

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County
Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEREMY SAVOY CORNISH,

APPELLANT.

APPELLATE CASE NO. 2022-001536

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THE COURT:

STATE’S EXHIBIT NOS. 206, 209 (AERIAL PHOTOGRAPHS)

1 the abdomen. So the bullet enters the left side of his
2 body and essentially crosses through across his body. As
3 it goes across his body, it got the lower part of his left
4 lung and then went into his intestines and then -- and then
5 continued to the abdomen where we -- we recovered the
6 bullet. So, again, goes through the kind of lower left
7 side of the back, hits the left lung on its way across the
8 body and part of the intestines, and then we recovered the
9 bullet there.

10 Q. And would that gunshot number -- gunshot wound number
11 seven, have been fatal?

12 A. It certainly could have been. As mentioned with the
13 previous autopsy, a gunshot wound to the lung leads to
14 serious bleeding and in his case it did. There was quite a
15 bit of blood also in that left plural cavity and also some
16 blood in the abdomen. So in and of by itself, that could
17 be a fatal wound.

18 Q. Gunshot wound number eight, that you've got up here --
19 listed up here beside the --

20 A. Yeah, just kind of ran out of room. Gunshot wound
21 number eight, it's listed up there, but the entrance here
22 is actually on the left side of the abdomen, so not too far
23 from gunshot wound number seven, probably just a couple
24 inches away, just kind of wrapped around the body, and this
25 one is going to take a very similar pathway in that it's

1 travelling from his left to right, travelling across his
2 body, but this one actually exits up on the upper right
3 side of the chest. So this one is travelling from his left
4 to his right, but it's also travelling upward. So on its
5 path upward from the abdomen up to the kind of chest where
6 it exits, that one did pass through -- that one passed
7 through the heart. So, again, potentially a fatal wound in
8 and of by itself as it did perforate the heart.

9 Q. On that particular shot, gunshot wound number eight,
10 having hit the heart, you say that one would be fatal?

11 A. Yes.

12 Q. Unlike a lung shot where someone may live for a while,
13 what about gunshot wound number eight? Since it hit the
14 heart, would somebody have died more quickly or -- or what
15 can you say about that?

16 A. Yeah, a gunshot wound to the heart can be tricky.
17 Sometimes it will cause a sudden death because you have an
18 electrical circuit that tells when your -- when your heart
19 to beat and such, but it's not -- most of the times that
20 not the case. You still have a period of survival where
21 the blood you've already pumped to your organs and your
22 brain, it will still keep you alive. So it will vary from
23 case to case. You would expect it to be a shorter period
24 of time than a lung injury, but, again, I've seen, you
25 know, significant activity out of people who have been shot

1 in the heart.

2 Q. Gunshot wound number nine.

3 A. So gunshot wound number nine is gonna be on the right
4 side of the abdomen, so right here. We have two wounds
5 that are actually, if you don't mind, close to -- right
6 next to each other. Gunshot wound number nine and gunshot
7 wound number ten, so right next to each other on right side
8 of the abdomen. Both of those bullets then once they pass
9 through the body, they go through the abdominal wall. They
10 then go through the liver. So, again, a large vital organ
11 on the right side of your abdomen. After passing through
12 the liver here, then both of them exit the right side of
13 the back. So gunshot wounds nine and ten predominantly are
14 moving from front to back and, again, would be significant
15 injuries as they perforated the liver, which leads to
16 bleeding.

17 Q. Would gunshot wound number nine and ten have been
18 fatal?

19 A. Yes, they could be fatal. If that was the only
20 wounds, yes.

21 Q. Gunshot wound number eleven?

22 A. So gunshot wound number eleven is going to be -- we
23 have two wounds kind of in the area of the left armpit. So
24 gunshot wound number eleven is the one that's a little bit
25 further up and then you can see we have a B here in the --

1 kind of top of the left shoulder and so that bullet
2 essentially kind of goes threw the kind of upper left side
3 of the chest and then works its way into the left shoulder
4 where we recovered the bullet.

5 Q. And would that one have been fatal?

6 A. This one would not have. It did not hit the lung or
7 any of the organs on its way through to the shoulder.

8 Q. And then gunshot wound number twelve?

9 A. So gunshot wound number twelve, again, enters just
10 below eleven here on the left side of the chest, but
11 whereas eleven went upward and didn't really hit much,
12 twelve pretty much goes straight through the left side of
13 the chest and strikes the left lung and then we recovered
14 that bullet from the kind of back part of the chest wall
15 on the left side. So, again, recovered the bullet here,
16 entered here and, again, the fact that it went through that
17 left lung would cause abundant hemorrhage and it could be a
18 fatal wound by itself.

19 Q. So fatal as well. Okay. So gunshot wound number
20 seven, you recovered a round?

21 A. Yes.

22 Q. And gunshot wound twelve you recovered a round?

23 A. Yes.

24 Q. And eleven?

25 A. Yes..

1 Q. So three rounds?

2 A. Correct.

3 Q. And did you also take a blood standard on this one?

4 A. We did.

5 Q. I'm gonna show you what's been marked as State's 180.

6 First, as to the blood spot, is that the standard you took
7 from Mr. Livingston?

8 A. Yes, it is.

9 Q. And then as to the projectiles, are these from your
10 autopsy as well for Mr. Livingston, the three projectiles?

11 A. Yes, they are.

12 MR. HUBBARD: Your Honor, I offer these into
13 evidence at this time as State's 180.

14 MR. SWERLING: No objection.

15 THE COURT: All right. They're admitted.

16 (State's Exhibit Number 180, Livingston blood spot
17 and projectiles, was admitted into evidence.)

18 BY MR. HUBBARD:

19 Q. And, Doctor, as to these three projectiles, were these
20 all jacketed?

21 A. Yes, they are.

22 Q. Doctor, to a reasonable medical degree of certainty,
23 did you come up with a cause death and manner of death?

24 A. I did.

25 Q. And what was that?

1 A. In this case, the cause of death was gunshot wound to
2 the trunk. As you mentioned, this could be due to the
3 cumulative effect of several of the wounds that passed
4 through the heart, the lungs and the liver, and then the
5 manner of death in this case would be homicide again as
6 death was due to another individual.

7 Q. And, Doctor, did you perform a third autopsy on a
8 Duwan Williams?

9 A. Yes, I did.

10 Q. How old was Mr. Williams?

11 A. At the time of the autopsy, Mr. Williams was
12 twenty-seven years old.

13 Q. And how many times was he shot?

14 A. Mr. Williams was shot four times.

15 Q. And how many rounds did you recover from Mr. Williams?

16 A. We recovered three bullets to go with the four gun
17 shot wounds.

18 Q. I want to show you State's 141 and see if this is the
19 chart you did on Mr. Williams?

20 A. Yes, it is.

21 MR. HUBBARD: Your Honor, I offer this into evidence.

22 MR. SWERLING: No objection.

23 THE COURT: It's admitted.

24 (State's Exhibit Number 141, an autopsy diagram,
25 was admitted into evidence.)

1 BY MR. HUBBARD:

2 Q. Now, Doctor, with Mr. Williams, gunshot wound number
3 one, where was that?

4 A. So gunshot wound number one is centered in the mid
5 back just to the left there.

6 Q. And was it a through and through shot or did you
7 recover that round?

8 A. We recovered the bullet from gunshot wound number one.

9 Q. And is that depicted right here on the front portion
10 of his body?

11 A. Yes, it is. The bullet after it passed through the
12 left side of the back there, it went through -- kind of
13 worked its way through the body going through the right
14 lung, also the larynx or your breathing tube, before
15 becoming embedded in the tissue beneath the chest on the
16 right side there.

17 Q. Would that be a fatal round?

18 A. Yes, it could have been a fatal round even if it was
19 the only shot fired.

20 Q. With that shot through the lungs, would someone like
21 -- an injury like this, would they die immediately or could
22 they still maybe respond and maybe even perhaps talk?

23 A. As described with the other two victims, certainly
24 with a gunshot wound of the lung there's no immediate
25 incapacitation from that, so you would experience a period

1 of survival where he could talk.

2 Q. Would also you expect to hear labored breathing from
3 someone who was shot like that?

4 A. Certainly.

5 Q. And you say you recovered a round from that?

6 A. Yes.

7 Q. What did it appear like?

8 A. I described this bullet as, again, medium caliber, so
9 roughly the same size as the other ones, not very deformed,
10 and this one was not jacketed, so that distinguished it
11 from the other bullets that we've described so far.

12 Q. I see you have it marked as gray metal bullet?

13 A. Correct.

14 Q. And no jacket on it, so that one's different?

15 A. Correct.

16 Q. Gunshot number two, where is -- right here?

17 A. So gunshot wound number two is on the left side of the
18 neck kind of right -- kind of where the neck meets the
19 shoulders. So it kind of entered the left side of the
20 neck, went through the skin and muscle, kind of the deep
21 tissues of the neck and then became imbedded as you can see
22 in the picture here pretty much nearby it. So it travelled
23 a couple of inches into the musculature of the neck.

24 Q. Would that one have been fatal?

25 A. Most likely not by itself. The neck is very vascular

1 though, so similar to the one, I guess, with the arm
2 earlier where it went through the humerus, you wouldn't
3 expect it to be immediately fatal, but this would be -- a
4 shot to the head or neck are gonna bleed more than a shot
5 to the hand. So it could be contributory, but not -- by
6 itself you would not expect it to be fatal.

7 Q. Okay. As to that projectile, did you recover that
8 projectile as well?

9 A. Yes, I did.

10 Q. And what can you tell us about that?

11 A. That bullet appeared very similar to the previously
12 described one from gunshot wound number one. Again, medium
13 caliber, not very much deformed and a gray metal bullet
14 without a jacket.

15 Q. So not jacketed?

16 A. Correct.

17 Q. Gunshot wound number three?

18 A. So gunshot wound number three, we have our entrance on
19 the back of the left arm here. This wound basically just
20 went straight through the skin and muscle. This one did
21 not hit the humerus and then exited the enter part of the
22 left arm. So predominantly moving from back to front in
23 this case and, again, did not hit any major bones or blood
24 vessels, so would not expect it to be a fatal injury.

25 Q. So nothing recovered there, it's a through and through

1 shot?

2 A. Correct.

3 Q. And gunshot wound number four, what can you tell us
4 about that one?

5 A. So gunshot wound number four, again, it's another
6 entrance. It's on the back. In this case, it's the back
7 of the left shoulder. This bullet pretty much went -- it
8 goes all the way across the body, but it kind of stayed
9 posterior. So it went through the skin and muscle on the
10 back. It did graze and fracture a rib on the right side,
11 briefly exited the chest and then went kind of right into
12 the tissue of the right arm here where we have this B. So,
13 again, the bullet entered the left side of the back, goes
14 all the way across the body and then is recovered here.
15 And, again, even though it went all the way across the
16 body, it was more superficial. So it had a rib fracture,
17 but did not perforate any of the major organs, did not
18 cause any major bleeding.

19 Q. And did you recover that projectile?

20 A. Yes, I did.

21 Q. Was that jacketed or non-jacketed?

22 A. This one was jacketed, so this was more of a similar
23 appearance to the previously described bullets in the other
24 cases and was distinct from was the ones in this case as it
25 had a jacket and the other two did not.

1 Q. And, again, gunshot wound number one, that was the
2 fatal shot?

3 A. Yes, that would have been the most serious gunshot
4 wound in this case.

5 Q. Let me show you what's been marked State's 182 and see
6 if you can recognize these. One, again, with the blood
7 standard, do you recognize that?

8 A. Yes, this is the blood standard from Mr. Williams.

9 Q. Okay. Let me show you three projectiles. Do those --
10 I can hand those to you if you want.

11 A. Yes. These are the bullets that I recovered from
12 Mr. Williams and described earlier.

13 Q. And, again, as to gunshot wound number one, it was a
14 lead non-jacketed?

15 A. Correct.

16 Q. Of these two, I don't know if you -- is there a way
17 for you to tell?

18 A. Yeah. Gunshot wound number one ended up in the chest,
19 so this would be the one that went with gunshot wound
20 number one.

21 Q. And when you say non-jacketed, were these -- out
22 of all the projectiles you recovered from Mr. Booker,
23 Livingston and Mr. Williams, are these the only two
24 non-jacketed projectiles you recovered?

25 A. Yes.

1 Q. So they were different from all the others?

2 A. Correct.

3 Q. And the other gunshot wound that he had that was
4 jacketed that was a nonfatal shot?

5 A. Correct.

6 Q. And that one was jacketed?

7 A. Yes.

8 Q. But the other two were basically just lead unjacketed?

9 A. Correct.

10 Q. Including the fatal shot?

11 A. Yes.

12 THE COURT: That's admitted without objection, wasn't
13 it?

14 MR. HUBBARD: I did not hear one. Is there an
15 objection to 182?

16 MR. SWERLING: I'm sorry. I didn't hear you offer
17 it. No objection.

18 THE COURT: I didn't hear him either. I thought
19 I'd just check for my recordkeeping over here.

20 MR. HUBBARD: I thought I did. I'm sorry. It's
21 late in the day, Your Honor.

22 THE COURT: No objection and it's accepted.

23 MR. HUBBARD: Thank you, Your Honor.

24 (State's Exhibit Number 182, Williams blood spot
25 and projectiles, was admitted into evidence.)

1 BY MR. HUBBARD:

2 Q. Doctor, to a reasonable degree of medical certainty
3 can you tell this jury cause and manner of death for
4 Mr. Duwan Williams?

5 A. Yes. This one -- this death was due to gunshot wounds
6 of the neck and trunk. Again, predominantly the major
7 wound would be the wound to the back that led to the
8 perforation of the left lung, but then also the wound to
9 the neck would have been contributory.

10 Q. And as to Mr. Williams, all these gunshots were to his
11 back side?

12 A. Correct.

13 MR. HUBBARD: I beg the Court's indulgence.

14 THE COURT: Take your time.

15 MR. HUBBARD: And, Your Honor, I believe I took the
16 packaging out of Mr. Booker's, 181.

17 I did not want Your Honor to thin I was stuffing
18 something into evidence.

19 THE COURT: I know.

20 MR. HUBBARD: Your Honor, I believe one more
21 question.

22 BY MR. HUBBARD:

23 Q. All these items you recovered, these projectiles and
24 blood standards, State's 180, 181, 182, did you turn these
25 over to a Brannon Marthers with the sheriff's department?

1 A. Yes, we did.

2 MR. HUBBARD: Thank you.

3 Your Honor, I don't believe I have any other
4 questions.

5 MR. SWERLING: No questions.

6 THE COURT: Okay. Can I let Dr. Nicholas down?

7 MR. HUBBARD: I would please ask that you do and
8 that he be excused.

9 THE COURT: Doctor, you may be excused.

10 THE WITNESS: Thank you very much, Your Honor. I
11 appreciate you accommodating me.

12 (Witness excused.)

13 MR. HUBBARD: We can do a short one or we can stop.

14 THE COURT: Let me see the lawyers about scheduling
15 right quick.

16 (Proceedings held at the bench; not reported.)

17 THE COURT: Mr. Hubbard, this will be the last one?

18 MR. HUBBARD: Yes, sir. Yes, Your Honor.

19 THE COURT: That's all right. You can call me
20 anything. I'll answer.

21 Mr. Foreman, ladies and gentlemen of the jury,
22 we're gonna do one witness that will be a short witness,
23 really short, and then we're gonna call it a day, okay?

24 Ms. Mayes.

25 MS. MAYES: The State calls Detective Brannon

1 Marthers.

2 THE CLERK: Raise your right hand, please.

3 (Whereupon, Brannon Marthers was duly sworn by the
4 Clerk of Court.)

5 THE CLERK: If you'll have a seat please. State
6 your name and spell your last, please, for the record.

7 THE WITNESS: Brannon Marthers. Last name
8 M-A-R-T-H-E-R-S.

9 BRANNON MARTHERS,
10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. MAYES:

13 Q. Good afternoon, Sergeant Marthers. Tell us a little
14 bit about yourself. Where are you employed?

15 A. I've been with the Lexington County Sheriff's
16 Department since August of 2008. During that timeframe,
17 I've served as a regular, a deputy master deputy, which is
18 a patrol supervisor. Also in the Major Crimes Unit as a
19 detective and since then in the Intelligence Unit as an
20 analyst and supervisor.

21 Q. All right. Thank you. And I want to take you back to
22 2019, specifically December 17th of 2019. Can you tell us
23 what division within the sheriff's department you were
24 working with?

25 A. I was in the Major Crimes Unit at that time.

1 Q. Okay. And as a member of the Major Crimes Unit, can
2 you tell us whether or not you were familiar with the
3 on-going investigation regarding the triple murder at
4 [REDACTED] Butternut Lane in Lexington County?

5 A. Yes, ma'am. I was familiar with it.

6 Q. What role did you play regarding autopsies in that
7 particular case?

8 A. On December the -- December the 19th of 2019, I
9 responded to MUSC in Charleston to collect evidence that
10 was gathered from the autopsies. At that point, once the
11 evidence was collected, I transported it back to the
12 sheriff's department and secured it.

13 Q. All right. Can you tell us whether the autopsies of
14 Branton Booker Sheldon Livingston and Duwan Livingston were
15 all conducted on December 19, 2019, in Charleston?

16 A. Yes, ma'am.

17 Q. And were you present for each one of those autopsies?

18 A. Yes, ma'am.

19 Q. I'm gonna show you some items of evidence and we're
20 gonna start with Mr. Booker. Looking here at State's 181,
21 already in evidence, I'm gonna ask you if you're familiar
22 with projectiles or bullets that were recovered from the
23 body of Branton Booker?

24 A. I was familiar when they were collected. I never saw
25 the projectiles because when they were passed over to me

1 they were already packaged.

2 Q. And I want to ask you about that. You're present and
3 watching the autopsy?

4 A. Yes, ma'am.

5 Q. You're in a position where you can view it as it's
6 occurring?

7 A. Yes, ma'am.

8 Q. And could you see the pathologist in this case,
9 Dr. Batalis, as he's performing the autopsies?

10 A. Just from perspective. You can see most of it. You
11 can't see every single piece from the angle you're
12 standing.

13 Q. And were you familiar with whether or not during the
14 course of the autopsies these projectiles or bullets were
15 removed?

16 A. Yes, ma'am, they were.

17 Q. And packaged by Dr. Batalis?

18 A. Him and his staff. Yes, ma'am.

19 Q. And who did they provide them to?

20 A. They turned them over to me.

21 Q. And how quick in time did that occur?

22 A. As soon as they were finalizing the autopsy, they took
23 them into the room where I was, which still you can see
24 everything that's going on, and then immediately turned
25 them over.

1 Q. Okay. And are they already sealed when you received
2 them?

3 A. They were in little envelope packets. Yes, ma'am.

4 Q. All right. I'm gonna show you this item and ask you
5 whether or not you recognize it and whose signature is on
6 it?

7 A. This would be one of our standard bags that we keep at
8 the sheriff's department in evidence for us to put items
9 in. This is my handwriting and -- can I open it?

10 Q. Yes.

11 A. And that is my signature on the evidence tape on the
12 back.

13 Q. And also I'm gonna show you what is known as a blood
14 spot or a blood or DNA standard from the victim in this
15 case, Branton Booker. Can you tell us whether this was
16 included the items that you received?

17 A. Yes, ma'am. It was included from MUSC.

18 Q. And upon receiving, again, this item, was it already
19 sealed?

20 A. Yes, ma'am.

21 Q. Pursuant to the autopsy by Dr. Batalis?

22 A. Yes, ma'am.

23 Q. And can you tell us what you did with these items upon
24 receiving them?

25 A. Once I received them, I put them in another bag, so

1 each individual victim's belongings were separated from
2 each other, secured them in my vehicle and transported them
3 back to evidence. At that point the clothing was secured
4 in the crime scene lab in a dryer since it was wet with
5 blood. I had the only physical key to unlock that dryer
6 once it was secured and it remained with me until we
7 removed them from the locker several days later. The other
8 items that was collected from the autopsy, they were taken
9 by me to our evidence room and stored until they were sent
10 to the lab for testing.

11 Q. Okay. And can you tell us regarding those bullets or
12 projectiles and that blood standard, did all of those items
13 remain sealed the entire time they were in your possession?

14 A. I did not unseal them at all.

15 Q. Okay. And did they have any type of evidence tape to
16 secure them?

17 A. The little labels that MUSC provides.

18 Q. Okay. And so it comes to you already sealed,
19 including an evidence seal?

20 A. The evidence seal would have been the tape that I put
21 on there. They have an identification label that they use
22 to seal it.

23 Q. Okay. And when you place your evidence tape on there,
24 it's for what purpose?

25 A. To show that I was the one that sealed it and the last

1 person that accessed it.

2 Q. And if that seal had been broken in any way, would it
3 be noticeable?

4 A. Yes, ma'am.

5 Q. I'm gonna show you next some items taken from the
6 autopsy of Sheldon Livingston, also on December 19th, and
7 ask you how, if at all, you recognize these items?

8 A. Again, another bag that we standardly keep in evidence
9 with my handwriting on it and on back another seal from the
10 evidence room with my signature and the date.

11 Q. Okay. And did you also place the same evidence seal
12 on this item?

13 A. Yes, ma'am.

14 Q. Did you receive it from Dr. Batalis already sealed?

15 A. The stuff that they collected, yes, ma'am.

16 Q. Okay. Including those projectiles and the blood
17 standard?

18 A. Yes, ma'am.

19 Q. Next I'm gonna show you the items taken from the
20 autopsy of Duwan Williams. Can you tell us whether or not
21 the same protocol regarding chain of custody was followed
22 with these items, being three projectiles or bullets
23 removed from his autopsy, as well as his DNA or blood
24 standard?

25 A. May I?

1 Q. (Hanging.)

2 A. Again, this package indicated three projectiles from
3 Mr. Williams. It has my handwriting on it, as well as an
4 evidence seal with my signature and the date.

5 Q. And did that include the evidence seal?

6 A. Yes, ma'am.

7 Q. To ensure no tampering?

8 A. Yes, ma'am.

9 Q. And did all of these items for Victim Booker, Victim
10 Livingston and Victim Williams remain sealed during the
11 entire time they were in your possession?

12 A. Absolutely.

13 Q. And up until the time you delivered them to the
14 Lexington County Sheriff's Department to the custody of
15 Sergeant Sandy Black or any other evidence custodian?

16 A. They would have been turned into evidence unit per
17 standard protocol. I'm not certain what time of the day it
18 was, but we do have procedures whether somebody's in the
19 office or not to ensure everything is secure.

20 Q. And that's for State's 182, 180 and 181?

21 A. Yes, ma'am.

22 Q. Now you mentioned that you were part of the Major
23 Crimes Unit at the time?

24 A. Yes, ma'am.

25 Q. And as part of the Major Crimes Unit were you

1 attending briefings that were on-going during the days
2 following this homicide?

3 A. I did attend some. I'm not certain if I attended all
4 of them, but I was present for some.

5 Q. Can you tell us whether or not you were familiar with
6 a report that came into the sheriff's department by a
7 neighbor regarding a stolen bicycle?

8 A. Yes, ma'am, I was.

9 Q. And do you have with you any information regarding
10 that?

11 A. I don't have the actual report itself; however, I do
12 have documentation showing that I responded to meet with a
13 Sabah Kadhim on December 18th of 2019.

14 Q. All right. I'm gonna show you an item marked, which
15 is marked as State's 176 and ask you a few questions about
16 that.

17 So you mentioned Dr. Kadhim. What is your
18 understanding of Dr. Kahdim's residence in relation to the
19 crime scene at [REDACTED] Butternut Lane?

20 A. He's more or less neighbor. I'm not exactly sure of
21 his physical address, but he's in the same area.

22 Q. And can you tell us whether or not the sheriff's
23 department had received a report of a stolen bicycle?

24 A. Yes, ma'am. I am familiar with said report.

25 Q. And who was the owner of that bicycle?

1 A. Mr. Kadhim.

2 Q. And ultimately was that bicycle that had been reported
3 stolen taken into evidence by the Lexington County
4 Sheriff's Department?

5 A. Yes, ma'am. We did recover it.

6 Q. And can you tell us whether or not that bicycle was
7 processed by CSI for any type of DNA or trace evidence?

8 A. I don't have an answer for that, but I do know I was
9 requested to collect a DNA standard from Dr. Kadhim to
10 eliminate him as any DNA that would have been on the
11 bicycle.

12 Q. Okay. In other words, because he was the owner of the
13 bicycle you did a DNA or buccal swab standard from the bike
14 owner?

15 A. Yes, ma'am.

16 Q. All right. I'm gonna show you something and ask you
17 whether or not you recognize it, this will be State's 176,
18 and the contents?

19 Again, this particular item that we're looking at, is
20 it currently sealed?

21 A. Yes, ma'am.

22 Q. Consistent with your evidence -- chain of custody
23 evidence standards?

24 A. May I?

25 Q. Yes.

1 A. The seals have been broken, but I also notice that a
2 SLED lab number is on there and in order for SLED to
3 process it they would, indeed, have to open it.

4 Q. Okay. All right. What, if any, type of markings are
5 on the outside of this buccal swab envelope?

6 A. This envelope contains my handwriting and it's
7 indicated to be a DNA swab from Mr. Kadhim and it also has
8 an evidence seal on the back bearing my signature and the
9 date.

10 Q. All right. Now when you collect a buccal swab or a
11 DNA standard from someone, tell us what the process or
12 procedure is for that.

13 A. The kit it comes in actually has instructions, so it
14 walks you through every single step. It's not harmful,
15 it's not really invasive. You essentially have two Q-Tips
16 that come in the package, you put on protective gloves to
17 ensure that your DNA is potentially minimized from being
18 part of the collection and then you swab the interior cheek
19 of the person's mouth who's providing the sample. You
20 allow the Q-Tips to dry so they're not put in wet to
21 potentially mildew or mold and you seal them up and fill
22 out the paperwork and attach the documents.

23 Q. Okay. And that's meant to be a standard for DNA
24 comparison analysis by the State Law Enforcement Division?

25 A. Yes, ma'am.

1 Q. And, again, this had to do with a bicycle in the area
2 that had been stolen?

3 A. Yes, ma'am.

4 Q. Do you know whether or not that bicycle was stolen on
5 the date of December 17, 2019?

6 A. I do not know that.

7 MS. MAYES: For evidence, Your Honor. State's 176.

8 THE COURT: Any objection?

9 MR. SWERLING: No, Your Honor.

10 THE COURT: It's admitted.

11 (State's Exhibit Number 176, Sabah Kadhim buccal
12 swabs, were admitted into evidence.)

13 MS. MAYES: Nothing further of Detective Marthers
14 at this time, Your Honor.

15 THE COURT: Any cross?

16 MR. SWERLING: No cross.

17 THE COURT: All right. Can I let Detective Marthers
18 be excused?

19 MR. HUBBARD: Yes, Your Honor.

20 THE COURT: Detective, thank you.

21 (Witness excused.)

22 MR. HUBBARD: Your Honor, I think that's the last
23 short witness we would have.

24 THE COURT: All right. Are you-all ready to start
25 at 9:30 tomorrow?

1 ready?

2 FOREPERSON: Yes, Your Honor.

3 THE COURT: Okay. Please be seated.

4 Let me ask the jurors, overnight has anyone talked
5 to you about this case, have you watched anything on TV,
6 the Internet? Has anybody approached you about this
7 case? If so, please raise your hand.

8 Okay. Is the State ready to call their first
9 witness?

10 MS. MAYES: Yes, Your Honor.

11 The State calls Detective John Donnelly.

12 THE COURT: All right. Before he gets on the stand,
13 let me tell you, Juror Number 19, you are now part of
14 the jury. You are Juror Number 12, okay?

15 JUROR: Okay.

16 THE COURT: Thank you.

17 MS. MAYES: The State calls Detective John Donnelly.

18 (Whereupon, John Donnelly was duly sworn by the
19 Clerk of Court.)

20 THE CLERK: If you'll have a seat over there,
21 please. If you'll state your name and spell your last,
22 please, for the record.

23 THE WITNESS: I'm Investigator John Donnelly with
24 Lexington County Sheriff's Department.

25 JOHN DONNELLY,

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. MAYES:

4 Q. All right. Tell us a little bit about yourself. How
5 long have you been with the Lexington County Sheriff's
6 Department?

7 A. I've been with Lexington County Sheriff's Department
8 since early 2018.

9 Q. Okay. And specifically what type of divisions have
10 you worked within there at the sheriff's department?

11 A. Well, at the sheriff's office, I've worked patrol and
12 then soon after I began as a crime scene investigator with
13 the sheriff's office.

14 Q. Okay. And I want to take you back to 2019,
15 specifically December of 2019, and ask you what role, if
16 any, you had in the investigative response out at Butternut
17 Lane in December of 2019?

18 A. Yes, ma'am. On December 17, 2019, we got a call for
19 service in reference to a home invasion. It was for [REDACTED]
20 Butternut Lane. I responded to that scene and I arrived
21 approximately 11:07 AM.

22 Q. Okay. I want to ask you a few questions about that.
23 I want to show you what is already in evidence. This would
24 be State's Exhibit 60 and ask if you're familiar with this?

25 A. Yes, ma'am.

1 Q. How so?

2 A. That's a still image from my body cam that was worn
3 during the entire incident.

4 Q. Okay. What do you remember, Detective Donnelly, about
5 your initial response there at the scene there at Butternut
6 Lane?

7 A. When I arrived on-scene, I made contact with a
8 Mr. Donnovin. He was on the front steps to the apartment
9 building. He was very emotional and appeared to be in
10 shock. That was my initial contact.

11 Q. All right. I'm gonna ask you a few questions about
12 that. In looking here at this overhead, can you show us
13 the general area in which you first remember making contact
14 with the individual that you referred to as Donnovin?

15 A. Yes, ma'am. I first made contact with Donnovin on the
16 steps of that apartment building right there.

17 Q. All right. Now I'm gonna show you -- that is 67
18 already in evidence. Now I'm gonna show you State's 60.
19 Again, already in evidence. First, let me ask you is this
20 a photograph or a still shot?

21 A. I believe that's a still shot from my body cam.

22 Q. Okay. And when we talk about body cameras, does it
23 have a date and time affiliated with it?

24 A. Yes. On the top right corner of that still image, you
25 can notice the date and the time are there. The time is in

1 Zulu time, so you have to subtract five hours.

2 Q. All right. And so looking at that date of
3 December 17, 2019, and subtracting the five pursuant to
4 Zulu time, what is the time stamp there in which you are
5 approaching and speaking with Donnovin?

6 A. That would be 11:07 and 50 seconds AM.

7 Q. Okay. So you were at the scene by 11:07?

8 A. Yes, ma'am.

9 Q. Roughly four minutes after Detective Purdy, who was
10 the first officer responding?

11 A. Yes, ma'am.

12 Q. All right. Now I'm gonna show you another photograph
13 and ask you whether or not you recognize it?

14 A. Yes, ma'am. That's another still image from my body
15 cam.

16 Q. All right. And do you also recognize the time
17 depicted of there?

18 A. Yes, ma'am. That will be 11:08.

19 Q. Okay. Is this also a fair and accurate representation
20 of your interaction there at the scene?

21 A. Yes, ma'am.

22 MS. MAYES: State's 192 for evidence.

23 THE COURT: Any objection?

24 MR. LEVENTIS: No, ma'am.

25 THE COURT: Then it's admitted.

1 (State's Exhibit Number 192, a photograph, was
2 admitted into evidence.)

3 BY MS. MAYES:

4 Q. All right. Now you noted your interaction here with
5 the person you've identified as Donnovin. Can you tell us
6 what you recall about his emotional state or demeanor?

7 A. Yes, ma'am. What I noticed from him, he was very
8 emotional. He appeared to be in shock as if he had been
9 going through something very drastic and emotional.

10 Q. And what, if any, efforts did you take after meeting
11 him and observing his demeanor?

12 A. After I made contact with him and after I spoke with
13 him, I escorted him to my patrol vehicle where I placed him
14 into the rear back seat of my patrol vehicle.

15 Q. And why did you do that?

16 A. Just to keep him secured and in a safe place.

17 Q. Okay. And at this point in time it's December. Did
18 he have any type of shirt or jacket?

19 A. No, ma'am. He had no shirt, jacket, just pants, and I
20 believe no footwear.

21 Q. Okay. We're gonna look at 192, without objection, and
22 I know this is dark there on the overhead and may not be
23 easy to view, but what are we looking at here?

24 A. That is Mr. Donnovin sitting in the rear passenger
25 area of my vehicle.

1 Q. Okay. And what time is noted now on the time stamp?

2 A. That would be 11:08 and 32 seconds AM.

3 Q. Okay. So just one minute after you had met him on the
4 porch steps?

5 A. Yes, ma'am.

6 Q. Now after you were able to find a secure place for
7 Donnovin, what was your next action there on the scene?

8 A. My next action on the scene, I actually went into the
9 apartment. I made contact with my sergeant, Sergeant
10 Purdy, who is inside. He said that we had multiple victims
11 in the apartment. We walked towards the rear of the
12 apartment building, that apartment itself. I had already
13 seen that there was a victim on the couch in the living
14 room. I could actually hear him, it appeared that that
15 victim was having difficulty breathing, and then I went
16 towards the back of the residence where I located another
17 victim that was in the hallway and appeared to have been
18 covered with clothing and linens. I checked the pulse for
19 that victim and I did not find one. I then went further
20 into the apartment with Sergeant Purdy where Sergeant Purdy
21 checked the pulse of another vehicle that was in the rear
22 bedroom.

23 Q. All right. So now we're looking at State's 61 already
24 in evidence. You just described your actions there at the
25 scene, but can you walk us through each step --

1 A. Yeah.

2 Q. -- and where you went first, please.

3 A. So I came through here. I initially observed blood at
4 the entrance. It was a decent amount of blood as if
5 someone sustained an injury near the threshold at the door.
6 I observed a victim laying on the couch. As I said, he was
7 having difficulty breathing. You could actually hear him
8 somewhat struggling. I proceeded down into this corridor
9 into this dining area and then into this hallway where I
10 observed another victim to be laying on the ground covered
11 with linens and blankets. Then I proceeded to check his
12 pulse and I did not find a pulse on that victim. I then
13 followed Sergeant Purdy to this back area where Sergeant
14 Purdy checked the victim that was in this rear bedroom and
15 he did not locate a pulse. In this area, I also noticed
16 that there was another back bedroom and it appeared that
17 there was actually damage to that door and then after that
18 assessment of that victim, I preceded back into the living
19 room.

20 Q. Okay. I want to ask you about that. What was the
21 purpose of you going back into this living room area?

22 A. That's when I began to speak with the victim and
23 attempting to render aid to the victim.

24 Q. All right. And that was the victim who you heard
25 breathing heavily there on the couch?

1 A. Yes, ma'am.

2 Q. And still alive?

3 A. Yes, ma'am.

4 Q. We'll, get back to that in a moment. I want to first
5 ask you about this photograph here, which is State's 50 in
6 evidence, and you noted your observations there at the
7 door, and then I'm gonna show you another photograph, which
8 is State's 78, and ask you whether or not this better
9 depicts your observations on that day?

10 A. Yes, ma'am. That better depicts. It's a lot more
11 vibrant, so you can actually see color -- contrast.

12 Q. More well-lit?

13 A. Yes, ma'am.

14 Q. Is 78 a fair and accurate representation of what you
15 observed at the scene that day?

16 A. Yes, ma'am.

17 Q. As well as the efforts you and your coworkers took to
18 secure the crime scene?

19 A. Yes, ma'am.

20 Q. Were you part of that as well?

21 A. Yes, ma'am.

22 Q. Were you familiar with crime scene tape being placed
23 around the scene?

24 A. Yes, ma'am.

25 MS. MAYES: State's 78 for evidence, Your Honor.

1 THE COURT: Any objection?

2 MR. LEVENTIS: No objection, Your Honor.

3 THE COURT: It's admitted.

4 (State's Exhibit Number 78, a photograph, was
5 admitted into evidence.)

6 BY MS. MAYES:

7 Q. So looking here at 50, this would be what area of the
8 apartment?

9 A. That would be the front door, ma'am.

10 Q. All right. And then looking at 78, can you tell us
11 whether or not this is the same location within the
12 apartment?

13 A. That would be the same location within the apartment:
14 That is inside the apartment looking out the front door.

15 Q. What were your initial observations here?

16 A. Initial observations, I actually saw the blood that is
17 observable on the floor in this area here, as well as this
18 area here on the wood floor.

19 Q. And where else did you observe blood?

20 A. There was also blood on the door frame, as well as in
21 the living room where the victim was, and then where all
22 the other victims were located.

23 Q. Okay. So you noted there at the scene the blood along
24 the door frame?

25 A. Yes, ma'am.

1 Q. And then as you move forward, you mentioned what is in
2 evidence, State's 65, in the hallway. What do we see here?

3 A. Yes, ma'am. Here is the other victim who was laying
4 in the center of this little area of the hallway. You can
5 tell that he was covered with the items around him. Some
6 of those items were moved when I was checking his pulse and
7 that's where you can also notice all the blood on the
8 victim himself and in the area.

9 Q. Okay. And this is how you found him?

10 A. Yes, ma'am.

11 Q. And looking here on 61, the diagram, can you show us
12 where he is?

13 A. Yes, ma'am. The victim in that photograph is right
14 there.

15 Q. Okay. And now State's 66 already in evidence. What
16 are we looking at here?

17 A. That is a picture of the rear bedroom with the last
18 victim I observed and that victim is right there.

19 Q. Okay. And now looking at 61?

20 A. And that would be the victim in the sketch that was in
21 that photograph.

22 Q. All right. And as you noted, after you checked the
23 vital statistics for both your next action was to go where?

24 A. So I proceeded back to the living room where the
25 victim was that was alive and began rendering aid to him

1 and speaking with him and trying to calm him down.

2 Q. And where did you find him on the couch?

3 A. He was laying on top of the couch with his head
4 oriented this way and his feet down this way.

5 Q. Okay. And what else is noted here on State's 61, the
6 diagram?

7 A. You can also observe the blood that was on the couch
8 where the victim was laying.

9 Q. Now can you tell us where that appeared to be an
10 expansive blood trail or an isolated blood trail?

11 A. It appeared very isolated as if the victim had been
12 laying there and bled.

13 Q. We're gonna look at 53, already in evidence, and 52,
14 already in evidence. Now what are we looking at here?

15 A. In that area of the back door, that's a rear entrance
16 to the apartment or an exit. Also in the area was a pillow
17 that was near the victim.

18 Q. Tell us what happened when you went to Mr. Williams.

19 A. I went to Mr. Williams. I initially assessed him
20 trying to find out what kind of injuries he had. I did
21 locate a -- what appeared to be a gunshot wound under his
22 left arm and into his left arm and down the left side of
23 his torso.

24 Q. All right. When you say you were able to identify
25 gunshot wounds, what were you doing? Why were you

1 checking?

2 A. I was assessing the victim to find out what kind of
3 aid I could give him and that would be where when I located
4 the gunshot wound I started applying pressure to the wound
5 to help stop the bleeding.

6 Q. So let me ask you this. Is he awake?

7 A. Yes, ma'am. During this entire time I was assessing
8 him and trying to speak to him and trying to keep him calm,
9 he was awake and speaking to me.

10 Q. And did he appear to be aware of his surroundings?

11 A. Yes, ma'am.

12 Q. And what was his emotional state or demeanor?

13 A. His emotional state and demeanor, he was alert. He
14 was aware of the situation. He was aware that he was shot
15 and he was -- that he realized that he sustained a grievous
16 wound. He was very emotional. You can tell in his voice
17 that he was having difficulty breathing, that he was trying
18 to, you know -- he was getting excited and he was causing
19 his breathing issues to accelerate and he was having a hard
20 time just trying to get enough air and I just tried to calm
21 him down so he could speak to me and tried to, you know,
22 keep him --

23 MR. LEVENTIS: Objection, Your Honor. I think
24 Officer Donnelly is making conclusions and I don't think
25 that that's appropriate. He should just tell his

1 observations.

2 MS. MAYES: This is pursuant to the stipulation,
3 Your Honor. The stipulation regarding the audio
4 recording.

5 THE COURT: That's right. We -- let me see the
6 lawyers for a second.

7 (Proceedings held at the bench; not reported.)

8 THE COURT: All right. I'm gonna let the officer
9 testify to his observations.

10 BY MS. MAYES:

11 Q. All right. You've indicated that you found him here?

12 A. Yes, ma'am.

13 Q. And was he able to provide a name to you?

14 A. Yes. I asked the victim for his name. He actually
15 told me his name was Duwan Williams.

16 Q. All right. And as you're talking to Mr. Williams, you
17 have described his emotional state. What action did you
18 take?

19 A. During this, I was applying pressure to the wound that
20 I saw on his left torso. I tried to you calm him down and
21 just have him speak to me to where he's not trying to
22 overreact and cause any issues that he was suffering from
23 further.

24 Q. All right. And you mentioned that you tried to calm
25 him down. How did you do that?

1 A. Yes, I -- I'm speaking to him. I was just trying to,
2 you know, let him know that help was on the way, that I
3 was here for him, that I was helping him, and that EMS and
4 emergency services were coming to him.

5 Q. Now during this time, I know we saw before the actual
6 still shots from your body cam. Did you have your body cam
7 going?

8 A. Yes, during this entire incident my body came was on
9 and recording.

10 Q. Does that conclude audio?

11 A. Yes, ma'am. Video and audio.

12 Q. And as a result, have you had an opportunity to review
13 that audio recording in full?

14 A. Yes, ma'am.

15 Q. What, if any, question did you pose to Mr. Williams as
16 you were rendering aid to him?

17 A. As I was rendering aid to Mr. Williams, I asked him if
18 he knew who shot him, who which he stated to me "No, not at
19 all. I was asleep".

20 Q. Were those his exact words?

21 A. Yes, ma'am.

22 Q. No, not at all. I was asleep?

23 A. Yes, ma'am.

24 Q. What happened next?

25 A. So after speaking with him and getting that, I just

1 kept trying to keep him calm. I actually informed him that
2 hey, can you hear the sirens, they're here, they're coming.
3 Help is here.

4 Q. Okay. Now ultimately were EMS officers able to come
5 in and remove Mr. Williams from the scene?

6 A. Yes, I believe it was EMS and fire services.

7 Q. And what did you do next in regards to the scene?

8 A. So after the victim was removed from the scene, I
9 began to assist other units in the area by securing the
10 crime scene with crime scene tape and then after securing
11 the immediate area with crime scene tape, I assisted with
12 canvassing the area for potential witnesses.

13 Q. Okay. So I'm gonna ask you a few questions about
14 that. Looking here at 78 in evidence, now we see an item
15 on the floor here, as well as something across the way
16 here. Can you tell us what we're looking at?

17 A. So what we're looking at in this photograph is the
18 crime scene tape that is securing that scene, that
19 apartment. Also on the floor is a sheet due to the blood
20 that was being brought in and out from the scene.

21 Q. And who placed those items there?

22 A. I know as far as the crime scene tape goes, deputies
23 had done that, and I believe that sheet was also provided
24 to us by EMS, and we placed that down.

25 Q. Okay. And is that all to protect the scene?

1 A. Yes, ma'am.

2 Q. Now you mentioned that you also canvassed the area?

3 A. I did, ma'am.

4 Q. When you canvassed the area, were you able to locate
5 any potential witnesses who had actually seen any of these
6 events?

7 A. No, ma'am, I did not.

8 Q. Or any suspects in the area?

9 A. I did not locate any.

10 Q. Okay. And looking there at your report, can you tell
11 us which various apartment numbers you checked?

12 A. So the apartments that I checked that were in that
13 area was [REDACTED] Butternut Lane, [REDACTED] Butternut Lane, [REDACTED]
14 Butternut Lane, [REDACTED] Butternut Lane, [REDACTED] Butternut Lane,
15 [REDACTED] Butternut Lane, and [REDACTED] Woodway lane.

16 Q. And all with negative results?

17 A. Correct.

18 Q. Now in addition to yourself, were other officers also
19 canvassing the neighborhood?

20 A. Yes, there were investigators and deputies circulating
21 the area and trying to locate witnesses.

22 Q. Okay. Potential witnesses who may have seen or heard
23 something?

24 A. Yes, and also looking for any cameras that were there.

25 Q. Any potential video surveillance or things of that

1 nature?

2 A. Yes, ma'am.

3 MS. MAYES: I beg the Court's indulgence.

4 THE COURT: Take your time.

5 BY MS. MAYES:

6 Q. One last thing. I think you mentioned that as you're
7 walking through the residence you're making observations as
8 you go?

9 A. Yes, ma'am.

10 Q. What do you recall here looking at 61, the scene
11 diagram, what do you recall seeing in this general area?

12 A. Yes, ma'am. In that general area when I was going
13 from victim to victim and moving through that hallway, I
14 observed that there was damage to this door consistent with
15 it being possibly forced or just opened in a demeanor that
16 used force.

17 Q. And which door would that be?

18 A. That would be the door to the master bedroom.

19 MS. MAYES: Thank you, detective Donnelly. Nothing
20 further at this time.

21 MR. LEVENTIS: Just a few questions.

22 THE COURT: Mr. Leventis.

23 CROSS-EXAMINATION

24 BY MR. LEVENTIS:

25 Q. Detective Donnelly, you -- you don't know when

1 Branton, for example, may have died before you got there?
2 He had no pulse when you got there, but you're not -- other
3 than Duwan, the other two were not alive when you got
4 there; is that correct?

5 A. Correct.

6 Q. Okay. When you saw Duwan, he was communicative with
7 you?

8 A. Yes, sir.

9 Q. I mean, he was able to speak clearly. Though he was
10 in distress, he was able to speak, respond to questions.
11 You had no problem understanding what he was saying?

12 A. Yes, sir. I had no problem understanding him.

13 Q. Okay. And he said he didn't know who had shot him?

14 A. Correct.

15 Q. Did you ask him when he was awake what he may have
16 seen?

17 A. That was in my initial statement, if he had observed
18 who shot him or knew who shot him. He was asleep and he
19 did not know.

20 Q. But did you ask him what did you see when you were
21 awakened?

22 A. I don't specifically remember asking that question,
23 sir.

24 Q. Okay. And Donnovin is the only person you saw when
25 you arrived at the scene outside with law enforcement?

1 A. Yes, sir.

2 MR. LEVENTIS: I beg the Court's indulgence.

3 THE COURT: Take your time.

4 BY MR. LEVENTIS:

5 Q. The back sliding glass door, was it open when you got
6 there?

7 A. I don't recall, sir.

8 Q. Did you check and see if it was locked or not?

9 A. No, sir, that was not what I was doing when I got
10 there.

11 Q. Okay. And there was damage on which door? Which
12 doors did you say?

13 A. I observed damage to the front door, which while
14 en route my sergeant advised over the radio that he was
15 forcing entry into the apartment, so I believed that damage
16 on the front door was from him, and then I observed damage
17 to the master bedroom door.

18 Q. Okay. And that's the only damaged doors that you saw?

19 A. That I was able to observe, yes.

20 MR. LEVENTIS: Thank you. Nothing further.

21 THE COURT: Any redirect?

22 MS. MAYES: Yes, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. MAYES:

25 Q. Counsel was asking about questions that you posed to

1 Duwan. Given his state, can you tell us whether his voice
2 was normal or distressed in some way?

3 A. I would say it was extremely distressed.

4 Q. Was his breathing normal or distressed in some way?

5 A. It was distressed and appeared labored.

6 Q. Was his physical condition normal or abnormal?

7 A. I believe it was abnormal, ma'am.

8 Q. When you found him, was he laying on the couch or
9 sitting up?

10 A. He was laying on the couch.

11 Q. Based upon all of your observations, was it apparent
12 to you that his life was in jeopardy?

13 A. I did believe that his life was, in fact, in jeopardy.

14 Q. Did you have any indications that he saw anything at
15 all?

16 A. I had no indication because he stated to me that he
17 was asleep.

18 MS. MAYES: Thank you. Nothing further.

19 RECROSS EXAMINATION

20 BY MR. LEVENTIS:

21 Q. Once again, you didn't have any problems understanding
22 what he was saying?

23 A. Yes, but his responses, but his responses were I would
24 say distressed but clear.

25 Q. But clear.

1 MR. LEVENTIS: Okay. Thank you very much.

2 THE COURT: Okay. Can I let Investigator Donnelly
3 be excused?

4 MS. MAYES: Yes, Your Honor.

5 THE COURT: All right. Investigator, thank you.

6 THE WITNESS: Yes, ma'am. Thank you.

7 (Witness excused.)

8 THE COURT: All right. I need to see the lawyers
9 for a second.

10 (Proceedings held at the bench; not reported.)

11 THE COURT: All right. Mr. Foreman, ladies and
12 gentlemen of the jury, I'm gonna let you go back to the
13 jury room just a moment. Please remember no talking
14 amongst yourselves about this case, okay? We won't
15 be long.

16 Thank you.

17 (Whereupon, the jury retires to the jury room at
18 10:34 AM.)

19 THE COURT: All right. Let's be at ease.

20 (Recess taken at 10:39 AM.)

21 (Back on the record at 10:52 AM.)

22 THE COURT: Please sit down.

23 All right. It's gonna take me just a second because
24 I'm trying to find out some information, but this is
25 what I'm gonna do. We've pulled up the CDC requirements.

1 hope nobody comes down with any symptoms. We can't go
2 forward without twelve people. We've got two alternates
3 left, but I hope you-all have a great weekend and I'll
4 look forward to seeing you-all on Monday at 1 -- 12:45,
5 okay?

6 I don't know exactly which jury room you're going
7 to be in. I just want you to check in with the bailiff
8 when you come in because Ms. Comer's trying to make
9 arrangements for that now so we can get it worked out
10 just so you-all would feel a little bit more comfortable,
11 okay? And I'm sorry he tested positive. I hate it.

12 Have a good weekend. You're excused.

13 (Whereupon, the jury was excused for the day at
14 11:20 AM.)

15 THE COURT: All right. The objection for the
16 record, Mr. Swerling, that was the objection when
17 Ms. Mayes was getting in the dying declaration. I'll
18 be glad to hear it for the record.

19 MR. SWERLING: Judge, the -- of course, the comments
20 that the victim made in that situation was not objected
21 to, that he was sleeping when it happened, he did not
22 know who had done that. What our objection was to the
23 foundation they were laying with the detective testifying
24 about the man's condition because that was not really
25 an issue for -- we were not objecting to the actual

1 comments, so he was making comments about the individual's
2 condition, what he observed, and that not being an issue
3 we objected to. Just it's under 403. It's just
4 prejudicial for these detectives to go ahead and describe
5 how that individual was reacting and breathing and, you
6 know, those kind of characteristics.

7 THE COURT: Okay. Ms. Mayes, I'll be glad to hear
8 from you.

9 MS. MAYES: Yes, Your Honor. Originally we had
10 proposed to offer the audio. The audio was actually
11 redacted from the body cam where we can see the officer
12 finding him in grave condition and the victim is stating
13 repeatedly I'm gonna die, I'm gonna die, I'm gonna die.
14 The reason that is relevant, what is condition is, is why
15 they didn't pose an actual interview of him. He's able to
16 ask him one question, who shot you, he gives a response.
17 He's not able to ask him did you -- what else did you hear,
18 how many people were in here, what were you doing before
19 you went sleep, what's the first thing you saw when you
20 woke up, and the State's position is the defense has
21 clearly opened that door with their line of questioning,
22 you know, did he ask anything else, did he ask further
23 questions, wasn't he speaking clearly. We were talking
24 amongst ourselves that we believe the door is open to more
25 evidence such as the actual audio.

1 So the State's position is we certainly have to lay
2 that foundation for the jury as to his observations when
3 he's rendering aid, what the victim's condition is, what,
4 if anything, he's even able to convey to him and why he's
5 not able to press further for more information.

6 THE COURT: Mr. Swerling.

7 MR. SWERLING: Your Honor, the only thing I can say
8 is whatever I objected to was on direct evidence. If the
9 State thinks the door was opened, I'd like to know where
10 because on -- the objection was made during the direct
11 examination witness, it was not on redirect or on cross or
12 anything.

13 THE COURT: I think it --

14 Can we go back on the tape, Stacy, because I think
15 what he testified to was that he was gasping for breath.
16 The condition that he personally saw him in.

17 Can we go back to that right before the objection?

18 THE COURT REPORTER: Let's see.

19 MS. WILSON: Judge, I believe the objection was to
20 -- he testified to he was getting excited and it was
21 causing him to have more trouble breathing so he was
22 making a conclusion --

23 THE COURT: What he did what? I'm sorry.

24 MS. WILSON: That he was getting excited and so it
25 was causing him to have more trouble breathing, so he's

1 making the conclusion that his excitement was causing
2 his breathing to get worse.

3 MS. MAYES: That's observation, Judge. He was
4 rendering aid.

5 MS. WILSON: Just so she could find it in the
6 record.

7 THE COURT: Okay.

8 (Pause in proceedings.)

9 THE COURT: They say if they've been exposed,
10 they've been exposed, and they want to go forward.

11 MR. HUBBARD: Okay.

12 THE COURT: All right.

13 (Whereupon, a portion of the record was played
14 back.)

15 THE COURT: All right. And now we want to put the
16 objection on the record. I'm gonna tell you. I'm gonna
17 allow it, and this is why. Under Rule 701, opinion
18 testimony by lay witnesses. He was right there, he's
19 seeing it and it's something that's rationally based on
20 the perception that -- that he saw. I think he can
21 testify as to whether the guy was having a tough time
22 breathing and that he was getting excited. His testimony
23 is that he himself was trying to calm him down so he
24 wouldn't upset his breathing.

25 So I'm allowing that testimony; however,

1 Mr. Swerling, I will note that objection for the record.

2 MR. SWERLING: Thank you.

3 THE COURT: All right. Now the jury wants to go
4 forward. Are we prepared to go forward?

5 MR. HUBBARD: Yes, Your Honor.

6 THE COURT: Okay. I'm gonna tell you -- how long
7 is the next witness, Mr. Hubbard?

8 MR. HUBBARD: The next witness would be Donnovin
9 Haynes, so he may be lengthy as much with the defense
10 as with us.

11 THE COURT: Can we get through it by lunch, do you
12 think?

13 MR. HUBBARD: We can certainly try. I'll be done
14 by lunch. Of course, I'm usually eating now anyway.
15 This is my lunchtime.

16 THE COURT: Okay. And for the record I sent the
17 clerk back to talk to the jury about a mask, hand
18 sanitizer, anything that we could do to make them feel
19 more comfortable.

20 Can you put on the record, Ms. Comer, what the jury
21 told you why we're going forward now?

22 THE CLERK: They feel like if they've already been
23 exposed, they've been exposed, and that they can go ahead
24 and move forward. It's not gonna change anything at this
25 point going home and waiting to see if they show symptoms.

1 ready?

2 FOREPERSON: Yes, Your Honor.

3 THE COURT: Okay. Please be seated.

4 I'll let the State call their next witness.

5 MR. HUBBARD: Thank you, Your Honor.

6 Donnovin Haynes.

7 THE CLERK: If you will raise your right hand.

8 (Whereupon, Donnovin Haynes was duly sworn by the
9 Clerk of Court.)

10 THE CLERK: If you'll have a seat over there,
11 please. If you'll state your name and spell your last
12 for the record, please.

13 THE WITNESS: Donnovin Haynes, H-A-Y-N-E-S.

14 DONNOVIN HAYNES,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. HUBBARD:

18 Q. And, Donnovin, I'm gonna need you to speak up a little
19 bit and speak clearly. If you don't, I'm gonna just ask
20 you to stop and let's do it again, all right?

21 A. All right.

22 Q. Let me ask you this though. Are you a little nervous?

23 A. Yeah.

24 Q. Are you?

25 A. (No verbal response.)

1 Q. All right. Now I'm gonna need you to answer when I
2 speak to, all right?

3 A. Yes, sir.

4 Q. So have you ever testified before?

5 A. No, sir.

6 Q. All right. Donnovin, how old are you?

7 A. Thirty, sir.

8 Q. And what county are you living in?

9 A. Lexington County.

10 Q. Are you married or single?

11 A. Single, sir. Single, sir.

12 Q. Let's do this. There we go.

13 MR. HUBBARD: Thank you, Mr. Bailiff.

14 THE COURT: And, Mr. Hubbard, I don't mean to
15 interrupt you, but I do need to make one announcement
16 right quick before we get started.

17 MR. HUBBARD: Oh, okay. Yes, Your Honor.

18 THE COURT: To everyone in the gallery, if you are
19 not a lawyer or you are not with the defense team or
20 the prosecution, you are not allowed to have a cell
21 phone in this courtroom. If I find a cell phone, it
22 will be donated to Sister Care. Somebody informed me
23 over break that there were cell phones in this courtroom
24 and I'm telling you now, if you've got one, you need to
25 leave, put it in your car. It's not allowed in this

1 courtroom.

2 I am so sorry, Mr. Hubbard, but they sent me another
3 note to remind me.

4 MR. HUBBARD: Thank you, Your Honor. That's not a
5 problem at all.

6 BY MR. HUBBARD:

7 Q. All right, Donnovin. You said you're single?

8 A. Yes, sir.

9 Q. And what county do you live in?

10 A. Lexington, sir.

11 Q. Now are you working?

12 A. Yes, sir.

13 Q. Where do you work?

14 A. At a bar on Broad River Road.

15 Q. What's the name of that bar?

16 A. Rosegold.

17 Q. Rosegold?

18 A. Yes, sir.

19 Q. Okay. Try to speak as clear as you can. I know
20 you're nervous. Now what do you do at Rose Gold?

21 A. I cook, sir.

22 Q. A cook?

23 A. Yeah.

24 Q. How long have you been in the business of cooking?

25 A. About ten years, sir.

1 Q. Back in December, December 17th of 2019, where were
2 you working?

3 A. At a place called UBar in Cayce.

4 Q. And what did you do there?

5 A. Cooked also.

6 Q. Where were you living back at that time?

7 A. Woodland Village Apartments.

8 Q. Woodland Village?

9 A. Yes, sir.

10 Q. Okay. Is that where [REDACTED] Butternut Lane is?

11 A. Yes, sir.

12 Q. What county was that?

13 A. Lexington, I believe.

14 Q. Lexington?

15 A. Yes, sir.

16 Q. Okay. Now speak up for me.

17 A. Sorry.

18 Q. In that apartment complex, how many rooms did you
19 have? How many bedrooms were in that apartment complex?

20 A. Two, sir.

21 Q. Now you said you worked at the UBar as a cook. What
22 were are hours typically when you were working at the UBar
23 back in December of 2019?

24 A. Well, I ran the kitchen, so I would have to be there
25 early, usually around 11 -- 10, 11:00 in the morning until

1 about four or five the next morning.

2 Q. So you say ten or eleven in the morning, AM, and then

3 you'd stay until four in the morning?

4 A. Yes, sir.

5 Q. Were you working also at another job or did you have a

6 side job?

7 A. No, sir.

8 Q. Anything about catering?

9 A. Oh, yes, sir. Yeah.

10 Q. Do you still do that?

11 A. Yes, sir.

12 Q. Just as needed?

13 A. Yes, sir.

14 Q. So cooking is something you've been doing for quite a

15 while. You say ten years?

16 A. Yes, sir.

17 Q. What type of food is your specialty?

18 A. Seafood, sir.

19 Q. That's what you're doing at the UBar at that time?

20 A. Yes, sir.

21 Q. Now, Donnovin, in that apartment who was living with

22 you?

23 A. My younger brother Sheldon.

24 Q. Is that Sheldon Livingston?

25 A. Yes, sir.

1 Q. And who else?

2 A. My other brother Duwan Williams and another one named
3 Branton.

4 Q. Branton?

5 A. Branton.

6 Q. Branton Booker?

7 A. Yes, sir.

8 Q. Let me ask you about each one of those. You say you
9 had a two-bedroom apartment. Were you ones of the ones on
10 that lease?

11 A. Yes, sir.

12 Q. Who was the other guy out of that group that was
13 actually one of your co-renters?

14 A. Sheldon Livingston, sir.

15 Q. Sheldon Livingston. Now you referred to him as your
16 brother?

17 A. Yes, sir.

18 Q. Was he your blood -- brother by blood or can you tell
19 the jury about that?

20 A. Childhood, mother and father. We all grew up with
21 each other, so. No, not by blood related, but, yes,
22 friends for a long time.

23 Q. At some point in his life did he lose his parents?

24 A. Yes, sir.

25 Q. And so you were family that he could lean on?

- 1 A. Yes, sir.
- 2 Q. Okay. Where did -- where did Sheldon work, Donnovin?
- 3 A. Outback Steakhouse, sir.
- 4 Q. Did he work in the mornings, midday or evenings?
- 5 A. All the time.
- 6 Q. All the time. You mentioned Duwan Williams as your
- 7 brother. Was he actually a brother or what was his actual
- 8 relationship?
- 9 A. Like a best friend.
- 10 Q. He was your best friend?
- 11 A. Yes, sir.
- 12 Q. How long had you known Duwan?
- 13 A. Since elementary, middle school, high school, college.
- 14 Q. So you-all grew up together?
- 15 A. Yes, sir.
- 16 Q. Okay. Did Duwan at some point move in and start
- 17 living you with you at [REDACTED] Butternut Lane?
- 18 A. Yes, sir.
- 19 Q. Where did Duwan sleep when he was living you?
- 20 A. On my sectional couch, sir.
- 21 Q. Out in the living room area?
- 22 A. Yes, sir.
- 23 Q. Okay. Now you mentioned where Sheldon worked. Where
- 24 did Duwan work?
- 25 A. With me at the UBar.

- 1 Q. So he worked those long hours like you did?
- 2 A. Yes, sir.
- 3 Q. How did you get to and from the UBar?
- 4 A. Duwan's vehicle.
- 5 Q. Was he the only one with a car?
- 6 A. Yes, sir.
- 7 Q. Now you mentioned Branton. Is that Branton Booker?
- 8 A. Yes, sir.
- 9 Q. How long had you known Branton?
- 10 A. Middle school, high school. A long time.
- 11 Q. Was he living with you-all at the time this happened
- 12 in December of 2019?
- 13 A. Yes, sir.
- 14 Q. How did that come about?
- 15 A. He needed a place to stay and I just let him sleep on
- 16 the couch.
- 17 Q. I'm gonna ask you to speak up. What was that again?
- 18 A. I let him sleep on the couch. He needed a place to
- 19 stay.
- 20 Q. Okay. Did Branton have a job?
- 21 A. Not at that time, no.
- 22 Q. Okay. So while you're at work and Duwan's at work and
- 23 Sheldon's at work, Branton is home?
- 24 A. Yes, sir.
- 25 Q. And he doesn't have transportation?

1 A. No, sir.

2 Q. And where did he stay?

3 A. Also on the couch.

4 Q. So he and Duwan would share that sectional sofa?

5 A. Yes, sir.

6 Q. Were you of anything that was going on during the day

7 when Branton was home?

8 A. No, sir.

9 Q. Were you aware of some drug dealing out of that

10 apartment with Branton Booker being involved?

11 A. It was collectively all of us, yes, sir.

12 Q. What's that?

13 A. It was all of us, sir.

14 Q. All of us?

15 A. Yes, sir.

16 Q. Okay. Let me ask you this about that. Marijuana.

17 Did you guys all smoke that marijuana?

18 A. Yes, sir.

19 Q. Donnovin, let me ask you this. Do you still smoke

20 marijuana?

21 A. Yes, sir.

22 Q. That's just something you guys did?

23 A. Yes, sir.

24 Q. But there's also marijuana being sold out of that

25 apartment?

1 A. Yes, sir.

2 Q. Okay. Do you know of any other heavier drugs being
3 sold of that apartment?

4 A. No, sir.

5 Q. Okay. And, Donnovin, I want to talk about
6 December 17, 2019. What time did you and Duwan get home
7 from work?

8 A. Around three or 4:00 in the morning.

9 Q. Three or four in the morning?

10 A. Yes, sir.

11 Q. Okay. You're gonna need to speak um again, all right?

12 A. I'm sorry.

13 Q. How many keys did you have to your apartment?

14 A. Just two, but I lost one.

15 Q. So you, in effect, just had one key?

16 A. Yes, sir.

17 Q. Who had that key that night?

18 A. Sheldon, I believe. He got off earlier than me.

19 Q. Because he got off earlier?

20 A. Yes, sir.

21 Q. And you got home about what time?

22 A. Around 3:00. Three or 4:00.

23 Q. Three or 4:00. Now you had a girlfriend at the time?

24 A. Yes, sir.

25 Q. Do you remember her stopping by your work and then

1 going to the house -- the apartment?

