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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge

CLARENCE W. JENKINS, JR.,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-002211

APPENDIX

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STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS

2011-GS-23-7258A;

2008-GS-23-8409

STATE OF SOUTH CAROLIAN)

PLAINTIFF)

vs.)

CLARENCE JENKINS)

DEFENDANT)

COPY

TRANSCRIPT OF RECORD

VOLUME I

April 9-13, 2012
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, Judge; and a jury.

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1 April 9, 2012

2 THE COURT: Anybody ready to go?

3 MR. WILKINS: State's ready, Your Honor.

4 MR. MAULDIN: Your Honor, one minute. We've
5 got -- for housekeeping purposes, we've got probably a
6 half dozen or so motions that still remain unheard. Want
7 to get an idea of what the Judge, you, would like to do
8 with regard to sequence.

9 THE COURT: Well, what -- any of them pertain to
10 picking the jury?

11 MR. MAULDIN: No.

12 THE COURT: Why can't we just pick the jury and
13 then deal with it. Is there any reason?

14 MR. MAULDIN: Pick the jury and then send them
15 to lunch or whatever, go that direction? Is that...

16 THE COURT: I don't know, I might send them back
17 there and make them wait back there and tell them we're
18 doing your motions.

19 MR. MAULDIN: Tell them I'm keeping them
20 waiting.

21 THE COURT: Yeah. Let's just get the jury
22 picked.

23 MR. MAULDIN: A couple of things on the actual
24 mechanics of the jury selection, we're going ask that the
25 jurors be asked to come forward and turn.

1 THE COURT: Why?

2 MR. MAULDIN: Otherwise, I guess -- I just think
3 it makes for a little smoother operation. But if the
4 Court--

5 THE COURT: I have rather have them stand in
6 place. Moves a little more quickly.

7 MR. MAULDIN: We'll adjust to that, Your Honor.

8 THE COURT: Okay.

9 MR. MAULDIN: We did just this morning, after
10 the jury was qualified, we were given the NCIC reports
11 this morning.

12 THE COURT: Yeah.

13 MR. MAULDIN: Because of that, we're going to
14 have a little bit of a scramble each time a name is called
15 because we don't know -- we're going to have to see if any
16 of the information that they provided us is in the quite
17 large stack of material. I'm going to ask that once a
18 juror's name is called, instead of the State being asked
19 to act and then having to wait on us, I'm going to ask
20 that the Court wait to ask the State or us to make sure
21 we're both prepared to act on the strike. And the
22 reason--

23 THE COURT: Have y'all seen how many of these
24 people have an NCIC background?

25 MR. WILKINS: Approximately 12, 15 total. I

1 don't know which ones are going to be up in our panel.

2 MR. MAULDIN: We've got -- about 20 have been
3 identified to have NCIC packs. We're not going to know
4 until you call their name. And I wanted for us to check.

5 THE COURT: We'll see if we can't streamline
6 this a little bit. I'm going to get the jury list, then
7 you all tell me who the 10 or 20 are, we'll find out which
8 ones are on our list, that way you'll know which ones to
9 look for.

10 MR. MAULDIN: I tell you, Judge, I tell you what
11 we could do, I can just hand you my list, you can look
12 down the list and identify the ones we need to pull NCIC
13 on.

14 THE COURT: That's what I'm talking about.
15 Don't hand it to me yet, let me get my jury list.

16 MR. MAULDIN: But we're going to want this back,
17 obviously, but it just gives you an opportunity to preview
18 the list. And you can tell us which ones on that list we
19 need to be prepared for.

20 THE COURT: Do the same for both of you, we'll
21 tell you which ones.

22 MR. WILKINS: That's fine.

23 While we're doing that, the State will send up a
24 list of its witnesses so that you can --

25 THE COURT: Yeah, I'd like to see the witness

1 list and any voir dire.

2 MR. MAULDIN: We do not have a witness list
3 prepared. We'll be glad to give you a witness list before
4 opening statement, but we don't have a witness list
5 prepared at this point.

6 THE COURT: Well, how are we going to question
7 the jury?

8 MR. MAULDIN: Well, we can attempt to prepare a
9 witness for you, Your Honor.

10 THE COURT: Yeah, let's get that done so we can
11 find out.

12 MR. MAULDIN: We can put that together in about
13 two minutes, Your Honor.

14 THE COURT: Now, I'm going to call these out in
15 numerical order. These are the ones -- according to the
16 list that Mr. Mauldin gave me, these are the ones that are
17 on our potential jury list: 25, 74, 157, 205, 238. But
18 you won't know if they're called or not until we get
19 there.

20 MR. MAULDIN: Thank you, Your Honor.

21 THE COURT: Okay.

22 MR. MAULDIN: We're still working on that.

23 MR. WILKINS: Your Honor, one brief housekeeping
24 measure.

25 THE COURT: Wait a minute, what happened to the

1 jury list? I don't have the witness list for the State.

2 THE CLERK: Oh, I'm sorry, I thought you said
3 jury list.

4 THE COURT: All right.

5 MR. WILKINS: Your Honor, the State is going to
6 ask Your Honor to amend the murder indictment -- we've
7 discussed this previously, the Defense has no objection --
8 to change the date from the 10th day of April, 2008, of
9 the alleged offense to the 6th day of April, 2008.

10 MR. MAULDIN: No objection.

11 THE COURT: All right. Now, on the kidnapping,
12 it's between four and six, you want to leave that the
13 same?

14 MR. WILKINS: Yes, sir, that stays the same.

15 THE COURT: All right.

16 MR. MAULDIN: Your Honor, we have passed to the
17 State our voir dire questions, specific voir dire
18 questions, that we ask that the Court review. And
19 Ms. Ross will be presenting that for your consideration.

20 THE COURT: Does the State have any?

21 MR. WILKINS: Special voir dire, no, sir, no
22 special voir dire from the State.

23 THE COURT: All right. Y'all review theirs and
24 see what you think.

25 MS. ROSS: Judge, I didn't date it, I apologize.

1 MR. WILKINS: Your Honor, the State has briefly
2 reviewed the Defendant's request for voir dire. We only
3 have two small issues. I'm going to request No. 4. Does
4 any member of the jury panel personally have any
5 religious, political or social, business associations? If
6 they can just say with any witness or attorney, not
7 prosecution witness or prosecutor, just any witness or
8 attorney. We would have no problem with that.

9 MS. ROSS: We have no objection that.

10 THE COURT: Yeah. I'm not going to ask that
11 one, that's in my standard stuff. The only one I've got a
12 problem with his No. 5, I don't think I'm going to ask
13 that.

14 MR. WILKINS: You solved my problem.

15 THE COURT: Okay.

16 MS. ROSS: All right. Judge, we would just
17 stand by our request on that.

18 THE COURT: Okay.

19 MS. ROSS: For the record.

20 THE COURT: All right. Anything else? Y'all
21 ready?

22 MR. MAULDIN: Well, we ask that go into the
23 record, Your Honor. We haven't filed anything, but I
24 assume it goes in the record.

25 THE COURT: You got another copy?

1 MS. ROSS: Sure.

2 (WHEREUPON, Court's Exhibit No. 1 was marked for
3 identification and received into evidence.)

4 THE COURT: All right. So everybody knows when
5 the jury comes in, I do ask the attorneys to stand and
6 identify themselves and the other persons at their counsel
7 table. And, of course, Mr. Mauldin, I ask you to identify
8 your client as well. Okay.

9 All right. Anything else before we bring the
10 jury up?

11 MS. ROSS: Just briefly. We have three people
12 in the courtroom that we would like to keep on the front
13 row, if possible. We were told they will have to move to
14 make room for the jury, but I think there would be -- I
15 mean, if there's not enough room --

16 THE COURT: Everybody else has to move, they'll
17 have to move. The jury sits on that side and the front
18 rows back until they fill it up. We've got 40 people
19 coming.

20 MS. ROSS: Thank you, Judge.

21 THE COURT: So where will that go, Gaynell?

22 THE CLERK: I don't know, this is a little
23 courtroom.

24 THE COURT: Just sit on the back row so that the
25 jury is on the front.

1 MR. WILKINS: Your Honor, briefly, another
2 issue. We just discovered that Juror No. 238 that has a
3 NCIC report that you just identified has a disqualifying
4 conviction in his record.

5 THE COURT: What is the conviction?

6 MR. WILKINS: Receiving stolen goods greater
7 than \$1000 back in '99. It's five years suspended with 18
8 months probation?

9 MS. ROSS: We would have on objection. He's got
10 a job and wants to transfer anyway.

11 MR. WILKINS: He was unhappy about being here.

12 MS. ROSS: Yes, we have on objection.

13 THE COURT: Well, we've got a couple hundred
14 unhappy about being here.

15 MR. MAULDIN: So 238 is now out of the pool?

16 THE COURT: Yeah.

17 How many strikes y'all get?

18 MS. ROSS: Ten.

19 MR. WILKINS: Ten and 5.

20 (WHEREUPON, the jury venire enters the
21 courtroom.)

22 THE COURT: All right. Ladies and gentlemen, I
23 want to welcome you up to courtroom No. 4. I'd also like
24 to introduce myself. My name is Ned Miller. And I am a
25 circuit court judge. I'm proud to be from Greenville

1 County, so I am one of your local circuit judges. I am
2 holding a week of general sessions court, which would be
3 more commonly known as criminal court. And you all have
4 been qualified to serve this week downstairs, generally,
5 as jurors. And now, you all have been randomly selected,
6 brought up to this courtroom and we will now qualify you
7 to serve in this particular case. So I'm going to -- and
8 to do that, I need to ask a few more questions. Of
9 course, please remember that you are under oath and you
10 are required to provide truthful and full responses to the
11 questions.

12 Before I begin the questioning though, let me
13 introduce the case to you. There are two indictments in
14 this trial. The first indictment is indictment number
15 2011-7258A, the State of South Carolina vs. Clarence
16 Williams Jenkins. It's an indictment for kidnapping.
17 This indictment alleges that William -- excuse me,
18 Clarence Williams Jenkins did in Greenville County between
19 April 4 of 2008 and April 6 of 2008, unlawfully seize,
20 abduct, confine, inveigle, decoy or carry away Mekole
21 Harris without authority of law. Now, the second
22 indictment is indictment number 2008-8409, this is the
23 State of South Carolina vs. Clarence Williams Jenkins and
24 this is an indictment for murder. This indictment alleges
25 that Clarence Williams Jenkins did in Greenville County on

1 or about the 6th day of April, 2008, unlawfully and with
2 malice aforethought kill Mekole Harris in violation of the
3 statute and laws of the State of South Carolina.

4 Now, ladies and gentlemen, to these two
5 indictments, Mr. Jenkins has pled not guilty. And as
6 such, certain rights attach, which belong to every citizen
7 in this country. And those are that any citizen or any
8 person who is charged with a crime is presumed to be
9 innocent unless and until the charging body, which in this
10 case is the State, can prove to a jury beyond any
11 reasonable doubt each and every element of each offense
12 that a person is charged with. Please keep that in mind
13 throughout the course of these proceedings. Those are the
14 basic foundational building blocks of our justice system.
15 They are very important and they are rights that belong to
16 everyone.

17 I would also tell you that before we get started
18 with the questioning that these two indictments, which
19 I've read to you or what we say published into the record
20 are nothing more than they appear to be. And that is
21 pieces of paper. You should take no inference, make no
22 presumption from the fact that these documents have been
23 issued. They are only simply the formal documents which
24 allow this case to wind its way through our system to
25 arrive here in court for resolution. So, please, remember

1 that as well.

2 Now, ladies and gentlemen, before I begin the
3 questioning, I am going to ask the lead attorney for each
4 side to, please, stand, introduce themselves, their office
5 and the other folks that are with them.

6 MR. WILKINS: Thank you. May it please the
7 Court.

8 THE COURT: Yes, sir.

9 MR. WILKINS: My name is Walter Wilkins, I'm the
10 prosecutor in this case. I'm a prosecutor here in
11 Greenville County. This is George Campbell and Betty
12 Strom. They are prosecutors with Greenville County
13 Solicitor's Office as well and they will be assisting me
14 in trying this case, and Malia Graham will also be
15 assisting us.

16 THE COURT: All right. Thank you very much.
17 Mr. Mauldin.

18 MR. MAULDIN: May it please the Court?

19 THE COURT: Yes, sir.

20 MR. MAULDIN: My name is John Mauldin. I'm the
21 public defender for Greenville and Pickens County 13th
22 judicial circuit. I, along with Susannah Ross and Mark
23 McDougal, represent Clarence Jenkins, who is the person
24 charged in the case.

25 Thank you, Judge.

1 THE COURT: All right. Thank you very much.

2 All right. Ladies and gentlemen of the jury, is
3 there any member of the jury panel who is related by blood
4 or marriage or who has a business, personal or social
5 relationship with any of the attorneys involved in this
6 case or any member of their respective offices? If so,
7 these stand.

8 (There was no response.)

9 THE COURT: Okay. Any member of the jury panel
10 related by blood or marriage or who has a business,
11 personal or social relationship with either Mr. Clarence
12 Williams Jenkins, the Defendant in these cases, or with
13 the alleged victim, Mekole Harris? If so, please stand.

14 (There was no response.)

15 THE COURT: All right. Is there any member of
16 the jury panel who has ever been the victim of a violent
17 crime? If so, please stand.

18 All right. Yes, ma'am. If you would for me,
19 please, give me your name and juror number.

20 PROSPECTIVE JUROR: My name is Megan Henson, I'm
21 No. 97.

22 THE COURT: Okay. And tell me.

23 PROSPECTIVE JUROR: I was the victim of assault
24 and battery charge second degree.

25 THE COURT: Okay. When did that occur?

1 PROSPECTIVE JUROR: Actually, a year ago today.

2 THE COURT: All right. Would the fact that you
3 have been a victim of that case impair your ability to be
4 fair and impartial in this case to both the State and the
5 Defense?

6 PROSPECTIVE JUROR: I would be impartial.

7 THE COURT: Could you listen to the evidence,
8 weigh it objectively and follow the law as I would give it
9 to you?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: All right. Thank you very much,
12 ma'am. I appreciate that.

13 All right. Now, I would tell you, ladies and
14 gentlemen, this case involves charges of kidnapping,
15 murder and dismemberment. Is there any member of the jury
16 panel who cannot put aside their emotions and render a
17 fair and impartial decision in this case based on the
18 evidence as you will hear it in this courtroom and the law
19 as I would give it to you? If you cannot do that, please
20 stand.

21 (There was no response.)

22 THE COURT: All right. Does any member of the
23 jury panel financially support, volunteer or work with
24 victim or law enforcement related services? Examples
25 might be MADD, SADD or CAVE. If so, please stand.

1 (There was no response.)

2 THE COURT: Is there any member of the jury
3 panel who is related by blood or marriage to any law
4 enforcement officer, state constable or other person
5 having authority to enforce the laws of the State, the
6 County or the City? If so, please stand.

7 Yes, ma'am, your name and number, please, ma'am?

8 PROSPECTIVE JUROR: Jody Brown, Juror No. 30.

9 THE COURT: Okay. Who are you related to?

10 PROSPECTIVE JUROR: My ex-husband is a law
11 enforcement officer.

12 THE COURT: Okay. Would the fact that you have
13 that relationship impair your ability to be fair and
14 impartial in this case?

15 PROSPECTIVE JUROR: No, sir.

16 THE COURT: All right. Thank you, ma'am.

17 Yes, ma'am, your name and number?

18 PROSPECTIVE JUROR: Lori Bouy, No. 24. My
19 brother works at the Greenville County jail.

20 THE COURT: He does what?

21 PROSPECTIVE JUROR: He's an officer at the
22 Greenville County jail.

23 THE COURT: He's a detention officer?

24 PROSPECTIVE JUROR: Yeah.

25 THE COURT: All right. Would the fact that he

1 is a detention officer impair your ability to be fair and
2 impartial in this case?

3 PROSPECTIVE JUROR: No.

4 THE COURT: All right. Thank you, ma'am.

5 Yes, ma'am, your name and number?

6 PROSPECTIVE JUROR: Carolyn Stancell, I think
7 it's 195.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR: 196, excuse me. Diane Cagle
10 is a distant cousin of mine.

11 THE COURT: Would the fact that you're related
12 to Diane Cagle impair your ability to be fair and
13 impartial in this case?

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: All right. Thank you, ma'am.

16 Yes, sir, your name and number?

17 MR. MAULDIN: Was that 195 or 196?

18 PROSPECTIVE JUROR: 196, sir.

19 THE COURT: Yes, sir, your name and number?

20 PROSPECTIVE JUROR: John Reid.

21 MR. MAULDIN: It's 195.

22 THE COURT: Wait a minute, hang on. What is it?

23 PROSPECTIVE JUROR: 195.

24 THE COURT: 195, okay.

25 Yes, sir, I'm sorry.

1 PROSPECTIVE JUROR: My name is John Reid, No.
2 167. I have a cousin that's a deputy with the Greenville
3 County Sheriff's Office.

4 THE COURT: All right. Would the fact that you
5 have that relationship impair your ability to be fair and
6 impartial in this case?

7 PROSPECTIVE JUROR: No, sir.

8 THE COURT: All right. Thank you very much.
9 Yes, ma'am, your name and number?

10 PROSPECTIVE JUROR: Teresa Ashley, Juror 11.
11 One of my in-laws works at one of the prisons locally.

12 THE COURT: Okay, an officer with the Department
13 of Corrections?

14 PROSPECTIVE JUROR: Right.

15 THE COURT: All right. Would the fact that you
16 have that relationship impair your ability to be fair and
17 impartial in this case?

18 PROSPECTIVE JUROR: No.

19 THE COURT: All right. Thank you, ma'am.
20 Your name and number?

21 PROSPECTIVE JUROR: Jamie Jolly, No. 115. My
22 father-in-law is a Greenville County deputy.

23 THE COURT: All right. Would the fact that you
24 have that relationship impair your ability to be fair and
25 impartial in this case?

1 PROSPECTIVE JUROR: No.

2 THE COURT: All right. Thank you, ma'am.

3 PROSPECTIVE JUROR: What was the number on that
4 one?

5 THE COURT: 115, Mr. Mauldin.

6 MR. MAULDIN: All right.

7 THE COURT: All right. Is there any member of
8 the jury panel who has any knowledge about the events that
9 are alleged in the indictment? If so, please stand.

10 (There was no response.)

11 THE COURT: Okay. Is there any member of the
12 jury panel who is aware of any bias or prejudice towards
13 either the State or the Defendant? If so, please stand.

14 (There was no response.)

15 THE COURT: Now, there's been media coverage of
16 this case. That is not evidence for you to consider in
17 the trial. If there's any member of the jury panel who
18 has heard anything about this case and maybe as the case
19 develops, someone may recall something. Is there any
20 member of the jury panel who could not put aside the media
21 coverage that you may have seen or your emotions and
22 render a fair and impartial verdict in this case based
23 only on the evidence received in this courtroom and the
24 law as I would give it to you? If you cannot do that,
25 please stand.

1 (There was no response.)

2 THE COURT: Okay. Thank you. Anything further
3 from the State?

4 MR. WILKINS: Nothing from the State, Your
5 Honor.

6 THE COURT: From the Defense?

7 MR. MAULDIN: Nothing further, Your Honor.

8 THE COURT: All right.

9 One other thing I forget to do, ladies and
10 gentlemen, I need to -- I've got potential witnesses who
11 are going to testify in the case. So, please, listen
12 carefully. There is a fairly length witness list. I'm
13 going to need to know if you have a relationship with any
14 of these people: Amber Allen, formerly with the City
15 Police Department; Moudin Armstrong, from St. Louis,
16 Missouri; Brandi Bolt, Spartanburg, South Carolina; Sue P.
17 Bostic, Greenville, South Carolina; Judon Burnside; Tim
18 Conroy with the City Police Department; Grace Davis;
19 Marquise Davis; Dale Dirton; David Edgars; Collis Flavell
20 with the City Police Department; Rick Floyd, formerly with
21 the City Police Department; David Garrison with the City
22 Police Department; Verona Gibson with State Law
23 Enforcement Division; Eric Harris; Greg Hester; Carmen
24 Jenkins; Jackie Kellet with the Greenville County Forensic
25 Division; Ron Lendway with the Greenville County Forensic

1 Division; Sandy Mayes; Chris Miller with the sheriff's
2 office; Loretta Norris; Scott Odom with the City Police
3 Department; Gerald Osteen; Mike Petersen with the County
4 Forensic Division; Tom Sacco; Dar Shaw with the forensic
5 division; Rene Sherbert, formerly with the County Forensic
6 Division; Paul Silvaggio, formerly with the County
7 Sheriff's Office; Trey Skardon with the City Police
8 Department; Robin Taylor with the State Law Enforcement
9 Division; Dr. Michael Ward; Vivian Young; Shanik Robinson;
10 Myrtle Gibbs; Janese Gibbs; Robert Bowens; Ricci
11 Halavonich; Kim Collins and Micky Dawson.

12 All right. Is there any member of the jury
13 panel who is related by blood or marriage or who has a
14 business, personal or professional relationship with any
15 of those potential witnesses whose names I have just read?
16 If so, please stand.

17 (There was no response.)

18 THE COURT: Okay. All right. Ladies and
19 gentlemen, we're going to engage now in the process of
20 striking the jury. Kind of a frightening proposition
21 isn't it? We would ask you when your name is called, to,
22 please, stand in place and be patient while the attorneys
23 review their notes and determine whether they think you
24 would be an appropriate juror in this case.

25 All right.

1 THE CLERK: Juror No. 115, Jamie Jolly.
2 (Jamie Jolly, a white female, came forward.)
3 THE CLERK: What says the State?
4 MR. WILKINS: Please seat the juror.
5 THE CLERK: Thank you.
6 What says the Defendant?
7 MR. MAULDIN: Excuse Ms. Jolly in this case,
8 please.
9 THE CLERK: Thank you. You may be seated.
10 You're excused from the trial of this case.
11 Juror No. 74, David Gottler.
12 (David Gottler, a white male, came forward.)
13 THE CLERK: What says the State?
14 MR. WILKINS: Please seat the juror.
15 THE CLERK: What says the Defendant?
16 MR. MAULDIN: Swear Mr. Gottler in this case,
17 Your Honor.
18 THE CLERK: Thank you. Would please bring your
19 belongings and have a seat in the jury box.
20 Juror No. 168, Suzanne Rhodes.
21 (Suzanne Rhodes, a white female, came forward.)
22 THE CLERK: What says the State?
23 MR. WILKINS: Please seat the juror.
24 THE CLERK: Thank you.
25 What says the Defendant?

1 MR. MAULDIN: Please swear Ms. Rhodes in this
2 case.

3 THE CLERK: Thank you. You may be seated in the
4 jury box.

5 Juror No. 166, John Reese.

6 (John Reese, a white male, came forward.)

7 THE CLERK: What says the State?

8 MR. WILKINS: Please seat the juror.

9 THE CLERK: Thank you.

10 What says the Defendant?

11 MR. MAULDIN: Excuse Mr. Reese in this case,
12 please.

13 THE CLERK: Thank you. You may be seated.
14 You're excused from the trial of this case.

15 Juror No. 169, Gregory Rice.

16 (Gregory Rice, a white male, came forward.)

17 THE CLERK: What says the State?

18 MR. WILKINS: Please seat the juror.

19 THE CLERK: What says the Defendant?

20 MR. MAULDIN: Swear Mr. Rice in this case.

21 THE CLERK: Thank you. You may be seat in the
22 jury box.

23 Juror No. 26, Cheryl Brilla.

24 (Cheryl Brilla, a white female, came forward.)

25 THE CLERK: What says the State?

1 MR. WILKINS: Please seat the juror.

2 THE CLERK: Thank you. What says the Defendant?

3 MR. MAULDIN: Please swear the juror.

4 THE CLERK: Thank you. You may be seated in the
5 jury box.

6 Juror No. 121, Curtis Lee.

7 (Curtis Lee, a white male, came forward.)

8 THE CLERK: What says the State?

9 MR. WILKINS: Please excuse the juror.

10 THE CLERK: Thank you. You may be seated.
11 You're excused in the trial of this case.

12 Juror No. 90, Mark Harrell.

13 (Mark Harrell, a white male, came forward.)

14 THE CLERK: What says the State?

15 MR. WILKINS: Please seat the juror.

16 THE CLERK: Thank you.

17 What says the Defendant?

18 MR. MAULDIN: Excuse Mr. Harrell in this case,
19 please.

20 THE CLERK: Thank you, you may be seated.

21 You're excused from the trial of this case.

22 PROSPECTIVE JUROR: Excuse me, I feel like I'm
23 having a little bit of a panic attack. I have issues and
24 I feel like I'm having a little trouble.

25 THE COURT: Ma'am, what's your name and number,

1 please, ma'am?

2 PROSPECTIVE JUROR: Lori Bouy, No. 24.

3 THE COURT: Well, ma'am -- Ms. Bouy, you okay?

4 PROSPECTIVE JUROR: Yeah, I'm sorry.

5 THE COURT: That's okay. You just let us know.

6 Let me tell you, any member of the jury panel,
7 if you have a little issue, you just signal to one of our
8 bailiffs and they will do everything they can to assist
9 you.

10 Just take a moment. Take a deep breath, Ms.
11 Bouy, you're going to be fine.

12 All right.

13 THE CLERK: Juror No. 190, Marion Smith.

14 (Marion Smith, a black male, came forward.)

15 MR. MAULDIN: That was 190?

16 THE CLERK: Yes, sir.

17 What says the State?

18 MR. WILKINS: Please seat the juror.

19 THE CLERK: Thank you.

20 What says the Defendant?

21 MR. MAULDIN: Swear Mr. Smith.

22 THE CLERK: Thank you. You may be seated in the
23 jury box.

24 Juror No. 223, Marissa Webb.

25 (Marissa Webb, a white female, came forward.)

1 THE CLERK: What says the State?

2 MR. WILKINS: Please seat the juror.

3 THE CLERK: Thank you.

4 What says the Defendant?

5 MR. MAULDIN: One moment, Clerk.

6 THE CLERK: Yes, sir.

7 What says the Defendant?

8 MR. MAULDIN: Please excuse Ms. Webb from this
9 case, please.

10 THE CLERK: Thank you. You may be seated.

11 You're excuse from the trial of this case.

12 Juror No. 87, Suelane Hannah.

13 (Suelane Hannah, a white female, came forward.)

14 THE CLERK: What says the State?

15 MR. WILKINS: Please seat the juror.

16 THE CLERK: What says the Defendant?

17 MR. MAULDIN: Excuse Ms. Hannah from this case,
18 please.

19 THE CLERK: Thank you. You may be seated.

20 You're excused from the trial of this case.

21 Juror No. 214, Brandon Turner.

22 (Brandon Turner, a white male, came forward.)

23 THE CLERK: What says the State?

24 MR. WILKINS: Please seat the juror.

25 THE CLERK: Thank you.

1 What says the Defendant?

2 MR. MAULDIN: Swear Mr. Turner.

3 THE CLERK: Thank you. You may be seated in the
4 jury box.

5 Juror No. 181, Dana Searcy.

6 (Dana Searcy, a white female, came forward.)

7 THE CLERK: What says the State?

8 MR. WILKINS: Please excuse Ms. Searcy from this
9 case, please.

10 THE CLERK: Okay. Thank you, you may be seated
11 you're excused from the trial of this case.

12 Juror No. 25, Kevin Boyd.

13 (Kevin Boyd, a white male, came forward.)

14 THE CLERK: What says the State?

15 MR. WILKINS: Please seat the juror.

16 THE CLERK: Thank you.

17 What says the Defendant?

18 MR. MAULDIN: Please excuse the juror from this
19 case, please.

20 THE CLERK: Thank you. You may be seated.
21 You're excused from the trial of this case.

22 Juror No. 165, Randolph Redd.

23 (Randolph Redd, a white male, came forward.)

24 THE CLERK: What says the State?

25 MR. WILKINS: Please seat the juror.

1 THE CLERK: Thank you.

2 What says the Defendant?

3 MR. MAULDIN: Swear Mr. Redd in this case.

4 THE CLERK: Thank you. You may be seated in the
5 jury box.

6 Juror No. 13, Donna Bailey.

7 (Donna Bailey, a white female, came forward.)

8 THE CLERK: What says the State?

9 MR. WILKINS: Please seat the juror.

10 THE CLERK: Thank you.

11 What says the Defendant?

12 MR. MAULDIN: Swear Ms. Bailey in this case.

13 THE CLERK: Thank you. You may have a seat in
14 the jury box.

15 Juror No. 178, Dustin Sawyers.

16 (Dustin Sawyers, a white male, came forward.)

17 THE CLERK: What says the State?

18 MR. WILKINS: Please seat the juror.

19 THE CLERK: Thank you.

20 What says the Defendant?

21 MR. MAULDIN: Swear Mr. Sawyers in this case.

22 THE CLERK: Thank you. You may be seated in the
23 jury box.

24 Juror No. 194, Barbara Stacy.

25 (Barbara Stacy, a white female, came forward.)

1 THE CLERK: What says the State?

2 MR. WILKINS: Please seat the juror.

3 THE CLERK: Thank you.

4 What says the Defendant?

5 MR. MAULDIN: Swear Ms. Stacy.

6 THE CLERK: Thank you. You may be seated in the
7 jury box.

8 Juror No. 24, Lori Bouy.

9 (Lori Bouy, a white female, came forward.)

10 THE COURT: Ma'am, you lost your --

11 THE CLERK: Lori Bouy.

12 MR. MAULDIN: What number?

13 THE CLERK: Juror 24.

14 What says the State?

15 MR. WILKINS: Please excuse the juror.

16 THE CLERK: Thank you. You may be seated.

17 You're excused from the trial of this case.

18 Juror No. 139, Anita Moore.

19 (Anita Moore, a white female, came forward.)

20 THE CLERK: What says the State?

21 MR. WILKINS: Please seat the juror.

22 THE CLERK: Thank you.

23 What says the Defendant?

24 MR. MAULDIN: One moment, Madam Clerk.

25 THE CLERK: Yes, sir.

1 MR. MAULDIN: Swear the juror.

2 THE CLERK: Thank you. You may be seated in the
3 jury box.

4 Juror No. 189, Jess Smith.

5 (Jess Smith, a white male, came forward.)

6 THE CLERK: What says the State?

7 MR. WILKINS: Please seat the juror.

8 THE CLERK: Thank you.

9 What says the Defendant?

10 MR. MAULDIN: Swear Mr. Smith.

11 THE CLERK: Thank you. You may be seated in the
12 jury box.

13 THE COURT: Let's get two. One and two -- or,
14 actually, two and four.

15 MR. MAULDIN: Wait, two and four?

16 THE COURT: Two and four.

17 THE CLERK: Juror No. 119, Richard Kettler.

18 (Richard Kettler, a white male, came forward.)

19 THE CLERK: What says the State?

20 MR. WILKINS: Please seat the juror.

21 THE CLERK: Thank you.

22 What says the Defendant?

23 MR. MAULDIN: Please swear the juror.

24 THE CLERK: Thank you.

25 Juror No. 39, Tammie Capps.

1 (Tammie Capps, a white female, came forward.)

2 THE CLERK: What says the State?

3 MR. WILKINS: Please seat the juror.

4 THE CLERK: Thank you.

5 What says the Defendant?

6 MR. MAULDIN: Please excuse Ms. Capps from this
7 case, please.

8 THE CLERK: Thank you. You may be seated.

9 You're excused from the trial of this case.

10 Juror No. 197, Michelle Stanley.

11 (Michelle Stanley, a white female, came
12 forward.)

13 THE CLERK: What says the State?

14 MR. WILKINS: Please seat the juror.

15 THE CLERK: Thank you.

16 MR. MAULDIN: One moment, please.

17 THE CLERK: Yes, sir.

18 What says the defendant?

19 MR. MAULDIN: Please excuse the juror from this
20 trial.

21 THE CLERK: Thank you. You may be seated.

22 You're excused from the trial of this case.

23 Juror No. 97, Megan Henson.

24 (Megan Henson, a white female, came forward.)

25 THE CLERK: What says the State?

1 MR. WILKINS: Please seat the juror.

2 THE CLERK: What says Defendant?

3 MR. MAULDIN: Swear Ms. Henson.

4 THE CLERK: Thank you. You may be seated in the
5 jury box.

6 THE COURT: All right. Any exception or
7 objection to the jury's impaneling pursuant to Batson or
8 Jefferies?

9 MR. WILKINS: None from the State, Your Honor.

10 MR. MAULDIN: No, Your Honor.

11 THE COURT: All right.

12 Ladies and gentlemen, got two groups in here.
13 Y'all don't be smiling so much, okay. One of you thinks
14 you won the lottery, one thinks they lost.

15 Let me tell you, in all seriousness, I think the
16 group that's been selected are the fortunate ones. This
17 justice system doesn't belong to me as a judge. It
18 doesn't belong to any of the court personnel. It doesn't
19 belong to the lawyers. It belongs to all of us. This is
20 our court system. And it will not work if we don't have
21 citizens like you all who are willing to make the
22 sacrifices that you've made to come up here and serve your
23 communities.

24 So you all did not get a chance to be selected
25 this time. In all the years I was -- before I got on the

1 bench, I was never even called to be in a pool. So it's a
2 rare occurrence and it's rarer still to be called to the
3 courtroom and exceedingly rare to be given the opportunity
4 to serve your community like this on a jury. I will tell
5 you this, one other thing, is that it's a rare thing when
6 I speak with jurors after they've served that they do not
7 feel deeply rewarded by their service. And it's usually a
8 very good experience for everyone who serves.

9 So while, unfortunately, I can't let y'all sit
10 in on this case, I hope you get an opportunity to serve
11 some time this week, and if not, sometime in the future.

12 I would ask you all to return to the jury
13 assembly room. Thank you.

14 May I speak with the lead attorneys up here,
15 please.

16 (WHEREUPON, a bench conference was held in the
17 presence of the jury but out of the hearing of
18 the jury.)

19 THE COURT: All right. Ladies and gentlemen,
20 I'm perfectly sincere in what I've told you about your
21 opportunity to serve on this jury. I think -- I hope when
22 your service is complete that you will feel a sense of
23 satisfaction for what you've done to serve your fellow
24 citizens.

25 I want to tell you, we have a dispute about the

1 facts up here, which couldn't be resolved in any fashion
2 other than to ask a jury to come up and listen to the
3 facts and the evidence and the law and to deliberate and
4 resolve this dispute. So that's your purpose up here.

5 I want to tell you, I've spoken briefly about
6 it, but the presumption of innocence, proof beyond a
7 reasonable doubt and the burden of proof are very, very
8 significant foundational requirements in our system. And
9 they are protecting them in this case and would protect
10 each citizen in this country. So, please, remember that
11 any person who is charged with the crime is presumed to be
12 innocent unless and until the charging body proves beyond
13 any reasonable doubt each and every element of each
14 offense that a person is charged with. Also, please,
15 remember that the fact that an arrest warrant or an
16 indictment is issued is not any evidence of guilt
17 whatsoever and you should take no inference, make no
18 presumption from the fact that these documents are issued.
19 They just allow the case to wind its way through the
20 system and arrive here for disposition.

21 Now, I will tell you, I break a trial down into
22 five parts. If you watch TV and you watch these cop shows
23 and court shows and all that kind of stuff, which I don't,
24 you might think oh, you can dissect a trial into 1500
25 different parts, and you probably can. But so you all

1 have sort of a procedural roadmap as to where we are, I
2 break it into five parts. And the first part, we'll
3 begin -- I guess we're sort of beginning it now, but
4 really begin after we break, y'all are going to go to
5 lunch, when the attorneys give you their brief,
6 non-argumentative opening statements. The second part of
7 the trial is the meat and potatoes of every case. And
8 that is the presentation of the testimony and the evidence
9 in the case. And I will tell you that that comes to you,
10 evidence comes to you, generally, in one of three ways.
11 The first is what most people think of as oral testimony
12 from the witness stand. The second most common form will
13 be in the introduction of documents or tangible objects.
14 And the third way that it might be presented to you would
15 be through a stipulation of the parties that some fact is
16 so beyond dispute that you should accept it as true.
17 Those are generally the way evidence is introduced. I
18 don't know what combination you all will see, but that's
19 how you can expect it to be delivered to you. Then the
20 third part of the trial will be when all the evidence is
21 in, the attorney's will make their closing arguments to
22 you. And that's when they advocate their positions and
23 urge you to resolve the dispute in their favor. The
24 fourth part of the trial will be when I give you the
25 charge on the law, what the law is as it applies to this

1 case. And then the fifth part of the trial will be when
2 you all retire to the jury room for your deliberations,
3 when you resolve this dispute. All those parts are not of
4 equal length, but, at least, you'll have an idea
5 procedurally of where we are in the case if you can keep
6 that in mind.

7 I'll ask you to do a lot of things in the trial.
8 There are three main things I ask you to do. We went
9 through all that questioning to determine if you could be
10 fair and impartial in this case. That's vitally important
11 for everyone that we have fair and impartial jurors. So I
12 ask you to keep an open mind throughout the course of
13 these proceedings. Now, don't make up your mind after I
14 finish talking or after the opening statements or after
15 the first witness or the last witness. Wait until you're
16 back in the jury room deliberating before you make a final
17 decision.

18 The second thing I ask you to do, which sounds
19 very elementary, and it probably is, but it's often
20 difficult. It's difficult for people like me, anyway. I
21 like to let my mind wander around. But I ask you to pay
22 attention. If you're letting your mind wander, you may
23 miss some piece of testimony or evidence or the way a
24 witness acts on the witness stand that may become
25 important in your deliberations at the close of the trial.

1 So, please, pay attention.

2 Then, finally, I ask you and I instruct you not
3 to talk about this case until you are free to do so in
4 your deliberations. And that's going to be very hard.
5 It's human nature to want to discuss what you're doing, we
6 know. That's why we're going to get you to swear an oath
7 in a minute to abide by the law. And part of that is that
8 you not discuss this case. When you go to lunch and see
9 somebody you know, they're going to want to know what
10 you're doing, that's human nature. When you -- I suspect
11 this case will last longer, will go through the night and
12 y'all go home. And whoever you see will want to talk to
13 you about the case. Human nature. You may want to do
14 some internet research or you may want to go visit the
15 scene. You cannot do that. You can't discuss it. You
16 can't go on some social media like Facebook and talk about
17 it. You just can't do it. And you will have sworn an
18 oath. And let me tell you something, if you did that,
19 even an innocent comment from someone you like and trust
20 or someone you don't like and don't trust might impact
21 your state of mind. And if you did that, it wouldn't be
22 fair to the parties involved. It wouldn't be fair to your
23 fellow jurors, and it wouldn't be fair to yourself to
24 allow some comment, some input from somebody outside of
25 this courtroom who's not here, who is not making the

1 sacrifices that you all are making to be here, who hasn't
2 heard the evidence or seen any of the witnesses to have
3 any input in the outcome of this trial. And that's why
4 you cannot talk about it or do any independent research.
5 It's vitally important.

6 I will tell you one thing. You all are the sole
7 judges of the facts in this case. The trial judge is not
8 allowed by law to an opinion about the facts in the case,
9 so don't think by anything I say or do throughout the
10 course of the trial that I have an opinion. You all are
11 the soles judges of the facts. The sole judges of what to
12 believe, what not to believe, what is true and what is not
13 true. Now, the same law that makes you the sole judges of
14 the facts makes me the sole judge of the law. So if you
15 think you have any idea as to what the law is or what the
16 should be and it disagrees with what I tell you the law is
17 throughout the course of the trial and at the end of the
18 trial, then you'll swear an oath in just a second to set
19 aside your own opinion and apply the law precisely as I
20 state it to you.

21 Now, I'm going to dismiss you all for lunch in
22 just a second. We're going to have you all take an oath
23 and then we'll show you the back way out and show you
24 where your jury room is. Then y'all will go to lunch.
25 We've got some work we have to do outside of your

1 presence. I should tell you there may be times during the
2 trial when I excuse you all to your jury room or I call
3 the lawyers up here to talk to them. It's not that we are
4 trying to deceive you, but it may well be that we are
5 trying to keep something from you. And I hope that you
6 can understand that if it is an inadmissible piece of
7 evidence that we have to discuss, then you all shouldn't
8 hear about it. So we are trying to ensure that you all
9 only hear constitutionally proper evidence and testimony.
10 So sometimes I meet with them and we handle things out of
11 your presence. So when you all are dismissed, we'll be
12 working.

13 But I'm going to ask y'all to be back in your
14 jury room at 2:30. That should give you plenty of time to
15 have lunch and conduct any little business that you have.
16 But remember, do not discuss the case.

17 Having said that, Noel, I will ask you to --

18 Y'all stand and well place you under oath.

19 THE CLERK: Please raise your right hand. The
20 response to the oath is I will.

21 (WHEREUPON, the jury was sworn.)

22 THE CLERK: Thank you.

23 THE COURT: All right. Y'all don't sit down
24 again. Mr. lynch is going to show you where to go and
25 we'll see y'all back at 2:30.

1 (WHEREUPON, the jury left open court at
2 approximately 1:00 p.m.)

3 THE COURT: Okay. What do y'all want to talk
4 about?

5 MR. MAULDIN: Your Honor, we have a got a number
6 of motions that are still pending. I'm going to ask if
7 the Court will allow these young lawyers who we've had
8 admitted pro hac basis to introduce the motions and argue
9 those motions to you. They have been properly admitted in
10 the order, so I am going to ask they present these
11 motions. The motions, Your Honor, were filed on April the
12 5th.

13 THE COURT: Was that Thursday or Friday? It
14 must have been Thursday since the courthouse was closed on
15 Friday.

16 MR. MAULDIN: And I'll pass up to the Court a --

17 THE COURT: I got it. I got your list.

18 MR. MAULDIN: Got it?

19 THE COURT: Yeah.

20 All right. Who's your first guinea pig?

21 MR. MAULDIN: Why don't we go in the order in
22 which the motions are on this list, Your Honor?

23 THE COURT: Let's find out if there's any that
24 the State consents to. We might -- the first one I've got
25 is a death penalty notice, in reference to the death

1 penalty notice.

2 MR. WILKINS: No objection.

3 THE COURT: All right. Granted. Second one.

4 MR. WILKINS: Crimes of bad acts. No objection
5 other than anything that's not otherwise admissible. We
6 have--

7 THE COURT: All right. We'll let them talk
8 about that one.

9 MR. WILKINS: But we don't have any objections,
10 though.

11 THE COURT: To any of the motions?

12 MR. WILKINS: No number two, number two.

13 THE COURT: Okay. What do y'all want to tell me
14 about No. 2?

15 MR. MULLIN: Your Honor, Conner Mullin for the
16 Defendant, Clarence Jenkins.

17 THE COURT: Okay.

18 MR. MULLIN: There's a pending motion to exclude
19 certain highly prejudicial verbal threats allegedly made
20 by Mr. Jenkins. There's three, in particular, that we
21 think are highly inflammatory. First, Ms. Carmen Jenkins
22 has suggested that Clarence talked about a prior killing
23 outside the nightclub--

24 THE COURT: I don't think she suggested it, I
25 think it's in her statement, isn't it?

1 MR. MULLIN: That's correct, Your Honor.
2 Second, also in her statement, talks about beating a woman
3 in a -- with a baseball bat. Third, Grace Davis has
4 stated that Mr. Jenkins talked about cutting up and
5 disposing of the body. These are highly inflammatory,
6 they're irrelevant to the crimes charged. It's not the
7 situation where there's a missing person or even an
8 investigation. The only way they can introduce it for a
9 proper purpose either to show propensity for violent
10 character and propensity that he's going to commit a bad
11 act again.

12 THE COURT: Okay.

13 MR. WILKINS: We're not going to use those, Your
14 Honor.

15 THE COURT: All right.

16 MR. WILKINS: In our case in chief.

17 THE COURT: Yeah. Okay. All right. Second
18 one, prohibit admission of seized items from the vehicle.
19 Is this a search warrant issue?

20 MR. MULLIN: Let me hear from them real quick so
21 I know exactly what they're talking about.

22 MS. CREELY: Your Honor --

23 THE COURT REPORTER: Can I get your name,
24 please, I'm sorry.

25 MS. CREELY: It's Katherine Creely.

1 THE COURT REPORTER: Last name?

2 MS. CREELY: Creely, C-R-E-E-L-Y.

3 THE COURT REPORTER: Thank you.

4 THE COURT: All right. Go ahead.

5 MS. CREELY: This does concern certain items
6 seized during the search of the trailer. They are swords
7 and knives that are not connected to the crimes charged.
8 So we would seek to exclude those.

9 MR. WILKINS: We are introducing a picture of a
10 knife that was found in the bathroom. And it's material
11 because Carmen Jenkins will testify that the Defendant
12 used it to take blood spatter out of the sheetrock. We
13 have a picture of it and there will be discussions
14 regarding the scraping off, but the swords and stuff, we
15 don't plan on introducing.

16 THE COURT: Okay. All right. Sounds good. I
17 think I've handled your electronic technology deal.

18 MR. WILKINS: Yes, sir.

19 THE COURT: Okay. Next, No. 5.

20 MR. WILKINS: Go ahead.

21 THE COURT: Ms. Creely.

22 MS. CREELY: Your Honor, the Defense's pending
23 motion on this issue concerns the training records for the
24 State's proposed expert witnesses. As Your Honor knows,
25 we can't adequately challenge the qualifications of a

1 proposed expert without having their training records and
2 neither can the Court. The State should produce them, in
3 fact, has produced them for, at least, one proposed
4 expert, Rick Floyd, so we don't see any reason why they
5 shouldn't produce it for all the other proposed experts.

6 MR. WILKINS: The answer is we don't have them.
7 They'll testify to their qualifications. We'll certify
8 them as an expert. Your Honor will make that
9 determination. They can, certainly, cross-examine them.
10 The SLED folks bring CV's on the day which they testify.
11 We can, certainly, email them and ask them for CV's in
12 advance. They're going to describe their training and
13 background --

14 THE COURT: Y'all will get ample opportunity to
15 determine their qualifications. Okay.

16 All right. Fingerprint analysis of the victim.

17 MS. WILLIAMS: Good morning, Your Honor, Karen
18 Williams for the Defendant. As set forth in the motion,
19 the State has provided latent print analysis reports. The
20 reports contain conclusory statements that identify that
21 fingerprint examination was done and that it was verified
22 by Captain Kellet. Beyond that generally a one-page
23 report, we have been provided nothing further to access
24 what type examination was done to the data -- or to the
25 fingerprints in this case. The motion is directly related

1 to one of the fingerprints involving the victim, but there
2 are approximately 15 such reports that simply state the
3 conclusory finding that a match was made. We have, as
4 Your Honor is aware, requested the entire file from the
5 State. They have indicated that has been provided.
6 Because the latent witnesses will be experts, we can only
7 be left to anticipate they will either testify that they
8 simply used a computerized program to identify the matches
9 and --

10 THE COURT: CODIS. Is that what you're talking
11 about?

12 MR. WILKINS: AFIS.

13 THE COURT: AFIS. What's CODIS?

14 MS. STROM: DNA.

15 THE COURT: Oh, DNA, yeah.

16 MS. WILLIAMS: And we can't cross-examine AFIS,
17 or a computer program. With no notes, essentially, it
18 would appear that the witnesses are going to have to
19 recall from four years ago when they performed these
20 tests.

21 MR. WILKINS: Your Honor, we've talked to our
22 latent experts, they don't do a lengthy report stating,
23 specifically, what ridge matches what ridge. They do it
24 and they say this latent matches these knowns. They will
25 have the opportunity to cross-examine them. Of course,

1 these witnesses have been available for four years now to
2 talk if they wanted to.

3 THE COURT: You think they would have talked to
4 them?

5 MR. WILKINS: Absolutely.

6 THE COURT: Okay.

7 MR. WILKINS: But, you know, I triple checked.
8 There's no reports other than the conclusory statements
9 that were given to Defense counsel that these knowns match
10 these prints.

11 THE COURT: Okay.

12 MR. WILKINS: The science behind it, they will
13 talk about that on the stand. I'm not a scientist, so I
14 don't understand it 100 percent, but that's what the
15 witnesses are for.

16 THE COURT: What else is it that you want?

17 MS. WILLIAMS: Well, essentially, Your Honor,
18 this report is inadequate to cross-examine the witnesses.
19 We would ask they that bring any copies of the prints that
20 they consulted in making their verification or however
21 that submit it.

22 MR. WILKINS: We have fingerprint cards that
23 have been in latent up until this morning. We've got them
24 somewhere here that will be here ready for 2:30 to go to
25 trial. We're introducing those as evidence. We'll,

1 certainly, provide them to them. If they want to get
2 their own expert while we're trying the case or something,
3 I'm not sure, but they're ready and available, all the
4 latents are.

5 THE COURT: Okay. So they'll have the stuff
6 here. Sounds like you're getting what you want.

7 MR. MAULDIN: One moment on that, Your Honor, if
8 you will.

9 THE COURT: Well, just one attorney to argue
10 each motion.

11 MR. MAULDIN: Well, I think that you're asking
12 some questions from the bench that Mr. McDougal might want
13 to respond to because he's the one --

14 THE COURT: Well, I didn't ask any questions.

15 MR. MAULDIN: Oh.

16 THE COURT: I just ask if she didn't get what
17 she wanted to. She seemed happy.

18 You're not happy?

19 MS. WILLIAMS: May I confer with co-counsel?

20 THE COURT: Okay.

21 MR. MCDUGAL: Your Honor, if I may be heard, I
22 think it will save us time at trial and keep from
23 shuffling the jury in and out. As the Court knows, when a
24 fingerprint expert does a comparison, they count points of
25 comparison. They have to reach 12 to 14 to be able to

1 declare a match. Now, either four years ago these people
2 did that and they made notes of that and identified them
3 as fingerprint experts do all the time, which points they
4 compared and they identified and they put that in their
5 file that exist. Or they just put it in the computer and
6 the computer popped up and said it was a mach, which is
7 not expert testimony. That's just running it through the
8 computer. It was of those two. The alternative is
9 they'll say, we did a comparison and we kept no notes and
10 we remember here today. Now, we can cross-examine them on
11 that, but that's a little farfetched, Your Honor.

12 Just to elaborate on what Ms. Williams is
13 saying. There's got to more to it, and what we've got is
14 not sufficient enough to support those witnesses
15 testimony.

16 THE COURT: Do you incorporate what your
17 co-counsel is --

18 MS. WILLIAMS: Yes, Your Honor.

19 MR. WILKINS: We have to doublecheck to see if
20 there's any notes that the expert witness -- there's two
21 expert witnesses for fingerprints. I have no idea.

22 THE COURT: Okay. Well, they'll look at it over
23 lunch and see what they come up with. Sounds like a good
24 fodderer for cross-examination, I guess.

25 MS. WILLIAMS: Thank you, Your Honor.

1 THE COURT: All right. Does that mean
2 Ms. Williams is going to cross-examine Jackie Kellet?

3 MS. WILLIAMS: No, sir.

4 THE COURT: Okay.

5 MR. MAULDIN: And, Your Honor, the point is
6 being made that if it's simply a computer report, we don't
7 have anybody to cross-examine. And we believe and we move
8 that that testimony not be offered as expert testimony.
9 If the witness is just going to come in here and tell us
10 what some ASEX computer told them four years ago, that's
11 inadmissible.

12 THE COURT: ASEX?

13 MR. WILKINS: AFIS.

14 THE COURT: AFIS.

15 MR. MAULDIN: Whoever this computer is, we
16 object to it. It's either got to be an expert
17 presentation or they can't, one or the other.

18 THE COURT: What is -- what's the relevance of
19 this testimony anyway?

20 MR. MAULDIN: What is the relevance of a
21 fingerprint match?

22 THE COURT: Yeah.

23 MR. MAULDIN: Well, I think the relevance will
24 become real apparent to you, Your Honor, as you go through
25 the testimony.

1 THE COURT: Well, tell me. You're going to
2 contest who the victim is? Is that what it is?

3 MR. MCDOUGAL: If I may, Your Honor?

4 THE COURT: Yes, sir.

5 MR. MCDOUGAL: The remains are found. They roll
6 the prints. The prints identify the victim. And then
7 taking that DNA, they do all the DNA matches. Without
8 that print, there's no DNA. That's the relevance.

9 THE COURT: So they got DNA analysis -- are you
10 saying they couldn't do the DNA -- fruit of the poisonous
11 tree?

12 MR. MCDOUGAL: You don't have to get there, Your
13 Honor. If you roll the prints, if the print evidence is
14 inadmissible, if these remain belong to this victim and
15 then you take DNA samples and you run your alleles and you
16 get what you get. If that print evidence is
17 inadmissible -- and it becomes inadmissible if you can't
18 cross-examine someone. If the truth is, we put the card
19 in the machine and it popped out. That's not expert
20 testimony. I don't know what that is, but it's not expert
21 testimony. You can't cross-examine it.

22 THE COURT: I don't know what our Supreme Court
23 would say about that.

24 MR. MCDOUGAL: Well, we may get to find out.
25 But to elaborate on the question to Mr. Mauldin, what is

1 the significance, all of that forensic evidence flows from
2 that print.

3 THE COURT: So it's your position that if the
4 fingerprint is inadmissible, then the DNA analysis is
5 inadmissible?

6 MR. MCDUGAL: We would argue that, yes, sir.

7 THE COURT: You don't think there was an
8 independent basis for them to run a DNA?

9 MR. MCDUGAL: Well, they wouldn't know whose
10 DNA it was. They have the remains. They take the DNA
11 sample from the remains.

12 THE COURT: Well, didn't they have a statement
13 from the co-defendant?

14 MR. MCDUGAL: Not at the time, Your Honor.
15 They didn't get a statement from the co-defendant until
16 years later.

17 THE COURT: I thought they didn't find the
18 remains until they -- oh, you're talking about -- y'all
19 know the facts. I don't know the facts.

20 MR. MCDUGAL: The remains from which the DNA
21 was extrapolated was found on April 7th, that was the
22 remains that were found at the local locations.

23 THE COURT: Okay. Well --

24 MR. WILKINS: Your Honor, the fingerprint
25 expert, Jackie Kellet, does her own fingerprint

1 comparisons. She runs it through AFIS when she gets the
2 fingerprints, but she compares them herself. They can
3 cross-examine her on that.

4 THE COURT: Okay. It will be here. All right.
5 Anything else before we have break for lunch?

6 UNIDENTIFIED MAN: Your Honor, there is one last
7 motion, to exclude reference to Ms. Carmen Jenkins
8 psychological condition. At her sentencing, there was
9 reference to Stockholm syndrome, battered wife syndrome --

10 THE COURT: I didn't hear the battered woman's
11 syndrome. Stockholm syndrome is not recognized by the
12 Diagnostic and Statistical Manual or by the International
13 Statistical Classification of Diseases. It's not a
14 recognized -- scientifically recognized condition that I'm
15 aware of.

16 UNIDENTIFIED MAN: Well, that's right, Your
17 Honor, and the only reason it would be offered would be to
18 bolster the testimony of --

19 THE COURT: Well, I don't see Mr. Price on the
20 list, so I don't think they're going there.

21 UNIDENTIFIED MAN: Well, we haven't received
22 notice --

23 THE COURT: I published it. I published it, the
24 witness list.

25 UNIDENTIFIED MAN: Right, Dr. Price is not on

1 the list. But Carmen Jenkins --

2 THE COURT: They got Dr. Frank --

3 UNIDENTIFIED MAN: Well, Your Honor, Carmen
4 Jenkins can speak to her own -- we want to also exclude
5 all testimony about psychological conditions and
6 diagnoses.

7 THE COURT: She's not an expert. She can't
8 testify to this, you know, die hard, the Helsinki
9 syndrome. I mean, no, she's not a expert.

10 MR. WILKINS: We're not going to offer a
11 psychological opinion as to Carmen Jenkins.

12 THE COURT: Okay. How's that?

13 UNIDENTIFIED MAN: Just to be clear, the witness
14 would also be prevented from testifying as to her own
15 psychological condition?

16 THE COURT: She can testify to her state of
17 mind.

18 UNIDENTIFIED MAN: Thank you, Your Honor.

19 THE COURT: I mean, that's a bridge we'll have
20 to cross when we get there.

21 Okay. Anything else?

22 Yes, sir.

23 MR. WILKINS: Sequestration of witnesses and
24 alibi witnesses.

25 THE COURT: That's fine, we'll sequester the

1 witnesses. You keep your chief case officer. Which is
2 who, Mr. Flavell?

3 MR. WILKINS: Collis Flavell.

4 THE COURT: All right. Sounds good. See y'all
5 at 2:30.

6 MS. ROSS: Judge, can I ask one thing, I
7 attempted to get Clarence Jenkins fitted for glasses last
8 week. I know it's late notice. He had glasses and he had
9 contact lenses. Now, he does not have either. I didn't
10 realize that. He's nearsighted. He can't see far away.
11 And I had an extensive conversation with Jim Dougherty at
12 the law enforcement last week. He refused to have him
13 scene for prescription eyeglasses. I would just ask that
14 it be ordered that all arrangements necessary be made to
15 allow me to attempt to get prescription contacts or
16 glasses, if necessary.

17 THE COURT: Can't you just go to whoever issued
18 his prescription?

19 MS. ROSS: Well, it was four years ago,
20 LensCrafters, that's the problem. So we can try to go and
21 find -- I just found out where they were, but they're so
22 old, they're off the record. I can make that attempt, but
23 I just --

24 THE COURT: Well, I don't know how we're going
25 to have time to have him go get an eye examination during

1 this trial. I am not going to suspend the trial so he can
2 have an eye examine. I don't mind you trying to get his
3 prescription filled.

4 MS. ROSS: Can I order some cooperation from the
5 law enforcement center?

6 THE COURT: What kind of cooperation -- I'm not
7 going to get involved in the security issues down there.

8 MS. ROSS: All right. Thank you, Judge.

9 THE COURT: Okay. All right.

10 MR. MAULDIN: Your Honor, what time? It's 1:20.

11 THE COURT: 2:30.

12 MR. MAULDIN: 2:30.

13 THE COURT: For your brief, non-argumentative
14 opening statements.

15 MR. WILKINS: I took note of that, Your Honor.

16 (WHEREUPON, a lunch break was taken.)

17 THE COURT: Y'all ready to proceed?

18 MR. WILKINS: State's ready.

19 MR. MCDUGAL: Defense ready, Your Honor.

20 (WHEREUPON, the jury came into open court at
21 approximately 2:40 p.m..)

22 THE COURT: Okay. Actually, what we need to
23 do -- there are only three assigned seats. Two of them
24 have been filled and those are the alternates, where we
25 generally ask them to sit. If y'all would trade seats.

1 Sorry about that. Thank you so much.

2 All right. Ladies and gentlemen, welcome back.
3 We're ready to commence the trial.

4 All right, Mr. Wilkins.

5 MR. WILKINS: Your Honor, may it please the
6 Court?

7 THE COURT: Yes, sir.

8 OPENING STATEMENT

9 MR. WILKINS: Good afternoon. My name is Walt
10 Wilkins and I represent the State in this case. I'm the
11 prosecutor, along with George Campbell and Betty Strom, we
12 introduced ourselves earlier during jury selection. And
13 we represent the State. It is our job in this case to
14 present evidence to prove our case beyond a reasonable
15 doubt.

16 Now, there are a lot of players in this
17 courtroom. I don't know if you've served on a jury before
18 or been involved in the legal justice system, but you have
19 us, the State, representing itself. You have the
20 Defendant over here and he's there, along with his lawyers
21 as well, and they represent him. You also have over here
22 a court reporter. She's taking down everything that is
23 being said in this courtroom. You also have the clerk of
24 court. And, of course, up there, you have the Judge.
25 We've heard from the Judge. He's in a black robe. He

1 sits up a little higher than the rest of it. And that's
2 by reason, he's a pretty important fellow in this
3 courtroom. He's sort of the referee. He's calling balls
4 and strikes in the system. He's going to rule on matters
5 of law. You might hear somebody raise an objection. He's
6 going to rule on particular objections. He might take up
7 issues of law outside your presence so we can continue the
8 trial.

