

RECEIVED

Jul 31 2026

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 2 of 2

LARA M. CAUDY
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, South Carolina 29211
(803) 734-1330

ATTORNEY FOR RESPONDENT

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney
General

P. SANDERS LINKER
Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803)734-6305

ISAAC MCDUFFIE STONE, III
Solicitor, Fourteenth Judicial Circuit
Post Office Box 1880
Bluffton, South Carolina 29910
(843) 779-8477
ATTORNEYS FOR PETITIONER

INDEX

RECORD ON APPEAL	1
FINAL BRIEF OF APPELLANT	888
FINAL BRIEF OF RESPONDENT	907
SOUTH CAROLINA COURT OF APPEALS' OPINION NO. 6152	930
PETITION FOR REHEARING.....	939
ORDER DENYING PETITION FOR REHEARING	954

RECEIVED

Mar 13 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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

LARA M. CAUDY
Appellate Defender

ALAN WILSON
Attorney General

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

MELODY J. BROWN
Senior Assistant Deputy Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

ATTORNEY FOR APPELLANT

Post Office Box 11549
Columbia, SC 29211
(803)734-3727

I. MCDUFFIE STONE, III
Solicitor, Fourteenth Judicial Circuit

Post Office Box 1880
Bluffton, SC 29910
(843) 816-1701

ATTORNEYS FOR RESPONDENT

VOLUME II OF II
PAGES 501-886

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED AUGUST 15-19, 2022.....	1
OPENING STATEMENT BY MS. SWANSON.....	28
OPENING STATEMENT BY MS. CARMODY	33
TESTIMONY	
PHILIP CONTHRAN	
Direct Examination by Ms. Swanson	40
DEFENSE MOTION TO PLAY PORTION OF DEFENDANT’S STATEMENT TO LAW ENFORCEMENT UNDER THE RULE OF COMPLETENESS.....	43
COURT RULING DENYING MOTION	44
TESTIMONY	
PHILIP CONTHRAN	
Cross-Examination by Ms. Carmody	45
Redirect Examination by Ms. Swanson	49
CHRISTOPHER WARREN	
Direct Examination by Ms. Swanson	50
Cross-Examination by Ms. Carmody	55
Redirect Examination by Ms. Swanson	85
MICHAEL ROYALS	
Direct Examination by Ms. Swanson	89
Cross-Examination by Ms. Carmody	94
JOHN CROFT	
Direct Examination by Ms. Swanson	99
Cross-Examination by Ms. Carmody	104
STATE’S OBJECTION TO HEARSAY TESTIMONY	125
COURT RULING SUSTAINING OBJECTION.....	130

TESTIMONY

JOHN CROFT

Continued Cross-Examination by Ms. Carmody	131
Redirect Examination by Ms. Swanson	148

DELILA CIRENCIONE

Direct Examination by Ms. Swanson	156
Cross-Examination by Ms. Carmody	178
Redirect Examination by Ms. Swanson	209

DISCUSSION OF PARAMETERS OF DECEDENT’S SISTERS’ TESTIMONY	211
---	-----

COLLOQUY WITH JUROR 69	215
------------------------------	-----

COURT RULING EXCUSING JUROR 69 FROM JURY	226
--	-----

DEFENSE MOTION TO ALLOW DEFENDANT’S MOTHER TO ATTEND TRIAL	230
--	-----

COURT RULING DENYING MOTION	231
-----------------------------------	-----

TESTIMONY

DESIREE NOONAN

Direct Examination by Ms. Swanson	235
Cross-Examination by Ms. Carmody	239
Redirect Examination by Ms. Swanson	247

TAYLOR COWHERD

Direct Examination by Ms. Swanson	250
Cross-Examination by Ms. Carmody	257
Redirect Examination by Ms. Swanson	263

DEFENSE MOTION TO INCLUDE DEFENDANT’S ENTIRE STATEMENT UNDER THE RULE OF COMPLETENESS	266
--	-----

COURT RULING GRANTING MOTION	276
------------------------------------	-----

TESTIMONY

WHITNEY UVA

Direct Examination by Ms. Swanson	288
Cross-Examination by Ms. Carmody	293
Redirect Examination by Ms. Swanson	302

TANIYA PAYNE	
Direct Examination by Ms. Swanson	303
Cross-Examination by Ms. Carmody	308
Redirect Examination by Ms. Swanson	318
Recross-Examination by Ms. Carmody.....	319
PAIGE MAYMA	
Direct Examination by Ms. Swanson	320
Cross-Examination by Ms. Carmody	333
Redirect Examination by Ms. Swanson	342
Recross-Examination by Ms. Carmody.....	345
DEFENSE OBJECTION TO PHOTOGRAPH OF GUN FROM THE INTERNET	463
COURT OVERRULING OBJECTION.....	465
TESTIMONY	
MICHELLE EICHENMILLER	
Direct Examination by Ms. Swanson	352
Cross-Examination by Ms. Carmody	364
KIERA AMOR	
Direct Examination by Ms. Swanson	370
KATIE MCALLISTER	
Direct Examination by Ms. Swanson	374
DEFENSE OBJECTION TO TESTIMONY ABOUT CELL PHONE VIDEO	385
COURT SUSTAINING OBJECTION.....	392
TESTIMONY	
KATIE MCCALLISTER	
Continued Direct Examination by Ms. Swanson	397
Cross-Examination by Ms. Carmody	408
Redirect Examination by Ms. Swanson	440
ELLEN RIEMER	
Direct Examination by Ms. Swanson	442
Cross-Examination by Ms. Carmody	451
Redirect Examination by Ms. Swanson	456

MEGAN FLETCHER	
Direct Examination by Ms. Swanson	460
Cross-Examination by Ms. Carmody	474
ADRIENNE HEFNEY	
Direct Examination by Ms. Swanson	481
Cross-Examination by Ms. Carmody	499
THE STATE RESTS	503
DEFENSE MOTION FOR A DIRECTED VERDICT	504
COURT RULING DENYING MOTION	507
STATE OBJECTION TO CELL PHONE EXPERT TESTIMONY	513
COURT OVERRULING OBJECTION	520
TESTIMONY	
CHRISTOPHER WATKINS	
Direct Examination <i>in-camera</i> by Ms. Carmody	528
Direct Examination by Ms. Carmody	543
Cross-Examination by Ms. Swanson	580
PETER PATEL	
Direct Examination by Ms. Carmody	589
Cross-Examination by Ms. Swanson	605
JESSICA ORTEGA	
Direct Examination by Ms. Carmody	608
Cross-Examination by Ms. Swanson	617
DANIELLE SMITH	
Direct Examination by Ms. Carmody	619
Cross-Examination by Ms. Swanson	630
Redirect Examination by Ms. Carmody	633
ALVIN SHIGGS	
Direct Examination by Ms. Carmody	640
Cross-Examination by Ms. Swanson	647
Redirect Examination by Ms. Carmody	649
VERDELL SCOTT	
Direct Examination by Ms. Carmody	651

Cross-Examination by Ms. Swanson.....	654
HEATHER PRICE	
Direct Examination by Ms. Carmody.....	657
STATE OBJECTION TO ADMISSION OF DEFENSE EXHIBIT NO. 32	658
COURT SUSTAINING OBJECTION.....	662
TESTIMONY	
DANIEL LITCHFIELD	
Direct Examination by Ms. Carmody.....	666
Cross-Examination by Ms. Swanson.....	675
MATTHEW HATCHELL	
Direct Examination by Ms. Carmody.....	678
Cross-Examination by Ms. Swanson.....	681
TIMOTHY HOWARD	
Direct Examination by Ms. Carmody.....	684
COLLOQUY WITH DEFENDANT REGARDING RIGHT TO TESTIFY	690
DEFENSE MOTION TO EXCLUDE PRIOR CONVICTIONS.....	694
COURT RULING GRANTING MOTION	697
TESTIMONY	
BRIAN REDDING	
Direct Examination by Ms. Carmody.....	702
Cross-Examination by Ms. Swanson.....	741
Redirect Examination by Ms. Carmody	760
THE DEFENSE RESTS.....	762
DEFENSE RENEWAL OF MOTION FOR A DIRECTED VERDICT	765
COURT RULING DENYING MOTION	768
CLOSING ARGUMENT BY MS. SWANSON.....	770
CLOSING ARGUMENT BY MS. CARMODY	793

REBUTTAL CLOSING ARGUMENT BY MS. SWANSON	826
JURY CHARGE.....	831
VERDICT.....	858
JURY POLL	859
DEFENSE MOTION FOR A NEW TRIAL	864
COURT RULING DENYING MOTION	865
SENTENCING.....	877
INDICTMENTS	878
SENTENCE SHEETS	882
CERTIFICATE OF COUNSEL	886

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBITS NOS. 4, 7-8, AND 10-14 (PHOTOGRAPHS).**

Testimony of Adrienne Hefney 616

1 where you're saying that, you know, Brian Redding's
2 DNA is there and on others you're saying his DNA is
3 not there. One side of the door his DNA is there, the
4 other side it isn't. This is a hotel room he lived in
5 daily. So would it make any difference of why his DNA
6 is on one side of the door and not the other?

7 A Well, it just depends. It could be how it
8 was swabbed. It could be if you swabbed some
9 place that he touched often and he touched the
10 same part of the door handle. It just depends.

11 Q Okay. So the -- all right. So let's look at the
12 exterior door handle.

13 A Okay.

14 Q For instance, number 4. I think that would be a
15 good example. You said that Mr. Redding was excluded
16 as a contributor, correct?

17 A Uh-huh.

18 Q So that does not mean that this is not Mr.
19 Redding's hotel room, correct?

20 A That's correct. He could have been there,
21 but it could have been masked by -- there was
22 blood on that door, so it could have been masked
23 by Miss Noonan.

24 And as far as the YSTRs, there was a mixture
25 of at least three males. So it's the exterior of a

Testimony of Adrienne Hefney 617

1 door handle. So it could be anybody that had gone in
2 that door prior to.

3 Q All right. Now, you're saying that it was a
4 mixture of three individuals. Were you given anybody
5 else's DNA in this case to analyze?

6 A Three male individuals, and I was given
7 Mr. Redding and Miss Noonan.

8 Q What about Dervon Jones?

9 A I'm unaware of that.

10 Q Dervon Jones, no?

11 You also indicated that Mr. Redding's DNA was
12 excluded as a contributor to the cartridge casing.
13 That was number 1.

14 A Item 1.1, and, yes, it was a single source
15 profile and more likely Miss Noonan.

16 Q It doesn't mean that somebody else's DNA wasn't
17 there. It just means that Miss Noonan's was too
18 strong. Is that what that means?

19 A Well, it was detected. We only detect the
20 single source profile from that item.

21 Q All right. But Mr. Redding's DNA is not there,
22 correct?

23 A He is excluded as a contributor.

24 Q And, ma'am. So your analysis, we really don't
25 know what happened in that room, do we?

Testimony of Adrienne Hefney

618

1 A No.

2 MS. CARMODY: I don't believe I have any
3 further questions, Your Honor.

4 THE COURT: All right. Thank you.

5 Solicitor, anything else?

6 MS. SWANSON: I have no redirect for
7 Agent Hefney and would ask that she be allowed to
8 be excused from her subpoena.

9 THE COURT: Any objection to that?

10 MS. CARMODY: No, Your Honor.

11 THE COURT: Thank you so much, ma'am.
12 Appreciate it.

13 All right. Solicitor, call your next
14 witness.

15 MS. SWANSON: I'm sorry.

16 THE COURT: You can call your next
17 witness.

18 MS. SWANSON: Thank you, Your Honor. At
19 this time, the State rests its case.

20 THE COURT: All right. Ladies and
21 gentlemen, the State has rested their case. So as
22 a result, at this time, there are some matters of
23 law that I got to take up outside of your

24

25

1 presence. I'd ask that you go back to the jury room.
2 I'll try to get back in here as soon as I can. And to
3 that extent, again, don't talk about the case. Thank
4 you.

5 (Jury exits the courtroom at 4:25 p.m.)

6 THE COURT: All right. My understanding
7 is that the State has rested their case.

8 Miss Carmody, do you have any motions to
9 make, ma'am?

10 MS. CARMODY: Yes, Your Honor.

11 THE COURT: Miss Carmody, I'm happy to
12 hear from you.

13 MS. CARMODY: Your Honor, the defense, at
14 this time, would like to make a motion for a
15 directed verdict.

16 Your Honor, Mr. Redding is charged with
17 murder. That is that he killed Miss Cypress
18 Noonan with malice aforethought, Your Honor, which
19 is express or implied. Your Honor, in this case,
20 I do not believe that there has been any evidence
21 whatsoever, no evidence by the State to suggest
22 malice. Malice has to exist at the time of the
23 crime, Your Honor, and I have not heard a single
24 witness testify as to malice. Express or implied,
25 Your Honor. No witness testimony whatsoever.

1 Additionally, Your Honor, I don't believe
2 that there has been evidence that Mr. Redding even
3 killed Cypress Noonan. So I don't believe that
4 the State would meet that first element or the
5 malice as well, Your Honor.

6 Also, I would also make a motion for
7 directed verdict on possession of a weapon during
8 the commission of a violent crime, because, as
9 my -- as I said in the first one, I do not believe
10 that there's been any evidence suggested
11 whatsoever that Mr. Redding committed a violent
12 crime on September 6th, and I do not believe that
13 the State has met its burden.

14 THE COURT: All right. Solicitor, let me
15 hear from you on this one.

16 MS. SWANSON: Thank you, Your Honor. As
17 you know, the facts are taken in the light most
18 favorable to the State at this time. I do believe
19 that there is sufficient circumstantial evidence
20 in the record to -- for the jury to make a
21 determination that Mr. Redding did, in fact,
22 commit the crime of murder and possession of a
23 weapon during a violent crime.

24 In reference to malice, and
25 execution-style murder combined with the prior

1 difficulties testified to by witnesses, as well as
2 the controlling behavior and jealousy could
3 certainly provide that analysis, which is, as you
4 well know, and can be formed in an instant.

5 There was also an abundance of testimony
6 regarding Brian Redding having possession of a
7 9-millimeter blue gun. There was also testimony
8 of a video of him with a blue gun. There was
9 testimony from the firearms expert that the murder
10 weapon could only be an SCCY 9-millimeter gun.
11 SCCY makes a blue gun in the same hue as the
12 witnesses testified to.

13 There was no testimony that Cypress had
14 moral enemies. The contact wound between the eyes
15 ruled out suicide -- was ruled out as a suicide
16 because no gun was recovered from that room. And,
17 of course, Cypress could not have disposed of a
18 gun.

19 Evidence that the defendant changed
20 clothing the morning of the murder was presented.
21 Evidence was also presented that he touched the
22 body of Cypress Noonan on the head and arm, yet
23 had no blood or GSR on his hands or shirt. There
24 are blood smears on the door that come back as a
25 mixture of his and Cypress's DNA. And there is

1 GSR on the shorts -- on the front of his shorts.

2 So I would submit to you, Judge, that
3 while there is no eyewitness to this case, all of
4 these elements when taken as a whole conclusively
5 point to Mr. Redding as the murderer in this case
6 and facts from which a jury could deduce guilt.

7 Thank you.

8 Oh, and if I may add -- I'm sorry.

9 THE COURT: Go ahead.

10 MS. SWANSON: By all accounts, Mr.
11 Redding was the last one to see Cypress Noonan
12 alive.

13 THE COURT: All right. Miss Carmody, I'm
14 going to deny your motion. I think at this point
15 we are looking at the existence of evidence and
16 not the amount or evaluation of, or sufficiency,
17 but for the existence of evidence as it relates to
18 these matters.

19 And what I would say is, I believe that
20 enough evidence exists to allow this case to move
21 forward at this time based on what's been shown.

22 As it the relates -- you may be arguing
23 about malice, and what I would say is, I think
24 that -- I think there's enough evidence from the
25 testimony of particularly the family members and

1 friends as it relates to the nature of the
2 relationship that they had. I think there's
3 enough there that you could look at to somehow
4 infer malice.

5 I think it is a circumstantial case one
6 hundred percent, but I think there is enough
7 malice or there's enough evidence in this record
8 to allow this matter to go forward and would allow
9 then the jury to consider whether the State has
10 shown malice and proven malice as I would see it
11 beyond a reasonable doubt, which is what their
12 burden will be.

13 But I think there's enough evidence to go
14 forward. We got these prior difficulties. We got
15 the controlling behavior. We got the not going on
16 the trip and then going on the trip and all of
17 these things. As it relates to the weapon, we've
18 got -- and I understand everything about -- that
19 you brought up about the weapon, but, I mean, I
20 understand -- I think the evidence -- at this
21 point, I'm looking for the existence of evidence
22 and I think that the evidence exists. And so what
23 weight the jury is going to put on this evidence,
24 I have no idea. But I think the evidence exists.

25 The changing of the clothes, the blood,

1 the DNA, you know, I understand everything that
2 you brought out on your cross-examination, ma'am.
3 But I think the evidence exists. And, therefore,
4 ma'am, I'm going to respectfully deny both of your
5 motions at this time. All right?

6 MS. CARMODY: Thank you, Your Honor.

7 THE COURT: All right. Now, let me ask
8 you this: Any other motions at this time from the
9 defense? I wouldn't think there would be.
10 Anything else?

11 MS. CARMODY: No, Your Honor.

12 THE COURT: Any motions from the State at
13 this time?

14 MS. SWANSON: No, Your Honor.

15 THE COURT: All right. Miss Carmody, are
16 you ready to call your first witness?

17 MS. CARMODY: Your Honor, I told
18 everybody Thursday. I didn't think the State
19 would be done.

20 THE COURT: Miss Carmody, I just want you
21 to know, I was willing to work late today, okay?
22 You told me -- this doesn't have to be on the
23 record.

24 (Off the record.)

25 THE COURT: What I'd like to do then is,

1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF JASPER

4 State of South Carolina,

5 vs. Transcript of Record
6 2020-GS-27-0701
7 2020-GS-27-0702

8 Brian Redding,
9 Defendant.

10 August 18, 2022
11 Jasper, South Carolina
12 Volume IV of V

13 B E F O R E:

14 The HONORABLE ROBERT BONDS

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

16 Hunter Swanson, Solicitor
17 Carolyn Carmody, Representing the defendant

18
19
20 SHARON G. HARDOON, CSR
21 Official Circuit Court Reporter, III

22

23

24

25

1 INDEX

2 Proffered Testimony

3 Proffered Testimony Page Line
 4 Ms. Carmody 648 12
 WITNESS/EXAMINATION

5 Witness Name Page Line
 Examination By Ms. Carmody 663 7
 6 Cross By Ms. Swanson 700 22

Christopher Watkins
 7 Piavin Patel
 Examination By Ms. Carmody 708 25
 8 Cross By Ms. Swanson 725 1

Jessica Ortega
 9 Examination By Ms. Carmody 728 6
 Cross By Ms. Swanson 737 9

10 Danielle Smith
 Examination By Ms. Carmody 739 9
 11 Ms. Swanson
 Cross By Ms. Carmody 753 8

12 Alvin Shiggs
 Examination By Ms. Carmody 760 14
 13 Cross By Ms. Swanson 767 11
 Re-Direct By Ms. Carmody 769 17

14 Verdell Scott
 Examination By Ms. Carmody 771 14
 15 Cross By Ms. Swanson 774 8

Heather Price
 16 Examination By Ms. Carmody 777 14
 Examination By Daniel Litchfield 786 21
 17 Examination By Ms. Carmody 786 23
 Examination By Ms. Swanson 795 22

18 Matthew Hatchell
 Examination By Ms. Carmody 797 24
 19 Cross By Ms. Swanson 801 3

Timothy Howard
 20 Examination By Ms. Carmody 804 7
 Brian Redding
 21 Examination By Ms. Carmody 822 18
 Cross By Ms. Carmody 860 25
 22 Re-Direct By Ms. Carmody 880 7

23 Certificate of Reporter 891 1

24

25

1

E X H I B I T S

2

DFT. EXH.	29, Timeline of artifacts; Noonan	675	6
DFT. EXH.	30, Cell cite information timeline; Redding	675	8
DFT. EXH.	29, Timeline of artifacts; Noonan	676	8
DFT. EXH.	30, Cell cite information timeline; Redding	676	10
DFT. EXH.	DFT. EXH. 31, CD; mapping	694	9
DFT. EXH.	DFT. EXH. 31, CD; mapping	694	20
DFT. EXH.	EXH. 32, Batman shirt	765	16

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE BAILIFF: All rise.

2 THE COURT: Thank you. Be seated.

3 Good morning. Miss Carmody, are you
4 ready to proceed with your case?

5 MS. CARMODY: Yes, Your Honor.

6 THE COURT: Anything from the State
7 before we get the jury in here? I know it's still
8 early, but anything we need to take up?

9 MS. SWANSON: I do have several things to
10 take up before the cell phone expert is called.

11 THE COURT: Okay.

12 MS. SWANSON: I don't know if he's here,
13 but we can certainly start with, you know, the
14 other witnesses. I'm not really getting
15 sufficient answers from Miss Carmody about what
16 she intends to put up.

17 THE COURT: Okay.

18 MS. SWANSON: So I may be objecting to
19 his testimony because it wouldn't be based on
20 anything that is actually in evidence.

21 THE COURT: Okay. Yes, ma'am.

22 MS. CARMODY: It's my understanding he will
23 be here shortly. He has been here all week.
24 Initially, the -- well, the State, as you know, got
25 cell phones in the case. They got Mr. Redding's two

1 cell phones and they got Cypress Noonan's phone.

2 THE COURT: Right.

3 MS. CARMODY: And it was my understanding
4 initially that, because Cypress Noonan was 16,
5 there were recordings on there that would have --
6 that couldn't be produced because it would have
7 been child pornography. Right? So what I had to
8 do was, I had to hire Chris Watkins to assist with
9 the cell phone information, so that's what I did.
10 I sent Chris out. Chris actually reviewed all the
11 videos to make sure there wasn't anything
12 exculpatory on them. And Chris worked with the
13 solicitor's office, Derrick Nelson. Derrick did
14 an extraction of both phones, of Brian's phone --
15 Brian's two phones and Cypress's phone. It's my
16 understanding that Chris Watkins confirmed the
17 extraction done by the solicitor's office was
18 accurate and complete. And what he did was, he
19 analyzed that data himself.

20 And when he analyzed the data himself,
21 the purpose of that is -- the State had sent me
22 his GPS locations of where he was, and I wanted to
23 confirm that the information was accurate, and I
24 wanted him to assist me in cross-examination of
25 the State's witness, Derrick Nelson, who was on

1 witness list. Well, what happened is, the State
2 didn't end up calling Derrick Nelson. Okay?

3 So now --

4 THE COURT: They don't have to.

5 MS. CARMODY: -- we need Chris Watkins to
6 testify. Chris Watkins had never prepared a
7 report in this case because he initially wasn't
8 going to testify. He was helping me with props.

9 So what I would like him to testify to is
10 his interpretation of the cell phone data in this
11 case which actually matches the State's
12 timeline.

13 THE COURT: Well, interpretation of what
14 cell phone data?

15 MS. CARMODY: The information he
16 abstracted from the phone, Your Honor.

17 THE COURT: What information did he
18 extract?

19 MS. CARMODY: He got -- so, Your Honor,
20 the cell site location information.

21 THE COURT: Okay.

22 MS. CARMODY: That's what I wanted him to
23 testified to.

24 THE COURT: Okay. So you want him to
25 basically -- you want him to testify as to the

1 cell site location data as to where the phone
2 would have been at certain times based on the
3 whole triangular yaba-daba-doo. Is that it?

4 MS. CARMODY: Yes, Your Honor. He's
5 actually qualified as an expert.

6 THE COURT: So that's what you want him
7 to testify to.

8 MS. CARMODY: Uh-huh.

9 THE COURT: What about it?

10 MS. SWANSON: Well, there is no cell
11 phone data in evidence. There's nobody here from
12 Verizon to authenticate those GPS coordinates.

13 It's my understanding that he didn't
14 extract that information from the cell phone.
15 He's basing it on some -- on a report that was
16 done by Dylan Hightower who works within our
17 office.

18 In addition, Derrick Nelson dumped
19 Cypress Noonan's phone well before Chris Watkins
20 came into the picture. She did not have to hire
21 Chris Watkins because the cell dump wasn't being
22 turned over. We just had to get an order from
23 Judge Mullen allowing dissemination of child
24 pornography because the defendant had taken a
25 bunch of sex videos of a 16 year old.

1 THE COURT: Yeah, but ain't we worried
2 about sex videos.

3 MS. SWANSON: It's just, none of what she
4 is proposing to get in through her expert is
5 actually in evidence. There is no data --

6 THE COURT: How is she supposed to get it
7 into evidence?

8 MS. SWANSON: She calls the witnesses who
9 did it. She calls Verizon, just like we would
10 have to put up Verizon to get cell phone records
11 in and authenticate them for then our expert to
12 base his opinion on.

13 THE COURT: Did you get the cell phone
14 record from Verizon?

15 MS. SWANSON: Yes. They were in
16 discovery. She had the same access to all these
17 witnesses. The State would be required to put up
18 Verizon before anyone could testify to cell site
19 locations in GPS, because those GPS coordinates
20 have to be authenticated.

21 THE COURT: All right. What about that,
22 Miss Carmody, because absolutely the State would
23 have to call the Verizon folks to stipulate that
24 these are the records, this is the data, this is
25 what's -- these are the -- this is the

1 information. What about that?

2 MS. CARMODY: You're right, Your Honor,
3 Well, what I would submit to the Court, is the
4 State alleging that what they sent me in evidence
5 is not authenticated?

6 THE COURT: I'll tell you what, though,
7 if they sent it to you and they wanted to use it,
8 the first thing you would be screaming is, they
9 got to have the Verizon person here to verify it.
10 Absolutely, Miss Carmody, I hear you saying
11 that.

12 MS. CARMODY: Your Honor, Chris Watkins
13 is here.

14 THE COURT: No, no, no, no, no. I don't
15 want to get into an extra --

16 MS. CARMODY: I don't know that the
17 Court's interpretation of where this evidence came
18 from is accurate.

19 THE COURT: No.

20 MS. CARMODY: Because he actually looked
21 at the cell phone himself.

22 THE COURT: I understand that.

23 MS. CARMODY: Okay.

24 THE COURT: My question is: Who is it
25 that is going to authenticate the Verizon

1 documents? Who's going to authenticate that those
2 are accurate, correct Verizon documents that are
3 kept in the course and scope of Verizon's
4 business? Because the first thing that the
5 solicitor's office would have to do is, they would
6 have to call an individual from Verizon to testify
7 to that. Every time and -- every time.

8 MS. CARMODY: Your Honor?

9 THE COURT: Yes, ma'am.

10 MS. CARMODY: May I beg the Court's
11 indulgence so I can have a moment to speak to
12 Mr. Watkins?

13 THE COURT: Sure. Yes, ma'am. Go right
14 ahead.

15 MS. CARMODY: Your Honor?

16 THE COURT: Hold on. Yes, ma'am.

17 MS. CARMODY: In discovery, the State
18 should have received a statement from Verizon
19 saying that these were accurate records. They
20 usually produce an affidavit with the records,
21 Your Honor.

22 MS. SWANSON: I believe she's referring
23 to what Facebook produces, but I don't know what
24 she's offering to authenticate the Verizon
25 records.

1 THE COURT: Hold on. It's real simple.

2 What she -- I am familiar with a document that
3 Facebook provides.

4 So what I'm asking is: Did Verizon
5 provide anything, a statement that says that these
6 are, in fact, an accurate copy of the documents?

7 And, certainly, you can check your file and
8 find that out. That ought to be -- I mean, it either
9 exists or doesn't exist. I'm asking you to check your
10 file and find out.

11 In fact, also, it should have been
12 attached to -- if it exists, it should have been
13 attached to whatever was provided to you,
14 Miss Carmody.

15 MS. CARMODY: I'm looking right now,
16 Your Honor.

17 THE COURT: Oh, sure.

18 Miss Carmody, did you find anything?

19 MS. CARMODY: Your Honor, there's just a
20 lot. I'm looking for it.

21 THE COURT: All right. Let me -- did you
22 find anything, Solicitor?

23 MS. SWANSON: I have not.

24 THE COURT: Let me tell you what I'm
25 going to do. I've made my decision. I'm going to

1 allow him to testify. I'm going to allow him to
2 use the records. And I will say that, assuming an
3 expert may testify on an opinion based on facts
4 not within his firsthand knowledge and may base
5 his opinion on information whether or not
6 admissible made available to him before the
7 hearing if the information is the type that is
8 reasonably relied upon in the field. And that's
9 *Peterson vs. National Railroad Passenger*
10 *Corporation*, 365 S.C. 391.

11 Expert may base his opinion on
12 information whether or not admissible made
13 available for a hearing if the information is the
14 type reasonably relied upon in the field to make
15 opinions, and that's *In Re: Manigo*, 697 S.E.2d
16 629.

17 I think what we're looking here for, I
18 think that this gentleman can testify that he's
19 reviewed these documents, documents like this in
20 the past, and they appear to be -- they appear to
21 be correct and the type of documents that experts
22 rely upon. I think from there, he can move
23 forward and he can testify. And I think certainly
24 on cross-examination the State can bring up, does
25 he know that for a fact that those come from

1 Verizon, or does he have anybody saying anything
2 that they're from Verizon or can cross-examine on
3 those matters.

4 That's going to be my ruling in this
5 case.

6 MS. SWANSON: All right. Your Honor, may
7 I point you to State v. Brown. I understand the
8 court's ruling, but it does stand for -- that's
9 424 S.C. 479. I have copies of it. The
10 requirement for authentication is not satisfied by
11 testimony that GPS data is accurate; that is used
12 in court all the time.

13 THE COURT: All right. Isn't the recent
14 case where the probation man said that it's
15 accurate because we use it?

16 MS. SWANSON: It's the 2018 case. It's
17 about -- yeah, there's some electronic
18 monitoring.

19 MS. CARMODY: Your Honor, this is not GPS
20 data.

21 THE COURT: Yeah. This case, I think,
22 the solicitor handed me is a case where the --
23 yeah. The State's agent just basically said, *It's*
24 *accurate because we use it.* And, again, he wasn't
25 an expert. He wasn't an expert in this case.

1 This gentlemen, I'm assuming, is going to be
2 qualified as an expert. And, as a result, I think
3 that's the difference between this case that you
4 provided me, Solicitor.

5 MS. SWANSON: Yes, sir.

6 THE COURT: And the case at bar.

7 MS. SWANSON: So I just -- is
8 Miss Carmody going to admit those Verizon records
9 then?

10 THE COURT: No, ma'am.

11 MS. SWANSON: Okay.

12 MS. CARMODY: No. Your Honor, what he's
13 going to do --

14 THE COURT: No, ma'am.

15 MS. CARMODY: He's prepared his analysis,
16 and he prepared maps and locations and we're going
17 to admit the mapping locations and his timeline.

18 MS. SWANSON: So am I going to get a copy
19 of that?

20 MS. CARMODY: I have one right here.

21 MS. SWANSON: I have not received that.

22 MS. CARMODY: I sent this to you
23 yesterday -- last night when he sent it to me as
24 soon as he sent it.

25 MS. SWANSON: No. This is not what I

1 received yesterday.

2 THE COURT: But that's going to be my
3 ruling. But -- no. The Verizon records,
4 absolutely not, Solicitor.

5 MS. SWANSON: Okay.

6 THE COURT: Those are not coming into
7 evidence. By saying he's going to be able to do
8 -- I don't know if they're going to be able to do
9 it or not. What he's going to do is say, these
10 are the types of records. I reviewed records like
11 in the past. Yes, they certainly appear to be
12 records from Verizon, blah, blah, blah. Whatever.
13 And from there, with my training, whatever, then
14 I'm able to extrapolate this information.

15 I think, clearly, on cross-examination
16 you would be able to bring out, you know, there
17 was no one to certify these records or whatever
18 you want to do.

19 But the records, no, ma'am. They are not
20 coming into evidence.

21 MS. SWANSON: Okay.

22 THE COURT: Yes, ma'am.

23 MS. SWANSON: The other portion of his
24 testimony is based on a cell phone dump, a
25 Cellebrite dump done by our office. And so it's

1 my understanding that Miss Carmody wants to put in
2 information from that cell phone dump through her
3 witness. That cell phone dump is not in evidence
4 that is not an opinion. Those are just pictures
5 and data that come off the phone.

6 MS. CARMODY: Your Honor, I do believe
7 that the solicitor is incorrect and the reason
8 she's incorrect is because she's never ever
9 actually spoken with Mr. Watkins, who has been
10 valuable. If she talks to the man, like I told
11 her she could talk to him any time she wants, she
12 flat out -- that's not what he's going to testify
13 to.

14 MS. SWANSON: Okay. Well --

15 THE COURT: I'll tell you what, let's
16 just go ahead and put the man on the stand and
17 rock.

18 MS. SWANSON: Sure.

19 THE COURT: What we'll do is, you make
20 your objections. And, Solicitor, we'll take that
21 up. I don't know what he's going to testify to.
22 You apparently do not know. And I'm not making
23 you disparaging remarks as it relates to that, but
24 certainly can tell you as it relate to the GPS
25 location data if he's qualified as an expert, and

1 these things fall into place, I think he can
2 testify to that. We'll just take up this
3 extraction matter at the appropriate time.

4 Miss Carmody, are you calling him first?

5 MS. CARMODY: Yes, Your Honor. If I
6 could just have a couple minutes because I just
7 undid my screen to look for the other records.

8 THE COURT: All right, Miss Carmody.

9 MS. CARMODY: I got a little flustered,
10 Your Honor. Trying to do things too quick.

11 THE COURT: Let's just get rocking on
12 this thing. I'm ready to bring this jury out
13 here, Miss Carmody.

14 MS. CARMODY: Yes, Your Honor.

15 THE COURT: I wish we could have started
16 closer to 9:00 o'clock.

17 MS. CARMODY: Yes, Your Honor.

18 MS. SWANSON: Are you admitting the
19 extracted data that he is going to be testifying
20 to?

21 MS. CARMODY: No, I am -- he's going to
22 testify to this report and he's going to
23 testify --

24 MS. SWANSON: But there is no data in
25 evidence.

1 THE COURT: All right. All right. All
2 right. I mean, you know, Miss Carmody, why
3 weren't you here when I asked you to be here this
4 morning?

5 MS. CARMODY: Your Honor, I've been
6 here.

7 THE COURT: Since when?

8 MS. CARMODY: Your Honor, I've been out
9 in the hall talking to the witnesses, Your
10 Honor.

11 THE COURT: Well, Miss Carmody --

12 MS. CARMODY: I've been here, Your Honor.
13 I had about five or six witnesses out in the
14 hallway, Your Honor.

15 THE COURT: Let's proffer him. Get him
16 up here on the stand and let's see where we're
17 going with this. Because I mean, this is just --
18 we got people -- this is frustrating.

19 Have him come around and swear him in.

20 THE CLERK: Raise your right hand. Left
21 on the Bible. The testimony you're about to give
22 the court will be the truth so help you God?

23 THE WITNESS: Yes, ma'am.

24 THE CLERK: Come around to the witness
25 stand.

1 MS. SWANSON: Your Honor, I totally
2 understand the location ruling. This is just
3 about the data.

4 THE COURT: We're good on the location
5 data. I want to know about the cell dump. So
6 let's ask him some questions.

7 For the purposes of this hearing, we'll
8 consider him an expert.

9 WHEREUPON:

10 CHRISTOPHER WATKINS,
11 after having been sworn, testified as follows:

12 PROFFERED TESTIMONY; DIRECT EXAMINATION

13 BY MS. CARMODY:

14 Q Mr. Watkins, can you spell your name for the
15 record, please?

16 A Watkins, W-a-t-k-i-n-s.

17 Q And your first name, sir?

18 A Christopher.

19 Q Where are you employed, sir?

20 A Certified Computer Forensics.

21 Q Thank you, sir. And for the purposes of this
22 hearing, the Court said that you qualify as an expert.

23 Sir, did you have an opportunity to conduct a
24 forensics examination of three cell phones in this
25 case.

1 A Technically, two because one was not
2 forensically acquired. It was locked. But, yes,
3 I did have access to three phones.

4 Q Okay. And when was that, sir? And how did that
5 come about?

6 A So, the date of that event was July 9, 2021,
7 when I met with Investigator Derrick Nelson at the
8 14th Circuit Solicitor's Office. He provided to
9 me access to three cell phones in evidence, as
10 well as the forensically extracted data from those
11 phones.

12 To give a little bit more detail on that so
13 that we understand what we're talking about here,
14 there's three phones. There's a LG Stylo 3 cell phone
15 that belongs to Miss Cypress Noonan. There were two
16 cell phones belonging to Mr. Brian Redding; one
17 Samsung A50 and a Samsung Galaxy S9 Plus. The Galaxy
18 A50 was the device that was locked and was not able to
19 get a forensic extraction from. So that was not --
20 for the purposes of me being here, that's not on the
21 record. We're not talking about that one.

22 So we're just talking about, specifically,
23 the LG Stylo 3, but I did also examine the Samsung
24 Galaxy S9 data. So the data that came from those.

25 And to be very specific about what data is,

1 when the data was originally extracted by Investigator
2 Nelson, he used a software tool used Cellebrite. I'm
3 not talking about the Cellebrite report that was
4 generated as a result of the extraction. I'm talking
5 about the actual copy of data that came from those
6 phones.

7 So he did a logical and file system
8 extraction of the LG Stylo 3. Did a physical
9 extraction of the Samsung Galaxy S9 Plus.

10 Now, to give an analogy of what these are. A
11 logical extraction if we can compare a phone to like a
12 library, it's like going to the library and copying
13 all available books. That's a logical extraction. A
14 file system extraction would be like going to the
15 library, copying all the books, their containing book
16 shelves, and a copy of the catalog. A physical
17 extraction would be like copying the entire library.
18 All of the books within. All of the catalogs. All
19 the book shelves. The administrative records. The
20 staff records. Everything.

21 So, again, for Mr. Redding's Galaxy S9, we
22 get the physical. So everything. Whereas, with the
23 Stylo -- LG Stylo 3, we get the logical file
24 extraction.

25 Q Thank you, sir. Sir, did you produce any reports

1 any in this case?

2 A No.

3 Q Why not, sir?

4 A Typically, when I'm contracted to examine
5 evidence in a case, this is evidence that's being
6 provided through discovery. This is evidence
7 that's been collected by the State. And I'm
8 examining the evidence to -- for fact-finding
9 purposes, and also to either work out a timeline,
10 determine why certain artifacts of data may have
11 appeared, maybe to render an opinion about that,
12 or to examine the work done by law enforcement to
13 verify that the work is true and correct, that
14 it's accurate, that the proper procedures were
15 followed and what have you. So it is not
16 typically for me to do a report, although there
17 are some exceptions. Typically, that would be if
18 I were the one collecting the evidence, then I
19 think it would follow that I need to do a report
20 about that.

21 In this case, this was data that was
22 provided -- that I was provided access to, so I am
23 examining data as it had already been collected by
24 the State for the purpose of offering consulting
25 as to digital forensic science, this field, and

1 also to testify, if needed, in lieu of providing
2 an affidavit of the report.

3 Q And, sir, did you -- you prepared this CSL
4 timeline, sir?

5 A Yes.

6 MS. CARMODY: And, Your Honor, I would go
7 through the various locations where -- that he
8 examined. And then, Your Honor --

9 MS. SWANSON: Objection, Your Honor.
10 There's already been a ruling on that.

11 THE COURT: Yeah, we got into that. Go
12 ahead.

13 MS. CARMODY: Yes, Your Honor.

14 MS. SWANSON: And, Your Honor, I'm sorry,
15 but -- and it may speed this up. But my only
16 question is if he is going to testify to specific
17 extracted data, is that extracted data going to be
18 entered into evidence. That is all I'm concerned
19 about.

20 MS. CARMODY: Sir, let's just ask him
21 right now.

22 BY MS. CARMODY:

23 Q We have the timeline. We have the -- all right.

24 Sir, can you -- hold on one second. All
25 right. There was this -- I want you to talk about the

1 6:17 a.m. artifact that you found.

2 A Yes. So that was the Facebook picture, or a
3 picture file from the Facebook application that
4 was found on the LG Stylo 3 cell phone that was in
5 the forensic extraction. And what I did is, I
6 printed out a -- basically a copy of that file
7 printed out with the meta beneath it, which simply
8 details the path that it came from, the file name,
9 the attributes, time and date stamp of when that
10 filed originated. So that's what -- that's all
11 that is. That's essentially saying that this
12 picture came from the device and this meta data is
13 associated with this picture.

14 Q And then, sir, what time -- what as the -- what
15 time was it accessed?

16 A So the modified date -- and this is in local
17 time -- was September 6, 2020, at 6:17 and 19
18 seconds a.m.

19 Q Did you find any artifacts after that?

20 A Yes. Beg the Court's indulgence here.

21 THE COURT: Sure. Let me see that
22 picture, Miss Carmody.

23 MS. CARMODY: Yes, Your Honor. Your
24 Honor, this is for the point that Miss Noonan was
25 accessing her cell phone because the State has not

1 proven any time of death.

2 THE WITNESS: To answer your question --

3 MS. CARMODY: It's not for the --

4 THE COURT: Hold on, Miss Carmody.

5 Go ahead, sir.

6 THE WITNESS: So this is at 6:17:19 a.m.

7 The next artifact on the phone in the timeline is
8 at 8:09 and 24 seconds a.m., which is a file on
9 the phone that is titled -- or name of the file is
10 variations, underscore, stamp, and that was
11 associated with the multi-media message service.

12 There's no additional data with that
13 report so I can't really testify as to what that
14 is. I can only say that that service produced
15 this file at this time.

16 Then at the 12:00 a.m. -- 8:12 and
17 51 seconds a.m., there is a journal file, or a file
18 with the file name journal that was produced by -- or
19 accessed by the Twitter application, and there is a
20 Twitter cache file, which has a, kind of, hash value
21 for the name. I don't know if you want me to read
22 that out. It's rather lengthy. But it's also created
23 by the Twitter application at that same time, 8:12
24 a.m., 51 seconds.

25 THE COURT: Okay.

1 MS. CARMODY: That's what he will testify
2 to, Your Honor, that she accessed -- the data to
3 suggest that Cypress accessed her phone at a
4 certain time that morning. That's it.

5 THE COURT: So he's going to testify that
6 from the data that he was able to extract that the
7 phone was used at a particular time, and that data
8 came from the machine. As it relates to that.
9 I'm not talking about the picture right now. I'm
10 talking about the data that he's extracted as an
11 expert. What do you say about that?

12 MS. SWANSON: Okay. My understanding was
13 that he received a copy of the extracted data, and
14 so that data should be in evidence before it gets
15 published. Because it's not opinion testimony.
16 This is just simply things that are coming out of
17 the extracted data.

18 THE COURT: All right. I understand
19 that.

20 MS. CARMODY: This is his analysis, Your
21 Honor, of the data that's on the phone.

22 THE COURT: All right. My ruling on this
23 is: As it relates to the data and him saying -- I
24 think that falls within the purview of an expert
25 and information that may not be in evidence and

1 doesn't have to come into evidence. I think if he
2 provides the proper foundation, I'm going to allow
3 him to say that it shows that the phone was used.
4 That's it. You're not going to get into what it
5 says.

6 Now, the photograph that is downloaded,
7 you're wanting to show the photograph? Or you're
8 wanting to show the -- hold on.

9 MS. CARMODY: Oh, I'm sorry.

10 THE COURT: Okay, Miss Carmody.

11 MS. CARMODY: I'm sorry.

12 THE COURT: I'm sorry. I just want to
13 make sure we can try to get this right and go as
14 quickly as possible, but taking the time to do it
15 correctly.

16 Miss Carmody, what I can tell you is, I think
17 he can go -- my ruling would be that he can continue
18 and he could testify again that the phone was used.
19 Now, as far as this photograph, I don't think that
20 he's qualified. I mean, we don't know -- we don't
21 know anything about this photograph.

22 MS. CARMODY: Right.

23 THE COURT: Other than it was on the
24 phone. And it's a little bit different than the
25 situation yesterday concerning the -- concerning

1 the gun. Okay? That was a Facebook-type of thing
2 also, but it was a little bit different because
3 there was -- it's not exactly the same situation.

4 So as it relates to him being able to the
5 say that he was -- I think he can say he was able
6 to extract this information, but -- and I think --
7 I don't have a problem with saying it was a
8 picture.

9 MS. CARMODY: Okay.

10 THE COURT: But I don't think -- and I'll
11 let the solicitor say whatever she wants to say
12 and protect the record, but this picture, I mean,
13 quite frankly, it's not -- he can't identify that
14 picture.

15 MS. CARMODY: I think it's a meme, or
16 something like that.

17 THE COURT: I don't even know what a meme
18 is, but he can't identify the picture.

19 MS. CARMODY: No, no.

20 THE COURT: So to that extent, the
21 picture can't come in. The underlying data as an
22 expert, he can testify that it appears that phone
23 -- I'm assuming it was used at a certain time. I
24 think that's what you're trying to get at. That I
25 will allow if the proper foundation is elicited.

1 MS. CARMODY: Your Honor --

2 BY MS. CARMODY:

3 Q It's my understanding, Mr. Watkins, did you put
4 the exhibit on the drive, on the CD?

5 A No that CD contains the snapshots or pictures
6 that coincide with that timeline. So let me be
7 clear. There are two timelines that you both have
8 possession of right now. You got one for the
9 SCLI, the cell site location information from
10 Mr. Redding's cell phone, so that's one. And
11 that's what's on that disk. There's a copy of
12 that PDF file and there's a copy of the snapshots
13 that coincide with that on that.

14 The printouts that you've been given -- those
15 are the ones that contain a separate timeline that
16 detail the artifacts that were found on Miss Noonan's
17 phone, as well as the two screen shots, or pictures.

18 Q When you say snapshots, what do you mean snapshot?
19 I don't have a CD drive.

20 A Sure. As I -- when I get these records, cell
21 tower records, I'm mapping. So I'm using a
22 software to map the records. For each point on
23 the timeline, it's going to be indicated by an
24 hour and minutes, so it starts at 6:14 a.m. So at
25 6:14 a.m. all of the tower activity for that

1 minute and time was snapshotted. So there's a
2 picture of that moment in time, and that's what
3 the picture is of.

4 THE COURT: But you're not talking about
5 a picture that the layman traditionally thinks in
6 a picture, right? This isn't -- this is a
7 picture, sir, or that's a picture. You're saying
8 it's a snapshot, it's a picture of data?

9 THE WITNESS: Yes, sir. And to be clear,
10 this is a snapshot that I took of the mapping
11 software as I'm viewing it.

12 THE COURT: Right, but it's not a picture
13 of people -- it's not a picture of things of that
14 nature.

15 THE WITNESS: No, Your Honor.

16 THE COURT: All right. So does that
17 answer your question, Miss Carmody?

18 MS. CARMODY: Yes, Your Honor. I plan to
19 admit that CD, so that's why I want to confirm.

20 THE COURT: But there's no pictures on
21 the CD. And then on the second CD, sir, there are
22 two --

23 THE WITNESS: There's only one CD.

24 THE COURT: Okay.

25 THE WITNESS: And that's been printed

1 out.

2 THE COURT: Yes, sir.

3 THE WITNESS: So you have a printed copy
4 of those items.

5 THE COURT: All right. So these pictures
6 don't go into evidence.

7 MS. CARMODY: Right. I understand, Your
8 Honor.

9 THE COURT: These pictures don't go into
10 evidence.

11 MS. CARMODY: And he can testify to the
12 time, but not the picture. Yes. Or say that
13 there was a picture, but not admit it.

14 THE COURT: He just can't -- the pictures
15 themselves are not going into evidence. The fact
16 that he was able to record or extrapolate these
17 events which evidence the phone being used at a
18 particular time, I think that, if he properly
19 qualifies things, he would be able to testify to
20 that.

21 But beyond that -- and I think we already
22 addressed the other GPS location information.
23 Beyond that, this isn't coming -- nothing else is
24 coming in.

25 MS. CARMODY: Yes, Your Honor. Thank

1 you.

2 THE COURT: Unless something changes in
3 the testimony.

4 So, Solicitor, I've been doing a lot of
5 talking and Miss Carmody has been doing a lot of
6 talking. And so what I want to do is, as it
7 relates to this and my ruling, is there -- do you
8 understand my ruling and is there anything about
9 my ruling that you want to put on the record right
10 now?

11 MS. SWANSON: I do understand your
12 ruling, and I do not have anything further. Thank
13 you.

14 THE COURT: All right. So are we ready
15 to call him as a witness and get the jury in here?

16 MS. CARMODY: I just need to pull up the
17 file, Your Honor, because I had taken it down.

18 THE COURT: Miss Carmody -- sir, thank
19 you very much, and your taking the stand and
20 proffering your testimony I think helped everyone,
21 sir. So I thank you. If you can go back and have
22 a seat. We're going to take about a two-minute
23 break, and hopefully Miss Carmody can get things
24 going and I get the jury in here and we have you
25 up on the stand. Okay, sir?

1 THE WITNESS: Very good.

2 THE COURT: Thank you so much.

3 (A break was taken from 10:01 a.m. to 10:05 a.m.)

4 THE DEPUTY: All rise.

5 THE COURT: Be seated. Anything from the
6 State before we begin?

7 MS. SWANSON: No, Your Honor.

8 THE COURT: Anything from defense?

9 MS. CARMODY: No, Your Honor.

10 THE COURT: Let's get the jury.

11 (Jury enters the courtroom at 10:06 a.m.)

12 THE COURT: All right. Mr. Foreman,
13 ladies and gentlemen, good morning. The State has
14 rested and I believe the defense is ready to call
15 their first witness. Is that correct,
16 Miss Carmody?

17 MS. CARMODY: Yes, Your Honor.

18 THE COURT: All right. Yes, ma'am.
19 Please proceed.

20 MS. CARMODY: Your Honor, the defense
21 calls Mr. Christopher Watkins.

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

1 THE WITNESS: Yes, ma'am.

2 THE CLERK: Come around and have a seat
3 in the witness chair. You can adjust that mic.

4 WHEREUPON:

5 CHRISTOPHER WATKINS,
6 after having been sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. CARMODY:

9 Q Good morning, Mr. Watkins.

10 A Good morning.

11 Q Watkins. Yes, Watkins. I thought I called you
12 Watson.

13 Mr. Watkins, can you please state and spell
14 your name for the court reporter?

15 A Christopher James Watkins, W-a-t-k-i-n-s.

16 Q And, sir, where are you currently employed?

17 A Certified Computer Forensics.

18 Q And where is that located?

19 A That's located in downtown Columbia at
20 1416 Park Street.

21 Q Sir, what is your current title and position
22 there?

23 A So I am a digital forensic examiner and a
24 private investigate, so I'm licensed through SLED.
25 And my primary focus is digital forensics. I've

1 also assisted in other investigative matters, but
2 certified computer forensics is focused in digital
3 forensics. We also do things like cell site
4 analyses, cell towers, video, audio. Anything
5 digital, that's what he did.

6 Q Thank you, sir. How long have you been working as
7 an investigator and a digital forensic examiner?

8 A So I began my career as a private
9 investigator in February of 2010. Soon after
10 that, I began working professionally as a digital
11 forensic examiner. My background is information
12 technology. I did study at Inverness Technical
13 College. I received a IACIS is the International
14 Association of Computer Investigative Specialists.
15 Two certifications through them, actually. The
16 certified forensic computer examiner and the
17 certified mobile device examiner certifications.

18 Q Those are the certifications and qualifications in
19 the field of digital forensic science, sir?

20 A Yes, I've been qualified in the field of
21 digital forensic science 25 times in
22 South Carolina general sessions, family court,
23 circuit court, as well as the United States
24 District Court in Columbia.

25 Q And, sir, could you please explain to the jury

1 what is digital forensic science?

2 A So digital forensics is the area of forensic
3 science that encompasses the collection,
4 acquisition, preservation, examination, analysis,
5 and investigation of electronically stored
6 information, or digital data, from any device that
7 is capable of storing data such as a computer,
8 cell phone, tablet device, a server, things of
9 that nature, and typically pursuant to some type
10 of litigation, whether criminal, civil, or what
11 have you.

12 Q And, sir, have you been qualified as an expert in
13 any other fields?

14 A Yes. I've been qualified as an expert in the
15 field cellular tower data, cellular communications
16 data, as well as on two occasions in general
17 sessions court in South Carolina, as well as I've
18 been qualified as an expert in criminal
19 investigations on one occasions and general
20 sessions court in South Carolina as well.

21 MS. CARMODY: And, Your Honor, at this
22 time, the defense would offer Mr. Christopher
23 Watkins as an expert in the field of digital
24 forensic analysis cell tower data and cellular
25 communications data.

1 THE COURT: All right. Any objection?

2 MS. SWANSON: I just wanted to clarify.
3 I think two occasions for the cell phone tower
4 data?

5 THE WITNESS: Yes, that's right. And to
6 kind of clarify, a lot of times when I'm
7 testifying, these things, kind of, get wrapped
8 together. A lot of cases these days, they're
9 involving both computers and cell phones as well
10 as cell phone power data. In the past, what
11 happened is I would be qualified as an expert in
12 the field of digital forensic science, even though
13 my testimony will include both fields.

14 Now, cellular tower data and cellular
15 communications data is kind of a niche field, but
16 I would still classify it as being an umbrella --
17 or digital forensics science being an umbrella to
18 that. And here's why. Because cell tower data is
19 still data. It's data that resides on a server,
20 on a cellular provider's server. That data is
21 provided to us in a format that can be analyzed
22 and is analyzed, so it still constitutes data.

23 MS. SWANSON: But to answer my question,
24 regarding an expert in the field of cell tower
25 data, you've only been qualified as a -- by the

1 court twice.

2 THE WITNESS: To that specific language,
3 yes.

4 MS. SWANSON: Thank you.

5 THE COURT: All right. So, Solicitor,
6 any objection?

7 MS. SWANSON: No objection.

8 THE COURT: All right. So, all right.
9 Great. We are going to have Mr. Watkins, without
10 an objection, he will be qualified as an expert in
11 the field of digital forensic science cellular
12 tower data and cellular -- what as the --

13 MS. CARMODY: Communications data.

14 THE COURT: Cellular communications data.

15 And so, folks, remember, experts can give
16 opinion testimony. That doesn't mean you have to
17 accept it. You listen to it. Put whatever weight
18 you want to, just like any other witness. Okay?
19 Thank you.

20 Please proceed.

21 MS. CARMODY: Thank you, Your Honor.

22 BY MS. CARMODY:

23 Q Mr. Watkins, who do you typically offer your
24 services to?

25 A So I am often hired by the general public,

1 for attorneys, whether it's criminal or civil
2 litigation. Sometimes for matters that don't even
3 go to trial or go to court. But my services are
4 offered to anybody who needs them. So I have also
5 testified for the State before on two occasions.

6 Q Thank you, sir.

7 How did you become involved in this
8 particular case?

9 A So, on, let's see the date was about -- yes.
10 April 6, 2021, I was contracted by the defense
11 to -- the purpose was to examine cellular cell
12 phones. So there were three cell phones that were
13 collected in evidence in this case, and the
14 request was for me to examine that data, provide
15 an analysis to be able to assist in the defense's
16 understanding of what that data represented.

17 And then later, to examine cell tower records
18 pertaining to the three cell phones that were
19 collected in evidence. And the cell tower -- the cell
20 site location information associated with three -- was
21 it associated with those three phones in this case?

22 A That's correct. I did examine cell tower
23 data for all three of those phones in this case.

24 Q Sir, do you remember who the three cell phones
25 belong to?

1 A Yes. So there was an LG Stylo 3 phone,
2 that's the make and model, that belonged to
3 Cypress Noonan. There were two cell phones, a
4 Samsung 850 and a Samsung Galaxy S9 Plus that
5 belonged to Mr. Redding.

6 Q Did you have an opportunity to conduct a forensic
7 examination of the three cell phones in this case?

8 A Yes, I did.

9 Q And when was that, sir?

10 A That was on July 9, 2021. I met with
11 Investigator Derrick Nelson at the 14th Circuit
12 Solicitor's Office. And, at that time, I received
13 access to the three cell phones that I just
14 mentioned. And not just the cell phones
15 themselves, but also the forensically extracted
16 data that came from those phones. So to be clear
17 on that, there's data that was extracted
18 previously to my arrival, so I'm looking at that
19 data, and that this is the data that is the focus
20 point on my work here today.

21 Q Who extracted that data?

22 A So my understanding is that Investigator
23 Nelson extracted that data and there were -- I
24 should probably get into what types of extractions
25 there were so that we can have an understanding of

1 what type of data we're looking at here.

2 So for the LG Stylo 3 phone, there were two
3 forensic extractions performed; a logical
4 extraction -- what is known as a logical extraction
5 and what is known as a bios system extraction.

6 For example, Samsung 850 phone belonging to
7 Mr. Redding, there was no extraction done. None at
8 all. And the reason for that is because that device
9 was locked. So the forensic tools -- my forensic
10 tools, Investigator Nelson's forensic tools did not
11 have the capability to break that security and extract
12 the data. So that one is -- that one was not
13 examined.

14 There was Samsung Galaxy S9 Plus, Mr.
15 Redding's other phone that forensically acquired, and
16 that was done using the physical extraction method.
17 Now, these are kind of technical terms, so I'm going
18 to give an analogy as to what the logical bios system
19 and physical extraction methods are, so you can, kind
20 of, have a mental idea of what this is.

21 So a logical extraction, if you can imagine a
22 phone like a library, a logical would be like going to
23 the library and copying all of the available books.

24 A file system extraction is like going to the
25 library and extracting or copying all the available

1 books and the book shelves as well as the catalog.

2 And so the logical file system, these were
3 extracted from the LG Stylo 3, so Miss Noonan's phone.

4 Mr. Redding's Samsung S9 Plus phone was a
5 physical. A physical would be like going to the
6 library and copying the entire library; the books, the
7 bookshelves, the catalog, the administrative records,
8 the staff records, everything you can think is a copy.
9 So that's what I'm looking at here in this case.