2 A. Yes, sir.

3 Q. Was she at the apartment when you got there about

4 three or four in the morning?

5 A. Yes, sir.

6 Q. And where did she stay?

7 A. In the room with me.

8 Q. In the room with you?

9 A. (Nods head.)

10 Q. About what time on December 17th did she wake up and

11 leave?

12 A. Around six in the morning.

13 Q. Okay. And did that wake you up, too?

14 A. Yes, sir.

15 Q. Do you remember about what time you remember falling

16 asleep or about how long it took you to get back to sleep?

17 A. Probably another hour. Maybe like 7:00.

18 Q. Okay. Donnovin, I want to ask you, you're asleep in

19 your room, your bedroom, by yourself at this point?

20 A. Yes, sir. Yes, sir.

21 Q. What woke you up?

22 A. Gunshots, sir.

23 Q. Gunshots?

24 A. Yes, sir. Yes, sir.

25 Q. Did you hear anybody talking or did you hear voices in

1 addition to gunshots or just gunshots?

2 A. Yes, sir. Voices.

3 Q. Let me ask you about those gunshots. Was it loud?

4 A. Yes, sir.

5 Q. Could you tell if those gunshots were coming from
6 outside the apartment or were they inside your apartment?

7 A. Inside, sir.

8 Q. And that's what woke you up?

9 A. Yes, sir. Yes, sir.

10 Q. Were there a lot of -- lot of shots going on?

11 A. Yes, sir.

12 Q. What did you do when you heard those gunshots?

13 A. I took cover in my closet in my bathroom.

14 Q. Now your bedroom door, when you go to bed at night,
15 would you lock that door?

16 A. Yes, sir.

17 Q. So you hear gunshots. You don't open your bedroom
18 door?

19 A. No, sir.

20 Q. And you go where?

21 A. In my bathroom closet, sir.

22 Q. Okay. Donnovin, do you continue to hear gunshots?

23 A. Yes, sir. Yes, sir.

24 Q. And do you hear voices?

25 A. Yes, sir.

1 MR. LEVENTIS: Your Honor, I would respectfully
2 request that you tell Mr. Hubbard not to lead in his
3 questions.

4 MR. HUBBARD: I asked if he heard voices. That's not
5 leading.

6 THE COURT: Okay. I understand hearing voices, and
7 that not leading, but be careful about leading.

8 MR. HUBBARD: I will be. Thank you, Your Honor.

9 MR. LEVENTIS: Thank you.

10 THE COURT: Thank you.

11 BY MR. HUBBARD:

12 Q. You mentioned voices. What, if anything, did you hear
13 specifically?

14 A. Where's it at.

15 Q. Where is it at.

16 A. Yeah. Yes, sir.

17 MR. SWERLING: Your Honor, can we approach at
18 sidebar?

19 THE COURT: You can.

20 (Proceedings held at the bench; not reported.)

21 THE COURT: All right. Go ahead, Mr. Hubbard.

22 BY MR. HUBBARD:

23 Q. Donnovin, I'm gonna ask you -- I know you're nervous,
24 but I'm gonna ask you to just speak up, okay? Can you
25 speak about as loud as I'm speaking? I don't need a

1 microphone, but if you'd speak up a little bit louder we'll
2 be able to hear what you have to say, okay?

3 A. Yes, sir.

4 Q. So I want to back up a little bit. Something woke you
5 up. What woke you up?

6 A. Gunshots, sir.

7 Q. And what, if anything, else did you hear besides that?

8 A. Like a tussle in the hallway.

9 Q. Did you hear any voices, too?

10 A. Yes, sir. I heard two voices.

11 Q. Now before we get to that, where did you go when you
12 heard this gunfire?

13 A. My closet in the bathroom, sir.

14 Q. When you go to your closet, we talked about your
15 bedroom door, was it open or closed?

16 A. Closed, sir.

17 Q. And when it was closed, was it locked or unlocked?

18 A. It was locked, sir.

19 Q. Okay. When you went to your bathroom and got in your
20 closet, could you hear anyone trying to come into your
21 room? The bedroom.

22 A. I heard the door get kicked in, yes, sir.

23 Q. So you heard whatever -- whoever was out in your --
24 your apartment, you heard them kicking that door in?

25 A. Yes, sir.

1 Q. Could you hear someone coming into your room?

2 A. Yes, sir.

3 Q. Could you hear someone coming into that bathroom where

4 you were?

5 A. Yes, sir.

6 Q. Could you hear someone kicking on the door that you

7 were in -- behind the door you're in?

8 A. Yes, sir.

9 Q. What, if anything, did you do?

10 A. Just held the door closed so nobody could get in or

11 try to.

12 Q. And, Donnovin, is this a big closet door or a narrow

13 one? Describe it for me.

14 A. Reg -- a pretty regular size door.

15 Q. Does it open into the closet or out?

16 A. Into.

17 Q. So what, if anything, were you doing with that closet?

18 Were you crouched down or were you holding the door

19 standing up?

20 A. I was crouched down holding the door closed.

21 Q. What was happening on the other side of that door,

22 Donnovin? When you say somebody was trying to kick the

23 door in, what -- what could you hear?

24 A. Well, that the door was pretty much the last door in

25 the house that did get kicked in, so they was trying to get

1 into that door that I was holding closed.

2 Q. And as you're holding it, did you have to really put a
3 lot of pressure to keep it closed?

4 A. Yes, sir.

5 Q. And as you were doing that, could -- at any time as
6 that door's being moved, could you see out at all?

7 A. Just when it was being kicked in. It opened up for a
8 second.

9 Q. What were you able to see?

10 A. Some type of handgun.

11 Q. So you saw a gun?

12 A. Yes, sir.

13 Q. Could you see the person holding that gun?

14 A. No, sir.

15 Q. Could you tell if that person saw you?

16 A. No, sir.

17 Q. Now as that door's being kicked in or kicked on and
18 you're holding it, what, if anything, else do you hear by
19 way of voices?

20 A. Just like -- just I found it.

21 Q. I found it?

22 A. Yeah.

23 Q. So earlier, it was where's it at and this voice is
24 I've found it?

25 A. Yes, sir. Yes, sir.

- 1 Q. Now you've got -- this is while somebody is trying to
2 get into your bathroom door; is that right?
- 3 A. Yes, sir.
- 4 Q. The voice you hear saying "I found it", was it the
5 person trying to come into your bathroom door?
- 6 A. No, sir. I don't believe so, sir.
- 7 Q. Could you tell if it was from another room or was it
8 standing right there in the bathroom with you-all, you and
9 the person kicking in the door?
- 10 A. From another room, sir.
- 11 Q. Another room?
- 12 A. Yes, sir.
- 13 Q. When you heard the words "I found it", did the kicking
14 on that door continue?
- 15 A. No, sir.
- 16 Q. Did that person, whoever it was, leave that bathroom
17 at that time?
- 18 A. Yes, sir.
- 19 Q. And when all that's going on, kicking on your door and
20 you're hearing "I found it", were there any more gunshots
21 around that time?
- 22 A. No, sir.
- 23 Q. All that's over?
- 24 A. Yes, sir. Yes, sir. Yes, sir.
- 25 Q. Donnovin, when you heard that person leave, what did

1 you do at that time?

2 A. Just waited a few seconds so I can hear movement.

3 Q. Did you -- could you tell if whoever was in your
4 apartment was gone or not or were you listening for -- what
5 were you listening for?

6 A. Listening for any type of movement or anything else,
7 any gunshots, anything.

8 Q. Were there any more gunshots?

9 A. No, sir.

10 Q. At that point were there any more voices?

11 A. No, sir.

12 Q. At some point you came out of that closet?

13 A. Yes, sir.

14 Q. When you came out of that closet and you're going by
15 your bedroom door, was it open or closed?

16 A. It was kicked open.

17 Q. What, if anything, did you see?

18 A. A body on the floor with clothes stacked on top of it.

19 Q. Did you know at that time which friend it was or who
20 it was?

21 A. At the time, no.

22 Q. What did you do? Did you go out of your room or did
23 you stay in your room?

24 A. Jumped out my bedroom window.

25 Q. You did what?

1 A. Jumped out my bedroom window.

2 Q. Donnovin, at any point did you go through your
3 apartment and walk through it at all?

4 A. No, sir.

5 Q. When you went out that window, was that in your
6 bedroom or was that another window?

7 A. My bedroom, sir.

8 Q. Where did you go from there?

9 A. Around the building to make sure nobody was outside
10 still.

11 Q. Did you see anybody leaving your apartment?

12 A. No, sir.

13 Q. Did you see anybody in the parking lot or did you go
14 the other way?

15 A. No, sir. I went around the building.

16 Q. All right. I want to stop you there for a moment.
17 Now let's back up for a second. I want to show you
18 State's 67. Do you recognize Butternut Lane right here?

19 A. Yes, sir.

20 Q. I'm gonna show you -- give you a pointer. That button
21 right there, if you can touch it, it makes a red light.
22 Can you point out your apartment building?

23 A. (Indicating.)

24 Q. Okay. And which side of this apartment building did
25 you live on with your friends?

1 A. On the right side.

2 Q. To the right side?

3 A. Yes, sir.

4 Q. Okay. Donnovin, which side of that building is your
5 bedroom window on?

6 A. The back right, sir.

7 Q. Okay. When you went out that window, which direction
8 did you go? If you can show with that pointer.

9 A. I went around the building this way.

10 Q. Okay. So you went around behind the building and came
11 around it?

12 A. Yes, sir. Yes, sir.

13 Q. Keep your voice up. So you didn't come out here to
14 the parking lot?

15 A. No, sir.

16 Q. Why is that?

17 A. It just felt like an open area. I didn't know if
18 anybody was still out there or not.

19 Q. And, again, did you see anybody leaving that area?

20 A. No, sir.

21 Q. I want to show you State's 61, a diagram of your
22 apartment. Using that same red pointer, can you show me
23 the doorway into your apartment?

24 A. (Indicating.)

25 Q. Okay. Right at the threshold there?

- 1 A. Yes. Yes, sir.
- 2 Q. And this back area on the diagram, is that your
3 bedroom?
- 4 A. Yes, sir.
- 5 Q. What is this area right here?
- 6 A. My bathroom inside my room, sir.
- 7 Q. What is this area within that bathroom?
- 8 A. My closet, sir.
- 9 Q. And this closet door, again, does it open in or out?
- 10 A. Inwards.
- 11 Q. And when you were telling the jury you were holding
12 the door you were just right on the other side of that
13 door?
- 14 A. Yes, sir.
- 15 Q. The door I'm pointing to now, what door is that?
- 16 A. My -- the entrance to my room.
- 17 Q. And that's the door that always stayed shut and
18 locked?
- 19 A. Yes, sir.
- 20 Q. And when you said you heard a door being kicked in,
21 what door are we talking about -- or are you talking about?
- 22 A. The room door. Well, all the doors.
- 23 Q. You heard other doors, too?
- 24 A. Yes, sir.
- 25 Q. On this occasion when you heard gunshots and voices,

1 at some point did you stop hearing gunshots?

2 A. Yes, sir.

3 Q. Is that when you were already in the closet?

4 A. Yes, sir.

5 Q. When you came out of that closet and passed by this
6 doorway, was it down this hallway that you were looking or
7 was it into this bedroom?

8 A. The first -- this hallway.

9 Q. Okay. The hallway?

10 A. Yes, sir.

11 Q. What is -- in that hallway, what is this that we're
12 seeing on Diagram 61?

13 A. One of the closets in the hallway.

14 Q. And when you mentioned that you saw someone covered up
15 with clothes, is that where you saw that particular sight?

16 A. Yes, sir.

17 Q. Donnovin, you said you didn't know who it was. Did
18 you believe it was one of your friends?

19 A. Yes, sir.

20 Q. And this window in your bedroom is that the window you
21 went out?

22 A. Yes, sir. Yes, sir.

23 Q. I want to show you some photographs, too, Donnovin.
24 Again, referencing back to State's 61, was there a sliding
25 glass door somewhere in the apartment?

1 A. (Indicating.)
2 Q. Can you show me where that was?
3 A. (Indicating.)
4 Q. Can you do that again? I don't think I saw anything
5 come up. Oh, okay. I'm looking at a completely different
6 section. The sliding door right here?
7 A. Yes, sir.
8 Q. Did you refer to that as front door, back door, side
9 door? What did you call it?
10 A. Back door.
11 Q. Did you guys usually come in and out that door or did
12 you-all come in this other door?
13 A. We went through the front door.
14 Q. And were the blinds usually open or closed on this
15 door?
16 A. Closed, sir.
17 Q. I'm gonna show you State's 51. Do you see how this
18 door is right here? Can you see it, Donnovin? I'm gonna
19 need you to take a look at it. Is that normally how you
20 kept your door?
21 A. No, sir.
22 Q. What's different about the door in that picture? I've
23 pulled it down.
24 A. It's open.
25 Q. I'll show you a picture, 56. Whose bedroom are we

1 looking at there?

2 A. Mine, sir.

3 Q. State's 57. It's a very dark photograph, but do you
4 see furniture right here?

5 A. Yes, sir.

6 Q. What are we looking at? Whose bedroom is this?

7 A. My -- my bedroom, sir.

8 Q. And the piece of furniture I'm looking at, what is
9 that?

10 A. My bed.

11 Q. And this window here, can you tell us if that was the
12 window you went out?

13 A. Yes, sir.

14 Q. The bathroom you hid in, let's look at State's 58, is
15 that that bathroom?

16 A. Yes, sir.

17 Q. And the closet, if you were to walk into this
18 bathroom, is it -- which side is it on? The right or the
19 left side of that bathroom?

20 A. It's to the left.

21 Q. Would it be behind your bathroom door?

22 A. Yes, sir.

23 Q. Now, Donnovin, when you said you went -- climbed out
24 that window, looking at State's 59 -- well, I don't know if
25 you can see it, but right here is that that window as well?

1 A. Yes, sir.

2 Q. Did some of the curtains come out as well?

3 A. Yes, sir.

4 Q. If I may, Your Honor. State's 59. Donnovin, where
5 did you go? Looking back at this diagram, this is your
6 apartment, when you went out that back side where did you
7 go?

8 A. To the left.

9 Q. All right. And once you went to the left, where --
10 where did you end up going?

11 A. Back out to the front of the building up the stairs.

12 Q. Upstairs?

13 A. Yes, sir.

14 Q. You were on the first floor or second floor?

15 A. First floor.

16 Q. So you went to the second floor?

17 A. Yes, sir.

18 Q. What did you do while you were up there?

19 A. I asked the neighbor to use their phone to call 9-1-1.

20 Q. Donnovin, I want to show you State's 71. Did you
21 listen to that 9-1-1 call?

22 A. Yes, sir.

23 Q. Donnovin, does it accurately depict that 9-1-1 call?

24 A. Yes, sir.

25 MR. HUBBARD: Your Honor, if I can publish?

1 THE COURT: You may. And is it 71, not 91?

2 MR. HUBBARD: 71. Me and numbers, Your Honor.

3 THE COURT: That's okay. I just want to make sure
4 my records are right.

5 (State's Exhibit Number 71 was played.)

6 BY MR. HUBBARD:

7 Q. Donnovin, when you made that phone call, were you --
8 again, in the apartment complex, you're up on which floor?

9 A. The second floor.

10 Q. I'm going to need you to speak up.

11 A. Second floor.

12 Q. When you said you didn't want to get anybody involved,
13 were the folks upstairs, could you tell if they were
14 scared, too?

15 A. They didn't know what was going on.

16 Q. Now I want to be clear about something, too, Donnovin.
17 When you're in that apartment complex and you hear gunfire
18 -- and you're in your back bedroom, you hear gunfire and
19 you hear voices, how many voices do you hear?

20 A. Two. Two, sir.

21 Q. Could you recognize those voices?

22 A. No, sir.

23 Q. And are you sure it was two?

24 A. Yes, sir.

25 Q. Could you -- did either one of those voices sound even

1 remotely familiar?

2 A. No, sir.

3 Q. And, again, when you're in the closet and someone's
4 kicking in the door and you hear -- what did you hear? I
5 want your words, not mine.

6 A. I found it.

7 Q. I found it. Was that person the same person kicking
8 in your bathroom door?

9 A. No, sir.

10 Q. When you heard or thought you heard those folks leave
11 and it was save to come out, could you hear anything else
12 coming from down in your apartment down the hall?

13 A. No, sir.

14 Q. Could you hear anybody else whether it was talking or
15 breathing or anything?

16 A. No, sir.

17 Q. No, sir. I want to show you two other photos and see
18 if you can identify these. State's 110. What room am I
19 looking at?

20 A. My bathroom.

21 Q. And what room are we looking at?

22 A. My closet.

23 Q. Okay.

24 MR. HUBBARD: Your Honor, I offer 110 and 183 into
25 evidence.

1 THE COURT: Any objection?

2 MR. LEVENTIS: (Shakes head.)

3 (State's Exhibit Numbers 110 and 183, photographs,
4 were admitted into evidence.)

5 BY MR. HUBBARD:

6 Q. State's 110, Donnovin. What room is this?

7 A. My bathroom.

8 Q. And to the left in this photograph on 110, what is
9 that?

10 A. My closet.

11 Q. State's 183 what are we looking into?

12 A. My closet. The closet in my room.

13 Q. That's where you were when someone was trying to kick
14 your door in?

15 A. Yes, sir.

16 Q. Donnovin, do you see some marks on this door right
17 here?

18 A. Yes, sir.

19 Q. Were those there before you went in that closet?

20 A. No, sir.

21 Q. When you got out of that building, made the 9-1-1
22 call, do you remember officers showing up?

23 A. Yes, sir.

24 Q. And do you remember meeting an officer out in front of
25 your building?

- 1 A. Yes, sir.
- 2 Q. Do you see that in State's 63?
- 3 A. Yes, sir.
- 4 Q. Speak up, please. You saw them?
- 5 A. Yes, sir.
- 6 Q. State's 63. It's kind of hard to see in this
- 7 photograph, but right here who is that speaking to a
- 8 police officer?
- 9 A. It's me, sir.
- 10 Q. And what were you wearing?
- 11 A. A pair of pants.
- 12 Q. Do you remember what the weather was like that day?
- 13 A. It was rainy, cold.
- 14 Q. I want to look at State's 60. Is that you sitting on
- 15 the stoop there?
- 16 A. Yes, sir.
- 17 Q. At some point did officers come to the scene and give
- 18 you another place you could stay? Did they move you from
- 19 that stoop and put you somewhere else?
- 20 A. Yes, sir.
- 21 Q. Where did they put you?
- 22 A. In the back of a Tahoe.
- 23 Q. I want to show you State's 192. Do you recognize
- 24 that?
- 25 A. Yes, sir.

1 Q. Is that you?

2 A. Yes, sir.

3 Q. Did they also at some point somebody give you
4 something else to wear?

5 A. Yes, sir.

6 Q. Were you able to go into your apartment at all and
7 say hey, can you give me some shoes, shirts or anything
8 like that?

9 A. No, sir.

10 Q. When were you able to get back into your apartment?

11 A. About a week later.

12 Q. And, Donnovin, while you're sitting in the back of
13 the Tahoe, could you still see what was going on at your
14 apartment at that front door?

15 A. Yes, sir.

16 Q. Did you see any other first responders coming in and
17 out?

18 A. Yes, sir.

19 Q. At any time do you remember an ambulance?

20 A. Yes, sir.

21 Q. Do you remember them bringing out any of your friends?

22 A. Yes, sir.

23 Q. Who do you recall them bringing outside?

24 A. Duwan, sir.

25 Q. And where were they taking him?

1 A. In the ambulance.

2 Q. While you're watching, what did you see?

3 A. They put him in the back of the ambulance.

4 Q. Did you see them bring out any of your other friends?

5 A. No, sir.

6 Q. Donnovin, you used someone else's phone to call 9-1-1.

7 Why is that?

8 A. I thought my phone had been stolen.

9 Q. You thought it had been stolen?

10 A. Yes, sir.

11 Q. Okay.

12 A. I didn't have it at the time.

13 Q. Did you end up getting that phone back later or -- or

14 can you tell me what --

15 A. I never got my phone back.

16 Q. Okay. But was it -- let me ask you this. Was it

17 actually stolen or was it still apparently in the house?

18 A. It was in the house. The police found it.

19 Q. When you got up that morning and you said you heard

20 gunshots, did you see your phone after that?

21 A. No, sir.

22 Q. And when you finally several days later were able to

23 go back in your apartment, did you notice anything else

24 missing that you hadn't talked about with law enforcement?

25 I want to talk about money specifically.

- 1 A. Oh, yes, sir.
- 2 Q. Did you have some cash that went missing as well?
- 3 A. Yes, sir.
- 4 Q. I want to show you State's 110. Your bathroom?
- 5 A. Yes, sir.
- 6 Q. Was there a place in your bathroom you would keep
- 7 money?
- 8 A. Yes, sir. Right here on the counter.
- 9 Q. On the counter in that bathroom?
- 10 A. Yes, sir.
- 11 Q. About how much money do you recall you had on that
- 12 counter?
- 13 A. About \$1100 for rent and utilities.
- 14 Q. How much was your rent for this apartment complex?
- 15 A. 865.
- 16 Q. 865?
- 17 A. Yes, sir.
- 18 Q. How about utilities?
- 19 A. Around two fifty, three hundred bucks.
- 20 Q. And that's all of your utilities?
- 21 A. Yes, sir.
- 22 Q. And who was the one that bought most of the food?
- 23 A. We all collectively put in for our food. I said we
- 24 all put in for food.
- 25 Q. You-all put in for food. Okay. Now at some point at

1 the scene after all this happens and you're sitting in the
2 Tahoe, did you have a chance to talk to some police
3 officers? While you're at the scene, out there in the
4 parking lot, whether you're sitting in a car or somewhere
5 there before you left?

6 A. Yes, sir.

7 Q. Do you remember what officer -- well, let me ask you
8 this. Do you recognize this officer right here sitting at
9 the State's table?

10 A. Yeah, Creech.

11 Q. Sergeant Creech?

12 A. Yes, sir.

13 Q. Do you remember talking to him that day while you're
14 still out in the parking lot?

15 A. Yes, sir.

16 Q. When you talked to him, how many voices did you tell
17 him you heard inside that apartment when all the shooting
18 is going on and when it stopped?

19 A. Two, sir.

20 Q. At some point after you talked to him, did they take
21 you to headquarters here in Lexington and talk to you some
22 more?

23 A. Yes, sir. Same day.

24 Q. The same thing. You talked to some other officers?

25 A. Yes, sir.

1 Q. Some other detectives?

2 A. Yes, sir.

3 Q. When you talked to them, how many voices did you say
4 you heard in that apartment?

5 A. Two, sir.

6 Q. Did you come in the next day, December 18th, and talk
7 to Sergeant Creech and another officer again?

8 A. Yes, sir.

9 Q. How many voices did you say you heard at that time?

10 A. Two, sir.

11 Q. Is that what you were confident about?

12 A. Yes, sir.

13 Q. Do you ever recall saying I can't recall if there was
14 more than one person or not?

15 A. No, sir.

16 Q. Did you ever say it was only one person?

17 A. No, sir.

18 Q. In fact, did you at some point say there's two, but
19 maybe more?

20 MR. LEVENTIS: Objection, Your Honor, to the leading
21 nature of the questions.

22 MR. HUBBARD: It's yes or no. But, Your Honor,
23 it's just a question.

24 THE COURT: I'm gonna allow it. Go ahead.

25 THE WITNESS: Could you repeat the question, sir?

1 BY MR. HUBBARD:

2 Q. You say you heard two, but did you ever say anything
3 about whether it could be more people, not voices?

4 A. Yes, sir.

5 Q. What did you say?

6 A. It could have possibly been a third person.

7 Q. But did you ever hear a third voice?

8 A. No, sir.

9 Q. As you sit here in this courtroom, how many voices did
10 you hear December 17, 2019, when you were hiding in your
11 bathroom closet?

12 A. Two, sir.

13 Q. Donnovin, do you know Jeremy Cornish?

14 A. No, sir.

15 Q. Have you ever seen this man before?

16 A. No, sir.

17 Q. What about Justin -- Justin Hopkins?

18 A. No, sir.

19 Q. Never met them before?

20 A. No, sir.

21 Q. And, again, do you -- while you're at the scene, do
22 you remember talking to somebody from the coroner's office
23 or do you recall?

24 A. I don't recall.

25 Q. Did you ever tell anybody in law enforcement, anybody,

1 I only heard one voice?

2 A. No, sir.

3 MR. HUBBARD: I beg the Court's indulgence.

4 THE COURT: Take your time.

5 BY MR. HUBBARD:

6 Q. Donnovin, as to that sliding glass door, I think on
7 your 9-1-1 you mentioned something about no one ever goes
8 in or out of there?

9 A. Yes, sir.

10 Q. The way and condition of your sliding glass door as I
11 showed you in that photograph, did it appear somebody had
12 gone out that door? State's 51.

13 A. Yes, sir.

14 Q. And there's something else I didn't ask you. When
15 law enforcement got there, was your front door locked or
16 unlocked?

17 A. It was locked, sir.

18 Q. Did you lock that door?

19 A. No, sir.

20 Q. And that door, is it a dead bolt or is it just one of
21 those doorknobs with a little lock on it?

22 A. Dead bolt, sir.

23 Q. That dead bolt, does it have a latch or do you have to
24 have a key to turn it?

25 A. You have to have a key.

1 Q. Okay. A key on the dead bolt? I'm talking about the
2 inside.

3 A. No, it's a latch.

4 Q. It's on the outside you have to have a key?

5 A. Yes, sir.

6 Q. Inside it's a latch?

7 A. Yes, sir.

8 Q. One other thing. Do you remember -- at some point did
9 Sergeant Creech come to you and ask you for what they call
10 a buccal swab?

11 A. Yes, sir.

12 Q. And do you remember like a Q-tip in your mouth?

13 A. Yes, sir.

14 Q. And when that was done, did he do it or somebody else?

15 A. Sergeant Creech did it.

16 Q. Sergeant Creech did it. And did -- I don't know. Did
17 you see him put it in a small little container?

18 A. Yes, sir.

19 Q. And was he asking for your DNA?

20 A. Yes, sir.

21 Q. And, Donnovin, when you talked about waiting in the
22 closet, I know it's hard to tell time, that was the last
23 thing you were worried about, how long do you think you
24 actually sat in that closet to make sure whoever was there
25 was gone?

1 A. About -- probably about two to three minutes.

2 Q. And, again, by the time you came out were you hearing
3 any kind of voices at that point?

4 A. No, sir.

5 MR. HUBBARD: Your Honor, I believe that's all I
6 have at this time.

7 THE COURT: Okay. Let me ask the jury right quick.
8 Do you need a quick ten-minute break or can we go forward?

9 THE FOREPERSON: Go ahead.

10 THE COURT: Okay.

11 Mr. Leventis.

12 CROSS-EXAMINATION

13 BY MR. LEVENTIS:

14 Q. All right. Mr. Haynes, all right, you mentioned that
15 -- that you spoke pot, you've been smoking, you were
16 smoking then, you still smoke, right?

17 MR. HUBBARD: Your Honor, I apologize if Mr. Leventis
18 could speak up.

19 MR. LEVENTIS: Oh, I'm sorry.

20 THE COURT: All right. Let's start over.

21 MR. LEVENTIS: All right. Here we go.

22 BY MR. LEVENTIS:

23 Q. Mr. Haynes, do you remember saying that you smoked pot
24 and you still smoke pot?

25 A. Yes, sir.

1 Q. Okay. And when is the last time, if you can recall
2 that for me, when is the last time -- did you -- did you
3 smoke December 17th?

4 A. No, sir.

5 Q. How about after you got off work on December 16th.
6 You said you got home pretty late. Did you sit around and
7 smoke pot?

8 A. No, sir.

9 Q. No? Okay. You -- one of the questions that you
10 answered to law enforcement was you don't know why somebody
11 would have done this. I believe that you said -- and your
12 answer to that was I didn't sell no drugs or nothing like
13 that. Do you remember telling law enforcement that?

14 A. I don't recall that.

15 Q. Okay. At some -- do you remember telling law
16 enforcement that they might find a little bit of marijuana
17 in your room?

18 A. Yes, sir.

19 Q. Okay. And at some point how much marijuana did they
20 find in your room?

21 A. Probably half a pound.

22 Q. It was three hundred something grams, so wouldn't that
23 be closer to a pound? I think it was 330 grams.

24 A. Yes, sir.

25 Q. Okay. And it's 28 grams to an ounce. Okay. So a

1 little less than a pound?

2 A. Yes, sir.

3 Q. Okay. And why didn't you get your telephone back?

4 A. I got a new one.

5 Q. But law enforcement had gotten your phone. Why didn't
6 you get it back from law enforcement?

7 A. I got a new one.

8 Q. Did they offer to give it back to you?

9 A. Yes, sir.

10 Q. And what did that phone contain pictures of?

11 A. Marijuana.

12 Q. And heroin?

13 A. No, sir.

14 Q. Do you recall Investigator Creech asking you why do
15 we see photos and videos of marijuana and heroin?

16 A. No, sir.

17 Q. Wasn't there, in fact, 14 grams of heroin in that
18 apartment?

19 A. I don't know.

20 Q. At the time Mr. Hopkins was arrested, he was arrested
21 with 14 grams of heroin?

22 A. I don't know.

23 Q. Okay.

24 Okay. I'm gonna kind of skip around here. I've got
25 several notes. Let me ask you this. Why would you -- why

1 would you -- when you exited the window, why would you go
2 around back to the front door to go upstairs to a neighbor
3 instead of going into a different building.

4 A. I didn't know anybody else out there except my
5 neighbor.

6 Q. Did you think that was a good decision to make, to go
7 back in through the front door?

8 A. Yes, sir.

9 Q. Did you not think that it might be safer to go
10 somewhere else?

11 A. Well, that's why I jumped out the window and looked
12 around first.

13 Q. What I'm getting at is do you think you had a clear
14 mind but about what you were doing or why you were doing
15 it?

16 A. Yes, sir. I remember everything vividly.

17 Q. You said that you remember hearing two voices is what
18 -- is what you said today, correct?

19 A. Yes, sir.

20 Q. All right. Let me ask you this. Do you remember in
21 an interview by Jessica Wade with the coroner's office that
22 you made a comment that he didn't -- basically the response
23 was he didn't know if there was more than one intruder. Do
24 you remember or not remember telling her that you didn't
25 know if there was more than one you intruder?

1 A. I don't recall that.

2 Q. All right. And if you had told her that, could the
3 two voices that you heard be one being an intruder and one
4 being one of your roommates?

5 A. No, sir.

6 Q. Why couldn't it be that way?

7 A. I heard the voices after the gunshots.

8 Q. All right. Well, let me -- now let me ask you this.
9 You heard the voices after the gunshots, but there were two
10 of your roommates who survived for a period of time. That
11 was Branton and Duwan. Dewan was still breathing when law
12 enforcement got there. Branton was -- Branton was still
13 alive for a while basically indicated by his movements
14 within the apartment, so could have he have been one
15 talking with one of the intruders?

16 A. No, sir.

17 Q. And why is that?

18 A. I heard the voices after the gunshots.

19 Q. Couldn't his voice -- his voice have been one of them
20 since he was still alive and moving in the -- in the
21 apartment?

22 A. I would have recognized his voice.

23 Q. In your state of mind that you were in when you were
24 hiding in a bathroom, secured in a closet, you were paying
25 attention to everything that was said or were you holding

1 on it for dear life thinking that --

2 A. I had no choice but to pay attention, sir.

3 Q. No choice?

4 A. No.

5 Q. Do you recall saying -- do you recall saying he was
6 trying to kick it in and he walked off, then I heard him
7 say oh, here it is or something, I got it, and they left?

8 MR. HUBBARD: Your Honor, if I could ask what Mr. --

9 MR. LEVENTIS: That's on page 5 of his statement to
10 Sergeant Miller.

11 MR. HUBBARD: Okay.

12 THE COURT: Go ahead.

13 BY MR. LEVENTIS:

14 Q. So you said that he walked off after he was trying --
15 after -- he basically gave up trying to kick in the door.
16 He walked off, but then I heard him say oh, here it is or
17 something, I got it.

18 A. I don't recall that, but I don't believe he would be
19 talking to his self.

20 Q. My point. Would he be -- if this were a robbery, if
21 it were somebody -- somebody coming in to steal money
22 and/or drugs, if one of these -- one of your roommates
23 were still alive, wouldn't your roommate say here it is and
24 give him what, in fact, was there, whatever drugs it was,
25 whether it was 14 grams of heroin or, of course, he didn't

1 take your pound of pot, but wouldn't it be consistent with
2 one of the two guys saying here it is?

3 MR. HUBBARD: Speculation, Your Honor.

4 THE COURT: He's asking him. I don't think it's
5 speculation.

6 MR. HUBBARD: About what somebody might have said.
7 Not what was actually heard, but wouldn't somebody have
8 said, so he's speculating. He said -- asked if a roommate
9 of would have said that. Not whether he did, but wouldn't
10 one of them say that. So I object to the speculation.

11 BY MR. LEVENTIS:

12 Q. I'll -- the quote was "here it is"; "oh, here it is".
13 Could that quote be attributed to one of your roommates who
14 was still alive at that time hoping that if he had made
15 that quote and handed over the drugs that the assailant
16 would leave?

17 A. No, sir.

18 Q. That couldn't possibly be a situation?

19 A. No, sir.

20 Q. And this was after he had quick kicking the door and
21 after he walked away?

22 A. It was while he was kicking the door.

23 Q. All right. So you don't remember in your statement to
24 Sergeant Miller -- I'm gonna show you this. This is page 5
25 of your statement to Sergeant Miller and there's your name

1 and here -- start from the "and", and he was trying, and
2 read that for me. Right there, "and".

3 A. And he was trying to kick it in and he walked off,
4 then I heard him say oh, here it is or something, I got it.

5 Q. Okay. So -- and that's a quote, so that is something
6 that you would have said for sure on December the whatever,
7 the 17th or 18th, when you were talking to Sergeant Miller.

8 A. Yes, sir, but right after that sentence it says "they
9 left". That's also highlighted.

10 Q. But you don't know if it was "they" or not. How many
11 people did you see in that apartment?

12 A. Nobody.

13 Q. Okay. So when you say "they", how do you know it's
14 "they" other than this statement: Here it is, I got it?

15 A. I'm just going off of what I heard.

16 Q. And that statement is what you heard?

17 A. Yes, sir.

18 Q. Okay. And you had told the assistant coroner that you
19 didn't know if there was more than one assailant or not?

20 A. I don't recall that.

21 Q. Let me show you this coroner's report. Would you read
22 that last sentence for me?

23 MR. HUBBARD: Your Honor, I'm gonna object unless
24 Mr. Donnvin signed a report or unless it was audio
25 recorded or video recorded; otherwise, he's being asked

1 to read a report that there's been no foundation he's
2 ever seen and so far I've heard I don't recall even
3 talking to that person, so I'm objecting to him reading
4 a report.

5 THE COURT: I'm gonna agree unless you've got a
6 reason for reading it, Mr. Leventis.

7 BY MR. LEVENTIS:

8 Q. Well -- and I would say this. I mean, obviously
9 it's on a report. My point to you is if you don't recall
10 talking to this person, wouldn't that be indicative,
11 Mr. Haynes, of not having your faculties about you, which
12 I understand, what you've just been through, but would
13 it not be consistent with not really being in a proper
14 mindset?

15 A. No, sir.

16 Q. Okay. Do you also remember telling one of the
17 investigators that it might have been three people who
18 were involved?

19 A. Yes, sir --

20 Q. Okay.

21 A. -- but I never said one. Yes, sir, but I never said
22 one.

23 Q. You never what?

24 A. Said one person.

25 Q. Okay. Let me ask you, this -- this closet door, you

1 were crouched behind it trying to hold it shut?

2 A. Yes, sir.

3 Q. Okay. And as the assailant was kicking the door, you
4 said you were able to see a gun barrel?

5 A. Yes, sir.

6 Q. How far had that door opened to enable you to be able
7 to see a gun barrel?

8 A. About a half inch.

9 Q. Half an inch?

10 A. Maybe.

11 Q. Mr. Haynes, wouldn't it be -- if you're crouched
12 trying to hold a door shut, wouldn't you be basically in
13 the middle part of the door trying to hold it shut?

14 A. Yes, sir.

15 Q. Okay. So it cracked open about a half an inch, so you
16 from the middle part of the door could see the barrel of a
17 gun through that opening?

18 A. Yes, sir.

19 Q. Okay. That -- that basket in your bathroom, there was
20 some blood in it, do you remember that, in the clothing?

21 A. I don't recall.

22 MR. LEVENTIS: I beg the Court's indulgence, Your
23 Honor.

24 THE COURT: Take your time.

25 MR. LEVENTIS: Thank you.

1 BY MR. LEVENTIS:

2 Q. All right. Do you remember now your testimony today
3 after you had told the officers that night I don't sell
4 no drugs or nothing, you testified earlier tonight that we
5 were selling -- or earlier today, that we were selling.
6 What were you-all selling?

7 A. I must have got confused. I meant to say we were
8 smoking.

9 Q. All right. So you weren't saying we were selling?

10 A. If I did, I didn't mean to.

11 Q. But then you followed up with nothing heavier than
12 pot?

13 A. We only smoked pot.

14 Q. So you deny that there was pot being sold there?

15 A. No, sir.

16 Q. You don't deny it?

17 A. (Shakes head.)

18 Q. Who was selling pot?

19 A. I don't recall.

20 Q. Do you remember telling one of the officers that
21 Branton was selling marijuana and that there was a good
22 bit of traffic coming in and out of the apartment and that
23 they came in -- that traffic in and out of the apartment
24 where some people came in through the front door, some
25 business was conducted from the back door?

1 A. No, sir.

2 Q. You don't remember telling an officer that?

3 A. No, sir.

4 Q. While they're looking, let me go to something else.

5 You said that you told that you lost eleven hundred
6 dollars in cash and your wallet in the bathroom.

7 A. Yes, sir.

8 Q. But you also said you had not reported this to law
9 enforcement. That -- so you had not reported that to law
10 enforcement?

11 A. No, sir.

12 Q. And when did you tell this information to the
13 solicitor's office?

14 A. Recently.

15 Q. About four -- so two years and eight months ago you
16 never told anybody about eleven hundred dollars in cash
17 and your wallet being taken?

18 A. I didn't think it was more important than three
19 murders at the time.

20 Q. But also weren't you questioned by Detective Creech?
21 All right. Let me go back.

22 MS. LEVENTIS: Thank you.

23 Rick, this is page 147 of Donnovin's statement.

24 MR. HUBBARD: Which interview is it?

25 MR. LEVENTIS: You've got me.

1 (Discussion between counsel.)

2 BY MR. LEVENTIS:

3 Q. All right. So -- and this is when Sergeant Creech
4 came in and talked to you about the marijuana on December
5 the 18th. I'm gonna hand you page 147. There's a --
6 starting on line 5, Sergeant Creech says -- what does
7 Sergeant Creech say to you starting right there?

8 A. Was Branton primarily serving out the front or was he
9 serving out the back door or was it a little bit of both?
10 Yeah, I believe so. Believe so to what? Probably at the
11 back door.

12 I don't recall saying that.

13 Q. You don't recall saying that?

14 A. No.

15 Q. Okay. So in response to Sergeant Creech asking about
16 pot being sold in the apartment and you got these quotes,
17 but you don't recall saying that?

18 A. No, sir.

19 Q. You never did -- you didn't see Jeremy in the
20 apartment that day, did you?

21 A. No, sir.

22 Q. All right. If Branton was selling pot in the
23 apartment and he was selling out the front door or back
24 door and he had a pretty good business, was it possible
25 that Jeremy at some point in time in the past had been in

1 that apartment?

2 A. I don't know.

3 Q. Okay. But it was possible. You said you worked
4 fifteen hours a day, I believe.

5 A. That's correct.

6 Q. Okay.

7 MR. LEVENTIS: I beg the Court's indulgence one
8 moment.

9 THE COURT: Take your time.

10 BY MR. LEVENTIS:

11 Q. Just one more follow-up question about the bathroom
12 door. Was your back against the door or were your hands
13 against the door?

14 A. My hands.

15 Q. Okay. And -- and the door cracked open about a half
16 an inch?

17 A. Yes, sir.

18 Q. Why do you think he quit trying to kick in the door?

19 A. That was after I heard they found it.

20 Q. And he had walked away and said here it is, I think?
21 Or somebody said here it is and he said I got it?

22 A. Yes, sir.

23 Q. Okay. Donnovin, look at Exhibit 183. If the door
24 opens on the inside and you're holding it shut and it opens
25 about a half an inch, you really thought you saw the barrel

1 of a gun?

2 A. Yes, sir.

3 Q. Okay. And even though the responses to Sergeant
4 Creech were made, you don't recall telling him that Branton
5 was selling -- that Branton was selling marijuana out of
6 the residence?

7 A. No, sir.

8 Q. And you don't remember saying earlier today that we
9 were selling nothing heavier than pot when Mr. Hubbard
10 asked you a follow-up? You don't recall saying that?

11 A. I misinterpreted that question.

12 Q. Is that the only question you misinterpreted?

13 A. I'm -- I don't understand what you're asking me.

14 Q. But you conveniently misinterpreted that question?

15 MR. HUBBARD: Your Honor, I object to the form of
16 that question.

17 THE COURT: I'm gonna allow it. Go ahead.

18 BY MR. LEVENTIS:

19 Q. You conveniently misinterpreted Mr. Husband's question
20 of were you -- was marijuana being sold in that apartment.
21 So that one you conveniently misinterpreted when your
22 response was we were selling when Mr. Hubbard said what
23 were you selling and you said nothing heavier than pot?

24 A. I misinterpreted that question.

25 Q. Okay.

1 MR. LEVENTIS: I don't have anything further. Thank
2 you.

3 THE COURT: Any redirect, Mr. Hubbard?

4 MR. HUBBARD: I do have a little bit.

5 REDIRECT EXAMINATION

6 BY MR. HUBBARD:

7 Q. Mr. Haynes, how long did you know Duwan Williams?

8 A. Over fifteen years.

9 Q. Fifteen years?

10 A. Yes, sir.

11 Q. And I'm gonna ask you to speak up now, all right?

12 A. Yes, sir.

13 Q. During that fifteen years, do you think you've got a
14 pretty good idea what his voice sounded like?

15 A. Yes, sir.

16 Q. Sheldon Livingston, how long did you know him?

17 A. All my life pretty much.

18 Q. All your life. He's the one you called your brother?

19 A. Yes, sir.

20 Q. Do you feel like you know his voice pretty well?

21 A. Yes, sir.

22 Q. Branton Booker, how long did you know him?

23 A. Since middle school, sir.

24 Q. Is it fair to say you knew his voice pretty well?

25 A. Yes, sir.

1 Q. When you heard gunshots and you heard someone say give
2 it up, was it any one of your three friends that said that?

3 A. No, sir.

4 Q. When you heard gunshots and those gunshots stopped
5 and somebody's kicking in your door and you heard "I found
6 it", was that the guy kicking in your door or did you hear
7 that voice from somewhere else?

8 A. The voice was from somewhere else.

9 Q. Was that voice Duwan Williams?

10 A. No, sir.

11 Q. Was that voice Sheldon Livingston?

12 A. No, sir.

13 Q. Was it Branton Booker?

14 A. No, sir.

15 Q. And you know their voices?

16 A. Yes, sir.

17 Q. The voice you heard "I found it" or "I got it", did
18 you know that voice?

19 A. No, sir.

20 Q. The voice that said "give it up", did you know that
21 voice?

22 A. No, sir.

23 Q. Now interviews were brought up. Specifically one
24 December 17, 2019, with a -- I believe Sergeant Miller.

25 A. Yes, sir.

1 Q. And you were asked about how many voices you heard?

2 A. Yes, sir.

3 Q. I want you to look at page 49 of a transcript.

4 Because that was a recorded interview, wasn't it?

5 A. Yes, sir.

6 Q. That was at the sheriff's department recorded?

7 A. Yes, sir.

8 Q. When the investigator said on page 49 how many voices
9 did you hear, what did you say?

10 A. I heard two, but it sounded like maybe three people.

11 Q. I heard two. Two voices?

12 A. Yes, sir.

13 Q. But when you say it sounded like maybe three people,
14 were you saying you thought more people were in there or
15 you heard a third voice?

16 A. I thought maybe it was -- I heard more people.

17 Q. In that same interview where you have -- on page 49
18 where it says "so I'm thinking like man, are they gonna
19 shoot me" and starting at line 21 you have "and I heard the
20 other dude in the other kind of -- whoever else it was that
21 was the one who said "I got it, here it is" and then that's
22 when the dude who was kicking in my door came around there,
23 but I felt like there might have been a third person".

24 Page 50. The investigator asked you two voices, we
25 know it's not one person, and your answer is what?

1 A. Yes.

2 Q. Yeah, yeah, yeah. Investigator: We know it's at
3 least two people. What is your response?

4 A. Yes.

5 Q. Investigator says possibly three people and your
6 response is?

7 A. Possibly.

8 Q. Possibly. That's in the same interview that was
9 brought up by Mr. Leventis?

10 A. Yes, sir.

11 Q. And did you give another interview -- this was the day
12 of that incident, wasn't it?

13 A. Yes, sir.

14 Q. You had already talked to Sergeant Creech at --
15 outside the apartment complex, but then you went back to
16 law enforcement and talked to these officers, right?

17 A. Yes, sir.

18 Q. And the next day you also remember talking to Sergeant
19 Creech at the sheriff's department?

20 A. Yes, sir.

21 Q. And was that also recorded?

22 A. Yes, sir.

23 Q. And on page 175 Sergeant Creech asks you: But you
24 heard two people talking, and your answer is?

25 A. Two people talking.

1 Q. Two people talking. And he says at least -- at least
2 two people talking, right, and your answer is?

3 A. Yes, so that's why.

4 Q. So that's why, and then he interrupts you and says
5 you don't know if it was more or less -- well, you know,
6 it wasn't, and he doesn't make sense because you break in
7 and say what? Line 8.

8 A. I know it was two. They was talking to each other.

9 Q. I know it was two. They was talking to each other.

10 At any time in these interview with Sergeant Creech or
11 anybody at the sheriff's office, did you ever indicate it
12 was one person?

13 A. No, sir.

14 Q. Did you ever indicate that the voice you heard was one
15 of your roommates?

16 A. No, sir.

17 Q. When you came out of that closet and looked down that
18 hallway, you saw a person in that hallway?

19 A. Yes, sir.

20 Q. Donnovin, did you think that was one of the people who
21 broke in or was that one of your roommates?

22 A. One of my roommates.

23 Q. Donnovin, did you hear any of your roommates talking
24 or running around at that point in time?

25 A. No, sir.

1 Q. Did you ever hear any of them talking at that time?

2 A. None of my roommates, no, sir.

3 Q. And you never heard them after that, did you?

4 A. No, sir.

5 MR. HUBBARD: No further questions.

6 THE COURT: Mr. Leventis.

7 MR. LEVENTIS: Just a few, Your Honor.

8 RECROSS EXAMINATION

9 BY MR. LEVENTIS:

10 Q. First of all, no one said "give it up" or -- from
11 somewhere else, did they?

12 A. Excuse me?

13 Q. Did anybody say "give it up"?

14 A. No, they said "where it's at".

15 Q. Other than the quotes that I read you on page 5 in
16 your interview, "here it is, I got it" --

17 A. Yes, sir.

18 Q. -- anything else other than that said?

19 A. No, sir.

20 Q. Okay. And you've also said that -- you just said, and
21 I'm gonna hand you -- I'll let you read it, page 1 -- 141.

22 MR. HUBBARD: Which interview?

23 MR. LEVENTIS: Of Creech.

24 MR. HUBBARD: Which day?

25 MR. LEVENTIS: The 18th.

1 BY MR. LEVENTIS:

2 Q. Start right there. What you were saying before I
3 came.

4 A. Before I came out the closet, I heard somebody come
5 back in, but it didn't sound like they was looking for
6 nothing. It sounded like one of the guys got -- that got
7 shot.

8 Q. Okay. And then go ahead and read the rest of it, too.
9 But I don't know.

10 A. But I don't know if it -- just like it was breathing
11 -- was like a breathing, like a moaning, and I think it's
12 like a finger -- I think it might be blood or something on
13 my clothing basket.

14 Q. Okay. So you know that at least one of your roommates
15 had survived after the perpetrator left the apartment,
16 correct?

17 A. When I left out the closet, I saw the body on the
18 floor, so I don't know.

19 Q. But -- well, but you just said before I came out of
20 the closet I heard somebody come back in, but it didn't
21 sound like they were looking for nothing, it sounded like
22 one of the guys that got shot.

23 A. I heard heavy breathing, yes.

24 Q. Okay. And if it was one of the guys that got shot,
25 couldn't that guy have possibly having been shot with his

1 voice altered say here it is to who -- to the person who
2 had walked away from trying to kick in your door?

3 A. No, sir.

4 Q. It couldn't have been that way? It couldn't have
5 been?

6 A. No, sir.

7 Q. But you know for a -- you know for a fact that at
8 least one of them was still alive, one of your roommates?

9 A. I don't know for a fact. I just heard heavy
10 breathing.

11 Q. And I'll just leave it when I say one of the guys that
12 got shot. So you're making -- Mr. Haynes, you're making a
13 lot of assumptions from behind a closed door, obviously
14 stressed in a horrific situation, I'm gonna give you that,
15 okay? So you remember certain things particularly well
16 and you don't remember others real well. I mean, is that
17 a fair summary of your testimony today?

18 A. In my defense, there was a lot going on at the time.

19 Q. No question there was a lot going on at the time and
20 that's my point to you precisely. You think it was one of
21 the room -- one of the people who wasn't shot, you think
22 somebody said here it is, I got -- or here it is, I got
23 it. You never saw how many people were in that apartment,
24 you're saying you heard two voices, but it sounded like
25 three people.

1 MR. HUBBARD: Your Honor, I don't mind a question.

2 MR. LEVENTIS: Is that not what you've said?

3 THE COURT: I agree that it's kind of testimonial.

4 Can you rephrase it there, Mr. Leventis, if you can?

5 You might have to break it down.

6 MR. LEVENTIS: Okay.

7 BY MR. LEVENTIS:

8 Q. So you remember saying that -- that as -- from the
9 quote you just read, it sounded like one of the people
10 hadn't been shot breathing heavy. You remember that?

11 A. Yes, sir.

12 Q. And you remember saying here it is, I got it. You
13 remember people saying that?

14 A. Yes, sir.

15 Q. Okay. So you remember, but you don't -- you don't
16 realize whether or not at least one of your roommates is
17 still alive?

18 A. No, sir.

19 Q. Okay.

20 MR. LEVENTIS: I don't have anything further. Thank
21 you.

22 MR. HUBBARD: If I could follow-up on that point?

23 THE COURT: Just on that point.

24 FURTHER REDIRECT EXAMINATION

25 BY MR. HUBBARD:

1 Q. Donnovin, when it comes to this breathing, when you
2 sat in that Tahoe how many of your friends came out to the
3 ambulance -- was brought out to an ambulance?

4 A. Only one, sir.

5 Q. Only one. The whole time you sat there, did any other
6 ambulance show up and take your other two friends?

7 A. No, sir.

8 Q. Sheldon Livingston, no ambulance for him?

9 A. No, sir.

10 Q. Branton Booker, no ambulance for him?

11 A. No, sir.

12 Q. But just Duwan Williams?

13 A. Yes, sir.

14 Q. And that page he was talking about, page 141, about
15 the heavy breathing, this is after gunshots and after you
16 -- the kicking has stopped and you hear what appears
17 they've left?

18 A. Yes, sir. Yes, sir.

19 Q. And you hear what you describe as heavy breathing.
20 Donnovin, as you sat in that closet and even as you came
21 out of that closet, did you have any clue who that might
22 be?

23 A. No, sir.

24 Q. But you know Duwan Williams was the only one they
25 brought out of that apartment to an ambulance?

1 A. Yes, sir.

2 MR. HUBBARD: Thank you.

3 MR. LEVENTIS: I don't have anything further, Your
4 Honor.

5 THE COURT: May I excuse Mr. Haynes?

6 MR. HUBBARD: Yes, Your Honor. Thank you.

7 THE COURT: Mr. Haynes, thank you for coming.

8 (Witness excused.)

9 THE COURT: All right. Ladies and gentlemen of the
10 jury, that's gonna be our last witness for today. I'm
11 gonna ask you to report at 12:45 on Monday. Since you
12 want your same jury room, I'm gonna give you your same
13 jury room. If anyone has any symptoms whatsoever, I'm
14 gonna get the bailiff to give you-all a phone number to
15 call so you can leave us a message and let us know.

16 You-all have been wonderful. I hope you-all have a
17 great weekend. Please do not -- because it is a weekend,
18 do not -- it's gonna be so tempting, but don't do it,
19 talk about this case. Remember, if you see anything on
20 the news, on the Internet, please do not read or listen
21 to any of that. Please do not research anything; lawyers,
22 witnesses you've heard from or any court official or
23 police officers. Don't do it, okay?

24 All right. That said, I hope you-all have a
25 wonderful weekend and I look forward to seeing you on

1 Monday.

2 Thank you.

3 (Whereupon, the jury was excused for the day
4 2:51 PM.)

5 THE COURT: Okay. Now you-all know that Mr. Swerling
6 wanted to put an objection on the record and this was the
7 present sense impression that I thought I had ruled on
8 earlier, but just to protect the record and make sure that
9 my ruling was clear, I think originally this statement
10 "go get it" or "I found it", "it's here, it's here", that
11 Mr. Haynes heard while he was in the closet I ruled under
12 803 that it was an exception to the hearsay rule as being
13 a present sense impression.

14 Originally, and I think where we kind of got off,
15 originally it was gonna be a third-party conspirator
16 I think is how it was listed in the motion and we decided
17 no, that it's not a co-conspirator's statement; however,
18 I ruled it was an exception to the hearsay rule and I
19 found it to be more probative than prejudicial.

20 But I'll hear from you your argument on your
21 objection and I certainly will note it for the record
22 if there's anything else you want to add, Mr. Swerling.

23 MR. SWERLING: Judge, I think you stated it. My
24 objection was that since he did not know who the two
25 people were, two conversations, and it would be hearsay,

1 it did not come under an exception to the hearsay rule
2 because he could not identify them --

3 THE COURT: Right.

4 MR. SWERLING: -- and so I just wanted to make sure
5 the record was protected throughout and so I renewed it.

6 If it was a motion in limine at one time, we have
7 to renew it anyway.

8 THE COURT: Right.

9 MR. SWERLING: So I just ask Your Honor to make sure
10 that the record reflects it and to grant it throughout
11 that testimony.

12 THE COURT: Absolutely. That objection will run
13 throughout your testimony, so I think you are, as far
14 as I'm concerned and hopefully the appellate court agrees
15 with me, you are protected all throughout this trial,
16 Mr. Swerling.

17 MR. SWERLING: Thank you.

18 MR. HUBBARD: I do have one other thing, Your Honor.

19 Your Honor, in the testimony of Mr. Haynes on cross
20 brought up about the breathing, I stayed away from that
21 as far as --

22 THE COURT: Brought up the what?

23 MR. HUBBARD: The breathing.

24 THE COURT: Oh, yes.

25 MR. HUBBARD: And the cross with the transcript

1 about the breathing with the implication being that one
2 of his roommates was running around injured breathing.

3 Your Honor, earlier in this trial we wanted to put
4 in initially audio at least of the surviving victim,
5 Duwan Williams, so that the jury can hear his voice. In
6 fact, I think now it is -- now the door's open to put it
7 in more so the jury can hear the breathing sounds of
8 Duwan Williams because when you hear that, there is no
9 mistaking who that is.

10 Now the implication is one of those roommates was
11 healthy enough and active enough to run around that
12 apartment complex and -- or a suspect's in there. The
13 only evidence I have and the best evidence I have is an
14 audio videotape or at least audio with the breathing
15 sounds so it becomes absolutely abundantly clear who
16 that is. We were willing to keep that out. Obviously
17 we just wanted to get in that one statement about the
18 dying declaration and the "I don't know who it was". I
19 understand, but now, Your Honor, the actual breathing
20 sounds, which are so profoundly distinct in this case,
21 it's the first thing the officers hear when they come in
22 the room, that it is somebody who is immobilized, and the
23 other two people already dead. I feel like I've got to
24 establish that; otherwise, I've got a defendant running
25 around or I've got somebody who is a roommate running

1 around maybe hiding evidence.

2 THE COURT: But, I mean, is this breathing sound so
3 distinct that it goes to identification?

4 MR. HUBBARD: Your Honor, if I play it, I guarantee
5 I can put Donnovin Haynes on the stand and he can say who
6 it is. He's known that man all his life.

7 THE COURT: All right. Let me hear from Mr. Swerling.

8 MR. SWERLING: Judge, nobody was suggesting that
9 somebody was running around. It's never been disputed
10 that the person is breathing heavily. That's been since
11 the time we talked about these before the trial, that
12 this individual was breathing heavily and we understand
13 that was the individual who made the dying declaration,
14 and I don't even think we disputed that. We didn't
15 dispute it was a dying declaration.

16 THE COURT: You didn't, but -- they had an objection
17 while you-all were doing it, but they agreed to the dying
18 declaration.

19 MR. SWERLING: Right.

20 MR. HUBBARD: Correct, and -- and that's why going
21 into this I thought there was an agreement in that regard,
22 but now I think there's an ambiguity and I've got the
23 burden of proof, what is that sound and who was it and
24 was that person mobile. And, Your Honor, I think --
25 certainly if you see the video, that person ain't going

1 anywhere, and the other two are dead.

2 MR. SWERLING: Well, I think one -- I think the --
3 somebody testified that one was deceased, the other one
4 did not die right away and then one did die, you know,
5 at the hospital. So I just don't think it's possible
6 anybody could suggest that we raised the issue that
7 they were walking around. I think the point of what
8 Mr. Leventis was trying to bring out was that there might
9 have been -- somebody might have been talking, but not
10 running around. And certainly 403 would come into play
11 here about the prejudicial effect far outweighing any
12 probative value on something that was brought out on
13 cross-examination.

14 MR. HUBBARD: Your Honor, my problem is that
15 linked to that testimony brought out on cross or to the
16 questioning was blood in the bathroom where Mr. Donnovin
17 was. The implication is only three people were shot, so
18 it's got to be a roommate, and so that's my problem. If
19 the jury sees a video clip of Duwan Williams, they're
20 gonna know he ain't going anywhere, and the other two,
21 there's already testimony they're dead. So it's either
22 Duwan Williams or a suspect's come back in the building
23 and is breathing heavy.

24 THE COURT: All right. I'm gonna take it under
25 advisement. I'll think about it over the weekend and

1 rule on it on Monday.

2 MR. HUBBARD: Thank, Your Honor.

3 THE COURT: Thank you.

4 All right. Wait a minute before we go forward.

5 Let me pull this up. I want to make sure Exhibit 110

6 and 183 --

7 MR. HUBBARD: What are those items?

8 THE COURT: The photo of the closet, 183, and 110

9 is the bathroom. I thought we moved those in without
10 objection, but --

11 MR. HUBBARD: I thought I moved in --

12 THE COURT: All right. So let me see if we can't
13 cure this right quick.

14 MR. HUBBARD: I would offer them at this time since
15 there was no objection.

16 THE COURT: And you-all saw the photos.

17 Any objection for the record from the defense?

18 MR. SWERLING: What happened? We can work something
19 out.

20 MR. HUBBARD: I will note that they used these
21 photos in their cross, too.

22 THE COURT: And they did. So let me ask.

23 MR. SWERLING: We're not -- we're not objecting to
24 it.

25 THE COURT: Okay. I had -- I even wrote them down

1 on my list and no objection and I admitted them.

2 MR. SWERLING: I think Mr. Leventis said there was
3 no objection.

4 MR. LEVENTIS: I think I probably did, Your Honor.

5 MR. SWERLING: He said there was no objection, so --

6 THE COURT: Having no objection, you're moving to
7 have them and I'm saying they are entered, if they were
8 not.

9 MR. HUBBARD: Yes, Your Honor. I do tend to
10 sometimes have a habit to just -- when there's no
11 objection, I say State's whatever because I'm assuming
12 it's not State's ID, it's now State's whatever.

13 THE COURT: Right. Usually I'm Johnny-on-the-spot
14 and pick it up, but if the court reporter say we didn't
15 do it, then I want to cure that for the record.

16 MR. HUBBARD: Thank you, Your Honor.

17 MR. SWERLING: We're okay with it. I just want the
18 State to know how gracious I am.

19 (Off the record discussion.)

20 Judge, and one of the things with
21 the issue that you took under advisement, I just want
22 to point out that there is blood in other areas of the
23 apartment, so somebody at one point moved around and
24 that's -- I think it's only fair from the facts in the
25 case. There's some blood in the kitchen on the floor,

1 there's some blood in other areas, so I just ask you to
2 take that into consideration.

3 MR. HUBBARD: And, Your Honor, I believe that --
4 that does open the door. I mean, what I think we've
5 got --

6 THE COURT: But there's blood in places, too.

7 MR. HUBBARD: Right, and the explanation for that,
8 which I think law enforcement can get into that, but it's
9 gonna be combined with Dewan Williams to understand that
10 fully and how they found him and his responses and how
11 he is.

12 THE COURT: Okay.

13 MS. MAYES: And, Your Honor, if I could just briefly
14 since I handled that matter and we discussed it with the
15 Court, we thought that the stipulation was about the
16 content and that -- I believe the defense's objection
17 is because he's dying that would be too prejudicial.
18 We foresaw that as a complete stipulation that he is
19 dying. We just didn't foresee that it would be an issue
20 as to his condition, so --

21 MR. SWERLING: We never said -- go ahead. I'm sorry.

22 MS. MAYES: -- it was premature probably to reach a
23 stipulation on that matter.

24 MR. SWERLING: We did agree he was dying. They
25 didn't have to prove it was a dying declaration. We

1 understood that he was dying and so we did not raise an
2 issue.

3 THE COURT: Well, a dying declaration means he's
4 dying. That's pretty --

5 MR. SWERLING: Yeah, that's right.

6 THE COURT: Okay. I'll take it under advisement and
7 I will rule on it on Monday.

8 MR. HUBBARD: Thank you, Your Honor.

9 THE COURT: We will start at 1:00. I've asked the
10 jury to be here at a quarter till.

11 Okay. Thank you-all. Have a good weekend.

12 (Whereupon, the proceedings were concluded for
13 October 14, 2023, at 3:03 PM.)

14 (The following proceedings were held October 17,
15 2022, beginning at 1:09 PM.)

16 BAILIFF: All rise. Court's now in session. The
17 honorable Judge Debbie McCaslin presiding.

18 THE COURT: Please be seated.

19 All right. Is the State ready?

20 MS. MAYES: Your Honor, we are. We're kind of
21 organizing what's already in evidence versus what we're
22 offering. I believe that the defense doesn't have any
23 objection to the crime scene -- additional crime scene
24 photos that are being offered, but if there's any that
25 there might be an objection to we'll take it up at this

1 time just for in the interest of efficiency.

2 THE COURT: All right. Well, you-all get organized
3 and I'll -- because I feel like I'm missing something up
4 here for me.

5 MR. SWERLING: I'm definitely missing something. My
6 mind. We're trying to get together, too.

7 MS. MAYES: In the interest of time, if there are
8 no objections, if it's okay, I'll just call out the
9 number and we'll move them in at that time, but feel
10 free to take a look at anything you need to look at.
11 Everything's right here.

12 THE COURT: Yeah, can you tell me what numbers they
13 are?

14 MR. HUBBARD: A lot of these are premarked right now,
15 so they haven't been introduced yet.

16 THE COURT: Okay. I just like you-all to pre-mark
17 them.

18 MR. HUBBARD: We're pre-marking, but if they agree,
19 then it will go fast.

20 MS. MAYES: Court's 11 and 12 will be offered as
21 State's 11 and 12.

22 THE COURT: From the Court's exhibits, 11 and 12?

23 MS. MAYES: Yes, Judge.

24 MR. SWERLING: Judge, we're good with these. To
25 the extent that we objected before, we'd just renew those

1 objections. No additional objections.

