

VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Anderson County

R. Lawton McIntosh, Circuit Court Judge

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S.C. Supreme Court

JOHNNY EARL MAHAFFEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002650

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF ANDERSON)

STATE OF SOUTH CAROLINA,)
 PLAINTIFF,) TRANSCRIPT OF RECORD
 vs.) NO: 2006-GS-04-3508
)
JOHNNY EARL MAHAFFEY,)
 DEFENDANT.)

SEPTEMBER 4, 2007
ANDERSON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE J. C. NICHOLSON, JR, JUDGE; AND A JURY.

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Official Court Reporter

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1 Tuesday, September 4, 2007

2 (Whereupon, Court convened with all parties present,
3 when the following proceedings were had:)

4 THE COURT: Solicitor, you want to call your first
5 case, please?

6 MR. CAMPBELL: Your Honor, the state's ready in
7 indictment number 2006-GS-04-3508, State versus Johnny
8 Earl Mahaffey, count one, murder; two possession of a
9 weapon during the commission of a violent crime.

10 THE COURT: Ladies and gentlemen of the jury panel,
11 I'm going to ask certain questions. An indictment is not
12 evidence, not for your consideration. As received as a
13 members of the jury, it's merely the means by which the
14 defendant is brought before the Court for trial. In South
15 Carolina the law enforcement investigates crimes. If they
16 find a sufficient cause, they will issue a warrant and the
17 warrant is submitted to the solicitor's office. The
18 indictment prepared by the solicitor's office, the grand
19 jury returns a true bill or no bill. If a true bill is
20 returned, then the solicitor brings the defendant before
21 the Court by means of the indictment.

22 And in this case the defendant is charged, as the
23 solicitor said, count one, murder; and, two, possession of
24 a firearm during commission of a violent crime.

25 I'm going to ask you certain questions. The first

1 thing I'm going to do is call out a list of names. I'm
2 going to ask you the same question about each person.
3 Going to ask you if you know the individual, are you
4 related by blood or marriage, or if you're related to or
5 know the individual. If you know the person, please
6 stand.

7 The first person is Steve Reeves, Anderson County
8 Sheriff's Office. Anybody know Steve Reeves or have any
9 contact with Steve Reeves? Please stand.

10 PROSPECTIVE JUROR: Gloria Estridge, number 46.

11 THE COURT: Okay Ms. Estridge, how do you know
12 Mr. Reeves?

13 PROSPECTIVE JUROR: I was a para professional in
14 district three with his wife. I was a para professional
15 with his wife in district three.

16 THE COURT: How long ago was this?

17 PROSPECTIVE JUROR: Past three years.

18 THE COURT: Are you working with her now?

19 PROSPECTIVE JUROR: No, sir, I retired. I retired
20 July first.

21 THE COURT: How often did you see her? Every day?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Were you close friends?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Did you know her husband, Mr. Reeves?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: All right. Would you come forward,
3 please, Miss Estridge? The attorneys can join me up here.

4 (Prospective juror approaches bench.)

5 Miss Reeves, sort of turn this way a little bit so
6 she can hear what you're saying. I'm going to ask you
7 some questions. How are you doing today?

8 PROSPECTIVE JUROR: I'm fine. Thank you.

9 THE COURT: Tell me about your relationship with
10 Mrs. Reeves, how close was it?

11 PROSPECTIVE JUROR: I was in her classroom. I taught
12 reading and vocabulary in her classroom to all her
13 students.

14 THE COURT: You did this how many, three years?

15 PROSPECTIVE JUROR: Three years. Yes, sir.

16 THE COURT: You have any association or do anything
17 with her outside of that?

18 PROSPECTIVE JUROR: Yes, sir. We sometimes had
19 dinner together.

20 THE COURT: Did you have dinner -- are you married?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: Did you and your husband, Mr. Reeves?

23 PROSPECTIVE JUROR: All the teachers, Yes, sir. I
24 was a para professional for seven teachers.

25 THE COURT: Often did you do this?

1 PROSPECTIVE JUROR: We did it at Christmas time.

2 THE COURT: Any other time?

3 PROSPECTIVE JUROR: At the end of the school year,
4 sometimes we had a --

5 THE COURT: Did you ever see Mrs. Reeves any other
6 time outside a work setting.

7 PROSPECTIVE JUROR: Only at those dinners.

8 THE COURT: Let me ask you this. Assuming Mr. Steve
9 Reeves will testify, what effect would that have on you if
10 you should be chosen to sit on this jury?

11 PROSPECTIVE JUROR: I would think that he would tell
12 the truth.

13 THE COURT: How would that affect you sitting on the
14 jury?

15 PROSPECTIVE JUROR: I would probably agree with what
16 he was asking.

17 THE COURT: You believe him over someone else?

18 PROSPECTIVE JUROR: Yes, sir. With what I know of
19 him.

20 THE COURT: Any questions from the state? Any
21 motions?

22 MR. WHITE: Move to excuse.

23 THE COURT: What's your position?

24 MR. CAMPBELL: I think she's fine.

25 THE COURT: She said -- Cathy, I'm going to excuse 46

1 from the trial.

2 (Prospective juror approaches bench.)

3 Yes, ma'am? Your name?

4 PROSPECTIVE JUROR: Sheila Flowers.

5 THE COURT: How do you know, Mr. Reeves?

6 PROSPECTIVE JUROR: He was a classmate of one of my
7 children. It's probably been 20 years.

8 THE COURT: Classmate with you?

9 PROSPECTIVE JUROR: No, one of my children.

10 THE COURT: Twenty years ago?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: You're going to tell your age here
13 shortly, huh? Have you seen him in the last 20 years?

14 PROSPECTIVE JUROR: Once or twice.

15 THE COURT: Once in a while, where do you see him?

16 PROSPECTIVE JUROR: Just on occasion, on the street
17 or whatever.

18 THE COURT: Would that affect you in any manner
19 sitting on this jury?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: Can you be fair to both the state and
22 defendant?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Can you base your decision on the
25 testimony you hear in the courtroom?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: All right. The next name is John
3 Williams of the Anderson County Sheriff's Office.
4 (Prospective witness stands). Is anybody related by blood
5 or marriage, does anybody know John Williams or had any
6 contact with John Williams, please stand? Yes, ma'am,
7 your name?

8 PROSPECTIVE JUROR: Jenny Poore, 132.

9 THE COURT: Mrs. Poore, how do you know Mr. Williams?

10 PROSPECTIVE JUROR: I went to high school with him.

11 THE COURT: Have you seen him since high school?

12 PROSPECTIVE JUROR: Once or twice here.

13 THE COURT: Were you in the same grade?

14 PROSPECTIVE JUROR: No. He was a year older.

15 THE COURT: You seen him once or twice since then?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Where did you see him?

18 PROSPECTIVE JUROR: We have mutual friends. I don't
19 stay in contact with him.

20 THE COURT: Do you see him in passing?

21 PROSPECTIVE JUROR: Yes, sir, passing. Yes, sir.

22 THE COURT: Would that affect you in any way sitting
23 on this jury?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Can you be fair to both the state and the

1 defendant?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: What did you say? Yes or no?

4 PROSPECTIVE JUROR: I would be fair.

5 THE COURT: Can you be fair to both the state and
6 defendant?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: What did you say?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Thank you very much. Can you base your
11 decision on the testimony you hear in the courtroom?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: Thank you very much, Mrs. Poore.

14 The next name is Corporal Mark Perry of the South
15 Carolina Highway Patrol. Does anybody know Mark Perry or
16 anybody related by blood or marriage to Mark Perry? If
17 so, please stand.

18 PROSPECTIVE JUROR: John Upton, T13.

19 THE CLERK: Transfer number 13, Mr. Upton.

20 THE COURT: Yes, sir, Mr. Upton? How do you know
21 Officer Perry?

22 PROSPECTIVE JUROR: From Mark and Martin Auctioneers
23 through a mutual friend.

24 THE COURT: How long ago?

25 PROSPECTIVE JUROR: Probably a year.

1 THE COURT: Have you seen him since then?

2 PROSPECTIVE JUROR: No, sir.

3 THE COURT: You classify him as a friend or
4 acquaintance?

5 PROSPECTIVE JUROR: Acquaintance.

6 THE WITNESS: Would that cause you any problem with
7 sitting on this jury, assuming he will testify?

8 PROSPECTIVE JUROR: None.

9 THE COURT: Can you base your decision on the
10 testimony you hear in the courtroom?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Thank you, Mr. Upton.