10 Q Did you also receive cellular records associated
11 with Brian Redding's cell phones?

12 A Yes, I did, for both cell phone numbers.

13 Q And did you examine those records?

14 A I did, yes.

15 Q And what about the -- did you map the applicable
16 cell site locations information for those records?

17 A I did. So, in this case, these records were
18 provided in discovery as a result of a search
19 warrant that was issued to Verizon wireless for
20 the records in connection to Mr. Redding's cell
21 phone numbers, [REDACTED] [REDACTED] 8548, which corresponds
22 with the Samsung Galaxy S9 Plus and the
23 [REDACTED] [REDACTED] 1811 that corresponds with the Samsung
24 850.

25 The types of data included in that aren't

1 just -- were not just voice calls. So as you can
2 imagine when you're making a phone call, you're
3 connecting to another person or another number and
4 you're having a communication, whether that's by voice
5 or by text or multimedia message. We did get those
6 but we also got what is known as per call measurement
7 data. And what this is, this special type of data
8 doesn't detail your communications with another
9 person. Rather it details your phone, your cellular
10 device communications with cell towers on the network.
11 And this data is utilized by Verizon and other
12 carriers to get an understanding of the propagation of
13 data or the -- how well their network is working.

14 Because, obviously, these cell companies, it
15 is within their best interest make sure that you're
16 going to stay connected, that you're going to be able
17 to have calls without them dropping. So this data
18 corresponds to any information about the cell towers
19 in relation to the devices.

20 So with that -- with that data, what is
21 provided is what is known as range to tower data. And
22 this is a set of data that has artifacts that are
23 calculating an estimated -- key word "estimated" --
24 distance from a tower to a -- or a cell phone to a
25 tower. So it's a relationship of distance based on

1 time and the speed of a signal from the cell tower to
2 the phone back to the cell tower.

3 And based on the signal strength -- so
4 there's a lot of variables here that they are using to
5 calculate an approximated distance from the tower that
6 a cell phone is. These are not one hundred percent
7 accurate. These are not GPS records. These are not
8 going to put a point on a map and you'll be able to
9 see exactly where someone is. It doesn't work that
10 way. We look at the data to gain an understanding of
11 where a handset, a cell phone, is within a vicinity in
12 relation to a cell tower.

13 So, when we look at the records, you will see
14 an angular representation. You will see the point
15 where the tower is and you will see an area or a
16 directional of where that handset would be in relation
17 to the tower, and it's giving an estimated range to
18 that tower. This is not to be construed, once again,
19 as being one hundred percent accurate. It's just
20 being used as a guide to gain an understanding about
21 where a cell phone is in relation to a tower at a
22 given moment in time.

23 Q Thank you, sir.

24 Sir, did you produce any reports in this
25 case?

1 A No.

2 Q And can you tell the jury why not?

3 A So often when I'm hired by defense or a
4 third-party, I'm tasked with looking at
5 information that's been provided. In this case,
6 this is information that was provided in discovery
7 that was collected by the State.

8 And I'm examining this to verify that the
9 data is true and correct, that's accurate in its
10 representation, that the procedure was properly
11 followed to get this information that -- trying to
12 determine points of understanding such as, you know,
13 something that's actionable information that's about
14 this information.

15 So interpreting the data for the purpose of
16 understanding why data may have occurred. Why an
17 artifact may exist, or, quite simply, to construct a
18 timeline to gain an understanding of the historical
19 use of a cellular device.

20 So often, I would prepare my case to assist a
21 client, to be there to offer testimony -- or questions
22 to aid in testimony or examination of a witness, or
23 something of that nature. Or I may be offered as a
24 witness, as I am here now, to give testimony in lieu
25 of providing an affidavit or report.

1 Q Thank you, sir.

2 Sir, did you prepare a timeline in this case?

3 A I did. There are two timelines.

4 MS. SWANSON: Without objection.

5 THE COURT: All right.

6 (DFT. EXH. 29, Timeline of artifacts;

7 Noonan, was marked for identification.)

8 (DFT. EXH. 30, Cell cite information

9 timeline; Redding was marked for identification.)

10 BY MS. CARMODY:

11 Q Sir, I'd like to show you what has been premarked
12 as Defense Exhibit 29 and Defense Exhibit 30. Would
13 you please identify those?

14 A Yeah, so --

15 Q Could you please identify them?

16 A Which exhibit number is this?

17 Q It's right on the back, sir.

18 A I'm sorry. Defendant's Exhibit Number 30 is
19 the cell site information timeline. It's a
20 timeline of that data that's representing the cell
21 site location information for Mr. Redding's two
22 cell phone numbers.

23 The second item, which is Defendant's Exhibit
24 29 represents a timeline of artifacts that were
25 identified on Cypress Noonan's cell phone.

1 MS. CARMODY: Your Honor, the defense
2 seeks to admit 29 and 30 into evidence.

3 THE COURT: I think that's without
4 objection, Solicitor.

5 MS. SWANSON: Yes, sir.

6 THE COURT: All right. Thank you,
7 Solicitor.

8 (DFT. EXH. 29, Timeline of artifacts;
9 Noonan, was entered into evidence.)

10 (DFT. EXH. 30, Cell cite information
11 timeline; Redding was entered into evidence.)

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

13 THE COURT: Yes, ma'am.

14 BY MS. CARMODY:

15 Q Sir, is this the -- your first timeline?

16 A First in?

17 Q First in defense.

18 A Yes. Defense Exhibit 30, the cell site
19 location timeline, yes.

20 Q Thank you.

21 And, sir, did you also map these points on a
22 map?

23 A Yeah. So this is a printed version of the
24 document and it is a PDF. The links do not work
25 in that PDF unfortunately, but the column that

1 reads mapped see SLI data on the right side, each
2 one of those points represents a PNG file. That's
3 the file name. So, for example, the very first
4 column, or row, in that column, 0614.png that
5 represents a file, a PNG picture file. That is a
6 snapshot of the data representing the cell site
7 location information for these cell phones at that
8 moment in time. So at 6:14 a.m., that's a
9 snapshot of that moment in time for these
10 records.

11 Q Sir, is this that I'm putting up on the screen --
12 let me come over there.

13 Sir, if we go through this list here, would
14 you rather that I show this here or is it more easier
15 for you if I use the maps?

16 A Say that again.

17 Q Would you remember that I show this here, sir, or
18 would you rather I show the maps? What's easier
19 for?

20 A Why don't we go through the maps and I can go
21 -- the maps are linear, so we've got 6:14 a.m. to
22 9:46 a.m. on this sheet. If we put up each map, I
23 can, kind of, detail what it is that we're seeing.

24 Q Thank you, sir. This will be in evidence for the
25 jury as well.

1 Sir, so we're going to start with the first
2 one, which is 6:14.

3 Q Sir, what is this a picture of?

4 A So, first let me state that the -- you're
5 going to see a representation here in all of these
6 pictures.

7 If I could -- if you could follow my finger
8 here, what I'm pointing at, if everyone can see that.
9 That point on the map, that little peg there, that
10 represents the cell tower. So anytime you see a peg
11 like that, you're looking at a cell tower. That's a
12 cell tower location.

13 The line that's following from that point to
14 the arc that you see there, that is the direction. So
15 this is the -- each tower is going to have three
16 sectors. This is a -- one of the sectors of this
17 tower that we're seeing in this picture, and that
18 direction, is going to be the area, or the area that
19 that cell phone that's connected to this cell tower is
20 in the vicinity of.

21 Now, because this is RTG data, range to tower
22 data, the way that this data is being calculated is it
23 is representing an estimated range of where that
24 handset could be in relating to the tower. So that
25 arc, that curvature is the estimated range.

1 Now, mind you, this is not GPS. It is not
2 one hundred percent accurate, so it should not be
3 construed as being an accurate representation of where
4 that handset is. You want to think of it as the
5 vicinity.

6 So any point along this curvature and beyond,
7 it could be outside of this. It's note a point.
8 Okay? But this curvature here represents where that
9 handset could be in relation to the tower. And that's
10 important to note as you're looking through these.

11 The other thing that I need to point out is
12 that this is kind of a dark blue. This is
13 representing --

14 THE COURT: Hold on one second.

15 The WITNESS: Yes, sir.

16 THE COURT: Solicitor, he is making --
17 he's using the TV here as an aid. If you need to
18 move, if anybody needs to move about the courtroom
19 to be able see what he's doing, feel free to.
20 Okay?

21 MS. SWANSON: Thank you.

22 BY MS. CARMODY:

23 Q Would it be easier if you use the big screen to
24 show the jury and stand up?

25 A Yeah. Is there a laser pointer by chance, or

1 anything like that? I don't want to blind anybody
2 either, so do you have a stick or something?

3 THE COURT: I think he can use that.
4 Have the jurors been able to see where he's
5 pointing on the screen? No, problem I just want
6 the solicitor to feel free to move around.

7 MS. SWANSON: I appreciate that.

8 THE COURT: Yes, ma'am. Go ahead,
9 Miss Carmody.

10 BY MS. CARMODY:

11 Q Go ahead, Mr. Watkins.

12 A I was just going to mention -- you're seeing
13 a dark blue color of these lines here. That
14 represents the cell phone records for
15 [REDACTED] 8548. And then you're going to see a
16 light blue, more of a teal color. That represents
17 the records for the [REDACTED] 1811 telephone
18 number. So what you're going to see in this case
19 is, we're going to have -- we have two different
20 phones that have similar record types. We got
21 range-to-tower records for both.

22 And because they are perceived as being in
23 the same location throughout this time period, from
24 6:14 a.m. to 9:14 a.m., it gives us a better
25 representation, at least in my opinion, that if two

1 devices are together and they have the same type of
2 data, understanding that that data is an estimated
3 representation of where that handset is in relation to
4 a tower, we have two of those, it, kind of, increases
5 the accuracy, at least in my understanding. So that's
6 what we're going to see. You're going to see two
7 different colors. That's what those represent, two
8 different colors.

9 So for this particular record at 6:14 a.m.,
10 this is showing that this handset is in the vicinity
11 of the Forest Motel located 10504 South Jacob Smart
12 Boulevard.

13 Q Would you like to go to the next record?

14 A Yes, please.

15 Q 6:15?

16 A Yes. So here, and this is representing the
17 entire minute of 6:15, here you can observe that
18 the cell tower record is showing that the device
19 is in the vicinity of the Forest Motel. As the
20 minute progresses from 6:15 to 6:16, it is
21 approaching the vicinity of East Main street, so
22 moving in an easterly direction from the vicinity
23 of the Forest Motel.

24 Q Sir, can you just clarify for the jury when you
25 refer to the phone number of whose phone you're

1 referring to?

2 A Yes. These are in connection with
3 Mr. Redding's records. For all points from here
4 forward, we are only talking about the two cell
5 phones belonging to Mr. Redding.

6 Q Next record, sir, 6:16?

7 A So here, as the minute is progressing, the
8 records are showing that the handset is moving in
9 easterly or southeasterly direction from East Main
10 Street towards Grahamville Road. This is showing
11 that there's two different -- these are actually
12 two different sectors that play here, so when we
13 see the lines on the screen here, these lines
14 follow the sector or the corresponding sector of
15 the tower, we're seeing a change of sectors which
16 is a indication of travel.

17 Q And, sir, just to clarify the Forest Motel is over
18 here?

19 A That is correct. The Forest Motel is
20 represented by the dot on the map, the red.

21 Q The next record is 6:29, sir?

22 A Yes. And now we're going to move to 6:29.
23 Here the records show that the -- both of the
24 handsets are within the vicinity of Snake Road.
25 I'm trying to point out where Snake Road is on the

1 map there.

2 It is approaching the vicinity of
3 Parker's Kitchen located 7201 Okatie Highway. I hope
4 I pronounced that right.

5 Q Okatie Highway?

6 A Okatie. Very good. I'll remember that.

7 So if we could move on to 6:30, please. Here
8 the device is within the vicinity of Parker's Kitchen.

9 Q Is Parker's Kitchen a gas station, sir?

10 A It is. And that's marked on the map here by
11 the two. The ping on the map that's red in color
12 and has a 2 on it.

13 The next two markers, which should be at
14 6:32 a.m. and 6:33 a.m., will also show the device in
15 the vicinity of Parker's Kitchen.

16 Q Do you want to go to 6:31?

17 A That's correct, 31. There are no records for
18 6:32, so we're skipping 32 and going from 31 to 33
19 here.

20 So here showing the handset is in the
21 vicinity of Parker's Kitchen.

22 Q 6:33, sir?

23 A That's correct.

24 Again, this is a different sector of the
25 previous tower, but it's showing the same thing.

1 Still within the vicinity of this Parker's Kitchen.

2 Q 6:34.

3 A 6:34. Here we're seeing that as that minute
4 progresses that device is exiting -- or departing
5 from the vicinity of Parker's Kitchen.

6 Q Okay.

7 A At 6:37 a.m., we got multiple towers within
8 this minute of time. At this moment, the devices
9 are approaching the vicinity of █████ Shanklin Road,
10 Lot █████, which is associated with Ashley Dodson as
11 her residence.

12 Q So we're at 6:48.

13 A 6:48, again the devices are within the
14 vicinity of the residence associated with Ashley
15 Dodson, which is the marker on that map there that
16 is in red and labeled.

17 Q Here, sir?

18 A That's correct.

19 Q And Ashley Dodson's residence, is that Ridgeland
20 or Beaufort?

21 A I believe that's Beaufort.

22 Q Shanklin Road?

23 A That's Shanklin Road, yes. So now we're at
24 6:49.

25 Q 6:49.

1 A Again, still showing that the device is
2 within the vicinity of that residence at 6:49 a.m.

3 So I'm moving on to 6:50 a.m. I'm going to
4 show once again that the devices are within the
5 vicinity of Shanklin Road of this residence. So it
6 would be 6:50.

7 Q 6:50.

8 A Okay. And then we'll move on to 6:51 which
9 is going to show the records are consistent with
10 the devices moving or departing the vicinity of
11 Ashley Dodson's residence.

12 Now, mind you, the records that are presented
13 in this timeline are done so in a fashion to cut down
14 on every minute of time, otherwise we would be here
15 for a lot longer. The point is to show multiple --
16 you're seeing multiple slides of kind of the same
17 thing just to, kind of, get an idea this is why it's
18 reasonable to say that these devices are within this
19 vicinity and actually put it to a location. That's
20 the purpose of showing you these multiple slides that
21 seem to show the same thing.

22 Q So we're talking about what time, sir?

23 A Yeah. So here at 6:51, these records are
24 consistent with the devices departing from the
25 vicinity of Ashley Dodson's residence.

1 Q And what number now, sir?

2 A So now we're at 7:15. So at 7:15 a.m., the
3 devices are approaching the vicinity of the
4 McDonald's, which is marker number 4 on this map,
5 the red marker and labeled McDonald's. There are
6 no data points for 7:16, so there are no pictures
7 for 7:16, so we have to go to 7:17.

8 Q Sir, this McDonald's, is Buckwalter Parkway in
9 Bluffton?

10 A So the McDonald's is located at 14 Discovery
11 Drive, and that is off Buckwalter Parkway.

12 Q In Bluffton, correct, sir?

13 A Say that again.

14 Q In Bluffton, sir?

15 A I'm sorry?

16 Q Bluffton.

17 A Bluffton?

18 Q Bluffton.

19 A That's correct, yes.

20 Q Thank you, sir.

21 Which number now?

22 A Now, we're at 7:17 because there are no
23 records for 7:16. But 7:17, we're seeing a
24 representation that consistent with the devices
25 being in the vicinity of the McDonald's at

1 14 Discovery Drive.

2 Q 7:18.

3 A 7:18, now we have two sector's from the same
4 tower activity, so we're seeing it -- it's moving
5 in relation to the tower in a south or southerly
6 or southeasterly direction within this moment of
7 time. So this is departing the vicinity of the
8 McDonald's.

9 Q And the next one, 7:23?

10 A That is correct, yes. So 7:23, the records,
11 the data consistent with the devices approaching
12 the vicinity of Simmonsville Road. There is an
13 unknown address on this road that the device would
14 have reasonably, according to the records, stopped
15 at.

16 Q Sir, is this Simmonsville Road in Bluffton, South
17 Carolina?

18 A Yes.

19 Q Thank you.

20 And which number now?

21 A Now, we're at 7:24. So here the -- and the
22 marker on the map is what was determined by
23 looking at an aggregate of the records, so I don't
24 know that that is the -- like I said, these are
25 not a hundred percent accurate. They are not GPS.

1 So that point on that map is just showing an area.
2 Okay? That's not a known address. The records
3 suggest that the device is stopped in the vicinity
4 of this point. But I cannot testify as to what
5 that point is. So that's -- so this
6 representation here is showing that the devices
7 are stopped within the vicinity of that point --
8 or in the vicinity. I'm not going to say it is
9 stopped at this point. They are in the vicinity
10 of that point on that map.

11 Q We're at Simmonsville -- we're still in the
12 vicinity of Simmonsville Road in Bluffton, South
13 Carolina?

14 A Yes, that is correct.

15 Q Which number?

16 A So now we're at 7:25. And once again, the
17 device is within the vicinity of this area of
18 Simmonsville Road.

19 Q At 7:25 a.m.

20 A 7:25 a.m., yes.

21 Q What -- which number, sir?

22 A 7:35. So here at 7:35 a.m., the records are
23 consistent with the devices moving or departing
24 the vicinity of this point.

25 Q The Simmonsville Road?

1 A That's correct. Yeah, the Simmonsville Road
2 point.

3 Q Which number, sir?

4 A So now we're looking at 7:36. Okay. We've
5 got tower activity that is consistent with the
6 devices moving away from the vicinity of the
7 Simmonsville Road point.

8 Q The next one.

9 A 8:06, yeah.

10 Q 8:06?

11 A Yes. Okay. Here at 8:06, the activity is
12 consistent with the devices approaching the
13 vicinity of the Forest Motel in Ridgeland.

14 8:07.

15 Q 8:07.

16 A 8:07, the records are consistent with the
17 devices being within the vicinity of the Forest
18 Motel.

19 And, again, 8:08 a.m., the records are
20 consistent with the devices being within the vicinity
21 of the Forest Motel.

22 8:09. At 8:09 a.m., the records are
23 consistent with the devices between in the vicinity of
24 the Forest Motel still.

25 8:26. 8:26 a.m., the records are consistent

1 with the devices -- or the device being in the
2 vicinity of the Forest Motel.

3 Q And then?

4 A 8:27. The records here are consistent with
5 the devices moving away or departing the vicinity
6 -- or beginning to depart the vicinity of the
7 Forest Motel.

8 Q Those are the two towers?

9 A Yes. We have two different towers for two
10 different phones here represented in this map.

11 Q And then the next one?

12 A Next one would be 8:28. So 8:28, we see the
13 activity continuing to show that it's consistent
14 with departing from the vicinity of the Forest
15 Motel.

16 At 8:48 --

17 Q Sorry. 8:48. 8:44?

18 A I'm sorry. It's 8:42, I just misread it.

19 Q 8:42?

20 A 8:42, yes. So here we are seeing the records
21 are consistent with the devices approaching the
22 vicinity of [REDACTED] Cohen Road, which is the
23 residence associated with Daniel Smith. And that
24 is in Pineland, if I remember correctly.

25 Q Cohen Road and Pineland?

1 A That's right. It's represented by the top of
2 the -- or the ping at the top of the map that's in
3 red.

4 8:43. 8:43 a.m., the records are consistent
5 with the devices being in the vicinity of [REDACTED] Cohen
6 Road.

7 8:44, once again the record are consistent
8 with the devices being within the vicinity of
9 [REDACTED] Cohen Road.

10 Q What is the next one, 9:32?

11 A 9:32 that's correct.

12 Q Sir, did you shorten the records so these are all
13 around the same location?

14 A Say that a little louder.

15 Q Did you shorten the record for the sake of jury so
16 they all show around the same location?

17 A That is correct. Otherwise, we'd be here a
18 lot longer going through all these records.

19 Q Correct. Sir, what time is this?

20 A Here it is 9:32 a.m. This is showing the
21 activity is consistent with the devices departing
22 from the vicinity of [REDACTED] Cohen Road.

23 Q And then 9:45.

24 A 9:45, yes. Okay, 9:45 a.m. This is activity
25 consistent with the devices approaching the

1 vicinity of the Forest Motel.

2 Q And 9:46?

3 A 9:46. This shows the records are consistent
4 with the devices being in the vicinity of the
5 Forest Motel.

6 Q All right. Sir, could you summarize that
7 information for the jury so they understand?

8 A Certainly. So, now mind you, these reference
9 points -- I did mention the Simmonsville Road
10 being an unknown address, but that information
11 just wasn't provided to me. I don't know. Maybe
12 that's been brought up at some point.

13 These points of interest, so beginning with
14 the Forest Motel, Parker's Kitchen [REDACTED] Shanklin Road,
15 the McDonald's, the Simmonsville Road address, and the
16 [REDACTED] Cohen Road, these were provided to me as points
17 that Mr. Redding would have traveled to based on his,
18 I guess, statement that was provided at some point.

19 So based on that information and looking at
20 the records, I saw that the records do line up to
21 those particular points, so that's why those points
22 are specified on the maps and specified here in the
23 testimony.

24 So once again, the records show that it's
25 around 6:15 a.m. The devices, which belong to

1 Mr. Redding, departed the vicinity of the Forest Motel
2 and arrived at the Parker's Kitchen, or in the
3 vicinity of the Parker's Kitchen at or about 6:30 a.m.
4 Departed the vicinity of Parker's Kitchen at or about
5 6:44 a.m., arriving in the vicinity [REDACTED] Shanklin Road
6 Lot [REDACTED], which is the residence associated with
7 Ashley Dodson at or about 6:48, 6:49 a.m.

8 At 6:51 a.m., the records are consistent with
9 leaving that address.

10 7:15 a.m., the records are consistent with
11 the device arriving in the vicinity of the McDonald's.

12 At 7:18, the records are consistent with the
13 devices leaving the McDonald's.

14 At 7:24, the records are consistent with
15 device arriving at this unknown address on
16 Simmonsville Road.

17 And at about 7:36 a.m., the records are
18 consistent with the device leaving that unknown
19 address on Simmonsville Road.

20 At 8:07 a.m., the records are consistent with
21 the device being in the vicinity of the Forest Motel
22 or arrive at.

23 At 8:27 a.m., the records are consistent with
24 the device being in the vicinity or leaving the
25 vicinity of the Forest Motel.

1 At 8:42 a.m., the records are consistent with
2 the phone arriving at the [REDACTED] Cohen Road address, and
3 then departing that address at or about 9:32 a.m. and
4 arriving back at the Forest Motel at or about 9:45 or
5 9:46 a.m.

6 Q Sir, all the maps that were produced in this case,
7 did you put them on a CD?

8 A They are on a CD, yes.

9 (DFT. EXH. 31, CD; mapping, was marked for
10 identification.)

11 BY MS. SWANSON:

12 Q I'd like to show you what has been premarked as
13 defense Exhibit 31.

14 A Yes.

15 MS. CARMODY: Your Honor, defense moves
16 to admit defense 31 into evidence.

17 MS. SWANSON: No objection.

18 THE COURT: Admitted without objection.
19 Thank you.

20 (DFT. EXH. 31, CD; mapping, was entered into
21 evidence.)

22 BY MS. CARMODY:

23 Q Sir, you also prepared another chart as well,
24 correct?

25 A That is correct. Another timeline, yes.

1 Q The timeline, and that is defense exhibit?

2 A 29.

3 Q Okay. And this goes along with your other report,
4 sir, with the other timeline?

5 A It doesn't necessarily go with it, but this
6 is on the same day, so we can look at the
7 information that's on this second timeline and
8 compare it to the events that are going on with
9 the other timeline and gaining a little bit of
10 understanding of what's going on at certain points
11 in time.

12 Q Yes. And the next question I had for you, when
13 you reviewed the cell phone data, did you determine
14 anything else about any accessing -- potential
15 accessing of the phone, or anything like that?

16 A On the date of the incident?

17 Q The cell phone data, was there any information you
18 obtained about 6:17 a.m.?

19 A Oh, yes. So this timeline, this second
20 timeline that's been produced, we start to see
21 artifacts beginning at 6:09 a.m., and I'll
22 describe what those are.

23 So here on line number 16 -- so first, let me
24 tell you what we're looking at here. This is a
25 timeline. There are 30 records, 30 items that were

1 found on Miss Noonan's phone for the date of
2 September 6th, 2021 -- or 2020, excuse me, the date of
3 incident, and it's showing the timeline of data from
4 12:00 a.m. to about 10:00 a.m.

5 Now, of course, there aren't any records
6 beginning the 12:00 a.m. This is the filtered -- what
7 is available. Okay? So it actually begins at 1:25
8 a.m., but what we really care about is what's going on
9 around 6:00 a.m. forward.

10 And what we're seeing here at line number 16,
11 there is an artifact dated -- or a time stamp 6:09 and
12 55 seconds a.m. that was created by the Twitter
13 application. Now, this file, it's got a very long
14 name, and its hash value -- I don't know if you want
15 me to read that out. I can. But this is a cache
16 file. This is a .0 file. If you have access to this
17 file, you can actually change that .0 to a .JPG and
18 this is picture file. As well as the .1 file is a
19 similar style of this file. It corresponds with it.
20 We also had a journal file that occurred at 6:09 and
21 55 seconds a.m. by use of the Twitter application on
22 Miss Noonan's phone.

23 So that tells us that, at that moment in
24 time, that application was utilized in some way for
25 these items to be created.

1 Now, remember back earlier in my testimony, I
2 said that there was a logical and a file system
3 acquisition of this phone, Miss Noonan's phone. We
4 did not get a physical acquisition of this phone.
5 Now, the implications of that is that there is data
6 still on that phone that we cannot access because we
7 are limited by our forensic capabilities to only be
8 able to get a logical and file system extraction.
9 That's important because there should be more data
10 there. There should be more activity corresponding
11 with this event in time. 6:09:55 a.m., I should see
12 more, but I don't because this is actually a cache
13 file that is being stored to a directory that was
14 accessible during the forensic acquisition and so we
15 are able to see that. There could be more, but I
16 cannot testify to you right now that there is more
17 because I have not seen it myself. I can only opine
18 that there is more. Because if we were to get a
19 physical acquisition of that phone, it would be
20 expected. We would expect to see more activity than
21 just one entry. Because when you use, for example,
22 Twitter --

23 MS. SWANSON: Your Honor, I would object.

24 THE COURT: Hold on.

25 MS. SWANSON: I would object to this, *I can't*

1 say there's more, but there is more.

2 THE COURT: I'm going to sustain that
3 objection. I think he's fallen almost into a
4 range of speculation as it relates to that.

5 So I'd ask the jury to disregard the last
6 comment about what may or may not be expected to
7 exist other than the cache accounts.

8 THE WITNESS: Certainly.

9 THE COURT: Or information that's been
10 provided. Thank you.

11 THE WITNESS: Okay. I'll just say that
12 because we got a logical acquisition this is what
13 was available to us. So this is what we got.

14 So moving forward -- so this is at 6:09
15 a.m. At 6:17 a.m. there is a picture file that
16 was created by use of the Facebook application.
17 It is a picture file. That is the time and date
18 stamp that that file was established or modified
19 on the device. That implies that the application
20 was utilized in the creation or modification of
21 this particular file at this moment in time.

22 Now, tying back to the timeline we just
23 went over with the cell site location information,
24 at about 6:15 a.m., the records are consistent
25 with Mr. Redding's devices moving away from the

1 Forest Motel. This is two minutes after, at
2 6:17 a.m. that see this Facebook artifact.

3 Q And this is Miss Noonan's phone, correct?

4 A This is Miss Noonan's phone, yes.

5 So at 8:09, which you will see as record 20,
6 we see activity. There is a file name. The name of
7 that file is variations, underscore, stamp, and the
8 service that was used was the multi-media message
9 service. Now, there's no other data associated with
10 this particular file, so I can't say what this is. I
11 can only say that this particular file was created at
12 this particular time by this particular service on
13 Miss Noonan's phone.

14 8:12 a.m., there is a journal file and there
15 is a cash file created by the Twitter application.
16 Once again, this cache file, long name, kind of a hash
17 value, it ends on a .0. If we were to change that .0
18 to a .JPG, it would represent a picture. So that is a
19 cache file related to a picture. That was accessed
20 using the Twitter application at 8:12 and 51 seconds
21 a.m.

22 Now, tying back to the timeline once again
23 that we just went over with the cell site location
24 information data, the records showed that at around
25 8:07 Mr. Redding's devices were within the vicinity of

1 the Forest Motel. This activity occurs at 8:09 and
2 8:12 a.m.

3 Q Okay. And, sir, so we don't know anything other
4 than what's on here, correct? This is a limited
5 extraction?

6 A Right. So there's -- I can only say that
7 that file, that cache file that we're seeing there
8 was created by this phone at this particular time
9 using this application, or as a result of using
10 this application.

11 I can't gain any additional information about
12 whether activities were being accessed by the phone at
13 that time. That's the only artifact that I see there
14 in the timeline from Miss Noonan's cell phone data.

15 Q Okay. Thank you, sir. I believe that's all the
16 questions that I have. If you could please answer any
17 questions for the solicitor.

18 THE COURT: All right. Thank you.

19 Solicitor, cross-examination?

20 MS. SWANSON: Yes, thank you.

21 THE COURT: Yes, ma'am.

22 CROSS-EXAMINATION

23 BY MS. SWANSON:

24 Q All right. You mentioned logical acquisitions and
25 that you were limited in what you could see. But you

1 were given access by everything that our office had at
2 our office, correct?

3 A Yes. I'm not saying that the resulting
4 image, the logical image was any misstep or
5 something that was done in error by your office.
6 I'm not saying that at all.

7 In fact, when I checked these images, I
8 actually went down to the --

9 Q I think the question has been answered, but thank
10 you.

11 A Okay then.

12 Q And you testified that you analyzed Brian's two
13 cell phones, the cell tower data on Brian's two cell
14 phones. One was locked and one was not locked and
15 could not be accessed. Or one was locked and could
16 not be accessed and the other was not locked; is that
17 correct?

18 A Yes. Let's distinguish the data types that
19 we're talking about. So when I'm talking about
20 the cell tower records --

21 Q I'm --

22 THE COURT: I'm going to allow him to
23 answer. Sir, go ahead and answer.

24 I'll tell you what, you answered the
25 question, and so, go ahead, Solicitor.

1 MS. SWANSON: Okay. Thank you.

2 BY MS. SWANSON:

3 Q Cypress's phone number is [REDACTED] 0907; is that
4 correct?

5 A Yes, that's right.

6 Q Okay. And there were, if you refer to the sheet
7 with her phone number, no voice calls made by her
8 until 9:53 a.m., correct?

9 A Yes, that's correct.

10 Q Okay. Are you aware that a 911 call was made at
11 9:46 reporting her death?

12 A Yes, I'm aware of that.

13 Q Okay. So there is activity on her phone after she
14 is confirmed dead, correct?

15 A Yes, that's correct.

16 Q Okay. Now, in looking at Brian's timeline, we
17 have a 21-minute period of time where he is at the
18 Forest Motel from 8:06 to 8:27, correct?

19 A Yes. Around, I would say, 8:07 to 8:27,
20 about a 20-minute period.

21 Q Twenty minutes.

22 A In the vicinity of that location.

23 Q Got you, 20 minutes. Are you aware that he told
24 911 when he stopped at the Forest Motel --

25 MS. CARMODY: Objection; hearsay.

1 THE COURT: Overruled.

2 BY MS. SWANSON:

3 Q When he stopped at the Forest Motel, Cypress
4 Noonan was sleeping, were you aware of that?

5 A I think I recall reading something to that
6 effect.

7 Q Okay.

8 MS. CARMODY: Your Honor, it's misstating
9 evidence. Actually, facts not in evidence.

10 THE COURT: Overruled. Well, what you --
11 wait, hold on. What is your objection, ma'am?

12 MS. CARMODY: Your Honor, his statement
13 he gave to law enforcement was never admitted into
14 evidence.

15 MS. SWANSON: No. This came from the 911
16 call.

17 THE COURT: This is the 911 call.

18 MS. CARMODY: I thought she was referring
19 to the statement. I'm sorry.

20 THE COURT: Go ahead.

21 BY MS. SWANSON:

22 Q As I stated, were you aware that in the 911 call
23 that Brian told dispatch that when he went to the
24 Forest Motel that morning around 8:00 Cypress was
25 sleeping? Were you aware of that?

1 A I want to say yes, I just don't recall it
2 being from the 911 call. I remember reading
3 that.

4 Q Okay. So during the time he is at the
5 Forest Motel, there's activity on Cypress's phone; is
6 that correct?

7 A Yes.

8 Q Okay. So we've got 8:09, 8:12, and 8:12.

9 A Yes.

10 Q All right. So there's activity on her phone when
11 she is allegedly sleeping?

12 A I mean, I don't know if she's sleeping.

13 Q I got you.

14 A But, yes, there's activity on the phone
15 within that time frame.

16 Q All right.

17 A 8:09 and 8:12.

18 MS. SWANSON: Let him finish. Go ahead.

19 THE WITNESS: That was all. I was just
20 saying within that time frame.

21 BY MS. SWANSON:

22 Q Okay. And were you aware that Brian Redding had
23 access to that phone?

24 A I would imagine so. I mean, I don't know
25 what their relationship was like, but I know that

1 they stayed in the same room, so -- I don't know.

2 I would assume so.

3 Q That he accessed that phone in front of SLED?

4 A Oh, well -- I mean, we know that he made the
5 call at 9:53. There's an artifact there, so I
6 think that logic follows, yes.

7 Q Okay. Were you aware that Cypress's phone was
8 found in his possession when law enforcement got to
9 the crime scene?

10 A Yes.

11 Q Okay. And you're aware that family members
12 received phone calls from Cypress's phone after her
13 death was reported?

14 A I know there were calls made. I'm not sure
15 to whom all the calls were made.

16 Q Okay. So all you can testify to is that a phone
17 was in use the morning of September 6, 2020. By whom
18 you don't know?

19 A That is correct.

20 Q So cell tower data, phone extraction doesn't tell
21 you who shot Cypress and when, correct?

22 A That's correct.

23 MS. SWANSON: Thank you.

24 THE COURT: Anything else,

25 Miss Carmody?

1 MS. CARMODY: No, Your Honor.

2 THE COURT: All right, great. Sir, hey,
3 thank you very much. Can he be released from the
4 subpoena?

5 MS. CARMODY: Yes, Your Honor.

6 THE COURT: Thank you very much. Have a
7 safe trip back.

8 THE WITNESS: Thank you, sir.

9 THE COURT: Yes, sir.

10 Ladies and gentlemen, let's just take a
11 quick break before we continue with what I believe
12 may be some additional testimony in the case.
13 Please don't talk about the case. We'll get you
14 back in here in the next few minutes. Thank you.

15 (Jury exits the courtroom at 11:10 a.m.)

16 THE COURT: All right. Anything before
17 we take a break, Solicitor?

18 MS. SWANSON: No, Your Honor.

19 THE COURT: Miss Carmody?

20 MS. CARMODY: Yes, your Honor. I do want
21 to let the Court know I'm working trying to get
22 the Webex for Miss Dodson. I let her know
23 approximately 12:30. Would that work for the
24 Court? Should we do a different time? Later?

25 THE COURT: Well, I mean, I don't know

1 where we're going to be, Miss Carmody. The best
2 thing to do is, when we break for lunch, that you
3 make arrangements that she be the first up after
4 lunch.

5 MS. CARMODY: Okay.

6 THE COURT: I'm not telling you. But, I
7 mean, I'm not going to sit here and say 12:30 is
8 okay. I just have no idea where we're going to be
9 in our testimony.

10 MS. CARMODY: I was thinking if we would
11 be back from lunch by then. We take lunch around
12 noon time?

13 THE COURT: Miss Carmody, I don't know.
14 I'd like to accommodate you, but I just have no
15 idea. I have no idea where we're going to be
16 going at -- you know. I just don't know. I'll
17 let you know when I can.

18 MS. CARMODY: Thank you, Your Honor.

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

20 THE DEPUTY: All rise.

21 THE COURT: Anything from the State
22 before we get the jury back in here?

23 MS. SWANSON: No, Your Honor.

24 THE COURT: Anything from defense?

25 MS. CARMODY: No, Your Honor.

1 THE COURT: All right. Thank you.

2 (Jury enters the courtroom at 11:25 a.m.)

3 THE COURT: Mr. Foreperson, ladies and
4 gentlemen of the jury, I think we're ready to
5 proceed.

6 Miss Carmody, you can call your next witness.

7 MS. CARMODY: Thank you, Your Honor.
8 Your Honor, the defense would call Mr. Peter
9 Patel.

10 THE COURT: All right.

11 THE CLERK: Mr. Patel, raise your right
12 hand. Place your left hand on the Bible. The
13 testimony you're about to give the court will be
14 the truth so help you God?

15 THE WITNESS: Yes.

16 THE CLERK: Come right around. You can
17 pull that chair up some. Speak into the mic.
18 Take your mask down?

19 THE COURT: All right. Miss Carmody,
20 your witness.

21 MS. CARMODY: Thank you, Your Honor.

22 WHEREUPON:

23 PIAVIN PATEL,

24 after having been sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. CARMODY:

2 Q Good morning, sir.

3 A Good morning.

4 Q Sir, could you please state your first and last
5 name and spell it for the court reporter?

6 A My name Piavin, P-i-a-v-i-n, and the last
7 name is Patel, P-a-t-e-l.

8 Q Sir, do people call you Peter?

9 A Uh-huh.

10 Q Thank you, sir.

11 Sir, where do you -- well, do you own any
12 property?

13 A Yes, ma'am. Forest Motel.

14 THE COURT: Hold on one second.

15 Mr. Patel, can you just speak up a little louder.
16 I want to make sure the jury hears everything you
17 have to say. Okay, sir? That would be great.
18 Just speak right into that microphone.

19 THE WITNESS: Forest Motel.

20 BY MS. CARMODY:

21 Q The Forest Motel, sir?

22 A Yes.

23 Q Did you own that property back in September of
24 2020?

25 A Yes.

- 1 Q On September 6th, 2020, were you renting Room 22?
- 2 A Yes.
- 3 Q And who was Room 22 rented to?
- 4 A Brian.
- 5 Q Brian?
- 6 A I don't know his second name. Brian Redding.
- 7 Q Brian Redding, sir?
- 8 A Uh-huh. Yes, ma'am.
- 9 Q Okay. And do you know how long Brian Redding had
- 10 been renting the room from you?
- 11 A Room 22. 22 days in room number 22.
- 12 Q 22 days in room number 22?
- 13 A Yes, ma'am.
- 14 Q Had Mr. Redding ever stayed at the Forest Motel
- 15 prior to then, prior to those 22 days?
- 16 A Yes, ma'am.
- 17 Q Was it always Room 22?
- 18 A No, other rooms.
- 19 Q So just to clarify, it was 22 days in Room 22?
- 20 A Yes, ma'am.
- 21 Q Okay.
- 22 All right. And did he have anybody else
- 23 there living with him?
- 24 A The girl was living with him.
- 25 Q A girl?

- 1 A Uh-huh.
- 2 Q Okay. And do you know if the girl -- what her
3 name was?
- 4 A I don't remember her name, ma'am.
- 5 Q You don't remember?
- 6 A No.
- 7 Q Was she -- did she have dark hair? White girl,
8 dark hair?
- 9 A White girl.
- 10 Q All right. And did you -- you say you own the
11 hotel, correct?
- 12 A Huh?
- 13 Q You own the place?
- 14 A Yes, ma'am.
- 15 Q All right. And do you also take care of the
16 property?
- 17 A Yes.
- 18 Q You rent the rooms?
- 19 A Yes, ma'am.
- 20 Q Things like that?
- 21 A Uh-huh.
- 22 Q And are you at the property every day?
- 23 A Yes, ma'am.
- 24 Q Okay.
- 25 A I live there.

1 Q You live at the property?

2 A Yes, ma'am.

3 Q Okay, sir.

4 And did you get to know Miss Cypress Noonan
5 and Mr. Brian Redding during the course of them
6 staying there?

7 A Yes, ma'am.

8 Q Is it -- they had stayed there previous in a
9 different room?

10 A Yes, ma'am.

11 Q Okay. So about how long did you know them?

12 A They were there with me since February.

13 Q Since February?

14 A In and out.

15 Q In and out, okay.

16 So I want you to describe the in and out
17 nature. So is your hotel -- it's not a weekly rental,
18 correct?

19 A No, not weekly.

20 Q Is it a daily rental?

21 A Daily rental.

22 Q How much does it cost per day?

23 A At that time, \$40 per night.

24 Q \$40?

25 A Uh-huh.

1 Q And it was \$40 per night since February?

2 A Since -- uh-huh. Yes, ma'am.

3 Q Pretty consistent in that range. So what would
4 happen -- if somebody didn't have \$40 to pay you for
5 the day, would they be required to leave?

6 A Yes, ma'am. I ask them to check out by
7 eleven o'clock.

8 Q By eleven o'clock. And that would be for everyone
9 in the hotel, correct?

10 A Yes.

11 Q So there is no units in your hotel that are
12 long-term, like people rent them for a month and they
13 pay you a rate, correct?

14 A We don't have them by the month. They have
15 to pay me daily.

16 Q All right. Is there a property next door to your
17 hotel?

18 A Yes, ma'am.

19 Q And what's that property?

20 A Siesta.

21 Q The Siesta. The Siesta, is it down the road or
22 right next door?

23 A Right next to me.

24 Q I'm sorry?

25 A Right next door.

1 Q Right next door. And what separates your hotel
2 from the Siesta?

3 A There's a fence between both properties.

4 Q Okay.

5 All right. So I believe you testified
6 earlier that you had known Mr. Redding and Miss
7 Noonan -- how many months did you say, sir?

8 A Since February.

9 Q Since February. So we're talking about seven
10 months?

11 A Yes. February, March, April. After that,
12 July and August, and then September.

13 Q And then September, okay.

14 Now, you -- and Cypress was living there too
15 the whole time?

16 A Who?

17 Q Cypress, the white girl?

18 A Yes, ma'am.

19 Q All right. Where did you live on the property?

20 A At the front of the motel.

21 Q At the front, okay. Would you see them pretty
22 regularly?

23 A Yes, ma'am.

24 Q All right. And did you have an opportunity to
25 talk with them regularly?

1 A No, ma'am. Usually when they come and pay
2 me.

3 Q They come and pay you?

4 A Uh-huh.

5 Q Did Brian come and pay you or Cypress or both?

6 A Both. Sometimes Cypress, sometimes Brian.

7 Q Sometimes, okay.

8 All right. And during the time that they
9 stayed with you, did you ever witness Cypress with
10 any, like, bruises on her or an injury?

11 A No, ma'am.

12 Q Okay. Did you ever hear Mr. Redding and
13 Miss Noonan, you know, like loud fights and things
14 like that?

15 A Nothing.

16 Q Did you ever have any problems in Room 22?

17 A No.

18 Q And did you ever have any complaints about them?

19 A No, nobody complained.

20 Q All right. And then, sir, on September 6th, this
21 is a different day, right? This is something
22 different that happened?

23 A Uh-huh.

24 Q All right. And I want to show you State's exhibit
25 so we can let the jury know where it is we're talking

1 about. Hold on one second.

2 All right. Sir, I'm going to show you what
3 has been marked and admitted as State's Exhibit 2.

4 One second, sir. Can you see that picture, sir?

5 A Yes, ma'am.

6 Q Sir, is this Room 22 right here?

7 A Yes.

8 Q Okay. And, sir, what is this area right here?

9 A That's where we got the bedding.

10 Q Bedding, sir?

11 A Yes, ma'am.

12 Q And then what is this here?

13 A That's a curtain and bed spreads.

14 Q Bed spreads?

15 A Uh-huh.

16 Q Okay. Is there a soda machine located here?

17 A Right next to that is a lawn mower, and after
18 the lawn mower is a soda machine.

19 Q Lawn mower and soda machine like right here, off
20 to the left of the lawnmower?

21 A Yeah.

22 Q Is there -- did you have a routine every morning
23 of anything that you do in particular?

24 A I start my work between 8:00, 8:30 every day.

25 Q You start work between 8:00 and 8:30 every day?

1 A Uh-huh.

2 Q Okay. And when you start work, what do you do?

3 A I start cleaning the rooms for people that
4 checked out.

5 Q All right. And are you walking around the
6 property?

7 A Yes, ma'am.

8 Q All right. And do you -- on the date of
9 September 6th of 2020, were you walking around the
10 property that morning?

11 A That morning, I just came -- after the Pepsi
12 machine, there's a telephone bell switch. So I
13 turned the bell switch on. And since Mr. Brian
14 came and he gave me and I gave him a good morning,
15 so I walked away from that Pepsi machine to my
16 utility room.

17 Q Sir, so let's back up a little bit. So if I
18 understand you correctly, and please correct me if I'm
19 wrong, are you saying that in the morning you were
20 turning on the Pepsi machine?

21 A No, no. After the Pepsi machine, there's a
22 bell switch. So when you walk to the back, we can
23 hear in the back if somebody calls. The
24 telephone.

25 Q The bell for the phone?

1 A Uh-huh.

2 Q So around the Pepsi machine, you would turn on the
3 bell for the phone so you know if somebody is calling
4 the hotel?

5 A Yes, ma'am.

6 Q Okay. And that morning were you doing that?

7 A Yes, ma'am.

8 Q Okay. And at some point -- and do you remember
9 seeing Mr. Redding that morning?

10 A The same time people came, he came from
11 outside and he parked his car in front of that
12 room. So he came and I gave him and I walked to
13 my utility room.

14 Q So just to make sure we're clear: You were
15 outside and you saw Mr. Redding pulling into the
16 parking lot?

17 A Uh-huh. He pulled in. He came out from the
18 car. He gave me and I gave him good morning, and
19 then I don't know what he did. I just tell him
20 I'm going to my utility room.

21 Q Okay. So Mr. Redding gets out of the car. He
22 says good morning to you?

23 A And I told him good morning.

24 Q And you told him good morning. Now, when
25 Mr. Redding got out of the car and he said good

1 morning to you, did you notice if Mr. Redding was
2 covered in blood?

3 A No, ma'am.

4 Q Did you notice if Mr. Redding was sweating
5 profusely, like sweating really bad?

6 A No, I did not notice.

7 Q Did he seem angry?

8 A No.

9 Q Did he give you any indication whatsoever that
10 anything was wrong?

11 A No.

12 Q Okay. And then you said you walked away from
13 Mr. Redding?

14 A Uh-huh.

15 Q Okay. And then approximately how long later did
16 you see Mr. Redding again?

17 A Well, a couple hours. Because while I was
18 going to my utility room, he maybe went to his
19 room. I don't know what happened, but starts
20 crying. I heard he was crying and I stand back,
21 and I actually was telling Brian, what happened?
22 He did not answer me.

23 So I walked to his room. At that time, he
24 went inside the room. And when I reached the door, he
25 was talking with somebody. I don't know who. He did

1 not answer me, so I walked to my utility room. I
2 called my wife to call 911. And she called. As soon
3 as she called 911, the lady to answered the phone, she
4 told her somebody already called.

5 Q So, sir, when Mr. Redding arrived at the hotel --
6 now, you're saying that you saw him pull in. So we're
7 talking about pulling in from the main road, correct?

8 A He just parked the car in front of his room.

9 Q In front of the room. He would have parked the
10 car in front of this room here?

11 A Yes, ma'am.

12 Q I believe we probably have a picture -- the jury
13 has already seen it -- of the white car that parked
14 outside? The white car?

15 A Yes.

16 Q And he goes into the room. Did you hear any
17 gunshots?

18 A No, ma'am.

19 Q Okay. Did you hear anybody screaming?

20 A No.

21 Q When Mr. Redding went in the room you heard him
22 crying, is that what you said?

23 A No, no, no. What I said was, when I went to
24 my utility room, I heard him, he was crying. I
25 walked over to there, about three to four feet

1 from that room.

2 Q Could you slow down a little bit, sir. I'm having
3 a hard time understanding.

4 A From Room 22, I was at somewhere around
5 room 28 or room number 30.

6 Q So you were at room 28 or room number --

7 A I was at that room. Near that room.

8 Q You were near Room 22.

9 A First, I passed from there and I walked to my
10 utility room.

11 Q Your utility room.

12 A Somewhere about room 28 and 30, I heard him
13 crying.

14 Q Between and 28 and 30. Where's room 28 and 30?

15 A All my rooms for even numbers; 22, 24, 26,
16 28, 30. So somewhere around 28 or 30, I was there
17 and I heard him crying.

18 Q You heard him crying?

19 A Uh-huh.

20 Q Yeah.

21 A So I turned around, and, from that point, I
22 asked him, *Mr. Brian, what happened?* He did not
23 answer me. So I went over to him. By the time I
24 reach that room, he was inside the room.

25 Q Okay.

1 A In the meantime, when I reach that room, he
2 was talking with somebody on the phone.

3 Q He was talking with someone on the phone?

4 A So he did not answer me, so I went back to my
5 utility room and I called my wife to call 911.

6 Q Now, sir, at any point in time, did you ever
7 witness Mr. Redding with a firearm?

8 A No.

9 Q Did you witness Mr. Redding covered in blood?

10 A No.

11 Q Do you remember what color shirt he had on?

12 A Ma'am?

13 Q Do you remember what color shirt he had on?

14 A I don't remember, ma'am.

15 Q You don't remember the shirt. But you didn't see
16 any blood, right?

17 A No.

18 Q And did you indicate that you didn't hear anything
19 other than him crying?

20 A Right.

21 Q Okay. Were you in close vicinity -- were you
22 close by the room?

23 A I was outside that door.

24 Q Okay. And you called 911?

25 A My wife called 911.

1 Q Your wife called 911.

2 A (Witness nods head up and down.)

3 Q Okay. And you said that Mr. Redding was in the
4 room?

5 A He was in the room.

6 MS. SWANSON: Objection.

7 THE COURT: Hold on. Yes, ma'am.

8 MS. SWANSON: All of the last several
9 questions have been asked and answered.

10 THE COURT: The last several questions
11 have been asked and answered. Let's move on,
12 Miss Carmody.

13 MS. CARMODY: Okay.

14 BY MS. CARMODY:

15 Q All right Let's see. Did you stay on scene until
16 the police arrived? Were you there when the police
17 arrived?

18 A I was in my utility room.

19 Q When the police arrived, did anybody come and talk
20 to you?

21 A No.

22 Q Did you ever talk to the police?

23 A I did, but I don't know what time.

24 Q Was it the same day?

25 A I don't know.

1 Q You don't even know. Do you remember when you did
2 talk to the police which officer it was?

3 A It was two years back, so I cannot remember.

4 Q All right. Would you recognize if it was the
5 woman here? '

6 A No, I don't recognize her.

7 Q You don't know, okay.

8 All right. Did the police ask you for any
9 information about your hotel?

10 A Doing what, ma'am?

11 Q Did the police ask you for information about your
12 hotel and who was staying there?

13 A Yes, ma'am.

14 Q And when did they do that?

15 A It was two years back, so I cannot
16 remember.

17 Q That's fine, sir. I don't believe I have any
18 further questions.

19 MS. CARMODY: Beg the Court's indulgence
20 for one second, Your Honor. I have no further
21 questions, Your Honor. Please answer any
22 questions for the State, Mr. Patel. Thank you.

23 THE WITNESS: Thank you.

24 THE COURT: Solicitor, cross-examination?

25 MS. SWANSON: Yes, thank you.

1 CROSS-EXAMINATION

2 BY MS. SWANSON:

3 Q All right. How are you, Mr. Patel?

4 A Fine. You?

5 Q Good. Let's see, Miss Carmody asked you if you
6 had known Brian and Cypress for a while, right?

7 A Yes, ma'am.

8 Q Now, when we're talking about "know them," that
9 didn't mean that you were socializing with them?

10 A No, I don't socialize with them.

11 Q Right. You didn't even remember her name?

12 A I don't remember her name.

13 Q So you never hung with them or anything in Room
14 22.

15 A No, no.

16 Q All right. So you don't really know what was
17 going on in Room 22?

18 A No, ma'am. No idea.

19 Q And I'm sure you're not aware that there was drug
20 paraphernalia found in Room 22?

21 A No, ma'am.

22 Q Now, generally you wake up and start cleaning
23 around 8:00 or 8:30, right?

24 A Yes, ma'am.

25 Q But on September 6th, you were running a little

1 later, weren't you? Do you recall that?

2 A Ma'am, it all depends on when people check
3 out. Sometimes I come late, a little bit late,
4 sometime early.

5 Q Okay. But when you saw Brian, who called 911 at
6 9:46 --

7 A That was my wife.

8 Q Well, he also made a phone call when he found the
9 victim.

10 But my question is: When he came back, was
11 that when you had just started cleaning that day?

12 A Yes, ma'am.

13 Q Okay. So that would be around 9:45, or so. So it
14 was a little later than your normal routine.

15 A Yes, ma'am.

16 Q Okay, thank you. That's all I have for you.
17 Thank you.

18 A All right.

19 THE COURT: Anything further,
20 Miss Carmody? Any redirect?

21 MS. CARMODY: No, Your Honor.

22 THE COURT: Mr. Patel, thank you so much
23 for coming, sir.

24 THE WITNESS: Thank you, sir.

25 THE COURT: I appreciate it. Any

1 objection to him being excused from the State?

2 MS. SWANSON: Not from the State.

3 THE COURT: Miss Carmody?

4 Miss Carmody?

5 MS. CARMODY: He can be excused, Your
6 Honor.

7 THE COURT: All right. Thank you. Thank
8 you, sir, have a good day.

9 Solicitor -- excuse me. Miss Carmody you
10 can call your next witness.

11 MS. CARMODY: Yes, Your Honor.

12 THE COURT: Miss Carmody, who is your
13 next witness?

14 THE WITNESS: This is Jessica Ortega,
15 Your Honor.

16 THE COURT: All right.

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

21 THE WITNESS: Yes.

22 THE CLERK: Come right around. Have a
23 seat in the witness chair. If you'll speak into
24 the mic.

25 THE WITNESS: Okay.

1 THE COURT: Yes, ma'am.

2 MS. CARMODY: Thank you, Your Honor.

3 WHEREUPON:

4 JESSICA ORTEGA,

5 after having been sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. CARMODY:

8 Q Good morning, Miss Ortega. Could you please state
9 your name and spell it for the record?

10 A Jessica, J-e-s-s-i-c-a, Ortega spelled
11 O-r-t-e-g-a.

12 Q Miss Ortega, where do you work?

13 A I work at the call center. I'm a
14 telecommunications supervisor.

15 Q For where?

16 A Dispatch.

17 Q For dispatch?

18 THE CLERK: Speak a little louder.

19 BY MS. CARMODY:

20 Q You need to speak into the microphone, ma'am?

21 A Okay.

22 Q Is it like a 911 operator, is that what you
23 mean?

24 A Yes, ma'am.

25 Q How long have you been doing that?

1 A For three years, five months or so.

2 Q And, ma'am, were you working as a 911
3 dispatcher/operator on September 6th, 2020?

4 A Yes, ma'am.

5 Q And you were -- we heard earlier -- just to
6 clarify. We heard earlier in the State's case from
7 another person at Jasper County who played the 911
8 call for the jury. Were you here for that?

9 A No.

10 Q Mr. Phillip Cothran, do you know who he is?

11 A Yes, ma'am.

12 Q And he works in the same office with you?

13 A Yes, ma'am.

14 Q And on September 6th of 2020, do you remember
15 receiving a phone call regarding a gunshot?

16 A Yes, ma'am.

17 Q And do you remember what time that call came in?

18 A I don't remember an exact time.

19 Q Do you remember speaking with a man on the
20 phone?

21 A I do.

22 Q Okay. Ma'am, so at the time that this call came
23 in, how long had you been working for Jasper County
24 dispatch, 911 dispatch?

25 A I had just came out of training, but I was

1 released from the training. By the time that call
2 came in, I probably was on my own. I was an
3 independent dispatcher for approximately four
4 months.

5 Q Four months?

6 A Yes, ma'am.

7 Q Okay. And what does your training entail?

8 A I think it's about six weeks.

9 Q But what do you do for training? Training for
10 what?

11 A Like what do we do when we're in training?
12 They teach us how to, like, turn out units, take
13 calls, how to answer 911 calls on emergency lines,
14 how to talk to officers, how to acknowledge them,
15 make sure we get all the right information from
16 the call.

17 Q How to talk to officers. How about the person on
18 the phone? How to talk to them too?

19 A Yes, ma'am.

20 Q Is part of that training how to calm people
21 down?

22 A Yes, ma'am.

23 Q And are you also trained how to get information
24 from people?

25 A Yes, ma'am.

1 Q All right. Now, ma'am, prior to you answering the
2 phone, is that line being recorded?

3 A Yes, ma'am.

4 Q And, approximately, how long is it recorded?

5 A As long as we're on the line with the person
6 that's called into 911. It's always recorded.

7 Q Okay. So if I were to call 911 right now and the
8 phone is ringing, is that line being recorded?

9 A Uh-huh. Yes, ma'am.

10 Q Is there any indication on the line that this call
11 is being monitored or recorded?

12 A We don't normally tell you that the line is
13 being recorded.

14 Q Prior to you answering the phone, the phone is
15 ringing. There's no -- it's just ringing, correct?

16 A Yes, ma'am.

17 Q Waiting for somebody to pick up?

18 A Yes, ma'am.

19 Q Okay. And when you first answer the phone, how do
20 you answer the phone?

21 A Jasper County 911. What is your emergency?

22 Q The person that was calling you, did he seem
23 upset?

24 A At first, yes.

25 Q And could you understand what he was saying?

1 A Yes, ma'am.

2 Q Okay. And when he's upset, did you try to calm
3 him down?

4 A I don't recall what I said to him at that
5 time.

6 Q Did you ask him what's going on?

7 A Yes, ma'am.

8 Q Okay. At some point in time, does he tell you
9 that his girlfriend had been shot?

10 A Yes, ma'am.

11 Q Okay. Is it part of your training to ask somebody
12 how that occurred?

13 A Yes, ma'am.

14 Q And are you trying to get information out of
15 them?

16 A Yes, ma'am.

17 Q And what would be the point of getting information
18 from the person? Like, what are you trying to get at
19 by asking them questions?

