, yes.

Q Okay. Regarding your entire investigation, all of your interviews, the review of the forensic evidence as the case agent, did any of that evidence lead you to believe that Hollywood or Popeye committed the murder of Cypress Noonan?

A No, ma'am.

MS. SWANSON: Thank you.

THE COURT: Miss Carmody, do you have anything else, ma'am?

MS. CARMODY: No, Your Honor.

THE COURT: All right. Thank you.

All right. Ma'am, thank you so much. You can step down.

THE COURT: Solicitor are you ready to call your next witness?

MS. SWANSON: The State calls Dr. Ellen Riemer.

THE COURT: All right.

THE CLERK: Raise your right hand. Place your left on the Bible. The testimony your about to give will be the truth so help you God?

THE WITNESS: Yes.

THE CLERK: Come around. Have a seat in the witness box. Adjust this.

WHEREUPON:

ELLEN RIEMER, M.D.,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Dr. Rimer, can you please spell and say your name for the court reporter?

A Yes. It's Dr. Ellen Riemer, R-i-e-m-e-r.

Q And, Dr. Riemer, where do you work?

A I'm employed at the Medical University of South Carolina where I'm a forensic pathologist.

Q And what does a forensic pathologist do?

A A forensic pathologist is a physician that specialized in determining the cause and manner of death by performing autopsy examinations on deceased individuals.

Q All right. Can you briefly describe your educational background in the field of forensic pathology?

A Yes. So after completing my medical education and receiving an M.D. degree, I did my residency in pathology at Columbia Presbyterian Medical Center, which is part of New York Hospital and Columbia University in the city of New York. Following that, I did a fellowship in forensic

pathology at the office of the chief medical examiner of the State of Maryland, which is a statewide medical examiner in Maryland. After that, I did an additional subspecialty fellowship training at John's Hopkins Hospital in cardiovascular and pulmonary pathology. And I'm board certified in anatomic pathology and forensic pathology.

Q Okay. And approximately how many autopsies have you performed?

A I'm not really keeping complete track, but over five thousand.

Q Okay. And how many times have you testified as an expert in forensic pathology in court, approximately?

A Approximately, 200 times.

Q Okay. Thank you.

MS. SWANSON: At this time, the State would request that Dr. Riemer be declared as an expert in forensic pathology.

MS. CARMODY: No objection.

THE COURT: All right. No objection. Ladies and gentlemen, remember expert witnesses, unlike lay witnesses can give opinion testimony. Thank you.

MS. SWANSON: Thank you.

BY MS. SWANSON:

Q At some point, did you have the opportunity to perform an autopsy on Cypress Noonan?

A Yes.

Q Okay. And when did you perform that autopsy?

A I'm going to pull out my file to refresh my recollection. I did perform the autopsy on September 9th, 2020.

Q Okay.

All right. And can you explain the findings from your autopsy on Cypress Noonan?

A Yes. She was a healthy girl, 16 years of age, consistent with 16 years of age, with a contact gunshot wound to the head with the entrance wound on the middle of the forehead, slightly to the left of the end line but close to the center, and the bullet went through the forehead, the skull, and the brain then exited the back of the head and the projectile bullet was recovered in her hair.

Q Okay. And when you say contact shot, or contact wound, do you mean that the barrel of the gun had contact with the forehead?

A Yes --

MS. SWANSON: I'm sorry. Hold on one second, Doctor. Did you have an objection?

MS. CARMODY: Leading.

THE COURT: Overruled. Go ahead.

THE WITNESS: Yes, well, one of the gunshot wounds has different characteristics which every forensic pathologist knows how to evaluate.

And, in this case, the entrance wound on the forehead showed some soot around it on the skin. So, it just gives us a range of fire.

Sometimes there's no soot there and then I can't say anything about the range because it could be a couple of feet back, or a mile back. I can't tell.

But when I do see soot, that's basically the gun powder that's coming out of the barrel of the gun along with the bullet because the bullet needs -- there's gun power in the barrel of the gun and it goes off and there's a lot of, you know, it's heat and fire and the gun powder comes out of the barrel of the gun with the bullet, but gun powder doesn't travel very far. The bullet could potentially travel a very long distance until it strikes something. But soot really only travels a couple of, you know, inches or so.

So we can see soot -- when I see soot, I know it's very, very close.

Q Okay. And how would you describe the entrance wound?

A Well, it was basically a typical appearing entrance wound on the skull. It had a stellate appearance. So it's tears. It's not a completely, like, a smooth round entrance. There's, kind of, tears on the skin, and that's because, when in contrast to, like, over the abdomen which is soft, the skull is a hard surface. So when a bullet goes through the skull -- when it goes through the scalp, there's a lot of gas build up from the energy from the bullet and gasses between the scalp and the skull and it causes that characteristic stellate tearing pattern.

It's not required, but it's not common to see it. But it's an entrance gunshot wound.

Q Okay. Did you recover a projectile from the autopsy?

A Yes.

Q Okay. And where was that projectile recovered from?

A It was in the -- in the hair at the back of

her head. And it was on the right side of the back of the head, not far from the midline. Let me see where exactly. Yeah, it was actually to the left of midline. So the bullet was in the hair just beyond the exit wounds. So the projectile exited the back of the head and the scalp but it didn't make it past her hair.

So a lot of times going through bone slows down a bullet a lot. That, kind of, slows it down. So by the time it got -- had the bullet -- the projectile had enough energy to go through the front skull, the brain, and then the back skull, and then enter through the scalp, and then it's caught up in the hair. That's where it stopped.

Q And if her head had been leaned back on the surface, would that have also stopped the projectile, in your opinion?

A Unlikely. If it's a very hard surface, potentially it could have stopped it. If it's very hard, it's something soft. A lot of times, the bullet will just continue.

Q Okay. But if it was a hard surface, it could cause it to become lodged in her hair?

A Yes.

Q Okay. As a pathologist, are you ever able to

pinpoint a time of death.
A Well, the determination of the time of death is not something that I can do a couple days later. By the time I get the autopsy -- get a body for autopsy, it's frequently a couple of days after the person was found. And, at that time, there's a lot of environmental exposures. The body can be put in a refrigerator. You know, it could have been cold or hot which can accelerate or slow down the rate of decomposition.