2 THE COURT: To the photos?

3 MR. SWERLING: Yes.

4 THE COURT: The photos that you objected to are the
5 three we went over?

6 MR. SWERLING: There may have been one other, but it
7 was so long ago.

8 MR. HUBBARD: And two of those are already in and
9 one I think's gonna be coming in, and it's cropped.

10 MR. SWERLING: Yeah, they cropped it.

11 MS. MAYES: That is State's 92, Your Honor, and as
12 noted the defense had objected at the outset to three
13 photographs. Two are already in --

14 THE COURT: 65 and 66 are already in.

15 MS. MAYES: And then 92, Your Honor, would be the
16 third photograph that had an objection and the State has
17 cropped that photograph. We have markers six and seven
18 present to show the ballistics findings in that photograph
19 and only the left foot of the victim is visible. That is
20 State's 92.

21 THE COURT: Right. And I ruled on that and I was
22 gonna allow that in, but the only other objections I had
23 to photos is 65 and 66.

24 Is there any objection to the two photos of the lock
25 that was Court's Exhibit 11 and 12? It's showing the

1 interior door. You-all didn't have an objection for a
2 Court exhibit, but I didn't know if you were gonna have.

3 MS. WILSON: It's the dead bolt.

4 THE COURT: It's the dead bolt pictures.

5 MR. SWERLING: No.

6 THE COURT: Okay.

7 MR. SWERLING: I just have to check with my real
8 lawyer.

9 MS. MAYES: It's right here. Those are now gonna be
10 State's 11 and 12, previously Court's 11 and 12.

11 THE COURT: Right. As I was writing them now, I
12 was making sure there were no objections to those two
13 photos.

14 MS. MAYES: With that, Your Honor, we're ready. We
15 will also be offering physical evidence which corresponds
16 with these photographs at some point.

17 THE COURT: Okay. And you-all have looked at the
18 photographs. There's no objections to them, right?

19 MR. SWERLING: Nothing additional, right. I know
20 we argued about some or had some argument about them.

21 THE COURT: Right, and I've got those and you can
22 put them back on the record.

23 MR. SWERLING: No, nothing additional.

24 THE COURT: Okay. Is the defense ready for me to
25 bring the jury in?

1 THE WITNESS: It's Patrick Ward, W-A-R-D.

2 PATRICK WARD,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. MAYES:

6 Q. All right. Tell us a little bit about yourself,

7 Detective Ward. Where are you employed?

8 A. I'm employed by the Lexington County Sheriff's

9 Department.

10 Q. All right. What I'm gonna ask you to do is if you
11 could take that microphone and then pull it to the center
12 of you and forward and if you could move the stand forward
13 about two inches.

14 MS. MAYES: Your Honor, if may I approach?

15 THE COURT: You may.

16 THE WITNESS: Okay.

17 BY MS. MAYES:

18 Q. Now how long have you been with the Lexington County
19 Sheriff's Department?

20 A. I've been employed by Lexington County for over eight
21 years.

22 Q. All right. And what type of work have you done as a
23 law enforcement officer during your tenure there?

24 A. I started out on patrol and then I moved into a school
25 as a school resource officer in a high school setting and

1 for the past four, almost four and a half years I've been
2 crime scene investigator.

3 Q. All right. Now when you talk about being a crime
4 scene investigator, I believe you said that's been about
5 four years. Tell us in general what is meant by that type
6 of work?

7 A. I would typically respond to violent crimes,
8 homicides, shooting incidents, home invasions, occasionally
9 drug overdoses, suicides, so anything that was above the
10 level that a normal road officer would be able to work.

11 Q. All right. And then specifically as to homicides,
12 what type of training have you had in that regard?

13 A. I have had maybe hundred hours or more of shooting and
14 incident reconstruction, bloodstain pattern analysis, just
15 very violent crime scene investigation classes.

16 Q. All right. And had you had some experience in that
17 regard prior to December of 2019?

18 A. I have.

19 Q. And specifically I want to take you to December 17th
20 of 2019 and ask you what role you played in the crime scene
21 investigation or CSI processing done at [REDACTED] Butternut Lane
22 in reference to this case?

23 A. That morning I was the lead crime scene investigator.

24 Q. All right. Now as the lead crime scene investigator,
25 what are your responsibilities?

1 A. My responsibilities are documenting the scene with a
2 sketch and taking measurements. I'm also primarily
3 obligated with collecting the evidence itself.

4 Q. All right. When you go about collecting the evidence,
5 what are the procedures and protocols you follow in order
6 to collect evidence?

7 A. The main thing is trying to keep it in as pristine
8 condition as possible, so I would always wear gloves, we
9 would not disturb the evidence prior to photographing it
10 and documenting its location in the scene.

11 Q. And how is the scene preserved prior to your arrival
12 there to process the evidence?

13 A. Typically a road officer or whatever responding deputy
14 would have secured the scene with yellow crime scene
15 barrier tape or be standing by the entrance to the
16 apartment on that morning.

17 Q. All right. And in this particular case, do you have
18 with you any notes regarding the time of your arrival there
19 at the crime scene?

20 A. I do.

21 Q. And what time did you arrive?

22 A. Let me check real quick. That morning I arrived at
23 approximately 1117 hours.

24 Q. Okay. On what date?

25 A. December 17, 2019.

1 Q. All right. So our first officer at the scene, I
2 believe he is Scott Purdy with an arrival time of 11:03 PM,
3 so you would arrive roughly fourteen minutes after that?

4 A. I'm sorry. I stand corrected. That was the time I
5 received the call. I arrived on-scene at 12:30 PM. Sorry.

6 Q. Okay. So knowing that have you been dispatched, what
7 efforts are undertaken by other officers at the scene to
8 preserve that crime scene prior to your arrival?

9 A. They would typically secure the area with crime
10 scene tape. They would start a crime scene log itself
11 documenting all the officers and EMT and fire that may
12 have arrived on-scene or responded. They would most
13 likely secure the parking lot with vehicles. There would
14 be a lot of personnel on-scene for something like this.

15 Q. Now other than law enforcement and first responders
16 such as EMS and fire, are any other bystanders allowed in?

17 A. No.

18 Q. And I believe at some point the coroner's office is
19 also allowed entry?

20 A. Correct.

21 Q. But other than those necessary personnel, do you have
22 witnesses or neighbors or anyone of that nature entering
23 that crime scene?

24 A. They would not be allowed to enter.

25 Q. Tell us what you recall, Detective Ward, upon your

1 initial observations at the scene?

2 A. When I first arrived on-scene, I entered through a
3 door that led to a stairwell, an enclosed stairwell.
4 The apartment itself was the first one on the right. I
5 observed that the door had been forcibly opened. I was
6 told that the first arriving officer had kicked the door
7 in, that it was locked, dead bolted, when he arrived.

8 When I first entered the apartment, I saw that there
9 was a small little entryway there with some laminate
10 flooring. On the laminate flooring I immediately noticed
11 what I suspected to be blood as well as two cartridge
12 cases. To the left, there was a living room area that had
13 a sectional-type couch. I was told that one of the victims
14 had been located on that couch. On top of the couch there
15 was a bloodstain, a saturated blood pool stain.

16 Further in the apartment there was a dining room and
17 a kitchen area to the right and initially I noticed that
18 the apartment was pretty dirty, kind of cluttered. There
19 were lots of items laying around on the table and floor
20 and there was a -- kind of on the northwest or to your
21 left of the dining room there was a hallway that had lots
22 of clothing piled up.

23 Q. Okay. We're gonna take a look on the overhead as we
24 go. This is State's 61 already in evidence and you have a
25 laser pointer with you?

1 A. Correct. So this is the dining room area with the
2 table. As you rounded this corner, you could see the
3 victim Booker. I was told that he had been covered over
4 with clothing when deputies first arrived. He was
5 partially uncovered at the time I arrived, at which point
6 we had to remove items of clothing and linens on top of
7 him. To the right of him was a bathroom followed by a
8 bedroom as you continue down the hallway with the second
9 victim Livingston.

10 There was also a master bedroom with a door that
11 appeared to have a -- that had been kicked in. There was
12 a footwear impression visible on the door. I was told that
13 the surviving victim had been hidden in this closet off of
14 the bathroom here. There were also some visible footwear
15 impressions on this door. A window located on the --

16 MR. SWERLING: Excuse me, please. Judge, I'd just
17 like the record to reflect -- I'm not objecting to some
18 of the things he was been because it's already been
19 testified to, so I'd just like the record to reflect.

20 THE COURT: Okay. It's so noted for the record.
21 Continue on, Investigator. I'm sorry.

22 THE WITNESS: I was told that the surviving victim
23 had exited the apartment through this bedroom window here.
24 I did observe that there were drapes and curtains hanging
25 out of the window, which was still open.

- 1 BY MS. MAYES:
- 2 Q. All right. Now in addition to consulting with
- 3 detectives who were already at the scene, ultimately who
- 4 prepared this diagram?
- 5 A. I did.
- 6 Q. And that's your name up there in the left-hand corner?
- 7 A. Correct.
- 8 Q. Did you also have -- and have you also had the
- 9 opportunity to review body cam footage from those initial
- 10 responding officers?
- 11 A. I have.
- 12 Q. Including Deputy Barber?
- 13 A. Yes.
- 14 Q. And Detective Donnelly?
- 15 A. Yes.
- 16 Q. And in viewing those, can you tell us whether or not
- 17 that included the appearance of the scene there around the
- 18 couch?
- 19 A. Yes, they did.
- 20 Q. Including the treatment of Duwan Williams as he was
- 21 still present on the coach?
- 22 A. That's correct.
- 23 Q. And can you tell us whether that included the
- 24 observations made regarding items on top of victim Booker?
- 25 A. Correct.

1 Q. In that original condition that they it found it?

2 A. Yes.

3 Q. Now on your diagram, you do not have Mr. Williams.

4 Why is that?

5 A. He was not on-scene at the time of my arrival. He had
6 been transported by EMS.

7 Q. Okay. And regarding the victim -- you mentioned
8 Donnovin Haynes, who would have been the surviving victim
9 in the master bedroom. Was he also out of the scene by the
10 time of your arrival?

11 A. Yes, he was.

12 Q. Now I want to start here with the entryway. Now
13 you've said when you first --

14 MS. MAYES: This is gonna be State's 77, Your Honor.
15 I believe without objection.

16 MR. LEVENTIS: Yeah.

17 THE COURT: All right. To enter?

18 MS. MAYES: Yes, Your Honor.

19 THE COURT: Okay. Then it's admitted.

20 BY MS. MAYES:

21 Q. And, Detective Ward, you have viewed all of the photos
22 before us today. Who took those photos?

23 A. That would be at the time Sergeant Jamie Johnson.

24 Q. And she was taking them in conjunction with who?

25 A. With myself.

1 Q. Okay. So as you're going through the scene processing
2 it, can you tell us the role is of the second CSI member?

3 A. The role of the second CSI is essentially to just
4 provide you with a second set of hands. Typically we would
5 work solely if it was smaller scene, but with homicides you
6 have so much evidence that you need to focus on it really
7 just helps to have someone to assist with the camera so you
8 don't have to constantly pick it the camera and put it down
9 and whatnot.

10 Q. And all of these photographs that were currently
11 discussing, that's gonna be State's 77, 80, 79 and 82 here
12 of the entryway. Can you tell us whether they are a fair
13 and accurate representation of that scene as you saw it on
14 that particular day?

15 A. Yes.

16 Q. And you had a chance to review all of these prior to
17 this?

18 A. Yes, I have.

19 MS. MAYES: This would be 77, 80, 79 and 82 for
20 evidence, Your Honor.

21 THE COURT: Without objection its my understanding,
22 so they're admitted.

23 (State's Exhibit Numbers 77, 79, 80 and 82,
24 photographs, were admitted into evidence.)

25 BY MS. MAYES:

1 Q. Now looking here at 77, where does that door take one?

2 A. That leads into the enclosed stairwell.

3 Q. And approximately how many apartments are beyond this
4 front door?

5 A. I believe there are four total; two on the second
6 floor and then two on the bottom floor.

7 Q. All right. And there are some photos that are already
8 in evidence. This would be State's 50 and 78, but I want
9 to ask you briefly about these. Again, in regards to 78 we
10 see crime scene tape?

11 A. Correct.

12 Q. Can you tell us whether that would have been in place
13 when you began processing the end?

14 A. Yes, it was.

15 Q. And then we see a sheet on the door?

16 A. That was on in place upon my arrival.

17 Q. Okay. And, again, what would be the purpose of that
18 sheet being placed on the floor?

19 A. I believe EMS or fire may have placed that there prior
20 to removing Williams from the couch.

21 Q. Now I'm gonna show you the bottom portion of this
22 photograph, being State's 78. What, if anything, is
23 significant about what we see there at the bottom portion
24 of that photograph?

25 A. There's a drip trail of suspected blood on the

1 flooring there, as well as you may be able to make out the
2 cartridge case right here along the edge of the carpet.

3 Q. Okay. And now 79. I know this photograph is somewhat
4 dark, so I can move back to the other one if needed.

5 A. Right.

6 Q. What are we looking at here?

7 A. Just another view, a different angle of the entryway,
8 some additional -- it appears to be like a transfer stain
9 of suspected blood on the wall here that you would -- if it
10 was a little brighter, you'd see the cartridge cases and
11 the additional blood trail here.

12 Q. Okay. We're gonna talk about that in a moment
13 regarding those casings. Now that is 78 that we're looking
14 at. I'm gonna ask you to take a look at State's 80. What,
15 if anything, did you observe along the floor and the
16 entirety of that door?

17 A. On the floor, there is suspected blood here that
18 was kind of swiped or wiped as the door was opening. On
19 the back side of the door, I observed projected blood
20 indicating that blood was forcefully coming out of
21 someone's body.

22 Q. Where all did you observe blood or bloodletting near
23 this doorway?

24 A. There was suspected blood on the back side of the --
25 on the interior side of the door along the door frame here

1 as well as on the floor and along as the wall there.

2 Q. And, again, at 80?

3 A. Again, just the lower portion of the interior side of
4 the door, as well as we may have seen some up here on the
5 door frame and along the -- kind of the right side of the
6 photo here.

7 Q. Okay. And now I'm going to show you 82, also in
8 evidence without objection. What are we looking at here?

9 A. That's suspected blood spatter around the doorknob of
10 the front door.

11 Q. Seeing blood there along the area of the doorknob,
12 as well as the floor and the door frame, what, if any,
13 observations did you make about that location within the
14 home?

15 A. Seeing the blood and how it was on the interior side
16 of the door, I believe that that was the location where the
17 initial bloodletting event took place.

18 Q. Okay. And now you mentioned casings. I'm gonna show
19 you what is State's 86. This would be a group exhibit
20 containing three photographs. Do you recognize that?

21 A. I do.

22 Q. And can you tell us whether or not this is a fair and
23 accurate representation of the scene?

24 A. It is.

25 MS. MAYES: 86 for evidence, Your Honor.

1 THE COURT: And my understanding is without objection
2 and it's admitted.

3 (State's Exhibit Number 86, a photograph, was
4 admitted into evidence.)

5 BY MS. MAYES:

6 Q. So looking here at 78, if you go down to the very
7 bottom of this photograph, what is significant about the
8 floor here, the type of flooring change?

9 A. Correct. It goes from, I believe, laminate flooring
10 to a carpet.

11 Q. All right. We're gonna take a look now at 86 in
12 evidence. Is that the same area of the home?

13 A. Yes.

14 Q. What did you find at markers 1 and 2?

15 A. Those were each cartridge cases. I believe they were
16 headstamped Sig 9-millimeter.

17 Q. Okay. And I know we're looking just at the marker
18 there. I'm gonna take a more close-up view of that. Also
19 State's 86. Can you show us where the casing is in this
20 photograph?

21 A. Right here.

22 Q. And did you determine that to be a 9-millimeter round,
23 a fired casing?

24 A. The headstamp indicated it was a 9-millimeter Luger.

25 Q. Okay. And as to Marker 2, again, this casing?

1 A. It had an identical headstamp of Sig 9-millimeter
2 Luger.

3 Q. So you identified these as 9-mnillimeter fired
4 casings?

5 A. (Nods head.)

6 Q. What, if anything, does their location within the
7 doorway indicate?

8 A. That would indicate to me that a firearm was
9 discharged within close proximity to the doorway.

10 MR. SWERLING: Your Honor -- I'm sorry, my knee is
11 killing me.

12 THE COURT: That's okay.

13 MR. SWERLING: I'd have to object to his giving
14 opinions because he hasn't been qualified as an expert.

15 THE COURT: Ms. Mayes.

16 MR. SWERLING: He can factually testify as to what
17 he observed, but not draw any conclusions from it.

18 MS. MAYES: And, again, Your Honor, that was not
19 as a -- as a conclusion. He's simply describing the
20 location of the casings and how that may relate to a
21 firearm. I don't believe that that would require him
22 to be qualified as an expert.

23 THE COURT: Under what, present sense?

24 MS. MAYES: Your Honor, actually that would be
25 under In Re: Thomas and existing caselaw. He's simply

1 stating his perception. I can lay a foundation for that
2 if needed.

3 THE COURT: I'm sorry, like 701?

4 MS. MAYES: Yes, Your Honor.

5 THE COURT: Let me see the lawyers for a second.

6 MS. MAYES: Yes.

7 (Proceedings held at the bench; not reported.)

8 THE COURT: Keep it to observations and, Ms. Mayes,
9 you may continue.

10 BY MS. MAYES:

11 Q. I'm gonna back up a little bit. Detective Ward, when
12 you used the term "casings", are you talking about a bullet
13 or something else?

14 A. A fired cartridge case. So just the cartridge itself,
15 not the projectile on a cartridge.

16 Q. Okay. And for the sake of the jury and anyone else in
17 the courtroom who may be a layperson, what is a cartridge
18 in relation to a bullet?

19 A. A cartridge is the entire component itself. So you
20 would have the cartridge case, the projectile, the powder
21 would be held inside the cartridge case and there would be
22 a primer, so once that's fired the bullet would eject from
23 the cartridge case and you'd be left with the empty shell
24 essentially.

25 Q. Okay. And while working crime scenes, can you tell us

1 why cartridge casings are collected?

2 A. They indicate that a firearm's been discharged and
3 then we can take those cartridge cases and run them through
4 Integrated Ballistic -- you have to for me, I forget what
5 the acronym is, but IBIS, and that will give us leads on
6 potentially other investigations going on throughout the
7 State.

8 Q. Okay. So here in State's 86, you located two
9 9-millimeter fired cartridge casings?

10 A. Correct.

11 Q. And they were within what proximity of the door?

12 A. Fairly close, within a few feet of the threshold.

13 Q. And would you have examined that entire area around
14 the door for any additional casings?

15 A. Yes, ma'am.

16 Q. And two is what you found?

17 A. That's correct.

18 Q. Now I want to ask you pursuant to your report, your
19 CSI report, were you also aware of autopsy findings in this
20 case?

21 A. I was.

22 Q. Is that part -- a routine part of your CSI work to
23 determine what the autopsy findings were?

24 A. Yes.

25 Q. As they may relate to any evidence at the scene?

1 A. Correct.

2 Q. All right. And specifically as it victim Booker,
3 taking a look here at State's 139, already in evidence, how
4 many gunshot wounds did you understand him to have?

5 A. I was advised two.

6 Q. So you retrieved these items, those two casings, from
7 the doorway and what did you do next?

8 A. With the cases?

9 Q. What was your next part or processing this scene?

10 A. Right. We would have taken measurements for those
11 casings and collected them.

12 Q. Okay. Now I'm gonna move back to 61. So you have
13 noted what you observed here in the doorway. Now what is
14 the proximity between where Booker was found and that
15 entryway?

16 A. I don't know the exact distance, but it was within
17 twenty feet I would say.

18 Q. About twenty feet?

19 A. Approximately.

20 Q. And looking at this diagram here that's State's 61,
21 would you show us how one would get from the entryway to
22 that location where Booker was found?

23 A. You would have to go around just this little walkway
24 here.

25 Q. Okay. And approximately twenty feet you say?

1 A. If I would have to guess, yes.

2 Q. Now you indicated that you also the viewed the body
3 cam footage of the original condition of Booker?

4 A. Correct.

5 Q. How had that changed by the time you arrived at the
6 scene?

7 A. By the time I arrived on-scene, he had been partially
8 uncovered, but I was advised that when they first arrived
9 they didn't even know he was there because he was
10 completely covered up with clothing and other items.

11 Q. And we're gonna take a look at 65 in evidence. Would
12 this be after some of those items were removed?

13 A. That's correct.

14 Q. And what is located here?

15 A. That is a linen closet. There's actually two linen
16 closets; one here and then on the inside there as well.

17 Q. And after making those observations, what, if
18 anything, did you note regarding Livingston?

19 A. I observed he had -- I believe I saw two bullet
20 defects to his chest and shoulder.

21 Q. Okay. And what efforts were made to recover any
22 casings from that bedroom where Livingston was located?

23 A. In this interior bedroom here, when we walked in we --
24 we observed immediately that there was a cartridge case in
25 the doorway. Until we could fully move Livingston, we

1 basically documented whatever cartridge cases we could find
2 around his -- his person and then upon removing him we were
3 able to recover additional ones.

4 Q. All right. I' gonna show you what is 87, 92, 88, 89,
5 90, 91, 93, 94, 95, 96 and 97, and ask you whether or not
6 these are fair and accurate representations of that scene
7 regarding victim Livingston?

8 A. Yes, they do appear to be.

9 Q. Okay. And does that include the recovery of
10 ballistics evidence?

11 A. That's correct.

12 MS. MAYES: All of these without objection, Your
13 Honor.

14 THE COURT: They're admitted.

15 (State's Exhibit Numbers 87, 88, 89, 90, 91, 92,
16 93, 94, 95, 96 and 97, photographs, were admitted into
17 evidence.)

18 BY MS. MAYES:

19 Q. All right. We're gonna take a look at this entire
20 area where victim Livingston was located. Was there a door
21 to that bedroom?

22 A. There was.

23 Q. I'm gonna show you State's 87 and ask you what we're
24 looking at here?

25 A. That the is entrance to the bedroom. There was a

1 laundry basket in the way of -- if you look at Marker 4
2 marking the location of a cartridge case.

3 Q. And, again, when you say cartridge case, I'm gonna ask
4 you to specify for the record --

5 A. A fired --

6 Q. -- a fired cartridge case?

7 A. A spent shell.

8 Q. All right. And then, once again, did you note
9 anything regarding the caliber of that fired casing?

10 A. The headstamp indicated it was a 9-millimeter Luger.

11 Q. And now we're gonna take a look at 92. What is this?

12 A. Items 6 and 7 were likewise expended cartridge casings
13 with headstamps of 9-millimeter Luger.

14 Q. And who is this?

15 A. That is Livingston's left leg.

16 Q. Okay. And you noted 6 and 7. Again, are those fired
17 casings?

18 A. They were.

19 Q. And what caliber?

20 A. 9-millimeter Luger.

21 Q. Now we're gonna take a look at 88. What is that?

22 A. That is also a spent cartridge with a 9-millimeter
23 Luger headstamp.

24 Q. 89?

25 A. Also another spent cartridge.

1 Q. Caliber?

2 A. 9-millimeter.

3 Q. 90?

4 A. You can see in the bottom corner of the drawer, but it
5 was also a cartridge case with a headstamp of 9-millimeter
6 Luger.

7 Q. That would be here?

8 A. Yes.

9 Q. Again, a fired casing?

10 A. Yes.

11 Q. What is this item around this?

12 A. It that was located beneath Livingston. It appeared
13 to be a nightstand that had collapsed or been crushed when
14 he fell on top of it.

15 Q. Okay. 91?

16 A. That's another spent cartridge case behind the bed, if
17 I'm not mistaken.

18 Q. Caliber?

19 A. It's a 9-millimeter Luger.

20 Q. 93?

21 A. Marker 28 was another cartridge case headstamp
22 9-millimeter Luger that's next to the drawer of marker 22.

23 Q. All right. So 22 we just saw a look at, that's a
24 9-millimeter fired casing and 28 is an additional
25 9-millimeter fired casing?

1 A. That's correct.

2 Q. Now, again, you are aware of the autopsy findings in
3 this case. Did you have knowledge as to how many gunshot
4 wounds victim Livingston had sustained?

5 A. I believe they -- they counted up to twelve. I'm
6 not sure if they could indicate whether all of them were
7 entrances or exits.

8 Q. All right. Twelve gunshot wounds is your knowledge of
9 those autopsy findings?

10 A. That's correct.

11 Q. And now as to State's 94, what are we looking at here?

12 A. Item 34, I believe, was a fired projectile. It's very
13 hard to see, but it's actually to the -- right there.

14 Q. So this is a two-photo exhibit and looking here at the
15 second photograph, what do we see in this photo?

16 A. That's actually the fired bullet itself.

17 Q. All right. Now you had described numerous fired
18 cartridges?

19 A. Correct.

20 Q. You're actually describing now what you see as a
21 bullet?

22 A. Correct.

23 Q. And what, if anything, did you observe about that
24 bullet?

25 A. It was mostly intact. It had a copper or brass

1 exterior on it, so a golden metal color to it.

2 Q. Do you recall whether or not it had a jacket?

3 A. It did.

4 Q. And can you see that in this photograph?

5 A. You can. If you look closely, you can see the tip
6 here has a brass color to it.

7 Q. Okay. So this is a jacketed bullet or projectile?

8 A. Correct.

9 Q. Next we're gonna take a look at 95. So that's gonna
10 be that same projectile that we just saw a few moments ago,
11 which would be 34, and what is 35?

12 A. If I can refresh my memory by looking at the item list
13 here.

14 Q. Sure.

15 A. It should be a cartridge case headstamped 9-millimeter
16 Luger.

17 Q. Now ultimately did you prepare a diagram that actually
18 shows your ballistics findings where you recovered casings
19 and where you recovered projectiles?

20 A. I did.

21 Q. I'm gonna show you 103 and ask you whether or not
22 you're familiar with this diagram?

23 A. I am.

24 MS. MAYES: Also without objection, Your Honor.

25 THE COURT: It's admitted.

1 (State's Exhibit Number 103, a ballistics diagram,
2 was admitted into evidence.)

3 BY MS. MAYES:

4 Q. So having looked at the photographs taken live from
5 the scene, now we're gonna show you 103. Again, that's
6 your name there in the left-hand corner?

7 A. It is.

8 Q. Starting here at the doorway, can you tell us what are
9 items 1 and 2?

10 A. Items 1 and 2 were the cartridge cases headstamped
11 millimeter Luger.

12 Q. Those are the ones that you've already told us about
13 that we saw the photographs of at the entryway to the door?

14 A. Correct.

15 Q. All right. Now were any ballistics items found around
16 the body of Booker such as a projectile or a fire casing?

17 A. No, ma'am. None were located.

18 Q. So there are two fired casings at the door, but around
19 Booker no fired casings?

20 A. That's correct.

21 Q. And then for victim Livingston, what are we looking at
22 there with those various markers you have indicated on the
23 diagram?

24 A. Those are marking cartridge cases and the fired
25 projectiles.

1 Q. And can you use your laser pointer and tell us which
2 ones are actually fired casings and which ones are
3 projectiles?

4 A. Yes. So Marker 4 is a cartridge casing. Sorry the
5 thing's a little small from back here.

6 Q. So 4 would be that cartridge case at the doorway?

7 A. Correct.

8 Q. And next as to 6 and 7?

9 A. Items 6 and 7 are both cartridge cases headstamped
10 9-millimeter Luger.

11 Q. And next as to 34 and 35?

12 A. 34 and 35, 34 was the fired projectile and 35 is the
13 cartridge case.

14 Q. And next as to 28?

15 A. 28 was a cartridge case, a 9-millimeter Luger.

16 Q. Okay. Looking here at State's 93 in evidence, can you
17 show us where you see that fired casing?

18 A. (Indicating.)

19 Q. And, again, the caliber?

20 A. It indicated it was a 9-millimeter Luger.

21 Q. All right. And 22 on the diagram?

22 A. That's also a 9-millimeter Luger cartridge case.

23 Q. Now what about 20 and 21?

24 A. 20 and 21 were both cartridge cases that were located
25 in very close proximity to Livingston. I believe they

1 weren't even observed until after we physically moved him
2 for documentation.

3 Q. All right. I want to talk about that. We're gonna
4 look at 66, already in evidence, this being a photograph
5 taken by Detective Scott Purdy upon his arrival at the
6 scene. There's 66 and, again, just to back up a little
7 bit, is this all prior to you placing any markers down?

8 A. That's correct.

9 Q. And do you see that fired casing that ended up being
10 Number 4 here in your photograph?

11 A. I do. It's right here in the doorway.

12 Q. All right. And now moving forward to where we see
13 Mr. Livingston, what, if any, observations did you make
14 about where he was found?

15 A. He was just in very close proximity to the bed. He
16 was still partially wrapped up in the bedsheets and the
17 linens.

18 Q. All right. And you mentioned that 20 and 21 were
19 recovered after he was removed from the location?

20 A. That's correct.

21 Q. So looking at the diagram, where would 20 and 21 be?

22 A. This is 21 and 20.

23 Q. All right. So we're gonna take a look here at 20.
24 This is State's 88. Again, a fired casing?

25 A. That's correct.

1 Q. Of what caliber?

2 A. 9-millimeter Luger.

3 Q. And State's 89, being marker 21?

4 A. It's also a cartridge case headstamped 9-millimeter
5 Luger.

6 Q. A fired casing?

7 A. Yes.

8 Q. So going back to the diagram, you have accounted for
9 markers 4, 6, 7, 22, 28, 20, 21, 34 and 35. What do we see
10 over to the left?

11 A. There were two bullet defects to the wall. One bullet
12 fragment was located in a -- I believe the comforter. It's
13 kind of grayed out here, but there was some bedding on the
14 bed that we located some have bullet fragment. Also a
15 projectile was recovered from one of the defects in the
16 wall, Marker 37.

17 Q. Okay. I'm gonna show you State's 96 and ask you what
18 we're looking at here?

19 A. These are two bullet defects that were located near
20 the northwest corner of the room. We did have to remove
21 the bed and the mattress from the room itself. There were
22 bullet defects in the mattress, but this is a bullet defect
23 kind of in the lower northeast corner, and a second.

24 Q. Okay. And looking at State's 66, being that
25 photograph of Detective Purdy, can you give us the general

1 location here as to where those projectiles were found?

2 A. If this there is the corner here, then one defect
3 would have been in the lower corner of the wall and then a
4 second up near the edge of the bed.

5 Q. All right. And you said that there were actual
6 defects in the bedding and mattress itself?

7 A. That's correct.

8 Q. From gunfire?

9 A. Yes.

10 Q. So State's 96, were you able to actually recover that
11 projectile?

12 A. We were able to recover one projectile.

13 Q. All right. State's 96 has several pages. This would
14 be the first, this would be the second and now the third,
15 which is Marker 37. What is that?

16 A. That's a fired bullet that we recovered from the wall.

17 Q. Okay. So you're actually holding it there in that
18 photograph wearing gloves?

19 A. Yes. That is Jamie Johnson's hand, but, yes, she was
20 wearing gloves.

21 Q. And the two of you recovered it together?

22 A. Correct, we were there at the same time.

23 Q. So that 37 here on your diagram is located where?

24 A. It's right here with Defect A.

25 Q. And next I want to ask you about what is depicted in

1 State's 97?

2 A. That is a -- what we would call a trajectory rod that
3 we place through bullet defect located just below the
4 window of the bedroom.

5 Q. And what is the purpose of that?

6 A. It gives us a general idea of approximately what angle
7 the bullet struck the wall, which can give us an idea where
8 the shooter's location was.

9 Q. So this has multiple pages as well. State's 97 does.
10 Again, what, if any, indication did you have that the
11 gunfire or a projectile had actually hit that wall.

12 A. There was a bullet defect in the wall itself and upon
13 removing some of the drywall we located additional defects
14 in a stud in the wall itself.

15 Q. Okay. So this is the first page of 97. Now the
16 second page of 97, what are we looking at here?

17 A. That is an orange string that we ran from the tip of
18 the trajectory rod to the location on the wall that we had
19 previously pinpointed with a laser that was screwed onto
20 the end of the trajectory rod, so that gave us a general
21 idea of where the firearm was discharged.

22 Q. Okay. Where we see the top of the string there?

23 A. That's correct. That's just painter's tape that we
24 held the string on with.

25 Q. Okay. And that would be the general direction from

1 which the gunfire originated?

2 A. That's correct.

3 Q. And now the final page, all State's 97, what are we
4 looking at here?

5 A. That's just another view of -- kind of side view of
6 the string giving us an idea that it was a downward
7 trajectory of the bullet.

8 Q. Okay. Consistent with the person standing and firing
9 the gun?

10 A. Yes, approximately near the doorway.

11 Q. And you say downward it's a downward trajectory as we
12 see here?

13 A. Yes.

14 Q. And, again, in State's 103, where would that be
15 depicted?

16 A. Approximately right here between the closet and the --
17 to the left of the doorway.

18 Q. And that downward path, looking here at 97, what was
19 there prior to you removing those furniture items?

20 A. Just the drywall.

21 Q. What was actually there? Looking here at State's 66,
22 where would that projectile and that defect be?

23 A. It was approximately right here. So to -- a little
24 bit to the right of the bed just above the mattress.

25 Q. Okay. Just above the mattress. And to create this

1 did you have to remove the mattress?

2 A. We did.

3 Q. So that was the general area of Mr. Livingston's bed?

4 A. Correct.

5 Q. Now going back to your diagram, you've talked about
6 the ballistics evidence recovered here at the entryway,
7 no ballistics evidence around Mr. Booker, all of the
8 ballistics evidence that you were able to recover from
9 Mr. Livingston's room, and, again, were there certain
10 projection tiles you could not recover from the drywall?

11 A. That's correct.

12 Q. What, if any, other ballistics evidence did you
13 recover from this apartment?

14 A. We located two additional cartridge cases in the
15 living room area near the couch, as well as a -- two fired
16 bullets; one being from the couch itself and another from
17 the northwest corner of the living room.

18 Q. And already in evidence from previous witnesses in
19 this case is State's 52 and 53. Looking here at 53, do you
20 recognize that location?

21 A. Yes, that's the living room.

22 Q. And first responders here behind the couch area?

23 A. Correct.

24 Q. And specifically as to State's 52, where do you recall
25 observing any bloodletting?

1 A. This is a view of the couch. There was a large pool
2 of blood saturating through the couch.

3 Q. And is that noted here on your diagram, State's 103?

4 A. It is.

5 Q. So you mentioned a projectile. Where did you find
6 this projectile?

7 A. One projectile was located in the couch cushion and
8 another projectile was located in the northwest corner
9 wall.

10 Q. Okay. I'm gonna ask you specifically about the one
11 in the couch cushion. Looking here at your diagram, I'm
12 gonna try to get a little bit closer on it since we're
13 talking specifically about the couch area. First, as to
14 12 and 13, what did you discover there?

15 A. Those were spent cartridge cases with headstamps of
16 9-millimeter Luger.

17 Q. So those were two fired cartridge cases?

18 A. Correct.

19 Q. And, again, 9-millimeters?

20 A. Yes.

21 Q. We're gonna take a look here at State's 99 and 100.
22 Again, all of these photographs previously reviewed by you?

23 A. Yes.

24 Q. All fair and accurate representations of the scene?

25 A. That's correct.

1 MS. MAYES: This would be 99 and 100 without
2 objection, Your Honor.

3 THE COURT: They're admitted.

4 (State's Exhibit Number 99 and 100, photographs,
5 were admitted into evidence.)

6 BY MS. MAYES:

7 Q. Taking a look here at Marker 12, is that the casing
8 you just referred to?

9 A. Yes.

10 Q. 9-millimeter?

11 A. Correct.

12 Q. 13?

13 A. That's correct.

14 Q. Again, 9-millimeter?

15 A. Yes.

16 Q. And what is here?

17 A. That is the back side of the couch.

18 Q. All right. And then looking here at 12, what is here?

19 A. That's the front edge of the couch.

20 Q. So those 9-millimeter casings are the 12 and 13 here
21 on your diagram?

22 A. Yes.

23 Q. Now about 38, what is 38?

24 A. 38 is a fired projectile or bullet that we recovered
25 from the couch cushion where Williams had been laying.

1 Q. I want to go back and look at a photograph that's in
2 evidence -- previously in evidence pursuant to Detective
3 Scott Purdy, and this is 51. In 51, we see an item with
4 blood on it. You're familiar with this particular item?

5 A. Yes.

6 Q. And you said that part of your work in preparing your
7 crime scene report and testimony is to review body camera
8 footage?

9 A. Yes.

10 Q. And does that include that initial footage of
11 Detective Barber and Donnelly?

12 A. That's correct.

13 Q. Was that pillow located here in this area beside the
14 patio door in that initial body cam?

15 A. No, it was located under Williams' head on the couch.

16 Q. So this pillow actually originated at the scene right
17 underneath victim Williams?

18 A. Yes.

19 Q. And are you familiar with for what purpose it was
20 moved out of the way?

21 A. I believe they just moved it to get it out of the way.

22 Q. As first responders were working on Mr. Williams?

23 A. Correct.

24 Q. So I just wanted to clarify that as to state's 51.

25 Now looking here at State's 52 already in evidence, do you

1 see any remnants of first aid or first responders' work
2 here in this photograph?

3 A. Yes.

4 Q. Where do you see that?

5 A. The various wrappers you see on the floor are from
6 EMS, the gauze and whatnot. There's also some gauze still
7 present on the top of the couch there.

8 Q. Okay. And it is also normal to remove clothing from a
9 gunshot wound victim?

10 A. Yes.

11 Q. Including cutting or any means necessary?

12 A. That's correct.

13 Q. You mentioned that according to your diagram a
14 projectile was recovered right there, State's -- or your
15 Marker 38 here on State's 103, do you see the general area
16 in this photograph, State's 52, where you would have
17 recovered that projectile? I'll give you time to review
18 it.

19 A. It would be approximately right in this general area.
20 That's the back cushion edge there, so it was roughly in
21 line with that.

22 Q. And the cushion itself?

23 A. Yes.

24 Q. And what made you start to inspect that area?

25 A. Any time we have a shooting victim, we would always

1 examine the area around them looking for any projectile
2 defects.

3 Q. Have you seen any indication of bloodletting or a
4 blood trail around the couch to indicate that Mr. Williams
5 had ever moved?

6 A. No.

7 Q. Can you tell us whether or not this appeared to be an
8 isolated blood pattern?

9 A. Yes, it appeared to be pretty isolated.

10 Q. And so understanding that, how did you go about
11 inspecting that defect that you observed?

12 A. We essentially just looked on the couch cushion itself
13 where Williams had been laying just examining for any holes
14 or bullet defects.

15 Q. Okay. And I'm gonna show you now what is State's 98.
16 There are three photos associated with State's 98. Again,
17 a fair and accurate representation of your work at the
18 scene?

19 A. Yes.

20 MS. MAYES: This will be State's 98 without
21 objection, Your Honor.

22 THE COURT: It's admitted.

23 (State's Exhibit Number 98, photographs, was
24 admitted into evidence.)

25 MS. MAYES: I beg the Court's indulgence.

1 THE COURT: Take your time.

2 BY MS. MAYES:

3 Q. Now 98, State's 98, this is gonna be the first
4 photograph associated with that. What are we looking at
5 here?

6 A. That's scale tape that we would typically put near a
7 bullet defect to mark its location.

8 Q. And the second page?

9 A. That is the fired bullet or projectile from the couch
10 cushion itself.

11 Q. And who is seen in this photograph?

12 A. That is Jamie Johnson who was assisting me to extract
13 the projectile.

14 Q. What, if anything, do you notice about this
15 projectile?

16 A. It appeared to be different from the other projectiles
17 we had previously recovered from the scene as it was a gray
18 metal instead of a jacketed copper exterior.

19 Q. Okay. So you had talked previously about a projectile
20 recovered from Livingston room, and that was State's 94,
21 and you showed us that projectile, and we can see it here,
22 and you showed us the jacketing on that projectile?

23 A. Yes.

24 Q. You also previously showed us State's 96 being
25 recovered from the wall in Livingston's room, and the third

1 photo in that group was your Marker 37. Can you tell us
2 whether or not that projectile also appeared to have
3 jacketing?

4 A. It did have a jacketed exterior.

5 Q. And as to this particular projectile from that couch,
6 State's 98, it does not have a jacket?

7 A. It did not.

8 Q. And is it different in color?

9 A. Yes.

10 Q. And how many projectiles did you find like this
11 without a jacket?

12 A. That was the only one.

13 Q. And it was from that couch?

14 A. Yes.

15 Q. All right. How many total 9-millimeter casings did
16 you recover from that scene?

17 A. We recovered thirteen total.

18 Q. Thirteen that were known to be 9 millimeter --

19 A. That's correct.

20 Q. -- fired casings. And did you find one or more than
21 one jacketed projectile?

22 A. I believe we recovered three jacketed from the
23 apartment.

24 Q. When you see the one without the jacket what, if
25 anything, did you note on your report?

1 A. Based upon my own personal experience, I believed it
2 to be consistent with a .38 caliber bullet and not a
3 9-millimeter.

4 Q. And did you note that on your report?

5 A. I did.

6 Q. Now you mentioned nineteen fired casings found at the
7 scene?

8 A. Correct.

9 Q. Did you find any fired shell casings consistent with a
10 .38?

11 A. We did not.

12 Q. And what, if anything, else did you note on your
13 report in that regard?

14 A. Based upon that knowledge, I believed that a revolver
15 may have been used in that incident.

16 Q. And through your CSI work, if a revolver is used at a
17 scene would you expect to have fired casings?

18 A. No, there would be none unless they emptied it inside
19 the scene.

20 Q. So to that extent, a revolver is different from other
21 semiautomatic weapons?

22 A. That's correct.

23 Q. And now the third photograph associated with that, a
24 closer up view of Marker 38. And, again, this is the one
25 that you indicate has no jacket?

1 A. Correct.

2 Q. And appears in your experience to be consistent with a
3 .38 round?

4 A. That's correct.

5 Q. Potentially a revolver?

6 A. Yes.

7 Q. And no .38 casings found at the scene?

8 A. That's correct.

9 Q. And, again, the proximity of this projectile to that
10 bloodstain where we know Mr. Williams had been found?

11 A. Yes, it was in the same general vicinity of the
12 bloodstain.

13 Q. Okay. And looking here at 52, if you could give us a
14 general area?

15 A. Right around this general area right here.

16 Q. So you have accounted for all of the ballistics
17 evidence located in Mr. Livingston's room?

18 A. Yes.

19 Q. And when we talk about Mr. Livingston's room, I'm
20 gonna go back to 66, which is the initial photograph taken
21 by Detective Purdy. Was there ever any indication of a
22 blood trail beyond where Mr. Livingston was found?

23 A. No, there was not.

24 Q. Can you tell us whether or not the evidence you found
25 at the scene was consistent with an isolated area of

1 bloodletting?

2 A. That's correct. I didn't believe that he made it much
3 farther from the bed.

4 Q. Other than directly underneath him, did you see any
5 other evidence of a blood trail in that room?

6 A. No.

7 Q. And the last one I want to ask you about is here. It
8 is in the upper left-hand corner of the living room area
9 and you have it as Marker 39. What can you tell us about
10 Marker 39?

11 A. Marker 39 was Defect D, I believe be it was, was a
12 fired bullet recovered from the wall.

13 Q. And that particular fired bullet, again, did you note
14 anything about it as to whether it was jacketed or
15 non-jacketed?

16 A. It was a jacketed bullet.

17 Q. Okay. So, again, that would be consistent with the
18 9-millimeter rounds that you found?

19 A. Yes.

20 Q. And the 9-millimeter fired casings?

21 A. Correct.

22 Q. Considering all of this information, Detective Ward,
23 what, if anything, did you note in your report as whether
24 there was one possible weapon or two possible weapons?

25 A. I indicated that there was possibly two separate

1 weapons.

2 Q. Okay. Were any of those weapons recovered in this
3 investigation to your knowledge?

4 A. No, not from the -- the scene itself.

5 Q. Okay. Now I want to go back to the entryway. What,
6 if anything, do you have knowledge of regarding whether
7 this door was locked or unlocked when first responders,
8 including Detective Scott Purdy, arrived?

9 A. I was advised that the dead bolt had been engaged when
10 they arrived so they had to kick it in.

11 Q. And what, if any, other point of exit would there be
12 for this home for intruder or intruders?

13 A. The only door that they could exit from was the
14 sliding glass patio door on the north side of the living
15 room.

16 Q. And can you show us where that is in this particular
17 photograph?

18 A. It's right here.

19 Q. Having that knowledge that front door was locked when
20 first responders arrived, what action, if anything, did you
21 take to process that point of exit to recover any type of
22 evidence from intruders?

23 A. The interior and exterior side of the sliding glass
24 door was processed for latent prints, as well as touch DNA
25 swabs were collected from the handles.

1 Q. I'm gonna show you what is 114, 115 and 116 ask you if
2 you're familiar with these items?

3 A. I am.

4 MS. MAYES: I believe these all without objection,
5 Your Honor, 114, 115 and 116.

6 THE COURT: Okay. They're admitted.

7 (State's Exhibit Numbers 114, 115 and 116,
8 photographs, were admitted into evidence.)

9 BY MS. MAYES:

10 Q. All right. We're gonna start here with State's 114.
11 It's gonna be hard to get it all in, so I'll just show
12 you that will be the bottom view all the way to the top,
13 State's 114. And this photo was taken from the interior
14 or exterior of the residence?

15 A. That's the exterior side.

16 Q. Okay. First we see a screen door. Upon your arrival
17 for these photographs, was that screen door open or closed?

18 A. It was just like that. Already opened.

19 Q. Okay. Now the sliding glass door itself, was it
20 locked or unlocked?

21 A. It was unlocked. Closed, but unlocked.

22 Q. So when law enforcement arrived, they found it closed
23 but unlocked?

24 A. Correct.

25 Q. Now from inside the home, which would be the interior

1 side, what, if any, type of swabs did you take?

2 A. Swab A was touch DNA from the door handle.

3 Q. Okay. And when you say touch DNA, are you trained in
4 collecting swabs for the purpose of locating what's known
5 as touch DNA?

6 A. I am.

7 Q. And when we say touch DNA, what are you referring to?

8 A. DNA that would be deposited from an individual
9 touching an item and then leaving traces of DNA.

10 Q. Okay. So potential evidence from someone having
11 touched or handled --

12 A. Correct.

13 Q. -- what is shown here around the area of Marker A?

14 A. Yes.

15 Q. That door handle?

16 A. Yes.

17 Q. To get out?

18 A. Correct.

19 Q. And we also see in State's 116 some markings here and
20 some discoloration here all along to the left and the
21 sliding glass door frame itself. What is that?

22 A. That appears to be latent print powder that I would
23 have deposited on the door.

24 Q. Did you process this door for potential latent prints
25 or fingerprints?

1 A. Yes.

2 Q. And so looking there at A, did you collect swabs
3 around that area for the purpose of recovering any type of
4 touch DNA?

5 A. Yes.

6 Q. And can you show us the general area that was swabbed?

7 A. I would have concentrated primarily on the inside of
8 the door handle here where you would typically grasp it to
9 open it or to close it.

10 Q. Where you'd be required to touch to actually open it
11 up?

12 A. Yes.

13 Q. All right. And then can you tell us -- we're looking
14 here at the inside of the residence on the other side of
15 the door. Can you tell us whether or not you processed
16 that door as well --

17 A. I did.

18 Q. -- that side of the door? We're gonna take a look at
19 State's 115. That is Marker B. What are we looking at
20 there?

21 A. That is the exterior side of the door handle and I
22 would have collected swabs from the interior side right
23 here.

24 Q. All right. And, again, the general area that you
25 would have swabbed and the process you would have followed?

1 A. Yes.

2 Q. If you could elaborate, please.

3 A. Oh, the process? I would have taken two sterile, what
4 -- they look like Q-tips essentially, I would have placed
5 sterile water on one of the Q-tips and then use both to
6 swab the interior side of the door handle here. Those
7 would have then been placed in a small envelope and seal.
8 I would have been using gloves, of course, at this time to
9 try to maintain and preserve any evidence that was present.

10 Q. And would you have been using gloves throughout this
11 entire process?

12 A. Yes.

13 Q. And this general that you've depicted would be the
14 part of the door that one would touch to close it?

15 A. Correct.

16 Q. So State's 115 and state's 116, can you tell us
17 whether those swabs would have been properly closed and
18 sealed immediately upon your collection process?

19 A. Yes, they would have been closed and sealed and then
20 kept separate from other items of evidence.

21 Q. Okay. I'm gonna show you 161 and ask you if you
22 recognize what is in this package?

23 A. The package indicates that Swabs A and B, both touch
24 DNA, are inside.

25 Q. And are these the swabs collected as we just saw in

1 these photographs?

2 A. Yes.

3 Q. And they were collected for the purpose of going to
4 what lab?

5 A. To the South Carolina Law Enforcement Division's DNA
6 lab.

7 Q. And you indicated that they were properly sealed by
8 you?

9 A. Yes.

10 Q. Would anyone else have unsealed this evidence prior to
11 its arrival at the State Law Enforcement Division?

12 A. No.

13 Q. And did it also have evidence seal tape on it?

14 A. Yes.

15 MS. MAYES: State's 161 for evidence, Your Honor.

16 THE COURT: Any objection?

17 MR. SWERLING: Excuse me one minute.

18 No objection.

19 THE COURT: It's admitted.

20 (State's Exhibit Number 161, DNA swabs, was admitted
21 into evidence.)

22 MR. LEVENTIS: Your Honor, can we approach?

23 (Proceedings held at the bench; not reported.)

24 THE COURT: Mr. Foreman, I think this might be a
25 good time, we've been going at it for an hour and a

1 half, and we need to have a break. So I'm gonna let
2 you stretch your legs, go to the restroom. Remember,
3 no talking even amongst yourself about this case.

4 Thank you.

5 (Whereupon, the jury retires to the jury room
6 at 2:33 PM.)

7 THE COURT: All right. We're gonna be in recess
8 for like fifteen minutes.

9 MR. LEVENTIS: Thank you, Your Honor.

10 (Recess taken at 2:33 PM.)

11 (Back on the record at 2:48 PM.)

12 BAILIFF: All rise. Court's now in session.

13 THE COURT: Please be seated.

14 All right. You know when we left Friday, I was
15 thinking over the weekend I was supposed to rule on a
16 motion about opening the door, so I don't want you-all
17 to think I've forgot about it, but this was in reference
18 to the dying declaration and the State playing the audio.

19 I just find it -- it has very little probative
20 value and it's way too prejudicial. We got the dying
21 declaration in, I think that was the purpose, so I'm not
22 gonna say that the defense opened the door and now -- and
23 let's the State play that, so that's gonna be my ruling.

24 MR. HUBBARD: Thank you, Your Honor.

25 And just for the record, our concern was not so much

1 the words said at that point, but on audio the captured
2 breathing sounds, which would clearly indicate heavy
3 breathing to someone who was not -- if they weren't in
4 the room and just lessening --

5 THE COURT: Right.

6 MR. HUBBARD: -- and that's what we were looking
7 at. Thank you, Your Honor.

8 THE COURT: Right, and I think there's been some
9 testimony about -- from the officers that that victim
10 was still breathing and so I just think it would have
11 very limited probative value, so.

12 MR. LEVENTIS: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 All right. I meant to tell you, you were still
15 under oath during break. You didn't talk to anybody
16 about this case, did you?

17 THE WITNESS: No, ma'am.

18 THE COURT: Thank you.

19 All right. Is the State ready to proceed?

20 MS. MAYES: Yes, Your Honor.

21 THE COURT: The defense?

22 MR. LEVENTIS: Yes, Your Honor.

23 THE COURT: Let's bring the jury in.

24 (Whereupon, the jury return to the courtroom at
25 2:52 PM.)

1 THE COURT: All right. Mr. Foreman, is the jury
2 ready?

3 FOREPERSON: Yes, Your Honor.

4 THE COURT: Okay. Please be seated.

5 Detective Ward, you're still under oath.

6 Ms. Mayes.

7 BY MS. MAYES:

8 Q. So where we were was State's 114 and State's 115,
9 being the outside and the exterior and the interior of that
10 sliding glass door, and you indicated that you took swabs
11 from both?

12 A. Correct.

13 Q. And those were the swabs A and B we see in those
14 photographs?

15 A. Yes.

16 Q. The same swabs you have identified in State's 161
17 that were sealed by you and submitted by the State Law
18 Enforcement Division for analysis?

19 A. Yes.

20 Q. Now it's also been indicated that on both sides of
21 the door we see A, inside of the door, and then we see B,
22 the outside of the door. There is evidence here of what?

23 A. Of latent print powder.

24 Q. And take us through the process that you utilized in
25 examining any type of surface or fingerprints or what's

1 known in CSI as latent prints?

2 A. I would take a power, usually black or bi-chromatics,
3 so it would be black or silver depending on what surface
4 you put it on, and then take a latent print brush and then
5 apply that powder lightly to the exterior of that surface.
6 If I observed any latent prints of value or anything that I
7 believed might be of evidentiary value, I would then take a
8 clear tape and I would lift that fingerprint and place it
9 onto a card.

10 Q. Okay. Now when you dust for fingerprints, is there
11 any guarantee that just because you collect a suspected
12 latent print that you're necessarily gonna be able to
13 identify it?

14 A. No, it all depends upon the quality of print itself.

15 Q. Things such as ridge detail?

16 A. Correct.

17 Q. I'm gonna show you what is State's 157 and ask you
18 whether or not you recognize this item?

19 A. I do.

20 Q. How so?

21 A. These are latent print cards A, B and C and it has my
22 evidence seal with date and initials on there.

23 Q. Okay. And can you tell us from where each of these
24 latent print cards were collected?

25 A. To the best of my knowledge, they were all collected

1 from the interior side of the sliding glass door.

2 Q. Okay. And these would have all been collected by you
3 there at the crime scene?

4 A. That's correct.

5 MS. MAYES: This would be State's 157 for evidence,
6 Your Honor.

7 THE COURT: Any objection?

8 MR. SWERLING: No, your Honor.

9 THE COURT: They're admitted.

10 (State's Exhibit Number 157, latent print cards,
11 were admitted into evidence.)

12 BY MS. MAYES:

13 Q. Now do you actually do the analysis of the latent
14 prints yourself?

15 A. I do not. I am not a latent print examiner.

16 Q. Okay. So you collect them and seal them for what
17 purpose?

18 A. I would then submit them to our certified latent print
19 examiner, Jim Hickman.

20 Q. For follow-up analysis?

21 A. That's correct.

22 Q. Now going back to 103, you've indicated that touch
23 DNA swabs were collected from the inside and outside of
24 that patio sliding glass door?

25 A. Correct.

1 Q. As well as latent prints?

2 A. Yes.

3 Q. Did you have an opportunity to examine the exterior
4 of the home as well?

5 A. The exterior of the home?

6 Q. Or to make any observations there.

7 A. Just from the glass -- sliding glass door itself. I
8 did observe that the patio was pretty cluttered. There was
9 a moped, a mattress. The mattress was leaning against the
10 sliding glass door to a point to where if you tried to open
11 the door it partially blocked it from opening fully.

12 Q. Okay. And I'm gonna you what is State's 112 and 107
13 as well.

14 A. I recognize the photos.

15 Q. Are these a fair and accurate representation of the
16 scene as you found it?

17 A. They are.

18 MS. MAYES: State's 112 and 107 for evidence. I
19 believe without objection.

20 THE COURT: Okay. They're admitted.

21 (State's Exhibit Number 107 and 112, photographs,
22 were admitted into evidence.)

23 BY MS. MAYES:

24 Q. Now moving to this master bedroom area, whose bedroom
25 did you understand that to be?

1 A. That would be the living victim. Haynes was, I
2 believe, his last name.

3 Q. Okay. I need you to speak up a little louder?

4 A. I believe his last name was Haynes. The surviving
5 victim.

6 Q. Donnovin Haynes?

7 A. Yes.

8 Q. And looking here at 112, what do we see?

9 A. That is the exterior bedroom window of the master
10 bedroom on the left.

11 Q. And 107?

12 A. That is interior view of the master bedroom window.

13 Q. Can you tell us whether or not that is consistent
14 with that being a point of exit for that witness, Donnovin
15 Haynes?

16 A. It appeared to be consistent.

17 Q. From inside his bedroom?

18 A. Yes.

19 Q. And where do we see on your diagram that particular
20 bedroom window?

21 A. On the north side of the master bedroom wall.

22 Q. Now when you went to process this particular area,
23 being the bedroom of Donnovin Haynes, what, if any, initial
24 observations did you make?

25 A. I observed that the door leading to the master bedroom

1 had been forced open. The frame along the latch side was
2 broken or damaged. There was also a footwear impression on
3 the door itself. There was no blood leading into the
4 bedroom.

5 Q. And with a closer view, can you show us where that
6 door would be on your diagram?

7 A. (Indicating.)

8 Q. Okay. Is the footwear impression that you noted on
9 the outside of the door or inside of the door?

10 A. It's on the outside of the door.

11 Q. The outside of the door that was closed to the hallway
12 and the rest of the home?

13 A. Correct.

14 Q. And you indicated you saw what, if any, signs of blood
15 or a blood trail in this area?

16 A. There was no indication of a blood trail.

17 Q. When you saw the door and what you've indicated was
18 damage to the door, as well as a visible footwear
19 impression, what action did you take?

20 A. The footwear was -- well, the footwear impression was
21 documented with photographs, scaled as well. Evidence --
22 or examination quality photographs were taken of the
23 footwear impression to be later examined.

24 Q. Okay. What, if anything, was significant to you about
25 a footwear impression? Why would you need to take photos

1 of that and document that?

2 A. It could potentially lead to additional suspects.

3 Q. How so?

4 A. You have the ability to match that footwear impression
5 with shoes that might be located on a suspect or in their
6 proximity.

7 Q. And just if you could tell us exactly in reference to
8 what? Did you have evidence this door had been kicked in?

9 A. I did have evidence that it was kicked in.

10 Q. Okay. I'm gonna show you what is 106. I believe
11 without objection, Your Honor. 106 consistent with the
12 photos you took there at the scene?

13 THE COURT: 106 is admitted.

14 (State's Exhibit Number 106, photographs,
15 was admitted into evidence.)

16 BY MS. MAYES:

17 Q. Looking hear at 106, are we inside the bedroom or
18 outside the bedroom?

19 A. That's a view from the inside of the bedroom.

20 Q. All right. And I realize that it's dark, but that
21 would be the first photo in this group. And now the next
22 photo?

23 A. That's a close-up view of the interior side of the
24 doorknob area.

25 Q. And what, if anything, did you observe?

1 A. Looking at the latch itself, it is still in the locked
2 position.

3 Q. What does that indicate?

4 A. That means that it was forcefully opened. They were
5 not able to open it normally just by turning the knob.

6 Q. And is that consistent with the door having been
7 kicked in?

8 A. That's correct.

9 Q. And now the third photograph in this group?

10 A. That's additional photographs of the damage done to
11 the door latch area.

12 Q. And where do you see that damage?

13 A. That would be on the -- it's a side view of the
14 interior side of the door coming from right there at the
15 threshold of the bedroom.

16 Q. And, again, based upon your observations, was the lock
17 actually still engaged?

18 A. Yes.

19 Q. So it was a locked door?

20 A. It was a locked door.

21 Q. And now 107 -- I'm sorry, 108. I'm gonna show you
22 this and ask you whether or not you recognize it.

23 A. I do.

24 Q. And a second the photograph associated with that as
25 well.

1 A. Yes.

2 Q. Is it a fair and accurate representation of your work
3 at the scene?

4 A. It is.

5 MS. MAYES: I believe this would be 108 without
6 objection.

7 THE COURT: It's admitted without objection.

8 (State's Exhibit Number 108, photographs, was
9 admitted into evidence.)

10 BY MS. MAYES:

11 Q. Detective Ward, what do we see here in State's 108 and
12 the Number 40?

13 A. That is scaled photograph of the partial footwear
14 impression located on the exterior side of the bedroom
15 door.

16 Q. Okay. And if you could, while using your laser
17 pointer, tell us exactly what we're looking at. What
18 caught your eye here in terms of needing to be scaled for
19 forensic purposes?

20 A. Looking at the impression itself, it appeared to be --
21 this is the toe area of the footwear. It appeared to be a
22 large tread pattern which could be consistent with a boot,
23 so we did scale it. That way we would at a later date take
24 those photographs and they could be compared with footwear
25 if we did locate any.

1 Q. And, again, we're looking at photographs. You had the
2 opportunity to view this with the naked eye?

3 A. Yes.

4 Q. And in so doing actually seeing it in person, can you
5 tell us whether or not this appeared to be actual tread
6 marks from some type of footwear or boot wear?

7 A. Yes, it did appear to be consistent with a large shoe
8 with a work tread.

9 Q. Okay. That is 108 and now the second photograph?

10 A. That's a close-up image of the same footwear
11 impression.

12 Q. All right. What do we see here in the upper left-hand
13 corner regarding this particular photograph?

14 A. That is the case number, my initials and the image
15 number I would have assigned to that photograph.

16 Q. And is it marked or preserved for purposes of going to
17 the State Law Enforcement Division?

18 A. That's correct.

19 Q. For forensic analysis?

20 A. Yes.

21 Q. And is this what we're seeing here with that marking
22 on the left, left-hand corner, is this the same image that
23 is depicted here in State's 108 marked as Number 40?

24 A. Yes.

25 Q. And, again, all of this from the actual master bedroom

1 door?

2 A. Correct.

3 Q. And, again, that impression is on which side of the
4 door?

5 A. It's on the exterior side. The hallway side.

6 Q. Now once you moved into the closet, what, if anything,
7 did you observe?

8 A. On the bathroom side of the closet door, there was
9 additional partial footwear impressions, but they did not
10 appear to be the same quality as the one on the bedroom
11 door.

12 Q. Okay. And I think we've got some photographs already
13 in evidence of that bathroom area and closet area of that
14 master bedroom. I'm gonna show you some of those. These
15 are already in evidence through a previous witness. I'm
16 gonna show you, I know it's dark, but this is gonna be
17 State's 57.

18 A. That's a view from the bathroom towards the bedroom
19 window.

20 Q. Of Mr. Haynes?

21 A. That's correct.

22 Q. All right. And then what are we looking at here in
23 110? Again, already in evidence.

24 A. That is a view from the bedroom looking into the
25 bathroom and closet area of the master bedroom.

1 Q. Master bedroom in the bathroom suite?

2 A. That's correct.

3 Q. And what is on the left here in this photograph,
4 State's 110?

5 A. That is the doorway leading to the closet.

6 Q. So the closet's here?

7 A. Yes.

8 Q. All right. 183, again, already in evidence, what do
9 we see here?

10 A. That is the closet door itself.

11 Q. Cloths in the closet, floor of the closet, and what,
12 if, anything did you observe in this area?

13 A. There were several partial footwear impressions on the
14 door.

15 Q. Significant to you for what reason?

16 A. It indicated someone was trying to force entry into
17 the closet where Haynes had purportedly been hiding.

18 Q. I'm gonna show you 109 and 111 from your set of
19 photographs and ask you whether you recognize them?

20 A. I do.

21 Q. Are these a fair and accurate representation of your
22 work at the scene?

23 A. Yes.

24 Q. And photograph documentation?

25 A. Yes.

1 MS. MAYES: This would be 109 and 111 for evidence.

2 THE COURT: Any objection?

3 MR. SWERLING: No.

4 THE COURT: Admitted.

5 (State's Exhibit Numbers 109 and 111, photographs,
6 were admitted into evidence.)

7 BY MS. MAYES:

8 Q. Now looking at the diagram, Detective Ward, what area
9 of the home are we within now?

10 A. This is the closet of the master bedroom and bathroom.

11 Q. And then looking here at 109, that would be the
12 counter area in the bathroom?

13 A. Yes.

14 Q. Did you see a wallet or any cash left behind or
15 recovered here?

16 A. No.

17 Q. And now 111, what do we see?

18 A. That's another image of the closet door.

19 Q. And here's a second photograph with this.

20 A. Again, it's another image, a close-up photograph, of
21 the closet door of the footwear impressions.

22 Q. Okay. Now when you compare this -- the quality of
23 this particular impression to the one that you scaled,
24 which is marked Number 40, State's 108, what, if any,
25 difference you did see between them?