9 But, really, the most important person in this
10 whole system right here that we're all here for is you.
11 It's the jury. The jury is here to weigh the evidence,
12 deliberate and, ultimately, come to a conclusion. Someone
13 said that serving on a jury is akin to serving in the
14 military, serving your community. It's a noble thing to
15 do. So I thank you for being here. I thank you for your
16 service. And I think it's something you will find
17 rewarding.

18 Now, this case has started, we're all here, but
19 this case was started with an indictment. And the Judge
20 read to you the indictment. The indictment states that on
21 or about -- between April 4th and April 6th, the
22 Defendant, Clarence Jenkins, did unlawfully seize, abduct
23 confine, inveigle, decoy and carry away Mekole Harris. It
24 also states that on or about April 6th of 2008, with
25 unlawful and malice aforethought, the Defendant, Clarence

1 Jenkins, did kill Mekole Harris. Now, these are j7ust
2 charging documents. This gives the Defendant notice of
3 what the State alleges. It's not evidence. It doesn't
4 mean anything other than this is what we're alleging. And
5 today, this week, we're going to find out what's going to
6 happen.

7 Now, the State is required to prove that
8 Clarence Jenkins did, in fact, kidnap and murder Mekole
9 Harris. And we must prove that beyond a reasonable doubt.
10 There's a lot of burdens of proof in our system, court
11 system and civil system. You have preponderance of the
12 evidence. You are clear and convincing. But the
13 strictest standard that we have and that's the one we have
14 here today, and that's reasonable doubt. Reasonable
15 doubt -- and the Judge is going to tell you about that,
16 leaves you firmly convinced. What does firmly convinced
17 mean? Well, you feel certain about it. And the Judge is
18 going to charge you about legal doubt and what that means.
19 But that's the burden we're here today to discuss and that
20 we have. Now, you never know anything beyond a reasonable
21 doubt. Reasonable doubt -- you know, we accept that you
22 can't prove everything beyond a reasonable doubt, but you
23 can accept that after all the evidence is in, you feel
24 firmly convinced.

25 You're going to hear all types of evidence.

1 Now, what types of evidence do you think we're going to
2 present up here? The witnesses are going to come to the
3 witness box right there and you're going to hear direct
4 evidence. Well, that's something you can feel. That's
5 something somebody testifies that they can see, that's
6 sitting up here on this table that will go back in the
7 deliberation room with you. Direct evidence, something
8 firm.

9 And you're also going to have all types of
10 evidence, like circumstantial evidence. Circumstantial
11 evidence can be just as powerful as direct evidence. It
12 can be just as important. And you get to decide, give it
13 the weight, direct or circumstantial evidence.
14 Circumstantial evidence is something that you have enough
15 facts that leads you to a certain conclusion. You didn't
16 necessarily see it, feel it, touch it. For example, if
17 somebody walks in the door right there -- and I don't know
18 what the weather is outside. I've been in the courtroom
19 all day. If they walk through the door right there and
20 they had an umbrella and were wearing a raincoat that is
21 wet. Well, we can surmise from that that it's raining
22 outside. We can't see it's raining outside, but we
23 believe it's raining out because that's what we see.
24 Circumstantial evidence can be just as powerful as direct
25 evidence. But that's for you to decide.

1 The other type of evidence that you're going to
2 see if what I call corroborative evidence, something that
3 corroborates something else. So you may have somebody say
4 something on the witness stand, present evidence through
5 their testimony and then you may have law enforcement
6 forensic officers to corroborate what they say. That
7 tends to show that what they're saying is true because you
8 have two sets evidence to corroborate it, to say it's the
9 same thing.

10 Now, the good thing about serving on a jury is
11 that you don't leave your common sense at the door. You
12 get to bring your experiences with. You get to bring your
13 lifetime experiences with you. You get to bring your
14 professional experiences with you to help you weigh and
15 analyze the evidence. You decide the credibility of the
16 witnesses. You get to decide if a piece of evidence is
17 important. You've get to decide if a piece of evidence is
18 not important. And you get to take all that collectively
19 together and that's when you deliberate and come to your
20 conclusion.

21 This is a serious case. This case is about
22 cold, callous, calculated murder. And you're going to
23 hear some disturbing testimony. You're going to hear
24 things that seem like they may have come out of a movie or
25 a book. Just because those things are something that you

1 may not be able to wrap your mind around doesn't mean it
2 doesn't happen in your community. Listen carefully to the
3 evidence. Listen carefully to the testimony that you'll
4 here. Sometimes as you'll hear -- it may not seem obvious
5 why you're hearing a piece of evidence at the time. But
6 listen carefully. Because at the end of it, the whole
7 story will come together. And it will all become apparent
8 once you hear everything.

9 Now, we're here on two charges, murder.
10 Briefly, murder is the unlawful killing of another person
11 with malice aforethought. And malice is defined in a lot
12 ways. It's wickedness. It's depravity. It's meanness.
13 And malice can be -- you can prove malice through
14 expressed or implied ways. Malice can be I want to the
15 kill you and they shoot you. That pretty expressed
16 malice. Or it can be implied. It can be more subtle. It
17 can be proven through the circumstances surrounding the
18 murder. And, also, murder does not require the State to
19 prove motive. So we don't have to prove beyond a
20 reasonable doubt why the Defendant killed Mekole Harris.
21 We just have -- you don't have to take that into
22 consideration. We just have to prove that it was an
23 unlawful killing of another person with malice
24 aforethought.

25 Now, we're going to give you through testimony,

1 through evidence what we believe the motive for the murder
2 was. I can't get inside the Defendant's head and tell you
3 exactly what was going on. That's why I don't have to
4 prove motive. You can decide to agree with what the State
5 presents as a motive. You can decide on a separate motive
6 if you want. Or you can decide that you're not sure
7 exactly what the motive is and it shouldn't take
8 consideration in your deliberations. Because it's not
9 required to be proven by the State.

10 Kidnapping. Basically, it's an unlawful
11 seizing, confining, decoying, kidnapping, abducting or
12 carrying away of another person without lawful authority.
13 Unlawfully seizing, confining, inveigle. Inveigle is a
14 fancy word for enticing someone to lead astray by any
15 means whatsoever. Trickery is okay. Through direct force
16 is okay. Without the authority of law. The elements of
17 both of those particular crimes are relatively simple for
18 you to understand and for you to prove -- for you to
19 understand. The evidence, however, will tell you the
20 story.

21 Now, I said it's about cold, callous and
22 calculated murder. You're going to hear a length story.
23 You're going to hear a story of the Defendant, who was
24 married to a individual named Carmen Jenkins. You're
25 going to hear about their relationship. You're going to

1 hear about a third party that entered the relationship and
2 her name is Grace Davis. You're going to hear all about
3 their relationship. And you're going to hear about Grace
4 Davis wanting to leave the relationship. You're going to
5 hear about the fact that when she left, the Defendant
6 didn't like it. He was unhappy. So you're going to hear
7 about what he did, he and his then wife, Carmen Jenkins,
8 did. You're going to hear the details of the kidnapping,
9 of the murder and what they did to Mekole Harris and her
10 body. You're going to hear a lot of CSI stuff.

11 You may watch CSI Miami and New York TV shows.
12 Crime scene investigators are trained to take over the
13 crime scene and thoroughly and meticulously go through and
14 document evidence and process it for numerous types of
15 forensic activity, like fingerprints, like DNA. Those are
16 the most common types of forensic evidence that we have
17 available to us. Unfortunately, in real life, it doesn't
18 actually -- it's not exactly the same as you see on TV.
19 You don't process a crime scene, run some DNA through a
20 little machine and have a killer's name spit out that day.
21 This is real life. You know, somebody told me -- I once
22 said to somebody, I said, you know, if real life was like
23 those crime scene investigator shows, I'd be a lot taller
24 and a lot better looking. But it's not like that.

25 But you are going to hear from forensic

1 individuals and you are going to see latent fingerprints.
2 You are going to see and hear about DNA and those type of
3 things and how they're processed. So you're going to have
4 that. You're going to have videos. You're going to have
5 computer information, stuff about IP addresses and
6 computer information that relates to this specific crime.
7 And you're going to take all this forensic stuff and
8 eyewitness to the kidnapping and murder, all the
9 photographs, all the videos. And you're going to jumble
10 it all together in your head and you're going to churn it
11 around among yourselves when you deliberate. When you do
12 all that, and you take the weight of all the evidence, you
13 take it all together, you're going to come to one
14 conclusion, and one conclusion only. Because the State is
15 going to have met its burden. And that is Clarence
16 Jenkins, sitting right over there, did kill, did murder,
17 Mekole Harris, did kidnap Mekole Harris back in 2008.
18 Thank you.

19 MR. MCDOUGAL: May it please the Court.

20 THE COURT: Yes, sir.

21 OPENING STATEMENT

22 MR. MCDOUGAL: Good afternoon to you. My name
23 is Mark McDougal, and along with John Mauldin and Susannah
24 Ross, we're representing the man on trial here today,
25 Clarence Jenkins. The opening statement is, in many

1 respects, as we just heard from the solicitor, a roadmap
2 of what the evidence is going to look like. That's what
3 I'd like to talk to you about for a few minutes.

4 But before I do that, in Colonial times, there
5 was a phrase that was used that I've always liked because
6 you don't find many place to talk about a jury trial. And
7 when a defendant would be brought before the court, before
8 a magistrate before the Revolution and a jury trial was to
9 be held, the order would be put him upon the country. Put
10 him upon the country. Why do they do that? Because the
11 government, of course, had enormous power. They can send
12 men and women to people's homes to search their records.
13 They can do all the things. They can arrest you. But
14 only the jury, only the country can make a decision about
15 guilt or innocence. So, today, as we begin this trial,
16 Mr. Jenkins has been put upon the country, so the country
17 today here is you.

18 He said it's a roadmap, and I would agree with,
19 at least, one thing the Solicitor said and that is that
20 you are not -- you shouldn't leave your common sense at
21 the door. And that's very important. Because aside from
22 all the evidence you'll see and all the testimony you'll
23 hear, your common sense is what you know from living your
24 life, raising children, paying bills, doing your job. So
25 it's very important because you're going to have to judge

1 people's testimony, their credibility, their strength in
2 what they have to say, the believability of their story.
3 And that's critically important.

4 What this case is about is the intersection of
5 four lives. And I'm going to tell you about each of them.
6 One of them is here today, that's Mr. Jenkins. Another is
7 the victim, Mekole Harris. And you'll hear about those.
8 And you'll hear from two others in testimony that will be
9 heard from the stand. Those two others are Grace Davis
10 and Carmen Jenkins, Mr. Jenkins' wife.

11 Let me start first with Clarence Jenkins. Take
12 yourself back to the year 2008. Clarence Jenkins, at the
13 time, is 24 years old. He has had, up until that time,
14 what I think most people would characterize as not a very
15 pleasant life. That's going to be true of all four people
16 whose lives intersect in this case. Mr. Jenkins has a
17 fourth grade education. His mother, for reasons no one
18 can understand, continued to pull him and his sisters out
19 of school. In fact, she, herself, was arrested and
20 charged for not allowing her children to stay in school.
21 Clarence is very close to his mother. In fact, you will
22 hear that he as grew up with a mother and four sisters,
23 one of whom died, and was largely influenced by the women
24 in his life, who grew into a adult who that
25 characteristic. He has a series of driving offenses, a

1 lot of them. You'll hear about those. But what he
2 doesn't have in his record any history of any charges of
3 violence. So the testimony is going to be, the record is
4 going to be is he drives with a suspended license all the
5 time and he gets arrested for it all the time and he gets
6 sent to jail for it all the time. But never once is he
7 arrested or charged with anything involving violence.
8 He's an unconventional person as are many of the people
9 you're going to hear how about here today. And I think
10 the Solicitor alluded to some of that. He's
11 unconventional in the sense that he is given to
12 fantastical stories. You know people like that and Mr.
13 Jenkins is one of those people. And you'll hear about
14 some of those stories. And that's one of the times we
15 urge you to keep your common sense close by judging what
16 he says. That's the Defendant. That's our client.
17 That's the man on trial here, Clarence Jenkins.

18 The second person, the victim, Mekole Harris.
19 Now, I want to tell you something and I ask you to really
20 remember this throughout the trial. Nothing that I say or
21 do, Mr. Mauldin, Ms. Ross, no question we ask the witness,
22 no piece of evidence we introduce is in any way intended
23 to suggest that Mekole Harris's life is any less important
24 than any one of ours. However, she had a very difficult
25 life and a very unfortunate life. And her life was,

1 ultimately, taken. And that's why we're all here today.

2 Let me tell you a bit about Mekole Harris.

3 You'll hear extensive evidence how her life. Mekole
4 Harris had been arrested for prostitution. She was, in
5 fact, working as a prostitute when she died. She was
6 about 35 years old in 2008. She was a regular user of
7 crack cocaine and other narcotics, had been arrested and
8 charge with that. She was HIV positive. She was, in
9 fact, spending a lot of her time around the location
10 called Labor Finders, which, if you don't know, is an
11 agency in Greenville which provides unskilled day labor
12 for anyone who needs it. Whether you need yard work done
13 or a temporary factory worker. She spent her time hanging
14 around there. And, sadly, one of the reasons she's
15 spending her time there is when the men come back with
16 their paycheck, she's a prostitute and she's there. And
17 that's how she met the Defendant in this case, Clarence
18 Jenkins.

19 So that's two of our four people. Mekole
20 Harris, Clarence Jenkins. And you'll hear on the morning
21 of April 7th, the remains of Mekole Harris are found at
22 multiple locations in Greenville. And that's how the
23 story of this case really begins.

24 So we're talking about the intersection of
25 lives. And the third person I'll tell you about is Carmen

1 Jenkins. Carmen Jenkins in 2008 is about 20 years old.
2 She's married to Clarence Jenkins. They live in a series
3 of trailers in Greenville. They have what we would not
4 call a particularly comfortable happy life. Clarence
5 works doing day labor. Carmen is home. She has one small
6 child, an infant about a year old, and she's pregnant with
7 another in 2008. Carmen Jenkins had in her upbringing
8 quite a different story than either Mekole Harris or
9 Clarence Jenkins. Carmen Jenkins graduated high school.
10 Clarence, four years, fourth grade, out of school. In
11 fact, she had a scholarship and got to go to college for a
12 year at Spartanburg Methodist College. So she had
13 education. She had traveled outside the United States.
14 Her marriage -- Carmen's marriage to Clarence was a
15 difficult one in the sense that Clarence would go home to
16 his mother sometimes. Carmen could go home to her mother
17 sometime. And yet, they continued to return to each
18 other.

19 And the fourth person in this constellation of
20 lives that intersect in this case is Grace Davis. Grace
21 Davis, you haven't heard much of in the opening statement
22 up until now or in the Solicitor's opening statement. But
23 she's a very important character, that's why we included
24 her in the list of people who drive this case. Grace
25 Davis, in 2008, is 35 years old. Older than Clarence or

1 Carmen. She had 12 years of schooling, but as everyone
2 else in this case, she has no trade. She's at home. Her
3 husband's name is Willie Davis. She has three children
4 with him. She had one child before that. Again, a
5 volatile marriage, an unhappy marriage. In July of 2007,
6 Grace Davis leaves. Grace Davis leaves, she stays in a
7 series of shelters with her children and then she is
8 introduced -- the evidence will elaborate on this, she is
9 introduced to Clarence. Clarence, at the time, is
10 separated from Carmen. Carmen has moved back in with her
11 mother. Clarence, on the 10th of August 2008, brings
12 Grace to meet Carmen. He tells Carmen, Grace and I are
13 together. If you want to come back, we're all going to be
14 together. And Carmen says okay. And sometime during that
15 second week in the arrangement, Carmen moved back to the
16 trailer with Grace and Clarence. That relationship
17 doesn't continue very long because Clarence is, again,
18 arrested for driving with a suspended license several days
19 after Carmen moves back in with him and Grace. The car is
20 pulled over on the highway and in the car is Carmen, who
21 has outstanding warrant for check fraud, Clarence, who has
22 outstanding warrant for driving with a suspended license,
23 Carmen's brother, who is unimportant in this case, but
24 also has outstanding warrant, and Grace Davis. So the
25 newly formed family is Clarence, Carmen and Grace, all in

1 the car, along with the brother. The officer stops them,
2 checks licenses, the three of them are arrested. Clarence
3 is taken into custody. Carmen is taken into custody and
4 her brother is taken into custody. Carmen and the brother
5 are shortly thereafter released and go home and Grace
6 drives the car home. Clarence goes to jail for 90 days
7 for driving with a suspended license. And the evidence is
8 going to show that Grace then moves back in with Carmen,
9 who she's only known for a few days, and the two of them
10 carry on a sexual familial domestic relationship for more
11 than 90 days while Clarence is in jail. The testimony
12 will play out that during that period of time, Carmen is
13 employed at sports bars. Grace is home taking care of her
14 children and Carmen's children. This is a domestic
15 relationship. The two of them feel very strongly about
16 each other. And the evidence is very clear that Carmen
17 feels very strong about Grace, with whom she is cohabiting
18 in a very clear domestic and sexual relationship.

19 So those are our four characters, Clarence,
20 Mekole, the victim, Carmen and Grace. Their lives
21 intersect, just like lines, just like, you know, cars on a
22 highway moving to intersect. And beginning in the summer
23 of 2007, the lives start to collide. At the end of that,
24 we have Mekole, who has been killed, no question about
25 that. And we have a trial and a set of criminal charges.

1 So here's how it plays out, what the evidence
2 will show. In December, Clarence is released. He returns
3 to the trailer and Clarence and Carmen and Grace resume
4 there family relationship. And it is a sexual
5 relationship and a family relationship. They exchange
6 rings. They take vows and they live together. Carmen is
7 pregnant, she has her second child. When the child is
8 delivered, Clarence and Grace come and see her. When she
9 leaves the hospital, Clarence and Grace pick her up and
10 take her home.

11 But during this time -- again, think that these
12 volatile lives intersecting, Grace ends up in Family
13 Court. Other relatives are upset about where her children
14 are living in this trailer and this unconventional
15 relationship. And her children are removed. Grace wants
16 her children back. For two or three weeks, she continues
17 to live with Carmen and Clarence in this relationship.
18 When Grace finally decides that she has to move out, which
19 the Court has required for her to get her children back,
20 she moves back in with her aunt. Now, you will hear
21 testimony and evidence that that was okay with Clarence.
22 You'll also hear testimony and evidence that Carmen said
23 she was in love with Grace and missed Grace and wanted
24 Grace back. Then events begin to pick up. Again, you're
25 going to hear evidence that you alone get to judge. All

1 anyone is going to ask you to do is just that evidence and
2 those events as you see them, not as anyone tells you to
3 believe or any interprets them.

4 So in the spring of 2008, a series of unusual
5 events begin to play out. Let me just walk you briefly
6 through it and what the evidence is going to say about
7 those events. Grace has moved out. Carmen and Clarence
8 are living together. Clarence, around the end of March,
9 the first day of April, the dates are going to be a little
10 uneven here, comes home with another woman, Mekole Harris.
11 And Carmen doesn't know Mekole Harris, but they had been
12 together and other witnesses will testify that Mekole and
13 Clarence are seen together at Labor Finders. At about the
14 same time, and, specifically, on April 2nd, letters begin
15 to arrive at family members of Grace Davis. And you'll
16 see the letters, you'll get to read them yourself. But,
17 essentially, they talk about a serious organization and
18 Grace's involvement in it and demand for money and demand
19 than Grace submit herself to the protection of the
20 organization. No one is going to tell you what that
21 means, that's just what the letters say and you will see
22 them as the evidence unfolds. At the same time, those
23 letters are received, an email box is created. And that
24 email is included in the letters and it says when this
25 letter is received, if you're going to cooperate with us,

1 respond to this email address. That email address is set
2 up at the Greenville public library. There's evidence
3 that will show that three times in the next few days that
4 email address is checked. Twice, it's checked from the
5 library. And you'll see surveillance photos that will
6 show at various times, Clarence and Carmen going to check
7 that email address. You will also find that one time that
8 email was checked from the Kendell Road address. The
9 Kendall Road is the address where the trailer was parked
10 when Grace, Carmen and Clarence were living together or
11 Carmen and Clarence were living at the time.

12 On Saturday, April 5th -- again, the letters
13 appear on Wednesday, April 2nd. On Saturday, April 5th,
14 early in the morning, the phone rings at Grace's aunt's
15 house and at an address where Grace's mother had
16 previously lived. There's no recording of what that phone
17 call. What's important is the woman's voice and the woman
18 on the phone makes a threat that says something like
19 somebody is going to be filled. Grace better pay
20 attention. It's not recorded. It's not written down.
21 But witnesses will tell you, it's a woman voice and a
22 threat is made.

23 Sunday, April 6th, the email address is checked
24 again at the public library. Sunday is quiet. Monday,
25 April 7th, talking almost exactly four years ago today,

1 Monday, April 7th, in the morning, human remains are found
2 at two locations. One is the address -- very close to the
3 address of Grace Davis's aunt. The other is at an address
4 where Grace's aunt used to live. What's found there --
5 and this is one of the terrible aspects of this case, is a
6 severed hand and a severed foot. In one of the packages,
7 the fingers had been severed as well. The second
8 location, the same thing, severed hand and severed foot.

9 The police are called and what they find is
10 threatening letters at both locations that have the same
11 email address to suggest they're coming from the same
12 place. The police begin an investigation. They try to
13 find out who Mekole has been seen in the company of and
14 Clarence's name comes up. And they begin to focus on
15 Clarence and Carmen and the in which they lived.

16 On Tuesday, April 8th, the police go to the
17 door, they knock on the door of the trailer where Carmen
18 and Clarence Jenkins live. While the police are there,
19 I'm going to tell you this, there's no sign of Clarence.
20 Carmen comes to the door. Carmen answers their questions,
21 initially, and says, I'm really tied up now. I need to go
22 talk to you at the police station. I need to go to the
23 law enforcement center. They said, okay, be there at
24 5:00. She says, Fine, I'll be there at 5:00. I have to
25 drop Clarence off at Labor Finders. I'll be there at

1 5:00, no problem. The police then back up, but they do
2 what police do, they watch. And what do they see? They
3 see Carmen coming out of the trailer with a bag, plastic
4 bag into the dumpster. Once, twice, three times. No sign
5 of Clarence. They see Carmen take the grill from the
6 outside of the house, cooking grill, move it inside the
7 trailer. Get in her car, go to another woman's house in
8 the family, picks her up, then they come to the police
9 station.

10 When the interview with Carmen begins -- and let
11 me just pause here for a minute. I'm talking a lot about
12 Carmen Jenkins. She is, you will find, a critical
13 witness, perhaps, the critical witness in this case. What
14 her testimony is at the heart of what y'all, ultimately,
15 have to decide. So in trying to give you a preview of
16 what the evidence is, I wanted to emphasize what you're
17 going to hear. So Carmen comes to the police station that
18 night. And the police, again, interview her. And they
19 point out to her that she's already lied about where she
20 was going because she wasn't dropping Clarence off at
21 Labor Finders. And they ask her if she knows about Mekole
22 Harris, she's the victim. No, I have no idea. But she
23 does tell the police that she had a sexual relationship
24 with Grace Davis, the woman whose family was receiving the
25 threatening letters. She says she still loves Grace and

1 she wanted Grace to come back. And as the police will
2 tell you when they testify, as they're interviewing her,
3 she's shaking her head all the time. Then when they say,
4 You're not afraid of Clarence, are you? That is the only
5 times she giggles. She says, No, I'm not afraid of
6 Clarence --

7 MR. WILKINS: Your Honor, I thought this was
8 supposed to be brief opening statement, we're going into a
9 lot here.

10 THE COURT: Yeah, let's pick up the pace.

11 MR. MCDUGAL: Thank you, Your Honor.

12 So you'll hear the story of Carmen Jenkins'
13 testimony -- Carmen Jenkins' statements to the police.
14 Her story then changes. Fastforward 18 months, the police
15 are told where the remains, the rest of the remains of
16 Mekole Harris can be find. And they're told that by
17 lawyers representing Carmen Jenkins. And they're told
18 that because she had received a death notice. She had
19 been told that she was being prosecuted for the capital
20 murder of Mekole Harris. In exchange for identifying
21 where those remains were buried, the State agrees to drop
22 that death notice September of 2009.

23 March 2011, Carmen Jenkins comes into this court
24 and pleads guilty. When she pleads guilty, her story has
25 yet changed again. It's changed considerably and you'll

1 hear it from the witness. At the time she pleads guilty,
2 the Solicitor issues a letter and the letter says as
3 follows: Assuming Carmen Jenkins' cooperation is deemed
4 substantial, the State --

5 MR. WILKINS: Your Honor, again, we're getting
6 real close to argument here.

7 THE COURT: We're not in closing argument.
8 Let's pick up the pace, Mr. McDougal.

9 MR. MCDUGAL: Assuming Carmen Jenkins'
10 cooperation is deemed substantial --

11 MR. WILKINS: Your Honor --

12 MR. MCDUGAL: May I approach, Your Honor?

13 THE COURT: No, sir, finish your -- just go
14 ahead and finish your opening. But watch out with this,
15 we're not doing closing arguments. Okay.

16 MR. MCDUGAL: I understand, Your Honor.

17 So I'll wind up. Mr. Jenkins is not charged
18 with mutilation of a corpse. He's not charged with
19 attempted extortion. He's charged with, as the Solicitor
20 pointed out, murder and kidnapping and those are the
21 issues that y'all have to address. All we ask is that you
22 listen carefully to the evidence. When you've heard and
23 seen all the evidence and the Judge has instructed you on
24 the law, we'd ask you to return a verdict. And the
25 verdict, as we will request at closing, will be that Mr.

1 Jenkins is not guilty of these crimes.

2 Thank you, Your Honor.

3 THE COURT: All right. Mr. Wilkins, call your
4 first witness.

5 MR. WILKINS: Your Honor, the State calls Scott
6 Odom.

7 THE CLERK: Please come forward to be sworn in.
8 Place your left hand on the Bible and raise your right,
9 please.

10 SCOTT ODOM, after being duly sworn, testified as
11 follows:

12 THE CLERK: Thank you, you may be seated. State
13 your name for the record.

14 THE WITNESS: Christopher Scott Odom.

15 THE CLERK: Thank you.

16 DIRECT EXAMINATION

17 BY MR. WILKINS:

18 Q Mr. Odom, I ask you to make sure you speak into the
19 microphone so the jury can hear you.

20 A Yes, sir.

21 Q With whom are you employed now?

22 A United States Marine Corp.

23 Q In fact, back in 2008, who were you employed with?

24 A Greenville City Police Department.

25 Q What capacity were you employed?

1 A I was a uniform patrol police officer working the
2 community patrol.

3 Q All right. Explain sort of what your daily duties
4 were for Greenville City Police Department?

5 A Yes, sir. My daily duties were, basically, respond
6 to 911 calls for service from dispatch as well as
7 other proactive type of force with law enforcement.

8 Q When did you leave the Greenville City Police
9 Department?

10 A I left the police department when I received my
11 commission in October of 2009.

12 Q Now, I'm going to take you back to April 7th, 2008,
13 almost four years ago?

14 A Okay.

15 Q Did you have an occasion to respond to Andover
16 Apartments on Cleveland Street?

17 A Yes, sir, I did.

18 Q Can you tell this jury about how you came to go
19 there?

20 A Yes, sir. 7:58 that morning, I believe it was a
21 Monday morning, I received a 911 call from dispatch
22 advising that the complainant, Ms. Bostic, had
23 received a threatening letter as well as a plastic
24 bag outside of her apartment. We all are assigned
25 beats and sectors, so it was my beat. I was the

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1 responding officer, the primary officer
2 investigating. I arrived at 831 Cleveland Street at
3 approximately 8:09 that morning.

4 Q Was anyone with you when you arrived there?

5 A Not initially, but Officer Amber Allen was the
6 secondary officer who responded as backup.

7 Q And once you arrived out there, what did you do? Who
8 did you talk with?

9 A Yes, sir, once I arrived, it was building No. 17,
10 apartment No. 504. Walked up to the first flight of
11 stairs to go up to the second level. I spoke with
12 Ms. Bostic, who was the complainant involved. So I
13 initially made contact with her to find out what the
14 situation was. And she explained the circumstances
15 to me.

16 (WHEREUPON, State's Exhibits Nos. 1-9 were
17 marked for identification only.)

18 BY MR. WILKINS:

19 Q I'm going to show you State's Exhibits 1 through 9.
20 Briefly, take a look at these photos and let me know
21 if you can describe them. I'll lay them out here.
22 Tell us what you see there.

23 A Yes, this first picture is a picture of the back side
24 of Andover Apartments, 831 Cleveland Street. This
25 picture is a picture of building 17, apartment 504,

1 the complainant's apartment is on the top right
2 corner as the picture shows, and her vehicle is
3 located there in the front. This is the breezeway
4 going to the complainant's apartment. This is the
5 front door or the window of the screen door of
6 apartment 504.

7 Q Is that where you responded?

8 A Yes, sir.

9 Q At the Andover Apartments?

10 A It is, yes, sir.

11 Q And what do we have there?

12 A As I stated, that's building No. 17, apartment No.
13 504. Where the arrow is pointed, that's where the
14 complainant resides. And her vehicle there is the
15 yellow Ford Thunderbird there in front.

16 Q Let me show you that right there.

17 A That is apartment No. 504, that's her front door
18 there, the window to the left. The plastic bag that
19 we were talking about, that was located to the left
20 of that door?

21 Q All right. Right there.

22 A That's just the breezeway. As you can see, the
23 stairs come up there and you turn to the right to
24 walk down to where her apartment building is at.

25 MR. WILKINS: The State moves Exhibits 1 through

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1 4 in evidence.

2 MR. MCDOUGAL: No objection.

3 THE COURT: All right. Before we publish these
4 things to the jury, why don't you get them in evidence.

5 (WHEREUPON, State's Exhibit Nos. 1-4 were
6 admitted into evidence.)

7 BY MR. WILKINS:

8 Q All right. Mr. Odom, I'm going to show you what
9 State's Exhibits 5 through 9?

10 A Yes, sir. All right. This is the trunk of my patrol
11 car, vehicle this 55, with the black trash bag
12 located on the trunk. This is just a closer picture
13 of the black trash bag. Again, a closer picture.
14 There's one detailing the knot in the trash bag.

15 Q Did you find anything else at the scene?

16 A There was a note as well as a clear plastic baggie
17 that the note was located in.

18 Q How did you retrieve the note?

19 A After I had gone through the contents of the black
20 trash bag, I went back to speak with the complainant
21 and I retrieved the note, which was located on her
22 kitchen table.

23 Q I'm going to show you State's Exhibits 8 and 9.

24 A Yes, sir, that is the note that was left for the
25 complainant.

1 MR. WILKINS: Your Honor, the State moves
2 Exhibits 5 through 9 into evidence.

3 MR. MCDUGAL: Could we please see them, Your
4 Honor.

5 THE COURT: Yeah, show them to them.

6 MR. WILKINS: Your Honor, we have previously
7 shown these photos to the witness before so they can have
8 a look to try to speed things up.

9 THE COURT: Okay.

10 MR. WILKINS: If they want to see them every
11 single time, that's fine, too.

12 MR. MCDUGAL: No objection.

13 (WHEREUPON, State's Exhibit Nos. 5-9 were
14 admitted into evidence.)

15 BY MR. WILKINS:

16 Q Now, let me go back, Mr. Odom. You met a Sue Bostic
17 and that's who you talked to?

18 A Yes, sir.

19 Q And what did she tell you was there?

20 A She let me know that at some point in time that
21 morning that she had gone out to take her kids to the
22 bus stop, which was located at the top of the
23 apartment complex, and when she came back, she
24 located the letter on her windshield. When she came
25 back from her car to her apartment building, she

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1 noticed the black trash bag located to the left of
2 her door.

3 Q What did you -- when you saw that black trash bag,
4 what did you do?

5 A Yes, sir. Once -- I was speaking with her, Ms.
6 Bostic, and once Officer Allen arrived on the scene,
7 I took the black trash bag -- I left her with Officer
8 Allen, went down to my vehicle and placed the trash
9 bag on the bag of the vehicle with the intention of
10 searching its contents.

11 Q All right. So State's Exhibit 5 here, already been
12 admitted into evidence, what is that?

13 A That's my patrol vehicle, vehicle No. 755 for
14 Greenville City. As you can see toward the end of
15 the trunk at the taillight, that's the black trash
16 bag that was located outside the complainant's
17 apartment.

18 Q State's Exhibit 6, already admitted into evidence?

19 A Again, that's just a closer picture of the trash bag.

20 Q And State's Exhibit 7?

21 A And this particular picture that was taken by
22 forensics shows the knot -- the large knot that was
23 tied in the top of the trash bag. Basically, the
24 closest thing to you away from the back window is the
25 knot.

1 Q So after you carried the -- how did you carry the bag
2 down to your patrol car?

3 A I carried it down, just carried the top of the bag
4 down to my patrol car. Initially, I attempted to
5 untie the knot. I did disturb it as little as
6 possible. The knot was in there pretty solid, so at
7 that time, I had to contact Officer Allen to see if
8 she had a knife where I could actually cut the bag
9 open since I couldn't untie the knot.

10 Q What did you do next?

11 A Once I cut the bag open, Officer Allen went back up
12 with the complainant. I began to search through the
13 contents of the bag. I had cut through the bag -- I
14 didn't know it was the outside bag, but through one
15 bag to immediately notice another bag, the same type
16 bag on the inside. So, basically, a bag inside a
17 bag. Once I noticed that, I cut through the second
18 bag with the knife. And as soon as I cut through the
19 second bag, opened the bag a little bit, I saw what
20 appeared to be the top portion of a human foot. I
21 hesitated momentarily, opened the bag further and it
22 did appear to be an African-American foot. The top
23 portion of the foot, I could see what looked like it
24 was severed right below the ankle bone. All the toes
25 as well had been cut off the foot.

SCOTT ODOM-DIRECT BY MR. WILKINS

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1 Q So after you looked in the bag and saw a severed hand
2 and severed foot and the toes, what did you do?

3 A Yes, sir. Well, initially, I had only seen the foot.
4 At that point in time, I contacted Officer Allen, who
5 was up on the balcony with the complainant. I asked
6 her if she could come down with me as well so she
7 could observe what I saw. Once she came down, we
8 took the back and moved it off the trunk and towards
9 the far side of the patrol car, basically, on the
10 passenger side, that way the complainant couldn't see
11 what was actually in the bag. We asked her to stay
12 up there.

13 Once we got the bag on the pavement by the tire,
14 I opened the bag again and showed Officer Allen the
15 human foot that I had located. I saw something else
16 in the outer bag. As I stated, there were two bags,
17 one inside of the other. The foot was located on the
18 inside bag. And as I probed further, I saw a human
19 hand, what looked like an adult African-American hand
20 in the outer bag. As well as the hand, all of the
21 toes that had been severed from the foot, what I
22 believed were the same foot, were located in that
23 outer bag as well.

24 Q Did you call anybody after you found this?

25 A Yes, sir. As soon as I located the human remains, I

1 contacted first my supervisor, Sergeant Greg
2 Williams. I contacted him on the radio and asked him
3 if he could be in route in reference to the
4 situation. As soon as I got off the radio with him,
5 I also contacted -- or had dispatch, rather, contact
6 the on-duty crimes against persons detective as well
7 as other immediate supervisors and forensics as well.

8 Q All right. So after that, did you speak any further
9 with Sue Bostic?

10 A Yes, sir. Initially, like I said --

11 Q Not going into what she said to you.

12 A Yes, sir, no detail as far as conversation. I went
13 back up -- after I had located what was in the bag,
14 left the bag with Officer Allen, went back to the
15 complainant. We spoke briefly, at which point in
16 time, I asked her if I could go into her apartment
17 and retrieve the letter. She allowed me to do so.
18 With plastic gloves on, I went into the apartment and
19 did retrieve the letter.

20 Q Okay. Show you what's already admitted into evidence
21 as State Exhibit 8. What is that?

22 A That is the letter the complainant located -- Ms.
23 Bostic located on her vehicle that morning that I
24 retrieved. That is the same letter, a close-up
25 version of the same letter.

SCOTT ODOM-DIRECT BY MR. WILKINS

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1 (WHEREUPON, State's Exhibit No. 104 was marked
2 for identification only.)

3 BY MR. WILKINS:

4 Q I'm going to show you what's been marked as State's
5 Exhibit No. 104? Do you recognize that?

6 A Yes, sir, it's the same letter.

7 MR. WILKINS: Your Honor, the State moves
8 Exhibit 104 into evidence.

9 MR. MCDUGAL: Without objection.

10 (WHEREUPON, State's Exhibit No. 104 was admitted
11 into evidence.)

12 MR. WILKINS: Your Honor, permission to publish
13 the letter to the jury?

14 THE COURT: Yes, sir.

15 MR. MCDUGAL: Your Honor, if I may, our lack of
16 objection to that letter, we have no objection to it being
17 published now. By not objecting to the admission of the
18 document, we would reserve our right to object to the
19 forensic evidence that comes from it.

20 THE COURT: Yes, sir.

21 MR. MCDUGAL: Thank you.

22 (WHEREUPON, State's Exhibit No. 104 was read
23 into the record.)

24 BY MR. WILKINS:

25 Q Now, when you received the note from Ms. Bostic, did

1 you take any special precautions with it?

2 A Yes, sir, I did wear search gloves. We all have
3 search gloves that protect us from anything. I did
4 wear those before retrieving the letter.

5 Q And what did you do with the letter once you
6 retrieved it?

7 A Once I retrieved the letter, I took it back to my
8 patrol car where I had searched the bag and read the
9 letter again. I held onto the letter and the bag at
10 that point until forensics arrived.

11 Q Did you give it to anybody?

12 A No, sir, not to my recollection until forensics
13 arrived. Once forensics arrived, I did turn the
14 letter and the bag over to forensics.

15 MR. WILKINS: Please answer any questions that
16 the Defense counsel may have for you.

17 MR. MCDOUGAL: No questions, Your Honor.

18 THE COURT: All right. Thank you very much.
19 You can stand down. Thank you, sir.

20 MS. STROM: Judge, we ask that he be allowed to
21 be excused so he can return.

22 MR. MCDOUGAL: No objection.

23 THE COURT: All right. Thank you, sir. You're
24 released from the subpoena. Thank you very much.

25 MR. WILKINS: Your Honor, the State calls Sue

SCOTT ODOM-DIRECT BY MR. WILKINS

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1 Pearl Bostic.

2 THE CLERK: Ms. Bostic, if you come forward to
3 be sworn in, please. Right up here, please. Place your
4 left hand on the Bible and raise your right.

5 SUE PEARL BOSTIC, after being duly sworn,
6 testified as follows:

7 THE CLERK: Thank you. You may be seated.
8 State your name for the record.

9 THE WITNESS: My name is Sue Pearl Bostic.

10 DIRECT EXAMINATION

11 BY MR. WILKINS:

12 Q Ms. Bostic, make sure to speak up in the microphone
13 so the jury can hear you.

14 A Okay.

15 Q Ms. Bostic, where do you live?

16 A 10 McCur Street in the Town of Greenville.

17 Q And who lives with you at that address?

18 A I live by myself.

19 Q And I want to take you back to 2008. Where did you
20 live back then in 2008?

21 A 504 Andover Apartments. I can't pronounce some words
22 real good, okay.

23 Q I understand. I'll show you State's Exhibit No. 2,
24 that has already been admitted into evidence. Is
25 that where you were living back in 2008?

1 A Yes. Let me look for my glasses.

2 Q That's where you were living in 2008?

3 A Yes.

4 Q Do you recognize that yellow car that's in the circle
5 right here?

6 A Oh, yeah, that's my old car.

7 Q Was that your car back then?

8 A Yeah.

9 Q Who was living with you at that time?

10 A Marquise Burnside and I had Grace other three kids
11 temporarily.

12 Q Okay. Now, who is Marquise Burnside?

13 A Grace oldest son.

14 Q That's Grace Davis?

15 A Yes. But he was living with me because they took him
16 out the house because her husband put bruises on him.

17 Q So how many children did you have living there with
18 you at that time?

19 A I had Grace other kids, too, temporary until she
20 found a place of her own.

21 Q Now, what relationship are you to Grace Davis?

22 A My niece.

23 Q Now, how -- explain a little more. How did you end
24 up with her children?

25 A She left her husband and went to find shelter, but we

SUS BOSTIC-DIRECT BY MR. WILKINS

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1 didn't know about it, okay, but I find out. Her
2 friend she had went to class with, Carmella -- I
3 mean, what you call her, that man sister. And I
4 think she stayed with them a few days. But she
5 introduced Grace to her brother and wife. And she
6 start staying with them. She was going to stay with
7 them until she find -- get her own place because she
8 wanted her own place.

9 Q Now, do you know who Grace was living with back in
10 2008? Do you know who she was living with, who Grace
11 was living with?

12 A Before they took her kids or after they took her
13 kids?

14 Q Before they took her kids?

15 A She was living with Carmella, what her name, him and
16 his wife.

17 Q Well, let me ask you this, do you know this gentleman
18 right here?

19 A Well, he done lost weight, but that's the man that
20 brought Grace to see her kids. I met him at Judon's
21 house a couple times. I can't remember names.

22 Q Clarence Jenkins?

23 A Clarence, Clarence, yeah, okay.

24 Q Now, tell us about -- you mentioned -- did Clarence
25 Jenkins, that man right there, and his wife, Carmen,

1 ever come visit you?

2 A Yes, they brought Grace to see her kids after I had
3 got them temporary until she get a place of her own,
4 because she was living with my sister, Cat. But she
5 came there to see them one evening. And I asked
6 who -- to come in and they came in and they was
7 talking kind of crazy, you know, stuff I don't
8 approve of, put it like that. And I was wondering
9 how in the world he -- and I told him to tell his
10 wife to come up, too, because she was downstairs
11 looking up. And I say, Invite your wife in. She all
12 right. And I said, Well, Grace -- they was talking
13 about --

14 MS. ROSS: Judge, I object to any hearsay.

15 THE COURT: Yeah, you can't say what somebody
16 said, okay, other than Mr. Jenkins.

17 THE WITNESS: I say bring your wife -- invite
18 her in the house. But she did stay, she all right. You
19 know, then he ain't let her come in, so that's the way it
20 was.

21 THE COURT: Okay.

22 BY MR. WILKINS:

23 Q Okay.

24 A She stayed out, but she was looking up, you know. I
25 didn't say nothing. I asked them did they want to

SUS BOSTIC-DIRECT BY MR. WILKINS

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1 have a seat. No, they didn't want to have a seat.
2 And I said, Gracie, I don't like the way he act or
3 talk, you know. And I said, If you come see your
4 kids, come by yourself. I don't want them back here
5 no more. Just come by yourself, you know. And she
6 kind of smiled and he kind of had that old smile, you
7 know. I said, I don't mean no harm, but, you know, I
8 just don't want him here no more.

9 Q Were you talking about Clarence?

10 A Yes, sir. I didn't want him to come there on more.
11 I just didn't feel good about him. So she didn't say
12 nothing. So when they got ready to leave, she said,
13 Well, I'm fixing to go. And he grabbed Meko and
14 shook his hand. And when he shook his hand, he
15 reached and grabbed, you know how they do bracing,
16 you know. I said, You ain't got to do all that.
17 Just go ahead. Meko, go in there in the room and let
18 them go ahead.

19 Q How long did they stay?

20 A I think they stayed about -- I'd say a good 15
21 minutes, a good minutes.

22 Q Is that the only time Grace brought Clarence Jenkins
23 and his wife, Carmen, over to your house?

24 A I been trying -- it's been so long, I been trying to
25 figure out did he bring her twice or one time, but I

1 remember that one time because I just didn't feel
2 comfortable when he was around, you know. I just
3 didn't feel comfortable.

4 Q Now, did you ever receive a letter that was addressed
5 to Grace Davis?

6 A Yes, it came in my mail about they wanted \$10,000 or
7 something like that. And I was telling Betty Jean
8 about it, my sister. And I said, Who in the world
9 going to write something like this here talking about
10 they want \$10,000? Betty Jean said, That sound like
11 something -- I said, People don't do that. I hear
12 that on the TV, but I don't hear nobody do that for
13 real.

14 (WHEREUPON, State's Exhibit No. 107 was marked
15 for identification only.)

16 BY MR. WILKINS:

17 Q Ms. Bostic, I'm going to show you State's Exhibit No.
18 107 for identification. I'm going to ask you to take
19 a look at it and see if you recognize it?

20 A Yes. Somebody writing wanting \$10,000, yes.

21 Q Now, can you see a postmark on that?

22 A Can't hardly see it now, it's done faded away. Let
23 me see. I can't hardly see that.

24 Q Now, Ms. Bostic, is this the letter that you received
25 in the mail?

SUS BOSTIC-DIRECT BY MR. WILKINS

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1 A Yes, sir.

2 Q The one I just showed you?

3 A Yes, sir. Yes, sir:

4 MR. WILKINS: Your Honor, the State moves--

5 THE WITNESS: It's done faded, though. The
6 envelop done faded out. I can't see it.

7 BY MR. WILKINS:

8 Q It was not like that when you received it?

9 A No.

10 MR. WILKINS: Your Honor, the State moves
11 Exhibit 107 into evidence.

12 THE COURT: Any objection?

13 MS. ROSS: Judge, we would not object, except we
14 would reserve any forensic evidence, we would reserve an
15 objection on that, but not to the body of letter.

16 (WHEREUPON, State's Exhibit No. 107 was admitted
17 into evidence.)

18 BY MR. WILKINS:

19 Q Now, when you got this letter, do you recall what you
20 did with it?

21 A I laid it on the table and I just couldn't believe
22 that somebody would write want \$10,000. Where am I
23 going to get \$10,000? If I had \$10,000, I'd keep it
24 for myself. You know, I just -- it just didn't do
25 nothing for me right then.

1 MR. WILKINS: Your Honor, can I publish the
2 letter to the jury?

3 THE COURT: Sure.

4 (WHEREUPON, State's Exhibit No. 107 was read to
5 the juror.)

6 BY MR. WILKINS:

7 Q Now, once you got that letter, did you tell anybody
8 about it?

9 A I talked to Betty Jean, my sister.

10 Q Okay.

11 A And we just -- we just said somebody trying to be
12 smart or scare you, you know. We just -- I don't
13 know, I just -- I guess I was denial. I didn't think
14 nobody would do something like -- you know, write a
15 letter like that, you know.

16 Q Now, I'm going to bring you back to April 7th of
17 2008. Do you remember about how much time before
18 April 7th, 2007 when you received this letter, do you
19 remember how much time was in between?

20 A It was -- I don't know right off, you know. It was
21 about two months, seems like it was about two months
22 after that. I'm not one hundred percent sure about
23 how many days it was. Let me see.

24 Q Well, Ms. Bostic, if I were to show you --

25 A I'm not too -- I don't know how many days. It's been

SUS BOSTIC-DIRECT BY MR. WILKINS

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1 a long time, you know.

2 Q Well, I'm going to show you the envelope that's
3 already been admitted into evidence. And it says
4 March 31st, 2008, was when this letter was
5 postmarked.

6 A That's close.

7 Q Does that sound about right?

8 A Yeah. Because my husband died in 2003. Yeah, it was
9 about that. I'm not 100 percent sure, now, but that
10 sounds about right.

11 Q Okay.

12 A But that sounds about right.

13 Q And again, after you got that letter, you talked to
14 your sister and you just paid it no mind or what did
15 you do?

16 A I was just saying it was somebody being smart. I
17 think it was just somebody trying to be smart or try
18 to scare us up or something. Betty Jean said it
19 sounded like somebody wanting some money, trying to
20 get some money. And I said, Well, I don't know why
21 they think me going to have money, you know, that
22 kind of money.

23 Q All right. Then I'm going to take you to April 7th,
24 2008, do you remember that day, when you received
25 something on your car and something at your house?

1 A I was take -- one morning, I was taking Sara to catch
2 the bus, school bus.

3 Q About what time do you take Sara to the school bus?

4 A I think we left out about 7:30, the bus come -- the
5 younger children 7:30. It was between 7:00 and 7:30,
6 I believe it was. The bus come early for the younger
7 kids.

8 Q So what did you do?

9 A I took her -- went out to the car and was going to
10 drive her up the hill because you got to go up the
11 hill to catch the bus because I wouldn't dare let her
12 walk by herself, you know. And it's still kind of
13 dark. Yeah, kind of dark. So we went to the car.
14 And I said, Honey, what that letter on the car like
15 that. It was a little note on the car. And I got it
16 and then I crank the car up. And while it was
17 warming up, I said, Can you understand this, Sara?
18 She said, No, ma'am, I don't know. I said, That's
19 all right. When I got up to the stop waiting on bus
20 --

21 Q Let's stop right there. I'm going to show you what's
22 marked as State's Exhibit No. 10 for identification.

23 (WHEREUPON, State's Exhibit No. 10 was marked
24 for identification only.)
25

SUS BOSTIC-DIRECT BY MR. WILKINS

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1 BY MR. WILKINS:

2 Q Do you recognize that?

3 A Oh, that's my old car, uh-huh.

4 MR. WILKINS: The State moves Exhibit 10.

5 MS. ROSS: No objection.

6 THE COURT: All right, no objection.

7 (WHEREUPON, State's Exhibit No. 10 was admitted
8 into evidence.)

9 BY MR. WILKINS:

10 Q So this is the car that you got in?

11 A Yes, sir.

12 Q Where did you notice the note on the car?

13 A It was on the front right there where the windshield
14 wiper --

15 Q On the driver's side?

16 A Kind of in the middle like, I believe. I just
17 reached and got it. I reached and got it.

18 Q So you took Sara up to the bus stop. What did you
19 do, you came back to the house?

20 A No, I was waiting on the bus. When the bus come, she
21 got on there and I went on back to the house with the
22 note. And I was going to ask Meko about it. But
23 what surprised me, when I left, wasn't nothing on my
24 porch. But when I came back, it was a black bag on
25 my porch. I said, Oh, my God, what is this? So

1 wouldn't mess with it, you know, because I look at
2 news all the time and they say different things.
3 Anyway, I went in the house. Meko -- I said -- it
4 was Marquise, but I call him Meko. I said, There's a
5 bag on the porch and it wasn't on that porch when I
6 left. He was fixing to run out and I said, No, you
7 not going to touch it. You just go ahead and get
8 ready for school and just leave it alone. So when he
9 went to school, I just called Betty Jean, my sister.
10 I said, Betty, you know what, there's a bag on my
11 porch. I said, But it wasn't on there when I left.
12 I said, You think somebody trying to be smart? I
13 said, You know he had a letter in the mailbox one
14 time, you know, just like that. And I said, There
15 was a note on my car, too. She said, Another note?
16 She said, Don't mess with that bag, call the police.
17 Q What did you do?
18 A Call the police.
19 Q Now, I'm again to show you State's Exhibit 6. Do you
20 recognize that bag?
21 A It was black bag with a orange-looking drawstring
22 like.
23 Q All right. I'm going to show you State's Exhibit 9.
24 Is that the letter that you received? Can you see
25 that, Ms. Bostic?

SUS BOSTIC-DIRECT BY MR. WILKINS

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1 A Yeah, it wouldn't too much on that little note. It
2 was the little.

3 Q Is this the note you received on --

4 A On the car.

5 Q On the car?

6 A Yes, sir.

7 Q All right. Now, what did you do with the letter you
8 got on the car, that you found on the car?

9 A I gave it to the officer.

10 Q All right. And what about the bag?

11 A He came and I told him, I said, I rather not mess
12 with the bag because I seen on the TV a few weeks ago
13 there was a snake in somebody's mailbox. And I said,
14 I wouldn't about to go, I said, Somebody trying to be
15 smart, playing a joke on me now, you know. So I
16 didn't open the bag. I told him my sister told me
17 not to open it. So he took something, a stick or
18 something, went down the steps, put it on his car and
19 he opened it up to look. And he said -- I said, What
20 is it? And he said -- I said, Wait a minute. I
21 said, That bag was on my porch. He could have said
22 why you didn't open it up yourself then, but, you
23 know, I just said it like that. I said, I want to
24 know what was in it. And he said, You don't. And I
25 said, Yes, I do, too. And he said, It's a hand and

1 feet in it. And I said, Oh, you talking about
2 chicken feet? I thought it was just something
3 joking. And I said, Oh, somebody trying to be smart
4 like that. And he said, No, ma'am. I said, You sure
5 it's a human feet. And he said, Yes, ma'am. Then
6 when he did that, I said, Oh, my God, I better
7 call -- I better check and see if Grace all right
8 because she at my sister house. So everybody start
9 -- because my niece and them find out -- Betty Jean
10 and them was on the outside and they wouldn't let
11 them on the inside. They done put a ribbon, yellow
12 ribbon around. And I said, I got to check and see
13 where Grace at --

14 Q Let me stop you right there. Did you turn all that
15 over to the police?

16 A Yeah, I give it to the police.

17 Q All right. Look at this --

18 A I gave that to the police, yes, sir. And they said
19 they was going to give me a copy, but they didn't.

20 Q So on April 7th, you find a black bag and a note that
21 you gave to the police?

22 A Uh-huh.

23 Q Did you receive a phone call? Ms. Bostic, don't talk
24 about anything that Meko said, just tell me what you
25 did.

SUS BOSTIC-DIRECT BY MR. WILKINS

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1 A Well, Meko brought the phone to me and said --

2 Q Don't say what Marquise said, just tell the jury what
3 did you do when he handed you the phone?

4 A When I got the phone, the people said somebody on
5 phone -- now, there's somebody else said on the
6 phone, said some woman was crying and going on saying
7 --

8 THE COURT: You can't testify to what the woman
9 said.

10 THE WITNESS: See, I can't say -- okay.

11 BY MR. WILKINS:

12 Q So do you know where the phone call came from?

13 A No, sir. All I know we traced that call and it was a
14 pay phone, that's all I know.

15 Q How do you know it was a pay phone?

16 A Meko -- I can't say Meko did it either?

17 Q Do you have caller ID?

18 A Yes, sir, that's what I'm trying to say.

19 Q Did you look at the caller ID?

20 A It was no name, no thing. You can hear -- they tell
21 you it's a pay phone. It was a pay phone.

22 MR. WILKINS: Please answer any questions that
23 the Defense counsel may have.

24 CROSS-EXAMINATION

25 BY MS. ROSS:

1 Q Now, this was four years ago, right?

2 A Yes, ma'am.

3 Q Almost -- well, four years and two days ago. Now,
4 back then on April 7th, that day, you gave a written
5 statement, didn't you? And I'll show it to you if it
6 helps. You gave a statement and signed it. Is that
7 your statement?

8 A Yes, this right here mine.

9 Q It was April 7th?

10 A Uh-huh.

11 Q Right.

12 A Uh-huh.

13 Q Now, when you gave that statement, you didn't mention
14 Clarence Jenkins' name one time, did you? And this
15 was back that day?

16 A Not the phone call we heard, it wasn't his name. But
17 when he came to my house -- I just say he came to my
18 house, when they asked me had he been to my house
19 before.

20 Q Did they ask you that day, is that in your statement?

21 A I'm not 100 percent sure when they did, you know.

22 Q Well, when you gave the statement that day, did you
23 bring up his name at all in that statement? You can
24 take a look at it and refresh your recollection if
25 you'd like.

SUE BOSTIC-CROSS BY MS. ROSS

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1 A I'm trying to think and see. I'm trying to figure
2 out who you talking about.

3 Q When you give the statement -- I think you went to
4 the law enforcement center, but you gave that
5 statement on April 7th. And that was the day you
6 came home and found the note on the car, that's the
7 day you gave that statement. Did you mention
8 Clarence Jenkins or Carmen Jenkins at all?

9 A No, because I was telling them about the bag that was
10 on my porch and the letter that was in my mailbox and
11 the note was on my car, that's what they were asking
12 me about.

13 Q And you didn't say -- you don't volunteer anything
14 about well, someone came over and that made me
15 nervous? You didn't say anything like that at the
16 time, did you?

17 A (There was no response.)

18 Q You didn't mention anything about well, Grace is with
19 someone and they came to my house? You didn't
20 mention anything that you testified to early when you
21 were talking to the police that day?

22 A I'm trying to see if I remember did I say that or
23 not. I think they were more interested --

24 Q Well, I'd refer you to the statement. You wrote out
25 a two-page statement. Did you say anything about

1 that in the statement?

2 A Well, they was asking about Meko. Grace told me
3 always -- she told me she didn't know who Meko's
4 daddy --

5 Q So you were talking about Willie Davis in that
6 statement, Meko's daddy, right?

7 A No, Willie is not Meko's daddy?

8 Q Oh, I'm sorry.

9 A Grace do not know who -- she say she didn't know who
10 Meko daddy was, put it like that.

11 Q But you did mention Willie Davis in that statement,
12 didn't you?

13 A The girl on the phone said -- call Willie Davis name,
14 but he said -- the Judge said I cannot say what
15 somebody else say. But she said it was Willie Davis
16 and that's how we thought it was really -- it wasn't
17 his name, it was Willie Davis name. And he said I
18 cannot say that because that was on the phone.

19 Q Well, other places in that statement, there's
20 reference -- well, let me go back to your testimony
21 before. When you talked about Meko having bruises
22 from Willie Davis --

23 A Oh, that was -- that was telling them how come I had
24 Meko.

25 Q So you had custody of him because there had been

1 prior incidents of abuse between Willie Davis and
2 Meko, right?

3 A Yeah. They took him out the house and put him in the
4 boys' home. And I kept working with DSS and things
5 until I got him and he moved in with me. I was
6 living in a senior citizens apartment. So I had
7 to -- with him moving in with me, I had to get an
8 apartment with two bedrooms because he was a boy.
9 But if he had been a girl, I could have stayed in the
10 senior citizens apartment.

11 Q So, at first, right when these letters come out and
12 this bag is discovered, the issue -- a lot of talk
13 was Willie Davis?

14 A Yeah, we -- I guess -- no, I ain't no guessing. At
15 first, I thought -- I was upset. I said, Reckon did
16 Willie have something to do with this because they
17 said that he had to pay me child support while I had
18 the kids.

19 Q And that hearing had been the prior week, correct?

20 A Beg your pardon?

21 Q That hearing had been like a week beforehand, or
22 pretty close, right?

23 A Yes, it had been. But I had been had Meko ever
24 since -- his first six years.

25 Q Okay.

1 A Because I raised his momma. Both of them was living
2 with me. I raised his momma from a baby.

3 Q So you raised Grace and then Meko?

4 A Right.

5 Q Then you had just gotten her other --

6 A And she was with me when she was pregnant with Meko
7 and he was with me the first six years. When she
8 turned 26, she married and took Meko with her.

9 Q Okay.

10 A And then after that, they had -- when he turned 13,
11 that's when they took him out the house and he
12 started staying with me. And I got full custody of
13 him until he was 18. So when he turned 18, he left
14 and moved back with the momma, which she didn't do
15 nothing to him, you know.

16 Q Did Grace move in with you briefly before she moved
17 back?

18 A Yeah, she was living with my sister, Cat. Well,
19 Cathy is my niece, but my sister lives in the house
20 with her daughter. But that's where Grace was
21 living. And then she turned around -- and I said,
22 Grace, just come on in the house with me, these your
23 children, to help me because I was working. And she
24 moved in with me after all that. She stayed with me
25 until she got her children back, got custody of her

1 children back, then she got her own place.

2 Q Okay. So she was staying with you and your sister
3 and a couple of other family members during this
4 period?

5 A Well, I was right there for her.

6 Q And just to clarify, when she left Willie Davis, she
7 was staying with Janese, who is Clarence's sister,
8 right?

9 A Yeah, she called her because they went to some
10 classes concerning how to raise your kids or take
11 care of your kids.