And the best time, really, to evaluate the -- it's very -- sometimes people want me to tell them exactly when the person died, and it's pretty much not possible for me to do it. I mean, they could say, well, we think it happened, like, you know, two weeks ago, I can say, well, I think it's more recent than that, but I can only say it's consistent within a general range.
Q Okay. Because, in South Carolina, do we have medical examiners who go to the scene?
A There are actually coroners. It's a coroner's system. So the reason this autopsy came to me at the Medical University of South Carolina is because it was the Jasper County Coroner's Office had jurisdiction over this death. And

since it is sudden unexpected death, they determined that an autopsy needed to be performed and then they sent it to the -- we have a staff of forensic pathologists at MUSC.

But the scene investigation, I'm not involved in the scene investigation. I do not go to the scene. I basically rely on information that's given to me from the scene investigation.

Q Okay. There is not a medical expert on scene?

A Yes, correct.

Q Right, okay.

Let's see. Do you rely on information provided by the investigation to factor into your findings?

A Well, the autopsy findings, you know, I find what I find. It is what it is.

But, you know, I do get historical information and investigated information which can have an influence on my determination of the manner of death.

Q Okay. And so in this particular case, the cause of death was what?

A Was a contact gunshot wound to the head.

Q All right. And the manner of death was?

A The manner of death, I determined to be

homicide, which is based on the information that the investigators provided.

Q And why did you rule it homicide rather than suicide?

A Well, I was told that somebody else shot her, so there was nothing in my findings at the autopsy that couldn't be -- that indicated that she could not have been shot by somebody else.

You know, it's frequent when we have suicide gunshot wounds, we frequently see soot on the skin because when people shoot themselves, there's contact range. It's frequently contact range. People aren't holding the gun, like, way far away from them. It's possible. But most of the time with suicides, we have contact range. But somebody else can also shoot somebody at contact range.

So in this case, the autopsy alone just shows that there's contact range fire.

But the determination of homicide, I rely on the investigation that I was told that somebody else shot her. I would not have been able to make that conclusion myself.

Q So you receive a coroner's report with that information in it as well?

A Yes.

Q Thank you, Dr. Riemer. Please answer any questions that the defense may have for you?

THE COURT: Miss Carmody, do you have any questions?

MS. CARMODY: Yes, Your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good afternoon, Dr. Riemer.

A Hi.

Q Dr. Riemer, you did prepare an autopsy final report, correct?

A Yes.

Q And you did list the time of death, correct?

A The time of death is provided to me by the coroner. So the time of death is elicited -- just like her date of birth is provided. You know, I'm not there asking for her birth certificate. So the time of death is a determination made by the coroner and that's provided to me and it ends up on the report.

Q Ma'am, you sign your report, right?

A Yes, that's the information. That's -- you know, the date and time of death is provided by the coroner.

Q Ma'am, and what is the time of death in your report?
A The time of death that was provided to me that I listed was nine o'clock a.m.
Q On what day?
A On September 6, 2020.
Q Okay. So in doing your autopsy, though, and conducting a final autopsy report -- I mean, an autopsy is like a certification, right? Aren't you certifying --
A A death certification.
Q The coroner certifies death. I'm sorry.
But this is your final report, correct?
A That's correct.
Q There is no other changes that need to be made to it, it's final?
A That's correct.
Q And you put 9:00 a.m., correct?
A Yes, that's what they told me it was. I'm not verifying it, but I'm providing it. The information at the top is the date of injury and the time and the place of injury is information that's historical and provided to me by the investigator.
Q All right.

A The diagnosis and autopsy -- the findings from the autopsy are my own.

Q Okay. And, ma'am, did you also receive a toxicology report for Miss Noonan?

A Yes. So every person that has an autopsy also has a complete toxicology report performed, and that's done on blood that I take at autopsy.

So, the toxicology -- the toxicologist sends that blood off. I get a report from the toxicology lab and I include those results in my report. But that's supposed to -- I'm relying on toxicology results that were determined by somebody else. I'm not actually testing the blood myself. So that's another piece of information that goes into my report that's provided by somebody else.

Q Ma'am, there was no cocaine in her system, correct?

A There was not.

Q Okay. Just marijuana?

A Yes. There was marijuana and cotinine, which is metabolite of nicotine.

Q A smoker?

A Yeah, that would be from smoking.

Q So, ma'am, you know, in doing your autopsy, you also -- isn't it true that you have to mark any

abnormalities or injury that you see?
A Yes, I have evidence of an injury section.
Q Okay. And there is no evidence of other injury but for the gunshot wound to the forehead, correct?
A That's correct.
Q Okay. If there was, you would have marked it on the report, right?
A Yes.
Q No other signs of trauma at all?
A That's correct.
MS. CARMODY: I beg the court's indulgence, Your Honor.
THE COURT: Yes, ma'am.
BY MS. CARMODY:
Q Ma'am, so you testified that there was no medical examiner on scene, correct?
A We don't -- there is -- as far as I know, there's no -- this is not a medical examiner's state. So a medical examiner is actually, kind of, a political term. In this state, in South Carolina, we have coroners. So coroners are the entity responsible for the investigation that's not a medical examiner, per se. Although, in other jurisdictions, a medical examiner can have similar responsibilities that the coroner has

here.
Q Okay. So, is it fair to say the time of death came from the coroner?
A That's -- yeah, the time of death came from the coroner.
Q And that would be an investigation, correct?
A Yes.
Q Okay.
A Based on whatever they used to determine that.
Q Okay. And, ma'am -- so earlier you testified that you did not rule out suicide because of the information that you had received, correct? Is that correct?
A I don't -- can you repeat that? That's kind of a -- there's lot of negatives in there. I need to make sure I answer the question.
Q Oh, I'm sorry.

Ma'am, so you had indicated that you ruled out suicide because you were informed that she had been shot by someone else.
A Correct.
Q Ma'am, what if you weren't informed that she was shot by someone else?
A Then I -- it could have very well been

suicide.

Q Thank you, ma'am.

MS. CARMODY: No further questions, Your Honor.

THE COURT: Anything else, Solicitor?

MS. SWANSON: Just briefly.

THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. SWANSON:

Q All right. I think this is clear, but the time of death was relayed by Jasper County Coroner's Office, not SLED.