1 A. Item 40 or Marker 40 was a cleaner impression, so we
2 assumed that it would be our best bet to scale and
3 photograph it.

4 Q. This one appeared to be better quality, this one from
5 the bedroom door, than the one you see on the closet door?

6 A. Correct. Those were all overlapping, so it was just
7 a little bit more cluttered.

8 Q. Well, tell us what you mean by that. What do you mean
9 when you say that the ones on the closet door appear to be
10 overlapping?

11 A. It appeared that multiple kicks had been made against
12 the exterior of the door.

13 Q. So it could be a kick and then another kick?

14 A. Correct.

15 Q. And can that -- can you tell us whether or not that
16 can affect the quality of the print that's left behind?

17 A. It can. If you have overlapping impressions, it makes
18 it very difficult for the examiner to scale it properly and
19 maybe make a comparison.

20 Q. All right. And based upon your observations there at
21 the scene looking at it in person, how many potential
22 overlapping kicks did you identify?

23 A. Just from the naked eye, it appeared that there was at
24 least three. We have one up top here, one approximately
25 centered and then one near the bottom.

1 Q. Okay. Those photographs that you took and that you
2 scaled here in State's 108, can you tell us whether or not
3 they were preserved on a CD?

4 A. Yes, they were.

5 Q. I'm gonna show you what is State's 158 and ask you
6 whether or not you recognize that?

7 A. I do.

8 Q. And can you tell us whether that was done for the
9 purpose of follow-up examination?

10 A. It was. These were sent to SLED to be analyzed.

11 Q. Okay. Did you alter or change these photographs in
12 any way prior to their submission to the State Law
13 Enforcement Division?

14 A. I did not.

15 MS. MAYES: State's 158, being the CD of footwear
16 impressions.

17 THE COURT: Any objection?

18 MR. SWERLING: No objection.

19 THE COURT: It's admitted.

20 (State's Exhibit Number 158, a Footwear Impression
21 CD, was admitted into evidence.)

22 BY MS. MAYES:

23 Q. We're gonna go back to the diagram now. Each of
24 these casings that you were collecting along the way, the
25 ones you've identified as thirteen fired casings that you

1 believed to be a 9-millimeter, how were they packaged?

2 A. They are packaged individually.

3 MS. MAYES: I beg the Court's indulgence.

4 THE COURT: Take your time.

5 BY MS. MAYES:

6 Q. I gonna show you State's 151 and 155 and ask you if
7 you can unseal these items for the purpose of identifying
8 them.

9 A. (Witness complies.)

10 Q. Okay. And I believe you have a second group as well
11 if you can unseal those.

12 A. (Witness complies.)

13 Q. Are all of these the fired casings that were recovered
14 at the scene that you previously identified in your
15 diagram?

16 A. They are.

17 Q. And you have a total of, again, how many?

18 A. There should be thirteen total.

19 Q. All right. So let's talk about them. Did they all
20 bear the same headstamp?

21 A. They did not.

22 Q. What, if anything, did that indicate to you?

23 A. Two different types of ammo located within the
24 firearm.

25 Q. So shared ammo or combined ammo, for example, within

1 the same firearm?

2 A. Correct.

3 Q. Okay. You've indicated 9-millimeter. How did you
4 go about making that determination that these were
5 9-millimeters?

6 A. On the base of the cartridge case it's stamped
7 9-millimeter Luger.

8 Q. Okay. I'm gonna ask you to go to your report now
9 and tell me how many different types of headstamps you
10 observed while collecting these thirteen fired casings
11 which were 9-millimeters?

12 A. I believe there were two separate headstamps, two
13 different manufacturers.

14 Q. And those were?

15 A. One indicated Sig or S-I-G and the other was
16 Winchester or W-I-N.

17 Q. All right. So it's the Winchester that I want to ask
18 you about. Looking here at this particular item, again,
19 these are all from State's 151 packaging, what markings do
20 you see on that particular headstamp?

21 A. It says Win 9-millimeter Luger.

22 Q. And is that consistent with the Winchester?

23 A. Yes.

24 Q. It's kind of hard to see here, but if you could show
25 us using your laser where that particular marking is.

1 A. This is the headstamp around the rim. It would be
2 marked Win 9-millimeter Luger.

3 Q. And looking at this particular item, can you tell us
4 whether or not it appears to be all brass?

5 A. Yes, it appears to be so.

6 Q. And I'm gonna show you one more.

7 A. It's also a brass colored cartridge case headstamped
8 Win 9-millimeter Luger.

9 Q. Does that also appear to be all brass in color,
10 including the primer?

11 A. Yes.

12 Q. All right.

13 MS. MAYES: This would be 151 and 153 -- 151 and 155
14 for evidence.

15 MR. SWERLING: Which one is 151?

16 MS. MAYES: 151 and 155. 151 contains eleven fired
17 cartridges 9-millimeter and 155 contains two fired
18 cartridges 9-millimeter.

19 MR. SWERLING: No objection.

20 THE COURT: Okay. They're admitted.

21 (State's Exhibit Number 151 and 155, fired cartridge
22 casings, were admitted into evidence.)

23 BY MS. MAYES:

24 Q. And, again, did you find any evidence of .38 fired
25 casings to correspond with that .38 fired projectile you

1 recovered from the couch?

2 A. I did not.

3 Q. And now as for the projectiles, I believe you
4 indicated that at least three jacketed projectiles were
5 recovered?

6 A. Yes.

7 Q. As well as the one with now jacket from the couch?

8 A. Yes.

9 Q. I'm gonna show you what is State's 188, 152 and 153,
10 and ask you if you recognize these items?

11 A. (Nods head.)

12 Q. Now in addition to the ones that were actually
13 projectiles with jackets, did you also recover some
14 fragments?

15 A. Yes.

16 Q. And what is meant by the term "fragment"?

17 A. A fragment is a small portion of a bullet.

18 Q. And can you tell us whether or not there were some
19 that were partial fragments recovered along the way?

20 A. There was.

21 Q. And did you take everything you could find in that
22 regard?

23 A. We did, yes.

24 Q. Tell us what we're looking at in those items.

25 A. Item 36 is a bullet fragment.

1 Q. Okay. And do you recall where within the home this
2 was recovered?

3 A. That was located from the bed in Livingston's bedroom.

4 Q. Can you show us on the diagram the approximate area?

5 A. This gray marker right around here.

6 Q. So it's actually in the bed?

7 A. It was on some bedding, I believe.

8 THE COURT: And what number was that one?

9 MS. MAYES: 188, Your Honor.

10 THE COURT: 188. Thank you.

11 BY MS. MAYES:

12 Q. All right. Next is 153. And you see your initials on
13 that tape that you're breaking?

14 A. I do.

15 Q. All right. And in this one particular packaging,
16 being 153, what are we looking at here? These two items.

17 A. Those are two fired bullets.

18 Q. And can you tell us -- these are labeled Item 37 and
19 Item 39. Can you show us where they would be on the
20 diagram?

21 A. Item 37 on near the northwest corner of the bedroom
22 and Item 39 is the northwest corner of the living room.

23 Q. Okay. And were these jacketed or no jackets?

24 A. They're jacketed.

25 Q. So these would be consistent with the 9-millimeter

1 rounds hat you'd previously told us about?

2 A. Correct.

3 Q. And then what is the additional projectile in this
4 packaging, 153?

5 A. This is Item 38. It's a fired bullet.

6 Q. All right. And, again, all recovered from the scene
7 and packaged by you there that night?

8 A. That's correct.

9 MS. MAYES: Your Honor, this would be State's 188
10 for evidence and 153 for evidence, being -- 188 being a
11 projectile fragment and 153 being three fired projectiles.

12 THE COURT: Any objection?

13 MR. SWERLING: No objection.

14 THE COURT: They're admitted.

15 (State's Exhibit Number 153, fired projectiles,
16 and State's Exhibit Number 188, a projectile fragment,
17 were admitted into evidence.)

18 BY MS. MAYES:

19 Q. So going back to 153, you told us about the two that
20 you just saw with jackets. Now we're gonna take a look at
21 the third projectile from this packaging. How is it
22 different than those others?

23 A. It appears to be a non-jacketed bullet with a gray
24 metal composition.

25 Q. And is this the one you previously identified as

1 something you thought was a .38?

2 A. That's correct.

3 Q. And now what is the final item that you have? Before
4 we do that -- I'm sorry. If you could, again, show us here
5 on the diagram, 38 was recovered where? The one we just
6 looked at.

7 A. 38 is from the couch cushion.

8 Q. Okay. All right. And this being State's 152 and it
9 having the marking 34, Item 34, where is it on the diagram?

10 A. Item 34 was recovered near the bedroom window.

11 Q. Okay. Was this the projectile that you showed us has
12 come from the wall where you did the rod?

13 A. No, we were not able to recover that projectile. That
14 was located near the nightstand.

15 Q. The one that you did the rod and the string on was a
16 projectile that you could see a defect?

17 A. Correct.

18 Q. But you could not recover it?

19 A. Correct. We attempted by busting open the wall, but
20 did not find it.

21 Q. Okay. And then this one would be, again, looking at
22 the diagram?

23 A. Right here just to the right of the window.

24 Q. Okay. Above Mr. Livingston?

25 A. That's correct.

1 Q. All right.

2 MS. MAYES: This would be State's 152 for evidence.

3 THE COURT: Any objection?

4 MR. SWERLING: No objection.

5 THE COURT: It's admitted.

6 (State's Exhibit Number 152, a fired projectile,
7 was admitted into evidence.)

8 BY MS. MAYES:

9 Q. Now 152, this particular projectile, is it jacketed or
10 non-jacketed?

11 A. It's jacketed.

12 Q. So it would be consistent with the 9-millimeter?

13 A. Correct.

14 Q. All of these casings, these cartridge casings that
15 you recovered from the scene, they were all collected as
16 evidence, any that you could find?

17 A. Yes.

18 Q. And I believe you noted approximately thirteen from
19 the 9-millimeter?

20 A. Correct.

21 Q. Were you able to collect touch DNA swabs from casings
22 that were recovered from the scene?

23 A. I did collect touch DNA from the rims of the cartridge
24 cases.

25 Q. Okay. And what is the purpose of that potentially?

1 A. Potentially just to identify the suspect who may have
2 been handling the firearm and loaded the weapon.

3 Q. All right. But you would be collecting those swabs
4 after the cartridge has been fired?

5 A. Correct.

6 Q. Okay. I'm gonna show you what is State's 154 and ask
7 you whether or not you recognize it?

8 A. I do.

9 Q. And what does it contain?

10 A. It contains Item 1.1, Item 4.1 and 12.1, which are all
11 touch DNA swabs from the cartridge cases.

12 Q. From those thirteen or so fired casings that you
13 recovered from the scene?

14 A. Yes.

15 Q. Swabs just in case you could potentially get any DNA
16 evidence from them?

17 A. That's correct.

18 MS. MAYES: 154 for evidence.

19 MR. SWERLING: No objection.

20 THE COURT: Then it's admitted.

21 (State's Exhibit Number 154, touch DNA swabs, was
22 admitted into evidence.)

23 BY MS. MAYES:

24 Q. Now going back to the scene, you have noted blood
25 here at the entryway. You have noted blood over where

1 Mr. Williams was found?

2 A. Correct.

3 Q. What, if any, action did you take to attempt to
4 collect any identifying information from blood in the area
5 of that entryway or doorway?

6 A. Blood DNA swabs were collected from the back of the
7 front door.

8 Q. I'm gonna show you what is State's 81 and ask you
9 whether or not you recognize it?

10 A. I do.

11 Q. Is that a fair and accurate representation of the
12 location that you collected those swabs?

13 A. Yes, it is.

14 Q. All right. Going back to that particular door, that
15 entryway, looking here at State's 50, already in evidence,
16 the blood as you indicated on the floor and along the door
17 frame?

18 A. Yes.

19 Q. And then on the door itself on the inside?

20 A. That's correct.

21 MS. MAYES: This would be State's 81 for evidence I
22 believe without objection.

23 THE COURT: It's admitted.

24 (State's Exhibit Number 81, a photograph, was
25 admitted into evidence.)

1 BY MS. MAYES:

2 Q. So is this the same door, 81, the same door that we
3 see here?

4 A. Yes, it is.

5 Q. If this door were now closed --

6 A. Yes.

7 Q. -- for additional photograph to be taken, so this
8 would be the bottom area of the door?

9 A. Correct.

10 Q. Again, this would be -- can you tell us whether or not
11 this would be considered by you to be a blood trail?

12 A. In my opinion, that would be projected blood, blood
13 being ejected from a body.

14 MR. SWERLING: Judge, I would object. That's one
15 of the opinions that he's giving which we object to.

16 THE COURT: And I would agree with you, Mr. Swerling.
17 Let's strike that.

18 I'm gonna ask the jury to disregard that last
19 statement.

20 You can continue on, Ms. Mayes.

21 MS. MAYES: Yes, Your Honor.

22 BY MS. MAYES:

23 Q. Your observations there at the door, again, we're
24 looking at 81 in evidence, we have 80 in evidence, we have
25 82 in evidence, can you tell us whether there was

1 significant or an insignificant amount of blood there at
2 the entryway?

3 A. I would say a fairly significant --

4 MR. SWERLING: I object to that as well.

5 MS. MAYES: Significant or insignificant?

6 MR. SWERLING: He's not a blood expert.

7 THE COURT: And I don't think she's asking him
8 to be a blood expert. She's asking if that's a lot of
9 blood. It might be his opinion. I'm gonna allow it.

10 BY MS. MAYES:

11 Q. You may answer.

12 A. Yes, I would say it's a lot of blood.

13 Q. All right. And here's 78 as well. All that same
14 entryway?

15 A. Yes.

16 Q. How did you go about trying to identify whose blood
17 this is at that doorway?

18 A. We collected -- or I collected blood DNA swabs from
19 Marker E.

20 Q. Can you show us where that is on this photograph,
21 State's 81?

22 A. It's right here on the right edge of the door.

23 Q. And the swabs were of the blood itself?

24 A. That's correct.

25 Q. Now you do that identifying?

1 A. I do not.

2 Q. That identification is done by what lab?

3 A. The South Carolina Law Enforcement Division DNA lab.

4 Q. I'm gonna show you what is State's 160 and ask you
5 whether or not you recognize it.

6 A. I do.

7 Q. And how so?

8 A. It has my initials and date on one side, as well as I
9 can see the seal. It's my packaging.

10 Q. This particular swab when you collected it there as
11 we see Marker E from the door, did you package it there as
12 well?

13 A. That's correct.

14 Q. And were you wearing gloves?

15 A. Yes.

16 Q. Did it remain sealed after you packaged it up and
17 until it would have arrived at the State Law Enforcement
18 Division for analysis?

19 A. Yes.

20 MS. MAYES: State's 160 for evidence.

21 MR. SWERLING: No objection.

22 THE COURT: It's admitted then.

23 (State's Exhibit Number 160, DNA swabs, was admitted
24 into evidence.)

25 BY MS. MAYES:

1 Q. Now that E is of the blood itself or you were
2 attempting to identify the blood itself?

3 A. Yes.

4 MS. MAYES: I'm gonna show you 11 and 12, previously
5 Court's 11 and 12, Your Honor, now State's 11 and 12.

6 THE COURT: I think that's without objection.

7 BY MS. MAYES:

8 Q. You recognize these items?

9 A. I do.

10 Q. Is it a fair and accurate representation of the photos
11 taken at the scene as you processed it?

12 A. Yes.

13 MS. MAYES: 11 and 12 for evidence I believe without
14 objection.

15 THE COURT: It is so admitted. I think Ms. Wilson
16 saw that earlier.

17 (State's Exhibit Numbers 11 and 12, photographs,
18 were admitted into evidence.)

19 BY MS. MAYES:

20 Q. Now can you tell us if we what we're looking at in
21 State's 11 and 12 are the same door that we see here in
22 State's 81, State's 80, State's 50?

23 A. They are.

24 Q. And State's 78. All the same door?

25 A. That's correct.

1 Q. The front door to that residence?

2 A. Yes.

3 Q. In addition, to swabbing for blood what other swabs
4 did you take regarding that door?

5 A. Touch DNA swabs were collected from the interior side
6 of the dead bolt latch.

7 Q. What are we looking at in State's 12?

8 A. That is an image of the dead bolt on the front door
9 engaged.

10 Q. Following the door being kicked in by officers?

11 A. Correct.

12 Q. Because it was locked?

13 A. Yes.

14 Q. So State's 11 is what?

15 A. That is an image of Marker D, which is the latch where
16 touch DNA was collected.

17 Q. And looking here at D, can you take us through your
18 process of collecting swabs from D and tell us what the
19 purpose of those swabs were?

20 A. With touch DNA swabs, very similar to how we would
21 collect blood, we would take sterile swabs, then take
22 sterile water, swab the area in question, then place that
23 in an envelope and seal it.

24 Q. All right. And can you show us the general area
25 there that you were actually swabbing for those -- for that

1 collection process?

2 A. I would have swabbed this entire latch system here.

3 Q. Okay. I'm gonna show you what is State's 156 and ask
4 you whether or not you recognize it?

5 A. I do.

6 Q. How so?

7 A. It has my initials and date on my packaging.

8 Q. All right. And what is the date in which it was
9 collected?

10 A. It says December 20, 2019.

11 Q. And can you tell us whether you sealed the envelope as
12 soon as it was collected?

13 A. Yes.

14 Q. And were you wearing gloves?

15 A. I was.

16 Q. And you're continuing to process the scene from the
17 date of the crime?

18 A. That's correct.

19 Q. And did it remain in the custody and control of law
20 enforcement throughout that time?

21 A. It did.

22 Q. The scene itself?

23 A. Yes, ma'am.

24 Q. Other than you and your fellow crime scene
25 investigator, was anyone else allowed at that scene?

1 A. No.

2 MR. SWERLING: May we approach, Your Honor?

3 THE COURT: You may.

4 (Proceedings held at the bench; not reported.)

5 THE COURT: Okay. Exhibit Number 156 is for ID
6 only at this time.

7 MS. MAYES: Your Honor, I will note on this
8 particular sticker that it is for ID. This would be
9 State's 156.

10 BY MS. MAYES:

11 Q. Now regarding 156, again, looking at this particular
12 overhead photo, can you tell us whether or not you were
13 wearing gloves during that collection process?

14 A. Yes.

15 Q. And can you tell us whether or not those swabs that
16 you collected would have immediately been sealed?

17 A. That's correct they would have.

18 Q. And would they have remained sealed prior to any
19 submission for forensic analysis?

20 A. Yes.

21 Q. Including to the State Law Enforcement Division?

22 A. That's correct.

23 Q. And did you include evidence tape on them to ensure
24 that they were properly sealed?

25 A. Yes.

1 Q. So going back to 103, other than that area that you
2 have identified as having I believe you said a lot of
3 blood, did you see any indication of a blood trail anywhere
4 in the living room leading up or away from where
5 Mr. Williams was located?

6 A. No, I did not.

7 Q. Did you see any indication of a blood trail leading
8 into or out of the bedroom where Mr. Livingston was
9 concerned?

10 A. No.

11 Q. Did you see any indication of a blood trial leading
12 into the bedroom or the bedroom closet or away from where
13 Mr. Haynes had been located?

14 A. No.

15 Q. Now there was blood on the floor. With blood present
16 on the floor as we see here in State's 78, 78's probably
17 the best lit photo, when there is blood on the floor, what,
18 if anything, may occur?

19 A. There's always the potential for individuals to step
20 in the blood itself.

21 Q. Did that also include potentially law enforcement?

22 A. Correct; law enforcement, fire, EMS.

23 Q. And first responders?

24 A. Yes.

25 Q. And then here looking at 79, can you tell us -- I'm

1 gonna show you this with your -- I think you can get a
2 better view of it with your eye. State's 79.

3 A. Okay. Yes.

4 Q. Do you see any indications that there was blood
5 leading away from that foyer area?

6 A. I do. There was a trail leading onto the carpet.

7 Q. Okay. I'm gonna show you -- I'm put this on the
8 overhead. I realize that the photograph is dark, but if
9 you could show us what you are referring to there.

10 A. Here there's some darker are drips here that is
11 basically a blood trail leading onto the carpet.

12 Q. Okay. And can you tell us whether or not that would
13 be in the direction toward where Mr. Booker ultimately was
14 recovered where he was found laying as shown in State's 65?

15 A. Yes, it was leading in that area.

16 Q. And, again, this particular photograph, State's 65, I
17 believe taken by Sergeant Purdy, is this before or after he
18 was uncovered from those items?

19 A. That was after he had been uncovered.

20 MS. MAYES: I beg the Court's indulgence.

21 BY MS. MAYES:

22 Q. Now after your work on all of this at that crime scene
23 and, again, that crime scene remained in the custody and
24 security of law enforcement for approximately how long?

25 A. I believe approximately three days.

1 Q. Okay. And during those three days, was anyone
2 accessing that scene other than yourself and CSI?

3 A. No.

4 Q. I'm gonna move forward to the 21st. On the 21st, so
5 four days after this crime, are you aware as to whether
6 or not a co-defendant by the name of Justin Hopkins was
7 apprehended by law enforcement?

8 A. Yes, I was made aware.

9 Q. And whether or not he had any bags in his possession?

10 A. Yes.

11 Q. And can you tell us whether or not you processed any
12 items from within those bags?

13 A. I believe I did not.

14 Q. So I want to ask you if you're familiar with an item
15 that had a cellophane wrapper?

16 A. Okay. There was a --

17 MR. SWERLING: I think he said he had nothing to do
18 with that, he didn't process it.

19 THE COURT: I think that that was his testimony,
20 too.

21 MS. MAYES: I can rephrase that, Your Honor.

22 THE COURT: I'll let you rephrase it.

23 BY MS. MAYES:

24 Q. I don't mean processing the actual bag.

25 A. Right.

1 Q. Are you familiar with anything that had a cellophane
2 wrapper?

3 A. Yes.

4 Q. Okay. And did you play any role in processing an item
5 with a cellophane wrapper?

6 A. Yes, I was instructed to collect touch DNA from the
7 exterior.

8 Q. Okay. And I'm gonna show you what is State's 159.

9 A. Yes.

10 Q. And do you recall whether or not there was a powdery
11 substance that you were asked to analyze the wrapping of?

12 MR. SWERLING: Did he say he recognized the --

13 THE COURT: I don't --

14 THE WITNESS: I do recognize it.

15 BY MS. MAYES:

16 Q. Are your initials on it?

17 A. Yes. It is folded, but --

18 THE COURT: I don't think he said -- stated the
19 substance, Mr. Swerling, but he said he recognized it.

20 MR. SWERLING: Okay.

21 MS. MAYES: I had a question about the substance.

22 THE COURT: I don't think she had gotten that far.

23 MR. SWERLING: Okay.

24 BY MS. MAYES:

25 Q. Do you recognize this item, which is State's 159?

1 A. I do.

2 Q. Now are you familiar with whether or not a powdery
3 substance was located regarding Mr. Hopkins?

4 A. I was advised that the wrapper did contain a powdery
5 substance.

6 Q. And what role did you play in processing that wrapper?

7 A. I received the wrapper and then collected swabs from
8 the exterior.

9 Q. Okay. So these weren't the bags of Mr. Hopkins, it
10 was an actual cellophane wrapping?

11 A. Correct. It was collected from the bags separately.

12 Q. And I'm gonna show you this item and ask you how you
13 go about recognizing that you had any role in collecting
14 these swabs?

15 A. It's folded over, but --

16 Q. You can unseal it.

17 A. Okay. I believe the envelope contains another
18 envelope.

19 Q. Okay. You can unseal it.

20 A. It's an envelope with my initials and date.

21 Q. And what is the item number for this particular
22 evidence piece?

23 A. It's item 1.1.1.

24 Q. 1.1.1?

25 A. Yes.

1 Q. And does it identify what type of swab this is?

2 A. Touch DNA swabs from the exterior of a cellophane
3 wrapper.

4 Q. All right. And do you know the date in which this
5 item was collected?

6 A. February 23, 2021.

7 Q. All right. And how do you know that?

8 A. My initials and collection date are on the bottom of
9 the envelope.

10 MS. MAYES: This would be swabs from the cellophane
11 wrapper, Your Honor. This would be for evidence. This is
12 State's 159.

13 MR. SWERLING: Judge, could you excuse me a moment.

14 THE COURT: Yes.

15 MR. LEVENTIS: Your Honor, may I approach?

16 THE COURT: Yes.

17 (Proceedings held at the bench; not reported.)

18 THE COURT: Is there any -- no objection?

19 MR. SWERLING: No objection.

20 THE COURT: Okay. There's no objection.

21 MS. MAYES: All right. 159 is in evidence.

22 (State's Exhibit Number 159, touch DNA swabs/wrapper,
23 was admitted into evidence.)

24 MS. MAYES: And, Your Honor, I don't think I have
25 anything else at this point in time subject to recall as

1 we have previously discussed.

2 THE COURT: Okay.

3 All right. At this time, Mr. Foreman, ladies and
4 gentlemen of the jury, I'm gonna give you-all a quick
5 break. I need to take up a couple of matters with the
6 lawyers. Remember, no talking about this case even amongst
7 yourselves. Stretch your legs and get you something to
8 drink and snack on. It won't belong.

9 Thank you.

10 (Whereupon, the jury retires to the jury room at
11 3:45 PM.)

12 (Recess taken at 3:45 PM.)

13 (Back on the record at 4:06 PM.)

14 BAILIFF: All rise. Court's now in session.

15 THE COURT: Please be seated.

16 All right. Mr. Swerling, let me hear what you have.

17 MR. SWERLING: Judge, I'm gonna cross-examine the
18 witness obviously and there are some items in here that
19 I want to make sure that we're not opening the door to
20 any mention of the rifle that was taken because we don't
21 intend to go into that.

22 THE COURT: The rifle. Okay.

23 MR. SWERLING: But there's other ammunition that
24 was in the apartment and I think that we're entitled to
25 bring that out. We're not going into the .38 or any

1 9-millimeter, but there was NATO rounds, 7.62 by 39,
2 those are NATO rounds, and there are .223 rounds,
3 caliber .223, in addition to the 9-millimeter and the
4 .38 shell casings. So, I mean, I do -- and plus there
5 are a number of 9-millimeter rounds in the apartment
6 that had nothing to do with the shooting, that obviously
7 belonged to someone in the apartment, and so I wanted to
8 go into that. And there's thirty, .223 Remington rounds,
9 which have not been connected to any weapon. So I just
10 -- I believe that I'm entitled to go into that and I
11 don't want to open the door, so I thought I'd take it
12 up with the Court first to see what the State's position
13 is.

14 THE COURT: Okay. Let me hear from the State.

15 MS. MAYES: So, Your Honor, the .223 rounds, we
16 certainly object there or take the position that that
17 does open the door to the assault rifle that we believe
18 had been stolen pursuant to this robbery, this burglary,
19 and ultimately ends up on Cornish's phone and that is
20 the gun that they objected on pre-trial to us showing a
21 photograph of or getting into testimony and we believe
22 that to be an assault rifle that would require the .223
23 rounds. So certainly we have objection there. I believe
24 that would be opening door.

25 Beyond than that, Your Honor, we would object to

1 relevance under 403. There's no firearms found inside
2 this home. There's absolutely no evidence that an armed
3 person inside the home even had time or attempted to
4 defend the home or themselves because no guns are
5 recovered, so we object on grounds relevance.

6 THE COURT: There are -- there are bullets in the
7 home and I believe that is relevant for the jury to
8 consider as to what they want -- what weight they want
9 to give it.

10 THE COURT: Relevant to what?

11 MR. SWERLING: Pardon?

12 THE COURT: Relevant to what?

13 MR. SWERLING: To their --

14 THE COURT: I mean, what's the relevance to it?
15 That these people had bullets in their house, therefore,
16 they had access to weapons or what's the deal?

17 MR. SWERLING: Well, I do think --

18 THE COURT: I'm trying to figure it out.

19 MR. SWERLING: I would think that that would show
20 that they had access to weapons and, in fact, did have
21 weapons. I don't intend to go into the assault rifle,
22 but they were drug dealers, too. So the fact that they
23 had pistols -- or the fact that they had ammunition
24 would indication that there were pistols there at one
25 time or they have had pistols in that apartment. So I

1 think we're entitled to go into it for whatever its
2 worth and let the jury weigh it.

3 MS. MAYES: So the possession of ammunition,
4 Your Honor, we would take the position is remote if
5 there's no actual weapon in the inside the home that
6 would match.

7 THE COURT: Well, the question is there was a
8 weapon inside the home and the weapon inside the home
9 was the assault rifle --

10 MS. MAYES: We believe so.

11 THE COURT: -- that belonged to the .223 rounds
12 which she -- certainly that would open the door because
13 she's gonna say well, we had a weapon but they stole it.

14 MR. SWERLING: Judge, I don't know what round that
15 weapon fires, so that's the reason I brought it up. If
16 it was a .223 round, I haven't heard that. So, I mean,
17 I think we need to know whether or not that was, in fact,
18 a .223 round. A lot of those assault rifles fire
19 9-millimeters, so I don't know that there was a .223
20 round.

21 THE COURT: I don't even know what a .223 round is.

22 MR. SWERLING: It's a caliber. If I'm not mistaken,
23 it's a long bullet. I mean, can they represent that it's
24 -- a .223 round was fired by that weapon?

25 THE COURT: All right. Let me see the lawyers up

1 here for just a second.

2 MS. MAYES: Just to answer that on the record,
3 Your Honor, we believe that the .223 or the 7.62 would
4 be consistent with the photograph that we have seen
5 regarding the assault rifle.

6 (Proceedings held at the bench; not reported.)

7 THE COURT: The strategy is --

8 MR. SWERLING: I'm not going into it.

9 THE COURT: Okay. That was a strategy decision,
10 so I don't need to decide that.

11 Okay. Are we ready?

12 (Pause in proceedings.)

13 THE COURT: Okay. Is the State ready?

14 MS. MAYES: We are, Your Honor, and we do have a
15 witness here, possibly two, depending on whatever the
16 Court decides.

17 THE COURT: Okay. I'm gonna see how long the cross
18 lasts.

19 You're not under any pressure, Mr. Swerling,
20 whatsoever. You can take as long as you want and we'll
21 just see if we get to that.

22 I'm gonna see what time it is and ask the jury.
23 You know, they've got families to go home to.

24 MR. SWERLING: I'm not gonna be very long.

25 THE COURT: I'm gonna leave it up to the jury just

1 so I can make sure everybody's in the loop.

2 Can I bring them in?

3 MR. HUBBARD: Yes, Your Honor.

4 THE COURT: Bring them in.

5 (Whereupon, the jury return to the courtroom at
6 4:28 PM.)

7 THE COURT: Mr. Foreman, is the jury ready?

8 FOREPERSON: Yes, Your Honor.

9 THE COURT: All right. Please be seated.

10 Detective Ward, I'm going to remind you that you
11 are still under oath.

12 Mr. Swerling.

13 MR. SWERLING: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. SWERLING:

16 Q. Is it detective or investigator?

17 A. I'll answer to both, but investigator.

18 Q. All right. I'll just stick with that. I just wanted
19 to show you some respect today. I just didn't know exactly
20 what your actual position it was.

21 So I've got a few questions that I want to follow up
22 on with you and I think you indicated that the apartment --
23 the entire apartment was pretty cluttered and dirty; is
24 that correct?

25 A. That's correct.

1 Q. And that would have interfered with your ability to
2 process the scene?

3 A. Sometimes it can.

4 Q. Did it in this case? I mean, there were -- since the
5 carpets appeared to be very dirty and tattered and torn,
6 I mean, did that interfere with your ability to go ahead
7 and process the scene?

8 A. Not so much in this case.

9 Q. Okay. Very good. So I'm trying -- I was trying to
10 compute in my mind. I wrote it down, but I wasn't getting
11 -- I wasn't coming up with a solid number. How many swabs
12 did you actually take; do you recall?

13 A. If I could consult my notes for one second.

14 Q. And the reason I'm asking is your -- the report is
15 broken up with different categories, so I've not been able
16 to count the number of swabs.

17 A. I collected five sets of swabs in all.

18 Q. Okay. Those were primarily the front door into the
19 apartment, the sliding glass door --

20 A. And one from the kitchen cabinet.

21 Q. Kitchen cabinet. And let me ask you about that.

22 There was some blood in the kitchen, too; is that correct?

23 A. There was a red substance on a door. I wasn't sure
24 what it was. It was swabbed out of an abundance of
25 precaution.

1 Q. Okay. So you swabbed the cabinets and swabbed that --
2 what appeared to be blood and at some point I assume we'll
3 hear what that was, if it was or not?

4 A. Correct.

5 Q. Did you do any pretest to see whether or not it was
6 blood?

7 A. No, I did not.

8 Q. That's called, what, a luminescence --

9 A. A presumptive test.

10 Q. Presumptive test. But there's a chemical you-all use,
11 correct?

12 A. We do have chemicals, but they were not used in this
13 situation.

14 Q. Not used. Okay. So none of the chemicals that are
15 used to determine whether or not there was blood was used
16 in this particular case?

17 A. Correct.

18 Q. And the cabinet, there was nobody found in the
19 kitchen, but there was what you thought was possibly some
20 blood there; is that correct?

21 A. That's correct. There was a red stain in the kitchen.

22 Q. All right. There was no trail of blood leading into
23 the kitchen or out of the kitchen, was there?

24 A. No, sir.

25 Q. Okay. Did you come to some sort of conclusion as to

1 why?

2 A. A conclusion as to why there was no blood in the
3 kitchen?

4 Q. No, a trail.

5 A. We assumed that the victim Booker ran straight towards
6 the hallway area.

7 Q. But -- okay. So the hallway area, but the kitchen is
8 off the hallway?

9 A. Correct.

10 Q. Okay. And he was found in the --

11 A. The hallway off of the dining room.

12 Q. -- the hallway over there, but the kitchen is all the
13 way over there, right?

14 A. Correct.

15 Q. But there's no indication that he ran in bleeding?

16 A. Right.

17 Q. Is that correct?

18 A. Yes.

19 Q. Now so the swabs that you took covered several areas
20 of the apartment that you knew potentially could be
21 involved in what happened?

22 A. That's correct.

23 Q. And that was the front door, there was a sliding glass
24 door, there were a couple of bloodspots that you also took
25 swabs of as well, correct?

1 A. Yes, sir.

2 Q. And they'll all be -- they were all sent to SLED for
3 DNA testing and a DNA expert would have to testify about
4 that, correct?

5 A. That's correct.

6 Q. And as I understand from your list, here there were a
7 number -- like maybe six phones that were confiscated or
8 found in the apartment?

9 A. Correct.

10 Q. Something to that affect. Okay. Now tell me about
11 the scale, the digital scale, that you found in the
12 apartment.

13 A. Could you remind me where it was located at?

14 Q. Let see. I'm looking at your list and it says a --

15 A. Kitchen table.

16 Q. -- digital scale I think was found on the table along
17 with green plant material.

18 A. That's correct.

19 Q. Would you tell us a little bit about what you found,
20 what you observed? Because I didn't hear you mention
21 anything about that on your direct-examination.

22 A. Inside the apartment there was green plant material,
23 which was collected and sent to the lab and tested positive
24 for marijuana. That was collected from the dining room
25 table.

1 Q. Okay. And there was a digital scale?

2 A. That's correct.

3 Q. And what are digital scales normally used for if
4 they're around drugs?

5 A. We do find them in close proximity to drugs every now
6 and then. Usually it's used for weighing drug materials.

7 Q. Weighing. And you found marijuana. Let me -- I just
8 want to make sure I say it correctly. Marker 15, can you
9 point to 15 or is that not on this?

10 A. It's not on this sketch.

11 Q. Can you approximate where Marker 15 would be or would
12 have been?

13 A. Marker 15 would have been on the dining room table
14 around -- there's a television on top right there.

15 Q. And on that table you found the scale, but you also
16 found two bags containing green plant material; is that
17 correct?

18 A. That's correct.

19 Q. Okay. And did you weigh those?

20 A. I did not weigh them.

21 Q. Okay. Do you know if somebody did weigh them?

22 A. If they were sent to the drug lab, they would have
23 been weighed.

24 Q. And I believe you also found some marijuana in the --
25 in a glass mason jar containing a green plant material and

1 that would have been Marker 16?

2 A. That's correct.

3 Q. And that was where?

4 A. That was right next to Marker 15 on the dining room
5 table.

6 Q. Okay. And then I think you found some more green
7 plant material. What's green plant material generally?

8 A. Generally it's a generic term for marijuana.

9 Q. So when you refer to green plant material in law
10 enforcement --

11 A. I can't visually say that it's marijuana just by
12 looking at it.

13 Q. No, I understand.

14 A. I have to send it off to the lab.

15 Q. But that's normally how it's referred to, green leafy
16 plant material?

17 A. That's correct.

18 Q. And there was more found in the master bedroom which
19 was Donnovin Haynes' room; is that correct?

20 A. Correct.

21 Q. Can you point to that, where you found that?

22 A. I believe there was a small tray located on the chest
23 of drawers next to the television and later on we did find
24 a duffel bag underneath the couch containing more.

25 Q. Another couple of bags?

1 A. Yes, sir.

2 Q. Okay. So you had -- on the kitchen table you had
3 marijuana, on the upper left -- in Donnovin Haynes' bedroom
4 you found marijuana and under the love seat there was
5 marijuana, correct?

6 A. Correct.

7 Q. And in Donnovin Haynes' room there was sizable
8 quantity of marijuana, wasn't it?

9 A. Yes.

10 Q. You don't know what the weight was on that?

11 A. I do not.

12 Q. Okay. Well, we -- somebody else can testify to that.
13 All of that was turned over to narcotics in the Lexington
14 County Sheriff's Department, correct?

15 A. It was turned over to the forensic drug lab.

16 Q. Right, which is the Lexington County Sheriff's
17 Department?

18 A. Yes, sir.

19 Q. And they would have examined it, correct?

20 A. Correct.

21 Q. And they would have weighed it?

22 A. Yes.

23 Q. What you did is you spotted it, you took it into
24 evidence --

25 A. That's correct.

1 Q. -- and then you passed it onto them; is that correct?

2 A. Yes, sir.

3 Q. All right. So we have four different locations as I
4 see with green plant material.

5 All right. Let me move on here. Marker 25 and 26
6 were in the master bedroom. That's where you found those.
7 Latent prints, latent lifts, how do you determine where to
8 go ahead and try and get a latent lift off it?

9 A. How do I determine?

10 Q. Yeah, how do you determine where you would do that?

11 A. I would normally try to locate points of entry and
12 exits in a scene like this or any areas that I believe that
13 suspects may have touched.

14 Q. And as I understand it, there were only three
15 locations where latent lifts were taken?

16 A. Well, the one location. Three latent prints were
17 collected from the sliding glass door, but also the kitchen
18 area was dusted for prints, but none were located.

19 Q. Okay. The kitchen area was dusted for prints as well?

20 A. Correct.

21 Q. Were any located in the kitchen area?

22 A. No, sir.

23 Q. But there were some prints located on the sliding
24 glass door on the inside and out?

25 A. I believe it was on the inside.

1 Q. Inside?

2 A. Yes, sir.

3 Q. And was any identification made as far as you know
4 about the latent prints?

5 A. No, sir. I believe they were of insufficient quality
6 to make an identification off of.

7 Q. Okay. So in the whole apartment, all the different
8 bedrooms, there were only three latent prints lifted even
9 though you dusted everything; is that correct?

10 A. Correct. We didn't dust everything in the apartment.

11 Q. You dusted the kitchen?

12 A. I did the drawers and doors of the kitchen cabinets.

13 Q. Nothing else though?

14 A. No, sir.

15 Q. Okay. Any reason why you would not have dusted for
16 prints in the other areas of the apartment?

17 A. Typically we just try to focus on the main areas in
18 question where they might come in or out of the apartment
19 because there's no telling how many items inside the
20 apartment they did touch.

21 Q. So no effort was made to do that?

22 A. Never was made, but we have to make a calculated
23 decision on what to examine or not examine.

24 Q. So were any prints -- did you process the living room
25 area for prints?

1 A. The sliding glass door.

2 Q. The sliding glass door?

3 A. Yes, sir.

4 Q. What about the kitchen area? Did you process that for
5 prints?

6 A. I did. The doors and drawers on the cabinets.

7 Q. Nothing came out as a result of that; is that correct?

8 A. No, sir.

9 Q. And what about the master bedroom and the bedroom
10 where Mr. Livingston was?

11 A. No latent prints were examined from there.

12 Q. Was not examined for prints?

13 A. No, sir.

14 Q. Now so with DNA, you -- is it pretty much the same
15 thing, you just target a certain area, go ahead and take
16 swabs?

17 A. Yes, sir.

18 Q. All right. In this case, it was the sliding glass
19 door, the front door. What other areas did you take swabs
20 from? I guess the spot of blood in the kitchen or not?

21 A. Yes, sir. That was a blood swab, but just for touch
22 DNA we only did -- or I only did the dead bolt and the
23 sliding glass door handles.

24 Q. Okay. What's touch DNA? Could you tell the jury?

25 A. I can't --

1 Q. To the extent it would -- I'm not asking you to be an
2 expert in it, but as a CSI investigator do you know what
3 touch DNA is?

4 A. I do. Essentially when you touch an item, you do
5 deposit some -- some DNA cells from your skin onto that
6 object. That's about the extent of my knowledge of it.

7 Q. Okay. The same -- when you talk about touch DNA or
8 just regular DNA, are you talking about the same swab?

9 A. They would differentiate between them at the SLED
10 laboratory.

11 Q. So when you're talking about touch DNA or DNA, how
12 many swabs were taken? Just five?

13 A. It would be five sets of swabs.

14 Q. Five sets?

15 A. Yes, sir. So two swabs in each package.

16 Q. Okay. I noticed somewhere in your report you
17 mentioned that there were maybe six or seven cartridges
18 that you did touch DNA on; is that correct?

19 A. The cartridge cases, yes, sir.

20 Q. Cartridge cases?

21 A. Yes, sir.

22 Q. And -- but there were only two swabs. How do you do
23 that?

24 A. You would take the two swabs, wet one, and then at the
25 same time you would swab the item. So one is a dry swab,

1 the other is a wet swab and they both would be collecting
2 the DNA.

3 Q. Good. I learned something. I appreciate that. Now,
4 let's see, you took the phones into evidence?

5 A. Yes, sir.

6 Q. And were those sent off to SLED?

7 A. We would do those in-house. Sergeant Creech.

8 Q. All right. So someone did an analysis of those phones
9 as far as you know?

10 A. Yes, sir.

11 Q. Someone did an analysis of the drugs, someone did an
12 analysis of the DNA swabs?

13 A. Yes, sir.

14 Q. Okay. And those are all -- which ones are in-house
15 and which ones go to SLED?

16 A. We typically would do the cell phones and the
17 marijuana or the presence of drugs. We can do those
18 in-house. There are times where we do send off drug
19 evidence to other laboratories, but I believe we did the
20 marijuana at Lexington County.

21 Q. All right. And you-all are able to go ahead and
22 download, I guess for the lack of a better word, I call it
23 a dump, a phone dump, into a -- what, Cellebrite? That's
24 a program that can unload or download what's on a phone?

25 A. Yes, sir.

1 Q. Let me ask you about the shoe impression. There were
2 -- there were two different areas where you found shoe
3 impressions. One was in the bedroom where the closet is
4 and that was the one that you could not go ahead and get
5 an impression of; is that correct?

6 A. Correct.

7 Q. And the other one was going into Haynes' door; is that
8 correct?

9 A. Yes, sir.

10 Q. And that's the one you were able to get an impression?

11 A. Correct.

12 Q. Now when you say an impression, I might have a
13 different view of it, but when you say an impression,
14 you're not talking about taking a physical impression,
15 you're talking about a photograph?

16 A. Correct. If it was in a substance like mud, you could
17 possibly take a mold of the shoe impression, but when it's
18 on a surface like this you can also do the same with thing
19 with photograph.

20 Q. Okay. Was the impression of a large shoe?

21 A. It appeared to be of a relatively large size piece of
22 footwear.

23 Q. Maybe a size 12?

24 A. I don't know exactly.

25 Q. You don't know exactly what the size the shoe was?

1 A. Correct.

2 Q. Now you mentioned something before -- I think
3 Ms. Mayes asked you about the money on the counter. Was
4 that reported to you, that there was money on the counter
5 or should have been money left on the counter?

6 A. I don't recall being told about any quantity of money.

7 Q. Is that because nobody ever told law enforcement that
8 there was money on the counter?

9 A. Or I may have not been told.

10 Q. You may not. Who does the footwear impressions, SLED
11 or Lexington County?

12 A. Typically we would send those off to SLED.

13 Q. SLED. So somewhere there's some report about that;
14 is that correct? You would think?

15 A. Yes, sir.

16 MR. SWERLING: Your Honor, I'm moving on. I'm
17 almost done.

18 THE COURT: Take your time.

19 BY MR. SWERLING:

20 Q. So do you -- so as far as the sliding glass door in
21 the back of the living room, there was -- there were lifts
22 attempted and there was DNA taken?

23 A. Yes.

24 Q. Okay. DNA swabs were taken; is that correct?

25 A. Correct.

1 Q. And someone somewhere would have the results of that;
2 is that correct?

3 A. Yes, sir.

4 Q. Whether it be SLED or Lexington County?

5 A. Correct.

6 MR. SWERLING: If I can check with Ms. Wilson.

7 THE COURT: You may.

8 MR. SWERLING: Just actually I have two questions,
9 maybe three. I don't know.

10 BY MR. SWERLING:

11 Q. When Mr. Booker was found, there was a closet there;
12 is that correct?

13 A. That's correct.

14 Q. And there were a lot of clothes pulled out of that
15 closet?

16 A. Yes, sir.

17 Q. It was in disarray, correct?

18 A. That's correct.

19 Q. Were any DNA run on anything that was near Mr. Booker?

20 A. No, sir.

21 Q. No -- no lifts or latents were attempted in that area
22 either in the closet or outside the closet?

23 A. No, sir.

24 Q. And there was -- excuse me -- there was a laundry
25 basket found, too, I'm being reminded of. Do you remember

1 that laundry basket?

2 A. I remember several laundry baskets.

3 Q. Well, one of them had some blood on it, didn't it?

4 A. I was not made aware of any blood on a laundry basket.

5 Q. You didn't swab the laundry basket?

6 A. No, sir.

7 Q. You didn't swab it, I guess, because you did not
8 notice any blood on it or didn't see any blood on it?

9 A. Correct.

10 Q. So any time you would have seen blood, you would have
11 swabbed that area, correct?

12 A. Depending on where it was, yes, sir.

13 Q. Well, can you explain that to me? I mean, depending
14 on where it was.

15 A. Well, particularly around the front door, we only
16 collected one swab of blood because just with the quantity
17 of blood around there it was very hard to pinpoint what two
18 swabs, so we basically collected a general swab from the
19 door itself to try to identify who it belonged to.

20 Q. What about the entryway?

21 A. The same thing. Just with the large quantity of
22 blood, you may not get -- you may not know who --

23 Q. So you really -- I just -- and I'm trying to educate
24 myself. You don't know or you don't always swab any area
25 of blood or go ahead and try and attempt fingerprints, to

1 lift fingerprints, in any area where there's a crime scene?

2 A. We do -- we do swab the areas that are questionable.
3 If we did find a spot of blood that seemed very out of
4 place, we would definitely swab that and definitely we
5 would do latent prints and touch DNA from points of entry
6 and exit.

7 Q. But, I mean, it's totally in the discretion of the
8 crime scene investigator; is that correct?

9 A. Correct.

10 MR. SWERLING: Thank you.

11 THE COURT: Any redirect?

12 MS. MAYES: Yes, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. MAYES:

15 Q. When we talk about a surface such as glass, how does
16 that surface such as what we're looking at here in 116,
17 how can that type of surface for something such as latent
18 prints be more suitable than a plastic or wood surface?

19 A. Glass definitely provides a better surface to lift
20 from because it's very smooth and nonporous, so it's just
21 a lot better to lift prints off of.

22 Q. Okay.

23 A. Rougher surfaces like porous plastics or wood, for
24 instance, would be more difficult.

25 Q. Okay. And so looking here at 157, there were three

1 different cards bearing what you hoped would be latent
2 prints all from this glass door?

3 A. Correct.

4 Q. And I think Mr. Swerling asked you about the quality
5 of those and ultimately the results and, again, I think
6 you testified on direct you're not actually the examiner
7 that conducted that process, correct?

8 A. That's correct.

9 Q. But ultimately your understanding is that even on
10 a glass surface, those prints you collected were of
11 insufficient quality for identification?

12 A. Correct.

13 Q. Now Mr. Swerling was also asking you about some
14 marijuana found in the home and I believe you indicated it
15 was found in several locations. What did you observe in
16 the kitchen area?

17 A. On the kitchen dining room table area there were two
18 Patron tequila --

19 Q. Patron?

20 A. I'm sorry, Patron. Two cannisters there and they both
21 had green plant material inside of them.

22 Q. Okay. And so they were actually in like glass
23 bottles?

24 A. They were not in glass bottles. They were metal
25 Patron tins.

1 Q. In tin containers?

2 A. Correct.

3 Q. All right. And then you also indicated that in the
4 bedroom of Mr. Haynes there was a quantity of marijuana?

5 A. That's correct.

6 Q. And was that in plain view or not in plain view?

7 A. One item was not in plain view, another was.

8 Q. Okay. The small amount of marijuana was found where?

9 A. It was found next to the television on the dresser
10 here.

11 Q. And was that in plain view?

12 A. It was.

13 Q. Okay. The item that was not in plain view, was that
14 of a larger quantity?

15 A. Yes.

16 Q. Where do you recall finding that?

17 A. It was underneath the love seat. We had to flip the
18 love seat over to find it.

19 Q. Okay. So that was found only after you took the
20 efforts to turn over the furniture?

21 A. Correct.

22 Q. And was it in any type of packaging or container?

23 A. It was in a black duffle bag.

24 Q. So that larger quantity would not have been visible
25 to the naked eye?

1 A. No.

2 Q. Now he was asking you about the kitchen and the
3 processing of the kitchen. Looking here at this diagram,
4 can you show us the general area along that kitchen that
5 you did use the dust and attempt to obtain any latent
6 prints?

7 A. Here along the south wall, there were some drawers
8 and cabinet doors, I believe they were partially ajar, so
9 I did dust those. Also these cabinet doors were open as
10 well. They were likewise dusted.

11 Q. Did you see any indication whatsoever of a blood trail
12 going into the kitchen to indicate that any actively
13 bleeding person was in that area?

14 A. No, I did not.

15 Q. Now Mr. Swerling was asking you about the patio door
16 right up here. Did you ever see any indication that any
17 of the -- the suspect or suspects were actively bleeding
18 themselves?

19 A. No, I did not.

20 Q. From any type of injury?

21 A. No.

22 Q. Okay. Did you see any indication of blood droplets or
23 a blood trail around this area or going out?

24 A. No.

25 Q. And about the shoe, I think you were telling us the

1 distinction between the photographing of the shoe
2 impression, which can be scaled, and actually taking a
3 mold. If you have a shoe print outside, for example, in
4 mud I think as you put it, what is the difference there
5 in the type of collection you would do?

6 A. If it was located in something like mud, it would
7 be more of a three dimensional tread pattern so we could
8 potentially make a cast of that impression. It would also
9 be possible to do photographs of that, but it's possible to
10 make a physical mold or cast of that impression.

11 Q. Did you find any shoe impressions outside that you
12 were able to work with?

13 A. I did not.

14 Q. And what, if anything, does your report note about the
15 weather or conditions that day?

16 A. It was very rainy.

17 Q. And I believe one of the questions Mr. Swerling asked
18 you about was whether or not you had been made aware of any
19 money that may have been in this area, so let me ask you
20 this. During that entire time that you were processing the
21 scene, from start to finish, was Mr. Haynes ever allowed
22 inside to retrieve any of his belongings?

23 A. No, he was not. There was a pair of shoes by the
24 front door that we were told belonged to him, so we
25 photographed them and then physically took them outside

1 ourselves and provided them to him.

2 Q. But as far as any belongings inside where he could
3 determine the status of those items, was he ever allowed
4 inside to do so?

5 A. No.

6 MS. MAYES: I beg the Court's indulgence.

7 THE COURT: Take your time.

8 MS. MAYES: Nothing further at this time, Your
9 Honor, subject to recall.

10 THE COURT: Okay.

11 MR. SWERLING: Nothing further.

12 THE COURT: Can I -- well, I'm not gonna excuse
13 Detective Ward. You're subject to recall, but can I
14 let him step down?

15 MR. HUBBARD: Yes, Your Honor.

16 THE COURT: Thank you.

17 (Witness excused.)

18 THE COURT: All right. Mr. Foreman and ladies and
19 gentlemen of the jury, the next witness is about thirty
20 to forty-five minutes long. We can go forward if you'd
21 like or we can do it first thing in the morning. I
22 anticipate -- this was one of the longest witnesses
23 they've had. I anticipate the rest of the witnesses
24 certainly not to be this long, but if you would like to
25 go forward, I'll do it. If not, we'll pick it up at

1 9:30 in the morning.

2 Do you want to speak with the jurors and see what
3 they'd like to do?

4 FOREPERSON: Keep going.

5 THE COURT: All right. Let's call the next witness.

6 MS. MAYES: The State calls Christy Meneses.

7 (Whereupon, Christy Meneses was duly sworn by the
8 clerk of Court.)

9 THE CLERK: Have a seat. State your full name and
10 spell your last for the record.

11 THE WITNESS: My name is Christy Meneses. Last name
12 spelled M-E-N-E-S-E-S.

13 CHRISTY MENESES,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. Good afternoon.

18 A. Hello.

19 Q. Tell us a little bit about yourself.

20 A. My name is Christy and I live in the Lexington area.

21 Q. Okay. The first thing I'm gonna do --

22 MS. MAYES: Your Honor, if I may approach?

23 THE COURT: You may.

24 MS. MAYES: I'm gonna pull this microphone a little
25 bit closer to you. It was down low --

1 THE WITNESS: Sure. No problem.

2 MS. MAYES: -- and see if you can speak directly
3 into it.

4 THE WITNESS: Okay.

5 BY MS. MAYES:

6 Q. Ms. Meneses, tell us where you currently reside. It
7 doesn't have to be an exact address. Just a general
8 location.

9 A. I live in Lexington.

10 Q. All right. And are you married?

11 A. Yes.

12 Q. And do you have children?

13 A. Yes.

14 Q. What are the ages of your children?

15 A. Four and two months.

16 Q. All right. I'm gonna take you back to December 17,
17 2019, and ask you where you were residing at that point in
18 time?

19 A. I was living at [REDACTED] Pine Springs Road.

20 Q. That address again?

21 A. [REDACTED] Pine Springs Road.

22 Q. All right. What area is that in relationship to
23 [REDACTED] Butternut Lane in Lexington?

24 A. We're towards the back of the complex and Butternut
25 is closest towards the front of the complex.

1 Q. Okay. Give me a moment. I'm gonna give you a chance
2 to look at an aerial photograph. I'm gonna let you look at
3 this up close. This is State's 67.

4 A. You want me to point to --

5 Q. I'm just gonna have you look at it real quick
6 yourself and then do you see your general location in
7 this photograph?

8 A. No.

9 Q. Okay. And this is -- this is State's 67 that shows
10 Butternut Lane?

11 A. Yes.

12 Q. In which direction would your residence have been?

13 A. This way.

14 Q. Okay. This is State's 206. Give me just a moment.

15 A. That's where I lived.

16 Q. Okay. And then do you also see Butternut Lane being
17 the location of this?

18 A. Yes.

19 MS. MAYES: Okay. This would be 206 for evidence,
20 Your Honor, being an aerial map.

21 MS. WILSON: No objection.

22 THE COURT: It's admitted then.

23 (State's Exhibit Number 206, an aerial photograph,
24 was admitted into evidence.)

25 BY MS. MAYES:

1 Q. All right. So looking here first at 67, I'm gonna
2 give you a laser pointer. So looking here at 67, we see
3 Butternut Lane and I believe you indicated in 67 your
4 residence is not visible?

5 A. Correct.

6 Q. And now we're gonna look the next photograph, which
7 is gonna depict a larger area. This is State's 206. This
8 being Butternut Lane that we just observed and where would
9 your residence at the time have been?

10 A. Right here.

11 MS. MAYES: I beg the Court's indulgence.

12 THE COURT: Take your time.

13 BY MS. MAYES:

14 Q. All right. We're looking for a particular exhibit,
15 Ms. Meneses, that may assist you here, but let me ask you,
16 where you see your residence, were you there in the
17 afternoon of December 17th?

18 A. I was exiting my residence around 11 AM. We were
19 about to run an errand.

20 Q. Okay. So around 11 AM, and this would be December
21 17th?

22 A. Yes.

23 Q. And your exact address?

24 A. [REDACTED] Pine Springs Road.

25 Q. At that point in time?

1 A. Yes.

2 Q. And you said around 11 AM?

3 A. Yes.

4 Q. And who were you with?

5 A. I was with my husband and child.

6 Q. All right. And what were you doing to -- were you
7 inside or outside at this time?

8 A. At 11 AM, I was just exiting my home. We were about
9 to come down and pay our property taxes next door.

10 Q. Okay. And when you say just exiting your home, where
11 did you end up going?

12 A. So once we came in here, then we exit this way and
13 come this way out of the property. So we normally go
14 around this side, this side exit here. Come around the
15 side.

16 Q. I'm gonna show you a photograph and ask you whether
17 or not you recognize it.

18 (State's Exhibit Number 209 was marked for
19 identification.)

20 BY MS. MAYES:

21 Q. State's 209.

22 A. This is Butternut Road here.

23 Q. So do you recognize what's shown in the aerial
24 photograph?

25 A. Yes, so this would be the end of the complex where it

1 looks like it goes out, but there's a fence here and I live
2 at this property.

3 Q. Okay. And is this a fair and accurate representation
4 of this area as it would have appeared in 2019?

5 A. Yes.

6 MS. MAYES: All right. State's 209 in evidence,
7 Your Honor?

8 THE COURT: Any objection?

9 MS. WILSON: No objection.

10 THE COURT: It's admitted.

11 (State's Exhibit Number 209, an aerial photograph,
12 was admitted into evidence.)

13 BY MS. MAYES:

14 Q. I'm gonna put that on the overhead. Again, looking up
15 here at that yellow dot, that was your general residence
16 area?

17 A. Yes.

18 Q. This would be the parking lot?

19 A. Yes.

20 Q. And can you tell us whether, if you were at this
21 location, are you familiar with the Butternut Lane and the
22 road that runs in between?

23 A. I am familiar with it. We drive down it many times.

24 Q. Okay. Would this road here take one -- if you left
25 Butternut Lane, would this road take one all the way up to

1 the parking lot to your residence?

2 A. Yes.

3 Q. So that one road would take one all the way up?

4 A. Yes.

5 Q. Now we're going to look at 209. What is this?

6 A. This is the parking lot where I lived. I lived in
7 that white building right there.

8 Q. All right. So the parking lot that we see here is
9 depicted in this photograph, it's just a much closer up
10 view?

11 A. Correct.

12 Q. All right. That is 209. Can you tell us the general
13 area that you would have been on the morning of December
14 17th around 11 AM?

15 A. Sure. We lived in this unit here, the second one in.
16 The car was parked just outside of this walkway and I was
17 exiting our residence and this is where I was standing when
18 we saw them.

19 Q. Okay. And you said you were standing?

20 A. Yes, I was coming out of my property, so I was
21 walking.

22 Q. Okay. So you're not inside of a vehicle, you're
23 standing outside of the vehicle?

24 A. Yes. When we witnessed the gentleman on the bike,
25 yes.

1 Q. All right. So I'm gonna ask you a few questions about
2 that because you said you witnessed a gentleman on a bike.
3 Now is there anything obstructing your view at this point?

4 A. No.

5 Q. What did you see?

6 A. So as I was exiting my house and I was walking towards
7 our car, which was parked right here, we witnessed -- not
8 only myself, but my husband as well, we witnessed the
9 gentleman coming from around the back of the property down
10 this little walkway and he came and he dropped the bike
11 about here.

12 Q. All right. And you indicated -- when you said he
13 dropped the bike around here, what is located in that area?

14 A. That's just the entrance in and out of that parking
15 lot.

16 Q. Okay. And there a tree in the area?

17 A. Yes, this massive tree.

18 Q. Okay. And in what proximity did he drop the bike in
19 relation to that tree?

20 A. Right underneath. He -- where there's pavement here,
21 right here under this tree. So the tree's planted just on
22 the curb -- beside it.

23 Q. Okay. What happened after he dropped the bike?

24 A. He got into a white truck.

25 Q. I'm gonna ask you questions about that. Where was the

1 white truck?

2 A. So the white truck came this way, turned around real
3 quick and picked him up about this -- right in here.

4 Q. Which direction was that truck coming from?

5 A. This direction. He was coming down here. There's no
6 exit, so he had to turn around.

7 Q. No exit this way out?

8 A. No.

9 Q. Can you tell us -- I'm gonna go back to 206 for a
10 moment. Can you tell us whether that's consistent with the
11 truck coming from this direction here?

12 A. Yes. It's the only way you can get in and out of that
13 area.

14 Q. Okay. So the truck comes, turns around. At what
15 point did you see the person on the bike get into the
16 truck?

17 A. Right here at the entrance under this tree.

18 Q. Now first I want to ask you about the person that
19 you saw on the bike. How would you go about giving us a
20 general description of this person?

21 A. He was an overweight gentleman between the ages of
22 twenty-five and thirty wearing dark colored clothes with a
23 band-aid on his face.

24 Q. All right. And was it male or female?

25 A. Male.

1 Q. Okay. Do you recall anything else regarding the
2 description, whether he is Caucasian, African American,
3 Asian?

4 A. African American.

5 Q. And you said that he had a band-aid on his face?

6 A. Correct.

7 Q. And you are approximately how far away from this
8 individual?

9 A. I mean, we're all the way back here, so, you know,
10 thirty or so feet.

11 Q. Thirty or so feet would be your best estimate?

12 A. When he dropped the bike, yes.

13 Q. Okay. And even from that distance you could observe
14 the band-aid on his face?

15 A. Yes, he actually had to pass in front of our car
16 because he came through this pathway here and passed in
17 front of our car.

18 Q. Okay. And when he passed in front of the car, did you
19 get an even better look at him?

20 A. No. At that time I was getting into the car. So as
21 he was coming near our car, I was about to get into our
22 vehicle, so my husband got a better look at him.

23 Q. So I'm gonna back you up then to when you actually
24 could see him yourself. Where were you when you saw the
25 band-aid on his face?

1 A. I was getting into the car, so I was starting to open
2 the door and get into the car.

3 Q. Okay. And would you describe that as a small band-aid
4 or a larger band-aid?

5 A. I would say larger. It was noticeable.

6 Q. Okay. From the distance you were, you could see it
7 on the face?

8 A. Yes.

9 Q. What do you recall, if anything, about the white
10 truck?

11 A. So the white truck had dual wheels in the back and
12 from the exterior it looked like it was either a Chevy or a
13 Dodge and had some sort of heavy equipment in the back.

14 Q. So I'm gonna ask you some questions about that.

15 A. Sure.

16 Q. So the white truck has dual wheels?

17 A. Yes, in the rear.

18 Q. And what do you mean by that term, "dual" wheels?

19 A. There's two wheels on each side.

20 Q. Okay. Front of the truck or back of the truck?

21 A. Back of the truck.

22 Q. Okay. And what else?

23 A. It was white. It looked like a Chevy or a Dodge --

24 Q. Okay.

25 A. -- and it had heavy equipment in the bed of the truck.

1 Q. So it was an open bed?

2 A. Yes.

3 Q. And you could see the heavy equipment in it?

4 A. Yes.

5 Q. Were you able to get a good look at the driver of that
6 truck?

7 A. No.

8 Q. I'm gonna show you some photographs for
9 identification. First I'm gonna start with showing
10 you a photograph of State's 149 and just ask you -- for
11 identification only at this point in time, do you recognize
12 what is depicted in that photograph?

13 A. This is the bike the gentleman was on.

14 Q. And now I'm gonna show you two additional photographs.
15 These are currently Court's exhibits, Court's Exhibits 7
16 and Court's Exhibit 4.

