

VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

Doyet A. Early, III, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANTONIO MILLER,

APPELLANT

APPELLATE CASE NO. 2012-208640

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA

2 COUNTY OF AIKEN

CIRCUIT COURT
2010-GS-02-01526, 01527,
01529 & 01578

3
4 STATE OF SOUTH CAROLINA,

5 -vs-

TRANSCRIPT OF RECORD

6 ANTONIO MILLER,
Defendant.

7
8
9 Heard on Monday, February 13, 2012

10 Aiken, South Carolina

11 BEFORE:

12 THE HONORABLE DOYET A. EARLY, III

13
14 APPEARANCES:

15 Counsel on Behalf of the State:
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16 Kevin N. Molony, Esq.

17 Counsel on Behalf of the Defendant:
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19
20
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24
25

EXAMINATION INDEX

FRANKLIN DALE HAM

DIRECT BY MS. YOUNG

7

CROSS BY MR. JOHNSON

19

REDIRECT BY MS. YOUNG

22

STEPHEN JERMAINE DAUWAY

DIRECT BY MS. YOUNG

22

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1 ON MONDAY, FEBRUARY 13, 2012 AT 2:35 P.M.:

2 THE COURT: This is the State of South Carolina versus
3 Antonio Miller. We have several motions. Mr. Johnson?

4 MR. JOHNSON: Your Honor, the first motion, I believe,
5 is by my client. That was the motion we discussed for a
6 continuance and asking the Court to basically have a
7 motion without the presence of the solicitor's office
8 being present.

9 THE COURT: Well, that's improper to have any kind of
10 ex parte communication. I'll be glad to hear anything you
11 want to put on the record.

12 MR. JOHNSON: I believe my client has the motion, Your
13 Honor.

14 THE COURT: Mr. Miller, good afternoon.

15 THE DEFENDANT: How are you doing?

16 THE COURT: Fine.

17 THE DEFENDANT: I just wanted to address the Court
18 about the search warrant that was given to the house that
19 the... (conferring with attorney).

20 THE COURT: I think your lawyer has a motion to
21 suppress those search warrants. Is that correct,
22 Mr. Johnson?

23 MR. JOHNSON: Correct, Judge.

24 THE COURT: Sir?

25 MR. JOHNSON: That's correct, Your Honor.

1 THE COURT: Your lawyer has filed a number of written
2 motions. I think they addressed the suppression of the
3 search warrant and/or the -- anything they found.

4 THE DEFENDANT: Yeah, but I was -- I was saying as far
5 as a continuance, so we can go back over more stuff to see
6 if we left out anything. I mean, just to be sure.

7 THE COURT: Well, we're going to hear these motions
8 this afternoon. The trial is scheduled to start in the
9 morning. If you have anything new that comes up tonight,
10 I'll be glad to hear from you in the morning.

11 Anything else?

12 THE DEFENDANT: No, sir.

13 THE COURT: Sir?

14 THE DEFENDANT: No, sir.

15 THE COURT: Thank you. You may be seated.

16 THE DEFENDANT: (Complies.)

17 MR. JOHNSON: Your Honor.

18 THE COURT: How do you want to handle this, Ms. Beth
19 Ann Young? Don't you have motions as well or a Jackson V
20 Denno hearing or what do we have?

21 MS. YOUNG: I believe that all of the motions that
22 Mr. Johnson has provided and the officers I have present
23 here to testify will cover all of the potential issues
24 including statements that the State alleged that the
25 Defendant made as well as the items --

1 THE COURT: Well, let's start with the State's motions
2 and hearings and then we'll see where we end up when we're
3 finished on that.

4 MR. JOHNSON: Your Honor, can I have these marked
5 before we start as a Court's Exhibit?

6 THE COURT: I don't think it's a Court's exhibit.
7 It's probably your exhibit.

8 MR. JOHNSON: Well, as regards to this hearing, Your
9 Honor. I wanted to also have a copy of the search warrant
10 at issue, have that marked.

11 (Thereupon, Defendant's Exhibit No. 1, motion to
12 suppress; Defendant's Exhibit No. 2, motion to suppress;
13 Defendant's Exhibit No. 3, motion to suppress; and
14 Defendant's Exhibit No. 4, search warrant, were marked and
15 received into evidence.)

16 THE COURT: Ms. Beth Ann Young?

17 MS. YOUNG: Thank you, Your Honor. The State's
18 prepared to present testimony from Richland County
19 Sheriff's Office Officers. We have several of them
20 present to explain why they arrived at 55 -- excuse me,
21 5520 North Main Street in Columbia, what they found when
22 they got there, and why they proceeded to seek a search
23 warrant in this particular case.

24 And we'll just go ahead and start calling those if you
25 like.

FRANKLIN DALE HAM - DIRECT

1 THE COURT: Yes, ma'am. It's your motion.

2 MS. YOUNG: The State calls Dale Ham.

3 FRANKLIN DALE HAM, having been duly sworn, was
4 examined and testified as follows:

5 THE COURT: If you'll come have a seat in the witness
6 stand, please. Give us your full name for the record,
7 please, spelling your last.

8 THE WITNESS: Franklin Dale Ham. Last name H-A-M.

9 DIRECT EXAMINATION

10 BY MS. YOUNG:

11 Q. You go by Dale?

12 A. I do.

13 Q. Mr. Ham, were you previously employed with the
14 Richland County Sheriff's Office back on September 15th,
15 2008?

16 A. I was.

17 Q. In what capacity were you employed there?

18 A. I was a road deputy. I responded to basic calls for
19 service, enforced traffic, checked property.

20 Q. Were you on duty on that particular date which was,
21 again, September 15th, 2008?

22 A. I was.

23 Q. And did you receive a call that morning?

24 A. Yeah. I was dispatched to 5717 Two Notch Road to
25 U-Save Auto Rentals in reference to a breach of trust

FRANKLIN DALE HAM - DIRECT

1 vehicle.

2 Q. And who did you meet with at U-Save Auto Rentals?

3 A. I met with Mr. Jeffrey Day, the manager at that
4 location.

5 Q. What information did he give you regarding this breach
6 of trust he was complaining about?

7 A. Mr. Day told me that he rented a green Ford Taurus to
8 a Deidra King at a previous date and she had failed to
9 return that vehicle.

10 Q. You stated on a previous day. You're not talking
11 about the day before. You're talking about sometime ago?

12 A. Sometime, sometime ago. Mr. Day had made contact with
13 her and her boyfriend who he believed to be driving the
14 vehicle, and -- on several occasions, and each time they
15 promised to bring the vehicle back but failed to do so.

16 Q. First of all, go back for a second to the description
17 of the car. Did he give you identifying information
18 regarding the license plate and things of that nature?

19 A. He did give me the license plate. And -- along with
20 the VIN number, vehicle identification number, that was on
21 it. The license plate number was 2903 Charlie fox trot.

22 Q. You stated that Mr. Day had advised Ms. King had
23 rented the car?

24 A. Yes. Mr. Day advised me that Ms. King had rented the
25 car, however, her boyfriend, Antonio Miller, was the

FRANKLIN DALE HAM - DIRECT

1 driver.

2 Q. Did he give you information as to why?

3 A. He said that Mr. Miller had made payments several
4 times for Ms. King at that location and he was driving the
5 vehicle.

6 Q. Driving this vehicle that's in question?

7 A. Yes.

8 Q. Did he give you a physical description regarding
9 Mr. Antonio Miller?

10 A. He did. He said that it was a -- Mr. Miller was a
11 black male with long dreadlocks and a disfigured arm.

12 Q. And did he give you any further information regarding
13 the vehicle itself?

14 A. Yeah. Mr. Day actually had a GPS tracking device on
15 the vehicle. He was able to pull that vehicle up in
16 realtime and show me the position of the vehicle.

17 It happened to be in Aiken County, North Charleston
18 Highway. He said that he also had the capacity to disable
19 the vehicle but he didn't want to do it with it being so
20 far out because he was scared that they would -- somebody
21 would tamper with the vehicle in an attempt to get it
22 running again. So he did not disable it at that time.

23 Q. You say he showed you this. You personally observed
24 this, also --

25 A. Yes, I did.

FRANKLIN DALE HAM - DIRECT

1 Q. -- that the car was in Aiken County at the time he was
2 making this complaint?

3 A. Yes. He showed me on his desktop computer screen the
4 location of the vehicle at the time.

5 Q. And what did you tell him with regards to this report?

6 A. I told him that if the vehicle came back into the
7 Richland County area to notify the sheriff's department.
8 In the meantime, it would be placed in a National Crime
9 Information Center so if any other law enforcement officer
10 nationwide ran that vehicle tag number or the VIN number
11 it would show a hit as a breach of trust vehicle.

12 Q. Mr. Ham, I don't know if you stated this earlier. If
13 you did, I apologize. Did you state about, approximately
14 what time Mr. Day made this report to you?

15 A. I got there about 9:45 in the morning.

16 Q. And did you receive any additional information
17 regarding that car at a later time?

18 A. Yeah. About 1:20 that same afternoon I received a
19 call from dispatch to contact Mr. Day back at the office
20 by phone. I did so. He told me that that vehicle was at
21 an address on North Main Street, Street,
22 and he had disabled the vehicle at that time.

23 Q. When you say disabled it, what do you mean by that?

24 A. He had a means to electronically disable it with the
25 GPS unit. It was part of the GPS tracking device. I'm

FRANKLIN DALE HAM - DIRECT

1 not sure exactly what --

2 Q. When you say disabled, you just mean the car couldn't
3 be re-started?

4 A. That's correct.

5 Q. What did you do as a result of receiving this call?

6 A. Once I received that call I contacted my supervisor,
7 Corporal Dauway and I proceeded to respond to that area.

8 It was within my assigned area of work.

9 Q. And what if anything did you observe when you arrived
10 at Street?

11 A. There's a gas station just beside that address that
12 has, once you pull into it you have a clear view of the
13 rear of the residence.

14 I met with another deputy with the sheriff's
15 department, Deputy Wells, and a City of Columbia Police
16 Officer, Officer Potash, I think. Anyway, we pulled into
17 the gas station. I told them what was going on, what we
18 had.

19 I could see a vehicle matching the description that
20 Mr. Day had given earlier, a green Ford Taurus. Once I
21 informed them and informed my supervisor, we moved into
22 location.

23 As I was going to pull in, a red Ford Taurus was
24 turning into that same residence right in front of me.

25 Q. So if I understand you, you were driving on 5520 North

FRANKLIN DALE HAM - DIRECT

1 Main Street, or, excuse me, driving on North Main
2 Street --

3 A. Right.

4 Q. -- to pull into this residence?

5 A. That's correct.

6 Q. And then this red Taurus pulled in the driveway in
7 front of you?

8 A. Just ahead of me. That's correct.

9 Q. And what happened after you pulled into the driveway?

10 A. The red vehicle continued to the back of the
11 residence. It parked pretty much behind the green Taurus,
12 facing the same direction.

13 I pulled in behind the red Taurus. Blue lights were
14 initiated. And at that time I stepped out and there were
15 several males near the Taurus that was --

16 Q. Which one? There were two Tauruses.

17 A. That would have been near the green Taurus, the breach
18 of trust Taurus. It was parked right beside the rear of
19 the residence.

20 There was also a black male and a black female in the
21 red Taurus.

22 Q. All right. And what was the first thing that you did
23 when you pulled in behind the red Taurus and got out there
24 at 5520 North Main Street?

25 A. I asked where Antonio Miller was at that time.

FRANKLIN DALE HAM - DIRECT

1 Q. First --

2 A. I also asked him where Deidra King was.

3 Q. And what responses did you get from the persons
4 present?

5 A. Everyone there denied being Antonio Miller. And they
6 all stated they didn't know where Deidra King was.

7 Q. Were you able to -- I want to get further into that in
8 a minute, but were you able to make any observations
9 regarding the green car once you got out at the scene?

10 A. The green car, it was --

11 Q. Were you able to tell whether or not it was the same
12 vehicle that you had seen?

13 A. Yeah. It was the same vehicle, by the tag number and
14 vehicle identification number. It was verified that it
15 was in fact the breach of trust vehicle.

16 Q. And once you asked the question about Mr. Miller being
17 present and everybody denied it, what was the next thing
18 that you did?

19 A. Next I asked for IDs from everybody on the scene,
20 including the driver of the red Taurus that pulled up.

21 Q. And were you provided identification or identifying
22 information from all persons present?

23 A. Well, the driver of the red Taurus did have a South
24 Carolina driver's license. It turned up to be suspended.

25 The other subjects on the scene didn't have any

FRANKLIN DALE HAM - DIRECT

1 identification on them at all. They provided a name and
2 date of birth which I then cross-referenced with our
3 database for the Department of Motor Vehicle files,
4 checked state IDs and driver's licenses, any driver
5 information that's gathered in their driver -- in the
6 database.

7 Q. What did you determine as a result of this search?

8 A. Everybody came back. One subject came back or gave
9 the name Eric Huey, and I can't remember the date of birth
10 he gave, but after running it several times there was no
11 match found in the DMV files, and -- although he insisted
12 that he did have a South Carolina driver's license.

13 Q. And why was this, no match, why was that significant?

14 A. Usually that's a red flag for us, you know.
15 Somebody's giving false information, they're either
16 providing a fictitious name or date of birth.

17 Q. And you couldn't find Eric Huey in the system?

18 A. There was no Eric Huey in the system with that date of
19 birth.

20 Q. And at that point in time nobody provided you the name
21 of being Antonio Miller; correct?

22 A. That's correct.

23 Q. What did you do next based on the information you were
24 given by the people present?

25 A. At that time the driver of the red Ford Taurus,

FRANKLIN DALE HAM - DIRECT

1 Mr. Cummings, was driving under suspension. So I went
2 ahead and placed him under arrest for driving under
3 suspension and placed him in the rear of my vehicle.

4 Q. This was the person that you followed into North Main
5 Street --

6 A. This was the driver.

7 Q. -- who had been driving the red Taurus --

8 A. Yes.

9 Q. -- that pulled in behind the green Taurus?

10 A. That's correct.

11 Q. All right. And what happened after you put him in
12 your patrol car?

13 A. At that time I believe my supervisor was on the way to
14 the scene. As I was placing him in the car -- well, after
15 I placed him in the car and I was filling out paperwork, a
16 black male, red shirt on, long dreads, entered into the
17 red vehicle, red Ford Taurus and sat down.

18 I immediately told my backup officer to remove him
19 from the vehicle. He asked him to step out.

20 Q. This is -- he's entering a vehicle you got another
21 person out of?

22 A. That's correct.

23 Q. And do you recall out of all the people present that
24 had given you information about their identity, what was
25 the identity at that time of the person who was getting

FRANKLIN DALE HAM - DIRECT

1 into the car?

2 A. The name he provided at that time was Eric Huey.

3 Q. And you say he got into this red Ford Taurus. You
4 told your backup officer to get him out; correct?

5 A. Right.

6 Q. What happened next?

7 A. He was removed from the vehicle. At that time I
8 believe my corporal was on the scene. They actually
9 walked up to the vehicle, and a handgun was removed.

10 Q. Which vehicle was this?

11 A. This was the red Taurus.

12 Q. There was a handgun inside the red Taurus?

13 A. That's correct. The one that Mr. Cummings was
14 driving. He was in the rear of my patrol car. As soon as
15 it was removed -- he saw it being removed. He started,
16 became real excited yelling, that's not my --

17 Q. Who are you referring to, he?

18 A. Mr. Cummings. I'm sorry.

19 Q. He's the one in your patrol car?

20 A. He's the one in the rear of my patrol car.

21 Q. What happened next?

22 A. He just repeatedly said, that's not my gun, that's not
23 my gun. That's the guy with the dreads that just got out
24 of the car, that's his gun.

25 Q. And what was the next thing that happened that you

FRANKLIN DALE HAM - DIRECT

1 observed?

2 A. From there, the next --

3 Q. Significant.

4 A. -- significant event was we were trying to identify
5 Antonio Miller. And as we were standing there -- and,
6 plus, with the guns we had found, there was another gun
7 that was found up under the driver's seat.

8 Q. In which car?

9 A. Of the red Taurus.

10 Q. All right.

11 A. Okay. After that Corporal Dauway and some others, you
12 know, actually went to do a vehicle inventory of the green
13 Ford Taurus that was reported breach of trust.

14 Q. Once you confirmed that it was the same vehicle?

15 A. Once it was confirmed that it was the same vehicle
16 that Mr. Day had reported.

17 Q. What happened at that time?

18 A. It was a bag of what appeared to be crack cocaine, a
19 large bag, taken from that compartment, one of the
20 compartments of that car on the side door.

21 Q. Which car?

22 A. Of the green breach of trust Taurus.

23 Q. All right. And you were stating something about
24 identifying the person, identifying Mr. Miller?

25 A. Yeah. Mr. Miller -- once Corporal Dauway approached

FRANKLIN DALE HAM - DIRECT

1 and he asked if there was anything illegal, we started
2 focusing more on the other persons that were on the scene.

3 Q. So you already had --

4 A. Mr. Cummings was already secured in the rear of my
5 patrol car. One of the subjects removed a bag of cocaine
6 from his pocket and he said it was for his personal use.
7 You know, with the large amount of narcotics that were
8 there, the guns that had already been found, made a terry
9 pat down, a terry frisk was done on the outer clothing
10 just to determine if there were any weapons, for officer
11 safety issues.

12 During that time frame he was being -- Mr. -- well,
13 Eric Huey at the time was being patted down, I noticed
14 that he met the description that Mr. Day provided of
15 Antonio Miller.

16 Q. Which was?

17 A. Which was dreads, long dreadlocks and had a deformed
18 arm.

19 Q. And what did you do as a result of that?

20 A. I identified him as Antonio Miller. Ms. King, the
21 actual renter of the breach of trust vehicle initially,
22 also arrived on the scene about that time. And at first
23 she -- when asked who Antonio Miller was she denied, you
24 know, she kept putting it off.

25 Corporal Dauway and Investigator Brown kept talking to

FRANKLIN DALE HAM - CROSS.

1 her. She, she finally admitted that she -- who Antonio
2 was.

3 Q. Did she identify the person that you --

4 A. She did.

5 Q. -- stated was Eric Huey?

6 A. Correct.

7 Q. And did you provide this information about the GPS and
8 the car to other responding officers?

9 A. I did. I informed Corporal Dauway that the vehicle
10 was in Aiken County earlier that morning. And that I had
11 advised Mr. Day that once he came back, once it was back
12 in the Richland County area to notify the sheriff's
13 department.

14 Q. And is Mr. Miller present in the courtroom today?

15 A. Yes, he is.

16 Q. Can you identify him, please?

17 A. Yes. He's in the blue jump suit sitting at the table
18 to the right of defense.

19 MS. YOUNG: No further questions for this witness.

20 THE COURT: Any questions?

21 CROSS-EXAMINATION

22 BY MR. JOHNSON:

23 Q. Officer Ham, at any time did you advise Mr. Miller of
24 his Miranda rights?

25 A. No. I never -- I never placed him under arrest.

FRANKLIN DALE HAM - CROSS

1 There was no intention to arrest at first. It was pretty
2 much just for identification at that time.

3 Q. But -- excuse me. Did you finish?

4 A. Oh, no. That's okay.

5 Q. When you arrived you testified that you had the report
6 of a breach of trust vehicle and that Mr. Miller was the
7 driver?

8 A. Yes, sir. More than likely the driver of that.

9 Q. And when you showed up, was my client standing near
10 the green Taurus that was the breach of trust vehicle?

11 A. Yes, he was.

12 Q. And when you showed up to investigate this, were any
13 of those individuals, to include my client, were they free
14 to leave?

15 A. At that time until we got IDs on everybody because of
16 the situation with the stolen vehicle, no, there was a
17 temporary investigation at that time.

18 Q. Did you place handcuffs on my client, Mr. Miller?

19 A. No.

20 Q. Did you witness officers do that?

21 A. Yes.

22 Q. Who?

23 A. I believe it may have been Deputy Wells or -- at that
24 time, I believe.

25 Q. As an officer with the Richland County Sheriff's

FRANKLIN DALE HAM - CROSS

1 Department?

2 A. Yes, at that time.

3 Q. Were you equipped with a body mic to record
4 conversations?

5 A. Yes.

6 Q. Okay. Did you use that to record your conversation
7 with Mr. Miller?

8 A. I can't remember. Me and Mr. Miller really didn't
9 have a lot of conversations between us, other than, you
10 know, the identification.

11 Q. So you didn't preserve any of the conversations from
12 that day?

13 A. Not that I recall. I don't remember if it was on or -
14 - I'm just not sure.

15 Q. Did you have a video camera in your car?

16 A. Yes.

17 Q. Did you record anything on your video camera or did
18 you fail to do that?

19 A. I -- I'm -- I really can't remember. Usually when the
20 blue lights are activated, the camera is automatically
21 turned on. Those tapes are turned in once they're full.
22 I can't remember if it was on or not at that time.

23 Q. Did you have anything to do with the search warrant,
24 obtaining the search warrant at 5520 North Main Street at
25 that location?

STEPHEN JERMAINE DAUWAY - DIRECT

1 A. No.

2 Q. Okay.

3 MS. YOUNG: Just briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. YOUNG:

6 Q. Mr. Ham, you stated that you did not advise Mr., what
7 turned out to be Mr. Miller of his rights; correct?

8 A. I didn't advise him.

9 Q. Did you observe Deputy Wells do that?

10 A. I believe Deputy Wells did. He Mirandized several
11 people on the scene.

12 Q. Are you certain about that?

13 A. I'm pretty sure that Mr. Miller was one of them that
14 he Mirandized.

15 THE COURT: Anything else? You may step down. Next
16 witness.

17 MS. YOUNG: State calls Investigator Stephen Dauway.

18 STEPHEN JERMAINE DAUWAY, having been duly sworn, was
19 examined and testified as follows:

20 THE CLERK: Have seat in the box, stating your full
21 name, spelling your last.

22 THE WITNESS: Stephen Jermaine Dauway, D-A-U-W-A-Y.

23 DIRECT EXAMINATION

24 BY MS. YOUNG:

25 Q. And Investigator Dauway, are you employed with the

STEPHEN JERMAINE DAUWAY - DIRECT

1 Richland County Sheriff's office also?

2 A. Yes.

3 Q. In what capacity?

4 A. I'm currently an investigator.

5 Q. And what was your duties there or what were your
6 duties, rather, back in September 15th, 2008?

7 A. I was a patrol supervisor assigned to the Region Three
8 area of Richland County.

9 Q. And just make sure you keep your voice up --

10 A. Okay.

11 Q. -- because you tend to go down.

12 A. Okay.

13 Q. And were you Deputy Ham's supervisor at that point in
14 time?

15 A. Yes.

16 Q. And did you respond regarding this breach of trust
17 vehicle?

18 A. Yes, I did.

19 Q. And when did your involvement with this begin?

20 A. I heard the call go out earlier that morning for
21 Deputy Ham to respond to the Two Notch address, U-Save
22 Auto. He took a report for a breach of trust vehicle.

23 Later in the day I heard him -- I heard a radio
24 transmission about the same call. And I remember, you
25 know, it being, it rung a bell in my head because he had

STEPHEN JERMAINE DAUWAY - DIRECT

1 went there earlier about the same car.

2 And as a patrol supervisor, I don't like to go to a
3 place twice or my guys to go to a place twice. So I kind
4 of went, headed that way to see what he had.

5 Q. Are you saying that you heard the original call about
6 the breach of trust and then you heard him getting a
7 follow-up call regarding the same vehicle?

8 A. Yes. It was two calls.

9 Q. Where were you at that time?

10 A. I was on North Main Street, but several blocks from
11 the 5500 block.

12 Q. And did you respond to the location?

13 A. Eventually. I did.

14 Q. And what did you observe when you responded there?

15 A. Two cars in the back yard. It was a burgundy car and
16 a green car. Deputy Ham and Deputy Wells. I noticed that
17 Deputy Ham had someone in the back seat of his car and
18 then the burgundy car, there was a female, a black
19 female. And on the back stoop or porch, there was three
20 to four black males.

21 Q. What did you do upon making these observations?

22 A. I spoke with Deputy Ham briefly. He told me that the
23 person in the back of his car was arrested for driving
24 under suspension.

25 Q. And what did you do as a result?

STEPHEN JERMAINE DAUWAY - DIRECT

1 A. I went over to the burgundy car and spoke to the
2 female that was in the front passenger seat of the car and
3 tried to determine her affiliation with the person that he
4 had in the back seat of his car.

5 Q. And what did you find out about this female?

6 A. She had a loose association with the person that was
7 in the back seat.

8 Q. What do you mean by that?

9 A. She kind of didn't really know his name.

10 Q. Are you talking about the person that Deputy Ham had?

11 A. Deputy Ham had arrested. I asked them where they were
12 coming from. She didn't provide any definitive answers.
13 So at that time I asked her to step out of the car.

14 Q. Was there a particular reason you did that?

15 A. I wanted to search the car. He was under arrest
16 according to Deputy Ham and I wanted to --

17 Q. You're talking about Cummings?

18 A. Yes, the gentleman in the back seat of his car.

19 Q. And what happened when you got this lady out of the
20 car?

21 A. I started to search the car. I started in the back
22 seat. I went -- started on the passenger side first, then
23 I went around to the driver's side. Under the driver's
24 side seat, I found one handgun.

25 Q. And what did you do as a result?

STEPHEN JERMAINE DAUWAY - DIRECT

1 A. I went back to Deputy Ham and notified him that I
2 found a handgun, it may be a little more serious just
3 driving under suspension.

4 Q. In which car was this handgun found?

5 A. This was in the burgundy car after I asked the female
6 to step out.

7 Q. And what was the next thing that you did?

8 A. The next thing I did was I looked at the green car and
9 I decided to search that car as well.

10 Q. All right. And, why?

11 A. Well, when there's one gun there's possibly two or
12 three.

13 Q. Did you have any additional information about whether
14 this green car was involved with it?

15 A. Well, it was a breach of trust car. And, I mean, it
16 was inevitably going to be searched at some point.

17 Q. Did you make confirmation that this was in fact the
18 car that the original complaint was made about?

19 A. Yes. I remember hearing on the radio at least twice,
20 the early report, and then when Deputy Ham was
21 re-dispatched and then speaking with him briefly.

22 Q. If you can recall or estimate, how close in time were
23 you doing this related to when you arrived at 5520 North
24 Main?

25 A. I mean, roughly five minutes.

STEPHEN JERMAINE DAUWAY - DIRECT

1 Q. And you stated that you opened or started looking
2 inside the green Taurus?

3 A. Yes.

4 Q. Tell us about that.

5 A. I walked up to the car and opened the driver's side
6 door. And I immediately saw a plastic bag in a
7 compartment on the driver's side door with a large amount
8 of crack cocaine.

9 Q. It appeared to you to be illegal narcotics?

10 A. Yes.

11 Q. And that was the first thing you found when you opened
12 the breach of trust car?

13 A. That was the first thing I saw.

14 Q. So what did you do as a result?

15 A. Again, I kind of motioned to Ham and Wells that it was
16 getting more serious, what we're dealing with was getting
17 more serious than driving under suspension.

18 I made an announcement to the gentlemen, the four
19 black males, three to four black males that was on the
20 back stoop, that if they had anything else that we needed
21 to know about this was the amnesty period. They needed to
22 let us know and kind of hand it over to us.

23 Q. And what happened as a result of that?

24 A. One of the gentlemen reached in his packet and got a
25 small bag of cocaine.

STEPHEN JERMAINE DAUWAY - DIRECT

1 Q. That wasn't Mr. Cummings; correct?

2 A. I don't remember the names, but it was one out of the
3 four.

4 Q. Mr. Cummings was back, in the back of the patrol car?

5 A. No, it wasn't Mr. Cummings. Mr. Cummings was
6 arrested.

7 Q. It wasn't Mr. Miller?

8 A. No, it wasn't Mr. Miller.

9 Q. Okay. And what did you do after the cocaine was
10 pulled out?

11 A. I pretty much put all of them in handcuffs, if my
12 memory serves me correctly. Detained them briefly and
13 conducted a terry frisk on all of them.

14 Q. And why did you conduct a terry frisk at that point in
15 time?

16 A. Well, we had found a gun, found some narcotics in the
17 car. And as I said earlier, when there's one gun you're
18 trained usually there's two or three. And for officer
19 safety reasons, we decided to detain them and frisk them
20 all.

21 Q. And at that point in time, what was the next thing
22 that you did?

23 A. I decided to call Investigators Jordan and Brown.
24 They work in the narcotics division. And -- because of a
25 large amount of narcotics that I found in the car, and

STEPHEN JERMAINE DAUWAY - DIRECT

1 asked them to respond to possibly see if there may be some
2 more narcotics in the house that those guys were sitting
3 on the back porch.

4 Q. And did you do anything else with regard to this
5 case?

6 A. Yeah. I waited around until Deidra King, I think's
7 her name, she got on the scene and we spoke to her
8 briefly.

9 Q. Let me ask you something. You talked about the black
10 female being present in the red car?

11 A. Yes.

12 Q. That was not Deidra King?

13 A. That was not Deidra King.

14 Q. You stated at some point Deidra King arrived on the
15 scene?

16 A. Yes.

17 Q. And do you have an estimation as to how long it took
18 her to arrive?

19 A. Maybe, roughly -- I don't know exactly. Maybe 30, 45
20 minutes.

21 Q. And did you -- did she give you any information
22 regarding this case?

23 A. She eventually identified one of the gentlemen as
24 Antonio Miller.

25 Q. All right. And was there -- can you describe the

1 person that she identified?

2 A. A black male with dreadlocks and a deformed arm.

3 Q. And is that person present in the courtroom today?

4 A. Yes, he is.

5 Q. Would you identify him, please?

6 A. He's sitting at the defense table in the green jump
7 suit, the green jump suit with the long dreads.

8 Q. Does Richland County have a policy regarding towing of
9 vehicles?

10 A. Yes.

11 Q. And what is that policy?

12 A. All vehicles that are going to be handed over to
13 owners or tow services are to be inventoried for weapons
14 or narcotics.

15 Q. And that applies to all vehicles?

16 A. All vehicles.

17 Q. Did you observe anybody read Mr. Miller his Miranda
18 rights?

19 A. I did not.

20 Q. And to your knowledge, at the time you arrived had he
21 been advised of his rights?

22 A. Not to my knowledge, no.

23 MS. YOUNG: No further questions, Your Honor.

24 THE COURT: Mr. Johnson?

25 (Due to sudden illness, end of day's proceedings at

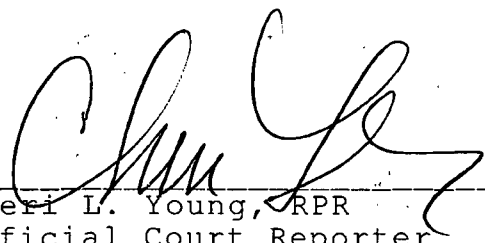
1 3:38 p.m.)

2 CERTIFICATE OF REPORTER

3 I, Cheri L. Young, Registered Professional
4 Reporter, and Official Court Reporter for the State of
5 South Carolina, do hereby certify that the foregoing
6 transcript of proceedings heard on Monday, February 13,
7 2012, in Aiken, South Carolina, was reported by me using
8 machine shorthand and realtime computer-aided translation
9 and is a true, accurate and complete transcript of the
10 proceedings had and evidence introduced in the hearing of
11 the matter.

12 I do further certify that I am neither of kin,
13 counsel nor interest to any party hereto.

14 I have hereunto set my hand this Wednesday the
15 4th day of April, 2012.

16
17
18 
19 Cheri L. Young, RPR
20 Official Court Reporter
21
22
23
24
25

1 requirements.

2 We're going to start back at 2:30. Please
3 be prompt. We will start right on time. Mr. Barber
4 will show you where to return. When you come back,
5 I'll swear you in. Then we'll start the trial of
6 the case. I anticipate this at least going until
7 Thursday afternoon, and it may be on Friday morning.

8 And I know we have two witnesses that
9 can't get here until Thursday afternoon. But we
10 have something Thursday morning that's going to take
11 -- not with you all, but it's involved with one of
12 the ones that was killed. And that's going to take
13 us a couple of hours to do that.

14 I don't want you having to sit and wait
15 while we're doing that. So just plan on probably
16 going till 5:00 or 5:15 this afternoon, a full load
17 tomorrow, pretty half much day a Thursday, and
18 probably half a day Friday.

19 I think that will get us through the week.
20 We'll work towards that. But I'm going to let you
21 go now with Mr. Barber, and we'll see you about
22 2:30. Please show up.

23 (Jury out from 11:16 a.m. to 2:30 p.m. for
24 lunch recess.)

25 THE COURT: Ms. Beth Ann, what do we have

1 left this morning?

2 MS. YOUNG: Your Honor, if I'm not
3 mistaken, we have Mr. Johnson had Investigator
4 Dauway on the stand.

5 THE COURT: That's correct.

6 MS. YOUNG: And then we have three more
7 witnesses after that.

8 MR. JOHNSON: Your Honor, just for the
9 record, I was informed yesterday that the Court
10 Reporter on yesterday failed to record direct
11 basically any of the hearing with Dauway as the main
12 officer. She informed a member of the Public
13 Defender's Office who notified me that that was not
14 recorded.

15 THE COURT: The Court Reporter this
16 morning certainly has recorded everything. I
17 haven't gotten any notification from anybody. I'm
18 going to give my Court Reporter and Court personnel
19 about ten minutes. Let's start back in ten minutes.

20 MS. YOUNG: Thank you, Your Honor.

21 (Court in recess.)

22 THE COURT: All right, Ms. Beth Ann, we
23 were with Officer Dauway. Where were we in that
24 testimony?

25 MS. YOUNG: I believe Mr. Johnson was

1 about to question him.

2 THE COURT: All right, Mr. Johnson, you
3 may move forward.

4 MR. JOHNSON: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. JOHNSON:

7 Q Officer, did you ever provide my client,
8 Mr. Miller, with his rights or advise him of his
9 rights under Miranda?

10 A I did not.

11 Q And did you witness any officers doing
12 that?

13 A No.

14 Q And when you arrived on the scene, did you
15 -- was Mr. Miller free to leave, or was he detained?

16 A When I initially got there, he was free to
17 leave. And as the investigation went on, I found a
18 gun in one car and crack in the other car. At that
19 time, he wasn't free to leave at that time.

20 Q Was he in handcuffs when you saw him?

21 A Originally, no.

22 Q Did you put handcuffs on him?

23 A I didn't, no.

24 Q Did you see him being placed in the
25 handcuffs?

Stephen Dauway - Cross Cont's In-Camera

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1 A Eventually, yes.

2 Q All right. And did you have anything to
3 do with the obtaining of a search warrant for 5520
4 North Main Street?

5 A I called some officers, yes, and that led
6 to a search warrant.

7 Q Did you actually call the information to
8 the officer who obtained the search warrant?

9 A No, I did not.

10 Q Okay.

11 MR. JOHNSON: No more questions, Your
12 Honor.

13 THE COURT: Redirect?

14 MS. YOUNG: Just briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. YOUNG:

17 Q Investigator Dauway, you were present and
18 you had an opportunity to observe the location of
19 the green Taurus?

20 A Yes.

21 Q How close was it to the residence?

22 A Two feet. I mean, it was right up against
23 the house, almost as if it was being hid from the
24 road.

25 Q And how close was Mr. Miller to that green

1 Q And you were a narcotics investigator?

2 A Yes.

3 Q Do you recall that date?

4 A Yes, I do.

5 Q How did you become involved with the case
6 involving Mr. Miller?

7 A I was working in the office, and Cpl.
8 Dauway called me and stated that they were out with
9 a guy who had a large quantity of crack cocaine and
10 a couple of guns, and they wanted me to see if I
11 could get a search warrant for the residence.

12 Q What did you do in response to this phone
13 call?

14 A At that time, myself and Investigator
15 Jordan responded to the location. And upon
16 arriving, I spoke with Cpl. Dauway and Deputy Ham.

17 Q And what were -- the persons present, the
18 non-law enforcement people, what was their status
19 when you arrived?

20 A One subject was in the back seat of Deputy
21 Ham's vehicle, and there was a group of people on
22 the back deck area or stoop of the residence. And I
23 believe Mr. Miller was in between the burgundy
24 Taurus and the patrol car.

25 Q What did you do when you arrived there?

SStephen Dauway - Redirect In-Camera

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1 car?

2 A He was on the back stoop, and the stoop
3 was two feet from the car.

4 MS. YOUNG: No further questions.

5 THE COURT: You may step down.

6 Next witness.

7 MS. YOUNG: The State calls Marcus Brown.

8 CLERK OF COURT: Please come forward, sir,
9 place your left hand on the Bible, and raise your
10 right.

11 (The witness was sworn.)

12 CLERK OF COURT: Please have a seat in the
13 witness box, state your full name for the Court, and
14 spell your last.

15 MR. BROWN: Marcus Jamal Brown.

16 MS. YOUNG: Spell your last.

17 MR. BROWN: B-R-O-W-N.

18 MARCUS JAMAL BROWN, having first been duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. YOUNG:

22 Q Mr. Brown, you were employed with Richland
23 County Sheriff's Office as an investigator back on
24 September 14, 2008, correct?

25 A Yes.

1 This was [REDACTED] Street?

2 A Yes, it is.

3 Q What did you do?

4 A I spoke with Cpl. Dauway, got some
5 information about what's going on. Then I went to
6 speak with Deputy Ham. And he advised me that he
7 had Mr. Melvin in the back seat, and gave me his
8 identification, and told me what he observed when he
9 arrived on location.

10 Q And you're referring to Melvin Cummings?

11 A Yes.

12 Q And you're stating that Deputy Ham told
13 you what had happened with Mr. Cummings at that
14 time?

15 A Correct.

16 Q And with you being present, basically your
17 testimony is that as far as what you were provided
18 that day about breach of trust --

19 A Correct.

20 Q -- responding to the location?

21 A Yes.

22 Q A gun being found?

23 A Yes.

24 Q Guns being found and drugs being found.

25 What did you do once you got some information about

Marcus Jamal Brown - Direct In-Camera

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1 Mr. Cummings?

2 A I looked at Mr. Cummings' identification,
3 and I saw that he was from Aiken. That's my
4 hometown, was Aiken. So I felt like I should have
5 known the guy.

6 So I texted an informer that I had been
7 using on several occasions that knew Mr. Cummings.
8 And they said that they didn't know him, but did I
9 know that Fred Tucker had been killed this morning.

10 And I said texted back and said I didn't
11 know that. And then I went back to Mr. Cummings and
12 asked him did he know Fred Tucker, and he stated
13 yes. And he said Fred was after his cousin.

14 Q All right. What was the next thing that
15 you did once you got that information?

16 A I asked Mr. Cummings where was he earlier
17 that day, and he stated that he was in Augusta. And
18 at that time, I asked him long -- just basically
19 questions about how long he was there, what did he
20 do.

21 He really couldn't answer those questions.
22 Then I went back to Mr. Antonio Miller, asked him
23 some of the same questions, where were they earlier
24 today. He told me he was in Charleston.

25 I went back to -- kind of going back and

1 forth. I went back to Mr. Cummings and asked him
2 again where was he, because there was conflicting
3 stories. He said, "No, I was in Augusta."

4 And I went back to Antonio Miller, and he
5 said, "Well, I was in Charleston. I don't know
6 where they were." Then I asked him what vehicle did
7 he take, and he said the green Taurus.

8 Q Let me back up for a second. You were
9 having some conversations with Mr. Miller, correct?

10 A Yes.

11 Q And did you have an understanding as to
12 whether or not he had been provided his Miranda
13 rights?

14 A At that time, no one had mentioned to me
15 that he was under arrest or that they had read him
16 his Miranda rights.

17 Q He wasn't in handcuffs, correct?

18 A No.

19 Q He was not?

20 A No.

21 Q And at some point in the conversation, did
22 you advise him of his Miranda rights?

23 A Yes, I did.

24 Q Am I jumping ahead too far?

25 A Yes, a little bit.

Marcus Jamal Brown - Direct In-Camera

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1 Q Okay. Well, just keep on going until you
2 get -- you know, I don't want to miss any
3 information. But what was the next thing that
4 happened?

5 A At that time, Cpl. Dauway told me that
6 there were two vehicles -- two weapons found in the
7 burgundy Taurus and that he believed that the weapon
8 that was in the back seat was actually Antonio
9 Miller's weapon that he had placed in there, because
10 he observed him in the back seat.

11 And one of the officers eventually told
12 him to get out of the vehicle, at which time when
13 they went back to look in the vehicle, they found
14 the second weapon. So I went back to at that time
15 Antonio -- not Antonio.

16 But Melvin Cummings was stating that the
17 weapon in the back seat was not his, that he
18 admitted to the weapon that was in the front seat.
19 But he had no idea how it got into the back seat,
20 the other weapon, and stated that it had to be
21 Antonio Miller's weapon.

22 Q You're referring to the previous testimony
23 that there was observation allegedly of Mr. Miller
24 getting in the car?

25 A Correct.

1 Q And this had been related to you. This
2 wasn't happening when you got there. It had already
3 happened?

4 A Correct.

5 Q All right. And what happened next?

6 A Then I went back to Antonio Miller, and I
7 asked him did he want to make a statement about the
8 gun, was the gun his, because somebody just saw him
9 in the vehicle. And then all of a sudden, it
10 appeared. And I said, "Your friend is pretty
11 adamant that this weapon is not his."

12 And he said, "So?" basically was shrugging
13 me off, saying "So? I don't have anything to say."
14 So I went back to Mr. Cummings, again trying to get
15 some more information about -- this is to try to see
16 who was actually telling the truth about the weapon.

17 And, again, he was very adamant about the
18 second weapon that was found, it not being his. I
19 went back to Antonio Miller and then told him, I
20 said, "You know, it's kind of messed up that you're
21 putting this other gun in here on your friend when
22 it's pretty obvious that the gun belonged to you."

23 And then at that time, he stated to me
24 that he was worried about his son getting off the
25 bus or one of his children getting off the bus and

Marcus Jamal Brown - Direct In-Camera

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1 somebody being there for his child getting off the
2 bus.

3 I said, "Well, we need to go ahead and
4 take care of this. We'll try to call your wife or
5 your boyfriend to pick up the child. If not, we'll
6 call DSS to take control of the child till we get
7 the situation taken care of."

8 At that time, he stated, "All right, I'll
9 tell you about the gun." I said, "All right." At
10 that time, I advised him of his Miranda rights.

11 Q At this point in time, was he in
12 handcuffs?

13 A No.

14 Q And do you have the rights card with you
15 here today regarding the rights that you gave Mr.
16 Miller that day?

17 A No, I don't.

18 THE COURT: Wait a minute. Don't be
19 coaching him up here.

20 THE COURT: He's not in law enforcement
21 anymore.

22 THE COURT: Well, I don't know who he is.
23 The--

24 MS. YOUNG: No, there's some confusion.
25 He was going to bring in his rights card, but Mr.

1 Brown is not in law enforcement. And he thought Mr.
2 Brown had it, so I apologize.

3 May I approach the witness, Your Honor?

4 Q Would that be similar to the card you used
5 to advise Mr. Miller on the date in question?

6 A Yes.

7 Q And for purposes of the record, will you
8 please read the rights that you gave Mr. Miller?

9 A I advised him, "Antonio Miller, you have
10 the right to remain silent. Anything you say can
11 and will be used against you in a court of law. You
12 have the right to talk to an attorney and have him
13 or her present with you while being questioned.

14 If you cannot afford an attorney, one will
15 be appointed to you to represent you before any
16 questions, if you want, if you decide at any time to
17 exercise these rights and not answer any questions
18 or make a statement.

19 Do you understand these rights that were
20 explained to you?" And he stated, "Yes." And I
21 said, "Do you waive your rights?" and he said,
22 "Yes." And I said, "Tell me about the weapon."

23 Q And this was all verbal and not written
24 anywhere, correct?

25 A Correct.

Marcus Jamal Brown - Direct In-Camera

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1 Q Did he appear to understand the rights
2 that you read to him?

3 A Yes.

4 Q Did he appear to be under the influence of
5 any alcohol, or drugs, or anything that would impair
6 him from understanding the rights you gave him?

7 A No.

8 Q And you stated he was not in handcuffs at
9 the time?

10 A Not at that time, no.

11 Q Was he still -- was he being detained at
12 that time?

13 A Yes.

14 Q And he was aware that he was being
15 detained?

16 A Yes.

17 Q Did you make him any promises to give you
18 a statement?

19 A No.

20 Q Did you threaten him in any way?

21 A No.

22 Q Did you coerce him in any way?

23 A No.

24 Q All right. Tell me about what Mr. Miller
25 stated to you.

1 A At that time, I believe Cpl. Dauway had
2 advised me that also some crack cocaine was found in
3 the other vehicle, the turquoise or green-colored
4 vehicle, Taurus. And before I read him the rights,
5 Cpl. Dauway told me that.

6 And Antonio Miller then stated that the
7 gun -- he did place the gun in the back seat of the
8 vehicle while the officer's attention was diverted.
9 He sat in the back seat, placed the gun on the
10 floorboard. And then when he told him to get out of
11 the car, he left the weapon in the vehicle.

12 Q Which vehicle was he referring to?

13 A The burgundy -- not burgundy, but the
14 dark-colored Taurus.

15 Q Red?

16 A Red Taurus, yes.

17 Q All right. What did you do as a result of
18 that information?

19 A At that time, I asked him, "So what about
20 the crack cocaine in the other vehicle?" He said,
21 "Yes, it's mine, too." And that's when I told him
22 at that time that he was being placed under arrest.
23 And someone placed handcuffs on him. I don't know
24 if I did it or somebody else did place him in
25 handcuffs.

Marcus Jamal Brown - Direct In-Camera

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1 Q What was he being charged with at that
2 time?

3 A The weapons charge and the crack cocaine
4 in the Taurus.

5 Q All right. And what was the next thing
6 that happened or that you did, Mr. Brown?

7 A At that time, with the conflicting
8 stories, I called Sgt. Ellis at the Richland County
9 Sheriff's Department. He was at headquarters. And
10 I asked him to call someone down at Aiken County to
11 see if they had any information on suspects in the
12 Fred Tucker murder that happened earlier that day.

13 He made the phone call. He called me back
14 and said a major or somebody from the Sheriff's
15 Department would be giving me a call back. I spoke
16 with him, told him who I was out with, and he stated
17 that Melvin Cummings was actually a person of
18 interest in the shooting. And then he told me that
19 he would be sending two investigators and someone
20 from the lab up to our location.

21 Q From Aiken County?

22 A From Aiken County, yes.

23 Q How much time had elapsed, if you have an
24 estimation, at this point in time. You were talking
25 about a lot of back and forth.

Marcus Jamal Brown - Direct In-Camera

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1 A Between when the Sheriff's Department got
2 there or?

3 Q No, just from when you got there till when
4 this was happening when you were having these phone
5 calls?

6 A I would probably say about at least 30
7 minutes, 30 to 45 minutes.

8 Q What did you do next, Mr. Brown?

9 A At that time, I think the manager from
10 U-Save Rental had came on scene, as well as Mr.
11 Miller's wife or girlfriend. At that time, we
12 didn't know his correct name.

13 So myself and Cpl. Dauway approached his
14 wife and asked her what was the guy's name standing
15 over there in the corner. And he was trying to give
16 her a signal to not respond. I then turned it
17 around to where she couldn't see him and asked her
18 again what was his name, and advised her if she told
19 us a lie that she could be charged with giving false
20 information.

21 At that time, she said his last name was -
22 - she said Antonio. And then, I said, "What's his
23 last name?" She said, "Miller." I think we got her
24 identification and started running her also for
25 warrants. And she came back wanted, also -- or

Marcus Jamal Brown - Direct In-Camera

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1 wanted.

2 Q You're referring to Deidre King or Deidre
3 King Miller?

4 A Yes.

5 Q She had some outstanding warrants at that
6 time?

7 A Yes, she did.

8 Q All right. What was the next thing that
9 you did?

10 A At that point, we spoke with the manager
11 from U-Save Rental, and he was asking me questions
12 about when could he get the vehicle back. And I
13 told him as soon as we finished processing the scene
14 and that we would probably be able to release the
15 vehicle to him.

16 At that time, a call was made to Crane,
17 and I asked him was he still at the office. And I
18 asked him if he would type a search warrant for me.

19 Q Just to clarify, you're talking about two
20 agencies involved. Investigator Crane --

21 A He's with the Richland County Sheriff's
22 Department.

23 Q -- who was one of your colleagues at the
24 time?

25 A Right.

1 Q And you called him personally?

2 A Yes.

3 Q And you asked him to get a search warrant?

4 A Yes.

5 Q And you gave him information, correct?

6 A Yes, I did.

7 MS. YOUNG: May I approach, Your Honor?

8 Can I get this one marked?

9 Q Mr. Brown, do you recognize what's been
10 marked for purposes of this hearing as Court's
11 Exhibit One?

12 A Yes.

13 Q You can look all the way through it.

14 A This is the search warrant that Crane got
15 signed.

16 Q And have you had a chance to read the
17 affidavit that he provided?

18 A Yes, I did.

19 Q And that was based on information that you
20 gave him?

21 A Yes.

22 Q You had already spoken to the same man at
23 the time about the GPS in the vehicle?

24 A Yes.

25 Q And he confirmed that information to you?

Marcus Jamal Brown - Direct In-Camera

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1 A Yes, he did.

2 Q How long did it take Mr. Crane to get
3 there -- Investigator Crane, excuse me -- with that
4 search warrant?

5 A I really can't say. It was a lot of time
6 that had passed -- probably maybe another 45 minutes
7 to an hour.

8 Q He had to take it to a magistrate to get
9 it signed, things of that nature?

10 A He went -- he typed it up, did some
11 research on the address, and then went to the
12 Judge's office to get it signed and brought it out
13 to the location.

14 Q And what did you do at that point in time?

15 A He gave me a call and stated that he had
16 the search warrant signed, and then we made entry
17 into the residence.

18 Q You personally went inside this residence?

19 A Yes.

20 Q And what, if anything, of contraband did
21 you find or was discovered in the residence?

22 A It's crack cocaine found in the master
23 bedroom dresser drawer and some weapons found in the
24 closet.

25 Q Do you have a recollection as to how many

1 weapons were found?

2 A I think it was two weapons found.

3 Q You're talking about firearms?

4 A Yes, ma'am, pistols.

5 Q And what happened as a result of those
6 things being discovered?

7 A By that time, the Aiken County Sheriff's
8 Office was there and SLED, and we brought the items
9 out of the house. As we were processing, bagging
10 the evidence, that's when blood was found or
11 observed on one of the weapons. And I think also
12 some shoes were brought out, some counterfeit shoes
13 were brought out, with what appeared to be blood
14 also was found on those shoes.

15 Q You said counterfeit?

16 A Yes, ma'am.

17 Q And were you present and around Mr. Miller
18 any further that afternoon?

19 A Excuse me?

20 Q Were you present -- did you hear Mr.
21 Miller make any additional statements that afternoon
22 that would be relevant to this case?

23 A Yes.

24 Q And tell us about that.

25 A After we brought the evidence outside and

Marcus Jamal Brown - Direct In-Camera

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1 we had them on the vehicle, Mr. Miller was outside
2 the resident. Myself and Investigator Jordan
3 approached him and asked him about -- we'll charge -
4 - we asked him about the drugs in the house and
5 said, "If you don't tell us about the drugs," you
6 know, "we're going to charge you and your wife with
7 trafficking crack cocaine and weapons charges
8 because it was in the master bedroom."

9 So Mr. Miller stated that "Okay, I'll
10 claim it." And then Investigator Jordan again read
11 him his rights, Miranda rights. We then told him,
12 "You just can't claim it. You have to tell us where
13 the drugs and the weapons were found." And then at
14 that time, he told us that the drugs were found in
15 the top dresser drawer and the guns were found in
16 the closet.

17 Q And would that be direct information?

18 A Yes, it was.

19 MS. YOUNG: No further questions.

20 THE COURT: Mr. Johnson?

21 MR. JOHNSON: Thank you, Your Honor. Your
22 Honor, I'm just going to approach with State's
23 Exhibit One.

24 CROSS EXAMINATION

25 BY MR. JOHNSON:

1 Q Officer, are you aware of any additional
2 testimony that was given to the Magistrate in
3 support of that search warrant?

4 A No.

5 Q And are you testifying that -- let me just
6 get it straight. When the Solicitor asked you
7 showing up on the scene, she said you were advised
8 of the presence of guns and drugs, correct --

9 A Right.

10 Q -- when you spoke to Mr. Miller?

11 A I spoke to Mr. Cummings first.

12 Q Then you spoke to Mr. Miller?

13 A Right.

14 Q Mr. Cummings says that one of the guns
15 belonged to Mr. Miller?

16 A Correct.

17 Q And it's your testimony that after all of
18 that, nobody put him in handcuffs?

19 A Correct.

20 Q He was allowed to just roam freely?

21 A No.

22 Q So he wasn't free to go?

23 A No.

24 Q And you're not sure who put him in
25 handcuffs?

Marcus Jamal Brown - Cross In-Camera

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1 A Correct.

2 Q But you said you arrested him for the
3 crack cocaine found in the car?

4 A No, I told him he was under arrest, but I
5 didn't place him under arrest.

6 Q Okay, thank you.

7 MR. JOHNSON: Your Honor, I just want to
8 look at this card he had been handed by the State.

9 Q And, Officer, when you advised him, what
10 did you tell Mr. Miller when you advised him of his
11 Miranda rights?

12 A What do you mean?

13 Q What did you advise him of?

14 A Of his rights.

15 Q What did you say?

16 A I read this card --

17 THE COURT: He's testified to that. You
18 want him to do it again?

19 MR. JOHNSON: Well, Your Honor, it's an
20 issue since there was an issue with his memory. I
21 asked him -- I think I'm entitled to at least go
22 back over that.

23 THE COURT: Go ahead.

24 Q Did you advise him of his right to have an
25 attorney?

1 A I read -- I stated he had a right to
2 remain silent. "Anything you say can and will be
3 used against you in a court of law. You have the
4 right to talk to an attorney and have him or her
5 present while you're being questioned.

6 " If you cannot afford an attorney, one
7 will be appointed to represent you before any
8 questioning, if you want. If you decide at any time
9 to exercise these rights and not answer any
10 questions or make statements. Do you understand
11 these rights that I explained to you?" And then --

12 Q Okay. And you read those from the card
13 you're holding?

14 A Not this particular card, no.

15 Q You weren't looking at the card when you
16 were reading?

17 THE COURT: He says not that particular
18 card.

19 A Not this particular card.

20 Q But just now, you read from that card?

21 A Yes.

22 Q Okay. Are you sure that everything you
23 read from that card is what you said to Mr. Miller
24 on that day?

25 A Yes.

Marcus Jamal Brown - Cross In-Camera

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1 Q Okay. And he wasn't free to leave,
2 correct?

3 A No.

4 Q And that's -- when you first approached
5 him, he wasn't free to leave?

6 A No.

7 Q And didn't he make a statement to you that
8 he didn't want to talk to you or make a statement?

9 A When I first approached him and asked him,
10 first, we were just trying to find out what his name
11 was. He was giving us wrong information.

12 As we -- I think as I talked to him about
13 the weapon that was in the burgundy Taurus, he said
14 -- he shrugged his shoulders and said like, "You
15 know, whatever," and then said, "I ain't got nothing
16 to say." But he never said that -- stated he wanted
17 an attorney or that he wanted a representative
18 before he answered any questions.

19 Q Okay. But you had not advised him of the
20 right to an attorney, correct?

21 A Not when I first started talking to him,
22 no.

23 Q And then you repeatedly went back to him
24 after talking to Mr. Cummings. You kept going back
25 and asking about the gun?

1 A Yes.

2 Q Okay. And you said how many weapons were
3 found in the house?

4 A I believe there was two weapons found.
5 I'm not a hundred percent about that.

6 Q And you're saying Aiken County officers
7 were involved in the search of the house?

8 A No.

9 Q Aiken County officers --

10 A I said they were there. I didn't say they
11 searched the house.

12 Q They did not search the house?

13 A They were there. They never searched the
14 house, no.

15 Q So you're saying they did not enter the
16 house?

17 A Right.

18 Q At 5520 North Main Street?

19 A Not when we first -- not when we did, no.

20 Q At any point did they search the house
21 with Richland County --

22 A Yes.

23 Q -- with that warrant?

24 A On this warrant?

25 Q Yes, sir.

Marcus Jamal Brown - Cross In-Camera

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1 A They walked through the house, but they
2 didn't search.

3 Q They didn't notice anything about the
4 shoes. There was no conversation or examination of
5 the shoes that were testified about?

6 A Say that again?

7 Q Aiken County and Richland County never
8 talked about these shoes that were located that you
9 testified about had blood on them? Aiken County and
10 Richland County never talked about that while they
11 were at 5520 North Main Street, inside the house?

12 A No, not inside the house, no. We talked
13 about it outside the house.

14 Q Okay.

15 A After we had already collected it. They
16 were actually talking to the suspects while we was
17 in the house.

18 Q Okay.

19 A When we brought the evidence outside, they
20 were looking at it. And then they said, "Hey," and
21 that's when the conversation came up about the shoe
22 patterns and whatever.

23 Q Why would Richland County see shoes?

24 A That's commonly what we do on narcotics
25 search warrants. We seize counterfeit goods of any

1 type -- clothing, shoes, jewelry.

2 Q All right. And you failed to report
3 anything in any of your reports about advising my
4 client of those rights under Miranda?

5 A Yes.

6 Q And you didn't use any sort of a mike like
7 law enforcement has where they put a mike on a
8 shirt? You did nothing to record your conversation
9 with Mr. Miller?

10 A No, I was an undercover narcotics
11 investigator at the time.

12 Q Okay. And you didn't offer any forms to
13 produce a written statement by Mr. Miller?

14 A Yes.

15 Q While you were on the scene talking to
16 him, you got a written statement from Mr. Miller?

17 A You said did I offer. Yes, I did offer.
18 He said no.

19 Q Okay. Did you put that in your report?

20 A No, actually, Investigator Jordan asked
21 him to give a written statement after we got him
22 back to our headquarters, and he said no.

23 Q Are you aware --

24 No more questions, Your Honor.

25 THE COURT: Redirect?

Marcus Jamal Brown - Cross In-Camera

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1 MS. YOUNG: May I approach the witness,
2 Your Honor?

3 REDIRECT EXAMINATION

4 BY MS. YOUNG:

5 Q Is there a return attached to this search
6 warrant, to your knowledge?

7 A Yes.

8 Q And would looking at it refresh your
9 recollection about items that were seized in the
10 house?

11 A Yes.

12 Q Take a look at that and tell me when
13 you're done silently reading it.

14 A Okay.

15 Q Having looked at that document, does it
16 refresh your recollection regarding the guns that
17 were found that day?

18 A Yes.

19 Q How many guns were found that day?

20 A Three inside the residence.

21 Q And is that what you recall now after
22 reading that document?

23 A Yes.

24 Q And were they all found -- where?

25 A In the closet, on the top shelf.

1 Q Which is where?

2 A In the master bedroom.

3 Q In the same room where the cocaine was
4 found?

5 A Yes.

6 MS. YOUNG: Nothing further, Your Honor.

7 THE COURT: You may step down.

8 Next witness.

9 MS. YOUNG: The State calls Investigator
10 Robert Crane.

11 (The witness was sworn.)

12 CLERK OF COURT: Please have a seat in the
13 witness box, state your full name for the Court, and
14 spell your last.

15 MR. CRANE: Robert Crane -- C-R-A-N-E.

16 ROBERT CRANE, having first been duly
17 sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. YOUNG:

20 Q You're employed with the Richland County
21 Sheriff's Department?

22 A Yes.

23 Q As an investigator?

24 A Yes.

25 Q You were also employed in that capacity on

Robert Crane - Direct In-Camera

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1 September 15, 2008?

2 A Yes.

3 Q And are you the same Investigator Crane
4 that was called to draft a search warrant for 5520
5 North Main Street?

6 A Yes.

7 MS. YOUNG: May I approach?

8 Q I'm showing you what has been marked for
9 identification as Court's Exhibit Number One. I'll
10 ask you to take a look at it and tell me if you
11 recognize that.

12 A Yes, I do.

13 Q What is it?

14 A It's the search warrant that I typed up
15 for 5520 North Main Street.

16 Q And does that appear to be a true and
17 correct copy of the search warrant you prepared?

18 A Yes, it does.

19 Q Are there any additions or deletions --
20 any additions made or deletions from the exhibit?

21 A No -- 'no, ma'am.

22 Q None.

23 MS. YOUNG: Your Honor, at this time we
24 offer that search warrant into evidence for purposes
25 of this hearing.

1 THE COURT: Any objection?

2 MR. JOHNSON: No objection, Your Honor.

3 Q You received information from Investigator
4 Brown, is that correct?

5 A That's correct.

6 Q And did you receive any information from
7 anybody else?

8 A No, I did not.

9 Q And did you do any further research before
10 preparing that search warrant?

11 A Based on the name Antonio Miller, I ran
12 his criminal history and just attached that, you
13 know, in part of the affidavit.

14 Q And what information did you discover
15 regarding Antonio Miller when you ran for additional
16 information?

17 A If you'll give me just a second. He had
18 been arrested at least 12 occasions for illegal
19 narcotics.

20 Q And you included that in your affidavit?

21 A Yes, ma'am.

22 Q And you swore that affidavit before a
23 Magistrate/Judge?

24 A Judge Cuff.

25 Q And you signed that affidavit?

Robert Crane - Direct In-Camera

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1 A Yes, ma'am.

2 Q Did you provide any additional information
3 to Judge Cuff?

4 A No, I did not.

5 Q That's the totality of the information you
6 provided?

7 A That's correct.

8 Q And then you took that to 5520 North Main
9 Street?

10 A That's right.

11 Q And gave it to who?

12 A To Investigator Brown.

13 Q Do you have any further information or
14 involvement with this after you did that?

15 A I do not.

16 MS. YOUNG: No further questions.

17 THE COURT: Cross?

18 MR. JOHNSON: Thank you, Your Honor. Your
19 Honor, I'm just going to approach with an exhibit.

20 CROSS-EXAMINATION

21 BY MR. JOHNSON:

22 Q Officer, can you tell me where in this
23 affidavit or in this search warrant it states anyone
24 lives at Street?

25 A I don't believe it does.

1 Q And is there any information there about
2 anybody -- or Mr. Miller or Ms. Miller or anybody
3 entering 5520 North Main Street during this
4 incident?

5 A No, sir.

6 Q Is there any information about
7 confidential informants saying that drugs are being
8 sold out of 5520 North Main Street or the presence
9 of illegal drugs within that location?

10 A No, sir.

11 Q Was the Magistrate informed of any
12 connection all through that search warrant between
13 Antonio Miller or Ms. Miller and that location?

14 A Just like the affidavit said, that Mr.
15 Miller, the vehicle he had rented, was at the
16 residence, you know, in the yard of the location.

17 Q Is that what it says?

18 A It says that the GPS tracking unit put the
19 green Taurus or the said vehicle at 5520 North Main
20 Street.

21 Q Does it say that, or does it say to be in
22 the 5520 Main Street area?

23 A Deputies responded and observed the said
24 vehicle parked in front of the location, the
25 incident location.

Robert Crane - Cross In-Camera

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1 Q Where are you at?

2 A I'm on the third line from the bottom, or
3 second line from the bottom. Deputies respond to
4 location and observed the said vehicle parked in
5 front of the incident location. And upon
6 approaching the said vehicle, deputies made contact
7 with Mr. Miller.

8 Q Okay. And it says nothing about Mr.
9 Miller being inside of the vehicle or being inside
10 of the location, correct?

11 A That's correct.

12 Q Or Ms. Miller, or Deidre King, as she was
13 known?

14 A That's correct.

15 MR. JOHNSON: No more questions, Your
16 Honor.

17 THE COURT: Redirect?

18 MS. YOUNG: Thank you, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. YOUNG:

21 Q Investigator Crane, the area to be
22 searched was in fact 5520 North Main Street, is that
23 correct?

24 A That's correct.

25 Q As you indicated in your description of

1 the premises?

2 A That's right.

3 Q And you included the address and some
4 physical description of that home, correct?

5 A That's correct.

6 Q And you stated in your affidavit, you
7 testified a little bit about this Ford Taurus that
8 had been taken -- an incident report had been taken
9 on prior to that day?

10 A That's correct.

11 Q And you identified that with the tag
12 number, and you put that in your report?

13 A Yes.

14 Q And you confirmed that it was the same
15 vehicle that had been located there by the GPS
16 tracking unit?

17 A That's right.

18 Q Based on information you were given?

19 A That's right.

20 Q And you also advised that there were
21 approximately 22 grams of white rocklike substance
22 that field-tested positive for cocaine in that
23 vehicle?

24 A That's correct.

25 Q And you also stated that at that point in

Robert Crane - Redirect In-Camera

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1 time, Antonio Miller was placed under arrest for
2 trafficking cocaine?

3 A That's correct.

4 Q And then you put in the thing about his
5 prior criminal history, correct?

6 A That's right.

7 Q And did you add some additional
8 information based on your training and experience as
9 a narcotics officer about where drugs had been found
10 previously as part of your affidavit?

11 A Yes.

12 MS. YOUNG: No further questions.

13 THE COURT: You may step down.

14 Next witness.

15 MS. YOUNG: The State calls Investigator
16 Taima Jordan.

17 (The witness was sworn.)

18 CLERK OF COURT: Please have a seat in the
19 witness box, state your full name for the Court, and
20 spell your last.

21 MR. JORDAN: Taima Jordan -- J-O-R-D-A-N.

22 TAIMA JORDAN, having first been duly
23 sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. YOUNG:

Taima Jordan - Direct In-Camera

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1 Q You're employed also as an investigator at
2 Richland County Sheriff's Office?

3 A Yes.

4 Q In the narcotics unit?

5 A During that time, yes.

6 Q And you are referring to September 15,
7 2008?

8 A Yes.

9 Q And for purposes of brevity, have you been
10 present during testimony from the other officers?

11 A Yes.

12 Q Previously including Investigator Brown?

13 A Yes.

14 Q And did you first arrive at the scene with
15 Investigator Brown?

16 A I did.

17 Q And did you do anything additional other
18 than the information he was giving about going back
19 and forth --

20 A No.

21 Q -- when he arrived there?

22 A No.

23 Q And were you involved with the search
24 warrant in any way?

25 A Yes, I executed the search warrant.

Taima Jordan - Direct In-Camera

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1 Q Okay. And just briefly, give some details
2 about that.

3 A Before the search warrant was executed, I
4 contacted Deputy Richburg, K-9 officer, told him
5 that we were going to execute a search warrant and
6 we needed his dog to assist in a search of the
7 residence.

8 Investigators Crane and Branham arrived
9 with the search warrant. I entered the residence
10 with the K-9 handler, and the dog went throughout
11 the residence. The dog did alert to a chest of
12 drawers in the master bedroom. Further search of
13 the chest of drawers revealed a plastic bag with
14 crack cocaine.

15 Q Were there any other additional possibly
16 contraband items found in the residence?

17 A Yes, in the master bedroom, the same room,
18 in the closet on a shelf were three handguns.

19 Q You said three handguns?

20 A Yes.

21 MS. YOUNG: May I approach the witness,
22 Your Honor?

23 THE COURT: You may.

24 Q Do you recognize Court's Exhibit One for
25 purposes of this hearing?

- 1 A I do.
- 2 Q And what is it?
- 3 A Search warrant.
- 4 Q And is there a search warrant return
- 5 attached to it?
- 6 A Yes, it is.
- 7 Q And who prepared that return?
- 8 A I did.
- 9 Q And what did you do? Does that you mean
- 10 you recorded everything that was found?
- 11 A Recorded everything that was found, yes.
- 12 Q And what details did you record regarding
- 13 any guns that were found in the residence?
- 14 A They were in the master bedroom closet on
- 15 the top shelf.
- 16 Q And did you record, for purposes of the
- 17 record, type, make, model?
- 18 A Yes, serial numbers.
- 19 Q Can you read that for purposes of the
- 20 record?
- 21 A Titan Tiger .38 Special, serial number
- 22 41026, gray in color, top shelf, master bedroom
- 23 closet; high-point 9-millimeter, serial number
- 24 P1251546, black, in the top shelf of the master
- 25 bedroom closet; and a Glock .40 caliber, serial

Taima Jordan - Direct In-Camera

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1 number ENF296, black in color, in the top shelf of
2 the master bedroom closet.

3 Q And were there any other additional items
4 of contraband recovered at the residence?

5 A Yes. There were ammunition and also
6 digital scales and other things associated with
7 manufacturing drugs.

8 Q And anything else?

9 A There was also paperwork in the same chest
10 of drawers, in the middle drawer, one being a rental
11 agreement with Mr. Antonio Miller's name on it, and
12 also some other paperwork with Deidre Miller's name
13 on it.

14 Q What about these shoes that have been
15 testified about?

16 A They were found in the kitchen, I believe.

17 Q And is there a description on those?

18 A Yes, they're green and white Nikes and
19 also black and gold Nikes.

20 MS. YOUNG: Briefly, Your Honor. I'm
21 showing the witness what's been marked as State's
22 Exhibit Fourteen, Nineteen, Twenty, Twenty-One, and
23 Twenty-Two.

24 Q I'll ask you to take a look at those and
25 tell me if you recognize them, each one.

1 A Yes, this is the picture --

2 Q Before you testify about what it is, say
3 what number it is.

4 A Okay. State's Exhibit Fourteen, this is a
5 picture of the master bedroom with the chest of
6 drawers over in the corner. That top drawer is
7 actually where the crack cocaine was found.

8 State's Exhibit Nineteen is a picture of
9 one of the handguns that was found in the closet on
10 the shelf. State's Exhibit Twenty is another
11 picture of another handgun that was found in the
12 closet on the shelf. And here are two handguns --

13 THE COURT: Number, please.

14 Q I'm sorry -- Twenty-One, two handguns on
15 the shelf in the closet. And Twenty-Two, two pair
16 of tennis shoes that were photographed.

17 Q Go back to nineteen and twenty for a
18 minute. Is that two different guns, or is it the
19 same gun, different angle?

20 A Same gun, different angle.

21 Q And those areas that were located in the
22 picture, is that where the items were found at 5520
23 North Main Street?

24 A Yes.

25 Q And those pictures were taken to document

Taima Jordan - Direct In-Camera

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1 --

2 A Yes.

3 Q -- where you found these items?

4 A Yes.

5 MS. YOUNG: We'd offer them just for

6 limited purposes of what he's testified.

7 THE COURT: Any objection?

8 MR. JOHNSON: No objection, Your Honor.

9 Q Did you advise Mr. Miller of his rights?

10 A Yes.

11 Q And do you have the card that you used to

12 advise him?

13 A Not with me, no.

14 MS. YOUNG: May I approach, Your Honor?

15 THE COURT: Yes, ma'am.

16 Q Would that be similar to the card that you

17 used?

18 A Yes, ma'am.

19 Q Will you read for the record the rights

20 that you gave Mr. Miller?

21 A "You have the right to remain silent.

22 Anything you say can and will be used against you in

23 a court of law. You have the right to talk to an

24 attorney and have him or her present with you while

25 you are being questioned.

1 If you cannot afford an attorney, one will
2 be appointed to represent you before any
3 questioning, if you want. You can decide at any
4 time to exercise these rights and not answer any
5 questions or make any statements.

6 Do you understand these rights as I've
7 explained them to you? Having these rights in mind,
8 do you wish to talk to us now?"

9 Q And is that similar to the card that you
10 used to advise Mr. Miller that day?

11 A Yes.

12 Q When you talked to him, he was under
13 arrest, correct?

14 A Yes.

15 Q And he was in handcuffs?

16 A Yes.

17 Q Did he appear to understand the rights
18 that you were giving him?

19 A Yes, he did.

20 Q Was he under the influence of any alcohol
21 or drugs --

22 A Not to my knowledge.

23 Q -- anything of that nature?

24 A No.

25 Q Did you promise him anything?

Taima Jordan - Direct In-Camera

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1 A No.

2 Q Did you threaten him in any way?

3 A No.

4 Q And what did he tell you? What did you
5 ask him about?

6 A I told him that we found some items in the
7 house.

8 THE COURT: Found what, now?

9 A Found items, drugs, weapons, in the house,
10 asked him if they belonged to him. And he stated
11 that -- he said, "I will claim them," because we
12 advised him that also that if no one claimed them,
13 that he and his wife both would be charged with
14 those items.

15 He said that "They're mine." I asked him
16 where were they found. And he specifically told me
17 in the bedroom, his bedroom. We should have found
18 three guns in the closet, and the drugs should have
19 been in a chest of drawers, in the top drawer.

20 Q Did you have any additional conversation
21 with Mr. Miller?

22 A We went to headquarters. I asked him to
23 provide a written statement, and at that time, he
24 said he would not.

25 MS. YOUNG: No further questions.

Taima Jordan - Direct In-Camera

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1 THE COURT: Cross?

2 MR. JOHNSON: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. JOHNSON:

5 Q Officer, you said that those rights you
6 read off the card were similar. How are they not an
7 exact match?

8 A The wording may be a little bit different,
9 but, I mean, it's the same thing.

10 Q What's different about it?

11 A I can't tell you that, sir. I don't have
12 the exact card in front of me to tell you that.

13 Q Did you advise Mr. Miller of his right to
14 have an attorney, though?

15 A What I read on that card, yes, he was.
16 Yes, that right is in there.

17 Q So you said that to him?

18 A Uh-huh.

19 Q And did you advise him of his right to
20 remain silent?

21 A Yes.

22 Q And what did he say about his right to
23 have an attorney?

24 A He didn't tell me he wanted one.

25 Q Okay. Do you remember what he said in

Taima Jordan - Cross In-Camera

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1 response?

2 A Nothing. He didn't tell me he wanted one.

3 Q Okay. Now, regarding the search at 5520

4 North Main Street, wasn't that search conducted with

5 Aiken County?

6 A They were in the residence, but they

7 didn't search. Myself, and K-9 Willis, and then

8 also Investigator Branham searched the residence.

9 Q So if you created a report regarding that,
10 is your report on that accurate?

11 A Yes.

12 Q Okay. I'm going to show you some
13 paperwork. I'm going to ask you, this particular --

14 I'm going to ask you if this is part of a report

15 that you created, Richland County Sheriff's

16 Department.

17 A No, this is not mine.

18 Q Okay. Is your name on it?

19 A Yes, it is.

20 Q Okay.

21 A So is the other officers'.

22 Q And what does it say -- your case lead

23 LEO, what does that mean?

24 A That would be the lead officer.

25 Q Okay. And on this report, doesn't it say

1 that Aiken County Investigator looked around the
2 residence with the investigating officer?

3 A I didn't see that, sir. You took it from
4 me.

5 Q I'll return it to you.

6 A Yes, I see that, yes.

7 Q Okay. So the report generated by Richland
8 County Sheriff's does indicate that Aiken County
9 conducted a search with Richland County?

10 A Yes.

11 Q Okay. And doesn't it also say that the
12 shoes seized were seized because they had a tread
13 pattern that was similar recognized to the pattern
14 identified in Aiken County?

15 A Where is that at, sir? Yes, sir. But
16 this is not my report, so I can't testify to a
17 report that's not mine.

18 Q Was this a report generated by Richland
19 County Sheriff's?

20 A Yes -- someone, yes.

21 Q Okay. Does it indicate that the shoes
22 were seized because of the tread pattern?

23 A I can't testify to that, sir. That's not
24 my report.

25 THE COURT: Does the report indicate, not

Taima Jordan - Cross In-Camera

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1 that you testified.

2 A Yes, sir.

3 Q Well, whose report is this? If you're the
4 lead officer, whose --

5 A The reporting officer, sir, is
6 Investigator Branham.

7 Q Okay. And so he recorded that the shoes
8 were received because of the tread pattern?

9 A Yes, sir.

10 Q And when you talked to Mr. Miller, he was
11 under arrest?

12 A Yes, sir.

13 Q Did he have handcuffs on?

14 A Yes, sir.

15 Q Did you put those on him?

16 A No, sir.

17 Q Did you see who did put handcuffs on him?

18 A No, sir.

19 Q Okay. Is it your policy that if someone
20 is identified as having a weapon or drugs that they
21 go into handcuffs? Is that your training?

22 A Repeat the question, sir.

23 Q As a law enforcement officer, if you find
24 somebody that's found to have a weapon, is it your
25 training to put that person in handcuffs?

1 A I think the circumstances would dictate
2 that if the weapon is secure and it's enough
3 officers there until we further investigate. Just
4 because we find a weapon doesn't mean the person is
5 under arrest.

6 We have to go through further
7 investigation to determine if it's, number one,
8 stolen or what have you. So it would depend on the
9 circumstances, sir.

10 Q Okay. Do you remember the name of the
11 Aiken County officer that searched?

12 A No, sir, I do not.

13 MR. JOHNSON: No more questions, Your
14 Honor.

15 THE COURT: Redirect?

16 REDIRECT EXAMINATION

17 BY MS. YOUNG:

18 Q It's your testimony here that Aiken County
19 didn't collect evidence, they were present at the
20 scene?

21 A Correct.

22 MS. YOUNG: No further questions.

23 THE COURT: You may step down.

24 Next witness.

25 MS. YOUNG: The State calls Investigator

Taima Jordan - Redirect In-Camera

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1 Anthony Branham.

2 (The witness was sworn.)

3 CLERK OF COURT: Have a seat in the
4 witness box, state your full for the Court, and
5 spell your last.

6 MR. BRANHAM: Anthony Wayne Branham -- B-
7 R-A-N-H-A-M.

8 ANTHONY WAYNE BRANHAM, having first been
9 duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. YOUNG:

12 Q You're also a Richland County Sheriff's
13 Office narcotics investigator?

14 A I was at that time, yes, ma'am.

15 Q You were on September 15, 2008?

16 A Yes, ma'am.

17 Q And were you involved with assisting with
18 execution of the search warrant that has been
19 testified to?

20 A Yes, ma'am.

21 Q What did you do?

22 A I arrived after being beckoned to the
23 scene by Investigator Crane to assist in a search
24 warrant that he was securing for the residence at
25 5520 North Main Street.

1 Soon after I arrived, we got notification
2 that the search warrant had been signed by Judge
3 Cuff. And soon thereafter, we began to search the
4 residence.

5 Q And what were you involved in?

6 A I entered the residence with Investigator
7 Jordan and I believe it was two K-9 officers. And
8 Investigator Jordan had notified me that there was a
9 K-9 alert in the master bedroom. So I followed him
10 in that bedroom to assist him in searching that
11 area.

12 Q And did you observe the items discovered
13 to be where he has previously testified to?

14 A Yes. He indicated, showed me where they
15 were, and I retrieved a camera. And I actually took
16 pictures of the alleged crack cocaine that was
17 recovered from the top drawer of the chest of
18 drawers in the master bedroom and also the three
19 guns that were located in the closet in the master
20 bedroom.

21 Q All right. What about the shoes?

22 A In the kitchen area, I noticed there were
23 a couple pair of Nikes, picked them up, through my
24 training, through the Secretary of State's Office,
25 recognized them as being counterfeit Air Jordans or

Antony Branham - Direct In-Camera

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1 Nikes, and had notified -- I can't remember if it
2 was Investigator Brown or Jordan -- that I planned
3 on taking them.

4 Q Do you have some kind of training in
5 whether shoes are counterfeit or not, any specific
6 training in that?

7 A I have specific training in identifying
8 counterfeit clothing, shoes, and some jewelry.

9 Q Well, is it common for you to see
10 counterfeit items?

11 A It is. In our narcotics unit, we also
12 work vice, as well, and that includes the seizure of
13 any type of counterfeit items, whether they be
14 shoes, clothing, jewelry, and that sort of thing.

15 Q And what happened once you discovered
16 these shoes?

17 A I had placed them aside or up on the
18 kitchen table with other little pieces of
19 paraphernalia that I had planned on -- or on a
20 chair, I believe it was, that I had put together
21 some items so that I could take them out and put
22 them as part of the search warrant and give them to
23 Investigator Jordan.

24 Q And is that what you ultimately did with
25 the shoes?

1 A I did.

2 Q And where did you take them to?

3 A I took them outside. And Investigator
4 Jordan was using the hood of the aforementioned
5 green Ford Taurus as kind of a makeshift desk. And
6 that's where I had placed them prior to them being
7 packaged.

8 Q It's your testimony that these shoes were
9 seized as a part of Richland County's search
10 warrant?

11 A That is correct.

12 Q I'm showing you for identification
13 purposes State's Exhibit Twenty-Three and ask if you
14 recognize it.

15 A Yes, ma'am. Number twenty-three is two
16 pairs of shoes that I had recovered from inside the
17 residence at 5520 -- the kitchen area of the
18 residence at 5520 North Main Street.

19 Q And that's what you testified as to where
20 they ended up, was the hood of a car?

21 A Yes, ma'am.

22 Q And that picture fairly and accurately
23 reflects your disposition of the counterfeit shoes?

24 A Yes, ma'am.

25 MS. YOUNG: Your Honor, we'd offer the

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1 proffer for limited purposes of this hearing.

2 THE COURT: Any objection?

3 MR. JOHNSON: No objection, Your Honor.

4 Q Did you also prepare some sort of report
5 regarding this case?

6 A Yes, ma'am.

7 MS. YOUNG: And I guess I need to mark it,
8 Court's Exhibit Two, consisting of two pages.

9 Q Do you recognize that?

10 A Yes, ma'am. That's the follow-up -- the
11 investigative follow-up that I provided for
12 Investigator Marcus Brown.

13 Q Does that appear to be a true and correct
14 copy of the report you provided?

15 A Yes, ma'am.

16 Q There are no additions or deletions that
17 you noted?

18 A No, ma'am, there's not.

19 MS. YOUNG: Your Honor, we would offer
20 that for purposes of this hearing as Court's Exhibit
21 Two.

22 THE COURT: Any objection?

23 MR. JOHNSON: Your Honor, could I just
24 take a quick look at this? No objection, Your
25 Honor.

1 Q And is there some mistake in that report
2 that you have since discovered and brought to the
3 State's attention?

4 A I'm sorry, repeat the question?

5 Q Is there some mistake -- mistaken
6 information -- in that report that you have since
7 discovered and brought to the State's attention?

8 A There's just a sequence of events --
9 located the shoes and had taken them outside. And I
10 believe later on, after they had been brought
11 outside, them being seized as part of our case,
12 that's when the Aiken County deputies or
13 investigators showed some interest in them.

14 Q All right. But is there something that's
15 possibly a mistake about that in that report that
16 you prepared or something that has confused you?

17 A Yes. The sneakers that were taken, there
18 was some talk about a second search warrant -- I
19 thought they were going to get one -- to get the
20 shoes from us. I wasn't sure exactly what the deal
21 was with the second search warrant.

22 That was during the time that I was taking
23 Mr. Melvin Cummings and I had been asked to
24 transport him up to headquarters about the time they
25 were discussing -- "they" being investigators from

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1 Aiken County and Investigator Brown -- were
2 discussing getting a second search warrant.

3 Q And so your testimony here today is that
4 you seized those shoes as part of the Richland
5 County search warrant?

6 A Yes, ma'am.

7 MS. YOUNG: No further questions.

8 THE COURT: Cross?

9 MR. JOHNSON: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q Officer, is the rest of your report
13 accurate?

14 A If you'll give me just a second to look
15 back over it. The only addition that I would make
16 is I believe that the sneakers were turned over to
17 Aiken County via a chain-of-custody form.

18 Q Okay. So there was no -- the first part
19 here, on the first page where it says "investigating
20 officer," is that you?

21 A I'm sorry, can you --

22 Q On the second paragraph, where it says,
23 "In addition to the guns, the investigating officer
24 and the same Aiken County investigator looked around
25 the residence and found two pairs of faux or

1 counterfeit Nike sneakers," is that you?

2 A Can you come and point it for me, please,
3 sir?

4 Q Yes, sir.

5 A Which paragraph you're referring to.

6 Q Yes, sir.

7 A Oh, right here, "In addition to the guns,"
8 yes.

9 Q Is that you, the investigating officer?

10 A Right. We had found them already, and
11 later the investigator -- I walked around inside the
12 residence with him, and he had noticed those -- I'm
13 pretty sure that we had looked at the sneakers
14 outside before we went inside for him to -- I kind
15 of escorted him through the residence.

16 Q Well, it says here, in fact, that you,
17 investigating officer, and the same Aiken County
18 investigator looked around the residence and found
19 two pairs of sneakers. So that indicates that you
20 didn't take them out, you found them there with
21 Aiken County, correct?

22 A Right, that's what the report said. But I
23 believe the sequence of events was just a little bit
24 different and I had already taken them out before he
25 had gone inside with me.

Anthony Branham - Cross In-Camera

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1 Q But I just asked you if the rest of the
2 report was accurate, and you said it was, correct?

3 A Right, other than the sequence of events
4 about the sneakers, yes, sir, the rest of the report
5 is correct and accurate to my knowledge.

6 Q Okay. So now you're saying that the Aiken
7 County investigator did not find the sneakers with
8 you in the residence?

9 A That is correct. They were outside before
10 he had gone inside.

11 Q And that is contradictory to your report?

12 A That is correct.

13 Q And did you put handcuffs on Antonio
14 Miller?

15 A No, sir, I did not.

16 Q Did you see anybody do that?

17 A As I recall, I believe by the time that I
18 had arrived on scene that he was already under
19 arrest.

20 Q All right.

21 A I think he was already in handcuffs when I
22 arrived.

23 Q Okay, let's go back real quick. Your
24 report that was marked as an exhibit, it also says
25 that Aiken County, the investigating officer, which

1 would be

2 you, correct? --

3 A Right.

4 Q -- and Aiken County investigator went into
5 the master bedroom and found three guns on the lower
6 shelf of the closet, and then it describes those
7 guns. A Glock .40 caliber, high-point nine, a .38
8 were located and seized as evidence.

9 A Right.

10 Q Is that accurate?

11 A I showed him in the master bedroom where
12 we had located the weapons. The evidence had
13 already been seized and taken outside before they
14 were allowed to be escorted through the residence.

15 Q Okay. So are you saying that you did not
16 discover the sneakers with the Aiken County officer
17 --

18 A Right.

19 Q -- or the pistols -- excuse me, the
20 weapons?

21 A No, sir. That's what Investigator Jordan
22 and I had recovered.

23 Q Okay. So are you saying that this portion
24 of your report is not accurate?

25 A It's just misleading the way that it's

Anthony Branham - Cross In-Camera

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1 written.

2 Q Well, let me read the first sentence
3 again. "Investigating officer and an Aiken County
4 investigator went into the master bedroom and found
5 three guns." You're saying that is not true?

6 A That is inaccurate. It was Investigator
7 Jordan and I that recovered the guns out of the
8 bedroom.

9 Q Okay. And before when you said the rest
10 of the report was accurate, that wasn't quite true,
11 because you didn't mention those?

12 A Right. That portion that we're talking
13 about now is inaccurate.

14 Q Are there any other portions of the report
15 that are not accurate?

16 A Other than the items that we discussed,
17 everything else seems to be as I recall accurate.

18 Q Yes, sir. Did you advise Mr. Miller of
19 his rights under Miranda?

20 A No, sir, I did not.

21 Q Okay. When you arrived, did you say he
22 was there, or was he gone already?

23 A Mr. Miller?

24 Q Yes.

25 A He was still on scene.

1 Q Was he free to leave?

2 A If I recall, he was already placed under
3 arrest for the drug charge from the car, from the
4 green Taurus.

5 Q Where was he at?

6 A He was in the backyard, and I believe that
7 he was standing in front of the green Taurus, just a
8 few feet away from the back stoop.

9 Q Who was he standing there with, anybody?

10 A There was an officer close by. I can't
11 remember which one was standing there with him.

12 Q Okay.

13 MR. JOHNSON: No more questions, Your
14 Honor.

15 MS. YOUNG: Just briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MS. YOUNG:

18 Q Did you hear Mr. Miller make any
19 statements in this case?

20 A No, ma'am.

21 THE COURT: You may step down.

22 Next witness.

23 MS. YOUNG: Your Honor, the State's final
24 witness is Investigator J. D. Sanders.

25 (The witness was sworn.)

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1 CLERK OF COURT: Please have a seat in the
2 witness box, state your full name for the Court, and
3 spell your last.

4 MR. SANDERS: Jack Donald Sanders -- S-A-
5 N-D-E-R-S.

6 JACK DONALD SANDERS, having first been
7 duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. YOUNG:

10 Q Were you the investigating officer case
11 here in Aiken County involving Antonio Miller?

12 A Yes, ma'am.

13 Q And were you present in Columbia at some
14 point on September 15, 2008?

15 A I was.

16 Q Where did you go?

17 A 5520 North Main Street.

18 Q This is the same property that's been
19 testified to by all these Richland County officers?

20 A Yes, ma'am.

21 Q Did you go in the house?

22 A At some particular point after the search
23 warrant, I did.

24 Q And do you have a recollection of at what
25 point the search warrant was when you arrived on the

J. D. Sanders - Direct - In-Camera

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1 scene?

2 A My recollection is when I arrived there, I
3 arrived with Investigator Gantt, and Richland
4 County, to my recollection, had just started the
5 search of the house when we got there.

6 Q So you were observing where they were
7 bringing the items?

8 A Yes, ma'am.

9 Q And what did they do with that?

10 A I was outside at the particular point, in
11 reference to the shoes, when they brought the shoes
12 out and put them on the hood of the car.