A That's correct.

Q Okay. And is the coroner an elected official here in South Carolina?

A Yes.

Q All right. And there's no qualification that they be a medical professional?

A That's correct.

Q All right. And so even if you were on scene as a medical professional and you had no other information about when the person was last seen alive, would you be able to pinpoint a time of death between a matter of hours?

A Well, if it just happened -- if it just

happened, like within a half an hour, then the body would be warm. But short of that, it's very difficult to say.

Q Okay. Because it depends on so many variables?

A Yes.

Q Like how warm the room is, how cold it is?

MS. CARMODY: Objection; leading.

THE COURT: Overruled.

THE WITNESS: Yes. So environmental factors, clothing. You know, the body habitus of somebody. So people who are very heavy, like, have a lot of adipose tissue, they're kind of -- if you'll think of it like, if you're rounder, you're going to cool off slower. If you're really thin, you have a lot of surface area. Because, basically, heat rises from the surface of the body. So, you know, like, if you're compact and round -- but even at the same weight you'll cool off faster. So there's so many different variables that could contribute to -- I think that's also a very inexact science.

So, you know, it's kind of -- it's always an estimate.

Q And would you also expect if someone -- if a deceased person were lying in a bed with blankets on

them that they might cool off more slowly than somebody who was not?

A Yes.

Q Okay. And regarding the toxicology, Cypress only had tobacco and marijuana in her system?

A Yes.

Q Not cocaine?

A Correct.

Q Any crack?

A Yeah, crack is -- the toxicology report doesn't distinguish between, you know, crack cocaine, or powder cocaine. You know, they're looking for the chemical structures. Those would come out the same as cocaine. And then there's metabolites of cocaine that last awhile in your system, and she doesn't have any metabolites of cocaine either.

Just like we don't have nicotine, but we have a metabolite of nicotine. So the nicotine wasn't in her system. Like, she wasn't smoking a cigarette, like, right then. But there is nicotine, so that indicates that, at some point, she had been smoking.

And then she also, in addition to having the parent compound of marijuana, which is Delta-9 THC, she has two metabolites of marijuana, so that

indicates that the marijuana is already starting to break down.

Q Okay, thank you very much.

THE COURT: Anything else?

MS. CARMODY: No, Your Honor.

THE COURT: Thank you so much, ma'am. Appreciate you coming down.

MS. SWANSON: And I would ask that Dr. Riemer be excused from her subpoena.

THE COURT: Any objection to that?

MS. CARMODY: No objection.

THE COURT: All right. Thank you, Doctor. Have a safe trip back.

Solicitor, call your next witness.

MS. SWANSON: The State calls Megan Fletcher.

THE COURT: All right.

THE CLERK: Raise your right hand and place your left on the Bible. The testimony you're about to give the court shall be the truth so help you God.

THE WITNESS: It is.

THE CLERK: Come around and have a seat. If you'll pull down your mask while you're testifying and speak into the mic.

THE WITNESS: Yes, ma'am.

WHEREUPON:

MEGAN FLETCHER,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Hi, Megan. How are you?

A I'm fine. How are you?

Q Good. Can you please state your name and spell it for the court reporter?

A My name is Megan, M-e-g-a-n, Fletcher, F-l-e-t-c-h-e-r.

Q Okay. Agent Fletcher, where do you work?

A I'm employed by the South Carolina Law Enforcement Division in the forensic services building in the trace evidence department.

Q All right. And how long have you worked there?

A About 15 years.

Q Okay. Can you please briefly describe your education and training in that field?

A I have my bachelor's degree in biochemistry and English from Chatum College. I also have my master's degree from Marshall University emphasizing in computer forensics and forensic -- or chemistry. Once I obtained my job at SLED in

2007, I underwent training in each of the disciplines in which I am competent to perform analysis. Those would include gunshot primer residue, fire debris, paint, fibers, glass, explosives, tape, general chemical physical unknowns amongst some others.

Q Okay. And how many times have you been -- have you testified as an expert in trace analysis in general sessions court?

A Over 50 times.

Q Okay, thank you.

MS. SWANSON: At this time, the State would move to introduce Agent Fletcher as an expert in trace evidence.

THE COURT: Any objection?

MS. CARMODY: No objection.

THE COURT: All right. So we're going to find that she is an expert in trace analysis. Ladies and gentlemen, she can give opinion testimony. Thank you.

MS. SWANSON: Okay, thank you.

BY MS. SWANSON:

Q Can you please tell the jury what GSR is and how you go about testing for it?

A So gunshot residue or GSR is everything that

comes out of a gun when it's fired. That includes the smoke, the soot, pieces and fragment of the bullet. It also includes something called gunshot primer residue, which is actually what we analyze at SLED. And the gunshot primer residue are the components from the primer component of a cartridge. And particles that are characteristic of gunshot primer residue are microscopic molten particles that contain the elements bearing antimony.

These particles are analyzed using a scanning electron microscope with an energy dispersive x-ray detector. This is a very powerful microscope that uses electrons instead of light and allows us to see very small particles. The particle size that we're looking at is anywhere between a half a micron to maybe 20 microns or 30 microns. To give you some perspective there, a typical human hair might be 100 microns. So very, very small particles and that's why we need the electron beam instead of light.

It also has the energy dispersive x-ray detector that allows us to determine what elements are present. So once we look at a particle, a very small particle, and determine that it's molten, we look to see if it contains the elements lead, barium, and

antimony. And if it does, then we classify it as a particle characteristic of gunshot primer residue.

Q Okay. And so did you analyze a number of items in the case against Brian Redding?

A There were a number of items analyzed in this case, yes.

Q Okay. And throughout that processing and analysis of these items, are they handled or prepared by various people in SLED?

A Yes, they are.

Q Okay. And explain to the jury what a certified chain of custody is?

A So a certified chain of custody is a -- is a document that is kept in the regular course of business, and it is maintained by keeping or documenting the location in which evidence travels within the laboratory. So if evidence is in the possession of an analyst, then a bar code is scanned of that analyst and then it goes into our system as being in the possession of that analyst.

If that item of evidence is in a specific location, then a bar code is scanned for that location and then the item shows that it's in that location in our system.

