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STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM KERSHAW COUNTY

G. Thomas Cooper, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GREGORY V. SMITH,

APPELLANT

APPELLATE CASE NO. 2012-213666

RECORD ON APPEAL

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KAREN AMBROZIAK
Official Court Reporter

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1	Haz-mat Records	69	72
2	SLED Inventory	69	85
3	Medical Records (withdrawn)	69	96
4	CD	69	119
5	Medical Records	109	110
6	Miranda	116	442
7	Incident Report	127	
8	Photo (withdrawn)	235	
9	CD	235	
10	Aerial Photocopy	298	298
11	Photo	313	315
12	Photo	313	315
13	Photo	313	315
14	Photo	313	315
15	Photo	313	315
16	Photo	313	

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<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
17	Photo	313	315
18	Photo	313	315
19	Photo	313	315
20	Photo	313	315
21	Photo (withdrawn)		
22	Photo	328	329
23	Photo	328	329
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25	Autopsy Report	340	343
26	Fragment	340	394
27	Autopsy Photos	340	343
28	Autopsy Photos	340	343
29	Autopsy Photos	340	343
30	Photo	359	361
31	Photo	359	361
32	Photo	359	361
33	Photo	359	361

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No.	Description	ID	EV
34	Photo	359	361
35	Photo	359	361
36	Photo	359	361
37	Photo	359	361
38	Photo	359	361
39	Photo	359	361
40	Photo	359	361
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42	Photo	359	361
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48	Photo	359	361
49	Photo	359	361
50	Photo	359	361

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<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
51	Photo	359	361
52	Photo	359	361
53	Photo	359	361
54	Photo	359	361
55	Photo	359	361
56	Photo	359	361
57	Photo	359	361
58	Photo	359	361
59	Photo	359	361
60	Marijuana Analysis	371	373
61	Photo	374	374
62	Photo	374	374
63	Photo	374	374
64	Photo	374	374
65	Photo	374	374
66	Photo	374	374
67	Photo	374	374
68	Photo	374	374

EXHIBITS: (Continued)STATE'S EXHIBITS:

<u>No.</u>	<u>Description</u>	<u>ID</u>	<u>EV</u>
69	Photo	374	374
70	Photo	374	374
71	Photo	374	374
72	Photo	374	374
73	Photo	374	374
74	Gun	426	429
75	Photo	426	
76	Photo	426	
77	Photo	426	
78	Photo	426	
79	Photo	438	
80	Photo	438	448
81	Photo	440	474
82	Unfired Bullet	440	499
83	Spent Shell Casing	440	
84	CAD Report	440	503

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1	Statement (withdrawn)	208	
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3	Responses (withdrawn)	594	
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1	Psych Evaluation	139	
2	Juror Note	724	
3	Jury Note 1:43 pm	724	
4	Jury Note 2:18 pm	724	
5	Malice Charge	724	

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1 THE COURT: All right. Ladies and gentlemen,
2 we're going to select the jury right now. It's a very
3 serious case, but before I do that, anybody think they
4 need a short break? One, two, three, four, five, six,
5 seven, eight, nine, ten? All right. Let's take a
6 quick break. Be back in the jury room --- in the
7 courtroom at one o'clock. We're going to select a
8 jury, and then that will be it for today. Thank you
9 very much. Be back in the courtroom at one o'clock,
10 please.

11 (WHEREUPON, a break was taken.)

12 (WHEREUPON, the jury pool returned to the
13 courtroom.)

14 THE COURT: There is one matter I need to take up
15 before we start the jury selection process, with the
16 attorneys, and I need to do it on the record, but I
17 can't do it front of you because it might indicate
18 something about the trial in this case.

19 I need to ask you one more time. I promise, if
20 you will just step out in the hall for just a minute,
21 we'll call you out in about three minutes, five
22 minutes and then we'll be ready to go.

23 (WHEREUPON, the jury pool left the courtroom.)

24 MR. MOAK: Your Honor, The State of South
25 Carolina calls the case of The State of South Carolina

1 vs. Gregory Smith, 2012-GS-28-00074, Kershaw County
2 True Bill for murder, 2012-GS-28-00075, Kershaw
3 Country True Bill for manufacturing marijuana, and
4 2012-GS-28-00076, which is for meth manufacturing,
5 methamphetamine.

6 THE COURT: All right. Is the State ready to
7 proceed?

8 MR. MOAK: We're ready to proceed, Your Honor,
9 yes.

10 THE COURT: Is the defense ready to proceed?

11 MR. RILEY: Judge, there's a couple of matters
12 that I believe need to be addressed before we have
13 started the jury selection.

14 THE COURT: All right. Go ahead.

15 MR. RILEY: Judge, first of all, Mr. Moak has
16 just indicated the State intends to call three cases
17 for trial in this matter.

18 I have the two notices for trial that were
19 provided to me. The first one is dated
20 September 24th, and it lists only the warrant for
21 murder. The second one is dated October 3rd, and it
22 lists only the warrant for murder and the warrant for
23 the methamphetamine.

24 Now, as Mr. Moak just called the case, he is
25 planning on calling all three charges. I would allege

1 that the defense has not had adequate prior notice of
2 the State's intent to try all three charges.

3 THE COURT: And what's your motion?

4 MR. RILEY: Sorry?

5 THE COURT: What is your motion?

6 MR. RILEY: That clearly I've had adequate notice
7 on two of the offenses, but not on all three, and I
8 don't think it's proper or just that the State also
9 try him on the marijuana charge.

10 THE COURT: So what's your motion?

11 MR. RILEY: To dismiss --- to require the State
12 to go forward on only the two charges I've been
13 noticed on.

14 THE COURT: All right. Mr. Moak?

15 MR. MOAK: One, our position is that Mr. Smith
16 was arrested May 29th, 2011, on three charges. These
17 are the three cases we intend to call. This is what
18 he's was arrested for on that day. He's been on
19 notice that these charges were pending ever since
20 May 29th last year. I do agree that the trial notices
21 were defective in that they did not list the marijuana
22 charge on there, but in all our pretrial discussions
23 with Mr. Riley, we've always indicated our intention
24 to go forward with the marijuana evidence and charge,
25 Your Honor.

1 I don't think we ever missed any intention not to
2 go forward on the marijuana case. In any event, the
3 marijuana evidence, in addition to the meth evidence,
4 is so far intertwined with the motive --- the issues
5 for the murder, Your Honor ---

6 THE COURT: You're not precluded from introducing
7 that evidence.

8 MR. MOAK: And, Your Honor, we just feel that it
9 would be in the interest of judicial economy if we're
10 presenting all the marijuana evidence in this trial.
11 I think it's foolish to go ahead and leave another
12 charge outstanding for us to possibly have to deal
13 with later, Your Honor. That's our position today.

14 I don't think we've hidden anything. I have to
15 think we've always clearly indicated that we wanted to
16 try him for the events that happened on --- actually
17 May 28th, 2011, is the incident day.

18 THE COURT: All right. Well, I'm going to grant
19 the defendant's motion. We'll only go forward on two
20 charges.

21 MR. MOAK: Okay.

22 MR. RILEY: Judge, I have another matter.

23 THE COURT: All right. Go ahead.

24 MR. RILEY: And I --- nothing I'm about to say
25 points a finger of blame at anybody else in the

1 courtroom other than myself, okay. I take full
2 responsibility, but when Your Honor granted the jury
3 panel a break, in order to deal with other matters, I
4 went out back and told Mr. Catoe from the detention
5 center that as soon as the courtroom was clear of
6 jurors that he could bring my client in.

7 I came back shortly before the break ended and
8 noticed that members of the jury pool were already
9 filtering back in the courtroom and probably about
10 half of them were in.

11 THE COURT: Some of them never left.

12 MR. RILEY: Some of them never left. While this
13 was going on, Mr. Catoe brought the defendant in, who
14 is dressed out in normal street clothing, but still
15 wearing detention center sandals. It's my impression,
16 again I'm not blaming Mr. Catoe or anybody other than
17 myself, I should have immediately gone out and told
18 Mr. Catoe not to do anything when I saw members of the
19 jury pool already in the courtroom.

20 I didn't do that and I accept full blame for it.
21 Anyway, Mr. Catoe brought my defendant in. He was
22 merely a step behind him and was holding in his hand
23 the shackles that he had just taken off Greg Smith and
24 put them down on the floor. I heard an audible rattle
25 of chains and my hearing isn't the best in the world.

1 Judge, that's got to have had a prejudicial
2 impact on the jury pool. The second thing is they
3 were sitting here filtering --- continuing to filter
4 into the courtroom while the court was taking a guilty
5 plea on the prior case.

6 THE COURT: Which had nothing to do with this
7 case.

8 MR. RILEY: Pardon?

9 THE COURT: Which has to nothing to do with this
10 case.

11 MR. RILEY: Exactly, but my points is, of course,
12 under our system of law, criminal trials are open to
13 the public, but not if the members of the public
14 happen to be subpoenaed jurors who are about to be
15 picked on a murder trial. I can't help but think that
16 sitting there listening to the court take a guilty
17 plea and sentencing a defendant to incarceration would
18 not have any effect whatsoever on folks that are about
19 to be called upon to decide the fate of a man charged
20 with murder.

21 So that --- I'm arguing that I think this jury
22 pool has been contaminated for those two reasons,
23 Judge. I don't see any way that a curative
24 instruction --- I don't see any way to unring this
25 bell. That's my point.

1 THE COURT: What he was your motion?

2 MR. RILEY: I think this jury pool should be
3 dismissed and the case should be scheduled at the
4 State's discretion for a later term of court.

5 THE COURT: Is that in the form of a motion?

6 MR. RILEY: Yes, sir.

7 THE COURT: Denied.

8 MR. RILEY: Thank you, Judge.

9 THE COURT: Anything else? All right. Now,
10 anything further before we bring the jury?

11 MR. RILEY: No, sir.

12 MR. MOAK: Nothing from the State, Your Honor.

13 THE COURT: All right. Bring the jury please.

14 (WHEREUPON, the jury pool was brought into the
15 courtroom.)

16 THE COURT: All right. Everybody back?

17 All right. Ladies and gentlemen of the jury, as
18 you probably know, anytime a criminal case is brought
19 to court, the prosecuting entity, that is the
20 responsibility for prosecuting the case in court and
21 conducting the trial falls to the State solicitor.

22 Now, in some states, they call the prosecuting
23 entity the State's attorney or the --- in some places
24 they call them the district attorney, but in South
25 Carolina, we have a system of solicitors for the 16

1 different judicial circuits in this State, and the
2 State solicitor's office does the actual prosecution.

3 Now, your State solicitor, elected State
4 solicitors is Mr. Dan Johnson who maintains an office
5 here in Camden and an office in Columbia. These are
6 the two counties for which he is responsible. Now Mr.
7 Johnson himself will not conducting the trial today,
8 will not be participating in it to the best of my
9 knowledge, but nevertheless, I do need to know if any
10 member of the jury panel is related by blood,
11 connected by marriage or employment or a close
12 personal acquaintance of Mr. Dan Johnson, your State
13 solicitor. Anybody?

14 (There was no response.)

15 THE COURT: Mr. Johnson will not be conducting
16 the trial today. Two of his assistant solicitors who
17 work here in Kershaw County will be conducting the
18 trial. They are Mr. Brett Perry and Mr. Ron Moak. I
19 need to know if any member of the jury panel is
20 related by blood, connected by marriage or employment
21 or a close personal acquaintance of either Mr. Brett
22 Perry or Mr. Ron Moak. If so, please stand.

23 (There was no response.)

24 Thank you counsel. Anybody know either of these
25 two attorneys?

1 (There was no response.)

2 THE COURT: Has anybody --- any member of the
3 jury panel or any member of your family or a close
4 personal acquaintance work in the office of the State
5 solicitor's office here in Camden or in the office in
6 Columbia?

7 Any member of the jury panel who is a friend or a
8 member of your family who works for the State
9 solicitor?

10 (There was no response.)

11 THE COURT: All right. Now, because the State
12 solicitor's office has to work very closely with law
13 enforcement, I need to know if any member of the jury
14 panel or any member of your family or a close personal
15 acquaintance is involved in law enforcement. That
16 could mean anything from the Kershaw County Sheriff's
17 Department to the City of Camden police department,
18 the Elgin police department, the State Law Enforcement
19 Division, the DEA, FBI, any law enforcement agency,
20 even including any military police force?

21 Any member of the jury panel or any member of
22 your family or a close personal acquaintance involved
23 in law enforcement? If so, please stand.

24 PROSPECTIVE JUROR: I'm retired. Does that
25 count?

1 THE COURT: What?

2 PROSPECTIVE JUROR: I'm retired.

3 THE COURT: I'll get to you. Just a minute.

4 Stay standing.

5 Your number, please, ma'am.

6 PROSPECTIVE JUROR: 124.

7 THE COURT: And what is?

8 PROSPECTIVE JUROR: My sister-in-law works with
9 the Kershaw County Sheriff's Department.

10 THE COURT: Your sister-in-law?

11 PROSPECTIVE JUROR: Yes, her name is Kimberly
12 McKay.

13 THE COURT: Kimberly McKay?

14 PROSPECTIVE JUROR: McKay and her husband is a
15 trooper in Richland County.

16 THE COURT: That's your sister-in-law?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: Mr. Solicitor, is Ms. McKay in any
19 way involved in this case?

20 MR. MOAK: The only thing I can think is she is
21 court security right now.

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

23 MR. MOAK: She is an officer in this case.

24 THE COURT: All right. Thank you, ma'am, have a
25 seat.

1 With the blue shirt.

2 PROSPECTIVE JUROR: Juror number 2.

3 THE COURT: Yes, sir.

4 PROSPECTIVE JUROR: I got a cousin works for the
5 sheriff's department.

6 THE COURT: Kershaw County?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: What is his name?

9 PROSPECTIVE JUROR: Derrick Robinson.

10 THE COURT: Derrick Robinson?

11 PROSPECTIVE JUROR: Yes.

12 MR. RILEY: Judge, what was the juror number?

13 PROSPECTIVE JUROR: Two.

14 THE COURT: Mr. Moak, is Mr. Robinson involved in
15 any way in this case?

16 MR. MOAK: No, Your Honor.

17 THE COURT: Mr. --- number 2, would that fact in
18 any way interfere with your ability to give both the
19 State and the defendant a fair and impartial trial?

20 PROSPECTIVE JUROR: No.

21 THE COURT: All right. How close is the cousin?
22 First cousin?

23 PROSPECTIVE JUROR: Second.

24 THE COURT: Second.

25 PROSPECTIVE JUROR: Yes.

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

2 Yes, sir.

3 PROSPECTIVE JUROR: I apologize. I'm 169.

4 THE COURT: 169.

5 PROSPECTIVE JUROR: Yes, sir. I'm retired from
6 the United States ---

7 THE COURT: Somebody coughed and I didn't ---

8 PROSPECTIVE JUROR: I'm retired from the US
9 Customs Service.

10 THE COURT: Customs service. All right. How
11 long have you been retired?

12 PROSPECTIVE JUROR: About ten years.

13 THE COURT: Would that fact in any way interfere
14 with your ability to give both the State and the
15 defendant a fair and impartial trial in this case?

16 PROSPECTIVE JUROR: No, sir.

17 THE COURT: Thank you very much. Anybody else?
18 Yes, ma'am, your number, please?

19 PROSPECTIVE JUROR: Thirty.

20 THE COURT: Thirty.

21 PROSPECTIVE JUROR: My nephew's wife works for
22 the Department of Corrections as an officer.

23 THE COURT: Your nephew's wife.

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Works for the Department of

1 Corrections.

2 PROSPECTIVE JUROR: Yeah.

3 THE COURT: And you're 3-0?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Ma'am, would that fact in any way
6 interfere with your ability to give both the State and
7 the defendant a fair and impartial trial?

8 PROSPECTIVE JUROR: (Indicating in the negative.)

9 THE COURT: Thank you very much.

10 Anybody else? Green shirt. Yes, sir.

11 PROSPECTIVE JUROR: Juror 14. My sister-in-law
12 is a prosecutor in Lynchburg, Virginia.

13 THE COURT: Number 14, would that fact in any way
14 interfere with your ability to give both the State and
15 the defendant a fair and impartial trial in this case?

16 PROSPECTIVE JUROR: No, sir.

17 THE COURT: Thank you very much, Mr. 14.

18 PROSPECTIVE JUROR: Number 18, Your Honor.

19 THE COURT: Eighteen, yes, sir.

20 PROSPECTIVE JUROR: I recognize a member of ---
21 the gentleman sitting up front there as my neighbor.

22 THE COURT: Which one? This one?

23 PROSPECTIVE JUROR: Yes. I don't know if he has
24 anything to do with the case, but I just recognize
25 him.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR: He used to be a neighbor.

3 THE COURT: He used to what?

4 PROSPECTIVE JUROR: Used to be my neighbor.

5 THE COURT: Used to be my neighbor?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: He is no longer your neighbor?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: Do you know his name?

10 PROSPECTIVE JUROR: I knew his first name,
11 Jackson.

12 THE COURT: You're not real close?

13 PROSPECTIVE JUROR: No. I just wanted to make
14 sure you knew.

15 THE COURT: I understand.

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Would that fact in any way interfere
18 with your ability to give both the State and the
19 defendant a fair and impartial trial?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Thank you very much, Mr. 18. Anybody
22 else? Law enforcement, anybody?

23 (There was no response.)

24 All right. I'm going to carry that one step
25 further. Any member of the jury panel support members

1 of groups or support groups which have as their
2 primary function the support of law enforcement? In
3 other words, do you or any member of the jury panel
4 donate to the Sheriff's Association or the Troopers
5 Association or perhaps Mother's Against Drunk Driving
6 or Students Against Drunk Driving, or do you
7 participate in any way as a volunteer for the
8 sheriff's department, like a neighborhood watch patrol
9 or something like that or do you volunteer your
10 services for groups which maybe deal with victims like
11 Sistercare or organizations of that type that deal
12 with victims of crime?

13 Any member of the jury panel support any of these
14 groups either financially or as a volunteer on a
15 fairly regular basis? You don't have to do it all the
16 time. Any member of the jury panel donate to any of
17 these groups or volunteer for any of these groups?
18 Nobody?

19 Yes, sir your number, please?

20 PROSPECTIVE JUROR: 201.

21 THE COURT: 201? Which group?

22 PROSPECTIVE JUROR: Donate to the Kershaw County
23 Sheriff's Department.

24 THE COURT: Okay. Thank you very much, Mr. 201.

25 Yes, sir.

1 PROSPECTIVE JUROR: Number of 48.

2 THE COURT: Forty-eight.

3 PROSPECTIVE JUROR: I'm a protocol specialist for
4 Fort Jackson. I handle all the events and coordinate
5 the governor, Sheriff Leon Lott for visits and other
6 events.

7 THE COURT: Okay. This is at the Fort?

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: Well, that's interesting. You've got
10 an interesting job. You might not think so, but I do.

11 Would that fact in any way and --- I know you
12 have --- you have contact with law enforcement groups.
13 Is that what you're saying?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Would that fact interfere with your
16 ability to give the State and the defendant a fair and
17 impartial trial?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Thank you very much, Mr. 48.

20 Let me ask 201 again, do you think you can be
21 fair and impartial in this case?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Thank you very much.

24 Anybody else?

25 (There was no response.)

1 THE COURT: All right. Now, the defendant in
2 this case --- let me start off by saying, what I hold
3 in my hand are what's known as indictments. These are
4 the formal legal documents by which a case is brought
5 into court. They are not evidence of anything.

6 When I tell you what they are, and explain what
7 the defendant is charged with, you are not to assume
8 or presume anything concerning the defendant's guilt
9 or innocence. Any defendant in Kershaw County and the
10 State of South Carolina in this United States is
11 presumed innocent of the charges brought against him
12 until proven in court to a jury of 12 people beyond a
13 reasonable doubt.

14 So when I read to you and tell you what these
15 charges are, you are not to assume or presume anything
16 about the guilt or innocence of the defendant. They
17 are merely the formal documents by which the case is
18 brought into court and upon which the State will rely.

19 Now, the defendant in this case is Mr. Gregory
20 Vincent Smith. Mr. Smith, will you stand and face the
21 jury, please?

22 Any member of the jury panel related by blood,
23 connected by marriage, or employment, or a close
24 personal acquaintance of Mr. Gregory Vincent Smith?
25 If so, please stand up. Anybody know Mr. Smith?

1 (There was no response.)

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

3 Mr. Smith is represented in this matter today by
4 Mr. Neil Riley, who is an attorney practicing here in
5 Kershaw County. Any member of the jury panel related
6 by blood, connected by marriage or employment or a
7 close personal acquaintance of Mr. Neil Riley or
8 perhaps have been represented by him presently or at
9 any time in the past? Anybody know Mr. Riley?

10 Thank you very much, sir.

11 Now, the charges brought against the defendant,
12 Gregory R. Vincent Smith are first, murder in that on
13 or about May 28th, 2011, Mr. --- the defendant did
14 willfully, feloniously, intentionally kill the victim
15 Deborah Tyler with malice aforethought, either express
16 or implied by means of shooting her and the victim did
17 die as a proximate result thereof on --- as I say May
18 28th, 2011.

19 Now, solicitor, where did this allegedly occur?

20 MR. PERRY: Your Honor, this was over on Highway
21 601 almost in Richland County out past Highway 20,
22 I-20.

23 THE COURT: All right. Is there an incident
24 location?

25 MR. PERRY: It was 1995-and-a-half Highway 601.

1 THE COURT: Oh. It's right an 601?

2 MR. PERRY: Yes, sir.

3 THE COURT: All right. Ladies and gentlemen,
4 that's the first charge. The second charge is on the
5 same day, the defendant is charged with manufacturing
6 methamphetamine in that on or about May 28th, 2011,
7 the defendant did manufacture or attempt or conspire
8 to manufacture a quantity of methamphetamine, a
9 controlled substance under the laws of the State of
10 South Carolina and that he was in possession of
11 materials, chemicals and ingredients used in the
12 manufacture of methamphetamine at that same location.

13 Now, this --- these two alleged crimes took place
14 18 months ago, May 28th, 2011. There may have been
15 press reports about it. There may have been reports
16 on the radio or television, for that matter. I have
17 no idea.

18 I do need to know if any member of the jury panel
19 knows anything about this case, heard anything about
20 this case, saw anything about this case a
21 year-and-a-half ago down on Highway 601? Any member
22 of the jury panel who might live on 601 south? I
23 guess it's south, yeah, that might know something
24 about this case or heard something about this case,
25 talk in the neighborhood, anything?

1 Yes, Ms. 30?

2 PROSPECTIVE JUROR: I heard about it on TV.

3 THE COURT: Stand up. Just stand up. This lady
4 has to hear what you have to say.

5 PROSPECTIVE JUROR: I remember hearing about it
6 on TV.

7 THE COURT: Okay. All right. All right. Thank
8 you, ma'am. Anybody else? Anybody else read about it
9 in the paper? I don't know if it was in the paper,
10 TV, anything? Anybody else?

11 (There was no response.)

12 THE COURT: All right. Ma'am, number 30, would
13 you come up here. Let me ask you what you saw on TV.
14 Just come on up here a minute.

15 Just let her come up here.

16 (WHEREUPON, there was a bench conference.)

17 THE COURT: Anybody else?

18 (There was no response.)

19 THE COURT: All right. Ladies and gentlemen, I
20 need to know if any member of the jury panel or any
21 member of your family has ever been the victim of a
22 violent crime. Any member of the jury panel or any
23 member of your family or even a close personal
24 acquaintance ever been the victim of a violent crime?

25 I need your number, please.

1 PROSPECTIVE JUROR: Twenty-four.

2 THE COURT: What?

3 PROSPECTIVE JUROR: Twenty-four.

4 THE COURT: Twenty-four. Was it you or a member
5 of your family?

6 PROSPECTIVE JUROR: My brother.

7 THE COURT: And what was it about?

8 PROSPECTIVE JUROR: Murder.

9 THE COURT: How long ago?

10 PROSPECTIVE JUROR: He was 17. I'd say like
11 about almost 15 years ago. They locked him up. It
12 was in North Carolina.

13 THE COURT: It was in North Carolina? Mr. 24,
14 would that fact in any way interfere with your ability
15 to give both the State and the defendant a fair and
16 impartial trial?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Do you think you could be fair even
19 though you've had that personal experience?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: Okay. Thank you very much, Mr. 24.

22 PROSPECTIVE JUROR: 118.

23 THE COURT: Blue shirt, 118.

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Yes, sir, you or a member of your

1 family?

2 PROSPECTIVE JUROR: It was a member of my
3 extended family, second cousin.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR: Gang violence.

6 THE COURT: Where?

7 PROSPECTIVE JUROR: In Bethune.

8 THE COURT: In Bethune?

9 PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: Is that matter concluded at this
11 time?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: It's over as far as any criminal
14 activity, any criminal case?

15 PROSPECTIVE JUROR: The judicial process is over
16 with, yes.

17 THE COURT: That's what I wanted to know.

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Mr. 118, would that fact in any way
20 interfere with your ability to give both the State and
21 the defendant a fair and impartial trial?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Thank you very much, sir.

24 Black shirt on.

25 PROSPECTIVE JUROR: Number one.

1 THE COURT: Number one?

2 PROSPECTIVE JUROR: Yes, sir. I have a younger
3 brother that was stabbed earlier this year.

4 THE COURT: Where?

5 PROSPECTIVE JUROR: In Kershaw County.

6 THE COURT: Kershaw County?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Is the legal process involved in
9 that?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Is it over?

12 PROSPECTIVE JUROR: I think he's currently at the
13 detention center right now.

14 THE COURT: What?

15 PROSPECTIVE JUROR: I think the guy that stabbed
16 him is currently incarcerated right now.

17 THE COURT: Okay. That's your younger brother?

18 PROSPECTIVE JUROR: Yes, sir, Your Honor.

19 THE COURT: Would that fact, that sort of tragedy
20 in your family, would that in any way interfere with
21 your ability to give both the State and the defendant
22 a fair and impartial trial?

23 PROSPECTIVE JUROR: No, sir.

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

25 Number? Brown shirt?

1 PROSPECTIVE JUROR: 130.

2 THE COURT: 130? Okay, yes, sir.

3 PROSPECTIVE JUROR: My uncle was shot about a
4 year ago.

5 THE COURT: Your uncle was shot about a year ago?

6 PROSPECTIVE JUROR: And killed.

7 THE COURT: He was killed?

8 PROSPECTIVE JUROR: Uh-huh.

9 THE COURT: Where was that?

10 PROSPECTIVE JUROR: In Lugoff.

11 THE COURT: Is that, the legal part of that case,
12 the judicial part, is that over or is it still
13 pending?

14 PROSPECTIVE JUROR: I think it's done.

15 THE COURT: Huh?

16 PROSPECTIVE JUROR: I think it's done.

17 THE COURT: So they've already...

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Got everything resolved?

20 PROSPECTIVE JUROR: The guy is in jail. The guy
21 that did it is in jail now.

22 THE COURT: Okay. Mr. 130, would that fact in
23 any way interfere with your ability to give both the
24 State and the defendant a fair and impartial trial?

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: You could be fair to both parties?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: All right. The lady with the green
4 dress on?

5 PROSPECTIVE JUROR: Number 247.

6 THE COURT: Number 247. Yes, ma'am.

7 PROSPECTIVE JUROR: In 2007, my car was taken at
8 gunpoint.

9 THE COURT: Your car was?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: How long ago, I'm sorry?

12 PROSPECTIVE JUROR: 2007.

13 THE COURT: Yeah, you told me.

14 PROSPECTIVE JUROR: Five years ago. Is that
15 matter resolved at this point?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: All right. Ms. 247, would that fact
18 in any way interfere with your ability to give both
19 the State and the defendant a fair and impartial
20 trial?

21 PROSPECTIVE JUROR: No, sir.

22 THE COURT: Thank you very much.

23 Yes, sir.

24 PROSPECTIVE JUROR: Number 169. I have an uncle
25 who was murdered in Columbia four years ago.

1 THE COURT: You had an uncle murdered in Columbia
2 four years ago?

3 PROSPECTIVE JUROR: It's been awhile back.

4 THE COURT: Is that over with at this point?
5 Nothing pending in court?

6 PROSPECTIVE JUROR: Nothing pending.

7 THE COURT: Mr. 169, would that in any way
8 interfere with your ability to give the State and the
9 defendant a fair and impartial trial?

10 PROSPECTIVE JUROR: No.

11 THE COURT: Thank you very much Mr. 169.

12 Anybody else? Yes, ma'am.

13 PROSPECTIVE JUROR: 244.

14 THE COURT: 144?

15 PROSPECTIVE JUROR: No, 244.

16 THE COURT: 244. Okay.

17 PROSPECTIVE JUROR: Myself and my cousin. Myself
18 was a criminal domestic violence about ten years ago.

19 THE COURT: Ten years, okay.

20 PROSPECTIVE JUROR: My cousin recently a couple
21 months ago criminal domestic violence with intent to
22 kill. I don't know ---

23 THE COURT: Are both of those matters resolved at
24 this point?

25 PROSPECTIVE JUROR: Mine is resolved. I don't

1 know what's going on with hers.

2 THE COURT: All right. Ms. 244, would that fact
3 in any way interfere with your ability to give both
4 the State and the defendant a fair and impartial
5 trial?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Thank you very much, Ms. 244.

8 All right. Ladies and gentlemen, I asked you
9 about being the victim of a violent crime. I need to
10 know if any member of the jury panel or any member of
11 your family has been accused of committing a violent
12 crime. In other words, just the opposite, not a
13 victim, but any member of the jury panel or any member
14 of your family been accused of committing a violent
15 crime. If so, please stand.

16 All right. You're number 24?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: And is this time same case you were
19 talking about?

20 PROSPECTIVE JUROR: Huh-uh.

21 THE COURT: Okay. Different.

22 PROSPECTIVE JUROR: My brother-in-law, right now
23 he is in the here in Camden. They got him for murder
24 and kidnapping.

25 THE COURT: He's in jail now?

1 PROSPECTIVE JUROR: Yeah.

2 THE COURT: And he's in Kershaw County?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: You've had it tough, haven't you.

5 PROSPECTIVE JUROR: Huh?

6 THE COURT: You've had it tough. Mr. 24, would
7 that fact in any way interfere with your ability to
8 give both the State and the defendant a fair and
9 impartial trial?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: Thank you very much, Mr. 24.

12 Lady in the back with the red jacket.

13 PROSPECTIVE JUROR: Thirty-seven.

14 THE COURT: Thirty-seven. Yes, ma'am.

15 PROSPECTIVE JUROR: My father.

16 THE COURT: Was charged?

17 PROSPECTIVE JUROR: Sexual predator.

18 THE COURT: Okay. How long ago?

19 PROSPECTIVE JUROR: 1999.

20 THE COURT: Is that --- I assume that matter is
21 resolved at this point?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Ms. 37, would that fact in any way
24 interfere with your ability to give both the State and
25 the defendant a fair and impartial trial?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: Thank you very much, Ms. 37.

3 Lady with the black jacket on.

4 PROSPECTIVE JUROR: 210.

5 THE COURT: 210?

6 PROSPECTIVE JUROR: Uh-huh.

7 THE COURT: Yes, ma'am.

8 PROSPECTIVE JUROR: My brother.

9 THE COURT: Your brother.

10 PROSPECTIVE JUROR: Yeah, carjacking.

11 THE COURT: I can't quite hear you.

12 PROSPECTIVE JUROR: Kidnapping, car theft.

13 THE COURT: How long ago?

14 PROSPECTIVE JUROR: Like four years ago, three or
15 four years ago.

16 THE COURT: Is that matter resolved now?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. Ms. 210, would that fact
19 in any way interfere with your ability to give both
20 the State and the defendant a fair and impartial
21 trial?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Thank you very much, ma'am. Okay, and
24 number...

25 PROSPECTIVE JUROR: 118.

1 THE COURT: 118. Yes, sir.

2 PROSPECTIVE JUROR: First cousin, during a
3 robbery killed someone.

4 THE COURT: How long ago?

5 PROSPECTIVE JUROR: Three-and-a-half years,
6 thereabouts.

7 THE COURT: Okay. Where did that take place?

8 PROSPECTIVE JUROR: Bethune.

9 THE COURT: Bethune, is that matter resolve at
10 this point?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Mr. 118, again, would that fact in
13 any way interfere with your ability to give both the
14 State and the defendant a fair and impartial trial?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Thank you very much.

17 All right. I asked you about violent crimes,
18 ladies and gentlemen. I do need to know if any member
19 of the jury panel or any member of your family has
20 ever been prosecuted for either drug possession, drug
21 sales or drug manufacturing? Any member of the jury
22 panel or any member of your family ever been? Now, I
23 don't mean --- let me just qualify that, I don't mean
24 simple possession of marijuana, but anything beyond
25 that. I need to know if any member of the jury panel

1 or any member of your family has being accused of or
2 prosecuted for possession of the sale or manufacture
3 of illegal drugs?

4 Yes, ma'am.

5 PROSPECTIVE JUROR: Number is 13.

6 THE COURT: 113. Yes, ma'am.

7 PROSPECTIVE JUROR: I have two nephews that have
8 served time in prison.

9 THE COURT: For drugs?

10 PROSPECTIVE JUROR: Yes, two nephews.

11 THE COURT: Three nephews?

12 PROSPECTIVE JUROR: Two.

13 THE COURT: Two. How --- are they out now?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. Ma'am, would that fact in any
16 way interfere with your ability to give both the State
17 and the defendant a fair and impartial trial?

18 PROSPECTIVE JUROR: No, sir.

19 THE COURT: All right, ma'am. Thank you very
20 much.

21 Yes, ma'am, what's your number, please?

22 PROSPECTIVE JUROR: 175.

23 THE COURT: 175. Tell me briefly.

24 PROSPECTIVE JUROR: I had a cousin who was
25 arrested for possession with intent to distribute coke

1 and possession with intent to distribute roofies.

2 THE COURT: Of what?

3 PROSPECTIVE JUROR: Roofies.

4 THE COURT: Okay. How long ago?

5 PROSPECTIVE JUROR: The first one was probably
6 six years ago. The second one was probably three
7 years ago.

8 THE COURT: Those matters are resolved at the
9 present time?

10 PROSPECTIVE JUROR: Yes, Your Honor.

11 THE COURT: Ms. 175, would that fact in any way
12 interfere with your ability to give both the State and
13 the defendant a fair and impartial trial?

14 PROSPECTIVE JUROR: No, Your Honor.

15 THE COURT: Mr. 118.

16 PROSPECTIVE JUROR: Possession with intent.

17 THE COURT: Who? Who?

18 PROSPECTIVE JUROR: First cousin.

19 THE COURT: Cousin. How long ago?

20 PROSPECTIVE JUROR: Maybe three years and then
21 three years before that.

22 THE COURT: Okay. I mean, is that matter
23 resolved at the present time?

24 PROSPECTIVE JUROR: It is.

25 THE COURT: Same question.

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: It would interfere with your ability
3 to give both the State and the defendant ---

4 PROSPECTIVE JUROR: No, no, no, it's the same
5 question, right?

6 THE COURT: That's what I meant, the same
7 question. You see, at this point, I'm just going to
8 ask you to stay standing. (laughter) Sit down.

9 All right. Ladies and gentlemen, I'm going to go
10 through a list of potential witnesses. Now, all of
11 these witnesses in all likelihood will not be called
12 in this case, but they are potential witnesses that
13 might be called for one reason or the other. I'm
14 going to ask you if --- I'm not going to go real fast,
15 but I'm going to move through them because it's
16 lengthy list, but the question is the same as to each.
17 Is any member of the jury panel related by blood,
18 connected by marriage or employment or a close
19 personal acquaintance of any of the following: And
20 the first ten or more work for the Kershaw County
21 Sheriff's Department: Brooks Houser, Brian Morris,
22 Lee Young.

23 Now, let me say, if any of these jurors are --- I
24 mean, witnesses are present, would you please stand so
25 the jury can identify you. Anybody that I've spoken

1 to so far, Brooks Houser, Brian Morris, or Lee Young,
2 any of them here?

3 Chris Phillips, Ed Corey, Dexter Handy, Steve
4 Knafelc?

5 The gentleman on the back row, I realize you know
6 Mr. Handy, I understand that, okay. I've already
7 asked you about your relationship with him.

8 Steve Knafelc, Brian Elliott, Marvin Brown, Jamie
9 Jones, Kirk Willis, Jacob Hammond, Rick Devores, Kevin
10 Lynch, Ashley Harris with the Spartanburg County ---
11 what is that?

12 MR. PERRY: Sheriff's office.

13 THE COURT: Sheriff's department. Ashley Harris
14 with Spartanburg County.

15 Andy Watts, Dr. Janice Ross with Newberry
16 Pathology; Dr. Thomas Norris, Kershaw County Medical
17 Center; Johnny Fellers, Kershaw County coroner;
18 Patricia Crawford, 9-1-1 dispatch, William Tetterton
19 who is a practicing attorney here in Kershaw County,
20 George Speedy who is a practicing attorney here in
21 Kershaw County.

22 All right. The gentleman with the yellow jacket
23 on.

24 PROSPECTIVE JUROR: Yes, I know George Speedy. I
25 used to work for him.

1 THE COURT: What's your number?

2 PROSPECTIVE JUROR: 186, sorry.

3 THE COURT: Hold on a minute. Solicitor, why?
4 What's --- approach the bench. Let me find out
5 something. Just a minute.

6 (WHEREUPON, there was a bench conference.)

7 THE COURT: Mr. 186, how long ago did you work
8 for Mr. Speedy?

9 PROSPECTIVE JUROR: About --- a few years ago,
10 about five years ago. I got a divorce. How many ever
11 years ago that was.

12 THE COURT: Okay. But you did some work for him
13 at that time?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Mr. 186, would that fact in anyway
16 interfere with your ability to give the State and the
17 defendant a fair and impartial trial?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Gentleman with the white shirt?

20 PROSPECTIVE JUROR: Your Honor, yes, Brian
21 Elliott.

22 THE COURT: All right. What's your number,
23 please?

24 PROSPECTIVE JUROR: Oh, I'm sorry, 77.

25 THE COURT: I did read the name of Brian Elliott,

1 yes, I did.

2 PROSPECTIVE JUROR: I'm not sure if we're kin or
3 not.

4 THE COURT: Are you an Elliott?

5 PROSPECTIVE JUROR: I'm Richard Elliott. There
6 are several Elliots in Kershaw County.

7 THE COURT: You're wrong. There's a lot of
8 Elliots in Kershaw County.

9 PROSPECTIVE JUROR: I know. As a witness, I
10 don't know.

11 THE COURT: All right, sir. Well, if you find
12 out he is, let me know.

13 PROSPECTIVE JUROR: I just didn't know.

14 THE COURT: Thank you very much.

15 Yes, ma'am, and you are number ---

16 PROSPECTIVE JUROR: 124. I actually know two of
17 the people, Ed Corey I know through my sister-in-law.
18 I'm friends with him on Facebook and Kevin Lynch I
19 don't know directly, but I actually have an ongoing
20 trial with his brother.

21 THE COURT: His what?

22 PROSPECTIVE JUROR: His brother. His nickname is
23 Boogie. I can't remember his real name.

24 THE COURT: You have a trial going on with
25 Boogie?

1 PROSPECTIVE JUROR: Yes. I'm waiting on a jury
2 trial with his brother.

3 THE COURT: All right. Let me just say --- I'm
4 going to ask you a series of other questions, but I
5 don't think you need to answer. Okay, I think ---
6 just have a seat.

7 Yes, ma'am.

8 PROSPECTIVE JUROR: 244, George Speedy
9 represented my mother in her divorce 16 years ago, and
10 he periodically, I know, he represents my cousin.

11 THE COURT: Okay. Would that fact in any way
12 interfere with your ability to give the State and the
13 defendant a fair and impartial trial?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Thank you very much. Yes, sir with
16 the black shirt on?

17 PROSPECTIVE JUROR: Sixty-five.

18 THE COURT: Yes, sir, Mr. 65.

19 PROSPECTIVE JUROR: --- we both were in the
20 Corps in Kershaw County.

21 THE COURT: Okay. Would that fact in any way
22 interfere in your ability to give the State and the
23 defendant a fair and impartial trial?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Thank you very much.

1 Lady with the maroon shirt on.

2 PROSPECTIVE JUROR: I know Ed Corey.

3 THE COURT: What?

4 PROSPECTIVE JUROR: I know Ed Corey.

5 THE COURT: What's your number, please?

6 PROSPECTIVE JUROR: Twenty-two.

7 THE COURT: Twenty-two.

8 THE COURT: How do you know him? Is it just as a
9 friend or a church member or go to school with him or
10 what?

11 PROSPECTIVE JUROR: Friend.

12 THE COURT: Okay. How often do you see him?

13 PROSPECTIVE JUROR: Not much.

14 THE COURT: Well, I mean, it's not every day?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Okay. Ms. 22, would that fact in any
17 way interfere in your ability to give both the State
18 and the defendant a fair and impartial trial?

19 (Indicating in the negative.)

20 THE COURT: Thank you very much.

21 I forgot.

22 PROSPECTIVE JUROR: 201. Are you saying Ed
23 Corley?

24 THE COURT: C-O-R-E-Y.

25 PROSPECTIVE JUROR: I know some Corleys.

1 THE COURT: You know some Corleys? This is Corey.
2 Yes, sir, and your number, please.

3 PROSPECTIVE JUROR: Forty-seven.

4 THE COURT: Forty-seven.

5 PROSPECTIVE JUROR: William Tetterton has
6 represented me before, and my sister used to be
7 married to his brother.

8 THE COURT: That's pretty good.

9 PROSPECTIVE JUROR: Okay.

10 THE COURT: Mr. 47, would that fact in any way
11 interfere with your ability to give the State and the
12 defendant a fair and impartial trial?

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: Thank you very much.

15 THE COURT: All right. I'm going to continue
16 with the list now. Horace Lee, Virginia Grady,
17 Christina Shepherd, Jessica Rhinehart --- Reithardt,
18 Angie Reithardt, Samantha Steeprock, Jerome Lewis,
19 Morris Nixon, Rebecca Getz.

20 The next ten or so work for the State Law
21 Enforcement Division: Quincy Ford, Max Dorsey, Ila
22 Simmons, Jennifer Brown, Cedric Blackmon, Sabrina
23 Fellers, Michelle Eichenmiller, Selena Kinard, Doris
24 Yarbrough, Patricia Crook, Amy Stephens, Lisa Waananen
25 or Waananen, Chuck Baldwin, Heather Tyler. This is

1 Ms. Tyler. Anybody know Ms. Tyler?

2 (There was no response.)

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

4 Anything further from the State?

5 MR. PERRY: Nothing, Your Honor.

6 THE COURT: For the record.

7 MR. PERRY: Sir?

8 THE COURT: For the record.

9 MR. PERRY: Nothing, Your Honor.

10 THE COURT: Anything further from the defendant?

11 MR. RILEY: Judge, I had handed up a list of
12 potential witnesses.

13 THE COURT: I'm sorry, I'm sorry. I overlooked
14 that. A few more witnesses ladies and gentlemen;
15 Jonathan W Goad with the Kershaw County Sheriff's
16 Department.

17 MR. RILEY: Oh. No, Judge. He's in detention.

18 THE COURT: Oh, okay. All right. He is not with
19 the sheriff's department.

20 Brian Evans, Virginia Grady. All right. Any
21 other ones? Anything further?

22 MR. RILEY: Oh, no, sir.

23 THE COURT: Approach the bench, please.

24 (WHEREUPON, there was a bench conference.)

25 THE COURT: All right. Ladies and gentlemen,

1 I've told you --- I've introduced the parties to you.
2 I've told you what this case is about. I've given
3 you the list of witnesses. I've asked you about
4 various members of your family and charges and things
5 like that.

6 Now, is there any member of the jury panel for
7 any reason who feels they could not sit and listen to
8 this case, listen to the evidence, listen to the
9 attorneys, my instructions to you on the law of the
10 State of South Carolina as it applies to this case and
11 sit fairly and unbiasedly and render a true and just
12 verdict? Any member of the jury panel feel for any
13 reason they could not do that?

14 All right, sir, approach.

15 PROSPECTIVE JUROR: 238.

16 THE COURT: All right. Come on up Mr. 238.

17 (WHEREUPON, there was a bench conference.)

18 THE COURT: Thank you very much, Mr. 238.

19 THE COURT: Anything further from the State?

20 MR. PERRY: Nothing, Your Honor.

21 THE COURT: From the defense?

22 MR. RILEY: No, sir.

23 THE COURT: All right. Madam clerk, give us a
24 jury, please.

25 Now, what's taking place at the present time,

1 ladies and gentlemen, is the computer is mixing up all
2 of your names.

3 As I said, we're going to draw 12 jurors and two
4 alternates. We're going to need that seat, and
5 Ms. McDonald has already explained to you, I believe,
6 what the process is --- how the process works for jury
7 selection.

8 Once this is completed, as I said, you'll be
9 released for the day and be asked to call back after
10 six o'clock for any further instructions.

11 THE COURT: Ten and five counsel?

12 MR. MOAK: Yes, Your Honor.

13 THE COURT: All right. Madam clerk.

14 THE CLERK: Thank you, Your Honor. Please follow
15 the instructions that I gave you earlier as we choose
16 a jury. Number 22.

17 (White female.)

18 MR. PERRY: Please present this juror.

19 THE CLERK: What says the defense?

20 MR. RILEY: Please excuse this juror.

21 THE CLERK: Thank you.

22 Number 14.

23 (White male.)

24 What says the State?

25 MR. PERRY: Please present this juror.

1 THE CLERK: What says the defense?

2 MR. RILEY: Please excuse this juror.

3 THE CLERK: Thank you.

4 Number 94.

5 THE COURT: Ninety-four?

6 THE CLERK: Number 94.

7 (Black female.)

8 THE CLERK: What says the State?

9 MR. PERRY: Please present this juror.

10 THE CLERK: What says the defense?

11 MR. RILEY: Please swear this juror.

12 THE CLERK: Thank you.

13 Number 140.

14 (White female.)

15 What says the State?

16 MR. PERRY: Please present this juror.

17 THE CLERK: What says the defense?

18 MR. RILEY: Please swear the juror.

19 THE CLERK: Thank you.

20 Number 130.

21 (Black male.)

22 What says the State?

23 MR. PERRY: Please present this juror.

24 THE CLERK: What says the defense?

25 MR. RILEY: Please swear this juror.

1 THE CLERK: Thank you.

2 Number 201.

3 (White male.)

4 THE CLERK: What says the State?

5 MR. PERRY: Please present this juror.

6 THE CLERK: What says the defense?

7 MR. RILEY: Please excuse this juror.

8 THE CLERK: Thank you.

9 Number 113.

10 (White female.)

11 What says the State?

12 MR. PERRY: Please excuse this juror.

13 THE CLERK: Thank you.

14 Number 36.

15 (White male.)

16 THE CLERK: What says the State?

17 MR. PERRY: Please present the juror.

18 THE CLERK: What says the defense?

19 MR. RILEY: Please swear the juror.

20 THE CLERK: Thank you.

21 Number one.

22 (Black male.)

23 THE CLERK: What says the State?

24 MR. PERRY: Please excuse this juror.

25 THE CLERK: Thank you.

1 Number 191.
2 (White male.)
3 What says the State?
4 MR. PERRY: Please present the juror.
5 THE CLERK: What says the defense?
6 MR. RILEY: Please swear the juror.
7 THE CLERK: Thank you.
8 Number 45.
9 (Black female.)
10 THE CLERK: What says the State?
11 MR. PERRY: Please present this juror.
12 THE CLERK: What says the defense?
13 MR. RILEY: Please swear the juror.
14 THE CLERK: Thank you.
15 Number 247.
16 (Black female.)
17 What says the State?
18 MR. PERRY: Please present this juror.
19 THE CLERK: What says the defense?
20 MR. RILEY: What was the juror number?
21 THE CLERK: Number 247.
22 MR. RILEY: Please excuse this juror.
23 THE CLERK: Thank you.
24 Number 174.
25 (White female.)

1 What says the State?

2 MR. PERRY: Please present this juror.

3 THE CLERK: What says the defense?

4 MR. RILEY: Please excuse this juror.

5 THE CLERK: Thank you.

6 Number 149.

7 (White male.)

8 What says the State?

9 MR. PERRY: Please present this juror.

10 THE CLERK: What says the defense?

11 MR. RILEY: Please swear the juror.

12 THE CLERK: Thank you.

13 Number 234.

14 (White male.)

15 What says the State?

16 MR. PERRY: Please present this juror.

17 THE CLERK: What says the defense?

18 MR. RILEY: Please excuse this juror.

19 THE CLERK: Thank you.

20 Number 30.

21 (There was no response.)

22 THE CLERK: Number 30.

23 (There was no response.)

24 THE CLERK: Number 30.

25 (White female.)

1 THE CLERK: What says the State?

2 MR. PERRY: Please present this juror.

3 THE CLERK: What says the defense?

4 MR. RILEY: Please excuse this juror.

5 THE CLERK: Thank you.

6 Number 223.

7 (White female.)

8 What says the State?

9 MR. PERRY: Please present this juror.

10 THE CLERK: What says the defense?

11 (Pause.)

12 MR. RILEY: Please swear the juror.

13 THE CLERK: Thank you.

14 Number 244.

15 (White female.)

16 What says the State?

17 MR. PERRY: Please present this juror.

18 THE CLERK: What says the defense?

19 MR. RILEY: Please excuse this juror.

20 THE CLERK: Thank you.

21 Number 164.

22 (Black female.)

23 MR. RILEY: What's the number, madam clerk?

24 THE CLERK: 164.

25 What says the State?

1 MR. PERRY: Please present this juror.

2 THE CLERK: What says the defense?

3 MR. RILEY: Please swear the juror.

4 THE CLERK: Thank you.

5 Number 145.

6 (White female.)

7 What says the State?

8 MR. PERRY: Please present the juror.

9 THE CLERK: What says the defense?

10 MR. RILEY: Please swear the juror.

11 THE CLERK: Thank you.

12 Number 96.

13 (White female.)

14 What says the State?

15 MR. PERRY: Please present this juror.

16 THE CLERK: What says the defense?

17 MR. RILEY: Please swear the juror.

18 THE CLERK: Thank you.

19 Number 37.

20 (White female.)

21 What says the State?

22 MR. PERRY: Please present this juror.

23 THE CLERK: What says the defense?

24 MR. RILEY: Please excuse the juror.

25 THE CLERK: Thank you.

1 Gentlemen, the strikes are the State has two, and
2 the defense has nine.

3 Number 18.

4 (White male.)

5 What says the State?

6 MR. PERRY: Please present this juror.

7 THE CLERK: What says the defense?

8 MR. RILEY: Please excuse this juror.

9 THE CLERK: Thank you.

10 Number 211.

11 (White female.)

12 What says the State?

13 MR. PERRY: Please present this juror.

14 THE CLERK: Does the defense challenge this
15 juror?

16 MR. RILEY: No, ma'am.

17 THE CLERK: Thank you.

18 THE COURT: Hold on, Ms. McDonald.

19 THE CLERK: Yes, sir.

20 For our alternates, number 204.

21 (Black male.)

22 What says the State?

23 MR. PERRY: Please excuse this juror.

24 THE CLERK: Thank you.

25 Number 180.

1 (White male.)

2 THE CLERK: Does the State challenge this juror?

3 MR. PERRY: No, ma'am.

4 THE CLERK: What says the defense?

5 MR. RILEY: Please swear the juror.

6 THE CLERK: Thank you.

7 Number 108.

8 (Black male.)

9 What says the State?

10 MR. PERRY: Please present the juror. I mean, we
11 don't have a strike, right?

12 THE COURT: This is the second.

13 MR. PERRY: Yeah, please present the juror.

14 THE CLERK: What says the defense?

15 MR. RILEY: Please swear the juror.

16 THE CLERK: Thank you.

17 THE COURT: All right. Approach the bench,
18 counsel.

19 (WHEREUPON, there was a bench conference.)

20 THE CLERK: Number 87.

21 (Black male.)

22 What says the State?

23 MR. PERRY: Please presents this juror.

24 THE CLERK: What says the defense?

25 MR. RILEY: What number?

1 THE CLERK: Number 87.

2 MR. RILEY: Please swear the juror.

3 THE CLERK: Thank you. Please be seated.

4 THE COURT: That was 87?

5 THE CLERK: Yes.

6 THE COURT: Any objection to the jury selection
7 process from the State?

8 MR. PERRY: No, sir, Your Honor.

9 THE COURT: Any objections to the jury selection
10 process from the defendant?

11 MR. RILEY: No, sir.

12 THE COURT: All right. Ladies and gentlemen of
13 the panel that were not selected on this jury, that's
14 it for today.

15 I'm going to ask you to call back in tomorrow ---
16 I mean this afternoon after six o'clock just to make
17 sure that this case is going forward, and we don't
18 need you tomorrow. I'm going to ask you to do that
19 every day this week. You've don't have to do it
20 Friday, probably not even Thursday, but nevertheless,
21 if you will check back. Call back in, let us know if
22 you are available. We are assuming you are available
23 in case we have other cases that needed to be tried
24 this week.

25 So with that said, thank you very much for your

1 patience. I told you how important you are to the
2 process that we go through up here every day of every
3 week of every year.

4 The system doesn't work without your being
5 willing to come and sit, hear these cases. Thank you
6 very much. You're now dismissed for the day.

7 (WHEREUPON, the unselected members of the jury
8 left the courtroom.)

9 THE COURT: Approach the bench.

10 (WHEREUPON, there was a bench conference.)

11 THE COURT: All right. Ladies and gentlemen of
12 the jury, we're not going to actually start the trial
13 this afternoon. There are a number of legal matters
14 that I need to take up with the attorneys before we do
15 that and there's no sense in you sitting around and
16 waiting for us to do that. It's almost three o'clock,
17 so I think the best use of our time is to ask you to
18 be back here tomorrow morning at nine o'clock, at
19 which time we will commence with the trial.

20 Now, when you return to the jury room in the
21 morning, I'm going to ask you to do a couple of
22 things. First off I'm going to ask you to select one
23 of your members, one of these 12, to be a foreperson
24 of the jury. In other words, that person's
25 responsibility will be to write the verdict out if

1 that becomes necessary at the end of the trial and to
2 preside in the jury room. No other responsibilities,
3 but that person, whoever that might be, will take the
4 seat where the lady who was seated with the black
5 jacket on is seated now and will maintain that seat
6 throughout the trial.

7 Now, I've got to tell you that the foreperson
8 doesn't get paid any more than anybody else, but I do
9 need somebody to accept that responsibility. It
10 cannot be any one of the last three gentlemen chosen
11 because they're going to be our alternates. You say
12 well, why do we have to have alternates? Well, it's
13 not unusual, believe me, for things to happen during
14 the course of the trial. The jurors get sick. Their
15 cars breakdown. They have other family emergencies
16 that prevent them from coming, so we have alternates
17 to fill in, in the event that any one of you cannot
18 continue with the trial.

19 They are going to be instructed to pay the same
20 attention that you do so that they can fill in if
21 absolutely anything else before the end of the trial.

22 So if you will select one of your members to be
23 the foreperson, it doesn't matter obviously who it is,
24 male, female, it doesn't matter, please do that.

25 I'm going to ask you over the evening hours not

1 to discuss this case with anyone. It's natural for
2 your family and friends to say what did you do today?
3 Truthfully, you can say I had to go to court. I had
4 to be on the jury panel. I've been selected on a
5 jury.

6 Then the next question somebody is going to ask
7 you, well, what's it about? You never know --- well,
8 I know you know who you're talking to, but you don't
9 know sometimes what they know.

10 Somebody might say to you, well, I remember that
11 and I think so and so and so and so. The best advice
12 I can give you, and I'm going to instruct you, just
13 don't tell anybody what the case is about. In other
14 words, it just avoids any kind of problem for you and
15 possibly for us at some later date.

16 So just tell them that the mean old judge just
17 told me I can't talk about it, and tell them you'll
18 tell them all about it when it's over. So I would
19 appreciate it if you would do that for me.

20 Now, the next thing is in this world of today, of
21 electronic media and social media sites, it is ---
22 with the click of a button, I don't know if you can do
23 internet research, but you might be able to.

24 I'm going to instruct you, and this one is a
25 serious one. I'm going to instruct you not to do any

1 internet research about this case, don't try to find
2 out anything about it or what might have been written
3 in the paper. I don't know if there was anything in
4 the paper; I don't know if there was anything on TV,
5 but you're going to hear all the evidence right here
6 from this witness stand from these attorneys and the
7 evidence is going to be introduced to you.

8 It would be improper for you to try to do any
9 research on your own or find out something on your own
10 because it might predispose you to some --- a verdict
11 one way or the other, and, you know, what a reporter
12 says about what goes on in the courtroom, nine out of
13 ten times is that reporter's opinion and it's not
14 necessarily entirely accurate, so I'm going to ask you
15 --- I'm going to instruct you specifically not do any
16 internet research or tweet about it or Facebook about
17 it, anything like this.

18 If it does come to your attention that any juror
19 has done so, I'm going to ask you to report it to the
20 court because it's serious violation of your oath as
21 jurors in this case.

22 I need you to just to be --- to have an open
23 mind. Listen to the evidence in this case and base
24 your decisions on the evidence you hear in this
25 courtroom. I trust you will follow my instructions in

1 that regard.

2 Finally, I'm going to ask you to be back here at
3 nine o'clock in the morning. Have a pleasant
4 afternoon. We'll get started at nine o'clock in the
5 morning. See you then. Thank you very much.

6 (WHEREUPON, the jury left open court at
7 approximately 2:40 p.m.)

8 THE COURT: Is the jury clear? Is the jury
9 clear?

10 THE DEPUTY: Yes, sir.

11 THE COURT: Okay. All right. Let's take about
12 30 minutes for a lunch break. Marvin needs something
13 to eat, and we'll commence with the Jackson v. Denno
14 at that time. Is that suitable?

15 MR. PERRY: Yes, sir. Thank you, Your Honor.

16 (WHEREUPON, a lunch break was taken.)