13 The next name is Greg Shore, Anderson County coroner.
14 Anybody related by blood or marriage or does anybody know
15 Greg Shore? If so, please stand.

16 The next name is Lieutenant Chris Scott, Anderson
17 County Sheriff's Office. Does anybody know Chris Scott?
18 Is anybody related by blood or marriage or had any contact
19 with Chris Scott? If so, please stand. The next name is
20 Mark Patterson, Anderson County Sheriff's Office. Does
21 anybody know Mark Patterson? Is anybody related by blood
22 or marriage? If so, please stand.

23 The next name is Detective Roger Malone, Anderson
24 County Sheriff's Office. (Prospective witness stands.)
25 thank you Detective Malone. Anybody know Roger Malone?

1 Is anybody related by blood or marriage? If so, please
2 stand.

3 The next name is Jim Bolt, retired from South
4 Carolina Highway Patrol. Does anybody know Jim Bolt? Is
5 anybody related by blood or marriage to Jim Bolt? If so,
6 please stand. Yes, sir, your name?

7 PROSPECTIVE JUROR: Jim Graham.

8 THE CLERK: Juror number 58.

9 THE COURT: Yes? How do you know Mr. Bolt?

10 PROSPECTIVE JUROR: We went to church with his
11 grandfather. And when he was a small boy he used to be
12 our neighbor.

13 THE COURT: How long ago was this?

14 PROSPECTIVE JUROR: Oh, that's been 28 years ago.

15 THE COURT: Do you see him on a regular basis now?

16 PROSPECTIVE JUROR: No, sir, I do not.

17 THE COURT: Have you seen him?

18 PROSPECTIVE JUROR: I can't remember the last time I
19 saw him. I think he pulled me over one day.

20 THE COURT: Did he recognize you?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: He did?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: You don't have any bias or prejudice
25 against him for pulling you over, do you?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: Can you be fair and impartial to both the
3 state and defendant?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Thank you, Mr. Graham.

6 Your name?

7 PROSPECTIVE JUROR: Linda Clark, 26. Mr. Bolt was an
8 employee at Anderson County University before he joined
9 the highway patrol. I think he had been a member once
10 before, left, went to work at Anderson University. He
11 left and went back.

12 THE COURT: What did he do at Anderson University?

13 PROSPECTIVE JUROR: He was in the computer area.

14 THE COURT: You knew him then?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: How long ago was this?

17 PROSPECTIVE JUROR: I would say about seven or eight
18 years ago.

19 THE COURT: Have you seen him since?

20 PROSPECTIVE JUROR: No.

21 THE COURT: You have any bias or prejudice for or
22 against him as a result of your experience?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: Can you be fair to both the state and
25 defendant?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Can you base your decision on the
3 testimony you hear here in the courtroom?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Thank you, Miss Clark.

6 The next name, Lieutenant Billy Looper of the
7 Anderson County Sheriff's Office. (Prospective witness
8 stands.) Thank you very much.

9 Is anybody related by blood or marriage to Billy
10 Looper? Does anybody know Billy Looper? If so, please
11 stand.

12 The next name is Mike Williams, Anderson County
13 Sheriff's Office. Does anybody know Mike Williams?
14 Anybody related by blood or marriage to Mike Williams? If
15 so, please stand.

16 The next name is Rusty Scroggins, Anderson County
17 Sheriff's Office. Does anybody know Rusty Scroggins?
18 Anybody related by blood or marriage? If so, please
19 stand. The next name is Donnie Blassingame, Anderson
20 County Sheriff's Office. Is anybody related by blood or
21 marriage or anybody know Donnie Blassingame? If so,
22 please stand.

23 The next name is Skyler Andrews, standing to your
24 right. Does anybody know Skyler Andrews or anybody
25 related by blood or marriage to Skyler Andrews? If so,

1 please stand. The next name is Jamie Mahaffey. (Stands.)
2 She's standing to your right. Thank you Miss Mahaffey.
3 Anybody know Jamie Mahaffey or anybody related by blood or
4 marriage? If so, please stand.

5 The next name is Ixa Cox, (stands) standing to your
6 right, in the back. Thank you, Miss Cox. Anybody related
7 by blood or marriage to Ixa Cox? Or does anybody know
8 Miss Cox? If so, please stand. Next name is Todd Owens,
9 Anderson County Sheriff's Office. Is anybody related by
10 blood or marriage to Todd Owens or does anybody know Todd
11 Owens? If so, please stand. Next name is Todd Caron.
12 Anybody know Todd Caron or anybody related by blood or
13 marriage? Next name, Johnny Getsinger. Anybody related
14 by blood or marriage?

15 (Prospective juror stands.)

16 Yes, ma'am, your name?

17 PROSPECTIVE JUROR: 129, Juanita Bell. He's my first
18 cousin.

19 THE COURT: Do you want to come around?

20 (Prospective juror approaches bench.)

21 If you would stand this way, I'm going to ask you
22 some questions. Johnny Getsinger is your first cousin?

23 PROSPECTIVE JUROR: Uh-huh.

24 THE COURT: On your mother's side?

25 PROSPECTIVE JUROR: My mother's.

1 THE COURT: How often do you see him?

2 PROSPECTIVE JUROR: Well, he just lives not too far
3 from me. I see him kind of regular.

4 THE COURT: Do you see him every day?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Once or twice a week?

7 PROSPECTIVE JUROR: No. About once a month,
8 something like that.

9 THE COURT: Do you see him ride by? You all talk or
10 communicate?

11 PROSPECTIVE JUROR: If I see him out eating, we talk;
12 but other than that --

13 THE COURT: Other than that, you don't see him very
14 often?

15 PROSPECTIVE JUROR: Huh-uh.

16 THE COURT: You have family functions or family
17 affairs?

18 PROSPECTIVE JUROR: Yeah. We have like a family
19 reunion once a year.

20 THE COURT: Does he come to that?

21 PROSPECTIVE JUROR: Uh-huh.

22 THE COURT: Do you think you're close to him or not?

23 PROSPECTIVE JUROR: We're all close. I mean, if he
24 needs me, I'm there. If I need him, he's there.

25 THE COURT: Has he ever talked to you or explained to

1 you about his job, what he does?

2 PROSPECTIVE JUROR: No.

3 THE COURT: You ever talked to him at all about his
4 job?

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: Any conversations?

7 PROSPECTIVE JUROR: About his job, No, sir.

8 THE COURT: Assuming he was to testify -- I don't
9 know whether he will or not -- but if he was to testify,
10 how would that affect your ability to sit on the jury?

11 PROSPECTIVE JUROR: I would think nothing.

12 THE COURT: Why not?

13 PROSPECTIVE JUROR: Well, I mean, I really don't
14 know.

15 THE COURT: Well, I'm trying to determine whether or
16 not your relationship with your cousin would interfere
17 with you being fair on the jury.

18 PROSPECTIVE JUROR: No, huh-uh. I'd be fair.

19 THE COURT: You don't think you would tend to believe
20 everything your cousin said over what somebody else said?

21 PROSPECTIVE JUROR: Well, I don't know. I wouldn't
22 say -- I don't know.

23 THE COURT: Most people would.

24 PROSPECTIVE JUROR: We would. It all depends on who
25 the other person was, you know. I always felt like he was

1 honest, you know.

2 THE COURT: I'm not trying to criticize you, because
3 it's human nature to believe friends over non-friends.
4 There's nothing wrong with that. I'm just trying to
5 determine how would it affect you.

6 PROSPECTIVE JUROR: Well, I feel like I would believe
7 him, because I've never known him to lie.

8 THE COURT: Any questions from the state? Ms. White
9 any questions?

10 MR. WHITE: No, sir.

11 THE COURT: You got any questions?

12 MR. CAMPBELL: No, sir.

13 THE COURT: You may have a seat. Thank you. Any
14 motions?

15 MS. WHITE: Move to excuse.

16 MR. CAMPBELL: I thought she said she could be fair,
17 but she's waffling.

18 THE COURT: I'm going to excuse her.

19 THE CLERK: Yes, your Honor.

20 THE COURT: Yes, sir, your name?

21 PROSPECTIVE JUROR: Austin Ray Johnson, number 82.

22 THE COURT: Mr. Johnson, how do you know
23 Mr. Getsinger?

24 PROSPECTIVE JUROR: About nine years ago I worked
25 with him at White Jones.

1 THE COURT: You worked with him at White Jones?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Do you want to come around. I'm going to
4 bring you up here so you can hear me.