Q Okay. So, essentially, each move a piece of

evidence makes is accounted for?
A Yes, ma'am.
Q And was that done with all the pieces of evidence that you analyzed in the case against Brian Redding?
A Yes, ma'am, it was.
(STATE EXH. 23, Gunshot residue kit, was marked for identification.)
BY MS. SWANSON:
Q I am going to hand you what has been marked as State's Exhibit 23 and ask if this is a piece of evidence that you analyzed.
A I do. I recognize this piece of evidence based on the laboratory bar code of L2014672, item number 11 and the initials of the technician and the analyst who did analyze this.
Q Okay. Do you have your report in front of you?
A I have it in my bag.
Q Okay. If you want to -- if it would help, you're welcome to pull it out and refer to the SLED number item numbers, if that's easier.
A Okay.
Q So this was a piece of evidence that you analyzed?
A That was analyzed.
Q That was analyzed and you formed an opinion on

it?
A Yes, ma'am.
Q Okay. All right, thank you. And what is this item?
A It is a gunshot residue kit from Cypress Lee Noonan.
MS. SWANSON: State would enter 23 into evidence at this time.
THE COURT: Any objection to State's 23?
MS. CARMODY: No objection, Your Honor.
THE COURT: All right. Admitted without objection.
(STATE EXH. 23, Gunshot residue kit, was entered into evidence.)
BY MS. SWANSON:
Q Okay. What were your findings pertaining to the GSR kit from Cypress Noonan?
A Am I able to refer to my notes?
THE COURT: Yes, ma'am.
BY MS. SWANSON:
Q Yes.
A For Item Number 11-1 GSR kit from Cypress Lee Noonan, particles characteristic of gunshot primer residue were found. In general: "Particles characteristic of gunshot primer residue are

microscopic molten particles that contain the elements lead, barium, and antimony. Gunshot primer residue can come from being in the vicinity to the discharge of a firearm to include sustaining a gunshot wound, discharging a firearm, or coming into contact with a surface that has gunshot primer residue on it. It should be noted that the presence or absence of gunshot primer residue on the victim of a gunshot wound cannot determine whether the shooting was the result of a homicide, slash, assault, accident, suicide, or self-defense."

Q Okay. Let me ask you this: If someone sustains a contact gunshot wound to the head, would you anticipate there to be a lot or a little GSR?

A I don't know that I would quantify the amount of gunshot primer residue, but I would definitely expect gunshot primer residue to be on that individual.

Q Okay. Would your opinion change as far as amount depending on how far away the firearm was from the person that's sustained the gunshot?

A So gunshot primer residue actually travels along with the bullet in the helical back of the bullet up outwards of about 60 feet. So the

further out it gets, the less that you could expect on it because as the bullet travels along the path then gunshot primer residue particles are actually falling off of it. However, it does take quite a great distance before you could actually see that difference.

Q Okay.

(STATE EXH. 18, GSR kit; Brian Redding, was marked for identification.)

BY MS. SWANSON:

Q Let me hand you what has been marked as State's exhibit 18 and ask if this was an item that was analyzed for gunshot residue.

A I do recognize this based on the SLED laboratory bar code L20-14672 item number 12 and the technician and the analyst's initials that are placed on this bag.

Q And what is that?

A If I may refer to my notes.

Q Yes, please.

A Item number 12 was a GSR kit from Brian J. Redding.

Q All right. And you formed an opinion on the results of the analysis for this item?

A Yes, ma'am. I do.

MS. SWANSON: State would move 18 into evidence.

THE COURT: Any objection?

MS. CARMODY: Without objection.

THE COURT: Admitted without objection. Thank you.

(STATE EXH. 18, GSR kit; Brian Redding, was entered into evidence.)

BY MS. SWANSON:

Q And what were the results in reference to item 12, which is State's 18?

A Item number 12 one GSR kit from Brian J. Redding. "No particles characteristic of gunshot primer residue detected. The absence of primer residue on the hands is consistent with but not limited to the following scenarios: The individual not having discharged the firearm; four to six hours passing between firings and sampling; normal physical activity between firing and sampling; the individual washing the hands, wiping the hands, or sweating profusely, the individual wearing gloves during the discharge of a firearm; excessive blood on or debris on the hands; environmental factors including wind and rain; the ammunition discharge not producing particles

characteristic of the conventional gunshot primer residue as some lead-free non-toxic, or some 22-caliber rimfire ammunition does not; or the firearm not producing primer residue on the hands when discharged.

Q Okay. So when does someone start shedding gunshot residue from their hands?

A So as soon as somebody discharges a firearm, the GSR is going to deposit on their hands. But as soon as they drop that weapon or place the weapon on another surface they start to lose particles of gunshot residue, and that's because the gunshot primer residue particles are extremely transferable. So if you put your hands in your pockets, you might transfer from your hands to your pockets. If you touch a doorknob, you may transfer it to the doorknob. And it's very easily removed by simply washing your hands.

Q Okay. And what is the purpose of the four- to six-hour limitation on when you will analyze them?

A Numerous published studies as well in-house studies have shown that merely all of the gunshot residue has dissipated off of the hands of a shooter even with limited and controlled activity within four to six hours after a shooting. So it

can't be traced back to that initial incident beyond that six-hour time frame.

Q You stated that gunshot residue can easily be transferred. Could it transfer from the victim of a shooting to someone who touches that person?

A Yes, ma'am, it can.

Q Okay.

(STATE EXH. 25, Red shirt; Redding, was entered into evidence.)

BY MS. SWANSON:

Q I'm going to hand you State's 24 and 25 -- actually. I'm going to hand you 25 and ask if this is a piece of evidence that went to SLED and was prepared for analysis?

A State's Exhibit Number 25, does have the lab number L20-14672, item number 14, and the technician from the trace evidence department does have a notation on here that it was not analyzed or inventoried by our department.

Q And what is that? What is that item?

A It is described on the outside of the bag as one red in color shirt, Addias, the Go-To tee, size L from Brian Redding, 9/6/20, 3:07 p.m., DJ.

Q Okay. And this shirt ended up at SLED as its last stop, essentially.

