

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 scene to see whether or not they could swab the seats
2 or do any kind serological test or luminescence to if see
3 if there was blood in the car? None of that was done?

4 A. No, none of that was done and one of the reasons was
5 there were multiple scenes that were going on at this
6 point in time. We had two different traffic stops that
7 were going on and then we had a location that had to be
8 searched, so that being the apartment complex, so we had
9 CSI out there that was working the apartment complex and
10 then I handled the search at this traffic stop and there
11 was other -- Sergeant Burt and I believe it was Sergeant
12 Creech handled the other traffic stop. So we were spread
13 pretty thin, so they didn't get the expert, they got the
14 best that we could give at the time.

15 Q. Well, the point is there were things that could have
16 been done to see whether or not there was any forensic
17 evidence in the vehicle that would connect the vehicle to
18 what happened at the apartment complex?

19 A. There were additional tests that could be done, yes.

20 Q. And they were not done until January 2nd?

21 A. That is correct.

22 Q. There was no indication based upon Mr. Cornish's
23 cooperation that he would have refused any of that either?

24 A. No, there was not.

25 Q. Okay. And you didn't ask him to come down to the

1 sheriff's department to see if he could go ahead and look
2 at his vehicle and do forensic testing on his vehicle the
3 next day or later on that night?

4 A. No, that night we did not.

5 Q. As a matter of fact, you-all let him go?

6 A. We did.

7 Q. Told him he could leave?

8 A. We did.

9 Q. And it wasn't again until January 2nd that the car
10 came in there and there was forensic testing done at that
11 time?

12 A. There was.

13 Q. But on December 21st there's not a single thing in the
14 car that would indicate that he had done anything at the
15 apartment complex?

16 A. The only thing in the car at the time was the DMV
17 receipt.

18 Q. The DMV. And that was Justin Hopkins's DMV receipt;
19 is that correct?

20 A. That's correct.

21 Q. And the fact of the matter is Justin Hopkins was in
22 the vehicle and he had been dropped off at his apartment,
23 so the logical explanation is that he left the papers in
24 the car?

25 A. At some point in time that was left in the car, yes.

1 Q. All right. But you-all know that he was in that
2 vehicle because he got dropped off and he was observed
3 getting out of the vehicle and the paperwork was there
4 immediately thereafter when the car was stopped?

5 A. Correct.

6 Q. I'm almost done. Mr. Cornish, I think we've already
7 established, he was -- he was allowed to drive off and go
8 home, correct?

9 A. After that was all done, he was allowed to drive off
10 and go home, yes.

11 Q. He was not charged as Mr. Hopkins was that night?

12 A. No, he was not.

13 Q. Actually he got a warning for the tag light as far as
14 you know?

15 A. As far as I know.

16 Q. That was the extent of everything that happened to him
17 that night?

18 A. Yes, it was.

19 Q. And you would agree that he was very cooperative with
20 you and with Dubard and Pratt?

21 A. I would.

22 Q. The person, Mr. Hopkins, and we've seen several
23 different things that show his identification. The
24 band-aid is significant because that band-aid was described
25 by several of the witnesses who saw him running from the

1 apartment?

2 A. Correct.

3 Q. And so that was something -- that was information you
4 had knowledge of and were asking people about did he have
5 anything on his face?

6 A. So we didn't know it was band-aid at the time. I
7 believe that they said there was something on his face.

8 Q. So that definitely connects him to that, that he was
9 the individual that was running as described by certain
10 witnesses because of the band-aid and because of his
11 physical appearance, right?

12 A. Yes.

13 Q. Nobody saw -- as far as you're concerned or as far as
14 your information, nobody saw Mr. Cornish running away from
15 any kind of building or running away or running around in
16 that apartment complex? There's no one who indicated that,
17 is there?

18 A. There is not.

19 Q. And the one selling the firearms is Mr. Hopkins?

20 A. Justin Dinero, yes.

21 Q. Justin Dinero.

22 MR. SWERLING: Excuse me one minute.

23 That's all I have, Your Honor.

24 THE COURT: Thank you.

25 Any redirect?

1 MS. MAYES: Yes, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. MAYES:

4 Q. And just to clarify about -- I believe he was asking
5 you about some witnesses. As to Christy Meneses and her
6 husband, you're familiar with where they were located when
7 they actually made an observation of an individual on a
8 bike with a band-aid?

9 A. Yes, they were leaving their residence, which is
10 [REDACTED] Pine Spring Road in Columbia.

11 Q. All right. So looking here at State's 206 already
12 in evidence, the crime scene, of course, being at what
13 location?

14 A. Right there at the yellow dot.

15 Q. At Butternut?

16 A. Yes, ma'am.

17 Q. And then the Pine Springs Road location would be
18 approximately where?

19 A. Right here.

20 Q. Okay.

21 A. So the 900's, I believe, is right up in here.

22 Q. So within this area the individual with the band-aid
23 on the bike is observed?

24 A. Yes.

25 Q. And, of course, witnesses report that individual

1 getting into what vehicle?

2 A. A white dually pick-up truck. Either Dodge Ram or a
3 Chevy.

4 Q. Okay. And then regarding the area around Butternut,
5 were any eyewitnesses located by the Lexington County
6 Sheriff's Department who actually saw the shooting?

7 A. That saw the shooting?

8 Q. Correct.

9 A. No, there was an individual that was inside a closet
10 inside, but saw the shooting, no.

11 Q. And you're referring to Donnovin Haynes?

12 A. Correct.

13 Q. Okay. And then following that, you familiar with an
14 individual by the name of Dale Galloway?

15 A. Hold on a second. Yes.

16 Q. Okay. And do you have an address for Mr. Galloway?

17 A. Mr. Galloway is [REDACTED] Woodway Lane.

18 Q. Okay. So, again, not at Butternut when he makes an
19 observation regarding a suspect believed to be Justin
20 Hopkins?

21 A. That is correct.

22 Q. Was it ever determined by the Lexington County
23 Sheriff's Department where exactly the vehicle, being the
24 white dually truck, where and when the white dually truck
25 had actually entered the Woodland Village apartment

1 complex?

2 A. No, there's not.

3 Q. Okay. And does the Woodland Village apartment complex
4 have a video surveillance system?

5 A. To my knowledge, we didn't have any video surveillance
6 from there, no.

7 Q. All right. So throughout that investigation, were
8 you ever able to actually determine by video surveillance
9 exactly when the white dually truck entered or left that
10 location?

11 A. We were not.

12 Q. And I think Mr. Swerling was asking you about your
13 visual search of the vehicle on the night of the 21st.
14 Again, how many days later is that following the murders?

15 A. The 17th to the 21st, so it's four days later.

16 Q. Okay. And on that night of the 21st, I think you
17 indicated based upon your observations you would describe
18 the defendant's demeanor as what?

19 A. He was willing to allow us to search his vehicle and
20 talk to us for a long period of time.

21 Q. All right. And did he ever acknowledge any -- having
22 any information about the crime itself?

23 A. He did not.

24 Q. Or that the truck was involved in the crime?

25 MR. SWERLING: Your Honor, that's not redirect.

1 THE COURT: Excuse me?

2 MR. SWERLING: I didn't go into -- I didn't go into
3 that at all on cross.

4 THE COURT: If he didn't go into it, Ms. Mayes, you
5 can't either.

6 BY MS. MAYES:

7 Q. Well, let me ask you this because he was asking you
8 about his demeanor. Did he ever -- did he ever change his
9 demeanor in any way regarding that line of questioning?

10 MR. SWERLING: I didn't go into demeanor either. It's
11 not anything I asked him.

12 MS. MAYES: Cooperation.

13 MR. SWERLING: Cooperation, but not his -- his
14 demeanor we're talking about that -- he was surprised or
15 something like that. That's demeanor.

16 THE COURT: That's demeanor, not cooperation. I
17 agree.

18 You can ask another question, Ms. Mayes.

19 BY MS. MAYES:

20 Q. And ultimately he did leave the scene that night?

21 A. He did.

22 Q. And he was not in custody?

23 A. He was not.

24 MS. MAYES: Thank you, Captain Laintz.

25 MR. SWERLING: Judge, can -- we wanted to look at

1 one picture first before he steps down, okay?

2 THE COURT: Sure. Absolutely.

3 MR. SWERLING: Kaitlyn, can you help me with -- I
4 don't know how to do these things, Judge.

5 RECROSS EXAMINATION

6 BY MR. SWERLING:

7 Q. Okay. Let me ask you this. The building -- you see
8 where Butternut is and Twin Oaks Place?

9 A. I see Butternut and what was the other one you said?
10 Twin Oaks? Yes, sir.

11 Q. Twin Oaks Place is over there to the left?

12 A. Yes, sir.

13 Q. The building where this tragedy happened is the
14 building right here; is it not? This one right here?

15 A. Yes, sir.

16 Q. Okay. And Mr. Galloway actually lives in the building
17 right behind it, doesn't he?

18 A. He lives right over here, yes. This is Woodway Lane.
19 I don't know the exact number -- it's [REDACTED] Woodway, but I'm
20 not sure which building that is.

21 Q. Okay. That's fine. We can get it somewhere else.

22 MR. SWERLING: Okay. I have nothing further.

23 THE COURT: Anything else, Ms. Mayes?

24 MS. MAYES: Nothing further, Your Honor.

25 THE COURT: Can I let Captain Laintz down then?

1 MS. MAYES: Yes, Your Honor.

2 THE COURT: All right. Captain Laintz, thank you.

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

4 (Witness excused.)

5 THE COURT: All right. I'm gonna let the jury go
6 for the day.

7 Mr. Foreman and ladies and gentlemen of the jury,
8 remember not to talk about this case with anyone. We're
9 getting close. We're getting real close, so don't do it
10 just yet. I'll let you know when.

11 Have a good evening. I'll see you at 9:30 in the
12 morning.

13 FOREPERSON: Thank you.

14 (Whereupon, the jury was excused for the day at
15 5:20 PM.)

16 THE COURT: Okay. I just want to clear the record
17 on the guns for Mr. Swerling because I remember we had
18 the assault rifle that we weren't gonna mention, that
19 was a motion in limine. I was going through my notes
20 on the motion and -- and then the State has this
21 co-conspirator that -- about Justin Hopkins. I think
22 it started out as three firearms. I think we got down
23 to two. No mention of the assault rifle for sale.

24 So I'm gonna ask you will you put it on the basis
25 if the State can. I know we've already introduced it,

1 but just for the record for Mr. Swerling so I can make
2 sure that all of his objections are noted for the record.

3 MS. MAYES: Yes, Your Honor. As noted during the
4 pre-trial hearing, both of these two firearms, which are
5 unrecovered but can be identified by the SLED firearms
6 expert, who is Jamie Green, and he's still going to be
7 testifying mostly likely tomorrow.

8 THE COURT: He hasn't testified yet. He's gonna
9 give us -- I think we went through this. There's a
10 whole list of what those bullets could fire.

11 MS. MAYES: Yes, Your Honor.

12 And so those are both guns that would be on the
13 list identified by the SLED as firearms that would
14 have resulted in the 9-millimeter casings based on
15 their examination and analysis of those casings and the
16 .38 based on their analysis and examination of the .38
17 projectile recovered from the crime scene. So that is
18 the probative value and the relevant value of those --

19 THE COURT: That they had the opportunity for those
20 guns.

21 MS. MAYES: Yes, Your Honor.

22 THE COURT: And the defense can argue those bullets
23 could be for any of other number of guns other than those
24 two guns. I think I remember talking about this, but I
25 just wanted to make sure I clarify it for the record.

1 So I've ruled that it was relevant based on the
2 expert testimony that's coming and the bullets -- or the
3 guns that were found on Justin Hopkins' Facebook.

4 And for the record, Mr. Swerling, your objection
5 is preserved for the record throughout all of the
6 testimony that we just did on when those two pictures
7 came in.

8 MR. SWERLING: Thank you, Judge.

9 THE COURT: And off the record.

10 (Off the record discussion.)

11 THE COURT: All right. Court's adjourned until
12 9:30 in the morning.

13 (Whereupon, the proceedings were concluded for
14 October 18, 2022, at 5:25 PM.)

15 (The following proceedings were held October 19,
16 2022, beginning at 9:36 AM.)

17 BAILIFF: All rise. Court is now in session. The
18 Honorable Judge Debbie McCaslin presiding.

19 THE COURT: Good morning. Everybody ready?

20 MS. MAYES: Yes, Your Honor.

21 MR. SWERLING: Judge, could you give us one moment
22 so we can lay out everything?

23 THE COURT: Absolutely.

24 (Pause in proceedings.)

25 THE COURT: Ready?

1 MR. SWERLING: Yes.

2 MS. MAYES: I believe the Solicitor stepped out.

3 THE COURT: I'm gonna bring the jurors in.

4 (Whereupon, the jury enter the courtroom at
5 9:46 AM.)

6 THE COURT: All right. Mr. Foreman, is the jury
7 ready?

8 FOREPERSON: Yes, Your Honor.

9 THE COURT: All right. Please be seated.

10 Ladies and gentlemen, I'm gonna ask you again if
11 anyone approached you, talked to you about this case,
12 if you read, listened to anything on social media or
13 the TV or newspapers? If so, please raise your hand.
14 Very good.

15 Ms. Mayes.

16 MS. MAYES: Your Honor, may it please the Court?
17 The State calls Detective Cody Weyandt.

18 (Whereupon, Cody Weyandt was duly sworn by the
19 Clerk of Court.)

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

22 THE WITNESS: My name is Cody Weyandt, W-E-Y-A-N-D-T.

23 CODY WEYANDT,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. MAYES:

2 Q. Good morning. Tell us a little bit about yourself.

3 Where are you currently employed?

4 A. I'm currently employed with Lexington County Sheriff's
5 Department as a narcotics investigator with the Lexington
6 County Multiagency Narcotics Enforcement Team.

7 Q. All right. And how long have you been with what we
8 know as the NET Team?

9 A. Almost two years now.

10 Q. And prior to that, what type of work did you do with
11 the sheriff's department?

12 A. Prior to that, I was a patrol officer and then a crime
13 scene investigator.

14 Q. All right. So you were CSI prior to joining the NET
15 Team?

16 A. Yes, ma'am.

17 Q. All right. And so what's different about your work
18 with CSI versus the NET Team now?

19 A. When I was in CSI, I was in uniform driving a marked
20 car. Now there's a lot of UC or undercover and I now wear
21 plain clothes.

22 Q. So your appearance today is consistent with your
23 undercover work as a narcotics officer?

24 A. Yes, ma'am.

25 Q. So, Detective Weyandt, I want to ask you about what

1 role, if any, you played in the investigation of the triple
2 murder that occurred in the St. Andrews area of Lexington
3 County in December of 2019?

4 A. Yes, ma'am. I was the of CSI who conducted -- or
5 executed a search warrant of the apartment belonging to
6 Mr. Hopkins on Landmark Drive.

7 Q. Okay. So looking here at State's 2, you're familiar
8 with the Landmark Apartments. Can you tell us which
9 apartment this search warrant was conducted at?

10 A. Apartment [REDACTED].

11 Q. All right. And the date of the execution of this
12 search warrant?

13 A. The date was December 21, 2019.

14 Q. All right. Now I want to go back to December 17,
15 2019, where the crime scene was processed at Butternut
16 Lane. So just to clarify, did you play any role at all in
17 the processing of that crime scene?

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

19 Q. You were never at Butternut Lane?

20 A. No, ma'am. I was not even in the State at that time.

21 Q. All right. What was your initial involvement in the
22 case?

23 A. My initial involvement in the case was on the 21st I
24 was covering for -- covering a shift for another crime
25 scene investigator and was called by Sergeant Creech and he

1 advised that they were getting a search warrant for the
2 apartment and needed crime scene assistance.

3 Q. Okay. So prior to December 21, 2019, and your search
4 warrant executed at [REDACTED] Landmark, you had seen no evidence
5 in this case?

6 A. No, ma'am.

7 Q. Or handled no evidence in this case?

8 A. No, ma'am.

9 Q. Or ever been to the crime scene at Butternut Lane?

10 A. No, ma'am.

11 Q. So on the night of December 21st, I want to ask you
12 a few questions about it. Do you have the approximate time
13 that that search warrant was signed by the judge?

14 A. If I could refer to my notes.

15 Q. Sure.

16 A. It was signed at about 8:30 PM.

17 Q. All right. So 8:30 PM the search warrant is signed.
18 Now there's been testimony in this case. Obviously you're
19 a sequestered witness, but there has been testimony in this
20 case about surveillance and staging leading up to the
21 execution of that search warrant. Where do you recall that
22 taking place?

23 A. I was -- I was advised that we were going to stage up
24 at the Badcock Furniture on St. Andrews Road.

25 Q. All right. I'm gonna show you what is State's 3

1 already in evidence. And, again, the general location of
2 the Landmark Apartments looking here at this aerial
3 photograph in State's 3?

4 A. The Landmark Apartments are right in this area.

5 Q. Okay. And the general area in which officers would
6 have been set up, even including your unmarked cars?

7 A. There were some in this area and then we were down
8 here which used to be the Badcock Furniture.

9 Q. Okay. Is that also adjacent to St. Andrews Road?

10 A. Yes, ma'am. This is St. Andrews Road right here.

11 Q. Would the presence of law enforcement have been
12 visible to others in the area who are coming or going from
13 St. Andrews Road?

14 A. It's possible.

15 Q. So 8:30 the search warrant is signed. What time do
16 you believe officers began meeting up, including yourself?

17 A. We -- we began meeting around -- right around --
18 according to my notes, around 8:45. Maybe a little bit
19 earlier than that.

20 Q. Okay. Are you aware that -- well, let me ask you
21 this. When you went into that apartment at [REDACTED] -- and
22 whose apartment was that?

23 A. Justin Hopkins.

24 Q. When you went into that apartment, was anyone there?

25 A. No, ma'am.

1 Q. No one was inside?

2 A. No, ma'am.

3 Q. Were you aware as to whether or not Mr. Hopkins had
4 been detained in the area just a few moments before that?

5 A. Yes, ma'am.

6 Q. And the general area in which he had been detained?

7 A. Yes, ma'am. I knew it was nearby. I'm not exactly
8 sure where it was.

9 Q. Okay. And are you aware as to whether or not he had
10 just left the residence?

11 A. Yes, ma'am.

12 Q. So by the time of your arrival there is no one home?

13 A. Correct.

14 Q. Who is with you executing the search warrant?

15 A. At the time of the initial clear of the residence,
16 it was me and three other narcotics agents assisted in
17 clearing that and then a number of investigators showed
18 up to the residence in case there was anything else needed.

19 Q. All right. Detective Weyandt, are you aware as to
20 whether or not when Mr. Hopkins was he detained prior to
21 9 PM as to whether or not he had any bags with him?

22 A. I heard radio traffic while I was on the way there
23 that he had left the residence with two bags from the unit
24 doing surveillance, but I never actually physically saw
25 them.

1 Q. Okay. So when you get inside, can you tell us whether
2 or not your search includes a search for ammunition and
3 firearms?

4 A. Yes, ma'am, it did.

5 Q. And can you tell us was any ammunition found inside
6 [REDACTED], the residence of Joshua Hopkins?

7 A. No, ma'am, there wasn't.

8 Q. Justin Hopkins.

9 A. No, ma'am.

10 Q. No ammunition?

11 A. No ammunition.

12 Q. Were any firearms found inside Apartment [REDACTED], the
13 residence of Justin Hopkins?

14 A. No, ma'am, there were no firearms inside.

15 Q. I'm gonna show you some photographs and ask you
16 whether or not you recognize them; State's 128, State's
17 129, State's 130, which is a collection of two photographs,
18 and then State's 132.

19 A. Yes, ma'am. I recognize all of them.

20 Q. Do these appear to be a fair and accurate
21 representation of Landmark -- [REDACTED] Landmark during the
22 execution of your search warrant?

23 A. Yes, ma'am.

24 Q. And property that you observed within?

25 A. Yes, ma'am.

1 MS. MAYES: For evidence, Your Honor.

2 THE COURT: Any objection?

3 MR. SWERLING: No objection.

4 THE COURT: They're admitted.

5 (State's Exhibit Numbers 128, 129, 130 and 132,
6 photographs, were admitted into evidence.)

7 BY MS. MAYES:

8 Q. Starting here with State's 128, was that front door
9 unlocked or locked?

10 A. It was locked.

11 Q. And how did law enforcement go about gaining entry?

12 A. We attempted -- we were provided the master key from
13 the apartment. It did not -- none of the keys that we were
14 provided worked on the locks, so we had to force entry to
15 it.

16 Q. And you had been provided keys to that residence by
17 whom?

18 A. Detective Scott Zylstra. I believe he was the
19 courtesy officer at the time.

20 Q. All right. So they would have come from office
21 management?

22 A. Yes, ma'am.

23 Q. And the office management keys did not work for that
24 location?

25 A. They did not.

1 Q. And next within the residence, we're gonna take a look
2 at State's 129. Did you see any indication that Justin
3 Hopkins was a resident of that location?

4 A. Yes, ma'am. That's a picture of a certificate that
5 was on a little stand in the living room kind of
6 prominently displayed.

7 Q. In his name?

8 A. Yes, ma'am.

9 Q. And then can you tell us whether or not you observed
10 any evidence of band-aids or the recent usage of band-aids?

11 A. Yes, ma'am. There was a very large amount of the
12 wrapper of band-aids and used band-aids in the trash can in
13 the bathroom of the residence.

14 Q. All right. We're gonna take a look at 130 and now the
15 second page of 130. Is that consistent with your findings
16 regarding band-aids?

17 A. Yes, ma'am.

18 Q. And next I want to ask you what other items were you
19 looking for that may relate to the crime scene other than,
20 as you mentioned, ammunition and firearms?

21 A. We were also looking for clothing. Primarily dark in
22 color clothing and footwear.

23 Q. Okay. And when you say footwear, how did you go about
24 working with other members of the investigating group to
25 determine what type of footwear you might want to locate?

1 A. So I was advised by a few of the detectives who had
2 more intimate knowledge of the original crime scene that
3 it appeared with we'd be looking for a boot due to some
4 impressions that were left at the scene where doors had
5 been kicked open. Those were photographed by that original
6 CSI and I had an investigator get that e-mail to him by
7 that CSI so that I could look at the picture and then
8 compare just at face value the tread of different shoes and
9 boots that were found in the apartment.

10 Q. All right. And at this point in time, Detective
11 Weyandt, you were a crime scene investigator yourself?

12 A. Yes, ma'am.

13 Q. All right. I'm gonna show you what is State's 108
14 already in evidence and ask you whether or not you're
15 familiar with this photograph and now we're gonna take a
16 look at the second portion of that exhibit.

17 A. Yes, ma'am.

18 Q. How so?

19 A. It's a picture from the original crime scene I believe
20 taken by Patrick Ward, who was one of my coworkers, of a
21 shoe impression on a surface at the original crime scene.

22 Q. All right. And can you using your laser pointer
23 tell us how you went about just with the naked eye looking
24 at this footwear impression to determine what, if any,
25 footwear you may want to seize from the residence?

1 A. So just looking at the way the tread is, with the
2 different lugs it already pretty much shows a boot-style,
3 so I knew that I was most likely looking for boots, and
4 then this center lug right here is what I really focussed
5 on due to it being almost like it a V with a flat spot at
6 the bottom and then kind of a square in the middle of it
7 right there, I knew that was kind of a -- that wasn't a
8 normal tread pattern you would see very often and it would
9 help me narrow it down.

10 Q. All right. And I want to show you 132. I believe
11 without objection.

12 THE COURT: He said without objection earlier.

13 BY MS. MAYES:

14 Q. Looking here at State's 132 and your Marker 6, what do
15 we see here?

16 A. A pair of tan work boots that were collected from the
17 residence.

18 Q. All right. And why did you take this particular pair?

19 A. That pair of boots has a tread pattern very consistent
20 with the one found at the original crime scene.

21 Q. I'm gonna show you State's 165 and ask you whether
22 or not you recognize any markings on the outside of this
23 boxing?

24 A. Yes, ma'am, I do.

25 Q. And whose name is on the outside?

1 A. It's mine.

2 Q. All right. And does it indicate which marker number
3 this item corresponds with?

4 A. It does. It's labeled as Marker 6.

5 Q. Is that the same item that we see there on the
6 overhead, Marker 6?

7 A. Yes, ma'am.

8 Q. And does it also indicate where this item came from?

9 A. Yes, ma'am. ■ Landmark Drive, Apartment ■,
10 Columbia, South Carolina.

11 Q. Okay. And does it also indicate a date in which this
12 item was seized from the seized from the residence and
13 packaged?

14 A. It does.

15 Q. What is that date?

16 A. December 21, 2019.

17 Q. All right. Are you actually boxing and sealing these
18 items there at the scene?

19 A. Not at the scene, but in our lab.

20 Q. Okay. And when you take them from the scene, how do
21 you go about packaging them?

22 A. They were packaged individually. All the items of
23 evidence collected were packaged individually in bags which
24 had been sealed with little piece of tape originally and
25 then repackaged at the lab.

1 Q. Okay. So to clarify, at the scene it is packaged
2 individually and sealed and then at the lab it's put into
3 this packaging?

4 A. Yes, ma'am.

5 Q. Does that include with evidence tape?

6 A. Yes, ma'am.

7 Q. And that would have been done by yourself?

8 A. Yes, ma'am.

9 Q. And would anyone else have accessed this item or
10 unsealed it prior to its delivery to the State Law
11 Enforcement Division for analysis?

12 A. Other than evidence personnel, no one else would have
13 had access to the evidence.

14 Q. Okay. And would the tape indicated if anyone had
15 tampered with the item or removed the tape?

16 A. Yes, ma'am.

17 Q. All right. And if you could, please, unseal this for
18 us.

19 A. (Witness complies.)

20 Q. And ultimately, Detective Weyandt, why where did this
21 item go for analysis?

22 A. The State Law Enforcement Division's crime lab.

23 Q. Okay. I'm gonna ask, if you can, to remove this item
24 with gloves and can you tell us looking inside the boot
25 what size boot that is?

1 A. It is a men's size 12W or wide.

2 Q. And can you tell us the color of that boot?

3 A. Tan.

4 Q. All right. And just to confirm, the other boot is
5 also -- the matching boot is also size 12?

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

7 Q. Okay.

8 MS. MAYES: State's 165 for evidence, Your Honor.

9 THE COURT: Any objection?

10 MR. SWERLING: No, Your Honor.

11 THE COURT: It's admitted.

12 (State's Exhibit Number 165, boots in a box, was
13 admitted into evidence.)

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

15 THE COURT: Take your time.

16 BY MS. MAYES:

17 Q. You mentioned no firearms, no ammunition. What about
18 narcotics?

19 A. There were no narcotics recovered from the apartment.

20 Q. Okay. Other than these boots, was anything else of
21 evidentiary value recovered?

22 A. If I can refer to my notes, I recovered two cell
23 phones, some clothing and the two pairs of boots and a
24 doormat.

25 Q. All right. And I believe there was an additional pair

1 of boots recovered as well?

2 A. Yes, ma'am.

3 Q. And what size were they?

4 A. I believe they were ten and a half's.

5 MS. MAYES: Thank you. Nothing further.

6 THE COURT: Mr. Swerling.

7 CROSS-EXAMINATION

8 BY MR. SWERLING:

9 Q. You also took a doormat, too?

10 A. Yes, sir.

11 Q. What was the purpose of that?

12 A. The doormat was taken due to while I was processing
13 the -- a few items of clothing with a chemical luminescence
14 spray called Bluestar, which is a presumptive test for
15 blood, I saw what appeared to be a reaction on that
16 doormat, so I took it just in case.

17 Q. Okay. Now there were a couple of other items that
18 showed reaction to the spray; is that correct?

19 A. Yes, sir.

20 Q. Which ones were they?

21 A. I believe both pairs of boots, a pair of back jeans
22 and the doormat.

23 Q. Okay. But that's just the presumptive test. That's
24 not the actual test, the serology test, correct?

25 A. Yes, sir.

1 Q. Now I believe you also took a buccal swab of Justin
2 Hopkins; is that correct?

3 A. Yes, sir.

4 Q. Am I pronouncing it right? Buc-cal? Do you-all say
5 buc-cal?

6 A. (Nods head.)

7 Q. Okay. And there were a bunch of swabs taken from a
8 traffic stop. I don't know if they'll go into it or not,
9 but the traffic stop of Justin Hopkins there was several
10 weapons taken, a Hi-Point pistol, a slide from the Hi-Point
11 pistol, the trigger of the Hi-Point pistol, a handle of a
12 Glock pistol, a trigger of a Glock pistol and a slide of
13 Glock pistol. Did you do DNA swabs of those items?

14 A. I did.

15 Q. That's in your report, correct?

16 A. Yes, sir.

17 Q. So in addition to collecting some evidence, you also
18 did some swabs and also the luminescent test?

19 A. Yes, sir.

20 MR. SWERLING: Thank you.

21 THE COURT: Ms. Mayes.

22 MS. MAYES: Yes, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. MAYES:

25 Q. Just to clarify, all of that testing that Mr. Swerling

1 just asked you about, did that occur after the night of
2 December 21st?

3 A. The -- yes, the Bluestar chemical luminescence test
4 for blood happened at the scene. All of the other -- all
5 of the buccal swabs and all the touch DNA was done actually
6 at our headquarters.

7 Q. Okay. After the night of December 21, 2019?

8 A. Yes, ma'am. We had already cleared the scene from
9 there.

10 Q. All right. And that involved -- I think Mr. Swerling
11 was asking you about several firearms and ammunition. All
12 of that involved the belongings that were taken after the
13 arrest of Justin Hopkins on the night of December 21st?

14 A. Yes, ma'am.

15 Q. And were you wearing gloves?

16 A. Yes, ma'am.

17 Q. And following proper protocol procedures?

18 A. Yes, ma'am.

19 Q. Now regarding the Bluestar that he asked you about,
20 the Bluestar is the presumptive test for blood that was
21 done at the scene?

22 A. Yes, ma'am.

23 Q. You indicated that these boots did light up?

24 A. Yes, ma'am.

25 Q. Being the size 12?

1 A. Yes, ma'am.

2 Q. As well as the size ten and a half boots?

3 A. Yes, ma'am.

4 MS. MAYES: Thank you. Nothing further.

5 MR. SWERLING: Nothing further.

6 THE COURT: May I excuse Detective Weyandt?

7 MS. MAYES: No objection, Your Honor.

8 (Witnesses excused.)

9 THE COURT: You can call your next witness.

10 MS. MAYES: Agent Melinda Worley, Your Honor.

11 (Whereupon, Melinda Worley was duly sworn by the
12 Clerk of Court.)

13 THE CLERK: If you'll state your name and spell
14 your last, please, for the record.

15 THE WITNESS: Melinda Worley, W-O-R-L-E-Y.

16 MELINDA WORLEY,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. MAYES:

20 Q. Good morning. Tell us a little bit your about
21 yourself. Where are you employed?

22 A. I'm with the State Law Enforcement Division, commonly
23 referred to as SLED.

24 Q. All right. And how long have you been with the State
25 Law Enforcement Division?

1 A. Eleven years.

2 Q. What type of work do you do there, Agent Worley?

3 A. I'm currently in the latent print unit in the forensic
4 lab as a footwear and tire examiner.

5 Q. I want to start by asking you a little bit about
6 yourself. How long have you been working there at the
7 State Law Enforcement Division lab specifically for
8 footwear impression examination?

9 A. That would be about eight years.

10 Q. All right. And during that time, what type of
11 specific training and education do you have that has led
12 you to be able to conduct examination of footwear
13 impressions?

14 MR. SWERLING: Judge, we would stipulate to her
15 qualifications.

16 THE COURT: Okay. I'm gonna tell the jury -- as
17 a footwear expert; is that correct?

18 MS. MAYES: Your Honor, she would be footwear
19 impression examination.

20 THE COURT: Okay. I'm gonna tell the jury both
21 parties agree that she's an expert. I've told you
22 once before on experts they're allowed to give opinion
23 testimony in that area. That doesn't mean you must
24 accept the opinion, but it's evidence for you to use in
25 any way you see fit.

1 Go ahead Ms. Mayes.

2 MS. MAYES: Thank you, Your Honor.

3 BY MS. MAYES:

4 Q. With that said, I would like to follow up a little bit
5 further regarding the qualifications. Agent Worley, have
6 you testified previously as an expert in the courts of this
7 state regarding footwear examination?

8 A. I have, yes.

9 Q. And how many such times would you estimate?

10 A. About six times.

11 Q. Now take us through the process. When you have an
12 impression from a crime scene, for example, I'm gonna show
13 you what is State's 108 already in evidence and ask you a
14 few questions about that. I'm gonna give you a chance to
15 look at this photograph, State's 108, and specifically the
16 second page associated with this which has an identifying
17 number in the top left-hand corner of that. Do you
18 recognize this image?

19 A. I do.

20 Q. How so?

21 A. That is the impression that was submitted to our lab.

22 Q. So going back here to State's 108 and, again, with
23 footwear examination you are working with crime scene
24 evidence primarily, correct?

25 A. That's correct.

1 Q. So you were aware that this particular impression had
2 come from the crime scene of the triple murder at
3 Butternut?

4 A. Yes, that's right.

5 Q. And here we see Marker 40 and it is scaled. What is
6 the purpose of the scale?

7 A. It's photographed with scale at the crime scene so
8 that for my purposes it can be printed to real size, a
9 one-to-one rendering of it, so that I can compare that
10 impression to a known pair of shoes.

11 Q. All right. And now I'm gonna take a look at the
12 second photograph affiliated with State's 108 and show you
13 the identifying image number up in the top left-hand corner
14 with the initials P.W. consistent with Patrick Ward, and
15 what can you tell us, if anything, about your use of this
16 digital image?

17 A. That was the image that I -- I used to compare that
18 impression to three pairs of boots that I -- I was provided
19 with for comparison purposes.

20 Q. Okay. And you mentioned three pairs of boots. What
21 were the sizes of the boots that were submitted to you for
22 comparison to this particular impression from the crime
23 scene?

24 A. Two pairs were a size ten and a half and then one pair
25 was size 12.

1 Q. All right. And one of the pairs that were ten and a
2 half, do you remember the marker number associated with it
3 or your item number?

4 A. I believe Marker 5 for one of them.

5 Q. Okay. Marker 5 for the Lexington County Sheriff's
6 Department?

7 A. Yes.

8 Q. And then specifically as to the size 12 boots, what,
9 if any, marker number do you recall being associated with
10 that?

11 A. That was Marker 6.

12 Q. Looking here at State's 132, consistent with these
13 boots shown here in Marker 6?

14 A. Yes, that's correct.

15 Q. Can you tell us what notes you made about the color
16 and make of those boots?

17 A. I didn't really make note of --

18 Q. As depicted in your report.

19 A. Okay. The brown boots. They're -- I'm sorry. I'm
20 not sure what you're wanting.

21 Q. What do you show regarding the make of those boots
22 according to your report, your report that you issued in
23 this case?

24 A. They're boots with a boot outsole.

25 Q. So do you note an item number for the size 12 boots?

1 A. Oh, they're size -- I'm sorry, Marker -- Item 31.

2 Q. All right. And Item 31, what color do you note them
3 to be?

4 A. Brown.

5 Q. And can you refer directly to your report?

6 A. Or tan.

7 Q. All right. Tan. And do you also note anything in
8 your report about the make of those, the manufacturing
9 name?

10 A. Okay. The Herman Survivors.

11 Q. Okay. So tan Herman Survivors according to your
12 report?

13 A. Yes.

14 Q. I'm gonna show you what is State's 165. And do you
15 have a pair of gloves?

16 A. I do.

17 Q. Okay. Now prior to your arrival for footwear
18 examination, are you aware of any other division within the
19 State Law Enforcement Division that these boots would have
20 gone to?

21 A. I believe they went to serology.

22 Q. Okay. I'm gonna ask you to take a look at the boot
23 and ask you if you see any notations in that regard?

24 A. Yes, it's marked with SLED's lab number, the item
25 number and then initials of the serology person who

1 examined them.

2 Q. Okay. And what are those initials?

3 A. C.E.T.

4 Q. Would that be consistent with Courtney Thompson in
5 serology?

6 A. That's right.

7 Q. All right. And then the next boot?

8 A. They also have the SLED lab number, item number and
9 Courtney's initials.

10 Q. Okay. Now can you tell us whether or not evidence or
11 arrives at SLED sealed?

12 A. It does, yes.

13 Q. And if evidence is unsealed, would there be some type
14 of note regarding the bench notes, the lab notes?

15 A. A note is made of it, yes.

16 Q. Okay. Looking at those boots that you have before
17 you, what can you tell us about the bottom of those boots
18 and why they bear that color?

19 A. They're currently black because in order to do my
20 examination, I have to create test impressions so I apply
21 black ink to the bottom of the boots to get a test
22 impression on a piece of paper.

23 Q. Okay. So that black ink would have been placed by you
24 in the lab?

25 A. That's right.

1 Q. Now, Agent Worley, next I'm gonna ask you whether or
2 not you created any exhibits which display your findings
3 following your examination?

4 A. Yes, I did.

5 Q. Okay. I'm gonna show you what's State's 138 and ask
6 you whether or not you're familiar with this item?

7 A. Yes.

8 Q. And who created that item?

9 A. I created it.

10 Q. Okay. And it does it accurately depict the process in
11 which you went about your examination?

12 A. It does.

13 Q. All right.

14 MS. MAYES: State's 138, Your Honor, for evidence.

15 THE COURT: Any objection?

16 MS. WILSON: No objection.

17 (State's Exhibit Number 138, a footwear impression,
18 was admitted into evidence.)

19 BY MS. MAYES:

20 Q. Do you have a copy of your exhibit there with you as
21 well?

22 A. I do.

23 THE COURT: I'm gonna tell you it's admitted without
24 objection. Sorry.

25 BY MS. MAYES:

1 Q. Agent Worley, I'm gonna place it here on the overhead.
2 First I want to ask you when we talk about the known
3 standard, what is the known standard?

4 A. The known standard is this -- this boot right here.

5 Q. Okay. And is this the left boot or the right boot
6 that we're looking at?

7 A. The right boot.

8 Q. Okay. And so you're actually photographing that boot,
9 the right boot, in the lab?

10 A. Yes, before -- before I applied black ink to it was
11 photographed.

12 Q. Okay. And, again, when we're talking about your
13 Item 31, which boots are those?

14 A. These are size 12 boots.

15 Q. Okay. So you photograph the boot and that is your
16 known standard?

17 A. That's correct.

18 Q. Next when we talk about the unknown impression, what
19 do you mean by that term?

20 A. That is the photograph of the unknown impression from
21 the crime scene.

22 Q. And specifically regarding the unknown impression,
23 can you tell us whether it corresponds with that image
24 number there in the left corner?

25 A. Yes.

1 Q. So the unknown impression is that very image from the
2 crime scene at Butternut Lane?

3 A. Yes.

4 Q. And next, in the middle, the test impression, what is
5 that?

6 A. That's the test impression that I created from this
7 boot.

8 Q. Okay. So by placing ink on the boot and then creating
9 a tread mark in the lab?

10 A. That's correct.

11 Q. And that's what we're looking here. And, again, is
12 this the left boot or the right boot?

13 A. The right boot.

14 Q. So on your comparison of each of these images, what,
15 if anything, did you determined?

16 A. I determined that these -- this boot corresponded
17 with the size, shape, outsole design and some random
18 characteristics as the unknown impression from the crime
19 scene.

20 Q. All right. I'm gonna ask you a few more questions
21 about that. When you say that it has similar or combined
22 class characteristics, what do you mean by class
23 characteristics?

24 A. Class characteristics are the size, which is the
25 physical size of it, the shape, which is the right boot

1 compared to the left, and the outsole design, which is the
2 bottom of the boot and the tread pattern it has.

3 Q. The size, the shape --

4 A. And the outsole design.

5 Q. The tread design itself?

6 A. That's correct.

7 Q. So all of those appear to be similar to you?

8 A. Yes, ma'am.

9 Q. And then in addition, what, if anything, other did
10 you observe? What unique similarities did you observe to
11 indicate that this is the same boot from the unknown
12 impression at the crime scene?

13 A. There was one very small random characteristic in the
14 toe end of the boot.

15 Q. What do you mean by the term "random characteristic"?

16 A. A random characteristic is basically the boot will
17 have -- after it's been worn any changes to the surface of
18 it, to the bottom of it, can create random characteristics
19 that are unique to that particular boot.

20 Q. All right. And what do you see here in the exhibit
21 that you created that shows you that unique random
22 characteristic which appears to be similar or the same?

23 A. That one random characteristic in toe end was
24 replicated in my test impression.

25 Q. All right. And I'm gonna show you what is up here.

1 Looking at the actual boot photograph, we see a red circle
2 in that. Who placed that red circle there in this exhibit?

3 A. I did.

4 Q. All right. And then here we see a circle on the test
5 impression and then also a red circle in the impression of
6 the crime scene. Who placed each of these circles?

7 A. I did.

8 Q. All right. You can take a look now at what is within
9 the circle and tell us what we are observing?

10 A. It's a break in the line. You can see there are four
11 lines in that area of the boot and in that particular spot
12 there's a break in the line and a small hump where it
13 restarts. It was -- you can see it in the boot itself and
14 then it was recreated in my test impression.

15 Q. All right. So at each of these locations you're
16 seeing that same random characteristic as you put it?

17 A. That's correct.

18 Q. Now can that be created by stepping, for example, on a
19 sharp object or some type of friction?

20 A. Sure.

21 Q. Okay. Some type of normal wear?

22 A. Right.

23 Q. And then in addition to that, you've indicated that
24 all are consistent with the size 12?

25 A. That's correct.

1 Q. And all are consistent with the outerwear design or
2 tread pattern?

3 A. Correct.

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

5 THE COURT: Take your time.

6 BY MS. MAYES:

7 Q. You also, I believe, created some overlays in this
8 process --

9 A. That's correct.

10 Q. -- as well as relying on a CD of the impressions and
11 I believe including the one image we see there in 7.1 on
12 your exhibit?

13 A. That's correct.

14 Q. I'm gonna show you State's 158 and 172 and ask you
15 what these items are?

16 A. That's got 70, but this envelope is the test
17 impressions that I created -- the photographs that I had
18 printed of the unknown impressions from the scene and
19 pictures of the boots.

20 Q. All right. And do you recognize your initials?

21 A. Yes, that's mine.

22 Q. As well as the date of your examination?

23 A. Yes, ma'am.

24 Q. And that date what was?

25 A. December 7th of 2021.

1 MS. MAYES: All right. And for purposes of this
2 proceeding, Your Honor, we will keep this sealed but
3 offer State's 172 as evidence, being the overlays from
4 footwear examination.

5 MS. WILSON: No objection.

6 THE COURT: It's admitted then.

7 (State's Exhibit Number 172, footwear overlays, were
8 admitted into evidence.)

9 BY MS. MAYES:

10 Q. And then, again, you also received a CD with photos of
11 the shoe impressions?

12 A. That's correct, yes.

13 MS. MAYES: And, Your Honor, at this time the
14 State offers 158. Again, it will remain sealed for
15 purposes of --

16 THE COURT: I've already got it into evidence.

17 MS. MAYES: Okay.

18 Nothing further of Agent Worley at this time, Your
19 Honor.

20 THE COURT: Ms. Wilson?

21 CROSS-EXAMINATION

22 BY MS. WILSON:

23 Q. Agent Worley, I just have one question for you. The
24 -- I guess it was Item Number 30, it's a pair of boots that
25 was a ten and a half.

1 A. Yes, ma'am.

2 Q. That was excluded from being this boot print?

3 A. Yes, ma'am.

4 MS. WILSON: Thank you, Agent Worley.

5 MS. MAYES: Nothing further, Your Honor.

6 THE COURT: Okay. Then may I excuse Agent Worley?

7 MS. MAYES: Yes, Your Honor.

8 THE COURT: Agent Worley, thank you for coming.

9 (Witness excused.)

10 MR. HUBBARD: Your Honor, the next witness will be
11 firearms, so I don't know if you want to take a break
12 now or --

13 THE COURT: Is that gonna be a little bit longer?

14 MR. HUBBARD: A little bit longer. Hopefully not
15 real long, but a little bit longer so I didn't know as
16 far as a restroom break if you wanted to go ahead and
17 do that.

18 THE COURT: Yes.

19 I'm gonna go ahead and let you-all stretch your
20 legs. It seems like I was telling the court reporter
21 if we were all on cue to go to the restroom at the same
22 time, it would be great, but it doesn't happen. So I
23 try to stage out these breaks and I can try to hit
24 everyone.

25 So let's take a quick break and let them get set

1 Clerk of Court.)

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

4 THE WITNESS: James Green G-R-E-E-N.

5 JAMES GREEN,

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. HUBBARD:

9 Q. Agent Green, where do you work?

10 A. I'm employed by SLED.

11 Q. And how long have you been with SLED?

12 A. Since June 2, 2005.

13 Q. What do you do at SLED?

14 A. I'm a forensic firearm examiner.

15 Q. How long have you been a forensic firearm examiner?

16 A. My entire career at SLED.

17 Q. And did you have any special education or training for
18 that particular role you do for SLED?

19 A. Yes, sir. In addition to my bachelor's and master's
20 degree, when I was hired at SLED I started the SLED firearm
21 and tool mark course of instruction. It's about 1 three,
22 three and a half course of instruction studying under
23 court-qualified firearm examiners in an apprentice-type
24 fashion learning to do what I do now. In fact, I am now
25 the training officer for the department.

1 Q. And have you had --

2 MS. WILSON: Judge, we would stipulate to Agent
3 Green's qualifications as well.

4 THE COURT: As a forensic firearms expert?

5 MR. HUBBARD: I'd say firearms identification.

6 THE COURT: Firearms identification expert.

7 I'm telling the jury that's what he's gonna be
8 qualified as. You give the weight to his testimony as
9 you would any other witness like I've instructed you
10 earlier.

11 Thank you.

12 BY MR. HUBBARD:

13 Q. Agent Green, how many times have you had an
14 opportunity to testify as an expert in firearms
15 identification in a court of law?

16 A. 101. 99 times in state and twice in Federal.

17 Q. Now I want to ask you, before we even get down this
18 road, can we talk about the difference between a semi auto
19 pistol and a revolver? When it comes to ejecting a
20 cartridge casing, which firearm actually ejects those
21 casings?

22 A. A semiautomatic pistol.

23 Q. Can you explain how they operate and how they compare
24 to a revolver?

25 A. I'll start with a revolver. Everybody seen that old

1 cowboy western movie where the good guy in the white
2 hate or, you know, the bad guy in a black hat or whatever
3 walks up and pulls what they call a six-shooter from their
4 hip and starts pulling the trigger. That's a revolver.
5 The cartridges are aligned in multiple chambers and when
6 you pull the trigger, the chambers rotate and the lines --
7 each cylinder, one at a time, under the hammer will be
8 fired. When you do that, the cartridge cases stay in the
9 revolver once they're fired until the shooter unloads. A
10 semiautomatic pistol, like a Glock that I carry, that's
11 magazine-fed, a semiautomatic pistol, you load the
12 magazine, insert the magazine into the magazine -- well,
13 you pull the slide back to the rear and let it go and it
14 will go forward under springs tension. What that does is
15 the slide strips the first cartridge from the magazine,
16 loads it into the chamber, the gun's ready to be fired.
17 You pull the trigger, the gun will -- the slide unlocks,
18 moves to the rear and as it does it extracts and ejects
19 that fired cartridge case, throws it out of the pistol, the
20 slide moves forward again and if there's another cartridge
21 in the magazine, loads it and it's ready to be fired again.
22 You pull the trigger, the slide moves to the rear, the
23 cartridge case is ejected so on and so forth until you
24 either stop shooting or you run out of ammunition.
25 Q. And when a semi auto ejects a cartridge casing, does

1 it just typically in a firearm -- I know there's no set
2 pattern, but does it just drop straight down or is there a
3 reason why its trying to eject it?

4 A. As a general rule, they will go back and to the right
5 when they're ejected; however, that's very generalized. I
6 shot my gun during training and defying all the laws of
7 physics, it actually went forward. I can't quite explain
8 how that is because the ejector is on the left, the
9 extractor is on the right, so when the slide moves to the
10 rear and hits that ejector, you figure it's gonna go that
11 way just by the inertia and the force, so I'm not quite
12 sure how it went forward. It's designed to go slightly
13 back and to the right.

14 Q. And so when we're talking about a crime scene and
15 there are cartridge casings from a fired -- when a gun is
16 fired and there's cartridge casings, is it really hard to
17 say where somebody's standing because of the variability in
18 where casings might go?

19 A. Yes, sir. Any type of intervening object could change
20 where a cartridge casing is gonna go. Like I said, it's
21 designed to go back and to the right; however, if I'm
22 standing right beside a wall, it could bounce off the wall
23 and go to the left. It could land on a couch or if it's in
24 the middle in an open field like I've had happen before in
25 a case, an EMS truck drives over it, it gets caught in the

1 tread and it's moved a hundred yards away from where it
2 originally was, so any kind of intervening factors can
3 determine where it will finally end up.

4 Q. Agent Green, I want to ask you now were you asked to
5 look at cartridge casings and some fired projectiles or
6 bullets from a triple homicide at [REDACTED] Butternut Lane in
7 Lexington County?

8 A. Yes, sir.

9 Q. And this is an incident that occurred December 17,
10 2019?

11 A. Yes, sir. It would have been a 2019 case.

12 Q. And all these items were brought to you for your
13 examination?

14 A. Yes, sir.

15 Q. Now I want to start at the scene, [REDACTED] Butternut Lane,
16 and talk about cartridge casings. How many were delivered
17 to you; do you recall?

18 A. Twelve or thirteen, I believe.

19 Q. I believe I've got it right here just so you won't
20 even have to guess, looking at State's 151 and 155, and see
21 if these look familiar and see if our count is the same.
22 And it may help you, I'm looking at items -- your items 1
23 through 11 and then 52 and 53.

24 A. There were thirteen submitted.

25 Q. Okay. And, again, are those items 1 through 11 and

1 then Item 52 and Item 53?

2 A. Yes, sir. State's Exhibit 155 and 151 are made up of
3 SLED items 1 through 11, 52 and 53.

4 Q. And when those were submitted, what, if anything, do
5 you do in examining these? Is part of what you're doing is
6 trying to see if they're fired from the same weapon or is
7 there anything else you're doing?

8 A. Well, the first thing we do when we get evidence is we
9 take pictures of it as received so we know the condition of
10 the packaging they were in. Other than this being cut
11 opened on the side, this is how the packaging looked when I
12 received it minus the evidence tape where I sealed it on
13 the bottom. So what I do is I go through and make sure
14 everything was sealed properly and per our protocols. If
15 it's not, I won't do anything else. I'll call the agency
16 and find out, maybe a seal broke or whatever, and that
17 wasn't this the case in this instance. Everything was
18 sealed. I take photographs of the evidence and then what
19 I'll do is I'll get all of the like evidence, so the
20 9-millimeter Luger caliber cartridge cases that were
21 submitted in this case, the thirteen of them. I'll look
22 down and try to see how many guns are represented in those
23 cartridge cases. Is there one gun that fired all thirteen
24 or is there thirteen different guns that fired one each,
25 and the way we do that is through our comparison

1 microscope. It's the main tool we use. It's two
2 microscopes connected by a single optical bridge. It lets
3 us look at two objects simultaneously and what we're
4 looking for are tiny microscopic striations or impressions
5 left on the working surfaces of the ammunition component.
6 On cartridge cases like these, I was looking at the
7 breechface markings and the firing pin impressions.

8 When firearms are produced, they leave tiny
9 microscopic scratches that you can't see with the naked
10 eye that are individual from one gun to the next. There
11 have been studies, I've taken part in five or six, where a
12 firearms examiner has went to like the Luger factory and
13 gotten ten consecutively made barrels, one right after the
14 other, after the other, after the other. You're gonna see
15 any carryover of what they call subclass characteristics
16 and maybe not quite individual characteristics that are
17 unique to that gun, you're gonna find them on objects made
18 simultaneously one right after the other with the same tool
19 and the same state of wear. By doing those studies, it's
20 helped prove that each if gun marks individually. So this
21 one will mark different than the one made right after it so
22 you can tell which one was fired by which. So when I got
23 these cartridge cases, like I said, I was trying to
24 determine how many firearms were represented in these
25 cartridge cases and by looking at the breechface

1 impressions and the firing pin impressions, I concluded
2 that all of the 9-millimeter Luger caliber cartridge cases
3 were fired by one firearm.

4 Q. By one firearm?

5 A. Yes, sir.

6 Q. And you were referring to a 9-millimeter. Is that
7 what these casings actually showed?

8 A. Yes, sir. They had the manufacturer and the caliber
9 on the headstamp.

10 Q. And you mentioned headstamps. I'd like to show you
11 what's been marked as State's 142, three photographs,
12 and see if you recognize these? Did you take those
13 photographs?

14 A. Yes, sir. State's Exhibit 142 are pictures of the
15 headstamps of the cartridge cases that were received in
16 this case. We do that for our documentation purposes.

17 MR. HUBBARD: I offer 142 into evidence.

18 THE COURT: Any objection?

19 MS. WILSON: No objection.

20 THE COURT: It's admitted.

21 (State's Exhibit Number 142, photographs, was
22 admitted into evidence.)

23 BY MR. HUBBARD:

24 Q. Now there's three photographs in 142. I want to show
25 you the first one. We have -- I believe my count is ten.

1 Are these cartridge cases again?

2 A. Yes, sir. These are SLED items 1 through 10 fired
3 cartridge cases that were submitted in this case.

4 Q. Now looking at it, where's the primer? And I'm gonna
5 -- let me do this. I don't know if you have anything up
6 there to point or -- yeah, you've got one, but you can use
7 that, and I'll steal this one.

8 A. All right. Where it says Sig, Sig, Win. Sig is SIG
9 Sauer, Win is Winchester. It says 9-millimeter Luger
10 underneath it on the bottom of all of those. Those are the
11 heads of the cartridge cases. Inside you'll see like a
12 little doughnut for lack of a better description, a little
13 circle right there, those are the primers on each of them
14 and you can actually see the rectangular firing pin
15 aperture on those. Those are indicative of a certain style
16 of pistol, but we have Sig and Winchester in those.

17 Q. So let me ask you, this -- if these had not been
18 fired, would we see those small indentations in the middle
19 of the primer?

20 A. No, sir. Those are firing pin impressions and that
21 rectangular shape that you can kind of make out is the
22 firing pin aperture, but if they were fired it would just
23 be smooth. Excuse me. If they were unfired they would be
24 smooth.

25 Q. Right. And you noticed two different -- you can see

1 Sig and then -- on two of them and then Win on the others.

2 Is that Winchester?

3 A. Yes, sir.

4 Q. But they're all 9-millimeter cartridges?

5 A. Yes, sir. They're all 9-millimeter Luger caliber
6 cartridge cases even though they have different headstamps.

7 They were all fired by the same firearm.

8 Q. Okay. In looking at the second photo from that same
9 exhibit, which would be your Item 11, do we see the same
10 thing there?

11 A. Yes, sir.

12 Q. And the third photograph, which is your items 52 and
13 53, do we see the same thing?

14 A. Yes, sir.

15 Q. On these Winchesters, I notice the primer is -- I
16 would call it gold. What would you call it?

17 A. It's brass.

18 Q. Brass. Okay. But I notice on these Sigs they look
19 like they're a little bit different color?

20 A. Yes, sir. The Sig primers were nickel.

21 Q. Okay. And that just is the brand?

22 A. Yes, sir. Each individual ammunition manufacturer
23 determines what construction they'll use in their cartridge
24 cases.

25 Q. All of these were fired by one weapon?

1 A. Yes, sir.

2 Q. Now I want to turn to what I've been referring to as
3 projectiles, but I think you referred to as a fired bullet?

4 A. Yes, sir.

5 Q. I believe four were submitted to you; is that correct?
6 And specifically I'll give you the item numbers. Your item
7 numbers 37, 54, 56 and 55.

8 A. Let me check my report.

9 Q. And I'll help you out, too, by showing you State's --
10 what's already in evidence as State's 152 and 153.

11 A. While I'm doing this, ladies and gentlemen of the
12 jury, you see me holding evidence up and rotating it around
13 in my hands, not only does the packaging bear my writing,
14 my seal date, but each individual item of evidence that
15 is big enough I'll mark with a Dremmel tool with our lab
16 number, our item number and our initials. So in this
17 case the lab number I worked, the item number for SLED
18 and my initials, so what I'm doing is I'm just looking
19 to make sure that what I'm actually saying I looked at I
20 looked at.

21 Yes, sir. State's exhibits 152 and 153 are the fired
22 bullets I received from the scene in this case.

23 Q. Let me ask you this. When it comes to the fired
24 bullets, did you also do an analysis of that?

25 A. Yes, sir. Cartridge cases are a little different. I

1 can look at the headstamp and tell what caliber the
2 cartridge case is usually. Bullets we can't do that.
3 After a while you can kind of get a feel just by looking
4 at a bullet what caliber it may be, but to determine what
5 caliber it is most consistent with what we'll do is we'll
6 look at the overall physical characteristics, what we call
7 the OPC's, and that's the diameter of the bullet at the
8 base which will give you a caliber and also when you look
9 at weight and overall shape, they'll give a caliber. So
10 once I got the caliber, I determined I had 9-millimeter
11 Luger caliber bullets and a bullet that was consistent with
12 either a .38 Special bullet or a .357 magnum bullet. The
13 reason why I can't say one or the other and I said both is
14 because you can -- they're the same bullet. You can take a
15 .357 bullet and load into a .38 cartridge case and you can
16 take a .38 bullet and load it into a .357 Magnum cartridge
17 case with the same diameter. It's basically the same
18 bullet.

19 Q. Let me go ahead and ask you about that. If you have
20 a .357 Magnum pistol, can you fire .357 round and .38
21 round?

22 A. Yes, sir. A firearm chambered for a .38 Special, will
23 only shoot .38 Special. A firearm chambered for a .357
24 will shoot a .38 Special or a 357 Magnum.

25 Q. Now I'd like to show you -- what you just looked at on

1 the fired projectiles, did you take photographs of those as
2 well?

3 A. Yes, sir.

4 Q. I want to show you four photographs, what I have as
5 State's 145, and see if you recognize those photographs as
6 being what you've seen in State's 152 and 153?

7 A. Yes, sir. These photographs are the photographs I
8 took documenting the evidence as it was received.

9 MR. HUBBARD: Okay. Any objection?

10 MS. WILSON: No objection.

11 MR. HUBBARD: The State offers 145 into evidence,
12 Your Honor.

13 THE COURT: And it's admitted.

14 (State's Exhibit Number 145, photographs, were
15 admitted into evidence.)

16 BY MR. HUBBARD:

17 Q. Now, Agent Green, I want to walk through these as
18 well. State's 145, the first photo of this set of four,
19 what caliber do you say this is most consistent with?

20 A. That is a bullet that's most consistent with a
21 9-millimeter Luger caliber and it's a full metal jacketed
22 round as a bullet.

23 Q. And what is -- I see what I call a brassy look. How
24 do you describe it as a firearms identification expert?

25 A. It's copper jacketed.

1 Q. Copper jacketed?

2 A. Yes, sir.

3 Q. Okay. I want you to look at the second photo, your
4 Item 54, is that also consistent with a 9-millimeter?

5 A. Yes, sir. SLED Item 54 is also just like the last
6 bullet. It's a full metal jacketed round that's a
7 9-millimeter Luger caliber bullet.

8 Q. Copper jacketed?

9 A. Yes, sir.

10 Q. Your Item 56?

11 A. The same. Still a 9-millimeter Luger, but the nose
12 is kind of damaged, so I can't say it's a round nose, but
13 it's also a copper jacketed 9-millimeter Luger caliber
14 bullet.

15 Q. As to these three copper jacketed 9-millimeter
16 bullets, did they all have similar and consistent rifling
17 characteristics?

18 A. Yes, sir. They all had six grooves, right twist and
19 were polygonally rifled.

20 Q. And when you say grooves and twists, can you explain
21 how a barrel part -- what you're explaining is left by the
22 barrel of the gun?

23 A. Yes, sir. Rifling is placed in the barrel of firearms
24 to make the bullet more accurate. I'm sure everyone's seen
25 a football game. I'm a huge Clemson fan. Trevor Lawrence

1 or Spencer Rattler or whoever your favorite team may be,
2 they get to where they are because they can throw a pretty
3 football. They put a nice tight spiral. That's what
4 rifling does to a bullet. It basically grips the bullet
5 and imparts a spin on it as it's travelling down the
6 barrel. It makes it go further, it makes it more accurate.
7 It's part of that rifling -- when they put the rifling in
8 the barrel and the rifling is made up of lands and grooves
9 that leaves those microscopic striations that we look
10 for. So as a part of making the bullet more accurate, it
11 actually makes it identifiable potentially. So when I
12 say lands and grooves, that's something that the firearm
13 manufacturer determines prior to building the gun.

14 Tom Deeb at Hi-Point said I wanted to make a barrel
15 that hadn't been done before, so he designed a nine groove
16 left twist barrel. So he said I want the lands to measure
17 this wide and I want the grooves to measure this wide and
18 that's the general rifling characteristics of a firearm is
19 the caliber, the number of lands and grooves, direction of
20 twists and the width of the lands and the grooves.

21 Inside the rifling there are two different types.
22 There's convention rifling and there's polygonal rifling.
23 Conventional rifling has -- think of edges. It looks like
24 a flat and a cliff. Almost like the edge of this desk. It
25 just drops straight off. There's very definitive edges.

1 Polygonal rifling is almost like rolling hills. It's still
2 considered rifling, but it doesn't have really fine edges
3 to say hey, to someone like me, look here to here for the
4 groove, look here to here for the land. This is more
5 smudges than definitive land and groove impressions.

6 Q. Thank you, Agent Green.

7 Now we've talked about the three fired bullets that
8 are consistent with a 9-millimeter. I want to show you the
9 fourth one of your set of photographs in State's 145 and
10 this is your Item Number 55. What can you tell us about
11 this -- this particular fired bullet?

12 A. SLED Item 55 was a .38 or .357 -- excuse me, .38
13 Special or .357 Magnum caliber lead round nose bullet.

14 Q. Okay. So clearly a completely different weapon fired
15 this than the 9-millimeters?

16 A. Yes, sir. It's a different caliber and as I talked
17 a minute ago, polygonal versus conventional. The
18 9-millimeters from the scene had polygonal rifling, this
19 bullet has conventional rifling.

20 Q. Okay. Now I want to move onto some of the photos from
21 the fired bullets from autopsy. Were those also sent to
22 you from Mr. Booker, Mr. Livingston and from Mr. Williams?

23 A. Yes, sir.

24 Q. All right. Let's go through those, if you can. And
25 I'm gonna talk -- let's address Mr. Booker first. Let me

1 see. And when we do that, I want to show you State's 181
2 and see if this looks familiar to you, projectiles that
3 were submitted from his autopsy to you?

4 A. Yes, sir. These were what I examined as SLED items 41
5 and 62.

6 Q. And did you take photographs of those two items?

7 A. Yes, sir.

8 Q. So what you have in this State's exhibit, which is
9 State's Exhibit 181, you took photographs. Do these look
10 like the photographs of your Item 41 and 62?

11 A. Yes, sir. The only small difference is, it's in noted
12 in my report, is when I was examining SLED Item 41, the
13 jacket and the core separated so rather than being in once
14 piece like it is in this picture, it's in two pieces now.

15 Q. And does that happen sometimes when you're actually
16 handling these items?

17 A. Yes, sir. It happens quite often.

18 Q. And the photographs you see in State's 144, those are
19 from the actual physical objects you were holding in
20 State's 181?

21 A. Yes, sir.

22 Q. I offer 144 into evidence.

23 MS. WILSON: No objection.

24 THE COURT: It's admitted.

25 (State's Exhibit Number 144, photographs, was

1 admitted into evidence.)

2 BY MR. HUBBARD:

3 Q. And, again, Agent Green, these are fired bullets; is
4 that correct?

5 A. Yes, sir.

6 Q. And these are from the autopsy of Branton Booker?

7 A. That's what was indicated, yes, sir.

8 Q. Looking at your 144, is that your Item 41?

9 A. Yes, sir.

10 Q. And I want to show you the second photograph from your
11 Item 62.

12 A. Yes, sir.

13 Q. Both of those came from that autopsy according to what
14 was denoted when it was delivered to you?

15 A. Yes, sir.

16 Q. What caliber, if you could determine, were these
17 particular fired bullets?

18 A. They were both consistent with being 9-millimeter
19 Luger caliber.

20 Q. And in addition to that, we see brass on these photos;
21 is that correct?

22 A. Cooper, but yes, sir.

23 Q. Cooper. Thank you for correcting me. I think I keep
24 doing that. Is that for both rounds?

25 A. Yes, sir.

1 Q. I want to show you what's been marked in evidence
2 State's 180, which is from the autopsy of Sheldon
3 Livingston. Do you see three projectiles in there or fired
4 bullets?

5 A. Yes, sir. SLED items 40, 60 and 61.

6 Q. Looking at State's Exhibit 146, did you take
7 photographs of those three projectiles that you're now
8 holding?

9 A. Yes, sir.

10 Q. And if you'd look at those and see if those are
11 photographs of the items you're holding in State's 180?

12 A. Yes, sir, they are.

13 MR. HUBBARD: Your Honor, I offer 146, which is
14 three photographs, into evidence.

15 MS. WILSON: No objection.

16 THE COURT: They're admitted.

17 (State's Exhibit Number 146, photograph, was
18 admitted into evidence.)

19 BY MR. HUBBARD:

20 Q. Again, this is from the autopsy of Sheldon Livingston.
21 Looking at State's -- the first photograph in State's 146,
22 do you see -- what type of jacketing you see?

23 A. That's a copper jacketed full metal jacket round nose
24 9-millimeter Luger caliber bullet.

25 Q. In your Item 60, which is also from that same autopsy,

1 what you do see?

2 A. The same thing, a 9-millimeter Luger copper jacketed
3 full metal jacket bullet.

4 Q. And your Item 61?

5 A. I can't tell you if it's a round nose or not because
6 of the damage, but that's also a copper jacketed
7 9-millimeter Luger caliber full metal jacket bullet.

8 Q. Are all of these consistent with a 9-millimeter?

9 A. Yes, sir.

10 Q. All right. I want to show you what's been marked
11 State's 182 and in evidence and see if those are the
12 projectiles you got from the autopsy of Duwan Williams?

13 A. Yes, sir. These are SLED items 44, 63 and 64.

14 Q. And did you also take photographs of those three fired
15 bullets?

16 A. Yes, sir.

17 Q. Looking at State's 143, three photographs, did you
18 take these photographs?

19 A. Yes, sir. These are also photographs I took as part
20 of our inventory of the case documentation.

21 Q. And so the items you held, State's 182, the
22 photographs are depicted in 143?

23 A. Yes, sir.

24 MR. HUBBARD: Your Honor, I offer State's 143 into
25 evidence.

1 THE COURT: Any objection?

2 MS. WILSON: No objection.

3 THE COURT: They're admitted.

4 (State's Exhibit Number 143, photographs, was
5 admitted into evidence.)

6 BY MR. HUBBARD:

7 Q. Agent Green, looking at these, the first photograph in
8 State's 143 of the three, what can you tell the jury about
9 this particular fired bullet?