5 You worked with him at White Jones?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: How long ago?

8 PROSPECTIVE JUROR: Nine years ago.

9 THE COURT: How long did you work with him.

10 PROSPECTIVE JUROR: About eight months.

11 THE COURT: No contact with him since then?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: You think that would have any affect with
14 you sitting on this jury?

15 PROSPECTIVE JUROR: No, sir.

16 THE COURT: Not at all?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: Because of your prior relationship
19 working with him?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Do you have any bias or prejudice against
22 him because of your work?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: You think you can be fair to both the
25 state and defendant?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Would you be able to base your decision
3 on the testimony you hear in the courtroom.

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Any questions from the state?

6 MR. CAMPBELL: No, sir.

7 THE COURT: Defense?

8 MR. WHITE: No, sir.

9 MR. GAMBLE: (Shakes head from side to side.)

10 THE COURT: Next name is Alan Logan. Is anybody
11 related by blood or marriage or know Mr. Alan Logan? If
12 so, please stand. I believe he's employed with Wal-Mart.
13 One person on the jury worked at Wal-Mart.

14 (Prospective juror raises hand.)

15 Do you know Mr. Logan?

16 (Prospective juror shakes head from side to side.)

17 Thank you very much. The next name is Dr. Brett
18 Woodard, a pathologist here in Anderson. Does anybody
19 know Dr. Brett Woodard or anybody related by blood or
20 marriage to Dr. Brett Woodard? If so, please stand.
21 Normally I'd ask if you have ever been treated by the
22 doctor. In this particular situation that wouldn't be
23 appropriate.

24 Yes, ma'am. Your name?

25 PROSPECTIVE JUROR: Kristen Caron, juror number 21.

1 THE COURT: Yes, ma'am. How do you know him?

2 PROSPECTIVE JUROR: My attorney and I did estate
3 administration for his mother.

4 THE COURT: How long ago?

5 PROSPECTIVE JUROR: Two years ago, three years ago.

6 THE COURT: Was he involved in it?

7 PROSPECTIVE JUROR: Yes. He was the personal
8 representative.

9 THE COURT: Would that affect you in any manner
10 whatsoever sitting on this jury?

11 PROSPECTIVE JUROR: No, sir.

12 THE COURT: Can you set that aside?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: Base your decision on the testimony you
15 hear in the courtroom?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Thank you, Ms. Caron. The next name is
18 Chad Puckhaber, Anderson County Sheriff's Office. Anybody
19 related by blood or marriage or anybody know Chad
20 Puckhaber? If so, please stand.

21 Next name is Stan --

22 THE CLERK: Ms. Gaines, I believe is standing, your
23 Honor.

24 THE COURT: Fifty-three?

25 THE CLERK: Number 53, Shirley Gaines.

1 PROSPECTIVE JUROR: I work with his wife and I've met
2 him.

3 THE COURT: You work with her now?

4 PROSPECTIVE JUROR: No, a year ago.

5 THE COURT: How long ago? A year?

6 PROSPECTIVE JUROR: One year.

7 THE COURT: How long did you work with her?

8 PROSPECTIVE JUROR: About six months.

9 THE COURT: Did you know her husband, Mr. Puckhaber?
10 You ever see him?

11 PROSPECTIVE JUROR: I met him on one occasion.

12 THE COURT: What was the occasion?

13 PROSPECTIVE JUROR: He was in our office.

14 THE COURT: That's the only time that you saw him?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: All right. Ms. Gaines, would that cause
17 you any difficulty sitting on this jury?

18 PROSPECTIVE JUROR: No, sir.

19 THE COURT: Can you be fair to both the state and
20 defendant?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Can you base your decision on testimony
23 you hear in the courtroom --

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: -- Miss Gaines?

1 The next name is Stan Ashley, Anderson County
2 Sheriff's Office. Anybody know Stan Ashley? Anybody
3 related by blood or marriage? If so, please stand. Next
4 name is Tommy Clamp, Anderson County Sheriff's Office.
5 Anybody know Tommy Clamp? Anybody related by blood or
6 marriage? I guess I should say when "marriage," past or
7 present marriages. One juror did not want to reveal she
8 was divorced from a witness. I'm talking about past
9 marriages, also.

10 Yes, sir, your name?

11 PROSPECTIVE JUROR: Terry Roger, 150.

12 THE COURT: Yes, sir, Mr. Roger?

13 PROSPECTIVE JUROR: Tommy and I used to go to church
14 together. I've known him since he was a teenager.

15 THE COURT: How long ago?

16 PROSPECTIVE JUROR: About a year ago.

17 THE COURT: About a year. You seen him in the past
18 year?

19 PROSPECTIVE JUROR: Just in passing, I spoke with him
20 this morning.

21 THE COURT: Have you seen him any other place in the
22 last year?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: So how long did you all go to church
25 together?

1 PROSPECTIVE JUROR: A little over a year.

2 THE COURT: A little over a year?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Do you classify him as a friend,
5 acquaintance at church, or you see him at any other place?

6 PROSPECTIVE JUROR: A friend.

7 THE COURT: Do you see him outside the church?

8 PROSPECTIVE JUROR: Not on a regular basis. I run
9 into him occasionally.

10 THE COURT: Would that cause you any difficulty
11 sitting on this jury?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: Can you set that relationship aside, be
14 fair to both the state and defendant?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: Can you base your decision on the
17 testimony you hear in the courtroom?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Thank you, Mr. Rogers. The next name is
20 Michael Sloan, Anderson County Sheriff's Office. Does
21 anybody know Michael Sloan? Is anybody related by blood
22 or marriage to Michael Sloan? If so, please stand.

23 The next name is Natalie Erdosy, works for Sprint.
24 Where is she from, solicitor?

25 MR. CAMPBELL: Washington D.C.

1 THE COURT: Does anybody know Natalie Erdossy,
2 E-R-D-O-S-S-Y? Anybody related by blood or marriage? If
3 so, please stand.

4 Next name is Tim Grambow, G-R-A-M-B-O-W, he works at
5 SLED, a toxicologist. Anybody related by blood or
6 marriage, anybody know Tim Grambow? If so, please stand.
7 The next name is John Henry Gambrell, Jr. Anybody related
8 by blood or marriage or know John Henry Gambrell. Anybody
9 know Bill Vaughn, related by blood or marriage to Bill
10 Vaughn? If so, please stand.

11 Next name is Debra Shirley. (Stands.) Debra Shirley
12 is standing to your right. Sort of middle back. Does
13 anybody know Debra Shirley? Anybody related by blood or
14 marriage? If so, please stand.

15 Next name is Ricky Ivey. Does anybody know Ricky
16 Ivey? Is anybody related by blood or marriage? She's not
17 here -- or he's not here. I don't want anybody to get a
18 crick in their neck if they're not here. Anybody know
19 Ricky Ivey? Anybody related by blood or marriage? If so,
20 please stand.

21 The next name is Susan Cromer, works at SLED, South
22 Carolina Law Enforcement, firearms division.

23 PROSPECTIVE JUROR: I went to school with Susan
24 Cromer.

25 THE COURT: What's your number?

1 PROSPECTIVE JUROR: Seventy-nine, Nancy Holiday.

2 THE CLERK: Seventy-nine, Miss Holiday, your Honor.

3 THE COURT: How do you know Miss Cromer?

4 PROSPECTIVE JUROR: I went to school with a Susan
5 Cromer.

6 THE COURT: Do you want to come around.

7 (Prospective juror approaches bench.)

8 You did what?

9 PROSPECTIVE JUROR: I went to high school with her.

10 THE COURT: Where did you go to high school?

11 PROSPECTIVE JUROR: Palmetto.

12 THE COURT: So, she's from Anderson?

13 PROSPECTIVE JUROR: (Nods head up and down.)

14 THE COURT: Have you seen her since she went to SLED?

15 PROSPECTIVE JUROR: No. I don't think it's the same
16 one, though.

17 MR. CAMPBELL: I don't know where she's from. She
18 graduated from Clemson, has been in Columbia since. Has
19 two children.