13 Q All right. Did you have any further
14 involvement with that?

15 A Yes, ma'am. At that particular time, I
16 was outside, and Investigator Adams walked over
17 there. And I noticed him observing the shoes that
18 were on the hood of the car. After he observed the
19 shoes, he came in and had a conversation with me and
20 said, "J. D., the tread pattern on these shoes looks
21 similar to the ones we found on the scene."

22 And he was showing me the shoes. When I
23 started observing the shoes, I then noticed on the
24 black and gold pair of Jordans what appeared to be
25 blood, and I brought it to his attention. I said,

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1 "Clay, this looks like blood on these shoes."

2 Q And you and Lt. Adams had both been
3 present at prior to going to
4 Columbia, is that correct?

5 A That's correct.

6 Q So the first noticing of the shoes, to
7 your recollection, happened outside?

8 A To my recollection, that's the first, and
9 based on the conversation I had with Investigator
10 Adams and when I observed him looking at the shoes
11 there. And I had been advised at the time that
12 Richland County had seized the shoes, is when I was
13 apprized of that.

14 Q And there has been some testimony about a
15 second search warrant. Do you have any information
16 about that?

17 A Yes, ma'am.

18 Q Describe it.

19 A There was some clothing we were looking
20 for, the pants that I recall in particular, and the
21 duct tape. And I had spoken with Lt. Fleury --
22 during this whole time, I was back and forth on the
23 phone with him. And based on that conversation, we
24 had requested from Richland County to see about
25 getting a second search warrant to go in there and

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1 look for some clothing, the black jeans and the duct
2 tape.

3 We waited there some period of time and
4 was advised -- I don't remember which one of the
5 investigators there; I know Marcus Brown was there -
6 - that they were obtaining a second search warrant.
7 And at that time, we were told if we waited there
8 for a period of time, they said they had the second
9 search warrant.

10 We went in the residence. I recall we had
11 to go in a different door because the door we had
12 originally been going in and out of had been secured
13 back. If I recall correctly, we went in the front
14 door. We looked around for a few minutes, but no
15 items were seized pursuant to that search warrant.

16 Q And nobody has been able to find a copy of
17 that search warrant since that date, correct?

18 A That's correct.

19 Q And were any efforts made to find it?

20 A Yes, ma'am. We had several phone calls
21 and meetings with Richland County back and forth. I
22 believe with the supervisor, the last one was with
23 the supervisor there, and he had his personnel
24 looking.

25 And I was told that they had gone even

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1 back to the Magistrate's Office, but my
2 understanding was lots of people were coming out of
3 the Magistrate's Office when he signed the warrant.
4 They were unable to locate copies of that paperwork.

5 Q But it's your testimony that no items were
6 seized by Aiken County or Richland County on the
7 second search warrant?

8 A That's correct. I was there the entire
9 time on the second search warrant. No items were
10 seized.

11 Q How long were you in the house?

12 A Short period of time.

13 MS. YOUNG: No further questions.

14 THE COURT: Cross?

15 MR. JOHNSON: Thank you, Your Honor, just
16 briefly.

17 CROSS-EXAMINATION

18 BY MR. JOHNSON:

19 Q Officer, did you see my client at this
20 location?

21 A Yes, sir, I did.

22 Q Okay. Was he in handcuffs?

23 A I don't recall when I first got there if
24 he was in handcuffs or not. I know for some portion
25 of time before I left, he was, but I don't recall

1 when I first got there. I didn't particularly speak
2 to him at first. I spoke to the officers that was
3 there and briefly with Melvin Cummings and I believe
4 with Marques Redfield briefly.

5 Q Was he free to leave, to your knowledge?

6 A I don't recall at the time when I first
7 got there. My attention wasn't focused on him. I
8 was speaking to the other officers on the scene and
9 to some of the other individuals that were on scene.

10 MR. JOHNSON: No more questions, Your
11 Honor.

12 THE COURT: Redirect, Ms. Young?

13 MS. YOUNG: No further questions.

14 THE COURT: Thank you. You may step down.

15 MS. YOUNG: Your Honor, that's the State's
16 evidence.

17 MR. JOHNSON: Your Honor, is that the
18 State's evidence in response to all three of my
19 motions, Defense Exhibits One through Three?

20 THE COURT: You're asking me?

21 MR. JOHNSON: I'm asking -- well, I just
22 heard the Solicitor say that, so I was going to
23 offer my three motions for the record, Defense
24 Exhibits One through Three. And I'm going to argue
25 my motions if that's the extent of the State's case.

1 MS. YOUNG: We're not going to have any
2 further evidence, Your Honor. We've put up all the
3 evidence we have for the purpose of this hearing.

4 THE COURT: Thank you.

5 Didn't you mark them yesterday? But you
6 can mark them again.

7 MR. JOHNSON: Your Honor --

8 THE COURT: Just hold on a second. The
9 Court Reporter can't take that down.

10 MR. JOHNSON: Yes, sir.

11 THE COURT: All right, Madam Court
12 Reporter, are you ready?

13 COURT REPORTER: One second, Your Honor.

14 THE COURT: That's fine. I'm not rushing
15 you.

16 COURT REPORTER: Thank you, Your Honor.

17 THE COURT: Mr. Johnson?

18 MR. JOHNSON: Thank you, Your Honor. Just
19 to start out on the Denno suppression of my client's
20 statements, the evidence basically was a little
21 confused. The officer -- first officer --
22 testified, made some comments about who Mirandized -
23 - I asked him about who Mirandized Mr. Miller.

24 THE COURT: There's no question two of the
25 officers said they gave him his Miranda rights.

1 MR. JOHNSON: Well, that officer actually
2 gave the name of another officer that Mirandized him
3 that I believe is Wells. And I think that there's
4 some doubt there about the memory of that officer.
5 I believe that affects their case, one officer
6 stating someone else Mirandized him, and we hear
7 nothing else about that.

8 THE COURT: That's not the purpose of a
9 Jackson v. Denno hearing, is it?

10 MR. JOHNSON: I'm sorry?

11 THE COURT: Certainly, whether or not that
12 was the preponderance of the evidence, Miranda
13 warnings were given..

14 MR. JOHNSON: Yes, sir.

15 THE COURT: And then if I determine that,
16 I act as a gatekeeper, and then the jury determines
17 whether beyond a reasonable doubt they were given
18 and whether it was voluntary statements.

19 MR. JOHNSON: Yes, sir, I understand.

20 THE COURT: So how is that deficient in
21 this case?

22 MR. JOHNSON: Well, Your Honor, I'm
23 starting in my motion. I'm pointing out the fact
24 that there was confusion there. The one officer
25 that -- the second officer who testified actually

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1 stated that he didn't have his Miranda card and just
2 started saying that they were similar rights.

3 And there was some confusion about what
4 rights he had given him. And overall there was also
5 an issue about who had handcuffed Mr. Miller. I
6 think if the Court is going to rely upon the
7 testimony of these officers and the details of their
8 memory, I would point out that fact, as well.

9 They're saying he's not -- the first
10 officer indicated he was not free to leave when he
11 showed upon the scene, the first officer. The
12 second officer started to say that he was free to
13 leave, but then when he placed him under arrest, he
14 was not.

15 Under Denno, I believe also it's important
16 to point out that the second officer who testified
17 said he provided Miranda, did not record that in his
18 reports anywhere, Your Honor. I would argue that my
19 client was not given Miranda, and his statements
20 were basically involuntary or inadmissible.

21 I would like to move on and also talk
22 about my motion regarding relevance prejudice to the
23 defendant. The State has indicated that the weapons
24 found in the car and the weapons found in the home
25 were discovered by law enforcement, first and

1 foremost, that they are somehow relevant. I would
2 argue they're not relevant unless the State produces
3 evidence that somehow links them to the crime that
4 is charged.

5 THE COURT: Which one, if any, is linked
6 to the kidnapping, burglary, and murder?

7 Ma'am?

8 MS. YOUNG: Your Honor, the three handguns
9 were found in the residence and that these officers
10 testified Mr. Miller claimed is his were linked by
11 SLED. Two of them were possibly linked, shell
12 casings, projectiles, and one of them had the
13 victim's blood on it.

14 THE COURT: If that's the case, that
15 becomes testimony. Why is that not relevant?

16 MR. JOHNSON: Well, Your Honor, I don't
17 think all the guns are linked. This is sort of a
18 blanket statement, but there was a .40 caliber that
19 was linked, according to the reports.

20 THE COURT: Well, I can't preclude it out
21 of evidence now, sir. If they don't link them up,
22 then you've got a pretty good argument. If they
23 link them up, then they're going to come in.

24 MR. JOHNSON: Yes, sir. In addition --

25 THE COURT: How can I tell that now until

1 I hear the testimony?

2 MR. JOHNSON: Well, it's my position the
3 State has to provide us testimony that establishes -
4 - there's going to be some relevance before this
5 evidence is offered, and that's my argument. But in
6 addition, Your Honor --

7 THE COURT: I can't determine if it's
8 relevant or not until I hear all the testimony.

9 MR. JOHNSON: Which is my point. We
10 didn't hear that testimony, Your Honor.

11 THE COURT: Well, she's not required to
12 try her whole case right here now.

13 MR. JOHNSON: Yes, sir.

14 THE COURT: You know that.

15 MR. JOHNSON: In regards to --

16 THE COURT: All right, in regard to that,
17 we'll treat it as a motion in-limine.

18 Ma'am, I'm going to ask you not to attempt
19 to introduce those guns until they're able to link
20 up all the relevancy and link it to the alleged
21 crimes in this case.

22 MS. YOUNG: Yes, sir. And we'd also,
23 taking that ruling, not to discuss that in our
24 opening statement, as well.

25 THE COURT: You're telling me the evidence

1 is going to show that? You can argue that the
2 evidence will show that.

3 MS. YOUNG: Yes, sir. I just wanted to
4 make sure.

5 THE COURT: But don't try introducing it
6 until it becomes relevant.

7 MS. YOUNG: Yes, sir.

8 MR. JOHNSON: Your Honor, just related to
9 that, my motion regarding evidence of other crimes
10 and the case law I cited, Mr. Miller was actually
11 charged with unlawfully carrying a pistol for the 9-
12 millimeter out of the red Taurus, my point being
13 she's going to be introducing evidence of that crime
14 once she starts talking about it in front of the
15 jury.

16 And if he's charged with the Richland
17 County, that should be suppressed. It's not
18 relevant, especially since there's no link between
19 that gun and the crime committed that he's charged
20 with.

21 THE COURT: Now you're arguing a whole
22 different thing.

23 MR. JOHNSON: Well, in relation to the
24 firearms, Your Honor, in addition to relevance,
25 there is a criminal charge pending with that firearm

1 in Richland County. So --

2 THE COURT: The fact that a criminal
3 charge is pending, that can't be used for
4 impeachment purposes.

5 What are you going to use it for ma'am --
6 anything?

7 MS. YOUNG: Your Honor, there wasn't any
8 testimony about that. It would just be to the point
9 of what I try to do for this hearing, which is
10 getting to the search warrant, why the officers
11 sought the search warrant, etc.

12 I'm not going to try to prove it and hold
13 him accountable for it. It's just evidence that is
14 required in my opinion for the State to show why
15 Richland County got a search warrant for 5520 North
16 Main Street.

17 MR. YOUNG: Your Honor, just to cite the
18 case law briefly, it says, "In the prosecution of
19 one crime" -- this is State v. Jenkins -- "proof of
20 another direct subsequent crime is never admissible
21 unless there is some legal connection between the
22 two upon which it could be said that one tends to
23 establish the other or some other fact at issue."

24 And so I would argue that there's no
25 connection with that 9-millimeter, and he's being

1 charged with it. So under that, I would move to
2 suppress any mention of that 9-millimeter.

3 In addition, Your Honor, the relevance, as
4 we argued, I would move on to talk about the drugs.
5 They talked about suspected crack cocaine seized out
6 a car, the breach of trust vehicle, and in the
7 residence. There's nothing in the record that
8 links --

9 THE COURT: Well, she's using that,
10 though, to establish the reason for getting the
11 search warrant. If you will concede the search
12 warrant was valid, then I will preclude her from
13 going into any of that.

14 MR. JOHNSON: Your Honor, I can't do that.
15 I can tell you there's no link in the State's
16 evidence saying that the crack cocaine found is the
17 crack cocaine from the residence in Aiken County, or
18 the cash.

19 There's nothing there. There's no
20 evidence presented showing that one is simply
21 connected to the other in any way. It's just an
22 assumption. There was crack cocaine stolen and cash
23 stolen, so this must be the same stuff, the same
24 substance.

25 And there's no connection. Once again,

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1 evidence of a -- it's evidence of another crime,
2 trafficking crack cocaine. Even though the officer
3 said he was charged -- Mr. Miller was charged for
4 the crack cocaine from the car -- he was actually
5 charged with the crack cocaine in the house, as
6 well.

7 And it's evidence of another crime. And
8 if there's no linkage, I would move to suppress all
9 the testimony, all evidence or photos or anything of
10 those drugs.

11 THE COURT: Ma'am?

12 MS. YOUNG: Your Honor, I would submit to
13 the Court, as you've heard the testimony for the
14 search warrant, it's part of the res gestae and what
15 the officers. And I really find it difficult not
16 going to attempt to say the crack in the drawer was
17 the crack from Mr. Tucker's house, which is why we
18 withdrew the armed robbery indictment and are not
19 proceeding on that, because we can't prove that.
20 But I do think it's important to establish, you know
21 --

22 THE COURT: Why they got the search
23 warrant.

24 MS. YOUNG: Exactly. And they found these
25 things, and then he claimed them and had knowledge

1 of where they were, which is proof of --

2 THE COURT: But he's being tried for that
3 in this courtroom, and I'll give a curative
4 instruction on that. But you have to establish your
5 search warrant, the reason for it.

6 MR. JOHNSON: Your Honor, I will point out
7 also under the legal argument under motion to
8 suppress, it says, "Items seized in Richland County
9 not relevant." It says -- the Jenkins language that
10 I just cited then says, "The State must also show
11 that evidence sought to be introduced fits into one
12 of the exceptions under Lyle" -- State v. Lyle. And
13 if she's talking about the crack cocaine being a
14 motive for this --

15 THE COURT: She doesn't say that.

16 MR. JOHNSON: Well, it has to fit under
17 Lyle, Your Honor. And if it's just to get a search
18 warrant, my argument would be it doesn't fit,
19 because eventually they're saying "This is crack
20 cocaine taken. We better get a search warrant.
21 Maybe it's crack cocaine from Fred Tucker's house."
22 How does it fit under --

23 THE COURT: She hasn't said that.

24 MR. JOHNSON: Well, she just said that
25 she's got no linkage between that crack cocaine and

1 Fred Tucker's house.

2 THE COURT: That's why she's not charging
3 him with armed robbery from stealing it or anything
4 of that nature. The crack cocaine simply is a basis
5 for getting the search warrant.

6 MR. JOHNSON: Which does not fall under
7 this case law. My point is this case law says if
8 you're going to bring in evidence of another crime,
9 it better be relevant, show some linkage or some
10 element of that other crime that you're charging him
11 with, why you're bringing it in.

12 And you also, according to this, have to
13 bring it in under Lyle. And that's what it says.
14 And if she's not doing that, I would say that it
15 should all be suppressed.

16 THE COURT: Anything else?

17 MR. JOHNSON: Well, Your Honor, just to
18 argue the search warrant motion specifically, this
19 search warrant, under the case law it requires, of
20 course, a finding of probable cause that some
21 evidence of a crime is located within that location.

22 At no point on the search warrant
23 affidavit or anywhere does it say anybody lives at
24 . It doesn't identify that as
25 anybody's residence.

1 It also doesn't say anything about Mr.
2 Miller or Ms. Miller entering the green Taurus,
3 which is the breach of trust vehicle, I believe,
4 where they found the suspected crack cocaine.

5 Now, if there's no linkage to 5520, it's
6 impossible to see how a Magistrate, without
7 additional sworn testimony, could discover that
8 there's probable cause to go into 5520 and locate
9 drugs or some illegal substance or evidence of
10 crime.

11 The case law actually within my motion
12 says there was a case where -- I think it's called
13 Gentile that's cited, where they have a report of a
14 location. Someone reported -- a citizen reported --
15 they smelled marijuana coming from the location.

16 A couple of citizens reported they saw
17 heavy foot traffic similar to what would be going on
18 at a drug-dealing location. And then they actually
19 arrested someone leaving the location with marijuana
20 in their possession, and they decided that was
21 insufficient for probable cause.

22 In this case, all we have is an officer
23 saying the car was parked in front of this
24 residence. There was suspected crack cocaine found,
25 and there was evidence that Mr. Miller was linked as

1 a driver of the vehicle because his wife rented the
2 car.

3 The search warrant affidavit says nothing
4 about anybody going into 5520, coming out of 5520,
5 or living there. And it's impossible -- in my
6 argument, I would say it's impossible to have that
7 linkage that's required for just basic probable
8 cause.

9 It doesn't fall within exception to search
10 warrant requirements. They weren't chasing anybody.
11 There's no CI saying that anybody was inside there
12 to support a search warrant.

13 And also, it doesn't fall within the good
14 faith exception. It's just a bad search warrant,
15 and basically all the items should be excluded as a
16 result. In addition, I note at the end of the
17 motion, I believe -- and I think it was rather
18 obvious on cross-examination -- "The Richland County
19 reports reflect Aiken County investigators went
20 along and conducted a search of the residence with
21 Richland County."

22 And that's what it says in the Richland
23 County report, the report that was marked by the
24 Solicitor and that's in evidence for the hearing.
25 The point is, of course, if Aiken County went in and

1 found the shoes, if Aiken County went in and found
2 those three guns, that's a search warrant.

3 And if Aiken County didn't have a search
4 warrant, then basically there's no exception. All
5 that should be kicked because they didn't get a
6 special search warrant. All of them said they got
7 one later, that it was lost and had not been seen.
8 That's basically my argument, Your Honor.

9 THE COURT: Ms. Young?

10 MS. YOUNG: Thank you, Your Honor. For
11 purposes of trying to answer all those arguments
12 brought up by Mr. Johnson, I pass up to the Court
13 State v. Keith, State v. Bellamy, and State v.
14 Dupree.

15 And generally, I think that the State has
16 to -- the standard of review for search warrants is
17 whether or not based on the totality of
18 circumstances. the Magistrate has a substantial
19 basis for concluding probable cause exists.

20 And specifically, in the Dupree case,
21 there's language regarding that, you know,
22 affidavits are drafted by non-lawyers in criminal
23 investigations. They're supposed to be considered
24 in common-sense, realistic fashion.

25 And Magistrates are concerned with

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1 probabilities, not certainties. Your Honor, in this
2 particular case, the search warrant that was
3 provided and that was signed stated that the breach
4 of trust vehicle -- it went into all the details
5 about the fact that a breach of trust report had
6 been taken, identified the vehicle.

7 The whole point of Deputy Ham at the time
8 of going to the residence was to discover whether or
9 not that breach of trust vehicle was there. And it
10 was established by GPS, and it was later verified by
11 testimony of these officers that that was correct
12 information, which is why they went to the house.

13 When they went to the house, this other
14 sequence of events happened that was suspicious
15 behavior regarding the two guns found in Mr.
16 Cummings' car and then the crack cocaine in the
17 breach of trust vehicle.

18 Your Honor, the breach of trust vehicle
19 was located on 5520 North Main Street. It's
20 established by the testimony. It was in close
21 proximity to the residence. And Mr. Miller had
22 already been arrested for the drugs in the car.

23 So the officers are stating that based on
24 Mr. Miller's arrest for the cocaine in the breach of
25 trust vehicle, that based on their education and

1 experience, they believed that -- you know, if items
2 are found in a home, they're often found in cars.

3 And it's kind of a reverse argument. Your
4 Honor, I would distinguish the Gentile case that Mr.
5 Johnson has cited in his evidence. In that
6 particular case, everything was based on an
7 anonymous tip and officers observing foot traffic.

8 And then they stopped a vehicle where a
9 visitor to the residence had had some drugs on him.
10 And they based the visitor to the residence and were
11 able to get a search warrant. And that was
12 improper, Your Honor, and that's just not the case
13 here.

14 When they arrived at the scene, Mr. Miller
15 was present. He had some connection to the vehicle.
16 They knew that going there. He was present when
17 they arrived, with the vehicle that was the object
18 of this previous report.

19 When they searched the vehicle, which was
20 pursuant, as testified to their policies and
21 requirements before they give it back to the
22 rightful owner, they found these drugs. And things
23 proceeded from there.

24 THE COURT: All right, Mr. Johnson,
25 anything in response?

1 MR. JOHNSON: Just briefly, Your Honor.

2 In regards to the shoes, I would point out those
3 were not listed in the search warrant. And the case
4 law indicates there must be some connection between
5 criminal activity.

6 And also Ms. Young stated something I
7 think that supports my position. There was no CI
8 tip, and that's my point. All of these things that
9 are cited in the cases that she handed me and handed
10 up to the Court, you keep finding all these other
11 things that you can argue over. But in this case,
12 there's no CI to argue over.

13 There's no citizen's report of drug
14 activity. There's not even a mention of anyone
15 living at 5520 North Main Street in the affidavit or
16 in the search warrant. So how could there be a
17 connection for the Magistrate to make when issuing
18 the search warrant?

19 Just simply saying "Okay, someone's
20 arrested and they're near a car that has drugs in
21 it, well, you can go search that house." And that's
22 basically what they're arguing, because there's
23 nothing left. There's nothing else in addition to
24 the affidavit. That's all I have, Your Honor.

25 THE COURT: Thank you. I'm going to

1 respectfully deny your motions. I find that under
2 the totality of the circumstances that the
3 Magistrate in this case had a substantial basis for
4 concluding that probable cause existed. And I'm
5 citing State versus Dupree, State versus Bellamy,
6 State versus Keith, and respectfully deny.

7 We'll start at 2:30, is that correct?

8 MS. YOUNG: Yes, Your Honor.

9 THE COURT: Madam Court Reporter, we've
10 got a 1:45 hearing -- two at 1:45.

11 COURT REPORTER: Yes, Your Honor.

12 (Court in recess for lunch.)

13 (Jury in at 2:30 p.m.)

14 THE COURT: Have I got my two alternates
15 back here, my regular 12 sitting here? The first
16 thing we have to do is be sworn in for this
17 particular case.

18 (The jury was sworn.)

19 THE COURT: Ladies and gentlemen of the
20 jury, here's what we're going to do. I'm going to
21 give you just a few minutes of opening remarks to
22 sort of tell you where we're going and what you can
23 expect. And then we'll get right into the trial of
24 the case.

25 First of all, let me start off by

1 THE COURT: All right, Ms. Beth Ann Young.

2 MS. YOUNG: Thank you, Your Honor, Mr.

3 Johnson. May it please the Court?

4 THE COURT: Yes, ma'am.

5 OPENING STATEMENT

6 BY MS. YOUNG

7 MS. YOUNG: On September 15, 2008, death
8 came to Fred Tucker's doorstep. That was a Monday.

9 It was about 10:00, a sunny day, here in Aiken
10 County. Mr. Tucker was at his home on

11 Road when he was the victim of a brutal,
12 home invasion.

13 His attack was sudden and intense, and it
14 began at his back door where his back door glass was
15 shot out with an attempt to get inside and open the
16 door. In this particular case, Mr. Tucker had been
17 approaching the door, and this bullet grazed his
18 head as it traveled out through the front of his
19 residence.

20 And from that point on, this home invasion
21 continued against Mr. Tucker. And it was very
22 brutal and very horrific what ended up happening,
23 which led to his murder. Mr. Tucker was pursued
24 into the house. He was stripped of all his clothes
25 and forced to be down to his nudity in his body.

1 His arms were duct taped behind his back,
2 and cable cords were also used to connect his arms,
3 and his feet were duct taped together. Mr. Tucker
4 was pistol whipped. Mr. Tucker was tortured during
5 this time, as well.

6 The State will offer evidence and we
7 believe it was a metal object such as a screwdriver.
8 And what happened to Mr. Tucker was the screwdriver
9 was heated up on the stove eye and made hot, made
10 red-burning hot, and applied to various areas of his
11 body.

12 All this time, he was bound, nude, and
13 completely helpless. He was burned on his neck, his
14 back side area, and his buttocks. And eventually
15 there was a hail of bullets in Mr. Tucker's kitchen
16 as he lay helpless and bound on the floor, and one
17 of these bullets struck Mr. Tucker in the side,
18 traveled through his body, tearing his lungs and
19 causing internal bleeding.

20 Somehow, Mr. Tucker was able to -- with
21 his arms bound behind his back and his feet bound,
22 he was able to inch his way out of his kitchen,
23 bound like that, inch his way across his living room
24 and to his front door. And unfortunately, at his
25 front door, Mr. Tucker could not be saved. He died,

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1 and that is where he was found there in his home.

2 Now, during the home invasion of Mr.

3 Tucker, his house was also thoroughly ransacked.

4 And the State will offer evidence that we believe

5 that the home invaders were looking for Mr. Tucker's

6 stash of money, as well as his drugs.

7 Throughout this crime, Mr. Tucker was at

8 the mercy and eventually left there to die at home

9 on his floor here in Aiken County. There were three

10 men responsible for the brutal attack of Mr. Tucker

11 inside his residence that day.

12 And the defendant, Antonio Miller, was one

13 of those men. The other men were Marques Redfield

14 and Ronald Grooms. And there was a fourth man

15 involved in this, as well. This man is Melvin

16 Cummings. Mr. Cummings is going to come to court,

17 and he's going to testify.

18 And he's going to give you a lot of

19 details about what happened. He's going to tell you

20 how the four of them were together the weekend

21 before this happened, that they drove to Mr.

22 Tucker's house. He was specifically targeted, and

23 they scoped this out.

24 This was planned and arranged the whole

25 time, and Mr. Tucker was the target the entire time.

1 And there was preplanning that went into that and
2 foresight in going to his house. Mr. Cummings is
3 going to tell you about how he dropped the three of
4 them off -- the defendant, Mr. Redfield, and Mr.
5 Grooms -- and that they were dressed all in black.

6 He's going to tell you how he was standing
7 in a neighbor's yard having a conversation when he
8 heard shots and that the three of them ran excitedly
9 back to the car, jumped in, and demanded that he
10 drive.

11 And the car they were in was a 20006 green
12 Taurus. And Mr. Cummings is going to tell you that
13 they were in that car all weekend, and they
14 initially drove that day to Columbia. And the green
15 Taurus is very important in this case.

16 I want you to keep it in your mind,
17 because it becomes a crucial piece of evidence that
18 links the defendant and the co-defendants to Mr.
19 Tucker's murder and ultimately leads to their
20 identity and their capture.

21 Incredibly enough, on the morning that
22 this happened, the Richland County Sheriff's Office
23 had been called by an auto rental company, and they
24 were reporting that their 2006 green Taurus had not
25 been returned. It was well overdue. Information

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1 was given to the officer in Richland County about
2 this car not being returned, very minor in the scope
3 of things.

4 It happened in another county, but it
5 starts the chain of events that leads to the capture
6 of the defendant in this case. Fortunately for law
7 enforcement and unfortunately for the defendant,
8 this car was tracked with GPS monitoring equipment.

9 And I'm not talking a little GPS like we
10 have in our cars to tell us where to go. I'm
11 talking about a GPS tracking system that was wired
12 into the car in a hidden manner that enabled the
13 rental car company to know where their car was.

14 And in fact, it could be used to start the
15 car and turn off the car remotely. And you're going
16 to hear from the rental car man, you're going to
17 hear from the deputy who took the report.

18 And unbeknownst to the defendant as well
19 as the co-defendants, the whole time that all these
20 events were occurring leading up to Mr. Tucker's
21 murder, the GPS is putting this green Taurus at very
22 important places, puts it the morning of the murder
23 -- in the early morning hours around 6:00, puts it
24 out in very close proximity to Mr. Tucker's
25 residence.

1 And about 9:30, the car is leaving Aiken,
2 leaving the Hill area, and shortly, close to 2:30,
3 the car is seen driving away down Charleston Highway
4 towards Columbia. And around 10:30 was the time
5 that Mr. Tucker's other neighbor called the police.

6 She reported that she had heard gunshots
7 and saw three men dressed in black jumping out of
8 Mr. Tucker's back door and running away. You're
9 going to hear from Mr. Cummings, and you're going to
10 hear from the evidence put in about the car about
11 how officers were led from Mr. Tucker's home and his
12 murder to investigate a residence in Richland
13 County, which is in Columbia, because that's where
14 the GPS showed that this green Taurus ended up.

15 So officers with Richland County go to
16 investigate what's happening with this green Taurus,
17 and they find several people there at this

 Street. The defendant's there, Antonio
19 Miller, along with Mr. Cummings and Mr. Redfield.

20 You're going to hear about all the events
21 that happened at Street. And I
22 submit that you're going to hear testimony about
23 handguns that were found at Street,
24 two in particular that were sent to SLED for
25 testing, a 9-millimeter and a Glock .40 caliber.

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1 I submit that you're going to hear
2 testimony that these items were tested, and these
3 two guns came back with a match. They matched the
4 shell casings as well as fragments, bullet
5 fragments, from Mr. Tucker's murder.

6 I submit that you're also going to hear
7 some evidence that there was blood found on one of
8 these pistols that was consistent with Mr. Tucker's
9 blood type. Finally, I submit you're going to hear
10 about a pair of black and gold sneakers, and these
11 were found at 5520 North Main Street, and they had
12 the victim's blood on them.

13 You're going to hear a lot of testimony in
14 this case about Columbia, Street,
15 and this green Taurus. And I just ask you to keep
16 in mind that eventually, at the end of the day, that
17 is crucial evidence that ties the defendant to the
18 victim's murder.

19 It's all these little pieces, all these
20 pieces, that at the end of the day when they're all
21 put together, they're going to illustrate to you
22 exactly what happened that day that Mr. Tucker was
23 murdered. Now, Mr. Miller, the defendant, is
24 charged with four crimes.

25 He's charged with the murder, as I've

1 spoken about, which would be unlawfully causing his
2 death. He's charged with burglary in the first
3 degree, which would be breaking unlawfully into Mr.
4 Tucker's home with the intent to commit a crime
5 while inside the home while armed with a firearm.

6 He's also charged with kidnapping.
7 Kidnapping in this case would mean the confining of
8 Mr. Tucker to his home, the refusal to let him
9 leave, the binding him and keeping him there against
10 his will. That's what kidnapping is in this
11 particular case.

12 And, finally, he's also charged with
13 possession of a weapon during the commission of a
14 violent crime, which is defined by South Carolina
15 law that these crimes -- murder, burglary first, and
16 kidnapping -- are all considered to be violent
17 crimes.

18 You're going to hear all different types
19 of evidence in the case. You're going to hear
20 testimony from the witness stand. You're going to
21 receive physical evidence. You're going to hear
22 about testing that was done.

23 And it's going to be several days' worth
24 of testimony. I ask you to pay close attention,
25 because as you listen, piece by piece, all these

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1 pieces are going to fall into place. You're going
2 to understand completely what happened the day Mr..
3 Tucker was murdered.

4 Now, the State in this case has the burden
5 of proof. And I believe that the Judge is going to
6 instruct you later on, at the end of the case, that
7 the burden of proof is beyond a reasonable doubt,
8 and that that means that you have to be firmly
9 convinced that the defendant murdered Mr. Tucker
10 while burglarizing his home, kidnapping him, and
11 committing all these while he was armed with a
12 handgun.

13 And I ask that you pay close attention,
14 and at the end of the day, I believe you will all be
15 firmly convinced that Mr. Miller is guilty, and I'll
16 ask you to find him guilty.

OPENING STATEMENT

BY THE DEFENSE

17
18
19 MR. JOHNSON: Ladies and gentlemen, I want
20 you to remember that this is the most important week,
21 in Mr. Miller's life. You're here on a murder case.
22 My client, Antonio Miller, clearly is facing the
23 most important few days of his life.

24 This is the most important type of case
25 that a jury can hear. This is as serious as it

1 gets. I would ask you to remember about really
2 three things that I want you to focus on. Instead
3 of focusing on bits of evidence simply throughout
4 the trial, I want you to think, number one, focus on
5 the presumption of innocence.

6 That's what my client has. Everybody has
7 that. When you walk into a courtroom and you go on
8 trial, you have a presumption of innocence. That's
9 something that he has as a citizen until the State
10 carries their burden.

11 Number two, remember that burden. As the
12 Solicitor stated, it's beyond a reasonable doubt.
13 Now, that's not just legalese. That's reality.
14 It's a high burden that they must carry throughout
15 the trial.

16 I also ask you to focus on the third thing
17 that I think is very important, is that when you
18 consider what the Solicitor said about pieces of
19 evidence, focus on what some witnesses tell you what
20 they failed to do and failed to collect for the
21 information that you're not getting.

22 That's something you can focus on as well,
23 as you talk about the testimony of officers and
24 collection of evidence. When you hear that
25 testimony, you have the responsibility to judge

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1 credibility and also what was pursued or what was
2 simply overlooked.

3 They have a burden to carry. And as they
4 carry that burden, you must hold them to that. It's
5 basically a standard that must apply to the State of
6 South Carolina, to the Solicitor's case, to give Mr.
7 Miller a fair trial. I ask you to do that, and I
8 know you will, as this is this most important week
9 in his life.

10 MS. YOUNG: The State calls Deputy John
11 McCord.

12 (The witness was sworn.)

13 CLERK OF COURT: Please have a seat in the
14 witness box, state your full name for the Court, and
15 spell your last.

16 MR. MCCORD: Okay. Deputy John Elbert
17 McCord, last name spelled M-c-C-O-R-D.

18 JOHN ELBERT MCCORD, having first been duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. YOUNG:

22 Q Deputy McCord, you're employed here at the
23 Aiken County Sheriff's Department?

24 A Yes.

25 Q And how long have you been employed with

1 Aiken County?

2 A Since 2007.

3 Q And you were employed there on September
4 15, 2008?

5 A I was.

6 Q What were your duties on that date?

7 A Patrol division, responding to calls and
8 services, zone six.

9 Q Basically, generally responding to any
10 calls that you received?

11 A Yes.

12 Q Are you assigned to a particular area?

13 A That particular day, I was.

14 Q And where was that?

15 A Zone six, which consists of Old Barnwell
16 Road, Montmorency, and Windsor area.

17 Q That's called zone six?

18 A It is.

19 Q And it includes

20 A Yes.

21 Q Did you receive a call regarding that
22 residence?

23 A I did. I was dispatched.

24 Q And where were you in relation to the home
25 when you received that call?

1 A I was on Old Barnwell Road near the
2 Windsor area.

3 Q And you were coming from towards Aiken?

4 A Yes.

5 Q What did you do once you received the call
6 about something happening at that residence?

7 A I responded on scene to gather
8 information.

9 Q What did you find when you got to the
10 home?

11 A When I got to the home, I was met by
12 witnesses outside, met by a gentleman outside, a
13 young lady, and another young man outside.

14 Q And they related some information to you?

15 A They did.

16 Q And what did you observe? Did you
17 approach the residence immediately?

18 A I did. I rounded the back from a
19 distance. I did see forced entry and the shattered
20 glass just while I was waiting on my backup.

21 Q Is that some kind of policy, you have to
22 wait on your backup?

23 A Yes, basically for officer safety.

24 Q What did you do once your backup arrived?

25 A We went inside to clear the residence for

1 potential victims or suspects.

2 Q And it might be self-explanatory, but
3 clear the residence means?

4 A Means going inside to look for anybody
5 that may have hidden themselves, or, like I said,
6 based on the information gathered to look for the
7 victim that was possibly inside of the home, make
8 sure no one has concealed themselves.

9 Q When you went inside the home, what did
10 you do?

11 A It was ransacked, a lot of things turned
12 over, drawers open, things of that nature, just
13 totally looked as if someone was just basically
14 looking for something.

15 Q Where did this disarray -- where was it?

16 A Throughout the residence.

17 Q What else did you find when you went
18 inside the home?

19 A A victim inside.

20 Q And could you describe that a little bit
21 more?

22 A Okay, it was a black male, heavily built,
23 bound with duct tape from behind, closer to the
24 front living room near the door area.

25 Q And what was the position that this man

1 was found in?

2 A Laying on his stomach.

3 Q Facedown?

4 A Yes, facedown.

5 Q And when you saw him, what did you do?

6 A I called out "Sheriff's Office," getting
7 no response.

8 Q Did you do anything else?

9 A No, just we continued to clear the
10 residence.

11 Q Did you find anything else inside of the
12 residence, any people?

13 A No, I did not.

14 Q What was the next thing that you did once
15 you cleared the residence?

16 A Well, I let EMS come on in and first
17 responders.

18 Q You have to clear the residence before
19 they can come in?

20 A Yes.

21 Q Did you do anything else once you had
22 cleared the residence and they were inside the
23 scene?

24 A Yes, we began a perimeter and also a crime
25 scene census.

1 Q And, again, I might be sounding like it's
2 obvious. But what do you mean when you say started
3 a perimeter?

4 A A perimeter is mainly a containment based
5 on the information that you gather with other
6 deputies in the area to possibly contain any
7 suspects or subjects that may be in the area that
8 may be on foot or maybe a vehicle that was left
9 unattended.

10 Q That's a technical term saying you're
11 looking for somebody?

12 A Yes.

13 Q And you remained at the scene of the
14 residence throughout this investigation?

15 A I did.

16 Q Did you have anything else to do once you
17 had initially found the scene?

18 A Just maintained the crime scene census
19 afterwards and relayed the information over to the
20 investigator that was called out.

21 Q And that is in fact what you did?

22 A Yes.

23 MS. YOUNG: No further questions.

24 THE COURT: Cross-examination?

25 MR. JOHNSON: Thank you, Your Honor.

Dep. John McCord - Cross

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1 CROSS-EXAMINATION

2 BY MR. JOHNSON:

3 Q Officer, did you seek witnesses in any of
4 the homes surrounding that area?

5 A You said did I seek any?

6 Q Yes.

7 A No, I did not seek.

8 Q All right. And did you question the
9 people -- how many people were there when you showed
10 up?

11 A When I pulled up, there was three.

12 Q Okay. And what were the names of those
13 individuals?

14 A I can't recall the names of the
15 individuals.

16 Q Okay. Were they men or women?

17 A Two men and one woman.

18 Q Okay. And did you ask them about anyone
19 else that may have been running in the area or seen
20 in the area?

21 A I didn't.

22 Q Okay.

23 MR. JOHNSON: No more questions, Your
24 Honor.

Dep. John McCord - Cross

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1 THE COURT: Ms. Beth Ann Young?

2 MS. YOUNG: Just to clarify briefly, Your
3 Honor.

4 REDIRECT EXAMINATION

5 BY MS. YOUNG:

6 Q First of all, where is this home located?

7 A At in Aiken County.

8 Q All right. And when you respond to a
9 scene, is part of your job keeping it contained?

10 A Yes.

11 Q And that means that you are controlling
12 who has access to the home?

13 A Yes.

14 Q And that would be restricted to whom?

15 A The responding investigators that respond
16 to the scene.

17 Q You don't let people just walk in?

18 A No, ma'am.

19 MS. YOUNG: No further questions.

20 THE COURT: All right, you may step down.
21 Next witness.

22 MR. MOLONY: Thank you, Your Honor. The
23 State calls Robert Verbockel.

24 (The witness was sworn.)

Robert VerBockel - Cross

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1 CLERK OF COURT: Please have a seat in the
2 witness box, state your full name for the Court, and
3 spell your last.

4 MR. VERBOCKEL: My name is Robert James
5 Verbockel, last name V-E-R-B-O-C-K-E-L.

6 ROBERT JAMES VERBOCKEL, having first been
7 duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. MOLONY:

10 Q Mr. Verbockel, where are you employed?

11 A The Montmorency volunteer fire department.

12 Q And how long have you been employed there?

13 A Approximately 12 years.

14 Q What are your duties with the Montmorency
15 fire department?

16 A As an officer, I maintain, do management
17 functions for the department, including human
18 resources, and also respond to whatever calls that
19 are dispatched by Aiken County dispatch.

20 Q And other than a fire, what other calls do
21 you guys respond to?

22 A Any medical or technical rescue or trees
23 in the road, any kind of emergency.

24 Q Do you have any licensing or training
25 requirements in order to perform your job?

Robert Verbockel - Direct

157

1 A The chief of the department sets the
2 standards, and training, and levels of expertise.
3 And it varies depending on the field.

4 Q What are the duties of a first responder?

5 A First responder responding to vehicle
6 wrecks or medical calls.

7 Q Okay. And were you working in that
8 capacity on September 15, 2008?

9 A Yes, I was.

10 Q Did you have an opportunity while working
11 as a first responder to respond to
12 Road?

13 A Yes, I did. I was at the station
14 performing duties -- management duties.

15 Q And from the station until you got the
16 call, how long did it take you to get to
17 Road?

18 A Probably less than three minutes.

19 Q Okay. Once you got to the scene, what did
20 you do?

21 A Initially, when we got on scene, there was
22 only one of the sheriff's deputies there. And he
23 indicated to us that the scene was not secure, so we
24 walked up to the roadway and waited for him to clear
25 the scene.

Robert Verbockel - Direct

158

1 Q And once the scene was secured, what
2 happened then?

3 A We went inside the home through the back
4 door. That was the same door that the Sheriff's
5 Office went through.

6 Q And what did you observe when you got
7 inside the home?

8 A As soon as we got in, we noticed a lot of
9 glass on the floor. The deputy had indicated the
10 direction of where the patient, so we walked that
11 way, noticed a trail of blood from the kitchen area
12 leading around to the front door, where we found the
13 patient.

14 Q And please explain to the jury the
15 patient/victim in this case's condition whenever you
16 saw him the first time?

17 A He was laying down, facedown. He was
18 naked. His face was pressed up against the door on
19 the right-hand side, and his legs were tilted
20 towards the left.

21 Q All right. Anything else unusual about
22 his body, how he was laying there?

23 A He was bound at the ankles and at the
24 wrists, with the wrists behind his back.

25 Q All right. Once you got close to the

Robert Verbockel - Direct

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1 body, what did you do?

2 A Tried to assess the patient. Captain
3 Teeter, who was with me at the time, he is also an
4 EMT with Aiken County. So he had basically call on
5 what we would do with the patient.

6 And to assess the patient, he wanted to
7 roll the patient over onto his back. So I moved a
8 lamp and a table that was at his feet towards the
9 left so we could get around to the back side of him.

10 And I cut the tape from his ankles.
11 Captain Teeter cut it from his wrists, and we rolled
12 him onto his back to assess his vitals.

13 Q And how were his vitals at that time?

14 A Neither one of us could get a pulse.
15 Captain Teeter asked for a pen light so he could
16 check his eyes for response to see if he was still
17 viable.

18 Q When you say "viable," what do you mean?

19 A Alive.

20 Q Okay. And did you notice anything else
21 unusual about the kitchen that day other than the
22 blood and the disarray of the items in there?

23 A Yes, just one thing. As soon as we were
24 done with the assessing, the EMTs showed up so we
25 went to leave.

Robert Verbockel - Direct

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1 And as we were leaving, we noticed heat
2 coming from the stove. One of the eyes on top of
3 the stove was left on. So Captain Teeter shut the
4 eye off and told the sheriff's deputies which one
5 was on, and that was on their way out.

6 MR. MOLONY: Thank you, Your Honor. I
7 have no further questions.

8 THE COURT: Mr. Johnson, any questions?

9 MR. JOHNSON: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q Mr. Verbockel --

13 A Yes.

14 Q -- when you showed up on the scene, you
15 said that the officer sent you back to the road?

16 A Yes -- well, he didn't send us back. We
17 walked back, because we don't like to go on scene
18 until the scene is "secure" --

19 Q Okay.

20 A -- which was the indication we got from
21 dispatch.

22 Q Okay. Did you see the three individuals
23 standing outside?

24 A There were people. I couldn't say whether
25 there was three --

Robert Verbockel - Direct

161

1 Q Okay.

2 A -- male or female, or either way.

3 Q Do you have any idea how many people were
4 there milling around?

5 A I didn't pay attention. I know I had
6 myself, Captain Teeter with me, and his wife or
7 fiancée was also on scene, but she didn't ever come
8 in.

9 Q Okay. And how many residences, homes, are
10 located in that area around there? Do you have an
11 idea?

12 A From that address, next door there's one.
13 Across the street and down the road there may be a
14 half dozen within 100 yards, 150 yards.

15 Q All right.

16 MR. JOHNSON: No more questions, Your
17 Honor.

18 THE COURT: Redirect?

19 MR. MOLONY: None, Your Honor.

20 THE COURT: You may step down.

21 Next witness.

22 MR. MOLONY: May Mr. Verbockel be released
23 from subpoena?

24 THE COURT: Any objection, Mr. Johnson?

25 MR. JOHNSON: No objection, Your Honor.

Robert Verbockel - Direct

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1 THE COURT: As well as Mr. McCord?

2 MR. JOHNSON: No objection.

3 THE COURT: Thank you.

4 Next witness.

5 MS. YOUNG: The State calls Ebony
6 Williamson.

7 (The witness was sworn.)

8 CLERK OF COURT: Please have a seat in the
9 witness box, state your full name for the Court, and
10 spell your last.

11 MS. WILLIAMSON: My name is Ebony
12 Williamson -- W-I-L-L-I-A-M-S-O-N.

13 EBONY WILLIAMSON, having first been duly
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. YOUNG:

17 Q Ms. Williamson, are you nervous this
18 afternoon?

19 A Yes.

20 Q Take a deep breath and, if you don't mind,
21 scoot up a little closer to that microphone so we
22 can all hear what you have to say, all right?

23 A All right.

24 Q Ms. Williamson, where do you live?

25 A Road.

Ebony Williamson - Direct

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1 Q And how long have you lived there?

2 A For the last seven and a half years.

3 Q You were living there on September 15,

4 2008?

5 A Yes, ma'am.

6 Q Who was your neighbor?

7 A At that particular time, Fred Tucker.

8 Q Is that somebody that you knew?

9 A I mean, like, yes, pretty much, because
10 you kind of get to know your neighbors, like if
11 somebody moves in next door to you and the house has
12 been empty for some while. So, you know, yes, I got
13 to know him, yes.

14 Q And did anything significant happen that
15 morning that you recall?

16 A Just that particular morning, I had woke
17 up about ten minutes to ten to watch my "Divorce
18 Court." And I woke up to three loud noises, like
19 three loud bangs or whatever.

20 So when I looked out my window, because my
21 bed is right above my window, I looked out my window
22 to see what was going on. And I happened to see
23 three gentlemen jump out his back door.

24 THE COURT: Three what? I'm sorry, I
25 can't hear you.

Ebony Williamson - Direct

164

1 A Three gentlemen jump out his back door.

2 Q And could you describe how they looked,
3 what they were wearing?

4 A All three of them was dressed in all
5 black. I can't really say how they looked. I just
6 know one particular of the gentlemen had dreads.
7 You can see it from a distance. And as far as
8 everybody else, no, I couldn't. I just know it was
9 three of them, and they was dressed in all black,
10 and one had long hair, dreads.

11 Q Could you tell what race or ethnicity they
12 were from where you were?

13 A No, I couldn't.

14 Q How do you know about what time of day it
15 was?

16 A Because every morning, I watch "Divorce
17 Court" every morning. That's one of my favorite TV
18 shows. And if I'm home, I wake up on time to watch
19 it.

20 Q And what time does that come on?

21 A Ten o'clock every morning, Fox 54.

22 Q And if were standing in the road, at
 Road, and you're looking at Mr. Tucker's
24 house, is your home on the right side or the left
25 side?

Ebony Williamson - Direct

165

1 A My home is on the right side.

2 Q If you're facing his house?

3 A If you're facing his house, yes, the right
4 side, right here, yes.

5 Q And you could see from your window to his
6 back door?

7 A Yes.

8 Q Did all of the men come out at the same
9 time? How did that work?

10 A It was kind like a sequence, so to say,
11 like one jumped out, then not even five seconds
12 later, another one. But it was constant. It was
13 back to back, three back to back, coming out.

14 Q And that was the amount of people you saw
15 come out of his residence?

16 A That's all I seen, was three.

17 Q And if you were looking at his residence,
18 do you know what direction -- where did they go?

19 A They went towards the opposite direction
20 of my house, so I would say like just to the left.
21 They just went in the opposite direction of me like
22 hitting it towards to the woods, so to say.

23 Q And they came out of the door and went
24 left?

25 A Yes.

Ebony Williamson - Direct

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1 MS. YOUNG: May I approach the witness,
2 Your Honor?

3 THE COURT: Yes, ma'am.

4 Q Ms. Williamson, I'm going to show you
5 what's been marked for identification purposes as
6 State's Exhibit One and State's Exhibit Two. I'm
7 going to ask you to look at them and tell me if you
8 can identify what's in that.

9 A Like what's in this picture, what can I
10 see?

11 Q Do you know what it is? Is it familiar to
12 you?

13 A Yes.

14 Q And look at both of them for me, if you
15 don't mind.

16 A Yes.

17 Q And can you tell me what those are --
18 what's shown in those pictures?

19 A This picture is pretty much --

20 Q If you don't mind, look at the back and
21 say which one you're talking about --

22 A Oh.

23 Q -- so the Court Reporter will know.

24 A State Exhibit Two, I'm looking at that
25 one, and that's pretty much the way the backyard was

Ebony Williamson - Direct

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1 at the time -- his backyard, Mr. Tucker's backyard -
2 - and with the door wide open, like I saw it. And
3 State Exhibit One is pretty much the same thing, his
4 backyard.

5 Q And, Ms. Williamson, do those pictures
6 accurately show how much Mr. Tucker's yard looked on
7 the date in question?

8 A Yes, ma'am.

9 MS. YOUNG: Your Honor, at this time we'd
10 offer State's One and Two into evidence.

11 THE COURT: Any objection?

12 MR. JOHNSON: No objection, Your Honor.

13 (State's Exhibit Number One, Picture; and
14 State's Exhibit Number Two, Picture, were entered in
15 evidence.)

16 MS. YOUNG: And, Your Honor, may she
17 publish them, or may I publish them and ask her --

18 THE COURT: You may, certainly.

19 MS. YOUNG: -- some questions about them?

20 THE COURT: Absolutely, you may.

21 Q All right. I'm going to hold up State's
22 Exhibit Number One and ask you to tell me in this
23 picture, what side of the house is your -- where do
24 you live?

25 A I'm right here.

Ebony Williamson - Direct

168

1 Q Okay. So this would be looking from the
2 back of Mr. Tucker's house?

3 A Yes.

4 Q And you live to the side of the residence?

5 A Yes, this is my area right here. This is
6 where I resided, right there, yes.

7 Q And how about State's Exhibit Number Two?

8 A Where is my area at, again?

9 Q Where's your area, and what was
10 significant about that picture, if you know?

11 A The most significant thing, I mean, it's
12 still showing my area, but it's showing how his back
13 door was at the time when I was looking out my
14 window. I could see his back door open.

15 Q And this is how it looked?

16 A Yes.

17 Q What did you do once you saw these men?

18 A I pretty much yelled to my boyfriend at
19 the time, and I woke him up. And I was like -- my
20 exact words were like, "Hey, yo, I just seen
21 somebody jump out Tucker's back door."

22 And then he was like, "Okay, well, let's
23 go see." And I was like, "No, I'm not going." So I
24 walked out my door. I went and got my uncle at the
25 time who was staying in the trailer in front of me.

Ebony Williamson - Direct

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1 And he walked over there, him and my
2 boyfriend at the time, and they went to the front
3 door, called out Mr. Tucker's a couple of times.
4 And you can hear him through the front door saying
5 "Help me, help me."

6 So then they went in through the back
7 door, because the back door was already open, wide
8 open. They went in through the back, did whatever
9 they did in the house, because I never did enter the
10 residence, came back out and yelled for me to call
11 911.

12 Q And you never went inside?

13 A No.

14 Q And you did call 911?

15 A Yes.

16 Q Thank you, Ms. Williamson. Answer any
17 questions Mr. Johnson may have.

18 THE COURT: Mr. Johnson, any questions?

19 MR. JOHNSON: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. JOHNSON:

22 Q Ms. Williamson --

23 A Yes.

24 Q -- did you give a statement to law
25 enforcement about what you saw?

Ebony Williamson - Cross

170

1 A Yes, I did.

2 Q How many statements?

3 A As of right now, I'm saying one, because,
4 I mean, I don't remember writing more than one.

5 Q Okay. And you testified today that you
6 saw three black males coming out of the house, and
7 one had dreads, correct?

8 A Yes.

9 Q Okay. Now, within your statement, isn't
10 it true that you didn't mention anything about
11 dreads, and you identified basically three young
12 men?

13 A I'm not exactly sure what I wrote on that
14 paper, because it's been so long ago and I haven't
15 had a chance to read over it.

16 Q Okay. Would it refresh your memory --

17 A But --

18 Q I'm sorry, I didn't mean to cut you off.

19 Go ahead.

20 A Pretty much my oral statement to the
21 officer at the time is what I saw.

22 Q Okay. Ms. Williamson, I'm going to show
23 you -- would it refresh your memory to see your
24 statement?

Ebony Williamson - Cross

171

1 A That'll be fine.

2 Q Okay. Once you're reviewed it, let me
3 know when you've fully reviewed it, please.

4 A Yes, that's pretty --

5 Q Okay.

6 A --, okay.

7 Q And now that you've reviewed it, in your
8 statement did you say that there were three black
9 males?

10 A No, not in that statement right there. It
11 just says three young men. That's what I put in
12 that statement right there.

13 Q Okay. And in fact you didn't mention
14 anything dreads, correct?

15 A To the officer, yes, I did. That was one
16 of the things that I could actually point out,
17 because that's what I seen.

18 Q But not in this statement?

19 A No. He just told me to just write, and I
20 wrote what -- I wanted to hurry up. I'm going to be
21 honest -- because I wanted to hurry up and write
22 something, and I put down what -- all I can gather
23 up at that time and wrote that down. It was kind of
24 like traumatic to happen on a day like that.

Ebony Williamson - Cross

172

1 Q Okay. And at testimony in a related case,
2 did you testify once again without mentioning the
3 'dreads? Isn't that the case?

4 A I guess, yes. I mean --

5 Q I just want to point out today is the
6 first time you've mentioned dreads?

7 A No, because I have mentioned dreads
8 before, but if it wasn't written down, it wasn't
9 written down. But I've mentioned it before.

10 Q Okay. But you didn't testify -- the first
11 time you testified, you didn't testify about it?

12 A I guess not. If you're saying that, I
13 guess I didn't.

14 Q Would you like to review your testimony in
15 the transcript? Would that refresh your memory?

16 A Sure.

17 Q Okay.

18 THE COURT: Well, now, you've got to tell
19 us what you're talking about, Mr. Johnson.

20 MR. JOHNSON: Your Honor, I'm going to
21 show her a transcript of her testimony in a related
22 trial.

23 THE COURT: What trial?

24 MR. JOHNSON: This was a related hearing

1 regarding a co-defendant.

2 THE COURT: Ladies and gentlemen of the
3 jury, this is a transcript from a trial. There was
4 I assume a co-defendant tried in connection with
5 this offense, and this is what her testimony was in
6 the first trial -- not this gentleman's trial, the
7 defendant, Mr. Miller, but someone else. Who is it,
8 State versus who?

9 MR. JOHNSON: Melvin Cummings, Your Honor.

10 THE COURT: Who?

11 MR. JOHNSON: Melvin Cummings.

12 THE COURT: Melvin Cummings. And your
13 question is what, Mr. Johnson?

14 MR. JOHNSON: My question was regarding
15 mentioning dreads at this testimony, and she wanted
16 to refresh her memory.

17 A Okay.

18 Q So today would be the first time you've
19 testified about dreads?

20 A Yes.

21 Q Okay. How many people were walking around
22 out there?

23 A What you mean, like walking around the
24 area with me at the time?

Ebony Williamson - Cross

174

1 Q Yes, ma'am.

2 A It was just me, my boyfriend, and my uncle
3 until the police sent the first responders, as y'all
4 call them, came onto the scene.

5 Q How many homes are located in your area?

6 A Including on my property, there is three
7 on my property, three across the street. On the
8 other side of Mr. Tucker, there is three over there.
9 So that's a total of what, nine?

10 Q And you couldn't see the faces of those
11 three individuals you said ran out?

12 A That's correct.

13 MR. JOHNSON: No more questions, Your
14 Honor.

15 THE COURT: Redirect, if any.

16 REDIRECT EXAMINATION

17 BY MS. YOUNG:

18 Q They ran in the opposite direction from
19 where you were looking at them?

20 A Yes, ma'am.

21 MS. YOUNG: No further questions.

22 THE COURT: Ma'am, you may step down.

23 Next witness.

24 MS. MOLONY: The State calls Jennifer

Ebony Williamson - Redirect

175

1 Glover.

2 THE COURT: Ms. Glover, please.

3 MS. YOUNG: Your Honor, may she leave?

4 THE COURT: Any objection to Ms.

5 Williamson being excused?

6 MR. JOHNSON: No objection, Your Honor.

7 THE COURT: Ms. Ebony Williamson, you're
8 excused.

9 (The witness was sworn.)

10 CLERK OF COURT: Please have a seat in the
11 witness box, state your full name for the Court, and
12 spell your last.

13 MS. GLOVER: Jennifer Glover -- G-L-O-V-E-
14 R.

15 JENNIFER GLOVER, having first been duly
16 sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. MOLONY:

19 Q Ms. Glover, where do you live?

20 A I'm at Road.

21 Q Okay. And were you living at that same
22 location on September 15, 2008?

23 A No, I wasn't.

24 Q Where were you living then?

25 A With my sister and her family, right

Jennifer Glover - Direct

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1 behind Citizens Park, the ballfield.

2 Q All right. And on September 15, 2008, did
3 you happen to have any contact with the place you're
4 living now on Road?

5 A Yes.

6 Q And could you please explain to the jury
7 what contact you had there? Why were you on
Road that morning?

9 A I had went to check on my home. I wasn't
10 staying there at the time, and I just went to check
11 in on a few things and then check on my mom. She's
12 disabled, so I just wanted to check on her before I
13 left to go to work. I had to be to work at 8:00,
14 which I didn't get there until late.

15 Q Later on?

16 A Later on that morning.

17 Q And where does your mom live?

18 A She's at Road.

19 Q So right beside where you lived, is that
20 correct?

21 A Yes, I'm in her backyard.

22 Q And at the time, were you aware of your
23 mom's neighbor or neighbors?

24 A Yes.

25 Q And who lived beside your mother?

Jennifer Glover - Direct

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1 A One Fred Tucker.

2 Q Okay. You stated you went to check on
3 your mom because she was disabled, to see how she
4 was doing?

5 A Yes.

6 Q What else happened that morning after you
7 got there to check on your mother?

8 A We were just briefly talking, and she told
9 me she was waiting on her mechanic to come pick up
10 her car. And while we was talking, we heard a noise
11 pull in our driveway and come around to the left
12 side of her house, which is by my trailer, and drive
13 all the way around the back side of the house.

14 And she asked me to go on and check. When
15 I looked out the back window, there was no one
16 there. But the car went on around -- or vehicle or
17 whatever it was, went on around. And she thought
18 that was him, so she said, "Well, go on and look."
19 So I went and checked out the back door.

20 Q When you say "him," you're talking about
21 the mechanic?

22 A Yes.

23 Q Okay. I'm sorry, go ahead.

24 A And as I went out the back door, it was
25 not the mechanic. It was someone else in the yard.

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1 Q Okay. And do you remember what color car
2 it was that was there?

3 A All I remember is it was a green car,
4 green four-door.

5 Q A green four-door?

6 A Yes.

7 Q All right. And did you see anyone with
8 the car at the time?

9 A Yes, whom I didn't know who he was until
10 later on that day or maybe a week later that it was
11 Melvin Cummings, I think.

12 Q Okay. And he was the only one in the
13 vehicle at the time?

14 A Right. No one else was with him, just him
15 by himself.

16 Q Okay. And did you and Mr. Cummings have a
17 conversation at that time?

18 A We did. He approached me and asked me
19 about a blue Isuzu.

20 Q Okay.

21 A It was an I-Mark car that I had sitting in
22 the yard. He wanted --

23 Q Just don't tell me what he said. Just
24 tell us about what the conversation was about.

25 A Yes. He just saw it from the road and

Jennifer Glover - Direct

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1 asked if it was for sale. He wanted the compressor.

2 Q All right. And what, if anything, caused
3 that conversation to be interrupted at the time?

4 A During the conversation we just had, we
5 just heard some live shots coming from Mr. Fred
6 Tucker's house, gunshots.

7 Q Okay. And what happened after you heard
8 these gunshots?

9 A I turned back around. Both of us looked
10 towards the house. And when I turned back around,
11 he was -- Melvin was not in my yard, nor the car.
12 They were both gone out of the driveway, back the
13 same way -- not back around the same way but
14 straight on down. It's like a horseshoe driveway,
15 and sitting almost in front of the front door on the
16 road like he was waiting on something, so I don't
17 know.

18 Q Now, is the car that he arrived in at your
19 mother's home that day the same one he pulled off
20 in?

21 A Right.

22 Q And which car is that, what color?

23 A A green four-door, whatever. I'm not sure
24 of the name or --

25 Q That's fine. Thank you. Please answer

Jennifer Glover - Direct

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1 any questions Mr. Johnson has for you.

2 A Okay.

3 CROSS-EXAMINATION

4 BY MR. JOHNSON:

5 Q Ms. Glover, what color was that car?

6 A Green.

7 Q And how many people were walking around
8 the neighborhood that day?

9 A No one, just him.

10 Q Okay. How many homes do you have in that
11 area?

12 A Across the street, all across the street,
13 there's three abandoned and two that's being lived
14 in. And the same side of the road that Fred
15 Tucker's trailer's on, standing in front of his door
16 looking at his house, on the left side is my mom and
17 my home, my trailer, and on the right side of it,
18 maybe three, one of which is abandoned -- no, two
19 which is abandoned now.

20 Q The lady that just testified, Ms.
21 Williamson, where is she located?

22 A Behind his trailer. She can see
23 everything from his trailer, the back of his
24 trailer. She's on the right side. If you're
25 standing in front of his trailer looking into his

Jennifer Glover - Cross

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1 house, she's on the right side.

2 Q Okay.

3 MR. JOHNSON: No more questions, Your
4 Honor.

5 THE COURT: Redirect?

6 MR. MOLONY: None, Your Honor.

7 THE COURT: You may step down.

8 May she be excused?

9 MR. JOHNSON: No objection, Your Honor.

10 THE COURT: Next witness.

11 MS. YOUNG: The State calls Jeffrey Day.

12 (The witness was sworn.)

13 CLERK OF COURT: Please have a seat in the
14 witness box, state your full name for the Court, and
15 spell your last.

16 MR. DAY: Jeffrey Troy Day -- D-A-Y.

17 THE COURT: Spell the last.

18 MR. DAY: D-A-Y.

19 THE COURT: Just like day?

20 MR. DAY: Yes, sir.

21 JEFFREY TROY DAY, having first been duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. YOUNG:

25 Q Mr. Day, where do you work?

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- 1 A U-Save Auto Rental.
- 2 Q Where is that located?
- 3 A Columbia, South Carolina.
- 4 Q I just need for you to speak up.
- 5 A Columbia, South Carolina.
- 6 Q All right. And how long have you worked
- 7 with U-Save?
- 8 A Approximately ten years.
- 9 Q What type of business is that?
- 10 A Car rental.
- 11 Q And were you working there on September
- 12 15, 2008?
- 13 A Yes.
- 14 Q What's your role with U-Save? What
- 15 exactly do you do?
- 16 A I manage the branch on Two Notch Road,
- 17 5317.
- 18 Q Did anything happen that morning? Do you
- 19 recall the date particularly?
- 20 A Yes, we had a green Taurus you were
- 21 speaking about earlier --
- 22 THE COURT: Sir, you're going to have to
- 23 speak a little louder.
- 24 A We had a green Taurus that you had spoke
- 25 about earlier, it was rented to a Deidre King. It

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1 was supposed to have been dropped off or paid for
2 over the weekend.

3 When I got to work Monday morning, neither
4 a payment nor the car was there. And that's the
5 morning I reported that car as a breach of trust.

6 Q So when you say you reported it, what do
7 you mean? What did you do?

8 A I called Richland County and let them know
9 that, hey, a rental car was out approximately five
10 days late, no response from the customer, couldn't
11 get anybody to pay for the car or return the
12 vehicle.

13 MS. YOUNG: Your Honor, may I approach the
14 witness.

15 THE COURT: You may.

16 Q Mr. Day, I'm going to show you what's been
17 marked for identification purposes as State's
18 Exhibit Three, have you look at it, and tell me if
19 you recognize what's in that.

20 A Yes, that's the rental car that was due
21 back.

22 Q And this appears to be a picture of the
23 car that you're referring to?

24 A Yes.

25 Q And is that how it appeared on the date in

Jeffrey Day - Direct

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1 question?

2 A Pardon me?

3 Q This is what the car looked like?

4 A Yes, that's the exact car.

5 Q I'm not asking that question very well.

6 A Okay.

7 Q But this is the car?

8 A Yes.

9 Q It's a picture of the car?

10 A Correct.

11 Q It accurately shows the car?

12 A Correct.

13 MS. YOUNG: Your Honor, at this time we'd
14 move State's Exhibit Three into evidence in the
15 case.

16 THE COURT: Any objection?

17 MR. JOHNSON: No objection.

18 (State's Exhibit Number Three, Picture,
19 was entered in evidence.)

20 MS. YOUNG: May I approach him again, Your
21 Honor?

22 THE COURT: You may.

23 Q I'm going to show you what's been marked
24 for identification purposes as State's Exhibit
25 Fifty-Eight and ask you if you recognize that

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1 document.

2 A Yes.

3 Q And what is it?

4 A It's a rental contract between U-Save Auto
5 Rental and Deidre King, and it's got the vehicle
6 number and identification of the green Ford Taurus
7 on there.

8 Q Is that a true and accurate -- is that the
9 contract?

10 A Yes.

11 Q Just make sure you speak up.

12 A Yes.

13 MS. YOUNG: Your Honor, at this time we'd
14 offer State's Fifty-Eight.

15 THE COURT: Fifty-eight. Any objection?

16 MR. JOHNSON: No objection.

17 (State's Exhibit Number Fifty-Eight,
18 Rental Car Contract, was entered in evidence.)

19 Q Mr. Day, does that have details about the
20 car?

21 A It lists the make, model, license plate,
22 and VIN number.

23 Q If you don't mind, for the record, could
24 you tell us that information?

25 A It's a 2006 Ford Taurus, license 290 3CF,

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1 VIN number 1FAFP53UX68A262649.

2 Q Who did you state this car was rented to?

3 A Deidre King.

4 Q You stated you're a manager?

5 A Yes, sir.

6 Q Did you have any contact with Ms. King?

7 A Maybe originally when they came in to do
8 the original contract.

9 Q You're saying "they"?

10 A Well, when she did.

11 Q Was there anybody else related to this car
12 that you have knowledge of?

13 A I know Mr. Miller actually came in to pay
14 for the rental before.

15 Q I'm sorry?

16 A I know Mr. Miller had come in to pay on
17 the rental car for her before.

18 Q And you're referring to this green Taurus?

19 A Correct.

20 Q And when was it supposed to have been
21 back?

22 A I don't have all the document in front of
23 me, but I believe it was the Wednesday prior to that
24 Monday.

25 Q So there were a few days in between that

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1 you?

2 A Correct.

3 Q Do you have any -- how do you keep your
4 cars secure?

5 A We have a GPS tracking unit on the cars.

6 Q And describe how that GPS tracking system
7 works, if you can.

8 A You just go to our website, and you're
9 able to pull up the car by the VIN number and the
10 identification number that we label to every car.
11 And it allows you to locate the car, disable the
12 starter on the car, and re-enable the starter on the
13 car with a command.

14 Q With a what?

15 A A command on the website.

16 Q I'm sorry, I didn't hear.

17 A Okay.

18 Q When you're talking about a GPS, is this
19 visible like the little Tom Tom things?

20 A No.

21 Q How does it work?

22 A It's hooked into the starter underneath
23 the dash of the car. So it's wired into the car
24 itself and hidden under the dashboard.

25 Q You stated previously that you can turn it

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1 off and on remotely?

2 A You can -- if it's -- you can hit a --
3 there's an option to disable the starter so the next
4 time the car tries to start, it won't start up.

5 Q And what do you do if you want to find out
6 where a car is at a particular time?

7 A You're able just to go on the website and
8 pull up the car and just hit the locate option, and
9 it'll just locate the car for you.

10 Q Does it make a record, like a real-time
11 record, that shows you exactly where it is then?

12 A It does.

13 Q Mr. Day, I'm going to show you what's been
14 marked for identification purposes as State's Four,
15 Five, Six, Seven, Eight, Nine, and Ten and ask you
16 to look at those. Take your time and tell me if you
17 can recognize what those documents are.

18 A This is a printout of all the times within
19 that time frame that we located or disabled the Ford
20 Taurus in question.

21 Q It's printouts referring to the particular
22 Taurus that you testified to?

23 A Yes.

24 Q And are you in charge -- I mean, you're
25 the manager in charge of managing the system and

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1 tracking the cars?

2 A Yes.

3 Q And you can make a record of that?

4 A Yes.

5 Q And if you don't mind, go through and
6 state what each one is. I handed you I think four,
7 so if you'd just describe what it is. And I'll you
8 questions about each one --

9 A All right.

10 Q -- as you do that.

11 A State's Exhibit Number Four is a list of
12 all the location times on the 15th of September,
13 2008.

14 Q And is State's Four a fair and accurate
15 representation of the information that you observed
16 on that date?

17 A Yes.

18 Q And there aren't any changes, you can't go
19 in and add, such as that?

20 A No.

21 MS. YOUNG: Your Honor, at this time we'd
22 offer State's Four into evidence.

23 THE COURT: Any objection?

24 MR. JOHNSON: No objection.

25 (State's Exhibit Number Four, GPS Record,

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1 was entered in evidence.)

2 A State's Exhibit Number Five, this shows --
3 that morning I came to work around 6:00 in the
4 morning, realized the car hadn't been turned in or
5 paid for. So the first thing I did was disable the
6 vehicle. It shows the vehicle at 6:18 a.m. is
7 going --

8 Q And that is where --

9 A Pardon?

10 Q Is that a fair and accurate copy of --

11 A Yes.

12 Q -- the information you had on that
13 morning?

14 A Uh-huh. And it's got nearest address
15 located at , Aiken, South Carolina
16 29803, and it also gives you latitude and longitude
17 if you need that.

18 MS. YOUNG: Your Honor, at this time we'd
19 offer State's Five.

20 THE COURT: Any objection?

21 MR. JOHNSON: No objection, Your Honor.

22 (State's Exhibit Number Five, GPS Record,
23 was entered in evidence.)

24 Q And you stated that was in Aiken, at what
25 time?

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1 A Six eighteen.

2 Q And you made a record of that?

3 A Correct.

4 Q All right. How about State's Six?

5 A State's Six, that's, again -- this one is
6 at 9:32 in the morning, at 9:15:08. The car is
7 traveling 36 miles per hour, address listed as 113
8 Gregg Avenue, Aiken, South Carolina 29801.

9 MS. YOUNG: Your Honor, at this time we'd
10 offer State's Six.

11 THE COURT: Any objection?

12 MR. JOHNSON: No objection.

13 (State's Exhibit Number Six, GPS Record,
14 was entered in evidence.)

15 A Exhibit Seven, I believe it's the same one
16 I just showed you but a different view. You can do
17 like an aerial view of the road or like a bird's-eye
18 view, what shows you like houses and what not. So
19 it's giving me the same information at the same
20 time, just a different camera angle, more of a
21 bird's-eye view as compared to the road, but it's --

22 Q Is that true and correct?

23 A Correct.

24 MS. YOUNG: Your Honor, at this time we'd
25 offer State's Seven.

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1 THE COURT: Exhibit Seven, any objection?

2 MR. JOHNSON: No objection.

3 (State's Exhibit Number Seven, GPS
4 Map/Picture, was entered in evidence.)

5 Q How about the next one?

6 A Exhibit Eight locates the car again. This
7 time it's 10:25, same date, 9/15/08. The car is
8 going 55 miles per hour. Address listed is
9 , Aiken, South Carolina 29801.

10 MS. YOUNG: Your Honor, we'd offer State's
11 Exhibit Eight.

12 THE COURT: Any objection?

13 MR. JOHNSON: No objection.

14 (State's Exhibit Number Eight, GPS Record,
15 was entered in evidence.)

16 Q How about State's Nine?

17 A Exhibit Nine, the car is going six miles
18 per hour. It is 12:15, same date, 9/15/08. This
19 time it's in Columbia at 5134 Trenholm Road,
20 Columbia, South Carolina 29206.

21 MS. YOUNG: Your Honor, at this time we'd
22 offer State's Nine.

23 THE COURT: Any objection?

24 MR. JOHNSON: No objection.

25 (State's Exhibit Number Nine, GPS Record,

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1 was entered in evidence.)

2 Q Finally, State's Ten?

3 A State's Ten, the car is going zero miles
4 per hour. This is given to me in military, 13:34
5 Eastern. It gives you the nearest address of

, Columbia, South Carolina 29203. And it's
7 got the aerial view with a dot right there off of
8 North Main Street.

9 MS. YOUNG: Your Honor, at this time we'd
10 offer State's Ten.

11 THE COURT: Any objection?

12 MR. JOHNSON: No objection.

13 (State's Exhibit Number Ten, GPS Record,
14 was entered in evidence.)

15 MS. YOUNG: Your Honor, at this time I'd
16 ask permission to publish these to the jury and ask
17 him to come. I think we might ask him some more
18 detailed questions.

19 THE COURT: You may.

20 You may step down.

21 Mr. Johnson, you may get right over here.

22 MS. YOUNG: And if you don't mind, just
23 kind of stand to the side, sir, so the jury can see.

24 THE COURT: Ma'am, on the back, can you
25 see?

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1 If you cannot see, please raise your hand.

2 Please identify by exhibit number as you
3 testify.

4 Q You testified about this one, which was
5 State's Exhibit Three, and it's a picture of the
6 car?

7 A That's a picture of the car, yes.

8 Q How about State's Exhibit Four? This
9 looks like a bunch of -- kind of explain how it
10 works.

11 A These are previous locates. When I
12 located him the first time, you can it was 9/15/08
13 at 6:18. That's when I disabled the starter, 6:18
14 in the morning.

15 And it was at that address,
16 Road, basically going here, is where I was looking
17 at. And I was trying to get it back in Columbia
18 where I can find the car and tell Richland County
19 where the car was at to retrieve it.

20 Q So it starts right --

21 A It starts there and goes up.

22 Q I just wanted to -- that's the first one
23 then?

24 A Yes.

25 Q That's the first one when he goes to the

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1 what you testified about?

2 A Yes.

3 Q Would you call that a summary of the
4 information?

5 A Yes, that's basically car.

6 Q All right. How about State's Exhibit
7 Number Five?

8 A This is 6:18. This is the first thing I
9 did that day. I disabled the starter. And this
10 gives you a -- and it's hard to read, but it's Old
11 Barnwell Road. It shows you a dot where the car is,
12 right there.

13 Q Is there any difference between the dots?

14 A Like in this instance, the dot usually
15 coincides with it going zero miles per hour. You'll
16 see in a later one -- show an arrow in the direction
17 the car is moving. But when you scroll down, it
18 will show you zero miles per hour at the bottom --
19 zero miles per hour, the date, the time, address,
20 longitude and latitude.

21 Q What's different between the -- you said
22 local time and GPS time. What does that mean?

23 A That's 6:18 Eastern time.

24 Q Isn't some kind of time zone referenced
25 there?

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- 1 A That must be it. Yes, that's the time.
- 2 Q But this is --
- 3 A This is Eastern time. That's what we're
- 4 on.
- 5 Q So when you did that snapshot, it's 6:18
- 6 in the morning?
- 7 A Yes.
- 8 Q All right.
- 9 A And that's the same thing right there --
- 10 disabled.
- 11 Q All right. So you had turned it off, and
- 12 you turned it back on --
- 13 A Correct.
- 14 Q -- multiple times?
- 15 A Yes.
- 16 Q State's Seven.
- 17 A This is 9:32, and it just shows --
- 18 THE COURT: What exhibit number, please?
- 19 MS. YOUNG: State's Six.
- 20 A Six says -- yes, it just shows you 9:13,
- 21 he's going 36 miles per hour. And the arrow
- 22 indicates which direction he's going right there.
- 23 And it tells you 36 miles per hour and gives you the
- 24 address again down there.
- 25 Q What is the difference between arrow and

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1 arrow?

2 A The arrows give you the directions
3 actually of movement. That's stopped.

4 Q Stopped.

5 A How about State's Seven?

6 A This is the same thing. This is what I
7 was talking about a bird's-eye view. We can kind of
8 look at buildings and what not with this one here.
9 And the other one gave you like the roads, street
10 address. This kind of gives you like where you can
11 see all the buildings.

12 Q And that's like an actual picture?

13 A That's a picture like of buildings that's
14 going to be looked at in an aerial view.

15 Q How about State's Exhibit Number Eight?

16 A This is where it's on
17 Highway, going 55 miles in that direction, at 10:25,
18 the address and the same car.

19 Q How about State's Nine?

20 A This is one shows the address as Columbia,
21 which is on Trenholm Road. It just shows it's going
22 six miles per hour in the direction of the arrow
23 there, Forest Drive/Trenholm Road.

24 Q How about State's --

25 A Again, this one has a dot. It's stopped,

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1 going zero miles per hour. It gives you the time
2 and location, 5590 U.S. 21, which I think is the
3 same. It's just the highway number and zero miles
4 per hour.

5 Q So that's the dot, and that would be where
6 the car was, right there?

7 A Yes.

8 THE COURT: Speak up for me, please.

9 MR. DAY: I'm sorry.

10 THE COURT: My Court Reporter is having a
11 hard time.

12 MS. YOUNG: I'm sorry, Madam Court
13 Reporter.

14 Q So that would be --

15 A Yes, that zero miles per hour because it's
16 sitting still and was turned off.

17 Q All right, you can jump back up on the
18 witness stand, thank you. You stated that you made
19 some report, correct?

20 A Yes.

21 Q And that means you called the police?

22 A Yes, I called them.

23 THE COURT: Hold on one second, please.

24 Ma'am, please have a seat. Thank you.

25 A Since I couldn't get anybody to answer the

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1 phone and the car was out of town, wasn't anywhere
2 close where I could try and get it early that
3 morning, I called Richland County to come out and do
4 a breach of contract, which is basically a renter
5 doesn't bring a car back.

6 Q About the car?

7 A Correct.

8 Q And the officer came to where?

9 A He comes to the office.

10 Q And did a report?

11 A Correct.

12 Q And you gave him what information?

13 A Basically, a copy of the rental agreement
14 and showed where the car was behind on payment. And
15 I even showed him the GPS where I located it in
16 Aiken.

17 Q You showed him on your computer that you
18 were just talking about?

19 A Yes.

20 Q And why didn't you want to disable it as
21 soon as you found out where it was?

22 A I was hoping -- the first thing I did was
23 disable it, hoping that it would be somewhere close
24 that we could just take an extra key and hopefully
25 go pick the car up.

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1 But once I realized it was so far away, I
2 re-enabled it. And the reason I do that is a lot of
3 times, if we disable the car and we can't
4 immediately get it, people start tampering with it,
5 going under the hood, trying to figure out why it
6 won't start.

7 We'd had people, you know, disconnect
8 batteries and what not and mess the cars up. So I
9 just enabled it just because I couldn't get to it to
10 retrieve it myself.

11 THE COURT: Speak up, please.

12 A I just re-enabled the car so -- there was
13 no way we could get to Aiken to pick the car up in
14 the morning.

15 Q All right. And what did you do? You said
16 you kind of started it back, is that right?

17 A Correct.

18 Q And did you have any further contact about
19 this car that day?

20 A Once the car got back in Columbia -- I'm
21 not sure what time it was on the GPS, I don't have
22 it in front of me -- it was the 12:00-ish area,
23 something like that, the deputy actually who took
24 the report left me his cell phone number. And I
25 called him and told him where it was at.

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1 Q All right. And just make sure you keep on
2 talking loud, if you could.

3 A Okay.

4 Q And so once you told him that, what was
5 the next thing that happened?

6 A He said he would go check on the vehicle,
7 as I recall. It was at the Main Street address.
8 And shortly within -- after that time, I sent two of
9 my employees to hopefully go over there and pick the
10 car up. I thought we were just going to be at a house
11 and he'd help us get the keys and get the car back.

12 Q And did you disable the car so it wouldn't
13 be able to be started again?

14 A I can look at the report. I think so.
15 It's -- if I look at the summary, I believe it is on
16 there.

17 Q You're referring to State's Four, I
18 believe, is that correct?

19 A Yes. Yes, I did disable it again. Once I
20 located it going zero miles per hour, one minute
21 later I disabled it.

22 Q And you say you sent some of your
23 personnel to that location?

24 A Yes, they were going to go out and there
25 and hopefully meet the officer. And I thought I was

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1 just going to hopefully go out there and get the key
2 and get the car back and be done.

3 Q But that's all that happened?

4 A No.

5 Q All right. And was it actually sometime
6 later that you got the car back, like days later?

7 A It was days later. They actually went out
8 there. The two guys that work for me went out there
9 and waited around probably for an hour. And I think
10 they talked to a couple of different officers on the
11 scene and initially thought it was just going to be
12 a few minutes, a few minutes.

13 But then, I guess as more things
14 progressed, they kept telling me more and more cops
15 kept coming to the house. And then finally somebody
16 told them, "This car is probably going to be
17 impounded and processed," and we gave up on trying
18 to get it back. We got it back days later.

19 Q All right. Let me approach and show you
20 what's been marked for identification as State's
21 Exhibit Number Eleven and ask you if you recognize
22 that..

23 A It's a consent to search the car which I
24 signed off on.

25 Q So you signed that?

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1 A Correct.

2 Q That's your signature on that?

3 A Correct.

4 Q And it appears to be accurately a copy of
5 what you signed?

6 A Yes.

7 Q Thank you.

8 MS. YOUNG: Your Honor, at this time we'd
9 offer State's Eleven.

10 THE COURT: Any objection?

11 MR. JOHNSON: No objection, Your Honor.

12 (State's Exhibit Number Eleven, Consent to
13 Search, was entered in evidence.)

14 Q And what's that document entitled, do you
15 know?

16 A This document? It's from the Aiken County
17 Sheriff's Office, consent to search.

18 Q So they basically came and asked you if
19 they could look inside the car?

20 A Yes.

21 Q And you said --

22 A Yes.

23 Q You previously said that Ms. King was the
24 renter, so Mr. Miller would come in and make
25 payments?

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1 A Yes.

2 Q Were you able to -- I mean, did anything
3 about him stand out as making you remember that?

4 A Yes. The reason I can remember him is
5 just because of the abnormality of his left arm.

6 Q Some sort of disfigurement?

7 A Yes, ma'am.

8 MS. YOUNG: No further questions.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. JOHNSON:

13 Q Sir, do you have your file with you on
14 this car?

15 A Which file are you regarding?

16 Q Your file, the paperwork you maintained on
17 the rental agreement of this car.

18 A Do I have it with me?

19 Q Yes.

20 A No.

21 Q How many payments were made on this car?

22 A I don't have that information with me.

23 Q All right.

24 A I can find it out.

25 Q If Mr. Melvin Cummings came in and made a

1 payment and picked up that car, you wouldn't have
2 that record, wouldn't know that today?

3 A Melvin Cummings wouldn't have picked the
4 car up. The rental contract was made for Deidre
5 King.

6 Q Do you ever have someone show up but
7 someone else is with them because that someone else
8 has a driver's license and they pick up the car?

9 A Well, the person who has a license has to
10 put it in their name. I can't put it in somebody's
11 name without a license.

12 Q So if Mr. Melvin Cummings picked up that
13 car, you wouldn't be able to say "yes" or "no" to
14 that, you just wouldn't know?

15 A Melvin Cummings was not the renter of the
16 car.

17 Q How long ago was this?

18 A This incident? Back in 2008.

19 Q All right. And you don't have any files
20 with you?

21 A No, nothing more than what they have here.
22 I mean, I can go back in the computer and see
23 records of payments.

24 Q How many payments were made?

Jeffrey Day - Cross

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1 A I don't have that with me. I wasn't told
2 to bring that.

3 Q All right. And so you also don't know who
4 made those payments, correct?

5 A I can't remember that now, no.

6 Q All right. So if Mr. Melvin Cummings made
7 those payments, you couldn't say whether it was him
8 or not?

9 A Not right now. I don't know who.

10 Q Okay.

11 MR. JOHNSON: No more questions, Your
12 Honor.

13 REDIRECT EXAMINATION

14 BY MS. YOUNG:

15 Q Mr. Day, you said before that Mr. Miller
16 had come in and made some payments. Is that
17 personally who you took them from?

18 A I personally took the last one on that
19 Wednesday.

20 Q And that would be prior to the Monday this
21 happened?

22 A That's correct.

23 Q And who paid you that day?

24 A Mr. Miller.

Jeffrey Day - Redirect

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1 Q And you knew him to be associated with Ms.
2 King in some way?

3 A Yes.

4 MS. YOUNG: No further questions.

5 THE COURT: All right, sir, you may step
6 down. You are excused from your subpoena.

7 MR. DAY: All right, thank you.

8 THE COURT: Ladies and gentlemen, let's
9 take about a ten-minute break. We're going to plan
10 to go till about five, if that's okay with
11 everybody. We'll come back about four -- just a tad
12 around four -- and go till five. And then we'll
13 talk about tomorrow.

14 Everybody else remain seated.

15 And try to get me a foreperson.

16 (Jury out at 3:52 p.m.)

17 THE COURT: Anything from the State before
18 we break?

19 MS. YOUNG: No, sir, Your Honor.

20 THE COURT: Mr. Johnson?

21 MR. JOHNSON: No, sir.

22 THE COURT: We'll stand at ease for about
23 ten minutes.

24 (Court in recess.)

25 THE COURT: Anything from the State for

Jeffrey Day - Redirect

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1 the record before we start back?

2 MS. YOUNG: Nothing from the State, Your
3 Honor.

4 THE COURT: Mr. Johnson?

5 MR. JOHNSON: Bring in the jury.

6 (Jury in at 4:08 p.m.)

7 THE COURT: Ms. Obanion, they elected you?

8 MS. OBANION: Yes, sir.

9 THE COURT: Congratulations.

10 MS. OBANION: Thank you, sir.

11 THE COURT: Is this your first companion
12 you've ever won?

13 MS. OBANION: That's it.

14 THE COURT: All right, we'll till about
15 five, okay?

16 MS. YOUNG: The State calls Millie
17 Cummings.

18 (The witness was sworn.)

19 CLERK OF COURT: Please have a seat in the
20 witness box, state your full name for the Court, and
21 spell your last.

22 THE COURT: Give us your full name and
23 spell your last, please, ma'am.

24 MS. CUMMINGS: Okay, my name is Millie
25 Cummings -- Cummings, C-U-M-M-I-N-G-S.

Jeffrey Day - Redirect

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1 MILLIE CUMMINGS, having first been duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. YOUNG:

5 Q Good afternoon, Ms. Cummings.

6 A Good afternoon.

7 Q I'm going to direct your attention back to
8 September 15, 2008. Do you remember that date?

9 A Yes, ma'am.

10 Q Do you recall where you were living at the
11 time?

12 A Yes, ma'am, 121 Gregg Avenue, Aiken.

13 Q Is that here in the City of Aiken?

14 A Yes.

15 Q And who is your son?

16 A Melvin Cummings.

17 Q Melvin Cummings that was also involved in
18 this?

19 A Yes.

20 Q All right. Do you know the defendant in
21 the case?

22 A Yes, ma'am.

23 Q And how long have you known the defendant
24 in this case?

25 A I got to know him back in 2008 when he

Millie Cummings - Direct

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1 came to Aiken with my son Melvin.

2 Q And you had been in his company previously
3 to the date we've referred to?

4 A Yes.

5 Q Several times?

6 A Yes.

7 Q And do you recall what happened on the
8 weekend prior to September 15, 2008, regarding the
9 defendant?

10 A No, no more than that they came down to my
11 home to visit me.

12 Q Okay. When you say came to your home, who
13 were you referring to?

14 A Antonio Miller, Melvin Cummings, Ron
15 Goode, and Marques Redfield.

16 Q When did they come to your house, do you
17 recall?

18 A On a Saturday.

19 Q And were they all together?

20 A Yes.

21 Q How did they get there?

22 A They drove the Ford Taurus, a green
23 Taurus.

24 Q You said they were there at your house on
25 Saturday, here in Aiken?

Millie Cummings - Direct

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- 1 A Yes.
- 2 Q And how long were they there, if you know?
- 3 A They was there from Saturday until Monday.
- 4 Q What time Monday?
- 5 A Around about 7:30 when I got home that
- 6 morning, because I work at night.
- 7 Q All right. Well, tell me about that
- 8 morning. You're talking about September 15, 2008?
- 9 A Yes.
- 10 Q And you stated who was present when you
- 11 got home from work?
- 12 A My son, Melvin Cummings; Antonio Miller;
- 13 Ron Goode; and Marques.
- 14 Q And what were they doing, or why do you
- 15 remember that?
- 16 A Because when I came in, they was sleeping
- 17 in my living room.
- 18 Q And you stated that you had come in from
- 19 work 7:30 a.m. or p.m.?
- 20 A A.M.
- 21 Q And what's the next thing that you did
- 22 that day?
- 23 A I went and took me a shower and went back
- 24 in my bedroom and went to sleep.
- 25 Q So basically that was your time to go to

Millie Cummings - Direct

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1 bed?