10 A. That's a 9-millimeter Luger caliber copper jacketed,
11 full metal jacket, round nose bullet.

12 Q. Now I want to show you two others. Your Item 44, what
13 can you tell us about that one?

14 A. As you can see in the photograph, it's very damaged
15 and looks kind of pockmarked as far as the -- the shape is
16 there, but it just looks damaged, which tells me it hit
17 something kind of hard, bone or something along those
18 lines, but that's a .38 Special or .357 Magnum caliber lead
19 round nose bullet.

20 Q. And Item 63 of this same State's 143, is that the
21 third round from Mr. Williams?

22 A. Yes, sir. That's a .38 Special and/or .357 Magnum
23 caliber lead bullet. Probably a round nose.

24 Q. So can you say definitively that Mr. Williams had two
25 different types of weapons fire at him?

1 A. Yes, sir. There was a one 9-millimeter and then there
2 were two .38 or .357, so there were at least two different
3 types of firearms.

4 Q. And these were what was actually taken from his body
5 at autopsy and delivered to you for examination?

6 A. That's what it was indicated as, yes.

7 Q. And, again, when you mentioned two different weapons,
8 so these .38's cannot be fired by a semi auto 9-millimeter?

9 A. No, sir. There are some that do revolver-wise, but
10 the rifling differences between the convention rifling of
11 the .38 and/or .357's versus the polygonal rifling found
12 on every one of the 9-millimeter Luger bullets is enough to
13 say that there were definitively at least two firearms
14 present.

15 Q. I want to ask you this about the fired 9-millimeter
16 bullets. Those recovered from the scene, which you've
17 talked about, your item 37, 54 and 56 and those from the
18 autopsies, which are your items 40, 41, 60, 61, 62 and 64
19 that you've all identified as being from a 9-millimeter, do
20 they all have the same rifling characteristics?

21 A. Yes, sir. They all have six grooves right twist and
22 they're all polygonally rifled.

23 Q. And in looking at the types of 9-millimeters that have
24 that type of groove that would leave that type of rifling,
25 would a Glock be on that list?

1 A. Yes, sir.

2 Q. A Glock 9-millimeter?

3 A. Yes, sir.

4 Q. And of Glock 9-millimeters, would a Glock-26 be one of
5 those Glocks?

6 A. Yes, sir. Prior to Glock changing their rifling
7 specifications for their Gen 5 pistols, so Gen 4, Gen 3,
8 Gen 2 or Gen 1 pistols, all have the same polygonal type of
9 rifling.

10 Q. So it's consistent rifling here from the projectiles
11 from the scene and the fired bullets found at autopsy?
12 Those are all consistent rifling?

13 A. Yes, sir. All the 9-millimeter, yes.

14 Q. Now turning to the .38 or .357 rounds, from your
15 examination you had one from the scene, and I want to show
16 you that.

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

18 THE COURT: Take your time.

19 BY MR. HUBBARD:

20 Q. Going back to your Item 55, which is from State's 153,
21 this fired bullet, is that lead or car -- copper or brass?

22 A. It's a lead round nose bullet.

23 Q. And is this the one that was denoted as coming from
24 the couch within that residence?

25 A. Yes, sir.

1 Q. Now these fired rounds, these fired bullets, the .38
2 or .357 fired bullets both from the scene and from autopsy,
3 the autopsy of Mr. Williams, did these have the same
4 rifling characteristics?

5 A. Yes, sir. They all had similar land and groove widths
6 as well as caliber.

7 Q. And these obviously cannot be fired by a 9-millimeter
8 you've testified to?

9 A. Correct.

10 Q. In looking at a .38 Special or a .357 Magnum, would a
11 Taurus fit within either of those groups?

12 A. Yes, sir.

13 May I say something, sir?

14 Q. Sure.

15 A. What he's asking about is what we call the general
16 rifling characteristics list or our GRC list. The FBI
17 provides us with a searchable database. The gun
18 manufacturers are asked, they're not made to, but they
19 voluntarily give up their rifling specifications, their
20 land and groove list, to be put into a searchable database
21 for instances like this or one just a one bullet case where
22 they need to know -- the investigators kind of need to know
23 what kind of gun they may be looking for. So what we'll do
24 we'll weigh it, we'll measure it, we'll get the caliber,
25 we'll measure the lands and grooves and put it in that

1 searchable database and it will spit out a list of possible
2 firearms that could have fired that bullet. As I said just
3 a second ago, the manufacturers are not mandated that they
4 turn this information over, so the list is not all
5 inclusive, but in this instance I was able to generate a
6 GRC list for both the 9-millimeter Luger caliber bullets
7 and for the .38 and .357 Magnum caliber bullets that I put
8 in this my report.

9 Q. And I think you testified a Glock would be on that
10 list for the 9-millimeter?

11 A. Yes, sir. Glock was on the list.

12 Q. And as to the list you have for both a .38 Special and
13 .357 Magnum, does Taurus make a revolver that would be on
14 this list?

15 A. Yes, sir. The Taurus was on both lists for a .38
16 Special and a .357 magnum.

17 Q. Okay. Now I want to show you what's in evidence,
18 State's 20, and see if you've had an opportunity to see
19 these two particular photographs, which are from a Facebook
20 of Justin Hopkins?

21 A. Yes, sir. I've seen those photographs.

22 Q. Looking at this first photograph, is that consistent
23 with a Taurus?

24 A. Yes, sir. You can actually see the Taurus medallion
25 on the grips, as well as what looks to be like a plastic

1 shell over the entire revolver, which is very indicative of
2 a Taurus poly protector revolver.

3 Q. And does Taurus make a poly protector revolver in both
4 a .38 and .357?

5 A. Yes, sir.

6 Q. And would this particular firearm, again, be on the
7 list that you generated consistent with that list?

8 A. Yes, sir.

9 Q. And, again, firing this particular revolver would not
10 leave any cartridge casings?

11 A. Unless -- yes. Correct.

12 Q. Unless you open it up and dumped it?

13 A. Yes, sir.

14 Q. And then the second photograph in State's 20, can you
15 identify what that is?

16 A. It appears to be -- well, it is a Glock Model 26
17 9-millimeter Luger caliber pistol.

18 Q. The Glock-26, is it a large gun, small gun? How do
19 they denote it?

20 A. Glock has in their Gen 3 line, which this is, or their
21 Gen 4 line, they have three sizes. They have a full size,
22 which is a Glock-17, a midsize or a compact, which is a
23 Glock-19, and the subcompact, which is a Glock-26. So in
24 terms of those three, it's the smallest.

25 Q. This is the subcompact?

1 A. Yes, sir.

2 Q. Would any of those still be on your list of possible
3 weapons for the 9-millimeter fired cartridges?

4 A. All three of them would be.

5 Q. Now this being the subcompact, notice -- what is this
6 portion of this firearm?

7 A. That's the magazine sticking out of the magazine well.

8 Q. That's what holds the unfired cartridges?

9 A. Yes, sir.

10 Q. You mentioned two other sizes. This is subcompact.
11 Do the magazines, at least in this older generation, fit if
12 you take -- say one of the larger firearm, the 19 or the 17
13 believe you have mentioned?

14 A. Yes, sir.

15 Q. Or the standard size and then the compact? This is
16 the subcompact?

17 A. Yes, sir.

18 Q. Would it they fit in the subcompact?

19 A. Yes, sir, they will.

20 Q. To give an effect of an extended mag?

21 A. Yes, sir. It extends out past the magazine well.

22 The magazine for the Model 26 actually fits flush with the
23 magazine well. It doesn't stick out quite as much as that
24 does.

25 Q. Now that medium frame that were talking about, or I

1 believe you said compact, how many rounds does it carry in
2 this magazine?

3 A. The 19 will hold fifteen and if you put one in the mag
4 -- the chamber, it will be fifteen plus one or sixteen.

5 Q. So that's usually what we'd say fifteen plus one, so
6 you could have sixteen rounds?

7 A. Yes, sir.

8 Q. Now the larger one --

9 A. The 17?

10 Q. These numbers keep getting confusing. It would fit in
11 into this same is subcompact as well?

12 A. Yes, sir.

13 Q. How many does it hold?

14 A. Seventeen. Or seventeen plus one if you put one in
15 the chamber, so eighteen capacity.

16 Q. Looking at this particular photograph, can you
17 definitively say if this is a fifteen plus one or a
18 seventeen plus one?

19 A. I can't really tell. It's one of the two. I just
20 know it's not a standard magazine.

21 Q. Would it be consistent be with either?

22 A. Yes, sir. Well, it could be either. Without having
23 a scale, it's kind of really hard to tell how far it's
24 sticking out.

25 Q. And obviously you didn't take this photograph. This

1 is something that was taken by someone else and we've given
2 that to you?

3 A. Yes, sir. I did not take that photograph.

4 Q. All right. Now I want to ask you were you also given
5 some .38 shell casings that purportedly came from a Justin
6 Hopkins' bag?

7 A. Yes, sir.

8 Q. Let's see if you recognize what's been in evidence --
9 marked in evidence 186 and see if you see those?

10 A. Yes, sir. These are what I examined as SLED items 12
11 and 33.

12 Q. And I want to show you what's been placed into
13 evidence State's 168. Was this an unfired .38 caliber
14 round also purporting to be from Justin Hopkins's bag?

15 A. Yes, sir. This is what I examined. This -- State's
16 Exhibit 168 is what I examined as SLED Item 72.

17 Q. I'll show you several photographs. As to the fired
18 .38 casings, I want to show you State's 204. Did you take
19 these photographs which were your Item 12 and 33?

20 A. Yes, sir.

21 Q. Are those of those two shell casings?

22 A. Yes, sir.

23 Q. And then of the unfired round, I want to show you
24 two photographs of your Item 72. Is that these two
25 photographs from that Item 72?

1 A. Yes, sir.

2 Q. Is that 147 -- State's 147?

3 A. Yes, sir.

4 Q. Okay.

5 MR. HUBBARD: Your Honor, I offer State's 147 and
6 204 into evidence.

7 THE COURT: Any objection?

8 MS. WILSON: No objection.

9 THE COURT: They're admitted.

10 (State's Exhibit Number 147, photographs, and
11 State's Exhibit Number 204, a photograph, were admitted
12 into evidence.)

13 BY MR. HUBBARD:

14 Q. Let's talk about the two fired .38 casings, which is
15 State's 204. Do you see denoted on there it actually says
16 Federal .38 Special?

17 A. Yes, sir.

18 Q. And you had talked about the primer earlier and
19 obviously it's got this marking in the middle, so it's been
20 fired?

21 A. Yes, sir.

22 Q. And looking at the second photograph of your Item 33,
23 do you see the -- is that same brand and type of cartridge
24 casing?

25 A. Yes, sir.

1 Q. Same type of markings?

2 A. Yes, sir.

3 Q. What, if anything, could you say about these -- these
4 having been fired? Are they from the same gun or can you
5 tell?

6 A. Yes, sir. They were fired by the same firearm.
7 So when you look at the 9-millimeters and those, the
8 9-millimeters are fired by one firearm and those two .38
9 Special caliber cartridge cases are fired by the same
10 firearm, which would be a second firearm.

11 Q. And then looking at State's 147, and this was an
12 unfired 38; is that right? A .38 round?

13 A. Yes, sir. It's unfired cartridge.

14 Q. Did you -- what did you do to that particular
15 cartridge that you got?

16 A. I disassembled it after taking pictures of it to see
17 if the bullet portion of the cartridge was consistent with
18 the bullets -- fired bullets received in this case.

19 Q. And looking at that second photograph, is that the
20 bullet you removed from this particular cartridge in
21 State's 147?

22 A. Yes, sir.

23 Q. And what, if anything, could you say about this
24 particular bullet?

25 A. It was a lead round nose bullet which was consistent

1 in construction and appearance with the fired .38 or .357
2 Magnum caliber bullets that were submitted.

3 Q. Okay. And specifically -- I want to talk about that.
4 This particular bullet that we're talking about, is that
5 consistent with the two lead bullets, the .38 or .357 round
6 bullets, from Mr. Williams' autopsy?

7 A. Yes, sir. They were all lead construction and they
8 were round nose bullets.

9 Q. And was it also consistent with the round -- the .38
10 or .357 round pulled from the couch in that residence at
11 ■■■ Butternut Lane?

12 A. Yes, sir.

13 Q. I want to ask you about some headstamps. Looking at
14 166, what I'm handing you, is that a 9-millimeter bullet
15 there?

16 A. Yes, sir. It's an unfired 9-millimeter Luger caliber
17 cartridge.

18 Q. And what -- what make or brand does it say?

19 A. It has a Winchester headstamp.

20 Q. Looking at your photograph that's in State's 142, is
21 it consistent or inconsistent with the headstamps on these
22 photographs that say Winchester?

23 A. It's consistent.

24 Q. Okay.

25 MR. HUBBARD: I offer State's 142 -- well, actually

1 that's in.

2 THE COURT: It's in.

3 MR. HUBBARD: Okay.

4 BY MR. HUBBARD:

5 Q. So looking at State's 142, the Winchesters, what color
6 is the center area again and what do you call that?

7 A. It's a brass primer.

8 Q. The brass primer. So from State's 166, which was
9 found in Mr. Hopkins' bag, do you see a brass primer on
10 this?

11 A. Yes, sir.

12 Q. And this is a 9-millimeter bullet as well?

13 A. Yes, sir.

14 Q. And it's consistent with the other cartridges you
15 looked at?

16 A. In its construction and markings, yes, sir.

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

18 THE COURT: Take your time.

19 BY MR. HUBBARD:

20 Q. One final thing. I just want to go over this section
21 again. Of the suspected or the -- let me say the weapons
22 that were consistent with the list or the list you're
23 looking at to see if the cartridges would be consistently
24 fired from a particular weapon, was Glock on there for the
25 9-millimeter?

- 1 A. Yes, sir.
- 2 Q. And these were consistent with the casings we found?
- 3 A. I'm sorry?
- 4 Q. When you're looking at the list, you're looking at
- 5 both your cartridge casings, but you're also looking at the
- 6 bullets themselves, the fired bullets?
- 7 A. The GRC list is what gives you the information for the
- 8 bullets.
- 9 Q. Okay. And as far as the 9-millimeter, you say Glock
- 10 is on that list?
- 11 A. For the bullets, yes, sir.
- 12 Q. And that a Glock-26 would be on that list as well?
- 13 A. Yes, sir.
- 14 Q. And as far as a .38 Special, would a Taurus-38 be on
- 15 that list?
- 16 A. Yes, sir.
- 17 Q. As far as a .357 Magnum, when you look at those what
- 18 may be or purported to be .38 rounds, would that be
- 19 consistent -- would a Taurus be on that list as well of
- 20 suspected guns?
- 21 A. Yes, sir. Taurus was on the list as well.
- 22 Q. And, again, a Taurus .357 can fire a .38 round?
- 23 A. Yes, sir.
- 24 Q. Okay?
- 25 MR. HUBBARD: Your Honor, I believe that's all I

1 have.

2 THE COURT: Thank you, Mr. Hubbard.

3 Mr. Swerling.

4 MR. SWERLING: Ms. Wilson.

5 THE COURT: Ms. Wilson.

6 CROSS-EXAMINATION

7 BY MS. WILSON:

8 Q. Good morning, Agent Green.

9 A. Good morning.

10 Q. How are you doing today?

11 A. Good.

12 Q. How are you?

13 A. I'm well.

14 Q. In this case you also examined two weapons that were
15 found in Justin Hopkins' bags, correct?

16 A. Yes, ma'am.

17 Q. And you examined those to determine if the shell
18 casings found at the scene were consistent with being fired
19 from either those weapons?

20 A. Yes, ma'am.

21 Q. And what was your determination of that?

22 A. While all the 9-millimeter Luger caliber cartridge
23 cases that were submitted were fired by the same firearm,
24 they were not fired by either one of the two firearms
25 submitted. I had a Glock, I believe it was a Model 26

1 9-millimeter pistol, and then I had a Hi-Point Model CF 380
2 pistol, a .380 auto, so neither one of the two firearms
3 submitted in this case fired the 9-millimeter Luger caliber
4 cartridge cases submitted and/or did not fire the two .38
5 Special caliber cartridge cases as well.

6 Q. And, again, those were seized from Mr. Hopkins?

7 A. Well, that's where it's indicated. Yes, ma'am.

8 Q. Was any ammunition found in either of those guns?

9 A. May I check my notes real quick?

10 Q. Of course.

11 A. No, ma'am. When I received them, neither one of them
12 had unfired cartridges submitted with them.

13 Q. You also examined -- okay. So you examined one
14 9-millimeter Luger with the Winchester headstamp, which was
15 consistent with the casings from the scene, correct?

16 A. Well, yes I had some -- I actually had twelve unfired
17 cartridges that were submitted, but they weren't part of
18 any particular item. They were submitted by themselves.

19 Q. Twelve -- I think it was thirteen actually cartridges
20 that were submitted from the scene and you examined it
21 against one 9-millimeter that was found in Hopkins' back?

22 A. I got confused. I'm sorry. Yes. I had thirteen
23 fired cartridge cases that were submitted and I had Item --
24 SLED Item 13 was twelve unfired cartridges and they
25 actually will had -- three of them had Winchester

1 headstamps.

2 Q. And you said those were consistent with the ones from
3 the scene?

4 A. In their construction, yes, ma'am. Like a brass case,
5 brass primer.

6 Q. And, again, those were found in --

7 MR. HUBBARD: Your Honor, I object. This has been
8 -- you've already will ruled on this.

9 May we approach?

10 THE COURT: Uh-huh.

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

12 MR. HUBBARD: I'm fine with that.

13 THE COURT: We're good.

14 You can continue on, Ms. Wilson.

15 MS. WILSON: Thank you, Your Honor.

16 BY MS. WILSON:

17 Q. You compared those to one 9-millimeter found in
18 Mr. Hopkins' bag, correct?

19 A. Well --

20 Q. The ones from the scene.

21 A. Yes, I think. I'm not quite sure I actually
22 understand the question.

23 Q. So at the scene you received thirteen cartridge cases
24 from the scene?

25 A. Correct.

1 Q. 9-millimeter will cartridge cases?

2 A. Yes.

3 Q. And you compared those to one 9-millimeter Luger that
4 was found in Hopkins' bag?

5 A. No. In the sense I didn't do any of that at the lab
6 because I don't look at unfired versus fired unless
7 specifically asked.

8 Q. Didn't you just testify that you -- there was a
9 headstamp that was consistent with one found at the scene?

10 A. Yes, there was. He handed me one and I looked at it
11 and said it's consistent.

12 Q. Okay. You were just saying that up here?

13 A. Yes, ma'am.

14 Q. You weren't saying that from what you had tested?

15 A. No. If I tested it, it would be in the report. It
16 would be written down.

17 Q. But the one you were looking at on the stand was found
18 in Mr. Hopkins' bag?

19 A. I'm assuming so. That's where I was told it came
20 from.

21 Q. Okay. You did, however, at the lab compare one
22 unfired .38 that was consistent with the bullets found in
23 Mr. Williams' body and from the couch, correct?

24 A. Yes, ma'am.

25 Q. And those were also found in Mr. Hopkins' possession?

1 A. As was indicated, yes.

2 Q. Okay. As far as the pictures that you were asked to
3 analyze from Facebook, those were from Mr. Hopkins'
4 Facebook; is that correct?

5 A. That's what I was told, yes.

6 Q. And you determined one of those pictures to be a Glock
7. 9-millimeter?

8 A. Yes, ma'am.

9 Q. Was that the same -- do you know if that was the same
10 Glock that was seized from him that you examined?

11 A. I do not. The one that I -- the one in the picture
12 had a tan frame, the one I received had a black frame, but
13 frames are interchangeable if that makes any sense.

14 Q. So they didn't appear to be the same one?

15 A. Correct. It appeared to be a different weapon.

16 Q. And you had said that the capacity magazine for that
17 gun you believed to be either fifteen or seventeen?

18 A. With one of those magazines, yes, ma'am. With the
19 standard magazine, it's, I believe, nine or ten.

20 Q. But that's not a standard magazine?

21 A. No, ma'am. If it were, it would not be sticking out
22 from the base of it, the magazine.

23 Q. And you also analyzed a black revolver from Facebook?

24 A. I saw the picture of it. Yes, ma'am.

25 Q. And that was determined to fire .38 caliber bullets or

1 .357 Magnum?

2 A. Yes, ma'am. If that's -- if it is a Taurus poly
3 protector, yes, ma'am.

4 Q. And, again, those were found on Mr. Hopkins' Facebook
5 from what you were told?

6 A. From what I was told, yes.

7 Q. So based upon the items that you examined in the
8 pictures, it would appear that Hopkins was in possession of
9 two live weapons -- two actual weapons from his bag and
10 then these two weapons that were on Facebook; is that
11 correct?

12 A. At some point, yes.

13 Q. Okay. You had said that there were two firearms
14 present based upon your examination. One was -- would
15 have been a .38 or a .357 and one would have been a
16 9-millimeter. Is it possible that one person could have
17 fired both of those weapons?

18 A. It is possible.

19 MR. HUBBARD: Your Honor, I'd object to speculation.

20 THE COURT: It is speculative.

21 How about rephrase that, Ms. Wilson.

22 BY MS. WILSON:

23 Q. Could one person have fired both of those weapons?

24 A. Yes.

25 Q. And then, Agent Green, based on your testing does

1 anything that you examined tie Mr. Cornish to any of these
2 firearms?

3 A. Nothing I did, no, ma'am.

4 Q. Does it tie him to any of these ammunitions -- any of
5 this ammunition or fired cartridge cases?

6 A. Nothing I tested ever for firearms identification can
7 tie one particular person back to a particular firearm.

8 MS. WILSON: I beg the Court's indulgence.

9 No further questions.

10 MR. HUBBARD: A quick follow-up.

11 REDIRECT EXAMINATION

12 BY MR. HUBBARD:

13 Q. You didn't go to the scene, so you're not -- or did
14 you?

15 A. No, sir. I don't go to scenes.

16 Q. And you have no idea what CSI has done at the scene?

17 A. Correct.

18 Q. You just are submitted cartridge casings and
19 projectiles, correct?

20 A. Yes, sir. We get cartridge cases, bullets and
21 firearms from agencies throughout the State to determine
22 if they were fired by that gun or not.

23 Q. So do you know any of the scenarios or what took place
24 at [REDACTED] Butternut Lane?

25 A. No, sir. 99.9 percent of the time the actions

1 surrounding a particular incident don't affect us at all.
2 The only time it may is if somebody said I dropped the gun
3 and it went off. As far as a -- something like that where
4 we don't -- it doesn't really matter what happened as to
5 what we do.

6 Q. In looking at State's 20, you have the two-tone Glock
7 9-millimeter and we have the Taurus revolver. You were
8 asked if you one person could shoot that weapon -- fire
9 those weapons. Is it true two people could fire them as
10 well?

11 A. Yes, sir.

12 Q. As you sit here today, do you have enough information
13 from what happened at [REDACTED] Butternut Lane to speak as an
14 expert to say whether one you or two people fired these?

15 A. No, sir. The only thing I could say with my expert
16 opinion is that at least two firearms were used.

17 MR. HUBBARD: Thank you, sir.

18 MS. WILSON: Nothing further.

19 THE COURT: Okay. May I excuse Agent Green?

20 MR. HUBBARD: Please, Your Honor. Thank you so
21 much.

22 THE COURT: Agent Green, thank you.

23 (Witness excused.)

24 THE COURT: Let me see the lawyers right quick.

25 MR. HUBBARD: Sure.

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

2 MR. HUBBARD: Your Honor, we've got one short one.

3 THE COURT: Let's do that. Perfect.

4 We're gonna do a short witness and then break for
5 lunch. I don't want you to eat cold pizza.

6 THE FOREPERSON: Thank you.

7 MR. HUBBARD: Thank you, Your Honor. They're
8 getting the witness.

9 THE COURT: Okay.

10 MR. HUBBARD: The State calls Kim Herlong to the
11 stand.

12 (Whereupon, Kim Herlong was duly sworn by the Clerk
13 of Court.)

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

17 THE WITNESS: Okay. My name is Kim Herlong. My
18 last name's spelled H-E-R-L-O-N-G.

19 KIM HERLONG,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. HUBBARD:

23 Q. Ms. Herlong, where do you work?

24 A. Landmark Apartments.

25 Q. What is your position there?

1 A. I am the property manager.

2 Q. Back in 2019, were you still working there?

3 A. Yes, sir.

4 Q. And what was your title then?

5 A. I was the property manager.

6 Q. So you've been doing this how long?

7 A. I've been there for five years.

8 Q. Do you recall in 2019 an individual by the name of
9 Justin Tyler Hopkins?

10 A. Yes, sir.

11 Q. Was he -- or can you tell us whether he was renting an
12 apartment at Landmark Apartments?

13 A. No, sir. He actually was going to stay with his
14 brother and he actually came to my office and asked could
15 he apply for an apartment and gave me his information,
16 like his date of birth, his phone number, I gave him an
17 application, he took it, and that was the end of that.

18 Q. The apartment his brother was living in, do you know
19 what number that was?

20 A. [REDACTED].

21 Q. And at some point were you aware of his brother
22 leaving that apartment complex but still renting?

23 A. I was not aware of that. It had been brought to my
24 attention as we got ready to put him out because of this
25 incident that that came to light.

1 Q. Who was living to your knowledge in [REDACTED] at that time
2 of this incident?

3 A. I think his last name is Greg. Maxie Greg.

4 Q. Okay. On the -- on your records?

5 A. The lease, yes.

6 Q. But the person, Mr. Hopkins, going back to him --

7 A. He was staying there. Justin Hopkins.

8 Q. Okay. So he was staying in [REDACTED]?

9 A. Absolutely.

10 Q. And you mentioned that he had come to you to get an
11 application to try to live in those apartments?

12 A. He wanted to qualify himself and I told him what the
13 qualifications were and at that time we had given him --
14 you know, we had seen him before and we'd given him food
15 and stuff. We'd just had Thanksgiving at the apartments,
16 so I actually asked who he was and then the next day is
17 when he came and gave me all of his information and I
18 wrote it down and then I gave him an actual hard copy of
19 an application and he wanted to live with Maxie at the time
20 and then I never heard -- that was it.

21 Q. In [REDACTED]?

22 A. In [REDACTED].

23 Q. I want to show you State's 126 to see if you can
24 recognize this. Is that the form where you took his
25 information?

1 A. It is. I wrote that down at the bottom. This is
2 Maxi's lease agreement for his renewal and then this is
3 the information I wrote the day he came to the office.

4 Q. And that's information he gave you?

5 A. Yes.

6 Q. Does it have name -- his full name and his date of
7 birth?

8 A. And his phone number.

9 MR. HUBBARD: Your Honor, I offer 126 into evidence.

10 THE COURT: Any objection?

11 MR. SWERLING: No objection.

12 THE COURT: It's admitted.

13 (State's Exhibit Number 126, a lease renewal form,
14 was admitted into evidence.)

15 BY MR. HUBBARD:

16 Q. So before I put this up here, let me ask you this.
17 I'm gonna write his name up on the board and ask you to
18 read out his phone number to me.

19 A. Okay.

20 Q. Okay. If you could read out his phone number that he
21 gave you?

22 A. [REDACTED].

23 Q. [REDACTED] --

24 A. [REDACTED]. It looks like a [REDACTED]. It could be a [REDACTED]. My
25 handwriting's not that great. So it's either [REDACTED] or [REDACTED].

1 Q. [REDACTED]?

2 A. That's what it looks like to me, yes.

3 Q. Okay. All right. I'm gonna take that exhibit, if I
4 can. And, again, this is information he gave you when he
5 came up there?

6 A. Yes, sir.

7 Q. Is this that phone number?

8 A. Yes, sir.

9 Q. I might ask you to look at that again and see if it's
10 not a 93?

11 A. Yeah, I think it is a 9, but my handwriting -- listen,
12 if I remember correctly, him and I were really talking
13 like, you know, I was telling him about what he had to do
14 to qualify and stuff.

15 Q. Does that look like a [REDACTED]?

16 A. It looks like [REDACTED].

17 Q. [REDACTED]. Thank you very much, Ms. Herlong.

18 A. I'm sorry my handwriting's not better.

19 Q. That's all right. You should see mine.

20 But all this information came from Mr. Hopkins.

21 A. Yes, sir.

22 Q. And you wrote it down in his presence?

23 A. Yes, sir.

24 Q. So that's information he gave you. And let me ask you
25 this. His brother --

1 A. Uh-huh.

2 Q. -- a different last name, but did they say that they
3 were brothers?

4 A. They did and I know they have -- from what I was told,
5 the same mother, different fathers.

6 Q. Okay. I want to show you State's 225. Do you see a
7 driver's license of a Maxie Jacobs?

8 A. Yes.

9 Q. And Social Security card?

10 A. Correct.

11 Q. Is that who was renting [REDACTED]?

12 A. Yes, sir.

13 Q. Okay.

14 MR. HUBBARD: Your Honor, I offer 225 into
15 evidence.

16 THE COURT: Any objection?

17 MR. SWERLING: No objection.

18 THE COURT: It's admitted.

19 MR. HUBBARD: Thank you, Your Honor.

20 (State's Exhibit Number 225, Maxie Jacobs
21 identification, was admitted into evidence.)

22 BY MR. HUBBARD:

23 Q. This is Maxie Jacobs?

24 A. It is.

25 Q. Did he look anything like Justin Hopkins?

1 A. No, sir.

2 MR. HUBBARD: Thank you, Your Honor. That's all I
3 have at this time.

4 THE COURT: Mr. Swerling.

5 CROSS-EXAMINATION

6 BY MR. SWERLING:

7 Q. Let me ask you something. Your office got a lot of
8 complaints about Mr. Hopkins; did it not?

9 A. Yeah, about him walking around, but that was -- that
10 was pretty much it.

11 Q. Just walking around?

12 A. Yeah.

13 Q. What would be the nature of the complaint about
14 walking around?

15 A. Because he was not known in the community. He wasn't
16 -- so we have a lot of long-term residents and people call
17 when somebody looks out of place.

18 Q. They just didn't recognize him?

19 A. Right.

20 Q. Okay. Very good.

21 MR. SWERLING: Thank you.

22 MR. HUBBARD: No more questions and I'd ask that
23 Ms. Herlong to be excused.

24 THE COURT: Yes.

25 Ms. Herlong, thank you.

1 is spelled C-R-E-E-C-H.

2 ANTHONY ADAM CREECH,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. MAYES:

6 Q. All right. Good afternoon -- almost afternoon,
7 Sergeant Creech. Let me begin by asking you about the
8 collection of buccal swabs. Are you familiar with that
9 procedure?

10 A. Yes, ma'am, I am.

11 Q. And can you tell the jury what is involved in the
12 collection of buccal swabs from witnesses or suspect in
13 any case?

14 A. Certainly. It's a fairly simple process. There's
15 actually collection kits. You can use a designated buccal
16 swab collection kit or you can use the same collection kit
17 that we commonly use for touch DNA, but it ultimately boils
18 down to you've sterile cotton applicators, you've got a
19 pair of them. You would take as many precautions as you
20 can, which is generally using a pair of gloves, and then
21 you take a swab on the interior cheek of an individual's
22 mouth for about five to ten seconds with both swabs and
23 then you allow them to air dry and then you seal them in
24 sterile packaging once they air dry because you want to
25 avoid the samples getting moldy.

1 Q. And you've indicated that you wear gloves when you go
2 about the collection process?

3 A. That's correct. Always.

4 Q. Now is a person injured during this?

5 A. They are not. It's a very routine process. It's, you
6 know, probably less invasive than somebody brushing their
7 own team.

8 Q. All right. So I want to start by asking you about the
9 collection of various buccal swabs in this case. First I
10 want to ask you about Donnovin Haynes. Who is Donnovin
11 Haynes?

12 A. Donnovin Haynes would be our fourth victim slash
13 initial witness in this case. He would have been the
14 surviving occupant at [REDACTED] Butternut Lane.

15 Q. The same individual that we heard from last Friday as
16 a witness in this case?

17 A. Yes, that would be correct.

18 Q. Now did you have an opportunity to collect buccal
19 swabs or known DNA standards from Donnovin Haynes?

20 A. I did. During one of my interactions with Donnovin, I
21 believe it was after the incident date, we had a follow-up
22 interaction and I did collect buccal swabs from him to have
23 as DNA standard.

24 Q. I'm gonna show you what is State's 177 and ask you
25 whether or not you recognize this item?

1 A. I do this would be the buccal swabs for Donnovin
2 Haynes.

3 Q. All right. And who actually collected that standard?

4 A. I collected the standard.

5 Q. And can you tell us whether or not you followed the
6 procedures that you've already told us about?

7 A. I did.

8 Q. Use of gloves?

9 A. I did.

10 Q. And then how shortly after you collect the standard is
11 this item sealed?

12 A. As soon as it's dry, you know, air dried for just a
13 few minutes. In fact, I hold the ample the entire time
14 it's air drying because I don't want to risk putting it
15 down and resulting in some unnecessary cross-contamination
16 and then I'll seal it right away.

17 Q. Okay. And once it's sealed, how do you go about
18 ensuring that it remains sealed?

19 A. So it comes with a designated collection kit. We use
20 the SLED collection kits, so it's actually sealed several
21 times and then I take the actual overall kit and I seal it
22 in a large envelope as well.

23 Q. Does that include the use of evidence tape such as we
24 see here in red?

25 A. It does.

1 Q. And if that tape is damaged or moved or tampered
2 with in any way, how would that be detectible by anyone
3 inspecting the item?

4 A. It would be damaged and it would be apparent with the
5 evidence tape.

6 Q. Okay. And do you sign the tape once you collect the
7 sample?

8 A. I do.

9 Q. All right. I'm gonna ask you to take a look at 177
10 and tell us the date in which this buccal swab was
11 collected from witness Donnovin Haynes?

12 A. Can I open it?

13 Q. Yes.

14 A. So this would be my packaging. I'm one of the only
15 officers in the department that will label their envelopes
16 like this. What I do is I print it on an evidence voucher
17 form and I actually affix that to the envelope because my
18 handwriting is terrible and I don't want anybody to be
19 confused after the fact. What I like about this it
20 indicates the date and time of the collection.

21 In this case, and I thought this was the case, but I
22 wanted to open it before I was sure, so for Donnovin we
23 didn't use the standard SLED kit. His was actually just
24 collected in the same kits we used for our touch DNA and
25 it's probably because that was the only one available at

1 the time. Usually we'll run over to CSI and find one or
2 the other, but this was collected on December 23, 2019.

3 Q. December 23, 2019, so roughly six days after the
4 murders?

5 A. Correct.

6 Q. And as we see here it was properly sealed?

7 A. It was.

8 Q. And would have remained sealed until its submission to
9 the State Law Enforcement Division for analysis?

10 A. Correct. And it's got my initial and the date for the
11 collection on it.

12 MS. MAYES: Your Honor, this would be State's 177
13 for evidence.

14 THE COURT: Any objection?

15 MR. SWERLING: No, Your Honor.

16 THE COURT: It's admitted.

17 (State's Exhibit Number 177, buccal swabs of
18 Donnovin Haynes, was admitted into evidence.)

19 BY MS. MAYES:

20 Q. And on the label on the outside, does it note
21 individual whose swabs were collected?

22 A. Yes it specifically states Donnovin Haynes buccal
23 swabs.

24 Q. Next I want to ask you about the co-defendant in this
25 case, Justin Hopkins, and ask you whether or not you had an

1 opportunity to obtain buccal swab standards from Justin
2 Hopkins?

3 A. Yes, I did obtain buccal swab standards from Justin
4 Hopkins.

5 Q. I'm gonna show you what is State's 170 and ask you
6 whether or not you recognize this item?

7 A. I do.

8 Q. Okay.

9 A. This would be -- it's hard to see in here, but this
10 is the large envelope and I did as I usually do, as I just
11 explained, I actually printed the evidence voucher with
12 the printed information and affixed it to the front of the
13 envelope.

14 Q. And did that also include being sealed with evidence
15 tape?

16 A. It did.

17 Q. And do you see your initials on the outside of that
18 evidence tape?

19 A. Yes, those are my initials.

20 Q. And what is the date of this collection?

21 A. January -- I'm sorry, September 23rd of 2022.

22 Q. And can you tell us whether or not it remained sealed
23 prior to submission to the State Law Enforcement Division?

24 A. It did.

25 Q. Okay. And other than yourself, would anyone else have

1 sealed or unsealed this item prior to its arrival to the
2 State Law Enforcement Division?

3 A. They would not have. And as I mentioned previously,
4 sometimes we use the SLED collection kits. In this case,
5 the SLED collection kit was used, which is why there's a
6 larger interior envelope here because the SLED collection
7 kit is rather large and it's -- but when we use that it
8 ends up being sealed several times.

9 Q. All right. And were you wearing gloves during this
10 collection process?

11 A. I was.

12 Q. And, finally, let me ask you can you tell us whether
13 or not the same day it was collected and sealed by you, was
14 it also delivered to the State Law Enforcement Division?

15 A. It was within that same day. Actually within hours.

16 Q. Okay. And remained sealed throughout that process?

17 A. It did. I was the collecting officer and I
18 transported it to SLED myself.

19 MS. MAYES: Your Honor, that would be State's 170
20 for evidence, being the buccal swabs of Justin Hopkins.

21 THE COURT: No objection. It's admitted.

22 (State's Exhibit Number 170, buccal swabs of Justin
23 Hopkins, was admitted into evidence.)

24 BY MS. MAYES:

25 Q. Finally, I want to ask you whether or not you had an

1 opportunity to obtain from the defendant in this case,
2 Jeremy Cornish?

3 A. I did also obtain the buccal swab standards from
4 Jeremy Cornish.

5 Q. I'm gonna show you what is State's 169 and ask you
6 whether or not you recognize this item?

7 A. I do. It was collected the same date as the buccal
8 swab standard for Justin Hopkins, so it's packaged almost
9 identically. It's a large manila envelope, it's got my
10 printed label taped to the front and my initials and the
11 date on the back of September 23, 2022. And just like
12 Mr. Hopkins, we used the full SLED collection kit for this
13 collection.

14 Q. All right. And can you tell us whether or not you
15 would have worn gloves for this collection process?

16 A. I did use gloves. A separate pair of gloves, not the
17 same pair. Each -- the designated SLED kits actually come
18 with their own gloves inside the kits to use.

19 Q. All right. And can you tell us whether or not your
20 initials are shown on the outside of this evidence tape?

21 A. They are.

22 Q. And what is the date of this collection?

23 A. September 23rd of 2022.

24 Q. And can you tell us whether or not you would have
25 sealed the buccal swabs immediately after their collection

1 from Mr. Cornish?

2 A. I did. I sealed them almost immediately afterwards
3 once it had a couple minutes or so for them to air dry
4 sufficiently and then as with the swabs for Mr. Hopkins,
5 I sealed them right away and within hours personally
6 delivered them to SLED for analysis.

7 Q. Okay. And can you tell us whether or not they would
8 have remained sealed throughout the delivery process to
9 the State Law Enforcement Division?

10 A. They would have. They would have remained sealed
11 just as you see them in that manila envelope prior to SLED
12 accessing them.

13 Q. And can you tell us on what date you would have
14 delivered them sealed to the State Law Enforcement Division
15 for analysis?

16 A. September 23, 2022.

17 MS. MAYES: Your Honor, this would be State's 169
18 for evidence, being the buccal swab standards for the
19 defendant, Jeremy Cornish.

20 THE COURT: And I understand the objection --

21 MR. SWERLING: Would it be just ID at this point?

22 MS. MAYES: We can do that. For ID at this point,
23 Your Honor.

24 THE COURT: ID only because I know we had an
25 objection to this. I just want to preserve it.

1 ID only.

2 MS. MAYES: That is 169, Your Honor, for
3 identification, and nothing further for Sergeant
4 Creech at this time, Your Honor, subject to recall.

5 THE COURT: Anything, Mr. Swerling?

6 MR. SWERLING: Your Honor, if it's all right with
7 the Court, I'll withhold my cross-examination until he
8 completes being a witness. He's gonna be recalled to
9 my understanding.

10 THE COURT: He's gonna be recalled.

11 Okay. That's fine. We can do that.

12 All right. Can I let Sergeant Creech down? I'm not
13 excusing him because he's subject to recall.

14 MR. HUBBARD: Yes, Your Honor. Thank you.

15 THE COURT: You can step down, Sergeant.

16 (Witness excused.)

17 THE COURT: All right. We're gonna break for
18 lunch. Your pizza out to be here in just a few minutes.
19 When you-all finish, if you-all knock on the door and
20 let the bailiff know when you-all are ready to proceed.
21 Take your time, but remember no talking about this case
22 amongst yourselves, okay?

23 All right. Thank you. I'm gonna let you go to
24 lunch.

25 (Whereupon, the jury was excused for lunch at

1 THE WITNESS: My name is Courtney Thompson,
2 T-H-O-M-P-S-O-N.

3 COURTNEY THOMPSON,
4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. MAYES:

7 Q. All right. Tell us a little bit about yourself, Agent
8 Thompson. Where are you employed?

9 A. I'm employed with the State Law Enforcement Division,
10 also referred to as SLED.

11 Q. And what do you do there at the State Law Enforcement
12 Division?

13 A. I'm a forensic scientist in the DNA casework
14 department.

15 Q. All right. Now SLED as we know is an investigative
16 agency. Do they also have a crime lab?

17 A. Yes, they do.

18 Q. And can you tell us a little bit about this crime lab?
19 What services are offered there?

20 A. We offer a variety of forensic services. There are
21 several departments in the forensic services laboratory,
22 so first we have the evidence control department who is
23 responsible for the intake of evidence into the lab itself.
24 We also have a crime scene department who can respond and
25 assist agencies with crime scenes across the state, the

1 latent prints department, the firearms department, the DNA
2 casework department, the trace analysis department, the DNA
3 database department, the toxicology department, and then
4 the drug analysis department.

5 Q. Okay. And is your main lab located here in the
6 Midlands or Columbia area?

7 A. Yes, it is.

8 Q. And specifically, Agent Thompson, what type of work do
9 you do there at SLED?

10 A. As a forensic scientist, I currently work with
11 examining items of evidence for potential DNA and/or bodily
12 fluids. The reason why I look for bodily fluid is because
13 they are also good sources of DNA. I also prepare and get
14 ready different samples for DNA analysis. I'm also
15 competent in performing part of the DNA analysis lab work
16 procedures and I'm in training to finish also that training
17 as a DNA analyst.

18 Q. What is meant among forensic scientists by the term
19 "serology" or the study of serology?

20 A. So serology is the identification of various bodily
21 fluids. The most commonly bodily fluids that are examined
22 are blood, semen and saliva. The reason why these bodily
23 fluids are of interest to DNA is because they are good
24 sources for DNA.

25 Q. And when we talk about serology, have you yourself

1 received specific training in identifying serological
2 fluids?

3 A. Yes, I did.

4 Q. And using certain tools within your crime lab to
5 identify such fluids?

6 A. Yes, I did.

7 Q. And have you been qualified previously as an expert in
8 the field of serology?

9 A. Yes, I have.

10 Q. How many times such time would you estimate you've
11 been qualified as an expert in serology in the courts of
12 this state?

13 A. I've been qualified approximately forty times.

14 MS. MAYES: And, Your Honor, at this time the
15 State would offer Agent Courtney Thompson as an expert
16 in the field of serology.

17 THE COURT: Any objection?

18 MS. WILSON: No objection.

19 THE COURT: All right. Let me tell the jury again
20 that this witness is qualified as an expert in the area of
21 serology. She can give opinion testimony in that area.
22 That does not mean that you must accept the opinion, but it
23 is evidence for you to use in any way you see fit.

24 Thank you.

25 Go ahead, Ms. Mayes.

1 BY MS. MAYES:

2 Q. First I want to ask you about some .38 shell casings.
3 These are fired shell casings that would have come to you
4 for some type of analysis or evidence collection. Do you
5 have with you any information regarding that item?

6 A. For this particular case, the SLED Item Number 12 and
7 then the SLED Item Number 33 were both .38 shell casings.

8 Q. I'm gonna show you what is State's 186 already in
9 evidence and ask you whether or not you recognize this item
10 in any way? And you may take your time to review it. And
11 do you have gloves?

12 A. Uh-huh.

13 Q. Okay.

14 A. Yes, I do recognize these items. They have the unique
15 SLED lab number that was assigned to this particular
16 evidence and then the item numbers that correspond to the
17 items numbers on my report.

18 Q. All right. And what type of examination did you do on
19 those two fired .38 shell casings?

20 A. The examination was for touch DNA processing and in
21 order to do that I actually performed a method where the
22 shell casings were placed into a sterile solution and
23 allowed to soak in that solution for a while in the attempt
24 to potentially remove any DNA that may be there. That
25 solution was then poured over a sterile filter that can

1 trap potential DNA within it and then I allowed that filter
2 to dry before packaging it up for DNA analysis.

3 Q. And what do you in the field of serology and also
4 those in the field of DNA know that procedure as? What
5 term do you use?

6 A. We use that as -- those are referred to as an M-Vac
7 collection.

8 Q. M-Vac?

9 A. Yes.

10 Q. All right. I'm gonna show you what is State's 222 and
11 ask you whether or not you recognize this item in relation
12 to that M-Vac procedure that you just explained?

13 A. Yes, I recognize this. This is the envelope that I
14 placed the filter in after I was done processing it and
15 allowing it to dry.

16 Q. And do you recognize your handwriting or your initials
17 on that envelope?

18 A. Yes, I put the SLED lab number, the item number and
19 then my initials and the date that I sealed it are on the
20 back of the envelope.

21 Q. All right. And it would have been sealed by you
22 following collection?

23 A. Yes, that is correct.

24 Q. And it would go to who next?

25 A. It would have travelled then afterwards further to --

1 in the DNA department to the DNA analyst.

2 Q. It would have gone to a DNA analyst. And do you know
3 who the DNA analysis is in this particular case?

4 A. Yes, the DNA analyst is Samuel Stewart.

5 Q. All right. So this item, State's 222 would have been
6 sealed by you to go to Agent Stewart.

7 MS. MAYES: Your Honor, this would be 222 for
8 evidence.

9 THE COURT: Any objection?

10 MS. WILSON: No, Your Honor.

11 THE COURT: It's admitted.

12 (State's Exhibit Number 222, M-Vac collection, was
13 admitted into evidence.)

14 BY MS. MAYES:

15 Q. Now following that procedure to potentially get DNA
16 from the fired shell casings, I'm gonna ask you
17 specifically about some size boots and they are tan boots
18 known as Herman Survivor boots. Are you familiar with that
19 item?

20 A. The size 12 Herman Survivor boots are SLED Item 31.

21 Q. All right. I'm gonna show you what is State's 165
22 already in evidence and if you could tell us whether or not
23 you're familiar with this item?

24 A. Yes, I am familiar with this item. The item is
25 labeled with the correct SLED lab number and then the item

1 number and my initials are on the exterior of the boot.

2 Q. So looking here at State's 165 --

3 MS. MAYES: Your Honor, if the witness may step down?

4 THE COURT: She may.

5 BY MS. MAYES:

6 Q. We see here some initials and some writing on the
7 back. Could you tell the jury what that is?

8 A. Yes. So this lab number right here is the unique lab
9 number that is associated with this particular case. This
10 is the SLED item number that is generated for each
11 individual piece of evidence and these are my initials on
12 there as the examiner.

13 Q. All right. And did you also have the opportunity to
14 examine the size of these shoes?

15 A. Yes, I did.

16 Q. And what were the size?

17 A. The size I have recorded on my notes and that I
18 observe at this time is a 12.

19 Q. And can you tell us whether or not that corresponded
20 with the Marker 6 as it was submitted to you by the
21 Lexington County Sheriff's Department?

22 A. Yes, it was.

23 Q. All right. Next, Agent Thompson, I want to take one
24 of these boots and ask you what type of work you did on
25 this boot and why?

1 A. This boot was requested to look for blood and then
2 potential ownership and so I would have done a visual
3 examination for any potential blood stains and tested them
4 if I saw any and then to perform ownership testing as you
5 are looking to collect DNA that may be left behind by
6 somebody who is wearing a particular item, I would have
7 swabbed the -- all interior of this boot all the way from
8 the toe up into the interior part of the ankle in an
9 attempt to recover any DNA that may be left behind by
10 somebody who was wearing this boot.

11 Q. All right. And I'm gonna switch places with you so
12 that the court reporter can hear your voice. And let me
13 ask you this. When you did the examination for blood,
14 again, you're looking at these boots prior to them going to
15 the footwear examiner who would have made the markings at
16 the bottom?

17 A. That's correct.

18 Q. And when you're doing the examination for blood, what
19 type of resources are you utilizing?

20 A. So a visual examination, of course, looking for any
21 apparent bloodstains on there. I have extensive training
22 and have worked lots of cases with this, so I'm a familiar
23 with the appearance of blood, and if I see any stains that
24 I believe may be viable for testing, I will use a quick
25 chemical test that can be done that can give an indication

1 that blood may be present and that I probably collect that
2 potential stain and forward it for further analysis.

3 Q. And, Agent Thompson, did you observe any stains that
4 appeared to be blood or positive for blood?

5 A. I did not.

6 Q. On this size 12 boot?

7 A. I did not.

8 Q. Now tell us a little bit more about that. What, if
9 any, factors can affect the ability to recover trace
10 evidence such as blood, particularly from a shoe?

11 A. So there are a variety of factors that can affect
12 recovering potential DNA in a sample such as blood.
13 Environmental conditions play a big role in the
14 preservation of DNA evidence in general.

15 Q. What about rain or rainy weather?

16 A. Absolutely rain and weather conditions, sun, dirt, all
17 of that have effects on the ability to recover DNA.

18 Q. And does that include mud?

19 A. Yes, that include mud.

20 Q. And common wear over the course of several days?

21 A. That is correct, yes.

22 Q. So all of that may affect the ability of blood to
23 remain in place if it was present at all?

24 A. That's correct. It could affect that.

25 Q. All right. Next I'm gonna ask you specifically about

1 the swabs that you collected and you said that they were
2 done for what's known among serologists as ownership. What
3 do you mean by that term "ownership"?

4 A. So ownership is a type of collection when we are
5 trying to target DNA that may be left behind from somebody
6 wearing a particular item.

7 Q. So you're talking about touch DNA?

8 A. Similarly, yes. It's gonna be like shed skin cells
9 that are left behind.

10 Q. Okay. So if a person wears boots or clothing, for
11 example, would you expect that skin cells can be shed?

12 A. That is, yes, a possibility that skin cells could be
13 shed within the clothing or the shoes.

14 Q. And you're using the swabs to potentially collect the
15 shed skin cells?

16 A. Right.

17 Q. I'm gonna show you an item and ask you whether or not
18 you recognize it. This would be Court's 185.

19 And, Your Honor, if the witness may return?

20 THE COURT: She may.

21 BY MS. MAYES:

22 Q. Looking at 185, what is that item?

23 A. This is the swab that I collected from Item 31. It
24 is from the interior of both of the tan work boots from
25 Marker 6.

1 Q. All right. So the same boots we see there in the
2 overhead photo and the same boots that we just showed the
3 jury here, which are in evidence as State's 165, and that
4 is your ownership swab?

5 A. That is correct.

6 Q. Okay. And did you swab one boot or both boots?

7 A. I swabbed both boots.

8 Q. All right. And this is known to you as Item 31.1?

9 A. That is correct.

10 Q. And can you tell us whether or not you would have
11 sealed that swab following your collection?

12 A. Yes, I did seal it. My initials and the date are on
13 the seal on the back of the envelope.

14 Q. Were you wearing gloves?

15 A. Yes.

16 Q. And can you tell us once it was sealed it went to who
17 and for what purpose?

18 A. It would have travelled to DNA analyst Samuel Stewart
19 for DNA analysis.

20 Q. And would have remained sealed until doing so?

21 A. Yes.

22 MS. MAYES: Your Honor, this would be State's 185
23 for evidence.

24 THE COURT: Any objection?

25 MS. WILSON: No objection.

1 THE COURT: It's admitted.

2 (State's Exhibit Number 185, DNA swabs from boots,
3 was admitted into evidence.)

4 BY MS. MAYES:

5 Q. Next I want to ask you about some clothing that was
6 submitted and I'm putting on the overhead 118 and
7 subsequently the contents of 118 being State's 10 and
8 State's 9. We see here two shirts both white in color.
9 Can you tell us what, if any, examination you did of those
10 shirts and for what purpose you would have inspected them?

11 A. So these shirts were submitted within a backpack and
12 so I performed an inventory of this backpack to determine
13 what all was found inside of it and determined there was
14 several items of clothing, including these two white
15 shirts, and so the request for examination on the items
16 inside of the backpack was for blood.

17 Q. Okay. Again, these items -- you had noted in your
18 report these items were from inside a backpack?

19 A. That's correct.

20 Q. And now you're inspecting them for blood?

21 A. That is correct.

22 Q. Upon inspection if you see something that you suspect
23 is blood, what action do you take?

24 A. When I suspect that a stain may be something that I
25 believe might need to be tested for the possible presence

1 of blood, I will moisten a sterile swab with sterile water
2 and attempt to left a little bit of the stain off of that
3 item and then I do a quick chemical test and the results of
4 that will indicate to me whether or not I should remove
5 that stain from the item either by swabbing it or cutting
6 it off of the item itself and forwarding it for further
7 analysis.

8 Q. All right. And I'm gonna refer you specifically to
9 one of the shirts, which is Item 67. I believe that's
10 Item 67A. What, if any, notations do you have about
11 whether you found any stains of interest on that item?

12 A. So, yes, the item is 67.7 and from that shirt -- from
13 the two white T-shirts I did take an area that tested
14 positive for the possible presence of blood, so I took a
15 cutting from the exterior rear near the hem of one of the
16 white T-shirts.

17 Q. All right. And what did you have that shirt labeled
18 as?

19 A. I labeled it A and I labeled them A and B because they
20 were the exact same type of T-shirt. There wasn't really
21 another way to differentiate between them.

22 Q. All right. I'm gonna show you what is State's 218
23 already in evidence.

24 MS. MAYES: Already in evidence?

25 MR. HUBBARD: Yes.

1 BY MS. MAYES:

2 Q. What are we looking at here? And you may stand if
3 that would assist you.

4 A. This is the T-shirt that I examined. I labeled the
5 item with the SLED item -- lab number, item number and my
6 initials for the examination, as well as the label A back
7 there, and then the cutting that I took is off right here
8 at the bottom. That was forwarded for further DNA
9 analysis.

10 Q. All right. The various markings that we see along
11 that shirt, who made those markings?

12 A. I made them.

13 Q. And it came to you as a plain white T-shirt?

14 A. Yes.

15 Q. All right. The location where you indicated making a
16 cutting, why did you make that cutting?

17 A. I took that cutting because the stain that I was
18 interested in did test positive for the possible presence
19 of blood.

20 Q. All right. So on this T-shirt there is a cutting and
21 you did a test for blood and it was positive for blood?

22 A. It was -- yes, it was presumptively positive for
23 blood, so it was an indication that blood may be present
24 and that further testing is necessary.

25 Q. And would go to who once you make the cutting?

1 A. The cutting would have travelled to DNA analyst Samuel
2 Stewart.

3 Q. I'm gonna show you what is State's 107 and ask you
4 whether or not you recognize this item? And I'm gonna
5 place this back into its container, being State's 218.

6 A. Yes, I do recognize this item. I recognize the item
7 number, the SLED lab number, and then I do see my seal on
8 the back with my initials and the date.

9 Q. And if you could tell us whether or not you sealed
10 that cutting once you took it?

11 A. Yes, I did.

12 Q. And it remained sealed until it would have gone to
13 Agent Stewart for DNA analysis?

14 A. That is correct.

15 MS. MAYES: Your Honor, this cutting from the white
16 T-shirt being State's 187 it for evidence.

17 THE COURT: Any objection?

18 MS. WILSON: No objection.

19 THE COURT: It's admitted.

20 (State's Exhibit Number 187, a cutting from T-shirt,
21 was admitted into evidence.)

22 BY MS. MAYES:

23 Q. Now I'm gonna ask you, Agent Thompson, if you can to
24 unseal this so we can take a closer look at that cutting.
25 Can you see your initials on the outside of that packaging?

1 A. Yes, I do.

2 Q. And you have a marking here in ink and what is that
3 marking?

4 A. The marking is to indicate the number -- the item
5 number of the cutting, which is 67.7.1.

6 Q. All right. And I believe that is gonna be a laser
7 pointer there to your left. Agent Thompson, tell us what,
8 if anything, you view with the naked eye that allowed you
9 to suspect blood and then ultimately to do the testing
10 which was presumptively positive for blood?

11 A. Based on my examinations and my familiarity with
12 looking at blood, it just had some of the characteristics
13 of what I would determine something necessary to test. I
14 cannot determine just that it's blood just from visual
15 examination alone; however, based on the color that it was
16 -- that the stain was on the shirt I decided that it needed
17 to be tested.

18 Q. You're referring to the change in composition and
19 color here?

20 A. Yes, that's correct.

21 Q. And specifically looking at this cutting that you have
22 labeled 67.7.1, why is there an area missing there in the
23 middle?

24 A. So the area that's missing in the middle is actually
25 the part that was placed into a sterile tube and forwarded

1 onto DNA analyst Samuel Stewart. So I took the cutting
2 from the T-shirt, but then the DNA analyst doesn't actually
3 need that entire cutting to work with for purposes of their
4 lab processes and so I will take just another small portion
5 out of that cutting to forward into the DNA analysis
6 procedures.

7 Q. And I'm gonna place the cutting back into its
8 packaging and back into the SLED envelope.

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

10 THE COURT: Take your time.

11 MS. MAYES: Nothing further of Agent Thompson at
12 this time.

13 I beg the Court's indulgence. I have two more.

14 BY MS. MAYES:

15 Q. In addition to that cutting that you did from the
16 shirt once you saw the suspected blood, did you also do
17 testing to perhaps determine who may have worn this shirt?

18 A. Yes. At a later time it was requested that I perform
19 an ownership collection on that shirt, which I did do.

20 Q. And, again, you've explained the ownership collection
21 process, but would you do it generally the same on the
22 shirt as you did and showed us on the boot?

23 A. Generally, yes. So the area of collection that I
24 would be targeting on a T-shirt is somewhere that's going
25 to have potentially high contact with the individual's

1 actual body that they may shed skin shells into and so
2 for this T-shirt I performed ownership processing on
3 the interior collar and neck area and then the interior
4 underarms of both -- underarms of the T-shirt.

5 Q. Okay. Underarms because there's friction there and
6 then you mentioned the collar as well?

7 A. Yes, that's correct.

8 Q. I want to show you what is State's 221 and 171 and
9 ask you if you recognize these items?

10 A. Yes. So this is the sterile one-time use scraper
11 that is used whenever ownership collection on clothing is
12 being used. This is never used on another item or before
13 or after it. It comes packaged individually and so I would
14 have taken it out of its sterile packaging, scraped the
15 areas of interest, and this is to loosen any potential
16 cellular material that may be there, and then after I have
17 scraped the areas of interest I will go behind those same
18 areas with a swab that's been moistened with sterile water
19 to try and recover any potential DNA.

20 This is the swab that I collected from the item and
21 I recognize the item number, the SLED lab number and I
22 can see my initials and the date on the seal.

23 Q. Okay. And, again, you're wearing gloves throughout
24 this process?

25 A. Yes, that's correct.

1 Q. And can you tell us, if both the one-time use scraper
2 and the swabs from that T-shirt that we see there in the
3 overhead were sent to -- were properly sealed?

4 A. Yes, they were.

5 Q. And did you -- were they sealed immediately following
6 your collection?

7 A. Yes, they were.

8 Q. And were they then sent to that same analyst that
9 you've already told us about and that would be DNA analyst
10 Sam Stewart?

11 A. Yes.

12 Q. For further potential identification?

13 A. Yes, that's correct.

14 MS. MAYES: State's 171 and 221 for evidence, Your
15 Honor.

16 THE COURT: Any objection?

17 MS. WILSON: No, Your Honor.

18 THE COURT: They're admitted.

19 (State's Exhibit Number 171, swabs from T-shirt,
20 and State's Exhibit Number 221, DNA scraper, were
21 admitted into evidence.)

22 MS. MAYES: Nothing further at this time, Your Honor.

23 THE COURT: Ms. Wilson.

24 MS. WILSON: Very briefly.

25 CROSS-EXAMINATION

1 BY MS. WILSON:

2 Q. Agent Thompson, you wear gloves to prevent any
3 unnecessary transfer from your own DNA onto the items that
4 you're testing; is that correct?

5 A. Yes, that is correct.

6 Q. As far as items you received on this case, were you
7 advised where they came from?

8 A. I was not aware I don't think until after collection
9 was completed where some of the items came from. Some of
10 them come with descriptions of where they were located at,
11 but I don't recall if the -- specifically Item 67, the
12 backpack, if I knew exactly where that came from.

13 Q. Okay. So you couldn't tell us whose backpack that
14 was?

15 A. No, I could not tell you that.

16 Q. Would you know where the .38 casings came from?

17 A. I do not recall where they came from. I just know
18 that they were submitted for a DNA test request.

19 MS. WILSON: Okay. I beg the Court's indulgence.

20 No further questions.

21 REDIRECT EXAMINATION

22 BY MS. MAYES:

23 Q. And, again, Agent Thompson, are you working actually
24 at the crime scene or back in the lab?

25 A. I'm not going into the crime scene. I work on the

1 evidence is that is submitted from the agency that is
2 investigating the crime.

3 Q. So all your work is done at the crime lab at the SLED
4 headquarters off Broad River Road?

5 A. That is correct.

6 Q. And were all of these items of evidence in this case
7 submitted to you for examination after the date of
8 December 21, 2019?

9 A. Yes, they were.

10 MS. MAYES: Thank you. Nothing further.

11 THE COURT: Can I excuse Agent Thompson?

12 MS. MAYES: Yes, Your Honor.

13 THE COURT: Thank you.

14 (Witness excused.)

15 MS. MAYES: Your Honor, the State calls Agent Sam
16 Stewart.

17 (Whereupon, Samuel Stewart was duly sworn by the
18 Clerk of Court.)

19 THE CLERK: State your name and spell your last
20 for the record.

21 THE WITNESS: Samuel Stewart, S-T-E-W-A-R-T.

22 SAMUEL STEWART,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. MAYES:

1 Q. Good afternoon.

2 A. Good afternoon.

3 Q. I want to take a little bit of time and ask you about
4 yourself, Agent Stewart. Where are you currently employed?

5 A. I work for the State Law Enforcement Division,
6 commonly known as SLED.

7 Q. All right. And I'm gonna ask you if you can take that
8 microphone and move it a little bit closer to you.

9 A. Okay.

10 Q. All right. Now what do you do at the -- at SLED
11 headquarters?

12 A. I'm a DNA analyst assigned to the DNA casework
13 department.

14 Q. All right. And when you say DNA analyst, tell us
15 about your educational background and training that led
16 you to become a forensic scientist in the field of DNA
17 analysis.

18 A. Yes. I received my bachelor's in science in biology
19 from Francis Marion University. I also received in-house
20 SLED trained under other court-qualified analysts for over
21 a year and a half. I had to successfully complete hundreds
22 of practice samples, training samples, a written exam and
23 an oral exam, a competency test and a mock trial before I
24 was deemed competent as DNA analysis.

25 Q. All right. And, Agent Stewart, I'm gonna come forward

1 for just a moment.

2 MS. MAYES: Your Honor, with your permission?

3 THE COURT: You may.

4 THE WITNESS: Sorry about at that.

5 BY MS. MAYES:

6 Q. Now you mentioned your educational training and
7 background, but what type of work at the SLED lab goes into
8 specific training in this field?

9 A. As I said, being trained under our court-qualified
10 analysts doing hundreds of practice samples, training
11 samples, having to meet those -- those checklists or marks
12 of a written exam, passing that oral exam, competency
13 tests, all of these go into making sure that you're a
14 competent DNA analyst before handling any kind of DNA
15 casework.

16 Q. And, Agent Stewart, what can you tell us about how
17 long you have worked for SLED in the field of DNA analysis?

18 A. Yes, I've been there for ten years.

19 Q. In those ten years, have you been qualified previously
20 as an expert in the field of DNA analysis?

21 A. Yes, I have.

22 Q. How many times such time?

23 A. Forty.

24 Q. Say that again, please.

25 A. I'm sorry. Forty.

1 Q. Okay. Forty times?

2 A. That's correct.

3 Q. And does that include expert testimony regarding
4 statistical calculations associated with DNA findings?

5 A. Yes, it is.

6 Q. As well as the lab work itself?

7 A. Yes, that's correct.

8 MS. MAYES: Your Honor, at this time the State
9 offers Agent Stewart as an expert in the field of DNA
10 analysis.

11 THE COURT: Any objection?

12 MS. WILSON: No objection.

13 THE COURT: I'm gonna tell the jury you give his
14 testimony the weight you think it deserves. He's an
15 expert in DNA.

16 Go ahead.

17 BY MS. MAYES:

18 Q. Now, Agent Stewart, what is the meant by the term DNA
19 or deoxyribonucleic acid?

20 A. Yes. DNA stands for deoxyribonucleic acid. It is the
21 genetic material that's found in every individual and is
22 responsible for certain traits such as our eye and our hair
23 color. As DNA analysts, we target -- I'm sorry. We
24 receive half of our chromosomes from our mother and the
25 other half from our father. We target certain locations on

1 those chromosomes known as STR's. That stands for short
2 tandem repeats and we look at twenty-one of those STR
3 locations that are found on the various chromosomes to
4 develop what is known as a DNA profile, then we can use
5 that DNA profile to identify one individual from another
6 except for identical twins.

7 Q. So is it unique among every individual with the
8 exception, as you said, of an identical twin?

9 A. That is correct.

10 Q. So each of us have our own unique DNA. Where in our
11 bodies can DNA be found?

12 A. We can get DNA from blood, semen, saliva. We can also
13 get it from your skin cells that are on your body.

14 Q. And when you mentioned skin cells, what is meant by
15 the term "touch DNA"?

16 A. Touch DNA is whenever you may touch an item you may
17 leave some skin cells. Individuals shed skin cells
18 differently. Some shed heavy and some shed light, so the
19 thought process is that if you touch an item such as a pen
20 or a table or a desk, you may leave skin cells on that item
21 and then we can possibly collect the skin cells off of that
22 item and develop a profile from it.

23 Q. All right. Now let me ask you, you mentioned skin
24 cells. What about blood, blood also, is that a way to
25 determine DNA?

1 A. Yes, we can get your DNA from blood as well.

2 Q. Now can you tell us whether or not you conducted all
3 of the DNA analyses of items submitted in this case and
4 what is its lab number?

5 A. Yes, I did. I was the DNA analyst assigned to this
6 case and worked those items. The unique SLED number that
7 was assigned to this case was L19-24467.

8 Q. All right. And I want to start by asking you about
9 buccal swab standards. Now we've already heard testimony
10 prior to you taking the stand today about buccal swabs, but
11 is that -- is that a known DNA standard?

12 A. Yes, that is correct. It is an invasive way of
13 collecting a known standard from an individual. It's
14 simple sterile swab that's used to collect cheek cells from
15 inside an individual's mouth.

16 Q. All right. So when you have a suspect in a case, for
17 example, is it routine to obtain a buccal swab from a
18 suspect in order for you to compare that to any evidence
19 from the crime scene?

20 A. Yes, that is correct.

21 Q. Is that standard protocol for you in how you go about
22 analyzing evidence?

23 A. Yes, it is. Yes, we need a known standard for
24 comparison purposes. We can develop DNA profiles from
25 evidentiary -- biological evidentiary items from anything

1 that can be collected in criminal investigations, but in
2 order for us to do any kind of interpretations we need a
3 known standard for comparison purposes.