20 THE COURT: How long ago did you graduate?

21 PROSPECTIVE JUROR: Eighty-seven.

22 THE COURT: She graduated in 1987. When did she
23 finish Clemson?

24 MR. CAMPBELL: She's been at SLED nine years, so.

25 PROSPECTIVE JUROR: The last time I seen her she was

1 coming out of psychology.

2 THE COURT: Susann Cromer finished Clemson in '98.
3 You don't think it's the same one?

4 PROSPECTIVE JUROR: No. But I want you to know when
5 you called, I did not realize he was the investigator on
6 my daughter's car was stolen.

7 THE COURT: When was this?

8 PROSPECTIVE JUROR: About three months ago.

9 THE COURT: Was anyone ever arrested?

10 PROSPECTIVE JUROR: Stolen Greenville County,
11 investigation was between Anderson County and Greenville
12 County. They did find the car.

13 THE COURT: Where did they find the car?

14 PROSPECTIVE JUROR: Greenville County.

15 THE COURT: Your daughter is not pleased with
16 Anderson County?

17 PROSPECTIVE JUROR: Not in that situation, no.

18 THE COURT: They didn't do a good --

19 PROSPECTIVE JUROR: Told us the VIN number was in the
20 system, and it took law enforcement from Greenville County
21 come to Anderson County to check the system.

22 THE COURT: Let me ask you, you probably learned all
23 the witnesses called were primarily from Anderson County
24 Sheriff's Office; how would that affect you?

25 PROSPECTIVE JUROR: I don't have a problem with the

1 Sheriff's Department -- supposed to have done the work, he
2 didn't do it.

3 THE COURT: How would that affect you sitting on this
4 jury?

5 PROSPECTIVE JUROR: I don't know. I cannot say.

6 THE COURT: You're not sure?

7 PROSPECTIVE JUROR: I don't think it would have a
8 difference. Because, like I said, it was my daughter's
9 car. My daughter was a grown woman.

10 THE COURT: Irritated you?

11 PROSPECTIVE JUROR: It irritated me, the procedure
12 they follow.

13 THE COURT: Lot of times something happens to kids,
14 it's more irritating than when it happens to you. You can
15 take it when it happens to you. But when it happens to
16 your kid --

17 PROSPECTIVE JUROR: Yeah. I was pretty irritated,
18 but I was told I was not a legal person in that matter.

19 THE COURT: Well, what I'm trying to find out, will
20 that affect you sitting on this jury?

21 PROSPECTIVE JUROR: I don't think it will, honestly
22 don't.

23 THE COURT: I'm assuming --

24 PROSPECTIVE JUROR: I was not pleased with his
25 actions, the way he spoke to me over the phone. Like I

1 said, I don't know either way. First time I ever heard
2 the man's name, been in contact with him.

3 THE COURT: Any questions from the state?

4 MR. CAMPBELL: No.

5 MR. WHITE: Could she be fair and impartial to both
6 sides?

7 THE COURT: You have any questions?

8 MR. CAMPBELL: No.

9 THE COURT: Do you have any questions?

10 MR. WHITE: I'd like to know could she be impartial.

11 PROSPECTIVE JUROR: Yeah.

12 THE COURT: Could you listen to someone's testimony
13 and weigh the testimony along with everyone else's, be fair
14 and impartial to both the state and defense?

15 PROSPECTIVE JUROR: I could.

16 MR. CAMPBELL: In that situation, state moves for
17 cause.

18 THE COURT: What number was she?

19 THE CLERK: Seventy-nine.

20 THE COURT: The next name is Ila Simmons, works for
21 South Carolina Law Enforcement, trace evidence section.
22 Anybody know Ila Simmons? Anybody related by blood or
23 marriage? Please stand.

24 The next name is Ken Blakely, Anderson County
25 Sheriff's Office. Anybody related by blood or marriage to

1 Ken Blakely? Anybody know Ken Blakely? If so, please
2 stand.

3 The next name is Captain Tommy Williams, Anderson
4 County Sheriff's Office. Anybody know Tommy Williams?
5 Related by blood or marriage? If so, please stand.

6 Yes, sir, your name?

7 PROSPECTIVE JUROR: Don Burns, number T04.

8 THE CLERK: Transfer number four, Mr. Burns.

9 THE COURT: Yes, sir, Mr. Burns?

10 PROSPECTIVE JUROR: I'm just an acquaintance or a
11 friend you can say with Tommy Williams. We live in the
12 same area. We went to church together.

13 THE COURT: Do you still go to church together?

14 PROSPECTIVE JUROR: No, sir. We both changed church
15 I guess about six months ago.

16 THE COURT: Both left that church?

17 PROSPECTIVE JUROR: Pardon me?

18 THE COURT: Both left that church?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: How often do you see him?

21 PROSPECTIVE JUROR: Sometimes once a week in the road
22 throw hand a up; or, you know, local community cookout,
23 that type of stuff, we get together.

24 THE COURT: Would that cause you any difficulty
25 sitting on this jury, assuming he will testify?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: Can you be fair to both the state and
3 defendant?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Can you base your decision on the
6 testimony you hear in the courtroom?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Thank you, Mr. Burns.

9 The next name Captain Gary Bryant, Anderson County
10 Sheriff's Office, detention center. Anybody know Gary
11 Bryant? Anybody related by blood or marriage to Gary
12 Bryant? If so, please stand.

13 Next name Matthew West, Anderson County Sheriff's
14 Office. Anybody related to Matthew West, related by blood
15 or marriage to Matthew West? Next name Robert Gay,
16 Anderson County Sheriff's Office. Anybody know Robert
17 Gay, related by blood or marriage to Robert Gay? If so,
18 please stand.

19 All right. The next name is Johnny Earl Mahaffey.
20 Mr. Mahaffey, would you stand, face the jury please.
21 (Defendant complies.)

22 Thank you, Mr. Mahaffey.

23 Anybody related by blood or marriage to Johnny Earl
24 Mahaffey? Anybody know Johnny Earl Mahaffey? If so,
25 please stand.

1 MR. CAMPBELL: My name is Rame Campbell the assistant
2 solicitor here in Anderson County. I work for the
3 solicitor, Chrissy Adams. Formerly in law practice with
4 the law firm Epps and Nelson.

5 THE COURT: Anybody represented by Mr. Campbell in
6 the past or know Mr. Campbell, personal friend with
7 Mr. Campbell or the solicitor? Please stand.

8 Mr. Gamble.

9 MR. GAMBLE: Robert Gamble, I've practiced here for
10 41 years.

11 THE COURT: Thank you, sir. Anybody been represented
12 by Mr. Gamble in the past or presently being represented
13 by Mr. Gamble? Personal friend with Mr. Gamble? If so,
14 please stand.

15 (Prospective juror stands.)

16 Yes, sir? Your name?

17 PROSPECTIVE JUROR 141: Mike Ramsey.

18 Yes, sir, Mr. Ramsey. How do you know Mr. Gamble?

19 PROSPECTIVE JUROR: Mutual acquaintance. Mutual
20 friend.

21 THE COURT: What?

22 PROSPECTIVE JUROR: Mutual friends.

23 THE COURT: A mutual friend?

24 PROSPECTIVE JUROR: Yeah.

25 THE COURT: Is he a friend or who is the mutual?

1 PROSPECTIVE JUROR: Big Al is a mutual friend.

2 THE COURT: Know him through someone else?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Don't know him personally?

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: Do you have any bias or prejudice towards
7 him because of your mutual friendship?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: Who is the mutual friend?

10 PROSPECTIVE JUROR: Dick Alan.

11 THE COURT: Dick Adams?

12 PROSPECTIVE JUROR: Allen.

13 THE COURT: You never met Mr. Gamble personally?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: You have? When did you meet him?

16 PROSPECTIVE JUROR: Several years ago.

17 THE COURT: Where?

18 PROSPECTIVE JUROR: In a restaurant.

19 THE COURT: Do you want to come around, Mr. Ramsey?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: All right. Tell me how you know him.