2 A Yes.

3 Q And what time did you wake up, do you
4 remember?

5 A I think it was around about 1:00.

6 Q Who was at your house when you woke up?

7 A Just me and Marques, my grandson. I also
8 have a grandson named Marques.

9 Q And that's different than the Marques you
10 were talking about earlier?

11 A Yes.

12 Q All right. And is the defendant, Antonio
13 Miller, present in the courtroom today?

14 A Yes, ma'am.

15 Q Can you identify him, please, for the
16 purpose of the record?

17 A Yes, ma'am. That's him, sitting to the
18 right.

19 Q What's he wearing?

20 A He's wearing a beige shirt, long dreads.

21 Q Sitting at the table?

22 A Yes, sitting to the table.

23 MS. YOUNG: No further questions, Your
24 Honor.

25 THE COURT: Mr. Johnson?

Millie Cummings - Direct

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1 MR. JOHNSON: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. JOHNSON:

4 Q Ms. Cummings, did you testify at the trial
5 of your son, Melvin Cummings?

6 A No, sir.

7 Q Okay. And you're testifying now for the
8 State?

9 A Yes.

10 Q And you love your son Melvin?

11 A Of course, I do.

12 Q And you're going to basically try to help
13 him?

14 A I'm just here to be truthful and honest.
15 So I'm going to be truthful.

16 Q Would you help your son if he needed help?

17 A Wouldn't you help yours? Yes, I would.

18 Q Thank you.

19 THE COURT: Anything else?

20 MS. YOUNG: Just briefly.

21 REDIRECT EXAMINATION

22 BY MS. YOUNG:

23 Q Ms. Cummings, at the time of this
24 happening, did you speak to the police about this?

25 A Yes, ma'am.

Millie Cummings - Redirect

214

1 Q And do you recall what you told them?

2 A I described the car and all and who all
3 was at my home.

4 MS. YOUNG: No further questions.

5 THE COURT: Ms. Cummings, thank you for
6 coming in. And you're welcome to go.

7 MS. CUMMINGS: Okay, thank you.

8 MS. YOUNG: May she be released, Your
9 Honor?

10 THE COURT: She certainly may.

11 Any objection, Mr. Johnson?

12 MR. JOHNSON: No objection.

13 THE COURT: Thank you, ma'am. Be careful
14 stepping down.

15 Next witness.

16 MS. YOUNG: The State calls Franklin Ham.

17 THE COURT: Mr. Ham.

18 (The witness was sworn.)

19 CLERK OF COURT: Please have a seat in the
20 witness box, state your full name for the Court, and
21 spell your last.

22 MR. HAM: Franklin Delano Ham -- H-A-M.

23 FRANKLIN DELANO HAM, having first been
24 duly sworn, testified as follows:

25 DIRECT EXAMINATION

Franklin Ham - Direct

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1 BY MS. YOUNG:

2 Q Mr. Ham, were you previously employed with
3 the Richland County Sheriff's Office?

4 A I was.

5 Q How long were you employed there?

6 A I was with Richland almost two years on
7 September 15th.

8 Q What did you do for them?

9 A I was a road deputy. I responded to calls
10 for service on the road.

11 Q You're talking about Richland, Columbia,
12 South Carolina?

13 A Yes.

14 Q And were you employed there on September
15 15, 2008?

16 A I was.

17 Q And were you on duty that day?

18 A I was.

19 Q Did you receive a call that morning?

20 A That morning about 9:45, I got called to
21 U-Save Auto Rentals on Two Notch Road in reference
22 to a breach of trust vehicle.

23 Q All right. And did you respond to that
24 location?

25 A I did.

Franklin Ham -- Direct

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1 Q And who did you meet when you responded to
2 the location?

3 A I met with Mr. Jeffrey Day, who informed
4 me that he had a rental vehicle that had not been
5 returned.

6 Q Did he describe the vehicle to you?

7 A He described it as a 2006 green Ford
8 Taurus. The license plate on it was 290 3CF.

9 Q And you reported that as part of taking
10 your report?

11 A I did.

12 Q What other information did you report on
13 that vehicle?

14 A I had the vehicle identification number,
15 the VIN number, and also the information that the
16 vehicle was released -- well, rented to a Deidre
17 King. He also showed me the rental agreement.

18 Q And did he show you anything -- without
19 saying what he said, were you made aware of where
20 the car might be located?

21 A That day he told me -- he explained the
22 car had a GPS tracking system on it. He also told
23 me he could disable it. He actually showed me --

24 MR. JOHNSON: Objection, Your Honor, to
25 hearsay.

Franklin Ham - Direct

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1 THE COURT: He hasn't said anything yet.

2 Don't say what the other guy said. It
3 violates the rule pertaining to hearsay. Just tell
4 us what you know.

5 A Mr. Day showed me on his computer, on his
6 desktop, the location of the vehicle at the time.
7 And he showed it to be located in Aiken on
8 Charleston Highway that morning.

9 Q That would be Ms. Deidre King who rented
10 the car?

11 A Deidre King actually was the renter of the
12 vehicle. Mr. Day informed me that --

13 THE COURT: No, sir, you can't do that.

14 Q Were you made aware of any other people
15 that might have a connection to the car, without
16 saying what somebody told you, yes or no?

17 A Yes.

18 Q Who?

19 A Antonio Miller.

20 Q And did you basically take the
21 information, and that was the end of your dealings
22 with Mr. Day at that time?

23 A Yes.

24 Q And did you tell him anything regarding
25 any advice or any directions?

Franklin Ham - Direct

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1 A I advised him that if the vehicle came
2 back into the Richland County area, to contact us,
3 and we would respond to recover the vehicle.

4 Q And as a result of taking the report, did
5 you file information somewhere?

6 A The vehicle was entered into the National
7 Crime Information Center, which pretty much shows
8 that the vehicle -- if any other law enforcement
9 runs either the VIN number or the tag, it comes back
10 as a stolen or breach of trust vehicle.

11 Q And what time of the day was it that you -
12 - if you recall, that you took the report from Mr.
13 Day regarding this Taurus?

14 A It was around 9:45 in the morning.

15 Q Did you receive any additional contact
16 from Mr. Day that day?

17 A No.

18 Q Later that day. I'm sorry if I confused
19 you.

20 A That's all right. Later that day, a
21 little after one, I received a call from Mr. Day.

22 Q And did he make you aware of information
23 about where the car was located then?

24 A Yes, I was informed that the vehicle was
25 at 5520 North Main Street and disabled.

Franklin Ham - Direct

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1 Q Based on this tracking device?

2 A Based on the GPS tracking device.

3 Q And he had explained that you when you
4 went and previously took the report, right?

5 A That's correct.

6 Q And what did you do as a result of
7 receiving that information?

8 A I responded to a gas station which was
9 right by that residence. I informed my supervisor
10 what I had, and I met with another deputy and a City
11 of Columbia police officer, who were going to go to
12 the location with me to try and make contact with
13 that vehicle.

14 Q Mr. Ham, on the date that we're referring
15 to, were you wearing a deputy uniform?

16 A I was.

17 Q And what kind of vehicle were you driving?

18 A A fully marked patrol car.

19 Q And what did you do once you advised these
20 other officers that you were responding, do you
21 recall? Where did you go?

22 A We left the location where we met, and we
23 pulled onto the road, and I turned into -- went to
24 turn into the residence when a red Ford Taurus
25 turned right in front of me into that residence. I

Franklin Ham - Direct

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1 had to actually --

2 Q All right.

3 A -- turn in behind it.

4 Q Back up a minute. When you're talking
5 about a residence, did you have an address?

6 A Street.

7 Q This was in your patrol zone?

8 A Yes, it was.

9 Q And you stated that a red car pulled in
10 front of you into the driveway?

11 A Yes. Before I could turn in, the red car
12 actually signalled and turned into the driveway just
13 prior to me turning in behind it.

14 Q You're talking about a red Taurus?

15 A Red Ford Taurus, yes.

16 Q What did you observe, if anything, about
17 this green Taurus you're responding for?

18 A The green Taurus could be seen prior to
19 turning in. It could be seen clearly in the
20 backyard of the residence. It was matching the
21 description that was given to me earlier in the day.

22 Q You were able to observe that from North
23 Main Street itself?

24 A Yes, I was.

25 Q And what did you once this red car pulled

Franklin Ham - Direct

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1 into the driveway?

2 A I turned in behind it. Once I turned to
3 the rear of the residence, there were several people
4 standing near the green Taurus, which was parked
5 near the residence. I did active blue lights. And
6 I stepped out and attempted to identify the persons
7 on the scene to see who was in control of the
8 vehicle.

9 Q All right. Just a mental picture-wise,
10 you stated that the green car was located in the
11 driveway area of the house?

12 A Yes, the green car was close, very close,
13 to the residence. It was facing away from my patrol
14 car. The red Taurus was behind it, staggered a
15 little. And my patrol car was behind the red
16 Taurus, all vehicles facing the same direction.

17 Q Could you see who was in the red Taurus
18 when you pulled in behind it?

19 A I could tell it was a black male and a
20 black female.

21 Q What did you do once you got out of your
22 patrol car?

23 A I asked the driver of the red Taurus for
24 identification. He gave me a South Carolina ID,
25 along with the female that was there. And I asked

Franklin Ham - Direct

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1 for identification from the other parties that were
2 on scene.

3 Q All right. Did you say anything
4 specifically or just "Let me get your licenses"?

5 A I asked for -- I said, "Where's Antonio
6 Miller?" I believed that he was in possession of
7 the vehicle at the time. Everybody on scene denied
8 being Antonio Miller and stated they didn't know
9 where he was.

10 Q And did you have an opportunity to observe
11 this green car once you arrived in the driveway?

12 A Yes, the green car, once I looked at it,
13 the tag number was the same as I had been given
14 earlier that day.

15 Q It was the same one that you had been
16 responding to for U-Save Auto Rental?

17 A Correct.

18 Q What happened when you got everybody's
19 IDs?

20 A Mr. Cummings had a South Carolina driver's
21 license on him. The other three males on scene
22 didn't have any identification, they said, but they
23 gave --

24 Q Let me stop you just a minute. When
25 you're talking about Mr. Cummings, where was he?

Franklin Ham - Direct

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1 A He was the driver of the red Ford Taurus.

2 Q All right. And you stated there were
3 several other males present?

4 A That's correct.

5 Q And they didn't have any ID?

6 A No, no identification on them.

7 Q So what did you do?

8 A Usually, if somebody doesn't have
9 identification on them, we take their name and date
10 of birth. And we search through DMV files to see if
11 we can come back with a positive match.

12 It gives a description, the address, and
13 any other pertinent information the DMV may have on
14 those people. A lot of times, when people provide
15 that information, you get a match back immediately.

16 Q And what did you find out when you ran the
17 information of the people who were present?

18 A Everybody's information came back except
19 for one male, who gave the name Eric Hughey. I
20 can't remember the date of birth he gave, but I
21 searched the database several times. There was no
22 record of an Eric Hughey, even though he insisted
23 that he had a South Carolina driver's license at the
24 time.

25 Q So you put the name in, and you didn't get

Franklin Ham - Direct

224

1 any response back about --

2 A No match back.

3 Q -- there was a license or an ID?

4 A No ID, no driver's license.

5 Q What else did you find out?

6 A I found out that Mr. Cummings, the driver
7 of the red Ford Taurus, was actually driving under a
8 suspended driver's license.

9 Q What did you do once you got that
10 information?

11 A When that information came back, I placed
12 him under arrest for driving under suspension and
13 took him to the rear of my patrol car. I handcuffed
14 him and placed him in the back seat.

15 Q And what was the next thing that you did,
16 Mr. Ham?

17 A I actually got into my vehicle and started
18 paperwork for Mr. Cummings. Other officers were on
19 the way. We needed more officers to control the
20 scene, I think, with everybody else there.

21 As I was filling out the paperwork, the
22 person who identified himself as Eric Hughey walked
23 up to the red Taurus and got into the driver's seat
24 and sat down. At that time, I asked my backup
25 officer, I said, "Please get him out of that

Franklin Ham - Direct

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1 vehicle."

2 And he told that individual to get out of
3 the vehicle, and he did. At that time, I think my
4 supervisor pulled on scene.

5 Q All right. And was that -- what happened
6 next?

7 A When my supervisor pulled up, Cpl. Dauway,
8 him and Deputy Wells, actually approached the red
9 Taurus that I had just pulled over. And it was
10 observed that there was a pistol laying in the back
11 floorboard, and one was also found up under the seat
12 of the vehicle.

13 Q And that was brought to your attention?

14 A That was brought to my attention.

15 Q And what was the next thing that happened?

16 A Once the pistols were removed, Mr.
17 Cummings, who was in handcuffs in my back seat --

18 Q You can't say what he said, all right.

19 A He became --

20 Q What was the next thing that happened,
21 without saying what Mr. Cummings said.

22 A He became very agitated and excited.

23 Q All right. And what was the next thing
24 that happened? Did you leave with him, or what went
25 on?

Franklin Ham - Direct

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1 A At that point, you know, once the pistols
2 were found, Cpl. Dauway came and asked the
3 individuals if there was anything illegal that would
4 be found.

5 At that time, one of the individuals, Mr.
6 Redfield, pulled out a small bag of what appeared to
7 be cocaine, stated it was cocaine for personal use,
8 and turned it over to us.

9 Q Did you see anything else happen after
10 that?

11 A In the process, Mr. -- in the process, the
12 individual named Eric Hughey, that identified
13 himself as Eric Hughey, I noticed matched the
14 description that Mr. Day had given me earlier in the
15 day as a possible driver.

16 Q What did you observe about him that you
17 thought was a match? What did you see?

18 A A deformed left arm and dreads.

19 Q And did anything else happen while you
20 were there?

21 A Ms. King -- Deidre King -- showed up on
22 scene. She was the actual renter of the vehicle.
23 She was questioned at the time, and later Eric
24 Hughey was identified as Antonio Miller, and he did

25 --

Franklin Ham - Direct

227

1 Q The person that told you -- that
2 identified himself as Eric Hughey was later
3 identified as the defendant?

4 A That's correct.

5 Q And did you see anything else happen that
6 would make this stand out in your mind?

7 A The evasiveness, you know, that everybody
8 was -- but once the rental vehicle, the green Ford
9 Taurus, was parked up by the residence, once it was
10 approached and the door was opened to it, Cpl.
11 Dauway found a large bag of --

12 MR. JOHNSON: Objection, Your Honor, based
13 on priority.

14 THE COURT: Overruled.

15 What did you see?

16 A I observed Cpl. Dauway remove a large bag
17 of what appeared to be crack cocaine from the
18 passenger door.

19 Q When was that in relation to finding the
20 guns in the other car?

21 A This was after finding the weapons.

22 Q Was it close in time, far away?

23 A Very close in time.

24 Q All this happening in a fairly rapid
25 sequence?

Franklin Ham - Direct

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1 A Yes, it was.

2 MS. YOUNG: No further questions.

3 THE COURT: Mr. Johnson?

4 MR. JOHNSON: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. JOHNSON:

7 Q Officer, what's a contact card?

8 A A field contact card is a card that's
9 filled out once you make -- if you're come to
10 someone in the public that something just doesn't
11 seem to add up or they have possible gang
12 affiliation, you would fill out a field contact
13 card, with a name, date of birth, address, and
14 usually a reason why they're in a specific area at a
15 time.

16 Q And are all officers trained to give those
17 to people?

18 A Yes, they are. They're encouraged.

19 Q Okay. And are those cards maintained as a
20 record by the Sheriff's Department of Richland
21 County?

22 A Yes, they are.

23 Q Okay. How many people were contacted at
24 that scene?

25 A I know five people were contacted, five or

1 six.

2 Q Okay. Are you sure that's the total
3 number?

4 A I believe so.

5 Q Well, now, you said in your report, you
6 list that there was a backup officer with you --

7 A That's correct.

8 Q -- and there were two city officers?

9 A Right.

10 Q And then later there were more officers?

11 A That's correct.

12 Q Do you have any way of knowing how many
13 people they contacted at that scene?

14 A We were all in view of each other the
15 entire time. There was no -- I didn't see anybody
16 else walk up to the site that we were at.

17 Q Okay. Who is Ricky Jones?

18 A I cannot recall. The name's familiar. I
19 can't recall right now.

20 Q Okay. Do you know if Ricky Jones was
21 there?

22 A I don't recall.

23 Q Okay. Did you fill out a report in
24 relation to this event?

25 A I did.

Franklin Ham - Cross

230

1 Q All right. Would it refresh your memory
2 to see your report?

3 A Yes, sir.

4 THE COURT: Mr. Johnson, what's the
5 question? He may not need to have his memory
6 refreshed. What's the question.

7 MR. JOHNSON: Who is Ricky Jones? I
8 believe that was the question, Your Honor, and he
9 said --

10 THE COURT: Thank you.

11 A I don't remember.

12 Q Does your report reflect that Ricky Jones
13 was present?

14 A Yes, according to that, it does.

15 Q Okay. So to indicate that you have a
16 complete memory of everyone there, would you say
17 that's still accurate?

18 A I would say I remember everybody being on
19 scene. I didn't personally speak with each one of
20 these individuals on the information.

21 Q So you didn't remember Ricky Jones?

22 A The name sounded familiar, but I can't
23 remember.

24 Q Okay. And did you bring all the
25 information to the Solicitor about all the people

Franklin Ham - Cross

231

1 that were contacted, all those contact cards?

2 A As far as I know, they were provided by
3 the Sheriff's Department.

4 Q Okay. And Mr. Redfield was the individual
5 with cocaine in his pocket, correct?

6 A Yes.

7 Q All right.

8 MR. JOHNSON: No more questions, Your
9 Honor.

10 THE COURT: Anything on redirect?

11 MS. YOUNG: No, sir, Your Honor.

12 THE COURT: You may step down.

13 Next witness?

14 MS. YOUNG: May he be released, Your
15 Honor?

16 MR. JOHNSON: No objection.

17 THE COURT: Without objection.

18 MS. YOUNG: The State calls Investigator
19 Stephen Dauway.

20 (The witness was sworn.)

21 CLERK OF COURT: Please have a seat in the
22 witness box, state your full name for the Court, and
23 spell your last.

24 MR. DAUWAY: Stephen Jermaine Dauway -- D-
25 A-U-W-A-Y.

Franklin Ham - Cross

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1 STEPHEN JERMAINE DAUWAY, having first been
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. YOUNG:

5 Q Where are you employed?

6 A Richland County Sheriff's Department.

7 Q In what capacity are you employed there?

8 A I'm currently an investigator.

9 Q How long have you worked for Richland
10 County?

11 A Ten years.

12 Q You were employed there on September 15,
13 2008?

14 A Yes, I was.

15 Q And what were your duties on that
16 particular date?

17 A I was a patrol supervisor in the northern
18 region of Richland County, what we consider Region
19 Three.

20 Q And you would supervise who?

21 A Deputies like Ham, and I had a few other
22 people on my shift that I was in charge of.

23 Q So you were Ham's supervisor at that time?

24 A Yes.

25 Q And do you recall an incident occurring on

Stephen Dauway - Direct

233

1 September 15, 2008?

2 A Yes, I do.

3 Q And where were you, from what you recall?

4 A I was conducting regular patrols. I
5 recall Ham received a call earlier in the morning at
6 the 5500 block of Two Notch Road at U-Save Auto.

7 What was really interesting, he had
8 received an additional call later that afternoon,
9 and it kind of sparked my attention because I don't
10 like to go places twice, nor do I like for my guys
11 to respond to a place twice. But I realized that it
12 was a follow-up from earlier in the morning.

13 Q It was a follow-up what?

14 A It was a follow-up from a call earlier
15 that morning.

16 Q And you know all this because you're his
17 supervisor, and you're supposed to know what he's
18 doing at a particular time?

19 A Yes, monitor the calls. Like I said, if
20 it's somewhere we have to go twice, we kind of
21 monitor what calls require reports, because I'm
22 responsible to check on reports at the end of the
23 shift.

24 Q And where did you go on that afternoon?

25 A I was already on North Main Street, but I

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1 was several blocks north of where Ham was responding
2 to. So I started to head his way. And I eventually
3 wound up at the residence on North Main Street.

4 Q What did you observe when you got to North
5 Main Street?

6 A When I got to North Main Street, I
7 observed a red car, Taurus, and a green car in the
8 backyard along with Deputy Ham's patrol vehicle.

9 Q And did you have information about the
10 particular description of the car that Deputy Ham
11 was responding to?

12 A Yes, the green car. I recall from listening
13 to radio transmissions earlier the day the green car
14 was reported a breach of trust from U-Save Auto.

15 Q And what else did you see at this -- was
16 this 5520 where you responded to?

17 A Yes.

18 Q What else did you see besides these cars?

19 A I saw a black male in the back of Deputy
20 Ham's patrol car and several, maybe four, black
21 males on the back stoop of 5520 North Main.

22 Q And did you later determine or discover
23 the identity of the person in Deputy Ham's car?

24 A Yes, I did.

25 Q Who was that?

1 A His first name was Melvin, if my memory
2 serves me correct.

3 Q And did you observe any females present?

4 A Yes, there was a black female in the red
5 Taurus.

6 Q Where?

7 A She was seated in the passenger seat.

8 Q What did you once you saw these people
9 there and saw Melvin in Deputy Ham's car?

10 A I spoke with Deputy Ham briefly. And as a
11 result of that conversation, I decided to talk to
12 the black female in the red Taurus.

13 Q What happened next?

14 A I spoke with her briefly, and the things
15 she told me didn't add up. So I asked her to step
16 out of the red Taurus.

17 Q All right. And then what happened?

18 A I searched the car as a result of what
19 Deputy Ham told me and what she told me, and I found
20 a handgun under the driver's seat.

21 Q And what did you do when you found that
22 gun?

23 A When I found the handgun, I went back and
24 updated Deputy Ham on the situation and decided to
25 further investigate.

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1 Q And by further investigate, what are you
2 referring to?

3 A I started -- I turned my attention towards
4 the black males on the back stoop and the green Ford
5 Taurus that was in the backyard.

6 Q What did you do?

7 A I walked over to the green Ford Taurus and
8 opened the driver's side door and started a search
9 of the car.

10 Q What did you find?

11 A Immediately, when I opened the car door,
12 in the driver's side compartment I found a bag of
13 what I know to be crack cocaine.

14 Q And do you recall where that was in the
15 car?

16 A It was in the compartment, the hard part
17 down by the bottom of the driver's side door
18 compartment area.

19 Q The little pocket thing?

20 A Yes.

21 Q What else did do you?

22 A At that --

23 Q What did you do once you found that?

24 A Once I found that, I put it in my pocket
25 to kind of secure it, and I made an announcement to

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1 the males that were on the back stoop that if there
2 was anything else that would be a danger to me or
3 the other officers, they needed to tell us at that
4 time.

5 Q What happened?

6 A One of the gentlemen reached into his
7 pocket and pulled out a small bag of cocaine.

8 Q And what's the next thing that you did?

9 A I began to frisk all of the males that was
10 on the back porch for weapons, for the safety of
11 myself and the other officers that was out on the
12 scene.

13 Q And after you did that, what happened?

14 A They were briefly detained. They wasn't
15 under arrest. They wasn't handcuffed. But we kind
16 of told them just hang tight till we figure out what
17 else was going on with the cars.

18 Q And did you call anybody else?

19 A Yes, I called Investigators Jordan and
20 Brown.

21 Q Why?

22 A They work in the narcotics division, and
23 the amount of narcotics that I found in the car and
24 its proximity to the house and the black males
25 sitting on the back stoop of the house, it made me

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1 think that we had cause for a search warrant
2 possibly for the house.

3 Q How far away was the green car from the
4 house?

5 A It was backed up right to the house, I
6 mean, less than two feet as if it was almost being
7 hid from the roadway.

8 Q What else happened that you can recall?

9 A Investigators Jordan and Brown arrived
10 maybe within 20 minutes, and I spoke with them
11 briefly. And at that time -- well, I know that Ms.
12 King, she came a short time later, and we started to
13 speak with her.

14 Q You're talking about Deidre King?

15 A Yes.

16 Q And as a result of speaking with her, what
17 did you determine, if anything?

18 A We found out that the car belonged to her
19 and that the person that had identified himself as
20 Mr. Hughey or Eric Hughey, his real name was Antonio
21 Miller.

22 Q Do you have any kind of policy about
23 vehicle recovery in the Richland County Sheriff's
24 Office?

25 A Yes, we do.

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1 Q What would that be?

2 A Any vehicle that has to be turned over,
3 i.e. a stolen vehicle or breach of trust vehicle
4 that is to be turned over to the owner or tow
5 service, is to be inventoried or searched.

6 Q Basically, that means before you give it
7 to somebody else, you need to know what all is in
8 it, right?

9 A Yes. Before we turn it over, we have to
10 make sure there's no weapons, bodies, drugs or
11 anything that we need to be responsible for giving
12 or turned over --

13 Q You've got to know if it's got a spare
14 tire or anything like that -- I mean, just
15 particular information about what's in the car?

16 A Yes.

17 Q And this person that you've identified as
18 Antonio Miller, is that person present in the
19 courtroom?

20 A Yes, he is.

21 Q Can you identify him for the record?

22 A He's the gentleman at the table there with
23 the beige shirt and long dreads, black male.

24 MS. YOUNG: Your Honor, let the record
25 reflect that Cpl. Dauway -- excuse me, Investigator

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1 Dauway -- has identified the defendant. Nothing
2 further.

3 THE COURT: Mr. Johnson?

4 MR. JOHNSON: Thank you, Your Honor.

5 THE COURT: You're welcome.

6 CROSS-EXAMINATION

7 BY MR. JOHNSON:

8 Q Investigator, how many people did you talk
9 to that day?

10 A I would like to say six that wasn't police
11 officers.

12 Q Okay. Did you have them fill out contact
13 cards?

14 A I did not.

15 Q Did you bring any records with you today
16 of all the people you talked to or at least their
17 names?

18 A I did not.

19 Q And did you record any of your
20 conversations with a little shirt mike recorder or
21 dash-cam video in the police car, anything like
22 that?

23 A I did not.

24 Q And you said it was Mr. Redfield who had
25 cocaine, correct?

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1 A I said one of the black males. I'm unsure
2 which one.

3 Q All right. And did you take any written
4 statements from anyone?

5 A I did not.

6 Q Who was responsible for controlling the
7 crowd and making sure that everyone was interviewed
8 that was in that vicinity? Was there one person?

9 A I wouldn't say one particular person. I
10 think that's the responsibility of everybody on the
11 scene. But you do have a lead, which would be the
12 supervisor. So I guess it would be me.

13 Q How many people ran off when the police
14 pulled up?

15 A I didn't see anybody run away when the
16 police pulled up.

17 Q Were you the first officer on the scene?

18 A No, I was not.

19 Q Does anybody keep track of that? If you
20 see a certain individual running off, who keeps
21 track of it?

22 A If somebody had ran away, I'm sure
23 somebody would have looked into that.

24 MR. JOHNSON: No more questions, Your

25 Honor.

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1 THE COURT: Redirect?

2 REDIRECT EXAMINATION

3 BY MS. YOUNG:

4 Q Investigator Dauway, somebody else was
5 responsible for making a report about what happened.
6 It was not you?

7 A Yes.

8 Q You didn't make a report?

9 A No, I did not.

10 Q To the best of your knowledge, would the
11 names of everybody there be written down somewhere -

12

13 A Yes.

14 Q -- and recorded?

15 A Yes.

16 Q But you didn't make a report?

17 A I did not personally make a report, no.

18 Q Because you turned the scene over to
19 investigators from narcotics?

20 A Yes. Deputy Ham was the originating
21 officer, and then the scene was turned over to the
22 narcotics investigators.

23 MS. YOUNG: Nothing further.

24 THE COURT: You may step down.

25 Have you got a 17-minute witness?

1 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
2 APPROXIMATELY 9:37 AM.)

3 THE COURT: MRS. DICKERT? WHICH ONE IS MRS. DICKERT?
4 (THE JUDGE SPOKE WITH THE JUROR OUT OF MY HEARING.)

5 THE COURT: YOU MAY PROCEED.

6 MRS. YOUNG: THE STATE CALLS MARCUS BROWN.

7 MARCUS BROWN, AFTER BEING DULY SWORN, TESTIFIED
8 AS FOLLOWS:

9 DIRECT EXAMINATION

10 BY MRS. YOUNG:

11 Q WERE YOU PREVIOUSLY EMPLOYED WITH THE RICHLAND COUNTY
12 SHERIFF'S OFFICE?

13 A YES, I WAS.

14 Q FOR WHAT LENGTH OF TIME?

15 A ABOUT 12 YEARS.

16 Q AND YOU WERE SO EMPLOYED ON SEPTEMBER 15, 2008?

17 A YES.

18 Q WHAT WERE YOUR DUTIES ON THAT DATE?

19 A ON THAT DAY I WAS THE SENIOR INVESTIGATOR AND
20 RESPONDED TO A SCENE WHERE LINE UNITS FOUND A LARGE SUM OF
21 DRUGS AND -- AND THE WEAPONS.

22 Q WHAT DID YOU CALL THEM, LINE UNITS?

23 A LINE UNITS.

24 Q WHAT ARE LINE UNITS?

25 A THOSE ARE WHAT WE CALL DEPUTIES THAT RESPOND TO A

1 CALL FOR ASSISTANCE, 9-1-1 CALLS AND THAT SUCH.

2 Q WERE YOU ASSIGNED TO INVESTIGATE ANYTHING
3 SPECIFICALLY?

4 A YES, ON THAT SPECIFIC DATE CORPORAL DAUWAY CALLED ME
5 AND ADVISED ME THAT HE HAD SEVERAL SUBJECTS BEHIND A
6 RESIDENCE AND THEY HAD LOCATED A LARGE QUANTITY OF CRACK
7 COCAINE.

8 MR. JOHNSON: OBJECTION, YOUR HONOR, BASED ON MY
9 PREVIOUS MOTION.

10 THE COURT: OVERRULED.

11 THE WITNESS: THEY HAD FOUND A LARGE QUANTITY OF
12 CRACK COCAINE AND THEY WANTED TO SEE IF I COULD -- IF THEY
13 HAD ENOUGH PROBABLE CAUSE FOR A SEARCH WARRANT FOR THE
14 RESIDENCE.

15 Q DO YOU RECALL ABOUT WHAT TIME OF DAY THIS WAS?

16 A IT WAS EARLY AFTERNOON. I AM NOT QUITE SURE OF THE
17 EXACT TIME.

18 Q YOU RESPONDED TO WHERE CORPORAL DAUWAY WAS?

19 A YES, 5520 NORTH MAIN.

20 Q OKAY. AND DID YOU GO BY YOURSELF?

21 A INVESTIGATOR TAIMA JORDAN ALSO. HE ACTUALLY RODE
22 WITH ME TO THE LOCATION.

23 Q AND WHAT DID YOU OBSERVE WHEN YOU FIRST ARRIVED AT
24 5520 NORTH MAIN STREET?

25 A I OBSERVED A GREEN IN COLOR FORD TAURUS PARKED CLOSE

1 TO THE RESIDENCE. ALSO A BURGANDY-COLORED FORD TAURUS
2 PARKED OFF TO THE SIDE OF THE TAURUS -- THE OTHER GREEN
3 TAURUS. I ALSO OBSERVED TO THE LEFT A GROUP OF
4 INDIVIDUALS STANDING ON THE STOOP OF THE RESIDENCE OR THE
5 BACK DECK AREA AND A BLACK MALE THAT THEY HAD TALKING TO
6 -- HE WAS IN BETWEEN THE PATROL CAR AND THE BURGANDY FORD
7 TAURUS.

8 Q AND DID YOU DO ANYTHING OR DID YOU GO SPEAK TO
9 ANYBODY SPECIFICALLY WHEN YOU FIRST GOT THERE ABOUT SAYING
10 WHAT YOU SAID?

11 A WHEN I FIRST ARRIVED I SPOKE WITH INVESTIGATOR --
12 CORPORAL DAUWAY AT THE TIME AND HE ADVISED ME EXACTLY WHAT
13 HE HAD AND WHERE THEY FOUND THE ITEMS. AT THAT TIME I
14 WENT TO TALK TO DEPUTY HAM TO GET FURTHER INFORMATION
15 MAYBE THAT HE DIDN'T KNOW -- OR THAT THE CORPORATE DAUWAY
16 DIDN'T KNOW AT THE TIME.

17 Q AND DID YOU OBSERVE -- DID MR. HAM HAVE ANYBODY IN
18 CUSTODY?

19 A YES, HE DID.

20 Q AND WHERE WAS THAT PERSON?

21 A HE WAS IN THE BACK SEAT OF THE -- OF HIS PATROL CAR.

22 Q ONCE YOU GOT THE INFORMATION ABOUT WHAT WAS GOING ON
23 AT THE SCENE, WHAT WAS THE NEXT THING THAT YOU DID?

24 A I GOT IDENTIFICATION FROM THE SUBJECT THAT WAS IN THE
25 BACK SEAT OF THE PATROL CAR AND I NOTICED THE -- HIS

1 RESIDENCE WAS A AIKEN ADDRESS, AND THAT'S STRUCK ME AS
2 CURIOUS BECAUSE I'M FROM AIKEN AND I FELT LIKE I MIGHT
3 KNOW HIM OR KNOW SOME OF HIS RELATIVES. I THEN GOT IN
4 COMMUNICATION WITH THE INFORMANT THAT I USED FROM AIKEN
5 AND ASKED THEM DID THEY KNOW THE SUBJECT THAT WAS IN THE
6 BACK SEAT OF THE VEHICLE. THEY STATED THEY DIDN'T BUT
7 THAT DID I HEAR THAT FRED TUCKER HAD BEEN KILLED.

8 Q ALL RIGHT. AND WHAT DID YOU DO AFTER YOU RECEIVED
9 THAT INFORMATION?

10 A ASKED THE SUBJECT IN THE BACK SEAT IF HE -- IF HE
11 KNEW WHO FRED TUCKER WAS, AND HE STATED, YES, AND THAT--

12 MR. JOHNSON: OBJECTION, YOUR HONOR. HEARSAY.

13 THE COURT: WELL, WHO IS THE SUBJECT IN THE BACK
14 SEAT? WAS IT THE DEFENDANT?

15 THE WITNESS: NO, SIR. MELVIN CUMMINGS.

16 THE COURT: SUSTAINED. YOU CAN'T TESTIFY ABOUT WHAT
17 SOMEONE ELSE SAID.

18 Q YOU HAD SOME CONVERSATION WITH MR. CUMMINGS?

19 A YES, I DID.

20 Q AND WHAT WAS THE NEXT THING YOU DID AFTER THAT?

21 A I TOOK THE INFORMATION THAT I RECEIVED FROM HIM AND
22 WENT TO ASK ANTONIO MILLER -- THE SUBJECT THAT WAS LATER
23 IDENTIFIED AS ANTONIO MILLER -- ASKED HIM WHERE DID HE
24 COME FROM OR WHERE HE HAD BEEN EARLIER THAT DAY. WHEN I
25 SPOKE TO MR. MILLER, HE STATED THAT HE PREVIOUSLY OR EARLY

1 IN THAT -- THE MORNING HOURS HE WAS IN CHARLESTON, WHICH
2 WE KNEW THAT TO BE NOT TRUE BECAUSE OF THE GPS LOCATION ON
3 THE VEHICLE.

4 Q ALL RIGHT. WHAT WAS THE NEXT THING YOU DID?

5 A AFTER WE -- AFTER I SPOKE WITH MR. MILLER I WENT BACK
6 TO THE VEHICLE TO TRY TO ASCERTAIN EXACTLY WHERE
7 MR. CUMMINGS HAD -- WHERE HE STATED THAT HE WAS AT. THOSE
8 TWO STORIES CONFLICTED. I THEN WENT BACK TO MR. ANTONIO
9 MILLER TO TRY TO FIGURE OUT WHO WAS TELLING THE TRUTH AND
10 WHO WAS LYING. AFTER THAT, WE -- CORPORAL DAUWAY ADVISED
11 ME EXACTLY WHERE HE FOUND THE CRACK COCAINE. AND--

12 Q WHERE DID HE SAY HE FOUND IT?

13 A IN THE--

14 MR. JOHNSON: OBJECTION, YOUR HONOR. HEARSAY.

15 THE COURT: SUSTAINED.

16 THE WITNESS: I WAS ADVISED THAT THE CRACK COCAINE
17 WAS FOUND IN THE BACK POCKET--

18 THE COURT: SUSTAINED.

19 Q LET'S JUST MOVE ON FROM THAT. YOU WERE ADVISED THAT
20 CRACK COCAINE HAD BEEN FOUND AT THE SCENE?

21 A RIGHT.

22 Q ALL RIGHT. AND WHAT DID YOU DO AS A RESULT OF THAT?

23 A I CALLED INVESTIGATOR CRANE AND ADVISED HIM THAT THE
24 SITUATION THAT WE HAD AND ASKED HIM TO TYPE A SEARCH
25 WARRANT.

1 Q INVESTIGATOR CRANE, IS THAT ONE OF YOUR COLLEAGUES AT
2 RICHLAND COUNTY?

3 A YES.

4 Q AND WHAT DID HE DO?

5 A I THEN GAVE HIM THE INFORMATION ABOUT THE CRACK
6 COCAINE AND THE WEAPONS THAT WERE FOUND AND THEN TOLD HIM
7 THE SUSPECT'S INFORMATION AND ASKED HIM TO TYPE THE SEARCH
8 WARRANT.

9 Q AND HE WAS TAKING CARE OF THAT AT SOME OTHER
10 LOCATION?

11 A RIGHT. HE WAS TAKING THAT -- TAKING CARE OF THAT--
12 MR. JOHNSON: OBJECTION, YOUR HONOR. HE CAN'T
13 TESTIFY ABOUT WHAT SOMEBODY ELSE DID.

14 Q WELL, HE WASN'T THERE; WAS HE?

15 A NO.

16 Q YOU TOLD HIM OVER THE PHONE?

17 A CORRECT.

18 Q ALL RIGHT. WHAT WAS THE NEXT THING AFTER YOU GAVE
19 HIM THAT INFORMATION?

20 A THE NEXT THING I CALLED SERGEANT ELLIS, ONE OF THE
21 INVESTIGATING SUPERVISORS, AND I ASKED HIM TO CALL SOMEONE
22 IN AIKEN COUNTY AND ASKED THEM IF THEY HAD ANY SUSPECT
23 INFORMATION ON THE MURDER SUSPECT FOR FRED TUCKER.

24 Q ALL RIGHT. AND WHAT WAS THE NEXT THING YOU DID AT
25 THAT SCENE AT 5520 NORTH MAIN STREET?

1 A AT THAT TIME ANTONIO MILLER'S -- AFTER SPEAKING WITH
2 HIM, IT WAS A QUESTION ABOUT THE WEAPON THAT WAS FOUND IN
3 THE BACK SEAT OF THE BURGANDY FORD TAURUS AND I BEGAN
4 ASKING HIM QUESTIONS ABOUT THE WEAPON. AFTER TALKING WITH
5 HIM I TOLD HIM THAT -- THAT HE WAS ASKING ME ABOUT SOMEONE
6 BEING THERE TO PICK UP HIS CHILD, AND I SAID AS SOON AS WE
7 GET THIS TAKEN CARE OF, WE CAN GET SOMEONE -- YOUR WIFE OR
8 YOUR GIRLFRIEND OR WHOEVER TO PICK UP THE CHILD OR IF THEY
9 CAN'T MAKE IT IN TIME, WE'LL HAVE DSS COME TO THE SCENE.

10 Q ALL RIGHT. WHAT DID YOU DO NEXT?

11 A AFTER THAT ANTONIO MILLER TOLD -- ADVISED ME THAT
12 AFTER SOME GOING BACK AND FORTH HE STATED HE WANTED TO
13 MAKE A STATEMENT ABOUT THE WEAPON THAT WAS FOUND IN THE
14 VEHICLE. I THEN STOPPED. I TOLD HIM TO HOLD ON, LET ME
15 READ YOU YOUR MIRANDA AND I GAVE HIM HIS MIRANDA WARNING,
16 AND THEN HE BEGAN TO TELL ME. HE WAIVED HIS RIGHT TO AN
17 ATTORNEY.

18 Q ALL RIGHT. LET ME STOP YOU RIGHT THERE. YOU SAID
19 YOU GAVE HIM HIS MIRANDA WARNING. DID YOU DO THAT OFF OF
20 A CARD OR OUT OF YOUR HEAD?

21 A YES.

22 Q HOW DOES THAT WORK?

23 A I HAD A CARD AND I JUST READ IT OFF THE CARD AND I
24 ADVISED HIM OF HIS RIGHTS. HE STATED THAT HE UNDERSTOOD
25 HIS RIGHTS AND HE WAS GOING TO WAIVE IT.

1 Q DO YOU HAVE THE CARD IN COURT TODAY?

2 A YES, I DO.

3 Q ALL RIGHT. FOR PURPOSES OF THE RECORD, WILL YOU
4 PLEASE READ INTO THE RECORD THE RIGHTS THAT YOU ADVISED
5 MR. MILLER ON THAT DATE?

6 A YOU HAVE THE RIGHT TO REMAIN SILENT. ANYTHING YOU
7 SAY CAN AND WILL BE USED AGAINST YOU IN COURT. YOU HAVE
8 THE RIGHT TO HAVE A LAWYER CONSULT WITH YOU BEFORE OR
9 WHILE ANSWERING ANY QUESTIONS, AND IF YOU CAN'T AFFORD A
10 LAWYER, ONE WILL BE APPOINTED FOR YOU WITHOUT COST. DO
11 YOU UNDERSTAND THESE RIGHTS? AND HE STATED, YES. I SAID,
12 DO YOU WANT TO WAIVE THESE RIGHTS AND TALK TO ME? HE
13 SAID, YES. AND AT THAT TIME HE SAID THE--

14 Q LET ME ASK YOU A LITTLE BIT MORE ABOUT THAT FIRST
15 BEFORE YOU GO INTO THAT; OKAY?

16 A OKAY.

17 Q WAS HE UNDER ARREST AT THAT POINT IN TIME?

18 A AT THAT TIME, NO.

19 Q ALL RIGHT. WAS HE BEING DETAINED AT THAT TIME?

20 A YES, HE WAS.

21 Q DID HE APPEAR TO UNDERSTAND THE RIGHTS THAT YOU WERE
22 READING HIM?

23 A YES, HE DID.

24 Q AND HE DIDN'T ASK ANY QUESTIONS?

25 A NO.

1 Q AND DID YOU MAKE HIM ANY PROMISES TO MAKE YOU A
2 STATEMENT?

3 A NO.

4 Q DID YOU MAKE ANY THREATS TO HIM?

5 A NO, I DIDN'T.

6 Q DID YOU COERCE HIM IN ANY WAY TO GIVE YOU A
7 STATEMENT?

8 A NO.

9 Q ALL RIGHT. NOW YOU CAN PROCEED WITH WHAT THE ACTUAL
10 CONVERSATION WAS.

11 A THEN HE BEGAN TO TELL ME THAT HE HAD PLACED THE
12 WEAPON IN THE BACK SEAT OF THE BURGANDY TAURUS WHILE THE
13 ATTENTION OF THE OFFICERS WERE DISTRACTED. HE WENT,
14 WALKED UP TO THE VEHICLE, SAT IT DOWN IN THE BACK SEAT,
15 PLACED THE GUN IN THE FLOORBOARD AND THEN THAT'S WHEN THE
16 OFFICER TOLD HIM TO GET OUT THE VEHICLE. WHEN HE EXITED
17 THE VEHICLE, HE WENT BACK ON THE -- TOWARD THE -- WHERE
18 EVERYBODY ELSE WAS STANDING AT --

19 Q ALL RIGHT. AND YOU'RE--

20 A -- BACK OF THE HOUSE.

21 Q ARE YOU REFERRING -- WHICH VEHICLE ARE YOU REFERRING
22 TO?

23 A THE BURGANDY FORD TAURUS.

24 Q IS THAT THE EXTENT OF WHAT HE TOLD YOU?

25 A NO. HE ALSO STATED THAT THE CRACK COCAINE THAT WAS

1 FOUND IN THE FORD TAURUS WAS THE -- THE GREEN FORD TAURUS
2 WAS HIS.

3 Q ALL RIGHT. ANYTHING ELSE?

4 A HE ALSO STATED THAT THE -- THAT HE WAS NOT WITH THE
5 OTHER SUBJECTS THAT WE HAD DETAINED; THAT HE WAS IN
6 CHARLESTON. HE WAS IN A SEPARATE LOCATION.

7 Q DID HE SAY ANYTHING ELSE?

8 A NO.

9 Q AND AT SOME POINT IN TIME WHAT HAPPENED WITH THE
10 SEARCH WARRANT THAT YOU OBSERVED?

11 A INVESTIGATOR CRANE AND INVESTIGATOR BRANHAM ARRIVED
12 ON SCENE WITH THE SEARCH WARRANT. WE EXECUTED THE SEARCH
13 WARRANT. ACTUALLY, PRIOR TO THAT, MR. MILLER'S WIFE OR
14 GIRLFRIEND ARRIVED ON THE SCENE AND WE AT THAT TIME STILL
15 DIDN'T KNOW WHAT HIS REAL NAME WAS, AND HE TALKED WITH HER
16 AND ADVISED HER THAT SHE NEEDED TO TELL US HIS CORRECT
17 INFORMATION, AND SHE THEN IDENTIFIED--

18 MR. JOHNSON: OBJECTION, YOUR HONOR. HEARSAY.

19 THE COURT: YOU CAN'T TESTIFY ABOUT WHAT SHE SAID.
20 AS A RESULT OF WHAT SHE SAID, WHAT DID YOU DO?

21 THE WITNESS: AS A RESULT OF WHAT SHE SAID, WE
22 IDENTIFIED ANTONIO MILLER AS -- AS ANTONIO MILLER.

23 Q THE PERSON THAT YOU'VE BEEN TESTIFYING ABOUT THIS
24 MORNING?

25 A RIGHT.

1 Q IS MR. MILLER PRESENT IN THE COURTROOM TODAY?

2 A YES, HE IS.

3 Q CAN YOU IDENTIFY HIM?

4 A YES, HE'S SITTING AT THE TABLE WITH THE LONG DREADS
5 AND THE TAN SHIRT.

6 Q THAT'S ALL I HAVE. PLEASE ANSWER ANY QUESTIONS MR.
7 JOHNSON HAS.

8 THE COURT: MR. JOHNSON.

9 MR. JOHNSON: THANK YOU, YOUR HONOR.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q OFFICER, HOW MANY GUNS DID YOU FIND IN THE RED
13 TAURUS?

14 A IT WAS TWO WEAPONS. I DIDN'T ACTUALLY FIND THEM.
15 THEY WERE FOUND BY ANOTHER OFFICER.

16 Q YOU JUST SAID THERE WAS ONE.

17 A NO, I SAID HE CLAIMED ONE.

18 Q YOU DIDN'T JUST TELL THE SOLICITOR THAT -- FIVE
19 MINUTES AGO, YOU DIDN'T JUST TELL THE SOLICITOR THERE WAS
20 ONE?

21 A I SAID HE CLAIMED THE ONE THAT WAS IN THE BACK SEAT.

22 Q AT WHAT POINT DURING YOUR TESTIMONY DID YOU MENTION
23 THE SECOND WEAPON?

24 A AT THE BEGINNING WHEN I SAID THAT IT WAS TWO WEAPONS
25 FOUND IN THE BURGANDY VEHICLE.

1 Q ARE YOU SURE ABOUT THAT?

2 A POSITIVE.

3 Q ALL RIGHT. HOW MANY PEOPLE WERE OUT THERE TODAY?

4 A ON THAT DAY?

5 Q UH-HUH.

6 A I DON'T KNOW.

7 Q DOES ANYBODY CONTROL WHO MILLS AROUND AND WALKS
8 THROUGH A SCENE WITH GUNS AND CRACK COCAINE LAYING AROUND?

9 A WELL, THERE WAS SEVERAL PEOPLE THERE, BUT THE EXACT
10 NUMBER, THERE WAS A GROUP OF PEOPLE STANDING ON THE BACK
11 PORCH. THERE WAS SEVERAL OFFICERS THERE. AND WHILE I WAS
12 THERE, AIKEN COUNTY, SLED ARRIVED ON THE SCENE. SO THERE
13 WAS A LOT OF PEOPLE THERE.

14 Q SO YOU DON'T NEED EXACT NUMBERS OR EXACT INFORMATION?

15 A FOR WHAT?

16 Q FOR AN INVESTIGATION.

17 A INTO THE NARCOTICS?

18 Q ANY INVESTIGATION.

19 A YEAH. YOU NEED THAT KIND OF INFORMATION.

20 Q SO NOBODY OR -- YOU'RE THE NARCOTICS OFFICER WHO
21 SHOWED UP. YOU WERE CALLED IN AS SORT OF THE SPECIALIST.

22 A RIGHT.

23 Q AND YOU DECIDED NOT TO TRACK ANY INFORMATION ABOUT
24 WHO WAS MILLING AROUND WITH CRACK COCAINE AND THEIR GUNS?

25 A YES, THAT'S WHY THE OTHER PEOPLE WERE RELEASED AND

1 THE PEOPLE THAT WERE AT THE LOCATION DIDN'T LEAVE.

2 Q DO YOU HAVE ANY IDEA WHO THOSE PEOPLE WERE?

3 A NO.

4 Q DO YOU HAVE A THING CALLED A CONTACT CARD?

5 A YES.

6 Q WHAT IS THAT?

7 A THAT'S A CARD THAT WE USE TO DO FIELD INTERVIEWS WHEN
8 WE MEET -- IF WE GET DISPATCHED TO A SUSPICIOUS PERSON IN
9 THE STREETS, SOMEBODY WALKING AROUND AROUND A CLOSED
10 BUSINESS, WE FILL OUT A CARD, WE TURN IT INTO HEADQUARTERS
11 AND THEY INPUT INFORMATION INTO THE COMPUTER. AND THEN IF
12 A CRIME EVER OCCURS THERE, WE CAN HAVE LEADS TO HOLD UP ON
13 THEM.

14 Q HOW MANY OF THOSE SUSPICIOUS PEOPLE WERE FRIENDS OF
15 MELVIN CUMMINGS?

16 A I HAVE NO IDEA.

17 Q HOW MANY SUSPICIOUS PEOPLE WERE THERE?

18 A IT WAS -- I DIDN'T HAVE DIRECT CONTACT WITH THE --
19 ALL OF THE PEOPLE THAT WAS ON THE BACK PORCH. I ONLY
20 DEALT WITH MELVIN CUMMINGS AND ANTONIO MILLER.

21 Q DID YOU PUT HANDCUFFS ON MR. MILLER?

22 A ON MR. MILLER?

23 Q UH-HUH.

24 A I DON'T REMEMBER.

25 Q WHEN YOU ARREST SOMEBODY, DO YOU HANDCUFF THEM?

1 A YES.

2 Q OKAY. DID YOU BRING ALL YOUR CONTACT CARDS WITH YOU
3 TODAY TO COURT?

4 A LIKE I SAID, I DIDN'T HAVE CONTACT WITH THE OTHER
5 INDIVIDUALS. THE ONLY PERSON I HAD CONTACT WAS ANTONIO
6 MILLER AND MELVIN CUMMINGS, AND THEY WERE ARRESTED, SO I
7 DIDN'T NEED A CONTACT CARD.

8 Q DO YOU NEED TO KNOW WHO HAS ACCESS TO A CAR WITH
9 DRUGS IN IT IF YOU'RE TRYING TO INVESTIGATE WHO HAS THE
10 DRUGS?

11 A LIKE I STATED EARLIER, DURING THE INVESTIGATION WE
12 DETERMINED WHO HAD ACCESS AND CONTACT WITH THE DRUGS.

13 Q DID YOU ALSO--

14 A AFTER SPEAKING WITH ANTONIO MILLER WHO STATED THAT
15 THE DRUGS WAS HIS, THERE WAS NO LONGER ANY NEED TO TALK
16 WITH ANYBODY ELSE IF HE GAVE A STATEMENT STATING THAT HE
17 TOOK POSSESSION OF THE CRACK COCAINE AND THE WEAPON THAT
18 WAS IN THE VEHICLE.

19 Q SO THERE IS NO NEED TO SECURE DRUGS OR SECURE A
20 SCENE?

21 A WE DID. WE DID SECURE THE DRUGS AND SECURED THE
22 SCENE. AFTER HE ADMITTED THAT THE DRUGS WAS HIS, WE
23 RELEASED EVERYBODY ELSE IF THEY DIDN'T HAVE ANY WARRANTS
24 OR ANY DRUGS ON THEIR PERSON.

25 Q AND WE JUST DON'T KNOW WHO THEY ARE.

1 THE COURT: DON'T KNOW WHO WHO IS?

2 MR. JOHNSON: THOSE PEOPLE.

3 A I MEAN, THEY -- I MEAN, WE HAVE CARDS ON THEM, BUT...

4 Q IT'S NOT IMPORTANT ENOUGH TO BRING TO A MURDER TRIAL?

5 A I DON'T HAVE THE INFORMATION.

6 Q OKAY.. WHO IS RICKY JONES?

7 A I DON'T KNOW.

8 Q ARE YOU AWARE THAT ONE OF YOUR OFFICERS ON THE SCENE

9 CREATED A REPORT LISTING HIM AS BEING PRESENT?

10 A YES, I HEARD TESTIMONY TO THAT FACT.

11 Q DOES HE HAVE DREADS?

12 A I HAVE NO IDEA.

13 Q IS THAT KIND OF IMPORTANT?

14 A FOR...

15 Q WHY WE'RE HERE TODAY.

16 A WOULD IT BE IMPORTANT IF HE HAD DREADS? I HAVE NO

17 IDEA --

18 Q IS HE FRIENDS --

19 A -- IF THAT WOULD BE IMPORTANT.

20 Q I'M SORRY. DID YOU WANT TO FINISH?

21 A NO, GO AHEAD...

22 Q OKAY. IS HE FRIENDS WITH MELVIN CUMMINGS?

23 A I DON'T KNOW.

24 Q OKAY. NOW, THE MYSTERIOUS PERSON IN AIKEN YOU

25 REFERENCED WAS A CIVILIAN THAT CALLED YOURSELF FROM AIKEN?

1 A YES.

2 Q OKAY. SO THERE IS A CIVILIAN IN AIKEN COUNTY WHO
3 CALLS YOU TO TELL YOU THAT MR. TUCKER--

4 A NO, I CALLED THEM.

5 Q AND THEY TOLD YOU THAT MR. TUCKER WAS DEAD?

6 A YES.

7 Q IS IT IMPORTANT IF A CIVILIAN IS AWARE OF A MURDER
8 RIGHT AFTER IT HAPPENS BEFORE LAW ENFORCEMENT IS AWARE OF
9 IT? IS THAT IMPORTANT?

10 A THEY WERE THERE ALREADY. WHAT DO YOU MEAN THEY
11 DIDN'T KNOW ABOUT IT?

12 Q WELL, YOU DIDN'T KNOW ABOUT IT.

13 A I WAS IN COLUMBIA, SOUTH CAROLINA.

14 Q IS IT AT ALL IMPORTANT--

15 A THAT'S AN HOUR AWAY.

16 Q OKAY. IS IT--

17 A AND THEN IT DIDN'T HIT NATIONAL--

18 THE COURT: GENTLEMEN, HOLD ON A SECOND.

19 MR. JOHNSON: OKAY. I'M SORRY. I'LL LET HIM FINISH,
20 JUDGE. I'M SORRY. I DIDN'T MEAN TO CUT HIM OFF.

21 THE COURT: PLEASE. YOU KNOW THE RULES.

22 MR. JOHNSON: YES, SIR.

23 THE COURT: YOU FINISHED YOUR ANSWER, SIR?

24 MR. JOHNSON: YOU FINISHED?

25 THE WITNESS: I DIDN'T HAVE INFORMATION BECAUSE WE'RE

1 NOT ON AIKEN COUNTY'S NETWORK AS FAR AS RADIO
2 COMMUNICATION --

3 Q ALL RIGHT.

4 A -- AND THERE WAS NO BOLO PUT OUT ABOUT ANY SUSPECTS
5 AT THAT TIME.

6 Q OKAY.

7 A AND IT WASN'T ON THE NEWS AT THAT TIME.

8 Q DOES IT MATTER -- WELL, LET'S ASK ABOUT -- LET ME ASK
9 YOU ABOUT THE MYSTERIOUS INDIVIDUAL. IS THIS AN
10 INDIVIDUAL WHO IS A CONFIDENTIAL INFORMANT REGARDING
11 CRIMINAL ACTIVITY? IS THAT WHY HE'S A CONFIDENTIAL
12 INFORMANT?

13 A YES.

14 Q OKAY. SO, AN INDIVIDUAL WHO'S GOT INFORMATION ABOUT
15 CRIMINAL ACTIVITY FROM TIME TO TIME -- DOES THIS PERSON
16 HAVE A CRIMINAL RECORD?

17 A NO.

18 Q IS HE ASSOCIATED WITH PEOPLE COMMITTING CRIMES?

19 A ASSOCIATED WITH THEM?

20 Q YEAH.

21 A ONLY WHEN ASKED TO BE.

22 Q WHEN ASKED TO BE. SO, THAT'S WHY HE IS AN INFORMANT.

23 A RIGHT.

24 Q AND HE CALLS YOU BECAUSE HE KNOWS ABOUT A MURDER.

25 A NO.

1 Q HE DIDN'T KNOW ABOUT THE MURDER.

2 A THEY DIDN'T CALL ME. I CALLED THEM ASKING
3 INFORMATION ABOUT MELVIN CUMMINGS.

4 Q OKAY. YOU ASKED ABOUT MELVIN CUMMINGS AND HE SAID
5 FRED TUCKER HAD BEEN MURDERED?

6 A RIGHT.

7 Q HMM. AND THAT'S NOT IMPORTANT IN A MURDER
8 INVESTIGATION?

9 A I DON'T UNDERSTAND WHAT -- WHAT ARE YOU TRYING TO
10 GET--

11 Q ALL RIGHT. LET ME -- -- I'LL GO A LITTLE SLOWER FOR
12 YOU.

13 A PLEASE DO.

14 Q THERE IS A MAN IN AIKEN COUNTY --

15 A UH-HUH.

16 Q -- UNKNOWN NAME. HE'S ASSOCIATED WITH PEOPLE
17 COMMITTING CRIMES. HE IS YOUR INFORMANT.

18 A UH-HUH.

19 Q YOU CALL HIM AND HE SAYS FRED TUCKER HAS BEEN KILLED
20 AFTER YOU ASKED HIM ABOUT MELVIN CUMMINGS; RIGHT?

21 A RIGHT.

22 Q AND IT'S NOT IMPORTANT TO FOLLOW UP AND SIT DOWN AND
23 TALK TO THAT MAN AND FIND OUT HOW DID YOU KNOW THAT FRED
24 TUCKER WAS DEAD?

25 A I DO KNOW HOW THEY FOUND OUT.

1 Q DID YOU TESTIFY ABOUT THAT?

2 A NO.

3 Q DID YOU TAKE A STATEMENT FROM HIM?

4 A NO.

5 Q DID YOU ASK ANYBODY TO INTERVIEW HIM?

6 A NO.

7 Q DID YOU GIVE HIS NAME AND INFORMATION TO AIKEN
8 COUNTY?

9 A NO.

10 Q FAIR ENOUGH. DO YOU STILL WORK AT RICHLAND COUNTY
11 SHERIFF'S DEPARTMENT?

12 A NO.

13 Q NOW, DID YOU RECORD WITH A VIDEO CAMERA LIKE THEY
14 HAVE IN ALL OF THOSE SQUAD CARS OR WITH A SHIRT MIC OR A
15 TAPE RECORDER ANYTHING THAT MR. MILLER SAID ON THAT DAY?

16 A NO. I WAS IN A UNMARKED DENALI AT THE TIME AND WE
17 DON'T HAVE CAMERAS IN THE UNMARKED VEHICLES.

18 Q DO DETECTIVES USE RECORDING DEVICES TO RECORD
19 STATEMENTS?

20 A NOT AT THE -- NO, WE DON'T. SOME DO, BUT NOT AT THE
21 SHERIFF'S DEPARTMENT.

22 Q WELL, SO A BIG BAG OF CRACK COCAINE ISN'T ENOUGH TO
23 JUSTIFY THAT? IS THAT WHAT YOU'RE SAYING?

24 A SAYING...

25 Q WELL, YOU SAID YOU HAD A BIG BAG OF SUSPECTED CRACK

1 COCAINE, YOU HAD GUNS, AND THEN YOU HAD INFORMATION ABOUT
2 A MURDER.

3 A CORRECT.

4 Q SO NONE OF THAT JUSTIFIED RECORDING MR. MILLER--

5 A WELL, I DIDN'T HAVE INFORMATION ABOUT A MURDER. I
6 WAS JUST TOLD THAT FRED TUCKER WAS DEAD.

7 Q OKAY.

8 A AND--

9 Q AND HE JUST DIED OF OLD AGE--

10 THE COURT: HOLD ON A SECOND, PLEASE.

11 MR. JOHNSON: OKAY. I'M SORRY, JUDGE. I THOUGHT HE
12 WAS DONE. I APOLOGIZE.

13 THE COURT: WELL, FOLLOW THE RULES.

14 MR. JOHNSON: YES, SIR.

15 THE COURT: COME ON.

16 A THE INFORMANT FOUND OUT BY THE LOCAL NEWS HERE THAT
17 FRED TUCKER WAS DEAD OR -- AND AT THAT TIME -- BY THAT
18 TIME IT WAS LATE AFTERNOON. I THINK HE WAS KILLED EARLY
19 IN THE MORNING, SO IT WAS ON THE NEWS HERE, BUT IT
20 WASN'T -- DIDN'T HIT COLUMBIA YET. SO WHEN I CALLED
21 ASKING ABOUT MELVIN CUMMINGS, THEY ASKED DID YOU HEAR THE
22 NEWS? AND I SAID WHAT'S THAT? AND THEY SAID FRED TUCKER
23 HAD BEEN KILLED AND THAT'S--

24 Q SO -- I'M SORRY. GO AHEAD.

25 A AND THAT WAS THE EXTENT OF THE INFORMATION ABOUT A

- 1 MURDER.
- 2 Q OKAY. SO THE MYSTERIOUS INDIVIDUAL WHO IS ASSOCIATED
- 3 WITH CRIMINAL ACTIVITY IN AIKEN THAT YOU ASKED ABOUT
- 4 MELVIN CUMMINGS, HE TOLD YOU HE HEARD ABOUT THE MURDER ON
- 5 THE NEWS?
- 6 A YES.
- 7 Q AND THAT'S GOOD ENOUGH FOR YOU.
- 8 A AT THE TIME, YES.
- 9 Q OKAY. NOW, YOU SAID MR. MILLER SAID HE WAS IN
- 10 CHARLESTON.
- 11 A YES.
- 12 Q WHAT DID YOU DO TO FOLLOW UP ON THAT?
- 13 A THE MANAGER FROM U-SAVE RENTAL WAS -- HAD COME TO THE
- 14 LOCATION AND HANDED ME THE MAPPING OF THE GPS THAT SHOWED
- 15 WHERE THE VEHICLE WAS.
- 16 Q IS THE GPS DEVICE LOCATED ON THE PERSON OF ANTONIO
- 17 MILLER TRACKING HIS EVERY MOVEMENT?
- 18 A NO, IT'S ON THE VEHICLE.
- 19 Q OH, IT'S ON THE VEHICLE. WHO WAS DRIVING THAT
- 20 VEHICLE?
- 21 A ACCORDING TO YOUR CLIENT, HE WAS.
- 22 Q NOBODY IDENTIFIED MELVIN CUMMINGS AS THE DRIVER?
- 23 A ACCORDING TO HIM, HE SAID HE WAS IN THE VEHICLE THAT
- 24 MORNING.
- 25 Q SO YOU'RE DENYING THAT MELVIN CUMMINGS EVER ADMITTED

1 TO DRIVING THAT VEHICLE?

2 A I JUST SAID THAT YOUR CLIENT, MR. CUMMINGS, STATED
3 THAT HE WAS IN THE VEHICLE--

4 Q BUT MY CLIENT IS MR. MILLER.

5 A YEAH. YEAH. I'M SORRY. MR. MILLER WAS IN THE
6 VEHICLE AND THAT HE WAS IN THE VEHICLE EARLIER THAT DAY.

7 Q AND YOU'RE SAYING THAT MR. CUMMINGS DIDN'T ADMIT TO
8 DRIVING THAT GREEN TAURUS. IS THAT WHAT YOU'RE SAYING
9 UNDER OATH?

10 A NO, I DIDN'T SAY THAT HE DIDN'T ADMIT TO DRIVING THE
11 VEHICLE. I DIDN'T TALK TO HIM ABOUT DRIVING THE VEHICLE.

12 Q OKAY. BUT HE ADMITTED TO DRIVING IT?

13 THE COURT: WHO?

14 MR. JOHNSON: MR. CUMMINGS.

15 THE WITNESS: NO, NOT TO ME HE DIDN'T ADMIT TO
16 DRIVING THE VEHICLE.

17 Q SO YOU'RE TELLING US THAT HE DIDN'T ADMIT TO IT OR
18 JUST NOT TO YOU?

19 A HE DIDN'T ADMIT TO ME.

20 Q BUT EVENTUALLY HE DID?

21 A I ASSUME SO.

22 Q YOU ASSUME SO?

23 A YEAH, BECAUSE I DIDN'T INTERVIEW HIM ABOUT THE MURDER
24 OR ANYTHING ELSE, SO I WOULDN'T KNOW WHAT HE SAID IN THE
25 INTERVIEW. I JUST TALKED TO HIM ABOUT THE -- WHAT WE --

1 RICHLAND COUNTY WAS ARRESTING HIM FOR IN RICHLAND COUNTY.

2 Q OKAY. LET'S GO BACK TO THAT. YOU'RE TALKING ABOUT
3 SUSPECTED CRACK COCAINE.

4 A CORRECT.

5 Q AND WHERE WAS THAT LOCATED?

6 A IN THE GREEN TAURUS.

7 Q SO WHEN YOU FIND A BIG OLD BAG OF SUSPECTED CRACK
8 COCAINE, YOU DON'T CARE ABOUT WHO IS DRIVING THAT CAR WHEN
9 YOU FIND THE DOPE IN THE CAR?

10 A NOT WHEN YOUR CLIENT STATED IT WAS HIS.

11 Q IT'S JUST KIND OF LIKE THE OTHER ISSUE. YOU DON'T
12 NEED TO TRACK ANY OTHER INFORMATION, JUST --

13 A WELL--

14 Q -- YOU GIVE UP ON IT.

15 A WELL, IF HE STATES TO ME THAT, HEY, THIS IS MY CRACK
16 COCAINE AND...

17 Q AND THAT'S A STATEMENT YOU NEVER RECORDED?

18 A THAT'S A STATEMENT THAT YOUR CLIENT WOULDN'T GIVE US
19 A WRITTEN STATEMENT ON.

20 Q AND YOU NEVER RECORDED?

21 A AND YOUR CLIENT WOULDN'T GIVE US A WRITTEN STATEMENT.

22 Q OKAY. WHO HAD AN AIKEN ADDRESS?

23 A MELVIN CUMMINGS.

24 Q OKAY. AND THE CONFIDENTIAL INFORMANT LIVES WHERE?

25 A THAT'S CONFIDENTIAL.

1 THE COURT: WHAT COUNTY?

2 Q WHAT COUNTY? WHERE DOES THE MYSTERIOUS MAN LIVE?

3 WHAT COUNTY?

4 A AT THAT TIME I BELIEVE THEY WERE IN AUGUSTA.

5 Q WHICH IS NEXT TO WHAT COUNTY?

6 A AIKEN COUNTY.

7 Q THANK YOU. AND MR. TUCKER WAS FOUND DEAD IN AIKEN
8 COUNTY.

9 A YES.

10 Q OKAY. AND DOES RICKY JONES LIVE IN AIKEN COUNTY,
11 TOO?

12 A I HAVE NO IDEA.

13 Q BECAUSE YOU DIDN'T FOLLOW UP ON THAT EITHER; DID YOU?

14 A I DIDN'T HAVE ANY INFORMATION TO FOLLOW UP ON.

15 Q OF COURSE.

16 THE COURT: MR. JOHNSON, OF COURSE IS NOT A QUESTION.

17 MR. JOHNSON: I'M SORRY, JUDGE.

18 THE COURT: PLEASE CONDUCT YOURSELF ACCORDING TO THE
19 RULES.

20 MR. JOHNSON: YES. I APOLOGIZE.

21 Q OFFICER, RICKY JONES IS LISTED, AS YOU ARE WELL

22 AWARE, IN A RELATED INCIDENT REPORT RELATED TO THIS

23 INCIDENT PRODUCED BY RICHLAND COUNTY SHERIFF'S DEPARTMENT.

24 YOU ARE AWARE OF THAT FROM PREVIOUS TESTIMONY; CORRECT?

25 A YES.

1 Q OKAY. DID YOU ASK MR. CUMMINGS ABOUT HIS ACCESS TO
2 STREET?

3 A I MIGHT HAVE ASKED HIM WHERE HE LIVED AT, BUT NOT
4 ACTUALLY THAT ADDRESS.

5 Q OKAY. AND YOU SAID THERE WAS A LARGE GROUP OF
6 MYSTERIOUS -- OR WHAT DID YOU CALL THEM, SUSPICIOUS PEOPLE
7 AND THEY WERE RIGHT THERE IN FRONT OF 5520?

8 A NO, I SAID A LARGE GROUP OF PEOPLE.

9 Q SO THERE IS NO PEOPLE?

10 THE COURT: HE SAID A LARGE GROUP OF PEOPLE.

11 Q LARGE GROUP?

12 A YES.

13 Q RIGHT IN FRONT OF STREET?

14 A NOT RIGHT IN FRONT. ALL OF THIS OCCURRED IN THE BACK
15 ON THE BACK PORCH AREA.

16 Q YOU DIDN'T TESTIFY EARLIER THAT THEY WERE AT THE
17 PORCH RIGHT THERE BY STREET?

18 A YEAH, I'M SAYING, BUT YOU WERE SAYING RIGHT IN FRONT.
19 I'M SAYING IT'S ACTUALLY--

20 Q RIGHT. THEY'RE NEAR AN ENTRANCE IN THE BACK.

21 A RIGHT.

22 Q OKAY. LET'S GET SPECIFIC. WHEN DID OFFICER DAUWAY
23 SHOW UP?

24 A I HAVE NO IDEA. HE WAS THERE BEFORE I WAS. HE
25 CALLED ME TO THE LOCATION.

1 Q DAUWAY CALLED YOU?

2 A YES.

3 Q WHEN DID OFFICER BROWN SHOW UP?

4 A HE SHOWED UP WITH INVESTIGATOR CRANE AFTER THE SEARCH
5 WARRANT WAS SIGNED OR --

6 Q DID ANY--

7 A -- HE MIGHT HAVE GOT THERE BEFORE. I AM NOT SURE IF
8 THEY WERE TOGETHER OR THEY CAME SEPARATE.

9 Q DID ANY OF THOSE OFFICERS ATTEMPT TO CONTROL WHO HAD
10 ACCESS TO THE CAR -- EITHER ONE OF THE CARS, THE GUNS, OR
11 THE DOPE, SUSPECTED DOPE?

12 A LIKE I SAID EARLIER, WE CONTROLLED THE SCENE. WE
13 RELEASED THE PEOPLE THAT DID NOT HAVE ANYTHING TO DO WITH
14 THE RESIDENCE OR THE CRACK COCAINE THAT WE FOUND OR THE
15 WEAPONS THAT WE FOUND. THEY WERE IDENTIFIED AND RELEASED
16 THROUGH CONTACT CARDS. THEY WERE RELEASED. WE HAD NO
17 CRIMINAL CHARGES ON THEM, SO THEY WERE RELEASED.

18 THE SCENE WAS CONTROLLED BECAUSE NO ONE ELSE ENTERED
19 THE LOCATION INTO THE RESIDENCE OR ENTERED THE BACKYARD
20 AREA WHERE WE WERE LOCATED.

21 Q ARE YOU SAYING THAT MR. REDFIELD WASN'T ARRESTED FOR
22 COCAINE?

23 A I JUST SAID THAT IF THEY DIDN'T HAVE ANY CHARGES ON
24 THEM, WE RELEASED THEM.

25 Q OKAY.

1 A BUT IF HE HAD DRUGS ON HIM, THEN HE HAD CHARGES AND
2 HE WAS ARRESTED.

3 Q CAN YOU TELL ME WHO WAS WATCHING THAT GREEN TAURUS OR
4 THAT RED TAURUS?

5 A WHO WAS? EVERYBODY -- EVERYBODY WAS IN THE BACKYARD.

6 Q WELL, WHO WAS RESPONSIBLE FOR WATCHING IT, THOSE TWO
7 VEHICLES?

8 A EVERY OFFICER THAT WAS OUT THERE.

9 Q YOU JUST CAN'T SAY WHO?

10 A I DID. EVERY OFFICER THAT WAS OUT THERE WAS
11 RESPONSIBLE FOR MAINTAINING THE SCENE OF THE -- THAT WE
12 HAD LOCKED DOWN.

13 Q WELL, YOU DIDN'T GUARD THE TWO VEHICLES.

14 A I WASN'T STANDING OVER THERE WITH MY WEAPON DRAWN
15 KEEPING PEOPLE AWAY FROM THE VEHICLE--

16 Q YOU WERE TALKING--

17 THE COURT: SIR.

18 MR. JOHNSON: I'M SORRY.

19 A BUT WE WERE STANDING -- THREE VEHICLES WERE IN CLOSE
20 PROXIMITY. THE PATROL CAR, THE BURGANDY CAR, THE GREEN
21 TAURUS. ALL OF US WERE WITHIN A FEW FEET OF BOTH, EITHER
22 VEHICLES. SO WHILE WE WERE TALKING WITH MR. MILLER AND
23 MR. CUMMINGS WAS STILL IN THE BACK SEAT, WE WERE TALKING
24 TO MR. MILLER, THE OTHER OFFICERS WERE WATCHING THE GROUP
25 OF SUBJECTS THAT WAS ON THE BACK DECK AREA UNTIL WE

1 IDENTIFIED THEM AND FIGURED OUT WE DIDN'T HAVE ANY CHARGES
2 ON THEM. THEY WERE RELEASED. SO THAT CLEARED THAT BACK
3 PORCH AREA.

4 THEN THE SCENE WAS LOCKED DOWN. NOBODY CAME TO THE
5 BACK AREA. WHEN -- THROUGH THE WHOLE -- THE WHOLE TIME WE
6 WAS BACK THERE UNLESS THEY WERE LAW ENFORCEMENT.

7 Q IS THERE A SHEET THAT LAW ENFORCEMENT USES SO PEOPLE
8 CAN SIGN IN AND SIGN OUT WHEN THEY'RE COMING INTO A CRIME
9 SCENE?

10 A THAT'S A CRIME SCENE LOG.

11 Q WHAT IS THAT--

12 A LOG, BUT WE DON'T HAVE --

13 Q WHAT--

14 A -- THAT WASN'T A CRIME SCENE.

15 Q THAT WASN'T A CRIME SCENE?

16 A NO.

17 Q OKAY. SO, POSSESSING A LARGE AMOUNT OF SUSPECTED
18 CRACK COCAINE--

19 A THAT'S NOT A CRIME SCENE.

20 Q IS THAT A CRIME?

21 A IT'S A CRIME, BUT IT'S NOT A CRIME SCENE IN THE SENSE
22 THAT WE WOULD HAVE A CRIME LOG.

23 Q OKAY.

24 A WE USE CRIME SCENES FOR MURDER CASES AND OR SOMETHING
25 WHERE THERE MIGHT BE A BLOOD TRAIL OR CRIME OF A HIGH AND

1 AGGRAVATED NATURE.

2 Q OKAY. ONCE YOU LEARNED OF A POSSIBLE MURDER FROM THE
3 MYSTERIOUS SUBJECT IN AIKEN, DID YOU THEN ATTEMPT TO GET
4 SOME SORT OF A LOG OR TRACK ALL THAT?

5 A NO. EVERYBODY THAT WAS THERE WERE -- FROM THE TIME
6 WE -- I DIDN'T FIND OUT THAT THEY WERE ACTUALLY THE
7 SUSPECTS UNTIL LATER ON UNTIL--

8 Q UNTIL THE INFORMANT TOLD YOU?

9 A NO. UNTIL AIKEN COUNTY--

10 THE COURT: MR. JOHNSON, HOLD ON A SECOND.

11 MR. JOHNSON: OH, I'M SORRY.

12 THE COURT: I'VE ASKED YOU AS NICE AS I KNOW HOW TO
13 QUIT INTERRUPTING HIM.

14 MR. JOHNSON: I THOUGHT HE WAS FINISHED. I REALLY
15 DID.

16 THE COURT: HE WAS NOT.

17 MR. JOHNSON: I'M SORRY, JUDGE.

18 THE COURT: NOW YOU'RE INTERRUPTING ME.

19 MR. JOHNSON: YES.

20 THE COURT: PLEASE CONDUCT YOURSELF UNDER THE RULES.

21 MR. JOHNSON: YES, SIR.

22 THE COURT: I AM NOT GOING TO TELL YOU AGAIN.

23 MR. JOHNSON: YES, SIR.

24 THE COURT: NEXT TIME IT WILL BE A FINE.

25 MR. JOHNSON: YES, SIR.

1 THE WITNESS: ASK ME THE QUESTION AGAIN.

2 Q I ASKED ONCE YOU LEARNED THAT -- FROM THIS INDIVIDUAL
3 IN AIKEN WHO TOLD YOU ABOUT THE MURDER, IS THAT THE POINT
4 THAT YOU FIGURED IT WAS IMPORTANT ENOUGH TO TRACK WHO HAD
5 ENTERED THAT SCENE?

6 A NO. LIKE I SAID, THE PERSON IN AIKEN SAID IT
7 HAPPENED. THEY DIDN'T SAY WHO DID IT OR ANYTHING LIKE
8 THAT. WHEN I HAD SERGEANT ELLIS CALL AIKEN COUNTY, THEY
9 SAID THAT MELVIN CUMMINGS WAS A PERSON OF INTEREST AND
10 THAT THEY WERE GOING TO SEND TWO INVESTIGATORS AND A LAB
11 UNIT UP TO RICHLAND COUNTY TO MY LOCATION. I WAS THEN
12 ADVISED THAT SLED WAS ALSO -- WAS GOING TO SHOW UP.

13 WHEN THEY ARRIVED, THEY WERE TALKING TO -- TALKED TO
14 MELVIN CUMMINGS AND THEY TALKED TO ANTONIO MILLER AND THEY
15 WERE STILL TRYING TO FIGURE OUT EXACTLY IF THEY -- IF THEY
16 WERE THE SUSPECTS. AT THAT TIME -- THE WHOLE TIME WE WAS
17 THERE THE ONLY INFORMATION I HAD WHEN THEY ARRIVED WAS
18 THAT HE MIGHT BE A PERSON OF INTEREST, NOT THAT THEY WERE
19 THE SUSPECT OR THAT THEY COMMITTED A MURDER.

20 ACTUALLY, WHEN WE WERE CLEARING THE SCENE, THAT'S
21 WHEN -- I GUESS I CAN'T SAY WHAT WAS SAID, BUT...

22 Q OKAY.

23 A IT WAS CONVEYED TO ME THAT SOME STATEMENTS WERE BEING
24 MADE ABOUT --

25 Q OKAY.

1 A -- WHAT HAD HAPPENED.

2 Q OKAY. ARE YOU FINISHED?

3 A YES.

4 Q OKAY. SO YOU SAID NOBODY WAS IDENTIFIED WHEN YOU
5 CALLED THE UNNAMED INDIVIDUAL IN AIKEN, BUT IN FACT YOU
6 CALLED SPECIFICALLY TO ASK ABOUT MELVIN CUMMINGS AND THEN
7 HE RESPONDED SAYING FRED TUCKER HAD BEEN KILLED.

8 A WHEN I CALLED THE INFORMANT AND ASKED HIM DID HE KNOW
9 MELVIN CUMMINGS --

10 Q RIGHT.

11 A -- I SAID, DO YOU KNOW, HE'S FROM AIKEN. HE'S -- WE
12 CAUGHT HIM UP HERE IN COLUMBIA WITH SOME DRUGS LIKE -- AND
13 I WAS ASKING WHAT KIND OF DRUG DEALER WAS MELVIN CUMMINGS,
14 WAS HE A BIG DRUG DEALER OR WAS HE MIDDLE, MID-LEVEL, OR
15 JUST A NICKLE-AND-DIME PERSON, THE KIND OF INFORMATION I
16 WAS TRYING TO OBTAIN FROM THE INFORMANT.

17 THE INFORMANT STATED THEY DIDN'T KNOW WHO HE WAS, THE
18 NAME SOUNDED KIND OF FAMILIAR. THEN THEY STATED, HEY, DID
19 YOU HEAR THAT FRED TUCKER HAD BEEN KILLED, THAT IT'S A BIG
20 MAN HUNT.

21 Q FINISHED? OKAY. SO YOU JUST TESTIFIED IF I AM NOT
22 MISTAKEN, YOU CALLED AND SAID YOU WANTED TO ASK ABOUT
23 MELVIN CUMMINGS, MR. CUMMINGS AND SOME DRUGS HE HAD BEEN
24 FOUND WITH.

25 A CORRECT.

1 Q HIS DRUGS?

2 A NO. I SAID WE ARRESTING -- WE ARRESTING A GUY FROM
3 AIKEN WHO WE CAUGHT WITH DRUGS AND WEAPONS.

4 Q RIGHT. MR. CUMMINGS, NOT MR. MILLER.

5 A NO. HE WAS THERE, TOO.

6 Q BUT YOU CALLED ABOUT MR. CUMMINGS.

7 A I CALLED ABOUT MR. CUMMINGS BECAUSE HE WAS FROM AIKEN
8 AND MR. MILLER WAS FROM COLUMBIA, SO I CALLED ABOUT ASKING
9 ABOUT HIM.

10 Q OKAY.

11 A THEN LATER ON WE ASCERTAINED THAT -- FROM TALKING
12 WITH MR. MILLER THAT THE DRUGS WERE ACTUALLY HIS, AND
13 THAT'S WHY HE WAS CHARGED WITH THE TRAFFICKING OF CRACK
14 COCAINE IN COLUMBIA.

15 Q OKAY.

16 MR. JOHNSON: NO MORE QUESTIONS, YOUR HONOR.

17 THE COURT: REDIRECT?

18 MRS. YOUNG: NONE, YOUR HONOR.

19 THE COURT: OFFICER BROWN, YOU MAY LEAVE. MAY HE BE
20 RELEASED FROM HIS SUBPOENA?

21 MR. JOHNSON: NO OBJECTION.

22 THE COURT: NEXT WITNESS, PLEASE.

23 MRS. YOUNG: THE STATE CALLS INVESTIGATOR TY JORDAN.

24 TY JORDAN, AFTER BEING DULY SWORN, TESTIFIED AS

25 FOLLOWS:

1 THE COURT: NORMALLY WE DON'T ALLOW NOTES. I SEE
2 ONE. I AM NOT FUSSING.

3 THE JUROR: I'M SORRY.

4 THE COURT: IF WE'RE GOING TO DO NOTES, I HAVE TO
5 GIVE NOTEPADS TO EVERYONE. WE NORMALLY -- ON A RELATIVELY
6 SHORT TRIAL WE DON'T PASS THEM OUT. SO I AM GOING TO ASK
7 YOU NOT TO TAKE NOTES AND JUST ON THOSE YOU'VE TAKEN, JUST
8 DON'T USE THEM IN DELIBERATIONS. FAIR ENOUGH?

9 THE JUROR: FAIR ENOUGH. I WON'T REMEMBER
10 EVERYTHING. I'M SORRY.

11 THE COURT: MA'AM, GUESS WHAT? NEITHER CAN I.

12 DIRECT EXAMINATION

13 BY MRS. YOUNG:

14 Q WHERE ARE YOU EMPLOYED, SIR?

15 A RICHLAND COUNTY SHERIFF'S DEPARTMENT.

16 Q IN WHAT CAPACITY?

17 A NOW I'M A SENIOR INVESTIGATOR IN THE BURGLARY UNIT.

18 Q AND WHAT WERE YOUR DUTIES BACK IN SEPTEMBER OF 2008?

19 A I WAS AN AGENT IN NARCOTIC UNITS.

20 Q ALONG WITH MR. BROWN?

21 A YES.

22 Q AND DID YOU RESPOND TO A SCENE THAT DAY?

23 A YES.

24 Q WHERE DID YOU GO?

25 A 5520 NORTH MAIN.

1 Q WHAT DID YOU DO ONCE YOU GOT TO THAT LOCATION?

2 A I GOT THERE WITH INVESTIGATOR BROWN. WE WERE THERE
3 IN REGARDS TO CORPORAL DAUWAY CALLED AND STATED THAT THEY
4 HAD A BREACH OF TRUST VEHICLE THAT WAS AT THE RESIDENCE
5 AND THAT THERE WERE SOME DRUGS FOUND IN THE RESIDENCE --
6 EXCUSE ME -- IN THE CAR AND THEY WANTED TO KNOW IF WE
7 POSSIBLY COULD GET A SEARCH WARRANT FOR THE RESIDENCE
8 BECAUSE THEY FELT THERE MAY BE MORE DRUGS INSIDE OF THE
9 RESIDENCE.

10 Q SO YOU WERE THERE TO POSSIBLY ASSIST IN GETTING A
11 SEARCH WARRANT?

12 A CORRECT.

13 Q AND WHAT DID YOU DO IN THAT REGARD?

14 A INVESTIGATOR BROWN GOT WITH CORPORAL DAUWAY, GOT MORE
15 INFORMATION AS TO WHAT WAS GOING ON, TRIED TO DETERMINE
16 WHO THE HOMEOWNER WAS AT THE TIME. WE DID NOT KNOW WHO HE
17 OR SHE WAS. ONCE WE WERE ABLE TO DETERMINE WHO THE
18 HOMEOWNER WAS, HE GOT IN CONTACT WITH INVESTIGATOR CRANE
19 AND HE TYPED THE SEARCH WARRANT.

20 Q WHAT WAS THE NEXT THING THAT YOU DID ON THIS
21 PARTICULAR DATE?

22 A I WAITED TILL INVESTIGATOR CRANE ARRIVED, EXECUTED
23 THE SEARCH WARRANT. BUT BEFORE THAT, I CALLED CORPORAL
24 RICHBURG -- EXCUSE ME -- DEPUTY RICHBURG WHO IS THE K-9
25 OFFICER TO ASSIST WITH THE SEARCH. I TOLD HIM THAT WE

1 WANTED TO EXECUTE A SEARCH WARRANT AND WANTED TO USE HIS
2 DRUG DOG TO ASSIST, SO HE ARRIVED ON THE SCENE.

3 Q LET ME BACK YOU UP FOR A SECOND. TALKING LAW
4 ENFORCEMENT TALK.

5 A I'M SORRY.

6 Q WHEN YOU SAY EXECUTE A WARRANT, WHAT EXACTLY DO YOU
7 MEAN BY THAT?

8 A GO INSIDE OF THE RESIDENCE TO LOOK FOR ANY ILLEGAL
9 ITEMS.

10 Q SO YOU CALLED THIS DEPUTY TO ASSIST YOU WITH THAT?

11 A CORRECT.

12 Q AND DID YOU -- WAS A SEARCH WARRANT OBTAINED TO YOUR
13 KNOWLEDGE?

14 A YES, IT WAS.

15 Q AND WHAT DID YOU DO AS A RESULT OF THAT?

16 A I ENTERED THE RESIDENCE WITH THE K-9 OFFICER. WE
17 WENT THROUGHOUT THE HOUSE. WE ENTERED INTO A BEDROOM
18 WHERE THE DOG ALERTED TO A CHEST OF DRAWERS AND--

19 MR. JOHNSON: OBJECTION, YOUR HONOR, AT THIS TIME
20 BASED ON A PREVIOUS MOTION.

21 THE COURT: OVERRULED.

22 THE WITNESS: THE DOG ALERTED TO THE CHEST OF
23 DRAWERS, SO WE OPENED UP THE CHEST OF DRAWERS. IN THE TOP
24 DRAWER WAS A BAG WITH CRACK COCAINE IN IT. A FURTHER
25 SEARCH OF THAT PARTICULAR ROOM IN THE CLOSET ON THE SHELF

1 WERE THREE HANDGUNS.

2 THE COURT: WAS WHAT?

3 THE WITNESS: THREE HANDGUNS.

4 Q THOSE WERE ALL IN THE SAME ROOM?

5 A CORRECT.

6 Q AND WHEN YOU EXECUTE A SEARCH WARRANT, HOW DO YOU
7 DOCUMENT IT AND HOW DO YOU KNOW WHAT HAPPENS?

8 A WE HAVE A SEARCH WARRANT RETURN -- EXCUSE ME -- AND
9 IT'S FILLED OUT WITH EVERYONE THAT'S THERE AND ITEMS THAT
10 WERE TAKEN AND WHERE THEY WERE LOCATED WHEN WE FOUND THEM.

11 Q AND WHO WAS RESPONSIBLE FOR DOING THAT THAT DAY?

12 A I WAS.

13 Q WERE YOU ALSO THERE -- YOU STATED YOU WERE I
14 BELIEVE -- BUT YOU WERE THERE WHEN THESE ITEMS WERE FOUND?

15 A YES.

16 Q DO -- DID YOU TAKE PHOTOGRAPHS OR SOMEBODY TAKE
17 PHOTOGRAPHS OF THEM?

18 A YES.

19 MRS. YOUNG: MAY I APPROACH?

20 Q INVESTIGATOR CRANE, I AM GOING TO SHOW YOU WHAT'S
21 BEEN MARKED FOR IDENTIFICATION PURPOSES AS STATE'S 12
22 THROUGH 24.