4 Q. All right. So I want to ask you, first of all,
5 whether or not you received a known standard or buccal swab
6 standard regarding a suspect in this case by the name of
7 Justin Hopkins?

8 A. Yes, I did.

9 Q. And I believe that's State's 170. That item was
10 submitted to the South Carolina Law Enforcement Division by
11 Sergeant Adam Creech. Can you tell us who unsealed this
12 item?

13 A. I was the individual that unsealed it one once it
14 arrived at SLED.

15 Q. All right. And prior to its arrival to you, did
16 anyone else unseal or handle that item?

17 A. No, no one else -- no one else messed with it before
18 it got to me.

19 Q. And next I want to ask you about a buccal swab
20 standard from the defendant in this case, Jeremy Cornish.
21 This is State's 169 for identification. I want to ask you
22 whether or not you received this item?

23 A. Yes, I did. And I can say that on both of these items
24 it has the unique SLED item number that was assigned when
25 it came into our laboratory. It also has my initials and

1 date on the heat sealed pouches when I take it into my
2 custody, as well as when I enter into and exit out of the
3 heat sealed pouch to cut portions of the standards for
4 analysis.

5 Q. And do you have any notes and initials indicating the
6 date you received this and that you would have unsealed it?

7 A. Yes. The date I have written -- I'm sorry. Yes. So
8 the date I have on here is September 26, 2022. That is the
9 date that I entered and exited into the heat sealed pouch.

10 Q. All right. Now that item having been submitted by
11 Sergeant Adam Creech of the Lexington County Sheriff's
12 Department, can you tell us whether or not it appeared to
13 have been properly sealed upon its arrival to you?

14 A. Yes, it did.

15 Q. If there had been any tampering or changes to this
16 item, how would you have noted it?

17 A. I would have noted it in my case -- my bench notes and
18 I would not have performed a DNA analysis if it appeared to
19 have been tampered with.

20 Q. You would not have performed an analysis?

21 A. That is correct.

22 Q. And would it also have been apparent or visible to you
23 along the red evidence tape sealing if there had been any
24 tampering or opening of this item?

25 A. Yes, it would have.

1 Q. Were there any indications of that?

2 A. No, there were not.

3 Q. So who was the first person to break its seal after it
4 arrived at the State Law Enforcement Division from Sergeant
5 Creech?

6 A. I would have been the individual to do that.

7 Q. And that's the same date that you've already told us
8 about?

9 A. That is correct.

10 Q. Now would you have worn gloves and followed proper
11 procedures for the lab upon unsealing this item?

12 A. That is correct. Whenever we work with items in the
13 lab, we wear a lab coat, we wear gloves. We wear proper
14 PPE or protective gear to ensure that there's no
15 contamination or any kind of carryover from any other
16 items.

17 Q. And regarding State's Exhibit 169, being the buccal
18 swabs of Jeremy Cornish, can you tell us once you unsealed
19 them and followed procedures were you able to develop a DNA
20 profile?

21 A. Yes, I was.

22 Q. For the purpose of comparing it to any other evidence
23 from the crime scene?

24 A. That is correct.

25 MS. MAYES: Your Honor, at this time the State

1 offers 169 for evidence.

2 THE COURT: Any objection other than what we
3 discussed in pre-trial that I will note for the Court --
4 for the record.

5 MS. WILSON: Correct. No further objection.

6 THE COURT: Okay. It's admitted.

7 MS. WILSON: And, Judge, we just ask for it to run
8 throughout.

9 THE COURT: It will run throughout this testimony
10 concerning the DNA.

11 MS. WILSON: Thank you.

12 (State's Exhibit Number 169, buccal swabs of
13 Jeremy Cornish, was admitted into evidence.)

14 BY MS. MAYES:

15 Q. All right. So the two standards that were submitted
16 to you from both suspects, Justin Hopkins and Jeremy
17 Cornish, you did develop DNA profiles from those buccal
18 swab standards?

19 A. Yes, I did.

20 Q. For the purpose of comparing to any evidence from the
21 scene?

22 A. That is correct.

23 Q. So I want to talk now about a series of items that
24 were submitted to the lab for examination and potential
25 DNA analysis. I want to start by asking you about a bike,

1 okay? There was a bike in this case where swabs were
2 taken. I believe that is going to be swabs 17, 18, 19, 20.
3 Can you tell us whether you're familiar with those items?

4 A. Yes, I am. 17 is swabs from right handlebars of bike,
5 my Item 18 is swabs from are right brake lever of bike, our
6 Item 19 swabs from left brake lever of bike, and Item 20 is
7 swabs from left handle bar of bike.

8 Q. Okay. All of those appear to be consistent with what
9 you've just described?

10 A. I'm sorry. I never saw the photos.

11 Q. Okay. The locations that you described though
12 involved handlebars and brakes?

13 A. They appear to be so.

14 Q. Were you able to develop any DNA from the swabs on the
15 bike in order to do a comparison analysis?

16 A. No, I was not. Item 17, 18 and 19, my results are
17 that the partial DNA profile developed is insufficient for
18 interpretation. Essentially that means I just did not have
19 enough genetic information there for me to make any kind of
20 comparisons to.

21 Q. Okay.

22 A. In Item 20, no DNA profile was developed, so that
23 means that I did not get any DNA there from that item.

24 Q. And the first swab you mentioned there was DNA
25 present, but it was insufficient for you to be able to make

1 an identification of?

2 A. That is correct.

3 Q. Next I want to ask you about swabs from a boot and
4 this is gonna be a size 12 boot. Do you have any notations
5 regarding those boots? I believe this is gonna be your
6 Item 31.

7 A. Yes. My Item 31.1, swab from interior of tan work
8 boots, Marker 6.

9 Q. Okay. Marker 6. Now did you have a chance to
10 actually review the scrapings or swabs that were submitted
11 to you by Courtney Thompson who just testified that she
12 swabbed around the interior of that boot to potentially
13 determine who may have worn them?

14 A. Yes, I received those items for analysis.

15 Q. All right. What can you tell us about those boots?

16 A. A DNA profile suitable for comparison was developed.
17 The likelihood ratio for this profile was calculated using
18 STRmix. And if I may go back, STRmix is a profiling
19 software that we use to aid in the interpretation of our
20 DNA profiles. It also can assign a statistical weight,
21 known as a likelihood ration, and this likelihood ratio
22 basically is a numerical value to help us to explain two
23 varying or opposing views to a scenario.

24 For example, missing cookies around a three-year-old.
25 Is it more likely that the cookies just disappeared or is

1 it more likely that a three-year-old may have eaten the
2 cookies. In my experience, the three-year-old probably
3 ate the cookies, so essentially that's what we're doing
4 with the STRmix and the DNA with a likelihood ratio.
5 We're trying to determine whether or not is it more likely
6 that this known individual contributed their DNA to that
7 item or is it more likely given that DNA profile that an
8 unidentified unrelated individual contributed to the DNA
9 and so that's what essentially my results are broken down
10 into.

11 So for that first proposition, the DNA profile is a
12 mixture from three individuals Justin Hopkins and two
13 unidentified unrelated individuals contributed to the
14 mixture or three unidentified unrelated individuals
15 contributed to that mixture and my results are that the DNA
16 profile is 21 billion times more likely if Justin Hopkins
17 and two unidentified unrelated individuals contributed to
18 the mixture than three unidentified unrelated individuals.

19 Q. All right. So who would have been the major
20 contributor for these boots?

21 A. So the number one contributor would be considered
22 Justin Hopkins.

23 Q. All right. I'm gonna write that down here. Number
24 one contributor. And, again, these are boots that would
25 potentially be worn outside?

1 A. They appear to be so.

2 Q. Okay. And the number one contributor is I believe you
3 said Justin Hopkins?

4 A. That is correct.

5 Q. And what, if any, statistical calculation did you
6 receive during you're analysis that would tell you the
7 likelihood of Justin Hopkins being the number one
8 contributor on those boots?

9 A. The DNA profile is 21 billion times more likely that
10 Justin Hopkins and two unidentified unrelated individuals
11 contributed to the mixture than if three unidentified
12 unrelated individuals contributed to the mixture.

13 Q. All right. So the likelihood of Justin Hopkins being
14 the numb one contributor is 21 billion?

15 A. That is correct.

16 Q. 21 billion more time -- times more likely to be him?

17 A. Yes, Justin Hopkins and two unidentified, yes, versus
18 three unidentified, it would be 21 billion times more
19 likely.

20 Q. 21 billion times more likely to be Justin Hopkins than
21 an unknown individual?

22 A. Three unidentified unrelated individuals, that's
23 correct.

24 Q. Next I want to ask you about a swab you did that you
25 have labeled 1.1.1, being a swab of a cellophane wrapper

1 of heroin.

2 A. Yes. It was assigned the Item Number 71, swabs from
3 exterior of a cellophane wrapper upon being submitted to
4 SLED.

5 Q. All right. And that 1.1.1 that you have labeled a
6 swab from a cellophane wrapper, were you able to determine
7 any DNA associated with that item?

8 A. No DNA profile was developed from this item.

9 Q. So you were not able to get any DNA from the outside
10 of that container for the heroin?

11 A. For my Item 71 no DNA profile was developed.

12 Q. No DNA profile developed.

13 All right. Next I want to ask you about specific
14 evidence that was recovered from the crime scene in this
15 case. I want to start by asking you about some swabs from
16 the patio doors, and here is State's 51, State's 116 and
17 115. Do you have any notations regarding swabs A and
18 swabs B from a patio door?

19 A. These items were assigned to Item Number 68 and 69.
20 68 was swabs from interior of sliding glass door handle.
21 Item 69 was swabs from the exterior of sliding glass door
22 handles.

23 Q. So both the inside and the outside of that patio door?

24 A. That is correct.

25 Q. And, Agent Stewart, were you able to develop a DNA

1 profile from either of those swabs, being the inside or the
2 outside of that handle on the patio door?

3 A. My results were the same for both of these items. A
4 partial DNA profile was developed, but due to the limited
5 information obtained and the inability to determine the
6 number of contributors, no further interpretation will be
7 offered and so for this instance we have to be able to know
8 how many individuals are contributing to an item, as well
9 as have enough genetic information. If we don't have those
10 two factors, then we can't do any kind of comparisons for
11 that item.

12 Q. Okay. So there's DNA present, but it's not enough for
13 you to work with to develop profile for comparison?

14 A. That is correct.

15 Q. All right. Next I want to ask you specifically about
16 some .38 shell casings, and I believe these .38 shell
17 casings were put through the process that Agent Thompson
18 described as M-Vac. Are you familiar with that process?

19 A. Yes, I am.

20 Q. And this would be State's 222, but, again, that M-Vac
21 on the fired shell casings and how many fired shell casings
22 were there?

23 A. For those fired shell casings there was two. I
24 believe they were .38 shell casings.

25 Q. Now are you aware of specific facts of the case such

1 as in State's 118 that those fired .38 casings had come
2 from belongings of Justin Hopkins?

3 A. No, I am not.

4 Q. So you're not at the scene and you're not working with
5 law enforcement at any remote locations; is that accurate?

6 A. That is correct, I'm not.

7 Q. All of your work is taking place in the lab?

8 A. That is correct.

9 Q. All right. So two fired shell casings recovered as
10 noted already in the record as recovered from the
11 belongings of Justin Hopkins. What, if any, DNA analysis
12 was conducted on that collection that was done by Agent
13 Thompson?

14 A. My results are that the partial DNA profile developed
15 is insufficient for interpretation.

16 Q. All right. So there's a partial DNA profile there,
17 but, again, not enough for you to actually identify?

18 A. That is correct.

19 Q. Now I want to ask you about a series of fired shell
20 casings that came from the crime scene, and specifically
21 this is going to be 9-millimeter shell casings. Do you
22 have any notations about your collection of DNA?

23 A. Yes. So I believe these were separated into three
24 separate items for me. My Item 34 is swabs from exterior
25 of agency items 1 and 2 cartridge casings. Item 35, swabs

1 from exterior of agency items 4, 6, 7, 20, 21, 22 and 24.
2 Those are also from cartridge casings. And our Item
3 Number 36, swabs from exterior of agency items 12 and 13,
4 cartridge casings.

5 Q. All right. So I'm gonna slow you down a little bit.

6 A. Uh-huh.

7 Q. You're aware that all of these are 9-millimeter
8 casings?

9 A. Yes, I am.

10 Q. And that all of these are fired casings?

11 A. Yes, I am.

12 Q. And I believe -- would you also have the information
13 and knowledge that they had come from the crime scene?

14 A. Yes, I am. Yes.

15 Q. And you mentioned a grouping of three different swabs.
16 Why are they separated out into three different potential
17 swabs?

18 A. I do not know. They're collected like that and
19 they're sent to me for analysis. I don't have any
20 information why they were separated out.

21 Q. Okay. But the swabs contain various external
22 potential DNA from each of these casings; is that accurate?

23 A. That is correct.

24 Q. And what can you tell us about the results of that
25 analysis?

1 A. From my Item 34, swabs from exterior agency items 1
2 and 2, cartridge casings, a partial was developed, but
3 due to the limited information obtained and the inability
4 to determine the number of contributors, no further
5 interpretation will be offered.

6 Q. All right. And which collection was that?

7 A. Agency items 1 and 2, cartridge casings.

8 Q. All right.

9 A. Item 35, swabs from exterior of agency items 4, 6, 7,
10 20, 21, 22 and 24 was also cartridge casings. No DNA
11 profile was developed.

12 Q. All right. Now when we're talking about fired casings
13 from a crime scene that are potentially collected by CSI
14 officers, how, if at all, may the fact that they were fired
15 just prior to being preserved and collected affect the
16 ability to recover DNA?

17 A. We believe that because of the intense heat that fired
18 cartridge casings undergo, we typically don't expect to
19 get DNA profile -- or a viable DNA profile for comparison
20 purposes.

21 Q. Okay. So based upon your experience as a DNA analyst,
22 would you or would you not routinely expect to be able to
23 recover DNA once a shell casing's been fired?

24 A. I do not. We've done it lots of time. I'm not saying
25 it's not possible, but it's not expected to get a DNA

1 profile from a fire shell casing.

2 Q. Okay. So ultimately these fired shell casings
3 recovered from the scene, swabbed by law enforcement to
4 potentially determine who may have handled those bullets
5 prior to them being fired, you weren't able to get a DNA
6 profile?

7 A. For this Item 35, that is correct. No DNA profile was
8 developed.

9 Q. Now I want to ask you about a white T-shirt, and
10 specifically a cutting from that white T-shirt, which is
11 67.7.1?

12 A. Yes, ma'am.

13 Q. Now this cutting that we see here from State's 187, I
14 believe this cutting came to you for DNA analysis?

15 A. If I could see the -- if I could see the heat sealed
16 pouch and the coin envelope.

17 Q. (Handing.)

18 A. Yes, I did. It has our unique SLED number and item
19 number on there. It also has my initials and date on this
20 coin envelope that the cutting is on, as well as my
21 initials and date when I entered and exited the heat sealed
22 pouch.

23 Q. Do you recognize that item?

24 A. Yes, I do.

25 Q. All right. Now previously I believe admitted in this

1 case were multiple standards that were submitted to you
2 from the victims in this case and can you tell us whether
3 or not you did receive the blood standard from Sheldon
4 Livingston at autopsy?

5 A. Yes, I did. That's our Item 39.

6 Q. The blood standard of Branton Booker from his autopsy?

7 A. Yes, our Item 43.

8 Q. And the blood standard of Duwan Williams from his
9 autopsy?

10 A. Yes, our Item 48.

11 Q. Okay. All of those items were submitted to you?

12 A. That is correct.

13 Q. And would they have remained sealed prior to their
14 submission to you for analysis?

15 A. Yes, they would have.

16 Q. And based upon your notes and your knowledge of this
17 case, who is the analyst who unsealed all of those blood
18 standards from autopsy of the victims prior to DNA
19 analysis?

20 A. I was the analyst that analyzed those items and
21 removed them from their heat seal.

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

23 THE COURT: Take your time.

24 BY MS. MAYES:

25 Q. So were you able to develop full DNA profiles from

1 each of the victims in this murder case for the potential
2 comparison analysis to other evidence?

3 A. Yes, I did.

4 Q. What, if anything, did you determine, Agent Stewart,
5 about that bloodstain on that cutting, the one that we just
6 looked at?

7 A. Yes, presumptive testing for blood was positive. A
8 DNA profile suitable for comparison was developed.

9 Q. All right. Let me stop you right there. Now Agent
10 Thompson had indicated she did presumptive testing for
11 blood and that it appeared to be blood?

12 A. Yes, and it was positive. That's correct.

13 Q. Okay. We see the cutting in the middle of that. Why
14 is that cutting there?

15 A. That's the portion of the bloodspot that she took for
16 me so that I could process and analyze it for DNA.

17 Q. All right. And were you able to develop a DNA profile
18 from that bloodstain?

19 A. Yes, I was.

20 Q. Who's blood did you determine that to be?

21 A. It was a single source profile coming back to be
22 Mr. Duwan Williams. From my report it reads that the DNA
23 was interpreted as single source, meaning it only came from
24 one individual, Duane William contributed the DNA profile
25 or an unidentified unrelated individual contributed the

1 profile, and my results are that the DNA profile is
2 approximately 3.4 septillion times more likely if Duwan
3 Williams contributed the profile than if an unidentified
4 unrelated individual contributed the profile.

5 Q. All right. And I believe you said this particular
6 bloodstain was a one hundred percent single source profile?

7 A. That is correct.

8 Q. That means there's no mixture?

9 A. That is correct.

10 Q. And you determined that to be Duwan Williams' blood?

11 A. That's correct.

12 Q. A victim in this case?

13 A. Yes, as he's listed. Yes.

14 Q. And, again, what is the likelihood or statistical
15 calculation?

16 A. It is approximately 3.4 septillion times more likely
17 if Duwan Williams contributed the profile than if an
18 unidentified unrelated individual contributed the profile.

19 Q. Okay. 3.4 septillion?

20 A. That is correct.

21 Q. How many is a septillion?

22 A. I believe it's -- I'm sorry. I believe it's eighteen
23 zeros. I'm sorry.

24 Q. Okay. More than the entire population of the world?

25 A. That is correct.

1 Q. Is that what is considered in DNA science and the
2 method that you utilized as very strong support for that
3 likelihood?

4 A. That is correct.

5 Q. Now once the bloodstain was determined to be that of
6 Duwan Williams, what, if any, examination did you do to
7 determine who may have worn that shirt?

8 A. We also do what is known as ownership swabs. Courtney
9 would have done that. She scrapes certain parts that come
10 in contact with the body, for most people usually the
11 collar and the underarm, and we use those to try to
12 determine who may have been the person that wore or had
13 that shirt on. So that came in as our Item Number 67.7.2,
14 swab from scraping underarms and collar area of white
15 T-shirt labeled A.

16 Q. And I believe already in evidence as State's 171,
17 but let me ask you the swabs here that were done along the
18 collar and that shirt underarms, were you able to determine
19 the number one contributor?

20 A. Yes, I was.

21 Q. And who was the number one contributor to that shirt?

22 A. Justin Hopkins.

23 Q. And what is the statistical likelihood of that
24 determination?

25 A. I'll just read from my report. A DNA profile

1 suitable for comparison was developed. The likelihood
2 ratio for the profile was calculated using STRmix. Our
3 first proposition was the profile was interpreted as a
4 mixture originating from two individuals, Justin Hopkins
5 and an unidentified unrelated individual contributed the
6 mixture or two unidentified unrelated individuals
7 contributed to the mixture, and my results are that the
8 DNA profile is approximately 70 septillion times more
9 likely if Justin Hopkins and an unidentified unrelated
10 individual contributed to the mixture than if two
11 unidentified unrelated individuals.

12 Q. All right. So 70 septillion times more likely Justin
13 Hopkins is the number one contributor?

14 A. Yes, Justin Hopkins and an unidentified. Yes, that's
15 correct.

16 Q. All right. Now when you look at the percentages, were
17 you able to write down the percentages for that particular
18 item to determine what percentage was the number one
19 contributor, being Justin Hopkins?

20 A. If you could give me --

21 Q. Sure. Take your time.

22 A. I apologize. The number one contributor is considered
23 a 94 percent contributor.

24 Q. All right. So basically 94 percent of that DNA is
25 Justin Hopkins?

1 A. Yes, as the number one contributor. That's correct.

2 Q. All right. I'm gonna ask you about additional
3 evidence from the crime scene, specifically [REDACTED] Butternut
4 Lane. Looking here at State's 80, State's 82, State's 81,
5 was a standard submitted from that crime scene of blood
6 found on that door, being the interior door to the
7 residence?

8 A. I have Item 51, swabs from interior side of front
9 door.

10 Q. So your Item 51 is the interior side inside of the
11 front door?

12 A. That is correct.

13 Q. And specifically can you tell us if you were looking
14 for blood when it came to Swab E?

15 A. Yes, it came in with a request for blood testing, as
16 well as DNA analysis.

17 Q. To determine whose blood it is on that door?

18 A. That is correct.

19 Q. Were you able to develop a DNA profile from the
20 blood as we see there at Marker E and that swab that was
21 submitted to you for analysis?

22 A. My results read that presumptive testing for blood was
23 positive.

24 Q. All right. Let me stop you right there. It's
25 positive for blood?

1 A. That's correct.

2 Q. And did you develop a DNA profile?

3 A. Yes, I did.

4 Q. Was that a mixture or a single source profile?

5 A. It was single source profile.

6 Q. So that means one hundred percent's blood?

7 A. That's correct. Just one individual.

8 Q. All right. Whose blood did you determine that to be?

9 A. Branton Booker. And my results read that the
10 likelihood ratios for the profile was calculated using
11 STRmix. The DNA profile was interpreted as a single
12 source; Branton Booker contributed the DNA profile or an
13 unidentified unrelated individual contributed the DNA
14 profile and the results were that the DNA profile is
15 approximately 12 octillion times more likely that Brandon
16 Booker contributed the profile than an unidentified
17 unrelated individual.

18 Q. That number again?

19 A. 12 octillion times more likely that Branton Booker
20 contributed the profile than if an unidentified unrelated
21 individual contributed the profile.

22 Q. 12 octillion you said?

23 A. That is correct.

24 Q. Is that very strong support?

25 A. Yes, that would be considered very strong support.

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

2 THE COURT: Take your time.

3 BY MS. MAYES:

4 Q. And I believe that swab E that you just mentioned, the
5 blood DNA swab, is State's 160 already in evidence?

6 A. Yes, our Item 51. That is correct.

7 Q. Next I want to show you another swab from that door,
8 what we just looked at, 81 being the bottom of the door, 11
9 being the top of the door, but, again, do you have any
10 notations regarding a swab D from the interior of the front
11 door at [REDACTED] Butternut Lane?

12 A. Yes, that's considered our Item Number 49, swabs from
13 interior of dead bolt.

14 Q. And specifically your notation is that it's the
15 interior dead bolt?

16 A. That is correct. Interior of dead bolt.

17 Q. Can you tell us whether this item, which is marked 156
18 for identification, whether it would have remained sealed
19 prior to its arrival to you for analysis?

20 A. Yes, it would have.

21 Q. I'm gonna ask you to take a look at this, Agent
22 Stewart, and examine it and tell us whether or not you see
23 your initials on that item? And you may open it.

24 A. Oh, no, I can see it. Yes, my initials are on here.
25 My initials and date are on here when I entered and exited

1 the heat sealed pouch as well and the envelop containing
2 the swabs.

3 Q. All right. Can you tell us whether it arrived to you
4 properly sealed?

5 A. Yes, it did.

6 Q. Was there any indications of tampering on the external
7 evidence seal?

8 A. No, there was not.

9 Q. If there had been any evidence of tampering or
10 anything of that nature, would you have gone through with
11 the examination?

12 A. I would not.

13 Q. So everything appeared to you to be properly sealed
14 upon its arrival?

15 A. Yes, it did.

16 Q. And who broke the seal?

17 A. I would have been the one who broke the seal.

18 Q. So other than the CSI analyst who collected it, being
19 Patrick Ward, and it be sealed, would anyone else have
20 unsealed this item prior to its arrival to you?

21 A. No, they would not have.

22 MS. MAYES: Your Honor, this would be State's 156
23 for evidence.

24 THE COURT: Any objection?

25 MS. WILSON: Nothing other than what was discussed

1 and we'd ask for it to run throughout the testimony.

2 THE COURT: It does and so noted for the record
3 because that was ID only.

4 MS. MAYES: And, Your Honor, I have stricken through
5 the notation of ID on State's 156.

6 THE COURT: Okay. It's admitted.

7 (State's Exhibit Number 156, touch DNA swabs, was
8 admitted into evidence.)

9 BY MS. MAYES:

10 Q. So 156, can you tell us, Agent Stewart, whether or not
11 this is, in fact, the swab that was collected by CSI agent
12 Patrick Ward from the interior dead bolt?

13 A. Yes, that was my Item 49, swabs from interior dead
14 bolt.

15 Q. Were you able to compare that to the known standards
16 of both Justin Hopkins and Jeremy Cornish that you had
17 developed from the suspect buccal swabs in this case?

18 A. Yes, I did.

19 Q. As well as to the known standards for people that
20 lived there such as Branton Booker, Sheldon Livingston and
21 Duwan Williams?

22 A. Yes, I did.

23 Q. What, if anything, did you determine as to whether on
24 the dead bolt the DNA was a mixture or just one person?

25 A. It was determined to be a mixture.

1 Q. All right.

2 A. A DNA profile that was suitable for comparison was
3 developed having different propositions for each individual
4 that's compared. For my first proposition, this DNA
5 profile was interpreted as a mixture originating from four
6 individuals; Branton Booker and three unidentified
7 unrelated individuals contributed to the mixture or four
8 unidentified unrelated individuals contributed to the
9 mixture and my result for that one is that the DNA profile
10 is approximately 44 quadrillion times more likely if
11 Branton Booker and three unidentified unrelated individuals
12 contributed to the mixture than four unidentified unrelated
13 individuals. I was also made known that Mr. Branton Booker
14 was an individual who lived there, he resided there, so in
15 those cases where we know that we expect that individual's
16 DNA, I could tell the software, the STRmix software to
17 rerun it again, but remove the DNA type that I know belong
18 to Mr. Branton Booker since I know he lives there and he
19 was such a high contributor and so in that case my second
20 proposition is when I'm comparing Mr. Jeremy Cornish to
21 that -- to that profile with Mr. Branton Booker and I
22 already know he's a contributor to that mixture, so it
23 reads that, Branton Booker and Jeremy Cornish and two
24 unidentified unrelated individuals contributed to the
25 mixture than Branton Booker and three unidentified

1 unrelated individuals contributed to the mixture, and the
2 results there are that the DNA profile is approximately
3 510 million times more likely if Branton Booker, Jeremy
4 Cornish and two unidentified unrelated individuals
5 contributed to the mixture than if Branton Booker and three
6 unidentified unrelated individuals contributed to the
7 mixture.

8 Q. All right. Now, Agent Stewart, you're reading from
9 your report and you're a forensic scientist, we are not,
10 so I'm gonna ask you to break that down, okay?

11 A. No, no problem. As I stated in the first proposition,
12 my first set of results, it was established that
13 Mr. Branton Booker was a high contributor, a very strong
14 likelihood contributor. I also knew that he was -- he
15 lived there, he resided there, so essentially I told the
16 system this time I would like you to reanalyze or
17 reinterpret that profile, but set aside Mr. Branton
18 Booker's DNA types and only look at what's remaining
19 because I know he's expected to be there because he lives
20 there and he was such a high contributor essentially when I
21 did the initial interpretation and so then I go along and I
22 interpret with that knowledge in mind to the rest of the
23 known individuals that are there and once I do that I also
24 break it down to different results and so this first one,
25 this next one, is Mr. Branton Booker and Jeremy Cornish,

1 and my results are -- once I compared whether or not it's
2 Branton Booker, Jeremy Cornish and two unidentified versus
3 just Mr. Branton Booker and three unidentified because,
4 once again, I know Mr. Branton Booker is a contributor, and
5 essentially that result is 510 million times more likely if
6 Mr. Booker, Mr. Cornish and two unidentified unrelated
7 individuals rather than Mr. Booker and three unidentified
8 unrelated individuals.

9 Q. All right. So with all of that in mind, you mentioned
10 that this is a mixture, and when you have an area that
11 people may frequently touch, such as that handle over there
12 to that door or the handle on the door behind you where
13 numerous people may come and go, would you expect a
14 mixture?

15 A. Yes, anything that's handled by multiple people I
16 would expect there to be a mixture. I'm not saying it
17 happens every time, but I would expect a mixture from
18 something that's being handled by multiple individuals.

19 Q. And you indicated that Branton Booker lived there?

20 A. Yes, that's the knowledge that I was given.

21 Q. So you would expect his DNA as well?

22 A. That is correct.

23 Q. So Branton Booker, can you tell us whether or not he
24 would be what you term the number one contributor?

25 A. Yes, he would be considered the number one contributor

1 to that mixture.

2 Q. And who did you consider to be the number two
3 contributor?

4 A. Mr. Cornish would be considered the number two
5 contributor to that mixture.

6 Q. And that's the defendant in this case, Jeremy Cornish?

7 A. That is how he's listed, yes.

8 Q. Now what percentage of the DNA turned out to be that
9 of Branton Booker based on this mixture?

10 A. I'm sorry. Just give me a second.

11 Q. Sure. Take your time.

12 A. Mr. Branton Booker would be considered the 55 percent
13 contributor or the number one contributor to the mixture.

14 Q. All right. 55 percent.

15 All right. And you have indicated that based upon
16 your findings Jeremy Cornish is the number two contributor?

17 A. That is correct.

18 Q. What percentage of this mixture contained Jeremy
19 Cornish's DNA?

20 A. He would be the second contributor or the 28 percent
21 contributor.

22 Q. 28 percent?

23 A. That is correct.

24 Q. And, again, regarding that statistical calculation
25 of likelihood that that is Jeremy Cornish's DNA on that

1 interior dead bolt, what is that likelihood calculation?

2 A. It is 510 million times more likely if Branton Booker
3 and Jeremy Cornish and two unrelated unidentified rather
4 than Branton Booker and three unidentified unrelated
5 individuals.

6 Q. So 510 million times more likely to be he and
7 Mr. Booker in that mixture?

8 A. Yeah, than Mr. Booker and three unidentified. That's
9 correct.

10 Q. And regarding the United States' population, Agent
11 Stewart, is 510 million more than the current U.S.
12 population?

13 A. I'm sorry. I don't know off the top of my head. I
14 know it's in the millions, but I apologize. I don't know
15 off the top of my head.

16 Q. It's a lot?

17 A. Yes, it is, but it would still be probably within a
18 very strong likelihood or very strong category.

19 Q. So I want to ask you about that. The categories of
20 these likelihood statistical calculations, what's the
21 highest category of likelihood that you have there at your
22 DNA lab?

23 A. To add more weight or context to these numbers that we
24 have, we have like a verbal scale at the end of every one
25 of our reports. The verbal scales goes from uninformative

1 to very strong support. So 510 million, this would fall
2 within our very strong support, which is the highest
3 category that we have saying whether or not the individual
4 is a contributor to that mixture.

5 Q. So it's highest category of likelihood that you have
6 there at the SLED lab?

7 A. Yes. For our verbal scale, that's correct.

8 Q. And that's considered very strong support --

9 A. Yes, that is correct.

10 Q. -- of likelihood?

11 A. Yes, that is correct.

12 Q. And the procedure that you use there in the SLED lab,
13 I think you indicated that it's known -- that particular
14 software that you're trained on and other analysts there in
15 your lab it's known as STRmix?

16 A. That is correct.

17 Q. Can you tell us whether STRmix is accepted among other
18 labs in the United States, including crime labs?

19 A. Yes, it is. It's used widely in the United States,
20 including by the FBI. As of currently, I believe August,
21 it's used in seventy-four labs within the United States.
22 It's also used internationally as well. I believe sixteen
23 labs international, including New Zealand, the UK, Europe,
24 Canada to name a few. It's validated, highly validated,
25 from the creators or the developers, and then we also do

1 our internal validations as well to ensure that it works
2 properly within our own equipment and our organization.
3 And we were trained -- we got two times trained; one in
4 2015 and one in 2017 on the basics and how to use STRmix
5 and how to use it properly, so we -- and we also are
6 audited every year to make sure that we continue to use it
7 in a proper and sufficient manner.

8 Q. And so you indicated that it's also used by the FBI,
9 but is the SLED -- State Law Enforcement Division's crime
10 lab what's known as accredited?

11 A. Yes, we are accredited. We go through an audit every
12 year to maintain that accreditation that we have and so,
13 yes, we are accredited.

14 Q. And does that include for the use of STRmix DNA
15 analysis and calculations?

16 A. Yes, it is. Whenever we're audited or looked at by
17 another lab for accreditation, they look at everything
18 that we do from lab work to our calculations of STRmix,
19 anything and everything that we use is looked at to see
20 whether or not we're doing it and conducting it in the
21 correct manner.

22 Q. And can you tell us whether or not this particular
23 method, being STRmix DNA analysis and calculation is
24 accepted among peers in your field of forensic science as
25 being scientifically reliable?

1 A. Yes, it is.

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

3 THE COURT: Take your time.

4 MS. MAYES: Your Honor, for the record I believe
5 both of those items previously marked for identification
6 have now been admitted as evidence, being swab D from the
7 interior dead bolt, as well as the buccal swab standard
8 of Jeremy Cornish.

9 With that, Your Honor, the State has nothing further.

10 THE COURT: Thank you. They have been moved into
11 evidence.

12 Let me just ask you-all right quick. We've been
13 at it for an hour and a half. I'm gonna have the jury
14 stretch their legs just for about ten minutes, okay?

15 Remember, no talking amongst yourselves about this
16 case.

17 (Whereupon, the jury retires to the jury room at
18 2:59 PM.)

19 THE COURT: I'm sorry, but it's been an hour and a
20 half.

21 All right. Now let me make sure. How long are
22 you-all gonna be? A good little while?

23 MS. WILSON: Yeah, probably.

24 MR. SWERLING: No more than an hour.

25 THE COURT: No more than an hour. Then I think

1 you're still under oath.

2 Ms. Mayes.

3 MS. MAYES: Yes, Your Honor.

4 CONTINUED DIRECT EXAMINATION

5 BY MS. MAYES:

6 Q. One more question, Agent Stewart. Regarding the
7 co-defendant, Justin Hopkins, was his DNA excluded from
8 that interior dead bolt?

9 A. Yes, it was.

10 MS. MAYES: Thank you. Nothing further.

11 THE COURT: Ms. Wilson.

12 MS. WILSON: May it please the Court?

13 THE COURT: Yes, ma'am.

14 CROSS-EXAMINATION

15 BY MS. WILSON:

16 Q. Good afternoon, Agent Stewart.

17 A. Good afternoon.

18 Q. Who provides the DNA swabs or standards to you that
19 you use in your testing?

20 A. The known standards?

21 Q. Any of the swabs and the known standards. Where do
22 you get them from?

23 A. They come from the submitting agency.

24 Q. Okay. So they came from the Lexington County
25 Sheriff's Office?

1 A. That is correct.

2 Q. Are you provided with any information about the case
3 prior to testing the items?

4 A. Some items. Sometimes we need additional information
5 for some items, but not all of it and not necessarily all
6 the time.

7 Q. Okay. The software you use to calculate the
8 likelihood ratios, that's called STRmix, correct?

9 A. That is correct.

10 Q. And STRmix requires you, the analyst, to make 1 number
11 of interpretative choices prior to running the data?

12 A. Yes. So if I may explain, we interpret and we look
13 over the profile prior to going to STRmix, so I look at it,
14 I evaluate it. I also determine the number of
15 contributors. This is necessary before I can put it into
16 STRmix. Once I evaluate it fully, then I enter that
17 profile into STRmix. I also enter the number of
18 contributors. Once that comes in, once it gives me its
19 output, I reevaluate it again. I want to make sure that
20 what STRmix has given me, the information, it goes with and
21 agrees with my own interpretation of what I believe is
22 happening in that profile. We also have first and second
23 diagnostics that those outputs from STRmix has to meet
24 before I deem it as reliable and use it for comparison
25 purposes.

1 Q. Okay. So you mentioned that you -- you choose the
2 number of contributors in the sample, correct?

3 A. That is correct.

4 Q. And why is that important?

5 A. Without the number of contributors STRmix would not
6 know how to fully interpret that profile, so it's necessary
7 for me to evaluate it on the front end and determine those
8 number of contributors before entering it into STRmix.

9 Q. And what happens if you determine that there's five or
10 more contributors in a sample?

11 A. If I look at it beforehand and determine that it is
12 five or more individuals, per our policy we don't interpret
13 it. We don't interpret any profiles over four.

14 Q. Okay. So STRmix won't be able to give you any results
15 if it was over?

16 A. We haven't validated for that and because it was our
17 cutoff that we believe that any mixture over four is just
18 too complex for any kind of interpretation.

19 Q. Okay. Ms. Mayes talked to you about some items seized
20 that didn't yield any DNA profiles or yielded profiles that
21 were insufficient for interpretation, but I'd like to talk
22 to you about some items that did yield some profiles that
23 you tested. So for each of these items you have different
24 proposition sets, right?

25 A. That is correct. Each individual that I'm comparing

1 to that profile gets its own proposition unless I can group
2 it in a source where multiple individuals are being
3 excluded, so each individual would get their own
4 proposition.

5 Q. And so you determine that each set has what you call
6 an HP and an HD?

7 A. That is correct. Those are those two varying
8 explanations that I went into other earlier; whether or
9 not that person can be considered as a likely contributor
10 to that mixture or whether or not an unidentified unrelated
11 individual can be -- is considered as a contributor to
12 that mixture. Those are two variants -- two variant
13 explanations I should say.

14 Q. And so what does HP and HD stand for?

15 A. The HP stands for prosecution hypothesis and the HD
16 stands for the defense hypothesis.

17 Q. And you create both of those hypotheses?

18 A. Yes, that's what we created. That's correct.

19 Q. Okay. So for Item 67.1, which I have as a swab from
20 scraping the handle, straps and opening flaps of a camo
21 backpack, what's your Proposition 1?

22 A. I'm sorry. You said 67.1?

23 Q. I'm sorry. 67.14.

24 A. As to my first proposition?

25 Q. Yes, what's your -- what's the HP proposition?

1 A. That this profile, the 67.14, it was a swab from
2 scraping handles, flaps and opening flaps of a Benrus camo
3 backpack. It was interpreted as a mixture originating
4 from three individuals. The HP, my first explanation, is
5 Justin Hopkins and two unidentified unrelated individuals
6 contributed to that mixture, and that second explanation or
7 HD is three unidentified unrelated individuals contributed
8 to that mixture.

9 Q. Okay. So from those hypotheses STRmix produced what
10 you call a likelihood ratio, right?

11 A. That is correct.

12 Q. So what was that likelihood ratio?

13 A. The DNA profile is approximately 25 septillion times
14 more likely if Justin Hopkins and two unidentified
15 unrelated individuals contributed to that mixture than if
16 three unidentified unrelated individuals contributed to
17 that mixture.

18 Q. And that was from the Benrus camo backpack, the swab?

19 A. That is correct.

20 Q. Are you aware of where that item came from?

21 A. I do not know.

22 Q. Okay. So you wouldn't know what was located inside of
23 that item?

24 A. I knew that items were collected from it, but I -- I'm
25 not knowledgeable about everything that was collected from

1 it.

2 Q. Okay. Do you have knowledge that there was a Glock 9
3 inside of it?

4 A. No, I do not.

5 Q. Do you have knowledge that there was heroin inside of
6 it?

7 A. No, I do not.

8 Q. Okay. So moving onto Item 31.1, which was a swab
9 from the interior of the size 12 work boots, Ms. Mayes
10 identified on direct with you that Mr. Hopkins was the
11 number one contributor, correct?

12 A. That is correct.

13 Q. However, she didn't mention that -- the people that
14 were excluded as contributors. Can you tell us who those
15 were?

16 A. Yes. In my second -- I'm sorry. I apologize. Item
17 31.1, correct?

18 Q. Yes.

19 A. Okay. I apologize. Yes. The individuals that were
20 excluded were Justin Hopkins, Sheldon Livingston, Donnovin
21 Haynes and Sabah Kadhim.

22 Q. What about Mr. Cornish?

23 A. I'm sorry. My papers got mixed up. I'm so sorry.

24 Q. Are you referring to your report from September 29th
25 of 2022?

1 A. That is correct. Yes. I am so sorry.

2 Q. That's okay.

3 A. I apologize. Sheldon Livingston, Branton Booker,
4 Duwan Williams, Donnovin Haynes, Jeremy Cornish and Sabah
5 Kadhim are excluded from that mixture. I'm so sorry. I
6 apologize.

7 Q. Okay. No problem. Mr. Cornish was excluded as a
8 contributor to that mixture?

9 A. That is correct.

10 Q. Let's see. Item 67.7.1, which was a cutting from the
11 white T-shirt labeled A.

12 A. Yeah, I have it.

13 Q. Okay. So that -- the cutting -- the DNA profile that
14 was found on there from the blood was Duwan Williams,
15 correct?

16 A. Yes, I can say that. That is correct.

17 Q. Okay. And then so from that same shirt you also had
18 67.7.2, which was the swab from the scraping of the
19 underarms and the collar area?

20 A. That is correct.

21 Q. And, again, Ms. Mayes mentioned that Justin Hopkins
22 was the number one contributor to that item?

23 A. That is correct.

24 Q. Can you tell us -- there were also on that item people
25 who were excluded as contributors, correct?

1 A. That is correct.

2 Q. Can you tell us who those people were?

3 A. Yes. Sheldon Livingston, Branton Booker, Duwan
4 Williams, Donnovin Haynes, Jeremy Cornish and Sabah Kadhim
5 all were excluded as contributors.

6 Q. So, again, Mr. Cornish was excluded as a contributor?

7 A. That is correct.

8 Q. Moving onto the dead bolt, swab D from the dead bolt,
9 which is Item 49, so this item contains a mixture of DNA,
10 correct?

11 A. That is correct.

12 Q. And it was analyzed using four DNA profiles?

13 A. Yes. It was a mixture originating from four
14 individuals. That is correct.

15 Q. Okay. Could it be possible that there were more than
16 four profiles in that mixture?

17 A. I deemed it as a mixture of four individuals and not
18 only myself, but our reviews are -- excuse me -- our work
19 is always reviewed by two court-qualified analysts as well,
20 so they have to agree with my interpret whenever I'm
21 looking at a mixture. So not only myself, but also an
22 analyst and a senior analyst had to agree that they
23 believed also that this mixture was a four-person mixture.

24 Q. Okay. You stated on direct that you would expect
25 Branton Bookers DNA to be on there because he lived there?

1 A. That is correct. Whenever we have knowledge of an
2 individual living there and we have such a high
3 inclusionary LR -- or inclusion LR for an individual, we
4 can interpret that as it's expected that person's DNA to be
5 there.

6 Q. But there were other people who lived there who were
7 excluded; isn't that correct?

8 A. That is correct.

9 Q. Such as Mr. Livingston and Mr. Haynes. They were both
10 excluded from the mixture?

11 A. That is correct.

12 Q. Okay. So going through the likelihood ratios that we
13 just went through, the likelihood ratio doesn't reflect the
14 probability that someone handled or touched that item,
15 correct?

16 A. That is correct.

17 Q. It's also not the probability that the DNA came from a
18 specific person; isn't that correct?

19 A. No, it isn't. That is correct.

20 Q. That it's correct that it's not the probability that
21 the DNA came from a specific person?

22 A. It's not the probability, it's the likelihood.

23 Q. So the likelihood ratio is a comparison of the
24 probability of the evidence given the HP and the
25 probability of the evidence given the HD?

1 A. That is correct.

2 Q. Okay. So in a little bit simpler, the likelihood
3 ratios reflect the probability of seeing the DNA profile if
4 both of those hypotheses are true?

5 A. It's weighing both of them and then assigning the
6 likelihood to the one that they believe is the most --
7 it best explains what's happening with that profile
8 considering the DNA profile of the known standard being
9 excluded.

10 Q. Okay. And isn't it true that if both of the
11 hypotheses are not true that STRmix will still provide you
12 with a likelihood ratio value?

13 A. If they believe -- if it's not really able to make a
14 determination between those two, we'll get what is known as
15 an uninformative, which is also in my -- I'm sorry -- in
16 my verbal scale that's in the back of the report. It would
17 be labeled as uninformative which is they really can't make
18 a determination between the two varying explanations or
19 possible explanations.

20 Q. Okay. So you cannot say when DNA came to be present
21 on an item; isn't that correct?

22 A. Like how did it get there?

23 Q. Like when. What timeframe it got there.

24 A. No, I cannot.

25 Q. Or how the DNA got there?

- 1 A. That is correct. I can't tell how it got there.
- 2 Q. Or why it's there?
- 3 A. I cannot.
- 4 Q. You can't say what time it was placed there?
- 5 A. I cannot.
- 6 Q. Or the date?
- 7 A. I cannot.
- 8 Q. So this DNA could have been left there prior to the
- 9 shootings?
- 10 A. That's possible. I have no knowledge of how it got
- 11 there.
- 12 Q. It could have been left there days before or even
- 13 weeks before?
- 14 A. That is possible.
- 15 Q. It could have also been transferred there by another
- 16 person; isn't that true?
- 17 A. Yes, that is possible. Secondary transfer is the
- 18 thought that if you touch somebody or you come in contact
- 19 with an individual and then you transfer their DNA to an
- 20 object or to an item, that is what is known as a secondhand
- 21 transfer.
- 22 Q. Okay. So let's talk about DNA transfer for a minute.
- 23 There's different types of transfer, right? Like there's
- 24 primary, secondary, tertiary?
- 25 A. Yes. That is correct.

1 Q. Okay. So primary transfer would occur if I were to
2 bleed on the floor in the courtroom. So my DNA would leave
3 from my body and be on the floor. That's primary?

4 A. That would be considered primary. That is correct.

5 Q. So if someone came along and stepped in my blood on
6 the floor, my DNA would transfer to the bottom of their
7 shoes and that would be a secondary transfer?

8 A. Not necessarily. If they -- if they stepped in --
9 like I say, in your scenario, if they stepped in it and
10 then they placed it someplace else, like another scene or
11 something like that, then that would be probably considered
12 secondary transferred because they transferred it away from
13 the spot original spot I should say.

14 Q. Okay. So the blood on the -- blood and the DNA on the
15 bottom of their shoe wouldn't be a secondary transfer?

16 A. You're saying transferring from the floor to your
17 shoe? Yes, is that correct.

18 Q. Okay. So then if they walked out into the hallway and
19 the blood went from the bottom of their shoe out into the
20 hallway, that would be tertiary transfer if the blood was
21 now in the hallway because it went from my body to the
22 floor to their shoe outside?

23 A. That's not my exact understanding of tertiary.

24 Q. Can you explain it?

25 A. Yes. So if -- let's see. If I touch something --

1 like if I came in contact with somebody and then I touched
2 this desk or whatever and I leave it there and then so
3 somebody else comes behind and touches that same one and
4 then touches something else, leaves something there, now
5 they've transferred -- that first person who came in
6 contact, they transferred it from here to over there,
7 that's my belief or understanding of what the tertiary
8 transfer would be.

9 Q. So if someone -- let's say I touched -- or, like you
10 said, you touched the podium over there and then I came and
11 touched it and touched a doorknob, I could transfer your
12 DNA from that podium to the doorknob?

13 A. And that's secondary. So if then someone else came
14 around and touched that doorknob and then maybe touched
15 this other podium over here --

16 Q. That would be tertiary?

17 A. That would be tertiary. Someone transferred your DNA,
18 again, from this place to this place.

19 Q. Okay. And that can happen with skin cells as well,
20 not just necessarily blood?

21 A. Yes, it is possible because individuals shed skin
22 cells, so it's variable I should say. There's no real way
23 to really quantify it. Some individuals can be heavy
24 shedders and some individuals can be light shedders. An
25 individual can be a heavy shedder one day and a light

1 shedder the next. It just depend upon their daily routine.
2 So this transfer that we're speaking about because we can't
3 really quantify it, we have to say that it is in the realm
4 of possibility.

5 Q. Okay. So if I was in someone's car, it would be
6 likely or possible that their DNA would transfer onto me
7 just from me being in their vehicle?

8 A. It's something -- it's possible, yes.

9 Q. Okay. And it's impossible to tell from the swabs that
10 you tested whether that DNA was primarily, secondary or
11 tertiary transferred?

12 A. Yes, I don't have any knowledge of that.

13 Q. So you would be unable to tell, for example, just
14 because my DNA was on it, if it was my -- if I touched it
15 or if someone else transferred it there who had come in
16 contact with my DNA?

17 A. That is correct.

18 Q. Isn't it also true that it's -- only a very small
19 sample of DNA is needed to appear in a test result? Like
20 you don't need a lot of DNA for it to show up?

21 A. Yes. It's possible we can get DNA from, I guess, a
22 small sample if that's what you're saying, yes.

23 Q. Samples that are not even visible to the human eye?

24 A. Yes. That is correct.

25 Q. Let's see. And it's usually impossible for you to

1 determine what activity led to the placement of the DNA on
2 an item?

3 A. Yes. You mean like if someone physically touched? Is
4 that what you're --

5 Q. Right. I mean, you don't know if it came from someone
6 sneezing on it or touching it or --

7 A. Yes, that is correct. I don't know how the DNA got to
8 that item that it's on.

9 MS. WILSON: I beg the Court's indulgence.

10 THE COURT: Take your time.

11 BY MS. WILSON:

12 Q. And just because STRmix found that the DNA profile was
13 more likely of Booker and Cornish and two unidentified
14 unrelated individuals contributed to the mixture than if
15 Booker and three identified -- and this is in regards to
16 the door latch -- and three unrelated -- unidentified
17 unrelated individuals contributed to the mixture, that
18 doesn't mean with any certainty that Mr. Cornish was
19 present at the crime scene; isn't that true?

20 A. I can't say how the DNA got there.

21 Q. So you cannot say that he was present based on that
22 finding?

23 A. No, I can't say that he was present. I don't know how
24 -- I can't testify as to how it got there.

25 MS. WILSON: I beg the Court's indulgence.

1 BY MS. WILSON:

2 Q. Just one last -- just one last question, Agent
3 Stewart. If you were to shake hands with someone, can you
4 transfer DNA by shaking hands?

5 A. Yes, it's possible.

6 MS. WILSON: Thank you. No further questions.

7 THE COURT: Ms. Mayes.

8 MS. MAYES: Yes, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. MAYES:

11 Q. Now I believe one of the questions you just got asked
12 is about trying to give all the different scenarios in
13 which DNA got at a crime scene. Agent Stewart, is that
14 ever something that you do?

15 A. It is not.

16 Q. Okay. Are you a crime scene investigator?

17 A. I am not.

18 Q. Okay. Is your work limited to simply the DNA
19 analysis of your findings and then recording what you have
20 discovered in the lab?

21 A. That is correct.

22 Q. So is there any case where you come into a courtroom
23 and give a theory as to how the DNA is at the scene?

24 A. I do not.

25 Q. Okay. So I want to go back and talk about the

1 question that Ms. Wilson posed about likelihood.

2 Likelihood and probability. Let me ask you this. The
3 numerical calculation that you gave us, for example, as
4 to the interior dead bolt swab, the 510 million times
5 likelihood, can you tell us whether or not that is the
6 likelihood of your DNA finding?

7 A. Yes, it is for Branton Booker and Jeremy Cornish and
8 two unidentified unrelated individuals rather than Branton
9 Booker and three unrelated individuals.

10 Q. And so as to that dead bolt, do you have an opinion
11 as to whose DNA makes up that 28 percent for the number two
12 contributor?

13 A. Mr. Jeremy Cornish is that second contributor, yes.

14 Q. Now one of the questions you got is about whether or
15 not you can age DNA, whether or not you can determine how
16 long it may have been present on any surface, but let me
17 ask you this. How, if at all, can recency be a factor?
18 For example, the recency in which I touch a surface and
19 then DNA is collected?

20 A. Recency does play a part. It's the thought that if --
21 if you touch something and it -- recently touch something
22 and then they collect it or someone collects it right
23 after, the thought process is that it's a high likelihood
24 that I would get -- that a person could get a DNA profile
25 from that item.

1 Q. Okay.

2 MS. MAYES: Thank you, Agent Stewart. Nothing
3 further.

4 RECROSS EXAMINATION

5 BY MS. WILSON:

6 Q. Just one question, Agent Stewart. You can't say how
7 Mr. Cornish's DNA got on the door latch, correct?

8 A. I cannot.

9 MS. WILSON: Thank you. That's all.

10 THE COURT: Okay.

11 MS. MAYES: Your Honor, if Agent Stewart can be
12 released to return to SLED.

13 THE COURT: Yes. He can be excused from this case.
14 Agent Stewart, thank you for coming.

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

16 (Witness excused.)

17 THE COURT: All right. Ladies and gentlemen of
18 the jury, I was trying to get a schedule so I can keep
19 you apprised. The good news is we will finish this case
20 this week. I am anticipating that you will probably get
21 this case Friday morning. The next witness they tell me
22 is a long witness and so we're probably gonna break it
23 up tomorrow. Part of it before lunch, some of it after
24 lunch.

25 So what I'm telling you is that I'm gonna let you

1 at 11:00 I'm gonna stop and then we'll resume back at
2 1:00.

3 MR. HUBBARD: Thank you.

4 THE COURT: All right. I've got all the jurors.
5 Can I bring them in or do you-all need a few more
6 minutes?

7 MR. HUBBARD: Just a couple minutes.

8 THE COURT: Okay.

9 (Pause in proceedings.)

10 MS. MAYES: Judge, there is one thing we wanted to
11 put on the record.

12 THE COURT: Sure.

13 MS. MAYES: We do have communications between both
14 Mr. Hopkins and Mr. Cornish. They are text messages that
15 are back and forth that relate specifically to their
16 interactions on the 17th and just generally around that
17 timeframe.

18 We have proposed redacting out Mr. Hopkins'
19 communications so that we would only have Mr. Cornish's,
20 but I believe counsel is in agreement that we would show
21 both because to redact the co-defendant's --

22 THE COURT: It doesn't show the whole picture.

23 MR. SWERLING: Suzanne, what day are those taken.

24 MS. MAYES: Those are taken -- those photographs are
25 taken on the 21st.

1 THE COURT: Okay. So are we in agreement then --

2 MR. SWERLING: Yes.

3 THE COURT: -- that all of the text messages that
4 she's gonna present are coming in?

5 MR. SWERLING: Judge, just subject to the --

6 THE COURT: To the two text messages I thought you
7 had objected to the one about the tools and erasing these
8 messages, didn't you?

9 MR. SWERLING: Your Honor, I don't believe there was
10 an objection to that because that's actually a statement
11 by Mr. Cornish himself.

12 MR. SWERLING: Yeah, eventually.

13 MS. MAYES: And I don't believe that there were
14 any statements in furtherance of the conspiracy that we
15 had originally proposed that we're offering.

16 THE COURT: That's right. That's right. We went
17 through that list and I think we withdraw some. So now
18 we're in agreement.

19 MR. SWERLING: Judge, except that the 21st was the
20 traffic stop and we did do a motion on that.

21 THE COURT: On the motion --

22 MS. MAYES: Your Honor, there was independent
23 testimony regarding the photographs that were taken
24 from the phone, that those were by consent, that
25 Mr. Cornish provided his passcode, and I believe

1 numerous witnesses testified to that.

2 THE COURT: And this was at the traffic stop where
3 Dubard was because later on there was a statement that
4 I suppressed.

5 MR. SWERLING: Right.

6 THE COURT: But this is at the traffic stop itself?

7 MS. MAYES: Correct, Your Honor.

8 MR. SWERLING: That's correct.

9 THE COURT: And you-all made a motion to suppress
10 that, which I denied.

11 MR. SWERLING: Right. That's correct. Just
12 preserving that.

13 THE COURT: We're gonna preserve that throughout
14 this line of questioning; that he objects to that stop,
15 the statement that was made, which would include the
16 photos of the text messages that the State intends to
17 introduce.

18 Did I state that right?

19 MR. SWERLING: Yes.

20 MS. MAYES: That's correct, Your Honor.

21 THE COURT: Okay. Ready to bring the jury in?

22 MS. MAYES: Yes, Your Honor.

23 THE COURT: All right. Let's bring them in.

24 (Whereupon, the jury enter the courtroom at
25 9:48 AM.)

1 THE COURT: All right. Mr. Foreman, is the jury
2 ready?

3 FOREPERSON: Yes, Your Honor.

4 THE COURT: Okay. I hope you-all had a good
5 evening. Let me ask my regular question. Has anyone
6 approached you or have you heard anything about this
7 case, talked about this case, read, watched anything on
8 TV, looked up, did any research on the Internet?

9 If so, please raise your hand. Very good.

10 Ms. Mayes, you can call your next witness.

11 MS. MAYES: The State calls Sergeant Adam Creech.

12 (Whereupon, Anthony Adam Creech was duly sworn by
13 the Clerk of Court.)

14 THE CLERK: If you'll have a seat up there. If
15 you'll state your name and spell your last name for the
16 record.

17 THE WITNESS: Sergeant Anthony Adam Creech. Creech
18 is spelled C-R-E-E-C-H.

19 ANTHONY ADAM CREECH,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. MAYES:

23 Q. And, Sergeant Creech, first I want to ask you if you
24 can take that microphone and move it closer to you, please.

25 A. (Witness complies.)

1 Q. I want to ask you starting out about your experience
2 with the Lexington County Sheriff's Department. How long
3 have you been with that agency?

4 A. I've been the Lexington County Sheriff's Department
5 since August 24th of 2009. In that time I've been a patrol
6 deputy, a field training officer, a master deputy on
7 patrol. I joined criminal investigations in the major
8 crimes division in July of 2014 and I've been in that unit
9 since October of 2017, I've been a sergeant within that
10 same division, and I supervise the special victims unit.

11 Q. All right. And when you say you've been a sergeant,
12 I want to ask you a few questions about that. Were you
13 in the role of a sergeant for major crimes back on
14 December 17, 2019, when this triple murder occurred?

15 A. Yes. On December 17, 2019, I was the actual day call
16 sergeant, which means my team was responsible for any major
17 callouts that occurred during the daytime hours that day.

18 Q. All right. And how did you first become involved in
19 this investigation?

20 A. As it turns out, myself and one other detective I had
21 working that day had actually been on a callout since about
22 3:30 that morning, which was still considered day call. We
23 were getting ready to actually go home when our captain of
24 the North Region, Captain Currence, came through the major
25 crimes suite and told me what had happened. It had just

1 come out over the radio, so I hadn't heard it yet. I was
2 actually trying to hopefully go home for the day and that
3 didn't happen, so then I responded to ■■■ Butternut Lane
4 having been notified that we had a home envision with an
5 unknown number of potential casualties, and I was the first
6 detective to arrive on-scene.

7 Q. All right. So looking here at the calendar, I want to
8 take you to specifically to that Tuesday, December 17th.
9 You indicated that you arrived on-scene. How early was
10 your arrival in relation to the investigation?

11 A. Let's see. I've got it written down here. Sorry.

12 Q. Let me ask you this. What activity was taking place
13 when you arrived?

14 A. So I arrived at 11:32. I was en route at 11:23, so
15 I got there fairly quick despite the conditions. I made
16 the mistake of hopping onto I-20 with the heavy traffic
17 and the weather that day. I still got there fairly quick.
18 When I arrived on-scene, we still only had a limited number
19 of responding patrol deputies on-scene and they kind of
20 informed me of what they had. They pointed me to a witness
21 slash surviving victim, Donnovin Haynes, who was secured in
22 a nearby patrol vehicle and they basically went over what
23 we had as far as the scene and what had been secured at
24 that point.

25 Q. All right. So with the 9-1-1 call being at 10:59, you

1 arrived within thirty-three minutes of that?

2 A. Correct.

3 Q. Now you mentioned the weather conditions that day. I
4 want to ask you about that.

5 A. Certainly. It was a rather cold day, but it was also
6 incredibly rainy. We had several spurts of heavy rain that
7 came throughout the day. It was significant enough that we
8 actually had to bring in some tents in order to operate the
9 crime scene, which is pretty unusual.

10 Q. Okay. And you mentioned that Donnovin Haynes was
11 present at the scene. Where was your first interaction
12 with Mr. Haynes?

13 A. My first interaction with Mr. Haynes was in the back
14 of one of our patrol deputies' patrol car. I believe it
15 was Deputy Forgione. I spoke with Donnovin in the back
16 seat of that vehicle.

17 Q. And what, if anything, do you recall about his
18 demeanor?

19 A. He was -- he was pretty upset. He appeared kind of
20 shaken over what had just happened and, of course, when he
21 told me what -- what he had experienced, that was very
22 understandable.

23 Q. All right. And can you tell us whether or not you
24 were there as crime scene actually secured the scene and
25 began processing that scene?

1 A. I was. I arrived -- like I said, I arrived on-scene
2 at 11:32. I don't believe I cleared the scene until
3 probably 10:00, 10:30 PM that night, so I was there when
4 the search warrant was obtained and crime scene made their
5 initial entry. I actually spent quite a bit of time inside
6 the residence with crime scene that day.

7 Q. All right. Now beginning on the 17th, can you tell
8 us whether or not there were efforts by the sheriff's
9 department to locate any video surveillance from the area?

10 A. There were. Since we didn't really have a whole lot
11 to go on at first, once we had additional detectives arrive
12 on-scene one of the things I tasked them with doing is
13 canvassing the immediate area for witnesses in the
14 neighborhood or potential doorbell camera that might be
15 present, as well as local businesses to conduct what we
16 would call a video canvass.

17 Q. Okay. And were you able to locate any video
18 surveillance from within Woodland Village where this crime
19 occurred?

20 A. We weren't. We never made contact with anybody who
21 had doorbell cameras and the complex itself did not have a
22 surveillance system.

23 Q. So regarding the actual parking lot area of Woodland
24 Village, were you able to locate any video surveillance
25 that would show you when vehicles arrived and where

1 potentially those vehicles had parked?

2 A. We weren't able to find any kind of video surveillance
3 showing that.

4 Q. And the management at Woodland Village, again, did
5 they maintain video surveillance?

6 A. They did not.

7 Q. And sometimes people on their own, private citizens,
8 will have their own doorbell or Ring cameras. Were efforts
9 made by the sheriff's department to located any such video
10 surveillance?

11 A. They weren't and in this case we didn't locate any.

12 Q. Okay. Now eventually did you develop a suspect in
13 this case?

14 A. We did. On that Friday night, December 20t of 2019,
15 we finally had some information develop which led us to a
16 potential suspect in this case who was identified as Justin
17 Hopkins.

18 Q. Okay. So I want to back up before we get to then. So
19 you indicated that on the 17th obviously there are efforts
20 to locate video surveillance and I think you indicated that
21 it was on the night of Friday the 20th that Justin Hopkins
22 was developed as a suspect?

23 A. That is correct. We developed Justin Hopkins as a
24 suspect late on December 20, 2019. That Friday night.

25 Q. Okay. And until that point in time, had Justin

1 Hopkins been known to law enforcement by name?

2 A. Regarding this incident, no. We ended up having some
3 prior report history with him for something completely
4 unrelated, but as far as any relation that Justin Hopkins
5 had to this particular investigation, we did not. His name
6 did not come up.

7 Q. Okay. Now did you have any face-to-face or visual
8 contact with Justin Hopkins on the 20th?

9 A. I did not.

10 Q. There's been testimony in this case regarding a white
11 dually truck. When did law enforcement become aware of the
12 white dually truck?

13 A. On the 17th during our neighborhood canvass, some
14 witnesses were identified who described seeing a heavysset
15 black male with a bandage on his face on a bicycle right
16 around the time of the shooting, about 11 AM, attempting to
17 flee the area before getting into a white -- the passenger
18 side of a white dually work truck. We didn't know who that
19 individual was getting -- on the bicycle getting into the
20 truck or who the truck was or the context of the truck, but
21 those were certainly -- based on the timeframe and what the
22 witnesses described, were certainly a person and a vehicle
23 that was of immense interest to the investigation.

24 Q. So going back to the 17th, was law enforcement seeking
25 out that white dually truck as early as the day of the

1 crime?

2 A. We were.

3 Q. Just did not have any names or suspects associated
4 with it?

5 A. Correct, which unfortunately is a little bit of a
6 needle in a haystack without any real identifying
7 information, but we were certainly on the lookout for any
8 white dually trucks in that vicinity.

9 Q. Now were there any other vehicles that law enforcement
10 believed were connected to suspicious activity at the scene
11 other than that white dually report?

12 A. There was an unconfirmed report of a small gold car.
13 I guess the other investigators were on the lookout for
14 that. I never wrote down the source of that information or
15 any specific context, but it's very common in these kind of
16 investigations for the first few days in absence of any
17 concrete leads to responsive information if it comes up or
18 things that local residents will deem suspicious that
19 ultimately ends up being of no relevance at all to the
20 investigation.

21 Q. All right. So our crime is at 10:59 on Tuesday?

22 A. Correct.

23 Q. And this is AM?

24 A. (Nods head.)

25 Q. And can you tell us how frequently people are coming

1 and going from that general area on any given weekday?

2 A. It's a pretty busy area. I mean, it's an apartment
3 complex for one and then it's between St. Andrews and Bush
4 River Road so it's a pretty big area to begin with. Even
5 while we were out there working it seemed to have a
6 significant stretch of the neighborhood kind of shut down
7 for law enforcement purposes and there was still a lot of
8 people trying to come in and out, so it's what I would call
9 a fairly busy area.

10 Q. Can you tell us whether or not that's an area,
11 including the parking lot, where people frequently come and
12 go during daytime hours?

13 A. Absolutely.

14 Q. So other than the white truck, was there any vehicle
15 linked to a suspect?

16 A. There wasn't. The white dually work truck was the
17 only vehicle of interest that we ever linked to an actual
18 suspect in the case.

19 Q. Was there any other vehicle linked to suspicious
20 activity such as travelling at a high rate of speed?

21 A. There was not.

22 Q. So following your attempts to recover video
23 surveillance from here, the Woodland Village area on the
24 17th, you indicated that Justin Hopkins was developed as a
25 suspect by name on 20th. What, if any, efforts was made

1 for a search of Justin Hopkins's residence following that?

2 A. Certainly. So we identified Mr. Hopkins late on the
3 evening of the 20th as a possible person of interest, so
4 the following day, that Saturday the 21st, we did some
5 additional work to shore up him as our person of interest
6 in this case and once we took those additional steps and
7 we determined that he was certainly somebody that we
8 believed was involved in the murders that took place at
9 ■■■ Butternut Lane, we then took steps to secure his
10 apartment -- well, I'm sorry, surveil his apartment while
11 obtaining a search warrant and because of the nature of
12 the crimes as investigated it was consider what would be a
13 very high risk search warrant, so we were working on
14 coordinating additional manpower and resources that we
15 wouldn't necessarily always do in a case like this, so we
16 had detectives surveilling the apartment and while the
17 remainder of us were coordinating getting the search
18 warrant signed and responding to that location to -- to
19 execute that search warrant.

20 Q. So I want to ask you about that. Looking here at
21 State's 3 on the overhead, where were you positioned on
22 the night of the 21st potentially for the execution of this
23 search warrant at the residence of Justin Hopkins?