22 PROSPECTIVE JUROR: Uptown.

23 THE COURT: Is that where you seen him, met him?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: How would that affect you sitting on this

1 jury?

2 PROSPECTIVE JUROR: None.

3 THE COURT: Wouldn't have any effect at all?

4 PROSPECTIVE JUROR: (Shakes head from side to side.)

5 THE COURT: How often do you see him at the Uptown?

6 PROSPECTIVE JUROR: Oh, twice a month.

7 THE COURT: Twice a month?

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: You go there on a regular basis?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Does he come on a regular basis?

12 PROSPECTIVE JUROR: Not as regular as me.

13 THE COURT: Drink beer together?

14 PROSPECTIVE JUROR: Occasionally.

15 THE COURT: Do you know what he drinks?

16 PROSPECTIVE JUROR: Scotch.

17 THE COURT: You drink beer?

18 PROSPECTIVE JUROR: (Nods head up and down.)

19 THE COURT: How would that affect you sitting on this

20 jury?

21 PROSPECTIVE JUROR: It wouldn't.

22 THE COURT: Why?

23 PROSPECTIVE JUROR: I try to be honest. I was trying
24 to tiptoe around.

25 THE COURT: I understand tiptoeing. Why I called you

1 up here. I don't see why you're tiptoeing.

2 PROSPECTIVE JUROR: I didn't want to embarrass him.

3 THE COURT: I understand. Well, let's assume you are
4 on this jury. How would that affect you having to go back
5 and watch him drink beer?

6 PROSPECTIVE JUROR: I don't think it would.

7 THE COURT: Doesn't cause you any difficulty?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Can you be fair to both the state and
10 defendant?

11 PROSPECTIVE JUROR: Yes.

12 MR. CAMPBELL: You ever talk about his type of work?

13 PROSPECTIVE JUROR: Well, I know what he does.

14 MR. CAMPBELL: Can you be fair and impartial to the
15 state?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: And the defendant?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Mr. Ramsey, thank you very much. Have a
20 seat.

21 MR. CAMPBELL: I move to strike for cause.

22 THE COURT: Your position?

23 MR. GAMBLE: I don't have one. I just see him. My
24 wife plays games with her sisters.

25 MR. WHITE: Said he could be fair and impartial.

1 THE COURT: I'm going to deny your motion.

2 MR. CAMPBELL: He knew what he drank.

3 MR. GAMBLE: Didn't know what brand cigarette I
4 smoke.

5 THE COURT: Yes, sir, your name?

6 PROSPECTIVE JUROR: Barry Holcombe, number 74.

7 THE COURT: Mr. Holcombe, do you want to come around
8 since we're all up here?

9 PROSPECTIVE JUROR: He's a neighbor, three or four
10 houses down.

11 THE COURT: Do you speak to him?

12 MR. WHITE: While he's up here, we go to the same
13 church.

14 PROSPECTIVE JUROR: Also the same home room.

15 THE COURT: She was in your Sunday school class?

16 PROSPECTIVE JUROR: Yes. If you want to look at it
17 that way.

18 THE COURT: Haven't seen her in a few years?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: You leave or she leave?

21 PROSPECTIVE JUROR: Disbanded.

22 THE COURT: Any questions?

23 MR. CAMPBELL: Move to strike for cause. Just one of
24 you, fine; but both of you.

25 MR. WHITE: Can we place our objection on the record?

1 THE COURT: You just did.

2 MR. WHITE: Thank you.

3 THE COURT: All right. Mrs. White, stand and
4 introduce yourself, please.

5 MS. WHITE: I'm Druanne White. I run the Druanne
6 White law firm.

7 THE COURT: Anybody represented by Mrs. White, either
8 presently or in the past? If so, please stand.

9 Yes, ma'am, your name?

10 PROSPECTIVE JUROR: I'm Donna Rachels, number 139.

11 THE COURT: Yes, ma'am, Ms. Rachels?

12 PROSPECTIVE JUROR: My first husband was killed by a
13 drunk driver and Ms. White worked for the solicitor's
14 office and handled the case against the drunk driver.

15 THE COURT: How long ago was that?

16 PROSPECTIVE JUROR: That's been 15 years ago.

17 THE COURT: Fifteen years ago?

18 PROSPECTIVE JUROR: (Nods head up and down.)

19 THE COURT: You have any bias or prejudice towards
20 Mrs. White as a result of that involvement?

21 PROSPECTIVE JUROR: No, sir.

22 THE COURT: Do you have any bias or prejudice towards
23 defendants in general?

24 PROSPECTIVE JUROR: No, sir.

25 THE COURT: Can you be fair to both the state --

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Base your decision on the testimony you
3 hear in the courtroom?

4 (Nods head up and down.)

5 Any members of the jury had a member of their family
6 or close friend represented by Ms. White while in the
7 solicitor's office?

8 (Prospective juror stands.)

9 Yes, ma'am, your name?

10 PROSPECTIVE JUROR: Sheila Roberts, 147.

11 THE COURT: Yes, ma'am, Miss Roberts.

12 PROSPECTIVE JUROR: Ms. White is currently
13 representing me in a custody case with my grandchild.

14 THE COURT: Representing you in a custody case?

15 PROSPECTIVE JUROR: (Nods head up and down.)

16 THE COURT: Thank you very much. Let me see the
17 attorneys up here.

18 (Bench conference held.)

19 Going to excuse her for cause. Cathy, number 47
20 excused for cause.

21 MR. WHITE: No objection.

22 THE COURT: Mr. Thomason, if you'll stand, introduce
23 yourself please, sir.

24 MR. THOMASON: Scott Thomason with the public
25 defender's office. I've been practicing about 20 years.

1 I practiced with my daddy, Glenn, until he died; and I
2 practiced with my sister for a while.

3 THE COURT: Thank you. Anybody related by Mr.
4 Thomason either presently or in the past? Please stand.

5 PROSPECTIVE JUROR: Tamara Cantron.

6 THE COURT: Hold on a second.

7 THE CLERK: Tamara Cantron, number 22.

8 THE COURT: All right, Ms. Cantron, who represented
9 you?

10 PROSPECTIVE JUROR: Mr. Thomason represented my
11 parents probably over 15 years ago. My parents drew up a
12 basic will over 15 years ago.

13 THE COURT: How long ago?

14 PROSPECTIVE JUROR: Over 15. It's been a while.

15 THE COURT: Over 15 years ago?

16 PROSPECTIVE JUROR: (Nods head up and down.)

17 THE COURT: Were you involved in the lawsuit --

18 PROSPECTIVE JUROR: No, it was --

19 THE COURT: -- or representation?

20 PROSPECTIVE JUROR: I was part of the will. I was a
21 family member, it was a basic will.

22 THE COURT: Do you have any bias or prejudice as a
23 result of that?

24 PROSPECTIVE JUROR: No, sir.

25 THE COURT: Can you be fair to both the state and

1 defendant in this case?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Base your decision on the testimony you
4 hear in the courtroom?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: Thank you, ma'am. Any members of the
7 jury been a victim of a crime of violence or a member of
8 your immediate family been a victim of a crime of
9 violence? If so, please stand.

10 Mr. Rogers, is that it?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What's your number?

13 PROSPECTIVE JUROR: 150.

14 THE COURT: Yes, sir, Mr. Rogers?

15 PROSPECTIVE JUROR: My father was killed
16 approximately 35 years ago.

17 THE COURT: Was it here in Anderson?

18 PROSPECTIVE JUROR: It was in Williamston.

19 THE COURT: Williamston?

20 PROSPECTIVE JUROR: Yeah.

21 THE COURT: How old were you at that time?

22 PROSPECTIVE JUROR: Sixteen.

23 THE COURT: Were you -- was anybody ever arrested as
24 a result of the killing?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: Was anybody ever prosecuted?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Were you involved in that?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: Were you involved in it at all?

6 PROSPECTIVE JUROR: No. I was at the trial but I was
7 not involved.

8 THE COURT: So you did sit through the trial?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Do you have any bias or prejudice towards
11 defendants in general as a result of that experience?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: Can you set that experience aside, be
14 fair to both the state and defendant?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: Can you base your decision on testimony
17 you hear in the courtroom?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Thank you, Mr. Rogers. Juror number 150.