17 (WHEREUPON, State's Exhibits 1, 2, 3, 4 were
18 marked for identification only.)

19 THE COURT: Solicitor, you may proceed.

20 THE COURT: All right. You may proceed. Call
21 your first witness.

22 MR. MOAK: At this time, we'd call Chuck Baldwin.

23 MR. PERRY: I have a motion first.

24 THE COURT: What is it?

25 MR. PERRY: We are seeking to introduce a

Direct of Baldwin by Moak
(Pretrial)

1 confession made by the defendant and the defense is
2 now challenging it as Jackson v. Denno.

3 MR. RILEY: That is correct, Your Honor.

4 THE COURT: You are challenging the
5 voluntariness?

6 MR. RILEY: Yes, sir. Seeking an order of the
7 court suppressing the statement.

8 THE COURT: All right. You may proceed. Call
9 your first witness.

10 THE COURT: All right.

11 MR. MOAK: At this time, we call Chuck Baldwin.

12 CHUCK BALDWIN,

13 after being duly sworn, testified as follows:

14 DIRECT EXAMINATION:

15 BY MR. MOAK:

16 Q Mr. Baldwin, where are you employed?

17 A Advanced Environmental Options in Spartanburg,
18 South Carolina.

19 Q And on May 28th, 2011, did you have an occasion
20 to go to 1995 and 1995-A 601 in Lugoff?

21 A Yes, I did.

22 Q And what was the purpose of that visit?

23 A To do the clean up of a meth lab.

24 Q Are you certified trained to do that?

25 A Yes, I am.

Direct of Baldwin by Moak
(Pretrial)

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1 Q And that's what Advanced Environmental Options
2 does, is it not?

3 A Yes, it is.

4 Q As part of that clean up, was there a bunch of
5 paperwork filled out?

6 A Yes, sir.

7 Q I'm going to show you what's been marked State's
8 1. Do you recognize that?

9 A Yes, sir. This is the paperwork I fill out for
10 each lab I do.

11 Q Is that the paperwork for the clean up on May
12 28th, 2011, at the 1995 601 South Lugoff?

13 A Yes, sir, it is.

14 Q And you were the one that did the clean up,
15 right?

16 A Yes, sir, I am.

17 Q You filled that paperwork out?

18 A Yes, sir.

19 Q So in addition to that being something you filled
20 out, is that also a record that your business actually
21 keeps as a normal operation of business?

22 A Yes. it is.

23 MR. MOAK: Your Honor, at this time I'd move
24 State's 1 in for purposes of the Jackson v. Denno
25 hearing.

1 MR. RILEY: No objection.

2 THE COURT: What does this have to do with a
3 Denno issue?

4 MR. MOAK: Your Honor, we anticipate the argument
5 that the defendant was under the influence of meth
6 fumes, so we're basically putting all of our stuff on
7 the table.

8 (WHEREUPON, State's Exhibit 1 was admitted
9 into evidence.)

10 BY MR. MOAK:

11 Q Now, is that a list of all the items that y'all
12 collected or destroyed or what did you do with those
13 items?

14 A Yes, sir, it is. The manifest shows all the
15 hazardous chemicals that we were taking out of the
16 house and there was also a non-haz manifest that shows
17 eight bags of trash that was taken out.

18 Q And you said there were eight bags of trash taken
19 out?

20 A Yes, sir.

21 Q Now, have you reviewed a list of items that SLED
22 was involved with?

23 A Yes, sir, I did.

24 Q Is that State's 2?

25 A Yes, sir, it is.

Cross of Baldwin by Riley
(Pretrial)

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1 Q Does that refer to the items that you say were in
2 the eight bags of trash?

3 A Yes, sir, this would be the nine empty bottles or
4 empty containers that would have gone in the trash.

5 Q So if you combine State's 1 and State's 2, is
6 that a complete list of all the chemicals and
7 hazardous materials that were collected at 1995 601
8 South Lugoff on May 28th?

9 A Yes, it is.

10 MR. MOAK: No further questions of this witness.

11 CROSS-EXAMINATION:

12 BY MR. RILEY:

13 Q Mr. Baldwin, what if anything, do you know about
14 the effects of prolonged meth inhalation on the human
15 body?

16 A Well, that's ---

17 Q Okay.

18 A I just do the clean up, sir.

19 Q When you were at the scene on May 28th of 2011,
20 did you ever meet the defendant?

21 A No, sir, I did not.

22 Q Okay. All right.

23 MR. RILEY: Nothing further, Judge.

24 MR. MOAK: That's all we have of this witness at
25 this time, Your Honor.

1 THE COURT: All right. You marked Exhibit one
2 without objection. What was number two?

3 MR. MOAK: Number two is --- I'm going to mark
4 with the next witness, Your Honor, it's just a list of
5 the other items.

6 THE COURT: From SLED?

7 MR. MOAK: Yes, sir.

8 THE COURT: All right. Any redirect?

9 MR. MOAK: Nothing from this witness.

10 MR. RILEY: No, sir.

11 THE COURT: May this witness be excused? Without
12 objection?

13 MR. RILEY: No, sir.

14 MR. MOAK: Yes, Your Honor.

15 Your Honor, next we'd call Ashley ---

16 THE COURT: Let me just --- do you plan to call
17 this witness during the course of the trial?

18 MR. MOAK: I believe so, yes, Your Honor.

19 THE COURT: That's fine.

20 MR. MOAK: Our next witness is Ashley Harris with
21 the Spartanburg County Sheriff's Department.

22 THE COURT: What's the --- Ashley?

23 ASHLEY HARRIS,
24 after being duly sworn, testified as follows:

25 THE WITNESS: My name is Ashley Harris.

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(Pretrial)

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DIRECT EXAMINATION:

1
2 BY MR. MOAK:

3 Q Currently you work for the Spartanburg County
4 sheriff?

5 A That's correct.

6 Q Before that were you employed by SLED, State Law
7 Enforcement Division?

8 A Yes, sir.

9 Q Can you tell us what your trained experience and
10 education is in regard to methamphetamine,
11 methamphetamine labs and those issues?

12 A Yes, sir, I was originally hired by SLED in 1997
13 as a forensic drug chemist. After being there for
14 approximately 11 months, I went to the DEA class on
15 clandestine labs, became certified. It was a three
16 man team for the entire State of South Carolina to do
17 meth labs.

18 Q Uh-huh.

19 A After being with SLED approximately two years in
20 doing in excess of fifty meth labs during that time, I
21 went to Spartanburg County to start a forensic lab up
22 there and have been there since 1999. I have a
23 bachelor's degree from Wofford and a master's degree
24 in chemistry from Furman University and throughout the
25 past 16 years I have worked approximately 280 meth

1 labs. I kind of lost count over time. I've been
2 through continuing education and recertification for
3 meth labs and have produced actually a couple of
4 published documents on meth lab analysis.

5 Q Have you testified in the court of General
6 Sessions or circuit court as an expert of
7 methamphetamine, meth labs?

8 A Yes, sir. I've been qualified as an expert in
9 excess of 100 times in forensic drug analysis. In
10 excess of ten of those was in meth labs specifically
11 and the manufacturing and the chemicals utilized in
12 the manufacturing.

13 Q So you're familiar with all the chemicals used in
14 the manufacture of meth?

15 A Yes, sir.

16 Q Are you familiar with the characteristics and
17 properties of those chemicals?

18 A Yes, sir.

19 Q And the list of the effects of those chemicals on
20 the human body?

21 A Yes, sir.

22 MR. MOAK: Your Honor, at this time we'd offer
23 Mr. Harris as an expert in methamphetamine and meth
24 labs and the effects of meth on the human body.

25 MR. RILEY: Judge, I'm not sure it's necessary

Cross of Harris by Riley
(Pretrial)

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1 that he be qualified as an expert, but I have no
2 objection.

3 THE COURT: Do you have any questions for him?

4 MR. RILEY: As far as his qualifications?

5 THE COURT: Yeah.

6 MR. RILEY: No, sir.

7 THE COURT: Particularly with regard to the
8 effects on the human body.

9 MR. RILEY: Well, Judge, I do.

10 THE COURT: I'm just asking.

11 MR. RILEY: I was going to get into that when I
12 cross-examined him, but I can pursue that now.

13 THE COURT: So you do not object to his
14 qualifications to testify?

15 MR. RILEY: Just a few questions, Judge.

16 CROSS-EXAMINATION:

17 BY MR. RILEY:

18 Q You testified, sir, that you have a bachelors
19 degree, B.S.

20 Can you describe any education beyond the
21 bachelor's degree?

22 A Yes, sir.

23 Q I don't recall your testifying as far as anything
24 beyond that.

25 A Yes, sir, I have a master's degree in analytical

1 chemistry from Furman university.

2 Q Oh, okay. Yeah, I remember that.

3 A I have had continuing education for the past 16
4 years. One of the requirements for maintaining
5 forensic drug analysis certification through the fed
6 system is obtain 40 hours of recertification training
7 on a yearly basis. Eight hours of that are usually in
8 addition to the 40 hours training, --- eight hours is
9 a methamphetamine recertification class in which I
10 actually take part in the instruction.

11 Q Okay. Now, has your training on the subject of
12 the effects of meth on the human body been clinical,
13 as well, as classroom?

14 A Most of it has been classroom, pharmacology,
15 pharmacological studies. Most of what we --- what
16 I've experienced with is the multiple manufacturing
17 meth as in methamphetamine, what chemicals are
18 involved with it, what dangers are associated with it,
19 and what effects it would have on the body in the
20 production and the side product reactions that are
21 produced in the manufacturing process themselves.

22 Q Okay. In the course of your career, you used to
23 be with SLED. You used to be with DEA and currently
24 you're with the Spartanburg County Sheriff's
25 Department. In the course of your experience, how

Cross of Harris by Riley
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1 many actual subjects have --- live subjects who have
2 had long-term methamphetamine exposure have you
3 examined or studied?

4 A I have been in contact with excess of 300 people
5 taken out of meth labs, be it short term use,
6 long-term use, chronic users. I've interviewed
7 several of them in addition with our narcotics
8 officers and had numerous experiences in using them
9 for information to go to a larger supplier, those kind
10 of things, but I would say over the years in excess of
11 300 that I've had contact with and actually
12 interviewed and spent time in conjunction with.

13 Q Okay. All right. What exactly have you
14 concluded from your contacts with those approximately
15 300 subjects?

16 A I would say there's an ongoing or kind of a
17 common thread through all of them, but paranoia,
18 aggression are common in them. There is always an
19 issue with time disparity, sense distortion, when
20 someone is heavily under the influence.

21 Typically, they are awake for as long as ten to
22 12 days straight when they're riding a long high and a
23 lot of times their ability to differentiate time and
24 sense interactions where they'll start getting their
25 senses mixed up. That happens a lot in sleep

1 deprivation. I would have to say probably the most
2 common thread through all of them is paranoia and
3 aggression. They tend to be --- the people that we
4 deal with in a law enforcement sense, the people that
5 use methamphetamine tend to be the most aggressive and
6 have the most paranoia almost to the point of
7 delusions that they believe someone is watching them
8 all the time; things along those times which are kind
9 of a common threat.

10 Q Okay.

11 A In addition to the actual use of methamphetamine,
12 in the production methods --- there are three main
13 manufacturing methods that are used today, there's
14 many more than that, but of the ones that are being
15 used today some of the chemicals that are used in them
16 have some effect on each one of them. Typically the
17 dilation of the eyes, the trouble breathing, things
18 along those lines. To be able to make a blanket
19 statement about each one, you'd have to talk about
20 each manufacturing process to actually determine what
21 the characteristics of that would be.

22 Q Okay. Now, certainly ten or 12 days of
23 sleeplessness would tend to result in unclear or
24 unfocussed or fuzzy thought processes, right?

25 A Typically it does slow down the reaction to a

Cross of Harris by Riley
(Pretrial)

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1 question. A lot of times you'll catch them day
2 dreaming with you interview them. Those are like the
3 longest term I've seen. Under normal activity, most
4 people are two to three days and they binge until they
5 start to run out, then a lot of times they'll have to
6 --- that will be a weekend or something like that and
7 then they'll have to soften their blows, and they will
8 take alcohol or some other depressant so they can
9 soften their blows and go back into mainstream
10 activities.

11 Those long-term activities, those ten to twelve
12 days, those are very rare, but I've dealt with people
13 first time users all the way up through the chronic
14 heavy methamphetamine abuser.

15 Q You mentioned one of the common side effects is
16 aggression. Based on your experience, would that
17 include like a hair-trigger response to some
18 provocation?

19 A Yes, sir.

20 Q Okay.

21 A I mean, they tend to fly off the handle, take
22 everything a little bit more personally. A lot of
23 times when you go to arrest somebody, a
24 methamphetamine person who is being arrested that's
25 under the influence of methamphetamine, they are going

1 to be more apt to fight, more apt to be combative,
2 more apt to just try to stop you from versus someone
3 who is not under the influence of a drug or under the
4 influence of marijuana. There is never usually a
5 fight associated with something like that. It's
6 aggressiveness. They tend to take whatever you say a
7 little bit more personal and they tend to want to
8 fight more.

9 Q All right, sir. You didn't actually examine the
10 defendant in this case, did you?

11 A No, sir.

12 Q Okay.

13 A I was only asked to look over some paperwork.

14 Q So have you reviewed the case files in this case?

15 A Yes, sir, everything was e-mailed to me. I've
16 looked over the SLED report, the disposals that were
17 set up, the haz-mat manifest, I went through all of
18 that, yes, sir.

19 Q Okay. All right. And certainly based on
20 Mr. Baldwin's prior testimony, you're not in any doubt
21 that the site where the incident took place was a site
22 where there would have been meth fumes?

23 MR. MOAK: Your Honor, I think right now we're
24 still on the qualifications of the expert, aren't we?

25 THE COURT: Well, yeah, but he can explore his

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1 knowledge or lack thereof.

2 MR. MOAK: Okay.

3 BY MR. RILEY:

4 Q I think you understand the drift of my question.

5 Based on Mr. Baldwin's prior testimony about what was
6 found there, what was taken out, what was collected,
7 that appeared, certainly based on your review of the
8 file, to be a meth production location?

9 A Yes, sir, based on what was found and what was
10 disposed of from that, I have no problem believing at
11 all that there was a ---

12 Q Anybody living on that site would have been
13 subject to the chemical effects of methamphetamine
14 production, right, even if they weren't consuming it?

15 A Well, no, methamphetamine by itself --- are you
16 taking about like volatile methamphetamine in the air?

17 Q Uh-huh.

18 A Methamphetamine is not a volatile substance. It
19 actually has a molecular weight of 148. It's much
20 denser than a lot of the molecules in the air. It's
21 not going to be volatile to the air. The chemicals
22 that are used in the manufacturing process, a lot of
23 those are lighter than air. A lot of those are
24 gaseous at room temperature and there are some side
25 processes that are created during the manufacturing

1 process. Those would be the things that would be in
2 the air. The methamphetamine itself is solid at room
3 temperature. It's pretty stable, has a high melting
4 point, so methamphetamine itself would not be in the
5 atmosphere, but there are some other chemicals that
6 would be in the atmosphere at a methamphetamine
7 production site.

8 Q And would use produce these side effects you
9 previously testified to?

10 A No, sir, the use of methamphetamine would be the
11 aggression, the paranoia. What I was speaking in
12 reference to earlier was the actual use of
13 methamphetamine.

14 The chemicals involved in the manufacturing, none
15 of them have any characteristics that would lead to
16 that same conclusion.

17 Q I understand. Thank you.

18 MR. RILEY: That's all.

19 THE COURT: Any objection to his qualifications?

20 MR. RILEY: No, sir.

21 THE COURT: All right. You may proceed,
22 Mr. Moak.

23 REDIRECT EXAMINATION:

24 BY MR. MOAK:

25 Q Okay. So you were requested to review what's

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1 been marked as State's 1?

2 A Yes, sir, that was one of the documents that was
3 sent to me, yes, sir.

4 Q And also State's 2?

5 A Yes, sir, that was part of another document that
6 was sent to me.

7 MR. MOAK: And, Your Honor, at this time I would
8 move State's 2 in as part of the basis for his opinion
9 that we're going to ask him about.

10 MR. RILEY: Can I see State's 2 again?

11 MR. MOAK: It's the list of trash. I apologize.

12 MR. RILEY: Okay.

13 BY MR. MOAK:

14 Q Also, were you asked to view a video that's been
15 marked as State's 4?

16 A Yes, sir, I did observe that video this morning.

17 Q Okay. Now, are you familiar with all the
18 chemicals that are listed on State's 1 and 2?

19 A Yes, sir.

20 THE COURT: Wait a minute, was there an objection
21 to it?

22 MR. RILEY: No, sir.

23 THE COURT: No objection to number 2. All right.

24 (WHEREUPON, State's Exhibit 2 was admitted
25 into evidence.)

1 THE COURT: Go ahead.

2 BY MR. MOAK:

3 Q The chemicals that are listed here, are you
4 familiar with their effects?

5 A Yes.

6 Q Does this appear to be a Red Phosphorus method
7 lab?

8 A Yes, sir, it is consistent based on the
9 description of the items that were recovered at this
10 lab, it appears to be a methamphetamine manufacturing
11 lab utilizing the Red Phosphorus method.

12 Q And were you asked to review the list of
13 chemicals and basically look at the properties and
14 side effects of these chemicals to see if you had an
15 opinion as to whether or not it could affect
16 somebody's ability to understand and knowingly and
17 voluntarily waive Miranda?

18 A Yes, sir, I was.

19 Q As part of that, did you actually review the
20 video where that actually occurred?

21 A I did, yes, sir.

22 Q Do you have an opinion to a reasonable degree of
23 certainty in your field as to the effect these
24 chemicals would have?

25 A Yes, sir, based on the list that I received,

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1 going through the list, the chemicals that are here
2 are consistent with the manufacture of methamphetamine
3 using the Red Phosphorous method.

4 Most of the chemicals utilized in the manufacture
5 of methamphetamine are household chemicals. Acetone is
6 available at Lowe's on the paint aisle, denatured
7 alcohol, same thing. Most of the chemicals that are
8 present here, Red Devil Lye and some of the other
9 chemicals, the Red Phosphorus, they are in things that
10 we have in our house.

11 It's when they're put in combination with another
12 chemical, pseudoephedrine, that actually turns it into
13 the methamphetamine. The chemicals themselves are no
14 different than the ones you have in your house now.
15 The ones that become dangerous when they were mixed,
16 they form methamphetamine, a strong drug, and they
17 also have a possibility of a side reaction known as
18 phosphate.

19 Q Okay.

20 A None of the chemicals that are going to be
21 present in the air, the phosphate itself, are going to
22 cause any of the issues such as paranoia, aggression,
23 anything I listed earlier.

24 Q Okay.

25 A The methamphetamine use itself is the only one.

1 Q Okay.

2 A As far as chemicals in the air, I don't see
3 anything including the combination of these and the
4 manufacturing of meth itself that would cause any
5 inability for a person to be able to control
6 statements or make a false statement or that would
7 cause them to make a false statement.

8 Q And you actually reviewed the video of the actual
9 subject being interviewed?

10 A Yes, sir, I did.

11 Q Did he appear to be under the influence of
12 anything --- and you've observed how many people under
13 the influence?

14 A In excess of 300. Just about every meth lab I
15 have worked, there's been somebody or multiple people
16 removed. I did not see any of the indicators that
17 would say that he was suffering from the effects of
18 methamphetamine at the time.

19 Some of the generic effects of the use of
20 methamphetamine, something like a person has sensory
21 issues, the fact that their senses have been basically
22 put into overdrive by the use of the methamphetamine,
23 because of the way it affects the nerves and central
24 nervous system. A lot of times when they start to
25 come off, they'll actually have nerve issues to the

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1 point where the nerve endings themselves will start
2 tweaking.

3 Q Uh-huh.

4 A And they will start firing at random, so it will
5 effectively feel like a person has crank bugs crawling
6 under their skin.

7 Q Uh-huh.

8 A That itching, that scratching, that very
9 aggressive attitude --- none of the standard things we
10 look for to see if a person is under the influence of
11 methamphetamine ---

12 Q Uh-huh.

13 A --- were visible in the interview.

14 Q And also in the interview, did you notice at some
15 point he actually said he had just gotten up on ---

16 A Yeah, I do recall something similar to that, yes,
17 sir. I don't remember the exact wording.

18 Q So that would be, during the interview that he
19 was in, that he was not in the category of somebody
20 who had been up for ten, 12 days?

21 A That's correct.

22 Q So you've don't believe this would be a prolonged
23 lack of sleep situation either?

24 A Not based on what I've seen. Another thing you
25 see with a person who is suffering from that heavy

1 lack of sleep is the inability to complete a sentence.

2 Q Uh-huh.

3 A The inability of a fluid thought process.

4 They'll start a sentence and then they'll just stop
5 and you'll see this blank look on their face.

6 Q Uh-huh.

7 A Then they'll come back in a couple of seconds and
8 finish the sentence.

9 Q Okay.

10 A It's almost like they have to do a reset and
11 remember where they were and then start talking again.

12 Q Uh-huh.

13 A There's none of that visible in the actual
14 interview. He seems very lucid. He seems in control
15 of himself. He is not illustrating any of the
16 indicators that we typically look for in somebody
17 using methamphetamine.

18 Q So again, what is your opinion to a reasonable
19 degree of certainty in your field as to whether or not
20 this confession that you viewed was affected by the
21 manufacture and use of methamphetamine?

22 A I don't see any indicators whatsoever.

23 Q Do any of the chemicals listed that were removed
24 from the scene, do any of those in your opinion or any
25 combination thereof or any side product that could

Recross of Harris by Riley
(Pretrial)

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1 come from the manufacture of methamphetamine, would
2 you believe that could even have been possible?

3 A No, sir, the chemicals actually used in the
4 manufacture, like I stated, most of those are
5 household chemicals. The marijuana and the
6 methamphetamine that were actually found in the house,
7 when utilized, they give different illustration, and I
8 didn't see anything that made me think the person was
9 hallucinating or ---

10 Q Uh-huh.

11 A --- or was having any problems with perception of
12 time or any other issues. He never made any
13 statements that were out of character or totally out
14 of --- not consistent with the questions that were
15 being asked. He had lucid thoughts. I mean, to me it
16 seemed like someone who was all there.

17 Q Okay.

18 A For lack of a better phrase.

19 MR. MOAK: Your Honor, no further questions at
20 this time.

21 THE COURT: Mr. Riley?

22 MR. RILEY: A couple of recross, Judge.

23 RECROSS-EXAMINATION:

24 BY MR. RILEY:

25 Q Mr. Harris, the indicators that you list as being

1 typically present that you testified you did not see
2 when you reviewed the videotape in this case, it's not
3 your testimony that those indicators are always
4 present, is it?

5 A No, sir.

6 Q Okay.

7 A Those are typically what is used. Again, it's
8 not like we look for one thing ---

9 Q Uh-huh.

10 A --- and just base everything on the one thing
11 because drugs are going to interact with everyone
12 differently. I am very aware of that. The multiple
13 drugs that are in a person's system, you're going to
14 get something called the synergistic effect.

15 Q Uh-huh.

16 A Where you have something more powerful that's
17 created by the two them, or the three of them, or the
18 four of them or however many drugs are being taken in.
19 But these are kind of standard indicators that are
20 seen in the largest percentage of people who are users
21 of methamphetamine.

22 Q Uh-huh.

23 A And after 16 years, I've kind of seen enough that
24 I'm not picking the ones I've seen in 10 percent of
25 the people, but the ones that I've seen in 90 percent

Further Redirect of Harris by Moak
(Pretrial)

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1 of the people that I have dealt with.

2 Q Based on your experience and your training, is it
3 possible that none of those common typical indicators
4 would be observable, but yet the person would not be
5 in full possession of their mental faculties due to
6 extended exposure to meth?

7 A I suppose it is possible, yes.

8 MR. RILEY: Thank you, sir.

9 FURTHER REDIRECT EXAMINATION:

10 BY MR. MOAK:

11 Q But looking at the list of chemicals that was
12 recovered, is it likely?

13 A No, sir, I would have to say that, looking at the
14 chemicals that were there, they're just for
15 manufacturing meth. Again, I saw nothing that made me
16 think anything other than he was able to make a
17 logical decision, have a logical thought process.

18 MR. MOAK: Thank you.

19 THE COURT: Anything further?

20 MR. RILEY: No.

21 THE COURT: You may come down.

22 MR. MOAK: Your Honor, I think we may recall him
23 at some point in the case in chief, as well.

24 THE COURT: All right. Proceed.

25 MR. MOAK: At this time we'd call Dr. Thomas

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(Pretrial)

1 Norris.

2 DR. THOMAS NORRIS,
3 after being duly sworn, testified as follows:

4 THE WITNESS: My name is George Thomas Norris,
5 III. I usually go by Tommy.

6 DIRECT EXAMINATION:

7 BY MR. MOAK:

8 Q Dr. Norris, you're employed --- are you employed
9 by Kershaw Health or by a contractor?

10 A Kershaw Health.

11 Q You're employed by the actual hospital?

12 A Yes, sir.

13 Q That's here in Camden?

14 A Yes, sir.

15 Q How long have you been there?

16 A Between 14 and 15 years.

17 Q And you are a doctor?

18 A Yes, sir.

19 Q Can you tell us where you went to school at, what
20 your qualifications are?

21 A I went to medical school at U.S.C.

22 Q Uh-huh.

23 A Did a three year residency at U.S.C., one year of
24 fellowship at U.S.C. and subsequently in practice.

25 I've been working in the ER since July of 1994 and in

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1 Camden, again for 14 years.

2 Q Okay. So you've been in emergency medicine for a
3 significant length of time?

4 A Most of my career has been --- I've been --- at
5 least most of the time in the emergency department.

6 MR. MOAK: Your Honor, at this time I'd move
7 Dr. Norris as an expert in emergency medicine.

8 MR. RILEY: No objection, Judge.

9 THE COURT: Without objection.

10 BY MR. MOAK:

11 Q On May 28th, 2011, were you asked to examine the
12 defendant Gregory Smith?

13 A Is that him right there?

14 Q Would you recognize him if you saw him again?

15 A I don't know. I'm not sure.

16 Q You see a lot of people?

17 A Three to 4,000 a year.

18 Q If I were to show you've what's been marked as
19 State's 3, could you identify that?

20 A Yes, this is my medical record.

21 Q Does that indicate you examined a Greg Smith?

22 A Yes, it does.

23 Q Do you remember the examinations from that day?

24 A Yes, sir.

25 Q Do you remember what you examined everybody for?

1 A Well, it was a really bad day. There were two of
2 us in there and there was apparently an episode at a
3 meth lab.

4 Q Uh-huh.

5 A There were two physicians, so we made a division
6 of labor that I would take care of every one who had
7 to go through decontamination.

8 Q Uh-huh.

9 A I examined everybody who was involved, including
10 Mr. Smith.

11 Q So you examined other persons, as well?

12 A Yes, sir.

13 Q And you were examining them specifically for
14 exposure to methamphetamine?

15 A Or the chemicals.

16 Q Or the chemicals?

17 A Either or.

18 Q And I'm looking on the ---

19 MR. MOAK: At this time, Your Honor, I'd move
20 State's 3 into evidence because that's the actual
21 records of the hospital visit.

22 THE COURT: Well?

23 MR. RILEY: No objection.

24 (WHEREUPON, State's Exhibit 3 was admitted
25 into evidence.)

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1 BY MR. MOAK:

2 Q Looking at page three where it says diagnosis.

3 It has the one --- what did you note?

4 A Meth lab exposure, chronic.

5 Q And in the, I guess, square portion of the upper
6 right hand corner, is that information you received
7 from the patient?

8 A Yes, sir.

9 Q And what was that?

10 A He said he was --- he was chronically exposed in
11 a meth lab. He said it was about a couple of years,
12 but I didn't'---

13 Q Okay.

14 A He didn't get specific and I didn't either, but
15 he denied at that time shortness of breath or a
16 headache.

17 Q Okay. And if you flip over a couple of pages to
18 the one that says page one at the bottom, it's got
19 like your notes are in there?

20 A Okay.

21 Q Could you read the episode description?

22 A Okay. "Complaint of chronic meth lab exposure
23 for a couple of years, denies any current symptoms,
24 most specifically no shortness of breath or headache.
25 He was arrested today at the scene of a murder in the

1 meth lab. He says he does not remember what happened.
2 He says he feels very depressed and his life is
3 ruined."

4 Q And specifically he denies any symptoms?

5 A Correct.

6 Q Okay. A little above that you actually had a
7 note about mental status. Is that how he appeared to
8 you and how he interacted with you?

9 A Yes, sir.

10 Q How did he present?

11 A Alert and oriented. He didn't seemed to have any
12 trouble concentrating ---

13 Q Uh-huh.

14 A --- Or recalling questions. He did seem a little
15 bit dejected, depressed.

16 Q Okay.

17 A Affect is what we call that, just down, if you
18 will.

19 Q And there was an officer present during this,
20 right?

21 A Yes.

22 Q Okay. And you reviewed his vital signs?

23 A Yes.

24 Q Was there anything out of the way out of his
25 vital signs that you recall?

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1 A His heart rate was three points higher than what
2 we consider to be stone cold normal of 60-100 heart
3 rate, with a heart rate of 103.

4 Q Uh-huh.

5 A But, you know, someone in handcuffs in an
6 emergency department, that is not an uncommon thing,
7 just as an isolated thing by itself.

8 Q In part of this examination, did you have to ask
9 him questions and get answers from him?

10 A Yes.

11 Q Was he able to follow your questions?

12 A Yes.

13 Q Did he give you appropriate answers to say those
14 questions?

15 A Yes.

16 Q Do you have any opinion about whether or not he
17 knew what was going on when you examined him, by your
18 examination?

19 A He seemed perfectly lucid to me and able to
20 answer questions, follow the train of thought, you
21 know, and the change of questions in what we call the
22 review of systems, body systems.

23 Q Uh-huh.

24 A He didn't seem to have any trouble tracking my
25 thought process through the review of systems, et

1 cetera.

2 Q Did he appear to have any confusion as to what
3 you were doing?

4 A No, sir.

5 Q So he followed you and he appeared to understand
6 what you were asking him?

7 A Yes, sir.

8 Q And why you were asking him?

9 A Yes, sir.

10 Q And he told you he had no symptoms?

11 A Well, under page two, if I can review it.

12 Q Okay.

13 A I'd like to go over it and review that to make
14 sure.

15 Q Okay.

16 A Because I haven't specifically reviewed this
17 incident since then.

18 Q Okay.

19 A I did note that he --- under the review of
20 systems, he did say he felt depressed.

21 Q Uh-huh.

22 A This again is what he had told me on the front
23 but not anything other than that.

24 Q But no shortness of breath, no headache?

25 A No, sir.

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1 Q No confusion that you noticed?

2 A No.

3 MR. MOAK: Your Honor, that's all we have of this
4 witness at this time.

5 THE COURT: Cross-examination?

6 CROSS-EXAMINATION:

7 BY MR. RILEY:

8 Q Dr. Norris, by my count in at least four
9 different places in your notes, you refer to him as
10 either having a depressed affect or being depressed.
11 On page --- just between pages one and two.

12 Could you explain to me what depressed affect
13 means?

14 A Well, typically someone is quick to respond,
15 maybe even --- I don't know that you would call it
16 lively ---

17 Q Uh-huh.

18 A --- but a depressed affect, typically someone ---
19 it's not just what they say. It's their demeanor,
20 their body language, slumping forward, adapting a
21 downward head movement, answering questions
22 appropriately, but not rapid to answer the questions.

23 Q Uh-huh.

24 A That's interpreted as a depressed affect. That
25 is not a diagnosis of depression.

1 Q Uh-huh.

2 A That is a depressed affect in an individual that
3 you're interfacing with.

4 Q Okay. And, of course, your contact with Mr.
5 Smith was not extensive enough for you to be able to
6 say whether that was his normal demeanor or not normal
7 demeanor, right?

8 A Absolutely not, no, that was not a diagnosis,
9 that was my interpretation of my interface with him,
10 yes sir.

11 Q Okay. I mean, some people --- I mean, I've known
12 people as coming across as having a depressed affect
13 all the time.

14 A Certainly that is possible.

15 Q What does the word cachectic mean?

16 A Thin, not well nourished. Someone who has
17 typically has not been eating well and taking care of
18 themselves as a general thing.

19 Q Uh-huh.

20 A Maybe a bit atrophic, meaning muscular atrophy,
21 not like someone who has been working out real well,
22 that type of thing.

23 Q All right. You did --- your description of his
24 general appearance under the physical exam ---

25 Q What page?

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1 A Page 2. General physical exam, general
2 appearances, you did diagnosis him as being cachectic
3 and disheveled.

4 A Everyone was disheveled. If you look in
5 parentheses after that.

6 Q Pardon me?

7 A Did you look in parentheses after that? All those
8 guys were disheveled.

9 Q Uh-huh. I understand.

10 A But they were in these plastic suits and all
11 after the de-con.

12 Q Okay. Now, further down, neurologic, I'm not
13 sure what oriented times three means. What does that
14 mean?

15 A If you know your name, the year, where you are,
16 the situation, that type of thing, that's oriented
17 times three.

18 Q All right. Now, I also have --- I assume you do
19 up there, too --- nine pages of EDM patient record.
20 Do you have that with you, Doctor?

21 A You mean ---

22 Q Huh?

23 A I have everything, I guess, that's labeled
24 Exhibit 3. It's all stapled together. If you can
25 tell me what page, I can certainly try to locate it.

1 Q Okay. Page four of that EDM patient record. Do
2 you have page four?

3 A Yes, sir.

4 Q Under cognitive, under mood, you have anxious and
5 apprehensive.

6 A That's this part of the record is not my
7 assessment. This is the nurse's assessment.

8 Q I understand, okay.

9 A And that would have been prior to my assessment.

10 Q Oh, okay. Just the first two pages are your
11 assessment, right?

12 A Hold on.

13 Q Three, excuse me.

14 A There's that one where I did a bit of
15 handwriting.

16 Q Uh-huh.

17 A Which I don't see a page number on it, but that
18 one and then page one, page two, and then page three.

19 Q Uh-huh.

20 A That are labeled at the bottom. Those are my
21 portion of the medical record.

22 Q Okay. Your notes, page one under history ---

23 THE COURT: Wait, how many --- let me just
24 interrupt you. How many people contributed to this
25 exhibit? You ---

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1 THE WITNESS: The assessment portion or the
2 registration?

3 THE COURT: I don't know. I'm trying to find
4 out.

5 THE WITNESS: Well, someone made a registration
6 record, which would have been a clerical issue.

7 THE COURT: Triage or something?

8 THE WITNESS: No, sir, this is just straight
9 clerical: what's your name, what's your date of
10 birth, that kind of information.

11 THE COURT: What's next?

12 THE WITNESS: Then my record is the next portion
13 of the that except there's some other stuff mixed in
14 with it as far as the clerical.

15 THE COURT: What is that?

16 THE WITNESS: The agreement for treatment, that
17 kind of thing.

18 THE COURT: Okay.

19 THE WITNESS: My medical record and then there's
20 some, the record, the part that I was just referring
21 to, that's all nursing assessment and that ---

22 THE COURT: How many pages is that?

23 THE WITNESS: It looks like one through seven.

24 THE COURT: Seven pages?

25 THE WITNESS: Yes, sir. Right, one through

1 seven.

2 THE COURT: So yours is --- what numbers are
3 yours?

4 THE WITNESS: Okay. Right. It's the third page
5 in the exhibit --- if all of them are stapled the
6 same, it doesn't have a number, but this is mine.

7 THE COURT: Okay. Okay.

8 THE WITNESS: It's the third page in this stuff,
9 but that's ---

10 THE COURT: Your page is the third page.

11 THE WITNESS: Third page, the 5th page, I guess,
12 or the sixth page. The 3rd page, the 6th page, the
13 7th page, and the 8th page.

14 THE COURT: Three, six, seven, and eight. All
15 right, I got it. They are not numbered.

16 THE WITNESS: Right. The first few are not
17 numbered. Mine are the first ones with numbers on
18 them and they are numbered at the bottom, one, two,
19 three.

20 THE COURT: I thought you said three, six, seven,
21 and eight. That's four pages.

22 THE WITNESS: No. I was saying what's stapled
23 together.

24 THE COURT: It looks like everything is stapled
25 together.

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1 THE WITNESS: It is. That's what I'm getting at.
2 If everybody has the same and it's stapled in the same
3 order, then mine is the third page.

4 THE COURT: Okay.

5 THE WITNESS: But it doesn't have a number on it.

6 THE COURT: And yours is ---

7 THE WITNESS: That's fourth, fifth, and starting
8 with the sixth, seventh, and eighth, but those are the
9 first ones numbered that are actually numbered at the
10 bottom.

11 THE COURT: Okay. I'm with you now, but you have
12 nurse's reports into other people in there.

13 THE WITNESS: There might be two nurses. I only
14 see one nurse's name on here. Let me go to the back
15 of it.

16 There's only one nurse. That would have been on
17 the first one that's page one at the top, and that
18 would have been Christina, I think it's Lapree; I'm
19 not sure exactly how you say that, Lawrey, maybe.
20 Yeah, I'm not really good with getting hooked on
21 phonics.

22 THE COURT: All right. Thank you.

23 BY MR. RILEY:

24 Q Doctor, page one of the emergency physician
25 record under history of present illness, episode

1 description, and I think in response to one of
2 Mr. Moak's questions, you refer to this, you say that
3 Mr. Smith says he feels very depressed and his life is
4 ruined. Is that a direct quote from him or did
5 somebody say that to you, a police officer?

6 A I apologize. It's not in quotes. I'm not the
7 best typist, but those are his words.

8 Q Okay. All right. And you dictated --- this was
9 electronically signed by you actually at 5:21 p.m. on
10 May 28th, 2011, correct?

11 A If you say that. It's actually not dictated.
12 These are records that --- the way our current medical
13 records system, I have to type it in, so thus the ---

14 Q All right, sir.

15 A --- resulting clerical errors with respect to the
16 typing.

17 Q All right. But your --- you see a lot of
18 patients on a daily basis, right, and it would be hard
19 to remember somebody that you saw 18 months ago for a
20 brief period in the ER, right, because you didn't
21 recognize Mr. Smith today?

22 A No, sir.

23 Q Just so that wouldn't be unusual in your line of
24 work, right?

25 A To not recognize them, no.

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1 Q All right. Thank you, sir.

2 MR. MOAK: Just to clarify things, another
3 sticker for this.

4 (WHEREUPON, State's Exhibit 5 was marked for
5 identification only.)

6 REDIRECT EXAMINATION:

7 BY MR. MOAK:

8 Q I have shown you what's been marked as State's 5.
9 Are these copies the only pages of State's 3 that you
10 actually produced?

11 A That's correct, yes.

12 MR. MOAK: Your Honor, at this time I'd move
13 State's 5 in to clarify the issue of what he actually
14 produced, just to make it clear.

15 THE COURT: That's fine. Any objection?

16 MR. RILEY: No, sir.

17 THE COURT: Do you want them both in?

18 MR. MOAK: I should have put this one in as
19 State's 3, but it's already in.

20 THE COURT: You can withdraw it.

21 MR. MOAK: If I can withdraw State's 3 and move
22 State's 5 into evidence.

23 THE COURT: Any objection?

24 MR. RILEY: No, sir.

25 MR. MOAK: I'm, just trying to clear up any

1 possible confusion.

2 THE COURT: I understand. That's proper
3 procedure.

4 MR. MOAK: Thank you, Your Honor.

5 (WHEREUPON, State's Exhibit 5 was admitted into
6 evidence.)

7 BY MR. MOAK:

8 Q On the first page of State's 5, does it show when
9 Mr. Smith arrived?

10 A Yes, sir.

11 Q Does it show when he was seen?

12 A Yes, sir.

13 Q What time was he seen?

14 A 17:11.

15 Q And what time was he discharged?

16 A 17:35.

17 Q And on the last page of the documents you
18 actually produced, does it have the time that you
19 actually, I guess, typed in this information?

20 A Right, 17:21.

21 Q So this is actually almost the same time that
22 this is going on, you're typing this in? Or
23 immediately thereafter?

24 A Correct. I go in and do it and come back out.
25 Sometimes the computer and your watch is always going

Redirect of Norris by Moak
(Pretrial)

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1 to be a minute or two one way or the other.

2 Q So when you typed this, you actually would have
3 remembered Mr. Smith?

4 A Oh, there is no question. That was such an
5 extravagant day and time. I mean, some things in your
6 life just stick out.

7 Q Can you explain to us what you mean by that? Did
8 you all have to go through a de-con? How --- can you
9 describe it?

10 A We had to set up a full de-con. We actually have
11 a disaster drill.

12 Q Uh-huh.

13 A But we decided because of the small number of
14 folks that we didn't have to set up a complete
15 disaster drill that day.

16 Q Uh-huh.

17 A But I had to interact with my nurse manager of
18 the ER, as well as the de-con EMT that day and make
19 sure that we set up the tent, found out what was on
20 scene the best we could in a short order,
21 decontaminate everyone and go through that, so it was
22 a very --- it was an atypical day to say the very
23 least.

24 Q So this was not your normal day in the ER?

25 A Absolutely not.

1 Q While you may not remember what he looks like,
2 you remember what went on during this atypical day?

3 A Yes, sir, I can give you all the details you
4 want.

5 MR. MOAK: No further questions.

6 THE COURT: Anything further?

7 MR. RILEY: Just a couple, Judge.

8 RECROSS-EXAMINATION:

9 BY MR. RILEY:

10 Q Doctor, do you have what Mr. Moak was just asking
11 you about?

12 A Yes, sir.

13 Q See, I've been referring to it as page one.

14 A I understand the confusion, but yes, sir, I've
15 got it.

16 Q In the episode description, going back to your
17 writings there, "He was arrested today at the scene of
18 a murder in a meth lab." Now, those were not his
19 words, were they? You had ---

20 A No, that was an accumulation of ---

21 Q From conversing with law enforcement?

22 A From everything that was going on, yes, sir.

23 Q Okay. Quotation marks or not, you're not saying
24 those were his words?

25 A No, sir.

Direct of Phillips by Moak
(Pretrial)

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1 MR. RILEY: Okay. Thanks.

2 THE COURT: Anything further?

3 MR. PERRY: I think that's all we've got with
4 him.

5 THE COURT: All right. Doctor, come down.

6 THE WITNESS: Thank you.

7 MR. MOAK: Your Honor, at this time the State
8 calls Christopher Phillips.

9 CHRISTOPHER PHILLIPS,
10 after being duly sworn, testified as follows:

11 THE WITNESS: My full name is Christopher
12 Phillips.

13 DIRECT EXAMINATION:

14 BY MR. MOAK:

15 Q Investigator Phillips --- actually it's Corporal
16 Phillips now, correct?

17 A Yes, sir.

18 Q Back on May of 2011 you were Lieutenant Phillips?

19 A That's correct.

20 Q And you were an investigator?

21 A Yes, sir.

22 Q Did you have an occasion to have some dealings
23 with an incident at 1995 601 South Lugoff?

24 A I did.

25 Q And part of that, did it involve dealing with

1 Mr. Smith?

2 A It did.

3 Q Did you --- are you the one that actually
4 Mirandized Greg Smith?

5 A I Mirandized him twice that day.

6 Q And the first time describe how that went down?

7 A The first time, we got a call that somebody was
8 behind a potential suspect involved in a shooting off
9 of Koon Road in Kershaw County.

10 They advised that they were following him,
11 following this individual running down the road.

12 Q Uh-huh.

13 A We, myself and Lieutenant Brian Morris
14 intercepted the individual.

15 A Uh-huh.

16 A The individual was identified as Mr. Greg Smith,
17 who is sitting at the table today. That was my first
18 interaction with him. I spoke with him there, gave
19 him Miranda there, and then the second time I gave him
20 Miranda at the Kershaw County Sheriff's Office a few
21 hours later.

22 Q Okay. The first time that you Mirandized
23 Mr. Smith, was it verbal?

24 A It was.

25 Q Did you have a written form?

Direct of Phillips by Moak
(Pretrial)

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- 1 A I did not.
- 2 Q Do you remember how you Mirandized him?
- 3 A I did.
- 4 Q What words you used?
- 5 A I advised him standard Miranda, he had the right
6 to remain silent, anything he would say could be used
7 against him in a court of law, have the right to have
8 an attorney be present with him while being questioned
9 --- just the standard Miranda.
- 10 Q Okay. Did he appear to understand it?
- 11 A He did.
- 12 Q Was there something about water that came up?
- 13 A He was actually running. He was sweating
14 profusely. He said, "I'll tell you everything you
15 want to know, I just want some water." I carry water
16 in my vehicle for myself, and, you know, for what
17 whatever other reasons, I gave him a full thing of
18 water.
- 19 Q Okay.
- 20 A He told me it wasn't F'ing cold enough, but he
21 didn't say F'ing, he used the ---
- 22 Q Okay. So, at some point did he end up in the
23 interview room at the Kershaw County Sheriff's
24 Department?
- 25 A He did.

1 Q In the meantime between him being arrested and
2 him being in the interview room, did he have an
3 attorney, have the chance to speak to an attorney?

4 A He did.

5 Q Who was that attorney?

6 A Mr. William Tetterton.

7 Q And that interview room is videotaped, correct?

8 A The interview room is. However, they spoke ---
9 prior to the interview, they spoke in our kitchenette
10 area at the sheriff's office which is not videotaped,
11 so that he had a private conversation with an
12 attorney.

13 Q That's because he would be in violation of ---

14 A Most certainly.

15 Q Did you actually use a written form to Mirandize
16 Mr. Smith on video?

17 A The second time, yes, sir.

18 (WHEREUPON, State's Exhibit 6 was marked for
19 identification only.)

20 BY MR. MOAK:

21 Q I show you what's been --- well, let me show it
22 to him first, State's 6.

23 (Pause.)

24 Is this the written Miranda form that you use?

25 A Yes, sir, it is.

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1 Q And that was the one you used on May 28th, 2011?

2 A Yes, sir, it is.

3 Q In the interview room?

4 A That's correct, sir.

5 Q And on that form, it has the Miranda rights

6 listed?

7 A It does.

8 Q Did you check those as you read them?

9 A I did.

10 Q Did he indicate that he wished to waive Miranda?

11 A He indicated, yes, sir, after he certified that
12 he understood his rights and waived. He signed his
13 name and I also had him print his name, as well.

14 Q And that was also witnessed by another
15 investigator from the sheriff's department?

16 A That's correct, as well as Mr. Tetterton was in
17 the room, as well.

18 Q And this is all on video, correct?

19 A It is.

20 Q I think this has already been marked as State's
21 4.

22 A This appears to be the video, yes, sir.

23 Q That's the video of that interview?

24 A I believe so, yes, sir.

25 Q I'm not going to play the whole thing, but I'm

1 going to publish State's 4.

2 (Pause.)

3 Just from that alone, is this the video?

4 A That is the video.

5 MR. MOAK: Your Honor, at this time I'll move
6 this into evidence as State's 4, as identified here by
7 the individual that made the video.

8 MR. RILEY: No objection.

9 THE COURT: Mr. Moak, why are you playing this
10 now?

11 MR. MOAK: Actually, you watched it last Friday,
12 right?

13 THE COURT: I have seen the video.

14 MR. MOAK: At this point, there is no point in
15 playing the video, Your Honor.

16 THE COURT: The defense does not object to the
17 introduction of the video.

18 MR. RILEY: Your Honor, I've confirmed with my
19 client. I explained to him that Your Honor has viewed
20 the entire video in chambers. I don't see the need to
21 play it again today.

22 THE COURT: There is no jury present, so there is
23 no reason to play it. The question is whether that's
24 authentic. If he says it is and you don't have any
25 objection to it, the only person in this room that

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1 would like see it is Mr. Tetterton, and he can see it
2 at a later date.

3 (WHEREUPON, State's Exhibit 4 was admitted into
4 evidence.)

5 BY MR. MOAK:

6 Q Moving on, Corporal Phillips, did Mr. Smith
7 appear to understand what you were Mirandizing him
8 about?

9 A He did appear to be. When I spoke with him, as
10 well as you can see on the video, he answered the
11 questions. He thought through the questions. He
12 thought through beyond the questions to ask questions,
13 so he was very coherent and understood everything I
14 was saying to him.

15 Q And he was under advice of counsel this entire
16 time?

17 A He was, as well as prior, which I had no --- I
18 have no idea what was said, but he obviously had
19 counsel with him prior to me interviewing him here.

20 Q Did you have any questions whatsoever whether or
21 not he understood his Miranda rights?

22 A I had no question, sir.

23 Q Did you have any question whether or not he
24 willingly and voluntarily waived them?

25 A He willingly and voluntarily waived his rights,

1 yes, sir.

2 Q Did you promise him anything?

3 A I did not promise him anything.

4 Q Did you threaten him?

5 A No, sir, I did not.

6 Q Did you coerce him?

7 A No, sir, I did not.

8 Q Did you hear or know of anybody that promised him
9 anything?

10 A I did not hear anything like that.

11 Q Or coerce him?

12 A No, sir.

13 Q Or threaten him?

14 A No, sir, I didn't hear that at all.

15 Q So based upon your observations of Mr. Smith that
16 day, do you have any --- you Mirandized him?

17 A Yes, sir twice, yes, sir.

18 Q At no point did you threaten him?

19 A No, sir.

20 Q No point did you coerce him?

21 A No, sir.

22 Q At no point was he offered anything?

23 A No, sir.

24 Q The entire substance of the confession where ---
25 that we want to put in, is on that video?

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1 A There was talk afterwards where he took to us
2 where the gun was.

3 Q Uh-huh.

4 A That was not videotaped, but he did have counsel
5 with him there, as well.

6 Q And let's talk about that. After this video
7 ended, what happened?

8 A We took him --- well, he took us to where the gun
9 was located in the woods off Old English Road in
10 Kershaw County.

11 Q And he rode in a car operated by Jacob Hammond of
12 the sheriff's department?

13 A Yes, sir.

14 Q And then you were following Hammond?

15 A That's correct --- or we were following him
16 because he was relaying on the radio where we were
17 headed to.

18 Q I think Mr. Tetterton was possibly in his own
19 vehicle following?

20 A He was.

21 Q Did he take you to where the gun was ultimately
22 recovered from?

23 A Mr. Smith did, yes, sir.

24 Q Okay.

25 A Mr. Smith did.

1 Q And he told you where it was at, the general
2 location?

3 A That's correct, yes, sir.

4 Q And it was located based upon his information?

5 A That is correct. That was not videotaped.

6 Q Was it really feasible to videotape that?

7 A I'm sorry?

8 Q Was it feasible to videotape that?

9 A No, sir.

10 MR. MOAK: Your Honor, no further questions at
11 this time.

12 THE COURT: Cross-examination?

13 CROSS-EXAMINATION:

14 BY MR. RILEY:

15 Q Officer Phillips, as you know, the defense
16 doesn't object to the video, and we saw no reason to
17 play the whole thing again today, but the plain fact
18 is that there was a considerable amount of back and
19 forth at the time that Mr. Smith was pondering with
20 whether to sign the Miranda rights form; is that not
21 true?

22 A A considerable amount of time in the video, sir?

23 Q Yeah, there was a lot of back and forth. You
24 went through an entire explanation and he did not
25 sign. Then he went through an entire --- his attorney

Cross of Phillips by Riley
(Pretrial)

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1 went through the entire explanation before he
2 ultimately did sign the Miranda rights form. All of
3 that took about ten minutes, didn't it?

4 A No, sir, I believe it was maybe a
5 minute-and-a-half, two minutes. I am just judging by
6 my notes that I wrote down.

7 Q But the video is what it is, okay?

8 A You're, correct. They was only maybe two
9 minutes. I think the video itself is only 14 minutes
10 long if I'm not mistaken. Again, I don't have the
11 exact times, but it's certainly nowhere near ten
12 minutes, and I wouldn't consider ten minutes to be a
13 considerable amount of time.

14 Q Based on your law enforcement experience, you
15 don't think there was any undue hesitation on the part
16 of this defendant to sign the Miranda?

17 A No, sir, I do not. If you are asking my opinion,
18 no, sir, I do not believe that at all.

19 Q All right. Now, when you arrested Mr. Smith, you
20 testified in response to one of Mr. Moak's questions
21 about how you always carry water in the car and he
22 was thirsty?

23 A Yes, sir.

24 Q Okay.

25 A I try to always carry water, yes, sir.

1 Q And I don't mean to put words in your mouth. I
2 think these notes are by Deputy Houser. In response
3 to Mr. Moak's question, you did not quote anything
4 that Mr. Smith said to you at the time of his arrest,
5 did you?

6 A I didn't quote anything?

7 Q Quote anything.

8 A I said that he made comment to me about the water
9 not being F'ing cold enough.

10 Q Okay. All right. Okay. Do you remember saying to
11 him, Mr. Smith, at the time of his arrest, "They're
12 going to love you in prison." Do you remember saying
13 that?

14 A No, sir.

15 Q Do you deny saying that?

16 A No, I don't remember saying that at all.

17 THE COURT: Just out of curiosity, when was he
18 arrested?

19 MR. RILEY: About 1:30 p.m. I was just getting
20 into that, Judge.

21 THE COURT: Okay.

22 BY MR. RILEY:

23 Q According to the records I have, he was arrested,
24 specifically on the 9-1-1 tape, about 1:30 p.m.

25 A Okay. I have it.

Cross of Phillips by Riley
(Pretrial)

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1 Q Okay. He --- give me just a second, we just had
2 Dr. Norris testify. He was admitted to the emergency
3 room at 16:16, which is 4:16 --- these are all right
4 here, okay?

5 A Yes, sir, I haven't seen them.

6 Q Between 1:30 and 4:16, where was Mr. Smith?

7 A Between 1:30 and 4:16?

8 Q On May 28th, 2011.

9 A I believe that I was not around at that point in
10 time. I believe he was taken to the Kershaw County
11 Sheriff's Office prior to having --- being de-con'd or
12 whatever at the ER.

13 Q Uh-huh.

14 A I believe that Sergeant Knafelc gave a G.S.R.
15 kit, did a G.S.R. kit on his hands or something.

16 Q All right.

17 A I was not present for that, though.

18 Q He was discharged from Kershaw Health at
19 17:35, which is 5:35, right, the Miranda warning which
20 has already been introduced by the State was signed by
21 Mr. Smith at 10:53 p.m.

22 A Yes, sir.

23 Q Between 5:35 when he was released from the
24 hospital until 10:53, where was he?

25 A Well, assuming that he was taken from the ER at

1 five whatever you said ---

2 Q 5:30.

3 A 5:30, okay. Assuming that's when he was
4 released, again, I don't know that. I wasn't there.
5 I was probably at the hospital being de-con'd myself.

6 Q It's on the ER record.

7 A Yes, sir. Between that time and the time he
8 signed that Miranda, he was taken to the Kershaw
9 County Detention Center, and he was speaking in depth
10 with an attorney, which was Mr. Tetterton. As I
11 testified before, just a few minutes ago, they spoke a
12 long time in our kitchenette area behind a closed door
13 for a very long time.

14 Q All right.

15 A After he got out of there is when we started the
16 interview process with him, and you see what time it
17 was signed.

18 MR. RILEY: All right, sir. Begging the court's
19 indulgence.

20 (Pause.)

21 All right. Thank you, Judge. Nothing further.

22 THE COURT: Redirect, Mr. Moak?

23 MR. MOAK: Just briefly.

24 REDIRECT EXAMINATION:

25 BY MR. MOAK:

Redirect of Phillips by Moak
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1 Q At some point after the defendant was arrested,
2 was haz-mat called to the scene of the meth lab?

3 A They were, yes, sir.

4 Q And was a decision made that all the officers,
5 anybody who was exposed to the meth from the lab had
6 to go to the hospital?

7 A That's correct, including me.

8 Q And do you remember about how many deputies had
9 to go to the hospital?

10 A Exactly, I don't, but I would just guess five,
11 six maybe.

12 Q Part of that, Mr. Smith being exposed, he was
13 transported there as well, right?

14 A That's correct. I believe he was transported by
15 Deputy Devores, Rick Devores, if I'm not mistaken.

16 Q Have you reviewed the report on this at some
17 point?

18 A It's been awhile, but yes, sir, I have.

19 (WHEREUPON, State's Exhibit 7 was marked for
20 identification only.)

21 BY MR. MOAK:

22 Q I show you what's been marked State's 7. Is that
23 the CAD report from this incident?

24 A It appears to be, sir.

25 Q Okay.

1 MR. MOAK: Your Honor, at this time I'm admitting
2 it for purposes of identification only, not to put it
3 in evidence.

4 BY MR. MOAK:

5 Q Can you look at that and tell us about what time
6 the defendant was taken to the ER?

7 A Yes, sir, bear with me, please.

8 (Pause.)

9 It appears he was taken to the sheriff's office
10 at 13:51.

11 Q Okay.

12 A And it appears to be at 14:03 that he arrived at
13 the sheriff's office ---

14 Q Uh-huh.

15 A --- brought by, I believe, Investigator Devores.

16 Q At approximately 14:23 there is something about a
17 haz-mat being called out?

18 A That's correct, sir.

19 A EMS called Columbia Fire Department because
20 they're better equipped to handle that situation.

21 Q Okay.

22 MR. RILEY: Judge, I don't understand what this
23 has to do with a Jackson v. Denno hearing.

24 MR. MOAK: Your Honor, he asked where the guy was
25 at in the meantime.

Redirect of Phillips by Moak
(Pretrial)

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1 THE COURT: I assume it's to establish a time
2 line. The document has not been offered into
3 evidence. He can use it to refresh his memory if he
4 knows anything about it.

5 MR. RILEY: Yes, sir.

6 THE COURT: If he is just reading from somebody
7 else's report, I think you better object.

8 MR. RILEY: Well, it's not his document. It's
9 clearly not the document he originated himself. It's
10 a 9-1-1 tape and Mr. Moak is just asking him to read
11 off of it. I do object.