24 A. So I was initially at our headquarters. I was
25 actually with Sergeant Burt when he was notified by

1 Detective Pratt, who was our initial surveillance unit on
2 the apartment complex. Detective Pratt had just told us
3 that he had seen a white dually work truck pull up to
4 Justin Hopkins' apartment and let out an individual he
5 believed to be Justin Hopkins. Obviously since we had
6 identified Justin Hopkins at this point as a person of
7 interest, we had not made any connection to him in a white
8 dually work truck. So Detective Pratt was instructed to
9 stop that truck and identify it and any other occupants it
10 had. Meanwhile we made efforts to get an additional person
11 in place to do surveillance and at that time I had been
12 relocated to a parking lot nearby. I believe it was down
13 in this area. We were getting some keys, so one of my
14 detectives at the time, Detective Zylstra, was the courtesy
15 officer at Landmark Apartments, and since that's where our
16 search warrant was gonna be conducted I made contact with
17 Detective Zylstra, who was out of work for a family issue,
18 but he was able to get us the keys to the apartment so that
19 we could execute the search warrant and so he had just
20 brought us the keys where we were staged up in that parking
21 lot and at that time we were notified of an additional
22 traffic stop because the replacement surveillance unit had
23 then seen Mr. -- what we believed to be Mr. Hopkins get
24 into another vehicle with two bags and then that vehicle
25 was also stopped on St. Andrews Road.

1 Q. Okay. So I kind of want to go through that series of
2 events. Again, I believe there's been testimony in the
3 case that the search warrant is actually signed at 8:30,
4 but prior to that you had developed surveillance, as well
5 was staging in the area?

6 A. Correct.

7 Q. Now when you talk about staging, can you tell us
8 whether law enforcement officers were located at various
9 areas, including Landmark Apartments, and as you indicated
10 near a -- near a parking area off St. Andrews Road?

11 A. Correct. We had units staged up at -- for
12 surveillance purposes at the apartment, as well as those of
13 us staging up at the parking lot area so that once we were
14 ready to execute the search warrant we would be close by to
15 effectively do that.

16 Q. Now even with unmarked vehicles, can those unmarked
17 vehicles be known as law enforcement vehicles?

18 A. They can. We've been using the types of vehicles we
19 use for unmarked purposes long enough they -- it's pretty
20 obvious when you see a cop. Back in the day, it used to be
21 Crown Vic's, everybody knew if you were driving a Crown
22 Vic, you were probably a cop. Nowadays it's just -- it's
23 Tahoes.

24 Q. Okay. Can you tell us whether or not where you were
25 staged would have been visible from the area of St. Andrews

1 Road?

2 A. It's a pretty deep parking lot. So if you'd been on
3 St. Andrews Road, you might have seen us, but it probably
4 would not have been very likely unless you were just really
5 creeping down St. Andrews Road.

6 Q. Okay. Now moving forward to Landmark Apartments, you
7 indicated that at Landmark Apartments there is an officer
8 observing that location at [REDACTED]?

9 A. That's correct.

10 Q. What is the first traffic stop that you became aware
11 of on the night of December 21st?

12 A. It was the traffic stop on the white dually work
13 truck, which ultimately was being driven by Jeremy Cornish.
14 Like I said, I was at headquarters at the time and then
15 relocated to begin the staging for the search warrant since
16 we knew that Justin Hopkins had just been dropped off at
17 the apartment or what we believed to be Justin Hopkins,
18 that clearly escalated our timeframe as far as executing
19 the search warrant, so we were kind of -- I wouldn't say
20 rushing, but we were not wasting any time to get in place
21 and go ahead and execute that warrant and then while doing
22 so the second stop took place.

23 Q. So just to keep things in chronological order, on the
24 night of the 21st, this would be the traffic stop of the
25 white dually truck?

1 A. That would be, correct.

2 Q. And did you learn via the radio who the driver of the
3 white dually truck was?

4 A. I don't remember if I learned it via radio, but I know
5 I was in phone contact with the detectives that were on
6 that stop and they would have informed me of who it was.

7 Q. Okay. And up until this point in time, had the name
8 Jeremy Cornish been known to law enforcement in relation to
9 this case in any way?

10 A. It wasn't. And as far as I could tell, we had no
11 history with Jeremy Cornish with the Lexington County
12 Sheriff's Department.

13 Q. All right. So you learn this information and you
14 mentioned a second traffic stop. When did that second
15 traffic stop occur in relation to this traffic stop?

16 A. I don't know the exact time. They were in pretty
17 close proximity. Like I said, I know we had to put an
18 additional surveillance unit into place once Detective
19 Pratt stopped the white truck. It took about fifteen
20 minutes for that additional unit to get in place and then
21 it wasn't long after that that the second stop was
22 initiated. It was initiated not far from where this stop
23 was. I think they were maybe about a block or two apart.

24 Q. Okay. And where did you go first?

25 A. I went to the second stop first because, like I said,

1 we were staged up to do the search warrant and then we were
2 notified that who we believed to be Justin Hopkins, again,
3 who was our primary person of interest at this time, had
4 gotten into this vehicle with some bags and some unknown
5 occupants. Our surveillance units was waiting on a marked
6 unit so they could effect that stop and it was very close
7 to where we were staged up in anticipation of the search
8 warrant. So I get on St. Andrews Road and took a left and
9 pretty much had to do a U-turn and that put me behind
10 Sergeant Poole, Detective Brock and Detective Burt, and so
11 I was kind of the straggler unit behind them as they
12 initiated that stop.

13 Q. Okay. And, again, you were initially at this stop
14 here regarding Justin Hopkins and the seizure of those two
15 bags?

16 A. Correct. I believe those would be the two bags he had
17 with him in that vehicle, but those bags as depicted there
18 in the back of Sergeant Burt's vehicle.

19 Q. Okay. Now following your interaction at the stop of
20 Justin Hopkins, where did you go?

21 A. Following my interaction with Justin Hopkins -- so I
22 had been in phone contact with detectives that were with
23 Mr. Cornish that -- so they're telling me what's -- what's
24 transpiring there, what Mr. Cornish is telling them, but
25 just to avoid any confusion and information that may be

1 lost in translation and since they were close by once
2 things were in stable position with Mr. Hopkins' stop, I
3 then relocated to the stop with Mr. Cornish so that I could
4 kind of see what they were dealing with firsthand and
5 potentially to talk to Mr. Cornish a little bit.

6 Q. Okay. Now as the lead investigator with this case,
7 you're familiar with the statement that was made, the audio
8 recording statement that is in evidence in this case,
9 following the interview by Detective Pratt and Detective
10 Dubard with the defendant, Jeremy Cornish?

11 A. That would be correct.

12 Q. So you were aware of his accounting for that day?

13 A. Yes, he had made it very clear that they had been
14 rained out that morning, they had been working at McEntire
15 Airbase and after the job site got rained out that morning
16 he told detectives that he had dropped Justin Hopkins off.
17 I believe he said he dropped him off at the Food Lion on
18 Garners Ferry along with some other employees and after
19 that he didn't see him again that day.

20 Q. Okay. So you were aware that other than dropping off
21 Justin Hopkins that morning, Mr. Cornish indicated that he
22 had gone to the DMV?

23 A. Correct. He said that he had gone to the Department
24 of Motor Vehicles and then some other related errands. He
25 said he had, I believe, got a check from work and gone to

1 an ATM near Five Points and that he said -- he also said
2 that he stayed on that side of town all day.

3 Q. Now were you also aware of a receipt that had been
4 located during this traffic stop in the name of Justin
5 Hopkins for the date of the crime on December 17th?

6 A. I was, and that was one of the things that was
7 brought to my attention when I got to that location was
8 that there had been some DMV paperwork with Justin Hopkins'
9 name on it showing a visit to the DMV on that same date of
10 December 17, 2019.

11 Q. And as a result of that, ultimately what action did
12 you and other investigators take to obtain video
13 surveillance from DMV for the purpose of determining their
14 whereabouts?

15 A. So over the course of the next several days we did
16 make contact with the Department of Motor Vehicles to try
17 to obtain video surveillance from the DMV at O'Neil Court
18 to try to determine the whereabouts of both individuals on
19 that date.

20 Q. And do you have with you the dates on which
21 surveillance was obtained from the Department of Motor
22 Vehicles both for the morning and afternoon?

23 A. I do. On the morning of December 17th we obtained --
24 I'm sorry, the afternoon of the 17th was what we obtained
25 first. We got that video on December 23rd of 2019, but we

1 didn't get the morning video until several days later.

2 Q. Okay. So all of that occurs after the time of the
3 traffic stop?

4 A. Correct.

5 Q. Now also I just want to clarify here, the date of this
6 traffic stop is?

7 A. December 21st of 2019.

8 Q. And you've indicated that was your first contact with
9 the defendant, Jeremy Cornish?

10 A. It was.

11 Q. Was this also the first contact by law enforcement
12 face-to-face or in person with Justin Hopkins on the 21st?

13 A. Relating to this incident, yes.

14 Q. Would this also have been the first time that the home
15 of Justin Hopkins was accessed by law enforcement?

16 A. It was.

17 Q. As well as any physical belongings of Justin Hopkins?

18 A. Correct. This was the -- outside of the crime scene
19 itself and the bicycle that was recovered from Dr. Kadhim
20 at Woodland Village Apartments, this was the first instance
21 where we obtained any additional physical evidence relating
22 to this case.

23 Q. All right. So going back to where we see here, the
24 crime scene, and evidence collected pursuant to the search
25 warrant of that crime scene, can you tell us whether or not

1 the collection of all of that evidence had been completed
2 prior to December 21st?

3 A. It was. So because of the scope of this scene, it
4 did take several -- we did hold this crime scene for about
5 three days because there was so much to process with
6 multiple victims, so just to be thorough it took about
7 three days to finish processing the scene, but by the time
8 of December 21st we had already completed our work at the
9 scene and had released the scene.

10 Q. And would that include the sealing of all evidence
11 prior to December 21, 2019?

12 A. Correct. All evidence would have been collected and
13 secured -- sealed by that point.

14 Q. Now as you indicated, following this traffic stop and
15 the statement made by Jeremy Cornish to investigators, you
16 obtained DMV video.

17 A. We did.

18 Q. We're looking her at State's 8, being a still shot, I
19 believe, from that morning video. Did you also observe
20 this video surveillance yourself?

21 A. I did observe this video.

22 Q. And what, if anything, did you become aware of upon
23 reviewing that video surveillance?

24 A. So this video would have been from the morning of the
25 17th and we quickly observed that we did have Mr. Cornish

1 on video at the DMV as he had previously stated to
2 investigators, but then we also had a subject we believed
3 to be Mr. Hopkins with him. They appeared to have arrived
4 together. What was notable about Mr. Hopkins in this video
5 is more obvious when it's in motion, but you can actually
6 see what appears to be a large bandage on his face.

7 Q. Okay. And can you tell us whether or not you aware of
8 statements made at the scene by Christy Meneses?

9 A. I am.

10 Q. Regarding a heavysset suspect with a band-aid?

11 A. Correct.

12 Q. And upon learning this information, that they had been
13 together at the DMV, what, if any, other action did you
14 take to recover records in this case?

15 A. So we had also -- we were trying to get additional DMV
16 records as well. I think it may have been some paperwork
17 that indicated to us there was possible activity on that
18 afternoon, so we were attempting to get the afternoon DMV
19 video still, but we had also obtained search warrants for
20 phone records in this case.

21 Q. Okay. I want to ask you about that. When you say
22 obtained search warrants for phone records in this case,
23 did that include Sprint records of the defendant, Jeremy
24 Cornish.

25 A. It did.

1 Q. And can you tell us whether or not that included
2 Verizon records of the co-defendant, Justin Hopkins?

3 A. It did. We obtained Sprint records for Mr. Cornish
4 and Verizon records for Mr. Hopkins.

5 Q. What about any Google records?

6 A. Yes. We later also obtained Google records for a
7 Gmail account associated with Mr. Cornish.

8 Q. All right. So when we talk about the Verizon records,
9 let me go back to those briefly. The Verizon records of
10 the co-defendant, Justin Hopkins, when were those obtained
11 by law enforcement?

12 A. They were obtained on December 26, 2019.

13 Q. Okay. So after this interview at the traffic stop?

14 A. Correct.

15 Q. And when were the Google records of the defendant,
16 Jeremy Cornish, obtained?

17 A. Those records were obtained a bit later. We'd already
18 been aware of some Google activity, but the actual records
19 were obtained on September 10th of 2020.

20 Q. When we talk about Google, what, if anything, is the
21 significance of Google records?

22 A. Google records, you know, a lot of people have Gmail
23 accounts, especially if they've got an android phone or
24 even if not, if you've got a Google account, what Google
25 will do if you're using it with a device Google will save a

1 lot of your search history, it will save a lot of your web
2 activity, YouTube activity, e-mails. A lot of people use
3 Google for online cloud storage. It kinds of gives a good
4 overall snapshot of user activity for any kind of device
5 associated with that account.

6 Q. All right. And next I want to ask you about video
7 surveillance from KJ's, being the KJ's Grocery, that has
8 already been admitted as evidence in this case, but it's
9 gonna include what we see here in State's 22, being footage
10 of the white dually truck and a subject getting out of the
11 passenger side there, as well as interior video. Were you
12 able to identify this subject once you viewed the KJ's
13 video?

14 A. I was. Once we obtained this video and were able to
15 watch it, we were confident that the subject depicted on
16 the video right there was the individual we knew as Justin
17 Hopkins.

18 Q. All right. And what about when you viewed the
19 portions of the video from the parking lot, looking here at
20 State's 7 and State's 4, what, if anything, did you observe
21 upon your review of that video?

22 A. So when we saw this video and, again, this was after
23 -- we got this video on January 7th of 2020, but when we
24 did get the video and reviewed it, it was notable that this
25 was the same vehicle we identified on December 21st of 2019

1 driven by Jeremy Cornish and it's more obvious when the
2 video's in motion, but it appears to be Mr. Cornish driving
3 that said vehicle.

4 Q. And, again, you were actually at that traffic stop by
5 the Waffle House and you were able to observe this truck in
6 person?

7 A. Correct. I was.

8 Q. And upon reviewing the truck in person and then
9 reviewing this KJ's video, what, if any, doubt did you have
10 that it appeared to be the same vehicle?

11 A. I had zero doubts they were the same vehicle.

12 Q. And what, if anything, was significant about the time
13 and time stamp regarding the KJ's video?

14 A. So if you look at the timestamp on December 17, 2019,
15 at 11:10 AM, this would be within eleven minutes of our
16 9-1-1 call for the murders at [REDACTED] Butternut Lane.

17 Q. Okay. And regarding the obtaining of this video
18 surveillance, was it confirmed to be an accurate date and
19 time pursuant to the law enforcement investigation?

20 A. It was.

21 Q. And had you also reviewed the video as to where the
22 truck appears to go upon leaving the parking lot?

23 A. I did. It appears to go into the direction of
24 Landmark Apartments, which is located nearby.

25 Q. Can you tell us the date that Jeremy Cornish was

1 arrested for murder in this case, Sergeant Creech?

2 A. He was arrested in this case on December 31st of 2019.

3 Q. All right. So that would be ten days after this
4 traffic stop?

5 A. Correct.

6 Q. Now up until that time, had he ever -- was he in law
7 enforcement custody at any point from the night of the 21st
8 through the date of his arrest on the 31?

9 A. He was not.

10 Q. And that night at the traffic stop, was he free to
11 leave?

12 A. He was.

13 Q. Did you have any interaction with him there at the
14 traffic stop regarding his phone?

15 A. I did. Again, I -- I spoke to him briefly after
16 Detective Dubard and Captain Laintz and Detective Pratt had
17 spoken to him. I had just kind of a brief interaction with
18 him and as part of that interaction he did allow me to take
19 a look at his phone, specifically his saved contact for
20 Justin Hopkins and text messages between the two of them.

21 Q. So I want to ask you a little bit about that. When
22 there was discussion about the phone, can you tell us,
23 again, whether his interaction in this or participation in
24 this interview appeared to be free and voluntary?

25 A. It did.

1 Q. What about the viewing of the phone, can you tell us
2 whether that appeared to be free and voluntary?

3 A. It did. It was a very limited review of what was on
4 the phone. We kept it very targeted to just his saved
5 contact for Justin Hopkins and then, like I said, text
6 messages between the two of you.

7 Q. And did he provide you consent to view that phone?

8 A. He did.

9 Q. As well as photograph that phone?

10 A. Correct.

11 Q. And who provided the passcode to access the phone?

12 A. If I recall correctly, he actually unlocked it himself
13 and just allowed me to look at it from there. I believe he
14 may have provided detectives earlier a passcode while they
15 were speaking to him, but it wasn't necessary during my
16 interaction with him.

17 Q. All right. I'm gonna show you what is State's 232
18 and 233 and ask you whether or not you recognize these
19 photographs?

20 A. I do. I recognize these as some of the photographs I
21 took from Mr. Cornish's phone that night.

22 Q. Okay.

23 MS. MAYES: 232 and 233. And these would have been
24 taken on the night of the 21st there at the traffic stop.
25 233 and 232 for evidence.

1 THE COURT: Any objection?

2 MR. SWERLING: Nothing additional, Your Honor.

3 THE COURT: Okay.

4 MR. SWERLING: Your Honor, just -- obviously I
5 always stand when I address the Court, but my right knee
6 is killing me today, so would it be all right --

7 THE COURT: Absolutely, Mr. Swerling. You can stay
8 seated.

9 MR. SWERLING: Thank you. I'm sorry.

10 THE COURT: Now are there any objections?

11 MR. SWERLING: Nothing additional to --

12 THE COURT: That we've already put on the record
13 and I've preserved throughout this questioning.

14 MS. MAYES: You also indicated that you obtained
15 Google records pursuant to a search warrant.

16 Your Honor, at this time the State offers 195 and
17 237 regarding Google records also pursuant to the State's
18 notice of evidence in this case under 19-5-520.

19 THE COURT: All right. 195 and --

20 MR. SWERLING: No objection.

21 THE COURT: What was the other one? 195 and?

22 MS. MAYES: 237.

23 All right. All the ones that she just mentioned and
24 the two previous ones are admitted.

25 (State's Exhibit Number 195, Google subscriber

1 information, State's Exhibit Numbers 232 and 233,
2 photographs, and State's Exhibit Number 237, Google
3 records, were admitted into evidence.)

4 BY MS. MAYES:

5 Q. Now I want to move forward following his arrest,
6 which you indicated was on December 31st 2019. Following
7 his arrest, did there come a time where you participated
8 in another interview with Mr. Cornish?

9 A. There was. On January 23rd of 2020, there was an
10 additional interview with Mr. Cornish which was initiated
11 by his attorney, Mr. Leventis.

12 Q. Okay. And can you tell us where that interview took
13 place?

14 MR. SWERLING: Judge, may we approach one moment?

15 THE COURT: You may.

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

17 THE COURT: Okay. Proceed, Ms. Mayes.

18 MS. MAYES: Yes, Your Honor.

19 BY MS. MAYES:

20 Q. So we're gonna move forward now. You indicated that
21 you had an opportunity to have another interview with the
22 defendant, Jeremy Cornish, following that initial
23 interaction that he had with law enforcement on the night
24 of the traffic stop on December 21st?

25 A. Yes, on January 23rd of 2020 after he was arrested

1 on the 31st, there was an interview at the sheriff's
2 department in Interview Room 1 with myself, Mr. Leventis,
3 Mr. Cornish, Deputy Solicitor Graham and one of my
4 detectives at the time, Detective Howell.

5 Q. And what, if any, decisions were made regarding
6 recording of that interview whether by audio or video?

7 A. The decision was made -- the agreement of all parties
8 was that there would be no recording done.

9 Q. That it would not be recorded?

10 A. Correct.

11 Q. However, did you document the content of that
12 interview, including statements made by Mr. Cornish?

13 A. I did. And just to ensure as much accuracy as
14 possible, I had Detective Howell review that in length to
15 ensure that it was an accurate representation of the
16 interview.

17 Q. Okay. Now you indicated that Mr. Leventis was also
18 present?

19 A. He was.

20 Q. But was Mr. Cornish advised of his Miranda rights as
21 a formality during this interview?

22 A. He was. Even though he was present with his attorney,
23 and Mr. Leventis had asked for this interview, we did begin
24 the interview by reading Mr. Cornish his Miranda rights,
25 which were waived, and they agreed to continued speaking

1 with us.

2 Q. And could you state for the record the rights that
3 would have been advised to Mr. Cornish on that date, being
4 January 23, 2022.

5 A. Sure. Those rights would have been. You have the
6 right to remain silent. Anything you say can and will be
7 used against you in a court of law. You have the right to
8 talk to a lawyer and have him or her present with you while
9 you're being questioned. If you cannot afford to hire a
10 lawyer, one will be appointed to represent you before any
11 questioning, if you wish. You can decide at any time to
12 exercise these rights and not answer any questions or make
13 any statements. Followed by, do you understand each of
14 these rights as I've explained them to you, and having
15 these rights in mind, do you wish to speak with us at this
16 time.

17 Q. All right. And having been advised of those rights,
18 those Miranda rights, can you tell us whether or not the
19 defendant, Jeremy Cornish, waived those rights and agreed
20 to speak with you?

21 A. He did.

22 Q. And you indicated that an attorney was -- his
23 attorney, Mr. Leventis, was present, but let me ask you
24 did he remain present throughout that interaction with
25 Jeremy Cornish on that day?

1 A. He did. We never were alone with Mr. Cornish without
2 Mr. Leventis' presence.

3 Q. And did you ever promise Mr. Cornish anything in
4 exchange for participating in the interview?

5 A. We did not make any promises whatsoever.

6 Q. Was he threatened in any way in order to participate
7 in an interview?

8 A. He was not.

9 Q. Or coerced by yourself or any other member of law
10 enforcement who may have been present?

11 A. He was not.

12 Q. Based upon your observations on that date of
13 January 23, 2020, did his participation in the interview
14 appear to be freely and voluntarily given?

15 A. It did.

16 Q. Now I want to ask you to refer directly to your notes.
17 You indicate that you did document this interview?

18 A. I did.

19 Q. And can you tell us whether or not you included it in
20 your official supplemental report as lead investigator in
21 this case --

22 A. I did.

23 Q. -- and sergeant? I'm gonna refer you to your report
24 and ask you what happened at the beginning of the
25 interview.

1 A. So following the reading of his Miranda rights and him
2 agreeing to speak with us, the next thing that happened was
3 we asked for the passcode to his cell phone and he provided
4 a passcode of 4123. We had phone in the interview in case
5 it became necessary to go through the contents of the phone
6 while conducting the interview.

7 Q. All right. So I want to ask you about that. Did he
8 provide you the passcode to the phone?

9 A. He did.

10 Q. And did he give you permission to view the phone?

11 A. Not in that exact moment, but later on in the
12 interview they did give us permission to go through the
13 phone.

14 Q. Okay. And did that include taking photographs of the
15 phone?

16 A. It did.

17 Q. And ultimately an extraction or search of the phone?

18 A. Correct. I took what we refer to as a manual
19 preview, which is basically flipping through the phone
20 and photographically documenting observations, but then we
21 later conducted an actual data extract using Cellebrite and
22 take what we would refer to as an advance logical and a
23 file system extraction.

24 Q. Okay. And you conducted that phone extraction
25 yourself?

1 A. I did.

2 Q. And you are trained to do so?

3 A. I am.

4 Q. I'm gonna show what is State's 235 and 178 and ask
5 you whether or not you're familiar with these items?

6 A. Yes. So this would be the phone of Jeremy Cornish.
7 It was actually turned over to me by our fugitive
8 investigators on December 31st following his arrest, so
9 I actually am the officer who turned it into evidence.
10 Because of the examinations that have taken place, there's
11 multiple seals on it with initials and dates.

12 Q. And you recognize your own initials on this item?

13 A. I do.

14 Q. And you know this to be the phone of Jeremy Cornish
15 based on the packaging?

16 A. Correct. Based on the packaging and the initials and
17 dates on the seals.

18 MS. MAYES: Permission to unseal, Your Honor?

19 MR. SWERLING: Judge, I'm gonna move to strike the
20 word "fugitive". It is a misnomer in this case. An
21 arrest warrant was issued, he was arrested on his job.
22 He was never a fugitive.

23 THE COURT: Okay. I didn't hear the word
24 "fugitive".

25 Do you have that down, Stacy?

1 THE COURT REPORTER: Let me see.

2 MS. MAYES: We have no objection to striking, Your
3 Honor, and I believe that can be clarified.

4 THE COURT: Okay. I'm gonna tell the jury the
5 fugitive task force, I'm gonna strike it from the record.
6 That means you are not to give it any consideration
7 whatsoever, okay?

8 BY MS. MAYES:

9 Q. And just to clarify, Sergeant Creech, in this case he
10 was arrested at his job site?

11 A. Correct. He was.

12 Q. So he was not an actual fugitive?

13 A. No, he was not.

14 THE COURT: Thank you, Ms. Mayes.

15 BY MS. MAYES:

16 Q. And the procedure for accessing the phone, I believe
17 you indicated is using what type of device?

18 A. We use a device called a Cellebrite Touch 2. It's
19 developed by a company called Cellebrite, which is an
20 Israeli company that specializes in digital forensics.

21 Q. All right. And you've indicated that in the past you
22 have conducted such examinations?

23 A. On numerous occasions.

24 Q. And you've been trained in doing so?

25 A. I have.

1 Q. What training have you received regarding cell phone
2 extraction?

3 A. I've received specifically regarding Cellebrite forty
4 hours of Cellebrite certified operator and -- a full
5 certification course through Cellebrite and in addition
6 I've received approximately one hundred hours of additional
7 various digital forensics training and then I've probably
8 conducted examinations on approximately three or four
9 hundred cellular devices or mobile devices.

10 Q. And can you tell us whether or not that Cellebrite
11 software that's used for the phone extraction is accepted
12 among peers in your field?

13 A. It is.

14 Q. As well as utilized by numerous other law enforcement
15 agencies?

16 A. It is. It's probably the most common service used to
17 do digital forensics on mobile devices.

18 Q. And does that include the United States Secret Service
19 and SLED?

20 A. Yes, the United States Secret Service and SLED, as
21 well as the Attorney General's Office all use Cellebrite.

22 Q. Now have you been qualified previously as an expert in
23 the field of mobile cell phone extraction?

24 A. I have in June of this year. In this court, in fact.

25 MS. MAYES: Your Honor, at this time the State

1 would offer Sergeant Creech as an expert in the field of
2 cell phone extraction.

3 THE COURT: Any objection?

4 MR. SWERLING: No.

5 THE COURT: All right. I'm gonna tell the jury
6 Sergeant Creech is gonna be qualified in the area of
7 mobile cell phone extractions and he's gonna be able to
8 give opinion testimony in that area. You can choose to
9 give it the weight that you wish to just like any other
10 witness, okay?

11 BY MS. MAYES:

12 Q. So we're looking here at the LG smart phone.

13 A. Yes, ma'am.

14 Q. And can you tell us looking at --

15 MR. SWERLING: Judge, can we approach a moment to
16 clarify something?

17 THE COURT: Sure.

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

19 THE COURT: Carry on, Ms. Mayes.

20 BY MS. MAYES:

21 Q. So, again, the date of this phone extraction following
22 the initial photographs that were taken from the phone
23 during the meeting on the 23rd?

24 A. Yes. What was the --

25 Q. The date of the phone extraction?

1 A. Yes, it was January 24th of 2019. So it was -- we
2 basically initiated the review on the 23rd during and
3 following the interview and the extraction was completed
4 the following day.

5 MS. MAYES: All right. I beg the Court's indulgence.

6 THE COURT: Take your time.

7 MS. MAYES: And this particular CD, Your Honor,
8 the CD of the extraction, is 235, is for ID only.

9 THE COURT: Okay. And no objection to the ID only.

10 MS. MAYES: And then the phone, 178, is for evidence.

11 BY MS. MAYES:

12 Q. You indicated that during the meeting on the 23rd you
13 you taking photographs from the phone as well?

14 A. I was. We were -- as the interview progressed, we
15 took some observations regarding Internet activity, e-mail
16 activity, search history.

17 Q. Okay. And we will get to that momentarily, but I want
18 to go back to the interview. I believe you said the first
19 thing that happened is you requested permission for the
20 passcode to the phone and he granted that to you?

21 A. Yes, ma'am. That would be correct.

22 Q. And then what occurred next?

23 A. Then we just asked to go over the events of his
24 actions on the 17th again, and just so we're not skipping
25 over, at the beginning of the interview he also had told us

1 -- so on the night of the 21st he told us that he had not
2 heard anything about the murders on December 17th prior to
3 us arresting Justin Hopkins and telling Mr. Cornish what
4 was going -- what he was being arrested for. When this
5 interview was taking first, that was one of the first
6 things he repeated was he said again that he had not heard
7 about the murders on December 17, 2019, prior to our
8 interactions with him on December 21st.

9 So then going to back to Ms. Mayes' original question,
10 the next thing that took place in the interview is we just
11 asked him to go over his activities on December 17th once
12 more. He told us that he woke up that morning to go to
13 work, picked up a couple of members of his work crew in
14 Blythewood who he identified as Quinton and Dante. He said
15 he later received a text message from Justin Hopkins asking
16 him to pick him up from Richland Village Apartments. After
17 picking Justin up, he said they went to McEntire Airbase
18 where they attempted to start work that morning, but work
19 was cancelled after about half an hour because of the
20 weather conditions.

21 Q. And I'm gonna need you to slow down for the sake of
22 our court reporter, please.

23 A. Yes, ma'am.

24 Q. So he has gone through the events that morning and
25 indicated that he picked up Mr. Hopkins I believe you said

1 at the Food Lion on Garners Ferry?

2 A. No, he told us he picked him up at Richland Village
3 Apartments.

4 Q. Richland Village Apartments.. And then they were
5 rained out?

6 A. Yes, ma'am.

7 Q. And how, if at all, did his story or his statement
8 to you on January 23rd change from his statement at the
9 traffic stop on December 21st?

10 A. I believe he had actually told the officers on --

11 MR. SWERLING: Judge, I'm gonna object.

12 January 23rd is out.

13 THE COURT: All right. Let me see the lawyers.

14 MS. MAYES: January 23rd.

15 MR. SWERLING: I'm sorry. I got my dates mixed up.

16 THE COURT: While we've got this little break, I
17 want to make sure I admitted the cell phone, which was
18 178. The Court admits it.

19 MR. SWERLING: I'm sorry.

20 THE COURT: That's okay.

21 (State's Exhibit Number 178, an LG cell phone, was
22 admitted into evidence.)

23 THE COURT: Go ahead, Ms. Mayes.

24 BY MS. MAYES:

25 Q. ' Sergeant Creech, you've indicated his statement

1 regarding his whereabouts that morning, but following the
2 statement where he picks up Mr. Hopkins how, if at all, did
3 his statement on January 23rd differ from the statement at
4 the traffic stop on December 21st?

5 A. I just want to check something if you'd give me just
6 a moment. I believe there was testimony that he picked
7 him up at a different location that morning, so that was
8 a notable change, although minor. As we continued to
9 speak with him though, he had previously said on the 21st
10 that he went to the DMV after dropping Mr. Hopkins off at
11 Food Lion with additional employees and then Mr. Cornish
12 said he went to the DMV. During his statement to us then
13 on January 23rd of 2020, he now told us that he and Justin
14 went to the DMV together after dropping the other two
15 employees off and that he had some fines he had to address
16 on his license. He said that after going to the DMV,
17 Jeremy said -- he asked his employer, Willie Patterson, to
18 borrow some money, about \$425.00 for these fees. Jeremy
19 then said he went to his home address, which is [REDACTED] Angel
20 Valley Way with Mr. Hopkins. He said that they then
21 dropped off Mr. Cornish's girlfriend at her parents'
22 address, at which time he then drove Justin back toward his
23 apartment in the St. Andrews Road area, which would be [REDACTED]
24 Landmark Drive. On the way to do so, Mr. Cornish told us
25 that Justin asked him if he wanted to purchase some

1 marijuana and he said that they drove to some apartments in
2 the area. Mr. Cornish described it was kind of difficult
3 to get to, but said he drove Justin into the complex and
4 parked near the entrance.

5 Q. All right. I'm gonna stop you right there.

6 A. Yes, ma'am.

7 Q. Okay. You're gonna need to slow down.

8 A. Yes, ma'am.

9 Q. So let's go back. Again, the original statement had
10 been that he went to the DMV alone and by this time you
11 said -- you indicated that you had acquired the DMV video
12 surveillance?

13 A. Yes, at this point we had obtained the video
14 surveillance for that morning and that afternoon.

15 Q. So you were already aware that he had been with
16 Mr. Hopkins that morning?

17 A. We were.

18 Q. And during the course of this statement, he now
19 acknowledges that he went to the DMV and took Mr. Hopkins
20 with him?

21 A. Correct. He now acknowledged that they did go to the
22 DMV together that morning.

23 Q. And after the DMV, where did Mr. Cornish state he went
24 next?

25 A. After the DMV, he said they went to Jeremy's home and

1 he took Mr. Hopkins with him.

2 Q. Okay. And he's referring to his own home, I believe
3 you said, which is Angel Garden Way in Richland County?

4 A. Yes, ma'am. Correct.

5 Q. And then after they left the home of Jeremy Cornish,
6 where does he indicate he went next?

7 A. He said that they dropped his girlfriend off at her
8 parents' house and after that he was asked to drive Justin
9 back to his apartment.

10 Q. All right. And, again, that would be a reference to
11 which apartment?

12 A. Landmark Apartments at ■ Landmark Drive.

13 Q. In Lexington County?

14 A. Yes, in Lexington County.

15 Q. And did Mr. Cornish indicate whether or not he
16 actually drove Mr. Hopkins to that area of Lexington
17 County?

18 A. Yes, he said he did. He said while on the way Justin
19 asked him if he would be willing to stop to purchase some
20 marijuana.

21 Q. All right. Now how, if at all, does this
22 acknowledgment of coming to the St. Andrews area differ
23 from the statement on the 21st?

24 A. On the 21st, he told us that he stayed at the Two
25 Notch Road area all day after dropping Justin off and not

1 seeing him again that day.

2 Q. Where did he indicate in this statement he went with
3 Mr. Hopkins for the purpose of purchasing marijuana?

4 A. He said he went to some apartments in the St. Andrews
5 area. He indicated that they were kind of hard to go, that
6 Mr. Hopkins had to direct him on how to find them.

7 Q. And those were his words?

8 A. Yes, ma'am.

9 Q. And I want to refer you directly to your incident
10 report -- supplemental report.

11 MR. SWERLING: Do you have a page reference?

12 MS. MAYES: It's 44 at the bottom right-hand corner.

13 BY MS. MAYES:

14 Q. All right. In that first paragraph, how did you note
15 his description of being able to locate those apartments?

16 A. So what I wrote exactly is what he described; that
17 it's difficult to get to and he said he drove to Justin to
18 the complex and parked near the entrance.

19 Q. All right. And based on your communications with
20 him, can you tell us whether or not he indicated he was
21 unfamiliar with that route or location?

22 A. He did not appear to be familiar with the area.

23 Q. Based on his statement to you on the 23rd?

24 A. Yes, ma'am.

25 Q. And what does he state happened next?

1 A. So next he says that Justin got out. So he says he
2 parked near the entrance. He says Justin got out to go
3 purchase marijuana. Mr. Cornish then told us that he
4 stayed in the truck and was checking his e-mail when he
5 received a phone call from a friend.

6 Q. All right. So I want to stop you right there. So his
7 statement is that he stayed in the truck and checked his
8 e-mail?

9 A. Correct.

10 Q. And I believe you indicated in your report his
11 statement was that he received a phone call from a friend?

12 A. That is what he said.

13 Q. And you have access to his phone during the course of
14 this interview?

15 A. I did.

16 Q. Did you follow up on that to determine whether or not
17 he had received a phone call from a friend during the
18 timeframe that this crime occurred?

19 A. I did. Later in the interview, we did ask to actually
20 turn the phone on and access it to see if this was true.

21 Q. Whether or not there were any phone calls within that
22 time period?

23 A. Yes, ma'am. To see if there were any corresponding
24 phone calls during that period.

25 Q. And, of course, you've got the 9-1-1 being made at

1 10:59?

2 A. That is correct.

3 Q. I'm gonna show you what is State's Exhibit 223, as
4 well as State's Exhibit 227 and 231. I'm gonna start with
5 showing you 223 and ask you how, if at all, you recognize
6 that?

7 A. I recognize this as the photograph that was taken of
8 the call logs during the interview.

9 Q. And, again, was that done by the consent of
10 Mr. Cornish?

11 A. It was.

12 Q. With counsel present?

13 A. Yes, ma'am.

14 Q. And I'm gonna show you what is State's 231.

15 A. This would be an e-mail that he directed us to that
16 he said he was looking at during that period at well.

17 Q. Again, this photograph being taken from his phone on
18 what date?

19 A. January 23, 2020.

20 Q. During the course of that interview?

21 A. Yes, ma'am.

22 Q. And now I'm gonna show you what is State's 227 and ask
23 you if you recognize where this particular item came from?

24 A. I do. This would be the call log for that same period
25 that was obtained from the Cellebrite extraction.

1 Q. And that would be the phone extraction conducted on
2 January 24, 2020?

3 A. Correct.

4 Q. Again, by consent pursuant to that interview with
5 Mr. Cornish?

6 A. Yes, ma'am.

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

8 This would be 227, 231 and 223 for evidence.

9 THE COURT: Any objection?

10 MR. SWERLING: Your Honor, we're just looking at
11 them right now if the Court will indulge us a moment.

12 THE COURT: Uh-huh.

13 MR. SWERLING: Sorry, Your Honor. Looking at phone
14 records are very difficult to understand.

15 THE COURT: That's okay. Take your time.

16 MR. SWERLING: Approach, Your Honor?

17 THE COURT: You may.

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

19 THE COURT: All right. Mr. Foreman and ladies and
20 gentlemen of the jury, I'm gonna send you-all to an early
21 lunch today. There's gonna be something I need to take up
22 with the lawyers. I'm gonna ask you to come back at 1:00.
23 This is a littler longer lunch, but I think this is gonna
24 take a little bit longer to go over.

25 Remember do not talk about this case and I will see

1 you-all -- be in the jury room at a quarter till one.

2 Thank you.

3 (Whereupon, the jury was excused for lunch at
4 10:53 AM.)

5 THE COURT: All right, Sergeant. You're under oath.
6 You can't talk to anybody about this case.

7 THE WITNESS: Yes, ma'am.

8 THE COURT: You can certainly step down and go have
9 lunch, but don't talk with anyone about the case.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Okay. We're gonna be in recess until
12 1:00. I'm gonna let you-all try to work this out, but
13 before we go to recess, let me -- there was some question
14 as to whether I made a ruling on the Jackson v. Denno.
15 I recall making a ruling. In fact, specifically to the
16 21st traffic stop, the 23rd interview that he had his
17 lawyer present. I think the one that I suppressed was
18 the 21st --

19 MR. HUBBARD: It's the December 23rd of 2019 and
20 then December 31st of 2019. What's confusing here is we
21 have two 23rd's.

22 THE COURT: Two 23rd's. One of the 23rd's I
23 suppressed.

24 MR. HUBBARD: December of 2019.

25 THE COURT: That's right. And that was the statement

1 with the DNA swab.

2 MR. HUBBARD: Correct, Your Honor.

3 THE COURT: Every other statement I thought I had
4 ruled on, but specifically to the one that Mr. Swerling
5 brought up with his attorney, Mr. Leventis, I find it
6 voluntary. He had counsel. He was read his Miranda.
7 He waived his rights. There were no promises, threats
8 or any evidence that he's been coerced, so all of those
9 are voluntarily made.

10 Also to the other statements just to cover the bases
11 to make sure it's on the record, I ruled earlier that all
12 of those statements were coming in under the same pretext
13 that they were made voluntarily. He -- especially I
14 remember making the one with the long, do you want to
15 have a long talk with us.

16 MR. SWERLING: Right.

17 THE COURT: Because that was the 21st stop that I
18 believe lasted somewhere is between hour and a half to
19 maybe two hours, but I found that he freely consented.
20 He wasn't threatened. In fact, it was tape-recorded.
21 I got to hear most of that. I didn't find any promises,
22 any coercion. If anything -- and he wasn't a suspect at
23 that time, so the testimony that we proffered at that
24 time stated. Even so I found it voluntary and he was
25 cooperative.

1 So I think that covers all the statements and I
2 want to make sure that there's no question that I've
3 ruled on those.

4 MR. HUBBARD: Thank you, Your Honor.

5 MR. LEVENTIS: Your Honor, may we approach one
6 moment?

7 THE COURT: Sure.

8 MR. SWERLING: Judge, if I could -- while he's
9 approaching, if we could get let the jury know that one
10 of us -- somebody had a medical appointment that had --
11 we weren't interrupting everything for two hours.

12 THE COURT: I'm gonna tell them it was me who had a
13 medical appointment.

14 MR. SWERLING: We don't have to do that. Just
15 somebody.

16 THE COURT: I don't mind doing that. I'll do it.
17 I'll tell them that it was my fault as to why we're
18 taking an early lunch and an extended lunch.

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

20 (Whereupon, a luncheon recess was taken at 10:57 AM.)

21 (Back on the record at 1:03 PM.)

22 BAILIFF: All rise. The court is now in session.

23 THE COURT: Be seated.

24 All right. Is there anything we need to take up
25 before I bring the jury in and we continue?

1 MS. MAYES: Yes, Your Honor. I believe based on
2 our conference with defense counsel, there is a matter
3 we want to put on the record through in-camera testimony
4 of Detective Marthers, but first we would have --
5 Detective Creech is actually on the stand and there's
6 some follow-up that he needs to address also in-camera
7 until we proffer Marthers.

8 THE COURT: Well, let's do it because I hate to keep
9 the jury waiting.

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

11 THE COURT: Okay.

12 All right. Well, then that sounds good to me.
13 We'll put it on the record.

14 THE COURT: All right. I've got Sergeant Creech on
15 the stand.

16 Sergeant Creech, I want to remind you you're under
17 oath. We're not continuing your testimony just this
18 second. What we're doing is doing an in-camera hearing
19 and I'm telling you you're still under oath during this
20 in-camera hearing.

21 Okay. Go ahead, Ms. Mayes.

22 EXAMINATION (In-Camera)

23 BY MS. MAYES:

24 Q. And, Sergeant Creech, you have already acknowledged
25 being familiar with the defendant's cell phone extraction?

1 A. Yes, ma'am.

2 Q. As well as photographing the contents of his phone
3 during that consensual perusal of his phone on January 23,
4 2020?

5 A. That would be correct.

6 Q. All right. I'm gonna show you two documents and ask
7 you whether or not they indicate any missed calls at
8 approximately 10:35 AM on December 17th, the day of the
9 crime?

10 A. Yes, the photographs taken on December 21st, indicated
11 a miscall at 10:35 from a mobile number of [REDACTED].
12 The contact's listed as Crazy and that's also reflected in
13 the Cellebrite extraction.

14 Q. And after observing the missed call, I believe your
15 testimony was originally the defendant made a statement
16 that he had received a call around the timeframe of the
17 crime?

18 A. Yes, ma'am. That would be correct.

19 Q. All right. Now you indicated that after you made
20 those observations regarding the missed call, did you ask
21 the defendant Jeremy Cornish again about that particular
22 phone call around the timeframe of 10:35 AM on December 17,
23 2019?

24 A. We did. We asked -- asked him about it once we saw
25 the call log, that it was actually a missed call and not a

1 completed call. He then told us that he missed the call
2 because he was reading an e-mail from work.

3 Q. All right. At this point in time during the course
4 of this interview, he acknowledges to you that he did, in
5 fact, miss that call?

6 A. Correct. He did.

7 Q. And is it still that same call that we're referring to
8 being the 10:35 to 10:36 AM call on December 17th, 2019?

9 A. It is.

10 MS. MAYES: Thank you. Nothing further on that
11 issue.

12 And at this time, Your Honor, in-camera, the State
13 would call Detective Brannon Marthers.

14 THE COURT: Okay. I'm gonna excuse you, Sergeant
15 Creech. You're still under oath and you're still on
16 the stand when we come back.

17 (Whereupon, the witness steps down from the
18 witness stand.)

19 (Court's Exhibit Number 38 was marked for
20 identification.)

21 (Whereupon, Brannon Marthers was duly sworn by the
22 Clerk of Court.)

23 THE CLERK: Have a seat up there. If you'll state
24 your name and spell your last name for the record.

25 THE WITNESS: Brannon Marthers, M-A-R-T-H-E-R-S.

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BRANNON MARTHERS,

having been duly sworn, testified as follows:

EXAMINATION (In-Camera)

BY MS. MAYES:

Q. All right. Detective Marthers, I believe you are now
Sergeant Marthers?

A. Yes, ma'am.

Q. Tell us where you are employed and in what capacity.

A. I am the supervisor in the Criminal Intelligence Unit
at the Lexington County Sheriff's Department.

Q. And as part of the Criminal Intelligence Unit, does
that involve the evaluation of call detail records and cell
phone analysis?

A. The call detail records is part of my job function.

Q. And cell phone analysis of cell tower locations,
things of that nature?

A. Yes, ma'am.

Q. And does that require phone records to do so?

A. Absolutely.

Q. And does that require the ability to analyze and
interpret those phone records?

A. Yes, ma'am.

Q. Including phone activities such as in-going, outgoing
calls, missed calls, voicemail, any type of phone activity
within phone the records?

1 A. Anything that the network captured, yes, ma'am.

2 Q. Sergeant Marthers, have you been previously qualified
3 as an expert in the field of cell phone -- cell phone
4 records analysis?

5 A. I believe the exact terminology was call detail record
6 analysis and mapping, but, yes, ma'am, four times fore
7 sure, possibly a fifth.

8 Q. Okay. And that's all here in Lexington County?

9 A. Yes, ma'am, in this courtroom.

10 MS. MAYES: Your Honor, at this time the State would
11 offer Sergeant Marthers as an expert in the field of cell
12 phone call record detail analysis.

13 THE COURT: Any objection?

14 MS. WILSON: No objection.

15 THE COURT: Okay. We're gonna admit him as an
16 expert.

17 BY MS. MAYES:

18 Q. All right. So I want to start with the phone
19 extraction information. You're familiar in this particular
20 case with a phone extraction conducted on the phone of
21 Jeremy Cornish?

22 A. Through Cellebrite, yes, ma'am.

23 Q. I'm gonna show you what is State's 227 --

24 A. Yes, ma'am.

25 Q. -- and ask you whether or not you're familiar with a

1 missed call being at 10:35 AM on December 17, 2019?

2 A. Yes, ma'am. 10:35 and 46 seconds.

3 Q. All right. And does the cell phone extraction show
4 whether or not that was a missed call?

5 A. It does indicate it was a missed call.

6 Q. And then in addition to that, the actual call log from
7 within the phone by photograph, are you familiar with that
8 as well?

9 A. Yes, ma'am.

10 Q. I'm gonna show you what is State's 223.

11 A. Uh-huh.

12 Q. Are you familiar with the symbols in a phone, this
13 being an LG Samsung regarding what is in-going and outgoing
14 calls?

15 A. Yes, ma'am. The red arrows that are pointing to the
16 receiver would indicate that it's an incoming call, the
17 green arrow going away from the receiver would be the phone
18 is making an outgoing call.

19 Q. And do you see numerous logos along the call log
20 indicating that this particular phone did receive and have
21 outgoing calls?

22 A. Yes, ma'am.

23 Q. Receive incoming calls and make outgoing calls?

24 A. Yes, ma'am.

25 Q. In accordance with those symbols that you just told us

1 about?

2 A. Yes, ma'am.

3 Q. Now do you see any other type of symbol?

4 A. Yes, ma'am. There's one that appears to be like a
5 receiver that is -- you can say it's hung up, but the arrow
6 is kind of bouncing off of it.

7 Q. Okay. And how is that different than an in-going or
8 outgoing call?

9 A. It would suggested that the call is missed.

10 Q. And what time is the time of that particular call?

11 A. 10:35 AM.

12 Q. Can you tell us whether or not that is consistent with
13 the cell phone extraction showing a missed call at 10:35 AM
14 on December 17, 2019?

15 A. Yes, ma'am. It is consistent.

16 Q. All right. And the name associated in contacts with
17 that particular call is?

18 A. Crazy.

19 Q. And what is that phone number?

20 A. The number is indicated to be [REDACTED].

21 Q. And then looking at the cell phone extraction, again,
22 that particular call that shows as missed that you've
23 already identified on State's 227, what's the phone number
24 associated with that call?

25 A. Again, it's indicated to be [REDACTED].

1 Q. And the name associated with that particular contact?

2 A. Crazy.

3 Q. Do both of those records appear consistent?

4 A. Yes, ma'am.

5 Q. Now I'm also gonna ask you about the Sprint records
6 of Jeremy Cornish. Have you had an opportunity to review
7 those?

8 A. Yes, ma'am.

9 Q. And do you have those before you now?

10 A. I do have a copy.

11 Q. Okay.

12 MS. MAYES: And for the record, Your Honor, the
13 State is not offering the Sprint records in this case. I
14 believe there have been numerous motions and objections
15 regarding the Sprint records. We are not offering them
16 in any format in front of the jury, so this would simply
17 be for the purposes of this hearing to address the issue
18 raised by counsel regarding the Sprint records at the bar.

19 This is Court's 38. Again, not State's 38, but
20 Court's 38, being the Sprint records of Jeremy Cornish.

21 THE COURT: All right.

22 BY MS. MAYES:

23 Q. I'm gonna ask you to take a look at Court's 38. Now
24 I'm gonna refer you to that same timeframe of 10:35 AM on
25 December 17, 2019. Do you see the call that you just

1 identified by both a photo of the call log within the phone
2 of Jeremy Cornish and the phone extraction of Jeremy
3 Cornish?

4 A. Yes, ma'am. The phone number [REDACTED] contacted
5 -- or attempted to contact rather [REDACTED]. The phone
6 call was placed at 10:35 and 46 seconds and ended at 10:36
7 11 seconds, which was then routed according to the
8 documentation provided from the phone company, to a
9 voicemail exchange which picked up at 10:36 and 13 seconds
10 and it appears that no voicemail was left because it hung
11 up one second later.

12 Q. All right. So looking here at the phone records,
13 which is Court's 38, is that two separate calls or both the
14 same call?

15 A. You would perceive it to be the exact same call
16 despite the record showing it as two different things.
17 There are two different functions the network is doing. It
18 is acting as a normal phone call; but, however, when it's
19 not received it was route that call to the voicemail
20 network.

21 THE COURT: It just rolls over?

22 THE WITNESS: Yes, ma'am. Automatically does it by
23 the network.

24 BY MS. MAYES:

25 Q. And does the record also show whether or not that call

1 was routed?

2 A. Yes, ma'am. It shows it as a routed call.

3 Q. And can you tell us whether or not all of that is
4 consistent with that call being missed and going to
5 voicemail?

6 A. Yes, ma'am, it is.

7 MS. MAYES: Court's 38, Your Honor. And that's all
8 from the State.

9 THE COURT: Anything from the defense?

10 MR. SWERLING: No, Your Honor.

11 THE COURT: Okay. Thank you.

12 I'm gonna let -- Sergeant Marthers go.

13 THE WITNESS: Thank you, Judge.

14 THE COURT: Thank you.

15 (Witness excused.)

16 THE COURT: All right. I'm gonna rule that they're
17 gonna come in. I mean, it's pretty -- they pretty much
18 explained it. The photo on the phone shows a missed
19 call, the phone itself, the Cellebrite, indicates it
20 also received and makes it a missed call, then we've got
21 Sergeant Marthers, who is -- was qualified as an expert,
22 says it's the same call and when it didn't answer it
23 rolled over and went straight to voicemail, which on the
24 Sprint records it shows as -- I guess he said you could
25 perceive it as two calls. It's really one because there

1 were two separate functions that happened. The call was
2 made, missed and went to voicemail.

3 So I'm gonna allow it to come in.

4 Any objections?

5 MS. WILSON: Nothing further.

6 THE COURT: Okay. Great.

7 (State's Exhibit Numbers 223, 227 and 231,
8 photographs, were admitted into evidence.)

9 THE COURT: Can we put Sergeant Creech back on the
10 stand, sorry to do it to you, and I'm gonna remind you
11 that you're still under oath. I'll remind you that again
12 when the jury comes in so they'll know.

13 Let's bring them in.

14 MS. MAYES: Your Honor, if the witness needs a break
15 at any point during the testimony, we would request that
16 he turn to you and make that request.

17 THE COURT: Sergeant Creech knows that he can do
18 that.

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

20 THE COURT: And we'll certainly accommodate you.

21 (Whereupon, the jury returns to the courtroom at
22 1:20 PM.)

23 THE COURT: All right. Mr. Foreman, is the jury
24 ready?

25 FOREPERSON: Yes, Your Honor.

1 THE COURT: Please be seated.

2 First, let me thank the jury. You-all are being so
3 patient. Part of the delay is that I had a medical
4 appointment to have some stitches removed and I couldn't
5 reschedule it. Trust me. I just couldn't. So part of
6 that delay was on me.

7 We're gonna pick up where we left off.

8 Sergeant Creech, I'm gonna remind you that you are
9 still under oath.

10 And you may continue, Ms. Mayes.

11 MS. MAYES: Thank you, Your Honor.

12 CONTINUED DIRECT EXAMINATION

13 BY MS. MAYES:

14 Q. Now, Sergeant Creech, I believe you had addressed
15 your knowledge of the statement that was made on
16 December 21st there at the traffic stop and you were
17 beginning your testimony regarding your interview with
18 the defendant, Jeremy Cornish, at the Lexington County
19 Sheriff's Department on January 23, 2020, and I believe
20 you had taken us through the initial portion of that
21 statement, but due to the break I'm gonna ask you to
22 revisit that.

23 Again, if you could begin with the statement where
24 Jeremy woke up that morning.

25 A. Yes, ma'am. Give me one moment.

1 During the January 23, 2020, interview we asked him
2 to tell us again about the events of December 17, 2019,
3 regarding his -- his activity. He told us that he woke
4 up that morning to go to work and then picked up two
5 members of his work crew in Blythewood. He named them as
6 a Quinton and a Dante. He then said he later received
7 a text message from Justin Hopkins to pick him up from
8 Village Apartments.

9 Q. All right. Let me stop you there. Did you understand
10 Justin Hopkins at this point in time to be a co-worker of
11 Jeremy Cornish?

12 A. I was aware of that at this time.

13 Q. Please, continue.

14 A. After picking Justin up, he said they drove to
15 McEntire Airbase where they were working. He says after
16 about half an hour it began raining and work had to be
17 cancelled for the day because of weather conditions. He
18 then said they went to the local Food Lion parking lot, met
19 with some of the other work crews and at that point he
20 dropped off Dante and Quinton. He said he was going to
21 drop Justin off, but they both ended up going to the DMV on
22 O'Neil Court instead.

23 Q. All right. And so at this point he is acknowledging
24 that he was with Justin Hopkins at the DMV?

25 A. Correct.

1 Q. Please, continue.

2 A. Jeremy said he had found out he had some fees he
3 needed to pay regarding his license.

4 Q. And what was the amount of those fees?

5 A. You know, I don't have that noted, Ms. Mayes.

6 Q. I'm gonna ask you to refer to your supplemental
7 report.

8 A. I do know that next he said -- after going to the DMV
9 Jeremy said he contacted his uncle, Willie Patterson, to
10 ask about borrowing \$425.00 for reinstatement fees, so I
11 guess presumably that would be the amount of the fees.

12 Q. \$425.00?

13 A. Yes, ma'am.

14 Q. And where did he say he went next?

15 A. He then said he went to his home address, which is
16 ■ Angel Valley Way. He said Justin was still with him.
17 He said that they'd dropped off Jeremy's girlfriend at her
18 parents' address. That address wasn't given as far as the
19 specific location. Then he drove Justin back towards his
20 apartment in the St. Andrews Road area.

21 Q. All right. So he's now acknowledging that he's with
22 Justin Hopkins in the St. Andrews Road area of Lexington
23 County?

24 A. Correct.

25 Q. And what, if anything, did he say was the purpose of

1 them going to that location?

2 A. He said while on the way back to take Justin back to
3 his apartment Justin asked him if he wanted to purchase
4 some marijuana, so they drove to some other apartments in
5 the area.

6 Q. And what, if anything, did he say or indicate
7 regarding his familiarity or knowledge of the occasion in
8 which they were going?

9 A. He didn't appear familiar and he said that he
10 described the apartments as difficult to get to.

11 Q. And what, if anything, did he say occurred once they
12 arrived?

13 A. He said when they arrived, Justin went in, that he
14 stayed in the truck. He said he was checking his e-mail
15 and he received a phone call from a friend.

16 Q. All right. Let me stop you right there. His
17 statement is that Justin Hopkins went inside and he stayed
18 in his truck?

19 A. That would be correct.

20 Q. And, again, we're referring to that white dually
21 truck?

22 A. Yes, ma'am.

23 Q. And his initial statement to you is that he's checking
24 his e-mail and that he receives a phone call from a friend?

25 A. Correct.

1 Q. I think you said that over the course of the interview
2 you did request permission to view his phone?

3 A. We did.

4 Q. And was that permission given to you with consent?

5 A. It was.

6 Q. I'm gonna show you what is already -- I believe these
7 are in evidence, but if not, I will offer them at this
8 time. This is gonna be State's 227, State's 223 and
9 State's 231.

10 First, I'm gonna ask you whether or not you're
11 familiar with 223 and 231?

12 A. I am.

13 Q. How so?

14 A. 233 would be the photographs we took of his call
15 log when we did the quick view of his phone during the
16 interview and 231 would be a photograph of an e-mail that
17 we were directed to.

18 Q. I'm gonna show you also 227.

19 A. 227 would be a excerpt from the Cellebrite extraction
20 that was performed on his phone also showing his call log
21 for that period.

22 Q. Okay.

23 MS. MAYES: 231, 223 and 227 for evidence.

24 THE COURT: I have all those in evidence.

25 MS. MAYES: Very well, Your Honor.

1 Request permission to publish?

2 THE COURT: Yes, ma'am.

3 BY MS. MAYES:

4 Q. Now looking here at State's a 223, you're actually
5 looking at the phone yourself?

6 A. Correct. I am.

7 Q. Okay. And which date is this that you're actually
8 reviewing phone calls for?

9 A. This would be December 17, 2019.

10 Q. The date of the crime?

11 A. Correct.

12 Q. And you were aware, of course, of the 9-1-1 call being
13 made at 10:59 AM?

14 A. Correct. The 9-1-1 call was at 10:59.

15 Q. And what, if any, interest did you have in determining
16 the whereabouts of Mr. Cornish around that timeframe?

17 A. We'd be looking at his user activity during that
18 period to account for his location and activities.

19 Q. All right. So I'm gonna begin here at the bottom,
20 9:45 that morning, can you tell us whether that appears to
21 be an in-going or outgoing call to a Willie Patterson?

22 A. So the green receiver arrow pointing out would be two
23 completed outgoing calls to Willie Patterson at 9:45 AM.

24 Q. All right. And who did you understand Willie
25 Patterson to be based on your investigation?

1 A. Well, Willie Patterson was Mr. Cornish's employer.

2 Q. At PatCon Construction?

3 A. Yes, ma'am. At PatCon Construction.

4 Q. All right. And then what do we see at 9:51?

5 A. At 9:51, there's a completed outgoing call to a
6 contact labeled -- listed as Crazy, mobile number
7 803-457-3238.

8 Q. Okay. And this -- just to clarify, this would be the
9 phone of Mr. Cornish?

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

11 Q. And his contacts within the phone?

12 A. That's correct.

13 Q. So the term "Crazy", what can you tell us in that
14 regard?

15 A. That was just obviously whatever he refers to that
16 individual as. Whether it's a nickname or whatnot, that's
17 how he has that individual saved in his phone.

18 Q. All right. And does that appear to be an outgoing
19 call?

20 A. It does.

21 Q. Now let's look at 10:35 AM. What, if anything, do you
22 see there?

23 A. So at 10:35, there's an incoming call from the same
24 contact, but in this case it's a missed call indicated by
25 the red receiver with the arrow bouncing out, and that's at

1 10:35 AM.

2 Q. Okay. 10:59 AM is of significance why?

3 A. Because that's when our -- Donnovin Haynes called
4 9-1-1.

5 Q. That's gonna be the 9-1-1 call. And then I believe
6 you've already testified regarding your viewing of the KJ's
7 video, but looking here at the KJ's video, the timestamp on
8 that?

9 A. As we previously noted, the KJ's video in question is
10 timestamped December 17, 2019, at 11:10 AM.

11 Q. Okay. I'll put KJ's video here at 11:10? .

12 Now regarding this particular missed call, that is
13 indicated as 10:35?

14 A. Yes, ma'am. That is correct.

15 Q. And then when do we next see actual in-going or
16 outgoing call activity on the phone?

17 A. The next call activity is at 11:16 AM where there is
18 an incoming call from Willie Patterson.

19 Q. And does that appear to be answered?

20 A. Yes, it does appear to be answered.

21 Q. Okay. So that call that's answered from Willie
22 Patterson at 11:16, that would be after the video at KJ's?

23 A. Correct.

24 Q. So other than -- let me go back a little bit. 9:51.
25 You indicated that also is an outgoing call?

1 A. Yes, ma'am.

2 Q. All right. Other than the outgoing call at 9:51 and
3 the call received from Willie Patterson at 11:16, was
4 there any other made call or received call during that time
5 period between 9:51 and 11:16?

6 A. There were no other calls being present. It indicates
7 a lapse in activity during that period.

8 Q. And looking here at the phone extraction itself, 227,
9 State's 227, does the information in that call log that
10 you just showed us the photographs of, does that also
11 correspond with the information that you recovered from
12 the physical phone extraction?

13 A. Correct. It would be the same information.

14 Q. And, again, what indication is made regarding the
15 10:35 AM call from Crazy?

16 A. That it is a missed call.

17 Q. Did you have an opportunity upon viewing this
18 information to revisit that aspect of Mr. Cornish's
19 statement during that interview with him on January 23rd?

20 A. We did.

21 Q. And what, if anything, did he state to you now?

22 A. He then told us that he had ignored that phone call
23 because he was busy reading what he described as a very
24 important work e-mail.

25 Q. All right. And did you ask him to specify which work

1 e-mail that was?

2 A. We did. We started by confirming that the e-mail
3 address that he would have used would have been the e-mail
4 account that was synced up with the phone and he said it
5 was and that e-mail account was identified as
6 [REDACTED]Gmail.com.

7 Q. And what happened next?

8 A. We then asked him about the e-mail in question and he
9 said it was a group e-mail from Caddell Construction in
10 reference to activities that had been going on on the job
11 site.

12 Q. All right. And were if you able to locate the that he
13 was referring to?

14 A. There were -- so he also told us he never deleted any
15 e-mails, so the e-mail in question would be present and we
16 confirmed that by checking his deleted box in the e-mail.
17 We searched for e-mails from Caddell Construction and there
18 were e-mails from December 18, 2019, which we were able to
19 rule out because that would have been after the incident
20 date of December 17th and the next most recent e-mail
21 present from Caddell Construction was December 5, 2019.

22 Q. All right. So his statement regarding his whereabouts
23 between the timeframe of 10:35 and the 9-1-1 call at 10:59
24 is that he was reading the work e-mail?

25 A. Yes, he was reading a work e-mail from Caddell

1 Construction.

2 Q. And the most recent e-mail that you could find in time
3 to the date of December 17th was what is State's 231?

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

5 MS. MAYES: And I believe this is in evidence, Your
6 Honor.

7 THE COURT: It is.

8 BY MS. MAYES:

9 Q. Looking now at 231, what is the date of this
10 particular e-mail, Sergeant Creech?

11 A. December 5, 2019.

12 Q. So his statement is that on December 17th he's reading
13 an e-mail from December 5th?

14 A. Correct.

15 Q. And what is the content of this e-mail?

16 A. It says as we discussed today, PatCon is not to wash
17 the veneer Building Number 3 tomorrow, Friday the 6th, due
18 to the grading operations in progress. Instead I would
19 encourage you to complete the cleaning at Building 1.
20 Please schedule to wash the south elevation of Building
21 Number 3 on Saturday, the 7th.

22 Q. All right. So the content of this e-mail deals with
23 December 5th, December 6th and 7th?

24 A. Correct.

25 Q. All which would have preceded the date of

1 December 17th by over a week?

2 A. Correct.

3 Q. Going back to the statement that he's making, I want
4 to ask you what, if anything, he indicated occurred after
5 his statement that he stayed in the truck and that Justin
6 got out?

7 A. Yes. He said after some time had passed he said that
8 he began driving around looking for Justin because Justin
9 was taking too long and --

10 Q. All right. I'm gonna ask you to slow down, number
11 one.

12 A. Yes, ma'am.

13 Q. And, secondly, I want to ask you, he indicates that
14 he began looking for Justin. Did he ever indicate that he
15 attempted to call Justin or text Justin?

16 A. No, he did not.

17 Q. And what did he say next?

18 A. He said he found Justin nearby on a bicycle. He then
19 said he picked Justin up and then drove to the KJ's grocery
20 store located across from Landmark Apartments.

21 Q. All right. And for the record at this point he has
22 acknowledged that it is he and his truck at the KJ's
23 grocery store?

24 A. Correct. He acknowledged that he was him and his
25 truck.

1 Q. What does he say next?

2 A. He said Justin was dropped off with the intent to
3 purchase cigarettes and cigars for them to use to smoke
4 marijuana.

5 Q. All right. So I want to stop you right there. The
6 purpose according to Mr. Cornish of dropping off Justin
7 Hopkins at KJ's was for what?

8 A. To purchase cigars and cigarettes to smoke marijuana.

9 Q. Now how, if at all, are cigars or -- how are cigars
10 used in smoking marijuana?

11 A. Cigars are frequently purchased and then the wrapper's
12 cut, the tobacco's emptied out and then the remaining
13 wrapper will commonly be used to smoke marijuana.

14 Q. All right. And as you observed the video surveillance
15 of Mr. Hopkins in KJ's, can you tell us whether or not he
16 was seen making a purchase from behind the counter?

17 A. He was.

18 Q. What does he say next regarding dropping off
19 Mr. Hopkins at KJ's for the purpose of buying the cigars to
20 smoke marijuana?

21 A. After dropping Mr. Hopkins off at KJ's Mr. Cornish
22 said he then went to Mr. Hopkins' apartment at Landmark
23 where he then waited on him to come back.

24 Q. So I'm gonna stop you there. I know you indicated
25 that you observed the video yourself from KJ's. I'm gonna

1 show you State's 3. Again, where is Landmark Apartments in
2 relation to KJ's?

3 A. Landmark Apartments is right here and I do believe
4 that this is KJ's right here.

5 Q. Okay. So if one is coming out of this parking lot
6 from this direction that we're looking at here in
7 State's 7, in which direction would they turn to go towards
8 KJ's?

9 A. I believe they should be taking a -- you mean to
10 Landmark?

11 Q. Yes. I'm sorry. To Landmark, yes. Coming out of
12 KJ's to go to Landmark.

13 A. It should be taking a right out of this parking lot.

14 Q. This may be 1 better view here. State's 22. Having
15 viewed that video, can you tell us whether or not that
16 vehicle does appear to leave KJ's and go in any particular
17 direction?