20 All right. Any members of the jury panel heard
21 anything about this case, either in the past on newspaper,
22 TV, or at any other time? Anybody heard anything about
23 the case other than what I've told you today? If so,
24 please stand. Has anybody read anything about the case
25 that allegedly occurred on February 7, 2005, and the

1 victim is Ryan Cox? Anybody heard about it, anybody heard
2 anyone talking about it, other than what I've told you
3 today? Please stand.

4 THE CLERK: Ms. Roberts is standing.

5 THE COURT: Thank you, Miss Roberts. Anyone else?

6 All right. Any members of the jury panel formed or
7 expressed an opinion about any issue or matter involved in
8 this case? If so, please stand.

9 Is any member of the jury panel aware of any bias or
10 prejudice towards either the state or defendant in this
11 case? If so, please stand. Is any members of the jury
12 panel who is a member of or contributor to any group which
13 has as it's primary concern the promotion of law
14 enforcement or victims rights, include MADD; SADD; CAVE,
15 Citizens Against Violent Crime; or CADRE? If so, please
16 stand.

17 PROSPECTIVE JUROR: Could you repeat that?

18 THE COURT: Any members of the jury panel a member of
19 a group that has as its primarily concern the promotion of
20 law enforcement or victims rights? That includes but not
21 limited to MADD, SADD, or CAVE, or CADRE? If so, please
22 stand.

23 Yes, ma'am, your name?

24 PROSPECTIVE JUROR: Donna Rachels, number 139.

25 THE COURT: Number what?

1 PROSPECTIVE JUROR: 139.

2 THE COURT: Yes, ma'am, Ms. Rachels?

3 PROSPECTIVE JUROR: I'm a member of MADD.

4 THE COURT: You're a member of MADD? How long you
5 been a member of MADD?

6 PROSPECTIVE JUROR: Fifteen years.

7 THE COURT: Do you contribute? How much money do you
8 contribute toward it?

9 PROSPECTIVE JUROR: Maybe \$150 a year.

10 THE COURT: Can I see you up here, Miss Rachels?

11 (Prospective juror steps forward.)

12 How you doing? Your husband was killed by a drunk
13 driver about 15 years ago?

14 PROSPECTIVE JUROR: (Nods head up and down.)

15 THE COURT: You've been a member of MADD since --

16 PROSPECTIVE JUROR: (Nods head up and down.)

17 THE COURT: -- is that correct? You participate
18 other than give money every year?

19 PROSPECTIVE JUROR: I did when Anderson had their
20 chapter. They no longer have a chapter. I did get
21 monthly publications.

22 THE COURT: What participation did you have?

23 PROSPECTIVE JUROR: I did volunteer work for them.

24 THE COURT: What type of work?

25 PROSPECTIVE JUROR: Handing out leaflets, setting up

1 booths and things like that, festivities.

2 THE COURT: How would that affect you in this case?

3 PROSPECTIVE JUROR: I don't think it would.

4 THE COURT: Why not?

5 PROSPECTIVE JUROR: I don't really -- I don't really
6 know all the details of the case; but I don't think it
7 would. I don't know all the details. I'm not really a
8 biased person. Since I never been asked to do this, I
9 would hope --

10 THE COURT: I need more than hope.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: I need a yes or no.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: I'm trying to get a fair and impartial
15 jury in this case. Do you think it would affect you?

16 PROSPECTIVE JUROR: No. I don't think it would.

17 THE COURT: You don't think it would?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Any questions from the state?

20 MR. CAMPBELL: No, Your Honor.

21 THE COURT: Do you think you can be fair and
22 impartial to the defendant because of your participation
23 in MADD?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: What if it was a driving offense

1 involving alcohol?

2 PROSPECTIVE JUROR: I think I could.

3 THE COURT: You think you could still be fair?

4 PROSPECTIVE JUROR: (Nods head up and down.)

5 THE COURT: Questions?

6 MR. WHITE: Just one. Involving the death of
7 someone, can you still be fair and impartial to both
8 sides? Or you think your past experience would affect you
9 in some way?

10 PROSPECTIVE JUROR: I think I could be fair and
11 impartial.

12 MR. WHITE: Could be.

13 MR. GAMBLE: Did I represent the defendant in the
14 felony DUI?

15 PROSPECTIVE JUROR: No. I think it was the one, he's
16 dead now.

17 THE COURT: Fletcher? Harold Lowery?

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: Let me ask you this. Most people who
20 contribute to organizations such as MADD, generally are
21 very -- I won't say emotionally -- very dedicated to their
22 cause. What I don't understand, why wouldn't that fall
23 into other crimes. In this case murder, possession of a
24 firearm during the commission of a violent crime.

25 PROSPECTIVE JUROR: I wouldn't think it would.

1 THE COURT: Why not?

2 PROSPECTIVE JUROR: Well.

3 THE COURT: In other words, you focusing on the
4 alcohol aspect of it. I'm not sure how a person can
5 divide that.

6 PROSPECTIVE JUROR: Not really sure I can, but I
7 don't know because I never been in a situation where I was
8 asked. I don't honestly know how to answer that.

9 THE COURT: Solicitor, you have any questions?

10 MR. CAMPBELL: No, your Honor.

11 THE COURT: Thank you, appreciate it.

12 PROSPECTIVE JUROR: Okay.

13 MR. WHITE: Move to excuse, your Honor.

14 THE COURT: What's your position.

15 MR. CAMPBELL: Excuse her.

16 MS. WHITE: She was very emotional. I spent a lot of
17 time with her, too.

18 THE COURT: 139 for cause.

19 Does any member of the jury panel know any reason
20 whatsoever he or she -- What's -- sorry, your name?

21 PROSPECTIVE JUROR: Fred Zengle, 200.

22 THE COURT: Do you want to come around?

23 PROSPECTIVE JUROR: Long time contributor to MADD.

24 THE COURT: Why you belong to MADD?

25 PROSPECTIVE JUROR: I believe in what they been

1 saying in terms of tightening up the legal permission for
2 people to be drinking and driving. I'm against that.

3 THE COURT: Why are you against that?

4 PROSPECTIVE JUROR: Because people get involved in
5 accidents and killed or maimed all the time. I've been a
6 member ten years and contributed, over that time, probably
7 1500.

8 THE COURT: How would that spill over in this trial?

9 PROSPECTIVE JUROR: I have no idea. I have no idea
10 what this trial is about.

11 THE COURT: Obviously, you got strong feelings
12 against drunk drivers to be a member of an organization
13 you contribute money to. My question to you, how can you
14 set that aside and be fair in this case towards the
15 defendant?

16 PROSPECTIVE JUROR: I guess unless the trial involves
17 drunk driving, I don't know how to answer that. I don't
18 know how to answer that question.

19 THE COURT: Well, if you don't know, I can't answer
20 it for you. All I can do is ask you the question. I'm
21 trying to decide whether or not you can be fair in this
22 case because of your association with MADD. Nothing
23 against that organization, they've done a lot of good.

24 PROSPECTIVE JUROR: I would expect my decision in
25 this case would be depend upon what the case is about,

1 what is presented, what the evidence is, not based on any
2 kind of preconception of drunk driving or --

3 THE COURT: You ever lost anyone close to you due to
4 drunk driving?

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: Family member or friend?

7 PROSPECTIVE JUROR: No, sir.

8 THE COURT: Just support?

9 PROSPECTIVE JUROR: I support a number of causes.
10 It's the way I --

11 THE COURT: What other causes?

12 PROSPECTIVE JUROR: Things that might be relevant, I
13 support Amnesty International, American Civil Liberties
14 Union. They look out for people who are being oppressed
15 for political reasons throughout the world and raise
16 objection to that. Basically supporting these kind of
17 things is my way of essentially contributing to causes,
18 doing good for the, toward the causes for people. We have
19 a list of 30 or 40 organizations we contribute to yearly.

20 THE COURT: Do you think that would interfere with
21 your judgment and decision making on this jury?

22 PROSPECTIVE JUROR: I don't think so.

23 THE COURT: You think you can be fair to both
24 parties?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Base your decision on the testimony?