17 MS. MAYES: And, Your Honor, at this time
18 State's 149 is for ID only --

19 THE COURT: I've got it for ID only.

20 MS. MAYES: -- being the photograph of the bicycle.

21 BY MS. MAYES:

22 Q. And these particular photographs that are currently
23 Court's Exhibit 7 and 4, for identification only, can you
24 tell us whether or not you recognize any vehicles depicted
25 in these photographs?

1 A. Yes, this truck here.

2 Q. And the color of that truck?

3 A. Yes, is white.

4 Q. And can you tell us as to Court's Exhibit 7, now to
5 be State's Exhibit 7 for ID, do you recognize that vehicle?

6 A. Yes.

7 Q. And as to Court's Exhibit 4, now to be State's
8 Exhibit 4, do you recognize that vehicle?

9 A. Yes.

10 Q. And can you tell us whether or not that appears to be
11 the same vehicle you observed outside your residence around
12 11 AM on December 17th?

13 A. Yes, it looks like the same truck.

14 MS. MAYES: For ID only at this point, Your Honor.

15 THE COURT: That's Number 4 and Number 7.

16 MS. MAYES: Actually, Your Honor, as to these
17 particular photographs, being State's 4 and State's 7,
18 these were obtained pursuant to the notice of
19 evidence being video surveillance from KJ's that were
20 self-authenticated through the certification, so we
21 would offer them for evidence at this time.

22 THE COURT: Okay. I've got -- Ms. Mayes, I don't
23 have a Court's 4.

24 Do you have one Stacy?

25 COURT REPORTER: Let me go back.

1 Yes, I have it as a photo.

2 MS. MAYES: For evidence I believe without objection.

3 MS. WILSON: Right.

4 MS. MAYES: And these are pursuant to notice of
5 evidence, Your Honor.

6 THE COURT: Okay. So I'm going back to 4 and 7.
7 These are now State's exhibits without objection; is
8 that correct?

9 MS. WILSON: No objection.

10 THE COURT: They're admitted.

11 (State's Exhibit Number 4, a photograph, and
12 State's Exhibit Number 7, a photograph, were admitted
13 into evidence.)

14 BY MS. MAYES:

15 Q. Ms. Meneses, the white truck that you have described,
16 the white truck with the dual wheels, which may have been
17 a Chevy according to your description, with heavy equipment
18 in the back, can you tell us whether or not you see that
19 vehicle in Court's Exhibit 4?

20 A. Yes.

21 Q. Where is it located? State's Exhibit 4. Excuse me.

22 A. (Indicating.)

23 Q. All right. And now I'm gonna show you State's
24 Exhibit 7 with the date stamp 12-17-19 and the time being
25 11:10. Can you tell us whether or not you recognize the

1 truck that you described in this photograph?

2 A. Yes.

3 Q. Where?

4 A. This truck.

5 Q. And the dual wheels?

6 A. Yes, in the back.

7 Q. And the heavy equipment in the bed?

8 A. Yes.

9 MS. MAYES: I beg the Court's indulgence.

10 THE COURT: Take your time.

11 BY MS. MAYES:

12 Q. And as for the bicycle that we showed you in the
13 photograph that is for identification, do you believe that
14 to be the same bicycle that you observed the individual
15 drop prior to getting into that truck?

16 A. Yes.

17 Q. When the truck left, were you still watching?

18 A. Yes.

19 Q. When the truck left, it went in what direction?

20 A. It went this way.

21 Q. And that would take one where?

22 A. That would take you towards the front of the complex
23 towards the front.

24 Q. And completely out and away?

25 A. Yes. There were two entrances in that complex.

1 Q. And ultimately towards St. Andrews Road?

2 A. Yes.

3 Q. And what, if anything, did you notice about the rate
4 of speed when the truck left?

5 A. They were going quite fast and that's abnormal for
6 that area due to the speed bumps.

7 Q. Fast enough for it to be noticeable to you?

8 A. Yes.

9 Q. And was that a normal or not normal rate for that
10 area?

11 A. Not normal.

12 MS. MAYES: Thank you. Nothing further.

13 THE COURT: Ms. Wilson.

14 CROSS-EXAMINATION

15 BY MS. WILSON:

16 Q. Good afternoon.

17 A. Good afternoon.

18 Q. So on direct you testified that you lived by this --
19 or lived by this yellow dot, correct?

20 A. Correct.

21 Q. And that the apartment with the incident in question
22 is this yellow dot?

23 A. Yes.

24 Q. Approximately how far would you say the houses were
25 apart?

1 A. I don't know the exact mileage, but it is maybe about
2 a half a mile.

3 Q. Half a mile?

4 A. Maybe. I never measured it myself.

5 Q. That's okay. And the man on the bike, you said that
6 he was overweight. Do you have --

7 A. He was a bigger gentleman. I don't know how much he
8 weighed.

9 Q. You don't have an estimate of his weight?

10 A. No.

11 Q. When you say bigger, was he overweight or tall?

12 A. Yes, not slim. He was definitely a bigger guy. Broad
13 shoulders.

14 Q. Okay. And you said he had on dark clothing, correct?

15 A. Yes.

16 Q. Do you remember how he was holding the handles of the
17 bike?

18 A. I remember he was holding onto the bike, but I don't
19 remember anything else abnormal.

20 Q. With both hands?

21 A. Yes.

22 Q. You told police that the white truck almost left him?

23 A. Yes.

24 Q. Can you explain that?

25 A. Yes. So the driver came in very fast and had he not

1 noticed the gentleman, he would have -- it seemed as though
2 he would have taken off. He was in a hurry.

3 Q. That was after he turned around?

4 A. Yes. He got in the truck after he turned around.

5 Q. The man on the bike got in the truck after he turned
6 around?

7 A. Correct. Because, as I mentioned earlier, there's
8 no exit there, so he would have had to turn around.

9 Q. Because there's a fence back there?

10 A. Correct.

11 Q. Okay. After he got in the truck, did he get back out
12 again?

13 A. Yes.

14 Q. And what did he do when he got back out?

15 A. He got out of -- the truck moved a little further up,
16 the gentleman got out of the truck again to move the bike
17 he had just dropped and put it up against a pole.

18 Q. So he originally had dropped it kind of in the parking
19 lot?

20 A. In the way.

21 Q. In the way.

22 A. There was no way in or out without moving the bike.

23 Q. Okay. So he got in the truck, the truck pulled
24 forward a little bit, pulled into a parking spot or --

25 A. Yes, just an empty spot near that same tree.

1 Q. So he does park and he gets back out?

2 A. Correct.

3 Q. Moves the bike over to a pole or tree?

4 A. Correct.

5 Q. So it wasn't in the way of traffic?

6 A. Correct.

7 Q. And you said in the back of the truck was heavy
8 machinery or equipment, I believe?

9 A. Correct.

10 Q. Did you notice if those items were tied down or held
11 down in any way?

12 A. No way to know.

13 Q. And the neighborhood does have a lot of speed bumps,
14 correct?

15 A. Yes.

16 Q. So you can only really go so fast --

17 A. Correct.

18 Q. -- or the things might have flown out of the back?

19 A. It's possible.

20 Q. And you said you did not see the man driving the
21 truck?

22 A. No.

23 MS. WILSON: Okay. I beg the Court's indulgence.

24 BY MS. WILSON:

25 Q. Did it seem unusual to you for the man to get back out

1 of the truck and move the bike against a pole?

2 A. I guess it seems unusual because he seemed intent to
3 leave it there until the driver pulled up and he got back
4 out.

5 MS. WILSON: No further questions.

6 THE COURT: Redirect?

7 MS. MAYES: Yes, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. MAYES:

10 Q. One of your responses there to Ms. Wilson was that
11 the driver came in very fast. What do you mean by that?
12 And we're gonna take a look at 209.

13 A. So the speed limit in that area I believe is only
14 like fifteen or twenty miles an hour and he came in there
15 a lot faster than that.

16 Q. All right. And when you say came in, you mean as he's
17 coming up from this direction?

18 A. Correct.

19 Q. Before he even picks up the person on the bike?

20 A. Yes.

21 Q. He's coming in very fast?

22 A. Uh-huh.

23 Q. And then continues to leave very fast?

24 A. Yes.

25 MS. MAYES: Nothing further.

1 THE COURT: Anything else?

2 MS. WILSON: I beg the Court's indulgence.

3 No further questions.

4 THE COURT: Okay. Thank you. May I excuse
5 Ms. Meneses?

6 MR. HUBBARD: Yes, please.

7 THE COURT: Thank you for coming.

8 (Witness excused.)

9 THE COURT: Then we're gonna do more one that's
10 a short -- very short witness?

11 MS. MAYES: It is, Your Honor.

12 THE COURT: Okay. Go ahead and call your next
13 witness then.

14 MR. NORTON: Your Honor, the State calls Dr. Sabah
15 Kadhim to the stand.

16 THE CLERK: Raise your right hand.

17 (Whereupon, Sabah Kadhim was duly sworn by the
18 Clerk of Court.)

19 THE CLERK: Thank you. Please have a seat. State
20 your full name and spell your last for the record, please.

21 THE WITNESS: My name's Sabah Zyara Kadhim. My last
22 name is Kadhim.

23 SABAH ZYARA KADHIM,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. NORTON:

2 Q. Good afternoon, Dr. Kadhim.

3 A. Good afternoon, sir.

4 Q. Where are you from?

5 A. I'm from Iraq.

6 Q. Okay. And how long have you lived in South Carolina?

7 A. So I came in 2013 for six months and then I went back
8 home, came back again by the end of 2015, so since 2015.

9 Q. Okay. And what do you do for a living?

10 A. I'm a veterinarian. An emergency veterinarian.

11 Q. Where do you currently work?

12 A. An emergency hospital in Columbia.

13 Q. And I want to ask you about December 17, 2019.

14 A. Yeah.

15 Q. Where did you live at that time?

16 A. I lived in Woodland Village. [REDACTED] Pine Springs Road.

17 Q. And going to that date specifically, what do you
18 recall from December 17, 2019?

19 A. I was at work. On the news we -- we saw there was
20 something horrible happened at Woodland, so I went back
21 home, it was crime scene, like so many cars. So I went
22 back home. I was like walking near the main door. I had
23 noticed that my bike is not there, so I called like the
24 police where I talked to them like one and a half hours
25 later.

1 Q. Okay. So you said you were at work. What hours would
2 you have been at work that day?

3 A. Usually my hours are between eight to six.

4 Q. So what time did you arrive home?

5 A. I arrived like 6:35 or so.

6 Q. Okay. And you testified that you saw police vehicles
7 in the area?

8 A. Yes.

9 Q. Dr. Kadhim, I'm gonna show you what's been admitted
10 for ID only as State's 149?

11 MR. NORTON: Your Honor, may I approach witness?

12 THE COURT: You may.

13 BY MR. NORTON:

14 Q. Now, Dr. Kadhim, do you recognize this exhibit?

15 A. Yes, that's my bike.

16 Q. Okay. And is that a fair and accurate representation
17 of your bike?

18 A. Yes.

19 MR. NORTON: Your Honor, at this time the State
20 would admit State's Exhibit 149.

21 THE COURT: Any objection?

22 MS. WILSON: No objection.

23 THE COURT: 149 is admitted.

24 (State's Exhibit Number 149, a photograph, was
25 admitted into evidence.)

1 BY MR. NORTON:

2 Q. Dr. Kadhim, you testified that was your bike?

3 A. Yes, sir.

4 Q. Let's look at State's Exhibit 206. I'll give you a
5 laser pointer.

6 Can you please point out on Exhibit 206 where you
7 lived on December 17th of 2019?

8 A. So -- I'm sorry -- I lived right here in this building
9 on [REDACTED] Pine Springs Road and the bike was right in front of
10 the main door.

11 Q. Okay. And you testified that you arrived back to your
12 apartment --

13 A. Yes.

14 Q. -- at 6:30?

15 A. Yes, 6:30. I was like driving back to the main gate,
16 so I came -- there were here like a little like cars, so
17 I took this road all the way and then all the way to my
18 house, so in that area.

19 Q. I'm gonna show you what's already in evidence as
20 State's Exhibit 209. Do you recognize that image?

21 A. This is the building that we lived at and that's the
22 -- mainly that's the hometown that I lived in.

23 Q. So that would be your apartment right there?

24 A. Yes, sir. It's a hometown. It's not like an
25 apartment.

1 Q. And using Exhibit 209, can you show us where you would
2 have kept your bicycle?

3 A. Right here at the corner. Right in front of the main
4 door between the fence -- the wooden fence.

5 Q. So was your bike secured in any way?

6 A. No, sir, it wasn't.

7 Q. So no locks, chains or anything?

8 A. No.

9 Q. What kind of condition was your bicycle in when you
10 last saw it?

11 A. The tires, they were like low pressure at that time.

12 Q. Okay.

13 A. So I hadn't used it in a couple of days before that.

14 Q. Would that have made the bike difficult to ride?

15 A. Oh, for sure, yeah. For me it was like really
16 difficult to ride.

17 Q. When you learned your bike was missing, what did you
18 do next?

19 A. I told the police -- it took me like an hour and a
20 half to call the police. I just tried to find it. I
21 looked in the storage, I couldn't find it. I asked my
22 wife, she said I don't know. I tried, but then I called
23 the police. I called Columbia police, they said it's
24 Lexington, and they transferred me to Lexington police and
25 when I talked to one of the officers she said it's part of

1 the crime scene. I don't recall her name, but she said
2 that.

3 MS. WILSON: Objection -- well.

4 THE COURT: I'll be glad to hear your objection.

5 MS. WILSON: Objection to what other people say.

6 MR. NORTON: It's not being offered for the truth
7 of the matter, Your Honor. It's just for the next steps
8 regarding his stolen bicycle.

9 THE COURT: Okay. I'm gonna let it go. We've
10 gotten this far, okay?

11 Go ahead.

12 BY MR. NORTON:

13 Q. Dr. Kadhim, did you ever meet with anyone from
14 Lexington sheriff's department regarding your bicycle?

15 A. On that night, no.

16 Q. Okay. At any night passed that?

17 A. Yes, the day -- I got a call from one of the officers.
18 His name is Marthers, I guess, if I'm not wrong.

19 Q. And did you -- sorry.

20 A. And he said --

21 MS. WILSON: Objection.

22 BY MR. NORTON:

23 Q. Without going into what Investigator Marthers said,
24 did you ever meet him?

25 A. I met him at my work, yes.

1 Q. And do you recall what date that would have been on?

2 A. The next day.

3 Q. The next day?

4 A. Yes.

5 Q. As part of this meeting with Investigator Marthers,
6 did you provide anything to him?

7 A. Yes, he collected DNA swabs from me.

8 Q. Okay. And what was your understanding of why your DNA
9 was being requested?

10 A. To eliminate my DNA.

11 Q. And so you ultimately provided him with a DNA sample?

12 A. Yes, I did.

13 Q. Do you recall seeing what Investigator Marthers did
14 with that DNA sample?

15 A. He put it like in a small like gasket or container and
16 he asked for my ID, so he took my full name and the number
17 of my driver's license and he sealed it.

18 Q. Okay. Dr. Kadhim, to the best of your knowledge where
19 is your bicycle today?

20 A. For sure with Lexington police probably.

21 Q. Dr. Kadhim, do you know Justin Hopkins?

22 A. No.

23 Q. Okay. And do you know the defendant, Jeremy Cornish?

24 A. No.

25 MR. NORTON: Your Honor, that's all the questions I

1 have at this time.

2 THE COURT: Okay.

3 Ms. Wilson.

4 CROSS-EXAMINATION

5 BY MS. WILSON:

6 Q. I just have one question.

7 A. Yes.

8 Q. Can you -- do you have the laser pointer?

9 A. Yes, ma'am.

10 Q. Can you tell us where the bike was located?

11 A. Yes. Sure. It's technically right here. Right here.

12 Q. Okay. So on the side of that building right there?

13 A. Yes, sir -- yes, ma'am.

14 Q. And it wasn't locked or anything?

15 A. It wasn't locked.

16 MS. WILSON: That's all I have. No further
17 questions.

18 THE COURT: Okay. Can I excuse the doctor?

19 MR. NORTON: Your Honor, that's all the questions
20 the State has.

21 THE COURT: Thank you.

22 THE WITNESS: Thank you so much.

23 (Witness excused.)

24 THE COURT: Okay. I think that's gonna call it
25 a day.

1 Mr. Foreman, ladies and gentlemen of the jury,
2 remember, no watching TV, reading anything in the paper,
3 talking to anybody about this case. I hope you-all have
4 a good evening. We will start at 9:30 in the morning, so
5 if everybody could be in the jury room by 9:15, okay?

6 Thank you. Have a good evening.

7 (Whereupon, the jury was excused for the day at
8 5:31 PM.)

9 THE COURT: All right. We'll start at 9:30 in the
10 morning.

11 MR. HUBBARD: Thank you, Your Honor.

12 THE COURT: Two things. Okay. Hang on.

13 Anything from the State?

14 MS. MAYES: Your Honor, I believe all items offered
15 today are in evidence with the exception of the touch
16 DNA swabs from the interior dead bolt, which are for
17 identification.

18 THE COURT: That's right. Number 156.

19 Yes, sir.

20 MR. SWERLING: I just want to put on the record
21 what we had a sidebar about Mr. Ward, whether or not he
22 would be permitted to go ahead and express opinions about
23 what he found in the apartment or conclusions, and so we
24 objected to that, but that was not put on the record.

25 And the other thing that I wanted --

1 THE COURT: Well, wait a minute now. Let me make
2 sure the record's straight because I'm not real sure.

3 For Mr. Ward or Detective ward, I had to think
4 about the guns. We went through whether it was relevant
5 or not relevant. I thought it was more of a strategy
6 call to make sure that we didn't open the door or the
7 door was not opened to the assault rifle.

8 MR. SWERLING: Judge, we basically withdrew that.

9 THE COURT: Right.

10 MR. SWERLING: We didn't even need a ruling on that.

11 THE COURT: Right, because it ended up being more
12 of a defense strategy after you-all thought about it.

13 Okay. I'm just trying to figure out which testimony
14 it is. My law clerk said it's the two bullet casings at
15 the front door.

16 MS. MAYES: That is correct, Your Honor. That's our
17 recollection as well as to how --

18 THE COURT: How they --

19 MS. MAYES: -- any conclusions regarding how they
20 were or why they were located there.

21 THE COURT: At the front door?

22 MR. SWERLING: That's correct.

23 THE COURT: All right. Well, then that's preserved
24 for the record. I think I let it in. That was his
25 observation, that's where they were, and I let it in.

1 you read anything, done any research or heard anything
2 about this case? If so, please raise your hand.

3 I hope they gave you-all a lunch menu.

4 Did they?

5 JUROR: Yeah, they mentioned it.

6 THE COURT: Okay. I asked the clerk to bring in
7 lunch for you-all today. I'm hoping we can work hard
8 and try to get this case over with, so I did ask for
9 lunch to be brought in, okay?

10 THE COURT: All right. Is the State ready?

11 MR. HUBBARD: Yes, Your Honor.

12 THE COURT: You may call your witness.

13 MR. NORTON: Thank you, Your Honor. The State
14 calls Deputy Thom Smith.

15 (Whereupon, Thomas Alvin Smith was duly sworn by
16 the Clerk of Court.)

17 THE CLERK: Would you, please, have a seat. State
18 your full name and spell your last for the record.

19 THE WITNESS: Full name is Thomas Alvin Smith.
20 Smith is S-M-I-T-H.

21 THOMAS ALVIN SMITH,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. NORTON:

25 Q. Good morning, Deputy Smith. Where are you currently

1 employed?

2 A. With the Lexington County Sheriff's Department.

3 Q. Okay. And what are some of your job duties?

4 A. So my title -- my job duty is crime scene
5 investigator. I'm responsible for going to the crime
6 scenes, documenting, collecting and preservation of
7 evidence, drafting reports. I'm also responsible for
8 various labs to include latent prints, latent print
9 examinations, the swabbing and collecting DNA and other
10 evidence off of evidence that we collected at the scene,
11 and I'm also in charge of the -- I'm also the coordinator
12 for the IBIS program at the sheriff's department.

13 Q. And how long have you been employed with the sheriff's
14 department?

15 A. Six years, plus one year. Seven years and some
16 months.

17 Q. Deputy Smith, I'm gonna show you what is already in
18 evidence as State's Exhibit 149. Do you recognize that
19 image?

20 A. Yes.

21 Q. How so?

22 A. That's a bicycle that was in our evidence depository
23 that I was asked to process for touch DNA.

24 Q. And who took this photograph?

25 A. That would be a photograph that I took when I got into

1 the evidence depository and started to process the bike.

2 Q. Okay. And on what day did you do that?

3 A. So on the 18th of December, I was requested by our
4 Lieutenant McCann to process the bike. I came in the next
5 morning on the 19th, got with Sergeant Creech, asked him
6 whether or not we had a search warrant to process the bike
7 and all, he advised that there wasn't a search warrant for
8 the bike, but that it was found property. At that point I
9 went out to the evidence depository and started processing
10 the bike.

11 Q. So you testified that you got this bike from the
12 evidence depository. Did you ever go to the incident
13 location in this case?

14 A. No. No, the only thing I did was the bicycle and I
15 didn't get it from the evidence depository. It stayed in
16 the evidence depository the whole time. I processed it
17 inside of there.

18 Q. Did you take any other photos of this bicycle?

19 A. I did. I took photographs of the handlebars on both
20 the left and the right side because that's where I -- where
21 I was collecting -- where I was attempting to collect DNA
22 samples from the bicycle.

23 Q. How do you go about collecting DNA samples?

24 A. So the collection of DNA samples is fairly easy. In
25 this case, I'm doing what's called a blind collection. In

1 other words, I don't have any indication of where DNA might
2 be, so I'm looking for areas that people normally touch in
3 this case a bicycle. If we have blood or something like
4 that, it's a little bit easier because it's not necessarily
5 blind, we can see that, we can collect that directly.

6 So what you proceed to do with these -- with the
7 collection of blind touch DNA is we would use six-inch
8 sterile cotton swabs. We would pull those -- well, first
9 off, we don gloves and we make sure that we're wearing
10 gloves and everything so that we don't do what's called
11 cross-contamination. In other words, I'm not leaving my
12 DNA on the swabs, I'm not leaving my DNA on the scene or
13 on the piece of evidence that I'm working with.

14 So we'll don gloves. At that point we'll take
15 six-inch cotton swabs and we will apply water. It's
16 sterile water. It comes out of a one-time use little blue
17 ampule. So we'll open that up and we'll get the cotton
18 swab itself wet. There's a fine line between it being dry
19 and being too wet because if it's too wet it's not gonna
20 pick up anything. So what I normally -- what I do is I
21 get it kind of to the point that's almost too much and then
22 I sit there and I thump it a couple of times to get any
23 excess water off. And then at that point you're just
24 swabbing across the surface area that you believe there's
25 gonna be touch DNA.

1 Once that's complete, I then take my sterile cotton
2 swabs and put them into a envelope. I use coin envelopes.
3 Put it in into a coin envelope and I let it dry. Upon
4 drying, I pull it out a little bit, snap off the ends of
5 the cotton swabs because six inches won't fit, I seal that
6 and then I put that inside of another packaging and seal
7 that packaging, and then all of that we turn into the
8 evidence depository.

9 Q. So how many times have you processed an item for touch
10 DNA?

11 A. I don't keep a record of how many times I've done
12 touch DNA. I would say I'm probably up to the hundreds
13 at least or couple of hundreds.

14 Q. Okay. What factors, if any, can affect your efforts
15 to obtain touch DNA?

16 A. So there's several things. First off, understand with
17 touch DNA there's no way to tell how long that DNA's been
18 there, but there's environmental factors and other factors
19 that can reduce the amount of time in which it's gonna be
20 there. Environmental factors such as heat because
21 understand that that touch DNA is inside basically your
22 fingerprints, so wherever you're leaving fingerprints is
23 where you're leaving that touch DNA. So -- and all of that
24 is poly lipids and oils and stuff like that, so heat can
25 actually evaporate that out and destroy that. Also

1 moisture will do that. So if it's out in rain, dew and
2 other environmental factors dealing with either heat or
3 wetness will cause that touch DNA to reside on that surface
4 for a shorter period of time.

5 Q. And for this bike specifically, how many touch DNA
6 samples did you take?

7 A. I took four.

8 Q. I'm gonna show you what's been premarked as State's
9 Exhibit 184.

10 MR. NORTON: May I approach the witness?

11 THE COURT: You may.

12 BY MR. NORTON:

13 Q. Deputy Smith, do you recognize the image in State's
14 Exhibit 184?

15 A. I do.

16 Q. Okay. How so?

17 A. These are evidence placards or markers that I put on
18 the bicycle to indicate where I was taking that sample
19 from, what side of the bike that I was taking the sample
20 from. So there's an A and a B on the right side and a C
21 and D on the left side indicating that I took A and B from
22 one and C and D from the other.

23 Q. Are those images a fair and accurate representation of
24 that bicycle as it existed at that time?

25 A. Yes, it is.

1 MR. NORTON: Your Honor, State's 184 for evidence.

2 THE COURT: Any objection?

3 MS. WILSON: No objection.

4 THE COURT: It's admitted.

5 (State's Exhibit Number 184, photographs, was
6 admitted into evidence.)

7 BY MR. NORTON:

8 Q. So I'd like to go through each of these with you. The
9 first image in State's Exhibit 184, what are we looking at
10 here?

11 A. That would be the right side of the bike, A, so that
12 should have been off of the -- the handlebar itself.

13 Q. And you took a touch DNA sample from what area of the
14 handlebar?

15 A. So when I say the handlebar, what I'm talking about --
16 this is a road bike, so a road bike has kind of like a horn
17 handlebar, so it comes out perpendicular to the mainframe
18 and then it curls up or technically the way it's supposed
19 to be ridden, it curls down underneath. This bike had them
20 turned up at 90 degree angles from what you normally see a
21 road bike handlebar, but it's from the actual handlebar
22 itself, both the curl and the flat surface.

23 Q. And as to the second image in 184?

24 A. So that's gonna be my sample B, which is you'll see
25 at 90 degrees that green brake handle, that's what I was

1 swabbing there.

2 Q. Okay. The third image.

3 A. So we've switched over this side to the left and what
4 I'm swabbing, again, is the surface area of the handlebar
5 itself.

6 Q. And the fourth image?

7 A. This is D and what I'm doing is that -- that opposite
8 side, just that brake handle itself.

9 Q. So you would have swabbed both of the handles on the
10 bicycle?

11 A. Both handles on the bicycles and both of the main
12 brakes on the bicycle.

13 Q. Okay. And you testified earlier that normally when
14 you're taking DNA samples you're wearing gloves?

15 A. Correct.

16 Q. Were you wearing gloves when you took these DNA
17 samples?

18 A. I was.

19 Q. Okay. And why is that significant?

20 A. Like I mentioned earlier, it just prevents -- it cuts
21 down on the possibility of cross-contamination. That way
22 my DNA is not on that sample and my DNA isn't left on that
23 piece of evidence.

24 Q. I'm gonna show you what's been marked as State's
25 Exhibit 189. Do recognize this exhibit?

1 A. I do.

2 Q. How so?

3 A. So once I collected all of the -- all the DNA samples,
4 I then put all the DNA samples into one bag. I listed on
5 the bag what all is contained inside the bag, I sealed it
6 with red evidence tape and marked it with my initials and
7 case number.

8 Q. And does that --

9 A. Or initials and date. Not case number.

10 Q. Does that item appear in substantially the same
11 condition as the last time you saw it?

12 A. It does.

13 MR. NORTON: Your Honor, at this time the State
14 would offer Exhibit 189 for evidence.

15 THE COURT: Any objection?

16 MS. WILSON: No objection.

17 THE COURT: It's admitted.

18 (State's Exhibit Number 189, touch DNA swabs from
19 bike, were admitted into evidence.)

20 BY MR. NORTON:

21 Q. So you testified when you took these four samples you
22 then sealed them in this envelope?

23 A. Correct.

24 Q. Okay. And after you did that, what you did do next?

25 A. Once I sealed them, I submitted them into the evidence

1 depository.

2 Q. Okay.

3 MR. NORTON: Deputy Smith, that's all the questions
4 that I have at this time.

5 THE COURT: Ms. Wilson.

6 CROSS-EXAMINATION

7 BY MS. WILSON:

8 Q. Good morning, Deputy Smith. My name's Alissa Wilson.
9 I am part of the defense team and I just have a couple of
10 questions for you today.

11 A. Of course.

12 Q. You said that there's no way to tell how long touch
13 DNA has been on an object, correct?

14 A. Correct. At least not to my knowledge.

15 Q. Do you know how long it could remain on an object?

16 A. Again, I mean, it's sort of like latent prints, you
17 can't date them, so I've seen no studies, no critical data
18 that says how long or how short a lipid -- a DNA sample
19 will survive on a surface.

20 Q. But a couple of days perhaps?

21 A. Depending on environmental factors, depending on if
22 someone comes back after and -- and like wipes off that
23 surface, depending on what type of conditions before and
24 after.

25 Q. So under the right conditions. So it could last for

1 a couple of days? It's possible?

2 A. I don't see why not. Yeah, I would say that it would
3 be possible.

4 Q. You wear gloves to ensure that you don't leave your
5 DNA on the evidence, correct?

6 A. Well, I wear gloves in order to reduce the
7 possibility. Understand that the gloves that we wear,
8 they're not sterile gloves, all right? Even if they were
9 sterile gloves, the act of opening them up, putting them
10 on and all that, we can transfer DNA. The request and the
11 desire for wearing gloves is to reduce the potential for
12 cross-contamination.

13 Q. So without the gloves it would be pretty easy to
14 transfer your DNA onto the evidence?

15 A. Yes, it would be.

16 Q. On December 20th of 2019, you had a conversation with
17 analyst Lieutenant Robin Taylor. Do you remember that
18 conversation? It was regarding -- it's in your bench
19 notes.

20 A. Let me -- you would have to show me because -- can you
21 tell me what section?

22 Q. Let me just show you --

23 A. Yeah.

24 Q. -- to see if this refreshes your recollection.

25 A. Okay. Yes. Okay. So this is touch DNA, yes.

1 Q. So in that conversation with Lieutenant Taylor, you
2 had mentioned that IBIS was showing that there was only one
3 gun involved with this shooting?

4 A. IBIS.

5 Q. IBIS.

6 A. And what's she's referring to is we participate in
7 uploading expended cartridge casings into the National
8 Integrated Ballistic Identification Network, all right?
9 That's done through a system called IBIS, Integrated
10 Ballistic Identification System, which is made by -- I
11 forgot the name of the company now, but what we do is we
12 go -- guns that we collect on crime scenes and that we just
13 take off of like traffic stops and stuff like that, we
14 upload all of those into -- into -- we upload them into
15 NIBIN through IBIS. I apologize this morning. So that
16 was -- that's what this is in reference to. This is a
17 conversation that I had with the lieutenant I believe in
18 the touch DNA lab.

19 Q. So we've heard testimony that there were two guns
20 involved, but those records or those notes state that there
21 was only one gun. Can you explain that?

22 A. So understand that I was not on-scene, I was --
23 outside involving the bike, I had no information. If this
24 says only one gun was involved, that could just be simply
25 to the fact that I had a gun that was involved, not only

1 one gun was involved, and quite easily could have just been
2 misspoken because I wasn't familiar with the case itself.

3 Q. Do you know if Lieutenant Taylor was familiar with the
4 case?

5 A. I could not tell you. Like I said, I don't even
6 remember who Lieutenant Taylor is. I assuming that it's
7 touch -- that it's DNA because it's talking about DNA on
8 this.

9 MS. WILSON: Okay. I beg the Court's indulgence.

10 No further questions.

11 THE COURT: Mr. Norton.

12 REDIRECT EXAMINATION

13 BY MR. NORTON:

14 Q. So, Deputy Smith, Ms. Wilson was asking you about how
15 long DNA can remain on an item. Is it possible that even
16 in perfect conditions you're not able to obtain touch DNA
17 from an item?

18 A. Yes.

19 Q. And you testified that weather conditions can affect
20 whether DNA is present?

21 A. Correct.

22 Q. Now any evidence that you would have transferred in
23 this case or been involved in the transportation of would
24 have been sealed and packaged to your memory, correct?

25 A. Yeah, I would have received all evidence -- received

1 the sealed contents for received items in our inventory.
2 In other words, I'm not breaking up the envelope or the box
3 that the evidence depository's given me, I'm just taking
4 that as a bulk and then delivering it to wherever I'm
5 taking it. In this case, SLED.

6 Q. Now there were some questions asked about IBIS. What
7 is the purpose of IBIS?

8 A. So the purpose of IBIS is -- the way it works in
9 theory is I have a vehicle that has been used on multiple
10 shootings -- or I have a gun that's been used on multiple
11 shooting scenes, but we don't have the gun, all we have are
12 the expended cartridge casings that we collect after the
13 shooting incidents. We collect those up and we enter them
14 into -- through IBIS into NIBIN. Well, the idea is or the
15 theory is at some point we're gonna get out all that --
16 with that gun. We're either gonna collect it from another
17 scene, we're gonna take it off of somebody during a traffic
18 stop, something along those affects. Well, all those guns
19 we then shoot it at the agency. Regardless of how they
20 come, by our policy we shoot them. We then take those guns
21 and upload the expended cartridge casings from a known gun
22 because we're shooting it ourselves and we're uploading it
23 into NIBIN. The idea is that those will eventually
24 correlate. If you've got an individual driving around
25 shooting -- shooting into different houses, vehicles and

1 stuff like that, then that gun we might get off of a
2 traffic stop and what it's able to do is it's able to
3 identify this gun shot the cartridge casings from crime
4 scene A, B and C and now we have a suspect, now we have an
5 individual that we can talk to and that we can focus on as
6 far as the subject of that investigation for A, B and C.

7 Q. So IBIS is just for shell casings?

8 A. Correct, cartridge casings only.

9 Q. As opposed to any projectiles?

10 A. Correct. There's not a national database or anything
11 like that for projectiles.

12 Q. So, for instance, a .38 projectile would not have been
13 put into IBIS?

14 A. Well, a .38 cartridge casing or projectile would not
15 have been put into IBIS. IBIS is meant for weapons that
16 auto eject, so we're talking about our semiautomatics.
17 Revolvers and all we hardly ever see expended cartridge
18 casings on-scene for those just simply because they have
19 that cylinder and that cylinder holds them. So there's
20 not a lot of scenes where you see individuals reloading a
21 revolver on the scene so because of that all revolvers are
22 excluded from the IBIS program.

23 Q. And so with that being said, again, you never went to
24 the scene at Butternut Lane?

25 A. No, I did not.

1 Q. You never collected any projectiles?

2 A. No, sir.

3 Q. Or casings?

4 A. No, sir.

5 Q. Okay. And so you would defer to the investigators
6 who did?

7 A. Correct, I would defer to whoever was on-scene that
8 day.

9 MR. NORTON: I beg the Court's indulgence.

10 THE COURT: Take your time.

11 MR. NORTON: Nothing further, Your Honor.

12 MS. WILSON: Nothing further.

13 THE COURT: Can I excuse the witness then?

14 MS. MAYES: No objection, Your Honor.

15 THE COURT: Deputy Smith, thank you.

16 THE WITNESS: Thank you, ma'am.

17 (Witness excused.)

18 MS. MAYES: The State calls Detective James Pratt.

19 (Whereupon, James Pratt was duly sworn by the Clerk
20 of Court.)

21 THE CLERK: Would you, please, have a seat. State
22 your full name and spell your last for the the record.

23 THE WITNESS: My name is James Pratt. Last name is
24 P-R-A-T-T.

25 JAMES PRATT,

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. MAYES:

4 Q. Good morning.

5 A. Good morning.

6 Q. Tell us a little bit about yourself. Where were you
7 employed back in 2019?

8 A. With the Lexington County Sheriff's Department.

9 Q. All right. And can you tell us how long you were with
10 the Lexington County Sheriff's Department?

11 A. Approximately ten years.

12 Q. And how long had you been working in the major crimes
13 division?

14 A. For at that time for over a year.

15 Q. Okay. What role, if any, did you play in this case
16 involving the triple murders at [REDACTED] Butternut Lane?

17 A. My team was asked to assist in the investigation.

18 Q. All right. So I want to take you back to December
19 17th. You were aware of the facts surrounding that
20 particular homicide investigation?

21 A. I'm sorry?

22 Q. You were aware of the facts surrounding this
23 particular homicide investigation?

24 A. Yes, ma'am.

25 Q. And specifically on December 17, 2019, up through the

1 next four days, through December 21, 2019, had you attended
2 any briefings within the major crimes division?

3 A. Yes, ma'am.

4 Q. So I want to move forward. I'm gonna to show you a
5 calendar.

6 MS. MAYES: This would be State's 212. A calendar
7 for December 2019. I believe without objection.

8 THE COURT: Okay. It's admitted.

9 (State's Exhibit Number 212, a calendar page, was
10 marked and admitted into evidence.)

11 BY MS. MAYES:

12 Q. Let's take a look at 212. Now with the homicides
13 occurring on Tuesday, December 17th, I want to move forward
14 to Saturday, December 21st. Were you involved in the
15 investigation on that date?

16 A. Yes, ma'am.

17 Q. And up through that time period of the 17th through
18 the 21st, had you attended various briefings within the
19 major crimes division?

20 A. Yes, ma'am.

21 Q. Were you aware of any type of vehicle that was of
22 interest to investigators in this case?

23 A. Yes, ma'am.

24 Q. Can you describe that vehicle?

25 A. Yes, ma'am. We -- it was our understanding that a

1 white dually truck was involved in the incident.

2 Q. And you had that information by December 21st?

3 A. Yes, ma'am.

4 Q. Now at that point in time did you -- when you say
5 dually, what do you mean by the term "dually"?

6 A. Two wheels in the back. Yes, ma'am. December 21,
7 2019.

8 Q. At that point in time did you have a name of an owner
9 or a driver or anything of that nature connected to that
10 white dually truck?

11 A. No, ma'am.

12 Q. It was unknown?

13 A. That's correct.

14 Q. Now eventually over the course of those several days,
15 by December 21, 2019, was there at least one suspect in
16 this case?

17 A. Yes, ma'am.

18 Q. What was the name of that suspect?

19 A. Justin Hopkins.

20 Q. And where Justin Hopkins is concerned, had you been
21 familiar with his physical characteristics or description?

22 A. Yes, ma'am.

23 Q. Had you actually observed a photograph of him?

24 A. Yes, ma'am.

25 Q. What can you tell us about his general physical

1 description?

2 A. Approximately 5-8, 5-9, 300 pounds. Approximately
3 300 pounds. Maybe slightly more.

4 Q. And all of that is information that you had up through
5 December 21st?

6 A. Yes, ma'am.

7 Q. Now what, if anything, did law enforcement do on
8 December 21st regarding Justin Hopkins?

9 A. So I was requested to do surveillance of his apartment
10 at the Landmark Apartments to make sure no one went in or
11 came in or to see if anyone was coming or leaving.

12 Q. All right. And specifically what action was the
13 Lexington County Sheriff's Department taking regarding his
14 residence?

15 A. They were in the process of obtaining a search
16 warrant.

17 Q. A search warrant for the home of Justin Hopkins?

18 A. That's correct.

19 Q. You mentioned Landmark. I'm gonna show you some items
20 and ask you whether or not you're familiar with them.
21 These will be State's 2 and 3 both aerial maps.

22 MS. MAYES: Without objection.

23 THE COURT: They're admitted.

24 (State's Exhibit Numbers 2 and 3, aerial maps, were
25 admitted into evidence.)

1 BY MS. MAYES:

2 Q. Let me show you first an overview of a -- an aerial.
3 I'm gonna show you this with your -- to view with your
4 naked eye before we put it on the overhead to familiarize
5 yourself.

6 A. Yes, ma'am.

7 Q. This will be State's 3.

8 A. Yes, ma'am.

9 Q. Okay. Looking here at State's 3, in general what is
10 this area of Lexington County known as?

11 A. The Columbia area.

12 Q. It's called the Columbia area, but it's within what
13 county?

14 A. Lexington County.

15 Q. And do portions of this area also coincide or run
16 adjacent to Richland County?

17 A. Yes, ma'am.

18 Q. Now when we talk about Woodland Village where the
19 murders occurred, is that in Lexington County or Richland
20 County?

21 A. Lexington County.

22 Q. And the St. Andrews Road area?

23 A. Yes, ma'am.

24 Q. And, in general, the St. Andrews area, how close in
25 proximity is Landmark Apartments?

1 A. From the incident location?

2 Q. Yes, and to St. Andrews Road.

3 A. I'm sorry?

4 Q. And to St. Andrews Road.

5 A. So -- so this would be Landmark Apartments here and
6 this would be St. Andrews Road and then you have the road
7 that connects the two that goes down to Bush River Road,
8 so probably within two or three miles of the incident
9 location.

10 Q. All right. And what are we looking at right here?

11 A. That's the I-26.

12 Q. All right. And so for everyone's benefit who may not
13 be familiar with this area of Lexington County, this would
14 be what intersection here?

15 A. St. Andrews Road and I-26.

16 Q. Okay. And that would be known as the St. Andrews Road
17 exit at I-26?

18 A. Yes, ma'am.

19 Q. And then this is St. Andrews Road and you indicated
20 Landmark Apartments are where?

21 A. In this corner here.

22 Q. Now the area of Woodland Village would be in which
23 direction?

24 A. According to that picture, south.

25 Q. Okay. Below this area?

1 A. Yes, ma'am.

2 Q. What, if any, significance did Landmark Apartments
3 have in this investigation?

4 A. We were able to determine that that's where
5 Mr. Hopkins was staying.

6 Q. All right. And do you know his apartment number?

7 A. Yes, ma'am. It was [REDACTED].

8 Q. Landmark?

9 A. Yes, ma'am.

10 Q. I'm gonna show you what is State's 2 in evidence
11 without objection. Again, I'm gonna give you a chance to
12 look at that.

13 THE COURT: And I believe I admitted both of these,
14 Ms. Mayes.

15 BY MS. MAYES:

16 Q. And having seen State's Exhibit 2, are you familiar
17 with the building or buildings in which you were conducting
18 surveillance?

19 A. Yes, ma'am.

20 Q. Okay. You're able to visualize that in this
21 photograph?

22 A. Yes, ma'am.

23 Q. Okay. I'm gonna put that on the overhead.

24 All right. And if you could show us exactly where
25 you were located and which building you were observing.

1 A. So I was located right here and I was observing this
2 building here.

3 Q. And you mentioned [REDACTED]. Do you remember the building
4 number associated with that?

5 A. I'm sorry?

6 Q. Do you remember the building number associated with
7 that?

8 A. The actual -- I believe it's building [REDACTED], if I
9 remember correctly.

10 Q. You remember it was Apartment [REDACTED]?

11 A. [REDACTED]. Yes, ma'am.

12 Q. Are you familiar with the search warrant executed in
13 this case?

14 A. Briefly.

15 Q. Okay. Would reviewing that refresh your memory?

16 A. Yes, ma'am.

17 Q. Okay. I'm gonna show you what is Court's 31, but
18 regarding the building number.

19 A. Yes, ma'am.

20 Q. And, again, where were you located?

21 A. I was located right here.

22 Q. And you're observing which building?

23 A. This building right here.

24 Q. Okay. And what do you recall that building number
25 being?

1 A. [REDACTED].

2 Q. Okay. The apartment number is [REDACTED]?

3 A. Yes, ma'am. Yes, ma'am. The building -- the building
4 had a number [REDACTED] on it and it was [REDACTED] was the actual
5 apartment.

6 Q. Would that be [REDACTED] Landmark?

7 A. Yes, ma'am.

8 Q. All right. Tell us what you observed.

9 A. So while I was sitting there, I observed a white
10 dually truck pull up to this area here and I observed a
11 black male matching Hopkins' description, both size and
12 height, exit the vehicle and then enter into the apartment
13 complex -- or into the apartment that I was surveilling.

14 Q. Okay. Now when you say that you were surveilling that
15 apartment, I know you've discussed a search warrant. What
16 time of day or night are we talking about now?

17 A. It was approximately eight in the evening.

18 Q. Okay. So between that time -- and do you -- I believe
19 you have a copy of the search warrant there with you. What
20 time was the search warrant actually signed by the judge?

21 A. It looks like the search warrant was signed -- let's
22 see -- at 8:30.

23 Q. Okay. So in that period of time between 8:00 and
24 8:30, why is the sheriff's department there conducting
25 surveillance while you're waiting on the search warrant?

1 A. To see if Mr. Hopkins would return to the apartment.

2 Q. Okay. Are you monitoring anyone who may come and go
3 from that location?

4 A. Yes, ma'am.

5 Q. And I know you've told us the building number, but
6 did you -- what efforts were taken by law enforcement to
7 identify the exact apartment affiliated with Mr. Hopkins?

8 A. I believe -- I couldn't answer specifically on that.
9 I was simply assigned to watch that specific apartment.

10 Q. Okay. So you were aware of which apartment it was and
11 conducting the surveillance prior to observing Mr. Hopkins?

12 A. Yes, ma'am.

13 Q. Now was it understood that Mr. Hopkins was an occupant
14 of this location?

15 A. Yes, ma'am.

16 Q. What exactly did you observe regarding any vehicles
17 in the area?

18 A. So as I said, the white dually pulled up here,
19 dropped off, again, a subject matching the description
20 of Mr. Hopkins. He entered into the apartment where we
21 believed Mr. Hopkins resided and then the vehicle proceeded
22 to exit Landmark and then head towards St. Andrews Road.

23 Q. All right. When you say that it matched the
24 description of Mr. Hopkins, first, you've identified that
25 you understand this to be the residence?

1 A. Correct.

2 Q. What did you observe about the person getting out
3 of the truck that seemed similar to you to the physical
4 description you had seen of Mr. Hopkins and the photograph
5 you had reviewed as part of your investigation?

6 A. Height, weight, nationality, haircut, all matched the
7 description.

8 Q. Can you tell us anything about the physical build of
9 this person that you actually observed as he got out and
10 walked to the apartment?

11 A. Similar. He appeared approximately 5-8, 5-9,
12 approximately 300 pounds.

13 Q. Did you believe that person to be Justin Hopkins?

14 A. Yes, ma'am, I did.

15 Q. Now you said that he got out of a vehicle?

16 A. Yes, ma'am.

17 Q. Tell us to the best of your recollection what you
18 recall about the vehicle that he got out of just prior to
19 8:30.

20 A. It was a white dually truck that appeared to have been
21 used for construction.

22 Q. And when you say appeared to have been used for
23 construction, what did you observe about this vehicle that
24 made you believe that?

25 A. Damage to the vehicle, the vehicle being dirty, tools

1 in the back, things of that nature, consistent with a
2 vehicle used on a construction site.

3 Q. You could see some type of tools or equipment in the
4 back of the truck?

5 A. Yes, ma'am.

6 Q. Was all of that consistent with the vehicle of
7 interest that you had been already aware of prior to
8 conducting the surveillance?

9 A. Yes, ma'am.

10 Q. And were you using your headlights?

11 A. At that time, no, I was blacked out so as not to raise
12 suspicion.

13 Q. And even without headlights you could observe the
14 color of that truck?

15 A. Yes, ma'am. The Landmark Apartment has a decent
16 number of streetlights. It's well-illuminated.

17 Q. Okay. At that point in time can you tell us whether
18 or not you considered that white dually truck to be
19 potential evidence in this case?

20 A. Yes, ma'am, I did.

21 Q. And did you confer with any other supervisors or
22 members of the major crimes division?

23 A. I did.

24 Q. And who did you confer with?

25 A. Sergeant Nick Burt.

1 Q. Okay. And without saying what was said to you, what,
2 if any, action did you take after seeing Mr. Hopkins or who
3 you believed to be Mr. Hopkins enter this apartment and
4 after you observed that white dually truck?

5 A. So I proceeded to follow the vehicle. Once we
6 believed that the vehicle was either out of sight and sound
7 distance of the apartment because the concern is if we were
8 to initiate a traffic stop too soon, Mr. Hopkins may flee
9 the residence, so once we were approximately a mile from
10 that location, I initiated a stop on the vehicle.

11 Q. Okay. And you said approximately a mile away?

12 A. Yes, ma'am.

13 Q. And what is the general area in which the traffic stop
14 was enacted?

15 A. St. Andrews Road near I-26. It was in front of --
16 there's a Waffle House there and it was near the Waffle
17 House and Nick's Restaurant.

18 Q. I'm gonna go back to State's 3 in evidence. You
19 mentioned a Waffle House, you mentioned Nick's?

20 A. Yes, ma'am. It would be in this location here.

21 Q. All right. And are you familiar with the frontage
22 road along there as well --

23 A. Yes, ma'am. Berryhill.

24 Q. -- known as Berryhill? So that's generally the
25 St. Andrews Road, I-26 exit?

1 A. Yes, ma'am.

2 Q. And how close in proximity was the traffic stop to the
3 Waffle House?

4 A. We pulled into the parking lot that is shared right
5 here by the Waffle House and the Nick's Restaurant, so the
6 Nick's and the Waffle House are side by side and we pulled
7 into that front parking lot area.

8 Q. All right. I'm gonna show you some photographs.

9 MS. MAYES: And these are previously Court's
10 Exhibit 30, Court's Exhibit 5 and Court's Exhibit 6,
11 all to be offered as State's exhibits.

12 MR. SWERLING: No objection.

13 THE COURT: All right. Then they're admitted.
14 Are these the same numbers for the Court's exhibits?

15 MS. MAYES: They are, Your Honor.

16 THE COURT: Thank you.

17 (State's Exhibit Numbers 5, 6 and 30, photographs,
18 were admitted into evidence.)

19 BY MS. MAYES:

20 Q. Do these all appear to be a fair and accurate
21 reflection of the truck as it appeared on the night of
22 December 21, 2019, at your traffic stop?

23 A. Yes, ma'am.

24 Q. We're gonna start with State's 30, previously
25 Court's 30.

1 Detective Pratt, what are we looking at here?

2 A. So that's the front of the truck where -- in the
3 location where I initiated the stop. You see you have the
4 Waffle House here and then just off to the left here is
5 Nick's Restaurant.

6 Q. And now looking at the front of that vehicle, what,
7 if anything, can you tell us about the make or manufacturer
8 of that vehicle?

9 A. It is a Chevy.

10 Q. So it is, in fact, a Chevy?

11 A. Yes, ma'am.

12 Q. And now we're gonna be looking at Court's 6 --
13 previously Court's 6, now State's 6. What are we looking
14 at here?

15 A. That was the rear of the vehicle.

16 Q. Now looking at the tag, was there any type of issue
17 regarding the tag light?

18 A. Yes, ma'am. As I got up on the vehicle, I noticed
19 that the tag lights were out. The license plate was not
20 illuminated.

21 Q. And is that also considered a traffic violation?

22 A. It is.

23 Q. Be that as it may, can you tell us whether or not even
24 prior to observing that you considered this truck to be
25 potential evidence in the murder investigation?

1 A. Yes, ma'am, I did.

2 Q. Did you at that point in time believe that you had
3 probable cause to conduct that traffic stop?

4 A. I did.

5 Q. And after conferring with your supervisors?

6 A. Yes, ma'am.

7 Q. And when you -- when you're doing that surveillance,
8 are you also on a radio?

9 A. Yes, ma'am.

10 Q. And in communication with other detectives in the
11 case?

12 A. Yes, ma'am.

13 Q. Now we're gonna look at State's 5, previously
14 Court's 5. What, if anything, did you observe about the
15 bed of that truck?

16 A. Basically the visible tools. Like this was visible
17 from the side of the truck. This here being visible from
18 the side of the truck. I say tools, things of that nature
19 consistent with construction.

20 Q. And did you observe heavy equipment in the back of
21 that truck?

22 A. Yes, ma'am.

23 Q. I believe you mentioned the tools or the toolbox.
24 What is the larger item that has the danger decal on it?

25 A. It's for something used for construction. I'm not a

1 hundred percent sure what the name is.

2 Q. Okay. Now after you conduct this traffic stop, what's
3 the first thing that you do?

4 A. So I made contact with the driver who identified
5 himself as Jeremy Cornish and I asked him for his license,
6 registration, proof of insurance consistent with all the
7 traffic stops we conduct.

8 Q. Okay. And on this particular night, was Jeremy
9 Cornish driving the vehicle?

10 A. Yes, ma'am.

11 Q. And did you ask him anything about where he had come
12 from?

13 A. Yes, ma'am.

14 Q. What, if anything, did he indicate to you?

15 A. He advised that he had just got done dropping off a
16 coworker at the Landmark Apartments.

17 Q. All right. And so on the night of December 21st, he
18 acknowledges he had just dropped off a coworker at
19 Landmark?

20 A. Yes, ma'am.

21 Q. And did he identify that coworker?

22 A. He did.

23 Q. And who was that coworker?

24 A. He said that it was Mr. Hopkins.

25 Q. After confirming that it was, in fact, Mr. Hopkins'

1 that he had dropped off, can you tell us whether or not
2 any other detectives arrived at the scene to assist with
3 this aspect of the investigation?

4 A. Yes, ma'am. Detective Dubard and Captain Laintz.

5 Q. All right. And Detective Dubard, was he a member of
6 the major crimes at that time?

7 A. He was. He was on my team.

8 Q. And you mentioned Captain Laintz?

9 A. Yes, ma'am.

10 Q. So that's Captain Jesse Laintz also over the major
11 crimes division?

12 A. That's correct.

13 Q. And how were they aware that the traffic stop had
14 occurred just approximately a mile or so from Landmark
15 Apartments?

16 A. I had advised of the traffic stop to dispatch through
17 my county-issue radio.

18 Q. So they heard it all on the radio?

19 A. That's correct.

20 Q. And upon the arrival of Captain Laintz, what, if any,
21 action was taken to potential interview the defendant in
22 this case, Jeremy Cornish?

23 A. So captain Laintz asked Mr. Cornish if he'd be willing
24 to speak with us and he agreed to do so.

25 Q. And when Captain Laintz asked him if he'd be willing

1 to speak, do you remember exactly how that was phrased to
2 Mr. Cornish?

3 A. Yes, ma'am.

4 MR. SWERLING: Objection, Your Honor. Excuse me.
5 Beyond what he had just testified to that Captain Laintz
6 said I would object to the hearsay.

7 THE COURT: Ms. Mayes.

8 MS. MAYES: Yes, Your Honor. We can lay the
9 foundation and we have the audio.

10 THE COURT: Okay.

11 BY MS. MAYES:

12 Q. So this would be previously Court's Exhibit 16, now
13 being offered as State's 16, and previously Court's 28 now
14 offered as State's 28.

15 Let me begin, Detective Pratt, by asking you if you've
16 had a chance to listen to the audio?

17 A. Yes, ma'am.

18 Q. And who actually was recording the interaction with
19 Mr. Cornish?

20 A. I was.

21 Q. And how did you go about recording it? What type
22 of device did you have?

23 A. So the county-issued cell phones that we have,
24 have an app on it called Axon Capture. Axon Capture
25 can capture both audio, video and photographs. This

1 information is never saved onto the phone, it goes
2 directly to evidence.com, which is the website we use
3 to store all digital evidence, which is secure.

4 Q. I want to show you first what is State's 16, this
5 being an audio clip which is 2 minutes 48 seconds. Can
6 you tell us whether or not that includes the portion of
7 the conversation in which Captain Laintz requested an
8 interview with Mr. Cornish?

9 A. Yes, ma'am, it does.

10 Q. And were you present for that in its entirety?

11 A. Yes, ma'am.

12 Q. And were you, in fact, recording it?

13 A. Yes, ma'am.

14 Q. Do you hear your own voice on this recording?

15 A. Yes, ma'am.

16 Q. As well as will Captain Laintz?

17 A. Yes, ma'am.

18 Q. As well as the defendant, Jeremy Cornish?

19 A. That's correct.

20 Q. And now I'm gonna show you what is also State's 28,
21 being 9 minutes 57 seconds. Can you tell us whether or
22 not you've had an opportunity to listen to this audio?

23 A. I have.

24 Q. Is it a fair and accurate representation of your
25 interaction with Mr. Cornish that night?

1 A. It is.

2 Q. Do you hear your own voice on this recording?

3 A. Yes, ma'am.

4 Q. As well as the voice of Detective Dubard?

5 A. Yes, ma'am, I do.

6 Q. As well as the voice of the defendant, Jeremy Cornish?

7 A. Yes, ma'am.

8 MS. MAYES: Your Honor, at this time the State would
9 offer 16 and 28 as evidence.

10 THE COURT: Any objection?

11 MR. SWERLING: If Your Honor please, we'd just
12 renew the objections we made in our pre-trial motions.

13 THE COURT: Okay. And these are the clips?

14 MS. MAYES: Yes, Your Honor.

15 THE COURT: All right. They're admitted.

16 (State's Exhibit Number 16 and 28, audio clips,
17 were admitted into evidence.)

18 BY MS. MAYES:

19 Q. Now first as to the two minute clip -- and you
20 mentioned that Detective Dubard is actually present for
21 the longer portion of the interview?

22 A. Yes, ma'am.

23 Q. He arrived there as well once you and Captain Laintz
24 had conducted the initial contact with Mr. Cornish?

25 A. That's correct.

1 Q. And I believe Mr. Dubard is gonna testify in this
2 case, so this we will be offer through him, but as to the
3 actual initial outset you indicated that Captain Laintz
4 did request an interview?

5 A. Yes, ma'am.

6 Q. Now can you tell us whether or not the defendant was
7 advised that this may be a long interview?

8 A. He was.

9 Q. And where was he given an opportunity to sit or
10 participate in this interview?

11 A. In Du -- excuse me, in Detective Dubard's patrol
12 vehicle, which is unmarked.

13 Q. Okay. And, again, you-all are all still in the
14 parking lot area of the Waffle House?

15 A. That's correct.

16 Q. Now at this point in time is Mr. Cornish under arrest?

17 A. No, ma'am.

18 Q. Was he in the custody of law enforcement?

19 A. No, ma'am, he was not.

20 Q. Was he free to leave at any point?

21 A. He was.

22 Q. Or to go across the street to Waffle House or anything
23 of that nature?

24 A. That's correct.

25 Q. In addition to requesting an actual interview with the

1 defendant, can you tell us what, if anything, else you or
2 Captain Laintz requested regarding Mr. Cornish.

3 A. If we were able to search his vehicle.

4 Q. All right. And, again, at this point in time why, if
5 at all, was a search of the vehicle needed?

6 A. To see if there was any trace evidence, especially
7 after seeing Mr. Hopkins exit the vehicle.

8 Q. Okay. And is that routine in a homicide
9 investigation?

10 A. It is.

11 Q. Would that also include any relevant paperwork or
12 physical evidence items?

13 A. Yes, ma'am.

14 Q. And were you present and is it also part of the audio
15 when Captain Laintz requests permission to search the
16 vehicle?

17 A. Yes, ma'am.

18 Q. And what was Mr. Cornish's response?

19 A. He gave consent, said he had no problem with that
20 being done.

21 Q. At or during the course of this request, can you tell
22 us whether or not he was advised that search could stop at
23 any point?

24 A. Yes, ma'am. We also positioned the vehicle that he
25 would be sitting in so he could observe the search while

1 we're speaking with him and he was advised at any point in
2 time if he wanted us to stop, he could tell us and we would
3 stop.

4 Q. Okay. But based upon your observations, can you tell
5 us whether or not Mr. Cornish consented to the interview in
6 the Tahoe with yourself and Detective Dubard?

7 A. He did.

8 Q. And was he free to leave or terminate that interview
9 at any point?

10 A. He was.

11 Q. Can you tell us based upon your observation whether he
12 appeared to freely and voluntarily consent to the search of
13 this vehicle?

14 A. Yes, ma'am, he did.

15 Q. Now you mentioned that when you first stopped the
16 vehicle one of the things you do is check for registration?

17 A. That's correct.

18 Q. Who did you determine this truck is actually
19 registered to?

20 A. To his uncle.

21 Q. And do you have a name?

22 A. Forgive me. I don't see that information in my notes,
23 but he did advise it belonged to his uncle.

24 Q. Okay. And is it your understanding whether or not it
25 was a work truck?

1 A. It was.

2 Q. That's your understanding?

3 A. Yes, ma'am.

4 Q. But with him having permission or being the driver of
5 the truck, does he still have ability to give consent for
6 the search?

7 A. Yes, ma'am.

8 Q. Now at the outset of this audio, whose voice are we
9 hearing actually ask Mr. Cornish for consent to participate
10 in the interview?

11 A. Captain Laintz.

12 Q. And whose voice are we hearing asking him for
13 permission to search the vehicle?

14 A. Captain Laintz.

15 Q. And you're present for all of this?

16 A. Yes, ma'am.

17 (Whereupon, State's Exhibit Number 16 began playing.)

18 MR. SWERLING: Your Honor --

19 THE COURT: Yes. I'm sorry. The objections --

20 MR. SWERLING: Right.

21 THE COURT: -- we talked about in pre-trial will
22 go throughout this whole testimony.

23 BY MS. MAYES:

24 Q. Now I'm gonna start at the beginning and, first, I'm
25 gonna ask you when the audio begins, is the conversation

1 already underway?

2 A. Yes, ma'am.

3 Q. Who are you discussing with Mr. Cornish during the
4 course of this conversation?

5 A. I'm sorry?

6 Q. Who were you talking about during the course of the
7 conversation?

8 A. Mr. Hopkins.

9 Q. All right. So it had already been disclosed to you
10 that he had dropped off Mr. Hopkins?

11 A. That's correct.

12 Q. And had you already began questioning as to -- or an
13 initial question as to Mr. Hopkins' whereabouts on the date
14 of Tuesday, December 17th?

15 A. Yes, ma'am.

16 Q. And is that where the audio begins?

17 A. Yes, ma'am.

18 (State's Exhibit Number 16 continues playing.)

19 Q. So I'm gonna stop right there. So, again, you're
20 referencing the incident date being Tuesday, December 17th?

21 A. Yes, ma'am.

22 Q. And any knowledge he would have of Mr. Hopkins'
23 whereabouts for that day?

24 A. That's correct.

25 Q. Now at this point in time is Mr. Cornish considered a

1 suspect or a witness?

2 A. A witness.

3 Q. And so you're asking specifically about Hopkins'
4 whereabouts?

5 A. That's correct.

6 Q. And what does he indicate his contact had been with
7 Mr. Hopkins on Tuesday, December 17th?

8 A. So Mr. Cornish advised that he had picked him up from
9 the Food Lion, that they were going to go to a job site at
10 Fort Bragg and due to the rain they were not able to work,
11 so he dropped Mr. Hopkins back off and then left him there.

12 Q. So his statement was that on December 17th in the
13 morning it had rained?

14 A. Yes, ma'am.

15 Q. And as a result they weren't able to work that day?

16 A. That's correct.

17 Q. And that he had last seen or dropped off Mr. Hopkins
18 where?

19 A. At the Food Lion where he had picked him up.

20 Q. And over the course of your contact with him, does he
21 ever acknowledge being with Mr. Hopkins at any other point
22 that day after dropping him off that morning?

23 A. He does not.

24 Q. After being rained out from their work?

25 A. That's correct.

1 Q. And where did Mr. Cornish indicate to you that he went
2 that day?

3 A. Mr. Cornish advised that he had gone to the DMV to do
4 something with his license and that he had gone to the BB&T
5 in Five Points to cash a check and then went back to the
6 DMV again to pay for something involving his license.

7 Q. So I'm gonna stop you right there. And you have with
8 you a copy of your report?

9 A. Yes, ma'am.

10 Q. That summarizes this interaction?

11 A. Yes, ma'am.

12 Q. And the statement of Mr. Cornish?

13 A. That's correct.

14 Q. All right. So in the morning there was rain?

15 A. Yes, ma'am.

16 Q. And as a result of the rain he dropped off Hopkins?

17 A. That's correct.

18 Q. And did he indicate where Mr. Hopkins had been dropped
19 off?

20 A. At the Food Lion nearby.

21 Q. And in what county?

22 A. Richland.

23 Q. And do you recall which Food Lion that is or what it's
24 close to there in Richland County?

25 A. Yes, ma'am. It was the Food Lion which was located

1 at the intersection of 378 and Lower Richland Boulevard,
2 which I believe the address is 9013 Garners Ferry Road in
3 Hopkins.