20 A For that call specifically?

21 Q Are you investigating? Are you trying to get
22 information?

23 A I'm trying get information. Like if it was a
24 medical call, I'm going to try to figure out
25 what's wrong with the patient, so I can relay that

1 information to our unit. Or if it's like a
2 disservice or something like that, I'm going to
3 try to figure out what's going on so I can tell
4 the units what they're responding to.

5 Q And do you remember -- so you take calls from a
6 bunch of different people, right? Do you get calls
7 from car accidents?

8 A Yes, ma'am.

9 Q And you get calls, you know, gunshot wounds and
10 everything?

11 A Yes, ma'am.

12 Q In all of those calls, does everybody always
13 respond the same?

14 A No.

15 Q I'm sorry?

16 A No, ma'am.

17 Q And, you know, do you often have to use your
18 skills to calm people down?

19 A Often.

20 Q Okay. And are there other cases where people are
21 calmer?

22 A Yes, ma'am.

23 Q Okay. And you're trying to obtain information to
24 give it to the -- to determine who to send to the
25 scene or to give to the police?

1 A It depends what the nature of the call is.

2 Q This was a gunshot, right?

3 A Yes, ma'am.

4 Q Okay. And did you ever ask Mr. Redding if there
5 was a gun on scene?

6 A No, ma'am.

7 Q Would it be important to know if the victim was
8 breathing?

9 A Yes, ma'am.

10 Q Okay. Do you remember when you asked that?

11 A I don't remember exactly what point in the
12 call, but I do remember asking him if she was
13 still breathing.

14 Q Would after four minutes sound about right?

15 A Yes, ma'am. It was there at the beginning.

16 Q Do you remember asking Mr. Redding -- well, after
17 he told you that his girlfriend had been shot, do you
18 remember asking him who shot her?

19 MS. SWANSON: Objection; leading.

20 THE COURT: Let her try to rephrase,
21 please. Sustained.

22 MS. CARMODY: I will.

23 BY MS. CARMODY:

24 Q Ma'am, do you recall, if ever, asking him who had
25 shot her?

1 A I don't recall.

2 Q If I showed you a transcript of your call would
3 that refresh your recollection?

4 A Yes, ma'am.

5 Q Did that refresh your recollection, ma'am?

6 A Yes, ma'am.

7 Q Do you remember what you said?

8 A I asked him who shot her in the beginning, do
9 you know?

10 Q And to your recollection, did he provide you with
11 a lot of information?

12 A He did.

13 Q Okay. Now, ma'am, the information that somebody
14 provides you over the phone, you had indicated that
15 you're dispatching the correct people. So you did
16 dispatch EMS, correct?

17 A Yes, ma'am.

18 Q And you did dispatched the police?

19 A Yes, ma'am.

20 Q Do you know approximately how long into the call
21 that happened?

22 A No, ma'am.

23 Q Do you remember asking Mr. Redding if he touched
24 anything in the room?

25 A No, ma'am.

1 MS. SWANSON: Your Honor, I would object.

2 The best evidence of what was said in this 911
3 call has already been admitted into evidence and
4 is in a recording. This is all extremely
5 duplicative. It's asked and answered several
6 times, and I'm not even sure what the relevance is
7 at this point.

8 THE COURT: All right. Miss Carmody?

9 BY MS. CARMODY:

10 Q Ma'am --

11 THE COURT: Miss Carmody?

12 MS. CARMODY: Yes.

13 THE COURT: In regard to that, I think
14 the recording is the -- is in evidence and speaks
15 for itself, and so I think we need to move on.
16 Okay?

17 MS. CARMODY: Yes, Your Honor.

18 BY MS. CARMODY:

19 Q Ma'am, at the time, had you a couple weeks
20 training.

21 A (Witness nods head.)

22 Q Okay. Have you received additional training since
23 this time?

24 A No, ma'am.

25 Q No. Were you working with anybody else at the

1 time to assist you?

2 A My other two co-workers. There's only three
3 of us on shift.

4 Q Okay. I don't have any further questions, ma'am.
5 Thank you.

6 THE COURT: Solicitor, cross-examination?

7 MS. SWANSON: Yes, just briefly.

8 THE COURT: Yes.

9 CROSS-EXAMINATION

10 BY MS. SWANSON:

11 Q All right. Jessica, I'm going to hand you the CAD
12 report from this phone call, and I'm just going to
13 point you to a note at 9:49 a.m. If you can please
14 read that note. I believe it was made by you,
15 right?

16 A Yes, ma'am.

17 Q Okay. Go ahead.

18 A Do you want the --

19 Q Yes, if you can read it out loud your note from
20 9:45 -- I mean 9.

21 A 9:45 or 9:49?

22 Q 9:49.

23 A The first one at 9:49 states, "Eyes are
24 closed." The second one says, "Caller advised
25 after he dropped his friend off, came back in a.m.

1 to get his wallet and left again."

2 Q Okay, that's it. Thank you.

3 MS. SWANSON: I don't have any further
4 questions.

5 THE COURT: Anything else, Miss Carmody?

6 MS. CARMODY: No, Your Honor.

7 THE COURT: All right. Thank you so much
8 for coming in today. Any objection to her being
9 excused, Miss Carmody?

10 MS. CARMODY: I'm sorry, Your Honor?

11 THE COURT: Any objection to her being
12 excused?

13 MS. CARMODY: No, Your Honor.

14 THE COURT: All right. Great. Any
15 objection from the State to her being excused,
16 Solicitor?

17 MS. SWANSON: No.

18 THE COURT: Great. You can call your
19 next witness, Miss Carmody.

20 MS. CARMODY: Beg the Court's
21 indulgence.

22 Your Honor, the defense calls
23 Danielle Smith.

24 THE CLERK: All right. Raise your right
25 hand. Place your left hand on the Bible. The

1 testimony you're about to give will be the truth
2 so help you God?

3 THE WITNESS: Yes.

4 THE CLERK: Come right around. Have a
5 seat in this chair. Speak into the mic.

6 WHEREUPON:

7 DANIELLE SMITH,
8 after having been sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. CARMODY:

11 Q Danielle?

12 A Yes.

13 Q Good morning, ma'am. Could you please state your
14 name for the record and spell it?

15 A My name is Danielle, D-a-n-I-e-l-l-e, Smith,
16 S-m-i-t-h.

17 Q Thank you, ma'am. Ma'am, where do you live?

18 A I live in Estill, South Carolina.

19 Q And September 6th of 2020, where did you live?

20 A Bluffton, South Carolina.

21 Q Do you remember the address, ma'am? Or the
22 street?

23 A I don't know. I can't remember at the
24 moment.

25 Q You can't remember the street name?

1 A I was staying on a dirt road.

2 Q I'm sorry.

3 A I was staying on a dirt road.

4 Q On a dirt road.

5 A Yes, ma'am.

6 Q Do you remember, was this the vicinity of
7 Simmonsville Road?

8 A Simmonsville Road, yes.

9 Q All right, ma'am. And so I want to bring you back
10 to the date before September 6th. Did you have a
11 conversation with -- well, did you have the
12 opportunity to meet Miss Cypress Noonan?

13 A I saw her before.

14 Q How long have you known her?

15 A Not too very long, but I've known her.

16 Q Not too long.

17 A Yeah.

18 Q Do you know Mr. Redding?

19 A Yes.

20 Q How long have you known Mr. Redding?

21 A All my life.

22 Q All your life?

23 A Yes.

24 Q Have you seen Miss Noonan and Mr. Redding with
25 each other? Do you hang out?

1 A Yes, I see them together plenty of times.

2 Q Plenty of times, okay. And the times that you
3 were around Miss Noonan, did you ever see her with any
4 type of injury?

5 A No. I always see her happy.

6 Q She was always happy?

7 A Yeah.

8 Q What about Mr. Redding, what was his demeanor?

9 A I mean, they was always happy together. I
10 never saw them in like anything, any conflicts, or
11 anything.

12 Q Okay. And, ma'am, did you see them the night
13 prior to Cypress passing away?

14 A Like I said, I was in a bad accident before
15 all this so I can't too much remember too much of
16 anything. But as I recall, I didn't seen them.
17 The only thing I can recall that day -- when I
18 called Mr. Redding that night, and I asked him --
19 like I said, I asked him to come take me to my
20 grandmama house because I had to go over there to
21 take my kids some stuff, and so he came by. He
22 came and got me that morning.

23 Q So slow down for one second, ma'am. Your
24 grandmother's house is where?

25 A In Pineland.

1 Q Pineland, okay. So, you asked Mr. Redding to give
2 you a ride to Pineland?

3 A Uh-huh.

4 THE COURT: Yes? Ma'am?

5 THE WITNESS: Yes. I'm sorry.

6 THE COURT: You're fine. It's just that
7 she's recording everything.

8 THE WITNESS: I'm sorry.

9 THE COURT: That's okay. Yes, no, or
10 however you want to answer.

11 THE WITNESS: Yes, sir. Yes, sir.

12 THE COURT: Thank you.

13 Yes, ma'am. Go ahead.

14 BY MS. CARMODY:

15 Q Okay. Just so we're clear on the dates, on the
16 date before Cypress passed away, you asked Mr. Redding
17 to give you a ride the next day on the day?

18 A I called him that night. Yeah, I called him
19 that night and I asked him, well, can you take me
20 to grandmama's house in the morning. I said,
21 because I need to be over to my grandmama's house
22 in the morning. He said, okay, fine.

23 Q All right. And then in the morning, did
24 Mr. Redding arrive as your residence?

25 A Yes, ma'am.

1 Q And what do you remember what time he got there?

2 A I don't remember the exact time. I'd say
3 between -- approximately, I'd say about 8:30 or
4 9:00. Maybe 8:30 or nine o'clock, something like
5 that.

6 Q Do you remember giving a statement to
7 Agent McCallister in the case?

8 A Who.

9 Q Agent McCallister.

10 A Yes, I remember talking to her.

11 Q And this was on September 21st of 2020?

12 A Uh-huh.

13 Q And do you remember telling agent McCallister?

14 MS. SWANSON: Objection, Your Honor.

15 Leading.

16 BY MS. CARMODY:

17 Q Do you recall making --

18 THE COURT: Hold on.

19 MS. CARMODY: I'm sorry.

20 THE COURT: I'm going to sustain the
21 objection. Please rephrase.

22 BY MS. CARMODY:

23 Q Ma'am, do you recall making a statement to agent
24 McCallister that it was between 7:30 and 7:45 a.m.?

25 MS. SWANSON: Same objection for

1 leading.

2 THE COURT: Miss Carmody?

3 THE WITNESS: Like I said --

4 THE COURT: Hold on, ma'am.

5 Miss Carmody, you need to rephrase.

6 You're leading this witness. So please try to ask
7 a non-leading question, ma'am.

8 BY MS. CARMODY:

9 Q Ma'am, do you recall making a statement, if any --

10 A Yes, ma'am.

11 Q -- that Mr. Redding arrived at 7:30?

12 MS. SWANSON: Your Honor, it's the same
13 leading information.

14 THE COURT: I'm going to overrule the
15 objection. She can answer the question if she
16 understood the question and knows the answer.

17 THE WITNESS: Like I said, I know it was
18 earlier that morning. It was early in the morning
19 time. You know, like I said, I can't too much
20 remember of the times because it was almost a year
21 ago or so. But I know it was early that morning.
22 I know it wasn't before -- I know it was way
23 before 9:00. Now, like I said, I know it was way
24 before then. Like I said, it was probably about
25 7:45. I'd say about 8:00. I'd say between 8:00

1 and 7:45. I can't remember the exact time.

2 Q If I showed you a copy of a transcript of your
3 statement would it refresh your recollection?

4 A Yes. Yeah.

5 Q Ma'am, do you recall what time Mr. Redding picked
6 you up in the morning?

7 A It was about 7:30, 7:45.

8 Q Thank you, ma'am.

9 And, ma'am, he picked you up from your --

10 A From my residence.

11 Q And where was that?

12 A In Bluffton, South Carolina.

13 Q When Mr. Redding picked you up from your residence
14 in Bluffton --

15 A Yes, ma'am.

16 Q -- did you see a gun in the car?

17 A No, ma'am.

18 Q Did you see any blood?

19 A No, ma'am.

20 Q Was Mr. Redding acting out of the ordinary?

21 A No, he was acting fine.

22 Q Did you have any indication that anything had been
23 wrong -- that anything was wrong?

24 A To me, like I said, when he picked me up,
25 everything had looked fine with me. That's all I

1 can say. He didn't act like he was jittery or,
2 like, out of proportion or something. It was
3 nothing like that. He just acting his normal
4 self.

5 Q Ma'am, did you -- was he driving or were you
6 driving?

7 A He was driving.

8 Q Okay. And where -- do you recall where he drove
9 to?

10 A He said -- well, before he took me, he said,
11 *I need to stop by the hotel to grab my wallet. I*
12 *said, Okay, hurry up because I got to hurry up and*
13 *get to the house. So that's when he stopped by*
14 the hotel and he grabbed his wallet. He was in
15 there approximately one to two minutes and then
16 came out.

17 Q Ma'am, what were you doing? Like, he went into
18 the hotel -- before he went into the hotel, did he
19 have a weapon?

20 A No.

21 Q Was he angry?

22 A No, ma'am.

23 Q Okay. When he came out of the hotel, did he have
24 a weapon?

25 A No, ma'am.

1 Q Was he angry?

2 A No, ma'am.

3 Q Was he covered in blood?

4 A No, ma'am.

5 Q Did you hear anybody screaming?

6 A No, ma'am.

7 Q Did you hear a gunshot?

8 A No, ma'am.

9 Q While you were waiting in the car, did you-all sit
10 and talk?

11 A No. He just went in for one or two minutes.
12 I was out while he was in there smoking my
13 cigarette, and that's when he came and that's when
14 he left.

15 Q Okay. Do you think it may have been longer than
16 one or two minutes, ma'am?

17 A Huh?

18 Q The time frame, one to two minutes, do you think
19 it may have been longer than that?

20 A No longer than five. No longer than three
21 minutes. It was not that long. It wasn't that
22 long.

23 Q All right. And when he came out, did you-all
24 leave the motel?

25 A Ma'am?

- 1 Q When he came out, did you leave?
- 2 A Uh-huh.
- 3 Q Okay. And when you left, where did you go?
- 4 A To my grandmama's house.
- 5 Q Where is that?
- 6 A In Pineland. In Pineland on Creek Road.
- 7 Q Is that the Cohen --
- 8 A Yes, [REDACTED].
- 9 Q Cohen Road.
- 10 All right. And when Mr. -- on the way out to
- 11 Pineland, did you see a gun in the car?
- 12 A No, ma'am. I did not.
- 13 Q Did you see any indication -- do you see any
- 14 blood?
- 15 A No, ma'am.
- 16 Q You had -- how long does it take you to get to
- 17 Pineland?
- 18 A From Ridgeland to Pineland, I would say, in
- 19 the morning, about 15, 20 minutes.
- 20 Q Were you in the vehicle all that time?
- 21 A Yeah.
- 22 Q So the 15 to 20 minutes that you were in the
- 23 vehicle, did you see anything out of the ordinary in
- 24 the car?
- 25 A No, ma'am. I haven't.

1 Q When you get to Pineland, did you see Mr. Redding
2 exit the vehicle.

3 A I exited the vehicle and went inside my
4 grandmama's house. I was in there with my kids.
5 My kids were inside.

6 Q Right.

7 A Yes, ma'am.

8 Q You stayed at your grandmother's house?

9 A Huh?

10 Q Did you stay there, or did he bring you back?

11 A No, I stayed.

12 Q Okay.

13 All right. During the entire time that you
14 were with Mr. Redding that day, just to make sure I
15 didn't miss anything, is there anyplace else that you
16 stopped?

17 A No, ma'am.

18 Q Okay. And during the entire duration of your
19 being with him, was there anything that was out of the
20 ordinary?

21 A No, ma'am.

22 MS. CARMODY: I don't believe I have any
23 further questions, Your Honor.

24 THE COURT: Solicitor.

25 MS. SWANSON: Thank you, Your Honor.

1 THE COURT: Yes, ma'am.

2 CROSS-EXAMINATION

3 BY MS. SWANSON:

4 Q Hi, Danielle. How are you?

5 A I'm fine, ma'am. You?

6 Q Good.

7 A Good.

8 Q All right. So you've known Brian your entire life
9 because you-all are kin, right?

10 A Yes, ma'am.

11 Q You-all are cousins?

12 A Yes, ma'am.

13 Q All right. Is that side of the family close?

14 A Huh?

15 Q Is that side of the family close?

16 A We're two first cousins.

17 Q Okay, yes. But what I mean, do you gather for
18 family gatherings?

19 A No, we don't. Our family is not like --
20 no.

21 Q Okay. You didn't really know Cypress, did you?

22 A No, ma'am.

23 Q Okay.

24 A I seen her, but I don't, like, know her life.
25 History or story, or whatever.

1 Q Right. And you kind of disapproved of the fact
2 that she was 16 years old, because you didn't really
3 know that at first, did you?

4 A I wasn't interested in knowing. I'm really
5 technically not a people person. I don't get into
6 people. I just don't. You know, from what I
7 seen, she was a real good person. She was a real
8 sweetheart person.

9 Q Uh-huh. But, you told SLED that you told Brian,
10 *What is you doing with a wrong girl?* Because he has a
11 girl, right? You recall telling SLED that?

12 A I mean --

13 Q He has a daughter, doesn't he?

14 A Yes, he does. Yes, that's what I told her,
15 yes.

16 Q How old is his daughter?

17 A She's 10.

18 Q Okay.

19 All right. You mentioned you had some sort
20 of accident. Was it a head accident?

21 A Uh-huh, I was just in a accident recently.

22 Q And that's given you some memory issues?

23 A I have paperwork.

24 Q That's okay. I don't need to see any of that.

25 But, my point is, what you told SLED in

1 September of 2020 is probably more accurate than your
2 memory here today, correct?

3 A Ma'am, now, like I said, my memory is not
4 very well.

5 Q Right.

6 A My memory is trying to bring back what I came
7 for today.

8 Q But prior to the accident, it was better.

9 A Like I said, I'm giving what I can remember
10 on the date. I cannot -- I'm just saying what I
11 can remember. This is what I'm saying as of this
12 moment, as of today. Yes, ma'am.

13 Q Okay. But you told SLED that you were at the
14 Forest Motel for one to two minutes back in September
15 of 2020 before your head injury, correct?

16 A That's what I just told her when she asked me
17 the question.

18 Q So the answer is, yes, that's correct.

19 A Yes, ma'am.

20 Q Okay. And you don't know anything about what
21 Brian Redding was doing in the wee hours of the
22 morning or when he stopped at the motel, correct?

23 A No. Like I say, the only thing he told me,
24 he was going to get his wallet and he was coming
25 right back out.

1 Q Okay. And you didn't go into the motel room?

2 A No, ma'am.

3 Q And you didn't -- you just stayed in the car?

4 A Yes, ma'am.

5 Q Okay, thank you. That's all I have.

6 A Yes, ma'am?

7 THE COURT: Anything else?

8 REDIRECT EXAMINATION

9 BY MS. CARMODY:

10 Q Ma'am, first, when you pulled -- when Mr. Redding
11 pulled up to the hotel, where did you-all park?

12 A In a packing lot.

13 Q Was it right in front of the door? Let me show
14 you a picture, so you have a reference.

15 Ma'am, I'm going to show you what was
16 previously admitted as Defense Exhibit 2. Ma'am, is
17 this the -- is this the white vehicle?

18 A Yes, it is.

19 Q Is this -- let me put it up on the screen,
20 actually, so the jury can see it.

21 Okay. Ma'am, this is the white vehicle that
22 he picked you up in?

23 A Yes, ma'am.

24 Q Is this the hotel room right here?

25 A Yes, ma'am.

1 Q Okay. And, at any point in time, did you get out
2 of the car and actually have a cigarette?

3 A I did get out and smoke a cigarette. Yeah, I
4 did.

5 Q Does smoking a cigarette take one or two minutes,
6 or it can be a little bit longer?

7 A It could be a little bit longer. But at the
8 same time, I didn't smoke the whole cigarette.

9 Q Okay. The entire -- so just -- let's do this.
10 From the time that you arrived with Mr. Redding at the
11 Forest Motel until the time he came out of the room
12 and you left the parking lot, did you ever hear a
13 gunshot?

14 A No, ma'am. I did not.

15 Q Did you ever see any indication that anything was
16 wrong?

17 A No, ma'am.

18 Q Thank you, ma'am.

19 MS. CARMODY: I don't have any further
20 questions.

21 THE COURT: Solicitor, anything else?

22 MS. SWANSON: No, Your Honor.

23 THE COURT: Thank you, ma'am.

24 THE WITNESS: Thank you.

25 THE COURT: All right. Ladies and

1 gentlemen, we're going to go ahead and take lunch
2 and I'm going to ask you to be back at 1:30. It's
3 12:30 now. Be back at 1:30 and we will be able to
4 continue with testimony.

5 Please don't talk about the case. Thank
6 you very much.

7 (Jury exits the courtroom at 12:25 p.m.)

8 THE COURT: All right. Anything from the
9 State before we break for hunch?

10 MS. SWANSON: No, Your Honor.

11 THE COURT: Anything, Miss Carmody?

12 MS. CARMODY: No, Your Honor.

13 THE COURT: All right. You'll be ready
14 to call your witness at 1:30.

15 MS. CARMODY: 1:30, yes, Your Honor.

16 THE COURT: That's when we're going to
17 come back, so she's got an hour to get to where
18 she needs to be. My clerk will be back here and
19 you-all can try to set that up. Okay?

20 MS. CARMODY: She's there now, Your
21 Honor. So she'll be ready.

22 THE COURT: All right. That sounds
23 great. We'll see everybody back here in about an
24 hour. Okay, thank you.

25 (A break was taken from 12:22 p.m. to 1:20 p.m.)

1 (Webex connected.)

2 (Webex disconnected.)

3 THE COURT: Counsel, come to chambers,
4 now.

5 MS. CARMODY: Yes. Absolutely, Your
6 Honor.

7 (Off the record.)

8 THE COURT: Back on the record. We are
9 on the record.

10 All right. We're back on the record.
11 We've had a brief meeting in chambers with the
12 lawyers. It appears that when we fired up the
13 meeting to take place on my virtual courtroom
14 because of the witness's inability to be present
15 because of her numerous medical issues, yesterday
16 I informed counsel that I did not want this to be
17 some type of meeting in a car. That it needed to
18 be professional in background so that the
19 witnesses would have -- excuse me, the jury would
20 have the ability to evaluate fully the credibility
21 of this witness.

22 Did I not indicate that, Miss Carmody?

23 MS. CARMODY: Yes, you did, Your Honor.

24 THE COURT: In chambers, is that what I
25 basically confirmed?

1 MS. CARMODY: Yes, you did, Your Honor.

2 THE COURT: Did I say anything else
3 concerning this matter in chambers, ma'am?

4 In other words, what took place in
5 chambers right now, is there anything else that
6 you want to say about what I said or what we
7 discussed in chambers for the record? I want to
8 get that on the record.

9 MS. CARMODY: Yes, Your Honor. I do want
10 to put on the record that I did specifically relay
11 to my investigator, Christy, that this had to be
12 in an office or professional environment and she
13 was well aware. It's my understanding that, right
14 now, I'm just hearing that there wasn't Internet
15 available in the home. That's why they had to go
16 outside. I understand the Court's ruling.

17 THE COURT: I understand. But as far as
18 what's been relayed now, that's the extent of our
19 conversations in chambers, correct?

20 MS. CARMODY: Yes, Your Honor.

21 THE COURT: Solicitor, is that the extent
22 of our conversations in chambers?

23 MS. SWANSON: Yes, Your Honor.

24 THE COURT: And so as a result of her
25 appearing in a car with multiple people around

1 her, this is just not acceptable. And as a
2 result, I'm not going to allow her to testify in
3 this fashion. She knew. She had at least an
4 hour's notice that we were going to start at 1:30
5 with the testimony, and so I'm excluding this
6 witness's testimony. I'm not going to wait on
7 this witness. We've discussed this witness. We
8 spent numerous time -- we spent all kinds of time
9 talking about this witness and whether or not she
10 could be here or not be here. I reviewed records.
11 We went out of our way, worked through lunch to
12 accommodate her. And so now she's just flat not
13 complied with the instructions of this court, as
14 I'm certain were relayed to her by Miss Carmody.
15 So we're not going to allow her to testify by
16 video.

17 As far as her testifying, Miss Carmody, I
18 mean, if she's going to come in, she's going to
19 come in. But I can tell you right now, I'm not
20 waiting or doing anything to slow up this matter.

21 So, at this point, is there anything we
22 need to take up before we bring the jury in and
23 let's get going? From the State?

24 MS. CARMODY: No, Your Honor. I'm ready
25 with my next witness. I apologize to the Court,

1 Your Honor.

2 THE COURT: Miss Carmody, that's fine. I
3 know you relayed that information to her. I'm
4 very confident that you did. It's just
5 frustrating when we do that and we make
6 accommodations and everybody works to accommodate
7 a witness and then this is what they do. So
8 that's just frustrating.

9 MS. CARMODY: I completely understand.

10 THE COURT: Let's go ahead and get the
11 jury. Thank you.

12 I know -- Miss Carmody, I know you did that.
13 I know you attempted to get it right.

14 MS. CARMODY: Thank you, Your Honor.

15 (Jury enters the courtroom at 1:36 p.m.)

16 THE COURT: All right. Mr. Foreman,
17 ladies and gentlemen of the jury, I think we are
18 ready to continue with the trial of this case.

19 Miss Carmody, you can call your next
20 witness, please.

21 MS. CARMODY: Thank you, Your Honor.

22 THE COURT: Yes, ma'am.

23 MS. CARMODY: Your Honor, the defense
24 with call Alvin Shiggs.

25 THE CLERK: Come forward. Could you

1 raise your right hand for me. Place your left
2 hand on the Bible. The testimony you're about to
3 give the court will be the truth so help you God?

4 THE WITNESS: Yes.

5 THE CLERK: Come around. Have a seat in
6 the witness chair. Speak into the mic.

7 THE WITNESS: Yes.

8 THE COURT: Hey, sir.

9 All right. Your witness, Miss Carmody.

10 MS. CARMODY: Thank you, Your Honor.

11 WHEREUPON:

12 ALVIN SHIGGS,
13 after having been sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. CARMODY:

16 Q Good afternoon, Mr. Shiggs. How are you?

17 A Fine.

18 Q Mr. Shiggs, could you state your name and spell it
19 for the record?

20 A Alvin, A-l-v-i-n. Shiggs, S-h-i-g-g-s.

21 Q Thank you, Mr. Shiggs. And where do you live?

22 A Hmm?

23 Q What's the address in Pineland?

24 A [REDACTED] Cohen Road.

25 Q Okay. Mr. Shiggs, do you know the defendant, Mr.

1 Redding?

2 A Yes.

3 Q How do you know him?

4 A That's my nephew.

5 Q And did you know Cypress Noonan?

6 A I know a little of her by -- through him.

7 Q Okay. Have you ever seen her?

8 A Yes.

9 Q Okay. Did you approve of their relationship?

10 A I ain't had no problem with that at all,
11 because, first of all, I didn't know her like that
12 or nothing. So ...

13 Q What about when you found out she was 16? Were
14 you on board with this whole thing or did you tell him
15 probably not a good idea, or what did you say?

16 A I didn't have a chance to talk to him because
17 he was in custody.

18 Q No, no, no. Sir, I'm talking about --

19 A You asked me how I felt. I couldn't tell him
20 how I feel about the relationship.

21 Q Let me back up a little bit. Prior to Brian being
22 arrested, did you agree with him dating Cypress at
23 16?

24 A No.

25 Q No, okay.

1 And did you allow either of them to sleep in
2 your home together?

3 A They don't come to my home.

4 Q Was Brian allowed into your home?

5 A Yes.

6 Q Okay. Would you allow Brian to sleep there with
7 Cypress?

8 A Well, if I know she had -- if I had known her
9 age before all this, she wouldn't be allowed to
10 come into my yard.

11 Q Do you -- did they sleep outside in your yard in a
12 car?

13 A Not that I know of. I'm in the house.

14 Q All right, sir. I want to bring you back to the
15 morning of September 6th. That's the morning that
16 Cypress Noonan passed away. Okay?

17 A Uh-huh.

18 Q So think of September 6th of 2020. Did you see
19 Mr. Brian Redding that morning?

20 A Yes.

21 Q Okay. And did he arrive at your home?

22 A Yes.

23 Q And what were you doing when he arrived?

24 A I was in my room in my bed.

25 Q Did he go into your room?

1 A Yes.

2 Q Did you have the opportunity to speak to him?

3 A We talked.

4 Q Was there anything wrong with his demeanor?

5 A No.

6 Q Did you see blood on him?

7 A No.

8 Q Did you see a firearm?

9 A No.

10 Q Did he appear to be upset?

11 A No.

12 Q Did he appear that anything was out of the

13 ordinary?

14 A No, he didn't.

15 Q In your conversations with Brian, is he a man of

16 little words or is he a man who likes to talk?

17 A Little. He don't talk much.

18 Q No? Okay. When you ask him a question though, is

19 he somebody that would provide you with a ton of

20 detail or he's just going to be like, well -- not say

21 anything?

22 A He wasn't -- you know, he don't give you a

23 time.

24 Q No? All right. How about like when something is

25 really bothering him. And only if you know. He had

1 an experience where a relative had passed away.

2 MS. SWANSON: Objection; relevance.

3 MS. CARMODY: I'll withdraw the
4 question.

5 THE COURT: I'm sorry?

6 MS. CARMODY: I'll withdraw the
7 question.

8 THE COURT: All right. She withdraws.

9 BY MS. CARMODY:

10 Q So, that morning when you were speaking with Brian
11 -- and I don't want you to repeat what Brian told
12 you -- are you having a hard time hearing me?

13 A No, my leg is bothering me.

14 Q I'm sorry.

15 Don't repeat what Brian told you. That would
16 be hearsay. So I'm asking you about his demeanor.
17 You also had the opportunity to observe his physical
18 appearance as well?

19 A Uh-huh.

20 Q Okay.

21 A Yes.

22 Q Did you notice anything out of the ordinary with
23 his physical appearance?

24 A No.

25 Q Okay. And after Cypress passed away, Brian, did

1 he live with you?

2 A Yes.

3 Q And while he was living with you, did you ever see
4 a gun?

5 A No.

6 Q Did you ever see a blue gun?

7 A No.

8 Q Brian was arrested on November 12th. And where
9 did his belongings go after he was arrested?

10 A I took them to his mother's house.

11 Q Okay. So while he was living at your house, where
12 was his clothing kept?

13 A In my room.

14 Q I'd like to show you what has been premarked as
15 Defense 32 for identification.

16 (DFT. EXH. 32, Batman shirt, was marked for
17 identification.)

18 BY MS. CARMODY:

19 Q Could you identify what this is in this bag. Does
20 that look familiar to you, sir?

21 A Yes. This is the shirt he had on. The
22 Batman shirt.

23 Q Thank you, sir. Where was this item kept?

24 A In his belongings with the rest of his stuff
25 in his bag.

1 Q Okay. And at some point when he went to jail,
2 where did you put his things?

3 A Well, when he left for the jail, his stuff
4 was in the living room. He called me and said he
5 was locked up, to put his stuff up. I put
6 everything in the bag, put them in my room. When
7 my child's mother came to move in with me, I
8 needed more room in my room, so I took his stuff
9 out and took it to his mama's.

10 Q Okay. And during the time that you had possession
11 of Mr. Redding's clothing, did you do anything to his
12 clothing?

13 A No, ma'am.

14 Q Okay. You didn't -- did you keep it in a closet?

15 A Kept it in the closet in a bag, like a trash
16 bag.

17 Q After he went to jail, you said that your family
18 had moved in?

19 A No. My child's mother.

20 Q Your child's mom had moved in?

21 A Yeah.

22 Q And did you bring this shirt and all of his
23 clothing to where?

24 A His mother's.

25 Q Okay. During the opportunity to observe Brian and

1 Cypress together, did you ever observe Brian hurt
2 Cypress in any way?

3 A No, ma'am.

4 Q Okay, thank you. I don't have any further
5 questions for you, Mr. Shiggs.

6 THE COURT: All right. Thank you.

7 Solicitor, do you have any
8 cross-examination?

9 MS. SWANSON: I do. Thank you.

10 THE COURT: Yes, ma'am.

11 CROSS-EXAMINATION

12 BY MS. SWANSON:

13 Q Mr. Shiggs, you recall that Brian was wearing a
14 Batman t-shirt that morning, right?

15 A No. She asked me what was that shirt, and I
16 told her it was a Batman shirt in the bag. She
17 didn't recall -- I didn't recall saying he was
18 wearing a Batman shirt.

19 Q Oh, okay. So he was not wearing a Batman shirt
20 that morning when he got to Pineland?

21 A I can't remember.

22 Q Okay. You just know there was a Batman shirt
23 somewhere?

24 A It was in his bag and she showed me the
25 bag.

1 Q Who showed you the bag?

2 A She just showed me the bag. The Batman shirt
3 was in the bag. And I just said I took the
4 belongings to his mother's house.

5 Q Okay. But when you said his belongings were in a
6 black bag in your closet, did you look through that
7 bag and find a Batman shirt and then take it to her,
8 or you just took the bag?

9 A I took the bag. Because when he called me
10 and said he was in custody, he said put his stuff
11 up. That's what I did. I put it all in a black
12 trash bag and put it in my room.

13 Q I got you. So you don't know whether or not a
14 Batman shirt was in that black bag. You don't have
15 any specific memory of that, do you?

16 A I just put all his stuff in the bag.

17 Q Okay. And do you recall when SLED executed a
18 search warrant on your house?

19 A I was at work during that day when they came.
20 I was at work and my sister called me.

21 Q Okay. So you don't know if that shirt was in the
22 bag that you took to his mama's house and you don't
23 know what happened to it from there, right?

24 MS. CARMODY: Your Honor, asked and
25 answered.

1 THE COURT: Overruled.

2 THE WITNESS: Excuse me?

3 BY MS. SWANSON:

4 Q You don't know if that shirt was in the black bag
5 that you took to his mama's house and then what
6 happened to it after that, do you?

7 A I mean, I just put all his stuff in the
8 bag.

9 Q Right. You don't have any -- sorry.

10 A I don't have no -- what could have happened
11 afterwards, I don't know, because it's not in my
12 belongings. It's not in my eyesight.

13 Q Okay, thank you.

14 THE COURT: Anything else, Miss Carmody?

15 MS. CARMODY: Very briefly, Your Honor.

16 THE COURT: Okay.

17 REDIRECT EXAMINATION

18 BY MS. CARMODY:

19 Q Mr. Shiggs, did you gather all of Brian's clothing
20 and keep it in the closet?

21 A Yes.

22 Q Did you remove any clothing or replace any
23 clothing or did you bring the entire container of
24 clothing to your mom's?

25 A I see what I see in eyesight, throw it in the

1 bag. I had my nephew help me put his stuff in the
2 bag. So I didn't put his stuff in the bag, you
3 know, all by myself. I had my nephew help me
4 because he know what's Brian's and he knows what's
5 his. We got a house full of people and I didn't
6 know what to grab and put in the bag.

7 Q Okay.

8 A So he helped me put his stuff in the bag.

9 Q And is part of the reason that you stored this
10 stuff in your closet because you have a house full of
11 people and you didn't want anybody going through it?

12 A He got his video games and all that and it's
13 valuable, so ...

14 Q And the entire contents of the bag went to his
15 mother's, correct?

16 A That's right.

17 MS. CARMODY: Thank you.

18 THE COURT: Solicitor, anything else?

19 MS. SWANSON: No, Your Honor.

20 THE COURT: Sir, thank you so much for
21 coming in. Appreciate it.

22 Miss Carmody, you can call your next
23 witness.

24 MS. CARMODY: Your Honor, the defense
25 would call Verdell Scott.

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

5 THE WITNESS: Yes.

6 THE CLERK: Come right around. Pull up
7 that chair. You can pull down your mask while
8 you're testifying. Speak into the mic.

9 THE COURT: Your witness.

10 MS. CARMODY: Thank you.

11 WHEREUPON:

12 VERDELL SCOTT,
13 after having been sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. CARMODY:

16 Q Good morning, Miss Scott. Could you please state
17 your name and spell it for the record, please?

18 A Verdell Scott. V-e-r-d-e-l-l. Scott,
19 S-c-o-t-t.

20 Q Ma'am, and what relation are you to Mr. Redding?

21 A My son.

22 Q Ma'am, after -- let me back up a little bit. Did
23 you know Cypress Noonan?

24 A Yes.

25 Q Did you -- were you aware that Mr. Redding, your

1 son, was having a relationship with Cypress Noonan?

2 A Yes.

3 Q Ma'am, did you approve of that relationship?

4 A No.

5 Q Ma'am, did Brian have a place to stay at your
6 home?

7 A Yes.

8 Q What about when Brian came to your home if he had
9 Cypress with him? Was Cypress allowed to stay in your
10 home with Brian?

11 A No.

12 Q Would the two of them sleep in your yard in their
13 car?

14 A Yes.

15 Q If it was just Brian, would he have had a place to
16 stay?

17 A Sure.

18 Q Okay. Ma'am, when you saw your son with Cypress,
19 did you ever see him hit her or abuse her or cause
20 harm to her in any way?

21 A No.

22 Q Okay. Ma'am, I want to show what's been premarked
23 as Defense 32. Do you recognize this that's in the
24 bag, ma'am?

25 A Yes.

1 Q Okay. Ma'am, what is it?

2 A A shirt.

3 Q Ma'am, you can take it out.

4 A Batman shirt.

5 Q Yes. Ma'am, after your son went to jail -- he was
6 arrested in November of 2020, over two months after
7 Cypress had passed away. At some point, did Mr.
8 Shiggs bring Mr. Redding's clothes to your house?

9 A Yes.

10 Q And while his clothes remained at your house, did
11 you dispose of any -- dispose of any clothes, or
12 anything like that?

13 A No.

14 Q Did the container stay in substantially the same
15 condition that it was in when you received it?

16 A Yes.

17 Q At some point, did an investigator from our office
18 contact you?

19 A Yes.

20 Q And was that Miss Nancy Cheers and Miss Stephanie
21 Gettingsmart?

22 A I think that's the name. I'm not sure.

23 Q The investigator from our office, did they go to
24 you to collect this Batman t-shirt?

25 A Yes.

1 Q I don't think I have any further questions.

2 MS. CARMODY: I don't have any further
3 questions, Your Honor.

4 THE COURT: All right.
5 Cross-examination, Solicitor?

6 MS. SWANSON: Thank you.

7 THE COURT: Yes, ma'am.

8 CROSS-EXAMINATION

9 BY MS. SWANSON:

10 Q Miss Scott, you don't have any personal knowledge
11 that that specific shirt belongs to Brian, do you?

12 A Yes.

13 Q How?

14 A Because when my brother bring it, he bring a
15 container. I put everything by the room door. I
16 haven't touch it.

17 Q But that's taking his word that those were
18 Brian's -- all of Brian's belongings. You don't know
19 that personally, though, do you?

20 A Yes.

21 Q Okay.

22 A Sorry.

23 Q Okay. Nobody testified that that was Brian's
24 shirt. Do you -- have you seen him in that shirt?

25 A Yeah.

1 Q That specific shirt?

2 A He wear that shirt a few times.

3 Q How do you know it was that one?

4 A Because it came in that container and that's
5 his clothes. All of it.

6 Q I'm sorry?

7 A That's his clothes. All of it.

8 Q So there's no way he could have bought another
9 Batman shirt?

10 A No, ma'am. Sorry.

11 Q All right. And you have no idea what happened
12 with the Batman shirt, where it may have gone, whether
13 another one was bought between September 6th and the
14 time that he got arrested, do you?

15 A It was in a container. Because when my
16 brother bring it, it was in a container. All of
17 his clothes.

18 Q Now, ma'am, you did not observe it in a container
19 from September 6th to the time of his arrest, did
20 you?

21 A No.

22 Q Okay. And so you don't know where the shirt was
23 from September 6th to the time of his arrest?

24 A No.

25 MS. SWANSON: That's all I have. Thanks.

1 THE COURT: Yes, ma'am.

2 MS. CARMODY: I don't have any further
3 questions, Your Honor.

4 THE COURT: Hold on. All right. Thank
5 you, ma'am.

6 THE WITNESS: Thank you.

7 THE COURT: Counsel, approach for one
8 minute.

9 (Bench conference.)

10 THE COURT: I just want to remind you, I
11 appreciate this. Please be sure to let me know
12 before you rest so you can talk to your client
13 about his rights. So before you're done, I want
14 to advise him outside of the jury's presence. You
15 follow me?

16 MS. CARMODY: Yes, absolutely.

17 THE COURT: So if you decide not to call
18 him, don't rest until I send the jury out and have
19 my colloquy with him. Okay?

20 MS. CARMODY: Yes.

21 THE COURT: Thank you. That's all. I
22 just want to remind you. I forgot to say that.
23 Yes, ma'am.

24 Miss Carmody, you can call your next
25 witness now.

1 MS. CARMODY: Thank you, Your Honor. The
2 defense will call Heather Price.

3 THE COURT: All right.

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

8 THE WITNESS: Yes, ma'am.

9 THE CLERK: Come around.

10 THE COURT: Your witness, ma'am.

11 WHEREUPON:

12 HEATHER PRICE,
13 after having been sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. CARMODY:

16 Q Heather, could you please state your name and
17 spell it for the record?

18 A Yes. It's Heather Price, P-r-i-c-e.

19 Q And, Heather, did you receive a bag from
20 Miss Nancy Cheers, an investigator from our office?

21 A I did.

22 Q And when did you receive the bag?

23 A Yesterday.

24 Q Is this the bag that you received?

25 A Yes, it is.

1 Q And the contents, ma'am?

2 A Yeah.

3 Q Okay. And was it substantially in the same
4 condition that it was in when you received it?

5 A Yes.

6 MS. CARMODY: Your Honor, the defense
7 would move for the admission of Defense Exhibit
8 32. And may I publish?

9 THE COURT: Solicitor?

10 MS. SWANSON: I have an objection to the
11 admission of the evidence.

12 THE COURT: All right. Ladies and
13 gentlemen, I'm going to need to take this up
14 outside of your presence. So, if you would, go
15 back to the jury room. I'll get you back in here
16 as soon as I can. Please don't talk about the
17 case. Thank you.

18 (Jury exits the courtroom at 1:59 p.m.)

19 THE COURT: All right. Solicitor, what
20 is your objection?

21 MS. SWANSON: Yes. Nobody can testify
22 that this is the same Batman shirt that the
23 defendant was wearing on September 6th. Nobody
24 has testified to that knowledge. Nobody knows
25 what was going on with that shirt in the two

1 months that the defendant had possession of it
2 prior to him being arrested. There is certainly
3 no documentation of where it was, who handled,
4 laundered it, did anything with it between
5 September 6th, and, apparently, when a bag that
6 Mr. Shiggs did not even know if the Batman was in
7 was taken to his mother. Although his mother
8 wanted to say that there is no way he could have
9 purchased another shirt in the two months before
10 his arrest, she would have no idea and had no
11 personal knowledge of any of that.

12 So I just don't think -- I don't think
13 the foundation has been laid. I don't believe the
14 chain has been adhered with. We just don't know
15 anything about this shirt.

16 THE COURT: All right. Miss Carmody,
17 yes, ma'am.

18 MS. CARMODY: Your Honor, the Batman
19 t-shirt is not fungible evidence. I believe what
20 Miss Swanson is arguing would go to the weight of
21 the evidence, not the admissibility.

22 I believe the defense has established a
23 sufficient chain of custody as far as practicable,
24 and that we've met our burden. We did establish
25 that Mr. Shiggs had all of Mr. Redding's clothing

1 in a container. He gave that whole container to
2 the mom. We sent our investigator to go through
3 those clothes and look for the Batman t-shirt. It
4 was in the container. The investigator collected
5 and handed it to Miss Price yesterday. I do have
6 the chain of custody form as well.

7 THE COURT: But you're wanting to
8 basically admit that so that the jury draws the
9 inference that that, in fact, is the Batman
10 t-shirt that he wore on the morning of
11 September 6th, 2020, where we saw him on a video
12 with a Batman t-shirt. I think that's what you're
13 wanting the jury to assume. Is that correct?

14 MS. CARMODY: Your Honor, I am using it
15 to show that SLED did not collect it, because --

16 THE COURT: You can just stipulate to
17 that. You can just say SLED did not collect a
18 Batman t-shirt.

19 MS. CARMODY: But it was actually there
20 and SLED didn't collect it.

21 THE COURT: That's the stipulation.

22 I think the purpose is to show that
23 that's the Batman t-shirt that he was wearing,
24 and, look, folks, there's no blood, no nothing on
25 it. I mean, that's what they're going to do.

1 They're going to pull that Batman t-shirt out and
2 they're going to assume that's the shirt he wore,
3 and I assume that there's no blood on it.

4 MS. CARMODY: Your Honor, I have no idea.
5 And this is why I specifically did not send it out
6 for testing.

7 THE COURT: Right.

8 MS. CARMODY: I believe if I sent it out
9 for testing that that would require a more
10 stringent chain. But because this is not a
11 fungible shirt, it's a Batman t-shirt. I mean,
12 it's also the same size Mr. Redding wears.

13 THE COURT: We don't know that.

14 MS. CARMODY: I could bring her back in.
15 I mean the mom and Mr. Shiggs could testify to it.
16 She's on our list.

17 THE COURT: Well, the evidence that I
18 heard concerning the Batman t-shirt was that
19 Mr. Shiggs gathered the defendant's belongings,
20 along with Mr. Shiggs's cousin, somebody else who
21 was present. Put them into a black bag. He
22 doesn't -- and I don't think there was any
23 testimony that -- he didn't know that he picked up
24 a Batman t-shirt and put it in a bag. There was
25 no testimony to that. The testimony was he picked

1 this stuff up, put it in a bag, and that would
2 have been done two months after this incident.
3 Two months after the death of Cypress.

4 And so, we don't know if that shirt had
5 been there for two months or two hours before
6 Mr. -- before it was apparently, allegedly
7 gathered up and then transported to mom who then
8 apparently didn't even know it was in there until
9 an investigator or someone came to look at it.

10 MS. CARMODY: We sent the investigator to
11 look through the whole container, Your Honor.

12 THE COURT: I understand that. I just
13 think that -- I mean, the inference is that that's
14 the shirt, and I don't think -- and, you know,
15 what happens is -- hold on one second.

16 All right. I'm not going to allow that
17 into evidence. My rationale is this: I just
18 don't think there's been a sufficient chain of
19 custody. We don't know how -- number 1, it was in
20 a container at mom's house. We know that. Or, at
21 least, your investigator found it in a container
22 at mom's house. Beyond that, we don't really know
23 how it got in the container. I mean, we can
24 speculate that it got into the container when he
25 just grabbed up his stuff but nobody saw it. And

1 then we have no idea if that is, in fact, his
2 Batman shirt. We have no idea how long that
3 Batman shirt has been there. We have no idea -- I
4 mean, it could have been there for two months. It
5 could have been there for literally two hours. We
6 don't know.

7 I think that the inference that the
8 jury -- I think that the -- I just don't think
9 you've established a chain that's going to
10 sufficiently support the admission into evidence
11 of that, ma'am.

12 Because, also, I understand you may be
13 wanting to enter it because of the fact that it's
14 the -- that SLED didn't collect it. I understand
15 that. But, I mean -- I just think if you want to
16 stipulate that SLED didn't collect a Batman
17 t-shirt, I mean, I don't know that's -- I don't
18 even know if the solicitor is going to oppose that
19 stipulation. But I think that there's a whole lot
20 more that's going to be drawn and wanting to be
21 drawn out and that's improper. That's why the
22 chain matters here.

23 I think that the inferences the jury
24 would draw from this are not appropriate, and I'm
25 not going allow it.

1 If you want -- what about a stipulation they
2 didn't collect the t-shirt, Solicitor, a Batman
3 t-shirt?

4 MS. SWANSON: Your Honor, that was
5 actually asked on cross of Agent McCallister and
6 she said it was not collected. They did not find
7 a Batman t-shirt.

8 THE COURT: All right. That's going to
9 be my ruling.

10 MS. CARMODY: Thank you, Your Honor.

11 THE COURT: All right. So we need to get
12 the jury back in here, and are you continuing --
13 your going to continue your cross of her?

14 MS. CARMODY: She's going to be all set
15 because I just needed her for the shirt, Your
16 Honor.

17 THE COURT: No problem. Miss Price, I
18 forgot. One second. Because you were on the
19 stand when the jury went out, so I want you to be
20 on the stand when they come back in. Okay?

21 Anything before we bring the jury back in
22 from the State?

23 MS. SWANSON: No, Your Honor.

24 THE COURT: Miss Carmody?

25 MS. CARMODY: No, Your Honor.

1 (Jury enters the courtroom at 2:08 p.m.)

2 THE COURT: All right. Ladies and
3 gentlemen, thank you for your patience. Again,
4 sometimes there are things that have to be taken
5 up outside of your presence. I appreciate your
6 understanding.

7 I'm going to sustain the State's
8 objection. And, Miss Carmody, you can continue
9 with your examination of Investigator Price.

10 MS. CARMODY: I have no further questions
11 of Miss Price at this time.

12 THE COURT: All right. Do you have any
13 questions, Solicitor?

14 MS. SWANSON: No, Your Honor.

15 THE COURT: Thank you, ma'am. Thank you
16 so much.

17 Miss Carmody, you can call your next
18 witness.

19 MS. CARMODY: Beg the Court's indulgence,
20 Your Honor. Your Honor, the defense calls
21 Detective Litchfield.

22 THE COURT: All right.

23 THE CLERK: Raise your right hand. Place
24 your left hand on the Bible. The testimony you're
25 about to give to the court will be the truth so

1 help you God?

2 THE WITNESS: I do.

3 THE CLERK: Come right around. Adjust
4 the mic.

5 THE WITNESS: Yes.

6 THE COURT: All right. Your witness,
7 ma'am.

8 MS. CARMODY: Thank you, Your Honor.

9 THE COURT: I have to tell you, many
10 places that I go and hold court, literally, if the
11 witness is on the microphone, I mean, that far
12 away, it's like it's not amplifying a thing. I
13 will have to let you know that the folks in Jasper
14 County, they got a microphone that works. Okay?
15 I just want to let you-all know that. You can be
16 proud that your county has got a microphone that
17 works. Because most places, they don't.

18 All right. You're witness.

19 MS. CARMODY: Thank you, Your Honor.

20 WHEREUPON:

21 DANIEL LITCHFIELD,
22 after having been sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. CARMODY:

25 Q Good afternoon, Detective Litchfield. How are

1 you?

2 A Fine. And yourself?

3 Q Thank you, sir. Sir, can you please state your
4 name and spell it for the record?

5 A Yes. It's Daniel Benjamin Litchfield. You
6 want me to spell my full name or last name?

7 Q Just your last name, sir.

8 A Litchfield, L-i-t-c-h-f-i-e-l-d.

9 Q And where do you work?

10 A Ridgeland Police Department.

11 Q How long have you been there?

12 A It's going on 18 years.

13 Q Okay. And are you familiar with Ridgeland?

14 A Yes, ma'am.

15 Q How long have you lived or worked in the
16 community?

17 A Going on 18 years.

18 Q Okay. Are you familiar with people in the
19 community through your work?

20 A Yes, ma'am.

21 Q Okay. And did you investigate -- were you one of
22 the detectives investigating the death of Cypress
23 Noonan?

24 A Yes, ma'am.

25 Q And did you arrive on scene at the Forest Motel on

1 September 6th?

2 A Yes, ma'am.

3 Q When you arrived on scene, do you know what time
4 that was approximately?

5 A Not offhand, no.

6 Q When you arrived on scene, were there other people
7 there?

8 A Yes, ma'am.

9 Q Do you remember seeing -- well, do you know, a
10 man -- well, actually no.

11 Do you remember seeing an individual by the
12 name of Dervon Jones, Popeye?

13 A Popeye. I know him as Popeye, yes.

14 Q Okay. And you recognize Popeye from --

15 A Previous encounters.

16 Q Previous encounters, okay.

17 Popeye was on scene that morning?

18 A Yes.

19 Q All right. Was Mr. Redding on scene?

20 A Yes.

21 Q Okay. He had -- after he called 911, did he wait
22 for law enforcement?

23 A He did.

24 Q And do you remember having an interview with
25 Mr. Redding?

1 A They had several interviews. I was part to a
2 couple along with Special Agent McCallister.

3 Q You audio and video record all your interviews?

4 A Yes, ma'am.

5 Q Okay. And during the interview with Mr. Redding,
6 did you suggest to him that maybe Popeye may be
7 involved?

8 A I asked him if he knew a guy such as Popeye.
9 Because anybody involved in that is suspect until
10 we clear him.

11 Q So you brought up the name Popeye that day?

12 A Correct.

13 Q He was on scene that morning?

14 A Yes. I don't know if he was initially, but
15 he showed up at some point. Any time you have an
16 incident like this, a lot of people show up;
17 friends, family.

18 Q A lot of people ended up coming on scene?

19 A Uh-huh.

20 Q Do you know who kept a crime scene log?

21 A Off the top of my head, no.

22 Q Do you know if anyone had collected the names and
23 phone number or tried to talk to everybody on scene?

24 A I would probably suspect it was either
25 Sergeant Warren or Officer Howard.

1 Q Okay. And if neither one of that had done it,
2 would it have been when SLED arrived?

3 A Probably.

4 Q Do you remember what time SLED got there?

5 A Two different times. One was Special Agent
6 McCallister and then also crime scene. Couple
7 hours difference.

8 Q Afternoon time, early afternoon?

9 A I believe so.

10 Q And the Forest Motel, is that -- I mean, are we
11 talking the Marriott?

12 A No, ma'am.

13 Q Okay. Do you frequently receive calls for the
14 Forest Motel?

15 A Actually, very rarely.

16 Q How about the area around the Forest Motel?

17 A Yes, there's another location right next to
18 it that we receive quite -- quite a bit of
19 calls.

20 Q Would that be the Siesta next door?

21 A Yes, ma'am. That was in the past. It's
22 calmed down a lot since then.

23 Q Since Cypress died, it calmed down a lot?

24 A Just in the past couple years, yes. It could
25 be from patrolling or it could be from people just

1 moving. I think he's -- the owner of it is trying
2 to make it a better place to live.

3 Q And did you collect any firearms in this case?

4 A No, ma'am.

5 Q Brian was arrested late November, right?
6 Correct?

7 A I don't know off the top of my head.

8 Q At some point in September 23rd, did you go to his
9 residence?

10 A I don't know if it was his residence, but a
11 residence, yes.

12 Q A white trailer?

13 A Yes.

14 Q Was it Cohen Road in Pineland?

15 A Yes.

16 Q Okay. And while you were out there in Pineland,
17 did he speak with you?

18 A I don't believe so.

19 Q Do you recall -- let me refresh your recollection.
20 Do you recall an incident where a dog had been hit by
21 a car and --

22 A Yeah, it was in the ditch. I remember
23 that.

24 Q Somebody had to called animal control?

25 A Uh-huh.

1 Q And Mr. Redding was outside?

2 A I believe so.

3 Q Okay. And that's the day that Ashley Dodson's
4 vehicle was towed again?

5 A I believe so, yes.

6 Q All right. And on both occasions that you spoke
7 with him, Mr. Redding was not under arrest, or he was
8 not in custody or cuffed, or anything like that,
9 correct?

10 A I don't believe so, no.

11 Q And he spoke with you voluntarily?

12 A I don't remember him speaking to me directly
13 because there was a SLED agent out there. I think
14 he spoke to him.

15 Q He was talking with the SLED agent outside?

16 A Uh-huh.

17 Q Okay. Do you remember -- recall that he had a new
18 Motorola phone?

19 A I don't recall.

20 Q Do you recall that SLED had possession of both of
21 his cell phones at that time?

22 A I do know that SLED did take the phones from
23 him and Noonan.

24 Q Now, on the day that Cypress had passed away, SLED
25 executed a search warrant on Ashley Dodson's vehicle

1 that day.

2 A If that's the one we towed from the scene,
3 probably so.

4 Q And then on September 23rd, when you arrived at
5 his house, SLED executed another search warrant and
6 took the vehicle a second time.

7 MS. SWANSON: These are leading questions
8 and actually not questions.

9 THE COURT: Well, you are leading this
10 witness. I'd appreciate you're not leading the
11 witness.

12 BY MS. CARMODY:

13 Q Did SLED take the vehicle a second time?

14 A Yes.

15 Q Would it have been on the 23rd, do you know?

16 A I don't recall. Whenever they were out there
17 at the residence.

18 Q There was testimony -- just to give you some
19 context. There was testimony --

20 MS. SWANSON: This is -- objection;
21 leading. Informing a witness who she is --

22 THE COURT: All right. Miss Carmody, I'm
23 going to sustain the objection. Ask a non-leading
24 question, ma'am. You've been leading, and please
25 ask non-leading questions.

1 BY MS. CARMODY:

2 Q Did you collect any drug evidence in this case?

3 A No.

4 Q At the motel, did you ever enter the room?

5 A Once crime scene did, I did enter to look.

6 Q All right. Did you observe Baggies on the
7 table?

8 A I don't remember.

9 Q Did you prepare a report in this case?

10 A Very little. The reason for that is the
11 primary was Croft and McCallister, and everything
12 I did was with them. I figured they would cover
13 everything I did. I didn't want to muddy the
14 waters.

15 Q And, if Croft prepared a report in this case,
16 would you have received it?

17 A Yes.

18 Q Did you receive a report from Croft?

19 A Yes.

20 Q Did you produce that to the State?

21 A Yes.

22 Q Do you know when you did that?

23 A Ongoing investigations, everything we get, we
24 add it to the system called evidence.com so it's
25 there along with everything new. But there's over

1 225 pieces of evidence entered into that, and
2 Croft's statement is one of those.