2 PROSPECTIVE JUROR: Yes, I do.

3 THE COURT: Any questions?

4 MR. CAMPBELL: No, sir.

5 MR. WHITE: No, sir.

6 THE COURT: Appreciate it. Thank you very much. Any
7 motions?

8 MR. WHITE: No, sir.

9 THE COURT: Any members of the jury panel, close
10 friends or family been prosecuted by a member of the
11 solicitor's office here in Anderson County or any other
12 county, if so, please stand.

13 Does any member of the jury panel know of any reason
14 personal or otherwise, why they could not serve on this
15 jury? If so, please stand.

16 Any further questions from the state?

17 MR. CAMPBELL: No, your.

18 THE COURT: Any from the defendant?

19 MR. GAMBLE: None, your Honor. How much time do you
20 need before we strike? How much time does the state need?

21 MR. CAMPBELL: States ready to proceed, your Honor.

22 THE COURT: Defense ready?

23 MR. GAMBLE: We're ready, your Honor.

24 THE COURT: Madam Clerk, are you ready?

25 THE CLERK: Yes, your Honor.

1 THE COURT: Give us a jury, please, ma'am.

2 THE CLERK: Ladies and gentlemen, as I call your
3 name, if you'll please come forward, bring any personal
4 belongings you have with you. If you'll bring those with
5 you as you come up. When you come up, stand right up
6 here, we'll ask you to face the state's table and the
7 defendant's table and we'll tell you whether to have a
8 seat in the jury box or to return to your seat. Thank
9 you.

10 Transfer number three, Miles Bunch, transfer three.

11 (Prospective juror 3, white male, steps forward.)

12 THE CLERK: What say you for the state?

13 MR. CAMPBELL: Present Mr. Bunch.

14 THE CLERK: What say you for the defendant?

15 MR. GAMBLE: Excuse the gentleman.

16 THE CLERK: You may return to your seat. Thank you,
17 Mr. Bunch.

18 Number 67, Tecora Hardy, juror number 67. Yes,
19 ma'am, if you'll come around, please, Miss Hardy.

20 (Prospective juror 67, black female, steps forward.)

21 What say you for the state?

22 MR. CAMPBELL: Present the juror.

23 THE CLERK: Say you for the defendant?

24 MR. GAMBLE: Swear the lady.

25 THE CLERK: If you'd go right over in the jury box;

1 have a seat right over here, please, ma'am.

2 Transfer number one, Emily Ayers, transfer one.

3 (Prospective juror T-1, white female, steps forward.)

4 What say you for the state?

5 MR. CAMPBELL: Present Miss Ayers.

6 THE CLERK: What say you for the defendant?

7 MR. GAMBLE: Excuse the juror.

8 THE CLERK: You may return to your seat. Thank you,

9 Miss Ayers.

10 Thomas Anderson, juror number four.

11 (Prospective juror 4, white male, steps forward.)

12 THE CLERK: What say you for the state?

13 Present Mr. Anderson.

14 THE CLERK: Say you for the defendant?

15 MR. GAMBLE: Swear the gentleman.

16 THE CLERK: Have a seat, Mr. Anderson, right over

17 here in the jury box.

18 Number 200, Fred Zengle, juror 200.

19 (Prospective juror 200, white male, steps forward.)

20 What you say for the state?

21 MR. CAMPBELL: Please excuse this juror.

22 THE CLERK: You're excused, Mr. Zengle. Number 108,

23 Randolph Milton, 108.

24 (Prospective juror 108, black male, steps forward.)

25 THE CLERK: What you say for the state?

1 MR. CAMPBELL: Please excuse this juror.

2 THE CLERK: You may return to your seat. Thank you,
3 Mr. Milton.

4 One-thirty-seven, Chad Pulliam, number 137.

5 (Prospective juror 137, white male, steps forward.)

6 What say you for the state?

7 MR. CAMPBELL: Please excuse Mr. Pulliam.

8 THE CLERK: You may return to your seat. Thank you,
9 sir.

10 One-ninety-five, Casey Wilson, number 195.

11 (Prospective juror 195, white female, steps forward.)

12 What say you for the state?

13 MR. CAMPBELL: Please present Miss Wilson.

14 THE CLERK: Say you for the defendant?

15 MR. GAMBLE: Swear the lady.

16 THE CLERK: If you'll have a seat please,
17 Miss Wilson, in the jury box.

18 One-ninety-six, Waldon Winner, 196.

19 (prospective juror 196, white male, steps forward.)

20 THE CLERK: What you say for the state?

21 MR. CAMPBELL: Please present Mr. Winner.

22 THE CLERK: Say you for the defendant?

23 MR. GAMBLE: Excuse the gentleman.

24 THE CLERK: You may return to your seat. Thank you,
25 Mr. Winner.

1 One-thirty-two, Ginger Poore, number 132.

2 (Prospective juror 132, white female, steps forward.)

3 THE CLERK: Say you for the state?

4 MR. CAMPBELL: Present Ms. Poore.

5 THE CLERK: Say you for the defendant?

6 MR. GAMBLE: Swear the lady.

7 THE CLERK: Have a seat please, Miss Poore, in the
8 jury box.

9 Twenty-six, Linda Clark. Juror number 26.

10 (Prospective juror 26, white female, steps forward.)

11 THE CLERK: Say you for the state?

12 MR. CAMPBELL: Present Miss Clark.

13 THE CLERK: Say you for the defendant?

14 MR. GAMBLE: Excuse the lady, please.

15 THE CLERK: You may return to your seat. Thank you,
16 Miss Clark.

17 Number 157, William Schrimp, number 157.

18 (Prospective juror 157, white male, steps forward.)

19 What say you for the state?

20 MR. CAMPBELL: Present Mr. Schrimp.

21 THE CLERK: Say you for the defendant?

22 MR. GAMBLE: Swear the gentleman.

23 THE CLERK: Have a seat, Mr. Schrimp, right over here
24 in the jury box.

25 Number 45, Francis Eppler, number 45.

1 (Francis Eppler, white male, steps forward.)

2 What say you for the state?

3 MR. CAMPBELL: Present Mr. Eppler.

4 THE CLERK: Say for the defendant?

5 MR. GAMBLE: Excuse the gentleman, please.

6 THE CLERK: You may return to your seat. Thank you,
7 Mr. Eppler.

8 Number 51, Todd Foster, Number 51.

9 (Prospective juror 51, white male, steps forward.)

10 THE CLERK: What say you for the state?

11 MR. CAMPBELL: Please excuse the juror.

12 THE CLERK: You may return to your seat. Thank you,
13 Mr. Foster.

14 Transfer number 5, Jennifer Citrone.

15 (Prospective juror T-5, white female, steps forward.)

16 What say you for the state?

17 MR. CAMPBELL: Present Ms. Citrone.

18 THE CLERK: Say you for the defendant?

19 MR. GAMBLE: Excuse the lady.

20 THE CLERK: You may return to your seat. Thank you,
21 ma'am.

22 Transfer number 4, Donald Burns, transfer four.

23 (Prospective juror T-4, white male, steps forward.)

24 What say you for the state?

25 MR. CAMPBELL: Present Mr. Burns.

1 THE CLERK: Say you for the defendant?

2 MR. GAMBLE: Excuse the gentleman.

3 THE CLERK: You may return to your seat. Thank you,
4 Mr. Burns.

5 Number 72, Hanna Hill, number 72.

6 (Prospective juror 72, white female, steps forward.)

7 Say you for the state?

8 MR. CAMPBELL: Present Miss Hill.

9 THE CLERK: Say you for the defendant?

10 MR. GAMBLE: Swear the lady.

11 THE CLERK: Have a seat in the jury box, please,
12 Miss Hill.

13 Number 53, Shirley Gaines, number 53.

14 (Prospective juror 53, white female, steps forward.)

15 Say you for the state?

16 MR. CAMPBELL: Present Ms. Gaines.

17 THE CLERK: Say you for the defendant?

18 MR. GAMBLE: Swear the lady, please.

19 THE CLERK: Have a seat please, Miss Gaines, in the
20 jury box.

21 William Roper, number 152.

22 (Prospective juror 152, white male, steps forward.)

23 Say you for the state?

24 MR. CAMPBELL: Present Mr. Roper.

25 THE CLERK: Say you for the defendant?

1 MR. GAMBLE: Swear the gentleman.

2 THE CLERK: Have a seat, please, Mr. Roper, right
3 over here in the jury box.

4 One-ninety-eight, Dana Yohman, Number 198.

5 (Prospective juror 198, white female, steps forward.)