4 Q. So A Food Lion on Garners Ferry Road in Richland
5 County that morning?

6 A. That's correct.

7 Q. And then where does Mr. Cornish say he goes?

8 A. So he stated that he then went to a DMV and, like I
9 said, to get something done with his license and then to
10 the BB&T in Five Points to cash a check. He went back to
11 the DMV as he said to do -- to get something squared away
12 with his license and then not long after that he had picked
13 up his girlfriend and that's who he stayed with for the
14 rest of the day.

15 Q. So I want to talk about that in a little bit more
16 detail.

17 All right. So after dropping off Mr. Hopkins that
18 morning at the Food Lion, he states he went to a DMV. Did
19 he tell you where that DMV was located, which DMV that was?

20 A. Let's see. Yes, ma'am. It was DMV on O'Neil Court.

21 Q. So that would be O'Neil Court on Two Notch Road?

22 A. Yes, ma'am.

23 Q. In what county?

24 A. Richland.

25 Q. And then Five Points. You said a bank in Five Points?

- 1 A. Yes, ma'am. BB&T in Five Points.
- 2 Q. And, again, that Five Points reference would be to?
- 3 A. Columbia. Richland, yes, ma'am.
- 4 Q. And then back to the DMV. Once again, did he indicate
- 5 which DMV he was referring to?
- 6 A. I believe it was the same one.
- 7 Q. At O'Neil Court and Two Notch Road in Richland County?
- 8 A. Yes, ma'am.
- 9 Q. At any point in time, did he acknowledge being in
- 10 Lexington County?
- 11 A. No, ma'am.
- 12 Q. And then he states that he went home and stayed with
- 13 his girlfriend?
- 14 A. That's correct.
- 15 Q. And where do you understand home to be?
- 16 A. Forgive me.
- 17 Q. And without the exact address, let me ask you this.
- 18 Was it clarified whether or not that was Lexington County
- 19 or Richland County?
- 20 A. I believe it was Richland County.
- 21 Q. All right. So he's then gonna go home with a
- 22 girlfriend in Richland County?
- 23 A. Yes, ma'am.
- 24 Q. Now at any point in time did he ever acknowledge
- 25 having knowledge of the murders that occurred on

1 December 17th in Lexington County?

2 A. No, ma'am. He advised he didn't know to what incident
3 we were referring to.

4 Q. I'm gonna continue with this initial portion that you
5 have described.

6 (Whereupon, State's Exhibit 16 continued playing.)

7 Q. All right. And excuse my language, but the words of
8 Captain Laintz "some bad shit happened and this truck was
9 involved", and what was Mr. Cornish's response to that?

10 A. Shock.

11 Q. Did he ever acknowledge any information in that
12 regard?

13 A. No, ma'am.

14 (Whereupon, State's Exhibit 16 continued playing.)

15 Q. Okay. And that right there was a request for what?

16 A. I'm sorry?

17 Q. That right there was a request for what?

18 A. To search the vehicle.

19 (Whereupon, State's Exhibit 16 continued playing.)

20 Q. All right. So that's the initial clip?

21 A. Yes, ma'am.

22 Q. And when we just heard the portion "I'm gonna tell you
23 little bit more about it", what was that in reference to?

24 A. To the incident on the 17th.

25 Q. Okay. And the actual interview that is going to take

1 place?

2 A. Yes, ma'am.

3 Q. And I believe you previously identified that as the
4 interview with yourself and Detective Dubard, which is
5 State's 28?

6 A. That's correct.

7 Q. Now you have taken us through this traffic stop and
8 what led up ultimately to both the search of the vehicle
9 and his participation in the interview with yourself and
10 Detective Dubard, but when you first stopped this vehicle
11 at the outset --

12 A. Yes, ma'am.

13 Q. -- what, if any, interaction do you have with
14 Mr. Cornish regarding paperwork?

15 A. So I asked Mr. Cornish for license, registration and
16 proof of insurance, the things we normally ask for on a
17 traffic stop. He stated there was something with his
18 license, so he went to the DMV to get it squared away, he
19 handed me DMV paperwork and when he did I noticed that the
20 paperwork had Justin Hopkins' name on it and that that
21 paperwork was dated December 17th of 2019.

22 Q. All right.

23 A. I had advised him that the paperwork was not his and
24 he said he didn't know how that paperwork got into his
25 vehicle.

1 Q. I'll show you what is previously Court's 17 and now
2 is State's 17 and ask you whether or not you're familiar
3 with this item?

4 A. Yes, ma'am.

5 Q. How so?

6 A. This is the document he handed me.

7 MS. MAYES: Okay. This would be State's 17 for
8 evidence, Your Honor.

9 THE COURT: Any objection?

10 MR. SWERLING: No objection?

11 THE COURT: It's admitted.

12 MR. SWERLING: Well, Your Honor, to the extent of
13 our earlier pre-trial motions, we would just renew those.
14 Nothing additional.

15 THE COURT: Okay. And they're all noted for the
16 record.

17 (State's Exhibit Number 17, DMV paperwork, was
18 admitted into evidence.)

19 BY MS. MAYES:

20 Q. Okay. So at the outset you asked for license,
21 registration, things of that nature?

22 A. Yes, ma'am.

23 Q. And he hands you paperwork from the DMV --

24 A. Yes, ma'am.

25 Q. -- which is gonna be State's 17. And when you looked

1 at this paperwork, what, if anything, caught your eye?

2 A. The customer name being Justin Tyler Hopkins.

3 Q. And what, if anything, did you observe regarding the
4 date?

5 A. That it was dated December 17, 2019.

6 Q. All right. Did he appear to be -- did Mr. Cornish
7 appear to be aware that he had given you paperwork in
8 Mr. Hopkins' name?

9 A. No, ma'am.

10 Q. Did he seem surprised by that when it was brought to
11 his attention?

12 A. He did. He advised he wasn't sure how that paperwork
13 got in his vehicle.

14 Q. And, again, this particular paperwork is in the name
15 of Justin Hopkins?

16 A. Yes, ma'am.

17 Q. And the date is?

18 A. December 17, S 2019.

19 Q. And it's from what agency or department?

20 A. The Department of Motor Vehicles.

21 Q. And the date on that paperwork being December 17,
22 2019, was of interest to you why?

23 A. Because that was the date of the incident.

24 Q. And up until this point in time, had Mr. Cornish
25 denied having any contact with Mr. Hopkins on that date

1 other than having been rained out that morning and dropping
2 him off in Richland County?

3 A. That's correct.

4 MS. MAYES: I beg the Court's indulgence.

5 BY MS. MAYES:

6 Q. So upon seeing this paperwork dated December 17, 2019,
7 in the name of Justin Hopkins, did you have concerns about
8 Mr. Hopkins' access to that vehicle on the date of the
9 murder?

10 A. Yes, ma'am.

11 MS. MAYES: Nothing further.

12 THE COURT: Mr. Swerling.

13 MR. SWERLING: If the Court would indulge me one
14 moment?

15 THE COURT: Take your time.

16 CROSS-EXAMINATION

17 BY MR. SWERLING:

18 Q. Good morning.

19 A. Good morning, sir.

20 Q. How are you doing?

21 A. I'm doing all right.

22 Q. Good. Let me ask you on December 21, 2019, you were
23 tasked with going over to Woodway Lane to make contact with
24 Dale Galloway, somebody named Dale Galloway?

25 A. Yes, sir.

1 Q. And Mr. Galloway was presumably a witness to some of
2 the events that took place after whatever happened in -- in
3 that apartment; is that correct?

4 A. Yes, sir.

5 Q. And you were provided information that you should go
6 ahead and interview Mr. Galloway about what he observed; is
7 that correct?

8 A. Yes, sir.

9 Q. And, of course, one of the things that you wanted
10 to know is if he could identify -- what the sheriff's
11 department wanted to know is if he could identify the
12 individual that I understand he saw running out of the
13 apartment where the homicide took place; is that correct?

14 A. That's correct.

15 Q. And no question he did see somebody running -- one
16 person running out of the apartment in the apartment
17 complex, correct?

18 A. Yes, sir. He observed -- I believe he observed
19 someone.

20 Q. He observed someone. And when you talked with him
21 about it, you also presented a photo lineup to him with --
22 do you have that photo lineup by any chance with you?

23 A. Not on me, sir. No.

24 Q. That's all right, but the fact of the matter is Justin
25 Hopkins was in that photo lineup, correct?

1 A. That's correct.

2 Q. Was Mr. Cornish in that lineup?

3 A. No, sir.

4 Q. Okay. Now when you asked him if he saw in that lineup
5 the individual who he saw running away from the apartment
6 the day of the homicide, he identified Justin Hopkins;
7 isn't that correct?

8 A. Yes, sir, that's correct.

9 Q. Okay. And that was Justin Hopkins's physique that was
10 consistent with the description that you had had from other
11 information?

12 A. Yes, sir.

13 Q. Is that correct?

14 A. Yes, sir.

15 Q. All right. And in addition to that, he also provided
16 information to you that he had seen Mr. Hopkins in the
17 apartment complex on other occasions; is that correct?

18 A. Yes, sir.

19 Q. So he was familiar with Mr. Hopkins' face?

20 A. That's correct. Right.

21 Q. He never said anything about Mr. Cornish; isn't that
22 true?

23 A. That's correct.

24 Q. And I believe he talked about a fight that he saw in
25 2019, in June of 2019; is that correct? Mr. Hopkins was in

1 a fight out there at the apartments?

2 A. Yes, sir.

3 Q. Okay. And did he -- was it ever identified who the
4 individual was that he was fighting with?

5 A. No, sir.

6 Q. Okay. But there were a number of witnesses to that
7 fight and apparently Mr. Hopkins was identified as being
8 mad as hell in that fight?

9 A. Yes, sir. That's correct.

10 Q. Wasn't there some indication that he might have been
11 in a fight with one of the individuals from the apartment
12 where the three individuals were killed?

13 MS. MAYES: Objection, Your Honor. Calls for
14 speculation and hearsay.

15 MR. SWERLING: Well, he's conducting his
16 investigation. I don't think it's offered for the truth
17 of the matter asserted.

18 THE COURT: I'm gonna allow it.

19 THE WITNESS: I'm sorry. What was the question?

20 BY MR. SWERLING:

21 Q. Wasn't there information as a result of the
22 investigation that Mr. Hopkins had been in a fight with
23 one of the individuals in the apartment where the three
24 individuals were killed?

25 A. Yes, sir.

1 Q. Okay. And as a matter of fact, somebody described
2 him as carrying a crowbar during that fight; is that
3 correct?

4 A. Yes, sir.

5 Q. So -- and Mr. Galloway by the way, I believe he's had
6 some heart surgery and he's not here right now.

7 A. I'm not familiar.

8 Q. You're not familiar. Okay. But at any rate, he said
9 that he had seen him around the apartment complex multiple
10 times, and I'm talking about Mr. Hopkins, correct?

11 A. Yes, sir, that's correct.

12 Q. All right. So let's -- and let me just -- hold on.
13 He saw him running from the incident location; is that
14 correct? That's what he said?

15 A. Yes, sir.

16 MR. SWERLING: If you'd excuse me one minute, Your
17 Honor.

18 THE COURT: Take your time.

19 MR. SWERLING: Okay. That's fine.

20 BY MR. SWERLING:

21 Q. And he was pretty confident of the fact that that was
22 Mr. Hopkins that he saw running from the apartment?

23 A. Yes, sir.

24 Q. Nothing about Mr. Cornish, correct?

25 A. That's correct.

1 Q. All right. Now let's go to this -- not going back
2 over all of the information, okay, but let's get --
3 we'll get to the traffic stop. You were at the Landmark
4 Apartments?

5 A. Yes, sir.

6 Q. And you were tasked with going ahead and making a
7 stop of the white dually after it left the Landmark
8 Apartments?

9 A. Yes, sir.

10 Q. And what we understand is that Mr. Hopkins was dropped
11 off there and the police pursued. Were you the unit that
12 pursued him to make the stop?

13 A. Which individual?

14 Q. Mr. -- Mr. Cornish. I'm sorry.

15 A. Yes, sir, I was the one that performed the traffic
16 stop on Mr. Cornish. Yes, sir.

17 Q. Was it a -- were you in a marked car or --

18 A. No, sir. Unmarked.

19 Q. All right. So were you by yourself?

20 A. Yes, sir.

21 Q. Okay. So you and several other vehicles went ahead
22 and initiated the stop; isn't that correct?

23 A. I initiated the stop and then the other detectives
24 joined me shortly afterwards, but I alone initiated the
25 stop.

- 1 Q. All blue lights?
- 2 A. Yes, sir.
- 3 Q. And the stop -- you've already described where the
- 4 stop was.
- 5 A. Yes, sir.
- 6 Q. How many vehicles actually participated in the stop?
- 7 A. Just mine.
- 8 Q. Okay. And how many vehicles eventually wound up being
- 9 there?
- 10 A. I would be speculating at this point. I know myself,
- 11 Dubard and Captain Laintz, so I can say three definitively.
- 12 Q. At least three?
- 13 A. Yes, sir.
- 14 Q. Okay. All with their blue lights?
- 15 A. I'd be speculating at this point. I believe mine was
- 16 the only one that had its blue lights on.
- 17 Q. Okay. So he was pulled over for not having a tag
- 18 light; is that correct?
- 19 A. That was a side reason. He was pulled over due to the
- 20 vehicle matching the description of one we were looking
- 21 for, seeing the suspect exit the vehicle and into the
- 22 apartment that we were surveilling and, again, believing
- 23 the vehicle to be evidentiary in nature was the reason for
- 24 the stop, but we're trained also to notate anything else
- 25 that may have caught our eye about a vehicle when we make a

1 stop, headlight out, tag light out, lane change violation,
2 things of that nature.

3 Q. Okay. And in actuality, I guess, the traffic stop was
4 like a pretext to go ahead and stop the vehicle?

5 A. Yes, sir.

6 Q. Okay. But you did have -- you were on the lookout for
7 a white dually?

8 A. Yes, sir.

9 Q. And believed that some information had been sent in
10 or received from the highway department that there were a
11 couple of hundred white duallies in the state of South
12 Carolina?

13 A. I'm not familiar.

14 Q. You're not familiar with that. Okay. And I'm taking
15 about as a result of any briefing you were a part of.

16 A. Again, we -- we were talked about that it was a
17 white dually that was involved and that Mr. Corn -- that
18 Mr. Hopkins, I'm sorry, was the person of interest at the
19 time.

20 Q. And that's fine. That's fine. Let me ask you, so you
21 -- you initiated the blue lights and Mr. Cornish stopped
22 right away, didn't he?

23 A. He did.

24 Q. He wasn't trying to avoid being pulled over, by your
25 or you; is that correct?

1 A. That's correct.

2 Q. And when you went up to the vehicle, you asked him for
3 his license and registration while he was sitting in the
4 vehicle?

5 A. That's correct.

6 Q. He never presented any kind of danger to you, did he?

7 A. No, sir.

8 Q. Never was aggressive in any way?

9 A. No, sir.

10 Q. Agreed to sit there and being be questioned, correct?

11 A. Yes, sir.

12 Q. And was -- in no way was he belligerent with you or
13 angry or anything like that?

14 A. No, sir.

15 Q. Okay. When you got his license and registration, he
16 handed that to you without any problem; is that correct?

17 A. That's correct.

18 Q. Was he sitting in the vehicle when he gave you the
19 license and registration?

20 A. That's correct.

21 Q. All right. And the license and registration were in
22 order; were they not?

23 A. With the exception of the DMV paperwork belonging to
24 Mr. Hopkins, correct.

25 Q. That had nothing to do with his license and

1 registration though.

2 A. He stated that he was concerned about something that
3 may come up on his license. That's why he gave that
4 information to me to show that he had been to the DMV and
5 corrected any issue that may be have been on there.

6 Q. Reinstated. It was supposed to be for a
7 reinstatement, I believe.

8 A. I got you.

9 Q. Now the paperwork that you've referred to in actuality
10 Mr. Hopkins road in that -- there's no question that
11 Mr. Hopkins was riding in the vehicle, correct?

12 A. Correct.

13 Q. In fact, he was riding in the vehicle when he got
14 dropped off?

15 A. Correct.

16 Q. So that's just as likely an explanation as to how
17 the paperwork got there as any other explanation. He was
18 sitting in the vehicle, riding in the vehicle and he could
19 have left his paperwork in the vehicle, correct?

20 A. Yes, sir.

21 Q. Am I right?

22 A. Yes, sir.

23 Q. So Captain Laintz drove up?

24 A. Yes, sir.

25 Q. And also Mr. Dubard?

- 1 A. Detective Dubard, yes, sir.
- 2 Q. Detective Dubard. And at that point there were the
3 three vehicles and you don't recall any other vehicle being
4 there?
- 5 A. If they were, they had shown up later after the stop
6 more likely while I was speaking with Mr. Cornish.
- 7 Q. And was he blocked in?
- 8 A. No, sir.
- 9 Q. Okay. Was he free to leave?
- 10 A. He was.
- 11 Q. He didn't ask to leave though, did he?
- 12 A. No, sir.
- 13 Q. And he did not try and avoid talking to you or
14 Mr. Dubard or Captain Laintz, did he?
- 15 A. No, sir.
- 16 Q. At what point was he -- did he exit from the vehicle?
- 17 A. I believe when Captain Laintz asked him if he wanted
18 to have a long conversation with us, which he agreed, and
19 if he'd be willing to sit in one of our vehicles to conduct
20 that conversation.
- 21 Q. And he was told that there was some -- an issue about
22 whether or not his vehicle might have been involved in some
23 incident; is that correct?
- 24 A. That's correct.
- 25 Q. And despite that, I mean, he didn't -- he didn't ask

1 for a lawyer?

2 A. No, sir.

3 Q. He wasn't advised of his rights, correct?

4 A. Correct.

5 Q. And we already know that at that point Mr. Hopkins
6 had been dropped off, you knew that Mr. Hopkins had been
7 dropped off, and he told you that he had just dropped off
8 employee, correct?

9 A. Correct.

10 Q. That turned out to be true?

11 A. Correct.

12 Q. And that Mr. Hopkins had a short employment. I think
13 he was working for the construction company for about three
14 weeks?

15 A. Yes, sir, that's correct.

16 Q. And that checked out as well or he told you that?

17 A. Yes, sir.

18 Q. Now he was -- as far as you could determine from the
19 conversation, he was sort of in a supervisory capacity at
20 his uncle's construction company, correct?

21 A. Yes, sir.

22 Q. And it was his job to drop off and pick up individuals
23 that went to work --

24 A. Yes, sir.

25 Q. -- for the main -- for the company?

1 A. That's correct.

2 Q. And they were at that point engaged in a job at
3 McIntire Air Force Base?

4 A. Yes, sir. Fort Bragg.

5 Q. Well, that day was Fort Bragg. Wasn't before that
6 McIntire? The day of the 17th when it was raining.

7 A. Forgive me. I believe so, yes, sir.

8 Q. And on the 17th, he was very open about it, that they
9 had gone to work that day at 7:30, 8:00, whatever it was in
10 the morning, and when they got there it started raining
11 almost immediately thereafter?

12 A. Yes, sir.

13 Q. So they didn't work that day?

14 A. That's correct.

15 Q. Okay. And so he went ahead and acted in reverse and
16 dropped people off and then started doing other things?

17 A. Yes, sir.

18 Q. One of them was that he went to the DMV in the morning
19 in order to get his license restated, correct?

20 A. Yes, sir.

21 Q. And he went back in the afternoon because he had to
22 get some money from his uncle to go ahead and reinstate his
23 license, correct?

24 A. Yes, sir. That's my understanding.

25 Q. He also went to a bank and cashed a check that his

- 1 uncle gave him?
- 2 A. Yes, sir.
- 3 Q. And he went to the Dollar General for some reason. I
- 4 don't know what it was.
- 5 A. That I'm not familiar with. I know he went to the
- 6 BB&T in Five Points and went his office.
- 7 Q. And all of that checked out, correct?
- 8 A. Yes, sir. Excuse me.
- 9 Q. And then he was driving Justin Hopkins home and
- 10 dropped him off which you observed?
- 11 A. On the 21st.
- 12 Q. Yes, sir.
- 13 A. Not on the 17th.
- 14 Q. No, not on the 17th. I'm talking about --
- 15 A. Yes, sir, on the 21st.
- 16 Q. All right. So he's sitting in the truck and you asked
- 17 him to exit the truck? Did you ask him or did Captain
- 18 Laintz?
- 19 A. I believe Captain Laintz asked him.
- 20 Q. And Captain Laintz is a captain with the Lexington
- 21 County Sheriff's Department?
- 22 A. Yes, sir.
- 23 Q. And he said -- he asked him whether or not he would
- 24 have a -- I always like this one -- a long conversation,
- 25 correct?

- 1 A. Yes, sir.
- 2 Q. And he willingly agreed to do that, didn't he?
- 3 A. Yes, sir.
- 4 Q. He didn't hesitate at all, he didn't question at all.
- 5 Captain asked him whether or not they could have a
- 6 conversation and he said I will do that?
- 7 A. Yes, sir.
- 8 Q. He didn't ask anything about a lawyer or questioning
- 9 what his rights were or anything of that nature?
- 10 A. No, sir.
- 11 Q. And, of course, none of you-all told him that he might
- 12 have been or if he was a suspect in the case?
- 13 A. No, sir.
- 14 Q. As a matter of fact, I think the conversation when you
- 15 were in the vehicle at that time that if you-all suspected
- 16 him of being involved in the crime that he wouldn't be
- 17 sitting in the front seat comfortably?
- 18 A. That's correct.
- 19 Q. He would be under some kind of restraints or you'd be
- 20 handling his situation differently?
- 21 A. Yes, sir.
- 22 Q. So at that time you led -- you or Investigator Dubard
- 23 led him to believe that he was not a suspect in anything?
- 24 A. At the time, yes, sir, he was not.
- 25 Q. Okay. Now at some point Captain Laintz asked him if

1 he could conduct a Terry frisk. Do you remember that?

2 A. Yes, sir.

3 Q. All right. Would you tell the jury what a Terry frisk
4 is?

5 A. It's a basic pat down of outer clothing to determine
6 if someone may possibly be armed. We're not allowed to go
7 into pockets or anything of that nature. We can only pat
8 down outer clothing -- the outer parts of clothing.

9 Q. And this is a part of police procedure when a suspect
10 is detained. If there's a suspicion that someone might be
11 armed, you can pat them down?

12 A. We can also make that request just as an officer
13 safety. We're about to place him into the vehicle with us
14 unrestrained in the front seat, so it was officer safety.

15 Q. Absolutely. I mean, there's nothing wrong with it.
16 I'm just saying he had no problem with that?

17 A. That's correct.

18 Q. He consented to the frisk?

19 A. That's correct.

20 Q. And nothing was discovered during the frisk that would
21 cause concern to you or any of the detectives that were
22 there?

23 A. That's correct.

24 Q. So he didn't have a gun?

25 A. No, sir.

1 Q. And then I believe one of you, either you or
2 Mr. Dubard, asked him -- or maybe it was Captain Laintz,
3 if they could search the vehicle?

4 A. Yes, sir.

5 Q. And you had no problem with him. He said you-all
6 could search the vehicle, correct?

7 A. That's correct.

8 Q. And when you searched the vehicle, you-all didn't find
9 anything of incriminating evidence. You didn't find a gun,
10 you didn't find bullets, you didn't find any other kind of
11 weapon, did you?

12 A. No, sir.

13 Q. Okay. So his car did not turn up any evidence that
14 would connect him to the crime; is that correct?

15 A. That's correct.

16 Q. Let's see. So we determined that he had gone to
17 the DMV, gone to the bank, then he got a check from his
18 uncle, went and cashed it. We talked about the paperwork.
19 Somebody, I don't know if it was Captain Laintz or you or
20 Mr. Dubard, asked him if he could look at his phone; is
21 that correct?

22 A. I believe that was Sergeant Creech.

23 Q. Sergeant Creech. That was after?

24 A. Yes, sir, later on.

25 Q. Okay. But he had his phone with him?

1 A. That's correct.

2 Q. You didn't take his phone away from him?

3 A. No, sir.

4 Q. Okay. Now this, as we know now, was audio recorded.

5 He didn't object to being audio recorded, did he?

6 A. No, sir.

7 Q. And that's something you have in evidence as a result
8 of his cooperation, correct?

9 A. Yes, sir.

10 Q. Was there any -- did you find anything in the vehicle,
11 and I know there's some question about this paperwork, but
12 Justin Hopkins was in the car with his own paperwork, there
13 was no other evidence found in that car that in any way
14 connected him to what happened at the apartments --

15 A. No, sir.

16 Q. -- where the men were killed? So when you asked him
17 to exit, did you ask him to exit the vehicle? I'm sorry.
18 I may have asked that.

19 A. I believe Captain Laintz did.

20 Q. Captain Laintz did?

21 A. Yes, sir.

22 Q. But you were in the vehicle when he was being
23 questioned?

24 A. Correct, yes, sir. Myself and Dubard.

25 Q. All right. And who actually was doing the

1 questioning? Both of you?

2 A. Yes, sir. I initially started asking him questions
3 and then Dubard started asking questions as well.

4 Q. Okay. So you were behind him?

5 A. I was in the driver's seat actually.

6 Q. You were in the driver's seat? Okay. And Mr. Dubard
7 was behind --

8 A. Yes, sir. Detective Dubard, yes. He was sitting
9 behind him.

10 Q. He was sitting in the passenger seat of the vehicle --
11 of your vehicle? Or Dubard's vehicle?

12 A. We were actually -- yes, sir. We were initially going
13 to do it in my vehicle, but we felt Detective Dubard's
14 would be more comfortable. He had a Tahoe, I had a Taurus,
15 so the vehicle was larger.

16 Q. Okay. And he willingly got in that car?

17 A. Yes, sir.

18 Q. And he willingly sat there and answered all your
19 questions?

20 A. Yes, sir.

21 Q. All right. And at no time did he insist on stopping
22 the questioning, did he?

23 A. No, sir.

24 Q. At no time did he say I'm not gonna -- as far as the
25 search, I believe it was said that Captain Laintz said that

1 did he could stop the search any time he wanted to?

2 A. Yes, sir, that's correct.

3 Q. At no time did he offer or ask that the search of his
4 vehicle be stopped?

5 A. No, sir.

6 Q. So he was quite cooperative with you. He was
7 congenial, correct?

8 A. Yes, sir.

9 Q. Never raised his voice? Never got annoyed?

10 A. No, sir.

11 Q. He did tell you on a couple of occasions from
12 listening from to the audio that he was very nervous about
13 being stopped and questioned; is that correct?

14 A. He was curious as to -- again, as to why he -- he
15 didn't know why we were stopping him or what the incident
16 we were talking about was.

17 Q. Yeah, I think he said he was nervous. That's what I'm
18 trying to -- I mean, I have the transcript if you'd like to
19 see it.

20 A. I believe I have that transcript, but I will say I
21 remember that. Yes, sir.

22 Q. I think it was on page 43 maybe when you-all were
23 talking to him. Let me make sure. I don't want to mislead
24 anybody. He told you -- by the way, he told you about
25 Mr. Hopkins having a tattoo, correct?

- 1 A. Yes, sir.
- 2 Q. But on page 46, line 24, he said I'm definitely
3 nervous.
- 4 A. Let's see. Page 46. I'm sorry, line?
- 5 Q. 24. I may have said two.
- 6 A. Yes, sir.
- 7 Q. Okay. And then he went onto tell you that he --
8 Hopkins had a tattoo, which is some questions you-all had
9 about whether or not Mr. Hopkins had a tattoo because he
10 was described as having a tattoo; is that correct?
- 11 A. Yes, sir.
- 12 Q. By witnesses around the scene?
- 13 A. Yes, sir, to my understanding.
- 14 Q. And having a band-aid on his face?
- 15 A. Yes, sir.
- 16 Q. And by the way, did you see band-aid when you saw
17 Mr. Hopkins?
- 18 A. No, sir.
- 19 Q. Did you get that close?
- 20 A. No, sir.
- 21 Q. And at that point during the interview, Mr. Cornish
22 was concerned that he might be dangerous when you-all were
23 talking about what you suspected Mr. Hopkins of doing.
- 24 A. Yes, sir, I believe I remember that. Yes, sir.
- 25 Q. And he didn't want him on the job anymore if he was

1 dangerous; isn't that right?

2 A. Yes, sir.

3 Q. On page 63, and this is one of the questions I asked
4 you before about the phone, he offered you and Dubard the
5 passcode to his phone so that you-all could take a look at
6 it?

7 A. So it was Sergeant Creech, yes, sir, I believe, with
8 that.

9 Q. Well, part of the -- and I'm sorry, I'm not trying to
10 burden you, but on page --

11 A. No, that's fine.

12 Q. -- you and Mr. Dubard were in the vehicle with him on
13 page 63. It's still the recorded interview that you did.

14 A. Okay.

15 Q. Do you see that?

16 A. Yes, sir.

17 Q. And he offers his passcode to the phone?

18 A. Yes, sir. I see what you're saying. Yes, sir.

19 Q. And he also let you or Dubard take pictures of his
20 phone, correct?

21 A. Yes, sir.

22 Q. And he -- let me clear up the thing about Fort Bragg.
23 He said he was coming from Fort Bragg today --

24 A. Correct.

25 Q. -- because they had a job in Fort Bragg that day?

1 A. Yes, sir.

2 Q. But the job was actually at McEntire --

3 A. Correct.

4 Q. -- the job on the 17th?

5 A. Correct. Correct.

6 MR. SWERLING: Excuse me one minute, Your Honor.

7 THE COURT: Take your time.

8 MR. SWERLING: No further questions.

9 THE COURT: Ms. Mayes.

10 MS. MAYES: Yes, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. MAYES:

13 Q. I just want to follow up a little bit on some of those
14 questions by Mr. Swerling. So he was asking you about
15 whether or not he was read his Miranda rights -- whether or
16 not Mr. Cornish was read his Miranda rights when you-all
17 were there by the roadside.

18 A. That's correct.

19 Q. At that point in time was in custody?

20 A. No, ma'am.

21 Q. Had he even been considered a suspect?

22 A. No, ma'am.

23 Q. Did you have any knowledge up into the night of
24 December 21st when you made that stop, did you have any
25 knowledge as to who the potential driver of that white

1 truck that was of interest to law enforcement was?

2 A. We did not.

3 Q. Didn't even have the name?

4 A. No, ma'am.

5 Q. So this was the first time you acquired the name
6 Jeremy Cornish?

7 A. That's correct.

8 Q. And confirmed that he is someone with permission to
9 drive that vehicle?

10 A. That's correct.

11 Q. And did you cover with him whether or not that vehicle
12 was lent out to others?

13 A. We did.

14 Q. And what was his response?

15 A. He stated that the vehicle belonged to his uncle and
16 so he's the only one allowed to driver it. Excuse me.

17 Q. Now Mr. Swerling was asking you about him providing
18 information regarding his phone, specifically a passcode.

19 A. Yes, ma'am.

20 Q. Were you present when that occurred?

21 A. Yes, ma'am.

22 Q. And who did he provide that passcode to?

23 A. He ended up providing it to Sergeant Creech.

24 Q. All right. And that would be Sergeant Creech seated
25 here behind the State's table?

1 A. Yes, ma'am.

2 Q. And he's also with the Lexington County Sheriff's
3 Department?

4 A. He is. Yes, ma'am.

5 Q. And you witnessed that interaction with Mr. Cornish
6 regarding the phone?

7 A. I did.

8 Q. And can you tell us whether that also appeared to be a
9 free and voluntary agreement or consent --

10 A. Yes, ma'am.

11 Q. -- for Sergeant Creech to access that phone?

12 A. Yes, ma'am.

13 Q. And as Mr. Swerling asked, to actually take
14 photographs of it?

15 A. Yes, ma'am.

16 Q. Did he ever at any point refuse that request?

17 A. No, ma'am.

18 Q. Now he was asking you specifically about a point in
19 the interview where it's discussed that Mr. Hopkins may be
20 dangerous.

21 A. Yes, ma'am.

22 Q. Did Mr. Cornish ever acknowledge having information
23 about Hopkins's involvement in the triple murder?

24 A. No, ma'am.

25 Q. Did he act -- or you tell us how did he act when you

1 posed questions to him about a potential crime that had
2 occurred in the St. Andrews area on Tuesday, December 17th?

3 A. He said he was unaware of anything happening that day
4 and I asked him if he had seen anything on the news or on
5 social media that may give him an understanding of what
6 we're talking about and he said he did not.

7 Q. So he denied any knowledge of it?

8 A. Yes, ma'am. Excuse me. Yes, ma'am.

9 Q. And then when there was a discussion about Mr. Hopkins
10 potentially being dangerous, what was his response to that?

11 A. I'm sorry. One more time.

12 Q. When there was a question about Mr. Hopkins
13 potentially being dangerous, what was his response to that?

14 A. Again, he said if -- if he was, but he had not had any
15 knowledge of him being that way, that he went -- he came
16 the work the next day and was just fine and normal and I
17 believe earlier in the statement that he had known Justin
18 for a number of years.

19 Q. So he's known him for years and then indicates on the
20 night of the 21st that if he's dangerous he may take
21 action?

22 A. That's correct.

23 Q. May not allow him to work with him anymore?

24 A. (No verbal response.)

25 Q. But his indication to you up through the 21st is that

1 he had no knowledge of Mr. Hopkins --

2 MR. SWERLING: Objection, Your Honor. Leading.

3 MS. MAYES: I can rephrase it.

4 THE COURT: Thank you.

5 BY MS. MAYES:

6 Q. Did he acknowledge any information as to Mr. Hopkins
7 dangerousness up through the night of the 21st?

8 A. No, ma'am.

9 Q. Or his involvement in this crime?

10 A. No, ma'am.

11 Q. Or Mr. Cornish's own knowledge of this crime?

12 A. No, ma'am.

13 Q. Or the fact that he himself, Mr. Cornish, or his
14 vehicle had been in the area of St. Andrews Road or Bush
15 River Road on Tuesday, December 17th?

16 A. He stated it was not.

17 MS. MAYES: Thank you.

18 THE COURT: May I let Detective Pratt down?

19 MS. MAYES: Yes, Your Honor. If he may be excused.

20 THE WITNESS: Thank you.

21 (Witness excused.)

22 THE COURT: All right. Ladies and gentlemen of the
23 jury, let's take a fifteen-minute break. I'll let you go
24 to the jury room. Please be advised that you cannot talk
25 about this case even amongst yourselves.

1 And they also advised me they're not giving you a
2 menu, they're bringing you a party tray with chips and
3 an array of different kinds of sandwiches is what they
4 say, okay?

5 FOREPERSON: Yes, ma'am.

6 THE COURT: I'll have you back in fifteen minutes.

7 Thank you.

8 (Whereupon, the jury retires to the jury room at
9 11:17 AM.)

10 THE COURT: All right. We're in recess for fifteen
11 minutes.

12 (Recess taken at 11:17 AM.)

13 (Back on the record at 11:40 AM.)

14 (State's Exhibit Numbers 213 through 238 were
15 marked for identification.)

16 BAILIFF: All rise. Court is now in session.

17 THE COURT: Please be seated.

18 All right. Are we ready to call our next witness?

19 MS. MAYES: Yes.

20 MR. SWERLING: Judge, as they're coming in, if we
21 could just renew the objections again?

22 THE COURT: Yes. Your objections to the stop and
23 everything that we took up during pre-trial concerning
24 that stop is preserved for the record and noted.

25 MR. SWERLING: Thank you.

1 (Whereupon, the jury returns to the courtroom at
2 11:41 AM.)

3 THE COURT: All right. Mr. Foreman, is the jury
4 ready?

5 FOREPERSON: Yes, Your Honor.

6 THE COURT: All right. The State may call its next
7 witness.

8 MS. MAYES: The State calls Detective Arcadeus
9 Dubard.

10 (Whereupon, Arcadeus Dubard was duly sworn by the
11 Clerk of Court.)

12 THE CLERK: If you'd please have a seat. State
13 your full name and spell your last for the record.

14 THE WITNESS: Arcadeus Dubard. Last name's
15 spelling D-U-B-A-R-D.

16 ARCADEUS DUBARD,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. MAYES:

20 Q. Good morning.

21 A. Good morning.

22 Q. Tell us a little bit about yourself. Where are you
23 employed?

24 A. I am a detective with the Lexington County Sheriff's
25 Department currently under the Narcotics Enforcement Team.

1 Q. All right. And they call that the NET Team?

2 A. Yes, ma'am.

3 Q. And before you were it with NET, which division were
4 you in as a detective at the Lexington County Sheriff's
5 Department?

6 A. Yes, ma'am. I was a detective with the Major Crimes
7 Unit at the Lexington County Sheriff's Department.

8 Q. Now what other divisions within the Lexington County
9 Sheriff's Department are you affiliated with?

10 A. I am also one of the operators on the Lexington County
11 Sheriff's Department SWAT Team and I also serve on the
12 Lexington County Sheriff's Department Honor Guard.

13 Q. So I want to ask you a little bit about SWAT.
14 Looking here at State's 212, as a member of the major
15 crimes division back in 2019, were you involved in various
16 briefings following the triple homicide in the St. Andrews
17 area of Lexington County on December 17th?

18 A. Yes, ma'am.

19 Q. And then leading up to the 21st, can you tell us
20 whether or not the Lexington County Sheriff's Department
21 had developed a suspect in the case?

22 A. Yes, ma'am.

23 Q. And what is the name of that suspect?

24 A. Justin Hopkins.

25 Q. And what role, if any, did yourself as a member of the

1 SWAT team play in the sheriff's department actions on the
2 night of the 21st?

3 A. Yes, ma'am. A few members of the SWAT team were
4 asked to assist in a search warrant of the clearing of the
5 structure in reference to Justin Hopkins' residence on
6 Landmark Drive.

7 Q. All right. The residence at -- I believe that's [REDACTED]
8 Landmark?

9 A. Yes, ma'am.

10 Q. And were you yourself originally going to take part
11 in the execution of that search warrant on the night of
12 the 21st?

13 A. Yes, ma'am.

14 Q. And can you tell us whether or not in the timeframe
15 of 8 PM to 8:30 PM whether or not a search warrant for his
16 residence was imminent?

17 A. Yes, ma'am, it was.

18 Q. And by that I mean do you know whether or not it was
19 awaiting the signature of a judge?

20 A. Yes, ma'am.

21 Q. Now at that point in time, had there been any search
22 of any of Hopkins' residences?

23 A. No, ma'am.

24 Q. Had any of the weapons involved in the homicides on
25 the 17th been recovered?

1 A. No, ma'am.

2 Q. And because of that, how, if at all, did SWAT play a
3 role in that?

4 A. Yes, ma'am. We were asked to assist based upon the
5 severity of the original incident being that there was a
6 weapon involved and that the suspect could possibly still
7 be in possession of that weapon.

8 Q. And are you familiar with whether or not any other
9 members of the sheriff's department were conducting
10 surveillance in the area of Landmark Apartments on that
11 night while you were waiting on the search warrant? And
12 we'll take a look here at State's 2.

13 A. Yes, ma'am. Detective Pratt was tasked with the
14 surveillance until the search warrant was signed.

15 Q. All right. Now are you also privy to communications
16 via radio?

17 A. Yes, ma'am.

18 Q. As well as in communication with other members of the
19 major crimes division?

20 A. Yes, ma'am.

21 Q. What, if anything, did you learn on the night of the
22 21st regarding a sighting at Landmark Drive?

23 A. Yes, ma'am. Detective Pratt had advised that a white
24 dually pick-up truck had arrived in the area or at the
25 apartment on Landmark Drive and a male had gotten out of

1 that vehicle that matched the description of the suspect.

2 Q. And that suspect being Justin Hopkins?

3 A. Yes, ma'am.

4 Q. Now what, if anything, was of interest to the
5 sheriff's department regarding a white truck?

6 A. From the original incident there was information that
7 the suspect may have left the scene in or using a white
8 dually pick-up truck.

9 Q. All right. And is that information that all of you
10 had as members of major crimes?

11 A. Yes, ma'am.

12 Q. And what, if any, action was taken regarding the white
13 dually truck that was observed here at Landmark Apartments
14 by Detective Pratt?

15 A. Eventually it was advised through radio contact that
16 he had initiated a traffic stop on that vehicle.

17 Q. All right. And were you listening in on the radio
18 when that occurred?

19 A. Yes, ma'am.

20 Q. All right. We're gonna take a look here at a
21 photograph already in evidence, which is State's 30, and
22 I'm gonna ask you whether or not you're familiar with this
23 scene as depicted in State's 30?

24 A. Yes, ma'am.

25 Q. How so?

1 A. This is the location and the vehicle involved in that
2 traffic stop from the previous day.

3 Q. All right. And approximately when did you arrive
4 there at the scene?

5 A. Approximately I would say about 8:35 to 8:40 PM.

6 Q. Okay. What did you observe when you first arrived?
7 Who what's already there?

8 A. Captain Laintz with the Major Crimes Unit was already
9 on-scene and Detective Pratt was already there.

10 Q. All right. And what was taking place?

11 A. It appeared that they were speaking with the occupants
12 of the vehicle.

13 Q. All right. And when you say occupants, let me ask you
14 about that. Who did you observe to be the driver of the
15 vehicle?

16 A. A Mr. Jeremy Cornish was later identified as the
17 driver.

18 Q. All right. And was there a passenger in the vehicle?

19 A. Yes, he had a female passenger that he described as
20 being his girlfriend.

21 Q. All right. And based upon that initial interaction
22 with Mr. Cornish, can you tell us whether or not Justin
23 Hopkins was discussed at any point in time?

24 A. It was advised that he stated that he had just dropped
25 Justin Hopkins off in the Landmark Apartments area.

1 Q. All right. Now as you approached, can you tell us
2 whether or not you observed or witnessed any officer
3 request permission to search that vehicle?

4 A. Yes, ma'am. As I was approaching, Captain Laintz was
5 speaking with Cornish about searching the vehicle and he
6 had advised him that if he needed us to stop at any time
7 just say something.

8 Q. All right. And what happened next?

9 A. We then -- I was requested by Captain Laintz to
10 assist Detective Pratt in conducting an interview with
11 Mr. Cornish.

12 Q. All right. And can you tell us whether or not based
13 upon your observations Mr. Cornish consented to the search
14 of that vehicle?

15 A. It appeared as though he did and he even made comments
16 saying go ahead or whatever you guys need.

17 Q. Okay. And you mentioned you took part in an interview
18 with him?

19 A. Yes, ma'am.

20 Q. Where did that interview take place?

21 A. We ended up using my County-issued unmarked Tahoe.

22 Q. And when you say your Tahoe, was it still there at the
23 scene right there in the parking lot area?

24 A. Yes, ma'am.

25 Q. All right. We're gonna take a look at 6 and in

1 State's 6, do you know whose Tahoe this is?

2 A. That appears to be Captain Laintz's vehicle.

3 Q. Okay. And at this point in time, do you know where
4 the girlfriend of Mr. Cornish was given a place to sit if
5 she wished?

6 A. I'm not sure.

7 Q. Okay. Was Mr. Cornish in custody at this point?

8 A. No, ma'am.

9 Q. Did his agreement to participate in the interview
10 appear to be free and voluntary?

11 A. Yes, ma'am.

12 Q. Now up until this point in time, did you or any other
13 member of law enforcement to your knowledge have the name
14 of the driver of that white truck that had been of
15 interest?

16 A. No, ma'am.

17 Q. Did you have any reason at this point to consider
18 Mr. Cornish a suspect in the case?

19 A. No, ma'am.

20 Q. Was he free to leave at any point if he wished?

21 A. Yes, ma'am.

22 Q. To go over to Waffle House, for example?

23 A. Yes, ma'am.

24 Q. Did you threaten him in any way to participate in an
25 interview with yourself and Detective Pratt?

- 1 A. No, ma'am.
- 2 Q. Did you promise him any in exchange for an interview
3 with yourself and Detective Pratt?
- 4 A. No, ma'am.
- 5 Q. Did he appeared to be of sound mind?
- 6 A. Yes, ma'am.
- 7 Q. And did his agreement to participate in that interview
8 appear to be free and voluntarily given?
- 9 A. Yes, ma'am.
- 10 Q. Now over the course of this interview, I want to start
11 at the beginning, was he advised of a crime that had
12 occurred in the area of St. Andrews Road on Tuesday,
13 December 17th?
- 14 A. It was my understanding that he was advised that an
15 incident had taken place in that area.
- 16 Q. Okay. And throughout the course of that interview
17 with yourself and Detective Pratt, did he ever acknowledge
18 any -- having any firsthand information or any knowledge
19 about that crime?
- 20 A. No, ma'am.
- 21 Q. Did he ever admit to being in the area of St. Andrews
22 Road or Bush River Road on Tuesday, December 17th?
- 23 A. No, ma'am.
- 24 Q. What was his demeanor? How would you describe his
25 demeanor when he was questioned about that?

1 A. He appeared to be confused. He stated multiple times
2 he didn't know what we were talking about and had no
3 knowledge of any major incidents happening.

4 Q. All right. So he told you he had no knowledge and
5 didn't know what you were talking about?

6 A. Yes, ma'am.

7 Q. I'm gonna show you what is State's 28 and ask you
8 whether or not you're familiar with this item already in
9 evidence?

10 A. Yes, ma'am.

11 Q. And can you tell us whose voices are heard on this
12 audio recording?

13 A. Myself, Detective Pratt and Mr. Cornish.

14 Q. Okay. The defendant, Jeremy Cornish?

15 A. Yes, ma'am.

16 Q. And all of this is occurring within your Tahoe?

17 A. Yes, ma'am.

18 Q. Now do you also ask him during the course of this
19 interview if anyone had borrowed his truck on December
20 17th?

21 A. Yes, ma'am.

22 Q. What was his response to that?

23 A. He said that he couldn't allow anybody else to use
24 that vehicle.

25 Q. When he was questioned about his whereabouts on

1 Tuesday, December 17th, what did he state to you?

2 A. He stated that they had gone to work that morning.

3 He advised that they were working at McIntosh {sic} and
4 they had gone to the DMV that day and then he was home for
5 the rest of the day.

6 Q. All right. So I want to ask you about that in a
7 little bit more detail. He indicates to you that they had
8 worked together that morning?

9 A. Uh-huh.

10 Q. What, if anything, affected their ability to work that
11 day?

12 A. He said the cold and the rain particularly made it so
13 they couldn't work that day and so they left early.

14 Q. All right. They left work early. Did he indicated
15 what time of day that would have been?

16 A. No, ma'am. He said he couldn't say exactly, but he
17 knew it was in the morning time.

18 Q. All right. Did he ever acknowledge or indicate
19 any further contact with Justin Hopkins on Tuesday,
20 December 17th after the rain?

21 A. No, ma'am.

22 Q. Where did he indicate or state that he had last seen
23 Justin Hopkins on Tuesday, December 17th?

24 A. He advised that they had a drop-off and pick-up
25 location for them, which was the Food Lion on Garners Ferry

1 Road in Richland County.

2 Q. All right. So that would be Food Lion in Richland
3 County?

4 A. Yes, ma'am.

5 Q. Where did Jeremy Cornish tell you that he went after
6 letting Hopkins out at Food Lion in Richland County?

7 A. He said he went to the DMV on O'Neil Court, which is
8 also in Richland County, then he advised that he had to go
9 to a bank in the Five Points area and then he said he went
10 back to the same DMV.

11 Q. Okay. And the same DMV being the O'Neil Court and Two
12 Notch Road location in Richland County?

13 A. Yes, ma'am.

14 Q. And where did he indicate he went after that?

15 A. He said after that he went home and he was home for
16 the rest of the day.

17 Q. All right. And when he states that he went home, do
18 you have knowledge as to which county that is?

19 A. Yes, ma'am. It was Richland County as well.

20 Q. And do you recall the general area that is within
21 Richland County?

22 A. I think it was the Columbia area. He gave me his
23 exact address when we were speaking. He said his address
24 was [REDACTED] Angel Garden Way in the Columbia area of Richland
25 County.

1 Q. All right. I'm gonna add that. And, again, that
2 address is ■ --

3 A. ■ Angel Garden Way in the Columbia area of Richland
4 County.

5 Q. And did he ever indicate leaving that location after
6 going home following the DMV?

7 A. He said for the most part he was at that residence for
8 the rest of the day. He may have had to go pick up his
9 girlfriend or something he mentioned earlier, but he said
10 he was there for the rest of the day.

11 Q. Now did you have an opportunity to question him as to
12 whether he was ever in the area of Bush River Road, which
13 would be the St. Andrews area of Lexington County?

14 A. Yes, ma'am, I did.

15 Q. And what was his response in that regard?

16 A. He said he doesn't hang out on that side of town.

17 Q. And did he ever acknowledge being there on Tuesday,
18 December 17th?

19 A. No, ma'am, he said he was home.

20 MS. MAYES: At this time, Your Honor, permission to
21 publish State's 28.

22 THE COURT: It's granted.

23 (Whereupon, State's 28 began playing.)

24 BY MS. MAYES:

25 Q. All right. And whose voice is that? .

1 A. That would be Captain Laintz's.

2 Q. Regarding the search of the vehicle?

3 A. Yes, ma'am.

4 (Whereupon, State's 28 continued playing.)

5 Q. And, again, who are you referencing here when you're
6 asking how long he'd known him?

7 A. They were talking about Justin at that point.

8 Q. Referring to Justin Hopkins?

9 A. Yes, ma'am.

10 Q. And his response is for a number of years?

11 A. Yes, ma'am.

12 (State's Exhibit Number 28 continued playing.)

13 Q. And now was there a chance to specifically ask him for
14 his phone number?

15 A. Ma'am?

16 Q. And during the course of this interview, did you
17 specifically ask him for a phone number?

18 A. Yes, he gave his phone number.

19 Q. And do you recall whether or not he had a phone with
20 him during the course of your contact with him or during
21 the course of this interview?

22 A. Yes, ma'am, he did.

23 (State's Exhibit Number 28 continued playing.)

24 Q. All right. Now during the course of this interview,
25 did he ever acknowledge seeing any news about this crime on

1 Tuesday?

2 A. No, ma'am.

3 Q. And when we talk about Tuesday and we hear during the
4 course of the recording references to Tuesday, which
5 Tuesday is being referred to?

6 A. December 17th, the day of the original incident.

7 MS. MAYES: I beg the Court's indulgence.

8 THE COURT: Take your time.

9 BY MS. MAYES:

10 Q. And, again, throughout your contact with him this
11 night by the roadside, was he in custody?

12 A. No, ma'am, he was not.

13 Q. Did you have any reason to treat him as a suspect at
14 this point in time?

15 A. No, ma'am.

16 Q. To read him Miranda rights, for example?

17 A. No, ma'am.

18 Q. And when he maintained that he had no knowledge of the
19 crime, did you believe him?

20 A. Yes, ma'am.

21 MR. SWERLING: Objection. Whether he believed him
22 or not, that's just not -- that's not proper.

23 THE COURT: I agree.

24 And, Ms. Mayes, unless he's got some other reason.

25 MS. MAYES: I can rephrase that, Your Honor.

1 THE COURT: I'm gonna ask the jury to disregard that.

2 Go ahead.

3 BY MS. MAYES:

4 Q. Did the content of his statement where he denied
5 knowledge of any crime occurring on December 17th, did that
6 ever change during the course of your contact with him that
7 night?

8 A. No, ma'am.

9 MS. MAYES: Nothing further.

10 THE COURT: Mr. Swerling.

11 MR. SWERLING: Excuse me one minute.

12 CROSS-EXAMINATION

13 BY MR. SWERLING:

14 Q. I've got a few follow-up questions, Detective Dubard.
15 How are you?

16 A. I'm doing well, sir. How are you?

17 Q. Good. A little cold here. I don't know what's going
18 on.

19 THE COURT: It's cold outside, too.

20 BY MR. SWERLING:

21 Q. Just to go back over a few things and I just want to
22 make sure that I've covered this. It may take a few
23 minutes, but I think my questions are gonna be short. So
24 this was on the 21st --

25 A. Yes, sir.

1 Q. -- when you were involved in the stop, the traffic
2 stop?

3 A. Yes, sir.

4 Q. And that was -- how many cars were involved in that
5 stop?

6 A. The initial traffic stop was only one vehicle.

7 Q. Okay. And what about eventually how many vehicles
8 showed up?

9 A. Three total.

10 Q. You and Captain Laintz and Investigator Pratt?

11 A. Yes, sir.

12 Q. And you-all, were tasked -- or Detective Pratt was
13 tasked with going ahead and pulling the car over?

14 A. Yes, sir. A traffic stop was initiated.

15 Q. And you responded as well?

16 A. Yes, sir.

17 Q. Were there any blue lights? Did you utilize a blue
18 light?

19 A. No, I did not. The traffic stop was already
20 initiated, he was already in what I would call a safe
21 situation, so I didn't use any blue lights.

22 Q. Did the blue lights stay on Detective Pratt's car the
23 whole time?

24 A. No, sir. At one point I did tell him to go ahead and
25 cut his blue lights off.

1 Q. Okay. So let me ask you, the three of you -- well,
2 did you-all have vests on, Lexington County vest, safety
3 vests?

4 A. I think in the initial stop we did just per protocol.

5 Q. Okay. And those have LCSD on them?

6 A. They have sheriff on the front of them.

7 Q. Sheriff. Okay. And they're armor-proof vests; is
8 that correct?

9 A. Assault armor, yes, sir.

10 Q. Okay. And each of the three of you had on a vest?

11 A. Initially.

12 Q. Okay. Were you-all in plain clothes or were you in
13 uniform?

14 A. We were in plain clothes, I believe, but we we're in
15 the detective division, so it may have been polo shirts
16 just because of the search warrant that day.

17 Q. The cars were marked or unmarked?

18 A. Unmarked.

19 Q. And were the cars -- how were they positioned? Were
20 they surrounding his vehicle, were they blocking his
21 vehicle or --

22 A. No, sir. They weren't blocking his vehicle. He
23 actually pulled into a parking space during the traffic
24 stop.

25 Q. Was he free to leave at that point?

- 1 A. Yes, sir.
- 2 Q. Did he ever ask to leave?
- 3 A. No, sir.
- 4 Q. So when you -- you arrived and the other detective --
- 5 Captain Laintz and the other detective arrived, did you
- 6 engage in a conversation with him while he was in his
- 7 vehicle?
- 8 A. I did not. When I arrived, Detective Pratt and
- 9 Captain Laintz were speaking with him.
- 10 Q. And at some point you did engage in a conversation
- 11 with him though?
- 12 A. That was later after he was outside of his vehicle.
- 13 Q. Okay. So he's asked to exit his vehicle?
- 14 A. He was asked to participate in an interview with us --
- 15 Q. Right.
- 16 A. -- and we asked him if he wanted to do it in one of
- 17 our vehicles and he said okay, so I escorted him or told
- 18 him which vehicle we were in.
- 19 Q. And so you-all went to your vehicle; is that right?
- 20 A. Yes, sir.
- 21 Q. He never -- he didn't hesitate in going ahead and
- 22 agreeing to that, did he?
- 23 A. That's two different questions. You asked did he
- 24 hesitate or agree. He agreed to --
- 25 Q. He agreed to do it?

1 A. Yes, sir.

2 Q. I'm sorry if I messed up or conflated the two
3 sentences. The bottom line was that you-all asked him if
4 he wanted to do an interview --

5 A. Yes, sir.

6 Q. -- a long interview and he had no objection to that?

7 A. Yes, sir.

8 Q. And the interview was not outside, but it was inside
9 your vehicle; is that correct?

10 A. Yes, sir.

11 Q. And he went into your vehicle as Ms. Mayes pointed
12 out, he had free and voluntary entry into your vehicle?

13 A. Yes, sir.

14 Q. He sat in the front seat?

15 A. Yes, sir.

16 Q. Where did you sit?

17 A. In the back.

18 Q. Okay. Were you taking notes?

19 A. I was kind of just assisting. I wasn't necessarily
20 taking notes. I was just kind of assisting Detective Pratt
21 in the interview.

22 Q. Okay. Well, you were participating in the interview;
23 is that right?

24 A. Yes, sir.

25 Q. Okay. At no time was Mr. Cornish belligerent,

1 arrogant, confrontational or anything like that, was he?

2 A. He was cooperative the whole time.

3 Q. Very cooperative. And he did not require Miranda
4 warnings as we've brought out here?

5 A. No, sir.

6 Q. All right. But he also didn't ask for a lawyer?

7 A. No, sir.

8 Q. Okay. And he also continued to talk and did not stop
9 the interview, did he?

10 A. Yes, sir. He continued to speak with us.

11 Q. He also was asked at one point whether or not -- he
12 did a Terry frisk or I think Captain Laintz did a Terry
13 frisk?

14 A. I'm not --

15 Q. Were you there when he -- when that happened?

16 A. I didn't observe any frisk of him or anything like
17 that. When I got there, he pretty much was told hey, we're
18 gonna sit in this car and he walked over with him to the
19 car.

20 Q. When you got there he was already standing outside?

21 A. Yes, sir.

22 Q. Okay. And so you don't know about the Terry frisk.
23 When he was asked about the interview, he agreed to do it.
24 Also, when he was asked about the search of his vehicle, he
25 consented to that as well; isn't that correct?

1 A. Yes, sir.

2 Q. Okay. And when he was asked about his phone, he
3 provided the passcode to his phone; did he not?

4 A. I'm not sure. He didn't -- that wasn't with me, no,
5 sir.

6 Q. You weren't there when that happened?

7 A. No, sir. My understanding is that was with another
8 detective.

9 Q. Okay. Detective Creech later on?

10 A. Yes, sir.

11 Q. And he did not -- I believe Captain Laintz told him
12 that he could sit in your vehicle and observe him searching
13 the vehicle?

14 A. Yes, sir.

15 Q. And he could stop that search at any time he wanted
16 to, correct?

17 A. Yes, sir.

18 Q. And he did not do that?

19 A. No, sir.

20 Q. He never objected to the search?

21 A. No, sir.

22 Q. Never questioned anybody about the search?

23 A. No, sir.

24 Q. Okay. And the search didn't reveal anything, did it?

25 A. I don't know exactly what you mean by reveal anything.

- 1 Q. Well, we were talking about the DMV notice, but I'm
2 talking about you didn't find any weapons?
- 3 A. No, sir.
- 4 Q. You didn't find any shells?
- 5 A. No, sir.
- 6 Q. You didn't find any gunpowder residue?
- 7 A. Not to my knowledge.
- 8 Q. Okay. You didn't find any DNA, suspicious DNA in
9 vehicle or blood?
- 10 A. I wouldn't know, sir. I didn't conduct the search of
11 the vehicle.
- 12 Q. But as far as you know, it did not reveal any
13 incriminating evidence; isn't that right?
- 14 A. As far as I know.
- 15 Q. Now, on the other hand, there was a -- did you
16 participate in the stop of Justin Hopkins?
- 17 A. No, sir.
- 18 Q. You at no point were over there?
- 19 A. No, sir.
- 20 Q. Were you made aware that there was -- weapons were
21 found in Justin Hopkins' vehicle?
- 22 A. That was much later. That was after they had already
23 finished with that stop over there.
- 24 Q. Okay. And drugs?
- 25 A. I didn't know anything about drugs being found.

1 Q. Okay. So you-all -- you weren't part of the whole
2 investigation, you had an individual part?

3 A. Yes, sir.

4 Q. But none of that was found -- nothing like that was
5 found in Mr. Cornish's vehicle as far as you know?

6 A. Not to my knowledge.

7 Q. Okay. And you were there while that search was being
8 performed?

9 A. Yes, sir.

10 Q. After the search, his vehicle was confiscated; was it
11 not?

12 A. When I was asked to -- I was asked to leave the scene
13 at a certain point and head to his apartment -- or to
14 Justin's apartment on Landmark, so I wasn't there when the
15 vehicle was seized or towed or anything like that.

16 Q. But it was taken into evidence as far as you know?

17 A. I'm assuming. I don't know, sir.

18 Q. Okay. Well, that's fine.

19 A. It was still on-scene when I left the scene.

20 Q. That's fine. But at no point did he say that he
21 wanted to leave or did he walk off?

22 A. No, sir.

23 Q. He could have walked off?

24 A. Yes, sir.

25 Q. He could have stopped the search?

- 1 A. Yes, sir.
- 2 Q. He could have stopped talking?
- 3 A. Yes, sir.
- 4 Q. But at no time did he do that?
- 5 A. Yes, sir.
- 6 Q. He even provided you with his phone number?
- 7 A. Yes, sir.
- 8 Q. You were there when he provided his phone number?
- 9 A. Yes, sir.
- 10 Q. That proved to be an accurate phone number?
- 11 A. I never checked back on it. We provided that
- 12 information to lead detectives.
- 13 Q. All right. And you provided to the lead detective
- 14 that there was nothing found in vehicle, any kind of weapon
- 15 or drugs or anything like that, any blood or anything that?
- 16 A. That would have had to be Captain Laintz. He was,
- 17 I think, searching the vehicle. We were interviewing
- 18 Mr. Cornish.
- 19 Q. So the only part that you really did hear or the only
- 20 part you had in this was to go ahead and do this interview?
- 21 A. Yes, sir.
- 22 Q. So was he cooperative? I mean, it sounds to me like
- 23 he was cooperative?
- 24 A. Yes, sir.
- 25 Q. He -- at one point here he said he was nervous?

1 A. Yes, sir.

2 Q. He said that on a couple of occasions?

3 A. Yes, sir.

4 Q. All right. And he also was nervous about Mr. Cornish,
5 too, because didn't he say something about he didn't want
6 him to work there if he was dangerous or something like
7 that?

8 A. Mr. Cornish?

9 Q. Yeah. He didn't -- Mr. Cornish said about Mr. Hopkins
10 that he was dangerous. He wanted to know whether he was
11 dangerous?

12 A. I think he was -- wanted to know why we were asking
13 about Cornish and some major incident. I don't know if he
14 said him being dangerous or anything.

15 Q. I think there was a quote in the transcript about him
16 being dangerous. You-all were suggesting he was dangerous.

17 A. I don't remember suggesting that he was dangerous.
18 That may have been another detective.

19 Q. Well, based upon what you-all were reporting him about
20 what happened, wouldn't that be a fair statement?

21 A. I wouldn't be able to comment on whether he had an
22 opinion of whether Mr. Hopkins was dangerous or not.

23 Q. Looking at -- do you have a copy of the transcript up
24 there?

25 A. Yes, sir.

1 Q. Down at the bottom of page 46, he says there that "I'm
2 definitely nervous about it" and at some point -- let me
3 see where -- I mean, he indicated he was nervous. I'm
4 trying to find this.

5 MR. SWERLING: Excuse me one minute, Your Honor.

6 BY MR. SWERLING:

7 Q. You-all told him if you thought he was a suspect in
8 the case you-all would be treating him a lot differently;
9 is that right?

10 A. Yes, sir.

11 Q. And he told you that Mr. Hopkins had a tattoo?

12 A. Yes, there were some questions asked about a tattoo.

13 Q. Yeah, that would be something that you-all were trying
14 to find out, whether or not he had a tattoo or not; is that
15 correct? That would be on page 48. Page 48, line 13.

16 A. Yes, sir. I see where it says investigator said sure,
17 you said Justin has a tattoo, as if they were referring to
18 Hopkins -- or Cornish stating that Justin had a tattoo. I
19 don't remember --

20 Q. Wasn't that an issue in the case, in the
21 investigation, about whether or not he had a tattoo or a
22 band-aid on his face?

23 A. I don't know, sir.

24 Q. You don't remember that?

25 A. I wasn't that far in-depth of that investigation.

1 Q. Okay. And on page 60, line 5, he's asking whether or
2 not he's dangerous, and I think you may be saying here that
3 he's a person of interest? Do you see where I'm talking
4 about?

5 A. I do see a comment on there, but it has it as
6 Investigator 2 and I think through most of this transcript
7 I was listed as Investigator 3, so that wouldn't have been
8 me.

9 Q. It would have been one of the other investigators
10 then?

11 A. It may have been.

12 Q. I'm sorry. Yeah, okay. All right. You're right.
13 But you -- do you remember that conversation?

14 A. I don't. Like I told you before, at a certain point
15 during that conversation I was pulled away to go and assist
16 at Landmark. That may have been during that time and I
17 also took a couple of phone calls while on-scene, so that
18 may have been during that as well.