3 Q Are you referring to the supplemental?

4 A Uh-huh.

5 Q But he didn't prepare a report? It was a
6 supplement, correct?

7 A Yes. We generate our initial report with the
8 officers that show up and we do supplements to
9 that.

10 Q Are you aware of -- if evidence was in Ridgeland
11 Police Department, would you be aware of it?

12 A Yes.

13 Q Were you aware of any drug evidence that had been
14 collected at all by Ridgeland Police Department?

15 A No.

16 MS. CARMODY: I don't have any further
17 questions, Your Honor.

18 THE COURT: All right. Solicitor, do you
19 have any cross-examination?

20 MS. SWANSON: Just briefly.

21 THE COURT: Yes, ma'am.

22 CROSS-EXAMINATION

23 BY MS. SWANSON:

24 Q When Miss Carmody was asking if you brought up
25 Dervon Jones, Popeye, this would have been on the day

1 of Cypress's death, correct?

2 A Yes.

3 Q Okay. And so you're looking for information,
4 right?

5 A Yes.

6 Q And keeping your eyes wide open as to anyone could
7 be a suspect here.

8 A Correct.

9 Q Including Brian Redding.

10 A Of course.

11 Q Okay. Now, you have been kept apprised and
12 collaborated with SLED on this investigation, right?

13 A Yes, ma'am.

14 Q And do you have any reason to believe Dervon Jones
15 had any to do with Cypress Noonan's death?

16 MS. CARMODY: Objection; speculation,
17 Your Honor.

18 THE WITNESS: I do not.

19 MS. SWANSON: Thank you.

20 MS. CARMODY: Objection speculation.

21 THE COURT: I'm going to overrule. I'm
22 going to allow that question. It's already now
23 been asked and answered.

24 MS. SWANSON: Thank you.

25 THE COURT: Anything else, Miss Carmody?

1 MS. CARMODY: No, Your Honor.

2 THE COURT: All right. Sir, thank you
3 very much. Can he be released? Is he here
4 pursuant to a subpoena?

5 MS. CARMODY: Yes, Your Honor.

6 THE COURT: All right. Sir, I think you can
7 be released. Thank you.

8 THE WITNESS: Thank you.

9 THE COURT: Miss Carmody, call your next
10 witness.

11 MS. CARMODY: Your Honor, the defense
12 will call Matthew Hatchell.

13 THE COURT: All right.

14 THE CLERK: Raise your right hand. Place
15 your left on the Bible. The testimony you're
16 about it give this court will be the truth so help
17 you God?

18 THE WITNESS: Yes.

19 THE COURT: Hello. Your witness.

20 MS. CARMODY: Thank you, Your Honor.

21 WHEREUPON:

22 MATTHEW HATCHELL,
23 after having been sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. CARMODY:

1 Q Good afternoon, Mr. Hatchell. Can you please
2 state and spell your name for the record, sir?

3 A It's Matthew Hatchell, H-a-t-c-h-e-l-l.

4 Q And, Mr. Hatchell, where do you live?

5 A I live in town at the motel Plantation. I
6 used to live at the Siesta, but now I live at the
7 Plantation.

8 Q And the Siesta is what?

9 A The Siesta? That's next door to where the
10 incident happened.

11 Q I'm sorry?

12 A I'm sorry?

13 Q Could you speak into the microphone?

14 A That's next door to where the incident
15 happened. I would imagine. Yes.

16 Q So, what do you mean next to?

17 A Where Cypress was living at. I was living at
18 the Siesta next to the Forest.

19 Q Can you explain where the Forest is and Siesta?

20 A They're right next to each other.

21 Q Is there anything that separates the two?

22 A A fence.

23 Q What type of fence?

24 A It's like a chain-link fence.

25 Q All right. How long have you been living at the

1 Siesta?

2 A I didn't live there long. I would say about
3 a year at the most.

4 Q Do you know a man by the name of Dervon Jones?

5 A It sounds familiar.

6 Q What about somebody who uses the nickname
7 Popeye?

8 A I'm sorry?

9 Q Popeye?

10 A Oh, yeah. Yeah.

11 Q Do you refer to him as Popeye?

12 A That's what everybody calls him.

13 Q And on the morning that Cypress had died, did you
14 come into contact with Popeye?

15 A Yes. I was on my way back from work, and I
16 was walking to the back of the Siesta because I
17 lived in the back. And he came up to the chain
18 link fence and talked to me, and that's when he
19 handed me a bag. And that's -- he came back to 20
20 minutes later and got it.

21 Q Okay. The bag? Are we talking about a bag like
22 this? What type of bag?

23 A Like just a draw-string bag.

24 Q Did it have any weight to it?

25 A Kind of. I wouldn't know how to explain it,

1 but it had some weight.

2 Q Okay. Not a bowling ball?

3 A No, no.

4 Q All right. Was anybody with Popeye when he handed
5 you the bag?

6 A Not that I could see with him, but there was
7 a crowd of people, so ...

8 Q Okay. Do you know Mr. Redding?

9 A Mr. Redding, yes. I'd called him -- he's --
10 what's that word? An acquaintance. I have met
11 him before.

12 Q But you-all are not close friends?

13 A No. Not close friends, no.

14 Q Which side of the fence were you on?

15 A The Siesta side, because I was just coming
16 home from work.

17 Q Which side of the fence was Popeye on?

18 A The Forest.

19 Q Did you see Brian that morning?

20 A I didn't see him at all, actually.

21 Q Thank you.

22 MS. CARMODY: I have no further
23 questions, Your Honor.

24 THE COURT: All right. Solicitor,
25 cross-examination?

1 MS. SWANSON: Yes, thank you.

2 THE COURT: Yes, ma'am.

3 CROSS-EXAMINATION

4 BY MS. SWANSON:

5 Q Is it Matthew or do you go by Matt?

6 A Either one.

7 Q Either one. So when you -- you got back from
8 work, right?

9 A Yeah, I used to work at Wendy's.

10 Q Okay. And when you got there, there was a bunch
11 of people at the Forest Motel?

12 A Yeah, just outside.

13 Q Right. Was law enforcement out there?

14 A I believe so. I wasn't staring over there or
15 nothing, so ...

16 Q Okay. But this is the morning that Cypress had
17 been murdered, right?

18 A Yes.

19 Q Did you see Paige out there, Cypress's sister?

20 A Yes, I believe so.

21 Q Okay. And you knew Paige and Dervon are dating,
22 right, or were at the time?

23 A Was dating.

24 Q And Paige is Cypress's sister, obviously concerned
25 about her.

1 A Yeah.

2 Q So the family is gathering around the Forest
3 Motel, right?

4 A Yeah.

5 Q You know these people?

6 A Yeah, I know them.

7 Q Did you -- so, when Popeye, Dervon, hands you the
8 bag, he doesn't tell you to do anything with it, does
9 he?

10 A No, he didn't tell me to do anything. He
11 just said, *Can you hold this for me?* I wasn't
12 thinking anything. I just got off of work. I was
13 tired.

14 Q He didn't tell you to get rid of what was inside
15 of it?

16 A No. He just handed it to me and said I'll be
17 back to get it.

18 Q You didn't look in the bag, did you?

19 A No. I don't mess with other people's
20 things.

21 Q Okay. And do you know if Popeye is actually
22 legally allowed to carry a firearm?

23 A I'm not sure.

24 Q Okay. Thank you very much.

25 THE COURT: All right. Miss Carmody,

1 anything else?

2 MS. CARMODY: No further questions, Your
3 Honor.

4 THE COURT: Thank you, sir, for coming
5 in. And can he be excused?

6 MS. CARMODY: Yes, Your Honor.

7 THE COURT: Thank you, sir. Have a great
8 day.

9 THE WITNESS: You too.

10 THE COURT: Miss Carmody, you can call
11 your next witness.

12 MS. CARMODY: Thank you, Your Honor. I
13 believe, Your Honor, the defense will call
14 Officer Howard.

15 THE COURT: All right.

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

20 THE WITNESS: Yes, ma'am.

21 THE CLERK: Come right around. Have a
22 seat in the witness chair.

23 THE COURT: Hey, sir.

24 THE WITNESS: Hi. How are you?

25 THE COURT: Good.

1 THE CLERK: Speak into the mic for me.

2 THE COURT: Your witness, Counsel.

3 MS. CARMODY: Thank you, Your Honor

4 WHEREUPON:

5 TIMOTHY HOWARD,

6 after having been sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. CARMODY:

9 Q Good afternoon, sir.

10 A How you doing, ma'am?

11 Q Could you please state your name and spell it for
12 the record?

13 A Yes, ma'am. It's Timothy Howard.

14 T-i-m-o-t-h-y, H-o-w-a-r-d.

15 Q And where do you work?

16 A Ridgeland Police Department.

17 Q How long have you been there?

18 A Just over four-and-a-half years.

19 Q And on September 6th of 2020, did you report to
20 the Forest Motel?

21 A Yes, ma'am.

22 Q And do you remember why you reported to the
23 Forest Motel?

24 A Possible gunshot victim.

25 Q Were you the first officer on scene?

1 A I was not.

2 Q Who arrived there?

3 A Corporal Warren. Well, Sergeant Warren now.

4 He was Corporal Warren then.

5 Q And when you arrived, who was there?

6 A He was there, as well as fire and EMS were

7 there.

8 Q Corporal Warren, fire and EMS?

9 A Yes, ma'am.

10 Q What about any detectives?

11 A Not at that time, no, ma'am.

12 Q Did you observe anybody on scene?

13 A Just the gentleman that called it in.

14 Mr. Redding was the only one I remember seeing

15 there, other than the first responders on scene.

16 Q Okay. Do you recall seeing the man by the name of

17 Popeye?

18 A I'm not sure who that is. I'm not familiar

19 with that street name.

20 Q Did you go into the room?

21 A I did. Yes, ma'am.

22 Q Did you go into the room with Corporal Warren?

23 A I did.

24 Q When you were in the room, do you recall -- let me

25 back up. Have you responded to other shootings

1 before?

2 A I believe that was the second one.

3 Q Okay. Do you recall seeing any type of narcotics
4 in the room?

5 A I don't recall.

6 Q Do you recall -- did you check the room or did you
7 just walk in and walk out?

8 A Initially, I walked in and walked out because
9 I was responding on my way into shift, so I didn't
10 have my body camera at the time. I went in, made
11 sure Corporal Warren was all right and went and
12 got my body camera and came back.

13 Q Do you recall asking -- or speaking with Corporal
14 Warren about you thought this was recent?

15 MS. SWANSON: Objection.

16 THE WITNESS: I don't recall that.

17 THE COURT: I'm going to sustain that
18 objection. What's your objection, Solicitor?

19 MS. SWANSON: That this witness would
20 have no basis to form an opinion, which would only
21 be an expert that could do that regarding blood
22 coagulation, spatter.

23 THE COURT: Yes, ma'am. Yes, ma'am.
24 I'll sustain that objection.

25 MS. SWANSON: Thank you.

1 BY MS. CARMODY:

2 Q Mr. Redding was outside the room when you
3 arrived?

4 A Yes, ma'am.

5 Q Okay. And where was he?

6 A He was sitting out by the front door in a
7 chair.

8 Q And did he remain on scene the entire time you
9 were there?

10 A He did until he was transported to our office
11 by Investigator Croft.

12 Q All right. And did you -- being the second
13 officer on scene, did you talk to anybody who showed
14 up?

15 A The only people I talked to was the victim's
16 sister. I got her name, phone number, and the
17 mother's name and phone number for
18 Investigator Croft.

19 Q Was this after Croft appeared or showed up?

20 A Yes, ma'am. He requested I get the
21 information from her.

22 Q Prior to Croft, did you knock on any doors?

23 A I did not.

24 Q Did you talk to the owner of the motel?

25 A No, ma'am.

1 Q Did you do any type of search of the area at
2 all?

3 A The only search I did was when
4 Corporal Warren requested I check the apartment to
5 make sure there was no gun laying in the
6 apartment.

7 Q How long was it before -- were you there when SLED
8 came?

9 A Yes, ma'am.

10 Q And when was that?

11 A I don't recall. I would say probably within
12 two, two-and-a-half hours, possibly, of us getting
13 there. But I can't be a hundred percent sure. I
14 can't remember.

15 Q What did you do in the two-and-a-half hours you
16 were there?

17 A Waited outside to make sure nobody went into
18 the apartment.

19 Q You waited outside where?

20 A In the parking lot out front of the room.

21 Q Okay. Just making sure nobody went into Room 22,
22 or the whole area?

23 A To the room where the victim was at.

24 Q Okay. Was everybody else standing around?

25 A Yes, ma'am. Once we got Investigator Croft

1 there, nobody, to my recollection, re-entered the
2 room until SLED arrived.

3 Q Thank you. I don't think I have any further
4 questions.

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

7 THE COURT: Hold on one second.

8 THE WITNESS: Okay.

9 MS. CARMODY: Your Honor, I don't have
10 any further questions.

11 THE COURT: All right. Solicitor?

12 MS. SWANSON: No cross.

13 THE COURT: Okay, thank you. Sir, thank
14 you very much. You can step down. Have a good
15 day.

16 THE WITNESS: You too, sir.

17 THE COURT: He'll be release from his
18 subpoena? Miss Carmody, he'll be released from
19 his subpoena?

20 MS. CARMODY: Yes, Your Honor.

21 THE COURT: Miss Carmody, you can call
22 your next witness.

23 MS. CARMODY: Beg the Court's indulgence,
24 Your Honor. Your Honor, may we approach?

25 THE COURT: Sure.

1 (Bench conference.)

2 THE COURT: Ladies and gentlemen, there
3 is a matter I got to take up outside of your
4 presence. Just a few minutes. Let's go ahead and
5 take an afternoon break right now. That would be
6 great, Mr. Foreman. Please don't talk about the
7 case.

8 (Jury exits the courtroom at 2:39 p.m.)

9 THE COURT: Miss Carmody?

10 MS. CARMODY: Yes, Your Honor.

11 THE COURT: All right. At this time,
12 what I want to do is, I would like to advise
13 Mr. Redding of his rights as it relates to
14 testifying. Okay? So the first thing I'd ask you
15 to do, if he would stand up -- and Madame Clerk,
16 if you would swear him in, I'd appreciate that.

17 Mr. Redding?

18 He can stand up right there. And if you
19 raise your right hand, sir. And, if you would,
20 swear him in. That would be great.

21 THE CLERK: The testimony you're about to
22 give the court will be the truth so help you God?

23 MR. REDDING: Yes, ma'am.

24 THE COURT: Mr. Redding, please remain
25 standing. That way we can just look right at each

1 other. Can you state your full name for me,
2 please, sir?

3 MR. REDDING: Brian Jamal Redding.

4 THE COURT: Mr. Redding, at this time,
5 sir, I'm going to explain to you your rights. If
6 you do not understand anything I say, Mr. Redding,
7 please let me know. If you want me to explain
8 anything in more detail, please let me know. Do
9 you understand me, Mr. Redding?

10 MR. REDDING: Yes, sir.

11 THE COURT: Now, Mr. Redding, we've
12 reached the stage of the trial where you may
13 present your defense. Okay? You actually have
14 already presented some of your defense. You have
15 a right to claim the protections given to you by
16 the Fifth Amendment of the Constitution of the
17 United States. This amendment states in part,
18 sir, that no person shall be compelled in any
19 criminal case to be a witness against themselves.
20 Do you realize that, sir?

21 MR. REDDING: Yes, sir.

22 THE COURT: And that means, sir, that you
23 can't be required to testify in this case. You
24 have a right to testify on your own behalf;
25 however, no one can make you testify, Mr. Redding.

1 This is a personal right, sir, and no one can
2 waive this right except you, Mr. Redding. Do you
3 understand that?

4 MR. REDDING: Yes, sir.

5 THE COURT: So, Mr. Redding, if you
6 decide to testify, you will be subject to the same
7 rules that govern other witnesses. And you may be
8 examined, Mr. Redding, and cross-examined, sir, on
9 any relevant issue in the case. Do you that
10 understand that, sir?

11 MR. REDDING: Yes, sir.

12 THE COURT: Now, Mr. Redding, in
13 addition, sir, if you have any convictions
14 involving dishonesty or false statements, or for
15 crimes punishable by imprisonment for more than
16 one year and this court determines that the
17 probative value of admitting this evidence
18 outweighs its prejudicial effect to you, sir, the
19 solicitor will be able to introduce your record to
20 attack your credibility. Do you understand that,
21 Mr. Redding?

22 MR. REDDING: Yes, sir.

23 THE COURT: All right. Mr. Redding, if
24 you decide to testify, this decision on your part
25 must be freely, voluntarily, and intelligently

1 made with knowledge of the protections given to
2 you, sir, by the Fifth Amendment and the
3 consequences of your decision to testify. Do you
4 understand that, sir?

5 MR. REDDING: Yes, sir.

6 THE COURT: Now, Mr. Redding, if you
7 decide not to testify, I will instruct the jurors,
8 sir, that they cannot give the fact that you did
9 not testify any consideration whatsoever, and that
10 there is to be absolutely no prejudice to you,
11 Mr. Redding, because you did not testify.

12 Now, Mr. Redding, it's left entirely up
13 to you whether or not to testify. You may talk
14 with your attorney, your family, and friends, or
15 anyone else, sir, but the final decision will be
16 left entirely up to you. Do you understand that,
17 Mr. Redding?

18 MR. REDDING: Yes, sir.

19 THE COURT: Mr. Redding, have you
20 understood what I have explained to you, sir?

21 MR. REDDING: Yes, sir.

22 THE COURT: All right. Mr. Redding, do
23 you have any questions about what I have explained
24 to you, sir?

25 MR. REDDING: No, sir.

1 THE COURT: Mr. Redding, have you
2 discussed this matter with your lawyer as to
3 whether you should or should not testify, sir?

4 MR. REDDING: Yes, sir.

5 THE COURT: Mr. Redding, do you need any
6 additional time to talk with your lawyer about
7 this matter?

8 MR. REDDING: Yes, sir.

9 THE COURT: You do?

10 MR. REDDING: Yes.

11 THE COURT: All right. Go ahead.

12 MS. CARMODY: Your Honor, I asked Miss
13 Swanson earlier, it's my understanding he has two
14 convictions on his record for drugs. I don't know
15 if she's had any additional information other than
16 that.

17 MS. SWANSON: That is correct. He has a
18 2017 possession of crack and a 2019 possession of
19 cocaine base second offense. Those do fall within
20 the 10 years and carry over a year. There has
21 been a lot of testimony about narcotics and drug
22 use, so I do believe that they are relevant and
23 probative because there was razor blades, you
24 know, in that ashtray. And, you know, somebody
25 has a fight with their loved one and they're all

1 cracked out, things might go downhill pretty
2 fast.

3 THE COURT: All right. Counsel?

4 MS. CARMODY: Your Honor, I don't agree
5 that there's any evidence to suggest he had a
6 fight with his loved one, number 1. And number 2,
7 that he was all cracked out.

8 But, you know -- I mean, his prior record,
9 Your Honor, I don't believe that either one of those
10 is admissible. Well, Your Honor, I don't know that it
11 makes a difference either way, to be honest with you,
12 because they already know he's been dealing drugs. To
13 me, that's part of our defense, is that, you know,
14 there was drugs in the room. So I don't know that
15 that may help. I just want to make sure.

16 THE COURT: Now, Miss Carmody, hold on a
17 second. All right. What you're saying is -- and
18 I understand --

19 MS. CARMODY: He has prior --

20 THE COURT: I practiced for many years,
21 ma'am, and I understand what you're saying. But
22 you're sort of thinking and talking out loud as it
23 relates to that matter. So, you know, if you want
24 me to make a ruling, then I'll make a ruling. If
25 you don't -- if you need to take a second,

1 Miss Carmody, concerning that, I'll give you a
2 second, but you got to let me know. You kind of
3 waffled on that, ma'am.

4 MS. CARMODY: I'm sorry, Your Honor.

5 THE COURT: No, I understand
6 completely.

7 MS. CARMODY: Your Honor, I do believe
8 that, you know, showing that he's a convicted
9 felon would be too prejudicial, and there's no
10 probative value. There's already evidence of
11 drugs. I don't understand what the probative
12 value of the prior convictions would be. It's a
13 murder case.

14 THE COURT: Give me one moment. All
15 right.

16 MS. SWANSON: I do have a response, if
17 the court would like to hear it.

18 THE COURT: Solicitor, when have I ever
19 not been willing to listen to anything you got to
20 say? I'm happy to hear from you.

21 MS. SWANSON: Miss Carmody, has brought
22 up drug dealing as part of the defense, and so I
23 think that she has made the drugs probative. You
24 know, in my thought, he is a drug user, and that
25 could have possibly contributed to the

1 difficulties that happened that night. But she
2 made the drugs relevant, so I don't think she gets
3 it both ways.

4 That's all I have to say.

5 THE COURT: Well, let me tell you what
6 I'm going to do. I think it's a close call as to
7 whether she's made it relevant. I understand the
8 solicitor's argument as it relates to that, and I
9 understand what Miss Carmody got up and told the
10 jury, and I understand what the evidence has been.
11 But there's also been -- there's also been some
12 talk about the existence or non-existence of
13 narcotics in the room. What I'm going to do is
14 this: I'm going to exclude the convictions, but I
15 will tell you this, if the door is opened, I'm
16 going to allow it.

17 So, the problem is -- and I'll just be
18 honest, Miss Carmody, the problem is -- I mean, the
19 door, because the way the case has been shaped, I
20 mean, it's the lightest door in the world. If you
21 understood what I'm saying. So I am not going to
22 allow the solicitor just to bring that up unless that
23 door is opened.

24 So I'm going to exclude the convictions.
25 But if the door -- and again this was the lightest

1 door in the world because of the way that the case
2 has shaped and come together.

3 But that would be my ruling. That's the only
4 thing I can say as it relates to that.

5 MS. CARMODY: Your Honor, I would request
6 a brief recess as well, so we can --

7 THE COURT: I'll tell you, it's 10 till,
8 I'll give you ten minutes. You-all can talk or
9 whatever you need to do. Should that be
10 sufficient time?

11 THE BAILIFF: I need to run to the
12 restroom too.

13 THE COURT: I'll tell you what I'll do,
14 I'll give you until five after 3:00. That should
15 give you time to go to the restroom. I'll tell
16 you what, I'll give you until 10 after 3:00. I'm
17 feeling generous.

18 MS. CARMODY: I do appreciate that, Your
19 Honor. Thank you.

20 THE COURT: All right. You understand my
21 ruling as it relates to the convictions, ma'am.
22 My ruling is, I'm not going to allow the solicitor
23 to bring it up unless the door is open. But given
24 the nature of this case, that's a real light door.
25 Okay?

1 MS. CARMODY: Thank you, Your Honor.

2 THE COURT: Yes, ma'am. We'll be at
3 ease.

4 (A break was taken was 2:50 p.m. to 3:11 p.m.)

5 THE BAILIFF: All rise.

6 THE COURT: Thank you. Be seated. I
7 just want to put on the record, again, because I
8 think this was the issue that we broke on, and
9 that was that I don't know that the State has
10 shown that the prior charges or convictions -- I
11 think the prejudicial effect is more than
12 probative value in this case. And so for those
13 reasons, I'm going to exclude it.

14 But as I indicated, I think that if the
15 defendant does take the stand, perhaps, the way
16 this case has shaped up, I think very, very easy
17 that the door is opened. If it is, I will give
18 her every opportunity to fully explore that
19 matter.

20 So, Miss Carmody, I think we've explained
21 that sufficiently -- my ruling sufficiently for
22 the record.

23 Let me ask you this: Mr. Redding, can you
24 stand back up, sir. Thank you, Mr. Redding.

25 All right. Mr. Redding, you're still under

1 oath, sir, and a few moments ago, Mr. Redding, I had
2 the clerk place you under oath and I provided you with
3 some information concerning your rights under the
4 Fifth Amendment and your right to testify or not to
5 testify. I concluded the information that I provided
6 to you. I concluded reading the information I
7 provided to you, Mr. Redding. You indicated to me
8 that you understood the information that I provided to
9 you. I asked if you have any questions about what
10 I've explained to you. You indicated to me that, yes,
11 you understood the information that I explained to
12 you, and you also indicated that you did not have any
13 questions about what I have explained to you.

14 Are those answers still correct, sir?

15 MR. REDDING: Yes, sir.

16 THE COURT: All right. I also asked you,
17 sir, if you've discussed with this matter with
18 your lawyer, whether you should or should not
19 testify. And again, sir, I believe your answer --
20 let me just ask you. All the answers, sir, that I
21 asked you when I inquired, do all your answers
22 still remain the same?

23 MR. REDDING: Yes, sir.

24 THE COURT: And so you have had an
25 opportunity to talk with your lawyer and I asked

1 if you needed more time to talk to your lawyer,
2 and have you had additional time to talk to your
3 lawyer, sir?

4 MR. REDDING: Yes, sir.

5 THE COURT: Do you need more time to talk
6 to your lawyer, sir?

7 MR. REDDING: No.

8 THE COURT: Okay. So let me ask you,
9 Mr. Redding: Do you wish to testify, sir?

10 MR. REDDING: Yes, I do.

11 THE COURT: You do?

12 MR. REDDING: Yes, sir.

13 THE COURT: All right. That's fine. You
14 can sit down, sir. Thank you.

15 Solicitor, in that case, are we ready to call
16 the jury back in? And are you ready to call your next
17 witness, Miss Carmody?

18 MS. CARMODY: Yes, Your Honor.

19 THE COURT: All right. That's great.
20 Let's get the jury back in here.

21 (Jury enters the courtroom at 3:14 p.m.)

22 THE COURT: All right. Mr. Foreman,
23 ladies and gentlemen of the jury, we are ready to
24 continue with the case.

25 And, Miss Carmody, you can call your next

1 witness.

2 MS. CARMODY: Yes, Your Honor. Thank
3 you. The defense would call Brian Redding.

4 THE COURT: All right. Come around,
5 sir.

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

10 THE WITNESS: Yes, ma'am.

11 THE CLERK: Come right around. Have a
12 seat in the jury box (sic).

13 THE COURT: Your witness, ma'am.

14 MS. CARMODY: Thank you, Your Honor.

15 WHEREUPON:

16 BRIAN REDDING,
17 after having been sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. CARMODY:

20 Q Good afternoon, Mr. Redding. Could you please
21 state your name and spell it for the record?

22 A Brian Redding, B-r-i-a-n. Last name
23 R-e-d-d-i-n-g.

24 Q Thank you, Mr. Redding.

25 Mr. Redding, back in September of 2020, where

1 were you living?

2 A Forest Motel.

3 Q And what is the Forest Motel?

4 A Jacobs Smart Boulevard.

5 Q I'm sorry. What is the Forest Motel? Is it an

6 apartment?

7 A A hotel.

8 Q It's a hotel?

9 A Yes, ma'am.

10 Q And how often did you need to pay?

11 A Daily.

12 Q Okay. And who were you living there with?

13 A Cypress Noonan.

14 Q When did you meet Cypress?

15 A Like, January 2020.

16 Q How did you meet Cypress?

17 A She was driving her sister's van. I ran into

18 her at the laundry mat. She backed into my car.

19 Q Which sister, do you know?

20 A Raven, her twin.

21 Q Raven?

22 A Uh-huh.

23 Q Did you -- what happened after you met her at the

24 laundromat?

25 A We talked, made conversation, swapped

1 numbers, and made plans to get together later.

2 Q And what attracted you to Cypress?

3 A Well, first of all --

4 THE COURT: All right. How about speak
5 up, sir. I want to make sure everybody can hear
6 you.

7 THE WITNESS: I'm sorry.

8 THE COURT: You're fine. Go ahead.

9 THE WITNESS: She's funny. She got a big
10 heart. She's understanding. And just, you know,
11 she kind of drawn me into her. She just felt like
12 she could relate to me on different levels. We
13 communicate. Like, times, you know, when I go
14 through things or whatnot, she just gave me a
15 peace of mind.

16 BY MS. CARMODY:

17 Q Were you happy?

18 A Very.

19 Q Did she appear happy to you?

20 A Yes, ma'am.

21 Q What types of things would you-all do together?

22 A We play video games. We go out. We go to
23 Georgia. Sometimes I buy her, like toiletry
24 things like that, underwear, deodorant, whatever
25 she needed. I also funded and help her get her

1 social security card and birth certificate to help
2 with trying to get her ID so she can work and get
3 her permit. I was in the process of actually
4 helping try to get her vehicle also because
5 sometimes she would drive my vehicle.

6 Q Did you care about her?

7 A Very much.

8 Q You love her?

9 A Yes, I do.

10 Q Did Cypress have a good relationship with her
11 mom?

12 A Not too much, no.

13 Q What about her sisters?

14 A No, they bicker a lot.

15 Q I'm sorry?

16 A They bicker a lot. They argue.

17 THE COURT: Sir, try to speak up a little
18 bit. You're fine. Just speak up a little bit
19 more. Thank you.

20 THE WITNESS: No problem.

21 BY MS. CARMODY:

22 Q Did you and Cypress stay in a daily-rental-type of
23 motel?

24 A Yes, ma'am.

25 Q And how much was the room, do you remember?

1 A Forty.

2 Q Forty dollars?

3 A A day.

4 Q And were there times when you didn't have money
5 for the room?

6 A Yes, ma'am.

7 Q And if you didn't have money for the room, where
8 would you go?

9 A I would go to her sister's a few times. I
10 would went to my mother's house. Just places like
11 that. But like if -- I care about her so much
12 that, you know, if I go places, they don't mind
13 letting me stay, but they're not going to accept
14 her. I would just sleep in the car with her.
15 Because when I met her, she didn't really go home.
16 She'd be in the van a lot.

17 Q I just want to, kind of, clarify that. Did you
18 ever go to your mom's house with Cypress?

19 A Yes, ma'am.

20 Q Can you explain that?

21 A A lot of times we have to sit in my mother's
22 front yard and I would go in the house. I would
23 put some food together, or cook something, and
24 bring it out and we'd eat.

25 Q Was Cypress allowed in your mother's home?

1 A No, my mother wouldn't allow it.

2 Q And --

3 A But she didn't have anything against Cypress
4 or anything like that. Because sometimes she
5 would cook something just big enough for both of
6 us to eat anyway. And a lot of times, I'd take
7 that back to the hotel, if I had money for it.

8 Q And if you weren't with Cypress, would you have
9 had a place to stay?

10 A Yes, ma'am.

11 Q And where would that be?

12 A My mother's house, my Grandma's, my uncle's
13 house.

14 Q When you first met Cypress, was she living in
15 someone's home?

16 A No. She was in the van.

17 Q I'm sorry?

18 A She was sleeping in the van.

19 Q Do you remember, that was her sister's van?

20 A Yes, ma'am.

21 Q And what did you do? Did you do anything at all
22 to get her to stop sleeping in the van?

23 A Yeah, like once, after a few months, we
24 started talking and stuff, I felt obligated. She
25 started confiding in me and telling me things and

1 stuff like that. And I felt some type of way
2 about it. And she talked about the time she
3 walked the streets and stuff like that.

4 MS. SWANSON: Objection; hearsay.

5 THE COURT: I'll sustain that. I'll
6 sustain the objection. Go ahead.

7 BY MS. CARMODY:

8 Q Without telling me what Cypress told you, you said
9 that she was walking around outside?

10 A Yes, ma'am.

11 Q Is that when you got the hotel room?

12 A Yes, ma'am.

13 Q And, at this time, were you also in a relationship
14 with anyone?

15 A Yes, ma'am.

16 Q What's her name?

17 A Ashley Dodson.

18 Q And how long were you with Ashley Dodson?

19 A I started talking to Cypress four months
20 after me and Ashley Dodson started talking.

21 Q And did Cypress know about Ashley Dodson?

22 A Yes, ma'am.

23 Q And did -- were you married at the time too?

24 A Yes, ma'am. But we were separated for, like,
25 four-and-a-half years.

1 Q Do you have children?

2 A Yes, ma'am. I have two.

3 Q Two children?

4 A Yes, ma'am.

5 Q Now, let's move forward to September of 2020,
6 okay? Prior to the day that Cypress passed away, what
7 did you do that day?

8 A You said the day of?

9 Q The day before?

10 A The day before, we went out. We ate. We
11 came back to the room, played video games for a
12 little while. I had some friends that texted me
13 and asked me where I been at, because I was, kind
14 of, like distanced from them because I was
15 spending a lot of time with Cypress, you know.
16 Like I say, she give me a peace of mind. So I
17 didn't really feel like meeting friends because
18 she is my friend. So, you know, to rekindle the
19 relationship I had with friends, I went back to
20 the neighborhood that I usually chill at and I
21 would hang out with guys or whatnot. Because she
22 actually had a relationship with one of the guys,
23 I didn't want to make the situation awkward by
24 having her hanging around me and four or five
25 guys.

1 Q Okay. I want to make sure the jury hears you.

2 Was there a day that you brought Cypress to
3 her friend's house?

4 A Yes, ma'am.

5 Q And do you remember what day that was?

6 A I believe that was like the day before,
7 actually.

8 Q It's been almost two years, right?

9 A Yes.

10 Q So the day before, what friend's house did you
11 bring her to?

12 A Harley Dodson.

13 Q Harley. Do you know -- why did you bring her to
14 Harley's house?

15 A Saturdays, I usually get my kids. They come
16 by the house at 8:00 in the morning. So I took
17 Cypress by Harley's house and they spent the whole
18 day together. We'd video chat and stuff like
19 that, a few moments. You know, she'd see me
20 interacting with my kid. We'd laugh. We'd joke.
21 Things like that.

22 And my previous wife -- or divorced now, she
23 came around, like, four o'clock, 4:30 to get the kids.
24 When she came to get the kids, then I came back to
25 pick Cypress up.

1 Q So you say video chatting, so did Cypress video
2 chat? Did she call you?

3 A A few times, yeah.

4 Q But sometimes you'd call her?

5 A Yes.

6 Q And what's the reason you would want to video chat
7 with Cypress?

8 A We enjoy each other's company and talking,
9 just updating each other what's going on. If I
10 don't message her, contact her, she'd just text
11 me, *Hey, you okay? What you doing?*

12 Q Okay. Did you ever tell Cypress that she had to
13 talk to you on the phone?

14 A No.

15 Q Did you ever tell Cypress that she wasn't allowed
16 to hang around with Harley?

17 A No. She had friends come by the hotel, hang
18 with her. Times I had to pick Ashley up from
19 work. I dropped her off at her sister's house.
20 She wasn't like -- she never been in a position
21 where she couldn't have company, or allowed to
22 have company. There was times that she spent time
23 with her nieces and nephews and they come to the
24 hotel to hang out. At times I was told her sister
25 needed a ride to pick the kids up to school, from

1 school, I helped out with all of that.

2 Q And how big is the motel room?

3 A It's not so big. It's just one bedroom.

4 Q Just one bedroom?

5 A Yeah.

6 Q Not a huge place for a lot of people?

7 A No.

8 Q All right.

9 A I just be afraid sometimes because she got a
10 lot of nieces and nephews, so the only thing I
11 worried about was they draw on the walls and
12 things like that because of the security deposit
13 as well.

14 Q The security deposit on the motel?

15 A Yeah, to pay for damages.

16 Q Oh, damages to the room?

17 A Yeah.

18 Q So the day prior -- well, actually, let's back up
19 a little more. So Ashley Dodson -- you said you were
20 also in a relationship with Ashley Dodson?

21 A Yeah, at that time.

22 Q Now, at the time that Cypress passed away, whose
23 car were you using?

24 A I was using Ashley's car. Ashley Dodson.

25 Q And why were you using Ashley Dodson's car?

1 A Because at the time my car was in the shop.

2 Q And when you were using Ashley Dodson's car, is
3 there anyplace you needed to bring her?

4 A To work, from work. A lot of times to eye
5 doctor appointment because she is a diabetic. She
6 get insulin. And I didn't know until a few months
7 later into the relationship that she was partially
8 blind in her right eye.

9 Q Okay. So -- all right. Let's -- so you're
10 borrowing Ashley Dodson's vehicle. So, what time did
11 Ashley generally go to work? I mean, what was her
12 schedule generally like?

13 A It ranges. Some days 8:00. Some days 9:00.
14 Some days 7:00. But she always getting off, like,
15 four, five o'clock.

16 Q And were you the one who would give her a ride to
17 and from work?

18 A Yes, ma'am.

19 Q On the morning of September 6th, did you know
20 where you had to be that morning?

21 A Yeah, I had my alarm set.

22 Q Okay. So you had your alarm set that morning
23 because why?

24 A I had to pick her up and take her to work at
25 7:00.

1 Q All right. So let me pause you right there for a
2 moment. So you're at the Forest Motel, right?

3 A Yes, ma'am.

4 Q And is that the one on 504 South Jacob Boulevard
5 in Ridgeland?

6 A Yes, ma'am.

7 Q And you say that you had to bring Ashley to work,
8 so let's talk about how that works. Like, where do
9 you pick her up?

10 A I go to Beaufort to pick her up from her
11 mother's house.

12 Q Do you generally have to leave the Forest Motel by
13 a certain time?

14 A Yeah, I have to leave by 11:00 for check out.
15 But for her to take her to work, I had to get up
16 at a certain time to be on time to make sure she
17 gets to work on time.

18 Q Okay. And you drive to where to pick Ashley up?

19 A Shanklin Road by Lauren Bay side in Beaufort.

20 Q Shanklin Road?

21 A Yes, ma'am.

22 Q And that's in Beaufort?

23 A Yes, ma'am.

24 Q Now, on the morning that Cypress passed away, did
25 you stop anywhere on the way to bringing Ashley to

1 work?

2 A I stopped at Parker's.

3 Q And what was the reason that you stopped at
4 Parker's?

5 A I was riding down Snake Road. I heard a lot
6 of noise under the car. And when I got to
7 Parker's, on camera it shows I was under the car
8 and it was -- the dust cover was, like, hanging.
9 So instead of me just trying to finish taking it
10 down, I folded it and just stuck it behind the oil
11 pan and just got back in the car so I could be on
12 time to pick up Ashley.

13 Q Hold on one moment.

14 A Okay.

15 Q Brian, I'd like to show you what's in evidence as
16 State's Exhibit 30. This is a video.

17 MS. CARMODY: Beg the Court's
18 indulgence.

19 BY MS. CARMODY:

20 Q All right.

21 MS. CARMODY: I believe the State is
22 going to burn another copy of that video.

23 MS. SWANSON: Actually, I don't
24 understand. It worked fine when we showed it to
25 the witness and had it initialed pretrial, so I

1 think it might be an equipment issue.

2 MS. CARMODY: Your Honor, it's in
3 evidence and it doesn't work.

4 THE COURT: I'm sorry.

5 MS. CARMODY: It's in evidence and it
6 doesn't work. It's the State's evidence.

7 MS. SWANSON: With that player.

8 THE COURT: Well, counsel approach.

9 (Bench conference off the record.)

10 THE COURT: All right, Ladies and
11 gentlemen. You know, what can I say? Sometimes
12 these things happen. It's even worse when people
13 are sitting there staring at you. If you've ever
14 been -- most of you have probably been in that
15 situation before. I know I have. I've got one of
16 the solicitor's assistant working on this.

17 It's an important matter. Let me just send
18 you back. You-all can relax there for a minute.
19 Let's see if we can get this fixed. Go out and have
20 you come back out and we'll continue with this direct
21 examination. I'm sorry. Thank you. Don't talk about
22 the case, please.

23 (Jury exits the courtroom at 3:37 p.m.)

24 THE DEPUTY: All rise.

25 THE COURT: Thank you. Be seated.

1 You got it?

2 MS. CARMODY: We're going to go play it,
3 Your Honor.

4 THE COURT: It's amazing. As soon as
5 people aren't working, things get fixed. Just
6 like I told you.

7 All right. So we're going to be able to
8 play it on the screen?

9 THE CLERK: Yes.

10 THE COURT: Okay, great.

11 MS. SWANSON: Yes. They are playing it
12 from evidence.com. But we did verify that the
13 disk works. It's just something to do with her
14 computer and that.

15 THE COURT: All right. Bring the jury
16 back in, please.

17 (Jury enters the courtroom at 3:45 p.m.)

18 THE COURT: All right. Mr. Foreman,
19 ladies and gentlemen of the jury, I know no one
20 really believes that I was going to get back in
21 here that quickly. Okay? I see the smiles. And
22 it was a case of when no one is looking, they were
23 able to fix the problem, and I think we're ready
24 to proceed. So that having been said, Miss
25 Carmody -- you okay?

1 MS. CARMODY: Yes. Yeah, that's what
2 happened.

3 THE COURT: All right. So, Miss Carmody,
4 you can continue with your direct examination of
5 Mr. Redding.

6 MS. CARMODY: Thank you, Your Honor.

7 BY MS. CARMODY:

8 Q Brian, I just want to back up for one second.
9 When you left the Forest Motel in the morning to bring
10 Ashley to work, did you have your cell phone with
11 you?

12 A Yes, ma'am.

13 Q Okay. If we could see the State's exhibit from
14 Parker's gas station. Brian, can you see in your
15 monitor?

16 A Yes, ma'am.

17 Q Okay. And on your monitor, what's the time stamp
18 on the top for the video?

19 A 6:30.

20 Q Thank you.

21 (Video played.)

22 BY MS. CARMODY:

23 Q And you let me know what you see and when. Okay?

24 A Okay. That's my car right there by the gas
25 pump at 6:31.

1 Q Is that the vehicle you were using, Ashley
2 Dodson's vehicle?

3 A Yes, ma'am.

4 Q Why had you pulled into the pump?

5 A Because the dust pan panel -- the dust cover
6 under the car was dragging when I was on
7 Snake Road, so I, kind of, stopped at the gas
8 station to kind of, like, fold it temporarily.
9 Just a temporary fix, just so I could get Ashley
10 to work. I was, kind of, aggravated by the sound
11 of the rubbing on the road.

12 THE COURT: You got to speak up.

13 THE WITNESS: I was, kind of, aggravated
14 by the dust cover dragging on the road making an
15 irritating noise, so I stopped at the gas station
16 and tried to fold it to try to do a temporary fix.

17 BY MS. CARMODY:

18 Q A temporary fix.

19 A Yes, ma'am.

20 Q At some point, do you get out of vehicle? We'll
21 watch this.

22 (Video played.)

23 BY MS. CARMODY:

24 Q And what are you doing now?

25 A I'm under the car, in the front of it, trying

1 to figure out what's the problem. When I got
2 under there, I realized it was the dust cover
3 hanging out, so I tried to, like, fold it and tuck
4 it in between the oil pan and the transmission
5 part.

6 Q Okay. Are you on the ground?

7 A Yeah, on the passenger side of the car. I'm
8 on my back trying to figure out how to fix it.

9 And that's me getting off the ground
10 going back towards the car.

11 Q Now, you get in the car and you drive away?

12 A Yes, ma'am.

13 Q All right. And where do you drive to?

14 A Beaufort, Shanklin Road.

15 Q And on the way to -- well, actually, had Ashley
16 called and texted you that morning?

17 A Yes, she did.

18 Q And what was the purpose of her doing that?

19 A She wanted to know how far was I.

20 Q When you first got up, did Ashley call or text
21 you?

22 A Yeah.

23 Q Why?

24 A She wanted to make sure --

25 MS. SWANSON: Hearsay, objection.

1 THE COURT: I'll sustain that
2 objection.

3 BY MS. CARMODY:

4 Q Did you receive any reminders to get going?

5 A Yes, ma'am.

6 Q And why?

7 A Because she didn't want to be late for
8 work.

9 Q All right. And so you get to Shanklin Road. Is
10 that Beaufort?

11 A Yes, ma'am.

12 Q Okay. And prior to getting to Shanklin Road, did
13 you call or do anything to alert Ashley?

14 A I texted her to let her know I was outside.

15 Q And then at some point, does Ashley get in the
16 vehicle?

17 A Yes, ma'am.

18 Q Who drove?

19 A I drove.

20 Q And where did you drive Ashley to?

21 A Bluffton, to Buckwalter, to the McDonald's.

22 Q And why Buckwalter at the McDonald's?

23 A Because that's where she work at.

24 Q When Ashley got in the -- did Ashley get out of
25 the car?

1 A When?

2 Q She got out of the car?

3 A Once we got to Buckwalter?

4 Q Yeah.

5 A Yes, ma'am.

6 Q And did you know what time to pick her up?

7 A Yeah, she got off at 5:00.

8 Q Okay. And were you planning on using her car for

9 the day?

10 A Yes, ma'am.

11 Q Was this typical?

12 A Yes, ma'am. Daily routine.

13 Q Okay. And where did you go from Buckwalter in --

14 Bluffton is it?

15 A Yes, ma'am.

16 Q Where did you go from Buckwalter in Bluffton?

17 A I went to Simmonsville.

18 Q Simmonsville Road?

19 A Yes, ma'am.

20 Q Where is Simmonsville road?

21 A It's a little --

22 Q What town?

23 A It was like 7:17, 7:18.

24 Q No, no. The town. Is it still Bluffton?

25 A Yeah, it's still Bluffton. I'm sorry.

1 Q That's okay. What is the purpose of you going to
2 Simmonsville Road?

3 A I picked my cousin Danielle up.

4 Q Does Danielle live there?

5 A Yeah, at the time. With her boyfriend.

6 Q Had you known prior to picking Danielle up that
7 you had to do that that morning?

8 A Yes. She texted me the night before.

9 Q Okay. And when you picked Danielle up, did she
10 get in the car right away when you get there?

11 A No, I sat in the car and I waited.

12 Q And why was that?

13 A Because she was late getting up and I blew
14 the horn. Her boyfriend came to the door and saw
15 me outside. He shut the door, so I assume he went
16 and told Danielle I was outside.

17 Q Okay. And when you -- after you pick Danielle up,
18 where did you go?

19 A I let him know I had to come back to the
20 motel and get my cigarettes, my wallet. I left
21 Cypress some cigarettes. I realized my gas was
22 low. I left most of my money back in the room.

23 Q And let me ask you: When you left the room that
24 morning to bring Ashley to work, was Cypress -- was
25 Cypress alive?

1 A Yes, ma'am.

2 Q Had you-all had any type of argument?

3 A No, ma'am.

4 Q When you -- now you're going back to the motel?

5 A Uh-huh.

6 Q And when you get to the motel, is Danielle with

7 you?

8 A Yes, ma'am.

9 Q Who was driving?

10 A I was driving.

11 Q Okay. And what did do you when you got to the

12 motel?

13 A The car was still running. I put the car in

14 park. I went in. Cypress was laying down. She

15 got up when she heard the door open. She saw me.

16 We conversated for a little bit. It felt like it

17 was only for a couple minutes. It didn't even

18 seem like it was long. I used the bathroom. I

19 left her cigarettes. Gave her, like, a routine.

20 I got Danielle outside in the car. I remind her

21 that, you know, that I was taking her to her

22 baby-daddy. Well, the baby-daddy was at my house

23 with her kids. I didn't know too much the

24 situation about that. I let her know we can

25 process our day once we get back.

1 Q So, now, when you're at the hotel, did you and
2 Cypress have an argument?

3 A No, ma'am.

4 Q Did you hurt her?

5 A Never.

6 Q Did you kill her?

7 A Never. No.

8 Q Did you take anything from the room? You took
9 your -- you said you took your wallet. Did you end up
10 getting your wallet?

11 A Yes, ma'am.

12 Q And did you leave anything there?

13 A A few things.

14 Q You said the point of going to the room was what?

15 A My wallet, gas money.

16 Q Did you leave anything for Cypress?

17 A I left her cigarettes.

18 Q Does Cypress smoke cigarettes?

19 A Yes, ma'am.

20 Q And was anybody angry about anything?

21 A Not to my knowledge.

22 Q And, at this point, what did you do after that?

23 A Once I left the Forest, I went to Pineland.

24 Q Danielle is still with you?

25 A Yes, ma'am.

1 Q And who lives out in Pineland?

2 A My cousin Dominique. My Uncle Alvin. There
3 was someone else there, too. I couldn't recall.
4 It's been a while.

5 Q But Alvin, is that Alvin Shiggs?

6 A Yeah.

7 Q Alvin Shiggs?

8 A (Witness nods head up and down.)

9 Q All right. So, Alvin Shiggs is out there. So
10 when you got to Pineland, what did you do? Well,
11 actually, prior to getting into Pineland, did you call
12 anybody?

13 A No, not really. Danielle, when she got out
14 of the car, she was automatic -- like, going in
15 the house by her kids. I'm outside still. So I'm
16 like, well, I got this time. I'm not rushing. I
17 can go ahead and fix this whole dust cover
18 situation. So I got under of the car and just
19 took that little plastic -- that little thing to
20 hold the panel, the dust cover panel together, I
21 just tore it and threw it. Shirt was dirty. I
22 changed shirts. I just put it in the laundry
23 basket with the rest of my clothing and put on
24 another shirt.

25 Q Okay. And when you say that you -- so let me back

1 up for a second. When you get to Pineland, are you
2 talking about fixing the issue from Parker's gas
3 station?

4 A Yes, ma'am. It's a little small dirt
5 driveway in front of my grandma's yard. So it's
6 like a little concrete slab, but it's mostly dirt.
7 So I was like really dirty when I got up. I just
8 got to brush my pants off on the side. There was
9 so much dirt on the back of my shirt, I just took
10 it off. I didn't think much of it.

11 Q You didn't think anything of it?

12 A No, ma'am.

13 Q Okay. Was that the Batman shirt?

14 A Yes, ma'am.

15 Q What did you do with the Batman shirt?

16 A I put it in the laundry basket in the
17 house.

18 Q And what shirt did you put on?

19 A A put on a red Adidas shirt.

20 Q Did you change your pants?

21 A No, ma'am.

22 Q Socks and shoes?

23 A No, ma'am.

24 Q And so after you do that, do you -- did you talk
25 with your uncle or anything?

1 A Yeah. Because my laundry basket, like, is in
2 his room, so I knocked on the door and he was just
3 getting up. And I spoke with him for a little
4 while and chill.

5 Q Okay.

6 A I waited until the baby-daddy to get there,
7 because he was going to give me gas money for
8 bringing Danielle down there, give him the kids,
9 and get them situated.

10 Q So you were waiting for gas money?

11 A Yes, ma'am.

12 Q And then at some point, do you leave? You left
13 Pineland?

14 A Yes, ma'am.

15 Q Okay. And when you're leaving Pineland, where
16 were you going to?

17 A On the way back to the hotel, the Forest.

18 Q And what were your plans when you got back to the
19 Forest?

20 A Oh, me and Cypress was going to go get
21 something to eat.

22 Q And had you called or texted her on the way, or
23 tried to?

24 A Yeah. I really don't have service in
25 Pineland. So when I was on the dirt road coming

1 through the Great Swamp, I waited until I got off
2 the dirt road into Great Swamp. I had bad
3 reception and tried calling her.

4 Q Okay. And why are you trying to call her?

5 A Because the first time I texted her and --
6 because -- in Pineland, you get better reception
7 by texting because the call will drop a lot. And
8 so I text first. And when I didn't get a reply, I
9 waited until I got better reception and I was
10 closer and I tried to call her.

11 Q And is that to talk to her to get food?

12 A Yeah, I was on my way coming back.

13 Q When you left, was she already up and dressed and
14 ready to go or she was still in bed?

15 A She was still in bed but she was up. I
16 believe she had the TV on because I was talking to
17 her when she first came in. She was -- like I
18 said, she was asleep at first, but when I opened
19 up the door, she rolled over. She looked at me
20 and stuff and we starting get into a conversation.
21 I walked past the bed. Used the bathroom. Went
22 in my pocket, grabbed cigarettes, put some
23 cigarettes on the table. She grabbed my wallet.
24 I forgot about it earlier that morning. And when
25 I looked at the tank on the way from Bluffton, the

1 gas light was on.

2 Q Oh, okay. You're running out of gas?

3 A Yeah.

4 Q All right. And is that the reason you didn't get
5 gas at Parker's, you didn't have your wallet?

6 A Yes, ma'am.

7 Q And so, when you get back to the motel -- well,
8 Danielle didn't come back with you, right? Danielle
9 stayed in Pineland?

10 A No, ma'am. She stayed in Pineland.

11 Q When you get back to the motel, what happened?

12 A I pulled up in the parking lot. I saw Pete
13 outside.

14 Q Who's Pete?

15 A Patel. The owner of the Forest. I spoke to
16 him. I said good morning. He said good morning
17 back. I walked back, not thinking much. Put the
18 key into the door, finally pushed the door open.
19 I saw her sitting up. I thought, you know, she
20 was still laying down for a minute, like she was
21 still sleeping and stuff. And I noticed, like,
22 blood on the sheets or whatnot like that. And
23 that's what made me like really rush to her aid.
24 And like I told the SLED agent, I touched her. I
25 grabbed her trying to get her to answer me and

1 whatnot.

2 And when I saw the gunshot wound, it stunned
3 me. I took off running to Pete. Pete was in the
4 utility room at the time, and I asked did you see
5 anybody around or anything like that. He was like,
6 no. He was like, what happened? You know, I'm so
7 stunned I couldn't really talk to him. I went back to
8 the room, got on the phone, and called 911
9 immediately.

10 Q Okay. And had you -- you said you saw a gunshot
11 wound, Cypress had a gunshot wound?

12 A Yes, ma'am.

13 Q Did you shoot Cypress?

14 A No.

15 Q No. Did you do anything to cause her harm?

16 A No.

17 Q When you called 911 -- you heard the 911 call,
18 right?

19 A Yes, ma'am.

20 Q Why did you give them so much information? Like,
21 what was the reason?

22 A Because dispatcher asked me to explain what
23 happened. And, in my mind, I felt like I wanted
24 to give to her what was going on at the time and
25 how I got to this point where I witnessed it.

1 Q You wanted to explain how you had got to that
2 point?

3 A Yes, ma'am. Like I start my day off, like
4 that morning when I came out. Where I went at.
5 When I came back and everything.

6 Q Now, after you had called 911, did you want to
7 call anyone else?

8 A Yeah, I stayed on the phone with 911 until an
9 officer pulled up on the scene. Then I looked. I
10 saw Cypress fall. I don't have her sister's
11 number. First thing that came to my mind, she
12 don't have a lock code on her phone. I unlocked
13 her phone. I went straight to messages, and I
14 tried to call her sisters. They felt they was
15 entitled to know what was going on.

16 Q The reason that you picked up Cypress's phone was
17 because you didn't have her sister's phone number, is
18 that what you said?

19 A Yes, ma'am.

20 Q Which sister were you trying to call?

21 A I called Taylor.

22 Q You don't have Taylor's phone number in your
23 phone?

24 A No.

25 Q And you had a conversation with Taylor?

1 A Yeah.

2 Q So after you had called Taylor, did you wait --
3 were the police there?

4 A They was already out there.

5 Q Okay. Did you try to leave?

6 A No. I just set out there and chatted in
7 front of the door because the officer told me that
8 I have to leave the room. So I sat out there in
9 front of the door while I made the phone call.
10 I'm trying to like --

11 Q Speak up more.

12 A I tried to tell everyone, inform the family
13 what was going on.

14 Q To inform the family what was going on?

15 A Yes, ma'am.

16 Q All right. And so at some point do you -- does
17 Detective Croft show up?

18 A Yes, ma'am.

19 Q That's much better with the microphone.

20 When Detective Croft shows up does he ask you
21 for anything?

22 A He asked me for a witness statement and he
23 did a gunshot residue on scene, the test.

24 Q Did you voluntarily give them that information?

25 A Yes, ma'am.

1 Q Why?

2 A Because I wanted to help out as much as I
3 could.

4 Q Did he ask you to go down to the Ridgeland Police
5 Department?

6 A Yes, ma'am.

7 Q Did you do that?

8 A Yes, ma'am.

9 Q Why? Same reason?

10 A Same reason.

11 Q And Detective Croft, after you make your
12 statement, you talk with him at Ridgeland Police
13 Department, right?

14 A Yes, ma'am.

15 Q And you explained everything that happened that
16 day?

17 A Yes, ma'am.

18 Q At any point, do you leave.

19 A He asked me, if I need to use the restroom, I
20 can leave to go use the restroom there. I go use
21 the restroom and came back, and I sat in the room
22 and waited until the next officer came in. He
23 came in and interviewed me.

24 Q After -- so you used the restroom, right?

25 A Uh-huh.

1 Q And after Detective Croft interviewed you, did he
2 bring you anywhere?

3 A He stopped by BP gas station, got me some
4 cigarettes, dropped me back off at the Forest.

5 Q Okay. And then he dropped you back off at the
6 Forest. At some point, did you meet with
7 Agent McCallister?

8 A Yes, ma'am.

9 Q How did that come about?

10 A I didn't see her right then and there on the
11 scene. I left for my mother. I get a phone
12 call -- or she got a phone call.

13 Q Who is "she"?

14 A. My mother.

15 Q Okay.

16 A And Litchfield and SLED McCallister, they
17 called me to come to the police department and do
18 another interview.

19 Q Okay. Where were you when you got that phone
20 call, or your mom did?

21 A We got back in the car. We just got there.

22 Q When your mom got the call, where were you?

23 A I was in the yard.

24 Q Which yard?

25 A In the front yard at my mother's house.

1 Q Where is that?

2 A Grahamville. Sorry.

3 Q I'm trying to figure out where your mom lives.

4 A Grahamville.

5 Q Grahamville?

6 A Yes, ma'am.

7 Q All right. And then did you back to the
8 Ridgeland Police Department?

9 A Yes, ma'am.

10 Q All right. And did you meet with this lady here,
11 Special Agent McCallister?

12 A Yes, ma'am.

13 Q And meeting with McCallister, did you -- what did
14 you give her? Did you give her your phone?

15 A I gave her both my phones and consent to
16 search so she could search the car.

17 Q And did she ask for information about your
18 Facebook accounts?

19 A Yes, ma'am. She asked me about Cypress's.
20 She asked me about is there any knives or hammers
21 or any kind of tools that was in the car.

22 When I got out of the car at the hotel, she
23 asked me was there a gun in the room. I told her, I
24 was so stunned by the incident, what happened, I
25 wasn't even thinking about looking for no gun, or

1 anything like that. I was just concerned about
2 Cypress's well-being.

3 Q At this time, did you -- had you done everything
4 -- did you feel like you had done everything you could
5 to help them?