12 THE COURT: All right. Sustained.

13 BY MR. MOAK:

14 Q So based upon this, it's your belief that he got
15 to the sheriff's department around two o'clock?

16 A I believe so. That's correct.

17 Q Haz-mat showed up?

18 A That's correct.

19 Q Because you part of this whole command staff
20 right?

21 A Correct.

22 Q So you were aware of what was going on decision
23 wise?

24 A Yes, sir.

25 Q Haz-mat were the ones that told the you that you

1 and everybody from the sheriff's department had to go
2 to the hospital, correct?

3 A That's correct, sir.

4 Q And you all were familiar with that process,
5 correct, sir?

6 A That's correct.

7 Q So at approximately 2:23, 2:25, Haz-mat shows up?

8 A That's correct.

9 Q And at some point after that the decision was
10 made to go to the hospital?

11 A That's correct, sir.

12 Q So between 2:30 and 4:00 o'clock, at some point
13 thereabouts, he arrived at the hospital?

14 A That's correct, sir.

15 Q Was he interviewed at all by Investigation in
16 that timeframe?

17 A No, sir.

18 MR. MOAK: No further questions.

19 THE COURT: Any redirect --- or recross?

20 MR. RILEY: No redirect, Judge.

21 THE COURT: All right. You may come down.

22 THE WITNESS: Thank you, sir.

23 MR. MOAK: Your Honor, at this time the only other
24 witness I would call for this is William Tetterton, but
25 I'm kind of hesitant to make that call, Your Honor,

1 due to the decisions, Your Honor, but if we've gone
2 over the bar for admissibility --- I guess what I
3 would say at this time is that I would move the
4 statement into evidence. Should Your Honor be
5 hesitate that we haven't reached the bar, then I would
6 call Mr. Tetterton, but I have some reservations about
7 him being the guy's lawyer.

8 MR. RILEY: I strenuously object to the State's
9 calling him as a witness.

10 THE COURT: Wait a minute, the issue on the table
11 is the admissibility, the Jackson v. Denno. They
12 think they made a prima facie case as to the
13 voluntariness of your client's statement. What's your
14 position on that? Forget about Tetterton at this
15 point. That's not in front of me.

16 The voluntariness of the statement is the only
17 issue in front of me at the present time.

18 MR. RILEY: Yes, sir, and my position on that is
19 that in my viewing of the videotaped interview, which
20 I've seen at least three times, I think it's clear
21 that Mr. Smith's will was --- two things. Number one,
22 I think Mr. Smith's will was somewhat overborne
23 because it took considerable explanation for him to
24 reach the point where he was willing to sign the
25 Miranda rights. There's no question that he did sign

1 them; there's no question at all. The second point is
2 that it doesn't appear to me that he is a man who is
3 in full possession of his mental faculties.

4 THE COURT: Wait a minute, just a minute. Do you
5 wish to put him on the stand?

6 MR. RILEY: Judge, I've conferred ---

7 THE COURT: On this issue, on this issue only.

8 MR. RILEY: No, sir.

9 THE COURT: All right. Do you have any witnesses
10 as to this issue?

11 MR. RILEY: No, sir.

12 THE COURT: All right. Go ahead with your
13 argument.

14 MR. RILEY: Obviously it's up to the court to
15 rule on the issue of the voluntariness of the
16 statement, but I would argue that it's not a totally
17 intelligently, voluntarily, and willingly uttered
18 confession. That's the defense position.

19 MR. MOAK: And our position is, Your Honor, I
20 don't know what else we had to do. He was checked out
21 by a doctor. He was found to have no overt clear
22 symptoms. The only problem that they're alleging is
23 depression. I believe that would be totally
24 reasonable, somebody who has just been arrested for
25 shooting and killing somebody, most people would be

1 depressed about that. We have a list of all the
2 chemicals that were taken from the lab. We've had
3 testimony about what the effects of those chemicals
4 and none of those effects would go toward to issue
5 they're speaking of. He got an attorney that he
6 actually gave this confession under the advice of
7 counsel.

8 The fact that it took a while to sign Miranda, in
9 our position, means he was thinking about it. A lot
10 of times they argue that the guy just signed it, did
11 not understand what he was signing. I think the video
12 shows not only was this guy Mirandized, he actually
13 thought about it, thought about whether or not he
14 should waive it and that was the best evidence that he
15 voluntarily waived it. He did not just sign here. He
16 thought about it before he signed, that he had waived
17 Miranda. He had an attorney there. I'm not sure what
18 else we could put on this issue.

19 I think this actually might be close to --- I
20 think it is well beyond a reasonable doubt that he
21 waived Miranda on this one, Your Honor.

22 THE COURT: Well, that's a jury decision.

23 MR. MOAK: Well, I think it's well above the
24 admissibility is what we proved.

25 THE COURT: Anything further?

1 MR. RILEY: No, sir.

2 THE COURT: Well, as you know, I'm certain that
3 any statement made by a defendant has to be considered
4 by the trier of the facts and not necessarily by the
5 court.

6 My standard is only --- the Court's standard is
7 only a preponderance of the evidence, which is a very
8 low bar when it comes to considering voluntariness
9 under the Jackson v. Denno standard.

10 And if I have to --- if I only have to find
11 beyond --- I mean, by a preponderance of the evidence,
12 then I think I must find that the statement was
13 voluntary. I have no evidence to the contrary.

14 Therefore, I've carefully considered all the
15 evidence which has been offered by the State. This
16 court is convinced by a preponderance of the evidence,
17 and I so find, that before the alleged statement was
18 obtained from the defendant, the defendant was fully
19 advised of his rights under the 5th and 6th amendments
20 to the Constitution and the defendant was advised of
21 his --- the constitutional safeguards required by
22 Miranda v. Arizona on May 28th, 2011, at 10:53 p.m.

23 I find no other facts that would convince me
24 otherwise that the defendant was advised prior to any
25 interrogation that he had the right to remain silent,

1 and he was advised prior to any interrogation that if
2 he waived his right to remain silent and make a
3 statement that such statement could and would be used
4 against him in a court and the defendant was advised
5 before interrogation he had the right to select and
6 employ an attorney of his own choice and if he did not
7 have the money, funds or resources, then the court
8 would appoint and provide an attorney for him if he so
9 desired without cost or expense to him, and further
10 that he had the right to have his attorney present
11 with him at all times during all interviews and all
12 interrogations and the defendant was advised prior to
13 any interrogation he had the right to consult with his
14 attorney before any interrogation and the defendant
15 was advised prior to any interrogation that he had the
16 right to interrupt and terminate the interrogation at
17 any time, and he had the further right to stop
18 answering questions at any time during the
19 interrogation and that the defendant was advised prior
20 to going into the interrogation that if during
21 interrogation the interrogation would cease, if he did
22 not have an attorney present and representing him.

23 He was always given --- he was constantly given
24 the opportunity to consult his attorney prior to any
25 investigation and I find the defendant knowingly and

1 intelligently waived his rights under the 5th and 6th
2 amendments to the Constitution of the United States
3 and the constitutional safeguard required by Miranda
4 v. Arizona and that the alleged statement obtained
5 from the defendant was freely and voluntarily given
6 without duress, without coercion, without undue
7 influence, without reward, without promise or hope of
8 reward, without promise of leniency, without threat of
9 injury and without compunction or inducements of any
10 kind and that such alleged statement was the voluntary
11 product of the free unconstrained will of the
12 defendant.

13 I find all of the foregoing conclusions by a
14 preponderance of the evidence and therefore I find the
15 statement is admissible in the case.

16 Anything further of a pretrial nature?

17 MR. MOAK: Your Honor, I was just --- I thought
18 this was already dealt with, Your Honor. I think we
19 have should have dealt with this first. There's an
20 evaluate out on this guy that we got the report back.

21 MR. RILEY: Judge, I move that as a Court's
22 Exhibit, I guess.

23 THE COURT: All right.

24 MR. MOAK: That would be Court's exhibit 1, Your
25 Honor.

1 THE COURT: Well, let's see what it says.

2 MR. MOAK: I think the report itself clearly
3 disposes of the issue of capacity to conform and
4 criminal responsibility.

5 THE COURT: How about did they do a --- has he
6 been evaluated for his competence? A competency
7 evaluation?

8 MR. PERRY: Your Honor, it was not ordered that
9 he be evaluated.

10 THE COURT: I'm just asking was he.

11 MR. MOAK: Your Honor ---

12 THE COURT: Just let me ask the question. Has he
13 or has he not been given a competency evaluation, yes
14 or no?

15 MR. MOAK: I believe yes, Your Honor. If you
16 review the last page of the report, they have opinions
17 of competency and opinions of --- they have both on
18 that report.

19 THE COURT: It's got criminal responsibility
20 capacity to conform.

21 MR. MOAK: If you look at the paragraph above
22 that, Your Honor, the sub heading at the top of that
23 page, the last page.

24 THE COURT: Criminal responsibility, capacity to
25 conform.

1 MR. RILEY: Your Honor.

2 THE COURT: It was just worded inartfully. He
3 was screened for competency to stand trial.

4 MR. MOAK: Yes, Your Honor.

5 THE COURT: All right.

6 MR. RILEY: Just for clarification, Judge, I
7 moved before Judge Goldsmith for a McNaughton order
8 and a competency to stand trial, and Judge Goldsmith
9 denied the explicit competency order, but he granted
10 the McNaughton order. When they evaluated him, it
11 looks to me like the way it was worded ---

12 THE COURT: All right. Let me ask you,
13 Mr. Riley, do you have any concerns about your
14 client's competence to the stand trial?

15 MR. RILEY: No, sir.

16 THE COURT: All right, thank you very much.

17 MR. MOAK: We'd move that he was found competent
18 to stand trial.

19 THE COURT: What?

20 MR. MOAK: We'd move that he be found competent
21 to stand trial.

22 THE COURT: I'm going to move this as a Court's
23 exhibit. Unless there is some question about his
24 competence, he will stand trial.

25 MR. MOAK: With that, Your Honor, that's all the

1 pretrial I know of.

2 THE COURT: Any pretrial on behalf of the
3 defendant?

4 MR. RILEY: Yes, sir. Judge, I have three little
5 bitty things that will take ten seconds.

6 THE COURT: I have got all day and all night.

7 MR. RILEY: And one that will take a little bit
8 longer, if you want me to knock the little ones out
9 first.

10 THE COURT: Do whatever you wish; you've got the
11 floor.

12 MR. RILEY: The one that will take a little bit
13 longer is basically ---

14 THE COURT: Karen, make that a Court's exhibit.

15 (WHEREUPON, Court's Exhibit 1 was marked for
16 identification only.)

17 MR. RILEY: Basically my motion --- and I'll lay
18 the groundwork as thoroughly and succinctly as I can,
19 Your Honor.

20 As you know, the defendant was arrested May 28th
21 of 2011. Subsequent to that, in August of 2011, a
22 confidential informant notified the sheriff's
23 department that a female was smuggling methamphetamine
24 into the Kershaw County Detention Center to Mr. Smith.
25 Law enforcement responded at the detention

1 center. Basically they moved Mr. Smith out of his
2 cell and completely tossed his cell and confiscated
3 all of his personal possessions, including a bin full
4 of papers that dealt with his criminal case and his
5 representation by Mr. Tetterton.

6 That bin full of papers has never been returned
7 to Mr. Smith. They never found any methamphetamine in
8 his cell.

9 Samantha Steeprock, the female I alluded to, was
10 served with an arrest warrant 17 August of 2011 for
11 furnishing contraband to a prisoner.

12 Shortly thereafter, after this bin pull of
13 papers, legal papers, was confiscated, the State
14 suddenly developed a couple of jailhouse snitches who
15 allege that allegedly they were in possession of
16 documents from that bin full of papers.

17 They were inmates down at the detention center
18 who were showing them to other inmates. Ms. Steeprock
19 gave two statements --- this is getting sort of far
20 afield, but let me just offer this quickly.

21 Ms. Steeprock gave two statements denying that
22 she was inside the residence at the time of the
23 shooting. The State had served her with a warrant for
24 accessory after the fact of murder on July 19th of
25 this year. One month later she gave a new statement,

1 which low and behold seemed to track very very closely
2 things that the --- that the jailhouse snitches allege
3 Mr. Smith had said to them.

4 In other words, Ms. Steeprock's third statement
5 after she was charged with accessory after the fact of
6 murder seemed to parallel very closely what the
7 jailhouse snitches were claiming Mr. Smith had said to
8 them.

9 Now, I may be reading a lot into this course of
10 events, but the State's --- three of the State's key
11 witnesses now are Samantha Steeprock, a guy named
12 Sticky, his street name is Sticky and his real name is
13 Lewis ---

14 I'm having a senior moment here, Judge. Okay,
15 Jerome Lewis, Morris Nixon, and Samantha Steeprock.
16 They are all listed as State's witnesses. A lot of
17 what they're prepared --- in my opinion, a lot of what
18 they are prepared to testify to the court about is
19 based on documents that were recovered from
20 Mr. Smith's cell. I'll give you an example, Judge.

21 As you may know, Mr. Smith has filed a civil
22 lawsuit against various parties alleging a 1983
23 deprivation of civil rights. I have some documents
24 that came from that bin of documents that was in
25 Mr. Smith's cell that were introduced in that civil

1 lawsuit, which I have nothing to do with, by the way,
2 and marked as exhibits.

3 They could have only been obtained from the
4 confiscation of that have bin, including
5 attorney/client communications. At the time there was
6 an allegation that Steeprock was smuggling
7 methamphetamine into Mr. Smith, they never found any
8 methamphetamine. They claim they had a positive urine
9 test. Mr. Smith denies giving a positive urine
10 sample.

11 THE COURT: How did they get that? I mean, was
12 there a court order?

13 MR. RILEY: He was told --- I need to correct
14 what I told the court. He was told that it was test
15 that they were testing him for liver functional
16 analysis and the urine was later tested for presence
17 of methamphetamine and they allegedly found positive
18 traces.

19 Now, perhaps the court would rule that all that
20 I've just outlined is too speculative, but my feeling
21 is that the proposed testimony, such as I understand
22 it, from Steeprock, Lewis, is basically contaminated
23 testimony because of the confiscation of Mr. Smith's
24 legal documents and is, in fact, based on law
25 enforcement analysis of those documents in Mr. Smith's

1 cell bin.

2 THE COURT: Well, they can only testify to what
3 they saw or heard. They can't testify about something
4 they learned as a result of, as you say, reviewing
5 confiscated documents. That's --- that would be
6 inappropriate testimony. That would be hearsay.

7 MR. RILEY: Well, I'll ---

8 THE COURT: Unless it's based on personal
9 knowledge.

10 MR. RILEY: Obviously, Judge, a lot of what I've
11 been describing is what I'm going to have to guard
12 against during trial.

13 THE COURT: I understand that. Well, Mr. Lewis
14 cannot testify about something he learned from a
15 document that was taken from your client. There's no
16 firsthand knowledge, so I mean I don't know what the
17 documents are referring to and if they refer to any
18 conversation he had with his lawyer, that's even more
19 protected than ---

20 MR. RILEY: I'm handicapped that I don't know
21 what was in that bin either.

22 THE COURT: Well, you have to object when these
23 witnesses come forward to testify. We need to settle
24 their records, as well, about what their criminal
25 history is.

1 MR. RILEY: Right.

2 THE COURT: And you need to inquire about whether
3 they've been offered any deals for their testimony,
4 and then you have to object to their testimony based
5 on hearsay.

6 MR. RILEY: Yes, sir.

7 THE COURT: So I mean I think you've got a number
8 of protections. I mean, jailhouse snitches are, you
9 know, their testimony is questionable to start with.
10 There's always some motive, generally, from a
11 jailhouse --- a fellow jailhouse person to testify
12 against one of their fellows, so unless --- you're
13 going to need a much more thorough basis or foundation
14 if you were making a motion in limine that they not be
15 allowed to testify. I'd have to take testimony on the
16 motion in limine.

17 MR. RILEY: Correct.

18 THE COURT: To find out what the source of their
19 information is, but if we don't do that, then as I
20 say, you'll just have to object when the testimony
21 comes up.

22 MR. RILEY: Yes, sir, but I devoted a lot of
23 thought of whether to even make that motion because I
24 thought that was a little speculative.

25 THE COURT: Well, it may be. I don't know. All

1 I have is a list of names.

2 MR. RILEY: Yes, sir.

3 THE COURT: You know a lot more about it than I
4 do.

5 MR. RILEY: Judge, the other thing ---

6 THE COURT: Wait, just hold on a minute. This
7 document that you handed up ---

8 MR. RILEY: It's a notice down in the lower right
9 hand corner that's marked as an exhibit.

10 THE COURT: Well, it's Exhibit what? In a civil
11 case?

12 MR. RILEY: I believe so.

13 THE COURT: Well, here, I don't need to read it.

14 Let's move on. You've can read it at your
15 leisure, Mr. Perry.

16 MR. PERRY: Yes, sir.

17 MR. RILEY: Judge, obviously since we have picked
18 a jury, I'm not going to move for a change of venue.
19 We didn't have any difficulty picking a jury.

20 THE COURT: That would be the only basis for
21 which you can get a change of general of venue.

22 MR. RILEY: I'd ask that the witnesses except the
23 standard exceptions be sequestered.

24 THE COURT: Granted. That is the investigating
25 officer will be allowed to stay in the courtroom.

1 MR. RILEY: Yes, sir, and the State has listed
2 and I have also listed a Virginia Grady as a witness.
3 The State has served Virginia Grady with a witness
4 subpoena.

5 THE COURT: Who is she?

6 MR. PERRY: We haven't subpoenaed her. We have
7 listed her as a potential witness. We don't intend to
8 call her.

9 THE COURT: Okay. All right.

10 MR. RILEY: I can't think of anything else,
11 Judge. As Your Honor just alluded to, we have left
12 hanging out there the issue of how far I can go into
13 the criminal history of the State's witnesses, the lay
14 witnesses.

15 THE COURT: Well, I don't know what their
16 criminal history is.

17 MR. RILEY: Right.

18 THE COURT: We'll have to ---

19 MR. RILEY: When that time comes, right, Judge.

20 THE COURT: Just be prepared, solicitor, to
21 provide the defense with the criminal records of any
22 lay witness that you propose to call and see if you
23 can agree on what's admissible and what's not
24 admissible under the rules.

25 MR. PERRY: Your Honor, I provided those rap

1 sheets Friday.

2 MR. RILEY: They provided me with the rap sheets,
3 Judge. I just was going over what was admissible.

4 MR. PERRY: I'll be happy to sit down with Mr.
5 Riley and do that.

6 THE COURT: 609 is pretty clear, ten years or
7 dishonesty.

8 MR. RILEY: Yes, sir.

9 THE COURT: If you wants to go beyond that, we'll
10 have to have a 403 hearing. Anything further this
11 afternoon?

12 MR. RILEY: No, sir.

13 THE COURT: All right. I'll be here at 8:30 if
14 you want to bring up matters before. The jury is
15 supposed to arrive at nine o'clock. I'd like to be
16 prepared to go forward in a timely manner.

17 MR. RILEY: Yes, sir.

18 MR. PERRY: Thank you, Your Honor

19 (WHEREUPON, there was an overnight recess.)

20 THE COURT: All right. State ready to proceed?

21 MR. MOAK: Yes, sir, Your Honor.

22 THE COURT: Defense ready?

23 MR. RILEY: Yes, sir, Your Honor.

24 THE COURT: All right. Bring the jury, please.

25 (WHEREUPON, the jury came into open court at

1 approximately 9:20 a.m.)

2 THE COURT: The jury is seated?

3 (There was no response.)

4 THE COURT: Is the jury all present?

5 THE BAILIFF: Yes.

6 THE COURT: Madam clerk, if you'll swear the
7 jury, please.

8 THE CLERK: Thank you, Your Honor.

9 THE CLERK: Madam Forelady and ladies and
10 gentlemen of the jury, please stand and raise your
11 right hand to be sworn.

12 You shall well and truly try and true deliverance
13 make, between the State of South Carolina, and the
14 defendant at bar, whom you shall have in charge, and a
15 true verdict give, according to the law and the
16 evidence, so help you God. Please signify by saying
17 "I do."

18 THE JURORS: I do.

19 THE COURT: All right. Good morning, ladies and
20 gentlemen.

21 THE JURORS: Good morning.

22 THE COURT: Thank you for your prompt attention
23 this morning, and Ms. 223, I want to thank you for
24 your willingness to serve as foreperson of this jury.

25 Now, before we actually start the trial, which

1 will --- in the beginning will consist of the opening
2 remarks of counsel, I want to take a few minutes to
3 kind of outline our procedure and talk to you about a
4 few things before we get started.

5 PRETRIAL CHARGE:

6 I want to tell you to begin with that this trial
7 might be different from what you might expect. Many
8 people do not have a chance to attend actual court
9 sessions as you're now doing and may think from
10 watching television or watching movies or reading
11 books that trials are full of a lot of action and
12 riveting circumstances.

13 While all these things may be true at times, this
14 trial is not for entertainment. It's a fundamental
15 part of our democracy. A search for the truth in an
16 effort to make sure that justice is done between the
17 parties before the court. Searching for the truth and
18 making sure that justice is done is often a slow and
19 deliberate and repetitive process, the opposite of
20 what you might have seen on television or in movies or
21 read in books. This courtroom is a place of honor
22 dedicated to the protection and preservation of
23 citizen's rights through what many have called the
24 greatest justice system ever created. The attorneys
25 appearing before you are advocates for the parties

1 they represent, but first and foremost, they are
2 officers of this court, sworn to uphold the integrity
3 and fairness of our judicial system and to help you in
4 the search for the truth. You should expect them to
5 be professional, competent and ethical in the
6 representation of their client's interest. Remember,
7 you've just taken an oath to try this case and reach a
8 fair and just verdict. You are also expected to be
9 professional, reasonable and ethical.

10 Now, I've told you what the two indictments are.
11 The defendant is charged with two different crimes,
12 two completely different crimes, the first being
13 murder, and I realize that you understood me to say
14 that yesterday, but let me tell you while you are
15 considering this case, and I've given you pads and
16 pencils to --- so you can take notes, what you need to
17 be thinking about is first the definition of murder.
18 It's very simple. Let me read it to you out of our
19 statute. Murder is the killing of any person with
20 malice aforethought, either express or implied.

21 Now, I will define those terms a little more
22 specifically for you at the end of the trial, but just
23 keep that in mind. Murder is the killing of any
24 person with malice aforethought, either express or
25 implied.

1 He is also charged, as I say in a completely
2 different --- although it's all at the same time, but
3 with manufacturing of methamphetamines, which is an
4 illegal substance. I need not define that too much
5 for you, but that's what it --- those are the two
6 things you need to be thinking about as you hear this
7 testimony and as you hear the lawyers.

8 Now, the indictments, as I said, are simply the
9 charge by which the case is brought into court. They
10 are not in any sense evidence of the allegations that
11 the indictments contain, and the defendant has pled
12 not guilty to these indictments.

13 The State therefore has the burden of proving
14 each of the elements of these indictments beyond a
15 reasonable doubt to you and it will be your duty,
16 ladies and gentlemen, to decide whether the State has
17 met that burden. Now, you are to determine the facts
18 from the testimony you hear and any other evidence
19 that's been presented during the process of the court,
20 the process of the trial.

21 It's especially important that you perform your
22 duty of determining the facts diligently and
23 consciously because ordinarily, there is no way to
24 correct an erroneous determination of the facts by a
25 jury.

1 When you comply with your oath to impartially
2 determine the facts of this case, you will have
3 fulfilled your duty as jurors, and no one will have
4 the right to criticize your verdict.

5 And on the other hand, with equal emphasis the
6 same law that makes you the judges of the facts, makes
7 me the judge of the law. You must accept and follow
8 the law even though you may disagree with it. I
9 cannot tell you what the facts are. You should not
10 disagree with me about what the law is or what the law
11 should be. Your job is to take the law as I explain
12 it to you and apply it to the facts as you find them
13 from the testimony of the witnesses and any other
14 evidence that's admitted during the course of the
15 trial and after doing that, you will render your
16 verdict, a true and just verdict under the oath that
17 you took as jurors.

18 Now, the procedure we'll follow is basically the
19 State will present its evidence first in the form of
20 witness testimony and/or exhibits that are made a part
21 of the record. The defendant will then have the
22 opportunity to present his defense bearing in mind,
23 however there is absolutely no burden on the defendant
24 to produce or present any evidence at all.

25 Following that, the attorneys will be allowed to

1 sum up their case and I'll instruct you on the law of
2 South Carolina as it applies to this case, and after
3 that, the case will be turned over to you for a
4 decision.

5 Now, let me explain to you two legal principles
6 that will guide you during the course of this trial.
7 The first is a legal yardstick you will use in judging
8 or measuring the evidence in this case.

9 That legal yardstick is known as the burden of
10 proof or the responsibility to prove the case, and in
11 a criminal case the burden of proof is on the State to
12 prove guilt beyond a reasonable doubt. Should the
13 State fail to meet that burden, it would be your duty
14 to find the defendant not guilty. There is absolutely
15 no burden whatsoever on the defendant to prove or
16 disprove anything.

17 There is no burden on the defendant to testify or
18 present any evidence because the burden is and remains
19 on the State of South Carolina to prove guilt beyond a
20 reasonable doubt, and second, I ask you to recall my
21 earlier comment to the entire jury panel concerning
22 the presumption of innocence.

23 This is a cardinal and fundamental rule of law
24 that the defendant will always be presumed innocent of
25 the crime or crimes for which he has been indicted.

1 Presumption of innocence is not just a simple legal
2 theory or a simple legal phrase. It is a substantial
3 right to which any accused, including this defendant,
4 is entitled.

5 Now, I will advise you to begin your
6 deliberations after the evidence has been presented.
7 I'm going to ask you not to discuss this case with
8 anyone, including your fellow jurors, friends, family
9 members or anyone involved in the case, obviously.
10 After the case is submitted to you, you must discuss
11 it only in the jury room with your fellow jurors.

12 Now, it's important that you keep an open mind
13 and not decide any issue in this case until all the
14 evidence has been presented to you, the parties have
15 made their closing arguments and I've instructed you
16 on the law of the case.

17 Now, in just a moment the attorney for the State
18 will make what's called an opening statement. The
19 attorney will explain to you what the issues in this
20 case are or what he thinks the issues in this case
21 are. The attorney for the defendant will also make an
22 opening statement.

23 What the attorneys tell you during their opening
24 statements is not evidence in this case.

25 It's only their contention as what the evidence

1 is and what the evidence will show. The evidence in
2 this case will be presented to you by testimony from
3 sworn witnesses from this witness stand and any other
4 exhibits that may be introduced during the course of
5 the trial.

6 Now, in determining what the true facts are, you
7 must decide whether or not the testimony of the
8 witnesses is believable.

9 In deciding whether to believe a witness, you
10 have a right to consider whether the witness has any
11 interest in the result of the trial, whether the
12 witness is prejudiced towards either the State or the
13 defendant and the opportunity for the witness to have
14 seen the matters and things about which the witness
15 may testify and the way the witness acts on the
16 witness stand.

17 Now, ladies and gentlemen, you and I do not ask
18 questions of the witnesses. We do not offer any
19 exhibits. This is not CSI. Your duty is to listen
20 openly and honestly to the evidence. Keep an open
21 mind. Do not form any conclusions or make any
22 judgments until you have received and considered all
23 the evidence in this case, the arguments of the
24 attorneys, and my final instructions to you on the
25 law. Now, if you cannot hear a particular witness or

1 myself or one of the attorneys, please let me know so
2 we can speak up more clearly. If your view of an
3 exhibit is obstructed for any reason, please let us
4 know so that we can correct it.

5 If you need to bring something to my attention
6 during the course of the trial, please notify one of
7 the bailiffs. If you do need to contact me, it may be
8 necessary for the bailiff to require that you put such
9 a question in writing so I can have a record of it,
10 and I will respond to you as quickly as I can.

11 Now, I want to thank you very much for your kind
12 attention this morning. I trust you'll give the same
13 kind and undivided attention to the attorneys and
14 parties in this case. We'll now begin with the
15 opening statements.

16 Solicitor, you may proceed.

17 OPENING STATEMENT:

18 MR. PERRY: If it please the Court.

19 Good morning. I'm Brett Perry, the deputy
20 solicitor here in Kershaw County. Along side me here
21 is Ron Moak. He is my co-counsel, he's my right hand
22 man so to speak. Myself and Ron, we work for the
23 State. I've also got Dexter Handy. He is with the
24 Kershaw County sheriff's office. He is the lead
25 investigator in this case. The together with

1 Mr. Moak, my job is going to be to present this case
2 to you the jury, to the court, the case against Greg
3 Smith.

4 As the judge has already told you, he's been
5 charged with murder. He's been charged with
6 manufacturing methamphetamine.

7 Now, before I get any further, I want to thank
8 you for your service, because without it, none of
9 what's going to happen here this week, justice, could
10 not happen.

11 The judge spoke to you yesterday and told you
12 that the role of jurors is so important that it's
13 written into our Constitution and so what you're here
14 this week to do is more important than what I'm here
15 to do, what defense counsel is here to do, even more
16 important I would submit to you than what the judge is
17 here to do, and that is to arrive at the truth.

18 In fact, at the end of this trial, you're going
19 to be asked to render a verdict. Some of you probably
20 already know this, but verdict comes from Latin word
21 veredicto, to say the truth, that is the literally
22 interpretation of veredicto, to say the truth. After
23 hearing all the evidence that's presented here in
24 court this week, after weighing it all very carefully,
25 very considerately, we believe that you'll be

1 convinced, each and every one of you, beyond a
2 reasonable doubt, that Greg Smith committed murder and
3 that he killed Deborah Tyler and that Greg Smith was
4 engaged in the manufacturing of methamphetamine.

5 Now, one of the things I'd like to ask you is
6 when you're considering the evidence that you'll hear,
7 don't leave your common sense at the door, okay.

8 When you hear little bits and pieces of evidence
9 throughout the course of the trial, it's kind of like
10 pieces of a jigsaw puzzle. When you look at them all
11 spread out on the table, they don't really make a
12 whole lot of sense, but when you put them all together
13 and use your common sense, at the end, you see that
14 picture all put together. That's kind of what we're
15 going to do this week is put together this jigsaw
16 puzzle.

17 At the end, we believe there's going to be a very
18 clear picture for you guys to see that Greg Smith did,
19 in fact, kill Deborah Tyler and that he was, in fact,
20 engaged in manufacturing methamphetamine.

21 Now, one of the other things I want to get into,
22 and I don't generally like to quote people during the
23 course of a trial, because I think it's bad practice.
24 I think my boss, Dan Johnson, the solicitor for the
25 5th circuit, he does Kershaw County and Richland

1 County, sometime back after he was first elected, he
2 had a case going on over in Columbia, and a lot of the
3 witnesses in the case weren't necessarily the kind of
4 people you want on your Christmas card list. They
5 were folks that had criminal records and they were
6 folks that might be presently charged with crimes, but
7 I think Solicitor Johnson put it well when he said,
8 "If you want to convict the devil, sometimes you have
9 to go to hell to get the witnesses."

10 Let me say that one more time, "f you want to
11 convict the devil, sometimes you have to go to hell to
12 get the witnesses," okay?

13 The folks that were involved in this, a lot of
14 these folks weren't, again, the kind of folks you
15 might necessarily want as your neighbors or have on
16 your Christmas card list. Some of the folks who
17 became aware of what happened from the defendant are
18 not necessarily the kind of folks that you might want
19 to, you know, go out and drink beer with, go out and
20 have dinner with, all right, but these are the folks
21 that know about this.

22 These are the folks that were victimized in this
23 case, and when you listen to what they all have to
24 say, and not only what those witnesses have to say,
25 but what the defendant himself had to say, I think you

1 won't have any question but that he committed murder
2 and that he killed Deborah Tyler and that he was
3 engaged in manufacturing methamphetamine. So when
4 you'll hear from witnesses who might not necessarily
5 have the purest and cleanest of backgrounds, take into
6 consideration that the State didn't choose who this
7 man chose to murder. The State didn't choose who he
8 told what he had done. We had to go out and find
9 those folks, had to bring them in here and let you
10 hear what they have to say and let you weigh what they
11 have to say and see what makes sense to you.

12 Now, let's talk a little bit about what happened.
13 ~~Let's talk about the story because we've been talking~~
14 about things in the abstract up to this point.

15 May 28th, 2011, I'll bet you that a lot of you
16 might remember what you were doing that day, because
17 that was kind of a day a lot of us remember. That was
18 Saturday, Memorial Day weekend 2011. Holiday weekends
19 are days that we sometimes remember, do things with
20 our families; we grill out, go to the lake. Maybe
21 some of us had to work, but those are days that tend
22 to stand out.

23 May 28th, 2011, Saturday, was definitely a day
24 that stood out for Greg Smith and it was definitely a
25 day that stood out for Deborah Tyler because that was

1 the day that he took her life.

2 For some time, Greg Smith had been living at
3 Highway 601 here in Kershaw County
4 for some time. That's out past I-20 on 601, almost in
5 Richland County, very close to Richland County. It
6 was a little small trailer back in behind the main
7 house, the main trailer on that lot. It was owned by
8 David and Deborah Tyler.

9 You'll also, during the course of this hearing,
10 hear them referred to as Goat Man and Nicole.

11 David was known for a prominent beard that he
12 had. He had it for, good Lord, most of his life, and
13 I guess people sort thought it looked kind of like a
14 billy goat, you know, the beard on a billy goat. He
15 was known as Goat Man, so you may hear some of the
16 witnesses refer to him as Goat Man.

17 Ms. Tyler, Deborah Tyler, the victim in this
18 case, she had nickname that she had gone by forever,
19 too, Nicole. You're going to hear some of the folks
20 refer to her as Nicole. Don't be confused by that.
21 Those were just the common names that folks called
22 her.

23 Again, Mr. Smith had been living for some time
24 behind this trailer there the Highway
25 601 here in Kershaw County. He hadn't been paying any

1 rent. He had been living there to some extent free of
2 charge, but as it turns out, why he had been there,
3 why they let him be there is that he was manufacturing
4 of methamphetamine, he was growing marijuana there in
5 that trailer and that's --- he was sharing it with
6 them. That's how he came to be there, but over time
7 the relationship between Mr. Smith and the Tylers had
8 become strained.

9 Ms. Tyler in particular was getting to be pretty
10 upset with him being there.

11 In fact, she had gone to the trouble to actually
12 make a list of all her complaints, all her grievances
13 with Mr. Smith. It was found whenever law
14 enforcement, you know, went through the property
15 whenever they were there checking things out after
16 this happened. She had quite a list of things that
17 was she was unhappy with Mr. Smith about.

18 The fact that he was eating all the food, not
19 paying any rent, you know, difficult to deal with.
20 She was upset with him. A lot of reasons why she was
21 upset with him.

22 You're also going to hear during the course of
23 this trial that for about the past three days the
24 methamphetamine that he had been trying to make hadn't
25 really been coming out. They hadn't really had any

1 product produced. It just wasn't cooking up right.

2 So these folks who had a habit, had an addiction
3 to this methamphetamine, they were starting to have a
4 pretty rough time. They were wanting it pretty badly.
5 Their tempers were short. There was a lot of
6 animosity there.

7 Ms. Tyler in particular wanted Mr. Smith out.
8 She wanted him gone. Mr. Smith had a little problem,
9 though. Mr. Smith had about 130 marijuana plants
10 growing in the trailer inside, had a meth lab set up
11 there, and he had a dog. He didn't have anywhere to
12 go. He was kind of between a rock and a hard place.

13 You're going to hear that about midday or so, a
14 friend of both the Tylers and Mr. Smith going by the
15 name of Samantha Steeprock, her and a fellow named
16 Cedric Blackmon came over to the location. Mr. Smith
17 did some odd jobs, some handiwork on the side, and
18 Ms. Steeprock's sister had an ice cream parlor over in
19 Richland County, Bruster's. They were going to have
20 him do some work there on some locks at the ice cream
21 parlor. They came over there to talk to him about
22 this.

23 Mr. Blackmon stayed out in the car while Ms.
24 Steeprock went in to talk to Greg about doing this
25 work. When she got there, Deborah Tyler, Nicole, saw

1 that she got there, followed her into the trailer at
2 , the one in the back, and started
3 arguing, starting fussing with Mr. Smith and
4 Ms. Steeprock telling them he's got to go. Got to get
5 out of here. You're not welcome here anymore.

6 You're going to hear Ms. Steeprock tell you that
7 argument got heated, that words were exchanged, very
8 unpleasant, very unkind words between these two folks
9 and that at some point, Mr. Smith got up off the sofa
10 that he was sitting on, grabbed a 357 caliber revolver
11 out of a holstered belt that he had made, had his
12 initials on it, and he pointed it at Ms. Tyler and
13 that he shot her in the head. He shot her just under
14 the left eye.

15 You're going to hear the medical pathologist come
16 in and tell you that that bullet went through her eye,
17 severed her brainstem, killed her instantly.

18 Once this happened, of course, Ms. Steeprock, she
19 got pretty scared. She had just seen one of her best
20 friends shot and killed by another one of her friends.
21 She took off running out of the trailer.

22 You're going to hear Mr. Blackmon tell you that
23 he was sitting outside waiting on his friend to come
24 back out and heard somebody holler, "No, Greg," and
25 then he heard a shot.

1 You're going to hear him say that he saw Samantha
2 Steeprock come running out of that trailer. He saw
3 Greg stick his head out of the trailer and go back in.
4 Then they left.

5 After they left, Ms. Steeprock called 9-1-1. She
6 told the police part of the truth, but not the whole
7 truth. She told them that she had been there, there
8 had been an argument, that she thought she heard a
9 gunshot or a car backfire or something of that sort,
10 but the police needed to go check it out.

11 She left. She went back to her house. She
12 couldn't stand the fact that she had left a friend of
13 hers there maybe wounded, maybe dead, she just didn't
14 know.

15 She had to go back to see what was going on, so
16 she went back with her sister's husband, a guy named
17 Horace Lee. You'll hear Mr. Lee talk about going back
18 to this location, back to Highway 601
19 with Ms. Steeprock to go check on Nicole, Ms. Tyler.
20 You're going to hear him tell you that whenever they
21 got there, they found Mr. Tyler out in the front yard
22 putting flea spray on the dogs.

23 As it turned out, he didn't even know what
24 happened. He had been inside the front trailer
25 sleeping, had no idea what happened. He had no idea.

1 They said hey, you know, we need to go check on
2 Nicole. Everybody goes back there. They found her
3 slumped on a loveseat, obviously dead.

4 Mr. Tyler was distraught, but Mr. Tyler was also
5 concerned. He was concerned because he had marijuana
6 plants in this trailer. He has a meth lab in this
7 trailer, the defendant is nowhere to be found, so he
8 was a little bit concerned about all the police coming
9 out there.

10 He even told Ms. Steeprock, and you'll hear her
11 testify --- he told her don't call the police. He
12 didn't know what to do, he was panicked. What did
13 Ms. Steeprock do? She called the police again, you
14 need to get out here now, so the police come out.

15 You're going to hear from officers that were
16 first on the scene, got there and assessed the
17 situation, found Ms. Tyler over there dead. You're
18 going to hear about how upset, angry, concerned that
19 Mr. Tyler was.

20 Ultimately it got to the point he was so
21 disorderly, they had to take him into custody. He was
22 placed under arrest in the patrol car, transported to
23 the Kershaw County Sheriff --- excuse me, the Kershaw
24 County jail.

25 You're going to hear officers tell you that while

1 they were there, they got yet another call from
2 Ms. Steeprock and Mr. Lee saying hey, we just saw Greg
3 Smith. He's down the way here walking down the road.
4 Y'all need to come get him.

5 What did officers do? They did what officers do.
6 They went and picked him up. They went and placed him
7 under arrest. You're going to hear officers tell you
8 that at that time, he was complaining about being
9 thirsty. As you can imagine, it being Memorial Day
10 weekend, getting a little bit warm, and he was
11 thirsty. He wanted some water. You're going to hear
12 Chris Phillips with the Kershaw County Sheriff's
13 department, who was involved in making that arrest,
14 offered to get him a bottle of the water out of his
15 car.

16 He's going to tell you that this defendant told
17 him, whenever he gave him a warm bottle out water out
18 of his car, that he didn't want a warm bottle of
19 water, that he wanted a cold bottle of water. Officer
20 Phillips, he told him hey, I don't have a cold bottle
21 of water. What did this defendant tell him? What did
22 Mr. Smith tell him? I'm getting ready to go to jail
23 for the rest of my life and you're worried about a
24 cold bottle of water.

25 You're going to hear Chris Phillips tell you that

1 that's what this defendant told him.

2 You're going to hear that this defendant was
3 taken to the Kershaw County Hospital and checked out
4 to be sure that he was okay, while the other officers
5 who had gone there to that trailer, to check out the
6 trailer, they had been exposed to the fumes in there
7 where the meth was trying to be cooked, caused them to
8 feel a little bit queasy and also too, as a matter of
9 policy, they had to go to the hospital to be checked
10 out.

11 They took Mr. Smith, they said hey, we want to be
12 sure this guy is okay. Took him to the hospital, got
13 him checked out to be sure he was okay. You're going
14 to hear from the hospital, the doctor that saw him
15 there and he will that say that he was just fine,
16 nothing wrong with him, no shortness of breath, no
17 other symptoms, no nothing. He was just fine. The
18 doctor said he was just fine.

19 You're going to hear that Mr. Smith then decided
20 that he wanted to confess. He wanted to tell the
21 truth, he wanted to get off his chest what happened.
22 He wanted to tell the truth, veredicto, veredicto.

23 But you're going to hear that he was smart
24 enough, cogent enough, forward thinking enough, that
25 he didn't want to do that without a lawyer.

1 Now, that makes sense. We all know. I mean, we
2 watch TV enough to hear our Miranda rights. We all
3 know that we're entitled to a lawyer. If we're under
4 arrest, going to be charged with something, certainly
5 we're entitled to a lawyer before we talk to the
6 police. Those are good rules. Those are good rules.
7 There is nothing wrong with wanting a lawyer.

8 He asked for a lawyer. You're going to hear that
9 a lawyer, a very prominent lawyer here in Kershaw
10 County actually went out to the sheriff's department,
11 was there. Mr. Smith had time to consult with him
12 privately. They spent quite a bit of time together
13 and then ultimately Mr. Smith came into an
14 interrogation room, an interview room that was
15 constantly being videotaped, and that he gave a video
16 taped confession where he told them everything that
17 happened.

18 He told them about the argument. He told them
19 about the fact that Ms. Tyler was kind of hateful to
20 him. He told them that he pulled out that gun and
21 that he pointed it at her, and he said he wasn't going
22 to shoot her. He was going to shoot over the side of
23 her, but he definitely pulled that trigger and a
24 bullet definitely went in under her right eye, and it
25 definitely severed her brainstem, and she was

1 definitely dead right there.

2 You're going to hear him talk about leaving. He
3 took off and he took the gun with him. He took the
4 gun.

5 What did we do at that point? We were concerned.
6 There was a gun. Somebody might get ahold of it.
7 Kids might get hurt, something else bad might happen
8 with it, so officers asked him, hey, can you take us
9 to this gun? We really need to recover that gun. What
10 did he do? He and his attorney and folks from the
11 sheriff's department went out and he took them to
12 where the gun was. He have took them to the gun, and
13 they recovered the gun in the belt in the holster that
14 he made.

15 What did we find when we found that gun? We
16 found that it was a 357 revolver. We found that it
17 had one spent cartridge casing in the cylinder, five
18 unshot shells, took that gun into custody, and this is
19 where the cool CSI stuff comes in --- we sent it off
20 and had ballistics done, okay. Like you see on TV,
21 sent it off to SLED. Had it analyzed, checked it out
22 and guess what?

23 It turns out the bullet that the medical examiner
24 found inside of the victim was definitely fired by
25 that gun, by that 357 revolver that this defendant

1 said that he shot with, that was in a belted holster
2 that he had made, his initials on it that he had taken
3 us to, and you might think that that would be the end
4 of the story, that there really wasn't a whole lot
5 more to tell after that.

6 We've got a murder. We've got methamphetamine
7 being cooked in the trailer. We've got someone who
8 saw it. We've got a defendant who has been taken into
9 custody who has told us he's done it. We've got him
10 taking us to the gun. We've got the forensics from
11 the gun. It's definitely the gun that shot the
12 bullet. We've got the bullet in the victim, but
13 that's not the end of the story, or the rest of the
14 story as Paul Harvey would say, because as it turns
15 out, after having confessed to this, he finds out that
16 unfortunately, Mr. Tyler, David Tyler, as you
17 remember, he had been arrested, he was disorderly at
18 the scene, it turns out that David Tyler had a heart
19 attack on the way to the jail, and died in the back of
20 that patrol car.

21 Ladies and Gentlemen, I would submit to you that
22 Mr. David Tyler died of a broken heart because the
23 love of his life had just been killed, but regardless,
24 he was dead.

25 What else did this defendant find out after the

1 fact? He found out that we had officers that went to
2 the hospital to be checked out to find out that
3 nothing was wrong with them having been exposed to the
4 fumes there in the trailer. Of course, he got checked
5 out at the hospital, too.

6 After he finds out, hey, the were husband is
7 dead, officers have to be checked out for these fumes,
8 guess what? Suddenly he has a new story. That's
9 right. I didn't do it anymore. No, no, no, no, I
10 didn't do it. Her husband did it. He shot her. He
11 killed her. I didn't do it. That confession I gave,
12 don't worry about that. That confession wasn't real.
13 That wasn't me talking, that was the meth fumes
14 talking.

15 The problem with that is none of the things that
16 he was exposed to would cause that sort of behavior.
17 You're going to hear witnesses testify and let you
18 know that nothing that he did was out of the way,
19 nothing that he did was something that would have been
20 influenced by being exposed to these fumes.

21 Nothing that he was exposed to would have caused
22 him to either not be able to knowingly and willingly
23 give a confession, nothing that he was exposed to
24 would have caused him to be confused or to give a
25 false confession. You're going to hear the doctor

1 that examined him. You're going to hear other folks
2 that know what he was exposed to, folks who were there
3 whenever he gave his confession.

4 You're going to see his confession yourself.
5 We're going to play that video for you. We're going
6 to let you see it, let you judge for yourself. Does
7 he seem like a man who is confused, or a man who
8 doesn't know what he's doing, or a man who is somehow
9 influenced by some chemicals that he was around?
10 You're going to get to make that decision. You're
11 going to get to weigh the evidence that was put before
12 you.

13 We believe that after we presented all the
14 evidence to you, after you've had a chance to hear it
15 come out of the witness's mouths and see the evidence
16 that we have, that there is absolutely no verdict that
17 you can come to except a verdict beyond a reasonable
18 doubt that Greg Smith killed Deborah Nicole Tyler by
19 shooting her in the face with a 357 Magnum revolver
20 and that he was also engaged in the manufacture of
21 methamphetamine in that trailer at
22 Highway 601. I want to thank you for your service.
23 We can do this without myself, without Mr. Moak, and
24 even the judge, but we couldn't do it without each and
25 every one of you.

1 Thank you very much.

2 THE COURT: Mr. Riley?

3 MR. RILEY: May it please the Court.

4 OPENING STATEMENT:

5 MR. RILEY: Madam Forelady, ladies and gentlemen
6 of the jury, I'm Neil Riley. I'm the defense attorney
7 for Greg Smith in this case.

8 The first thing that I want to do is to tell you
9 what you're not going to hear from me during this
10 opening statement. What you're not going to hear from
11 me is a summary or an outline of what we hope to prove
12 on the defense side, and the reason for that is very
13 simple.

14 We don't have to prove anything. There is no
15 burden of proof on the defense whatsoever. What you
16 will hear from me is some problems that the State has
17 with their prosecution of these charges against my
18 client.

19 There's some real genuine weaknesses in the
20 State's case. I'll be pointing out a few of those to
21 you in the brief time I have to give you my opening
22 statement.

23 Mr. Smith, you've already heard, has two charges
24 against him. Both of them are very serious. One of
25 them is the most serious charge there is, namely a

1 murder charge.

2 To those charges, Mr. Smith has entered a plea of
3 not guilty. The reason he has entered a plea of not
4 guilty is very simple. The simplest reason you can
5 imagine, he is, in fact, not guilty.

6 Now, Mr. Perry has, in his opening statement,
7 talked about the fact that the word verdict comes from
8 a Latin root. Basically it means finding the truth,
9 discovering the truth.

10 That --- I do not disagree with that summary
11 whatsoever, but I want to explain to you that the duty
12 that is on your shoulders as jurors in this case, as
13 is true of jurors in any criminal case, the burden
14 that is on your shoulders is somewhat more
15 particularized than merely a search for the truth.

16 The burden that is on your shoulders is to see
17 whether the State has proven at the end of the trial
18 each and every element of the offenses charged.

19 That certainly falls into the category of
20 searching for the truth, but it's a very
21 particularized burden. You have to analyze throughout
22 the course of the trial whether the State has met its
23 burden of proof. That really is your duty. There is
24 no other --- no other explanation or embellishment
25 that needs to be placed upon the duty that the court

1 and your oath as jurors has resulted in you being
2 tasked with.

3 Now, you may remember back in early 1999, I think
4 it was, during the trial --- in January, I think it
5 was, former senator, late Senator Arlen Specter from
6 Pennsylvania was in the senate at that time, and when
7 the time came for the senate to vote on the articles
8 that were placed before them, Senator Specter entered
9 a plea or a response of not proven.

10 Now, Senator Specter was something of a maverick.
11 He borrowed that from Scottish law. That is not an
12 option that's before you in the trial of this case to
13 return a verdict of not proven.

14 But the really, truthfully, rock bottom, a
15 verdict of not guilty means not proven. I submit to
16 you that in the course of this trial and at the end of
17 the trial when you begin your deliberations, the only
18 verdict you will be able to reach is not proven, also
19 known as not guilty under our system of law.

20 The presumption of innocence, which Judge Cooper
21 has talked with you about, the absolute burden of
22 proof that is placed on the State, those are the two
23 hallmarks of our system of criminal justice. They are
24 really the pride and glory of our criminal justice
25 system. We should be proud that our entire system is

1 based on those two hallmarks.

2 I mentioned that there's some real problems with
3 the State's case. Let me just give you one example,
4 and I --- Mr. Perry sort of skated over the top of
5 this, but when the police arrived at the scene based
6 on a report they had received of a disturbance, the
7 first person they made contact with was David Tyler,
8 also known as Goat Man.

9 Now, Goat Man was --- his hands were shaking, his
10 voice was unsteady. His breathing was labored. In
11 the course of their investigation, he became angry,
12 irate, he used profanity.

13 The police attempted to calm him down. He told
14 the police that his wife, the victim of this tragic
15 incident, had just left in her car to go to a
16 neighbor's house.

17 Because of his continuing agitation, they placed
18 him under arrest for disorderly conduct. When he was
19 placed in the back of the sheriff's deputy car,
20 vehicle, he tried to kick out the window. He
21 continued to use profanity, shout threats, tried to
22 open the door to get out.

23 A struggle ensued. Mr. Perry did mention that on
24 the way to the detention center --- because he had
25 been charged with disorderly conduct --- Mr. Tyler

1 died of a heart attack.

2 You will --- the State will inevitably explain to
3 you that no tests were done on Mr. Tyler's body, no
4 gunshot residue test, no autopsy, no nothing was done
5 in the course of investigating what happened.

6 They focused all of their attention on one
7 person, Mr. Smith. Everything else was --- everything
8 else slid by the wayside. That's what I was talking
9 about as one example of the real problems the State
10 has with this case.

11 I urge you --- I know each and every one of you
12 will fulfill to your utmost the burden which is on
13 your shoulders, which is --- to repeat --- I am
14 repeating a lot of what Judge Cooper said.

15 I don't think it's possible for me to over
16 emphasize this point, which is why I'm hammering it so
17 vigorously. Your duty is to see whether the State can
18 prove or has proven in the course of the trial each
19 and every element of the offense which is charged.
20 That in a nutshell is your sole duty.

21 Thank you very much.

22 THE COURT: All right. Solicitor, call your
23 first witness.

24 MR. PERRY: The State would call Samantha
25 Steeprock.

1 SAMANTHA STEEPROCK,

2 after being duly sworn, testified as follows:

3 THE CLERK: Thank you. Please be seated. State
4 your full name for the record.

5 (There was no response.)

6 THE WITNESS: I'm sorry. What did you say?

7 THE BAILIFF: Just go ahead and answer the
8 questions.

9 DIRECT EXAMINATION:

10 BY MR. PERRY:

11 Q State your full name for the record.

12 A Samantha Steeprock.

13 Q Can you hear me okay?

14 A Yes, sir.

15 Q All right. I'm going to stand way over here
16 whenever we talk. I figure if I can hear you okay,
17 then everyone in the jury box can hear you okay. Is
18 that all right?

19 A Yes.

20 Q Okay. If you will, tell the court a little bit
21 about how you knew Deborah and David Tyler or Nicole
22 and Goat Man and how you knew the defendant Greg
23 Smith.

24 A I met Nicole about 18 years ago at I-95 truck
25 stop in Santee where we worked together.

1 MR. RILEY: Your Honor, I can't hear the witness.

2 THE WITNESS: I'm sorry. I'm hoarse.

3 THE COURT: She speaks real soft.

4 MR. PERRY: Do your best, okay?

5 THE WITNESS: I'm hoarse. I just got out of the
6 hospital with pneumonia and I can't --- I don't have a
7 voice.

8 THE COURT: Mr. Riley, you can move over there if
9 you can't hear her. I don't know if there is a better
10 place from where you were sitting earlier. You can
11 have a chair out there. It might be easier.

12 MR. RILEY: Yes, sir.

13 BY MR. PERRY:

14 Q Ms. Steeprock, you're a little bit hoarse today?

15 A Yeah, I'm hoarse.

16 Q You just do the best you can. Try to speak up so
17 we can hear you, okay?

18 A I understand.

19 Q Tell us again how is it that you knew the Tylers
20 and how is it that you knew Greg Smith?

21 A I met Nicole, Deborah, 18 years ago in Santee at
22 the truck stop where we worked together. That's where
23 she met David, and so we've just been friends ever
24 since.

25 Greg was friends of David's, and I met Greg

1 through David and Nicole.

2 Q How long ago did you met Greg?

3 A It's been about ten years.

4 Q Okay. During the course of knowing them, did you
5 spend much time with them out at their place there on
6 601?

7 A Every day.

8 Q Did you live fairly close by?

9 A Right around the corner.

10 Q And back in 2011, did Greg live over there?

11 A Yes, sir.

12 Q Did he live in the trailer behind theirs,
13 , I think it was.

14 A Yes, sir.

15 Q At any point in time, did Greg ever live with you
16 and any members of your family?

17 A Yes, sir, he lived two doors down from me. He
18 worked for my mother doing repairs and dog pens and
19 stuff, and he had a trailer that he rented from my mom
20 right there next door.

21 Q Okay. Did he do odd jobs and stuff for you and
22 your family?

23 A Yes, sir.

24 Q What types of things would he do for your mom,
25 you, any other family members?

1 A He did everything. Really, he was good at
2 everything that he did. He did construction. He was
3 good at building stuff.

4 Q All right. Were you friends with Greg?

5 A Yes, sir.

6 Q Or were you just acquaintances?

7 A No, we were friends.

8 Q Had you ever dated like boyfriend, girlfriend?

9 A No.

10 Q But you considered yourself good friends?

11 A I considered him part of my family, just as I did
12 Nicole and Goat Man.

13 Q You said he actually used to live in a trailer
14 that belonged to your mom right close to you and your
15 mom?

16 A Yes, sir.

17 Q Was there an occasion where he moved out of
18 there, was required to move out of there? Can you
19 tell us about that?

20 A Yes, sir, he was doing some things he shouldn't
21 have been doing and ---

22 Q Specifically, what was he have doing?

23 A Cooking methamphetamine. He was throwing the
24 trash in my mom's dumpster. I told my mom so she
25 would kick him out so we wouldn't get in trouble.

1 Q Did that ever create any tension between you and
2 Greg?

3 A No, because he never knew I told.

4 Q Did he ever make any comments to you about your
5 mom having thrown him out?

6 A Yeah, he said he was going to kill my mom. He
7 said if it wasn't for me, that he would shoot her, but
8 I didn't think nothing of it.

9 Q Okay. At the time, you didn't believe he would
10 do anything like that, did you?

11 A No.

12 Q And is that when he moved in there over at
13 or was there some place else where he was?

14 A No, he moved over to Nicole and Goat Man's.

15 Q Okay. Nicole and Goat Man, that's at
16 , right?

17 A Yes, sir.

18 Q Okay. So you've known all these folks for a very
19 long time?

20 A Yes, sir.

21 Q Was Nicole your best friend?

22 A Yes, she was.

23 Q Now, Samantha, I want to take you back to May
24 28th, 2011, Saturday of Memorial Day weekend last
25 year. I know that's a painful time for you, but I

1 want you to take your time and get through as best you
2 can and just take your time and tell us what happened
3 that day, why you came to be out there and what
4 happened while you were out there?

5 A Well, it was my daughter's graduation from high
6 school and my sister needed help changing the locks on
7 her --- where she works at the ice cream parlor, so I
8 went to Greg's to go get him after my daughter
9 graduated so he could fix the locks, and I went in the
10 house ---

11 Q Was it about the middle of the day?

12 A It was right about twelve o'clock.

13 Q Okay. And I went to his house, and I went in
14 there and I sat down. Me and him was talking. He was
15 going to come with me and go fix the locks at my
16 sister's ice cream parlor.

17 Q When you first got there, did you see anybody in
18 the house at the front at ?

19 A No.

20 Q So you didn't make contact with anybody there at
21 that time?

22 A Nicole didn't come over there until about five or
23 ten minutes after I had already been there.

24 Q So you were at and then she came
25 in?

1 A Yes, sir. It was real hot in there because she
2 cut --- she pulled the electricity out, so he didn't
3 have no heat --- I mean, no air conditioner or no fan
4 or anything in there. He was just really sweaty. It
5 was really hot in there.