A I just know that it ended up at SLED.
Q Okay. And then came back in a sealed package from SLED. Would that indicate that it ended up at SLED as the last stop?
A It just was never opened after it went to SLED, is all I can say.
Q Okay, I got you.
MS. SWANSON: I would move State's 25 into evidence at this time.
THE COURT: Any objection?
MS. CARMODY: No objection.
THE COURT: All right. Admitted without objection, State's 25. Thank you.
(STATE EXH. 25, Red shirt; Redding, was entered into evidence.)
(STATE EXH. 24, L20-14672; Item Number 13, was marked for identification.)
BY MS. SWANSON:
Q I'm going to hand you State's 24 and ask if this was processed for analysis by the trace evidence lab.
A I can identify State's Exhibit 36 (sic) by the bar code sticker showing L20-14672, item number 13, and the technician's initials indicating that she processed it for gunshot primer residue.

Q Okay.

MS. SWANSON: I would move item 36 into evidence at this time.

THE COURT: That's State's 24?

MS. SWANSON: I mean State's 24.

THE WITNESS: The sticker says State's Exhibit 36.

MS. SWANSON: I'm sorry. You're right. It is State's 24, I didn't see the sticker, Your Honor. I move State's 24 into evidence at this time.

MS. CARMODY: Which one, 24?

MS. SWANSON: 24, yes.

(STATE EXH. 24, L20-14672; Item Number 13, was marked for identification.)

(STATE EXH. 35, L20-14672, Item Number 13.1, was marked for identification.)

BY MS. SWANSON:

Q I'm handing you State's Exhibit 35 and ask you if these are items that you analyzed.

A State's Exhibit 35 is identifiable based on its laboratory bar code sticker of L20-14672, item number 13.1 and also by the initials of the technician and the analyst who analyzed them.

Q Okay. And did you come to conclusions about those

pieces of evidence?

A Yes, ma'am, I did.

Q Okay. Is that State's 35?

A Yes, ma'am.

MS. SWANSON: I would move 35 into evidence at this time.

THE COURT: Any objection?

MS. CARMODY: May I see it first, please?

THE COURT: Yes, here.

MS. CARMODY: No objection, Your Honor.

THE COURT: State's 35 admitted without objection.

(STATE EXH. 35, L20-14672, Item Number 13.1, was entered into evidence.)

BY MS. SWANSON:

Q And what were your conclusions in analyzing those items?

A So item number 13 was one pair of encrypted Supply Company jean shorts being from Brian Jamal Redding. And item 13.1 were the particle lifts collected from those jean shorts. And the results for that were: "Particles characteristic of gunshot primer residue were found. In general, particles characteristic of gunshot primer residue or microscopic molten particles that contain the

elements lead, barium, and antimony. Gunshot primer residue can come from being in the vicinity to the discharge of a firearm or coming into contact with a surface that has gunshot primer residue on it. However, no information can be provided as to the time frame in which these particles were deposited."

Q Okay, thank you.

MS. SWANSON: I have nothing further.

THE COURT: All right. Miss Carmody, cross-examination?

MS. CARMODY: Yes, Your Honor.

THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good afternoon, Miss Fletcher.

A Good afternoon.

Q Ma'am, you indicated earlier that Miss Noonan had gunshot primer residue on her, correct?

A Yes, ma'am.

Q Okay. And were you able to determine whether it was in the palm of her hands or on top of her hands or just on her hands?

A So the gunshot residue kit collected from her hands, which is -- the typical kit that we provide

from SLED is a right-handed kit and a left-handed kit. There is no palm versus back.

Q So, how she ended up with gunshot primer residue on her hands, you can't determine that, can you?

A I can only say that it was either from being in the vicinity to the discharge of a firearm, which includes sustaining a gunshot wound, discharging a firearm or touching something that has gunshot primer residue on it.

Q So either being shot or firing the weapon herself?

A That's correct. I cannot tell the difference.

Q Okay. Ma'am, you also testified Mr. Redding did not have any GSR on his hands, correct?

A That's correct.

Q And, ma'am, do you know what time the GSR was collected from Mr. Redding?

A May I refer to my notes?

Q Sure.

A It is indicated on the information sheet that the swabs were taken at 10:25 a.m. on August 6, 2020.

Q So, ma'am, if we have a time of death as nine o'clock and a GSR kit was run on Mr. Redding at 10:25, that would be within that four-hour window?

A Yes, ma'am, it was.
Q You would still expect to see GSR on his hands, correct?
A I don't ever expect to find gunshot primer residue just because somebody fired a gun because of all the variables that can happen after the fact.
Q It was within the four-hour window, though, correct?
A Correct. It was within our six-hour time frame in which SLED will accept gunshot residue kits.
Q Now, ma'am. How much GSR is actually ejected from a gun?
A It's very ammunition and gun dependent and so there's very little I can say. Even the same gun fired sequentially will deposit different amounts of gunshot primer residue.
Q Does it go in one spot or does it, kind of, go everywhere?
A So out the muzzle of the gun, it will go outwards about 60 feet to either side and behind of the gun, it will go about two to three feet to either side and behind of the gun.
Q Okay. You indicated earlier that GSR is extremely

transferable?
A Yes, ma'am, it is.
Q What does that mean?
A That means that if something has gunshot primer residue on it and you touch it you could potential transfer it from that object to your hands. Also, the reverse of that, if you fire a weapon and you touch an object, you could transfer it to that other object.
Q Okay. Ma'am, so just so I understand and the jury understands, if there is a victim of a shooting in a room and a person goes into a room, would they expose themselves to GSR?
A So it will stay in the air. Again, gun and ammunition dependent. The larger guns will last a little longer. But about eight minutes is about as long as it will stay in the room.
Q It will on any -- what about bedding material and stuff like that?
A It will stay on the bedding material until it's actively removed by putting it in the washing machine or shaking it off or something like that.
Q Can it be transferred from a bedding material to somebody's clothing?
A Yes, ma'am, it can.

Q And, ma'am, you indicated that the particles from the jean shorts -- there was particles taken from both sides, correct?
A Correct, there was.
Q They weren't particles. I'm sorry. There were swabs taken from both sides?
A There were particle lifts collected. One from the right side of the shorts, the front side of the shorts. And one from the left front of the shorts.
Q Okay. And there wasn't GSR all over the shorts, correct?
A The only particles that were confirmed were on the right front of the shorts.
Q How many particles are we talking about?
A Two.
Q And where on the shorts was that located?
A The right front of the shorts.
Q The groin area?
A Yes, ma'am. That's our designation, but it's the right front. So that would include the waistband, the pocket area, but not inside the pocket, down to about the groin area is about as low as we would go.
Q Okay. All right, ma'am, I don't have any further

questions.