23 THE COURT: TWELVE THROUGH WHAT?

24 Q TWELVE THROUGH 24. I ASK YOU TO TAKE A LOOK AT ALL
25 OF THOSE. ONCE YOU'RE DONE, TELL ME IF YOU'RE ABLE TO

1 RECOGNIZE...

2 A YES, I DO.

3 Q AND WITHOUT GOING INTO ALL OF THE DETAILS ABOUT EACH
4 ONE, COLLECTIVELY WHAT -- WHAT ARE THOSE, FIRST OF ALL?

5 A IT IS A PHOTOGRAPH OF THE RESIDENCE 5520 NORTH MAIN
6 AND THE ITEMS THAT WERE FOUND DURING THE EXECUTION OF THE
7 SEARCH WARRANT.

8 Q AND DO THOSE PICTURES THAT YOU'RE LOOKING AT, ARE
9 THEY FAIR AND ACCURATE DEPICTIONS? DO THEY SHOW WHAT
10 HAPPENED ON THE DATE WE'RE REFERRING TO?

11 A YES.

12 Q AND YOU PERSONALLY OBSERVED THAT?

13 A YES.

14 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE TO
15 ENTER STATE'S 12 THROUGH 24 INTO EVIDENCE.

16 THE COURT: LET HIM SEE THEM.

17 MR. JOHNSON: THANK YOU, YOUR HONOR.

18 (PAUSE.)

19 MR. JOHNSON: YOUR HONOR, AT THIS TIME I OBJECT TO
20 ALL OF THE PHOTOS BASED ON A PREVIOUS MOTION AND ALSO
21 PICTURES 22 THROUGH 24 LACK OF FOUNDATION.

22 THE COURT: LET ME SEE 22 AND 24. TWENTY-TWO, 24?

23 MR. JOHNSON: TWENTY-TWO, 23, 24. THERE IS NO
24 TESTIMONY ABOUT THAT, YOUR HONOR.

25 THE COURT: WELL, HE SAYS THEY'RE PHOTOS OF WHAT THEY

1 FOUND AFTER EXECUTING THE SEARCH WARRANT.

2 MR. JOHNSON: YOUR HONOR, THOSE SPECIFIC ITEMS WERE
3 ACTUALLY THE SUBJECT OF THE PRETRIAL -- MY MOTION THAT I
4 MENTIONED ON MY OBJECTION, AND IN ADDITION THERE WAS NO
5 TESTIMONY OFFERED ABOUT THOSE SPECIFIC ITEMS IN THOSE
6 THREE PHOTOS. THAT'S ALSO BASIS.

7 (STATE'S EXHIBITS 12 THROUGH 24 WERE ADMITTED INTO
8 EVIDENCE.)

9 THE COURT: OVERRULED.

10 MRS. YOUNG: ARE THEY ADMITTED INTO EVIDENCE?

11 THE COURT: YES, MA'AM, THEY ARE.

12 MRS. YOUNG: THANK YOU. MAY I HAVE HIM COME DOWN SO
13 WE CAN SHOW THEM ON THE LARGE SCREEN?

14 THE COURT: YES, MA'AM. MR. JOHNSON, YOU WANT TO
15 COME DOWN SO YOU CAN SEE?

16 MADAM JUROR ON THE FAR END, YOU RAISE YOUR HAND IF
17 YOU'RE UNABLE TO SEE, AND ANYONE ELSE.

18 THE JUROR: I CAN SEE.

19 THE COURT: LET ME KNOW IF ANYBODY HAS PROBLEMS
20 SEEING OR REMEMBERING. JUST KIDDING. A LITTLE LEVITY.

21 MRS. YOUNG: WHILE SHE'S DOING THAT, YOUR HONOR, FOR
22 CLARIFICATION I'M JUST GOING TO ASK ONE QUESTION.

23 THE COURT: YES, MA'AM.

24 Q ASIDE FROM THOSE ITEMS YOU TESTIFIED TO, WHAT OTHER
25 TYPES OF EVIDENCE WOULD YOU BE LOOKING FOR OR WERE YOU

1 LOOKING FOR THAT DATE?

2 A PAPERWORK ASSOCIATED WITH THE RESIDENCE TO DETERMINE
3 WHO LIVED THERE AND TO MAKE SURE THAT THE PEOPLE THAT THEY
4 SAID LIVED THERE LIVED THERE.

5 Q ALL RIGHT. AND WAS THAT ONE OF THE THINGS THAT YOU
6 TOOK INTO EVIDENCE THAT DAY?

7 A YES, A RENTAL AGREEMENT WITH DEFENDANT ANTONIO
8 MILLER'S NAME ON IT AND ALSO PAPERWORK WITH HIS WIFE'S
9 NAME ON IT.

10 Q ALL RIGHT. START WITH STATE'S EXHIBIT 12. I THINK
11 IT IS GOING TO BE ON THE BIG SCREEN. IF YOU JUST WANT TO
12 LOOK UP THERE.

13 A THAT'S THE RESIDENCE.

14 Q IS THAT THE FRONT OR THE BACK?

15 A THAT'S GOING TO BE THE FRONT OF THE RESIDENCE.

16 Q AND IT HAS THE HOUSE NUMBER ON IT.

17 A YES.

18 Q ALL RIGHT. HOW ABOUT STATE'S EXHIBIT 13?

19 A THAT'S GOING TO BE THE LIVING ROOM AREA.

20 Q STATE'S EXHIBIT 14?

21 A THAT'S THE MASTER BEDROOM.

22 Q AND YOU WENT THROUGH ALL OF THESE ROOMS AS PART OF
23 YOUR SEARCH WARRANT?

24 A CORRECT.

25 Q HOW ABOUT STATE'S 15?

1 A THAT'S THE CRACK COCAINE THAT WAS FOUND IN THE TOP
2 DRAWER.

3 Q AND WHAT ROOM WAS THAT IN?

4 A THE MASTER BEDROOM.

5 Q WAS THAT IN THAT ROOM IN THE PRIOR PICTURE?

6 A YES.

7 Q PINK ONE?

8 A YES.

9 Q HOW ABOUT STATE'S 16?

10 A THAT'S THE RENTAL AGREEMENT THAT WAS IN THE MIDDLE
11 DRAWER. THE SAME CHEST OF DRAWERS IN THE MIDDLE ABOVE THE
12 DRAWER THAT HAD THE CRACK.

13 Q ALL RIGHT. AND THAT WAS IN THE PINK ROOM?

14 A CORRECT.

15 Q HOW ABOUT STATE'S 17?

16 A THAT'S ALSO FOUND IN THE PINK ROOM. THE MIDDLE
17 DRAWER.

18 Q ALL RIGHT. AND TELL US WHAT IS SHOWN, PLEASE, IN
19 STATE'S EXHIBIT 18.

20 A THE CLOSET THAT WAS IN THE PINK ROOM.

21 Q HOW ABOUT STATE'S EXHIBIT 19?

22 A IT'S A 38 PISTOL I BELIEVE.

23 Q AND WHERE WAS THIS FOUND?

24 A IN THE TOP SHELF IN THE CLOSET IN THE PINK ROOM.

25 Q HOW ABOUT STATE'S 20?

1 A THE SAME GUN.

2 Q THE SAME GUN THAT WAS IN THE PRIOR PICTURE?

3 A CORRECT.

4 Q JUST A DIFFERENT ANGLE?

5 A DIFFERENT ANGLE.

6 Q HOW ABOUT STATE'S 21?

7 A TWO OTHER HANDGUNS THAT WERE FOUND ON THE SHELF IN
8 THE PINK ROOM IN THE MASTER BEDROOM.

9 Q AND ARE YOU AWARE OF ANY OTHER CONTRABAND ITEMS THAT
10 WERE SEIZED?

11 A YES, SOME TENNIS SHOES THAT WERE DEEMED TO BE
12 COUNTERFEIT.

13 Q THEY WERE -- SORRY -- COUNTERFEIT?

14 A YES.

15 Q WHAT IS SHOWN IN STATE'S 22?

16 A THE PICTURES OF THE SHOES THAT WERE TAKEN.

17 Q AND WHEN YOU TOOK ALL OF THIS STUFF, OTHER THAN
18 TAKING IT INTO EVIDENCE, WHAT DOES THAT MEAN? WHAT DOES
19 THAT...

20 A IT'S PLACED IN OUR EVIDENCE ROOM AND HELD UNTIL TRIAL
21 OR...

22 Q LET ME JUST GO BACK AND BE A LITTLE MORE BASIC. ON
23 THIS DAY BEFORE YOU GET TO THE EVIDENCE ROOM, WHAT DID DO
24 DO WITH ALL THE STUFF YOU DETAINED?

25 A WE PUT IT IN BAGS, IDENTIFY WHAT IT IS, WHERE IT CAME

1 FROM, WHO FOUND IT, CASE NUMBER, ADDRESS, DEFENDANT'S
2 NAME, THOSE KIND OF THINGS.

3 Q WHAT DID YOU DO WITH THE STUFF THAT YOU FOUND WHILE
4 YOU WERE IN THAT PROCESS?

5 A WE PUT IT IN BAGS, WROTE THE ITEMS DOWN ON THE SEARCH
6 WARRANT RETURN.

7 Q ALL RIGHT. AND YOU DID IT OUTSIDE?

8 A CORRECT.

9 Q ALL RIGHT. LET ME SHOW YOU WHAT'S SHOWN AS STATE'S
10 23.

11 A IT'S A PICTURE OF MOST -- OF EVERYTHING THAT WE FOUND
12 IN THE RESIDENCE.

13 Q AND THIS IS IN THE PROCEDURE THAT YOU'RE TALKING
14 ABOUT TAKING INTO EVIDENCE. IT APPEARS TO BE IN BAGS.

15 A CORRECT.

16 Q HOW ABOUT STATE'S 24?

17 A ONCE AGAIN, ALL OF THE ITEMS ALONG WITH THE SEARCH
18 WARRANT RETURN THAT WE TAKE BACK TO THE JUDGE.

19 Q ALL RIGHT. YOU CAN TAKE THE STAND.

20 A (COMPLIED.)

21 Q ALL RIGHT. INVESTIGATOR, I AM GOING TO SHOW YOU
22 WHAT'S BEEN MARKED AS STATE'S 25 FOR IDENTIFICATION
23 PURPOSES AND ASK CAN YOU IDENTIFY THAT WITHOUT SAYING WHAT
24 IT IS. JUST CAN YOU?

25 A YES, IT'S--

1 Q DON'T SAY WHAT IT IS YET.

2 A IT IS A PIECE OF PAPER WITH -- THAT MAY BE A CONTRACT
3 POSSIBLY.

4 Q AND WOULD THAT BE SOMETHING THAT YOU SEIZED IN YOUR
5 SEARCH WARRANT?

6 A YES.

7 Q AND IS THAT A FAIR AND ACCURATE COPY OF THE DOCUMENT
8 ITSELF?

9 A YES.

10 Q DID IT APPEAR TO BE CHANGED OR ALTERED IN ANY WAY?

11 A NO.

12 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE TO
13 ENTER STATE'S 25 INTO EVIDENCE.

14 MR. JOHNSON: OBJECT ON THE PREVIOUS MOTION, YOUR
15 HONOR.

16 THE COURT: OVERRULED. IT IS ENTERED AND INTRODUCED.

17 Q AND THAT'S THE RENTAL CONTRACT THAT YOU WERE
18 PREVIOUSLY REFERRING TO?

19 A YES.

20 (WHEREUPON, STATE'S EXHIBIT NO. 25 WAS ADMITTED INTO
21 EVIDENCE.)

22 Q WHAT DID YOU DO AT THE SCENE THAT DAY? DID YOU DO
23 ANYTHING ELSE AS FAR AS THIS INVESTIGATION?

24 A I READ HIM HIS MIRANDA RIGHTS AND I--

25 Q WHO?

1 A MR -- THE DEFENDANT, MR. ANTONIO MILLER, AND I
2 ADVISED HIM THAT WE FOUND--

3 Q BEFORE WE GO THROUGH ALL OF THE MOTIONS, DO YOU HAVE
4 ONE OF THOSE CARDS?

5 A NOT ON ME, BUT...

6 Q DO YOU WANT ME TO BRING YOU ONE FROM SOMEBODY ELSE?

7 A YES.

8 Q ARE THEY ALL THE SAME? I MEAN, DO YOU GET THESE IN
9 SOME -- IS THIS PART OF YOUR LAW ENFORCEMENT?

10 A YES.

11 Q DOES THAT LOOK SIMILAR TO THE ONE THAT YOU WOULD HAVE
12 USED ON THAT DATE?

13 A YES, MA'AM.

14 Q FOR PURPOSES OF THE RECORD, PLEASE TELL THE JUDGE AND
15 THE JURY WHAT YOU ADVISED MR. MILLER.

16 A YOU HAVE THE RIGHT TO REMAIN SILENT. ANYTHING YOU
17 SAY MAY BE USED AGAINST YOU IN COURT. YOU HAVE THE RIGHT
18 TO HAVE A LAWYER WITH YOU AND CONSULT HIM WHILE BEING
19 QUESTIONED. IF YOU CAN'T AFFORD A LAWYER, ONE WILL BE
20 APPOINTED FOR YOU WITHOUT ANY COST.

21 Q AND THAT'S WHAT YOU ADVISED MR. MILLER ON THAT DATE?

22 A YES.

23 Q DID HE APPEAR TO UNDERSTAND WHAT YOU WERE ADVISING
24 HIM OF?

25 A YES.

1 Q AT THAT POINT IN TIME WAS HE ALREADY UNDER ARREST?

2 A YES.

3 Q AND DID YOU MAKE HIM ANY PROMISES ABOUT MAKING A
4 STATEMENT TO YOU?

5 A NO.

6 Q DID YOU THREATEN HIM?

7 A NO.

8 Q DID YOU COERCE HIM IN ANY WAY?

9 A NO.

10 Q HE AGREED TO TELL YOU SOMETHING --

11 A YES.

12 Q -- OR GIVE YOU FURTHER INFORMATION?

13 A RIGHT.

14 Q TELL US ABOUT THAT.

15 A CAME OUT, I TOLD HIM THAT WE FOUND DRUGS AND WEAPONS
16 IN THE -- IN THE HOME AND THAT WE NEEDED TO KNOW WHO THEY
17 BELONGED TO, IF NOT, HE AND HIS WIFE WOULD BOTH BE
18 ARRESTED FOR THE ITEMS FOUND.

19 Q AND WHY--

20 A DURING THAT TIME THAT HE STATED THAT THEY WERE HIS,
21 AND WITH US WE HAVE TO TELL US MORE THAN JUST, IT'S OURS.
22 YOU HAVE TO TELL US WHERE IT IS -- EXCUSE ME -- WHERE IT
23 WAS AND HOW MUCH OR HOW MANY, AND HE SAID IT WAS IN THE
24 MASTER BEDROOM IN THE TOP DRAWER, THE CRACK WAS, AND THERE
25 SHOULD BE THREE HANDGUNS IN THE CLOSET IN THE MASTER

1 BEDROOM ON THE SHELF.

2 Q AND HE TOLD YOU THAT AFTER YOU HAD FOUND THE ITEMS IN
3 THE LOCATIONS?

4 A CORRECT.

5 MRS. YOUNG: GIVE ME ONE SECOND, YOUR HONOR.

6 Q INVESTIGATOR JORDAN, YOU STATED THERE WERE THREE GUNS
7 FOUND?

8 A CORRECT.

9 Q AND DO YOU RECALL WHAT TYPE THEY WERE?

10 A IT WAS A 38 TIGER TITAN, A GLOCK .40 CALIBER, AND
11 HI-POINT 9-MILLIMETER.

12 Q AND YOU STATED YOU WERE IN CHARGE OF TAKING IT INTO
13 EVIDENCE?

14 A YES.

15 Q AND RECORDING DOWN WHAT YOU FOUND?

16 A YES.

17 Q AND DID YOU MAKE A RECORD OF THE SERIAL NUMBERS ON
18 THE GUNS?

19 A YES.

20 Q AND DID YOU WRITE THAT ON A PIECE OF PAPER?

21 A ON THE SEARCH WARRANT RETURN.

22 Q DO YOU REMEMBER THAT OFF THE TOP OF YOUR HEAD?

23 A P1251546.

24 Q ALL RIGHT. DO YOU REMEMBER THE OTHERS ONES?

25 A NO.

1 Q DO YOU REMEMBER WHICH WAS WHICH?

2 A THAT WAS THE HIGH POINT.

3 Q ALL RIGHT. HOW ABOUT THE GLOCK 40 CAL? IF I SHOWED
4 YOU YOUR RETURN, WOULD THAT REFRESH YOUR RECOLLECTION?

5 A YES.

6 A THE TITAN TIGER 38 SPECIAL, SERIAL NUMBER 41026, GRAY
7 IN COLOR, A BLACK .40 CALIBER GLOCK PISTOL, ENF296.

8 Q NO FURTHER QUESTIONS.

9 THE COURT: MR. JOHNSON.

10 MR. JOHNSON: THANK YOU, YOUR HONOR.

11 CROSS-EXAMINATION

12 BY MR. JOHNSON:

13 Q OFFICER, DID YOU BOTHER TO CONTROL WHO WAS MOVING
14 AROUND THAT SCENE?

15 A MY CONCERN WAS THE ACTUAL RESIDENCE WHICH WE KNEW NO
16 ONE WAS IN FROM HIS WIFE WHEN SHE GOT THERE, NO ONE SHOULD
17 BE IN THE HOME. SO EVERYONE ELSE, NO.

18 Q NOW, THIS WAS AT THE BACK DOOR OF THE RESIDENCE?

19 A UH-HUH.

20 Q SO THERE'S A FRONT DOOR?

21 A CORRECT.

22 Q DID YOU HAVE SOMEONE GUARD THE FRONT DOOR WHEN YOU
23 GOT THERE?

24 A THERE WAS NO ONE THERE TO MY KNOWLEDGE, NO.

25 Q YOU DIDN'T HAVE ANYBODY GUARD IT?

1 A NO.

2 Q SO HOW MANY PEOPLE OF THESE SUSPICIOUS PEOPLE THAT
3 WERE TESTIFIED ABOUT WERE MILLING AROUND THE BACK PORCH,
4 HOW MANY WERE THERE?

5 A I CAN'T BE SPECIFIC ON THE NUMBER, SIR.

6 Q DID YOU BOTHER TO TAKE DOWN THEIR NAMES?

7 A NO, SIR, I DIDN'T.

8 Q DID ANYBODY?

9 A I'M SURE SOMEONE DID, BUT I MEAN, IT WASN'T ME.

10 Q DID YOU BRING ANY CONTACT CARDS TODAY TO INDICATE WHO
11 WAS CONTACTED AT THE SCENE?

12 A I DIDN'T FILL ANY OF THOSE CARDS OUT.

13 Q DID YOU BOTHER TO RECORD ANY OF YOUR CONVERSATIONS
14 WITH MR. MILLER?

15 A NO, SIR, WE DON'T DO THAT.

16 Q WHAT IS YOUR JOB?

17 A INVESTIGATOR WITH THE SHERIFF'S DEPARTMENT.

18 Q INVESTIGATORS DON'T RECORD CONVERSATIONS?

19 A NOT AUDIO, NO.

20 Q NEVER?

21 A WE DON'T.

22 Q OKAY. SO YOU DON'T HAVE SHIRT MICS?

23 A THE ROAD UNITS DO, YES.

24 Q AND Y'ALL DON'T HAVE VIDEO CAMERAS?

25 A THE ROAD UNITS DO.

1 Q AND YOU DON'T HAVE LITTLE HAND-HELD RECORDERS?

2 A WE DO, YES.

3 Q OKAY. WHAT ARE THOSE FOR?

4 A THEY ARE, FOR RECORDING BUT NOT FOR DURING THAT
5 PARTICULAR TIME.

6 Q WHAT DO THEY RECORD?

7 A WE RECORD PHONE CONVERSATIONS WHEN WE MAKE -- DURING
8 THE TIMES OF NARCOTICS, SO WE MAKE PRETEXT PHONECALLS, SO
9 THEY'RE USED FOR THAT.

10 Q AND NOTHING ELSE?

11 A THEY'RE USED FOR CI'S WHEN THEY GO IN TO MAKE BUYS AS
12 A BACKUP DEVICE.

13 Q AND NOTHING ELSE?

14 A WE DON'T RECORD INTERVIEWS, SIR.

15 Q AND YOU CERTAINLY -- YOU DIDN'T SEE ANYONE ELSE
16 TRYING TO RECORD STATEMENTS THAT DAY; DID YOU?

17 A NO, SIR.

18 Q AND HOW MANY PEOPLE CAME IN AND OUT THE FRONT DOOR?

19 A I CAN'T TELL YOU THAT, SIR. I WAS--

20 Q HOW MANY PEOPLE -- OH, I'M SORRY.

21 A I WAS IN THE BACK.

22 Q OKAY. HOW MANY PEOPLE OUT THAT SUSPICIOUS GROUP IN
23 THE BACK WENT IN AND OUT THE BACK DOOR?

24 A NONE TO MY KNOWLEDGE.

25 Q WERE YOU GUARDING THE BACK DOOR?

1 A I WAS IN CLOSE PROXIMITY. NOBODY WAS ALLOWED TO GO
2 INTO THAT RESIDENCE FROM THE BACK.

3 Q WAS IT YOUR JOB TO MAKE SURE NOBODY WENT IN THAT
4 DOOR?

5 A IT WAS EVERYONE'S JOB. WE CONTROLLED THE SCENE. WE
6 HAD EVERYONE SECURE.

7 Q WHEN YOU WERE MAKING PHONECALLS AND TALKING TO PEOPLE
8 AND INTERVIEWING PEOPLE, COULD YOU WATCH THAT DOOR AT ALL
9 TIMES?

10 A I WASN'T MAKING ANY PHONECALLS.

11 Q WERE YOU TALKING TO MR. MILLER?

12 A I DIDN'T TALK TO HIM.

13 Q YOU DIDN'T TALK TO MR. MILLER?

14 A AFTER THE -- AFTER THE FACT, YES.

15 Q BEFORE THE FACT. BEFORE YOU EXECUTED THE SEARCH
16 WARRANT YOU'RE TELLING ME YOU STOOD THERE AND WATCHED THE
17 BACK DOOR THE WHOLE TIME?

18 A I DIDN'T SAY THAT.

19 Q OKAY. SO IT WASN'T WATCHED THE WHOLE TIME.

20 A MAYBE NOT BY ME BUT EVERYONE --

21 Q ALL RIGHT.

22 A -- WAS WATCHING IT.

23 Q ALL RIGHT. IS THAT AN ASSUMPTION THAT YOU'RE MAKING?

24 A NO, SIR.

25 Q DO YOU HAVE A RECORD THAT SAYS THAT?

- 1 A NO, SIR.
- 2 Q WHO IS RICKY JONES?
- 3 A I DON'T KNOW, SIR.
- 4 Q ARE YOU AWARE THAT HE'S AN INDIVIDUAL NAMED IN A
5 REPORT BY A FELLOW OFFICER FROM THIS INCIDENT?
- 6 A I'M AWARE OF THAT.
- 7 Q WHO IS THE MYSTERIOUS PERSON IN AIKEN COUNTY THAT
8 TALKED TO THE OTHER INVESTIGATOR, BROWN?
- 9 A I DON'T KNOW, SIR.
- 10 Q HOW MANY TIMES ARE -- ARE YOU AWARE HOW MANY TIMES
11 MELVIN CUMMINGS WENT INTO THAT RESIDENCE 5520 PRIOR TO
12 THIS INCIDENT?
- 13 A NO, SIR.
- 14 Q DID YOU ASK HIM ABOUT IT?
- 15 A I DIDN'T SPEAK WITH HIM.
- 16 Q DID ANYBODY ASK HIM ABOUT IT?
- 17 A I'M NOT SURE, SIR.
- 18 Q WERE ANY OF THOSE PEOPLE IN THAT GROUP BY THE BACK
19 DOOR FRIENDS WITH MELVIN CUMMINGS?
- 20 A THEY WERE ALL TOGETHER, SO I WOULD GUESS THEY WERE
21 ALL FRIENDS. I DON'T KNOW.
- 22 Q WERE YOU AWARE OF THE FACT THAT OFFICER BROWN
23 CONTACTED THIS MYSTERIOUS PERSON IN AIKEN BECAUSE HE
24 STATED MELVIN CUMMINGS WAS A POTENTIAL SUSPECT WITH THIS
25 DRUGS THAT WERE LOCATED IN A CAR -- THE SUSPECTED CRACK

1 COCAINE. WERE YOU AWARE OF THAT?

2 A NO, IT WASN'T LIKE THAT. HE CALLED TO SEE IF HIS
3 INFORMANT KNEW OF MR. CUMMINGS.

4 Q RIGHT. AFTER HE SAID HE FOUND SUSPECTED CRACK
5 COCAINE IN THE CAR.

6 A TO TRY TO SEE WHAT TYPE OF PERSON HE WAS AS FAR AS
7 WAS HE A BIG TIME DRUG DEALER, MID LEVEL OR STREET LEVEL.

8 Q SO, DID YOU MAKE THE CONNECTION THAT IF MELVIN
9 CUMMINGS IS BEING INVESTIGATED FOR CRACK COCAINE RIGHT
10 OUTSIDE 5520, MAYBE YOU SHOULD ASK HIM OR SOMEBODY SHOULD
11 ASK HIM ABOUT THE CRACK COCAINE INSIDE 5520?

12 A NO.

13 Q NO? DID YOU EVER SUGGEST PURSUING THE IDENTITY OF
14 THE MYSTERIOUS SUBJECT IN AIKEN WHO KNEW ABOUT THE MURDER?

15 A NO, SIR. I WASN'T WORKING THE MURDER.

16 MR. JOHNSON: NO MORE QUESTIONS, YOUR HONOR.

17 THE COURT: REDIRECT?

18 REDIRECT EXAMINATION

19 BY MRS. YOUNG:

20 Q DID YOU FIND ANY PAPERWORK IDENTIFYING MELVIN
21 CUMMINGS INSIDE 5520 MAIN STREET?

22 A I DID NOT.

23 THE COURT: ALL RIGHT. MR. JORDAN, YOU MAY STEP
24 DOWN. YOU ARE RELEASED FROM YOUR SUBPOENA. EVERYBODY
25 OKAY? WANT TO GO ONE MORE WITNESS? NEXT WITNESS.

1 MRS. YOUNG: THE STATE CALLS INVESTIGATOR ANTHONY
2 BRANHAM.

3 ANTHONY BRANHAM, AFTER BEING DULY SWORN,
4 TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION

6 BY MRS. YOUNG:

7 Q WERE YOU ALSO EMPLOYED AT RICHLAND COUNTY SHERIFF'S
8 OFFICE?

9 A I AM.

10 Q IN WHAT CAPACITY?

11 A SENIOR INVESTIGATOR. I AM CURRENTLY ASSIGNED TO THE
12 FINANCIAL CRIMES UNIT.

13 Q AND WERE YOU ALSO WORKING THERE ON SEPTEMBER 15TH OF
14 2008?

15 A YES, MA'AM, I WAS, IN THE CAPACITY OF A NARCOTICS
16 INVESTIGATOR.

17 Q AND DID YOU HAVE SOME INVOLVEMENT WITH THIS 5520
18 NORTH MAIN STREET INVESTIGATION?

19 A I DID. I WAS NOTIFIED BY INVESTIGATOR CRANE THAT I
20 MAYBE NEEDED -- SOME MORE MANPOWER MAY BE NEEDED TO ASSIST
21 IN A POSSIBLE SEARCH WARRANT AT THAT LOCATION.

22 Q ALL RIGHT. AND WHAT DID YOU DO AS A RESPONSE -- IN
23 RESPONSE I SHOULD SAY.

24 A I DROVE TO THAT LOCATION AND MADE CONTACT WITH THE
25 OTHER OFFICERS ON SCENE.

1 Q AND DID YOU GET INFORMATION -- WITHOUT SAYING WHAT IT
2 WAS -- WHEN YOU MADE CONTACT, THAT MEANS YOU TALKED TO HIM
3 ABOUT WHAT'S GOING ON?

4 A RIGHT. I SPOKE WITH THE OFFICERS AND FOUND OUT THAT
5 DRUGS AND GUNS HAD BEEN LOCATED IN SOME VEHICLES ON THE
6 OUTSIDE OF THE RESIDENCE AND THEN ASKED INVESTIGATOR CRANE
7 TO SECURE A SEARCH WARRANT AND -- FOR THE RESIDENCE.

8 Q SO YOU WERE ARRIVING TO ASSIST AND EXECUTE IN A
9 SEARCH WARRANT?

10 A THAT IS CORRECT.

11 Q IS A FANCY WAY OF SAYING SEARCHING THE HOUSE?

12 A RIGHT. THEY ASKED ME TO COME HELP SEARCH.

13 Q AND DID YOU IN FACT DO THAT?

14 A I DID.

15 Q AND WHAT DID YOU OBSERVE IN THE RESIDENCE THAT MIGHT
16 BE CONTRABAND IF YOU DID OBSERVE ANYTHING?

17 A I WALKED THROUGH. INVESTIGATOR JORDAN HAD ADVISED ME
18 OF K-9 ALERTS IN THE RESIDENCE, SPECIFICALLY THE MASTER
19 BEDROOM AREA OF THE HOUSE. I WENT INTO THE MASTER BEDROOM
20 AND THERE WE FOUND SOME PAPERWORK AND ALSO A LARGE BAG
21 THAT APPEARED TO CONTAIN CRACK COCAINE AND WE ALSO FOUND
22 THREE WEAPONS INSIDE THE MASTER BEDROOM CLOSET.

23 AND WHILE INVESTIGATOR JORDAN WAS SECURING THOSE
24 ITEMS OR LOOKING THROUGH -- LOOKING OVER THEM TO SEE WHAT
25 WE HAD, I WENT BACK OUTSIDE AND SECURED A CAMERA FROM

1 INVESTIGATOR BROWN TO TAKE PICTURES OF THOSE ITEMS.

2 Q AND THOSE WOULD BE THE ITEMS THAT YOU FOUND INSIDE OF
3 THE RESIDENCE?

4 A WELL, OTHER THAN THOSE--

5 Q OR THAT WERE FOUND?

6 A RIGHT.. IN THE MASTER BEDROOM FOUND THOSE ITEMS.
7 FOUND SOME ASSORTED PARAPHERNALIA IN THE KITCHEN AREA
8 ALONG WITH--

9 MR. JOHNSON: OBJECTION, YOUR HONOR, AT THIS TIME
10 BASED ON A PREVIOUS MOTION..

11 THE COURT: OVERRULED.

12 THE WITNESS: FOUND SOME DRUG PARAPHERNALIA AND ALSO
13 I FOUND TWO PAIRS OF SHOES WHICH I DEEMED TO BE
14 COUNTERFEIT.

15 Q DID YOU HAVE SOME SORT OF TRAINING? HOW DO YOU KNOW
16 WHAT COUNTERFEIT SHOES ARE?

17 A I WAS TRAINED ALONG WITH A COUPLE OF THE OTHER
18 OFFICERS AT RICHLAND COUNTY BY THE SECRETARY OF STATE'S
19 OFFICE. THEY'RE IN CHARGE OF I GUESS THOSE PERSONS WHO
20 APPLY FOR TRADEMARKS IN THE STATE, AND THEY TRAINED US TO
21 IDENTIFY ITEMS THAT HAVE COUNTERFEIT TRADEMARKS LIKE NIKE,
22 COACH, AND THOSE SORT OF THINGS, AND ALSO WE WORK CLOSELY
23 WITH A GENTLEMAN FROM BLAZER INVESTIGATIONS WHO ALSO
24 ASSISTED IN THE TRAINING. HE IS HIRED SPECIFICALLY BY
25 NIKE AND SOME OF THE OTHER HIGH-BRAND FASHION NAME BRANDS,

1 AND HE ALSO ASSISTED IN THAT TRAINING AS WELL.

2 Q INVESTIGATOR BRANHAM, I AM GOING TO SHOW YOU STATE'S
3 EXHIBIT 22, WHICH IS ALREADY ENTERED INTO EVIDENCE, AND
4 ASK IF YOU RECOGNIZE THAT.

5 A YES, MA'AM. IT IS STATE'S EXHIBIT NO. 22 IS A
6 PICTURE OF THE TWO -- TWO PAIRS OF COUNTERFEIT NIKES THAT
7 WERE REMOVED FROM THE RESIDENCE.

8 Q THAT'S WHAT YOU WERE TESTIFYING ABOUT PREVIOUSLY?

9 A YES, MA'AM.

10 Q AT SOME POINT IN TIME DID SOMEBODY OR DID PEOPLE FROM
11 AIKEN COUNTY ARRIVE AT THIS LOCATION?

12 A THEY DID.

13 Q AND SOME TIME LATER WERE YOU INVOLVED IN SIGNING OVER
14 SOME ITEMS TO AIKEN COUNTY SHERIFF'S OFFICE?

15 A YES, MA'AM. I HAD TAKEN THOSE ITEMS AND SEVERAL
16 OTHER ITEMS OUTSIDE OF THE RESIDENCE AND GIVEN THEM TO
17 INVESTIGATOR JORDAN TO ADD TO THE SEARCH WARRANT AS PART
18 OF THE SEARCH WARRANT RETURN. AND SOMETIME LATER WHEN THE
19 AIKEN COUNTY INVESTIGATORS ARRIVED ON THE SCENE, A FEW OF
20 THE ITEMS THEY SHOWED INTEREST IN AND THEY WERE ASSIGNED
21 OVER TO THEM VIA ONE OF OUR CHAIN OF CUSTODY -- CUSTODY
22 FORMS.

23 Q THAT JUST MEANS YOU FILL OUT PAPERWORK AND THEN GIVE
24 THEM THE ITEMS?

25 A IT CREATES A PAPER TRAIL, YES, MA'AM, OF WHERE THE

1 ITEMS WENT FROM POINT A TO POINT B.

2 Q AND YOU DID THAT IN THIS PARTICULAR CASE?

3 A I DID.

4 Q SPECIFICALLY THOSE THREE GUNS THAT INVESTIGATOR
5 JORDAN TESTIFIED?

6 A YES, MA'AM.

7 Q AND THE SHOES?

8 A YES, MA'AM.

9 Q NO FURTHER QUESTIONS.

10 THE COURT: CROSS?

11 CROSS-EXAMINATION

12 BY MR. JOHNSON:

13 Q OFFICER, HOW MANY OTHER NAMES WERE FOUND IN DOCUMENTS
14 OR DIFFERENT ITEMS AT 5520 NORTH MAIN STREET OF OTHER
15 PEOPLE?

16 A OTHER PEOPLE? NAMES ON DOCUMENTS?

17 Q OR ANYTHING.

18 A I'M NOT AWARE OF ANY OTHER PERSONS.

19 Q YOU'RE NOT AWARE OF A PILL BOTTLE THAT WAS LOCATED
20 AND TAKEN INTO CUSTODY BY YOUR DEPARTMENT THAT HAD THE
21 NAME OF ANOTHER PERSON OTHER THAN MR. AND MRS. MILLER?

22 A I DO NOT RECALL THAT. NO, SIR.

23 Q ALL RIGHT. THE REPORTS THAT YOU KEEP AND YOUR
24 RECORDS, ARE THOSE ACCURATE?

25 A AS ACCURATE AS THEY CAN -- WE CAN MAKE THEM. YES,

1 SIR.

2 Q DOES THAT MEAN THEY'RE ACCURATE OR NOT ACCURATE?

3 A THEY'RE NORMALLY MADE A -- DAYS AFTER AN EVENT
4 OCCURRED, AND YOU TRY TO RECOLLECT THE BEST YOU CAN TO
5 FORMULATE YOUR REPORT.

6 Q WELL, WHEN YOU WERE SEARCHING 5520 NORTH MAIN, DID
7 YOU SEARCH THAT WITH AIKEN COUNTY, WITH AN INVESTIGATOR
8 FROM AIKEN COUNTY?

9 A WHEN I FIRST -- WHEN WE FIRST CONDUCTED THE SEARCH OF
10 THE RESIDENCE I CONDUCTED IT WITH INVESTIGATOR JORDAN AND
11 I BELIEVE A COUPLE OF OTHER UNIFORMED OFFICERS FROM
12 RICHLAND COUNTY. LATER AFTER AIKEN COUNTY INVESTIGATORS
13 SHOWED INTEREST IN SOME OF THE ITEMS THAT WERE TAKEN OUT,
14 I DID WALK THROUGH THE RESIDENCE WITH THEM.

15 Q WELL, ISN'T IT TRUE THAT YOU INVESTIGATED AND
16 SEARCHED THE RESIDENCE WITH AIKEN COUNTY AND THEN SEIZED
17 THE SHOES YOU MENTIONED?

18 A THE SHOES WERE SEIZED PRIOR TO THEM ENTERING INTO THE
19 RESIDENCE. THEY WERE TAKEN OUT OF THE HOUSE PRIOR TO
20 AIKEN COUNTY BEING INSIDE.

21 Q ALL RIGHT. BUT YOU REPORTED DIFFERENTLY. YOU
22 REPORTED THAT AIKEN COUNTY WENT IN AND SEIZED THE SHOES
23 ALONG WITH RICHLAND COUNTY; RIGHT?

24 A THAT'S HOW MY REPORT READS, YOU'RE RIGHT.

25 THE COURT: MR. JOHNSON, HOLD ON ONE SECOND.

1 MR. SOLICITOR, MAY I SEE YOU?

2 (WHEREUPON, A BENCH CONFERENCE WAS HELD WITH
3 SOLICITOR THURMOND.)

4 THE COURT: YOU MAY CONTINUE.

5 MR. JOHNSON: THANK YOU, YOUR HONOR.

6 Q SO YOUR REPORT SAYS SOMETHING DIFFERENT?

7 A THAT'S CORRECT.

8 Q HOW MANY OTHER POINTS ON YOUR REPORT ARE INACCURATE?

9 A NONE.

10 Q ARE YOU SURE?

11 A YES. DURING THE TIME THAT AIKEN COUNTY INVESTIGATORS
12 BECAME INVOLVED, THEY SHOWED INTEREST IN THE SHOES AND THE
13 GUNS, I WAS ALSO BEING PULLED AWAY AT THE TIME TO
14 INTERVIEW ANOTHER SUBJECT THAT WAS BEING DETAINED AT THE
15 SCENE.

16 Q ALL RIGHT. NOW, ARE YOU AWARE OF MR. TUCKER BEING
17 IDENTIFIED AS THE COUSIN OF MR. CUMMINGS?

18 A YES, SIR. THAT'S WHAT HE INDICATED TO ME IN BOTH A
19 VERBAL AND A WRITTEN STATEMENT AFTER BEING MIRANDIZED.

20 Q ALL RIGHT. AND YOU'RE AWARE THAT MR. CUMMINGS HAD AN
21 ADDRESS IN AIKEN?

22 A I DID NOT KNOW WHAT HIS ADDRESS WAS IN AIKEN AT THE
23 TIME, BUT I KNEW HE DID HAVE TIES TO THE -- TO THIS AREA.

24 Q AND DID YOU DO ANYTHING TO FOLLOW UP AND INVESTIGATE
25 THIS MYSTERIOUS INDIVIDUAL IN AIKEN COUNTY WHO WAS AWARE

1 OF THE MURDER?

2 A ARE YOU SPEAKING OF WHAT INVESTIGATOR BROWN HAD
3 TESTIFIED TO EARLIER?

4 Q ARE THERE MORE MYSTERIOUS INDIVIDUALS THAT YOU'RE
5 AWARE OF THAT ARE AWARE OF THIS MURDER?

6 A THE FIRST TIME I HAD HEARD ABOUT THIS PHONECALL WAS
7 LONG AFTER I HAD BEEN INVOLVED IN THE SEARCH WARRANT, THE
8 FOLLOW-UP STATEMENT TAKEN FROM MR. CUMMINGS, AND IT WAS
9 DURING THE COURT PREPARATION THAT I -- I DIDN'T KNOW THERE
10 WAS A TIE TO A MURDER UNTIL THE AIKEN COUNTY OFFICERS
11 STARTED SHOWING UP. I THOUGHT WE WERE JUST DOING A
12 REGULAR DRUG SEARCH WARRANT AT THE RESIDENCE.

13 Q OKAY. WERE YOU AWARE THAT AIKEN COUNTY INDICATED
14 THEY WERE DOING A TRACK ON A SUBJECT FROM THE SCENE?

15 A I WAS TOLD BY ONE OF THE INVESTIGATORS THAT CAME OUT
16 TO 5520 NORTH MAIN STREET THAT THERE WAS SOME TYPE OF
17 COMMAND POST SET UP HERE IN AIKEN OUTSIDE OF A SCENE OF A
18 MURDER BUT I WASN'T MADE PRIVY TO ANY INFORMATION ABOUT
19 SUSPECTS BEING TRACKED OR ANY OF THAT INFORMATION.

20 Q OKAY. AND THAT MEANS DOG TRACKED?

21 A I DON'T KNOW IF THEY WERE MAN TRACKING THEM OR
22 USING -- USING DOGS. I'M NOT SURE. I WASN'T MADE PRIVY
23 TO THAT INFORMATION.

24 Q ALL RIGHT. WHEN YOU WERE ON THE SCENE, DID YOU --
25 YOU SAID YOU WENT IN AND SEARCHED 5520?

1 A YES.

2 Q OKAY. AND YOU WENT IN WHICH DOOR?

3 A I WENT IN THE REAR DOOR.

4 Q OKAY. WHO WENT IN THE FRONT DOOR?

5 A I BELIEVE THAT WE USED THE REAR ENTRANCE AS A -- AS
6 THE WAY THAT WE ENTERED TO DO THE SEARCH WARRANT, TO
7 EXECUTE THE SEARCH WARRANT.

8 Q HOW MANY OF THOSE SUSPICIOUS INDIVIDUALS CAME AND
9 WENT THROUGH THE FRONT DOOR?

10 A WHEN I ARRIVED THERE WERE ONLY THREE OR FOUR PEOPLE
11 THERE THAT WERE BEING DETAINED FOR CHARGES. THERE WASN'T
12 A LARGE GROUP OF PEOPLE WHEN I ARRIVED. I DIDN'T SEE
13 ANYBODY GO IN AND OUT THE FRONT DOOR TO ANSWER YOUR
14 QUESTION.

15 Q WERE YOU WATCHING THE FRONT DOOR?

16 A I WAS IN THE REAR, NO. I WASN'T WATCHING THE FRONT
17 DOOR.

18 Q OKAY. WAS THERE SUFFICIENT TIME BETWEEN WHEN YOU
19 WERE CALLED AND WHEN YOU GOT THERE FOR SOMEONE TO WALK IN
20 THE FRONT DOOR AND DROP DRUGS OR GUNS OR SHOES?

21 A THAT WOULD CALL FOR CONJECTURE ON MY PART AND I AM
22 NOT WILLING TO --

23 Q OKAY.

24 A -- MAKE A GUESS.

25 Q WELL, LET'S GET SPECIFIC. HOW -- WHEN WERE YOU FIRST

1 NOTIFIED TO COME OUT TO 5520?

2 A I'M NOT SURE OF THE EXACT TIME, BUT APPARENTLY
3 INVESTIGATORS BROWN AND JORDAN HAD BEEN ON SCENE FOR QUITE
4 SOME TIME BEFORE THEY ASKED FOR MY ASSISTANCE TO COME OUT
5 THERE OR I WAS ASKED TO COME OUT AND ASSIST WITH THE
6 SEARCH WARRANT.

7 Q WELL, HOW LONG DID IT TAKE YOU TO GET OUT THERE?

8 A FIFTEEN, 20 MINUTES. MAYBE 30 MINUTES.

9 Q ALL RIGHT. AND DID YOU TALK TO ANY OF THE OFFICERS
10 THAT YOU JUST MENTIONED ABOUT, HEY GUYS, ANYBODY WATCHING
11 THAT FRONT DOOR? I AM ABOUT TO GO IN THE BACK?

12 A NO, SIR. I WAS MORE CONCERNED ABOUT WHAT THEY NEEDED
13 ME TO DO AND WHAT MY ASSIGNMENT WOULD BE AS PART OF THE
14 SEARCH OF THE RESIDENCE.

15 Q IS IT IMPORTANT TO SECURE A SCENE OR RESIDENCE BEFORE
16 YOU SEARCH IT?

17 A WITH THAT MANY OFFICERS ON SCENE, AND I KNOW THEY --
18 THEIR TRAINING, I GUESS I ASSUMED THAT THAT HOUSE WAS
19 SECURE. I WAS TOLD THAT THE HOUSE WAS BEING HELD FOR A
20 SEARCH WARRANT WHICH WOULD MEAN THAT IT WAS BEING SECURED.

21 Q SO IT'S IMPORTANT TO DO THAT?

22 A YES, SIR.

23 Q OKAY.

24 A ON MY SCENE IT WOULD BE, YES, SIR.

25 Q OKAY. WHO WAS WATCHING THE FRONT DOOR?

1 A I HAVE NO IDEA. I WASN'T ASSIGNED TO THAT, SO I'M
2 NOT SURE WHO WAS WATCHING IT.

3 Q DID YOU BRING ANY CONTACT CARDS OR A LIST OF ANYBODY
4 THAT WAS THERE?

5 A NO, SIR. ALL OF THE PERSONS THAT WERE THERE WHEN I
6 ARRIVED HAD PENDING CHARGES AND THERE WAS NO NEED TO BREAK
7 OUT THE CONTACT CARDS.

8 Q DID YOU SAY YOU KNEW WHETHER OR NOT OR DO YOU KNOW
9 WHETHER OR NOT -- WHO IS RICKY JONES?

10 A I DIDN'T MAKE CONTACT WITH A RICKY JONES.

11 Q DO YOU KNOW IF THE MYSTERIOUS INDIVIDUAL IN AIKEN
12 COUNTY HAS DREADS?

13 A ARE WE REFERRING BACK TO MR. BROWN'S INFORMANT?

14 Q UNLESS--

15 THE COURT: WAIT A MINUTE. HOLD ON A SECOND. DO YOU
16 KNOW IF A MYSTERIOUS INDIVIDUAL IN AIKEN COUNTY HAD
17 DREADS.

18 MR. JOHNSON: NO, THE ONE THAT WAS NAMED.

19 THE COURT: WELL THEN, ASK THE QUESTION RIGHT.

20 Q THE MYSTERIOUS INDIVIDUAL THAT WAS IN CONTACT WITH
21 AGENT OR INVESTIGATOR BROWN, I'M ASSUMING THAT THAT'S THE
22 ONLY MYSTERIOUS INDIVIDUAL Y'ALL HAD CONTACT WITH FROM
23 AIKEN COUNTY WHO IS UNNAMED WHO INFORMED HIM OF THE
24 MURDER; THAT PERSON HAVE DREADS?

25 A ONCE AGAIN AS I TESTIFIED TO EARLIER, I WASN'T MADE

1 PRIVY TO THAT INFORMATION UNTIL COURT -- COURT PREP WAS
2 BEING CONDUCTED.

3 Q YOU TALKED TO MR. CUMMINGS?

4 A I DID. EXTENSIVELY.

5 Q DID HE SEEM UPSET?

6 A HE WAS VISIBLY UPSET AND SHAKEN? HE INDICATED TO ME
7 THAT--

8 Q WELL, YOU CAN'T TALK ABOUT WHAT OTHER PEOPLE ARE
9 SAYING.

10 A I WAS JUST GOING TO TESTIFY TO WHAT I HAD SEEN--

11 Q RIGHT. RIGHT. I'M JUST--

12 THE COURT: NO, SIR. JUST LET HIM ASK THE QUESTIONS.
13 HE'LL ASK YOU WHAT HE WANTS.

14 Q OFFICER HAM, THAT FIRST -- WAS HE ONE OF THE FIRST
15 OFFICERS THAT SHOWED UP?

16 A IT WAS MY UNDERSTANDING THAT HE HAD MADE THE INITIAL
17 TRAFFIC STOP AND ARRIVED ON SCENE ALL AT THE SAME TIME TO
18 INVESTIGATE THIS BREACH OF TRUST VEHICLE.

19 Q OKAY. AND THERE IS NO RECORD OF HIM BOTHERING TO GET
20 RECORDS OF WHO WAS THERE AND WHO WAS GUARDING THE FRONT
21 DOOR THAT YOU'RE AWARE OF.

22 A I'M NOT AWARE OF ANY, NO, SIR.

23 Q OKAY.

24 MR. JOHNSON: NO MORE QUESTIONS, YOUR HONOR.

25 THE COURT: REDIRECT?

1 MRS. YOUNG: NONE, YOUR HONOR.

2 THE COURT: YOU MAY STEP DOWN.

3 (WITNESS LEFT THE STAND.)

4 THE COURT: ALL RIGHT. LET'S TAKE A MORNING BREAK.

5 MRS. BARBARA, GET THEM A MENU FROM THE BOWERY AND LET THEM

6 ORDER WHAT THEY WANT. Y'ALL PLEASE DON'T DISCUSS THE

7 CASE. DON'T START ANY DELIBERATING. I AM GOING TO LET

8 YOU ORDER SOME LUNCH FROM THE BOWERY. WE WILL PROBABLY

9 HAVE IT DELIVERED HERE. YOU CAN EAT IT OUTSIDE, IT'S

10 PRETTY OUTSIDE, OR EITHER IN HERE OR HOWEVER YOU WANT TO

11 DO IT. AND ONCE YOU GET THROUGH EATING, WE'LL SET A TIME

12 TO BE BACK UNLESS YOU WANT TO GO EAT LUNCH ON YOUR OWN.

13 WOULD YOU RATHER ME BUY YOUR LUNCH OR WOULD YOU RATHER--

14 THE JUROR: BUY.

15 THE COURT: YOU REMEMBER THAT?

16 (WHEREUPON, THE JURY EXITED THE COURTROOM AT 10:56

17 AM.)

18 THE COURT: MA'AM, WE'VE HANDLED YOUR SITUATION.

19 ANYTHING FROM THE STATE BEFORE WE BREAK FOR A FEW MINUTES?

20 MRS. YOUNG: NO, SIR.

21 THE COURT: MR. JOHNSON?

22 MR. JOHNSON: JUST A CONCERN, YOUR HONOR. JUST TO

23 CLARIFY. WHEN YOU MENTIONED EARLIER ABOUT ONE OF THE

24 MEMBERS OF THE JURY TAKING NOTES, THERE IS NO INDICATION

25 THAT SHE WAS SHARING THOSE OR SHOWING ANYTHING.

1 THE COURT: I'LL MAKE SURE THAT SHE DESTROYS THEM AND
2 DOES NOT THEIR SHARE THEM.

3 MR. JOHNSON: THANK YOU.

4 THE COURT: THAT IS A CONCERN I CAN HANDLE. ALL
5 RIGHT. LET'S STAND AT EASE FOR ABOUT 10 MINUTES.
6 PROBABLY 15. LET ME SEE Y'ALL IN CHAMBERS. MR.
7 SOLICITOR, CAN I SEE YOU?

8 (WHEREUPON, A BREAK WAS TAKEN.)

9 THE COURT: IS THE STATE READY TO PROCEED?

10 MRS. YOUNG: YOUR HONOR, MAY I BRIEFLY PUT ON THE
11 RECORD. BEFORE WE GET STARTED BACK I JUST WANT TO PUT ON
12 THE RECORD -- THINK THAT MR. JOHNSON WILL AGREE WITH ME --
13 PRETRIAL WE HAD A LOT OF DISCUSSIONS ABOUT CHAINS OF
14 CUSTODY, AND HE HAD ADVISED ME PREVIOUSLY THAT HE WAS
15 STIPULATING ESPECIALLY WITH HIS REGARDS TO INTERNAL SLED
16 CHAIN AND THINGS OF THAT NATURE, AND I JUST WANTED TO MAKE
17 SURE THAT WAS ON THE RECORD.

18 MR. JOHNSON: THAT'S TRUE, YOUR HONOR.

19 THE COURT: THANK YOU.

20 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
21 APPROXIMATELY 11:14 AM.)

22 THE COURT: EVERYBODY GET THEIR ORDERS PLACED? I SAW
23 ONE OF THEM. ONE OF THEM HAD A BIG PLATE. NOT GOING TO
24 SAY WHO IT WAS. I MEANT TO TELL YOU THAT WE HAD SOME
25 RESTRAINTS ON IT MONEY-WISE. ABOUT TWENTY-SIX DOLLARS.

1 YOUR HONOR, THE STATE CALLS LIEUTENANT CLAY ADAMS.

2 CLAY ADAMS, AFTER BEING DULY SWORN, TESTIFIED AS
3 FOLLOWS:

4 DIRECT EXAMINATION

5 BY MR. MOLONY:

6 Q LIEUTENANT ADAMS, WHERE ARE YOU EMPLOYED?

7 A I'M EMPLOYED AT THE AIKEN COUNTY SHERIFF'S OFFICE.

8 Q AND HOW LONG HAVE YOU WORKED THERE?

9 A I HAVE BEEN EMPLOYED THERE SINCE FEBRUARY 23RD, 2001.

10 Q IN WHAT CAPACITY DO YOU WORK?

11 A I AM THE LIEUTENANT OF FORENSIC INVESTIGATIONS FOR
12 THE SHERIFF.

13 Q WHAT WERE YOU WORKING AS IN SEPTEMBER 15TH OF 2008?

14 A I WAS A CRIME SCENE INVESTIGATOR FOR THE SHERIFF.

15 Q AND DID YOU HAVE AN OCCASION TO RESPOND TO 5520 NORTH
16 MAIN STREET ON SEPTEMBER 15TH OF 2008?

17 A I DID.

18 Q WHY DID YOU GO THERE?

19 A I WAS INFORMED AT THE ORIGINAL CRIME SCENE HERE IN
20 AIKEN THAT WE HAD PERSONS OF INTEREST UP IN COLUMBIA AND I
21 BROKE AWAY FROM OUR CREW THAT WAS WORKING THE CRIME SCENE
22 AND RESPONDED TO COLUMBIA.

23 Q WHEN YOU GOT TO COLUMBIA WHAT DID YOU OBSERVE?

24 A WHEN I GOT TO COLUMBIA I OBSERVED A COUPLE OF CARS
25 BEHIND A RESIDENCE, NUMEROUS LAW ENFORCEMENT OFFICERS, AND

1 ON THE HOOD OF ONE OF THE CARS WAS SOME GUNS, DRUGS, AND
2 SHOES.

3 Q OKAY. WHAT DID YOU DO NEXT?

4 A AFTER SPEAKING WITH INVESTIGATOR SANDERS AND OTHER
5 INVESTIGATORS AT RICHLAND COUNTY I PHOTOGRAPHED THE ITEMS
6 THAT WERE ON THE HOOD OF THE CAR AND THEN EXAMINED EACH
7 ONE OF THEM.

8 Q OKAY. IN PARTICULAR -- PARTICULARLY WITH THE SHOES,
9 WHAT DID YOU NOTICE WHEN YOU EXAMINED THEM?

10 A ON ONE PAIR OF THE SHOES I OBSERVED A VISIBLE BLOOD
11 STAIN ON THE SIDE OF THE SHOE AND UNDERNEATH IN THE TREAD
12 AREA.

13 MR. MOLONY: YOUR HONOR, MAY I APPROACH?

14 Q LIEUTENANT ADAMS, I AM GOING TO SHOW YOU WHAT'S BEEN
15 PREVIOUSLY MARKED AS STATE'S EXHIBIT 83, 84, AND 85 AND
16 ASK IF YOU RECOGNIZE THOSE.

17 A I DO.

18 Q AND WHAT ARE THEY?

19 A THESE ARE PICTURES OF SUSPECTED BLOOD STAINS ON THE
20 SHOE IN QUESTION.

21 Q AND DO THOSE PICTURES FAIRLY AND ACCURATELY REPRESENT
22 THOSE SHOES AS WHEN YOU SAW THEM ON SEPTEMBER 15TH OF
23 2008?

24 A THEY DO.

25 MR. MOLONY: YOUR HONOR, AT THIS TIME THE STATE MOVES

1 TO INTRODUCE EXHIBITS 83, 84 AND 85 IN EVIDENCE.

2 THE COURT: ANY OBJECTION?

3 MR. JOHNSON: OBJECTION BASED ON THE PREVIOUS MOTION,
4 YOUR HONOR.

5 THE COURT: THANK YOU. OVERRULED. THEY'RE ADMITTED.

6 MR. MOLONY: YOUR HONOR, AT THIS TIME I'D LIKE TO
7 PUBLISH THESE ON THE TV TO THE JURY.

8 (WHEREUPON, STATE'S EXHIBITS NOS. 83, 84, 85 WERE
9 ADMITTED INTO EVIDENCE.)

10 THE COURT: WHICH ONES?

11 MR. MOLONY: EIGHTY-THREE, 84, 85.

12 THE COURT: TELL US WHICH NUMBER YOU'RE PUTTING UP
13 AND ASK HIM WHAT IT IS, PLEASE, SIR.

14 MR. MOLONY: YES, SIR.

15 THE WITNESS: THIS STATE'S EXHIBIT 84. THIS IS A
16 PHOTOGRAPH OF THE--

17 THE COURT: HOLD ON ONE SECOND? CAN EVERYBODY SEE?

18 THE WITNESS: OF THE TOE AREA OF THE SHOE. AND I
19 OBSERVED THE VISIBLE BLOOD STAIN.

20 THIS IS STATE'S EXHIBIT 83. THIS IS MORE OF THE
21 FRONT TOE AREA OF THE SAME SHOE WHERE I OBSERVED A VISIBLE
22 BLOOD STAIN.

23 AND THIS IS STATE'S EXHIBIT 85 SHOWING THE BALL
24 PORTION OF THE BOTTOM SIDE OF THE SHOE TREAD WHERE I
25 OBSERVED SOME BLOOD STAINS.

1 Q THANK YOU. LIEUTENANT ADAMS, AFTER YOU OBSERVED --
2 EXCUSE ME -- THE APPARENT BLOOD ON THE SHOES, WHAT TEST
3 DID YOU PERFORM AT THAT TIME?

4 A I PRESERVED A FIELD PRESUMPTION BLOOD TEST. IT IS
5 CALLED PHENYLPHALINE -- THAT'S P-H-E-N-Y-L-P-H-A-L-I-N-E.
6 IT IS A PRESUMPTIVE BLOOD TEST THAT WE USE IN THE FIELD TO
7 DETERMINE WHETHER OR NOT THE BLOOD IS VISIBLE.

8 THE COURT: WHETHER OR NOT BLOOD IS WHAT?

9 THE WITNESS: VISIBLE.

10 Q AND HOW DID YOU DO IT IN THIS CASE? WHAT IS THE
11 PROCESS?

12 A THE PROCESS IS WE TAKE A SWAB, DAMPEN IT WITH SOME
13 DISTILLED WATER. WE SWABBED THE STAIN THAT WE SUSPECT TO
14 BE BLOOD. WE APPLY A DROP OF ALCOHOL, A DROP OF
15 PHENYLPHALINE AND THEN A DROP OF HYDROGEN PEROXIDE. AND
16 IF BLOOD IS PRESENT, THERE WILL BE A REACTION. AND IN
17 THIS CASE THERE WAS A REACTION.

18 Q AND WHEN YOU SAY A REACTION, WHAT DOES -- WHAT DOES
19 THAT MEAN?

20 A THE SWAB TURNS A BRIGHT, BRILLIANT PINK.

21 Q AND DID IT TURN PINK IN THIS -- PINK IN THIS CASE?

22 A IT DID.

23 Q AFTER PERFORMING THE TEST TO THE SHOES, WHAT IF
24 ANYTHING DID YOU DO?

25 A I TOOK POSSESSION OF THE SHOES AND THE GUNS FROM

1 RICHLAND COUNTY SHERIFF'S OFFICE.

2 Q AND WERE YOU IN HERE WHEN INVESTIGATOR TESTIFIED
3 EARLIER -- INVESTIGATOR BRANHAM FROM THE RICHLAND COUNTY
4 SHERIFF'S OFFICE?

5 A YES, SIR.

6 Q AND WHEN YOU SAY YOU TOOK POSSESSION, WHAT DOES THAT
7 MEAN?

8 A I TOOK THOSE INTO MY CUSTODY AND TRANSPORTED THEM
9 BACK TO THE AIKEN COUNTY SHERIFF'S OFFICE WHERE THEY WERE
10 CATALOGED AND ENTERED INTO OUR EVIDENCE.

11 Q SPECIFICALLY WITH THE GUNS, LIEUTENANT ADAMS, DO YOU
12 MIND TELLING THE JURY THE SERIAL NUMBERS OF THE GUNS THAT
13 YOU BROUGHT BACK FROM RICHLAND TO AIKEN THAT DAY?

14 A SURE. I TOOK POSSESSION OF FIVE WEAPONS. I TOOK
15 POSSESSION OF A GLOCK MODEL 23 SERIAL NUMBER ENF296, I
16 TOOK POSSESSION OF A HI-POINT MODEL C9 9-MILLIMETER PISTOL
17 WITH A SERIAL NUMBER P1251546.

18 Q AND INVESTIGATOR ADAMS, I'M SORRY TO INTERRUPT. JUST
19 THE LAST ONE IS THE 38 THAT WE'RE LOOKING FOR TODAY. AS
20 FAR AS -- WE JUST NEED THREE OF THE FIVE.

21 THE WITNESS: OKAY.

22 MR. JOHNSON: YOUR HONOR, AT THIS POINT I WOULD ASK
23 THAT IF THE OFFICER NEEDS TO REFRESH HIS MEMORY, THAT THEY
24 GO THROUGH THAT. I JUST DON'T WANT HIM TO TESTIFY
25 DIRECTLY FROM NOTES OR READ NOTES. I DON'T THINK IT'S

1 APPROPRIATE. I WOULD OBJECT TO THAT.

2 THE COURT: OVERRULED. YOU HAVE BEEN ASKING THEM ALL
3 DAY LONG TO LOOK AT THEIR NOTES. YOU CAN LOOK AT YOUR
4 NOTES AND REFRESH YOUR MEMORY WHEN YOU TESTIFY. WHAT
5 WE'RE CONCERNED ABOUT IS NOT ALL FIVE GUNS, JUST THREE?

6 MR. MOLONY: YES, SIR, YOUR HONOR, THE LAST ONE
7 BEING...

8 THE COURT: THE 38.

9 MR. MOLONY: THE 38.

10 THE WITNESS: I TOOK POSSESSION OF A ARMINIUS TITAN
11 TIGER, .38 CALIBER REVOLVER, SERIAL NUMBER 41026.

12 Q OKAY. THANK YOU. AND WHEN YOU GOT BACK TO AIKEN
13 WITH THESE GUNS, WHAT DID YOU DO WITH THEM?

14 A THE WEAPONS WERE CATEGORIZED. THEY WERE BOXED
15 INDIVIDUALLY AND PACKAGED FOR FUTURE EXAMINATION.

16 Q THANK YOU. PLEASE ANSWER ANY QUESTIONS MR. JOHNSON
17 HAS.

18 THE COURT: MR. JOHNSON, ANY QUESTIONS?

19 MR. JOHNSON: BRIEFLY, YOUR HONOR.

20 CROSS-EXAMINATION

21 BY MR. JOHNSON:

22 Q OFFICER, WHAT SIZE WERE THOSE SHOES?

23 A WHICH ONES?

24 Q BOTH PAIR.

25 A I'M NOT QUITE SURE.

1 Q AND YOU SAID THE TREAD PATTERN -- DID YOU TALK ABOUT
2 THAT?

3 A I OBSERVED SOME BLOOD IN THE TREAD PATTERN.

4 Q AND DID YOU SEARCH STREET?

5 A WE ENTERED 25 OR WHATEVER THE ADDRESS WAS AT NORTH
6 MAIN STREET, YES, SIR.

7 Q OKAY. AND THE SHOES WERE LOCATED INSIDE?

8 A NO, SIR. THE SHOES WERE LOCATED ON A HOOD OF A CAR.

9 Q OKAY. AND WHEN YOU'RE TALKING ABOUT EVIDENCE LIKE
10 THIS AND LOOKING AT THE BLOOD, TRYING TO FIND EVIDENCE, IN
11 YOUR EXPERIENCE IS IT IMPORTANT TO SECURE A SCENE TO
12 CONTROL WHO HAS ACCESS TO THAT KIND OF EVIDENCE?

13 A SECURITY IS ALWAYS A PRETTY IMPORTANT ISSUE.

14 Q OKAY. AND WHEN YOU WENT UP THERE AT 5520 NORTH MAIN
15 STREET, WHO WAS SECURING THE SCENE?

16 A THERE WAS QUITE A NUMBER OF RICHLAND COUNTY DEPUTIES.

17 Q WHO WAS IN CHARGE OF MAKING SURE NOBODY GOT IN AND
18 OUT OF 5520?

19 A I HAVE NO CLUE.

20 Q WHICH DOOR DID YOU GO IN?

21 A I BELIEVE I WENT IN THE REAR DOOR.

22 Q WHO WENT IN THE FRONT DOOR?

23 A I HAVE NO CLUE.

24 Q WAS ANYBODY GUARDING THE FRONT DOOR?

25 A I HAVE NO CLUE.

1 Q WHEN DID THOSE SHOES AND THE OTHER ITEMS YOU
2 TESTIFIED ABOUT, SUSPECTED CRACK COCAINE AND WEAPONS, WHEN
3 DID THOSE ITEMS GET PLACED AT 5520 NORTH MAIN STREET?

4 A I HAVE NO CLUE.

5 MR. JOHNSON: NO QUESTIONS, YOUR HONOR.

6 MR. MOLONY: BRIEFLY, YOUR HONOR.

7 REDIRECT EXAMINATION

8 BY MR. MOLONY:

9 Q YOU TESTIFIED THAT THE SHOES WERE ON THE HOOD OF THE
10 CAR WHEN YOU ARRIVED IN RICHLAND COUNTY THAT DAY?

11 A YES, SIR.

12 Q THANK YOU. NO FURTHER QUESTIONS.

13 THE COURT: YOU MAY STEP DOWN. NEXT WITNESS.

14 (WITNESS LEFT THE STAND.)

15 MRS. YOUNG: THE STATE CALLS MELVIN CUMMINGS.

16 MELVIN CUMMINGS, AFTER BEING DULY SWORN,

17 TESTIFIED AS FOLLOWS:

18 THE WITNESS: MY NAME IS MELVIN CUMMINGS.

19 C-U-M-M-I-N-G-S.

20 DIRECT EXAMINATION

21 BY MRS. YOUNG:

22 Q MR. CUMMINGS, DID YOU PLEAD GUILTY TO INVOLUNTARY
23 MANSLAUGHTER, ARMED ROBBERY, AND POSSESSION OF A WEAPON
24 DURING THE COMMISSION OF A VIOLENT CRIME FOR AN INCIDENT
25 IN AIKEN INVOLVING FRED TUCKER AS A VICTIM?

1 A YES.

2 Q WHAT SENTENCE DID YOU RECEIVE FOR THAT?

3 A TWENTY YEARS.

4 Q WERE YOU ORIGINALLY CHARGED WITH MURDER IN THE CASE?

5 A YES.

6 Q AND WHEN YOU PLED GUILTY TO VOLUNTARY MANSLAUGHTER,
7 DID THE STATE RECOMMEND A SENTENCE FOR YOU?

8 A NO.

9 Q AND DID YOU HAVE AN UNDERSTANDING THAT YOU WOULD BE
10 ASKED TO TESTIFY IN LATER TRIALS?

11 A YES.

12 Q AND HAVE YOU BEEN MADE ANY PROMISES ABOUT TESTIFYING
13 IN THIS TRIAL?

14 A NO.

15 Q AND ARE YOU THE SAME MELVIN CUMMINGS THAT WAS
16 CONVICTED IN SOUTH CAROLINA OF DRUG CHARGES ON
17 FEBRUARY 20TH OF 2007?

18 A YES.

19 Q AND WHAT WERE THOSE CONVICTIONS FOR?

20 A I HAVE NO IDEA. I FORGOT. I THINK POSSESSION OF
21 COCAINE AND CRACK COCAINE.

22 Q AND DID YOU GET A PROXIMITY CHARGE ABOUT HAVING A
23 CERTAIN AMOUNT OR SELLING NEAR A SCHOOL?

24 A YES, PWID, YES.

25 Q YOU WERE INVOLVED WITH AN OFFENSE THAT OCCURRED HERE

1 IN AIKEN ON SEPTEMBER 15TH, 2008?

2 A YES, MA'AM.

3 Q WHO ELSE WAS INVOLVED?

4 A ANTONIO MILLER, MARQUISE REDFIELD AND RONALD GROOMS.

5 Q AND HOW LONG HAD YOU KNOWN THE DEFENDANT ANTONIO
6 MILLER ON THAT DATE?

7 A ABOUT A YEAR AND SOMETHING.

8 Q HOW LONG--

9 A A LITTLE OVER A YEAR.

10 Q I'M SORRY?

11 A A LITTLE OVER A YEAR.

12 Q HOW LONG HAD YOU KNOWN MARQUISE REDFIELD?

13 A I HAVE KNOWN MARQUISE REDFIELD PROBABLY SINCE 2003.

14 Q HOW ABOUT RONALD GROOMS?

15 A I DIDN'T KNOW RONALD THAT LONG, PROBABLY A COUPLE OF
16 MONTHS OR SO.

17 Q WHERE WERE YOU LIVING AT THE TIME OF SEPTEMBER 15TH,
18 2008?

19 A ON FAIRFIELD ROAD IN COLUMBIA, SOUTH CAROLINA.

20 Q WHERE WAS ANTONIO MILLER LIVING AT THAT TIME?

21 A ON NORTH MAIN STREET IN NORTH -- I MEAN IN COLUMBIA,
22 SOUTH CAROLINA.

23 Q AND APPROXIMATELY WHEN DID THIS TARGET -- EXCUSE
24 ME -- PLAN TO TARGET MR. TUCKER, WHEN DID Y'ALL COME UP
25 WITH THAT PLAN?

1 A PROBABLY A COUPLE OF MONTHS BEFORE IT HAPPENED.

2 Q ALL RIGHT. AND WHO ALL WAS INVOLVED IN PLANNING
3 THIS?

4 A WELL, ANTONIO ACTUALLY SAID SOMETHING TO ME ABOUT IT.
5 ME AND HIM WAS TOGETHER. AND WE CAME TO AIKEN AND
6 REDFIELD ACTUALLY SAID SOMETHING ABOUT IT AS WELL WHILE WE
7 WAS DOWN HERE OVER TO ONE OF -- ONE OF MY FRIEND'S HOUSE.

8 Q ARE YOU SAYING YOU'RE ALL -- YOU WERE ALL THERE AT
9 THE SAME TIME TOGETHER?

10 A YES.

11 Q AND WHO WAS THIS FRIEND'S HOUSE THAT YOU -- WHERE
12 WERE YOU AT?

13 A CEDRICK JOHNSON.

14 Q AND YOU STATED MR. MILLER WAS THERE?

15 A YES.

16 Q AND MR. REDFIELD AND YOURSELF?

17 A YES, MA'AM.

18 Q AND WHO ELSE?

19 A CEDRICK JOHNSON, A GUY NAMED JAY FOUR AND A COUPLE OF
20 OTHER GUYS. I DON'T RECALL WHO ALL -- WHO THE OTHER GUYS
21 WAS.

22 Q WHO ALL WAS INVOLVED IN PLANNING THIS AGAINST
23 MR. TUCKER?

24 A REDFIELD, MILLER, AND ME.

25 Q YOU STATED THIS WAS SEVERAL MONTHS BEFORE

1 SEPTEMBER 15TH, 2008?

2 A YES, MA'AM.

3 Q AND WHAT WAS THE PLAN?

4 A WELL, IT WAS ACTUALLY TALKING ABOUT--

5 Q TALKING ABOUT SPECIFICALLY FOR MR. TUCKER.

6 A YEAH. IT WAS ACTUALLY TALKING ABOUT -- WELL,
7 REDFIELD WAS SAYING SOMETHING ABOUT HE -- THAT HE FELT
8 LIKE TUCKER SHOULDN'T HAVE BEEN ON THE STREETS IN AIKEN
9 AND I TOLD HIM, WELL, WE DIDN'T HAVE ANYTHING REALLY TO DO
10 WITH THAT--

11 MR. JOHNSON: YOUR HONOR, I AM GOING TO OBJECT TO
12 HEARSAY. HE'S TALKING ABOUT--

13 THE COURT: STAND UP WHEN YOU OBJECT. YOU KNOW THE
14 RULES.

15 MR. JOHNSON: OBJECT, YOUR HONOR, TO HEARSAY.

16 THE COURT: SUSTAINED.

17 Q MR. CUMMINGS, YOU CAN'T SAY WHAT MR. REDFIELD SAID.
18 YOU CAN SAY WHAT YOU SAID AND WHAT MR. MILLER SAID.

19 A OKAY. MR. MILLER ASKED ME A COUPLE OF TIMES ABOUT
20 MR. TUCKER, AND HE SEEN -- WE WAS TOGETHER AND HE SEEN
21 TUCKER.

22 Q YOU'RE TALKING ABOUT MR. MILLER?

23 A YES. I CAME DOWN HERE FOR -- I CAME DOWN A COUPLE OF
24 TIMES TO GET A HAIRCUT. MR. MILLER SAID THAT HE LOOKS
25 KIND OF FAMILIAR. I WAS LIKE, WELL, HE DID SOME FED TIME

1 BEFORE, AND HE SAID THAT'S -- WELL, THAT'S PROBABLY WHERE
2 HE KNOWS HIM FROM.

3 MR. JOHNSON: YOUR HONOR, OBJECTION.

4 THE COURT: SUSTAINED. JUST DISREGARD THAT LAST,
5 LADIES AND GENTLEMEN. YOU WERE TALKING ABOUT MR. TUCKER
6 HAD DONE SOME FED TIME.

7 THE WITNESS: YES, AND MR. MILLER--

8 THE COURT: THAT'S ALL I NEED TO KNOW. THANK YOU.

9 MR. JOHNSON: YOUR HONOR, I HAVE A MOTION AT THIS
10 TIME.

11 THE COURT: WE'LL MAKE IT IN A MINUTE. GO AHEAD.

12 THE WITNESS: AND HE SAID THAT, YOU KNOW, THAT HE
13 THINKS HE REMEMBER -- REMEMBER HIM FROM--

14 Q JUST DIRECT YOUR -- WHY DON'T YOU DIRECT YOUR
15 COMMENTS ABOUT WHAT THE ACTUAL PLAN WAS --

16 A OKAY.

17 Q -- THAT'S WHAT I WAS REFERRING TO; OKAY?

18 A OKAY. HE JUST SAID THAT HE WANTED TO ACTUALLY ROB
19 MR. TUCKER FOR SOME -- FOR HIS DRUGS AND HIS MONEY. AT
20 THAT TIME -- AT THAT TIME, YOU KNOW, EVERYBODY WAS TALKING
21 ABOUT THE SITUATION, YOU KNOW, MILLER, REDFIELD--

22 THE COURT: SIR, DON'T TELL US WHAT ANYBODY SAID
23 OTHER THAN MILLER, PLEASE.

24 THE WITNESS: OKAY. WELL, AT THAT TIME WE REALLY
25 DIDN'T SAY TOO MUCH OF ANYTHING AT THAT TIME -- AT THE

1 POINT IN TIME. WHEN WE GOT BACK TO COLUMBIA MILLER ASKED
2 ME ABOUT THE -- ASKED ME ABOUT TUCKER, ABOUT ACTUALLY
3 ROBBING TUCKER AGAIN. YOU KNOW, I TRIED -- I KIND OF LIKE
4 TRIED TO PUSH THE CONVERSATION AWAY AND I TOLD HIM THAT I
5 DON'T THINK WE SHOULD DO THAT OR HE DIDN'T HAVE TO DO THAT
6 BECAUSE OF MY BOXING CAREER AND OTHER THINGS THAT I HAD
7 GOING ON, YOU KNOW, AND HE KEPT PUSHING THE ISSUE ABOUT
8 ACTUALLY ROBBING TUCKER. WE CAME BACK DOWN HERE, YOU
9 KNOW, AND--

10 Q WHO ARE YOU REFERRING TO WHEN YOU SAY WE?

11 A MILLER. ME, MILLER -- ME AND MILLER CAME BACK DOWN
12 HERE.

13 Q OKAY.

14 A WE CAME BACK DOWN HERE SEVERAL TIMES TO SEE MY MOTHER
15 AND A COUPLE OF MY FRIENDS AND STUFF LIKE THAT. WE WENT
16 OVER TO CEDRICK JOHNSON'S HOUSE A COUPLE OF TIMES
17 THROUGHOUT THE PERIOD OF TIME, AND THE CONVERSATION CAME
18 UP SEVERAL TIMES ABOUT WHO ACTUALLY HAD THE DRUGS AND
19 MONEY IN THE AREA. TUCKER'S NAME CAME UP.

20 MILLER, HE WAS STILL KIND OF, YOU KNOW, HE WAS --
21 STILL ACTUALLY WANTED TO ROB TUCKER. WE WENT BACK TO
22 COLUMBIA. PROBABLY A COUPLE OF DAYS WENT BY. HE
23 MENTIONED TUCKER'S NAME AGAIN AND ASKED ME, WELL, BRO,
24 WHAT YOU WANT TO DO? WHAT'S UP? WHAT'S UP? ARE WE GOING
25 TO GO AHEAD AND DO IT? I WAS TELLING HIM NO, BRO, I MEAN,

1 YOU KNOW, I DON'T FEEL LIKE THAT'S -- YOU KNOW, I DON'T
2 FEEL LIKE WE SHOULD HAVE -- WE SHOULD ROB THE GUY. SO I
3 PROBABLY -- LIKE A COUPLE OF DAYS LATER HE TOLD ME TO BE
4 READY.

5 Q MR. CUMMINGS, EVENTUALLY YOU DID AGREE TO BE INVOLVED
6 WITH THIS WITH MR. TUCKER; CORRECT?

7 A YES, MA'AM.

8 Q ALL RIGHT. SO CLOSE IN TIME -- CLOSER IN TIME TO
9 SEPTEMBER 15TH, WHAT WAS GOING ON REGARDING THIS AT THAT
10 TIME?

11 A WE CAME DOWN -- WELL, HE CALLED GROOMS, ONE OF THE
12 OTHER GUYS THAT WAS INVOLVED IN THE CASE WITH US. HE
13 CALLED GROOMS.

14 THE COURT: WHO IS HE?

15 THE WITNESS: MILLER. ANTONIO MILLER. WE CALLED
16 GROOMS AND ANOTHER GUY AND WE CAME DOWN TO AIKEN--

17 Q WHEN YOU SAY WE, WHO ALL ARE YOU REFERRING TO?

18 A ANTONIO MILLER, GROOMS, AND SOME OTHER GUY. I
19 DON'T -- I DON'T RECALL THE OTHER GUY. WE CAME DOWN ON A
20 FRIDAY. AND WE CAME DOWN, WE STAYED OVER TO MY MOM'S
21 HOUSE.

22 Q HOW DID YOU GET HERE?

23 A IN A RENTAL CAR.

24 Q WHAT WAS THE RENTAL CAR? DESCRIBE IT.

25 A IT WAS A GREEN FORD TAURUS.

1 Q WHOSE CAR WAS IT?

2 A ANTONIO HAD RENTED IT.

3 Q WHO DROVE IT?

4 A I DROVE.

5 Q ALL RIGHT. SO YOU DROVE DOWN HERE FRIDAY --

6 A YES, MA'AM.

7 Q -- BEFORE THE MONDAY THIS HAPPENED?

8 A YES, MA'AM.

9 Q ALL RIGHT.

10 A WE DROVE DOWN HERE. I DROVE DOWN HERE AND WE JUST
11 WENT AROUND, YOU KNOW, SEEING SOME FRIENDS, MY MOTHER, AND
12 EVERYBODY LIKE THAT. FRIDAY NIGHT WE LEFT. FRIDAY NIGHT
13 WE LEFT. WE CAME BACK THAT SATURDAY.

14 Q WHEN YOU SAY YOU LEFT, ARE YOU REFERRING TO YOURSELF
15 AND...

16 A MYSELF, ANTONIO MILLER AND GROOMS AND ANOTHER GUY.
17 LIKE I SAID, I DON'T -- I DON'T RECALL HIS NAME. WE CAME
18 BACK THAT SATURDAY. ME, GROOMS, AND MILLER CAME BACK THAT
19 SATURDAY--

20 Q BACK TO...

21 A AIKEN.

22 Q ALL RIGHT.

23 A AND THE GUY, THE OTHER GUY, HE WASN'T WITH US.

24 Q IS HE INVOLVED IN ANY OF THIS JUST TO CLARIFY? IS
25 THE OTHER GUY --

1 A NO. NO, MA'AM.

2 Q -- YOU DON'T REMEMBER HIS NAME?

3 A NO, MA'AM. WHEN HE GOT -- WE GOT BACK HERE SATURDAY,
4 WE WENT AROUND RODE AROUND FRED'S HOUSE, SOME GUY FROM
5 AIKEN THAT WE HAD -- THAT I KNEW. HE TOOK US OUT THERE
6 AND ACTUALLY SHOWED US.

7 Q WHO?

8 A I THINK HIS NAME IS T90 OR SOMETHING LIKE THAT.

9 Q SO THEY CALLED -- THAT'S LIKE A STREET NAME?

10 A YES, MA'AM.

11 Q YOU DON'T KNOW HIS REAL NAME?

12 A NO, MA'AM.

13 Q BUT HE TOOK YOU OUT AND SHOWED YOU WHERE FRED TUCKER
14 LIVED?

15 A YES, MA'AM.

16 Q AND WHO WAS PRESENT BESIDES YOURSELF?

17 A ME, MILLER, AND GROOMS.

18 Q AND THIS T90 GUY?

19 A YES, MA'AM. AND WE WENT AROUND, WE WENT OUT THERE
20 AND HE SHOWED US WHERE TUCKER STAYED AT. THAT -- LATER
21 THAT -- THAT DAY I THINK WE WENT OUT THERE A COUPLE OF
22 TIMES, RODE PAST HIS HOUSE JUST TO MAKE SURE THAT HE
23 ACTUALLY STAYED THERE.

24 Q WHEN YOU ARE TALKING -- WHEN YOU SAY WE, YOU'VE GOT
25 TO SAY WHO YOU'RE TALKING ABOUT; ALL RIGHT?

1 A ANTONIO, GROOMS, ME AND T90.

2 Q ALL RIGHT.

3 A THAT SATURDAY NIGHT MYSELF, GROOMS AND MILLER, WE
4 STAYED OVER TO MY MOM -- TO MY MOM'S HOUSE.

5 Q WHERE WAS SHE LIVING AT THE TIME?

6 A SHE WAS STAYING OFF OF GREG AVENUE. I DON'T RECALL
7 THE ADDRESS, BUT IT WAS OFF OF GREG AVENUE. SUNDAY --
8 SUNDAY WE WENT AROUND, DID SIMILAR THINGS. WE RODE AROUND
9 TO THE STORES AND STUFF LIKE THAT. WE MET REDFIELD -- ME,
10 MILLER, GROOMS AND -- WE MET REDFIELD THAT DAY. THEY
11 STARTED TALKING ABOUT PLANNING TO ROB TUCKER AND
12 EVERYTHING THAT THEY WAS GOING TO -- THAT THEY WAS
13 PLANNING ON DOING.

14 Q MR. CUMMINGS, YOU KEEP TALKING ABOUT THEY. YOU'RE
15 INVOLVED IN THIS, TOO; RIGHT?

16 A YES, MA'AM.

17 Q I MEAN, YOU ALREADY SAID YOU WENT OUT TO HIS HOUSE --

18 A YES, MA'AM.

19 Q -- THE DAY BEFORE SEVERAL TIMES.

20 A YEAH. BUT I MEAN, LIKE, I WASN'T REALLY SAYING
21 ANYTHING ABOUT THE ACTUAL ROBBERY BECAUSE LIKE I HAD TOLD
22 -- LIKE I SAID BEFORE, I KIND OF LIKE -- I TOLD THEM THAT
23 I WASN'T -- THAT I DIDN'T REALLY WANT ANYTHING TO DO WITH
24 IT, AND THEY ASKED ME JUST TO DRIVE. THEY TOLD ME I
25 DIDN'T HAVE TO DO ANYTHING, JUST DRIVE. THAT'S WHAT

1 ANTONIO TOLD ME TO DO, ASKED ME TO JUST DRIVE. SO--

2 Q AND YOU AGREED TO DO THIS.

3 A YES, MA'AM.

4 Q KNOWING THAT THEY WERE GOING TO -- THAT THERE WAS A
5 CRIME GOING TO BE COMMITTED?

6 A YES.

7 MR. JOHNSON: YOUR HONOR, I'D OBJECT. SHE'S
8 PROVIDING TESTIMONY TO HIM.

9 THE WITNESS: YES, MA'AM.

10 THE COURT: HOLD ON A SECOND. SHE'S PROVIDING -- YOU
11 MEAN SHE'S ASKING LEADING QUESTIONS? IS THAT YOUR
12 OBJECTION?

13 MR. JOHNSON: THAT'S THE OBJECTION.

14 THE COURT: DON'T ASK LEADING QUESTIONS, MA'AM.

15 MRS. YOUNG: YES, SIR, YOUR HONOR.

16 Q REFERRING BACK TO SUNDAY, WHAT WAS GOING ON?

17 A I WAS ASKED TO DRIVE THIS CAR, THE GREEN FORD TAURUS
18 ALONG WITH MILLER, GROOMS AND REDFIELD IN THE CAR OUT TO
19 MR. TUCKER'S HOUSE. THAT PARTICULAR DAY WE WAS TALKING
20 ABOUT THE ACTUAL ROBBERY, HOW THEY WANTED IT TO GO, HOW
21 THEY WAS PLANNING ON DOING IT, THINGS LIKE THAT.

22 LATER THAT NIGHT -- WELL, THAT MORNING AT -- MONDAY
23 MORNING AROUND LIKE FOUR OR SOMETHING THAT MORNING WE WENT
24 OUT THERE. THEY GOT OUT OF THE CAR. I PARKED IN THE
25 CEMETERY.

1 Q I'M SORRY.

2 A I SAID--

3 Q WHAT DID YOU SAY?

4 A I SAID THEY GOT OUT OF THE CAR. I PARKED IN THE
5 CEMETERY. THEY WENT OVER TO FRED'S HOUSE ANTICIPATING
6 THAT SOMEONE WOULD COME OUT OF THE HOUSE, THE KIDS THAT
7 MONDAY MORNING, TO GO TO SCHOOL. THEY WAS PLANNING ON
8 ACTUALLY GRABBING--

9 Q JUST GO TO -- YOU DON'T KNOW WHAT WAS GOING TO HAPPEN
10 THERE, DO YOU, BECAUSE YOU'RE IN THE CAR?

11 A YEAH. I WAS IN THE CAR.

12 Q ALL RIGHT.

13 A SO LIKE I SAID, THEY WENT OVER THERE AND I FELL
14 ASLEEP. WHEN I WOKE UP THEY WAS COMING BACK TO THE CAR.
15 THEY SAID IT WAS GETTING LIGHT OUTSIDE, SO ANTONIO MILLER,
16 GROOMS AND REDFIELD SAID IT WAS GETTING LIGHT OUTSIDE.
17 AND I ASKED THEM, WELL, WHAT ARE THEY GOING TO DO? THEY
18 TOLD ME, WELL, WE'LL COME BACK LATER. WE LEFT, WENT OVER
19 TO MY MOTHER'S HOUSE, AND THAT'S WHERE WE FELL ASLEEP AT.
20 I WAS WAKEN [SIC] UP BY ANTONIO MILLER. HE WOKE ME UP AND
21 TOLD ME IT WAS TIME TO GO. SO...

22 Q WHEN WAS THIS? WHAT DATE?

23 A THAT WAS THAT MONDAY MORNING, SEPTEMBER 15.

24 Q WHAT TIME?

25 A IT WAS AROUND -- MAYBE AROUND LIKE NINE SOMETHING.

1 LIKE NINE SOMETHING THAT MORNING. WE WENT BACK OUT
2 TOWARDS FRED'S HOUSE. WE PULLED IN HIS YARD.

3 Q WHO WAS DRIVING?

4 A ME -- I WAS DRIVING. I DROVE BACK OUT THERE.
5 ANTONIO GOT OUT OF THE CAR. WE PULLED IN FRED'S YARD.
6 ANTONIO GOT IN THE CAR, WENT AND KNOCKED ON HIS DOOR. NO
7 ONE CAME TO THE DOOR, SO THEY GOT -- ANTONIO GOT BACK IN
8 THE CAR AND WE WAS PULLING OFF. ANTONIO SAID, WELL, WE'RE
9 NOT GOING BACK EMPTY-HANDED. SO HE SAID, PULL OVER AND
10 LET US OUT. AND THAT'S WHEN I PULLED IN MRS. JENNIFER
11 GLOVER'S YARD.

12 THEY GOT OUT OF THE CAR. I GOT OUT OF THE CAR. THEY
13 WENT THROUGH THE BUSHES, THROUGH THE LITTLE WOODED AREA TO
14 BESIDE MR. TUCKER'S HOUSE. I WENT AND KNOCKED ON
15 MRS. JENNIFER'S FRONT DOOR.