18 A. It does appear to go in the direction of Landmark
19 Apartments.

20 Q. And according to his statement, he tells you that is
21 where he went to wait on Hopkins?

22 A. It is.

23 Q. What, if anything, does he tell you happens next?

24 A. He says when Justin comes back to the apartments where
25 Mr. Cornish is waiting on him, he says that Justin showed

1 him some heroin and some marijuana.

2 Q. All right. So at this point he indicates he sees both
3 heroin and marijuana?

4 A. Correct.

5 Q. Now regarding the marijuana, what, if anything, did
6 he indicate was the agreement or understanding about the
7 marijuana?

8 A. He said he took his share -- what he referred to as
9 his share of the marijuana and left, but he said he didn't
10 mess with heroin.

11 Q. Okay. So he indicates that he took his share of the
12 marijuana, meaning that it was purchased or obtained for
13 the both of them according to his statement?

14 A. Correct.

15 Q. What does he say next?

16 A. So Jeremy said he -- Mr. Cornish said he left with his
17 share of the marijuana and then went to the offices of
18 PatCon Construction. He said he picked up a check to pay
19 his reinstatement fee and said he then stopped at a Dollar
20 General to pick up an umbrella and then drove to the BB&T
21 at Five Points where he said he cashed the check from his
22 employer. He said he then drove back to DMV on O'Neil
23 Court where he just happened to run into Justin.

24 Q. Okay. Referring again to the interaction previously
25 viewed of both Mr. Cornish and Mr. Hopkins at the DMV in

1 the afternoon at O'Neil Court in Richland County?

2 A. Correct.

3 Q. And what, if anything, did he say regarding their
4 contact there?

5 A. He described it as pretty incidental. He said while
6 he was getting his fees paid he said Justin got in his
7 truck without knowledge and waited for him to leave and he
8 said when he got back in the truck he said Justin asked for
9 a ride to Garners Ferry Road.

10 Q. Okay. And does he indicate that he took Justin to
11 Garners Ferry Road or that Justin got there by some other
12 means?

13 A. He then made it sound like Justin got another ride
14 about five minutes later and then left.

15 Q. All right. At any point in time during this interview
16 with him, did he ever indicate that there was any
17 third-party or passenger with them throughout this conduct
18 in the St. Andrews Road area of Lexington County?

19 A. He never indicated that there was anybody else with
20 them. Just the two of them.

21 Q. I think you indicated that earlier that morning there
22 was a reference to dropping off a girlfriend.

23 A. Correct.

24 Q. But other than that was there ever any reference to a
25 third-party meeting up with them?

1 A. There was not.

2 Q. Was there ever any reference to him observing a
3 third-party with Justin Hopkins?

4 A. He never said he saw anybody else with Justin.

5 Q. All right. So all indications are that it was only
6 the two of them?

7 A. Correct.

8 Q. Now I know you said previously that you had discussed
9 during the course of this interview what knowledge, if any,
10 he had of these particular crimes.

11 A. Correct. We did discuss that.

12 Q. In what regard? How did you discuss it and what, if
13 anything, were his responses?

14 A. As previously noted, he said that he was unaware of
15 the crimes being investigated prior to our interaction with
16 him on December 21, 2019, four days after the murders.
17 Specifically we were telling him what was being
18 investigated. He acted like he was hearing about what
19 happened for the first time.

20 Q. And did he maintain that during this interview on
21 January 23, 2020?

22 A. He did.

23 Q. That the first he heard of the actual murders would
24 have been the night of the traffic stop on December 21st?

25 A. Correct.

1 Q. Now on that particular night, I believe he gave you
2 his number the night that you-all were roadside?

3 A. He did.

4 Q. And as a result of obtaining his phone number, as well
5 as other information, including the e-mail address that
6 you've already described, were you able to obtain Google
7 records?

8 A. We were.

9 MS. MAYES: And I believe these are in, Your Honor.
10 This would be State's 195 and 237, although State's 237
11 is for ID only, so I withdraw that if it was previously
12 in because it would be for ID only.

13 THE COURT: No, I don't have 237 in.

14 MS. MAYES: By agreement of the defense and the
15 State, Your Honor, 237 is for ID only.

16 THE COURT: What is it?

17 MS. MAYES: That would be the Goggle records for
18 Jeremy Cornish.

19 THE COURT: Thank you.

20 MS. MAYES: And 195 is in.

21 BY MS. MAYES:

22 Q. Looking here at 195 regarding Google subscriber
23 information, what can you tell us, if any, about the Google
24 account that you obtained pursuant to search warrant in
25 this case?

1 A. Certainly. So this would be your standard Google
2 subscriber information form that comes about with -- it's
3 produced as part of your search warrant results that you
4 get back from Google and so it gives the account ID, the
5 username that's listed on the account, which in this case
6 is Jeremy Cornish, the actual e-mail account, which is
7 [REDACTED]gmail.com, any alternate e-mails on the
8 account, if applicable, in this case it's not, creation
9 date, terms of service, IP, so that would be the
10 registration IP address, language, and then the various
11 Google services affiliated with the account. Like I said,
12 Google keeps a lot of stuff people don't realize wrapped up
13 into their Google account as far as tracked information and
14 then status enabled indicates that it's still an active
15 account, recovery information as in a lot of e-mails these
16 days require or give you the option of having a phone
17 number associated for recovery purposes and in this case
18 it's Mr. Cornish's number, but I can't read it from here.

19 Q. I can show it.

20 A. If I can see the exhibit, I can.

21 Q. I can show that to you for the record. It's
22 State's 195.

23 A. It's slightly too small for me. That number would be
24 [REDACTED].

25 Q. Okay. Did all of that correspond with both the phone

1 number for Mr. Cornish and what you know to be his e-mail
2 address?

3 A. Correct. It would.

4 Q. Now in addition to obtaining the Google records, did
5 you also have a chance pursuant to the review of his phone,
6 the photograph, any observations regarding searches or web
7 history?

8 A. I did. I did a manual preview of his web history, as
9 well as his Google searches from the device itself. When
10 you do a Cellebrite extraction it pulls a lot of data, but
11 it doesn't necessarily pull of all of the user visible
12 data, so a manual preview is always good to conduct in case
13 theirs information that's not linked from the Cellebrite
14 extraction or to confirm what is pulled from the Cellebrite
15 extraction.

16 Q. All right. I'm gonna show you what is State's 224
17 and 226, being photographs from the phone, as well as
18 State's 228, being excerpts from the Google records, and
19 ask you whether or not you're familiar with those items?

20 A. Yes. So what we have here is we have photographs --
21 manual photographs that were taken of the search and web
22 history, notably December 17, 2019, as well as the results
23 produced from the actual Google records provided pursuant
24 to a search warrant, and then right here we have web
25 history that was manually documented from the device.

1 MS. MAYES: All for evidence, Your Honor. 228,
2 being Google records, and 226 and 224, being photographs
3 from the phone of Mr. Cornish on January 23rd.

4 THE COURT: Any objection?

5 MR. SWERLING: No objection.

6 THE COURT: They're admitted is it.

7 (State's Exhibit Numbers 224 and 226, photographs,
8 and State's Exhibit Number 228, Google records, were
9 admitted into evidence.)

10 BY MS. MAYES:

11 Q. I want to start with December 17, 2019, being the
12 date of this crime. What, if any, observations did you
13 make regarding web history searches for Mr. Cornish?

14 A. Certainly. The first set of searches appear to be
15 related to tax refunds, the IRS. There's another IRS
16 link there. They all appear to be related to taxes and
17 financials.

18 Q. All right. At 10:59 is the 9-1-1 call. 11:10 is when
19 we see the activity at KJ's.

20 A. Correct.

21 Q. When did the sheriff's department release information
22 to the media on the date of this crime, December 17th,
23 regarding a murder investigation?

24 A. The official press release through our PIO was
25 performed at 12:36 PM on December 17, 2019, so it would

1 have been about two and a half hours after the initial
2 9-1-1 call -- or an hour and a half after the initial
3 9-1-1 call.

4 Q. And by PIO you mean press information officer?

5 A. Yes, ma'am. The press information officer for the
6 agency.

7 Q. So prior to him -- your press information officer
8 releasing details to the media, there would not be any
9 official news stories?

10 A. There shouldn't be.

11 Q. All right. I'm gonna go here to State's 224, being
12 the phone of Mr. Cornish. How is this different than the
13 actual Google records? What are we actually looking at
14 here?

15 A. So this is actual Chrome history. Again, that's why
16 I said you want to manually preview because sometimes if
17 you do a Cellebrite extraction, it's not necessarily gonna
18 pull Google Chrome browser history. And that differs
19 device to device and that just comes down to different
20 models and compatibility with Cellebrite. So it was
21 photographed manually in this case because it -- just
22 because of the way Cellebrite pulled the data in this case,
23 it wasn't able to interpret and actually log the Chrome
24 history, so we manually photographed the document.

25 Q. Okay. So what, if anything, occurs on December 17th

1 at 11:38 AM?

2 A. So December 17, 2019, so this would be our incident
3 date. At 11:38 AM you have WLTX.com's website is visited,
4 that's a local news site. Photo galleries for WLTX is
5 visited at 11:41 AM. WLTX is visited at 11:40 AM. There's
6 a search for WLTX News at 1:12 PM, local news ABC Columbia
7 at 12:14 PM. There's a search for local news, but there's
8 no visited site corresponding.

9 Q. Okay. And when you say search, let me ask you this.
10 What are we talking about when it says searched for?

11 A. So it -- to clarify, for example, the top entry here
12 shows that there's a search that's performed and then
13 there's a site visited in relation to that. The next query
14 is showing -- well, it's -- go backwards is what it is. So
15 search for local news at 12:13 PM and then visited a minute
16 later would be the corresponding visit regarding that
17 search.

18 Q. Now are you seeing any other searches between that
19 time period that we just looked at, 11:38 and 12:13?

20 A. No.

21 Q. These all seem to be news related?

22 A. They do.

23 Q. Next at 12:13 PM on December 17th, the date of this
24 crime?

25 A. Actually if you can move it up. It -- actually

1 chronologically it makes more sense to start at the bottom
2 so that we're not confusing.

3 Q. Okay.

4 A. That bottom entry is 11:41 AM and it's visited --
5 it's a confirmation, Crime Pulse, I believe. It's hard to
6 tell because it's a cracked screen. Then there's another
7 visited site, CrimePulse.com, 11:41. Then at 11:43 Crime
8 Stoppers of the Midland.

9 Q. Let me stop you right there. All right. So all of
10 this would be before your press information officer has
11 released information to the media?

12 A. Correct. This would be before any kind of media
13 release.

14 Q. And I think you said you were at the crime scene at
15 approximately 11:32?

16 A. That is correct.

17 Q. And so at 11:43 AM, Crime Stoppers of the Midlands. I
18 want to ask you a little bit about that.

19 A. Yes, ma'am.

20 Q. Crime Stoppers of the Midlands, is that a resource
21 utilized by the Lexington County Sheriff's Department?

22 A. It is. It's a resource utilized by local law
23 enforcement where we receive tips and information on crimes
24 a lot of times as a result of media releases that we put
25 out.

1 Q. And can you tell us whether or not it's also utilized
2 by SLED?

3 A. It is.

4 Q. Now when going to a Crime Stoppers website, for
5 example, does it give information regarding potential
6 suspects in a case -- regarding a description of any
7 suspects or suspect vehicles in order for people to give
8 tips or make calls?

9 A. I've actually never been to the site, so I don't know
10 that I can answer that question.

11 Q. Okay. So regarding Crime Stoppers of the Midlands,
12 are you familiar with that also having information
13 regarding breaking crimes?

14 A. Correct. It does. I'm sorry.

15 Q. And breaking news?

16 A. Yes, ma'am.

17 Q. 12:13?

18 A. 12:13 we have a visit to Crime WIS. So like WLTX, WIS
19 is a local news provider.

20 Q. Okay.

21 A. Then at 2:00 PM on that same date we have another
22 visit to WLTX's website. At 2:08, there's another visit at
23 WLTX's news site. At 2:09, there's a search for WLTX-19
24 local news.

25 Q. Okay. 1:12.

1 A. At 1:12, there's WLTX-19 local news. That's, again, a
2 search for item. Search for WLTX-19 local news at 2:33 PM.
3 At 3:28 PM, there's also an additional search for WLTX-19
4 local news. At 3:28, it says visited local WLTX.com. Then
5 at 3:29 PM, and this would still be December 17th, it's a
6 visited site. In the link for the article is listed as
7 third victim dies in shooting at Columbia apartments.

8 Q. And this would all be consistent with information that
9 has now been officially released by the Lexington County
10 Sheriff's Department?

11 A. Correct. It would.

12 Q. And all on December 17th?

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

14 Q. And can you tell us whether or not this particular
15 article is in direct relation to this on-going murder
16 investigation at Butternut Lane?

17 A. Yes. This article is specifically about that
18 incident.

19 Q. All right. Next.

20 A. Then we've got 3:39 PM on the same date. WLTX.com is
21 visited again. At 5:50 PM there's another search for
22 WLTX-19 local news and then at 5:51 PM there's a visit to
23 an article on WLTX's website, Triple Homicide Leaves
24 Neighbor Nervous.

25 Q. All right. And, again, the reference to the triple

1 homicide would be this crime?

2 A. Yes, ma'am. It would.

3 Q. 5:54 we see an unrelated crime story?

4 A. Yes, ma'am. That's Columbia cabdriver shot to death
5 identified comma and then it doesn't have the rest
6 populated, but this would appear to be an unrelated
7 incident.

8 Q. All right. And then what do we see at 5:51?

9 A. At 5:51 there's another visit to WLTX's website.

10 Q. And 7:29?

11 A. At 7:29 there's another general search for local news.

12 Q. Now in the initial stages of an investigation such as
13 this where you do not have any suspect in -- apprehended or
14 in custody, what, if any, efforts might law enforcement
15 take through -- via the media to put information out there
16 to obtain tips or describe suspects or suspect vehicles?

17 A. So certainly if we have significant suspect
18 information, it is not uncommon for us to release
19 information to the media depending on specific
20 circumstances of the case in the hopes that there may
21 be some community involvement in ID'ing suspects.

22 Q. And can that include a vehicle description?

23 A. It can.

24 Q. And can that include a description of suspects?

25 A. It certainly can.

1 Q. Now looking at -- again, are we still on December
2 17th?

3 A. Yes, we're still on December 17th as you can see
4 from the top. At 7:30 PM it says visited live -- live
5 on-scene, three dead after shooting at apartment, and
6 then at 7:29 PM, it says visited local news ABC Columbia.
7 At 7:33 PM, visited deputies, third person dies following
8 shooting.

9 Q. All again related to this event?

10 A. Yes. This all appears to be related to the murders
11 at [REDACTED] Butternut Lane.

12 Q. Now I want to move forward to December 19th and show
13 you some photographs as being State's 230 and 201 and ask
14 you whether or not you're familiar with these items in
15 relation to the Google history.

16 A. Yes. This would be the -- I assume you were asking
17 about this, correct, for the 19th?

18 Q. Yes.

19 A. This would be the -- again, the photographed manual
20 web history on the 19th, as well as a corresponding article
21 that one of the links directed us to once we had the Google
22 records. The Google records will show you the search query
23 and the actual visited link so that you can actually pull
24 up what that user actually went to in the actual records.

25 Q. All right. And what, if anything, shows for the news

1 date on this article that was accessed following the link?

2 A. It's a published article from December 19th -- I'm
3 sorry, December 17, 2019. It says triple homicide victims
4 identified, and it would be this, and this would actually
5 be the scene where we were working out of. You can see the
6 marked cars of the incident location and even the tent we
7 had deployed because of the weather conditions.

8 Q. Now I'm gonna show you State's 229.

9 A. Yes. This would be a search query from December 18,
10 2019.

11 Q. All right.

12 A. And, again, it's the manual photograph of the search
13 query, as well as the corresponding Google records
14 confirming that search.

15 Q. Okay. So one is a photograph of the search query from
16 within the phone itself that you photographed and then the
17 second would be the Google records?

18 A. Correct.

19 MS. MAYES: This would be State's 229, 230 and 201,
20 Your Honor.

21 THE COURT: Let me know if there's any objection.

22 MR. SWERLING: Your Honor, could you indulge me one
23 moment to take a look at these?

24 THE COURT: I sure will.

25 MR. SWERLING: Your Honor, may we approach?

1 THE COURT: You may.

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

3 MR. SWERLING: No objection.

4 THE COURT: Let's do it then.

5 Thank you, Ms. Mayes.

6 MS. MAYES: The State withdraws 201, Your Honor.

7 THE COURT: Thank you.

8 MS. MAYES: We have 229 and 230, I believe, for
9 evidence without objection.

10 THE COURT: Okay. They're admitted.

11 (State's Exhibit Numbers 229 and 230, photographs,
12 were admitted into evidence.)

13 BY MS. MAYES:

14 Q. Going to the Google record in State's 230 -- I realize
15 this is hard to see, I'm gonna get up close on it. What,
16 if any, indications were there that there continued to be
17 searches regarding this crime through December 19th?

18 A. Certainly. So you see two general searches at the
19 bottom. Well, it's a search for WLTX Local 19 New and
20 then a visit to the website WLTX and then there's also a
21 visit specifically to WLTX.com and a specific article link,
22 which you can see in the URL. The article is three killed
23 in shooting Columbia apartment.

24 Q. Okay. And, again, the date of that?

25 A. December 19, 2019, at 11:36 AM. And, of course,

1 that's UTC, so you would have to convert it.

2 Q. So subtract five?

3 A. Yes, ma'am.

4 Q. All right. And now I'm gonna show you again what
5 would be December 19th and State's 230 and ask you whether
6 you continue to see any articles associated with this?

7 A. Yes. So this would be the corresponding manual
8 activity from the device that was photographs.

9 Q. All right. I want to go back to the night of the 21st
10 and you were present when the traffic stop of Mr. Hopkins
11 occurred? At least at some point in time you were?

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

13 Q. You were aware of the subsequent search of his bags
14 and belongings on the night of 21st following that traffic
15 stop?

16 A. I was. This would have been the vehicle he was in and
17 these were the bags as they were when he was detained and
18 they were later recovered and searched at headquarters and
19 this would have been in the contents of one of those
20 bags -- I'm sorry, in the contents of one of those bags.

21 Q. All right. And I believe there has been a stipulation
22 regarding what we see here in State's 122. Can you tell
23 us whether or not that item has been analyzed by the
24 Lexington County Sheriff's Department drug analysis expert
25 Meg Walker?

1 A. It has and it's been identified as heroin.

2 Q. Okay. And do you have the results of that report? If
3 not, I believe there has been a stipulation regarding that
4 report.

5 A. I don't actually have that physical report, no, ma'am.

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

7 THE COURT: Take your time.

8 BY MS. MAYES:

9 Q. I'm gonna show you what is State's 213 in evidence
10 pursuant to the stipulation. What were the results of the
11 drug analysis on this particular item? Can you tell us
12 whether or not that was confirmed to be heroin?

13 A. That's where I was trying to find where that's
14 specifically specified in the report. I'm not familiar --
15 I don't do a lot with narcotics, so I don't want to speak
16 out of turn.

17 Q. If you --

18 A. It seems like weight and items are listed, but --

19 Q. What is the weight of that particular item?

20 A. 18.37 grams. And, of course, there were two small
21 baggies, so that's the combined weight of those two
22 baggies.

23 Q. All right. And your understanding as lead
24 investigator in this case is that was confirmed to be
25 heroin?

1 A. Yes, I do know it was confirmed to be heroin.

2 Q. Now you mentioned 18 grams?

3 A. Correct.

4 Q. Is 18 grams closer to a half ounce or a full ounce?

5 A. I believe it's closer to half a ounce.

6 Q. All right. And what would be half an ounce?

7 A. Gosh, I'd have to look it up. Like I said, I don't
8 deal with a lot of ounces and I'd have to Google it myself,
9 so.

10 Q. Okay. Would 32 ounces -- 32 grams be consistent with
11 an ounce?

12 A. That sound about right, yes, ma'am.

13 MS. WILSON: .28.

14 THE COURT: Is there an objection?

15 MR. SWERLING: I'm told it's not right, so I'd better
16 object.

17 THE COURT: It's 28 grams to an ounce, you-all.

18 MS. MAYES: Thank you, Your Honor.

19 THE COURT: Take notice of that.

20 MS. MAYES: Judicial notice, Your Honor.

21 THE WITNESS: Thank you, ma'am.

22 BY MS. MAYES:

23 Q. Do you see the notation now regarding the finding of
24 heroin?

25 A. Yes, ma'am.

1 Q. And, again, if the weight on that is 18 grams, is that
2 closer to half an ounce or a full ounce?

3 A. It's closer to a half an ounce.

4 Q. Okay. And with the Court taking judicial notice, an
5 ounce to be 28 grams, what would half an ounce be?

6 A. A half an ounce would be 14 grams.

7 Q. What, if anything, did you observe in the photographs
8 and review of Mr. Cornish's phone during that meeting on
9 January 23, 2020, regarding any searches related to heroin?

10 A. There was a search the following morning. Well, when
11 I say the following morning, the morning of December 18,
12 2019, related to the street value of 14 grams of heroin.

13 Q. I'm gonna show you what is State's 229 in evidence.

14 A. You can't see here, so this is December 17, 2019, and
15 then scrolling up to the next date here, which if you would
16 scroll further up it would display December 18th. This is
17 the search query at 12:47 PM and since this is coming
18 straight off the phone this would not need to be converted
19 to UTC time. This would be Eastern Standard Time.

20 Q. 12:47?

21 A. Yes, ma'am.

22 Q. All right. Now I'm gonna show you what is the actual
23 Google record affiliated with this, what's shown in State's
24 229. And, again, this particular record came directly from
25 what provider?

1 A. This would have been the from the actual Google
2 records, so it's just confirming a search for and then the
3 search query was street value of 14 grams of heroin.

4 Q. And is that consistent with what you viewed on the web
5 history of the phone?

6 A. It is. The only difference being it's in UTC time, so
7 it show 5:47 PM, but that would have been 12:47 Eastern
8 Standard Time.

9 Q. When you subtract the five?

10 A. Correct.

11 Q. All right. So we're gonna go back to this. In that
12 search regarding the street value of 14 grams of heroin
13 being made at 12:47 PM, what, if any, user activity was
14 observed around the same timeframe that would indicate who,
15 if anyone, may have been accessing the phone around that
16 time? Did you review call history, for example?

17 A. Yes, ma'am.

18 Q. Ingoing and outgoing calls?

19 A. Correct.

20 Q. For December 18th, around that same time?

21 A. Correct.

22 Q. And what about Facebook activity?

23 A. We would also -- to determine in this case what we
24 would refer to as user attribution for the activity, we
25 would often look at a variety of information. Certainly

1 phone calls are a very distinct way to determine that, as
2 well as any concurrent social media activity.

3 Q. All right. Now regarding Facebook activity, can you
4 tell us whether or not you also received the Facebook
5 account information for Jeremy Cornish?

6 A. We did. It's pretty standard in these kind of cases
7 because social media records can be such a huge source of
8 information about a user's activity and whereabouts,
9 associations, and we did request Facebook records for both
10 Mr. Cornish and Mr. Hopkins.

11 Q. I'm gonna show you what is 199 and ask you if you
12 recognize where that came from?

13 A. I do. This would be outgoing call logs for
14 December 18, 2019, at 12:41 PM and 12:44 PM.

15 Q. All right. From the phone extraction of Mr. Cornish?

16 A. Correct. Those would be from the phone extraction of
17 Mr. Cornish.

18 Q. Conducted on January 24, 2020?

19 A. Yes, ma'am.

20 Q. And then can you identify 203?

21 A. Yes. This would be the Facebook warrant return for
22 Mr. Cornish that was loaded into Cellebrite physical
23 analyzer for easier review. Facebook records are kind of
24 clunky in their native format and this shows Facebook
25 activity on December 18, 2019.

1 Q. All right. For the account of Jeremy Cornish?

2 A. Correct. At 12:44 PM.

3 Q. And this would be an excerpt from the Facebook
4 records?

5 A. Correct. Just an excerpt.

6 Q. And, again, where the Facebook records are concerned,
7 how, if at all, do they differ from that Google record that
8 we just saw?

9 A. So in this case it's already converted to Eastern
10 Standard Time. It normally would have been UTC, but as
11 part of loading it into Cellebrite it helps marry up those
12 dates so they're consistent..

13 Q. So this has already been converted to subtract five
14 and it would be in Eastern Standard Time?

15 A. Correct. It says UTC minus five indicating that the
16 conversion has already been made.

17 MS. MAYES: All right. This would be State's 199
18 from the phone extraction and 203, Your Honor, pursuant
19 to 19-5-520, the State's notice of evidence regarding the
20 authentication of Facebook records.

21 THE COURT: Okay. Any objection?

22 MR. SWERLING: No objection.

23 THE COURT: They're admitted.

24 (State's Exhibit Number 199, screen shot of phone
25 calls, and State's Exhibit Number 203, Facebook post,

1 were admitted into evidence.)

2 BY MS. MAYES:

3 Q. Now I want to start with the time that we see here for
4 this particular search. I believe you've indicated it's
5 December 18, 2019, at 12:47 PM?

6 A. Yes, ma'am. That is correct.

7 Q. Just prior to that, what, if any, activity did you see
8 on the phone of Jeremy Cornish?

9 A. Certainly. So as noted the search in question was at
10 12:47 PM. Just a few moments before -- minutes before
11 you've got two outgoing calls. One to a contact saved as
12 Peezee and one to the contact of Willie Patterson, which we
13 know is Mr. Cornish's employer. Neither of these are a
14 long interaction, but they are within -- within three
15 minutes of the Google search. Well, this one -- this one
16 is a little older. This is 12:41, this is 12:44.

17 Q. And, again, Peezee being a known contact in his phone?

18 A. Correct.

19 Q. And Willie Patterson being a known contact in his
20 phone?

21 A. Also correct.

22 Q. And can you tell us whether or not you have seen
23 previous interactions, being ingoing or outgoing calls,
24 with both of those contacts?

25 A. Yes, he's got other interactions with these contacts.

1 Q. All right. And this occurred at 12:44 and 45 seconds?

2 A. Yes, ma'am.

3 Q. The time of that search being 12:47?

4 A. Correct.

5 Q. And then you indicated regarding the Facebook record
6 of Mr. Cornish and I'm gonna look at State's 203. Again,
7 do you have a date associated with this?

8 A. I do. So, again, this is December 18, 2019, and it's
9 at 12:44 PM because it's already converted from UTC.

10 Q. So 12:44 PM. What, if any, activity is taken by the
11 Facebook account of Jeremy Cornish?

12 A. It appears he's commenting on a post from December 18,
13 2019. It appears he's wishing somebody, presumably a
14 sister, happy birthday.

15 Q. Okay. And, again, is that post "Happy Birthday, Sis"
16 made from the account of Jeremy Below Cornish?

17 A. It is.

18 Q. And based on his statement to you during this meeting
19 on January 23rd, when had he indicated to you that he last
20 saw the heroin?

21 A. He made it sound like -- well, his indication was that
22 he had seen it on December 17, 2019, in Mr. Hopkins'
23 apartment and he hadn't seen it past that.

24 Q. But this search would be for the next day?

25 A. Correct. That would be for the next day.

1 MR. SWERLING: Excuse me one minute, Your Honor.

2 THE COURT: Take your time.

3 BY MS. MAYES:

4 Q. Now I want to take you back to the night of
5 December 21st when you were present for that road stop.

6 A. Yes, ma'am.

7 Q. And I believe you indicated you made your way to the
8 road stop as well?

9 A. I did.

10 Q. And during the course of that road stop you also had
11 contact with the defendant, Jeremy Cornish?

12 A. I did.

13 Q. And can you tell us whether or not you had any contact
14 with his phone?

15 A. I did.

16 Q. And on that night of December 21st, can you tell us
17 whether or not he provided law enforcement with his phone
18 number?

19 A. He did. His phone number that he provided to law
20 enforcement was [REDACTED].

21 Q. And can you tell us whether or not he gave consent for
22 to you photograph his phone on that night at the traffic
23 stop December 21st?

24 A. He did.

25 Q. Certain aspects of it?

.1 A. Certain aspects. The intent was that it was a very,
2 very limited review.

3 Q. All right. And what was the purpose of you taking
4 photographs of his phone that night at the traffic stop?

5 A. So we knew he had just dropped off Justin and he told
6 us he works with Justin Hopkins. We had been rapidly
7 developing Justin Hopkins as a person of interest, but
8 because we still hadn't had a lot of direct confirmation
9 about, for example, phone numbers for Justin Hopkins and
10 things like that, investigatively it was important for us
11 since he had a saved contact to get that number and contact
12 documented and any interactions going towards that day help
13 us establish their interactions with one another, which may
14 indicate Justin's activities and whereabouts.

15 Q. All right. And can you tell us whether or not he
16 consented to you viewing the phone?

17 A. He did.

18 Q. As well as photographing the phone?

19 A. He did. He allowed me to photograph some of the
20 historical text messages between himself and Justin.

21 Q. Okay. I'm gonna show you what's State's 232 and ask
22 you whether or not you recognize this?

23 A. I do. This would be the saved contact he had for
24 Justin Hopkins. The phone number was [REDACTED]?

25 Q. As well as 223?

1 A. Correct. These would be some of the text messages
2 that we reviewed.

3 Q. Okay. Did you photograph every text message related
4 to December 17, 2019, and onward that you could find
5 regarding communications between the defendant, Jeremy
6 Cornish, and the co-defendant, Justin Hopkins?

7 A. I did.

8 MS. MAYES: 233 and 232 for evidence.

9 THE COURT: I've got 232 in.

10 MS. MAYES: And 233, Your Honor.

11 MR. SWERLING: No objection.

12 THE COURT: Okay. Are these new? Because I already
13 had them in.

14 MS. MAYES: We just wanted to clarify that, Your
15 Honor.

16 THE COURT: Okay. No objection then.

17 BY MS. MAYES:

18 Q. 232. What, if anything, did you observe in the
19 defendant's phone when you viewed it that night?

20 A. So, again, this would be the saved contact for Justin
21 Hopkins.

22 Q. And what is that phone number that you have there on
23 the overhead for Justin Hopkins?

24 A. [REDACTED].

25 Q. And is that consistent with the phone number that

1 you had for Justin Hopkins through the course of your
2 investigation?

3 A. It is. This would be the same phone number that we
4 first derived from the Landmark Apartments lease data --
5 lease paperwork. I'm sorry.

6 Q. Okay. And -- well, ultimately yes?

7 A. Yes.

8 Q. So Landmark Apartments had particular paperwork with
9 a phone number for Justin Hopkins. I believe it's in
10 evidence in this case.

11 A. They did.

12 Q. Okay. And what you're referring to would be the same
13 number on that Landmark Apartments paperwork that's already
14 in evidence in this case?

15 A. Yes, they were the same number.

16 Q. All right. So this was your working phone number for
17 Justin Hopkins, the [REDACTED] number?

18 A. Correct.

19 Q. Now looking at 233, can you tell us whether or not
20 you saw a Facebook messages -- I'm sorry, these are texts
21 -- texts between these two parties dating back prior to
22 Tuesday, December 17th?

23 A. Yes, there were text messages between them prior to
24 December 17th.

25 Q. All right. And let me just ask during the course of

1 the investigation what, if anything, did you determine
2 regarding the relationship and based on that interview with
3 Mr. Cornish on January 23rd?

4 MR. SWERLING: Excuse me one minute, please.

5 THE COURT: Yes.

6 (Discussion between counsel.)

7 THE COURT: Are you okay?

8 MR. SWERLING: (Nods head.)

9 Yes, I think we are.

10 THE COURT: Okay. Great.

11 Continue on Ms. Mayes.

12 MS. MAYES: Yes, Your Honor.

13 BY MS. MAYES:

14 Q. Again, regarding the relationship between the parties,
15 were you able to determine whether or not that involved a
16 social relationship?

17 A. I did. So during the initial interaction with
18 Mr. Cornish, he indicated that he had known Mr. Hopkins for
19 a number of years, but he maintained that it was a fairly
20 sterile relationship, it was mainly just because they
21 worked together and it wasn't a very personal relationship
22 outside of work.

23 Q. Okay. And what we see here on State's 233 regarding
24 the term "Unc" or "uncle", how frequently did you see that
25 in the communications between the parties?

1 A. Mr. Hopkins appeared to regularly refer to Mr. Cornish
2 as Unc or uncle.

3 Q. And did you ever see or observe any communications
4 between Mr. Cornish and the co-defendant Justin Hopkins
5 where he made a similar reference to him?

6 A. Yes, there's some indications in some of their
7 electronic communications where Mr. Cornish subsequently
8 refers to Mr. Hopkins as nephew.

9 Q. All right. And here we see a reference to the gym?

10 A. That is correct.

11 Q. And I believe HMU would be hit me up?

12 A. Yeah -- yes, ma'am.

13 Q. Sunday. So we would be on Sunday, the 15th?

14 A. Correct.

15 Q. December 15th. All right. This would be a message
16 coming to the phone of Jeremy Cornish from who?

17 A. From Justin Hopkins.

18 Q. And what does it say?

19 A. "Unc, I'm gonna be my at my house in the morning".

20 Q. All right. And on -- on Monday we see a reference at
21 6:06 AM. What does it say?

22 A. "OTW". For on the way.

23 Q. All right. And, again, your understanding is that
24 they were coworkers at the time?

25 A. Correct.

1 Q. And then on Tuesday we see a text at 5:26 AM and this
2 is from who to who?

3 A. This would be from Jeremy Cornish to Justin Hopkins.

4 Q. All right. And what is this text?

5 A. "Yo", and then Mr. Hopkins responds "I'm in Richland
6 Village, can you scoop me up -- or scoop me".

7 Q. All right. And that's at 5:26 AM consistent with
8 activity prior to work?

9 A. Yes, ma'am.

10 Q. And what else do you see for that date?

11 A. He responds after "can you scoop me", "bet", and then
12 following that at 7:02 AM, "what apartment". Again, this
13 is Mr. Cornish to Mr. Hopkins. Mr. Hopkins responds "in
14 the back", and then that's the end of their interactions on
15 December 17, 2019.

16 Q. All right. And are you photographing every ingoing
17 and outgoing text that you can observe?

18 A. I am.

19 Q. And then we see -- again, you're taking these
20 photographs on the 21st --

21 A. That would be correct.

22 Q. -- at the traffic stop? What would have been
23 yesterday or the preceding date?

24 A. So yesterday at 9:10 PM, would have been Friday night,
25 December 20, 2019.

1 Q. All right. And we see that message "you got the
2 smoke" to who?

3 A. That would be from Mr. Cornish to Mr. Hopkins.

4 Q. All right. And no further messages after that one on
5 the 20th, "you got the smoke", until you take these photos
6 at the traffic stop?

7 A. That would be correct.

8 Q. Now did you go about any efforts to obtain Verizon
9 records for the co-defendant, Justin Hopkins?

10 A. We did. We obtained Verizon records from Mr. Hopkins
11 on December 26th of 2019.

12 Q. And for what date?

13 A. We had Verizon records -- I don't remember the
14 exact date range, but we did have text messages from
15 December 17th. What's notable about obtaining records
16 from Verizon Wireless is they're one of the only mobile
17 providers that will actually give text message content
18 for a five-day period.

19 Q. All right. So I want to ask you a little bit about
20 that. Now we've seen information about the phone number
21 for Jeremy Cornish. Was Verizon his provider?

22 A. No, Mr. Cornish's provider was Sprint.

23 Q. All right. So would you have been able to obtain
24 full text messages of Sprint of communications between the
25 parties?

1 A. No, Sprint will not provide SMS or MMS content.

2 Q. All right. But you can get those from Verizon?

3 A. Yes, Verizon will provide you with SMS content. They
4 won't provide you with like media attachments if you're
5 sending pictures and videos, but as far as message content
6 goes Verizon will provide that.

7 Q. And Mr. Hopkins' provider for that [REDACTED] number
8 was which provider?

9 A. Verizon Wireless.

10 Q. And did you obtain those records, including text
11 messages, within that five-day period?

12 A. We did.

13 Q. I'm gonna show you what is State's 234.

14 A. These would be the summation of the text messages between
15 Mr. Hopkins and Mr. Cornish on December 17, 2019, according
16 to the Verizon Wireless records.

17 Q. All right.

18 MS. MAYES: State's 234. That's 19-5-520, Your
19 Honor, pursuant to the State's notice of evidence.

20 THE COURT: Any objection?

21 MR. SWERLING: Can I see?

22 THE COURT: While he's deciding, we need to take a
23 break right quick.

24 MS. MAYES: That's correct, Your Honor.

25 THE COURT: Okay. I'm sorry, Mr. Foreman and

1 ladies and gentlemen of the jury. We've got to take
2 a real quick break. Please do not discuss this case
3 amongst yourselves.

4 (Whereupon, the jury retires to the jury room at
5 2:33 PM.)

6 THE COURT: You're excused. Go on.

7 (Whereupon, the witness steps down from the witness
8 stand.)

9 THE COURT: All right. Let's be at recess. Our
10 witness had to go take a quick break. He has a stomach
11 virus and we're accommodating him.

12 MS. MAYES: Your Honor, there is something we're
13 gonna need to put on the record before the jury comes
14 back. Mr. Swerling indicated he would like to take up
15 a matter.

16 THE COURT: Can we go ahead?

17 MS. MAYES: We can do it when you come back or --

18 THE COURT: Let's go ahead and let's do it.

19 MS. MAYES: Okay. So, Your Honor -- we're on the
20 record?

21 THE COURT REPORTER: Yes.

22 MS. MAYES: Your Honor, there is a message regarding
23 marijuana sometime prior to December 17, 2019.

24 I beg the Court's indulgence.

25 THE COURT: What are we waiting on?

1 MS. MAYES: So, Your Honor --

2 MR. SWERLING: I was trying to find out something.

3 I think, Judge -- I think you were gonna get to the
4 message, weren't you?

5 THE COURT: There's a marijuana message --

6 MS. MAYES: There is.

7 THE COURT: -- before December 17th.

8 MS. MAYES: And, Your Honor, the explanation that
9 the defendant gives for the two texts which are "make
10 sure you clean those tools off" and "erase these
11 messages" is that it was -- the intent was to delete
12 anything drug related, but there is a marijuana message
13 on December 2nd and obviously the marijuana message on
14 December 20th, and those were not deleted, and so that
15 is simply the extent of what we would offer. That there
16 was a marijuana message on December 2nd on the phone,
17 not deleted, and it certainly goes to the credibility
18 of that explanation, Your Honor.

19 MR. SWERLING: I guess my objection is to
20 mention anything about marijuana on December 2nd or
21 December 20th. I just don't it's relevant and I think
22 under 403 it would be prejudicial. It just doesn't --
23 I don't believe there's any relevance to it in this case
24 to go ahead and establish --

25 THE COURT: What is the relevance?

1 MS. MAYES: So, Your Honor, the relevance is that
2 those messages were not deleted, they are present on the
3 phone and visible on the phone, and so the explanation
4 that "erase these messages" is intended only to apply
5 to drug activity is completely disputed. The only two
6 messages deleted are "clean off these tools" and "erase
7 these messages", and those are one minute apart on the
8 day of the murder, approximately an hour and a half after
9 the murder or two hours after the murder. Those are the
10 only two that are deleted and we can confirm that through
11 what we see with the photographs, as well as the Verizon
12 records of Mr. Hopkins.

13 So it's certainly relevant that he has a marijuana
14 message on December 2nd and another on December 20th,
15 which weren't deleted.

16 THE COURT: And is Creech gonna testify he said I
17 just deleted any marijuana --

18 MS. MAYES: Yes. That "erase these messages" was
19 intended -- the defendant's explanation is that "erase
20 these messages" was intended to apply to drug-related
21 messages, but there were only two deleted and it was
22 those two at 1:03 and 1:04 and the marijuana messages
23 have not been deleted from December 2nd and December 20th.

24 MR. SWERLING: Just my objection --

25 THE COURT: And I understand you think it's not

1 relevant, but I'm gonna allow it. I think it is relevant
2 if that's what he said and they're gonna try to disprove
3 it. I think it's probably -- we'll let the jury decide.

4 MR. SWERLING: Judge, also on 234 that they're
5 getting ready to introduce, there are some text messages
6 between Mr. Hopkins and Mr. Cornish and what I object
7 to would be any text messages from Mr. Hopkins to
8 Mr. Cornish from his records.

9 MS. MAYES: All right. So we can make redactions,
10 Your Honor. It will take some time. Again, these were
11 all provided pursuant to the notice of evidence. I will
12 also say that what I'm seeing here all appears to be
13 consistent with what's already in. These should match
14 up text for text with State's 233, which is already in.
15 It's gonna begin with "I'm in Richland Village, can you
16 scoop me", which is in.

17 THE COURT: I thought we already did all of that.

18 MR. SWERLING: Those are -- if something's already
19 in, I'm not gonna object, but some of these things that
20 I -- I'm not sure --

21 THE COURT: I thought you-all had gone through this
22 earlier and said you-all had worked it out.

23 MR. SWERLING: Not this.

24 THE COURT: Am I missing something or is it --

25 MR. SWERLING: No, this was not what we were talking

1 about.

2 THE COURT: Okay.

3 MS. MAYES: And then we have "what apartment" and
4 then we have "in the back". That's all in and consistent
5 with what we see already. The two that are missing are
6 "make sure you clean these tools off" and "erase these
7 messages".

8 THE COURT: And I've already ruled on those. Those
9 are coming in.

10 MS. MAYES: Okay. And December 20th, which is
11 already in.

12 MR. SWERLING: I'm good.

13 THE COURT: I think we've covered all the text
14 messages, right?

15 MR. SWERLING: So -- yes.

16 THE COURT: I've already said that for the purposes
17 of this testimony, notwithstanding any objection you've
18 already made, is carried throughout this testimony.

19 MR. SWERLING: Yes, Your Honor.

20 THE COURT: Okay. Now I'm gonna go take a break.

21 MS. MAYES: Thank you, Your Honor.

22 (Recess taken at 2:40 PM.)

23 (Back on the record at 2:50 PM.)

24 THE COURT: All right. Can I bring the jury back
25 in?

1 MR. HUBBARD: Mr. Leventis just stepped out. He'll
2 be right back.

3 (Whereupon, the witness returns to the witness
4 stand.)

5 THE COURT: All right. Let's bring them out.

6 (Whereupon, the jury returns to the courtroom at
7 2:53 PM.)

8 THE COURT: Mr. Foreman, are we ready?

9 THE FOREPERSON: Yes, Your Honor.

10 THE COURT: All right. Let's be seated.

11 Sergeant Creech, again, I'm gonna remind you that
12 you're still under oath.

13 And, Ms. Mayes, you can continue on.

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

15 What's the last number you have for evidence, Your
16 Honor?

17 THE COURT: The very last number I have are 237.
18 Those were the Google records.

19 BY MS. MAYES:

20 Q. Sergeant Creech, I want to ask you specifically, kind
21 of recapping, what you know about the whereabouts having
22 viewed those text messages of both Justin Hopkins from the
23 Verizon records, that is 234 --

24 MS. MAYES: And I believe these are now in, Your
25 Honor, without objection. These are Verizon records of

1 Justin Hopkins. 234.

2 THE COURT: I've got text messages.

3 They're admitted.

4 (State's Exhibit Number 234, Verizon Text Messages,
5 was admitted into evidence.)

6 BY MS. MAYES:

7 Q. Having viewed 233 and the Verizon text messages, going
8 back to the activity for Tuesday, December 17, 2019, let
9 me kind of ask you this. Again, when we're looking at the
10 photos that you took of the phone, are those in Eastern
11 Standard Time?

12 A. They are.

13 Q. And as to 5:26 AM, can you tell us whether or not
14 that's consistent with the timeframe of arranging pickup
15 for work at the PatCon Construction?

16 A. It would be consistent with him arranging pickup for
17 work that morning.

18 Q. So the message "yo" is from who or which device?

19 A. That would be from Jeremy Cornish's device.

20 Q. And it is to which device?

21 A. To Justin Hopkins.

22 Q. And it is?

23 A. He's saying "I'm in Richland Village, can you scoop
24 me".

25 Q. All right. And the response to that is?

1 A. Mr. Cornish's response is "bet".

2 Q. All right. And then ultimately in your interview on
3 the 23rd, did he acknowledge whether or not he had picked
4 up Mr. Hopkins from Richland Village?

5 A. He does. That's where he said he picked him up from.

6 Q. For work that morning?

7 A. Correct.

8 Q. And can you tell us whether or not the 7:02 AM text,
9 "what apartment" is consistent with that?

10 A. It is.

11 Q. And the "in the back" communication?

12 A. It is. That would be Mr. Hopkins specifying where
13 he's at in the apartments.

14 Q. All right and so picked up at Richland Village prior
15 to being rained out that morning?

16 A. That would be correct.

17 Q. Now do you see any other communications between the
18 parties between that date on December 17th until you get to
19 the December 20th communication from Mr. Cornish that says
20 "you got the smoke"?

21 A. We didn't note any additional message at that time.

22 Q. And that's having photographed the phone, as well as
23 the phone extraction that was conducted in January of 2020?

24 A. That would be correct.

25 Q. When you viewed the phone records for Justin Hopkins,

1 being the Verizon phone records, which is State's 234, I'm
2 gonna show you what was previously Court's Exhibit 13 and
3 14, which would now be State's 13 and 14, I'm gonna ask you
4 whether or not you recognize these items?

5 A. I do recognize both these items.

6 Q. Can you tell us whether or not these are fair and
7 accurate -- whether or not these are a fair and accurate
8 reflection of the Verizon records that you received?

9 A. They are.

10 Q. Can you tell us the date of these communications?

11 A. These communications are from December 17, 2019.

12 THE COURT: Any objection?

13 MR. SWERLING: No, Your Honor.

14 THE COURT: They're admitted.

15 (State's Exhibit Number 13 and 14, text messages,
16 were admitted into evidence.)

17 BY MS. MAYES:

18 Q. Were there discrepancies between the Verizon
19 records of Justin Hopkins and those text messages, the
20 communications between Hopkins and Cornish, that you had
21 photographed on Cornish's phone?

22 A. There were. There were two text messages missing from
23 the afternoon of December 17th.

24 Q. So I'm gonna ask you about that. Looking here at
25 234, we see a message and it's "yo", and I can get up

1 closer on that, if needed. Again, the Verizon records of
2 Mr. Hopkins, do they confirm that message that was "yo"?

3 A. They do.

4 Q. And, again, the date and time as the Verizon records
5 indicate?

6 A. They do.

7 Q. And what's that date and time?

8 A. It's December 17, 2019, at 5:26 AM.

9 Q. All right. And that from Mr. Cornish to Mr. Hopkins?

10 A. That is.

11 Q. So that's consistent?

12 A. Correct.

13 Q. And then what about the message "I'm in Richland
14 Village, can you scoop me"?

15 A. That is also reflected in the Verizon records as we
16 can see here on December 17, 2019, at 5:50 AM.

17 Q. And that's from Mr. Hopkins to Mr. Cornish?

18 A. That's correct. Mr. Hopkins to Mr. Cornish.

19 Q. Next we see the message "bet", and is that consistent
20 with the photograph?

21 A. It is. And this would be from Mr. Cornish to
22 Mr. Hopkins.

23 Q. And, again, the time of that communication?

24 A. 12-17 of '19 at 5:51 AM.

25 Q. And next we see the communication of "what apartment",

1 and, again, the date and time of that communication?

2 A. 12-17 of 2019 at 7:02 AM. This would be from
3 Mr. Cornish to Mr. Hopkins.

4 Q. Consistent with the pickup that morning?

5 A. Correct.

6 Q. And next we see "in the back" and, again, the date and
7 time of that communication?

8 A. 12-17 of 2019 at 7:02 AM.

9 Q. Again, consistent with the pickup that morning?

10 A. Correct.

11 Q. Now in relation to the actual 9-1-1 call at 10:59 and
12 the KJ's video at 11:10, what, if anything, did Mr. Cornish
13 indicate were his whereabouts between leaving in KJ's video
14 and ultimately going back to the DMV later that afternoon,
15 and I believe the testimony is that would have been around
16 2:03 PM.

17 A. I'm sorry. Can you rephrase the question?

18 Q. What did Mr. Cornish indicate his whereabouts were
19 after leaving KJ's and prior to going back to the DMV at
20 2:03 PM.

21 A. Going to Mr. Hopkins' apartment.

22 Q. Okay. And after Mr. Hopkins' apartment, he indicated
23 he went where?

24 A. I believe he said he went back home -- or hold on.
25 Yes, he said he then drove home with his share of the

1 marijuana before going to the offices of PatCon
2 Construction.

3 Q. Okay. So he indicates he left Mr. Hopkins' apartment
4 at Landmark with his share of the marijuana?

5 A. Correct.

6 Q. I'm gonna show you what is State's 20 -- 234, being
7 the Verizon records of Mr. Hopkins. Is this the first time
8 you discovered this text message?

9 A. It was.

10 Q. What is this text message?

11 A. This text message is December 17th of 2019 at 1:03 PM
12 and the message content states "make sure you clean those
13 tools" off.

14 Q. Make sure you clean those tools off. That message was
15 sent from whom to whom? Which device to which device?

16 A. It was sent from Mr. Cornish to Mr. Hopkins.

17 Q. And can you tell us what time we're looking at there?

18 A. Yes, 1303 or 1:03 PM.

19 Q. Sergeant Creech, you've been a major crimes
20 investigator for how long?

21 MR. SWERLING: Judge, I object to him interpreting
22 what that means, which is where I think you're going.

23 MS. MAYES: We'll be prepared to offer an additional
24 witness in this regard.

25 THE COURT: Okay.

1 THE WITNESS: I've been in the major crimes division
2 for almost eight years.

3 BY MS. MAYES:

4 Q. And how long within the Major Crimes Unit have you
5 investigated homicide cases involving firearms?

6 A. Pretty much that entire period. It's a very frequent
7 type of case that we encounter.

8 Q. All right. And during the course of your
9 investigations, are you also familiar with intelligence
10 associated with those investigations?

11 A. I am.

12 MS. MAYES: Your Honor, I believe we have a matter
13 outside the presence of the jury.

14 THE COURT: Mr. Foreman, ladies and gentlemen of
15 the jury, I'm gonna have to ask you to go back to your
16 jury room. I will call for you as soon as we finish here.
17 Please do not talk about this case.

18 (Whereupon, the jury retires to the jury room at
19 3:04 PM.)

20 MS. MAYES: And a very brief proffer, Your Honor.

21 EXAMINATION (In-Camera)

22 BY MS. MAYES:

23 Q. And throughout your experience with major crimes, can
24 you tell us whether or not you're familiar with the term
25 "tools"?

1 A. I am.

2 Q. And what do you understand that term to be in
3 reference to criminal investigations?

4 A. It can often be -- it's often used as a slang or
5 street term for firearms.

6 Q. Is that common knowledge among criminal investigators
7 within the Lexington County Sheriff's Department?

8 A. It is. Those of us that regularly investigate violent
9 street crimes, yes, it is a very -- it is very common
10 knowledge.

11 Q. As well as intelligence and communications with other
12 agencies?

13 A. Correct. Yes, ma'am.

14 Q. As well as your training and background and education,
15 specific to violent crime investigations?

16 A. Yes, ma'am. That is correct.

17 Q. And, again, is that common knowledge not only among
18 members of law enforcement but among members of society?

19 MR. SWERLING: Object. He can't testify to that.

20 MS. MAYES: I can rephrase it.

21 BY MS. MAYES:

22 Q. That term that you refer to as a slang term, can you
23 tell us whether or not it is used in rap music?

24 A. That's not music I'm super familiar with, so I
25 couldn't answer that.

1 Q. Okay. Can you tell us whether or not you have heard
2 that term outside the context of law enforcement?

3 A. I have.

4 MS. MAYES: Your Honor, again, the State's position
5 is that this is common knowledge, it does not require
6 expertise. With that said, Sergeant Brian Zwolak is
7 on our witness. He has been qualified previously as
8 an expert in the field of crime reduction intelligence
9 and violent crime intelligence. He is fully aware of
10 that term, it is widely known, not just among members
11 of law enforcement, Your Honor, but as a term widespread
12 across many cultures. It's a cross-cultural term and
13 very common in pop music.

14 Your Honor, also made Court's exhibits, from the
15 Urban Dictionary, the term "tool" is slang for gun,
16 usually a semi auto pistol or a revolver. That, again,
17 is from the Urban Dictionary, urbandictionary.com, a
18 common source of cultural references.

19 Also, Your Honor, from stayhip.com, being a pop
20 culture website, including hip hop and pop music, tool
21 can be a slang term for gun. As from dailyrappfacts.com,
22 again, a pop culture website, what is a tool? The term
23 or slang tool is a noun used to refer to a weapon. Tool
24 means a gun. A weapon is a tool.

25 All of these, Your Honor, in addition, will be

1 marked as a joint Court's Exhibit.

2 (Court's Exhibit Number 39 was marked for
3 identification.)

4 MS. MAYES: The fact, Your Honor, that it is so
5 widespread in knowledge across culture -- across pop
6 culture and that it is recognized on multiple websites
7 that are published and websites that are utilized by
8 many members of the United States population, we believe
9 that's sufficient for the Court to take judicial notice.
10 We're not asking for the Court to take judicial notice,
11 but we're simply requesting that the officer to be
12 allowed to state his knowledge, which is common knowledge
13 not requiring expertise, of this term and the slang use
14 of this term.

15 MR. SWERLING: It can also refer to tools and he's
16 a -- he's in construction. He's a mason, they do
17 masonry work, and he has tools in his truck. We've seen
18 his truck. They've referred -- they refer to tools all
19 the time in his business and we refer to tools all the
20 time in what we have in our garages or in our house. I
21 mean, they're asking the jury to speculate that this
22 has something to do with some kind of -- some criminal
23 offense, that tools are weapons. So my objection would
24 be under 403, I think it's -- which is under 403
25 extremely prejudicial, especially in the case like this

1 where --

2 THE COURT: Where he works with tools.

3 MS. MAYES: And, Your Honor, that is proper
4 cross-examination and that is one of the explanations
5 that he gave to law enforcement that's gonna come out
6 following this during examination, that his explanation
7 was he was referring to a tape measurer. They certainly
8 can explore on cross every aspect of his use of tools,
9 but the State maintains that the evidence is clear.
10 This was a reference to guns. That is the State's
11 perspective, and not just that, but it is supported by
12 the widespread knowledge of this term. Just like the
13 term "pole", which we often and frequently see in other
14 criminal investigations.

15 MR. SWERLING: Judge, can I? If it's such common
16 knowledge, then the jury doesn't have to -- need to hear
17 from Mr. Creech about it. They can draw their own
18 conclusions. According to the solicitor, it's common
19 knowledge.

20 MS. MAYES: It has probative value to have the
21 officer explain his understanding of this term. Again,
22 we can offer Sergeant Zwolak as well. He has been
23 previously qualified. This is at 1:03 PM. The next
24 communication is to "erase these messages". That act
25 alone, Your Honor, indicates the nefarious background

1 surrounding this message and the fact that both of
2 these were deleted and no other messages.

3 MR. SWERLING: That's why we have 403.

4 MS. MAYES: The probative value here --

5 MR. SWERLING: Well, probative value, but, yes, it
6 has a prejudicial effect and not to confuse the jury
7 either.

8 MS. MAYES: The probative value would outweigh
9 prejudicial effect, Your Honor.

10 THE COURT: I got it. I'm gonna tell you what
11 concerns me is that -- that he does work in construction.

12 MR. SWERLING: And he tells Mr. Creech that they
13 are talking about tools in the construction business.
14 They may not believe him or not, but that's what he told
15 them.

16 THE COURT: And she's got the message in. If you've
17 got an expert, I'd rather you put the expert on the stand
18 to explain the definition of tools.

19 MS. MAYES: We will, Your Honor.

20 THE COURT: That it can mean a bunch of stuff in
21 the criminal world, but I would feel better with an
22 expert because I think it just comes so close to
23 construction work and that's what this defendant does
24 for a living.

25 MS. MAYES: We have no objection to that, Your

1 Honor. Sergeant Zwolak is -- he is sequestered, but he
2 is present.

3 THE COURT: Okay. Great.

4 MR. NORTON: Your Honor, while we have the jury
5 outside the court, can I approach the witness with a
6 refreshment.

7 THE COURT: Absolutely.

8 MR. NORTON: Thank you, Your Honor.

9 MR. SWERLING: I object.

10 THE COURT: Anything to make him feel better.

11 (Pause in proceedings.)

12 MS. MAYES: Your Honor, one thing before they come
13 back in, I would like to advise Detective Creech of the
14 matter that was taken up previously outside the presence
15 of the jury about the reference to drugs; that only the
16 references to the December 2nd and the reference to
17 December 20th were coming in, the references regarding
18 the marijuana, so I just wanted to make sure that
19 the witness was advised that only those two dates,
20 December 2nd and December 20th.

21 THE COURT: Those were the ones that were close in
22 range.

23 MS. MAYES: (Nods head.)

24 THE COURT: All right. Let's bring the jury in.

25 (Whereupon, the jury return to the courtroom at

1 3:19 PM.)

2 THE COURT: Mr. Foreman, are we're ready?

3 FOREPERSON: Yes, Your Honor.

4 THE COURT: Please be seated.

5 Sergeant Creech, you're still under oath.

6 THE WITNESS: Yes, ma'am.

7 THE COURT: And continue on, Ms. Mayes.

8 MS. MAYES: Yes, Your Honor.

9 CONTINUED DIRECT EXAMINATION

10 BY MS. MAYES:

11 Q. Looking here, Sergeant Creech, we see the
12 communication now at 1:03 and looking at this what can
13 you tell us about who sends the message -- who's device
14 sends the message and which device receives the message?

15 A. This message originates from Jeremy Cornish's phone
16 number and the receiver would be the phone number of Justin
17 Hopkins.

18 Q. All right. And this message is "make sure you clean
19 those tools off"?

20 A. Correct.

21 Q. And the time of this being sent was 1:03 PM?

22 A. Yes, ma'am.

23 Q. And did you discover any other messages that you
24 found in Justin Hopkins Verizon records between the two
25 of them which was not observed in the messages that you

1 photographed?

2 A. I did. There's another message immediately following
3 this one.

4 Q. And this message?

5 A. 12-17 of 2019 at 1304 or 1:04 PM. Again, the
6 originating number is that of Mr. Cornish, the recipient
7 is Mr. Hopkins, and the message content is "erase these
8 messages".

9 Q. So "make sure you clean these tools off" and "erase
10 these messages" are sent one minute apart?

11 A. That is correct.

12 Q. Both from Mr. Cornish's phone to the phone of Justin
13 Hopkins?

14 A. That is correct.

15 Q. And this would be approximately how long after the
16 murders?

17 A. Within approximately two hours.

18 Q. Two hours after the murders?

19 A. Yes, ma'am.

20 Q. Now during that conversation with Jeremy Cornish that
21 you had on January 23, 2020, did you ask him about these
22 messages?

23 A. I did.

24 Q. And what, if any, response did he give? And you can
25 refer to directly to your notes --

1 A. Yes, ma'am.

2 Q. -- and specifically your supplemental report.

3 A. Regarding the -- do you have preference of which
4 order?

5 Q. Begin however you'd like according to your
6 supplemental report.

7 A. So we actually kind of asked about these messages in
8 backwards order. So we initially asked about this message
9 here from 1:04 PM, "erase these messages", and asked what
10 that was referring to and Mr. Cornish told us that he was
11 referring to Mr. Hopkins to delete messages involving drug
12 activity between the two of them.

13 Q. All right. And then you also asked him about the tape
14 -- about the tools?

15 A. Correct, and after his explanation to us about "erase
16 these messages", we then asked about what he meant by "make
17 sure you clean these tools off", and he went onto tell us
18 that he was referring to tools from the job because
19 Mr. Hopkins was his apprentice, but then as we talked about
20 it more and more because the job site got rained out that
21 morning, he then said that the tools that he was referring
22 to was a tape measurer that he said he had gotten wet
23 because of the rain.

24 Q. All right. So when you asked him to give you an
25 explanation for the "make sure you clean those tools off"

1 message, he said he was referring to a tape measurer?

2 A. Correct. He -- he defined that as a tape measurer.

3 Q. A tape measurer that had gotten wet?

4 A. Correct.

5 Q. And through your investigation, did you learn if they
6 had even worked together that day on December 17th?

7 A. On December 17, they went to McEntire, but the job was
8 rained out within half an hour.

9 Q. All right. So following that interview, his
10 explanation was that he was referring to a tape measurer?

11 A. Yes, a singular tape measurer.

12 Q. And that it had gotten wet in the rain?

13 A. Correct.

14 Q. And when you asked him about the following message one
15 minute later that says "erase these messages", what, if
16 any, response did he give you?

17 A. He said that he was referring to Mr. Hopkins delete
18 indications about drug activity between the two of them.

19 Q. All right. So he told you that "erase these messages"
20 was intended to apply to any drug-related activity?

21 A. That is correct.

22 Q. Now other than these two messages, "erase these
23 messages" at 1:04 and "make sure you clean those tools off"
24 at 1:03, did you see any other erased messages?

25 A. We did not.

1 Q. And, in fact, can you tell us having reviewed the
2 phone records or phone log of -- phone log and texts of
3 Mr. Cornish, were there drug-related messages following
4 this?

5 A. There were. As we can see here, on December 20th of
6 2019, Mr. Cornish asked "you got the smoke".

7 Q. All right. So there Mr. Cornish is asking Mr. Hopkins
8 "you got the smoke"?

9 A. Correct.

10 Q. And was this deleted?

11 A. This was not deleted.

12 Q. And prior to that, how far back did you go when you
13 were photographing his phone? Can you tell us whether or
14 not it included the start of December?

15 A. It did.

16 Q. I'm gonna show you what is State's 238 and ask you
17 whether or not you recognize this?

18 A. I do. This would be a message from December 2, 2019.

19 Q. All right. And you photographed this while at the
20 traffic stop on --

21 A. December 21, 2019.

22 Q. Okay.

23 MS. MAYES: State's 238, Your Honor.

24 THE COURT: Any objection?

25 MR. SWERLING: Nothing. No additional objection.

1 THE COURT: It's admitted.

2 (State's Exhibit Number 238, a text message, was
3 admitted into evidence.)

4 BY MS. MAYES:

5 Q. All right. Now this one here, "you got the smoke" is
6 December 20th?

7 A. Yes, ma'am.

8 Q. I'm gonna ask you to take a look at this one here,
9 State's 238. What's the date of this message?

10 A. This is December 2, 2019, also a messaging originating
11 from Mr. Cornish to Mr. Hopkins, and it says "you got some
12 smoke over there".

13 Q. All right. Can you tell us whether or not those
14 appear to be related to marijuana?

15 A. They do.

16 Q. And were they deleted?

17 A. They were not deleted.

18 Q. Other than these two messages, "make sure you clean
19 the tools off" and "erase these messages", did you find any
20 other deleted communications between these two parties upon
21 review and cross-comparison of Mr. Hopkins' Verizon's
22 records and the defendant Jeremy Cornish's phone?

23 A. According to the Verizon records, those are the only
24 deleted text messages we identified.

25 Q. Those were the only two deleted messages?

1 A. That is correct.

2 Q. From 1:03 PM and 1:04 PM on the date of the murders?

3 A. Yes, ma'am.

4 Q. Two hours after the murders?

5 A. Two hours after the murders.

6 Q. Now finally I want to ask you about the firearms in
7 this case. You as lead investigator, you're familiar with
8 the SLED firearms report?

9 A. Yes, ma'am.

10 Q. And, of course, you were present for the presentation
11 of that evidence. I'm gonna ask you specifically regarding
12 the Glock-26 9-millimeter and a Taurus .38 or .357
13 revolver, who reviewed the records of Mr. Hopkins here from
14 State's 20 which identified those particular records? Were
15 you involved in that?

16 A. Yes, ma'am. I had been involved in the review of
17 these records.

18 Q. All right. And this particular photograph, which
19 is dated December 15th of 2019, so two days before the
20 murders, can you tell us, Sergeant Creech, whether or not
21 this firearm, this Taurus revolver, was ever recovered by
22 the Lexington County Sheriff's Department?

23 A. We have not recovered that weapon.

24 Q. And based upon the communications of Mr. Hopkins, who
25 was attempting to sell the gun on December 15th, were you

1 ever able to determine that he arranged a sale for that
2 firearm?

3 A. We were not able to determine that that firearm was
4 actually sold.

5 Q. As for the Glock 9-millimeter, also depicted here in
6 the Facebook records of Justin Hopkins, State's 20, can you
7 tell us whether or not this Glock 9-millimeter was ever
8 recovered by the Lexington County Sheriff's Department?

9 A. That weapon also was not recovered by the sheriff's
10 department during this investigation.

11 Q. And following the attempt to sell that gun on
12 December 15th, can you tell us whether or not reviewing the
13 records you were ever able to determine if that gun had
14 been arranged for sale.

15 A. We couldn't determine that it had been sold either.

16 Q. And so the guns found on Mr. Hopkins pursuant to that
17 traffic stop and the seizure of that heroin, those guns
18 ultimately -- can you tell us whether or not they were
19 ruled out in this case as being the murder weapon?

20 A. Yes, both of those weapons were ruled out as being
21 either of the murder weapons in this case.

22 Q. And these two guns unrecovered?

23 A. Those two guns are unrecovered.

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

25 THE COURT: Take your time.

1 BY MS. MAYES:

2 Q. And, finally, through the duration of that interview
3 that you conducted with the defendant, Jeremy Cornish, on
4 January 23, 2020, did he ever indicate that anyone else
5 was inside that white dually truck with himself and
6 Mr. Hopkins?

7 A. He did not. He indicated that the only -- he was only
8 with Justin Hopkins during that -- those events.

9 MS. MAYES: Nothing further.

10 THE COURT: Mr. Swerling.

11 CROSS-EXAMINATION

12 BY MR. SWERLING:

13 Q. Mr. Creech, how are you, sir?

14 A. I've been better. How are you, Mr. Swerling?

15 Q. Better. Okay. So I'm gonna go back and try to recap
16 a few things and go over some things with you that you
17 testified to and ask you some questions about that, okay?

18 A. Yes, sir.

19 Q. I'll try and be as surgical as I can to quicken the
20 pace.

21 All right. Let me -- you responded on 12-17 and the
22 first person you met at the scene was Donnovin Haynes; is
23 that correct?

24 A. Yes, sir. That's correct.

25 Q. And you interviewed him?

1 A. I did.

2 Q. Now that particular location, that was known to law
3 enforcement as possible drug sales were coming out of that
4 apartment; isn't that correct?

5 A. Are you talking about prior to the response to --

6 Q. Yes.

7 A. I'm not aware that intel prior to that date. That
8 would be narcotics-related intel. I wouldn't necessarily
9 be privy to that.

10 Q. All right. You asked Mr. Haynes about drug sales at
11 that apartment and he kind of played like he didn't know
12 anything about that; isn't that correct?

13 A. I do believe that's correct, but let me just check to
14 make sure.

15 Q. I'm looking at your report on page 101. I guess it
16 was the supplemental report.

17 A. If you'd give me just a second. My page numbers won't
18 correlate with yours because of how I printed this. If
19 you'd just tell me if this would be one of the interactions
20 from the 17th or a subsequent date?

21 Q. Basically you report here in your report that he told
22 you that he was not familiar with any drug activity in that
23 apartment; is that correct? At the bottom of page 101 or I
24 guess there's also another number there on the right-hand
25 corner, page 1. I don't know which one you refer to.