6 Q Do she make any comments or did he know why she
7 had done that?

8 A She did that because the dope wasn't coming out
9 right that he was cooking.

10 Q You said the dope wasn't coming out, right?

11 A Yeah, she was mad about that.

12 Q So let's go back to that for a minute. What dope
13 are we talking about?

14 A The methamphetamine.

15 Q Who was trying to make that methamphetamine?

16 A Greg was cooking it.

17 Q Greg?

18 A Yes, sir.

19 Q Sitting right there?

20 A Yes, sir.

21 Q And you said it wasn't coming out right, what do
22 you mean by that?

23 A I mean, because of the humidity and the rain, it
24 wouldn't dry right so nobody got any.

25 Q About how long had it been?

1 A It had been three days.

2 Q And ---

3 A And Nicole was mad, so she came to the trailer,
4 and she was screaming at Greg and she was telling him
5 that he had to get out and that he was a piece of S,
6 you know.

7 Q Right.

8 A And she was really --- I mean, she was really
9 going off on him.

10 Q Was she pretty hateful that day?

11 A Yeah, she was really mean. She was really,
12 really mean.

13 Q Right.

14 A And they was arguing back and forth. I was just
15 sitting there, and Greg just came off the couch
16 because he was laying down, and he picked up his gun
17 and ---

18 Q Let me, real quick before we get into that, let
19 me just get sort of a layout of the room, if you will.
20 How was the room set up? Was there ---

21 A When you'll walked in ---

22 Q Okay. Were there multiple pieces of furniture in
23 there?

24 A Yes, sir, when you walked in there was a little
25 table here. We called that the cook table because

1 that's where he cooked the dope at.

2 Q At okay.

3 A Next to that was a love seat. That's where
4 Nicole was sitting in front of the window.

5 Q Okay.

6 A And on the wall over here ---

7 Q Like long ways?

8 A There was a couch and that's where Greg was
9 laying --- the coffee table was next to the couch.
10 That's where the gun was sitting.

11 Q So she was on the love seat?

12 A She was on the love seat at the front window,
13 Greg was laying down, and I was on the chair by the
14 door.

15 Q Okay. And you said there was a gun on the coffee
16 table?

17 A Yeah, on the coffee table, a 357.

18 Q Was it just laying there?

19 A Yeah, it was just laying there.

20 Q Okay. Was there a holster, a belt, anything like
21 that?

22 A I don't remember.

23 Q All right. So then tell me what happened.

24 A Nicole started yelling at me and telling me that
25 it was my fault that she got beat up by Goat Man last

1 night and then she started cursing at me and Greg got
2 up off the coach and looked at Nicole, and Nicole said
3 what the fuck are you've going to do, shoot me or
4 something and Greg just got up and was there, and had
5 the gun like this, he was shaking and sweating real
6 bad and he shot her right in the face. I didn't see
7 no blood. I thought the bullet went over her head, so
8 I ran out the door, because I was just scared --- so I
9 just ran out the door because I thought he was going
10 to shoot me, too.

11 Q Okay. Let's go back just a second now.

12 A Okay.

13 Q You were inside the trailer?

14 A Yes, sir.

15 Q And you saw him?

16 A Yes.

17 Q Greg Smith?

18 A Greg Smith.

19 Q And he pointed the gun that had been on the
20 table?

21 A Yes. He shot her right ---

22 Q At Nicole and pulled the trigger?

23 A Yes, sir.

24 Q You heard it go off?

25 A I didn't' hear --- I never heard the gun boom. I

1 never heard it. I don't know if I blocked it.

2 Q Let me ask you, were your scared?

3 A Yes.

4 Q What did you think when you had just seen one
5 friend ---

6 A I didn't.

7 Q --- shoot at another?

8 A I didn't believe it. I just couldn't believe it.
9 I didn't think the bullet hit her because I never saw
10 any blood, so I was scared, and I ran out.

11 Q Were you in shock?

12 A Yes, sir, I was in shock.

13 Q When you ran out --- did you holler anything?

14 A I screamed in the house, "No, Greg," before he
15 shot her.

16 Q Uh-huh.

17 A And I ran out.

18 Q When you ran out, where did you go to? Had you
19 driven yourself there or had you come with somebody
20 else?

21 A No, sir, my roommate Cedric had driven me up
22 there.

23 Q In fact, you don't drive, do you?

24 A No, sir, I don't have a driver's license. It's on
25 suspension.

1 Q So Cedric drove you there?

2 A Yes, Cedric Blackmon.

3 Q And he was waiting in the car for you?

4 A He was waiting in the car for me, and he heard me
5 scream and heard the gunshot.

6 Q Okay.

7 A And he already had the car in reverse when I got
8 in the car. As soon as I got in the car, I said that
9 I think Greg shot Nicole, and we called 9-1-1 and said
10 we heard a gunshot go off.

11 Q Okay. Now, let's talk about that for just a
12 minute. When you first talked to 9-1-1, you didn't
13 tell them that you were in that trailer, did you,
14 Samantha?

15 A No, sir.

16 Q You didn't tell them that you saw Greg Smith
17 shoot Nicole, did you?

18 A No, I didn't.

19 Q Now when that had just happened, were you still
20 scared? Were you still in shock?

21 A I didn't know what to think. I didn't know if
22 she was really shot, so I ran home, but I went back
23 because I couldn't live with myself to know that she
24 was shot or not.

25 Q And Mr. Smith had previously told you that he

1 would kill your mom; isn't that correct?

2 A Yes, sir.

3 Q Okay. And now you've just seen him shoot your
4 best friend, right?

5 A Yes, sir.

6 Q Were you scared?

7 A Yes, sir.

8 Q Maybe a little bit?

9 A Yes, sir.

10 Q Were you scared of what he might do to you or to
11 your mom?

12 A Yes, sir.

13 Q Again, when you called the police and you told
14 them --- again, specifically what did you tell them?

15 A I told them that there might have been a domestic
16 dispute, and I heard a gunshot. I heard shots fired
17 at the house, but I wasn't really sure of the address,
18 so I just tried to describe the address.

19 Q At any time when you had been there the first
20 time when you saw the shooting take place before you
21 and Cedric left, did you ever see David, Goat Man?

22 A No, Goat Man was not in the trailer.

23 Q Okay.

24 A He was nowhere to be found. I didn't see him. He
25 slept a lot during the day time because he worked.

1 nights.

2 Q Okay. So when you first called law enforcement,
3 you told them that there might have been a domestic
4 dispute, might have been a gunshot, that they needed
5 to go to that place and check it out, right?

6 A Yes, sir.

7 Q But you didn't tell them that you saw Greg Smith
8 shoot her with that revolver and that you were in the
9 trailer, right?

10 A No, I didn't.

11 Q And one more time just so the jury can understand
12 it, why did you not tell everything at first?

13 A At first I was shocked, and I was scared about
14 everything that was going on with the drugs, the
15 cooking of the methamphetamine. I didn't want to be
16 part of it, and I didn't want to believe that Greg
17 shot her. I didn't want to --- I couldn't believe it.
18 I just couldn't believe everything that had happened.

19 Q When you and Cedric left, where did you go?

20 A I went home. I live around the corner, and I
21 called up my sister, and I told her I just needed to
22 see her and she sent her husband to the house and my
23 niece, so we went back.

24 Q I'm sorry?

25 A Back up to the house.

1 Q Let's back up just a little bit. You called your
2 sister, and you said that you needed to see her, that
3 you were real upset?

4 A Yes, sir.

5 Q And you say she sent her husband?

6 A Yes, she sent her husband.

7 Q And what's her husband's name?

8 A Harvey Lee.

9 Q Horace Lee?

10 A Horace Lee, yes, sir.

11 Q Did you tell her anything about what had
12 happened?

13 A I didn't tell her because I didn't know. I mean,
14 I didn't really know if it happened or not.

15 Q Right. Did you want to believe that one of your
16 friends had just shot and killed another one of your
17 friends?

18 A No.

19 Q Did you have a hard time processing that?

20 A Yes, sir.

21 Q Okay. Did Mr. Lee, did Horace Lee or Harvey Lee,
22 did he actually come to you?

23 A Yes, sir, he came and brought me --- we were
24 driving down Koon Road. We were going to Nicole's
25 house. I told him that I thought Greg shot Nicole and

1 we were coming.

2 Q Let me stop you there just a second. What was
3 your motivation, why would you go back to a place
4 where you thought you saw someone get shot?

5 A I just couldn't live with myself knowing if she
6 was shot and laying there bleeding or not, I didn't
7 know.

8 Q So you went back to check on your friend; is that
9 right?

10 A Yes, sir.

11 Q You and Harvey?

12 A Me and Harvey and my niece was with me.

13 Q Your niece was with you, too?

14 A Yes.

15 Q Okay, now when you guys got there to that
16 location, had either one of you called 9-1-1 again on
17 the way there?

18 A No.

19 Q Okay. When you got there, tell me what you saw,
20 tell me what you heard, tell me what you found when
21 you got there?

22 A Okay, when we got --- when we pulled up the hill,
23 Goat Man came and --- he was outside spraying the dog
24 with flea medication.

25 Q Out in front of the main trailer?

1 A Yeah, there was a dog house between the trailers
2 that they kept the dog tied up out there and Goat Man
3 was just out there spraying the dog. He was just
4 spraying and he didn't know anything, so I asked him
5 where Nicole was. He said that she was in there
6 arguing with Greg in the other trailer, and I said no,
7 I just saw Greg walking down Koon Road. We need to go
8 look, and the trailer was locked, which was unusual,
9 but Goat Man had a key for that trailer, so I told him
10 to go get the key for the trailer and open the door
11 because I wanted to see if Nicole was in there or not.
12 He went and got the key and he opened the door. And
13 Nicole was ---

14 Q Who went in, Sam?

15 A We all went in.

16 Q You, Goat Man, and your brother-in-law, Harvey?

17 A Yes, sir, Goat Man was the first one to go in.

18 Q What did you see?

19 A I saw Nicole, she was all just ---

20 Q At that point, could you tell she had been shot?

21 A Yes, sir.

22 Q Could you see blood at that time?

23 A Her whole face was off like she was just laying
24 on the floor and Goat Man picked her up and he was
25 screaming and it was just terrible.

1 Q Did Goat Man say anything at that point?

2 A He just said, "I'm going to kill that
3 motherfucker."

4 Q Do you know who he was referring to?

5 A To Greg and that's when I called 9-1-1 again to
6 make sure the ambulance was coming.

7 Q Did they say somebody was on the way?

8 A Yes, sir.

9 Q Okay. So that was the second time you called?

10 A Yes, sir.

11 Q At that time, did you tell them that somebody has
12 definitely been shot?

13 A Yes, sir.

14 Q At that time did you tell them who shot her?

15 A No, sir.

16 Q Okay. Were you still scared and in shock?

17 A Yes, sir.

18 Q And let's talk about Goat Man for a few minutes.

19 What was he like? Did he say anything other than what
20 you said that he was going to kill him?

21 A He just told me not to call the police because of
22 all the stuff we had up there, the meth lab and the
23 marijuana growing. He said don't call the police, and
24 I told him that it was too late, because I already had
25 called them.

1 Q All right. And did --- you said you called 9-1-1
2 again. Did Harvey call 9-1-1?

3 A My niece did.

4 Q Your niece did?

5 A She didn't come in the house, but Harvey did.

6 Harvey is the one that checked her pulse.

7 Q Okay. Let me ask you this. When --- did you
8 guys stay there, did you wait on them? Where did you
9 wait for law enforcement to arrive?

10 A We went down to the bottom of the hill.

11 Q Okay. Because of --- I don't know why. We just
12 did. We just went down to the bottom of the hill.

13 Q When you say the bottom of the hill ---

14 A Because she lived there ---

15 Q Tell us about entrance to this property. What
16 was it like?

17 A It was --- Nicole's house was the only property
18 that was up on a hill on 601.

19 Q Okay.

20 A She lived on what we called the hill. You had to
21 pull in the driveway and go up.

22 Q All right. So you went down the road to 601 to
23 wait on law enforcement?

24 A Yes.

25 Q Okay. At some point, did they finally get there?

1 A The ambulance got there first, but they turned
2 around and they came back out because of the meth lab.

3 Q Okay.

4 A Then the cops got there, then the helicopter was
5 flying.

6 Q Did you talk to any law enforcement officers
7 there at the scene?

8 A Yes, sir.

9 Q Did you give any statements to them there at the
10 scene?

11 A Yes, sir.

12 Q And what did you tell them whenever you talked to
13 them there at the scene?

14 A I told them I was outside the trailer when I
15 heard a gunshot go off.

16 Q Okay. Sam, one more time. Why did you not tell
17 them the whole truth?

18 A Because I was scared, and I couldn't believe it,
19 that Greg --- that Greg really shot her.

20 Q Did you know where Greg was at that time?

21 A No, but my niece, my other niece had called my
22 sister and said that he was at my house, so we sent
23 the cops there.

24 Q Were you concerned about what he might try to do
25 to you or your family?

1 A Yes, we were worried because there were kids.

2 Q So when you found out that he was over by your
3 house, you let the police know so they could go find
4 them?

5 A Yes, sir.

6 Q Okay. Now, Nicole --- I'm sorry. I'm thinking
7 about her. I can't stop thinking about her.

8 Sam, at some point, you were ultimately charged
9 with accessory after the fact in this case, weren't
10 you?

11 A Yes, sir.

12 Q And that was because we didn't think that you
13 told the whole truth; isn't that right?

14 A Yes, sir.

15 Q Okay. And once that happened, what did you do
16 then?

17 A I told the truth.

18 Q And at that point was Greg in jail?

19 A Yes, sir.

20 Q At that point, were you scared that he was going
21 to get back out?

22 A Yes, sir.

23 Q But at that point, did you feel like you didn't
24 have any choice but to tell the whole truth?

25 A I feel like I couldn't --- I haven't been able to

1 be sleep or eat since all of this stuff happened, and
2 I couldn't live with myself anymore about not telling
3 the truth.

4 Q Let me ask you something, Sam, back in 2011, back
5 in May of 2011, I'm not asking you this to embarrass
6 you. I'm asking you because it's important. Back in
7 May of 2011, were you using drugs?

8 A Yes, sir.

9 Q Were you using methamphetamine?

10 A Yes, sir.

11 Q Were you getting it from Greg?

12 A We all were.

13 Q Were you using a lot of drugs?

14 A Yes, sir.

15 Q How about now?

16 A Right now, no, sir.

17 Q Are you in a program?

18 A No, sir. I just got out of the hospital.

19 Q Are you ---

20 A I can't get in a program. I tried to go in a
21 program, but they won't let me because I'm charged
22 with accessory after the fact. They won't take me
23 nowhere.

24 Q All right. But you're not using drugs now are
25 you?

1 A No, sir.

2 Q When is the last time you used any drugs of any
3 sort?

4 A It's been about two weeks.

5 Q Okay.

6 A Since I've been in the hospital.

7 Q Were you on drugs whenever you gave this
8 statement to law enforcement, this most recent one
9 where you're told them the whole truth?

10 A No, sir.

11 Q Why did you tell them the whole truth, Sam?

12 A Because I knew it was the right thing to do.
13 Because Nicole was my friend. Greg was my friend,
14 too, but I just couldn't live with myself anymore.

15 Q Okay. Sam ---

16 A Knowing that I knew.

17 Q Without getting into any detail, because I don't
18 want to get into any embarrassing details, but you're
19 sick, right?

20 A Yes, sir.

21 Q And there's a possibility that the sickness you
22 have could kill you, right?

23 A Yes, sir.

24 Q Are you concerned about clearing your conscience
25 and getting all of this out before that might happen?

1 A Yes, sir.

2 Q Does that have anything to do with why you are
3 telling the whole truth now?

4 A I just needed to because I have to, because it's
5 the right thing to do.

6 Q And Sam, you know, you've got charges pending
7 against you, right?

8 A Yes, sir.

9 Q Now, I'm going to ask you very straightforward
10 and I want you to answer me very straightforward, have
11 any promises been made to you by myself or anybody
12 else from the solicitor's office or anybody in law
13 enforcement about how your charges will be handled as
14 a result of you coming in here and telling the truth,
15 any promises?

16 A No, sir, no promises.

17 Q In fact, isn't it true that all you've ever been
18 asked to do is come in, tell the truth, the whole
19 truth, and nothing but the truth?

20 A Yes, sir.

21 Q Is that what you're doing today?

22 A Yes, sir.

23 Q Is there any reason at all why you would lie
24 about this man right here?

25 A No, sir.

1 Q Was he your friend, too?

2 A Yes.

3 Q Would you tell a lie about what he did in order
4 to try to get yourself off charges?

5 A No, sir.

6 Q Have you been in jail before?

7 A Yes, sir.

8 Q Are you scared of going back to jail?

9 A Yes, sir, nobody wants to be in jail.

10 Q Nobody wants to be in jail, but would you lie
11 today and say that this man killed your best friend to
12 keep from going to jail?

13 A No, I'd rather have my best friend still and him.

14 Q Thank you very much.

15 Sam, I just have one more thing I want to ask you
16 about, just one more thing, and then I'm going to let
17 Mr. Riley ask you some questions.

18 After Mr. Smith was taken into custody and was in
19 jail, did you have occasion to go and visit him over
20 at the Kershaw County jail?

21 A Yes, sir, I did.

22 Q During the course of those visits, did he ever
23 ask you to do anything for him?

24 A Yes, sir.

25 Q Did he ask you about any pictures?

1 A He told me if I would post pictures of the scene.
2 on gore.com.

3 Q Now, he had these pictures in the discovery that
4 they had given to him?

5 A He said he had pictures of Nicole.

6 Q Are you talking about all types of photos?

7 A Of her being dead.

8 Q And he wanted you to do what?

9 A Post them on gore.com.

10 Q Is that a website?

11 A Yes, sir.

12 Q Did he say why he wanted you to post them?

13 A No. He just asked me if I would.

14 Q And did you do that?

15 A No.

16 Q Did you think that was the right thing to do?

17 A No. That's when I knew that he wasn't sorry for
18 what he did.

19 Q And you don't think he's sorry for what he did
20 right now, do you?

21 A No. At first I just thought he had snapped, you
22 know, the drugs.

23 Q And one last time, are you telling the truth
24 today?

25 A Yes, sir.

1 Q Greg Smith shot and killed Nicole?

2 A Yes, sir.

3 Q Your friend Deborah Tyler?

4 A Yes, sir.

5 Q You saw him do it?

6 A I saw him do it.

7 Q And that's the truth, the whole truth, and
8 nothing but the truth?

9 A Yes, sir.

10 MR. PERRY: Thank you. Please answer any
11 questions that Mr. Riley has for you.

12 CROSS-EXAMINATION:

13 BY MR. RILEY:

14 Q Ms. Steeprock, I'm Neil Riley. I represent
15 Mr. Smith in this trial. I'm going to have to ask you
16 to speak up the best you can.

17 A I'm doing the best I can. I'm hoarse. I just
18 got out of the hospital.

19 Q I know it's not easy, but ---

20 A I really feel like I'm screaming, but the words
21 don't come out.

22 Q Yes, ma'am, and I know you'll do the best you
23 can.

24 A Yes, sir.

25 Q How old are you, ma'am?

1 A Thirty-nine years old.

2 Q Okay. Do you have any children?

3 A Yes, sir. I have a 23-year-old daughter, and I
4 have a 19 year old daughter.

5 Q Okay. Are you married?

6 A No, sir, I'm not.

7 Q Ever been married?

8 A No, sir.

9 Q Where were you --- other than South Carolina,
10 where have you lived?

11 A I lived in Pennsylvania.

12 Q Okay.

13 A That's where I had both my children.

14 Q Okay.

15 A And lived there for 12 years and been in South
16 Carolina for 19 years now.

17 Q Okay.

18 A I lived in Hartsville, too, for a couple of
19 years.

20 Q Now, did you say you have twins?

21 A No, I have two daughters.

22 Q Two daughters, oh, okay.

23 A They are 23 and 19.

24 Q All right. And when those two daughters were
25 born, you were not married at the time?

1 A No, sir.

2 Q How have you earned a living most your life?

3 A I've been a prostitute.

4 Q For how long?

5 A My whole life just about, since I was 13.

6 Q Have you ever had any trouble with the law?

7 A Lots.

8 Q Like what?

9 A Drugs and driving under suspension.

10 Q I'm sorry?

11 A Driving under a suspended license and drugs.

12 Q All right. Now, in this case, ma'am --- let me
13 back up.

14 You have some drug convictions, too, don't you?

15 A I just said drugs, drugs and driving under
16 suspension. Drugs, driving under suspension and I
17 have a contributing to the delinquency of a minor when
18 I was 19 years old.

19 Q Okay.

20 A All my problems are from drugs.

21 Q Okay. All right, ma'am. Now, in this matter,
22 how many different statements did you give to the
23 police?

24 A Three.

25 Q All right, ma'am. Do you remember the first two

1 statements that you gave to the police?

2 A The first one I do, yes, the second one I do,
3 yes.

4 Q Now, one of them, is it not true you gave a
5 statement to the police on the date of the incident?

6 A Yes, sir.

7 Q Okay. Let me show you this and ask you if you
8 can identify it?

9 A Yes, sir, I wrote this.

10 Q Is that in your handwriting?

11 A Yes, sir.

12 Q All right. Ma'am, and is that in the same
13 condition?

14 A That's the same condition as when I wrote it.

15 Q As far as when you wrote it?

16 A Yeah.

17 MR. RILEY: Judge, I'd ask this be marked for
18 identification only.

19 THE COURT: Go ahead.

20 MR. PERRY: Without objection.

21 (WHEREUPON, Defendant's Exhibit 1 was marked for
22 identification only.)

23 BY MR. RILEY:

24 Q All right. I'm handing you what's been marked as
25 Defendant's Exhibit No. 1 for identification only.

1 Where in that document do you mention being present
2 when Greg Smith allegedly shot Nicole?

3 A It says right here while we were outside, Nicole
4 came out, and they started arguing. They continued
5 arguing.

6 Q Do you mention being inside the trailer?

7 A No. No, I don't. I just said the first time I
8 was outside the trailer because I was scared.

9 Q Why did you not tell the police that you were ---
10 if you were inside the trailer?

11 A I just told you because I was scared and in
12 shock, and didn't want to believe any of this
13 happened, and I didn't want to think that he was
14 coming to shoot me, too.

15 Q You were scared of a man you testified you knew
16 ten years?

17 A Yes, sir.

18 Q You testified you considered him a member of your
19 family?

20 A I sure did.

21 Q And you were scared of him?

22 A I sure was.

23 Q Scared enough to lie to the police?

24 A Yep.

25 Q Now, statement number two that you gave the

1 police, when was that, ma'am?

2 A In July, I think July or August, July.

3 Q Let me show you two pages and see if you can
4 identify those?

5 A That's my writing.

6 Q Is that statement in substantially the form it
7 was when you wrote it?

8 A Yes, sir.

9 Q All right, ma'am.

10 MR. RILEY: Judge, I'd ask this be marked for
11 identification only?

12 MR. PERRY: Again, without objection.

13 (WHEREUPON, Defendant's Exhibit 2 was marked for
14 identification only.)

15 BY MR. RILEY:

16 Q I'm showing you what's been marked as Defendant's
17 Exhibit number 2 for identification. Can you tell me
18 where in that statement you mentioned being present
19 when Nicole was shot?

20 A I didn't say. I just said I was outside, still.
21 It was the third statement that I told them that I saw
22 him shoot her.

23 Q Okay. So there's no mention in that statement
24 either?

25 A No, sir, still in denial with the drugs.

1 Q When was ---

2 A I was in denial.

3 Q If you'll notice Defendant's Exhibit number 2 for
4 identification does not have a date on it. It has a
5 time. When was that given?

6 A It just says right here on May 28th on top of the
7 page. It says on Saturday May 28th. If you look
8 right there.

9 Q Can you --- oh, sorry. Yes, ma'am. That's the
10 date that it happened.

11 Q I understand that. What I'm talking about is
12 there ---

13 A I ---

14 Q Is there a time and date as to the current time
15 and date that the statement was given?

16 A No, sir.

17 Q Do you remember when this was given?

18 A It was the month after that, after the shooting
19 had happened.

20 Q Okay. So it would have been June or July?

21 A Yes, sir.

22 Q Because the incident was May 28th, right?

23 A Right, sir.

24 Q Now, on page two of Defendant's Exhibit number 2
25 for identification, could you read the highlighted

1 language, which was in your handwriting, right?

2 A Yes, sir. "Goat Man told me to get off the
3 property. I was never allowed on the property.

4 Nicole told me not to come up to her house. She
5 didn't want me to come up to the house because she was
6 jealous because she thought I was getting more dope
7 than she was."

8 Q All right. I'm sorry, ma'am, would you repeat
9 that?

10 A "Nicole never wanted me on the property. We
11 would argue sometimes. She thought I was getting more
12 dope than her that was cooked." We had arguments
13 about it sometimes, but it never changed anything.
14 She was still always there for me when I needed her.

15 Q Okay, but a point of fact, you wrote that you
16 were not welcome on the property, right?

17 A That day. It always changed.

18 Q You testified that Nicole was your closest
19 friend?

20 A She was my closest friend and yes, we argued.

21 Q But Nicole didn't want you on the property?

22 A It was the drugs that made us argue.

23 Q Did you and Goat Man have sex together?

24 A No.

25 Q Is that why Nicole was jealous?

1 A No, Nicole was jealous because she thought I was
2 getting more dope than she was.

3 Q Say that again.

4 A Nicole thought I was getting more dope than she was.

5 Q So it was a quantity dispute, right?

6 A I guess so, just jealous.

7 Q Everybody including yourself that you've
8 testified about today was smoking meth?

9 A Yes, sir.

10 Q Or using meth?

11 A Yes, sir.

12 Q Now, July of this year, July 19th, were you not
13 charged with a new criminal offense on July 19th?

14 A Yes, sir.

15 Q What was that?

16 A Murder, accessory after the fact.

17 Q Tell me again?

18 A Accessory after the fact of murder.

19 Q And is this a copy of the warrant that was served
20 on you?

21 A Yes, sir.

22 Q And it's for accessory after the fact to murder,
23 correct?

24 A Yes, sir.

25 Q And then low and behold, you gave the police a

1 new statement on July 19th, correct?

2 A Yes, sir.

3 Q And in that statement, for the first time you
4 said what about Greg Smith?

5 A I told the truth and said Greg shot Nicole.

6 Q You told the truth?

7 A Yes, sir.

8 Q After being served with a warrant for accessory
9 after the fact of murder?

10 A Yes, sir.

11 Q Did that some how jog your memory?

12 A No, sir, I've been in mental health. I've been
13 going to mental health. I've been on a lot of
14 treatment, mental drugs, mental health drugs.

15 Q Ma'am, I can't understand a word your saying.

16 A I've been in mental health.

17 Q Uh-huh?

18 A Since all this happened. I've been on a lot of
19 different drugs since this happened.

20 Q Uh-huh.

21 A But I have been sobered up. When I found out
22 they had that warrant for me is when I started
23 sobering up and yes, that's when I told the truth,
24 yes.

25 Q We're talking about the span of some 14 months.

1 You were in rehab for 14 months?

2 A No, sir. I haven't been in rehab.

3 Q From May of 2011 to July of 2012, that's 14
4 months?

5 A I haven't been to rehab.

6 Q You haven't been what?

7 A I have not been to rehab.

8 Q Didn't you just testify that you were at least
9 attempting to get into rehab?

10 A Yes, sir.

11 Q But you never succeeded in getting into rehab?

12 A When my eyes were opened up with that warrant,
13 that accessory after the fact is when my eyes opened
14 up to everything that was going on. I came off the
15 drugs, and I started seeing. I would stop getting in
16 about everything, and I came to life.

17 MR. RILEY: Judge, could you inquire of the jury
18 whether they can hear her?

19 THE COURT: Their shaking their heads yes.

20 MR. RILEY: Okay.

21 BY MR. RILEY:

22 Q Now, you testified that you were afraid of Greg
23 after this incident, right?

24 A Yes, sir.

25 Q You visited during the time that he was in

1 custody, though, right?

2 A Yes.

3 Q You visited him, didn't you?

4 A I did.

5 Q How many times?

6 A Four or five times. I can't remember exactly how
7 many.

8 Q And you were deathly afraid of him, right?

9 A I was scared of him, but I didn't want to believe
10 that he shot Nicole. I was still in shock. I still
11 wanted him to be friends, and I wanted him to be sorry
12 for what he did, because I thought he had snapped. I
13 thought he just snapped. I thought the drugs made him
14 snap. I didn't really think this was going on. I
15 never believed it. I never --- I couldn't never
16 accept it.

17 Q Were you not charged with bringing contraband?

18 A Yes, I was.

19 Q Into the jail?

20 A Yes, sir, I was.

21 Q Is that charge still pending?

22 A Yes, sir.

23 Q And how many pending charges do you have right
24 now?

25 A Maybe three or four.

1 Q We've talked about two?

2 A I have --- I have that charge that you just said,
3 and I have also have a driving under suspension that I
4 can remember. I may have more, I don't know. I have
5 a bad memory due to my mental illness.

6 Q Okay.

7 A But I'm sure I have that incident of contraband
8 to an inmate through the mail, and my house was also
9 raided after that. They came and raided my house, and
10 they found eight packs of Sudafed and some iodine
11 stuff in my moped and they also said they found
12 methamphetamine, which later tested to be Root Em that
13 you plant roots in for plants. There was no
14 methamphetamine on my property, but I have not been to
15 court for any of that yet.

16 Q I believe you stated that you are not currently
17 under the ---.

18 A I've not done drugs for two weeks. I've been in
19 the hospital.

20 Q You're not using meth right now?

21 A I'm not on meth right now.

22 Q It's been since when?

23 A Two weeks.

24 Q Since when?

25 A Two weeks.

1 Q All right. So all the while that this case has
2 been pending, you were continuing to use meth up until
3 two weeks ago?

4 A When I could get any.

5 Q When what?

6 A When I could find some, which isn't very often.
7 I do smoke marijuana, yes, and I have drank some.

8 Q You've been continuing to earn money by
9 prostitution?

10 A No, sir.

11 Q How have you been earning money?

12 A I've been skiffing friends.

13 Q Okay. All right.

14 Q Friends give you money for drugs?

15 A Yeah, I have friends that party and I just get a
16 little bit off of them.

17 Q You're currently --- I believe Mr. Perry asked
18 you --- you're currently ill; is that correct?

19 A Yes, sir.

20 Q What are you ill of?

21 A I have full blown AIDS.

22 Q You have AIDS?

23 A Yes, sir.

24 Q Now, Greg, prior to May 28th, 2011, Greg spent
25 part of his time living in your residence, correct?

1 A He fixed my trailer.

2 Q Uh-huh.

3 A And then he moved to the camper, but I didn't
4 live there when he lived --- when he was fixing my
5 trailer.

6 Q Did you say Newberry?

7 A No.

8 Q Oh, sorry?

9 A No, in Kershaw County.

10 Q Baughman Road, right?

11 A Yeah, he was fixing my trailer before I moved in.

12 Q Uh-huh.

13 A I lived next door in another trailer. He was
14 working on the trailer where it could be livable.
15 When he moved in, I mean, when he was there, he fixed
16 it up so I could move in, and then when I moved in, he
17 moved out, he moved out to my mom's.

18 Q I believe that Mr. Blackmon, who at one point
19 drove you down to the Tyler residence on May 28th ---
20 he was living with you?

21 A He lived --- I have a camper outside that he
22 lives in. Outside my mobile home, he lives in a
23 camper.

24 Q Okay.

25 A Outside of my house, and the reason he lives

1 there was so he could drive me around because I don't
2 have a driver's license.

3 Q Okay.

4 Q How many times on that day --- of course, now you
5 state that the truth is that you were a witness to the
6 shooting. Now, you say that, right?

7 A Yes, sir.

8 Q After that, after you left after that incident,
9 how many times did you come back to the Tyler's
10 residence that day?

11 A Once.

12 Q Just once. That was when Mr. Blackmon drove you?

13 A Yes, sir.

14 Q All right. Were the police already there at that
15 time?

16 A No, like I said, the ambulance came up and they
17 turned around. Then fire department came up.

18 Q Uh-huh.

19 A And then the police arrived.

20 Q Okay --- the Defendant's Exhibit 1 for
21 identification, was that taken at the sheriff's
22 department?

23 A The first statement?

24 Q The first statement.

25 A It was outside, outside on the road.

1 Q Outside the Tyler's residence?

2 A Yeah, right next to it.

3 Q All right. Did you ever see Greg Smith involved
4 in the production of methamphetamine?

5 A Yes, sir, we all were involved in it.

6 Q We all what?

7 A We all were involved in it.

8 Q All were involved in it?

9 A In the production of the methamphetamine.

10 Q In the production?

11 A Yes, sir.

12 Q Including you?

13 A That's what I said, we all were involved in it,
14 including myself.

15 Q Okay. And including the Tylers?

16 A Including the Tylers.

17 Q Okay. Have you been charged with manufacturing
18 methamphetamine?

19 A Yes, sir.

20 Q You have?

21 A Yeah.

22 Q Okay.

23 A My house had been raided. I just told you my
24 house had been raided.

25 Q What's the status of that charge?

1 A I haven't been to court yet.

2 Q You're not referring to the contraband charge,
3 are you?

4 A Yes, sir.

5 Q I'm talking about the manufacturing?

6 A Yeah, I have a manufacturing charge, too.

7 Manufacturing and ---

8 Q Okay.

9 A And I have the charge they found the
10 methamphetamines they said where it wasn't.

11 Q Is it your testimony that you at times would help
12 Greg produce methamphetamine?

13 A I helped buy the pills.

14 Q Did you help buy the ingredients?

15 A That's what I said.

16 Q Okay.

17 A The three boxes.

18 Q Did you do the mixing and cooking?

19 A No, sir.

20 Q Who did?

21 A Greg did.

22 Q Who else?

23 A Just Greg.

24 Q And this production facility was located where?

25 A On 601, at Nicole's, next to her, in a little

1 trailer.

2 Q Okay. Was Goat Man involved in the production?

3 A The only person who cooked it was Greg.

4 Q Pardon?

5 A The only person who cooked it was Greg. The rest
6 of us just bought the ingredients, and he gave us the
7 dope after it was cooked.

8 Q Okay.

9 A I mean, I don't know what all --- I don't think
10 he did this because I wasn't going to live up there.
11 I just went there, got my drugs and picked up Greg and
12 hung out and hung out with Nicole. I really don't
13 know. I don't think he was involved. I don't know.
14 I couldn't tell you. I don't know if he was involved
15 in --- I don't think he did. I just know Greg did. I
16 don't know. I wasn't there.

17 Q You don't know if David Tyler knew about it? Is
18 that what you were saying?

19 A Yeah, we all knew.

20 Q Okay.

21 A We all bought the ingredients for it. All of us.
22 We all were involved in it.

23 Q Okay.

24 A But I don't know if Goat Man was over there
25 cooking it with him.

1 Q You don't know?

2 A No.

3 Q Did you ever see him back there in the trailer
4 Greg was occupying?

5 A Yeah, he would be over there sometimes.

6 Q Okay.

7 A But not during the cooks.

8 Q Goat Man had a room to himself?

9 A Yes, he did.

10 Q What was that?

11 A We called it Jack room because that's where he
12 had all of his porn.

13 Q Because what?

14 A That's where Goat Man kept all his pornography
15 that Nicole wouldn't let him keep in the house because
16 she thought it was disgusting.

17 Q You called it the what room?

18 A The Jack room.

19 MR. RILEY: Begging the Court's indulgence.

20 (Pause.)

21 BY MR. RILEY:

22 Q Now, I believe you testified, and your statements
23 mentioned, that Nicole and Greg were arguing, correct?

24 A Yes, sir.

25 Q And do you know what the origin of that argument

1 was?

2 A Yes, sir, same thing I just told you, arguing
3 because the dope didn't come out right, and Nicole was
4 pissed off because nobody had no dope, so they were
5 arguing. She was telling him to get out, and that's
6 it, and he just got up and shot her.

7 Q How many times have you heard --- did you hear
8 Goat Man threaten Nicole's life?

9 A Never.

10 Q Never?

11 A I've never heard Goat Man threaten Nicole's life.

12 Q How many times, did you witness domestic violence
13 between the two of them?

14 A I never witnessed it, but Nicole did say one time
15 that Goat Man had hit her and the cops came and
16 arrested Goat Man, but I wasn't there when it
17 happened.

18 Q Okay. One time?

19 A I didn't witness it. I just said Nicole said.

20 Q Nicole?

21 A She said that he had hit her, but I didn't --- I
22 never believed it and me and Nicole argued about that,
23 too.

24 Q But what I'm asking is did Nicole mention it more
25 than one time?

1 A Actually, yes because she did say I'm the reason
2 why she got her ass kicked the night before, so it was
3 two times that I heard. One time he got arrested for
4 it and then it was the day of the murder that she said
5 that to me.

6 Q Did Nicole tell you anything on May 28th about
7 the argument?

8 A Yeah, I just said she said I was the reason she
9 got her ass kicked the night before.

10 Q Did the argument that day have anything to do
11 with Goat Man beating up Nicole?

12 A No, it was all about the dope.

13 Q You never heard Goat Man say I'd like to kill
14 her?

15 A Never. I never heard Goat Man ever say anything
16 sour about Nicole. That was his Boo Boo and even
17 when Nicole was being a bitch, that was still his ---

18 Q Did you and Nicole have a listing on Craigslist?

19 A Yes, we did.

20 Q For what purpose?

21 A For prosecution.

22 Q Nicole, too?

23 A Yeah.

24 Q You and she?

25 A Yes, we did, but nothing ever came of it.

1 Q Was that Craigslist listing in effect on May
2 28th, 2011?

3 A No.

4 Q When did it cease?

5 A It was a long time ago.

6 Q How long?

7 A I can't remember, but it was a long time ago. It
8 had to be --- Craigslist has been off for what five
9 years now.

10 Q Uh-huh.

11 A So it's been before that. It was only a one time
12 thing. We did it just to see how it would turn out,
13 but nothing ever turned out of it.

14 Q Now, you testified about autopsy photos of
15 Nicole?

16 A About what?

17 Q In response to Mr. Perry's direct examination, he
18 asked about some alleged posting of photos of Nicole,
19 did he not?

20 A Greg? He asked me ---

21 Q No ---

22 A --- to post the pictures of Nicole's dead body on
23 gore.com. I have never saw the pictures.

24 Q And that's ---

25 A He just said he had them. I don't know.

1 Q That's what I'm getting at. Were you ever in
2 possession of any pictures?

3 A No. I never even saw them. I couldn't believe
4 they gave him pictures like that.

5 Q Was Greg ever in possession of these pictures?

6 A I don't know. He had them in his cell.

7 Q How and where was this request made?

8 A In the jail, when I was visiting him in the jail.

9 Q In the jail?

10 A Yes.

11 Q The man you were visiting who you were deathly
12 afraid of?

13 A Yes, sir.

14 A I was scared and in shock, like I said, about the
15 whole thing.

16 Q Okay.

17 A I could not believe that he did it, and if he ---
18 I just thought he snapped. I didn't want to believe
19 it, and I couldn't believe it. I just thought he
20 snapped, but what he told me, he would blow her head
21 off and do it again and again and again. It kind of
22 made me not think he was in shock from it.

23 Q Ms. Steeprock, I'm almost through, and I have
24 asked you some very difficult questions, and it's what
25 I have to do.

1 A That's fine. I mean, I've been living with this
2 for a year now, every day of my life, so...

3 Q Until July 19th of this year, you never said to
4 the police that you were present when the shooting
5 took place?

6 A Nope, I sure didn't.

7 Q Is that not correct?

8 A That's correct.

9 Q Okay.

10 A I was scared I was going to get in trouble for
11 it, too.

12 Q And you now say the reason you didn't is because
13 you were afraid of Greg Smith, right?

14 A Yes, and I was scared ---

15 Q And you visited him in jail how many times?

16 A Three, maybe four or five times.

17 Q Does it not strike you as unusual to visit in
18 jail a man you're deathly afraid of?

19 A I was confused, I didn't know what was --- was
20 confused. Like I said. I've been to mental health
21 for a year, trying to get straight about the whole
22 thing, and it's been some --- it's not been easy to
23 live with every day of your life seeing it over and
24 over again and smelling it over and over again, and
25 like I said, I thought Greg had just snapped. I

1 couldn't believe that he shot her.

2 MR. RILEY: Thank you, Ms. Steeprock.

3 THE COURT: Any redirect?

4 MR. PERRY: Yes, sir, Your Honor.

5 THE COURT: Go ahead.

6 REDIRECT EXAMINATION:

7 BY MR. PERRY:

8 Q Sam, have you ever been to the zoo?

9 A Yes, I've been in the zoo.

10 Q Have you ever seen lions and tigers in the zoo?

11 A Yes, sir.

12 Q Well, wouldn't you be scared that they might eat
13 you?

14 A Yes, sir.

15 Q I mean, lions and tigers eat people out in the
16 wild, right?

17 A Yes, sir.

18 Q But you're not scared they're going to eat you at
19 the zoo, are you?

20 A No, sir.

21 Q Well, when you went to see Greg Smith at the
22 jail, were you scared he might bother you or --- were
23 in there with him or was there a glass wall in between
24 you?

25 A There was a glass wall between us.

1 Q You weren't scared he was going to do anything to
2 you there, were you?

3 A I wanted to hear him say he was sorry for what he
4 did.

5 Q Were you trying to make sense of all this?

6 A Yes, sir.

7 Q You had just seen one of your very good friends
8 shoot your best friend. Did that make sense to you?

9 A No.

10 Q Were you trying to figure it out?

11 A Yes, sir.

12 Q Is that why you kept going back there?

13 A Yes, sir.

14 Q Let's talk about something else real quick.

15 Let's talk about the contraband and the issues they
16 came and raided your house and found stuff in your
17 moped and all that?

18 A Yes, sir.

19 Q How is it that you came to be even involved in
20 all that?

21 A From Greg.

22 Q So you went ---

23 THE COURT: Hold on. Mr. Moak, turn that off.

24 BY MR. PERRY:

25 Q You went to go visit Greg at the jail?

1 A Yes, sir.

2 Q Did he ask you to try to bring meth in to him?

3 A Yes, sir, he told me I had to do it and how to do
4 it.

5 Q He told you that you had to do it and how to
6 bring it in to him?

7 A Yes, sir, well, mail it.

8 Q Okay. That wasn't your idea, was it?

9 A No, sir.

10 Q Whose idea was it again?

11 A Greg's.

12 Q Now, did you ask him specifically when you went
13 to see him about what he had done to Deborah?

14 A I wrote him in a couple of letters and told him
15 that he needed to ---

16 Q What did he ever tell you about what he did?

17 A He never really talked about it. He just ---

18 Q Well ---

19 A He said he was going to blame Goat Man for it.

20 Q He did?

21 A Yeah, he said he was going to say that Goat Man
22 did it.

23 Q All right. Just a second ago when Mr. Riley was
24 asking you questions, didn't you say that Greg said
25 that he did it and he was glad he did it and he would

1 do it over and over again?

2 A Yes. He said he would take her head off and put
3 it on a tree stump and shoot it over and over and over
4 again.

5 Q He told you that when you went to see him at the
6 jail?

7 A Yes, sir, that was last time I visited him.

8 Q And there's a lot of talk about how David and
9 Nicole or Goat Man and Nicole got along?

10 A Yes, sir.

11 Q You've known them for how long?

12 A I've known them for 18 years.

13 Q And do you believe that they were in love?

14 A Yes, sir.

15 THE COURT: You're continually leading this
16 witness. I know that there's been no objection, but
17 it's --- I feel compelled to caution you about leading
18 your witness. Ask the witness a question.

19 MR. PERRY: Yes, Your Honor.

20 THE COURT: But not one that always requires a
21 yes or no answer.

22 MR. PERRY: Yes, sir.

23 THE COURT: You're putting words in the witness's
24 mouth.

25 BY MR. PERRY:

1 Q How would you characterize their relationship,
2 Sam?

3 A Nicole and Goat Man were like two peas in a pod.
4 That was his Boo Boo. I mean, he baked her cakes for
5 her birthday. They were always together when he
6 wasn't gone or at work, they were best friends. They
7 were just...

8 Q Do you believe that Goat Man would have ever done
9 anything to harm Nicole?

10 A Never.

11 Q Okay. Your Honor, I've got a picture I'd like to
12 show her. Can I approach?

13 THE COURT: Yes.

14 BY MR. PERRY:

15 Q Sam, do you recognize that photo?

16 A Yes, sir.

17 Q Who is that in that photo?

18 A That's Nicole and Goat Man on the swing.

19 Q Is that a photo that you had of them or ---

20 A This is a photo that my friend Kay had.

21 Q All right. And what ---

22 A This is how they always were.

23 Q When you look at that, what does it make you
24 think of them?

25 A It just makes me think about how much I miss her.

1 Goat Man was the greatest guy because he would ---
2 when people broke down on the side of the road, he
3 would stop and help people. Even though we were on
4 drugs, they was still good people.

5 MR. PERRY: Your Honor, I'd offer this a State's
6 Exhibit 8.

7 MR. RILEY: I object, Your Honor, I don't
8 believe, Your Honor ---

9 THE COURT: I'll take it up at the break.

10 MR. PERRY: Okay.

11 THE COURT: Go ahead and mark it. Not admitted
12 at this time.

13 MR. RILEY: Thank you, Your Honor.

14 (WHEREUPON, State's Exhibit 8 was marked for
15 identification only.)

16 MR. PERRY: Your Honor, at this time I have a
17 video of the statement that Ms. Steeprock most
18 recently gave. Mr. Riley has called into question her
19 credibility and the prior inconsistent statements.
20 I'd like to offer this as a prior consistent
21 statement.

22 (WHEREUPON, State's Exhibit 9 was marked for
23 identification only.)

24 MR. PERRY: I'm not offering it in the case in
25 chief. I'm offering it in redirect in response to his

1 bringing up the prior inconsistent statements.

2 THE COURT: All right. Ladies and gentlemen this
3 is a matter that I need to take up with the attorneys.
4 I'm not sure exactly what counsel is referring to, so
5 I'm going to --- let's just take a short break.
6 Please retire to the jury room and don't discuss the
7 case among yourselves while you're in there. Just
8 relax for a few minutes and we'll call you when we're
9 ready.

10 (WHEREUPON, the jury left open court at
11 approximately 11:06 a.m.)

12 THE COURT: All right. Let's take five minutes
13 and then we'll take this up. Ma'am, you can use the
14 restroom or anything you want to. Just don't talk to
15 the lawyers during the break, okay.

16 THE WITNESS: Okay.

17 THE COURT: We're going to take a short break.

18 (WHEREUPON, a short break was taken.)

19 MR. PERRY: Your Honor, if I could, I just want
20 to put on the record ---

21 THE COURT: Just wait a minute. I want the
22 witness back on the stand.

23 Have a seat. You weren't finished with your
24 testimony.

25 THE WITNESS: Okay.

1 THE COURT: Or at least you thought you were, but
2 they might want to ask you some more questions.
3 That's why we need you back up here.

4 All right, Solicitor.

5 MR. PERRY: Your Honor, all I want to do is
6 withdraw State's 8, that photo we talked about before
7 we took a break.

8 THE COURT: It's just marked for identification.

9 MR. PERRY: It is just marked for identification,
10 but we're withdrawing it.

11 THE COURT: All right. Now, it's my
12 understanding that you wish to play a video of this
13 witness giving her third statement; is that correct?

14 MR. PERRY: Yes, sir, we do.

15 THE COURT: For what purpose?

16 MR. PERRY: The purpose would be, during the
17 course of her cross-examination, the issue of her
18 using drugs in an ongoing fashion was brought up. She
19 testified that she used methamphetamine as recently as
20 two weeks ago. Mr. Riley asked her so you've been
21 using methamphetamine all this time since this
22 happened. He mentioned how long a period of time that
23 was. Clearly, two weeks ago would be after the date
24 she gave this statement. I think it's important that
25 the jury see how clear headed and lucid she was when

1 was statement was given so that they can judge for
2 themselves her veracity, her demeanor, and her
3 appearance with respect to whether or not the
4 statement she gave, the third statement, was done
5 under the influence of any type of drugs.

6 THE COURT: Have you seen this statement,
7 Mr. Riley, this video?

8 MR. RILEY: Yes, sir, I have, but it's been a
9 long time.

10 THE COURT: Okay, but you have seen it?

11 MR. RILEY: Yes, sir.

12 THE COURT: Okay. Well, I have not seen it. I
13 saw the defendant's video.

14 MR. RILEY: Judge, the defense position is that
15 showing the video will, of course, give the jury an
16 opportunity to see how lucid, coherent, clear headed
17 et cetera Ms. Steeprock was ---

18 THE COURT: Well, I'm more concerned about what
19 she says on the video.

20 MR. RILEY: You're talking about what she said?

21 THE COURT: I'm concerned --- not that I think
22 they should be able to play it to establish her
23 demeanor and voluntariness of the statement.

24 MR. RILEY: Uh-huh.

25 THE COURT: I don't know what she says on the

1 statement, whether what she says is objectionable or
2 full of hearsay or anything else.

3 MR. PERRY: Uh-huh.

4 THE COURT: I mean, I think you can play it to
5 the point that she started her --- how is it done? By
6 Q and A? By whom?

7 MR. PERRY: It just --- the Kershaw County
8 Sheriff's department was the office that was
9 conducting the interview, and it's basically talking
10 to her about what happened, and tell us about what
11 happened over on March 28th (sic) and she tells them
12 what happened.

13 THE COURT: Yeah, I understand that, but there
14 are a lot of things she could say there that in the
15 courtroom she could not say if you just put that up
16 there. She is not a defendant. She is a witness, and
17 I think you can put it up to show that she --- at the
18 beginning I assume she was apprised of her rights.
19 Was she?

20 MR. PERRY: Yes, sir.

21 THE COURT: Okay. And what her demeanor looked
22 like or maybe you can cut the sound off. I don't know
23 what she said. She might have said Joe killed Sarah,
24 and that's not for her to say or murdered Sarah.
25 That's not for her to say. There are any number of

1 things she could say on that tape that would be
2 objectionable in a court of law, and you try to get it
3 in through the back door. I don't know that.

4 MR. RILEY: Judge, could I state my motion?

5 THE COURT: All right.

6 MR. RILEY: I would make a motion in limine that
7 the court view the videotape before it's played for
8 the jury, because the court doesn't --- hasn't seen
9 the video. We had colloquy in the judge's chambers.
10 Reservations were expressed by me. I think for the
11 court, it was a close call. I would make a motion in
12 limine that you view the videotape first.

13 MR. PERRY: Your Honor, I don't have a problem
14 with that. I could go on with other witnesses. It's
15 something you could review at lunch or even this
16 evening --- you could view it later, and we can get
17 other ---

18 THE COURT: You don't need this witness?

19 MR. PERRY: I mean, I don't know if Mr. Riley
20 wants her for anymore recross examination after I put
21 this up. I can have her come back.

22 THE COURT: Just make sure she is available.

23 MR. PERRY: That's not a problem, Judge, I'll
24 have her come back and retake the stand if necessary;
25 that is not a problem.

1 THE COURT: Let's finish with her live testimony.
2 I'll view it over the lunch hour and just make sure
3 she is available for recall if necessary.

4 MR. PERRY: I'll do that, Your Honor. I'll have
5 her available.

6 MR. RILEY: Judge, one other thing. I'm not
7 criticizing Ms. Steeprock. She's not an officer of
8 the court or a lawyer. She hasn't been excused from
9 the witness stand, but during the break she was
10 visibly chatting with other persons in the courtroom.

11 THE COURT: I told her not to talk with the
12 lawyers. That's the only thing I told her.

13 MR. RILEY: Okay, Your Honor, I just wanted to
14 bring that up.

15 THE COURT: She can talk to her family and
16 friends.

17 All right. You have ---

18 MR. PERRY: I don't have anything else for her,
19 Judge. I was just going to get into --- I've asked
20 her the things I wanted to on redirect.

21 THE COURT: Do you have anything on recross for
22 her at this stage?

23 MR. RILEY: One or two questions, Judge.

24 THE COURT: All right. Bring the jury.

25 (WHEREUPON, the jury came into open court at

1 approximately 11:42 a.m.)

2 THE COURT: You don't have to take the same seats
3 every time. It looks like you have your names on
4 them.

5 All right. Mr. Riley, any further questions for
6 this witness?

7 MR. RILEY: Judge, I think there's more on
8 redirect.

9 THE COURT: No, he doesn't have anything else.

10 MR. PERRY: Two more brief questions, Your Honor.

11 THE COURT: Okay.

12 REDIRECT EXAMINATION (Continued):

13 BY MR. PERRY:

14 Q Ms. Steeprock, during your cross-examination,
15 there were questions asked of you about you guys
16 helping the defendant making the meth, and you
17 mentioned going out and purchasing the Sudafed or
18 whatever. Can you tell me just a little bit more
19 about that?

20 A Well, we were all --- you were able to buy three
21 boxes of pills a month and we all bought three boxes a
22 month.

23 Q Why was that? You all bought boxes ---

24 A So that we could cook up the dope. We didn't
25 sell it to anybody. We just kept it for ourselves.

1 Q The last thing I wanted to go over with you was
2 the fact that on your cross-examination, issues came
3 up about these two prior statements that you had
4 given. We talked about that whenever --- in your
5 direct testimony earlier about why you didn't, you
6 know, why you didn't tell the whole truth those first
7 two times.

8 MR. RILEY: Judge, he is leading the witness.

9 MR. PERRY: I have a question.

10 BY MR. PERRY:

11 Q The question I have for you is very succinctly
12 this, Ms. Steeprock: why is it that today your
13 statement is different from when it was those first
14 two written statements that you gave?

15 A Because I just know it's the right thing to do,
16 and I have to --- I just know it's the right thing to
17 do. I can't live with myself. Like I say, I haven't
18 been able to live with myself since this whole thing
19 happened. I mean, I can't sleep. You know, I can't
20 function.

21 Q Do you expect anything from the State in return
22 for your testimony?

23 A No, sir. I have just had to get right with God,
24 that's all.

25 MR. PERRY: Nothing further, Your Honor.

RECROSS-EXAMINATION:

BY MR. RILEY:

Q Ms. Steeprock, on July 19th you were charged with accessory after the fact of murder, correct?

A Yes, sir.

Q Of this year?

A Yes, sir.

Q And on the same day, you were interviewed by a sheriff's deputy and you gave a third statement, correct?

A Yes, sir.

Q And you're saying --- you want the jury to believe there was no quid pro quo?

A There was no deals made.

Q No promises or assurances?

A No promises, no nothing. They never told me nothing. They just said I needed to do the right thing.

Q And you hope the jury will believe that, right?

A I hope so because there's no deals that was made, nothing.

Q Okay.

A I'll probably go to the jail for the rest of my life over this.

Q Now, who is Blueberry?

1 A Blueberry?

2 Q Who is Blueberry?

3 A That was a friend of this boy that lives around
4 the corner that I used to date.

5 Q A friend of who?

6 A A cousin of a kid around the corner that I used
7 to date.

8 Q What did he have to do with the production of
9 methamphetamine?

10 A I don't know. I never ---

11 Q Was he a friend of David Tyler's?

12 A I don't know. I don't know. I don't know.

13 Q Do you know this Blueberry personally?

14 A No, I don't. I know his cousin. I used to date
15 his cousin.

16 Q Do you recall David Tyler ever referring to
17 Blueberry?

18 A No.

19 Q You never met Blueberry?

20 A I don't know. I just met Blueberry briefly at
21 his cousin's around the corner from my house where I
22 used to live. Nicole introduced me to the kid and I
23 remember his name and all, but I used to date --- that
24 was his cousin. I knew him one time. I don't know
25 nothing about the kind of deal they had going on.

1 Q Okay. Now, in your statement of July 19th, 2012,
2 you state that Nicole had cut the power off to Greg's
3 trailer that day?

4 A Yes, sir.

5 Q You're sure about that?

6 A She pulled the plug from the house. That's what
7 she said. He was all sweaty. They were trying to
8 make it, but the dope wasn't coming out, so she pulled
9 the plug. That's what she said.

10 Q Okay. So how the power went to his mobile home
11 from a cord, an extension cord?

12 A Yeah, an extension cord from the pole out back,
13 and --- the pole, I think, or --- I mean, from
14 Nicole's house, but it came from Nicole's house, the
15 electricity. There was no electricity there in his
16 trailer. The only way that he got electricity was
17 from Nicole's house because he didn't have his own
18 pole.

19 Q But you're sure that that --- I mean, you state
20 that you were there?

21 A Yeah, I was there.

22 Q And you're sure the power was off?

23 A There was no power. It was hot in there.

24 Q Uh-huh.

25 A I didn't see the fan going. The Guitar Hero

1 wasn't going that he usually played. He was just
2 laying there on the couch.

3 Q Uh-huh. Did you ever see Goat Man approach
4 people entering his driveway with a shotgun?

5 A No.

6 Q You never did?

7 A No.

8 Q Did he ever approach you with a shotgun?

9 A No.

10 MR. RILEY: Thank you, Judge. That's all.

11 THE COURT: All right. Ma'am. You may come
12 down.

13 THE WITNESS: Thank you.

14 THE COURT: You're having this witness be
15 available for recall?

16 MR. PERRY: Yes, sir, please.

17 THE COURT: All right. Have you advised the
18 witness?

19 MR. PERRY: Yes, I have.

20 THE COURT: Next witness.

21 MR. PERRY: Your Honor, the State would next call
22 Cedric Blackmon.

23 MR. PERRY: Your Honor, can she stay in here?

24 THE COURT: She can stay in here. She has
25 already testified.

1 CEDRIC BLACKMON,
2 after being duly sworn, testified as follows:

3 THE WITNESS: Hello. My name is Cedric Blackmon.

4 DIRECT EXAMINATION:

5 BY MR. PERRY:

6 Q Cedric, I'm going to stand over here while we
7 talk, because I figure if I can hear you all the way
8 back here, the jury ought to be able to hear you,
9 okay?

10 A Yes.

11 Q All right. If you will, tell the jury, do you
12 know Samantha Steeprock?

13 A Yes, ma'am --- yes, sir.

14 Q How do you know her?

15 A I'm her roommate and her best friend.

16 Q All right.

17 A Well, bestie now.

18 Q One of her best friends?

19 A Yes, sir.

20 Q Back --- I'm going to take you back to last year,
21 Memorial Day weekend, that Saturday, May 28th, were
22 you with Sam?