16 Q MR. CUMMINGS, WHAT WERE THEY WEARING?

17 A EVERYBODY HAD ON BLACK I THINK. ANTONIO HAD--

18 Q INCLUDING YOU?

19 A YES, INCLUDING ME. I THINK REDFIELD HAD SOME BLACK
20 SHORTS WITH A RED -- WITH A RED STRIP IN IT WITH SOME
21 BLACK AND RED JORDANS. ANTONIO HAD SOME BLACK SHORTS WITH
22 A BLACK SHIRT, SOME BLACK AND GOLD JORDANS ON. I HAD ON
23 SOME BLACK PANTS, SOME BLACK JORDANS WITH A BLACK SHIRT,
24 AND I'M NOT SURE EXACTLY EVERYTHING THAT GROOMS HAD ON,
25 BUT HE HAD SOME WHITE SHOES ON, SOME WHITE AND BLUE

1 JORDANS ON, SOME BLACK PANTS AND BLACK SHIRT.

2 Q WHAT HAPPENED WHEN THEY WENT THROUGH THE WOODS?

3 A THEY WENT OVER--

4 Q THAT YOU COULD SEE.

5 A THAT I COULD SEE? WELL, I REALLY COULDN'T SEE

6 ANYTHING ONCE THEY GOT OVER THERE BECAUSE OF THE BUSHES,

7 BECAUSE OF THE TREES WERE SO FAR UP, AND I WENT AND

8 KNOCKED ON MRS. JENNIFER'S FRONT DOOR. SO THE WAY

9 MRS. JENNIFER'S FRONT DOOR WAS AND THE WAY THE BUSHES

10 WERE, I REALLY COULDN'T SEE ANYTHING OVER THERE IN -- OVER

11 THERE IN MR. TUCKER'S YARD.

12 AS I WAS KNOCKING ON THE DOOR I HEARD A SHOT. I

13 HEARD A GUNSHOT. I -- YOU KNOW, I MEAN, I AM ASSUMING

14 THEY WERE STILL OUTSIDE. WHEN THEY TOLD ME THAT THEY

15 HAD -- GROOMS HAD SHOT THE BACK WINDOW FROM THE FIRST

16 SHOT. I WENT AND GOT BACK IN THE CAR. AND AS I WAS

17 PULLING OFF, MRS. GLOVER CAME OUT THE BACK DOOR AND

18 FLAGGED ME DOWN. I BACKED UP, GOT OUT OF THE CAR, ME AND

19 HER STARTED TALKING ABOUT THE CARS THAT WAS IN HER YARD."

20 WHILE ME AND HER WAS TALKING ABOUT THE CARS THAT WAS

21 IN HER YARD WE HEARD ANOTHER GUNSHOT, ME AND MRS. GLOVER

22 HEARD A GUNSHOT. I HEARD SOMEONE YELL. I DIDN'T KNOW WHO

23 WAS YELLING OR ANYTHING, BUT I HEARD SOMEONE YELL. I GOT

24 IN THE CAR AND I PULLED OFF. I RODE AROUND FOR A LITTLE

25 WHILE TRYING TO FIGURE OUT WHAT WAS GOING ON.

1 WHEN I CAME BACK, I CAME -- I CAME BACK TO
2 MRS. GLOVER'S HOUSE AND I PULLED BACK IN THE YARD, I GOT
3 OUT OF THE CAR AND WAS TRYING TO LOOK AT THE CAR THAT ME
4 AND MRS. GLOVER WAS TALKING ABOUT. AT THAT TIME I HEARD
5 LIKE SEVERAL GUNSHOTS. I DON'T RECALL HOW MANY. I HEARD
6 SEVERAL GUNSHOTS AND I RAN TOWARDS THE CAR THAT I WAS
7 DRIVING.

8 Q WHICH WAS...

9 A THE GREEN FORD TAURUS. I RAN TOWARDS THE CAR. AND
10 AS I WAS GETTING IN THE CAR, ANTONIO, REDFIELD AND GROOMS,
11 THEY WERE COMING THROUGH THE BUSHES, YOU KNOW, REAL FAST
12 JUMP -- JUMPING IN THE CAR. ANTONIO TOLD ME, DRIVE,
13 DRIVE, MOTHER FUCKER, DRIVE, DRIVE. SO I PULLED OFF, YOU
14 KNOW.

15 AS WE WERE RIDING DOWN THE ROAD I'M LIKE, YOU KNOW,
16 WHAT'S GOING ON, LIKE WHAT'S GOING ON? AS WE WAS GETTING
17 OUT OF THE YARD, AS WE WAS LEAVING OUT OF MRS. JENNIFER'S
18 YARD, THEY DIDN'T REALLY SAY ANYTHING UNTIL WE GOT DOWN
19 THE STREET. ANTONIO ASKED GROOMS--

20 Q WHERE WERE YOU GOING? I'M SORRY TO INTERRUPT YOU,
21 BUT WHERE WERE YOU DRIVING TO?

22 A WELL, WE WAS LEAVING. WE WAS LEAVING MONTMORENCI.
23 WE WAS HEADING BACK TO COLUMBIA. THIS IS BEFORE -- THIS
24 IS BEFORE WE GOT OFF -- OFF AT FRED TUCKER'S ROAD. GROOMS
25 -- NO, REDFIELD ASK -- EXCUSE ME.

1 THE COURT: DON'T TESTIFY TO WHAT REDFIELD SAID, ONLY
2 ANTONIO.

3 THE WITNESS: ANTONIO SAID, WHERE IS YOUR
4 SCREWDRIVER? GROOMS SAID, I THREW IT OUT THE WINDOW. HE
5 SAID, WELL YOU KNOW, MY FINGERPRINTS WAS ON THE
6 SCREWDRIVER. AT THAT TIME I ASKED HIM, I SAID, WELL DAMN,
7 WHAT Y'ALL WAS DOING WITH A SCREWDRIVER? ANTONIO SAID,
8 WELL, THEY WAS BURNING HIM WITH THE SCREWDRIVER, TORTURING
9 HIM WITH THE SCREWDRIVER. AT THAT TIME I WAS TELLING
10 THEM, I'M LIKE, MAN, I MEAN, I REALLY DON'T WANT TO HEAR
11 WHAT Y'ALL DID INSIDE THE HOUSE.

12 SO AS WE WAS RIDING DOWN THE ROAD HEADED BACK TO
13 COLUMBIA SOMEBODY SAID WE NEED TO STOP--

14 MR. JOHNSON: OBJECTION, YOUR HONOR.

15 THE COURT: NO, SIR. NO, SIR. SUSTAINED. NOT WHAT
16 SOMEBODY SAID. CAN'T SAY THAT.

17 THE WITNESS: REDFIELD SAID THAT--

18 MR. JOHNSON: OBJECTION.

19 THE COURT: SUSTAINED.

20 Q MR. CUMMINGS, YOU CAN ONLY TESTIFY TO WHAT YOU SAID
21 OR WHAT MR. MILLER SAID. ALL RIGHT? SO IF SOMEBODY ELSE
22 SAID SOMETHING, YOU CAN'T SAY WHAT THEY SAID, SO JUST MOVE
23 FORWARD.

24 A WHEN I ASKED -- I ASKED MILLER WHY WERE THEY SHOOTING
25 AT THAT TIME IN THE MORNING, MILLER TOLD ME THAT THE GUN

1 WENT OFF WHEN IT HIT TUCKER.

2 Q WHO HIT TUCKER?

3 A MILLER. HE SAID THE GUN WENT OFF WHEN HE HIT TUCKER
4 AND IT GRAZED HIM ACROSS THE HEAD, THE BULLET. THEY WAS
5 SAYING WHEN THEY CAME OUT OF THE BACK DOOR GETTING READY
6 TO LEAVE THE HOUSE THE OTHER GUNSHOTS THAT WENT OFF, SAID,
7 I KNOW YOU'RE NOT GOING TO LEAVE HIM LIVING, AND ANTONIO
8 SAID THAT'S WHEN HE TURNED AROUND AND ACTUALLY SHOT HIM.
9 WHEN HE SAID HE SHOT HIM, HE SAID HE STARTED SHAKING. HE
10 SAID TUCKER STARTED SHAKING.

11 WE WAS RIDING DOWN THE ROAD. THEY ASKED ME TO STOP
12 TO THE STORE AND I TOLD THEM, NO, WE'RE GOING BACK TO
13 COLUMBIA SO I COULD GET OUT OF THE CAR. SO WE GOT TO
14 COLUMBIA. MILLER KEPT ASKING ME TO FOLLOW HIM TO THE CAR
15 RENTAL PLACE AND I WAS TELLING HIM NO, MAN, WHY DON'T YOU
16 CALL YOUR MOM AND GET HER TO FOLLOW YOU TO THE CAR RENTAL
17 PLACE? HE SAID, NO, I WANT YOU TO FOLLOW ME TO THE CAR
18 RENTAL PLACE.

19 Q WHY? DO YOU KNOW WHY? DID HE SAY WHY?

20 A HE DIDN'T SAY WHY. I MEAN, HE WAS JUST KIND OF
21 CONSISTENT LIKE REALLY WANTED ME TO FOLLOW HIM TO THE CAR
22 RENTAL PLACE. AND I WAS TELLING HIM, MAN, WHY DON'T YOU
23 JUST CALL YOUR MOM BECAUSE I HAVE STUFF TO DO, WHY DON'T
24 YOU JUST CALL YOUR MOM, GET HER TO FOLLOW YOU TO THE CAR
25 RENTAL PLACE.

1 AT THAT TIME WE PULL UP AT BOOKS A MILLION. MY
2 FIANCEE WORKS THERE. AND I GOT OUT OF THE CAR. I WENT
3 INTO BOOKS A MILLION TO GET THE CAR. I GOT THE KEYS. AND
4 MILLER, GROOMS, AND REDFIELD, THEY WAS IN PUBLIX NEXT DOOR
5 NEXT TO BOOKS A MILLION. MILLER CAME INTO BOOKS A MILLION
6 TO GET ME AND TOLD ME -- TO GET ME TO FOLLOW THEM BACK IN
7 PUBLIX.

8 SO AT THAT TIME I FOLLOWED -- I LEFT OUT BEHIND HIM.
9 AND MY FIANCEE CALLED THE CELLPHONE AND ASKED ME TO TAKE
10 HER--

11 MR. JOHNSON: OBJECTION, YOUR HONOR.

12 THE COURT: SUSTAINED. DON'T SAY WHAT YOUR FIANCEE
13 SAID.

14 THE WITNESS: WE WENT TO WENDY'S.

15 Q WHO IS WE?

16 A ME AND MY FIANCEE.

17 Q HOW DID YOU GET THERE?

18 A IN THE RED FORD TAURUS.

19 Q WHOSE CAR WAS THAT?

20 A ME AND MY FIANCEE'S.

21 Q DID YOU SEE WHAT HAPPENED TO THE OTHER THREE PEOPLE
22 OR WHERE THEY WENT?

23 A THEY FOLLOWED US TO WENDY'S.

24 Q HOW DID THEY GET THERE?

25 A IN THE GREEN FORD TAURUS.

1 Q WHO WAS DRIVING?

2 A ANTONIO. AT THAT TIME WE WAS IN WENDY'S ORDERING OUR
3 FOOD, MILLER APPROACHED US, KIND OF LIKE BLOCKED US IN A
4 LITTLE BIT AND HE TOLD US -- HE TOLD ME, WELL, YOU KNOW
5 WHAT TIME IT IS? AND I DIDN'T -- AT THAT TIME, I KIND OF
6 LOOKED AT HIM LIKE, OKAY, YOU KNOW, AND I LEFT OUT AND I
7 -- HE CALLED THE PHONE AGAIN AND WAS LIKE, WELL, BRO, YOU
8 NEED TO FOLLOW -- YOU NEED TO COME TO THE HOUSE SO YOU CAN
9 FOLLOW ME TO TAKE THE RENTAL CAR BACK.

10 Q WHO WERE YOU WITH THEN?

11 A I WAS STILL WITH MY FIANCEE.

12 Q AND HOW -- WHAT CAR WERE YOU IN?

13 A I WAS IN THE RED FORD TAURUS. I DROPPED HER BACK OFF
14 AT BOOKS A MILLION AND I LEFT BY MYSELF HEADED TOWARDS TWO
15 NOTCH TO A HOTEL. I WAS GOING TO PICK A FRIEND AND -- AND
16 A LADY FRIEND THAT HE HAD WITH HIM UP FROM A HOTEL.

17 Q WHO IS HE?

18 A CALVIN HALL.

19 Q WHO IS THAT?

20 A MA'AM?

21 Q WHO IS THAT?

22 A THAT WAS A FRIEND OF MINE THAT I HAD MET IN COLUMBIA.
23 WHILE I'M AT THE HOTEL MILLER CONTINUED TO CALL THE PHONE
24 AND ASK -- KEPT ASKING ME WHERE I WAS, WHERE I WAS, WHAT
25 TIME I'M COMING, HE NEEDS FOR ME TO COME OVER AND FOLLOW

1 HIM BACK TO THE CAR, AND I KEPT TRYING TO AVOID HIM SO HE
2 COULD CALL HIS MOTHER TO TAKE HIM BACK TO TAKE -- TO TAKE
3 THE RENTAL CAR BACK. ONCE I DROPPED MY FRIEND OFF, HE
4 ASKED ME TO TAKE HIS LADY FRIEND--

5 MR. JOHNSON: OBJECTION, YOUR HONOR.

6 THE COURT: DON'T SAY WHAT YOUR FRIEND SAID, PLEASE.
7 SUSTAINED. DISREGARD IT. MOVE ALONG.

8 THE WITNESS: I TOOK MY FRIEND'S LADY FRIEND, WAS
9 TAKING HER BACK TO NORTH MAIN OVER THERE BY WHERE MILLER
10 STAYED AT. AT THAT TIME I WAS TELLING HER THAT I HAD TO
11 STOP OVER TO HIS HOUSE. AS I WAS PULLING IN, RICHLAND
12 COUNTY PULLED IN BEHIND ME. RICHLAND COUNTY PULLED IN
13 BEHIND ME, MILLER -- MILLER, REDFIELD, AND SOME OTHER GUY
14 WAS SITTING ON THE BACK PORCH.

15 I GOT OUT OF THE CAR AND THE OFFICER RICH -- FROM
16 RICHLAND COUNTY ASKED WHERE WAS ANTONIO MILLER? HE ASKED
17 FOR ID'S AND STUFF LIKE THAT, AND I GAVE HIM MY ID. AND
18 HE ASKED THE FEMALE FOR HER ID.

19 Q WHAT WAS HER NAME?

20 A I HAVE NO IDEA. I HAVE NO IDEA. SHE GAVE HIM THE
21 ID. HE RAN A CHECK. HE CAME BACK. HE ARRESTED ME FOR
22 DUS.

23 Q WHICH IS WHAT? WHAT'S THE CHARGE? WHAT DOES DUS
24 STAND FOR?

25 A DRIVING UNDER SUSPENSION.

1 Q ALL RIGHT.

2 A WHEN HE ARRESTED ME, HE PUT ME IN THE PATROL CAR, AND
3 I WAS TELLING HIM ABOUT ME PAYING MY REINSTATEMENT FEES.
4 I HAD ALREADY PAID THEM. AND HE LOOKED ON THE COMPUTER
5 AND HE WAS LIKE, WELL, I AM GOING TO GIVE YOU THE
6 BENEFIT--

7 MR. JOHNSON: OBJECTION, YOUR HONOR. HEARSAY.

8 THE COURT: WELL, FIRST OF ALL, WHEN YOU MAKE AN
9 OBJECTION, STAND UP PURSUANT TO THE RULES. THANK YOU.
10 SUSTAINED.

11 Q YOU CAN'T SAY WHAT OFFICER HAM SAID. YOU CAN ONLY
12 SAY WHAT YOU SAID. OKAY?

13 A I TOLD HIM I PAID MY REINSTATEMENT FEES. HE SAID
14 OKAY.

15 THE COURT: NO, NO. DON'T SAY WHAT THE POLICE
16 OFFICER SAID, PLEASE.

17 THE WITNESS: I TOLD HIM I PAID MY REINSTATEMENT
18 FEES. HE LET--

19 THE COURT: WHAT HAPPENED TO YOU?

20 THE WITNESS: HE WROTE ME A TICKET AND HE TOLD ME I
21 COULD GO HOME AND THAT I WOULD HAVE TO REPORT TO COURT
22 OCTOBER 14. WHILE ALL OF THIS WAS GOING ON ANTONIO MILLER
23 JUMPS IN THE RED FORD TAURUS, AND I HAD NO IDEA WHAT HE
24 WAS DOING IN THE RED FORD TAURUS, BUT ANOTHER OFFICER
25 SEARCHED THE CAR AND SAID THERE WAS--

1 MR. JOHNSON: OBJECTION, YOUR HONOR. HEARSAY.

2 THE COURT: HOLD ON. SIR, LISTEN TO ME. YOU CAN'T
3 TESTIFY ABOUT WHAT THE OFFICER TOLD YOU OR WHAT ANYBODY
4 ELSE TOLD YOU. THAT'S OUR RULES OF EVIDENCE. DON'T SAY
5 WHAT THE OFFICER SAID. JUST TELL US WHAT YOU SAW OR YOUR
6 CONVERSATIONS WITH THE DEFENDANT HERE, MR. MILLER. OKAY?

7 THE WITNESS: YES, SIR.

8 THE COURT: PLEASE. THANK YOU.

9 THE WITNESS: YES, SIR.

10 THE OTHER OFFICER SEARCHED THE CAR AND FOUND A GUN.
11 I WAS PLACED BACK UNDER ARREST. AT THAT TIME I WAS
12 TELLING THE OFFICER THAT I DIDN'T HAVE A GUN. I DIDN'T
13 HAVE A GUN. THE GUN WASN'T IN THE CAR. THEY SEARCHED THE
14 CAR, FOUND ANOTHER GUN. THE OFFICER, OFFICER HAM ASKED ME
15 ABOUT THE GUN.

16 MR. JOHNSON: OBJECTION, YOUR HONOR. HEARSAY.

17 THE COURT: WELL, HE ASKED YOU ABOUT THE GUN, BUT
18 DON'T SAY WHAT HE SAID, PLEASE.

19 THE WITNESS: HE ASKED ME ABOUT THE GUN. I TOLD
20 HIM -- I TOLD HIM THAT I DIDN'T HAVE A GUN. I TOLD HIM I
21 DIDN'T HAVE A GUN. AT THAT TIME ANTONIO ADMITTED TO
22 PUTTING THE GUN IN THE CAR. AFTER THAT, AIKEN COUNTY
23 CAME, STARTED INVESTIGATING THE CASE. ANTONIO TOLD THEM
24 THAT THE GUNS AND THE DRUGS AND EVERYTHING WAS HIS. THEY
25 FOUND HIS SHOES AND STUFF LIKE THAT, AND THEY ASKED HIM

1 ABOUT THE SHOES. HE DENIED--

2 MR. JOHNSON: YOUR HONOR, I HAVE TO OBJECT. HE IS --
3 HEARSAY AGAIN.

4 THE COURT: DON'T TESTIFY ABOUT -- AS A RESULT OF
5 WHAT THE OFFICER WAS ASKING, WHAT DID HE SAY ABOUT THE
6 SHOES? ANTONIO.

7 THE WITNESS: ANTONIO DENIED THE SHOES. HE DENIED
8 THE SHOES. AFTER THAT, WE ALL GOT ARRESTED AND HERE I AM
9 TODAY.

10 Q DID YOU HAVE A GUN WHEN THIS HAPPENED?

11 A WELL, IT WAS A GUN IN THE CAR UP UNDER THE ARM REST.

12 Q THAT WOULD BE YES?

13 A YES.

14 Q WHERE DID YOU GET THE GUN?

15 A I GOT THE GUN FROM A CEDRICK JOHNSON.

16 Q AND DID YOU SEE THAT ANYBODY ELSE HAD GUNS?

17 A YES.

18 Q WHO?

19 A ANTONIO, REDFIELD AND GROOMS.

20 Q I AM REFERRING TO BACK HERE IN AIKEN COUNTY.

21 A BACK HERE IN AIKEN COUNTY?

22 Q WHEN YOU WERE IN AIKEN. I AM BACKING UP.

23 A OKAY.

24 Q WHO DID YOU SEE WITH A GUN IF YOU SAW ANYONE?

25 A ANTONIO AND GROOMS.

1 Q DO YOU KNOW WHAT KIND OF GUN IT WAS THAT EACH ONE OF
2 THEM HAD?

3 A ANTONIO HAD A 9-MILLIMETER AND GROOMS HAD A 38.

4 Q WHAT KIND OF GUN DID YOU HAVE?

5 A I HAD A 9-MILLIMETER AS WELL.

6 Q AND YOU HAD THAT -- WHEN DID YOU GET THAT FROM
7 MR. CEDRICK JOHNSON?

8 A I GOT THAT SUNDAY.

9 Q THE 14TH?

10 A YES.

11 Q SO YOU HAD THE GUN THE WHOLE TIME?

12 A YES, MA'AM.

13 Q AND YOU WERE DRIVING THE WHOLE TIME?

14 A YES, MA'AM.

15 Q YOU DROVE TO MR. TUCKER'S HOUSE SEVERAL TIMES--

16 MR. JOHNSON: YOUR HONOR, OBJECTION. LEADING.

17 THE COURT: SUSTAINED.

18 Q DID YOU DRIVE TO MR. TUCKER'S HOUSE?

19 A YES, MA'AM.

20 Q HOW MANY TIMES?

21 A SEVERAL TIMES.

22 Q IN WHAT -- ON WHAT DAYS?

23 A FRIDAY -- FRIDAY, SATURDAY, SUNDAY, AND MONDAY.

24 Q WHO WAS WITH YOU FRIDAY?

25 A ANTONIO, GROOMS, AND SOME OTHER GUY.

1 Q WHO WAS WITH YOU SATURDAY?

2 A ANTONIO, GROOMS, T90.

3 Q WHO WAS WITH YOU SUNDAY?

4 A ANTONIO, GROOMS, AND REDFIELD.

5 Q WHO WAS WITH YOU MONDAY?

6 A ANTONIO, GROOMS, AND REDFIELD.

7 Q YOU NEVER BACKED OUT OF THIS; DID YOU?

8 A NO, MA'AM; NOT AS FAR AS ME DRIVING. I TOLD THEM

9 SEVERAL TIMES THAT I DIDN'T WANT TO GO INSIDE OF HIS HOUSE

10 OR ACTUALLY ROB THEM -- ROB MR. TUCKER WITH THEM.

11 Q YOU KNEW THAT WAS THE PLAN, THOUGH?

12 A YES, MA'AM.

13 Q AND YOU DROVE THEM TO THE HOUSE.

14 A YES, MA'AM.

15 Q SEVERAL TIMES; CORRECT?

16 A SEVERAL TIMES.

17 Q NOW, YOU STATED PREVIOUSLY THAT YOU HEARD SHOTS

18 AND -- WHILE YOU WERE AT JENNIFER'S AND THEN YOU DROVE

19 AWAY. AM I CORRECT --

20 A YES, MA'AM.

21 Q -- THAT YOU STATED THAT?

22 A YES, MA'AM.

23 Q ARE YOU SAYING THAT YOU LIKE LEFT THEM AND DROVE

24 SOMEWHERE ELSE?

25 A YES, MA'AM.

1 Q EXPLAIN THAT.

2 A WELL, AT THE TIME I HEARD THAT GUNSHOT WHILE THEY WAS
3 IN THE HOUSE AND I HEARD THE GUNSHOT AND I HEARD SOMEONE
4 YELL, I GOT IN THE CAR AND I LEFT. I WAS GETTING READY TO
5 LEAVE, BUT I THOUGHT ABOUT IT AND BEING THAT THEY WAS MY
6 FRIENDS OR I THOUGHT THEY WAS MY FRIENDS I CAME BACK
7 BECAUSE I ACTUALLY -- I ACTUALLY DIDN'T KNOW WHAT WAS
8 GOING ON.

9 WHEN ANTONIO WENT AND KNOCKED ON THE DOOR, I ASSUMED
10 THAT NO ONE WAS IN THE HOUSE. SO I WAS TRYING TO FIGURE
11 OUT WHY THEY WERE SHOOTING AT TEN O'CLOCK IN THE MORNING.
12 LATER I FOUND OUT THAT TUCKER WAS ACTUALLY IN THE HOUSE.
13 I LEFT I SAID BECAUSE IT KIND OF STARTLED ME. I DIDN'T
14 KNOW ACTUALLY WHAT WAS GOING ON, BUT I JUST HEARD A
15 GUNSHOT AT 10 O'CLOCK IN THE MORNING. I HEARD SOMEBODY
16 YELL. I KIND OF LIKE STARTLED.

17 I WAS GETTING READY TO LEAVE, LIKE I SAID, BUT I
18 THOUGHT -- I THOUGHT ABOUT IT AND I CAME BACK BECAUSE THEY
19 WAS MY FRIENDS. I FELT LIKE THAT THEY WAS MY FRIENDS.

20 Q YOU DIDN'T -- BUT YOU COULD HAVE DROVE AWAY AND LEFT;
21 RIGHT?

22 A YES, MA'AM.

23 Q AND YOU COULD HAVE CALLED SOMEBODY AND SAID THIS IS
24 HAPPENING; RIGHT?

25 A YES, MA'AM.

1 Q YOU DIDN'T DO ANY OF THOSE THINGS?

2 A NO, MA'AM.

3 Q DID YOU SEE ANYBODY COME OUT OF THE HOUSE WITH
4 ANYTHING?

5 A NO, MA'AM.

6 Q DID YOU SEE ANYTHING HAPPEN ONCE Y'ALL JUMPED IN THE
7 CAR TO LEAVE TO GO COLUMBIA THAT YOU PERSONALLY SAW?

8 A I SEEN GROOMS THROW SEVERAL THINGS OUT OF THE WINDOW.
9 I SEEN REDFIELD HOLD -- HOLD HIS GUN UP AND IT WAS LOCKED
10 BACK. HE WAS SAYING IT WAS EMPTY.

11 MR. JOHNSON: OBJECTION, YOUR HONOR. : HEARSAY.

12 THE COURT: DISREGARD THAT LAST STATEMENT THAT
13 REDFIELD SAID. SUSTAINED. MOVE ALONG.

14 THE WITNESS: I SEEN THAT. I SEEN -- I SEEN GROOMS
15 THROW THE SCREWDRIVER OUTSIDE -- OUT OF THE WINDOW AND
16 THREW THE GLOVES AND STUFF OUTSIDE OF THE WINDOW.

17 Q WHAT EXACTLY DID YOU SEE HIM THROW THAT YOU...

18 A I SEEN -- I SEEN HIM THROW THE SCREWDRIVER OUT OF THE
19 WINDOW.

20 Q AND WHERE WAS THAT?

21 A ON THE SAME ROAD THAT FRED TUCKER STAYED ON.

22 Q THIS WAS -- THAT -- WHEN WAS THAT IN RELATION TO WHEN
23 YOU DROVE AWAY?

24 A THAT WAS LIKE -- I MEAN, THAT WAS LIKE RIGHT AFTER
25 IT -- RIGHT AFTER IT HAPPENED LIKE. RIGHT AFTER IT

1 HAPPENED. WE GOT DOWN THE ROAD AND IT WAS LIKE A RAILROAD
2 TRACK, LIKE A FARMER'S MARKET STAND. RIGHT IN BETWEEN
3 THAT AREA GROOMS THREW THE SCREWDRIVER OUT OF THE WINDOW.

4 Q AND WHERE WAS GROOMS -- WHERE WAS EVERYBODY SEATED IN
5 THE CAR?

6 A MILLER WAS ON THE PASSENGER'S SIDE. I THINK
7 REDFIELD, HE WAS SITTING IN THE PASSENGER'S SIDE BEHIND
8 MILLER, AND GROOMS WAS SITTING -- SITTING ON THE -- BEHIND
9 ME ON THE DRIVER'S SEAT.

10 Q HOW DID YOU SEE HIM THROW THE STUFF OUT THE WINDOW IF
11 HE WAS BEHIND YOU?

12 A THROUGH THE REAR VIEW MIRROR.

13 Q WHAT ELSE DID YOU SEE IN THE CAR?

14 A I SEEN THE GUN -- I SEEN THE GUN -- I SEEN THE GUN
15 THAT REDFIELD HAD. I ACTUALLY SEEN MILLER HAD HIS GUN
16 SITTING ON HIS LAP.

17 Q WHEN YOU WERE DRIVING BACK DID MILLER SAY ANYTHING
18 ELSE OTHER THAN WHAT YOU'VE ALREADY TESTIFIED ABOUT?

19 A NO, MA'AM EXCEPT FOR WHAT I ALREADY TESTIFIED TO.

20 Q HE DIDN'T SAY ANYTHING ELSE?

21 A NO, MA'AM.

22 Q WHERE DID YOU GO WHEN YOU LEFT AND YOU TURNED, AND
23 YOU WERE ON ROAD OR ON FRED'S ROAD, WHAT
24 DIRECTION DID YOU GO?

25 A WE GOT TO THE STOP SIGN AND MADE A RIGHT AND WENT

1 DOWN I THINK 278.

2 Q THEN WHERE DID YOU GO?

3 A WE WENT BACK TO COLUMBIA.

4 Q STRAIGHT THERE?

5 A YES, MA'AM, STRAIGHT TO COLUMBIA.

6 Q DID YOU STOP?

7 A BOOKS A MILLION.

8 Q YOU DIDN'T STOP ANY TIME BEFORE THAT?

9 A NO, MA'AM.

10 Q NOBODY WAS HOLDING A GUN TO YOU. YOU WERE DOING THIS
11 VOLUNTARILY?

12 A YES, MA'AM.

13 MRS. YOUNG: MAY I APPROACH THE WITNESS?

14 Q I AM GOING TO SHOW YOU WHAT'S BEEN MARKED FOR
15 IDENTIFICATION PURPOSES AS STATE'S EXHIBIT 27, 28 AND ASK
16 IF YOU CAN TELL ME -- I'LL START WITH 27 -- WHAT THAT
17 IS.

18 A THAT'S INSIDE OF BOOKS A MILLION.

19 Q YOU'VE SEEN THAT BEFORE?

20 A YES, MA'AM.

21 Q AND DOES THAT FAIRLY AND ACCURATELY SHOW THE INSIDE
22 AS YOU SAW IT THAT DAY?

23 A YES, MA'AM.

24 Q IS THIS THE BOOKS A MILLION YOU'RE TALKING ABOUT?

25 A YES, MA'AM.

1 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE
2 STATE'S 27 INTO EVIDENCE.

3 THE COURT: ANY OBJECTION?

4 MR. JOHNSON: NO OBJECTION.

5 (WHEREUPON, STATE'S EXHIBIT NO. 27 WAS ADMITTED INTO
6 EVIDENCE.)

7 Q HOW ABOUT STATE'S 28?

8 A THAT'S BOOKS A MILLION AS WELL.

9 Q SAME TIME?

10 A YES, MA'AM.

11 Q SAME DAY?

12 A YES, MA'AM.

13 Q ARE YOU IN THE PICTURE?

14 A YES, MA'AM.

15 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE
16 STATE'S 28 INTO EVIDENCE.

17 THE COURT: ANY OBJECTION?

18 MR. JOHNSON: NO OBJECTION.

19 THE COURT: THANK YOU.

20 (WHEREUPON, STATE'S EXHIBIT NO. 28 WAS ADMITTED INTO
21 EVIDENCE.)

22 Q IN THE PICTURE--

23 THE COURT: WHICH NUMBER?

24 Q I'M SORRY. IN STATE'S EXHIBIT 28, IF YOU DON'T MIND,
25 HOLD THAT UP SO THE JURY CAN SEE. WELL, TELL THEM WHICH

1 ONE YOU ARE.

2 THE COURT: I'LL TELL YOU WHAT. WELL, YOU'RE RIGHT.
3 THAT'S FINE RIGHT THERE. HOLD AND A SECOND. LET
4 MR. JOHNSON GET AROUND.

5 THE WITNESS: I AM--

6 THE COURT: EVERYBODY SEE? HOLD IT UP HIGHER. WHICH
7 ONE ARE YOU?

8 THE WITNESS: I AM THE GUY IN THE WHITE WITH THE
9 WHITE T-SHIRT ON.

10 Q AND WHO IS NEXT TO YOU?

11 A ANTONIO MILLER.

12 Q Y'ALL ARE WALKING OUT TOGETHER?

13 A YES, MA'AM.

14 Q I AM GOING TO SHOW YOU STATE'S EXHIBIT 27 AND ASK IF
15 YOU RECOGNIZE WHAT THAT IS.

16 A YES.

17 Q WHAT IS IT?

18 A THAT'S THE VIDEO.

19 Q FROM...

20 A FROM BOOKS A MILLION.

21 Q AND HAVE YOU HAD A CHANCE TO SEE THAT PRIOR TO COURT
22 TODAY?

23 A YES.

24 Q AND DOES WHAT YOU SEE FAIRLY SHOW WHAT HAPPENED ON
25 THE DAY IN QUESTION?

1 A YES.

2 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE
3 STATE'S 26 INTO EVIDENCE.

4 THE COURT: ANY OBJECTION?

5 MR. JOHNSON: NO OBJECTION, YOUR HONOR.

6 (WHEREUPON, STATE'S EXHIBIT NO. 26 WAS ADMITTED INTO
7 EVIDENCE.)

8 THE COURT: THAT'S A VIDEO I ASSUME FROM THE
9 SURVEILLANCE CAMERAS?

10 MRS. YOUNG: YES, SIR. MAY WE PUBLISH THIS AT THIS
11 TIME?

12 THE COURT: YOU MAY.

13 BY MRS. YOUNG:

14 Q MR. CUMMINGS, WHILE THAT'S COMING UP, WHICH DIRECTION
15 ARE YOU COMING FROM IN THE VIDEO OR WHERE ARE YOU GOING IN
16 THE VIDEO IS PROBABLY MORE APPROPRIATE.

17 A I WAS HEADING OUT -- OUT THE DOOR LIKE TO PUBLIX.

18 Q GOING WHERE?

19 A TO PUBLIX.

20 Q BUT YOU'RE IN BOOKS A MILLION?

21 A YES.

22 THE COURT: HOLD IT RIGHT THERE FOR ME, PLEASE. STEP
23 RIGHT HERE. YOU CAN COME ON DOWN. CAN YOU SEE IT?

24 THE WITNESS: YES, SIR.

25 THE COURT: ALL RIGHT.

1 Q WHICH ONE ARE YOU IN THE VIDEO?

2 A I AM THE GUY IN THE WHITE T-SHIRT.

3 Q ALL RIGHT. AND WHO IS NEXT TO YOU?

4 A ANTONIO.

5 Q AND WHAT IS HE WEARING?

6 A BLACK SHIRT, BLACK SHORTS, BLACK -- BLACK AND GOLD
7 JORDANS.

8 Q ALL RIGHT. WHERE ARE Y'ALL GOING THEN? IS THAT THE
9 END OF YOU ON THIS VIDEO?

10 A YES, MA'AM.

11 THE COURT: ALL RIGHT. YOU MAY PROCEED.

12 (VIDEO PLAYED.)

13 Q WHERE ARE YOU GOING?

14 A BACK TO PUBLIX.

15 Q AND YOU TOLD ME -- YOU TESTIFIED PREVIOUSLY THAT YOU
16 HAD A ON A BLACK SHIRT. YOU HAD ON A WHITE SHIRT IN THAT
17 PICTURE.

18 A YES. IT WAS PRETTY HOT THAT DAY. IT WAS PRETTY HOT
19 THAT DAY. I TOOK THE BLACK SHIRT OFF BECAUSE...

20 Q WHEN DID YOU DO THAT?

21 A I THINK I TOOK THAT SHIRT OFF AFTER -- AFTER WE WAS
22 RIDING DOWN THE ROAD. I THINK I TOOK THE SHIRT OFF WHEN I
23 WAS RIDING DOWN THE ROAD.

24 Q AFTER...

25 A AFTER THE -- AFTER THE ROBBERY.

1 Q WHO ALL WAS THERE WHEN YOU GOT TO BOOKS A MILLION?
2 YOU STATED -- OR I AM ASKING YOU IS THAT THE FIRST PLACE
3 YOU STOPPED?

4 A YES.

5 Q WHO WAS WITH YOU THEN?

6 A ANTONIO, REDFIELD, AND GROOMS.

7 Q AND YOU STATED THAT YOU -- THAT WAS YOUR FIRST STOP.

8 A YES, MA'AM.

9 Q IF YOU COULD BE A LITTLE BIT MORE SPECIFIC ABOUT JUST
10 DESCRIBE WHAT ALL HAPPENED ONCE YOU ACTUALLY STOPPED AND
11 WHERE PEOPLE WENT AND WHAT THEY DID IF YOU SAW THEM.

12 A THEY WENT TO BOOKS A MILLION AND I MEAN, THAT WAS --
13 I MEAN NOT BOOKS A MILLION BUT TO PUBLIX. THAT WAS THE
14 ONLY THING THAT I ACTUALLY SEEN.

15 Q WHO IS THEY?

16 A ANTONIO, REDFIELD, AND GROOMS.

17 Q AND WHERE IS THE PUBLIX?

18 A IT IS CONNECTED TO BOOKS A MILLION.

19 Q IS IT IN THE SAME SHOPPING CENTER?

20 A YES, MA'AM.

21 Q AND YOU SAW THEM GO INTO PUBLIX; IS THAT CORRECT?

22 A YES.

23 Q WHAT HAPPENED AFTER Y'ALL WALKED OUT OF BOOKS A
24 MILLION?

25 A WE WENT BACK TO PUBLIX WHERE GROOMS AND REDFIELD WAS

1 STILL INSIDE OF PUBLIX. THEY HAD LIKE A LITTLE SITTING
2 AREA IN PUBLIX. I SAT -- I SAT DOWN AND MILLER WENT
3 INSIDE WITH GROOMS AND REDFIELD.

4 Q WHO CAME OUT?

5 A WELL, ONCE I GOT UP, EVERYBODY CAME OUT.

6 Q AND WHERE DID YOU GO NEXT?

7 A I WENT TO MY CAR.

8 Q WHICH IS WHAT?

9 A WAS THE RED FORD TAURUS. AS I WAS GOING TO THE CAR,
10 MY FIANCEE CALLED THE PHONE.

11 Q WHERE DID THE OTHER PEOPLE GO?

12 A THEY WENT TO THE GREEN FORD TAURUS.

13 Q WHO ALL WENT TO THE GREEN TAURUS?

14 A ANTONIO, REDFIELD, AND GROOMS.

15 Q AND DID YOU SPLIT UP THEN?

16 A YES. YES, MA'AM.

17 Q MR. CUMMINGS, IS MR. MILLER PRESENT IN THE COURTROOM
18 TODAY?

19 A YES. HE IS SITTING AT THE TABLE WITH THE LONG HAIR,
20 THE DREADS, AND THE LONG-SLEEVED SHIRT.

21 THE COURT: WHAT KIND OF SHIRT? LONG-SLEEVED?

22 THE WITNESS: YES, SIR.

23 MRS. YOUNG: YOUR HONOR, WE'D ASK THE RECORD TO
24 REFLECT THAT THIS WITNESS HAS IDENTIFIED MR. MILLER.

25 Q MR. CUMMINGS, IN THAT VIDEO YOU'RE CARRYING A PURPLE

1 BAG; IS THAT CORRECT?

2 A YES, MA'AM.

3 Q WHAT IS IN THAT BAG?

4 A MY DAUGHTER'S BABY BAG.

5 Q WHAT DOES THAT MEAN?

6 A WELL, IT WAS A BABY -- IT HAVING -- THEY WAS HAVING A
7 BABY SHOWER, SOME OF THE CO-WORKERS AT BOOKS A MILLION,
8 AND ONE OF THE CUSTOMERS BROUGHT A BABY BAG, TOTE BAG FOR
9 MY DAUGHTER, AND I WAS TAKING IT HOME.

10 Q AND YOU NEVER CALLED THE POLICE; DID YOU?

11 A NO, MA'AM.

12 Q AND YOU WENT BACK TO 5520 NORTH MAIN STREET
13 VOLUNTARILY; RIGHT?

14 A YES, MA'AM.

15 MRS. YOUNG: NO FURTHER QUESTIONS AT THIS TIME.

16 THE COURT: ALL RIGHT. THANK YOU. MADAM FORELADY,
17 LADIES AND GENTLEMEN, YOUR LUNCH IS HERE. WE'RE GOING TO
18 RECESS NOW FOR LUNCH. I'LL ASK YOU NOT TO DELIBERATE.
19 DON'T DISCUSS THE CASE WITH ANYONE. WE'RE GOING TO START
20 BACK AT 2 O'CLOCK. I HAVE SOME MORE HEARINGS AT 1:40 THAT
21 WILL LAST ABOUT FIFTEEN MINUTES.

22 SO, ONCE YOU FINISH YOUR LUNCH OR YOU CAN TAKE YOUR
23 LUNCH OUTSIDE, WHATEVER SUITS, BE BACK AT 2 O'CLOCK.

24 DON'T DISCUSS THE CASE PLEASE. EVERYBODY ELSE REMAIN
25 SEATED.

1 (WHEREUPON, THE JURY EXITED THE COURTROOM AT 12:19
2 PM.)

3 THE COURT: MR. CUMMINGS, YOU'RE RIGHT IN THE MIDDLE
4 OF YOUR TESTIMONY. I AM GOING TO OBVIOUSLY GET THEM TO
5 HAVE SOME LUNCH FOR HIM -- FOR YOU, AND PLEASE DO NOT
6 DISCUSS YOUR TESTIMONY WITH ANYONE WHILE WE TAKE THE
7 BREAK. PULL HIS PANTS UP. LIEUTENANT, WHEN HE COMES BACK
8 IN HERE, GET THOSE PANTS UP.

9 MR. JOHNSON, YOU WANTED TO MAKE A MOTION. I SAID
10 I'LL GIVE YOU AMPLE OPPORTUNITY TO DO SO.

11 MR. JOHNSON: YES, SIR. DURING THE TESTIMONY
12 MR. CUMMINGS HE STATED THAT HE HAD A CONVERSATION WITH MY
13 CLIENT, MR. MILLER, AND THAT MR. MILLER HAD ASKED IF
14 MR. TUCKER, THE DECEASED, HAD DONE ANY FEDERAL TIME AND
15 THAT -- I BELIEVE MR. CUMMINGS SAID HE DIDN'T KNOW, AND
16 THEN HE TESTIFIED THAT MR. MILLER SAID, WELL, THAT MUST BE
17 WHERE I KNOW HIM FROM. AND THEN I OBJECTED, YOUR HONOR,
18 AND THE COURT SUSTAINED IT.

19 I WOULD MOVE FOR A MISTRIAL BASED ON THAT FACT THAT
20 THE JURY HEARD THAT TESTIMONY ABOUT MY CLIENT DOING
21 FEDERAL TIME.

22 THE COURT: WELL, YOU WERE VERY OBSERVANT, YOU WERE
23 VERY QUICK IN MAKING YOUR OBJECTION, AND IT STOPPED
24 IMMEDIATELY. IT WAS NIPPED STRICTLY IN THE BUD. I WILL
25 GIVE A CURATIVE INSTRUCTION WHEN WE COME BACK THAT THAT IS

1 NOT TO BE CONSIDERED BY THEM IN ANY MANNER WHATSOEVER AND
2 IT HADN'T GOT ANYTHING TO DO WITH THIS CASE, AND I
3 RESPECTFULLY DENY YOUR MOTION.

4 MR. JOHNSON: YES, SIR.

5 THE COURT: AND MR. JOHNSON, IF I FORGET TO MAKE THAT
6 INSTRUCTION WHEN WE COME BACK, PLEASE REMIND ME WHEN WE
7 COME BACK FROM THE LUNCH BREAK. ANYTHING ELSE?

8 MRS. YOUNG: NOTHING FROM THE STATE.

9 THE COURT: ALL RIGHT. WE'LL STAND AT EASE UNTIL TWO
10 O'CLOCK.

11 (WHEREUPON, A LUNCH RECESS WAS TAKEN.)

12 THE COURT: MR. JOHNSON, I MENTIONED TO YOU AND
13 MRS. BETH ANN YOUNG IN CHAMBERS THIS MORNING THAT ONE OF
14 THE JURORS HAD A LITTLE BIT OF DIFFICULTY WITH HER
15 EMPLOYER ABOUT SERVING ON JURY DUTY AND MAY LOSE HER JOB,
16 ET CETERA. Y'ALL SAW ME SPEAK TO HER AT SIDE BAR AFTER I
17 GOT Y'ALLS PERMISSION TO DO SO, AND SHE BASICALLY SAID SHE
18 WANTED TO CONTINUE TO SERVE.

19 ANY PROBLEMS WITH THAT ON BEHALF OF THE DEFENDANT, OR
20 DO YOU WISH ME TO USE AN ALTERNATE?

21 MR. JOHNSON: NO PROBLEM.

22 THE COURT: THANK YOU. MRS. BETH ANN YOUNG ON BEHALF
23 OF THE STATE?

24 MRS. YOUNG: THAT'S FINE, JUDGE.

25 THE COURT: THANK YOU.

1 MR. JOHNSON: YOUR HONOR? I'M SORRY. BEFORE THE
2 JURY COMES IN I WAS GOING TO RENEW THIS MOTION. YOU ASKED
3 ME TO BRING THIS UP BEFORE THE JURY CAME BACK. AND SINCE
4 MR. CUMMINGS IS HERE, I DIDN'T KNOW IF YOU WANT TO GET HIM
5 BACK OUT BEFORE WE TALK ABOUT THIS. DO YOU WANT ME TO--

6 THE COURT: RENEW WHAT MOTION?

7 MR. JOHNSON: I MADE A MOTION BEFORE WE BROKE AND
8 IT'S RELATED TO PREVIOUS MOTION, IT IS RELATED TO
9 TESTIMONY THAT MR. CUMMINGS HAD JUST GIVEN. AND I CAN GO
10 FORWARD IF YOU -- I DIDN'T KNOW IF YOU WANTED MR. CUMMINGS
11 -- LAST TIME YOU WANTED BEFORE I STARTED THAT HE WAS OUT
12 OF THE COURTROOM, BUT--

13 THE COURT: THAT WAS JUST FOR SECURITY PURPOSES. GO
14 AHEAD.

15 MR. JOHNSON: JUST TO START OUT. ORIGINALLY IN MY
16 WRITTEN MOTION TO SUPPRESS I CITED PREJUDICIAL --
17 BASICALLY THE PREJUDICIAL NATURE OF FIREARMS, DRUG
18 EVIDENCE AND ALL OF THAT, TO SUPPRESS ALL OF THAT, AND
19 THEN I ALSO PUT IN THERE MUST ALSO QUALIFY UNDER LIBEL
20 404. AND I JUST WANTED TO RAISE THAT ISSUE AGAIN.

21 BASICALLY ALL OF THIS STUFF IS BASICALLY GOING
22 TOWARDS CHARACTER EVIDENCE. IT'S INADMISSIBLE AS A RESULT
23 THERE OF IT. ALSO THE EVIDENCE REGARDING TESTIMONY WHERE
24 MR. CUMMINGS SAID ANTONIO MILLER SAID THAT HE HAD DONE
25 FEDERAL TIME, FREDERICK TUCKER, I AM ALSO GOING TO INCLUDE

1 THAT IN THERE. BASICALLY IT IS CHARACTER EVIDENCE. I
2 BELIEVE IT'S INADMISSIBLE, AND I OBJECT TO THAT. AND I
3 DON'T BELIEVE A CURATIVE INSTRUCTION WOULD BE SUFFICIENT.
4 SO I CITE THAT AGAIN AS MY OBJECTION, YOUR HONOR, THAT
5 BASICALLY MISTRIAL IS THE ONLY OPTION.

6 THE COURT: THANK YOU. RESPECTFULLY DENIED. BRING
7 THEM, IN.

8 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
9 APPROXIMATELY 1:59 PM.)

10 THE COURT: LADIES AND GENTLEMEN, LET ME COMMENT ON
11 ONE THING. DURING THE TESTIMONY EARLIER TODAY I THINK
12 THIS WITNESS, MR. CUMMINGS, MADE SOME PASSING COMMENT OR
13 SOME QUESTION ABOUT FEDERAL TIME OR FEDERAL SOMETHING.
14 THAT AIN'T GOT ANYTHING TO DO WITH THIS CASE. I STRUCK IT
15 FROM THE RECORD. DON'T CONSIDER IT. DON'T EVEN THINK
16 ABOUT IT. I MEAN, IT HAS NOTHING TO DO WITH THIS CASE
17 WHAT PEOPLE DID BEFORE, AFTER AND WHATEVER.

18 THIS CASE DEALS WITH THESE FACTS AND THIS MATTER AND
19 NOTHING ELSE. SO, PLEASE DISREGARD ANYTHING THAT I'VE
20 STRICKEN FROM THE RECORD, ANY REFERENCE TO FEDERAL TIME.
21 I THINK I STOPPED HIM BEFORE HE GOT TOO FAR INTO IT.
22 THAT'S NOT RELEVANT TO THIS CASE. PLEASE DISREGARD IT.

23 THE NOTES. PLEASE DON'T SHARE THOSE NOTES WITH
24 ANYONE. I WOULD ASK WHEN YOU GET HOME TONIGHT JUST TEAR
25 THEM UP SO WE WON'T USE THOSE.

1 ALL RIGHT. MR. JOHNSON.

2 MR. JOHNSON: THANK YOU, YOUR HONOR.

3 CROSS-EXAMINATION

4 BY MR. JOHNSON:

5 Q MR. CUMMINGS, WHAT DID YOU SAY YOU WERE CONVICTED OF?

6 A VOLUNTARY MANSLAUGHTER, ARMED ROBBERY, AND POSSESSION
7 OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME.

8 Q BUT NOW YOU ALSO SAID BEFORE THAT YOU WERE CONVICTED
9 OF POSSESSION. COCAINE?

10 A THAT WAS SOME CHARGES IN 2007.

11 Q WELL, THAT'S NOT QUITE TRUE; IS IT?

12 A YEAH, IT IS.

13 Q ALL RIGHT. ARE YOU SURE THAT -- WELL, WOULD IT
14 ASSIST YOUR MEMORY TO HAVE A LOOK AT YOUR CRIMINAL RECORD
15 --

16 A YEAH.

17 Q -- TO REFRESH YOUR MEMORY? OKAY.

18 THE COURT: MR. JOHNSON, IN ALL DUE RESPECT, I CAN
19 HARDLY READ THOSE THINGS. WHY DON'T YOU JUST ASK HIM
20 WHAT'S ON THERE. THEY ARE SO HARD TO INTERPRET.

21 MR. JOHNSON: YES, SIR. I'LL ASK HIM DIRECTLY, YES,
22 SIR.

23 Q MR. CUMMINGS, JUST BASED ON YOUR REVIEW OF THE
24 CRIMINAL RECORD, DOES IT SAY POSSESSION OR SOMETHING ELSE?

25 THE COURT: POINT IT OUT. POINT IT OUT TO HIM.

1 MR. JOHNSON: YES.

2 THE WITNESS: YES. PWID IS POSSESSION WITH INTENT TO
3 DISTRIBUTE.

4 Q RIGHT. WHICH IS MORE SERIOUS THAN POSSESSION.

5 A YEAH. I MEAN, I DON'T -- I DON'T KNOW.

6 Q OKAY.

7 A I JUST WAS CHARGED WITH IT.

8 Q ALL RIGHT. MR. CUMMINGS, HOW MANY TIMES YOU BEEN
9 OVER TO 5520 NORTH MAIN STREET?

10 A SEVERAL TIMES.

11 Q OKAY. AND YOU'VE BEEN INSIDE THERE, STAYED OVER
12 THERE?

13 A YEAH. I STAYED THE NIGHT OVER THERE AND EVERYTHING.

14 Q MANY TIMES.

15 A MANY TIMES. YEAH. SEVERAL TIMES.

16 Q ALL RIGHT. AND YOU HAD ACCESS THERE AND YOU KNEW
17 MR. MILLER AND HIS WIFE.

18 A YES.

19 Q ALL RIGHT. AND AS FAR AS GOING TO U-SAVE AUTO
20 RENTAL, YOU'D GO OVER THERE AND MAKE PAYMENTS AND HELP
21 THEM OUT, PICK UP A CAR WITH YOUR LICENSE AND THINGS LIKE
22 THAT; WOULDN'T YOU?

23 A NO. NO, SIR.

24 Q YOU'RE SAYING UNDER OATH THAT YOU'VE NEVER BEEN TO
25 U-SAVE AUTO RENTAL?

1 A I HAVE BEEN TO U-SAVE AUTO RENTALS, YES.

2 Q ALL RIGHT. NOW, LET'S GO THROUGH. YOU TESTIFIED --
3 YOU SAID EARLIER WHEN YOU TESTIFIED TO THE SOLICITOR YOU
4 SAID YOU KIND OF HEARD SHOTS, BUT YOU DIDN'T KNOW WHAT WAS
5 GOING ON. SO, WAS THERE NO TALK ABOUT WHAT WAS GOING TO
6 GO ON INSIDE THE HOUSE?

7 A YEAH. I MEAN, YES. THE PLAN WAS TO GO AND ACTUALLY
8 ROB MR. TUCKER.

9 Q ALL RIGHT. WELL, DIDN'T YOU SAY THAT PRIOR THERE WAS
10 NO TALK ABOUT TORTURE?

11 A YES. THERE WAS NO TALK ABOUT TORTURE.

12 Q ALL RIGHT. BUT THAT WAS AT YOUR TRIAL WHERE YOU MADE
13 THAT STATEMENT, BUT YOU GAVE A STATEMENT TO LAW
14 ENFORCEMENT --

15 A YES.

16 Q -- THAT WAS FOUR PAGES LONG.

17 A UH-HUH.

18 Q AND IN THAT STATEMENT DIDN'T YOU SAY THAT THERE WAS
19 TALK ABOUT EVERYTHING THEY WERE GOING TO DO --

20 A YES.

21 Q -- TO FRED TUCKER?

22 A YES.

23 Q SO YOUR VERSION OF THAT CONVERSATION SORT OF CHANGED;
24 DIDN'T IT?

25 A NO, BECAUSE IT DIDN'T -- THEY DIDN'T INCLUDE

1 TORTURING. THEY DIDN'T SAY ANYTHING ABOUT ACTUALLY
2 TORTURING MR. TUCKER.

3 Q ALL RIGHT. AND DIDN'T YOU SAY -- MAKE A COMMENT THAT
4 YOU JUST WENT DOWN THERE TO PURCHASE A CAR? DIDN'T YOU
5 SAY THAT?

6 A WHAT ARE YOU TALKING ABOUT?

7 Q DOWN TO FRED TUCKER'S HOUSE DOWN THERE IN AIKEN.

8 A OH, YES, TALKING ABOUT WHEN I WENT NEXT DOOR TO
9 MRS. JEN -- MRS. GLOVER'S HOUSE?

10 Q YEAH.

11 A YES, I WENT OVER THERE AND ME AND HER WAS TALKING
12 ABOUT A CAR THAT SHE HAD IN HER YARD.

13 Q SO YOU TOLD THE SOLICITOR YOU WERE JUST GOING OVER
14 THERE TO BUY A CAR AND THAT WAS YOUR PURPOSE?

15 A YES.

16 Q OKAY. IS THAT WHAT YOU'RE SAYING TODAY?

17 A YES.

18 Q OKAY. SO YOU'RE BASICALLY AN INNOCENT CAR-BUYER THAT
19 GOT TANGLED UP IN SOME NONSENSE?

20 A NO. LIKE I SAID BEFORE DURING MY TRIAL I TOOK
21 RESPONSIBILITY FOR WHAT I -- WHAT I DID. I DROVE A CAR.
22 I KNEW THEY WANTED TO ROB MR. TUCKER, SO I DECIDED TO
23 DRIVE A CAR. I NEVER SAID I WAS INNOCENT. I PLED TO THE
24 CHARGE. I PLED GUILTY TO THOSE CHARGES.

25 Q WELL, LET'S TALK ABOUT -- I DIDN'T MEAN TO CUT YOU

1 OFF. ARE YOU FINISHED?

2 THE COURT: WELL, YOU DID CUT HIM OFF.

3 MR. JOHNSON: I'M SORRY, JUDGE.

4 THE COURT: WE TALKED ABOUT THAT. LET HIM FINISH,
5 PLEASE.

6 Q ARE YOU FINISHED, SIR?

7 THE COURT: DON'T MAKE ME FUSS AT YOU.

8 MR. JOHNSON: YES, SIR.

9 THE WITNESS: I SAID I PLED GUILTY TO THOSE CHARGES,
10 YOU KNOW, NEVER CLAIMED TO BE INNOCENT. I DID PLEAD --

11 Q OKAY.

12 A -- GUILTY TO THOSE CHARGES.

13 Q NEVER CLAIMED TO BE INNOCENT?

14 A NO.

15 Q OKAY. MR. CUMMINGS, DID YOU WRITE A LETTER TO THE
16 SOLICITOR?

17 A DID I WRITE A LETTER TO THE SOLICITOR? NO, NOT AS I
18 CAN RECALL.

19 Q YOU'RE SAYING UNDER OATH THAT YOU NEVER MAILED A
20 LETTER TO THE SOLICITOR BETH ANN YOUNG MARCH 31ST OF 2010?

21 A I SAID NOT AS I CAN RECALL. I DIDN'T SAY--

22 Q WOULD IT HELP YOUR -- I'M SORRY.

23 A I DIDN'T SAY THAT I DIDN'T. I SAID NOT AS I CAN
24 RECALL.

25 Q OKAY. WOULD IT REFRESH YOUR MEMORY TO REVIEW A COPY

1 OF SAID LETTER?

2 A THIS IS MY HANDWRITING. YES.

3 Q SO YOU SAID YES, THIS IS A LETTER THAT YOU WROTE TO
4 MRS. BETH ANN YOUNG?

5 A YES.

6 Q OKAY. AND DIDN'T YOU SAY IN THIS LETTER IN
7 MARCH 2010 YOU DIDN'T COMMIT ANY OF THESE CRIMES?

8 A YES.

9 Q ALL RIGHT. AND YOU CLAIMED THAT YOU ARE BASICALLY
10 TOTALLY INNOCENT.

11 A WELL, AS I WAS INSTRUCTED THAT DAY WHEN I PLED TO MY
12 CHARGES, I WAS AWARE OF HOW I COULD BE CHARGED WITH THOSE
13 CHARGES. ME ACTUALLY GOING INTO THE HOUSE ACTUALLY
14 COMMITTING THE MURDER, THE ARMED ROBBERY, NO, I DID NOT
15 ACTUALLY COMMIT THOSE CRIMES. BUT AS FAR AS I WAS
16 INSTRUCTED -- THE WAY I WAS INSTRUCTED, I PLED GUILTY
17 BECAUSE OF THE INSTRUCTIONS.

18 Q WHO INSTRUCTED YOU?

19 A THE JUDGE GAVE THE INSTRUCTIONS OF HOW I COULD BE
20 CHARGED WITH THOSE CRIMES AND HOW I WOULD BE INVOLVED IN
21 THOSE CRIMES.

22 Q BUT YOU'RE SAYING YOU DID IT BECAUSE YOU WERE
23 INSTRUCTED, NOT BECAUSE YOU ACTUALLY DID ANYTHING?

24 A I DROVE A CAR.

25 Q WELL, WHERE DID YOU DRIVE THE CAR TO?

1 A TO MR. TUCKER'S HOUSE.

2 Q WELL, DIDN'T YOU INDICATE YOU NEVER BEEN -- THAT YOU
3 WERE NOT OVER AT THE CRIME SCENE?

4 A NO, I WASN'T AT THE CRIME SCENE. I WASN'T AT THE
5 CRIME SCENE ACTUALLY INSIDE OF THE HOUSE.

6 Q JUST PARKED OUTSIDE?

7 A NO. I PULLED IN MR. TUCKER'S YARD. I -- LIKE I
8 SAID, ANTONIO MILLER WENT AND KNOCKED ON THE DOOR. NOBODY
9 CAME TO THE DOOR. WE LEFT. ANTONIO SAID THAT WE WASN'T
10 GOING BACK EMPTY-HANDED. I PULLED INSIDE OF MRS. GLOVER'S
11 YARD. THAT WAS FARTHEST I EVER WENT --

12 Q OKAY.

13 A -- TO MR. TUCKER'S HOUSE.

14 Q AND YOU MAKE SOME STATEMENT ABOUT HOW YOU SAID, WELL,
15 I JUST PREFER THAT EVERYONE JUST LET NO POLICE OFFICERS --
16 LET THE POLICE KNOW WHAT HAPPENED ONCE YOU WERE IN THE CAR
17 WITH ALL OF THE CO-DEFENDANTS LEAVING THE CRIME SCENE?
18 DIDN'T YOU TRY TO SAY THAT TO THE SOLICITOR IN COURT?

19 A I CAN'T RECALL.

20 Q OKAY. WOULD IT REFRESH YOUR MEMORY TO REVIEW A
21 TRANSCRIPT OF THAT, THAT HEARING? OKAY.

22 THE COURT: WHAT HEARING ARE YOU TALKING ABOUT?

23 MR. JOHNSON: THIS IS HIS PLEA, YOUR HONOR.

24 THE COURT: THANK YOU. POINT IT OUT TO HIM.

25 Q SO AFTER REVIEWING THAT, IS -- HAVING -- YOUR MEMORY

1 REFRESHED ABOUT WHAT YOU SAID?

2 A YES. YES. YES. THAT WAS ACTUALLY WHEN I TOOK MY
3 PLEA. YES, I DID SAY THAT.

4 Q SO YOU CLAIMED THAT AFTER GOING ALONG ON A HOME
5 INVASION RESULTING IN A MURDER, WHEN EVERYBODY GOT BACK IN
6 THE CAR YOU JUST TOLD EVERYBODY, HEY, LET'S TELL THE
7 POLICE ALL ABOUT IT?

8 A NO. ACTUALLY WHAT I TOLD THEM WAS IF ANYTHING GOES
9 WRONG, I WOULD PREFER THAT THEY ACTUALLY TELL THE POLICE
10 WHAT THEY DID.

11 Q OKAY.

12 A YES.

13 Q SO IF THINGS WENT RIGHT, THAT MEANS YOU GET AWAY WITH
14 IT; CORRECT?

15 A WELL, LIKE I SAID, AT THE TIME -- AT THE TIME THAT
16 THE CRIME WAS COMMITTED, LIKE I DIDN'T UNDERSTAND THE
17 CHARGES OF HANDS OF ONE, HANDS OF ALL. I DIDN'T -- I
18 DIDN'T UNDERSTAND THAT. SO, I DIDN'T FEEL LIKE I ACTUALLY
19 COMMITTED THOSE CRIMES. BUT LIKE I SAID BEFORE, AS I GOT
20 THE INSTRUCTIONS DURING MY PLEA, I KIND OF UNDERSTOOD WHAT
21 THE JUDGE WAS ACTUALLY SAYING ABOUT THE HANDS OF ONE,
22 HANDS OF ALL.

23 Q MR. CUMMINGS, LET ME ASK YOU SOMETHING ELSE.

24 A UH-HUH.

25 Q DIDN'T YOU SAY THAT YOU DIDN'T KNOW ANYTHING ABOUT

1 FREDERICK TUCKER WOULD HAVE CASH OR DRUGS IN THE HOUSE?

2 A DID I?

3 Q YEAH. DIDN'T YOU SAY THAT AT THAT HEARING?

4 A YES.

5 Q BUT YOU TESTIFIED TODAY ABOUT THIS CONVERSATION ABOUT
6 MR. TUCKER BEING A DRUG DEALER AND MR. TUCKER HAS GOT
7 MONEY AND THERE IS REPEATED CONVERSATIONS OVER MONTHS?

8 A I DON'T -- I SAID THAT TODAY?

9 Q THAT'S RIGHT.

10 A I DON'T RECALL SAYING THAT. I JUST SAID THAT THEY
11 WANTED TO ROB MR. TUCKER.

12 Q OH, SO NOW YOU'RE SAYING--

13 A I DIDN'T SAY -- I DON'T RECALL SAYING THAT THEY
14 WANTED TO ROB MR. TUCKER FOR DRUGS OR ANYTHING. I JUST
15 SAID THEY WANTED TO ROB MR. TUCKER.

16 Q OKAY. SO NOW YOU'RE SAYING THERE WAS NO DISCUSSION
17 OF DRUGS OR MONEY AND THAT NEVER HAPPENED?

18 A THE CONVERSATION WAS ABOUT ROBBING MR. TUCKER.

19 Q ROBBING HIM OF WHAT?

20 A I GUESS IT WAS DRUGS AND HIS MONEY.

21 Q OKAY. SO THAT MEANS Y'ALL TALKED ABOUT IT.

22 THE COURT: IS THAT A QUESTION?

23 MR. JOHNSON: THAT'S A QUESTION, YOUR HONOR.

24 Q MY QUESTION IS: DOESN'T THAT MEAN YOU TALKED ABOUT
25 IT?

1 A YES, THEY DID TALK ABOUT IT.

2 Q OKAY. AND AT THIS HEARING WHERE YOU PLED GUILTY, YOU
3 SAID YOU DIDN'T KNOW ANYTHING ABOUT IT, CASH OR DRUGS.

4 YOU SAID: I DIDN'T KNOW HE SOLD DRUGS.

5 A I DID?

6 Q WOULD IT REFRESH YOUR MEMORY TO REVIEW YOUR--

7 A YES, PLEASE.

8 Q ALL RIGHT.

9 MRS. YOUNG: YOUR HONOR, MAY I ASK WHAT PAGE HE'S
10 REFERRING TO?

11 MR. JOHNSON: PAGE 30.

12 Q IS YOUR MEMORY REFRESHED?

13 A I SEE IT. I SEE IT. I DON'T REMEMBER SAYING THAT.

14 Q IS THE TRANSCRIPT WRONG?

15 A I DON'T RECALL SAYING EXACTLY THAT.

16 Q SO THE OTHER PART OF THE TRANSCRIPT IS CORRECT. THIS
17 PART IS WRONG?

18 A I DON'T RECALL SAYING THAT RIGHT THERE.

19 Q ALL RIGHT. NOW, DIDN'T YOU MAKE THE STATEMENT: I
20 DON'T KNOW WHY THEY COULD BE SHOOTING?

21 A YES.

22 Q IS THAT BECAUSE YOU'RE JUST THERE TO SHOP FOR CARS?

23 A NO. LIKE I SAID, ANTONIO MILLER WENT AND KNOCKED ON
24 THE DOOR EARLIER THAT -- THAT DAY. NO ONE CAME TO THE
25 HOUSE -- NO ONE CAME TO THE DOOR, SO EVERYONE ASSUMED THAT

1 NO ONE WAS IN THE HOUSE.

2 Q ALL RIGHT.

3 A WHEN WE GOT READY TO LEAVE, LIKE I SAID, ANTONIO SAID
4 THAT HE WASN'T GOING BACK EMPTY-HANDED, SO HE WENT INSIDE
5 -- THEY WENT INSIDE THE HOUSE. AND COME TO FIND OUT FRED
6 WAS ACTUALLY IN THERE.

7 Q ALL RIGHT. DIDN'T YOU SAY AT THIS HEARING: I NEVER
8 REALLY HAD A GUN IN MY POSSESSION? YOU SAID THAT; RIGHT?

9 A YES. YES. YES, I DID SAY THAT.

10 Q BUT TODAY YOU TESTIFIED THAT YOU HAD A GUN.

11 A WELL, THE GUN WAS ACTUALLY UNDER THE ARMREST. IT WAS
12 ON MY POSSESSION. I WASN'T IN THE CAR BECAUSE I WAS
13 OUTSIDE OF THE CAR TALKING TO MRS. GLOVER.

14 Q ALL RIGHT. AND WHAT SENTENCE DID YOU RECEIVE WHEN
15 YOU PLED GUILTY TO MANSLAUGHTER?

16 A TWENTY YEARS.

17 Q AND THAT'S BECAUSE YOU DIDN'T PLEAD GUILTY TO MURDER;
18 RIGHT?

19 A NO.

20 Q SO YOU GOT A BREAK.

21 A I DON'T -- I DON'T CALL IT A BREAK.

22 Q WELL, IS MURDER MORE SERIOUS THAN MANSLAUGHTER?

23 A YES, IT IS.

24 Q SO THEY REDUCED IT?

25 A BECAUSE I PLED TO IT. YES, SIR.

1 Q CORRECT. AND YOUR ATTORNEY HOPES TO GET YOU A DEAL
2 DOWN THE ROAD, TOO, AFTER THIS IS OVER; CORRECT?

3 A I HAVE NO IDEA WHAT SHE'S PLANNING ON DOING.

4 Q ALL RIGHT. DO YOU HOPE TO GET SOME BENEFIT FROM
5 TESTIFYING?

6 A WELL, TODAY I CAME HERE TO TESTIFY BECAUSE I WAS
7 ASKED TO COME TESTIFY. NO DEAL HAS BEEN TALKED ABOUT.

8 Q WELL, THE DEAL HAS ALREADY HAPPENED; HADN'T IT?

9 A NO, THAT -- TWENTY YEARS ISN'T A DEAL. I MEAN, 20
10 YEARS OF MY LIFE ISN'T A DEAL.

11 Q BECAUSE YOU DON'T DESERVE IT; DO YOU?

12 A I FEEL LIKE I DON'T.

13 Q LIKE YOU SAID, YOU SHOULDN'T BE BLAMED AT ALL; RIGHT?

14 A I TOOK RESPONSIBILITY FOR WHAT I HAVE -- WHAT I HAVE
15 DONE, AND THAT WAS DRIVE A CAR.

16 Q WELL, DIDN'T YOU DO A GOOD JOB OF MAKING SURE THAT
17 CAR WAS REGISTERED TO SOMEBODY ELSE, THE ONE YOU WERE
18 DRIVING?

19 A WELL, IT WASN'T MY IDEA TO RENT THE CAR OR ANYTHING.
20 ANTONIO HAD RENTED THE CAR PROBABLY A MONTH OR SO BEFORE
21 THIS --

22 Q OKAY.

23 A -- INCIDENT HAD OCCURRED.

24 Q BUT YOU SAID YOU HAVE BEEN TO U-SAVE AUTO RENTALS.

25 A YEAH, I HAVE BEEN TO U-SAVE AUTO RENTALS TO -- WHEN

1 HE MADE -- WENT AND MADE A PAYMENT.

2 Q UH-HUH. AND YOU WERE DRIVING A CAR.

3 A YES.

4 Q NOW, YOU TALKED TO THE POLICE SEPTEMBER 15TH. YOU
5 TALKED TO -- WELL, YOU SENT YOUR LETTER OUT MARCH, BUT
6 DIDN'T YOU TALK TO INVESTIGATORS IN AIKEN COUNTY NOVEMBER
7 OF 2008?

8 A YES.

9 Q ALL RIGHT. AND WHEN YOU TALKED TO THEM, YOU TOLD
10 THEM YOU WANTED TO GIVE SOME ADDITIONAL INFORMATION ABOUT
11 THE SCREWDRIVER.

12 A YES.

13 Q AND THAT -- ALL THAT INFORMATION KIND OF SLIPPED YOUR
14 MIND OR WHY DIDN'T YOU MENTION THAT THE FIRST TIME AROUND?

15 A WELL, I DID NOT -- I DIDN'T MENTION THAT THE FIRST
16 TIME AROUND BECAUSE I FELT -- I TRIED TO STAY OUT OF THAT
17 AS MUCH AS POSSIBLE.

18 Q ALL RIGHT. WERE YOU TRYING TO KIND OF HELP THEM OUT
19 SO THEY WOULD HELP YOU OUT? IS THAT WHY YOU CALLED THEM
20 UP AND SAID COME TALK TO ME ABOUT THE SCREWDRIVER?

21 A NO, I -- WELL, ACTUALLY -- ACTUALLY I THOUGHT IT WAS,
22 YOU KNOW, WHEN IT HAPPENED, I THOUGHT IT WAS -- LIKE I
23 SAID, I DIDN'T AGREE WITH THEM ACTUALLY KILLING SOMEONE,
24 SO I KIND OF FELT BAD ABOUT THE SITUATION AND I KIND OF
25 FELT THAT IT WAS WRONG TO ACTUALLY KILL SOMEBODY, AND ME

1 BEING INVOLVED IN THE SITUATION, YOU KNOW, AS FAR AS THE
2 MURDER, YOU KNOW, I DIDN'T...

3 Q OKAY. DID YOU ASK ANYBODY TO GO DROP A SCREWDRIVER
4 OFF THE SIDE OF THE ROAD?

5 A NO. NO, SIR.

6 Q OKAY. DID YOU HAVE COMMUNICATION WITH ANYBODY AFTER
7 YOUR ARREST BETWEEN THAT TIME AND THE TIME YOU TALKED TO
8 THE INVESTIGATORS ABOUT THE SCREWDRIVER? DID YOU MEET,
9 GET VISITATION WITH ANYBODY ON THE OUTSIDE LIKE FAMILY AND
10 FRIENDS?

11 A NO, SIR. THAT WAS WHEN I FIRST GOT TO AIKEN COUNTY I
12 THINK. I HADN'T EVEN LEFT OUT OF A POD YET.

13 Q YOU NEVER COMMUNICATED WITH ANYBODY IN ALL OF THOSE
14 MONTHS?

15 A WHEN I -- YOU SAID WHEN NOW? PRIOR TO ME--

16 Q BETWEEN SEPTEMBER AND NOVEMBER OF 2008.

17 A SEPTEMBER, OKAY. SEPTEMBER I WAS INCARCERATED IN
18 RICHLAND COUNTY. YES, I DID TALK TO SOMEBODY IN RICHLAND
19 COUNTY.

20 Q ALL RIGHT. WHO ARE ALL OF THE PEOPLE YOU'RE TRYING
21 TO PROTECT THAT ARE INVOLVED IN THIS?

22 A I AM NOT TRYING TO PROTECT ANY -- ANYONE THAT WAS
23 INVOLVED IN THIS.

24 Q OKAY. WELL, WHO ARE THESE -- YOU SAID THERE WAS AN
25 UNKNOWN INDIVIDUAL THAT WENT TO AIKEN WITH YOU?

1 A YES. I REALLY DON'T KNOW HIS NAME. I MET HIM
2 THROUGH ANTONIO.

3 Q ALL RIGHT. AND WHO IS THE OTHER INDIVIDUAL YOU
4 TALKED ABOUT?

5 A A GUY NAME T90.

6 Q WHO IS T90?

7 A THAT'S ALL I KNOW. HE WAS A FRIEND OF MINE IN AIKEN.

8 Q DID YOU SAY ANYTHING IN YOUR STATEMENTS TO POLICE
9 ABOUT T90 GOING TO FREDERICK TUCKER'S HOUSE?

10 A NO.

11 Q BUT YOU TESTIFIED ABOUT THAT TODAY.

12 A YES.

13 Q WHO IS RICKY JONES?

14 A RICKY JONES? I DON'T KNOW RICKY JONES.

15 Q WHO ARE ALL OF THOSE FELLOWS STANDING AROUND 5520
16 NORTH MAIN STREET?

17 A IT WAS ANTONIO, REDFIELD, AND I THINK ANTONIO COUSIN.
18 I GUESS -- I GUESS THAT'S HIS NAME. I GUESS THAT'S HIS --
19 THAT'S HIS NAME, RICKY JONES I WOULD -- I WOULD ASSUME.

20 Q WHAT ABOUT THAT CROWD THEY SAID WAS STANDING UP BY
21 THE BACK DOOR?

22 A THAT WAS THE CROWD.

23 Q THERE WASN'T ANYBODY ELSE?

24 A NOT AS I CAN RECALL.

25 Q DID YOU HAVE ANY FRIENDS THERE?

1 A DID I HAVE ANY FRIENDS THERE?

2 Q YEAH.

3 A THEY WERE MY FRIENDS.

4 Q DID YOU HAVE ANY FRIENDS THAT WALKED AROUND THROUGH
5 THE FRONT DOOR OF THE LOCATION TO LEAVE ANYTHING INSIDE?

6 A NO, SIR.

7 Q BUT YOU HAD BEEN INSIDE PLENTY OF TIMES.

8 A YES, SIR.

9 Q NOW, YOU'RE FROM AIKEN; CORRECT?

10 A YES, SIR.

11 Q YOUR MAMA LIVES IN AIKEN.

12 A YES, SIR.

13 Q WHO IS THE MYSTERIOUS INDIVIDUAL IN AIKEN THAT TALKED
14 TO THE INVESTIGATOR OVER THE PHONE, THE UNNAMED
15 CONFIDENTIAL INFORMANT?

16 A I HAVE NO IDEA. I GUESS THAT IS WHY HE WOULD BE
17 CALLED A CONFIDENTIAL INFORMANT.

18 Q WELL, THE INDIVIDUAL THAT WENT WITH YOU TO AIKEN, DID
19 HE HAVE DREADS, THE UNNAMED GUY?

20 A WHAT YOU BE TALKING ABOUT; ANTONIO?

21 Q WELL, YOU SAID AN UNNAMED INDIVIDUAL WENT TO AIKEN
22 WITH YOU AND YOU NEVER MENTIONED IT BEFORE.

23 A WELL, THE ONLY PERSON WITH -- HAS DREADS IS ANTONIO,
24 BUT THE OTHER GUY, I DON'T KNOW -- HE DIDN'T HAVE ANY
25 DREADS.

1 Q OKAY. YOU'RE SURE ABOUT THAT. YOU JUST DON'T KNOW
2 HIS NAME?

3 A YES.

4 Q HOW MUCH MONEY DID YOU GET OUT OF THE DEAL?

5 A I DIDN'T RECEIVE ANY MONEY.

6 MR. JOHNSON: NO MORE QUESTIONS, YOUR HONOR.

7 THE COURT: REDIRECT.

8 REDIRECT EXAMINATION

9 BY MRS. YOUNG:

10 Q MR. CUMMINGS, YOU KNEW FRED TUCKER WAS INVOLVED IN
11 DRUGS; DIDN'T YOU?

12 A YES.

13 Q I MEAN, YOU'VE KNOWN THAT FOR A WHILE.

14 A YES.

15 Q WEREN'T YOU INVOLVED IN DRUGS ALSO?

16 A YES.

17 Q SO YOU KNEW IT WAS POSSIBLE HE COULD HAVE THAT IN HIS
18 HOUSE?

19 A YES.

20 Q ON THE DATE THIS HAPPENED, SEPTEMBER 15, 2008, HAD

21 YOU BEEN TO 5520 NORTH MAIN STREET FROM THE TIME THAT

22 Y'ALL LEFT AIKEN TO THE TIME THAT YOU ARRIVED THERE IN THE
23 RED CAR?

24 A COULD YOU PLEASE REPEAT THAT?

25 Q FROM THE TIME -- WHEN YOU GOT TO 5520 NORTH MAIN IN

1 THE RED CAR, HAD YOU BEEN THERE BEFORE THAT DAY?

2 A YES.

3 Q HAD YOU BEEN THERE ON THAT DAY?

4 A NO. NO.

5 Q SO THE TIME THAT YOU'RE REFERRING TO THAT YOU VISITED
6 WITH ANTONIO MILLER AT HIS HOUSE, I MEAN, WAS HE THERE?

7 A YES.

8 Q YOU'RE TALKING ABOUT PRIOR IN TIME.

9 A YES.

10 Q YOU'RE NOT TALKING ABOUT SEPTEMBER 15, 2008.

11 A NO.

12 Q BUT YOU DID GO THERE; CORRECT?

13 A YES, MA'AM.

14 Q AND THEN MR. HAM PULLED IN BEHIND YOU.

15 A YES, MA'AM.

16 Q DID YOU EVER GO INSIDE AND MAKE A PAYMENT FOR THAT
17 GREEN TAURUS?

18 A NO, MA'AM.

19 THE COURT: ALL RIGHT. YOU MAY STEP DOWN. MAY HE BE
20 RELEASED FROM HIS SUBPOENA BUT NOT RELEASED?

21 MRS. YOUNG: THEY CAN TRANSPORT HIM BACK TO--

22 THE COURT: THEY CAN TRANSPORT HIM BACK. ALL RIGHT.
23 LIEUTENANT.

24 ANY OBJECTIONS, MR. JOHNSON?

25 MR. JOHNSON: NO OBJECTION.

1 THE COURT: NEXT WITNESS.

2 (WITNESS LEFT THE STAND.)

3 MRS. YOUNG: YOUR HONOR, I BELIEVE DR. ROSS IS HERE.

4 MAY I GO CHECK AT THE DOOR TO SEE?

5 (WHEREUPON, THERE WAS A PAUSE.)

6 MR. MOLONY: THE STATE CALLS DR. JANICE ROSS.

7 DR. JANICE ROSS, AFTER BEING DULY SWORN,

8 TESTIFIED AS FOLLOWS:

9 THE WITNESS: JANICE EDWARDS ROSS.

10 DIRECT EXAMINATION

11 BY MR. MOLONY:

12 Q DR. ROSS, WHERE ARE YOU EMPLOYED?

13 A IN NEWBERRY FOR NEWBERRY PATHOLOGY ASSOCIATES.

14 Q WHAT IS YOUR POSITION THERE?

15 A I AM THE OWNER OF THE BUSINESS AND I'M A FORENSIC
16 PATHOLOGIST.

17 Q HOW LONG HAVE YOU HELD THAT POSITION?

18 A I'VE BEEN IN NEWBERRY SINCE MAY OF 2000.

19 Q OKAY. CAN YOU PLEASE DESCRIBE YOUR EDUCATIONAL
20 BACKGROUND AND TRAINING?

21 A YES. I GOT MY BACHELORS DEGREE FROM THE UNIVERSITY
22 OF SOUTH CAROLINA. I GOT MY M.D. FROM UPSTATE MEDICAL
23 CENTER IN SYRACUSE, NEW YORK WHERE I DID MY -- FURTHERED
24 MY RESIDENCY IN PATHOLOGY. PATHOLOGY IS THE STUDY OF
25 DISEASES OF THE TISSUE. AND AS A PATHOLOGIST WE WORK IN A

1 HOSPITAL AND USE THE LABORATORY FOR BLOODWORK. WE LOOK AT
2 TISSUE UNDER THE MICROSCOPE TO DIAGNOSE CANCERS AND THAT
3 -- AND OTHER DISEASES.

4 I AM FURTHER TRAINED IN FORENSIC PATHOLOGY, WHICH IS
5 USED AS A PATHOLOGY KNOWLEDGE TOWARDS LEGAL MATTERS, AND
6 TRAINED TO DO FORENSIC AUTOPSIES TO IDENTIFY PATTERNS OF
7 INJURY IN SUCH AREAS AS HOMICIDES, SUICIDES, ACCIDENTS AND
8 NATURAL DEATHS.

9 Q DO YOU HAVE ANY TRAINING HOUR REQUIREMENTS THAT MUST
10 BE MET?

11 A YES. YES..

12 Q WHAT ARE THOSE?

13 A FORTY HOURS EVERY TWO YEARS. WE NEED TO HAVE
14 CONTINUING EDUCATION. YES.

15 Q AND HAVE YOU TESTIFIED BEFORE IN THE COURTS OF SOUTH
16 CAROLINA AS AN EXPERT WITNESS?

17 A YES, I HAVE.

18 Q HOW MANY TIMES?

19 A OVER 60.

20 MR. MOLONY: YOUR HONOR, AT THIS TIME THE STATE MOVES
21 TO INTRODUCE DR. ROSS AS AN EXPERT IN FORENSIC PATHOLOGY.

22 THE COURT: ANY CROSS EXAMINATION ON DR. ROSS'
23 QUALIFICATIONS?

24 MR. JOHNSON: NO, SIR. NO OBJECTION.

25 THE COURT: ALL RIGHT. MADAM FORELADY, LADIES AND

1 GENTLEMEN, DR. ROSS WILL BE QUALIFIED AS AN EXPERT IN THE
2 FIELD OF PATHOLOGY WHICH MEANS THAT SHE'LL BE ABLE TO
3 RENDER OPINIONS IN THE TRIAL OF THIS CASE.

4 YOU MAY PROCEED.

5 MR. MOLONY: THANK YOU.

6 Q DR. ROSS, DID YOU PERFORM AN EXAMINATION ON FREDERICK
7 TUCKER?

8 A YES, I DID.

9 Q WHAT WAS THE DATE OF YOUR EXAMINATION?

10 A SEPTEMBER 16TH OF 2008.

11 Q DURING YOUR EXAMINATION DID YOU MAKE ANY OBSERVATIONS
12 ABOUT THE VICTIM'S BODY?

13 A YES, I DID. THERE WERE TWO GUNSHOT WOUNDS. ONE WAS
14 JUST A GRAZE WOUND MEANING -- MEANING IT JUST WENT ACROSS
15 THE SCALP, AND THE OTHER ONE WAS A GUNSHOT WOUND THAT WENT
16 IN THROUGH THE CHEST.

17 MR. MOLONY: YOUR HONOR, MAY I APPROACH THE WITNESS?

18 THE COURT: YOU MAY.

19 Q DR. ROSS, I'M GOING TO SHOW YOU WHAT'S BEEN
20 PREVIOUSLY MARKED STATE'S EXHIBITS 30 THROUGH 39 AND ASK
21 IF YOU RECOGNIZE THESE.

22 A YES. THESE ARE PHOTOGRAPHS TAKEN AT THE AUTOPSY OF
23 FREDERICK TUCKER.

24 Q AND DO THESE PICTURES FAIRLY AND ACCURATELY REPRESENT
25 THE CONDITION OF MR. TUCKER WHEN YOU PERFORMED THE AUTOPSY

1 ON SEPTEMBER 16TH OF 2008?

2 A YES.

3 Q AND HAVE THERE BEEN ANY ALTERATIONS, DELETIONS TO
4 THESE PHOTOGRAPHS?

5 A NO, THERE ARE NOT.

6 MR. MOLONY: YOUR HONOR, AT THIS TIME THE STATE MOVES
7 TO INTRODUCE EXHIBITS 30 THROUGH 39 INTO EVIDENCE.

8 MR. JOHNSON: YOUR HONOR, I OBJECT BASED ON PREVIOUS
9 MOTIONS.

10 THE COURT: DUPLICATIVE? THEY'RE ALL SEPARATE?

11 MR. MOLONY: THEY'RE ALL SEPARATE, YOUR HONOR.

12 THE COURT: SEPARATE? ALL RIGHT. I'LL ALLOW IT.

13 (WHEREUPON, STATE'S EXHIBITS NOS. 30-39 WERE ADMITTED
14 INTO EVIDENCE.)

15 Q DR. ROSS, I WOULD ASK IF YOU COULD JUST GO THROUGH
16 EACH ONE INDIVIDUALLY AND EXPLAIN WHAT YOU -- WHAT YOU
17 SEE.

18 A EXHIBIT NO. 30 SHOWS LACERATIONS OVER THE RIGHT
19 EYEBROW AND FOREHEAD. LACERATION IS A SPLIT OF THE SKIN
20 MADE BY BLUNT FORCE INJURY BEING HIT BY SOMETHING.

21 NUMBER 31 IS SIMILARLY A LACERATION. IT APPEARS TO
22 BE ON THE LEFT SIDE OF THE HEAD.

23 THE COURT: SPEAK UP FOR ME, DR. ROSS.

24 THE WITNESS: I'M SORRY. THE NUMBER 32 IS A
25 PHOTOGRAPH OF X-RAY WE TOOK OF THE SKULL AT THE TIME OF

1 AUTOPSY. THERE WAS NO BULLET IN THE SKULL.

2 NUMBER 33 IS A PHOTOGRAPH OF THE ENTRANCE GUNSHOT
3 WOUND THAT WAS IN THE RIGHT SIDE OF THE -- RIGHT SIDE OF
4 THE CHEST.

5 NUMBER 34 IS THE EXIT WOUND OF THE GUNSHOT WOUND. IT
6 IS IN THE FRONT OF THE CHEST CLOSE TO THE STERNUM ON
7 THE -- ON THE LEFT.

8 NUMBER 35. THERE ARE SOME ABRASIONS ON THE LEFT SIDE
9 OF THE NECK.

10 THE SAME FOR NUMBER 36 AND 37 AS WELL AS -- NUMBER 38
11 I THINK IS AN ABRASION ACROSS THE LEFT GROIN AREA.

12 NUMBER 39 SHOWS ABRASIONS -- SHOWS THE BUTTOCKS AREA
13 AND THE LEFT SIDE OF THE THIGH. IT SHOWS SOME ABRASIONS
14 THERE.

15 Q THANK YOU. WHEN YOU SAY ABRASIONS, WHAT DO YOU MEAN?

16 A AN ABRASION IS A WOUND OF THE SURFACE OF THE SKIN,
17 JUST ABRAIDS THE SKIN.

18 Q AND AFTER LOOKING THROUGH THOSE WITH THE APPARENT
19 ABRASIONS, WHAT IS A -- LET ME ASK YOU, WHAT IS A THERMAL
20 INJURY?

21 A A THERMAL INJURY IS A BURNING OF THE SKIN.

22 Q OKAY.

23 A SO THESE ABRASIONS, THEY LOOK -- ACTUALLY THEY LOOK
24 POST-MORTEM AND THEY COULD BE THERMAL INJURY.

25 Q OKAY. WHEN YOU SAY POST-MORTEM, WHAT DOES THAT MEAN?

1 A THE -- IT MEANS THAT THE -- THERE WAS NO CIRCULATION
2 GOING AT THE TIME. IT COULD BE RIGHT AT THE TIME OF
3 DEATH. THE INJURIES THAT ARE -- THAT LOOK YELLOW DON'T
4 HAVE A LOT OF REACTION TO THEM, SO IT COULD BE AT THE TIME
5 OF DEATH. FOR INSTANCE, IF THERE IS A LOT OF BLEEDING
6 ABOVE THE INJURY SO THE BLOOD IS NOT GETTING TO THE AREA
7 INJURED, IT COULD LOOK YELLOW AS OPPOSED TO RED WHERE
8 THERE IS CIRCULATION GOING AND SOME BLEEDING UNDERNEATH
9 THE SKIN.