1 THE COURT: You can show him your report.

2 THE WITNESS: Yes, sir. Actually if you want to show
3 me your report.

4 MR. SWERLING: I can give you a copy of it.

5 BY MR. SWERLING:

6 Q. In case we have to refer to it again, I'm just gonna
7 go ahead and hand you -- this is a copy what I was
8 referring to.

9 A. Okay, sir. Certainly.

10 Q. All right. So 101 at the bottom of the page, he
11 denied any knowledge of any drug activity in that
12 apartment; is that correct?

13 A. That is correct.

14 Q. All right. And, in fact, we now know that there was
15 drug activity in the apartment, correct?

16 A. Yes, we do know there was.

17 Q. Okay. Let's just go back and review a little bit.
18 You found a scale --

19 A. Correct.

20 Q. -- which is pretty much known to have something to do
21 with drug activity and sales of drugs; is that correct?

22 A. Certainly. That would be correct.

23 Q. All right. You also found -- or supposedly there was,
24 what, 18 grams of heroin supposedly in that apartment?

25 A. In Mr. Hopkins' bags when he was arrested, we found

1 18 grams of heroin that we believe was taken from the
2 apartment, yes.

3 Q. That's correct. In other words, you're connecting
4 that with that apartment, that that 18 grams came from the
5 apartment?

6 A. Correct. Yes, sir.

7 Q. And that Mr. Hopkins took it, correct?

8 A. Yes, sir.

9 Q. Okay. And that heroin, if I remember correctly, was
10 analyze as containing fentanyl, which is a highly dangerous
11 drug and kills people?

12 A. Certainly. Fentanyl's very dangerous.

13 Q. I think there was also some heroin mixed with also
14 meth, if I'm not mistaken.

15 A. I know that was according to the field test. Yes,
16 sir.

17 Q. Field testing. And, of course, Mr. Donnovin Haynes
18 was claiming no knowledge of any of that, correct?

19 A. Yes, sir. That's correct.

20 Q. All right. And you asked him specifically about
21 Mr. Booker and he denied knowing any knowledge or having
22 any knowledge about Mr. Booker dealing drugs?

23 A. At the time, yes, he did -- he did say that.

24 Q. Now he later admitted that, didn't he?

25 A. Yes, sir.

1 Q. And he said that Mr. Booker was dealing in drugs out
2 of the apartment?

3 A. Yes, he did later tell that to myself and law
4 enforcement.

5 Q. All right. And from what I understand from your
6 investigation, that apartment was known to have a lot of
7 traffic coming in and out of Woodland Apartments directed
8 toward that apartment?

9 A. According to Mr. Haynes, he said there was a lot of
10 activity in and out of the apartment.

11 Q. And a lot of activity could mean very well that there
12 was drug activity going on in the apartment?

13 A. It certainly could mean that.

14 Q. Okay. And Mr. Haynes also -- I mean, he said he was
15 innocent of any kind of drug dealings, said he only had a
16 small quantity of marijuana in his room, correct?

17 A. That is what he said, yes.

18 Q. I think -- I don't remember what the quantity was, but
19 it was a very small quantity he said?

20 A. Yes.

21 Q. Okay. And later on you-all determined that there was
22 like 300 grams or so of marijuana located in his room?

23 A. Yes. There was a large quantity found underneath his
24 love seat in his room, yes.

25 Q. So the witness in this case who was a surviving person

1 out of that apartment lied to you?

2 A. He certainly wasn't being entirely truthful about drug
3 activity in the home.

4 Q. Right. And he in addition to that, he reported --
5 well, he didn't report, but he later claimed that he had
6 \$1,100.00 stolen out of the bathroom, correct?

7 A. He did later state that. I actually asked him about
8 that, why it wasn't mentioned before and he was pretty
9 blunt that it just wanted an important issue at the time.

10 Q. \$1,100.00 was not an important issues, correct?

11 That's what he said?

12 A. Well, his three friends had just been killed, so he
13 said that was -- he wasn't worried about a little bit of
14 money at the time.

15 Q. I understand, but the fact of the matter is he didn't
16 report it when he was asked what was missing?

17 A. No, he didn't.

18 Q. And you also were able to go ahead and get his phone
19 and look at his phone and videos on his phone?

20 A. I was. I was able to conduct an extraction of
21 Mr. Haynes' phone.

22 Q. And when you do -- was that Cellebrite as well?

23 A. Yes, that was also a Cellebrite extraction.

24 Q. Celle-brite or Celle-u-brite? I --

25 A. Celle-brite.

1 Q. Celle-brite. Okay. And what we -- we refer to it as
2 like a phone dump? Is that another name for it?

3 A. Yes, that would be a very colloquial term for that
4 extraction to be a phone dump.

5 Q. Well, I'm handing things colloquially. But it's
6 common knowledge to refer to those as phone dumps?

7 A. Yes.

8 Q. And when you put that equipment on it, it really dumps
9 everything out of the phone or anything contained in the
10 phone? It could be e-mails, text messages.

11 A. Right, everything that's compatible and that changes
12 from make and model and operating system and whether it's
13 android or iPhone, so it's not the same phone to phone.
14 Some phones you're gonna extract more than others, but
15 generally a device that's compatible with Cellebrite, we'll
16 put lot of information there.

17 Q. Okay. And correct me if I'm wrong, but you found
18 on that phone videos of large quantities of drugs on
19 Mr. Haynes' phone; did you not?

20 A. There were some videos involving drugs. I'd have to
21 go back and look at my notations of it. Can you direct me
22 to the page number on your copy?

23 Q. I will find it if you'll give me a moment. Well,
24 rather than stand here and waste time -- let me see.

25 A. Oh, I think I found it. I believe it's page -- page

1 four, Mr. Swerling.

2 Q. Four. All right. Which -- are you talking about page
3 four in the lower right-hand corner?

4 A. Yes, sir.

5 Q. Okay.

6 A. Yes, there were some videos on the device dated 2017
7 and 2018 depicting marijuana and possibly something that
8 could have been consistent with heroin.

9 Q. And there were significant quantities?

10 A. That's what I note. You know, without looking at the
11 videos, I'm not sure what I was deeming as significant, but
12 it probably would have been more than just -- we're not
13 talking a couple of joints.

14 Q. And there were a number of them. It wasn't just one.

15 A. Yes, sir. I didn't note exactly how many, but there
16 was more than -- probably more than a few.

17 Q. And if I remember right, it was during a period in
18 2017 and 2018; is that correct?

19 A. That is correct.

20 Q. And what was his excuse for that in connection with
21 what you had asked him and he had denied?

22 A. Let's see if we ever confronted him about that
23 directly. I'm not sure that we did.

24 Q. Okay. And there was actually a warrant drawn up for
25 him for that marijuana that was found in his room, correct?

1 A. There was.

2 Q. Okay. Was it ever served on him?

3 A. It wasn't.

4 Q. It was withdrawn, too, wasn't it?

5 A. It was.

6 Q. Okay. And that's a quantity possession with intent to
7 distribute or maybe even trafficking?

8 A. Yeah, I don't remember what the actual warrant was
9 drawn for as far as section code. Again, I don't do drug
10 violations very often, so I'm --

11 Q. Fair enough. So the bottom line is the main witness
12 who had survived in this case told you several matters that
13 really turned out not to be true?

14 A. Regarding drug activity in the home, but somebody in
15 his position they're gonna be dishonest with law
16 enforcement about anything I would expect.

17 MR. SWERLING: I move to strike that. It was not
18 responsive.

19 THE COURT: I agree. Just answer the question,
20 Sergeant Creech.

21 If you want to re-ask it, you may.

22 BY MR. SWERLING:

23 Q. And he also admitted, I think it's around page four,
24 that Mr. Booker was the one out of the apartment dealing
25 drugs?

1 A. Yes, he did tell us that Mr. Booker was dealing drugs
2 out of the apartment.

3 Q. In your investigation did you learn at some point a
4 deputy or an investigator from the sheriff's department
5 who was working at Landmark said that he saw Mr. Booker and
6 Justin Hopkins together several times at Landmark?

7 A. Detective Zylstra, who works for us, said that he
8 thinks he may have seen Mr. Booker. He said he couldn't be
9 absolutely certain in that identification, but he did tell
10 me that he thought he may seen Mr. Booker over at Landmark
11 with Mr. Hopkins before.

12 Q. I think he said 80 percent sure?

13 A. It was something like that. Without looking at his
14 response --

15 Q. That's all right.

16 A. He wasn't a hundred percent sure.

17 Q. He wasn't 100 percent sure, but if I recall correctly
18 he said --

19 A. He felt pretty certain, yes.

20 Q. So that means that Mr. Booker from Woodland Apartments
21 was seen over with Mr. Hopkins over at Landmark?

22 A. It's certainly possible they could have been together
23 at Landmark.

24 Q. Now we -- I'm just gonna -- again, I'm gonna try and
25 move through this pretty quickly. In the apartment -- you

1 spent a good bit of time in the apartment. There was a
2 shoe print, which we've gone through here in testimony,
3 that belonged to Mr. Hopkins, correct?

4 A. Yes, sir. That's correct.

5 Q. Not my client?

6 A. Not Mr. Cornish. No, sir.

7 Q. Okay. And there was also in that apartment several
8 different quantities other than what was in Mr. Haynes'
9 room of marijuana in different jars in different places in
10 the apartment, correct?

11 A. Yes, sir.

12 Q. Okay. Now the -- I'm gonna put up a diagram here and
13 see if you can explain to me --

14 MR. SWERLING: Excuse me, Your Honor.

15 THE COURT: Take your time.

16 BY MR. SWERLING:

17 Q. You're familiar with State's Exhibit Number 67,
18 correct?

19 A. Yes, sir. That would be the overhead of ■■■ Butternut
20 Lane.

21 Q. All right. Could you point to the location of the
22 apartment in question where the incidence happened?

23 A. Certainly. This is our incident location right here.
24 The first floor of that location.

25 Q. The first floor. All right. And it was -- when you

1 went in, it went to the right, correct?

2 A. Yes, sir. That's correct.

3 Q. All right. And you are familiar with the name Dale
4 Galloway, correct?

5 A. Yes, sir. Mr. Galloway, I believe, lives in this
6 building right behind it.

7 Q. Right behind. Very close?

8 A. Yes, sir.

9 Q. Okay. And Mr. Galloway, as we've heard testimony,
10 Mr. Galloway made a positive identification through a
11 lineup of Mr. Hopkins; is that correct?

12 A. He did. That is correct.

13 Q. He said he was the individual that was running out of
14 that apartment after -- well, we don't know -- he didn't
15 hear any shots, correct?

16 A. I believe he just saw him running --

17 Q. But he saw him running --

18 A. -- from the apartment.

19 Q. I'm sorry. He saw him running, described what he
20 looked like and was able to identify him through
21 photographic lineup?

22 A. Yes, and he said he'd seen the individual at the
23 apartment before.

24 Q. Okay. He didn't make any statement or comment about
25 seeing Mr. Cornish there?

1 A. He did not.

2 Q. All right. And then you had Mr. and Mrs. Menzie --
3 Menezes, something like that?

4 A. Meneses, I believe.

5 Q. Meneses. Okay. Now could you show us where their --
6 do you have a recollection of where their apartment is?

7 A. We would need to go to the next photo out from --

8 Q. I don't know how to use these things. I'm from the
9 old school.

10 A. Yes, sir. If you'll flip it. Yes, sir.

11 Q. Okay. Now we've got it.

12 A. If you'd bring it down just a little bit, just a hair.

13 Q. More?

14 A. Yes, sir. Okay.

15 Q. All right.

16 A. The Meneses lived in this building here and this would
17 be the area where they -- not to get ahead of you, I'll let
18 you --

19 Q. All right. So from Buttermilk {sic}, which is where
20 the apartment was in question --

21 A. Yes, sir.

22 Q. -- where the incident happened, up to where that
23 yellow circle is --

24 A. Yes, sir.

25 Q. That would be where the Meneses lived? I can't

1 pronounce it.

2 A. Yes, sir. That would be where they were.

3 Q. Okay. Now as I understand it, they -- they described
4 seeing a large black man with -- was it a band-aid? They
5 were the ones that talked about the band-aid?

6 A. Yes, sir. They described seeing a large bandage on
7 the face.

8 Q. They saw him up near their apartment, correct?

9 A. Correct.

10 Q. All right. And there's kind of a turnaround there or
11 a circle up there -- well, it's not really a circle. It's
12 an end there --

13 A. I believe there's a dead end right there.

14 Q. Right. And it's a very narrow path there. Okay. Let
15 me -- this is State's Exhibit Number 209. Does that look
16 familiar?

17 A. Yes, sir. This would be an up close view of where the
18 Meneses lived. The Meneses lived in this building right
19 here.

20 Q. So they described this fairly large Afro American
21 individual as being up in that area on a green bike,
22 correct?

23 A. That is correct.

24 Q. And, of course, we've heard testimony about the green
25 bike, but Mr. -- I think Mrs. Meneses said something about

1 the car left at a high rate of speed. There's no evidence
2 of that, is there? Because somebody else testified that
3 there was no evidence of speed out of parking lot by any
4 car.

5 A. Ms. Meneses described it in Court as travelling at a
6 high rate of speed. I'm not sure that we had any other
7 witnesses other than her and her husband that observed that
8 truck.

9 Q. Okay. It seems there was a question asked maybe of
10 you earlier today whether or not there was any report of
11 any vehicle speeding out of the apartment complex.

12 A. Yeah. I mean, I'm not aware of any -- any additional
13 reports of that nature, no.

14 Q. Okay. And that report is not -- that was just her
15 testifying about it, but we really don't know -- nobody
16 else was describing a speeding vehicle leaving out of that
17 apartment complex?

18 A. Yes, sir. I'm not sure that she was ever asked that
19 before when she was interviewed, so I don't know.

20 Q. Okay. So maybe the first time she ever said it was on
21 the witness stand?

22 A. Potentially.

23 Q. Okay. Now the person -- the truck that went up there
24 to where her apartment was would have had to turn around in
25 this particular area, correct --

1 A. Yes, sir.

2 Q. -- to go ahead and exit?

3 A. That is correct.

4 Q. And there's a pretty good distance between where -- on
5 Butternut and where their apartment is, correct?

6 A. That is correct.

7 Q. Several -- maybe four or five blocks or something like
8 that?

9 A. Yes, sir. That would be about correct.

10 Q. Okay. So it would take some period of time from where
11 Mr. Cornish said he was to go ahead and get up to where
12 Mrs. -- I'm gonna say Mrs. M lived; is that correct?

13 A. That's correct.

14 Q. All right. And would you tell the jury -- aren't
15 there speed bumps there if I recall correctly?

16 A. She testified that there were speed bumps. I
17 personally have never driven in this complex past

18 ■ Butternut Lane, so I couldn't tell you for sure that
19 there's speed bumps or how many because I haven't travelled
20 into the complex that deep.

21 Q. But if she testified there were speed bumps, we can
22 assume that there are?

23 A. I would assume there are. I would assume she knows
24 what she's talking about.

25 Q. And that would severely limit a vehicle being able to

1 speed out of that parking lot if there were speed bumps?

2 A. It would certainly make it an uncomfortable process.

3 Q. So what -- we have at least two people identify

4 Mr. Hopkins up in that area away from the apartment all

5 the way up near where Mrs. M's apartment is. There were

6 also one or two other people who identified him, is that

7 correct, who have not been called to testified identify

8 Mr. Hopkins?

9 A. Mr. Hopkins. I know Mr. Galloway, the Meneses. Are

10 you talking about additional witnesses at the --

11 Q. Yeah, there was a -- I think there were two others.

12 MS. MAYES: Objection, Your Honor. May we approach?

13 THE COURT: You may.

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

15 BY MR. SWERLING:

16 Q. Another person saw a fairly large Afro American male

17 jumping over the fence, but only could see his jeans?

18 A. Yes, sir. Saw the jeans. So, yeah.

19 Q. And that fence would have been at the end of where the

20 Meneses lived?

21 A. No. If you'll put the map back up.

22 Q. I will. That's fine. Where would the fence be that

23 Ms. Wakefield saw the --

24 A. Actually if you'll go back to the up close picture of

25 this area right here, the incident location. The first map

1 you put up earlier.

2 Q. Okay.

3 A. So the area they're referring to is actually --
4 there's a fence right along here that actually had a loose
5 board from when they said they saw an unknown subject go
6 over the fence because we actually consulted with our K-9
7 officers in this area to see if they could establish a
8 potential track, but they weren't able to get a lead on
9 anything.

10 Q. Okay. But that was described?

11 A. Yes. That was described, yes, but they didn't see
12 anything but some pants legs going over the fence, so.

13 Q. Which would be unusual at 11:00 in the morning, I
14 guess?

15 A. Certainly. I believe any time of the day that would
16 be unusual.

17 Q. Now this unfortunate event took place at around -- I
18 think the call came in at 10:59 --

19 A. Yes, sir. That's correct.

20 Q. -- the 9-1-1. So we're talking about a bright
21 morning? A cold morning, I understand, raining.

22 A. Yes, sir.

23 Q. When I say bright, I'm talking about it was light out?

24 A. Yes, it was light out.

25 Q. Okay. And no one -- the only thing that they

1 described in any connection at all with Mr. Cornish was
2 seeing a white dually; is that correct?

3 A. Yes, sir. That's correct.

4 Q. All right. And you eventually were able to relate
5 that to Mr. Cornish?

6 A. Yes, sir.

7 Q. All right. But no one saw him coming into that
8 apartment, correct?

9 A. No, we don't have any witnesses that saw him going
10 into the apartment.

11 Q. Nor did anybody see him exit that apartment?

12 A. That is correct.

13 Q. The only person they saw exiting that apartment was
14 Mr. Hopkins?

15 A. Or leaving behind. I don't remember if it was
16 exiting directly from the apartment, but running behind the
17 apartment. I believe he was running behind.

18 Q. Okay. But he was apparently running away from the
19 apartment?

20 A. Yes, sir. That is correct.

21 Q. And based upon the investigation in this case, it
22 appears he was running away from the -- or out of the
23 apartment?

24 A. Correct.

25 Q. Okay. So we're talking about 11:00 in the morning

1 and you-all did a canvass of the area, too, didn't you? I
2 mean, if I remember correctly from the investigative
3 reports, there were a number of detectives and deputies who
4 went to each of the apartments in that area to see whether
5 or not they had any recording from a key bell or --

6 A. Or to see if anybody had heard or seen anything.

7 Q. And nobody did?

8 A. No. Unfortunately, at that time of day a lot of
9 people were not home and those that were home didn't have a
10 clue of what was going on.

11 Q. And nobody saw -- other than being in the white
12 dually, nobody really saw Mr. Hopkins and Mr. Cornish being
13 together coming out of that apartment?

14 A. No, sir. Other than what the Meneses described.

15 Q. Pardon?

16 A. Beyond what the Meneses described, no, sir.

17 Q. But that had nothing to do with Mr. Cornish except
18 that they talked about a white dually, didn't they?

19 A. Yes, sir.

20 Q. Okay. Now there was another witness that -- maybe not
21 a witness to the events, but somebody who described there
22 had been a fight between Mr. Booker and someone that
23 appeared to look like Mr. Hopkins just a few days before
24 that; is that correct?

25 A. We did have some intel come in regarding that, but I'm

1 not sure we were able to -- I believe it was from a former
2 resident that had just moved out.

3 Q. Natalie somebody, I believe.

4 A. Yes. I can't remember the last name, but, yes, it was
5 a Natalie.

6 Q. But that was a report that they had had a fistfight.
7 In fact, Mr. Hopkins, I believe, had a crow bar in his
8 hand?

9 A. I don't remember the details real heavily, but she
10 described that there were some males in a fight at the
11 complex that we believe could have been the occupants and
12 potentially Mr. Hopkins based on the description.

13 Q. That's basically the way she identified him; is that
14 correct? That they were the ones involved?

15 A. Correct.

16 Q. So that puts Mr. Hopkins in the apartment complex and
17 having a fight with Mr. Booker just a few days before and
18 we also have the detective who's working at Landmark at
19 that point because he was ill and he had some extra time on
20 his hand I think you said?

21 A. Well, he had a death in the family and he was out on
22 family medical leave. So he was still courtesy officer,
23 but he was -- he wasn't at work per his regular duties.

24 Q. Right, but he was working at Landmark as a courtesy
25 officer?

1 A. Correct. Yes, he was.

2 Q. All right. And he said that he saw Mr. Booker there,
3 so obviously from the investigation you have Mr. Booker and
4 Mr. Hopkins knew each other?

5 A. I'll say it's certainly a possibility, yes, sir.

6 Q. And, of course, Mr. Hopkins was the one that directed
7 Mr. Cornish where to go to get marijuana and that was on
8 Butternut Drive, correct?

9 A. That's correct. Butternut Lane, yes, sir.

10 Q. Butternut Lane. Okay. So as far as what happened out
11 at Butternut Lane, Mr. Cornish told you that he had driven
12 over there and had Mr. Hopkins in the car with him?

13 A. Correct. Yes, he did.

14 Q. And Mr. Hopkins had asked him to go ahead and let's
15 get some marijuana and he knew where to know and
16 Mr. Cornish told you on the 23rd of January that it was
17 kind of confusing how to get there, but Mr. Hopkins was
18 directing him on how to go?

19 A. Correct.

20 Q. All right. So Mr. Hopkins appeared to be familiar
21 with the area?

22 A. He did. That was certainly the indication.

23 Q. And that Mr. Cornish on the 23rd of January, despite
24 what he may have said before, admitted that he had picked
25 up Mr. Hopkins earlier that morning to go to work?

1 A. That is correct.

2 Q. And there's no dispute about that, is there?

3 A. That they went to work and the job got rained out. I
4 believe that's -- nobody disagrees with that.

5 Q. And being the detective you are, I'm sure you checked
6 that out?

7 A. Yes, sir.

8 Q. Okay. As a matter of fact, they -- I think
9 Mr. Cornish had to have an ID to get into it because it was
10 McEntire Air Force Base, correct?

11 A. Yes, sir.

12 Q. And he had to have an ID to get in?

13 A. That is -- I believe Detective Hendrix checked into
14 that. Yes, sir, that would be my understanding.

15 Q. So that part of what he told you on the 23rd has been
16 verified?

17 A. Yes, sir.

18 Q. And apparently there's no question that he picked him
19 up at -- I'm trying to remember the name of the complex.

20 A. Richland Village Apartments.

21 Q. Yeah, Richland Village. That's been verified as well,
22 correct?

23 A. I mean, I would say the text messages verify that, so
24 I --

25 Q. Correct. I think at one point there was maybe some

1 question about whether it was Food Lion or Richland
2 Village, correct?

3 A. Yes, sir. I believe Mr. Cornish originally told
4 officers on the 21st that it was the Food Lion, but the
5 text messages and then Mr. Cornish's later statement on
6 January 23rd was that it was Richland Village Apartments.

7 Q. Right. And so -- and the bottom line is that he and
8 his brother would pick up the workers that worked with his
9 uncle, Willie Patterson, who owns the construction company,
10 they would pick them up at different locations and take
11 them to the job?

12 A. That is my understanding. Yes, sir.

13 Q. And that's been verified?

14 A. We didn't question that.

15 Q. There's really nothing to question?

16 A. There's nothing to question. No, sir.

17 Q. And on the 23rd also he told you that they went to
18 work and it got rained out and that has been verified and
19 they couldn't work?

20 A. Yes. I believe the detectives that first met with
21 Mr. Cornish were able to review some kind of scheduling
22 information for him to show how many hours had been
23 reported and obviously I'm very familiar with the weather
24 conditions that day, so I can -- knowing the weather that
25 day, I believe it was rained out.

1 Q. And from that point you testified that Mr. Cornish
2 said they went to where? Where did they go after work?

3 A. After they went to the DMV.

4 Q. The DMV?

5 A. On O'Neil Court.

6 Q. And the fact of the matter is on the 23rd of January,
7 2020, he told you that they went to the DMV. He admitted
8 that?

9 A. Correct, he did.

10 Q. Despite what might have been said before?

11 A. That is correct.

12 Q. And the difference was that he did not say he was
13 there with Mr. Cornish, but on January 23rd he told you
14 that he had gone there with Mr. Cornish -- I mean,
15 Mr. Hopkins?

16 A. Mr. Hopkins. Yes, sir.

17 Q. Mr. Cornish had gone with Mr. Hopkins?

18 A. Yes. On the 23rd, he said they went to the DMV
19 together that morning.

20 Q. All right. And so on the 23rd you've been able to
21 verify that they went to the DMV -- on the 17th they went
22 to the DMV and they verified it on the 23rd, correct?
23 January 23rd.

24 A. Yes, we already had the video verifying the morning
25 visit, but, yes, he did tell us that on the 23rd.

1 Q. And you showed him the video and we've seen the video?

2 A. Yes. He's -- he's been shown screen shots from the
3 video. I don't know that he's ever seen the video video.

4 Q. Now when they were at the DMV, did they both do a
5 transaction? I remember seeing a record here of what
6 actual transactions, but --

7 A. I know we had transactional paperwork for Mr. Cornish.
8 I would presume there was a transaction with Mr. Hopkins of
9 some sort since there was DMV paperwork --

10 Q. Because you had the paperwork.

11 A. -- but I don't know that his transaction records were
12 pulled. I was not the officer facilitating that.

13 Q. Okay. I just seem to remember there was something
14 introduced or there was a record of the transaction that
15 took place there on the 17th.

16 So after they went to the DMV, and that's been
17 verified that they went there, he admitted that on the
18 23rd. They went where -- he took him over to -- he went to
19 his house; is that correct?

20 A. Yes. He said he went to his house and then dropped
21 his girlfriend off at her parents' house and then he said
22 that he was taking Mr. Hopkins back home presumably to
23 Landmark and then Mr. Hopkins suggested they stop and buy
24 some marijuana.

25 Q. Get some smoke or marijuana. Okay. Now after they

1 went over to Woodland, Butternut, whatever you want to call
2 it. It's Woodland Village, correct?

3 A. Woodland Village Apartments. Yes, sir.

4 Q. Yes, Woodland Village. From there they -- they left
5 the parking lot and they stopped at the KJ's; is that
6 correct?

7 A. KJ's. Yes, sir.

8 Q. KJ's. Okay. And Mr. Cornish admitted to you that he
9 stopped at KJ's, correct, on the 23rd?

10 A. Yes.

11 Q. No question about that?

12 A. Yeah, no question. We got the video and that's pretty
13 solid.

14 Q. Right. And we know that he did, in fact, stop there.
15 His car was on the -- is that a video or are those stills?

16 A. It's a video.

17 Q. Video. Okay. And from there they went out and turned
18 toward Landmark Apartments where Mr. Hopkins was living,
19 correct?

20 A. Yes, sir. Because he said he went back to the
21 apartments and waited for Mr. Hopkins to walk over because
22 it's essentially within walking distance.

23 Q. Now that's what I wanted to ask you. He dropped off
24 Mr. Hopkins at the store?

25 A. Correct.

1 Q. And then he left?

2 A. Correct.

3 Q. And that's been verified?

4 A. Yes, you can see that on the video.

5 Q. Okay. And then he did go over to the Landmark and
6 then Mr. Hopkins did show up at the Landmark Apartments?

7 A. That's what Mr. Cornish told us on the 23rd. Yes,
8 sir.

9 Q. Now they were at the KJ's just a few minutes after the
10 shootings took place, weren't they?

11 A. That's correct. Within -- within eleven minutes of
12 the 9-1-1 call.

13 Q. So from committing or being involved in -- allegedly
14 being involved in three different murders, what, less than
15 a mile away?

16 A. It's approximately a mile. Yes, sir.

17 Q. They stop at a store which is wide open for everybody
18 to see and he drops him off, correct?

19 A. Correct.

20 Q. And that was just a few minutes after the 9-1-1 call
21 came in and they went over to KJ's?

22 A. Yes, sir.

23 Q. Okay. He wasn't hiding or anything like that. He
24 drove his car and he went over there and stayed there and
25 then went over to Landmark Apartments, correct?

1 A. Yeah, the video shows him dropping Mr. Hopkins off and
2 pulling out of the parking plot towards Landmark.

3 Q. And Mr. Hopkins went ahead and he walked over to the
4 Landmark Apartments?

5 A. Yes, sir.

6 Q. Not the -- yes, Landmark.

7 A. Yes, sir.

8 Q. Do you know how long they supposedly stayed there?

9 A. I don't know that he ever gave a timeframe for how
10 long they were at the apartment together.

11 Q. Okay. After they were at Landmark and I guess they
12 bought a blunt so they could go ahead and fill it with
13 marijuana and they could smoke some marijuana and neither
14 one of them denied that they smoke marijuana, did they?

15 A. We didn't have that much interaction with Mr. Hopkins
16 to be able to say.

17 Q. Well, that's a good point you brought up right now.
18 He refused to -- well, first of all, he talked briefly with
19 you, correct?

20 A. Very briefly.

21 Q. Very briefly. And he was advised of his Miranda
22 warnings and he went ahead and invoked his right to
23 counsel, correct?

24 A. Silence. He just said he didn't want to speak to us.

25 Q. He didn't want to talk anymore, but he never really

1 went into any of the details of what happened that morning?

2 A. No, sir. Not anything significant.

3 Q. Right. And he was arrested because of possessing a
4 weapon when his car was stopped; is that correct?

5 A. Certainly that was one of the -- one of the elements.
6 Once we concluded the search warrant, we determined that we
7 had enough probable cause to go ahead and charge him with
8 the murders as well.

9 Q. But originally it had to do with having a weapon.

10 A. He admitted roadside to an unlawful carry violation.

11 Q. Said he had some weapons?

12 A. Yes.

13 Q. All right. And then after than you went ahead and
14 charged him with the murder?

15 A. Correct.

16 Q. And that was on what date?

17 A. December 21, 2019.

18 Q. Okay. Let's talk about him for one moment, if we
19 could. You talked about the fact that there was a stakeout
20 at his apartment at Landmark Apartments and they were
21 observing who came and went for a period of time?

22 A. Yes, sir. On the night of December 21, 2019.

23 Q. Right. They saw Mr. -- they saw Mr. Hopkins being
24 dropped off and there was a white dually and the, of
25 course, piqued law enforcement's interest, correct?

1 A. Yes, sir.

2 Q. And Mr. Hopkins was in the apartment -- his apartment
3 briefly and then left and exited the apartment carrying
4 some luggage, correct?

5 A. Yes, sir.

6 Q. Now the car was stopped -- well, let me go to the
7 search of his house first. He had -- in his house he had
8 a couple of cell phones, an iPhone, a white and red shirt
9 which showed that Mr. Booker's blood -- I think it was
10 Mr. Booker's blood on it?

11 A. On the traffic stop where he was arrest, there was a
12 white T-shirt in one of his bags that had Mr. Williams'
13 blood on it.

14 Q. Okay. But that was a shirt in the car.

15 A. Yes, sir. I apologize.

16 Q. There was a shirt taken from his residence as well,
17 but really has nothing --

18 A. Yes, sir. No forensic value.

19 Q. They took a pair of jeans and they took a pair of
20 boots and they also took the exterior doormat. The boots
21 are the boots -- the boot has been identified as being his
22 boot, a size 12, and left impression in the apartment that
23 -- when it was kicked. That was his boot, Justin Hopkins'
24 boot?

25 A. Yes, sir. On Donnovin Haynes' bedroom door. Yes,

1 sir.

2 Q. And there's no question. I mean, DNA matched that
3 boot to Mr. Hopkins?

4 A. Yes, sir.

5 Q. And that boot was seized in his residence?

6 A. Yes, sir. That's correct.

7 Q. All right. And then a traffic stop initiated on the
8 car that he was in with two women, correct?

9 A. Yes, sir.

10 Q. And I want to go into that just a bit. Like I say,
11 I'm really trying to get through this. In the car in the
12 bag there was Hi-Point .380, correct?

13 A. Correct.

14 Q. There's was a Glock-26, a 9-millimeter. There were
15 two shell casings, .38 shell casings. There were two .38
16 Federal rounds, correct?

17 A. That is correct.

18 Q. Two .38 Remington rounds, a 9-millimeter Winchester
19 round, and clear plastic baggies containing a light brown
20 powdery substance we now -- later was determined to be
21 heroin?

22 A. That is correct.

23 Q. With Fentanyl?

24 A. Yes, sir. One of the bags.

25 Q. All right. One of the bags. So that's all in

1 Mr. Hopkins' possession, correct?

2 A. That's correct.

3 Q. All right. So that's two weapons; a 9-millimeter, a
4 .380 and shell casings which law enforcement believes were
5 fired out of that .38 that was found -- or was not found,
6 but that were fired out of a .38 and they were supposedly
7 the two bullets that were fired in the apartment?

8 A. That would certainly be our belief that those could
9 have been two of the bullets fired in the apartment.

10 Q. That's what your position is. That's what law
11 enforcement's position, but they can't connect it because
12 they don't have --

13 A. We don't have the actual gun, but, yes, sir, that
14 would be our belief.

15 Q. But here we have Mr. Hopkins with a whole bunch of
16 ammunition and guns in his duffle bag?

17 A. Correct.

18 Q. Okay. And you found later that he carries that duffle
19 bag everywhere?

20 A. Yeah, that's what we were told. Yes, sir.

21 Q. He carries it and he keeps his clothes in there as
22 well, true?

23 A. I --

24 Q. I think that's what he said. He keeps everything --
25 everything's in the two duffle bags or two bags.

1 All right. So this is it where there was a
2 conversation with him and he did not want to go any further
3 after preliminary questioning; is that correct?

4 A. Correct.

5 Q. All right. He was arrested for the weapon, he was
6 arrested after that for the murder of the three
7 individuals?

8 A. Yes, sir. That is correct.

9 Q. And never really gave a statement?

10 A. No, he did not.

11 Q. Wouldn't go over any details with you about what
12 happened that day or what he did that day?

13 A. The only statement he gave us regarding that day is
14 that they had been at work together all day.

15 Q. And that was the extent of it?

16 A. That was the extent of it.

17 Q. On the other hand, Mr. Cornish's vehicle was stopped
18 by Captain Laintz and, let's see, Mr. Dubard and Mr. Pratt,
19 and then you came up on the scene; is that correct?

20 A. That is correct.

21 Q. So there were four units -- they were unmarked units,
22 but there were four units there?

23 A. Yes, sir.

24 Q. And pulled him over in the parking lot near the Waffle
25 House?

1 A. Yes. I was not part of the initial stop. I showed
2 up --

3 Q. Right. You came up --

4 A. -- pretty late in those proceedings.

5 Q. You came up a little later. Now he pulled over. He
6 didn't try to evade the police, did he?

7 A. That is my understanding. Yes, sir.

8 Q. And when he was asked to produce his license and
9 registration he did voluntarily?

10 A. Yes, sir. That is my understanding.

11 Q. When he was asked to exit the vehicle, he voluntarily
12 exited the vehicle?

13 A. Yes. That is my understanding.

14 Q. And he had a conversation with Captain Laintz. Is it
15 L-A-I-N-T-Z? Is it Laintz?

16 A. Yes, sir.

17 Q. Is that how you pronounce it?

18 A. Yes, sir.

19 Q. I just wanted to make sure. And Captain Laintz asked
20 him whether or not he wanted to have an extended or a long
21 conversation?

22 A. A long conversation.

23 Q. A long conversation. The first time I've ever heard
24 it put that way, be that as it may.

25 A. You never know with Captain Laintz.

1 Q. Okay. Well, he's a Marine, you know, with all due
2 respect.

3 A. Yes, sir.

4 Q. Now when he was talking, Mr. Cornish did agree to
5 go ahead and talk to him and Mr. Dubard and Mr. Pratt,
6 correct?

7 A. Yes, sir.

8 Q. Consensual?

9 A. Yes, sir.

10 Q. Voluntarily?

11 A. No, sir.

12 Q. Didn't need any warnings?

13 A. There certainly didn't seem to be any given.

14 Q. He was not in custody?

15 A. He was not.

16 Q. As a matter of fact, he was told as far as you know
17 that if they thought he was dangerous or a suspect in the
18 case they wouldn't be letting him sit in the front seat
19 casually like he was?

20 A. Yes, sir. That is correct.

21 Q. Okay. And he agreed to full interview with them?

22 A. Yes, sir.

23 Q. There was -- at no point he cut off the interview and
24 refuse to answer questions?

25 A. He did not.

- 1 Q. And he sat in the front seat the entire time?
- 2 A. He did. That's my understanding.
- 3 Q. Now Captain Laintz searched that vehicle, correct?
- 4 A. He did.
- 5 Q. And the vehicle was searched later as well on the 2nd
- 6 of January, 2020?
- 7 A. It was.
- 8 Q. There was nothing found in that vehicle?
- 9 A. There was not.
- 10 Q. There were no guns?
- 11 A. There were not.
- 12 Q. No ammunition?
- 13 A. No ammunition.
- 14 Q. No large amount of money?
- 15 A. That's correct.
- 16 Q. All right. And you said no drugs. But nothing was
- 17 found in the vehicle that in any way was incriminating or
- 18 illegal; is that correct?
- 19 A. That's correct. We didn't find anything in the
- 20 vehicle of note.
- 21 Q. Now there's no question that Mr. Hopkins' DMV papers
- 22 were found?
- 23 A. Correct.
- 24 Q. And, of course, Mr. Hopkins had been in the car that
- 25 day?

1 A. That is correct.

2 Q. On the 17th when they went to the DMV.

3 A. Yes.

4 Q. So he had actually been in the car. I know there was
5 some question about later on, but on that day on the 17th
6 when those papers were picked up from the DMV he was in the
7 car?

8 A. Yes. That's correct.

9 Q. And presumably he could have just left those papers in
10 the car?

11 A. It's certainly possible.

12 Q. You had nothing to indicate otherwise, that he just --
13 that there was some ulterior motive about leaving those in
14 the car?

15 A. No. I --

16 Q. Certainly there's nothing to indicate that?

17 A. No. What there would be in the DMV paperwork, but...

18 Q. Now when the car was on the side of the road across
19 from the Waffle House, nobody felt it was necessary to go
20 ahead and bring out a CSI to go ahead and do any testing on
21 the car or any kind of thing like that because Mr. Cornish
22 was cooperating fully?

23 A. Well, if we had noted anything during our reviews of
24 the vehicle that had warranted CSI coming out and doing
25 more extensive processing at the time, we certainty would

1 have coordinated that. Because we were stretched so thin
2 running multiple scenes we had, it just wasn't feasible at
3 the time to do that automatically.

4 Q. Okay. But Mr. Cornish was so cooperative that day if
5 you had asked him to go ahead and do testing in the car,
6 there's no reason to believe he wouldn't have done that
7 because he agreed to everything else?

8 A. Certainly that's possible.

9 Q. At no time did he say he wanted to talk to a lawyer?

10 A. No, sir.

11 Q. At no time did he refuse anything?

12 A. No, sir.

13 Q. From you or any of the other people there?

14 A. No, sir.

15 Q. All right. And then you came up and you -- did you
16 get in the vehicle as well?

17 A. I did. I showed up and then I believe Detective
18 Dubard left and then so it was myself, Captain Laintz and
19 Detective Pratt and Detective Pratt and I spoke with
20 Mr. Cornish some more.

21 Q. And you talked to him as well? Were you both
22 together?

23 A. Detective Pratt sat in the car and Mr. Cornish and I
24 had a conversation.

25 Q. The reason I asked that is it appears that there were

1 two separate interviews reported; one with them and then
2 one with you?

3 A. Yes, sir. That's correct.

4 Q. The interview with you not recorded?

5 A. It was not. I had some kind of technical hiccup with
6 the Axon Capture app and it didn't initiate like I thought
7 it would.

8 Q. You thought it was being recorded, but it turned out
9 not to be correct?

10 A. Yes, sir.

11 Q. All right. And you didn't have to give him his
12 warnings, he didn't ask you for lawyer, demand for a
13 lawyer, he didn't walk away, he didn't refuse to talk to
14 you. In fact, he agreed voluntarily to talk to you?

15 A. Yes, sir. That's correct.

16 Q. And, of course, there are some things in that
17 statement he gave you which is later proved to be
18 incorrect, but he did talk to you voluntarily that day?

19 A. That is correct.

20 Q. Now at that point -- again, we found that there was
21 nothing found in any kind of search of his vehicle and he
22 was free to go and he did leave, right?

23 A. That is correct. He did end up leaving shortly after
24 he and I spoke.

25 Q. At that time there was no reason to go ahead and

1 arrest him?

2 A. No, sir.

3 Q. And the final part of that interview was that you
4 asked him if you could take some screen shots or look at
5 his phone, I guess?

6 A. Yes, sir.

7 Q. And you did take some screen shots of what was on his
8 phone?

9 A. Yes, sir. That's correct.

10 Q. And that was all are consensual as well?

11 A. It was.

12 Q. He was not -- he was letting -- he was letting you
13 look at his phone, correct?

14 A. That is correct.

15 Q. And he was letting you photograph whatever you wanted
16 to photograph on the phone?

17 A. Well, I told him that we'd keep it limited to just the
18 text messages, so I didn't ask to look at everything, but
19 he was okay with me looking at his contacts and text
20 messages.

21 Q. Based upon his cooperation, there's no reason to think
22 that he would not have cooperated and let you look at the
23 whole phone?

24 A. It's certainly possibly.

25 Q. But you did that on January 31st?

1 A. January 23rd.

2 Q. 23rd. I'm gonna get my dates straighten out here.

3 A. Before we're done, we'll get them all straightened
4 out.

5 Q. I've got two 23rd's, I stood up before, so that was --
6 so on the 31st he let you look at the phone. On 23rd he
7 let you look at the phone, again, consensually?

8 A. Yes, sir.

9 Q. All right. So, so far Mr. Cornish has been
10 cooperating fully with you and with law enforcement?
11 Whatever he's asked to do about talking, he talks?

12 A. Yes, he's spoken with us voluntarily.

13 Q. He spoke with you voluntarily, let you see his phone.
14 Again, admittedly there were some statements made that were
15 not correct?

16 A. That's correct.

17 Q. Which you found out on January 23rd, correct?

18 A. Correct.

19 Q. Okay. And we'll go into that in a few minutes. Now
20 he was arrested on the 2nd of January?

21 A. December 31st.

22 Q. On the 31st?

23 A. Yes.

24 Q. I'm sorry. The 2nd of January is when his vehicle was
25 searched?

1 A. Yes, sir.

2 Q. And you-all got a search warrant for his vehicle?

3 A. Correct.

4 Q. Okay. Now I'm curious about one thing. The report
5 says that they looked -- examined the entire vehicle. The
6 back seat, the driver's seat, but not the passenger seat.
7 There was no swabbing done or any kind of testing done on
8 the passenger seat. Could you explain that?

9 A. That would have to be a question for the crime scene
10 investigator that conducted the processing.

11 Q. You don't disagree with what I've said, do you?

12 A. I'd have to read the report and if there was a reason
13 he chose -- how he -- how he processed the vehicle, I would
14 have to defer to him to explain that.

15 Q. Well, maybe we'll find out. But the fact of the
16 matter is that supposedly Mr. Hopkins was sitting in the
17 passenger seat?

18 A. Yes.

19 Q. Okay. And so naturally I just have to question as to
20 why the passenger seat was not examined?

21 A. That would be a question for crime scene.

22 Q. That's fine. Somebody else can answer that question.
23 You're not aware of them finding any hair or fibers in the
24 car?

25 A. No, sir. I'm not aware of any.

1 Q. You're not aware of them finding any blood in the
2 vehicle?

3 A. No, sir.

4 Q. You're not aware of them finding any guns or shells or
5 drugs?

6 A. No, sir.

7 Q. Or amounts of money, like \$1,100 that wasn't reported?

8 A. Correct.

9 Q. Okay. So there was nothing in his vehicle -- unlike
10 Mr. Hopkins' vehicle, there was nothing in that vehicle
11 that connected -- from inside the vehicle in the search of
12 the vehicle that connected him to what happened at the
13 apartments?

14 A. Correct.

15 Q. So he was arrested and he was charged with murder.
16 Now on January 23rd what happened was they initiated a
17 voluntary session with you. Mr. Leventis, his lawyer at
18 the time, said that he wanted to go ahead and sit down and
19 talk with you and also Mr. Cornish wanted to sit down and
20 talk with you?

21 A. Yes, sir.

22 Q. Okay. And who was present at that time?

23 A. It was myself, Mr. Cornish, Mr. Leventis, then Deputy
24 Solicitor Graham, and Detective Howell, who's now Sergeant
25 Howell.

1 Q. Okay. Now -- excuse me. You gave him his Miranda
2 warnings?

3 A. Yes, sir. That's correct.

4 Q. By that time he was under arrest and that's the
5 appropriate thing to do, but he had a lawyer there?

6 A. Yes, sir.

7 Q. And the conference was initiated by the lawyer and
8 Mr. Cornish, correct?

9 A. Yes, sir.

10 Q. All right. So on that day they had -- you said you
11 had an additional interview with Mr. Cornish in the
12 interview room and you just reported who was there. Now
13 apparently there was an agreement there between all of you
14 not to record the interview?

15 A. That is correct.

16 Q. Now you asked him at the beginning of the interview
17 for his passcode to his phone?

18 A. Yes, sir.

19 Q. And he provided that?

20 A. Correct.

21 Q. He didn't have to do that?

22 A. He didn't.

23 Q. Okay. If he wanted to, he could have made you go
24 ahead and get a search warrant?

25 A. He could have.

1 Q. Just like he could have done the day that you-all
2 stopped him on the 21st of January {sic}?

3 A. Certainly.

4 Q. So he provided you the passcode to his phone and you
5 asked him to tell you once again of the events that took
6 place on December 17, 2019, correct?

7 A. Correct.

8 Q. Now while you were there you were examining his phone
9 as well, correct?

10 A. That is correct.

11 Q. Tell us what you did with the phone before it went
12 into the Cellebrite program. What did you do manually that
13 day?

14 A. So to perform the manual review, which basically is
15 just -- you know, you take a phone. You know, for example,
16 let's say this is the phone in question. A manually review
17 is just manually going into the phone's -- device's
18 interface and applications and then taking pictures with
19 an additional device to document the activity, and that
20 was what was performed prior to the actual Cellebrite
21 extraction that was performed the following day.

22 Q. So you were taking notes of your conversation with
23 him?

24 A. Yes.

25 Q. Okay. And the other detectives were taking notes as

1 well, I assume?

2 A. I think Detective Howell was just kind of sitting in.
3 He was new to the unit at the time and he wasn't involved
4 in this investigation, so I think he was just sitting in
5 just as an observer.

6 Q. Did Mr. Cornish or Mr. Leventis place any limitations
7 on what you could look at on the phone?

8 A. They did not.

9 Q. So despite everything that we know, despite what is
10 being alleged here, Mr. Cornish turned over his phone to
11 you and let you look at it without the requirement of a
12 search warrant?

13 A. Correct.

14 Q. Okay. And while you were sitting there, I assume you
15 were taking notes of what was on the phone? Or Mr. Howell
16 was.

17 A. The photographs were depicted by way of basically
18 making documentation. I didn't make notations.

19 Q. That's definitely better to do it that way. So you
20 were taking, what, screen shots?

21 A. I guess you'd call them screen shots.

22 Q. Okay. That's what I call them.

23 A. I was taking pictures of his phone with my phone.

24 Q. All right. I'm just a simple fellow. I call them
25 screen shots.

1 A. We'll, go with screen shots.

2 Q. Okay. But you took a number of them, correct?

3 A. Yes, sir.

4 Q. All right. Without limitation and without any
5 complaint and it was done all consensually and voluntarily?

6 A. Yes, sir.

7 Q. As well as the conversation that you-all engaged in
8 was completely voluntary and free -- of his own freewill
9 and accord?

10 A. Yes, sir.

11 Q. In fact, you-all have maintained that it was a
12 voluntary encounter, a consensual encounter?

13 A. Yes, sir.

14 Q. Now so you've got the passcode and you started looking
15 through the phone and then he went through what happened
16 that day, correct?

17 A. Yes, sir.

18 Q. So he told you he woke up in the morning to go to
19 work, he picked up two members of the work crew in the
20 Blythewood area and he even named them Quinton and Dante,
21 correct?

22 A. Yes, sir.

23 Q. And he later received a text message from Justin,
24 which we know he did send, early in the morning, between
25 7:00 and 8:00?

1 A. Yes, sir.

2 Q. And to pick him up at the Richland Village Apartments.
3 After picking Justin up, they went over to McEntire to go
4 ahead and report to work, correct?

5 A. Yes, sir.

6 Q. All right. And when they got there, it was early in
7 the morning, correct?

8 A. Yes, sir.

9 Q. All right. Do you know what time they started work
10 over there?

11 A. I don't know exactly what time. It sounded like it
12 was pretty early. I want to say maybe seven that morning.

13 Q. Typical -- it's construction, so they start -- have a
14 long day. They start early in the morning?

15 A. I would assume so.

16 Q. Okay. And so they went over there and, of course, it
17 started raining and the job was cancelled for that day?

18 A. Yes, sir.

19 Q. As a matter of fact, the day he was stopped, on the
20 21st, they had been up at Fort Bragg. They do work at
21 military installations?

22 THE WITNESS: Your Honor --

23 THE COURT: We need to take a quick little break.

24 MR. SWERLING: Yes, ma'am.

25 THE COURT: I'm sorry, Mr. Foreman. I'm gonna have

1 to ask you-all to go back to the jury room. Give us a
2 few minutes. Please don't speak about this case.

3 (Whereupon, the jury retires to the jury room at
4 4:26 PM.)

5 THE COURT: All right. We'll be in recess for about
6 ten minutes.

7 (Recess taken at 4:27 PM.)

8 (Back on the record at 4:42 PM.)

9 THE COURT: Okay. Are we ready to start back?

10 MS. MAYES: Yes, Your Honor.

11 THE COURT: Let's bring the jury in.

12 (Whereupon, the jury return to the courtroom at
13 4:44 PM.)

14 THE COURT: All right. Mr. Foreman, is the jury
15 ready?

16 FOREPERSON: Yes, Your Honor.

17 THE COURT: Okay. Go ahead, Mr. Swerling.

18 Let me remind you, Sergeant Creech, you're still
19 under oath.

20 THE WITNESS: Yes, ma'am.

21 BY MR. SWERLING:

22 Q. Sergeant, I think I'm gonna drop back a little bit
23 because I -- I'm trying, as I said, to move this along so
24 we all can leave here tonight.

25 When you were talking to Donnovin Haynes, and I'm

1 referring to page 1 of 3 of the supplemental report, which
2 is in the bottom right-hand corner of page 3.

3 A. You said page 3?

4 Q. Yeah. Page 3 in the right-hand corner. It's got two
5 different numbers on the page.

6 A. In the lower right-hand corner?

7 Q. Yes, the lower right-hand sided.

8 Okay. In the fourth paragraph, you said that Donnovin
9 repeated his prior statement. He heard a subject say
10 "where is it at", followed by a possible second subject
11 saying "here it is". You have there noted a possible
12 second subject. He did not definitively say it was a
13 second person.

14 A. Well, he believed it was a second suspect.

15 Q. Right. But that's not what was written here. It says
16 a possible second subject.

17 A. Well, yes, because, you know, from our -- with all the
18 work we had yet to do in the investigation, we were still
19 looking for evidence to confirm. The second suspect was
20 developed on more than just what he said. So, yes, he said
21 that he heard what he believed to be two voices, but we
22 were still -- I believe this was before I heard -- I
23 learned of all the evidence from the ballistics and other
24 things.

25 Q. Okay. But my question was you wrote here that he said

1 a person said where's it at followed by a possible second
2 subject. That's all I'm trying to --

3 A. Yes, and that was my perspective. Not that he was
4 saying it was not a second suspect.

5 Q. All right. And then we -- let me go to -- and that's
6 Mr. Haynes who made several misrepresentations to you,
7 correct?

8 A. About the narcotics in the apartment?

9 Q. Yeah. At some point when you were interviewing, I
10 guess, Mr. Hopkins, I think you made a note that you could
11 smell marijuana on him?

12 A. Yes, sir. I do recall that.

13 Q. That was during your interview with him. And then,
14 let's see, you didn't have that -- make that note with
15 Mr. Cornish, did you?

16 A. No, sir.

17 Q. You didn't smell any marijuana on him?

18 A. Not when I interacted with him. No, sir.

19 Q. Okay. And I want to go back for just a second. In
20 the Woodland Village or Woodland Apartments, as the Menes
21 -- Meneses -- I'm not gonna get that.

22 A. The Meneseses.

23 Q. What is it?

24 A. I believe it's Meneseses.

25 Q. I'm still gonna mess it up no matter how many times.

1 A. That's all right. I know who you're talking about.

2 Q. All right. So what they described, they saw this
3 large man, who we now know was Hopkins, on a green bike?

4 A. Yes, sir.

5 Q. Okay. And he was up near their neighborhood in that
6 area where they lived, correct?

7 A. Yes, sir.

8 Q. And they described that the white dually pulled up and
9 stopped and Mr. Hopkins got in the -- got in the vehicle
10 and left the bike there in the middle of the road, correct?

11 A. That is what she said. Yes, sir.

12 Q. That's what she said. And the driver of the white
13 dually went ahead and turned around, correct, and pulled
14 over for a minute and told -- apparently told somebody to
15 get out or the person got out by himself and moved the
16 bike, correct?

17 A. That is what she described, yes, sir.

18 Q. What she described. And then the white dually left.
19 Is that what the -- is that what is reported as having
20 happened in the investigation?

21 A. Yes.

22 Q. All right. Now we'll go back to where we were as far
23 as the January --

24 A. 23rd.

25 Q. -- 23rd. Thank you. All right. So after going to --

1 I think they went to the South Carolina Department of Motor
2 Vehicles on O'Neil Court?

3 A. Yes, sir.

4 Q. And then he said he contacted his uncle, Willie
5 Patterson, who owns the company that they worked for?

6 A. Correct.

7 Q. By the way, what was the purpose of putting up Willie
8 Patterson's phone number up there in the -- in this
9 exhibit? That there was a phone call between him and
10 Willie Patterson. Do you know what the relevance of that
11 was?

12 A. Yes, sir. You're talking about for reference to the
13 search from December 18th?

14 Q. Yeah.

15 A. The purpose of that would be that it would be presumed
16 that if there's a phone call to Willie Patterson from
17 Jeremy Cornish's cell phone that it would be Jeremy Cornish
18 making that call, so it would be something you could call a
19 user attribution since the Google search for street value
20 of 14 grams of heroin occurs just a couple of minutes
21 later, the belief would then be that the person performing
22 that search would have to be Mr. Cornish.

23 Q. Okay. But there's no suggestion that Mr. Patterson
24 was involved in any way with the drugs or anything like
25 that?

1 A. Absolutely not. No, sir.

2 Q. Okay. I didn't quite understand that. Mr. Patterson
3 is the one that owns the company that they all work for?

4 A. Correct.

5 Q. Okay. So after they went to the DMV, then they went
6 -- dropped off supposedly the girlfriend and then he --
7 Mr. Hopkins asked whether or not you want some smoke, some
8 marijuana, I guess, whatever they call it?

9 A. Yes, sir.

10 Q. And he said he would take him over to the place where
11 he knew he could go ahead and get marijuana. That's
12 basically what --

13 A. That was certainly the implication.

14 Q. That's the implication. Okay. And Mr. Cornish told
15 you he wasn't really quite sure about that area, but
16 Mr. Hopkins directed him there?

17 A. Yes, he said it was difficult to get to, so.

18 Q. Now so they went there and then we've got -- we've
19 gone through what happened there. Let me ask you
20 something. The only part of that, what happened at
21 Woodland Village, is that Mr. Cornish denies being in the
22 apartment, correct?

23 A. Yes.

24 Q. He's always denied that?

25 A. He said he stayed in the truck the whole time.

1 Q. Right. And that has been his position all the way
2 through?

3 A. Correct.

4 Q. Even on the 23rd; is that correct?

5 A. That's correct.

6 Q. Maybe a few other things that had -- that changed or
7 maybe were misrepresented or not -- not told exactly the
8 way we want them, but he's always maintained he never went
9 into that apartment?

10 A. On the 23rd he said he stayed in the truck.

11 Q. Right. Okay. Well, he's never said he went into the
12 apartment?

13 A. That's correct. He's never said he went into the
14 apartment.

15 Q. Okay. Because you narrowed it down to the 23rd, but
16 that's never been something that he's said, that he's been
17 there?

18 A. Correct.

19 Q. Okay. All right. So he contacted his uncle, got
20 about \$425.00 to go ahead and get the reinstatement fee and
21 then he went to his home address and Justin was still with
22 him, correct?

23 A. Correct.

24 Q. He dropped his girlfriend off and then drove over
25 towards the St. Andrews area and we now know they went to

1 Woodland Village and JK's -- or KJ's and, let's see, he
2 said on the 23rd that he was sitting out in the car or
3 the dually and wondering why Justin was taking so long,
4 correct?

5 A. Correct.

6 Q. All right. And he started driving around looking for
7 him?

8 A. That's correct. That's what he said.

9 Q. And that's when he saw him on the green bike?

10 A. Yes.

11 Q. And he drove up there, told him that -- he had the
12 bike and I think Mr. Hopkins just dropped the bike on the
13 ground, correct?

14 A. That's the way it was described.

15 Q. That's the way it was described. And Jeremy told him
16 to go ahead and pick that bike up, stand it up against the
17 tree and get back in the dually, correct, as far as what
18 you understand?

19 A. That would certainly be the implication.

20 Q. Okay. Which is what he did, correct? He picked the
21 bike up and stood it near a tree and that's where it was
22 found?

23 A. That's what the Meneseses described.

24 Q. Okay. Now apparently they -- he described on the
25 23rd, continuing to talk to you voluntarily, that after he

1 -- I'm sorry. I lost my place. When he went back to the
2 apartment or when -- I mean, when Justin came back to the
3 Landmark Apartments, he showed him some heroin and
4 marijuana?

5 A. Correct.

6 Q. Okay. Now according to what we know before he said
7 he wanted to take him over there to go ahead and get some
8 marijuana?

9 A. That is correct.

10 Q. All right. But this heroin, my client didn't want to
11 have anything to do with any kind of heroin, did he?

12 A. That's what he said. He said he didn't involve
13 himself with heroin.

14 Q. But we know that Justin -- by the way, Justin, I think
15 I remember at the beginning of your testimony you said that
16 Justin was known to law enforcement?

17 A. There was a -- he was named in a -- I think as a
18 victim on a car break-in before from the year before or
19 earlier that year. I'd have to look. It wasn't anything
20 significant.

21 Q. But he had contact -- had had contact with law
22 enforcement?

23 A. Yeah, he filed a report with us.

24 Q. Mr. Cornish did not have any contact with law
25 enforcement?

1 A. Not with the Lexington County Sheriff's Department.

2 Q. All right. So Jeremy drove home and he got some
3 marijuana from -- supposedly he told you on that day he got
4 some marijuana from Mr. Hopkins, correct, and then he went
5 home?

6 A. That's correct.

7 Q. All right. So after he went home, he went ahead and
8 then left again and he went ahead and got a check from the
9 construction company that his uncle said he would advance
10 him, correct?

11 A. Correct.

12 Q. He told you that on the 23rd?

13 A. That's what he said. Yes, sir.

14 Q. Did you check that out? Any reason to not believe
15 that?

16 A. We didn't have any reason to check that out.

17 Q. And then after that he used that money to go ahead and
18 reinstate his license. Then he stopped at the Dollar
19 General, correct?

20 A. That's what he said. Yes, sir.

21 Q. All right. And no reason to disbelieve that?

22 A. No, it seemed like a pretty innocuous detail.

23 Q. Right. And went to pick up an umbrella and then he
24 drove to BB&T at Five Points, which easily could be
25 checked, correct? If you did not think that was true, you

1 could have checked that out with the bank?

2 A. Yes.

3 Q. And then he went ahead and, let's see, went back to --
4 cashed the check and then went back to the South Carolina
5 Department of Motor Vehicles on O'Neil Court to go ahead
6 and get his license reinstated?

7 A. Correct.

8 Q. All right. Now if I remember correctly, there was a
9 still photo that was introduced into evidence that showed
10 that they arrived separately and left about the same time
11 and then as we know Mr. Hopkins got in his vehicle, but
12 if I remember correctly the still photo showed that they
13 arrived separately?

14 A. Yes, we believe they arrived separately for the
15 afternoon visit.

16 Q. Okay. So there's no -- from what you understand, they
17 arrived separately, they didn't arrive there together, so
18 that was not a joint venture on their part?

19 A. They didn't arrive there together that afternoon. Now
20 whether or not they planned to meet --

21 Q. Right. But you have nothing -- you have no
22 information about that --

23 A. No, sir.

24 Q. -- that they planned to meet there. As far as you
25 know from the stills and the video that they arrived

1 separately?

2 A. They did arrive separately.

3 Q. Okay. And according to Mr. Cornish, then he -- when
4 they left, they left separately, but he found out that
5 Mr. Hopkins was already in his vehicle?

6 A. That's what he said.

7 Q. All right. And at that point he -- Mr. Hopkins
8 apparently was gonna have him take him home, but then he
9 went ahead and got other means of transportation, correct?

10 A. I believe he said he was actually asking for a ride
11 over to Garners Ferry.

12 Q. To Garners Ferry. Not home, but Garners Ferry, but he
13 arranged some other kind of transportation?

14 A. Yes, sir. It wasn't elaborated on.

15 Q. I think we went over this, but I just want to -- at
16 some point during this interview you asked Mr. Leventis and
17 Mr. Cornish about the phone and they didn't have any
18 objection to you opening the phone, looking at the phone,
19 photographing the phone, and they had no problem with you
20 doing a Cellebrite extraction, correct?

21 A. Correct.

22 Q. So knowing this information is on the phone and could
23 be in the search history or could be obtained some other
24 way, he voluntarily turned over his phone to you so you
25 could go ahead and do what you needed to do with the phone?

1 A. Correct.

2 Q. Okay. And he didn't place any limitations on it?

3 A. He didn't.

4 Q. And at that point you had the phone. You did not need
5 to get a search warrant?

6 A. I did not.

7 Q. Now I do want to -- right here at this point I want
8 to jump back a second again and, again, I'm trying to move
9 along and that's why I'm jumping back. Do I understand
10 that we have Mr. Hopkins with four weapons? We have two on
11 Facebook, we had -- he had a Glock, correct, and a .38?

12 A. Either a .38 or a .357 Taurus.

13 Q. That's right. It could be a .357 Taurus?

14 A. Correct.

15 Q. And those were on Justin's Facebook page?

16 A. Justin's Facebook page.

17 Q. Okay. And then in the bag you had a Hi-Point, a .380?

18 A. A .380.

19 Q. And then you also had another Glock?

20 A. Another Glock. Not the same Glock.

21 Q. And then you had two discharged .38's?

22 A. Correct.

23 Q. So there's at least in Mr. Hopkins' possession between
24 what's on the Internet and what's in his bag there are four
25 weapons at least, possibly five that may have discharged

1 those .38's, correct?

2 A. The only weapon that could have discharged the .38
3 Special shell casings would have been the revolver.

4 Q. Right. Right, but so there are -- there are at least
5 four weapons that we can identify. There may be a fifth
6 weapon that fired those .38's. That's what I'm saying.

7 A. I see what you're saying. Without having the guns to
8 say for sure what gun --

9 Q. No, I'm not saying that that's what happened, but we
10 have at least four weapons in Mr. Hopkins' possession when
11 he was searched and what was on the Internet?

12 A. Two in his possession when he was arrested and then we
13 believe he had two other ones leading up to the time of the
14 murders.

15 Q. On Facebook?

16 A. Correct.

17 Q. Okay. You didn't have -- none of those weapons were
18 -- let me see how I want to ask it. There were no weapons
19 found in Mr. Cornish's possession or in his effects,
20 correct?

21 A. No, we did not find any weapons with Mr. Cornish.

22 Q. At no time did Jeremy ever admit going into that
23 apartment. He always denied it, correct?

24 A. Yes, he's never admitted to going inside the
25 apartment.

1 Q. And we did have a discussion about whether or not
2 tools are masonry tools and/or there were -- he said a tape
3 measurer. I mean, that was a discussion that was had about
4 -- to explain the tools message on -- on his account, which
5 he turned over to you?

6 A. Correct. He ultimately said he was referring to a
7 tape measurer that had gotten wet.

8 Q. Because he worked on a construction site?

9 A. Correct.

10 Q. By the way, in that bag that Mr. Hopkins had, that's
11 where you found the -- that's where the T-shirt was found
12 with Mr. Booker's blood on it?

13 A. Mr. Williams' blood.

14 Q. Pardon?

15 A. Mr. Williams' blood.

16 Q. Mr. Williams' blood. I'm sorry. I'm getting -- okay.
17 Mr. Williams' blood. That was in Mr. Hopkins' bag and it
18 was Mr. Williams' blood?

19 A. Correct.

20 Q. And that was established through DNA?

21 A. Yes, sir.

22 Q. And but it was in Mr. Hopkins' possession?

23 A. And it was Mr. Hopkins' shirt.

24 Q. Right. And in that bag. Okay.

25 MR. SWERLING: Judge, I'm about wrapping up. I'm

1 getting close.

2 THE COURT: Okay. Take your time, Mr. Swerling.

3 MR. SWERLING: That's not a good indication from
4 what I hear, but I appreciate it.

5 THE COURT: I don't want you to feel rushed.

6 BY MR. SWERLING:

7 Q. Let me ask you something I didn't quite understand
8 before. There was a gold car reported involving this
9 situation? I didn't understand what that was.

10 A. There was some unconfirmed intel early on about
11 somebody reporting a possible suspicious vehicle in the
12 area. I was never able to find the direct source of that
13 complaint, but it never -- we never developed anything in
14 the overall investigation to indicate that that was
15 anything of any relevance.

16 Q. All right. Strike that. I'm not gonna ask that
17 question. I'm pretty much wrapping it up. I wanted to ask
18 you a question. You testified in front of the grand jury,
19 right?

20 A. Yes, sir.

21 Q. Okay. Which is what detectives or law enforcement
22 officers usually do and the grand jury determines whether
23 or not there's cause to go forward, but it's one-sided
24 event, correct? You're in there alone with the solicitor
25 and you're asked questions. There's nobody in there

1 cross-examining you or anything like that?

2 A. No, sir. It would just be me and the grand jury.

3 Q. Pardon?

4 A. It's just the officer presenting and the grand jury.

5 Q. And nobody else is allowed in there basically,
6 correct?

7 A. I don't know if that's the rule, but I know nobody
8 else goes in there.

9 Q. And you testified to get the return on the indictments
10 in this case, which are not evidence in the case, but they
11 are the charging papers, correct?

12 A. Yes, sir. I did present this case to the grand jury.

13 Q. All right. And you testified in Mr. Cornish's case on
14 August 8, 2022, correct?

15 A. That sounds about right from my recollection. I do a
16 lot of grand jury indictments.

17 Q. And that's where the indictments were returned for
18 the murder of the three individuals and for the burglary,
19 correct?

20 A. Yes, sir.

21 Q. All right. Now you also testified -- and there's a
22 co-defendant in the case and that's Mr. Hopkins?

23 A. Yes, sir.

24 Q. He's charged in the same murders, correct?

25 A. Yes, sir.

1 Q. And with the burglary. Now isn't it true that
2 Mr. Hopkins was indicted for possession of a firearm during
3 a violent crime? You testified in that case?