12 Q Parenting classes?

13 A Uh-huh, uh-huh. And that's how she end up --

14 Q So Janese let her come stay with her?

15 A Uh-huh.

16 Q And then later on, she went and stayed with Clarence
17 and Carmen Jenkins?

18 A Yeah. I really didn't -- well, I don't approve, but
19 the young folks do what they want to do.

20 Q Okay. So Grace and Clarence did come over and see
21 Grace's children? Clarence brought Grace over to
22 see --

23 A He brought her over there, him and his wife, yeah.
24 But she just didn't come in. She stayed on the
25 outside.

1 Q And when this call happened, you didn't actually --
2 and it's in the statement, you didn't actually speak
3 on the phone when you received that call, when Meko
4 handed you the phone?

5 A Yes. I kept staying hello and who is this. And she
6 said -- well, I can't say --

7 Q Would it surprise you if in your statement, it said
8 and the call hung up?

9 A And then they kept on until -- she was acting like
10 she was crying.

11 Q And then it hung up?

12 A And then they hung up, yeah, whoever she was.

13 Q And that was what date?

14 A Oh, yeah, uh-huh.

15 Q That was 1:00 Saturday night?

16 A Now, I'm not going to say it was 1:00, because I
17 really don't know what time. I done forgot. If I
18 knew I had to do all that, I would have wrote the
19 time down myself and kept it.

20 Q But you told the police all about this phone call?

21 A Yeah. Because my sister called me and asked me, You
22 know, I got a phone call, too.

23 Q Now, it sounded like a woman, didn't it? It wasn't a
24 man?

25 A It was a woman. She was crying.

1 Q All right.

2 MS. ROSS: I've got no further questions.

3 THE COURT: Any redirect?

4 MR. WILKINS: No redirect, Your Honor.

5 THE COURT: All right. Thank you, Ms. Bostic.

6 You can step down. Thank you.

7 MR. WILKINS: Your Honor, we ask that she be
8 excused.

9 THE COURT: Any objection?

10 MS. ROSS: Beg the Court's indulgence. No
11 objection.

12 THE COURT: All right. Thank you, ma'am.
13 You're released from the subpoena.

14 Let's take about a 10-minute break. Don't
15 discuss the case. Let me ask you to do one other thing
16 while you're back there. We need y'all to have a
17 foreperson elected from among the first 12. So if y'all
18 can get together and hold a little election back there and
19 tell us who you'd like to be your foreperson. The duties
20 of the foreperson are to moderate the discussions or the
21 deliberations at the end of the case and to be the jury's
22 spokesperson here in the courtroom if that becomes
23 necessary. If y'all can't do that, that's fine, I'll pick
24 somebody.

25 All right. Thank you very much.

1 (WHEREUPON, the jury left open court at
2 approximately 4:05 p.m.)

3 THE COURT: Okay. Be at ease.

4 (WHEREUPON, a short break was taken.)

5 THE COURT: Mr. Mauldin.

6 MR. MAULDIN: Your Honor, before we bring the
7 jury in, we've got a motion that we don't wish to be heard
8 at this point, but, at least, we did file it, provide the
9 State with a copy. Perhaps, we can hear it sometime
10 tomorrow. Wanted to give the Judge, you, a copy of it.

11 THE COURT: Well, thank you so much.

12 Your foreperson is Donna Bailey.

13 (WHEREUPON, Court's Exhibit No. 2 was marked for
14 identification and received into evidence.)

15 THE COURT: Y'all ready?

16 MR. WILKINS: Yes, sir. State's ready, Your
17 Honor.

18 MR. MCDUGAL: Defense ready, Your Honor.

19 THE COURT: Okay, Ms. Cook.

20 (WHEREUPON, the jury came into open court at
21 approximately 4:25 p.m.)

22 THE COURT: Ms. Bailey, thank you very much for
23 agreeing to serve, appreciate that.

24 All right. Mr. Wilkins.

25 MR. WILKINS: Your Honor, the State calls Amber

SUE BOSTIC-CROSS BY MS. ROSS

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1 Allen.

2 THE CLERK: Ms. Allen, if you'll come forward to
3 be sworn in, please. Place your left hand on the Bible,
4 raise your right hand.

5 AMBER ALLEN, after being duly sworn, testified
6 as follows:

7 THE CLERK: Thank you. You may be seated.
8 State your name for the record.

9 THE WITNESS: Amber Allen.

10 THE CLERK: Thank you.

11 DIRECT EXAMINATION

12 BY MR. WILKINS:

13 Q Ms. Allen, who are you employed with now?

14 A Hubbell Lighting.

15 Q And what do you do for Hubbell Lighting?

16 A I'm a cost accountant.

17 Q Previously, have you ever worked for the Greenville
18 City Police Department?

19 A Yes, sir, I did.

20 Q How about long did you work for them?

21 A Four years and one week.

22 Q All right. When was that?

23 A From August 7th, 2006 to August 14th, 2010.

24 Q All right. During that time, what were your
25 principle duties?

1 A I was a patrol officer. I answered calls for service
2 and assisted other officers in the performance of
3 their duties as well.

4 Q Did you wear a uniform?

5 A Yes.

6 Q Now, I'm going to direct your attention back to
7 April 7th, 2008. Did you haven decision to Andover
8 Apartments that day?

9 A I did, sir.

10 Q All right. Can you tell us about how you went there
11 and what happened once you got there?

12 A I went there originally -- another officer was called
13 to be the primary officer on the scene and I went
14 there to back him up. As I was familiar with the
15 location, having went there the week prior for a
16 suspicious letter call. So when the address came, I
17 immediately recognized the address and went there
18 immediately to assist him.

19 Q When you got there, what other officer was there?

20 A Officer Scott Odom.

21 Q What was the situation?

22 A There was a suspicious package found at the location
23 and a suspicious letter found on a vehicle at the
24 location.

25 Q Did you handle either one of those?

AMBER ALLEN-DIRECT BY MR. WILKINS

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1 A I handled the letter that was found.

2 Q What did you do with the letter?

3 A I just read it, kept it in the -- when it was handed
4 to me, it was still in a plastic bag. And I kept it
5 in the plastic bag it was in and just read it as it
6 was.

7 Q Now, I'm going to show you State's Exhibit 8. Can
8 you see that from there?

9 A I can see it now.

10 Q Okay. Let me try State's Exhibit 9, it's already
11 been admitted into evidence. Is this the letter that
12 you handled on April 7th?

13 A It appears so, yes, sir.

14 Q Okay. Now, after you handled the letter, did you
15 notice the garbage bag there?

16 A The garbage bag was, actually, moved right before I
17 handled the letter, but I did notice the garbage bag
18 there.

19 Q Did you look inside the bag?

20 A I did.

21 Q What was inside the bag?

22 A Inside the bag, I saw what appeared to be a human
23 foot first. Then there was another bag where there
24 was a human hand.

25 Q Did you call anybody after that to come to the scene?

1 A Yes, I called my supervisor to let him know what we
2 had found there at the scene.

3 Q Now, you said you had some familiarity with that
4 address. When about did you go to that address prior
5 to April 7th?

6 A We went there the week -- I went there the week
7 before. It was a suspicious letter found at that
8 same location. We were on night shift. And the
9 letter detailed some debt owed to someone and someone
10 was in trouble. And they had lost the protection of
11 an organization. And that if they didn't comply with
12 the letter, than bad things would happen to them.

13 Q Now, was that around April 2nd of 2008?

14 A Yes, sir.

15 Q Who did you speak with at that Andover Apartment
16 regarding that letter?

17 A I spoke primarily with Sue Pearl Bostic. She was the
18 resident there. She also had three young children
19 there. I spoke with the oldest one, his name was
20 Meko. And their guardian ad litem was there as well.

21 Q Okay. So once you got the call about the suspicious
22 letter, what did you do with it?

23 A I read it, asked Ms. Bostic as much information as
24 she could give me pertaining to the names that were
25 in the letter. There was a Grace and Willie

1 mentioned in the letter. I asked her if she knew
2 Grace, if she knew Willie. There was an email
3 address, it was like John Evans. And I asked her if
4 she knew anyone that went by the name of John Evans.
5 Anything that she could give me pertaining to the
6 letter, the organization, the people involved.

7 Q Now, I'm going to show you State's Exhibit No. 107.
8 Is that the letter you retrieved on April 2nd right
9 there?

10 A Similar to it.

11 Q Is that the letter you referred to regarding Willie
12 and Grace and those type of things?

13 A Yes, sir.

14 Q Now, on April 7th, what did you do -- after you
15 assisted Officer Odom there, what did you do next?
16 Did anything happen next?

17 A As far as our supervisors coming and us talking to
18 them about what we had found. We called detectives
19 to the scene and forensics came to the scene. And I
20 stood by and just made notes as far as what we were
21 learning at that moment. I did remember that the
22 children at that time -- since we found the human
23 remain, I remember, you know, the children could be a
24 danger, so I called our supervisor to okay for
25 officers to get the children and put them in a

1 central location where they would be safe.

2 Q Now, back on April 2nd, did you learn of any other
3 letters that were similar to the ones you retrieved
4 from Sue Pearl Bostic?

5 A Yes, I learned that her sister had also received one.
6 She stayed on Rose Avenue when she received it, but
7 she had since moved to an area in the county that I
8 was familiar with. And I went to that house to
9 retrieve the second letter.

10 Q Now, who is Sue Pearl Bostic's sister?

11 A Judon Burnside.

12 Q And that's whose house you went to?

13 A Correct.

14 Q When you went to her house, what did you do?

15 A I retrieved the letter from her. Asked her if she
16 had touched it, opened it or anything. And just got
17 the letter from her. Then I went and talked to our
18 forensics team.

19 Q So after you retrieved it, what did you do with it?

20 A I talked to forensics because of the seriousness that
21 I felt the tone of the letter had. I wanted to make
22 sure that we could preserve as much of the letter as
23 we could for our detectives in their investigation.
24 So I asked them if they were to process it, what
25 would happen to the letter, would we be able to look

1 at it. And they said the techniques they use would
2 damage the letter to the point where it was not able
3 to be read and they advised me to make a copy of the
4 letter.

5 Q Did you make a copy of it?

6 A I did.

7 Q And do you remember the address you went to to go
8 retrieve the letter?

9 A I do not remember the address, but I know -- I pass
10 by the street all the time.

11 Q Who residence was it?

12 A Judon Burnside.

13 Q I'm going to show you what's marked as State's
14 Exhibit 108?

15 (WHEREUPON, State's Exhibit No. 108 was marked
16 for identification only.)

17 BY MR. WILKINS:

18 Q Do you recognize this?

19 A I do.

20 Q What is it?

21 A That's the letter, very similar, exact similar to the
22 one that was found at the Cleveland Street Andover
23 Park Apartments.

24 Q And what about the letter that you received from
25 Judon Burnside?

1 A That's the same letter.

2 Q Are your initials on here?

3 A By initials are not.

4 Q What's the postmark date?

5 A March 31st, 2008.

6 MR. WILKINS: Your Honor, the State moves
7 Exhibit 108 into evidence.

8 MR. MCDOUGAL: No objection.

9 THE COURT: Okay.

10 (WHEREUPON, State's Exhibit No. 108 was admitted
11 into evidence.)

12 BY MR. WILKINS:

13 Q Now, once you made a copy of the letter you got from
14 the Burnside residence, what did you do with it?

15 A I submitted that in our property and evidence.

16 Q Okay.

17 MR. WILKINS: Please answer any questions
18 Defense counsel may have.

19 CROSS-EXAMINATION

20 BY MR. MCDOUGAL:

21 Q Good afternoon, Ms. Allen. My name is Mark McDougal,
22 and I'm here representing the Defendant in this case,
23 Clarence Jenkins. You are no longer an officer at
24 the Greenville Police Department; is that correct?

25 A That's correct.

1 Q Now, the Solicitor asked you a series of questions
2 about two letters that you identified and are now
3 both in evidence; do you remember that?

4 A Yes, sir.

5 Q Okay. And you retrieved both of those letters, I
6 think you testified, on April 2nd; is that right?

7 A Yes, sir.

8 Q Okay. Are you able to see that, Ms. Allen?

9 A I can see it fairly well.

10 THE COURT: If you need to stand down, ma'am,
11 you may.

12 THE WITNESS: Yes, sir.

13 BY MR. MCDOUGAL:

14 Q Now, Ms. Allen, this is Exhibit 108 in evidence. And
15 as you read it, you see down at the bottom the
16 reference of an email that's evans.john60@yahoo.com?

17 A Yes, sir.

18 Q And you saw that the day that you retrieved the
19 letter from Judon Burnside; is that correct?

20 A Yes, sir.

21 Q Now, that same day you were given the name Grace
22 Davis; isn't that right?

23 A That's correct.

24 Q And you made a call to Ms. Davis; is that correct?

25 A It is.

1 Q And during the course of that call, Ms. Davis
2 disclosed her relationship with the Jenkins, didn't
3 she?

4 A Yes, sir.

5 Q And she told you that she had lived with the Jenkins?

6 A Yes, sir.

7 Q And she told you she didn't think they were violent?

8 A I don't recall those words, but I do recall we had a
9 phone conversation.

10 MR. MCDOUGAL: May I approach, Your Honor?

11 THE COURT: Yes.

12 BY MR. MCDOUGAL:

13 Q Did you prepare a report of that phone call?

14 A Yes, sir.

15 Q Okay. I'm going to show you a document that we will
16 just offer for purposes of refreshing your
17 recollection?

18 A Thank you, sir.

19 Q Is that document your report of your activities on
20 April 2nd, 2008?

21 A It is, sir.

22 Q And do you see the reference there to the Jenkins not
23 exhibiting violent behavior?

24 A Yes, she stated in the phone call that she had not
25 witnessed any violent behavior.

1 Q Does that refresh your recollection with regard to
2 what Ms. Davis told you?

3 A It does, sir.

4 Q Now, on April 2nd, you were aware, obviously, that
5 the letters that had been delivered included a unique
6 email address; is that right?

7 A That's correct.

8 Q And as a law officer, you understand that there are
9 methods available through a court order to obtain the
10 identification of who was opened the email address?

11 A That's correct.

12 Q You were aware of that?

13 A That's correct.

14 Q And have done that before?

15 A I have not requested that information, no, sir.

16 Q But you've participated in investigations in which
17 that was part of the evidence that was collected?

18 A Yes, sir.

19 Q Okay. On April 2nd, you knew about the Jenkins, you
20 knew about their relationship with Grace Davis, but
21 you didn't go see the Jenkins, did you?

22 A No, sir.

23 Q Not on April 2nd?

24 A No, sir.

25 Q Nor April 3rd.

1 A No, sir.

2 Q April 4th?

3 A No, sir.

4 Q Or April 5th?

5 A No, sir.

6 Q And you understand that the crime charged here is a
7 murder that the government alleges took place on
8 April 6th, do you agree with that?

9 A Yes, sir.

10 Q So between April 2nd and April 6th, you knew about
11 the Jenkins, you knew about their relationship and
12 you knew about that email address and you did nothing
13 to contact the Jenkins; that's correct?

14 A That's correct.

15 MR. MCDOUGAL: Have a moment, Your Honor?

16 THE COURT: Yes.

17 MR. MCDOUGAL: No further questions. Thank you.

18 THE COURT: Any redirect?

19 MR. WILKINS: No, Your Honor.

20 THE COURT: Thank you, ma'am. You may step
21 down.

22 Can we excuse her from subpoena?

23 MR. MCDOUGAL: No objection excusing the
24 witness, Your Honor.

25 THE COURT: Okay. You're released from the

1 subpoena, ma'am. Thank you, very much.

2 MR. WILKINS: The State calls Judon Burnside.

3 THE CLERK: Ms. Burnside, please come forward to
4 be sworn in. Please place your left hand on the Bible and
5 raise your right.

6 JUDON BURNSIDE, after being duly sworn,
7 testified as follows:

8 THE CLERK: Thank you. You may be seated.
9 Would you please state your name for the record.

10 THE WITNESS:: Judon Burnside.

11 DIRECT EXAMINATION

12 BY MR. WILKINS:

13 Q All right, Ms. Burnside, I want you to speak up in
14 that microphone so this jury can hear you real well,
15 okay?

16 A Okay.

17 Q Now, Ms. Burnside, you live in Greenville now?

18 A Yes, sir.

19 Q And do you work?

20 A No, sir.

21 Q And what relationship are you to Grace Davis?

22 A That's my daughter.

23 Q Okay. What about Sue Pearl Bostic?

24 A My sister.

25 Q And I want to take you back to April of 2008, about

1 four years ago. Where were you living around
2 April of 2008?

3 A Rose Avenue.

4 Q Rose Avenue?

5 A Yes, sir.

6 Q And how long had you been living at Rose Avenue?

7 A Say about five -- three or four years.

8 Q About three or four years, you had been living at
9 Rose Avenue?

10 A Yes.

11 (WHEREUPON, State's Exhibit Nos. 11 & 12 were
12 marked for identification only.)

13 BY MR. WILKINS:

14 Q Ms. Burnside, I'm going to show you State's Exhibit
15 11 and 12 marked for identification. I'm going to
16 ask if you recognize these photos, okay?

17 A Okay. Yes.

18 Q You recognize that photo?

19 A That's where I used to stay.

20 Q Where are these photos of?

21 A My home where I used to stay at.

22 MR. WILKINS: Your Honor, move State's Exhibits
23 11 and 12 into evidence.

24 MS. ROSS: No objection.

25 THE COURT: All right.

JUDON BURNSIDE-DIRECT BY MR. WILKINS

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1 (WHEREUPON, State's Exhibit Nos. 11 & 12 were
2 admitted into evidence.)

3 BY MR. WILKINS:

4 Q So down here, it says 113 Rose Avenue, is that where
5 you used to live back in 2008?

6 A Yes.

7 Q Now, do you know Carmen and Clarence Jenkins?

8 A No, not like that, but my daughter, she brought them
9 to my house.

10 Q So your daughter, Grace Davis?

11 A Yes.

12 Q Brought them to your house?

13 A Yes.

14 Q That's this house here?

15 A Yes.

16 Q Do you remember about when that was?

17 A Not really.

18 Q You don't remember exactly when that was?

19 A No.

20 Q Okay. And do you remember why they came over?

21 A My daughter came to see me.

22 Q And can you tell us about how that visit was?

23 A Okay. They came in. They sat on the couch, all
24 three of them was holding hands. And I told her I
25 don't play that in my house.

1 Q Okay. And what did you mean by that?

2 A Holding hands, sitting close to each other.

3 Q Let me ask you, did you ever receive a letter in the
4 mail that concerned you?

5 A Yes.

6 Q Do you remember about when that was? Was it while
7 you were living at Rose Avenue or was it after you
8 left Rose Avenue?

9 A No, it was while I was living at Rose Avenue.

10 Q And do you remember what that letter was?

11 A I don't really remember, but it had something like
12 \$10,000 on there.

13 Q All right. I'm going to show you State's Exhibit 108
14 that's already been admitted into evidence. Can you
15 see that clearly, Ms. Burnside?

16 A Yeah, I can see it, but I can't read it.

17 Q Is that the letter you received in the mail?

18 A Yes.

19 Q When you got that letter in the mail, did you do
20 anything?

21 A Yes, I read a little bit of it. Then I called my
22 sister.

23 Q Which sister was that?

24 A Betty Jean.

25 Q Okay. And after you spoke with Betty Jean, what did

1 you do?

2 A She took the letter home with her.

3 Q She took the letter home with her?

4 A Yes.

5 Q Did you --

6 A She read it, then she took it home with her.

7 Q Did you ever see that letter again?

8 A No.

9 Q While you were at your house around April of 2008,
10 did you ever receive an unusual phone call?

11 A Yeah, it was about Sunday morning at 12:45, the phone
12 rung. I answered the phone and some girl said that I
13 know who writing the letter. Then she said, I got to
14 go, I believe he done followed me.

15 Q I'm sorry, say that again.

16 A She said she have to got, she believe he done
17 followed her, then she hung up.

18 Q He had done followed her?

19 A Uh-huh.

20 Q Did she say who he was?

21 A No.

22 Q Did she say anything else while she was on the phone
23 with you?

24 A No.

25 Q Did you tell anybody about that phone call?

1 A No. I know the police came out to the house and
2 found out everything, I told him.

3 Q Was it a male or a female who was on the other line?

4 A It was a female.

5 Q Now, did you have caller ID at the house?

6 A Yes.

7 Q Could you tell from the caller ID where the call was
8 coming from?

9 A No.

10 Q Could you tell if it was coming from a land line or a
11 pay phone or anything like that?

12 A I believe it come from a pay phone.

13 Q Okay. Now, when about did you move out of Rose
14 Avenue into another location, do you remember when
15 that was?

16 A No, but I know I had done moved about two days before
17 that happened.

18 Q You had moved out of Rose Avenue two days before the
19 phone call?

20 A Yeah, we moved out on a Saturday before.

21 Q The Saturday before?

22 A Uh-huh.

23 Q And when you moved to your new residence, did you
24 carry the same phone number with you?

25 A Yes.

1 Q Now, did Grace ever come and live with you after she
2 was with Carmen and Clarence Jenkins?

3 A No.

4 Q She never came and lived with you again?

5 A No.

6 MR. WILKINS: Please answer any questions that
7 Defense counsel may have.

8 CROSS-EXAMINATION

9 BY MS. ROSS:

10 Q Initially, when you got that letter, what did you
11 think it was about?

12 A Like somebody think he owed them \$10,000?

13 Q Didn't you think it was Willie Davis it was about?

14 A I don't know.

15 Q Did you say that in your statement when you talked to
16 the police that night, that you thought Grace had
17 taken some money from Willie Davis and might owe it
18 back?

19 A No.

20 Q You didn't put that in your statement?

21 A No, not that, no.

22 Q Okay. I'm just going to show you this statement. Is
23 that you?

24 A Yes, that's my name.

25 Q Now, at the bottom, I heard that Willie said that

1 Grace stole money from his bank account. Is that
2 what you wrote there?

3 A Yes.

4 Q So isn't it true you thought that might be about
5 Grace owing Willie money? Isn't that what your
6 statement said?

7 A It said that, but I don't believe she owed him no
8 money.

9 Q Okay. So in your statement that's what you told
10 police, you said that?

11 A Yeah.

12 Q Isn't it true there had been a family court hearing a
13 couple weeks prior to you getting that letter as
14 well, where Willie Davis had to pay child support?

15 A I don't know.

16 Q All right. Now, you did say it was a woman's voice
17 on the phone?

18 A Yes.

19 Q The caller ID picked out a pay phone, right? That's
20 what it said on caller ID, pay phone?

21 A Yeah.

22 Q Talking about -- you said that Clarence and Carmen
23 did come over to the house?

24 A Yes.

25 Q They all came in and were sitting together holding

JUDON BURNSIDE-CROSS BY MS. ROSS

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1 hands in your house?

2 A All three of them, yes.

3 MS. ROSS: All right. I've got no further
4 questions.

5 THE COURT: Anything else?

6 MR. WILKINS: No redirect, Your Honor.

7 THE COURT: Okay. Thank you, ma'am. You may
8 stand down.

9 MR. WILKINS: May we excuse the witness?

10 MS. ROSS: No objection.

11 THE COURT: All right.

12 MR. WILKINS: Your Honor, the State calls
13 Marquise Davis.

14 THE CLERK: Mr. Davis, please come forward and
15 be sworn in. Place your left hand on the Bible and raise
16 your right.

17 MARQUISE DAVIS, after being duly sworn,
18 testified as follows:

19 THE CLERK: Thank you. You may be seated.
20 Please state your full name for the record.

21 THE WITNESS: Marquise Burnside.

22 DIRECT EXAMINATION

23 BY MR. WILKINS:

24 Q Marquise, do you have a nickname?

25 A I go by Meko.

- 1 Q Meko?
- 2 A Yes, sir.
- 3 Q Meko, how would you?
- 4 A I'm 18 years old.
- 5 Q Where do you go to school?
- 6 A I go to Greenville Tech.
- 7 Q Okay. Did you graduate high school?
- 8 A No, sir.
- 9 Q Where do you currently live?
- 10 A I live in Field Crest.
- 11 Q Who do you live with?
- 12 A My mom.
- 13 Q Who is that?
- 14 A Grace Burnside.
- 15 Q Is that also Grace Davis?
- 16 A Yes, sir.
- 17 Q And was your momma married to Willie Davis?
- 18 A No, sir, not at the time.
- 19 Q Had she been married to Willie Davis?
- 20 A Yes, sir.
- 21 Q And do you remember, I'm going to take you way back
- 22 here, when your mom was living with Carmen Jenkins
- 23 and Clarence Jenkins?
- 24 A Yes, sir.
- 25 Q Do you recognize Clarence Jenkins in this room?

MARQUISE BURNSIDE-DIRECT BY MR. WILKINS

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- 1 A Yes, sir.
- 2 Q Where is he?
- 3 A Right there.
- 4 Q Right there at the Defense counsel table?
- 5 A Yes, sir.
- 6 Q Have you ever met Clarence?
- 7 A Yes, sir, I have.
- 8 Q Tell me about how you met him.
- 9 A I met him through my mom. And I first seen him at my
10 grandmother's house, Judon Burnside. He was with
11 Carmen. And so, you know, we was talking or
12 whatever. I got to meet him or whatever. And like,
13 you know, had a couple words, you know, like we just,
14 you know.
- 15 Q Y'all just hung out?
- 16 A Yes.
- 17 Q How long did that last?
- 18 A That ain't last but good five or ten minutes.
- 19 Q Now, did you ever go over to Clarence's residence?
- 20 A Yes, sir, one time.
- 21 Q Okay. Tell us about that.
- 22 A Me and my mom, we had really rolled over there to his
23 house from my grandmother's house. We were just
24 hanging out, eating some chicken or whatever, you
25 know, just looking at some movies and stuff. He was

1 showing me some stuff, you know, how to -- you know,
2 certain rules and stuff, how you can like kill a
3 person and stuff. Then he was just, you know, just
4 really talked to me about some basic stuff. Then
5 about nighttime came, we went to his mother's house.
6 And that's when we kind of hung out there for a
7 little while. And next thing you know, I got my hair
8 done. Then we went to my aunt's house so I can
9 leave, you know, and that was it.

10 Q Do you remember after your mom moved out of the
11 residence? Do you remember that?

12 A Yes, sir.

13 Q Do you remember where she went after she moved out?

14 A She was going to move to my grandmother's house at
15 the time.

16 Q Who was that?

17 A Judon Burnside.

18 Q Do you remember how long she stayed with Judon?

19 A No, sir, I don't.

20 Q Did she stay with Judon or did she go live with
21 anybody else?

22 A She stayed with her for the time being, then she
23 moved with a cousin of mine, Cathy Marshall.

24 Q Okay. Now, after Grace had left Carmen and Clarence,
25 did you ever get a call from anybody trying to find

1 out where she was?

2 A Yes, sir.

3 Q Who was that call from?

4 A It was a call from Clarence. He was asking about my
5 mom and where had she been. And he was trying to get
6 in contact with her, saying do she have her phone
7 with her or anything. And I was like no. He was
8 like trying to -- you know, trying his best to try to
9 get in contact with her. But I wouldn't never give
10 him contact where my mom was located out.

11 Q Did you know where she was at that time?

12 A Yes, sir.

13 Q Did you give Clarence that information at that time
14 when he called and asked you for it?

15 A No, sir.

16 Q Now, back in April of 2008, when you were living with
17 Aunt Sue Pearl?

18 A Yes, sir.

19 Q Do you remember getting a strange call?

20 A Yes, sir.

21 Q Do you remember about when that was?

22 A It was about 12 in this morning. About 12 in the
23 morning on like the weekend or something.

24 Q Was it Saturday?

25 A It was like Saturday.

1 Q Okay. And in the middle of the night, I guess, after
2 midnight?

3 A Yes.

4 Q Tell me about the call?

5 A Well, I had woke up out the middle my sleep to an
6 interrupted call. So I had caller ID on my phone, so
7 I noticed it was from a pay phone. So I answered the
8 phone and I was about half sleep. So it was a woman
9 on the phone saying that somebody about to get
10 killed. Saying that Willie Davis was involved. So I
11 jumped up out the bed and I ran to my aunt's room and
12 was telling her, like, somebody talking on the phone
13 about somebody about to get killed. So she answered
14 the phone, but they hung up from the time she could
15 get to the phone and say who is this.

16 Q Do you know if that person was a male or a female?

17 A It was a female.

18 Q Do you know who the person was on the line?

19 A No, sir.

20 Q Did that person ever call you back?

21 A No, sir.

22 MR. WILKINS: Answer any questions the Defense
23 counsel may have.

24 CROSS-EXAMINATION

25 BY MS. ROSS:

1 Q So the phone hung up before your aunt could get on it
2 and speak?

3 A Yes, ma'am.

4 Q But you picked it up and it was from a pay phone?

5 A Yeah, it said pay phone.

6 Q Now, when you looked at that letter that came in the
7 mail and you looked at the envelope, who did you
8 think the handwriting was on the envelope that y'all
9 had received? And you can't see it because it's very
10 faded, but at the time, do you remember whose
11 handwriting you thought was on that envelope?

12 A No, I didn't know at the time whose handwriting that
13 was.

14 Q Do you remember whose handwriting you told the police
15 you thought it was? Who you told your aunt your
16 thought it might be?

17 A Well, I thought -- I said I thought it might be
18 Clarence or somebody. I was just guessing because I
19 never knew at the time. So I just took like a wild
20 guess who it might have been.

21 Q Just going back to your aunt's statement, would it
22 surprise you if she had said Meko said the writing on
23 the front of the envelope looked like Willie's
24 handwriting?

25 A Yes, ma'am.

1 Q Could you have said, actually, that's who you thought
2 it looked like at the time?

3 A Yes, ma'am.

4 Q And that's what you told law enforcement?

5 A Yes, ma'am.

6 MS. ROSS: All right, nothing further.

7 THE COURT: Anything else?

8 MR. WILKINS: No redirect, Your Honor.

9 THE COURT: All right. Thank you. You can step
10 down.

11 Release him?

12 MS. ROSS: No objection.

13 MR. WILKINS: Please, Your Honor.

14 THE COURT: All right. Released from subpoena.

15 MR. WILKINS: Thank you, Your Honor. The State
16 calls Officer Dale Dirton.

17 DALE DIRTON, after being duly sworn, testified
18 as follows:

19 THE CLERK: Please be seated and state your name
20 for the record.

21 THE WITNESS: Dale Dirton.

22 DIRECT EXAMINATION

23 BY MR. WILKINS:

24 Q Officer Dirton, with whom are you employed?

25 A Greenville City Police Department.

DALE DIRTON-DIRECT BY MR. WILKINS

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1 Q How long have you been employed with the city police
2 department?

3 A Five years, 11 months.

4 Q What do you do for the city police department?

5 A I'm a patrolman.

6 Q What kind of duties do you have?

7 A Just normal patrolman duties. You know, answer calls
8 for service, 911 calls.

9 Q Now, I'm going to draw your attention back to 2008,
10 about four years ago. Do you ever remember going to
11 Rose Avenue in reference to a call?

12 A Yes, I do.

13 Q Do you remember the nature of the call?

14 A It was in reference to a suspicious item being found
15 at that location.

16 Q Did you respond to that location?

17 A I did.

18 Q What did you see?

19 A Upon my arrival, I did observe a black plastic bag on
20 the porch of 113 Rose Avenue.

21 Q I'm going to show you State's Exhibit 11 here, that's
22 already been admitted into evidence, do you recognize
23 that photo?

24 A Yes.

25 Q All right. What is that?

1 A That's the front porch area of 113 Rose Avenue.

2 Q All right. Now, when you got there, what did you do?

3 A I was instructed by my sergeant to go ahead and
4 secure the area using crime scene tape. So I placed
5 the tape around the right side of the house and
6 brought it across to the left side and secured the
7 area.

8 Q Did you notice anything when was got there?

9 A Black plastic bag on the porch.

10 Q Now, I'm going show you what's marked as State's
11 Exhibit 13 marked for identification. Do you
12 recognize this photo?

13 A Yes.

14 Q Is it a true and accurate representation of what you
15 saw that day?

16 A Yes.

17 MR. WILKINS: Your Honor, State moves Exhibit 13
18 into evidence.

19 MR. MCDUGAL: No objection.

20 THE COURT: Okay.

21 (WHEREUPON, State's Exhibit No. 13 was marked
22 for identification and received into evidence.)

23 BY MR. WILKINS:

24 Q Tell the jury what that is a photo of.

25 A That's a picture of black-colored plastic bag.

DALE DIRTON-DIRECT BY MR. WILKINS

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1 Q How long do you think you were there?

2 A Approximately two hours.

3 Q Now, any other officers show up while you were there?

4 A Yes.

5 Q Who was that?

6 A Offhand, I can give you Officer Dean, Michael Dean,
7 Lieutenant Petersen --

8 Q Who is Lieutenant Petersen?

9 A He's with the Greenville County forensics unit. And
10 Detective Flavell with the Greenville City Police
11 Department.

12 Q Did you assist them?

13 A No, I just maintained the crime scene, protected the
14 crime scene.

15 Q And that's all you did?

16 A Yes.

17 MR. WILKINS: Please answer any questions
18 Defense counsel may have.

19 MR. MCDOUGAL: No questions, Your Honor. Thank
20 you.

21 THE COURT: All right. Thank you, sir. You may
22 stand down. Thank you very much.

23 MR. WILKINS: Your Honor, the State calls
24 Lieutenant Mike Petersen.

25 THE CLERK: Place your left hand on the Bible

1 and raise your right.

2 MIKE PETERSEN, after being duly sworn, testified
3 as follows:

4 THE CLERK: Thank you, you may be seated. State
5 your name for the record.

6 THE WITNESS: Michael Petersen.

7 THE CLERK: Thank you.

8 DIRECT EXAMINATION

9 BY MR. WILKINS:

10 Q Lieutenant Petersen, with whom are you employed?

11 A I'm employed with the Greenville County Department of
12 Public Safety, the forensic division.

13 Q In what capacity? What do you do for them?

14 A I am, actually, the lieutenant in charge of the crime
15 scene unit.

16 Q How long have you been in law enforcement?

17 A I have been with Greenville County since 1989 --
18 since 1999, excuse me. 1999, I went to the forensic
19 division I have been with the forensic division every
20 since.

21 Q Since 1999?

22 A Yes.

23 Q Now, in layman's terms with the forensic division,
24 what do you do?

25 A Well, basically, what the crime scene unit does is we

MIKE PETERSEN-DIRECT BY MR. WILKINS

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1 assist area law enforcement agencies with their
2 forensic services that are related to crime scenes.
3 So we would do is we assist in identifying items of
4 physical evidence. And that evidence could be
5 something you could actually hold in your hand. It
6 may be latent prints, it could be DNA. You know,
7 possible DNA. So we help to identify that evidence.
8 Then we will document that evidence, we document the
9 crime scene. And once we do that, we try to collect
10 that evidence so that we are doing it in such a
11 manner that we preserve the integrity of that
12 evidence so that we can either further process it
13 once we get it back to our lab or that we can put it
14 into property and evidence until it can go into any
15 judicial proceeding.

16 Q Do you process latent prints, for example?

17 A Oh, absolutely. We do a great deal of latent print
18 processing. By far, that's one of the major things
19 that we do.

20 Q Now, do you have any specialized training schools or
21 experience that you've had through the course of your
22 law enforcement career?

23 A Yes, I have been to a variety of different schools,
24 from crime scene investigation and reconstruction. I
25 have been to latent print processing schools. I have

1 been to basic and advanced blood pattern analysis
2 schools. I have been to shooting reconstruction
3 school. A variety of forensic related and
4 management-type classes due to my position.

5 Q About how many crime scenes do you think you've been
6 responsible for processing during the course of your
7 career? And just give us a good faith estimate.

8 A Personally, I've probably handled 2000, 2500. I,
9 actually, oversee the entire division, which we are
10 doing about 6500, 7000 calls a year. So multiply
11 that times the numbers of years from 1999.

12 Q Have you ever been qualified in state court, federal
13 courts as an expert in crime scene investigation and
14 collection and preservation of evidence?

15 A I have been qualified in federal court in 2007 for
16 evidence processing and, also, within state court
17 within the 13th Circuit in 2009, again, for evidence
18 processing. 2010, for evidence processing and bullet
19 projectory this year.

20 Q You were qualified as an expert?

21 A Yes, sir.

22 MR. WILKINS: Your Honor, at this time, I move
23 Lieutenant Petersen to be qualified as an expert in crime
24 scene processing and investigation and collection and
25 preservation of evidence.

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1 MR. MCDUGAL: No objection, Your Honor, with
2 the specification that, as the solicitor stated, he is an
3 expert in crime scene processing and evidence collection
4 and not --

5 THE COURT: That's fine. So qualified.

6 BY MR. WILKINS:

7 Q Now, I'm going to draw your attention back to April
8 7th, 2008, did you ever have the occasion to go to
9 Cleveland Street apartments, Andover Apartments?

10 A Yes, I did.

11 Q Tell us how you got there and what happened?

12 A I, actually, had another officer working in the field
13 that day. The call came in through Greenville City
14 Police dispatch. Due to the nature of the call, that
15 officer called me because that officer was not as
16 experienced. I responded with her to Cleveland
17 Street.

18 Q And explain the scene, describe the scene?

19 A When I got there, I met with Detective Collis
20 Flavell. And he kind of gave me an overview of what
21 had happened and transpired. I then met with Officer
22 Odom with the Greenville Police Department and was
23 informed that he had collected a garbage bag that
24 appeared to have human body parts in it as well as a
25 note that he had retrieved, I believe, via another

1 witness that had been on a car.

2 Q So you responded to Cleveland Street Apartments. So
3 when you arrived, where did you see the black bag?

4 A The black garbage bag was sitting on the back of a
5 Greenville City patrol car and Officer Odom was
6 standing beside that.

7 Q I'm going to show you what's marked as State's
8 Exhibit 2. Is that the crime scene that you
9 responded to on that day?

10 A Yes, it is.

11 Q Can you see that okay?

12 A Yes.

13 Q What's in that photo?

14 A That picture is building 17, depicting the apartment
15 504, which was the apartment of the person here. I
16 believe it was a Ms. Bostic. And then a 1984 Ford
17 Thunderbird that was parked almost in front of the
18 building there. And then up against the building was
19 the Greenville patrol cars.

20 Q I'm going to show you what's marked as State's
21 Exhibit 5. Do you recognize that photo?

22 A Yes. That's one of our photographs showing the black
23 bags on the trunk, as well as a note in a baggy that
24 is sitting next to the rear window. I believe
25 there's a pair of gloves sitting on top of it to keep

MIKE PETERSEN-DIRECT BY MR. WILKINS

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1 it from blowing.

2 Q Do you know whose gloves they were?

3 A I believe they belonged to the officer, Officer Odom.

4 Q I'm going to show you what's State's Exhibit 7 there.
5 What is that?

6 A Again, that's the same trash bags. Actually, there
7 were two trash bags. We kind of referred to them as
8 the black trash bag with the blue draw straps. I
9 noticed that there was two bags sitting on top of the
10 car, one inside the other. They had not been tied
11 using the draw straps. They were just tied -- the
12 bags themselves were tied in a knot.

13 Q Now, I'm going to show you State's Exhibit 15.

14 (WHEREUPON, State's Exhibit No. 15 was marked
15 for identification only.)

16 BY MR. WILKINS:

17 Q Do you recognize that photo?

18 A Yes. That is my photo.

19 Q What is that a photo of?

20 A This is a photo of the black trash bags with the blue
21 draw straps. And I have annotated on the photograph
22 the contents of those bags.

23 Q Is that a true and accurate representation of that
24 photo?

25 A Yes, it is.

1 MR. WILKINS: Your Honor, State moves Exhibit 15
2 into evidence.

3 MR. MCDUGAL: No objection, Your Honor.

4 (WHEREUPON, State's Exhibit No. 15 was admitted
5 into evidence.)

6 BY MR. WILKINS:

7 Q So is this the bag that you collected from the crime
8 scene that day?

9 A Yes, it is.

10 Q What's in the bag?

11 A The bag had already been opened. And it was
12 recognized that there appeared to be body parts
13 inside. When we were actually able to inventory it,
14 we counted that there was a severed right hand and
15 six severed toes in the inner bag. Again, that bag
16 was inside another bag. And there was a foot with no
17 toes on it in the outer bag.

18 Q I'm going to show you what's marked State Exhibit
19 109.

20 (WHEREUPON, State's Exhibit No. 109 was marked
21 for identification only.)

22 BY MR. WILKINS:

23 Q Do you recognize that exhibit?

24 A Yes, this is my writing, labeled as my evidence, two
25 black trash bags with blue draw straps.

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1 Q Were these the same bags that were collected right
2 there in the photo?

3 A Yes, they are.

4 MR. WILKINS: Your Honor, the State moves
5 Exhibit 1089 into evidence.

6 MR. MCDUGAL: No objection. Again, with the
7 reservation being forensic test.

8 (WHEREUPON, State's Exhibit No. 109 was admitted
9 into evidence.)

10 BY MR. WILKINS:

11 Q So what did you do with the bags?

12 A Upon collecting the bags, we secured them in our
13 vehicle, got all of our crime scene documentation
14 done and we were beginning to be in route to the
15 Greenville County morgue, where we would, actually,
16 remove those items from the bags and do the complete
17 inventory.

18 Q So you took the bags to the morgue?

19 A Yes, took the bags to the morgue. Once we got to the
20 morgue, the contents, the served body parts that were
21 listed here, were actually removed from the trash
22 bags and those body parts were put into a body bag
23 and we stored them in the cooler in the morgue.

24 Q Did you do anything? Did you roll prints on the
25 hands?

1 A Yes, we did. We, actually, did roll fingerprint
2 impression on the severed hands. Also, did the foot.

3 Q Did you collect anything else from the crime scene,
4 do you recall?

5 A Yes. Collected a note that -- of course, when we
6 discovered it, it was on the back of the patrol car,
7 but we had been informed that it was from the 1984
8 Thunderbird that was sitting in the parking lot.

9 Q I'm going to show you what's State's Exhibit 9, see
10 if you recognize it?

11 A That's a photo we took, yes, that's the that note.

12 Q Is that the note you collected?

13 A Yes.

14 Q From the crime seen?

15 A Yes, it is.

16 Q What did you do with this note?

17 A The note, we, actually, brought back to our office.
18 And we have a latent processing lab within our
19 office. The baggy was actually processed for latent
20 prints with a process called cyanoacrylate, which is
21 simply Super Glue that vaporizes and sticks to any
22 type of fingerprint. With the note itself, we,
23 actually, used a chemical process called ninhydrin.
24 Ninhydrin, actually, reacts with amino acids that are
25 in your sweaty deposits. And we did capture a latent

MIKE PETERSEN-DIRECT BY MR. WILKINS

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1 print from that note.

2 Q Okay. So you were able to capture a print with the
3 note?

4 A That's correct, yes.

5 Q Let me you show you State's Exhibit 104, which had
6 already been admitted into evidence, is that the
7 exact note that you processed right there?

8 A Yes, it is.

9 Q How do you know that's the note?

10 A This my writing on the back.

11 Q Now, I'm going to show you what's State Exhibit
12 105 --

13 (WHEREUPON, State's Exhibit No. 105 was marked
14 for identification only.)

15 BY MR. WILKINS:

16 Q This is State's Exhibit No. 105 marked for
17 identification. Do you recognize that?

18 A Yes, I do.

19 Q Can you tell the jury what that is?

20 A This is a latent fingerprint card. And anytime we
21 capture a fingerprint or we develop a fingerprint, we
22 will actually complete a card with all the
23 information that's necessary to be sent to our latent
24 print division for further analysis and comparison.

25 Q And where did you get that latent print from?

1 A There was collected from the front side of the note,
2 collected at Andover Apartments, which was my item
3 MP1.

4 Q Do you know where the fingerprint was located on the
5 note?

6 A I believe it was on the front side. It was,
7 actually, on the front side of the note.

8 Q And what exactly did you do with the latent
9 fingerprint once you obtained it?

10 A The latent print would be placed in an envelope
11 that's specifically for our latent prints. And it
12 would be put into a secured repository that we have
13 within our office. And our latent division personnel
14 comes by each day and picks up that latent print and
15 takes it to their office where it's logged in.

16 MR. WILKINS: Your Honor, State moves Exhibit
17 105 into evidence.

18 MR. MCDUGAL: Could we have a look at that
19 before it's submitted?

20 THE COURT: Okay.

21 MR. MCDUGAL: May we approach, Your Honor?

22 (WHEREUPON, a bench conference was held in the
23 presence of the jury but out of the hearing of
24 the jury.)

25 THE COURT: All right. Just mark ID at this

MIKE PETERSEN-DIRECT BY MR. WILKINS

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1 time.

2 MR. WILKINS: Thank you, Your Honor.

3 THE COURT: Thank you, sir.

4 BY MR. WILKINS:

5 Q Now, while you were at the Andover Apartments
6 collecting the garbage bags and hand, foot and toes
7 and this letter, did you get a call to go anywhere
8 else while you were there?

9 A Yes, we did. Actually, we were informed in person
10 while we were on scene at Andover Apartments that we
11 had a similar situation at 113 Rose Avenue.

12 Q So what did you do?

13 A We secured all of our equipment as well as the
14 evidence we had collected into the vehicles. And we
15 were in route to Rose Avenue.

16 Q I'm going to show you -- first, I'm going to show you
17 what's marked as State's Exhibit 11. And ask you if
18 that's the crime scene that you went to.

19 A Yes, it is.

20 Q That's 113 Rose Avenue?

21 A That's correct.

22 Q Describe the crime scene for us.

23 A This was a house about midways down Rose Avenue on
24 the left. On the front porch, we observed what
25 appeared to be two trash bags very similar to what we

1 had just dealt with at Andover Apartments. And,
2 also, upon documenting the scene, we noticed that
3 that mailbox was ajar just slightly and appeared to
4 be a note in a baggy laying within that mailbox.

5 Q All right. I'm going to show you a number of photos.

6 (WHEREUPON, State's Exhibit Nos. 16-19 were
7 marked for identification only.)

8 BY MR. WILKINS:

9 Q I'm going to show you what's been identified as
10 State's Exhibits 16, 17, 18, 19 and 13. I'm going to
11 ask you to take a quick look and ask you if those are
12 a true and accurate representation of the crime scene
13 you were called to?

14 A Yes, it is.

15 Q Okay.

16 THE COURT: Wait a minute, 13 is already in, but
17 are the others introduced?

18 MR. WILKINS: I have not, Your Honor. I
19 apologize. State moves Exhibits 16, 17, 18, and 19.

20 MR. MCDOUGAL: Without objection.

21 (WHEREUPON, State's Exhibit Nos. 16-19 were
22 admitted into evidence.)

23 BY MR. WILKINS:

24 Q Lieutenant Petersen, tell the jury what you're seeing
25 here?

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1 A This is the opened mailbox directly in front of the
2 Rose Avenue address. We have since opened it and
3 have observed a plastic baggy with some type of
4 typewritten note inside.

5 Q And what is that?

6 A This would have been the same mailbox directly in
7 front of Rose Avenue. This is the way we found it
8 upon our arrival, when it was just slightly ajar.

9 Q What did you retrieve from the mailbox?

10 A Once we were able to open it and retrieve the items
11 out, it was a ziplock-type baggy and inside it was a
12 note very similar to the one we had seen at Andover
13 Apartments. And it was on just a torn piece of
14 computer-type paper.

15 Q Did you look at the note?

16 A Yes, we did.

17 Q Okay. I'm going to show you what's State's Exhibit
18 18. Can you tell the jury what that is?

19 A That was a note inside the baggy, which was identical
20 to the one we had just retrieved from the Cleveland
21 Avenue address.

22 Q And when you got that note, what did you do?

23 A Again, we collected that note and, ultimately,
24 responded back to our office where we went to our
25 latent processing lab. And it was processed in the

1 same fashion using the cyanoacrylate on the baggy
2 itself, and then using the ninhydrin on the note. We
3 did not get any type of comparable print from either
4 one of those items.

5 Q Where -- I'm going to show you what's marked as
6 State's Exhibit 110.

7 (WHEREUPON, State's Exhibit No. 110 was marked
8 for identification only.)

9 BY MR. WILKINS:

10 Q This is the envelope that it came in, do you
11 recognize that?

12 A Yes. This is my handwriting. And the note that was
13 collected from the scene.

14 MR. WILKINS: Your Honor, the State moves
15 State's Exhibit 110 into evidence.

16 MR. MCDUGAL: No objection.

17 (WHEREUPON, State's Exhibit No. 110 was admitted
18 into evidence.)

19 BY MR. WILKINS:

20 Q So you said -- when you got note, what did you do
21 with it? Did you take it back to the lab?

22 A Yes, we took it back to the lab and we processed it
23 in the same fashion that we did the note retrieved
24 from the Cleveland Street address.

25 Q Now, I want to focus on State's Exhibit 13. What was

MIKE PETERSEN-DIRECT BY MR. WILKINS

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1 that?

2 A This is a photograph of the front of the house, front
3 porch at 113 Rose Avenue. And I have annotated the
4 photograph to depict where it is and what I labeled
5 this items as.

6 Q I'm going to show you State's Exhibit 19 as well.

7 A This is just a closer shot. It's the same type of
8 black trash bag with blue draw straps. As we were
9 there, this had not been touched or opened by
10 anybody. We wanted to confirm what was inside of it.
11 What we did was I took small scalpel, cut the bag and
12 revealed that it, too, appeared to contain the body
13 parts. We took photographs of, it then we secured it
14 so that we could take it also to the Greenville
15 County morgue.

16 Q Now, once you took this bag and the bag from Andover
17 Apartments back to the morgue, again, what did you do
18 with them?

19 A Again, the bags themselves -- or the contents were
20 taken out, photographed, inventoried, placed in a
21 body bag, placed in a cooler at the morgue. The
22 black bags were then brought back to our office. Due
23 to the condition of the bags, they had to be dried
24 before we could do anything else to them. We have a
25 secure drying room within our office. The items were

1 placed in our drying room. I'm not sure what the
2 time frame was, but just as soon as they were dry, we
3 pulled those bags out and attempted to retrieve
4 latent fingerprints evidence from it as we did on the
5 baggies.

6 Q Now, I'm going to show you what's marked as State's
7 Exhibit 40 for ID purposes only.

8 (WHEREUPON, State's Exhibit No. 40 was marked
9 for identification only.)

10 BY MR. WILKINS:

11 Q Can you tell us what that is?

12 A This is 10 point fingerprint card, actually, two of
13 them with my writing. I have my name on it. And
14 they are fingerprint impressions from the right hand
15 and from the left side of the body parts that we
16 found in the bags.

17 Q So those are the prints of the hands that came out if
18 the bags at Cleveland Street Andover Apartments and
19 at Rose Avenue?

20 A That's correct, yes.

21 Q Now, you took the trash bags back to the lab for
22 processing?

23 A Yes.

24 Q Specifically, bags labeled State's Exhibit 109?

25 A Right.

MIKE PETERSEN-DIRECT BY MR. WILKINS

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1 Q You took back?

2 A Right.

3 Q Did you process them from any prints?

4 A Yes, we did. We processed all the bags and received
5 or obtained no latent print evidence whatsoever.

6 MR. WILKINS: Please answer any questions the
7 Defense counsel may have.

8 CROSS-EXAMINATION

9 BY MR. MCDOUGAL:

10 Q Good afternoon, I'm Mark McDougal and I'm here
11 representing the Defendant, Clarence Jenkins. Just a
12 couple of questions. You described the procedure,
13 the processes you used to try to identify latent
14 prints on the various plastic bags; is that right?

15 A Right.

16 Q If I understand your testimony correctly, you used
17 the cyanoacrylate fuming method; is that correct?

18 A Yes, on one part of it, yes.

19 Q Which part did you use?

20 A On the plastic bags.

21 Q On part of the plastic bags?

22 A Yes.

23 Q And that cyanoacrylate method identified no prints at
24 all; is that correct?

25 A It did not give us any type of comparable print.

1 What the process does is, actually, will adhere
2 itself to any type of deposits that -- sweaty
3 deposits, oily deposits. Sometimes, it may give you
4 the ridge detail. Other times, it may be completely
5 obscured because of continual activity of touching
6 and you got smudge marks, so to speak. But we did
7 not obtain any type of comparable print.

8 Q And that was the only method you used?

9 A Yes, on thing bags.

10 Q You would agree with me that plastic is a nonporous
11 surface?

12 A That's correct.

13 Q And there are various recommended methods for
14 obtaining latent prints from nonporous surfaces; is
15 that correct?

16 A There is.

17 Q One of those is use of the florescent laser. Did you
18 use that method?

19 A We did not.

20 Q Another is laser or using alternative light source;
21 did you use that?

22 A We did not use an alternative light source.

23 Q Another approved method is the vacuum method
24 deposition method; did you use that?

25 A No, did not.

MIKE PETERSEN-CROSS BY MR. MCDOUGAL

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1 MR. MCDOUGAL: No further questions, Your Honor.

2 THE COURT: Any redirect?

3 MR. PERKINS: Quick question, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. WILKINS:

6 Q What method did you use to process the prints?

7 A We used cyanoacrylate, which is, basically, super
8 glue that, actually, would adhere itself to the
9 sweaty deposits. In some of the processes that were
10 referred to, the fingerprints can also be developed
11 by use of cyanoacrylate before you use some of the
12 other processes.

13 Q Any reason why y'all didn't use the other processes?

14 A Well, it has to do a lot with the condition of the
15 bags. The bags, again, were used -- they were wet.
16 They were holding some items, which we normally
17 wouldn't have to process over. The condition of
18 those bags, when we put the first application of the
19 cyanoacrylate on it, which has always been a very
20 successful process for us, we did not see anything
21 that would yield us any type of comparable print.
22 What we do is -- even though we may not use an
23 alternative light source, which is a different wave
24 length of light, we would use white light and try to
25 highlight any type of developed print, which was not

1 there.

2 MR. WILKINS: Thank you, no further questions.

3 MR. MCDUGAL: No more, Your Honor.

4 THE COURT: Okay. Thank you, sir. You may
5 stand down.

6 MR. WILKINS: Your Honor, we intend to call
7 Lieutenant Petersen again later in the trial. He was also
8 involved in the processing of --

9 THE COURT: All right. I'm not cutting you
10 lose. All right.

11 All right, Madam Forelady, ladies and gentlemen
12 of the jury, it's 5:30, I think this is probably a good
13 time to break for the evening. I guess you can see there
14 are television cameras in the courtroom. There's going to
15 be a great temptation on your part to go home and look at
16 the TV. Don't do it. People in your household will look
17 at the TV. I'll tell you this, you all are not -- we
18 don't allow jurors to be photographed. So don't concern
19 yourselves with that. But other folks in your household
20 may look at it and say oh, come look at yourself, it's not
21 going to hurt anything. Don't do it. Tell them to record
22 it or I'm sure, you know, somehow you can get ahold of it
23 if you really need to see it at some point. Our whole
24 system of justice is based on integrity. And we need your
25 integrity. Don't let something outside this courtroom

1 influence your decision in any fashion whatsoever. And
2 protect all the rights we've talked about in this case and
3 they'll be protect for everyone else.

4 Y'all have a pleasant evening. I'll ask you to
5 be back in your jury room and we'll try and get started at
6 9:30. Okay. Thank you, very much.

7 (WHEREUPON, the jury left open court at
8 approximately 5:36 p.m.)

9 THE COURT: Okay. Anything before we break?

10 MR. WILKINS: Not from the State, Your Honor.

11 MR. MCDOUGAL: Nothing from the Defense, Your
12 Honor.

13 THE COURT: Note that in the record, please.
14 All right. See y'all tomorrow morning.

15 (WHEREUPON, the proceedings were concluded for
16 the day to be reconvened on April 10, 2012.)
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1 Tuesday, April 10, 2012

2 MR. MAULDIN: I have a couple of things I want
3 to bring up with you, Your Honor.

4 THE COURT: All right.

5 MR. MAULDIN: Can I make a suggestion that you
6 told the jurors yesterday that they were not to be exposed
7 to any outside influences, electronic, technology and so
8 forth. And I think it might be a good idea since this is
9 the first morning that they've been out overnight, I'd
10 like to ask that Court make inquiries of the jury whether
11 any juror was exposed to such, either incidentally or even
12 intentional, just to determine whether or not that
13 instruction by the Judge is being taken serious by the
14 jurors. So I am going to ask whether that inquiry be made
15 before we get into the testimony.

16 THE COURT: I'll do that, but what makes you
17 think that if they weren't going to listen to what I said
18 yesterday that they'll respond today?

19 MR. MAULDIN: We don't have any evidence at this
20 point that any juror has not obeyed your instruction, but
21 we might not necessarily have a way of knowing that unless
22 they're asked. So I believe it's one of those situations
23 where, in the interest of caution, we should determine if
24 this first night whether or not they're going to take your
25 instructions seriously on that issue.

1 THE COURT: Well, I generally believe that the
2 citizens of this country will do that, but I'll ask them.

3 MR. MAULDIN: Thank you, Judge.

4 Another matter, Your Honor, there were a number
5 of rulings that related to matters that we anticipate
6 could have been proffered by witnesses that the Court has
7 now ruled would be inadmissible, matters involving
8 allegations of other uncharged offenses, for example,
9 matters involving the presence of swords and knives in the
10 house, for example. These are just a couple of examples.
11 The State, in fact, as conceded that they don't intend to
12 ask those witnesses such questions.

13 The question I have is whether or not the
14 witnesses are being advised of Court rulings. What I
15 would hate to see is in the second or third day of this
16 case, one of these witnesses come in and on their own,
17 unresponsive to the question begin to provide to the jury
18 information regarding matters that are out of evidence.
19 Once that bell has been rung, it is very difficult to
20 unring it with this jury. And we believe that the
21 prejudice could result in a mistrial, which none of us
22 want. So I guess the question I have is whether or not --

23 THE COURT: You want me to parade the witnesses
24 in here and begin an inquisition?

25 MR. MAULDIN: Well, it's pretty simple --

1 THE COURT: No, I tell both lawyers, you tell
2 your witnesses not to talk about the things that they're
3 not supposed to talk about. And then if they do, perhaps,
4 the lawyer will be held responsible.

5 MR. MAULDIN: Yeah, if it's responsive to an
6 improper question --

7 THE COURT: This brings up the notion you
8 mentioned of the death notice with respect to the wife
9 that was mentioned in opening statement. And, you know,
10 I'm not sure that that door is not opened now.

11 MR. MAULDIN: And I would want to take that up
12 with the Court. My intention, of course, would be to take
13 it up before the co-defendant testifies.

14 THE COURT: Yeah.

15 MR. MAULDIN: This is absolutely no question and
16 we can make clear to the State that we intend to ask
17 Carmen Jenkins if she gave information to the State in
18 exchange for the withdrawal of the death notice. That's a
19 relevant question of her believability.

20 THE COURT: Sure, it is.

21 MR. MAULDIN: The motion that we made prior to
22 trial was references to the death penalty notice with
23 regard to our client, who is on trial. It's not relevant
24 to his trial that his death notice had been withdrawn.
25 That's just irrelevant. Her relevance is based on what

1 her credibility as a State's witness.

2 THE COURT: I understand there's an
3 impeachment --

4 MR. MAULDIN: So there's a huge difference in
5 those two issues. I would just let the Court know in
6 advance that is going to be our position and we'll be glad
7 to deal with it when she testifies.

8 THE COURT: Okay. All right.

9 MR. WILKINS: Your Honor, that brings me to a
10 couple of things, but we would, obviously, disagree with
11 Mr. Mauldin's assertion of that. We'll argue that at the
12 proper time.