10 Q AND IN YOUR EXPERT OPINION, WOULD THOSE THERMAL
11 INJURIES HAVE BEEN FATAL?

12 A NO.

13 Q OKAY. DID YOU MAKE ANY PARTICULAR OBSERVATIONS
14 REGARDING THE HEAD WOUNDS OF THE DEFENDANT?

15 A THE GRAZE WOUND WAS NON-FATAL.

16 Q AND IT WAS NON-FATAL AS WELL?

17 A CORRECT.

18 Q DID YOU COME TO ANY CONCLUSIONS AS TO A REASONABLE
19 DEGREE OF SCIENTIFIC CERTAINTY AT THE END OF YOUR
20 EXAMINATION AS TO THE CAUSE OF DEATH?

21 A YES, I DID.

22 Q AND WHAT WAS THAT?

23 A THAT WAS EXSANGUINATION WHICH MEANS TO BLEED OUT DUE
24 TO THE LACERATION OF THE BLOOD VESSELS IN THE LEFT LUNG
25 DUE TO THE GUNSHOT WOUND OF THE CHEST.

1 Q WHAT IS A DISTANT MEDIUM CALIBER GUNSHOT WOUND,
2 DR. ROSS?

3 A DISTANT IS A RANGE WE GIVE. IN OTHER WORDS, WHEN A
4 BULLET COMES OUT OF A GUN THERE IS ALSO SOME POWDER THAT
5 COMES OUT. THE POWDER ONLY GOES A CERTAIN DISTANCE. AND
6 IF THE GUN IS CLOSE ENOUGH TO SKIN AND THAT POWDER HITS
7 THE SKIN, YOU SEE LITTLE MARKS. BUT IF IT'S FAR ENOUGH
8 AWAY FROM THE SKIN SO THAT THE POWDER DROPS TO THE GROUND
9 BEFORE IT GETS TO THE SKIN AND DOESN'T LEAVE A MARK, THEN
10 THAT RANGE WE GIVE DISTANCE.

11 Q AND DO YOU HAVE AN OPINION AS TO THE DISTANCE OF THE
12 GUN USED?

13 A IT DEPENDS ON THE GUN, THE AMMUNITION, THE CALIBER,
14 THE LENGTH OF THE BARREL, ALL KIND OF THINGS.

15 Q YES, MA'AM.

16 A SO TESTING WOULD HAVE TO BE DONE, BUT PROBABLY AT
17 LEAST TWO TO 3 FEET.

18 Q ALL RIGHT. AND DURING YOUR EXAMINATION DID YOU FIND
19 ANY PROJECTILES OR BULLETS IN THE VICTIM'S BODY?

20 A NO.

21 Q NOW, YOU PREVIOUSLY STATED THAT THE VICTIM DIED DUE
22 TO A LOSS OF BLOOD?

23 A YES.

24 Q AS A RESULT OF THE GUNSHOT WOUND INTO THE VICTIM'S
25 SIDE?

1 A CORRECT.

2 Q DO YOU HAVE AN OPINION TO A REASONABLE DEGREE OF
3 SCIENTIFIC CERTAINTY AS TO THE POSSIBLE TIMEFRAME BETWEEN
4 THAT INJURY AND THE DEATH OF MR. TUCKER?

5 A IT COULD BE MINUTES.

6 Q OKAY. NOW, GOING BACK REAL QUICK TO THE THERMAL
7 INJURIES, COULD SOME OF THOSE THERMAL INJURIES HAVE BEEN
8 DONE PRIOR TO MR. TUCKER'S DEATH?

9 A YES, OR AT THE SAME TIME.

10 Q OKAY. AND DO YOU HAVE AN OPINION TO A REASONABLE
11 DEGREE OF SCIENTIFIC CERTAINTY AS TO THE MANNER OF DEATH
12 OF MR. TUCKER?

13 A HOMICIDE. YES.

14 Q THANK YOU. PLEASE ANSWER ANY QUESTIONS MR. JOHNSON
15 HAS FOR YOU.

16 THE COURT: MR. JOHNSON, ANY QUESTIONS?

17 MR. JOHNSON: JUST ONE QUESTION, YOUR HONOR.

18 CROSS-EXAMINATION

19 BY MR. JOHNSON:

20 Q DOCTOR, DID THE BURNS CONTRIBUTE AT ALL TO HIS DEATH?

21 A NO, SIR.

22 MR. JOHNSON: NO MORE QUESTIONS, YOUR HONOR.

23 THE COURT: REDIRECT?

24 MR. MOLONY: NONE, YOUR HONOR.

25 THE COURT: DR. ROSS MAY BE EXCUSED? THAT'S A

1 QUESTION. MAY SHE BE EXCUSED?

2 MR. JOHNSON: YES, SIR.

3 MR. MOLONY: YES, SIR.

4 (WITNESS LEFT THE STAND.)

5 THE COURT: NEXT WITNESS.

6 MRS. YOUNG: THE STATE CALLS MARY FRANCIS O'GRADY

7 WATTS.

8 MARY WATTS, AFTER BEING DULY SWORN, TESTIFIED AS
9 FOLLOWS:

10 DIRECT EXAMINATION

11 BY MRS. YOUNG:

12 Q INVESTIGATOR, DO YOU HAVE A NICKNAME THAT YOU
13 SOMETIMES GO BY JUST IN CASE I CALL YOU THAT WHILE I'M
14 QUESTIONING YOU?

15 A I ALSO GO BY SAGE. IT IS A LOT SMALLER, QUICKER.

16 Q IT ALL RIGHT IF I CALL YOU THAT?

17 A IT'S FINE.

18 Q THANKS. WHERE ARE YOU EMPLOYED?

19 A I AM EMPLOYED AT THE AIKEN COUNTY SHERIFF'S OFFICE
20 WITHIN THE FORENSICS UNIT.

21 Q HOW LONG HAVE YOU BEEN EMPLOYED IN THAT POSITION,
22 SAGE?

23 A SINCE JANUARY OF 2005.

24 Q HOW LONG HAVE YOU BEEN INVOLVED WITH THE FORENSIC
25 ASPECT OF LAW ENFORCEMENT?

1 A JANUARY OF 2001 WHEN I WAS EMPLOYED WITH THE COLUMBIA
2 POLICE DEPARTMENT.

3 Q DID YOU HAVE AN OPPORTUNITY TO RESPOND TO A SCENE ON
4 SEPTEMBER 15TH OF 2008?

5 A YES, I DID.

6 Q WHERE DID YOU RESPOND?

7 A WE WENT TO AN INCIDENT, A SHOOTING INCIDENT WHICH
8 HAPPENED ON ROAD. ROAD.

9 Q WHAT TIME OF DAY WAS IT THAT YOU RESPONDED TO THIS
10 SCENE?

11 A IT WAS THE MORNING TIME.

12 Q WHAT DID YOU DO UPON YOUR ARRIVAL AT THE SCENE ON OLD
13 BARNWELL ROAD?

14 A THE FIRST THING THAT NORMALLY YOU WOULD DO WHEN YOU
15 RESPOND TO ANY INCIDENT IS TO ACTUALLY JUST KIND OF TAKE A
16 SURVEY. YOU'RE ACTUALLY GOING TO WALK AROUND--

17 THE COURT: CAN YOU SPEAK UP FOR ME.

18 THE WITNESS: YOU'RE ACTUALLY GOING TO WALK AROUND
19 AND SEE WHAT'S INVOLVED, WHAT HAPPENED, KIND OF TAKE
20 MENTAL NOTES.

21 Q IS THAT WHAT YOU DID THIS DAY?

22 A YES.

23 Q AND IS THERE -- WAS THE CRIME SCENE THAT DAY
24 CONTAINED IN ANY WAY? HOW DOES THAT WORK?

25 A YOU'LL EITHER HAVE A -- AN INDOOR SCENE OR AN OUTDOOR

1 SCENE, AND THIS WAS AN INDOOR SCENE BECAUSE IT WAS
2 ACTUALLY WITHIN THE RESIDENCE ITSELF.

3 Q HOW ABOUT OUTSIDE? IS THERE SOMETHING THAT...

4 A THE MAJORITY OF MY SCENE THAT I WORKED WAS WITHIN THE
5 HOUSE. THERE WAS ALSO PHOTOGRAPHS THAT YOU WOULD TAKE
6 OUTSIDE. THERE WAS ALSO SOME FOOTWEAR IMPRESSIONS THAT WE
7 LOOKED AT. THE POTENTIAL FOR ANYTHING THAT COULD TRAVEL
8 IN OR OUT IS WHAT WE'LL LOOK AT.

9 Q AND WHEN YOU ARRIVED TO THIS LOCATION WAS THERE
10 ALREADY A CRIME SCENE TAPE SET UP AND IN PLACE?

11 A THERE WAS.

12 Q WHAT DID YOU FIRST DO WHEN YOU GOT THERE AFTER KIND
13 OF SURVEYING THE SCENE AS YOU --- AS YOU HAVE STATED?

14 A YOU'RE GOING TO ASK QUESTIONS. THE FIRST RESPONDING
15 OFFICER WILL BE ABLE TO ENLIGHTEN YOU UP TO A CERTAIN
16 POINT AS TO WHAT TOOK PLACE, WHAT INFORMATION THEY HAVE.
17 AND WITH EVERYTHING THAT YOU GET FROM THAT INFORMATION,
18 WHAT YOU HAVE GLEANED OFF THE SCENE YOURSELF AND FROM
19 CERTAIN INDIVIDUALS, YOU'LL ACTUALLY PREPARE TO PROCESS
20 THE SCENE YOURSELF. YOU'LL ACTUALLY GO AND YOU'LL GET
21 BAGS, YOU'LL GET THE CAMERA, ANYTHING THAT YOU NEED TO
22 DOCUMENT THAT SCENE AND COLLECT EVIDENCE PROPERLY YOU WILL
23 TAKE WITH YOU.

24 Q IS THAT WHAT YOU DID ON SEPTEMBER 15TH, 2008?

25 A YES.

1 Q DID YOU MAKE ANY OBSERVATIONS REGARDING THE HOME WHEN
2 YOU FIRST ARRIVED?

3 A IT WAS A VERY INVOLVED SCENE. A LOT OF WHAT TOOK
4 PLACE IN THE INCIDENT TOOK PLACE IN THE KITCHEN AREA AND
5 TRAVELED OR MADE A DIRECTION INTO WHAT WOULD I GUESS BE
6 CONSIDERED THE LIVING ROOM OR FRONT ROOM AREA.

7 Q YOU STATED YOU DID SOME DOCUMENTATION?

8 A YES, I DID.

9 Q SPECIFICALLY WHAT DID YOU DO?

10 A WE TOOK PHOTOGRAPHS OF THE SCENE IN ITS ENTIRETY. I
11 ALSO DID A DIAGRAM OF THE LOCATION AS TO THE WHOLE LAYOUT
12 OF THE RESIDENCE AND WHAT WAS ENCOMPASSED WITHIN THE
13 RESIDENCE ITSELF.

14 Q ALL RIGHT. SAGE, I AM GOING TO SHOW YOU WHAT'S BEEN
15 MARKED AND PREVIOUSLY ENTERED AS STATE'S EXHIBIT 1 AND 2.
16 I AM ALSO GOING TO PASS YOU STATE'S 40 THROUGH 56.

17 THE COURT: FORTY THROUGH 56?

18 Q FORTY THROUGH 56. AND ASK IF YOU CAN LOOK AT THOSE
19 AND SEE IF YOU CAN IDENTIFY WHAT'S IN THOSE PICTURES.

20 A OKAY. DO I GET TO SHOW THEM AS I EXPLAIN THEM?

21 Q LET ME ASK YOU SOME MORE QUESTIONS ABOUT THEM FIRST.
22 I BELIEVE THAT'S STATE'S 40 THROUGH 56?

23 A YES.

24 Q DO YOU -- ARE YOU ABLE TO IDENTIFY WHAT THOSE ARE
25 PHOTOGRAPHS OF COLLECTIVELY?

1 A YES.

2 Q AND WHAT WOULD THAT BE?

3 A THEY'RE EXTERNAL PHOTOGRAPHS OF THE ACTUAL RESIDENCE
4 ITSELF, AND THEN THERE ARE ALSO SOME PHOTOGRAPHS OF
5 CERTAIN PORTIONS OF THE HOUSE AND WHAT TOOK PLACE OR WHAT
6 WAS THERE WHEN WE GOT THERE.

7 Q BEFORE I GO ANY FURTHER I NEED TO SHOW THEM TO
8 MR. JOHNSON, SO IF I COULD TAKE THEM BACK FROM YOU. SORRY
9 ABOUT THAT. JUST TO BE COMPLETE, SAGE, I GOT MY STACKS
10 SEPARATED. STATE'S 59 THROUGH 73 AND SEE IF YOU CAN DO
11 THE SAME THING, IDENTIFY WHAT'S SHOWN IN THOSE.

12 A YES.

13 Q WHAT ARE THOSE JUST GENERALLY?

14 A THEY ARE PICTURES OF THE ACTUAL EVIDENCE ITSELF WITH
15 THE EVIDENCE MARKERS IN SOME OF THEM. IT'S BASICALLY
16 SHOWING--

17 Q LET ME ASK YOU THIS FIRST. I'M SORRY TO INTERRUPT.
18 WHERE ARE THOSE PICTURES TAKEN?

19 A THEY'RE TAKEN WITHIN THE INTERIOR OF THE HOME.

20 Q AT ROAD?

21 A AT

22 Q AND DO THE PICTURES I'VE SHOWN YOU ACCURATELY DEPICT
23 THE SCENE AS YOU OBSERVED IT ON SEPTEMBER 15TH, 2008?

24 A YES.

25 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE WOULD MOVE

1 TO INTRODUCE STATE'S 40 THROUGH 56 AS WELL AS 59 THROUGH
2 73 INTO EVIDENCE.

3 THE COURT: ANY OBJECTION?

4 MR. JOHNSON: YOUR HONOR, I OBJECT TO 55, 66.

5 THE COURT: HOLD ON. FIFTY-FIVE, 66.

6 MR. JOHNSON: AND 67 UNDER OUR PREVIOUS MOTION, YOUR
7 HONOR.

8 THE COURT: LET ME SEE THEM. THOSE ARE THE ONLY
9 ONES, MRS. BETH ANN YOUNG, OF THE BODY?

10 MRS. YOUNG: YES, SIR. THOSE ARE THE ONLY ONES I'M
11 ENTERING.

12 THE COURT: OVERRULED.

13 MRS. YOUNG: YOUR HONOR, MAY I HAVE HER TO STEP DOWN
14 AND ASK HER ABOUT EACH ONE? I THINK THAT WILL BE...

15 THE COURT: ARE YOU GOING TO USE THE MACHINE?

16 MRS. YOUNG: YES, SIR. IF THAT'S ACCEPTABLE.

17 (WHEREUPON, STATE'S EXHIBITS NOS. 40-56 AND 59-73
18 WERE ADMITTED INTO EVIDENCE.)

19 Q INVESTIGATOR, WHAT'S SHOWN IN STATE'S EXHIBIT 40?

20 A FORTY IS GOING TO BE AN ACTUAL HEAD-ON PICTURE OF
21 THIS IS THE ACTUAL INCIDENT LOCATION.

22 Q IF YOU DON'T MIND, MAKE SURE YOU SPEAK UP SINCE YOUR
23 BACK IS TO THE COURT REPORTER SO SHE CAN HEAR YOU. I
24 THINK SHE'S PROBABLY -- HOW ABOUT STATE'S 41?

25 A FORTY-ONE, THIS IS ACTUALLY GOING TO BE THE FRONT

1 YARD EXCEPT WHEN YOU'RE FACING THE HOUSE, YOU'RE ACTUALLY
2 IN THE CORNER OF THE HOUSE LOOKING TOWARD THE ROADWAY.

3 Q WHAT YOU'RE SAYING IS OPPOSITE WAY IS LOOKING OUT
4 FROM THE CRIME SCENE?

5 A CORRECT. YOU'RE ACTUALLY IN THE DRIVEWAY LOOKING
6 BACK TOWARD THE FRONT OF THE HOUSE.

7 Q AND WHAT IS SHOWN IN STATE'S EXHIBIT NO. 42?

8 A FORTY-TWO IS THE REAR OF THE HOUSE. IT'S ACTUALLY IN
9 THAT SAME CORNER THAT I WAS STANDING TO GIVE YOU THE FIRST
10 PICTURE, BUT NOW YOU'RE GLANCING TOWARDS THE BACK OF THE
11 HOUSE.

12 Q WHAT IF ANY OBSERVATIONS DID YOU MAKE ABOUT STATE'S
13 EXHIBIT NO. 42?

14 A EXCEPT FOR THE BACK DOOR BEING OPEN THERE WAS ALSO A
15 PANE OF GLASS MISSING IN THAT SAME DOOR, BOTTOM RIGHT-HAND
16 CORNER.

17 Q WHAT YOU'RE SAYING IS YOU DID OBSERVE THE BACK DOOR
18 TO BE OPEN?

19 A WHEN I GOT THERE THE BACK DOOR WAS OPEN.

20 Q STATE'S 43.

21 A IF YOU MOVE TO THE OPPOSING CORNER OF THE YARD YOU'RE
22 ACTUALLY INSTEAD OF THE HEAD-ON BACK PICTURE, YOU'RE
23 ACTUALLY IN THE BACK RIGHT-HAND CORNER LOOKING AROUND
24 TOWARD THE FRONT OF THE YARD. YOU ACTUALLY HAVE A LITTLE
25 BIT BETTER PICTURE OF THE ACTUAL DOORWAY.

1 Q STAND ON THIS SIDE -- BE A LITTLE MORE -- REACHING
2 ACROSS. HOW ABOUT STATE'S '44?

3 A THIS IS ACTUALLY GOING TO BE THE PANE OF GLASS THAT'S
4 IN THE BACK DOOR. THIS IS ON THE -- IF YOU'RE LOOKING AT
5 THE ACTUAL DOOR ITSELF BOTTOM RIGHT-HAND CORNER. THIS IS
6 THE EXTERNAL VIEW OF LOOKING IN THROUGH THAT BROKEN PANEL
7 GLASS.

8 Q STATE'S 45.

9 A THIS IS THE INTERNAL VIEW OF THE DOOR. YOU'RE
10 ACTUALLY IN THIS HALLWAY AND YOU'RE LOOKING BACK TOWARD
11 THE DOOR OUT THAT SAME PORTION OF GLASS.

12 Q STATE'S 46.

13 A STATE'S 46. IF YOU'RE STANDING IN THE BACK DOORWAY,
14 DOOR OPEN, YOU'RE GOING TO BE TAKING A FULL VIEW OF THIS
15 HALLWAY IN TOWARD THE KITCHEN.

16 Q IS THIS BASICALLY WORKING THROUGH STEP BY STEP FROM
17 THE OUTSIDE WORKING IN? WOULD THAT BE CORRECT?

18 A YES. YOU WANT TO PAINT A PICTURE OF WHAT YOU'RE
19 SEEING IN THE HOUSE AS YOU GO ALONG IN ALMOST A SEGMENT
20 TYPE OF VIEW. SO EVERY TIME YOU CHANGE A POSITION OR YOU
21 TRY TO DOCUMENT A ROOM AS BEST YOU CAN, DEPENDING ON HOW
22 BIG IT IS OR WHAT YOU HAVE TO WORK WITH, THIS IS WHAT
23 YOU'RE GOING TO DO.

24 Q DESCRIBE WHAT'S IN STATE'S EXHIBIT NO. 47.

25 A THERE WERE -- THERE ARE OTHER SPARE BEDROOMS OFF TO

1 THE RIGHT AND THERE WAS ONE TO THE LEFT OF THIS HALLWAY,
2 THE PRIOR HALLWAY. THIS IS WHAT THE CONDITION WAS OF I
3 BELIEVE THE OLDER CHILD'S ROOM, ONE OF THE OLDER
4 CHILDREN'S ROOM, OFF TO THE RIGHT BACK END TO THE HOUSE.

5 Q THE RIGHT WHEN YOU'RE COMING IN FROM WHERE?

6 A AS SOON AS YOU -- CAN WE GET IT BACK TO THE ONE
7 BEFORE THAT? OKAY. YOU WALK DOWN THIS HALLWAY, THERE IS
8 A SEPARATION IN THE DOORS. THIS ONE GOES TO ONE ACTUAL
9 BEDROOM. YOU GO OFF TO THE RIGHT. HERE IS A BATHROOM.
10 THE ACTUAL BEDROOM I'M TALKING ABOUT IS RIGHT ACROSS FROM
11 IT.

12 Q DESCRIBE STATE'S 48, PLEASE.

13 A STATE'S 48 IS WHEN YOU'RE ACTUALLY STANDING IN THE
14 KITCHEN AREA. YOU WILL HAVE WALKED THROUGH THAT HALLWAY
15 AND NOW YOU'RE BASICALLY STANDING IN THE KITCHEN AREA.
16 THIS IS THE FRONTAL VIEW OFF TO THE RIGHT. THIS IS ALMOST
17 LIKE A DEN RIGHT OFF THE KITCHEN.

18 Q WHAT ARE THOSE YELLOW THINGS?

19 A THESE ARE THE MARKERS THAT I WAS TELLING YOU ABOUT.
20 EACH MARKER SIGNIFIES THAT THERE IS SOME PIECE OF EVIDENCE
21 RELEVANT TO BEING COLLECTED.

22 Q WHO PUT THOSE THERE?

23 A I DID.

24 Q PLEASE DESCRIBE STATE'S 49.

25 A STATE'S 49 IS YOU'RE ACTUALLY STANDING IN THAT DEN

1 AREA, BUT YOU'RE LOOKING BACK TOWARD THE KITCHEN TO GIVE
2 CLARIFICATION AS TO THE RELATION OF WHERE ALL OF THESE
3 MARKERS ARE SITUATED.

4 Q WHAT IS SHOWN IN STATE'S 50?

5 A STATE'S 50 IS ACTUALLY GOING TO BE -- THESE ARE BOX
6 TOPS THAT ARE FROM DIFFERENT GAMES. THIS IS THE ACTUAL
7 COFFEE TABLE. THE COFFEE TABLE IN THE REVERSE PICTURE IS
8 RIGHT HERE, BUT YOU'RE ACTUALLY RIGHT IN FRONT OF THAT
9 COFFEE TABLE ON THE FLOOR.

10 Q DESCRIBE STATE'S 51, PLEASE.

11 A FIFTY-ONE IS -- IF WE CAN GO BACK.

12 Q TELL ME WHICH ONE YOU'RE GOING TO GO BACK TO.

13 A I WANT TO GO BACK TO 49. FIFTY-ONE IS A CLOSE-UP OF
14 49. THIS IS THE SAME LITTLE CHEST. THERE IS A
15 DISCOLORATION IN THE CARPET HERE OF SOME TYPE OF DRIED
16 LIQUID, AND WE JUST WANTED TO BASICALLY CAPTURE CERTAIN
17 THINGS WITHIN THERE.

18 Q PLEASE DESCRIBE STATE'S EXHIBIT 52.

19 A FIFTY-TWO IS ANOTHER VIEW OF THE KITCHEN. THIS IS IF
20 YOU'RE STANDING IN THE KITCHEN, YOU'RE LOOKING TO THE
21 LEFT. THIS IS WHERE YOUR SINK AND TOWARDS YOUR WALL A LOT
22 OF THE BLOOD AND SEVERAL DIFFERENT BULLET HOLES WERE
23 OBSERVED.

24 Q PLEASE DESCRIBE STATE'S 53.

25 A FIFTY-THREE IS GOING TO BE THIS WALL WHICH SEPARATES

1 THE KITCHEN FROM THE LIVING AREA. THIS IS THE ACTUAL
2 CORNER OF THE KITCHEN WHERE MOST OF THE ACTIVITY TOOK
3 PLACE. THE PROBES ACTUALLY SHOW BULLET HOLES AND THEIR
4 LEVEL OR THEIR -- THEIR TRAVEL.

5 Q WHY DO YOU DO THAT OR WHY IS THAT DONE?

6 A IT IS TO BASICALLY SHOW RELEVANCE. YOU WANT TO SEE
7 WHERE THESE BULLETS -- WHAT WAS THE TRAJECTORY OF THE
8 DIRECTION OF TRAVEL OF WHERE THESE BULLETS ARE COMING
9 FROM. WHERE ARE THEY COMING, WHERE ARE THEY GOING? AND
10 FOR US, WE JUST WANTED TO SEE HOW THIS WAS TAKING PLACE,
11 AND THIS IS ONE OF THE WAYS THAT WE WILL DO IT.

12 Q DESCRIBE STATE'S 54, PLEASE.

13 A STATE'S 54 IS IF YOU'RE TURNING TO YOUR LEFT NOW,
14 HERE IS THAT SAME WALL, BUT NOW HERE IS YOUR DOORWAY.
15 YOU'RE GOING TO TRAVEL FROM -- THROUGH THIS DOORWAY INTO
16 YOUR LIVING ROOM AREA.

17 Q JUST TO CLARIFY, THERE ARE DOWELS AND ALL THAT ARE IN
18 THAT PREVIOUS PICTURE. YOU PUT THOSE THERE DURING THE
19 COURSE OF YOUR INVESTIGATION; RIGHT?

20 A YES. THEY WERE THERE -- WE GO IN SEGMENTS THE WAY WE
21 DO THINGS, AND A LOT OF THE TIMES WE'LL ASK FOR SPECIFICS.
22 AND WHEN WE DO THIS TYPE OF RECONSTRUCTION ALMOST THAT
23 YOU'LL GO AND SEE IT'LL -- IT'LL DEVELOP FOR YOU AS THE
24 SCENE GOES ON, AND THIS IS WHAT -- WHAT WE DO WITH THE
25 DOWELS.

1 Q PLEASE DESCRIBE STATE'S 55.

2 A FIFTY-FIVE IS ACTUALLY LOOKING THROUGH THE DOORWAY
3 INTO THE LIVING ROOM AREA. YOU'LL SEE ON THE CARPET THE
4 DISCOLORATION, DRIED BLOOD, AND YOU'LL ACTUALLY SEE
5 MR. TUCKER'S LEGS AT -- THERE IS A LITTLE WALL THAT
6 SEPARATES THE FRONT DOOR FROM KIND OF LIKE THE -- I GUESS
7 THE DINING AREA, LIVING ROOM SECTION.

8 Q AND IS THAT WHERE THE POSITION OF MR. TUCKER'S BODY
9 WAS WHEN YOU OBSERVED IT?

10 A YES. THAT WAS HOW HE WAS WHEN I GOT THERE.

11 Q HOW ABOUT STATE'S 56?

12 A STATE'S 56 IS GOING TO BE AN INTERNAL VIEW OF A HARD
13 DRIVE OR THE ACTUAL COMPUTER INNARDS. IT'S THE ACTUAL --
14 IF YOU GO BACK TO 55, YOU'LL SEE THAT COMPUTER SITTING
15 RIGHT HERE. THAT'S THE SAME COMPUTER.

16 Q SO YOU'RE SAYING THAT IS SOME KIND OF -- WHAT'S THAT
17 IN THERE?

18 A THIS IS THE ACTUAL -- THIS IS WHAT'S LEFT OF THE
19 BULLET RIGHT HERE.

20 Q STATE'S 59.

21 A STATE'S 59 IS GOING TO BE THREE SHELL CASINGS THAT WE
22 FOUND BETWEEN THAT FRONT DEN AND THE ACTUAL KITCHEN. THIS
23 IS THE SEPARATION WHERE THE ACTUAL CARPET VERSUS LINOLEUM
24 IS.

25 Q STATE'S 60.

1 A STATE'S 60 IS GOING TO BE ANOTHER SHELL CASING. IT
2 IS GOING TO BE RIGHT ADJACENT TO THAT LITTLE KITCHEN TABLE
3 ON THE FLOOR NEXT TO ONE OF THE CHAIRS.

4 Q HOW ABOUT STATE'S 61?

5 A STATE'S 61 IS GOING TO BE ANOTHER SHELL CASING EXCEPT
6 IT'S GOING TO BE WITHIN ONE OF THOSE GAME BOXES AND THE
7 LIDS THAT I SHOWED YOU IN ONE -- IN THE PRIOR PHOTOGRAPH.

8 Q STATE'S 62, PLEASE.

9 A STATE'S 62 IS ALSO GOING TO BE IN THAT SAME ROOM
10 EXCEPT IT IS ON THE CARPET.

11 Q STATE'S 63.

12 A STATE'S 63 IS GOING TO BE IN THE KITCHEN AREA. IT IS
13 ACTUALLY GOING TO BE ON THE COUNTER. IF I COULD FIND --
14 GO BACK TO BETTER PICTURE OF THE COUNTER -- LET ME GO BACK
15 TO 52. IT IS GOING TO BE RIGHT IN HERE. THERE IS A LAMP
16 IN HERE. IT IS GOING TO BE WEDGED IN HERE ACTUALLY ON THE
17 COUNTER ITSELF.

18 Q STATE'S 64.

19 A STATE'S 64 IS GOING TO BE IN THAT SAME DOORWAY THAT
20 SEPARATES THE KITCHEN AND THE LIVING AREA. IT'S GOING TO
21 ACTUALLY JUST SHOW YOU HOW AGAIN THE DOWELS AND THE
22 TRAJECTORY OF THE BULLETS THAT WERE COMING THROUGH AND
23 WHERE THEY LANDED, CAME TO REST. 10 IS ALSO A SHELL
24 CASING THAT WAS FOUND ON THE FLOOR WITHIN THE KITCHEN.

25 Q WHAT WAS THAT LAST NUMBER THAT YOU HAD?

1 A SIXTY-FOUR.

2 Q THE NEXT ONE I HAVE IN MY HAND IS 68, SO HOLD THAT
3 THOUGHT WHILE I MAKE SURE I HAVEN'T NEGLECTED ANY. ALL
4 RIGHT. WE'RE ON 65.

5 A YES.

6 Q KEEP ME STRAIGHT.

7 A SIXTY-FIVE IS GOING TO BE A CLOSER VIEW OF NUMBER 10.
8 THAT MARKER THAT WAS ON THE KITCHEN FLOOR RIGHT BY THE
9 WALL, IT IS JUST GOING TO BE A CLOSER VERSION THAN THE
10 ACTUAL SHELL CASING ITSELF.

11 Q AND INVESTIGATOR WATTS, IF YOU'LL JUST SHOW THE JURY
12 66, THE ACTUAL EXHIBIT ITSELF, AND EXPLAIN WHAT'S SHOWN IN
13 THERE.

14 A THIS IS AN ACTUAL PICTURE OF HOW MR. TUCKER WAS WHEN
15 I GOT THERE. HE IS FACE UP. HE IS NOT BREATHING. YOU'LL
16 ACTUALLY SEE THAT THERE IS DUCT TAPE AROUND EACH APPENDAGE
17 EXCEPT FOR THIS ONE, IT'S JUST LAYING UNDERNEATH IT. IT
18 IS ACTUALLY LIKE CABLE, LIKE A COAXLE CABLE OR SOMETHING
19 THAT WAS ALSO HERE. HE HAS LOST A LOT OF BLOOD. AND
20 THAT'S BASICALLY EXACTLY AS HE WAS WHEN I CAME IN. AND
21 THAT'S WHAT IT'S MEANT TO DO IS JUST TO SHOW HERE IT IS,
22 THIS IS WHAT WE FOUND, AND THIS IS THE CURRENT CONDITION
23 OF WHAT WAS.

24 Q WHAT WAS YOUR UNDERSTANDING REGARDING -- IS THAT THE
25 POSITION HIS BODY WAS IN? DO YOU HAVE ANY OTHER

1 UNDERSTANDING ABOUT THAT?

2 A WHAT I BELIEVE IS THERE WERE FIRST RESPONDERS THAT
3 ACTUALLY SHOWED UP, AND THIS WAS NOT THE ACTUAL
4 POSITIONING OF HIS BODY WHEN IT CAME TO REST. THIS IS
5 ACTUALLY AFTERWARD WHEN THEY WERE TRYING TO I GUESS
6 RESUSCITATE HIM OR TRYING TO SAVE HIM.

7 Q SO BASICALLY THEY WOULD HAVE ROLLED HIS BODY OVER?

8 A YES.

9 Q ALL RIGHT. IF YOU'LL ALSO JUST SHOW THEM STATE'S 67.

10 A SIXTY-SEVEN IS JUST AN ACTUAL CLOSE-UP VIEW OF THE
11 LABELS ONE -- WE GAVE ONE MARKER FOR THE ACTUAL DUCT TAPE
12 ITSELF AND THEN WE GAVE ANOTHER MARKER FOR THE COAXLE
13 CABLE.

14 Q HOW ABOUT STATE'S 68 WHEN YOU GO BACK TO THE SCREEN.

15 A I WANT TO SHOW THEM 65.

16 Q DID I MISS THAT ONE?

17 A NO, I JUST WANT TO SHOW THEM SO THEY KNOW WHERE THIS
18 IS.

19 Q OKAY. YEAH. JUST SHOW THEM FROM THAT ONE.

20 A FIFTY-FIVE I ALREADY SHOWED YOU. THIS WAS THE
21 DOORWAY COMING FROM THE KITCHEN. BUT I WANT YOU TO FOCUS
22 ON THIS DOOR RIGHT HERE. THIS IS THE DOOR OF THE MASTER
23 BEDROOM. THIS IS IF YOU WALKED THROUGH THE DOOR OFF TO
24 YOUR RIGHT, THIS IS THE ACTUAL DRESSER WITHIN FREDDIE
25 TUCKER'S BEDROOM.

1 Q SAGE, IF YOU DON'T MIND, SINCE YOU ARE REFERRING TO
2 TWO SEPARATE PICTURES, WHEN YOU SAY, THIS, REFER TO THE
3 EXHIBIT NUMBER.

4 A SIXTY-EIGHT. 68 IS THE ACTUAL DRESSER WITHIN THE
5 DOORWAY ON THE WALL.

6 Q HOW ABOUT STATE'S 69?

7 A SIXTY-NINE IS GOING TO BE -- YOU'RE SHOWING THE
8 CURRENT CONDITION OF THE BEDROOM ITSELF, THE ACTUAL
9 DISSHELVED APPEARANCE OF EVERYTHING THAT THE ROOM HOLDS.
10 THE DOOR WAS OPEN, CONTENTS RANSACKED.

11 Q AND 70.

12 A SEVENTY IS THE ACTUAL BED ITSELF THAT THE MATTRESSES
13 HAVE BEEN REMOVED. IF YOU'RE, LIKE I SAID, COMING IN
14 THROUGH THE DOOR, HERE IS THE DRESSER. THE NEXT PICTURE,
15 THE LAST EXHIBIT, AND THEN YOU'RE ACTUALLY FACING THE WALL
16 IN FRONT OF YOU. HIS BED WAS ON THAT WALL. AND THE
17 CONDITION OF THE MATTRESSES BEING REMOVED, DOORS BEING
18 OPEN OR REMOVED THEMSELVES TO SHOW THAT -- THE ACTUAL
19 CONDITION OF THE ROOM. YOU'RE JUST GOING AROUND.

20 Q THAT WAS HOW IT WAS WHEN YOU FOUND IT?

21 A THAT WAS EXACTLY HOW IT WAS WHEN WE GOT THERE.

22 Q HOW ABOUT STATE'S 71?

23 A STATE'S 71 IS GOING BACK INTO THE KITCHEN. IT IS
24 JUST A CLOSER-UP VIEW OF THE SHOTS THAT WERE TAKEN INTO
25 THE WASTEPAPER BASKET OR -- AND INTO THE WALL ITSELF,

1 KITCHEN CABINETS. WE ACTUALLY HAD THE ROOM RECONSTRUCTED.
2 SOUTH CAROLINA LAW ENFORCEMENT DIVISION CAME IN AND DID A
3 STUDY FOR US TO FURTHER CLARIFY WHAT WE ALREADY KNEW, AND
4 THIS IS JUST BASICALLY THEM HELPING US OUT.

5 Q AND YOU WERE THERE WHILE THAT TOOK PLACE?

6 A YES. I WAS THERE FOR THE WHOLE THING.

7 Q HOW ABOUT STATE'S 72?

8 A IF YOU REMOVE THE TRASHCAN, THESE -- THIS IS WHAT WE
9 FOUND. FURTHER HOLES IN THE FLOOR. THIS IS THE ACTUAL
10 HOLES PRIOR TO -- AND IN THE FORMER PICTURE, BUT WE'RE
11 LABELING ANYTHING THAT WE FIND WITH A MARKER.

12 Q AND STATE'S 73.

13 A SEVENTY-THREE IS JUST A CLOSER-UP PICTURE OF 17 WHICH
14 IS AN ACTUAL BULLET ITSELF FOUND BEHIND UNDERNEATH THE
15 ACTUAL TRASHCAN.

16 Q DON'T GO FURTHER YET, JESSIE. I AM GOING TO SHOW YOU
17 WHAT'S BEEN MARKED FOR IDENTIFICATION AS STATE'S 74 AND
18 ASK IF YOU RECOGNIZE THAT.

19 A THIS IS MY SKETCH OF THE SCENE.

20 Q AND IS THAT A FAIR AND ACCURATE DEPICTION OF WHAT YOU
21 CALL IT, SKETCH?

22 A YES.

23 MRS. YOUNG: YOUR HONOR, AT THIS POINT IN TIME WE'D
24 OFFER STATE'S 74 INTO EVIDENCE.

25 THE COURT: ANY OBJECTION?

1 MR. JOHNSON: NO OBJECTION.

2 THE COURT: WITHOUT OBJECTION.

3 (WHEREUPON, STATE'S EXHIBIT NO. 74 WAS ADMITTED INTO
4 EVIDENCE.)

5 Q IF YOU DON'T MIND, JUST SHOW THAT TO THE JURY AND
6 DESCRIBE WHAT YOU'RE DOING. AND BEFORE THAT, IS THIS KIND
7 OF -- ANY KIND OF SCALE?

8 A NO.

9 Q OKAY.

10 A THIS ONE IS NOT DRAWN TO SCALE. YOU CAN, BUT I DID
11 NOT. - ONE OF THE WAYS YOU WILL DOCUMENT A SCENE IS YOU'LL
12 DRAW A SKETCH. YOU'RE LOOKING TO SHOW BASICALLY LIKE A
13 SET-UP OF WHERE EVER YOU ARE. IN THIS CASE IT IS GOING TO
14 BE THE INTERIOR OF THE RESIDENCE. YOU'RE GOING TO SHOW
15 CORRELATION OF WHERE YOU FOUND THINGS, BOTH WITH THE
16 MARKER NUMBERS THAT WE ACTUALLY HAD THAT WE SHOWED ON THE
17 PHOTOGRAPHS, WHAT WAS IN THE HOUSE, WHERE THINGS WERE
18 LOCATED BECAUSE UNLESS YOU LIVE THERE, YOU DON'T KNOW
19 ANYTHING ABOUT IT.

20 SO THIS IS A WAY OF US EXPLAINING TO YOU HOW IT WAS
21 WHEN WE GOT THERE AND WHERE WE FOUND THINGS, AND SO IT'S
22 EASIER FOR YOU TO RECOGNIZE AND PUT THINGS TOGETHER.

23 Q ALL RIGHT. IF YOU DON'T MIND GOING BACK UP TO THE
24 STAND.

25 A (COMPLIED.)

1 Q WHAT WAS THE NEXT THING THAT YOU WOULD DO AFTER YOU
2 TOOK THESE PICTURES AND DOCUMENTED THE SCENE?

3 A NORMALLY YOU WOULD ACTUALLY START COLLECTING YOUR
4 EVIDENCE, GETTING YOUR BAGS READY. YOU'RE GOING TO MARK
5 ALL OF YOUR BAGS WITH ALL OF THE PERTINENT INFORMATION.
6 BUT IN THIS CASE WE ACTUALLY WAITED FOR THE SOUTH CAROLINA
7 LAW ENFORCEMENT DIVISION TO GET THERE TO DO THEIR
8 ANALYSIS. AND AFTER THEIR ANALYSIS WAS COMPLETE, WE THEN
9 STARTED TO COLLECT ANYTHING AND EVERYTHING THAT WE FELT
10 BELONGED TO THE CASE THAT WOULD HELP US OUT.

11 Q HOW MUCH EVIDENCE HAVE YOU COLLECTED IN THIS CASE?

12 A I BELIEVE THERE IS 147 PIECES OF EVIDENCE.

13 Q HOW DO YOU DETERMINE WHAT YOU'RE GOING TO COLLECT?

14 A EACH CRIME IS DIFFERENT, BUT YOU'RE LOOKING TO PUT
15 VICTIM AND SUSPECT TOGETHER, SO ANYTHING THAT WILL HELP
16 YOU DO THAT IS COLLECTIBLE BECAUSE YOU ONLY GET ONE SHOT
17 AT THIS. THIS IS SOMETHING THAT YOU ONLY -- YOU WANT TO
18 DO IT RIGHT THE FIRST TIME. ANYTHING THAT WILL HELP YOU,
19 WHETHER IT BE FINGERPRINTS, WHETHER IT BE DNA, BIOLOGICAL.
20 YOU CAN ACTUALLY GET GUNS. ANYTHING THAT IS GOING TO HELP
21 YOU PUT THOSE TWO PIECES OR PUZZLE PIECES TOGETHER YOU
22 NEED TO TAKE WITH YOU.

23 Q AND DESCRIBE -- YOU SAID YOU COLLECTED THE EVIDENCE.
24 WHAT HAPPENS AFTER YOU PUT IT IN BAGS AND THINGS OF THAT
25 NATURE? WHAT HAPPENS NEXT?

1 A WE'LL ACTUALLY TAKE ALL OF IT BACK. EVERYTHING GOES
2 ON A CHAIN OF CUSTODY WHICH MEANS I HAVE ANYWHERE THOSE
3 MARKS I SHOWED YOU, WHETHER THEY BE BULLETS, WHETHER THEY
4 BE SWABS OF POTENTIAL BLOOD WILL GO ON A CHAIN OF CUSTODY.
5 THEY'LL ALL BE NUMBERED. THESE ARE THE THINGS THAT I TOOK
6 BACK WITH ME FROM THE SCENE WITH THE CORRESPONDING
7 INFORMATION ON THEM.

8 WE'LL THEN TRANSPORT THEM BACK TO THE EVIDENCE ROOM
9 AND DEPOSIT THEM THERE FOR SAFEKEEPING UNTIL WE DETERMINE
10 WHAT WE'RE GOING TO TAKE FOR FURTHER ANALYSIS TO THE LAB
11 OR IF WE'RE JUST GOING TO HANG ON TO IT.

12 Q AND WHERE IS THE EVIDENCE ROOM?

13 A IT IS ACTUALLY AT THE AIKEN COUNTY SHERIFF'S OFFICE.
14 IT IS ACTUALLY IN THE BACK PART OF OUR DEPARTMENT.

15 Q HOW DOES THAT WORK? WHO HAS ACCESS TO THAT ROOM?

16 I'M SORRY. I SHOULD ASK YOU ONE QUESTION AT A TIME. WHO
17 HAS ACCESS TO THE EVIDENCE ROOM?

18 A WE HAVE AN EVIDENCE CUSTODIAN. THERE IS A LIEUTENANT
19 THAT'S OVER THE UNIT AND MYSELF.

20 Q DOES THAT MEAN ONLY CERTAIN PEOPLE CAN GO IN?

21 A YES, BECAUSE IT'S -- HAS AN ALARM ON IT AND IT HAS
22 LOCKS, AND THERE IS A REASON FOR THAT BECAUSE IT'S VERY
23 IMPORTANT THAT WE KEEP THE INTEGRITY OF EACH PIECE OF
24 EVIDENCE PRISTINE.

25 Q INVESTIGATOR, DID YOU ATTEMPT TO DEVELOP ANY

1 FINGERPRINTS AT

2 A I DID NOT, BUT I KNOW WE DID, AND WE DID NOT FIND
3 ANYTHING THAT WAS IDENTIFIABLE.

4 Q WHO ASSISTED YOU WITH DEVELOPING THIS CRIME SCENE?

5 A INVESTIGATOR CHRIS JOHNSON WAS THERE AND LIEUTENANT
6 CLAY ADAMS WAS THERE IN THE BEGINNING, AND THEN OF COURSE
7 YOU HAD OTHER INVESTIGATORS HELPING ME DOCUMENT EVIDENCE
8 AS I WAS PACKAGING IT UP IN THE END.

9 Q WERE THEY ALL SHERIFF'S -- AIKEN SHERIFF'S OFFICE?

10 A THEY WERE ALL AIKEN SHERIFF'S OFFICE EMPLOYEES.

11 Q AND THE ITEMS THAT YOU TAKE INTO EVIDENCE, DO YOU DO
12 ANY FURTHER -- DID YOU PERSONALLY DO ANYTHING ADDITIONAL

13 TO THEM AFTER YOU'VE GOTTEN THEM INTO THE EVIDENCE ROOM?

14 A YES. WE CAN DO CERTAIN THINGS IN-HOUSE LIKE LATENTS.
15 WE CAN ACTUALLY DEVELOP LATENTS. WE HAVE A LAB.

16 Q WHEN YOU SAY LATENTS, WHAT ARE YOU REFERRING TO?

17 A THE ACTUAL FINGERPRINTS. WE HAVE CERTAIN THINGS WE
18 CAN DO TO ENHANCE AND OR DEVELOP FINGERPRINTS ON CERTAIN
19 ITEMS WITHIN THE LAB OURSELVES. IT IF IS SOMETHING THAT
20 WE NEED TO TAKE SWABS OFF OF. A SWAB -- IF I HAD ONE, I'D
21 SHOW YOU. YOU'RE WANTING TO TAKE A BIOLOGICAL SAMPLE OFF
22 OF SOMETHING, WHETHER YOU BELIEVE IT TO BE BLOOD, WHETHER
23 YOU BELIEVE IT TO BE SEMEN, YOU DON'T KNOW. YOU'RE
24 ACTUALLY GOING TO COLLECT THAT OFF OF ANOTHER OBJECT. IT
25 COULD BE CLOTH. IT COULD BE SOMETHING ELSE. THAT WOULD

1 IN TURN CAN BE PROCESSED IN OUR LAB.

2 IF IT IS SOMETHING THAT GOES BEYOND OUR SCOPE, WE
3 WILL THEN TAKE THAT PACKAGE OR SOMETHING ELSE THAT WE HAVE
4 GLEANED OFF OF ANOTHER PIECE OF EVIDENCE AND MAKE IT
5 ANOTHER PIECE OF EVIDENCE OF ITSELF AND DELIVER IT TO THE
6 SOUTH CAROLINA LAW ENFORCEMENT DIVISION AND HAVE THEM
7 ANALYZE IT AND TELL US EVERYTHING THEY KNOW ABOUT IT.

8 Q SO YOU HAVE DONE SOME PRELIMINARY TESTING IN-HOUSE.
9 AM I UNDERSTANDING THAT CORRECTLY?

10 A YES.

11 Q ON SOME THINGS?

12 A ON SOME THINGS.

13 THE COURT: IS EVERYTHING ALL RIGHT?

14 MRS. YOUNG: JUST -- YOU KEEP LOOKING AT ME, SO I WAS
15 MAKING SURE. OKAY. GOOD.

16 Q WHERE ELSE DID YOU -- DID YOU NEED ADDITIONAL
17 FORENSIC PROCESSING IN THIS CASE?

18 A WE ALSO WERE CALLED. I WENT TO THE RICHLAND COUNTY
19 SHERIFF'S OFFICE IN COLUMBIA AND TWO OF THE VEHICLES THAT
20 WERE INVOLVED IN THIS INCIDENT OR ADJACENT TO THIS
21 INCIDENT WERE IN THEIR GARAGE, AND I PROCESSED BOTH OF
22 THOSE VEHICLES AT THEIR FACILITY.

23 THE COURT: EVERYBODY OKAY?

24 Q INVESTIGATOR, I AM GOING TO SHOW YOU STATE'S
25 EXHIBIT 3, WHICH IS ALREADY ENTERED INTO EVIDENCE, AS WELL.

1 AS STATE'S EXHIBIT 29 AND 75 THROUGH 82. THREE, 29, 75
2 THROUGH 82, AND ASK IF YOU CAN LOOK AT THOSE AND TELL ME
3 IF YOU CAN IDENTIFY THOSE.

4 A YES, I CAN.

5 Q AND AS A COLLECTIVE GROUP, WHAT IS SHOWN IN THOSE
6 PICTURES?

7 A THESE ARE ACTUALLY THE VEHICLES THAT WERE PROCESSED
8 AT RICHLAND COUNTY'S GARAGE.

9 Q AND WHO DID THAT?

10 A I DID.

11 MRS. YOUNG: YOUR HONOR, AT THIS POINT IN TIME WE'D
12 LIKE TO MOVE STATE'S 29 AND...

13 THE COURT: SEVENTY-FIVE THROUGH 82.

14 MRS. YOUNG: THANK YOU. SEVENTY-FIVE THROUGH 86?

15 THE COURT: ANY OBJECTION?

16 MR. JOHNSON: NO OBJECTION.

17 (WHEREUPON, STATE'S EXHIBITS NOS. 29, 75-82 WERE
18 ADMITTED INTO EVIDENCE.)

19 Q INVESTIGATOR WATTS, STARTING WITH STATE'S EXHIBIT 3
20 FROM THE WITNESS STAND, SO WE DON'T HAVE TO DO THE WHOLE
21 T.V. THING AGAIN, DO YOU MIND JUST HOLDING IT UP AND
22 DESCRIBING WHAT IS SHOWN IN EACH PICTURE? AND JUST WAIT
23 JUST A SECOND SO MR. JOHNSON CAN GET BACK OVER THERE.

24 A THERE ARE ACTUALLY TWO VEHICLES. BOTH OF THEM
25 IRONICALLY ENOUGH WERE BOTH A FORD TAURUS EXCEPT THEY ARE

1 BOTH -- THEY ARE A DIFFERENT COLOR. THERE IS ACTUALLY ONE
2 ALMOST LIKE A VERY LIGHT GREEN, AND THEN -- THIS IS
3 EXHIBIT NO. 3. AND EXHIBIT NO. 29 IS RED.

4 ITEM 75 IS ACTUALLY A PICTURE OF THE BACK SEAT OF THE
5 GREEN FORD TAURUS. IT'S A LITTLE -- IT'S A SHOPPING BAG
6 THAT WAS FOUND IN THE BACK SEAT AREA.

7 NUMBER 76 IS ACTUALLY THE FRONT PASSENGER'S SEAT AND
8 THE CONTENTS OF WHAT WAS FOUND ON THE PASSENGER'S SEAT.

9 NUMBER 77 IS THE ACTUAL TRUNK AREA AND WHAT WAS FOUND
10 IN IT.

11 SEVENTY-EIGHT IS ANOTHER PHOTOGRAPH OF THE TRUNK. IT
12 IS JUST FOCUSING ON THE BLACK T-SHIRT AND THE BAG TO THE
13 LEFT.

14 SEVENTY-NINE IS A CLOSE-UP VERSION OF THE
15 SHORT-SLEEVED BLACK T-SHIRT THAT WAS FOUND IN THE TRUNK
16 AREA. THAT'S ACTUALLY GOING TO BE THE FRONT, BY THE WAY.

17 EIGHTY IS THE SAME T-SHIRT, BUT I TURNED IT OVER TO
18 TAKE A PHOTOGRAPH OF THE BACK SIDE.

19 EIGHTY-ONE IS A PHOTOGRAPH OF THE SAME TRUNK AREA,
20 BUT THIS IS A LONG-SLEEVED BLACK SHIRT, FRONTAL AREA OR
21 FRONTAL VERSION.

22 AND 82 IS A MCDONALDS RECEIPT THAT I FOUND IN THE
23 DASH AREA OF THAT VEHICLE. AND ANY TIME YOU FIND A
24 RECEIPT, YOU TAKE A PICTURE OF IT AND TAKE IT IN.

25 Q JUST FOR CLARIFICATION, WHICH CAR -- YOU ARE

1 DESCRIBING VARIOUS ITEMS BEING FOUND. WHICH CAR WAS THIS
2 IN?

3 A THIS IS IN THE LIGHT GREEN OR THE MUTED GREEN TAURUS.

4 Q AND REGARDING THE RED TAURUS -- I BELIEVE YOU SHOWED
5 A PICTURE OF IT OR HELD IT UP. WHAT DID YOU DO WITH
6 REGARD TO THE RED TAURUS?

7 A WE JUST -- WE WENT THROUGH THE SAME TYPE OF
8 PROCEDURE, LOOKING THROUGH IT AND SEE WHAT'S IN IT AND
9 PHOTOGRAPHED IT, BUT WE RULED IT OUT BECAUSE THE MAJORITY
10 OF THE THINGS THAT WE BELIEVE WE NEEDED WERE IN THE ACTUAL
11 MUTED GREEN TAURUS.

12 Q AND DID YOU DOCUMENT AND TAKE IN THE ITEMS THAT
13 YOU'VE SHOWN IN THE PICTURES FROM THE GREEN TAURUS?

14 A YOU PROCESS THE CAR JUST LIKE YOU PROCESS ANY SCENE.
15 IT IS BASICALLY YOUR CRIME SCENE IN AND OF ITSELF. AND
16 YOU'LL TAKE IT, YOU'LL DO THIS WHOLE SAME DOCUMENTATION,
17 PHOTOGRAPHS. EVERYTHING YOU TAKE OUT OF IT YOU WOULD PUT
18 IN A CORRESPONDING BAG, LABEL THE BAG, PUT IT ON A CHAIN
19 OF CUSTODY AND THEN TRANSPORT IT BACK TO THE EVIDENCE
20 ROOM.

21 Q I AM GOING TO SHOW YOU WHAT'S BEEN MARKED STATE'S
22 115A AND ASK IF YOU CAN RECOGNIZE AND IDENTIFY THAT.

23 A THIS IS THE RECEIPT THAT I TOOK A PHOTOGRAPH OF THAT
24 I JUST SHOWED IN ONE OF THE OTHER EXHIBITS. IT IS JUST
25 THE ACTUAL RECEIPT ITSELF.

1 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D OFFER
2 STATE'S 115A INTO EVIDENCE.

3 THE COURT: ANY OBJECTION?

4 MR. JOHNSON: NO OBJECTION.

5 (WHEREUPON, STATE'S EXHIBIT NO. 115A WAS ADMITTED
6 INTO EVIDENCE.)

7 Q WHILE I'M LOOKING FOR THIS OTHER ONE, I WILL SHOW YOU
8 STATE'S 58 WHICH HAS ALREADY BEEN ENTERED INTO EVIDENCE
9 AND ASK IF YOU CAN RECOGNIZE THAT.

10 A THIS IS THE ACTUAL U-SAVE CAR AND TRUCK RENTAL. IT
11 IS THE I GUESS THE CONTRACT THAT YOU WOULD GET WHEN YOU
12 RENT A CAR. THIS WAS REMOVED FROM THE ACTUAL MUTED GREEN
13 TAURUS.

14 Q AND WHO DID THAT?

15 A I DID.

16 Q WHY IS IT PURPLE?

17 A GOING BACK TO WHAT WE CAN OR CAN'T DO WITHIN OUR LAB,
18 THIS IS SOMETHING THAT WE CAN DO. PAPER IS SOMETHING YOU
19 CAN PROCESS A NUMBER OF WAYS DEPENDING ON WHAT THE TYPE OF
20 PAPER IS. IN THIS CASE YOU WOULD USE A PROCESS CALLED
21 NINHYDRIN. WHAT IT DOES IS ANYBODY WHO TOUCHES IT OR
22 WATER THAT COMES IN CONTACT WITH THE PAPER ITSELF, BECAUSE
23 IT'S A POROUS MATERIAL, IT WILL TURN IT PURPLE. YOU WOULD
24 USE A HEATING MECHANISM OR USE AN IRON AND IT COMES OUT
25 AND DEVELOPS ON THE PAPER OR THE PAPER ITEM ITSELF.

1 AS YOU CAN SEE, IT'S JUST -- IT LOOKS MORE LIKE A
2 DESIGN, BUT THAT JUST SIGNIFIES THAT SOMETHING, WATER CAME
3 IN CONTACT WITH THIS PIECE OF PAPER.

4 Q ALL RIGHT. NOW I AM GOING TO HAND YOU STATE'S 119,
5 120 AND 121 AND ASK IF YOU CAN IDENTIFY WITHOUT GOING INTO
6 FURTHER DETAILS WHAT THAT IS.

7 A THESE ARE LATENT PRINT CARDS.

8 THE COURT: I'M SORRY. WHAT?

9 Q DON'T HOLD THEM UP YET. JUST DESCRIBE WHAT THEY ARE.

10 A THEY'RE LATENT PRINT CARDS.

11 Q AND WHAT DOES THAT MEAN?

12 A THIS IS THE BASIC MEDIUM THAT YOU WOULD PUT -- IF YOU
13 DEVELOP A PRINT ON AN OBJECT, YOU CAN LIFT IT WITH TAPE
14 AFTER YOU DUSTED IT, AND YOU WILL TRANSFER THE IMPRESSION
15 TO THIS TYPE OF CARD. THIS IS WHERE YOU WILL -- ITS LAST
16 POSITIONING I GUESS IF YOU WANT TO CALL IT. AND THEN
17 WHAT'LL YOU'LL DO ON THE BACK OF IT IS YOU'LL FILL OUT A
18 DIAGRAM AS TO WHERE YOU FOUND IT ON THE ITEM TO SHOW
19 RELEVANCE AND THEN FILL IN ALL YOUR PERTINENT INFORMATION,
20 DATE, CASE NUMBER, ET CETERA, ET CETERA.

21 Q AND DO YOU RECOGNIZE THOSE AS BEING RELATED TO THE
22 PROCESSING YOU DID IN THIS CASE?

23 A YES.

24 Q AND IS THAT THE ACTUAL MEDIUM OR LIFT THAT YOU TOOK
25 FOR THIS PARTICULAR -- FOR THOSE THREE THINGS?

1 A YES, EACH ONE OF THESE IS FROM A SEPARATE PIECE OF
2 EVIDENCE.

3 MRS. YOUNG: YOUR HONOR, AT THIS POINT IN TIME WE'D
4 MOVE STATE'S 119, 120 AND 121 INTO EVIDENCE.

5 THE COURT: ANY OBJECTION?

6 MR. JOHNSON: YOUR HONOR, I HAVE AN OBJECTION.

7 THE COURT: WHAT IS IT?

8 MR. JOHNSON: BASED ON THE WRITING ON THE BACK OF
9 THOSE, AND THE ONLY WAY TO REALLY EXPLAIN THAT OBJECTION
10 WOULD BE OUTSIDE OF THE PRESENCE OF THE JURY UNLESS YOUR
11 HONOR WANTS TO EXAMINE THOSE.

12 THE COURT: LET ME SEE THEM, PLEASE.

13 (WHEREUPON, THERE WAS A PAUSE.)

14 THE COURT: YOU CAN COME OVER HERE AND EXPLAIN IT TO
15 ME AT SIDE BAR.

16 (WHEREUPON, A BENCH CONFERENCE WAS HELD.)

17 THE COURT: ALL RIGHT. SHE'S GOT ABOUT 10 MORE
18 MINUTES. DO YOU WANT TO TAKE A BREAK NOW OR DO YOU WANT
19 TO TRY TO FINISH UP AND GO OUT. YOU TELL ME. I'VE GOT A
20 GO AHEAD, I GOT A MOVE FORWARD...

21 THE JUROR: GO AHEAD.

22 THE COURT: THEY WERE ALL SPINNING FAST. ALL RIGHT.
23 I AM GOING TO ALLOW 119, 120 AND 21 IN SUBJECT TO YOUR
24 OBJECTION. I MEAN, YOU'RE PROTECTED. AND WHEN WE TAKE A
25 BREAK, YOU CAN PUT ON THE RECORD YOUR CONCERN.

1 (WHEREUPON, STATE'S EXHIBITS NO. 119, 120, 121 WERE
2 ADMITTED INTO EVIDENCE.)

3 Q ALL RIGHT. INVESTIGATOR, DID YOU MAKE SOME
4 COMPARISONS WITH REGARD TO THOSE LATENT LIFT CARDS?

5 A YES.

6 Q AND DID YOU REACH ANY CONCLUSION ABOUT THOSE?

7 A THAT THEY WERE CONDUSIVE TO ANTONIO MILLER'S.

8 Q I'M SORRY?

9 A THEY WERE ANTONIO MILLER'S FINGERPRINTS.

10 Q AND WHAT DID YOU LIFT THOSE OFF OF AGAIN?

11 A THESE WERE CD'S THAT WERE FOUND WITHIN THE MUTED
12 GREEN TAURUS. THEY WERE ON THE FRONT PASSENGER SEAT.

13 Q IS THAT PRETTY MUCH ALL YOU DID WITH THOSE PARTICULAR
14 ITEMS?

15 A YES.

16 MRS. YOUNG: MAY WE APPROACH?

17 (WHEREUPON, A BENCH CONFERENCE WAS HELD.)

18 Q LET ME HAND YOU STATE'S EXHIBIT 116, 117, AND 118 AS
19 A GROUP AND ASK IF YOU CAN IDENTIFY THOSE.

20 A I CAN.

21 Q AND STARTING WITH STATE'S EXHIBIT 116.

22 A THE WHOLE THING?

23 Q JUST SAY IF YOU KNOW WHAT 116 IS AND...

24 A 116 IS A SWAB THAT I TOOK OF THE EXTERIOR AREA OF DRY
25 RED LIQUID. IT WAS FOUND ON THE GOLD AND BLACK NIKE AIR

1 JORDAN SNEAKER. IT WAS THE RIGHT SHOE. AND THIS IS
2 PACKAGED AND THIS IS MY HANDWRITING.

3 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE WOULD MOVE
4 STATE'S 116 IN EVIDENCE.

5 THE COURT: ALL RIGHT. SUBJECT TO WHAT I'LL LET YOU
6 PUT ON OUTSIDE OF THE PRESENCE OF THE JURY.

7 MR. JOHNSON: YES, SIR.

8 Q HOW ABOUT 117?

9 A 117 IS ANOTHER SWAB OF THE EXTERIOR TOE AREA OF THE
10 DRIED RED LIQUID OF THE GOLD AND BLACK NIKE AIR JORDAN
11 SNEAKER. I TOOK A SECOND SAMPLE WHICH WOULD BE THIS
12 ENVELOPE HERE WHICH IS MY WRITING.

13 (WHEREUPON, STATE'S EXHIBITS NOS. 116, 117 WERE
14 ADMITTED INTO EVIDENCE.)

15 Q HOW ABOUT 118?

16 A 118 IS A PAIR OF INSERTS FROM THIS PARTICULAR PAIR OF
17 SHOES FROM THE NIKE AIR JORDAN GOLD AND BLACK. THEY ARE
18 IN SLED'S PACKAGING, BUT INITIALLY IT'S MINE.

19 Q AND WHAT DID YOU DO ONCE YOU TOOK THOSE I GUESS
20 SAMPLES OR SWABS? WHAT DID YOU DO WITH THE SWABS AND THE
21 INSERTS?

22 A BASICALLY THEY WOULD BE SEALED ON THE BACKSIDE AND
23 THEN THEY'LL SIT AND WAIT UNTIL WE ACTUALLY DELIVER THEM
24 TO THE STATE LAW ENFORCEMENT DIVISION FOR FURTHER
25 ANALYSIS.

1 Q ALSO KNOWN AS SLED?

2 A SLED.

3 Q DID YOU DO THAT IN THE CASE?

4 A YES.

5 Q I AM GOING TO SHOW YOU STATE'S EXHIBIT 83, 84, 85.

6 WHICH ARE ALREADY ENTERED AND ASK IF YOU RECOGNIZE THOSE.

7 A YES.

8 Q WHAT ARE THOSE?

9 A THESE ARE PHOTOGRAPHS OF THE SHOES THAT I TOOK THE
10 SWAB FROM.

11 MRS. YOUNG: YOUR HONOR, IF I DIDN'T DO IT, I MEANT
12 TO OFFER 118 INTO EVIDENCE ALSO. 116, 117, 118.

13 THE COURT: YOU DID, AND WITH THE SAME OBJECTION THAT
14 MR. JOHNSON HAD WE'LL GO OVER OUTSIDE OF THE PRESENCE OF
15 THE JURY, THEY'RE ADMITTED.

16 (WHEREUPON, STATE'S EXHIBIT NO. 118 WAS ADMITTED INTO
17 EVIDENCE.)

18 Q ARE THOSE PICTURES OF THE SHOES THAT YOUR -- THAT YOU
19 TOOK TESTS FROM?

20 A YES.

21 MRS. YOUNG: YOUR HONOR, NO FURTHER QUESTIONS.

22 THE COURT: ALL RIGHT. WE'RE GOING TO TAKE OUR
23 AFTERNOON BREAK, PROBABLY 10 OR 15 MINUTES. DON'T DISCUSS
24 THE CASE. DON'T DELIBERATE. WE'LL GO UNTIL ABOUT FIVE.
25 IS THAT OKAY WITH EVERYBODY? THANK YOU. EVERYONE ELSE

1 REMAIN SEATED.

2 (WHEREUPON, THE JURY EXITED THE COURTROOM AT 3:33

3 P.M.)

4 THE COURT: ALL RIGHT. MRS. O'GRADY WATTS, YOU'RE
5 RIGHT IN THE MIDDLE OF YOUR TESTIMONY. IF YOU WOULD
6 PLEASE NOT DISCUSS IT AS WE TAKE A BREAK. MR. JOHNSON, GO
7 AHEAD AND PUT YOUR CONCERNS AS TO EXHIBITS 119, 120, 121,
8 116, 117 AND 118. AS I UNDERSTAND AT THE SIDE BAR THAT ON
9 THE BACK OF THE PRINT CARDS AND ON THE BACK OF THE SWAB
10 ENVELOPES THERE WAS A MENTION THAT THESE WERE FOR A MURDER
11 INVESTIGATION. ANYTHING ELSE THAT YOU HAD THAT YOU WERE
12 CONCERNED ABOUT?

13 MR. JOHNSON: NO, SIR. JUST THEY ALL SAID MURDER,
14 AND I WAS OBJECTING BASED ON THAT.

15 THE COURT: ALL RIGHT. I RESPECTFULLY OVERRULE YOUR
16 OBJECTIONS.

17 MR. JOHNSON: YES.

18 THE COURT: ALL RIGHT. STAND AT EASE FOR A FEW
19 MINUTES.

20 (WHEREUPON, A BREAK WAS TAKEN.).

21 THE COURT: ANYTHING FOR THE RECORD BY THE STATE
22 BEFORE WE START?

23 MRS. YOUNG: NO, SIR, YOUR HONOR.

24 THE COURT: MR. JOHNSON?

25 MR. JOHNSON: NO, SIR.

1 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
2 APPROXIMATELY 3:47 P.M.)

3 CROSS-EXAMINATION

4 BY MR. JOHNSON:

5 Q JUST BRIEFLY. OFFICER, WHO WAS THE BLOODHOUND
6 TRACKING TEAM RUNNING, CHASING THROUGH THE WOODS FOR
7 5 MILES?

8 A I HAVE NO IDEA. I KNOW THAT THEY WERE TRACKING
9 SUPPOSEDLY SOMEONE WHILE I WAS IN THE HOUSE, BUT THAT'S
10 ONE OF THOSE THINGS THAT THE HIERARCHY HAS TO KEEP TRACK
11 OF.

12 Q AND SO--

13 THE COURT: THE HIERARCHY HAS TO KEEP TRACK OF THE
14 TRACKING?

15 THE WITNESS: WELL...

16 Q SO THEY GOT AWAY?

17 A I GUESS SO.

18 Q WE DON'T KNOW WHO THEY ARE?

19 A I DON'T EVEN KNOW IF THERE ACTUALLY WAS SUCH A PERSON
20 THAT EXISTED, SO...

21 Q OR PERSONS?

22 A DON'T KNOW.

23 Q AND YOU NEVER FOUND MY CLIENT'S PRINTS INSIDE OF THAT
24 RESIDENCE; DID YOU?

25 A NO.

1 MR. JOHNSON: NO MORE QUESTIONS, YOUR HONOR.

2 THE COURT: ANYTHING ON REDIRECT?

3 MRS. YOUNG: NO, SIR, YOUR HONOR.

4 THE COURT: MA'AM, YOU MAY BE EXCUSED. NEXT WITNESS.

5 (WITNESS LEFT THE STAND.)

6 MR. MOLONY: THANK YOU, YOUR HONOR. THE STATE CALLS
7 INVESTIGATOR CHRIS JOHNSON.

8 CHRIS JOHNSON, AFTER BEING DULY SWORN, TESTIFIED
9 AS FOLLOWS:

10 THE WITNESS: MY NAME IS CHRISTOPHER LYNN JOHNSON,
11 J-O-H-N-S-O-N.

12 DIRECT EXAMINATION

13 BY MR. MOLONY:

14 Q INVESTIGATOR JOHNSON, WHO ARE YOU EMPLOYED BY?

15 A I AM EMPLOYED WITH THE AIKEN COUNTY SHERIFF'S OFFICE.

16 Q AND HOW LONG HAVE YOU BEEN WORKING WITH THE SHERIFF'S
17 OFFICE IN AIKEN?

18 A I STARTED MY SERVICE WITH THE SHERIFF'S OFFICE IN
19 AIKEN DECEMBER 19, 2003.

20 Q AND AS AN INVESTIGATOR, WHAT ARE SOME OF YOUR DUTIES?

21 A FORENSIC INVESTIGATOR IT IS MY DUTIES TO RESPOND TO
22 CRIME SCENES, TO PROCESS CRIME SCENES FOR PHYSICAL
23 EVIDENCE.

24 Q AND WERE YOU IN HERE WHEN INVESTIGATOR WATTS
25 TESTIFIED A MINUTE AGO?

1 A YES, I WAS.

2 Q DID YOU ASSIST HER IN THE CRIME SCENE THAT SHE
3 TESTIFIED ABOUT?

4 A YES, I DID.

5 MR. MOLONY: YOUR HONOR, MAY I APPROACH THE WITNESS?

6 THE COURT: YOU MAY.

7 Q INVESTIGATOR JOHNSON, I AM GOING TO SHOW YOU WHAT HAS
8 BEEN PREVIOUSLY MARKED FOR IDENTIFICATION AS STATE'S
9 EXHIBITS 106 THROUGH 114 AND JUST ASK YOU IF YOU RECOGNIZE
10 THOSE.

11 A YES, I RECOGNIZE THESE.

12 Q AND WHAT ARE THESE PICTURES OF?

13 A THESE ARE PHOTOGRAPHS TAKEN AT THE CRIME SCENE.

14 Q AND ARE THOSE PHOTOGRAPHS FAIR AND ACCURATE
15 REPRESENTATIONS OF THE CRIME SCENE AS YOU SAW IT THAT DAY?

16 A YES.

17 MR. MOLONY: YOUR HONOR, AT THIS TIME THE STATE MOVES
18 TO INTRODUCE...

19 THE COURT: WELL, SHOW THEM TO MR...

20 MR. MOLONY: I'M SORRY.

21 MR. JOHNSON: NO OBJECTION, YOUR HONOR.

22 (WHEREUPON, STATE'S EXHIBITS NOS. 106-114 WERE
23 ADMITTED INTO EVIDENCE.)

24 Q I SHOW YOU STATE'S 106. IF YOU COULD JUST HOLD IT UP
25 FROM WHERE YOU'RE AT AND EXPLAIN TO THE JURY WHAT THAT'S A

1 PICTURE OF.

2 MR. JOHNSON: YOUR HONOR, BEFORE HE STARTS PUBLISHING
3 THOSE, ARE THOSE IN EVIDENCE?

4 THE COURT: ARE THOSE WHAT?

5 MR. JOHNSON: THOSE PHOTOS. I SAID NO OBJECTION, AND
6 I WONDERED IF YOU WERE GOING TO RULE THOSE IN EVIDENCE.

7 THE COURT: WHEN YOU SAID NO OBJECTION, I ASSUME THEY
8 ARE IN EVIDENCE.

9 MR. JOHNSON: YES, SIR. I JUST WANTED TO MAKE SURE
10 BEFORE HE PUBLISHED THEM. THANK YOU.

11 THE COURT: I AM GLAD YOU'RE MAKING SURE I'M DOING MY
12 JOB, MR. JOHNSON. IT MAKES ME FEEL GOOD. WHEN YOU DON'T
13 OBJECT, THEY'RE IN.

14 MR. JOHNSON: YES, SIR.

15 THE COURT: I AM JUST PICKING AT MR. JOHNSON, Y'ALL.

16 THE WITNESS: EXHIBIT 106 -- I KNOW IT'S KIND OF HARD
17 TO SEE. THIS RIGHT HERE IS A WALL THAT IS SEPARATING THE
18 KITCHEN FROM THE LIVING AREA.

19 THE COURT: HOLD ON ONE SECOND.

20 THE WITNESS: I'LL REPEAT THAT FOR YOU..

21 MR. JOHNSON: THANK YOU.

22 THE WITNESS: THIS RIGHT HERE IS A WALL THAT IS
23 SEPARATING THE KITCHEN AREA BACK HERE FROM THE LIVING
24 ROOM. I CALL IT THE LIVING ROOM SLASH WEIGHT ROOM. THERE
25 WAS SOME WEIGHTS IN THIS ROOM AS WELL. AND WHAT IT IS

1 DEPICTING ARE THESE TRAJECTORY RODS OR THESE DOWEL RODS
2 ARE SHOWING TRAJECTORY GOING FROM ONE ROOM INTO THE OTHER
3 ROOM. YOU'VE GOT ONE RIGHT HERE AND YOU'VE GOT ONE OVER
4 HERE AS WELL. YOU CAN'T SEE THE BEGINNING OF IT. IT IS
5 FURTHER BACK ON THAT WALL, BUT RIGHT THROUGH HERE AS WELL.

6 Q THANK YOU. STATE'S 107.

7 A 107 AGAIN -- SORRY -- THIS WALL RIGHT HERE IS GOING
8 TO BE THIS WALL THAT YOU SEE RIGHT HERE KIND OF LOOKING
9 DOWN. THIS IS SHOWING A TRAJECTORY ROD THAT IS GOING --
10 COMING THROUGH THE WALL AND GOING INTO THE FLOOR.

11 Q STATE'S 108.

12 A 108 IS A PHOTOGRAPH THAT IS TAKEN UNDERNEATH THE
13 HOUSE I GUESS IN A CRAWL SPACE AS MOST PEOPLE WOULD SAY
14 SHOWING A TRAJECTORY ROD THAT IS ACTUALLY COMING THROUGH
15 THE FLOOR AND GOING INTO WATER PIPE HERE.

16 Q AND DID YOU TAKE THAT PICTURE?

17 A YES, I TOOK THIS PHOTOGRAPH.

18 Q UNDER THE HOUSE?

19 A YES.

20 Q OKAY. AND STATE'S 109?

21 A 109 IS GOING TO BE THE SAME WATER PIPE. THE
22 TRAJECTORY ROD HERE, IT ENTERED, IT DID NOT EXIT WHICH LED
23 ME TO BELIEVE THAT A PROJECTILE POSSIBLY WAS STILL INSIDE
24 THE WATER PIPE, SO WE CUT THE WATER PIPE, AND THIS IS JUST
25 SHOWING WHERE WE HAD CUT THE WATER PIPE.

1 Q AND WERE YOU ABLE TO OBTAIN A PROJECTILE OUT OF THE
2 PIPE AT THAT TIME?

3 A YES, THERE WAS A PROJECTILE IN THE WATER PIPE.

4 Q AND STATE'S 110?

5 A STATE'S 110 -- WHAT YOU SEE, IT'S -- IT'S THE GROUND
6 UNDERNEATH THE HOUSE. THIS PART RIGHT HERE IS A COPPER
7 JACKETING THAT ACTUALLY SURROUNDS THE LEAD OF A
8 PROJECTILE. WHEN I SAY PROJECTILE, THE COMMON TERM IS A
9 BULLET. THIS IS THE COPPER JACKETING THAT IS AROUND THE
10 LEAD OF THE BULLET, AND THIS HERE APPEARS TO BE JUST LEAD
11 FROM THE BULLET OR FROM THE PROJECTILE.

12 Q THANK YOU. 111.

13 A OKAY. 111; ONCE AGAIN WE'RE UNDERNEATH THE TRAILER
14 STILL. THIS RIGHT HERE IS JUST THE END OF MY MAG LIGHT,
15 MY FLASHLIGHT. JUST TRYING TO ILLUMINATE UNDERNEATH
16 THERE. THIS RIGHT HERE IS A PROJECTILE OR A BULLET THAT
17 WAS LAYING UNDERNEATH THE HOUSE. YOU CAN SEE IT'S NOT
18 BEEN SEPARATED. IT'S NOT IN TWO PIECES LIKE THIS ONE, SO
19 IT IS A DIFFERENT PROJECTILE THAT WAS FOUND UNDERNEATH THE
20 HOUSE.

21 Q AND WHAT'S DEPICTED IN STATE'S 112?

22 A STATE'S 112, THIS IS THE INSIDE OF THE HOUSE CLOSE TO
23 THE PROXIMITY TO THE LAUNDRY ROOM. THERE WAS A CLOSET
24 THAT HOUSED I GUESS THE AIR RETURN, THE HEAT AND THE AIR
25 CONDITIONING UNIT NORMALLY FOUND INSIDE OF THE TRAILER.

1 THIS IS SHOWING DUCT WORK AND THE TOP PART OF THE UNIT
2 INSIDE OF THAT CLOSET.

3 Q AND WHY DID YOU TAKE THAT PICTURE?

4 A FURTHER IN THE INVESTIGATION AS THE INVESTIGATION WAS
5 CONTINUING AND PROGRESSING WE WERE MADE AWARE OR WE WERE
6 TOLD THAT THE VICTIM, MR. TUCKER, ROUTINELY KEPT DRUGS
7 HIDDEN INSIDE OF THE AIR DUCT. SO THIS IS THE REASON WHY
8 WE HAD PHOTOGRAPHED THIS. IT IS HARD TO MAKE OUT. THERE
9 IS A PIECE OF CARDBOARD RIGHT HERE THAT LOOKS LIKE IT
10 WOULD BE COVERING SOME OF THE DUCT WORK. SO IT WAS
11 EVIDENCE TO US THAT SOMEBODY WAS IN AND OUT OF HERE
12 REGULARLY.

13 Q AND I AM GOING TO SHOW YOU STATE'S 113 AND 14
14 FINALLY, AND PLEASE TELL THE JURY WHAT THOSE ARE.

15 A OKAY. STATE'S 113, THIS IS A TRAJECTORY ROD THAT IS
16 GOING THROUGH THE WALL, AND ACTUALLY 114 IS THE SAME
17 TRAJECTORY ROD THAT IS ACTUALLY GOING THROUGH THE WALL,
18 THROUGH THE VINYL SIDING OF THE MOBILE HOME AND OUT INTO
19 THE YARD I GUESS WOULD BE THE BEST WAY TO SAY IT.

20 TO GIVE YOU A LITTLE BIT OF A LOCATION, IF YOU WERE
21 WALKING IN THE BACK DOOR OF THE RESIDENCE YOU COULD
22 STRAIGHT-LINE A SHOT, YOU CAN SEE THIS ROOM RIGHT HERE,
23 THESE WINDOWS IN THIS ROOM. SO IT WAS A STRAIGHT LINE OF
24 SHOT AS FAR AS TO WHERE THIS ROOM IS LOCATED IN THE HOUSE.

25 Q AND WERE YOU ABLE TO RETRIEVE THE PROJECTILE THAT

1 WENT THROUGH THE WALL RIGHT THERE?

2 A NO, I WAS NOT.

3 Q DID YOU LOOK FOR IT?

4 A YES.

5 Q THANK YOU. I DON'T HAVE ANY OTHER QUESTIONS. ANSWER
6 ANYTHING MR. JOHNSON HAS.

7 THE COURT: MR. JOHNSON, ANY QUESTIONS?

8 MR. JOHNSON: JUST BRIEFLY, YOUR HONOR.

9 THE COURT: CERTAINLY.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q WHO WAS THE BLOODHOUND TRACKING TEAM CHASING THROUGH
13 THE WOODS FOR 5 MILES?

14 A I -- I DO NOT HAVE ANY IDEA WHO THEY WERE CHASING.

15 Q AND WAS IT ONE PERSON OR COULD HAVE BEEN SEVERAL
16 PEOPLE?

17 A MY JOB WHEN I RESPOND TO THE CRIME SCENES IS
18 DIFFERENT THAN THE BLOODHOUND TRACKING TEAM. I RESPOND TO
19 PROCESS THE CRIME SCENE. ANYBODY THAT HAS FLED FROM THE
20 CRIME SCENE, IF ANYBODY'S FLED FROM THE CRIME SCENE,
21 THEY'RE NORMALLY CALLED OUT TO TRY AND TRACK THESE PEOPLE.
22 SO WHAT THEY DID AND WHAT WE DID ARE TWO DIFFERENT THINGS.
23 I CANNOT SAY WHAT THEY FOUND OR WHAT THEY DIDN'T FIND.

24 Q OKAY.

25 MR. JOHNSON: NO MORE QUESTIONS, YOUR HONOR.

1 THE COURT: REDIRECT?

2 MR. MOLONY: NONE, YOUR HONOR.

3 THE COURT: ALL RIGHT. YOU MAY STEP DOWN.

4 (WITNESS LEFT THE STAND.)

5 MRS. YOUNG: YOUR HONOR, THAT'S OUR FINAL WITNESS FOR
6 THE DAY.

7 THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN,
8 WE'VE HAD 16 WITNESSES, AND SOMETIMES IT IS LIKE DIRECTING
9 A PLAY WHEN YOU ARE TRYING TO GET ALL OF THESE
10 PROFESSIONAL PEOPLE IN AND OUT. AND I JUST HAD A
11 CONVERSATION WITH THE SOLICITOR AND MR. JOHNSON IN
12 CHAMBERS AND I THINK WE'VE GOT JUST A COUPLE OF MORE
13 WITNESSES.

14 AND HERE'S WHERE I THINK WE ARE. WE'RE GOING TO
15 BREAK EARLY TODAY EVEN THOUGH I HATE TO WASTE 55 MINUTES,
16 BUT I AM NOT WASTING IT. WE'VE WORKED PRETTY STEADY,
17 PRETTY STRAIGHT THROUGH.

18 IN THE MORNING WE'VE GOT -- AS I TOLD YOU THE OTHER
19 DAY -- WE'VE GOT ABOUT AN HOUR'S WORTH OF WORK SET AT
20 NINE. I'VE GOT A NUMBER OF PROBATION VIOLATIONS THAT
21 WE'RE GOING TO DO AT NINE. AND THEN WE HAVE A MATTER AT
22 10 O'CLOCK THAT WE'VE SET ASIDE AN HOUR TO AN HOUR AND 15
23 MINUTES FOR. THAT'S A BOND HEARING ON ONE OF THE POLICE
24 OFFICERS WHO WAS SHOT RECENTLY.

25 SO WHAT I'D LIKE TO DO IS START AT 11:15. HERE'S

1 11:15. I WON'T HAVE ANY BREAKFAST IN THE MORNING, BUT
2 I'LL BUY YOU LUNCH. HOW ABOUT THAT? FAIR ENOUGH? AND
3 I'LL SEE YOU AT 11:15 AND HOPEFULLY WE'LL BE ABLE TO START
4 RIGHT ON TIME. EVERYBODY ELSE REMAIN SEATED.

5 EVERYBODY GOT RIDES? EVERYBODY OKAY?

6 (WHEREUPON, THE JURY EXITED THE COURTROOM AT 4:01
7 P.M.)

8 THE COURT: ANYTHING FROM THE STATE BEFORE WE BREAK
9 FOR THE EVENING?

10 MRS. YOUNG: NO, SIR, YOUR HONOR.

11 THE COURT: MR. JOHNSON?

12 MR. JOHNSON: NO, SIR.

13 THE COURT: ALL RIGHT. MR. JOHNSON, MRS. BETH ANN
14 YOUNG, AS FAR AS CHARGES GO OBVIOUSLY I WILL CHARGE THE
15 FOUR INDICTMENTS, MURDER, KIDNAPPING, BURGLARY FIRST, AND
16 POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
17 CRIME.

18 ON MY NORMAL ORDINARY CHARGES, MR. JOHNSON, I'LL
19 CHARGE CONSIDER EACH INDICTMENT SEPARATE AND APART FROM
20 THE OTHERS, AND PRESUMPTION OF INNOCENSE, BURDEN OF PROOF,
21 CREDIBILITY OF WITNESSES, FUNCTION OF JUDGE AND JURY.
22 DEPENDING ON WHETHER YOUR CLIENT TAKES THE STAND OR NOT
23 I'LL CHARGE HIS RIGHT TO REMAIN SILENT. IT DEPENDS ON HOW
24 WE HANDLE THAT.

25 PRIOR RECORD OF WITNESSES. I SAID REASONABLE DOUBT.

1 IF I DIDN'T, WE'LL DO REASONABLE DOUBT. TESTIMONY OF AN
2 EXPERT. AND HAND OF ONE IS THE HAND OF ALL? ANYTHING
3 ELSE?

4 MRS. YOUNG: YOUR HONOR, WE WOULD JUST ALSO REQUEST
5 THAT YOU CHARGE THE FIRMLY CONVINCED ASPECT. I THINK THAT
6 YOU'RE DOING THAT NOW, BUT WE'RE REQUESTING IT ANYWAY.
7 THANK YOU.

8 THE COURT: WELL, MR. JOHNSON, CAN YOU THINK OF
9 ANYTHING ELSE?

10 MR. JOHNSON: NO, SIR.

11 THE COURT: OVER THE EVENING IF I HAVE LEFT SOMETHING
12 OUT, AND MY CHARGE WILL BE MY NORMAL STANDARD CHARGE, SO
13 IF I HAVE LEFT ANYTHING OUT, JUST REMIND ME IN THE
14 MORNING.

15 MR. JOHNSON: YES, SIR.

16 THE COURT: THE VERDICT FORMS WILL BE FOUR VERDICT
17 FORMS. WE FIND THE DEFENDANT NOT GUILTY. WE FIND THE
18 DEFENDANT GUILTY AS TO EACH INDICTMENT. THERE WILL BE
19 FOUR SEPARATE VERDICT FORMS. YOU'RE WELCOME TO LOOK AT
20 THOSE. WE HAVE THEM PRINTED.

21 LADIES, HAND THAT TO THEM.

22 MRS. BETH ANN, ARE YOU GOING TO WAIVE OPENING? IF
23 THEY DON'T PUT UP ANY WITNESSES, THEY'LL HAVE THE RIGHT TO
24 CLOSE.

25 MRS. YOUNG: YES, SIR. WE WILL...

1 THE COURT: SEE HOW THAT WORKS OUT?

2 MRS. YOUNG: WE WOULD WAIVE THAT.

3 THE COURT: ANYTHING ELSE?

4 MRS. YOUNG: NO, SIR, YOUR HONOR.

5 THE COURT: MR. MOLONY, ANYTHING?

6 MR. MOLONY: NO, SIR, JUDGE.

7 THE COURT: I APPRECIATE Y'ALL HAVE BEEN VERY
8 EFFICIENT WITH YOUR TIME TODAY, AND I APPRECIATE THAT.

9 9 O'CLOCK PROBATION VIOLATIONS. BONDSMEN OFF OF BONDS.

10 TEN O'CLOCK THE BOND HEARING ON -- FORGET WHAT THAT

11 DEFENDANT'S NAME IS -- AND THEN WE'LL BE READY TO GO WITH

12 YOU AT 11:15. THANK YOU, EVERYONE. HAVE A PLEASANT

13 EVENING.

14 (WHEREUPON, A DISCUSSION WAS HELD OFF THE RECORD.)

15 (WHEREUPON, COURT WAS IN RECESS FOR THE EVENING.)

16 ***** FEBRUARY 16, 2012 *****

17 THE COURT: ANYTHING FROM THE STATE BEFORE WE
18 PROCEED?

19 MR. MOLONY: NO, SIR, YOUR HONOR.

20 THE COURT: BY THE DEFENDANT?

21 MR. JOHNSON: NOTHING.

22 THE COURT: BRING THEM IN.

23 (WHEREUPON, THE JURY CAME INTO OPEN COURT AT
24 APPROXIMATELY 11:22 A.M.)

25 THE COURT: WE'VE BEEN WORKING HARD THIS MORNING. WE

1 STARTED AT NINE. WE HAD A WHOLE HOUR'S WORTH OF PROBATION
2 AND OTHER MATTERS AND THEN WE HAD THAT BOND HEARING THAT
3 LASTED ABOUT 45 MINUTES. THEN WE HAD TWO OTHER MATTERS,
4 SO WE'RE RUNNING RIGHT ON SCHEDULE. THAT CLOCK IS ABOUT
5 SEVEN -- FIVE MINUTES FAST, MR. WHITTLE. DO YOU KNOW WHAT
6 THAT MEANS?