23 A Yes, sir.

24 Q What did you guys do that day?

25 A Well, it started off with the lock at her

1 sister's ice cream parlor, Bruster's. We went up
2 there to get Greg so that he can go and change the
3 lock, so he could help change the lock.

4 Q When you say Greg, had you ever met Greg before?

5 A Yes, sir.

6 Q You had been there before?

7 A Yes, sir.

8 Q Where was it that you went to go get Greg?

9 A Up at his house --- Nicole's house.

10 Q On 601?

11 A Yes, sir.

12 Q What happened when you guys went up there?

13 A She got out of the car. I stayed in the car, and
14 she went next door to Greg's house, and she was in
15 there for a little bit, like two minutes, and then
16 Nicole came outside. I seen her walk next door. Like
17 five later or like ten minutes later, I was just
18 sitting in the car listening to music. It wasn't loud
19 or nothing, you know, because I didn't want Nicole to
20 freak out.

21 I was sitting there, and all I heard was Sam
22 saying, "Greg, no," and then Sam just came running
23 out.

24 Q Okay. You said you heard Sam say, "Greg, no,"
25 and then what did you hear?

1 A It sounded like a gun, gunshot.

2 Q Sounded like a gun?

3 A Yes, sir.

4 Q And then what happened?

5 A I seen Sam run out, out the blue house, Greg's
6 house. Greg was standing at the door, coming to the
7 door.

8 Q You saw Greg standing at the door. Did he come
9 out of the trailer?

10 A No. He just came to the door.

11 Q What did Sam do when she came out?

12 A She was running, and she just came to the car.

13 She was like, "I think Greg just shot Nicole." I was
14 like, "Call the F'ing police."

15 Q What did you do?

16 A I had the car in reverse, we were ready to go. I
17 mean, we were calling the police and getting out of
18 there.

19 Q You left, right?

20 A Yeah.

21 Q Where did you take her?

22 A Home.

23 Q Back to her house?

24 A Yes, sir.

25 Q All right. Did you have any more involvement

1 with her that morning as far as going back over there?

2 A Oh, no, no.

3 Q Do you know anything else about what happened
4 there that day?

5 A No, I was like, no, gosh.

6 THE COURT: Speak up.

7 BY MR. PERRY:

8 Q And ---

9 A I was like sitting there, shocked, you know.

10 Q Were you scared?

11 A Yeah, I think we all were.

12 Q Did Sam say anything to you about going back
13 there?

14 A No, sir.

15 Q About going back to check on Nicole?

16 A She was --- she got her brother, brother-in-law
17 to call.

18 Q But you didn't take her back?

19 A No, sir.

20 Q And you had no further involvement?

21 A I had no further involvement, only when they was
22 at the bottom of the hill with the police and stuff, I
23 came up there with her brother.

24 A Okay. But they were already in the car and
25 everything. Everything was done. I didn't go back up.

1 there, and that was all I had to do with it.

2 MR. PERRY: I have no further questions. Please
3 answer anything that Mr. Riley has for you.

4 THE COURT: Cross-examination.

5 MR. RILEY: Thank you.

6 CROSS-EXAMINATION:

7 BY MR. RILEY:

8 Q Mr. Blackmon, how many times, on May 28th of
9 2011, did you drive Samantha to the Tyler's residence?

10 A Once.

11 Q Just once?

12 A Yes, sir.

13 Q Okay. Now, the first time is --- I mean, the
14 only time you say that you drove there, how far away
15 from Greg's trailer were you parked?

16 A About where the lady in the white in the back is
17 sitting.

18 Q Could you repeat that, sir?

19 A Where the lady in the white is sitting in the
20 back, like that distance.

21 Q Okay.

22 A I'm the car and that's the house.

23 Q Okay. All right. And are you sure that the
24 sound you heard, are you sure of the direction that it
25 came from?

1 A (Nods in the affirmative.)

2 Q Okay. You need to answer out loud.

3 A Positive.

4 Q Okay. Now, if Nicole says that she left and then
5 came back again later, it wouldn't have been you that
6 drove her back, right?

7 A Nicole?

8 Q I'm sorry, Samantha.

9 A Right.

10 Q It would not have been?

11 A It would not have been.

12 Q Do you know ---

13 A I had no further involvement.

14 Q Do you know of Samantha coming back to the
15 residence a second time?

16 A Yeah, I do, to check on ---

17 Q Who drove her?

18 A I don't know.

19 Q But it wasn't you?

20 A No, sir.

21 Q Okay. How long have you known --- as of May
22 28th, 2011, how long had you known the Tylers?

23 A About two years.

24 Q Okay.

25 A A year, a year.

- 1 Q Okay.
- 2 A Going on two years.
- 3 Q Were you partaking of their production run?
- 4 A As in?
- 5 Q Meth.
- 6 A Yes, sir.
- 7 Q Okay. All right. Do you still use meth now?
- 8 A Occasionally, like not really.
- 9 Q Occasionally?
- 10 A Like months.
- 11 Q Pardon?
- 12 A Months. Like rarely, no, not really.
- 13 Q ~~And you were using it on May 28th, 2011?~~
- 14 A No, sir.
- 15 Q But around that time, you were using meth?
- 16 A Yeah.
- 17 Q Okay. What time ---
- 18 A Yeah.
- 19 Q What time of day was this that you drove Samantha
- 20 down there?
- 21 A It was in the morning like around 11:00, around
- 22 that time.
- 23 Q Okay.
- 24 A Noon, noon.
- 25 Q Eleven, noonish?

1 A Yes, sir.

2 Q From the time you pulled into the Tyler's
3 driveway until the time Samantha came out and you
4 left, how many minutes went by?

5 A From the time Sam was in the house --- from the
6 time Sam was in the house, it was about 20 minutes.

7 Q Okay.

8 A And that's --- Nicole came outside like five
9 minutes later, like immediately, you know.

10 Q Five minutes later from when Nicole came out of
11 the house?

12 A From when we arrived.

13 Q Okay. Came out of what house?

14 A Her house.

15 Q Her house, which is the front house, right?

16 A Yes, sir.

17 Q And Nicole proceeded to go where, if anywhere?

18 A Next door.

19 Q Okay. All right.

20 A To the left.

21 Q And you were within the line of sight of her?

22 A Yes, sir.

23 Q Okay. Was Samantha already in Greg's trailer?

24 A Yes, sir.

25 Q Before Nicole?

1 A Yes, sir, trying to get him out to come fix the
2 lock.

3 Q Okay. Did you at any point exit your motor
4 vehicle?

5 A No.

6 Q You stayed in your motor vehicle?

7 A Yes, sir.

8 Q Okay. All right. How long have you known Greg
9 Smith?

10 A The same time, about a year.

11 Q Okay. All right. Did you know him as a friend
12 of Samantha's?

13 A Yes, sir, very close.

14 Q Were you and Samantha involved in any kind of a
15 relationship?

16 A No, sir.

17 Q No?

18 A No, sir.

19 Q Did you live in her residence on Baughman Road?

20 A Yes, sir.

21 Q For how long did you live there?

22 A For about a year ---

23 Q Okay.

24 A --- and-a-half.

25 Q Did Greg occasionally stay in Samantha's

1 residence?

2 A Overnight, yes.

3 Q In that year, how often?

4 A They was always together.

5 Q Pardon?

6 A They were always together.

7 Q They were always together?

8 A They were besties, I mean, very close.

9 Q Where was --- to your knowledge, where was Greg
10 living and for how long was Greg living ---

11 A To my knowledge ---

12 Q From May 28th, 2011?

13 A To my knowledge, he was living with Nicole at
14 her --- on her property.

15 Q Okay.

16 A And I no idea how long he was living where. I
17 have no idea how long he was living where.

18 Q Okay. But he wasn't --- in the period just
19 before May 28th, 2011, he wasn't living at Samantha's
20 any longer?

21 A He was never living there. He was staying like
22 he would visit, you know.

23 Q Okay.

24 A But he would always go home.

25 Q He would always go home?

1 A Yeah, like he would come over when he's off.

2 Q And your knowledge of Greg's home was where?

3 A Nicole's house.

4 Q Okay. All right. After you and Samantha left
5 the Tyler's, you had no further involvement in this
6 case?

7 A None whatsoever.

8 Q Okay. Were you ever interviewed by the police?

9 A No, sir.

10 Q Okay.

11 MR. RILEY: Begging the Court's indulgence.

12 (Pause.)

13 BY MR. RILEY:

14 Q Were you prohibited by Goat Man from being on the
15 Tyler property?

16 A No, sir. I heard, I heard, but no one ever ---
17 no one --- I heard, you know, word of mouth, whatever,
18 I don't know why.

19 Q Uh-huh.

20 A But he --- no one never approached me.

21 Q Uh-huh.

22 A So I say every time I went up there, I stayed in
23 the car anyway.

24 Q Okay. Well, what did you hear about Goat Man's
25 attitude toward your presence?

1 A He just never spoke to me. I mean, he would say
2 hi and like wave.

3 Q No, no, you said you heard?

4 A Like, like he didn't want me up there.

5 Q Why?

6 A I don't know.

7 Q You don't know?

8 A No.

9 Q He never said anything to you personally?

10 A Never.

11 Q But you never went up there alone?

12 A No. Well, maybe one time when I was talking to
13 Nicole ---

14 Q Uh-huh.

15 A --- at her house.

16 Q Okay.

17 A And she took my brother to school.

18 Q This one time would have been when in relation to
19 May 28?

20 A It was when we --- no, no, no. It was like the
21 first four months that we was living in --- had moved
22 to South Carolina.

23 Q Uh-huh.

24 A She was taking my brother and them to school. I
25 would go up there. That was only one time by myself.

1 MR. RILEY: Okay. Thank you, sir.

2 THE COURT: Anything further?

3 MR. PERRY: Very quickly.

4 REDIRECT EXAMINATION:

5 BY MR. PERRY:

6 Q Mr. Blackmon, I just want to be sure that I have
7 this straight. Whenever you and Sam got there, Sam
8 got out of the car, went to , the blue
9 trailer, right?

10 A Yes, sir.

11 Q Okay. You stayed in the car?

12 A Yes, sir.

13 Q After a very short time, you saw Nicole leave—
14 , the front trailer?

15 A Yes, sir.

16 Q And go around to the blue trailer, correct?

17 A Yes, sir.

18 Q At any time, did you ever see Goat Man come out
19 of the front trailer and go around to the back
20 trailer?

21 A No, sir.

22 Q At any time at all while you were there, did you
23 ever see him period?

24 A He came to the front door like at the screen
25 door, but he never opened that.

1 Q All right. So. He never came out?

2 A No, sir.

3 Q So you saw him at the screen door of the front
4 trailer?

5 A Yes, sir.

6 Q All right, and he never came out of the front
7 trailer?

8 A No, sir.

9 Q And you heard what you thought was a gunshot and
10 Sam came running?

11 A Yes, sir.

12 MR. PERRY: Nothing further.

13 THE COURT: Anything further?

14 MR. RILEY: Nothing further.

15 THE COURT: All right. You may come down.

16 May this witness be excused?

17 MR. PERRY: Yes, sir, Your Honor.

18 THE COURT: Any objection?

19 MR. RILEY: No, sir.

20 THE COURT: All right. You're free to go, sir.

21 THE WITNESS: Thank you.

22 THE COURT: Next witness.

23 MR. PERRY: You're, the state would call Horace
24 Lee, Harvey Lee.

25 HORACE LEE,

1 after being duly sworn, testified as follows:

2 THE CLERK: Please be seated. State your full
3 name for the record. Right this way, please.

4 THE WITNESS: Horace Roosevelt Lee.

5 DIRECT EXAMINATION:

6 BY MR. PERRY:

7 Q Mr. Lee, if you would, please tell the court how,
8 if at all, you are related to Samantha Steeprock?

9 A I'm married to her sister.

10 Q So you are the brother-in-law?

11 A Yeah, brother-in-law.

12 Q How long have you known her?

13 A Twelve, 13 years.

14 Q All right. I'm going to take you back to last
15 year, May 28th, Saturday, Memorial Day weekend, 2011.
16 Did you have occasion to be with Ms. Steeprock on that
17 morning or that day?

18 A Yes, I did.

19 Q Please tell the jury about how you came to be
20 with her, what you did with her, anything that you
21 saw, heard or experienced that day.

22 A Okay. Well, my wife called me and told me
23 something was wrong with Sam, Ms. Steeprock, and I got
24 in my car, my truck, and went down to see what was
25 wrong with her. She was walking down the dirt road.

1 Q How far were you from where she was at that time?

2 A About a --- I don't know, a couple of blocks.

3 Q So a very short drive?

4 A Yes, yes, she was walking down the dirt road. I
5 picked her up, and she was --- she was crying, very
6 upset.

7 Q And when you say walking down the dirt road, I
8 want to be sure we have this straight, is that where
9 she lived or close to her house?

10 A Yes.

11 Q So she wasn't up on highway 601 at the time?

12 A No, she wasn't.

13 Q Please go ahead and keep telling us.

14 A I picked her up. She was crying saying --- she
15 was mumbling "Greg and Nicole, Greg and Nicole," so we
16 went --- we actually went to my house, because I was
17 going to drop her off. I said I'll go check on Nicole
18 and see what's wrong with Nicole, but she wouldn't get
19 out of the car, so that's when we went down to where
20 Nicole lives.

21 Q Had you ever been there before?

22 A No, that was my first time.

23 Q Okay. And when we got to Nicole's house, the guy
24 I knew as Goat Man was standing in the yard. We asked
25 him where was Nicole.

1 Q And you didn't know who he was before because you
2 had never been there before, right?

3 A I had never been there before. I had met him
4 before, but I had never been there before.

5 Q So you recognized him by sight as David Tyler or
6 Goat Man?

7 A Yes.

8 Q Okay.

9 A So we started asking him where is Nicole or he
10 was like --- he didn't know, and so he said she wasn't
11 there.

12 Then we --- we insisted that we go in the trailer
13 to check on Nicole.

14 Q When you say the trailer, do you mean the one in
15 the back?

16 A The one in the back. Yeah, I think there was a
17 house and then a trailer behind it or beside it or
18 something like that.

19 Q All right.

20 A So we opened up the door and looked in, and
21 there's Nicole.

22 Q Were you the first one to go in, the second, the
23 third? Where were you in that process? Who was the
24 first one to go in?

25 A I'm not sure. I think Goat Man was the first

1 one.

2 Q Okay.

3 A And I was the second one, I think.

4 Q Okay. Right behind him?

5 A Yeah, right behind him.

6 Q What did you see?

7 A Nicole kind of slumped in the chair with
8 something on one of her eyes. All I could see was
9 like a little hole.

10 Q Okay.

11 A Because at that time I didn't ---

12 Q Did anybody call her name? Did anybody try to
13 stir her? Did anybody try to see if she was
14 responsive?

15 A Well, actually Goat Man started grabbing her and
16 hugging her and yelling out, "Greg, that damn Greg,"
17 and --- excuse me.

18 Q It's okay. What did you hear? What did he say?

19 A He was saying, "Greg, I'm going to kill Greg.
20 That damn Greg," something like that.

21 Q Did he seem angry?

22 A Yes.

23 Q Did he seem upset?

24 A Yes.

25 Q Did he seem like --- did Goat Man seem like a man

1 who had just shot his wife?

2 A No, no, no.

3 Q What else, if anything, did you see or hear?

4 A Then we started to call the police and I guess
5 the signal died, so we went down the road, called the
6 police again.

7 Q Did Goat Man want you to call the police or did
8 he not want you to call?

9 A No, he did not, and he kept yelling, "Do not call
10 the police. We are all going to go to jail," but so
11 we left and called the police.

12 Q Did he say why he didn't want you to call the
13 police?

14 A No. He just said, "We're all going to go to
15 jail."

16 Q Okay. And you left?

17 A Yes.

18 Q Did you yourself actually call law enforcement?

19 A Yes.

20 Q Okay. And what, if anything, did you report?

21 A Well, at first we --- when we first called, they
22 told us to wait beside the road. We waited beside the
23 road. My wife got a call saying that Greg had went to
24 our house, so we left the road, went back, and saw
25 Greg walking down the same dirt road that I had saw

1 Samantha on.

2 Q Did you confront him; did you stop and talk to
3 him?

4 A No, I didn't confront him. I called the police
5 again.

6 Q To let them know where he was?

7 A Yeah, and then followed him down the road until
8 the police came and arrested him.

9 Q Did you have any other involvement with law
10 enforcement about this case?

11 A I went back and gave a statement after that.

12 Q So they interviewed you and talked to you at the
13 time?

14 A Uh-huh.

15 Q And your statement then is fairly well consistent
16 with your statement now?

17 A I think so. It's been a while, but yes, I'm
18 pretty sure.

19 MR. PERRY: Beg the Court's indulgence.

20 (Pause.)

21 MR. PERRY: Nothing further for this witness.

22 Please answer any questions Mr. Riley has for you.

23 THE COURT: Cross-examination?

24 MR. RILEY: Thank you, Judge.

25 CROSS-EXAMINATION:

1 BY MR. RILEY:

2 Q Now, Mr. Lee, you're Samantha Steeprock's
3 brother-in-law?

4 A Brother-in-law.

5 Q What's your wife's name?

6 A Angie.

7 Q Angie. Okay, so Angie and Samantha are sisters,
8 right?

9 A That's right.

10 Q How long have you been married to Angie?

11 A We've been married a year-and-a-half.

12 Q Okay. And you've known Samantha all that time,
13 right?

14 A Right.

15 Q Okay. All right. And you've known how Samantha
16 was living, right?

17 A Somewhat.

18 Q Okay. All right. Now, Mr. Perry asked you if
19 the person you saw when you pulled into the trailer
20 outside was subsequently found out was Goat Man,
21 right?

22 A I knew him as Goat Man.

23 Q You knew it was Goat Man?

24 A I knew Goat Man.

25 Q Okay.

1 A I mean, I don't really know them, know them, but
2 like I know his name is Goat Man.

3 Q Okay. You'd not formally met him, but you kind
4 of knew what he looked like; is that right?

5 A No. I've seen him before.

6 Q Okay.

7 A I mean, it's not --- I probably met him before,
8 yeah. I would say I met him before.

9 Q All right. Now, Mr. Perry asked you if he looked
10 like a man who had just shot his wife. Didn't he ask
11 you that question?

12 A Yeah.

13 Q How many men have you met that just shot their
14 wives? How would you know what a man who just shot
15 his wife looked like?

16 A I wouldn't, I guess.

17 Q Thank God not many of us would know how someone
18 looks like under those circumstances. When you've
19 pulled in with Samantha, the statement you gave to the
20 police said you saw Greg walking down the road?

21 A Yes, I did.

22 Q Okay. So he wasn't --- how far away from the
23 house was he when you saw Greg?

24 A When I saw Greg, he was on Koon Road.

25 Q Okay. How far is that from the Tyler's?

- 1 A How far what? I'm sorry? I apologize.
- 2 Q When you first saw Greg as you were driving
- 3 Samantha to the Tyler's ---
- 4 A Yes.
- 5 Q --- when you first saw him ---
- 6 A Uh-huh.
- 7 Q --- how far was Greg from the Tyler's?
- 8 A I want to say a mile or two, I don't know.
- 9 Q All right. And this was at what time of day that
- 10 you drove Samantha down there?
- 11 A It was after the graduation, so I'd say about 12
- 12 maybe. I'm not exactly sure.
- 13 Q Okay. All right. Now, someone asked Goat Man
- 14 where Nicole was, correct?
- 15 A Uh-huh.
- 16 Q Was that you or Samantha?
- 17 A That was me, I think. Or --- I'm not exactly
- 18 sure, but it was one of us.
- 19 Q Okay. In your motor vehicle, there were just two
- 20 people, right?
- 21 A No.
- 22 Q Who else was there in the motor vehicle?
- 23 A My stepdaughter.
- 24 Q Your what?
- 25 A My stepdaughter, my daughter.

1 Q All right?

2 A Uh-huh.

3 Q Did she exit the motor vehicle at all?

4 A Yeah, she got out. She got out of the car.

5 Q Okay. How old is she?

6 A Thirty-one, 32.

7 Q Did she have any conversation with Goat Man?

8 A I'm not sure.

9 Q Do you remember which --- whether it was you or
10 Samantha who asked Goat Man where Nicole was?

11 A Like I say, I'm not sure, really.

12 Q Okay. Do you remember, though ---

13 A I'm pretty sure it was me that insisted we go in
14 the house.

15 Q You're pretty sure it was you?

16 A Yeah.

17 Q And what was Goat Man's response?

18 A He was kind of nonchalant. He said he don't have
19 a key or something like that, but then he actually got
20 the key or something. It's kind of fuzzy because it's
21 a long time ago.

22 Q Uh-huh. I know it is. When you first saw Goat
23 Man that day when you were driving Samantha to the
24 Tyler's ---

25 A Uh-huh.

1 Q --- was Goat Man coming or going from anywhere or
2 was he standing still?

3 A No, he was standing still.

4 Q And whereabouts was he when you first spotted
5 him?

6 A He was standing out in the yard either by the dog
7 or by the tree or by the dog and the tree. I'm not
8 sure.

9 Q But in relation to David --- Goat Man's house,
10 David Tyler's house, where was he?

11 A He was standing in front of his house.

12 Q All right. Did he have anything in his hands?

13 A I don't remember.

14 Q Could he have?

15 A He could have, yeah, because I don't remember.

16 Q Okay. You don't remember?

17 A No. I don't remember if he had anything in his
18 hands or not.

19 Q How many times did you call 9-1-1?

20 A Me, myself?

21 Q Yes, sir.

22 A The once, and I stayed on the phone with them.

23 Q Okay. All right.

24 MR. RILEY: Begging the Court's indulgence.

25 (Pause.)

1 MR. RILEY: That's all I have. Thank you.

2 THE COURT: Any redirect?

3 MR. PERRY: Very quickly, Your Honor.

4 REDIRECT EXAMINATION:

5 BY MR. PERRY:

6 Q Mr. Lee, you don't use methamphetamine, do you?

7 A No.

8 Q Okay. When you went there with Sam to check on
9 Nicole, Goat Man allowed you all in the trailer to
10 check, right? He didn't insist you leave?

11 A No.

12 Q Okay. And maybe I didn't artfully enough phrase
13 my question earlier when I asked you did he seem like
14 a man who had just shot his wife. Let me ask you this
15 question, did he seem upset to you when he found his
16 wife in the trailer shot?

17 A Yes, when we found her, yes he did. He was very
18 upset.

19 MR. PERRY: Nothing further from this witness,
20 Your Honor.

21 MR. RILEY: Nothing further.

22 THE COURT: All right. You may come down.

23 MR. PERRY: Your Honor, may this witness be
24 excused?

25 THE COURT: Yes, sir. Without objection? Any

1 objection?

2 MR. RILEY: No, sir.

3 MR. PERRY: Thank you, Mr. Lee.

4 THE COURT: Next witness.

5 MR. MOAK: Brooks Houser.

6 BROOKS HOUSER,

7 after being duly sworn, testified as follows:

8 THE WITNESS: Brooks Houser.

9 DIRECT EXAMINATION:

10 BY MR. MOAK:

11 Q Brooks, are you a Kershaw County sheriff's
12 deputy?

13 A Yes, sir.

14 Q How long have you been a sheriff's deputy?

15 A A little over seven years.

16 Q On May 28th, 2011, were you with the Kershaw
17 County sheriff's department?

18 A Yes, sir.

19 Q And what capacity were you working?

20 A As a patrol deputy.

21 Q Okay. What does a parole deputy do?

22 A Generally speaking, we answer calls of service,
23 check property, you know, any type of call we get, we
24 respond to, make arrests, kind of cut and dried on
25 that.

1 Q So if I have a problem, call 9-1-1, you or
2 somebody like you comes out?

3 A Yes, sir.

4 Q You make the initial contact? You make the
5 initial contact, right?

6 A Yes.

7 Q Okay. On May 28th, 2011, did you have an
8 occasion to go to 601 South in Lugoff?

9 A Yes, I did.

10 Q And can you tell us what you remember about what
11 the call was about? What you were dispatched there
12 for?

13 A We were called out there for a shooting incident.

14 Q Okay.

15 A And when I arrived at that, there was a trailer.

16 Q Uh-huh.

17 A Myself and a Deputy Watts.

18 Q Uh-huh.

19 A He is no longer employed with Kershaw County.

20 Q Okay.

21 A We arrived at the scene and knocked on the front
22 door. There was a gentleman who came to the door.

23 Q Okay.

24 A I can't recall his name.

25 Q Did he have like a beard?

1 A He did have a beard, yes.

2 Q Okay.

3 A We told him why we were there.

4 Q Uh-huh.

5 A And he kind of looked confused, kind of nervous
6 looking.

7 Q Uh-huh.

8 A His breathing was labored.

9 Q Yes.

10 A But, you know, he said no one --- no one has been
11 shot, there's no type of shooting incident here.

12 Q Uh-huh.

13 A And we asked for consent to search the house. He
14 gave us consent to search his house. We searched, you
15 know, a diligent search. No other people were at that
16 residence, and nothing looked like any type shooting
17 incident there so...

18 Q Before we get too much further, I want to pull
19 the chalk board out here a little bit.

20 Just so we can clarify what we're talking about,
21 what trailer, that trailer, the one you all searched.
22 Stand up.

23 A Sure.

24 Q I think you can kind of draw out the --- kind of
25 draw out like this is 601, kind of like describe the

1 driveway, what their talking about this hill and
2 everything where the trailers are at?

3 A If you --- say you're coming south ---

4 Q Uh-huh.

5 A --- this would be south towards St. Matthews,
6 well, the driveway is kind of here. It kind of bends
7 back this way up the hill and goes like this, and then
8 up here is a trailer, mobile home.

9 This is the mobile home that we arrived at and
10 met this gentleman with the beard and asked him about
11 the shooting. However, there is another trailer that
12 kind of sits like this. I didn't go to that one. I
13 went to this one. We searched this trailer and spoke
14 with the gentleman in this trailer.

15 Q Okay. That's good.

16 Now, the trailer where you're speaking with the
17 gentleman, that's you and Andy Watts who were there?

18 A Yes, sir.

19 Q At some point did Lee Young arrive?

20 A Yes, sir.

21 Q Did he kind of duck in, just check in to let you
22 all know he was there?

23 A Yes.

24 Q Did he go around to the other trailer?

25 A Yes.

1 Q But you didn't go with him to the other trailer?

2 A No, sir.

3 Q Now, in the trailer you were at, you said y'all
4 searched it. What were you looking for?

5 A Well, we were out there in reference to a
6 shooting.

7 Q Uh-huh.

8 A We were just searching to see if there was any
9 other --- the gentleman we spoke to said no, no
10 shooting going on here. We thought there may be ---
11 if he were not telling the truth, you know, we were
12 hoping to find maybe evidence of a shooting or some
13 type of struggle or some type of crime.

14 Q And you saw nothing in that trailer?

15 A No, sir.

16 Q Now, at some point did he get kind of
17 argumentative?

18 A He appeared nervous, and his breathing was kind
19 of labored.

20 Q Uh-huh.

21 A But all he stated was that, you know, I was out
22 looking for my dog, and I heard something that sounded
23 like a car backfiring.

24 Q And at some point while you were still at the
25 scene, was a body found in the other trailer?

1 A Yes.

2 Q And did his demeanor change at that point?

3 A Yes.

4 Q And can you describe how that change occurred and
5 what happened after that?

6 A He became angry and irate, and really was kind of
7 questioning, you know, what was happening.

8 Q Okay. And was --- were you one of the ones who
9 actually had to place him under arrest?

10 A I did detain him, yes.

11 Q And was he transported to the Kershaw County
12 jail?

13 A Yes, he was.

14 Q Was that you or Watts that actually transported
15 him?

16 A It was myself.

17 Q Okay. And he actually --- did he act out in the
18 back of the car?

19 A During our time on the scene ---

20 Q Uh-huh.

21 A --- and while he was in the back of the car while
22 we were there, yes.

23 Q Okay. And did he try to like mess up the patrol
24 car?

25 A He did.

1 Q And at any point, did he ever --- do you remember
2 him mentioning Greg Smith's name or anything about
3 Greg Smith?

4 A Yes.

5 Q And what was he saying?

6 A He stated that if I --- if I find out that Greg
7 Smith killed my wife, I'm going to get him.

8 Q So he was threatening Greg Smith?

9 A Yes.

10 Q And when you arrived at the jail, obviously he
11 was not being irate anymore?

12 A No, sir.

13 Q And when you went to get him out, is that when
14 you discovered he had a health situation?

15 A Yes, sir.

16 Q And EMS was called?

17 A Yes.

18 Q And he went to the hospital?

19 A Yes.

20 Q And he is now deceased?

21 A Yes, sir.

22 MR. PERRY: No further questions of this witness
23 at this time.

24 THE COURT: Cross-examination?

25 CROSS-EXAMINATION:

1 BY MR. RILEY:

2 Q Deputy Houser, I'm Neil Riley. I think we know
3 each other. I represent Mr. Smith.

4 When you --- you and Officer Watts were the first
5 ones on the scene, correct?

6 A Yes.

7 Q And that was in response to a report of a
8 shooting or a disturbance of some sort?

9 A A shooting, yes.

10 Q The individual that you --- did you know this man,
11 that you saw at the premises when you first laid eyes
12 on him in did you know him at all?

13 A No.

14 Q Okay. The man you subsequently found out was
15 David Tyler, also known as Goat Man, where was he?
16 Was he outside of his house? Did you knock on the
17 door?

18 A Knocked on the door. That was inside.

19 Q Now, that's the front, what you have drawn out as
20 the front mobile home, right?

21 A Yes, sir.

22 Q Okay. And I believe you stated that he did come
23 to the door, but he was confused, had labored
24 breathing, seemed nervous; is that correct?

25 A Yes.

1 Q Okay. Now, was one of the questions that you
2 asked him, was there anyone else at the residence? Is
3 that one of the things you asked him?

4 A Yes.

5 Q Okay. And his response was what?

6 A No.

7 Q Okay. What did he say about his wife, if
8 anything?

9 A At that time, I don't recall him saying anything
10 about his wife.

11 Q Do you remember preparing an incident report in
12 this matter?

13 A Yes. Once, you know --- once it all was over
14 with, yes.

15 Q Okay. If you stated in the incident report that
16 Mr. Tyler stated his wife had left moments earlier to
17 go to a neighbor's house, does that jog your memory?

18 A Okay, yes.

19 Q Do you remember him saying that?

20 A Yes.

21 Q Okay. Now you asked for consent to search the
22 house, right?

23 A Yes.

24 Q And that was because --- he verbally consented,
25 right?

1 A Yes.

2 Q And that was because of a report of a gunshot.

3 Yes.

4 Q Is that, in fact, the initial report that you
5 received was someone called in to report a loud noise
6 or what?

7 A It was reported that someone had gotten shot.

8 Q Okay. All right. Well, how would the caller
9 have known that?

10 A (There was no response.)

11 Q I mean, you didn't get the call directly, did
12 you?

13 A No, sir.

14 Q You don't know the identity of the caller, do
15 you?

16 A No, sir.

17 Q Okay. Anyway, you didn't find any other subjects
18 in Mr. Tyler's residence?

19 A No.

20 Q Okay. Now, at what point and for what reason was
21 the back mobile home searched and by who?

22 A When --- the more nervous that Mr. Tyler got ---

23 Q Uh-huh.

24 A You know, just based on experience.

25 Q Uh-huh.

1 A It seemed like he may have been hiding some
2 information.

3 Q Uh-huh.

4 A Therefore, at that time we detained him.

5 Q Uh-huh.

6 A For an investigative principle.

7 Q Uh-huh.

8 A For investigative reasons.

9 Q Uh-huh.

10 A At that time, Deputy Young went around the back
11 to search for anybody who may have been, I don't know,
12 laying out or anybody may have been trying to leave.

13 Q Uh-huh.

14 A From my understanding at that time, he did go to
15 the back trailer and discover an individual that had
16 been shot.

17 Q Okay. And that was deputy who?

18 A Young.

19 Q Okay.

20 A Lee Young.

21 Q Did Deputy young, prior to entering that back
22 residence, had he gotten consent to search from
23 anybody?

24 A Not that I know of.

25 Q Was there anybody in that back residence other

1 than what he found?

2 A I don't know. I didn't ever go back there.

3 Q Okay. You don't know if there was --- if anybody
4 consented to him searching that back mobile home?

5 A No.

6 Q Now, during --- when Deputy Young was engaged in
7 that, you were all the time with Mr. Tyler; is that
8 correct?

9 A Yes.

10 Q Up in the front in his residence?

11 A Yes.

12 Q Okay. And I believe your testimony --- well, let
13 me ask it this way. Was he growing increasingly
14 agitated?

15 A Yes.

16 Q Okay. All right. At some point, did Deputy
17 Young or some other officer come back up front and
18 report what they had found?

19 A He alerted us over his radio.

20 Q Okay.

21 A That he had found her.

22 Q Okay. At some point you testified that Mr. Tyler
23 was put in protective custody?

24 A Well ---

25 Q Because of his anger and ---

1 A Correct.

2 Q And he was placed in the backseat of a patrol
3 car?

4 A Yes.

5 Q What did he proceed to do?

6 A He was very irate, very boisterous.

7 Q Uh-huh.

8 A Used profanity.

9 Q Uh-huh. Did he attempt to kick out any of the
10 car windows?

11 A He was wanting to get out of there.

12 Q Okay. Was he trying to open one of the doors?

13 A I can't recall exactly if he --- exactly how or
14 what he was trying to do, but he wanted --- he wanted
15 to get out of there.

16 Q Okay. Was he handcuffed at that point?

17 A Yes.

18 Q By you?

19 A From my best remembrance, yes.

20 Q Front or back?

21 A I'm not 100 percent sure if it was in the front
22 or back.

23 Q I'm sorry?

24 A I'm not sure.

25 Q Okay.

1 A I'm just not sure if it was front or back, but he
2 was detained, yes.

3 Q Did you witness him attempting to kick the
4 windows?

5 A I can't recall that.

6 Q Okay. Well, if you mentioned in your own
7 incident report that he was attempting to kick out the
8 window, you wouldn't disagree with that, would you?

9 A No.

10 Q Okay. Do you now recall writing that in your
11 incident report?

12 A Not specifically, but, you know ---

13 Q Okay.

14 A --- that was over a year ago.

15 Q Okay. At some point --- as time went by, I would
16 imagine more and more police officers arrived on the
17 scene, correct?

18 A Yes.

19 Q At some point, did Sheriff Matthews not arrive?

20 A Yes.

21 Q At some point, was Sheriff Matthews and others
22 not involved in trying to restrain Mr. Tyler?

23 A Yes.

24 Q And what way were the sheriff and others trying
25 to restrain him? In what way?

1 A He was being irate ---

2 Q Uh-huh.

3 A --- Mr. Tyler.

4 Q Uh-huh.

5 A He was being irate. The sheriff and Chief Brown
6 they were ---

7 Q Uh-huh.

8 A --- you know saying, you know, arrest him for
9 breach of peace.

10 Q Uh-huh.

11 A You know, because he was being uncooperative. He
12 was being very irate.

13 Q Uh-huh.

14 A From what I can remember, they placed hands on
15 him and put him in the back of the --- the other
16 patrol car.

17 Q Uh-huh, okay. Now, Mr. Tyler was on his own
18 property at the time, wasn't he?

19 A Yes.

20 Q Other than police --- other than law enforcement
21 officers, what members of the public were around?

22 A I don't believe there was any other.

23 Q How was he breaching the peace?

24 A Well, I --- from my perspective, that's not
25 really left up to me because I wasn't the one who said

1 arrest him for breach of peace.

2 Q Who did?

3 A The sheriff.

4 Q Okay. At some point did the sheriff grab

5 Mr. Tyler?

6 A Yes.

7 Q You witnessed that?

8 A Yes.

9 Q How did he grab him?

10 A With his hands.

11 Q Pardon?

12 MR. MOAK: I'm questioning the relevance to that,

13 who grabbed who.

14 THE COURT: Is there an objection?

15 MR. MOAK: Yeah, I'm objecting to relevance, Your

16 Honor.

17 THE COURT: Overruled. It's cross-examination.

18 I'll allow it.

19 BY MR. RILEY:

20 Q How many --- let me ask the question in a

21 different way. I don't necessarily mean to single out

22 Sheriff Matthews. How many witnesses were involved in

23 trying to restrain Mr. Tyler in the backseat of that

24 motor vehicle, the sheriff's deputy car?

25 A From what I can remember, it was just the

1 sheriff.

2 Q Just one?

3 A From what I can remember.

4 Q Okay. Well, before Mr. Moak spoke up, I believe
5 I was asking you how was the sheriff attempting to
6 restrain him?

7 A He --- just with his hands, grabbed him by his
8 hands.

9 Q Where was he grabbing him?

10 A I can't remember exactly.

11 Q Okay. After the sheriff said he was under arrest
12 for disorderly conduct, you proceeded to drive him to
13 the detention center, correct?

14 A Yes.

15 Q Was any other officer in the vehicle with you?

16 A No.

17 Q It was just you and Mr. Tyler, right?

18 A Yes.

19 Q How --- in approximate minutes, how far is it
20 from the Tyler residence to the sheriff's department?
21 Excuse me, to the detention center?

22 A It's approximately 15, 16 miles.

23 Q Okay. So what, about 30 minutes, at least?

24 A Not that long.

25 Q Okay. Less than that?

1 A Less than 30 minutes, yes.

2 Q Initially, was Mr. Tyler talking or saying
3 things?

4 A From the --- at the beginning when I was pulling
5 out of the driveway.

6 Q Okay. Were you --- I'm talking about in a
7 friendly sort of way, were you and his conversing?

8 A No.

9 Q Okay.

10 A He was just --- he was still irate.

11 Q Okay.

12 A Angry.

13 Q And you weren't questioning him or telling him
14 anything?

15 A No.

16 Q You weren't telling him to calm down or anything?

17 A No, at that point it seemed futile to try to get
18 him to calm down.

19 Q Okay.

20 A He refused before, so...

21 Q How long from the time you arrived on the scene
22 until the time you left to drive to the detention
23 center with Mr. Tyler, how much time had elapsed?

24 A I don't remember.

25 Q Can you guess? Take an estimate?

1 MR. PERRY: Objection, calls for speculation. He
2 said he can't remember.

3 THE COURT: Sustained.

4 BY MR. RILEY:

5 Q Now, when you got to the detention center, tell
6 me what you did and what happened?

7 A Well, normal procedure, I placed my weapon in a
8 secure area.

9 Q Uh-huh.

10 A I opened the back door. At that time Mr. Tyler
11 was unresponsive.

12 Q Uh-huh.

13 A You know. I tried --- at that time, you know, I
14 wasn't sure if he had just kind of fell asleep or what
15 the problem was.

16 Q Uh-huh.

17 A I'm not a physician, but he was unresponsive.
18 Normally I would have a prisoner, you know, exit the
19 vehicle and go into the intake area.

20 Q Uh-huh.

21 A But he was unresponsive, would not respond to any
22 question for him to wake up or get out of car.

23 Q Uh-huh.

24 A At that point I called for EMS to respond.

25 Q Okay. All right. Did you've check him for a

1 pulse?

2 A I did not --- I can't remember.

3 Q The reporting officer checked the right side of
4 his neck for a pulse, but could not detect one. Do
5 you remember writing that?

6 A If that's what I wrote, that's what I wrote.

7 Q So you did check for a pulse?

8 A I can't remember doing it, but...

9 Q Do you recall now detecting a pulse?

10 A Only just from you reading it off the report.

11 Q Were you there when EMS arrived?

12 A Yes.

13 Q And what did they attempt to do?

14 A They were --- advised me that he was in cardiac
15 arrest, and they did their procedures on him and
16 escorted him to the emergency room.

17 Q Okay. Did you accompany them to the emergency
18 room?

19 A No.

20 Q Okay. So from the time EMS took Mr. Tyler to
21 the --- to Kershaw County Health, was your involvement
22 in this case pretty much at an end?

23 A Pretty much except for the fact that I had to go
24 get detoxed at the hospital.

25 Q Okay. All right. Okay. Did you yourself ever

1 enter the back mobile home?

2 A No.

3 Q Just the front one?

4 A Yes.

5 Q Okay. When you entered the --- when you obtained
6 consent to search and searched the front mobile home,
7 did you observe any materials or equipment that you
8 would guess were used in production of
9 methamphetamine?

10 A No, sir.

11 Q You didn't notice any acetone or stuff like that?

12 A No, sir.

13 Q Okay. You stated that it appeared to you that
14 Mr. Tyler was trying to hide something when you
15 noticed he was nervous, confused, agitated, had
16 labored breathing.

17 I assume --- well, let me strike that. Did you
18 form any opinion as to what you thought he might be
19 trying to hide?

20 A No, not an exact opinion, but I always kept the
21 possibility in the back of your head, because, you
22 know, when you're --- as a patrol deputy, when you
23 respond ---

24 Q Uh-huh.

25 A --- you know, all possibilities are there.

1 Q Right, right. And you were there --- based on
2 the report of a shooting, right?

3 A Yes, sir.

4 Q Okay. Did you at any time see Mr. Tyler in
5 possession of any kind of a weapon?

6 A No.

7 Q Okay. All right. Was --- did you --- after what
8 happened at the detention center, did you go back to
9 the scene of the incident at all?

10 A No.

11 Q Okay. All right. Were you involved in the
12 subsequent investigation of this case at all?

13 A The only thing, I had to prepare a written
14 statement for SLED.

15 Q Uh-huh.

16 A In reference to Mr. Tyler and his medical
17 condition.

18 Q Okay. All right.

19 A Other than that, no.

20 Q Who would have been the officer? I mean, you
21 were the officer who transported Tyler from the
22 incident location to the detention center, correct?

23 A Yes.

24 Q You were the officer that first detected that
25 Mr. Tyler was unresponsive, correct?

1 A Yes.

2 Q You were the officer who summoned the EMS,
3 correct?

4 A Yes.

5 Q Who would have been the officer responsible for
6 requesting that tests be done on Mr. Tyler or an
7 autopsy be performed? Who would have been responsible
8 for requesting that? You?

9 A No, sir.

10 Q Okay. Before you left the Tyler residence, you
11 knew that a dead body had been found there?

12 A Yes.

13 Q You had observed Mr. Tyler's shortness of breath,
14 nervousness, confusion, agitation, profanity, all of
15 that, and put that up to his being charged with
16 disorderly conduct, right?

17 A Yes.

18 Q And you didn't --- would you have been the one to
19 ask for --- for example, that Mr. Tyler's hands be
20 checked for gunshot residue?

21 A That would not be up to me.

22 Q That would not be up to me?

23 A No.

24 Q To request that or suggest that or recommend
25 that?

1 A I mean, I could but no, that's usually not ---

2 Q You knew that Mr. Tyler was being taken away from
3 a shooting scene by the time you left, right?

4 A Well, I was there for a possible shooting, and
5 then there was a dead body. However, how --- at that
6 time, how the person was, you know, died, I still
7 didn't know if it was from a shooting.

8 Q You stated you had reason --- that you suspected
9 Mr. Tyler was trying to hide something?

10 A It was a possibility.

11 Q You found out that in the back mobile home was a
12 dead body. You didn't connect your suspicions and the
13 dead body?

14 A I learned from too many years experience not to
15 over assume something.

16 Q All right, sir.

17 MR. RILEY: Begging the Court's indulgence.

18 (Pause.)

19 Q Did you --- Deputy Houser, did you have to go
20 through detox?

21 A Yes.

22 MR. RILEY: Thank you.

23 THE COURT: Redirect?

24 MR. MOAK: Just briefly.

25 (Pause.)

1 (WHEREUPON, State's Exhibit 10 was marked for
2 identification only.)

3 REDIRECT EXAMINATION:

4 BY MR. MOAK:

5 Q I show you what's being marked State's 10 to see
6 if you can tell us what that would be?

7 A (No response.)

8 Q Is that an aerial picture of what you just draw
9 up?

10 A Yes.

11 Q Does that fairly and accurately depict the layout
12 of the trailers?

13 A Yes.

14 MR. MOAK: Your Honor, at this time I'd move
15 State's 10 in as the aerial.

16 MR. RILEY: No objection.

17 THE COURT: Without objection.

18 (WHEREUPON, State's Exhibit 10 was admitted into
19 evidence.)

20 BY MR. MOAK:

21 Q Okay. You just got asked if it was your job to
22 ask for tests or autopsies? Did he just ask you that?

23 A Yes, sir.

24 Q You're a road deputy, right?

25 A Yes, sir.

1 Q You get a call. You go out to the scene, right?

2 A Yes.

3 Q You make an initial determination like, is there
4 something here?

5 A Yes.

6 Q When the body is found, is it your job to do the
7 murder investigation?

8 A No.

9 Q Or is it your job to call the investigators?

10 A Yes.

11 Q And that's what happened?

12 A Yes, sir.

13 Q And at that point it's their call as to what
14 tests get done, requesting autopsies, everything else,
15 correct?

16 A Correct.

17 Q You've been a road deputy for seven years?

18 A Yes, sir.

19 Q On any given week, how many times do you go out
20 to domestic disputes, break-ins? I mean, how often do
21 you respond to calls?

22 A Fairly regular. On a two-week period, I work
23 maybe seven days. You know, ten calls a day on the
24 average, just a guess.

25 Q And that's what you normally do?

1 A Yes.

2 Q So, you know, the call and talking to Mr. Tyler,
3 making the determination that you think something is
4 being hidden, that's what you do, right?

5 A Yes.

6 Q And you felt he was hiding something before the
7 body was found, correct?

8 A Yes.

9 Q Do you have any knowledge that there was
10 approximately 130 marijuana plants back there?

11 A No.

12 Q You haven't heard that?

13 A Well, I ---

14 MR. RILEY: Objection, Your Honor.

15 THE COURT: It's a fact not in evidence.

16 Sustained.

17 BY MR. MOAK:

18 Q Do you have any idea what he was trying to hide?

19 A At the time I did not know.

20 Q Okay.

21 A But now I ---

22 Q You just knew he was trying to hide something?

23 A Yes, it seemed that way.

24 Q Okay. How many times in your seven years has
25 somebody had a heart attack and died in the back of

1 your patrol car?

2 A Zero, none prior to that one. Just that one.

3 Q Just that one, and that's pretty significant,
4 isn't it?

5 A Yes.

6 Q You didn't know what to do, did you?

7 A Other than what I did.

8 Q So things about whether or not you checked pulse
9 or whatever, that's not what you normally would do, is
10 it?

11 A That's not a part of the job description.

12 Q Now, you were asked to go get detoxed, as well
13 because you were at the scene?

14 A Yes.

15 Q Did you have any symptoms like light headed,
16 shortness of breath or anything like that?

17 A No, sir.

18 Q Did you have any symptoms whatsoever from being
19 exposed to the fumes over there?

20 A No, sir.

21 Q Did you confess to anything that you didn't do?

22 A No, sir.

23 Q And did being over there around the fumes cause
24 you not to be able to do your job?

25 A No, sir.

1 Q And your job was to go out, check into this call
2 and see if there's anything to it?

3 A That's right.

4 Q And once that determination is made, the sheriff
5 was called, Chief Brown was called?

6 A Yes.

7 Q All of those decisions were above your pay grade?

8 A Yes.

9 MR. MOAK: No further questions.

10 THE COURT: Anything further?

11 (Pause.)

12 MR. RILEY: No recross, Judge. I do have a legal
13 matter that I need to bring up.

14 THE COURT: We'll do that later.

15 Yes, you may come down.

16 May this witness be excused?

17 MR. PERRY: Yes, Your Honor.

18 THE COURT: Without objection.

19 All right. Ladies and gentlemen. It's one
20 o'clock. I've been informed by the clerk that your
21 lunch is here.

22 Now, the procedure that --- you're not going to
23 be required to stay in the jury room, only when you
24 begin your deliberations will that --- will you be
25 required to stay in your jury room, so I'm going to

1 ask you to --- you're free to eat in the jury room.

2 You're free to take it with you. I'm going to
3 ask you to be back in the jury room at --- yeah, in
4 the jury room at quarter to two, 1:45. That will give
5 you about 50 minutes to eat. If you have to make some
6 phone calls, run errands, something like that, you can
7 certainly do that. Again I'll encourage you --- or
8 warn you not to talk about the case to anybody else
9 over lunch hour or anytime else. Have a pleasant
10 lunch. We'll see you at a quarter to two. Thank you
11 very much.

12 (WHEREUPON, the jury left open court at
13 approximately 12:51 p.m.)

14 THE COURT: Everybody stay seated until the jury
15 leaves the room.

16 Mr. Riley, you have a matter to take up with the
17 court?

18 MR. RILEY: Judge, in his redirect of Deputy
19 Houser, Mr. Moak asked the question you had ---
20 something like you didn't know or you didn't realize
21 at that point that there were 100 marijuana plants in
22 there.

23 Mr. Moak, that charge is not for the trial here.
24 I objected contemporaneously to the question.

25 THE COURT: I sustained your objection.

1 MR. RILEY: I believe that the question ---

2 THE COURT: You want a curative instruction?

3 MR. RILEY: I would move for a mistrial, Judge.

4 THE COURT: Okay.

5 MR. MOAK: Your Honor, that's not in evidence yet
6 because we haven't put the deputy up that found the
7 plants. The motion yesterday was not go forward with
8 the marijuana. We clearly evinced an intention to go
9 forward with the marijuana evidence. He has yet to
10 move to suppress any marijuana evidence. We have
11 already dealt with this in pretrial, so...

12 THE COURT: I understand. I deny your motion for
13 a mistrial.

14 I will --- if you want me to, issue a curative
15 instruction when the jury returns.

16 MR. RILEY: Yes, sir.

17 THE COURT: If you want.

18 MR. RILEY: Better left alone I think, Judge.

19 THE COURT: Okay. Stand at ease until a quarter
20 to two.

21 MR. RILEY: Judge.

22 THE COURT: Yes, ma'am --- sorry. Sir.

23 MR. RILEY: As to his subsequent point, it was my
24 understanding that they weren't to get into that
25 marijuana evidence at all whatsoever.

1 THE COURT: Well, he's not charged. They cannot
2 try him.

3 MR. RILEY: Right, but they --- he apparently
4 wants to throw in all of the pictures of the marijuana
5 and the weight and the analysis of it and all that
6 stuff. That's the equivalent of being tried for it.

7 MR. MOAK: I was fairly clear that we intended to
8 do that yesterday.

9 MR. RILEY: Not to me you weren't.

10 THE COURT: Well, I understood that whatever was
11 at the scene was going to be testified to.

12 I'll clearly instruct the --- well, if you want
13 an instruction that they are not to imply anything ---
14 I wouldn't do it now, but I'll do it when the jury is
15 instructed that they're not to imply anything from the
16 fact that marijuana was located on the premises. Let
17 me think about it.

18 MR. PERRY: Your Honor, it's our theory of the
19 cases.

20 MR. MOAK: I thought it was ruled on yesterday.

21 THE COURT: I know.

22 MR. MOAK: I thought it was pretty clear it was
23 ruled on yesterday.

24 THE COURT: The witness has already talked about
25 smoking marijuana. 1:45.

1 (WHEREUPON, a lunch break was taken.)

2 THE COURT: Is the State ready to proceed?

3 MR. MOAK: Yes, Your Honor.

4 THE COURT: Is the defense ready to proceed?

5 MR. RILEY: Yes, sir.

6 THE COURT: Who is your next witness?

7 MR. MOAK: Your Honor, my next witness is Lee
8 Young.

9 THE COURT: All right.

10 MR. MOAK: He is the one that found the body.

11 THE COURT: That's fine. I just want to know who
12 it is.

13 In reference to the video of the witness,
14 Ms. Steeprock, the statement, her statement, the third
15 statement is not admissible, and to play the video of
16 the third statement doesn't make it admissible either.

17 Now, the state wishes to offer it to show that
18 the witness was within control of her faculties and
19 knew what she was doing, but I think you could get
20 that evidence in through the officer that took that
21 video.

22 MR. MOAK: All right.

23 THE COURT: And he can testify as to what she was
24 --- I think allowing the jury to see it is ---
25 creates an appellate issue that you can avoid by doing

1 it a different way, all right.

2 So it's not coming in.

3 MR. RILEY: All right, sir. How about the State
4 going into the marijuana evidence?

5 THE COURT: Well, you know, Mr. Riley, it's hard
6 to tell the State that they cannot introduce evidence
7 of what they saw at the scene.

8 MR. RILEY: Uh-huh.

9 THE COURT: On what basis other than that it's
10 prejudicial to your client, or it may be prejudicial
11 to your client? On what other basis can you tell a
12 witness --- or you can tell us part of what you saw,
13 but not all of what you saw. I'm assuming the witness
14 is going to come in and say I saw marijuana, and I saw
15 methamphetamine material.

16 MR. RILEY: It's the nature of what he asked
17 Officer Houser.

18 THE COURT: Huh?

19 MR. RILEY: That's the nature of what he asked
20 Officer Houser.

21 MR. MOAK: Your Honor, specifically he is trying
22 to make hay of the mere description of David Tyler
23 that he has something to hide and he is wanting to
24 limit it to one issue when there are clearly more
25 issues. There's the marijuana and the meth lab and

1 the ---

2 THE COURT: I understand that, but he has the
3 right, and duty and responsibility to defend his
4 client. If that's the way he chooses to do it, that's
5 fine. I told you, I'm going to allow the evidence of
6 marijuana that's on the scene to come into evidence.
7 You got it --- I guess you got a guy that saw it,
8 don't you?

9 MR. MOAK: We have several. One we have one that
10 counted and it one that tested it.

11 THE COURT: That's fine.

12 MR. RILEY: Obviously, I'm going to point out to
13 the jury that he is not on trial for that.

14 THE COURT: That's fine. You can do whatever you
15 want. That's what you should do, but, you know, the
16 fact --- a lot of stuff is --- a lot of evidence is
17 prejudicial. All evidence is prejudicial to one party
18 or the other.

19 The only thing I've got to base judgment on is
20 403.

21 MR. RILEY: Yes, sir.

22 THE COURT: Is it more prejudicial than
23 probative, and the fact that marijuana is on this
24 scene to me is probative, it's very probative of the
25 fact that drugs were being manufactured at that site,

1 so I mean, I've done a 403 analysis over the lunch
2 hour in my own mind.

3 MR. RILEY: Uh-huh.

4 THE COURT: If you want to pursue that issue,
5 that's fine, but that's the only way you can keep it
6 out in my opinion was under a 403 analysis.

7 MR. RILEY: Yes, sir. Thank you.

8 THE COURT: Ready for the jury?

9 MR. MOAK: Yes, Your Honor.

10 THE COURT: Bring them. I'm sorry? Ready for
11 the jury? Ready for the jury, Mr. Riley?

12 MR. PERRY: Yes, sir.

13 THE COURT: All right. Bring the jury.

14 THE BAILIFF: All right.

15 (WHEREUPON, the jury came into open court at
16 approximately 1:57 p.m.)

17 THE COURT: All right. Solicitor, you may call
18 your next witness.

19 MR. MOAK: The State calls Lee Young.

20 LEE YOUNG,

21 after being duly sworn, testified as follows:

22 THE CLERK: Please state your name for the
23 record. Have a seat.

24 THE WITNESS: My name is William Lee Young.

25 DIRECT EXAMINATION:

1 BY MR. MOAK:

2 Q Lee, are you a Kershaw County sheriff's deputy?

3 A Yes, sir.

4 Q How long have you been with Kershaw County?

5 A A little of five years.

6 Q Are you a bottom line officer or are you a
7 corporal? What are you?

8 A I'm with the DEA task force.

9 Q How long have you been on the task force?

10 A A little over a month now.

11 Q Back on May 28th, 2011, what was your position?

12 A I was a road deputy.

13 Q On the same shift as Brooks Houser and Andy
14 Watts?

15 A No, sir.

16 Q What shift were you on back then?

17 A I was on a beat shift, working some kind of
18 special detail we had to work at the lake for
19 holidays.

20 Q Memorial Day weekend?

21 A Yes, sir.

22 Q Did you hear on the radio a call go out to
23 601 South Lugoff?

24 A Yes, sir.

25 Q And you responded?

1 A Yes, sir.

2 Q And Brooks Houser, Andy Watts were already there,
3 right?

4 A Yes, sir.

5 Q What did you do when you got there?

6 A When I got there, Brooks and Andy were both in
7 the house.

8 Q Uh-huh.

9 A The first house talking with the older guy.

10 Q Uh-huh.

11 A And they were asking him about a woman that had
12 been shot. He claimed he didn't know what they were
13 talking about, so I walked outside and started to look
14 around out in the yard to see what I could see,
15 because we did get a call that a lady had been shot.

16 Q Uh-huh.

17 A I was going to try to find her. I started
18 walking around the front yard, went to the back,
19 didn't see anything. I noticed a privacy fence in the
20 backyard.

21 Q Before we get too far, this right here, this
22 illustration, this is 601, that's the first trailer,
23 that's the second trailer. Can you kind of show the
24 jury kind of like which direction you were in?

25 A Yeah, I entered a house here. Andy and Brooks

1 were there in the living room talking to the older
2 guy. I can't remember his name.

3 Q Uh-huh.

4 A I came out, outside, walked around back.

5 Q Uh-huh.

6 A That's when I noticed the privacy fence right
7 here somewhere. I walked on around, didn't see
8 anything. When I got to the privacy fence, I noticed
9 there was an opening in it. I popped my head in here
10 and could see there was a trail in the grass where
11 there was sand where they had been walking back and
12 forth, so I walked to the other trailer. I noticed it
13 had the same numbers as the address that we were
14 dispatched to on the trailer.

15 I started walking up to the trailer and that's
16 when I got up to the front door, I noticed the strong
17 odor of marijuana coming from the trailer. I then
18 knocked on the door and announced. The door was just
19 barely barely shut. The door came open when I
20 knocked, and I could see inside. I called out,
21 "Sheriff's office, sheriff's office." Nobody would
22 answer.