13 The first motion that I want to make is to
14 exclude any mention of Mekole Harris' medical condition,
15 which was eluded to in opening statement. Specifically,
16 the Defense requested an order for records from the jail,
17 which we consented to with the caveat that it was for
18 attorney eyes only. We would object to any admissibility
19 of that evidence at the appropriate time. Defense counsel
20 stated in his opening statement that she had a particular
21 medical condition without any evidence being proffered
22 whatsoever and inability for me to object. So we would
23 ask that any mention of that from here on out be precluded
24 from anybody mentioning it, questioning or talking about
25 it.

1 THE COURT: That is correct, and that was the
2 ruling of the Court.

3 MR. WILKINS: That's a violation of your order,
4 Your Honor.

5 THE COURT: I did, I said y'all could get the
6 medical records, but nothing is going to be revealed
7 unless you bring it forward.

8 MR. MCDUGAL: Well, Your Honor, the reason --
9 there are several medical conditions having to do with
10 drug use and so forth. Those are all relevant to the case
11 and relevant to the--

12 THE COURT: You know, they may be. But out of
13 respect for the family and the deceased, I mean, I think I
14 specifically said it's attorneys' eyes only unless we have
15 a hearing and rule on it. I believe that's correct? I
16 believe it's in the order.

17 Isn't it, Mr. Mauldin?

18 MR. WILKINS: It's in the record, Your Honor.

19 MR. MAULDIN: I clearly understand that the
20 material that we received pursuant to that order says in
21 the order that it is confidential matters to be preserved
22 by counsel. If we discover something in those records
23 that is relevant to the conduct of the people involved in
24 this case, that is what the --

25 THE COURT: I disagree with that, but before it

1 comes out, it needs to be ruled on.

2 MR. MAULDIN: Yes, sir. And we can take that
3 matter up at the proper time as well.

4 MR. WILKINS: Your Honor, we ask it to be
5 excluded from here on out.

6 THE COURT: Well, I -- you know, what a lawyer
7 says is not evidence. Isn't that the rule?

8 MR. MAULDIN: That's true.

9 THE COURT: Okay. So they're going to have to
10 show before it comes out in evidence that it is relevant
11 and if it doesn't, then he's got mud on his face. He said
12 something that's not coming out in evidence. You want to
13 address that now or do you want to wait?

14 MR. MCDOUGAL: Just let me clarify one thing,
15 Your Honor. The reference to the medical condition
16 appears throughout the nonmedical records discovery. It
17 was not derived from those medical records.

18 THE COURT: Okay. I won't have to put him in
19 jail then for that. Only kidding. All right.

20 MR. MAULDIN: And, Your Honor, just so you can
21 take into account what will occur prior to their calling
22 of the co-defendant, the co-defendant will be asked, at
23 least, one question, depending upon her response,
24 regarding the knowledge of that particular medical
25 condition. Not only drug abuse, but HIV positive. She's

1 going to be asked those questions on cross-examination.
2 My asking her that question, clearly, is not a violation
3 of any order. I mean, how in the world--

4 THE COURT: It depends on where the information
5 is derived from. If it came out of the medical records
6 that you all received as a result of the order from the
7 motion hearing we had Thursday, then that needs to be
8 clear. But if it is throughout the other records and it's
9 in general discovery, then that's not -- you know, I think
10 it would be wise to make sure we clear that up before we
11 do it.

12 MR. MAULDIN: It did come out of general
13 discovery, Judge. And I'll make one particular reference
14 so the State can check this and make sure that I'm
15 correct. On April the 7th, the date the body parts were
16 discovered, Bessie Harris, the now deceased mother of the
17 victim was reviewed by law enforcement. And she advised
18 them of that particular of information. She told them
19 about that.

20 THE COURT: This is the mother of the victim?

21 MR. MAULDIN: Bessie Harris, yes, the mother of
22 anything Mekole Harris. Yeah, they had -- based on their
23 investigation, that investigation led them to communicate
24 with Bessie Harris. Bessie Harris, in an interview with
25 Officer Lender, I think it was, gave them that information

1 that we're talking about here this morning.

2 THE COURT: Okay. Well, that's not --

3 MR. MAULDIN: I mean, it's in the State's --

4 THE COURT: It's in the serology reports and all
5 that stuff, I mean, there it is. But before -- I mean, we
6 just need to make -- you know, if you're going to get into
7 all that stuff, the stuff that is contained in the medical
8 records, if it is not discoverable in other sources, from
9 other sources, that we address it before.

10 MR. MAULDIN: I will you that it is discoverable
11 by other sources that I just pointed out.

12 THE COURT: I think the State agrees with that.

13 MR. WILKINS: We're fine with that, Your Honor.
14 I don't want to argue this in a vacuum here, we'll wait.

15 The second motion concerns prior bad acts. They
16 mentioned in their opening statements about Clarence
17 having a fourth grade education and being submissive to
18 women. Grace would testify that she left the house, and
19 she returned because Clarence had her social security card
20 and other documents that she needed to leave the
21 residence. And when she walked into the house, she will
22 testify that they were standing there, he was holding a
23 machete and said, I ain't even going to kill you now. You
24 get on out of here. That specifically is what she's going
25 to say, basically. I want to make sure that that's okay

1 for us to put into evidence before we go forward based on
2 the ruling.

3 THE COURT: What witness are you talking about?

4 MR. WILKINS: Grace Davis, who was the third
5 girlfriend --

6 MS. ROSS: Regarding --

7 THE COURT: Wait a minute, let him finish.

8 MR. WILKINS: Thank you. It's not in her
9 statement right now. It's something we later discovered
10 through pre-trial. And, you know, they can, certainly,
11 cross-examine her on that and whatnot. But it's something
12 that we intended not to address initially, now, I think
13 it's very extremely relevant. It goes to their
14 proposition that Clarence has a fourth grade education and
15 submissive to women. It's certainly relevant in this
16 trial. I don't think it falls under prior bad acts, that
17 was the only hesitation I had and I wanted to bring it to
18 the Court's attention.

19 THE COURT: Okay. What y'all got?

20 MR. MCDUGAL: Well, Your Honor, describing our
21 client in the opening statement is perfectly appropriate.
22 In fact, he does have a fourth education and submissive to
23 women, I suppose is in the eye of the beholder. I don't
24 think it has anything to do whether testimony regarding
25 weapons, which was the subject of pretrial motion, comes

1 in. It's two different things.

2 THE COURT: Well, why wouldn't this witness be
3 able to testify to that?

4 MR. MCDOUGAL: Well, I think the Court ruled
5 early on -- and I think that's the purpose of the
6 Solicitor's motion, the Solicitor's objection now, is
7 testimony regarding swords and other implements of like
8 nature would not come in. I may have misunderstand his
9 motion, but I think that's what he's saying.

10 THE COURT: This woman is going to say she
11 showed up, he was holding a machete and he said I ain't
12 going to kill you now. Why can't she testify to that.
13 Whether or not it's true is something y'all will have to
14 establish in cross-examination, but -- and, apparently,
15 it's impeachable since she didn't tell the police about it
16 before and all that. But that's -- you all are -- what is
17 inappropriate that from a legal point of view that a jury
18 shouldn't hear it and make that decision?

19 MR. MCDOUGAL: Again, if I understand Mr.
20 Wilkins question and Mr. Wilkins objection, is that the
21 Court ruled yesterday earlier on that there would be no
22 testimony -- I think the State stipulated there would be
23 no testimony about swords and like implements --

24 THE COURT: Well, those were specifically
25 referenced things seized in the automobile and in the

1 house. And they are not -- unless the door is opened
2 somewhere else, they're not getting into that. This is
3 not -- my understanding is it's not subject of those
4 motions.

5 MR. WILKINS: That's correct, Your Honor. In
6 addition, Carmen Jenkins is going to testify that Clarence
7 Jenkins whacked one of the appendages of the victim two or
8 three times with a machete. That's the only other
9 reference we have to a weapon. We never seized a machete.
10 So all the reference to swords and all the knives he had
11 are not here, we're not introducing them -- that were
12 irrelevant or not material to the actual kidnapping and
13 more, we're not introducing. That was my understanding of
14 the motion.

15 THE COURT: Okay. That was my understanding as
16 well. And I think that was the intent of the motion.

17 MR. MCDUGAL: Well, Judge, we have --

18 THE COURT: I mean, if the witnesses are going
19 to say this is what he did, how is that not admissible?

20 MR. MCDUGAL: Well, Your Honor, I think it's
21 not admissible in the Court's judgment on relevance and
22 it's, actually, character evidence. We're entitled to
23 make that objection.

24 THE COURT: Sure.

25 MR. MCDUGAL: Whether he's standing there

1 saying some trash talk to a nonvictim is highly irrelevant
2 as to whether he's guilty of this crime today. It is,
3 however, highly inflammatory.

4 THE COURT: Well, that's a factual question
5 whether it's -- it is inflammatory, yeah.

6 MR. MCDUGAL: It's not relevant, Your Honor.
7 Our objection would be it's not relevant.

8 THE COURT: How is it not? You know, y'all know
9 these facts a lot better than I do. I haven't heard these
10 stories. So I don't know, but I can't see how it's not
11 relevant.

12 MR. MCDUGAL: Well, Your Honor, I think it
13 would be relevant if the statement was I'm not going to
14 kill Mekole now. Or if a third party heard him say to
15 Mekole, I'm not going to kill you now. The fact that he
16 says it to somebody else is sort of third rate character
17 evidence about what kind of person he is, and that's not
18 relevant in a case where he's accused of killing Mekole,
19 the fact he says I'm not going to kill somebody else.
20 It's completely irrelevant.

21 THE COURT: Well, it's a double-edged sword. No
22 pun intended. Y'all can, certainly, argue the other side
23 of it.

24 MR. MCDUGAL: My point is we would reserve the
25 right to make that objection at the time.

1 THE COURT: Yeah. I've just got to get a little
2 background, but right now, it appears -- I don't know why
3 it wouldn't be relevant. I'm going to have to hear the
4 testimony before -- I have to get to the bridge before I
5 cross it.

6 MR. MCDOUGAL: We would like to make that
7 objection at the time.

8 MR. WILKINS: Briefly, Defense counsel also
9 talked about Clarence being arrested while they were
10 together. We instructed our witness not to mention any
11 arrest. We have instructed them to say he left the
12 residence for a time. I'm assuming that's fair game now?

13 THE COURT: Well, they kind of opened that.

14 MR. MAULDIN: We concede the arrest for driving
15 under suspension and sentencing for 90 days is clearly
16 wide open.

17 MR. WILKINS: Just trying to make sure to avoid
18 a mistrial at all costs, Your Honor.

19 THE COURT: Well, the Defense has conceded to
20 that, and even though what lawyers say to the jury in
21 their arguments is -- in their statements is not evidence.
22 So that's out there.

23 MR. MAULDIN: And I wanted to make one
24 additional point, Your Honor, regarding the objection to
25 any testimony about him holding a sword and threatening

1 some other third person or making a threatening comment.
2 Let me make sure that this record is complete.

3 THE COURT: It was a machete.

4 MR. MAULDIN: Yes. The State has provided to
5 us, according to the State, their complete file. We have
6 a file on Grace Davis, including statements that she's
7 given to the police. That statement that they were
8 referring to this morning, we've never heard before or
9 seen evidence of until this morning. A moment ago, you
10 said that it was up to us to challenge the truthfulness of
11 that during cross-examination. And we would love the
12 opportunity to do that, but we don't have that
13 opportunity. She going to testify to it, we're going to
14 then cross-examine her. How can you contest that if we
15 find out about it during her testimony? It's impossible.
16 And that's why we have discovery rules. I think they just
17 a moment ago told the Court that they discovered it during
18 that pretrial preparation. And that's great. But we were
19 entitled to know what the witness was going to say if it
20 was different from what she said in the case file. So I
21 want to renew that objection as well.

22 THE COURT: Well, I know -- okay. That's --

23 MR. MAULDIN: Now, Your Honor --

24 THE COURT: Anything further from the State?

25 MR. MAULDIN: I got one other additional--

1 MR. WILKINS: Those are all the motions I have,
2 Your Honor.

3 THE COURT: Okay.

4 MR. MAULDIN: Your Honor, we understand that the
5 first witness will be regarding the fingerprint analysis
6 that --

7 THE COURT: Jackie Kellet, Lieutenant Kellet?

8 MR. WILKINS: Yes, sir, Your Honor.

9 MR. MAULDIN: We were going to suggest that
10 before bringing the jury in and then taking them back out
11 while we determine the admissibility that that be done by
12 voir dire before the jury is brought in?

13 THE COURT: They want to -- you want to examine
14 her qualifications?

15 MR. MAULDIN: The admissibility of her testimony
16 is going to be clearly contested. What I'm saying is if
17 we bring the jury in, the witness is brought in, he asked
18 her tow questions, we object and ask to be heard out of
19 the presence so we can voir dire the witness is just
20 practically --

21 THE COURT: Yeah. I mean, you just want to voir
22 dire her qualifications or go through what -- you want to
23 see what her examination of the fingerprints consisted of?

24 MR. MCDUGAL: Yes, Your Honor, we will be
25 renewing our objection about what she, actually, did.

1 THE COURT: Okay. Well, that's because you all
2 don't know at this point. If I'm not mistaken, you don't
3 have any written notes?

4 MR. MCDOUGAL: We have no notes, no discovery at
5 all other than the report.

6 MR. WILKINS: We would say the report is the
7 results.

8 THE COURT: That's fine.

9 Bring Lieutenant Kellet in.

10 THE CLERK: Place your left hand on the Bible
11 raise your right.

12 JACKIE KELLET, after being duly sworn, testified
13 as follows:

14 THE CLERK: Thank you, you may be seated.
15 State your name for the record.

16 THE WITNESS: Jackie S. Kellet.

17 DIRECT EXAMINATION

18 BY MR. WILKINS:

19 Q Captain Kellet, who do you work with?

20 A The Department of Public Safety forensic division.

21 Q How long have you been there?

22 A I have been with forensics for 30 years.

23 Q And what is your position?

24 A I am Captain of the forensic division. My
25 responsibilities include managing the drug

1 laboratory, the firearms lab, the latent print
2 section, the crime scene section, the DNA lab and the
3 property and evidence section.

4 Q Have you had any special training, briefly, schools?

5 A Yes. I'm, also -- part of my duties, I'm the senior
6 latent print examiner for the forensic division. So
7 every fingerprint match or identification that comes
8 through my office, I approve all of those prior to
9 them being published. To start my training, I've had
10 40 hours of basic fingerprint training through the
11 FBI. I've had an 80-hour advanced fingerprint
12 training course, again, through to FBI. I've had 120
13 hours of administrative advanced training at
14 Quantico, Virginia, at the FBI Academy. And I've had
15 a two-week card pack school in Tuscon. In addition
16 to that, I've had annual seminars that I've attended.
17 And in Greenville County, we also participate in
18 proficiency testing of all of our examiners. And
19 that means that we do a yearly test to make sure that
20 we're keeping up with our training and that we know
21 what we're doing in our specific discipline.

22 Q You ever been qualified as an expert in the state and
23 federal courts before?

24 A Yes, I have been in all three. Probably 100 plus
25 times.

1 Q And how many fingerprints do you think you've
2 compared in your 30-year career, give or take?

3 A Hundreds of thousands.

4 Q Okay. Now, are you familiar with the case against
5 Clarence Jenkins?

6 A Yes, I am.

7 Q Give us an overview of how you would compare
8 fingerprints and what kind of report you would write
9 and what you would do.

10 A When we receive either latent print or unidentified
11 known prints in the case of a Jane Doe or a John Doe,
12 the first thing that we're going to do is look at
13 those prints that we have, whether they're rolled
14 prints or latent prints, and we're going to do an
15 analysis and determine what those prints are, the
16 type that they are. If we can tell the pattern type
17 from that print, whether it's a loop, whirl or arch.
18 If I see that my unidentified print, I have the same
19 type of pattern in the known print, then I'm going to
20 start with that. I'm going to compare a loop to a
21 loop, a whirl to a whirl. I then target specific
22 points of identification in my unknown print. It may
23 be a ridge ending and bifurcations and deltas. Then
24 I'm going to look for those specific points in the
25 corresponding area of the known rolled print. So if

1 I have a series of five minutia points in one place,
2 I'm going to make sure that in that same finger that
3 I think it may be that those points are going to be
4 identical and in the very same locations. I continue
5 in this manner through the whole, either partial
6 latent that I have or the unknown rolled print until
7 I make a determination that this known print is the
8 same as the unknown print. I would then issue a
9 fingerprint match report, either identifying if it
10 were a latent print, who that print was made by, or
11 if it's an unknown person, who those prints are
12 identified as belonging to.

13 Q And doing that, what do you use to do the comparison,
14 any specific tools that you use?

15 A In this instance, since we had an unknown deceased
16 individual, we used the AFIS system, which is
17 Automated Fingerprint Identification System. This is
18 a computerized database maintained by the South
19 Carolina Law Enforcement Division. And it's just a
20 tool that we use that allows us the ability to search
21 unknown prints or latent prints against a known
22 database.

23 So we enter this print in the AFIS. The AFIS
24 sends back a list of respondents for you. You can
25 tell it send me the top 10, top 15. But in this

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1 case, we ask for the top 25 people. Once that comes
2 back, it doesn't -- it doesn't mean that it's a
3 match. You still have to have the fingerprint
4 examiner look at it and make sure that it is the
5 print that you want, it is a match.

6 And once I do that, then I print out the known
7 card of the person that AFIS says that the unknown
8 belongs to and use a fingerprint glass to visually
9 examine point by point and make sure that this print
10 is the same print. In this case, we had all 10
11 fingers from these two hands, so it was a lot simpler
12 to do that.

13 Q So when you're making this comparison with your
14 magnifying glass out there, are you taking notes as
15 to which points are being matched up or are you just
16 doing your analysis?

17 A No, it's a mental observation that I use. We don't
18 write anything down. I don't know, I've never had
19 any of my training has indicated that you do that,
20 that I've ever had. It's just a mental observation
21 that look out. Because it's going to be the same
22 whether I do it two years ago or last month or today.
23 Those points are still there in those prints. So I
24 do that for all 10 fingers, and then was able to
25 positively identify who that person was.

1 Q So once you identify, you do the visual comparison of
2 the known and the unknowns, you make a mental note
3 that these match?

4 A Correct.

5 Q And then what do you do, do you write a report
6 stating that?

7 A Then we issue a report indicating who we received the
8 unknown points from, the date, things like that, the
9 location, case number. We make a mark in the report
10 who the unknown print is identified as belonging to.
11 That report is verified by another examiner to be
12 sure all the information is correct on the report.
13 And then the report is published in the records
14 division or the appropriate agency to have a copy of
15 it.

16 Q Now, how long might it take you to do a comparison of
17 10 fingers? How long would you spend comparing a
18 known and unknown together?

19 A When you have all 10 finger and they're rolled, it's
20 a very quick process. AFIS can return a serve in
21 five to ten minutes and it may take me another five
22 or ten just to look at it and confirm that it is that
23 person. It's very quick because you have a complete
24 set of known prints there.

25 Q I'm going to show you what State's Exhibit 40 for

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1 purposes of this proffer. And do you recognize that?

2 A Yes, I do. These are the unknown rolled prints that
3 were taken by Lieutenant Petersen at the morgue. And
4 my initials are in the upper right corner of each
5 card. One card has the right hand and the other card
6 has the left hand.

7 Q Now, do you know where these fingerprints came from?

8 A Lieutenant Petersen brought them to my office to be
9 searched on AFIS so that we could attempt to identify
10 the victim.

11 Q And I'll show you what's State Exhibit 41 for
12 purposes of this hearing. Do you recognize that?

13 A Yes, this is the known fingerprint card, the master
14 fingerprint card, Mekole Michelle Harris. My
15 initials are in the upper right corner again. And
16 these prints were taken in a controlled environment
17 by one of our identification specialist at the law
18 enforcement center. And these prints are also
19 maintained in a computerized database.

20 Q Do you ever see those fingerprint cards?

21 A I see them everyday.

22 Q Okay. All right. So let's go back to just a couple
23 of statements. When you got the unknowns from
24 Lieutenant Petersen of the rolled prints there, what
25 did you do?

1 A We had a young lady in your office at that time named
2 Allison Troop, she was working for the forensic
3 division. And part of her responsibilities were
4 entering the prints in AFIS for search. So I handed
5 the prints to Allie. She then entered them in the
6 AFIS while I sat there and watched her. And we
7 waited five minutes and the lists of respondents came
8 back. I then ran the SID number that was given by
9 the AFIS system and discovered the identity was
10 Mekole Harris. I then pulled the master fingerprint
11 card from our files for comparison purposes.

12 Q So AFIS was just used in your investigation to
13 whittle down a known comparable to your unknown.

14 A Yes. AFIS can't match them for you. It doesn't do
15 match found like they do on TV. It narrows down a
16 list of respondents because SLED has probably close
17 to 2,000,000 10 print cards in their file and that
18 would be impossible search for a human to do by hand.
19 So once you enter your information, you tell the AFIS
20 send me back the list of candidates that best meet
21 the criteria that I entered for search. And that's
22 all that it does. You still have to have the
23 examiner look at the prints and either confirm that
24 it's a match or it's not a match.

25 Q So after you pulled what you believed could be a

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1 possible match, you then go through your formal
2 comparison exercise?

3 A That's correct.

4 Q That's when you use that magnifying glass right
5 there?

6 A That is correct.

7 Q That's when you make the determination of whether
8 they match or not?

9 A That's correct.

10 MR. WILKINS: Please answer any questions the
11 Defense may have.

12 CROSS-EXAMINATION

13 BY MR. MCDUGAL:

14 Q Good morning, Captain Kellet. My name is Mark
15 McDougal and I'm representing Clarence Jenkins, the
16 Defendant here. You talked about your training with
17 various agencies, including the FBI. I'd like to go
18 into that a little bit, not the training itself, but,
19 rather, what you learned there. When you're doing a
20 comparison of two fingerprints, you compare points of
21 comparison, you identify unique places, ridges,
22 swirls and so forth that look the same; is that about
23 right?

24 A That's correct.

25 Q And you add up the number -- you know, one point of

1 comparison is not enough, is it?

2 A Correct.

3 Q Fifty is plenty?

4 A More than enough, yes.

5 Q What number do you look for?

6 A There is no set standard in the United States for the
7 minimum number of points that are required. But in
8 Greenville County, we do not -- and a lot of it is
9 based on the uniqueness of that pattern and prints,
10 but we require, at least, 12 points before we can
11 make an identification.

12 Q Okay.

13 A That was easily met in this circumstances.

14 Q And you're right, there's no standard in the United
15 States. The British Government uses 16.

16 A Correct.

17 Q But it's somewhere in the teens, between 10 and 20,
18 would you agree is about the right number for you as
19 a professional and as an expert to reach a conclusion
20 that two fingerprints are identical?

21 A I don't know if I would call one with 10, it would
22 just depend. Twelve is a safe number for me.

23 Q And I take it from your testimony that you very
24 quickly did that with the set of prints that had been
25 rolled from the remains versus the stuff that AFIS

1 had kicked out to you from SLED?

2 A That is correct.

3 Q Now, you can't always do that. Sometimes you will
4 have a latent that will be a partial?

5 A Correct.

6 Q Sometimes part of it will be obscured. Sometimes
7 it's a very close call, you agree with me, as to
8 whether you have enough points of comparison?

9 A Correct.

10 Q You might have 10, and then you're looking for number
11 11 and 12 to see if you can get there or not. Don't
12 you take notes when you do that?

13 A No.

14 Q So you know 1 through 9 when you get to 10?

15 A No.

16 Q How do you keep track of it?

17 A Because I can go back and reexamine that print at any
18 time. I am not going to issue a report if I'm not
19 100 percent certain that it's a match. Then we have
20 technical reviews, peer reviews, another examiner is
21 going to verify what I saw. And they're going to
22 confirm that it is a match. I know from my own
23 experience I am not going to issue a report unless
24 it's, at least, 12 points of identification.

25 Q Please understand, I'm not questioning the quality of

1 what you do, I want to know how you do it. Because
2 if you're trying to get to 14 or 16 or 12 points of
3 comparison, when you're at number 11, don't you need
4 to know what the first 10 were? Don't you have a
5 piece of paper where you chart, where you mark them
6 on?

7 A I've never been trained do that. That has never been
8 in any training that I've had and it's not necessary.
9 I know those points are there. And I can show them
10 to you at any time.

11 Q And you make no record of that?

12 A Other than issuing a report that this print was
13 identified as being made by this individual or this
14 print is identified as belonging to this individual.

15 Q And even when you're processing 40 or 50 sets of
16 latent prints in a particular case, you just remember
17 where those points of comparison are?

18 A If it's a match, I'm going to know that I made the
19 identification and I'm going to issue a report. We
20 don't sit there -- that would be very time consuming
21 work that's not necessary when you're effecting an
22 identification. And it just -- it's always been our
23 procedure, once a match is made, it's verified and
24 then a report is issued.

25 Q I understand that. So when you go back, now four

1 years ago, to a case and you pull out the set of
2 latents we have here, and you pull out a set of
3 standards, baselines, and you compare them, you start
4 all over again?

5 A That is correct.

6 Q And you may have 12 different points of comparison
7 than the ones you had four years ago?

8 A No. My procedure, normally, is look at the delta
9 area first of a print. That's where usually a lot of
10 good points are. And then count from the delta to
11 the core. So the point that I looked at four years
12 ago in that number three finger, I'm going to key in
13 and zero in on those same points because they're
14 still going to be there. They haven't gone anywhere,
15 they haven't changed. And I'm going to key in on
16 those points, those same exact points to make my
17 identification.

18 Q Now, you would agree with me that a really good
19 examiner with two clean sets of prints of a baseline
20 latent could find hundreds of points of comparison,
21 couldn't he or she?

22 A Yes, she could.

23 Q But you're telling me that sitting here today,
24 comparing the latents from four years ago and the
25 baseline, you would be able to find the exact same 12

1 points of comparison you found four years ago without
2 any notes?

3 A That is correct.

4 MR. MCDUGAL: Can I have moment, Your Honor?

5 THE COURT: Yeah.

6 MR. MCDUGAL: Your Honor, we have no further
7 questions. Unless the Solicitor does, we ask the witness
8 be excused and we renew our objection.

9 THE COURT: You got any redirect?

10 MR. WILKINS: No, sir, Your Honor.

11 THE COURT: Okay. You can stand down, Captain,
12 and we'll call you back in just a second. All right.

13 Okay. Same ruling. Well, maybe I haven't
14 ruled.

15 MR. MCDUGAL: Would like to hear the objection,
16 Your Honor?

17 THE COURT: Yeah, go ahead and tell me your
18 objection again.

19 MR. MCDUGAL: For the record, Your Honor, the
20 objection is under rules of evidence 703, the basis of
21 opinion and testimony by experts. And that rule provides
22 the facts or data in a particular case upon which an
23 expert bases his opinion or inferences. I've
24 cross-examined a fair number of fingerprint experts in
25 lots of courts. I've never heard this before. Now, I

1 understand that I've done in this State and I've always
2 had witnesses with notes and points of comparison. This
3 Captain doesn't have that. We believe she should and we
4 believe that her testimony, based on rule 703, should be
5 excluded for that reason. Thank you, Your Honor.

6 THE COURT: Okay. Well, you know, you all can
7 certainly impeach her credibility. But I don't -- I can't
8 think of any reason why I would exclude the testimony.
9 You might not think it's as reliable as some other people,
10 some other witnesses. And you might have a hard time
11 digesting that she doesn't write down where the points
12 are, but, perhaps, she's got a photographic memory, I
13 don't know. But I think that's an issue you can argue to
14 the jury.

15 MR. MAULDIN: One moment, Your Honor.

16 MR. MCDUGAL: Nothing further on this witness,
17 Your Honor.

18 THE COURT: Okay. Y'all ready to go?

19 MR. WILKINS: Yes, Your Honor.

20 THE COURT: Okay.

21 (WHEREUPON, the jury came into open court at
22 approximately 10:20 a.m.)

23 THE COURT: All right. Ladies and gentlemen,
24 welcome back. I hope you had a pleasant evening last
25 night. We appreciate your patience. I admit my failure

1 as a logistical expert. We had some things we had to take
2 care of this morning. It's my fault for not recognizing
3 that before. I asked you to be here at 9:30. I'll try to
4 be better coordinating that. But thank you for your
5 patience.

6 You know, we had the discussion last night about
7 not talking about the case and not being exposed to it.
8 Did anyone, either directly or indirectly, get exposure
9 from some outside source with respect to this case?

10 (There was no response.)

11 THE COURT: You didn't, great. No media -- you
12 didn't read the paper, didn't watch TV, didn't talk to
13 anybody?

14 (There was no response.)

15 THE COURT: It's okay if you tell me that it
16 happened. Okay. Thank you, very much.

17 All right. We're ready to resume.

18 Mr. Wilkins.

19 MR. WILKINS: Your Honor, the State calls
20 Captain Jackie Kellet.

21 THE COURT: Okay.

22 THE CLERK: Captain Kellet, if you'll come
23 forward to be sworn. Place your left hand on the Bible,
24 raise your right hand.

25 JACKIE KELLET, after being duly sworn, testified

1 as follows:

2 THE CLERK: Thank you. You may be seated.

3 Please state your name for the record.

4 THE WITNESS: Jackie S. Kellet.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MR. WILKINS:

8 Q Captain Kellet, with whom are you employed?

9 A The Department of Public Safety forensic division.

10 Q How long have you been with them?

11 A I've been with forensics for 30 years now.

12 Q How long have you been in law enforcement?

13 A I've been a certified police officer for 34 years.

14 Q And tell the jury panel sort of what your duties are
15 at the forensic division.

16 A I am captain of the forensic division and my
17 responsibilities include managing and overseeing the
18 drug laboratory, the firearms lab, the DNA lab, the
19 crime scene section, the latent print section and
20 property and evidence section. Also, I am the senior
21 latent print examiner for the latent prints section.

22 Q And throughout your 34 years of law enforcement
23 experience, have you had any special training --

24 MR. MCDUGAL: Your Honor, the Defense, in the
25 interest of time, will stipulate to this witness'

1 expertise.

2 THE COURT: Okay.

3 MR. WILKINS: Your Honor, we move Captain Kellet
4 as an expert in fingerprint analysis.

5 THE COURT: Okay.

6 MR. MCDUGAL: Without objection.

7 THE COURT: All right.

8 BY MR. WILKINS:

9 Q Just give a brief summary of your schooling.

10 A I've had various training through the FBI and at the
11 FBI Academy in advanced fingerprint identification,
12 40 hours in one course, 80 in the other, 120 in the
13 next and two weeks. In addition to that, I've
14 attended various seminars and training classes each
15 year since I've been a latent print examiner.

16 Q Have you ever been qualified as an expert in state or
17 federal court on fingerprint identification?

18 A I have been qualified in all three, local, state and
19 Federal court as an expert witness, probably 100 plus
20 times during my career.

21 Q Now, as a fingerprint identification, what do you do?
22 Tell the jury panel what you do as a fingerprint
23 analyst?

24 A Part of the responsibilities at the latent print
25 section is when we receive unknown latent

1 fingerprints that were recovered at crime scenes,
2 it's out job to try to identify who those prints were
3 made by. In the same light, if we get unidentified
4 prints from an individual that we don't know who that
5 person is, it's a deceased Jane Doe or John Doe, it's
6 our responsibility, also, to try to effect that
7 identification and find out who this person is so
8 that lawsuit can be notified.

9 Q Now, are you familiar with this case the State vs.
10 Clarence Jenkins?

11 A Yes, I am.

12 Q Were you involved in the investigation?

13 A Yes, I was.

14 Q And I'm going to show you what's marked as State's
15 Exhibit 40, and ask if you recognize that?

16 A Yes, I do. These are the unknown prints that were
17 obtained by Lieutenant Mike Petersen. He is over our
18 crime scene section. And these were the prints that
19 he obtained from an individual whose hands had been
20 recovered. And we did not know who she was. So
21 Lieutenant Petersen went to the morgue, rolled all 10
22 fingers, put them on a fingerprint cards. This top
23 card is from her right hand. Those are my initials
24 in the top right corner. The second card is from the
25 left hand of the victim. And my initials are also in

1 the upper right corner. These prints were brought to
2 my office and it was my job to then try to determine
3 who these prints belonged to, who this person was.

4 Q Once you received those from Lieutenant Petersen,
5 what did you initially do with them?

6 A I looked at the fingerprint card, determined which
7 finger appeared to be the best to use for a computer
8 search. We had a young lady working in our office at
9 that time that was working in the latent print
10 section. I handed the prints to her. She then
11 entered the information on the AFIS system. And AFIS
12 is Automated Fingerprint Identification System. What
13 this system let's us do is search unidentified latent
14 prints from crime scenes, or, in this case,
15 unidentified deceased prints against a known database
16 that's maintained by SLED in Columbia. So the
17 information was entered by this employee for the
18 number three finger, which is your right middle
19 finger, then a search was conducted through the AFIS
20 system.

21 Q And once that search was conducted through AFIS, what
22 did you do?

23 A When the results come back -- what you do with AFIS,
24 it's not like TV. It doesn't come back and say match
25 found, match found. But it will narrow down your

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1 list of respondents. SLED's database is probably
2 close to 2 million, 1.5 or 2 million fingerprint
3 cards. Most people still have all 10 fingers, and
4 that's a lot of information that you're having to
5 look for. So once you enter your fingerprint -- and
6 in this case, we knew we were searching a number
7 three finger. The race appeared to be of a black
8 individual. You can narrow down your search.

9 We enter this information, AFIS sends back a
10 list of respondents. It doesn't match it for us, but
11 it says out of this entire database, these are the
12 top 25 people that we think this print could have
13 been made by. You still have to have the fingerprint
14 examiner look at it and confirm or deny that it is or
15 is not a match.

16 Once the results come back -- it doesn't send
17 back a name, it sends back a SID number, State ID
18 number. And that number is assigned to you by SLED
19 if you've ever been fingerprinted. We run that SID
20 number. We then locate information, the person's
21 name, if they have a record in Greenville County. In
22 this case, there was an existing record in our
23 system. I then pulled up the match for fingerprint
24 card from this individual and conducted a comparison
25 to make sure that the prints on these unknowns were

1 the same as the prints on that 10 print card, and
2 they were.

3 Q All right. Captain Kellet, I'm going to show you
4 State's Exhibit 41.

5 (WHEREUPON, State's Exhibit No. 41 was marked
6 for identification only.)

7 BY MR. WILKINS:

8 Q I ask you if you recognize that?

9 A Yes. These are the known rolled prints identified as
10 belonging to Mekole Michelle Harris. And this card
11 is contained in our database here in Greenville
12 County. And these are my initials in the top
13 right-hand corner. This is the card I, actually,
14 used when conducting the comparison between the
15 unknown rolled prints and the known prints. This is
16 how I was able to tell these prints belonged to this
17 person.

18 Q Do you keep that card in the ordinary course of
19 business?

20 A Yes, we have hundreds of thousands of these cards on
21 file.

22 Q You're the supervisor of all those fingerprint cards?

23 A Yes.

24 MR. WILKINS: Your Honor, the State would move
25 Exhibit 41 into evidence.

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1 MR. MCDUGAL: Can we have a look at them, Your
2 Honor?

3 THE COURT: Yeah.

4 MR. MCDUGAL: No objection, Your Honor.

5 (WHEREUPON, State's Exhibit No. 41 was admitted
6 into evidence.)

7 BY MR. WILKINS:

8 Q So Captain Kellet, once you got a potential known and
9 you've got the unknown print that you received from
10 Lieutenant Petersen from the severed hand, what did
11 you do?

12 A I then used a basic fingerprint glass, which is a
13 magnifying glass. And in this case, we searched the
14 number three finger. So I began looking at points of
15 identification that were unique in that pattern type
16 against the unknown on the known. I start looking
17 for individual points of comparison, ridge endings,
18 bifurcations. I searched around the delta area. I
19 made sure that all the points that I see in the
20 unidentified, the unknown print, were exactly the
21 same as the points on the known fingerprint card.
22 Once I done that and I confirmed that these prints
23 were, indeed, made by Mekole Harris, that these
24 prints belonged to her, then I made an
25 identification. I looked at all 10 fingers that were

1 given to me by Lieutenant Petersen against all 10
2 fingers on the rolled card, the known rolled card.

3 Q So once you make the determination, do you make a
4 report or anything?

5 A Yes. Once I have made this match and effected an
6 identification, the print match a verified by another
7 latent print examiner in our office. We always use
8 peer review. Have a second individual examiner look
9 at it. Confirm the results, and then a written
10 report is issued indicating the personal information,
11 the case number, who we received the prints from and
12 if we were able to identify them. And if so, who the
13 prints belonged to. And that report is the published
14 so that the investigating officers can get a copy of
15 it.

16 Q So the prints -- the unknown prints at the time that
17 you compared with State's Exhibit 41, the knowns of
18 Mekole Harris, were found to be to match to her?

19 A That's correct. These prints were made by Mekole.

20 MR. WILKINS: Your Honor, the State moves
21 Exhibit 40 into evidence.

22 MR. MCDUGAL: No objection, Your Honor.

23 THE COURT: All right.

24 (WHEREUPON, State's Exhibit No. 40 was admitted
25 into evidence.)

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1 MR. WILKINS: Please answer any questions the
2 Defense counsel may have.

3 CROSS-EXAMINATION

4 BY MR. MCDOUGAL:

5 Q Morning, Captain Kellet. I just have a couple
6 questions for you. My name is Mark McDougal. I
7 represent the Defendant, Clarence Jenkins. You
8 described the AFIS computer system. And if I
9 understood you correctly, that's a system where you
10 would submit one set of prints, typically, latents or
11 something that have been submitted for investigation,
12 and a computer search would be done and a number, I
13 think you said 25 possible matches, not matches, but
14 prints that the computer said had some comparison
15 would be produced?

16 A That is correct.

17 Q And you testified at some length about the
18 examination you did of the prints leading you to the
19 conclusion that these prints belonged to Mekole
20 Harris?

21 A Yes.

22 Q How many other of the 25 did you do comparisons on
23 before you reached your conclusion?

24 A None.

25 Q You just went right to that one?

1 A Because it was a match.

2 Q But AFIS gives you 25 possibles; is that right?

3 A Right.

4 Q And you only did a comparison, a line by line, ridge
5 by ridge comparison on Mekole Harris?

6 A That is correct.

7 Q When you're doing the examination you described using
8 a magnifying glass, that is a step-by-step process in
9 which you seek to find points of comparison? By
10 that, I mean characteristics on one print that in
11 your view are identical to the other; is that
12 correct?

13 A Yes.

14 Q And you would typically look for 12 or so points of
15 comparison before you reached that conclusion?

16 A Yes.

17 Q In any given day, how many prints would you do a
18 comparison on in a typical work day?

19 A Well, my function right now is mainly as -- to do
20 peer view and to approve the report, so I don't do
21 near the volume that I used to. But during a typical
22 day, a latent print examiner, depending upon your
23 call volume and the number of cases that yield
24 cognitive results on latent prints, you could do 500
25 to 1000 comparisons a day, easy.

1 Q And you keep no notes of those comparisons at all; is
2 that correct?

3 A That's correct.

4 Q So when you come years later to testify, you just
5 remember what you saw?

6 A Yes, I do.

7 Q Okay.

8 MR. MCDOUGAL: Your Honor, the witness has a
9 file in her hand. If I could ask her if we could examine
10 that before she's dismissed.

11 THE COURT: Sure.

12 MR. MCDOUGAL: One moment, Your Honor.

13 THE COURT: Yes.

14 MR. MCDOUGAL: Can we approach the bench,
15 please?

16 THE COURT: Okay.

17 (WHEREUPON, a bench conference was held in the
18 presence of the jury but out of the hearing of
19 the jury.)

20 THE COURT: All right. Ladies and gentlemen, an
21 issue has come up that I have to discuss outside your
22 presence. So please retire to your jury room. Don't talk
23 about the case.

24 (WHEREUPON, the jury left open court at
25 approximately 10:37 p.m.)

1 THE COURT: All right.

2 Yes, sir, Mr. McDougal.

3 MR. MCDUGAL: Your Honor, could I ask the
4 witness be excused in the event we have to recall her on
5 this issue? I'm sorry, if the witness could step out of
6 the courtroom.

7 THE COURT: Okay.

8 Do you mind? Thank you, Captain Kellet.

9 MR. MCDUGAL: Judge, this witness, Captain
10 Kellet, came in here to testify with a file in her hand
11 and with the Court's permission, we looked at the file.
12 And as related to the Court at the sidebar, there are two,
13 and I think, at least, three documents that we have never
14 seen in discovery. These include apparently an AFIS
15 report or a screen shot, an automated fingerprint
16 identification worksheet and what looks to be a latent
17 handprint -- I'm sorry, half a handprint.

18 Throughout this case, Your Honor, we have asked
19 over and over again, do we the file, do we have the file.
20 We've been told again and again we do have the file.
21 Well, apparently, we didn't have the whole file, Your
22 Honor. And we made some -- we've entered a couple very
23 significant objections to this witness' testimony. And we
24 believe the fact we were not given these documents is a
25 serious breach.

1 THE COURT: Well, what's in them? I need to
2 know more about potential prejudice.

3 MR. MCDOUGAL: Well, Judge, I mean, the reason
4 that we have discovery is so we have time to look at them
5 and see where else they lead.

6 THE COURT: I understand that. If you see
7 potential prejudice, because that would be -- I mean, I am
8 disturbed that the State has not produced these documents
9 after all the lengthy hearings and discussions. But what
10 remedy is out there would depend on the content of those
11 documents.

12 MR. MCDOUGAL: Well, Your Honor, as I look at
13 them here, having not seen them before, it appears that
14 they are a series of points of comparison on the screen
15 shot. There are, at least, two impressions that one looks
16 to be the identified, one looks to be the latent. You
17 know, had we had this in hand and had an opportunity to
18 look at it, and, perhaps, raise some questions for
19 cross-examination to support our objection. We didn't
20 have them. The witness came here with them in her file.

21 THE COURT: What can you tell me about it, Mr.
22 Wilkins?

23 MR. WILKINS: Mr. Mauldin filed motions
24 regarding the fingerprint analysis, point by point
25 analysis. I called Captain Kellet and conferred with her

1 regarding what she had in her file. And I told Mr.
2 Mauldin there may be some AFIS stuff in there, that's all
3 I know. He said he didn't want it. So we had this
4 conversation. And it's been available in latents for four
5 years now. And all it is is -- what she just described is
6 how she ran the fingerprints through AFIS and they got a
7 list of 20 people to check. So it's not going to be
8 introduced. And we never knew anything about it until he
9 filed a motion making an issue with it. And I talked to
10 Mr. Mauldin about it. I said you can have anything you
11 want. I'm trying to track down everything we've got.

12 MR. MAULDIN: When I talked to Mr. Wilkins, I
13 had one page that they had provided us. I think it's a
14 SLED --

15 THE COURT: Let's just take a 10-minute break,
16 y'all review the documents and when we come back, y'all
17 tell me what the prejudice is.

18 (WHEREUPON, a short break was taken.)

19 MR. MCDOUGAL: Your Honor, I'll try to be as
20 brief as I can.

21 THE COURT: Okay.

22 MR. MCDOUGAL: What we, apparently, were
23 provided -- everything I'm going to say is modified with
24 the word apparently because we haven't had time to look at
25 it beyond the last few minutes, is what appears to be an

1 electronic report from AFIS. It list on the lower
2 right-hand side, apparently, the top 16 matches. Each is
3 assigned a score. Number one, the one that the examiner
4 was testifying about, has a score of 5595. Number 2 had a
5 score of 5415. For purposes of comparison, number 10 is
6 3435.

7 My point, Your Honor, is that number two is
8 pretty close to number one. Had we had this and had we
9 been able to work with an expert in identifying the actual
10 proximity of number one and number two and even number
11 three, we could have, I think, much more effectively
12 cross-examined this witness.

13 And here's why it's so important in the context
14 of the case, Your Honor. As we laid out in our previous
15 motion, this fingerprint evidence is the heart of the
16 forensic case. They're only able to identify these
17 remains as a result of these fingerprints. If they
18 couldn't do this, they wouldn't have DNA, they wouldn't
19 serology, they wouldn't have anything. Our job is to
20 challenge that evidence. And you can't challenge that
21 evidence if we don't have information like this, which
22 we've asked for repeatedly.

23 I think Mr. Mauldin wants to add something to
24 that.

25 THE COURT: Okay.

1 MR. MAULDIN: Your Honor, I think one of the
2 concerns that I have is what you expressed to us as our
3 challenge at this moment regarding this particular piece
4 of evidence. And here's why I am concerned about that.
5 You've challenged us to establish the individual prejudice
6 of this individual piece of evidence that has now been
7 discovered. And I believe that Mr. McDougal has laid out
8 a pattern that shows how we are now specifically
9 prejudiced by this specific piece of evidence that was not
10 in our hands before.

11 Now, what that does is that means that we have
12 to be prepared to establish prejudice for not knowing
13 something that we don't know we don't have. And I know
14 there are a lot of negatives in that sentence. But the
15 problem is we can only -- we have to rely upon what we're
16 provided in an open file case. We respond to what we're
17 provided. We prepare based upon what we're provided. If
18 we -- and I'm not claiming any bad faith here. This is
19 not a bad faith question on the part of either side. The
20 question is our capability of responding to something that
21 we don't have and being prepared to establish prejudice
22 for it. If we don't know what it is, we can't be prepared
23 to establish legitimate prejudice for it on the spot,
24 which is what we're expected to do here. And I think Mr.
25 McDougal is doing very well regard to the presentation.

1 But there's got to be a remedy. And after four
2 years, we have had countless hearings in this case
3 regarding the production of this, that or the other.
4 We've been operating on the assumption that we did have an
5 open file. And I suspect that Mr. Wilkins can stand and
6 say he gave me what he had in this file. We were
7 concerned because there was only one page showing this
8 print matches Mekole Harris, date of birth, and that was
9 it. There was no underlying data, no examination records,
10 process used, method used. We then filed our motion last
11 week about the fingerprint evidence. Because it just --
12 how can that possibly be? It's very unconventional, but
13 it's unheard of. And that has led to what we've been
14 going through this morning.

15 The concern I've got now is is there something
16 else that law enforcement agencies may have had in a file,
17 in a drawer that neither Mr. Wilkins nor I know about. I
18 mean, we have encouraged the State to advise their
19 agencies working this case to give them their files so
20 they can disclose them to us so we can be prepared. That
21 is the point. Now, we have to say, I wonder if there's
22 something else that we don't know about that if we do
23 discover it just by stumbling upon it during the
24 cross-examination, that we're going to be able to show
25 prejudice for on the spot. And that's no way to run a

1 railroad.

2 So I'm suggesting, Your Honor, at this point
3 that this evidence either be stricken, either strike the
4 evidence -- we're objecting to it. Either strike -- and I
5 know Defense is no objection, no objection. But we don't
6 know what we're objecting to until we get her file in our
7 hand because we thought we had it. So what I'm saying is
8 we object to all of her testimony. We object to
9 everything. We renew our previous objections to it. And
10 we say that there's two remedies: Strike the testimony or
11 grant us a mistrial. Those are the two remedies that, at
12 least, came to my mind during the 10-minute break we just
13 took. Otherwise, what would deter, what would deter law
14 enforcement to simply not give his file to Walt, so that
15 when Walt stands in front of you and says -- or Mr.
16 Wilkins. When Mr. Wilkins stands before you and says I've
17 given them everything I've got. He's telling the truth.
18 But if the law enforcement don't give it to him, he
19 doesn't now about it until the eve of trial. And we can't
20 prepare cases that way. There's no deterrence to law
21 enforcement about doing that. And we have to be on guard
22 during the entire trial looking for things we did not
23 know, which is impossible. Recommends. Order it out of
24 evidence or based on our objection, we make a motion to
25 strike the testimony or grant us a mistrial.

1 MR. WILKINS: Your Honor, just briefly. Just so
2 you know, there was a report generated about the
3 fingerprints being run through AFIS that was given to the
4 Defense. They've known that for four years, that the
5 fingerprints were run through AFIS, which narrowed down
6 the potential candidates that Jackie Kellet then compared
7 them to and came to her conclusion, which is the
8 most important thing to us, obviously, the actual,
9 comparison. So they've known there was an AFIS run. They
10 have the report on that. They've had that report.

11 Secondly, Mr. Mauldin has been down to P & E
12 with Rita Graham from my office on two separate occasions.
13 And we're offered -- go to latents, we offer that to you.
14 Thirdly, this didn't come about until they filed their
15 motion, and we went on a witch hunt after anything we
16 could find. And I think we came up -- they were arguing
17 about the report of comparison. And that was the crux of
18 their motion. So we didn't focus on anything regarding
19 AFIS because we were introducing anything regarding AFIS
20 and it wasn't evidence of anything. It was an
21 investigative tool used to get them to a potential
22 comparison. So it wasn't something that we even imagined
23 would be anything that they would want. Given the fact,
24 they knew it was run through AFIS.

25 So, you know, that's how -- we see zero

1 prejudice to them. It's a computer shot of fingerprint
2 card that they already have or had access to of the prints
3 that they had. And the only thing on there that they
4 didn't have access to was a list of 20 people that the
5 computer program had a report on. If they wanted the
6 report on those folks, they could have asked for it.

7 THE COURT: Well, here's my concern. I've heard
8 in these discovery conferences that you have given them
9 everything. Well, that is not the case. I don't --
10 Mr. McDougal has certainly found the -- a touch point,
11 which has potential for prejudice. I -- but the -- and,
12 you know, I'm not exactly sure what to do. I don't know
13 that the Solicitor's office policy is with respect to
14 obtaining the files from lawsuit. But even though the
15 prosecution may have not find a document to be relevant,
16 you have a different mind set than the Defense. So it is
17 important to produce all of the documents. But I don't
18 find that the -- and I agree, you've got a hard --

19 Mr. Mauldin, you make a point that you have to
20 come up with prejudice on the spot without having an
21 opportunity to mull it over and examine it. But Captain
22 Kellet's testimony was she took the first, I presume, the
23 highest score. That hasn't been asked, but I'm going to
24 presume she did it because she said she only examined one,
25 and found the match. So she found the match. And even

1 though there is this failure to disclose, I don't find
2 that this failure to disclose rises to the level which
3 would necessitate striking the testimony or the more
4 onerous remedy of a mistrial. But I would caution the
5 Solicitor's office that beginning now, that they make sure
6 that every single document in your position or in law
7 enforcement's possession has been produced. Because if
8 this is a pattern, then some form of deterrence has to
9 come into play. But at this point, I decline to grant
10 either one of your proposed remedies, Mr. Mauldin.

11 MR. WILKINS: Your Honor, that's so noted. And
12 just so you know, on two separate occasions, we sent
13 letters to every law enforcement witness, please, give us
14 everything that you have in your file. And I will
15 certainly review our policies with my office to make sure
16 that this does not become a pattern. It's important to me
17 as an officer of the court and as a longstanding
18 prosecutor as well.

19 THE COURT: We want to ensure that in these
20 prosecutions that justice is done for all parties. And I
21 don't think that it's -- in my assessment from the
22 prosecution side, you don't view these as important. And
23 they aren't important to you, but to the Defense, you
24 don't have their mind set and you don't see it from their
25 angle, and so it is important to them. And they may

1 have -- if they had these documents, hired an expert, you
2 know, I don't know what an expert would say, but they may
3 have -- I don't know how they would -- you know, they may
4 have disputed Captain Kellet's -- of course, I don't know
5 if they have an expert coming or not. But they may have
6 disputed her findings. But based on everything presented,
7 I decline to grant the remedies suggested.

8 Now, do you want to put her back on --

9 Yes, sir?

10 MR. MAULDIN: One moment, Your Honor. Your
11 Honor, one other alternative with the previous request
12 being denied, we're going to ask that the Court consider a
13 delay. What we have to do is we're going to immediately,
14 of course, attempt to have someone examine these records.
15 We're going to find an expert and have them examine the
16 records. We don't have an expert on our witness list on
17 fingerprints because we don't have but one page. I mean,
18 that was what the previous motion was about. But be that
19 as it may, we're asking for a delay in the trial until we
20 can have an opportunity to have an expert examine these
21 records and determine whether or not it's appropriate that
22 he testify to the invalid dependency on that particular
23 report.

24 THE COURT: Well, I'm going to decline that
25 request as well. Certainly, you can have those examined

1 and you can pursue that without delaying the trial.
2 Whether or not, you know, you have time to present
3 something in the trial is one thing. Whether or not it
4 comes up at a later date. But Captain Kellet has
5 testified she only examined one, the top one, it was a
6 match. There's been no question about that in her
7 testimony. And the significance of having someone else
8 talk about maybe it's a better practice to examine the top
9 two or top three as an attempt to attack the credibility
10 of this witness or the Greenville County forensic division
11 might be of some benefit, but I don't think it undermines
12 the reliability of the testimony that's been presented or
13 the findings of Captain Kellet.

14 MR. MAULDIN: All right. Then the last matter,
15 Your Honor, we would like an opportunity to have this file
16 duplicated. We want the duplication put into the record.

17 THE COURT: As a Court's Exhibit, we'll do that.

18 MR. MAULDIN: And we would ask that two copies
19 be made, Your Honor, one that we can now attempt to try to
20 find somebody to do something about on quick notice.

21 THE COURT: All right. We'll make the copies.
22 We'll make them. But do you all need Captain Kellet back
23 on the witness stand?

24 MR. MCDOUGAL: I have no further questions for
25 her, Your Honor.

1 MR. WILKINS: I do have one brief redirect.

2 THE COURT: Okay. Well, let's -- what are they?
3 Are they things that can be run through this little copier
4 right here?

5 MR. MCDOUGAL: Yes.

6 THE COURT: Okay. Well --

7 MR. MCDOUGAL: They handed it up?

8 THE COURT: What do you want copied?

9 MR. MCDOUGAL: There's three pages we need
10 copied.

11 MR. MAULDIN: Two sets, please.

12 MR. MCDOUGAL: Your Honor, might I hand up
13 Captain Kellet's file as a Court's Exhibit?

14 THE COURT: Well, I'm not going to take the
15 file. All I want are the things you want in as a Court's
16 Exhibit. I'm not going to keep her file. So if you want
17 the whole thing copied as a Court's Exhibit, we'll copy
18 it.

19 MR. MCDOUGAL: Your Honor, I'm handing up three
20 pages right now to the Clerk right now, which we ask to be
21 included as a Court's Exhibit.

22 THE COURT: Well, let's tack with a stapler.

23 (WHEREUPON, Court's Exhibit No. 3 was marked for
24 identification and received into evidence.)

25 THE COURT: All right. Let's bring her back.

1 (WHEREUPON, the jury came into open court at
2 approximately 11:20 p.m.)

3 THE COURT: All right. Mr. McDougal, any other
4 questions?

5 MR. MCDUGAL: No, sir, Your Honor. We would
6 ask that the witness not be excused subject to recall for
7 reasons --

8 THE COURT: That will be fine.

9 All right, Mr. Wilkins.

10 MR. WILKINS: Your Honor, brief redirect.

11 REDIRECT EXAMINATION

12 BY MR. WILKINS:

13 Q Captain Kellet, the Defense asked you about how you
14 remember all the points and you haven't made a
15 report. Do you examine those before you come and
16 testify?

17 A Yes. I have examined them several times when we've
18 had pre-trial conferences as well on this case.

19 MR. WILKINS: Thank you, no further questions.

20 THE COURT: Okay.

21 MR. MCDUGAL: Nothing else, Your Honor.

22 THE COURT: All right. Thank you very much,
23 Captain.

24 MR. CAMPBELL: State calls Vivian Young, Your
25 Honor.

1 THE CLERK: Ms. Young, if you would come forward
2 to be sworn in, please. Place your left hand on the
3 Bible, raise your right.

4 VIVIAN YOUNG, after being duly sworn, testified
5 as follows:

6 THE CLERK: Thank you, please be seated. Please
7 state your name for the record.

8 THE WITNESS: Vivian Young.

9 THE CLERK: Thank you.

10 (WHEREUPON, State's Exhibit Nos. 22, 24 & 25
11 were marked for identification only.)

12 DIRECT EXAMINATION

13 BY MR. CAMPBELL:

14 Q Good morning, Ms. Young. Ms. Young, you work or go
15 to school?

16 A I go to school.

17 Q Okay. And are you married or single?

18 A Single.

19 Q Okay. Do you have any children?

20 A Yes, I have three.

21 Q Speak up just a little bit.

22 A Yes, I have three.

23 Q Okay. Thank you. Back in 2008, where did your
24 boyfriend work?

25 A At Labor Finders of Greenville.

VIVIAN YOUNG-DIRECT BY MR. CAMPBELL

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1 Q And were there times you would drive them to and from
2 work?

3 A All the time.

4 Q Okay. Now, do you know Mekole Harris?

5 A Yes, I know of her. When I stayed in Simpsonville, I
6 seen here a couple of times.

7 Q And did you ever see her at Labor Finders when you
8 were driving your boyfriend to work?

9 A Yes.

10 Q Okay. Do you know Clarence Jenkins, the Defendant?

11 A I don't know him, but I've seen him up there.

12 Q Okay. So you're saying you don't know him
13 personally, but you know who he is?

14 A Uh-huh.

15 Q Have you ever seen him before?

16 A Yeah. I mean, he stuck out in the area.

17 Q What area you talking about?

18 A Labor Finders. Compared to some of the other people
19 that worked up there, he stuck up like a sore thumb.

20 Q When you driving your boyfriend to work?

21 A Uh-huh.

22 Q Let's talk about the first time you saw Clarence in
23 regards to this case. Where was he?

24 A At Labor Finders.

25 Q Who was with him?

1 A The first time I saw him, he was by himself.

2 Q Okay. And what about around April, beginning of
3 April 2008, did you see Clarence at Labor Finders
4 then?

5 A Yeah.

6 Q Was anyone with him that time?

7 A The second time I seen him, he was with -- outside
8 with her up against the brick building.

9 Q Who's her?

10 A Mekole Harris.

11 Q I'm showing you what's been previously marked and
12 shown to the Defense as State's Exhibit 22, do you
13 know what that is?

14 A Labor Finders.

15 Q That's a picture?

16 A Yeah.

17 Q I'm showing you what's been previously mark and shown
18 to the Defense as State's Exhibit 24. When you say
19 you saw Clarence sitting on the wall, is that the
20 wall you're talking about?

21 A Yeah.

22 Q I'm showing you what has previously been marked and
23 shown to the Defense as State's 25. What is that?

24 A That's the inside of Labor Finders.

25 Q Okay.

VIVIAN YOUNG-DIRECT BY MR. CAMPBELL

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1 MR. CAMPBELL: Your Honor, State moves 24, 25
2 and 22 into evidence.

3 MS. ROSS: No objection.

4 THE COURT: All right. No objection.

5 (WHEREUPON, State's Exhibit Nos. 22, 24 & 25
6 were admitted into evidence.)

7 MR. CAMPBELL: Permission to publish to the
8 jury?

9 THE COURT: Yeah.

10 BY MR. CAMPBELL:

11 Q Okay, I just want to start with the first page. Can
12 you see that okay, Ms. Young?

13 A Yes, sir.

14 Q Now, this is State's 22. You said that's Labor
15 Finders?

16 A Yes.

17 Q Where would you park when you would take your
18 boyfriend to work?

19 A Sometimes right there where the white van was or in
20 the opposite direction where the trees are.

21 Q The first time you saw Clarence, you mentioned he was
22 sitting on a wall, where was he?

23 A Right there where the van.

24 Q On that wall back there?

25 A Yeah.

1 Q This is State's 24. Is that the wall you're
2 describing?

3 A Yes, sir.

4 Q So this is right behind where that van was parked in
5 the first picture?

6 A Yeah.

7 Q Okay. Now, you said Mekole Harris was sitting in
8 Clarence's lap on April 1st, 2008?

9 A Yeah.

10 Q Now, on April 3rd, 2008, did you see Clarence again?

11 A Yeah.

12 Q Okay. About what time of day was that?

13 A Around 3:00 or 4:00. Like when they get off and get
14 their checks.

15 Q You were going to pick him up at that time?

16 MS. ROSS: Your Honor, I object to leading at
17 this point.

18 THE COURT: Yeah, don't lead.

19 MR. CAMPBELL: Okay. All right.

20 BY MR. CAMPBELL:

21 Q Did you see anyone with Clarence?

22 A Excuse me?

23 Q Did you see anyone with Clarence that day?

24 A He was in the bathroom that day with her.

25 Q Okay. So there was another time you say Clarence

VIVIAN YOUNG-DIRECT BY MR. CAMPBELL

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1 with who?