6 A Yeah, I gave all the information I knew. I
7 gave statements. I gave them my phone. I have a
8 DNA sample. A gunshot residue test on scene. I
9 thought I was doing everything I was supposed to
10 be doing. If you care about somebody and you know
11 something or say something or do anything about
12 it, so I thought I was helping.

13 Q All right. And at some point does
14 Special Agent McCallister tell you to go home?

15 A Yes, ma'am.

16 Q All right. So when you went home, at some point
17 in time, do you get another notification from SLED?

18 A Yes, ma'am.

19 Q And what was that about?

20 A They contacted Ashley's phone. I was driving
21 Ashley's car. I was on the way back to her house.
22 She was getting off of work, and she called Ashley
23 and told Ashley that she wanted to bring the car
24 back in, I guess, for another test or whatnot like
25 that. But Ashley told us, at the time, her

1 daughter had a soccer practice -- soccer game and
2 it wasn't going to be able to, so she'll bring it
3 tomorrow.

4 So instead of -- she waited until the next
5 day until she actually brought the car. She came to
6 my grandma's house and they already had a search
7 warrant for the car and the house.

8 Q So, let's back up and talk about the car for a
9 minute. So on the very first day -- so you arrive at
10 the motel and you're in Ashley's car, right?

11 A Yes, ma'am.

12 Q Okay. How did Ashley's car make it from the hotel
13 to Ridgeland PD?

14 A They towed it.

15 Q All right. Did you get the car back or did they
16 give it to Ashley?

17 A No, I called -- well, they called Ashley.
18 They told her she had to come up there and get
19 it.

20 Q All right. And how did you get home that day?

21 A At first -- like, my mother met me at the
22 hotel. So she stayed at the hotel -- she came to
23 the hotel and a cop brought me back from the
24 police department to the hotel.

25 MS. CARMODY: Beg the Court's indulgence,

1 Your Honor.

2 THE COURT: Yes, ma'am.

3 BY MS. CARMODY:

4 Q Do you know a lot of people that own firearms?

5 A Say that again.

6 Q Do you know a lot of people that own firearms?

7 A Yeah, I know a few.

8 Q Did you ever own one?

9 A Not really, no.

10 Q Did you have one prior to Cypress dying?

11 A The month before, yeah.

12 Q Okay. And so do you remember when you acquired
13 it?

14 A It was around May or June.

15 Q May or June?

16 A Uh-huh.

17 Q Do you remember what caliber it was?

18 A 40 caliber.

19 Q And do you remember where -- did you still have it
20 when Cypress passed away?

21 A No, ma'am.

22 Q No. I just want to -- let's just completely cover
23 this. You said you had a gun previously, right?

24 A Yes, ma'am.

25 Q Okay. You got rid of it about how long before

1 Cypress had passed away?

2 A A month.

3 Q Okay. And what did you do with it?

4 A I sold it.

5 Q Who did you sell it to?

6 A I sold it to my cousin.

7 Q Who's your cousin?

8 A Dominique.

9 Q Do you remember how much you sold it for?

10 A Probably like is a hundred bucks.

11 Q All right. Did you shoot Cypress Noonan?

12 A No.

13 MS. SWANSON: Asked and answered.

14 THE COURT: Overruled.

15 BY MS. SWANSON:

16 Q Did you do anything to cause her death?

17 A No.

18 Q Thank you.

19 MS. CARMODY: Your Honor, I do not have
20 any further questions.

21 THE COURT: All right, thank you.

22 Solicitor, cross-examination, ma'am?

23 MS. SWANSON: Yes, please.

24 THE COURT: Go right ahead.

25 CROSS-EXAMINATION

1 BY MS. CARMODY:

2 Q All right. We left off on the firearm, right?
3 That's where your lawyer left off?

4 A Yeah.

5 Q Okay. So explain to me how you not really own a
6 firearm.

7 A Well, I was supposed to pay somebody for it,
8 but I never really paid him for it. So I sold the
9 gun to pay the person I bought it from.

10 Q And that was the 40-caliber that you told SLED
11 about that you had a month before Cypress died and you
12 sold it for \$900 to someone; is that correct?

13 A Not 900.

14 Q Okay. So you don't recall telling SLED 900?

15 A No.

16 Q You don't recall saying, "Sold it to the first
17 person I can for \$900 because my mama told me to get
18 rid of it"?

19 A Not for 900, but it was two years ago. I'm
20 not going to contest it.

21 Q But if that's what's on the SLED recording, then
22 you would agree.

23 A Yeah.

24 Q Okay. So you absolutely did not have a gun in the
25 full month before Cypress's death?

1 A No, I did not.

2 Q And nobody saw you waiving around a blue gun?

3 A No.

4 Q Nobody saw a blue gun in your motel room?

5 A No.

6 Q Nobody saw a blue 9-millimeter gun on you at

7 all?

8 A No.

9 Q You never had a blue gun?

10 A There would have been one at the scene if I

11 did.

12 Q All right. You gave a written statement to SLED,

13 didn't you?

14 A Yeah.

15 Q And in that written statement, you stated that

16 you -- okay, you go pick up your cousin, whatnot. No.

17 I'm sorry. You go pick up Ashley and then you get

18 your cousin and then you come back to the Forest Motel

19 at 8:05, no more than 8:10, to get my wallet and left

20 some cigarettes. This is your written statement. Do

21 you recall that?

22 MS. CARMODY: Your Honor, compound

23 questions.

24 THE COURT: What's that?

25 MS. CARMODY: Compound questions.

1 THE COURT: Overruled.

2 BY MS. SWANSON:

3 Q Do you recall writing that in your statement?

4 A It's been a while.

5 Q Okay. But if I show you -- here, I'm going to
6 show you your written statement. And is this your
7 written statement with your signature at the bottom?

8 A Yeah.

9 Q Can you read that highlighted portion for me?

10 A "I came to Forest at 8:05, no more than 8:10
11 for my wallet and left her some cigarettes. She
12 was moving alive and still asleep when I left."

13 Q Okay. Nothing in there about conversating. Did
14 you see anything about conversating with Cypress in
15 your written statement?

16 A In the audio, it was. Yes. I had three
17 different interviews.

18 Q But you didn't see it there in your written
19 statement, did you?

20 A No.

21 Q All right. In your interview with John Croft,
22 you, again, state that you stopped at the motel on the
23 way about 8:00, 8:05, dropped cigs, pick up wallet,
24 she was alive.

25 A Yeah.

1 Q Okay. And you also tell John Croft that you
2 touched her -- that you grabbed her head and touch her
3 hands. Do you recall telling him that?

4 A Yeah.

5 Q Okay. And do you recall in a later interview with
6 Agent McCallister that she actually had you reenact
7 the way you touched Cypress?

8 A Yeah.

9 Q Okay. And so in that reenactment,
10 Katie McCallister is seated on the ground like this,
11 correct?

12 A It's been a while, but it's like --

13 Q Would you like to see it?

14 A -- I wouldn't disagree or whatnot.

15 Q Okay. And so you come over around this side, you
16 say Cypress's head is slumped and that you take her
17 head and right it. Is that what you recall?

18 A If I told her, that's probably the most
19 accurate. I don't really remember. It's been two
20 years ago.

21 Q Okay. And you were not crying or anything during
22 the reenactment?

23 A I cried a few times in the interview. Yeah,
24 I did.

25 Q You also told SLED that you don't let anyone in

1 your room, didn't you?

2 A Not just anybody, no. Not nobody I don't
3 know.

4 Q Okay. And neither did Cypress?

5 A I don't know all her friends, but if she
6 trust them, I trust them too. I don't question
7 her.

8 Q But you did not tell SLED that Cypress didn't let
9 people in the room?

10 A I don't recall.

11 Q Okay. Also, in John Croft's interview, you stated
12 that *Cypress rolled over, looked at you when you*
13 *opened the door, you stated to him that she was awake*
14 *but fully awake, joked about sleeping all day, and she*
15 *pulled the covers over her head and you left.* Does
16 that sound familiar?

17 A No.

18 Q Okay.

19 A I can't really recall.

20 Q All right. But, again, nothing about
21 conversating?

22 A Yeah. He just told me, you told me she was
23 sleeping all the time. Now you're telling me
24 she's --

25 Q I'm reading your statement, sir.

1 A I know. But I'm just saying --

2 Q So you would agree with me that your statements
3 are all over the place.

4 A No, I wouldn't say all over the place.

5 Q Let's see. So, your story is that you went to get
6 your wallet at the room somewhere around 8:00 on the
7 way to Pineland to get -- because you were going to
8 get gas.

9 A Yes, ma'am.

10 Q You never got gas, did you?

11 A No, ma'am.

12 Q Okay.

13 A My intention was to get gas once I go get
14 something to eat.

15 Q All right. But you would have gone back to the
16 room to get Cypress to get something to eat --

17 A Get gas.

18 Q -- get your wallet. I'm sorry?

19 THE COURT: Hold on. Hold on one second.

20 What we need to do is, she'll ask a question.

21 Assuming you understand the question, sir, then

22 you will answer it. And, Solicitor, you will

23 allow him the opportunity to answer that question.

24 We need that so everybody can hear, and also so we

25 can have a clean transcript. So let's try that

1 again. Okay?

2 MS. SWANSON: Yes, sir.

3 THE COURT: Thank you.

4 BY MS. SWANSON:

5 Q Okay. So, now your testimony is not that you were
6 going to get gas after Pineland. You were going to
7 get gas after you went back to the Forest motel room
8 to get Cypress when you-all went out to get something
9 to eat?

10 A My intention was, when I come back from
11 Pineland, I was going to pick Cypress up and we'll
12 get something to eat and I'll get gas all at the
13 same time.

14 Q Okay. So there was no point in you stopping to
15 get your wallet at the hotel room on the way to
16 Pineland if you were going to go by the hotel room
17 again anyway.

18 A What made me stop by is because she didn't
19 pick up on the phone.

20 Q Because you keep tabs on her?

21 A No. I just texted her, and she didn't reply.
22 A lot of times, she would check on me. And if I
23 don't text back, sometimes she'll call me.

24 Q All right. You took a shower the morning of
25 September 6th, didn't you?

1 A Yeah.

2 Q All right. You told SLED you took a shower about
3 5:40, right?

4 A Yeah.

5 Q Now, you testified that Cypress knew about Ashley.

6 A Yeah.

7 Q And she was just cool with it?

8 A Yeah.

9 Q All right. Do you recall telling SLED that
10 Cypress knew about the other women in your life
11 including Ashley, but she was insecure about your
12 relationship with Ashley?

13 A I don't recall about other woman. It was
14 just only Ashley, because she was aware that's
15 Ashley's car and Ashley had a food stamp card so
16 that would provide for a lot of food that we had
17 in the motel room.

18 Q So is it your testimony that you were just using
19 Ashley for her car and her EBT card?

20 A No.

21 Q What about the money she was providing you from
22 her gainfully employed job?

23 A We was in a relationship. She was helping me
24 get my car fixed. I wasn't just taking from her
25 and using and taking advantage of her.

1 Q But you weren't working at this time, were you?

2 A I had few moments I worked. I worked at a
3 boat clubhouse on Hilton Head Island.

4 Q Is that where you walked off mid shift?

5 A Walked off mid shift?

6 Q Yes. Where you were denied for unemployed
7 benefit's because you walked off mid shift?

8 A No. I called out.

9 Q Okay.

10 A You're talking about Calhoun's in Bluffton?

11 THE COURT: Hold on, sir.

12 MS. CARMODY: Your Honor, what's the
13 relevance?

14 THE COURT: Counsel approach.

15 (Bench conference.)

16 THE COURT: All right. What is the
17 relevance?

18 MS. SWANSON: That he's using this woman.
19 He has one too many to deal with.

20 THE COURT: What is this?

21 MS. SWANSON: It just says that he
22 couldn't collect benefits. He had applied for
23 benefits, but he couldn't collect them because he
24 had walked off and abandoned his job.

25 THE COURT: I'm not going to allow that.

1 I'm going to sustain the objection. Go
2 ahead, Solicitor.

3 BY MS. SWANSON:

4 Q All right. But you were not gainfully employed at
5 this time, correct?

6 A No.

7 Q No?

8 A No.

9 Q Were you looking for a job?

10 A Yeah.

11 Q Okay. And you were trying to get Cypress to get a
12 job, right?

13 A Yeah.

14 Q Were you trying to encourage her to go back to
15 school?

16 A Yeah.

17 Q How was she going to get a job and go back to
18 school?

19 A She could have worked on her days off. This
20 is a plan she came up with. My plan was just to
21 help her get her social security card and birth
22 certificate.

23 Q So she could get a job. That's what you told
24 SLED.

25 A Yeah.

1 Q So you-all could have more money and stop getting
2 kicked out of motels?

3 A I wouldn't say getting kicked out of motels.
4 We never had an incident or causing problems at
5 any hotels.

6 Q All right.

7 A If we didn't have any money, we'd just
8 leave.

9 Q Well, going back to your relationship with
10 Ashley Dodson that you testified Cypress was cool
11 with, it wasn't until she was going through your phone
12 and asked you about Ashley that you finally told her
13 the truth. Isn't that true?

14 A Yeah.

15 Q Okay. So, you hid that relationship until she
16 confronted you about it and then she continued to be
17 insecure about the relationship. Isn't that true?

18 A No.

19 Q That's what you told SLED.

20 A I knew she was going to confront me about it.
21 It wasn't like I was hiding it from her.

22 Q Okay. So you don't deny having guns around
23 Cypress, right?

24 A Not at that time, no.

25 Q I'm sorry?

1 A Not at that time. May, June, when I first
2 bought a gun -- well, not technically bought it,
3 but at that time. Yeah, up to the month prior.

4 Q Okay. But you told SLED you were always making
5 sure she was on her A game. And did that --

6 A By the time I had the gun.

7 Q Did that include smoking marijuana, waiving guns
8 around?

9 MS. CARMODY: Objection, Your Honor.
10 Objection, objection.

11 THE COURT: All right. Sustained.

12 BY MS. SWANSON:

13 Q Do you recall in your interview with
14 Lieutenant Litchfield that you told him the room
15 looked the same as when you left?

16 A I don't recall.

17 Q Okay. If I told you that is recorded, would you
18 deny it?

19 A No, because I was too busy thinking about
20 Cypress. I wasn't really looking around trying to
21 scan for clues or see if anything was messed
22 around or tampered with.

23 Q Okay. At one point, you were talking about how --
24 I believe you were talking about how you didn't want
25 Cypress hanging around four or five guys. You wanted

1 to hang around your buddies, but you didn't want her
2 hanging around four or five guys.

3 A She used to date one of the guys. I knew
4 that would have been an awkward situation if she's
5 hanging around me and four or five other guys.

6 Q Especially one that she dated?

7 A I was -- didn't think that was necessary.
8 She rather chill, sit at home and play video
9 games.

10 Q Yeah. So --

11 A She wasn't bothered or felt like it was
12 necessary to come with me and come hang with guys.

13 Q That she dated?

14 A Well, one of them. Not all of them.

15 Q And so is your testimony that your mother would
16 not allow Cypress in the house, but she didn't have a
17 problem with her?

18 A Yeah.

19 Q Sometimes she would even cook some stuff and bring
20 it outside. Is that how she would feed her?

21 A Yeah. Like I come in the house, I'll fix the
22 plates. She'll let me know if she cooked. She
23 asked me if I'd eat or whatnot like that. And
24 then I let her know that, you know, both me and
25 Cypress outside, things like that. I let her know

1 if we both had ate, so she'll go ahead -- if I get
2 something, she'll cook it for me. Or if she got
3 something, she'll cook it. And I'll come in the
4 house and fix both the plates and I'll go outside
5 and eat outside in the car.

6 Q In the garden?

7 A In the car.

8 Q Oh, in the car. Okay. So not like at a table or
9 anything?

10 A No.

11 Q All right. In your testimony, you just testified
12 that you did not call anyone on the way to Pineland.
13 Is that what you recall testifying to?

14 A I guess. I don't really remember.

15 Q Because the cell phone records indicate that you
16 called Cypress's phone twice on the way to Pineland,
17 or when you claim you were on the way to Pineland?

18 A It was two years. I wouldn't argue or
19 disagree.

20 Q The second dust cover panel story, that was never
21 mentioned to SLED, was it?

22 A I let them know that's the reason I stopped
23 at Parker's in the first place. That's why I told
24 them about where I was at that time.

25 Q Right.

1 A I was going to pick Ashley up from work.

2 That was the whole purpose for stopping at

3 Parker's.

4 Q That was the first dust cover story. The second

5 dust cover story takes place in Pineland.

6 A Yeah.

7 Q You never mentioned that to SLED?

8 A I didn't, at that time, think it was

9 necessary.

10 Q And you never mentioned that you changed

11 clothing?

12 A Just a t-shirt. Like I said, I didn't think

13 it was necessary. I didn't look at the situation

14 like I'm being a suspect.

15 Q Why did you think they wanted your clothing?

16 A I was trying to help. I gave over my phone.

17 I gave them my DNA. I gave them the car. They

18 searched the car on three or four different

19 occasions. I did everything I could to try to

20 help the investigation any way possible, so I

21 don't know. They would know more than I would

22 know. I don't think they would tell me

23 everything.

24 Q And you're not claiming law enforcement mistreated

25 you in any way, right?

1 A Some situations I felt like I did, but I was
2 still compliant.

3 Q After they got you cigarettes. They didn't arrest
4 you right away.

5 A They also told Ashley I was snowballing her.
6 And asked her that. She said the guy said, oh,
7 he's just brainwashing you. And I didn't agree
8 with that at all.

9 Q Okay. Is that when you were with her and SLED
10 called and asked her to bring the car and she was
11 refused and copped an attitude?

12 A No, that's when she went by herself with her
13 mother to give a statement to Miss McCallister.

14 Q So another time when she had an attitude with
15 SLED?

16 A (No response.)

17 Q When you left after your initial interview with
18 Agent Croft, you actually go swing by your uncle's
19 birthday bash where they were drinking and playing
20 dominos, isn't that right?

21 A No.

22 Q Oh, you were never in your uncle's yard?

23 A There was no birthday bash, or nothing like
24 that.

25 Q It was his birthday, wasn't it?

1 A No.

2 Q Okay.

3 MS. CARMODY: Objection. Relevance, Your
4 Honor.

5 THE COURT: Overruled.

6 BY MS. SWANSON:

7 Q So if he told SLED that he saw you in his yard on
8 his -- or maybe it's a cousin.

9 A Yeah. He was playing dominos in the front
10 yard. He had company over.

11 Q Right.

12 A There was no birthday bash or anything. It
13 was just him and another guy playing dominos. He
14 saw me crying the first time. He took that. He
15 was concerned what was going on. I told him
16 what's going on. I had a phone saying come back
17 to the police department and him and McCallister
18 wanted to have a conversation with me.

19 Q Okay.

20 A I just lost my uncle a week before that. I
21 went to his funeral. There was nothing to
22 celebrate about.

23 MS. SWANSON: Non-responsive.

24 THE COURT: Go ahead, Solicitor.

25 MS. SWANSON: All right.

1 BY MS. SWANSON:

2 Q All right. So it is -- let's see, when you call
3 911, you mention that Cypress had an altercation with
4 a female about a month prior at the Siesta named
5 Desiree, correct?

6 A I do recall. I thought it was less time than
7 that, but, yeah.

8 Q Okay. But you listened to the 911 call, right?

9 A Yeah.

10 Q And do you recall mentioning Desiree --

11 A Yeah.

12 Q -- and referring to her as a female that Cypress
13 had an altercation with?

14 A Yeah.

15 Q All right.

16 A Because when I went to drop Ashley off at
17 home from work, she texted me and she told
18 me about --

19 MS. SWANSON: That is not my question,
20 and I'm eliciting hearsay.

21 THE COURT: All right. Sir -- just go
22 ahead, Solicitor.

23 THE WITNESS: Ask the question again.

24 THE COURT: No, no. Rephrase the
25 question and ask the question again, Solicitor.

1 MS. SWANSON: Okay.

2 BY MS. SWANSON:

3 Q So, you mentioned an altercation with a female
4 named Desiree on the 911 call, right?

5 A Yeah.

6 Q Okay. Desiree is Cypress's sister, isn't that
7 right?

8 A There was two Desirees on the scene that day
9 when the altercation happened.

10 Q Right. But there is a Desiree Noonan and the
11 other Desiree?

12 A Cassidy.

13 Q Were you there?

14 A No, I was not.

15 Q Okay. So you don't know any particulars about
16 that?

17 A I don't know nothing about the situation.

18 Q All right. But you're throwing Sissy's name out
19 there for law enforcement to look at as soon as 911
20 picks up, correct?

21 A They asked me, did I have any idea, I gave
22 them the information that I know. When I came to
23 pick Cypress up, police was on scene. So I didn't
24 know how the situation -- how the altercation got
25 between sisters or friends or whatever.

1 Q Thank you very much.

2 A You're welcome.

3 THE COURT: All right. And anything
4 else?

5 MS. CARMODY: Very briefly, Your Honor.

6 THE COURT: All right.

7 REDIRECT EXAMINATION

8 BY MS. CARMODY:

9 Q Brian, I just wanted to clarify with you. Isn't
10 it true that 41 minutes and 45 seconds into the
11 interview with SLED you said, I quote --

12 MS. SWANSON: This is leading.
13 Objection.

14 THE COURT: Whoa, whoa. All right. The
15 objection is leading. I'll sustain that
16 objection.

17 BY MS. CARMODY:

18 Q Did you make you a statement to SLED at 41 minutes
19 and 45 seconds into the interview, did you say --

20 MS. SWANSON: Objection. That's hearsay.
21 This is her client. She can't testify.

22 THE COURT: All right. I'm going to
23 sustain the objection.

24 BY MS. CARMODY:

25 Q Okay. When the solicitor asked you if -- you know

1 what?

2 When the solicitor asked if you had sold a
3 gun for \$900 -- let me actually grab your statement.

4 Brian, the solicitor asked you earlier about
5 a statement that you had given where you sold a gun
6 for \$900, you said.

7 A Uh-huh.

8 Q Could you please read what you told
9 Special Agent McCallister?

10 A "So, you know, I told myself let me go ahead
11 and get rid of it, so I sold it to the first
12 person I can. Better than nothing. \$400."

13 Q Thank you.

14 A You're welcome.

15 Q You never told SLED you sold a gun for \$900, did
16 you?

17 A No.

18 Q Also, the solicitor asked you about your written
19 statement versus what you said orally.

20 A Yes.

21 Q Did you give more information in a verbal
22 statement than you did in handwriting?

23 A Yes, ma'am.

24 Q How many verbal statements, recorded statements
25 did you give them?

1 A Three.

2 Q Okay. All right, thank you.

3 MS. CARMODY: I have no further
4 questions, Your Honor.

5 THE COURT: Solicitor, anything else?

6 MS. SWANSON: Nothing further. Thank
7 you.

8 THE COURT: Thank you very much.

9 Mr. Redding, thank you, sir. You can
10 step down.

11 THE WITNESS: All right. Thank you.

12 THE COURT: Yes, sir.

13 All right. Miss Carmody you can call your
14 next witness.

15 MS. CARMODY: Your Honor, the defense
16 would rest.

17 THE COURT: All right. Solicitor, do you
18 have any rebuttal?

19 MS. SWANSON: No, Your Honor.

20 THE COURT: All right. Thank you.

21 Ladies and gentlemen, Mr. Foreman, at
22 this point, you have heard all the evidence in
23 this case. What I'm going to ask you to do is to
24 come back tomorrow morning at 9:30. At that time,
25 you will hear the closing arguments of counsel, my

1 instruction and charges on the law, and then the
2 case will be yours to begin deliberation.

3 So if you'll be back here at 9:30.
4 Hopefully, we'll start promptly. That's the only
5 thing we're doing tomorrow, closing arguments and
6 my charge to you on the law. Then the case will
7 go to you for you to deliberate to reach a
8 verdict.

9 Please, I know, you haven't, but I got to
10 say it again, don't talk about this case with
11 anybody, don't do any research on this case.
12 Again, the evidence and everything that you're
13 going to be basing your decision on, the evidence
14 and the law, is going to come from this witness
15 stand and the exhibits and the law that I instruct
16 you.

17 Thank you. We'll see you tomorrow
18 morning at 9:30 where you will receive the final
19 arguments and charges on the law.

20 Thank you very much, folks.

21 (Jury exits the courtroom at 4:43 p.m.)

22 THE COURT: All right. What I'd like to
23 do -- you-all should have gotten some information
24 from Carlos concerning the, basically, proposed
25 jury charges. The jury charges that we submit.

1 Some of which may or may not be applicable because
2 of what's transpired this afternoon.

3 If you have any specific charges for our
4 consideration -- or for my consideration, excuse
5 me, I need you to email those to my clerk this
6 evening. He'll be up later than I am, I promise
7 you. Okay? And then I want to meet here
8 tomorrow. We'll meet at nine o'clock, which means
9 I want people in the courtroom at nine o'clock, so
10 we can go over the charges and have a brief charge
11 conversation where -- well, both of you have tried
12 cases in front of me. And so what I like to do is
13 just go through and ask any objection to each
14 charge. And if there is, then we'll deal with it.
15 But that way I got everybody on record as to what
16 their position is to each individual charge that I
17 will be instructing the jury on.

18 You'll also have -- he should be sending
19 out a copy of the verdict form. But, again, I
20 think the verdict form is going to be pretty
21 straight forward. They find him guilty or not
22 guilty -- or not guilty or guilty of murder. And,
23 if not guilty, they stop their deliberations. And
24 if so, if guilty, then they will go on to
25 answer question 2, and there will be a guilty or

1 not guilty, and a signature line for the foreman.

2 MS. CARMODY: Your Honor, do you want me
3 to renew the motion for direct verdict?

4 THE COURT: Yes, ma'am. Thank you for
5 reminding me of that. Absolutely, Miss Carmody,
6 now at the close of all the evidence, ma'am, thank
7 you for reminding me. I would be happy to
8 entertain your motion.

9 MS. CARMODY: Your Honor, the defense
10 renews its motion for a directed verdict. Your
11 Honor, as I said, at the close of the State's
12 case, I do not believe that the State had proven
13 malice as required under the law.

14 Additionally, there was, I do not
15 believe, any concurrence of the elements that
16 malice existed at the time of the offense.
17 There's been no testimony whatsoever from any
18 witness who would indicate any type of situation
19 between -- any type of argument or any type of
20 hostility even between Mr. Redding and Cypress
21 Noonan on September 6th.

22 Your Honor, additionally, the State
23 hasn't even proven the time of death. We don't
24 even know what time Cypress Noonan died. This,
25 Your Honor, is a big problem when my client has an

1 alibi. And I believe that he has an alibi that is
2 corroborated by witness statements and cellular
3 data records, Your Honor.

4 Chris Watkins testified to his cellular data
5 this morning. Your Honor, I do not believe that the
6 State has disproven his alibi. I don't think the
7 State has put up any evidence whatsoever to disprove
8 his alibi. They haven't actually put him on scene.
9 Nobody has put him at the Forest Motel on September
10 6th. There's not an single witness who has put him
11 there that morning. He makes the 911 call. Peter
12 Patel, you know, testified that he saw him get there
13 and make the 911 call. There's not a single witness
14 who even puts him at the Forest Motel.

15 We have no idea when Cypress died.

16 THE COURT: What is that? Not a single
17 witness that puts him at the Forest Motel?

18 MS. CARMODY: Not that morning, Your
19 Honor. No.

20 THE COURT: What about his testimony?

21 MS. CARMODY: Your Honor --

22 THE COURT: He said he was -- hold on.
23 He said he was there.

24 MS. CARMODY: Yes, Your Honor.

25 THE COURT: So his own testimony puts him

1 there. Let's move -- come on.

2 MS. CARMODY: Not when Miss Noonan is
3 deceased, Your Honor. He left.

4 THE COURT: That's another matter.

5 MS. CARMODY: Your Honor --

6 THE COURT: Yes, ma'am.

7 MS. CARMODY: What I'm saying though is
8 that the State also has not -- you know, if we go
9 by what the pathologist testified to her report --
10 which we don't know what time she died. The
11 report says 9:00 a.m. He has an alibi for 9:00
12 a.m. He's in Pineland. That's corroborated by
13 his cell phone records.

14 You know, like I said, I don't believe
15 that the State has put up any evidence whatsoever
16 that disputes his alibi in any way, shape, or
17 form.

18 And I do not believe that the State put up
19 any evidence that malice existed at the time of the
20 murder.

21 Even if it is murder, Your Honor, we
22 heard testimony yesterday it could have been
23 suicide.

24 Your Honor, I do not believe that there
25 is sufficient evidence to send the case to a jury

1 and I would ask for a directed verdict.

2 THE COURT: Solicitor, let me hear from
3 you, please.

4 MS. SWANSON: Okay. Well, he does put
5 himself at the motel.

6 We do not have to prove time of death.
7 Dr. Reimer went into great detail about how
8 difficult it is for him to pinpoint time of death,
9 and coroners don't have the medical knowledge or
10 tools to do so. It was simply something written
11 on the form. I'm sorry that doesn't, you know,
12 shore up his alibi, but, you know, that's not a
13 burden that the State bears.

14 I stand on my prior arguments regarding
15 all of the evidence taken in the light most
16 favorable to the State that proves the existence
17 of that evidence and that the jury could determine
18 and take that into consideration.

19 There's ample evidence to go to the jury,
20 albeit circumstantial, but nothing has changed at
21 this point. In fact, the case has only gotten
22 stronger.

23 Thank you.

24 THE COURT: All right. Miss Carmody, I'm
25 denying your motions, ma'am. I'm looking for the

1 existence of evidence, and I think that evidence
2 exists as it relates to the elements of the crime.
3 And I think that -- I think there was testimony
4 about potential animus, dominating behavior on his
5 part, that they argued, that she wasn't happy,
6 that she -- I think there was plenty of that from
7 the sisters' testimony that can be derived from
8 there. And I think there's enough for this matter
9 to go to the jury.

10 Listen, I understand your arguments as it
11 relates to time of death, and I think that's
12 something that certainly can be presented to the
13 jury.

14 That will be my ruling. Thank you.

15 MS. CARMODY: Thank you, Your Honor.

16 THE COURT: Hold on one second.

17 All right. Yes, ma'am.

18 MS. SWANSON: Just to make sure that the
19 Court is aware, I have been able to get here by
20 nine o'clock, but I do have drop-off line in
21 Beaufort for my child at 8:15.

22 THE COURT: Let me tell you what,
23 drop-off line --

24 MS. SWANSON: Yes.

25 THE COURT: That means you got to 9:15.

1 THE COURT: Yes, ma'am.

2 CLOSING ARGUMENT

3 MS. SWANSON: The truth is easy to
4 remember. It's the lies that are difficult to
5 keep straight. When judging the credibility of
6 the witnesses that appear on the stand, everyone
7 that's taken the stand over the past several days,
8 you are looking to see if they are answering
9 questions directly, if they're evading questions,
10 if their answer or non-responsive to my questions.
11 Do they try and avoid yes or no questions, do they
12 go in a different direction, do they try to
13 explain away absolutely everything when
14 confronted?

15 The defense's case is riddled with
16 credibility issues, defensiveness, evasiveness and
17 inconsistencies.

18 Danielle Smith's testimony was all over
19 the place, and apparently she has no memory due to
20 some sort of accident that has occurred after the
21 death of Cypress Noonan. So whatever she
22 remembered two years ago is probably what you're
23 going to need to rely on when it comes to her
24 testimony. Not to mention, she has a bias here.
25 She is kin to Brian Redding who is on trial.

1 She testified that they were at the
2 Forest Motel for one to two minutes, yet the phone
3 records show that they were there for 20. What
4 was going on in those 20 minutes? She didn't know
5 if Cypress was alive or dead, or if there was some
6 clean up going on in that room because she was out
7 by the car smoking half a cigarette.

8 A lot of time by the defense was spent on
9 a cell phone expert. The hired gun. The guy who
10 seemed not to be very impartial. He got kind of
11 dodgy when he was, you know, answering some of my
12 questions.

13 The cell tower data showing that Brian
14 was all over the place creating an alibi after he
15 killed Cypress doesn't show that he didn't do it.
16 He just didn't kill her when he was away from the
17 Forest Motel during those hours.

18 Also, we did not hear about any cell
19 tower location for Cypress, Cypress's phone,
20 because there's evidence that he had her phone,
21 that he used her phone, that he manipulated her
22 phone. That phone wasn't even at the motel room.

23 I don't even know what half the point of
24 the defense case was about, because it didn't
25 really prove anything. Mr. Patel had nothing to

1 offer. The dispatcher that was called had nothing
2 to offer. Mom and uncle had nothing to offer. My
3 only thought is that, you know, it was a
4 look-over-here move because none of those
5 witnesses had anything to do with alibi.

6 We can't pinpoint a time of death, an
7 exact time of death. And Miss Carmody wants to
8 say that we should be able to prove that. Well,
9 no, we can't. Unless someone actually witnessed
10 when she got shot and came forward, we don't have
11 that information.

12 The pathologist explained that even if we
13 had a medical doctor on the scene who has
14 scientific knowledge, they would not be able to
15 say exactly when a person died because there are
16 so many variables. There is room temperature that
17 is -- you know, that has to do with body
18 temperature. You know, how the person is clothed.
19 How heavy the person is. Whether that person had
20 blankets on them or not.

21 I mean, you know, if somebody is laying
22 in the woods for two weeks and their body is
23 found, yes, they can come to a conclusion that
24 this was not a fresh murder. But within a
25 several-hour window, that cannot be pinpointed.

1 There was no medical expert on scene
2 because we have elected coroner's in this state.
3 They don't have medical training. They're simply
4 there to document deaths and authorize autopsies
5 for suspicious deaths. Okay? So while
6 Miss Carmody may make a big deal about this
7 9:00 a.m. time of death on the autopsy report,
8 that's not coming from any sort of evidence that's
9 been presented in this courtroom or SLED's
10 investigation.

11 We do know that she was murdered sometime
12 during the early morning hours of September 6th,
13 many of those hours Brian Redding was alone with
14 her in that room. He was also the last person to
15 see her alive.

16 Now, Miss Carmody is also going to go
17 into this botched investigation that she brought
18 up in her opening statement.

19 As you might imagine, Ridgeland PD is a
20 small agency. Okay? So they respond to a murder
21 on a Sunday morning. They don't have many murders
22 early on a Sunday morning, and they make the good
23 decision to call in for instance, and so they call
24 SLED. Agent McCallister shows up as soon as she
25 can get there, which is, you know, two, almost

1 three hours after the call has come in, but
2 meanwhile RPD is staying there just holding down
3 the fort because, hey, SLED's on their way.

4 Agent McCallister is initially assisting
5 in this investigation. She actually doesn't take
6 over the investigation until later as more facts
7 are coming out.

8 SLED gets there and they do their crime
9 scene. They have more experienced crime scene
10 techs to handle the collection of that evidence.
11 And once Agent McCallister takes over, many, many
12 interviews are completed, many search warrants are
13 executed, and many leads were followed up on.
14 This is not a botched investigation because we
15 weren't able to find a murder weapon. You won't
16 find a murder weapon that a defendant gets rid of.

17 The crime scene was in Room 22. That was
18 the focus, understandably. There were people at
19 the Forest Motel and the neighboring Siesta who
20 never heard a gunshot. There were no shots fired
21 reports, but clearly Cypress is shot. So there
22 was a gunshot regardless if anyone heard it or
23 not. It's like the whole, you know, did a tree
24 fall in the woods if you didn't hear it? Well,
25 yeah, the tree's down.

1 Maybe Brian tried to suppress her on his
2 pretty blue gun, his pretty blue 9-millimeter that
3 he claimed he never had but was spotted with
4 multiple times, and a video of him with it exists.
5 It came off of Cypress's phone.

6 Recall that I asked him about that blue gun
7 and his response was, if I had it, it would be in the
8 room. He didn't say he never had a blue gun. He
9 never said he didn't have a blue 9-millimeter. That
10 was just not his response.

11 And if you want to believe that somebody
12 else's gun killed Cypress, but yet it had her DNA
13 on the ammunition that was loaded into the gun,
14 does that make any sense? It sounds like it was
15 the gun that Brian always had and was on the
16 bedside table of that motel room and people went
17 into and the gun that Cypress was seen with in
18 Snapchat videos.

19 Now, Paige testified that while she owned
20 a couple of guns, Cypress never handled them,
21 never packed them with ammunition, not to mention
22 the fact that the gun in the bag that
23 Agent McCallister followed up on, another red
24 herring brought up by the defense, was a Taurus.
25 And Paige testified hers were black and either G2

1 or G3 models which only Taurus makes. Not the
2 SCCY manufacturer which is conclusively the murder
3 weapon according to SLED experts.

4 Another one of their look-over-here moves
5 and red herrings is Popeye, Dervon Jones, that he
6 somehow had something to do with this, as does
7 Hollywood. Look, do these folks with street
8 names, are they going to be the first people, you
9 know, who probably should not have firearms. You
10 know, running up to law enforcement to conduct
11 interviews? No. So some of these interviews
12 didn't take place immediately. It took a while to
13 run some of these people down. Dervon never came
14 in. But the whole bag incident was looked into
15 and investigated, and Agent McCallister did her
16 due diligence.

17 There is simply no evidence in the
18 record, and, of course, you must base your
19 decision on the evidence presented in this
20 courtroom. There's no evidence in the record to
21 suggest that either one of those people were at
22 all involved in this murder. Popeye, Dervon, was
23 asleep at Brandy King's house in the early morning
24 hours of September 6th. Dervon was dating Paige
25 at the time. Paige is Brandie's daughter. They

1 had gotten kicked out of their daily rentals.
2 They had to move in with her mom. He was due to
3 baby-sit kids that Sunday while she went to work
4 at Hardee's around 9:00. They went to bed
5 together Saturday night. They woke up together
6 Sunday morning. Not to mention Paige told you
7 that the three of them would hang out on a regular
8 basis and there were no issues. There was no
9 animosity even after she and Dervon broke up,
10 there was no animosity. They broke up because he
11 had been cheating on her. All right? That
12 happens.

13 Unfortunately for Cypress, she didn't do
14 the same when she found out Brian was cheating on
15 her. She might still be here.

16 The Batman shirt, let's talk about that.
17 Brian never told investigators that he changed
18 clothes or why. He says he didn't think it was a
19 big deal when we're investigating a murder here.
20 I mean, why did he think that SLED wanted his
21 clothing? SLED went out to execute a search
22 warrant looking for that shirt. Five people swept
23 the trailer and didn't find it.

24 Mysteriously, on the day of trial, it
25 shows up. And his mother who took the stand was

1 completely insistent that this had to be that
2 shirt. There was no way it could be anything but
3 the shirt he was wearing on September the 6th,
4 even though she had no basis to make that
5 statement. She was not in Pineland. She didn't
6 know. She didn't know whether Brian could have
7 purchased that Batman shirt, although she was
8 extremely defensive about it and said, oh, no way.
9 No way could he have purchased that shirt in the
10 two months that, you know, he was allowed to be
11 free before being arrested as SLED continued to
12 investigate and follow up on this case.

13 Remember, this was not a snap judgment.
14 He was not, oh, that's the boyfriend, let's go
15 lock him up. It didn't happen that way.

16 The defense wants to argue away every bad
17 fact or simply ignore them or put an unrealistic
18 rainbow spin on them, and it just doesn't make
19 sense because there are a lot of bad facts. And
20 when we look at the complete picture, you will
21 understand that we got this right.

22 So, let's talk about what happened in
23 this courtroom and the actual evidence that you
24 heard and viewed. I want to play the 911 tape for
25 you again.

1 (911 tape played.)

2 MS. SWANSON: All right. So Brian calls
3 911 at 9:46, you know, doing his crocodile tear
4 thing, but immediately goes into the time line of
5 his morning activities. He is giving the
6 dispatcher the information that he wants out
7 there. Meanwhile, she's asking about the victim,
8 the gunshot victim. Is she still breathing? He
9 is very tight with those details. Does not seem
10 focused on his girlfriend who's been shot in the
11 head. And you even heard his uncle say that he is
12 a man of few words, that he doesn't give a lot of
13 detail. Well, not on this call.

14 Then he goes so far to suggest that her
15 sister, Desiree, may have had something to do with
16 it. Well, you heard from Desiree. Sisters fight.
17 They have altercations. But you also heard that
18 this family loves each other, and they love
19 Cypress, and this has torn them to pieces.

20 Regarding the crocodile tears, both the
21 responding officers, Chris Warren and John Croft,
22 reported that Brian made wailing sounds, but they
23 did not see any physical tears coming out of his
24 eyes. And then he seems to dry up pretty quickly
25 when he wants to get his alibi out there, or what

1 he thinks is his alibi, what he thinks is going to
2 work as his alibi.

3 Now, recall that Brian using Cypress's
4 cell phone called her sister Taylor when Taylor is
5 on the way back from a vacation to tell her that
6 Cypress was unresponsive. She couldn't get any
7 more information out of him. All right? She
8 doesn't know what happened. She couldn't get any
9 more information out of him, so she's freaking
10 out. She calls her husband, has him physically go
11 to the Forest Motel to see what's going on.

12 Meanwhile, she talks to Brian again and
13 she spends all this time telling her about what he
14 had done all morning before telling her that her
15 sister had been shot in the head. It doesn't make
16 sense.

17 All right. I want to talk about the
18 crime scene. What does the crime scene tell us?
19 Sorry, let me ...

20 What does the crime scene tell us? That
21 16-year-old Cypress Noonan has a contact gunshot
22 wound between her eyes. She is seated in her bed
23 in a relaxed position. There is no gun located in
24 the room. Everybody can agree on that. And there
25 are no signs of forced entry.

1 The SLED crime scene tech testified
2 typically in a forced entry situation, you know,
3 you might have a boot print, some broken hardware,
4 things of that matter. You know, it was
5 well-known that Cypress locked the doors. Brian
6 even said he used a key to get in the door. No
7 forced entry. This is not some home invasion.

8 No signs of a struggle. So she was
9 comfortable with this person. She knew this
10 person. It was someone who had access to the room
11 with a key.

12 Nothing is missing except for the murder
13 weapon.

14 Brian tells SLED the room looked the same
15 as when he left.

16 So what is motive here? There is no
17 robbery. There's nothing in that room. Nothing
18 is missing. Even Brian says it's the same as when
19 he left.

20 So what does the crime scene tell us?
21 That this was not a suicide, because there's no
22 gun recovered. She can't hide a gun after she
23 shot herself in the head, so that is not at all
24 what we're here for.

25 It tells us that Cypress knew her

1 murderer and trusted them. Her posture was not
2 defensive. She hadn't even gotten out of bed.
3 She had no foreign DNA under her fingernails,
4 like, you know, if she had been in the struggle or
5 was trying to protect herself. Obviously, she
6 didn't see this coming, right, because it is a
7 point blank gunshot wound to her head.

8 Witnesses testified that she didn't allow
9 anyone to enter the motel room without announcing
10 themselves. She didn't just have some open-door
11 policy.

12 Witnesses also testified that Brian liked
13 to control who went in and out of their room and
14 that Cypress always had the door locked. Even
15 Brian admitted in SLED interviews that Cypress
16 would not let a stranger into the room.

17 Let's talk about Brian and Cypress's
18 relationship. Cypress's family has known Brian
19 for years, so they had plenty of time to form an
20 opinion on him. They also observed the way he was
21 with Cypress, as did her friends. And they didn't
22 like it because they found him to be, and his
23 actions to be controlling, jealous, and hurtful.
24 He would make her cry. They didn't think it was
25 healthy. They didn't want to encourage the

1 relationship to the detriment of theirs with
2 Cypress. But, again, remember, she's a
3 16-year-old girl with a mind of her own. A
4 16-year-old girl that a man, who was 31, has quite
5 a bit of influence over her. A 16-year-old girl
6 who doesn't know what mature love is.

7 Cypress had dropped out of school. She
8 wouldn't move back in with her family because they
9 didn't want Brian around, and so they started
10 living a transient lifestyle together with his
11 guns and drugs. Yet, he wants to portray himself
12 as a savior. Some sort of saint that came in to
13 take care of her because he loved her so much,
14 always making sure -- his words -- "She was on her
15 A game."

16 Do his actions sound like the supportive
17 boyfriend, the rock that you can rely on. They're
18 constantly getting kicked out of the motel rooms
19 because they don't have money. He's not working.
20 Not sure why, because he testified he has plenty
21 time to play video games, hang out with his four
22 or five guy friends that he doesn't want Cypress
23 around because she dated one of them and he's a
24 jealous person.

25 Cypress is, you know, trying to help with

1 rent because she can't work right now. She's
2 asking Whitney for money so they don't have to go
3 sleep in a car, and clothes. I mean, it sounds
4 romantic, right? Knight in shining armour.

5 How is he really helping Cypress? He
6 claimed he was trying to get her a stable job,
7 stable living environment, and a car. He doesn't
8 even have those things himself and he is an adult
9 man. He's got a side piece providing him with a
10 car, her paycheck, her EBT card. He's a womanizer
11 and abuser only concerned for himself and ended up
12 with too many women to juggle.

13 Friends and family testified that Cypress
14 changed over the course of her relationship with
15 Brian. She was not as outgoing or responsive in
16 their communications. Socially, did she didn't go
17 out much. The Florida trip that her friend had
18 planned became a point of contention between her
19 friends and Brian. They didn't want 31-year-old
20 Brian to come on a teenage girl trip, right, or
21 teenage trip. And Whitney testified that she
22 began to get messages from Cypress's phone that
23 didn't sound like her. She could tell it was not
24 Cypress.

25 Taniya, her best friend, who was

1 extremely upset on the stand having to relive this
2 period of time, gave her the advice to leave him.
3 She did not think that the relationship was good
4 for Cypress, and she knew it based on what she saw
5 going on between the two of them.

6 Now, the blue gun. Sisters and friends
7 saw Brian and Cypress with the blue gun identified
8 as a 9-millimeter by Paige, who had ample
9 opportunity to view the gun because she was giving
10 Brian a grip that didn't fit hers. Taniya said he
11 carried the blue gun everywhere he went, not that
12 Brian would tell you since he could only tell you
13 he did not really own a gun of a different color
14 because, of course, he knows what caliber he shot
15 Cypress with.

16 We know from the firearms expert that the
17 murder weapon was a 9-millimeter SCCY, which this
18 is a picture of in that blue color that everyone
19 has testified to.

20 Now, I realize that our witnesses cannot
21 testify to the manufacturer. They simply don't
22 know. Might would be kind of suspect if they
23 could, right?

24 That murder weapon is consistent with the
25 gun that Brian had been seen all over town with

1 and in the video, a gun that he never acknowledged
2 on the stand. And, again, don't forget, Cypress's
3 DNA was on that shell casing because it was
4 Brian's gun. Her DNA would only be there if she
5 had handled the ammunition. We know the gun was
6 in the room with her. We know she would handle
7 the gun. Of course, she never started messing
8 around with guns before she met Brian, all of her
9 friends testified, and her family. But it doesn't
10 make sense that her DNA would come up on a
11 cartridge case from some random person's gun. It
12 doesn't make sense.

13 Let's talk about malice. We have
14 evidence of a toxic relationship. Things happen
15 behind closed doors. And Cypress was not always
16 happy with Brian, despite what Brian wants to
17 claim. We heard that from family and friends.
18 She was manipulated, controlled, and snowed by
19 Brian because she was 16 years old and he was 31.
20 She wanted to do whatever she wanted to do.
21 Didn't want to have to go back to school. Didn't
22 want to adhere to household rules. Didn't want
23 anyone to tell her that this guy isn't good for
24 you.

25 There was evidence of drug use in the

1 motel room, but Cypress didn't have cocaine or
2 crack in her system. Did Brian? Did something
3 come to a head and he snapped? Things happen in
4 relationships, and toxic ones go downhill real
5 fast. There were issues of jealousy and other
6 women.

7 Malice can be inferred by prior
8 difficulties. It can also be formed in an instant
9 and indicated by the violence of an act such as a
10 contact shot between the eyes that's an execution.
11 She was not in a defensive stance and there was
12 clearly no violence on her part that provoked him.

13 He simply claims he was the last person
14 to see her alive and well around 8:00. Somehow,
15 some way, she ends up dead in a motel room that's
16 locked on a Sunday morning in the daylight hours
17 and nobody hears or sees anything.

18 So remember we spoke to the firearms
19 expert about the gun and the ejection port? Okay.
20 So, this would be this side of the bed. If you're
21 looking at it this way, it would be the right side
22 of the bed. This is where the cartridge case was
23 found.

24 And so the person, Brian, had to have
25 been on this side of the bed when he fired the

1 gun, and it would have exited to the right. Like,
2 deep into the motel room. You know, this was not
3 someone that, like, you know, shoved in a door
4 somehow, and, you know, stood from the doorway and
5 shot her, or anything like that. Certainly, she
6 would have gotten out of bed if there was any sort
7 of situation like that. It was just simply not
8 the case.

9 Remember that Brian said on multiple
10 occasions that he touched Cypress Noonan. Right?
11 Touched her on the head. He touched her on the
12 arm. He even went so far to do an reenactment
13 about how he, you know, took the -- it would be
14 the left side of the head to his right and
15 repositioned her head trying to hold her head up,
16 and, yet, he has not a drop of blood on him. Not
17 on his shirt or his pants. No GSR, when he's
18 essentially touching the contact gunshot wound
19 which would have GSR all over it.

20 You will have these pictures in the back,
21 but we got the clean shirt. And, of course, we do
22 know that he was in a different shirt earlier that
23 day that he didn't tell SLEd about but we found
24 out about it.

25 And then clean hands. But, no, he didn't

1 clean up. He does admit to taking a shower. It
2 was at 5:40, which would make sense because he
3 killed her before 5:30 before he went on this run
4 about town to make sure everyone in town saw
5 him.

6 What about the blood smears on the door
7 too? If he didn't have any blood on his hands, I
8 mean, that just doesn't even make sense because
9 the DNA revealed mixtures on these stains between
10 Brian and Cypress.

11 So, an alibi is where you can show
12 someone is not at the place where the crime
13 happened at the time the crime happened. It is
14 the State's theory that Cypress was shot before he
15 showered and before he went about town. It was
16 not impossible for Brian to have committed this
17 murder. He is at the crime scene in the early
18 morning hours of September the 6th before he sets
19 about creating his alibi.

20 All right. So where is Brian first thing
21 on a Sunday morning of Cypress's murder? Going
22 here and there and everywhere to make sure
23 everyone knew it. He is the busiest unemployed
24 man on Sunday morning I've ever seen.

25 He goes to pick up his other girlfriend

1 who, you know, he claims Cypress was totally cool
2 with even though she clearly wasn't. She had been
3 going though his phone. He had lied to her about
4 that girlfriend until she confronted him with that
5 girlfriend. Anyway, I digress.

6 He is wearing different clothing than he
7 voluntarily hands over to SLED, which is why he
8 voluntarily handed that clothing over.

9 He goes back to the Forest Motel around
10 8:00. According to Danielle, stays one to two
11 minutes. According to one SLED interview, he says
12 about five minutes. But then the cell phone tower
13 data reveals he was there for 20 minutes.

14 When he takes the stand, he begins
15 cleaning up that time line talking about
16 conversations he had with Cypress. When he told
17 everyone two years ago, she was sleeping. He was
18 like, *What, are you going to sleep all day?* She
19 kind of mumbles and rolls over and pulls the
20 covers over her head.

21 Another interesting fact is that while
22 she is supposedly sleeping, her cell phone is
23 still active. Right? And it's even active after
24 she is absolutely dead after 911 is called.

25 Remember that Paige testified he drove by

1 the house that morning waived, honked the horn
2 sometime after 8:00. That seems odd. Hey, guys,
3 I'm here, I didn't kill my girlfriend, I guess
4 someone is killing her right in the Forest motel
5 room. He made sure everyone saw him and everyone
6 knew where he was.

7 So he comes back to the Forest motel room
8 around 8:00, 8:30 because Mr. Patel is usually up
9 and cleaning up, making his rounds. We think that
10 he did that hoping that Mr. Patel was going to be
11 the one to find her. And when that didn't happen,
12 he did something in the room for 20 minutes and
13 left again, comes back, realizes, *Ugh, I got to be*
14 *the one to find her*, and that's when he called 911
15 at 9:46.

16 Because Brian's reason for stopping didn't
17 make any sense. First, it was for his wallet for gas,
18 but then he didn't get any gas. And then when pressed
19 on that issue, he said he had to check on Cypress. At
20 8:00 a.m. when he left her sleeping a couple hours
21 before? She knew where he was going. It just didn't
22 make any sense. We don't know what he was doing to
23 cover his tracks at that time.

24 All right. As I told you before and
25 Judge Bonds will tell you again, the State has the

1 burden of proof in this case, and we must prove
2 the defendant's guilt beyond a reasonable doubt.
3 And what means is that you must be firmly
4 convinced of the defendant's guilt.

5 Now, certainty is not required, but, if
6 based on your consideration of the evidence you
7 are convinced beyond a reasonable doubt, you must
8 find him guilty. The doubt has to be reasonable.
9 All right?

10 One way the State can prove the case
11 beyond a reasonable doubt is by circumstantial
12 evidence. And to the point where we rely on
13 circumstantial evidence, it has to come together
14 and point conclusively to the defendant.

15 Just to summarize, the guilt is indicated
16 by the toxic relationship, the cover up, the clean
17 hands, the late alibi, crime scene evidence, blue
18 gun and firearms evidence, GSR, and DNA.

19 Now, Miss Carmody is going to present her
20 closing in just a few minutes, and then I will get
21 to briefly address you again. Only on any new
22 arguments made by her I get to rebut. So I'll
23 speak to you again in a little bit.

24 Thank you.

25 THE COURT: Okay. Miss Carmody.

1 MS. CARMODY: Thank you, Your Honor.

2 THE COURT: Yes, ma'am.

3 MS. CARMODY: May it please the Court?

4 THE COURT: Yes, ma'am.

5 CLOSING ARGUMENT

6 MS. CARMODY: Good morning, everybody.

7 First and foremost, I wanted to thank you-all for
8 being here. Each and every one of you have been
9 here all week listening to the evidence in this
10 case. And on behalf of myself and on behalf of
11 our defense team, we wanted to thank you for that.
12 It's a sacrifice that each and every one of you
13 have made, and you greatly, greatly recognized
14 that service. We appreciate it.

15 This will be my last opportunity to speak
16 to you and to show you and explain to you what I
17 believe the evidence in this case shows. Next,
18 the State will get up, and, as the solicitor
19 mentioned, and give a rebuttal. I want to explain
20 the reason why it's done that way. The reason
21 that the State has the last word is because the
22 State has the only burden in this case. The
23 defense has zero burden. We could have sat down
24 and not cross-examined a single witness. We could
25 have sat back and not offered any evidence

1 whatsoever in this case. We had no burden
2 whatsoever. The State has the only burden in this
3 case.

4 And what I also wanted to let you know is
5 that while on I'm the attorney up here
6 cross-examining witnesses, this is really
7 Brian Redding's case. I can advise him on what I
8 think he should do, but it's ultimately his
9 decision. He got up here on the witness stand and
10 he testified. And I'm not sure if any of you are
11 aware, but he has a constitutional protected right
12 to say nothing. In most murder cases, or in most
13 trials, that's exactly what the defendant does.
14 They say nothing, and they don't have to. And the
15 judge would have instructed you that you can't
16 even consider that he didn't testify.

17 In this case, like he has from the very
18 beginning, he cooperated. He has always been
19 cooperative. He has always, always given
20 everything he can to help determine what happened
21 to Cypress, and that's exactly what he did even
22 through this trial. He got up here to make sure
23 that you-all heard what happened. He had no
24 obligation whatsoever to do so.

25 We are all here for a very, very serious

1 matter. As I told you in the beginning of this
2 case, this is a murder trial. You-all left your
3 homes to come and resolve a very, very serious
4 question of fact: To determine whether the State
5 has proven Brian murdered Cypress Noonan.

6 So what are the elements for murder that
7 the State has to prove? The State has to prove
8 each and every element beyond and to the exclusion
9 of every reasonable doubt. Not just one doubt,
10 every reasonable doubt. Every single one.

11 The State has to prove to you that Brian
12 Redding killed Cypress Noonan with malice
13 aforethought. Malice is hatred, ill will, or
14 hostility towards another person. Malice also
15 must exist before and at the time the act is
16 committed. The circumstances -- this is a
17 circumstantial case. The circumstances all have
18 to be consistent with one another. We can't have
19 one thing over here and think, well, maybe, and
20 another thing over here. They all have to be
21 consistent.

22 There are many theories and possibilities
23 of what happened to Cypress. Actually, in the
24 State's closing argument you heard her say "we
25 think," or "we don't know." That is not proof

1 beyond a reasonable doubt. They have -- it's
2 what's been proven to you. There is no mystery to
3 solve here. This is not a mystery. If you don't
4 know something, it's because it wasn't proven. If
5 you are sitting here right now with questions
6 about what happened that day, it hasn't been
7 proven. It's as simple as it gets. It has not
8 been proven. Right now, sitting here right now,
9 you should have no question. You should know
10 exactly what happened that morning. That is proof
11 beyond and to the exclusion of every reasonable
12 doubt. There is no place for "we think," or "we
13 don't know." The State has not met that burden.

14 The law also does not allow you to
15 speculate. We're not asking you to come back and
16 tell us what you think happened. We're asking you
17 to tell us what you know happened. What was
18 proven to you beyond a reasonable doubt happened.

19 If you are not given enough facts in
20 order to make a decision, the law will guide you.
21 The law that the judge will give you will instruct
22 you on how to make a legal and just decision.

23 Also, this case cannot be decided on
24 emotion. Whether you agree or whether you
25 disagree with Brian and Cypress's relationship,

1 this case cannot be decided against or for anybody
2 based on emotion.

3 Now, I told you-all at the beginning of
4 this case, when all was said and done, that we
5 would be left with more questions than answers.

6 Because of the way that this case was
7 investigated, there was probably a lot of
8 information that you were looking for and did not
9 receive. You were left with unanswered questions
10 because that evidence was never presented to you.