7 THE BAILIFF: YES.

8 THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

9 MRS. YOUNG: THE STATE CALLS SLED AGENT KARL KENLEY.

10 KARL KENLEY, AFTER BEING DULY SWORN, TESTIFIED
11 AS FOLLOWS:

12 DIRECT EXAMINATION

13 BY MRS. YOUNG:

14 Q KARL, IF YOU DON'T MIND, MAKE SURE YOU SPEAK UP.

15 YOU'RE KIND OF SOFT-SPOKEN.

16 A OKAY.

17 Q YOU'RE EMPLOYED AT SLED?

18 A THAT'S CORRECT.

19 Q AND IN WHAT CAPACITY ARE YOU EMPLOYED THERE?

20 A CRIME SCENE LATENT PRINTS.

21 THE COURT: CRIME SCENE WHAT?

22 THE WITNESS: LATENT PRINTS.

23 Q AND HOW LONG HAVE YOU BEEN EMPLOYED WITH SLED?

24 A FIVE YEARS.

25 Q CAN YOU TELL US A LITTLE BIT ABOUT YOUR EXPERIENCE

1 AND QUALIFICATIONS?

2 A I'M A GRADUATE OF THE SOUTH CAROLINA CRIMINAL JUSTICE
3 ACADEMY WITH 21 YEARS OF EXPERIENCE. I HAVE A BACHELORS
4 OF ARTS IN SOCIOLOGY AND CRIMINAL JUSTICE FROM CLAFLIN
5 UNIVERSITY. I HAVE COMPLETED SEVERAL COURSES IN BASIC
6 CRIME SCENE PHOTOGRAPHY, FINGERPRINTS, ADVANCED AND BASIC
7 PALM PRINT, CRIME SCENE RECONSTRUCTION AND BLOODSTAIN
8 PATTERN ANALYSIS.

9 Q WHAT WAS THAT LAST ONE AGAIN?

10 A BLOODSTAIN PATTERN ANALYSIS.

11 Q AND BASICALLY YOUR JOB IS TO DO WHAT?

12 A WE RESPOND -- WELL, THE LAB IS LOCATED IN COLUMBIA.
13 LOCAL AGENCIES SUBMIT EVIDENCE TO THE LAB AND WE PROCESS
14 THAT EVIDENCE AGAIN FOR FINGERPRINTS. WE ALSO CONDUCT
15 FINGERPRINT COMPARISONS, SHOE AND TIRE TREAD COMPARISONS,
16 CRIME SCENE RECONSTRUCTION, AND BLOODSTAIN PATTERN
17 ANALYSIS. WE ALSO, WHEN REQUESTED, RESPOND TO ALL 46
18 COUNTIES IN THE STATE TO PROCESS CRIMES SCENE FOR PHYSICAL
19 EVIDENCE.

20 Q SO IS IT CORRECT TO SAY YOU WORK BOTH OUT IN THE
21 FIELD AND AT THE LAB --

22 A THAT'S CORRECT.

23 Q -- AS WELL?

24 A THAT'S CORRECT.

25 Q AGENT KENLEY, HAVE YOU EVER BEEN QUALIFIED AS AN

1 EXPERT IN THE STATE COURTS OF SOUTH CAROLINA?

2 A YES.

3 Q IN WHAT AREAS?

4 A IN CRIME SCENE EVIDENCE COLLECTION AND LATENT PRINTS.

5 Q HOW MANY TIMES IF YOU KNOW?

6 A THREE OR FOUR I THINK.

7 MRS. YOUNG: YOUR HONOR, AT THIS POINT THE STATE

8 WOULD OFFER AGENT KENLEY INTO EVIDENCE AS AN EXPERT

9 WITNESS IN CRIME SCENE EVIDENCE ANALYSIS AS WELL AS LATENT

10 PRINT ANALYSIS.

11 THE COURT: ANY CROSS EXAMINATION ON HIS

12 QUALIFICATIONS?

13 MR. JOHNSON: NO, YOUR HONOR. NO OBJECTION.

14 THE COURT: THANK YOU. HE'LL BE ALLOWED TO RENDER

15 OPINION TESTIMONY ON THE MATTERS WHICH HE IS AN EXPERT.

16 Q AGENT KENLEY, DID YOU HAVE AN OPPORTUNITY TO WORK ON

17 A CASE INVOLVING VICTIM FREDERICK TUCKER?

18 A YES, I DID.

19 Q AND HOW DID YOU GET CALLED OUT TO WORK IN THAT CASE?

20 A WE WERE CONTACTED BY THE AIKEN COUNTY SHERIFF'S

21 DEPARTMENT IN SEPTEMBER TO ASSIST THEM IN PROCESSING A

22 CRIME SCENE.

23 Q DO YOU KNOW WHAT DATE YOU WERE ACTUALLY CALLED OUT?

24 A I THINK IT WAS SEPTEMBER -- SEPTEMBER 15, 2008.

25 Q WHAT DID YOU DO AS A RESULT OF THAT CALL?

1 A WE RESPONDED TO THE SCENE HERE IN AIKEN, AND UPON OUR
2 RESPONSE -- WHEN I SAY OUR, I'M TALKING ABOUT AT THE TIME
3 MY PARTNER JEFF PARROTT. THE AIKEN COUNTY SHERIFF'S
4 DEPARTMENT WAS IN THE PROCESS OF ALREADY PROCESSING THE
5 SCENE AND THEY ASKED THAT WE CONDUCT A BLOODSTAIN PATTERN
6 ANALYSIS OF THE SCENE.

7 Q SO YOU WERE CALLED HERE SPECIFICALLY TO DO THAT
8 BLOODSTAIN PATTERN ANALYSIS?

9 A THAT'S CORRECT.

10 Q IT'S HARD FOR ME TO SAY THAT.

11 A THAT'S CORRECT.

12 Q AND WHAT DID YOU OBSERVE WHEN YOU RESPONDED?

13 A WHEN WE OBSERVED -- AGAIN, ITEMS OF EVIDENCE BY THE
14 SHERIFF'S DEPARTMENT HAD ALREADY BEEN MARKED WITH MARKERS.
15 THERE WERE SOME BLOOD DROPS INSIDE OF THE KITCHEN LEADING
16 FROM THE BACK DOOR INTO THE KITCHEN INTO THE LIVING ROOM
17 AREA AND THERE WERE ALSO DEFECTS IN THE BACK WINDOW THAT
18 APPEARED TO HAVE BEEN HIT BY A BULLET OR BULLET FRAGMENT.

19 Q AGENT KENLEY, WHAT DO YOU DO WHEN YOU'RE -- WHAT DOES
20 IT MEAN TO DO A BLOODSTAIN PATTERN ANALYSIS?

21 A BLOODSTAIN PATTERN ANALYSIS BASICALLY IS THE STUDY OF
22 BLOODSTAINS AT A CRIME SCENE. THE NUMBER OF STAINS, THE
23 SIZE, THE LOCATIONS, THE DISPERSION, MEANING HOW IT GOT
24 THERE, GIVES US AN IDEA OF POSSIBLY -- IF WE HAVE A SCENE
25 WHERE WE DON'T HAVE A VICTIM AND YOU JUST HAVE BLOOD, YOU

1 CAN LOOK AT THE BLOODSTAINS WHERE THEY ARE IN RELATION TO
2 THE ROOM ITSELF AND GIVES YOU AN IDEA OF ONE MOVEMENT OF
3 THE VICTIM, POSSIBLY WHERE THE SUSPECT WAS WHEN THE
4 BLOODLETTING TOOK PLACE MEANING WHAT CAUSED THE BLOOD TO
5 COME OUT OF THE BODY AND LAND ON THE WALL OR THE CARPET OR
6 SURFACE INSIDE OF THE ROOM.

7 SO, IT GIVES YOU AN IDEA OF THE MOVEMENTS, AND IN
8 MANY INSTANCES IT ALSO HELPS TO PROVE OR DISPROVE
9 STATEMENTS MADE BY A DEFENDANT.

10 Q AND HOW DO YOU DOCUMENT TO DO THAT KIND OF ANALYSIS?

11 A FIRST OF ALL YOU WALK THROUGH THE SCENE AND BASICALLY
12 LOOK AT THE SIZE AND TYPES OF STAINS YOU HAVE. THE SIZE
13 OR THE TYPE GIVES YOU AN IDEA OF HOW THAT STAIN GOT THERE.
14 IF YOU HAVE A -- FOR EXAMPLE, A POOL OF BLOOD, IT TELLS
15 YOU THAT A BLOOD SOURCE WAS LYING OR IN THAT SPOT FOR A
16 PARTICULAR AMOUNT OF TIME TO CAUSE THAT BLOOD TO POOL.
17 THAT TELLS YOU THAT A SOURCE OF BLOOD WAS THERE FOR A --
18 EXCUSE ME -- FOR A PARTICULAR AMOUNT OF TIME.

19 IT'S PHOTOGRAPHED. IT'S DOCUMENTED WITH SKETCHES AND
20 PHOTOGRAPHY AND SCALES. AND THE SCALE GIVES YOU AN IDEA
21 OF THE SIZE BECAUSE THE SCALE HAS NUMBERS ON IT, SO IT
22 GIVES YOU AN IDEA OF THE SIZE OF THAT STAIN, AND THAT SIZE
23 OF THAT STAIN TELLS YOU BASICALLY WHAT CAUSED IT OR HOW IT
24 GOT THERE.

25 Q AND IS THAT HOW YOU DOCUMENTED THE SCENE ON THIS

1 DATE?

2 A THAT'S CORRECT.

3 Q AGENT KENLEY, I AM GOING TO SHOW YOU WHAT'S BEEN
4 MARKED FOR IDENTIFICATION PURPOSES, AND I APOLOGIZE, THESE
5 ARE NOT IN ORDER.

6 A OKAY.

7 Q STATE'S EXHIBIT 86.

8 THE COURT: EIGHTY WHAT?

9 Q EIGHTY-SIX, 90, 92, 95, 97, 98, 101, 103, 104, 105
10 AND ASK YOU IF YOU'LL TAKE A LOOK AT ALL OF THOSE
11 COLLECTIVELY AND TELL ME CAN YOU IDENTIFY WHAT THOSE ARE.

12 A YES, MA'AM.

13 Q AND WITH THE EXCEPTION OF 105 I THINK IT WOULD BE
14 EASIER FOR ME TO DO IT THAT WAY, WHAT ARE THE REST OF THE
15 ITEMS THAT I'VE HANDED YOU?

16 A THESE ARE PHOTOGRAPHS TAKEN OF VARIOUS BLOODSTAINS AT
17 THE SCENE BACK IN SEPTEMBER.

18 Q AND DO THOSE PHOTOGRAPHS ACCURATELY AND FAIRLY DEPICT
19 THE SCENE AS IT APPEARED ON THE DATE YOU RESPONDED?

20 A YES, THEY DO.

21 MRS. YOUNG: YOUR HONOR, AT THIS POINT WE'D MOVE
22 STATE'S 86, 90, 92, 95, 97, 98, 101, 103, AND 104 AND
23 OFFER THOSE AS EVIDENCE IN THIS CASE.

24 THE COURT: HOW ABOUT 105?

25 MRS. YOUNG: IT IS SOMETHING DIFFERENT. I HAVEN'T

1 ASKED HIM YET.

2 THE COURT: ANY OBJECTION?

3 MR. JOHNSON: NO OBJECTION.

4 THE COURT: ALL RIGHT. WITHOUT OBJECTION.

5 Q AND AGENT KENLEY, WHAT IS 105?

6 A 105 IS A HAND-DRAWN SKETCH THAT WAS PREPARED BY JEFF
7 PARROTT OF THE SCENE.

8 Q AND DOES THAT FAIRLY AND ACCURATELY DEPICT THE
9 OBSERVATIONS OF THE SCENE AS YOU ALSO OBSERVED IT ON THAT
10 DATE?

11 A YES, IT IS.

12 MRS. YOUNG: YOUR HONOR, AT THIS POINT WE'D OFFER
13 STATE'S 105 AS EVIDENCE IN THIS CASE AS WELL.

14 THE COURT: ANY OBJECTION TO 105?

15 MR. JOHNSON: NO OBJECTION.

16 THE COURT: WITHOUT OBJECTION.

17 (WHEREUPON, STATE'S EXHIBITS NOS. 86, 90, 92, 95, 97,
18 98, 101, 103, 104, 105 WERE ADMITTED INTO EVIDENCE.)

19 MRS. YOUNG: YOUR HONOR, MAY AGENT KENLEY COME DOWN
20 OFF THE WITNESS STAND AND GO THROUGH EACH PICTURE?

21 THE COURT: HE MAY.

22 Q I AM GOING TO ASK YOU TO JUST TAKE EACH PHOTO AND
23 IDENTIFY WHAT'S SHOWN IN IT AS YOU HOLD IT TOWARDS THE
24 JURY. WE'LL START WITH STATE'S EXHIBIT 86.

25 A STATE'S EXHIBIT 86 IS JUST A PHOTOGRAPH OF A -- WHAT

1 WE CALL A 90-DEGREE BLOOD DROP. AND THAT'S SIMPLY A BLOOD
2 DROP ON THE FLOOR. AND THE CIRCLE OF PATTERN OF THE BLOOD
3 DROP TELLS US THAT THE SOURCE OF THAT BLOOD WHEN IT WAS
4 DEPOSITED ON THE FLOOR WAS MOVING VERY SLOWLY OR NOT
5 MOVING AT ALL. IT WAS SIMPLY A DROP ON THE FLOOR WITH NO
6 DIRECTIONALITY TO IT.

7 Q AND WHAT IS DIRECTIONALITY?

8 A DIRECTIONALITY MEANS AGAIN, IF IT'S LINEAR OR HAS
9 LINES OR YOU CAN TELL THAT IT'S BEEN MOVING, THEN THAT
10 MEANS THAT SOURCE OF THAT BLOOD WAS MOVING WHEN IT WAS
11 DEPOSITED. IF IT'S JUST A CIRCULAR PATTERN AGAIN, LIKE WE
12 CALL 90-DEGREES, THAT MEANS THE SOURCE OF THE BLOOD WAS
13 EITHER STANDING HERE OR MOVING VERY SLOWLY SO THAT WHEN IT
14 HIT THE FLOOR, IT DIDN'T SPREAD OR GO IN ANY DIRECTION.

15 Q HOW ABOUT STATE'S EXHIBIT NUMBER 90?

16 A NUMBER 90 IS WHAT I TALKED ABOUT EARLIER WHEN WE
17 TALKED ABOUT POOLING BLOOD. SIMPLY A POOL OF BLOOD JUST
18 LIKE WATER. IT SAYS THAT THE SOURCE OF THAT BLOOD WHEN IT
19 WAS DEPOSITED WAS THERE FOR A WHILE FOR THAT BLOOD TO
20 DEPOSIT ON THE FLOOR AND SPREAD AND CAUSE A POOL.

21 Q AGENT KENLEY, DO YOU HAVE ANY OTHER OBSERVATIONS
22 ABOUT THE BLOOD IN STATE'S EXHIBIT NO. 90?

23 A ALSO IT'S COAGULATED WHICH MEANS IT'S BEEN THERE FOR
24 A WHILE AND IT IS STARTING TO SEPARATE WHICH IS CALLED
25 SERUM SEPARATION WHICH MEANS THAT BLOOD WAS THERE FOR A

1 WHILE.

2 Q HOW ABOUT STATE'S EXHIBIT 92?

3 A NUMBER 92 IS WHAT WE WOULD CONSIDER AT THE BOTTOM OF
4 THE TRASHCAN SIMPLY A TRANSFERRED BLOOD SAMPLE WHICH MEANS
5 A BLOODY SURFACE CAME IN CONTACT WITH A NON-BLOODY
6 SURFACE. BASICALLY IF I HAD BLOOD ON MY HANDS AND I WOULD
7 TOUCH THIS COUNTER, I WOULD SIMPLY TRANSFER THE BLOOD ONTO
8 THE COUNTER.

9 AT THE TOP OF THE TRASHCAN THERE WERE SOME SMALL WHAT
10 WE CALLED SPATTER, IMPACT SPATTER, WHICH MEANS THE SOURCE
11 OF THE BLOOD WAS IMPACTED SOMETHING WHICH CAUSED THAT
12 SPLATTER -- SPATTER TO IMPACT THE TRASHCAN. IF THE
13 TRASHCAN WEREN'T THERE, IT WOULD CONTINUE TO TRAVEL. BUT
14 BECAUSE THE TRASHCAN INTERRUPTED THE PATH, IT CAUSED A
15 SPATTER.

16 SMALL SPATTERS LIKE THAT LET US KNOW THAT THE IMPACT
17 IN THE BLOOD SOURCE WAS MADE WITH SOME FORCE BECAUSE IT
18 BROKE THE BLOOD UP TO MAKE IT DEPOSIT IN SMALL PATTERNS.

19 Q HOW ABOUT WHAT'S SHOWN IN STATE'S EXHIBIT NO. 95?

20 A NINETY-FIVE, THE WOODEN DOWELS YOU SEE ARE ACTUALLY
21 DOWEL RODS THAT WE USE TO TRACK THE PATH OF BULLETS. ON
22 THE FLOOR AGAIN, AND THE TRASHCAN JUST LIKE WE SAW BEFORE,
23 AGAIN, IT IS POOLING BLOOD WHICH MEANS THE SOURCE OF THAT
24 BLOOD AT THE TIME THAT IT WAS DEPOSITED SAT THERE OR LAID
25 THERE FOR SOME AMOUNT OF TIME TO CAUSE THE BLOOD TO

1 SPREAD.

2 Q HOW ABOUT STATE'S EXHIBIT 97?

3 A NUMBER 97, AGAIN, WE TALKED ABOUT DIRECTIONALITY.

4 NOW YOU CAN SEE THAT THESE BLOOD DROPS, THEY ARE DROPS --

5 DROPS, BUT THEY ALSO ARE IN SEQUENCE WHICH MEANS THAT

6 BLOOD SOURCE WAS MOVING WHILE THE BLOOD WAS BEING

7 DEPOSITED ON THE FLOOR. WHAT YOU SEE IN THE CARPET WHICH

8 LOOKS LIKE DRAWING WHICH MEANS THAT BLOOD SOURCE CAME IN

9 CONTACT WITH THE CARPET AND HAD SOME MOVEMENT, SO IT'S

10 BASICALLY MAKING A TRANSFER ONTO THE FLOOR WHICH MEANS A

11 SOURCE OF BLOOD AGAIN WAS MOVING WHEN IT CAME IN CONTACT

12 WITH THE CARPET.

13 Q AND WILL YOU PLEASE DESCRIBE WHAT'S IN STATE'S

14 EXHIBIT 98?

15 A AGAIN 98 YOU SEE THE SERIES OF BLOOD DROPS. THEY'RE

16 90 DEGREES BUT THERE IS A SERIES OF THEM WHICH MEANS THAT

17 BLOOD SOURCE WAS MOVING VERY SLOWLY, BUT IT WAS MOVING

18 CAUSING WHAT'S CAUSED A BLOOD DRIP. AGAIN, THAT SOURCE OF

19 THE BLOOD WAS MOVING VERY SLOWLY AND WAS CLOSE TO THE

20 SURFACE.

21 WHAT YOU SEE HERE AGAIN IS A BLOOD SOURCE THAT'S BEEN

22 DEPOSITED AND IT'S BEEN DISTURBED BY SOMETHING. AGAIN,

23 THAT BLOOD SOURCE WAS ALREADY THERE AND SOMETHING MOVES

24 THROUGH IT CAUSING IT TO SPREAD.

25 Q AND WHAT'S SHOWN IN STATE'S 101?

1 A THIS IS A WALL WHICH IS A HORIZONTAL SURFACE WHICH
2 MEANS AT SOME POINT A BLOOD SOURCE CAME IN CONTACT WITH
3 THE WALL, WAS THERE FOR AN ENOUGH AMOUNT OF TIME TO ABSORB
4 TO THE WALL AND THEN SATURATE DOWN THE WALL WHICH MEANS
5 THERE WAS ENOUGH BLOOD IN THAT BLOOD SOURCE FOR IT TO NOT
6 ABSORB INTO THE WALL BUT SIMPLY RUN DOWN THE WALL.

7 THAT'S AGAIN WHAT'S CALLED A CONTACT STAIN. A BLOOD
8 SOURCE HAD BLOOD ON IT CAME IN CONTACT WITH THE WALL AND
9 AND JUST LEFT A TRANSFER ON THE WALL, AND THEN THERE WAS
10 ENOUGH BLOOD IN THAT STAIN TO CAUSE IT TO DRIP DOWN THE
11 WALL.

12 Q AND WHAT'S SHOWN IN STATE'S EXHIBIT 103?

13 A THIS IS A PHOTOGRAPH OF THE FLOOR JUST ABOVE THAT
14 PREVIOUS PICTURE WHICH IS WHAT IS CONSIDERED AGAIN POOLING
15 BLOOD AND SATURATION. IF BLOOD FALLS ON A REGULAR WOODEN
16 FLOOR, THE STAIN STAYS THE SAME. IF IT FALLS ON A CLOTH
17 OR ANYTHING LIKE THAT THAT ABSORBS WHICH MAKES THAT STAIN
18 APPEAR BIGGER THAN IT WAS INITIALLY.

19 BUT HERE YOU CAN TELL WITH ALL OF THE SATURATION OF
20 THE CARPET THAT BLOOD SOURCE WAS THERE FOR QUITE A WHILE
21 FOR IT TO ABSORB INTO THE CARPET AND LEAVE THAT LARGE OF A
22 STAIN.

23 Q AND STATE'S 104?

24 A AGAIN, IT'S A SIMILAR PICTURE OF THE WALL ABOVE THE
25 PICTURE THAT WE JUST SAW. THE RULER AGAIN SHOWS US THAT

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1 THAT BLOOD SOURCE, THE HEIGHT OF IT AGAIN GIVES US THE
2 POSITION OF THE VICTIM WHEN THE BLOODLETTING TOOK PLACE,
3 SO ANYTHING IN A STATEMENT THAT SOMEBODY SAYS SOMETHING
4 HAPPENED WHILE THE VICTIM WAS STANDING UP, THIS PICTURE
5 TELLS US THAT'S NOT THE CASE. BECAUSE OF ALL OF THE
6 BLOOD, YOU CAN TELL IT WAS 2 FEET OR BELOW. SO EVERYTHING
7 HAPPENED WHILE THE VICTIM OF THE BLOOD SOURCE WAS AT A
8 LEVEL EITHER ON THE FLOOR OR CLOSE TO THE FLOOR.

9 Q AND FINALLY, WHAT IS SHOWN IN STATE'S EXHIBIT 105?

10 A AND THIS IS A HAND-DRAWN SKETCH. ANY TIME WE WORK A
11 CRIME SCENE, NOT ONLY DO WE DOCUMENT IT WITH PHOTOGRAPHS,
12 WE WILL ALSO DRAW A HAND-WRITTEN SKETCH TO BASICALLY
13 DEPICT WHAT THE PHOTOGRAPHS MAY NOT CAPTURE OR TO ENHANCE
14 WHAT THE PHOTOGRAPHS CAPTURE.

15 Q AND IS THAT BASICALLY A DIAGRAM OF THE SCENE?

16 A THAT'S CORRECT, AND IT IS NOT TO SCALE, SO THAT MEANS
17 IT IS NOT -- EVERYTHING IS NOT CORRECT. IT IS AN OVERALL
18 DIAGRAM OF THE SCENE AND EVERYTHING COLLECTED AND FOUND ON
19 THE SCENE.

20 Q BUT IT'S SUPPOSED TO BE DOCUMENTATION OF EVERYTHING
21 YOU OBSERVED ON THE SCENE?

22 A NOT EVERYTHING. EVERYTHING THAT'S IMPORTANT TO THE
23 SCENE ITSELF, ESPECIALLY THE BLOODSTAINS. IF THERE ARE
24 ANY ITEMS OF EVIDENCE, THAT'S WHAT IS CAPTURED IN THE
25 DOCUMENT.

1 Q ALL RIGHT. YOU CAN RETAKE THE STAND IF YOU DON'T
2 MIND.

3 A (COMPLIED.)

4 Q AGENT KENLEY, BASED ON ALL THE OBSERVATIONS THAT YOU
5 MADE AT THE CRIME SCENE INCLUDING SOME OF THE ONES THAT
6 YOU JUST DISCUSSED THAT WERE SHOWN IN THE PICTURES, WERE
7 YOU ABLE TO FORM AN OPINION AS TO THE POSSIBLE SEQUENCE OF
8 EVENTS?

9 A YES.

10 Q AND THAT WAS WHAT YOU WERE CALLED TO DO?

11 A YES.

12 Q AND WHAT WAS YOUR OPINION AS TO THE SEQUENCE OF
13 EVENTS IN THIS PARTICULAR CASE?

14 A AT SOME POINT THE VICTIM WAS SHOT IN THE KITCHEN
15 AREA. HE WAS AT SOME POINT ON THE FLOOR VERY LOW, EITHER
16 CRAWLING OR POSSIBLY LYING DOWN, AND AT SOME POINT DURING
17 THE ALTERCATION, HE WAS BOUND, HIS FEET AND HANDS WERE
18 BOUND. AND AFTER HE WAS SHOT IN THE KITCHEN, HE BASICALLY
19 INCHED HIS WAY FROM THE KITCHEN THROUGH THE LIVING ROOM.

20 AND THAT'S IN THE PHOTOGRAPHS THAT WE SAW, THE
21 PATTERNS ON THE CARPET, HIM BASICALLY TRYING TO MAKE HIS
22 WAY TO THE FRONT DOOR POSSIBLY TO TRY TO ESCAPE. AND THEN
23 THAT TRANSFER PATTERN THAT WE SAW ON THE FRONT DOOR,
24 APPARENTLY HIS HEAD CAME IN CONTACT WITH THE DOOR, RESTED
25 THERE FOR A WHILE, AND HE FELL OVER STILL BOUND.

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1 Q AND AGENT KENLEY, WERE YOU ALSO ABLE TO FORM AN
2 OPINION REGARDING WHERE OR AT WHAT LEVEL THINGS OCCURRED
3 IN THIS PARTICULAR CASE?

4 A BASED ON ALL THE BLOODSTAINS THAT WE FOUND IN THE
5 HOUSE, EVERYTHING TOOK PLACE AT A DISTANCE OF 2 FEET OR
6 BELOW. THERE WAS NO BLOODSTAIN PATTERNS OR ANYTHING ABOVE
7 2 FEET IN THE RESIDENCE.

8 Q AGENT KENLEY, THAT'S ALL THE QUESTIONS I HAVE FOR
9 YOU. PLEASE ANSWER ANY THAT MR. JOHNSON MAY HAVE.

10 MR. JOHNSON: JUST ONE QUESTION, YOUR HONOR.

11 CROSS-EXAMINATION

12 BY MR. JOHNSON:

13 Q NONE OF THAT EVIDENCE LINKS MY CLIENT TO THAT
14 RESIDENCE; DOES IT?

15 A NO.

16 MR. JOHNSON: NO MORE QUESTIONS, YOUR HONOR.

17 THE COURT: REDIRECT?

18 MRS. YOUNG: I HAVE NONE, YOUR HONOR.

19 THE COURT: THANK YOU. YOU MAY STEP DOWN. NEXT
20 WITNESS.

21 (WITNESS LEFT THE STAND.)

22 MRS. YOUNG: THE STATE CALLS INVESTIGATOR JD SANDERS.

23 JD SANDERS, AFTER BEING DULY SWORN, TESTIFIED AS
24 FOLLOWS:

25 DIRECT EXAMINATION

1 BY MRS. YOUNG:

2 Q INVESTIGATOR SANDERS, WHERE ARE YOU EMPLOYED?

3 A AIKEN COUNTY SHERIFF'S OFFICE.

4 Q AND HOW LONG HAVE YOU BEEN EMPLOYED WITH AIKEN
5 COUNTY?

6 A TWELVE YEARS MAY 12TH.

7 Q AND IN WHAT CAPACITY ARE YOU EMPLOYED THERE NOW?

8 A I AM CURRENTLY LIEUTENANT. I AM THE TRAINING MANAGER
9 FOR THE SHERIFF'S OFFICE.

10 Q I'M SORRY. I CALLED YOU INVESTIGATOR AND NOT
11 LIEUTENANT.

12 A THAT'S OKAY.

13 Q AND DID YOU PREVIOUSLY HAVE ANY OTHER POSITIONS?

14 A YES, MA'AM. I WAS AN INVESTIGATOR THERE FOR QUITE A
15 FEW YEARS ALSO AND ONE TIME I WAS A SHIFT SUPERVISOR
16 SERGEANT ON THE ROAD.

17 Q AND IN WHAT CAPACITY WERE YOU EMPLOYED WITH AIKEN
18 COUNTY ON SEPTEMBER 15TH OF 2008?

19 A I WAS AN INVESTIGATOR IN CRIMINAL INVESTIGATIONS
20 DIVISION.

21 Q DID YOU HAVE AN OPPORTUNITY TO RESPOND TO A CRIME
22 SCENE THAT DAY?

23 A YES, MA'AM, I DID.

24 Q WHERE WAS THE SCENE?

25 A IN AIKEN.

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1 Q AND DESCRIBE IF YOU WOULD HOW AIKEN COUNTY FIRST
2 BECAME INVOLVED WITH THIS PARTICULAR CASE.

3 A AT APPROXIMATELY 10:31 AM IN THE MORNING WE RECEIVED
4 A 9-1-1 CALL FROM PEOPLE THERE REPORTING GUNSHOTS.

5 Q AND AS A RESULT OF THAT, WHAT HAPPENED?

6 A I RESPONDED TO THAT INCIDENT LOCATION. I THINK IT
7 WAS PROBABLY ABOUT 10:40, 10:45 WHEN I ARRIVED ON THE
8 SCENE THERE, MET WITH LIEUTENANT FLEURY AND INVESTIGATOR
9 JANT.

10 Q AND WHAT DID YOU DO ONCE YOU GOT TO THE SCENE AND MET
11 WITH LIEUTENANT FLEURY AND INVESTIGATOR JANT?

12 A I SPOKE WITH LIEUTENANT FLEURY BRIEFLY. INVESTIGATOR
13 JANT GOT KIND OF OVERALL BRIEFED ON WHAT WAS GOING ON AT
14 THE TIME. THERE WAS SOME WITNESSES THERE. I WAITED FOR
15 JUST A FEW MINUTES UNTIL FORENSICS GOT THERE AND MADE A --
16 WHEN FORENSICS ENTERED, I MADE A QUICK WALK-THROUGH WITH
17 FORENSICS TO GET AN IDEA OF THE INSIDE OF THE CRIME SCENE,
18 WHAT IT LOOKED LIKE SO WHEN I BEGAN TO TALK WITH WITNESSES
19 IT WOULD BE MORE CLEAR TO ME WHAT WAS GOING ON BASED ON
20 THE SCENE AND WHAT THEY SAY THEY SAW AND THEY FOUND WHEN
21 THEY GOT THERE.

22 Q AND JUST TO CLARIFY, YOU WERE NOT THE FIRST
23 RESPONDING OFFICER TO THE SCENE; RIGHT?

24 A THAT'S CORRECT.

25 Q WOULD THAT BE A ROAD OFFICER?

1 A YES, MA'AM. I REMEMBER SEEING DEPUTY MCCORD THERE.
2 AND MY UNDERSTANDING WHEN I WAS BRIEFED ON THE SCENE THAT
3 HE WAS THE FIRST RESPONDING OFFICER THERE. AND LIEUTENANT
4 FLEURY WAS THERE WHEN I ARRIVED ON THE SCENE AND
5 INVESTIGATOR JANT WAS THERE WHEN I ARRIVED ON THE SCENE.

6 Q LIEUTENANT, WHAT DID YOU OBSERVE ONCE YOU STARTED TO
7 ASSESS THE SCENE?

8 A WHEN I WENT INSIDE THE SCENE, WHEN WE GOT TO THE BACK
9 DOOR, THERE WAS OBVIOUS SIGNS OF BROKEN GLASS, FORCED
10 ENTRY TO THE DOOR. I NOTICED A SMALL TRAIL OF BLOOD GOING
11 DOWN THE HALLWAY. IMMEDIATELY IN MY LINE OF SIGHT IN THE
12 HALLWAY THERE WAS A BULLET HOLE THROUGH THE TOP OF THE
13 WALL THERE.

14 WALKED INTO THE KITCHEN, EVERYTHING WAS A MESS THERE.
15 THERE WAS BLOOD ALL OVER THE KITCHEN. THERE WAS SHELL
16 CASINGS, SHOT HOLES ALL THROUGH THE WALLS. WALKED INTO
17 THE LIVING ROOM. THERE WAS BLOOD LEADING FROM THE KITCHEN
18 INTO THE LIVING ROOM. I OBSERVED MR. TUCKER'S BODY LAYING
19 ON THE FLOOR NEAR THE FRONT DOOR. CONTINUED ON AROUND,
20 EVERYTHING LOOKED IN DISARRAY. AND WENT TO THE BACK
21 BEDROOM THERE. THE BEDROOM APPEARED TO BE IN DISARRAY.
22 LOOKED THROUGH THE BEDROOMS ON THE OTHER SIDE. THEY
23 APPEARED TO BE IN DISARRAY. AND AFTER OBSERVING THE
24 SCENE, I THEN WENT BACK OUTSIDE.

25 Q AND WHAT WAS THE NEXT THING THAT YOU DID WITH REGARD

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1 TO THIS CRIME?

2 A I SPOKE TO SOME OF THE WITNESSES OUT THERE.
3 INVESTIGATOR JANT AND MYSELF SPOKE TO SOME. I TOOK A
4 STATEMENT FROM ONE OF THE WITNESSES THAT LIVED NEXT DOOR.
5 I TOOK SOME STATEMENTS FROM THE THREE FIRST RESPONDERS
6 THAT WAS THERE WAS WHAT I ORIGINALLY DID WHEN I WAS THERE;
7 TALKED TO THEM, TOOK STATEMENTS FROM THEM.

8 Q AND WHEN YOU'RE TALKING ABOUT THAT, WHAT IS THE
9 PURPOSE OF YOU DOING THAT?

10 A TAKING THE STATEMENTS FROM THEM?

11 Q YES, SIR.

12 A I JUST -- WHILE IT'S FRESH IN THEIR MIND BEFORE
13 THEY -- YOU KNOW, WHAT I LIKE TO DO IS TRY TO GET THEM AS
14 FAST AS I CAN TO TALK TO THEM BEFORE PEOPLE HAVE A CHANCE
15 TO GET TO EACH OTHER AND TALK WITH EACH OTHER. A LOT OF
16 TIMES I TRY TO ASCERTAIN THAT WHAT THEY KNOW AT THE TIME
17 IS WHAT THEY TYPICALLY SAW, AND TRY TO GET THEM BEFORE
18 SOMEBODY ELSE MAY HAVE SAID SOMETHING TO THEM AND, YOU
19 KNOW, KIND OF ALTERED WHAT INFORMATION THEY'RE GOING TO
20 GIVE YOU.

21 SO, WHAT I NORMALLY TRY TO DO THERE IS GET THEM, YOU
22 KNOW, PRETTY SOON, AND GET THEIR STATEMENTS, GET THEM
23 SEPARATED AND GET THEIR STATEMENTS.

24 Q AFTER YOU TOOK THE STATEMENTS, WHAT WAS THE NEXT
25 THING THAT YOU DID?

1 A I WENT TO THE RESIDENCE ACROSS THE STREET AND TRIED
2 TO ATTEMPT TO LOCATE PEOPLE THERE. I KNOW THERE WAS ONE
3 RESIDENCE THERE THAT SAID THEY WERE HOME AT THE TIME OR
4 POSSIBLY HIM AND HIS MOTHER. I TOOK A STATEMENT FROM THAT
5 PERSON. WE KNOCKED ON SOME OTHER DOORS. MOST OF THE
6 PEOPLE THERE WERE RELATED. NO ONE THERE HAD REPORTED --
7 ANY WAY, I TOOK STATEMENTS FROM THEM.

8 Q AND THE PURPOSE OF TAKING STATEMENTS IS TO TRY TO
9 DETERMINE IF THESE WITNESSES HAD USEFUL INFORMATION?

10 A YES, MA'AM, TO SEE IF THERE WAS ANYTHING THEY HAD
11 SEEN OR OBSERVED THAT MAY HELP WITH THE INVESTIGATION.

12 Q AND WHAT WAS THE NEXT THING THAT YOU DID AFTER YOU
13 WENT TO THOSE VARIOUS PLACES?

14 A AT SOME POINT IN TIME THE VICTIM'S GIRLFRIEND OF 18
15 YEARS, IF I RECALL CORRECTLY, WAS ON THE SCENE. I WENT TO
16 THE AIKEN COUNTY -- LEFT THE CRIME SCENE AND WENT TO THE
17 SHERIFF'S OFFICE AND I MET -- SPOKE WITH HER AND OBTAINED
18 INFORMATION FROM HER. AND UPON ENDING THAT INTERVIEW WITH
19 HER, I WENT BACK OUT TO THE CRIME SCENE.

20 Q AND WHAT HAPPENED ONCE YOU ARRIVED BACK AT
ROAD?

22 A WHEN I GOT BACK OUT TO I MET
23 BACK WITH INVESTIGATOR FLEURY. HE ADVISED ME OF SOME
24 INFORMATION THAT LED ME TO CALL INVESTIGATOR BROWN WITH
25 THE RICHLAND COUNTY SHERIFF'S OFFICE. I SPOKE WITH

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1 INVESTIGATOR BROWN ON THE PHONE. AND AS A RESULT OF THAT
2 INVESTIGATION, HE RELAYED WHAT THEY WERE OUT ON AT 5520
3 NORTH MAIN STREET IN COLUMBIA.

4 AFTER TALKING WITH HIM, MYSELF AND INVESTIGATOR JANT
5 THEN LEFT THERE AND WENT TO MEET WITH THE RICHLAND COUNTY
6 SHERIFF'S OFFICE AT 5520 NORTH MAIN STREET.

7 Q AND WHAT WAS THE NEXT THING YOU DID ONCE YOU ARRIVED
8 IN COLUMBIA AT 5520 NORTH MAIN STREET?

9 A I MET BRIEFLY WITH INVESTIGATORS THERE AND FINISHED
10 GETTING BRIEFED ON WHAT THEY WERE SAYING AND WHAT THEY HAD
11 AND THINGS THAT HAD BEEN RECOVERED AND FOUND. I BRIEFLY
12 SPOKE WITH THE DEFENDANTS THAT WERE THERE ON THE SCENE AND
13 SPOKE ALSO WITH LIEUTENANT ADAMS AND OBSERVED WHAT WAS
14 GOING ON AT STREET.

15 Q AND FOR REFRESHMENT OF MEMORIES, WHO IS LIEUTENANT
16 ADAMS? WHO IS HE EMPLOYED WITH?

17 A AIKEN COUNTY SHERIFF'S OFFICE. HE -- HE RESPONDED
18 ALSO. INVESTIGATOR JANT AND I LEFT TO GO
19 OUT THERE. HE LEFT OLD BARNWELL ROAD TO RIDE OUT THERE
20 ALSO. HE WAS THE LIEUTENANT OVER FORENSICS AT THE TIME,
21 AND HE WAS THERE FOR ANY COLLECTION OF EVIDENCE THAT MAY
22 HAVE BEEN COLLECTED BY RICHLAND COUNTY SHERIFF'S OFFICE.

23 Q SO YOU MET WITH RICHLAND COUNTY AND RECEIVED
24 INFORMATION AS TO WHAT WAS GOING ON AT
25 STREET?

1 A YES, MA'AM.

2 Q AND WHAT WAS THE NEXT THING THAT YOU DID, LIEUTENANT
3 SANDERS?

4 A AFTER WE COMPLETED AND WE LEFT NORTH MAIN STREET I
5 WENT TO THE RICHLAND COUNTY SHERIFF'S OFFICE WHERE THE
6 DEFENDANTS HAD BEEN TRANSPORTED TO. MYSELF AND
7 INVESTIGATOR JANT INTERVIEWED MARQUISE REDFIELD WHILE WE
8 WERE THERE AND I KIND OF OVERSAW AND MET WITH AGENT
9 FLOWERS AND RECEIVED INFORMATION FROM HIM WHILE HE
10 INTERVIEWED MELVIN CUMMINGS.

11 Q AND WHEN WAS THAT?

12 A AT THE SHERIFF'S OFFICE, RICHLAND COUNTY SHERIFF'S
13 OFFICE.

14 Q AND WHAT TIME IF YOU CAN RECALL?

15 A I DON'T RECALL. IT WAS LATER ON -- LATER ON THAT
16 EVENING.

17 Q IS IT THE SAME DAY AS ALL THIS BEGAN?

18 A YES, MA'AM. IT WAS JUST LATER THAT EVENING. I
19 RECALL -- IF I BELIEVE CORRECTLY, I BELIEVE IT WAS SOME
20 TIME DARK OR RIGHT AFTER DARK. IT WAS -- WE HAD BEEN
21 THERE FOR A WHILE.

22 Q AND WHAT ELSE DID YOU DO AFTER YOU HAD TAKEN THOSE
23 STATEMENTS AT RICHLAND COUNTY?

24 A WELL, WE LEFT RICHLAND COUNTY THAT NIGHT. AS PART OF
25 THE INVESTIGATION I CONTINUED TO FOLLOW UP ON LEADS.

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1 THERE WAS WITNESSES THERE. WE WENT TO -- ANY INFORMATION
2 WE GOT IN, I WENT BACK, WOULD MEET WITH WITNESSES. I TOOK
3 SOME FURTHER STATEMENTS.

4 I MET SEVERAL TIMES WITH THE FORENSIC SECTIONS TO
5 KEEP UPDATED WITH THOSE ON THE STATUS OF THE EVIDENCE
6 THAT'S COLLECTED IN THE CASE AND WHAT'S BEING DONE WITH IT
7 AND GENERATED, YOU KNOW, FURTHER SUPPLEMENTAL REPORTS AND
8 JUST FOLLOWED UP ON WHAT WE HAD. INVESTIGATION. ALSO
9 OBTAINED WARRANTS ON THE DEFENDANTS IN THIS CASE.

10 Q WHEN YOU KEEP REFERRING TO THE DEFENDANTS, WHO ARE
11 YOU REFERRING TO?

12 A MR. MILLER, MR. GROOMS, MR. REDFIELD AND -- THE FOUR
13 DEFENDANTS THEN, MR. CUMMINGS.

14 Q AND BASICALLY YOU CONTINUED TO CONDUCT YOUR CELLPHONE
15 INVESTIGATION IN THE FOLLOWING MONTHS?

16 A YES, MA'AM. I BELIEVE IF I RECALL CORRECTLY SOME
17 TIME -- I THINK THE LAST REPORT I GENERATED FROM ACTIVITY
18 IN THE CASE WAS I BELIEVE SOME TIME IN MARCH. I THINK
19 PROBABLY AROUND -- POSSIBLY AROUND MARCH 9TH.

20 Q AND DID ANYTHING HAPPEN OR DID SOMETHING HAPPEN OF
21 NOTE IN NOVEMBER OF 2008 REGARDING THIS INVESTIGATION?

22 A I BELIEVE SOME TIME IN NOVEMBER -- SOME TIME I
23 BELIEVE AROUND NOVEMBER 5TH WE MET WITH MR. MELVIN
24 CUMMINGS AT HIS REQUEST.

25 Q AND WHAT HAPPENED AS A RESULT OF THAT MEETING?

1 A MR. CUMMINGS WAS TRANSPORTED OUT TO AREA
2 BASED ON INFORMATION WE WENT OUT THERE TO
3 ATTEMPT TO RETRIEVE SOME POSSIBLE EVIDENCE THAT HAD BEEN
4 DIS -- THAT HAD BEEN THROWN OUT AFTER THIS OFFENSE AGAINST
5 MR. TUCKER HAD OCCURRED.

6 Q AND WHAT IF ANYTHING DID YOU FIND?

7 A IN THE AREA POINTED OUT WE FOUND A BLACK AND
8 YELLOW-HANDLED SCREWDRIVER. WE WENT ACROSS THE RAILROAD
9 TRACKS AND MADE A RIGHT ON CHARLESTON HIGHWAY, ATTEMPTED
10 TO LOCATE SOME DUCT TAPE AND SOME GLOVES THAT WAS THROWN
11 OUT THERE. WE WERE UNABLE TO LOCATE ANYTHING THERE.

12 AND SUBSEQUENT INVESTIGATION WE TALKED TO THE ROAD
13 CREWS THERE AND HAD FOUND OUT AT SOME POINT PRIOR TO THE
14 ORIGINAL OFFENSE AND US GOING BACK OUT THERE TO TRY TO
15 LOCATE THIS EVIDENCE, I THINK THE ROADWAY HAD CUT -- BEEN
16 CUT AT LEAST TWICE THROUGH THE MOWERS AND STUFF OUT THERE,
17 BUT WE WERE ABLE TO RECOVER A FLAT-BLADED BLACK AND YELLOW
18 HANDLE SCREWDRIVER.

19 Q WHAT WAS THE CONDITION OF THE SCREWDRIVER IF YOU WERE
20 ABLE TO OBSERVE IT?

21 A IT WAS PRETTY WEATHERED FROM WHAT I RECALL.

22 Q IT WAS OUT IN THE OPEN?

23 A YES, MA'AM. IT WAS JUST IN THE BUSHES JUST WITHIN A
24 FEW FEET OF THE ROADWAY.

25 Q DID YOU EVER GO TO ANY OF THE INCIDENT LOCATIONS AS

1 PART OF YOUR FOLLOW-UP INVESTIGATION IN THIS MATTER?

2 A INCIDENT LOCATION?

3 Q DID YOU DRIVE AROUND AIKEN?

4 A YES, MA'AM. I HAD LOOKED AT SOME OF THE GPS RECORDS
5 THAT WE HAD OBTAINED THERE AND I SAW SOME OF THE ADDRESSES
6 THAT WAS LISTED ON THE GPS RECORDS. I KNEW SOME OF THE
7 ADDRESSES THAT WERE ASSOCIATED WITH THE DEFENDANTS IN THIS
8 CASE, SO I WENT AND TRIED TO SEE WHAT CONNECTIONS, WHERE
9 THESE LOCATION WERE AT, AND WHAT -- SOME OF THE
10 CONNECTIONS BETWEEN WHERE THE GPS HAD ACTUALLY PINGED THIS
11 VEHICLE AT AND WHO MAY HAVE LIVED THERE OR WAS CLOSE BY
12 THERE.

13 Q AND THAT WAS BASED ON INFORMATION YOU HAD RECEIVED AS
14 PART OF THE INVESTIGATION?

15 A YES, MA'AM. I HAD RECEIVED COPIES OF THE GPS RECORDS
16 WHERE U-SAVE AUTO RENTALS HAS A GPS TRACKING DEVICE ON
17 HERE AND WHERE IT WAS RECORDING THAT THE VEHICLE HAD BEEN
18 AND WHERE IT HAD BEEN PINGED AT.

19 Q LIEUTENANT SANDERS, I AM GOING TO SHOW YOU WHAT'S
20 BEEN MARKED FOR IDENTIFICATION PURPOSES AS STATE'S 137 AND
21 138 AND ASK IF YOU CAN IDENTIFY WHAT THOSE ARE.

22 THE COURT: I'M SORRY?

23 MRS. YOUNG: 137, YOUR HONOR, AND 138.

24 THE WITNESS: YES, MA'AM.

25 Q WHAT ARE THOSE?

1 A THESE ARE PICTURES. I WENT ON TO GOOGLE EARTH AND
2 PULLED UP A SATELLITE-TYPE VIEW FROM GOOGLE EARTH, AND I
3 TOOK THE ADDRESSES WHERE THE GPS HAS SAID THE VEHICLE HAD
4 BEEN PINGED, AND IT ALLOWS YOU TO STICK A LITTLE -- LET'S
5 SAY A THUMB TACK TYPE OF THING WHERE THESE ADDRESSES WERE
6 AT. SO TO GIVE MYSELF SOME PERSPECTIVE WHILE WE'RE
7 WORKING THIS CASE WHERE THESE PLACES ARE AT RELATED TO
8 EACH OTHER, I PUT THESE PIN MARKS ON THESE ADDRESSEES
9 THERE TO KIND OF SHOW, GIVE A RELATION WHERE THESE
10 ADDRESSES WERE AT IN RELATION TO EACH OTHER.

11 Q AND THAT'S WHAT 137 AND 138 DERICT?

12 A YES, MA'AM.

13 Q AND YOU CREATED THOSE?

14 A YES, MA'AM.

15 MRS. YOUNG: YOUR HONOR, AT THIS POINT WE'D OFFER
16 STATE'S 137 AND 138 INTO EVIDENCE.

17 THE COURT: ANY OBJECTION?

18 MR. JOHNSON: NO OBJECTION, YOUR HONOR.

19 THE COURT: WITHOUT OBJECTION.

20 (WHEREUPON, STATE'S EXHIBITS NOS. 137, 138 WERE
21 ADMITTED INTO EVIDENCE.)

22 Q INVESTIGATOR SANDERS, CAN YOU STEP DOWN?

23 MRS. YOUNG: CAN HE STEP DOWN?

24 Q I CALLED YOU INVESTIGATOR AGAIN. LIEUTENANT.

25 A (COMPLIED.)

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1 Q IF YOU DON'T MIND, SIR, PLEASE HOLD THOSE UP AND HOLD
2 THEM SO THE JURY CAN SEE ONE AT THE TIME -- DO ONE -- AND
3 SAY WHICH EXHIBIT IT IS AND POINT OUT OR EXPLAIN WHAT'S
4 SHOWN.

5 A THIS IS STATE'S EXHIBIT 138. AND THIS IS A SATELLITE
6 PICTURE OF ADDRESSES. AND IF YOU'LL SEE ON THIS ADDRESS
7 HERE, THERE'S A LITTLE BOX AROUND THIS ONE ADDRESS IS FROM
8 THE GPS IS ROAD. AND WHAT IT DOES WHEN YOU
9 PULL THIS ADDRESS UP, IT MAKES A LITTLE BOX THERE.

10 AND THEN WHAT I DID IS I TOOK THE LITTLE PINS AND
11 BASED ON THE INFORMATION I HAD IN THE CASE I ALSO OUTLINED
12 WHERE MR. TUCKER'S HOUSE WAS AT. AND THIS IS KIND OF AN
13 EXPANDED -- A LITTLE BIT OF A BLOWN-OUT VIEW. AND THE
14 CEMETERY WHERE INFORMATION SHOWN THEY HAD PARKED PART OF
15 THE TIME. SO THIS IS KIND OF A BLOWN-OUT VIEW. SO IT
16 SEPARATES THIS A LITTLE BIT SO YOU CAN SEE EXACTLY THE
17 ADDRESSES WHERE THEY WERE PINGED AT.

18 Q AND HOW ABOUT 137?

19 A 137 IS ALSO A VIEW OF THE SAME THING. ONE OF THE
20 GPS -- WITHIN JUST A FEW MINUTES AFTER WE RECEIVED THE
21 9-1-1 CALL, THE GPS PINGED THE GREEN FORD TAURUS GOING
22 DOWN CHARLESTON HIGHWAY. AND I MADE SOME THINGS. THIS IS
23 THE SAME THING. THIS IS THE CEMETERY, THE VICTIM'S HOUSE,
24 AND . THIS IS ROAD. THIS IS
25 THE VICTIM'S HOUSE. THIS IS CHARLESTON HIGHWAY.

1 AND IT SHOWS THE CLOSE PROXIMITY OF WITHIN JUST A FEW
2 MINUTES OF US RECEIVING THE 9-1-1 CALL OF WHERE THAT GREEN
3 FORD TAURUS WAS PINGED AT.

4 Q THANK YOU, SIR. YOU CAN RETAKE THE STAND.

5 A (COMPLIED.)

6 Q LIEUTENANT SANDERS, YOU STATED THAT YOU'RE CURRENTLY
7 EMPLOYED AS A TRAINING CAPACITY OR TRAINING OFFICER WITH
8 THE SHERIFF'S OFFICE?

9 A YES, MA'AM. I MANAGE -- I'M THE TRAINING MANAGER FOR
10 THE SHERIFF'S OFFICE. I OVERSEE ALL THE TRAINING OF THE
11 DEPUTIES, REQUIRED TRAINING.

12 Q AND DO YOU KNOW WHETHER OR NOT YOUR BLOODHOUND
13 TRACKING TEAM IS TRAINED TO TRACK FORD TAURUSES?

14 A THEY ARE NOT.

15 Q NO FURTHER QUESTIONS.

16 THE COURT: ALL RIGHT. CROSS EXAMINATION.

17 MR. JOHNSON: THANK YOU, YOUR HONOR.

18 CROSS-EXAMINATION

19 BY MR. JOHNSON:

20 Q INVESTIGATOR, HOW MANY STATEMENTS DID YOU TAKE FROM
21 MR. CUMMINGS?

22 A THAT I PERSONALLY TOOK FROM MR. CUMMINGS? I DON'T
23 RECALL. I KNOW ON NOVEMBER 5TH I TOOK ONE. AGENT FLOWERS
24 OF THE STATE LAW ENFORCEMENT DIVISION TOOK THE ORIGINAL
25 STATEMENT FROM HIM THAT NIGHT AT THE SHERIFF'S OFFICE, AND

1 I KNOW -- I BELIEVE IT WAS ON NOVEMBER 5TH I TOOK ONE FROM
2 HIM AT THAT TIME.

3 Q AND DID HIS STATEMENTS CHANGE?

4 A IN REFERENCE TO...

5 Q THE CONTENT.

6 A MY RECOLLECTION FROM THE FIRST STATEMENT OF THAT
7 NIGHT, AS FAR AS I CAN RECALL MOST OF IT -- IT WAS VERY
8 CONSISTENT. IT'S NOT UNUSUAL, YOU KNOW, IN ANYTHING, YOU
9 KNOW, IN AN EVENT OF THIS NATURE THAT -- THAT SOMETIMES
10 LITTLE THINGS, PEOPLE WILL THINK ABOUT SOMETHING SOME TIME
11 LATER THEY FORGOT THE TIME. I GET ON THE STAND, I'M
12 NERVOUS, SOMETIMES I FORGET THINGS. AND MAYBE THERE -- MY
13 RECOLLECTION I BELIEVE FOR THE MOST PART THAT I RECALL HE
14 WAS PRETTY CONSISTENT IN HIS STATEMENT.

15 Q DO YOU CONSIDER THAT SCREWDRIVER TO BE IMPORTANT?

16 A YES, SIR.

17 Q DID HE MENTION THAT WHEN WE GOT ARRESTED?

18 A HE MADE -- I RECEIVED A REQUEST FROM MR. CUMMINGS
19 STATING HE WISHES TO COOPERATE. HE COOPERATED THAT NIGHT
20 AND GAVE A STATEMENT TO AGENT FLOWERS. HE SUBSEQUENTLY
21 CONTACTED US THROUGH AN INMATE REQUEST FORM FROM THE AIKEN
22 COUNTY DETENTION CENTER REQUESTING TO SPEAK WITH US.

23 WHEN I WENT AND SPOKE TO HIM ON NOVEMBER 5TH -- AS A
24 DIRECT AS A RESULT OF SPEAKING WITH HIM, HE TOLD US ABOUT
25 THE SCREWDRIVER, AND WENT OUT THERE, AND IN FACT THE

1 DESCRIPTION WHERE HE TOLD US THE SCREWDRIVER WAS THROWN
2 OUT AT IS WHERE WE LOCATED IT AT.

3 Q SO HE COMMUNICATED WITH YOU WHILE HE WAS IN JAIL.

4 A HE SENT AN INMATE REQUEST FORM REQUESTING TO SPEAK TO
5 ME WHILE HE WAS INCARCERATED AT THE DETENTION CENTER.

6 Q HOW HARD WOULD IT BE FOR HIM TO GET SOMEBODY TO DROP
7 THAT SCREWDRIVER OVER THERE OFF THE ROAD BEFORE HE
8 CONTACTED YOU?

9 THE COURT: HE CAN'T ANSWER THAT.

10 MR. JOHNSON: I'M SORRY, JUDGE.

11 Q DID HE HAVE COMMUNICATION WITH FRIENDS AND FAMILY
12 WHILE HE WAS IN JAIL?

13 A I ASSUME ALL OF THEM ARE ALLOWED PHONECALLS THERE.

14 Q ALL RIGHT. AND WAS THERE ANY DNA OR BLOOD FOUND ON
15 THAT SCREWDRIVER?

16 A I DON'T RECALL THE PROCESSING. YOU KNOW, IF YOU WANT
17 TO REFRESH MY MEMORY WITH THE EVIDENCE SHEETS, I MIGHT BE
18 ABLE TO ANSWER MORE ACCURATELY, BUT I DON'T RECALL.

19 Q WELL, I'M NOT THE SOLICITOR.

20 A YES, SIR.

21 THE COURT: SIR?

22 MR. JOHNSON: I SAID I AM NOT THE SOLICITOR. HE IS
23 ASKING ME TO REFERENCE STATE'S EVIDENCE. I'M NOT--

24 THE COURT: YOU CAN ASK THE QUESTIONS. HE'LL ANSWER.

25 OKAY?

1 MR. JOHNSON: YES, SIR.

2 Q DID YOU MAKE ANY SORT OF A TOOL MATCH OR INJURY MATCH
3 MATCHING INJURIES WITH THE SCREWDRIVER TO THE VICTIM?

4 A I DON'T DO THAT. ANY PROCESSING OF EVIDENCE OF THAT
5 TYPE IS SENT TO THE STATE LAW ENFORCEMENT DIVISION. WE
6 DON'T HAVE THE CAPACITY AT THE SHERIFF'S OFFICE TO DO
7 THAT.

8 Q TO YOUR KNOWLEDGE DID THEY MAKE SUCH A MATCH?

9 A I DO NOT RECALL.

10 Q AND YOU'RE INVESTIGATING A MURDER. TO YOUR KNOWLEDGE
11 IS THERE ANYTHING ABOUT WHAT THEY DESCRIBED AS A SUSPECTED
12 BAG OF CRACK COCAINE SUCH AS FINGERPRINTS OR ANYTHING THAT
13 LINKS THAT TO FRED TUCKER'S HOUSE? ANY BAGS SEIZED OF
14 WHAT THEY CALLED SUSPECTED CRACK COCAINE WHETHER FROM 5520
15 NORTH MAIN STREET OR FROM THE CAR?

16 A I'M SORRY. REPEAT YOUR QUESTION AGAIN, PLEASE.

17 Q IS THERE ANY EVIDENCE LIKE FINGERPRINTS OR ANYTHING
18 ABOUT THESE -- WHAT THEY CALL SUSPECTED BAGS OF CRACK
19 COCAINE FROM 5520 NORTH MAIN STREET OR FROM THIS CAR
20 DESCRIBED AS A BREACH OF TRUST GREEN TAURUS THAT LINKS IT
21 TO FRED TUCKER'S HOUSE IN AIKEN?

22 A OTHER THAN DEFENDANTS STATEMENT? NONE THAT I'M
23 AWARE.

24 Q OTHER THAN A STATEMENT?

25 A OTHER THAN THE INFORMATION DEFENDANTS GAVE US.

1 Q SO MELVIN CUMMINGS TOLD YOU ABOUT THAT AND ABOUT THE
2 MURDER.

3 A MY RECOLLECTION IS THAT SOMEWHERE DURING THE COURSE
4 OF THAT INVESTIGATION FROM THE STATEMENTS OF ONE OF THE
5 TWO PEOPLE AT RICHLAND COUNTY THAT NIGHT THAT THERE WAS
6 STATEMENTS MADE BY MR. MILLER THAT ONE OF THE THINGS THEY
7 HAD TAKEN FROM MR. TUCKER WAS DRUGS AND MONEY.

8 Q WAIT A MINUTE, NOW. YOU'RE CLAIMING THAT MY CLIENT
9 CONFESSED? IS THAT WHAT YOU'RE SAYING?

10 A WHAT I SAID WAS IN ONE OF THE -- ONE OF THE TWO
11 STATEMENTS THAT I WAS -- THAT I'M AWARE OF FROM MR --
12 EITHER MR. CUMMINGS OR MR. REDFIELD -- POSSIBLY
13 MR. CUMMINGS -- THERE WAS INFORMATION THAT THEY HAD
14 PROVIDED THAT DURING THE TRIP BACK AFTER THEY ROBBED
15 MR. TUCKER AND ON THE WAY BACK TO COLUMBIA THERE WAS SOME
16 STATEMENT MADE AS TO MR. MILLER TALKING ABOUT SOMEWHERE IN
17 THAT CONVERSATION OF HAVING ROBBED HIM AND GOTTEN SOME
18 DRUGS AND SOME MONEY FROM THERE.

19 Q BUT THAT CAME FROM MR. CUMMINGS; THAT STATEMENT,
20 CORRECT?

21 A I BELIEVE IT WAS FROM MR. CUMMINGS, BUT I AM NOT SURE
22 IF IT WASN'T ALSO FROM MR. REDFIELD ALSO.

23 Q MR. REDFIELD.

24 A YES, SIR.

25 Q NOT FROM MR. MILLER.

1 A I HAVEN'T -- I HAVEN'T GOTTEN ANY SUCH STATEMENT FROM
2 MR. MILLER, NO, SIR.

3 Q CORRECT. SO MR. CUMMINGS, LET'S TALK ABOUT HIM. DID
4 YOU EVER FIND OUT ABOUT THIS MYSTERIOUS UNKNOWN FRIEND
5 THAT HE SAID HE TRAVELED -- TWO DAYS BEFORE THE MURDER HE
6 TRAVELED TO AIKEN FROM COLUMBIA WITH THIS PERSON. DID YOU
7 INVESTIGATE THAT?

8 A HE DIDN'T HAVE A NAME. THE UNDERSTANDING THAT I HAD
9 OF IT THAT THE REASON HE DIDN'T HAVE THE NAME IS -- IF IT
10 WAS -- THE WAY MY RECOLLECTION OF IT WAS IT WAS SOMEBODY
11 THAT WAS ASSOCIATED WITH MR. MILLER OR SOME OF THOSE AND
12 WASN'T PARTICULARLY SOMEBODY HE BROUGHT ALONG THERE. IT
13 WAS SOMEBODY THEY BROUGHT ALONG. AND THE ONLY THING HE
14 KNEW THROUGH THEM WAS A NICKNAME FOR HIM, BUT I -- I HAVE
15 NEVER BEEN ABLE TO IDENTIFY WHO THAT PERSON WAS, NO, SIR.

16 Q WHAT WAS THE NICKNAME?

17 A I DON'T RECALL NOW.

18 Q WELL, HE DIDN'T TESTIFY ABOUT MR. MILLER BEING
19 ASSOCIATED WITH THAT PERSON YESTERDAY; DID HE? HE SAID IT
20 WAS HIS FRIEND?.

21 A I DON'T -- I DON'T RECALL HIM SAYING ANYTHING
22 YESTERDAY. I AM RECALLING MY CONVERSATIONS THAT I HAD
23 WITH HIM AND THE TIMES THAT I'VE INTERVIEWED --

24 Q OKAY.

25 A -- HIM AND SPOKE WITH HIM.

1 Q WHAT ABOUT HIS FRIEND T90 THAT HE SAID WENT OUT TO
2 FRED TUCKER'S HOUSE BEFORE THE MURDER?

3 A WE HAVEN'T GOTTEN ANY INFORMATION OR BEEN ABLE TO
4 IDENTIFY WHO THAT PERSON WAS.

5 Q WHEN DID MR. CUMMINGS TELL YOU ABOUT HIM?

6 A I DON'T RECALL.

7 Q WELL, DO YOU HAVE SOME RECORD OF TRYING TO FIND T90?

8 A I DON'T RECALL. THERE'S -- YOU KNOW, THIS
9 INVESTIGATION WENT ON FOR -- QUITE INVOLVED -- WENT ON FOR
10 SEVERAL MONTHS. TALKED TO NUMEROUS, NUMEROUS PEOPLE. IN
11 ADDITION TO THIS CASE I WORKED MANY OTHER CASES AT THE
12 TIME AND I DON'T -- I DON'T RECALL. I MEAN, IF THERE IS
13 SOMETHING THERE, I'LL BE GLAD TO -- TO LOOK AT IT AND MAY
14 BE ABLE TO ANSWER MORE ACCURATELY FOR YOU.

15 FROM MY RECOLLECTION THAT PARTICULAR NAME, I DON'T
16 KNOW IF IT WAS MENTIONED TO ME BEFORE. I DON'T RECALL
17 HERE. AND I DON'T RECALL, IF IT WAS MENTIONED TO ME, US
18 BEING ABLE TO IDENTIFY WHO THE PERSON WAS.

19 Q ISN'T IT IMPORTANT TO TALK TO SOMEBODY WHO IS
20 REPORTED AS GOING TO THE VICTIM'S HOUSE TWO DAYS BEFORE A
21 MURDER?

22 A IF WE CAN LOCATE WHO THAT PERSON WAS.

23 Q BUT YOU DON'T HAVE THAT RECORD.

24 A I DON'T RECALL EVER BEING ABLE TO IDENTIFY OR HAVING
25 IDENTIFYING INFORMATION WHERE WE CAN GO TO THAT PERSON AND

1 TALK TO HIM AND IDENTIFY WHO HE WAS.

2 Q OKAY. DID YOU EVER GO TO U-SAVE AUTO RENTAL AND TALK
3 TO THEM ABOUT MR. CUMMINGS BEING THERE?

4 A I HAVE BEEN TO U-SAVE AUTO RENTALS AND I TALKED TO
5 THEM, YES, SIR.

6 Q ABOUT MR. CUMMINGS BEING THERE?

7 A WE TALKED TO THEM ABOUT THE -- THE RENTAL CAR. WE
8 TALKED TO THEM ABOUT THE GPS RECORDS. WE TALKED TO THEM
9 ABOUT WHO CAME IN AND MADE PAYMENTS ON IT.

10 Q DID YOU SPECIFICALLY ASK THEM ABOUT MR. CUMMINGS?

11 A NO, SIR. WE DIDN'T ASK ABOUT MR. CUMMINGS. WE ASKED
12 ABOUT THE RENTAL AGREEMENTS AND WE ASKED ABOUT THE GPS
13 TRACKING, AND I THINK MOST OF THE CONVERSATION WE HAD
14 CENTERED ON MR. MILLER AND HIS WIFE.

15 Q BEFORE MR. CUMMINGS' TESTIMONY ABOUT GOING TO U-SAVE,
16 WERE YOU AWARE THAT HE HAD GONE TO U-SAVE AUTO RENTAL?

17 A NOT THAT I RECALL AT THIS TIME.

18 Q DO YOU THINK THE RECORDS AT U-SAVE REGARDING
19 MR. CUMMINGS MIGHT BE IMPORTANT TO A MURDER--

20 MRS. YOUNG: YOUR HONOR, I OBJECT. HE HAS NO
21 KNOWLEDGE OF THIS.

22 THE COURT: SUSTAINED.

23 MR. JOHNSON: WELL, I'LL REPHRASE THAT, YOUR HONOR.
24 I APOLOGIZE.

25 Q DO YOU THINK--

1 THE COURT: YOU DON'T HAVE TO APOLOGIZE TO ME.

2 Q DO YOU THINK SEEKING OUT RECORDS IF THEY EXIST OF
3 MELVIN CUMMINGS GOING TO U-SAVE TO PICK UP A CAR AND MAKE
4 THE PAYMENT WOULD BE IMPORTANT?

5 A WE SPOKE TO MR. DAY AT U-SAVE AUTO RENTALS. THE ONLY
6 PERSON MR. DAY, WHO IS THE MANAGER THERE, GAVE US
7 INFORMATION ON THAT HAD ANYTHING TO DO WITH THE GREEN FORD
8 TAURUS WAS ANTONIO MILLER AND HIS WIFE DEIDRA MILLER.
9 THERE WAS NEVER ANY INDICATION FROM HIM THAT MR. CUMMINGS
10 HAD BEEN THERE, HAD ANY INVOLVEMENT, MADE ANY PAYMENTS OR
11 ANYTHING.

12 SO, THE RECORDS THAT HE PROVIDED US ALL DEALT WITH
13 MR. MILLER AND MRS. MILLER, AND THAT WAS MY INTERPRETATION
14 OF WHO HAD INVOLVEMENT WITH THE -- WITH THE GREEN FORD
15 TAURUS.

16 Q SO MELVIN CUMMINGS IS A LIAR?

17 MRS. YOUNG: YOUR HONOR, I OBJECT.

18 THE COURT: I SUSTAIN--

19 MR. JOHNSON: I'M SORRY. I'LL REPHRASE THAT, YOUR
20 HONOR.

21 Q WHEN MELVIN CUMMINGS TESTIFIED EARLIER--

22 THE COURT: YOU CAN'T PIT WITNESSES AGAINST THE OTHER
23 ONE.

24 MR. JOHNSON: OKAY.

25 THE COURT: THE JURY DETERMINES WHO IS TELLING THE

1 TRUTH AND WHAT THE TRUE FACTS ARE.

2 MR. JOHNSON: ALL RIGHT.

3 THE COURT: YOU CANNOT PIT WITNESSES AGAINST ONE
4 ANOTHER.

5 MR. JOHNSON: YES, SIR.

6 THE COURT: YOU KNOW THAT. MOVE ALONG.

7 Q WERE YOU -- WERE YOU IN HERE WHEN MELVIN CUMMINGS
8 TESTIFIED YESTERDAY?

9 A YES, SIR.

10 Q ALL RIGHT. DO YOU RECALL HIS TESTIMONY ABOUT GOING
11 TO U-SAVE?

12 A YES, SIR.

13 Q OKAY. TO YOUR KNOWLEDGE IS THERE ANY EVIDENCE, ANY
14 TYPE OF EVIDENCE LINKING -- FINGERPRINTS, DNA -- LINKING
15 CASH THAT WAS DISCOVERED LATER AT 5520 FROM THE VICTIM'S
16 HOUSE?

17 A ASK ME THAT AGAIN, PLEASE.

18 Q IS THERE ANY SORT OF FINGERPRINTS OR DNA EVIDENCE
19 LINKING CASH FOUND AT 5520 NORTH MAIN STREET TO THE
20 VICTIM'S HOUSE?

21 A YOU'RE PARTICULARLY ASKING ABOUT CASH?

22 Q CASH.

23 A NO, SIR, NOT THAT -- NOT THAT I'M AWARE OF.

24 Q ALL RIGHT. AND WHAT THEY DESCRIBED AS A SUSPECTED
25 BAG OF CRACK COCAINE AT 5520, WHETHER IN THE CAR OR IN THE

1 RESIDENCE, I WOULD ASK YOU HOW MANY SUSPECTED BAGS OF
2 CRACK COCAINE WOULD YOU ESTIMATE ARE FLOATING AROUND SOUTH
3 CAROLINA?

4 MRS. YOUNG: HE--

5 THE COURT: SUSTAINED.

6 MR. JOHNSON: WELL, I'LL ASK IT DIFFERENTLY. I'M
7 SORRY, JUDGE.

8 Q ISN'T IT POSSIBLE THAT THERE IS A BAG THAT LOOKS LIKE
9 CRACK COCAINE THAT COULD HAVE BEEN PLACED AT 5520 OR IN
10 THAT CAR THAT DIDN'T COME FROM THE VICTIM'S HOUSE?

11 A YES, SIR, IT IS POSSIBLE, AND IT'S POSSIBLE BASED ON
12 THE INFORMATION I GOT THROUGH THE COURSE OF THIS
13 INVESTIGATION THAT WHAT WAS IN THE CAR DID COME FROM THE
14 VICTIM'S HOUSE.

15 Q I UNDERSTAND. NOW, LET'S TALK ABOUT 5520 NORTH MAIN
16 STREET A LITTLE MORE. DID YOU EVER IN YOUR INVESTIGATION
17 FIND OUT FROM RICHLAND COUNTY SHERIFFS WHO WAS WATCHING
18 THAT FRONT DOOR OF THAT RESIDENCE BEFORE THE SEARCH
19 WARRANT WAS EXECUTED?

20 A I DON'T RECALL HAVING A CONVERSATION THERE. WHEN I
21 ARRIVED ON THE SCENE THE ONLY PEOPLE I SAW THERE OTHER
22 THAN LAW ENFORCEMENT WERE THE DEFENDANTS THERE, AND I HAD
23 BEEN ADVISED ON THE SCENE THAT PRIOR TO -- BECAUSE OF THE
24 STUFF THAT HAD BEEN TAKEN THERE, THEY HAD BEEN PLACED
25 UNDER ARREST, BUT -- AND I WAS THERE, I NEVER SAW ANY

1 OTHER -- OTHER THAN LAW ENFORCEMENT COMING OR GOING.

2 Q DID ANYBODY AT RICHLAND COUNTY SHERIFF'S DEPARTMENT
3 IDENTIFY THEMSELVES TO YOU AS BEING THE PERSON RESPONSIBLE
4 FOR CONTROLLING ACCESS TO EITHER 5520 NORTH MAIN STREET OR
5 THOSE TWO VEHICLES, THE RED AND GREEN TAURUS?

6 A I BELIEVE WHAT WAS IN TESTIMONY WHAT I OBSERVED I WAS
7 THERE WAS NORMAL. I HAVE BEEN IN LAW ENFORCEMENT ALMOST
8 32 YEARS, AND ALL THE SCENES. I BELIEVE WHAT I HEARD IN
9 TESTIMONY THERE IS THERE'S NOT ONE SINGLE PERSON THERE.
10 EVERYBODY IS THERE.

11 Q WELL, I'M NOT ASKING ABOUT TESTIMONY, SIR. I DIDN'T
12 MEAN TO INTERRUPT YOU. BUT I ASKED YOU DID YOU SPEAK WITH
13 ANYONE WHO IDENTIFIED THEMSELVES FROM RICHLAND COUNTY THAT
14 SAID THAT WAS THEIR JOB?

15 A NO, SIR. THAT WASN'T A QUESTION I WOULD HAVE ASKED
16 WHEN I WENT TO A NEIGHBORING JURISDICTION.

17 Q OKAY. ARE YOU CONCERNED IN A SITUATION LIKE THAT
18 ABOUT HAD PEOPLE -- WHO COULD HAVE ACCESS TO A RESIDENCE
19 OR TO CARS WHERE EVIDENCE IS FOUND?

20 A I WASN'T CONCERNED AT THAT PARTICULAR TIME. AS I
21 SAID, IN MY EXPERIENCE YOU'RE ASKING ME WAS I CONCERNED.
22 I WASN'T CONCERNED. THE LAW ENFORCEMENT WAS THERE. IN 32
23 YEARS OF ALL THE CRIME SCENES I'VE BEEN ON, ESPECIALLY IN
24 THIS NATURE, IT'S BEEN MY EXPERIENCE MOST PEOPLE ARE
25 TRYING TO GET AWAY FROM THE SCENE.

1 IF YOU'VE BEEN FRISKED AND PATTED DOWN AND YOU'RE
2 FREE TO GO AND YOU HAVE NO CHARGES AND THEY ARE THERE AND
3 THEY SEE DRUGS BEING FOUND AND GUNS BEING FOUND AND MORE
4 AND MORE POLICE GETTING THERE, I HAVE NEVER HAD A PROBLEM
5 THAT I'M AWARE OF WITH SCENE SECURITY WITH THE AMOUNT OF
6 LAW ENFORCEMENT THERE. THEY'RE IN THERE SEARCHING THE
7 HOUSE, AND THE POLICE THERE.

8 Q OKAY.

9 A I WASN'T CONCERNED AT THAT PARTICULAR TIME. FROM
10 WHAT I SAW IT APPEARED TO ME THAT THEY HAD THE SCENE
11 SECURED AND I HAD NO INFORMATION OR OBSERVATIONS THAT
12 ANYTHING OTHER THAN THAT SCENE WAS SECURED WHEN I WAS
13 THERE.

14 Q OKAY. WHAT ABOUT WHEN THAT FIRST OFFICER, I BELIEVE
15 OFFICER HAM PULLED UP AND THERE WAS ONE OFFICER AND A BIG
16 CROWD OF PEOPLE. WAS THE SCENE SECURED THEN?

17 MRS. YOUNG: YOUR HONOR, HE--

18 MR. JOHNSON: I AM JUST ASKING--

19 THE COURT: HOLD ON, NOW. SHE'S MAKING AN OBJECTION.

20 MR. JOHNSON: I'M SORRY.

21 THE COURT: THE OBJECTION IS I ASSUME HE'S ASKING FOR
22 SPECULATION. HE WASN'T THERE. SUSTAINED. MOVE ALONG.

23 Q IS IT YOUR UNDERSTANDING THAT ONE OFFICER WAS THERE
24 INITIALLY?

25 A NO, SIR. MY UNDERSTANDING IS MR. HAM PULLED IN AND

1 HE MET WITH AT LEAST ONE OFFICER FROM THE CITY OF COLUMBIA
2 AND ANOTHER RICHLAND COUNTY DEPUTY THAT THEY HAD MET AT
3 THE GAS STATION, AND THEY OBSERVED THE VEHICLE AND THEN
4 THEY PULLED HIM OVER THERE.

5 SO MY UNDERSTANDING WOULD BE THERE WAS PROBABLY AT
6 LEAST THREE OFFICERS THERE FROM HIS TESTIMONY WHEN HE GOT
7 THERE.

8 Q DO YOU HAVE ANY IDEA HOW MANY PEOPLE WERE IN THAT
9 CROWD BY THE DOOR AT 5520?

10 A NO, SIR, JUST THE NAMES THAT I READ ON THE REPORT.

11 Q DO YOU HAVE ANY IDEA IF ANYBODY WAS WATCHING THAT
12 FRONT DOOR?

13 A I DO NOT KNOW AT THAT TIME.

14 Q ALL RIGHT. WERE YOU AWARE -- WELL, LET ME ASK YOU
15 THIS. NOW, YOU TESTIFIED THAT INVESTIGATOR ADAMS SEIZED
16 SHOES FROM THE SCENE OUTSIDE 5520.

17 A HE COLLECTED THE SHOES. RICHLAND COUNTY SHERIFF'S
18 OFFICE HAD SEIZED THE SHOES ON THEIR SEARCH WARRANT. THEY
19 BROUGHT THEM OUTSIDE. THE FIRST I SAW THEM THEY WERE ON
20 THE HOOD OF THE CAR. LIEUTENANT ADAMS WENT OVER THERE AND
21 OBSERVED THEM ON THE HOOD OF THE CAR AND HE COLLECTED
22 THOSE SHOES FROM RICHLAND COUNTY ON THEIR SEARCH WARRANT.

23 Q WERE YOU AWARE OF RICHLAND COUNTY LISTING IN THEIR
24 REPORT THAT AIKEN COUNTY HAD ENTERED AND CONDUCTED A
25 SEARCH WITH THEM?

1. A WELL, THERE WAS A TIME WHEN WE GOT THERE -- IF I
2. RECALL CORRECTLY, THERE WAS A TIME THERE -- THEY WERE
3. ALREADY THERE SEARCHING. MY FIRST RECOLLECTION IS THOSE
4. ITEMS HAD BEEN SEIZED. I RECALL WHEN I WALKED UP HERE AND
5. WAS GETTING -- MET WITH INVESTIGATOR BROWN, SOME OF THE
6. INVESTIGATORS, AND GETTING BRIEFED ON THEM, I REMEMBER
7. SEEING MOST OF THE EVIDENCE THEY HAD SITTING ON THE HOOD
8. OF THE GREEN FORD TAURUS OUT THERE.

9. AND US BEING THERE AND US HAVING A LITTLE MORE
10. INFORMATION ABOUT THE CRIME SCENE AT
11. ROAD, THERE WAS A TIME WHEN LIEUTENANT ADAMS AND MYSELF
12. ESCORTED BY THEM WALKED THROUGH AND LOOKED THROUGH THE
13. SCENE OVER THERE TO SEE IF THERE WAS ANYTHING THAT WE
14. NOTICED.

15. Q RIGHT. BUT PRIOR TO THAT WERE YOU AWARE THAT
16. RICHLAND COUNTY PUT IN THEIR REPORT THAT THE SHOES, GUNS,
17. SUSPECTED CRACK COCAINE WERE DISCOVERED UPON A SEARCH OF
18. THE RESIDENCE BY AIKEN COUNTY AND RICHLAND COUNTY AT THE
19. SAME TIME IN INVESTIGATOR BRANHAM'S REPORT? WERE YOU
20. AWARE OF THAT?

21. A I'VE HEARD OF INFORMATION AND -- AS YOU'RE AWARE OF,
22. THE HEARINGS WE HAD THE OTHER DAY AND WHAT CAME OUT OF
23. THAT, I WAS AWARE OF THAT. I WAS THERE AND I'M AWARE OF
24. WHAT I SAW AND WITNESSED AS TO WHAT I KNOW TRANSPIRED WHEN
25. I WAS THERE.

1 Q WOULD THE REPORT INDICATING THAT AIKEN COUNTY ENTERED
2 AND CONDUCTED A SEARCH, WOULD THAT REPORT BE ACCURATE?

3 A I THINK IT'S ALL--

4 MRS. YOUNG: YOUR HONOR--

5 THE COURT: HOLD ON. HOLD ON.

6 MRS. YOUNG: THIS IS GETTING OUTSIDE OF THE SCOPE.

7 THE COURT: THE JURY IS THE FINDER OF THE FACTS.

8 OKAY?

9 MR. JOHNSON: YES, SIR. YES.

10 Q LET'S JUST MOVE TO SOMETHING ELSE..

11 THE COURT: YEAH, LET'S DO.

12 Q WHERE -- WHO WERE THEY CHASING FOR 5 MILES THROUGH
13 THE WOODS WITH THE BLOODHOUND TEAM?

14 A YOU KNOW, MR. JOHNSON, I'VE HEARD YOU SAY THAT. I'M
15 NOT SURE THAT THEY WERE ACTUALLY CHASING SOMEONE, YOU
16 KNOW, FOR 5 MILES THROUGH THE WOODS. I WAS AWARE AT SOME
17 PARTICULAR POINT THEY WERE TRACKING PEOPLE.

18 Q UH-HUH.

19 A BASED ON MY INVESTIGATION AND THE INFORMATION I
20 RECEIVED AND IN TALKING WITH THE DEFENDANTS IN THIS CASE I
21 THINK IT'S HIGHLY LIKELY THAT WHAT THE TRACKING TEAM WAS
22 ORIGINALLY TRACKING THERE, MY -- MY KNOWLEDGE OF THIS CASE
23 IS THAT AT SOME POINT THEY PARKED IN THE CEMETERY.
24 MR. MILLER, MR. GROOMS, AND MR. REDFIELD GOT OUT AND WENT
25 TO MR. TUCKER'S HOUSE PRIOR TO THE ROBBERY.

1 IT'S BEEN MY EXPERIENCE THAT PEOPLE OFTEN LOOK FOR
2 MEANS OF ESCAPE OR THEY GO HERE OR THERE WHERE THERE BASED
3 ON TESTIMONY TO CASE THE PLACE. IT IS HIGHLY LIKELY IN MY
4 TRAINING AND EXPERIENCE THAT THEY COULD HAVE WALKED
5 THROUGH THAT AREA THE FIRST TIME THEY WENT PRIOR TO
6 GETTING IN THE CAR WHEN MR. MILLER MADE THE STATEMENT, I'M
7 NOT LEAVING EMPTY-HANDED, AND WHEN THE BLOODHOUND TRACKING
8 TEAM CAME OUT THERE, THAT'S IN FACT WHAT THEY COULD HAVE
9 BEEN OUT THERE TRACKING AT THAT TIME.

10 Q WOULD IT REFRESH YOUR MEMORY TO REVIEW YOUR REPORT OR
11 THE REPORT FROM AIKEN BLOODHOUND TRACKING TEAM TO BE AWARE
12 OF HOW MANY MILES WERE TRAVELED BY THAT TEAM?

13 A I'M NOT DEBATING THAT'S WHERE THEY WENT. IT'S NOT
14 UNUSUAL TO ME, AS I EXPLAINED TO YOU, FOR DEFENDANTS TO
15 LOOK AT THE THING. I KNOW IT WAS BROUGHT TO MY ATTENTION
16 ONE TIME THEY TRACKED TO A DIRT ROAD BEHIND THERE WHERE
17 THEY LOST TRACKS WHERE A VEHICLE COULD HAVE PICKED THEM
18 UP.

19 I DON'T KNOW HOW MANY TIMES THEY COULD HAVE GONE BACK
20 THERE OR WHERE THEY WENT PRIOR TO THAT. IT'S QUITE
21 POSSIBLE IN THEIR ATTEMPT LOOKING FOR OTHER PLACES TO
22 ESCAPE OR MEANS TO ESCAPE IF THINGS WENT WRONG THAT THEY
23 COULD HAVE VERY WELL TRACKED THAT FAR THROUGH THERE AND
24 THEN CAME BACK AND GOT BACK IN THE CAR BECAUSE I RECALL
25 MR. CUMMING'S TESTIMONY--

1 THE COURT: GENTLEMEN, GENTLEMEN.

2 THE WITNESS: I'M SORRY.

3 THE COURT: WE'RE NOT HERE TO SPECULATE. IF YOU
4 KNOW, YOU KNOW. IF YOU DON'T, YOU DON'T.

5 MR. JOHNSON: YOUR HONOR -- YES, SIR. I WAS JUST
6 ASKING BECAUSE HE SPECIFICALLY SAID THEY DIDN'T TRACK
7 5 MILES. AND IF THERE'S A RECORD, I WANT--

8 THE COURT: I AM ASKING IF HE KNOWS.

9 THE WITNESS: NO, SIR. I DON'T KNOW.

10 MR. JOHNSON: AND I ASKED HIM WOULD IT REFRESH HIS
11 MEMORY TO REVIEW THAT RECORD.

12 THE COURT: WOULD IT?

13 MRS. YOUNG: YOUR HONOR, IF I MAY, I OBJECT TO THAT.
14 HE DIDN'T PREPARE THAT RECORD. HE'S NOT ON THE BLOODHOUND
15 TRACKING TEAM. HE IS AN INVESTIGATOR IN THIS CASE.

16 MR. JOHNSON: IT'S AN AIKEN COUNTY RECORD--

17 THE COURT: SUSTAINED. YOU WANT -- YOU CAN CALL
18 ANYBODY YOU WANT TO --

19 MR. JOHNSON: YES, SIR.

20 THE COURT: -- ON THE BLOODHOUND TRACKING TEAM.

21 MR. JOHNSON: YES, SIR.

22 THE COURT: MR. JOHNSON.

23 Q DID YOU INVESTIGATE RICKY JONES?

24 A NO, SIR.

25 Q WERE YOU AWARE THAT RICKY JONES WAS LISTED AS A

1 SUBJECT LOCATED AT 5520 NORTH MAIN STREET BY RICHLAND
2 COUNTY?

3 A I RECALL THERE BEING SOMEONE -- ON THEIR REPORT
4 SOMEWHERE THERE BEING THERE ABOUT THE NAME, BUT HE HAD
5 BEEN RELEASED PRIOR TO ME ARRIVING ON THE SCENE.

6 Q IF YOU FOUND EVIDENCE YOU BELIEVE WAS LINKED TO A
7 MURDER AT 5520, WOULD IT BE IMPORTANT TO TALK TO RICKY
8 JONES?

9 A BASED ON MY KNOWLEDGE OF THIS INVESTIGATION AND THE
10 INFORMATION I RECEIVED, I HAD NO INFORMATION MR. JONES WAS
11 INVOLVED IN ANY OF THE ASPECTS OF WHAT TRANSPIRED IN AIKEN
12 COUNTY.

13 Q ALL RIGHT. BUT YOU DID NOTE THAT THERE WAS AN
14 UNNAMED INDIVIDUAL WHO WENT WITH MR. CUMMINGS TO AIKEN;
15 CORRECT?

16 A YES, SIR.

17 Q ALL RIGHT. AND YOU ALSO KNEW THAT INVESTIGATOR BROWN
18 THAT YOU CONTACTED -- YOU TESTIFIED YOU CONTACTED --
19 YOU'RE ALSO AWARE OF THE FACT THAT HE HAD CALLED SOMEBODY
20 REFERRED TO AS A CONFIDENTIAL INFORMANT IN AIKEN WHO TOLD
21 HIM THAT FRED TUCKER HAD BEEN MURDERED. YOU'RE AWARE OF
22 THAT; CORRECT?

23 A YES, SIR.

24 Q ALL RIGHT. WAS THAT PERSON RICKY JONES?

25 A I DON'T KNOW WHO THIS CONFIDENTIAL INFORMANT HE SPOKE

1 TO IS.

2 Q WOULD THAT BE IMPORTANT IF SOMEBODY IN AIKEN COUNTY
3 IS TELLING HIM ABOUT THE MURDER -- TO INVESTIGATE THE
4 MURDER TO GO TALK TO THAT PERSON?

5 A IT'S NOT MY RECOLLECTION THAT THE PERSON THAT HE
6 SPOKE TO AS CONFIDENTIAL INFORMANT HAD INFORMATION ABOUT
7 THE MURDER OTHER THAN WHAT WAS STATED THAT HE HAD SEEN IT
8 ON T.V. AND AS A MATTER OF FACT SAID, HEY, DID YOU HEAR
9 FREDDIE TUCKER GOT KILLED?

10 Q SO YOU'RE SATISFIED TO TAKE THAT PERSON'S WORD ABOUT
11 HOW THEY HEARD ABOUT THE MURDER?

12 A I HAVE NO REASON TO DISBELIEVE WHAT INVESTIGATOR
13 BROWN FROM RICHLAND COUNTY TOLD ME.

14 Q I'M TALKING ABOUT THE C.I.

15 A I DIDN'T TALK TO THE C.I. WHAT I KNOW ABOUT THE C.I.
16 IS WHAT HAS BEEN RELAYED THROUGH INVESTIGATOR BROWN OF
17 RICHLAND COUNTY.