THE COURT: Anything else, Solicitor?

MS. SWANSON: No, Your Honor.

THE COURT: All right. Thank you so much, ma'am. Any objection to her being released from the subpoena?

MS. SWANSON: None from the State.

MS. CARMODY: No, Your Honor.

THE COURT: Thank you. Have a safe trip back.

Let's take a brief break. And so, ladies and gentlemen, I'm going to ask you to go back to the jury room. Don't talk about the case. I'll have you back in here in a few moments. Thank you.

(Jury exits the courtroom at 3:41 p.m.)

(A break was taken from 3:41 p.m. to 4:00 p.m.)

THE COURT: Solicitor, are we ready for you to call your next witness?

MS. SWANSON: We are.

THE COURT: Miss Carmody, are we ready to bring the jury in?

MS. CARMODY: Yes, Your Honor.

THE COURT: All right. Let's get the jury in here.

Ladies and gentlemen, I think the State is ready to continue.

Solicitor, you can call your next witness, please.

MS. SWANSON: Thank you. The State calls Adrienne Hefney.

THE CLERK: Raise your right hand. Place your left hand on the Bible. The testimony you're about to give the court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come around here to the stand. Pull that chair up and adjust the mic.

THE WITNESS: Okay.

WHEREUPON:

ADRIENNE HEFNEY,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q All right. Agent Hefney, can you please state your name and spell it for the court reporter?
A Yes. It's Adrienne Hefney. Last name is spelled H-e-f-n-e-y.
Q All right. Thank you. Can you please tell the jury where you work and what you do there?
A Yes, I work with the South Carolina Law Enforcement Division, more commonly known as SLED and I'm a forensic DNA analyst there.
Q All right. And how long have you worked there?
A November will make 25 years.
Q All right. So a long time.
A Uh-huh.
Q Can you describe your educational background and training in the field?
A Sure, I have a bachelor of science degree in biology from the University of South Carolina. I also have a bachelor's of business administration from the Winthrop University. I received on-the-job training by a court-qualified analyst, but I also took post-graduate courses in the field of proclamation genetics, statistics, and molecular biology.
Q All right.
A Each year, we're required to continue our

education by taking at least eight hours of continuing education credits as well. We do that by attending conferences to find out the latest in DNA technology to stay abreast to any changes in the field.

Q And approximately how many times have you testified as an expert in the forensic DNA analysis?

A This is either the 90th or a little over 90 times at this point.

Q All right.

A In federal, state, and civil court.

Q Thank you.

MS. SWANSON: The State would offer Agent Hefney as an expert in forensic DNA analysis at this time.

THE COURT: Any objection?

MS. CARMODY: No objection.

THE COURT: And so she is going to be noted as an expert in forensic DNA analysis?

MS. SWANSON: Correct.

THE COURT: All right. Thank you.

MS. SWANSON: Thank you.

BY MS. SWANSON:

Q Thank you. And Agent Hefney, I think we all have a general understanding of what DNA is, but can you

just briefly describe where DNA comes from and how you go about testing for it?

A Sure. We can get DNA from a variety of any biological fluid that was left. So say it could be blood, semen, saliva, we can get it from skin cells, hair roots, bones, teeth, so any type of biological fluid or that material that was left behind.

What was the second part of it.

Q The second part is, how do you conduct the analysis?

A So what we do is, once we have the item and we may or may not identify the body fluid, and we will take a cutting from that item and put chemicals on it that will extract the DNA from it and develop a DNA profile. And we use this in the forensic science bill because no two people, with the exception of identical twins, will have the same DNA. We make a comparison to known standards. That can be a blood standard or a swab from the inside of your cheek, and we make that comparison of unknowns which was left behind at the scene and compared to the known standards.

Q Okay, thank you. And at SLED, do you have what's called a certified chain of custody?

A We do.
Q And is that a document that tracks the move of each piece of evidence within the department?
A It does.
Q Okay. And regarding the evidence that you analyzed in the case against Brian Redding, was it documented where each of these pieces you analyzed went?
A Yes, it was.
Q Okay. And so you will have a forensic tech who may help prepare something for analysis and those are analyzed to help ensure that we all know who handled any evidence and prevent any sort of break in the chain.
A That's correct.
(STATE EXH. 6, Buccal swabs; Redding, was marked for identification.)
BY MS. SWANSON:
Q Okay, thank you. I'm going to hand you what has been marked as State's Exhibit 6 and this is your SLED Number 8 and ask if this is an item that you analyzed.
A Yes, these are two buccal swabs from Brian Redding, and I recognize it because my signature and the date is here on the seal, as well as on the back of the envelope.

Q Okay.

THE COURT: Okay.

MS. SWANSON: At this time, I would offer 6 into evidence.

THE COURT: State's 6?

MS. SWANSON: Correct.

THE COURT: All right. Any objection to State 6?

MS. CARMODY: No objection.

THE COURT: Admitted without objection. Thank you.

(STATE EXH. 5, Buccal swabs; Redding, was marked for identification.)

BY MS. SWANSON:

Q And, Agent, did you conduct -- you conducted an analysis of those items. What was your conclusion?

A Okay. From his buccal swab, there was a DNA profile developed that was suitable to use as a known standard for both autosomal and a YSTR. So the YSTR profile developed a suitable for use an known standard as well. And what YSTR testing is, we know that we get half of our DNA from our mother and half of our DNA from our father, what we do in some cases where it's -- say you have an overabundance of a female and you see a trace of a

male, we can target male DNA to where we're just able to get the male DNA profile. And that male DNA profile follows the lineage of the paternal side.

So Mr. Redding his brother, his father, his father's brother, his grandmother on his father's side, they would all have the same YSTR DNA profile, but not the same autosomal DNA profile.

Q Okay. So you developed both of those profiles for Mr. Redding?

A That's correct.

Q Okay. And those are profiles used for comparison?

A Yes, ma'am.