11 I also told you at the beginning of this
12 case, as the solicitor just agreed as well, law
13 enforcement botched this investigation. How do we
14 know that?

15 All right. Let me pull up -- okay. You
16 will have these pictures in evidence as well. I
17 believe the light is shining on it, but do you
18 remember the testimony regarding this? This is
19 one of the pictures from the scene that morning.
20 And I wanted to bring something to your attention
21 too. The reason that these pictures are smaller
22 and they're not, you know, these big pictures like
23 this is because these pictures here were actually
24 captured from the officers body camera. And the
25 reason we don't have these nice, big shining

1 pictures is because nobody was taking pictures.
2 There's not a single officer on scene who took any
3 pictures of anything. So these pictures here had
4 to be captured from the body cameras of the
5 officers on scene.

6 Now, what I told you earlier and what you
7 heard from the witness stand, it was, at least,
8 12:30 that day, at least 12:30, that anyone talked
9 to anyone on scene. Actually, I think it was
10 significantly later than that. I'll tell you why.

11 Because when Agent McCallister arrived,
12 she asked Mr. Redding to go back and meet her at
13 Ridgeland Police Department. She was there for
14 two and a half hours. That brings us to
15 approximately 3:00 p.m. So it's more likely that
16 it's three o'clock in the afternoon before anybody
17 at all talks to a single person on scene at the
18 Forest Motel.

19 Mr. Patel, the owner of that motel,
20 testified the check out time is 11:00. And this
21 is a \$40 hotel. We're not talking about, you
22 know, the Marriott with great security cameras.
23 \$40 a night.

24 Why do these officers just sit there and
25 not talk to anybody? Why not get a manifest of

1 the hotel and find out who's there? Maybe someone
2 would have said, I heard something, or I saw
3 something, if they had to talked to them. Nobody,
4 not a single person, talked to anybody until the
5 afternoon.

6 You also heard testimony from the
7 Detective Croft. And I thought it was very
8 interesting when he first got on the stand and the
9 solicitor asked him where this happened. And at
10 first I believe he said the Siesta.
11 Detective Croft initially said the Siesta. The
12 man doesn't even remember where he was that day.
13 I believe the reason he said the Siesta, the next
14 door neighboring property, is they've had a
15 significant amount of issues at that hotel.

16 Detective Croft thinks he may have talked
17 to people. Doesn't know. Has no idea. Didn't
18 even write a report about what he did on scene.
19 No report at all. Then we had the testimony from
20 Detective Croft who said he did not collect
21 anything from the scene that day, except for a
22 gunshot residue test for Mr. Redding.

23 However -- however, we heard from the
24 SLED crime expert who said Detective Croft
25 collected drug evidence. Where did it go? We

1 have Croft saying, well, I didn't collect
2 anything. We've got SLED saying they collected
3 the evidence and it doesn't exist. It's gone.

4 This is what I mean about a botched
5 investigation. We're talking about the death of
6 16-year-old girl. People, get on board and start
7 taking this serious. This was not a serious
8 investigation. They literally sat around on scene
9 and waited for SLED to show up.

10 Officer Howard and Warren, first officers
11 on scene, they said they went in the room and made
12 sure there was no gun. Then they stood around and
13 made sure no one went into the room. Didn't talk
14 to anybody. Didn't look around. The search
15 warrant says that they were supposed to search the
16 parking lot vehicles, the area surrounding the
17 hotel, none of that. They focused their
18 investigation entirely on inside the room. They
19 know there's no gun in the room and no one thought
20 let's look outside.

21 Not a single one of those officers
22 thought, there's no weapon in the room, so why
23 don't we take a look outside? Why don't we look
24 up? It's a single-story structure. I mean, if we
25 had a single story, it's very, very easy to throw

1 a gun on the roof, in any one of these cars, in
2 any one of these rooms, in all the woods that are
3 around the hotel, in the area --

4 This is crime scene tape, by the way,
5 they testified did not go up until later, and it
6 only marks off Room 22.

7 So what about all of this area here?
8 Right? What about up here? What about the woods
9 behind the hotel, around the hotel, the parking
10 lot? Nothing. The investigation was literally
11 confined to what's inside that room.

12 Common sense, you don't have a firearm in
13 the room, you're going to look outside. The
14 search warrant ordered them to look outside. No
15 one looked outside.

16 Also, a significant issue in this case,
17 and I believe that this was the issue -- well, one
18 of the issues that led the investigation in the
19 wrong direction. SLED has this projectile to
20 compare, right? They're given a projectile.
21 Well, not a projectile. A shell casing. So, this
22 is the shell casing here. Okay? I'll put it up
23 on the monitor.

24 All right. So that's what SLED has. And
25 the firearms expert goes back to SLED and says the

1 rifling that's on this casing is consistent with
2 an SCCY. Okay. Well, SLED is, like, oh, great.
3 We're looking for -- that means we're looking for
4 a blue gun.

5 Ladies and gentlemen, you heard testimony
6 that's not what that means. There is, at least, a
7 half a million SCCY guns that have been sold.
8 Thousands of models. No idea of what color it is.
9 No idea of what type of SCCY. Which type of SCCY,
10 we don't know. SLED limited the investigation to
11 looking for one specific gun. That is why their
12 investigation was limited.

13 Additionally, I believe what also
14 happened -- and we'll talk about this in more
15 detail later -- but Dr. Riemer initially said --
16 and she did the autopsy a couple days later. She
17 initially said, if I had not been told that
18 someone had shot Cypress, I would have thought
19 this was a suicide.

20 Is it possible that SLED investigated
21 this case as a suicide. It's not uncommon for a
22 16-year-old girl to kill herself. Is that the
23 reason why maybe her friends thought she was more
24 withdrawn? In that case, we're talking about
25 someone who removed a gun from a room and not

1 necessarily killed someone. I thought that was
2 significant from Dr. Riemer. In fact, you
3 probably saw my mouth open shocked that she would
4 have actually -- based on her injuries, based on
5 what she saw in her observation and her
6 experience and her expertise and experience, she
7 thought Cypress killed herself, and it was only
8 that there was no firearm in the room that led her
9 to think otherwise.

10 And it's possible, it's very possible,
11 SLED had that information in the beginning and
12 investigated this case as a suicide. That would
13 also be consistent with the projectile on the side
14 of the bed, and it's consistent with her injuries.

15 You also heard testimony about Hollywood,
16 a man by the name of Antwone Drake. A lot of
17 people had brought up his name. Several people
18 mentioned him early in the investigation,
19 including Cypress's own sisters. SLED finally
20 talk to him, but after they arrested Mr. Redding.

21 They didn't ask him where he was that
22 morning. They didn't even ask the man if he owned
23 a gun. I don't believe that was actually, as they
24 mentioned, their due diligence in looking for and
25 talking to a potential suspect, who even the

1 sisters mentioned, Antwone Drake. His name is
2 Hollywood.

3 And SLED goes out there and says, *Hey,*
4 *you know, did you do this?* That's it. Never
5 asked the man where he was, never asked him if he
6 own a gun. Never even inquired what kind of gun
7 the man may have owned. So no DNA. Nothing.

8 Now, let's get to the physical evidence
9 in the case. So let's start with the GSR. So we
10 have Megan Fletcher. She had testified there is
11 no GSR on Mr. Redding's hands.

12 And the State is trying to show you these
13 pictures. The solicitor brought up these pictures
14 here. This one, this one, this one, and told you,
15 Oh, there's no blood on the man's hands, you know,
16 So, you know, that's why there's no GSR. No.

17 You heard testimony these photographs
18 were taken approximately 2:30 in the afternoon.
19 This is already after Mr. Redding had been to
20 Ridgeland police for the first time with
21 Detective Croft, driven back to the scene, agreed
22 to go back and meet with Agent McCallister for two
23 and a half hours, then these pictures taken.
24 These pictures were not taken in the morning, that
25 morning on scene.

1 We actually -- the State doesn't have any
2 of these nice shiny photographs at that time,
3 because, as I told you, nobody took a single
4 picture. So what do we have is from body cam,
5 again.

6 Hold on one second.

7 Okay. This photograph here -- and it may
8 not have made sense to you at the time while I was
9 trying to get to you, but this photograph here is
10 when Mr. Redding is inside the vehicle with the
11 Detective Croft. This is a picture, a still shot
12 taken from body camera. And this is
13 Officer Warren's body camera and Officer Warren
14 sitting there while Detective Croft is doing the
15 GSR test.

16 And there is no evidence whatsoever to
17 suggest that there is no blood on Mr. Redding's
18 hands right now. None. Absolutely none. He went
19 into the room. He said he had touched Cypress.
20 The man also has dark skin. Ladies and gentlemen,
21 I mean, if I cut my hand, it show up more. I
22 don't know.

23 Mr. Redding's skin is significant darker
24 and it's also September about the end of summer.
25 And I don't believe that this doesn't show that he

1 doesn't have any blood on his hands. We don't
2 know whether there was any blood on his hands
3 because he had washed his hands and used the
4 bathroom, numerous times at least, before these
5 picture were taken. I mean, he had already been
6 to the bathroom at Ridgeland PD. Officer Croft
7 told you he let him use the bathroom when he got
8 there.

9 So the State shows you these pictures, no
10 blood on his hands, that means he washed his
11 hands. That's not what that means. That means
12 these pictures were taken several hours later
13 after the man had used the bathroom and washed his
14 hands.

15 Then, he has no GSR on his hands. None.
16 What does that mean?

17 So Megan Fletcher told you that means
18 that he either did not fire a weapon, or that he
19 washed his hands, or that the GSR had come off.
20 It rubbed off on jeans, or something like that.
21 There were two particles of GSR on the right front
22 of his pants. She also testified that GSR is
23 extremely transferable.

24 So what do we know from Officer Warren.
25 Officer Warren, again, on his body camera, Brian

1 was sitting on the edge of the bed when he arrived
2 the side closest to Cypress.

3 So if we have GSR -- two particles of GSR
4 on the front of his pants and he had just picked
5 the phone to call her sister and he had been
6 sitting on the side of the bed, it is very, very
7 transferable. GSR is transferred very easily when
8 he is sitting on the bed next to Cypress who had
9 been shot. Very transferable.

10 We don't know whether there was any GSR
11 on his shirt because SLED decided, after they
12 collected his shirt to call the lab and say don't
13 bother to test it. Don't bother. Never bothered
14 to test his shirt for GSR. They have it in
15 evidence. Why not test it? Because they had
16 believed, oh, the man must have changed his shirt.
17 Well, they didn't know that. He had just been in
18 the room. It doesn't make any sense, ladies and
19 gentlemen, that if he would have changed his shirt
20 and not his shorts. It makes no sense.

21 I want to talk to you about the shirt
22 also. So they had assumed, because he's wearing a
23 difficult shirt when he found Cypress, that means
24 he killed her and deceptively changed the shirt.
25 Right? That's what the State is arguing? And, as

1 I said, if that was the case, why wouldn't he
2 change his shorts too? Why just the shirt? Why
3 not change the shorts, the socks, the shoes?
4 We're going to do just the shirt? That makes no
5 sense.

6 Mccallister also told you that she never
7 asked him for the Batman shirt. So this is, you
8 know, a guy who has given them everything. He's
9 giver them his DNA, his cell phone, written
10 statements, recorded statements, passwords to the
11 phones, Facebook records, anything and everything
12 that they had asked for. Why not ask the man for
13 the shirt? If you think that there should be a
14 different shirt in your investigation, why not
15 simply ask him? He probably would have given it
16 to her. He'd given her everything else. He's not
17 trying to hide anything. He had agreed for them
18 to take his shorts. It doesn't make any sense.

19 So when SLED is asking him about, you
20 know, what he had done that morning, and, you
21 know, are these the clothes you were wearing -- he
22 does not even think he's a suspect. And he thinks
23 SLED is talking to him and talking to him and
24 asking him about when you found Cypress, are you
25 wearing anything different? He wasn't. He wasn't

1 wearing anything different when he found Cypress.
2 And that's exactly what he told them. That's
3 exactly the clothing that he gave them.

4 So we also had the firearms expert, and I
5 mentioned this earlier about the case being
6 consistent with that SCCY. So what that doesn't
7 mean is that we know what type of gun it is. The
8 State has no murder weapon in this case. None.

9 We have a 9-millimeter casing, which
10 is -- SCCY sells, at a minimum, a half a million
11 of those guns. There's zero evidence that the
12 SCCY gun is baby blue. There is no testimony
13 anyone ever saw Brian with an SCCY gun. They
14 didn't recover any gun in this case, as you told
15 you.

16 Additionally -- so the State is saying,
17 well, you know -- I don't know even what. Maybe
18 he killed Cypress now early in the morning, is
19 that they're saying? There is no -- none of
20 Cypress's blood in the car. If there was, you
21 would have heard about it. I promise you. If
22 there was Cypress's blood in that car in evidence,
23 it would have been presented to you.

24 We have DNA. Adrienne Hefney testified
25 about DNA. And what Adrienne Hefney was

1 testifying about was a few things. Number 1, she
2 said that Brian's DNA was on the door, on the
3 inside of the door. Interestingly, she said we
4 have three unidentified males on the outside door
5 handle. I thought that was interesting. And
6 Brian's DNA in the room.

7 When I asked her about her -- you know,
8 if we took DNA in her home where she lived, she
9 would have her DNA there. You would expect to
10 find her DNA there. That's not anything out of
11 the ordinary. We also would expect to find
12 Cypress's DNA in a room she lived in.

13 Probably the most significant piece of
14 evidence from that room was the shell casing.
15 Ladies and gentlemen, we don't have a murder
16 weapon in this case. Right? So, this is the
17 shell casing.

18 What do we know from Adrienne Hefney
19 about the shell casing? We know that Mr. Redding
20 was excluded as a contributor to the DNA on that
21 shell casing. Why is this significant? His DNA
22 is everywhere else in the room except on the
23 casing from the gun that took her life.

24 Ladies and gentlemen, if that not beyond
25 a reasonable doubt, I don't know what is. To get

1 to a guilty verdict with that would require you to
2 put a square peg into a round hole. No joke.

3 There is no way that Brian's DNA is
4 everywhere else in the room except -- when I say
5 he's excluded as a contributor to the DNA, I want
6 to make it crystal clear. That means that his
7 DNA -- there's DNA on there and it's not his. He
8 is excluded. Not that they didn't find DNA. That
9 he is excluded.

10 Now, the solicitor brought up of why we
11 wouldn't find Cypress's DNA on there, and I'll
12 show you why. This here you saw in evidence, and
13 there is blood spatter that goes over the side of
14 the bed and onto the floor and the projectile was
15 found right here. This is why Cypress's DNA is
16 on -- not the projectile. The shell casing. This
17 is why Cypress's DNA is on the shell casing.
18 Additionally, she lived here. This shell casing
19 is on the floor. She has her DNA all over this
20 room. Most -- like I told you, the most
21 significant thing is Brian's DNA is excluded as a
22 contributor. We have no murder weapon. This
23 right here is the case from the gun that took her
24 life and he's excluded. And I cannot stress that
25 to you enough.

1 And I mean this to you: To convict with
2 him with this evidence literally would be putting
3 a square peg into a round hole. They do not jive.

4 This in and of itself is one reasonable
5 doubt. There are many in this case, many
6 reasonable doubts. This one in and off itself is
7 extremely significant.

8 Also, we have the autopsy from
9 Dr. Riemer. Now, the State is arguing to you, we
10 don't know what time she died. Now, I can assure
11 you if we did not produce cell phone records that
12 were actually in the State's custody -- we got
13 those from the State -- the State has got the cell
14 phones. If we did not produce cell phone records
15 to show that Brian Redding was someplace else at
16 9:00 a.m., they would have stopped with the time
17 of death at 9:00 a.m.

18 The autopsy report from Dr. Riemer says
19 the coroner put the time of death at 9:00 a.m.
20 The coroner didn't say, we don't know. The
21 coroner doesn't say, like, sometime overnight.
22 The coroner doesn't say this happened at 8:00 --
23 or why not use the time she was found, if you
24 don't know.

25 The reason that the coroner put 9:00 a.m.

1 at the time of death is because that's what time
2 the man believe she died. That is the time
3 that -- this is the man on scene doing the
4 investigation, this is the time that he believed
5 she died.

6 And the reason now the State comes to you
7 and says, disregard the nine o'clock, it's because
8 the man has an alibi for nine o'clock. Again,
9 ladies and gentlemen, another square peg in a
10 round hole. We cannot possibly get to guilty
11 beyond a reasonable doubt with scare pegs into
12 round holes.

13 I talked to you earlier about the issue
14 she raised with suicide. I also wanted to bring
15 up the cell phone records. As I indicated to you,
16 these are records that the State had. The defense
17 had no obligation whatsoever to put up a case, and
18 we had to bring in the cell phone records.
19 Normally, this is the first thing the State would
20 bring up.

21 So, looking at his cell phone records.
22 So we have at 6:14 a.m., it says in the vicinity.
23 Remember the cell phone expert testified, he can't
24 pinpoint the location so it says in the vicinity.
25 That's the closest they can get. It's not GPS.

1 It's the cell towers.

2 So if you look at this report -- and this
3 is going to be back there in evidence. If you
4 look at where the vehicle is, it's exactly where
5 it be. So if you look at Parker's Kitchen --
6 that's the Parker's gas station. Look at the time
7 stamp on the video. It lines up. It corroborates
8 the time on the cell phone records.

9 Then he goes to Shanklin Road and he
10 picks up Danielle. I'm sorry, not Danielle.
11 Ashley Dodson. He's at her residence. He brings
12 her to McDonald's, just like the man said. He had
13 to bring her to work that morning. That's why in
14 the 911 call he's saying I got up at this time. I
15 left no later than this time. It's because he had
16 set his alarm the night before and knew. He had
17 done this all the time. This is not just today,
18 or not September 6. He had done it, like, all the
19 time to bring Ashley to work in the morning. This
20 is a schedule, a routine.

21 He knows he has to get up at what time.
22 He knows he has to get out of bed and take a
23 shower. Why? Because Ashley Dodson need to be at
24 work. She has to be at work in Bluffton. That's
25 why he knew what time he left. That's why he can

1 say, oh, I left no later than 62:00. Actually, he
2 was a little inaccurate on that time, because,
3 according to the records, he actually left a few
4 minutes later.

5 So, I mean he's giving he 911 operator
6 all the information that they need to determine
7 what happened to Cypress.

8 Now, I want you to imagine, like -- so
9 also, in the call, if you listen to the call, he
10 starts giving them this information when they say,
11 what happened? That's when he starts saying --
12 well -- okay. What does he know? What happened?
13 He doesn't know what happened to Cypress.

14 So in the morning he wakes up, he takes a
15 shower, he brings Ashley to work. Well, okay, I
16 was gone around this time. Well, I come back to
17 the room and she was fine. So he's trying to give
18 them information to let them know of when this
19 could have happened to her. It did not happen to
20 her while he was there, is what he's telling them.
21 He's giving them information of, listen, this is
22 what happened.

23 So let me just give you an example. A
24 few years ago, you know, a man broke into my house
25 and barricaded himself in my room, in my spare

1 room. And, you know, yelling to 911, oh, my God,
2 when I went to bed, there was nobody here. You
3 know, when I went to bed, the dogs were sleeping
4 in my room. You know, I woke up around this time,
5 went into the kitchen and I didn't see or hear
6 anybody. Those are things that you tell 911 when
7 you're trying to give them information to help
8 figure out what happened, and that's what he's
9 doing. She asked what happened and he's telling
10 her and he's giving her that information.

11 Is it the way that every single person
12 would respond? Maybe not. But it doesn't make it
13 wrong, and it doesn't mean that he murdered her.
14 It means that he did not respond the way every
15 single person would. Every other single would.
16 It doesn't mean that everybody should conform to
17 one way that everybody, when they're under stress,
18 and everybody went -- they come in and find
19 somebody dead in their room, this person that they
20 love, that they're going to act and confirm a
21 certain way. He picks up the phone significantly
22 to the heard from Mr. Patel.

23 Mr. Patel told you -- he testified that
24 he went to the maintenance room to go use the
25 phone to call 911. Very, very important. When

1 you listen to the 911 call, no one is in the room
2 with Mr. Redding. Mr. Patel is not in the room.
3 There is no one there. The man is crying
4 uncontrollably. He doesn't even know he's being
5 recorded. The phone is still ringing. He's not
6 putting on show for anyone. There's not even a
7 person there. He is in that room by himself.
8 Mr. Patel is at the maintenance making the 911
9 call himself. He is crying uncontrollably. He's
10 not even talking to the 911 operator yet and the
11 man is crying uncontrollably.

12 I do not believe that with the State
13 saying, oh, he killed her and then all of a sudden
14 he, you know, does the 911 call later, and, you
15 know, sets up this whole alibi. No. The man is
16 trying to give all the information he can Same
17 thing he did with law enforcement. The same thing
18 he did here with you.

19 Also -- so in talking about the evidence
20 the State didn't show you. And as I mentioned,
21 cell phone records are normally the first piece of
22 evidence the State would put up. They get the
23 defendant's cell phone, there's no evidence.

24 MS. SWANSON: Objection.

25 THE COURT: What's your --

1 MS. SWANSON: It depends on the case.

2 THE COURT: Well, I'm going to overrule
3 this objection. It's closing argument. I'm
4 giving both parties leeway, Solicitor. I'm going
5 to overrule the objection.

6 Please proceed.

7 MS. CARMODY: Thank you, Your Honor.

8 So you heard testimony from our expert. And,
9 yes, he was a defense expert. And the reason he's a
10 defense expert is because, you know, we had to put him
11 up.

12 The records -- these are records that the
13 State had in their possession that were turned
14 over in discovery in this case. And you have to
15 ask yourself, ladies and gentlemen, why did they
16 show them to you? Because his cell phone records
17 don't line one with the autopsy report of 9:00
18 a.m. His cell phone records have him -- I believe
19 if you look at 9:00 a.m. between 8:44 a.m. --
20 sorry. 8:44 to 9:32 a.m. he is at the Cohen Road.
21 Actually, prior to that. 8:43, he's at Cohen
22 Road. And it says that a residence associated
23 with Danielle Smith -- and that's the uncle's
24 house in Pineland.

25 So if you look at the coroner's time of

1 death at nine o'clock and you look at the GPS -- I
2 mean, the cell phone records that he's in Pineland
3 at nine o'clock in the morning, that's why you
4 didn't see the records. That's why the State
5 didn't put those records into evidence.

6 Additionally -- I forgot to mention this
7 earlier. Let me bring this up now. Do you-all
8 recall me asking the crime scene agent about what
9 looks like is a shoe print. Let me find the
10 photograph here. There is a picture of the bed
11 and what appears to be a shoe print on the bottom
12 of the bed. And she said, well, I don't really
13 know that's a shoe print, but never gave any
14 explanation as to what it was. It was a
15 photograph of bottom of the bed, and you'll have
16 to use your recollection because what we say is
17 not evidence. The evidence comes from the witness
18 stand. You will recall that I did ask her about
19 it.

20 When you get the evidence back there,
21 look at the photographs. I don't want to put the
22 picture back up of Cypress. When you look at the
23 photographs, look at the sheets on the bed on the
24 bottom of the bed, it does appear at the bottom of
25 the bed there actually a shoe print on the bottom

1 of the bed. I asked her about it. She didn't
2 know if it's a shoe print or not. Couldn't give
3 any explanation.

4 So Cypress was, you know, shot at the top
5 of the bed, then all the evidence -- how did all
6 that blood get to the bottom of bed like that.
7 To, me it like looks there's a shoe print on the
8 bottom of the bed on the sheets. And Mr. Redding
9 has no blood on the bottom of his shoes. I don't
10 believe the State has ever even suggested he
11 changed his shoes with as well. But he has no
12 blood on the bottom of his shoes either. These
13 are the pictures of the bottom of his shoes.

14 And actually they didn't collect his shoes
15 because they said he had no blood on the bottom of his
16 shoes. In that photograph, it does look there was a
17 shoe print on the bed. A blood shoe print, actually.
18 I'm not sure exactly how it go there. It's another
19 mystery in this case that we'll probably never know.

20 All right. So -- okay. Also, you heard
21 numerous witnesses testify up here that
22 Mr. Redding had given hours of audio, video
23 recorded statements. Those were also never
24 provided to you. Why not? Why not let you hear
25 what the man said. You heard testimony about what

1 he said, but why not just play the statement and
2 let you hear it for yourself so you have all the
3 evidence in this case to make a decision. None of
4 those statements were provided to you.

5 He had an interview with Detective Croft
6 in the morning. He drove Mr. Redding to Ridgeland
7 P.D. He met with him and he actually bought him
8 cigarettes when he brought him back to the Forest
9 Motel. The he had Agent McCallister who met with
10 him for two and a half hours. You heard and saw
11 those statement were both video and audio
12 recorded.

13 He provided SLED with everything he
14 could. He provided that same information to you
15 upon the witness stand. That information is
16 corroborated by his cell phone records.

17 Also, the Parker's video. I wanted to
18 mention about that. So what the State did,
19 interestingly, is -- so, the State shows you this
20 photograph here of Mr. Redding wearing a Batman
21 t-shirt. Well, you-all saw yesterday there's
22 actually a video. It's not just a still photo.
23 So they show you this one picture of that video
24 from Parker's gas station of a Batman t-shirt.
25 They don't shoe you the rest of the video of

1 Mr. Redding getting under the car to remove the
2 flap under the car that had been dragging. They
3 don't show you the reason that he stopped at
4 Parker's gas station and had to get under the car.
5 They don't tell you anything at all about, you
6 know -- they just show you this picture, one
7 picture.

8 Not even a time stamp on it that is
9 corroborated by these cell phone records. Look at
10 the cell phone records of where he was. Parker's.
11 The time on Parker's matches. They're both the
12 same. Why not play the video for you, is my
13 question. Why do they only want you to see the
14 Batman t-shirt? SLED never even bothered to
15 collect the Batman t-shirt. If they asked him for
16 it, he would have given it to him.

17 She got here and said, the solicitor
18 said, you know, they searched all over the house,
19 didn't find the Batman t-shirt. Well, it's
20 probably the same way they searched the
21 Forest Motel because the Batman t-shirt was there
22 in the laundry the whole time.

23 If they had asked him -- he was sitting
24 outside the house. If they had asked him, hey,
25 Brian where's your Batman. He would have went in

1 the laundry basket and picked it up and said here
2 you go and given it to them like he had done with
3 everything else.

4 The State is going to argue that, as I
5 mentioned before, we don't have the proof of time
6 of death. Ladies and gentlemen, this is an alibi
7 case. If they don't prove the time of death, they
8 have not proven their case. They have to disprove
9 his alibi beyond a reasonable doubt. So we don't
10 know when the girl died. Maybe sometime during
11 the night? Maybe? How? They don't even know
12 what time she died. We do know what time she
13 died. The coroner said she died at 9:00 a.m., not
14 sometime during the night. They didn't present
15 that evidence to you because it doesn't fit with
16 their narrative.

17 Also, what is the motive in this case?
18 So the State can say, oh, we don't have to prove
19 motive. If they don't tell you the motive, the
20 case makes no sense. Why? Why would
21 Brian Redding meet Cypress, who's living in a van,
22 who's family supposedly cared about her, but, yet,
23 let her live a van, why meet her, take her into a
24 hotel, pay for her food, pay for the roof over her
25 head, and no signs of, like, domestic violence --

1 if there was a single incident report of domestic
2 violence, I guarantee you you would have heard
3 about it. Croft said there was no incident report
4 of domestic violence. Not a single person heard a
5 single argument at that hotel. No one. There's
6 never been a bruise on the girl. Nobody testified
7 as to a single bruise on her.

8 Yet, one day the State wants you to
9 believe that, oh, you know, tumultuous
10 relationship and one day the man wakes up for no
11 apparent reason and decides to put a gun and shoot
12 her in the head. Why? If he didn't want her
13 there, he could have sent her back to her mom's.
14 Why? It doesn't makes sense. It really does not
15 make sense. Why would he put a gun to her gun and
16 pull the trigger. There is no motive. If they
17 don't show you motive, it doesn't make sense.

18 Peter Patel, the owner of the motel, he
19 told you -- he's a disinterested person. Has
20 nothing to gain or lose in this case. He didn't
21 hear any argument. Everybody is happy. They get
22 along. Saw them all the time. They had to pay
23 for the room every single day. He saw Cypress
24 regularly when she went and paid for the room with
25 Brian. Never saw any type of abuse. Never saw

1 any signs of a girl who's abused. Also, like I
2 said, I asked Croft about that as well.

3 All right. So then, as I told you
4 earlier, the State also has to prove malice.
5 Malice is hatred or ill will. It has to exist at
6 the time of the murder. That's required. Where
7 is the evidence of malice. Hatred, ill will that
8 existed when the State alleges he put a gun to her
9 head and pulled the trigger. Where? No argument.
10 Nobody saying, oh, you know, they were arguing.
11 They were fighting, or anything at all to indicate
12 any type of domestic violence situation. Nothing.
13 I mean, you know, I believe a witness testified
14 one day, oh, he had slammed the door. How do we
15 get from slamming the door to putting a gun to her
16 head and pulling the trigger? It doesn't make
17 sense.

18 And, ladies and gentlemen, you have to
19 rely on the evidence in this case and what was put
20 before you.

21 As I said before, you cannot speculate or
22 guess. Okay? If you are sitting here with
23 questions it's because it was not proven to you.
24 Right now, you should no' questions. This is not a
25 mystery. The State has the burden to prove each

1 and every element beyond and to the exclusion of
2 every reasonable doubt. I've given you probably
3 at least a dozen. Every single reasonable doubt
4 they have to prove this case beyond and to the
5 exclusion of every one of them. They also have to
6 disprove his alibi beyond a reasonable doubt.

7 And, again, I thank you very, very much
8 for your time this week and my client thanks you
9 as well. And I am very, very confident that
10 you-all will come back with a fair and just
11 decision that is based on the law that the Court
12 gives you. Thank you.

13 THE COURT: All right. Thank you,
14 Miss Carmody. Rebuttal, Solicitor?

15 MS. SWANSON: Thank you. Briefly.

16 THE COURT: Yes, ma'am.

17 REBUTTAL CLOSING

18 MS. SWANSON: I won't beat a dead horse,
19 I promise.

20 You know, I do say things like "we
21 think," or "we don't know," because there is not
22 going to be every single fact that we can know
23 about a case where only two people are involved
24 and one is dead. That is not unlike any other
25 domestic homicide that I've prosecuted and I've

1 proven by circumstantial evidence. We are not
2 required to prove anything except for the elements
3 of the charges beyond a reasonable doubt.

4 So, you know, everyone is still going to
5 have questions because you don't know what happens
6 behind closed doors.

7 Well, I don't know how well you can see,
8 but in these pictures that Miss Carmody shows you
9 of the motel room, it's a pretty flat roof. You
10 know, if law enforcement is standing in the
11 parking lot, they could actually just physically
12 look up there. And if there was a bright blue gun
13 up there, they would have seen it.

14 I'm not sure how Miss Carmody now has
15 embraced the suicide version of events because the
16 defendant himself said that there was no gun in
17 the room. Now, do I think he's lying about that,
18 yes, because he had a blue gun. But he says there
19 was no gun in the room. Nobody said she committed
20 suicide. There is no gun laying next to her.
21 Nobody removed a gun, unless it was Brian Redding
22 getting rid of the murder weapon. It's also
23 highly unlikely that a woman would shoot herself
24 in the face.

25 Miss Carmody brings up him sitting on the

1 edge of the bed and how transferable GSR is, but
2 the GSR is actually on the front of his shorts not
3 where he would be sitting on the backside of the
4 shorts.

5 Speaking of GSR, you know, she wants to
6 say, oh, it was taken hours later and after he
7 washes his hands and all this kind of stuff, the
8 GSR was actually taken on scene by John Croft, so
9 that was not after he went to investigations.

10 You know, oh, gosh, we do have another
11 question. Why did he change his shirt? Well, I
12 mean, maybe he noticed he had some blood on it.
13 He had an extra shirt. He didn't have any extra
14 shorts. There wasn't any blood on those. That
15 wasn't as important. Also maybe changing in a
16 hurry. He had just shot someone and was busy
17 covering it up. He was in cover-up mode.

18 Miss Carmody also wants to talk about how
19 Brian is excluded from that cartridge case. Well,
20 the DNA expert also testified that he was excluded
21 from one, either the interior doorknob or the
22 exterior door knob, which he clearly used right
23 before it was swabbed. Okay? So, that doesn't
24 mean that he never handled that ammunition. But
25 the fact that Cypress's DNA is on it -- and there

1 was no mention of blood or things like that, so,
2 you know, I'm talking about touch DNA on it. It
3 wouldn't be unusual for her to handle that
4 ammunition from his weapon because her friends had
5 seen her in Snapchats holding that weapon.

6 The coroner doesn't work for the police.
7 He doesn't conduct an investigation. He has no
8 medical training. It is not the State's fault,
9 not anyone's fault, that we cannot pinpoint an
10 exact time of death so that he can create his
11 alibi. We don't have to -- we don't have to prove
12 an exact time of death. It is not medically
13 possible, and that is what Dr. Riemer told you.
14 That does not mean that we have not disproven his
15 alibi. It just means this might not be a good
16 case for alibi.

17 Miss Carmody seems a little confused
18 about what my job is, because it's not to present
19 a defense for the defendant. Nothing is hidden.
20 It is the evidence I choose that is relevant to my
21 case against the defendant. All of this evidence
22 the defendant is aware of, however. So it's not
23 as if anything is being hidden from the defense.

24 And the defense can choose whether to
25 present some of it, none of it, what have you. I

1 mean, she's spent most of her closing talking
2 about my trial strategy.

3 So when you get back to your jury room,
4 after this really long week, you have work to do
5 and a serious oath to uphold, and I know you will
6 because you have paid so much attention to this
7 trial. I see how seriously you are taking it, and
8 thank you for that. I know that Cypress's family,
9 her sisters, her mother, who have been here the
10 whole time supporting each other and living
11 through this nightmare again thank you as well.

12 I am asking you to do the work, put those
13 pieces together, and find Brian Redding guilty of
14 the murder of Cypress Noonan.

15 Thank you.

16 THE COURT: Thank you, Solicitor.

17 All right. Ladies and gentlemen, I'm going
18 to ask that you go back, take a break, before I begin
19 my charges because they'll probably take 10 or 15
20 minutes. So let's take a break. Don't talk about the
21 case. We'll get you in here in just a few minutes.
22 Okay, thank you.

23 (Jury exits the courtroom at 11:24 a.m.)

24 THE COURT: All right. Anything before
25 we break from the State?

1 MS. SWANSON: No.

2 THE COURT: Defense?

3 MS. CARMODY: No, Your Honor.

4 (A break was take from 11:24 to 11:37 a.m.)

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

7 MS. SWANSON: Nothing from the State.

8 THE COURT: Defense?

9 MS. CARMODY: No, Your Honor.

10 THE COURT: Thank you.

11 (Jury enters the courtroom at 11:38 a.m.)

12 Mr. Foreman, ladies and gentlemen of the
13 jury, it's now my duty as trial judge under the
14 constitutional of this state to charge and instruct
15 you and the law applicable to this case, and it's your
16 duty as jurors, ladies and gentlemen, to accept and
17 apply the law as I will now state it to you.

18 Furthermore, ladies and gentlemen, it's
19 your exclusive duty to decide all the issues of
20 fact in the case and determine the effect, the
21 value, and the weight of the evidence. Both the
22 State and the defendant have a right to expect
23 that you will carefully consider and evaluate the
24 evidence and apply the law of this case to it so
25 that, in the end, both the State of South Carolina

1 and the defendant will receive a fair and
2 impartial trial.

3 Now, I want you to know that when I use
4 the word "defendant," I am referring to Mr. Brian
5 Redding. Furthermore, it's important to
6 understand that the State of South Carolina
7 charges the defendant with the offense known as
8 murder and possession of a weapon during the
9 commission of a violent crime. To these charges,
10 the defendant has entered a plea of not guilty,
11 and this plea of not guilty places the burden of
12 proof on the State to prove the defendant to you,
13 the jury, guilty beyond a reasonable doubt.

14 Now, ladies and gentlemen, I want to
15 remind you, the fact that a defendant was
16 arrested, charged, indicted in this case is not
17 evidence. This case cannot be -- it cannot be --
18 I apologize, ladies and gentlemen. Let me start
19 over on that.

20 I remind you, ladies and gentlemen, the
21 fact that the defendant was arrested, charged, and
22 indicted in this case is not evidence in this case
23 and cannot be considered by you as evidence of
24 guilt in the case, nor does it create any
25 presumption or inference of guilt. The indictment

1 is simply the formal written instrument which
2 contains the charge made against the defendant.
3 It's the formal document by which this case is
4 brought into this court.

5 Now, folks, during the trial, you and I
6 have had separate duties to perform. As trial
7 judge, it's my responsibility to preside over the
8 trial and I also had the duty to rule upon the
9 admissibility of the evidence offered during the
10 process of this trial. In that regard, you are to
11 consider only the competent evidence before you,
12 and you are to disregard from your mind any
13 testimony ordered stricken from the record of this
14 case during the progress of this trial, if there
15 was any, and you are to consider only the
16 testimony which is presented from the witness
17 stand and together with any exhibits admitted into
18 the record of this case and any stipulations
19 counsel made into the record, if there were any.

20 Now, ladies and gentlemen, I want to
21 further charge you at this time and I instruct you
22 that the age of consent in the state of South
23 Carolina is 16 years of age.

24 Furthermore, I have the additional duty
25 to charge you on the applicable law of this case,

1 and, in that regard, I'm the sole judge of the law
2 of this case. It's your duty, ladies and
3 gentlemen, to accept and apply law as I state it
4 to you.

5 If you have any preconceived ideas as to
6 what the law is or what the law ought to be and it
7 does not agree with what I tell you the law is,
8 you are obligated under oath to abandon these
9 preconceptions because you are sworn to accept the
10 law precisely as I state it to you.

11 Now, ladies and gentlemen, in this trial,
12 you are the sole and exclusive judges of the facts
13 and I am the judge of the law. Do not infer that
14 I have an opinion about the facts in this case
15 from anything that I have said during the course
16 of this trial in ruling upon the admissibility of
17 evidence or otherwise, or from anything that I say
18 during the course of this charge to you. In this
19 regard, ladies and gentlemen, the law simply does
20 not permit me to have an opinion about the facts.
21 As jurors, it's your duty alone to determine the
22 effect, the value, and the weight of the evidence
23 presented during the course of the trial.

24 Now, in determining what the facts in
25 this case are, you must decide -- ladies and

1 gentlemen, you must judge the credibility which
2 simply means the believability of the witnesses
3 and the value of weight to be given to their
4 testimony. You alone must decide the force and
5 effect of the testimony. And in making this
6 decision, there are many things that you may and
7 should take into consideration, such as the
8 appearance and manner of the witness on the stand,
9 a characteristic often referred to as the demeanor
10 of the witness. Was the witness forthright or
11 hesitant? Was the witness's testimony consistent
12 or did it contain discrepancies? What was the
13 ability of the witness to know the facts about
14 which he or she testified? Did the witness have a
15 cause or reason to be biased and prejudiced in
16 favor of the testimony that he or she gave? Was
17 the testimony of the witness corroborated or made
18 stronger by other testimony in evidence? Or, was
19 it made weaker or impeached by such other
20 testimony in evidence?

21 Now, ladies and gentlemen, as jurors,
22 please understand that you have a right to believe
23 a small portion of any witness's testimony and
24 disregard the larger portion or vice versa. You
25 may believe all of the witness's testimony or

1 none. You may believe the testimony of a single
2 witness against that of many witnesses or the
3 other way around.

4 In exercising your mental processes in
5 attempting to decide the verdict, the law simply
6 requires that you exercise your good judgment,
7 your common sense, your sense of logic and reason,
8 and your experiences in life. You then apply
9 these attributes to the evidence and apply the law
10 as I state it to you and thus arrive at a verdict.

11 Now, folks, it's vital to understand that
12 the defendant is presumed under the law to be
13 innocent of these charges. The defendant has no
14 obligation to prove his innocence. It is a
15 fundamental rule of our law that a defendant
16 irrespective of the seriousness of the charges
17 against him is always presumed innocent of the
18 crimes for which he is charged unless and until
19 his guilt has been proven by evidence that
20 satisfies you, ladies and gentlemen, the jury,
21 beyond a reasonable doubt.

22 The presumption of innocence is not a
23 mere legal theory or phrase. The presumption of
24 innocence is very important. And, ladies and
25 gentlemen, you need to understand that this

1 presumption accompanies the defendant from the
2 time of his arrest and appearance in this court
3 and continues with the defendant even after you
4 retire to the jury room to deliberate. In other
5 words, the defendant receives the benefit of the
6 presumption of innocence until the very end of
7 this trial when you, the jury, will deliberate
8 upon the evidence and decide whether the State has
9 proven his guilt beyond a reasonable doubt.

10 Now, ladies and gentlemen, what is a
11 reasonable doubt in the law? A reasonable doubt
12 is the kind of doubt that would cause a reasonable
13 person to hesitate to act. Proof beyond a
14 reasonable doubt is proof that leaves you firmly
15 convinced of the defendant's guilt.

16 Now, there are very few things in this
17 world that we know with absolute certainty, ladies
18 and gentlemen. So even in criminal cases, the law
19 does not require proof to overcome every possible
20 doubt. However, if based on your consideration of
21 the evidence, you're firmly convinced that the
22 defendant is guilty of the crimes charged, you
23 must find him guilty.

24 If, on the other hand, ladies and
25 gentlemen, you think there is a real possibility

1 that he is not guilty, you must give him the
2 benefit of the doubt and find him not guilty.

3 Jurors, please understand that reasonable
4 doubt may arise from evidence which has been
5 presented in the case or from the lack of evidence
6 in the case. It's your responsibility, ladies and
7 gentlemen, to determine whether or not reasonable
8 doubt exists as to the guilt of the defendant. I
9 charge you that the defendant is entitled to every
10 reasonable doubt arising in the whole case. If,
11 upon any issues of essential fact to conviction
12 and a verdict of guilty, you have a reasonable
13 doubt as to how that issue should be resolved it
14 would be your duty to resolve that reasonable
15 doubt in favor of the defendant.

16 Thus in summary, it's important to
17 understand a defendant is not required to prove
18 his innocence, instead the State it required,
19 ladies and gentlemen, by law to prove every
20 essential element of the offense charged against
21 the defendant by evidence which satisfies you of
22 his guilt beyond a reasonable doubt; only then can
23 you convict the defendant and find him guilty.

24 Now, ladies and gentlemen, there are two
25 types of evidence which are generally presented in

1 a trial; direct and circumstantial. Direct
2 evidence and circumstantial evidence, those are
3 the two types.

4 Now, folks, direct evidence directly proves
5 the existence of a fact and does not require
6 deduction.

7 Circumstantial evidence is a proof of a
8 chain of facts and circumstances indicating the
9 existence of a fact.

10 Crimes may be proven by circumstantial
11 evidence. The law makes no distinction between
12 the weight or value to be given either to direct
13 or circumstantial evidence. However, to the
14 extent the State relies on circumstantial
15 evidence, all of the circumstances must be
16 consistent with each other and when taken
17 together, ladies and gentlemen, point conclusively
18 to the guilt of the accused beyond a reasonable
19 doubt. If the circumstances merely portray the
20 defendant's behavior as suspicious, the proof has
21 failed. The State has the burden of proving the
22 defendant guilty beyond a reasonable doubt. This
23 burden rests with the State regardless of whether
24 the State relies on direct evidence,
25 circumstantial evidence, or some combination of

1 the two.

2 Ladies and gentlemen, the issue in this
3 case is the identification of the defendant as the
4 person as who committed the crime charged. The
5 State has the burden of proving the identity
6 beyond a reasonable doubt. You must be satisfied
7 beyond a reasonable doubt of the accuracy of the
8 identification of the defendant before you may
9 convict the defendant. Identification testimony
10 is an expression of belief or impression by a
11 witness. You must determine the accuracy of the
12 identification of the defendant. You must
13 consider the believability of each identification
14 witness in the same way as any other witness. You
15 may consider whether the witness had an adequate
16 opportunity to observe the offender at the time of
17 the offense, will this be affected by things like
18 how long or short a time was available, how far or
19 close the witness was, the lighting conditions,
20 and whether the witness had the chance to see or
21 know the person in the past.

22 Once again, I instruct you that the
23 burden of proof on the State extends to every
24 element of the crime charged, and this the
25 specifically includes the burden of proving beyond

1 a reasonable doubt the identity of the defendant
2 as the person who committed the time.

3 If after examining the testimony you have
4 a reasonable doubt as to the accuracy of the
5 identification, you must find the defendant not
6 guilty.

7 Now, ladies and gentlemen, in order to
8 establish criminal liability, criminal intent is
9 required. For example, the mental state required
10 to be proven by the State for a particular crime
11 might be purpose, intent, knowledge, recklessness,
12 or criminal negligence. Criminal intent, ladies
13 and gentlemen, must be proven by the State beyond
14 a reasonable doubt. Criminal intent is always a
15 matter that must be determine by you, ladies and
16 gentlemen, the jury, from these circumstances
17 surrounding this situation.

18 Now, there is no way to prove intent to
19 any mathematical certainty. There is no way
20 medical science can dissect someone's mind, so the
21 law says and determine -- to dissect a person's
22 mind or brain to determine what that person had in
23 mind. So the law says that criminal intent may be
24 inferred from the circumstances shown to exist.

25 All right. This is how you make a

1 determination of whether or not the element
2 requiring intent was present. It's not necessary
3 to establish intent by direct and positive
4 evidence, but intent may be established by
5 inference in the same way as any other fact, by
6 taking into consideration the acts of the parties
7 and all the facts and circumstances of the case.
8 Criminal intent is a mental state, a conscious
9 wrongdoing. It's up to you to determine what the
10 defendant intended to do based on the circumstance
11 shown to have existed. Criminal intent can arise
12 from action or failure to act. It may arise from
13 negligence, recklessness, or an indifference to
14 duty or to consequences that is considered by the
15 law to be the equivalent of criminal intent.

16 Now, ladies and gentlemen, the rules of
17 evidence ordinarily do not permit witnesses to
18 testify to opinions or conclusions. An exception
19 to that rule exists for witnesses we call expert
20 witnesses. An expert who, by education and
21 experience, has become an expert in some art,
22 science, profession or calling may state an
23 opinion as to relevant and material matter in
24 which the witness claims to be an expert, and may
25 also state the reasons for the opinion. You

1 should consider any expert opinion received in
2 evidence in this case, and, like any other
3 evidence, give it the weight, ladies and
4 gentlemen, that you think it deserves.

5 If you decide that the opinion of an
6 expert witness is not based on the sufficient
7 education and experience, or if you conclude that
8 the reasons given in support of the opinion are
9 not sound, or that the opinion is outweighed by
10 other evidence you may disregard the opinion
11 entirely.

12 An expert witness's testimony is to be
13 given no greater weight than that of any other
14 witness simply because the witness is an expert.
15 Further, you are not required to accept an
16 expert's opinion even though it is not
17 contradicted.

18 Now, ladies and gentlemen, the defendant
19 has raised a defense of alibi. In order to
20 establish an alibi, it must be shown that the
21 defendant was at another specified place at the
22 time the crime was committed and that it was,
23 therefore, impossible for the defendant to have
24 been at the scene of the crime. Mere denial of
25 presence at the scene of a crime does not

1 constitute an alibi.

2 There is no burden on the defendant to
3 prove an alibi. The burden is on the State to
4 prove beyond a reasonable doubt that the defendant
5 was actually at the scene of the crime, actually
6 participated in it, and was not somewhere else.
7 In other words, the State has the burden of
8 disproving the defendant's alibi defense.

9 Ladies and gentlemen, the defendant is
10 charged with murder. The State must prove beyond
11 a reasonable doubt that the defendant killed
12 another person with malice aforethought. Malice
13 is hatred, ill will, or hostility towards another
14 person. It is the intentional doing of a wrongful
15 act and without just cause or excuse and with an
16 intent to inflict an injury, or under the
17 circumstances that the law will infer an evil
18 intent -- or under circumstances that the law will
19 infer an evil intent.

20 Malice aforethought does not require that
21 the malice exists for any particular time before
22 the act is committed. But malice must exist in
23 the mind of the defendant just before and at the
24 time the act is committed. Therefore, there must
25 be a combination of the previous evil intent and

1 the act. Malice aforethought may be expressed or
2 inferred. These terms express and inferred do not
3 mean different kinds of malice, but merely the
4 manner in which malice may be shown to exist
5 either by direct evidence or by inference from the
6 acts and circumstances which are proved.

7 Express malice is shown when a person
8 speaks words which express hatred or ill will for
9 another, or when the person prepared beforehand to
10 do the act which was later accomplished. For
11 example, lying in wait for a person or any other
12 acts of participation going to show that the deed
13 was within the defendant's mind would be express
14 malice. Malice may be inferred from conduct
15 showing a total disregard for human life.

16 Folks, the defendant is also charged with
17 possession of a weapon during the commission of or
18 attempt to commit a violent crime. The State,
19 ladies and gentlemen, must prove beyond a
20 reasonable doubt that the defendant was in
21 possession of a firearm or visibly displayed what
22 appeared to be a firearm during the commission of
23 a violent crime.

24 A firearm means any machine gun,
25 automatic rifle, revolver, pistol, or other weapon

1 which is designed to or may be readily converted
2 to expel a projectile. In order to find the
3 defendant guilty of possession of a weapon during
4 the commission of a violent crime, you must first
5 find the defendant guilty of committing a violent
6 crime. Ladies and gentlemen, murder is a violent
7 crime. The State must prove beyond a reasonable
8 doubt that the weapon further advanced or helped
9 in the commission of the crime.

10 Now, ladies and gentlemen, I have just a
11 few more remarks for you before you begin your
12 deliberations. I want you to clearly understand,
13 ladies and gentlemen, that you are not partisans
14 or advocates for the State of South Carolina or
15 the defendant. It is your duty by your joint
16 deliberations to determine the facts in this case
17 giving to the defendant the benefit of every
18 reasonable doubt on each and every issue. Then to
19 the facts which you determine to be true, you
20 should take and apply the law which has been given
21 to you by this court and thus arrive at a verdict
22 in this case.

23 Thus, when you have accomplished these
24 responsibilities, ladies and gentlemen, you will
25 satisfy your oath as jurors and you will have

1 discharged your duty to this court.

2 Now, once you retire to the jury room,
3 the bailiff will give you the verdict form. And
4 when you, the jury, arrive at a verdict as to the
5 offenses charged in this case, the foreperson will
6 select the verdict as to that offense on the
7 verdict form.

8 Now, folks, if the State has failed to
9 prove guilt of the defendant beyond a reasonable
10 doubt, your verdict will be not guilty. Likewise,
11 if the State has proven the guilt of the defendant
12 beyond a reasonable doubt, your verdict will be
13 guilty.

14 Once a decision has been made, the
15 foreperson will check whichever choice is the
16 verdict of the jury as to the offenses charged.
17 The verdict that you render in this case must be
18 the verdict of each and every juror, ladies and
19 gentlemen. It must be your unanimous verdict.
20 All 12 jurors must agree on the verdict which you
21 authorized the foreperson to write for the jury.

22 Now, ladies and gentlemen, I want you to
23 further understand that the order in which the
24 choices of the verdict appear on the verdict form
25 are not suggestive of any verdict on the part of

1 this court. The verdict in this case is to be
2 determined by you, the jury, not the court.

3 Furthermore, ladies and gentlemen, please
4 understand that even though I will give the
5 verdict form to the foreperson, it is not his
6 verdict alone. It's the verdict of all 12 of you.
7 And I emphasize again, it must be unanimous. You
8 must consider the instructions that I've given you
9 as a whole. Not follow some and ignore others.

10 Now, I'm going to ask you to retire to
11 the jury room, but do not begin your deliberations
12 until you have been told to do so. The law
13 requires that I now consult with the attorneys to
14 make sure that I have not left out anything from
15 these instructions. After I've checked with the
16 attorneys, the bailiff will bring the verdict form
17 and instruct you to begin your deliberations.

18 Also, should you have any question during
19 your deliberation, you must put them in writing
20 and send them to me by the bailiff. The court
21 bailiff will be placed immediately outside of the
22 jury room during your deliberations.

23 Once you've reached your verdict, please
24 knock on the jury door and ask the bailiff to
25 advise the court that you've reached a verdict and

1 we will return you to the courtroom as promptly as
2 possible.

3 All right. So, ladies and gentlemen,
4 before you retire to the jury room, what I do want
5 to show you is this. All right. Mr. Foreman,
6 this is going to be the verdict form right here,
7 and I'm just going to go over it with you quickly.
8 Basically, what it says is: Number 1, "We, the
9 jury, in the above-captioned case on the charge of
10 murder of Cypress Noonan find the defendant ...,"
11 and it says the foreperson shall check one. Now,
12 remember, it's everybody's verdict. Once that
13 verdict is reached, then the foreperson will be
14 authorized to check one. And, quite frankly, not
15 guilty or guilty. And, again, don't -- we had to
16 one before the other. Don't think that there's
17 any reference from this court or anything as it
18 relates to the order.

19 Now, the next, right here in bold, folks,
20 what it says is: "If you find defendant not
21 guilty of question 1, please stop your
22 deliberations." Okay? "If you find the defendant
23 guilty of question 1, then you must proceed to
24 question 2." Question 2: "We, the jury, in the
25 above-captioned case on the charge of possession

1 of a weapon during a violent crime find the
2 defendant ..., " the foreperson shall check one.
3 And so not guilty or guilty.

4 At that point, I would ask the foreperson
5 to sign his name here. And when you finish, then
6 you can certainly tap on the door and let the
7 bailiff know that the jury has reached a decision.

8 So I'm going to ask you to all go back to
9 the jury room now. Do not commence with your
10 deliberations until you are told to do so by the
11 bailiff because I want to make sure I got
12 everything right as it relates to the
13 instructions, and then we're also going to get the
14 verdict form and the exhibits that were entered
15 into evidence. You will have access to those and
16 he'll bring those back to you. And, at that
17 point, he will instruct as to when to begin your
18 deliberations.

19 Okay, thank you-all.

20 Send the alternate back right now, and
21 I'll have a discussion with them and let you know
22 what to do. But don't start deliberations. Okay,
23 thank you.

24 (Jury exits the courtroom at 12:03 p.m.)

25 THE COURT: Any there any additions or

1 exceptions from the State concerning the charges
2 that I presented to the jury?

3 MS. SWANSON: Not from the State.

4 THE COURT: All right. And as it
5 relates -- what about the instructions I gave to
6 them about the verdict form? Any objections or
7 exceptions from the State?

8 MS. SWANSON: No, Your Honor.

9 THE COURT: All right. From the defense,
10 any objections or exceptions as it relates to the
11 jury charges as I presented to the jury?

12 MS. CARMODY: No, Your Honor.

13 THE COURT: And as it relates to the
14 information that I provided to them concerning the
15 verdict form, any exceptions or objections?

16 MS. CARMODY: No, Your Honor.

17 THE COURT: All right. Thank you.

18 What I'd like you-all to do -- oh, what
19 do you want to do about the alternate?

20 MS. SWANSON: The cell phones?

21 THE COURT: No, no. The alternate.

22 MS. SWANSON: Oh, alternate.

23 THE COURT: Yes. Do you want to pull the
24 alternate out and discharge the alternate?

25 MS. CARMODY: Yeah.

1 THE COURT: Is that satisfactory?

2 MS. SWANSON: That's fine with me.

3 THE COURT: I mean, the other thing to do
4 would be, you know, you could go and put her in a
5 room, sit there, and if something happened, you
6 could potentially tell the jury to begin their
7 deliberations again with the alternate. But
8 typically my experience is, we would go and just
9 release the alternate and thank her for her
10 service. Is that satisfactory to the State?

11 MS. SWANSON: Yes, sir.

12 THE COURT: Satisfactory to the defense?

13 MS. CARMODY: Yes, Your Honor.

14 THE COURT: All right. So what I'd like
15 you-all to do -- I'm going to hand the verdict
16 form to Miss Bostick. I would like each of you to
17 look at it, examine, make sure that everything
18 that's supposed to be going back is going back,
19 and then I will you, if, in fact, everything in
20 the box. And once you-all tell me that it is,
21 then we will give that to the bailiff who will
22 hand the box and the verdict form to the jury.

23 So if you-all would take a moment and
24 take a look and make sure that everything that's
25 supposed to be going back is going back.

1 MS. SWANSON: I believe earlier, Your
2 Honor expressed some concern about the cell phones
3 going back because they could maybe get on them
4 and access information, so we can keep the cell
5 phones out here.

6 THE COURT: I mean, my only concern is, I
7 didn't want some industrious juror to fire up a
8 cell phone and then somehow inadvertently get into
9 the cell phone and have access to information that
10 was not included in evidence.

11 So if it's satisfactory -- if you want to
12 resolve it that way, that's certainly satisfactory
13 to the court.

14 Miss Carmody, is that satisfactory to you?

15 MS. CARMODY: Yes, Your Honor.

16 THE COURT: All right. So then the cell
17 phones -- it would be agreed upon that the cell
18 phones would not go back and the reason they would
19 not go back is because we just don't want anybody
20 to accidentally fire a cell phone up and have
21 access to information that was not entered into
22 evidence. Correct from the State?

23 MS. SWANSON: Yes, that's correct. And
24 if they want to see the physical phone, they can,
25 of course, see it out here.

1 THE COURT: Absolutely. Miss Carmody, is
2 that satisfactory to you, ma'am?

3 MS. CARMODY: Yes, Your Honor.

4 THE COURT: Thank you. You all take a
5 look, please.

6 (Off the record.)

7 THE COURT: So the parties have had an
8 opportunity to look and have they agreed on all
9 the evidence, and is it their understanding that
10 all the evidence and what's in that box is the
11 evidence that's been admitted and supposed to
12 going back to the jury, absent the cell phone per
13 agreement? Is that correct from the State?

14 MS. SWANSON: That's correct.

15 THE COURT: Is that correct from the
16 defense?

17 MS. CARMODY: Yes, Your Honor.

18 THE COURT: All right. Well, go ahead,
19 sir, and you can take the box to them. Bring the
20 alternate out. And, as you bring the alternate
21 out, you can then tell them to begin their
22 deliberations, please.