2 A Yeah. I don't know what other woman he was up there
3 with.

4 Q Okay. Did you see Clarence again with Mekole Harris?

5 A Uh-huh. That was the day, the last time I seen her
6 in the bathroom. And he was like sticking his head
7 out the door.

8 Q You're talking about the bathroom. I'm going to show
9 you State's 25. Can you describe this scene for the
10 jury, please?

11 A That's the soda machine where I seen her standing at
12 before I came in there that day. And the bathroom is
13 where the wooden door is, and he had his head
14 sticking out waiting on her.

15 Q Who's he?

16 A Clarence.

17 Q Okay. Clarence had his head sticking out. What
18 happened next?

19 A And she asked a couple of people for a light and she
20 asked me for a light. And I gave it to her. And she
21 went back in the bathroom with him.

22 Q With Clarence?

23 A Yeah.

24 Q And that was the last time you saw Mekole Harris?

25 A Uh-huh.

1 Q Did you still go back to Labor Finders to pick up
2 your boyfriend after that?

3 A Uh-huh.

4 Q Did you ever see Mekole Harris at Labor Finders
5 again?

6 A Huh-uh.

7 Q Okay.

8 MR. CAMPBELL: Please answer any questions that
9 the Defense has for you.

10 CROSS-EXAMINATION

11 BY MS. ROSS:

12 Q Now, you said you go and pick up your boyfriend.
13 Would you get out of the car and go and hang out at
14 Labor Finders, is that what you're saying?

15 A That day, I got out the car. And that's -- you know,
16 because of -- she was like the only woman, actually,
17 hanging out in the area. And being the way I was
18 about my boyfriend, yeah, I went in there to make
19 sure she wasn't trying to talk to him or whatever.

20 Q So you were watching her to make sure she wasn't
21 talking to your boyfriend?

22 A Yeah, that was the only woman like -- yeah, of
23 course.

24 Q Isn't it true that you didn't know Clarence Jenkins'
25 name or anything and you referred to him as nerdy?

1 A Yeah, he stood out. I mean, compared to everybody up
2 there, not being judgmental, yeah, he stood out. He
3 didn't look like he belonged there.

4 Q What do you mean by that. He didn't look like he was
5 a worker or didn't look tough or?

6 A As far as tough, no. Most of the guys that were up
7 there looked like they were hard workers. He looked
8 like he needed to be, basically, sitting somewhere in
9 college.

10 Q He had on glasses, right?

11 A Yeah. Not just because of his glasses, I wear them,
12 too.

13 Q And he didn't look like he does today, he was
14 chubbier, right?

15 A He was chubby.

16 Q He had round glasses, right?

17 A Uh-huh.

18 Q Now, the only way you that -- you said you knew
19 Mekole Harris from high school?

20 A Yeah, I knew her from growing up. I stayed in
21 Simpsonville and she -- yeah.

22 Q And you didn't want her hanging around your
23 boyfriend?

24 A It's not that I didn't want her to. I don't own
25 Labor Finders.

1 Q Now, is he the one, did he tell you who Clarence was?

2 A I have asked him.

3 Q Isn't it true that he told you who Clarence was?

4 A He didn't tell me who he was, he said that he worked
5 up there.

6 Q So he just said this is a guy who worked up there?

7 A Yeah, he's one of the guys that work up there.

8 Q So he was there the whole time you were there as
9 well, your boyfriend was?

10 A Yeah.

11 Q All right. Now, when are these times that you were
12 saying, it was two occasions when you were picking up
13 your boyfriend; is that correct?

14 A Yeah.

15 Q And what time was that in the day, do you recall?

16 A 3:00 or 4:00.

17 Q So 3:00 or 4:00 on the first and the third. And at
18 the time, you didn't report Mekole or say anything
19 about drugs or ask about suspected drug use at Labor
20 Finders, did you?

21 A Why would I have to?

22 Q Not against the law, but you were saying you
23 suspected they were doing crack at Labor Finders;
24 isn't that right?

25 A Why else would a man be in the bathroom with a woman?

1 Q And you don't report that at the time or say anything
2 about it?

3 A No, ma'am, it's not my job.

4 Q And they have video cameras at Labor Finders, too,
5 don't they?

6 A Yes.

7 Q And no video surveillance backed up what you're
8 saying about what you saw at Labor Finders, does it?

9 A I don't know that.

10 MS. ROSS: All right. Thank you.

11 THE COURT: All right. Any redirect?

12 MR. CAMPBELL: Yes, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. CAMPBELL:

15 Q All right. Ms. Young, the last time you saw Mekole
16 Harris, talking about the day in the bathroom, what
17 day of the week was that?

18 A A Friday.

19 Q Okay. So that would have been April 4th or 3rd?

20 MS. ROSS: I object to leading, Your Honor.

21 THE COURT: Don't lead.

22 Do you know the date of that Friday, ma'am,
23 that's what he's asking?

24 THE WITNESS: No.

25 MR. CAMPBELL: Judge, I would ask the Court to

1 take judicial notice that during the week of April 1st and
2 3rd of 2008, Friday was April 4th.

3 MS. ROSS: And I object to that. He testifying
4 and leading this witness. She doesn't remember.

5 THE COURT: Okay. All right. Go ahead and
6 finish your examination of this witness.

7 BY MR. CAMPBELL:

8 Q So you remember it was a Friday of that week?

9 A (The witness nods.)

10 Q Okay. But you don't-- I need you to answer the
11 question, please, yes or no.

12 MS. ROSS: Again, I object, he's leading.

13 THE COURT: That's all right. I'll let him ask
14 that question.

15 Go ahead.

16 THE WITNESS: Yes, it was Friday.

17 MR. CAMPBELL: Okay. Thank you.

18 That's all the questions I have.

19 THE COURT: Any re-cross?

20 MS. ROSS: No, Your Honor.

21 THE COURT: Okay. Thank you. You may step
22 down.

23 MR. WILKINS: The State calls Grace Davis to the
24 stand, Your Honor.

25 THE CLERK: Ms. Davis, if you come forward to be

1 sworn in, please. Please place your left hand on the
2 Bible and raise your right.

3 GRACE DAVIS, after being duly sworn, testified
4 as follows:

5 THE CLERK: Thank you, you may be seated. State
6 your name for the record.

7 THE WITNESS: Grace Davis.

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION

10 BY MR. CAMPBELL:

11 Q Good morning, Ms. Davis, how are you?

12 A Good morning.

13 Q Where do you live?

14 A 235 Clark Street.

15 Q Who lives there with you?

16 A Me, my son, my daughter, my two sons.

17 Q Okay. Do you work?

18 A No.

19 Q Do you go to school?

20 A I was, I'm going to have to start back going.

21 Q So you're a full time mom now?

22 A Yes.

23 Q Are you married?

24 A No, divorced.

25 Q Divorced. Who were you married to?

1 A Willie Frazier Davis.

2 Q Okay. Where did he work?

3 A I'm not sure at this time because he had different
4 jobs.

5 Q Okay. And I want to take your attention back to
6 August of 2007. When did you leave Willie?

7 A I left him two days before my birthday, that was
8 August 4thm, after I came back from a victim's class.

9 Q And who were you living with then?

10 A After I had left there, I had called Clarence's
11 sister and she had came and picked me up from the
12 house.

13 Q How did you meet Clarence's sister?

14 A Through the victim's class. She was going to the
15 victim's class with me.

16 Q Then where did you live?

17 A I went back over there to Janese Gibbs house for a
18 couple weeks. Then after that, she got me into the
19 victim's program over there on Augusta Road where
20 there's a house for victims and their kids.

21 Q Okay. So did you ever meet Clarence Jenkins?

22 A I did not meet him until that Sunday prior after that
23 while I was staying with her.

24 Q How did y'all get to know one another?

25 A Well, somehow, they say he was coming over to the

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1 house. But at the time, I did not know he was
2 married and he had a wife. That was not brought up
3 to my attention.

4 Q Okay. And so did you meet Clarence that day?

5 A I met him that Sunday night.

6 Q How much time did you spend with him?

7 A I had talked to him for like 12:00, 1:00, 2:00 that
8 morning.

9 Q Okay. Did you see him again?

10 A Yeah, I had seen him again.

11 Q What kind of relationship did you and Clarence have?

12 A First, we had talked, first of all. And like I said,
13 I was trying to get to know him, not just thinking.
14 Later on, on my birthday, we had went back to his
15 house to the trailer.

16 Q Okay. Did anything transpire at the trailer?

17 A Yes.

18 Q Okay. Was this a new point in your relationship?

19 A We had messed around.

20 Q Okay. When you say messed around, what does that
21 mean, I'm sorry?

22 A We had got intimate together.

23 Q Okay. And then what happened? When was the next
24 time you saw Clarence?

25 A Shoot, that Sunday after that, when I turn around and

1 went -- well, that Sunday, when we was over there, we
2 had went back to his -- Carmen's house. And that's
3 that Sunday that I got locked out the shelter.

4 Q Okay. When you got locked out of the shelter, what
5 happened?

6 A When we was over Carmen's stepmother house, her
7 foster mother house, they gave me the number to get
8 back in contact them just case I didn't get in the
9 shelter.

10 Q Did you call that number?

11 A Yeah, I had called. By the time I got back to the
12 shelter, the gates was locked and I could not get
13 back in.

14 Q Who's number was it?

15 A It was Carmen's number.

16 Q Did Carmen known about your previous activities with
17 Clarence?

18 A I told her that Sunday when I went over there after
19 we had came back from Wal-Mart that night. Because I
20 noticed a tension when I turned around and got out
21 the car with Clarence and I happened to glance around
22 and I looked. And I was like, What's going on? I
23 got to talk to somebody. And the first thing hit my
24 head was this must be his wife. But didn't nobody
25 tell me. And that Sunday when we went back to her

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1 mother's house, that's when I turned around and I
2 told her that I was not his cousin, that I had been
3 intimate with him.

4 Q Okay. Did Carmen -- had Carmen been led to believe
5 that you were his cousin?

6 A She said she did not believe it because it did not
7 sound right.

8 Q Okay. And so what did you do after you called the
9 number?

10 A I had to walk to the Citgo to use the pay phone
11 because I was locked out, me and my three kids.

12 Q Did anyone respond to your phone call?

13 A Carmen and Clarence came and picked me up from the
14 Citgo down the street. That when we had went back to
15 Lulu Lane.

16 Q And did you go with them back to Lulu Lane?

17 A Yes.

18 Q Okay. How long did you stay at Lulu Lane?

19 A Month a couple months.

20 Q So did you consider you had moved in there?

21 A Yes.

22 Q Okay. And after a couple of months, did you ever
23 move from Lulu Lane?

24 A After that, I did move because we had move to Tindal
25 Avenue, over there by Cherry Dale.

1 Q How did you get the money to move to Tindal avenue?

2 A I don't even know because at that time, Clarence and
3 Carmen try to get me to get it from my daddy. And I
4 went to see Eric and when I went to see Eric, it was
5 Clarence, he got out the car with me. And that's
6 when I told Eric because I did not feel right at the
7 time asking him for money.

8 Q Now, you mentioned Tindal Avenue. The place you
9 moved to, is it Tindal Avenue or Tindal Road?

10 A The trailer park.

11 Q Were you moved to, is it --

12 A It's over there by Cherry Dale.

13 Q Is the street name Avenue or Road?

14 A Road.

15 MS. ROSS: I object to leading.

16 THE COURT: That's all right. Go ahead and ask
17 that.

18 BY MR. CAMPBELL:

19 Q So Tindal Road?

20 A Yes.

21 Q Just wanted to clarify that. So you said you went to
22 talk -- to get some money from your dad. Slow down
23 and go step by step. Where did you go to talk to
24 your father?

25 A First, I went to Greenville car wash.

1 Q Why did you go there?

2 A To talk to Eric.

3 Q Who is Eric?

4 A Eric was my father's bossman at the Greenville car
5 wash.

6 Q And why did you go so see Eric?

7 A Because at that time, Clarence and Carmen said they
8 needed money to move off of Lulu Lane over there by
9 White Horse Road.

10 Q So why would you go to see Eric as opposed to your
11 father?

12 A Because he's the one that take care of my daddy's
13 money.

14 Q Okay. And when you went to see Eric, did Clarence go
15 with you?

16 A Yes.

17 Q Did Carmen go with you?

18 A Yes.

19 Q Okay. And did you -- what did you ask Eric?

20 A I had asked Eric for like 500 or \$600.

21 Q Okay. Did Eric accept or deny your request?

22 A He denied it, told me to go talk to my father.

23 Q Okay. So did you go see your father?

24 A Yes, I did.

25 Q Where did you father live at the time?

1 A Hardell Drive.

2 Q Did you ask him -- what did you ask your father?

3 A I had turned and I asked my father, I said, Daddy,
4 could you give me some money? And he was like, For
5 what? I said because we getting ready to move.

6 Q How did he respond?

7 A He was like, You tell me what it's for. And I just
8 didn't go on and he said something ain't right.

9 Q Okay. Did your father give you any money?

10 A No.

11 Q Okay. Did you ever move?

12 A Yes, we ended up moving.

13 Q Where did you move to?

14 A Tindal Avenue over there by Cherry Dale.

15 Q Okay. All right.

16 MR. CAMPBELL: Beg the Court's indulgence, Your
17 Honor.

18 (WHEREUPON, State's Exhibit Nos. 27-29 were
19 marked for identification only.)

20 BY MR. CAMPBELL:

21 Q So you moved to Tindal Road, who moved with you?

22 A It was me, Carmen, Clarence and my kids.

23 Q Okay. I'm going to show you what's been previously
24 marked and shown to the Defense as State's No. 27, 28
25 and 29. This is No. 27, do you recognize that?

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1 A Yes.

2 Q Okay. And what is that?

3 A That's the parking area of where the trailer was
4 where we had stayed.

5 Q What was the address?

6 A I'm not sure about the address, but I know it was on
7 Tindal.

8 Q Okay. I'm going to show you what's State's 28. Do
9 you recognize that?

10 A Yes.

11 Q What is it?

12 A On Tindal Avenue, that's the trailer park that we
13 stayed in.

14 Q Okay. Is this a photograph?

15 A Yes, of the trailer.

16 Q Okay. And I also want to show you State's 29. What
17 is that?

18 A The trailer and the blue van, that's where we stayed
19 at the time.

20 MR. CAMPBELL: Your Honor, the State moves 27,
21 28, 29 into evidence.

22 MS. ROSS: No objection.

23 MR. CAMPBELL: Permission to publish?

24 THE COURT: All right.

25

1 (WHEREUPON, State's Exhibit Nos. 27-29 were
2 admitted into evidence.)

3 BY MR. CAMPBELL:

4 Q Okay. Let's start with 27. All right. Please tell
5 the jury again what this is.

6 A This is the trailer park where we were staying on
7 Tindal Avenue.

8 Q Okay. And this is State's 28. Please tell the jury
9 what this is.

10 A The trailer with the blue van where we was staying at
11 at the time.

12 Q Whose van is that?

13 A Clarence and Carmen's van.

14 Q Okay. Please tell me what this is?

15 A The trailer park and van that was parked where was
16 staying at the time on Tindal Road.

17 Q Okay.

18 (WHEREUPON, State's Exhibit No. 102 was marked
19 for identification only.)

20 BY MR. CAMPBELL:

21 Q Okay, Ms. Davis, I'm showing you what's been marked
22 as State's Exhibit 102. Do you know what that is?

23 A Yes.

24 Q What is it?

25 A It's the trailer we lived in.

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1 Q Okay. And so that was the trailer that y'all lived
2 in?

3 A Right.

4 MR. CAMPBELL: Your Honor, the State moves 102
5 into evidence that we intend to publish to the jury.

6 MS. ROSS: No objection.

7 MR. CAMPBELL: And for demonstrative purposes,
8 we have a larger image.

9 (WHEREUPON, State's Exhibit No. 102 was admitted
10 into evidence.)

11 BY MR. CAMPBELL:

12 Q All right. Ms. Davis, do you know how to use a laser
13 pointer?

14 A No, sir.

15 Q You think you can figure it out?

16 A Yes, sir.

17 Q Okay. Okay. If you would, please, on this diagram,
18 tell the jury what rooms are indicated and where
19 everyone stayed on Tindal Road.

20 A This bedroom right here this is where me, Clarence
21 and Carmen stayed. This was the main bathroom, the
22 bedroom. The kitchen, the living room, the middle
23 bedroom where my son's room was and this right here
24 was the front bathroom that was connected to my
25 daughter's bedroom.

1 Q Is there anything else indicated?

2 A This is front porch right here and that was the van
3 right there.

4 Q All right. Did y'all have a phone at that residence?

5 A Yes.

6 Q Did you have an answering machine?

7 A Yes.

8 Q Was there a recording on the answering machine?

9 A Yes, at the time, it was.

10 Q Okay.

11 A Because we had an answering machine.

12 Q All right.

13 (WHEREUPON, State's Exhibit No. 123 was marked
14 for identification only.)

15 BY MR. CAMPBELL:

16 Q Okay. I'm showing you what's been previously marked
17 as State's 123, do you recognize that?

18 A Yes.

19 Q What is it?

20 A The tape of the answering machine.

21 Q Okay. Whose voice is on that tape?

22 A Clarence Jenkins.

23 Q This was the answering machine from the phone at
24 Tindal Road?

25 A Right.

1 Q Okay. Now, let's back up to -- going through a lot
2 of evidence here. Let's back up. What kind of
3 relationship did you have with Clarence?

4 A We had just started to know each other real good.
5 Then as we start to know each other real good, we
6 started talking. And it was to the point where we
7 worked like at the job, whatever, so when he get off,
8 we sit up and we'll talk, but he also bring something
9 to drink home to calm his nerves. When we would get
10 together, he would talk. And it had bonded just as
11 far as talking, not just be intimate.

12 Q So your testimony is you had an intimate relationship
13 with Clarence?

14 A Right.

15 Q What kind of relationship did you have with Carmen?

16 A Probably at the time, we had -- well, I just talk to
17 her at the time. But she was not that type just so
18 open up like that. And after that time, after
19 Clarence had went to prison at that time, that when
20 she started opening up and talking to me. That's
21 when I asked her, I said, how come you ain't never
22 just opened up. She was like because I couldn't talk
23 to you like that in front of Clarence because he be
24 trying to listen to everything.

25 Q Okay. So what do you mean by that, she couldn't--

1 MS. ROSS: Again, I object to hearsay as well
2 and leading.

3 THE COURT: Well, don't ask her to speculate.
4 BY MR. CAMPBELL:

5 Q What did you observe in Carmen's behavior around
6 Clarence?

7 A Carmen's was like, she was nervous and all at the
8 same time, she was relaxed.

9 Q Okay. Who gave instructions around the house? Who
10 ran the house?

11 A Well, Clarence ran the house. But like when he be at
12 work, Carmen usually run the house.

13 Q Okay. So if Clarence told you or Carmen to do
14 something, did you follow his instruction?

15 A I did at the time.

16 Q Did Carmen follow Clarence's instructions?

17 A Half of the time.

18 Q She followed his instructions when he was at home?

19 MS. ROSS: I object to leading, Judge.

20 THE COURT: Don't lead.

21 BY MR. CAMPBELL:

22 Q Okay. So while you were welcome, you developed a
23 intimate relationship with Clarence and Carmen?

24 A Right.

25 Q Did this continue when you moved to Tindal Road?

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1 A Yes, at the time, it did.

2 Q When did Clarence go to prison?

3 A He went to prison August of '07.

4 Q How long was he gone?

5 A Until the end of November '08.

6 Q Okay. How did yours and Carmen's relationship change
7 during that time?

8 A At that time, I had began to know Carmen and I had
9 began to talk to her because I had to teach her how
10 to open up because she was real quiet. And all at
11 the same time, when you bond together, we turned
12 around and we had an intimate relationship together
13 while Clarence was in prison.

14 Q Did either you or Carmen work during that time?

15 A Carmen, she had got a job at Sports Authority on
16 Laurens Road.

17 Q Now, I need you to clarify when you said how long
18 Clarence was gone.

19 A The date was August 2007.

20 Q Okay. Do you know the time when he came back?

21 A It was November of '08. But I don't know no other
22 date that he came back.

23 Q When Clarence got out of jail?

24 A When he got out of jail. I know he wasn't there in
25 November. That was around Thanksgiving time. So it

1 had to be around the end of November of '08. I'm not
2 sure.

3 Q How many months was he gone?

4 A I'd say three at the most.

5 Q Okay. Now, when Clarence came back, did your
6 relationship with Carmen change?

7 A No, it was still the same.

8 Q Okay. Did Clarence -- did Clarence become involved
9 in the relationship?

10 A Yes.

11 Q Okay. How did the three of yours relationship change
12 once Clarence returned?

13 A When Clarence had returned, he ask Carmen, he was
14 like, are you involved with Grace? Have you fell in
15 love with her? He was like let me see, see if you
16 really got feelings for her. The next day, me and
17 Carmen had got intimate that night and that's when he
18 noticed -- he told Carmen that yes, you done fell in
19 love with her, so do you want me out of the picture
20 and she said yes.

21 Q What did Clarence do next?

22 A He didn't do anything.

23 Q Okay.

24 (WHEREUPON, State's Exhibit No. 111 was marked
25 for identification only.)

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1 BY MR. CAMPBELL:

2 Q Okay. I'm going to show you what has been marked and
3 shown to the Defense as State's 111. Do you
4 recognize that?

5 A Yes.

6 Q What is it?

7 A That was about intimate covenant.

8 Q Okay. What does that mean?

9 A Between me, Clarence and Carmen.

10 Q Okay. Who signatures are these?

11 A Clarence, mine and Carmen.

12 Q What name did you use to sign this document?

13 A Grace Davis Jenkins.

14 Q Did you ever have the last name Jenkins?

15 A No.

16 Q Why did you sign your name Grace Davis Jenkins.

17 A Because he would not let me sign it Davis.

18 Q Did you have an ID during this time?

19 A Yes.

20 Q Did you have any other identifying information at
21 this time?

22 A Yes.

23 Q Did your children have birth certificates at this
24 time?

25 A Yes.

1 Q Where did you keep those documents?

2 A They were kept in Clarence wallet.

3 Q Why did Clarence keep this information?

4 A Because he said he did not want me losing important
5 stuff. Birth certificate, social security card and
6 my picture ID was too important for me to lose. And
7 he said he want to keep them on him at all times.

8 Q Now, while you were at Tindal Road, did DSS become
9 involved with your children?

10 A Yes.

11 Q When was that?

12 A It was the day I had to go to court and I was late
13 showing up for court that day.

14 Q Okay. Do you remember about what time of the year it
15 was?

16 A It was 2007, about 2007, close to 2008, one of those.

17 Q Okay. As a result of DSS involvement, what happened
18 to your kids?

19 A When I went to court, I arrived late. They came out
20 and they had took my kids out of the car and took
21 them into protective custody.

22 Q Where did you kids go?

23 A At that time, they were staying with my Aunt Sue
24 Pearl.

25 Q As a result of DSS getting involved with your

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1 children, what did you intend to do at that time?

2 A At that time, I intended to find a plan to get out
3 from staying with them so I can get my kids back
4 because my kids are more important than anything.

5 Q What was your mental state at that time when you were
6 planning to get out?

7 A My mental state at that time, after I lost my kids,
8 my heart dropped. And the only thing I could do was
9 think about how I was going to escape or how I was
10 going to get out. Because this was not my plan to
11 stay here. So at that time, I planned -- I made a
12 plan. I sat down in the living room and I watched
13 TV.

14 Q Why didn't you leave that day?

15 A Because I didn't want to leave that day. I had to
16 plan it out that Sunday.

17 Q Why did you need a plan?

18 A Because the time, if I would have left, it would have
19 been at night when I left. It wouldn't have been in
20 the daytime.

21 Q Why would you not leave during the daytime?

22 A At that time, I had to think of a strategy and a
23 plan. I just couldn't walk out because, at that
24 time, he had my birth certificate, social security
25 card and picture ID and my food stamp card. And I

1 would have to get that information from him in order
2 to leave.

3 Q So when was it that you left the Jenkins house?

4 A March 16th, on Easter Sunday, 2008.

5 Q Did you tell Clarence or Carmen you were leaving?

6 A I told Carmen that night, on March 15th.

7 Q Did you tell Clarence?

8 A No, Carmen told Clarence.

9 Q How did Carmen react to you moving?

10 A She got a little upset. She said she could smack me
11 right now.

12 Q How did Clarence react to you moving?

13 A He got a little bit upset, also.

14 Q So you left on Easter Sunday. How did you leave?

15 A On foot, I walked.

16 Q And were you able to get your information?

17 A Yes, I had to wait to get the information for him to
18 bring it out the bedroom because I slept on the couch
19 that night.

20 Q How did he react when you asked for your information?

21 A He said I'd have to wait on it. When he ready to
22 give it to me, he'll give it to me.

23 Q So he did not give it to you immediately?

24 A Right.

25 Q Were you able to get your information?

1 A Yes, I was able to get it.

2 Q Okay. As you were leaving, what happened?

3 A As I was leaving, I walked off the porch, getting
4 ready to leave Tindal Avenue. And that's when
5 Clarence had called me back. And as I went back and
6 I had opened up the door, that's when I had looked, I
7 was getting ready to walk in and he was standing
8 beside the door on the left-hand side with the
9 machete in his hand--

10 MS. ROSS: Objection. I object to relevance,
11 Your Honor.

12 THE COURT: Well, overruled. I'm going to allow
13 it.

14 Go ahead.

15 BY MR. CAMPBELL:

16 Q So when you walked back and looked inside the door?

17 A Looked inside the door, and I had to step in. I see
18 him standing over the left hand side with a machete
19 in his hands sticking out. That's when I looked down
20 and I seen it. And he was laughing.

21 Q He laughed?

22 A Laughing.

23 Q Did you say anything to Clarence?

24 A No, I just look at him.

25 Q Did he say anything to you?

1 A Yes. I looked and he just laughed. And he was like,
2 I can't kill you. I'm just going to let you go ahead
3 and go because I can't kill you.

4 Q Okay. Now, you said you left on foot. Did you leave
5 at that time?

6 A Yes, I left right after that. I walked back out.
7 After I got my information, I walked on foot.

8 Q How did you feel as you were leaving?

9 A It was like a relief, but all at the same time, I
10 really wasn't relieved because of my kids.

11 Q Okay. Now, where did you go when you left?

12 A After I left, I went to my momma's house on Rose
13 Avenue.

14 Q Okay. And did you have any more contact with
15 Clarence and Carmen Jenkins?

16 A At that time, I did not call them. They contacted me
17 and Carmen asked me was I coming back. And I told
18 her no.

19 Q Okay. How did you -- how did you talk to Carmen?

20 A On the phone because my mom and my sister was in the
21 bedroom at that time when I had got the phone call.

22 Q Who called you?

23 A Carmen had called me.

24 Q Okay. What did she want?

25 A She asked me was I coming back and I told her no, I

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1 have no reason to come back.

2 Q Okay. Have you seen video from the Greenville County
3 Library in this case?

4 A No.

5 Q I need you to answer the question?

6 A No.

7 Q Okay. Do you recall looking at video on the
8 computer, surveillance video at the Greenville County
9 Library?

10 A Yes.

11 (WHEREUPON, State's Exhibit Nos. 30-32 were
12 marked for identification only.)

13 BY MR. CAMPBELL:

14 Q Okay. I'm showing you what's previously been marked
15 as State's 30, 31, and 32. What is this?

16 A Carmen and Clarence.

17 Q Okay. Is that the same as the video you watched from
18 the library?

19 A I believe so, yes.

20 Q I'm showing you State's 31?

21 A That's Clarence.

22 Q Is that the same as the video you watched from the
23 library?

24 A Yes, coming out of the library, yes.

25 Q State's 32?

1 A That's Carmen and Clarence coming out together.

2 Q Is that the same as the video you watched from the
3 library?

4 A Yes, sir.

5 MR. CAMPBELL: Your Honor, the State moves 30,
6 31 and 32 into evidence.

7 MS. ROSS: Your Honor, I think --

8 MR. CAMPBELL: I withdraw that, Your Honor. I
9 withdraw that. We'll leave these marked for
10 identification only at this time.

11 That's all the questions I have for you. Please
12 answer any questions the Defense may have.

13 BY MR. CAMPBELL:

14 Q Oh, I'm sorry, one more question I do have. When you
15 were leaving Tindal Road on foot, did anyone come
16 after you?

17 A Yes, Carmen.

18 Q What did Carmen want?

19 A She wanted the ring.

20 Q Where did you get the ring?

21 A Clarence had got it from Color Time, the rental
22 center place.

23 Q Okay. Was it only one ring?

24 A He had bought Carmen a wedding band and got me an
25 engagement.

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1 Q Okay. Did Clarence have a ring?

2 A No.

3 Q Okay. When did you get those rings?

4 A I'm not sure the day that we got them.

5 Q Was that before or after these vows were written that
6 we just looked at, State's 111?

7 A That was afterward.

8 Q Okay.

9 MR. CAMPBELL: For the record, Your Honor, the
10 State moves 111 into evidence.

11 MS. ROSS: No objection.

12 THE COURT: All right, without objection.

13 (WHEREUPON, State's Exhibit No. 111 was admitted
14 into evidence.)

15 MR. CAMPBELL: That's all the questions I have.
16 Please answer any the Defense has for you.

17 CROSS-EXAMINATION

18 BY MS. ROSS:

19 Q Ms. Davis, my name is Susannah Ross, I represent
20 Clarence Jenkins. Now, when you were in the class
21 and it was a -- what kind of class was it, victim's
22 class?

23 A Yes.

24 Q You bonded with Janese Gibbs; didn't you?

25 A We both -- all of us was victims.

1 Q Right. She's Clarence Jenkins' sister, right?

2 A Yes.

3 Q She asked you -- gave you a place to live and allowed
4 you to come stay with her, correct?

5 A Yes.

6 Q And then she found you a space in Shepherd's Gate
7 where you could stay in a safe place with your family
8 at Shepherd's Gate?

9 A Yes.

10 Q And that was her who found that for you?

11 A Yes.

12 Q And she told you any time that you needed anything,
13 she would help you? Y'all had talked about things
14 before, hadn't you?

15 A Yes.

16 Q And she offered her help to you before?

17 A Yes, at that time.

18 Q All right. Now, just going back to a couple of
19 things. Did you have a computer at the trailer? Did
20 you ever get a computer at the trailer when you were
21 there?

22 A Yeah, there was a computer at the trailer.

23 Q Right. And Carmen had rented that computer, hadn't
24 she?

25 A I believe so, yes.

1 Q And the rental agreement was in her name?

2 A Yes.

3 Q And the trailer was rented in her name as well,
4 wasn't it?

5 A Yes.

6 Q And the van that you see right here was in her name
7 as well, so all these things were in the name of
8 Carmen Jenkins, not Clarence Jenkins, right?

9 A I didn't know at that time.

10 Q These are the trailers -- which trailer were y'all
11 in, this first one or the second one?

12 A The light blue trailer where the van is parked at.

13 Q The second one down there. And people were staying
14 in all the trailers right next door? Right there,
15 there's a person there and there's a car at this
16 trailer. And about 10 feet over is your trailer and
17 then another trailer, correct?

18 THE COURT: Which exhibit are you referring to
19 just for the record.

20 MS. ROSS: I apologize, this is State's Exhibit
21 29.

22 THE COURT: Thank you, very much.

23 BY MS. ROSS:

24 Q So that was the Tindal Street address where you moved
25 in when you, Carmen and Clarence were the three

1 together, along with your children?

2 A Yes.

3 Q Okay. Now, sometime in April, your family members
4 got some threatening letters; do you recall that?

5 A Yes.

6 Q End of March, April. And do you recall that an Amber
7 Allen, a police officer, called you about those
8 threatening letters and spoke to you on the phone?

9 A I don't remember.

10 Q Do you have any recollection of your family being
11 concerned about these letters that they received in
12 the mail?

13 A Yes.

14 Q Now, they received back on April -- I think
15 March 30th, April 1st, and then an investigation was
16 done by police on April 2nd. Do you recall that?

17 A Yes.

18 Q Now, on April 2nd, you spoke to lawsuit to a female
19 officer named Amber Allen, didn't you?

20 A I believe so.

21 Q Do you recall talking to her?

22 A Yes, I believe so. I'm not sure.

23 Q Do you recall stating that you hadn't witnessed the
24 Jenkins exhibit any kind of violent behavior when you
25 spoke to Ms. Allen on April 2nd?

1 A No.

2 Q Well, would it surprise you if her police report
3 reflected that as what you said to her?

4 MR. CAMPBELL: Objection.

5 THE COURT: What?

6 MR. CAMPBELL: Your Honor, she's never seen that
7 document. She can't cross-examine her with a police
8 report.

9 THE COURT: I'm going to sustain that.

10 MS. ROSS: All right.

11 BY MS. ROSS:

12 Q So is it your testimony that you didn't say that?

13 A I didn't. Because I left March 16th of 2008 from the
14 Jenkins' home.

15 Q So on April 2nd of 2008, you received a phone call
16 from a police officer regarding these threatening
17 letters that had been give to you family members?

18 A I didn't know anything about the threatening letters
19 at the time until they came and picked me up.

20 Q So it's your testimony that you had no idea anything
21 about the threatening letters that your family
22 received?

23 A No, not at that time.

24 Q And it's your testimony that when you talked to law
25 enforcement that you did not say that the Jenkins had

1 not exhibited any kind of threatening behavior?

2 A At that time, it was threatening because there was
3 knives and everything else in the trailer park.

4 Q Well, you're saying that, but when you talked to the
5 police officers, when you first talked to them on the
6 phone, you said that you had never seen the Jenkins
7 exhibit any kind of violent behavior, didn't you?

8 A I didn't talk to them on the phone because the only
9 thing I remember is they came and picked me up from
10 my cousin's house. That's the only time I knew about
11 the letters.

12 Q So it's your testimony you never got a call from law
13 enforcement and you never talked to Officer Amber
14 Allen on the phone on April 2nd?

15 A No, no, I didn't. Because I do not remember at that
16 time.

17 Q All right. Now, going back to the relationship,
18 isn't it true that when Clarence came back from being
19 away for three months, he stated what was the plan
20 and Carmen said, she was willing and free to say that
21 she wanted him out of the picture?

22 MR. CAMPBELL: Objection, Your Honor. This is
23 hearsay.

24 MS. ROSS: She testified before that when
25 Clarence came back Carmen said.

GRACE DAVIS-CROSS BY MS. ROSS

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1 THE COURT: Yeah, I'm going to -- go ahead.

2 BY MS. ROSS:

3 Q Isn't that correct?

4 A Yeah, she turned around and she said that she had
5 fell in love with me, she no longer wanted Clarence
6 in the picture between me and her both.

7 MS. ROSS: All right. I've got no further
8 questions.

9 THE COURT: All right. Anything else?

10 MR. CAMPBELL: No thank you, Your Honor.

11 THE COURT: All right. You can step down.
12 Thank you.

13 MR. CAMPBELL: We'd like for her to be excused.

14 THE COURT: Any objection?

15 MS. ROSS: No objection.

16 THE COURT: All right. You're released.

17 MR. CAMPBELL: Your Honor, the State calls Eric
18 Harris to the stand.

19 THE CLERK: Mr. Harris, if you'd come forward to
20 be sworn in, please. Please place your left hand on the
21 Bible, raise your right.

22 ERIC HARRIS, after being duly sworn, testified
23 as follows:

24 THE CLERK: Thank you, you may be seated.
25 Please state your name for the record.

1 THE WITNESS: Eric Eugene Harris.

2 THE CLERK: Thank you.

3 DIRECT EXAMINATION

4 BY MR. CAMPBELL:

5 Q Mr. Harris, where do you work?

6 A Greenville car wash.

7 Q Okay. Where did you work in April 2008?

8 A At Greenville car wash.

9 Q All right. Do you know Grace Davis?

10 A Yes, I did.

11 Q Who was Grace's father?

12 A Marvin Poole.

13 Q Where does he work? Where did he work?

14 A At the time, he worked at Greenville car wash.

15 Q Okay. And did you ever have occasion to receive an
16 unusual letter from Marvin Poole?

17 A Yes, I did.

18 Q Okay.

19 (WHEREUPON, State's Exhibit No. 112 was marked
20 for identification only.)

21 BY MR. CAMPBELL:

22 Q Do you recall when that was?

23 A I really don't know.

24 Q Okay.

25 A It's been a while.

ERIC HARRIS-DIRECT BY MR. CAMPBELL

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- 1 Q Do you recall about the time of year, month?
- 2 A About two years ago, I guess. Been that long.
- 3 Q Okay. Okay.
- 4 A I don't know.
- 5 Q I'm showing you what's been previously marked and
- 6 shown to the Defense State's Exhibit 112, do you
- 7 recognize that?
- 8 A Yes.
- 9 Q Is that the letter that you received from Marvin
- 10 Poole?
- 11 A Yes.
- 12 Q How did you get that letter?
- 13 A He gave it to me personally.
- 14 Q Okay. What did you do with it?
- 15 A I took it down to the police station.
- 16 Q Okay. Prior to receiving that letter, did Grace ever
- 17 come to the car wash?
- 18 A Yes.
- 19 Q And did she talk to you?
- 20 A Yes.
- 21 Q How long before you got that letter did she come
- 22 around the wash?
- 23 A About a month later.
- 24 Q Okay. Which came first?
- 25 A Grace came first, then the letter came next.

- 1 Q Okay. Who was with -- was anyone with Grace?
- 2 A Yes, it was -- I don't remember their name, but a guy
- 3 and a girl with her.
- 4 Q Do you see the guy who came there in this courtroom
- 5 today?
- 6 A Yes.
- 7 Q Could you point him out?
- 8 A Right over there.
- 9 Q Could you describe what he's wearing?
- 10 A I don't remember -- now?
- 11 Q Today, yes.
- 12 A Blue shirt.
- 13 Q And when Grace came to the car wash, what did she
- 14 want?
- 15 A She wanted some money to get a bigger place for them
- 16 to stay in.
- 17 Q What did you tell her?
- 18 A I told her no.
- 19 Q Okay. Did you know Clarence Jenkins at the time.
- 20 A No, hadn't seen him before.
- 21 Q Did you know the girl he was with at the time?
- 22 A No.
- 23 Q Who did you talk to?
- 24 A I talked to Grace at first.
- 25 Q Did you talk to anyone else?

1 A He mentioned something about the money, and I said
2 no.

3 Q Who is he?

4 A Clarence.

5 Q Okay. And --

6 MR. CAMPBELL: Thank you. Oh, excuse me.

7 Beg the Court's indulgence, Your Honor.

8 All right. Your Honor, State moves 112 into
9 evidence.

10 THE COURT: Any objection? I don't know how --
11 there's no foundation. I don't know what it's about.
12 Let's get some foundation.

13 BY MR. CAMPBELL:

14 Q All right. I'll ask you again, Mr. Harris, is that
15 the letter that you received from Martin Poole?

16 A Yes.

17 Q Okay. And did Marvin tell you where he got that
18 letter from?

19 A Yes.

20 Q Okay. And on the envelope here, who is the envelope
21 addressed to?

22 A Marvin Poole.

23 Q Okay. Is there a postmark on the envelope?

24 A Yes.

25 Q This is the letter that Marvin brought you at the car

1 wash?

2 A Yes.

3 Q Okay. Who is the letter addressed to?

4 A Marvin Poole.

5 Q Then who is the letter written to?

6 A Grace Denise Davis.

7 Q Okay.

8 MR. CAMPBELL: Based on that foundation, Your
9 Honor, the States moves it into evidence.

10 MS. ROSS: Judge, I question the foundation of
11 that without Marvin Poole.

12 THE COURT: Well, I don't know what the
13 relevance is.

14 MR. CAMPBELL: Okay.

15 BY MR. CAMPBELL:

16 Q All right. What did this letter ask for, Mr. Harris?

17 A 10,000 dollars.

18 Q Okay. Does it make any demands?

19 MS. ROSS: Judge, I object to publishing the
20 letter until it's in evidence.

21 THE COURT: Well, did you read the letter?

22 THE WITNESS: Yes, I did.

23 THE COURT: Well, why did you take it to the
24 police?

25 THE WITNESS: Because when I seen -- at first,

ERIC HARRIS-DIRECT BY MR. CAMPBELL

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1 when he told me about it, I didn't pay it no attention. I
2 thought somebody was just doing something. But when I
3 seen it on TV that somebody was killed and had something
4 to do with them, too, I figured it needed to take it down
5 there.

6 MS. ROSS: Judge, I move to strike these
7 comments about --

8 THE COURT: No, I asked him why and I think he
9 can --

10 MR. CAMPBELL: Judge, we can mark it for
11 identification at this time, get it in later.

12 THE COURT: All right.

13 MR. CAMPBELL: That's all the questions I have.
14 Answer any the Defense may have.

15 MS. ROSS: I've got no questions.

16 THE COURT: All right. Thank you, Mr. Harris.
17 You may step down. Thank you, sir.

18 MR. CAMPBELL: We ask he be excused from the
19 subpoena.

20 THE COURT: Any objection?

21 MS. ROSS: No objection.

22 THE COURT: Okay.

23 MR. CAMPBELL: Your Honor, the State calls Trey
24 Skardon to the stand.

25 TREY SKARDON, after being duly sworn, testified

1 as follows:

2 THE CLERK: Thank you, you may be seated.

3 Please state your name for the record.

4 THE WITNESS: Ambros Hooper Skardon, III, Trey
5 for short.

6 DIRECT EXAMINATION

7 BY MR. CAMPBELL:

8 Q Where do you work?

9 A Greenville City Police Department.

10 Q Okay. How long have you worked there?

11 A Approximately 15 years.

12 Q What's your capacity there?

13 A I'm a detective assigned to vice and narcotics.

14 Q Okay. I want to direct your attention back to April
15 12th, 2008. Did you ever converse and meet Eric
16 Harris that day?

17 A I did.

18 Q Who just testified here. How did you come into
19 contact with him?

20 A He brought a letter to law enforcement.

21 Q Okay. What did you do when you -- did you meet him
22 at law enforcement?

23 A I did. He brought in a letter. I briefly asked him
24 what's it in regards to. He said the case that
25 you're hearing today.

TREY SKARDON-DIRECT BY MR. CAMPBELL

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1 Q So when you met him, did he present you with the
2 letter?

3 A He did.

4 Q Okay. I'm showing you what's been previously marked
5 as State's Exhibit 112. Do you recognize that?

6 A I do.

7 Q What is it?

8 A It's a letter that was addressed to Marvin Poole and
9 also addressed to Grace Denise Davis.

10 Q Once you took that letter from Mr. Harris, what did
11 you do with it?

12 A I placed it in property and evidence.

13 Q Okay. Under what case?

14 A Property and evidence sheet.

15 Q Was the case involving this Defendant?

16 A That's correct.

17 Q Okay.

18 MR. CAMPBELL: Your Honor, the State moves 112
19 in evidence at this time.

20 MS. ROSS: Objection will remain no foundation
21 for that letter.

22 THE COURT: Well, I'm going to let them put it
23 in at this time.

24 (WHEREUPON, State's Exhibit No. 112 was admitted
25 into evidence.)

1 MR. CAMPBELL: All right. The State intends to
2 publish in to the jury.

3 THE COURT: Okay.

4 BY MR. CAMPBELL:

5 Q Detective, if you would step down so I can get your
6 assistance in reading this letter.

7 (WHEREUPON, State's Exhibit No. 112 was read
8 into the record.)

9 MR. CAMPBELL: Thank you, Detective. Please
10 answer any questions the defense has for you.

11 CROSS-EXAMINATION

12 BY MR. MCDOUGAL:

13 Q Afternoon, Detective. My name is Mark McDougal and I
14 have just got a couple questions for you. I
15 represent the Defendant here, Clarence Jenkins.
16 Other than receiving the letter from Mr. Harris and
17 putting it into evidence, you did no further work in
18 this case; is that right?

19 A No, sir, I did not.

20 MR. MCDOUGAL: No further questions, Your Honor.

21 THE COURT: Okay. You can step down. Thank
22 you.

23 Release him?

24 MR. CAMPBELL: Yes, sir.

25 MR. MCDOUGAL: No objection.

1 THE COURT: Okay.

2 (WHEREUPON, a bench conference was held in the
3 presence of the jury but out of the hearing of
4 the jury.)

5 THE COURT: Ladies and gentlemen, we don't have
6 a punch clock. We break when it's a good time
7 logistically to do it, and that's now. So y'all go to
8 lunch. I ask you to be back at 2:00. I hope that will
9 give you plenty of time.

10 Remember what I told you last night, it applies
11 now. And you will find about not doing independent
12 research, not going to the scene and not talking to
13 anybody, I believe you will find that the farther into the
14 trial you get, the greater the temptation becomes. But
15 you have to resist it and I've told you all the reasons
16 why.

17 So y'all have a good lunch. We'll see you back
18 at 2:00.

19 (WHEREUPON, the jury left open court at
20 approximately 12:35.)

21 THE COURT: Anything before we break?

22 MR. WILKINS: Nothing from the State, Your
23 Honor.

24 MS. ROSS: Nothing from the defense.

25 (WHEREUPON, a lunch break was taken.)

1 THE COURT: Y'all ready?

2 MR. WILKINS: State's ready, Your Honor.

3 MS. ROSS: Defense is ready.

4 THE COURT: Okay.

5 (WHEREUPON, the jury came into open court at
6 approximately 2:13 p.m.)

7 THE COURT: All right, welcome back.

8 Mr. Wilkins.

9 MR. CAMPBELL: Your Honor, before we call our
10 next witness, the State has two items of evidence we'd
11 like to move in by stipulation.

12 THE COURT: All right. That is marked and shown
13 to them as State's Exhibits 165 and State's 162. And the
14 stipulation is that these are business records.

15 MR. MAULDIN: Yes, let me just very quickly.

16 MR. CAMPBELL: We stipulate that State's 162 is
17 a Yahoo business record, State's 165 is a Charter business
18 record.

19 THE COURT: All right.

20 MR. MAULDIN: That's correct.

21 THE COURT: All right.

22 (WHEREUPON, State's Exhibit Nos. 162 & 165 were
23 marked for identification and received into
24 evidence.)

25 MR. CAMPBELL: State's next witness is Gerald

1 Osteen, Your Honor.

2 THE COURT: Okay.

3 THE CLERK: Mr. Osteen, if you will come forward
4 to be sworn, please. Please place your left hand on the
5 Bible, raise your right.

6 GERALD OSTEEN, after being duly sworn, testified
7 as follows:

8 THE CLERK: Thank you. You may be seated.
9 Would you please state your name for the record.

10 THE WITNESS: Gerald Vincent Osteen.

11 THE CLERK: Thank you.

12 DIRECT EXAMINATION

13 BY MR. CAMPBELL:

14 Q Good afternoon, Mr. Osteen. Where do you work?

15 A At the Greenville County library.

16 Q What do you do there?

17 A I'm the information technology manager.

18 Q How long have you been at the library?

19 A Coming on eight years, so seven.

20 Q What did you do before then?

21 A I worked in various companies in computer service.

22 Q Okay. How many years of computer related work have
23 you done?

24 A Sixteen years.

25 Q What did do before that?

1 A I was in the military before that.

2 Q What did you do in the military?

3 A I was basically what's called a signal support
4 specialist. I supported radios. There were rarely
5 computers in the field.

6 Q Now, at the Greenville County Library, do you have
7 computers?

8 A Oh, yes.

9 Q Roughly how many?

10 A Roughly 600.

11 Q How are they connected?

12 A Basically, they have what's called ethernet cables,
13 which are much like the phone jacks that people have
14 in their home. And they're essentially connected
15 from all 10 of our branch locations back to our main
16 library, which then there's an internet connection
17 that comes into our main library.

18 Q Does that internet connection allow the computers at
19 the library to access the internet outside of the
20 library?

21 A That is correct.

22 Q Are any computers at the library available for public
23 use?

24 A Yes, over half of them.

25 Q Okay. And do those computers have internet access?

1 A Yes.

2 Q Okay. Do your computers have IP addresses?

3 A Yes.

4 Q What is an IP address?

5 A An IP address is -- I would compare it to a home
6 address. It has to be a unique address that allows
7 traffic to originate from a location, much like
8 sending a letter, and then it would arrive back at
9 the originated location, much like a return address.

10 Q Okay. Are the public computers assigned IP
11 addresses?

12 A Yes, they are.

13 Q Okay. What is that IP address?

14 A It is 74 dot 255 dot 70 dot 210.

15 Q Okay.

16 A That is the public facing for all the public internet
17 computers.

18 Q What IP address could a public computer use to access
19 the internet?

20 A That address would be the one used by all public
21 computers.

22 Q Okay. So if a patron checks a website from a public
23 computer, what IP address comes back?

24 A That 74 dot 255 dot 70 dot 210.

25 Q And if you check an email account, what address comes

1 back?

2 A That same address.

3 Q Okay. I want to show you what's been previously
4 admitted into evidence as State's 162. It's a
5 two-page document. Do you see your IP address on
6 that document?

7 A Yes, I do.

8 Q Okay. Is it on -- what about on page 2?

9 A Yes, it's twice on page 2.

10 Q Okay. Is that a date associated with your IP address
11 on those documents?

12 A Yes, there is.

13 Q What are the dates associated with your IP address on
14 those documents?

15 A April 3rd, 2008 and April 6th, 2008.

16 Q Okay. What about on page 1?

17 A On page 1, the date -- is Monday, March 24th.

18 Q Okay. So your testimony here today is that if any
19 public computer accesses the internet, email
20 accounts, your IP address is logged?

21 A Yes.

22 Q Okay. Now, tell me about the video system that you
23 have at the library?

24 A Basically, the main library has an extensive camera
25 array monitoring, especially public areas of the

GERALD OSTEEEN-DIRECT BY MR. CAMPBELL

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1 library, and it is recorded digitally primarily on
2 computers at the library in our security department.

3 Q Okay. You have approximately how many cameras?

4 A At the main location, I believe it's more than 24.

5 It probably 30, but I'll say more than 24.

6 Q Okay. Are there any cameras in the public computer
7 area of the library?

8 A Yes, there is a tilt pan zoom camera there that we
9 can move.

10 Q Generally, what are these public computers for?

11 A They are for public access to come in. They're
12 self-service in that they can come in and sit down at
13 the computer and just start using it for whatever
14 purpose they deem. We encourage research and job
15 keeking. However, we don't discourage entertainment
16 or any form of action that you can use a computer
17 for.

18 Q Okay. Now, on those cameras that you have in the
19 public access area, does it record footage
20 accurately?

21 A Yes.

22 Q Do you keep that video footage in the regular course
23 of business?

24 A Yes, we do.

25 Q Was it functioning properly back in 2008?

1 A Yes, it was.

2 Q Okay. I'm going to show you what's been marked and
3 admitted as State's 30, 31 and 32. Do you recognize
4 those images?

5 A Yes, I do.

6 Q What are those images?

7 A That is the camera that we have fixed on the main
8 entrance of the main library downtown.

9 Q Where were those images generated?

10 A They were generated from our -- what's called our
11 Bi-Con system. It's the camera system and the
12 recording set up.

13 Q Okay. And how can you tell that those came from the
14 Bi-Con system?

15 A Upper left-hand corner, it's basically identified by
16 the vendor name. But these security gates are unique
17 to our main location. I can even see the plaque
18 outside the door that's between our main entrances,
19 so I'm sure it's our library.

20 Q Is the time and date indicated on those images?

21 A Yes, it is. In the lower right-hand corner, the
22 video itself time and dates these images. In the
23 first one, it's March 31st of 2008 at 5:49 p.m. The
24 second is at April 3rd, 2008, 6:44 p.m. And the
25 third is 4/6/2008 at 3:08 p.m.

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1 MR. CAMPBELL: Your Honor, I misspoke earlier.
2 These were marked for identification earlier. The State
3 now would like to move State's 30, 31 and 32 into
4 evidence.

5 MR. MCDUGAL: No objection, Your Honor.

6 THE COURT: Okay.

7 (WHEREUPON, State's Exhibit Nos. 30-32 were
8 admitted into evidence.)

9 BY MR. CAMPBELL:

10 Q Now, I'd like to show you State's 113, 114, 115 and
11 116.

12 (WHEREUPON, State's Exhibit Nos. 113-116 were
13 marked for identification only.)

14 BY MR. CAMPBELL:

15 Q Can you identify these items?

16 A Yes, these are the videos that were taken at the
17 library.

18 Q Okay. And have you reviewed them?

19 A Yes, I have and I initialed them when I did.

20 Q Are those accurate copy of the video footage that was
21 taken from the system in the Greenville County
22 Library in 2008?

23 A Yes.

24 Q That's part of video that's kept in the ordinary
25 course of business?

1 A Yes.

2 Q Okay.

3 MR. CAMPBELL: State would like to move 113,
4 114, 115, 116 into evidence.

5 MR. MCDUGAL: Without objection.

6 (WHEREUPON, State's Exhibit Nos. 113-116 were
7 admitted into evidence.)

8 BY MR. CAMPBELL:

9 Q Tell me a little bit more about these videos. What
10 locations do these videos show?

11 A The two locations that those videos show is the front
12 door, the main entrance. There is only one entrance
13 to the library. And the other images are of the --
14 what we refer to as the technology center for the
15 public internet area.

16 Q Okay. And do any of those videos have the time stamp
17 that's included on stills that we just mentioned?

18 A Yes, each one of them has a date and time stamp that
19 was generated when the file was created.

20 Q How was that indicated on the file?

21 A Generally, on the file name itself of the image, the
22 system generates that at the time the file was
23 created.

24 Q Okay. These stills that we just looked at, State's
25 30, 31 and 32?

GERALD OSTEEN-DIRECT BY MR. CAMPBELL

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1 A Yes.

2 Q Were these taken from the video that's recorded on
3 those DVDs?

4 A They were.

5 Q Are they accurate reflections of what's displayed on
6 there?

7 A Yes.

8 Q All right. Last thing I want to get to is library
9 cards. Do y'all have library cards?

10 A Yes, over 200,000 of them are issued.

11 Q How does one get a library card?

12 A Basically, you can go to any circulation desk at any
13 one of our 11 locations. You have to present an ID
14 and then we'll issue you a library card.

15 Q Okay. What do use the library card for?

16 A Checking out books, videos and public internet
17 access.

18 Q Do you need to use a library card to log onto a
19 computer?

20 A Yes.

21 Q Does the Greenville County library keep those library
22 card records in the ordinary course of business?

23 A Yes.

24 Q Who do those records entail?

25 A Primarily, a limited transaction history about books

1 that are checked out. It's primarily the patron
2 records themselves, when a patron got their library
3 card. And the public internet side of it tracks
4 computer usage.

5 (WHEREUPON, State's Exhibit Nos. 117-120 were
6 marked for identification only.)

7 Q I'm showing you State's Exhibits 117, 118, 119 and
8 120, which have been shown to the Defense. What are
9 those documents?

10 A The first one is a patron record for Clarence W.
11 Jenkins, Jr.--

12 MR. MCDOUGAL: Objection, Your Honor, these are
13 not in evidence. They're being published to the jury.

14 THE COURT: Just ask if he can identify them.
15 Lay the foundation. Do it the right way.

16 BY MR. CAMPBELL:

17 Q Okay. Are those library records?

18 A Yes, sir.

19 Q Are they kept in the ordinary course of business?

20 A Yes, they are.

21 Q Are they true and accurate copies?

22 A Yes, they are.

23 MR. CAMPBELL: Your Honor, the State moves 117,
24 118, 119 and 120 into evidence.

25 MR. MCDOUGAL: We would object on the grounds of

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1 hearsay. There may be a foundation that can be laid, but
2 it has not been laid in this instance.

3 THE COURT: Well, you two come up here for a
4 second.

5 (WHEREUPON, a bench conference was held in the
6 presence of the jury but out of the hearing of
7 the jury.)

8 BY MR. CAMPBELL:

9 Q Okay. Let's start it one more time on these business
10 records. Back in 2008, did the library maintain the
11 business records of patron's library card
12 information?

13 A Yes, they did.

14 Q Did they maintain business records of patron's
15 computer usage?

16 A Yes, they did.

17 Q Were those records kept accurately?

18 A Yes.

19 Q Was the system that you used, did it store images of
20 documents? Or does it accurately capture the
21 business records information at the time.

22 A Yes.

23 Q Was it in proper working order?

24 A Yes.

25 Q Are these document that you have before you the same

1 documents you kept in the ordinary course of
2 business?

3 A Yes, they are.

4 Q Okay.

5 MR. CAMPBELL: We would move them into evidence,
6 Your Honor.

7 MR. MCDUGAL: We renew our objection, Your
8 Honor, with respect to foundation.

9 THE COURT: Well, might be technically
10 incorrect, but I'm going to allow them in.

11 Go ahead.

12 (WHEREUPON, State's Exhibit Nos. 117-120 were
13 admitted into evidence.)

14 BY MR. CAMPBELL:

15 Q Now, let's start with user profiles. Whose user
16 profile is that?

17 A The patron records I have in front of me are Clarence
18 W. Jenkins, Jr. and Carmen Devita Jenkins.

19 Q Okay. As to the --

20 MR. CAMPBELL: I might put these up on the
21 screen, Your Honor. The State would like to publish these
22 to the juror.

23 THE COURT: Yes, sir.

24 BY MR. CAMPBELL:

25 Q Wait for our system to warm up here. There we go,

1 that's a little bit better. If you've got a laser
2 pointer up there, can you just briefly tell us what
3 this information means?

4 A Basically, here, you have a user ID that is the
5 actual library bar code or ID number, then the
6 patron's name is underneath or next to it, Clarence
7 W. Jenkins, Jr. It shows current status of blocked.
8 A profile name of bad address, where the patron's
9 address is usually in there. And then -- I can't
10 read that word right there, actually. It says city
11 of res, which is Greenville. This right here would
12 be their home library location, which means that is
13 where their library card was issued to them.
14 Privilege expires on 3/13/2005. This is the ID they
15 presented at the time the library card was issued.
16 This was transferred from the library card or from
17 their ID to birth date. And, of course, the system
18 then calculates the age based on the current date.
19 This is how many checkouts they've had, amount owed,
20 unpaid bills. And the rest of it is, basically,
21 none.

22 Q Okay. You said earlier that someone needs their
23 library card to access the computer. How does the
24 blocked status affect a patron's library account?

25 A Basically, when they are in a blocked status, they

1 have reached criteria in our policies that blocks
2 them from using their library cards for borrowing
3 only.

4 Q Okay. Can you access a computer even though your
5 library card is blocked?

6 A Yes, you can?

7 Q Okay. And does this document indicate when this
8 printout was generated?

9 A In the upper right-hand corner, the report that was
10 run was called display user from our internal system
11 and it was generated on 4/14 of 2008.

12 Q Okay. Now, this is State's 118. If we can briefly
13 run through the same information. What does this
14 tell you, this record tell you?

15 A Basically, again, we have the library card here,
16 Carmen Devita Jenkins, status is delinquent. City of
17 resident is Greenville. Privilege expires
18 08/08/2009. Group ID, again, that was the ID from
19 the driver's license that was presented. Gender,
20 female, birthdate, age 20. Amount owed, unpaid bill
21 of seven. And she never had any checkouts.