18 Q WHO ELSE DID YOU INTERVIEW AROUND MR. TUCKER'S HOUSE?

19 A I INTERVIEWED -- THAT I RECALL I SPOKE WITH
20 MRS. WILLIAMSON, MR. DUNBAR, WHICH I BELIEVE IS THE
21 COUSIN, MR. WIGFALL, THAT WAS HER BOYFRIEND. I DON'T
22 RECALL -- IT SEEMED LIKE MAYBE HIS NAME WAS SAPP THAT
23 LIVED ACROSS THE STREET. I BELIEVE HIS MOTHER WAS THERE.
24 I TALK WITH THEM. THERE WAS A FEMALE THERE. I DON'T
25 RECALL -- SHE -- THEY WERE -- WHAT I RECALL IS THEY WERE

1 ALL RELATED.

2 I RECALL GOING DOWN A SHORT WAYS DOWN OLD BARNWELL
3 ROAD AND INTERVIEWING THE LADY DOWN THERE AND I REMEMBER
4 INTERVIEWING AT THAT PARTICULAR TIME MR. TUCKER'S
5 GIRLFRIEND OF 18 YEARS, MS. MCDUFFIE, AND I BELIEVE SHE
6 HAD ARRIVED AT THE INCIDENT LOCATION THERE SOME TIME AFTER
7 ME BEING THERE, BUT WE WENT DOWN TO THE SHERIFF'S OFFICE
8 TO INTERVIEW. THAT'S WHAT -- THE TOP OF MY HEAD I
9 RECOLLECT.

10 Q DID YOU EVER ASK TO SEE ALL OF THOSE CONTACT CARDS
11 THAT THE RICHLAND COUNTY SHERIFF'S DEPUTIES OR
12 INVESTIGATORS KEPT ON FILE AND THEY REFERRED TO IN THEIR
13 TESTIMONY? DID YOU EVER ASK TO SEE ALL OF THOSE TO SEE
14 WHO WAS AT 5520 NORTH MAIN STREET?

15 A NO, SIR. IT WAS MY BELIEF THAT WHO THEY TALKED TO
16 THERE WAS LISTED IN THE INCIDENT REPORT.

17 Q WELL, DID YOU DO ANYTHING TO CREATE AUDIO VIDEO
18 RECORDINGS OF INTERVIEWS WITH ANYBODY?

19 A I TOOK WRITTEN INTERVIEWS. I DON'T RECALL -- I KNOW
20 WE TOOK A RECORDED INTERVIEW AT THE RICHLAND COUNTY
21 SHERIFF'S OFFICE OF MARQUISE REDFIELD. AGENT FLOWERS TOOK
22 A RECORDED INTERVIEW OF MELVIN CUMMINGS. I DON'T RECALL
23 MY INTERVIEWS WITH MR. CUMMINGS AFTER THAT, IF IT WAS
24 ACTUALLY RECORDED OR IF IT WAS WRITTEN. I KNOW SEVERAL OF
25 THESE STATEMENTS I TOOK WERE WRITTEN STATEMENTS.

JD SANDERS - REDIRECT

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1 Q OKAY. AROUND MR. TUCKER'S RESIDENCE THERE, THE CRIME
2 SCENE, DID YOU DO ANY AUDIO OR VIDEOTAPED INTERVIEWS?

3 A THE ONLY THING I RECALL AT THAT TIME WAS TAKING
4 WRITTEN STATEMENTS.

5 Q OKAY.

6 MR. JOHNSON: NO MORE QUESTIONS, YOUR HONOR.

7 THE COURT: REDIRECT?

8 MRS. YOUNG: JUST BRIEFLY, YOUR HONOR.

9 REDIRECT EXAMINATION

10 BY MRS. YOUNG:

11 Q LIEUTENANT SANDERS, WHAT WAS THE CRIME THAT AIKEN
12 COUNTY WAS INVESTIGATING ON SEPTEMBER 15TH OF 2008?

13 A THE MURDER OF FRED TUCKER.

14 Q AND TO YOUR KNOWLEDGE, IF YOU KNOW, WHAT WAS THE
15 CRIME RICHLAND COUNTY WAS INVESTIGATING ON SEPTEMBER 15TH,
16 2008?

17 A THE DRUG CASE.

18 Q AND WHO WERE THE PERSONS THAT WERE BEING DETAINED AT
19 NORTH MAIN STREET WHEN YOU ARRIVED THERE?

20 A DEIDRA MILLER WAS THERE, ANTONIO MILLER WAS THERE,
21 AND MARQUISE REDFIELD AND MELVIN CUMMINGS.

22 Q LIEUTENANT SANDERS, WHERE WAS THE CASH THAT
23 MR. JOHNSON WAS REFERRING TO WHEN HE ASKED YOU THAT
24 QUESTION FOUND IF YOU RECALL?

25 A IF I RECALL CORRECTLY IN THE BAG OF DRUGS THAT WAS

1 SEIZED FROM THE TAURUS. I BELIEVE THE CASH WAS IN WITH
2 THAT.

3 Q WOULD IT REFRESH YOUR RECOLLECTION TO REVIEW YOUR
4 REPORT?

5 A YES, MA'AM.

6 MRS. YOUNG: MAY I APPROACH, YOUR HONOR?

7 THE COURT: YOU MAY.

8 Q READ IT FIRST AND THEN I'LL ASK YOU QUESTIONS.

9 A YES, MA'AM.

10 Q HAVING READ THAT, IS YOUR RECOLLECTION REFRESHED AS
11 TO WHERE THAT CASH WAS FOUND?

12 A YES, MA'AM.

13 Q AND WHERE WAS THAT?

14 A FROM ANTONIO MILLER.

15 Q NO FURTHER QUESTIONS.

16 THE COURT: YOU MAY STEP DOWN. NEXT WITNESS.

17 (WITNESS LEFT THE STAND.)

18 MRS. YOUNG: THE STATE WILL CALL AGENT STEPHANIE
19 STANLEY.

20 STEPHANIE STANLEY, AFTER BEING DULY SWORN,
21 TESTIFIED AS FOLLOWS:

22 THE WITNESS: MY NAME IS STEPHANIE STANLEY,
23 S-T-A-N-L-E-Y.

24 DIRECT EXAMINATION

25

STEPHANIE STANLEY - DIRECT

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1 BY MRS. YOUNG:

2 Q AGENT STANLEY, WHERE ARE YOU EMPLOYED?

3 A I AM EMPLOYED BY THE SOUTH CAROLINA LAW ENFORCEMENT
4 DIVISION WHICH IS COMMONLY REFERRED TO AS SLED.

5 Q AND IN WHAT CAPACITY ARE YOU EMPLOYED THERE?

6 A I AM A FORENSIC SCIENTIST ASSIGNED TO THE DNA CASE
7 WORK DEPARTMENT.

8 Q AND HOW LONG HAVE YOU HAD THAT EMPLOYMENT?

9 A I'VE BEEN WITH SLED SINCE 2005.

10 Q AND IF YOU WOULD PLEASE DESCRIBE YOUR BACKGROUND AND
11 YOUR TRAINING AND EXPERIENCE IN THE AREA OF DNA.

12 A I HAVE A BACHELORS OF SCIENCE DEGREE IN BIOLOGICAL
13 SCIENCES FROM CLEMSON UNIVERSITY. I HAVE COMPLETED SLED'S
14 IN-HOUSE COURT READY DNA ANALYSIS, SEROLOGY, DNA
15 EXTRACTION, INTERPRETATION AND STATISTICS AS IT RELATES TO
16 FORENSIC DNA ANALYSIS TRAINING UNDER THE SUPERVISION OF
17 COURT-QUALIFIED ANALYSTS. I HAVE COMPLETED SEROLOGY
18 TRAINING AT THE NATIONAL FORENSIC SCIENCE TECHNOLOGY
19 CENTER IN FLORIDA. I HAVE COMPLETED DNA TRAINING AT
20 MARSHAL UNIVERSITY.

21 Q HAVE YOU EVER BEEN QUALIFIED AS AN EXPERT WITNESS IN
22 THE COURTS OF SOUTH CAROLINA?

23 A YES, I HAVE.

24 Q HOW MANY TIMES?

25 A I BELIEVE IT'S 13.

1 MRS. YOUNG: YOUR HONOR, AT THIS POINT WE'D MOVE TO
2 OFFER MRS. STANLEY AS AN EXPERT IN THE FIELD OF DNA
3 ANALYSIS.

4 THE COURT: ANY CROSS EXAMINATION ON HER
5 QUALIFICATION?

6 MR. JOHNSON: NO CROSS. NO OBJECTION.

7 THE COURT: THANK YOU. SHE'LL BE ALLOWED TO TESTIFY
8 AND GIVE OPINIONS IN THAT FIELD. MOVE ALONG.

9 Q AGENT STANLEY, JUST BRIEFLY, WHEN YOU'RE LOOKING AT
10 DNA, WHAT DO YOU -- HOW DO YOU DO THAT?

11 A EVIDENCE IS SUBMITTED TO SLED, AND USUALLY THE
12 EVIDENCE THAT I RECEIVE IS IN THE FORM OF A SWAB OR A
13 SMALL CUTTING. THE CUTTING COULD BE FROM A PIECE OF
14 FABRIC, JUST A SWATCH, IF YOU WILL, OR IT COULD BE SWABS.
15 I'M LOOKING TO TRY TO IDENTIFY WHAT BODY SUBSTANCE COULD
16 BE ON THE ITEM. THESE ARE TYPICALLY BLOOD, SEMEN, AND
17 SALIVA.

18 I THEN ATTEMPT TO DEVELOP A DNA PROFILE FROM THOSE
19 ITEMS. WE WANT TO SEE WHO COULD WE RELATE THAT EVIDENCE
20 ITEM TO. WE WORK WITH EVIDENCE AND WE ALSO WORK WITH WHAT
21 IS CALLED KNOWN STANDARDS, AND THESE ARE SUBMITTED TO
22 SLED. THEY ARE COLLECTED FROM A PARTICULAR INDIVIDUAL IN
23 THE SUPERVISION OF LAW ENFORCEMENT AND IT'S USUALLY A
24 BLOOD SAMPLE OR WHAT IS KNOWN AS A BUCCAL SWAB WHICH IS A
25 STERILE SWAB RUBBED ON THE INSIDE OF SOMEONE'S CHEEK.

STEPHANIE STANLEY - DIRECT

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1 Q AND DID YOU RECEIVE SOME EVIDENCE TO GO OVER IN A
2 CASE INVOLVING THE VICTIM FRED TUCKER?

3 A I DID.

4 Q AND WHO DID YOU RECEIVE THAT EVIDENCE FROM?

5 A I WOULD HAVE TO CHECK MY CHAIN OF CUSTODY, BUT--

6 Q GENERALLY WHAT AGENCY?

7 A THIS ONE WAS SUBMITTED FROM AIKEN COUNTY, AND I
8 RECEIVE IT FROM SECURE LOCATIONS WITHIN SLED.

9 Q AND JUST BRIEFLY, WHAT IS SECURE LOCATIONS? WHAT
10 DOES THAT MEAN?

11 A WHEN EVIDENCE IS BROUGHT TO SLED IT IS LOGGED IN WITH
12 OUR COMPUTER SYSTEM. THE CASE IS GIVEN A UNIQUE CASE
13 NUMBER. IT BEGINS WITH AN L AND IT USUALLY IS THE YEAR
14 FOLLOWED BY FOUR OR 5 DIGITS. EACH ITEM IS LOGGED THROUGH
15 THE COMPUTER SYSTEM AND IT'S GIVEN AN ITEM NUMBER THAT
16 SLED USES TO TRACK IT WHILE THE EVIDENCE IS AT SLED.
17 THIS -- ANY TIME THE EVIDENCE IS MOVED, IT IS LOGGED IN
18 THE COMPUTER SYSTEM AND IT GIVES A -- WHAT IS CALLED A
19 CHAIN OF CUSTODY, AND I CAN REFER TO IT TO TELL ME WHERE I
20 COLLECTED EACH ITEM ON A PARTICULAR DAY.

21 SECURE LOCATIONS ARE BINS OR LOCKED ROOMS THAT ONLY
22 PARTICULAR SLED PERSONNEL HAVE ACCESS TO.

23 Q AND DO YOU ASSIGN THE ITEMS THAT YOU RECEIVE -- ARE
24 THEY ASSIGNED CERTAIN NUMBERS WITHIN SLED ITSELF?

25 A YES. THE ITEMS COME IN USUALLY WITH AN AGENCY ITEM

1 NUMBER, BUT THEY ARE GIVEN A UNIQUE SLED ITEM NUMBER.

2 Q AGENT STANLEY, I AM GOING TO SHOW YOU WHAT'S BEEN
3 ENTERED INTO EVIDENCE AS STATE'S EXHIBIT 116 AND ASK IF
4 YOU CAN IDENTIFY STATE'S EXHIBIT 116.

5 A YES, I CAN. I AM NOTICING ON THE PACKAGE MY SLED
6 LABORATORY CASE NUMBER, THE ITEM NUMBER, AND THESE ARE MY
7 INITIALS, AND IT CORRESPONDS WITH MY ITEM NUMBER 127 SWAB
8 OF EXTERIOR RIGHT TOE OF GOLD AND BLACK SNEAKER.

9 Q AND DID YOU DO AN ANALYSIS ON THAT STATE'S EXHIBIT
10 NUMBER...

11 A STATE'S EXHIBIT 116.

12 Q THANK YOU.

13 A YES, I DID.

14 Q AND DID YOU FORM AN OPINION BASED ON THE ANALYSIS
15 THAT YOU PERFORMED?

16 A YES, I DID.

17 Q AND WHAT WAS THAT OPINION?

18 A BLOOD WAS INDICATED ON THE ITEM AND THE DNA PROFILE
19 DEVELOPED FROM ITEM 127 MATCHES THE DNA PROFILE OF
20 FREDERICK TUCKER.

21 Q ALL RIGHT. AND DO YOU ASSIGN -- ARE THERE NUMBERS
22 ASSIGNED TO MATCHES?

23 A WE ASSIGN STATISTICS TO ITEMS TO GIVE WEIGHT FOR YOUR
24 BENEFIT, TO HELP YOU UNDERSTAND HOW UNIQUE OR HOW RARE A
25 DNA PROFILE IS.

STEPHANIE STANLEY - DIRECT

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1 Q AND DID YOU ASSIGN A PARTICULAR STATISTIC TO THIS
2 ITEM?

3 A YES, I DID.

4 Q AND WHAT WAS THAT?

5 A THE PROBABILITY OF RANDOMLY SELECTING AN UNRELATED
6 INDIVIDUAL HAVING A DNA PROFILE MATCHING THIS ITEM IS
7 APPROXIMATELY ONE IN 140 QUADRILLION.

8 Q HOW MANY PEOPLE ARE ON THE EARTH?

9 A I THINK IT'S OVER SIX AND A HALF BILLION NOW.

10 Q THAT'S NOT QUADRILLION; RIGHT?

11 A RIGHT. YOU'RE LOOKING AT APPROXIMATELY 1 MILLION
12 TIMES THE EARTH'S POPULATION.

13 Q ALL RIGHT. I AM GOING TO SHOW YOU WHAT'S BEEN MARKED
14 AS STATE'S EXHIBIT 117 AND ASK IF YOU CAN IDENTIFY THAT.

15 A I CAN. STATE'S EXHIBIT 117 I NOTICE MY LAB NUMBER,
16 MY ITEM NUMBER, AND MY INITIALS. IT'S MY ITEM NUMBER 128.
17 IT'S THE SWAB OF EXTERIOR RIGHT TOE OF GOLD AND BLACK
18 SNEAKER.

19 Q AND DID YOU FORM AN OPINION BASED ON YOUR ANALYSIS
20 REGARDING THAT ITEM?

21 A YES, I DID.

22 Q AND WHAT WAS THAT OPINION?

23 A BLOOD WAS INDICATED ON THE ITEM, AND THE DNA PROFILE
24 DEVELOPED FROM ITEM 128 MATCHES THE DNA PROFILE OF
25 FREDERICK TUCKER.

1 Q AND DID YOU HAVE A PARTICULAR STATISTIC WITH REGARD
2 TO -- OR DID YOU FORM ONE?

3 A IT CORRESPONDS WITH THE SAME STATISTICS FROM BEFORE.
4 THE PROBABILITY OF RANDOMLY SELECTING AN UNRELATED
5 INDIVIDUAL HAVING A DNA PROFILE MATCHING THIS ITEM IS
6 APPROXIMATELY ONE IN 140 QUADRILLION.

7 Q AGENT STANLEY, I AM GOING TO SHOW YOU WHAT'S BEEN
8 ENTERED INTO EVIDENCE AS STATE'S EXHIBIT 118 AND ASK IF
9 YOU CAN IDENTIFY THAT.

10 A I CAN. THIS IS A HEAT-SEALED POUCH THAT IS PREPARED
11 AT THE SLED LABORATORY. THE CASE NUMBER, THE ITEM NUMBER,
12 THE INSIDE CONTENTS CONTAIN MY INITIALS AND THE CASE
13 NUMBER AND THE ITEM NUMBER. MY ITEM NUMBER IN THIS CASE
14 IS 126 AND IT'S PAIR OF SHOE INSERTS FROM GOLD AND BLACK
15 SNEAKERS.

16 Q AND JUST BRIEFLY REGARDING THAT ITEM, SINCE IT IS IN
17 THE SEALED BAG, IS THAT HOW YOU PACKAGE IT AT SLED? I
18 MEAN, HOW DOES THAT WORK?

19 A YES. WHEN ITEMS ARE -- WHEN I RETRIEVE ITEMS FOR
20 ANALYSIS, THEY HAVE BEEN SEALED BY THE AGENCY THAT DROPPED
21 OFF THE EVIDENCE AT SLED AND THESE ARE THEIR INITIALS.
22 WHEN I HAVE ENTERED A PIECE OF EVIDENCE OR A HEAT-SEALED
23 POUCH TO RETRIEVE AN ITEM, WHEN I AM FINISHED I WILL ALSO
24 HEAT-SEAL THE BAG, AND THESE ARE MY INITIALS AND THE DATE
25 THAT I DID SUCH.

STEPHANIE STANLEY - DIRECT

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1 Q AND I DON'T KNOW IF YOU SAID THIS ALREADY. IF YOU
2 DID, I APOLOGIZE. WHAT DOES THAT CORRESPOND WITH WITH
3 REGARD TO YOUR RECORDS?

4 A IT IS MY ITEM NUMBER 126, PAIR OF SHOE INSERTS FROM
5 GOLD AND BLACK SNEAKERS.

6 Q AND DID YOU PERFORM SOME SORT OF ANALYSIS ON THAT
7 PARTICULAR ITEM?

8 A YES, I DID.

9 Q AND BASED ON YOUR ANALYSIS, DID YOU FORM AN OPINION
10 REGARDING THAT ITEM?

11 A YES, I DID.

12 Q AND WHAT WAS YOUR OPINION WITH REGARD TO THAT
13 PARTICULAR ITEM?

14 A THE PARTIAL DNA PROFILE DEVELOPED FROM ITEM 126 IS
15 INSUFFICIENT FOR RELIABLE INTERPRETATION.

16 Q AND WHAT DOES THAT MEAN?

17 A THERE WAS NOT ENOUGH OF A DNA PROFILE THERE FOR ME TO
18 MAKE A DETERMINATION REGARDING ANY SORT OF INTERPRETATION.
19 I'M NOT ABLE TO TELL YOU ANYTHING ABOUT IT OTHER THAN
20 THERE'S NOT ENOUGH THERE FOR ME TO MAKE A DETERMINATION.

21 Q DOES THAT MEAN THERE IS JUST NOT ENOUGH DNA TO MAKE

22 A...

23 MR. JOHNSON: OBJECTION, YOUR HONOR. LEADING.

24 THE WITNESS: THE DNA PROFILE -- I'M SORRY.

25 THE COURT: REPHRASE THE QUESTION.

1 Q WHAT DOES THAT MEAN, IF YOU CAN FURTHER EXPLAIN THAT.

2 A THE DNA PROFILE THAT I DEVELOPED IS A PARTIAL DNA
3 PROFILE AND I'M NOT ABLE TO MAKE AN INTERPRETATION.

4 Q ALL RIGHT.

5 MRS. YOUNG: YOUR HONOR, MAY I HAVE JUST A MINUTE? I
6 HAVE ONE MORE THING I WANTED TO WORK WITH HER, AND I DON'T
7 THINK I HAVE IT MARKED YET.

8 Q AGENT STANLEY, DO YOU HAVE OCCASION SOMETIMES TO
9 ANALYZE SWABS THAT ARE CREATED WITHIN SLED ITSELF?

10 A YES.

11 Q AND WOULD THAT BE DONE IN THE SAME MANNER AS THE
12 SWABS TAKEN BY AGENCIES?

13 A YES. SWABS THAT ARE TAKEN BY AN AGENCY ARE PROCESSED
14 FOR ME THE SAME WAY AS IF I HAD RECEIVED SWABS FROM A
15 CRIME SCENE UNIT FROM SLED OR OUR EVIDENCE PROCESSING
16 UNIT, SOMETIMES THE FIREARMS DEPARTMENT. WE CAN RECEIVE
17 SWABS CREATED IN-HOUSE.

18 Q AND DID YOU RECEIVE A SWAB ENTITLED 16.1 IN THIS
19 PARTICULAR CASE?

20 A YES, I DID.

21 Q AND WHAT WAS THAT A SWAB OF?

22 A SWAB FROM A PISTOL GRIP.

23 Q AND DID YOU FORM AN OPINION BASED ON AN ANALYSIS?

24 A YES. THE PARTIAL DNA PROFILE DEVELOPED FROM ITEM
25 16.1 IS CONSISTENT WITH THE DNA PROFILE OF FREDERICK

1 TUCKER.

2 Q NO FURTHER QUESTIONS.

3 THE COURT: ANYTHING ELSE?

4 MRS. YOUNG: I'M SORRY. NO FURTHER QUESTIONS FOR
5 THIS WITNESS.

6 THE COURT: MR. JOHNSON?

7 MR. JOHNSON: BRIEFLY, YOUR HONOR.

8 CROSS-EXAMINATION

9 BY MR. JOHNSON:

10 Q YOUR JOB IS SIMPLY TO ANALYZE WHAT YOU RECEIVE, NOT
11 TO DETERMINE ORIGIN?

12 A NO. I JUST ANALYZE EVIDENCE THAT IS SUBMITTED TO ME.

13 Q ALL RIGHT. AND THAT WOULD BE THE LIMITATION OF YOUR
14 DUTIES IN A CRIMINAL INVESTIGATION OR YOUR DUTIES ATTACHED
15 TO A CRIMINAL INVESTIGATION.

16 A I RECEIVE EVIDENCE THAT'S SUBMITTED USUALLY BY LOCAL
17 AGENCIES, SOMETIMES BY OUR CRIME SCENE UNIT. ATTEMPT TO
18 DEVELOP DNA PROFILES AND MAKE COMPARISONS.

19 Q AND DID YOU RECEIVE ANY EVIDENCE THAT HAS BEEN
20 LABELED MARQUISE REDFIELD?

21 A YES. IT'S MY ITEM 66. IT IS A BUCCAL SWAB FROM
22 MARQUISE REDFIELD.

23 Q WHAT DOES THAT MATCH?

24 A I DON'T BELIEVE I HAVE ANY DNA PROFILES MATCHING
25 MARQUISE REDFIELD.

1 Q WHY WAS IT LABELED MARQUISE REDFIELD?

2 A IT IS A KNOWN STANDARD THAT IS SUBMITTED. IT WAS
3 TAKEN -- BUCCAL SWAB FROM MARQUISE REDFIELD.

4 Q YOU DON'T HAVE A PIECE OF CLOTHING OR ANY ITEM THAT
5 HAD BEEN TESTED AND LABELED MARQUISE REDFIELD?

6 A OH, YOU'RE ASKING ABOUT CLOTHING.

7 Q ANY SAMPLE TAKEN LABELED MARQUISE REDFIELD.

8 A I HAVE MY ITEM 144, A FABRIC SAMPLE FROM A BLACK
9 T-SHIRT FROM MARQUISE REDFIELD; 145, FABRIC SAMPLE FROM
10 BLACK T-SHIRT FROM MARQUISE REDFIELD; 146, FABRIC SAMPLE
11 FROM BLACK T-SHIRT, MARQUISE REDFIELD; 147, FABRIC SAMPLE
12 FROM BLACK JEAN SHORTS LABELED MARQUISE REDFIELD; 148,
13 FABRIC SAMPLES FROM BLACK JEAN SHORTS LABELED MARQUISE
14 REDFIELD; 149, FABRIC SAMPLE BLACK JEAN SHORTS, MARQUISE
15 REDFIELD; 150, FABRIC SAMPLE BLACK JEAN SHORTS, MARQUISE
16 REDFIELD; 151, FABRIC SAMPLE FROM BLACK SNEAKER LEFT TOE
17 AREA, MARQUISE REDFIELD; 152, FABRIC SAMPLE FROM BLACK
18 SNEAKER RIGHT TOE, MARQUISE REDFIELD.

19 Q CAN YOU TELL US ABOUT THE MATCH OR ANY MATCH FOUND
20 BETWEEN MARQUISE REDFIELD AND THE VICTIM'S DNA?

21 A I'M SORRY. COULD YOU REPEAT YOUR QUESTION?

22 Q FREDERICK TUCKER, THE VICTIM'S DNA?

23 A A MATCH BETWEEN THE--

24 Q BETWEEN -- OF FREDERICK TUCKER'S FOUND ON THOSE ITEMS
25 LABELED MARQUISE REDFIELD?

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1 A YES. THE DNA PROFILE DEVELOPED FROM MY ITEM 147,
2 FABRIC SAMPLE FROM BLACK JEAN SHORTS LABELED MARQUISE
3 REDFIELD AND MY ITEM 152, FABRIC SAMPLE FROM BLACK SNEAKER
4 RIGHT TOE AREA, MARQUISE REDFIELD MATCHES THE DNA PROFILE
5 OF FREDERICK TUCKER.

6 MR. JOHNSON: NO MORE QUESTIONS, YOUR HONOR.

7 THE COURT: REDIRECT?

8 MRS. YOUNG: I HAVE NO FURTHER QUESTIONS FOR THIS
9 AGENT.

10 THE COURT: ALL RIGHT. YOU MAY STEP DOWN.

11 (WITNESS LEFT THE STAND.)

12 MRS. YOUNG: YOUR HONOR, I BELIEVE THE NEXT AGENT
13 MIGHT TAKE A FEW -- MIGHT TAKE A LITTLE BIT OF TIME. I
14 DON'T KNOW IF YOU WANT TO TAKE A BREAK OR PROCEED. I'M
15 GOOD EITHER WAY.

16 THE COURT: WHO IS YOUR NEXT WITNESS?

17 MRS. YOUNG: IT'S THE AGENT SUZANNE CROMER, FIREARMS
18 ANALYST FROM SLED.

19 THE COURT: LUNCH IS HERE. WHY DON'T WE -- SUIT
20 Y'ALL TO EAT, AND AS SOON AS WE FINISH EATING KEEP ON
21 GOING? A UNANIMOUS DECISION. HOW ABOUT Y'ALL? WHAT DO
22 Y'ALL NEED? HOW LONG DO Y'ALL NEED?

23 MRS. YOUNG: I'M SORRY?

24 THE COURT: HOW LONG DO Y'ALL NEED?

25 MRS. YOUNG: TO FINISH?

1 THE COURT: EATING.

2 MRS. YOUNG: OH, EATING.

3 THE COURT: NOT LONG.

4 MRS. YOUNG: NOT LONG.

5 THE COURT: I DIDN'T THINK SO. WE'LL TAKE A QUICK
6 LUNCH BREAK. MADAM FORELADY, Y'ALL DON'T RUSH. IF YOU
7 NEED TO GO OUTSIDE AND STRETCH YOUR LEGS AND GET SOME
8 FRESH AIR, I UNDERSTAND THAT, TOO. I AM GOING TO BE RIGHT
9 HERE IN MY CHAMBERS. I AM NOT GOING ANYWHERE. WHEN YOU
10 GET FINISHED AND READY TO START BACK, LET MRS. BARBARA
11 KNOW AND WE'LL START BACK.

12 DON'T DELIBERATE, DON'T DISCUSS THE CASE. THANK YOU.
13 EVERYBODY ELSE REMAIN SEATED.

14 (WHEREUPON, THE JURY EXITED THE COURTROOM AT 12:34
15 P.M.)

16 THE COURT: ANYTHING FOR THE RECORD BY THE STATE
17 BEFORE WE BREAK?

18 MRS. YOUNG: NO, SIR, YOUR HONOR.

19 THE COURT: MR. JOHNSON?

20 MR. JOHNSON: NO, SIR.

21 THE COURT: ALL RIGHT. AS I UNDERSTAND, WE HAVE A
22 FIREARM EXPERT LEFT?

23 MRS. YOUNG: THAT CORRECT, AND THAT WOULD BE THE
24 STATE'S LAST WITNESS.

25 THE COURT: OKAY. AND MR. JOHNSON, WHAT DO YOU

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1 ANTICIPATE? I AM JUST TRYING TO GET A TIME FRAME.

2 MR. JOHNSON: NO DEFENSE WITNESSES.

3 THE COURT: ALL RIGHT. SO WE SHOULD BE -- ONCE
4 THEY -- AND THEY JUST GOT SANDWICHES.

5 (WHEREUPON, A BREAK WAS TAKEN.).

6 (JURY ENTERED THE COURTROOM AT APPROXIMATELY 1:17
7 P.M.)

8 THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

9 MRS. YOUNG: SUZANNE CROMER.

10 SUZANNE CROMER, AFTER BEING DULY SWORN,
11 TESTIFIED AS FOLLOWS:

12 THE WITNESS: MY NAME IS SUZANNE CROMER, C-R-O-M-E-R.

13 DIRECT EXAMINATION

14 BY MRS. YOUNG:

15 Q AND WHERE ARE YOU EMPLOYED?

16 A I AM EMPLOYED BY THE SOUTH CAROLINA LAW ENFORCEMENT
17 DIVISION COMMONLY REFERRED TO AS SLED IN THE FORENSIC
18 SERVICES LABORATORY AS A FIREARM AND TOOLMARK EXAMINER.

19 Q AND HOW LONG HAVE YOU BEEN IN THAT PARTICULAR
20 POSITION WITH REGARD TO FIREARMS?

21 A I HAVE BEEN IN MY SPECIFIC POSITION OVER 12 YEARS.

22 Q AND COULD YOU DESCRIBE YOUR BACKGROUND, YOUR TRAINING
23 AND YOUR CERTIFICATION?

24 A I RECEIVED A BACHELORS DEGREE FROM CLEMSON
25 UNIVERSITY. I WORKED ON MY MASTER'S AT THE UNIVERSITY OF

1 SOUTH CAROLINA IN CRIMINAL JUSTICE. I THEN DID AN
2 INTERNSHIP IN THE SLED FIREARMS DEPARTMENT.

3 I WAS HIRED ON AT SLED IN DECEMBER OF '98. I MOVED
4 INTO THE FIREARM EXAMINER TRAINEE POSITION IN FEBRUARY OF
5 2000. I HAVE COMPLETED THEIR IN-HOUSE TRAINING PROGRAM
6 WHICH IS A THREE TO FIVE YEAR INTENSE STUDY PROGRAM WHERE
7 WE TAKE WRITTEN TESTS, ORAL TESTS, PRACTICAL EXERCISES,
8 PRETTY MUCH AN APPRENTICESHIP, IF YOU WILL. I HAVE
9 COMPLETED THAT PROGRAM.

10 I HAVE TAKEN CLASSES THROUGH THE ASSOCIATION OF
11 FIREARM AND TOOLMARK EXAMINERS, WHICH IS AN INTERNATIONAL
12 ORGANIZATION FOR OUR PROFESSION. THEY MEET YEARLY TO
13 DISCUSS TOPICS IN OUR FIELD AND ALSO OFFER EXTRA
14 WORKSHOPS. I HAVE BEEN PRIVILEGED TO ATTEND SEVERAL OF
15 THOSE WEEKLY SEMINARS. I HAVE ALSO TAKEN EXTRA CLASSES
16 THROUGH THEM ON ETHICS, BARREL MAKING, GUNSHOT RESIDUE.

17 I HAVE ALSO TAKEN SEMINARS THROUGH THE SOUTH CAROLINA
18 CHAPTER OF THE INTERNATIONAL ASSOCIATION OF IDENTIFICATION
19 SOME OF WHICH DO SHOOTING SCENE RECONSTRUCTION AND GSR. I
20 HAVE ALSO TAKEN CLASSES WITH THE BUREAU OF ALCOHOL,
21 TOBACCO AND FIREARMS, COMMONLY REFERRED TO AS THE ATF, ON
22 SERIAL NUMBER RESTORATION AND THE INTEGRATED -- EXCUSE
23 ME -- INTEGRATED BALLISTICS IDENTIFICATION SYSTEMS OR IBIS
24 WHICH IS A DIGITAL DATABASE FOR BULLETS AND CARTRIDGE
25 CASES.

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1 I AM ALSO THE STATE REPRESENTATIVE OR IBIS
2 COORDINATOR AND I AM ALSO A MEMBER OF THE ATF'S NIBIN OR
3 IBIS USER'S CONGRESS. I HAVE TAKEN GLOCK ARMORER'S COURSE
4 WHICH IS -- A GLOCK IS A SPECIFIC MANUFACTURER. I AM
5 CERTIFIED TO WORK ON THAT FIREARM. AND I HAVE ALSO TAKEN
6 A HI-POINT FAMILIARIZATION COURSE WITH THE OWNER SLASH
7 INVENTOR OF THAT FIREARM.

8 Q AND DURING YOUR 12 YEARS AT SLED, HAVE YOU HAD AN
9 OPPORTUNITY TO REVIEW AND TEST FIREARMS THOUSANDS OF
10 TIMES?

11 A YES, MA'AM.

12 Q AND HAVE YOU BEEN QUALIFIED AS AN EXPERT WITNESS IN
13 THE COURTS OF SOUTH CAROLINA?

14 A YES, MA'AM, I HAVE.

15 Q HOW MANY TIMES?

16 A APPROXIMATELY 55 OR 56 TIMES INCLUDING STATE AND
17 FEDERAL COURTS.

18 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D OFFER
19 AGENT SUZANNE CROMER AS AN EXPERT IN THE FIELD OF FIREARMS
20 ANALYSIS.

21 THE COURT: ANY CROSS EXAMINATION ON HER
22 QUALIFICATIONS?

23 MR. JOHNSON: NO, YOUR HONOR. NO OBJECTION.

24 THE COURT: SHE'LL BE ALLOWED TO RENDER OPINIONS IN
25 THAT FIELD. THANK YOU.

1 Q SUZANNE, CAN WE JUST START WITH THE BASICS AND TALK
2 ABOUT AS IF I DON'T KNOW ANYTHING ABOUT GUNS, KIND OF
3 DESCRIBE THE BASICS ABOUT HANDGUNS.

4 A OKAY. HANDGUNS BY DEFINITION ARE DESIGNED TO BE
5 FIRED BY ONE HAND. YOU CAN HAVE A SEMIAUTOMATIC PISTOL.
6 YOU CAN HAVE A REVOLVER OR YOU CAN HAVE AN AUTOMATIC.
7 AUTOMATIC IS KIND OF THE LEAST COMMON THAT WE SEE, BUT
8 THAT MEANS WHEN YOU PULL THE TRIGGER, YOU HOLD THE
9 TRIGGER, AND AS LONG AS THERE IS AMMUNITION IN IT, IT'LL
10 CONTINUE TO FIRE.

11 A SEMIAUTOMATIC, ONE PULL OF THE TRIGGER OF THE
12 FIREARM WILL FIRE A ROUND, EJECT THE CARTRIDGE CASE AND
13 THEN RELOAD ANOTHER ROUND. SO FOR EACH SHOT YOU'LL HAVE
14 TO PULL THE TRIGGER.

15 A REVOLVER IF IS VERY SIMILAR TO -- IF YOU'VE EVER
16 WATCHED ANY WESTERNS OR COWBOY MOVIES, THEY HAVE A ROUND
17 CYLINDER -- IS WHAT IT'S CALLED -- THAT HAS MULTIPLE
18 CHAMBERS IN IT, AND THAT CHAMBER WILL ROTATE AROUND ONE
19 FIRING PIN, AND THAT'S A REVOLVER. SO THOSE ARE THE
20 COMMON TYPES OF HANDGUNS OR PISTOLS.

21 Q AND WHEN YOU START YOUR FIREARMS IDENTIFICATION
22 PROCESS, EXPLAIN A LITTLE BIT MORE ABOUT HOW THAT WORKS.

23 A IN FIREARMS IDENTIFICATION WHAT WE ARE LOOKING AT IS
24 AMMUNITION COMPONENTS, BULLETS, CARTRIDGE CASES, SHOTGUN
25 SHELLS, WADDING OR EVEN UNFIRED AMMUNITION TO DETERMINE

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1 WHETHER THEY WERE FIRED BY OR LOADED INTO AND EXTRACTED
2 OUT OF A SPECIFIC WEAPON.

3 IF WE DON'T HAVE A SPECIFIC WEAPON, FROM THE
4 INFORMATION ON THE BULLET, THE RIFLING IMPRESSIONS THAT
5 ARE LEFT ON THE BULLET, WE CAN GIVE INVESTIGATORS A LIST
6 OF POSSIBLE FIREARMS THAT COULD HAVE FIRED IT.

7 WHEN I TALK ABOUT RIFLING, I'M TALKING ABOUT LANDS
8 AND GROOVES THAT ARE PUT IN THE GUN BARREL, RAISED AND
9 DEPRESSED AREAS, AND THEY'RE PUT THERE BY THE MANUFACTURER
10 TO PUT ROTARY MOTION ON A BULLET. VERY SIMILAR TO A
11 QUARTERBACK THROWING A FOOTBALL, YOU WANT THAT FOOTBALL TO
12 GO INTO A TIGHT SPIRAL TO THE RECEIVER. WELL, THAT'S WHAT
13 THE RIFLING IN THE GUN BARREL IS DOING. IT'S GIVING
14 ROTARY MOTION TO THAT BULLET TO MAKE IT MORE ACCURATE AND
15 MORE STABLE TOWARDS ITS TARGET.

16 AND DURING THE MANUFACTURING PROCESS IMPERFECTIONS
17 ARE LEFT IN THE GUN BARREL, WEAR AND TEAR OF TOOLS, JUST
18 HARD STEEL WORKING ON HARD STEEL, AND THAT'S WHAT WE'RE
19 LOOKING AT. WE'RE LOOKING AT THOSE INDIVIDUAL
20 IMPERFECTIONS TO THAT GUN BARREL.

21 NOW, RIFLING CAN BE -- YOU CAN HAVE TWO LANDS AND
22 GROOVES, FOUR LANDS AND GROOVES. YOU CAN HAVE
23 MICRO-GROOVES WHICH ARE, YOU KNOW, 20'S OR 30'S. AND THEN
24 THEY WILL TWIST. WHEN YOU TALK ABOUT TWIST, WHETHER THE
25 BULLET IS GOING TO SPIN TO THE LEFT OR TO THE RIGHT. SO

1 THAT'S WHAT WE'RE LOOKING FOR.

2 WE START OUT WITH THE BASICS. WE LOOK AT THE CALIBER
3 OF THE AMMUNITION. THEN WE GO TO THE TYPE OF RIFLING.
4 THEN WE'LL ACTUALLY GO MICROSCOPICALLY TO THOSE INDIVIDUAL
5 MARKINGS.

6 CARTRIDGE CASES ARE A LITTLE DIFFERENT. THEY ARE
7 ACTUALLY MARKED BY A SEMIAUTOMATIC PISTOL IN FIVE AREAS.
8 THE BREECH FACE OF THE GUN CAN MARK THE HEAD OF THE
9 CARTRIDGE CASE. THE ACTUAL FIRING PIN CAN LEAVE
10 IMPERFECTIONS ON THE PRIMER OF THE CARTRIDGE CASE. THE
11 EXTRACTOR, WHICH IS A LITTLE CLAW THAT HOLDS THE CARTRIDGE
12 CASE IN THE SLIDE.

13 AFTER FIRING, ALL OF THAT GAS PRESSURE THAT'S PUSHING
14 THE BULLET DOWN THE BARREL IS ACTUALLY PUSHING THAT
15 CARTRIDGE CASE BACK INTO THE FIREARM -- ACTUALLY INTO THE
16 BREECH FACE OF THE FIREARM. SO THAT LITTLE CLAW IS
17 HOLDING THAT CARTRIDGE CASE IN POSITION. SO WHEN THE
18 SLIDE COMES BACKWARD, IT'LL HIT AN EJECTOR. SOME FIREARMS
19 HAVE AN INDIVIDUAL EJECTOR. SOME FIREARMS HAVE A FIRING
20 PIN AS THE EJECTOR. IT'LL HIT THAT EJECTOR, TURN, AND
21 COME OUT OF THE EJECTION PORT.

22 ALL OF THOSE THINGS CAN LEAVE INDIVIDUAL MARKINGS ON
23 THE AMMUNITION COMPONENTS.

24 Q AND JUST AGAIN FOR BASICS, WHAT ARE THE DIFFERENT
25 AMMUNITION COMPONENTS THAT YOU SEE IN FIREARMS ANALYSIS?

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1 A WHAT WE SEE IS WE HAVE A CARTRIDGE.. IT IS WHAT WE
2 CALL AN UNFIRED ROUND. A CARTRIDGE CONSISTS OF THE
3 CARTRIDGE CASE, THE BRASS, ALUMINUM, NICKEL CASING, AND
4 THEN THE GUNPOWDER AND THE BULLET, THE PROJECTILE ITSELF.

5 Q AND HOW CAN YOU TELL ONE GUN FROM ANOTHER GUN IF THEY
6 ARE TWO SMITH AND WESSON GUNS? HOW CAN YOU TELL THEM
7 APART.

8 A FIRST OFF WHAT WE'LL DO IS WE'LL LOOK AT THEM, WE'LL
9 LOOK AT THEIR SERIAL NUMBER. MICROSCOPICALLY, THOUGH, WE
10 HAVE ACTUALLY DONE STUDIES IN OUR FIELD OF 10
11 CONSECUTIVELY MANUFACTURED GUNS, AND YOU CAN ACTUALLY TELL
12 FIRST GUN MANUFACTURED TO THE SECOND TO THE THIRD. SO,
13 EACH FIREARM LEAVES AN INDIVIDUAL MARKING.

14 Q THEY'RE ALL GOING TO BE DIFFERENT?

15 A YES. IT'S VERY -- SOME PEOPLE CALL IT A FINGERPRINT.
16 I LIKE TO CALL IT A SIGNATURE. LIKE, YOU KNOW, IDENTICAL
17 TWINS CAN HAVE -- HAVE A SIGNATURE, BUT THEY'RE BOTH
18 DIFFERENT. JUST LIKE A MOM WHEN SHE HAS KIDS, SAME MOM,
19 SAME DAD, YOU KNOW, SAME PARENTS, KIDS CAN BE TOTALLY
20 DIFFERENT.

21 SO, THAT'S HOW THE INDIVIDUAL MARKINGS ARE DIFFERENT
22 THAN MICROSCOPIC MARKINGS BECAUSE OF THE WEAR AND TEAR
23 THAT IS DONE IN THE MANUFACTURING PROCESS IN ONE GUN IS
24 GOING TO HAVE ITS OWN EFFECT IN THE NEXT FIREARM.

25 Q HOW ABOUT THE MANUFACTURERS? I THINK YOU MIGHT HAVE

1 SPOKEN ABOUT THIS. BUT ARE THERE DIFFERENT -- ARE THERE
2 UNIQUE PATTERNS TO DIFFERENT MANUFACTURERS THAT ENABLES
3 YOU TO MAKE YOUR IDENTIFICATIONS ALSO?

4 A SOME MANUFACTURERS USE DIFFERENT LANDS AND GROOVES
5 AND NUMBER OF RIFLING. CURRENTLY THE ONLY KNOWN
6 MANUFACTURERS TO USE NINE LAND AND GROOVE WITH A LEFT
7 TWIST IS THE HI-POINT FIREARM. SO, IF I RECEIVE A PIECE
8 OF 9-MILLIMETER EVIDENCE THAT HAS NINE LANDS AND GROOVES
9 ON IT WITH A LEFT TWIST, I KNOW I'M LOOKING FOR A HI-POINT
10 FIREARM.

11 SOME SMITH AND WESSONS ARE USUALLY FIVE RIGHT. SO,
12 THAT USUALLY GIVES US A STARTING POINT.

13 Q AND IS THERE ANY DIFFERENCE BETWEEN A SEMIAUTOMATIC
14 AND A REVOLVER REGARDING WHAT HAPPENS TO CARTRIDGE
15 CASINGS?

16 A YES. A SEMIAUTOMATIC, LIKE I SAID, WILL EJECT THE
17 SHELL. IT WILL HIT THE EJECTOR AND COME OUT THE EJECTION
18 PORT. A REVOLVER IS VERY DIFFERENT WHERE IT'LL STAY IN
19 THAT CYLINDER THAT I TALKED ABOUT THAT HAS SEVERAL
20 CHAMBERS IN IT. IT'LL STAY THERE UNTIL THE GUN IS OPENED
21 AND THEY'RE DROPPED OUT OF THE CYLINDER.

22 Q WERE YOU SUBMITTED SOME EVIDENCE IN THE CASE
23 INVOLVING THE VICTIM FRED TUCKER?

24 A YES, I WAS.

25 Q AND...

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1 (LIGHTS WENT DOWN.)

2 THE COURT: A POWERFUL QUESTION, MA'AM.

3 Q AND WHAT AGENCY SUBMITTED YOU THAT EVIDENCE?

4 A I RECEIVED THE EVIDENCE FROM THE AIKEN COUNTY
5 SHERIFF'S OFFICE.

6 MRS. YOUNG: YOUR HONOR, WOULD YOU MIND IF I HAVE HER
7 COME STEP DOWN FROM THE STAND TO TALK ABOUT THIS DIFFERENT
8 EVIDENCE?

9 THE COURT: YES, MA'AM.

10 Q I AM SHOWING YOU WHAT'S BEEN MARKED FOR
11 IDENTIFICATION PURPOSES AS STATE'S EXHIBIT 124AM AND ASK
12 IF YOU CAN IDENTIFY WHAT THAT IS.

13 A FIRST OF ALL RIGHT AWAY I SEE MY LAB NUMBERS, MY ITEM
14 NUMBERS AND MY INITIALS.

15 MR. JOHNSON: YOUR HONOR, I WOULD HAVE TO OBJECT AT
16 THIS POINT. THIS IS NOT IN EVIDENCE.

17 Q I'LL KEEP GOING WITH THAT LINE OF QUESTIONING. AND
18 BASED ON THE OBSERVATIONS YOU MADE ABOUT YOUR INITIALS AND
19 OTHER THINGS, ARE YOU ABLE TO RECOGNIZE THAT AS SOMETHING
20 THAT YOU HAVE IN FACT ANALYZED?

21 A YES, MA'AM. AGAIN, IT'S IN AN ENSEALED [SIC]
22 CONTAINER WITH MY -- MY INITIALS ON IT.

23 Q AND THAT MEANS THAT YOU'VE OPENED IT AND DID
24 SOMETHING TO IT?

25 A YES, MA'AM.

1 Q AND WHAT DO YOU DO ONCE YOU FINISH TESTING AN ITEM?

2 A I PLACE IT BACK IN -- USUALLY I LIKE TO LEAVE IT IN A
3 CLEAR CONTAINER AND HEATSEAL IT SO WHEN I COME TO COURT
4 IT'S EASILY SEE-ABLE.

5 Q AND CAN YOU IDENTIFY WHAT THAT PARTICULAR ITEM IS IN
6 TERMS OF RECOGNIZING IT?

7 A OKAY. THIS WAS MY ITEM 18 THAT I RECEIVED IN THIS
8 CASE.

9 Q AND THAT APPEARS TO BE THE SAME ITEM THAT YOU
10 ANALYZED UP THERE AT SLED?

11 A MAY I?

12 MR. JOHNSON: YOUR HONOR, I OBJECT TO ANY ITEM BEING
13 REMOVED FROM THE BOX. NOTHING IS IN EVIDENCE. IN FRONT
14 OF THE JURY.

15 THE COURT: SUSTAINED.

16 Q SUZANNE, IF YOU COULD JUST TELL US WHAT TYPE OF
17 FIREARM THAT IS WITHOUT TAKING IT OUT OF THE BOX.

18 A THIS IS A HI-POINT MODEL C9 SEMIAUTOMATIC PISTOL
19 SERIAL NUMBER P1251546.

20 Q AND...

21 A AND A MAGAZINE.

22 Q CAN YOU RECOGNIZE THAT AS THE HI-POINT WITH THAT
23 SERIAL NUMBER THAT YOU PERFORMED ANALYSIS ON AT SLED?

24 A YES, MA'AM, I DO.

25 MRS. YOUNG: YOUR HONOR, AT THIS POINT WE'D OFFER

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1 STATE'S EXHIBIT 124AM INTO EVIDENCE.

2 MR. JOHNSON: YOUR HONOR, OBJECT BASED ON MY PREVIOUS
3 MOTIONS.

4 THE COURT: ALL RIGHT. OVERRULED. I'LL ALLOW IT IN.
5 THAT'S THE HI-POINT?

6 THE WITNESS: YES, SIR.

7 (WHEREUPON, STATE'S EXHIBIT NO. 124AM WAS ADMITTED
8 INTO EVIDENCE.)

9 THE COURT: HOW DO YOU SPELL HI-POINT?

10 THE WITNESS: H-I-P-O-I-N-T.

11 THE COURT: THANK YOU.

12 Q ALL RIGHT. AND IF WE COULD -- NOW THAT YOU
13 IDENTIFIED THAT AS BEING THE ONE THAT YOU WORKED ON,
14 DESCRIBE WHAT YOU DID IN THAT PARTICULAR CASE WITH THAT
15 HI-POINT 9 MILLIMETER.

16 A WHENEVER I RECEIVE A FIREARM, I TAKE TWO PAGES OF
17 NOTES ON IT. WHAT I'LL DO ALSO IS I MARK IT IN SEVERAL
18 DIFFERENT LOCATIONS.

19 Q WHAT DO YOU MEAN MARKING? ARE YOU TALKING ABOUT
20 MARKING ON THE FIREARM?

21 A YES. I ACTUALLY SCRIBE THE FIREARM LIKE THIS IN
22 THREE DIFFERENT LOCATIONS. I PULL THE SLIDE BACK, I'LL
23 MARK IT ON THE BARREL, I'LL MARK THE BACK OF THE SLIDE,
24 AND I'LL MARK INSIDE THE MAGAZINE WELL AS WELL AS MARKING
25 THE MAGAZINE. AND I ACTUALLY SCRIBE MY LAB NUMBER, MY

1 ITEM NUMBER AND MY INITIALS ON IT.

2 Q AND YOU'VE TALKED ABOUT MAGAZINES. THAT WAS INCLUDED
3 AS PART OF YOUR ANALYSIS?

4 A YES, MA'AM. THIS MAGAZINE WAS MY ITEM 19.

5 MR. JOHNSON: OBJECTION, YOUR HONOR. NOT IN
6 EVIDENCE.

7 THE COURT: THE MAGAZINE IS PART OF THE GUN.

8 MRS. YOUNG: IT WAS IN THE SAME BOX THAT WAS MARKED
9 THAT SHE IDENTIFIED WITH HAVING HER MARKINGS AND SEALS ON
10 IT AND...

11 THE COURT: OVERRULED.

12 Q AND IF YOU COULD, PLEASE DESCRIBE HOW THAT WORKS. I
13 MEAN, WHAT DO YOU DO WITH THAT IN REGARD TO A FIREARM?

14 A THIS IS A DETACHABLE BOX MAGAZINE.

15 Q AND LET ME ASK YOU THIS FIRST JUST BECAUSE YOU'RE
16 HOLDING GUNS UP. ARE ALL OF THESE FIREARMS IN A SAFE
17 MANNER SO THEY'RE ALL OKAY TO TALK ABOUT?

18 A YES, MA'AM. THIS ONE IS CABLE-TIED THROUGH THE
19 ACTION.

20 Q AND THAT MEANS THAT THEY CAN'T DO ANYTHING?

21 A RIGHT.

22 THE COURT: THEY'RE UNLOADED IS WHAT YOU'RE SAYING.

23 THE WITNESS: YES, SIR.

24 THE COURT: THANK YOU.

25 A TO FIRE THIS TYPE OF WEAPON WHAT I WOULD DO IS LOAD

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1 MY UNFIRED CARTRIDGES INTO THIS MAGAZINE AND INTRODUCE IT
2 INTO WHAT'S CALLED THE MAGAZINE WELL. PULL THE SLIDE
3 BACK. WHEN THE SLIDE COMES FORWARD, IT WILL CHAMBER A
4 ROUND INTO THE FIREARM AND IT'S READY TO FIRE.

5 Q AND WHEN YOU DO TESTING ON FIREARMS, DO YOU ACTUALLY
6 TAKE THEM OUT AND SEE IF THEY WORK?

7 A YES, MA'AM. I ACTUALLY SHOOT THEM MYSELF.

8 Q AND HOW -- I MEAN, DOES THAT WORK?

9 A WHAT I'LL DO IS I'LL LOOK AT WHAT FIRED EVIDENCE I
10 HAVE AND I'LL TRY TO SHOOT AMMUNITION THAT'S SIMILAR IF
11 NOT THE SAME BRAND OF MANUFACTURER AS WHAT I'VE RECEIVED
12 IN THE CASE. IN OUR LAB -- WE'RE ON THE SECOND FLOOR --
13 WE HAVE A WATER TANK THAT GOES ALL THE WAY DOWN TO THE
14 FIRST FLOOR. WE SHOOT INTO WATER BECAUSE IT'LL SLOW DOWN
15 THE BULLET WITHOUT ADDING TO OR TAKING FROM ANY OF THE
16 MARKINGS THAT ARE LEFT THERE FROM THE FIRING PROCESS.

17 SO, I GET MY TEST EVIDENCE. AT SLED WE HAVE A
18 REFERENCE ROOM ACTUALLY OF AMMUNITION. I WILL GO, I MARK
19 THAT EVIDENCE. I ACTUALLY SCRIBE ON THE CARTRIDGE CASES
20 AND THE BULLETS WITH MY LAB NUMBER, MY ITEM NUMBER, TEST,
21 AND IN THIS CASE I BELIEVE THIS WAS MY ITEM 18, TEST 18,
22 AND MY INITIALS.

23 I GO INTO THE BULLET RECOVERY ROOM. I'LL SHOOT THE
24 GUN TWO TO FOUR TIMES. THEN IT'S A LONG PROCESS. I PULL
25 UP THIS -- IT LOOKS LIKE A NOODLE STRAINER I GUESS YOU

1 WOULD SAY AT THE BOTTOM OF THE WATER TANK THAT'S ATTACHED
2 TO A CHAIN. I'LL PULL THAT UP. MY BULLETS ARE IN IT.

3 Q YOU JUST DO ONE FIREARM AT A TIME?

4 A WELL, I DO JUST SHOOT JUST ONE FIREARM AT A TIME.

5 Q OKAY. AND WITH REGARD TO YOUR ANALYSIS OF THAT
6 HI-POINT 9-MILLIMETER, DID YOU MAKE ANY OBSERVATION AS TO
7 ITS FUNCTIONING ABILITY?

8 A YES, MA'AM. THIS WAS IN WORKING ORDER. MAY I CHECK
9 MY NOTES?

10 Q CERTAINLY.

11 A I DID FIND SOME DEBRIS ON THE FIREARM, LIKE CIRCULAR
12 PAD THAT LOOKS LIKE SOMETHING WAS STUCK THERE AT ONE TIME
13 AND THEN REMOVED, AND I ALSO FOUND THAT THIS FIREARM WOULD
14 FIRE SLIGHTLY OUT OF BATTERY. AND WHAT THAT MEANS IS
15 USUALLY THIS IS WHAT -- WELL, IF THE CABLE TIE WASN'T IN
16 HERE AND THE SLIDE WAS ALL THE WAY FORWARD. THAT'S IN THE
17 BATTERY READY TO FIRE.

18 NOW, IF THE SLIDE -- I CAN'T REALLY DO BECAUSE OF THE
19 CABLE TIE. BUT IF THE SLIDE IS KNOCKED BACK A LITTLE BIT,
20 THAT'S CALLED OUT OF BATTERY. THIS FIREARM WILL FIRE
21 SLIGHTLY OUT OF BATTERY. SO, WITH THE SLIDE OPEN A LITTLE
22 BIT, IT WILL FIRE WHICH ACTUALLY CAUSES THE CARTRIDGE
23 CASES THAT ARE FIRED DURING THAT TIME TO HAVE A LITTLE
24 BULGE AROUND ITS CIRCUMFERENCE. BUT IT WAS IN WORKING
25 ORDER.

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1 Q AND THAT DEBRIS YOU JUST DESCRIBED WAS ON IT WHEN YOU
2 RECEIVED IT.

3 A YES, MA'AM, IT WAS.

4 Q ALL RIGHT. I AM GOING TO TRY TO DO THIS, THE
5 FIREARMS FIRST, AND THEN MOVE ONTO THE OTHER THINGS IF
6 THAT WORKS FOR YOU.

7 I AM GOING TO SHOW YOU WHAT'S BEEN MARKED FOR
8 IDENTIFICATION PURPOSES AS STATE'S EXHIBIT 122AM AND ASK
9 IF YOU RECOGNIZE THAT ITEM.

10 A OKAY. FIRST OFF, THIS IS IN A BOX WITH MY LAB
11 NUMBER, MY ITEM NUMBERS, AND MY INITIALS. AGAIN, THIS IS
12 MY ITEM NUMBER 36. IT IS --

13 Q WOULD IT HELP IF I HOLD THAT?

14 A OKAY. IT IS AN ARMINIUS REVOLVER AGAIN MARKED WITH
15 OR SCRIBED WITH MY LAB NUMBER, MY ITEM NUMBER, AND MY
16 INITIALS.

17 THE COURT: SPELL THAT. AR WHAT?

18 THE WITNESS: ARMINIUS? IT IS A-R-M-I-N-I-U-S.

19 Q AND IS THIS ARMINIUS REVOLVER, DOES IT APPEAR TO BE
20 ONE THAT YOU ACTUALLY RECEIVED AND TESTED IN YOUR EVIDENCE
21 LAB IN THIS CASE?

22 A YES, MA'AM, IT DOES.

23 Q AND DOES IT APPEAR TO BE ALTERED OR CHANGED IN ANY
24 WAY?

25 A NOT FROM WHEN I RECEIVED IT, NO.

1 MRS. YOUNG: YOUR HONOR, AT THIS POINT WE'D OFFER
2 STATE'S 122AM INTO EVIDENCE IN THIS CASE.

3 THE COURT: ANY OBJECTION? WAIT A MINUTE. WHOA.
4 WHOA.

5 MR. JOHNSON: YOUR HONOR, I AM JUST TRYING TO
6 DETERMINE IF THERE IS AN ADDITIONAL ITEMS BECAUSE THE LAST
7 TIME THERE WAS AN ITEM ATTACHED TO IT. I JUST WANT TO
8 MAKE SURE IF THERE'S ANY OTHER ITEM NUMBERS ATTACHED--

9 THE COURT: YOU CAN CROSS EXAMINE WHEN YOU GET READY.
10 122AM CONSISTS OF WHAT, MA'AM?

11 THE WITNESS: ONE ARMINIUS MODEL TITAN TIGER
12 REVOLVER.

13 THE COURT: ANY OBJECTION?

14 MR. JOHNSON: OBJECT BASED ON PREVIOUS MOTION, YOUR
15 HONOR.

16 THE COURT: OVERRULED.

17 (WHEREUPON, STATE'S EXHIBIT NO. 122AM WAS ADMITTED
18 INTO EVIDENCE.)

19 Q AND SUZANNE, ARE YOU ABLE TO IDENTIFY ANY NUMBER OR
20 IDENTIFICATION WITH REGARD TO THAT PARTICULAR REVOLVER?

21 A YES, MA'AM. THE SERIAL NUMBER ON THIS REVOLVER IS
22 41026. AND AS I SAID, IT'S AN ARMINIUS MODEL TITAN TIGER
23 38 SPECIAL CALIBER REVOLVER.

24 Q AND BASED ON YOUR ANALYSIS, DID YOU FORM OPINIONS
25 ABOUT THAT PARTICULAR REVOLVER?

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1 A YES, I DID.

2 Q AND TO START WITH, DID YOU OBSERVE ANY PHYSICAL
3 CHARACTERISTICS ABOUT THAT REVOLVER?

4 A FIRST THE MOST OBVIOUS TO ME WAS THAT THE TRIGGER
5 GUARD IS MISSING. IF IT IS JUST BROKEN OFF, YOU WOULD
6 ASSUME FOR IT TO BE RUGGED EDGES, BUT THIS LOOKS LIKE IT
7 HAD BEEN FILED DOWN. SO I DON'T KNOW IF IT WAS REMOVED
8 AND THEN FIXED OR BROKE OFF. BUT IT'S MISSING THE TRIGGER
9 GUARD.

10 ALSO IT WAS MISSING THE CYLINDER RETENTION SCREW.
11 THIS FIREARM WOULD FIRE WITHOUT IT. IT JUST MEANS THAT I
12 MIGHT HAVE HAD TO PUSH THE CYLINDER BACK IN PLACE AFTER
13 EACH FIRE.

14 Q AND DID YOU MAKE AN OPINION AS TO THE FUNCTIONALITY
15 OF THAT?

16 A YES, MA'AM, I DID.

17 Q AND WHAT WAS YOUR OPINION ABOUT THAT?

18 A I FOUND THAT EVEN THOUGH IT WAS MISSING THAT SCREW
19 AND THE TRIGGER GUARD THAT -- THAT THIS FIREARM FUNCTIONED
20 AS IT WAS DESIGNED TO DO.

21 Q AND IT WAS -- THAT TRIGGER GUARD, IS THAT THE LITTLE
22 THING THAT KEEP -- DESCRIBE WHAT THAT IS. I DON'T WANT TO
23 PUT WORDS IN YOUR MOUTH.

24 A THE TRIGGER GUARD GOES AROUND AND PROTECTS THE
25 TRIGGER. USUALLY IT'S TO PREVENT ACCIDENTAL DISCHARGE, SO

1 THAT WAY SOMETHING IS BLOCKING THE TRIGGER.

2 Q DOES THAT MEAN YOU HAVE TO PUT YOUR FINGER THROUGH IT
3 AND PULL THE TRIGGER?

4 A YES. TO FIRE THIS GUN OUT OF -- IF THE TRIGGER WAS
5 HERE, YOU'D HAVE TO PUT YOUR FINGER THROUGH THE TRIGGER
6 GUARD TO FIRE THE GUN.

7 Q THIS IS STATE'S 123AM. AND I AM GOING TO ASK YOU IF
8 YOU CAN IDENTIFY THAT.

9 A AGAIN, IT'S STILL IN A SEALED CONTAINER WITH MY LAB
10 NUMBER, MY ITEM NUMBER, AND MY INITIALS. THIS WAS MY ITEM
11 16 FIREARM AND ITEM 17 MAGAZINE.

12 Q AND DO THOSE APPEAR TO BE THE SAME FIREARM AND
13 MAGAZINE THAT YOU RECEIVED AT SLED AND DID ANALYSIS ON IN
14 THIS CASE?

15 A YES, MA'AM. THIS IS THE GLOCK .40 CALIBER MODEL 23
16 SERIAL NUMBER EFN296US THAT I EXAMINED.

17 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D OFFER --
18 WE'D MOVE -- THE STATE WOULD MOVE EXHIBIT NO. 123AM INTO
19 EVIDENCE IN THIS CASE.

20 THE COURT: ANY OBJECTION? THAT'S THE PISTOL AND THE
21 MAGAZINE.

22 MR. JOHNSON: OBJECTION BASED ON PREVIOUS MOTION,
23 YOUR HONOR.

24 THE COURT: OVERRULED. ALLOW IT IN.

25

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1 (WHEREUPON, STATE'S EXHIBIT NO. 123 WAS ADMITTED INTO
2 EVIDENCE.)

3 Q AND DID YOU DO ANALYSIS ON THIS FIREARM AND MAGAZINE
4 THAT ARE INCLUDED TOGETHER IN THAT BOX?

5 A YES, MA'AM, I DID.

6 Q AND BASED ON THAT, DID YOU FORM SOME OPINIONS
7 REGARDING THAT PARTICULAR FIREARM?

8 A YES, I DID. THIS IS A GLOCK MODEL 23 AS I SAID. IT
9 FUNCTIONED PROPERLY. IT WAS IN WORKING ORDER. THE
10 MAGAZINE THAT I RECEIVED IS NOT A MAGAZINE THAT'S DESIGNED
11 SPECIFICALLY FOR THE MODEL 23. IT'S USUALLY DESIGNED FOR
12 THE LARGER MODEL 22, BUT IT WILL FIT AND FUNCTION IN THIS
13 FIREARM.

14 Q AND WHAT CALIBER IS THAT GUN? DID YOU SAY THAT
15 ALREADY?

16 A IT IS 40 SMITH AND WESSON CALIBER.

17 Q AND DID YOU FORM ANY OPINIONS BASED ON YOUR ANALYSIS
18 REGARDING THE FUNCTIONALITY OF THAT PARTICULAR HANDGUN?

19 A IT WAS IN PROPER WORKING ORDER.

20 Q AND IT DID IN FACT WORK?

21 A YES, MA'AM.

22 Q AND YOU TESTED THAT YOURSELF?

23 A YES, MA'AM.

24 Q SUZANNE, I AM GOING TO SHOW YOU STATE'S EXHIBIT 125AM
25 WHICH IS ONE ITEM CONTAINING NUMEROUS OTHER ITEMS AND ASK

1 IF YOU CAN IDENTIFY THAT WITHOUT PULLING EVERYTHING OUT.

2 A WELL, FIRST THIS BOX WAS WHAT I RECEIVED AS MY
3 CONTAINER K BECAUSE, AGAIN, THERE IS MY ITEM NUMBERS AND
4 MY INITIALS.

5 Q AND HOW -- WHAT CONDITION WOULD THAT BOX HAVE BEEN IN
6 WHEN YOU RECEIVED IT?

7 A IT WAS SEALED WITH EVIDENCE TAPE.

8 Q AND WHO OPENED IT?

9 A MYSELF.

10 Q OKAY.

11 A WITHOUT PULLING IT OUT -- THESE ALL APPEAR TO BE THE
12 FIRED AMMUNITION COMPONENTS THAT I RECEIVED IN THIS CASE.

13 Q THEY WOULD ALL HAVE BEEN TOGETHER IN THAT ONE BOX?

14 A MOST OF THEM, YES.

15 Q OKAY.

16 MRS. YOUNG: AND YOUR HONOR, MAY SHE BE ALLOWED TO
17 PULL OUT ONE AT A TIME AND ASK HER TO IDENTIFY IT AND SEE
18 IF SHE CAN RECOGNIZE IT AND ENTER IT JUST INDIVIDUALLY? I
19 THINK THAT MIGHT BE EASIER.

20 THE COURT: SURE.

21 Q ALL RIGHT. JUST START WITH--

22 MR. JOHNSON: YOUR HONOR, I WOULD JUST OBJECT. THOSE
23 BAGS ARE TRANSPARENT. IF THERE IS SOME WAY WE CAN DO THIS
24 NOT IN FRONT OF THE JURY.

25 THE COURT: OVERRULED.

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1 Q TELL ME WHICH ITEM YOU'RE PULLING OUT FIRST.

2 A OKAY. THESE ARE ITEMS 61, 62, 63, AND 64, AND 60.

3 Q AND ARE THEY--

4 THE COURT: I'M SORRY. SIXTY-ONE, TWO, THREE, FOUR,
5 AND 60?

6 THE WITNESS: YES, SIR.

7 Q IS THAT YOUR NUMBER OR STATE'S NUMBER?

8 A THAT IS THE SLED LAB NUMBER. THE STATE'S EXHIBIT
9 NUMBERS ARE...

10 THE COURT: IT IS ALL EXHIBIT 125AM.

11 MRS. YOUNG: THAT IS 126AM. THAT IS ONE OF THE ITEMS
12 CONTAINED WITHIN THAT 125, YOUR HONOR.

13 THE COURT: ALL RIGHT.

14 Q AND SUZANNE, ARE YOU ABLE TO IDENTIFY WHAT'S
15 CONTAINED IN STATE'S EXHIBIT 126?

16 A ALL RIGHT. MY ITEM NUMBER 61, WHICH WAS A FIRED
17 BULLET -- A FIRED--

18 Q WELL, LET ME DO THIS FIRST.

19 A OKAY.

20 Q YOU SAID THOSE ARE FOUR OF YOUR ITEM NUMBERS;
21 CORRECT?

22 A YES. YES, MA'AM.

23 Q AND THOSE ARE ALL INCLUDED IN STATE'S EXHIBIT 126AM.

24 A YES, MA'AM.

25 Q ARE YOU ABLE TO IDENTIFY ALL OF THOSE FOUR SUBPARTS

1 OF THAT ONE EXHIBIT?

2 A YES, MA'AM. I AM.

3 Q AND HOW ARE YOU ABLE TO IDENTIFY THOSE?

4 A WELL, FIRST OFF THEY'RE STILL IN A SEALED CONTAINER
5 WITH MY INITIALS AND SEAL DATE.

6 Q AND DO THEY APPEAR TO HAVE BEEN TAMPERED WITH OR
7 ALTERED IN ANY WAY SINCE YOU PERFORMED TESTING ON THEM?

8 A NO, MA'AM.

9 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE
10 STATE'S EXHIBIT 126AM INTO EVIDENCE.

11 THE COURT: ANY OBJECTION?

12 MR. JOHNSON: YOUR HONOR, OBJECTION BASED ON PREVIOUS
13 MOTIONS.

14 THE COURT: OVERRULED. 126AM INCLUDES YOUR SUBPARTS
15 FROM YOUR 61, 62, 63, AND 64?

16 THE WITNESS: YES, SIR.

17 THE COURT: WHERE WAS 60? DIDN'T YOU SAY--

18 THE WITNESS: I DID ORIGINALLY, BUT THAT'S NOT MARKED
19 AS STATE'S EXHIBIT.

20 THE COURT: ALL RIGHT. MOVE ALONG.

21 (WHEREUPON, STATE'S EXHIBIT NO. 126AM WAS ADMITTED
22 INTO EVIDENCE.)

23 Q AND WHAT ARE THOSE ITEMS?

24 A ITEM 61 IS A FIRED 9-MILLIMETER CALIBER BULLET.

25 ITEMS 62, 63 -- WELL, 62 OR MY ITEM 62, WAS A JACKET

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1 FRAGMENT AND A CORE FRAGMENT. WHEN A PROJECTILE BREAKS
2 APART YOU CAN HAVE TWO PIECES, THE JACKET THAT SURROUNDS
3 THE LEAD CORE AND THE LEAD CORE ITSELF. SIXTY-TWO IS
4 ACTUALLY THOSE TWO PIECES. AND 63 WAS A FIRED .40 CALIBER
5 BULLET.

6 Q IS 61 ATTACHED TO THAT?

7 A YES, IT IS. I THOUGHT YOU SAID THAT.

8 Q NOW, ALL OF THOSE ARE SUPPOSED TO BE PART OF STATE'S
9 126. I'M SORRY. I KNOW THESE ARE A LOT OF NUMBERS. I'M
10 TRYING TO KEEP UP WITH IT.

11 A " OKAY. MY ITEM 60 WAS ALSO A FIRED .40 CALIBER
12 BULLET.

13 Q AND YOU RECEIVED ALL OF THOSE BULLETS AND PARTS IN
14 THIS PARTICULAR CASE?

15 A YES, MA'AM, I DID.

16 Q AND IS THAT THE CONDITION THAT YOU RECEIVED THEM IN?

17 A I USUALLY RECEIVE THEM INSIDE OR IN THIS CASE I
18 RECEIVED THEM INSIDE THE FILM CANISTERS INSIDE THESE
19 HEAT-SEALED POUCHES.

20 Q THEY WERE ALREADY FIRED AT THE TIME YOU RECEIVED
21 THEM.

22 A YES, MA'AM, THEY WERE.

23 Q AND WERE YOU ABLE TO FORM AN OPINION REGARDING THOSE
24 ITEMS?

25 A YES, MA'AM.

1 THE COURT: HOLD ON A SECOND. CLOSE THAT DOOR,
2 PLEASE. CLOSE THE DOOR. GO AHEAD.

3 THE WITNESS: OKAY. MY ITEM 60, 62, AND 63 WERE ALL
4 CONSISTENT WITH 40 S AND W CALIBER OR 10-MILLIMETER AUTO.
5 I SAY BOTH OF THOSE BECAUSE THEY'RE BOTH .40 CALIBER.
6 10-MILLIMETER AUTO IS ALSO .40 CALIBER, BUT THEY WERE
7 CONSISTENT WITH 40 S AND W CALIBER OR 10-MILLIMETER AUTO
8 BULLETS THAT WERE FIRED THROUGH A FIREARM BARREL WITH SIX
9 RIGHT POLYGONAL RIFLING.

10 Q AND WHAT IS THAT?

11 A YOU HAVE TWO TYPES OF RIFLING. YOU HAVE CONVENTIONAL
12 RIFLING WHICH HAS RIGHT ANGLES IN IT. VERY SHARP. CAN
13 CUT INTO THE BULLET. POLYGONAL RIFLING IS NOT SEEN AS
14 OFTEN, AND IT'S USUALLY IN YOUR MORE EXPENSIVE FIREARMS
15 LIKE YOUR GLOCKS OR YOUR H AND K'S, AND IT GIVES A MORE
16 ROUNDED APPEARANCE TO THE RIFLING. SO, INSTEAD OF CUTTING
17 INTO THE BULLET, IT JUST GUIDES IT DOWN THE BARREL.

18 SO THEY WERE .40 CALIBER SIX RIGHT POLYGONAL RIFLING,
19 SO I COMPARED THEM AGAINST MY TEST SPECIMENS THAT I FIRED
20 FROM THE GLOCK BECAUSE IT WAS ALSO .40 CALIBER SIX RIGHT
21 POLYGONAL RIFLING. HOWEVER, MY RESULTS WERE INCONCLUSIVE
22 AS TO WHETHER THEY WERE FIRED BY THE GLOCK. DUE TO THE
23 NATURE OF POLYGONAL RIFLING, IT DOESN'T LEAVE A LOT OF
24 INDIVIDUAL CHARACTERISTICS, SO IT COULD HAVE BEEN FIRED BY
25 THE GLOCK THAT WE SAW EARLIER OR ANOTHER SIMILAR RIFLING

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1 ITEM.

2 MY ITEM 61, THE FIRED 9-MILLIMETER LUGER BULLET I
3 CONCLUDED WHEN I COMPARED IT AGAINST THE TEST WITH THE
4 HI-POINT FIREARM THAT I RECEIVED IN THIS CASE, I CONCLUDED
5 THAT THERE WAS ENOUGH INDIVIDUAL IDENTIFYING
6 CHARACTERISTICS TO SAY THAT THIS BULLET WAS FIRED BY THAT
7 HI-POINT FIREARM.

8 Q AND THAT IS WHAT CALIBER?

9 A 9-MILLIMETER LUGER.

10 Q SO YOU'RE SAYING THAT FIREARM FIRED THAT BULLET?

11 A YES, MA'AM, I AM.

12 Q BASED ON YOUR OPINION AND ANALYSIS OF THOSE ITEMS.

13 A YES, I AM.

14 Q HOW ABOUT STATE'S EXHIBIT 127AM?

15 A AGAIN, THIS IS IN A SEALED CONTAINER SEALED WITH MY
16 INITIALS AND MY SEAL DATE. THIS WAS MY ITEM 59. ONE
17 FIRED 9-MILLIMETER LUGER CALIBER CARTRIDGE CASE.

18 Q AND DOES THAT ITEM APPEAR TO BE IN THE CONDITION IN
19 WHICH YOU RECEIVED IT AND DID ANALYSIS ON IT?

20 A YES, MA'AM, IT DOES.

21 Q HAS IT BEEN CHANGED OR ALTERED IN ANY WAY?

22 A NO, MA'AM.

23 MRS. YOUNG: YOUR HONOR, AT THIS POINT IN TIME WE'D
24 MOVED TO ENTER STATE'S EXHIBIT 127AM INTO EVIDENCE.

25 MR. JOHNSON: YOUR HONOR, I OBJECT BASED ON PREVIOUS

1 MOTIONS.

2 THE COURT: OVERRULED. IT WILL BE INTRODUCED.

3 (WHEREUPON, STATE'S EXHIBIT NO. 127AM WAS ADMITTED
4 INTO EVIDENCE.)

5 Q DESCRIBE YOUR OPINIONS AND ANALYSIS ABOUT THAT ITEM.
6 FIRST OF ALL, WHAT IT WAS. SAY IT AGAIN BECAUSE I MIGHT
7 HAVE MISSED IT.

8 A THIS IS A FIRED 9-MILLIMETER LUGER CALIBER CARTRIDGE
9 CASE. AND WHEN I TALKED ABOUT FIRED EVIDENCE, YOU USUALLY
10 HAVE A BULLET AND CARTRIDGE CASE THAT'S EXPELLED FROM THE
11 FIREARM. THIS WOULD HAVE BEEN THE CARTRIDGE CASE.

12 WHAT I DID IS I LOOKED AT THE BREECH FACE OF -- OF
13 THE BREECH FACE IMPRESSIONS. WHEN I TALKED ABOUT THE HEAD
14 OF THE CARTRIDGE, WHICH IS RIGHT HERE, IT IS PRESSED UP
15 AGAINST THE BREECH FACE OF THE FIREARM DURING FIRINGS.
16 WHAT I'M LOOKING AT ARE THOSE INDIVIDUAL MARKINGS FROM THE
17 MANUFACTURING PROCESS THAT WERE IMPRINTED ON THIS
18 CARTRIDGE CASE.

19 I MICROSCOPICALLY COMPARED THIS CARTRIDGE CASE WITH
20 MY TEST CARTRIDGE CASES FROM THE HI-POINT THAT I RECEIVED
21 IN THIS CASE AND I CONCLUDED THAT IN MY OPINION I FOUND
22 ENOUGH INDIVIDUAL IDENTIFYING CHARACTERISTICS TO STATE
23 THAT THIS CARTRIDGE CASE WAS FIRED BY THIS FIREARM.

24 Q HOW ABOUT STATE'S 128AM, COULD YOU IDENTIFY THAT?

25 A AGAIN, THIS IS STILL IN A SEALED CONTAINER WITH MY

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1 INITIALS AND SEAL DATE. THIS IS A BULGE 9-MILLIMETER
2 LUGER CALIBER CARTRIDGE CASE.

3 Q AND DOES THAT APPEAR TO BE THE SAME 9-MILLIMETER
4 CARTRIDGE CASE THAT YOU EXAMINED AND RECEIVED UP AT SLED?

5 A YES, MA'AM, IT DOES.

6 Q DOES IT APPEAR TO BE CHANGED, ALTERED IN ANY WAY?

7 A NO, MA'AM, IT DOESN'T.

8 MRS. YOUNG: YOUR HONOR, AT THIS POINT WE'D MOVE TO
9 OFFER STATE'S EXHIBIT 128AM INTO EVIDENCE.

10 THE COURT: ANY OBJECTION?

11 MR. JOHNSON: OBJECTION BASED ON PREVIOUS MOTION,
12 YOUR HONOR.

13 THE COURT: OVERRULED.

14 (WHEREUPON, STATE'S EXHIBIT NO. 128AM WAS ADMITTED
15 INTO EVIDENCE.)

16 Q DID YOU FORM SOME OPINIONS ABOUT THAT PARTICULAR
17 ITEM?

18 A YES, MA'AM. I DID. AGAIN, I MICROSCOPICALLY
19 COMPARED THIS CARTRIDGE CASE TO MY TEST SPECIMEN THAT I
20 FIRED FROM THE HI-POINT THAT I RECEIVED IN THIS CASE AND
21 CONCLUDED THAT THERE WAS ENOUGH INDIVIDUAL IDENTIFYING
22 CHARACTERISTICS TO SAY THAT THIS CARTRIDGE CASE WAS FIRED
23 BY THAT HI-POINT FIREARM.

24 Q AND YOU SAY THAT ONE WAS BULGED OUT?

25 A YES, MA'AM.

1 Q WHAT DOES THAT MEAN?

2 A YOU CAN SEE THAT THERE IS A LARGER CIRCUMFERENCE
3 AROUND -- JUST KIND OF DOWN FROM THE HEAD. THAT'S WHAT I
4 WAS TALKING ABOUT, THAT THIS FIREARM WOULD FIRE OUT OF
5 BATTERY MEANING THAT THIS CARTRIDGE CASE WAS MOST LIKELY
6 FIRED OUT OF BATTERY AT THE TIME IT WAS FIRED.

7 Q AND YOU FORMED AN OPINION ABOUT WHAT FIREARM FIRED
8 THAT?

9 A YES, MA'AM, I DID.

10 Q AND WHAT WAS THAT?

11 A THE HI-POINT THAT I RECEIVED IN THIS CASE.

12 Q THE 9-MILLIMETER?

13 A YES, MA'AM.

14 Q HOW ABOUT STATE'S EXHIBIT 129AM? ARE YOU ABLE TO
15 IDENTIFY THAT?

16 A AGAIN, THIS IS IN A -- STILL IN A SEALED CONTAINER
17 WITH MY INITIALS AND SEAL DATE. THIS WAS MY ITEM 52. IT
18 IS A FIRED 40 S AND W CALIBER CARTRIDGE CASE.

19 Q AND DOES THAT APPEAR TO BE THE SAME 40 S AND W
20 CARTRIDGE CASING OR ONE OF THEM THAT YOU ANALYZED IN THIS
21 PARTICULAR CASE?

22 A YES, IT IS.

23 Q IS IT ALTERED OR CHANGED IN ANY WAY FROM WHEN YOU DID
24 YOUR TESTING?

25 A NO, MA'AM, IT'S NOT.

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1 Q AND YOU PUT IT BACK IN THAT BAG?

2 A YES, MA'AM. AS I SAID, IT'S STILL SEALED WITH MY
3 INITIALS AND SEAL DATE.

4 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE
5 STATE'S EXHIBIT 129AM INTO EVIDENCE.

6 THE COURT: ANY OBJECTION TO 129AM?

7 MR. JOHNSON: OBJECTION BASED ON PREVIOUS MOTION,
8 YOUR HONOR.

9 THE COURT: OVERRULED.

10 (WHEREUPON, STATE'S EXHIBIT NO. 129AM WAS ADMITTED
11 INTO EVIDENCE.)

12 Q AND DID YOU FORM ANY OPINIONS ABOUT THAT PIECE OF
13 EVIDENCE?

14 A YES, MA'AM, I DID. I COMPARED THIS FIRED .40 CALIBER
15 CARTRIDGE CASE TO THE .40 CALIBER GLOCK THAT I RECEIVED IN
16 THIS CASE AND I CONCLUDED THAT I FOUND ENOUGH INDIVIDUAL
17 IDENTIFYING CHARACTERISTICS TO SAY THAT THIS CARTRIDGE
18 CASE WAS FIRED BY THE GLOCK .40 CALIBER THAT I RECEIVED IN
19 THIS CASE.

20 Q SUZANNE, CAN YOU PLEASE IDENTIFY STATE'S
21 EXHIBIT 130AM?

22 A AGAIN, THIS IS MY ITEM 55 AND IT'S STILL IN A SEALED
23 CONTAINER WITH MY INITIALS AND SEAL DATE, AND IT IS
24 SCRIBED WITH MY LAB NUMBER, MY ITEM NUMBER AND INITIALS.
25 AGAIN, IT IS A .40 CALIBER CARTRIDGE CASING.

1 Q AND HAS IT BEEN CHANGED OR ALTERED IN ANY WAY SINCE
2 YOU TESTED IT?

3 A NO, MA'AM, IT'S NOT.

4 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D OFFER
5 STATE'S EXHIBIT 130AM INTO EVIDENCE.

6 THE COURT: ANY OBJECTION?

7 MR. JOHNSON: OBJECTION BASED ON PREVIOUS MOTION,
8 YOUR HONOR.

9 THE COURT: OVERRULED.

10 (WHEREUPON, STATE'S EXHIBIT NO. 130AM WAS ADMITTED
11 INTO EVIDENCE.)

12 Q PLEASE EXPLAIN THE ANALYSIS YOU DID WITH THAT
13 PARTICULAR ITEM.

14 A AGAIN, I MICROSCOPICALLY COMPARED THIS .40 CALIBER
15 CARTRIDGE CASE TO THE TEST FIRES THAT I FIRED FROM THE
16 .40 CALIBER GLOCK THAT I RECEIVED IN THIS CASE AND
17 CONCLUDED THAT THIS .40 CALIBER CARTRIDGE CASE WAS ALSO
18 FIRED BY THE .40 CALIBER GLOCK THAT I RECEIVED.

19 Q SUZANNE, COULD YOU PLEASE IDENTIFY STATE'S
20 EXHIBIT 131AM?

21 A THIS IS MY ITEM 56, STILL IN A SEALED CONTAINER WITH
22 MY INITIALS AND SEAL DATE. IT IS ALSO A .40 CALIBER
23 CARTRIDGE CASE, FIRED CARTRIDGE CASE.

24 Q AND DOES IT APPEAR TO BE THE SAME .40 CALIBER
25 CARTRIDGE CASE THAT YOU ANALYZED IN THIS PARTICULAR CASE?

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1 A YES.

2 Q IN THIS PARTICULAR MATTER?

3 A YES, MA'AM, AND IT'S ALSO SCRIBED WITH MY LAB NUMBER,
4 MY ITEM NUMBER, AND MY INITIALS.

5 Q AND THERE ARE NO CHANGES OR ALTERATIONS THAT YOU CAN
6 OBSERVE?

7 A NO, MA'AM.

8 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE TO
9 ENTER STATE'S EXHIBIT 131AM.

10 THE COURT: ANY OBJECTION?

11 MR. JOHNSON: OBJECTION BASED ON THE PREVIOUS MOTION,
12 YOUR HONOR.

13 THE COURT: OVERRULED.

14 (WHEREUPON, STATE'S EXHIBIT NO. 131AM WAS ADMITTED
15 INTO EVIDENCE.)

16 Q WHAT WAS YOUR OPINION REGARDING THAT PARTICULAR PIECE
17 OF EVIDENCE, SUZANNE?

18 A AGAIN, WITH MY MICROSCOPIC EXAMINATION I CONCLUDED
19 THAT THIS .40 CALIBER CARTRIDGE CASE WAS ALSO FIRED BY THE
20 GLOCK .40 CALIBER THAT I RECEIVED IN THIS CASE.

21 Q STATE'S EXHIBIT 132AM.

22 A THIS WAS MY ITEM 57. AGAIN IT'S STILL IN A SEALED
23 CONTAINER, HEAT SEALED WITH MY INITIALS AND SEAL DATE AND
24 MARKED WITH MY LAB NUMBER, MY ITEM NUMBER AND MY INITIALS.
25 IT IS A .40 CALIBER FIRED CARTRIDGE CASE.

1 Q NO CHANGES OR ALTERATIONS OR ANYTHING OF THAT NATURE
2 SINCE YOU ANALYZED IT?

3 A NO, MA'AM.

4 MRS. YOUNG: YOUR HONOR, AT THIS TIME WE'D MOVE TO
5 ENTER STATE'S EXHIBIT 132AM INTO EVIDENCE.

6 THE COURT: ANY OBJECTION?

7 MR. JOHNSON: OBJECTION BASED ON PREVIOUS MOTION,
8 YOUR HONOR.

9 THE COURT: THANK YOU. OVERRULED.

10 (WHEREUPON, STATE'S EXHIBIT NO. 132AM WAS ADMITTED
11 INTO EVIDENCE.)

12 Q DESCRIBE YOUR ANALYSIS REGARDING THAT ITEM, SUZANNE.

13 A AGAIN, MY MICROSCOPIC COMPARISON BETWEEN THESE AND MY
14 TEST SPECIMENS FIRED BY THE GLOCK .40 CALIBER IN THIS CASE
15 I CONCLUDED THERE WERE ENOUGH INDIVIDUAL IDENTIFYING
16 CHARACTERISTICS TO SAY THAT THIS .40 CALIBER CARTRIDGE
17 CASE WAS ALSO FIRED BY THIS WEAPON.

18 Q SUZANNE, COULD YOU PLEASE IDENTIFY STATE'S
19 EXHIBIT 133AM?

20 A 133AM IS MY ITEM 53. AGAIN IT'S ALSO -- IT'S STILL
21 IN A SEALED CONTAINER, HEAT SEALED WITH MY INITIALS AND
22 SEAL DATE. IT IS A .40 CALIBER FIRED CARTRIDGE CASE.

23 Q HAVE THERE BEEN ANY CHANGES OR ALTERATIONS THAT YOU
24 CAN OBSERVE SINCE YOU TESTED THAT?

25 A NO, MA'AM.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Doyet A. Early, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTONIO MILLER,

APPELLANT

APPELLATE CASE NO. 2012-208640

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 4th day of February, 2014.

Brandon Hall
Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 4th day of February, 2014.

Barley Reed (L.S.)
Notary Public for South Carolina

My Commission Expires: October 24, 2021

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FEB 04 2014
SC Court of Appeals