4 A. For the indictments?

5 Q. Yes.

6 A. I'd have to see the indictments to be sure. It's been
7 -- it's been a while and, like I said, I do a lot of grand
8 jury indictments, so I don't want to misspeak, but it's
9 certainly possible.

10 MR. SWERLING: Excuse me one minute, Your Honor.

11 THE COURT: Yes, sir.

12 MR. SWERLING: I'm sorry, Your Honor. I'm just
13 trying to find a document.

14 Your Honor, if you would indulge me one moment.

15 THE COURT: Absolutely.

16 MR. SWERLING: Apparently we can't put our hand on
17 it.

18 BY MR. SWERLING:

19 Q. You don't remember testifying in front of the grand
20 jury about Mr. Hopkins being charged with possession of a
21 firearm during a violent crime?

22 A. I don't distinctly remember all the specific
23 indictments, but, I mean, that does sound like that that
24 could have been one of the --

25 MR. SWERLING: May I ask the solicitor, Your Honor,

1 if they have a copy of that indictment?

2 THE COURT: You may.

3 MS. MAYES: We stipulate that there is an indictment
4 for that charge, Your Honor.

5 THE COURT: Okay. They're stipulating. That
6 means --

7 MR. SWERLING: Thank you. That saves lot of time.

8 THE COURT: Yeah, he's been charged with it, so go
9 ahead.

10 BY MR. SWERLING:

11 Q. There is no indictment against Mr. Cornish for
12 possession of weapon during a violent crime; isn't that
13 true?

14 A. I believe that is true. I don't recall that being on
15 the original charging documents issued on Mr. Cornish.

16 Q. But we have a stipulation from the State that
17 Mr. Hopkins was charge?

18 A. Mr. Hopkins was. Yes, sir.

19 MR. SWERLING: All right. That's all I wanted to
20 ask.

21 Thank you.

22 THE COURT: Thank you.

23 When we stipulate to something -- let me talk to
24 the jury for a second, and I'll instruct you later on
25 it, but it's a true fact and you are to treat it as a

1 true fact, okay?

2 THE COURT: Ms. Mayes.

3 MS. MAYES: May it please the Court?

4 REDIRECT EXAMINATION

5 BY MS. MAYES:

6 Q. Sergeant Creech, this will be brief, but to follow-up
7 on that, were both Hopkins and Cornish charged with three
8 counts of murder?

9 A. That is correct. They were.

10 Q. Were both Hopkins and Cornish charged with burglary in
11 the first degree?

12 A. They both were.

13 Q. Now one of the things I wanted to follow up on that
14 Mr. Swerling was asking you about with Donnovin Haynes and
15 a statement where he acknowledged that there was drug
16 activity in the home. Do you recall when that statement
17 was made?

18 A. If you will give me just one moment, Ms. Mayes. I
19 believe it was on the 17th.

20 Q. Okay. And were you still at the scene?

21 A. Yes, ma'am.

22 Q. All right. And he was asking you about some drugs
23 that were on the phone of Donnovin Haynes. Again, what is
24 the timeframe of that in relation to this in December of
25 2019?

1 A. Those materials were dated 2017 and 2018.

2 Q. Okay. So two years and over a year beforehand?

3 A. That is correct.

4 Q. Now he asked you about a statement by Christy Meneses
5 and whether or not -- the first time Ms. Meneses had
6 reported that that white truck was travelling rather fast
7 was the trial?

8 A. Yes, ma'am.

9 Q. I want to ask you whether or not you have her
10 statement before you?

11 A. I might. Give me one second. Yes, I do have a copy
12 of it, Ms. Mayes.

13 Q. And if you could review that statement to refresh your
14 memory.

15 A. Yes, ma'am.

16 Q. And what is the date of that statement?

17 A. It is December 17th of 2019.

18 Q. So on the same date of the murders?

19 A. Yes, ma'am. That is correct.

20 Q. Can you tell us whether or not Ms. Meneses reported
21 that that white truck was moving or travelling rather fast?

22 A. She does, and I apologize for misspeaking before, but
23 at the bottom of the statement she states "we left shortly
24 behind him and from our vehicle it seems they were
25 travelling rather fast".

1 Q. Now he was asking you about witnesses in the area,
2 specifically Mr. Galloway.

3 A. Yes, ma'am.

4 Q. And just to clarify, did Mr. Galloway ever actually
5 see any individual or individuals leaving or exiting the
6 crime scene?

7 A. Not the crime scene itself. No, ma'am.

8 Q. And did any individuals ever see any person or persons
9 entering the crime scene?

10 A. No, ma'am.

11 Q. Or where the white truck was parked within the area of
12 Woodland Village?

13 A. No, nobody provided testimony as to where the truck
14 was parked.

15 Q. And, finally, the statement that Mr. Swerling was
16 asking you about that was made by Mr. Cornish to you on
17 January 23rd that he stayed inside the truck when the
18 crimes occurred, can you tell us whether or not that's the
19 same statement where he indicated he was reading an e-mail?

20 A. That is correct. It's the same statement.

21 Q. And that e-mail was dated December 5, 2019?

22 A. Correct.

23 MS. MAYES: Nothing further.

24 RECROSS EXAMINATION

25 BY MR. SWERLING:

1 Q. But Mr. Galloway did identify Mr. Hopkins running
2 through the apartment complex, correct?

3 A. That is correct.

4 THE COURT: All right. May I excuse Sergeant
5 Creech?

6 MS. MAYES: Yes, Your Honor.

7 THE COURT: You're excused.

8 THE WITNESS: Thank you, ma'am.

9 (Witness excused.)

10 MR. HUBBARD: Your Honor, I have a short witness.

11 THE COURT: And you can call him.

12 MR. HUBBARD: The State calls Sergeant Brian Zwolak.

13 MR. SWERLING: Your Honor, may we approach a moment?

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

15 (Whereupon, Brian Zwolak was duly sworn by the
16 Clerk of Court.)

17 THE CLERK: If you'll have a seat, please.

18 If you'll state your name and spell your last for
19 the record, please.

20 THE WITNESS: It's Brian Zwolak, and my last name is
21 Z-W-O-L-A-K.

22 THE COURT: Go ahead, Mr. Hubbard.

23 MR. HUBBARD: Thank you, Your Honor.

24 BRIAN ZWOLAK,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. HUBBARD:

3 Q. Sergeant, where do you work?

4 A. I work for Lexington County Sheriff's Department.

5 Q. What do you do for them?

6 A. I am a sergeant in our Crime Reduction Unit and I'm a
7 task force officer with the FBI.

8 Q. What do you do as a sergeant with the Crime Reduction
9 Unit?

10 A. I supervise the unit, as well as investigate violent
11 offenses and firearm offenses.

12 Q. And you mentioned you belong to a task force?

13 A. Yes.

14 Q. What's that task force?

15 A. The Violent Crime Task Force with the FBI Columbia
16 field office.

17 Q. Now how long have you been in law enforcement?

18 A. Just under sixteen years.

19 Q. Prior to working with Lexington County, where did you
20 work?

21 A. I worked at the State Criminal Justice Academy.

22 Q. And among the things you taught there, did it have to
23 do with crimes of violence and crimes involving weapons?

24 A. Yes, sir.

25 Q. Did it also involved slang terms?

1 A. Yes.

2 Q. Prior to working at the academy, where did you work?

3 A. I worked at the Columbia Police Department.

4 Q. During your time there, did you also work in a field
5 where you dealt with crimes of violence and weapons?

6 A. I did.

7 Q. And crimes involving weapons?

8 A. I did.

9 Q. And was it necessary for you during those years when
10 you worked at the Columbia PD to also be familiar with
11 slang terminology?

12 A. Yes.

13 Q. In your line of work, is it necessary to have an
14 understanding of slang terms and slang terminology when
15 investigating crimes of violence?

16 A. Absolutely.

17 Q. Is it also necessary for you to have an understanding
18 of slang terminology in dealing with crimes involving
19 weapons?

20 A. Yes.

21 Q. And you've instructed on these issues?

22 A. I have taught classes, yes.

23 Q. Have you had an opportunity to testify in a court of
24 law, including this court, as an expert in that field?

25 A. I have.

1 Q. Have you had an opportunity to actually testify on
2 slang terminology as an expert in this courtroom?

3 A. I have.

4 MR. HUBBARD: Your Honor, I offer Sergeant Brian
5 Zwolak as an expert in violent crime intelligence who
6 can testify as to slang terminology in this field.

7 THE COURT: Any objection?

8 MR. SWERLING: Yeah, let me ask -- can I voir dire
9 him a minute?

10 THE COURT: You lawyers come up here.

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

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

13 MR. HUBBARD: Again, Your Honor, I offer Sergeant
14 Zwolak as an expert in the field of violent crime
15 intelligence.

16 MR. SWERLING: I'm not aware of an expertise in
17 that area, so I'll leave it up to the Court.

18 THE COURT: Okay. By his education and -- and
19 experience -- let me ask you just one question.

20 How many times have you been qualified as an expert?

21 THE WITNESS: Three.

22 THE COURT: Three. I'm gonna qualify him.

23 I'm gonna tell the jury he can give opinion
24 testimony in that area; however, you use it however you
25 see fit. Give it the weight you want to, okay?

1 Go ahead.

2 MR. HUBBARD: Thank you, Your Honor.

3 BY MR. HUBBARD:

4 Q. In your line of work are you familiar with the term
5 "tools"?

6 A. I am.

7 Q. Have you seen this term used in your line of work --
8 or can you tell us how you've seen this -- this term in
9 your line of work?

10 A. Yes, so I've seen on multiple occasions, through
11 interviews, cell phone extractions and other investigative
12 tools that we use the word "tool" used as a slang for
13 firearms, more particularly a handgun.

14 Q. And as an expert in this area, would you say this is a
15 commonly used term or is this one that's just occasionally
16 used?

17 A. I would say that the term "tool" is one of the most
18 common terms that I've seen used in my experience in my
19 career for a handgun.

20 MR. HUBBARD: I have no further questions.

21 THE COURT: Thank you, Mr. Hubbard.

22 Mr. Swerling.

23 CROSS-EXAMINATION

24 BY MR. SWERLING:

25 Q. So it's very common?

- 1 A. Yes.
- 2 Q. So everybody would understand it to be a -- a tool
3 would be a weapon?
- 4 A. A slang term for a weapon.
- 5 Q. Okay. So if you went out on the street and you asked
6 the average person and asked him what a tool was he would
7 say it was a gun?
- 8 A. In my experience during my career that has been slang
9 terminology -- tool has been slang term for a firearm.
- 10 Q. It could also mean a tool, right?
- 11 A. It could.
- 12 Q. And if somebody worked on a construction site or was a
13 mason or did any kind of work on a construction site, he
14 would have tools?
- 15 A. That's correct.
- 16 Q. Is that correct?
- 17 A. Uh-huh. Yes, sir.
- 18 Q. So it wouldn't necessarily be a gun?
- 19 A. No, it wouldn't have to be. There's different terms
20 and slangs are usually used to mask another term which is
21 why they're slangs.
- 22 Q. You have to put it in context, don't you?
- 23 A. Absolutely. Yes, sir.
- 24 Q. So it would be may have more meanings than just what
25 you're referring to?

1 A. Yes, sir.

2 Q. Okay. And you're not saying they're referring to a
3 gun, you're just saying that's a word that's used for a
4 firearm?

5 A. Yes.

6 MR. SWERLING: Thank you.

7 MR. HUBBARD: Just a quick follow-up.

8 REDIRECT EXAMINATION

9 BY MR. HUBBARD:

10 Q. Talking about context, I want you to look at State's
11 13 and 14. State's 13, a text message that is sent at
12 11:03 from one person to a suspect in a homicide saying
13 "make sure you clean those tools off".

14 A. Yes, sir.

15 Q. 11:04 in State's exhibit 14, "erase these messages",
16 does that give you some context when you interpret what
17 the word "tools" mean as an expert?

18 A. Yes, that would put context in it. So --

19 Q. And I'm fine if that just puts it in context for
20 you. And -- and let me ask this. So when it comes to
21 construction versus a weapon, do you now have a context?

22 A. Yes.

23 Q. As an expert?

24 A. Yes.

25 Q. And are you still comfortable with the term "tools"

1 as a slang term means what?

2 A. A handgun.

3 MR. HUBBARD: Thank you.

4 MR. SWERLING: Nothing further.

5 THE COURT: Thank you.

6 May I excuse the witness?

7 MR. HUBBARD: Please, Your Honor.

8 Thank you.

9 THE COURT: Thank you.

10 THE WITNESS: Thank you.

11 (Witness excused.)

12 MR. HUBBARD: Your Honor, at this time the State
13 rests.

14 THE COURT: Okay. Very well.

15 All right. Let me see the lawyers just quickly
16 about scheduling so I can keep the jury -- I want to
17 make sure I'm still on schedule.

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

19 THE COURT: All right. Mr. Foreman, ladies and
20 gentlemen of the jury, I'm gonna let you go for the day.
21 I need you back at 9:30 in the morning. The State has
22 rested and we're gonna see how we proceed in the morning,
23 okay?

24 Do not read, talk to anybody, do any research about
25 this case at all. I anticipate that you will probably

1 get this case tomorrow, okay?

2 All right. Thank you. Have a good evening.

3 (Whereupon, the jury was excused for the day at
4 5:26 PM.)

5 THE COURT: Okay. The State's rested.

6 Do we have any motion?

7 MR. SWERLING: Yes, Your Honor. I'd like to go
8 ahead and make a motion for directed verdict on all
9 charges against Mr. Cornish. Taking all the evidence in
10 the light most favorable to the State, we believe that
11 they have not offered sufficient evidence to go to a jury
12 on each of the counts of murder and specifically -- and
13 burglary. Specifically there is a situation here where
14 I don't believe that they've proven that Mr. Cornish was
15 either responsible as a principal or as an accomplice and
16 so, therefore, there would be no evidence to submit to
17 the jury on whether or not he's guilty of murder and they
18 would have to prove he's either a principal or an
19 accomplice to have a liability and for the case to go
20 to the jury.

21 MR. HUBBARD: Your Honor, we believe there's
22 actually an abundance of evidence that he's both involved
23 -- directly involved as a principal in the burglary
24 where someone clearly forced their way into the home
25 by shooting the man who opened the door and a triple

1 homicide. There's no question that happened inside that
2 residence. We have his DNA inside that residence. In
3 the light most favorable to the State, he's made entry
4 into that home under violent means. We believe that
5 alone would be sufficient to let this going forward, but
6 Your Honor's heard an abundance of evidence, including
7 what we just finished on, these text message, which
8 basically we would say is an admission of his involvement
9 in this, but even if he were sitting in the parking
10 lot when this happened, his behavior even afterwards,
11 including these text messages, shows that he was involved
12 in the from the get-go and his lies to law enforcement
13 would show that even if he were like a getaway driver
14 in an armed robbery, he is still involved in this. He
15 is a principal.

16 Thank you, Your Honor.

17 THE COURT: Thank you.

18 All right. Mr. Swerling, I'm gonna deny your motion.
19 There's been testimony that there's -- and it's really
20 for the jury to decide whether there were two people in
21 that apartment, but there's been sufficient testimony that
22 they could make that decision.

23 Further, the DNA in the apartment, they've
24 established is your client. They've also brought in his
25 truck and that he admitted being -- driving the white

1 dually truck that was at the convenience store and that
2 he had picked up the co-defendant at that time and he was
3 in the area.

4 On top of that, he had communication and was with
5 the co-defendant on the day of the murder. I think that
6 is sufficient evidence to go to the jury, so I'm gonna
7 respectfully deny your motion.

8 Anything else from the State?

9 MR. HUBBARD: Your Honor, we were just going over
10 his prior record. I don't know that there's anything
11 particularly recent that we would use should he decide
12 to take the stand. I don't know if we would impeach him
13 with anything on his record, even though he had one.
14 Some's remote, but others -- I would just say we give him
15 that benefit by saying we won't go into that.

16 THE COURT: You won't go into that because -- good.

17 Mr. Cornish, I want to talk to you about your right
18 to testify. I'm gonna get the clerk to swear you in
19 right quick.

20 THE CLERK: Raise your right hand, please.

21 (Whereupon, Jeremy Savoy Cornish was duly sworn by
22 the Clerk of Court.)

23 THE DEFENDANT: I do.

24 THE COURT: All right. Mr. Cornish, at this time
25 I'm going to explain to you certain of your rights. If

1 whether or not I was gonna use them yet, but let me hear
2 from the State. Give me --

3 MR. HUBBARD: Yes, Your Honor. I've just got a few
4 things.

5 THE COURT: Sure.

6 MR. HUBBARD: The first one may be an easy one for
7 you. It's on prior inconsistent statements. I don't
8 know that we really have that in this case other than
9 the defendant itself, I mean, but your charge is related
10 to witnesses. I think the only one that anyone would say
11 would be an issue would be Donnovin Haynes, but they
12 really didn't have anybody up to contradict him. They
13 put a question to him, did you ever say it could have
14 been -- or did you ever say anything about not knowing if
15 there was more than one person, he denied it, and that's
16 where it was left so there was no witness to say that he
17 said something else, so I don't know that --

18 THE COURT: Well, this was kind of one of those that
19 was submitted and I put in because I didn't know what
20 the testimony was gonna be yet, but I tend to agree, but
21 I'll be glad to hear from you, Mr. Swerling. What prior
22 inconsistent statements did we have?

23 MR. SWERLING: Well, Mr. Creech answered the
24 question when I asked him if Donnovin Haynes said
25 something else, which was different from what he had

1 testified to, that there were definitely two people. He
2 here said there was possibly another subject. That's an
3 inconsistent statement.

4 THE COURT: Yeah, but I think Creech's testimony,
5 the way that -- maybe I heard it wrong -- was that a
6 police officer's thought of definite is something else.
7 They were looking for something else to corroborate that
8 with and he put probably, but I think Donnovin Haynes when
9 he testified was pretty solid that he heard two voices. I
10 think you-all tried to shake him on it.

11 MR. SWERLING: Well, yes. Judge, also about the
12 drugs. There were numerous misrepresentations about the
13 drugs.

14 MR. HUBBARD: Your Honor, I think he admitted
15 everything. You know, they asked questioned him about
16 it, but said -- I brought out that he smokes marijuana,
17 he smoked it then, they had it in the house. I think
18 the only thing that came out during the investigation he
19 said he had a little bit in his room and they found
20 more, but that wasn't a statement in court. That's not
21 testimony. That's something he said a while back and that
22 was already brought out, so I'm not -- I'm not real sure
23 how that's an inconsistent statement. You know, he was
24 subjected to cross on that. He's always admitted he
25 smokes marijuana. He smokes it now.

1 MR. SWERLING: But he had on --

2 THE COURT: You can stay seated, Mr. Swerling. I
3 know your knees are --

4 MR. SWERLING: I just need to move around.

5 I mean, he -- I don't think there could be anything
6 more inconsistent than someone saying I had a small amount
7 of marijuana and they find almost a pound. They find --
8 on video they find large amounts of marijuana, heroin.
9 There's heroin in the apartment because they're saying
10 that Mr. Hopkins took it. I mean, come on. That's pretty
11 inconsistent.

12 MR. HUBBARD: Your Honor, there's no testimony or
13 evidence that we have that says Mr. Haynes had direct
14 knowledge of heroin, first of all, at all. Secondly,
15 also although that marijuana's found in his bedroom,
16 it's hidden under his love seat. Whether it's his or
17 whether somebody else was stashing it there during the
18 day, I don't know, but there's no testimony to it. He
19 admitted he smokes marijuana, uses marijuana still today,
20 and that, yeah, he had marijuana in his room.

21 MR. SWERLING: The testimony is Mr. Creech. He's
22 the one who said it. That's what he told him, that's
23 what he found out later on. That's inconsistent. I mean,
24 I guess --

25 THE COURT: All right. What's your next one?

1 MR. HUBBARD: Alibi, Your Honor. The defense has
2 asked for an alibi.

3 THE COURT: I don't think we have an alibi defense
4 in here, do we? What's the alibi?

5 MR. SWERLING: The alibi is he was not in the
6 apartment. He was in the truck. They have to prove he
7 had knowledge and he says he never went in the apartment.
8 There's no -- there's no evidence that he ever went in
9 the apartment other than -- well, I'm sorry. Let me take
10 that back. What I'm saying is that he maintains that he
11 was outside the apartment, did not go in, did not commit
12 the shootings and so, I mean, that's an alibi. I was
13 someplace else.

14 MR. HUBBARD: I would take exception to that and
15 I have a case on point, too. One, there's been no
16 testimony by the defendant or anybody else saying --

17 THE COURT: Well, I was gonna say maybe we're doing
18 this a little premature if he's gonna testify or not.

19 MR. HUBBARD: Well, and I guess if he doesn't
20 testify, there's no alibi because there's no testimony.
21 What I think they have to show is there's no evidence
22 showing that it was physically impossible for him to
23 commit the crime because he was elsewhere. Now to simply
24 say he's in the parking lot, Judge, that doesn't clear
25 him. He can still be guilty of this crime sitting in the

1 parking lot, the getaway driver, so that doesn't cut it.
2 He's got to get on the stand and testify here's where I
3 was, I wasn't involved, and here's why. Basically what
4 this says --

5 THE COURT: You can't have alibi and mere presence
6 at the same time.

7 MR. HUBBARD: Basically it's simply -- it's simply
8 saying I'm not guilty, and that's not an alibi.

9 Your Honor, there is a case, State v. Robbins.
10 It's 1980, but it's still good law, and in that case it
11 involved a guy who was charged with robbery at a store
12 and the judge should have charged alibi and -- but it's
13 interesting what the Court says about alibi. Basically
14 he said I'd been there earlier in the day, but at the
15 time of the robbery I wasn't there, I went home, and the
16 judge said well, you'd already admitted you were there
17 during the day, I'm not letting it, no alibi. The Court
18 said -- a divided Court said you should have charged it,
19 but it's interesting what they say. A charge on the
20 defense of alibi is not required when an accused person
21 merely denies committing the criminal act. That's what
22 this is. They go onto say, in other words, by an alibi
23 the accused attempts to prove that he was at a place
24 so distant that his participation in the crime was
25 impossible, and they go onto say, too, and since an

1 alibi derives its potency as a defense from the fact that
2 it involves a physical impossibility of the accused's
3 guilt, a purported alibi which leaves it possible for the
4 accused to be the guilty person, is no alibi at all.

5 And I can give you my one and only copy, so --

6 THE COURT: No, just give me the cite.

7 MR. HUBBARD: Yes, Your Honor. I can do that.

8 It's State v. Robbins and it's at 271 S.E.2d 319, and
9 it's 1980, but it's still good law.

10 THE COURT: I have that in my office.

11 MR. HUBBARD: I do have a clean copy so it's not
12 marked up.

13 Have you got some other caselaw that allows you an
14 alibi?

15 MR. SWERLING: Well, Judge, just the facts of the
16 case. I mean, he claims he was somewhere else other
17 than in the apartment and that's comes out in the
18 statements he made to Investigator Creech and the other
19 investigators in the case. I mean, now the crime -- the
20 scene is in the apartment. Just because he was in the
21 Woodland Village doesn't make him guilty of a crime. They
22 have to disprove alibi. I mean, what else would his
23 defense be? I was not there.

24 MR. HUBBARD: But, again, being in the parking lot
25 is not inconsistent with his guilt. He can be the getaway

1 driver.

2 And, Your Honor, we have additional evidence that
3 has been shown that his involvement, interaction, with
4 this defendant, about his involvement in this crime, so
5 even that, him sitting in the parking lot, I think there's
6 sufficient evidence to show that he's a principal.
7 Basically this alibi claim is -- is just saying I'm not
8 guilty, and that's not an alibi. He's not really saying I
9 couldn't have been involved because I was somewhere else.

10 THE COURT: Well, let me ask you this because I
11 look at alibi and then my next charge that you-all sent
12 me was mere presence. It's probably more of a mere
13 presence, but I'd probably be more convinced on mere
14 presence than I am alibi, and the reason being is the
15 video shows that ten minutes after this crime he is with
16 the suspect at the QT Stop or whatever it is and it is
17 his truck that they end up finding out about a couple of
18 days later. I think that absolutely probably destroys
19 your alibi, but I don't know if it was mere presence
20 or what, and I think that's probably up to the jury to
21 decide. Did he just drop this guy off? What's the deal?
22 But that's not for us to decide. I think alibi is kind
23 of -- I'm not so convinced on that. If you can -- did
24 you get a copy of this for him?

25 MR. HUBBARD: And, Your Honor, the State would

1 agree a mere presence charge is appropriate and I think
2 that's really what -- the gist of what you're getting at.

3 THE COURT: I'm all for the mere presence. I'm
4 gonna have to think about this alibi unless you can give
5 me something else, Mr. Swerling, but the mere presence
6 I'm game for.

7 MR. SWERLING: I'll put my lawyers on it tonight
8 while I do more important things.

9 THE COURT: Ms. Wilson, let me know about the alibi
10 defense.

11 MS. WILSON: I will.

12 THE COURT: I just don't think that -- I'll read
13 this Robbins case. I just don't think he can just say
14 I -- all right, I just wasn't there. I mean, there's
15 got to be something else to it, but I'll read the Robbins
16 case and, Ms. Wilson, you do me some research and let me
17 know.

18 All right. What else do we have on the jury charges?

19 MR. HUBBARD: I think that's all we had now, Your
20 Honor. I think everything else -- your intent -- there
21 was two intent charges.

22 THE COURT: There was because Ms. Wilson sent me --
23 I had the one that the Court usually uses, which is the
24 shorter version --

25 MR. HUBBARD: Right.

1 THE COURT: -- and then she sent me another one.
2 I've read it. It doesn't bother me either, you know,
3 when I'm up here.

4 MR. HUBBARD: And, Your Honor, I would just say
5 from our standpoint I like the shorter one because when
6 you start talking about other mental states, you know,
7 negligence and things like that, I think it just gets
8 confusing; although there may be some language in there
9 that I think I like, I think the safest course is to go
10 with what's been tried and true where the only mental
11 state that this jury has to determine is the one that you
12 discuss rather than confusing it with other mental states.
13 I would hate a jury to come back and say, you know, that,
14 you know, they've got some other mental state other than
15 intent and that it's some lesser degree and I think it
16 just gets confusing. I think your shorter charge -- and
17 that's why I think in the standard book there's a short
18 charge.

19 MS. WILSON: Judge, we're fine with either intent
20 charge.

21 THE COURT: Okay. The short one is normally what
22 I charge and I've just always charged it. It always
23 seems like the -- especially in a murder case they're
24 gonna be looking for malice.

25 THE COURT: All right. Did the defense have any

1 objections other than you want the alibi and you want the
2 -- which I'm gonna decide on in the morning and you want
3 the prior inconsistent statements?

4 MR. SWERLING: Correct. Also, Your Honor, we've
5 always asked for this in the two previous trials I've had
6 with you --

7 THE COURT: And I tried to find it. You want to
8 take out of word "constitution".

9 MR. SWERLING: Well, yeah, I struck out exactly what
10 we would like.

11 THE COURT: He does this every time.

12 MR. SWERLING: Every time. I've been doing it for
13 fifty years. It's the constitutional right --

14 THE COURT: On the defendant's?

15 MS. WILSON: It's a weird thing, Judge.

16 THE COURT: It's on -- would you show that to
17 Mr. Hubbard?

18 MR. HUBBARD: Yeah. I heard strike out the
19 constitution.

20 MR. SWERLING: It sounds like a mobster when you do
21 that.

22 MR. HUBBARD: Sounds like a defense lawyer.

23 THE COURT: Well, to me -- when he strikes it out,
24 it's kind of -- it surprised me when he did, but sure
25 enough he's been consistent in doing it.

1 MR. SWERLING: Judge, do you have a charge -- I
2 know there's one in the charge book about they have to
3 consider his case separate and apart from Mr. Hopkins'
4 case because you've got two defendants here even though
5 they're not jointly indicted, but they have -- they are
6 intertwined as far as the evidence is concerned, so think
7 if the Court would instruct them like normally there is a
8 charge about considering him separately from anybody else.

9 THE COURT: That kind of conflicts with my hand of
10 one hand of all charge.

11 MR. HUBBARD: I was about to say that, Your Honor.
12 A big part of this case is that we did separate the
13 defendants out, so this jury will know they -- they have
14 one man on trial and the State's obviously gonna make that
15 clear, too, but that would definitely confuse them on the
16 hand of one hand of all charge because we will definitely
17 just as we did in the trial be explaining to the jury the
18 acts of Jeremy Cornish include the acts of Justin Hopkins
19 when it comes to pulling the trigger and breaking into the
20 apartment complex, but the jury will end up reaching a
21 verdict as to Cornish.

22 THE COURT: And I don't know that I have a charge
23 like that that covers what you're talking about. If
24 you've got one, I'll be glad to look at it, but it's hard
25 for me -- my gut says I don't want you-all to consider

1 anything about Justin Hopkins, he'll have his day in
2 court, when I've got a hand of one hand of all because
3 it doesn't matter if it's Justin Hopkins or if it's
4 Mr. Cornish.

5 MR. HUBBARD: Right. I think it's really when you
6 have a trial with two defendants.

7 The other thing I think is if you made that charge,
8 it amounts almost to a statement on the facts. The
9 State's presented a lot of evidence about Justin Hopkins
10 under the theory the hand of one's the hand of all and
11 you're saying no, jury, don't consider that, I think it
12 becomes confusing just from your charge alone. So I
13 think hand of one hand of all is appropriate, but there's
14 only gonna be one name on the verdict form and we only
15 have one man on trial.

16 THE COURT: And let me ask you if the verdict form
17 doesn't take care of exactly what Mr. Swerling -- did
18 you-all get a copy of the verdict form.

19 MR. SWERLING: We have it.

20 MR. HUBBARD: We did, Your Honor.

21 THE COURT: Because I tried to make sure, and even
22 in the murder charge itself that they were to be treated
23 individually each, and I did that on the verdict form, so.

24 MR. HUBBARD: We're fine with your verdict form,
25 Your Honor, and really everything else I think looks

1 standard.

2 THE COURT: I tried to separate them, you know,
3 because you've got two guns involved, you never know
4 what a jury's gonna think, I never know, so I made sure
5 that they consider each person on the murder charge.

6 I don't know about that look.

7 MR. SWERLING: I understand what you're saying
8 about the accomplice liability charge. We had that
9 charge all the time in joint defendants and where you
10 have to consider each one separately and that's a
11 standard --

12 THE COURT: That's why we're trying them separately.

13 MR. HUBBARD: I would agree, Your Honor. If we
14 were trying Mr. Hopkins together with Mr. Cornish, we
15 would need that. I'd even be conceding that. But in
16 this case since we have separated them out, I think it
17 becomes extremely confusing, particularly with the charge
18 of hand of one hand of all.

19 THE COURT: I tell you, Mr. Swerling, I'll do this.
20 I'll go look at the accomplice charge. I've never
21 charged that before, but I don't find -- right now it
22 makes no sense in my head to do it. I'll be happy to
23 read it. I'll get -- Ms. Wilson, if you'll read it,
24 we'll discuss it in the morning as to why it should
25 apply to this case. That and the alibi is, I guess,

1 the two issues I really need to consider besides the
2 prior inconsistent statement and the prior inconsistent
3 statement --

4 MR. SWERLING: We'll look at it again.

5 THE COURT: -- you know, these two are probably the
6 two that need to be decided on.

7 MR. SWERLING: We'll look at it again. I mean, I
8 just want to -- it's been a long day and I'm tired, so.

9 THE COURT: I know. I know. It has been a long
10 day. You-all have done a great job. This makes a solid
11 two-week trial. It's fixing to be three, that's right,
12 and for me it's going to be four because after this I go
13 to McCormick, so.

14 But you-all -- I'll commend both of you-all -- all
15 of you-all, you-all have done a good job.

16 All right. You-all might want to get here early in
17 the morning to pick out what exhibits you-all need for
18 closings and get that done. I'd like to honestly get a
19 response from Mr. Cornish on what he'd like to do and I
20 want to move straight into closings and charge them
21 because it's -- you know, I think it's gonna -- by the
22 time they go through all this evidence, they're gonna be
23 here all day, so I'd like to get it to them as soon as
24 possible. I don't want them to feel rushed to make a
25 decision, okay?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Do you need any more time?

3 THE DEFENDANT: No, ma'am.

4 THE COURT: Do you need me to explain to you further
5 anything about your rights?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: All right. So let me ask you, do you
8 wish to testify?

9 THE DEFENDANT: No, ma'am.

10 THE COURT: Okay. Thank you.

11 All right. So I guess what I'll do is bring the
12 jury in.

13 Let me ask the defense, are you presenting a
14 defense? Not that you have to.

15 MR. SWERLING: No, Your Honor.

16 And we would now renew our motions made at the
17 conclusion of the State's case and ask you to incorporate
18 our comments that were made at that time at this point.

19 THE COURT: I will, and I'll let the record reflect
20 that. All of your objections have been preserved.

21 Now let me ask, do you-all want to bring the jury
22 in, you rest, I send them back out and bring them back
23 in?

24 MS. MAYES: Yes.

25 MR. HUBBARD: It's probably procedurally the best

1 thing. I know they might hate walking back and forth.

2 THE COURT: Oh, I know they'll make faces. I have
3 no doubt.

4 MR. SWERLING: I don't care.

5 THE COURT: I think that's what I'm gonna do.

6 So before I do that, let me give you my decisions
7 on the jury charges. I looked at alibi last night and
8 I looked at some caselaw and to establish an alibi the
9 accused must show that he was at another specified place
10 at the time the crime was committed thus making it
11 impossible for him to have been at the scene of the
12 crime.

13 And because alibi derives its potency as a defense
14 from the fact that it involves a physical impossibility
15 of the accused's guilt, a purported alibi which leaves
16 it possible for the accused to be the guilty person is
17 no alibi at all. And there's testimony in the record,
18 I think, from the defendant's own statement that he
19 dropped the co-defendant off at the complex, which puts
20 him right there at the scene.

21 I'm gonna -- I don't believe we've established an
22 alibi defense and I think that charge would be improper,
23 but I'll be glad to hear from any -- Ms. Wilson, if you've
24 got anything.

25 MS. WILSON: Judge, we agree that State v. Robbins

1 is authority on alibi, but I think that there was
2 evidence presented that the defendant was in Woodland
3 Village and that he was in the truck. Our defense is
4 that he was in the truck without knowledge of the crime
5 that was being committed.

6 There is a case, Roseboro v. State. It's in the
7 PCR context. It's 317 S.C. 292, and I apologize I don't
8 have a copy.

9 THE COURT: I'm familiar with the case.

10 MS. WILSON: And in that case the defendant in that
11 case was in the general vicinity of the crime as well.
12 He was at a friend's house near where the crime was
13 committed. Most of the evidence in that case was
14 circumstantial and the State argued in closing that the
15 defendant was in the area. The Court found that the
16 jury was entitled to hear the alibi charge in that case
17 and that -- and entitled to hear that the defendant had
18 no burden to prove alibi, especially -- and in this
19 case, I think that's similar. I think the jury has a
20 right to hear that the defendant doesn't have a burden
21 to prove an alibi, that it's the State's burden to
22 disprove the alibi, especially if the State intends to
23 argue that he was in the area, which I believe they
24 would.

25 Additionally, State v. Mayfield, which is

1 235 S.C. 11, states that defendant doesn't need to
2 testify or present any witnesses to claim alibi because
3 cross-examination will suffice for that.

4 And we submit that mere presence and alibi aren't
5 mutually exclusive. The jury could find that he was
6 merely present at the scene of the crime, but they could
7 also find that he was in the car without knowledge of
8 the crime, and we believe evidence has been presented to
9 support either of those.

10 MR. HUBBARD: Your Honor, I believe when you boil
11 it all down what they're saying is their man was merely
12 present, so I do believe that charge is necessary. And,
13 again, I'd go back to if you get to alibi it's gonna be so
14 confusing when you talk about the hand of one hand of all.
15 It would almost be a comment on the facts.

16 THE COURT: I think it's confusing. His own
17 statement puts him in the complex at the time of the
18 murder. Now whether they believe he went in the apartment
19 is up to the jury to decide, but his own statement puts
20 him there.

21 I think under the circumstances a mere presence
22 charge is probably more appropriate because the
23 defendant's conceded he was in the parking lot. So I'm
24 going to charge mere presence and not the alibi. I just
25 don't -- there's no question he has absolutely no burden

1 whatsoever to prove, it's the State's burden.

2 All right. For prior inconsistent statements, I'll
3 be glad to hear from you, Ms. Wilson, if --

4 MS. WILSON: You said you were gonna charge that.

5 THE COURT: I think that I am as the Court's
6 inclined to charge that.

7 MS. WILSON: And we believe that charge is proper.
8 I think with Donnovin's statements on the stand he did
9 make some inconsistent statements regarding the drugs
10 being sold out of the apartment, regarding the drugs in
11 the apartment, so I do believe that that's a proper
12 charge.

13 THE COURT: It's kind of a twofold. I think the
14 defendant made an inconsistent statement also if you
15 look at it. I think there's been evidence on both sides
16 of an inconsistent statement and I'm going to go ahead
17 and charge that charge.

18 Now the other charge was accomplice liability.
19 I'll be glad to hear from you on that if -- I just do
20 not see how I could charge that in this case. It's
21 clearly -- all the caselaw that I've read it's meant
22 for co-defendants who are tried together and I think to
23 instruct the jury on accomplice or individual liability
24 that is definitely in conflict with the hand of one hand
25 of all, and I think it will confuse the jury. Therefore,

1 I think that charge is improper and should not be included
2 but I'll be glad to hear from you any disagreement or
3 objection you may have.

4 MR. SWERLING: Could you indulge -- do you have
5 anything?

6 MR. HUBBARD: Your Honor, the State agrees with
7 you and we also believe that your standard hand of one
8 hand of all charge is what's appropriate in this case.
9 Anything else would be very confusing.

10 THE COURT: I think so, too. I don't know what the
11 jury would --

12 MR. SWERLING: Judge, I just need -- I'm looking at
13 something. Maybe I have a misunderstanding.

14 THE COURT: I'm just telling you everything I've
15 read it was meant for when co-defendants are tried
16 together.

17 MR. SWERLING: Judge, the hand of one hand of all
18 charge is accomplice liability. Basically you're present
19 aiding and abetting and you did not do the shooting, you
20 still could be held responsible as an aider and abetter,
21 and that would be hand of one hand of all, so I don't
22 think we need anything other than the charge you have.

23 THE COURT: Good. I just know that you-all brought
24 up accomplice liability yesterday and I wanted to make
25 sure that I addressed it for the record. So then there's

1 no objection on me not charging that charge. Great.

2 All right. Anything else that I need to take up?
3 I'm gonna bring the jury in, I'm gonna let the defense
4 rest, I'm gonna send the jury back out, let the defense
5 put their motions on the record and then I'm gonna bring
6 them back in for closing arguments.

7 Is everybody ready?

8 MS. WILSON: I did send an e-mail last night, Judge,
9 about one additional charge which was to consider the
10 separate charges separately. We had a similar charge in
11 Shivers, the multiple counts. If we could just add that.

12 THE COURT: I didn't see that e-mail.

13 LAW CLERK: About what time did you send it?

14 THE COURT: Did I not do that on the -- are you
15 talking about the murder charges?

16 MS. WILSON: To consider the murder and the burglary
17 and each separately.

18 MR. SWERLING: You can acquit on one or the other
19 or --

20 MS. WILSON: I can tell you what time I sent it.

21 MR. NORTON: And, Judge, our position on that is
22 to the extent that that would be necessary, it's already
23 covered in Your Honor's duty to deliberate charge and
24 the jury verdict charge.

25 THE COURT: I'll be glad to look at what you've got,

1 Ms. Wilson. I apologize, but I didn't get that e-mail and
2 my law clerk got an e-mail -- no, he didn't get an e-mail
3 either.

4 MS. MAYES: Your Honor, there was no charge attached.
5 There was no proposed charge. It was simply to inform
6 the jury of the instruction to deliberate each indictment
7 individually and that is already covered in Your Honor's
8 bench book standard that you would charge regarding duty
9 to deliberate.

10 MS. WILSON: There wasn't a charge attached. I
11 apologize.

12 THE COURT: I think I do say that in my charges.

13 MS. WILSON: The charge we had in the prior case
14 said the indictments in this case allege two different
15 offenses against the defendant; the charges are murder
16 and possession of a weapon during the commission of a
17 violent crime. Each indictment charges a separate
18 offense. You must decide each indictment on the
19 evidence and the law applicable to it uninfluenced by
20 your decision as to any other indictment. The defendant
21 may be convicted or acquitted on all or any of the offenses
22 charge. You will be asked to sign a separate verdict of
23 guilty or not guilty for each indictment.

24 MR. NORTON: Again, Your Honor, if you look at
25 page 32 of your proposed charge, I mean, that language

1 is essentially covered under the duty to deliberate as
2 to each charge and your verdict form clearly charges
3 them as to all four charges that they have to deliberate
4 separately, so I think that it to the extent that's
5 necessary, it's already in there.

6 THE COURT: Well, I do have that in there. I put
7 in here that your verdict must be unanimous as to each
8 charge. I go onto state there's two possible verdicts
9 for each charge. I'm asking them to initial the verdict
10 for each charge. I'll be glad to add anything you want,
11 but I think I've covered it.

12 MS. WILSON: That's fine, Your Honor, as long as
13 it's covered. We were just asking because it was in
14 those prior charges.

15 THE COURT: Yes, it's back on the jury verdict part
16 that I have labeled, second to the last page, that I go
17 through that. I specifically state your verdict must
18 be unanimous as to each charge and they are listed
19 separately on the verdict form; three counts of murder
20 and one count of burglary first.

21 MS. WILSON: Okay. Thank you.

22 THE COURT: I'll note it if you want it for an
23 objection for the record.

24 MS. WILSON: That would be great.

25 THE COURT: Okay. It's so noted.

1 All right. Well, let's the bring the jury in unless
2 there's anything else.

3 From the State?

4 MR. HUBBARD: No, Your Honor.

5 THE COURT: From the defense?

6 MR. SWERLING: No, Your Honor.

7 THE COURT: Okay. Let ask does anybody want the
8 jury to have a copy of these charges? They're pretty
9 straightforward.

10 MR. HUBBARD: I certainly don't object. I've kind
11 of got the theory that the charges have gotten so
12 convoluted over the years that it's not a bad thing to
13 do. Way back when I'd always objected, but these days
14 it's so long.

15 MR. SWERLING: I've never been a fan of that, so.

16 THE COURT: Okay. If you object, I'm not gonna let
17 it go back. In cases that I do let them back, I end up
18 making twelve copies for each one so nobody will tell the
19 others what the law is, so I'll just mark that.

20 (Whereupon, the jury enters the courtroom at
21 10:00 AM.)

22 THE COURT: All right. Mr. Foreman, is the jury
23 ready?

24 FOREPERSON: Yes, Your Honor.

25 THE COURT: All right. Ladies and gentlemen, let

1 me ask you, has anybody approached you, talked to you
2 about this case, have you done any research or read
3 anything or heard anything about this case since we left
4 yesterday? If so, please raise your hand.

5 Okay.

6 All right. Where we left off yesterday, the
7 State rested. The defense may, if they wish, present
8 a defense. They do not have to.

9 Mr. Swerling.

10 MR. SWERLING: Your Honor, at this time we rest.

11 THE COURT: Okay.

12 All right. Well, Mr. Foreman, ladies and gentlemen
13 of the jury, I'm gonna have to send you back to the jury
14 room just for a few moments. Please do not discuss this
15 case amongst yourselves. It won't take but just a few
16 minutes. I promise it's gonna be quick.

17 (Whereupon, the jury return to the jury room at
18 10:02 AM.)

19 THE COURT: Does anybody want a final copy of the
20 jury instructions?

21 MR. HUBBARD: That would be great. I'll give it
22 to my lawyer, Bruce.

23 MR. SWERLING: My lawyer will --

24 THE COURT: And Ms. Wilson wants one. If you will
25 make them a copy.

1 Okay. Let me hear your motions for the record,
2 Mr. Swerling.

3 MR. SWERLING: Your Honor, it's just that I ask you
4 to incorporate herein the motions made previously for
5 directed verdict. Nothing additional to add. If you'll
6 incorporate it, I'll rest on that.

7 THE COURT: I'll incorporate it. Your motion for
8 directed verdict, of course, is denied.

9 MR. SWERLING: Your Honor, I assume at this point
10 there's no issue about whether or not I get last
11 argument?

12 MS. MAYES: Right.

13 THE COURT: Not -- I don't believe you've presented
14 any evidence.

15 MR. HUBBARD: We're good.

16 THE COURT: I don't see -- we're doing this the
17 old-school way because I'm an old-school kind of a gal
18 here. Some of these new lawyers do it a different way,
19 but I'm going the old-school way.

20 MR. HUBBARD: We're fine with that, Your Honor. We
21 agree.

22 THE COURT: Okay. Good.

23 So Mr. Hubbard will have first closing and --

24 MR. SWERLING: I'll finish.

25 THE COURT: -- you'll finish.

1 anything, let me know.

2 MR. NORTON: Yes, Your Honor.

3 (Whereupon, the jury returns to the courtroom at
4 10:07 AM.)

5 THE COURT: Are we ready, Mr. Foreman?

6 FOREPERSON: Yes, Your Honor.

7 THE COURT: Okay. Please be seated.

8 Mr. Hubbard.

9 MR. HUBBARD: May it please the Court?

10 THE COURT: Yes, sir.

11 MR. HUBBARD: Ladies and gentlemen, when you-all
12 came in this courtroom last week, you-all entered a
13 strange new world. I'm sure none of you-all expected
14 to be here for two weeks and none of you showed up last
15 Monday thinking you're gonna be sitting on a triple
16 homicide; a case that's brutal, ugly, cold-blooded. I'm
17 sure nobody expected that.

18 Folks, you-all have listened, you-all have been
19 patient. It's been going long and going slow, but
20 you-all have listened. What you've heard and what
21 you've seen is God awful and I think I can say right
22 now it's clear you've got a breaking in an apartment.
23 No question. Nobody is allowed in. You've got someone
24 breaking in an apartment and you've got three people in
25 that apartment who are brutally, brutally, shot and

1 killed right out of the gate. Regardless of what names
2 we use for who's charged, you know you've got a burglary
3 and you've got three murders right out of the gate.

4 You've got a burglary because that door was forced
5 open and the person who's opening that door is shot. A
6 double-tap in the chest. You-all heard that. That
7 person is Branton Booker. And you-all have seen those
8 photographs. I'm not gonna dwell on them, but you-all
9 have seen that. Branton Booker. Look where that shot
10 is. Right when he opens the door. It's a double-tap in
11 the shoulder and chest.

12 Then you have Mr. Livingston. Shot twelve times
13 while he's getting out of his bed and Duwan Williams
14 shot four times from the back side when he sits up on
15 the sofa. It's brutal. Ugly.

16 So what's the law say about this? Because we talk
17 about burglary and murder and the law defines what those
18 are and the judge is the ultimate person who's gonna let
19 you know what the law is. I'm gonna give you kind of
20 Cliffs Notes, a brief summary.

21 We'll start right here with burglary. Burglary in
22 the first degree is what Mr. Cornish is charged with.
23 He's entering a dwelling without consent. That's pretty
24 clear. You commit a crime in a dwelling. Three murders,
25 I think that's pretty clear. And the person while in

1 effecting entry or while in the dwelling or in immediate
2 fight is armed with a deadly weapon. That's pretty
3 clear right there. You've heard of two pistols. Causes
4 physical injury. How about three murders? Threatens the
5 use of dangerous instruments. A firearm. Displays what
6 it is or appears to be a knife, pistol, revolver. Ladies
7 and gentlemen, you've got -- everything you need here is
8 checked off. You've got a burg first right out of the
9 gate. There is a burglary first degree. We can move on
10 from that.

11 Murder is very straightforward. The killing of
12 another person. You've definitely got that. With malice
13 aforethought, either express or implied. What's malice?
14 Hatred, ill will, ill intent. When you've got somebody
15 coming to a door and immediately shooting and killing
16 someone, going in and shooting and killing someone when
17 they're just getting up in bed, shooting a man as he's
18 jumping out of bed and killing him when your intent is
19 to kill and then steal, that's the definition of malice.
20 We've got three murders. Clearly there's no question
21 about it. There are three murders. A burg first and
22 three murders.

23 The judge is gonna charge you on another concept
24 in the law called the hand of one is the hand of all,
25 and that is when a crime's committed by two or more

1 people, which you've got, acting together committing
2 a crime, that you've got, the act of one is the act of
3 all. You don't have to worry who had the 9-millimeter,
4 who had the .38, who killed Mr. Williams, who killed
5 Mr. Livingston if two people are involved even if there's
6 one gun, they're both guilty. If you have a getaway
7 driver like in a bank robbery, the getaway driver is
8 just as guilty. So if you have somebody sitting in a
9 parking lot in a truck who's part of this plan, they're
10 guilty of all three murders. But I'm gonna tell you,
11 you don't have someone sitting in a truck in this case.

12 There's something else I want to tell you that the
13 judge won't charge and this comes from TV. Motive.
14 Everybody always wants to know why did something happen.
15 We want to know that and sometimes, folks, we never
16 really know. This case we've got some indications we've
17 shown you, we'll talk about that in a minute, but I am
18 not, we are not, required to prove why something happened,
19 so I just want you to know that and understand that.

20 Everything that we do prove or are supposed to
21 prove, we're supposed to prove it beyond a reasonable
22 doubt, and the law on that is very straightforward.
23 That is just evidence, sufficient evidence, that makes
24 you firmly convinced of the defendant's guilt. That
25 leaves you firmly convinced of the defendant's guilt.

1 Now let's talk facts. There's no question you've
2 got three murders, a burg first. There's no question
3 that two guns were used, two different types of guns; a
4 semi auto 9, a .38. No question. You've got 9-millimeter
5 copper jacketed ammo and you've got lead from a .38. No
6 question in this case that two weapons are used. No
7 question. The pathologist noted the difference in the --
8 what he found at autopsy and the gun expert said two
9 weapons. So all that is clear, too.

10 But now Mr. Cornish says he didn't have either one,
11 that Mr. Hopkins is the one that did everything in this
12 case, that he, in effect, is two fisted shooter, that
13 he is the only one guilty of these charges we've just
14 talked about.

15 Now to weigh what Mr. Cornish has said, we need to
16 look at his credibility, and to do that let's look at
17 what he actually said and you begin by December 21,
18 2019, when estopped at that traffic stop driving that
19 white truck. No one really knew who he was until they
20 got to the window and he identified himself. And what
21 did he say? They asked him, first of all, do you know
22 why we're talking to you. That's a thing they'll always
23 do. Do you know why we're here? Why are we doing this?
24 I have no idea. I have no idea. Well, where are you
25 coming from? Well, I was just dropping a worker off and

1 I was heading home. I have no idea.

2 He talks about what he did that day on the 17th.

3 You know, I picked up some guys from work at the Food

4 Lion, we went to McEntire, got rained out after about

5 a half hour and then I took the guys back to Food Lion,

6 and that included Justin Hopkins. I dropped him off.

7 Why would he say that? Why would he say that? And then

8 I went to the DMV and you-all can go check on it because

9 I went to the DMV, I had to clear up my license, I had

10 to go get a check from my boss so I could pay for my

11 license, I went back to the DMV, I went home, I was home

12 all day, I never saw Justin Hopkins after I dropped him

13 off at Food Lion. Now why would he say that? Why?

14 And they asked him about Justin Hopkins and he goes

15 I know him, but we don't really have a relationship and

16 you know that's just not true. Why would he say that?

17 And here's what's amazing. Law enforcement goes God,

18 this guy's believable. He's good. They're thinking

19 he's a witness. He's not involved in this, but he might

20 be able to help us out because he knows something about

21 Justin Hopkins and we know he's involved.

22 Well, they check up on what he said and that's

23 when it starts unravelling for Mr. Cornish. At the

24 DMV, who's standing there with him both times? All of

25 a sudden his story's unraveling and law enforcement's

1 going hold on here now, back up, and they finally arrest
2 him and then he wants to talk to the cops again. He
3 initiates that and says now I'm willing to tell you the
4 truth. Basically admitting I didn't tell you the truth
5 the other night. Now I will.

6 As to Hopkins, he's just my apprentice. I'm the
7 foreman on the job. He's my apprentice, co-worker, and,
8 yeah, I know him, but still no real relationship. But
9 then he says when work breaks, yeah, I -- I keep him in
10 my car -- in my truck and we go by the DMV and he said
11 when I'm gonna go take him home Hopkins says you want
12 to go buy some marijuana?

13 I want you to pause and stop and think about that..
14 Here's a supervisor in a work truck and his employee's
15 saying hey, boss, you want to go buy some marijuana and
16 they don't have a relationship? Come on. He wants you
17 to buy that. That's what he's selling. That's what's
18 on the table because that's all he's got.

19 So all of this is over buying marijuana? Did you
20 see anybody try to buy something when they busted in
21 that door? This was kill and steal. Oh, no. It's
22 buying marijuana. And it's Hopkins' idea. It's always
23 Hopkins. Hopkins, it's his idea, my subordinate.

24 So I drive to the apartment. He has to show me
25 how to get there. I've never been there before, I

1 don't come on this side of town, and then I park at
2 the entrance. Why would you do that? You're just
3 buying marijuana. It's 11:00. Cops aren't out in the
4 parking lot. You go right up. From what everybody's
5 been saying, people have done it before. Why does he
6 got to park at the entrance? He just throws that in
7 there and keeps going. He don't want to you pause and
8 think.

9 He says Hopkins gets out and goes in, and he doesn't
10 know what happens. He doesn't know, but the triple
11 murder is Hopkins, the burglary is Hopkins. Everything
12 that happens in there is Hopkins. So, in effect, you've
13 got one defendant who carries two guns, he kills three
14 people. Now how does that work? Just play that out a
15 little bit. Let's just walk through that. How is this
16 supposed to work? Because you know he's got a
17 9-millimeter and a .38 and anybody who knows pistols or
18 handguns or revolvers know they work very differently;
19 the way they pull, the way they feel. To use two at one
20 time, you've got to know what you're doing. I think if
21 you know guns you can appeal to your common sense and say
22 that.

23 So is this a two-fisted guy who goes in, knocks
24 on that door and Branton Booker opens that door and
25 boom-boom, the 9-millimeter, and then it's Hollywood-style,

1 a double shoot, at Williams. He walks down the hall and
2 now he doesn't need that .38, so he just needs the 9.
3 Booker's pretty much already done now. He's fallen on
4 the floor in the hallway. You'll see him in that hallway
5 on that chart. And then he turns to the left and all he
6 needs is his 9 to take out Livingston. That sounds like
7 TV. A double-fisted shooter who uses the .38 for just a
8 moment and doesn't need it again.

9 Let's give him a better story than that. Let's
10 give him a better one. How about this? How about the
11 .38's his backup? Because if you're gonna go in, go in
12 with the one that carries the most bullets. That's
13 reasonable, right? One shooter, two guns, the .38's the
14 backup. So here's the story. He goes to the door,
15 knocks on the door, Branton Booker opens it, double-tap.
16 Branton, that's all he needs. His life's blood on that
17 door. He's done. He comes barging in that house. He
18 shoots that 9, he hits Williams. He works his way down
19 the hall, he goes into Livingston room, bam-bam-bam,
20 shoots him, and then he searches the rest of the house
21 kicking in doors because we've got the boot prints. And
22 then coming back he realizes Williams is still alive, so he
23 shoots him with the .38. Well, there you go, but you-all
24 know that doesn't work either. It's science that says
25 that's not what happened. The medicine says that's not

1 what happens. Williams, on that sofa, gets hit in the arm
2 with the 9. Do you think Duwan Williams would be still
3 sitting on that sofa, on that couch cushion, while a man
4 with a handgun is working his way down the hall killing his
5 friends, kicking in doors, searching that back bedroom,
6 that a man with an arm injury is just gonna sit there and
7 weight for this guy to come back and kill him? That ain't
8 happening, but that's all he's got.

9 You've been through all the scenarios. He can't get
10 past that. Two guns. Two shooters. But he wants you to
11 buy more than that. Not only the reason why he's there,
12 he's out in the parking lot, that it's all Hopkins, that
13 it's one shooter, two guns, he wants to go beyond that.
14 He's got to address the two voices. Now first he's gonna
15 take a shot at Donnovin. You know, how can you believe
16 Donnovin? He smokes dope. Really? Let me tell you, you
17 can think whatever you want about Donnovin Haynes, but
18 that man's lucky to be alive, and no matter what you think
19 of him there's no doubt he was hiding in that closet, that
20 he heard that shooting, heard the rumbling around in that
21 house, that apartment, that he heard someone coming into
22 his bedroom, kicking in that door. I mean, this is like
23 from a horror movie. He hears the presence of that person
24 in his bathroom and then dear, God, that person is kicking
25 in his door. Donnovin lied about that? The evidence

1 supports that. And when the shootings over and he thinks
2 they've left, he goes out his window wearing nothing but
3 pajama pants. No shirt, no shoes. It's wet, it's cold
4 I'm gonna tell you, you can think whatever you want of
5 him, he's believable. He's believable.

6 And he says two voices. He never wavers on that.
7 Law enforcement talks to him right there in the parking
8 lot as his friend Duwan Williams is being brought out.
9 He knows his other two friends aren't being brought out..
10 They talk to him. Donnovin, what did you hear? What did
11 you hear? Two voices. I heard a "give it up" at some
12 point and then when someone was kicking on my door and
13 I'm holding it, I hear another voice say "I've got it".
14 Two voices.

15 They take him to the sheriff's department after
16 that, another set of police officers, and they tape it,
17 audio, video. Donnovin, what did you hear? Two voices.
18 Two voices. He never says one voice. They bring him
19 back the next day and interviewed him. What did you
20 hear? Two voices. I don't know who they were. And he
21 says at one point I felt like there's a third person,
22 but that's an I felt and you-all can understand why.
23 All that noise, all that ruckus, and he's got three dead
24 friends, but he hears two voices.

25 So what does Mr. Cornish do with that? He's got you

1 to believe one shooter, a double-fisted shooter, and the
2 two voices. Well, either Hopkins is talking to himself
3 while he's kicking in the door; "hey, I got it", and that
4 sounds ridiculous, he knows it, he ain't giving that one
5 up. He's got a better story. You've got three people in
6 that apartment complex, victims. It's one of them. It's
7 one of them helping Mr. Hopkins get whatever he's looking
8 for, and, folks, we're gonna say it's drugs, the heroin,
9 here it is, leave, but the person finding it has been
10 already shot by him.

11 So let's figure this out. We know it couldn't have
12 been Mr. Livingston. He was dropped right by his bed.
13 He never had a chance, folks. One of those rounds hit
14 his heart. He went down.

15 Now wait a minute. Maybe it was Mr. Booker,
16 Mr. Booker, because he did run, but, folks, that door,
17 that's his life's blood right there. He fought to keep
18 that door closed. He made it down the hall. That's as
19 far as he could go. When law enforcement got there, he
20 was already dead, but here's the other thing. He was
21 buried in clothes. So if he's the one hunting for stuff,
22 why in Heaven's name would he pull stuff down on him
23 after he gave it over to Mr. Hopkins? I've already given
24 it up. He's found buried in clothes. Or did Mr. Hopkins,
25 already having what he needs, now find the need to stand

1 on top of Mr. Booker and cover him up. It makes no sense.
2 It wasn't Mr. Booker. He's dead.

3 That leaves Duwan. Well, we know Duwan was on this
4 sofa. He's still alive when police officers got there.
5 Maybe it was Dewan. Folks, science says no. There is
6 no blood trail leaving from this sofa from Duwan. All
7 the blood, his life's blood, soaked into that sofa where
8 he was laying. But something else tells you besides
9 just common sense it wasn't any of these guys. Dewan --
10 I mean, Donnovin. He grew up with all these guys. He's
11 heard their voices millions of times. He says it's not
12 them. But Mr. Cornish, Mr. Cornish, has to have you
13 believe this single shooter, one -- two guns and the
14 voice has to be somebody else inside. It's got to be
15 a victim, but he wants you to believe more. And, folks,
16 you've got to buy all of this because this is all he's
17 got to sell.

18 The other thing thing's the DNA on the door latch.
19 Now he knows his DNA's on that door latch, right? So
20 what's he say? Transferred. It's transferred. Hopkins
21 was in his truck, so Hopkins takes his hands and touches
22 Cornish's stuff, maybe even shakes uncle's hand, I'm
23 gonna go buy marijuana, getting his DNA. And then
24 Hopkins, after pulling off a two-gun killing spree and
25 somehow getting a victim to help him out and get that

1 second voice goes and locks that latch and when he locks
2 that latch to keep everybody in, he puts Cornish's DNA
3 on that latch, but not his own because we know Hopkins
4 was excluded from that door latch. His DNA was not
5 there period. Cornish, the DNA's consistent with his,
6 but you've got to buy all this. The single shooter, two
7 guns, two voices, one being from inside, a victim, and
8 the DNA's transferred.

9 And it gets better because where does he say he is?
10 He's waiting in the truck while all this is going on.
11 Now let me ask you this, folks. He says he's waiting
12 there and what's he doing? He says I'm checking my
13 e-mails. I'm setting there, I've got work to do, so
14 I'm checking my e-mails. We know that's not true.
15 Mr. Cornish, the last e-mail you got is on a job that
16 you finished two weeks ago. You ain't checking e-mails.
17 You know what, you're right. I was on the phone. And
18 actually you weren't, Mr. Cornish. There's been -- you
19 missed a call at 10:35 and from 10:35 to 11:16 nothing
20 happened on your phone. Nothing. And it just so happens
21 it's in that window of time these three murders occurred,
22 Mr. Cornish. But he wants you to believe he's just
23 sitting there innocently. I don't know what's going on.
24 And then this is even more bewildering. He goes I
25 don't where Hopkins is, he's taking a long time. So does

1 he take that same phone send him a text because you know
2 they text. Where are you? What's going on? Is there a
3 problem? Nothing. That phone may be in the truck, but
4 Mr. Cornish is busy. He's inside. No phone calls, no
5 texts. Nothing. But here's what he wants you to believe.
6 You know, he's taking forever inside that apartment, so
7 what do I do? Do I text call? No. Do I go up and knock
8 on the door? No. I decide I'm gonna drive around the
9 complex and find him. Why would you need to do that if
10 he's inside an apartment buying marijuana? Why would
11 you -- what would possess you to drive to the opposite
12 end of the apartment complex looking for a guy who's in
13 an apartment on the front end of the apartment complex?
14 He doesn't explain that, but that's his story.

15 But then it gets better. He does a big U-ey and he
16 sees his friends, his 320-pound friend riding a stolen
17 bike, two flat tires, heading his way through a little
18 parking lot. And what does he do? Well, he wants you
19 to believe I just pulled in a parking spot, opened the
20 door, let him in and said go back out and put that bike
21 against the tree because I don't know what's going on.
22 Now why do you think he did that? Do you think maybe
23 in that little parking lot he could see the couple with
24 their child going what the heck is this about? Because
25 they see a guy ride from the back of the apartment

1 complex on a bike ride to a dually that's coming up hard
2 and doing a U-turn and this guys's getting out. It's a
3 spectacle. And then they take off.

4 And he doesn't talk about it. Now if this was real,
5 if Mr. Cornish is an innocent man, if he's just sitting
6 in that parking lot, wouldn't he be going what the heck
7 was that about? Where the heck did you go? I've been
8 waiting for you. You were in this apartment complex and
9 now you show up on the back end of the apartment complex
10 on a stolen bike, what's going on? No. No, he doesn't
11 offer any of that, you know, and I want you to think about
12 that, but you've got to buy it. You've got to buy it all
13 from him.

14 It's a package deal, all of it, because that's the
15 only way he can tell his story and say I'm in the parking
16 lot and I don't know anything and it clashes with the
17 truth, folks. There's two shooters; Cornish and Hopkins.
18 Two shooters. They come to that door, and I tell you
19 what, it doesn't matter who had the 9 or who had the .38,
20 it doesn't matter. Hand of one's hand of all. That 9
21 is a double-tap. Let's put that in Hopkins' hands. Who
22 is second into that apartment? That would be Cornish
23 with his .38. And as they walk or run into this apartment
24 and Booker's running down the hall and they see somebody
25 pop up on this sofa and it's four shots, but the one that

1 kills Mr. Williams is a .38 to the back through his lungs,
2 and he's slowly bleeding to death, never getting up from
3 the sofa. He's only removed by paramedics, never by
4 himself.

5 They rush in and Hopkins goes down the hall. He
6 shoots Mr. Livingston. You might say why so many times?
7 It's movement. It's movement. Just like with
8 Mr. Williams, it's movement. They see a movement, they
9 shoot it. He's screaming up from his bed. He is shot
10 all around. He's moving, so he keeps shooting him until
11 he falls down. Twelve shots. That's it. It's simply
12 human reaction. To somebody who's not a trained shooter,
13 movement draws the fire.

14 And while Hopkins is kicking in doors, who says "I
15 got it"? Mr. Cornish. And what does he have? Gold.
16 Who cares about marijuana? He's got gold. It's heroin.
17 This is what's of value in that apartment. And whatever
18 you think about the folks in that apartment, we don't
19 know who knew what, who's doing what. It doesn't matter
20 because it didn't merit death and it didn't merit it by
21 that man's hands, but this is what it was about. You
22 want motive, gold, in the form of powder. It's heroin.

23 I want to tell you something else, too. What made
24 this so believable. Mr. Williams on that sofa not
25 knowing who it was. He was the one guy that was shot

1 where they could say look, you were here, did you see
2 anybody, do you know who did this, and his quote was "no,
3 not at all. I was asleep". Malice. Just pure malice.

4 Now let's focus on Cornish for a minute though.
5 You say -- you've heard so much about Hopkins, guns,
6 everything else, and there's an age difference. Hopkins
7 has the guns, but does that make Cornish not guilty?
8 No. You're not weighing culpability. That's what
9 judges he's do, but let me give you some thoughts on
10 Mr. Cornish. He's smart enough to be number two going
11 in that apartment. He's older. He's got a few years
12 on Hopkins. Not only that, he's not the one going
13 busting down the hallway kicking in doors not knowing
14 who's behind the door. His focus is on the gold, heroin,
15 and then he's out of there.

16 Now I know you might say well, how did they get
17 separated? Folks, I don't know. Did -- did Hopkins
18 come out a little later, Cornish is already gone, get
19 discombobulated or not want to run out in the parking
20 lot? I don't know. It doesn't matter. It doesn't
21 matter. But we know they joined up and got back together,
22 but here's what you really know about Mr. Cornish, why
23 you know he's a cold-blooded, coldhearted killer. Second
24 in, locked that lock. Ain't anybody getting in here, no
25 help is coming, and everybody in here is gonna die. His

1 DNA. He turned an apartment, a home, into a kill box.
2 Nobody's going home. Nobody's going anywhere. He's
3 killing them all.

4 I want to talk about that DNA. Any transfer you'd
5 to believe that ludicrous story I just got you. That
6 Hopkins took Cornish's DNA and put it on this door latch
7 and didn't put his own. But you heard what the SLED
8 analyst said. And they speak a funny language, those
9 techs. That's why I usually don't put them up. I let
10 somebody smarter than me do that because of the science
11 stuff. They speak a different language. I think you-all
12 realize that. It's not like TV.