23 That's when I pushed the door open a little bit
24 more, and I noticed her laying on the loveseat.

25 Q Was she moving?

1 A No, sir.

2 MR. MOAK: Mark these, please.

3 (WHEREUPON, State's Exhibits 11 through 20 were
4 marked for identification only.)

5 BY MR. MOAK:

6 Q I'm going to show you what's being marked as
7 State's 11, 12, and 19. Can you tell me what these
8 appear to be?

9 A That's a picture from the front driveway. That's
10 the main house and just barely in the back you can see
11 the privacy fence and the other trailer.

12 Q That's number 11?

13 A Yes, sir.

14 Q Okay.

15 A Number 12 is a picture of the privacy fence, and
16 it looks like that's the opening on where I went
17 through.

18 Q Okay.

19 A Number 13 is also a picture of the privacy fence
20 and the trial I was talking about that's been walking
21 back and forth into the privacy fence going into the
22 other trailer.

23 Q Okay.

24 A And this also is --- number 14 is also a close-up
25 of the privacy fence from straight on. It looks like

1 a plain fence. You walk up on it and walk in.

2 Q Okay.

3 A This is the front of the rear trailer where I
4 found the body. That's 15. I don't recall this.
5 This may have been the back of that trailer. I didn't
6 go there.

7 Q So number 16 you can't identify?

8 A No, I don't know number 16. Number 17 is the
9 same, the rear of the trailer.

10 Q Okay.

11 A Number 18 is the front door of the house.

12 Q Let me show you what's been marked State's 20.

13 ~~You haven't finished those yet. Sorry.~~

14 A Number 19 is the front of --- the numbers on the
15 trailer.

16 Q This is State's 20.

17 A Yes, that's the way the body was whatever I
18 opened up the door and seen her there.

19 Q Okay.

20 MR. MOAK: So, Your Honor, can the witness step
21 off the stand?

22 THE COURT: Are you going to offer those?

23 MR. RILEY: I ---

24 MR. MOAK: I'm going to offer these, 11 through
25 20 with the exception of 16 into evidence that's

1 what's identified as depictions of what the witness
2 saw.

3 THE COURT: Any objection?

4 MR. RILEY: No, sir. I just wanted to see number
5 16.

6 No objection, Judge.

7 (WHEREUPON, State's Exhibits 11 through 15 and 17
8 through 20 were admitted into evidence.)

9 MR. MOAK: Can you step down, please?

10 THE WITNESS: Yes, sir.

11 BY MR. MOAK:

12 Q Can you show the pictures to the jury? You'll
13 probably have to come this way so that she can hear
14 you.

15 A This is the front ---

16 Q Can everybody can?

17 A This the front trailer where you pull in the
18 driveway here. That's where all the patrol cars were
19 parked. This is the house that we were in where
20 Officer Brooks and Watts were inside this trailer
21 talking to the older guy. I come out this trailer,
22 walk around this back side, and that's when I come up
23 on this fence. There's the fence right there, the
24 privacy fence, the light blue one, it's that trailer
25 right there.

1 THE COURT: Mr. Moak, come down this way. These
2 jurors down here aren't quite able to see what you're
3 talking about. The alternates need to be able to see
4 it, too.

5 MR. MOAK: I got a better idea. Take the stand.
6 I'm going to project, Your Honor.

7 BY MR. MOAK:

8 Q This is State's 11. Okay, can you describe this
9 again for everybody to see it?

10 A Yes. Back where the picture was taken is where
11 our parole cars were parked. That's the front
12 driveway. Looking straight on that yellow trailer
13 right there, that's the trailer that Officer Brooks
14 and Watts were inside talking to the older guy and
15 like I said, they weren't getting anywhere with him,
16 so I come outside the trailer and walked to --- it
17 would be to the right of that picture and around the
18 back of that house toward that red fence on the
19 left-hand side of that trailer, that's the privacy
20 fence. That blue area above the privacy fence is the
21 top of the trailer.

22 Q Okay. Now, this is State's 12 right here?

23 A Yeah, that's the privacy fence and the other
24 trailer and also that yellow part is the front
25 trailer.

1 Q That's where you saw the other trailer when you
2 got there?

3 A Yes, sir.

4 Q Okay. Here is State's 13.

5 A Yes. As you walk a little closer, that's the
6 privacy fence and the rear trailer.

7 Q Is that the power pole there on the right?

8 A Yes, sir.

9 Q Okay. Here is 14. Where was that?

10 A That's the entrance to the other trailer through
11 the privacy fence. Like I said, as you're looking
12 straight on it, it doesn't appear there's one, but
13 it's actually separated where you can walk right
14 through them.

15 Q You can see where these slats go further down
16 than the other slats?

17 A Yes, sir.

18 Q Like right there. Here is 15. What is that?

19 A That is the front door to the rear house.

20 Q That's the door you said you opened up?

21 A Yes, sir.

22 Q Okay. I'm going to show you State's 18.

23 A That's a closer shot of the front door.

24 Q And is this the --- you're talking about the
25 number?

1 A Yes, sir.

2 Q It has the half on there?

3 A Yes, sir.

4 Q Handwritten half. Now, when you went through
5 that door, State's 20 ---

6 UNIDENTIFIED WOMAN: Oh.

7 BY MR. MOAK:

8 Q --- is what you saw?

9 A Yes.

10 Q And that loveseat, like if I'm looking through
11 the front door, is the loveseat like right there to my
12 right front?

13 A Yes, sir.

14 Q And the couch is over there?

15 A Yes, sir.

16 Q Okay. And that's the body you found?

17 A Yes, sir.

18 Q What did you --- what did you do after you found
19 the body?

20 A It was a little dark in there, so I walked in to
21 check on her, because I had called out to her and she
22 hadn't responded to me at all.

23 Q Uh-huh.

24 A I walked in. I noticed that she still wasn't
25 moving, didn't look like she was breathing. She had

1 blood in her hair, matted up in her hair, on the back
2 of her head.

3 Q Uh-huh.

4 A That's when I tried to call out on my radio to
5 give me some back up and EMS. My radio wasn't
6 working, so I called dispatch and told them what I had
7 and tell them where I was at, tell the other guys
8 where I was at.

9 Q So did you do a walk-through of that trailer?

10 A Sir?

11 Q Did you do a walk-through of that trailer?

12 A Yeah, as soon as I seen the body I did go on
13 defensive. I didn't know if the guy was still in
14 there that done this or not, so I did do a brief
15 clearing of the house to make sure nobody was in
16 there.

17 Q So at this point you've responded to a shooting,
18 and you just found a body?

19 A Yes, sir.

20 Q As you went through, did you see anybody else in
21 the house?

22 A Just her.

23 Q Okay. That front door, is it kind of like midway
24 through the trailer?

25 A It's probably more toward the right side of the

1 trailer.

2 Q Okay.

3 A But it is very near.

4 Q And when you went in towards the far right, there
5 is a room in the end of the trailer?

6 A Yes, sir.

7 Q Was there something in that room?

8 A A lot of pornography.

9 Q Okay. Going to the left side on the other end,
10 did you see anything there?

11 A There was two rooms used as a --- what I believed
12 to be a grow room for marijuana. They were full of
13 marijuana plants.

14 Q Uh-huh. So a whole bunch of marijuana plants?

15 A Yes, sir.

16 Q Did you count how many were there?

17 A No, sir, I just briefly cleared the rooms that
18 needed to be cleared and got out of there.

19 Q Did you smell anything in the house?

20 A All you could smell was marijuana, it was
21 overpowering.

22 Q The smell of the marijuana was overpowering?

23 A Yes, sir.

24 Q Now what did you do? I think you said you called
25 with your phone?

1 A I called our dispatch.

2 Q Because your radio wasn't working?

3 A Yes, sir.

4 Q What did you do from that point on?

5 A From that point on I just stood at the front door
6 and waited for somebody else to get there.

7 Q And investigations showed up?

8 A Yes, sir.

9 Q And narcs showed up?

10 A I wasn't there when the narcs got there.

11 Q Okay. So you basically waited there until you
12 were told to ---

13 A Yes, sir.

14 Q So you did what you were told?

15 A Yes, sir.

16 Q Did anybody other than law enforcement go in that
17 trailer while you were there?

18 A Yes, sir, the EMS to confirm that she was
19 deceased.

20 Q With the exception of them, did anybody else go
21 in there?

22 A No, sir.

23 MR. MOAK: No further questions of this witness.

24 THE COURT: Cross-examination?

25 MR. RILEY: Judge, I'd ask that...

1 THE COURT: Mr. Riley, you're looking at --- the
2 last photo behind you.

3 MR. RILEY: Judge, I'd just ask the record
4 reflect Defense's prior objection and the court has
5 already ruled to number 20.

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION:

8 BY MR. RILEY:

9 Q Officer Young, were these photographs taken by
10 you?

11 A No, sir.

12 Q Okay. When you entered , which is
13 the back mobile home, correct?

14 A Uh-huh.

15 Q You testified that you knocked on the door?

16 A Yes, sir.

17 Q And there was no response?

18 A Yes, sir.

19 Q Was the door open --- I mean, unlocked?

20 A It was cracked shut.

21 Q Okay. Had you --- prior to entering
22 1995-and-a-half had you obtained from the homeowner
23 permission to search that mobile home?

24 A No, sir.

25 Q Okay. What --- if you would, sir, what exigent

1 circumstances did you feel were --- entitled you to
2 search without permission and without a search warrant
3 also?

4 A Well, the fact that we were dispatched to that
5 address.

6 Q Uh-huh.

7 A You know, where somebody was shot, and like I
8 say, when I knocked on the door, it bumped open.

9 Q Uh-huh.

10 A And I seen a body in there.

11 Q Uh-huh.

12 A And I thought that --- I could smell marijuana
13 just overwhelming coming out of the house before I
14 even done that.

15 Q All right, sir. Can you tell me exactly what the
16 initial dispatch that you received that prompted you
17 to go to that location? What exactly was the wording
18 of the dispatch?

19 A I don't recall the exact wording. I mean, to put
20 it in a nutshell, it was somebody had been shot at
21 that address, and they gave it to Officer Brooks and
22 Watts.

23 Q Okay.

24 A Or they probably actually gave it to all the
25 units.

1 Q All right.

2 A Like I say, I don't recall exactly what was said.

3 Q Did that come to you from central dispatch?

4 A Yes, sir.

5 Q Or from Houser and Watts, the original

6 transmission to you?

7 A It came over the radio.

8 Q Okay. From central dispatch?

9 A Yes, sir.

10 Q Okay. Now when you entered 1995-and-a-half, were

11 the lights on?

12 A No, sir.

13 Q Okay. I'm showing you State's Exhibit 20, does

14 it look to you as though the lights are on in there?

15 A That's probably a camera flash.

16 Q Okay.

17 A If I had to guess.

18 Q Okay. Who took these photos?

19 A I don't know.

20 Q How long were you present at this incident

21 location altogether? Can you remember?

22 A If I told you, I would be guessing.

23 Q Okay.

24 A I mean, I don't recall exactly.

25 Q That's fine, sir.

1 Q Once you had cleared --- I mean, once you were
2 through with your involvement there at the incident
3 location, did you have any further involvement in this
4 case?

5 A I was dispatched from the location to go pick up
6 a prisoner and transport for Chris Phillips.

7 Q Okay.

8 A Investigations.

9 Q Dispatched to where to pick up the prisoner?

10 A Screaming Eagle Road.

11 Q And once you picked up that individual, did you
12 transport him or her to K.C.D.C.?

13 A No, sir.

14 Q Where did you transport them to?

15 A The sheriff's office.

16 Q Okay. Do you remember about what time that was?

17 A No, sir.

18 Q Do you remember when you received the message to
19 go pick up the prisoner?

20 A Do I remember what time it was?

21 Q What time it was.

22 A No, sir.

23 Q Okay. Once you delivered that individual to the
24 sheriff's office, what else did you do in regards to
25 this case?

1 A Waited for somebody to come get him.

2 Q Okay. Anything further beyond that?

3 A No, sir.

4 Q You were waiting for someone to come get him at
5 the sheriff's office? Is that what you were saying?

6 A Yes, sir, he was placed in the interrogation room
7 then.

8 Q Did you individually administer to this prisoner
9 that you picked up Miranda warnings?

10 A No, sir.

11 Q Do you know if any were administered to that
12 individual?

13 A No, sir, but I wasn't asking many questions
14 either.

15 Q I'm sorry, sir?

16 A I wasn't questioning him or asking him any
17 questions either so...

18 Q I understand.

19 MR. RILEY: Begging the Court's indulgence.

20 (Pause.)

21 BY MR. RILEY:

22 Q Did you have to go through decontamination, sir?

23 A Yes, sir.

24 Q All right. That was the afternoon of the 28th,
25 wasn't it?

1 A Yes, sir.

2 Q Did you at any time when you were in

3 find that in any of the rooms in that
4 mobile home that there was electrical power?

5 A Just in the grow room, I believe, but like I say,
6 I don't recall --- there was a lot going on right
7 then.

8 Q Right.

9 A You know, with the body and marijuana and stuff
10 like that. I wasn't registering details like that.

11 Q Okay.

12 A So that was my main focus.

13 Q But initially in answering my question, you said
14 just in the what room?

15 A Grow room.

16 Q Oh, I got you. There was electrical power there?

17 A Like I say, I don't recall for sure, but like I
18 say, there was a lot going on.

19 Q I understand.

20 A I really didn't pick up on stuff like that.

21 MR. RILEY: Nothing further, Judge.

22 REDIRECT EXAMINATION:

23 BY MR. MOAK:

24 Q In the grow room, did you spot some electrical
25 appliances?

1 A Lamps, yes, sir.

2 Q Did you have to use your flash light to walk
3 around in there?

4 A Yes, sir.

5 Q So you don't have where a specific memory of
6 there being any light?

7 A No, sir, I remember it being dark in the front
8 living room where the body was and clearing the house.
9 That's about it.

10 Q Were you asked at the hospital yourself to be
11 decontaminated?

12 A Did I ask to go to the hospital?

13 Q No, were you asked to go there?

14 A I was asked to go there, yes, sir.

15 Q Did you suffer any symptoms of being exposed to
16 methamphetamine?

17 A No, sir.

18 Q And specifically, talking about --- I'm going to
19 ask you about ---

20 (Pause.)

21 (WHEREUPON, State's Exhibits 22 through 24 were
22 marked for identification only.)

23 BY MR. MOAK:

24 Q I show you what's been marked State's 22 through
25 24. These are not pictures that you took, correct?

1 A No, sir.

2 Q And were there plants --- is the only difference
3 between those pictures and what you saw, were there
4 some plants in there when you saw them?

5 A Yes, sir.

6 Q But were those the appliances and I guess the
7 actual room, the empty room, what you saw?

8 A Yes, sir, like I said, I was in there briefly,
9 but that he was vaguely what I remember seeing.

10 Q But the only difference is that there were plants
11 in there?

12 A Yeah, there were plants all over the floor.

13 MR. MOAK: Your Honor, at this time I'd move
14 these into evidence.

15 MR. RILEY: No objection.

16 THE COURT: Without objection,

17 (WHEREUPON, State's Exhibits 22 through 24 were
18 admitted into evidence.)

19 BY MR. MOAK:

20 Q Specifically on 24, you see the dirt where the
21 plant used to be there.

22 A Yes, sir.

23 Q And 22 is what you're talking about, the grow
24 lamps?

25 A Yes, sir.

1 Q And you're on the DEA task force. What is that
2 for?

3 A Drug Enforcement Administration.

4 Q I mean, like the lamp?

5 A Oh, that's for growing marijuana indoors.

6 Q So you can grow them indoors?

7 A Yes, sir.

8 Q And 23, is that kind of like a timer for water or
9 something?

10 A Yes, sir. It could be for water or for
11 electricity.

12 Q Is dirt down there, too?

13 A Yes, sir.

14 Q And was that like a plant bucket?

15 A Yes, sir.

16 Q And 24, this is a --- kind of like an angle
17 looking view into that room?

18 A Yes, sir.

19 Q And what is that right there? Like a humidifier
20 like thing?

21 A Yes. It's some type of fan or something. I'm
22 not sure exactly what that is.

23 Q There's some buckets hanging up there?

24 A Yes, sir.

25 Q And again, you suffered no ill effects as far as

1 you know from the meth?

2 A No, sir.

3 Q And also, were the windows and stuff covered up
4 in that trailer?

5 A In the living room and stuff they were, yes, sir.

6 Q What were they covered up with?

7 A I'm guessing blankets and stuff like that.

8 Q So they're kind of hanging around, hanging from
9 the walls?

10 A Yes.

11 Q No further questions of this witness?

12 THE COURT: Anything further?

13 MR. RILEY: Begging your indulgence, Judge.

14 (Pause.)

15 MR. RILEY: Nothing further, Judge.

16 THE COURT: You may come down. May this witness
17 be excused? Without objection. You're free to go.

18 Thank you, sir.

19 MR. PERRY: The State would call Brian Morris.

20 BRIAN MORRIS,

21 after being duly sworn, testified as follows:

22 THE CLERK: Please state your name for the
23 record. Have a seat.

24 THE WITNESS: Lieutenant Brian Morris, Kershaw
25 County sheriff's office.

DIRECT EXAMINATION:

1
2 BY MR. PERRY:

3 Q Deputy Morris, how long have you been working
4 with the sheriff's department?

5 A Going on 12 years now.

6 Q What's your rank now?

7 A Lieutenant.

8 Q In what capacity do you serve?

9 A I am a lieutenant of the road parole. I run a
10 shift.

11 Q In May of 2011, did you hold that same position?

12 A Yes, sir.

13 Q Were you working that day?

14 A Yes, sir.

15 Q What involvement, if any, did you have with a
16 call that originated at Highway 601
17 here in Kershaw County?

18 A I was notified by my road deputies about an
19 incident going on there. I responded with Lee Young.
20 He told me that he had a body in a trailer, so I went
21 in and observed that.

22 Q So when you got on the scene, do you remember who
23 all was already there?

24 A It was Lee Young, Deputy Houser, and I believe
25 Deputy Watts.

1 Q All right. When you got there, what exactly did
2 you find? If you would, just tell the jury what your
3 impression was, what you saw, what you heard, what you
4 did?

5 A When I went to Deputy Young in the trailer in the
6 back, I went in with Deputy Young. There was a victim
7 laying on a couch or a sofa with a visible wound to
8 the head, had a bunch of jars and stuff in the kitchen
9 area with liquids.

10 Q Let me stop you right there, just a second.
11 Lieutenant Morris, have you ever worked in other
12 capacities while you've been a sheriff's deputy?

13 A Yes, sir, I was in narcotics for two years.

14 Q All right. So you know a little something about
15 narcotics and about meth labs and grow rooms and
16 things like that?

17 A Yes, sir.

18 Q With that in mind, go ahead and tell us what else
19 you find there in

20 A After you got through the kitchen area, you have
21 mason jars with liquid in them. We went to the back
22 of the room, the back of the trailer, to check
23 everything out, and in the back of the trailer was a
24 marijuana grow room.

25 Q And specifically when you all were there, were

1 you --- you guys were looking for maybe anybody else
2 who might have been injured or the person who did it
3 or that type of thing?

4 A Yes, sir.

5 Q You weren't searching under a search warrant,
6 right?

7 A Yes, sir, we were just looking for people to make
8 sure nobody else was in this house.

9 Q To make sure nobody else there was hurt there or
10 there was nobody else that who could cause someone to
11 be hurt?

12 A Correct.

13 Q But while you were doing that, you observed these
14 other things?

15 A Yes, sir.

16 Q What did you do next?

17 A A call came out that the possible suspect was
18 going down Koon Road towards Screaming Eagle, so
19 myself ---

20 Q Let me ask you this first, did you have any
21 involvement at all with Mr. David Tyler, a resident
22 there at -601?

23 A No, sir.

24 Q You didn't have any discussions with him, didn't
25 really have any dealings with him?

1 A No, sir.

2 Q So you get a call that the suspect had been seen?

3 A Yes, sir, going down toward Screaming Eagle, so
4 myself and Chris Phillips went down trying to locate
5 the suspect.

6 Q Approximately how far away was it?

7 A It --- probably maybe four miles down the road.

8 Q Okay. All right. Now, you said, you and Chris
9 Phillips located him?

10 A Yes, sir.

11 Q Is Chris Phillips a member of the Kershaw County
12 sheriff's department, as well?

13 A Yes, he is.

14 Q What did you guys do?

15 A When we encountered him, we got our guns out, got
16 him down at gunpoint.

17 Q Was there anybody else there with you? Did you
18 have any other officers there?

19 A At that time it was myself and Mr. Phillips.

20 Q Did you call another officer to come down?

21 A Yes, sir, after we secured him, we called for
22 another deputy to come who has a cage.

23 Q So the vehicles that you had did not have the
24 separation between the front seats and the backseats?

25 A Correct.

1 Q So you called a deputy to come down who had a
2 cage?

3 A Yes, sir.

4 Q Okay. Then what happened?

5 A After we got him in custody, Mr. Phillips read
6 him his rights and he said he would talk to
7 Mr. Phillips for some water.

8 Q You actually heard Officer Phillips deliver the
9 Miranda rights to this defendant?

10 A Yes, sir.

11 Q Okay. All right. Then what else did you hear?

12 A After he said he wanted some water, he told him
13 after he gave him some water, he would tell him what
14 he wanted to know. Officer Phillips gave him a bottle
15 of water and he said that he wanted some F'ing cold
16 water.

17 MR. RILEY: Objection, Judge.

18 THE COURT: What's the objection? It's your
19 client's statement.

20 MR. RILEY: Yes, sir, okay. I'll withdraw that.

21 THE COURT: Go ahead.

22 BY MR. PERRY:

23 Q The defendant said what, sir?

24 A After he gave him the bottle of water, he said he
25 wanted some F'ing cold water. I don't want to ---

1 Q I assume you're cleaning that up for the jury?

2 A Yes, sir.

3 Q Okay. Then what?

4 A After that, he was put in Lee Young's car and I
5 went back to the location on 601.

6 Q Did you --- after he said that he wanted some
7 cold water, did you hear any other conversation
8 between Officer Phillips and this defendant?

9 A No, sir.

10 Q You said he was placed in the back of Lee Young's
11 patrol car?

12 A Yes, sir.

13 Q And then what did you do?

14 A I went back to the scene on 601.

15 Q All right. When you got back up there, what was
16 your involvement in what was going on?

17 A The captain was on the scene. She spoke with
18 them and then we found out everything, that there was
19 an active meth lab in the house.

20 Q At that point did they take over the operation,
21 if you will, these ranking officers?

22 A Yes, sir, I was just standing by, assisting them
23 on whatever they needed.

24 Q Specifically what did you do or what were you
25 involved in at that time?

1 A At that time after I got back was just securing
2 the scene. I just stood by as security while they
3 took care of everything.

4 Q All right. You actually went in the trailer
5 there, ; is that correct?

6 A Correct.

7 Q And you recognized that there was a meth lab in
8 that trailer?

9 A Yes, sir.

10 Q As a result of having gone in that trailer, were
11 you required by the sheriff's department or DHEC or
12 anybody else to go and be checked out at the hospital
13 for that?

14 A Yes, sir, the sheriff's office, myself and
15 Captain Corey and Chief Brown and Lee Young and Brooks
16 Houser and a lot of us had to go to the hospital and
17 get decontaminated and checked.

18 Q Were you suffering from any physical symptoms at
19 the that time in did you have any shortness of the
20 breath, headache, nausea, blurred vision, anything at
21 all?

22 A No, sir.

23 Q When you went to the hospital and they checked
24 you out, how long were you there? What did they say?

25 A They listened to us breathing and everything,

1 said everything was fine. Our main thing was just
2 getting decontaminated from possible chemicals being
3 on our clothes.

4 Q Right.

5 A And we weren't there but 30 minutes maybe.

6 Q On May 28th, 2011, you didn't admit to having
7 done anything you didn't do that day, did you?

8 A No, sir.

9 Q After having being exposed to the chemicals in
10 that trailer?

11 A No, sir.

12 Q Having been exposed to the chemicals in that
13 trailer, did it cause you to not know what was going
14 on or not be able to fully perform your job duties or
15 anything else for the rest of that day?

16 A No, sir, I stayed at work.

17 Q In fact, how long did you work that day?

18 A I worked until about eight o'clock that night.

19 Q And no problems at all, no cognitive problems,
20 not being able to understand the conversation or know
21 what was going on?

22 A No, sir, no problems.

23 Q So you were in no way affected by chemicals that
24 you were exposed to?

25 A No, sir.

1 Q And you had no other involvement with this cases
2 at that time?

3 A No, sir.

4 Q Please answer any questions Mr. Riley may have
5 for you.

6 A Yes, sir.

7 MR. RILEY: No questions, Judge.

8 THE COURT: You may come down. Thank you.

9 MR. MOAK: The State calls Dr. Ross.

10 DR. JANICE ROSS,

11 after being duly sworn, testified as follows:

12 THE CLERK: Thank you. Please and seated, state
13 your full name for the record, sir.

14 THE WITNESS: Janice Edwards Ross.

15 (WHEREUPON, State's Exhibits 25 through 29 were
16 marked for identification only.)

17 THE COURT: Approach a minute.

18 (WHEREUPON, there was a bench conference.)

19 DIRECT EXAMINATION:

20 BY MR. MOAK:

21 Q Dr. Ross, where are you employed at?

22 A Newberry Pathology Associates in Newberry, South
23 Carolina.

24 Q And you are board certified in what?

25 A In forensics pathology and two other areas of

1 pathology.

2 Q And you've been conducting autopsies for awhile,
3 haven't you?

4 A Thirty-six years.

5 Q And how many autopsies have you performed?

6 A Over 6,000.

7 Q How many times have you testified as an expert in
8 the field of forensic pathology in circuit court in
9 South Carolina?

10 A Over 70 times.

11 Q And ---

12 THE COURT: Just hold on. Can everybody hear?
13 You might have to speak up just a little bit.

14 THE CLERK: Let me adjust her mic, Your Honor.
15 It's sort of dropped a little bit.

16 THE COURT: The microphone is crooked there.

17 THE CLERK: Excuse me just a moment.

18 THE COURT: It doesn't work very well. We need a
19 new one.

20 THE CLERK: I guess I'll have to do that, Judge.
21 How about that? Is that better?

22 THE WITNESS: Yes.

23 THE COURT: Tap it.

24 (complies.)

25 THE CLERK: Okay.

1 MR. MOAK: Your Honor, I'm going to get started
2 going over her qualifications as an expert in
3 pathology. Are there objections to that?

4 MR. RILEY: I'll stipulate to her qualifications.

5 THE COURT: You may proceed then.

6 BY MR. MOAK:

7 Q You do all the autopsies for Kershaw County, do
8 you not?

9 A We have, yes.

10 Q And the coroner decides who gets autopsied,
11 right?

12 A Correct.

13 Q The body is officially in the custody of the
14 coroner when it hits your office, correct?

15 A Yes.

16 Q And Newberry pathology means you're in Newberry,
17 correct?

18 A Yes.

19 Q Were you asked to perform an autopsy on Deborah
20 Tyler?

21 A Yes.

22 Q And I show you what's been marked as State's 25?

23 A Yes.

24 Q Is that a copy of your report?

25 A Yes, it is.

1 MR. MOAK: At this time, Your Honor, I'd move
2 State's 25 into evidence?

3 MR. RILEY: No objection, Judge.

4 THE COURT: Without objection.

5 (WHEREUPON, State's Exhibit 25 was admitted
6 into evidence.)

7 BY MR. MOAK:

8 Q I'm also going to show you what's been marked
9 State's 27, 28, 29?

10 MR. RILEY: No objection, Judge.

11 BY MR. MOAK:

12 Q Are these pictures that you took in the
13 conduction of this autopsy?

14 A Yes, it is.

15 MR. MOAK: Your Honor, at this time I'd move
16 these three pictures into evidence, as well, State's
17 27, 28, 29.

18 THE COURT: Without objection.

19 (WHEREUPON, State's Exhibits 27, 28, and 29 were
20 admitted into evidence.)

21 BY MR. MOAK:

22 Q And also in this autopsy, did you collect what's
23 been marked as State's 26?

24 A Yes, I did.

25 MR. MOAK: Your Honor, at this time I'd move

1 State's 26 into evidence, as well.

2 MR. RILEY: No objection, Judge.

3 THE COURT: Without objection.

4 (WHEREUPON, State's Exhibit 26 was admitted into
5 evidence.)

6 BY MR. MOAK:

7 Q Now, do you have a copy of your report there?

8 A Yes, I do.

9 Q Can you tell us, what were you asked to find?
10 What were you asked to do for the autopsy?

11 A Find the cause of death.

12 Q And what was the cause you found?

13 A The --- there was a gunshot wound.

14 Q Uh-huh.

15 A In the head that went from --- to the inner
16 corner of the left eye and went backwards straight
17 downward and lacerated the brainstem, the part of the
18 brain where heart and lung activity occurs.

19 THE COURT: Speak up a little bit.

20 THE WITNESS: Yes, sir.

21 BY MR. MOAK:

22 Q My next question is how did you arrive at this
23 opinion? What did you do? How did you do it?

24 A We first looked at the outside of the body, we
25 take pictures, look for evidence of injury, look for

1 patterns of injury. We saw evidence of an entrance
2 gunshot wound in the left eye of the deceased. We
3 took x-rays to identify whether or not there was a
4 bullet that was still in the head, and there was a
5 bullet in the head.

6 Q Okay. So you saw evidence of an entrance wound
7 in the left eye?

8 A Correct.

9 Q Okay. I'm going to show you, what's been marked
10 as State's 27. Is that a picture of what you were
11 talking about?

12 A Yes.

13 Q In the lower --- like inside the corner of the
14 left eye, that's the entrance wound?

15 A Yes.

16 Q Okay. And from that you x-rayed the head and you
17 found a bullet in there?

18 A We could see where the bullet was lodged, yes.

19 Q And did you recover that bullet?

20 A Yes.

21 Q And I'm going to show you what's been marked as
22 State's 28 and 29. Are those two like a top side and
23 bottom side picture of the bullet you recovered?

24 A Yes.

25 Q And that --- you recovered that inside the head

1 of Deborah Tyler?

2 A Yes.

3 Q And was that the cause of death?

4 A Yes. The laceration of the brainstem.

5 Q Do you have any doubt in the field of forensic
6 pathology whether or not that bullet, that gunshot
7 wound caused the death of Deborah Tyler?

8 A No, I do not.

9 Q Also, on State's 26, this is the actual bullet?

10 A Yes, it is.

11 Q And do you have your own markings on there where
12 you marked?

13 A I mark --- I initial the container that it's in.

14 Q Okay.

15 A Plus the sealed plastic bag that it's in.

16 Q Okay.

17 A That's my signature.

18 Q So this is the bullet?

19 A Yes.

20 Q And that's the bullet that caused the death of
21 Deborah Tyler?

22 A Yes.

23 MR. MOAK: No further questions.

24 THE COURT: Cross-examination?

25 MR. RILEY: Begging your indulgence, Judge.

1 (Pause.)

2 MR. RILEY: No cross-examination, Judge.

3 THE COURT: Okay. Fine. You may come down,
4 doctor. You may be excused.

5 THE WITNESS: Thank you.

6 THE COURT: I appreciate your coming to Kershaw
7 County.

8 THE COURT: Next witness.

9 MR. PERRY: Your Honor, the State would call
10 Sabrina Fellers.

11 SABRINA FELLERS,
12 after being duly sworn, testified as follows:

13 THE CLERK: Thank you. Please have a seat.

14 THE WITNESS: My name is Sabrina Ann Fellers.

15 DIRECT EXAMINATION:

16 BY MR. PERRY:

17 Q Good afternoon, Ms. Fellers, can you tell us by
18 whom you are employed and in what capacity?

19 A I am employed by the South Carolina Law
20 Enforcement Division. It's commonly referred to as
21 SLED. I am employed in their crime scene latent print
22 unit.

23 Q How long have you been with them?

24 A I have been with them four years.

25 Q You've been working crime scene pretty much that

1 whole time?

2 A Yes.

3 THE COURT: Ma'am, speak up so the lady on the
4 far end can hear you, okay.

5 THE WITNESS: Okay.

6 BY MR. PERRY:

7 Q May 28th of last year, Memorial Day weekend, did
8 you have an occasion to be called out to do a job for
9 SLED?

10 A Yes, I did.

11 Q And specifically what did you do?

12 A I responded to a scene in Kershaw County at their
13 request.

14 Q Is that out here on Highway 601?

15 A Yes, sir.

16 Q Okay. When you arrived there, what did you find
17 and what did you actually ended up doing?

18 A When I arrived there, I was on standby due to the
19 nature of the crime scene until it was processed by
20 our clandestine lab unit. It was a location, a
21 residence that had two mobile homes on the property.

22 Q All right, sir. And during the course of your
23 involvement there working crime scene for SLED, did
24 you have occasion to be involved with doing a GSR
25 gunshot residue kit on the victim in this case,

1 Ms. Deborah Tyler?

2 A Yes. The ---

3 Q The if will, will you tell the jury a little bit
4 about that. That's the cool CSI stuff that everybody
5 likes to hear about. How does that work and what did
6 you do exactly?

7 A The clandestine lab personnel that were on the
8 scene brought the body of a white female out to me.
9 The hands were bagged prior to when she was removed
10 from the scene.

11 Q Why were they bagged from the scene?

12 A To prevent any possible loss of evidence or
13 contaminations issues while they were moving her.

14 Q That makes sense.

15 A When she was brought out, it was discussed that
16 due to the nature of the scene, she was going to have
17 to be decontaminated prior to transport. Due to that,
18 it was requested that gunshot residue kit, which is
19 commonly called a GSR kit, was collected on scene. We
20 also collected swabs off of her fingernails.

21 Q And you actually did that?

22 A I did --- well, I was the case agent. I also had
23 a partner there with me, so it was done between the
24 two of us.

25 Q But you were involved in doing the GSR kit on her

1 hand?

2 A Yes, it was done under my direction.

3 MR. PERRY: Beg the Court's indulgence.

4 (Pause.)

5 BY MR. PERRY:

6 Q So you actually did the gunshot residue kit on
7 the victim's hands, correct?

8 A Yes, my partner did it also.

9 Q But you were involved in it?

10 A Yes.

11 Q What does that involve, what exactly happens?

12 A For the gunshot residue kit, it is a process that
13 is used to determine if there has been a gun fired at
14 any time in recent time, and there are adhesive tabs.
15 You take those and you place them on the hand, all
16 over it. The directions say you do the back and then
17 the front. There's an individual adhesive tab for
18 each side of each hand, and then there is a solution
19 that is used on cotton swabs, and they swab each hand,
20 each side individually also.

21 Q And that was done on Ms. Tyler?

22 A Yes.

23 Q And those --- that G.S.R. kit was submitted to
24 the SLED lab for analysis?

25 A Yes, I submitted it.

1 MR. PERRY: I don't have anything further of this
2 witness. Please answer any questions that Mr. Riley
3 has for you.

4 MR. RILEY: I don't have any questions, Judge.

5 THE COURT: All right. You may have come down,
6 ma'am. Thank you.

7 MR. PERRY: Thank you, Ms. Fellers.

8 THE WITNESS: Thank you.

9 MR. PERRY: Your Honor, the State would next call
10 Ms. Ila Simmons. Ila Simmons.

11 ILA SIMMONS,
12 after being duly sworn, testified as follows:

13 THE CLERK: Please be seated and state your name
14 for the record.

15 THE WITNESS: My name is Ila Simmons.

16 DIRECT EXAMINATION:

17 BY MR. PERRY:

18 Q Ms. Simmons, can you tell us by whom and in what
19 capacity you're employed?

20 A I'm employed by the South Carolina Law
21 Enforcement Division, also known as SLED, in the
22 forensics laboratories trace evidence department.

23 Q How long have you been working at SLED?

24 A Almost 13 years.

25 Q Has all that time been in the capacity that

1 you're in right now?

2 A Yes, sir.

3 Q What type of education do you have to have to
4 have that kind of a job?

5 A I have a bachelor's degree in chemistry, as well
6 as a minor in biology.

7 Q Do you have to go to further training and keep
8 your proficiency up and things like that?

9 A Yes, sir, I do. My first three years there I
10 worked with a court qualified SLED certified trace
11 evidence examiner, who taught me how to collect and
12 analyze trace evidence. After completing that
13 training, I had to take written and practical
14 examinations and complete them with 100 percent
15 proficiency and every year I have to take a
16 proficiency test, which is an external test given to
17 SLED in every area of case work that I do.

18 Q And during your 13 years working with SLED in the
19 field that you work in, have you been offered and
20 qualified as an expert witness in the field of shotgun
21 shot residue test in General Sessions court?

22 A Yes, sir, probably over 200 times.

23 MR. PERRY: Your Honor, I'd offer her as an
24 experts in the field of gunshot residue tests.

25 THE COURT: Any objection?

1 MR. RILEY: No objection.

2 THE COURT: You may proceed.

3 BY MR. PERRY:

4 Q Back in May 2011, May 28th, 2011, or some time
5 thereafter, did you have an occasion to become
6 involved in a case that originated here in Kershaw
7 County over on Highway 601?

8 A Yes, sir, I did.

9 Q And what was your involvement in that case,
10 Ms. Simmons?

11 A Some gunshot residue collection kits were
12 submitted to the laboratory, and I was asked to
13 analyze them.

14 Q How many different kits were submitted?

15 A Two.

16 Q And do you know from what individuals those came
17 from?

18 A Yes, I do.

19 Q And who were those individuals?

20 A One was labeled as being collected from Greg
21 Smith and one was labeled as being collected from
22 Deborah Nicole Tyler.

23 Q The defendant and the victim?

24 A Yes, sir.

25 Q You didn't receive any other kits, did you?

1 A No, sir, I did not.

2 Q And in analyzing those kits, did you find any
3 possible results for gunshot residue?

4 A No, sir, I did not.

5 Q Not even for the defendant?

6 A No, sir.

7 Q Well, tell us a little bit about gunshot residue.

8 A Gunshot residue is a mixture of microscopic
9 chemicals that come out of the gun when it is
10 discharged. It can get on anything in close proximity
11 to the gun, including the hands of the person firing
12 the gun. However, gunshot residue has a consistency
13 of flour. It can be very easily removed. If someone
14 were to get it on their hands, wipe their hands on
15 their pants, put their hands in and out of their
16 pockets, this can all remove gunshot residue.

17 If they were to be washed, if they were to
18 shower, or begin to sweat profusely, the gunshot
19 residue would all be gone. It's very light and very
20 easily removed.

21 Q And so if it was a hot day and someone was
22 sweating, the mere sweat from their hands could cause
23 the gunshot residue, if there was any there, to be
24 gone when they were tested, could it not?

25 A Yes, sir; yes, sir.

1 Q And simply wiping your hand on your pants leg
2 could cause it to be gone, could it not?

3 A Yes, sir, it can.

4 Q So does the fact that you did not find any
5 gunshot residue present on the test that you received
6 from the defendant, does that exclude him from having
7 fired a gun?

8 A No, sir, it doesn't.

9 MR. PERRY: Nothing further from this witness.

10 Please answer any questions Mr. Riley may have,
11 Ms. Simmons.

12 CROSS-EXAMINATION:

13 BY MR. RILEY:

14 Q Ms. Simmons, I'm Neil Riley. I represent the
15 defendant in this case.

16 The GSR kit on the defendant, Greg Smith, your
17 conclusion was that no gunshot residue was found?

18 A That's correct.

19 Q Okay. Your examination of the G.S.R. kit from
20 the victim, Deborah Nicole Tyler, your conclusion was
21 that the quantities of metals found did not indicate
22 the presence of gunshot residue?

23 A Yes, sir.

24 Q What's the difference between those two results?

25 A Gunshot residue kits are collected in two

1 portions. One is a double side sticky tape that's
2 dabbed over the hands. Every area is sampled, the
3 palm of the hand, right and left, the back and vice
4 versa. In the case of the defendant's kit, Greg
5 Smith, only the sticky tabs were collected. However,
6 in the kit of Ms. Tyler, the swabs and particle lists
7 were taken. The swabs would be taken after the
8 particle lists or the double sided sticky tape.

9 If they are first analyzed, we try to determine
10 how much of the metals that make up gunshot residue
11 are present on these swabs. The metals are lead,
12 barium, antimony. If they come up negative, then we
13 don't go on to the second portion of the test because
14 we have found that's a screening test. If it's
15 negative, the second portion will also be negative.

16 MR. RILEY: All right. Thank you, ma'am.

17 THE WITNESS: Yes, sir.

18 THE COURT: Anything further?

19 MR. PERRY: Nothing further, Your Honor.

20 THE COURT: All right. You've may come down,
21 ma'am. Thank you very much. May this witness be
22 excused?

23 MR. PERRY: Yes.

24 THE COURT: All right. Ladies and gentlemen.
25 It's a little after three. Let's take a short break

1 at this time.

2 It will be just about a 10-minute break. Just
3 relax in the jury room. Don't discuss the case among
4 yourselves while you're in the jury room. We'll call
5 you in just a few minutes. We're making pretty good
6 progress, I think. So just relax for a few minutes.

7 (WHEREUPON, the jury left open court at
8 approximately 3:04 p.m.)

9 THE COURT: Solicitor, what is your plan for the
10 rest of the afternoon? How many witnesses are you
11 going to try to call this afternoon?

12 MR. PERRY: Your Honor, I'll go just as long as
13 you let me.

14 THE COURT: Well, I'm thinking about people who
15 are here from out of town.

16 MR. PERRY: At this point, I don't have anybody
17 else who is here from out of town.

18 THE COURT: No SLED. Okay. I saw the SLED
19 folks.

20 MR. PERRY: Well, I've got --- I believe I've got
21 those scheduled for tomorrow morning. I still have
22 Quincy Ford with SLED, Max Dorsey from SLED, we may or
23 may not call him. Michele Eichenmiller, who we have
24 scheduled for tomorrow morning.

25 THE COURT: Okay.

1 MR. PERRY: We've got some other local witnesses
2 for this afternoon that I anticipate going forward
3 with, Your Honor.

4 THE COURT: Do you plan on introducing or
5 offering the statement of the defendant, the video
6 today?

7 MR. PERRY: Yes, sir, but I think that's more
8 likely tomorrow morning or maybe tomorrow afternoon
9 after lunch.

10 THE COURT: All right. I'm just trying to get an
11 idea after how late you want to run this afternoon.
12 Can we run maybe five, 5:30?

13 MR. PERRY: I think that's just fine, Judge.
14 Honestly, I think we're making awfully good time. I
15 don't see any problem getting done this week.

16 THE COURT: Well, I've counted nine witnesses so
17 far, but you have 29 on your list.

18 MR. PERRY: Well, again, Your Honor, we were
19 overly broad on that just to be sure.

20 THE COURT: Well, you learned that from a lady
21 named Campbell that works in your office in Columbia.

22 MR. PERRY: Yes, sir.

23 All right. All right. Well, we'll take a
24 fifteen --- a ten minute break. It usually ends up
25 being fifteen.

1 MR. PERRY: Yes, sir. Thank you, Your Honor.

2 (WHEREUPON, a short break was taken.)

3 (WHEREUPON, State's Exhibits 30 through 59 were
4 marked for identification only.)

5 THE COURT: Ready for the jury?

6 MR. MOAK: Yes, sir.

7 THE COURT: Is the State ready for the jury?

8 MR. MOAK: Yes, Your Honor.

9 THE COURT: Defense ready for the jury?

10 Mr. Riley?

11 MR. RILEY: Yes, sir.

12 THE COURT: Ready for the jury?

13 MR. RILEY: Yes, sir.

14 THE COURT: Bring the jury, please.

15 (WHEREUPON, the jury came into open court at
16 approximately 3:38 p.m.)

17 THE COURT: All right. Solicitor, you may
18 continue.

19 MR. MOAK: The State calls Brian Elliott.

20 BRIAN ELLIOTT,

21 after being duly sworn, testified as follows:

22 THE WITNESS: Brian Elliott.

23 DIRECT EXAMINATION:

24 BY MR. MOAK:

25 Q Brian, are you employed with the Kershaw County

1 Sheriff's Department?

2 A Yes.

3 Q And in what capacity are you working with the
4 sheriff's department?

5 A I'm a sergeant over narcotic's unit at Kershaw
6 County Sheriff's Department.

7 Q Did you have occasion to be called to respond out
8 to in Lugoff last year May 29th or
9 actually 28th, 2011?

10 A Yes.

11 Q And why were you called out there?

12 A My supervisor, Lieutenant Kirk Willis asked me to
13 respond there because of a meth lab.

14 Q Okay.

15 A And marijuana grow.

16 Q Were you the one that took most of the pictures
17 there?

18 A Yes.

19 Q And bear with me. I'm trying to put these back
20 in order before I show them to you.

21 (Pause.)

22 I show you what's being marked State's 30 through
23 59, and ask you to tell me if you recognize these
24 pictures?

25 A Yes, sir. These pictures I took of like the

1 house where the meth lab was at and also the victim's
2 house.

3 Q And there were two trailers at
4 correct?

5 A Yes.

6 Q One was where the victim lived?

7 Q Yes. And the other one was where the meth lab
8 was at?

9 A Yes.

10 Q And those pictures are a combination from both of
11 those trailers?

12 A Yes.

13 Q And they are a fair and accurate depiction of
14 what you saw that day?

15 A Yes.

16 Q And you actually took those pictures?

17 A Yes.

18 Q I'm going to let you pick ---

19 MR. MOAK: At this time, Your Honor, I would move
20 State's 30 through 59 into evidence.

21 MR. RILEY: No objection, Your Honor.

22 THE COURT: All right. Without objection.

23 (WHEREUPON, State's Exhibits 30 through 59 were
24 admitted into evidence.)

25 BY MR. MOAK:

1 Q I'm going to let you pick which picture we start
2 with, and you can explain what you went through, what
3 the evidence is, and what evidence you collected. I'm
4 going to project whichever one you pick out.

5 A State's Exhibit No. 32, this right here, this
6 picture is what I took of where you put the marijuana
7 plants and what --- where the marijuana plants grow
8 at. Basically it's the equipment to grow the
9 marijuana.

10 Q Is that a grow light on the top?

11 A Yes.

12 Q Is that like a refrigerator it's in?

13 A Yes.

14 Q Okay. So that's State's 32.

15 A Yes.

16 Q Okay.

17 A This one right here is some more equipment. That
18 one right there is where the hoses are to water the
19 plants and to nurture the plants.

20 Q This is State's 30.

21 A Yes.

22 Q And that's the hose, the watering system?

23 A Yes. This one right here is basically the back
24 of the trailer. You see that you have the bucket,
25 where the plants were, plants used to be and this is

1 room where that equipment right there was at.

2 Q Okay. So to the left, that kind of yellowish
3 area is the room where the plants were at?

4 A Yes, that's grow room.

5 Q Okay. Thirty-three?

6 A This picture right here is a picture of a pipe,
7 possibly a meth pipe. This pipe right here was
8 located in the victim's house in an ashtray.

9 Q Okay. So this is in the Tyler trailer?

10 A Yes.

11 Q Okay. This is number 34. I believe that was
12 used to smoke methamphetamine?

13 A Yes.

14 Q Okay.

15 A This right here is a picture of the victim's ID
16 showing that he lives at the residence.

17 Q Well, that's David Tyler right, that's the man.
18 Okay. State's 35?

19 A This picture right here is another picture of his
20 ID just showing that it was in his wallet, just
21 showing that his wallet was in the residence at the
22 time.

23 Q And that's his home, right?

24 A Yes, sir.

25 Q That's 36.

1 A This picture right here is of a needle that was
2 located in the victim's bathroom under the sink right
3 there.

4 Q Okay. This is 37?

5 A Yes, sir.

6 Q And this goes to show that the victims were
7 actually using meth?

8 A Yes, sir.

9 Q Okay.

10 A This picture right here is another picture of
11 more needles and a spoon where they used it to put
12 meth, cook it up and inject it. It's also located
13 under the sink.

14 Q It's 38.

15 A And this is the cupboard door and more spoons and
16 needles of the same area of the bathroom.

17 Q This is 39?

18 A Yes, sir.

19 A This right here is a bag of syringes that was
20 located under the sink also.

21 Q Okay. This is also in the victim's home?

22 A Yes, in the victim's residence also.

23 Q Number 40?

24 A This right here is all the items that we
25 collected from the sink. It was put in one photo, the

1 needles, the spoons, stuff like that.

2 Q Okay.

3 A It's --- these items right here was all located
4 under the sink right here.

5 Q Okay, just put it all together?

6 A Yes, sir, take one big picture.

7 Q Forty-one?

8 A This picture right here is a picture of loose
9 marijuana that was inside of the trailer with the meth
10 lab. It was all loose marijuana over there.

11 Q So this was in the meth lab trailer?

12 A Yes.

13 Q That was number 42?

14 A I took a picture of the wallet that was in the
15 meth lab, the defendant's wallet.

16 Q This was also in the meth lab?

17 A Yes, the meth lab trailer.

18 Q Now, this is a --- 43 is basically a close up of
19 42?

20 A Yes, sir.

21 Q Okay.

22 A Well, actually ---

23 Q Or a different angle of 42?

24 A Yes, sir, I took a picture of the weed and I took
25 a picture of the wallet.

1 Q Okay.

2 A And this picture right here was I pulled his ID
3 out of his wallet and took a picture. It's not a very
4 good picture, but it's a picture here. This also was
5 inside the meth lab trailer.

6 Q So kind of blurry, and you said that Greg Smith's
7 ID?

8 A Yes, sir.

9 Q The defendant's?

10 A Yes, sir.

11 Q Forty-four?

12 A This right here is a photo of the defendant that
13 was inside of the victim's trailer.

14 Q So this is in the Tyler trailer?

15 A Yes.

16 Q Okay.

17 A This right here is another picture of the same
18 trailer.

19 Q Also the Tyler trailer?

20 A Yes. This picture right here is another picture
21 of the ID on the table and the living room area of the
22 victim's house. This was a trash can. We have
23 marijuana rolling paper and loose marijuana inside the
24 trash can. This right here is also in the victim's
25 house.

1 Q The victim?

2 A Yes. This is another picture showing where I
3 pulled the torn bag from the trash and I'm pointing it
4 at the bag in the trash can.

5 Q And where was this at?

6 A The victim's.

7 A Okay.

8 A This right here is another ID of the victim
9 inside the house, a cigarette box with items that was
10 also in it, a box with some paraphernalia items that
11 was also in it. This right here is a container with a
12 white powdered substance that was located under the
13 sink with the needles and stuff like that.

14 Q That's in the victim's trailer?

15 A Yes, in the victim's trailer. This is a picture
16 of the needles and syringes, again.

17 Q Okay.

18 A More needles and syringes, same picture from
19 under the sink.

20 This right here was the meth pipe. This pipe
21 right here and this pipe right here was inside that
22 cigarette box that I showed you, the Dutch Master box.
23 That was inside the box. This right here was in the
24 victim's house also.

25 This right here is a picture of How to Grow

1 Marijuana. This right here was posted on the wall
2 inside of the defendant's residence inside the meth
3 trailer. This right here was inside of the grow room
4 area.

5 Q So that's in the meth lab?

6 A Yes.

7 Q And that's number 59. It doesn't project very
8 well.

9 A This right here is a note that we recovered that
10 was inside of the victim's bedroom on top of the
11 dresser.

12 Q What number is that?

13 A Fifty-eight.

14 Q Can you read what's on that note?

15 A It has, "Pays no rent, pays no food, eats all the
16 food." I can't make that word out. "Will not work.
17 Small circle is not about 20, does not respect other
18 people's property, tries to play God and like the
19 birthday party is --- and son came, was any to get up
20 back" --- I can't make it all out.

21 Q Is there a picture of the other side of that
22 note?

23 A This was another picture of part of that note.
24 This right here was located inside of her dresser
25 drawer in her master bedroom.

1 Q Can you make that one out?

2 A Yes, sir. "You don't care about anything because
3 you have nothing. You pay three bills in five years.
4 Find some other sucker to use. We're all used up.
5 Blueberry had list" --- I guess that's, "shit more
6 together. You never will."

7 Q And that's 57?

8 A Yes, sir.

9 Q So 57, 58 appear to be like complaints?

10 A Yes, sir; yes, sir. Like she was kind of venting
11 like.

12 Q Okay.

13 A This right here was a shirt that was in the
14 residence. This right here was inside the meth lab
15 residence, and this picture right here is the picture
16 of all the marijuana plants that were recovered out of
17 the meth room, meth house that was located in the back
18 of the residence.

19 Q And these plants, when y'all got there, they were
20 in that room with the equipment?

21 A Yes.

22 Q Now, that's number 55, I believe. Those were in
23 the room with the grow lights and that watering
24 system?

25 A Yes.

1 Q You were actually the one that actually tested
2 the marijuana, correct?

3 A Yes.

4 Q And are you certified to do that?

5 A Yes.

6 Q Can you tell us about your qualifications to do a
7 marijuana analysis?

8 A Basically it was a class issue at SLED to be a
9 marijuana analysis tester, and I went to that class
10 last year, in April of last year, and I just got
11 certified, had to take some classes, test some
12 marijuana and got certified from SLED.

13 Q Can you explain how you do a marijuana analysis?

14 A Basically we test to see if the marijuana had THC
15 in it.

16 We look at it through a microscope, identify some
17 elements of marijuana, how it looked, you know, and
18 after that we put three different kind of chemicals on
19 the marijuana and the chemicals tell us if THC is in
20 the marijuana or not. It gives us a certain color and
21 certain image inside of the test.

22 Q Is it like a bear claw looking thing?

23 A That's what you're looking for under the
24 microscope, like bear claws, spider legs, like
25 cockroach legs kind of like. When you put the

1 chemicals on it, it will give you a blue or a dark
2 purple or some kind of purplish color. It will have
3 like a dot in the middle of it, the last chemical, and
4 that shows you it has THC inside the marijuana.

5 Q As part of that training, do you actually perform
6 some analysis under supervision to show that you can
7 do it?

8 A Yes.

9 Q And you all ---

10 A Yes, sir, at SLED we have to do, I want to say,
11 100 tests through SLED.

12 Q So you passed and are certified?

13 A Yes, sir.

14 MR. MOAK: This is State's 60, I guess.

15 (WHEREUPON, State's Exhibit 60 was marked for
16 identification only.)

17 BY MR. MOAK:

18 Q Did you actually perform the analysis on the
19 marijuana plants?

20 A Yes.

21 Q Did you test every plant, some of the plants, how
22 did you do that?

23 A With the 130 plants, you have to test each one
24 individually, so I tested 130 plants.

25 Q So you tested the whole plant or part of each

1 plant?

2 A Just part of the plant.

3 Q Okay. Is this the report that you did?

4 A Yes.

5 Q And what did you find from --- you tested the
6 plants and something else. I mean, what did you test
7 for on that report?

8 A I tested 130 green leafy plants and one brown box
9 with a loose green leafy substance.

10 Q And the loose substance, did that come also from
11 the meth lab?

12 A Excuse me?

13 Q The loose marijuana that you tested also came
14 from the meth lab?

15 A Yes.

16 Q And what was the results of that analysis?

17 A Positive for marijuana, THC.

18 Q And the total that you tested came out to
19 456 grams?

20 A Yes, that is the combined weight of all the
21 plants together.

22 Q That you tested or the entire plants all
23 together?

24 A All the entire plants all together.

25 Q So you took all the plant and weighed every ---

1 the entire plant or you just took the leaves off of
2 them?

3 A Took the leaves off of them and weighed it in one
4 weight.

5 Q So it came back as 456 grams of marijuana?

6 A Yes, sir.

7 MR. MOAK: Your Honor, at this time I move
8 State's 60 into evidence.

9 MR. RILEY: No objection, Judge.

10 THE COURT: Without objection.

11 (WHEREUPON, State's Exhibit 60 was admitted into
12 evidence.)

13 BY MR. MOAK:

14 Q So that was marijuana?

15 A Yes.

16 Q Now, were you also present when the waste removal
17 people got there?

18 A Yes.

19 Q And Quincy Ford from SLED did the --- took down
20 the lab portion?

21 A Yes.

22 Q Have you had experience, training or education
23 into meth operations?

24 A A little, but not that much.

25 Q Okay. Did you have occasion to take a picture of

1 the hazardous materials that were like laid out?

2 A Yes.

3 MR. RILEY: Judge ---

4 THE COURT: Go ahead, Mr. Riley.

5 MR. RILEY: Judge, the State plans to introduce
6 another batch of photographs which I object to because
7 of the duplicative nature of a great many of those
8 photographs. I move that those photos not be admitted
9 into evidence.

10 THE COURT: Overruled. Go ahead, Mr. Moak.

11 MR. MOAK: I think I'm waiting for the court
12 reporter to mark them.

13 (WHEREUPON, State's Exhibits 61 through 73 were
14 marked for identification only.)

15 BY MR. MOAK:

16 Q See if you recognize what 61 through 73 are.
17 Are those all the pictures you took?

18 A Yes, sir.

19 Q Do these pictures fairly and accurately depict
20 the materials as you saw them?

21 A Yes, sir.

22 MR. MOAK: Your Honor, at this time, I put in 61
23 through 73 into evidence.

24 THE COURT: Over the objection of the defendant.

25 (WHEREUPON, State's Exhibits 61 through 73

1 were admitted into evidence.)

2 BY MR. MOAK:

3 Q Check this and see if you can tell us what this
4 is. What is that?

5 A That right there is waste, leftover waste from
6 meth manufacturing.

7 Q This is waste of meth manufacturing?

8 A Yes.

9 THE COURT: Speak up so these people can hear
10 you. You can look at Mr. Moak, but you have people
11 almost behind you who need to hear what you have to
12 say. See what I mean, all those gentlemen, everybody
13 needs to hear you. Speak up loud enough where you can.
14 --- okay, point your chair in that direction.