22 Q Okay. Now, where it says privilege expires?

23 A Yes.

24 Q What does that mean?

25 A That means when the library card -- they are issued

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1 by default of a two-year life cycle and they are
2 automatically set to expire two years after the date
3 they're issued.

4 Q If your privilege expires, does that prevent you from
5 using a computer?

6 A No, it does not.

7 Q Now, let's move over to State's 119. You may not be
8 able to read this.

9 THE COURT: If you need to stand down, sir, you
10 can go down. Just keep your voice up so everyone can hear
11 you, please.

12 THE WITNESS: Yes, sir.

13 BY MR. CAMPBELL:

14 Q What is that document and what does it tell us?

15 A This is from our tracking system of our public
16 computers. Up here in the corner, the report that
17 was run specifically is called a user computing
18 detail. I show that the branch here is main, the
19 computer group is main, that it was an internet PC,
20 and that main public 20 is the specific computer that
21 was used. The media here means that it was not
22 preserved when they sat down at that machine. The
23 date here is 31 March of 2008 at 5:58 p.m. The
24 session length was 48 minutes. The parts that you
25 can't see here, it's hard to see, is the library card

1 number that was used in this actual user computing
2 detail.

3 Q Okay. Okay. Is it possible to cross-reference that
4 library card number with a user profile to determine
5 the user?

6 A Yes, it is. Each one of those are unique and that
7 particular number would have been assigned to a
8 particular individual.

9 Q I'm showing you State's 117. Whose library card was
10 used at this date and time?

11 A This number matches this number here and it belongs
12 to Clarence W. Jenkins.

13 Q So your testimony is that a library card that had
14 been issued to Clarence Jenkins was used to access
15 that computer?

16 A Yes.

17 Q Now, let's look at State's 120. We know what all
18 this information is. Can you tell us the date and
19 time in the computer?

20 A Yes, the date and time is 31 March, 2008 at 17:55 and
21 the session was 50 minutes.

22 Q 1755, what does that mean?

23 A Military time, I'm sorry, that's 5:55 p.m.

24 Q Okay. And can you tell whose library card was used
25 on that cross referring to State's 118?

GERALD OSTEEN-DIRECT BY MR. CAMPBELL

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1 A Yes, the library card there is 728 and it matches
2 this library card of Carmen Devita Jenkins.

3 Q Okay. Now, if someone uses a library computer in the
4 public area, how do they log in?

5 A There are two criteria that are needed to log into a
6 public computer. One is the library number, which is
7 printed on the library card. And the pin that is
8 issued to you when you get your library card, which
9 is much like an ATM pin that you keep to yourself.

10 Q And let me show one more time State's 119 and 120.
11 Do those records indicate which computers were used?

12 A Yes, they do, main public 19 and main public 20 in
13 our public internet area in our technology center at
14 main.

15 Q Where are those spaces geographically within the
16 library?

17 A Because we number them sequentially from one to 42,
18 19 and 20 happen to be on the same rows next to each
19 other.

20 Q Okay. Do patrons have the ability to print from
21 public library computers?

22 A Yes, they do.

23 Q Where is the printer?

24 A It is centrally located in front of our internet area
25 service desk. It is designed to be self service, but

1 we charge 10 cents per page for any printouts.

2 Q How does one print from that printer?

3 A After the job is initiated from a public computer,
4 basically, you tell the job to print from a public
5 computer. You then go to this centralized release
6 station and you chose your job, you put in the
7 password that was created when you created the job at
8 the PC and then you pay the money and it comes out on
9 the printer.

10 Q How does the paper come out of the printer?

11 A It feeds in kind of a U-shape that prints and then it
12 comes out face down.

13 Q Is any assistance required by library staff to
14 perform that printer function?

15 A No.

16 Q When you stated where the printer is located, are
17 there any cameras adjacent to the location of that
18 printer?

19 A The one camera I mentioned in the internet area, it
20 has the ability to view that particular area, but
21 someone would have to actually be monitoring it at
22 that time. It's not generally pointed at that
23 printer.

24 Q How close is that printer to a public information
25 desk?

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1 A Probably six, eight feet.

2 Q Okay.

3 MR. CAMPBELL: Please answer any questions the
4 Defense has for you.

5 MR. MCDOUGAL: One moment, Your Honor, please.

6 CROSS-EXAMINATION

7 BY MR. MCDOUGAL:

8 Q Good afternoon. I'm Mark McDougal and I'm a lawyer
9 representing the Defendant here, Clarence Jenkins. I
10 just have a couple of questions for you. Have you
11 reviewed the videotape that -- I'm sorry, the video
12 disks that you were shown that you authenticated
13 earlier?

14 A Yes, I have.

15 MR. MCDOUGAL: I'm going to ask the court
16 reporter to mark only for identification the following
17 four documents as Defense Exhibits for identification 1
18 through 4.

19 (WHEREUPON, Defendant's Exhibits Nos. 1-4 were
20 marked for identification only.)

21 BY MR. MCDOUGAL:

22 Q I'm going to show you these documents and then I have
23 a question for you.

24 A Okay.

25 Q Okay. Do you recognize those stills?

1 A Yes, I do.

2 Q Have you seen them before?

3 A Yes, I have.

4 Q Are those stills taken from the video?

5 A Yes.

6 Q Okay.

7 MR. MCDOUGAL: Your Honor, we would leave these
8 marked only as exhibits identification.

9 THE COURT: Okay.

10 BY MR. MCDOUGAL:

11 Q On any given weekday, about how many people come to
12 the public library?

13 A Several hundred.

14 Q And those people visit the library for various
15 reasons, like check out books, use a computer if they
16 don't have one?

17 A That's correct.

18 MR. MCDOUGAL: One moment, Your Honor.

19 THE COURT: Sure.

20 MR. MCDOUGAL: No further questions, Your Honor.
21 Thank you, sir.

22 THE COURT: All right. Thank you, very much.
23 Any redirect?

24 THE WITNESS: Oh, I'm sorry.

25 MR. CAMPBELL: No.

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1 THE COURT: Thank you. You're welcome to go.

2 MR. CAMPBELL: We ask the witness be excused.

3 MR. MCDUGAL: Without objection.

4 THE COURT: Thank you, sir. You're released.

5 MR. CAMPBELL: Your Honor, the state next
6 witness will be Rick Floyd.

7 THE CLERK: Mr. Floyd, if you'd come forward to
8 be sworn, please. Please place your left hand on the
9 Bible, raise your right.

10 RICK FLOYD, after being duly sworn, testified as
11 follows:

12 THE CLERK: Thank you, you may be seated. State
13 your name for the record.

14 THE WITNESS: Rick Floyd.

15 THE CLERK: Thank you.

16 DIRECT EXAMINATION

17 BY MR. CAMPBELL:

18 Q Mr. Floyd, where do you work?

19 A With the Greenville County School District.

20 Q How long have you been there?

21 A Sentence September 2011.

22 Q What did you do before that?

23 A I worked with the Greenville City Police Department.

24 Q How long had you been with the police department?

25 A At that time, about 17 years.

1 Q Okay. And back in 2008, did you get involved with
2 the investigation of the human body parts found at
3 Andover Apartments?

4 A I did.

5 Q And, specifically, were you involved in the ongoing
6 investigation at Andover Apartments?

7 A I was.

8 Q What did you do when you got there?

9 A I was called there because they had a video tape, and
10 they didn't know how to upload it to a device. We
11 were wanting a copy of it so we could view it at the
12 police department and have a copy of the tape.

13 Q All right. Did you view the video footage?

14 A I did.

15 Q Did it appear to be in proper working order?

16 A Yes, it was.

17 Q And were you able to make a copy?

18 A I was.

19 (WHEREUPON, State's Exhibit No. 159 was marked
20 for identification only.)

21 BY MR. CAMPBELL:

22 Q Okay. I'm showing you what's been previously marked
23 and shown to the Defense as State's 159. What is
24 that?

25 A It's an external hard drive.

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1 Q Any particular external hard drive? Have you seen it
2 before?

3 A Yes, it's one that I used to upload the video. I
4 made a copy of it and copied it onto this hard drive.

5 Q What was the video that was shown on that hard drive?

6 A It was a video of the parking lot area, specifically,
7 the parking lot area of the apartment complex. And
8 it will show --

9 Q Just what areas did it show?

10 A The apartment parking lot and driveway.

11 Q Okay. Okay. Were you about to verify during the
12 course of your investigation as to how that video had
13 been prepared? Was it recorded --

14 A It was recorded from the complex computer.

15 Q Okay. And was it in proper working order at the
16 time?

17 A It appeared to be, yes.

18 Q And you were able to successfully make a copy of that
19 video?

20 A I was.

21 Q Did the apartment complex keep these video recordings
22 in their regular course of business?

23 A They did. I'm not sure how it was kept, but it was
24 kept.

25 Q But it was kept --

1 A On a hard drive.

2 Q -- when you arrived that day?

3 A Yes, it was.

4 Q Okay.

5 MR. CAMPBELL: Your Honor, the State moves 159
6 into evidence?

7 MR. MCDUGAL: Without objection, Your Honor.

8 BY MR. CAMPBELL:

9 Q When was the video taken? Were there any dates of
10 what this video showed?

11 A I don't recall. I haven't looked at it. I think it
12 would have the date on it. It would have the date
13 that it was downloaded to the hard drive.

14 Q Okay. You looked at the video when you arrived to
15 the scene, was there a specific range and time you
16 were looking for?

17 A I was asked to pull up a specific time. I can't
18 recall at this time what it was, but I was looking
19 during a certain time of the, early morning hours.

20 Q Was it the early morning hours of that specific day?

21 A Yes.

22 Q Okay. Which would have been April 7th; is that
23 correct?

24 A Yes.

25 Q Okay.

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1 THE COURT: Okay. They have not objected.

2 MR. MAULDIN: Yeah, we're not objecting.

3 THE COURT: Okay.

4 (WHEREUPON, State's Exhibit No. 159 was admitted
5 into evidence.)

6 BY MR. CAMPBELL:

7 Q All right. Did you have further involvement in this
8 investigation?

9 A Yes, I did.

10 Q Okay. What in what capacity?

11 A I was asked to trace an email address to attempt to
12 find out where it came from.

13 Q Okay. What email address were you asked to trace?

14 A It was a yahoo email address. I don't have the
15 report, but.

16 Q Okay. Now, let's talk about how do you trace an
17 email address? What do you look for?

18 A When you -- to trace an email address, you look for
19 the IP address, like this specifically was a yahoo
20 email address. So I would subpoena yahoo and ask
21 during a specific time -- which we had the time the
22 email was sent. I sent a subpoena to yahoo --

23 Q Before we talk about what you did, I want to talk
24 about -- my question is what would you look for? And
25 what is your answer to that question?

1 A I would look for the carrier of the email.

2 Q Would you look for an IP address?

3 A Yes, for the carrier.

4 Q Do you have any training and experience in searching
5 for IP addresses?

6 A Yes, I do.

7 Q Okay. Could you tell us about that training and
8 experience?

9 A I worked -- with the police department, I worked with
10 the U.S. Customs task force, computer forensic and
11 tracing IP addresses. Also, I was attached to the
12 South Carolina Attorney General's task force internet
13 crimes against children, specifically, chatting
14 online, pretending to be an underaged child. When we
15 were contacted by individuals, we would trace their
16 IP address via their email account.

17 Q Do you have any type of specific classroom training
18 involving tracing IP addresses?

19 A Yes, I did. I had different training throughout the
20 time, federal training, state and local training on
21 tracing IP addresses. Like I said, through the
22 federal government, local classes and conferences
23 that we had to attend from the task force.

24 Q About how many IP addresses have you traced and
25 identified?

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1 A Probably in excess of 500.

2 Q Okay. All that was done during your course of
3 employment --

4 A Yes, for the police department.

5 Q Okay.

6 MR. CAMPBELL: Your Honor, the State would offer
7 Rick Floyd as an expert in IP address identification at
8 this time.

9 MR. MCDOUGAL: Voir dire, Your Honor?

10 THE COURT: Sure.

11 VOIR DIRE EXAMINATION

12 BY MR. MCDOUGAL:

13 Q Detective, you described your training as federal and
14 state undergraduate?

15 A Yes, sir.

16 Q Could you tell me what your undergraduate education
17 is?

18 A Undergraduate?

19 Q Did go to college?

20 A Yes.

21 Q Where did you go?

22 A ECPI, information security.

23 Q Did you receive a degree?

24 A Yes, sir.

25 Q And your subsequent training, where was that?

1 A I had some training at Flexi, which is a federal
2 institute, and, also, in Washington, D.C. through the
3 U.S. Government, which I was working at the time
4 through a secret service task force and U. S. Customs
5 and through their training.

6 Q Flexi is federal law enforcement training center in
7 Sea Island, Georgia; is that correct?

8 A Yes, sir.

9 Q How long was your course there?

10 A It was a total of three months between there and
11 Washington.

12 Q So you were in residence at the course in Sea Island
13 for three months?

14 A Yes, sir. Between there and Washington. We would go
15 between the two within those three months.

16 Q Did you receive a certificate at the end of your
17 training?

18 A Yes, sir.

19 Q What was the certificate?

20 A It was forensic computer.

21 Q And aside from Flexi, who ran the program?

22 A Who ran the program?

23 Q Yeah.

24 A When I went through it, I'm not sure who runs it now,
25 but when I went through it, the course was put on by

RICK FLOYD-VOIR DIRE BY MR. MCDUGAL

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1 IRS, Secret Service and U. S. Customs. And their
2 federal agents were the ones that taught the class.

3 MR. MCDUGAL: Your Honor, the Defense may
4 stipulate to the witness' expertise. I'd like to have the
5 government, please, articulate what expertise it is,
6 specifically.

7 THE COURT: How are you offering him?

8 MR. CAMPBELL: As a expert IP address
9 identification, the ability to trace the IP address from
10 computer activity.

11 MR. MCDUGAL: If it's limited to that, no
12 objection.

13 THE COURT: Okay, without objection.

14 BY MR. CAMPBELL:

15 Q Okay. You said you had some further involvement in
16 the investigation?

17 A Yes, sir.

18 Q All right. And what were you asked to do?

19 A I was asked to trace an email address.

20 Q Okay.

21 A And try to identify the IP addresses that it came
22 from.

23 Q What was the first step you did as far as that
24 identification process?

25 A After learning the email address and finding out it

1 was a Yahoo email address, I sent a subpoena to Yahoo
2 and asked for an IP address that accessed that email
3 account during the time that I was inquiring about --
4 the time that I was asked to look up or send
5 information to Yahoo.

6 Q Okay. Let me show you State's 162, that's been
7 admitted into evidence. Do you recognize that
8 document?

9 A Yes.

10 Q What is it?

11 A It's information sent back from Yahoo on the IP
12 addresses that was utilized for this email account.

13 Q All right. Let me put this up on the screen for you
14 here. Now, as part of your investigation, did you
15 review this document?

16 A Yes, I have.

17 Q Were you able to glean any information as to this
18 document?

19 A Yes. I was able to identify the IP address that was
20 utilized to access this email account.

21 Q Okay. Can you use your laster pointer to identify
22 for the jury that IP address?

23 A The IP address is 744, that was the IP address that
24 was sent from Yahoo, which identified the IP address
25 that was used to access that email account.

RICK FLOYD-VOIR DIRE BY MR. MCDOUGAL

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1 Q Okay. Let's look a page two of Exhibit 162, did you
2 review this document as part of your investigation?

3 A Yes.

4 Q What were you able to glean from that information?

5 A I was able to identify the different dates that the
6 email address was accessed. And it was on two
7 different IP addresses.

8 Q Which are those IP addresses?

9 A The IP addresses, number one and number three are the
10 same one, the 744. And then the one in the middle,
11 71, was from a different carrier.

12 Q Does this document tell you any information about the
13 time that email account was accessed?

14 A Yes, it does. It gives a date and time on it. It's
15 in GMH time, which during that time it was four hours
16 different than the time we were looking at, which
17 that's a different time zone. So it shows that -- by
18 identifying that time, we have to go back four hours
19 to find out what time it would be on the East Coast
20 time.

21 Q So, for example, on the first line we see here where
22 the dates read 2008-4-3, what date would that be?

23 A That would be April 3rd, 2008. And our time would
24 be -- it would be 6:52.

25 Q What about the next line down, what time of date

1 would that be?

2 A That is identified as April the 4th at 2:00 in the
3 morning GMH time, but our time would be 4/4, and it
4 would be about 10:20 in the evening.

5 Q The third line?

6 A The third one is April the 6th, and that would be at
7 3:15 in the afternoon our time.

8 Q Okay. As a result of receiving this information from
9 Yahoo, what was the next step in your investigation?

10 A After identifying the IP addresses, which only
11 tells -- when you get those IP addresses back, it
12 still doesn't tell who was accessing it, individual
13 or location, so I had to identify those IP addresses.
14 And one was Charter and one was AT&T. So after
15 identifying that, I had to send another subpoena
16 to -- one to Charter and one to AT&T requesting
17 additional information, who the owner of those IP
18 addresses were at that time.

19 Q Okay. Now, did you receive anything back from
20 Charter?

21 A Yes, I did.

22 Q I'd like to show you what's been admitted by
23 stipulation as State's 165.. Do you recognize that
24 document?

25 A Yes.

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1 Q What is it?

2 A This is the information I received back from Charter
3 after sending the subpoena to them requesting the IP
4 address or the identity of the IP address during this
5 time, which was on -- this was between March the 30th
6 and September -- April the 13th. I asked who was the
7 owner of the IP address during that time. And
8 Charter sent back information and it tells the
9 address that this email address was attached to
10 during that specific time.

11 Q And what address in Charter's business record was
12 assigned to that IP address?

13 A The account holder at this time was Grace Burnside.
14 And the address was 105 Tindal Road, Lot 16 in
15 Greenville.

16 Q As to page two of State's 165, what does that tell
17 us?

18 A This has -- this is showing between -- on these
19 dates, between March 30th and April the 13th, this
20 address was attached to this location the whole time.
21 Sometimes email addresses change and this was
22 specific to this location during this time.

23 Q Okay. Now, referencing the document that you have in
24 your hand, is the Charter IP address assigned to 105
25 Tindal Road the same as the one used to access

1 evansjohn60@yahoo.com on Saturday, April 5th, 2008?

2 A Yes, it is.

3 Q Through your investigation, were you able to
4 determine where this other IP address belonged to?

5 A Yes. I sent a subpoena to AT&T. And the results
6 came back from AT&T and it shows it was accessed in
7 the Greenville County library system.

8 Q So after contacting AT&T and Charter and with the
9 records you received from Yahoo, you were able to
10 form an opinion as to where this email address was
11 accessed?

12 A Yes.

13 Q What is your opinion?

14 A My opinion was that it accessed from the Greenville
15 County library system on one of their computers and,
16 also, access from a computer on Tindal Drive, the
17 location on Tindal Drive.

18 Q And just for the record, what are the relevant dates?
19 I'm going show you again State's 162. What are the
20 relevant dates that email account was accessed and
21 from which location?

22 A It was accessed from the library on April the 3rd and
23 April the 6th, and accessed from 105 Tindal Drive on
24 April 5th.

25 Q Okay. What were the times that it was accessed in

RICK FLOYD-VOIR DIRE BY MR. MCDOUGAL

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1 Eastern standard time.

2 A Eastern standard time from the first one on April 3rd
3 would have been 6:51 p.m. The next one on April the
4 5th, would have been 10:20 p.m. And that was the one
5 from Tindal Drive. And back to the library again at
6 3:15 on April the 6th.

7 Q Just for clarification, you said the one at the
8 Tindal Drive, what time of night was that?

9 A That would have been 10:20 p.m.

10 Q On what day?

11 A It would have been April the 4th our time. It was
12 April the 5th.

13 Q Okay. Now, just for clarification, does this
14 actually tell you who logged into the email account?

15 A No.

16 Q Does it tell you anything about who was accessing the
17 computer at that time?

18 A No.

19 Q What does it tell you?

20 A It just tells me that someone accessed that email
21 account from those locations.

22 MR. CAMPBELL: Please answer any questions the
23 Defense has for you.

24 CROSS-EXAMINATION

25 BY MR. MCDOUGAL:

1 Q I'm going to refer you to what's been marked as
2 State's 162 in evidence. I want to clear up just a
3 couple of things if I may. If you're able to see the
4 screen, if you're not, please step down. But I'll
5 walk over to the screen if that's okay. I believe
6 you testified that the middle -- the second of the
7 three log-ins took place on Saturday at 2:20; is that
8 right.

9 A No, that was GMT time. That would have been
10 10:20 p.m.

11 Q Do you know what GMT stands for?

12 A Greenwich Mean Time.

13 Q It's a timeline --

14 A Yeah.

15 Q So in truth, if it's 2:20 Greenwich Mean Time and
16 there's a four hour difference, it was really
17 accessed at 10:20 on Friday night; is that right?

18 A Only the 4th.

19 Q On the 4th. So just to clear up your testimony,
20 there was no access on Saturday, the 5th, here in
21 Greenville?

22 A No.

23 Q It was just accessed on Friday night at 10:20?

24 A Yes, sir.

25 Q Now, you also testified that, if I understood your

1 testimony correctly, that the email address was
2 registered in the name of Grace Burnside; is that
3 correct?

4 A The IP address.

5 Q The IP address was?

6 A Yes, sir.

7 Q Tell us again what the IP address is.

8 A The IP address is -- it's -- an IP address is the way
9 that you identify equipment like on a network or
10 computer or house. If you have internet access from
11 your house, the IP address will come back to your
12 residence, just like -- it's like a mailing address
13 or your phone number. It comes back specifically to
14 your address. And that's what the IP address does.

15 Q Okay. So if you can see this screen okay, the second
16 IP address is registered in the name of Grace
17 Burnside; is that right?

18 A Yes, sir.

19 Q The first one is the Greenville Public Library?

20 A Yes, sir.

21 Q And the third one is the same number to the
22 Greenville Public Library?

23 A Yes, sir.

24 Q None of those are registered in the name of Clarence
25 Jenkins?

1 A No.

2 Q And, in fact, if you look at the first and third
3 addresses for the Greenville public library, you
4 can't tell from that IP address who's using it?

5 A Right, it could have been me, you or anybody.

6 Q Could have been anybody?

7 A Anybody.

8 MR. MCDOUGAL: No further questions, Your Honor.

9 THE COURT: Any redirect?

10 MR. CAMPBELL: No more questions, Your Honor.

11 THE COURT: Thank you, sir. You can step down.

12 MR. CAMPBELL: We ask that he be excused.

13 THE COURT: Any objection cutting him loose?

14 MR. MAULDIN: One moment, Your Honor. Nothing
15 further, Your Honor.

16 THE COURT: Well, I mean, do you object to
17 releasing him from the subpoena?

18 MR. MCDOUGAL: We do not.

19 THE COURT: All right, thank you, sir.

20 MR. WILKINS: Your Honor, the State calls
21 Detective David Garrison.

22 DAVID GARRISON, after being duly sworn,
23 testified as follows:

24 THE CLERK: Thank you. You may be seated.
25 Please state your name for the record.

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1 THE WITNESS: David Paul Garrison.

2 THE CLERK: Thank you.

3 DIRECT EXAMINATION

4 BY MR. WILKINS:

5 Q Detective Garrison, with whom are you employed?

6 A Greenville Police Department?

7 Q And how long have you been employed there?

8 A Eighteen years.

9 Q What do you do for the Greenville Police Department?

10 A I'm assigned as a detective in the violent crimes
11 unit.

12 Q Have you done any other things Greenville Police
13 Department?

14 A Yes, sir. I've work in -- started in uniform patrol,
15 worked in our traffic unit and, also, in the central
16 business district.

17 Q During, around April 2008, what was your capacity
18 with the Greenville Police Department?

19 A I was a detective with the violent crimes unit.

20 Q And did you become involved in an investigation that
21 sent you out to Tindal Road?

22 A Yes, sir, I did.

23 Q Can you tell this jury how you got involved in this
24 investigation?

25 A On the morning of April the 7th, I, actually, had my

1 physical for the city police department, so I was
2 late getting into work. As I was on the way into
3 work, I heard officers being sent to Rose Avenue for
4 a suspicious package. Then shortly, maybe a minute
5 or two later, I got a call from Detective Flavell,
6 who was already out at Andover Park Apartments and he
7 told me what was going on, what they had there. They
8 had found a severed human hand and foot. He asked me
9 to go to the law enforcement center and start
10 assisting Detective Conroy and Detective Lindler in
11 taking statements from family members of Grace Davis,
12 who were already at the law enforcement before I got
13 into work that morning.

14 Q And after you were interviewing family members of
15 Grace Davis, what did you do?

16 A I took two statements from two different family
17 members of Grace Davis, and then I went and looked
18 into a tip that had been called in to our dispatch
19 center. Then from there, we located a Willie Davis,
20 I was involved with the interview of him. Then after
21 interviewing Willie Davis and a woman by the name of
22 Rosa Marie Cheeks, I went to Tindal Road.

23 Q And who went with you to Tindal Road?

24 A It was the Detective Conroy and Detective Lindler and
25 I.

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1 Q What time was it that you went out to Tindal road?

2 A I noted that we arrived at the trailer park there at
3 105 Tindal Road at approximately 9:47 p.m.

4 Q What date was this?

5 A April 7th, 2008.

6 Q So when you got out to Tindal Road, what was the
7 purpose of you going out there?

8 A We had -- through interviewing Grace Davis earlier
9 that day and her family members learned that Grace
10 had lived with a man and woman by the name of
11 Clarence and Carmen Jenkins at 105 Tindal Road,
12 trailer #16. So we knew at some point during the
13 investigation we were going to have to speak with
14 them. So the three of us had gone out there that
15 evening to kind of, for lack of a better term, gather
16 some intelligence, you know, tag numbers on vehicles,
17 anything that we would see as we drove by the
18 trailer.

19 (WHEREUPON, State's Exhibit Nos. 33-35 were
20 marked for identification only.)

21 BY MR. WILKINS:

22 Q I'm going to show you what's marked as State's
23 Exhibit 33, 34 and 35. I'm going to ask you to
24 identify these photos. First question is do you
25 recognize these photos?

1 A Yes, sir, I recognize them.

2 Q Are they accurate representations of what you saw and
3 what you viewed when you were out there on April 7th?

4 A Yes, sir, they are.

5 Q Can you just briefly describe them?

6 A This first one, State's Exhibit 33, is an aerial
7 photograph of the trailer park there at 105 Tindal
8 Road and some of the surrounding streets of the
9 trailer park. The second photograph is of -- I guess
10 you would call it the upper row of trailers. In the
11 trailer park, it would be from inside the trailer
12 park -- the photograph would be from inside the
13 trailer park facing Tindal Road. And then the second
14 one is, basically, the same view, but a little bit
15 closer up photograph of the trailer that Clarence and
16 Carmen lived in. And, also, a dumpster in that
17 photo.

18 MR. WILKINS: Your Honor, the State moves 33, 34
19 and 35 into evidence.

20 MR. MCDOUGAL: No objection, Your Honor.

21 THE COURT: Okay.

22 (WHEREUPON, State's Exhibit Nos. 33-35 were
23 admitted into evidence.)

24 BY MR. WILKINS:

25 Q All right, Detective Garrison, I'm showing you

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1 State's Exhibit 33 here. If you need to come down,
2 you can. Tell us what you did when you arrived.

3 A When I arrived on the 7th?

4 Q Yes, on the 7th?

5 A Well, there's actually two entrances to the -- well,
6 not really two entrances -- right there where it says
7 Tindal Road is one of the entrances and then you can
8 see if kind of forks off, the road inside the trailer
9 park forks off. We went up that right side there,
10 that little upper road and we started driving by
11 those trailers. And because it was dark and the
12 trailers aren't marked very well, we actually passed
13 their trailer and didn't realize it.

14 Q When you say their trailer, whose trailer?

15 A Clarence and Carmen Jenkins' trailer. We passed by
16 it and didn't realize we had passed their trailer.
17 We got down toward the end where the little road
18 turns to the left and saw a number on the trailer and
19 realized we had passed #16. So we turned around and
20 drove back down that same street their trailer sits
21 on and as we were riding by, a van had pulled in
22 front of that trailer that wasn't there when we
23 passed by the first time. So this van had pulled in
24 just like maybe 30 seconds to a minute after we drove
25 past that trailer. As we drove past, there was a

1 female getting out of the driver's side of the van
2 and there was a male sitting in the front passenger
3 seat of the van.

4 Q What did you do next?

5 A Well, as we drove by the van, Detective Lindler was
6 sitting in the back seat of the car we were in. She
7 read the tag out to me. I wrote it down and I called
8 out dispatch, Greenville County dispatch and had them
9 run the tag. They told me that the van came back to
10 Carmen Major, which I knew by that point that Major
11 was Carmen's maiden name. So the van was registered,
12 I knew, in Carmen Jenkins' name. So at that point,
13 we pulled out of the entrance there to the trailer
14 park. We turned right and we went up to Glenmore
15 Drive, turned around and sat in a position where we
16 could observe the trailer. We sat there for about an
17 hour to an hour and 20 minutes observing the trailer.

18 Q So you went down Glenmore Drive, that's at the bottom
19 of the street there?

20 A Yes, sir.

21 Q If you would explain, does Glenmore Drive sit up
22 high, sit down low?

23 A That row of trailers that the Jenkins' trailer was on
24 is, basically, even with Glenmore Drive. And then
25 that row of trailers, it's a hill that goes down, and

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1 then those other trailers are kind of below theirs
2 and then it goes back up a hill to Glenmore. So
3 Glenmore kind of sits even, almost, with that row of
4 trailers that the Jenkins' trailer is on. It may,
5 actually, sit a little bit higher than theirs, but
6 it's pretty much the same. It's kind of like a
7 little dip or valley that those other trailers sit
8 in. So we could see over the top of them and
9 directly see the Jenkins' trailer from Glenmore
10 Drive.

11 Q How far stay was it, do you think?

12 A I would estimate it 200 to 250-yards.

13 Q And how were you watching the trailer?

14 A Well, that evening we were sitting -- actually, you
15 can't see because of that computer screen. We were
16 sitting, basically, at the intersection of Tindal and
17 Glenmore that evening looking back towards the
18 trailer.

19 Q And did you see anything?

20 A While we were sitting there, by the time we pulled up
21 and got in position, they had gone inside the
22 trailer. While we sat there and watched them, I
23 observed what appeared to me to be a male coming out
24 of the trailer pull a grill out and start a fire in
25 the grill.

1 Q Now, were you watching with your eyes or did you have
2 anything else help you see?

3 A That night, I was just watching with my eyes.

4 Q So what could you see?

5 A Again, it was dark. I could see a male figure
6 lighting a fire in a grill on the deck or front porch
7 of that trailer.

8 Q What did you do after that?

9 A After he went back inside, we decided to leave there
10 and go to #2 Howard Street to speak with Carmen's
11 mother.

12 Q Did you ever return back to that location the next
13 day?

14 A I did.

15 Q When about did you go there on the next day, which
16 would be April 8th?

17 A On April the 8th, Detective Flavell and I went back
18 to that trailer park at about 4:05 in afternoon, I
19 believe is when I noted our arrival time.

20 Q And what did you see?

21 A Well, our purpose for going there that day was to
22 make contact with Clarence and Carmen and ask them to
23 come in and speak with us.

24 Q Did you do that?

25 A We did. We did make contact with Carmen.

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1 Q How did you do that?

2 A Detective Flavell knocked on the door. Carmen came
3 to the door. He spoke with her, asked her to come to
4 the law enforcement center. Told her that her and
5 husband's name had come up in an investigation and
6 asked her and him to come down to speak with us. She
7 told us that her husband was in the bathroom, that he
8 was going to be in there for a while. She said she
9 would come down, but she had kids and she had to get
10 somebody to watch them. She told us she would meet
11 us at the law enforcement center in about an hour.
12 She also asked what the investigation was about. And
13 Detective Flavell told her that someone had been
14 killed. And she, basically, just said oh. She was
15 very matter of fact. It didn't seem to shock her
16 that we wanted to talk to her about someone being
17 killed. So she told us she would meet us in an hour
18 and we told her we would be there waiting on her.

19 Q After your conversation with her, what did you do?

20 A We left there and Detective Lusk, Lindler and Conroy
21 were also in the area. We met with them on -- I want
22 to say it was Lenore Street, which is another street
23 up. I don't believe it's on that picture. And we
24 discussed, came up with a plan. Our plan was that if
25 anyone left the trailer in a vehicle, we were going

1 to follow them and see where they went. So we ended
2 up sitting up kind of in the area to start
3 surveillance if anyone were to leave. And Detective
4 Flavell and I -- I was in his vehicle with him. We
5 went back and sat up on Glenmore Drive and observed
6 the trailer.

7 Q And what did you observe while you were up there on
8 Glenmore Drive?

9 A Well, that afternoon, we, actually, positioned
10 ourselves in a different position than we had the night
11 before. And we sat there for over an hour and saw
12 nothing. And about an hour and 20 minutes later, we
13 saw Carmen Jenkins leave the trailer walking to the
14 dumpster.

15 Q All right. I'm going to show you what's already been
16 admitted into evidence as State's Exhibit 34. Do you
17 recognize that?

18 A Yes, that's the trailer park. And the row of
19 trailers to the left is the row of trailers -- the
20 same row their trailer is on and that green dumpster
21 is the dumpster I observed Carmen Jenkins walking
22 towards.

23 Q What kind of bags did Carmen Jenkins have in her
24 hands when you observed her walking to that dumpster?

25 A When she first came out of the trailer -- I was using

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1 a pair of binoculars that belonged to Detective
2 Flavell, so I could see her very well. She had a
3 black Hefty-type garbage bag that had blue tie straps
4 and she had a white bag that, to me, looked like
5 something you get from a department store, you
6 purchase a pair of shoes or some clothing items and
7 they put it in the bag. It was white plastic bag
8 with some kind of red lettering on it. She set that
9 white bag with red lettering down on the porch and
10 walked with the black trash to the dumpster. She
11 threw it away into the dumpster. Then walked back to
12 the porch, picked up the other bag, walked it to the
13 dumpster, threw it away. Then she walked back in the
14 trailer.

15 Q What did you see next?

16 A A few minutes went by, and she came back out of the
17 trailer. This time, she had a white or may be tan
18 kitchen trash can. It appeared to me to be full of
19 trash. And she also had like a Bi-Lo-type grocery
20 bag with something in it that was tied up. And she
21 walked those two items down to the dumpster and she
22 threw those away. She threw the trash can and
23 everything away and walked back to the trailer empty
24 handed.

25 Q What happened next?

1 A After that, she -- a few more minutes went by, she
2 came out of the trailer. She unplugged an extension
3 cord that they had that ran from a window inside the
4 trailer into the engine compartment of the van. I
5 can only guess they were using that extension cord to
6 keep charge on the battery. She unplugged the
7 battery. She swept off the porch. She rolled the
8 grill that was on the porch back inside the trailer
9 and she went back in. A few more minutes goes by,
10 she came out of the trailer with a baby carrier, put
11 the baby carrier in the van and then she drove out of
12 the trailer park.

13 Q And did y'all follow her?

14 A We did.

15 Q Where did she go?

16 A We followed her to, I believe the address is 10
17 Cornelius Street, which we knew at that point was
18 Clarence Jenkins' mother's residence.

19 Q What happened there?

20 A There, she went inside the residence with the child
21 in the carrier. She was inside the residence for
22 maybe five or ten minutes. And she came out of that
23 residence with another female, which I don't know who
24 that female was. They got in a completely vehicle.
25 They left the blue van there at 110 Cornelius Street.

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1 And we followed them from 110 Cornelius Street back
2 to the trailer at 105 Tindal road. Carmen went
3 inside the trailer. She was in there for a very
4 brief period of time. A matter of a minute or two.
5 Came back out, got in the vehicle with this other
6 female. And then we followed them from there to the
7 law enforcement where she had told us she would meet
8 us.

9 Q Now, when she was at the law enforcement center, what
10 did you?

11 A Well, as soon as we got to the law enforcement
12 center, Detectives Flavell dropped me off at the back
13 door. Him and Detective Lindler went in to meet with
14 Carmen and talk to her. Detective Conroy picked me
15 up because he was in a pickup truck and we drove back
16 out to the trailer park to pull the trash bags out of
17 the trash dumpster that I observed her throw into the
18 trash dumpster.

19 Q Tell us about the trash pull?

20 A We got to the dumpster, the trash can was there. The
21 white plastic department store looking with the red
22 lettering was there. We took that. The small
23 grocery tape bag was there. And then there was two
24 black trash bags with blue tie straps. So since I
25 had only seen her carry one to the dumpster, we took

1 both of them because I couldn't distinguish between
2 the two, so we took both of them.

3 Q What did you do with the contents of the trash?

4 A Once we got the trash out of the dumpster, we went to
5 a location where we -- when we have officers that do
6 trash pull and most of the time, it's narcotics
7 investigations. There's kind of a secure area where
8 nobody can see what we're doing. We went there. We
9 started going through the trash bags and inventorying
10 the contents of the bags. Then from there, once we
11 looked through the bags, we took the bags to
12 Greenville County forensic office and turned them
13 over to them for further processing.

14 Q So once you collected everything you could collect,
15 you went back to the law enforcement center?

16 A Well, we took it the Greenville County forensic
17 office and they're offices are located on the campus
18 of Greenville Technical College.

19 (WHEREUPON, State's Exhibit No. 126 was marked
20 for identification only.)

21 BY MR. WILKINS:

22 Q I ask you to take a look at that and ask you if you
23 recognize it?

24 A I do.

25 Q All right. Where did you obtain State's Exhibit 126?

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1 A When we got to the location where we searched the
2 trash, I searched one bag, Detective Conroy searched
3 one bag and Detective Lusk met us there and he
4 started helping us, he searched one of the bags.
5 This particular item was found in one of the black
6 trash bags with blue tie straps that I searched.

7 Q And where did you get the black bags from?

8 A From the dumpster in the trailer park there at 105
9 Tindal Road.

10 Q And who had you seen dump those bags in there?

11 A Carmen Jenkins.

12 MR. WILKINS: Your Honor, State moves Exhibit
13 126 into evidence.

14 MR. MCDOUGAL: Your Honor, we would have an
15 objection to that to the extent of the contents of it,
16 something this witness did not testify to. He testified
17 he found the document in the dumpster. The contents,
18 though, is going to be published to the jury. That
19 content, Your Honor, I would contend is hearsay.

20 THE COURT: Y'all come up here.

21 (WHEREUPON, a bench conference was held in the
22 presence of the jury but out of the hearing of
23 the jury.)

24 THE COURT: Madam Forelady, ladies and gentlemen
25 of the jury, I think now is probably a good time for an

1 afternoon break. Y'all have been going now for about an
2 hour and a half without a break, so we need to talk about
3 a couple of things. Y'all take a short break and we'll
4 get back with you. Don't talk about the case. Thank you,
5 very much.

6 (WHEREUPON, the jury left open court at
7 approximately 3:35 p.m.)

8 THE COURT: Okay. You want to take a short
9 break and then talk about it? Or talk about it and take a
10 short break?

11 MR. MCDOUGAL: I would love to take a short
12 break, Your Honor, if that's permitted.

13 THE COURT: Okay, that's permitted. Let's do
14 that.

15 Officer, you may step down. Please don't
16 discuss your testimony.

17 (WHEREUPON, a short break was taken.)

18 MR. MCDOUGAL: Your Honor, we withdraw the
19 objection.

20 MR. MAULDIN: That's correct.

21 THE COURT: All right. Thank you, very much.
22 Are y'all ready to go?

23 MR. WILKINS: Yes, sir.

24 THE COURT: All right. Okay.

25 (WHEREUPON, a bench conference was held.)

1 (WHEREUPON, the jury came into open court at
2 approximately 3:50 p.m)

3 THE COURT: All right. Mr. Wilkins, proceed.

4 MR. WILKINS: Judge, State moves Exhibit 126.

5 THE COURT: Okay. I think that's without
6 objection.

7 MR. MCDUGAL: Without objection.

8 THE COURT: Okay.

9 (WHEREUPON, State's Exhibit No. 126 was admitted
10 into evidence.)

11 BY MR. WILKINS:

12 Q Detective Garrison, please describe State's 126 to
13 the jury that you found in the trash bag that you
14 retrieved from the dumpster at Tindal Road.

15 A It's a piece paper that's titled at the top rental
16 lease purchase agreement with Color Time at 3 North
17 Washington Avenue in Greenville. It shows the renter
18 as Carmen D. Major and Grace Davis at 105 Tindal
19 Road.

20 Q Now, after y'all collected -- or went through all the
21 trash, what did you do with all that?

22 A We took the contents of the trash bags to the
23 Greenville County forensics office. Again, they're
24 located on the Greenville Technical College campus
25 and turned it over to them for further forensic

1 processing.

2 Q Now, did you ever have an occasion to receive
3 anything related to this case from the U.S. Postal
4 Service?

5 A I did.

6 Q All right. Tell me about that.

7 A I had been working with U.S. Postal inspector in
8 regards to a letter that had been mailed to family
9 members of Grace Davis. And that postal inspector
10 contacted us and told us that a letter carrier for
11 the post office who delivered mail at 105 Tindal Road
12 noticed that there was a piece of mail that was
13 addressed to Mekole Harris at 105 Tindal Road, #16,
14 and thought it was strange that her name was
15 associated with that address. So she turned it over
16 to the U.S. Postal inspector, who, after we obtained
17 a release from Mekole Harris' mother for the post
18 office to release the mail to the police department,
19 after we got that release, the postal inspector
20 released that envelope to me.

21 Q I'm going to show you what's State Exhibit 121 marked
22 for identification purposes.

23 (WHEREUPON, State's Exhibit No. 121 was marked
24 for identification only.)

25 BY MR. WILKINS:

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1 Q Take a look at this exhibit and let me know if you
2 recognize it. And tell the jury where you got it.

3 A I do recognize it. This is the envelope that was
4 given to me by the U.S. Postal inspector. And this
5 is the contents of that envelope. It's a letter from
6 SunTrust Bank.

7 Q After you received that letter from the postal
8 service, what did you do?

9 A Well, I opened the envelope and I saw that it was a
10 letter from SunTrust Bank. It was, basically, a
11 denial letter where SunTrust Bank was denying Mekole
12 Harris a credit card and they explained the reasons
13 why they were denying it. So I contacted Loretta
14 Norris with SunTrust Bank to find out how I could
15 obtain information for when the credit card was
16 applied for. She explained the process to me. So I
17 went and obtained a subpoena from Greenville
18 Municipal Court to send to SunTrust Bank to obtain
19 those records from SunTrust.

20 (WHEREUPON, State's Exhibit No. 122 was marked
21 for identification only.)

22 BY MR. WILKINS:

23 Q I'm showing you State's Exhibit 122, marked for
24 identification. Do you recognize these documents?

25 A I do.

1 Q Is that the documents you received from SunTrust
2 pursuant to your subpoena?

3 A It is. This is what I received from SunTrust Bank
4 that I placed into property and evidence and marked
5 stamped original.

6 Q Tell us what it contains.

7 A The first page is, basically, like a checklist to me
8 explaining what they sent me. And then the following
9 pages are what I would describe as screen shots, like
10 they were taking a picture from the computer of the
11 credit card application, who applied for the credit
12 card, some information concerning that person, the
13 date that the credit card was applied for and other
14 information. Some of it, I didn't really understand.
15 There were the bunch of codes, bank codes, on there
16 that didn't mean anything to me.

17 Q Now, did you notice a phone number on those records?

18 A I did.

19 Q What did you do with that phone number?

20 A I noticed that one of the screen shots, it was the
21 first, showed that the credit card had been applied
22 for in the name of Mekole M. Harris, 105 Tindal Road,
23 Apartment 16. And it had a telephone number, home
24 telephone number of (864)404-1829. So I tried to
25 fine out who that phone number belonged to, what cell

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1 phone carrier it was with, different things like and
2 I was kind of running into a dead in with Trac Phone.
3 They weren't being very helpful. So one day, I just
4 decided to call the number and see who answered.

5 Q When you called it, what did you get?

6 A I heard a recording that told me it was the number of
7 Clarence, Carmen and Grace Jenkins. And it went on
8 to say they were unable to answer the phone, so and
9 so forth, have a blessed day.

10 Q I want to show you State's Exhibit 123. It's already
11 been marked for identification purposes. I ask you
12 if you recognize this?

13 A I do recognize it.

14 Q Is that a recording from the phone that you called?

15 A Yes. After -- when I called the number, it went
16 straight to voice mail. It didn't ring at all. It
17 went straight to voice mail. I heard that voice mail
18 message or recording, greeting. Then, of course, I
19 hung the phone up. From there, I went and got a
20 cassette tape and a tape player, hooked it to this
21 device we have that hooks to a phone to record phone
22 conversations. I called the number back and recorded
23 the message that played again once I called the
24 number a second time.

25 Q Is that recording on that tape right there?

1 A It is.

2 MR. WILKINS: Your Honor, State moves Exhibit
3 123 into evidence.

4 MR. MCDOUGAL: Your Honor, can we approach?

5 THE COURT: Okay.

6 (WHEREUPON, a bench conference was held in the
7 presence of the jury but out of the hearing of
8 the jury.)

9 MR. MCDOUGAL: Your Honor, for the record, we're
10 reserving our objection.

11 THE COURT: Okay.

12 MR. WILKINS: Your Honor, the State moves 123
13 into evidence.

14 THE COURT: Okay. Subject to your objection.

15 MR. WILKINS: Your Honor, I'd like to publish
16 this to the jury.

17 (WHEREUPON, State's Exhibit No. 123 was admitted
18 into evidence.)

19 MR. WILKINS: I have it on tape recorded form.
20 We have it in electronic form as well. It's the same
21 exact recording, just on a different format for purposes
22 of being able to play it to the jury.

23 MR. MAULDIN: I've got a tape recorder.

24 THE COURT: Yeah, let's get the tape recorder,
25 that's the evidence. Whatever's on the computer is not

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1 the evidence. Let me -- let -- to take -- put it in front
2 of your microphone to make sure the court reporter can
3 hear it as well.

4 MR. WILKINS: Court's indulgence, Your Honor,
5 it's been a while since I've worked a cassette tape.

6 (WHEREUPON, State's Exhibit No. 123 was
7 played.)

8 THE COURT: Officer, there's nothing else on the
9 tape, is there?

10 THE WITNESS: No, sir.

11 THE COURT: Okay.

12 MR. WILKINS: Please answer any questions that
13 the Defense counsel may have for you, Detective Garrison.

14 CROSS-EXAMINATION

15 BY MR. MCDOUGAL:

16 Q Officer Garrison, my name is Mark McDougal, I'm here
17 representing the Defendant, Clarence Jenkins. I'd
18 like to clear up a couple of things that you
19 discussed and --

20 THE COURT: This is a generational issue.

21 MR. WILKINS: I can't run a recorder, he can't
22 run the Elmo.

23 BY MR. MCDOUGAL:

24 Q All right. Let that warm up, Officer. Now, you
25 testified that on April 7th, is that correct, you did

1 your first visit -- you did three visits to the
2 trailer on Tindal road; is that correct?

3 A That's not correct, I did two visits.

4 Q All right. You did the visit on the 7th; is that
5 right?

6 A Well, yes, it was three. Two of them occurred on the
7 8th. Actually, I didn't go to the trailer the second
8 time on the 8th, I went to the dumpster.

9 Q You went on the 7th, right?

10 A Right.

11 Q You went on the 8th in the afternoon about 4:30?

12 A Yes.

13 Q And then you went later that night to do the dumpster
14 retrieval?

15 A I wouldn't say night, it was still daylight out. It
16 was around 6:30, quarter till 7:00 when I went back
17 there the second time on the 8th to pull the trash.

18 Q So that's three times, correct?

19 A Correct.

20 Q Okay. Now, when you testified earlier -- I just want
21 to make sure I have this accurately. I'm going to
22 walk over to this screen. If I understood you
23 correctly, you described your drive-through as going
24 roughly from left to right along this road; is that
25 correct?

1 A Not originally, no.

2 Q You made two passes?

3 A Is this a laser pointer?

4 Q Yes.

5 A I would probably clarify if I could use that.

6 Q Please do.

7 A It's hard to see, for some reason this looks a lot
8 greener than it did when Mr. Wilkins had it up, but
9 somewhere along here, there's an entrance in this --
10 I believe it's right here. There's an entrance into
11 this trailer park. Then the road kind of makes a
12 fork this way and this way. When we entered the
13 trailer park on the evening of the 7th at around
14 9:47 p.m. we went up in this direction, passed by the
15 trailer, got down around here and realized we had
16 passed the trailer. So we came down, pulled in here,
17 we went up this little road, came down and we were
18 around in here and we realized we had passed the
19 trailer because we started seeing numbers on the
20 trailers and realized we had passed #16. We came
21 down in here, we turned around and we returned back
22 out this direction. And as we were coming back out
23 this way, that's when we noticed that van had pulled
24 in that was not there when we passed by the first
25 time just a few minutes before.

1 Q Okay. When you passed by the van, you testified that
2 you saw Carmen standing at the driver's door?

3 A Correct.

4 Q And you saw another individual you took to be
5 Clarence in the passenger seat, is that correct?

6 A I'm positive it was Clarence in the passenger seat.

7 Q And you're equally positive it was Carmen who was
8 driving?

9 A I didn't see anyone driving the vehicle because they
10 had pulled in and stopped before I observed the
11 vehicle. When I observed it, Carmen Jenkins was
12 standing in the driver's door. The door was open and
13 she was standing outside the vehicle in the driver's
14 door. I have no idea who was driving the car.

15 Q Who was standing in the driver's door?

16 A As I said, Carmen Jenkins was standing in the
17 driver's door.

18 Q And who was sitting in the passenger seat?

19 A Clarence Jenkins.

20 Q So Clarence is sitting in the passenger seat, Carmen
21 is standing at the driver's door as you drive by;
22 that's correct, right?

23 A That's correct.

24 Q And you also testified that the van is registered to
25 Carmen; is that correct?

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1 A Well, I was told by our dispatcher that it was
2 registered to Carmen Major, which I knew her maiden
3 name was Major.

4 Q So that's a yes?

5 A Yes.

6 Q The van is registered to Carmen. She's standing in
7 the driver's door as you go by and Clarence is
8 sitting in the driver's seat. Is that the scene you
9 see?

10 A No, sir.

11 Q What's different about it?

12 A Clarence wasn't sitting in the driver's seat. I
13 testified that he was sitting in the passenger seat.

14 Q Passenger seat. Clarence is in the passenger seat,
15 Carmen was standing by the driver's door in a van
16 registered in her name?

17 A Correct.

18 Q You agree with all that?

19 A Yes, sir.

20 Q Now, you testified that after that, you went over and
21 you conducted some surveillance; is that correct?

22 A We sat on Glenmore Drive and watched the trailer,
23 yes, sir.

24 Q Did you conduct some surveillance, Officer? Yes o
25 no?

1 A Yes, we sat and watched the trailer. It was kind of
2 an impromptu surveillance, yes, sir.

3 Q And if I understand your testimony, you conducted the
4 surveillance from roughly here at the intersection of
5 Tindal Road and Glenmore Road; is that correct?

6 A Again, if I can use the laser?

7 Q Please.

8 A We were sitting, basically, at the intersection
9 facing Tindal Road on Glenmore looking back in that
10 direction.

11 Q I believe your testimony was the distance from that
12 intersection to the trailer was 220 or 250 regards;
13 did you say that?

14 A I believe I said 200 to 250 yards.

15 Q And that would be two to two and a half football
16 fields, correct?

17 A Correct.

18 Q And this was April 7th, which was right around this
19 time of year? Today is April 10th?

20 A Correct.

21 Q So you look outside today, you see there's lots of
22 leaves on the trees?

23 A Yes, sir.

24 Q Okay. And between the intersection where you were
25 parked and where you say the trailer is, there's a

1 bunch of trees, right?

2 A There are trees.

3 Q Okay. In this photograph, a lot of those trees don't
4 have leaves on them, but it was April 7th, so they
5 had leaves on them, right? Do you remember?

6 A I mean, I don't remember what the foliage of the
7 trees were on April 7th 2008.

8 Q You had no binoculars?

9 A I did not have binoculars, no, sir.

10 Q But your testimony is that sitting 200 to 250 yards
11 away, two to two and a half football fields, no
12 binoculars and -- what time of night, 6:30?

13 A No, sir.

14 Q What time was it?

15 A On the 7th, we arrived at Tindal Road, I noted that
16 we arrived at 9:47 in the evening?

17 Q It's dark?

18 A Yes, it was dark.

19 Q It's dark, there's leaves on the trees, you're two to
20 two and a half football fields away and you have no
21 binoculars. Is that all true?

22 A As I said, yes, sir.

23 Q And your testimony is, nonetheless, you see a male
24 you identify as Clarence Jenkins come out on the
25 porch; is that correct?

1 A I never said it was Clarence Jenkins. I said I saw a
2 male exit the door, pull a grill out and start to
3 light it on fire. I assumed or guessed it was
4 Clarence.

5 Q But in truth, you have no idea, do you?

6 A No, I could not determine who -- what the man's face
7 was from that distance that night.

8 Q So you saw somebody come out?

9 A I saw what appeared to be a male figure exit the
10 trailer, pull a grill out onto the porch and start a
11 fire.

12 Q All right. A bunch of trees in April at 9:30 at
13 night from 200 to 250 yards away?

14 A There --

15 Q Just answer my question.

16 A I'm trying to answer your question. May I?

17 THE COURT: Wait, wait. One at a time. Okay.

18 BY MR. MCDOUGAL:

19 Q Are those the facts as I just described them?

20 THE WITNESS: May I answer the question?

21 THE COURT: Yes, sir, go ahead.

22 THE WITNESS: There's trees. They're not
23 bushes. They're not eye level. So the leaves are up
24 above me. I'm sitting in a car, so I could see through
25 the trees to the trailer.

1 BY MR. MCDOUGAL:

2 Q Two, two and a half football fields at night?

3 A Yes, sir.

4 Q Okay. The next day -- that was your first visit to
5 Tindal Road; is that right?

6 A That was my first visit.

7 Q Second visit is the 8th?

8 A It was the next day.

9 Q Okay. You actually wrote a report about that visit,
10 didn't you?

11 A I wrote a report about both visits.

12 Q That's not my question, Officer?

13 A Yes, I did write a report.

14 Q Did you write a report about that visit?

15 A Yes, I did.

16 Q Okay. And in your report, you say that arrived at
17 4:05 p.m. Do you agree with that?

18 A Yes.

19 Q And you have a conversation with Carmen Jenkins; is
20 that correct?

21 A That's correct.

22 Q And you do not see Clarence Jenkins anywhere, do you?

23 A I did not see Clarence Jenkins.

24 Q Then Carmen Jenkins, according to your report, comes
25 out three times with plastic bags; is that right?

1 A No, sir, two times.

2 Q I want to show you your report dated April 8th, 2008.
3 Look at that and see if that refreshes your
4 recollection?

5 A Yes, sir, this is my report.

6 Q And according to that report, Carmen Jenkins comes
7 out with two bags, you agree with that?

8 A Yes, sir.

9 Q Takes one to the dumpster?

10 A Right.

11 Q Goes back up to the porch, second bag?

12 A Correct.

13 Q Into the dumpster, two?

14 A Yes, sir.

15 Q Goes back into the trailer?

16 A Correct.

17 Q Comes out a third time with another bag, three. You
18 agree with all of that?

19 A She actually threw the trash can away with a small
20 grocery bag the second time. I saw her exit the
21 trailer twice to go to the dumpster --

22 Q What --

23 A The first time -- if you'll let me clarify, the first
24 time, she comes out of the trailer with two bags.

25 She exits the trailer one time with two bags. She

1 carries one bag to the dumpster, dumps it. She goes
2 back and picks up the second bag off of the porch and
3 takes it to the dumpster. Then she went back into
4 the trailer, she steps out with the trash can and the
5 small grocery bag, dumps it and goes back in the
6 trailer. So what you had asked me had I saw her
7 leave the trailer three times.

8 Q I know what I asked you. Let's stick with questions.

9 A Well, I mean, I'm trying --

10 THE COURT: Wait, wait. Y'all just slow down.

11 BY MR. MCDOUGAL:

12 Q Let me ask my questions. Each of those times that
13 Carmen comes out of the trailer and goes to the
14 dumpster, you never ever see Clarence Jenkins?

15 A No, I didn't.

16 Q You don't?

17 A I didn't.

18 Q Now, your surveillance -- after your conversation
19 with Carmen that you described on direct, she leaves;
20 is that right?

21 A She left the trailer park in the blue van, yes, sir.

22 Q And you followed her?

23 A Yes, sir.

24 Q And you followed her to the law enforcement center
25 and then you go back; is that right?

1 A Well, that's not exactly the sequence of events that
2 I testified to.

3 Q Do you return to the trailer that night?

4 A After we followed her to --

5 THE COURT: Let me do it this way. Detective,
6 if you would, answer yes or no, and then you can fully
7 explain your answer.

8 THE WITNESS: Yes, I eventually went back to the
9 trailer after we had followed her to the law enforcement
10 center after she had gone to Cornelius Drive, back to the
11 trailer and then to the law enforcement center.

12 BY MR. MCDOUGAL:

13 Q And you brought another officer with you named
14 Conroy; is that correct?

15 A That's correct.

16 Q And you went to the dumpster?

17 A Correct.

18 Q And you testified you took trash out of the dumpster?

19 A That's correct.

20 Q And you see Clarence Jenkins, do you?

21 A I did not.

22 Q Let me return for a moment to your meeting -- your
23 short conversation with Carmen Jenkins at the door of
24 the trailer. Isn't it true that she said to you she
25 couldn't come with you because she had two small

1 children and would have to find someone to keep them?

2 A That's correct.

3 Q And she said she could be there in about an hour?

4 A Correct.

5 Q But she said she had two small children at home?

6 A That's what she said, yes, sir.

7 Q I'm going to ask you to look at another exhibit,
8 which is in evidence, and has been marked as State's
9 Exhibit 126. Officer, you testified that this rental
10 purchase agreement, this document was retrieved by
11 you and Office Conroy from the dumpster; is that
12 correct?

13 A Yes, sir, it was in one of the black plastic trash
14 bags with blue tie straps. And it was in the bag
15 that I searched, the black plastic with blue tie
16 straps that I searched.

17 Q Let me ask my question again. This document was
18 retrieved by you and Officer Conroy from the
19 dumpster?

20 A Yes, sir, that's what I said.

21 Q Did you look at it?

22 A I did.

23 Q And you'll see in the upper right-hand corner, it
24 shows the renter as being Major Carmen and Grace
25 Davis?

1 A Correct.

2 Q And you don't see anywhere Clarence Davis' name at
3 all on that document, do you?

4 A Clarence who?

5 Q I'm sorry, Clarence Jenkins. Clarence Jenkins
6 anywhere on that document?

7 A No, I don't.

8 Q So just to clarify and sum up, on the 7th when you do
9 your surveillance from the intersection, you're
10 looking through trees and you believe you see a male,
11 who you can't identify as Clarence Jenkins come out
12 of the trailer, correct?

13 A That's correct.

14 Q The next day, you make two visits to the trailer.
15 You have a conversation with Carmen. You see her go
16 in the dumpster three times and you never see
17 Clarence?

18 A Correct.

19 Q Then you go back that night later on, early evening
20 to retrieve the trash from the dumpster and you still
21 never see Clarence?

22 A Correct.

23 MR. MCDUGAL: Can I have a moment, Your Honor?

24 THE COURT: Uh-huh.

25 MR. MCDUGAL: Nothing further, Your Honor.

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1 Thank you.