Q All right. Did you do the same for buccal swabs from Cypress Noonan?

A I did. However, I didn't do a YSTR because she's female.

Q Got you.

(STATE EXH. 20, Buccal swabs; Noonan, was marked for identification.)

BY MS. SWANSON:

Q I'm going to hand you State's Exhibit 20 and ask if these are the swabs that you analyzed.

A Yes, I recognize my signature and date on the

back on the envelope that said it contained two buccal swabs from Cypress Lee Noonan.

MS. SWANSON: State would offer 20 into evidence at this time.

THE COURT: Miss Carmody?

MS. CARMODY: Without objection.

THE COURT: All right. 20 is admitted without objection.

(STATE EXH. 20, Buccal swabs; Noonan, was entered into evidence.)

BY MS. SWANSON:

Q Okay. So were you able to develop a profile for comparison for Cypress Lee Noonan?

A I was.

(STATE EXH. 27, Buccal swab; Cartridge case, Marker 1, was marked for identification.)

BY MS. SWANSON:

Q All right. Moving on to what is labeled as State's Exhibit 27, I'm going to ask if these are swabs that you analyzed.

A Yeah. State's Exhibit 27 is our item 1.1, and, again, I see my initials on the back as well as on the seal here.

Q All right. And what is that item?

A These are swabs from cartridge case, head

stamped WMA 19 from marker 1.

Q Okay.

MS. SWANSON: State would move --

BY MS. SWANSON:

Q Is that 27?

A Yes, ma'am.

MS. SWANSON: -- 27 into evidence at this time.

MS. CARMODY: Without objection.

THE COURT: All right. 26 -- 27 without objection.

(EXH. 27, Buccal swab; Cartridge case, Marker 1, was marked for identification.)

BY MS. SWANSON:

Q What conclusions did you reach regarding the swabs from the cartridge case?

A I'll read directly from my report: "DNA suitable profile for comparison was developed. Brian Redding is excluded as a contributor. Likelihood ratios for this profile were calculated using STRmix."

What STRmix is is a software program that we used at SLED in the DNA department to be able to develop likelihood ratios. What likelihood ratios are is, it is a statistic that would come

up that's basically where we're making a comparison to -- if you're comparing two things. Saying -- and I always use this as an example to kind of describe it. If you are in a house with two children and one child is under the age of one and can't walk yet, and the other child is, say, five years old and there's a plate of cookies on the table, all of the sudden, the cookies are gone and the five-year-old is saying, well, I didn't eat them. The under one year old must have eaten them.

So what's the likelihood that the one year old who can't -- or under one who can't walk yet climbed up onto the table to get the cookies, ate them and they barely have any teeth versus the five-year-old, which one was more likely to have eaten the cookies?

So that's the way we think of likelihood ratios. So you will hear that term a lot as I read my report.

"The DNA profile was interpreted as a single source," that means it came from one individual. "The HP," which we say is the prosecutor's hypothesis. That by any means doesn't mean that's this prosecutor's hypothesis or the other one, it's HD,

which is defense hypothesis, it has nothing to do with case. It's a general term. Because, you listen to any courtroom TV thing, they're going to say the person on trial did it. And the defense is going to say anyone but my client did it. So that's how we set each, what's known as a proposition set. This is all part of the STRmix program.

And what generates proposition sets is when we have standards. And I have a standard from Miss Noonan and I have a standard from Mr. Redding. And so you can potentially see two proposition sets within an item.

Back to reading my report: "The HP, Cypress Noonan --

Q Noonan.

A -- Noonan contributed the DNA profile and the HD and an unidentified, unrelated individual contributed to the DNA profile." And the result is, "The DNA profile is approximately 470 septillion times more likely if Cypress Noonan contributed the profile benefit than an unidentified, unrelated individual contributed the profile."

Q Okay. You saw her profile, single source, not a mixture, on the shell casing swab?

A That is correct.
Q Okay. No unidentified individual profile.
A That is correct.
Q Okay, thank you.
(STATE EXH. 19, Analyzed swabs, was marked for identification.)
BY MS. SWANSON:
Q All right. Now, you analyzed a number of swabs that are contained in this one package that's State's Exhibit 19. I mean, I'll have you confirm that these are the swabs that you analyzed.
A Yes, I see swabs of suspected blood stain in B in Room 22, the door, exterior door handle of Room 22, swabs of blood from the anterior door handle of Room 22, and from exterior. I can't see the rest of it.
But I do recognize these as my signature is there, and I see my the date and signature on the back of these envelopes.
Q Okay, thank you.
MS. SWANSON: State would move 19 into evidence at this time.
THE COURT: Any objection to State 19?
MS. CARMODY: Without objection.
THE COURT: All right. Admitted without

objection.

(STATE EXH. 19, Analyzed swabs, was entered into evidence.)

BY MS. SWANSON:

Q And agent, if you can take us through your conclusions on those swabs.

A Sure. Item 4, which was the swab from the exterior door handle of Room 22, presumptive testing for blood was positive. DNA profile suitable for comparison was developed. Brian Redding is excluded as a contributor. And likelihood ratios for this profile were calculated using STRmix. The DNA profile, again, was interpreted as a single source. Miss Noonan contributed -- Cypress Noonan contributed the DNA profile. The HD is that an unidentified unrelated individual contributed the DNA profile. The result, the DNA profile is 900 septillion times more likely if Cypress Noonan contributed the DNA profile than if an unidentified unrelated individual contributed the profile.

Q Okay. So, again, single source, victim's DNA on the exterior door handle of Room 22?

A That is correct.

Q No profile from Brian Redding?

A I also did a YSTR. I attempted to do YSTRs on that. And there was a mixture of at least three male individuals. So due to the inability to calculate a statistic, no further conclusion could be offered there.

Q Okay. The swabs from the interior door handle of 22.

A Yes. That is SLED item 5, presumptive testing for blood was positive, and we were able to develop a DNA profile that was suitable for comparison and likelihood ratios given were given. The DNA profile interpreted as a mixture originating from two individuals; Brian Redding and an unidentified unrelated individual contributed to the mixture, that's a prosecutor's hypothesis. The defense hypothesis is that two unidentified unrelated individuals contributed to the mixture.