23 (Jury begins deliberations at 12:14 p.m.)

24 THE COURT: I want to thank you so much
25 for your service this week. You know, on the one

1 hand, I would think -- I've never been in the
2 position you've been in, to sit here all week,
3 listen to a case, give the time and energy that
4 you have to this matter, and then be pulled away
5 and not be able to deliberate. So, on the one
6 hand, you know maybe there's some real
7 frustration. On the other hand, some people may
8 be ready just to get out of here. I don't know.

9 But what I will tell you is this: The
10 law only allows 12 folks to be in that room when
11 they begin their deliberations. And so, to that
12 extent, that's why I had you pulled out.

13 I just want to thank you so much for the
14 time. I know it was a sacrifice to be here. But,
15 as I've said all week long, we're dealing with
16 really important matters. And I just want to
17 thank you again for your time and your effort,
18 honoring your summons, ma'am, and also the service
19 that you gave to your county where you choose to
20 live. So I just want to thank you again for that.

21 You're discharged. You're good for three
22 years. Not in circuit court -- excuse me. Not in
23 federal court, magistrate court, or city court,
24 but in circuit court, you're good for three years.
25 And thank you, again, for your service.

1 Ma'am, on another matter, before I let
2 you go. One, if you want talk to these people
3 about this matter -- after the jury reaches their
4 verdict, you want talk to them, you can. If you
5 don't want to talk to people, you just tell them,
6 I don't want to talk about this. I don't think
7 anybody would bother you, but if anybody doesn't
8 want to leave you alone and you said you don't
9 want to talk about it, you let Miss Bostick know,
10 she'll let me know, and that person stops. Okay?

11 So, listen, have a great rest of your
12 Friday and I thank so much.

13 ALTERNATE JUROR: Thank you.

14 (Alternate juror excused at 11:16 a.m.)

15 THE COURT: We will be at ease.

16 (A break was taken from 12:16 p.m. to 12:46 p.m.)

17 (Verdict reached at 12:46 p.m.)

18 THE DEPUTY: All rise.

19 THE COURT: Thank you, be seated.

20 Mr. Bailiff, I understand the jury
21 reached a verdict?

22 THE DEPUTY: Yes.

23 THE COURT: Is the state ready to
24 received a verdict?

25 MS. SWANSON: Yes, sir.

1 THE COURT: Defense?

2 MS. CARMODY: Yes, sir.

3 THE COURT: Hold on one second before you
4 do that.

5 All right. To my folks here in the
6 courtroom, I have no idea what the verdict is
7 going to be, but what I will tell you is this: I
8 will not tolerate outburst as to this verdict.
9 And if you cannot control your emotions, I will
10 tell you now, you need to leave this courtroom
11 because outbursts in this matter, again, are not
12 going to be tolerated and can and will be dealt
13 with up to and including the contempt powers of
14 this court. And so I just want that to be said
15 because I'm not going to tolerate outbursts as it
16 relates to the verdict.

17 So that having been said, I see some
18 folks may have left.

19 But, to that extent, I want to go ahead
20 and let's bring the jury in, please.

21 (Jury enters the courtroom at 12:56 p.m.)

22 THE COURT: All right, Mr. Foreman, I
23 understand the jury has reached a verdict?

24 MR. FOREMAN: Yes, Your Honor.

25 THE COURT: Could you hand that verdict

1 to the bailiff, sir, and could the bailiff hand it
2 to me? Thank you.

3 Madame Clerk, publish the verdict,
4 please.

5 THE CLERK: The State of South Carolina,
6 County of Jasper, The State vs. Brian Redding,
7 indictment number 2020-GS-00701, indictment number
8 2020-GS-27-00702, we, the jury, in the
9 above-captioned case on the charge of murder of
10 Cypress Noonan find the defendant guilty.

11 Question 2, we, the jury, in the
12 above-captioned case on the possession -- charge
13 of possession of a weapon during a violent crime
14 find the defendant guilty.

15 THE COURT: Thank you, Ma'am Clerk.

16 Any motions from the State before we
17 release the jury?

18 MS. SWANSON: None from the State.

19 THE COURT: Any motions from the defense
20 before we release the jury?

21 MS. CARMODY: No, Your Honor.

22 THE COURT: Miss Carmody? Counsel?

23 (Bench conference.)

24 THE COURT: Miss Carmody, I know that you
25 were consoling your client, but can you think of a

1 motion that you want to make before the jury
2 leaves?

3 MS. CARMODY: Oh, yes. Two. Poll the
4 jury.

5 THE COURT: Thank you, Miss Carmody.

6 All right. Miss Carmody, do you have a
7 motions to make before I release the jury?

8 MS. CARMODY: Yes, Your Honor.

9 THE COURT: Okay. And that is.

10 MS. CARMODY: Poll the jury.

11 THE COURT: Poll the jury. Madame Clerk,
12 would you poll the jury, please.

13 THE CLERK: As I call your name, please
14 raise your hand.

15 Lillian Dantzler, was this your verdict?

16 JUROR 53: Yes.

17 THE CLERK: Is it still your verdict?

18 JUROR 53: Yes.

19 THE CLERK: Thank you.

20 Matthew Gatewood, was this your verdict?

21 JUROR 85: Yes.

22 THE CLERK: Is it still your verdict?

23 JUROR 85: Yes.

24 THE CLERK: Thank you.

25 Rebecca Weigand?

1 JUROR 239: Yes.

2 THE CLERK: Was this your verdict?

3 JUROR 239: Yes.

4 THE CLERK: Is it still your verdict?

5 JUROR 239: Yes.

6 THE CLERK: Thank you.

7 Donald Ballard, was this your verdict?

8 JUROR 9: Yes.

9 THE CLERK: Is it still your verdict?

10 JUROR 9: Yes.

11 THE CLERK: Mark Stergis, was this your

12 verdict?

13 JUROR 220: Yes.

14 THE CLERK: Is it still your verdict?

15 JUROR 220: Yes.

16 THE CLERK: Thank you. Christina Adams,

17 was this your verdict?

18 JUROR 69: Yes.

19 THE CLERK: Is it still your verdict?

20 JUROR 69: Yes.

21 THE CLERK: Thank you.

22 Harold Wall, was this your verdict?

23 JUROR 233: Yes.

24 THE CLERK: Is it still your verdict?

25 JUROR 233: Yes.

1 THE CLERK: Thank you.
2 Annis Newell, was this your verdict?
3 JUROR 164: Yes.
4 THE CLERK: Was this still your verdict?
5 JUROR 164: Yes.
6 THE CLERK: Peter Long, was this your
7 verdict?
8 JUROR 137: Yes.
9 THE CLERK: Is it still your verdict?
10 JUROR 137: Yes.
11 THE CLERK: Thank you.
12 Kenneth Crosby, was this your verdict?
13 JUROR 49: Yes.
14 THE CLERK: Is it still your verdict?
15 JUROR 49: Yes.
16 THE CLERK: Travis Reynolds, was this
17 your verdict?
18 JUROR 190: Yes, ma'am.
19 THE CLERK: Is it still your verdict?
20 JUROR 190: Yes, ma'am.
21 THE CLERK: Comernita Frazier-Kemp, was
22 this your verdict?
23 THE WITNESS: Yes.
24 THE CLERK: Is it still your verdict?
25 THE WITNESS: Yes.

1 THE CLERK: Thank you.

2 THE COURT: All right. Madame Clerk,
3 thank you.

4 Anything else from the State before I go
5 to discharge the jury?

6 MS. SWANSON: No, Your Honor.

7 THE COURT: Anything from the defense?

8 MS. CARMODY: No, Your Honor.

9 THE COURT: All right. Ladies and
10 gentlemen, Mr. Foreman, thank you. Thank you for
11 being here all week. Thank you for listening and
12 paying attention all week because you did. Thank
13 you for your service, honoring your summons, the
14 service to this court, but I think more
15 importantly, service to your county. This is your
16 county. This is where you choose to live.
17 Honoring the summons, coming here, and serving
18 this week. I thank you.

19 You're good for three years. That
20 doesn't include family -- excuse me -- magistrate
21 court, city court, or federal court, but, in
22 circuit court, you're good for three years.

23 Let me also tell you that you're free now
24 to talk about this case. If somebody approaches
25 you or you want to talk to somebody about the

1 case, you can. If somebody approaches you and you
2 don't want to talk with them about the case,
3 that's fine too. You don't have to. If someone
4 bothers you and they won't you leave you -- I
5 don't think that's going to happen, but if they
6 did, you just let Miss Bostick know, she lets me
7 know and that person doesn't bother you again
8 about this matter. But you're free to talk about
9 this.

10 Now, what's going to happen is that
11 basically in the next few minutes, there's going
12 to be some motions that I will hear. And then
13 when those motions are concluded, more than
14 likely, I move directly into sentencing. Okay?

15 What I tell you is this: You're free to
16 go, but if want to stay and you want to hear the
17 motions that are made and you want to stay and
18 observe the sentencing, you absolutely are free to
19 do that. And so to that extent, that's going to
20 happen in the next few minutes and you're welcome
21 to stay and do that. You can go and sit back in
22 the gallery.

23 But, at the same time, if you're ready to
24 get out of here and I certainly understand, you're
25 also free to go.

1 Thank you so much for your participation
2 and your attendance and your being here for your
3 service this week. Thank you.

4 (Jury is excused at 1:03 p.m.)

5 THE COURT: All right. Let's wait one
6 moment and see if there are any jurors that may
7 want to remain.

8 THE CLERK: We got some jurors that want
9 to stay.

10 THE COURT: Sure. Glad to have you. All
11 right. I'm ready to entertain post-trial motions
12 at this time.

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

15 THE COURT: Yes, ma'am.

16 Yes, ma'am. Miss Carmody, concerning
17 post-trial motions, yes, ma'am.

18 MS. CARMODY: Yes, Your Honor. The
19 defense would make a motion for a new trial. I
20 believe that the State did not prove malice
21 required for murder.

22 I do not believe the jury's verdict is
23 consistent with the evidence in this case.

24 I believe that it's likely that the age
25 of the victim was improperly considered.

1 And that the State did not prove malice
2 existed at the time of the offense. There was
3 nobody present.

4 He had an alibi to corroborate his cell
5 phone records.

6 I do not believe that the evidence in the
7 case supports the jury's verdict, and I would ask
8 for a motion for a new trial.

9 I also renew all of my pre-trials motions
10 and all of my objections during the trial.

11 THE COURT: Solicitor, any response?

12 MS. SWANSON: Thank you. I believe that
13 the jury heard the ample circumstantial evidence
14 in this case and paid attention the entire time
15 and reached a well-reasoned verdict reflecting
16 that.

17 THE COURT: All right. Miss Carmody, as
18 it relates to renewal of all of your prior motions
19 that you made, I certainly will note that for the
20 record. And what I will do is, I will
21 respectfully deny those motions and would
22 basically go back and reiterate all of the rulings
23 and rationale behind the rulings that I made. And
24 so for those reasons, I would deny those motions.

25 As it relates to your motion for a new

1 trial, ma'am, again respectfully I'm going to deny
2 that motion. I believe that the State did prove
3 malice. I believe that there was ample evidence
4 for this matter or certainly evidence that existed
5 for this matter to go to the jury and the jury
6 accepted the State's arguments, examined the
7 evidence, clearly paid attention all week long,
8 and I think that they evaluated this matter. And
9 to that extent, came to the conclusions that they
10 did and found guilt beyond a reasonable doubt.

11 As it relates to the alibi, I think
12 certainly you made arguments that, for whatever
13 reason, I don't think the jury bought as it
14 relates to the alibi argument. And I think
15 that -- again, I think the State has proven -- or
16 disproven, I agree, disproven it -- the jury
17 considers it beyond a reasonable doubt.

18 I mean, the age of the victim, I just
19 don't see that. And, in fact, per your request,
20 it was basically stipulated to and included in the
21 instructions as it relates to the fact that the
22 age of consent of this state is 16 years old.

23 Again, Miss Carmody, I believe that the
24 jurors were given an oath and were repeatedly told
25 to follow Court's instruction as it relates to the

1 evidence and where the evidence was going to come
2 from, and that is from the witness stand and the
3 exhibits that were entered into evidence.

4 Let's see. Did not prove malice, age of
5 victim, alibi I just respectfully disagree with
6 you and I think there was appropriate evidence
7 that was presented to the jury and they've reached
8 their verdict.

9 And so that having been said, anything
10 else, Miss Carmody?

11 MS. CARMODY: No, Your Honor.

12 THE COURT: All right. Now, I would move
13 to sentencing.

14 Solicitor, I'm happy to hear from you on
15 sentencing.

16 MS. SWANSON: Thank you. Miss Carmody is
17 overlooking sentencing sheets.

18 THE COURT: Yes, ma'am.

19 MS. SWANSON: Regarding the defendant's
20 prior record, I think we spoke about it before.
21 He has a 2017 possession of crack, 2019 possession
22 of crack, second. As you're aware, this murder
23 charge carries up to life. Given the brutal of
24 this murder and the fact that he preyed on and
25 victimized this 16-year-old girl and took her life

1 in such a brutal way, the State would requesting a
2 life sentence.

3 Thank you.

4 THE COURT: Solicitor, let me ask you
5 this and confirm this: It would be your
6 understanding, Solicitor, that the minimum
7 sentence that I could impose would be 30 years?

8 MS. SWANSON: Correct.

9 THE COURT: And the max would you up to
10 natural life?

11 MS. SWANSON: Correct.

12 THE COURT: Is it also your
13 understanding, Solicitor, that any sentence that I
14 would impose would be a day-for-day sentence?

15 MS. SWANSON: That is correct.

16 THE COURT: All right. And could you
17 tell me, Solicitor, how old is the defendant?

18 MS. SWANSON: I believe he is 33 now.

19 THE COURT: All right. And how long has
20 he been in custody, Solicitor?

21 MS. SWANSON: He has been in custody
22 coming up on two years. He was arrested on
23 November 12th, I believe.

24 THE COURT: All right. Solicitor, as it
25 relates to the possession of a weapon charge, is

1 it your understanding that that is -- unless life
2 is imposed, that must be consecutive, or does the
3 Court have an option -- I'm going to Miss Carmody
4 this -- imposing that to run concurrent?

5 MS. SWANSON: I believe the Court has an
6 option.

7 THE COURT: I think that's correct.
8 Anything else, Solicitor?

9 MS. SWANSON: Nothing further. The
10 family did not wish to further address the Court,
11 but they have been here the whole time.

12 THE COURT: They have been.

13 MS. SWANSON: And are obviously
14 devastated by the loss of their sister and
15 daughter.

16 THE COURT: I certainly understand that.
17 I certainly understand that. And they have been
18 here and have been supportive -- providing support
19 to each other and also, quite frankly, to the
20 State in this matter as it relates to this. So I
21 certainly understand and can understand them not
22 wanting to speak. And I'm sorry for their loss.

23 Miss Carmody, I am happy to hear from
24 you, ma'am.

25 MS. CARMODY: Yes, Thank you, Your

1 Honor.

2 THE COURT: Sure.

3 MS. CARMODY: Your Honor, my client,
4 Mr. Brian Redding is 33 years old. For the
5 record, he has been in jail now 637 days.

6 THE COURT: Thank you.

7 MS. CARMODY: And, Your Honor, I just --
8 I understand, you know, the jury's verdict, and I
9 just -- the Court heard the evidence in this case.
10 I did want to give some personal information to
11 the Court.

12 THE COURT: Yes, ma'am.

13 MS. CARMODY: Mr. Redding has been an
14 exceptional client, Your Honor, exceptional.
15 Nothing more than respectful. I have never, ever,
16 ever had to tell him to be respectful. Have never
17 had to, you know, chastise him in any way, shape,
18 or form for any way that he's spoken to me, any
19 way that he's ever looked at me, any way that --
20 I've never gotten any type of vibe from him that I
21 felt uncomfortable around him at all. He has
22 always been a complete gentleman. He's always
23 been respectful to me and everybody in my office.
24 I wish everybody was like him. He's my model
25 client, Your Honor, in terms of being respectful

1 to our office. And when I tell him something and
2 I'm going to meet with him, he knows that. He's
3 not calling me every five minutes. He has been
4 very, very active in this case and very active in
5 helping to work on preparing this case for trial.

6 Your Honor, I believe that -- we're
7 really not certain what happened that day. I
8 don't believe that Mr. Redding just went up to
9 Cypress and put a gun to her head, Your Honor, and
10 killed her. We don't know what circumstances lead
11 up to her death. I understand the jury's verdict,
12 but I just don't see any evidence or any
13 indication from this man, or anything in his past
14 that would suggest the brutality that the State
15 is putting forward to the Court. I just want the
16 Court to consider that.

17 And, I mean, we've sat next to him all
18 week. Everybody in our office is comfortable with
19 him, and we're all women, Your Honor. I've never
20 gotten any inclination whatsoever that he would be
21 disrespectful or that he would treat anybody
22 badly.

23 I'm going to defer the rest of
24 mitigation, Your Honor, Miss Price. And also I'm
25 not sure if Miss Futch wants to say anything

1 because she's also worked significantly on this
2 case as well.

3 THE COURT: Sure. Yes, ma'am. I'm happy
4 to hear from everyone.

5 MS. PRICE: Yes, I just have some brief
6 information about our client, Your Honor.

7 THE COURT: Yes, ma'am.

8 MS. PRICE: He was born in Beaufort
9 Memorial. He's lived in Pineland most of his
10 life, which is a really small town on the
11 outskirts of our town. Very rural.

12 He made it through 10th grade in high
13 school, but he got his high school diploma through
14 Bamberg Job Corps, which he completed.

15 THE COURT: Sure.

16 MS. PRICE: When he was in school, he did
17 basketball, track, and actually even cooking
18 class, which he excelled at. He's got some
19 vocational training in the field of welding, and
20 he has worked in that field a couple times. He's
21 also done cooking and landscaping as well in the
22 area. One of his employments was at the
23 Skull Creek Boathouse on Hilton Head.

24 Mr. Redding has two children from his
25 marriage with Vanessa Redding. He has a daughter

1 Briana, who, at the time of this report, was ten,
2 and a son, Bryson, who is seven. He still
3 maintains a great relationship with them, Your
4 Honor. He was always meeting with them on his
5 scheduled time. He and Vanessa never had any
6 problems. They got along really well. There were
7 never any issues where she felt like she couldn't
8 drop her children off with him. I talked to her
9 at length about that. He would often have the
10 children at his mothers house. They had a family
11 environment when they were with them, and he has
12 always -- everybody that's spoke of him said what
13 a wonderful dad he is. And his ex-wife, like I
14 state, never had any pause or cause to not have
15 her children or their children around their
16 father.

17 And, in fact, this has taken quite a toll
18 on the children. They miss their dad. And
19 they're just starting school now. So they are,
20 you know, moving on with their life, but there's
21 definitely a hole that's been created by not
22 having their dad.

23 Mr. Redding is a Christian. He has
24 attended church with his family in the area for
25 many years.

1 I would just ask that Your Honor kind of
2 look at all of him as a whole person and take in
3 that he does have many positive relationships with
4 many people from all walks of life.

5 And, as Miss Carmody stated, we met with
6 him several times alone. He's called. He always
7 been respectful and done everything we asked. And
8 has actively participated in our defense which is
9 not the case with a lot of our clients.

10 I do have a very brief letter from his
11 mom.

12 THE COURT: Yes, ma'am.

13 MS. PRICE: Very brief.

14 THE COURT: Sure.

15 MS. PRICE: She's obviously very upset
16 about this whole thing. She misses her son and
17 she did not feel that she could stand before you
18 and speak, so we just had her write her
19 feelings.

20 THE COURT: Yes, ma'am.

21 MS. PRICE: "My name is Verdell Scott. Brian
22 Redding's mother. I'd like to say to the victim's
23 family that I am very sorry for their loss. I am
24 asking you, the judge, to please show mercy on my son.
25 He has two kids that are ten and seven. He is a very

1 humble young man. This is not his character. My son
2 is not a monster. I am asking that you please show
3 mercy on my only baby boy, and I thank you."

4 THE COURT: All right.

5 MS. PRICE: His sister is also in the
6 courtroom. I don't believe that she wants to make
7 a statement at this time, but she, kind of, helped
8 the mom with her letter.

9 THE COURT: Sure. She's been here all
10 week. I've seen her in the courtroom.

11 MS. PRICE: She has been here. Yes, Your
12 Honor. He does have family that definitely loves
13 and cares about him and is very shocked by what is
14 before you.

15 THE COURT: All right.

16 MS. PRICE: Thank you, Your Honor.

17 THE COURT: Yes, ma'am.

18 MS. CARMODY: Your Honor, in light of the
19 circumstances, I understand the age of the victim,
20 Your Honor, and I understand that the Court has to
21 significant weigh 30 years to life. Your Honor,
22 given his age, Your Honor, I'm asking the Court
23 not to impose a life innocence.

24 And, Your Honor, while you heard all the
25 facts of the case, Your Honor, this was not a

1 particular strong case for the State. I believe
2 it was a circumstantial case.

3 And, you know, I just don't see any
4 indication from my knowledge of Mr. Redding that
5 he would be the type of person that would do t
6 his, Your Honor. I'm asking the court to consider
7 that and not impose a life sentence.

8 THE COURT: All right. And, Miss
9 Carmody, I just want to ask, if the defendant
10 wants to address the court he can, and certainly
11 with appeals and so forth, it may be that he would
12 not want to because of that, and I'm not going to
13 hold that against him, but I always give that
14 option. But I don't want him to do anything or
15 say anything that could adversely affect any type
16 of the appeal.

17 MS. CARMODY: Yes, Your Honor. He would
18 like to say something.

19 THE COURT: Miss Carmody, he does?

20 MS. CARMODY: Yes, Your Honor.

21 MR. REDDING: I just want to say I'm sorry
22 for your loss. I just want you-all to know that I
23 loved Cypress just as much as you-all do.

24 THE COURT: All right. Thank you, sir.
25 I'll be back in just you a few moments.

1 We'll be at ease.

2 (A break was taken from 1:20 p.m. to 1:31 p.m.)

3 THE COURT: All right. In case number
4 2020-GS-27-00701, and that's State of South
5 Carolina vs. Brian Jamal Redding, to the charge of
6 murder, I'm going to commit him to the state
7 department of corrections for a term of 48 years,
8 that is going to run concurrent with case number
9 2020-GS-27-00702. I'm going to give him credit
10 for 648 days time served.

11 And in case number 2020-GS-27-00702, that
12 is the possession of a weapon during violent
13 offense, I'm going to sentence him to the state
14 department of corrections for a term of five
15 years, again that running concurrent with
16 2020-GS-27-00701, and I'm giving him credit for
17 the 648 days time served. And that will be the
18 sentence of the Court in this matter.

19 Anything further from the State
20 concerning this case?

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

22 THE COURT: Anything further from the
23 defense, Miss Carmody?

24 MS. CARMODY: No, Your Honor.

25 THE COURT: Thank you-all.

878

WITNESSES

SLED- K McCallister

DOCKET NO. 2020GS2700701

The State of South Carolina

County of Jasper

COURT OF GENERAL SESSIONS

June Term 2021

THE STATE

vs.

Brian Jamel Redding

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the with indictment or to

ARREST WARRANT NUMBER

2020A2710100022

ACTION OF GRAND JURY

TRUE BILL

NO BILL

FOREMAN

DATE

VERDICT

Guilty

Foreperson of Petit Jury

Date:

INDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA

INDICTMENT

COUNTY OF JASPER

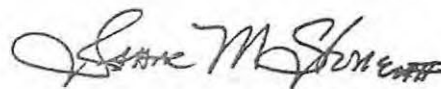
2020GS2700701

At a Court of General Sessions, convened on June 10th, 2021, the Grand Jurors of Jasper County present upon their oath:

Murder

That in Jasper County, South Carolina, on or about September 6, 2020, the Defendant, Brian Jamel Redding, did, with malice aforethought, kill Cypress Noonan and Cypress Noonan did die as a proximate result of Brian Jamel Redding's actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

880

WITNESSES

SLED- K McCallister

DOCKET NO. 2020GS2700702

The State of South Carolina

County of Jasper

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

June Term 2021

I _____

hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2020A2710100023

THE STATE

vs.

Brian Jamel Redding

ACTION OF GRAND JURY

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

Defendant

Witness:

C.C.C. PLS. and G.S.

FOREPERSON OF GRAND JURY

Date: 10/10/21

FOREMAN

VERDICT

Guilty

FOREPERSON OF PETIT JURY

Date:
INDICT

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF JASPER)

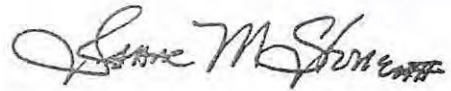
2020GS2700702

At a Court of General Sessions, convened on June 10th, 2021, the Grand Jurors of Jasper County present upon their oath:

Possession of Weapon During Violent Crime

That in Jasper County, South Carolina, on or about September 6, 2020, the Defendant, Brian Jamel Redding, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime and Brian Jamel Redding was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

30 to Life

STATE BRIAN JAMEL REDDINGINDICTMENT/CASE# 2020GS2700701

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSION:

COUNTY OF JASPER

STATE

INDICTMENT/CASE# 2020GS2700701

VS.

BRIAN JAMEL REDDING

A/W# 2020A2710100022

AKA:

Date of Offense: 09/06/2020Race: Black Sex: Male Age: 33S.C. Code §: 16-3-10DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 0116Address: [REDACTED] Glover Rd, Ridgeland, SC 29936, Jasper

County

City, State, Zip:

SENTENCE SHEET

DL#* SID# *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: MurderIn violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25(CSC w/minor 1st or CSC w/minor:The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 72934

Solicitor

SC Bar #

Defendant

[Signature] 103

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Centerfor a determinate term of 18 days/months/years/Time Served ☐ Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2020 GS 2700702☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDO 640 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

STATE

BRIAN JAMEL REDDING

INDICTMENT/CASE#: 2020GS2700701

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5%)			\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)		\$100	\$ _____
§56-5-2995 (DUI Assessment)		\$12	\$ _____
§56-1-286 (DUI Breath Test)		\$25	\$ _____
§14-1-212 (Law Enforce. Funding)		\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)		\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)		\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea	\$ _____
3% to County (if paid in installments)		TBD	\$ 4.95
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD	\$ 40.00
TOTAL			\$ 169.95

 Clerk of Court/Deputy Clerk: _____
 Court Reporter: _____

 Mayal Bashuk
 Shannon Nardone

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

 Raley Bouch
 2270
 8/19/22

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF JASPER

STATE

INDICTMENT/CASE#: 2020GS2700702

VS.

BRIAN JAMEL REDDING

A/W#: 2020A2710100023

AKA:

Date of Offense: 09/06/2020

Race: Black Sex: Male Age:

S.C. Code §: 16-23-490

DOB: SS#:

CDR Code #: 0549

Address: Glover Rd, Ridgeland, SC 29936, Jasper
County

City, State, Zip:

SENTENCE SHEET

DL#* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: PWDVC

In violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 72934
Solicitor SC Bar # Defendant

[Signature] 10342
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,

for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$___; provided that upon the service of ___ days/months/years/Time Served and or payment

of \$___; plus costs and assessments as applicable*; the balance is suspended with probation for ___

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2020 GS2700701

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc. 648 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

STATE

BRIAN JAMEL REDDING

INDICTMENT/CASE#:

885
2020GS2700702

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____ Beginning	_____
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ See 20-701
	TOTAL	\$ 125.00

 Clerk of Court/Deputy Clerk:
 Court Reporter:

 Maytal Boshuk
 Sharon Nardoon

 Presiding Judge:
 Judge Code:
 Sentence Date:

 Raley Bouch
 2770
 8/19/22

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

RECEIVED
Mar 13 2024
SC Court of Appeals

s/ Lara M. Caudy
Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 13th day of March, 2024.

RECEIVED

Mar 13 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRIAN J. REDDING,

APPELLANT

APPELLATE CASE NO. 2022-001213

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above referenced case has been served upon Deborah R.J. Shupe, Esquire, at her primary email address listed in the Attorney Information System (AIS), this 13th day of March, 2024.

s/ Lara M. Caudy

Lara M. Caudy

Appellate Defender

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Mar 13 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRIAN JAMEL REDDING,

APPELLANT.

APPELLATE CASE NO. 2022-001213

FINAL BRIEF OF APPELLANT

LARA M. CAUDY
Appellate Defender

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

ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	ii
STATEMENT OF ISSUE ON APPEAL.....	1
STATEMENT OF THE CASE.....	2
STATEMENT OF FACTS	3
STANDARD OF REVIEW	9
ARGUMENT	
The trial judge erred by denying Appellant’s motion for a directed verdict when the state failed to present any direct or substantial circumstantial evidence Appellant shot his girlfriend rather the evidence merely raised a suspicion Appellant was involved in the murder.	10
CONCLUSION.....	14

TABLE OF AUTHORITIES

Cases

<u>State v. Arnold</u> , 361 S.C. 386, 605 S.E.2d 529 (2004)	11
<u>State v. Bostick</u> , 392 S.C. 134, 708 S.E.2d 774 (2011)	11, 12, 13
<u>State v. Brown</u> , 103 S.C. 437, 88 S.E. 21 (1916)	11
<u>State v. Buckmon</u> , 347 S.C. 316, 555 S.E.2d 402 (2001)	9
<u>State v. Hernandez</u> , 382 S.C. 620, 677 S.E.2d 603 (2009)	9, 12
<u>State v. Hyder</u> , 242 S.C. 372, 131 S.E.2d 96 (1963)	11
<u>State v. Lollis</u> , 343 S.C. 580, 541 S.E.2d 254 (2001)	9, 11, 12
<u>State v. Martin</u> , 340 S.C. 597, 533 S.E.2d 572 (2000)	11
<u>State v. McHoney</u> , 344 S.C. 85, 544 S.E.2d 30 (2001)	9, 11
<u>State v. Mitchell</u> , 341 S.C. 406, 535 S.E.2d 126 (2000)	11
<u>State v. Muhammed</u> , 338 S.C. 22, 524 S.E.2d 637 (Ct. App. 1999)	11
<u>State v. Odems</u> , 395 S.C. 582, 720 S.E.2d 48 (2011)	9, 12
<u>State v. Pinckney</u> , 339 S.C. 346, 529 S.E.2d 526 (2000)	9, 11
<u>State v. Schrock</u> , 283 S.C. 129, 322 S.E.2d 450 (1984)	9, 11
<u>State v. Shands</u> , 424 S.C. 106, 817 S.E.2d 524 (Ct. App. 2018)	9
<u>State v. Weston</u> , 367 S.C. 279, 625 S.E.2d 641 (2006)	11

STATEMENT OF ISSUE ON APPEAL

Did the trial judge err by denying Appellant's motion for a directed verdict when the state failed to present any direct or substantial circumstantial evidence Appellant shot his girlfriend rather the evidence merely raised a suspicion Appellant was involved in the murder?

STATEMENT OF THE CASE

A Jasper County grand jury indicted Appellant on June 10, 2021 for murder and possession of a weapon during the commission of a violent crime. R. 878-881. His case was called to trial on August 15, 2022 before the Honorable Robert Bonds, and a jury. R. 1. Assistant Solicitor Hunter Swanson represented the state. R. 1. Carolyn Carmody represented Appellant. R. 1.

On August 19, 2022, the jury found Appellant guilty as indicted. R. 858, ll. 5-14. He was sentenced to forty-eight years for murder and five years concurrent for the weapons offense. R. 877, ll. 3-18.

This appeal follows.

STATEMENT OF FACTS

Appellant and Cypress Noonan, the decedent, met in January 2020 at a laundromat in Ridgeland. R. 703, ll. 14-20. Cypress, who was driving her sister's van, backed into Appellant's car. The two talked, exchanged phone numbers, and "made plans to get together later." R. 703, l. 16 – 704, l. 1. Cypress was only sixteen years old. She had dropped out of high school and was living in the van. She did not have a good relationship with her mother and, while she had several older sisters, they argued and bickered a lot. R. 705, ll. 10-16.

Within a few months of meeting, Appellant and Cypress developed a romantic relationship. Appellant was drawn to Cypress because she was kind and funny and she could relate to him. R. 704, ll. 2-15. Appellant "felt obligated" to provide for Cypress and do what he could so Cypress did not have to sleep in her sister's van. Appellant bought Cypress basic toiletries, such as deodorant, and underwear. R. 704, ll. 23-25. The couple also began staying in daily rental motels, including the Forest Motel in Ridgeland. R. 707, l. 14 – 708, l. 12. A room was forty dollars a night. R. 705, l. 22 – 706, l. 3. If Appellant could not afford a room on any particular night, he would sleep with Cypress in the van, either in his mother's driveway or Cypress's sister's driveway. While Appellant was welcome to stay at his mother's house, Cypress was not because Appellant's mother did not approve of their relationship due to their age difference.¹ R. 706, l. 4 – 707, l. 1. Likewise, while Cypress was welcome to stay at her sister's house, Appellant was not, again, because Cypress's sister did not approve of the relationship. R. 252, l. 9 – 253, l. 14. Rather than be apart, Appellant and Cypress chose to sleep together in the van. R. 706, ll. 11-16.

¹ Appellant was thirty-one years old at the time.

On the morning of September 6, 2020, Appellant discovered Cypress's body in the room they shared together at the Forest Motel. Appellant had been gone most of the morning and returned to the motel around 9:45 a.m. R. 571, l. 20 – 572, l. 5. He saw Peter Patel, the owner of the motel, outside near the utility room and said good morning. Appellant then used his key to unlock the door to his room. When he entered, Appellant saw Cypress sitting up in bed. However, he quickly noticed blood on the sheets. Appellant ran to Cypress and grabbed her. He then saw a gunshot wound on her forehead. Appellant was “stunned.” He ran outside and asked Patel if he had seen anyone or heard anything. When Patel answered no, Appellant immediately ran back into the room and called 911. R. 730, l. 11 – 731, l. 12.

When patrol officers with the Ridgeland Police Department arrived, Appellant was sitting on the side of the bed next to Cypress. R. 53, ll. 17-22. He was asked to leave the room. Appellant sat in a chair just outside the door to the room and used Cypress's phone to call her sisters and tell them what happened. R. 732, l. 6 – 733, l. 15.

The Ridgeland Police Department requested assistance from the South Carolina Law Enforcement Division (SLED). R. 101, ll. 11-16. While the Ridgeland officers waited for SLED to arrive, they merely secured the scene. They did not canvass the area for witnesses nor did they question any other occupants of the motel. SLED Agent Katie McCallister, who was the first agent from SLED to arrive, led the investigation. R. 102, ll. 1-5. She arrived around 12:15 p.m. It was then that law enforcement finally began to question individuals at the motel. However, no one heard a gunshot or any disturbance. R. 408, l. 11 – 409, l. 22.

Agents with SLED's crime scene unit processed the motel room where Cypress was found. R. 157, ll. 2-20. There were no signs of forced entry or of a struggle inside the room. R. 165, ll. 7-10; R. 168, ll. 21-25. A white powdery substance, razor blades, and bags consistent

with narcotic packaging where found on a table in the corner of the room. R. 169, ll. 1-16; R. 112, l. 2 – 113, l. 4. A cartridge case was found on the floor between the bed and the wall. It was collected and submitted to the firearms department for analysis. R. 166, l. 16 – 168, l. 14. It was later determined to be a nine millimeter caliber cartridge case. R. 357, ll. 3-6. Cypress's DNA was found on the cartridge case, but Appellant was excluded as a possible contributor. R. 487, l. 18 – 491, l. 3.

During the autopsy, the pathologist found a fired bullet in Cypress's hair. R. 444, ll. 11-21. The bullet was collected and submitted to the firearms department for analysis. R. 175, ll. 13-21. The bullet was consistent with a nine millimeter Luger caliber. Based on the caliber and the width, number, and direction of twist of the lands and grooves on the bullet, it was determined the bullet was fired by a gun manufactured by SCCY. R. 359, l. 10 – 360, l. 5. SCCY manufactures thousands of firearms in a multitude of colors, including teal. It was never determined which firearm actually fired the bullet as no firearm was ever submitted to SLED for analysis. R. 366, ll. 6-10.

Appellant fully cooperated with law enforcement that day and during the two months following Cypress's death before he was ultimately arrested. Appellant consented to a gunshot residue (GSR) test, which was collected at 10:25 that morning.² R. 102, ll. 6-24; R. 115, l. 13 – 117, l. 23. He also gave a written statement at the scene shortly after police arrived and agreed to accompany Investigator John Croft to the Ridgeland Police Department to be interviewed. This interview, which was audio and video recorded, lasted over an hour. R. 118, l. 9 – 121, l. 8. During this interview, Appellant consented to provide a "DNA sample" for comparison

² No particles consistent with GSR were found on Appellant's hands. R. 468, ll. 10-14.

purposes, which was collected through use of a buccal swab. R. 164, ll. 6-20. He also voluntarily gave law enforcement the clothing he was wearing. R. 173, ll. 16-19.

After his interview with Croft was over, Appellant returned to the Forest Motel. He was there when Agent McCallister arrived. Appellant also agreed to speak with McCallister. He spoke to McCallister at the Ridgeland Police Department for nearly three hours and told her about his whereabouts that morning. Appellant voluntarily gave McCallister his two cell phones and provided his passcode. He shared information about his and Cypress's Facebook accounts. R. 410, l. 2 – 414, l. 16.

Appellant was driving Ashley Dodson's car that day. Law enforcement executed three separate search warrants on the vehicle. Nothing of evidentiary value was ever found. R. 415, ll. 3-15.

Desiree Noonan, Cypress's sister, testified that about a month before Cypress's death, she was visiting Cypress at the Days Inn where Cypress was living with Appellant at the time. Desiree claimed she saw a turquoise gun in the room. However, she did not pay attention to the gun and did not know anything else about it, such as the manufacturer or the caliber. R. 235, l. 21 – 237, l. 11. Desiree admitted she had never seen Appellant with a gun. R. 244, ll. 3-5.

Taylor Cowherd, Cypress's eldest sister, testified that one day, about two months before Cypress's death, she pulled up to her mother's house and saw Appellant and Cypress sitting in a car parked in the driveway. Taylor claimed she walked up to the car and saw Appellant with a teal or aqua colored gun. While she touched the gun, Taylor could not recall any details about the firearm, such as the manufacturer. R. 234, ll. 6-24; R. 263, l. 22 – 264, l. 6.

Paige Mayma, another one of Cypress's sisters, also claimed that she saw Appellant with a turquoise gun on several occasions. She said "it looked like" a nine millimeter. The last time

she saw Appellant with this gun was sometime during the week before Cypress's death. R. 324, l. 23 – 325, l. 21. Paige also claimed there were "difficulties" or "problems" within Appellant and Cypress's relationship and that she once saw Cypress cry as a result of something Appellant did. Paige also witnessed Appellant's "controlling behavior" toward Cypress. R. 331, l. 5 – 332, l. 1. Despite these allegations, Paige admitted she had never seen any bruises on Cypress or any "signs" she "had been beaten." R. 333, ll. 9-14.

Whitney Uva, Cypress's friend, vaguely claimed there was a time when she saw Cypress upset about her relationship with Appellant. R. 292, ll. 21-25. However, Whitney also never saw Cypress with bruises or any signs that she was being abused. R. 298, ll. 8-20.

Taniya Payne, Cypress's friend, claimed she saw Appellant with two different guns on separate occasions. One was blue and the other was silver. While Taniya told Agent McCallister four days after Cypress's death that she saw Appellant with a blue firearm at the Sure Stay Motel, during her testimony, she claimed she also saw Appellant with a gun at the Forest Motel. Taniya never mentioned the silver gun to McCallister. R. 308, l. 17 – 313, l. 9.

Taniya also claimed that Appellant was "controlling with Cypress" and that she witnessed "difficulties between the two of them" one day when she visited them at the Forest Motel. R. 305, ll. 23-25; R. 307, ll. 10-15.

Appellant presented an alibi defense. At the time, he was driving Ashley Dodson's car. Ashley had to be at work at 7:00 a.m. on September 6, 2020. Appellant set an alarm and left the motel early to pick up Ashley from Beaufort. He stopped at a gas station along the way at 6:30 a.m., which was confirmed by surveillance footage. After picking up Ashley, Appellant drove her to a McDonald's in Bluffton where she worked. He then drove to Simmonsville Road to pick up his cousin Danielle Smith. Appellant had agreed to drive Smith to their uncle's house in

Pineland so Smith could see her children. On the way to Pineland, Appellant stopped at the Forest Motel to get his wallet. Cypress was alive and laying in bed at the time. This was around 8:10 a.m. Once Appellant got to Pineland, he stayed at his uncle's house for a while to work on Ashley's car. The dust cover panel underneath the car was dragging. After securing the dust cover panel, Appellant changed his shirt because it was covered in dirt from working underneath the vehicle. Appellant then returned to the Forest Motel and discovered Cypress's body. R. 713, l. 2 – 731, l. 9. The cell site location information (CSLI) from Appellant's cell phone verified his alibi. See R. 543, l. 16 – 580, l. 17. Danielle Smith and Alvin Shiggs, Appellant's uncle, testified and further corroborated Appellant's alibi.

STANDARD OF REVIEW

“The defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged.” State v. Odems, 395 S.C. 582, 586, 720 S.E.2d 48, 50 (2011) (citing State v. McHoney, 344 S.C. 85, 97, 544 S.E.2d 30, 36 (2001)). “However, if there is any direct or *substantial* circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury.” Id. (citing State v. Pinckney, 339 S.C. 346, 349, 529 S.E.2d 526, 527 (2000)) (emphasis in original). “On appeal from the denial of a directed verdict, this Court must view the evidence in the light most favorable to the State.” Id. (citing State v. Lollis, 343 S.C. 580, 583, 541 S.E.2d 254, 256 (2001)).

“A [trial] judge should grant a directed verdict motion when the evidence merely raises a suspicion the accused is guilty.” Id. (citing State v. Schrock, 283 S.C. 129, 132, 322 S.E.2d 450, 451-452 (1984)). “Suspicion implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof.” State v. Buckmon, 347 S.C. 316, 322, 555 S.E.2d 402, 404-405 (2001) (citing Lollis, 343 S.C. at 584, 541 S.E.2d at 256). “When ruling on a motion for a directed verdict, the trial [judge] is concerned with the existence or nonexistence of evidence, not its weight.” State v. Shands, 424 S.C. 106, 135, 817 S.E.2d 524, 539 (Ct. App. 2018) (citing State v. Hernandez, 382 S.C. 620, 624, 677 S.E.2d 603, 605 (2009)).

ARGUMENT

The trial judge erred by denying Appellant's motion for a directed verdict when the state failed to present any direct or substantial circumstantial evidence Appellant shot his girlfriend rather the evidence merely raised a suspicion Appellant was involved in the murder.

Relevant Facts

After the state rested, Appellant moved for a directed verdict. Defense counsel argued the state failed to present any evidence that Appellant killed Cypress Noonan. She also emphasized there was no evidence of malice either express or implied. The judge found that, while it was a circumstantial case, there was substantial circumstantial evidence to submit the case to the jury. R. 504, l. 13 – 509, l. 5.

Appellant renewed his directed verdict motion after his presentation of evidence. Defense counsel argued there was no evidence of malice or hostility between Cypress and Appellant on September 6, 2020. She also emphasized that Appellant had an alibi which was corroborated by witness testimony and his cell site location information. The judge denied the motion reasoning that he was concerned with the existence of evidence, not its weight. He emphasized the testimony that there was “potential animus [between Cypress and Appellant], dominating behavior on [Appellant's] part, that they [Cypress and Appellant] argued, that she [Cypress] wasn't happy . . .” R. 765, l. 2 – 769, l. 14.

Discussion

The trial judge erred by denying Appellant's motion for a directed verdict when the state failed to present any direct or substantial circumstantial evidence Appellant shot Cypress Noonan rather the evidence merely raised a suspicion Appellant was involved in the murder since he was the last known person to see Cypress alive.

A defendant is entitled to a directed verdict when the prosecution fails to provide evidence of the offense charged. State v. Brown, 103 S.C. 437, 88 S.E. 21 (1916); State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006); State v. McHoney, 344 S.C. 85, 97, 544 S.E.2d 30, 36 (2001). “If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused,” the trial judge may deny the motion for directed verdict. State v. Lollis, 343 S.C. 580, 584, 541 S.E.2d 254, 256 (2001); State v. Pinckney, 339 S.C. 346, 349, 529 S.E.2d 526, 527 (2000); State v. Martin, 340 S.C. 597, 533 S.E.2d 572 (2000). When the prosecution relies exclusively on circumstantial evidence, the trial judge must direct a verdict in the defendant’s favor unless there is substantial circumstantial evidence which reasonably tends to prove the guilt of the defendant or from which his guilt may be fairly and logically deduced. State v. Bostick, 392 S.C. 134, 139, 708 S.E.2d 774, 776 (2011); State v. Mitchell, 341 S.C. 406, 535 S.E.2d 126 (2000). Likewise, a directed verdict is appropriate when the evidence produced “merely raises a suspicion the accused is guilty.” Lollis, 343 S.C. at 584, 541 S.E.2d at 256; State v. Arnold, 361 S.C. 386, 389-390, 605 S.E.2d 529, 531 (2004); State v. Schrock, 283 S.C. 129, 132, 322 S.E.2d 450, 451-452 (1984); State v. Muhammed, 338 S.C. 22, 524 S.E.2d 637 (Ct. App. 1999). Our courts define suspicion as “a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof.” Lollis, 343 S.C. at 584, 541 S.E.2d at 256; State v. Hyder, 242 S.C. 372, 131 S.E.2d 96 (1963).

In Mitchell, 341 S.C. at 409, 535 S.E.2d at 127, the South Carolina Supreme Court held the lower court erred in failing to direct a verdict where the only evidence presented against the defendant was his fingerprint at the scene of the burglary. Likewise, the Lollis Court directed a verdict of acquittal in the defendant’s favor where the state presented no direct evidence that Lollis was involved in setting fire to his home. The only circumstantial evidence against Lollis was that

his wife admitted to the arson, he had placed valuables in storage prior to the fire, he possessed a key to the storage unit, and he allegedly had financial troubles. The Court found this evidence insufficient. Lollis, 343 S.C. at 584-585, 541 S.E.2d at 256-257.

In State v. Odems, 395 S.C. 582, 720 S.E.2d 48 (2012), the Court held the defendant was entitled to a directed verdict based upon a lack of substantial circumstantial evidence that the defendant was involved in the burglary. Although Odems was in a car with other individuals who admittedly burglarized a home, the state failed to provide substantial circumstantial evidence that Odems was present during the home invasion. The witness who saw individuals at the home claimed she saw two, not three as were found in the car. Fingerprints collected from the stolen goods did not match Odems, but matched the other individuals in the car. One of the individuals who admitted his involvement claimed Odems was picked up after the burglary at a gas station. Id. at 588, 720 S.E.2d at 51. As explained by the Court, although our courts have abandoned the traditional circumstantial evidence jury charge, the language of the charge is instructive in making a directed verdict determination. The traditional charge provided:

Every circumstance relied upon by the State be proven beyond a reasonable doubt; and ... all of the circumstances proven be consistent with each other and taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis.

Id. at 590, 720 S.E.2d at 52 (quoting State v. Hernandez, 382 S.C. 620, 626 n.2, 677 S.E.2d 603, 606 n.2 (2009)).

In State v. Bostick, 392 S.C. 134, 141, 708 S.E.2d 774, 778 (2011), the Supreme Court held the prosecution failed to present substantial circumstantial evidence of Bostick's guilt. Rather, the state's evidence was capable of producing only a suspicion of Bostick's guilt. Id. Although the police found items belonging to the victim in a burn pile behind the home of Bostick's mother, the Court held no evidence linked Bostick to the evidence in the burn pile and the prosecution presented

no testimony that Bostick had control over the burn pile. Id. at 137-141, 708 S.E.2d at 775-778. The only other evidence presented against Bostick was that he had a chemical pattern that matched gasoline on his shoes and gasoline was used to start the fire at the victim's home, and DNA from blood on Bostick's jeans excluded ninety-nine percent of the population, but the expert could not testify the DNA matched the victim. Id. at 142, 708 S.E.2d at 778.

In this case, the state failed to present any evidence Appellant killed Cypress. The assistant solicitor conceded at trial that there was no direct evidence of Appellant's guilt. Because Appellant was the last known person to see Cypress alive and discovered her body, law enforcement immediately focused its investigation on him. The state's circumstantial evidence merely showed Appellant had access to a teal or aqua firearm in the months before Cypress's death, Appellant was controlling toward Cypress and there were "difficulties" in the relationship, Appellant changed his shirt sometime between 6:30 a.m. and 9:45 a.m. that morning, Appellant had particles of GSR on his shorts, and, as mentioned, Appellant was the last known person to see Cypress alive.

Appellant presented an alibi that was corroborated by several witnesses as well as his cell site location information establishing that he could not have killed Cypress. There simply was not substantial circumstantial evidence Appellant murdered Cypress. Consequently, the trial judge erred by denying Appellant's motion for a directed verdict.

Respectfully, this Court should direct a verdict of acquittal for murder and possession of a weapon during the commission of a violent crime.

CONCLUSION

Based on the foregoing argument, Appellant respectfully requests this Court direct a verdict of acquittal for murder and possession of a weapon during the commission of a violent crime.

Respectfully Submitted,

s/ Lara M. Caudy
Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

This 13th day of March, 2024.

Mar 13 2024**SC Court of Appeals****CERTIFICATE OF COUNSEL**

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

March 13, 2024.

s/ Lara M. Caudy

Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

Mar 13 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRIAN JAMEL REDDING,

APPELLANT.

APPELLATE CASE NO. 2022-001213

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Final Brief of Appellant in the above referenced case have been served upon Deborah R.J. Shupe, Esquire, at her primary email addresses listed in the Attorney Information System (AIS), this 13th day of March, 2024.

s/ Lara M. Caudy

Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

Mar 26 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Jasper County
The Honorable Robert Bonds, Circuit Court Judge
Appellate Case No. 2022-001213

THE STATE

Respondent,

v.

BRIAN JAMEL REDDING,

Appellant.

FINAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

MELODY BROWN
Senior Assistant Deputy Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
S.C. Bar No. 5098

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

I. McDUFFIE STONE
Solicitor, Fourteenth Judicial Circuit

PO Box 1880
Bluffton, SC 29910
(843) 816-1707

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
STATEMENT OF ISSUE ON APPEAL	1
STATEMENT OF THE CASE.....	2
STATEMENT OF FACTS	3
STAN'DARD OF REVIEW.....	11
ARGUMENT	12
Judge Bonds properly denied Appellant's directed verdict motions because there was sufficient circumstantial evidence from which the jury could find Appellant murdered the victim	12
CONCLUSION	17

TABLE OF AUTHORITIES

Cases

<u>State v. Dent</u> , 442 S.C. 38, 897 S.E.2d 46 (Ct. App. 2023)	11, 12
<u>State v. Bennett</u> , 415 S.C. 232, 781 S.E.2d 352 (2016)	11, 12
<u>State v. Butler</u> , 407 S.C. 376, 755 S.E.2d 457 (2014).....	11
<u>State v. Lindsey</u> , 355 S.C. 15, 583 S.E.2d 740 (2003).....	11
<u>State v. Rogers</u> , 405 S.C. 554, 748 S.E.2d 265 (Ct. App. 2013)	12
<u>State v. Tillman</u> , 433 S.C. 58, 856 S.E.2d 168 (Ct. App. 2021).....	11, 12, 13, 14, 15
<u>State v. Weston</u> , 367 S.C. 279, 625 S.E.2d 641 (2006).....	11, 12

STATEMENT OF ISSUE ON APPEAL

Judge Bonds properly denied Appellant's directed verdict motions because there was sufficient circumstantial evidence from which the jury could find Appellant murdered the victim.

STATEMENT OF THE CASE

The State concurs with Appellant's procedural Statement of the Case.

STATEMENT OF FACTS

On October 10, 2021, the Jasper County Grand Jury indicted Appellant Brian Jamel Redding on one count of murder and one count of possession of a weapon during a violent crime, arising from the September 2020 shooting death of Appellant's sixteen-year-old girlfriend (Victim). The matter was called for a jury trial in August 2022 before the Honorable Robert Bonds, Circuit Court Judge.

On September 6, 2021, a 911 call came into the Jasper County Emergency Services reporting a female at the Forest Motel in Ridgeland was unresponsive and had a gunshot wound to her head. The caller identified himself as Brian Redding. Officer Christopher Warren of the Ridgeland Police Department was dispatched to the Forest Motel, and he entered the room where the caller indicated the female was located. He testified he found a white female laying on the bed slumped over. She had a gunshot wound to her forehead and was unresponsive. (Trial Transcript [TT], pp. 154-166; Record on Appeal [R.], pp. 40-52).

Officer Warren testified Appellant was inside the room sitting on the bed with a cellphone in his hand. There were no signs of a struggle, and Officer Warren did not locate a firearm in the room, but a single shell casing was on the floor. Appellant seemed upset and was "making crying sounds," but Officer Warren never saw any tears on Appellant's face. (TT, pp. 167-168, 177-178; R., pp. 53-54; 63-64).

Jasper County Sheriff's Deputy John Croft testified he was a criminal investigator with the Ridgeland Police Department in September 2020, and he was called to the Forest Motel on a report of a suspicious death. He determined Appellant rented the room where the Victim was located, and they lived there together. He performed a gunshot residue kit on Appellant, and Appellant gave him the Victim's cellphone. The decision was made to request assistance from the State Law

Enforcement Division (SLED), and after the SLED crime scene team arrived, Deputy Croft started canvassing the other motel rooms to see if anyone had any information. He also obtained a hotel manifest and spoke with the motel owner. (TT, pp. 213-217, 219-221, 250-251; R. pp. 99-103, 105-107, 136-137).

The Victim's sister, Desiree, testified she "hung out" with Appellant and the Victim one time, but was not allowed to after that one time. She went into the Victim's room one time when Appellant was not there, and he came home while she was there. She testified Appellant "just stared at [the Victim]" and "slammed the door when he got upstairs." Desiree also testified she saw a "pretty blue" or "turquoise" gun in the motel room approximately one month before the Victim was killed. (TT, pp. 349-351, 354; R. 235-237, 240).

Another of Victim's sisters, Taylor, testified she had concerns about the Victim's relationship with Appellant and advised the Victim to "get away" from Appellant because it was not a good relationship. She also testified the Victim was always welcome in her home, but Appellant was not. She stated she knew Appellant had an aqua or teal colored gun that she saw in the car when the Victim and Appellant were sitting in the car outside her mother's house.

On the day the Victim was killed, Taylor was on her way back from Florida when she received a call from the Victim's phone. Appellant was calling, and all he kept saying was "she's unresponsive." When Appellant would not say anything else, Taylor hung up and called her husband to ask him to go over to the motel and find out what was happening. She then called Appellant back for more information, and Appellant "proceeded to tell me what he did that morning" before he told her the Victim had been shot. (TT, pp. 364-370, 373, 377-378; R., pp. 250-256, 259, 263-264).

Whitney testified she grew up with the Victim and they were very close. She stated the Victim was always cheerful and outgoing, but the Victim's personality changed after she started

dating Appellant and she was never out around town and stopped communicating with Whitney. Whitney testified she never met Appellant. On the one occasion when Whitney and her sister visited the Victim at the Forest Motel, the Victim opened the door a crack to see who was there before inviting Whitney and her sister inside and then locked the door after they entered the room. Appellant was not there, but the Victim kept mentioning when Appellant was expected to return and Whitney got the impression she and her sister needed to leave before Appellant returned. (TT, pp. 403-408; R., pp. 288-893).

Taniya testified she was friends with the Victim from the fifth grade until she died. She hung out with the Victim and Appellant after they started dating. She witnessed the Victim upset by the relationship with Appellant and saw Appellant was controlling with the Victim. She saw Appellant with a turquoise/blue gun when she was visiting the Victim at the Forest Motel, and the Victim posted videos on social media of the Victim holding the blue gun. Taniya also saw Appellant with a silver gun.

When Taniya visited the Victim at the Forest Motel, the Victim would let her in if it was a planned visit, but would not let her inside if she arrived unannounced. The Victim would not come outside, but would text Taniya to just leave. Taniya testified the Victim always locked the room door, and she was not the type to answer the door for strangers. Taniya stated she saw the Victim with a gun about a week and a half before the Victim's death. (TT, pp. 418-434; R., pp. 303-319).

The Victim's sister, Paige, testified she saw the Victim regularly in the month before the Victim's death, and she and her boyfriend hung out with the Victim and Appellant in Paige's room. Paige also went to see the Victim at the Forest Motel and the Victim always had the door locked and checked to see who was at the door before she opened it. When she was with Appellant and the Victim, Paige saw Appellant exhibiting controlling behavior toward the Victim and saw the

Victim cry as a result of Appellant's actions. Paige testified she saw Appellant with a turquoise 9mm gun several times, and she gave him a grip for it. She also saw the Victim with the gun one time. The last time she saw the gun was a couple of days before the Victim's death. (TT, pp. 435-446; R., pp. 320-331).

A firearms expert testified the bullet casing recovered from the crime scene was consistent with a Luger 9mm caliber firearm. The casing's measurements and other information were entered into a database of manufacturers that make firearms with those specifications, and the manufacturer was identified as SCCY. The expert testified the bullet could have only come from a SCCY 9mm firearm. She further testified SCCY manufactures teal colored 9mm firearms. (TT, pp. 467-478; R. pp. 352-363).

SLED agent Katie McCallister testified she responded to a reported homicide scene in Ridgeland on September 6, 2020. After she arrived at the scene, she consulted with the crime scene investigators and conducted numerous interviews, but no one reported witnessing the shooting or hearing a gunshot. They investigated and ruled out many individuals whose names came up in the investigation, and the investigation eventually focused on Appellant.

During the investigation, law enforcement obtained a convenience store surveillance video from the day of the murder. According to the video, Appellant stopped at the store at 6:33 a.m. that morning, and was wearing a black shirt with a Batman emblem on the front. Appellant was present when Agent McCallister arrived at the crime scene, but he was wearing a red t-shirt at that time. Even though Appellant reported he had touched the Victim on the head and arms, and there was blood around the Victim's head, Appellant did not have any blood on him.