2 THE COURT: Redirect?

3 MR. WILKINS: Nothing, Your Honor.

4 THE COURT: All right. Thank you, sir. You can
5 stand down. Thank you, officer.

6 MR. WILKINS: Excuse the witness, Your Honor?

7 THE COURT: Any objection?

8 MR. MCDUGAL: No objection.

9 THE COURT: All right. Thank you, sir. You're
10 released.

11 MR. WILKINS: The State calls Loretta Norris.

12 THE CLERK: Please step up to be sworn and place
13 your left hand on the Bible, raise your right hand.

14 LORETTA NORRIS, after being duly sworn,
15 testified as follows:

16 THE CLERK: Thank you. You may be seated.
17 Please state your name for the record.

18 THE WITNESS: Loretta Norris.

19 THE CLERK: Thank you.

20 DIRECT EXAMINATION

21 BY MR. WILKINS:

22 Q Ms. Norris, with whom are you employed?

23 A SunTrust Bank.

24 Q What do you for SunTrust?

25 A I am the regional security manager for the State of

1 South Carolina.

2 Q How long have you been employed with SunTrust Bank?

3 A Eight years.

4 Q What are your duties as the regional security --

5 A Manager.

6 Q Manager.

7 A Liaison between the bank and all forms of law
8 enforcement. I have access to all lines of business,
9 all computer systems for the most part. I also do
10 all internal and external investigations.

11 Q Now, as a SunTrust employee and regional security
12 manager, are you able to recognize SunTrust
13 documents?

14 A Yes, sir, I am.

15 Q And in your capacity, do you have access to all
16 SunTrust documents?

17 A For the most part, yes, sir.

18 Q Are you able to print those documents off?

19 A Sometimes I am, sir, just depends. There are some
20 things that are only -- due to age, I do not have
21 access to, but I have access to the people that can
22 get it for me.

23 Q I'm going to show you what's been marked as State's
24 Exhibit 121 for identification. It's an envelope and
25 a record. And I ask you if you can identify that

1 document?

2 A Yes, sir, I can.

3 Q How are you able to identify that document?

4 A It is a standard letter that is put out by SunTrust
5 and its affiliates.

6 Q Have you seen that document before?

7 A Yes, I have, sir.

8 Q And is it a document that came from SunTrust Bank?

9 A Yes, it is.

10 Q Can you briefly describe what it is?

11 A It's actually a denial letter in reference to a
12 credit card or that type of thing.

13 Q Is that the kind of document that SunTrust will issue
14 to individuals?

15 A Yes, sir.

16 MR. WILKINS: Your Honor, the State moves
17 Exhibit 121 into evidence.

18 MR. MCDOUGAL: Your Honor, we would again object
19 to lack of foundation. This witness did not prepare this
20 letter.

21 THE COURT: Well, over your objection, I'm going
22 to allow it.

23 (WHEREUPON, State's Exhibit No. 121 was admitted
24 into evidence.)
25

1 BY MR. WILKINS:

2 Q All right. Ms. Morris, I'm going to show you State's
3 Exhibit 122, and ask you to take a look at this as
4 well.

5 A Yes, sir.

6 Q Can you tell me what that is?

7 A This is a response to a subpoena or writ request that
8 is to SunTrust Bank.

9 Q Who sent you the subpoena request?

10 A The detective's who name is right up here, Detective
11 D. P. Garrison.

12 Q And the rest of those documents, are those SunTrust
13 document?

14 A Yes, sir.

15 Q Have you seen those documents before?

16 A Yes, sir, I have.

17 Q How do you know those are SunTrust documents?

18 A These are screen prints out of what we use in
19 different types of divisions, especially in the
20 credit card consumer loan end of our bank. And
21 that's what that is. That shows how it came into the
22 bank. It's called STI intake form or a take form.

23 Q Are those documents kept in the ordinary course of
24 business?

25 A Yes, sir, they are.

1 MR. WILKINS: Your Honor, State moves Exhibit
2 122 into evidence.

3 MR. MCDUGAL: Your Honor, if I may have a
4 moment?

5 THE COURT: Yeah, take a look at them, sure.

6 MR. MCDUGAL: This is the entire exhibit, Your
7 Honor?

8 THE COURT: I presume.

9 MR. WILKINS: That's it.

10 MR. MCDUGAL: No objection.

11 THE COURT: Without objection.

12 (WHEREUPON, State's Exhibit No. 122 was admitted
13 into evidence.)

14 BY MR. WILKINS:

15 Q Ms. Norris, I want to show you State's Exhibit 121.
16 The is the first SunTrust document that you took a
17 look at. Can you tell me who it's addressed to?

18 A Mekole M. Harris.

19 Q And what address?

20 A 105 Tindal Road, #16, Greenville, South Carolina.

21 Q And the body of the letter that you can see here,
22 what, basically, is this letter doing?

23 A It is telling them that -- to this person, Mekole
24 Harris, that we received a recent application for a
25 SunTrust credit card to open an account, but it's a

1 denial letter. It means they are not able to open an
2 account due to credit obligations, past and present,
3 that are delinquent.

4 Q Can you tell us the date on which this letter was
5 issued?

6 A 4/9 of 2008.

7 Q Now, I'm going to show you what's State's Exhibit
8 122. Were these documents that you previously looked
9 at as State's Exhibit 122, were they produced
10 pursuant to the subpoena sent to you by Detective
11 Garrison?

12 A The subpoena, yes. It was sent to subpoena services
13 and, yes, those are pursuant to that.

14 Q I'm going to show you page one of this. Briefly tell
15 the jury, what are these -- there's four pieces of
16 paper here. What are these four pieces of paper?

17 A This is the application detail, page one. When
18 somebody tries to submit a request or application for
19 a credit cards over the internet, this is how it is
20 translated, if you will, by the internet into our
21 system. So it prefills into different areas, like
22 name, first name, last name, initial, your address,
23 telephone number, social security number, date of
24 birth, things like that.

25 Q Who is the applicant?

1 A Mekole M. Harris.

2 Q And what is the address put on this application?

3 A 105 Tindal Road, Apartment 16, Greenville, South
4 Carolina.

5 Q Is there a phone number they give down there as well?

6 A Yes, sir.

7 Q What is the date in which this application was
8 received by SunTrust? Can you see the date down
9 there at the bottom?

10 A No, sir, I'm sorry.

11 THE COURT: You may stand down if you need to.

12 A Thank you. I can't see the first number. 4/4 of
13 2008.

14 Q Let me show you the second page of that document.
15 What is this?

16 A This is part of the application detail form, also,
17 It just is expounding on -- if you were to have
18 filled it out in person or handwritten, this would be
19 kind of the second part of the application form. It
20 shows their employer, if they have one, how long
21 they've worked there, annual income, things like
22 that.

23 Q Whoever filled this application out, what does it say
24 their employer was?

25 A Labor Finders.

1 Q And annual income.

2 A It looks like 86,000 from here, sir. Is that
3 correct?

4 Q I'm going to show you the third page. What is this?

5 A This is, again, a part of intake process. It shows
6 that the vendor for us when we do applications online
7 and, at that time, our credit card was not
8 necessarily housed within SunTrust. It was housed
9 through InfaStar. It shows that that's an InfaStar
10 internet application. The origin, again, is the
11 internet. The client is SunTrust Bank.

12 Q And what does it shows as the status?

13 A It shows as declined, sir.

14 Q And finally, the forth page.

15 A This, again, is part of what you would handwrite out
16 and put with an application that you handwrote out
17 showing the whole profile as it were for how they
18 store it. It's called a mail page. And it's showing
19 that it's Mekole M. Harris, 105 Tindal Road,
20 Apartment 16 in Greenville, South Carolina.

21 Q Now, you don't know who filled out this application
22 on line, do you?

23 A No, sir, I do not.

24 Q You just know that it was submitted to SunTrust?

25 A Correct.

1 MR. WILKINS: Please answer any questions the
2 Defense may have.

3 CROSS-EXAMINATION

4 BY MR. MCDOUGAL:

5 Q Good afternoon. My name is Mark McDougal, I'm one of
6 the lawyers representing Clarence Jenkins. I just
7 have a couple of questions for you. According to the
8 records that were introduced today and authenticated,
9 this application was filed on April 4th; is that
10 correct?

11 A Correct.

12 Q I think Wilkins asked you this, but I just want to
13 confirm. Anybody in the world could have filled out
14 that application; is that correct?

15 A Yes, sir.

16 Q And you have no idea who it was?

17 A No, sir.

18 MR. MCDOUGAL: Thank you, Your Honor. No
19 further questions.

20 THE COURT: Okay. Thank you, ma'am. You may
21 stand down. Released from subpoena.

22 MR. WILKINS: Thank you, Your Honor. Your
23 Honor, our next witness might be lengthy, so we may want
24 to discuss schedule issues.

25 THE COURT: All right. Y'all come on up here.

1 MR. WILKINS: I apologize. I've got Detective
2 Conroy.

3 THE COURT: So by implication, this witness is
4 going to be short; is that right, Mr. Wilkins?

5 MR. WILKINS: Relatively, Your Honor. Of
6 course, that's a relative term these days.

7 THE CLERK: Come forward to be sworn in. Please
8 place your left hand on the Bible and raise your right.

9 TIM CONROY, after being duly sworn, testified as
10 follows:

11 THE CLERK: Thank you, you may be seated.
12 Please state your name for the record.

13 THE WITNESS: Timothy Michael Conroy.

14 THE CLERK: Thank you.

15 DIRECT EXAMINATION

16 BY MR. WILKINS:

17 Q Detective Conroy, where are you employed?

18 A With the Greenville Police Department.

19 Q How long have you been with the Greenville Police
20 Department.

21 A Sixteen years.

22 Q What do you for the Greenville Police Department?

23 A I work in the violent crimes division as a detective.

24 Q Have you worked any other areas?

25 A Yes, sir, I work on the road as well as narcotics.

TIM CONROY-DIRECT BY MR. WILKINS

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1 Q Now, I'm going to take you back to 2008, did you
2 happen to assist in the investigation where there
3 were human body parts found at two different
4 locations?

5 A Yes, sir.

6 Q What did you do as part of your investigation?

7 A I assisted with surveillance of the house on the
8 Tindal Avenue. Detective Garrison asked me if I
9 would approach the residence with him after one of
10 the Defendants had left.

11 Q So did you go out to Tindal Road?

12 A I did.

13 Q Who did you go with?

14 A Detective Garrison.

15 Q Was that April 7th or April 8th you went out to
16 Tindal Road?

17 A April 8th.

18 Q Once you got out to Tindal Road -- were you riding
19 with Detective Garrison out there or were you driving
20 separately?

21 A I was driving, he was in the vehicle with me.

22 Q Okay. So what did you when you got out there?

23 A We went to a dumpster, which Garrison stated he saw
24 Carmen put some bags in. We went out there to
25 retrieve the bags.

1 Q So did you help Detective Garrison retrieve the
2 garbage from the dumpster out at Tindal Road?

3 A Yes, sir.

4 Q And once y'all retrieved the garbage, what did you
5 do?

6 A We put the trash bags of the garbage in the truck and
7 drove back to North Main Street and went through the
8 trash.

9 Q This was on April 8th?

10 A Yes, sir.

11 Q Now, once you retrieved the garbage bags, how did
12 y'all divvy up who did what?

13 A We just -- what was closest to us, we sorted through
14 the trash bags.

15 Q What did you find?

16 A I find two bleach bottles in one of the trash bags.

17 (WHEREUPON, State's Exhibit Nos. 124 & 125 were
18 marked for identification only.)

19 BY MR. WILKINS:

20 Q I'm going to show you what's marked State's Exhibits
21 124 and 125. If you'll take a look inside there and
22 tell me if you recognize those?

23 A Yes, sir.

24 Q What are those?

25 A These are bleach containers that were retrieved from

TIM CONROY-DIRECT BY MR. WILKINS

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1 the trash cans.

2 MR. WILKINS: Your Honor, State move Exhibits
3 124 and 125 into evidence.

4 MR. MCDOUGAL: No objection.

5 (WHEREUPON, State's Exhibit Nos. 124 & 125 were
6 admitted into evidence.)

7 BY MR. WILKINS:

8 Q Once you retrieved these, what did you do with them?

9 A We went to the forensic division, filled out property
10 and evidence forms and signed them over to the
11 forensics investigator, lieutenant, I believe it was.

12 MR. WILKINS: All right. Please answer any
13 questions the Defense counsel may have.

14 CROSS-EXAMINATION

15 BY MR. MCDOUGAL:

16 Q Good afternoon, my name is Mark McDougal, I represent
17 the Defendant, Clarence Jenkins. I just have a
18 couple of questions for you. Before you retrieved
19 the trash that day from the dumpster, you also
20 followed Carmen Jenkins for period of time; is that
21 correct?

22 A That is correct.

23 Q And you did that at the request of Detective Flavell?

24 A That's correct.

25 Q If I understand correctly, you followed Carmen

1 Jenkins driving a blue van to an address on Cornelius
2 street and saw her go into the house with a baby?

3 A Yes, sir.

4 Q That whole time, you never saw Clarence Jenkins
5 anywhere, did you?

6 A That's correct.

7 Q You went back with Officer Garrison to retrieve the
8 trash a little bit later that evening; is that
9 correct?

10 A Later that same day, yes, sir.

11 Q And going back to retrieve that trash, you never saw
12 Clarence Jenkins anywhere at that trailer?

13 A No, sir.

14 MR. MCDOUGAL: Thank you, Your Honor. No
15 further questions.

16 THE COURT: Okay. Thank you very much. You can
17 step down. Thank you, sir.

18 MR. WILKINS: Excuse the witness?

19 MR. MCDOUGAL: No objection.

20 THE COURT: Okay. Released.

21 All right. Let me see y'all up here for just a
22 second.

23 (WHEREUPON, a bench conference was held in the
24 presence of the jury but out of the hearing of
25 the jury.)

1 THE COURT: Kept y'all late last night, cutting
2 you out early tonight. The next witness will be lengthy
3 and we don't want to start it, break it up. We want it to
4 go through as a continuance examination.

5 I think I'm probably right that human nature is
6 calling out to you to want to talk about it. If you want
7 to do research, go visit the scene, any of that, don't do
8 it. The reasons I talked about last night are equally or
9 more valid tonight. And everything that you need to
10 decide this case and resolve this dispute should come from
11 this courtroom where it is subject to constitutional
12 scrutiny and protection. Do not violate the integrity of
13 this case. Hope y'all have a very pleasant evening. I
14 think it's going to cool down tonight from what I heard.
15 See y'all tomorrow morning at 9:30, please. Thank you.

16 (WHEREUPON, the jury left open court at
17 approximately 4:40.)

18 THE COURT: Okay. What's next?

19 MR. MAULDIN: Your Honor, I understand that the
20 Court would allow us to present a couple of issues during
21 this brief recess before we break for the night. One is
22 we filed a motion and it just seems like forever ago, I
23 guess it was yesterday, on the spousal immunity statute.

24 THE COURT: This is another generational issue,
25 Mr. Mauldin.

1 MR. MAULDIN: Your Honor, I do lose track of
2 time sometimes in these cases. But we filed a motion
3 regarding the spousal immunity statute and would like to,
4 at least, put that presentation with you at this point.

5 MR. MULLIN: Your Honor, Conner Mullin for the
6 Defense. Briefly, what gets lost here very easily is the
7 fact that Defendant Clarence Jenkins and State's star
8 witness are husband and wife.

9 THE COURT: I don't think that's been lost.

10 MR. MULLIN: Well, they've been married since
11 December of 2006. They were married at the time of the
12 indictment and they're currently married. And South
13 Carolina General Assembly says that has consequences here.
14 According to South Carolina code and subsequent case law,
15 and I quote "The spousal privilege provides that in
16 criminal cases, married persons cannot be compelled to
17 testify against their spouses concerning any communication
18 made between them during their marriage.

19 Now, here, Carmen Jenkins first broke the
20 spousal privilege around September of 2009 when she led
21 authorities to the body. And that was to avoid the death
22 penalty, Your Honor, plain and simple. Now, there are
23 cases we all agree that would be improper that the State
24 cannot prosecute someone for not testifying against their
25 spouse. The State can't hold someone in contempt for not

1 testifying against their spouse. And those things pale in
2 comparison to the threat of the death penalty, Your Honor.
3 There has been no showing that Ms. Jenkins knew about the
4 privilege, that she was informed about the privilege, let
5 alone it was a voluntary waiver. The remedy seeking is
6 that she be allowed to testify as to that which she saw
7 without betraying the underlying privileged communication
8 with the Defendant.

9 THE COURT: Okay. Well, do you -- I mean, we
10 don't know that -- as you said, there's no evidence to say
11 that she waived, but there's no evidence to say that she
12 didn't waive. And the exercise of the spousal privilege,
13 in my understanding, requires an assertion of that
14 privilege. It's not -- you have to assert it to avail
15 yourself of it.

16 MR. MCDOUGAL: That's correct, Your Honor. But
17 you also cannot be compelled to testify. We would submit
18 that the threat of the death penalty -- she's going to be
19 here testifying having already been given 50 years
20 sentence. But depending on her testimony, that could be
21 shaved by decades. We would argue that the entire process
22 renders it involuntary.

23 THE COURT: Renders the non-assertion?

24 MR. MULLIN: Well, by asserting any testimony,
25 she is effectively waiving her spousal privilege, Your

1 Honor.

2 THE COURT: Well, is she up here? I mean, if
3 she's got a lawyer. Her lawyer's back there.

4 I didn't mean to steal your thunder, Mr.
5 Wilkins. What do you want to tell me?

6 MR. WILKINS: I'm use to it, Your Honor. Not by
7 you, Your Honor.

8 THE COURT: Oh, okay.

9 MR. WILKINS: We would simply say, Your Honor,
10 the assertion is hers and hers alone. She can only assert
11 it when she's called to testify and at the appropriate
12 time and place in which she had the ability to assert it.
13 And that's been upheld in the legislation that was enacted
14 through section 19-11-30. It's, certainly, upheld in the
15 case they site in their own motion as well. So we would
16 argue that's still good law and is still in place today.
17 By trying to bootstrap a certain death penalty notice or
18 maybe even indictments, maybe even a charge to something.
19 Who knows what comes next? It's really not the
20 legislative intent of this. It's simply something that
21 Carmen may assert and she may not assert. And that's
22 really up to her. When she gets in that stand right
23 there, that's when she makes that decision.

24 THE COURT: Well, his position is, of course,
25 that what she has already done is, basically, testimonial

1 in nature. But we will -- why don't we all be here a
2 little earlier in the morning and just put her up and see
3 what she has to say outside the presence the jury.

4 MR. MULLIN: Your Honor, if I may, there's case
5 law that says pointing authorities to evidence triggering
6 spousal privilege. It's not just getting up on the stand.
7 She's already broken it. She broke it when they took off
8 the death penalty.

9 THE COURT: That's what I'm offering you an
10 opportunity to examine her tomorrow to determine whether
11 she was going to assert the privilege or not. She's the
12 one that's either got to assert it or not assert it. I'm
13 presuming at the time -- I guess your position is that her
14 will was so overpowered by the consequences of the acts
15 and then the potential results of the acts that she
16 committed that her will was overborne? Is that a fair
17 statement?

18 MR. MULLIN: That's correct, Your Honor. It's
19 show us the body or you risk death.

20 THE COURT: Well, I don't know exactly how that
21 happened. I don't think that how the sequence of events
22 occurred. From what I remember hearing is her lawyers
23 went to the State and said hey, take it off the table, she
24 will -- I don't think she ever spoke to the --

25 MR. MULLIN: Solicitor Ariail was the one that

1 initiated the discussions with Mr. Crane to find the body,
2 Your Honor.

3 THE COURT: Yeah, that's what I'm saying. I
4 don't think anybody grabbed Carmen by the --

5 MR. WILKINS: Carmen never told law enforcement
6 anything.

7 THE COURT: Okay. So your -- well, we'll just
8 be here in the morning and you all can find out outside
9 the presence of the jury if she wants to assert that
10 privilege.

11 MR. MULLIN: Thank you, Your Honor.

12 THE COURT: Okay. All right.

13 Anything else?

14 MR. MAULDIN: Your Honor, one moment. Your
15 Honor, this is a -- fortunately, you, this Court, has been
16 present for these proceedings with regard to the sentence,
17 the potential sentence reduction and the mandatory
18 minimum. And let me make sure that -- I want to make sure
19 I understand what the rules are. Because here's what
20 we've got. This witness knows, because she's been present
21 in the courtroom when the State has taken the absolute
22 position in this case and stated to the Court what it's
23 legal position is that the Court is not bound by mandatory
24 minimum on the motion to reduce the sentence.

25 THE COURT: We've been through this.

1 MR. MAULDIN: I know, I know. But here's the
2 problem. If she gets on that witness stand and says the
3 least I can get is 30 years, that is simply a fraud on
4 this jury.

5 THE COURT: Why is that?

6 MR. MAULDIN: Because she knows that the State
7 intends to seek less than that, that's what they've told
8 her. That's what the deal is. And I don't think she
9 should be allowed to say something to this jury that they
10 read about six months later just didn't happen.

11 THE COURT: Well, I think I cleared that up at
12 the hearing, the last hearing we had. She was under oath.
13 She said no one had told her she could get less than the
14 mandatory minimum. I mean, I don't have the transcript,
15 but I remember clearing that up because of my concern for
16 potential post-conviction relief and the results of all
17 kinds of collateral results. And I made it clear to her,
18 and I'm the sentencing judge, and I would not violate the
19 statutorily enumerated mandatory minimum sentence for
20 murder.

21 MR. MAULDIN: Well, but Judge, aren't we trying
22 to put this case to this jury to decide this Defendant's
23 guilt or innocence?

24 THE COURT: That's what we are doing.

25 MR. MAULDIN: All right. So what we have is the

1 prosecutor out of one of his mouth is saying to this
2 Court, the same Judge, we intend to seek a sentence less
3 than mandatory minimum. They've said that clearly and
4 clearly. So when she gets on the witness stand and I ask
5 her questions about the deals that she has made with the
6 government in this case, she is going to be allowed to
7 testify that she can't get less than 30 years? Because
8 that's just a lie. That is a fraud on this case.

9 THE COURT: Mr. Mauldin, that, I don't think is
10 a correct statement. It is not a fraud on the Court. I
11 have explained it to her. And I am the sentencing judge.
12 By order of the Supreme Court, which -- when the capital
13 notice was served, I was given exclusive jurisdiction over
14 this case. That order has not been rescinded. So I have
15 exclusive jurisdiction.

16 MR. MAULDIN: One moment.

17 THE COURT: Okay.

18 MR. MAULDIN: One moment, Your Honor.

19 THE COURT: Okay.

20 MR. MAULDIN: Your Honor, with all due respect,
21 I want to make sure that the Court is aware of my concern
22 about whether or not this jury is receiving misleading
23 information that we actually have gotten a letter from the
24 solicitor saying what he intends to do. And that just
25 stresses me to no end.

1 THE COURT: I can tell that. I can tell that.
2 No, I'm worried about you, Mr. Mauldin.

3 MR. MAULDIN: I understand that's good legal
4 language, but I'm just sitting here trying to represent
5 this fellow. And I'm sitting here watching this happen
6 before my very eyes. And I just don't think that's fair.
7 So I'm going to ask that the Court reserve judgment until
8 she takes the witness stand.

9 THE COURT: Reserve judgment on what?

10 MR. MAULDIN: On whether or not the witness
11 would be allowed to testify that the mandatory -- she
12 understands the mandatory minimum in this case is 30
13 years. I don't know whether that's what the State is
14 going to ask her. Because the State is going to turn
15 around and say the Court shouldn't be bound by that. Now,
16 that is just not honesty. Again, I don't know whether
17 that's what they're going to do or not.

18 THE COURT: Well, he has stated, Mr. Wilkins has
19 stated that's his position. I have told him that it will
20 not happen in this case. And I believe that he's going to
21 have to pursue a remedy. If he thinks that's what should
22 be the law, then it's going have to be the law issued by
23 the general assembly.

24 MR. MAULDIN: I'm worried about this jury
25 hearing the truth, that's what I'm worried about. And

1 that's why I don't think it's fair. I just want the Court
2 to be aware of that.

3 THE COURT: Okay. Well, I'll say this, if
4 Ms. Jenkins gets up and says somebody did promise her less
5 than 20 years, then we've got some issues. Or less than
6 30 years, pardon me.

7 MR. MAULDIN: Well, I mean, when you brought her
8 back out last week -- I asked -- by the way, I asked the
9 court reporter for a transcript of that. It's a different
10 court reporter than we have today, but I asked her for a
11 transcript. I just haven't gotten it. So I don't know
12 the answer to that. But she did say that she had not been
13 told that she could get less than 30 years. We certainly
14 have issues with that. But be that as it may, I heard her
15 say that. The problem we is that the prosecutor who is
16 prosecuting the very case that this issue is alive in,
17 is -- has officially told you, the Judge, that he intends
18 to seek less than that.

19 THE COURT: Well, what rule is it that says once
20 a ruling is made, it would be improper for an attorney to
21 continue to pursue that issue. I think Mr. Wilkins is
22 familiar with that. I believe that that issue is moot.

23 MR. MAULDIN: I'll just -- I'll rest until
24 tomorrow, Your Honor. I don't know how well I'll rest,
25 but I'll rest.

1 THE COURT: I see Mr. Wilkins has risen. I
2 don't think there's anything --

3 MR. WILKINS: I don't mean to expound on this.
4 I just want to tell the Court and I want it on the record
5 that Mr. Mauldin's representation of what I have offered
6 the Defendant is absolutely incorrect. I have never
7 offered her a sentence less than 30 years. I never said
8 that her and I've never told her I would promote a
9 sentence less than 30 years. All I have said is that my
10 legal position on the session that allows us to reduce a
11 sentence would allow a judge to go below the mandatory
12 minimum. I never said to her or her lawyer that I would
13 agree that she should go below 30 years, ever.

14 THE COURT: Okay. I think you said that at the
15 last hearing.

16 MR. WILKINS: Thank you, Your Honor.

17 THE COURT: Okay.

18 All right. Anything else?

19 MR. MAULDIN: Nothing further, Your Honor.

20 THE COURT: Okay. We'll y'all get here about
21 9:15 in the morning to see if we can take care of the
22 spousal privilege issue.

23 (WHEREUPON, the proceedings were concluded for
24 the day to be reconvened on April 11, 2012.)

25

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	2011-GS-23-7258A;
	)	2008-GS-23-8409
	)	
	)	
STATE OF SOUTH CAROLIAN	)	
	)	COPY
PLAINTIFF)	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
CLARENCE JENKINS	)	VOLUME II
DEFENDANT)	)	

April 9-13, 2012
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, Judge; and a jury.

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1 Wednesday, April 11, 2012

2 THE COURT: All right. Y'all ready?

3 MR. MAULDIN: Your Honor, we do have some --
4 well is Carmen the next witness, first witness?

5 MR. WILKINS: Carmen will be our next witness.

6 MR. MAULDIN: We do have a matter that we could
7 take regarding the calling of the next witness.

8 THE COURT: Okay. Well, let's get to it.

9 MR. MAULDIN: Your Honor, the first question
10 that relates to calling the next witness is the spousal
11 immunity motion that was made taken under advisement by
12 the Court.

13 THE COURT: Right.

14 MR. MAULDIN: Or, at least, held in abeyance.

15 THE COURT: Okay.

16 MR. MAULDIN: What I understood the Court wishes
17 were would be to bring her in out of the presence of the
18 juror and the Court make an inquiry -- or I don't know
19 who's going to make the inquire. We're prepared to, but
20 you know what you want to ask her. So it doesn't matter
21 to me whether it's you or us. This is a pending motion
22 that is going to depend directly on what her answers are.

23 THE COURT: Your Honor, what's your next motion?

24 MR. MAULDIN: Pardon me?

25 THE COURT: What are you talking about? Do you

1 have another motion with respect to this?

2 MR. MAULDIN: The spousal immunity motion.

3 THE COURT: Right.

4 MR. MAULDIN: We believe the Court was going to
5 bring her in and inquire --

6 THE COURT: Correct.

7 MR. MAULDIN: We feel like that ought to be done
8 before the jury comes in.

9 THE COURT: Correct.

10 MR. MAULDIN: All right. The next question,
11 Your Honor, would be that Carmen Jenkins is a State's
12 witness. And this case began on Monday morning. At that
13 time, this Court issued an order sequestering witnesses.
14 That sequestration order would, by nature, apply to
15 Ms. Jenkins. Now, we don't know who has talked to Carmen
16 Jenkins in the last three days. We don't know if anyone
17 has talked to Carmen Jenkins in the last three days.

18 THE COURT: That makes two of us, Mr. Mauldin.

19 MR. MAULDIN: But if she has consulted with the
20 State, then, of course, the State knows the rules about
21 what they can talk to a sequestered witness about during
22 an ongoing trial. If she has spoken to her counsel, Mr.
23 Crane, who has been in and out of the courtroom the last
24 three days, then that's got to be dealt with. Because,
25 otherwise, if she is a sequestered witness and matters

1 have been shared with her relating to matters that have
2 occurred in this courtroom, whether in the presence of the
3 jury or not, then this Court is going to have to make a
4 determination of whether that is consistent with a
5 sequestrational witness order. And that inquiry has got
6 to be made. It's got to be made before she testifies.

7 THE COURT: One thing I try not to get into is
8 to cross a bridge before I get to it. So let's go forward
9 with this and see where it goes. Okay.

10 MR. MAULDIN: Okay.

11 MR. WILKINS: Your Honor, briefly just put
12 something on the record real quick. We would object to
13 any discussion with Carmen Jenkins until she is sworn
14 testifying before a jury. This is her third time she's
15 been called in here. She's been called in to determine
16 how many times we met with her. She's been called in here
17 as to what her understanding is of the deal. And now,
18 she's being called in here about the spousal immunity.

19 THE COURT: Well, there's a statutory right to
20 spousal immunity. I'm just going to ask her if she wants
21 to assert that.

22 MR. WILKINS: Your Honor, just simply for the
23 record. I understand that. We would submit that these
24 motions made by the Defense counsel are nothing more than
25 attempted intimidation factors. It's difficult for a

1 cooperating co-defendant to come in a testify in the first
2 place. But she's come in one, two, three times to face
3 her husband in court and having to come in face the jury,
4 it is unusual, at least, in my experience and difficult
5 for the witness and may cause her concern and difficulty
6 in testifying as to what she may or may not testify to.
7 So just for the record, I just wanted to put that on the
8 record.

9 THE COURT: Well, if she doesn't find this to be
10 a difficult situation, then I would be amazed by that.
11 Any person should find this an extremely difficult
12 situation based on the events that have occurred and her
13 current status.

14 Okay. Let's bring her in.

15 MR. MAULDIN: Your Honor, what-- one additional
16 matter, Your Honor. I'm trying to keep from having people
17 go in and out. We have shown is the State a series of
18 prints that came off an exhibit that's in evidence. These
19 are, essentially, Your Honor -- I'll pass them up to you
20 if you want to take a look at them. I've shown them to
21 Mr. Wilkins. And I want to make sure I've got an
22 understanding before -- so we won't have to send anybody
23 out. We're proposing that these prints, as one document,
24 there's six of them, be marked for demonstrative purposes
25 only. We are not offering them in evidence. The video,

1 best evidence, is already in. These were lifted from the
2 video and would be used on the Elmo to have the witness
3 identify so we wouldn't have to go back and forth on the
4 video. I don't know what Solicitor Wilkins' position, but
5 I think I do.

6 MR. WILKINS: Our position is we would not
7 oppose that, assuming they would agree to allow us to use
8 the best evidence of a library of videos. They're long
9 and it takes five minutes for them to load up on the
10 computer. We have cut clips of those on our computer. We
11 have shown them to Mr. Mauldin. It will speed things up
12 by 15, 20 minutes. If we can use that as a demonstrative,
13 we don't oppose them using their demonstrative of evidence
14 that's already been submitted.

15 THE COURT: Sounds like some horse trading,
16 Mr. Mauldin.

17 MR. MAULDIN: Go ahead and mark this --

18 THE COURT: I presume you're okay with
19 Mr. Wilkins doing that?

20 MR. MAULDIN: Oh, yeah. Oh, yeah. I don't
21 know, Your Honor, that she even needs to make it since
22 it's a demonstrative aid.

23 THE COURT: No, she doesn't have to mark it
24 unless you just want to make it a Court's Exhibit or
25 something.

1 THE CLERK: Please place your left hand on the
2 Bible, raise your right.

3 CARMEN JENKINS, after being duly sworn,
4 testified as follows:

5 THE CLERK: Please state your name for the
6 record.

7 THE WITNESS: Carmen Major Jenkins.

8 THE CLERK: Thank you.

9 EXAMINATION

10 BY THE COURT:

11 Q All right, Ms. Jenkins, how are you doing this
12 morning?

13 A I'm doing all right.

14 Q Okay. I just need to ask you a few preliminary
15 questions. Are you married to Clarence W. Jenkins?

16 A Yes, sir.

17 Q Where and when were you married?

18 A In Greer in 2006.

19 Q Okay. Y'all got a marriage license and all that good
20 stuff?

21 A Yes, sir.

22 Q So you're legally married?

23 A Yes, sir.

24 Q All right. I want to inform you that -- I don't have
25 the statute right in front of me, but South Carolina

1 code of laws -- I do have it right in front of me.
2 19-11-30, is entitled competency of husband or wife
3 of party as witness, okay. So I'm going to read the
4 first part of it to you. In any trial or inquiry in
5 any suit, action or proceeding in any court or before
6 any person having by law or consent of the parties
7 authority to examine witnesses or hear evidence, no
8 husband or wife may be required to disclose any
9 confidential in any criminal proceeding, any
10 communication made by one to the other during their
11 marriage. Do you understand that?

12 A Yes, sir.

13 Q Okay. So you cannot be forced in this court to
14 disclose things said to you by your husband. Do you
15 understand that?

16 A Yes.

17 Q While you can't be required to disclose, you can
18 voluntarily disclose? Okay. Do you understand that?

19 A Yes.

20 Q All right. So I am asking you, do you want to assert
21 your right pursuant to this statute to not talk about
22 things that your husband said to you?

23 A I'm fine talking.

24 Q Okay. Well, do you want to assert your right not to
25 do it? Not to talk about what your husband said?

1 Does that make sense?

2 A I want to tell what happened.

3 Q Okay. Do you want to tell what your husband said?

4 A Yes.

5 Q Okay. Has anybody forced you in any way to come to
6 that conclusion?

7 A No.

8 Q And have you been coerced in any way?

9 A No.

10 Q All right. And is this your decision?

11 A Yes.

12 Q Made freely and voluntarily?

13 A Yes, sir.

14 Q Okay. Do you have any questions you want to ask me
15 about this particular statute?

16 A No, sir.

17 Q Okay. All right. Okay. This is complicated legal
18 stuff. You may return to your -- I guess we'll ask
19 you to step back.

20 MR. MAULDIN: Your Honor, you might ask her if
21 she's aware of the pre-trial motion regarding the things
22 that have ruled out of evidence, just to make sure she
23 doesn't, you know.

24 BY THE COURT:

25 Q Well, there are a couple of things, some items that

1 are not -- that we've -- I have decided are not
2 appropriate to be brought out in this trial. And
3 that is any knives or swords that were in your
4 household or in your automobile, okay, that are not
5 the subject, not part of the events for which this
6 trial has been commenced. Does that make sense?

7 A Yes, sir.

8 Q Okay. So if there were some swords or something in
9 the house or some knives or swords in a car that
10 didn't have anything to do with this, don't mention
11 them, okay?

12 A Yes, sir.

13 Q That's just so we don't have undue prejudice, okay?

14 A Okay.

15 THE COURT: All right.

16 MR. MAULDIN: Other allegations regarding bad
17 acts, crimes are also an additional motion, Your Honor.
18 Statements regarding other incidents that are in her
19 statement. And I'll be glad to show that to the Court.

20 THE COURT: I've never seen her statement.

21 MR. MAULDIN: Well, the motion was and granted,
22 I think by consent, that there would be no references to
23 other unrelated act of a criminal nature or otherwise.

24 MR. WILKINS: There are a couple of instances in
25 her statements where she says that the Defendant went and

1 killed somebody and cut his head off and did something
2 like that. We're not going to ask her about that
3 unrelated event or that he knew some MS-13 gang member.
4 We're not going to ask her about that. I don't want her
5 to talk about that because that has nothing to do with
6 this case. However --

7 THE COURT: You hear that?

8 MS. JENKINS: Yes, sir.

9 MR. WILKINS: In this -- in all the letters that
10 have been admitted into evidence already, it talks about
11 an organization, come back to the organization. And I'm
12 going to ask her have you ever heard Clarence talk about
13 the organization, what does that mean? I don't know what
14 she's going to say. I believe she's going to say
15 something to the effect of I don't know, just something
16 that he would talk about. So I don't know -- and I don't
17 want to -- the organization is in evidence.

18 THE COURT: Yes.

19 MR. WILKINS: So I'm going to ask her what does
20 she know about the organization.

21 THE COURT: Okay.

22 MR. MAULDIN: And --

23 THE COURT: You understand we're not going --
24 you can't just go slinging mud is a simple way of saying
25 it.

1 MS. JENKINS: Yes, sir.

2 THE COURT: Confine yourself to the events that
3 we're here for.

4 MS. JENKINS: Yes, sir.

5 MR. MAULDIN: Last item, Your Honor. I would
6 ask that the handcuffs and chains that she's in would be
7 removed while she's in the presence of the jury testifying
8 as a State's witness. That is an unnecessary and
9 prejudicial visual image and we just don't think it's
10 appropriate. It's irrelevant to the facts of this case.
11 It's a display that is irrelevant to the trial that's
12 going on right now. So we ask that she be allowed to come
13 in in the orange jump suit, but not with her hands and
14 waist chained and her feet chained.

15 THE COURT: Well, I don't insinuate myself into
16 the security measures of the courthouse.

17 MR. WILKINS: Our policy would be have her
18 restrained.

19 THE COURT: Okay. Well, I don't -- I would
20 say -- I mean, I think we can take her hands out of the
21 handcuffs, but her legs -- I don't want her to be able to
22 run.

23 No offense to you, ma'am, but this is a security
24 policy, okay. Is that acceptable? If you do something
25 and you act out, these guys know what to do. Do you

1 understand that?

2 MS. JENKINS: I understand that.

3 THE COURT: Okay.

4 All right.

5 All right, anything else?

6 MR. WILKINS: Nothing from the State.

7 MR. MAULDIN: Nothing from the Defendants, Your
8 Honor.

9 THE COURT: Mr. Lynch, we got them all?

10 THE BAILIFF: Yes, sir.

11 (WHEREUPON, the jury came into open court at
12 approximately 10:40 a.m.)

13 THE COURT: All right. Ladies and gentlemen of
14 the jury, welcome back. I hope y'all had a pleasant
15 evening. It did get brisk last night. Does anybody have
16 anything to report about inappropriate contact, direct or
17 indirect?

18 (There was no response.)

19 Okay. Great. We're ready to get started.

20 Mr. Wilkins, next witness.

21 MR. WILKINS: Your Honor, the State calls Carmen
22 Jenkins.

23 THE COURT: All right.

24 THE CLERK: Ms. Jenkins, if you'd come forward
25 and place your left hand on the Bible, raise your right.

1 CARMEN JENKINS, after being duly sworn,
2 testified as follows:

3 THE CLERK: Thank you. You may be seated.
4 Please state your name for the record.

5 THE WITNESS: Carmen Major Jenkins.

6 THE CLERK: Thank you.

7 DIRECT EXAMINATION

8 BY MR. WILKINS:

9 Q Ms. Jenkins, make sure you speak up and clearly into
10 the microphone so the jury can hear you, okay?

11 A Yes, sir.

12 Q Ms. Jenkins, where do you currently reside?

13 A In Greenville County detention center.

14 Q Now, let's go back. Where did you grow up?

15 A In Greenville County.

16 Q Where did you go to school?

17 A I went to Carolina High School and Spartanburg
18 Methodist College.

19 Q You graduated from Carolina High School?

20 A Yes, sir.

21 Q About when did you graduate high school?

22 A In 2005, May 2005.

23 Q And did you grow up -- where did you grow up?

24 A We lived in the Grove section area from when I was in
25 middle school until after I met my husband.

1 Q And who y'all did you live with growing up?

2 A My mother and my brother.

3 Q And did you play any sports in high school?

4 A I played church basketball and I was in the marching
5 band in school.

6 Q And after you graduated high school, you said you
7 went on to college?

8 A Yes, sir.

9 Q What college was that?

10 A Spartanburg Methodist College.

11 Q What were you study at Spartanburg Methodist College?

12 A Business administration.

13 Q And while you were in college, did you ever have
14 occasion to leave college?

15 A Yes, my mother became ill so I went home to work and
16 take of my family.

17 Q About what year did you leave college and come on
18 home?

19 A 2006, October of 2006.

20 Q And you came home, what were you doing at home while
21 --

22 A Excuse me, October of 2005.

23 Q October 2005?

24 A Yes, sir.

25 Q When you came home, what were you doing?

1 A I was looking for a job and I acquired employment at
2 Pasden Smith Group architect firm.

3 Q And how was your mother's health at that time?

4 A She had heart problem and knee replacement surgery.
5 She was just now going back to work. So she was
6 still pretty ill, struggling to walk around.

7 Q Were you the sole caregiver for her at that time?

8 A Yes.

9 Q You say you got a job at Pasden Smith; is that
10 correct?

11 A Yes, sir.

12 Q What did you do there?

13 A I was the courier, made copies and took architect
14 documents to firm, other architect firms and
15 agencies, construction agencies.

16 Q How long did you work there?

17 A About three months.

18 Q So what did you do after that?

19 A I worked the bowling alley, Star Lane Bowling Alley
20 at Greenville Technical College.

21 Q What were your duties there?

22 A I was a lane server. I distributed food and took
23 orders, took care of the bowlers.

24 Q And did you stay there long?

25 A Until I became pregnant.

1 Q Well, let's go back. Did you have an occasion to get
2 married?

3 A I got married in December of 2006.

4 Q All right. Who did you marry?

5 A Clarence Jenkins, Jr.

6 Q Is he in the courtroom today?

7 A Yes.

8 Q Where is he sitting?

9 A Right near the Defense table.

10 MR. WILKINS: Let the record reflect she has
11 pointed out the Defendant.

12 BY MR. WILKINS:

13 Q Tell me about how you and Clarence got together?

14 A While I was staying in Grove Station Apartments with
15 my mother, he moved upstairs in the apartment right
16 above from us. And helping him and his family, we
17 end up talking for a lot of occasions and began a
18 relationship together. And I ended up pregnant and
19 we got married a few months later.

20 Q When did you get pregnant?

21 A In June of 2006.

22 Q And when did y'all get married?

23 A In December 2006.

24 Q When was your -- did you have your first child?

25 A Yes, sir.

1 Q A girl?

2 A Yes, sir.

3 Q When was she born?

4 A March 25th, 2006.

5 Q And after y'all got married, where did y'all live?

6 A We lived in Grove Station until September, then we
7 moved to Duncan near BMW plant. And we moved again
8 with my mother, moved again to the Welcome area.

9 Then we moved -- we stayed there for a few months.

10 And our relationship started to change.

11 Q All right. Before we get into all of that, how was
12 your relationship initially? What kind marriage did
13 you and Clarence have? Did -- just briefly in
14 generalization?

15 A I mean, at first, we had a good marriage, very open
16 and he was very loving. And then he started to
17 change and become very controlling of how I could
18 talk to my mother or go anywhere. I wasn't allowed
19 to go anywhere or talk to my mother on the phone by
20 myself. I had to be on speaker phone with my mom or
21 anybody else. Or I always had to have like a
22 chaperone, him or his mother, to even visit my own
23 mother.

24 Q You're a grown woman, correct?

25 A Yes.

1 Q You couldn't go see your mom?

2 A I was not allowed to, no.

3 Q Why not?

4 A He would become angry with me and threaten me often.

5 And I was scared. So I did what he asked me to do.

6 Q So during that time, did you have a lot of
7 relationships outside Clarence?

8 A No. I've had like two previous boyfriends.

9 Q But during your marriage, did you spend a lot of time
10 with your mom?

11 A Not after the first about five months.

12 Q And when you talked with her, what would he do?

13 A He would have always be standing there and I'd have
14 to be on speaker phone with her. And he would get
15 mad if I said anything that would contradict anything
16 that he would want me to say.

17 Q What about visits to your mom or family members?

18 A I really didn't visit with any of my other family
19 members, just my mother. And I would have to be with
20 him or his mother or his sister, on like one occasion
21 with his sister.

22 Q Now, you said you reside in the law enforcement
23 center, correct?

24 A Yes, sir.

25 Q Why do you reside in the law enforcement center?

1 A I'm also here for the same charges he is here for.

2 Q Have you plead guilty to any charges?

3 A Yes, sir.

4 Q What did you plead guilty to?

5 A Murder.

6 Q Of who?

7 A Mekole Harris.

8 Q Now, before you pled guilty, did you talk with law
9 enforcement?

10 A Yes.

11 Q About this incident?

12 A Yes.

13 Q All right. Did you sign an agreement with the
14 prosecutor's office?

15 A Yes.

16 Q Do you remember that agreement?

17 A Yes.

18 Q What were the terms of that agreement, do you
19 remember?

20 A That I tell the truth.

21 Q And did that agreement agree not to use those words
22 against you that you were telling the prosecution?

23 A Yes.

24 Q And so you came to law enforcement and you told law
25 enforcement what you believed happened in the death

1 of Mekole Harris?

2 A Yes.

3 Q Later -- you just said you pled guilty to the murder
4 of Mekole Harris; is that correct?

5 A Yes, sir.

6 Q All right. And did you receive a sentence?

7 A Yes, sir.

8 Q How much time did you receive after your guilty plea?

9 A Fifty years.

10 Q Now, are you here voluntarily?

11 A Yes.

12 Q All right. Now, are you hoping that you're going to
13 get a reduction in your sentence?

14 A Yes, sir.

15 Q All right. How are you going to get a reduction in
16 your sentence?

17 A By telling the truth here.

18 Q And if you tell the truth, is the prosecutor's office
19 going to do anything for you?

20 A Ask for a sentence reduction.

21 Q And who's going to decide how much time that you're
22 sentence is going to be reduced from?

23 A A judge.

24 Q Do you have any idea what that's going to be?

25 A No.

1 Q Now, let go back to your marriage with the Defendant.
2 Was there an occasion where y'all separated for a
3 little while?

4 A Yes.

5 Q About when was that?

6 A August of 2007 -- well, July of 2007.

7 Q Why did y'all separate?

8 A He was unhappy with the way I was keeping our house.

9 Q And where did he go?

10 A He stayed at our home and I have went to my mother's.

11 Q Did y'all reunite?

12 A Yes.

13 Q And you say he was unhappy with the way you were
14 keeping your home, how were your supposed to keep
15 your home?

16 A Washing dishes, clean cloths, keeping the house clean
17 as in just regular standards, I assume. But he was
18 very picky about everything.

19 Q So did he ask you to leave or did you decide to get
20 up and leave?

21 A No, he asked me to leave.

22 Q So at that time, where were your living?

23 A I was living with my mother.

24 Q Did y'all have the occasion to reunite?

25 A Yes.

1 Q How did -- tell the jury about y'all reunited.

2 A We talked on a daily basis while I was staying with
3 my mother. Eventually, he told me that he had found
4 another woman and he wanted all three of us to live
5 together. And if I agreed upon her living with us,
6 then I could also come home.

7 Q Did he ever give you criteria for you to be able to
8 come home?

9 A I had to be able to keep the house clean and be able
10 to be with both of him and her.

11 Q Who was her?

12 A Grace Davis.

13 Q Well, tell this jury about how y'all all three got
14 together?

15 A I believe that he met Grace Davis at his sister's
16 house where his mother resides, visiting his mother.
17 She began, I guess, to pursue a relationship with
18 him, and he, in turn, pursued one with her. And at
19 the same time talking with me on a daily basis. I'm
20 not sure what all happened between the two of them in
21 private moments, but, eventually, he came to me and
22 asked me if we could all be together. And he wanted
23 us to be together. So we all moved back into our
24 home. It was the three of us and her three children
25 and our one child at the time, and I was pregnant,

1 also.

2 Q All right. About what time of year?

3 A It was August, the middle of August, first or second
4 week of August of 2007.

5 Q Where did y'all all move into?

6 A In our trailer in the Welcome area.

7 Q Were y'all living together long?

8 A Not the three of us. For about a week -- not even a
9 week after we all moved in together, he had to go
10 away from a while.

11 Q And you can tell this jury, was he arrested?

12 A Yes.

13 Q Tell the juror how that happened.

14 A We were taking my brother to work and he was driving.

15 Q He who?

16 A Clarence was driving. And speeding down 385 and we
17 were pulled over by, I guess, the City. And he was
18 arrested for driving under suspension, bench warrant,
19 speeding, another driving under suspension. I was
20 arrested also for some bad checks. And my brother
21 was arrested for a bench warrant for general
22 sessions.

23 Q Was Grace Davis with you at the time?

24 A Yes, she was with us. She had to drive my mother's
25 car back to her house.

1 Q How long did you stay in the downtown LEC?

2 A I didn't stay, I just signed warrants and they
3 released me.

4 Q So when you left the law enforcement center, where
5 did you go?

6 A I called my mother and Grace and they both came and
7 picked me up. And we went to my mother's house, but
8 me, Grace and her three children went back to our
9 trailer in Welcome area.

10 Q That was in August of 2007?

11 A Yes, sir.

12 Q How long was Clarence away?

13 A Until December 1st.

14 Q Now, during August and December 1st, tell the jury
15 about your relationship with Grace and how y'all ran
16 a household and what your life was back then?

17 A First, we, myself and Grace, were just friends.
18 Later on, we started to have a romantic relationship
19 together. At first, we wrote Clarence and he was
20 slightly upset about us being together, but he
21 accepted it and, actually, I think he liked it. But
22 I worked on a daily basis at Sports Authority and
23 Grace stayed at home with our children or she went
24 and stayed with my mother because my mother had
25 another surgery on her knee, so she would have to go

1 to therapy every couple of days. And Grace would
2 take her therapy.

3 Q So would you say y'all were living a pretty
4 traditional domestic lifestyle at that point?

5 A Yes, sir.

6 Q Now, what happened when Clarence came home?

7 A The day he came home, we were actually with my mother
8 at the doctor. He called the cell phone. We picked
9 him up from the bus station and took my mother home.
10 And we had dinner, just played with the children.
11 The next day was actually our first year anniversary.
12 And he had wrote out some -- Clarence had wrote out
13 some vows while he was in prison. And we, the three
14 of us, myself, him and Grace, all recited these vows
15 and -- like the three of us getting married to each
16 other.

17 Q Let me go back, while Clarence was in prison, did he
18 communicate with you and Grace?

19 A Through letters.

20 Q What did he tell y'all while he was in prison?

21 A That we needed to stay on our toes, keep our house
22 together. There was always going to be somebody
23 watching us. He would always know what we were doing
24 and we needed to be careful about what we did, who we
25 talked to and where we went.

1 Q Did he tell you he was keeping tabs on you?

2 A Yes.

3 Q All right. I'm sorry. So Clarence comes home and
4 y'all do -- y'all engage in a three-way relationship?

5 A Yes.

6 Q And you just talked about some vows. Tell us about
7 the vows.

8 A I don't remember them word for word, but it was
9 saying that we committed to each other physically and
10 mentally and spiritually and that we would always be
11 together.

12 Q All right. Ms. Jenkins, I'm going to show you what's
13 marked as State's Exhibit 111. I want you to take
14 your time. I want you to take a look at these and
15 tell me what those are.

16 A These are the vows that he brought home and we all
17 signed them here vowing to be together with each
18 other, be faithful to death do us part, to honor the
19 Lord Jesus Christ and our God in everything we do and
20 in everything we way.

21 Q Now, did each one of you sign one of those?

22 A Yes, sir.

23 Q Was there a vow for each one of you?

24 A Yes.

25 Q Who wrote these vows?

1 A This is Clarence handwriting.

2 Q Are you able to recognize his handwriting?

3 A Yes. It's also -- well, the name place is my
4 handwriting and, also, Grace's handwriting.

5 MR. MAULDIN: I couldn't hear. Speak into the
6 microphone, please, ma'am.

7 THE WITNESS: There is one page for each of us
8 and on each paper, there is a different person's
9 handwriting on a blank line filling in the other person's
10 name. But the passages are wrote by him.

11 BY MR. WILKINS:

12 Q Are they very similar?

13 A Yes.

14 Q Now, tell the juror about the ceremony that y'all
15 went through.

16 A We were somewhere in our bedroom. Ever assume we
17 were in your bedroom. And I think we drank Welch's
18 grape juice. I was pregnant at the time. And after
19 we probably had sexual relations.

20 Q Did y'all give each other a ring or anything like
21 that?

22 A Not at that time.

23 Q Later on, did you?

24 A Yes.

25 Q So y'all committed personal vows to each other

1 through what you just described there. What's going
2 on with the relationship now? How did things go?

3 A For the first month or so, he's very controlling to
4 both of us. Very verbally abusive. We're not
5 allowed to go anywhere. I was still working at
6 Sports Authority when he came home and he pretty much
7 made me quite on the first day of the new year. He
8 hid the keys and I wasn't allowed to go anywhere that
9 day. He called in and told Sports Authority that I
10 was sick and in the hospital and I wouldn't be coming
11 in. And I didn't have any choice but to go along
12 with what he said. I was fired from Sports Authority
13 for lying about not being in the hospital. They
14 checked. We weren't allowed to go anywhere after
15 that without him or without his consent. We had to
16 be together, myself and Grace had to be together at
17 all times. He would always threaten us with
18 different objects. Just we weren't allowed to go
19 anywhere. Only place we could go is to like pick him
20 up. We had to work from home. We had actually
21 bought a computer and myself and Grace were supposed
22 to work from home on the internet to gain money.

23 Q Where was Clarence working during this time?

24 A He was collecting unemployment, but he was also
25 working under the table at this place in Anderson

1 County.

2 Q Would y'all take him to work or how did he get to
3 work?

4 A We would take him to work together.

5 Q All right. How was the relationship between you and
6 Grace during this time?

7 A When he was gone, me and her were fine.

8 Q Were your in love with her?

9 A Yes. We -- I think we were in love with him. I
10 think that's why both of us stayed for so long. But
11 it was mostly fear that kept up at the house with
12 him. And I didn't want to leave her there with him.
13 For a while, she didn't want to leave me there with
14 him alone, scared of what was going to happen to the
15 other person.

16 Q So y'all are living in this manner. Does Grace
17 decide it's time for her to go?

18 A Her children were taken away from her by Family
19 Court. And to get her children back, she had to
20 leave and find her own residence.

21 Q Did she tell you that she was going to leave?

22 A Yes.

23 Q What did she tell you, do you remember?

24 A It was the middle of March. It was right after I had
25 our second daughter.

1 Q So you had your second daughter?

2 A Yes, sir.

3 Q That's Clarence's child?

4 A Yes, sir.

5 Q Tell me about the delivery and going to the hospital?

6 A The night I went into labor, I was up a lot using the
7 restroom. They were both sleeping.

8 Q Just talk about -- so y'all went to the hospital?

9 A Yes.

10 Q How was the hospital visit?

11 A I wasn't allowed to speak with my mother. My mother
12 don't even know that I went into the hospital at all.
13 I was there with both of them, Grace and Clarence.
14 The whole time -- one of them was with me the whole
15 time I was the there.

16 Q Was anybody else allowed to visit you?

17 A His mother and his sister came to visit me.

18 Q What about your side of the family?

19 A Nobody knew I was there that I know of.

20 Q So after your second daughter is born, what do y'all
21 do?

22 A The -- all of us go back home. She still -- Grace
23 still has her three children that are with her and
24 we have our two daughters. We move. We are living
25 in the Tindal trailer park at this time.

1 Q Let me stop you right there. When did y'all move
2 from the Welcome area to the Tindal trailer?

3 A The end of February.

4 Q How did you get the money to move to the Tindal Road
5 trailer park?

6 A It was our income tax returns.

7 Q And during while Grace was there, did you ever visit
8 any of her family?

9 A We visited her mother during this time and her dad at
10 one point to help with the down payment for the
11 trailer. He refused to give the payment because of
12 Clarence mostly. He didn't agree with us being all
13 together.

14 Q Whose else in Grace's family did you visit? Tell the
15 jury a little bit about those visits that y'all did?

16 A We visited a few times with Grace's aunt who her
17 oldest stayed with at the time. Grace's oldest son
18 stayed.

19 Q Do you remember his name?

20 A Marquise. And he liked Clarence a lot. They would
21 talk a lot about video games and things. So they
22 became friends very quickly. Grace's aunt didn't
23 like the point of us all being together. Her mother
24 didn't like that. None of her family liked it.

25 Q How many times did you go to Sue Pearl Bostic's

1 house?

2 A While the three of us were all together, I think we
3 went twice.

4 Q Do you remember where Sue Pearl Bostic was living
5 during that time?

6 A Andover Apartments.

7 Q All right. What about Grace's momma, Judon Burnside,
8 do you remember how many times y'all went over there?

9 A I think we went over there twice, also. She stayed
10 off Church Street on Rose Street, I think.

11 Q And every time that Grace visited her family, were
12 you and Clarence with her?

13 A Yes.

14 Q And were they nice visits or not?

15 A They were not stressful, but not comfortable visits.
16 Nobody agreed with all of us being together. So it
17 was stressful trying to visit somebody that didn't
18 want you to be there.

19 Q All right. So you move out of Welcome and you go to
20 where?

21 A We move to the Tindal trailer park. And --

22 Q And then -- I'm sorry, you also said you visited
23 Grace's dad?

24 A Yes, visited his job at Greenville car wash. And she
25 asked him for money for the down payment for the

1 trailer and he refused to give it to her. We also --
2 she also talked with her dad's bossman, I think his
3 name was Eric. And he helped --

4 MR. MAULDIN: Your Honor, as to some witnesses
5 that's not testified, we'll object to hearsay.

6 MR. WILKINS: Eric Harris has testified.

7 THE COURT: Well, he's already testified.

8 MR. MAULDIN: Okay. All right.

9 BY MR. WILKINS:

10 Q Go ahead.

11 A He helps her -- he helps Grace's dad with his
12 finances. And so he didn't agree to giving the money
13 either.

14 Q Did you ever go to Grace's daddy's house?

15 A Myself and Grace by ourselves went once to ask him
16 again for the money without Eric being present.

17 Q Do you remember what his name was?

18 A Not right off, no, sir.

19 Q All right. So you get your income tax return and you
20 move to Tindal Road?

21 A Yes.

22 Q Do you remember about when that was?

23 A The last -- the third weekend in February, maybe.

24 Q You had your second child?

25 A March 3rd.

1 Q And y'all three are living at Tindal Road?

2 A Yes.

3 Q All right. You mentioned something about Grace
4 losing her kids?

5 A Yes, she lost her children the last week of February.
6 She stayed with us until she had talked with her son,
7 I think. On one occasion, I did take Clarence to
8 work by myself, so she had stayed at the house and I
9 believe she called her son while she was there. That
10 was pretty much the day before she left our house.

11 Q Now, let me stop you right there. While y'all were
12 at Tindal Road now -- can you see this diagram?

13 A No, sir.

14 (WHEREUPON, State's Exhibit No. 103 was marked
15 for identification only.)

16 BY MR. WILKINS:

17 Q You can't do -- come down here, I'll get you to look
18 the diagram in this State Exhibit 103 and see if you
19 recognize this.

20 A This is the layout of the park of our trailer at
21 Tindal Road.

22 THE COURT: Ma'am, please keep your voice up.
23 We have to take everything down, okay.

24 THE WITNESS: Yes, sir.

25 THE COURT: All right, thank you.

1 BY MR. WILKINS:

2 Q Now, explain where everybody was living with you and
3 Grace and Clarence?

4 A Myself and -- myself, Grace and Clarence, we all
5 stayed back in this back room in our bedroom. Her
6 two boys, her twin boys, they stayed in this middle
7 bedroom. And the baby also stayed in the room with
8 us. But our first child and her daughter, Sara,
9 stayed in the larger bedroom.