19 Q. So you were which investigator?

20 A. Investigator 3.

21 Q. Okay.

22 A. If you look back to the first half of the
23 transcript --

24 Q. So you left at some point?

25 A. Yes, sir.

1 Q. All right. Well, I'm not gonna ask you any more about
2 the rest of the conversation then. But during your entire
3 time with him, he was cooperative with you and with
4 Mr. Pratt; is that correct?

5 A. Yes.

6 Q. And Captain Laintz?

7 A. Yes, sir.

8 Q. Didn't refuse to answer anything?

9 A. No, sir.

10 Q. Didn't stop the questioning, didn't stop the search?

11 A. No, sir.

12 Q. Listened to all of the -- whatever directions you-all
13 had, even when -- were you there when he was let go, when
14 he left?

15 A. No, I was not.

16 Q. Okay. You were already gone?

17 A. Yes, sir.

18 MR. SWERLING: Excuse me one minute.

19 THE COURT: Take you were time.

20 BY MR. SWERLING:

21 Q. I apologize. The company car was not taken that
22 night, it was taken on another occasion, so I just -- I
23 apologize. I wasn't trying to trick you.

24 A. No problem, sir.

25 THE COURT: Is that all Mr. Swerling?

1 MR. SWERLING: Yes.

2 THE COURT: Ms. Mayes.

3 MS. MAYES: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. MAYES:

6 Q. And so to clarify, on that night, Tuesday,
7 December 17th, was the defendant able to leave that
8 traffic stop of his own accord?

9 A. Yes, ma'am.

10 Q. On the night of, excuse me, December 21st?

11 A. Yes, ma'am.

12 Q. He was able to leave that traffic stop of his own
13 accord?

14 A. Yes, ma'am.

15 Q. In that vehicle?

16 A. Yes, ma'am.

17 Q. And the questions that Mr. Swerling posed about any
18 comments about Hopkins being potentially involved in a
19 crime, throughout your contact with the defendant, Jeremy
20 Cornish, what was his demeanor or reaction to any questions
21 in that regard?

22 A. He seemed surprised or not aware of any activities
23 that would be consistent with him being dangerous or
24 anything like that.

25 Q. And when questioned about his truck potentially being

1 involved in any type of crime, what was his reaction or
2 demeanor?

3 A. He denied any involvement as far as that vehicle.

4 Q. And did he ever acknowledge any contact with the
5 defendant, Justin Hopkins, following their event that
6 morning where they were rained out from work and he was
7 dropped off at the Food Lion?

8 A. No, ma'am. No further contact.

9 MS. MAYES: Nothing further.

10 MR. SWERLING: Nothing further, Your Honor.

11 THE COURT: Okay. May I let Mr. Dubard -- excuse
12 him?

13 MS. MAYES: Yes, Your Honor.

14 (Witness excused.)

15 THE COURT: All right. Mr. Foreman, ladies and
16 gentlemen of the jury, your lunch is supposed to be here
17 at 12:30, so we're gonna go ahead and take lunch. We'll
18 start back at 1:30, okay? 1:35, something like that.

19 All right. Remember, you can't speak about the case
20 even amongst yourselves. I hope you-all enjoy lunch.

21 FOREPERSON: Thank you.

22 (Whereupon, the jury was excused for lunch at
23 12:27 PM.)

24 THE COURT: All right. We're gonna be at lunch.

25 Let me ask you-all about this afternoon. We've got

1 If you'll state your name and spell your last for the
2 record, please.

3 THE WITNESS: My name's Jonathan Brock, B-R-O-C-K.

4 JONATHAN BROCK,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. HUBBARD:

8 Q. Lieutenant Brock, where do you work?

9 A. I work at the Lexington County Sheriff's Department.

10 Q. How long have you worked for the sheriff's department?

11 A. I've worked for the sheriff's department a little over
12 ten years now.

13 Q. And how long have you been in law enforcement?

14 A. I've been in law enforcement a little over fifteen
15 years.

16 Q. What are your current duties with the sheriff's
17 department here in Lexington?

18 A. So I'm the assistant region commander for the West
19 Region of Lexington County, which encompasses pretty much
20 everything west of Lexington, to include the Gilbert,
21 Summit and Batesburg-Leesville communities.

22 Q. Back in December of 2019, what were your duties at
23 that time?

24 A. So back in December 2019, I was assigned to narcotics
25 as an investigator. I was a task officer with the Bureau

1 of Alcohol, Tobacco, Firearms and Explosives, basically
2 kind of like a liaison between the sheriff's department and
3 that Federal entity.

4 Q. And at some point in December of 2019, were you
5 briefed and apprised of a situation that had happened off
6 of the St. Andrews area, the triple homicide?

7 A. Yes, I was.

8 Q. And were you given any information about a suspect?

9 A. Yes.

10 Q. And what was that suspect's name at that time?

11 A. The suspect's name was -- last name was Hopkins. I
12 believe it was Justin Hopkins.

13 Q. And had you even seen like a photo of him?

14 A. Yes. So when initially he came up as a suspect, he
15 wasn't identified yet or anything, I'd seen his driver's
16 license photo from DMV Online, as well as his social media
17 accounts.

18 Q. Anything unique about his face? Any feature about his
19 fact that you found unique?

20 A. Yes. So he had a tattoo. I guess it was on the right
21 side that I'm pointing to, on the right side of his upper
22 cheek. It was like a cross.

23 Q. Were you also informed about any type of vehicle he
24 may have been associated with involving that triple
25 homicide?

1 A. Yes. I was aware that there was a white dually that
2 may have been associated or picked somebody up or
3 something. It was still yet to be determined what that
4 role was.

5 Q. And then just looking at this calendar, with that
6 homicide being on the 17th, do you recall on the 21st being
7 tasked with the special -- or being called and asked if you
8 could participate in a search warrant?

9 A. Yes.

10 Q. Can you kind of give a background on that?

11 A. So I was in the major crimes suite and I knew that --
12 that they were in the process of doing this investigation
13 and there was -- there was somebody sitting on an apartment
14 for Mr. Hopkins conducting surveillance, they were waiting
15 to get the search warrant signed from a magistrate.

16 Q. Would that have been Detective Pratt?

17 A. Yes.

18 Q. Okay.

19 A. And then he called his sergeant and notified him that
20 a white dually just pick up -- dropped somebody off and
21 was leaving and so that he was going to try to stop that
22 vehicle and try to identify if that's the vehicle or who's
23 driving it and stuff like that, so there was nobody sitting
24 at the apartment anymore watching it, so that's when I
25 volunteered and said hey, if you need somebody to sit on

1 it, I can drive over there leaving from here in Lexington
2 to drive over to Landmark Drive.

3 Q. And what apartment were you actually called to sit on?

4 A. So it was [REDACTED] Landmark Drive, Apartment --

5 Q. Is it [REDACTED]?

6 A. It's [REDACTED], Apartment [REDACTED]. I'm sorry. I went blank just
7 then, I apologize, but the building, it's the one -- if I'm
8 looking at it from the front doors, it's the one on the
9 right.

10 Q. Looking at State's 2, and these are in evidence
11 already I believe, do you see Landmark Drive?

12 A. Yes. Yes, I do.

13 Q. And you have a pointer up there? Just hit the top
14 button there.

15 A. Okay. There we go. So it's this building here.

16 Q. Is it that building or way over here?

17 A. Well, according to my memory, it's this building right
18 here. I know we previously had a conversation, but it's
19 this building right here because I was sitting over in this
20 parking lot over here.

21 Q. Okay. Let me ask you this. When you were called to
22 come out there, I want to show you another -- Exhibit 3.
23 Is this -- what do we see right here?

24 A. That's Landmark Drive, the actual apartment complex.

25 Q. And what road is this?

1 A. St. Andrews Road.

2 Q. And this?

3 A. I-26.

4 Q. Now you say Detective Pratt had called in that he was
5 gonna pursue this white truck?

6 A. Yes.

7 Q. And then you were asked to go to Landmark and sit on
8 that Apartment [REDACTED]?

9 A. Yes, sir.

10 Q. About how long did it take you to get there?

11 A. It was probably somewhere around ten, fifteen minutes
12 because at that time if you-all remember that I-20 was
13 shut down for all the construction then, so we had to drive
14 basically through Lexington over the dam to get there, so
15 it took a little longer than normal.

16 Q. So during that time period there was no eyes on [REDACTED]?

17 A. Correct. No one was. Just Pratt when he left.

18 Q. Okay. Now let me ask you again about this apartment
19 complex in Exhibit 2. Where did you set up?

20 A. So I was backed in to one of these parking spots on
21 this side of the parking lot.

22 Q. Okay. And let me ask you this. When you're sitting
23 on this, there's no question what apartment, [REDACTED]?

24 A. Correct. So on the front of the apartment building
25 there's a square that says [REDACTED] and it only has two

1 apartments on the front and the right one's ■, the left
2 one's ■.

3 Q. Let me ask you while you're sitting there, about what
4 time of day was this?

5 A. It was somewhere between 8:00 and 9:00. So it was
6 evening hours, nighttime hours.

7 Q. Were you aware at what time the search warrant for ■
8 was signed?

9 A. The search warrant was signed at 8:30 PM.

10 Q. And so did that word go out to everybody, the search
11 warrant's now signed?

12 A. Yes. So they came out on the radio and notified
13 everybody because there was a group of people getting
14 ready to execute that search warrant. My sole job was
15 just surveillance, but they came over the radio and said
16 the search warrant's in hand.

17 Q. So while you're there Detective Pratt is going after
18 this white pick-up truck?

19 A. Yes.

20 Q. Or was probably already handling it at this time?

21 A. He was -- he had already stopped the vehicle before I
22 even made it over there.

23 Q. Okay. And while you were sitting up on this
24 apartment, what, if anything, did you notice or observe?

25 A. So while I was sitting there, I observed a vehicle

1 pull up. Do you mind if I --

2 Q. Sure.

3 A. So the vehicle pulled up on this side of the
4 apartment. Sorry for my shaky hand there. So it pulls
5 up and now I'm backed in where I am sitting with my lights
6 off and the vehicle pulls up pretty much almost in front
7 of me and they have their headlights on and what I see is
8 I see someone, I can't tell who because they have their
9 headlights on and it's dark outside, get out and go into
10 the Apartment ■.

11 Q. And the person you saw get out, could you see them
12 well enough to see or identify who they were?

13 A. No.

14 Q. But what you did see is someone get out of this
15 vehicle?

16 A. Correct.

17 Q. And then go into ■?

18 A. Yes.

19 Q. All right. At that point did you notify your
20 superiors?

21 A. Yes. So I don't remember exactly who I notified
22 because I -- I think I called a couple of different people
23 because they were all getting prepared and they were
24 dealing with the other traffic stop, but I let them know
25 that hey, somebody pulled up and somebody just went into

1 the apartment.

2 Q. Based on what you saw, could you see if anything was
3 in this person's hands?

4 A. When they got out of the vehicle, no, I couldn't tell
5 anything.

6 Q. All right. Now sometime later -- and about how long
7 later? What did you see?

8 A. It was pretty quick -- pretty quickly right after I
9 was letting everybody know who was coming to do the search.
10 warrant that an individual exited [REDACTED]. The difference is
11 this time when he exited and got back in the vehicle, he
12 crossed in front of the headlights of the car and got
13 into the passenger side and then when he crossed over the
14 headlights I was able to see basically his body type, how
15 tall he was, how wide he was and that he was carrying two
16 bags in his hands.

17 Q. Now the individual you saw in the headlights, did it
18 look familiar?

19 A. Yes, he -- the height and wait matched the description
20 that we knew from looking at DMV to be Hopkins.

21 Q. And you said he had two bags?

22 A. He did. He had a bag in each hand. As he crossed in
23 front of me, I could see he had a red hoodie on as well, so
24 I was able to see a whole lot more detail when he walked in
25 front of those lights.

1 Q. And did you actually see him get back in -- was it the
2 same car?

3 A. Yes, the same exact car.

4 Q. Okay. So this car that you'd seen somebody get out
5 of and go into [REDACTED] now you see who you believe might be
6 Hopkins with two bags --

7 A. Correct.

8 Q. -- getting back in the car?

9 A. Yes, sir.

10 Q. And what happened at that point?

11 A. So I got on the radio and started notifying the group
12 of people who were in the parking lot waiting to execute
13 the search warrant that hey, the individual who we believed
14 to be involved in this homicide of three individuals had
15 come to the house that we know he lives at, was getting
16 into this car and they were leaving.

17 Q. And were you instructed to do anything?

18 A. So I don't know if instructed is the best word, but I
19 knew that the stuff in the house was not gonna go anywhere,
20 but I know this individual needs to be stopped.

21 Q. Okay. So you pursued them?

22 A. Yeah, so I just got my vehicle, I pulled out and I
23 started following them and I got on the radio and asked for
24 a patrol unit, a fully marked unit because I drive -- I
25 don't think I told you guys earlier, but at the time I

1 drove a red Silverado pick-up truck. It's not marked as
2 sheriff's department, it has lights on the inside, a
3 little more undercover, and what I wanted was a fully
4 marked patrol car so nobody can say it's not law
5 enforcement stopping them, a light bar. I just wanted a
6 marked unit to pull them over.

7 Q. And do you know who it was that actually showed up
8 with the marked unit?

9 A. Yes. So we both got stopped at the light coming out
10 of Landmark Drive and we took a left onto St. Andrews Road,
11 Sergeant Aaron Poole as he got in front of me, I backed off
12 a little bit and allowed him to get between me and that
13 vehicle and he's the one that initiated the traffic stop.

14 Q. Looking at State's Exhibit Number 3, St. Andrews Road
15 here and Landmark Apartments over here, can you let the
16 jury know where you-all came out and what direction you
17 headed to?

18 A. Yes. So there's another exit out of Landmark, and I
19 can't see a whole lot of detail from this angle, but it
20 comes out on this cut-through that goes to Jamil. There's
21 a stoplight right here in front of the church and then we
22 headed left down St. Andrews Road.

23 Q. And go ahead. Where does the actual traffic stop take
24 place, if you will?

25 A. So Mrs. B's, the business was closed for business,

1 but there was like two cars in the parking lot. There's
2 a parking lot right here where Mrs. B's is at.

3 Q. Okay. If you had gone on down the road, would you
4 have been down here at the Waffle House?

5 A. If we would have continued, yes, sir.

6 Q. Okay. Were you aware that Jeremy Cornish -- well, you
7 didn't even know his name at that time, did you?

8 A. No, sir, I did not.

9 Q. Were you aware that the white pick-up truck was just
10 stopped right down the road from you-all?

11 A. No, at the time I didn't know -- I knew a traffic stop
12 had been conducted. I didn't have a clue where it was done
13 at.

14 Q. Now the car that you stopped or that Sergeant Poole
15 stopped and that you got in and helped and assisted in the
16 stop, do you remember what color car it was?

17 A. My mind wants to say red, but I know it was dark
18 outside at the time.

19 Q. Let me refresh your memory and show you this
20 photograph.

21 A. Yes, that's the car. It looks silver-ish.

22 Q. Okay. But is this the car?

23 A. Yes, sir.

24 Q. Let me show you something else just to make sure.

25 State's 211, comparing State's 210.

1 A. Yes, that's the car.

2 Q. And then --

3 A. Yes, the inside of the car.

4 MR. HUBBARD: Your Honor, I offer 210 and 211 into
5 evidence.

6 THE COURT: Any objection?

7 MR. SWERLING: No objection.

8 THE COURT: It's admitted.

9 (State's Exhibit Numbers 210 and 211, photographs,
10 were marked and admitted into evidence.)

11 BY MR. HUBBARD:

12 Q. Looking at 210, this is the vehicle you stopped?

13 A. Yes, sir.

14 Q. And, again, Sergeant Poole was the one that actually
15 made the stop, but you were there to assist?

16 A. Yeah. So I needed him for the fully marked presence
17 like I spoke about, but when he initiated blue lights, I
18 pulled right next to him with my blue lights as well.

19 Q. And did you go up to the car along with Sergeant
20 Poole?

21 A. Yes. He -- Sergeant Poole approached the driver's
22 side to speak with the driver of the vehicle, but knowing
23 what I knew, is I knew that the individual that I believed
24 to be Hopkins had entered the rear passenger side, so
25 that's where I went. I'm sorry. That's where -- I went

1 to the back -- the passenger side because that's the person
2 that I was most interested in in that car.

3 Q. All right. So it's you, Sergeant Poole. Was anybody
4 else there?

5 A. Yes. So Investigator Youmans, he was also in my truck
6 with me, and then there were other people showing up. I
7 don't know --

8 Q. Did Sergeant Nick Burt show up as well?

9 A. Yes. Sergeant Burt did show up as well.

10 Q. I'm gonna show you, again, 211, which is now in
11 evidence. Do you see him approaching the vehicle as well?

12 A. Yeah, that's him right there.

13 Q. What side of the vehicle is he approaching?

14 A. He's on the driver's side.

15 Q. Driver's side but the passenger?

16 A. The rear. Driver's side rear.

17 Q. So this is Sergeant Nick Burt?

18 A. Yes, sir..

19 Q. Now where in relation to where he is are you to this
20 vehicle?

21 A. I am on the completely opposite side on the passenger
22 side rear door.

23 Q. Okay. Completely on the opposite side of Sergeant
24 Burt?

25 A. Yes, sir.

1 Q. And Deputy Poole, is he -- is this basically his body
2 cam that's taking this?

3 A. Yes. He -- Sergeant Poole would be standing behind
4 this picture basically. If you can imagine, this is his
5 chest recording that video -- or that picture.

6 Q. When you-all got to the car, who were in the front
7 seats; the driver and front passenger?

8 A. There were two females who I didn't know anything
9 about.

10 Q. And when you got to the car, what, if anything, did
11 you notice as far as smell?

12 A. So there was a little bit of odor of marijuana coming
13 from the vehicle, but, again, that's not our driving
14 concern here. The concern was somebody we believed to be
15 involved in the murder of three people and he was in the
16 rear of that vehicle.

17 Q. And you -- you were able to identify him in the back
18 seat?

19 A. Yeah. So when I got up to the back window, I could
20 see in and I could see his hands and what his hands were
21 doing and his hands were going down between his legs, so I
22 opened up the back door because this is, again, somebody
23 who I believe was responsible for killing -- murdering
24 three people and his hands were going towards the bags,
25 so that's -- I had my weapon drawn and I pointed my weapon

1 at him and I told him to keep his hands up. Started
2 telling him keep your hands up, put your hands up, you
3 know, because I wanted to separate his hands from those
4 bags.

5 Q. I want to show you State's 117. Do you see the bags
6 in the vehicle?

7 A. Yes, sir.

8 Q. Okay. And you say there's two bags; one here and
9 where's the other?

10 A. I think -- on this picture, I think that black bag
11 right there is the other one.

12 Q. Okay.

13 MR. HUBBARD: Your Honor, I offer this into
14 evidence.

15 THE COURT: Any objection?

16 MR. SWERLING: No objection.

17 THE COURT: It's admitted.

18 (State's Exhibit Number 117, a photograph, was
19 admitted into evidence.)

20 BY MR. HUBBARD:

21 Q. All right. This is kind of hard to see on this.
22 Thank you.

23 All right. Lieutenant, I see what appears to be a
24 camo bag here. What is this right here?

25 A. So there -- the orange you see is just a continuation

1 of the flap of that bag, but above that -- there's a black
2 bag above that. You can kind of see what looks like a
3 zipper line above the orange of the other bag.

4 Q. Got you. And when you approached and saw Justin
5 Hopkins, where did he have those bags positioned?

6 A. So the one I remember the most is the camouflage.
7 That's obviously the one that sticks out to your eye the
8 most and he was kind of -- he wasn't sitting a hundred
9 percent in the seat right behind the driver, the bags were
10 between his legs. Like there was a bag between his legs
11 that I was more focussed on and his hands.

12 Q. And that's where you saw his hands reaching?

13 A. Yes, sir.

14 Q. And that's when you drew your gun?

15 A. Well, knowing when I was going out, I had my gun drawn
16 from the start.

17 Q. Okay. And you told him to raise his hands?

18 A. That's when I opened the door when I saw his hands
19 reaching. I told him to raise his hands and, you know, he
20 complied, put his hands up. There was a point when I think
21 there was a lot going on for him that he started to lower
22 his hands again and that's when Sergeant Burt opened the
23 door and I instructed him just listen to what he tells you
24 because he's a lot closer than I am.

25 Q. Is that Sergeant Burt actually putting his hands on

1 the door at that time?

2 A. Yes, sir. He opens the door after that.

3 Q. Now back to the two ladies that were involved in the
4 car, the driver and the person in the front passenger seat,
5 throughout this stop were you-all able to determine whether
6 they had any involvement whatsoever with that homicide or
7 with what happened that you-all were investigating?

8 A. So after Mr. Hopkins was placed in cuffs, I left and
9 went back to the apartment, so I wasn't involved in
10 speaking with the ladies, but from what I know their names
11 never came up again as far as the investigation goes.

12 Q. And they didn't get cuffed in your presence?

13 A. No, they -- they stayed in the car. Once Hopkins was
14 removed and handcuffed, they never got out of the car. All
15 our guns were holstered and, you know, the detectives who
16 were on-scene, being Sergeant Burt and Sergeant Creech,
17 they started talking to them.

18 Q. Okay. At the time of this stop -- you said the search
19 warrant was at 8:30, what time was this actual stop?

20 A. So the stop -- our CAD history because obviously
21 we're not looking at our watch when we do this says that
22 we called the traffic stop in at 8:59.

23 Q. And you said -- now Hopkins, was he placed under
24 arrest at this time?

25 A. All I know is that he was placed in handcuffs because

1 of the movement and the suspicion about being involved.

2 Q. All right. So you didn't stay around and do that?

3 A. No, sir.

4 Q. You had done your part?

5 A. Yes, sir.

6 Q. And then where did you go after that?

7 A. So I returned back to ■ Landmark Drive, Apartment ■
8 because, again, nobody was watching the apartment again
9 and so I went back and started -- we actually secured the
10 residence when we got back for that search warrant.

11 Q. Okay. And then later that evening did you assist
12 Sergeant Burt in any way?

13 A. Yes, I did.

14 Q. What did you do with Sergeant Burt?

15 A. So when we completed the search warrant -- and when
16 I say we, I mean there was a bunch of people there and
17 CSI was there. Once the search warrant was done at the
18 apartment, I went back to headquarters to see what else
19 needed to be done, if any help needed to be done, and
20 Sergeant Burt was in evidence and he was starting to
21 execute his search on the two bags that we saw earlier in
22 the photograph that was removed from the car, Hopkins'
23 bags, and so I helped him by -- he would hold some things
24 -- as we went through the bags, I would take pictures for
25 him while he was going through certain things and just

1 lending a helping hand as he went through those bags.

2 MR. HUBBARD: Thank you, Lieutenant. I believe
3 that's all I've got for you at this time. Please answer
4 any questions the defense has.

5 THE WITNESS: Yes, sir.

6 THE COURT: Mr. Swerling.

7 MR. SWERLING: Excuse me a minute.

8 No questions.

9 THE COURT: May I let Lieutenant Brock be excused?

10 MR. HUBBARD: Yes, Your Honor. Thank you.

11 THE COURT: Thank you.

12 (Witness excused.)

13 MR. HUBBARD: The State calls Sergeant Nick Burt.

14 (Whereupon, Nicholas Burt was duly sworn by the
15 Clerk of Court.)

16 THE CLERK: If you'll have a seat, please. State
17 your name and spell your last for the record, please.

18 THE WITNESS: It's Nicholas Burt, B-U-R-T.

19 NICHOLAS BURT,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. HUBBARD:

23 Q. And I'm gonna call you Sergeant, but what are you
24 actually doing today? Where do you work?

25 A. Currently. I'm a director of safety for Thompson

1 Industrial Services, which is an industrial cleaning
2 company based out of Sumter, South Carolina.

3 Q. When about was it when you left the sheriff's
4 department?

5 A. April of this year.

6 Q. How long did you work for Lexington County Sheriff's
7 Department?

8 A. Just over twelve years.

9 Q. And had you worked in law enforcement prior to that?

10 A. I did. I worked at Columbia Police Department for
11 just under a year prior to that.

12 Q. And I referred to you as sergeant. Back in 2019 was
13 that what your rank was?

14 A. It was.

15 Q. And what area or unit were you working as a sergeant
16 back at the time?

17 A. I was one of the four major crimes sergeants at
18 headquarters where we were based out of.

19 Q. Major crimes, is that what the word implies? Murder,
20 big serious crimes?

21 A. Yes. There was four different teams and they each had
22 a different specialization. You have a catch-all team, a
23 special victims unit. I was over the domestic violence
24 team. And there's a fourth one. Sorry.

25 Q. That's all right. December 17, 2019, were you aware

1 of the triple homicide that occurred on that day?

2 A. Yes, we would have been on nightshift that week, so we
3 would have come in evening hours while the other team was
4 on dayshift actively working the case.

5 Q. And did you-all -- your team assist that team with
6 various aspects?

7 A. We did. As the week went on coming towards the
8 weekend, we started to get more actively involved.

9 Q. In doing that, were you and your team apprised of the
10 information that had been discerned from witnesses and from
11 the scene?

12 A. Yeah, there were several meetings that I would be a
13 part of, just kind of the big picture things that had been
14 developed and different leads.

15 Q. Were you apprised of the white dually pick-up truck
16 for instance?

17 A. Yes, I was.

18 Q. And its connection to a person by the name of Justin
19 Hopkins?

20 A. Well, we had been given that vehicle description at
21 the time that we were told about the truck.

22 Q. And did you-all at some point develop the name though
23 of Justin Hopkins as well during this investigation?

24 A. Yes.

25 Q. And you were apprised of all that?

1 A. Yes, I was.

2 Q. Were you also given his appearance and what you-all
3 needed to be looking for?

4 A. Yes.

5 Q. Now December 21st of 2019 -- let me ask you this.

6 Did you at some point meet with Sergeant Creech and go
7 over Hopkins' ID and make sure that you knew who you were
8 actually assisting to look for?

9 A. Yeah, the night before and then additionally more
10 information was developed on the 21st.

11 Q. And about the Landmark Apartments, did you-all have
12 a courtesy officer working at that apartment complex that
13 assisted in locating [REDACTED]?

14 A. We did. He's -- the courtesy officer, which sometimes
15 they get different rates and they have responsibilities
16 at the apartments to make sure things are checked on. He
17 worked in major crimes at the time.

18 Q. And was he able to confirm that Justin Hopkins lived
19 in Unit [REDACTED]?

20 A. Yes, he did.

21 Q. And were you-all able to get the layout of that
22 apartment prior to conducting any kind of search warrant?

23 A. Yeah, he e-mailed me just a standard blueprint of the
24 style of apartment that he lived in.

25 Q. And while you-all were preparing for the search

1 warrant, who did you assign to sit on that apartment?

2 A. So initially Investigator Pratt was sitting on the
3 apartment while we were getting people together and getting
4 a game plan developed.

5 Q. And he was part of your team?

6 A. He was.

7 Q. At some point did Detective Pratt contact you about
8 what he saw at that apartment complex?

9 A. He did.

10 Q. Did it -- what did it involve?

11 A. So he was positioned where he was at the parking lot
12 watching the target house. He saw somebody that appeared
13 to be the description of Justin Hopkins be dropped off by
14 a white dually truck and go into the apartment.

15 Q. And at some point did he tell you what the truck was
16 doing?

17 A. The truck was leaving the apartment complex.

18 Q. What, if any, directive did you give him concerning
19 that truck?

20 A. To get the tag and try to stop it.

21 Q. Okay. And since he was doing that, did you call
22 somebody else in to take his place to survey the --
23 Apartment [REDACTED]?

24 A. I did. We were all still at headquarters at that
25 time, so Agent Brock at the time, he was up there as well,

1 and he left to go take over for Pratt and then we relocated
2 to an apartment -- not an apartment, a business down the
3 street waiting on everybody to get together before we went
4 to the apartment complex.

5 Q. So you-all had a lot going on that night. You were
6 getting ready for a search warrant for [REDACTED]?

7 A. Yes.

8 Q. And then as far as this vehicle's concerned, this
9 white dually truck, you've told Pratt to stop that vehicle?

10 A. Correct.

11 Q. Okay. Did you know from prior briefings and from
12 talking to Sergeant Creech the critical importance --
13 evidentiary importance of a white dually pick-up truck?

14 A. I did.

15 Q. And now you've been told a man meeting the description
16 of Justin Hopkins has gotten out of that vehicle?

17 A. Yes, from Investigator Pratt.

18 Q. All right. So who did you have take his place
19 surveying the apartment complex?

20 A. It was Agent Brock and he had another detective with
21 him. They were in the same car.

22 Q. Is that Agent Youmans?

23 A. Yes.

24 Q. And now Brock, he was with -- he wasn't with major
25 crimes at that point, was he?

1 A. No, at that point he was part of our narcotics
2 division, but he was also a TFO with the ATF.

3 Q. Okay. And in prepping for the search warrant for
4 this residence, there's been mention of SWAT. What type
5 of considerations were you and others like yourself trying
6 to take in mind when you're conducting a search warrant
7 in this particular instance?

8 A. So given the nature of the case and that it was at
9 nighttime, it was viewed as a high risk search warrant and
10 several of the people that were involved are on the SWAT
11 team.

12 Q. Okay. Now while -- while Brock was sitting there
13 watching this apartment, did you get a call or were you
14 informed through radio what he was observing?

15 A. Over the radio. We had moved from headquarters to --
16 on St. Andrews Road just down from the apartment complex
17 when he radioed that a subject matching Mr. Hopkins'
18 description was seen getting into a silver vehicle and it
19 was leaving the apartment complex.

20 Q. Did that go to all of you guys?

21 A. Yes. It would have been over the radio.

22 Q. And do you recall anybody calling for a marked unit?

23 A. That would have been Brock.

24 Q. Okay. And did you join in that stop?

25 A. Yes, I pulled out from where I was onto St. Andrews

1 Road and as I was coming up to a marked unit, Brock was
2 behind him, he initiated a traffic stop and we pulled into
3 a Mr. -- it's a soul food restaurant. He pulled in there
4 and I pulled in behind.

5 Q. Let me ask you this. Do you have a little laser
6 pointer? I don't know if it's still there. I want you to
7 look at State's Exhibit 3 with St. Andrews Road and I-26.
8 What are we seeing over here on the left-hand side of this
9 exhibit?

10 A. That's the Landmark apartment complex.

11 Q. And which way do you recall this silver car going with
12 Mr. Hopkins in it?

13 A. So can -- I was in this parking lot about right here
14 and it was coming this way down St. Andrews Road.

15 Q. Okay. And you mentioned a Mrs. B's Southern Soul
16 Food?

17 A. Yes, it's right there. It's where everybody pulled
18 into.

19 Q. Okay. So the silver car stopped right there and do
20 you remember who actually went up to the driver's side
21 window?

22 A. Sergeant Poole.

23 Q. I want to show you State's 210. Is this the vehicle
24 we're talking about?

25 A. It is.

1 Q. And who else approached that vehicle?

2 A. I was behind Sergeant Poole on the driver's side and
3 Agent Brock was on the passenger side.

4 Q. All right. Now the picture we're seeing here, is this
5 off a body cam?

6 A. It is.

7 Q. Is that Poole's body cam?

8 A. It is.

9 Q. State's 211, who do you see in this photograph?

10 A. That's me at the back driver's door and inside the
11 car you can see the silhouette outline of Mr. Hopkins.

12 Q. Through that vehicle? Now what color clothing? Do
13 you remember what he was wearing?

14 A. A red hoodie-style jacket.

15 Q. All right. And on the opposite side of the vehicle
16 was who?

17 A. Agent Brock.

18 Q. At some point what, if anything, do you remember Agent
19 Brock saying that heightened this stop?

20 A. So he got louder --

21 MR. SWERLING: Objection. Object to hearsay.

22 MR. HUBBARD: I'll rephrase it.

23 THE COURT: Rephrase it. Thank you.

24 BY MR. HUBBARD:

25 Q. At some point did officers draw guns?

1 A. They did.

2 Q. Why?

3 A. There was mention of hands, showing hands.

4 Q. Okay. Now from your vantage point, could you see what
5 Mr. Hopkins was doing?

6 A. No, because before this I was a little bit further
7 back.

8 Q. And Officer Poole, whose body cam is this, was he one
9 of the ones that also drew?

10 A. He did.

11 Q. When that happened -- I see your hand on the door in
12 211, State's Exhibit 211, what did you do?

13 A. At that point, my focus was on him to see what he was
14 doing and to take him and detain him out of the back of the
15 vehicle, so I went to open the door, which was unlocked.

16 Q. And did you remove him from the vehicle?

17 A. I did.

18 Q. And was he placed in cuffs?

19 A. He was.

20 Q. And was he frisked and then placed in another unit?

21 A. He was.

22 Q. Do you know if he was arrested that night?

23 A. He was.

24 Q. Now when you removed him from that vehicle, what, if
25 anything, else did you see in the back seat?

1 A. So in the back seat, there was two rather large bags,
2 as well as a broken iPhone, an iPhone sitting on the seat,
3 and a jacket kind of over the top of the bags.

4 Q. Let me show you State's 117. Do you see the bags in
5 this photograph?

6 A. Yes, he would have been sitting here and then this is
7 one bag, that's a jacket on top of, the other bag's on that
8 side and there's the phone.

9 Q. Now the other two people in that vehicle, were they
10 male or female?

11 A. It was a female driver and a female passenger.

12 Q. Were you-all able to determine whether they had
13 anything to do with this triple homicide?

14 A. No. After interviewing them, they were just picking
15 him up.

16 Q. Were they at some point told they could go ahead and
17 go?

18 A. Yes.

19 Q. All right. Now these bags, what, if anything, did you
20 do with them?

21 A. I collected them after I photographed them and later
22 got a search warrant.

23 Q. I want to show you some more photographs. I want to
24 show you State's 118, 119, 120, 216 and 125. Do you
25 recognize these photographs?

1 A. I do. I recognize all the photos.

2 MR. HUBBARD: Your Honor, I offer these into
3 evidence at this time.

4 THE COURT: Any objection?

5 MR. SWERLING: No objection.

6 THE COURT: They're admitted.

7 (State's Exhibit Numbers 118, 119, 120, 125 and
8 216, photographs, were admitted into evidence.)

9 BY MR. HUBBARD:

10 Q. Looking at State's 118, what vehicle are these bags in
11 now?

12 A. Those are now in the back seat of my car.

13 Q. So you've got a camo bag and a black bag?

14 A. Yes.

15 Q. I want to show you State's 119. You took this photo
16 as well?

17 A. I did, and it's -- from the angle, it's sideways.
18 This is in the back of my unmarked Tahoe. The other way.

19 Q. The other way?

20 A. Yeah.

21 Q. Okay.

22 A. So this would be in the back hatch area of my Tahoe.

23 Q. So is this once you have a search warrant?

24 A. Yes.

25 Q. Okay. And are you looking at this while you're still

- 1 out there on the scene?
- 2 A. No, I had left to get the search warrant, had it
- 3 signed, but I'm out in the roadway looking in the back.
- 4 Q. Okay. What, if anything -- do you remember finding a
- 5 weapon in this bag, this camouflage bag?
- 6 A. Yes, sir. Right underneath that black article of
- 7 clothing there was a black Glock handgun right at the top
- 8 of the bag.
- 9 Q. State's 120, is this that weapon?
- 10 A. It is.
- 11 Q. An extended mag?
- 12 A. Yes.
- 13 Q. State's 216, is that another shot of that same weapon?
- 14 A. It is. Just slightly pulled out from where it was.
- 15 Q. Now let me ask you at some point in your investigation
- 16 -- the investigation along with Sergeant Creech and others
- 17 who are with Lexington County, were you-all able to match
- 18 this gun to anything that had happened involving that
- 19 triple homicide?
- 20 A. It was not involved.
- 21 Q. So this weapon was not involved?
- 22 A. No.
- 23 Q. Considering that camouflage bag as well, did you also
- 24 see what's in State's 125?
- 25 A. I did.

1 Q. And what is this?

2 A. So this would be taken back when -- at headquarters
3 and this is a wallet with Mr. Hopkins' ID.

4 Q. And this also has his height. Is that -- I don't know
5 if you can read it there.

6 A. Five foot nine.

7 Q. And weight?

8 A. Three hundred pounds.

9 Q. Did you also look into the black bag?

10 A. I did.

11 Q. I'll let you look at some of these photographs.

12 State's 214, 123, 124, 121 and 122. You're familiar with
13 these photographs?

14 A. I am.

15 Q. You took these pictures?

16 A. I did.

17 Q. Okay.

18 MR. HUBBARD: Your Honor, I offer these into
19 evidence.

20 THE COURT: Any objection?

21 MR. SWERLING: No objection.

22 THE COURT: They're admitted.

23 MR. HUBBARD: Thank, you Your Honor.

24 (State's Exhibit Numbers 121, 122, 123, 124 and 214,
25 photographs, were admitted into evidence.)

1 BY MR. HUBBARD:

2 Q. State's 214. Again, this is the black bag?

3 A. Yes.

4 Q. What are we looking at right there?

5 A. That is a tan Hi-Point .380.

6 Q. A .380?

7 A. .380 caliber.

8 Q. All right. Now let me ask you. Was -- during the
9 course of your investigation, were you-all able to rule
10 in or rule out this weapon as being used in the triple
11 homicide?

12 A. It was not part of it.

13 Q. So both of these weapons you found were not part of
14 the triple homicide?

15 A. Correct.

16 Q. Let me ask you this, too. This .380, when you found
17 it was it loaded?

18 A. It was.

19 Q. What was the Glock loaded?

20 A. It was.

21 Q. What caliber was it?

22 A. This one or the Glock?

23 Q. The Glock.

24 A. A 9-millimeter.

25 Q. Also in that black bag did you find some bullets?

1 A. I did.

2 Q. Were they in this bag already or is that what you put
3 them in?

4 A. No, they were in that bag.

5 Q. So that's as you found them?

6 A. Yes.

7 Q. I'll show you another photograph of that, 124. What
8 caliber were these?

9 A. Two were .38 Special -- or three were .38 Special and
10 one was a 9-millimeter.

11 Q. Looking at that same bag, I think you mentioned .38's
12 that we're gonna get to, but looking at State's 166, do you
13 see -- what caliber are you seeing here.

14 A. .38. Another .38.

15 Q. Okay.

16 A. And a 9-millimeter there.

17 Q. All right.

18 MR. HUBBARD: Your Honor, I offer 166 into evidence.

19 THE COURT: Any objection?

20 MR. SWERLING: Did you say 156?

21 MR. HUBBARD: 166.

22 MR. SWERLING: No objection.

23 THE COURT: Okay. They're admitted.

24 (State's Exhibit Number 166, three unfired bullets,
25 was admitted into evidence.)

1 MR. HUBBARD: I beg the Court's indulgence.

2 BY MR. HUBBARD:

3 Q. All right. And did you find something else in there
4 as well? I want to show you State's 121.

5 A. So in that it's a picture of latex gloves. Within the
6 gloves was two individually packaged powder looked to be
7 heroin.

8 Q. I want to show you 122.

9 A. That's it.

10 Q. Do you see the packages you're describing?

11 A. Yes. That's pulling it out of that latex glove.

12 Q. And that's as you found it?

13 A. Yes.

14 Q. Now let me ask you this. What did you do with this
15 heroin that we see in -- or this package we see that we see
16 in 122?

17 A. So it was field tested and then packaged to send to
18 SLED.

19 Q. What was it field tested as?

20 A. One came back to -- let me refer to this.

21 Q. So it's two packs?

22 A. Two bags. One field tested as heroin with a Fentanyl
23 compound or methamphetamine and the other one was just
24 heroin.

25 Q. Does Meg Walker work for the sheriff's department and

1 do drug analyses?

2 A. She does.

3 Q. And did she do these?

4 A. Yes, she did.

5 Q. Okay. And is this the items that you see up in 122?

6 A. It is.

7 MR. HUBBARD: Your Honor, I offer 167 into evidence.

8 THE COURT: Any objection?

9 MR. SWERLING: No objection.

10 THE COURT: It's admitted.

11 (State's Exhibit Number 167, Best Kit, was admitted
12 into evidence.)

13 BY MR. HUBBARD:

14 Q. And then looking at 213, you say that was submitted
15 to Meg Walker who does the drug analysis?

16 A. Yes, she does the drug analysis for us.

17 MR. HUBBARD: Your Honor, I offer that into evidence
18 as well, 213.

19 MR. SWERLING: No objection.

20 THE COURT: Then it's admitted.

21 (State's Exhibit Number 213, Form C Drug Analysis,
22 was admitted into evidence.)

23 THE COURT: And that is the drug analysis, right?

24 MR. HUBBARD: Yes, Your Honor.

25 THE COURT: Thank you.

1 BY MR. HUBBARD:

2 Q. And do you see what the total amount is, what it is
3 and what it comes back as?

4 A. Heroin found in the sample tested, two tested, total
5 net weight was 18.37 grams.

6 Q. And so that's what we see in State's 167?

7 A. Yes.

8 Q. Thank you, sir.

9 Now this photograph, 122, where are you taking -- or
10 where are these photographs being taken?

11 A. This would have been at headquarters in our evidence
12 room and at this point Agent Brock had returned to the
13 evidence room, so he probably took this photo since I'm
14 holding it with both of my hands here using my phone.

15 Q. And at some point did you-all lay out on that floor
16 area items you found in those bags?

17 A. Yes.

18 Q. I want to show you what's been marked as State's 9
19 and 10.

20 MR. HUBBARD: And, Your Honor, previously these
21 were Court's Exhibits 9 and 10.

22 BY MR. HUBBARD:

23 Q. Are those photos from what you-all found in those
24 bags?

25 A. They are.

1 MR. HUBBARD: Your Honor, I offer State's 9 and 10
2 into evidence.

3 THE COURT: Any objection?

4 MR. SWERLING: No, Your Honor.

5 THE COURT: And we're entering it with the same
6 numbers, right?

7 MR. HUBBARD: Correct, Your Honor.

8 THE COURT: Thank you.

9 (State's Exhibit Numbers 9 and 10, photographs,
10 were admitted into evidence.)

11 BY MR. HUBBARD:

12 Q. Looking at State's -- this would be State's 9. You
13 have items of clothing, a T-shirt and pants?

14 A. Yes.

15 Q. Way up here can you tell what that is?

16 A. I believe those are two .38 caliber casings.

17 Q. Casings meaning?

18 A. That they'd been fired.

19 Q. Looking at State's 10, do you still see them right
20 there?

21 A. Yes.

22 Q. I'm gonna show you State's 186. Do you recognize
23 that?

24 A. Yes. These are the two casings.

25 MR. HUBBARD: Your Honor, I offer these into

1 evidence at this time.

2 MR. SWERLING: No objection.

3 THE COURT: Okay. They're admitted.

4 (State's Exhibit Number 186, fired shell casings,
5 were admitted into evidence.)

6 BY MR. HUBBARD:

7 Q. Now, Sergeant, you found two guns in these bags. Did
8 you find a .38 that would fire these particular rounds?

9 A. I did not.

10 Q. But there were two fired .38 casings in this bag?

11 A. Yes.

12 Q. Did you also find in these bags an unfired .38 caliber
13 round?

14 A. Yes.

15 Q. I want to show you what's been marked 168. It's now
16 been disassembled, but would that be that round that you
17 found?

18 A. Yes, this is the one Federal .38.

19 Q. And was this one that was sent to SLED?

20 A. Yes, I believe it was.

21 Q. And being taken apart, is that part of what SLED did
22 to determine if this was of the same nature as the casings
23 and as far as the rounds that they found at the scene?

24 A. Yes.

25 Q. Okay.

1 MR. HUBBARD: Your Honor, I offer this, 168, into
2 evidence.

3 THE COURT: Any objection?

4 MR. SWERLING: No objection.

5 (State's Exhibit Number 168, an unfired bullet, was
6 admitted into evidence.)

7 BY MR. HUBBARD:

8 Q. So basically 168 was an unfired .38; is that correct?

9 A. It was unfired, yes.

10 Q. And then SLED took it apart; is that correct?

11 A. Correct.

12 Q. Their firearms section?

13 A. Correct.

14 Q. Okay.

15 THE COURT: Can we make sure -- there wasn't an
16 objection, was there?

17 MR. SWERLING: Can you indulge me one moment?

18 No objection.

19 MR. HUBBARD: Sorry, Your Honor.

20 BY MR. HUBBARD:

21 Q. And in these photographs, I'll go back to State's 9,
22 do you see two white T-shirts?

23 A. Yes. One's right there laid out and then the other
24 one's kind of balled up right there.

25 Q. Okay. I'm gonna show you two T-shirts; State's 218

1 and 219 and see if you can identify these as coming from --
2 as evidence coming from those bags?

3 A. Yes, they are.

4 MR. HUBBARD: Your Honor, I offer these into
5 evidence.

6 MR. SWERLING: No objection.

7 THE COURT: Then they're admitted.

8 (State's Exhibit Numbers 218 and 219, white
9 T-shirts, were admitted into evidence.)

10 MR. HUBBARD: I beg the Court's indulgence.

11 THE COURT: Take your time.

12 MR. HUBBARD: Your Honor, may I have one moment?
13 There was one item I think they were having trouble
14 locating.

15 THE COURT: Sure.

16 MR. HUBBARD: It may take about ten minutes, if
17 that's all right. I have a different evidence tech
18 here.

19 THE COURT: Okay. Can I let them stretch their
20 legs for ten minutes?

21 MR. HUBBARD: I have no objection. I just --
22 hopefully it will be less than that, but I just --
23 different personnel is involved in the case.

24 THE COURT: Mr. Foreman, would you-all like to
25 stretch your legs while we're waiting on an evidence

1 alternate, which is Number 149, who now will become
2 the twelfth juror. So I'm gonna bring the jury in. I
3 wasn't gonna explain anything to them other than Juror
4 Number 149 is now Juror Number 12, okay?

5 MR. HUBBARD: Thank you, Your Honor.

6 THE COURT: All right. Let's bring the jury in.

7 And then when the jury comes in, will you let her
8 get her pocketbook so she can go?

9 Thank you.

10 (Whereupon, the jury return to the courtroom at
11 3:17 PM.)

12 THE COURT: All right. Mr. Foreman, is the jury
13 ready?

14 FOREPERSON: Yes, Your Honor.

15 THE COURT: Okay. Let me tell Juror Number 149,
16 you are now the twelfth juror, okay?

17 And I think I have one alternate left.

18 Okay. Now let me remind you, Sergeant Burt, you're
19 still under oath.

20 You haven't talked to anybody?

21 THE WITNESS: Correct.

22 THE COURT: Okay. Go forward.

23 CONTINUED DIRECT EXAMINATION

24 BY MR. HUBBARD:

25 Q. Sergeant, looking at 124, these were bullets pulled

1 from the bag?

2 A. Yes, they are. Out of the black bag, I believe.

3 Q. You see four of them there?

4 A. Yes.

5 Q. Now one bullet, 168, I believe you said was a .38
6 caliber that was sent to SLED?

7 A. Yes.

8 Q. It was taken apart?

9 A. Yes.

10 Q. I want to show now 166.

11 MR. HUBBARD: Without objection, I believe.

12 MR. SWERLING: Correct.

13 BY Mr. HUBBARD:

14 Q. Open it up so you can actually visibly see them. Are
15 those fired or unfired rounds?

16 A. They're all unfired.

17 Q. And what type of rounds are we seeing there?

18 A. There's two .38's and a 9-millimeter.

19 Q. Now as to the .38's, again, when Justin Hopkins was
20 stopped on the 21st, did he have a .38 in his possession?

21 A. He did not.

22 Q. What type of weapons did he have?

23 A. A .380 and a Glock 9-millimeter.

24 Q. A Glock 9-millimeter. Now those two weapons, were
25 they matched to this incident or the three homicides or

1 were they ruled out?

2 A. They were ruled out.

3 Q. But the .38 caliber ammunition here, you didn't find
4 a weapon to go with that?

5 A. No.

6 Q. And the 9-millimeter, just looking at the -- what do
7 you call the little circle on the back side?

8 A. So in the center on the back, it will have a
9 manufacturer on the edge and the middle is the primer.

10 Q. And what color is the primer on the 9-millimeter.

11 A. It's brass colored.

12 MR. HUBBARD: Your Honor, I believe these are already
13 in evidence, 166.

14 THE COURT: They already are.

15 BY MR. HUBBARD:

16 Q. So that's the 9-millimeter --

17 A. Yes.

18 Q. -- with the yellow brass and that little circle in the
19 middle is the primer?

20 A. Yes. Right in the center there is the primer.

21 Q. And then these are the .38's?

22 A. Yes.

23 MR. HUBBARD: Thank you, Sergeant. I believe that's
24 all I have for you at this time.

25 THE COURT: Thank you, Mr. Hubbard.

1 MR. SWERLING: Rick, can I ask you a question?

2 MR. HUBBARD: Yeah.

3 (Discussion between counsel.)

4 THE COURT: All right. Mr. Swerling.

5 CROSS-EXAMINATION

6 BY MR. SWERLING:

7 Q. Sergeant, how are you?

8 A. Good.

9 Q. A few questions. When -- I think you said that when
10 the stop was initiated and he stopped the car, how many
11 other how many vehicles were there? How many police
12 vehicles?

13 A. Total, it was the marked unit in front, I was one,
14 Sergeant Creech came and there was at least one more. I
15 think four or five total.

16 Q. Four or five total. And they were marked or unmarked?

17 A. At the stop, it was one marked and a bunch of us down
18 the street meeting up unmarked.

19 Q. And at this point you and the sheriff's department had
20 information that -- let me just make sure I wrote it down
21 -- that I think you have in your affidavit that the shooter
22 was described as a heavysset, light skin, black male with
23 the name Justin?

24 A. Justin?

25 Q. Yes.

1 A. Yes.

2 Q. And that was the information you had?

3 A. At that time, yes.

4 Q. Right. And you also had information, I believe you
5 put in your warrant, that the shooting was in retaliation
6 for a physical fight that took place with some of the
7 victims and Mr. -- and Justin Corn -- Justin Hopkins?

8 A. Information at the time, yes.

9 Q. Information, yeah. And that's all I'm saying. Not
10 that that's true, it's just that was the information you
11 had and that was the reason why you-all took extra
12 precaution?

13 A. Yes.

14 Q. And any movement in the car -- I believe you-all said
15 you-all drew your weapons?

16 A. I did not have mine drawn. I was back up a few feet.
17 So Poole was at the front, I was behind him, Brock was on
18 the other side.

19 Q. Did I mishear that people -- the other officers drew
20 their weapons?

21 A. Brock had his weapon drawn and then Poole pulled --
22 drew his weapon a little bit later, shortly after the stop.

23 Q. I'm sorry?

24 A. Poole pulled his weapon shortly after the stop.

25 Q. And that's because Mr. Hopkins was making movement in

1 the vehicle; is that correct?

2 A. Well, I couldn't see him, but they were saying about
3 the hands.

4 Q. That's what they were saying?

5 A. Yes.

6 Q. And at that point I believe you said that you opened
7 the back door so you could watch his movement more?

8 A. Well, I opened the door to pull him out of the car,
9 yes.

10 Q. And I believe that in your report it said that you
11 grabbed him by the wrist and pulled him out of the car?

12 A. Yeah. Once I opened the door, he was told again to
13 keep his hands up, I grabbed ahold of his left wrist and
14 then step out of the vehicle.

15 Q. Okay. So you were treating him as if he was
16 dangerous, potentially dangerous?

17 A. With what -- the tense moment was right there we
18 wanted to get him secured. Well, that's what I was
19 thinking in my mind.

20 Q. Right. And you-all put handcuffs on him?

21 A. We did.

22 Q. And you arrested him at that time for what?

23 A. He was detained at that point.

24 Q. Detained?

25 A. Yes, sir.

1 Q. He also admitted to having a weapon with him, correct?

2 A high power --

3 A. I didn't interview him, but that's what was relayed
4 that he said.

5 Q. Okay. Was he arrested for the weapons or was he
6 arrested for the murders?

7 A. At the time he was arrested for the weapons and then
8 also for the murders.

9 Q. Okay. And he was eventually shortly thereafter
10 arrested for the murders in this case?

11 A. Yes.

12 Q. And his case has not gone to trial yet; is that
13 correct?

14 A. Correct.

15 Q. All right. Now a couple of questions about the bags.
16 The two ladies that were in the car, did somebody -- one of
17 them relay to you that he carried those bags with him all
18 the time?

19 A. I believe one of them said he always had his stuff.

20 Q. Always had his stuff in those bags. Okay.

21 And when you was searching one of the bags -- I'm
22 sorry. It was his driver's license. I wanted to go back
23 to his driver's license for a second. It said he was --
24 described him as five foot nine, 300 pounds.

25 A. On the ID, yes.

1 Q. Yeah. And he had a beard. In the pictures I noticed
2 on his driver's license, he had a beard?

3 A. Yeah, I believe so on his ID card.

4 Q. And that was all what was described to you as the
5 person who was running from the apartment on December 17,
6 2019, after the shooting?

7 A. Well, what was described to me is we had a height, a
8 weight and some kind of band-aid or bandage on his face.

9 Q. Okay. But that was the same description that showed
10 up on his driver's license that you-all had the day that
11 the shooting took place that he was running from the
12 apartment?

13 A. Well, it was a similar description, yes.

14 Q. All right. Let me go through a couple of things just
15 kind of a summary kind of thing. You opened the camouflage
16 bag and you found in there a black Glock-26, a G-26,
17 correct?

18 A. Yes, sir. I believe that was the model of it, yes.

19 Q. Right. And it had an extended clip that you could see
20 in the photograph, correct?

21 A. Yes.

22 Q. And what -- an extended clip means it can fire, what,
23 fifteen bullets?

24 A. I believe that one was a capacity of fifteen rounds
25 and it's just the standard Glock magazine because that

1 model was a subcompact, but a magazine from another larger
2 Glock will still fit in there and it looks like it's
3 extended rounds.

4 Q. Right. If you didn't buy that extension on it, you
5 would have, what, nine?

6 A. I don't know off the top of my head how many that
7 comes factory, but it wouldn't have -- the butt plate of
8 the magazine would not have stuck that far out.

9 Q. Okay. But the extended magazine gives it the
10 opportunity to have more bullets in the gun, correct?

11 A. A higher capacity, yeah.

12 Q. All right. So those that were in the Glock-26 are
13 9-millimeter?

14 A. Yes.

15 Q. And that was under a piece of clothing in the bag,
16 correct?

17 A. It was right on top.

18 Q. And then you had -- that gun was stolen, too, wasn't
19 it? It was reported stolen?

20 A. The Glock was.

21 Q. It was out of -- in the NCIC out of Lexington County?

22 A. It was. It was stolen out of our jurisdiction.

23 Q. All right. So after that you continued searching the
24 camouflage bag and you found an iPhone, you found his
25 wallet with, which we saw up on the screen, and you found a

1 scale, too, a digital scale?

2 A. Yes.

3 Q. What are digital scales used for generally?

4 A. Generally, that particular one, would be for drugs, to
5 weigh out the types of drugs.

6 Q. Weigh drugs?

7 A. Uh-huh.

8 Q. Did you find any other paraphernalia that packaged
9 drugs or anything like that or was it just the scale and
10 the drugs themselves?

11 A. There was like a silver empty bag. I'm not quite sure
12 what it had in it before and then the scale and then other
13 bag with the drugs themselves in the glove.

14 Q. Then there was a American Red Cross duffle bag,
15 correct, that you testified to?

16 A. Yes, sir.

17 Q. And you went ahead and searched that as well?

18 A. Yes.

19 Q. Okay. And in that bag you found a gun holster?

20 A. It was an empty like nylon-style holster.

21 Q. Nylon. Was it a 9-millimeter holster or a .38 or do
22 you remember?

23 A. It was small. I don't know what actual gun went into
24 it, but it was a rather small nylon holster.

25 Q. No problem. And then you found a Hi-Point .380

1 handgun, tan in color?

2 A. Yes.

3 Q. And .380 is the caliber of the bullet; is that
4 correct?

5 A. Yes.

6 Q. And they're kind of smaller than some of the other
7 bullets that we're dealing with here?

8 A. They're similar in size to 9-millimeter, but shorter.

9 Q. Shorter. So then you have a -- you have the Glock,
10 which is 9-millimeter, then you have a Hi-Point, which is
11 a .380, so you've got two different calibers right there.
12 Neither gun is tied to what happened in the apartment that
13 day, correct --

14 A. Correct.

15 Q. -- as I understand what you were saying?

16 All right. And then there were some bullets in a
17 plastic bag?

18 A. Yes.

19 Q. And those were the .38?

20 A. Yes. One was a .38 Federal was the manufacturer and
21 the other two were .38 Remingtons and then the last one was
22 a 9-millimeter Winchester.

23 Q. And the .38's are interchangeable. It doesn't depend
24 on who the manufacturer was. They're all .38's, correct?

25 A. Yes, there's different manufacturers.

1 Q. And I believe -- did you also find some unfired
2 bullets as well?

3 A. Two .38 shell casings.

4 Q. What about discharged?

5 A. I'm sorry. I said that backwards.

6 Q. I did said it backwards, too.

7 A. Can you repeat the first question again?

8 Q. Yeah. You found two that had not been fired? .38's?

9 A. Yes.

10 Q. And then two that had been discharged, cartridges?

11 A. I think I just said it backwards again. So two .38
12 casings that had been fired, so they were just casings, and
13 then three live .38's.

14 Q. Okay. I maybe said it backwards. So bottom line was
15 there was five .38 caliber bullets; two that had been
16 discharged and three that were not?

17 A. Correct.

18 Q. All right. Let's talk about this -- the drugs. I
19 mean, you found in a bag or two bags, I guess it was,
20 right, heroin?

21 A. Yeah, two individual packaged bags.

22 Q. Two individual packages. And you said you field
23 tested them. Field testing is, what, an on the spot test
24 to see -- you have certain chemicals to test the drugs with
25 to see -- get a presumptive test at that point?

1 A. It is presumptive. It's called TruNarc. It's a -- I
2 don't know the technology behind it, but essentially it's
3 like a laser that will test the molecules in --

4 Q. And it would -- I'm sorry. Go ahead.

5 A. I was just gonna say it gives a presumptive test.

6 Q. And you do that right on the spot; is that correct?

7 A. Yes.

8 Q. All right. So what you found was that there were two
9 bags that were believed to be heroin?

10 A. One was a -- just came back presumptive for heroin and
11 the other one came back as heroin and a mixture of either
12 -- a Fentanyl compound or heroin and methamphetamine.

13 Q. Okay. We've all been hearing about Fentanyl. Are
14 they mixing Fentanyl with heroin now?

15 A. It can be used to cut it.

16 Q. To cut it. All right. And that's a pretty serious
17 drug, isn't it?

18 A. Fentanyl has resulted in a lot of overdoses.

19 Q. In and of itself is dangerous?

20 A. Yes.

21 Q. Okay. So these drugs were then sent to the lab at the
22 sheriff's department or at the -- SLED or the academy?

23 A. The sheriff's department. I think I did say SLED the
24 first time, but that was -- it went to Meg Walker, who's
25 with the sheriff's department.

1 Q. And tested here locally?

2 A. Yes, sir.

3 MR. SWERLING: Excuse me one minute.

4 BY MR. SWERLING:

5 Q. So let me ask you this. Nobody -- as far as
6 Mr. Hopkins was concerned, he matched the description that
7 you were given; is that correct?

8 A. Yes.

9 Q. All right. And you did not have any information that
10 anybody identified Mr. Cornish; isn't that correct?

11 A. At which point? Like at the time of the stop or --

12 Q. At the time of the stop. His stop and Mr. Hopkins'
13 stop.

14 A. We just had a description of the truck. A white
15 dually.

16 MR. SWERLING: Okay. That's all I have. Thank
17 you.

18 MR. HUBBARD: A quick follow-up.

19 REDIRECT EXAMINATION

20 BY MR. HUBBARD:

21 Q. You mentioned two people. Were you-all operating
22 that there may be two people involved or were two people
23 involved in the triple homicide?

24 A. Yes. So we had one that had run and then there also
25 was truck involved, too. One had to drive the truck and

1 the other one was running.

2 Q. So the first suspect you identified was Justin
3 Hopkins?

4 A. Correct.

5 Q. And then you knew the white truck was involved and
6 that's why it was pulled over that night?

7 A. Correct.

8 MR. HUBBARD: Thank you. No further questions.

9 MR. SWERLING: Nothing further, Your Honor.

10 THE COURT: So can I excuse Sergeant Burt?

11 MR. HUBBARD: Yes, Your Honor. Thank you.

12 (Witness excused.)

13 MS. MAYES: The State calls Captain Jesse Laintz.

14 THE CLERK: Raise your right hand, please.

15 (Whereupon, Jesse Laintz was duly sworn by the
16 Clerk of Court.)

17 THE CLERK: If you'll have a seat, please. If
18 you'll state your name and spell your last for the
19 record.

20 THE WITNESS: Jesse Laintz. Last name is
21 L-A-I-N-T-Z.

22 JESSE LAINTZ,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. MAYES:

1 Q. Good afternoon, Captain Laintz. Can you tell us a
2 little bit about yourself?

3 A. My name is Jesse Laintz. I've been with the sheriff's
4 department for sixteen years. I'm a captain over
5 investigations, which includes major crimes, narcotics,
6 fugitive, gang. I'm a member of the SWAT team, a member of
7 the bomb squad. I have my Ph.D. from the Chicago School of
8 Professional Psychology and I'm a recent graduate of the
9 FBI National Academy.

10 Q. All right. And what were you affiliated with prior to
11 joining the sheriff's department sixteen years ago?

12 A. I was in the Marine Corps. I was in the Marine Corps
13 for seven and a half years.

14 Q. All right. Now what role were you playing in the
15 on-going investigation of the triple murder which occurred
16 at Butternut Lane on December 17th of 2019?

17 A. So at that time I was the captain over investigations,
18 so what that consists of is just kind of overall
19 supervising, if you will, leading, helping problems,
20 fixing, answering questions, things like that along the
21 way.

22 Q. And does that include holding various briefings with
23 your four major crime sergeants?

24 A. We have briefings almost daily when we have something
25 like this take place.

1 Q. And does that also include numerous investigators or
2 detectives within the Major Crimes Unit?

3 A. Larger cases lot of people get involved, so it can
4 occur with a lot of people outside of the unit to include
5 narcotics and things like that as well, so.

6 Q. Following the crime on December 17th -- first, I want
7 to ask you about the crime scene. Were you aware of the
8 work being done there at the scene at Butternut Lane by
9 crime scene investigators?

10 A. Yes, I was on-scene during that time and I was getting
11 updates throughout. We were doing work, talking to
12 neighbors, things like that, but I was getting constant
13 updates throughout as well.

14 Q. And the information that they're recovering along the
15 way, specifically regarding ballistics evidence, are you
16 and other members of the Major Crimes Unit apprised of that
17 as you go?

18 A. We are.

19 Q. And regarding any neighbors in the area who may have
20 seen certain things, are you and other investigators
21 apprised of that as well?

22 A. We are. Anything that could help and further
23 investigate. Maybe we're talking to somebody and two
24 pieces add to a bigger piece, things like that. We're
25 constantly updated throughout whether it's face-to-face

1 communications or over the phone.

2 Q. All right. So from that point in time, December 17th
3 up to where you were on December 21st of 2019, can you tell
4 us whether or not any type of vehicle was of interest to
5 investigators at this stage?

6 A. So originally on the night of there was a white dually
7 pick-up truck, either a Chevy or a Dodge Ram, and that was
8 of interest, and also I believe there was a gold -- if I
9 remember correctly, a gold Honda Civic that were brought up
10 by neighbors being a weird vehicle in the area and things
11 like that, and then a white Dodge or white Chevy dually
12 pick-up truck.

13 Q. All right. And specifically where the white dually
14 pick-up truck was concerned, had you developed any leads
15 prior to December 21st as to who may have been the driver
16 or the owner of that vehicle?

17 A. Any leads prior to -- no.

18 Q. Had you identified who may be the driver or owner of
19 that vehicle?

20 A. No, we had no idea.

21 Q. And specifically regarding Justin Hopkins, by
22 December 21st can you tell us whether or not he had been
23 identified as a suspect in this case?