Investigators also seized and examined multiple cellphones, including two belonging to Appellant and one that belonged to the Victim. In the course of searching the Victim's cellphone,

Agent McCallister found a Facebook post of a video showing Appellant holding a blue or turquoise firearm. (TT, pp. 489-499, 512; R. pp. 374-384, 397).

The pathologist who performed the Victim's autopsy testified there was a contact gunshot wound to the Victim's head that went through the Victim's skull and brain then exited the back of her head. She was unable to determine the time of death because the autopsy was performed a couple of days after the murder, but stated in her report that the time of death was 9:00 a.m. because that was the time provided to her by the Jasper County Coroner's Office. The pathologist determined that the manner of death was homicide. (TT, pp. 557-574; R. pp. 442-459).

A SLED trace analysis expert testified she analyzed gunshot residue kits from the Victim, Appellant and the shorts Appellant was wearing the day of the murder. There was no gunshot residue on Appellant's hands, but there was gunshot residue on the right front of Appellant's shorts. (TT, pp. 575-593; R. pp. 460-478).

A SLED DNA expert testified she processed buccal swaps from Appellant and the Victim and developed DNA profiles for comparison purposes. She found DNA on the bullet casing from the scene that matched the Victim's profile, but excluded Appellant. She also analyzed swabs of suspected blood from the crime scene, including the door, and the exterior and interior door handles of the room.

She determined the swab from the exterior door handle presumptive tested for blood, and contained the Victim's DNA and DNA from Appellant's bloodline. Analysis of the blood swab from the room's interior door handle indicated both Appellant and the Victim contributed to the mixture of DNA found on the door handle. Swabs from the interior of the door presumptively tested for blood and contained the Victim's DNA. Analysis of fingernail scrapings from the Victim contained only the Victim's DNA. (TT, pp. 595-614; R. pp. 480-499).

After the State rested its case, Appellant moved for a directed verdict on the grounds that the State failed to present any evidence of malice to support the murder charge, and the State failed to present evidence that Appellant killed the Victim. The State responded there was sufficient circumstantial evidence to submit the case to the jury, including: the execution style murder; witnesses' testimony regarding prior difficulties between the Victim and Appellant; testimony regarding Appellant's possession of a blue 9mm firearm; expert testimony that the murder weapon could only be a SCCY 9mm firearm; Appellant changing clothes the morning of the murder; the absence of blood on Appellant even though he claimed he touched the Victim's head and arm; blood smears on the door that contained a mixture of Appellant's and the Victim's DNA; and all the evidence indicated Appellant was the last one to see the Victim alive. (TT, pp. 619-622; R. pp. 504-507).

Judge Bonds denied the motion, finding there was sufficient evidence from the testimony from which malice could be inferred. He further noted there was evidence of prior difficulties, Appellant's controlling behavior, Appellant's changing clothes, as well as the blood and DNA evidence, and even though it was a circumstantial case, evidence did exist to warrant submitting the case to the jury. (TT, pp. 622-624; R. pp. 507-509).

Appellant presented an expert in digital forensic cellular communications data, who testified regarding where Appellant's cellphones were located at certain times on September 6, 2020, as reflected by cell tower data. He created a map showing a timeline from 6:14 a.m. to 9:36 a.m. on that date, and the proximity of Appellant's cellphones to various cell towers during that time. (TT, pp. 663-694; R. pp. 543-574).

The expert also analyzed and prepared a timeline of data from the Victim's cellphone. He testified the Twitter application was used on the Victim's phone at 6:09 a.m. At 6:16 a.m., a

picture file was created via the Facebook application. The next activity on the Victim's phone was at 8:09 a.m., and a Twitter application entry at 8:12 a.m.¹ (TT, pp. 694-700; R. pp. 574-580).

On cross-examination, the expert admitted there were no voice calls made by the Victim's phone until 9:53 a.m., which was after Appellant placed the 911 call. He also admitted that the cell tower data and phone extraction data only show a phone was in use the morning of the murder, and do not indicate who shot the Victim and when. (TT, pp. 700-705; R. pp. 580-585).

Appellant presented testimony from various witnesses about their interactions with Appellant the morning of the murder, including the Forest Motel owner, the 911 dispatcher, Appellant's cousin (Danielle), and Appellant's uncle (Alvin). Appellant's mother testified about a container of Appellant's belongings Alvin brought to her house after Appellant's arrest which purportedly contained a Batman t-shirt. Appellant also presented evidence alluding to possible third-party guilt. (TT, pp. 708-775; R. pp. 588-655).

Appellant testified about his relationship with the Victim and stated he loved her. He then testified in detail about his movements on the morning of the murder. (TT, pp. 822-882; R. pp. 702-762).

After resting his case, Appellant again moved for a directed verdict on the grounds there was no evidence of malice, the State failed to prove the time of death, and Appellant's alibi was corroborated by his witnesses and cellular data records. Judge Gibbons denied the motion, finding there was testimony indicating potential animus and dominating behavior by Appellant toward the Victim, and the evidence was sufficient to submit the case to the jury. (TT, pp. 885-889; R. pp. 765-769).

¹ Appellant's cellphone data showed his cellphone was in the vicinity of the Forest Motel until 6:16 a.m. and again between 8:06 a.m. and 8:27 a.m. (TT, pp. 681, 689-690; R. pp. 561, 569-570).

The jury convicted Appellant of murder and possession of a weapon during a crime of violence. Appellant moved for a new trial, arguing the verdict was inconsistent with the evidence, it was "likely that the age of the victim was improperly considered," the State failed to prove malice, and Appellant had an alibi corroborated by cellphone records. Judge Gibbons denied the motion on the same rationale he previously denied the directed verdict motions, and found there was evidence to support the jury's verdicts. (TT, pp. 998-1001; R. pp.864-867).

Judge Gibbons sentenced Appellant to forty-eight years incarceration on the murder conviction, and a concurrent term of five years incarceration on the weapon conviction, with credit for 648 days times served. (TT, p. 1011, Sentencing Sheets; R. pp. 867, 882-885). This appeal followed.

STANDARD OF REVIEW

On appeal from the denial of a directed verdict in a criminal case, the appellate court views the evidence and all reasonable inferences in the light most favorable to the State, and if there is any direct evidence or substantial circumstantial evidence reasonably tending to prove the defendant's guilt, the court must find the case was properly submitted to the jury. State v. Butler, 407 S.C. 376, 755 S.E.2d 457, 460 (2014); State v. Weston, 367 S.C. 279, 625 S.E.2d 641, 648 (2006) (same). Appellate review is limited to considering the existence or nonexistence of evidence, not its weight. State v. Bennett, 415 S.C. 232, 781 S.E.2d 352, 353 (2016); State v. Tillman, 433 S.C. 58, 856 S.E.2d 168, 171 (Ct. App. 2021) (same). The appellate court may only reverse the trial court if there is no evidence to support the trial court's ruling. State v. Lindsey, 355 S.C. 15, 583 S.E.2d 740, 742 (2003); State v. Dent, 442 S.C. 38, 897 S.E.2d 46, 56 (Ct. App. 2023) (same).

ARGUMENT

Judge Bonds properly denied Appellant's directed verdict motions because there was sufficient circumstantial evidence from which the jury could find Appellant murdered the Victim.

Appellant contends Judge Bonds erred in denying his direct verdict motions because the State's evidence merely raised a suspicion Appellant murdered the Victim. When the evidence presented at trial is viewed in the light most favorable to the State, Judge Bonds' finding there was substantial circumstantial evidence from which the jury could find Appellant guilty beyond a reasonable doubt is amply supported.

When ruling on a directed verdict motion, the trial court is concerned with the existence or nonexistence of evidence from which a jury could reasonably infer guilt, not its weight. State v. Bennett, 781 S.E.2d at 354; Weston, 625 S.E.2d at 648 (same); Dent, 897 S.E.2d at 56 (same). The trial court "is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis." Bennett, 781 S.E.2d at 354. "Circumstantial evidence ... gains its strength from its combination with other evidence, and all the circumstantial evidence presented in a case must be considered together to determine whether it is sufficient to submit to the jury." Tillman, 856 S.E.2d at 171 (*quoting State v. Rogers*, 405 S.C. 554, 748 S.E.2d 265, 272 [Ct. App. 2013]).

Appellant compares his version of the evidence to circumstantial evidence found insufficient in other cases. Directed verdict considerations are "necessarily fact-intensive," and case analysis is limited to each case's peculiar facts. Tillman, 856 S.E.2d at 172 (*citing Bennett*, 781 S.E.2d at 354 n.1). Notably, Tillman is one case Appellant does not cite, or even mention, for comparison purposes, even though the evidence for directed verdict analysis in Tillman case was very similar to the circumstantial evidence presented in this case.

In Tillman, the defendant and the victim were in a romantic relationship and lived together when the victim was shot in the head and killed. The defendant claimed he left the residence around 9:00 a.m. to go to work and found the victim on the bed deceased when he returned around 6:00 p.m. There was blood down the side of the mattress around the victim's head. The defendant called 911, stating the victim had committed suicide by shooting herself. The defendant's mother was heard in the background during the call mentioning a gun. *Id* at 170-171.

Law enforcement determined the victim had been shot in the head and shin, but no weapon was discovered on the scene. The murder weapon was subsequently found in an inoperable vehicle located on the residence's property that the defendant and the victim used for storage. The coroner determined the victim did not commit suicide, and the time of death was between 11:00 p.m. and 11:00 a.m. *Id*

The defendant continuously asserted the victim was alive when he left for work at 9:00 that morning. He did not acknowledge the presence of a gun in the residence or mention having access to a gun until he was confronted after the murder weapon was located on the property; then he could not account for the last time he had held the gun, remember when he last accessed the vehicle used for storage, or explain why his mother mentioned a gun during the 911 call. The defendant's DNA was found on both the weapon and under the victim's fingernail clippings, and one particle of gunshot residue was found on the right sleeve of defendant's shirt. *Id*

At trial, the defendant moved for a directed verdict at the end of the State's case, which the trial court denied, finding there was substantial circumstantial evidence from which the jury could find the defendant murdered the victim. After presenting testimony from co-workers and his uncle, the defendant again moved for a directed verdict, which was denied. *Id* at 171.

On appeal, the court of appeals affirmed the denial of the defendant's directed verdict motion. The evidence at trial included: defendant's DNA on the murder weapon and in the victim's fingernail clippings; the gunshot residue found on the defendant's shirt; the defendant was with the victim during the time of death indicated by the coroner; during the 911 call, the defendant said the victim shot herself when the cause of death was not apparent from the position of the victim's body; the murder weapon was subsequently found in a vehicle the defendant and the victim used for storage; the defendant never mentioned the gun until confronted about it and then could not remember when he last touched it or the vehicle; the bullets that killed the victim matched a cache of bullets found inside the residence; and the defendant's mother mentioned a gun during the defendant's 911 call, which she only admitted after hearing the 911 call recording. *Id* at 171-172.

The court noted that each piece of circumstantial evidence in isolation might only raise a suspicion of the defendant's guilt, and much of the evidence could be challenged, but considered cumulatively and in the light most favorable to the State, it was sufficient to withstand directed verdict. The court stated: "it was within the *jury's* purview to determine what each piece of evidence meant, how the pieces fit together, and whether the sum of the evidence was sufficient to convict Tillman." *Id* at 172 (emphasis in original).

The circumstantial evidence in this case included: Appellant and the Victim were in a romantic relationship and lived together; there were problems between Appellant and the Victim and Appellant was very controlling of the Victim; the Victim was shot in the head; no gun was found in the motel room; Appellant was the last person to see the Victim alive; Appellant made the 911 call; at some point, Appellant called the Victim's sister and told her about all his movements the morning of the murder before he told her the Victim had been shot in the head;

witnesses saw a 9mm blue/turquoise gun in the motel room shared by Appellant and the Victim and in Appellant's car; a witness saw the gun in the motel room approximately a week and a half before the murder; a witness saw Appellant with the gun several times, gave Appellant a grip for the gun and saw it in the motel room a couple of days before the murder; a video found on the Victim's cellphone showed Appellant holding a blue/turquoise handgun; the bullet casing found at the scene was consistent with a 9mm firearm manufactured by a company that makes a blue colored firearm; gunshot residue was found on the front of the shorts Appellant was wearing the day of the murder; Appellant's and the Victim's DNA were found in a blood smear on the motel room's interior door handle; Appellant told responding officers he touched the Victim's head and arms, but there was no blood on him when law enforcement arrived; surveillance video showed Appellant wearing a Batman t-shirt early the morning of the murder, but he was wearing a red t-shirt when law enforcement arrived at the crime scene. In short, the circumstantial evidence in this case was very similar to the evidence the court of appeals noted in Tillman.

Significantly, Appellant's summary of the evidence in this case omits many of these pieces of evidence. (Brief of Appellant, p. 13). In turn, Appellant's truncated summary presents a flawed legal analysis when asking an appellate court to reverse a trial court's denial of a directed verdict motion.

As in Tillman, all the circumstantial evidence presented in this case could be, and was, challenged at trial, and each individual piece of evidence in isolation may only raise a suspicion that Appellant shot the Victim. When considered collectively and in the light most favorable to the State, however, the evidence was sufficient to withstand directed verdict. It was in the jury's purview to determine "what each piece of evidence meant, how the pieces fit together, and whether the sum of the evidence was sufficient to convict" Appellant beyond a reasonable doubt.

Judge Bonds properly considered the evidence presented collectively and determined there was sufficient circumstantial evidence from which the jury could find Appellant guilty of murdering the Victim. Ultimately, credibility of the witnesses and weight of the evidence were matters for the jury, and Judge Bonds' denial of Appellant's directed verdict motions should be affirmed.

CONCLUSION

For all the foregoing reasons, the State respectfully submits Judge Bonds rulings and Appellant' s conviction.

Respectfully submitted,

ALAN WILSON
Attorney General

MELODY BROWN
Senior Assistant Deputy Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
S.C. Bar No. 5098

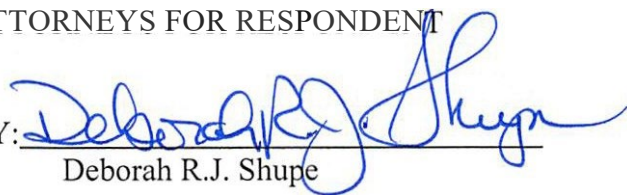
Post Office Box 1154 9
Columbia, SC 29211
(803) 734-3727

I. McDUFFIE STONE
Solicitor, Fourteenth Judicial Circuit

PO Box 1880
Bluffton, SC 29910
(843) 816-1707

ATTORNEYS FOR RESPONDENT

BY:



Deborah R.J. Shupe

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

March 26, 2024

Mar 26 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Jasper County
The Honorable Robert Bonds, Circuit Court Judge
Appellate Case No. 2022-001213

THE STATE

Respondent,

v.

BRIAN JAMEL REDDING,

Appellant

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and the April 15, 2014, Order of the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

This 26th day of March, 2024.

ALAN WILSON
Attorney General

MELODY BROWN
Senior Assistant Deputy Attorney General

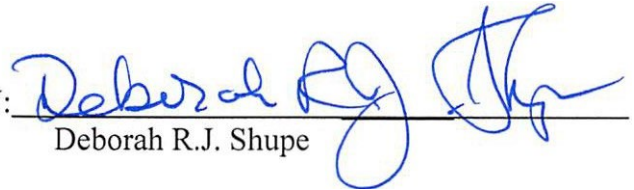
DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
S.C. Bar No. 5098

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

I. McDUFFIE STONE
Solicitor, Fourteenth Judicial Circuit

PO Box 1880
Bluffton, SC 29910
(843) 816-1707

BY:



Deborah R.J. Shupe

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

March 26, 2024

Mar 26 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Jasper County
The Honorable Robert Bonds, Circuit Court Judge

THE STATE,

Respondent,

v.

BRIAN JAMEL REDDING,

Appellant.

Appellate Case No. 2022-001213

PROOF OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Final Brief of Respondent and Certificate of Service has been forwarded to Appellant's counsel, Lara M. Caudy, Esquire via email today, March 26, 2024 to Lcaudy@sccid.sc.gov, and to her assistant Sara Mcinnis, at smcinnis@sccid.sc.gov.

I further certify that all parties required by Rule to be served have been served.

This 26th day of March, 2024.

s/ Angela Brown

Angela Brown
Legal Assistant to Melody J. Brown
Senior Assistant Deputy Attorney General

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Brian Jamel Redding, Appellant.

Appellate Case No. 2022-001213

Appeal From Jasper County
Robert J. Bonds, Circuit Court Judge

Opinion No. 6152
Submitted April 1, 2026 – Filed July 1, 2026

REVERSED

Senior Appellate Defender Lara Mary Caudy, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Senior
Assistant Deputy Attorney General Melody Jane Brown,
and Senior Assistant Deputy Attorney General Deborah
R.J. Shupe, all of Columbia; and Solicitor Isaac
McDuffie Stone, III, of Bluffton, all for Respondent.

PER CURIAM: Brian Jamel Redding appeals his convictions for murder and possession of a weapon during the commission of a violent crime, arguing the circuit court erred in denying his motion for a directed verdict. We reverse.

FACTS

A jury convicted Redding of the September 6, 2020, murder of his girlfriend (Victim) and a weapon charge. At trial, the State presented evidence that Victim died from a gunshot wound to her forehead in the bed of a motel room at the Forest Motel. Sergeant Christopher Warren, of the Ridgeland Police Department, testified he received and responded to a call at approximately 9:45 a.m. regarding Victim. Redding, appearing upset, was found sitting on the bed inside the room. There were no signs of a struggle or gun, but a shell casing with only Victim's fingerprints was found in the room. Officers admitted they did not initially knock on other doors at the motel, talk to individuals in the parking lot, or stop any vehicles from leaving. Once they began investigating, officers learned Redding and Victim had been living at the motel for a month or two and no one there had witnessed domestic discord between them. In addition, on the day in question, no one in the area heard anything, saw Redding with a gun, or witnessed Redding and Victim arguing. Redding voluntarily gave investigators his phones and a written statement, submitted to gunshot residue and DNA tests, and allowed multiple searches of the Toyota Avalon he had been driving.

Various items were retrieved from the scene and tested, including Redding's clothing, blood from the interior and exterior of the motel room door, and the shell casing. The test results showed (1) only Victim's DNA under her fingernails; (2) only Victim's DNA on the shell casing; (3) Victim's DNA on the blood on the exterior door handle of the motel room; (4) a mixture containing Victim's and Redding's DNA on the blood on the interior of the motel room door; and (5) Victim's DNA and Redding's YSTR profile on the blood on the exterior of the door.¹

South Carolina Law Enforcement (SLED) investigator Katie McCallister, in attempting to confirm Redding's alibi, observed a surveillance video of Redding at Parker's Kitchen, a gas station, and stated that in the surveillance video taken at 6:33 a.m. the morning of the incident, Redding was wearing long denim shorts and what she believed to be a "black shirt . . . [with] a Batman emblem on the front." However, upon her arrival at the motel, Redding was wearing long denim shorts and a red t-shirt. She did not see any blood on him. Victim's phone was searched and contained a video of Redding holding an "aqua, teal, turquoise" colored gun.

¹ The State's witness explained YSTR testing targeted male DNA in order to develop the male DNA profile and it followed the lineage of the paternal side.

The shell casing found at the scene was a .9mm caliber, and the State's expert testified that the bullet recovered from Victim's autopsy was "consistent" with a SCCY .9mm. The expert also testified the bullet could have been fired from a SCCY .9mm gun and that SCCY manufactured teal .9mm guns.

Paige Mayma, Victim's sister, testified she and her boyfriend, Devron Jones, both carried guns. On the day of the murder, Jones passed a bag containing one of Mayma's guns over the fence separating the Forest Motel from the Siesta Motel next door. Matthew Hatchell testified that at the time of the incident, he lived at the Siesta Motel. He described the motels as next door to each other, separated by a chain-link fence. Hatchell testified that on the morning of the incident, Jones handed him the bag over the fence, asked Hatchell to hold it, and Jones retrieved it approximately twenty minutes later. This occurred just after Hatchell returned to the Siesta after work, and there were numerous people outside of the Forest Motel, including Mayma. Hatchell did not look inside the bag.

Numerous of Victim's sisters and friends testified that Redding carried a .9mm blue/aqua/turquoise gun. Two of Victim's friends testified they saw Victim with a gun and Redding had a turquoise/blue and silver gun about one-and-a-half weeks before Victim's death. They also testified Redding and Victim had difficulties and Redding controlled Victim.

A trace evidence expert for SLED testified she analyzed Victim's and Redding's gunshot residue tests. She admitted residue was "extremely transferable" and confirmed Victim had residue on her body. She found no residue on Redding's hands. However, she found two particles of residue on the front right side of Redding's shorts, explained the test did not show when the residue contacted Redding's shorts, and admitted it could be transferred to a person's clothing by sitting on a bed that had residue.

The pathologist who performed an autopsy testified Victim's cause of death was a contact gunshot wound to the forehead and the manner of death was homicide. There were no other signs of trauma on Victim's body. The pathologist was unable to determine Victim's time of death and clarified her report provided Victim's time of death was 9:00 a.m., which was given by the coroner.

After the State rested, Redding moved for a directed verdict. The court denied Redding's motion, finding "enough" evidence existed to submit the case to the jury.

Redding presented his case-in-chief, providing evidence of his alibi defense. Christopher Watkins, qualified as an expert in digital forensic science, cellular tower data, and cellular communications data, constructed a timeline of cell site information on Redding's two phones. At 6:15 a.m., Redding's cell phones were moving from the vicinity of the motel toward East Main Street. By 6:29 a.m., the phones approached Parker's Kitchen on Okatie Highway. At 6:48 a.m., they were in the vicinity of Ashley Dodson's residence. By 7:15 a.m., the phones neared McDonald's in Bluffton. At 7:23 a.m., the phones were in the vicinity of Simmonsville Road in Bluffton. At 7:35 a.m., the phones left that vicinity. Between 8:06 and 8:27 a.m., the phones were back in the vicinity of the motel. At 8:27 a.m., the phones again departed from the motel and approached the residence of Danielle Smith, Redding's cousin. At 9:32 a.m., the phones departed the area of Danielle's address and by 9:45 a.m., they again returned to the motel.

Danielle testified she could not recall exactly the time Redding picked her up the morning of the incident, but believed it was between 7:45 and 8:00 a.m. They stopped by the motel for Redding to retrieve his wallet; Danielle stayed in the car; and they left within a few minutes. She noticed nothing out of the ordinary while she waited or when he returned to the car. She testified they then left the motel and drove to her grandmother's house in Pineland, which took about fifteen or twenty minutes. Redding appeared fine and was acting like "his normal self." Danielle saw neither blood on Redding nor a gun. Alvin Shiggs, Redding's uncle, testified that Redding came to his house the morning of the incident, which is also in Pineland, and Shiggs noticed nothing out of the ordinary.

Redding testified he was driving Ashley Dodson's vehicle on the day of the murder because his vehicle was in the shop. That morning, he had to take Dodson to work at 7:00 a.m. He stopped en route at Parker's Kitchen. The video from Parker's Kitchen depicted Redding in Dodson's vehicle at 6:31 a.m. It also depicted Redding getting underneath the vehicle, which he explained was because a dust cover was dragging on the road from beneath the vehicle, and he folded it to temporarily fix it. Redding testified he continued to Dodson's house, drove her to her job at McDonald's in Bluffton, drove to Simmonsville Road to pick up Danielle, and returned to the motel for his wallet. Redding testified that when he entered the motel room, Victim was in bed, they spoke, and he used the bathroom, got his wallet, and left. Redding maintained he then drove Danielle to Pineland to his uncle, Alvin Shiggs', house. Redding testified he changed his shirt because it got dirty when he again attempted to fix the dust cover underneath the car on his uncle's mostly-dirt driveway. Redding testified he next returned to the motel, saw Piavin Patel, the owner of the motel, and briefly spoke to him. According to

Redding, upon entering the motel room, he saw blood and touched Victim, attempting to awaken her. He then ran to tell Patel, called 911, and called Victim's family.

Shiggs testified Redding was living with him after the murder, and two months later, after Redding was arrested, Shiggs bagged Redding's belongings including the Batman shirt, and gave the bag to Redding's mother. He denied ever "doing anything" to the clothing. Redding's mother testified the bag stayed intact at her house until she was contacted by an investigator, who collected the Batman shirt from her the day before the trial. The shirt was not tested. The defense moved to introduce it into evidence, and the court denied the motion.

Redding also presented evidence disputing a contentious relationship with Victim and regarding the day in question. Patel testified he never received complaints about or witnessed any fights between Redding and Victim. Patel testified he saw Redding arrive at the motel on the day of the incident at approximately 8:00 a.m., at which time Redding spoke to him and "gave him good morning." Patel did not notice any distress, blood, or anything wrong at the time. A "couple hours" later, Patel was working in a utility room a few doors down from Redding's room and heard Redding crying. When Patel went to Redding's room, he did not notice any blood on Redding. Patel's wife called 911 and was told someone had already called.

Redding testified he cooperated with the investigation, gave investigators his phone, interviewed, submitted to gunshot residue and DNA tests, and allowed multiple searches of Dodson's vehicle. He also testified he had never owned a blue gun and he sold his gun to his cousin about a month prior to the murder.

After the defense rested, Redding renewed his motion for a directed verdict. First, he asserted the court should grant his motion as to the murder charge because the State failed to present evidence showing he killed Victim or he did so with malice, which had to exist at the time of the crime. Redding also asserted the State failed to prove Victim's time of death, and if the State relied on the pathologist's report that Victim's time of death was 9:00 a.m., he had an alibi, which was corroborated by the phone records. In response, the State argued the pathologist explained how difficult it was to prove time of death. In addition, the State argued it was not required to prove the time of death. It maintained that even though its evidence was circumstantial, there was "ample evidence to go to the jury."

The court denied Redding's renewed motion, the jury convicted him as indicted, and the court sentenced him to concurrent sentences of forty-eight years' imprisonment for murder and five years' imprisonment for the weapon charge. This appeal followed.

STANDARD OF REVIEW

An appellate court "review[s] the denial of a directed verdict motion in a criminal case under the any evidence standard of review." *State v. Cain*, 419 S.C. 24, 33, 795 S.E.2d 846, 851 (2017). "When reviewing a denial of a directed verdict, this [c]ourt views the evidence and all reasonable inferences in the light most favorable to the state. If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, the [c]ourt must find the case was properly submitted to the jury." *State v. Weston*, 367 S.C. 279, 292–93, 625 S.E.2d 641, 648 (2006). "[W]hen the defendant presents testimony, he loses the right to have the court review the sufficiency of the evidence based on the state's evidence alone." *State v. Harry*, 321 S.C. 273, 277, 468 S.E.2d 76, 79 (Ct. App. 1996); *see State v. Hepburn*, 406 S.C. 416, 432, 753 S.E.2d 402, 410 (2013) (declining to overrule *Harry* "and instead adopt[ing] its rationale").

LAW/ANALYSIS

Redding argues the circuit court erred in denying his motion for a directed verdict because the State did not present direct or substantial circumstantial evidence of his guilt and the evidence raised merely a suspicion of guilt. We agree.

"In considering a motion for a directed verdict, the trial court is concerned with the existence or non-existence of evidence, not with its weight." *State v. Fennell*, 340 S.C. 266, 270, 531 S.E.2d 512, 514 (2000). "When the evidence submitted raises a mere suspicion that the accused is guilty, a directed verdict should be granted because suspicion implies a belief of guilt based on facts or circumstances which do not amount to proof." *State v. Bennett*, 415 S.C. 232, 236, 781 S.E.2d 352, 353–54 (2016). However, "a court is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis." *Id.* at 236, 781 S.E.2d at 354. Therefore, "although the *jury* must consider alternative hypotheses, the *court* must concern itself solely with the existence or non-existence of evidence from which a jury could reasonably infer guilt." *Id.* at 237, 781 S.E.2d at 354. "[I]n ruling on a directed verdict motion where the State relies on circumstantial evidence, the court must determine whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt."

Id. "Circumstantial evidence . . . gains its strength from its combination with other evidence, and all the circumstantial evidence presented in a case must be considered together to determine whether it is sufficient to submit to the jury." *State v. Tillman*, 433 S.C. 58, 63, 856 S.E.2d 168, 171 (Ct. App. 2021) (omissions in original) (quoting *State v. Rogers*, 405 S.C. 554, 567, 748 S.E.2d 265, 272 (Ct. App. 2013)).

We review the substantial circumstantial evidence presented in various cases for comparison. In *State v. Arnold*, 361 S.C. 386, 388, 605 S.E.2d 529, 530 (2004), Jennings Cox, the victim, was found shot to death in Colleton County. Three days earlier, when he was reported missing, Cox borrowed a friend's BMW and withdrew money from an ATM. *Id.* The BMW was found in a parking lot in Johnson City, Tennessee. *Id.* at 389, 605 S.E.2d at 530. The State presented evidence that the day after Cox went missing, Arnold made a phone call from his father's home phone in Tennessee, ten miles from where the car was found. *Id.* No blood was found in the car; however, the car had some scratches on it and a coffee cup lid containing Arnold's fingerprint was found in it. *Id.* Our supreme court held that Arnold's fingerprint on the coffee cup lid and being found in Tennessee, the same state the BMW was found, raised only a suspicion of guilt. *Id.* at 390, 605 S.E.2d at 531.

In *State v. Mitchell*, 341 S.C. 406, 408, 535 S.E.2d 126, 127 (2000), the victim's home was burglarized. Mitchell had been a guest at the victim's home on several occasions. *Id.* Mitchell's fingerprint was found on a screen leaning against the house. *Id.* At trial, the circuit court denied Mitchell's motion for a directed verdict. *Id.* In finding Mitchell was entitled to a directed verdict, our supreme court found the following:

The evidence in this case is entirely circumstantial. The only evidence linking [Mitchell] to the burglary is the fingerprint. The State did not present any evidence whether the screen was on the window at the time the window was broken or when the screen had been removed. The fact that [Mitchell's] fingerprint was on a screen that was propped up against the house does not prove entry where [he] had been in and around the victim's house a[t] least three times prior to the burglary.

Id. at 409, 535 S.E.2d at 127.

In *State v. Bostick*, 392 S.C. 134, 136, 708 S.E.2d 774, 775 (2011), the fire department arrived at the victim's house on a Sunday afternoon after her house caught fire. Firefighters discovered the victim's body in the house. *Id.* Although the victim had been struck in the head with a blunt force object, she ultimately died as a result of carbon monoxide poisoning from the fire. *Id.* Two days later, investigators discovered the following items in a burn pile at a neighboring house belonging to Bostick's mother: "two sets of car keys, toenail clippers, pens, burned paper, a metal clasped ring of a purse, and a watch." *Id.* at 137, 708 S.E.2d at 775. All of these items belonged to the victim. *Id.* Investigators later determined that the person responsible for the fire at the victim's house used a heavy petroleum product, such as kerosene or diesel fuel. *Id.* Bostick's mother stated that she did not use either of these products in the burn pile. *Id.* Investigators interviewed Bostick and asked for his clothing and shoes. *Id.* Blood was found on Bostick's jeans, but a DNA analysis proved inconclusive. *Id.* at 137, 708 S.E.2d at 775–76. However, a chemical analysis of Bostick's shoes revealed a fresh gasoline pattern. *Id.* at 137, 708 S.E.2d at 776. Bostick moved for a directed verdict at the close of the State's case, which the trial court denied. *Id.* Bostick argued on appeal that the evidence submitted did not constitute substantial circumstantial evidence sufficient to submit the case to the jury. *Id.* at 138–39, 708 S.E.2d at 776. Our supreme court agreed and found that the State's evidence raised only a suspicion of Bostick's guilt. *Id.* at 141, 708 S.E.2d at 778.

In *State v. Lollis*, 343 S.C. 580, 581, 541 S.E.2d 254, 255 (2001), our supreme court also found the circumstantial evidence presented by the State was not sufficient to survive a motion for a directed verdict in a case involving an arson charge. Lollis and his common law wife, Tammy Burgess, lived in a mobile home. *Id.* at 582, 541 S.E.2d at 255. Burgess confessed to setting fire to the home to erase the couple's mortgage debt. *Id.* Burgess claimed that Lollis had no knowledge of her plans. *Id.* Both Lollis and Burgess were charged with arson. *Id.* The circumstantial evidence relied upon by the State was Burgess and Lollis's marital relationship, the alleged financial difficulties, the fact that Lollis moved personal items out of the home and into storage the day before the fire, and his possession of the storage room key on the day of the fire. *Id.* at 584, 541 S.E.2d at 256. Lollis presented uncontradicted evidence that he was current on his mortgage at the time of the fire. *Id.* at 585, 541 S.E.2d at 257. He also testified he had no reason to burn down his home because of extensive remodeling being done at the time of the fire, he had moved his belongings into storage in order to protect them from damage due to that remodeling work, and he had no insurance on personal property lost in the fire. *Id.* at 582–83, 541 S.E.2d at 255. The court held the

State's evidence was not sufficient to survive the motion for a directed verdict. *Id.* at 585, 541 S.E.2d at 257.

In this case, viewing the evidence in the light most favorable to the State, we do not find substantial circumstantial evidence; thus, we hold the circuit court erred in submitting the case to the jury. *See Weston*, 367 S.C. at 292–93, 625 S.E.2d at 648 ("If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, the [c]ourt must find the case was properly submitted to the jury."). The State did not present direct evidence that Redding murdered Victim and presented the following circumstantial evidence: Redding (1) exhibited controlling behavior and had a difficult relationship with Victim, (2) had access to a gun matching the caliber gun that killed Victim, (3) was the last person to see Victim alive, (4) changed his shirt the morning of the murder, and (5) had gunshot residue on his shorts. The State also presented evidence showing Redding's DNA was present in the blood stains on the motel room door although Redding testified he touched Victim before leaving the room to find Patel.

Here, Redding presented significant evidence of an alibi defense and plausible evidence regarding his shirt, his DNA on the door, and the gunshot residue. *See Lollis*, 343 S.C. at 585, 541 S.E.2d at 257 (finding "the evidence presented does not reasonably tend to prove Lollis' guilt" in part because Lollis "presented a plausible explanation for placing valuables in the storage room on the day of the fire"). We find the State's evidence rises only to a mere suspicion of guilt. Thus, we reverse the circuit court's denial of Redding's motion for a directed verdict.

CONCLUSION

Based on the foregoing, Redding's convictions are

REVERSED.²

THOMAS, MCDONALD and TURNER, JJ., concur.

² We decide this case without oral argument pursuant to Rule 215, SCACR.

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY
Honorable Robert J. Bonds, Circuit Court Judge

Appellate Case No. 2022-001213

THE STATE,RESPONDENT

v.

BRIAN JAMEL REDDING,APPELLANT.

PETITION FOR REHEARING

Respondent petitions this Court, pursuant to Rule 221(a), SCACR, for rehearing of its decision in the above-captioned matter reversing the trial court's denial of a motion for directed verdict. Respondent respectfully submits that this Court has misapprehended certain factual and legal matters in arriving at its holding.

ARGUMENT

Surviving a motion for a directed verdict is a low bar for the State to satisfy at trial and a high bar for the defendant arguing for reversal on appeal. *State v. Arnold*, 361 S.C. 386, 389, 605 S.E.2d 529, 531 (2004) ("The trial court has a duty to submit the case to the jury where the evidence is circumstantial if there is substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced."); *State v. Bennett*, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016) ("[A]lthough the jury must consider alternative hypotheses, the court must concern itself *solely with the existence or non-existence of evidence* from which a jury could reasonably infer guilt.") (emphasis added); *State v. Cherry*, 361 S.C. 588,

593, 606 S.E.2d 475, 478 (2004) (“When reviewing a denial of a directed verdict, this Court must view the evidence *and all reasonable inferences in the light most favorable to the state.*”) (citing *State v. Burdette*, 335 S.C. 34, 46, 515 S.E.2d 525, 531 (1999)) (emphasis added).

And while the application of the standard for directed verdict depends in part on whether the case is based on direct or circumstantial evidence, a motion for a directed verdict must be granted only “when the evidence *merely raises a suspicion* that the accused is guilty.” *State v. Schrock*, 283 S.C. 129, 132, 322 S.E.2d 450, 452 (1984) (emphasis added). Respectfully, this Court engaged in a severely flawed and reductive analysis of the evidence and all reasonable inferences *in the light most favorable to the State* in concluding that the State failed to present substantial circumstantial evidence. Additionally, this Court improperly weighed Appellant’s evidence against the State’s—thereby not giving the State’s evidence the benefit it deserves for purposes of directed verdict. And even assuming that the Court was permitted to weigh the State’s evidence against Appellant’s, Respondent contends that Appellant’s alibi defense was not “significant” as this Court concluded. Instead, it was doomed from the beginning by Appellant’s own expert testimony locking in a forensic timeline that only corroborated the State’s theory regarding a fabricated alibi, in addition to contradicting Appellant’s own self-serving testimony and biased alibi witnesses. Moreover, Appellant’s defense was compromised by other serious credibility concerns notwithstanding the forensic evidence working against him.

Thus, Respondent contends this Court should grant rehearing and affirm the trial court’s denial of Appellant’s motion(s) for directed verdict

I. This Court committed an error of law in engaging in a reductive analysis of the State’s evidence and thereby not applying the correct legal standard appropriate for reviewing the denial of a motion for directed verdict.

This Court seriously misapprehended the significance of specific aspects of the State’s case and otherwise isolated the significance of such evidence from the totality of the State’s case. The fact that the State’s case was a circumstantial one should not have been used against it. *See State v. Rogers*, 405 S.C. 554, 567, 748 S.E.2d 265, 272 (Ct. App. 2013) (“Circumstantial evidence . . . gains its strength from its combination with other evidence, *and all the circumstantial evidence presented in a case must be considered together* to determine whether it is sufficient to submit to the jury.”) (emphasis added).

First, Respondent contends that this Court severely misapprehended the significance of the gun evidence in this case. Multiple witnesses testified that they observed Appellant with a blue, turquoise, or teal gun at various points prior to Victim’s murder. (R. pp. 254, 263–264, 305–306). One of Victim’s sisters, Paige, specifically testified that she saw Appellant with this gun *a couple of days* prior to Victim’s death, squarely contradicting Appellant’s self-serving testimony that he *never* owned such a gun.¹ Paige also testified that she observed Victim with the same blue/turquoise gun at one point.² She described it as a “9,” ostensibly a 9mm handgun. Paige expressed further familiarity with this gun, noting that she even gave Appellant a grip for it. (R.

¹ This Court indicated in the opinion that Appellant stated he never owned a blue gun. This finding is not factually supported by the record. In fact, Appellant did not actually say he never owned such a gun. Instead, when asked by the solicitor if he never owned such a gun, he gave an evasive and suspicious response claiming “[t]here would have been one at the scene if I did.” (*See* R. pp. 742, 775).

² Another witness recalled seeing Victim holding a firearm on Snapchat videos but could not recall what the gun looked like. She also noted that she never saw Victim with a gun prior to her meeting Appellant and living with him. (*See* R. p. 293). Victim’s other sister, Desiree, recalled seeing a blue gun in another motel room Appellant and Victim were staying in about a month before her death. (R. pp. 236–237, 240).

pp. 324–327).³ The State’s firearm expert, Michelle Eichenmiller, testified that the single cartridge casing collected from the motel room’s floor and the bullet fragment collected at Victim’s autopsy were 9mm caliber that could *only have been fired by a handgun manufactured by SCCY* based on identifying characteristics imparted onto the shell casing (and recovered bullet fragment) that are unique to that brand. Eichenmiller further testified that SCCY manufactures 9mm handguns that come in a aqua/teal color, specifically their CPX models.⁴ (R. pp. 357–364).

The State’s main case agent, Katie McCallister, testified that she observed a discovered a video on Victim’s phone showing Appellant holding a blue/teal/turquoise gun. (R. pp. 381–383, 397). Finally, *the Victim’s DNA* was found on *the* single shell casing found at the scene—corroborating the theory that both Appellant and Victim used or otherwise had access to the gun, especially when combined with the fact there was no gun found on the scene and no evidence of suicide. (R. pp. 488–491). Absent suicide, there is no other reasonable explanation for how Victim’s DNA was on that shell casing.

In addition to the gun testimony, the State also elicited testimony noting that there were no signs of forced entry, a disturbance, or a struggle within the motel room and that Victim had the habit of locking the door and not opening up for strangers. Victim was found dead sitting upright on the motel bed with the covers over her legs. (R. pp. 165, 193–194, 306–307, 323; *see also* State’s Ex. 4 (Photo)). Thus, it was reasonable to presume that Appellant was the only person other than the motel owner with access to the motel room and was the last person to see Victim alive.

³ Paige also testified that the gun given in a bag by her boyfriend Dervon Jones (AKA “Popeye”) to a man named Matthew Hatchell across the fence from the Forest Motel to the Siesta Motel was a Taurus G2, not an SCCY firearm. The testimony clearly reflected that such a gun could not have been the murder weapon. (R. pp. 342–343, 363, 425–427, 440).

⁴ It appears an example of this type of firearm was presented at trial as a photograph in State’s Ex. 34. This exhibit, however, is not in the record on appeal.

Notably, when law enforcement arrived, they observed Appellant “making crying sounds” but that there were no tears on his face. (R. pp. 64, 123). One of Victim’s other sisters, Taylor, testified that she received a phone call from Victim’s Facebook that morning, but it was Appellant on the line. Appellant told Taylor that Victim was simply “unresponsive,” but refused to elaborate.⁵ After briefly getting off the line to call her husband, Taylor called back, whereupon Appellant proceeded to explain to Taylor what he was doing that morning, and then only telling Taylor that Victim had been shot in the head at the end of the call.⁶ (R. pp. 255–256).

Dr. Ellen Riemer, the forensic pathologist, opined that the single gunshot wound to Victim’s head was a contact wound between Victim’s eyes. (R. pp. 445–450). The various friend/family witnesses also painted a picture of a contentious, domineering, and exploitative dynamic between Appellant and Victim, with Appellant exerting significant control over Victim’s life and interactions with others. (R. pp. 236–237, 252–253, 289–292, 304–307, 323–324, 331–332). As noted in our brief, the contact wound indicating an execution-style killing, combined with the difficulties in the relationship was enough to establish malice in the absence of evidence of suicide.

Finally, investigators found Appellant at the scene wearing a different shirt than he did that morning, no blood or GSR on his hands despite Appellant admitting he touched Victim—and yet there was still blood/DNA on the motel room door and GSR on Appellant’s shorts. (R. pp. 159–163, 467–474, 486–496). Viewing all this evidence combined in a light most favorable to the State, the State presented substantial circumstantial evidence to warrant sending the case to the jury. This Court erred in holding otherwise.

⁵ “Unresponsive” seems to be a particularly evasive description of Victim’s condition given that she was clearly deceased with a gunshot wound to her forehead. (*See* State’s Ex. 4).

⁶ In closing argument, the solicitor noted that Appellant did something similar on the 911 call—first crying but then proceeding to explain everything he did that morning. (*See* R. pp. 779–780).

II. This Court committed an error of law in improperly weighing Appellant’s evidence against the State’s and in otherwise finding that Appellant presented “significant evidence of an alibi defense” when such a defense was severely compromised from the beginning and only further corroborated the State’s theory that the alibi was concocted after the murder

In the opinion, this Court acknowledged that under *State v. Hepburn*, 406 S.C. 416, 753 S.E.2d 402 (2013), in its adoption of the waiver rule, this Court may consider the evidence presented by the defense in addition to the State’s case-in-chief when assessing the propriety of the denial of directed verdict.⁷ Thus, acknowledging the evidence in Appellant’s case *itself* was not error. What Respondent contends is error, however, is how this Court improperly weighed such evidence in violation of the standard of review, and such weighing was also not factually supported by the record. Appellant’s alibi defense was not “significant” as described by this Court because it was doomed from the start by uncontroverted expert testimony locking in a forensic timeline that contradicted the alibi testimony that followed. Appellant’s own data expert testified that Appellant’s phone location data was consistent with being at or near the Forest Motel between 8:07 AM and 8:27 AM, at which point he left, and then shows him arriving back at the motel around 9:45 AM. The data extracted from Victim’s phone showed that the last recorded activity on Victim’s phone was at 8:09 AM and 8:12 AM.⁸ (R. pp. 573–574, 579–580).

⁷ As discussed further below, Respondent contends that properly applying the waiver rule in this case would further support a finding that denying directed verdict was proper given the weakness and internal contradictions of Appellant’s defense. *Cf. State v. Thompkins*, 220 S.C. 523, 526, 68 S.E.2d 465, 466 (1951) (“[I]n determining the sufficiency of the evidence to support the verdicts, we must consider the entire testimony, including that offered by appellants. . . . ‘We know of no reason why the defendant in a criminal court, who is not content to leave the [government’s] case where he finds it, should escape a just conviction simply because he has, unfortunately for himself, completed the proof of his own guilt.’”) (quoting *Commonwealth v. George*, 42 Pa. C.C. 643 (1914)).

⁸ Based on testimony elicited by the State regarding Appellant’s controlling behavior of Victim, the activity on Victim’s phone during this timeframe supports an inference of Appellant staging the scene to help fabricate his alibi—or alternatively that Victim was killed sometime after her last

If anything, this information only further corroborates the State’s theory that Appellant killed Victim sometime early that morning, left, returned back to the motel to fabricate his claim that he found Victim alive and well, cleaned himself up and changed his shirt, left, and returned approximately an hour later around 9:45 AM to place the 911 call and act like he just discovered Victim dead, in addition to thereafter placing calls to Victim’s family on *Victim’s phone*. (R. pp. 582–585).⁹ Furthermore, the location data of Appellant’s phones locks in a forensic timeline and thus raises credibility issues for Appellant’s other alibi witnesses when recounting their own timeline—credibility issues that *this* Court does not have the direct benefit of fully grasping *as the trial court and jury does*. See *State v. Tillman*, 433 S.C. 58, 64–65, 856 S.E.2d 168, 172 (Ct. App. 2021) (“[I]t was within the jury’s purview to determine what each piece of evidence meant, how the pieces fit together, and whether the sum of the evidence was sufficient to convict Tillman.”) (citing *State v. Mealor*, 425 S.C. 625, 654, 825 S.E.2d 53, 69 (Ct. App. 2019)).

Appellant’s first alibi witness, Danielle Smith, testified that Appellant picked her up from her house off Simmonsville Road around “[m]aybe 8:30 or nine o’clock, something like that” despite being asked if she initially told law enforcement that Appellant arrived around 7:30 AM. She equivocated in her answer until she was shown a transcript. (R. pp. 619–620, 622–625). After being picked up, Smith testified that Appellant stopped at the motel so Appellant could pick up his wallet. Smith first testified that he was inside for “one or two minutes,” but then clarified that Appellant was inside for no more than five minutes. They then drove to Smith’s grandmother’s house in Pineland which took about 15 to 20 minutes in total. (R. pp. 626–629). Smith conceded

phone activity but before the conclusion of the 20 minute timeframe Appellant was back at the motel. Either way, these reasonable inferences support the State’s case, not Appellant’s.

⁹ The solicitor made a point of noting that Appellant told 911 he had returned to the motel to “get his wallet.” (R. pp. 617–618).

on cross-examination that she was cousins with Appellant and that she had memory issues after an accident. (R. pp. 630–632). Based on the testimony of Appellant’s own data expert, Smith’s claim that they stopped at the motel for only a couple of minutes is contradicted by the fact that Appellant’s phones were in the vicinity of the motel for approximately 20 minutes, not ‘only a minute or two’ or ‘less than five.’ (R. pp. 569–570).

Piavin Patel, the motel owner, testified he usually gets to work between 8:00 or 8:30 AM to begin cleaning the rooms yet did not specifically state when he arrived that morning. Patel further testified that he saw Appellant pull up in his car before going to his utility room for a “couple of hours” until he heard Appellant crying and went to his room. Patel could not remember what color shirt Appellant was wearing. On cross-examination, however, Patel testified that he was running late that morning and saw Appellant arrive around 9:45 AM when he had started cleaning. (R. pp. 597–602, 605–606). Thus, Patel’s testimony was vague at best, failed to contradict the State’s theory, or otherwise failed to disprove that Appellant had motive, means, and opportunity to kill Victim.

Appellant’s own testimony, however, was by far the most flawed and damaging to his own case.¹⁰ Appellant described that morning as follows. First, he left the motel early that morning and stopped at a gas station called Parker’s on the way to Beaufort to pick up his other girlfriend Ashley Dodson in order to take her to work. At the gas station, Appellant got under the vehicle to fix a piece of trim or cover that was dragging under the car. Then, he described picking up Ashley in

¹⁰ Respondent notes that Appellant also presented the testimony of his uncle and his mother not for the purpose of establishing alibi, but more so in an attempt to admit into evidence a Batman shirt alleged to have been worn by Appellant the morning of the murder. Notably, this shirt only happened to be discovered by Appellant’s mother at the start of trial almost two years after the murder. As such, given the clear authentication issues and probability of gamesmanship, the trial court sustained the State’s objection, and the shirt was not permitted to be entered into evidence. State investigators never found a Batman shirt. (See R. pp. 647–665).

Beaufort and driving her to McDonalds in Bluffton where she worked. Then, Appellant drove to Simmonsville Road to pick up his cousin Danielle, arriving there around 7:17 or 7:18 AM. (R. pp. 713–715, 718–722). After picking her up, Appellant stated that he returned to the hotel to pick up his cigarettes and wallet, also noting that he had left Victim some cigarettes, his gas was low, and that he left most of his money in the room. (R. p. 723). Upon arriving at the motel, Appellant testified that Victim was laying down but got up when he opened the door and that they “conversed for a little bit.” He also used the bathroom, got his cigarettes, his wallet, and told Victim they would figure out the rest of the day when he got back. Appellant stated this only lasted a “couple minutes.” (R. pp. 724–725, 729–730). Thereafter, he drove Danielle to Pineland and then to his uncle’s house, where he finished fixing the broken trim under his car. While at his uncle’s house, Appellant claims he changed from a Batman shirt to a red Adidas shirt. Appellant then stated he returned to the motel and found Victim dead. (R. pp. 725–731).¹¹ When asked on direct if he ever owned a gun, Appellant gave an equivocal response stating he did not really own a gun but had one in his possession a month before Victim’s death. He stated he sold it to his cousin for “a hundred bucks.” (R. pp. 739–740).

On cross-examination, the solicitor picked up on the topic of firearms, asking Appellant if he recalled telling SLED he sold his gun for \$900. He did not recall. Appellant also denied *anyone* seeing him with a blue gun and, when asked if he never had a blue gun, stated: “There would have been one at the scene if I did.” Next, the solicitor asked Appellant if he recalled his written statement to law enforcement that Victim was still asleep when he left her for the last time and whether he failed to mention having a conversation with Victim in this statement. Appellant was

¹¹ Notably, not one time did Appellant mention driving by Paige’s house that morning despite Paige testifying during the State’s case-in-chief that Appellant drove by her house around 8:00 AM that morning, honked, and said hi. (R. pp. 329–330).

also asked if he recalled telling law enforcement that he touched Victim and moved her head, as well as reenacting this moment. (R. pp. 741–745). Appellant explained that he was going to get gas only after picking up Victim again later despite him saying he needed to pick up his wallet before going to Pineland. (R. pp. 746–747). When asked about his relationship with Victim, Appellant admitted it was true that he hid his relationship with his other girlfriend Ashley from Victim until Victim looked through his phone and asked him about it. Appellant also acknowledged telling SLED that Victim was insecure about this other relationship. (R. p. 748–751). When asked why he never told SLED about fixing the dust cover and changing his shirt at his uncle’s house, Appellant stated he did not think it was necessary. (R. pp. 754–755). Finally, the solicitor pointed out that Appellant attempted to suggest on the 911 call that Victim’s sister Desiree may have been responsible based on an altercation they had a month prior. (R. pp. 758–760).

In sum, Appellant’s direct testimony contradicted his own forensic evidence that placed him at the motel for 20 minutes—and his evasive, dodgy, and contradicting responses on cross-examination only further undermined his own defense. Thus, assessing this evidence properly as a factual matter only supports the trial court’s conclusion that directed verdict was not warranted in this case. This Court erred not only in weighing this evidence against the State’s, but also as a factual matter in characterizing the evidence as supporting Appellant’s defense.

As a last point, Respondent contends that this Court relied too heavily on comparisons to decisions in other directed verdict cases rather than properly assessing the evidence in this case. At the end of the Supreme Court’s decision in *Bennett* affirming the trial court’s denial of directed verdict and thus reversing a contrary decision of this Court, the Supreme Court noted that while the defendant in that case argued the evidence was more tenuous than in *Arnold, supra*, and in *State v. Bostick*, 392 S.C. 134, 708 S.E.2d 774 (2011), two other cases where the Supreme Court

reversed the denial of directed verdict, that it “recognize[d] in this area of ever-evolving jurisprudence our inquiry is necessarily fact-intensive; *therefore, the holdings in those cases are limited to their peculiar facts.*” 415 S.C. at 237, n.1, 781 S.E.2d at 354, n.1 (emphasis added). As such, Respondent contends that comparisons to other cases are only marginally helpful in applying the proper standard of review in this case.

Bennett’s other analysis is also instructive as to the issue Respondent raises regarding this Court’s improper assessment of Appellant’s defense. In *Bennett*, this Court had found that the evidence presented placed the defendant generally at the location where the crime occurred, but it disagreed with the State’s assertion that the evidence placed him at the scene of the crime. *Id.* at 236, 781 S.E.2d at 354. The Supreme Court noted the following regarding this flawed analysis in reversing the denial of directed verdict:

In our view, this discussion clearly indicates the court of appeals weighed the evidence and reversed based *on its conclusion that there was a plausible alternative theory inconsistent with Bennett’s guilt.* This is contrary to our jurisprudence and misapprehends the court’s role making this determination. As this Court clarified in *State v. Littlejohn*, 228 S.C. 324, 89 S.E.2d 924 (1955), the lens through which a court considers circumstantial evidence when ruling on a directed verdict motion is distinct from the analysis performed by the jury. Within the jury’s inquiry, “it is necessary that every circumstance relied upon by the state be proven beyond a reasonable doubt; and that all of the circumstances so proven be consistent with each other and, taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis.” *Id.* at 328, 89 S.E.2d at 926. However, when ruling on a directed verdict motion, the trial court views the evidence in the light most favorable to the State and must submit the case to the jury if there is “any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced.” *Id.* at 329, 89 S.E.2d at 926. Therefore, although the jury must consider alternative hypotheses, *the court must concern itself solely with the existence or non-existence of evidence from which a jury could reasonably infer guilt. This objective test is founded upon reasonableness.*

Id. (emphasis added).¹²

This Court was required to view the evidence in this case in the light most favorable to the State and failed to do so. *See Bennett; Harry, supra*. As such, Respondent respectfully asks this Court to properly assess the evidence in this case and find that there was significant, substantial circumstantial evidence to warrant sending this case to the jury. Appellant’s convictions should stand on a well-supported guilty verdict.

¹² *See also State v. Harry*, 420 S.C. 290, 299, 803 S.E.2d 272, 277 (2017) (“The excellent opinion of the court of appeals analyzed the evidence appropriately in light of the applicable standard of review. The dissent [*id.* at 301–305, 803 S.E.2d at 278–80] cites the proper standard of review, *but rejects it in application, preferring instead to recast the evidence in a light favorable to Petitioner.*”) (emphasis added).

CONCLUSION

WHEREFORE, Respondent asks this Court to grant rehearing and to affirm the trial court's denial of Appellant's motions for directed verdict.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

P. SANDERS LINKER
Assistant Attorney General

ISAAC "DUFFIE" STONE, III
Solicitor, Fourteenth Judicial Circuit

BY: 

P. Sanders Linker
S.C. Bar No. 107688

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-0918

ATTORNEYS FOR RESPONDENT

Columbia, South Carolina
July 13, 2026

RECEIVED

Jul 13 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY
Honorable Robert J. Bonds, Circuit Court Judge

Appellate Case No. 2022-001213

THE STATE, RESPONDENT

v.

BRIAN JAMEL REDDING, APPELLANT.

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order of April 24, 2024, the Notice of Appearance and Petition for Rehearing, along with Certificate of Service has been forwarded to Petitioner's counsel, Lara M. Caudy, Esquire via email today, July 13, 2026 to lcaudy@sccid.sc.gov and to her assistant smcinnis@sccid.sc.gov .

I further certify that all parties required by Rule to be served have been served.

This 13 day of July 2026.

s/P. Sanders Linker
P. Sanders Linker
Assistant Attorney General

RECEIVED

Jul 13 2026

SC Court of Appeals

From: [Brittany Kilgore](#)
To: lcaudy@sccid.sc.gov; smcinnis@sccid.sc.gov
Cc: [Sanders Linker](#)
Subject: Redding - Notice of Appearance and Petition of Rehearing
Date: Monday, July 13, 2026 12:29:00 PM
Attachments: [Notice of Appearance - Redding .pdf](#)
[image001.png](#)
[Petition for Rehearing - Redding, Brian.pdf](#)

Counsel, please find attached, the State's Notice of Appearance and Petition for Rehearing in the above reference appeal. These will be electronically filed with the South Carolina Court of Appeals on today's date,

Thank you,



Brittany Kilgore

Brittany Kilgore, Legal Assistant | 803-734-1494|
Office of the South Carolina Attorney General
P.O. Box 11549 | Columbia, SC 29211

The South Carolina Court of Appeals

The State, Respondent,

v.

Brian Jamel Redding, Appellant.

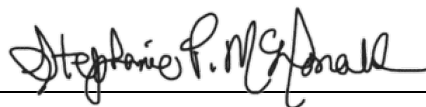
Appellate Case No. 2022-001213

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
Lara Mary Caudy, Esquire
Deborah R.J. Shupe, Esquire
Isaac McDuffie Stone, III, Esquire
Paul Sanders Linker, Jr., Esquire
The Honorable Robert J. Bonds

FILED
Jul 21 2026