10 Q You can sit back down. I'm going to show you what's
11 State's Exhibit 28, already been admitted into
12 evidence. Do you recognize that photo?

13 A That's a photo of our trailer.

14 Q What the address?

15 A 105 Tindal Road.

16 Q So let's go back to Grace tells you that she's going
17 to leave?

18 A Yes, she's upset about her children. She wants her
19 children back, like any other mother would. And
20 she's scared to leave, but she knows she has to for
21 her kids. She says to me that she loves me and
22 she'll be back after she gets her kids. And she
23 talks with him. I'm not sure what they talked about.

24 Q Do you remember what day this was?

25 A Around the 15th.

1 Q Of?

2 A March, March 15th. Around that day, I'm not sure
3 exactly. She picked up her pocketbook and walks out
4 the door. And later on, we realized that she still
5 has one of the rings that he gave her and Clarence
6 send me to go get the ring. And I drive -- she gets
7 pretty far, so I drive up and catch her, get the
8 ring. She hugs me and tells me she loves me and that
9 she'll be back. She don't want to leave me, but she
10 has to go get her kids. I tell her I understand and
11 that I love her, also, and I want her to come back.

12 Q Were you upset that she was living?

13 A I understood why she was left, but yes, I was, but I
14 understood.

15 Q So after Grace leaves, what is it like at home?

16 A For about two or three days, he's pretty happy,
17 saying she was holding us back and that we could do
18 better without her anyway, our relationship could be
19 stronger without her. After that, then he changed
20 his mind and was acting scared and angry that she
21 left. And saying that she knew too much about the
22 organization that he was in. And she needed to come
23 back to our relationship because she was a partner in
24 our relationship, she knew too much. So he was angry
25 about that and said the organization would kill all

1 of us if she didn't come back.

2 Q Did you know anything about this organization?

3 A I never heard of it until that day.

4 Q So y'all were having these conversations about he's
5 upset and the organization, what did y'all do?

6 A He decided that he was going to write letters to
7 Grace and her family to make her come back to our
8 house.

9 Q Now, where did y'all decide to do this?

10 A What do you mean?

11 Q Where did y'all decide to begin writing letters to
12 make her come back to the relationship?

13 A We were at our house at that time. He started to
14 write out a letter and I helped him with the spelling
15 of words that he didn't know. Eventually, we typed
16 out the letter, took it to the library, Greenville
17 County library downtown, printed off the letters.

18 Q All right. Hold on right there now. What day was
19 this?

20 A Like March, maybe around the 20th, I'm not sure.

21 Q And who wrote out the letter?

22 A He handwrote out these letters, then I typed them up.

23 Q Did you ever write out any letters as well?

24 A I don't think so at that time. I'm not sure.

25 Q At a later time, did you write out some letters?

1 A Yes.

2 Q Did y'all go through multiple drafts?

3 A Yes.

4 Q And who came up with the idea of what the content of
5 the letter was?

6 A It was his idea.

7 Q And so you decided to go put it on you -- you decided
8 to type it out?

9 A Yes.

10 Q Okay. So where were you going to go to type it out?

11 A I believe I typed it at our house. We printed it off
12 at the library.

13 Q And how did y'all decide who y'all were going to send
14 it to?

15 A About a week or two after Grace left, Clarence went
16 to take video games to her son, Marquise, at Grace's
17 aunt's house.

18 Q Where was that at?

19 A Andover Apartments. And while he was giving him the
20 video games, I'm not sure if there was an occasion
21 that Marquise had left him alone with the phone, but
22 he had wrote down a bunch of names and telephone
23 numbers from the caller ID off the phone. So he used
24 those to lock up addresses in the phone book to mail
25 these off to different people.

1 Q So do you remember about what day y'all decided to go
2 type these letters out?

3 A I'm not sure exactly what day it was.

4 Q Do you remember what month?

5 A March.

6 Q Okay. All right. I'm going to show you what's
7 already been admitted into evidence, State's Exhibit
8 113. Have you reviewed these videos from the
9 library?

10 A With you.

11 Q Okay. Can you see that?

12 A Yes, sir.

13 (WHEREUPON, State's Exhibit No. 113 was played.)

14 BY MR. WILKINS:

15 Q Who is that walking in the library right there?

16 A That's myself.

17 Q Who is that right there behind you?

18 A That's Clarence.

19 Q And what was the purpose of going to the library?

20 A This visit, most likely is to type out the letter.

21 Q And, in fact, did y'all go to the library and type
22 out a letter?

23 A Yes, sir.

24 Q Had y'all gone to the library previous to that to
25 open up a Yahoo account?

1 A I think we opened it up the same day that we typed up
2 the letter, I'm not sure. I can't remember every --
3 we go to the library a lot to print off things.

4 Q Did y'all go to the library to open up a Yahoo
5 account?

6 A Yes.

7 Q Do you remember what the ID was?

8 A Johnevans and something, I'm not sure exactly.

9 Q All right. Now, I'm showing you the same library
10 footage here, which is State's Exhibit 113.

11 (WHEREUPON, State's Exhibit No. 113 was
12 continued to be played.)

13 BY MR. WILKINS:

14 Q Who's that there?

15 A That's myself.

16 Q What are you doing?

17 A Speaking with the receptionist. I'm not sure what --
18 I can't remember what about.

19 Q And do you remember how long it took you to go print
20 out the letter?

21 A I'm not sure how long we were there. Maybe -- not
22 even an hour maybe, I'm not sure.

23 Q All right. Do you see the time stamp up there on the
24 right-hand corner?

25 A Yes.

1 Q Would you agree with that time stamp?

2 A Yes.

3 Q And that says March 31st, 2008?

4 A Yes.

5 Q Military time 1749, which would be 5:49?

6 A Yes.

7 Q Now, do you remember if y'all checked out a computer
8 or -- do you remember if you used a library card to
9 check out a computer?

10 A A few days, we did, but I don't think we did to type
11 out the letters. I think we used one of the fast
12 access.

13 Q What's the fast access computers?

14 A When you use those, you don't have to use your
15 library card number to go into the computer, you
16 actually use it.

17 Q Are we looking at the fast access?

18 A I believe so. I think there's one more, but I'm not
19 sure.

20 Q So those you don't have to check out?

21 A No. You don't have to use your library card number
22 to use it.

23 Q What is the time limit you're given on those?

24 A Fifteen minutes.

25 Q All right. Do you recognize that person?

1 A That's Clarence.

2 Q Do you know what Clarence was doing there?

3 A I'm not sure, no.

4 Q I'm going to show you what's State's Exhibit 119 and
5 120, which have already been admitted into evidence.
6 And it's a printout from the library. I want you to
7 take a look at State's Exhibit 119. And it's already
8 been testified to that these user ID's are yours and
9 Clarence's. Would it surprise you that y'all checked
10 out a computer for 50 minutes on this day?

11 A It wouldn't surprise me, no.

12 Q Now, finally, we're going to show you the last part
13 of the video on March 31st.

14 (WHEREUPON, State's Exhibit No. 113 continued to
15 be played.)

16 BY MR. WILKINS:

17 Q Who is that?

18 A That's myself and Clarence.

19 Q Do you remember what he said to you there?

20 A No.

21 Q So are y'all leaving the library?

22 A Yes, sir.

23 Q What did he have in his hands when he left the
24 library?

25 A Most likely a copy of the letter that was sent to

1 Grace's family.

2 Q How many did y'all print at the library?

3 A I'm not sure.

4 Q All right. Well, I'm going to show you what's
5 State's Exhibit 108 on the overhead here. I want you
6 to take a look at that. Is that the letter you
7 typed?

8 A Yes, sir.

9 Q Is that the email address that you had set up?

10 A Yes.

11 Q And it refers to Willie is not worried about his debt
12 anymore. Who did you mean Willie to be?

13 A Willie is Grace's husband.

14 Q Now, did you type it or Clarence type it?

15 A I believe I typed this letter.

16 Q But you stated early he had written out a rough
17 draft?

18 A Yes, sir.

19 Q When y'all left the library, where did you go?

20 A I think we went to Bi-Lo and bought envelopes, I
21 believe, and stamps.

22 Q Did you make any copies of the letter at Bi-Lo?

23 A I believe that's when we made more copies of the
24 letter. We may have printed off one or two copies at
25 the library and printed off multiple copies at Bi-Lo

1 because it's cheaper there.

2 Q What did you do with the letters?

3 A We went home and addressed the envelopes from the
4 addresses that he had locked up from the phone book
5 off the caller ID at Grace's mother house and mailed
6 off the letters -- mailed the letter in post office
7 box that is in front of the Greenville News.

8 Q Is that downtown?

9 A Yes, sir.

10 Q How many letters did you send out?

11 A Maybe around seven, I'm not sure.

12 Q So how did you -- tell the jury how you decided which
13 addresses to send them to?

14 A He just got multiple names off the caller ID and
15 anybody he felt that really actually was part of
16 their family, he sent a letter to.

17 Q Who was the intended recipient of the letter?

18 A Grace.

19 Q Now, show you the envelope. I don't know if you can
20 see that. The postmark on there is March 31st?

21 A Yes.

22 Q Is that when y'all sent the letters?

23 A Yes, sir.

24 MR. MAULDIN: What Exhibit was that, please,
25 sir?

1 MR. WILKINS: Exhibit 108.

2 BY MR. WILKINS:

3 Q So you mail the letters, what do you do next?

4 A Go back home. I believe around the same time, we
5 were looking for Grace at the Family Court office at
6 Family Courthouse. And he sent me to look for her.
7 I fell asleep in the parking lot, so I didn't see
8 her. And I went back to him and told him I didn't
9 see her there and I don't know if she went to court
10 or not.

11 Q Where was Clarence during the time that you were
12 waiting in the Family Court parking lot for Grace?

13 A He was hiding in the park at Falls Park.

14 Q So after that, what did y'all do?

15 A We went to the job -- myself and Clarence went to the
16 job that we had. We were selling vacuums at the
17 time.

18 Q So how long were y'all selling vacuums?

19 A Manner two and a half weeks, maybe three.

20 Q What happened next?

21 A A few days after the letters were sent, he checked
22 the email a couple of times.

23 Q Where would he check the email from?

24 A I think he checked it maybe twice at the library, and
25 he checked it once at our house.

1 Q And why was he checking the email?

2 A To see if anybody had responded to the letter.

3 Q Okay. Does Clarence know how to check email?

4 A Yeah, I taught him how to.

5 Q So you're checking email. What happens next?

6 A Of course, nobody responds to the emails. And he's
7 very abusive towards me at this time and threatening
8 me on almost a daily basis. And then we start
9 working -- after working at this vacuum service, we
10 found out that sometimes when you're driving around
11 neighborhoods with the manager in the van that the
12 police get called sometimes. And he was scared of
13 being arrested for another DUS, and so we stopped
14 working there. And pretty much the next week, we
15 worked for Labor Finders. It's a day labor place.
16 You go every morning and they give you a job.
17 Sometimes you can report to the job for multiple days
18 in a row.

19 Q Where that located?

20 A Labor Finders in on Rutherford Road, I believe. And
21 we were working through them at this Ingles that's in
22 Easley, cleaning up the Ingles nighttime.

23 Q During this time, who is taking care of your kids?

24 A They stayed with his mother at his sister's house.

25 Q Is that where you typically took your kids when you

1 left them?

2 A Yes. They stayed there pretty much for about three
3 weeks almost daily.

4 Q When you say they stayed there for three weeks, what
5 three weeks are you referring to?

6 A Pretty much from a few days after Grace left until we
7 were arrested for this.

8 Q You were kids were at his mom's house?

9 A Yes. We would get them every couple of days, but,
10 mostly, they stayed there with her.

11 Q Continue.

12 A The last day that we worked at the Easley Ingles, we
13 got off work at about 3:00 in the morning. So he
14 decided he wanted to go back to work again that
15 Friday during the day.

16 Q Who would take him to Labor Finders?

17 A I would take him most of time. I didn't start
18 working until that week with Labor Finders. So I
19 would usually either sit out in the parking lot or I
20 would drive him to the places or I'd just drop him
21 off and go home. On that Friday, he wanted to go
22 back, so I dropped him off and I went home.

23 Q Do you remember what date that was?

24 A Maybe the 4th or the 5th of April.

25 Q This is what year?

1 A 2008. A couple hours later, I'm in the bed and he
2 calls me -- I'm in the bed watching TV and he calls
3 and he's like I'm about to bring somebody home and I
4 need you to clean out our middle bedroom. So --
5 actually, he -- excuse me, he drops me off and he
6 takes the van back to Labor Finders. And he comes
7 home, I'm still cleaning out the bedroom. And he
8 brings Mekole Harris into our house.

9 Q Had you every met Mekole Harris?

10 A No.

11 Q Did you know who she was?

12 A No. Then they sat on the couch while I finished
13 cleaning out the bedroom.

14 Q Did she walk in voluntarily?

15 A Yeah, she just walked in. Later on --

16 Q Do you know where he first met her?

17 A Later on, he told me that he had asked one of the men
18 that worked with us at the Ingles if he could find a
19 prostitute. And I assumed that that guy pointed him
20 in her direction. I believe that's what happened.
21 And she just came into the house voluntarily, sat on
22 the couch, waited for me to finish cleaning out the
23 bedroom. After I finished cleaning out the bedroom,
24 Clarence told me to just sit in the other bedroom.
25 Q Which bedroom are you referring to?

1 A The middle bedroom is where I cleaned out and I was
2 sitting in the front bedroom with just a lot of stuff
3 in there now from that bedroom. So I'm just sitting
4 in there waiting for him to come back to tell me what
5 to do next. He takes Mekole Harris into that bedroom
6 and closed the door.

7 Q The middle bedroom?

8 A Yes, the middle bedroom. And they were in there for
9 maybe two, maybe three minutes. He comes back to the
10 door and tells me to come in there. I go into the
11 room, she's in handcuffs naked sitting in the floor.

12 Q Y'all owned a pair of handcuffs?

13 A Yes. He had handcuffs when I met him. And he
14 tells -- he proceeds to tell her that she's under
15 arrest for prostitution and possession of crack. And
16 that the only way she would get out of these charges
17 is for her to help us with the case because we're
18 both police officers. And she tells us that she just
19 got out of jail and she don't want any kind of
20 trouble. She just wanted to leave. And that she
21 would do anything she could not to go back to jail.

22 Q What happens next?

23 A He takes the handcuffs off of her and lets her get
24 dressed. She agrees to help us. And he writes out a
25 script for her to read over the phone to Grace's

1 family members.

2 Q Now, did you and Clarence have a conversation about
3 what the next step was?

4 A No. He tells me what to do at the time and I just
5 did what he asked me to do.

6 Q All right. Go ahead.

7 A He handcuffs her again, brings her into the living
8 room and writes the script out to her and gives it to
9 her to memorize. And she -- we're at the house for a
10 long time with her going over the script. About
11 midnight that night --

12 Q Is this -- what day of the week is this?

13 A This is Friday night. About midnight to Saturday
14 morning. He takes the handcuffs off of her and tells
15 her we're going to go make some phone calls.

16 (WHEREUPON, State's Exhibit No. 166 was marked
17 for identification only.)

18 BY MR. WILKINS:

19 Q Stop right there. I'm going to show you what's been
20 marked as State's Exhibit 166 for identification. I
21 ask you to take a look at that and ask you if you
22 recognize that.

23 A This is the note that Clarence wrote for Mekole to
24 say to Grace's family.

25 Q Is that a true and accurate copy of the note?

1 A I believe so.

2 Q Whose handwriting is that?

3 A That's Clarence's handwriting.

4 MR. WILKINS: Your Honor, State moves Exhibit
5 166 into evidence.

6 MR. MAULDIN: No objection.

7 THE COURT: All right. Without objection.

8 (WHEREUPON, State's Exhibit No. 166 was admitted
9 into evidence.)

10 BY MR. WILKINS:

11 Q I'm showing you State's Exhibit 166. Is that the
12 letter?

13 A Yes, sir.

14 Q It says, Hi, my name is Mekole. I'm Willie's
15 girlfriend. I'm sorry to be calling this late, but I
16 had to. Willie owes some people a lot of money that
17 he wants to trade Grace, her boyfriend, Marquise, and
18 some other girl Grace was with. Is that the script
19 that y'all worked on with Mekole Harris?

20 A Yes. I think there's another one that goes on about
21 something, but I'm not sure.

22 MR. MAULDIN: Your Honor, we object to her
23 making reference to something that has not been -- I don't
24 know what she's talking about.

25 THE COURT: Well, she's just testifying.

1 MR. MAULDIN: Well, I mean, is it an exhibit or
2 something that's in evidence? I mean, I don't know.

3 BY MR. WILKINS:

4 Q Did y'all write any other drafts or letters similar
5 to that?

6 A I think there was probably two more drafts of that
7 letter.

8 Q Okay. Were they basically the same thing as what was
9 in here?

10 A Yes.

11 Q Did you write them or did Clarence write them?

12 A I believe Clarence wrote all of them.

13 Q Now, we talked about Clarence writing vows. Does
14 Clarence know how to write?

15 A Yes.

16 Q Does he know how to read?

17 A Yes.

18 Q So it's early Saturday morning or late Friday night,
19 what happens?

20 A She calls Grace's mother house, Judon.

21 Q Where did y'all go to make that phone call?

22 A There's a gas station right in the Cherry Dale area
23 that has a pay phone out. The gas station was closed
24 at the time.

25 Q How did y'all -- what car did you take?

1 A We own a van.

2 Q And how did y'all get to the van from the house?

3 A We walked from the house to the van. It's right in
4 front of our house.

5 Q Did Mekole Harris go voluntarily?

6 A Yes. Clarence dialed the numbers for her to Grace's
7 mother's house and Grace's aunt's house. I believe
8 Mekole talked to Grace's mother. And at Grace's aunt
9 house, I believe Marquise picked up the phone and
10 tried to take the phone to his aunt. But I'm not
11 sure if any of the script was actually heard by
12 anybody at that time.

13 Q Did y'all make any other phone calls?

14 A No, not from the pay phone.

15 Q Just made one phone call?

16 A Two. One to Grace's mother's house and one to
17 Grace's aunt's house.

18 Q At this point, did Mekole -- what is your impression
19 of Mekole? Is she confined? Is she there
20 voluntarily, willfully? Or what's the situation?

21 A I believe then she's trying to stay out of jail, so
22 she's cooperating with the police that she believes
23 that we are.

24 Q So at that point, your impression is that she
25 believes --

1 MR. MAULDIN: Your Honor, if he's asking her --

2 THE COURT: Hang on, hang on. Y'all come up for
3 a second.

4 (WHEREUPON, a bench conference was held in the
5 presence of the jury but out of the hearing of
6 the jury.)

7 THE COURT: All right. Madam Forelady, ladies
8 and gentlemen of the jury, we've got a issue to discuss
9 out of your presence. It's also probably a good time for
10 a morning break. We'll get back with you very shortly.
11 Please do not discuss the case. Thank you, very much.

12 (WHEREUPON, the jury left open court at
13 approximately 10:45 a.m.)

14 THE COURT: All right. We'll take just a short
15 break.

16 Ms. Jenkins, you may stand down. Do not discuss
17 your testimony with anybody, okay.

18 All right. We'll just take just a few minutes
19 and we'll discuss your objection.

20 (WHEREUPON, a short break was taken.)

21 MR. MAULDIN: Your Honor, just prior to the
22 break, the witness was essentially asked how she felt or
23 what she thought was the state of mind of a third party.
24 Now, unless that state of mind by that third party had
25 been expressed in some way --

1 THE COURT: Okay. I don't remember the specific
2 question, but she can't speculate as to somebody else's
3 state of mind.

4 MR. MAULDIN: She was asked what she thought
5 Mekole Harris thought about the circumstances and that
6 needs to be stricken.

7 THE COURT: Well, we don't have stricken in our
8 book of rules, so.

9 MR. WILKINS: She never answered, Your Honor.

10 THE COURT: All right. All right.
11 Are y'all ready?

12 MR. WILKINS: We're ready, Your Honor.

13 (WHEREUPON, the jury came into open court at
14 approximately 11:05 a.m.)

15 THE COURT: Okay, Mr. Wilkins.

16 BY MR. WILKINS:

17 Q Ms. Jenkins, let me take you back to April 3rd real
18 quick. We discussed this email address that we
19 showed you in the letter y'all had obtained?

20 A Yes.

21 Q And you said that -- who checked the email address to
22 see if anybody had responded?

23 A He had checked it, Clarence checked it. I'm going to
24 show you what's State's Exhibit 114, which has
25 already been admitted into evidence. This is the

1 video of the library.

2 (WHEREUPON, State's Exhibit No. 114 was played.)

3 BY MR. WILKINS:

4 Q Who is that walking in there?

5 A That's Clarence.

6 Q Who is that there?

7 A That's him leaving.

8 Q Now, did Clarence ever go to the library by himself?

9 A Yes.

10 Q And would you agree or disagree if the video said
11 that was April 3rd, 2008?

12 A Yes.

13 Q Would you agree?

14 A Yes. Either I was at home or maybe out in van,
15 outside in the van.

16 Q All right. Let's go forward. We left off at the pay
17 phone?

18 A Yes. After she made these phone and hung up, she got
19 back in the ban and we went back to our trailer.

20 When we got back to the trailer, he handcuffed her to
21 one of our dinning room chairs. And she sat in the
22 living area and watched television and ate ice cream
23 and just watched movies for all day on Saturday.

24 Q So you get back early Saturday morning in the middle
25 night, what do you and Clarence do?

1 A He handcuffs her to the chair. She sits in the
2 living room and we go back into our bedroom.

3 Q Okay.

4 A The next day, we sit around mostly. I go to Checkers
5 to buy some food. Later on that afternoon, Saturday
6 afternoon, his sister comes to our house.

7 Q Who's Clarence's sister?

8 A Her name is Janese Gibbs.

9 Q Okay. Do you remember about what time on that
10 Saturday she comes over?

11 A Maybe early afternoon, so 12:00 and 3:00.

12 Q Is Mekole there?

13 A Yes.

14 Q What do you do -- where does Mekole Harris go when
15 she comes over?

16 A She goes into the front bedroom, the big bedroom on
17 the end. And Clarence closes the door. She sits in
18 there handcuffed to the chair while his sister visits
19 for maybe five or ten minutes and then she leaves.

20 Q Does he tell Mekole anything?

21 A He tells her it's our sergeant coming to check on us
22 and that she needed to be secured.

23 Q So about how long does Janese stay?

24 A Maybe five, ten minutes.

25 Q Then what happens?

1 A He tells her she can come out. She comes out and
2 sits on the couch and watches movies for most of the
3 day.

4 Q During that Saturday, do you ever leave?

5 A I go to get food from Checkers in Cherry Dale. I'm
6 not sure what time.

7 Q Was that nighttime or during the day?

8 A It was daylight. I think it was in the evening.

9 Q So you go to Checkers. What do you do next?

10 A Get hamburgers, come back, eat, and we just sit
11 around the house that day.

12 Q Now, are y'all talking to Mekole?

13 A I stayed back in the bedroom. He talks to her -- I
14 assume he talks to her while I leave, but other than
15 that, he stays back in the bedroom with me.

16 Q Is she able to leave the house or the trailer?

17 A She can if she wants to. She's right there at the
18 front door.

19 Q But is she handcuffed?

20 A She is handcuffed to the living room chair.

21 Q So if she was going to leave, what would she have to
22 do?

23 A She would have to carry the chair with her.

24 Q So what happens next?

25 A He crushes up some Tylenol PM and some other sleeping

1 medicine and mixes it in some ice cream. It's pretty
2 late. It's probably about 9:00 or 10:00 at night at
3 this point. And he gives it to her. She eats a
4 little bit of it, but she doesn't really eat all of
5 it. I'm not sure why she didn't eat, but she doesn't
6 eat most of it. And I stayed back in the bedroom
7 most of the time, so I'm not sure what all was said
8 or happened.

9 Q At this time, where are your kids?

10 A There are still with his mother at his sister's
11 house.

12 Q Do you remember where they were living at that time?

13 A They were staying near elementary school, I'm not
14 sure what the name of the street is. Cornelius,
15 maybe.

16 Q What happens next?

17 A I sleep as best -- I really hadn't been sleeping
18 during this time very much--

19 MR. MAULDIN: I'm going to ask you to get a
20 little closer to the microphone, please.

21 THE WITNESS: I'm not sleeping very much during
22 this time. So as best as possible, I try to fall asleep.
23 He's sleeping next to me. She's still on the couch.
24 Mekole Harris is still on the couch. And Sunday morning
25 comes and he wakes me up and he tells me that -- he asked

1 me if I'm going to do what he wants me to do and I told
2 him yes.

3 BY MR. WILKINS:

4 Q What does that mean?

5 A During a lot of this time, he's very threatening to
6 me. He actually, held a knife to me one evening
7 because I didn't say exactly what he asked me to over
8 the phone. I was talking to the vacuum cleaner
9 service that we worked for and I didn't tell exactly
10 what he said to do, so he became very upset. And he
11 took my into the shower, into the front bedroom
12 shower and put me in the shower and held a knife to
13 my throat and told me if I couldn't do what he wanted
14 me to do, then there was no use for me living
15 anymore. That I was no good to anybody else if I
16 couldn't do exactly what he told me to do when he
17 told me to do it. And to give him three reasons why
18 I should stay alive during this. And I can't even
19 remember what I said, but I told him I'd do whatever
20 he wanted me to do whenever he wanted me to it
21 without question.

22 Q So Sunday morning, you're up?

23 A He ask me I do what he say and I said yes. He's like
24 I want you to go in there and I want you to kill the
25 lady in there. And I ask him why. He was like why

1 you questioning me. So I just get quiet. And so he
2 like I don't care how you kill her. You can stab her
3 or you can choke her or whatever you want to do. And
4 I don't know what to say. So he tells me that well,
5 it'll be easiest if you just try to strangle her.
6 And you can use some of the cable cord that we have
7 in the house. So he leaves out of the bedroom and he
8 ties her down to the chair that she's handcuffed to.
9 He has the handcuffs behind her back, ties the
10 handcuffs to the bottom railing of the chair.

11 Q Where is she sitting?

12 A She's in the living room with her back facing the
13 hallway and the front bedroom. And just sitting in
14 the chair in the middle of the living room in front
15 of the couch. He ties strings around her ankles to
16 the chair and he cuts off -- there's a box of cable
17 wire that had been left at our house before, so we
18 had this box of cable wire. He goes and cuts cable
19 wire off and leaves in the back bedroom -- it was the
20 front bedroom. He tells me to go into the front
21 bedroom and wait for him to tell me to come out.

22 So I go into the bedroom, she's handcuffed to
23 the chair and he's talking to her. I'm not sure what
24 he's saying to her. But he tells me to come out the
25 room. And I come up behind her with the cable wire

1 and try to strangle her. And she's fighting,
2 struggling hard. And I can't hold onto her anymore.
3 And so he takes the cable cord from me and ties it
4 down to the back of the chair. Then he puts the
5 trash bag over her head and she eventually stops
6 breathing. After that, he cuts the cable cord out
7 from around her neck and he tells me to help her take
8 her into the bathroom, into the front bathroom. And
9 we sit her in the bathroom.

10 Q Let me stop you right there. Do you remember what
11 kind of plastic bag he used to put over her head?

12 A It was just a regular grocery bag.

13 Q What was Mekole Harris doing?

14 A She was struggling and fighting. She just wanted to
15 be let go.

16 Q Who untied the cable?

17 A He used a knife to cut the cable cord from the chair.

18 Q What do y'all do?

19 A Then we took her into the bathroom, laid her in the
20 shower. After that, we left and went to the Dollar
21 Tree and he bought a knife from the Dollar Tree.

22 Q Now, where is Mekole Harris's body at this time?

23 A In the front bedroom in the shower that's in that
24 bathroom. The living room is here and we took her
25 into this bedroom to this bathroom and sat her in the

1 shower.

2 Q Was Mekole Harris dead at that time?

3 A Yes, sir.

4 MR. MAULDIN: Get a little closer to the mic,
5 please, ma'am.

6 THE COURT: Mr. Mauldin, address me, not the
7 witness.

8 THE WITNESS: After we put her in the shower, we
9 leave the house and go to the Dollar Tree. And he buys a
10 knife in the Dollar Tree. Then we go to the Family Dollar
11 and he buys spray paint, a can of spray paint and some
12 trash bags. And I'm not sure if we bought anything else
13 there or not. Then I believe we go to the library and
14 type out another short letter.

15 BY MR. WILKINS:

16 Q All right. About what time of day is it that you go
17 to the library, do you remember?

18 A Think it's the afternoon, early afternoon, I'm not
19 sure.

20 Q All right. I'm going to show you what's State's
21 Exhibit 115. Do you remember what day this was?

22 A Sunday.

23 Q Who's that walking in the library there?

24 A It's myself and Clarence.

25 Q Had y'all just killed Mekole Harris?

1 A I believe so.

2 Q All right. Take a look at that and tell me what you
3 see.

4 A That's Clarence right there.

5 Q How do you know that's Clarence?

6 A He likes to wear those gloves a lot. He keeps a
7 couple pair of those gloves in our van.

8 Q Why is he wearing gloves?

9 A I'm not sure.

10 Q Do you see the time stamp up there in the right-hand
11 corner?

12 A It 3:00.

13 Q On what day?

14 A The 6th, April 6th.

15 Q Do you recognize Clarence's shirt?

16 A Yes.

17 Q How do you recognize it?

18 A It's one of the shirts that I received going on a
19 spiritual life retreat when I was younger.

20 Q What are y'all doing here at the library?

21 A I believe this is where we typed out the notes that
22 was left with the pieces of the body.

23 Q Okay. Do you know what Clarence is doing there?

24 A Yes.

25 Q What's he doing?

1 A I assume he's typing the letter out, I'm not sure.

2 Q Did he type it or did you type it?

3 A I'm not sure because he's on camera typing. But I'm
4 not sure, I can't remember if I did or not.

5 Q Who is that?

6 A That's myself and Clarence leaving.

7 Q I'm going to show you what's State Exhibit 30, 31 and
8 32, which have already been admitted into evidence.

9 Do you recognize those?

10 A Yes.

11 Q Have you seen those before?

12 A Yes.

13 Q What are they?

14 A Myself and him, myself and him entering the library
15 and him by himself entering the library.

16 Q Are these just stills off the video we just watched?

17 A Yes.

18 Q So you leave the library, where do you go?

19 A Go back to our house. When we get back to the house,
20 he tells me to come into the bathroom and he lays out
21 trash bags into the floor. He cuts open trash bags
22 and lays them in the floor. He cuts up a suitcase
23 that he's had since I met him. He's had the
24 suitcase. And he broke it in half. It's a very old
25 suitcase. And lined that with trash bags, also. He

1 puts that suitcase underneath Mekole Harris's legs
2 and feet and she's laid back into the shower, sitting
3 down in the shower. He gets a machete, the knife --
4 a machete he had bought a long time ago, a knife that
5 he had bought from the Dollar Tree, some gardening
6 snips and maybe another knife, I can't remember
7 clearly. And he bends down and tries to cut at
8 Mekole Harris ankle with the knife from the Dollar
9 Tree. And it doesn't cut well. To he tries the
10 machete next to cut off her ankles and starts
11 spraying blood around the bathroom, so he stops.
12 Then he gets the garden snips and he snips off her
13 ankle. Then he gives them to me and tells me I need
14 to do the other. And I can't do it. It's hard. So
15 he puts his hands around mine and helps me to cut off
16 her ankles. He cuts off both her wrists. Before he
17 cuts the ankles off, he cuts her toes off and puts
18 those into the suitcase. And he puts all these
19 pieces into the suitcase. And later, he cuts open a
20 milk jug, puts the toes and hands into the milk jug,
21 puts those in the freezer. And he puts her feet into
22 trash bags and puts them in the freezer with the milk
23 jug. Then we wrap the body up in trash bags and put
24 her in this baby carrier that we have for our
25 youngest baby.

1 Q Ms. Jenkins, how long did it take you to severe the
2 toes and hands and feet?

3 A I'm not sure. Maybe an hour, two hours. I'm not
4 sure.

5 Q And where were you during this entire time?

6 A Mostly, I was just standing there in the bathroom
7 with him, just during that one incident him helping
8 me to cut off one of the ankles. After wrapping her
9 up in the trash bags, we put her into the baby
10 carrier with her coat and purse and some of the other
11 things that she had with her with all the trash bags
12 from the floor in the bathroom. And we put them all
13 in baby carrier.

14 Q Baby carrier, what do you mean?

15 A Like a play pen.

16 Q Can you tell us about how big the play pen was?

17 A Just like three by five, I don't know, just a regular
18 little bouncing play things that you buy. We take it
19 and put it in our van and --

20 Q How do y'all get it to the van?

21 A We both carry one side, pick it up and tote it.

22 Q It is heavy?

23 A Yes. We backed the van up to the porch.

24 Q Let's start over. Could you have carried that thing
25 by yourself?

1 A No. We back it up -- we back the van to the porch
2 and we take it, put it on -- into your van. And he
3 drives around -- we drive around for a little while.
4 And we come up on Paris Mountain and there's a little
5 gate on the side of Paris Mountain near the golf
6 course. And there's a little open area. And we
7 place the body there in the baby carrier, put
8 gasoline on it, starter fluid and he tells me to
9 strike a match and jump in the van. So I light it,
10 jump in the van and we leave and go back to our
11 house. It's dark then.

12 Q What day is this?

13 A This is Sunday night. After that, we go back to our
14 house and he takes the body pieces out of the freezer
15 and puts her fingerprints on the letters that get
16 dropped off with her. And he puts one hand, one foot
17 and a set of toes in a bag and puts another hand, set
18 of toes and a foot in another bag.

19 Q Now, you say he put her fingerprint on the letter.
20 How did he do that?

21 A He just had the letter and he just had her hand and
22 he just went over the letter with her fingers.

23 Q I'm going to show you State's Exhibit 8, it's already
24 been admitted. Do you recognize that?

25 A Yes.

1 Q Is that the letter that Clarence typed out at the
2 library?

3 A Yes.

4 Q Is that the letter that he rolled Mekole Harris'
5 fingerprint on?

6 A Yes.

7 Q What happens next?

8 A Got these bags ready. And we waited a few hours
9 until after midnight. And it was probably maybe
10 1:00, 2:00 in the morning. I'm not sure what time
11 exactly. It was very late. And we drove to Grace's
12 aunt's house in Andover. Went to Andover Apartments
13 and he dropped me off right at the entrance of the
14 apartments on Cleveland Street. And I walked down
15 with one of the bags and one of the letters. I put
16 one of the letters onto her car, Grace's aunt's car.
17 And threw the bag up onto her porch in front of her
18 door.

19 Q All right. I'm going to show you what's been
20 admitted into evidence as State's Exhibit 159. Have
21 you seen this video before?

22 A Yes. That's myself walking down Andover Apartments
23 and the sidewalk in the background.

24 Q Who is that right there?

25 A That's myself.

1 Q What do you have in your hands?

2 A The bag with body parts and the letter in my hand.

3 Q What are you doing there?

4 A Putting the letter onto Grace's aunt's car.

5 Q And where do you go from there?

6 A Close to her apartment to throw up the pieces onto
7 the porch.

8 Q So do you walk up the stairs to her second floor?

9 A No.

10 Q How do you get the bag up there?

11 A I through it up there from right in front of the
12 bushes right in front of the downstairs apartment.

13 Q Were you successful in your throw?

14 A Yes, sir.

15 Q Who's that right there?

16 A That's me leaving. That's myself.

17 Q Are you on the top of the screen?

18 A Yes.

19 Q Okay. Now, during this time, where's Clarence?

20 A Driving up and down Cleveland Street in our van
21 waiting for me to come back.

22 Q And when you were exiting that video right there,
23 where was Clarence?

24 A He was waiting at the church that's on the corner
25 right there in that parking lot in the van.

1 Q Once you got in that car, what did you do next?

2 A We drove around to Church Street -- well, off Church
3 Street, Rose Avenue, Rose Street that's off Church
4 Street to Grace's mother's house. And he dropped me
5 off there at the corner at the next street up. And I
6 walked down the street, down to the next street and
7 down to her house. Dropped off the letter in the
8 mailbox and I walked the bag to the porch, sat it on
9 porch and walked back down the street.

10 Q I'm going to show you what's marked as State's
11 Exhibit 12, which has already been entered into
12 evidence. Do you recognize that house?

13 A Yes, sir. It's Grace's mother's house that she lived
14 in when we went to visit her.

15 Q Is that where --

16 A That's where I dropped off the --

17 Q What about that mailbox there?

18 A That's the mailbox that I put the letter in.

19 Q So when you left Rose Avenue now, what did you do?

20 A We went to Labor Finders again and -- for him to find
21 another job there. And I sat and waited with him
22 there. He worked at this pool service place that
23 day. And after he worked there, we got his check and
24 we went home. We just sat at home pretty much the
25 rest of the day. The next day was -- well, that was

1 Monday, that was Monday during the day he worked at
2 the pool place.

3 Q Did y'all do anything to the bathroom where Mekole's
4 body had been?

5 MR. MAULDIN: Your Honor, I object to leading
6 the witness.

7 THE COURT: Don't lead.

8 THE WITNESS: We cleaned up the bathroom on
9 Monday when we got back -- really, on Sunday after --
10 before we went to drop off those pieces, he dug out the
11 blood spots with a knife and a spoon out of wall, try to
12 out of the ceiling in the bathroom.

13 Q What do you mean by that?

14 A The blood spatter from when he tried to use the
15 machete was everywhere, so he tried to get it out of
16 the wall. He cleaned it first, and I guess he didn't
17 think it was good enough. I helped him clean up, but
18 he dug out the -- just out of the sheetrock out of
19 the room, dug the blood spots out.

20 Q What did y'all clean the bathroom with?

21 A Bleach, ammonia, just other household cleaners that
22 we had there at the house. That was on Sunday. Then
23 on Tuesday, his sister came by our house. I'm not
24 sure how she got any information, but that the police
25 were coming to talk to us. And she was scared. Then

1 she left. And maybe 40, 50 minutes later, another
2 van that looked similar to her van pulled into our
3 yard. I opened the door and it was Detective Flavell
4 and another officer with him. And they said that
5 they needed to speak to us about a matter and they
6 needed us to come down to LEC. I told him that I
7 didn't have anybody to keep our children, so I would
8 come down later, and that Clarence wasn't at home at
9 the time.

10 Q Was Clarence at home?

11 A Yes, he was hiding in a closet, back in a water
12 heater closet.

13 Q So what did you?

14 A After they left, he told me to clean up the rest of
15 the stuff that was in the house. We had a lot of
16 trash bags laying around. I took most of the trash
17 bags out to the dumpster. And after that, then I
18 went to take our daughters to Clarence sister's
19 house. Clarence sister's offered to take me down to
20 LEC, down to the law enforcement center to talk to
21 the detective. When I got down there, they asked me
22 a lot of questions about where Clarence was and what
23 I had been doing during the daytime. And did I know
24 Mekole Harris and was I scared of Clarence, and did
25 anybody deserve to be treated like that because they

1 were homeless.

2 Q How long did you stay down at the LEC?

3 A I'm not sure. Maybe an hour or two, I'm not sure.

4 Q When you left, where did you go?

5 A Went back to Janese's house, his sister, and got the
6 girls and then went back to our trailer. I told him
7 pretty much everything that was said. Told Clarence
8 pretty everything that was said at LEC. And I told
9 the officers that I would contact an attorney and I
10 would come back and speak with them with an attorney.
11 I never called anybody. And Wednesday went by, we
12 just stayed at our house Wednesday. And Thursday,
13 he, Clarence, wanted to leave. So we had started to
14 pack our clothes and the girls together to leave.
15 And Clarence started watching television and got
16 caught in television. And that's when Detective
17 Flavell and the other officers came to our house and
18 arrested us.

19 Q All right. In between that time, did you do any
20 further cleaning of the bathroom?

21 A Right after Detective Flavell, while I was taking out
22 these the trash bags and things, Clarence went back
23 into the bathroom and cleaned the bathroom all over
24 again, cleaned out the shower. He used the spray
25 paint that he bought on Sunday and spray painted one

1 of the walls, the wall right next to the shower and
2 part of the shower itself. Then before he painted,
3 he had set a few fires into the into the shower with
4 a lot of lighter fluid that we had. And it was very
5 smoky in the shower.

6 Q All right. I'm going to show you what's State's
7 Exhibit No. 37, marked for identification.

8 (WHEREUPON, State's Exhibit No. 37 was marked
9 for identification only.)

10 BY MR. WILKINS:

11 Q Do you recognize that photograph?

12 A Yeah, that's a picture of the bathroom and that's the
13 paint, obviously, from him cleaning the shower.

14 Q Is that a true accurate representation of your
15 bathroom at that time?

16 A Yes.

17 MR. WILKINS: Your Honor, State moves Exhibit 37
18 in.

19 THE COURT: Any objection?

20 MR. MAULDIN: No objection.

21 THE COURT: Okay.

22 (WHEREUPON, State's Exhibit No. 37 was admitted
23 into evidence.)

24 BY MR. WILKINS:

25 Q Now, down at the lower part of that photo, tell the

1 jury what's going on there?

2 A That is -- the red is the spray paint that he
3 painted.

4 Q What was the purpose of the spray paint?

5 A To cover the wall. I'm not sure -- there was really
6 no blood there at that place, you know, because the
7 shower door was there during the whole time, but he
8 decided to paint there and a little bit into the
9 shower. He had actually painted the whole bottom of
10 the shower, and I think cleaned it again after he
11 painted it.

12 Q Down at the lower left-hand part of the picture, what
13 do you see?

14 A Like the paint and stuff is coming up off the wall.

15 Q Why is the paint coming up off the wall?

16 A I assume he peeled the paint off to -- because he had
17 actually painted that whole wall. And I think he was
18 peeling the pain back off. So it's the paint coming
19 off from him spray painting the wall.

20 Q And the shower you see there, you talked about some
21 fires. Is that the shower you're referring to?

22 A Yes, sir.

23 Q Tell us about those.

24 A He had set the first fire not too long after the
25 detective left from our house. And he put it out,

1 set another fire. He set maybe about three fires in
2 the shower.

3 Q Do you know why he did that?

4 A I assume just to destroy evidence which was in the
5 sure from dismembering her body.

6 Q So when Detectives Flavell and them showed up, what
7 happened?

8 A He -- which day? Which day are you referring to?

9 Q I'm sorry?

10 A Which day are you referring to?

11 Q The last time, the most recent time they showed up?

12 A Thursday, they came and we had our girls and they
13 were on our bed in the master bedroom. Clarence, he
14 got into the closet that's in that bedroom and the
15 water heater is in there. And it had been leaking
16 when we first moved in, so the flooring had rotted
17 out of the bottom. And as he was trying to fix it
18 one day, he had fell through. And he was hiding in
19 there when the police came to arrest him for a bench
20 warrant. And I lied and told them that he wasn't in
21 the house. And they told me if they found him in the
22 house that they would arrest me for obstruction of
23 justice. And, of course, they found him in the house
24 and we both were arrested after that.

25 Q Now, after that, Ms. Jenkins, did you ever send

1 information about the location of the body of Mekole
2 Harris?

3 A Yes, I told my lawyer and an investigator that worked
4 for me.

5 Q Did you instruct them to do anything with that
6 information?

7 A Told them to let the police know about it.

8 Q Okay. So what information did you give that you
9 instructed them to give to law enforcement?

10 A The location of where the body was left.

11 Q And what location was that?

12 A The Paris Mountain -- I didn't have the address, but
13 I just knew the area. And it was on Paris Mountain
14 behind a gate off the main road, off the main road at
15 the bottom of the mountain.

16 Q Why did you give that information?

17 A I felt that it was right for her family to know.

18 Q Did you receive any benefit from giving that
19 information?

20 A At the time, we were both -- had the death penalty
21 seeking against both of use. And for that, they
22 dropped the death penalty. Your office dropped the
23 death penalty.

24 MR. WILKINS: One moment, Your Honor.

25

1 BY MR. WILKINS:

2 Q Ms. Jenkins, one final question. Did you and
3 Clarence Jenkins kidnap and murder Mekole Harris?

4 A Yes.

5 MR. WILKINS: One moment.

6 BY MR. WILKINS:

7 Q One final final question. Do y'all own a grill?

8 A Yes, sir.

9 Q And was that grill ever used during this time?

10 A To burn the clothing that was worn during the murder
11 and dismemberment of her body.

12 Q Who used that grill?

13 A Both of us did, myself and Clarence.

14 Q Do you remember when that was?

15 A On Monday night, I think it was Monday night.

16 Q And so explain how you used the grill?

17 A Clarence put our clothes and shoes into the grill and
18 used lighter fluid to start the fire into the grill.
19 At one point, I was outside with the grill.

20 Q Where was the grill located?

21 A On the porch, on the front porch.

22 Q Was this at nighttime?

23 A Yes. It was late at night. Actually, one of the
24 neighbors saw the smoke and stopped asked if anything
25 was wrong.

1 MR. WILKINS: Please answer my questions that
2 the Defense counsel may have.

3 THE COURT: Let me talk to the lawyers for a
4 second up here.

5 (WHEREUPON, a bench conference was held in the
6 presence of the jury but out of the hearing of
7 the jury.)

8 THE COURT: All right. Ladies and gentlemen of
9 the jury, I anticipate -- I don't know how long
10 examination will continue, but given the hour, I think
11 it's probably a good time to break for lunch. I'm going
12 to try and shorten it a little bit. I ask you to be back
13 at 1:15.

14 Now, I believe all of us know that human nature,
15 I'm sure you all want to talk about this. I cannot
16 emphasize and stress how vitally important it is that you
17 all not discuss this with anyone. Any part of it at all.
18 And you just remember why. Those -- whoever you would
19 talk to would not be making the sacrifices you're making.
20 And those people didn't come up here and perform their
21 civic duty. They didn't come up here and they have not
22 heard or seen the events in this courtroom. And for them
23 to have any input into this case at all would be a total
24 violation of all kinds of things. So don't do it. I
25 don't know if you have to go eat by yourself or something.

1 I don't mean to be unkind, but do not discuss this case.
2 Please be back and we'll be ready to go at 1:15. Thank
3 you very much. And let me just say, if somebody
4 approaches you about this, you just tell them no and if
5 they persist, you find out who that is because I will take
6 care of that. Okay. Thank you very much.

7 (WHEREUPON, the jury left open court at
8 approximately 11:55 p.m.)

9 THE COURT: All right, Ms. Jenkins, you may
10 stand down, but you are not to discuss your testimony with
11 anybody. Okay.

12 All right. Anything before we break?

13 MR. WILKINS: Nothing from the State, Your
14 Honor.

15 MR. MAULDIN: No, Your Honor.

16 THE COURT: All right, 1:15.

17 (WHEREUPON, a lunch break was taken.)

18 MR. MAULDIN: Judge.

19 THE COURT: Yes, sir.

20 MR. MAULDIN: I want to bring one thing to your
21 attention that Mr. Wilkins and I have agreed to. I
22 mentioned here that we had lifted some stills.

23 THE COURT: Right.

24 MR. MAULDIN: They're only for demonstrative
25 purposes. They'll go on the Elmo so that she can see them

1 and that prevents us from searching the type.

2 THE COURT: Okay. All right.

3 (WHEREUPON, the jury came into open court at
4 approximately 1:25 p.m.)

5 THE COURT: Okay. I trust everyone had a
6 pleasant lunch. We are ready to recommence.

7 Cross-examination, Mr. Mauldin.

8 MR. MAULDIN: May it please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. MAULDIN:

12 Q Ms. Jenkins, my name is John Mauldin and I represent
13 your husband, Clarence.

14 A Yes, sir.

15 Q You loved Grace Davis?

16 A Yes.

17 Q And you were very upset when Grace Davis decided that
18 it was in her best interest to leave you?

19 A I was upset, yes.

20 Q You were heartbroken?

21 A Not heartbroken, no.

22 Q Not heartbroken?

23 A No, sir.

24 Q You were devastated?

25 A No, I was just upset that she was leaving. I was by

1 myself.

2 Q But looking back on it, at the time she left and that
3 first week or so afterwards, you would do everything
4 or anything you would to get Grace to come back,
5 wouldn't you?

6 A No.

7 Q No?

8 A I knew why she left. She said she was coming back
9 and I believed her.

10 Q All right. And your answer is no you would not do
11 anything and everything to get her back; is that your
12 answer?

13 A No, I would feel not do anything and everything, no.

14 Q All right. You wrote those crazy letters that we've
15 seen put up here? You wrote those letters, didn't
16 you?

17 A With advice from him. He dictated what for me to
18 write.

19 Q He dictated the letters and you wrote them; is that
20 your testimony?

21 A He wrote a few letters himself.

22 Q And you mailed those letters, right?

23 A I mailed the ones he told me to mail.

24 Q And those letters were mailed to members of Grace
25 Davis's family?

1 A Yes.

2 Q Those letters were an attempt to get Grace Davis to
3 come back to Tindal Road; weren't they?

4 A They were not my idea, yes, sir.

5 Q You didn't really think that somebody was going to
6 give you \$10,000, did you?

7 A I didn't think about these letters at all.

8 Q Okay. So your testimony to this jury, under oath is
9 that you did not think about these letters at all?
10 Is that what you just said?

11 A These letters were not my idea.

12 Q All right. You went to the library to check the
13 email?

14 A Yes, sir.

15 Q And the purpose of going to the library to check the
16 email was to see if anybody had responded to those
17 letters?

18 A Yes, sir.

19 Q And those letters had been sent to Grace Davis's
20 family, right?

21 A Yes.

22 Q And nobody was going to give you \$10,000. They were
23 an effort to get Grace Davis to come back to your
24 house; weren't they? Wasn't that the bottom line
25 here?

1 A That was his idea, yes, sir.

2 Q That was his idea?

3 A Yes.

4 Q Now, on Friday, April the 4th of 2008, when Clarence
5 came back from Labor Finders, he brought Mekole
6 Harris with him?

7 A Yes, sir.

8 Q And it's your testimony that you know her?

9 A Yes, sir.

10 Q But you knew that she was a street person? You knew
11 she was a person of the street?

12 A Didn't know until after.

13 Q All right. You quickly learned that she was a person
14 of the street?

15 A Not quickly, no. There was never a discussion about
16 her until after everything had happened.

17 Q Did you discover in those two days, Saturday and
18 Sunday, Friday night and Saturday night into Sunday,
19 did you discover that Mekole Harris was a drug
20 addict.

21 A I knew that she had some drugs with her.

22 Q And she took those drugs at your house, didn't she?

23 A When she first got there.

24 Q She used the drugs that she had with her in your
25 house?

1 A I don't -- I did not visibly see her use them.

2 Q All right. So it's your testimony that you don't
3 know whether she used the drugs at your house or not?

4 A I just know she had them.

5 Q You know that she had them?

6 A Yes.

7 Q You didn't use drugs?

8 A Never have.

9 Q And Grace Davis didn't use drugs?

10 A Not that I've ever seen.

11 Q But this new woman that had come to your house with
12 your husband was using drugs and you knew it?

13 A I did not know she was using drugs. I knew she had
14 drugs with her.

15 Q Did you know that she was homeless?

16 A No.

17 Q Did you know anything about her? And I want you to
18 listen to this question. Did you have any knowledge
19 of any medical condition that would have been
20 contagious or infectious with Mekole Harris, did you
21 know that?

22 A I didn't know that until after I read motion of
23 discovery over a year later.

24 Q So you deny, Ms. Jenkins, that you knew she was a
25 prostitute, that you knew she was a drug addict, that

1 you knew she was infected; you deny all of that?

2 A I did not know any of that. I knew that he told her
3 that she was under arrest for prostitution that day.
4 I knew that he had drugs sitting on the counter when
5 she was in the floor.

6 Q All right.

7 A I did not find about her medical condition until
8 months later through the motion of discovery that I
9 received.

10 Q So you would deny that you discovered that on Sunday
11 morning?

12 A I did not know any of that.

13 Q All right. April the 5th, that Saturday morning,
14 early morning hours, at least two phone calls were
15 made to Grace Davis's family, right?

16 A Yes, sir.

17 Q Were you present when those phone calls were made?

18 A Yes, sir.

19 Q And you testified on direct that Mekole Harris made
20 those phone calls?

21 A Yes, sir.

22 Q But you did not make phone calls?

23 A I did not come near the telephone period.

24 Q All right. So you all loaded up in the van and you
25 drove to a pay phone?

1 A Yes, sir.

2 Q Did all three of you get out and go into the pay
3 phone?

4 A I stood next to the van.

5 Q It was right next to the van?

6 A Yes, sir. I stood next to the van and they walked to
7 the telephone.

8 Q And let me guess, let me guess, you're going to
9 testify that you sat in the and didn't do anything?

10 A I stood next to the van.

11 Q But you didn't have anything to do with that either?

12 A I stood next to the van while the phone calls were
13 being made.

14 Q All right. You testified this morning that when
15 Mekole Harris was brought to your residence on Tindal
16 Road, the residence, by the way, that was in your
17 name, you signed the lease on this residence, right?

18 A Yes, sir.

19 Q That when Mekole Harris was brought there, within
20 just a matter of moments, she had been placed in a
21 room and taken all of her clothes off and handcuffed
22 and so forth, right?

23 A Yes, sir.

24 Q So that was Saturday?

25 A Friday.

1 Q That was Friday night is that would have been, right?

2 A Friday.

3 Q About what time do you remember leaving the trailer
4 in the van to go to Checkers to get your food, what
5 time would that be on Saturday?

6 A It was after his sister left, so probably between
7 2:00 and 5:00, somewhere between those hours.

8 Q Between 2:00 in the afternoon and 5:00 in the
9 afternoon?

10 A I believe so.

11 Q You walked out of your trailer and you got in the van
12 and you cranked it up? The van that's, by the way,
13 registered in your name?

14 A Yes, it is.

15 Q And you cranked the van up and you drove out of
16 Tindal trailer park?

17 A Yes, sir.

18 Q What Checkers did you go to?

19 A The one in Cherry Dale area.

20 Q How long would you have to drive from the Tindal Road
21 trailer park to get to this restaurant?

22 A Not even five minutes.

23 Q Is it up there at the Cherry Dale complex?

24 A Yes, sir.

25 Q So there's people everywhere. Saturday afternoon,

1 Checkers restaurant, Cherry Dale shopping center,
2 people everywhere that time of day, right?

3 A Yes.

4 Q Did you go through the drive-through window or did
5 you go in?

6 A I went through the drive-through. There's only
7 drive-through at Checkers.

8 Q So you go in through the drive-through and you tell
9 the person what you want to eat, they give you the
10 food and you go back to this place where you have
11 testified this woman was naked in the floor
12 handcuffed?

13 A She wasn't naked at that time, but she had been.

14 Q She had been? And you say you saw that?

15 A Yes.

16 Q Carmen, when Mekole Harris died, Clarence was
17 actually not even in that trailer, was he?

18 A He was there.

19 Q All right. Now, you told the prosecutor that you
20 went to Carolina High School?

21 A Yes, sir.

22 Q And then you went Spartanburg Methodist College?

23 A Yes, sir.

24 Q And you went to Spartanburg Methodist College and
25 majored in business administration?

1 A Yes, sir.

2 Q You went there on a scholarship?

3 A Yes, sir.

4 Q But you had to drop out because your momma was sick?

5 A Yes, sir.

6 Q And that was actually before -- was that before you
7 ever met Clarence?

8 A That was before.

9 Q All right. So you've got a high school education,
10 you qualified to go the college. Were you doing good
11 in college?

12 A I never really -- I only took one test while I was
13 there. I left right at spring break -- right at fall
14 break. The day we were supposed to take midterms, I
15 left that day.

16 Q You're a smart woman?

17 A (The witness nods.)

18 Q You're a smart woman. Now, you married Clarence, but
19 Clarence didn't spell too good, right? Isn't that
20 what you told the prosecutor a minute ago?

21 A Yes.

22 Q Had to help him with his spelling whenever he was
23 supposed to do something?

24 A Yes.

25 Q Because he doesn't have a lot of education?

1 A No.

2 Q You had to teach him how to get on the email thing.

3 He didn't even know how to look up the email, right?

4 A I believe he acted like he didn't know how to use it.

5 Q But didn't you testify to the prosecutor that you

6 taught him how to go on email?

7 A I did show him how to use it.

8 Q Okay. That's what I asked you. Didn't you say you

9 taught him how to use the email?

10 A I showed him how to use it, yes.

11 Q Okay. And he followed your instructions on the

12 email, right?

13 A I believe so.

14 Q Did you know that Clarence had a fourth grade

15 education when you married him, Carmen?

16 A He told me he went to Greenville High School.

17 Q So he told you that he went to Greenville High

18 School?

19 A Yes.

20 Q But he didn't know how to spell?

21 A Yes.

22 Q All right. And you married in 2006, December, and

23 your child was born in March?

24 A Yes, sir.

25 Q And that would have been March the --

1 A 25th?

2 Q March the 25th of 2007, little Carmen was born,
3 daughter?

4 A Yes, sir.

5 Q Named after you?

6 A Carmen Marie, all one name Carmen Marie.

7 Q But she was, essentially, your namesake?

8 A If you say so, yes.

9 Q Your name's Carmen, isn't it?

10 A Her name is Carmen Marie, that's her full first name,
11 Carmen Marie.

12 Q And during the early time of your marriage, you had
13 pretty unrestricted use of your mom's car when you
14 needed it?

15 A At the time we met, I had my own car and my mother
16 had her own car. And when he wanted to drive, he
17 could drive it. But I used my car mostly. Then my
18 car started to tear up and my mother let us use her
19 car when she came became disabled and unable to drive
20 after our first daughter was born.

21 Q All right. So the answer then would have been yes,
22 you had use of your mom's car?

23 A Yes.

24 Q Okay. And some -- and your marriage got kind of
25 rocky after a while, right? Y'all were having a

1 little trouble?

2 A Yes.

3 Q And it was not unusual for you to go over to your
4 mom's house, who lives in Greenville County, or
5 Clarence to go his momma's, she lives in Greenville
6 County? That wasn't an unusual situation, was it?

7 A That was only one point in time that we didn't
8 actually live together, that we didn't live together
9 on a daily basis.

10 Q All right.

11 A That was when he asked me to leave and when he went
12 to prison. Other than that, we stayed together on a
13 daily basis.

14 Q One of those times was in the summer of 2007, right?

15 A Yes, sir.

16 Q All right. You and your baby, baby Carmen -- did you
17 call her Carmen or Carmen Marie?

18 A I call her Carmen Marie. My family calls her Carmen.

19

20 Q All right. Well, I'm going to call her little
21 Carmen.

22 A Okay.

23 Q You and little Carmen stayed over at your mom's house
24 in the summer of 2007?

25 A Yes.

1 Q And in August -- would it have been early Augusta or
2 mid-August when you met Grace?

3 A I met Grace, I believe the day after her birthday, so
4 it would be August 5th, I believe.

5 Q August 5th?

6 A I believe so.

7 Q All right. You met her on her birthday. And how
8 many days after that was it before she was actually
9 living with y'all over on Tindal?

10 A We stayed together before that and then moved to
11 Tindal the next February.

12 Q Oh, that's Lulu?

13 A Yes, sir.

14 Q All right. That's right, you're living on Lulu Lane?

15 A In the Welcome area, yes, sir.

16 Q And that's where she first went with y'all?

17 A Yes, sir.

18 Q So you met her on August 5th. When did she get to
19 move with y'all on Lulu Lane?

20 A That night, the same night I met her.

21 Q The night you met her is when y'all all moved in
22 together?

23 A The night I actually met her and knew her name was
24 the night she moved into our house.

25 Q All right.