24 A. By December 21st he was identified as suspect in this
25 case.

1 Q. And you're familiar with efforts that Lexington County
2 Sheriff's Department had undertaken to execute a search
3 warrant at his residence at Landmark Drive --

4 A. Correct.

5 Q. -- Apartment [REDACTED] on the night of December 21st?

6 A. Yes.

7 Q. And how did you become involved on the night of
8 December 21st in this investigation?

9 A. So for two reasons. One is as captain of
10 investigations, the lead investigator called me as things
11 started to develop a little bit and also due to this being
12 a murder investigation a search warrant and a possible
13 murder suspect, it was going to be the SWAT team who was
14 going to execute the search warrant on the house. So that
15 means that I was wearing dual hats. I was assistant
16 commander of the SWAT team, so I was leading that,
17 preparing for that, and then also because of the
18 investigation I was working on.

19 Q. All right. And we're gonna take a look at some items
20 that are already in evidence, but tell me how you became
21 aware that the white dually truck had been observed
22 dropping off someone similar to the description of Hopkins
23 at the Landmark area?

24 A. So for a SWAT search warrant, a lot of times when we
25 know what's going to happen we like to have realtime

1 observation at the location, so we actually had an
2 investigator go there and we ended up having two other
3 investigators arrive there as well so they could give us
4 live feedback of what was going on at the location, if
5 people are walking in and out, things like that. When
6 we're doing a search warrant, we like to do it when people
7 aren't there, that's the safest way to do it, but if
8 someone is there we'd like to know. For all we know, he
9 could have been having a gathering that night and there'd
10 be twenty people there. So we had officers there doing
11 surveillance so we could see what was going on.

12 Q. And just prior to 8:30, what, if anything, did you
13 learn?

14 A. We learned that a white dually pick-up truck pulled up
15 and an individual matching one of -- the suspect, Hopkins,
16 got out and went into the apartment that we were gonna do
17 the search warrant on.

18 Q. All right. And what, if any, action did law
19 enforcement take after that?

20 A. So that one individual that we believed matched
21 Hopkins went inside the apartment, the white dually pick-up
22 truck that matched the vehicle we were looking for left and
23 a traffic stop ended up being done on that vehicle.

24 Q. All right. So let me ask you this. As captain of
25 major crimes, on that night, December 21st, when you

1 learned that the white dually pick-up truck had just
2 dropped off a suspect matching Hopkins' description, what,
3 if any, did interest did you have in that truck?

4 A. So as you're putting everything together, a white
5 dually pick-up truck is at the scene picking up a heavysset
6 black male after the murders take place and then that same
7 individual who you believe is at that house a white dually
8 pick-up truck is there with a lot of equipment in the back
9 of it is what we were told. As they were leaving and it
10 has that equipment in the back, we -- we definitely
11 believed that that vehicle was our vehicle.

12 Q. And would you consider that truck to be potential
13 evidence at this point?

14 A. We did.

15 Q. How so?

16 A. At that point in time with it matching the vehicle,
17 if a vehicle is leaving the crime scene, there could be
18 potential evidence in there, trace evidence. By trace
19 evidence, I mean like blood, serological, hair fibers,
20 things like that, there could be shell casings that were
21 involved since a shooting took place and there could be
22 other evidence that is inside that car, so we need to
23 search that car to see if there's any evidence that's
24 related to this crime.

25 Q. And is that routine in any homicide investigation?

1 A. If we can get to a vehicle that was involved in a
2 homicide, we'd absolutely want to search it.

3 Q. And so on that night, do you remember how you learned
4 that a vehicle matching that description had been spotted
5 leaving Landmark?

6 A. During that time, I actually was notified two ways.
7 One, we were heading to the sheriff's department, so I had
8 my radio on and I heard it over the radio and then after I
9 heard it over the radio it's a phone call over and over
10 again and we would need to stop that vehicle.

11 Q. And where did you go upon receiving word?

12 A. As soon as I heard that that vehicle was leaving
13 there, I ran code, Code 3 is what we call lights and
14 sirens, all the way to the location.

15 Q. All right. And what was that location, Captain?

16 A. It's the Waffle House. The address I have is 778
17 St. Andrews Road. So as you're coming down St. Andrews
18 Road from Irmo getting ready to hit 26, there's a Waffle
19 House right before -- as you're getting on 26, it's that
20 Waffle House right there.

21 Q. All right. We're gonna take a look at State's 30
22 already in evidence. Are you familiar with this location?

23 A. Yes, that is the Waffle House I was just talking
24 about. It's right there by 26 and St. Andrews Road and
25 that's the vehicle. You can see the Waffle House in the

1 back.

2 Q. All right. And this is -- can you tell us whether or
3 not this is the location where you arrived as well?

4 A. That is the location I arrived at.

5 Q. Captain Laintz, what was your first action upon
6 getting there to the scene?

7 A. I had a very quick short quick conversation with one
8 of the investigators, the one that did the traffic stop,
9 Investigator Pratt, and then I went up and talked to driver
10 of the vehicle.

11 Q. Now you mentioned that you had been made aware of the
12 truck description of the white dually. What, if anything,
13 had law enforcement been on the lookout for regarding this
14 particular white dually in terms of anything unique about
15 it?

16 A. One of the things that stood out about it besides
17 being a white dually pick-up truck, we looked all over for
18 those, it was actually hard to find anything, but there was
19 heavy equipment in the back. There was larger items in the
20 back of the truck is what the witness said.

21 Q. All right. And looking here at State's 5, can you
22 tell us whether or not your observations there that night
23 at the Waffle House with this truck matched what you had
24 learned from witnesses back on December 17th?

25 A. It did. That one white box sits about three inches

1 above the top -- the back of the bed of the truck and it
2 was full of equipment.

3 Q. Following that, what, if anything, did you do?

4 A. I had a conversation with the driver of the vehicle.
5 So there was a driver and a female passenger. We -- I went
6 ahead and asked the driver out of the vehicle, asked him if
7 I could search him for weapons and it was granted, and then
8 there was a conversation that took place and eventually
9 asked if we could search the truck.

10 Q. All right. So I want to back up a little bit. We
11 have State's 16, which is already in evidence, and in
12 State's 16 it would be the initial outset of audio
13 recording by Detective Pratt. Are you familiar with that?

14 A. Yes, ma'am.

15 Q. And whose voices are heard on this recording, being
16 State's 16?

17 A. Myself, Investigator Pratt, the defendant,
18 Mr. Cornish, and Dubard as well -- Investigator Dubard.

19 Q. All right. At the outset of this recording, can you
20 tell us whether or not you requested that the defendant
21 participate in an interview?

22 A. I did. I asked him if he wanted to have a long talk.

23 Q. And what, if anything, did he respond?

24 A. He said he did.

25 Q. Now at this point in time, was he in custody?

1 A. He was not in custody.

2 Q. Was he under arrest?

3 A. He was not under arrest.

4 Q. Until this night had you ever even learned the name
5 Jeremy Cornish in relation to the white dually truck?

6 A. We did not. We didn't have Jeremy Cornish even as
7 somebody we were looking for.

8 Q. Now you mentioned that you also requested permission
9 to search the vehicle?

10 A. I did.

11 Q. And can you tell us whether or not the defendant
12 provided consent to search that vehicle?

13 A. He did provide the consent.

14 Q. And did that appear to be freely and voluntarily
15 given?

16 A. It was.

17 Q. Now at the outset of this recording you make a comment
18 that something bad has happened.

19 A. Yes.

20 Q. And what, if anything, did you say following that?

21 A. So I -- I believe what I said is some bad shit
22 happened, we know this vehicle is involved -- we think this
23 vehicle's involved and we think that you could be the
24 driver or something along those lines.

25 Q. Okay. And what, if any, reaction or response did the

1 defendant, Jeremy Cornish, have to that?

2 A. I would say it was a surprised "what". Like a "what"?

3 Q. Okay. So did he ever acknowledge knowing what you
4 were talking about when you said, quote, bad shit happened
5 and we think this truck was involved?

6 A. He did not.

7 (Whereupon, State's Exhibit Number 28 was played.)

8 Q. All right. Who are you discussing with Mr. Cornish at
9 this point in time?

10 A. Who am I discussing?

11 Q. Yeah.

12 A. I'm talking to Mr. Cornish. We're talking about
13 Hopkins.

14 Q. All right. And is that your voice that we just heard?

15 A. It is.

16 Q. All right. And when you're talking about "he" got
17 dropped off at the Food Lion on Garners Ferry Road, who is
18 that a reference to?

19 A. Hopkins. Defendant Cornish is saying Hopkins was
20 dropped off at the Food Lion.

21 (State's Exhibit Number 28 continued playing.)

22 Q. When you made a reference to "this isn't the time to
23 save a friend", who were you referencing?

24 A. Hopkins.

25 (State's Exhibit Number 28 continued playing.)

1 Q. All right. As that search is taking place -- first
2 of all, let me ask you this.. Who actually conducted the
3 search of the vehicle?

4 A. I was the one that conducted the search of the
5 vehicle.

6 Q. And as that search is taking place, who was involved
7 in the interview with the defendant, Jeremy Cornish?

8 A. The two investigators were Investigator Dubard and
9 Investigator Pratt.

10 Q. All right. And looking here at State's Exhibit 6,
11 whose Tahoe is located here to the right of that vehicle?

12 A. So to the right, that is my white Suburban.

13 Q. All right. And who was seated or given a place to sit
14 in that Tahoe?

15 A. So there was a passenger who I was told that was the
16 defendant, Mr. Cornish's, girlfriend that was sitting in
17 the passenger seat of the dually pick-up truck. I put her
18 over there because it was December and it was cold.

19 Q. All right. And where was the interview with
20 Mr. Cornish taking place?

21 A. Almost directly where that picture is being taken
22 place from. Almost like the traffic stop. There was --
23 the Tahoe was parked almost directly behind it.

24 Q. Okay. And at any point that night during the search
25 of the vehicle, following the search of the vehicle,

1 following the interview with Mr. Cornish, was he ever in
2 custody?

3 A. He was not.

4 Q. Was he always free to leave?

5 A. He was.

6 Q. And ultimately following the interview with him that
7 night and your search of the vehicle, did he leave?

8 A. He ended up leaving. He ended up leaving in that
9 vehicle.

10 Q. So he left on his own accord?

11 A. He did.

12 Q. In that same vehicle?

13 A. He did.

14 Q. Now when you conducted the search of the vehicle, I'm
15 gonna ask you whether or not you became apprised of any
16 type of paperwork?

17 A. I did. During the search of the vehicle a DMV -- I
18 don't know if I'd call it a receipt, a DMV document, a
19 paper, with the date on it that had Justin Hopkins's name
20 on it.

21 Q. So that's State's 17 already in evidence?

22 A. Yes, ma'am.

23 Q. And I think you're aware that this had originally been
24 provided to Detective Pratt?

25 A. Yes, I found out later.

1 Q. And then you -- during your search of the vehicle, you
2 also located this item?

3 A. I did.

4 Q. Now why, if at all, Captain Laintz, was this
5 particular document of interest?

6 A. One, because the defendant said that he went to the
7 DMV that day and then also it -- because of the name that
8 was on it -- I don't know if this works or not -- but the
9 name on it wasn't the defendant, it was actually Justin
10 Hopkins for the same date.

11 Q. And that date was?

12 A. December 17, 2019.

13 Q. The date of murders?

14 A. Yes.

15 Q. Now throughout the interaction of -- between law
16 enforcement and Mr. Cornish that night, did he ever
17 acknowledge being with the defendant Hopkins after dropping
18 him off that morning at the Food Lion?

19 A. His last physical contact with him was when he dropped
20 him off after they got rained out at the Food Lion.

21 Q. Did he ever acknowledge being with him at the DMV?

22 A. He did not.

23 Q. Or in Five Points?

24 A. He did not.

25 Q. Did Mr. Cornish ever acknowledge being in the area of

1 St. Andrews Road or Bush River Road in Lexington County --

2 A. He did not.

3 Q. -- on the date of December 17th?

4 A. Yes, not on the date of the murders.

5 Q. So ultimately when law enforcement learned that there
6 was a DMV receipt in the name of Justin Hopkins for the
7 date of December 17th, what, if any, interest does law
8 enforcement have in determining when Mr. Hopkins may have
9 been at the DMV in relation to the time of this crime,
10 being -- I believe the 9-1-1 call's gonna be around
11 10:59 AM?

12 A. If you can put together a person's movement before and
13 after, it helps add pieces more and more to the puzzle. So
14 him being at the DMV, we'd like to go see if we could get
15 any evidence of what happened at the DMV.

16 Q. All right. And then at the same time you have
17 Mr. Cornish telling you that he had been at the DMV on that
18 same date?

19 A. He did.

20 Q. Although he indicated he was alone?

21 A. Correct.

22 Q. What, if any, action did Lexington County Sheriff's
23 Department take to recover video surveillance from the DMV?

24 A. We went to the Department of Motor Vehicles and were
25 able to get video. It ended up being two different times

1 that Mr. Cornish and Hopkins were at the DMV.

2 Q. All right.

3 MS. MAYES: Your Honor, the following items will be
4 offered pursuant to the State's notice of evidence. South
5 Carolina Code 19-5-520.

6 Q. So ultimately on the date of December 17th was there
7 video surveillance from the DMV?

8 A. There was. There was two different time periods.

9 Q. Okay. I'm gonna show you some items and ask you
10 whether or not you recognize them.

11 THE COURT: Ms. Mayes, what's the number of that
12 Department of Motor Vehicles?

13 MS. MAYES: I beg the Court's indulgence.

14 Your Honor, we have a Court's Exhibit 8 that will
15 now be State's Exhibit 8 and then we also have State's
16 Exhibit 135, being video surveillance.

17 BY MS. MAYES:

18 Q. Captain Laintz, have you had an opportunity to review
19 video surveillance from the DMV?

20 A. Yes, ma'am.

21 Q. Specifically as to the morning of December 17th?

22 A. Yes.

23 Q. And I'm also gonna show you what was previously
24 Court's Exhibit 8 and it is now State's Exhibit 8, being
25 a still shot, and I'm gonna ask you whether or not you

1 recognize where that still shot is from?

2 A. Yes, that is from the DMV, from that video.

3 Q. Okay. And would that also be from the morning?

4 A. It is.

5 MS. MAYES: State's 135, Your Honor, and then
6 Court's Exhibit 8 to be State's Exhibit 8, both for
7 evidence.

8 MR. SWERLING: No objection.

9 THE COURT: It's admitted.

10 (State's Exhibit Number 8, a photograph, and
11 State's Exhibit Number 135, a DMV AM video, were
12 admitted into evidence.)

13 BY MS. MAYES:

14 Q. All right. I'm gonna start by showing you State's
15 Exhibit 8. Now was there also DMV paperwork that was
16 received to confirm the time that Mr. Cornish had been
17 at the DMV for any type of services on the morning of
18 December 17th?

19 A. There is. There's documentation that has a
20 transaction number for each time somebody goes up to the
21 desk and conducts work with the DMV. We were able to get
22 -- I'll call it a receipt. Just a transaction of dates,
23 times and what was happening, and we were able to get that.

24 Q. What was the time of the visit as noted by DMV records
25 for Jeremy Cornish on the morning of December 17th?

1 A. So the time written on here is 9:44 AM on 12-17-2019.

2 Q. 9:44 AM?

3 A. Yes, ma'am.

4 Q. And do you have any notations there in the paperwork
5 as to which location this DMV is?

6 A. This does not say it, but I know I know which one it
7 is.

8 Q. Okay. Take your time.

9 A. I'm gonna kill the name, but it's like Olin Road.
10 I've got to find it in the report.

11 Q. Take your time.

12 A. Here we go. O'Neil Court.

13 Q. All right. O'Neil Court. Are you familiar with that
14 area of Richland County?

15 A. Yes. I've been there. I wouldn't say I'm familiar
16 like I am with Lexington County.

17 Q. And upon viewing the video surveillance, as well as
18 this screen shot that we're looking at here, were you able
19 to identify any individuals that was consistent with Jeremy
20 Cornish?

21 A. Yes.

22 Q. And, of course, you had face-to-face contact --

23 A. Yes.

24 Q. -- with Jeremy Cornish on the night of December
25 21st --

1 A. Yes.

2 Q. -- at the traffic stop?

3 A. Yes.

4 Q. Can you show us where here on this screen shot -- I
5 realize the quality may not be ideal, but can you show us
6 where here on this screen shot you see that individual?

7 A. I don't know if I just turned this off or what. There
8 we go. So right there. And it's hard to see it right now.
9 He's sitting down in one of these chairs, but that's the
10 defendant right there. I'll put my hand up here so I'm not
11 shaking.

12 Q. And what color of shirt is that individual wearing
13 that you've identified as the defendant, Jeremy Cornish?

14 A. He's wearing a white shirt.

15 Q. All right. Now, again, you're watching the video
16 because he has indicated to you that he had been at the DMV
17 that day?

18 A. Correct.

19 Q. As the video is being observed by the Lexington County
20 Sheriff's Department, who, if anyone else, was observed on
21 this video of interest?

22 A. So right there in that -- I'll call it a pumpkin
23 orange-type shirt is the suspect that we had at the time,
24 Hopkins.

25 Q. Justin Hopkins?

1 A. Correct.

2 Q. And upon viewing the video, did it appear that they
3 were to together at this DMV visit?

4 A. It does. They walk in together at that point in time.
5 One goes to the counter and one walks around, and they both
6 sit next to each other.

7 Q. Was that contrary to the information that had been
8 provided to officers there at the traffic stop on the night
9 of the 21st?

10 A. On the night of the 21st, we were told that Cornish
11 was by himself at the DMV.

12 MS. MAYES: And permission to publish 135, Your
13 Honor.

14 THE COURT: You may. Any objection?

15 MR. SWERLING: No.

16 THE COURT: You may.

17 (Whereupon, State's Exhibit Number 135 was played.)

18 Q. Now, again, I realize the quality may not be ideal,
19 but the individual here, and, again, we're talking about
20 this being from December 17, 2019, correct?

21 A. Yes, ma'am.

22 Q. What, if anything, did you observe about the
23 individual wearing the orange shirt?

24 A. The individual wearing the orange shirt comes in from
25 this door right here, kind of walks through here and has a

1 seat right there and they pretty much sit there the entire
2 time.

3 Q. What, if anything, did you observe about his physical
4 appearance?

5 A. A heavysset, black male. A unique walk.

6 Q. Okay. And anything else that you observed about his
7 face or his person?

8 A. It's hard to see in this video, but you can see where
9 he has a band-aid on his face. It's like a larger -- if a
10 kid skins their knee and you've got to cover a large area,
11 like a larger band-aid on his face.

12 Q. And as you watch video surveillance is that more
13 apparent?

14 A. It is.

15 Q. And the band-aid is on the face?

16 A. It is. Yes, it's there now. It's very hard to see
17 from here, but it's sitting on the left side of his face.
18 Right now he's looking to his right and you can see it
19 there and you can see it a little bit better with the
20 video.

21 Q. Okay. And as we watch the video, if you could,
22 please, let us know when you make that observation.

23 A. Yes. So right here you can see they're both walking
24 in. The defendant goes this way, Hopkins is gonna go this
25 way, and you'll see the unique walk.

1 Q. Did they appear to arrive together?

2 A. They did. They walked in from the outside together.
3 So there they both are right there. And they are sitting
4 now. As he's sitting here, if you'll watch his head you
5 might see that band-aid as he looks side to side. There it
6 is right there. Now he looked away. You can kind of see
7 it right there. And it's a large band-aid. There you can
8 see it. So he's steadily looking to his right right there.
9 You can see it. It's hard, but it's the larger -- I don't
10 know what you call a band-aid color, but it's on his cheek.

11 Q. All right. What's happening now?

12 A. So this is the defendant going up to conduct his DMV
13 services and during this time Hopkins is still sitting
14 down.

15 Q. Now during this visit, does Mr. Hopkins appear to take
16 care of any DMV transactions himself?

17 A. He does not. He sits there and you'll him see when he
18 -- they leave.

19 Q. He appears to be waiting on Cornish?

20 A. He does. There he just got up. You can see that
21 band-aid right there.

22 Q. And at this point in time when this DMV video was
23 received, were you aware of descriptions of a witness at
24 the scene regarding a band-aid?

25 A. Yes. Now you can see pretty good right there. He's

1 still over here right now. The defendant's back there and
2 then here's Hopkins and he's getting up and he's walking
3 out. You'll see them go out the door together. Right
4 there. Right there.

5 Q. All right. Now you were able to recover video from
6 the inside of the DMV. Were you able ever to actually
7 obtain video from the outside parking lot?

8 A. No, there was no video from the outside parking lot.

9 Q. Now in addition to obtaining video surveillance from
10 the DMV, can you tell us whether or not law enforcement
11 also pursued video surveillance from various businesses in
12 the area of St. Andrews Road?

13 A. So we did and one of those videos was a KJ's that was
14 off St. Andrews Road.

15 Q. I want to ask you a little bit about KJ's. What is
16 KJ's?

17 A. It's kind of like a -- to me, it's like an all in one
18 stop where you go there and you can get a little bit of
19 everything.

20 Q. A grocery store?

21 A. Yes.

22 Q. I'm gonna first ask you about the general area or
23 location of KJ's. You can just look at it yourself -- this
24 is State's 217 -- before we put it up on the scene.

25 A. Yes, ma'am.

1 Q. You're familiar with that area?

2 A. I am.

3 Q. Does it include Lexington County?

4 A. It is. All of that's in Lexington County.

5 Q. It's called Columbia?

6 A. It is. It's the Columbia area of Lexington County,
7 South Carolina.

8 Q. All right. Let's take a look here at 217 and then if
9 you need me to turn this around I can, but apprise us,
10 please, of this general area?

11 A. Okay. So right here is the KJ's. Right down here is
12 the murder scene and then KJ's is here. If you go down
13 just a little bit, right over here would be Landmark
14 Apartments.

15 Q. All right. Give me just a moment.

16 A. So the scene, KJ's and then Landmark Apartments is up
17 here. If you'd slide it down just a little bit you'll be
18 able to see it.

19 Q. So looking here at the scene, how would one get from
20 the scene potentially to the area of KJ's and Landmark
21 Apartments?

22 A. So there's actually -- one way is to go out here, come
23 down Bush River and then just head straight up or come all
24 the way here and head straight up, but there is a road that
25 actually comes out of the apartment complex right there and

1 take it and cut across or come all the way up here, cut
2 across, go to Ash -- what is that, Asheville? Go right
3 here and St. Andrews Road and there's KJ's.

4 Q. Ashland?

5 A. Ashland. I'm sorry. That's -- the way the crow
6 flies, I would say that's probably a mile. If you're
7 driving, it's probably 1.4. It's just under a mile and a
8 half.

9 Q. Okay. And, again, from the crime scene there depicted
10 in yellow across St. Andrews Road being the divider here,
11 we have --

12 A. Yes.

13 Q. -- what is the green dot?

14 A. That is KJ's.

15 Q. And then what is here, being the pink dot?

16 A. So this is Landmark Apartments and that is Hopkins'
17 apartment complex where we were serving the search warrant
18 on the 21st.

19 Q. All right. So all of these locations within a mile
20 and a half of one other?

21 A. Yes.

22 Q. Now the timeframe of this particular crime, I believe
23 with the 9-1-1 call being made at 10:59 AM, did you have
24 any known whereabouts of Justin Hopkins or Jeremy Cornish
25 in that timeframe until you got the KJ's video?

1 A. We did not. We didn't know where anybody could have
2 went.

3 Q. And once you obtained the KJ's video, what, if
4 anything, did you observe?

5 A. We were able to see a white dually pick-up truck come
6 in here, pull into KJ's. A individual, a heavyset black
7 male in a white T-shirt is driving, and a heavyset black
8 mail with a white T-shirt gets out of the passenger side
9 and walks into KJ's.

10 Q. I'm gonna start by showing you what is State's 7 and
11 State's 4 already in evidence.

12 A. Okay.

13 Q. Here we see State's 7.

14 A. All right. So right up here is St. Andrews Road and
15 this camera is actually posted on KJ's and this dually
16 pick-up truck comes up here and it has that white tank on
17 it and assorted equipment in the back as well and then you
18 can see the driver right there.

19 Q. So I want to ask you about that. Where you note that
20 the driver can be observed, what type of clothing is the
21 driver wearing?

22 A. What we see is an all white T-shirt.

23 Q. I want to go back to State's 8 real quick that is in
24 evidence.

25 A. Consistent with an all white T-shirt.

1 Q. And what is the time on this KJ's video surveillance
2 in reference to the 9-1-1 call?

3 A. It is eleven minutes after the 9-1-1 call. This video
4 was on 12-17-2019 at 11:10 and 35 seconds.

5 Q. All right. Now we're gonna take a look at the next
6 photograph. This is gonna be State's Exhibit 4 already in
7 evidence. Again, can you tell us whether or not is there a
8 still shot?

9 A. It is a still shot of the same thing. Here's
10 St. Andrews Road right here, the vehicle pulls in here and
11 then right -- the picture you just saw of the vehicle right
12 here and now it's pulled through and that really shows that
13 white tank in the back with the danger sign and that black
14 box right there.

15 Q. All right. And this, again, being a still shot of
16 which video?

17 A. This is the video of KJ's.

18 Q. All right. So this is on the date of the murder. I
19 think you said eleven minutes after the 9-1-1 call. What
20 similarities, if any, do you see with this truck and the
21 equipment in the back?

22 A. It's the exact same thing. The white tank right
23 there. You'll see the picture we took of the danger sign,
24 there's the black box, you can see the red lights going
25 across there and then that -- it's looks like it's a little

1 beat up on the tailgate. It's a Chevy, but it doesn't have
2 the Chevy bowtie on it.

3 Q. All right. So I'm gonna show you the photos from the
4 traffic stop four days later on the night of the 21st.
5 This being State's 6.

6 A. You can see the tailgate.

7 Q. And this being State's --

8 A. The back, yeah.

9 Q. -- State's 5?

10 A. There's that white box. You can see the danger.
11 There's that black box in the back.

12 Q. All consistent with the video surveillance from KJ's
13 on the date of the murders?

14 A. Yes.

15 Q. All right. Now as you watched the video, were you
16 able to observe any individual get out of that truck?

17 A. Yes, a black heavysset male gets out of the truck and
18 enters the KJ's.

19 MS. MAYES: All right. This would be State's 22,
20 which replaces Court's Exhibit 22 for evidence, as well
21 as State's 21, replacing Court's Exhibit 21 for evidence.

22 Without objection, Your Honor.

23 THE COURT: It's admitted.

24 (State's Exhibit Numbers 21 and 22, photographs,
25 were admitted into evidence.)

1 BY MS. MAYES:

2 Q. All right. Looking here at State's 22, again, a
3 screen shot of the video.

4 A. A screen shot from the video. St. Andrews Road. The
5 truck pulls in here. A black heavysset male gets out of the
6 vehicle right there and you can see him walk in.

7 Q. All right. And once he gets inside of the location,
8 I'm gonna show you what is State's 21. What, if anything,
9 did you observe about his face?

10 A. So one of the biggest things that we saw was the
11 band-aid on his face. And there's the band-aid. Like what
12 I said, the big knee scratch if your kid wrecks his bike
13 and you've got to cover a large area. It's a big band-aid
14 like that. Right there.

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

16 THE COURT: Take your time.

17 BY MS. MAYES:

18 Q. I'm gonna show you 73, 74, 75, and ask you whether or
19 not you're familiar with these items?

20 A. Yes, ma'am. Those are all videos.

21 Q. Do each of them bear your initials?

22 A. They do.

23 Q. And are these all three of these clips, video clips, a
24 fair and accurate representation of the KJ's video from the
25 date of December 17, 2019, being the date of the murders?

1 A. Yes.

2 MS. MAYES: For evidence, Your Honor, 73, 74 and 75,
3 being video surveillance?

4 THE COURT: Any objection?

5 MR. SWERLING: One minute, Your Honor. I'm sorry.

6 THE COURT: Take your time.

7 MR. SWERLING: No objection.

8 THE COURT: All are entered.

9 MS. MAYES: 73 being for the record, Your Honor,
10 video surveillance from the outside camera, 74 being
11 video surveillance from the front door camera, and 75
12 being video surveillance from the counter area.

13 THE COURT: Thank you.

14 (State's Exhibit Numbers 73, 74 and 75, video clips,
15 were admitted into evidence.)

16 THE WITNESS: So to ensure there's no confusion,
17 can you put that other map up and then turn it upside
18 down because I'm gonna say left or right and I don't want
19 anyone to get confused.

20 BY MS. MAYES:

21 Q. We're gonna go back to this map, which is State's 217.

22 A. Yes. So how you're looking at it now, it will look
23 different when you watch the video, so if you turn that
24 upsidedown. The camera is actually attached to the
25 building, so what we'll see is the truck coming down here

1 and turning into there and then leaving out this way. So
2 when I say left or right, the camera's on the building
3 itself, so when you're looking at this it needs to be
4 upsidedown because he will come from here and come in and
5 then pull out and go to the right.

6 Q. So can you tell us whether or not the camera is facing
7 St. Andrews Road?

8 A. The camera is facing St. Andrews Road, yes.

9 Q. And then would Landmark Apartments be to the left or
10 the right?

11 A. It would be to the right as you exit.

12 Q. All right. So if someone comes out of the parking lot
13 and wants to go to Landmark, which way would they turn?

14 A. To the right.

15 Q. And if someone is coming into the parking lot from the
16 area of Woodland Village or the Ashland Drive that you told
17 us about, which way would they approach?

18 A. They would come from the left to the right. Thank
19 you.

20 MS. MAYES: Permission to publish, Your Honor,
21 beginning with the outside video, which is State's 73.

22 THE COURT: You may.

23 (Whereupon, State's Exhibit Number 73 was played.)

24 THE WITNESS: All right. So this is the outside
25 surveillance so we're looking out towards St. Andrews

1 Road, which is right there.

2 BY MS. MAYES:

3 Q. All right. I'm gonna stop you real quick, Captain
4 Laintz. Again, if you could take us to the date stamp and
5 the time depicted here?

6 A. December 17, 2019, at 11:10 AM.

7 Q. All right. Please continue?

8 A. So as you're coming from Asheville {sic}, it's over
9 here and there's a white pick-up truck. It will pull in.

10 Q. And I believe you said Ashland Drive would be --

11 A. Yes, Ashland Drive is down here and that vehicle just
12 came from here and pulled in here.

13 Q. And that main road we're looking at right across there
14 is?

15 A. St. Andrews. So right here you can tell there's
16 dually tires. A heavyset black male gets out of the
17 vehicle wearing a white shirt. You can see there's nobody
18 else in the front seat. A heavyset black male is driving.
19 You could see a little bit of a haircut there and you can
20 tell there's nobody -- there appears to be nobody in the
21 back seat.

22 Q. Throughout your viewing of this videotape, were there
23 ever any indications of any other passengers in the car --

24 A. No.

25 Q. -- other than the one we just saw get out?

1 A. Not that we see. Now as it drives away, you can see
2 that big white tank, that black box and the tailgate. That
3 to me is very descriptive. You see it goes out here to
4 St. Andrews Road and on St. Andrews Road it's gonna take a
5 right, which would be towards Landmark Apartments. And
6 there it goes right there.

7 Q. And, again, that is towards the direction of?

8 A. A right towards -- on St. Andrews Road is toward
9 Landmark Apartments.

10 Q. All right.

11 MS. MAYES: And next, as to State's 74, permission
12 to publish regarding the front door camera?

13 THE COURT: Yes, go ahead. It's granted.

14 (Whereupon, State's Exhibit Number 74 was played.)

15 A. So this is the entryway right where you come in.
16 Shopping carts are right there. Right there you see a
17 heavysset black male. You can see the band-aid very
18 distinctly on his face. He is wearing a white shirt, blue
19 jeans and brown boots.

20 Q. Okay.

21 MS. MAYES: And next State's 75 to publish, being
22 video from the counter area.

23 THE COURT: Yes, ma'am. Granted.

24 (Whereupon, State's Exhibit Number 75 was played.)

25 THE WITNESS: All right. So right here you'll see

1 coming up to the cash registered a heavyset black male
2 with a band-aid on his face. He is very observant. This
3 is what I would call on high alert. He's looking around
4 while constantly looking outside. Everyone else you see,
5 you know, not head on a swivel, just kind of sitting there.
6 He's looking around kind of anxious of what's going on
7 around him and if you look at everybody else there, nobody
8 is doing that. When he looks farther over this way, you
9 can see the band-aid on his face again.

10 BY MS. MAYES:

11 Q. Now when cigarettes or cigars are purchased, do those
12 have to be provided to a customer?

13 A. Yes. They have -- they have to be provided back here
14 from the -- because of age verification. So you can see
15 the back of the shirt as he walks to the front. As you've
16 already seen, you can see there's no writing or anything on
17 that white shirt. He's wearing blue jeans and you'll see
18 the brown boots in just a second.

19 Q. A plain white T-shirt?

20 A. A plain white T-shirt. And there's the boots and he's
21 going out the door that he just came in that we saw the
22 video of.

23 Q. All right. So going back to State's 21, I know you
24 referenced brown. Would tan also be a fair description of
25 those boots?

1 A. Yes.

2 Q. And, again, by all indications looking at him from
3 every angle, did there ever appear to be any markings or
4 insignia on that T-shirt?

5 A. No. It's what I would call an undershirt.

6 Q. And, finally, I'm gonna show you what is State's 134
7 and ask you whether or not you recognize this as well and
8 if it's a screen shot from what we just observed?

9 A. Yes, ma'am.

10 MS. MAYES: State's 134 for evidence.

11 THE COURT: Any objection?

12 MR. SWERLING: No objection.

13 (State's Exhibit Number 134, a photograph, was
14 admitted into evidence.)

15 BY MS. MAYES:

16 Q. And, again, this being the same individual that we see
17 entering the store in State's 21, being the same individual
18 that made the purchase there and now exiting?

19 A. Yes.

20 Q. And based upon all your observations, does it also
21 appear to be the same individual that we see in State's 22
22 exiting the white dually truck?

23 A. It is. Yes, ma'am.

24 Q. Now once you had the KJ's video to review, were you
25 able to account for the whereabouts of Mr. Hopkins and

1 Mr. Cornish at any other point that day, this being
2 approximately 11:10 AM or ten minutes after the 9-1-1 call?

3 A. So also at the DMV that day just after 2:00 we were
4 able to observe both of them at the DMV on O'Neil Court
5 again.

6 Q. I'm gonna show you a document.

7 MS. MAYES: This also, Your Honor, pursuant the notice
8 of evidence from the South Carolina Department of Motor
9 Vehicles 19-5-520, being service for customer Jeremy
10 Cornish transaction.

11 MR. SWERLING: No objection.

12 THE COURT: It's admitted.

13 MS. MAYES: And this is gonna be State's 220.

14 (Whereupon, State's Exhibit Number 220, DMV
15 paperwork, was admitted into evidence.)

16 BY MS. MAYES:

17 Q. And, again, military time, but you've told us about a
18 transaction at 9:44. If you could tell us various times of
19 known transactions for Jeremy Cornish later that afternoon
20 at the DMV?

21 A. So each time an individual -- this was the receipt --
22 I'm sorry. This was the receipt thing I was looking at.
23 Each time they go up there, there's like an admin fee at --
24 so 14:03 military time, you take off twelve hours, means
25 it's afternoon, so it's 2:03 in the afternoon, and there

1 reinstatements and reinstatements, and that's 2:03, and it
2 keeps on going until no fee and a DL was issued at 2:20 PM.

3 Q. So there was actually a driver's license issued for
4 Mr. Cornish on this same day?

5 A. There was.

6 Q. Now were there fees associated with that?

7 A. There was. I can add them up if you want me to real
8 quick. Two hundred and --

9 Q. Several hundred dollars?

10 A. Yes.

11 Q. Okay. Now did you also have an opportunity to review
12 any video surveillance for an afternoon DMV visit of Jeremy
13 Cornish?

14 A. Yes, we also got that video.

15 Q. In so doing, what, if anything, did you observe?

16 A. So in this video you observe Hopkins. He's actually
17 there. He's there for a little while. It looks like he is
18 conducting some kind of services and then the defendant,
19 Mr. Cornish, comes in later on, they have -- they run into
20 each other and I would say have a brief conversation and
21 that's about it.

22 Q. All right. So I'm gonna show you what is State's 133
23 for evidence and then also State's 23, replacing Court's
24 Exhibit 23. Can you tell us whether or not these appear to
25 be still shots from the afternoon DMV video?

1 A. Yes, ma'am.

2 Q. Are they a fair and accurate representation of the
3 video that you observed?

4 A. They are.

5 MS. MAYES: State's 133 and then State's 23, Your
6 Honor, and State's 23 replaces Court's Exhibit 23.

7 THE COURT: All right. Any objection?

8 MR. SWERLING: No, Your Honor.

9 THE COURT: It's admitted.

10 (State's Exhibit Number 23 and State's Exhibit
11 Number 133, photographs, were admitted into evidence.)

12 BY MS. MAYES:

13 Q. Looking here at 133, again, the quality may not be the
14 best, but if you could tell us what, if anything, you
15 observed while watching the afternoon video?

16 A. So, once again, this is easier to do when you watch
17 the video, but right here is the defendant and right here
18 is Mr. Hopkins. You will see that in the video they are
19 separated and they end up coming right to there and it
20 looks like they have a conversation.

21 Q. Now what, if anything, is different about their
22 appearance in 133 as opposed to their appearance earlier
23 that morning in State's 8?

24 A. So there's the defendant. He's wearing an all white
25 T-shirt. There's Mr. Hopkins, he's wearing that pumpkin

1 orange shirt right there.

2 Q. Okay. And in the afternoon video?

3 A. In this one the defendant is wearing a striped shirt,
4 a horizontal striped shirt, and a dark in color jacket with
5 a white stripe down it, and Mr. Hopkins is wearing a dark
6 in color jacket and also looks like it has a white stripe
7 down the sleeve.

8 Q. Does it appear that both defendant Jeremy Cornish and
9 the co-defendant Justin Hopkins have changed clothes?

10 A. They have.

11 Q. And State's 23 in evidence. What are we looking at
12 here?

13 A. So that is right before the defendant gets his picture
14 taken. That is the exact clothes he's wearing in his DMV
15 photo.

16 Q. And this is after paying those fees for reinstatement?

17 A. Yes, ma'am.

18 MS. MAYES: And at this time we would offer
19 State's 137 and 136, being afternoon videos from the DMV,
20 all pursuant to the State's notice of evidence 19-5-520.

21 I believe without objection.

22 THE COURT: Any objection?

23 MR. SWERLING: I'm sorry?

24 MS. MAYES: DMV video for the afternoon.

25 MR. SWERLING: No objection.

1 THE COURT: All right. Admitted.

2 (State's Exhibit Number 136 and 137, DMV videos PM,
3 were admitted into evidence.)

4 MS. MAYES: Permission to publish, Your Honor.

5 THE COURT: Yes, ma'am.

6 BY MS. MAYES:

7 Q. All right. And I believe you indicated that it
8 appears Mr. Hopkins is already there at the DMV?

9 A. It does.

10 Q. And then Mr. Cornish enters?

11 A. (Nods head.)

12 Q. And the time on this according to the DMV transaction
13 record?

14 A. So the first transaction with Cornish is at 2:03 PM,
15 and as you can see Hopkins is actually there before Cornish
16 is.

17 Q. And just to clarify, is all of this that same DMV
18 located in Richland County at O'Neil Court and Two Notch
19 Road?

20 A. It is. It will look familiar.

21 (State's Exhibit Number 136 was played.)

22 A. All right. So right here, it's hard to see, it's an
23 individual carrying a bag. That is going to be Hopkins.
24 This is when he appears to be doing transactions there
25 where our DMV paperwork from the car came from. You can

1 still see the dark in color long sleeve with the white
2 stripe down the shoulder. Still sitting right there. He's
3 moving now. Right there you can see he's carrying some
4 kind of bag, dark in color bag, and he has a seat in the
5 exact same seat he sat at 9:44 that morning. So he's
6 sitting there. Still sitting right there. He picks up
7 his bag. He's gonna go to one the -- I'll call them a
8 teller, one of the service people over here.

9 Q. For some type of transaction?

10 A. Yes.

11 Q. And you're familiar with the receipt --

12 A. The receipt that was found.

13 Q. -- that Mr. Hopkins also has for that same date from
14 the DMV?

15 A. Yes, ma'am. You can still see the dark in color
16 jacket right here with the stripe going down and right
17 there you'll see the stripped shirt that was in that DMV
18 photo. And he -- this individual is the defendant,
19 Mr. Cornish. He'll walk in and you'll see the stripes down
20 the side of his long sleeve shirt. Right there you can see
21 the stripes, horizontal stripes. Some sort of
22 conversation. That's the two of them talking to each other
23 right there.

24 Q. Cornish and Hopkins?

25 A. Cornish and Hopkins. There's one. There's the other

1 one talking. So you saw the bag right there, so that's
2 Hopkins. And there's Cornish. You can see the horizontal
3 striped shirt and one's going that way and the defendant is
4 coming this way.

5 Q. Okay. And, finally, is there a video that is closer
6 up where you can see the face of Mr. Cornish clearly?

7 A. Yes.

8 Q. And is it consistent with what you know to be his
9 South Carolina driver's license photo?

10 A. It is.

11 (State's Exhibit Number 137 was played.)

12 Q. And for this video is there actually a date and time
13 stamp?

14 A. So there it is. You can see it right there. It's
15 12-17-2019. There it is right there.

16 Q. Okay. And the time?

17 A. It is two, so 14:21 PM.

18 Q. 2:21 PM?

19 A. 2:21 PM.

20 Q. So he appears to be there at least for the duration of
21 2:03 PM to 2:21 PM?

22 A. Yes. And this is him taking his driver's license
23 photo.

24 Q. And all of this is consistent with the person you know
25 to be Jeremy Cornish?

1 A. Yes.

2 Q. Now, again, all of these items that we just looked at,
3 the video surveillance from the DMV in the morning, the
4 video surveillance from the DMV in the afternoon, and the
5 KJ's grocery video, which is timed at 11:10 AM, eleven
6 minutes after the 9-1-1 call --

7 A. Yes.

8 Q. -- did law enforcement have possession of any of those
9 items on the date of the 21st when you-all conducted that
10 interview with the defendant at the traffic stop?

11 A. No, we did not, and that's where we actually got the
12 intel to go collect those videos as well to do further
13 investigation at the DMV and all that.

14 Q. And ultimately in addition to those documents and
15 items that you received, can you tell us whether or not any
16 type of Facebook records were recovered for the defendant
17 -- co-defendant in this case, Justin Hopkins?

18 A. So Facebook records for Justin Hopkins were obtained.
19 His Facebook name was Justo Dinero.

20 Q. Okay. And I'm gonna show you what -- this is for ID
21 only. This is gonna be State's 205, again, for ID only,
22 this being Facebook records received pursuant to a search
23 warrant by the Lexington County Sheriff's Department?

24 A. Yes. The search warrant was executed and this is all
25 of the Facebook search warrants right here, all of the

1 results.

2 Q. Okay. And whose initials are noted on this CD?

3 A. Those are mine.

4 MS. MAYES: Okay. For identification only, Your
5 Honor, at this time.

6 THE COURT: Yes, ma'am. I've got it.

7 BY MS. MAYES:

8 Q. Now once the Facebook records were received by the
9 sheriff's department, and having knowledge of the crime
10 scene, what weapons were potentially of interest during
11 your investigation?

12 A. So we were looking for a 9-millimeter, something that
13 would shoot a 9-millimeter, and .38, most .38's are revolvers,
14 or something that could shoot a .38. So there are other
15 weapons that can actually shoot a .38 round.

16 Q. Okay. So those are two weapons that were of interest
17 to you in this investigation?

18 A. Yes, ma'am.

19 Q. And having reviewed the Facebook records of Justin
20 Hopkins, can you tell us --

21 MR. SWERLING: Your Honor, I object. Can we
22 approach the bench?

23 THE COURT: You can.

24 (Proceedings held at the bench; not reported.)

25 THE COURT: Okay.

1 BY MS. MAYES:

2 Q. So, Captain Laintz, if I could go back to where we
3 were, what, if any, firearms were of interest to you and
4 major crimes division during the course of this
5 investigation?

6 A. A 9-millimeter and a .38 or something that could shoot
7 a .38.

8 Q. Okay. And by something that could shoot a .38, you
9 mean a .38 caliber projectile?

10 A. Correct.

11 Q. During your review of the Facebook records of Justin
12 Hopkins, and I believe you said that that username or
13 account was Justo Dinero, what, if any, firearms did you
14 observe that met that description?

15 A. So there was several pictures of firearms and there
16 was one specifically that showed both of them together and
17 there was another one that showed one that's similar to a
18 .38.

19 Q. And I'm gonna show you what is State's Exhibit 20 and
20 ask you whether or not you recognize this exhibit and this
21 exhibit contains four pages.

22 A. So this is the Facebook records for Justo Dinero and
23 it covers the pictures of the firearms that we were talking
24 about.

25 Q. All right. And specifically what is the date of these

1 posts?

2 A. So the dates of this these posts is 12-15-2019 and
3 then the UTC Time, which I can explain if I need to, is
4 15:39.

5 Q. So we'll talk about that in a moment, but the actual
6 date for these photos or for these Facebook posts would be
7 December 15, 2019?

8 A. That's correct.

9 Q. So we're talking two days before the murders?

10 A. Yes.

11 Q. And what, if anything, about these posts met the
12 description of the firearms that you were looking for
13 pursuant to this investigation?

14 A. So there's a 9-millimeter Glock that's displayed in
15 there that I can ID and there's also a revolver that
16 appears to be a Taurus, has the Taurus logo on it, and
17 appears to be one that can shoot a State's 38.

18 MS. MAYES: Your Honor, this would be State's 20
19 for evidence.

20 THE COURT: And I understand and noted for the
21 record that when we finish for the day, I'll let you --

22 MR. SWERLING: And that can apply throughout the
23 testimony?

24 THE COURT: Yes, and it will follow throughout the
25 testimony and we'll clarify it at the end of today.

1 (State's Exhibit Number 20, four photographs, was
2 admitted into evidence.)

3 BY MS. MAYES:

4 Q. So looking here at the -- again, when we're talking
5 about a particular Facebook post, where is the date noted?

6 A. So the date is noted on the sent part right here,
7 2019-12-15. So we have to make everything confusing. It's
8 actually December 15, 2019.

9 Q. All right. And specifically you mentioned UTC Time.
10 UTC Time is converted to Eastern Standard Time how in the
11 winter?

12 A. So this is super-complicated. During the winter it's
13 minus five hours, so during daylight savings time, during
14 the summer I'll say, it's minus four hours, so this actually
15 is gonna be 10:39 AM.

16 Q. All right. 10:39 AM.

17 All right. And based upon your investigation, what
18 was the purpose or the nature of these posts on Facebook?

19 A. They were the selling of firearms.

20 Q. For sale?

21 A. For sale.

22 Q. We're gonna take a look here again at the first
23 weapon. And, again, who is actually making these posts --
24 or which account is making these posts?

25 A. Justo Dinero.

1 Q. Justin Hopkins?

2 A. Yes.

3 Q. What, if anything, about this firearm is significant
4 in the course of your investigation?

5 A. So it's a revolver. At the scene we found 9-mill --
6 it's a revolver and there's a Taurus stamp right there.

7 Q. Captain Laintz, I know you told us you have sixteen
8 years law enforcement, as well as being a United States
9 Marine, but if a revolver is fired would you expect to find
10 casings?

11 A. No, unless they're reloaded and left behind. So, no.

12 Q. And can you tell us whether or not this weapon is
13 consistent with a weapon that would fire a .38?

14 A. It could fire a .38, yes.

15 Q. Next, a post. Again, the date and time?

16 A. So right up there you'll see is December 15, 2019.
17 UTC Time, so it's minus five, so it's 10:39 AM.

18 Q. And, again, the purpose or nature of this post?

19 A. Selling a firearm.

20 Q. And, again, posted from which account?

21 A. Justo Dinero.

22 Q. What can you tell us about this particular image?

23 A. So this is a compact Glock. There's the Glock logo
24 right there and it's hard to see in this picture, but right
25 here you can actually see -- there was another picture that

1 was on his Facebook, but you can see a 19 by 9, and a 19 by
2 9 is a 9-millimeter, so that is a 9-millimeter -- I
3 actually -- that is the gun I'm carrying right now except
4 it is completely black. That is a 9-millimeter Glock.

5 Q. All right. And this not being a revolver, can you
6 tell us whether or not a weapon of this type would result
7 in casings being ejected?

8 A. So after it's fired, the shell casings would exit or
9 eject from here and they would be -- fall on the ground
10 or --

11 Q. So you've identified this weapon as a Glock
12 9-millimeter?

13 A. That is a Glock 9-millimeter.

14 Q. Now, Captain Laintz, looking here at this particular
15 image, being -- again, what colors are we looking at for
16 this firearm generally?

17 A. So mine's black, but this is a two-tone. It's got
18 brown on the bottom and black on the top.

19 Q. All right. And what, if anything, can you tell us
20 about the magazine?

21 A. So this is a magazine that would fit in a stand
22 firearm, so it's extended for this. It's probably a
23 seventeen plus one. What that means is there's seventeen
24 rounds in there and one in the chamber, so it extends
25 longer than what normally is. I think the one I'm carrying

1 right now has eleven rounds in it, so there would be an
2 eleven round magazine normally in that.

3 Q. Can you tell us whether or not the firearm seen in
4 this photograph dated December 15, 2019, was ever recovered
5 by the Lexington County Sheriff's Department in the course
6 of this investigation?

7 A. We have not recovered it, nor has it been.

8 Q. And does that include during the execution of the
9 search warrant at Landmark Apartments, being the home of
10 Justin Hopkins?

11 A. We have not discovered it at all.

12 Q. And does that include looking through all those bags
13 that were confiscated from Justin Hopkins on the night of
14 his arrest?

15 A. That includes that.

16 Q. And looking here at the Taurus revolver that you have
17 identified consistent with a weapon that can fire a .38,
18 can you tell us whether or not this weapon has been
19 recovered by the Lexington County Sheriff's Department at
20 any stage in this investigation?

21 A. It has not.

22 Q. And that includes during the search of his apartment
23 and his belongings?

24 A. Correct.

25 Q. Captain Laintz, are both of these weapons considered

1 missing, unrecovered.

2 A. They are.

3 MS. MAYES: I beg the Court's indulgence.

4 THE COURT: Take your time.

5 MS. MAYES: I believe all those previously
6 identified numbers, Your Honor, are for evidence if
7 not previously offered.

8 THE COURT: I'm sorry, Ms. Mayes. Could you repeat
9 that?

10 MS. MAYES: Yes. All of the photographs and
11 exhibits that I have previously referenced during the
12 course of this direct examination, we offer for evidence
13 if not already done so.

14 THE COURT: Okay. And granted.

15 Mr. Swerling, are you ready?

16 MR. SWERLING: Yes.

17 CROSS-EXAMINATION

18 BY MR. SWERLING:

19 Q. Hey, Captain.

20 A. Hello, sir.

21 Q. Captain, let me ask -- while this is up, that could be
22 either a seventeen loaded -- seventeen bullets in that gun
23 or fifteen as I understand it?

24 A. So you can fit any Glock 9-millimeter magazine in
25 there.

1 Q. Right.

2 A. So that, I believe, is a seventeen and mine I believe
3 that I carry -- so if it was to fit in that little cut-in
4 right there, I believe it's eleven. I could be wrong. I
5 would have to look.

6 Q. All right. So I was just referring to what the
7 firearms examiner said. It holds a minimum of fifteen
8 9-millimeter bullets.

9 A. Okay.

10 Q. I was just -- that's why I was asking.

11 A. I would -- they're the absolute expert and would go
12 off what they say.

13 Q. Okay. I thought it was something. I just wanted to
14 check that out, okay? Now that has an extended clip; is
15 that correct?

16 A. You can call it --

17 Q. Or magazine.

18 A. Correct.

19 Q. And that means it has extra firepower, several more
20 bullets than normally would be on a regular magazine?

21 A. On a regular magazine for that gun, yes.

22 Q. And when you buy a gun like that, you are buying a
23 regular magazine with the standard number of rounds in a
24 magazine, correct?

25 A. For the magazine that fits in that gun. So you can

1 buy -- and I don't want to cause confusion. You can buy
2 that compact that has less rounds in it than a full-size
3 9-millimeter. The magazine's bigger, so it holds more
4 rounds. So you can buy a different magazine, yes.

5 Q. And let me just ask. Standard, when you buy a pistol
6 like that, how many rounds would be in the magazine?

7 A. I believe it's eleven, but I'd have to look. If the
8 firearm expert's telling you fifteen, they would know
9 better than me. I'm shooting from the hip guessing.

10 Q. No, that's fine. I'm just trying to clarify that.

11 So you said that these came off of a Facebook of
12 Justin Dinero?

13 A. Yes, sir.

14 Q. And you determined that Justin Dinero was, in fact,
15 Justin Hopkins?

16 A. Correct. Yes, sir.

17 Q. And there's no question that these pictures of these
18 firearms are on Justin Hopkins' Facebook, correct?

19 A. These are on Justin Hopkins' Facebook, yes.

20 Q. Okay. And they were offered for sale two days before.
21 I think on the 15th of December?

22 A. Yes.

23 Q. All right. And the events in question here are the
24 17th of December?

25 A. That's correct.

1 Q. So Mr. Hopkins was in possession of a 9-millimeter
2 Glock and a 3.38 revolver?

3 A. A revolver that looks to be a .38, yes.

4 Q. Looks to be. Okay.

5 A. Yeah.

6 Q. All right. And it's -- obviously we've already
7 discussed what a revolver versus a semi-automatic would be.
8 A semiautomatic Glock would eject a cartridge, whereas the
9 revolver does not eject the cartridge?

10 A. That's correct.

11 Q. Let me go back to for a moment while -- I'm just gonna
12 kind of go in reverse if it's all right. On the afternoon
13 at the DMV when you got those -- the videos --

14 A. Yes, sir.

15 Q. -- wasn't it was determined that in actuality
16 Mr. Hopkins and Mr. Cornish got there separate, isn't that
17 -- according to these videos?

18 A. The first video it appears they arrived together, they
19 walk in together. In the second video, Mr. Hopkins is
20 already inside and Mr. -- the defendant walks in later, but
21 there's no -- nothing on the outside to say if they came
22 together or not.

23 Q. Right. You're talking about -- when you said the
24 first video, you're talking about the morning video?

25 A. Correct.

1 Q. In the morning video it appeared that they came in or
2 they entered around the same time?

3 A. Yes.

4 Q. But in the afternoon video, it appears that the --
5 they arrived separately?

6 A. I can't say about arrived, but one's inside and the
7 other one comes in later.

8 Q. Right. As far as timing and as far as what we're
9 looking at on the video, they don't appear to be come in
10 separate?

11 A. They don't appear to enter the door, no.

12 Q. Enter the door. And if I remember correctly, on your
13 examination or looking at the video, Mr. Hopkins had a bag
14 with him?

15 A. Yes, sir, he did.

16 Q. You've heard testimony that Mr. Hopkins always carries
17 everything in a bag?

18 A. I know we had another interaction in a traffic stop
19 where he had a bag on him.

20 Q. But there was no bag on Mr. Hopkins in the morning,
21 was there?

22 A. Not that I saw.

23 Q. Okay. So he definitely had a bag with him in the
24 afternoon?

25 A. Yes, you can see it in the afternoon video.

1 Q. Now the -- at KJ's, this was as, you said, eleven
2 minutes after the call came in on 9-1-1 concerning the
3 tragedy at the apartments?

4 A. Yes. Our 9-1-1 call came in at 10:59 and that was at
5 eleven to ten.

6 Q. And this was -- you said it was only a mile from --
7 KJ's from the Landmark?

8 A. So the way the crow flies, it's about a miles.

9 Q. Okay. About a mile.

10 A. Depending on which way you're driving, it's about one
11 1.5, 1.4 miles.

12 Q. So eleven minutes after the shooting of the three
13 individual, they pulled into a store which is within one
14 mile of the Butternut Drive?

15 A. Yes.

16 Q. And Mr. Hopkins never got out of the truck there --
17 not -- I'm sorry. Mr. Cornish never got out of the truck?

18 A. We see the driver does not get out of the truck.

19 Q. Okay. The only one that gets out of the truck is
20 Mr. Hopkins getting out of the truck?

21 A. That is correct.

22 Q. And he's the one that goes into the store as well?

23 A. Yes, sir.

24 Q. But we're only talking about just eleven minutes after
25 the shooting and the 9-1-1 call and it's within a mile of

1 that address where the shootings took place?

2 A. Yes, sir. A mile and a half.

3 Q. Okay. Now let me talk to you a little bit about the
4 stop. This was near the Waffle House. It was a well lit
5 area, correct?

6 A. Yes, sir.

7 Q. He was not confined? He was not in custody?

8 A. He was not.

9 Q. I'm talking about Mr. Cornish at this point.

10 A. Yes, sir.

11 Q. There were three units; yours, Dubard's and Pratt's,
12 correct?

13 A. Yes, there were three unmarked investigator units
14 there.

15 Q. And eventually Mr. Creech came up, so there would have
16 been four units?

17 A. At the end of it. Towards the end of it, yes, sir.

18 Q. And he was free to leave at any time?

19 A. He was.

20 Q. And he didn't say hey, I want to leave, did he?

21 A. He never said that.

22 Q. Never said that. And you-all are maintaining, and the
23 solicitor's has asked you about it, but you're maintaining
24 that he was consenting to everything that you asked him?

25 A. There was a conversation that was taking place between

1 with me and with the investigators on-scene and he was
2 having a conversation.

3 Q. He pulled over when he was flagged down by the blue
4 lights, correct?

5 A. Yes, sir.

6 Q. All right. And did not try to evade stopping?

7 A. Not at all.

8 Q. Pulled into the Waffle House parking lot?

9 A. Yes.

10 Q. With the other units being there or eventually
11 arriving there?

12 A. (Nods head.)

13 Q. He did not try and drive away, correct?

14 A. He did not.

15 Q. Were you the first one up to the cab of the truck?

16 A. I was not. Investigator Pratt was the first one to
17 make contact with the driver.

18 Q. But was Mr. Cornish already out of the cab of the
19 truck or inside?

20 A. No, he was -- when I arrived --

21 Q. When you arrived.

22 A. -- he was inside the cab and I asked him to step out.

23 Q. Okay. And did he willingly step out?

24 A. He did.

25 Q. All right. And at that point you were the one

1 conversing with him?

2 A. Yes, sir.

3 Q. Did you ask him for his license and registration?

4 A. I did not.

5 Q. Okay. One of the other investigators or detectives
6 did; is that right?

7 A. Yes.

8 Q. Okay. And tell me your discussion with him.

9 Something about going ahead and having a conversation or a
10 long conversation?

11 A. So there's a conversation that takes place and I tell
12 him that something happened, that the truck's involved and
13 we think that he could be the driver, and I asked him if he
14 wanted to have a long conversation about it.

15 Q. Okay. And was that gonna be you or the detectives?
16 Because I've been confused about that. You were not gonna
17 talk to him, they were going to talk to him?

18 A. So as the process went, he would have talked to me and
19 he would have talked to them. You can hear in there when
20 Dubard walks up. Dubard has a very good gift of gab. He
21 is very personable. He can talk to people a lot better
22 than I can and I asked them if they wanted to talk or if
23 they wanted me to talk and they said they'll talk.

24 Q. Okay. So I guess -- I wasn't trying to trick you.
25 You did not have the conversation with him?

1 A. The long conversation I did not have.

2 Q. Actually Dubard and Pratt did?

3 A. That is correct.

4 Q. And at that point you asked him to step out, he
5 voluntarily stepped out. I assume you told him he did not
6 have to consent to the search of the vehicle?

7 A. In the conversation, I told him he could stop.

8 Q. He could stop at any time and --

9 A. Yes.

10 Q. -- and apparently, I think, if I remember right, you
11 described he would be sitting where he could look at you
12 searching the vehicle and he could stop it at any time by
13 telling one of the detectives?

14 A. So we actually moved the vehicle so he could sit
15 directly behind it and I told him that he could watch me
16 the entire time while I searched the vehicle. If there was
17 anything -- at any point he wanted me to stop, tell the
18 detectives and they can tell me to stop.

19 Q. So, so far he's stopped when he was asked to stop by
20 blue lights?

21 A. Yes, sir.

22 Q. Number two, he produced his driver's license and
23 registration without any problem, not confrontational at
24 all or argumentative?

25 A. He was not confrontational. I don't know if he

1 produced a driver's license though.

2 Q. Okay. Well, we had some testimony --

3 A. He was not confrontational, no.

4 Q. And you asked him to step out of the vehicle and he
5 did without any problem?

6 A. That is correct.

7 Q. And you also asked him if you could search the vehicle
8 and he consented to that without any problem?

9 A. He did.

10 Q. And you asked him if you could have a conversation --
11 a long conversation and he said so without any problem?

12 A. He did.

13 Q. Is that correct?

14 A. That is correct.

15 Q. How long -- how long from the beginning of the stop
16 to the end took place? How many minutes or hours,
17 whatever?

18 A. So I know we -- I believe it was all done and said
19 like fifty-four minutes, fifty-eight minutes, something
20 like that. Let me look at the CAD notes and I can tell
21 you what they say.

22 Q. Sure.

23 A. It doesn't match with everything else we have, but
24 the initial stop was done at 20:23, which is 8:23 PM, and
25 then we cleared that -- or dispatched cleared us at 20:58,

1 so almost 9 PM.

2 Q. How many minutes?

3 A. So that would be thirty -- I'm sorry. I missed the
4 time here. Thirty-eight minutes, thirty-nine minutes,
5 but we have recordings that go over that amount of time.

6 Q. And he knew everything that he was being recorded?

7 A. He did.

8 Q. He didn't have any problem with that either?

9 A. He did not.

10 Q. And he answered the questions that were being asked
11 of him?

12 A. The questions I asked, he did, and I believe he did
13 for the others.

14 Q. Yeah. Okay. Now when you were searching his vehicle,
15 you -- I want to just ask you a couple of questions, but I
16 have to put my glasses. I can't read this.

17 A. I have to do the same thing.

18 Q. Pardon?

19 A. I have to do the same thing.

20 Q. All right. So -- I'm trying to read this. You didn't
21 find any drugs in the vehicle, did you?

22 A. No drugs were located.

23 Q. Okay. You didn't find any weapons in the vehicle, did
24 you?

25 A. No weapons were located.

1 Q. You didn't find any shell casings in the vehicle, did
2 you?

3 A. No shell casings were located.

4 Q. You didn't find any blood stains in the vehicle, did
5 you?

6 A. I did not.

7 Q. Let's see.

8 MR. SWERLING: Your Honor, excuse me just a minute,
9 if you could.

10 THE COURT: You take your time.

11 MR. SWERLING: I mixed up my papers.

12 THE COURT: Take your time.

13 BY MR. SWERLING:

14 Q. So no firearms, no ammunition, no shell casings?

15 A. Correct.

16 Q. No firearm accessories that could have been involved
17 in a shooting, correct?

18 A. Correct.

19 Q. No trace or what appeared to be serological evidence,
20 correct?

21 A. No.

22 Q. No blood or what comes out to blood or other types of
23 liquids?

24 A. Blood, saliva, DNA, or semen, things like that.

25 Q. Let's see. You didn't determine whether there were

1 any prints in the vehicle, correct?

2 A. I didn't even dust for prints.

3 Q. And did you not see any blood, any hair or fibers or
4 other types of evidence that would have assisted in the
5 investigation?

6 A. That is correct.

7 Q. Okay. And let's see. We already went through the
8 narcotics or anything related to narcotics or illegal
9 drugs; is that correct?

10 A. Correct.

11 Q. You didn't find any of that?

12 A. I did not.

13 Q. Okay. Now one question I wanted to ask you though
14 is, it does not appear that that truck was searched
15 forensically until January 2nd --

16 A. That is correct.

17 Q. -- of 2020. And was it in the custody at that time
18 of the sheriff's department?

19 A. That is correct.

20 Q. Okay. Now Mr. Cornish was extremely cooperative that
21 night?

22 A. He was.

23 Q. Okay. And he was consenting to everything that you
24 asked him as far as searching getting out or talking or
25 having a conversation. No technicians were called out to