13 But several things about that. They talked about
14 recency. That's one of the things they talk about
15 because DNA, you can't age it, but how recently did
16 somebody touch it may be a determination of what you
17 find. I mean, they broke down the percentages. It was
18 55 percent Booker and then 28 percent Cornish consistent
19 with both their DNA's. So you have Booker, the last
20 person in that apartment to ever unlock that dead bolt,
21 and Cornish, the last person entering that apartment to
22 ever lock it back. And they said the likelihood of it
23 being that combo of Booker and Cornish is 510 million,
24 that's the likelihood, versus someone else. Now you can
25 remember their language specifically. I'm giving you

1 -- I'm paraphrase it, but you know the numbers. It's his
2 DNA. I think you can sit back and say we heard enough to
3 say that is his DNA. You have the right to do that.

4 Then you heard after they leave where do they go?
5 They go to KJ's. Hopkins goes in to buy what they're
6 gonna make blunts out of cigars to smoke that marijuana,
7 but why doesn't Cornish stop his truck there? He drops
8 him off. He's not gonna have that truck out there
9 visible in a parking lot. He's going to Hopkins'
10 apartment and waiting to get his share. He says his
11 share of marijuana and maybe that's all he took from
12 Hopkins initially, but I tell you the man who goes in
13 second, the man who grabs the dope, do you think he's
14 gonna be the one to hold the guns, hold the drugs? Do
15 you think he's not thinking a little bit ahead of
16 Mr. Hopkins? But you know this. He is looking the
17 next day the value of this heroin.

18 Now we have 18 grams. He's looking for about
19 14 grams. He hasn't weighed it. He wants to know what
20 the street value of the gold he stole is worth. What's
21 his paycheck for three lives.

22 And immediately after this horrible, cold-blooded
23 murder, triple murder, he is taking that phone again and
24 he is checking the news. Now do you think that man over
25 there reads the news every day? That he is news obsessed?

1 On constantly WOLO, local news, WLTX, WIS, before law
2 enforcement has even issued a statement to the public or
3 to the media that we've had homicide. No details. He's
4 looking. And then he is looking and he's looking for
5 this story all day, all the next day. He's looking
6 into the next day. He wants to know now, all right,
7 everybody knows, do they have suspects, what are their
8 leads. He's trying to get information. He knows at
9 some point things might get hot for him.

10 Then you have text messages and I want to just
11 tell you this. When you look at the exchange between
12 Hopkins and Cornish, what's Hopkins always do? Hey,
13 Unc, can you pick me up? Hey, Unc, can you scoop me?
14 Do you ever see an order, this is what you're gonna be
15 doing? Never. It's nephew to uncle. It's the way they
16 talk, but how does Cornish talk to Hopkins, he gives
17 orders because that's what he does every day and right
18 after this he sends him a text, "make sure you clean
19 those tools off" and one minute later "erase these
20 messages". He ain't asking, he's telling him. Those
21 are at 1:03 and 1:04 that same day.

22 Now you know what is that about? Is it work tools?
23 Well, they asked him about it. First they start with
24 "erase these messages", what does that mean? Well, it's
25 because, you know, we had some drug talk and I wanted

1 him to erase that because, you know, it looks bad. Yeah,
2 but Mr. Cornish, you-all have done that before and you've
3 never said erase messages. Why now? Why on the 17th?
4 Why right after these murders? And "clean these tools".
5 You're the man with the truck. You have the tools.
6 You're not sending them home with your workers. What
7 tools are you talking about. And on this day, what do
8 you got to clean? You-all didn't work, it rained. What
9 are you talking about? So tools then becomes a tool, a
10 tape measurer. It got wet. Be sure to clear your tape
11 measurer. Are you kidding me? Are you kidding me?

12 You heard what tools mean in slang and why people
13 use slang, particularly when they're on social media.
14 Clean those firearms. Hopkins got rid of them. You
15 know we never found them.

16 Folks, that -- that amounts to frankly a confession.
17 It's a statement. An admission. I'm involved. Clean
18 those tools. He's scared his DNA is on those guns; one
19 or both. Get rid of them.

20 Now I'm wrapping up. I just want to tell you,
21 you-all have seen law enforcement's done an awful lot of
22 work, they've gathered a lot of stuff. We've buried you
23 with photos, exhibits, and I know at times it's been
24 painfully slow, but we slowly have to meticulously lay
25 out a case so every step you can see what we're doing,

1 why we do it, how it's done. We've given you enough
2 evidence to establish that Jeremy Cornish is guilty of
3 burglary in the first degree. You've got him. You've
4 got him in the house. You've got his behavior afterwards.
5 You've got enough evidence to believe he is guilty of
6 these three murders regardless of whether he just killed
7 one man or not. Evidence beyond a reasonable doubt that
8 he's involved by the hand of one's the hand of all.
9 Evidence beyond a reasonable doubt that he is guilty of
10 the murder of Branton Booker, Sheldon Livingston, Duwan
11 Williams. That he's guilty.

12 Folks, we're now turning this case over to you.
13 We've done everything we can. We've done our job. We're
14 turning this case over to you confident that now you'll
15 do your job.

16 Thank you.

17 THE COURT: Thank you, Mr. Hubbard.

18 Um --

19 MR. SWERLING: Your Honor, I'm ready to go if
20 that's what you were gonna ask.

21 THE COURT: Yeah.

22 MR. SWERLING: Well, we need a break over here.

23 MS. WILSON: Jeremy wants to --

24 THE COURT: Okay. Mr. Foreman, we need to take a
25 quick break. We'll hear from the defense when you get

1 THE COURT: Is the jury ready, Mr. Foreman?

2 FOREPERSON: Yes, Your Honor.

3 THE COURT: Okay. Be seated.

4 All right, Mr. Swerling.

5 MR. SWERLING: Thank you, Your Honor.

6 Good morning, ladies and gentlemen. Is this okay
7 for everybody? I understand there was a request to go
8 ahead and move the podium?

9 FOREPERSON: Yes, sir. That's fine.

10 MR. SWERLING: Okay. I just wanted to make sure.

11 Okay. First of all, I'd like to thank you for your
12 service over the last two weeks and today as well. This
13 trial got a little more protracted and I think even
14 more-so than what we thought it was gonna be, but I
15 appreciate it and you've been sitting there and you've
16 been paying attention and we cannot ask for anything
17 more than for the jury to listen to all of the evidence
18 in the case and listen to the arguments and then listen
19 to the judge's charge on the law, and you've shown that
20 you are going to do that and you have done it, and we
21 appreciate it.

22 When we started jury selection two weeks ago, I
23 guess it was last Monday, on the 10th, we went through
24 a process that we've been going through for a long time,
25 hundreds of years, where we bring in people from the

1 community and we have a jury selection process and the
2 judge asks the jury a number of questions to find out
3 whether there's any kind of preconceived opinions or people
4 have expressed an opinion or spoken about the case or heard
5 about the case and would bring any evidence into the case
6 that's not presented in the courtroom, and the judge can
7 excuse, and did excuse, several jurors because of various
8 issues in the case.

9 Then we start the process where we select jurors
10 one at a time and the State gets to accept a juror or
11 excuse a juror and then if they accept a juror, then it
12 goes over to the defense and the defense goes ahead and
13 can either accept or reject the juror for any reason at
14 all. It's not a personal thing. It's just everybody has
15 their own criteria of who they think might be the best
16 juror in the jury venire, but you guys won the lottery, you
17 were acceptable to the Court, you were acceptable to the
18 State and you were acceptable to the defense in this case.
19 Out of the entire panel, the jurors that we had the most
20 confidence in could sit and render a fair and impartial
21 verdict, and we still believe that, but that's how the
22 thing started and that is the purpose of going through
23 jury selection, to make sure we have free thinking
24 impartial jurors sitting on a case.

25 One of your -- your duty is to go ahead and sit

1 and listen to the evidence in the case, take the judge's
2 instructions on the law, which must be applied, and
3 render a fair and true verdict in the case. That's the
4 oath that you took. And if at the conclusion of the
5 case after hearing the evidence and the jury's -- the
6 judge's charge on the case, you are to convinced beyond a
7 reasonable doubt that the State has proven each and every
8 element of these crimes, then you have a duty under the
9 oath you took to go ahead and find that person guilty.
10 That's the way our system works.

11 But on the other hand, if you have a doubt, if you
12 have a reasonable doubt, if there's something gnawing at
13 you, if there's something that bothers you about it, if
14 you don't believe that you can be satisfied beyond a
15 reasonable doubt now and in the future that that person
16 has been proven to be guilty by the State, then the oath
17 that you took requires you to also find that person not
18 guilty.

19 Basically what not guilty means is not proven beyond
20 a reasonable doubt and that is we've kind of merged the.

21 Old verdicts from our common law England, but not
22 guilty beyond a reasonable doubt is the requirement if
23 you are not satisfied beyond a reasonable doubt that the
24 State has proven each and every element of the crimes.

25 Now what is a reasonable doubt? Well, you use a

1 reasonable doubt standard in every one of your important
2 decisions in your life. You weigh whether or not to do
3 something, the more important things in your life, you
4 consider the positives, you consider the negatives, you
5 decide whether or not it's something you can afford or
6 something you need, and if you have resolved that this
7 is something is that you want to go ahead and get, let's
8 say a large purchase, then you go ahead and do it.

9 In the courtroom, it works a little bit differently.
10 If, after considering all of that, you have a reasonable
11 doubt as to whether or not the State has proven the
12 elements of the offenses beyond a reasonable doubt, then
13 your duty is to acquit. You can't simply just go ahead
14 and say well, you know, they went ahead and they proved
15 it, but it wasn't beyond a reasonable doubt, there may
16 be suspicion, maybe he did it, he probably did it. No,
17 proof beyond a reasonable doubt, unlike what the important
18 decisions in your life are where you can still go ahead
19 and do something even if you have a reasonable doubt, in
20 the courtroom it's required that you resolve reasonable
21 doubt in favor of the person who's accused of a crime.

22 I've been trying cases over here for a long time
23 and my practice is pretty much devoted to Lexington County
24 and to Richland County, and I've always enjoyed coming
25 over here because I've always found Lexington County

1 jurors to be very fair and impartial and will listen to
2 the evidence and will listen to the judge's instructions
3 on the law and come up with a fair verdict, but that's
4 what we ask you in the case. If they've proven the case
5 beyond a reasonable doubt, you have a duty to convict. If
6 they haven't proven beyond a reasonable doubt, your duty
7 under your oath is to go ahead and acquit or find someone
8 not guilty.

9 Now we have something called the presumption of
10 innocence. You've probably heard it in movies or TV or
11 something like that. It's not a mere fiction, it's not
12 just a legal phrase, it's a very important principle of
13 law. In our country, and in South Carolina, everyone
14 who's charged with a crime is presumed to be innocent
15 of that crime, presumed that there's a mistake in the
16 charges against that individual, presumed that the State
17 does not have sufficient evidence to prove the case
18 beyond a reasonable doubt. We are probably one of the
19 few countries in the world that still has the presumption
20 of innocence.

21 Now how important is it? Well, it's so important
22 that in and of itself the presumption innocence requires
23 you to convict -- I mean, to acquit someone, to acquit
24 someone, if you are not convinced beyond a reasonable
25 doubt of that person's guilt. The presumption of

1 innocence itself without any other evidence in and of
2 itself requires you to acquit somebody of a crime.

3 Now that presumption of innocence, right now you
4 need to be sitting here, you're required to be sitting
5 here, the oath that you took requires you to be sitting
6 here and presume that Mr. Cornish is innocent of the
7 crime charged.

8 Now how does that work? Well, that presumption
9 of innocence, sometimes the judges call it a robe of
10 righteousness that stays on a defendant until the jury
11 goes in and deliberates and finds beyond a reasonable
12 doubt that that person committed the crime, that the
13 State has satisfied all the elements of those crimes,
14 and until the State has offered enough evidence, until
15 you go into the jury room, until you deliberate on whether
16 or not Mr. Cornish is guilty beyond a reasonable doubt
17 or they haven't proven that beyond a reasonable doubt,
18 that presumption of innocence stays. It can only be
19 removed, that presumption of innocence only disappears
20 after they have proven and if they've proven beyond a
21 reasonable doubt that Mr. Cornish is guilty of these
22 offenses.

23 The judge will tell you in her instructions on the
24 law that every crime involves act and intent. Intent.
25 There must be a mental state of conscious wrongdoing

1 and you will hear throughout the charge the discussion
2 about intent. I will refer to it periodically during my
3 closing remarks, which I'll try to go ahead and make this
4 as succinct as possible.

5 And there's also another principle that we're gonna
6 ask you to apply and that's the credibility of witnesses.
7 You're the judges of the credibility of the witnesses.
8 Nobody can interfere or comment or question your
9 determination of the credibility of the witnesses. It's
10 solely up to you. The judge is the judge of the law.
11 You're the judge of the facts in the case. You're the
12 judge of the credibility of the witnesses and you have
13 to weigh whether to believe a witness or not or not
14 believe a witness. You can believe one witness against
15 nine or nine against one. It doesn't matter. There's
16 no certain combination that you have to find in order to
17 believe a witness or not believe a witness, but it's
18 solely in your discretion as to whether or not to believe
19 a witness or not, and in a case like this where someone
20 is charged with murder, credibility of the witness is
21 very important in any witness in the case.

22 Prior inconsistent statements. The judge will tell
23 you about prior inconsistent statements and you can judge
24 the credibility of a witness with respect to any prior
25 inconsistent statements they made, and I'm specifically

1 referring in that case to Donnovin Haynes, and we went
2 through during the testimony some inconsistent statements
3 he made and we are going to ask you to consider those as
4 to his credibility in the case, and I'll go offer that
5 and I'll review that in a few minutes.

6 Now as Mr. Hubbard -- by the way, I've known
7 Mr. Hubbard and Ms. Mayes and now I know Mr. Norton,
8 who's newer admitted to the bar, but I've known them
9 for years and they're excellent lawyers and I always
10 appreciate and enjoy coming over here and trying cases
11 with them. The thing is that we at the end of the case,
12 we're gonna go home, we're gonna go to our families and
13 we are going to move onto other cases in the future; one
14 of them being not by the way, not me, but them, Justin
15 Hopkins. He's gonna get tried. His trial is coming up
16 and he's gonna be tried for his involvement in this case
17 and another jury at some point in the near future is gonna
18 have to make that determination as to him.

19 Now obviously you've heard from Mr. Hubbard's remarks
20 that we believe that Mr. Hopkins acted alone and there's
21 certain reasons why we believe that and I will go over
22 those with you.

23 Murder the judge will tell you is the killing of
24 another human being with malice aforethought. That means
25 it doesn't have to exist for any period of time, but there

1 must be malice in order to find someone guilty of murder.
2 Malice is just defined as hatred, ill will, hostility,
3 intentional doing of a wrongful act.

4 And by the way, I apologize to you -- let me just
5 apologize while I'm thinking about this. I've been
6 trying cases a long time as you can probably imagine
7 and in my younger days I was able to do these remarks
8 without a pad, without notes and without a podium, but
9 as time goes on I need to refer to my notes and I need
10 to refer to a podium and I apologize if periodically I
11 have to look down at my notes and come up with some
12 thoughts to go ahead and give you. I just have to take
13 notes now and that's what happens.

14 Mr. Hubbard told you about. Burglary is entering a
15 dwelling without consent and with the intent to commit a
16 crime in that dwelling. The State must prove beyond a
17 reasonable doubt that that is an element of the offense.
18 They have the prove that the person was armed -- or one
19 of them was armed with a deadly weapon, that they caused
20 physical injury to a person and -- or that they used a
21 dangerous instrument, what obviously is a pistol or a
22 gun. That is a dangerous instrument. And/or they
23 display a firearm that's what makes a crime burglary.
24 Now you can be guilty of some of these crimes as a
25 principal, which means you're the individual who went a

1 head or the person's the individual that went ahead and
2 ahead committed the crime. There's also -- and we call
3 that person a principal in the case. He did it, that's
4 the one who did it, he's the one that shot, and he's a
5 principal in the case. The judge will give you some
6 instructions on principal, but the judge will also tell
7 you about accomplice liability.

8 Accomplce liability, you've probably heard this
9 term, is the hand of one is the hand of all. If two or
10 more people commit a crime together, the act of one is
11 the act of all. The hand of one is the hand of all,
12 which is the common phrase that's referred to in public.

13 But in order to prove accomplice liability, which
14 makes the accomplice as guilty as the principal in the
15 case, the people have to be acting together, they have
16 to be assisting each other in the commission of the crime
17 so that the act of one is the act of all.

18 Prior knowledge without more is not sufficient in
19 and of itself to make a person guilty of the crime either
20 as a -- as an accomplice. It's just as simple as that.
21 You have to have more than prior knowledge that a crime
22 is going to be committed. You have to have more and the
23 judge will explain that to you. I'm just gonna give you
24 -- I'm just giving you a cursory overview of what the law
25 is.

1 The judge will tell you that mere knowledge that
2 another person is going to commit a crime even if a
3 defendant is present when the crime is committed in and
4 of itself is not enough to convict that person of the crime
5 or to convict that defendant. There must be a finding by
6 the jury for accomplice liability, the hand of one is the
7 hand of all. There must be a finding of a prior arranged
8 plan or common scheme and that is necessary for a finding
9 of guilt as a principal and a person who is aiding and
10 abetting is as responsible as the principal.

11 Here in this case we maintain there was no plan,
12 there never was an opportunity for a plan, and that's
13 one of the reasons we're asking you to consider finding
14 Mr. Cornish not guilty because we do not believe the
15 State has established that beyond a reasonable doubt.
16 Remember, these individuals were supposed to work that
17 day. They were supposed to be out at McEntire Air Force
18 Base. They were supposed to be doing their construction
19 job and it was only in the morning when they went out
20 there and it was raining that they couldn't do the job.
21 There's no evidence that they got together in a plan, to
22 make a plan to go over to the apartment complex and go
23 ahead and commit an armed robbery or a murder, so we are
24 asking you -- we need you to consider that, we're asking
25 you to consider that, that there was no plan. They were

1 planning on working that day and they spent certainly a
2 good part of that morning together, but there's no
3 suggestion that there was some prearranged plan. Whatever
4 happened appears to have happened at the spur of the moment
5 and that spur of the moment was done by Mr. Hopkins, not
6 Mr. Cornish. But Mr. Hopkins obviously had some idea in
7 his mind about going over to that apartment complex and
8 committing the crime that he committed. And there's no
9 evidence, I submit to you, beyond a reasonable doubt that
10 Mr. Cornish was part of that plan. He was going to work
11 that morning, he went to the DMV that morning, he was --
12 he went over there to go ahead at Mr. Hopkins' request
13 and go ahead and get some marijuana to smoke, but there's
14 no evidence of a plan to go over there and rob those
15 people in that apartment complex or to shoot anybody.
16 So that arranged plan or common scheme is a necessary
17 finding by you for a finding of guilt and it has to be
18 as a reasonable doubt to find them guilty as a principal --
19 or find Mr. Cornish guilty as a principal.

20 A principal in a crime is one who either actually
21 commits the crime or who is present aiding and abetting
22 or assisting in the commission of the crime. All are
23 guilty no matter who actually commits the crime now.

24 Now I'm reading these because I want to be accurate
25 about it and the judge will give you an instruction

1 on the law also. Mr. Hubbard touched on it as well.
2 Mr. Hubbard used an example of a getaway driver could be a
3 principal in a case, could be guilty under the hand of one
4 hand of all theory, but I suggest to you that a getaway
5 driver is someone that has to have prior knowledge that a
6 crime was committed. Just because you are -- you drive
7 away from a location and you are charged with a crime does
8 not make you guilty of that crime because you had to have
9 knowledge when you drove away that a crime had been
10 committed.

11 I mean, this is a scenario which I've seen many,
12 many times in my career. Someone pulls into and drops
13 somebody off at a grocery store and that person -- there's
14 no arrangement to go in and commit a crime or an armed
15 robbery or anything of that nature, no intent to hurt
16 anybody, but the individual that goes in there unbeknownst
17 to the person who's driving the car and sitting out in the
18 parking lot, that person, unbeknownst to him, the
19 individual who goes in the store decides to rob the store.
20 He gets in the car unbeknownst to the driver of the car
21 that a crime has been committed and he drives away, is
22 that person responsible for a crime? I suggest not.
23 That would certainly be unfair under the law if someone
24 inadvertently lets somebody get in their job not knowing
25 that they committed a crime, not intending to assist them,

1 not intending to aiding and abetting them and drive away.
2 So a person who drives away, the getaway driver, has to be
3 -- has to be a getaway driver who knew that a crime was
4 committed.

5 A principal in a crime is one who either actually
6 commits the crime or who is present aiding and abetting
7 or assisting in the commission of the crime and all are
8 guilty no matter who actually commits the crime.

9 Now present -- these are certain legal definitions
10 that I'm trying to read to you and I just want to make
11 sure I get them correct. Presence under the law means
12 sufficiently near to in aiding and abetting. Aiding
13 and abetting simply means assisting. Doing something
14 -- some overt act to assist to go ahead and assist the
15 individual. Presence means sufficiently near to aid and
16 abet and assist in the commission of the crime.

17 Now the judge will tell you the law in South
18 Carolina, as everywhere, is that mere presence at the
19 scene of the crime is not sufficient in and of itself
20 to convict one as a principal on the theory of aiding
21 and abetting. Intent is a necessary element. A common
22 design or intent to commit the crime with the person
23 aiding and abetting by some overt act is important and
24 is required beyond a reasonable doubt. Intent means
25 intending the result which actually occurs.

1 The law says that mere presence or mere association
2 with a person who commits a crime does not make a person
3 guilty as an accomplice or an aider or abetter or
4 certainly as a principal. The State must prove some
5 participation in the crime for you to find that person
6 guilty. If they do not do that beyond a reasonable
7 doubt, then that person must be found not guilty. Proof
8 that the defendant was at the scene is not sufficient
9 in and of itself to convict that person of a crime.

10 Now, again, ladies and gentlemen, these are very
11 important principles of law and a verdict of guilty
12 cannot be supported unless the State proves all the
13 elements of these crimes that the judge will explain
14 to you beyond a reasonable doubt.

15 There's another principle I'd like to talk to you
16 about, and the judge will explain to you as well, a
17 person in a criminal trial is not required to present
18 any evidence, not required to testify. And the judge
19 will tell you that, in fact, you're not even allowed to
20 consider that. You cannot go in the jury room -- you're
21 not even allowed to discuss the fact that a defendant is
22 not testifying in the case.

23 Judges long ago in England, where our common law
24 comes from, they decided that it is difficult, if not
25 impossible, for some -- on some occasions for an

1 individual to prove that they didn't do something, to
2 prove a negative. Imagine -- understanding to prove a
3 negative is nearly impossible, that you didn't do
4 something. It's easier to prove that somebody did do
5 something. It's not so easy to prove that somebody did
6 not do something. So the law requires you not to consider
7 the fact that Mr. Cornish did not testify in this case.

8 I will tell you that under South Carolina law --
9 excuse me. I'm gonna get a little water. I'm getting
10 dry.

11 Under South Carolina law, the burden of proof is
12 always on the State and the defense, as we said, never
13 has to prove anything and that goes for presenting --
14 the defendant going ahead and taking the witness stand
15 or presenting any evidence himself and calling any
16 witnesses.

17 It is such an important principle of law that you
18 really cannot even discuss it and one of the things that
19 it does in South Carolina, by not presenting any evidence
20 at all, we have the unusual rule that the defense can get
21 the last argument in the case. Normally the State would
22 argue and then we'd respond. I'm sorry, the other way
23 around. We would argue and the State would respond. In
24 this particular situation where we present no evidence at
25 all, the defendant or any other witness, we have the right

1 to address the jury last, and that's a very important right
2 because we certainly want to hear what the State says and
3 then go ahead and try to respond to it. So I just request
4 that you not consider the fact that Mr. -- there are
5 reasons why Mr. Cornish did not testify, he has a right not
6 to, and you cannot consider it in any way. And that's not
7 Jack Swerling's rule, that's the rule of law in South
8 Carolina and throughout our country.

9 Now let me talk -- let me get into the facts of the
10 case and talk to you about that. On January 23, 2020,
11 Mr. Leventis, who was Mr. Cornish's lawyer at the time
12 and still here present, an old friend of mine, they
13 initiated a conference with Mr. Creech and other people
14 from the Lexington County Sheriff's Department because
15 they wanted to address certain issues in the case. They
16 wanted to talk with law enforcement. He has always
17 been willing to talk to law enforcement as we have
18 established, and as the State has even established, and
19 I will go through a little bit during my closing remarks,
20 but they initiated the contact that day so they could
21 discuss the case with law enforcement. They weren't
22 under any obligation to do that. They didn't have to do
23 that. They were read -- or Mr. Cornish was read his
24 Miranda warnings, which tells him that he doesn't have
25 to -- he doesn't have to speak, he doesn't have to do

1 anything, he can assert his right to counsel, he had his
2 lawyer there. Nobody's ever questioned whether or not
3 that meeting was voluntary or not, it was voluntary, and
4 they initiated that meeting so it was a free and voluntary
5 conference and that's never been made an issue in this
6 case as to whether or not that was free and voluntarily
7 done.

8 At that meeting, Mr. Creech asked Mr. Cornish to
9 go ahead and provide his passcode to his phone. Why?
10 Because he wanted to look at the phone. He wanted to
11 go ahead and examine the phone. Mr. Cornish -- or
12 Mr. Leventis could have required they get a search
13 warrant and establish probable cause to go ahead and
14 search the phone, but that's not what they had to do.
15 Mr. Cornish was completely cooperative and gave them
16 permission to go ahead and look at the phone and
17 Mr. Creech, as you know, spent a considerable amount of
18 time going through the phone and looking at various text
19 messages, e-mails, searches that were done on the phone.
20 None of that was trying to be hid from the State or law
21 enforcement in this case.

22 Now I ask you to seriously think about this. Would
23 Mr. Cornish and Mr. Leventis at that time turned over
24 the phone with no limitations, look at the phone, do
25 whatever you need to do with the phone, if they knew or

1 they believed that there were things on that phone that
2 were gonna incriminate him? That wouldn't make sense,
3 would it? And I'm gonna explain that in a minute why I
4 say that, but he willingly turned over the phone knowing
5 that Mr. Creech was gonna go through the phone and look
6 at all of these text messages, his searches, his e-mails,
7 et cetera, and I'll explain why I'm getting into that in a
8 few minutes. So he provided the passcode, gave him the
9 phone, consented to him examining the phone, and Mr. Crouch
10 while he was there went ahead and examined the contents of
11 the phone and even afterwards went ahead and subjected the
12 phone to a phone dump, which I call it, but they use a
13 Cellebrite system, which basically take the contents out of
14 the phone so law enforcement can look at or anybody can
15 look at it who has that equipment. Usually it's just law
16 enforcement.

17 When they were sitting there, they discussed the
18 messages, they discussed the texts, they discussed the
19 e-mails with Mr. Creech. They never tried to end the
20 conference. They basically sat there and listened and
21 answered the questions that's were being required of them.

22 Now I'm going to tell you that there are certain
23 representations that were made by Mr. Cornish even on
24 January 23rd, which turned out to be questionable in the
25 case, but -- and I'm going to offer explanation as to why

1 that happened, but the bottom line is I suggest to you that
2 none of that in any way suggests that he is guilty of these
3 crimes because he always denied -- despite admitting many
4 other things, he always denied that he was in that
5 apartment as a shooter. He never ever said anything
6 otherwise.

7 He told Mr. Creech that day at that conference,
8 and most of this has been proven by law enforcement and
9 has not been subject to any kind of question, that he
10 picked up his crew, they drove -- and his crew was
11 including Justin, Justin Hopkins, and they drove to
12 McEntire Air Force Base. It was rained out. Their work
13 was rained out that day unexpectedly, so, again, that's
14 one of the reasons why I say what plan could have been
15 there if they went with the intent to work but it was
16 rained out unexpectedly.

17 After they were released from the job, he dropped
18 off Dante and Quinton and I went to the DMV with Justin
19 to try and reinstate his license. That has certainly
20 been proven to be true in this case. He wasn't telling
21 them anything not true. He needed money to go ahead
22 and reinstate his license, so he contacted his uncle.
23 This is what he told Mr. Creech. He contacted his uncle
24 to borrow \$425.00. He then went home, he had Justin with
25 him, Justin Hopkins, and then he dropped his girlfriend

1 off at her parents' home. Again, this is not in dispute.
2 This is what he told them that day. And then Justin
3 asked him -- they were driving to his apartment, but on
4 the way to the apartment Justin asked him if he wanted to
5 purchase some marijuana. Purchase some marijuana..

6 Now who knew about the apartment complex where this
7 crime was committed? Who directed Mr. Cornish to that
8 apartment complex? Who apparently had been there before?
9 Justin Hopkins. There's no indication that Mr. Cornish
10 had ever been to that apartment complex, even knew about
11 the apartment complex or knew that there were drugs
12 being distributed out of that apartment complex, and if
13 there's any question of that I suggest to you the evidence
14 is pretty overwhelming that there were drugs being
15 distributed out of that apartment complex, out of that
16 particular apartment where these four young men were
17 living.

18 Now I agree with Mr. Hubbard that is not a reason
19 for someone to go ahead and be killed. That's certainly
20 not a reason and we're not suggesting that, but it is a
21 fact in this case that if you're selling drugs and
22 there's a large amount of traffic going in and out of
23 your apartment to go ahead and sell drugs, and people
24 were selling drugs there, that finally came out, then
25 there's a lot of people who have opportunities to go

1 ahead and cause harm to people because they know there
2 are drugs there, they know there's money there, so many
3 people would have that opportunity. I'm not suggesting
4 anybody else other than Justin Hopkins was the one who
5 went in there. I'm just saying this is a place that
6 everybody knew you could go ahead and get drugs from.

7 So let's talk, if we can, about the events at the
8 Woodland Village. Jeremy's said, he's always said, that
9 he dropped Justin off and he parked at the entrance to
10 the apartment complex. He said that he stayed in the
11 truck waiting for Justin to come out. Now the idea was
12 to go ahead and purchase marijuana and you could purchase
13 marijuana from that apartment, so that's true. What
14 Justin does in the apartment is horrific. There's no
15 question about it. He basically went ahead and executed
16 three young men and really they were -- it was an
17 execution by all means and standards.

18 As I said, he will stand trial on another occasion
19 very soon and I suggest that the jury should find him
20 guilty of murder beyond a reasonable doubt and burglary.

21 So the -- let me back up a minute. The crime that
22 he committed was a vicious one, but there is no evidence
23 I submit to you that the State has proven beyond a
24 reasonable doubt that Jeremy Cornish knew what Justin
25 Hopkins was going to do when he went in that apartment.

1 There is no evidence of that and when you think about
2 it beyond a reasonable doubt that he knew what Justin
3 was gonna do in that apartment complex.

4 And let's look at the facts. First of all, whose
5 footprint is in the apartment? We know now that it's
6 Justin Hopkins' footprint on the door going into
7 Donnovin Haynes apartment -- or in his bedroom. There's
8 no question about it. The footprint matches -- his boot
9 matches the footprint in the apartment. Mr. Hopkins is
10 seen running from the building and between the buildings
11 by Mr. Galloway. Mr. Galloway identifies Mr. Hopkins as
12 the person who's running in the apartment complex away
13 from the building although he does not see him come out
14 of the apartment, but he identifies him in a photo lineup
15 as being the person who he saw running behind and through
16 the buildings. He identifies him in a lineup. He is
17 seen by Christy Meneses -- I believe I finally got the
18 name down right -- on a bike up near her apartment, which
19 is some distance from the apartment in question in this
20 case. She sees him on a bike, a green bike, and he has a
21 large band-aid on his face. Well, we know that's Justin
22 Hopkins because he was seen at KJ's with a band-aid on
23 his face and we know that's Mr. Hopkins and there's no
24 doubt about that beyond a reasonable doubt.

25 Now it's a good distance from where the apartment

1 in question is where the murders took place, so what
2 goes on here? What happens? The State would have you
3 believe that while this was going on there, if Mr. Cornish
4 knew what was going on, he's sitting in the parking lot,
5 bright daylight, 11:00 in the morning, just waiting for
6 Justin to come out knowing that there was a crime being
7 committed inside. I submit to you, ladies and gentlemen,
8 that does not make sense. First of all, it doesn't make
9 sense that you would do something like this at 11:00 in
10 the morning. It also doesn't make sense that Mr. Cornish
11 would be sitting in the truck knowing that a crime was
12 being committed inside the apartment. That doesn't make
13 sense. What also does not make sense is when Mrs. Meneses
14 saw him at three, four, five blocks away, he was on a
15 green bike and he dropped the bike when he saw the white
16 dually coming up the road and Mr. Cornish, someone who the
17 State accuses of having committed three murders, stops in
18 the middle of the street, tells Mr. Cornish {sic} when he
19 gets in the vehicle, get out, put that bike up and get back
20 in the car. Now seriously would you believe that if
21 Mr. Cornish knew that a crime such as murder had been
22 committed in the apartments, he would stop and have Mr.
23 Hopkins pick up the bike, stand it up and then get back in
24 the car? No, he'd be getting out of there as quickly as
25 possible, but this is an act that he did which kind of

1 disproves or suggests that he could not have known what
2 Mr. Hopkins had done inside the apartment.

3 The evidence against him, as I said, is overwhelming.
4 He is seen by several other people and he is seen --
5 there's evidence that he had been in the apartment
6 complex before. There's evidence in the investigation
7 as Mr. Creech -- Sergeant Creech pointed out, that there
8 was evidence of a fight between Mr. Hopkins and somebody
9 in that apartment several weeks before. So there's no
10 question that Mr. Hopkins was familiar, not only with
11 the apartment complex, he was familiar with what was
12 going on in that apartment and he was familiar with the
13 individuals in the apartment. What seals that, ladies
14 and gentlemen, is the deputy who was working as a -- an
15 officer during his -- when his family was sick or he
16 had some problems, he was working over at Landmark
17 Apartments, and I know -- his name starts with a Z,
18 Zelesto or something of that nature, and I apologize, I
19 can't read my writing right now, but he said when he is
20 -- he's over at that apartment at Landmark and he sees
21 Mr. Hopkins and Mr. Booker together at that apartment
22 complex at Landmark where Justin lives on several
23 different occasions, so that means that they knew each
24 other. There's a fight, he is seen there on other
25 occasions at the Woodland Village and he is seen at

1 Landmark where Justin lives, so that establishes, I
2 submit to you, a relationship between the two of them.
3 There's no evidence that Mr. Cornish had any relationship
4 with any of those individuals or even knew who those
5 individuals were or even knew where their apartment was.

6 There's evidence that a large person was seen by
7 Charles Wilkins jumping the wooden fence. Now the only
8 thing that Mr. Wilkins reported was he could see the
9 bottom of the individual's legs jumping over a wooden
10 fence.

11 Let's get into some of the real meat of why I
12 submit to you that Mr. Hopkins committed this crime
13 alone without knowledge by Mr. Cornish. When Hopkins is
14 stopped on December 21st, and I believe it was 21st, that
15 was the day they went ahead and got a search warrant for
16 his apartment, there's a shirt in his duffle bag that has
17 Mr. Williams' blood on it.

18 Now what could be clearer evidence that Mr. Hopkins
19 was in that apartment and had blood on him from
20 Mr. Williams? That establishes I submit to you beyond
21 a reasonable doubt that Mr. Hopkins was the one in that
22 apartment complex and did the shooting. He has his blood
23 on him.

24 His bag also contained a .380 Hi-Point weapon, a
25 pistol, a Glock-26 handgun, and two spent .38 cartridges

1 and 20 grams or 18 grams I think it is of heroin with
2 Fentanyl. All right. Does anybody need any more than
3 that? He's the one with the guns. He's got a -- even
4 though they're not connected to this case, he's the one
5 who has the guns. There's no guns putting -- in
6 Mr. Cornish's hands. Mr. Hopkins is the one who has the
7 guns. He has a .380 Hi-Point, a Glock-26 handgun and two
8 spent .38 Special cartridges and heroin, heroin that was
9 supposedly taken from the apartment at the Woodland
10 Village.

11 Now what is also significant about that besides the
12 shirt, well, besides the shirt what's important is that
13 there are two spent .38-caliber cartridges in the bag.
14 Mr. Hopkins' bag. Not -- nothing to do with Mr. Cornish.
15 Now the State's theory is that those two .38 spent
16 cartridges in his bag were two of the cartridges that
17 were fired from the .38 pistol that killed, I believe it
18 was, Mr. Williams in the apartment. They believe that
19 those two .38 cartridges, even though there's no bullets
20 in them, they believe that those were the cartridges that
21 were used to kill at least one of the individuals in the
22 apartment.

23 The heroin ties Mr. Hopkins to the apartment as well
24 because that's the left that took place from the apartment
25 that law enforcement believes. He also has two pistols

1 for sale on Facebook, a Glock and a Taurus .38, that are
2 never recovered. And it's easily easy to believe that
3 the Taurus .38 was the one -- the pistol that may have
4 gone ahead and killed that individual and the two spent
5 cartridges in Mr. Hopkins' duffle bag were the cartridges
6 that came out of that pistol.

7 So who's the one that committed the crimes inside
8 that apartment? Justin Hopkins. So far that is the only
9 evidence that we submit to you is credible and has been
10 proven beyond a reasonable doubt, the things that I've
11 just outlined.

12 As I said, there was a reported fight between an
13 individual and one of the people in the apartment. In
14 fact, the fight had gotten very hostile and somebody
15 even had a crowbar in their hand when the fight took
16 place. Oh, it's Mr. Zylstra, courtesy officer Zylstra,
17 I believe is how you pronounce his name. He was the
18 one that said he had seen Justin Hopkins and Mr. Booker
19 together at the Landmark Apartments, not Mr. Cornish.

20 Hopkins when he is being interviewed at the side
21 of the road cuts off the interview. He doesn't want to
22 talk about it. He doesn't want to discuss anything that
23 he did that day. He gave some preliminary remarks, but
24 then he went ahead and cut off the interview and invoked
25 his right to counsel and at that point he was arrested

1 and charged with murder on the 21st.

2 Who's the likely killer, ladies and gentlemen? The
3 individual who had four weapons, two in his duffle bag,
4 two on the Internet and Facebook, two .38 cartridges in
5 his duffle bag, a shirt in his duffle bag with one of
6 the individuals' blood on that shirt. Mr. Hopkins' is
7 the killer and that's the only thing that's been proven
8 in this case, that he's the killer in this case.

9 On the other hand, no one at Woodland Village even
10 after doing a canvass of the entire area, and they --
11 they literally went to almost every apartment in that --
12 in that village to see if anybody saw anything. The only
13 thing that anybody saw was Mr. Hopkins coming out of the
14 apartment or running between the apartments and being
15 identified with a band-aid and being identified in a
16 lineup and Mrs. Meneses who saw him on a green bike up
17 three or four blocks away from Butternut Lane. No one at
18 the Woodland Village ever saw Mr. Cornish either enter
19 that apartment or leave that apartment.

20 Now I ask you to consider that as to whether or
21 not that leaves a reasonable doubt in your mind as to
22 whether or not he was involved in this at all. Wouldn't
23 you think that if he had been involved in a crime with
24 Mr. Hopkins in that apartment that they wouldn't be
25 running out separately in different directions, they

1 would more than likely be running out together if he had
2 been involved, knowingly involved, in that crime, but
3 here we have them -- the State would have you believe
4 he's going to his truck and Mr. Hopkins is going the
5 other direction up where Mrs. Meneses lives.

6 Ladies and gentlemen, if the two of them committed
7 the crime together you would think that they left together
8 or certainty in close proximity to one another, but in
9 the entire complex, all the apartments that had been --
10 and all the people that had been talked to no one ever
11 saw Mr. Cornish enter that apartment or leave that
12 apartment. That's impossible that he had been in there.
13 At 11:00 in the morning at the apartment complex there
14 were people there, there were people who saw Mr. Hopkins
15 certainly, but no one saw my client and, ladies and
16 gentlemen, that's what a reasonable doubt is all about.
17 No one saw him. Now how do you get over that, that he
18 was not seen in the apartment complex? The only time
19 that he was seen was sitting in a truck, not in the
20 apartment, not entering the apartment, not leaving the
21 apartment. I would submit to you that presumably if he
22 was involved in the crime he would have been in close
23 proximity then to Mr. Hopkins and leaving the apartment
24 and would have been seen by somebody, even the people who
25 saw Mr. Hopkins clearly, as identified by Mr. Galloway

1 and Mrs. Meneses, who saw him on a bike, they would be
2 seen together in close proximity together, or as far as
3 timing is concerned, one pretty much after the other, but
4 no one saw Mr. Cornish. That has to leave reasonable
5 doubt in someone's mind as to whether or not he could
6 have been the individual in the apartment who committed
7 that horrible crime. Hopkins is running away from the
8 apartment and Mr. Cornish is parked on Butternut Lane in
9 his truck.

10 Now the State -- and I'll get into that in a minute
11 about what the State's contention is about what he was
12 doing while he was sitting there. The State's case is
13 premised on Mr. Cornish being one of the two shooters in
14 the case.

15 Now I would disagree with my friend and colleague,
16 an individual I've known for many, many years, about
17 whether or not one person can shoot two guns or not. In
18 this day and age where we are used to mass shootings
19 and people going into schools and night clubs, parks,
20 wherever it may be, often the individual who does that,
21 first of all, is a mad man to go ahead and do that.
22 There's nothing more disgusting, nothing more horrific
23 than going ahead and killing children or shooting people
24 from a hotel window in Las Vegas, fifty people. Many of
25 those people have more than one weapon. Many of those

1 people have an automatic weapon, many of those people
2 have pistols with them as well and they use both of them,
3 and I suggest to you in this case because of the absence
4 of any other proof that that's exactly what Mr. Hopkins
5 did. He had a 9-millimeter Glock supposedly. That's
6 what, I think, the State's theory is and that was found
7 obviously -- two of them were found in Mr. Hopkins' --
8 in his bag and also on the Internet, but there was an
9 extended clip on that that either had eleven or fifteen
10 bullets. I believe my -- Ms. Wilson added up that there
11 were some seventeen or eighteen bullets supposedly fired,
12 two of them being .38's -- or three of them maybe being
13 .38's and two of the cartridges that the State believes
14 were connected to it in Mr. Hopkins' bag.

15 The State is premising their whole theory that
16 Mr. Cornish was the second shooter in this case, but as
17 I said I think one person, I submit to you, in this day
18 and age it is not unusual for these crazy shooters to go
19 into a club or a nightclub or a school and have more than
20 one weapon. We read about it all the time.

21 Who's more likely the one that went ahead and did
22 the killings in those apartments? Mr. Cornish or
23 Mr. Hopkins? The one with the guns, the one with the
24 heroin with Fentanyl in it or the person who has nothing,
25 nothing at all, connected with that crime. He didn't

1 have any heroin on him, he didn't have any weapons on
2 him. Nothing was found that in any way that would have
3 connected him to the crime in that apartment.

4 Now it has been testified to by Mr. Haynes that
5 someone said "where is it at" and then "I found it",
6 and Mr. Haynes said well, it's two people, he heard two
7 people. What if he's wrong? What if it wasn't two
8 different people? What if he's wrong? You're gonna
9 premise this whole case on the fact that Mr. Haynes,
10 who's hiding in a closet, says that he heard two voices?
11 I suggest to you that that should raise a reasonable
12 doubt in your mind, especially in the light of Mr. Haynes'
13 other testimony in this case.

14 The other thing I'd like to ask you is why would
15 if it was Mr. Haynes -- I'm sorry, if it was Mr. -- if
16 it was Justin Hopkins or Mr. Cornish in the apartment,
17 who would they be asking where it's at? They wouldn't
18 be asking each other where it's at, they would be asking
19 someone who had knowledge of where it was at in the
20 apartment, which suggests to me and I suggest to you,
21 that one of the people was -- they were talking with
22 someone, Mr. Hopkins specifically, was talking to one of
23 the individuals who had not yet been shot yet, who is
24 not yet dead. He's asking where's it at. Why would he
25 be asking -- if it was Mr. Cornish in the apartment, why

1 would he be asking him where it's at? And then he said
2 someone said I found it. I suggest it's Mr. Hopkins.
3 That doesn't make any sense for the individual in the
4 apartment to say to Mr. Cornish, which is what the
5 State's theory is, that "where it's at" because
6 Mr. Cornish would not have any knowledge of that, and
7 the other way around, Mr. Cornish would not have any
8 knowledge -- or Mr. Hopkins would not have any knowledge
9 if Mr. Cornish was the one that asked that.

10 So, that's again, what I refer to as reasonable
11 doubt in the case. There's, first of all, reasonable
12 doubt as to whether or not there was two people there,
13 there's reasonable doubt as to whether or not there was
14 one or two shooters and there's a reasonable doubt as to
15 what comment was made because it doesn't make any sense
16 that you would asking the other co-defendant, the other
17 person there committing the crime with you, where it's
18 at. The conversation had to be with Mr. Hopkins and one
19 of the individuals who had not yet died yet and we do
20 know Mr. -- I think it was Mr. Booker, and I apologize
21 if I'm wrong, but Mr. Booker or Mr. Williams was still
22 alive when the EMS people arrived, so it would make more
23 sense that that comment was directed at one of the
24 individuals in the apartment.

25 And Mr. Haynes is in a closet. How would he even

1 know? I mean, he's -- you saw the diagram. He is in a
2 room not connected to the room where the comments were
3 being made and so I would submit to you that it's really
4 uncertain and it's not proven beyond a reasonable doubt
5 that he heard two individuals and one of them would have
6 been Mr. Cornish because he never identifies Mr. Cornish
7 at all.

8 The situation with Mr. Livingston, I would like
9 to offer you a suggestion. Mr. Livingston was the one
10 individual in the back bedroom who apparently, if I
11 remember correctly, was shot twelve times. Now, ladies
12 and gentlemen, just from your own common experience
13 and knowledge, reading the paper and whatever other
14 information you may have available for you from the TV
15 or the Internet or whatever, the individual who gets shot
16 twelve times, that's personal. That's not a robbery.
17 That's not someone who is going in there and trying to
18 get some drugs. Shooting someone twelve times is personal
19 and the only one that we know that would have any kind of
20 personal grudge with anybody in that apartment would have
21 been Mr. Hopkins because he had been in a fight, he had
22 known those individuals, he had been in that apartment
23 complex before and he knew Mr. Booker because Mr. Booker
24 would frequent Landmark Apartments. That is something
25 that I would ask you to consider in this case. That

1 twelve times being shot indicates some kind of personal
2 issue between the two people. The other people were not
3 shot anywhere close to that time. Some were shot with
4 two bullets, some were three -- or one was three, but
5 Mr. Livingston was twelve shots. You have to consider
6 why that would be and what that means in this case
7 because I suggest to you that it means that Mr. Hopkins,
8 had a personal vendetta against Mr. Livingston and he
9 shot him twelve times to make sure he was dead.

10 It was horrific, but there's no question that that's
11 what happened and what I suggest to you is this, he ran
12 out of bullets. Mr. Hopkins ran out of bullets because
13 when you have that many bullets being fired out of an
14 extended clip, a 9-millimeter weapon, and he runs out
15 as thirteen or fourteen or fifteen bullets are being
16 fired, where's he gonna get the other bullets from? From
17 the .38 that he's carrying and that's when he pumps two
18 .38's into the victim in that case. So why wouldn't it
19 be two people? Why couldn't it be two people? I suggest
20 to you that that has not been proven beyond a reasonable
21 doubt that Mr. Hopkins -- I mean, Mr. -- Mr. Cornish was
22 the individual who did that and shot that individual and
23 fired those .38's or even fired the 9-millimeter. It
24 doesn't make any sense.

25 Now did Mr. Donnovin Haynes hear one or two voices?

1 There's no way to be sure as I've said before. Although
2 he says it's two voices, one could have been his roommate
3 as I said or could have been Mr. Hopkins speaking. It
4 just could have been Mr. Hopkins speaking "where's it
5 at". Sergeant Creech has in his notes that we went over
6 yesterday that Donnovin said he heard a subject say "where
7 is it" followed by a possible second subject quote. That
8 was what was in his notes followed by a possible second
9 subject, which means that at that time unlike maybe some
10 of the other occasions he was saying there was a
11 possibility of a second subject in this case, not
12 definitively, but a possibility.

13 Now Mr. Haynes' credibility is really subject to
14 being questioned in this case. First of all, he said
15 there was a small quantity of marijuana in his bedroom.
16 He denied any larger quantities being in the apartment,
17 he denied that anybody was dealing drugs out of the
18 apartment, yet we find that he has, I think, 300 grams
19 of marijuana in his bedroom. That's a pretty substantial
20 quantity. There are two tins on the kitchen table with
21 marijuana in them. There's a scale in the apartment.
22 So if you have all that marijuana and you have a scale,
23 somebody's dealing drugs in that apartment, and it
24 apparently comes down to Mr. Booker because Mr. Haynes
25 eventually admitted to Mr. Creech that Mr. Booker was

1 dealing drugs and, again, remember, Mr. Booker's the
2 one that sees Mr. Hopkins at the Landmark Apartments
3 on a frequent basis and also Mr. Hopkins had been in
4 that location before, been in Woodland Village before.
5 So there were sales coming out of that apartment and he
6 tried to minimize his own involvement, but when Mr. Creech
7 looked at his phone eventually from 2018 -- 2017, 2018
8 Mr. Creech saw on his phone large quantities of marijuana
9 and heroin, so he was not telling the truth and when you
10 determine the credibility of a witness, you have to look
11 at whether or not they're consistent in their statements,
12 whether they're telling the truth or not. He didn't have a
13 small quantity. He had 300 grams in his room, the scales
14 on the table and the two devices on the table that had
15 marijuana in them.

16 Let me talk to you one minute about the State's
17 contention that that is Mr. Cornish's DNA on the door
18 lock, the dead bolt. We didn't make up the issue of
19 transferred DNA. That is a scientific fact. The DNA
20 expert in the case testified that there is -- we know,
21 science knows, that you can transfer from one individual
22 to another to an object DNA. It does not mean that that
23 individual, Mr. Cornish, was the one that touched that
24 dead bolt. What it means is that somehow or another the
25 possibility exists that Mr. Cornish's -- Mr. Cornish --

1 let me back up a minute. The possibility exists that
2 at some point during the day, because they were together
3 all day if you remember, all morning anyway, the
4 possibility exists that at some point their hands came
5 in contact with each other or from the truck when he was
6 sitting in the truck or any other way possibly and
7 Mr. Cornish's DNA -- I'm sorry -- Mr. Cornish's DNA was
8 transferred to Mr. Hopkins by shaking hands or being in
9 the truck or just being together and that when Mr. Hopkins
10 went in and he turned the dead bolt, he was transferring
11 to that dead bolt Mr. Cornish's DNA. Again, that is not
12 our -- that's not a fantasy, that's not our story. We're
13 not making up transferred DNA, the ability to transfer
14 DNA. Science has determined that you can transfer DNA
15 from one person to another and that DNA can be transferred
16 to an object.

17 So I submit to you what happened here is sometime
18 during that morning Mr. Hopkins and Mr. Cornish came in
19 contact with each other physically or in the truck and
20 Mr. Cornish, his DNA, was transferred to Mr. Hopkins and
21 then Mr. Hopkins transferred that DNA to the dead bolt.
22 Again, that is not a wild theory, that's not our theory,
23 that is not fake science, that is what happens with DNA,
24 and they -- you heard it from an expert, that you can
25 transfer DNA, and I'd suggest to you that's what happened

1 because none of the other issues in this case make any
2 sense about Mr. Cornish being in that apartment.

3 Mr. -- I think it's Mr. Green or -- the DNA expert
4 in the case testified he had no idea when that DNA could
5 have been put there, he did not know how long it had been
6 there, he could not offer an explanation as to how it got
7 there, but he did tell you that there is that principle
8 of transference of DNA, and we ask you to take that into
9 consideration, and we ask you to consider that that
10 creates a reasonable doubt in this case as to whether
11 or not Mr. Cornish was in that apartment and committed
12 a crime there with Mr. Hopkins or as an accomplice or
13 did Mr. Hopkins commit the crime solely by himself. In
14 fact, I believe the DNA expert said he couldn't even say
15 with any certainty that Mr. Cornish was even in that
16 apartment.

17 Now on 12-21 -- and I'm coming close to the end and
18 I know you appreciate that and I appreciate you paying
19 attention me. On 12-21 Justin Hopkins is stopped. His
20 house is searched, his car is searched, his bags are
21 searched. He's totally noncooperative. Let's look at
22 the difference between him and Mr. Cornish on that day.

23 Jeremy Cornish is stopped in a traffic stop. There
24 are four -- eventually four units that come to where he
25 is stopped. He's approached by Captain Laintz and asked

1 whether or not he would go ahead and submit to a long
2 interview. He didn't try to outrun the police. He
3 stopped when they put on the blue lights. When he got
4 parked across from that -- I think it was a Waffle House,
5 he turned over his license and registration to whoever
6 asked for it. He got out of the truck when he was asked
7 to get out of the truck. He submitted to as Captain
8 Laintz did what we call a Terry frisk, but he was searched
9 for weapons, he consented to that, and he consented to
10 a very long interview that you heard the substance of
11 that during the testimony in this case by Mr. Dubard
12 and Mr. Pratt and Captain Laintz and Mr. Creech. A long
13 interview.

14 He never cut off the interview, he never tried to
15 invoke any kind of right to counsel, he consented to the
16 frisk, he consented to the search of his vehicle. He
17 didn't have any problem. He had nothing to hide in that
18 vehicle. And you know what, ladies and gentlemen? They
19 didn't find anything in his vehicle that would in any way
20 connect him to this crime and on that day had they wanted
21 to, they could have brought out -- because he was totally
22 cooperative with them, they could have brought out a CSI
23 unit to go ahead and process the vehicle, but there's no
24 evidence that was in that case of any fiber, any hair,
25 any blood or any other bodily function that would in any

1 way connect Mr. Cornish to the crime that took place in
2 that apartment.

3 On top of that, he consented to a view of his phone
4 and if he was hiding anything would he have consented to
5 a search of his phone by Mr. Creech while they were in
6 the vehicle? I suggest not.

7 Now I'm not gonna stand up here and tell you that
8 he told the total truth. We know he didn't tell the
9 truth. He did not tell the truth about many factors
10 like when did he find out about the murders and it's
11 very possible that he found out about the murders when
12 he went over to Mr. Hopkins' apartment and Mr. Hopkins
13 showed him the heroin and the marijuana, and at that point
14 he may have surmised that a crime had been committed or
15 Mr. Hopkins may have told him about a crime being
16 committed, but this was after what happened in the
17 apartment, ladies and gentlemen, and I'll explain to
18 you why the significance of that in few minutes.

19 He didn't tell the truth about when he found out
20 because he said I believe he found out only after Justin
21 had been arrested. Well, we know that's not true. He
22 also did not admit to being at the DMV with Mr. Hopkins
23 and there were other untruths that he said during the
24 course of that interview, but the one thing he did say,
25 which he's always maintained, is that he did not go in

1 the apartment and was not one of the shooters. He's
2 never deviated from that even though there have been
3 other untruths told in connection with this case.

4 He obviously had some sense that something terrible
5 had happened in that apartment and Mr. Hopkins had done
6 something terrible. He obviously at some point found
7 that out. Now what would your reaction be if you find
8 out that the individual you've known for a number of
9 years, he's younger than him, there may have been some
10 relation, I know he called him Unc, but I don't know if
11 there's was a relationship or not, but what would the
12 reaction be of an individual being with someone and
13 knowing that someone just slaughtered, executed, three
14 individuals? It would be fear, it would be confusion, it
15 would be what am I supposed to do, are they gonna think
16 that I had something to do with it because I drove him
17 over there or I drove him away from there? That causes
18 fear and confusion. It causes a lot of emotions to come
19 out of someone and I would suggest to you that if
20 Mr. Cornish did not tell the truth on the 21st when he
21 was talking to law enforcement he was scared to death.
22 He was scared to death of Mr. Hopkins because if
23 Mr. Hopkins could go ahead and kill three individuals
24 maliciously, brutally, horrifically, that he could also
25 kill him or he could kill his family, and I would submit

1 to you that Mr. Cornish had no idea what to do in that
2 case. He did not want to be implicated in it and he did
3 not want to have -- really did not want to have any
4 knowledge of it and he did not want the police to think
5 that he had been involved in, but on the other hand he also
6 believed that he might be in danger if Mr. Hopkins thought
7 that he had implicated him in the case.

8 So I would submit to you that there was a whole
9 system of emotions going on in Mr. Cornish's head at that
10 time and that is one of the reasons why he did not tell
11 the truth about everything that he was asked that day, and
12 I submit to you that's understandable. Fear, emotion,
13 sense of being implicated in this thing. Who knows what's
14 going on in Mr. Cornish's mind at that time, but I submit
15 to you as people who are experienced in life, experienced
16 at work, experienced with families, you could certainly
17 understand the fear in this man's heart and in his mind
18 knowing that Mr. Hopkins had killed three individuals and
19 also stole some heroin and marijuana.

20 By the way, they went there to get some marijuana.
21 There was no reason -- there's no belief that Mr. Hopkins
22 -- I mean, Mr. Cornish would have had to go ahead and want
23 any heroin. In fact, he distanced himself from the heroin
24 when Mr. Hopkins showed it to him. He didn't want anything
25 to do with the heroin, but he did take some marijuana

1 because that's the reason that they went over there. So he
2 obviously had some sense that something had happened.
3 Either Justin told him or he figured it out himself and he
4 did not want to be implicated in the case and he did not
5 want to have anything happen to him or his family, and I
6 think that those are all reasonable beliefs.

7 I suggest to you he was in a state of fear and panic.
8 He dropped a friend off just like anybody else could drop
9 a friend off at a store. You wait. There's no plan. You
10 don't know that the person going in the store has a plan to
11 go ahead and rob somebody or shoot somebody. The person
12 comes out. There's no scheme to do anything wrong, but
13 your friend goes wild and goes ahead and kills the store
14 manager while he's inside -- while your outside and he's
15 inside, and you have no knowledge of that at all.

16 And, ladies and gentlemen, this is not some wild and
17 fancy theory on my part. It happens all the time. People
18 today shoot people for absolutely no cause and there's no
19 thought, there's no heart, there's no empathy, and we see
20 it every day in the paper and on TV. Panic and fear will
21 take over on an individual of being involved in the case
22 without knowledge and your friend has just killed three
23 people. Will he kill me? Will he kill my family?
24 Obviously he's a man who has no conscious.

25 So instead of going to the police and telling the

1 truth, you distance yourself from the circumstances, and
2 when you're questioned you don't tell the complete truth
3 and admit knowledge because you don't want the police to
4 implicate you or think you were involved in it and you
5 don't want to go ahead and implicate your friend or your
6 nephew or whatever he is because you're afraid of what he
7 might do if he knows that you are the informant who turned
8 him in.

9 He did not admit to certain important facts and we
10 don't hide from those and I -- we try -- and I'm trying to
11 give you some explanations as to why that happened.

12 I don't know when he found out, but clearly he did
13 find out before the 21st, and he did misrepresent that to
14 the law enforcement, but always, even on the 23rd of
15 January, 2020, he denied being in the apartment, he denied
16 doing any of the shooting.

17 He's arrested on December 31, 2019, and as we know
18 on 11-23 -- I mean, 1-23-20 he goes in voluntarily to be
19 interviewed by law enforcement. As we said, he had no
20 limitations on it. He turns over his phone knowing what
21 could be on that phone without any hesitation, and gives it
22 to Mr. Creech.

23 You have on there this message "clean the tools" and
24 "erase the messages". Ladies and gentlemen, there's two
25 possible theories on that. One is that he actually was

1 telling someone to clean the tools that they use in their
2 business or in the masonry business or the construction
3 business. "Erase the message", I can't offer an
4 explanation for that, but I can suggest this. If, in fact,
5 it is as law enforcement suggests that he was talking about
6 the firearms and he was talking about erasing the messages,
7 it's reasonable to assume that he was trying to distance
8 himself from this entire case and did not want any
9 connection on his phone, he did not want anything to appear
10 on his phone that in any way could implicate himself in
11 this case, and that's why I suggest to you he may not
12 have told the truth about that if, in fact, that is not
13 the truth, but obviously those messages were there, you
14 can't deny hide -- you can't deny it. The question is what
15 the messages meant and whether or not -- and why they may
16 have been told to erase the messages and what the reason
17 was behind it and I suggest to you it is because of the
18 same fear that I was talking about, the same confusion, the
19 same sense of impending doom.

20 If it had to deal with firearm or knowledge, he
21 does not want to have anything on his phone that could
22 potentially expose him to be liability and he's frightened.
23 He could not and would not want anything on his phone that
24 law enforcement could say would involve him in the case.

25 The Internet searches. I just wanted to cover those

1 briefly. Let me ask you this. If he committed the crimes
2 in that apartment and he was involved either as a principal
3 or aiding and abetting Mr. Hopkins, why would he need to
4 look on the Internet for what happened in that apartment?
5 He would know. He would already know what happened in that
6 apartment, yet he's on the Internet searching for what
7 information is on the Internet about what happened in that
8 apartment. That's what it's all about. I just -- sitting
9 there last night I was thinking about why would -- if he
10 was involved in the crime himself, there would be
11 absolutely no reason to go on the Internet and look and see
12 what the details were of the crime. That doesn't even make
13 any sense, but what with make sense is that he's scared to
14 death of Mr. Hopkins, he wants to know what happened,
15 because he's not in the apartment, he was never in the
16 apartment, and that's why he wanted the information. He
17 wanted to know what Mr. Hopkins had done in the apartment
18 and I submit to you that's the reason why, if any reason,
19 that he would have gone ahead and searched Internet.
20 There's no reason to search it if you're there -- he had
21 been there.

22 Ladies and gentlemen, if you've listened to all
23 of the evidence in the case and you determine that
24 Mr. Cornish was not a principal in the case, did not
25 commit the acts himself and was not an aider and abettor

1 of someone involved as an accomplice in the case under
2 the theory of the hand of one hand of all, but you do
3 believe that after the shooting took place at the
4 apartment and after at some point during that day he
5 found out what happened in the apartment, then he would
6 be what's called in law an accessory after the fact.
7 He is not charged with that and you're not gonna hear
8 that from the judge because that is not a charge in this
9 case, but if the evidence shows that at some point during
10 the day he assisted Mr. Hopkins, then at another time and
11 another date the State could charge him with being an
12 accessory after the fact.

13 And one thing that I'd like to leave you with before
14 I sit down, it came out yesterday late in the afternoon
15 and I guess we were all getting pretty tired, I know I was
16 and I'm getting pretty tired now, too, I'm not as young as
17 I used to be, but in this case he is charged with three
18 counts of murder and a burglary as a principal and as an
19 accomplice. Mr. Hopkins is charged with three counts of
20 murder, he's charged with burglary, but he's also charged
21 with possession of a weapon during a violent crime.
22 Mr. Cornish is not charged with that. He was never
23 indicted for that. No indictment was sought for that and
24 there's no answer for you to have as to why that happened.
25 I don't know why because if Mr. Cornish had a gun during .

1 that crime, he should have been charged with possession of
2 a weapon during a violent crime as well and I just ask you
3 when you're thinking about reasonable doubt whether or not
4 that's something that troubles you and bothers you and nags
5 at you or pulls at you a little bit, that Mr. Hopkins is
6 charged with possession of a weapon during a violent crime,
7 which is a felony which carries extra time and is
8 consecutive to any other sentence, why wasn't Mr. Cornish
9 charged with that if they'd really believed that he was
10 involved in the shooting of those individuals in that
11 apartment.

12 I've talked long enough. I apologize. I just tried
13 to cover everything as quickly as I could. As I told you,
14 I've been doing this a long time, and I love what I do.
15 We'll all be involved in some other cases in a few weeks
16 and this will just be a memory at that point for us
17 because we have other cases to do and these folks here
18 are terrific, but the only person here who's gonna live
19 with the ramifications or with the results that you find
20 in this case that's gonna be following him for the rest of
21 his life is Jeremy Cornish. It's not gonna affect us
22 because we -- as I said, we're gonna move on with our
23 families and our lives and be trying other cases a couple
24 of weeks from now, but Mr. Cornish has to live with
25 whatever your verdict is in this case so I ask you to give

1 careful thought to it to see whether or not the State
2 really proved his guilt beyond a reasonable doubt or that
3 there's a nagging, lingering doubt in your mind as to
4 whether or not they've really proved that he was either a
5 principal or an accessory or an aider or abettor in this
6 case.

7 This system that we have is not a game, it's not a
8 contest. We're not fighting each other like you would
9 fight in a football field or a basketball court and
10 someone has to win, someone has to lose. The purpose of
11 the judicial system in South Carolina and in our country
12 is for everyone at the conclusion of the trial to win,
13 that everyone be satisfied that the verdict was a true
14 verdict and the right verdict and a fair verdict. The
15 only right verdict, fair verdict and true verdict in this
16 case is finding Mr. Cornish not guilty of this offense.

17 And I thank you. I really do thank you for listening
18 to me and even with my little interruptions here and
19 reading my notes, I thank you very much, and on behalf
20 of Mr. Cornish I thank you as well.

21 THE COURT: Thank you, Mr. Swerling.

22 All right. Mr. Foreman, I know that we've been
23 here for -- you-all have been sitting for an hour and
24 fifteen minutes. I need to charge you on the law. It's
25 gonna take me about forty minutes. Would you-all like

1 a real quick break? I've ordered you lunch and I can
2 come back -- I can give you a 10-minute break and then
3 come back and charge you on the law or we could --

4 FOREPERSON: Sure.

5 THE COURT: Is that okay? All right. I'll give
6 you ten minutes. Remember, no talking about this case.
7 When you come back, I'm gonna charge you on the law.

8 Your lunch is already back there. You-all don't
9 start eating yet.

10 (Whereupon, the jury retires to the jury room at
11 12:26 PM.)

12 (Back on the record at 12:38 PM.)

13 BAILIFF: Everyone remain seated, please. Court's
14 back in session.

15 THE COURT: Please be seated.

16 Okay. Are we ready to bring the jury in?

17 MR. HUBBARD: The State's ready.

18 MR. SWERLING: Yes, ma'am.

19 THE COURT: Let's go. I know they're hungry. They
20 saw their boxes of food back there.

21 (Whereupon, the jury return to the courtroom at
22 12:40 PM.)

23 THE COURT: All right. You can be seated.

24 All right. Mr. Foreman and ladies and gentlemen of
25 the jury, I now will charge you on the law applicable in

1 this case. You must consider the charge as a whole and
2 not focus on some portions to the exclusions of others.

3 The indictments charge the defendant with three
4 counts of murder and burglary in the first degree. I
5 remind you that the fact the defendant was arrested,
6 charged and indicted in this case is not evidence in this
7 case and cannot be considered by you as evidence of guilt
8 in this case. Nor does it create any presumption or
9 inference of guilt. These documents are simply the formal
10 written instruments which contain the charges made against
11 the defendant. These are the formal documents by which
12 this case is brought into court.

13 The defendant has pled not guilty to these
14 indictments and that plea puts the burden on the State
15 to prove him guilty. A person charged with committing a
16 criminal offense in South Carolina is never required to
17 prove himself innocent. I charge you that it is an
18 important rule of law that the defendant in a criminal
19 trial, no matter what the seriousness of the charge may
20 be, will always be presumed to be innocent of the crime
21 for which the indictment was issued unless guilt has been
22 proven by evidence satisfying you of that guilt beyond a
23 reasonable doubt.

24 This presumption of innocence does not end when you
25 begin your deliberation, but it accompanies the defendant