The DNA profile is approximately 73,000 times more likely if Brian Redding and an unidentified unrelated individual contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.

I had another standard from Miss Noonan, so proposition set 2 was from her. Again, it's

interpreted as originated from two people. The prosecutor's hypothesis is, Cypress Noonan and unidentified unrelated individual contributed to the mixture. And the defense hypothesis is two unidentified unrelated individuals contributed to the mixture. And the result of that DNA profile is 460 septillion times more likely if Cypress Noonan and an unidentified unrelated individual contributed to the mixture than that of two unidentified unrelated individuals contributed to the mixture.

And because I had an inclusionary likelihood ratio for both Mr. Redding and Miss Noonan, I developed proposition set 3 that compared the likelihood that both of them contributed to the mixture, and I'll read it. The DNA composite, again, was interpreted as a mixture originating from two individuals. Prosecutor's hypothesis is that Brian Redding and Cypress Noonan contributed to the mixture. And the defense hypothesis would be that two unidentified unrelated individuals contributed to the mixture. The result of that comparison, the DNA profile is approximately 499 million times more likely if Brian Redding and Cypress Noonan contributed to the mixture than if two unidentified unrelated individuals contributed to the mixture.

Also the YSTR testing on that, the partial YSTR profile developed matches the YSTR profile of Brian Redding. Paternal male relatives of Brian Redding may not be excluded as the contributor of this profile. We also -- every time we say an inclusion, we'll give a statistic to it. So, in this case, it wasn't likelihood ratios, but we use what is known as our Y known statistics for this profile. And the result of that, the probability of randomly selecting an unrelated male individual having a YSTR profile matching this item is one in 6,100.

Q Okay. And that's a lot of words, so these were swabs from the interior door handle of Room 22?

A That's correct.

Q And, essentially, you saw a mixture of Brian and Cypress's DNA profiles?

A Uh-huh.

Q Okay.

All right. So, the swabs from stain A exterior of the door, Room 22, what were your findings?

A Okay. Again, our presumptive testing for blood was positive. We developed a DNA profile. Mr. Redding was excluded as a contributor and interpreted as single source. Miss Noonan

contributed to the DNA profile versus an unidentified unrelated individual contributing the DNA profile. And the result, the DNA profile is 900 septillion times more likely if Cypress Noonan contributed the profile than if an unidentified unrelated individual contributed the profile.

I also did YSTR testing on this item. The partial YSTR profile developed and matched the YSTR profile of Brian Redding. Again, paternal male relatives of Brian Redding may not be excluded. And the probability of randomly selecting an unrelated male individual have a YSTR matching this profile is 1 in 6,100.

Q Okay. So, again, the swabs from the exterior stain on the door, you saw victim's DNA profile and a profile that matches the defendant's YSTR profile.

A That is correct.

Q All right. Moving on to the swabs from the stain on the interior of the door.

A Okay.

Q What were your results?

A Again, presumptive testing for blood was positive. Mr. Redding is excluded as a contributor. It was interpreted as a single source. Cypress Noonan contributed the DNA

profile versus an unidentified unrelated individual contributing it. And a DNA profile is approximately 900 septillion times more likely if Cypress Noonan contributed the profile than if an unidentified unrelated individual contributed.

Again, a partial DNA -- I mean, a YSTR was attempted. The partial YSTR profile developed as a possible mixture. And due to the inability to calculate a statistic no further conclusion will be offered.

Q Okay. So, basically, did you just not have enough information to report out a result on that?

A For the YSTR portion.

Q Okay. I'm going to hand you State's 22 and ask if this was an item that you analyzed.

A Yes. Again, I see my initials here as well as here, and these are fingernail scrapings from Cypress Noonan.

Q Okay. And what -- I'm sorry.

A SLED item number 10.

Q SLED item 10 and that's State's 22.

MS. SWANSON: I would move State's 22 into evidence at this time.

MS. CARMODY: No objection.

THE COURT: All right. Admitted without

objection.

(STATE EXH. 22, Fingernail scrapings; Noonan, was admitted into evidence.)

BY MS. SWANSON:

Q All right. So what conclusions were you able to reach about the fingernail scrapings taken from Cypress Noonan?

A Okay. It was a single source profile. Mr. Redding was excluded. When comparing Miss Noonan to an unidentified unrelated individual, the result was, the DNA profile is approximately 900 septillion times more likley if Cypress Noonan contributed the profile than if an unidentified unrelated individual contributed the profile. I attempted YSTRs and no YSTR profile was developed from that.

Q Okay. So, Cypress didn't have anyone else's DNA under her fingernails?

A Could you repeat that?

Q Cypress didn't have anyone else's DNA under fingernails?

A That is correct.

Q Okay. Did you also analyze some swabs from a Toyota Avalon?

A I did.

Q All right. And did you get any results or DNA profiles from those swabs?

A I did. Item 24 was from the front passenger quarter panel and item 25, which was from the exterior driver door handle, both from a Toyota Avalon, and no DNA profile was developed from either one.

Q Thank you, Agent Hefney. Please answer any questions that the defense may have for you.

THE COURT: Miss Carmody, do you have any questions?

MS. CARMODY: Yes, Your Honor.

THE COURT: Yes, ma'am.

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good afternoon, ma'am.

A Good afternoon.

Q All right. Ma'am, were you provided any information about this case and making any of those analyses?

A Nothing other than the incident report that comes in, as well as the pre-log sheets where the items are logged in.

Q All right. So, ma'am, let's start -- let's start with the simplest question. If you were to take a DNA

sample from your home that you live in, would you expect to find your DNA there?

A I would.

Q What about -- like, your husband's there too. Would you expect to find his DNA?

A I would.

Q So the fact that we have Cypress's DNA and Brian Redding's DNA in the hotel that they shared is really not surprising, correct?

A No. The blood is, but no.

Q So -- well to find blood, but not to find their DNA?

A Correct.

Q So, ma'am, the DNA does not prove activity, correct?

A What do you mean?

Q So, we don't know how somebody's DNA got there.

A That is correct.

Q We don't know why somebody's DNA is there. We just know it's there, correct?

A That's correct.

Q And there's -- the absence of DNA does not mean that somebody was not there, correct?

A That is correct.

Q For instance, like, you know, in some of these