15 BY MR. MOAK:

16 Q So this is leftover waste from manufacturing
17 meth?

18 A Yes.

19 Q Okay. I show you State's Exhibit No. 62. What
20 is that?

21 A This was a chemist book of --- I can't recall
22 what kind of book it was, but I know it came out of
23 there.

24 Q Came out of the lab?

25 A Yes, sir.

1 Q Okay. I show you what was marked as State's
2 Exhibit 63.

3 A That right there was a container of items that
4 were sitting inside of that box. It had a white
5 powder substance inside of that. That was removed
6 also from the meth lab.

7 Q Okay.

8 THE COURT: Speak up. These people have to hear
9 you behind you.

10 THE WITNESS: Okay.

11 THE COURT: Turn your chair that way. Now, you
12 can see what he is showing you.

13 BY MR. MOAK:

14 Q That's 64, what is that?

15 A That is iodine. That's in the ingredients that
16 individuals put in to the manufacture of meth.

17 Q Okay. I show you what's been marked State's 65.

18 A That is more iodine bottles.

19 Q Okay.

20 A That also came out of the trailer where the meth
21 lab was at.

22 Q How about number 66?

23 A That's Drain-O. That's another chemical that
24 individuals put in the manufacture of meth.

25 Q Okay.

1 A Household products.

2 Q How about 67?

3 A Camp fuel. That's another of the ingredients of
4 manufacturing meth. That was also located inside the
5 residence.

6 Q I show you what's been marked State's Exhibit 68.
7 What's that?

8 A Acetone. That's another ingredient in
9 manufacturing meth.

10 Q How about number 69?

11 A That right there is acetone, camp fuel, that was
12 paint thinner, all those chemicals right there is also
13 chemicals for manufacturing meth also.

14 Q Okay. How about number 70?

15 A That right there was a scale that was located
16 inside the residence of the meth lab.

17 Q Now, I'm going to show you State's Exhibit 71,
18 see if you recognize this one?

19 A That is the finished product.

20 Q So that's actually meth?

21 A I can't say. I know it's the finished after
22 product.

23 Q After product?

24 A Yes, sir.

25 Q Look at that picture. What else on that picture?

1 A That right there is Sudafed. That's the main
2 ingredient of the stuff right there.

3 Q Okay. Now onto 72.

4 A That right there is a burner for cooking it and
5 the tools are for draining the gases off when you mix
6 it. It drains the gas from one container to another
7 container.

8 Q Okay. And 73?

9 A That right there is Sudafed.

10 Q A bunch of Sudafed?

11 A Yes, sir.

12 Q And also coffee filters?

13 A Coffee filters. That's for the filters to drain
14 the chemicals out into a container.

15 Q And all these chemicals and items --- your
16 education, training and experience are all items
17 necessary to making meth?

18 A Yes.

19 Q And in those pictures, there's like a tarp under
20 there. Why are they on the tarp?

21 A Because they didn't want the chemicals to get
22 inside the ground, contaminate the ground, so every
23 time when we --- well, when SLED breaks down a meth
24 lab, they'll put a tarp or something over the ground
25 and put the chemicals out in separate areas and

1 explain to us how this is for this and that's for
2 that.

3 Q So Quincy Ford from SLED is pulling stuff out and
4 you are taking pictures of it on the tarp?

5 A Yes, sir.

6 Q And these are the pictures?

7 A Yes, sir.

8 Q And one question I think I have already asked,
9 is in Kershaw County, correct?

10 A Yes.

11 MR. MOAK: No further questions.

12 CROSS-EXAMINATION:

13 BY MR. RILEY:

14 Q How officer how are you doing?

15 A How are you, Mr. Riley?

16 Q Officer Elliott, I wanted to kind of go through
17 these with you and particularly what I'm interested in
18 is whether they were collected in the Tyler's
19 residence or in the back mobile home?

20 A Okay.

21 Q State's 34, where was that?

22 A That was in the victim's residence.

23 Q Okay. The Tyler's, right?

24 A Yes.

25 Q State's 35?

1 A Victim's residence.
2 Q State's 36?
3 A Victim's residence.
4 Q Thirty-seven?
5 A Victim's residence.
6 Q Thirty-eight?
7 A Victim's residence.
8 Q Thirty-nine?
9 A Victim's residence.
10 Q Forty?
11 A Victim.
12 Q Forty-one?
13 A Victim.
14 Q Forty-five?
15 A Victim.
16 Q Are you sure?
17 A I think it was, yes, sir.
18 Q Okay.
19 A It was the victim's.
20 Q Forty-six?
21 A Victim.
22 Q Forty-seven?
23 A That right there is the victim.
24 Q The victim?
25 A Victim.

1 Q Forty-eight?
2 A Victim.
3 Q Forty-nine?
4 A Victim.
5 Q Fifty?
6 A That's also in the victim's.
7 Q Thirty-two. Let me get it right side up.
8 A That's defendant.
9 Q Okay.
10 Q Thirty?
11 A Defendant.
12 Q Thirty-three?
13 A Defendant.
14 Q I don't know which way is ---
15 A That's the way.
16 Q Forty-three?
17 A Defendant.
18 Q Forty-two?
19 A Defendant.
20 Q Forty-four, which isn't very clear?
21 A Defendant, defendant's ID.
22 Q Now, 56?
23 A Defendant.
24 Q Excuse me, 59?
25 A Defendant.

1 Q Fifty-eight?

2 A Victim.

3 Q Okay. Now, let me ask you about Exhibit 58.

4 Whose handwriting is that?

5 A I do not know. It was ---

6 Q Who was it addressed to?

7 A No address.

8 Q No name?

9 A No name.

10 Q You know, it didn't say to John Jones or
11 anything?

12 A No, sir.

13 Q And you said victim?

14 A Yes, sir.

15 Q Whereabouts in the victim's house was this found?

16 A In the victim's --- that right there was found
17 inside the dresser drawer, and the other one was found
18 on top of the dresser drawer, I'm sorry.

19 Q Okay. Whose dresser was it?

20 A The victim's dresser.

21 Q The decedent's?

22 A Yes.

23 Q Okay. Fifty-six. Victim's residence or
24 defendant's residence?

25 A Defendant's.

1 Q Okay. Fifty-four?

2 A That was in the victim's.

3 Q Okay.

4 A Victim's.

5 Q Fifty-three?

6 A Victim's.

7 Q Okay. Fifty-two?

8 A Victim's.

9 Q Fifty-one?

10 A Victim's.

11 Q Fifty-seven?

12 A Victim's.

13 Q And there again, this --- is that the one you
14 said was found on top of the dresser?

15 A Yes, sir.

16 Q Again, whose handwriting is this?

17 A Don't know.

18 Q And was it addressed to John Jones or ---

19 A Don't know, no address. Just a letter.

20 Q No particular person was it addressed to, right?

21 A No, sir.

22 Q Are these like --- I can zip through.

23 Fifty-five?

24 A Defendant.

25 Q Sixty-one?

1 A Defendant.
2 Q Sixty-two?
3 A Defendant.
4 Q Sixty-three?
5 A Defendant.
6 Q Sixty-four?
7 A Defendant.
8 Q Sixty-five?
9 A Defendant.
10 Q Sixty-six?
11 A Defendant.
12 Q Sixty-seven?
13 A Defendant.
14 Q Sixty-eight?
15 A Defendant.
16 Q Sixty-nine?
17 A Defendant.
18 Q Seventy?
19 A Defendant.
20 Q Seventy-one?
21 A Defendant.
22 Q Seventy-two?
23 A Defendant.
24 Q And 73?
25 A Defendant.

1 Q Okay. So these are all from the Tyler's
2 residence; is that correct? Do you need to look
3 through them again?

4 A Yes, yes.

5 Q Okay. All from the Tyler's residence?

6 A Yes.

7 Q And these were all taken in the defendant's
8 residence?

9 A Yes.

10 Q And all these photos were taken by you?

11 A Yes.

12 Q Do you recall on --- this was, of course, on
13 May 28th, 2011, right, that you took these photos?

14 A Yes.

15 Q Okay. What time of day did you take these
16 photos?

17 A It was in the daytime.

18 Q Can you be more specific?

19 A I can't.

20 Q Okay.

21 A I know the sun was up when we was doing
22 everything. It was like in the evening time. We was
23 out there all day, but we was in the evening time. I
24 can't give you the timeframe.

25 Q Could you --- if I were to say was it before or

1 after 2:00 p.m., could you say that you took these
2 photos?

3 A I couldn't say. I couldn't say.

4 Q Okay. Showing you State's Exhibit 71, which
5 looks like a cup with residue of --- I think you said
6 that was ---

7 A Waste.

8 Q --- the end product?

9 A Yes, waste.

10 Q Waste?

11 A Yes.

12 Q Would that cup have been susceptible to obtaining
13 fingerprints off of?

14 A I wouldn't know.

15 Q Well, a ceramic cup would or would not yield
16 fingerprints, typically speaking?

17 A Yes, it would.

18 Q Would there --- was there a cup fingerprinted?

19 A I couldn't tell you.

20 Q How could you not tell me?

21 A Because I only took pictures.

22 Q Pardon?

23 A I only took pictures.

24 Q It was collected for evidence, right?

25 A Yes.

1 Q And --- but you don't know if it was ever
2 fingerprinted?

3 A No.

4 Q Okay. How about these cans of denatured alcohol?
5 Were fingerprints attempted to be extracted from
6 those?

7 A I wouldn't know.

8 Q Okay. So in order to cut to the chase, you don't
9 know if any of those were fingerprinted, right?

10 A No, sir.

11 Q Who bagged them up after the photographs were
12 taken?

13 A I can't recall. I can't recall who bagged it up.

14 Q You don't recall who collected these items?

15 A Well, the ---

16 Q I know the meth stuff was collected by the clean
17 up company, right?

18 A That's who took all the equipment.

19 Q Okay.

20 A That's what I'm thinking.

21 Q But you don't know whether law enforcement
22 attempted to obtain any fingerprints or forensic
23 evidence of any kind of these items, do you?

24 A No, sir.

25 Q Okay. Well, do you know who would know the

1 answer to that question?

2 A I do not know.

3 Q Do you recall approximately how long you were at
4 the incident location that day?

5 A All day, all day long.

6 Q Okay. All right. Took quite a while to take all
7 those photos and examine everything, right? I mean, it
8 took --- when you say all day, you didn't get there
9 early in the morning, right?

10 A I did it pretty early. I can't give you a time,
11 but it was pretty early.

12 Q Okay.

13 MR. RILEY: I'm begging your indulgence, Judge.

14 (Pause.)

15 BY MR. RILEY:

16 Q Officer Elliott, when you were in the --- when we
17 went through the State's Exhibits, I referred to as
18 the back mobile home, which prior testimony indicated
19 is where the defendant was staying. When you were in
20 there doing your work, was the electricity on?

21 A Yes, it was.

22 Q Okay. All right. Thank you, sir. Nothing
23 further?

24 THE COURT: Any redirect?

25 MR. MOAK: Briefly, Your Honor.

1 REDIRECT EXAMINATION:

2 BY MR. MOAK:

3 Q Yeah, do you know if somebody hooked the
4 electricity up before you got there?

5 A Say it again.

6 Q Do you know who hooked the electricity back up?

7 A No, sir.

8 Q Do you remember the Columbia Fire Department
9 being at the scene?

10 A Yes.

11 Q And that was because of the hazardous waste?

12 A Yes.

13 Q Do you remember SLED, actually Quincy Ford, that
14 was the one taking the meth lab apart?

15 A Yes.

16 Q Do you remember Advanced Environmental Options,
17 AEO, being there?

18 A Yes.

19 Q And they were in charge of disposing of the
20 hazardous waste?

21 A Yes.

22 Q Mr. Riley asked about these items being bagged
23 up. Didn't they go with the hazardous waste removal
24 team?

25 A Yes.

1 Q You'll never got those back?

2 A No, sir, they take it and dispose of it.

3 Q And that's pursuant to DHEC regulations?

4 A Yes, sir, we can't put those chemicals inside of
5 an evidence room.

6 Q So you couldn't even have collected those if you
7 wanted to?

8 A No, sir.

9 Q And they were disposed of according to state law,
10 right?

11 A Yes, that's why we take pictures and document
12 everything that comes out of the house when SLED
13 removes it from the residence.

14 Q And all these items, the denatured alcohol,
15 Drain-O, camp fuel, iodine, Sudafed, all of these
16 items are used in the manufacture of methamphetamine,
17 correct?

18 A Yes.

19 Q And you also found some of the waste materials of
20 that procedure?

21 A Yes.

22 Q The tubing, the propane torch, all of that are
23 items used in the manufacture of methamphetamine?

24 A Yes.

25 Q You also found the grow room with the grow lights

1 and the marijuana plants inside the same building?

2 A Yes, sir..

3 Q And this is the building that Mr. Smith lives in?

4 A Yes.

5 Q And another thing, a lot of your pictures were
6 inside the trailer occupied by the victim, a lot of
7 the pictures of the ones with the spoons, the needles,
8 the pipes?

9 A Yes.

10 Q Were those items commonly used in the consumption
11 of drugs?

12 A Yes.

13 Q But not the manufacture?

14 A No, not in the manufacture.. Those items are for
15 using drugs.

16 Q So in one trailer you have all the paraphernalia
17 to use the drugs. The other one you have all this
18 equipment and the items ---

19 A So you can manufacture.

20 Q --- that were used in the manufacture of it?

21 A Yes, sir.

22 MR. MOAK: No further questions.

23 MR. RILEY: Nothing further, Judge.

24 THE COURT: You may come down, sir.

25 THE COURT: Call your next witness.

1 MR. PERRY: The State would call Morris Nixon.
2 Morris Nixon. Your Honor, I believe he's in the back.

3 THE CLERK: Place your left hand on the Bible,
4 raise your right.

5 MORRIS NIXON,
6 after being duly sworn, testified as follows:

7 THE CLERK: Thank you. Please be seated in the
8 witness chair and state your full name for the record.

9 THE WITNESS: Morris Nixon.

10 DIRECT EXAMINATION:

11 BY MR. PERRY:

12 Q Good afternoon, Mr. Nixon, how are you doing?

13 A How are you doing, sir?

14 Q I'm going to stand all the way over here whenever
15 we talk. I figure if I can hear you over here,
16 everyone in the jury box can hear you. Does that
17 sound good?

18 A Yes, sir.

19 Q All right. Can you hear me okay?

20 A Yes, sir.

21 Q Very good. Mr. Nixon, can you tell the ladies
22 and gentlemen of the jury, you know, just where you're
23 from, how old you are, whether you're a resident in
24 Kershaw County?

25 A I'm from Camden, South Carolina, from Camden

1 South Carolina.

2 Q How old are you Mr. Nixon?

3 A Twenty-nine.

4 Q Are you currently incarcerated at the Kershaw
5 County jail?

6 A Yes, sir.

7 Q All right. And at some point in time while you
8 were incarcerated at the Kershaw County jail back on
9 or about say August of 2011, did you have occasion to
10 be kept in the same cell or in the same pod with the
11 defendant, Greg Smith?

12 A Yes, sir.

13 Q All right. And can you tell the jury about how
14 you came to know Mr. Smith, and what, if any,
15 interaction you had with him, and specifically after
16 you --- how it relates to the case that we're here
17 about today?

18 A I came to know Mr. Smith. When I have first came
19 there he was my roommate; they put me in the cell with
20 him and we shared a cell.

21 Q So you actually shared a cell with him, you were
22 not just in the same general area with him?

23 A Yeah, I was in the cell with Mr. Smith.

24 Q How did you come to know each other?

25 A We came to know each other when we went there. I

1 introduced myself to him. He introduced himself to
2 me. It just went from there.

3 Q Did he talk to you about what we was in jail for?

4 A Yes, sir.

5 Q Did you talk to him about you were in jail for?

6 Is that the kind of things you share when you're in
7 jail?

8 A Yes, sir.

9 Q Okay. Specifically what did he tell you about
10 his involvement with the matter that he was charged
11 with?

12 A He told me he was in jail for murder for shooting
13 an old lady in the head.

14 Q And can you be more specific? Did he give you
15 any more details about what he did, why he did it,
16 anything else?

17 A He said he shot the elderly lady in the face
18 because the other lady told him he had to move out of
19 the house because she got tired of him and he wouldn't
20 pay no bills and she wanted meth.

21 Q She wanted what?

22 A Meth.

23 Q And he specifically told you that he had shot her
24 in the face?

25 A Well, he said the eye, but you know, it's still

1 the same.

2 Q So he said he shot her in the eye?

3 A Right.

4 Q Had you heard anything about this case prior to
5 meeting Mr. Smith, talking to Mr. Smith about this?

6 A No, sir.

7 Q Prior to meeting Mr. Smith and hearing Mr. Smith
8 tell you about his involvement with this situation,
9 had you ever talked to law enforcement about this
10 case?

11 A Yes, yes, sir.

12 Q I mean, subsequent to that, in other words, did
13 he talk to you first or did you talk to law
14 enforcement first?

15 A No, Mr. Smith talked to me first.

16 Q Okay. After Mr. Smith told you these things,
17 what did you do?

18 A After he told me all this stuff, I went and told
19 the investigator.

20 Q Why? Why would you do that, Mr. Nixon?

21 A Because I didn't feel it was right what he did to
22 the elderly lady and bragging about what he did to
23 her, shot and killed her.

24 Q Again, can you be more specific about what he
25 told you?

1 A Yes, sir.

2 Q Okay.

3 A Yeah, but Mr. Smith, he was telling me all this
4 stuff about how he shot the elderly lady in the face.
5 He said --- he was like forget the B. She dead. I'd
6 do it again if it come down to it, if he had to do it
7 to somebody.

8 Q And he specifically told you that he shot her in
9 the eye?

10 A Yes, sir.

11 Q He also told you that he shot her because she was
12 trying to get him to move out of where he was living
13 there?

14 A Yes, sir, most definitely.

15 Q Did he mention why he was upset about that?

16 A He was upset because he didn't want to move. He
17 said he was giving her a lots of meth. He didn't feel
18 like he should have to move.

19 Q He told you he was giving her meth?

20 A Yes, sir.

21 Q Did he tell you what kind of gun he shot her
22 with?

23 A A 357.

24 Q Did he tell you what he did after he shot her?

25 A He put the gun by the tree.

1 Q Did he make any statement to you about whether he
2 thought he could get off in this case or how he
3 thought he could get off?

4 A Yes, sir, he did.

5 Q What did he tell you he was going to do?

6 A He told me he was going to put it on the guy that
7 died in the parking lot at the county jail, on the
8 elderly man, the elderly lady's husband.

9 Q So he was going to blame him for it?

10 A Yes, sir.

11 Q He told you all these things?

12 A Yes, sir.

13 Q Mr. Nixon, before he told you these things, have
14 you ever talked to anybody about this case? Had
15 anybody ever told you about this case?

16 A No, sir.

17 Q Had you seen any media coverage about this case
18 or known anything about it?

19 A No, sir, I didn't.

20 Q And after your cellmate told you these things
21 that you thought were wrong and you contacted law
22 enforcement, correct?

23 A Yes, sir.

24 Q You reached out to who in law enforcement?

25 A I think it's Chris Phillips or something like

1 that.

2 Q Okay.

3 A I'm not quite sure, but I think it's Chris
4 Phillips.

5 Q What happened then? Did somebody come see you,
6 did you talk to anybody, did you ever give a
7 statement?

8 A Yes, sir, I did.

9 Q All right. You gave a written statement and a
10 recorded statement?

11 A Right.

12 Q All right.

13 MR. PERRY: May I approach the witness, Your
14 Honor?

15 THE COURT: Yes.

16 BY MR. PERRY:

17 Q Mr. Nixon, I'd ask you to just take a look and
18 see if you can identify that?

19 A Yes, sir, most definitely, yes, sir, yeah, I can
20 identify that.

21 Q Is that your handwriting?

22 A That's my statement, sir.

23 Q That's the statement you gave?

24 A Most definitely.

25 Q And in that statement, let's kind of start at the

1 beginning, go through it with me. You mentioned that
2 Mr. Smith told you that ---

3 THE COURT: Mr. Riley.

4 BY MR. PERRY:

5 Q He told you that he shot her?

6 A Yes, sir, he did.

7 Q That he had shot her in the eye?

8 A Yes, sir.

9 THE COURT: Mr. Perry, he can use it to refresh
10 his recollection. You can't read it to him.

11 THE WITNESS: Can I read it?

12 THE COURT: No.

13 MR. PERRY: Yes, sir.

14 THE COURT: You have to testify of your own
15 knowledge.

16 MR. PERRY: Exactly.

17 BY MR. PERRY:

18 Q In taking a look although that, does that refresh
19 your recollections even more about the things he told
20 you?

21 A Yes, sir.

22 Q On page two ---

23 A Yes, sir.

24 Q And Mr. Nixon, you gave that statement of your
25 own free will and accord?

1 A Yes, sir, most definitely.

2 Q Now, I assume because you were in jail, you had
3 charges pending, right?

4 A Yes, sir.

5 Q You have charges pending now, right?

6 A Yes, sir.

7 Q Did anybody in law enforcement ever discuss with
8 you, you know, about getting preferential treatment or
9 any type of a benefit as far as your charges were
10 concerned?

11 A No, sir.

12 Q With respect to these things?

13 A No, sir.

14 Q Have you ever, in fact, even asked to have any
15 preferential treatment on your charges in respect to
16 this case?

17 A No, sir.

18 Q Have you and I met and talked about this case?

19 A Yes, sir.

20 Q Did I come over to the jail and see you?

21 A No, sir.

22 Q Did you come here and see me?

23 A No, sir.

24 Q Where did we meet? Do you remember where we met
25 and talked?

1 A I can't actually really recall.

2 Q Okay.

3 A Yeah.

4 Q During the course of our conversation, were any
5 promises made to you about how your case was to be
6 handled or how your case would be handled in response
7 to your coming in and telling the truth today?

8 A No, sir.

9 Q Are you telling the truth today?

10 A Yes, sir.

11 Q All right. And again no representations have
12 been made to you whatsoever about how your charges
13 will be handled based on your testimony here today,
14 right?

15 A No, sir.

16 Q One other thing I wanted to ask you about. While
17 you were in there with this defendant, did he mention
18 to you anything about Sam?

19 A Oh, yes, sir, he did.

20 Q Okay. Samantha Steeprock?

21 A Yes, sir, most definitely.

22 Q What did he tell you about Samantha Steeprock?

23 A Mr. Gregory Smith, he told me that when he killed
24 the elderly lady that Sam was in the house when he
25 killed that lady, but she had ran out of the house and

1 called the police, said she heard gunshots. Gregory
2 Smith told me the reason that she probably ran is
3 probably because she felt like he was going to kill
4 her.

5 Q And he told you that?

6 A Yes, sir.

7 Q Do you know Samantha Steeprock? Did you ever
8 meet her before?

9 A No, sir, I didn't ever know her.

10 Q Do you know what, Mr. Nixon, I don't mean to ask
11 this to be embarrassed or anything else, but what
12 charges do you have pending right now?

13 A The charges I have pending?

14 Q Yeah.

15 A I've got a second degree burglary and a assault
16 charge.

17 Q And again just for clarification, no
18 representations have been made to you by anybody from
19 this office or from law enforcement that you get any
20 preferential treatment as far as those charges are
21 concerned?

22 A No, sir.

23 Q In fact, I told you that you had better come in
24 today and tell the truth, right?

25 A Right, most definitely.

1 Q And as far as the timing of those charges, the
2 burglary that you mentioned, did that happen before or
3 after you told us about these?

4 A Did it happen before or after?

5 Q Yeah, the burglary that you were charged with did
6 you get charged with that before or after you told us
7 about this?

8 A I've been charged with it before.

9 Q Okay. Well, you gave us a statement in August
10 of 2011?

11 A Uh-huh.

12 Q All right. When did you get charged with the
13 burglary? When did you actually get arrested on that
14 warrant?

15 A I know it was like in about August.

16 Q Of this year, was it last?

17 A Last year, 5th, something like that.

18 MR. PERRY: Nothing further. Please answer any
19 questions Mr. Riley has for you.

20 THE WITNESS: All right.

21 CROSS-EXAMINATION:

22 BY MR. RILEY:

23 Q Good afternoon, Mr. Nixon.

24 A How you doing?

25 Q I'm Neil Riley. I represent Mr. Smith in this

1 case.

2 A Yes, sir.

3 Q Now, currently, isn't it true that you were
4 charged in February of this year by the Camden police
5 department with three counts of burglary second
6 degree?

7 A Yes, sir.

8 Q Are those still pending?

9 A Yes, sir.

10 Q And you're charged with possession of burglary
11 tools?

12 A Yes, sir.

13 Q Still pending?

14 A Most definitely, uh-huh.

15 Q Resisting arrest?

16 A Yes, sir.

17 Q Still pending?

18 A (Nods in the affirmative.)

19 Q Isn't it true?

20 A Oh no. I went to the court for the resisting
21 arrest already. I got time served for that.

22 Q I'm sorry?

23 A I already went to court for the resisting arrest.

24 Q Okay. In October, I mean this month, you were
25 charged with a burglary first degree?

1 A Yes, sir.

2 Q Still pending. In 2003, weren't you convicted of
3 two counts of strong armed robbery?

4 A Yes, sir.

5 Q In 2007, weren't you convicted of a burglary
6 second degree?

7 A Yes, sir.

8 Q Now, sir, with all of those pending charges,
9 which by my count include one count of burglary first
10 degree, three counts of burglary charge second degree
11 and possession of burglary tools, you want this jury
12 to believe that you never discussed with the solicitor
13 any sort of leniency?

14 A Never did.

15 Q No favorable recommendations?

16 A Never ever.

17 Q No special consideration in sentencing?

18 A No, sir.

19 Q How long do you allege that you and Mr. Smith
20 were cellmates?

21 A Me and Mr. Smith were cellmates about a couple of
22 months.

23 Q Okay. In that couple of months, your testimony
24 is that Mr. Smith basically unburdened himself to you
25 about all the facts of this case?

1 A Yes, sir, he did.

2 Q You and you alone?

3 A Say it again.

4 Q You and you alone?

5 A Yeah, me and Mr. Smith. He told me.

6 Q Okay. And to your knowledge no one else.

7 Q He told a couple of other people --- he told, in
8 fact, somebody else, too, cause he was talking about
9 the case, too.

10 Q Now, at what point did you come into possession
11 of Mr. Smith's private papers?

12 A I never read Mr. Smith's private papers. He
13 volunteered to tell me.

14 Q My question is --- I didn't ask you when you read
15 them. I asked you when you came into possession of
16 them? Which means when did you acquire copies or
17 originals of Mr. Smith's private papers? You're not
18 denying you ever saw his private documents, are you?

19 A I never seen his documents.

20 Q A minute ago you said you have never read his
21 documents?

22 A I never read his papers, no.

23 Q Did you have them in your possession?

24 A No, sir.

25 Q Do you recall a bin full of papers being seized

1 from Mr. Smith's cell?

2 A Yes, sir.

3 Q Was that during the time you were cellmates?

4 A Yes, he was my cellmate, but I never read his
5 papers.

6 Q After that occurred, after that bin of papers was
7 seized, you never were seen or witnessed in possession
8 of documents from that bin?

9 A No, sir.

10 Q Do you remember when that occurred, that seizure
11 of Mr. Smith's papers?

12 A I have no idea.

13 Q When did you first approach law enforcement about
14 this knowledge that Mr. Smith supposedly passed on to
15 you?

16 A I'm not quite sure which month it was, but I did
17 get in contact with law enforcement about the
18 situation.

19 Q Okay. You don't recall when?

20 A No.

21 Q Okay. It would have been after you were arrested
22 on three counts of burglary second, right?

23 A Yes.

24 Q The arrest date --- well, the offense date was
25 February 2nd of this year. I don't know when exactly

1 you were arrested on those charges. Was it shortly
2 after that date, do you know?

3 A No.

4 Q When were you arrested?

5 A I'm not quite sure. I know I was locked up in
6 February.

7 Q February?

8 A Yeah.

9 Q It was after that that you would have approached
10 law enforcement about Mr. Smith's alleged
11 conversations, right?

12 A No.

13 Q You have spoken with law enforcement about
14 Mr. Smith, correct?

15 A Yes, sir.

16 Q And you have spoken with them about Mr. Smith
17 since you've been in jail, correct?

18 A Yes, sir.

19 Q Okay. So it would have been after February that
20 you spoke to law enforcement about Mr. Smith?

21 A No, sir.

22 Q Well, when did you speak to law enforcement?

23 A I'm not quite sure which month it was, but like I
24 said, I did get in contact with law enforcement.

25 Q Before you were arrested on these pending.

1 charges?

2 A No, sir.

3 Q Okay. Then you must have spoken with law
4 enforcement about Mr. Smith after you were arrested,
5 correct?

6 A Yes, sir.

7 Q Okay. So we're clear on that, correct?

8 A Yes, sir.

9 Q Okay. So you had pending charges of a serious
10 nature pending against you when you contacted law
11 enforcement about Mr. Smith, right?

12 A Yes, sir.

13 Q Hoping to cut a deal, right?

14 A No, sir.

15 Q Why did you contact law enforcement?

16 A Why did I contact law enforcement?

17 Q Because you're a good Samaritan?

18 A No, I contacted law enforcement because I felt
19 that it just wasn't right that Mr. Smith killed an
20 elderly lady and shot her in the eye and bragged about
21 it. That ain't right. It could have been my mama,
22 somebody else's mama, somebody's grandmother, too.
23 That ain't right.

24 Q And you have no hope of gains for yourself,
25 right?

1 A No, sir.

2 MR. RILEY: Begging the Court's indulgence.

3 (Pause.)

4 BY MR. RILEY:

5 Q Didn't you also get charged this year, 2012, with
6 a crack charge?

7 A Crack charge, no, sir.

8 Q You did not?

9 A No, sir.

10 Q Okay.

11 A Wrong guy.

12 Q All right. At the time you spoke to law
13 enforcement about Mr. Smith, were you not trying to
14 obtain a personal recognizance bond?

15 A A personal what now?

16 Q A personal recognizance bond, a PR bond?

17 A No, sir.

18 Q You were not attempting to do that?

19 A No, sir.

20 Q Do you know Officer Chris Phillips?

21 A I don't know Officer Chris Phillips personally.

22 I just know of him.

23 Q Okay, and you never talked with him?

24 A Yes, I did.

25 Q Okay. When and where?

1 A At the county sheriff's department.

2 Q Okay. About what?

3 A About Gregory Smith.

4 Q When was that?

5 A What month, I can't actually really recall to be
6 honest with you.

7 Q Is he one of the police officers that you
8 basically related everything Greg Smith told you to?

9 A It was two more investigators, but I don't know
10 their names specifically.

11 Q Sticky?

12 A Who?

13 Q Did you say Sticky?

14 A I said that I don't know the investigator's names
15 specifically.

16 Q Okay. So there was Chris Phillips and two
17 others?

18 A Yes, sir.

19 Q Two other police officers?

20 A Yes, sir.

21 Q Who are you looking at?

22 A Look like one of the guys there I seen, too.
23 Yeah, he was an investigator. He was one of the
24 investigators I had spoken to, too.

25 Q Okay. Just ---

1 A The guy right there. The guy there. The guy
2 with the glasses there.

3 Q What does your bond stand at right now?

4 A Sir?

5 Q What does your total bond --- you have three
6 burglary second charges, a possession of burglary
7 tools charge and a burglary first degree charge
8 pending, what does your total bond stand at?

9 A I don't have no bond right now.

10 Q You don't have a bond on what?

11 A On the charge.

12 Q On any?

13 A On these charges.

14 Q You must have a bond on all but at least the
15 burglary first?

16 A Not on the burg first charge. I got go to court
17 probably this month and next month to get a bond.

18 Q But I'm asking you, sir, what does your cash bond
19 stand at in order to bail out of jail, do you know?

20 A I don't have a bond right now.

21 Q On all charges or one of them?

22 A All charges.

23 Q You don't have any bond?

24 A I have a bond on the other charges, but I ain't
25 got a bond right now because I got out.

1 Q You got out?

2 A Yes, sir.

3 Q When?

4 A About four --- about three or four months ago,
5 something like that.

6 Q That was on the February charges, right?

7 A February charges?

8 Q You were released from jail?

9 A Yes.

10 Q After being arrested?

11 A Yes, sir.

12 Q On the February charges?

13 A Right.

14 Q Okay. When you were released from jail, what
15 kind of a bond were you released on?

16 A I think it was like a \$50,000 bond.

17 Q Okay. Did you post that yourself or hire a bond
18 agent?

19 A No. I had got a PR bond.

20 Q It's one or the other, sir?

21 A Yeah, I got a PR bond.

22 A Uh-huh.

23 Q Okay. You got a PR bond. And do you recall the
24 exact date you got a PR bond?

25 A I'm not quite sure.

1 Q Okay. Was that before or after you talked with
2 law enforcement about Mr. Smith?

3 A That was way after before that.

4 Q Way after?

5 A Yeah, I had got a bond.

6 Q Like how long after?

7 A I'm not quite sure to be honest with you.

8 Q Okay. Three burg second and a possession of
9 burglary tools and you get a personal recognizance
10 bond?

11 A Yes, sir.

12 Q With your past history, your prior convictions?

13 A Yes, sir.

14 Q And then you were rearrested in October on a
15 burglary first charge, correct?

16 A Yes, sir.

17 Q Gee, that's really coincidental, isn't that
18 coincidental?

19 A Well, not really, sir. I mean, it wasn't
20 anything really major. It was attempted burglary.

21 Q I'm talking about obtaining a personal
22 recognizance bond after you talked with the police
23 about Mr. Smith's alleged statements to you and
24 considering your prior record, three pending burg
25 seconds and a possession of burglary tools and you are

1 granted a personal recognizance bond?

2 A Yes, sir.

3 Q You've been around the system long enough to know
4 that's pretty darn unusual, correct?

5 A Well, I mean, actually ---

6 MR. RILEY: Thank you, that's all.

7 THE COURT: Redirect?

8 MR. PERRY: Yes, Your Honor.

9 REDIRECT EXAMINATION:

10 BY MR. PERRY:

11 Q Mr. Nixon, you got these burglary second charges
12 in 2012, this year, right?

13 A That's right.

14 Q That's the you were actually served with the
15 warrants?

16 A Right, most definitely.

17 Q Okay. Now I'm going to show you the letter that
18 you wrote again.

19 A Uh-huh.

20 Q This is the letter to law enforcement, and I want
21 your to read the date at the top of that letter.

22 A August 16th, 2011.

23 Q So you wrote a letter to law enforcement in
24 August of 2011 about this?

25 A Yes, sir.

1 Q And you picked up these burglary charges that
2 Mr. Riley is making hay with this year?

3 A No, sir, I didn't.

4 Q Okay. The burglary charges show from 2012?

5 A Yes, sir.

6 Q Is that right? So you wrote the letter in 2011?

7 A Yes, sir.

8 Q You didn't get these burglary charges until 2012,
9 right?

10 A Yes, sir, most definitely, you're right.

11 Q So you're writing this letter didn't have a thing
12 to do with any burglary charges you got in 2012 over a
13 year later, did it?

14 A No, sir, no, sir.

15 Q Are you telling the truth today?

16 A Yes, sir, I am. I'm telling the truth.

17 Q Do you understand what will happen if you don't
18 tell the truth?

19 A Yes, sir.

20 Q You know you can be punished for that, right?

21 A Yes, sir, most definitely.

22 Q Did you ask me or anybody from this office or
23 anybody from law enforcement for any special
24 consideration for any special consideration for any
25 charges pending against you to come in and not tell

1 the truth?

2 A No, sir, I don't have no reason to.

3 MR. PERRY: Nothing further.

4 THE COURT: Anything further?

5 MR. RILEY: I don't have anything further.

6 THE COURT: You can come down. I usually tell
7 witnesses they're free to go, but I don't believe I
8 can do that in your case. Thank you very much.

9 THE WITNESS: All right. You take care.

10 THE COURT: Next witness?

11 MR. PERRY: Beg the Court's indulgence.

12 (Pause.)

13 The State calls Jacob Hammond, Your Honor. Also,
14 too, I have a piece of evidence that I need to get
15 marked.

16 MR. MOAK: Your Honor, may I approach?

17 (WHEREUPON, there was a bench conference.)

18 JACOB HAMMOND,

19 after being duly sworn, testified as follows:

20 DIRECT EXAMINATION:

21 BY MR. PERRY:

22 Q Good afternoon, Officer Hammond, how are you
23 doing?

24 A I'm doing good.

25 Q Can you tell the jury panel a little bit about

1 yourself, who you work for, in what capacity you work
2 for them and how long you have been working for them?

3 A My name is Jacob Hammond. I'm employed with the
4 Kershaw County sheriff's office. I'm a DUI officer on
5 the traffic unit. I've been employed here since
6 January 2011 and been in law enforcement since
7 December 2005.

8 Q Prior to being employed with the Kershaw County
9 sheriff's department where were you employed as a law
10 enforcement officer?

11 A Well, at that time Camden police department.

12 Q Okay.

13 A As a patrol officer.

14 Q All right. So you were hired early in 2011 and
15 your primary responsibility was going to be to work
16 the road as a DUI enforcement officer?

17 A That's correct.

18 Q Were you working on May 28th, 2011? That was the
19 Saturday of memorial day weekend?

20 A I was.

21 Q If you can, tell us about that day and anything
22 in particular that sticks out, particularly as it
23 relates to a call that originated over at

24 in Kershaw County?

25 A I was contacted by Captain Corey in reference to

1 providing traffic control on 601 at a crime scene they
2 had. I went out there and directed traffic for
3 several hours, basically cars going down 601 and keep
4 them from hitting the emergency vehicles that were out
5 there.

6 Q In addition to your responsibilities that day
7 providing a safe environment there as far as the road
8 goes, did you at any point in time --- were you at any
9 point in time ever asked to assist in transporting the
10 defendant from any place to any other place and
11 assisting other officers with tasks that related to
12 the incident that had taken place there?

13 A That's correct. Later on that night we got to
14 the sheriff's --- I got back to the sheriff's office.
15 As I pulled up in the parking lot of the sheriff's
16 office, Chief Brown was walking out in the parking lot
17 with some of the investigators and Chief Brown said
18 we're going to go to a wooded area, can you transport
19 him since you have a cage in your vehicle and it's a
20 secured transport. I basically was asked by the Chief
21 to transport the subject to a wooded area that he was
22 taking the investigators to.

23 Q And that subject was the defendant, Greg Smith?

24 A That's correct.

25 Q All right. So. You were asked to transport him.

1 What did you do next?

2 A I transported him to a wooded area off of Koon
3 Road in Kershaw County.

4 Q Who told you how to get there?

5 A Mr. Smith directed me. I was basically the lead
6 car since he was in the car with me.

7 Q So you didn't have any idea where you were going
8 beforehand?

9 A No, sir.

10 Q Mr. Smith is in the back of your parole car?

11 A That's correct.

12 Q You're the lead investigator. Are there other
13 vehicles following you?

14 A That's correct, the investigators with Chief
15 Brown.

16 Q And he gave you directions on where to go?

17 A That's correct.

18 Q What was your understanding you were going to
19 find?

20 A The weapon that was used in the crime scene from
21 earlier.

22 Q And you said you got to a location. Where was it
23 again?

24 A Right off Koon Road.

25 Q Okay. That's here in Kershaw County?

1 A That's correct.

2 Q All right. And is it fairly close to the
3 incident location?

4 A Yes, sir. It's --- I would say it's fairly
5 close.

6 Q Could you walk from the incident location to that
7 location?

8 A Absolutely.

9 Q And whenever you got there, did you stop on the
10 roadway? Did you stop just off the roadway? What did
11 you do when you got to ---

12 A We got on Koon Road. He was --- I had the glass
13 part of the partition open so I could hear him talk
14 and so he could explain to me where we were going. He
15 said it's one of these roads right here. We finally
16 got to a road. I'm not even sure of the name of it.
17 He said to turn left there.

18 Q Dirt road, paved road, grassy road?

19 A Dirt road, kind of like a dirt road type gravel.
20 I turned on that road, and then as I turned on that
21 road, he told me to immediately take a right up a
22 little --- it looked like a little four wheeler trail.
23 It was pretty tiny. I was really nervous about us
24 getting back up there in our vehicles. I turned right
25 on that trail, and I drove down that trail for

1 probably maybe 100 yards maybe, and it basically just
2 dead ended into a --- we ran into a tree line in the
3 forest basically.

4 Q You ran out of road?

5 A We ran out of the road. I stopped at that point.
6 The investigators and everybody got out of the car.
7 Basically at that point the investigators got
8 Mr. Smith out of my vehicle and started dealing with
9 him.

10 Q Now, to the best of your knowledge, had this
11 defendant previously been Mirandized?

12 A Yes.

13 Q When he was in the car with you, other than him
14 giving you directions on where to go, were you
15 questioning him, interrogating him?

16 A No, sir, that's not my responsibility to do that.

17 Q In addition to telling you where to drive, did he
18 volunteer anything else to you?

19 A No, sir.

20 Q Okay. But he told you where to get to, right?

21 A That's absolutely, right.

22 Q When you got there, you got out of the car, what
23 happened then?

24 A At that point we --- myself and the investigators
25 and Mr. Tetterton started walking through the woods.

1 Q Mr. Tetterton, who was that?

2 A He is an attorney here in Camden, William
3 Tetterton.

4 Q What capacity was he there?

5 A I think he was there as a representative of the
6 defendant.

7 Q Okay.

8 A Based on my knowledge, that's what he was there
9 for.

10 Q Okay. So law enforcement was there, the
11 defendant was there. He had told you how to get
12 there?

13 A That's correct.

14 Q And he had his attorney with him?

15 A That's correct.

16 Q And what did you guys proceed to do? Did he tell
17 you where to look? Did he tell you where he thought
18 the place where it was hidden to look like?

19 THE COURT: Just ask the question. Don't lead
20 the witness, please.

21 THE WITNESS: He --- we got out there and we got
22 to the woods and they said --- they told me what they
23 were looking for and that he was supposed to be ---
24 the weapon was supposed to be under a tin can. It was
25 a gun that was under a tin can somewhere out in the

1 woods.

2 Q Isn't it kind of a small gun to be under a tin
3 can?

4 A Yes, sir.

5 Q Was it a bucket or a can?

6 A It ended up being a bucket. We knew it was a tin
7 can of some sort, but it ended up being a bucket. The
8 defendant was not 100 percent sure as to what it
9 actually was.

10 Q Now, did you simply secure the defendant or were
11 you looking for the gun? What did you do? Tell me
12 specifically what you did.

13 A At that point, Captain Phillips, at the time,
14 basically he escorted the defendant in the woods along
15 with Mr. Tetterton and we kind of --- everybody kind
16 of branched out and started looking for this
17 bucket/tin can and while I branched off from everybody
18 else, I located a bucket. It was like a --- almost
19 like a paint can.

20 MR. PERRY: Your Honor, may I approach the
21 witness?

22 THE COURT: Sure.

23 BY MR. PERRY:

24 Q I'm going to show you two photos and ask you if
25 you can identify those?

1 A That is the bucket that I found in the woods by
2 myself.

3 Q Now, you didn't actually take that picture, did
4 you?

5 A No, sir.

6 Q Do you know who did?

7 A I believe Lieutenant Knafelc did.

8 Q Okay. And what's in that other photo?

9 A What I --- there's a firearm in this photo. I
10 alerted Captain Phillips and Chief Brown and them as
11 to what I found. I did not touch it. I let them come
12 over there to me. They came over there to me. At
13 that point, I basically turned it over to them, and
14 they revealed --- they pulled the bucket up, and there
15 was a firearm under some leaves in the bucket.

16 Q I'm going to show you some other photos and see
17 if you can identify what's in those photos?

18 A Yes, there was a holster along with a belt full
19 of rounds of ammunition. There's the revolver that
20 was in the holster underneath that bucket.

21 Q And you didn't actually check to see what caliber
22 the gun was or anything else, did you?

23 A No, sir. Investigations did that.

24 Q And this photo right here, what's that a picture
25 of?

1 A It is a picture of my hand holding the grip of
2 the weapon.

3 Q And how do you know that's your hand?

4 A That is my gloves and Highways and Die Ways
5 bracelet that I still have on.

6 Q And you didn't observe that, did you?

7 A No, sir, that wasn't ---

8 MR. RILEY: No objection, Judge.

9 MR. PERRY: Madam court reporter, if I could have
10 these five photos marked.

11 (WHEREUPON, State's Exhibits 74 through 78 were
12 marked for identification only.)

13 MR. PERRY: Thank you, ma'am.

14 BY MR. PERRY:

15 Q Your Honor, may the witness step down and show
16 the jury what he found?

17 THE COURT: Sure.

18 BY MR. PERRY:

19 Q I'll let you, Deputy Hammond, take those photos.
20 If you will, please bear in mind that we have jurors
21 sitting all the way over here by Mr. Dowey and all the
22 way over here. If you can kind of try to show them
23 what you found out there that night. Tell them ---
24 when you show them the photo, tell them what you've
25 got.

1 A This was a bucket that was located in that woods,
2 located in the wood line and that was the first
3 picture and then this was the second photo that was
4 taken. Once the investigators lifted up the bucket,
5 the firearm was under the bucket, the revolver.

6 THE COURT: Take --- sir, take them down here so
7 everybody can see. Just take the first two that you
8 have already talked about.

9 THE WITNESS: Okay. Yes, sir.

10 THE COURT: Then come back and do the same thing
11 with the rest of them.

12 THE WITNESS: It's a bucket in the very first
13 picture, then underneath that bucket was a revolver
14 with a wooden handle.

15 BY MR. PERRY:

16 Q Was that just the way he said you would find it?

17 A Yes, sir. Now, see right there, this third
18 picture that was taken was of a holster with a belt
19 full of ammunition. One of the belts had ammunition
20 slots in it, and the fifth picture is myself holding
21 the handle of the weapon while the investigators took
22 a picture of it.

23 Q Deputy Hammond, you actually have that bracelet
24 on right now, don't you?

25 A Yes, sir, I do.

1 Q Thank you very much. You may take your seat.

2 MR. PERRY: Your Honor, I've got what's been
3 marked as State's 74.

4 THE COURT: Show it to him.

5 THE WITNESS: Yes, sir.

6 BY MR. PERRY:

7 Q Do you recognize that box at all? Do you know
8 what that is?

9 A Yes, sir, it's an evidence box that we use at the
10 sheriff's office for placing evidence, firearms in.

11 Q And when you took the --- picked the firearm up,
12 did you turn it over to someone to be placed into
13 evidence?

14 A Yes, sir, it was turned over to Captain Phillips
15 at the time, I believe. He was part of the --- he was
16 actually the one who took control of it from where it
17 was found. I never picked it up off the ground.

18 MR. PERRY: Your Honor, I'd like to show him
19 what's in here to see if it ---

20 THE COURT: Go ahead.

21 BY MR. PERRY:

22 Q Deputy Hammond, I'll ask you if you can identify
23 this?

24 A Yes, sir. It's a 357 Magnum revolver.

25 Q Can you identify it with specificity?

1 A Yes, sir. It was the same weapon that we found
2 that night in the woods.

3 Q Same weapon that you turned over to Captain
4 Phillips?

5 A That's correct, it's a Ruger.

6 MR. PERRY: Your Honor, again we'd offer this as
7 State's 74. I think it's already been marked.

8 MR. RILEY: No objection.

9 THE COURT: Without objection.

10 (WHEREUPON, State's Exhibit 74 was admitted into
11 evidence.)

12 BY MR. PERRY:

13 Q And Deputy Hammond, to the best of your
14 knowledge, was the gun belt taken into evidence, as
15 well?

16 A To the best of my knowledge it was, but I had
17 nothing to do with that.

18 Q Did you give it to Captain Phillips? Well, I'm
19 sorry, what did you do with it?

20 A From the ground level, it was still on ground.
21 The investigators, Captain Phillips and I believe
22 Lieutenant Knafelc were responsible for it then at
23 that point.

24 Q After the gun was located and it was taken into
25 custody, what did you do then?

1 A I transported Mr. --- the defendant back to the
2 sheriff's office I believe at that time, and then
3 somebody else transported him from there to the jail.

4 Q Did you have any other involvement at all in this
5 case?

6 A No, sir, I did not.

7 MR. PERRY: No further questions. Please answer
8 any questions Mr. Riley has for you.

9 THE COURT: Cross-examination?

10 CROSS-EXAMINATION:

11 BY MR. RILEY:

12 Q Officer Hammond, I'm a little bit unclear about
13 your testimony. When you were driving out there, I
14 think you said you and the defendant were in the lead
15 vehicle?

16 A Yes, sir.

17 Q And it was just the two of you right?

18 A Yes, sir.

19 Q In that vehicle?

20 A I can't remember to my knowledge if Mr. Tetterton
21 was with us in the vehicle or not. I can't recall.

22 Q All right. And there were several other vehicles
23 following behind?

24 A Yes, sir.

25 Q With other law enforcement officers?

1 A That's correct.

2 Q And I believe you testified that Mr. Smith gave
3 you basically general directions. It was one of these
4 roads here somewhere?

5 A Yes, sir.

6 Q Did you turn down a road at random, or did he say
7 I think this is the one?

8 A No, sir, he was giving me --- I was listening to
9 him.

10 Q Okay. Then when the vehicle came to a stop, when
11 your vehicle --- you were driving obviously?

12 A Yes, sir.

13 Q Came to a stop, did both of you get out of the
14 vehicle?

15 A We all got out of the vehicle. Myself and Mr.
16 Smith, and if Mr. Tetterton was driving with me, we
17 all got out of the vehicle.

18 Q And then for how far did you have to walk before
19 you got what's shown in the photos that have been
20 marked?

21 A Kind of canvassed about a 100, 200-yard radius.

22 Q Okay.

23 A In the wood line from the car.

24 Q And was Mr. Smith sort of casting about for the
25 exact spot?

1 A He was still detained. From the backseats of my
2 car, he was put into investigation's custody at that
3 point.

4 Q No, sir. When y'all --- what I'm asking is when
5 you all got out of your vehicle and were wandering in
6 this wooded area, did it take him --- I mean, how
7 precise was he about location of the gun?

8 A He was pretty --- it was within about --- I mean,
9 he was in a probably 50-yard general radius of where
10 he was trying to tell us where it was.

11 Q 50 yards?

12 A If that.

13 Q Who actually discovered the gun?

14 A I actually discovered the bucket ---

15 Q The bucket?

16 A --- in the wooded area. We had been told by
17 Mr. Smith that we were looking for something of that
18 nature.

19 Q Okay.

20 A And I was told --- as I walked away from
21 everybody else, because we all kind of separated ---

22 Q Okay.

23 A --- I found the bucket and alerted them, you
24 know, I have a bucket over here, and then they
25 approached me and that's when investigations lifted up

1 the bucket.

2 Q Okay. At the time you found that bucket, where
3 was --- how close to you was Mr. Smith?

4 A 30 yards, maybe, 25 yards, if that.

5 Q He was a considerable distance away, right?

6 A Well, we were all there.

7 Q 30 yards is 90 feet?

8 A That, I can't swear to the distance.

9 Q So is it safe to say that he led you to a
10 generalized area rather than a specific spot?

11 A Well, it was pretty precise. I mean, we were in
12 that --- I mean, we didn't go off on no big scavenger
13 hunt through a big wooded block, no, sir.

14 Q Okay.

15 Q All right, sir. Now, in State's Exhibit 79, I
16 think you testified earlier that was your hand in the
17 photograph there?

18 A That's correct.

19 Q And so you're the one that actually collected the
20 gun?

21 A The gun was never removed off the ground by
22 myself.

23 Q Who did?

24 A It was removed off the ground by one of the
25 investigators.

1 Q Do you remember who?

2 A I cannot say which one it was.

3 Q Okay. When and where was the handgun tested for
4 fingerprints?

5 A That's beyond my knowledge. I don't have
6 knowledge of that.

7 Q You don't know if it ever was?

8 A That's not my job to deal with the fingerprints
9 of it.

10 Q Who would have determined that it should be
11 subjected to a fingerprint test?

12 A I would imagine investigations would.

13 Q Investigator who?

14 A I would imagine investigations would.

15 Q Well, who was in charge of the case, do you know,
16 after you found the gun? What was?

17 A Captain Phillips was over investigations at the
18 time.

19 Q Okay.

20 A So I imagine he had something to do with his team
21 of investigators dealing with it.

22 Q Okay. So that would have been his call, right?

23 A I would imagine. I mean he's the captain over
24 investigations.

25 Q Okay. You went out there in the woods with

1 Mr. Smith on May 29th; is that correct?

2 A Yes.

3 Q Which would have been a Sunday?

4 A Yes, sir, that's correct.

5 Q Okay. All right.

6 MR.RILEY: Begging the Court's indulgence.

7 (Pause.)

8 BY MR. RILEY:

9 Q When you were you up there officer, was it
10 nighttime or daytime?

11 A It was nighttime.

12 Q So it was dark.

13 A Yes, sir.

14 Q You were poking around the flashlights?

15 A Yes, sir, we had flashlights.

16 Q Correct?

17 A Yes, sir.

18 Q Thank you. And you don't remember exactly, so
19 this would have been the early morning hours of
20 May 29th, right?

21 A Yes.

22 Q Or would --- it still could have been late night?

23 A I would say it was later night, 10:30 maybe,
24 almost midnight.

25 Q Okay. Of May 28th?

1 A I'm not 100 percent sure of that.

2 Q Okay. Well May 28th, 2011, being the incident
3 date. You remember that or not?

4 A I can't remember that, no, sir.

5 MR. RILEY: Okay. Thank you, sir.

6 REDIRECT EXAMINATION:

7 BY MR. PERRY:

8 Q Deputy Hammond, whenever you first started
9 working traffic detail at this incident, was it
10 daytime?

11 A Yes, sir.

12 Q Sun still out?

13 A Oh, yes, sir, it was a long day.

14 Q And was it dark whenever you actually transported
15 him to go look for this?

16 A That's correct, yes, it was.

17 Q So the sun was going down; is that correct?

18 A That's correct.

19 Q And there was no break in time between this
20 incident being worked and you guys going out there,
21 was there?

22 A No, sir.

23 MR. PERRY: Nothing further.

24 THE COURT: Anything further?

25 MR. RILEY: No, sir.

1 THE COURT: You may come down. May this witness
2 be excused?

3 MR. PERRY: Yes, sir.

4 THE COURT: You're free to go, sir. Thank you
5 very much.

6 THE WITNESS: Thank you.

7 THE COURT: All right. Ladies and gentlemen of
8 the jury. That will conclude the testimony for today.
9 I think we worked pretty hard today, went pretty
10 strong. We went through, I think, 12 witnesses.
11 We'll continue in the morning at 9:30. I'm going to
12 ask you to be in the jury room at 9:30. I have a
13 matter I have to take up, not with this case but
14 another case, at nine o'clock and that will take about
15 30 minutes. I'm going to ask you to be in the jury
16 room at 9:30 in the morning.

17 Again, I'm going to ask you not to discuss this
18 case with anyone else over the evening hours. I'm
19 going to ask you not to do any research about it. I'm
20 certainly going to ask you not drive down Highway 601
21 and see if you can see where it happened if you know
22 what I mean.

23 THE JUROR: I'm going to be at work.

24 THE COURT: There's a temptation, I know. For
25 example, in a civil case when the case is about a

1 wreck, jurors sometimes want to go and see where the
2 wreck happened, and see if they can figure out
3 something. So I'm just going to caution you, if you
4 had any idea, of course, as you know, that's about the
5 far, far corner of the county, but anyway, that goes
6 along with my instruction about not doing any
7 independent research about the case. Just relax this
8 evening. Gosh, you can't even watch the debate or a
9 football game, so I'm sure you'll find something
10 entertaining to do to keep your mind off this case
11 until 9:30 in the morning. Have a pleasant evening.
12 See you at 9:30.

13 (WHEREUPON, the jury left open court at
14 approximately 5:21 p.m.)

15 (WHEREUPON, State's Exhibits 79 and 80 were
16 marked for identification only.)

17 THE COURT: All right. Anything further,
18 counsel, for this evening?

19 MR. PERRY: None from the State.

20 THE COURT: Anything further from the defense?

21 MR. RILEY: No, sir.

22 THE COURT: All right. Mr. --- well, both
23 counsel, I hope you will caution your witnesses not
24 to have any contact with the jury. I don't know
25 where they're parked, but it would be highly improper

1 for any witness to try to have any contact with any
2 juror. It would be dealt with severely, I assure
3 you. We'll stand although ease until 9:30.

4 (WHEREUPON, There was an overnight recess).

5 MR. RILEY: It's my understanding the State has
6 another batch of photographs.

7 MR. PERRY: We have other photographs? I've got
8 two.

9 MR. RILEY: Oh.

10 MR. PERRY: I mean, I don't have a batch. I
11 don't think anything too complicated.

12 THE COURT: Are they gory bloody photographs?

13 MR. PERRY: No, sir, stuff from the meth lab.

14 THE COURT: We've already seen that.

15 MR. PERRY: It's one from the SLED clean up. He
16 wanted to use it. It shows everything in one little
17 thing so he can kind of tie it all together.

18 THE COURT: Well, is there an objection?

19 MR. RILEY: No, sir.

20 THE COURT: Is the State ready to proceed?

21 MR. MOAK: I believe so, Your Honor.

22 THE COURT: I mean, are you ready for the jury?

23 (WHEREUPON, there was a bench conference.)

24 THE COURT: Ready for the jury?

25 MR. RILEY: Yes, sir.

1 THE COURT: Mr. Riley.

2 MR. PERRY: Mark those two.

3 (WHEREUPON, State's Exhibits 81 through 84 were
4 marked for identification only.)

5 THE COURT: Good morning, ladies and gentlemen.

6 THE JURORS: Good morning.

7 THE COURT: I hope you had a pleasant evening and
8 that you've had your sugar fix for today.

9 THE JURORS: Yes, sir.

10 THE COURT: Good. We're ready to continue with
11 the trial.

12 Solicitor, call your next witness.

13 ---MR. MOAK: The State calls Steve Knafelc.---

14 STEVE KNAFELC,

15 after being duly sworn, testified as follows:

16 THE CLERK: Have a seat in the witness stand.
17 State your full name for the record.

18 DIRECT EXAMINATION:

19 BY MR. MOAK:

20 Q Is it Lieutenant Knafelc now?

21 A Yes, sir.

22 Q What is your current position in Kershaw County
23 sheriff's department?

24 A I'm a lieutenant over criminal investigations.

25 Q And back in May of last year, what were you

1 involved with?

2 A I believe I was a sergeant, still with
3 investigations..

4 Q Okay. On May 28th, 2011, were you at the Kershaw
5 County Sheriff's Department when this individual was
6 interviewed?

7 A Yes.

8 Q Were you present when he was Mirandized?

9 A Was I present?

10 Q Uh-huh.

11 A No, I don't believe I was.

12 Q I'm going to show you what's been marked State's
13 6 to see if you can sort of refresh your memory.

14 Do you remember what that is? Or can you tell us
15 what this is?

16 A Yes, sir. This is a Miranda form that we fill
17 out. Chris Phillips, actually Deputy Phillips did his
18 Miranda rights and I was actually a witness to that,
19 yes, sir.

20 Q You were not the one that Mirandized Mr. Smith,
21 but you were present?

22 A Yes, sir, I was present. I just did not
23 Mirandize him.

24 Q And that's the form you signed?

25 A Yes, sir.

1 Q And you were present whenever Investigator
2 Phillips went over Miranda with Mr. Smith?

3 A Yes, sir.

4 Q You heard him read those and you saw Mr. Smith
5 sign those?

6 A Yes.

7 Q And that's a copy of the document he signed?

8 A Yes, sir.

9 MR. MOAK: Your Honor, at this time we would
10 move State's 6 into evidence.

11 MR. RILEY: No objection, Judge.

12 THE COURT: Without objection.

13 (WHEREUPON, State's Exhibit 6 was admitted into
14 evidence.)

15 BY MR. MOAK:

16 Q As part of Mr. Smith being Mirandized, were you
17 able to observe him and make any determination of
18 whether or not you believe he was willfully and freely
19 waiving his Miranda rights?

20 A He freely and voluntarily waived his Miranda
21 rights, yes, sir.

22 Q And he actually had an attorney present during
23 this, did he not?

24 A Yes, sir.

25 Q William Tetterton?

1 A Yes, he did.

2 Q And he actually asked questions of his attorney
3 during this procedure and actually discussed these
4 rights?

5 A Yes.

6 Q And he ultimately decided to waive his Miranda
7 rights?

8 A He did, with his attorney present, yes, sir.

9 Q Was he offered any deals in your presence?

10 A Not in my presence.

11 THE COURT: I can't hear you.

12 THE WITNESS: Yes, sir.

13 BY MR. MOAK:

14 Q Was he threatened with anything?

15 A No.

16 Q Was he coerced?

17 A No.

18 Q He did have a lawyer present, correct?

19 A He had an attorney present, yes, his attorney at
20 the time.

21 Q Now, after he waived Miranda, did he give a
22 statement?

23 A To be honest, I don't remember if he gave a
24 statement or not. He actually was being interviewed
25 by Chris Phillips at the time.

1 Q Uh-huh.

2 A So I was just a witness to the Miranda. I don't
3 remember if he actually gave a statement.

4 Q Okay. Just making sure. I couldn't tell if you
5 stayed in for the whole thing or not.

6 A I don't believe I did.

7 Q Okay. At some point after you witnessed Miranda,
8 were you asked to accompany the other investigators
9 and the defendant to another location?

10 A Yes, I was.

11 Q And can you tell us how that came about?

12 A He actually --- the defendant actually stated
13 where the gun was located or was placed at in Lugoff,
14 here in Kershaw County.

15 Myself and several other deputies, along with the
16 defendant and the attorney at the time, Mr. Tetterton,
17 accompanied him to the area to search for the weapon.

18 Q Now, was Mr. Smith --- Mr. Smith was being
19 transported in a marked patrol car?

20 A Yes.

21 Q Do you remember what vehicle you rode there in?

22 A He was in a marked unit driven by Jacob Hammond,
23 one of our deputies.

24 Q How about you, how did you get there?

25 A I was in my own vehicle.

1 Q Was anybody riding with you?

2 A No, I don't believe so.

3 Q Okay.

4 Q Was Phillips riding with Hammond or do you
5 remember how he was riding?

6 A I remember and I'm trying to make sure. I
7 remember Jacob was with the defendant. Obviously with
8 the defendant being in the back of the patrol car.
9 I'll be honest, I don't remember how we actually drove
10 there. I just remember myself, I was by myself in my
11 Explorer at the time.

12 Q You knew you got there by yourself?

13 A I did get there by myself. I do remember that
14 there were several vehicles there. If I'm not
15 mistaken, I believe maybe William --- Mr. Tetterton
16 drove with our chief.

17 Q Okay.

18 A Deputy at the time.

19 Q Now, you obviously weren't in the lead car, were
20 you?

21 A No.

22 Q Who was the lead car?

23 A If I'm not mistaken, obviously it would have been
24 Jacob.

25 Q And y'all were following him?

1 A Yes.

2 Q The do you remember what part of the county you
3 went to?

4 A We went to Koon Road, old English Road, which is
5 near the Richland County line, off 601 in Lugoff.

6 Q Okay. And was this on the road, off the road?

7 A Well, it was off a dirt road, which is Old
8 English Road, which is off Koon Road, which is off
9 601.

10 Q And can you describe how ya'll ---

11 A Well, we did several different takes, but finally
12 we approached Old English Road and Koon Road. We got
13 out of the vehicle accompanied by the defendant, and
14 he took us into the woods. It was late in the
15 evening; it was probably 10:30, 11:30 maybe.

16 Q And just to make it clear, are you aware of the
17 timeframe of when this call came in originally about
18 this shooting?

19 A I remember it was in the afternoon. I'm not
20 certain what time.

21 Q Was it early afternoon?

22 A Yes, if I'm not mistaken.

23 Q So it was still light then?

24 A It was daylight, yes, sir.

25 Q So at 10:30 at night everything appeared

1 differently than it did earlier, right?

2 A Yes, sir.

3 Q Okay. Now, did y'all at some point stop the
4 vehicles?

5 A Yes.

6 Q And everybody got out?

7 A Yes.

8 Q And who was giving the directions of where to go
9 at that point?

10 A The defendant was talking. We were just walking
11 through the woods at the time. We have separated just
12 briefly ---

13 Q Uh-huh.

14 A --- just momentarily, just to try to find it. He
15 gave us a description of where he had placed the gun
16 and what was possibly on top of the gun.

17 Q And he was describing what ---

18 A Yes, I believe he was saying something like a can
19 or some sort that he placed on the top covered with
20 leaves and debris.

21 Q Okay. Did y'all ultimately find that or did
22 Jacob Hammond ultimately locate that?

23 A Jacob located it, yes, sir.

24 Q Did you take the pictures of all this?

25 A Yes, sir.

1 Q I show you what's been marked State's 75 through
2 78. Are those the pictures you took?

3 A Yes, sir, I took these.

4 Q I also show you what's being marked State's 80.,
5 Is this another picture you took?

6 A Yes.

7 Q Does this State's 80 fairly and accurately depict
8 what you saw in that picture?

9 A Yes, sir.

10 MR. MOAK: Your Honor, at this time I'd move
11 State's 80 into evidence.

12 MR. RILEY: No objection, Judge.

13 THE COURT: Without objection.

14 (WHEREUPON, State's Exhibit 80 was admitted into
15 evidence.)

16 BY MR. MOAK:

17 Q okay. Now, State's 75, is that the actual can
18 or bucket?

19 A Yes.

20 Q I think you all may have already seen that
21 yesterday. State's 76 you can see the gun and the
22 bucket?

23 A Yes.

24 Q It looks like the bucket is flipped over.

25 A Yes.

1 Q Okay, now 77, what's that?

2 A That's a belt. Looks like the bullets that was
3 found with the gun.

4 Q And 78, is that like the handle of the gun and
5 the belt?

6 A Yes.

7 Q And 79 is also, I guess Jacob Hammond, picking it
8 up to get a better look?

9 A Yes, sir.

10 Q Now, this picture, State's 80, what is this?

11 A It's just the round that was located into the
12 gun --- that was located in the gun at the time.

13 Q So ---

14 A As is when we found it.

15 Q This is what's been marked State's 74. This is
16 the actual gun?

17 A Yes, sir.

18 Q That picture is essentially the gun with the ---

19 A Yes.

20 Q --- rounds in it?

21 A Yes, sir, as we found it, yes, sir.

22 Q Does one of these rounds appear to be different
23 from the others?

24 A Yes, sir.

25 Q And what is that?

1 A That was one of the spent rounds that was located
2 with the gun.

3 Q So that one has the mark where the firing pin
4 went?

5 A Yes, sir.

6 Q And this is the actual gun, right?

7 A Yes, sir, that is the actual gun.

8 Q So that one would be an indentation?

9 A (No response.)

10 Q That's where the firing pin hit the back of the,
11 I guess the primary firing area of the bullet, and
12 actually caused that bullet to fire?

13 A Caused that bullet to fire, yes, sir.

14 Q Now, that belt, can you describe that belt? Do
15 you remember what the belts had on it?

16 A I'm sorry. I didn't hear you.

17 Q The actual belt that was ---

18 A There was a belt that was there that there seemed
19 to be rounds in the belt itself.

20 Q Was there any markings on that belt with the
21 holster?

22 A I don't remember or recall any --- I can't
23 remember. I based --- solicitor, I just took the
24 pictures and photographed the pictures at length. I
25 did not actually inspect the belt.

1 Q So your involvement in this case was limited to
2 witnessing the Miranda and being the person that took
3 the pictures of the gun?

4 A At that point. Now, I did do a GSR, gunshot
5 residue kit on the ---

6 Q On the defendant?

7 A Yes, sir, at the sheriff's office.

8 Q And can you describe how you did that?

9 A Well, we have --- investigations has a gunshot
10 residue kit that is in a box or possibly a bag. It's
11 just --- you dab the defendant or the victim or
12 whoever. In this case, it was the defendant. I
13 dabbed his hands with his permission, got a neutral
14 spot.

15 Q Uh-huh?

16 A And I believe I got his ankle or leg part.

17 Q And that's a kit that you ---

18 A We use and take it to law enforcement, South
19 Carolina Law Enforcement Division, SLED and have it
20 analyzed.

21 Q And you did the kit, packaged it up, and sent it
22 to SLED?

23 A I did not send it to SLED. I believe
24 Investigator Handy actually sent it to SLED, but I did
25 do the actual GSR ---

1 Q But you did the beginning of it?

2 A Yes, sir.

3 Q Before it actually hit SLED?

4 A Yes, sir.

5 Q Anything else you did in regards to this case?

6 A No, sir.

7 MR. MOAK: No further witness --- no further
8 questions.

9 CROSS-EXAMINATION:

10 BY MR. RILEY:

11 Q Officer Knafelc?

12 A Yes, sir.

13 Q As I understand it, your involvement in this case
14 was really limited to just three things: Witnessing
15 the administration of the Miranda warnings to the
16 defendant, going out in the woods looking for the
17 weapon, taking pictures, and then administering a GSR
18 test to the defendant?

19 A That's correct.

20 Q Beyond that there is nothing?

21 A That's correct.

22 Q Now, I realize this was a long time ago. Now,
23 October 2012, we're talking about 2011. The time
24 indicated on the Miranda, State's Exhibit 6?

25 A Yes, sir.

1 Q The time of signing by the defendant was what?

2 A The time was --- the witness was 10:53 p.m. ---

3 Q Okay.

4 A --- on that day.

5 Q That was one of the first things that was done at
6 the beginning of the interview, correct?

7 A Yeah, that is normally the first thing we do,
8 yes, sir.

9 Q And then, of course, the interview followed,
10 right?

11 A Yes.

12 Q And then y'all went --- immediately afterwards
13 y'all went out into the woods looking for the ---

14 A Again, I don't have the dispatch records to
15 indicate what time we went out to Koon Road and Old
16 English, but obviously it was after that. I would
17 think --- I don't know how long the actual interview
18 lasted, but it takes probably ten, 15 minutes to get
19 there from the sheriff's office ---

20 Q Okay.

21 A --- at that time of the night.

22 Q So clearly, y'all were out in this wooded area at
23 nighttime?

24 A Uh-huh.

25 Q At nighttime?

1 A Yes, definitely.

2 Q In the dark?

3 A Yes, sir.

4 Q And it very well could have been after midnight,
5 right?

6 A It could be. Again, I don't know exactly what
7 time.

8 Q All right. Now, who was the first --- if you
9 recall, were you one of the those that was out in the
10 woods poking around?

11 A Yes, sir.

12 Q Okay. Who was the first officer to find State's
13 Exhibit --- I'm not sure what the number is, but the
14 weapon?

15 A The weapon, Jacob Hammond, who actually found the
16 can.

17 Q Okay.

18 A And obviously.

19 Q I don't know if you recall, but where was
20 Mr. Smith when Jacob Hammond found the weapon?

21 A I cannot recall exactly. Someone was watching
22 him. It's just a matter of --- I don't know who was
23 right beside him at the time.

24 Q You don't remember where Jacob Hammond was in
25 relationship to Mr. Smith?

1 A Mr. Riley, again, I just remember Jacob being to
2 my left up a little ways into the woods. We were out
3 there with flashlights. We just cannot recall where
4 the defendant was actually standing.

5 Q Okay. Now, you took photographs of the weapon,
6 correct?

7 A Yes, sir, I did.

8 Q Did you collect and bag the weapon as evidence?

9 A If I'm not mistaken, I remember we were in front
10 of --- once the pictures were took, we actually
11 transported it to where our vehicles were at to get a
12 better light with our headlights, and I remember
13 taking the pictures.

14 I remember Chris Phillips holding the gun,
15 holding some sort, some evidence, and I remember --- I
16 believe it was Mr. Phillips or Deputy Phillips that
17 actually took the evidence into and placed them into
18 the bag.

19 Again, I was just there to take the pictures. It
20 was just --- it was a rapid kind of sequence where we
21 took the pictures and bagged it.

22 Q Okay.

23 A We did not do anything with the evidence besides
24 bagging it and transported it back to the sheriff's
25 office.

1 Q Okay, so to the best of your recollection that
2 would have been Chris Phillips who did that, who
3 actually bagged it?

4 A Who actually bagged it? That's who was holding
5 the weapon when I was taking the pictures.

6 Q Okay.

7 A I mean, obviously from that point, I don't know
8 if we placed the weapon back into the bag directly,
9 which I'm sure we most probably did, but it was not
10 transported without being into the bags and properly
11 disposed of.

12 Q You were never --- in this case that we're here
13 on today, you were never the lead investigator, were
14 you?

15 A No, I was not.

16 Q Okay. Who was the lead investigator?

17 A Dexter Handy and Chris Phillips.

18 Q Okay. Was Dexter Handy out in the woods that
19 night?

20 A Yes.

21 Q And Chris Phillips was out there?

22 A Yes.

23 Q All right, sir. You would not have had ---
24 considering the responsibilities of the various
25 officers that were there out in the woods that night,

1 you would not have had the responsibility to direct
2 that any tests be done on ---

3 A Me personally, no, sir, not at that time, no.

4 Q Okay. All right and in actual fact, at no
5 subsequent point, did you order that any tests of any
6 sort be done on this ---

7 A Not me, no, sir. I did not direct anybody to do
8 any tests.

9 Q All right, and you were never at the incident
10 location, were you?

11 A I believe I was actually there with a search
12 warrant. My name is on the search warrant.

13 Q Uh-huh.

14 A But I'll be honest, if it was anything, I was
15 just there as if anyone needed any assistance.

16 Q Okay..

17 A I was not --- obviously whoever is on a search
18 warrant has to be listed on the search warrant, and
19 that's the only thing I was doing, but I was not there
20 to lead anybody or direct anybody..

21 Q Your name was on the search warrant, but you
22 didn't do any actual searching, is that what you're
23 saying?

24 A Yes, sir.

25 Q I understand.

1 A Once you cross that the threshold into a crime
2 scene, your name is going to be on the search warrant
3 if there is a search warrant.

4 Q All right, sir.

5 MR. RILEY: Begging the court's indulgence.

6 (Pause.)

7 MR. RILEY: That's all, Judge. Thank you.

8 THE COURT: Anything further?

9 REDIRECT EXAMINATION:

10 BY MR. MOAK:

11 Q The location where this gun was found, was it
12 kind of in the middle of nowhere?

13 A Yes, there are a few mobile homes in the area,
14 but it's off Koon Road and it's really out there in
15 the woods. There is nothing around it.

16 Q So y'all found this gun somewhere close to
17 midnight in pitch dark in the woods?

18 A Definitely. 10:53 p.m., obviously it's late and
19 it was --- like I said, I don't have the dispatch
20 times to determine exactly what time, but it was
21 definitely late.

22 Q This defendant is who took y'all to the gun?

23 A He did, yes, sir.

24 Q Okay. I'm going to ask you this question because
25 I just thought about it. Did he have the opportunity

1 to see the gun when you all found it?

2 A Yes.

3 Q Did he say anything about the gun like that's it
4 or anything like that?

5 A Mr. Moak, I cannot truthfully answer that.

6 Q Okay.

7 A Again, it was --- my main concern was to take the
8 pictures and properly take care of the gun. I was not the
9 one that was actually speaking with him.

10 Q But he didn't say that's not the gun, did he?

11 A Not that I'm aware of, no, sir. He actually
12 pointed the gun out. I mean, he gave us a description
13 of where the gun was at, what was above the gun and
14 what he had on top of the gun and that was what is in
15 these pictures.

16 Q And the gun had --- those pictures had some
17 leaves on the top of that?

18 A Some debris on that can, yes, sir.

19 Q Could anything like that interfere with
20 fingerprints or anything like that?

21 A I believe the gun was still located in the
22 holster. I wouldn't think so because of the
23 circumstances. It wasn't --- the weather, it didn't
24 rain or anything prior to that.

25 Q Okay, let me ask this a different way. So he was

1 telling you where to go when he takes you to the gun?

2 A Yes.

3 Q And he is obviously telling y'all he put it
4 there?

5 A Yes.

6 Q Would you expect to find his fingerprints on
7 there?

8 A Yes, sir, you would.

9 Q Do you have any reason not to find his
10 fingerprints on there?

11 A No, there's no reason.

12 Q So when you have a reason to fingerprint to
13 confirm what you already know ---

14 A Yes.

15 Q --- would you?

16 A I'm sorry?

17 Q Would you have a reason to do fingerprints when
18 he has told you he had the gun?

19 A No, at the time I wouldn't ---

20 MR. RILEY: Your Honor, he testified that wasn't
21 his responsibility.

22 THE COURT: Sustained.

23 MR. MOAK: Okay. No further questions.

24 THE COURT: Anything else?

25 MR. RILEY: Nothing further, Judge.

1 THE COURT: All right. You may come down. Thank
2 you very much.

3 THE WITNESS: Thank you.

4 THE COURT: Witness be excused?

5 MR. PERRY: Yes, Your Honor.

6 THE COURT: Without objection?

7 MR. PERRY: Yes.

8 THE COURT: Next witness?

9 MR. PERRY: The State would call Quincy Ford,
10 Quincy Ford.

11 QUINCY FORD,

12 after being duly sworn, testified as follows:

13 THE CLERK: Please and seated in the witness box.
14 State your full name for the record. Right this way,
15 please.

16 THE WITNESS: My name is Quincy Ford.

17 DIRECT EXAMINATION:

18 BY MR. PERRY:

19 Q Good morning, Mr. Ford, how are you doing?

20 A Doing well. How are you've doing this morning?

21 Q Just fine. If you would, please tell the ladies
22 and gentlemen of the jury by whom and specifically how
23 you are employed?

24 A Yes, sir. Again, my name is Quincy Ford. I am
25 employed with the South Carolina Law Enforcement

1 Division. It's currently known as SLED. I've been
2 employed there now for 11 years and some months. I'm
3 not exactly sure on the exact month.

4 How did I get there? Well, first my educational
5 background. I started my education in high school,
6 graduated from Marlboro County High. Then I went to
7 South Carolina State University. After I graduated
8 from South Carolina State University with a degree in
9 chemistry, I applied to the University of South
10 Carolina. There I matriculated through the University
11 of South Carolina and I obtained a Master of Science
12 degree in analytical chemistry in 2001.

13 ~~After that I filled out an application and~~
14 applied for SLED. After being employed with SLED, I
15 was then sent to the South Carolina Criminal Justice
16 Academy. From there I had various trainings, which
17 ranged from the Southern Association of Forensic
18 Sciences to the Drug Enforcement Administration, DEA,
19 and I've also been trained in clandestine laboratory
20 investigations.

21 Q And do you have to periodically go through sort
22 of refresher training, keeping your training up to
23 speed on working with these clandestine laboratories?

24 A Yes, sir, I do.

25 Q Now, just for the jury's benefit, a clandestine

1 laboratory, that's sort of a technical term for ---

2 THE COURT: Just ask him.

3 BY MR. PERRY:

4 Q Can you explain to the jury what a clandestine
5 lab is?

6 A Yes, sir, when you talk about a clandestine
7 laboratory, you are talking about a laboratory that is
8 not a laboratory that you would necessarily think of
9 as a laboratory associated with the university. This
10 is what they call an illegal lab, so this is basically
11 defined as a location that has the necessary
12 ingredients, precursors, apparatus and other equipment
13 to process and to make illegal controlled substances.

14 Q Okay.

15 A That includes methamphetamine, ecstasy, which is
16 3,4-methylenedioxy-methamphetamine, LSD, GHB, et
17 cetera, et cetera.

18 Q And your specific work with SLED at this time,
19 are you working inside of a lab like as a chemist or
20 whatever for SLED or do you actually work out in the
21 field? What do you do?

22 A Right now I am currently in the vice unit. The
23 vice unit consists of narcotics, alcohol enforcement,
24 and basically anything else that the supervisor tells
25 me, but personally right now I'm in the alcohol

1 enforcement unit and my main function is to enforce
2 the laws of alcohol, but I have also am part of the
3 clandestine response team.

4 Q As part of your duties on the clandestine
5 response team, specifically what is it you do?

6 A Yes, sir, with the response team, of course,
7 we're called out, 24 hours, whenever it happens. Once
8 we get to the location, we're there to assess the
9 location. We are there basically to identify and
10 assess ---

11 Q Why would they call you out? Explain that.
12 Explain how that works. Why would someone call you
13 out on one of these calls to a lab?

14 A Yes, sir, most of the times if an individual is
15 called out to a clandestine laboratory, individuals,
16 other law enforcement agencies or individuals of other
17 agencies throughout the state, they don't necessarily
18 have the background, nor do they have the
19 certification or the training to basically dismantle
20 what we call a clandestine laboratory.

21 Most of the time when you hear clandestine
22 laboratory, you're talking about meth labs, so they
23 don't necessarily have the training, nor the
24 equipment, nor the resources to basically dismantle
25 and to say that is actually a meth lab.

1 Q And during the course of your employment with
2 SLED, approximately how many of these meth labs have
3 you been called out to disassemble and to, I guess,
4 deal with?

5 A Yes, sir. It's been over 100. I initially got
6 certified in 2001, June of 2001, and I kept my
7 certification up to this present day.

8 Q Have you previously been qualified as an expert
9 in General Sessions court with respect to these types
10 of things?

11 A I have been qualified as an expert in the drug
12 analysis department, so in that regards in General
13 Sessions, yes, and in the regards of federal courts.
14 I've been qualified as an expert in the federal court
15 once.

16 MR. PERRY: Your Honor, I'd offer him as an
17 expert in the field of these clandestine laboratories.

18 MR. RILEY: No objection, Judge.

19 THE COURT: Without objection.

20 BY MR. PERRY:

21 Q All right. Mr. Ford, Agent Ford, if you will,
22 let's go back to May 28th, 2011, that was Saturday of
23 Memorial Day weekend, last year?

24 A Yes, sir.

25 Q Were you working for SLED at that time?

1 A Yes, sir, I was.

2 Q Did you get a call out at that time?

3 A Yes, sir, I did.

4 Q Relating to an event here in Kershaw County?

5 A Yes, sir, I did.

6 Q If you would, please tell the jury about your
7 involvement with that call out.

8 A Yes, sir, again on May 28th, which was a
9 Saturday, myself along with Lieutenant Greg Collier,
10 Lieutenant Max Dorsey, Special Agent Bethany Driggers,
11 who are all part of the Clandestine Response Unit, we
12 were called to assist Kershaw County at McCord's
13 Ferry Road in Lugoff, South Carolina.

14 Upon the phone call, once I received the phone
15 call, once we arrived at the scene, Kershaw County
16 pretty much had the scene under control, but prior to
17 getting there, we got a second phone call. The second
18 phone call stated that officers went into this
19 residence and they was taken over by the fumes, and
20 there was EMS personnel that was taken over by the
21 fumes, so we was told to exercise with precise
22 precaution.

23 Once we arrived at the scene, the decision was
24 made for Lieutenant Greg Collier and myself to enter
25 the premises to do an assessment. The assessment is

1 more than going in for approximately ten to 15 minutes
2 to see what you have and to see what your plan of
3 action to actually dismantle that particular clan lab.
4 In this particular case, the clan lab was a meth lab.

5 Once we made our assessment, it came out that it
6 was Red Phosphorus clan lab. That means Red P and it
7 is commonly called Red P or Red Phosphorus, but that's
8 the particular clan lab that was utilized on this
9 particular day.

10 Once we made the assessment, I went into the
11 location, and looked around. We also discovered that
12 there was marijuana plants in this location, as well,
13 so we had a clandestine laboratory. When we did our
14 assessment, it was a Red Phosphorus clandestine
15 laboratory, along with an indoor marijuana room.

16 Q So you actually found in the property a
17 clandestine lab?

18 A Yes, sir, we found the ingredients, yes, sir, and
19 the precursors and apparatus that is consistent with a
20 Red Phosphorus clandestine laboratory.

21 Q And in your involvement there, do you actually
22 take and haul the stuff away and dispose of it, or
23 what do you actually do with the stuff you find in
24 these kind of labs?

25 A Yes, sir, once we go out and do our assessment

1 and we find the ingredients and the apparatus, we
2 generally bring it outside so we can ventilate the
3 area, as well as we can work in a more suitable
4 environment and then we also generally take pictures.

5 We kind of organize it based on PH, acidity,
6 common items and then generally whoever has control of
7 the scene, whether it be sheriff's office or SLED,
8 they will call in what we call waste haulers, and they
9 will come and they will basically pick up all the by-
10 products of the clandestine laboratory.

11 Q And your waste haulers are of those folks that
12 dispose of these things in a safe way?

13 A Yes, sir.

14 Q Are the chemicals and things that we're talking
15 about dangerous or things that we wouldn't want to get
16 into the environment?

17 A Yes, sir. Iodine specifically and Red
18 Phosphorus, these are very dangerous ingredients. As
19 a matter of fact, like iodine, our laboratory won't
20 even allow agents to submit iodine to be tested
21 because of the toxicity.

22 Q Now, in this particular case, did you remove
23 items from the trailer at 1995-and-a-half to the
24 outside?

25 A Yes, sir, I did.

1 Q All right. Do you have a copy of your report
2 that was done with respect to your involvement in this
3 with you?

4 A Yes, sir, I do.

5 Q Have you had an opportunity to review it to sort
6 of refresh your recollection?

7 A Yes, sir, I did.

8 Q Can you go over with me, if you will, and I've
9 got a copy of that report, too. It appears to be
10 quite lengthy. If you will, go over with me and
11 explain to the jury some of the things, particularly
12 the things that stood to the you as being important
13 that showed this was a meth lab, some of the things
14 you removed from that property?

15 A Yes, sir. I'm going to read from my report and
16 then in addition I'm going to read the Kershaw County
17 incident report. Again, once we went into the
18 laboratory, and we removed the items, Kershaw County
19 was the agency that basically secured the scene, so
20 all the evidence pretty much remained with Kershaw
21 County.

22 In my report, I kind of generalize, so I'm just
23 going to start with the first item.

24 Q Agent Ford, if you will before you get into that,
25 I've got photos here ---

1 A Yes, sir.

2 Q --- that have already been entered into evidence.

3 A Okay.

4 Q When you're going through that report, if you
5 would look through those photos and you can find some
6 of these items that you're talking about, if you
7 would, get up from the stand and go over and show the
8 jury what you're talking about whenever you list them
9 as you're going out there?

10 A Yes, sir; yes, sir. If it please the court, can
11 I stand?

12 THE COURT: Sure.

13 BY MR. PERRY:

14 Q Go ahead.

15 A Okay. The first item was several gallons of
16 acetone, Your Honor, may I approach the jury?

17 THE COURT: Yes, sir.

18 THE WITNESS: As you can see, there are several.

19 BY MR. PERRY:

20 Q I believe it's upside down, Agent Ford.

21 A Oh, I apologize.

22 Q It's okay.

23 A As you can see, we've got --- I'm sorry, this is
24 denatured alcohol. Let me find the acetone. Acetone.

25 (Pause.)

1 Here we have several bottles of acetone. These are
2 gallon containers.

3 Q Agent Ford, are there legitimate uses of acetone?

4 A Yes, sir, there are legitimate uses of acetone.
5 Generally, to my knowledge, it's used for paint
6 thinners, to strip paint off the walls. Other than
7 that that's pretty much the only other use of acetone.
8 Inside of a chemistry laboratory, a lot of times they
9 use acetone to wash the bottles to remove water, an
10 excess of water, to help dry them. Instead of using a
11 paper towel to dry your bottles, you use acetone. It
12 removes all the water.

13 Q Okay. And you had how many cans --- or multiple
14 cans? What did you have?

15 A Yes, sir, in my report I just said several. I'm
16 going to read from common --- not common, I'm sorry,
17 from Kershaw County. They have down three --- it says
18 Crown acetone. Now, when you say Crown, that's just
19 the name brand. They also had one Kleen stripper and
20 then you have another Crown denatured alcohol, and
21 again, these are the denatured alcohol here. Can you
22 see it?

23 Then you have another Crown alcohol, one is a
24 quart another is a gallon, right. So those are the
25 denatured alcohols. So now looking at these, that's a

1 total of three plus one is four plus one is five plus
2 one is six, so that's six containers of acetone. Then
3 you're looking at the denatured alcohol, okay. One
4 Crown, which is a gallon size and you got three Crown
5 that are quart size of denatured alcohol. So those
6 are the acetone and the denatured alcohol.

7 Then you have Coleman fuel. Coleman fuel is also
8 known as camp fuel, and it's just Coleman fuel.

9 Q Now, Agent Ford, it's pretty obvious to me. I'm
10 a camper and we know what the legitimate use for that
11 would be, right?

12 A Yes, sir.

13 Q Let me ask you this, whenever you were going
14 through this property, you were removing this, did you
15 find any Coleman stoves or Coleman lanterns or
16 anything that you would burn that fuel in?

17 A No, sir, we did not. No, we did not. And again,
18 with Coleman fuel, Coleman fuel is actually toluene,
19 and with toluene, it is used as a burning agent. All
20 of these are what we call organic solvents. When you
21 say organic solvents, they are --- they don't like
22 water, so to speak in laymen's terms. I'll put it
23 like that.

24 We also found one wooden smoking pipe, one wooden
25 box with three plastic bottles, and a metal container.

1 Then we follow one black bottle labeled crystal dope,
2 and you would put crystal dope in quotations. Well,
3 we did not put the words crystal dope on the
4 container. It was already labeled crystal dope. All
5 these items were found in the same room, right, so I'm
6 going to look for that particular item.

7 (Pause.)

8 Q Agent Ford, I'm going to approach real quick and
9 show you an item that's been marked as number 81.
10 Does that appear familiar to you at all?

11 A Yes, sir, it does, it does. In fact, this is the
12 overall picture.

13 Q Is that how you laid everything out whenever you
14 removed it from the trailer?

15 A Yes, sir, this is how we pretty much laid
16 everything out so we could do our assessment. When we
17 go in to do an assessment, we basically look to see
18 what ingredients we find inside of this quote unquote
19 meth lab. Once we have made the assessment, we come
20 back out, get a plan of action and go back in. Then
21 once we go back in, as you can see, we label
22 everything according to PH or its commonality, meaning
23 that all the organic solvents, including the acetone,
24 denatured alcohol, Coleman fuel, they'll be over here.
25 As you can see, they're all grouped together. Then

1 you go through it, everything else is also grouped
2 together by its likeness or its PH.

3 MR. PERRY: Your Honor, while we're at it, that
4 item 81 that he just identified, we'd offer that into
5 evidence.

6 THE WITNESS: I'm not ---

7 THE COURT: Is that without objection?

8 MR. RILEY: Sorry, Judge?

9 THE COURT: Over the defendant's objection.

10 MR. RILEY: I think it's already been introduced
11 as an exhibit.

12 THE COURT: Well, I'm not sure. It is now.

13 (WHEREUPON, State's Exhibit 81 was admitted into
14 evidence.)

15 THE WITNESS: All right. I'm not seeing the
16 picture of the black bottle labeled crystal dope. I
17 do apologize.

18 BY MR. PERRY:

19 Q But you saw it on your list, correct?

20 A Yes, sir. Continuing on with the list, four
21 glass jars of red tint in color and here is the jar
22 with the red tint in color.

23 Q And what would that be, Agent Ford?

24 A This would be a by-product of the meth lab. This
25 would be the Red Phosphorus, again that's where the

1 red tint is coming from, the Red Phosphorus, bleeding
2 off into the organic solvents. Again, we didn't find
3 Kool-Aid packets of Cherry or nothing like that.

4 Q So this is what is leftover after somebody makes
5 meth?

6 A This is one of the by-products or it could be one
7 of the products of them making it, but it could be one
8 of middle products as well, but it leaves a red tint
9 or red color tint on everything that it touches in
10 this particular process.

11 Q Well, let me ask you this, what you see right
12 there in that photo, the red by-product that you just
13 mentioned ---

14 A Yes, sir.

15 Q Is ---

16 A You can see it right there, and this is a close-
17 up of it.

18 Q Okay. Is there any conceivable reason that you
19 can think of at all why you would see that except for
20 somebody being in the process of or having made
21 methamphetamine?

22 A No, sir. I cannot. I cannot, not along with all
23 the other ingredients that they found in the same
24 location in the same room.

25 Q In fact, based on what you've seen, based on your

1 involvement there that day and all these things that
2 you're talking to the jury about, is there any doubt
3 in your mind that someone was making methamphetamine
4 in that trailer?

5 A Oh, yes, sir, in my opinion, they was making
6 methamphetamine in this trailer at this particular
7 location.

8 Q Did they have --- the things that were removed,
9 the things that you talked about, the things that
10 you're going continue to tell the jury about, was
11 there anything there that was missing, or did they
12 have everything they would have needed to make
13 methamphetamine?

14 A Yes, sir, to my knowledge, they had all the
15 ingredients to make methamphetamine in accordance with
16 the Red Phosphorus method.

17 Q Okay.

18 A There are several methods that you can use to
19 make methamphetamine. They chose to use the Red
20 Phosphorus method. They have all the ingredients
21 associated with the Red Phosphorus method. They also
22 have digital scales. I found two digital scales.
23 There they are in the overall picture. You have two
24 digital scales right here.

25 Q You mentioned iodine a little while ago. Do you

1 have a picture of the iodine and you can tell us how
2 the iodine would be used?

3 A Yes, sir; yes, sir.

4 (Pause.)

5 And just to let you know, the iodine, there were
6 14 bottles of iodine.

7 Q Agent Ford, iodine, is that like mercurochrome or
8 whatever you put on a cut or something like that?

9 A Yeah, sometimes it's called mercurochrome,
10 squeeze a little pinch off the top, put it on the cut
11 and it stops infections.

12 Q They had 14 bottles of it?

13 A Yes, they had 14 bottles of it. I know when I
14 was growing up, we might have had two bottles at the
15 most and that was having one for a backup, but they
16 had 14 bottles. As you can see on the overall
17 picture, the bottles are all together over on the
18 corner, and here is a close-up picture. Fourteen
19 bottles of mercurochrome or 14 bottles of a tincture
20 of iodine. That is an even more of a close up
21 picture. It's a lot of the bottles of mercurochrome,
22 so to speak.

23 Q Now, these are all things that you've seen before
24 in many of these labs that you work; is that correct?

25 A Yes, sir, all of these is associated with the

1 production of a Red Phosphorus methamphetamine lab.

2 Q Tell us about the coffee filters. I noticed that
3 on the list, so tell us about the coffee filters.

4 A Yes, sir, coffee filters.

5 Q I don't know that there's any photos of them, but
6 would that be used in the process?

7 A Yes, sir, it would be. I'm looking for the
8 overall photo now. There you go.

9 If you look over here in the corner, you can see
10 the used coffee filters. Most of the coffee that I
11 drink don't have a red tint do it, nor do you keep it
12 in a room in the house. You keep it by a coffee
13 machine or the kitchen. Again, all of these
14 ingredients were found in the same proximity. If you
15 look, that was the results of what was found in the
16 coffee filters, a little red tinted sludge, again that
17 red color coming out, Red Phosphorus, giving it its
18 name, Red P. So again we have the overall picture,
19 over here in the corner are the coffee filters.

20 Q Agent Ford, I noticed something in that picture
21 that looked kind of odd to me. Is there a stuffed
22 doll or something?

23 A Yes, sir, all right. If you look at this
24 picture. I think there's a blow up. I think so.
25 Maybe not.

1 Well, nevertheless, here is a little picture of a
2 little red doll, and if you look at that, I know some
3 of you may recognize it, some of you may not, but
4 that's Papa Smurf.

5 Q Is there anything significant about that doll
6 with respect to methamphetamine labs in your
7 experience as an officer dealing with these things,
8 Agent Ford?

9 A Yes, sir, there is a term that is used in the
10 meth word calling Smurfing, so what does Smurfing
11 really mean? Well, you have individuals who actually
12 are called cooks. They actually make the
13 methamphetamine and then you have individuals that go
14 out and the ingredients. The main people that get the
15 ingredients, they have a nickname and are called
16 Smurfers.

17 They actually go out and they try to get all the
18 pseudoephedrine or ephedrine that they can get to make
19 this methamphetamine and they bring it back to the
20 person who actually cooks or A/K/A Papa Smurf.

21 Q Is Pseudoephedrine controlled now? I mean, could
22 I go out to Rite Aid and buy as much Sudafed as I
23 wanted right now?

24 A No, sir, you can can't. With that being said,
25 again I'm going to show you again the overall picture

1 and a close up.

2 THE BAILIFF: There it is.

3 THE WITNESS: Thank you, sir.

4 Okay. You have the overall picture of the close
5 up of the Sudafed here in the corner, and then this is
6 the close up. Now, so how many packets of Sudafed do
7 we have here? I can go get you the exact number we
8 have off the list, but needless to say if you go to
9 Wal-Mart today --- and I encourage you all to go to
10 Wal-Mart and try to get three or four boxes of
11 Sudafed.

12 Right here you can already see six boxes easily
13 in the picture. Try to go to Wal-Mart or Walgreens
14 and get you a couple of boxes of Sudafed and see what
15 happens. Well, the register will shut down, law
16 enforcement will probably be called out. They have
17 these Smurfers who go out to various locations to get
18 all the Pseudoephedrine they need to make this drug
19 called methamphetamine.

20 Q And methamphetamine, can it be made without
21 Sudafed as an ingredient?

22 A It can, but in this particular process, Sudafed
23 is the main ingredient. There are other methods to
24 make methamphetamine, but this particular process, you
25 need Pseudoephedrine to make it.

1 Q Again, let me just ask you to clarify, is there
2 any doubt in your mind that what you found there at
3 was a methamphetamine lab with all the
4 stuff that was necessary to make methamphetamine that
5 was either in the process of making methamphetamine or
6 had recently made methamphetamine?

7 A Yes, sir, everything at this location, all the
8 ingredients, all the precursors, all the apparatus,
9 you can make methamphetamine.

10 Again, all this you're looking at, you might
11 think like, wow, it must take a really smart person to
12 make this. Well, I'm showing you a chemistry book. I
13 graduated with two chemistry degrees. I don't know
14 the background of the defendant, but nevertheless, he
15 has a chemistry book there at the scene to assist him
16 with the operation of making methamphetamine.

17 Q Is it a terribly complicated process or can
18 someone who can basically follow directions or a
19 recipe, if you will, can they make methamphetamine?

20 MR. RILEY: Objection, Judge, leading the
21 witness.

22 BY MR. PERRY:

23 Q Is it a terribly complicated process?

24 A Well, I ---

25 THE COURT: One at a time, hold it.

1 THE WITNESS: Yes, sir.

2 THE COURT: He had an objection. Don't talk over
3 him.

4 I overrule the objection, but it's a fair
5 question. It's not leading. Go ahead and answer the
6 question, if you can. If you remember.

7 THE WITNESS: Yes, sir. Could you repeat that
8 question?

9 BY MR. PERRY:

10 Q Is it a terribly complicated process?

11 A It is not a terribly complicated process. All
12 you have to do is follow the recipes like on the back
13 of a box of Duncan-Hines, Betty Crocker, if you can
14 follow the instructions given to you, you can pretty
15 much make this drug.

16 It is also relatively easy to go on the internet
17 and figure out how to make this. It's not a hard
18 process at all. It's just the chemistry sometimes can
19 be a little difficult if you really don't know the
20 actual amounts to add.

21 Q Agent Ford, did you have any other
22 responsibilities or anything else that you did there
23 other than to remove these items and disassemble this
24 meth lab?

25 A The only responsibility I had that particular

1 day, there was --- it was also a murder scene, and we
2 was tasked with assisting the coroner's office with
3 removing the body from the crime scene due to the fact
4 that it is a clandestine laboratory and you have to
5 have certified individuals to go inside of a
6 clandestine laboratory, and those individuals were not
7 certified according to OSHA regulations and to the
8 State regulations.

9 Q Anything else, any other involvement you had
10 other than to remove the meth lab stuff and remove the
11 body from the scene?

12 A After we have took everything outside of the meth
13 lab, we moved everything onto the tarp, took the
14 pictures and photographed everything. I think I did a
15 small narration, and that pretty much concluded my
16 involvement with the clandestine laboratory and its
17 dismantlement.

18 MR. PERRY: All right. Beg the Court's
19 indulgence.

20 (Pause.)

21 THE COURT: Yes, sir.

22 MR. PERRY: Nothing further. Please answer any
23 questions Mr. Riley has for you.

24 THE WITNESS: Yes, sir.

25 THE COURT: Cross-examination.

CROSS-EXAMINATION:

1
2 BY MR. RILEY:

3 Q Agent Ford, I'm Neil Riley. I represent the
4 defendant in this case.

5 A Yes, sir, Mr. Riley. Good morning. How are you?

6 Q Good morning. Do you have a diagram of the
7 premises where you found this meth lab?

8 A No, sir. I do not have the diagram of the
9 premises.

10 Q Okay. Exactly where was it found? Other than ---
11 I mean, we know what the address is, but can you
12 describe the building or the structure in which you
13 found this meth lab?

14 A Yes, sir, it was a small building in the back, a
15 small trailer, and you go up the steps and then once
16 you walk inside, it's kind of old. Then to the right
17 there was a room and to the left, there was the
18 kitchen, and then in the back there were two rooms, if
19 I remember correctly.

20 Q Okay. And where was the meth lab?

21 A The meth lab was really kind of scattered
22 throughout the house, but everything was focused
23 mostly in the main room which is right there as you
24 walk in.

25 Q Okay. As you go through the main entrance,

1 correct?

2 A Yes, sir.

3 Q Did you --- in the course of your work there, did
4 you examine the entire --- this was a mobile home,
5 right?

6 A Yes, sir, to my knowledge it was a mobile home,
7 yes.

8 Q Did you examine the entire mobile home?

9 A Again, when we did our assessment, we walked
10 through the entire residence where the meth lab was
11 pretty much found during the assessment, I kind of
12 focused my attention there.

13 Again, there was marijuana found in the back
14 rooms. Once we did the assessment, we ventilated the
15 location, and I really didn't venture too far in the
16 back rooms. I kind of stayed in the main room where
17 the meth lab was found.

18 Q Was one of the rooms in that mobile home a
19 bedroom?

20 A I don't know how the diagram constructed it, but
21 I would call --- well, let me say this. Do we have a
22 diagram? I think that we did do a diagram of the
23 residence.

24 Q Well, that would have been up to the State to get
25 into that.

1 A Okay. Well ---

2 Q But go ahead.

3 A Yes, sir, from my knowledge and my recollection,
4 there was a room to the right that could be considered
5 a bedroom, and then in the back there were two other
6 rooms that could be considered bedrooms.

7 Q Did you find any of the things that have been
8 described by you here today as ingredients in the
9 manufacturing of methamphetamine in that room that was
10 a bedroom? Did you find any of those items in that
11 bedroom?

12 A In which bedroom?

13 Q ~~The one you just described, to the right. I~~
14 believe you said it was to the right.

15 A There was a room to the right that can be
16 described as a bedroom and there were two rooms in the
17 back that can also be described as bedrooms.

18 Q Okay. Well, what you --- in your words, what you
19 described as bedrooms ---

20 A Yes, sir.

21 Q --- were there any of these methamphetamine
22 products or ingredients found?

23 A They was mostly focused in the main room once you
24 walk in.

25 Q Okay.

1 A Once you walk in, I guess you can call that a
2 living room, dining room, den.

3 Q Uh-huh. Okay. All right. Who owned those
4 premises, who owned that mobile home?

5 A I'm not sure who owned the residence.

6 Q Okay. You were responsible for removing and
7 basically dismantling ---

8 A Yes, sir.

9 Q --- this meth lab, right?

10 A Yes, sir.

11 Q Would you have been the person responsible for
12 ordering or directing or suggesting or requesting that
13 the various hard items like the cans and the bottles
14 be checked for fingerprints?

15 A No, sir, there was an on-scene supervisor.

16 Q Uh-huh.

17 A And we also had the SLED crime scene there.

18 Q Okay. So that wouldn't have been your job,
19 right?

20 A No, sir.

21 Q Do you know if anybody ever did --- any of the
22 other SLED officers or Kershaw County officers request
23 that fingerprints be checked?

24 A No, sir, I'm not sure if they did or didn't.

25 Q You don't know?

1 A No, sir.

2 Q Okay. And you don't know who the owner of the
3 premises was?

4 A No, sir. Once I received the call, I responded
5 to McCords Ferry Road.

6 Q Okay. What became of all those items that you
7 collected?

8 A Yes, sir, once we collected everything and took
9 the photographs, everything was relinquished to
10 Kershaw County.

11 Q Okay. All right.

12 A And to my knowledge there's a report from the
13 Advanced Environmental Options and they should have a
14 list of everything in their report that was taken from
15 the residence.

16 Q Okay. Was it you that was involved that clean up
17 company?

18 A No, sir.

19 Q Who did?

20 A That was with Kershaw County.

21 Q Okay. All right.

22 A Yes, sir.

23 Q It would have --- would it have not been part of
24 your normal responsibilities --- and I'm just asking,
25 okay.

1 A Yes, sir.

2 Q Obviously, I think you would have reached the
3 conclusion that a clean up was necessary there,
4 correct?

5 A Yes, sir.

6 Q Okay. Would it have been your ordinary
7 responsibility to request the involvement of a clean
8 up company?

9 A That responsibility generally falls on the agency
10 that has the scene.

11 Q All right. Which was not --- technically not you
12 or SLED, right?

13 A To my knowledge, no, sir.

14 Q Okay. Your responsibility on scene was strictly
15 to dismantle and inventory all the items that have
16 been discussed here, right?

17 A Yes, sir.

18 Q And after that, you basically were finished?

19 A To the best of my knowledge, yes, sir.

20 Q Okay. All right. Did you --- those cans of
21 acetone?

22 A Yes, sir.

23 Q And the bottles of iodine?

24 A Yes, sir.

25 Q Did you, through some sort of test procedure, did

1 you check on the contents of those bottles?

2 A No, sir, we did not.

3 Q Okay.

4 A We look at the containers and therefore we group
5 them all together.

6 Q Okay.

7 A We UpH them just to make sure it's in the
8 proximity of acetone, but there's no confirmation or
9 presumptive test that was done.

10 Q So there were no --- you don't have any
11 scientific evidence that the contents of any of those
12 containers was what was marked on the outside of the
13 containers?

14 A As far as the acetone and Coleman fuel and
15 denatured alcohol, that's correct.

16 Q That is correct. There is no scientific evidence
17 of the contents?

18 A No, sir.

19 Q Or the ingredients or the composition of the
20 contents?

21 A Not to my knowledge.

22 Q Is it normal to not even check to see what's
23 inside of these containers?

24 A Normal procedure is that you look at the
25 container.

1 Q Uh-huh.

2 A And if they're empty, you just make a notation of
3 it.

4 Q Uh-huh.

5 A However, there were samples taken from the
6 unknown liquids.

7 Q I'm sorry. I didn't catch that.

8 A There were samples taken from the unknown
9 liquids.

10 Q Uh-huh.

11 A The liquids with the reddish tint.

12 Q Uh-huh.

13 A But again, all the evidence was relinquished over
14 to Kershaw County.

15 Q All right, sir.

16 A Yes, sir.

17 Q But none of the --- there were samples taken of
18 the powder residue? Is that what you're saying?

19 A I'm not sure about the powder residue, but I did
20 do a sample from the unknown liquids.

21 Q Okay.

22 A Yes, sir.

23 Q What was that sample taken from?

24 A From the jars that had the unknown liquid.

25 Q Okay. You took that sample?

- 1 A Yes, sir, and that was turned over to Kershaw
2 County.
- 3 A Yes, sir.
- 4 Q It wasn't taken by you or submitted by you to the
5 SLED laboratory?
- 6 A No, sir.
- 7 Q Was it marked, bagged and marked by you?
- 8 A I'd have to refresh my memory with the video, I
9 can't remember that particular part.
- 10 Q Okay, so you're not sure?
- 11 A Not sure.
- 12 Q Okay. How would it have been collected?
- 13 A Typically when I draw a sample, I use pipettes.
- 14 Q Uh-huh.
- 15 A Put them in a separate sterilized container.
- 16 Q Uh-huh.
- 17 A And then pretty much seal it and we go from
18 there.
- 19 Q Okay. Would it have been --- it would have been
20 a small amount?
- 21 A Yes, sir, it was a representative sample.
- 22 Q In like a test tube?
- 23 A It's a plastic.
- 24 Q Sterilized container that you're referring to
25 would have been like a test tube with a seal on the

1 top?

2 A I wouldn't necessarily say a test tube. It just
3 depends on what containers you have at the time.:

4 Q Okay.

5 MR. RILEY: I'm begging the Court's indulgence.

6 THE COURT: Yes, sir.

7 (Pause.)

8 BY MR. RILEY:

9 Q When you finished your work there, did you have
10 to go through decontaminations procedures? Were you
11 wearing a haz-mat suit?

12 A Yes, sir, I was.

13 Q So you've didn't have to go through de-con,
14 right?

15 A Yes, sir, we're supposed to go through de-con.
16 That's normal. We do that pretty much always.

17 Q How much other SLED agents were there helping
18 you?

19 A It was myself and Lieutenant Greg Collier, we
20 were the two agents inside while we were dismantling
21 the meth lab.

22 Q All right. Thank you, sir.

23 A Yes, sir.

24 MR. PERRY: Nothing further, Your Honor.

25 THE COURT: All right, sir. You may come down.

1 THE WITNESS: Thank you, sir.

2 THE COURT: May this witness be excused?

3 MR. PERRY: Yes, Your Honor.

4 THE COURT: Without objection?

5 MR. RILEY: Yes, sir.

6 THE COURT: Approach the bench counsel.

7 (WHEREUPON, there was a bench conference.)

8 THE COURT: All right. Ladies and gentlemen, I'm
9 just inquiring for scheduling purposes. Counsel
10 tells me the next witness may be somewhat lengthy, so
11 I think it's eleven o'clock. Let's take a morning
12 break at this time. I'll ask you to go to the jury
13 room. Do not discuss the case among yourselves while
14 you're in the jury room. I'll call you in a few
15 minutes when we're ready, we'll run to about 1:30 or
16 so after that. All right. Thank you very much.
17 Please retire to the jury room.

18 (WHEREUPON, the jury left open court at
19 approximately 10:47 p.m.)

20 THE COURT: All right, stand at ease for about
21 ten minutes.

22 (WHEREUPON, a short break was taken.)

23 THE COURT: State ready for the jury?

24 MR. PERRY: Yes, sir.

25 THE COURT: Defense ready for the jury?

1 MR. RILEY: Yes, sir.

2 THE COURT: Bring the jury.

3 THE BAILIFF: All right.

4 (WHEREUPON, the jury came into open court at
5 approximately 11:08 a.m.)

6 THE COURT: All right. Solicitor, call your next
7 witness.

8 MR. PERRY: The State would call Michele
9 Eichenmiller.

10 MICHELE EICHENMILLER,

11 after being duly sworn, testified as follows:

12 THE WITNESS: My name is Michele Eichenmiller.

13 DIRECT EXAMINATION:

14 BY MR. PERRY:

15 Q Ms. Eichenmiller, if you will, please tell us by
16 whom and how you're employed?

17 A I work for the South Carolina Law Enforcement
18 Division commonly known as SLED. I work in the
19 forensic lab in the firearms department.

20 Q Can you tell us a little about your background,
21 your education? How much does one come to have such a
22 job?

23 A I have a Bachelor's degree in Biology and then I
24 went to school and I have a Masters of Science in
25 forensic science. After that I attended the SLED

1 in-house training program for firearms and tool mark
2 examiners, which is three years studying under the
3 firearm examiners that work at SLED already. I do my
4 own reading, testing and microscopic comparison, as
5 well as learn while I am in other's offices. It's a
6 lot of on the job training.

7 Q How long have you been employed with SLED?

8 A I started there in April of 2006.

9 Q And during the course of your training, do you
10 also have to go through ongoing training to keep up
11 your proficiency and do proficiency testing?

12 A We do, and we do our proficiency testing every
13 year. I also go to any conferences that we can go to
14 and read any publications that I can.

15 Q Have you ever been qualified as an expert witness
16 in General Sessions court here in South Carolina?

17 A I have.

18 Q In what field and approximately how many times?

19 A I've been qualified in firearms and tool mark
20 examination approximately ten times.

21 Q That includes ballistics examination, that type
22 of thing?

23 A Yes.

24 MR. PERRY: Your Honor, I'd offer

25 Ms. Eichenmiller as an expert in the field of firearms

1 and tool mark --- what is it, again?

2 THE WITNESS: Examination.

3 MR. PERRY: Firearms and tool mark examination,
4 Your Honor.

5 MR. RILEY: No objection.

6 THE COURT: Without objection.

7 BY MR. PERRY:

8 Q Ms. Eichenmiller, in the course of your
9 employment with SLED, have you had occasion to become
10 involved in a case that originated here in Kershaw
11 County back in May of 2011?

12 A I have.

13 Q And what was your involvement with that?

14 A I'm the firearms examiner, so any time that
15 evidence is submitted to the lab that involves a
16 firearm or a bullet or cartridge case, it would come
17 to our department. I was the examiner assigned to
18 this case.

19 Q So you received evidence that was submitted to
20 SLED to be examined?

21 A Yes.

22 Q And specifically, what evidence was that? Do you
23 have a list of the items that you received?

24 A If I may look at my...

25 Q Please.

1 A I received a revolver, a fired cartridge case,
2 five unfired cartridges and one fired bullet in this
3 case.

4 MR. PERRY: Your Honor, may I approach the
5 witness?

6 THE COURT: Sure.

7 BY MR. PERRY:

8 Q I'd ask you, Ms. Eichenmiller, to take a look and
9 see, does this appear to be the revolver that you
10 received?

11 A Whenever I receive evidence in a case, I'll write
12 my name, the item number and my initials --- or my
13 initials and item number and the case number on the
14 firearm. I see it right here, so this is the firearm,
15 yes.

16 Q That is the specific firearm that you received to
17 test?

18 A Yes.

19 Q Okay. And this has not been admitted into
20 evidence yet. It's been marked as State's 82. I
21 would ask to see if you can identify that?

22 A The same way I'll mark any other evidence we get,
23 I mark the bag with my initials and the date that I
24 have sealed it. This is the same evidence.

25 Q Okay. And what is that?

1 A This is item 3. It's five unfired 357 Magnum
2 caliber cartridges.

3 MR. PERRY: Your Honor, we'd offer of those into
4 evidence.

5 MR. RILEY: No objection.

6 THE COURT: Without objection.

7 (WHEREUPON, State's Exhibit 82 was admitted into
8 evidence.)

9 BY MR. PERRY:

10 Q And Ms. Eichenmiller, I'd show you one other
11 item. I believe that's been marked as 82.

12 A This is my item 2, which is the fired 357 Magnum
13 caliber cartridge case that was submitted in this
14 case.

15 Q And that is the actual case that you tested?

16 A Yes.

17 Q And that's --- I'm sorry, State's 83, I
18 apologize. The other one is 82.

19 Then one last item that has already been
20 previously admitted into evidence as State's 26, see
21 if that looks familiar to you.

22 A That is the fired bullet that I examined in this
23 case. My initials are on it, the case number and the
24 item number.

25 Q So those items are the items that you just

1 referenced in your report?

2 A Yes.

3 Q Now, Ms. Eichenmiller, if you will, please tell
4 the jury what you did with the items, how you analyzed
5 them? Just kind of tell them about the process.

6 A Okay. When I get assigned a case, I'll go
7 downstairs to our evidence log in department, which is
8 where the department that submits the evidence will
9 drop it off. I'll get it from one of our evidence
10 technicians. I'll bring it back up to my office, and
11 then I'll make sure all the seals are intact.

12 I'll make sure that everything was followed
13 according to protocol up to my point. Then I will go
14 ahead and open it, I do a lot of examination and
15 documentation of what I receive and how I receive it.
16 We have several different forms that we fill out to
17 test the safety of any firearm that we receive,
18 document any serial numbers, item numbers, anything
19 that's wrong with it.

20 We also then go test fire it so that I make sure
21 I have specimens that I know came from that firearm.
22 Then I'll write up any other evidence I have. After
23 that I'll take the test fired specimens that I have,
24 put them up on the microscope and I can then compare
25 them to any exhibits I receive. I have a comparison