6 What say you for the state?

7 MR. CAMPBELL: Please excuse this juror.

8 THE CLERK: 113 Natasha Moore, 113.

9 (Prospective juror 113, black female, steps forward.)

10 What say you for the state?

11 MR. CAMPBELL: Present Ms. Moore.

12 THE CLERK: Say you for the defendant?

13 MR. GAMBLE: Swear the lady.

14 THE CLERK: Have a seat please, Miss Moore, right
15 over there in the jury box.

16 Number 13, Kristal Bray, number 13.

17 (Prospective juror 13, white female, steps forward.)

18 What say you for the state?

19 MR. CAMPBELL: Present Ms. Bray.

20 THE CLERK: Say you for the defendant?

21 MR. GAMBLE: Excuse the lady.

22 THE CLERK: You may return to your seat.

23 Number 21, Christine Carrick, number 21.

24 (Prospective juror 21, white female, steps forward.)

25 What say you for the state?

1 MR. CAMPBELL: Present Ms. Carrick.

2 THE CLERK: Say you for the defendant?

3 MR. GAMBLE: Swear the lady.

4 THE CLERK: If you'll have a seat right over here in
5 the jury box please, Miss Carrick.

6 Transfer number 10, Lisa Mattox, transfer 10.

7 (Prospective juror 10, white female, steps forward.)

8 What say you for the state?

9 MR. CAMPBELL: Present Miss Mattox.

10 THE CLERK: What say you for the defendant?

11 MR. GAMBLE: Excuse her.

12 THE COURT: Dr. Mattox, you may return to your seat.
13 Number 58, James Graham, 58. .

14 (Prospective juror 58, white male, steps forward.)

15 THE CLERK: Say you for the state?

16 MR. CAMPBELL: Present Mr. Graham.

17 THE CLERK: Say you for the defendant?

18 MR. GAMBLE: Swear the gentleman.

19 THE CLERK: If you'll have a seat right over here in
20 the jury box, please, Mr. Graham.

21 Number 66, Benjamin Hanley, number 66.

22 (Prospective juror 66, white male, steps forward.)

23 What say you for the state?

24 MR. CAMPBELL: Present Mr. Hanley.

25 THE CLERK: Say you for the defendant?

1 MR. GAMBLE: Excuse Mr. Hanley.

2 THE CLERK: You may return to your seat. Thank you,
3 Mr. Hanley.

4 Transfer 13, John Upton, transfer 13.

5 (Prospective juror 13, white male, steps forward.)

6 What say you for the state?

7 MR. CAMPBELL: Swear Mr. Upton.

8 THE CLERK: Say you for the defendant?

9 MR. GAMBLE: Swear the gentleman.

10 THE COURT: Two alternates, two and one.

11 THE CLERK: Claudia Mahaffey, 102.

12 (Prospective juror 102, white female, steps forward.)

13 What say you for the state?

14 MR. CAMPBELL: Present Miss Mahaffey.

15 THE CLERK: Say you for the defendant?

16 MR. GAMBLE: Swear the lady.

17 THE CLERK: If you'll have a seat on the second row,
18 you'll be our first alternate, Miss Mahaffey.

19 One-fifty-five. Sorry, he's not here, your Honor;
20 that was an error. I'll draw another one.

21 One-eighty-eight, Holly Ward, 188.

22 (Prospective juror 188, white female, steps forward.)

23 What say you for the state?

24 MR. CAMPBELL: Present Miss Ward.

25 THE CLERK: Say you for the defendant?

1 MR. GAMBLE: Swear the lady.

2 THE CLERK: If you'll have a seat. You'll be our
3 alternate number two. Thank you, Miss Ward.

4 THE COURT: All right. Ladies and gentlemen of the
5 jury panel, what I'm going to ask you to do, go to the
6 jury room, elect a foreman or forelady. You may elect
7 anyone except the alternates, Mrs. Mahaffey or Mrs. Ward.
8 After you do that, knock on the door, tell the bailiff.
9 We'll get you back in the courtroom very shortly
10 thereafter. Follow the bailiff, he'll show you where to
11 go.

12 (Jury out at 12:07 a.m.)

13 Any motions from the state other than the motions
14 made at the bench?

15 MR. CAMPBELL: None, your Honor.

16 THE COURT: Any motions from the defense, other than
17 the motions made at the bench that were ruled on?

18 MR. GAMBLE: None, your Honor.

19 (Whereupon, the remaining venire is excused.)

20 THE COURT: Donna, the foreman is juror number 157,
21 William Eugene Schrimp, number 157.

22 (WHEREUPON, the jury came into open court at
23 approximately 12:20.)

24 Mr. Schrimp, congratulations on your election. I've
25 got to hear some motions before we get started. What I'm

1 going to do, release you at this time. Ask you to be back
2 in the jury room at 2:30. If you'll be back in the jury
3 room at 2:30, we'll get started at that time.

4 Normally our hours will run from nine until 5 or
5 5:30; and we will quit for lunch as close to one as
6 possible. We'll generally run for lunch from 1 until
7 2:30. We'll take a morning break for 15 or 20 minutes and
8 an afternoon break for 15 or 20 minutes. So if you're
9 planning your day, that's the way it's going to go. Now,
10 also for your planning purposes, this case it's estimated
11 will probably not be over until sometime Friday.

12 I'll see you at 2:30. When you come to the
13 courthouse, come straight to the jury room. Don't discuss
14 the case with anyone. I want you to hear all the
15 testimony. Don't discuss it with someone else who hasn't
16 heard the testimony. I want you to make your decision on
17 the testimony heard in the courtroom, not what someone
18 puts in the paper or on TV, someone tells you at home or
19 on the streets.

20 So follow the bailiff. He'll show you where to come
21 at 2:30. Have a good lunch.

22 (Whereupon, the following proceedings were had
23 outside the presence of the jury:)

24 We'll take about a five-minute recess ourselves. Mr.
25 Gamble, Miss White, how many motions? Are they in writing

1 or orally?

2 MR. WHITE: We'll make a motion to redact -- I'm not
3 sure what they're planning on introducing in the way of
4 letters, tapes.

5 THE COURT: Just tell me how many motions you have.
6 I'm going to take about a five-minute break.

7 MR. WHITE: Four, your Honor.

8 THE COURT: All right. We'll take about a
9 five-minute break. Then we'll get started.

10 (Brief recess taken.)

11 Mr. Gamble, Miss White, you have motions? I'll be
12 glad to hear whatever you want me to hear.

13 MR. WHITE: I'm not sure what they're planning on
14 introducing. I have seen one thing, which is a picture.
15 We're just making a motion pursuant to Lyle. As you know,
16 Lyle requires three steps. One is they prove by clear and
17 convincing evidence whatever we're talking about; number
18 two, it falls within the 404B exception; and number
19 three --

20 THE COURT: What do you think they're going to try to
21 bring up?

22 MR. WHITE: I'd like to address some of those. One
23 is any mention of any kind of DSS action. Another is any
24 motion of any kind of polygraphs. One I've already seen
25 is a picture, they're trying to introduce a picture with

1 him having a ticket that has no relevance whatsoever to
2 this case at all.

3 THE COURT: Let's back up. First is DSS. What does
4 that have to do with anything?

5 MS. WHITE: That's my point, I don't know. They had
6 a DSS worker on here.

7 THE COURT: Does he have a DSS case?

8 MR. CAMPBELL: Yes.

9 MS. WHITE: Yes, there is. And, again, your Honor, I
10 would make a motion before any of their stuff comes in, if
11 it deals with DSS, with polygraphs, prior misconduct of
12 any sort, of prior convictions, whatever, that we have a
13 Lyle hearing and they meet the three-prong test for Lyle.
14 I don't know what they are planning on introducing; but I
15 want to make sure that's on the record, none of the
16 witness -- all the witnesses are instructed to not to talk
17 about any of that until we have a Lyle hearing.

18 THE COURT: Let me ask the state, as far as DSS is
19 concerned, what are you planning on doing?

20 MR. CAMPBELL: There's a pending action going on
21 right now with DSS between Mr. Mahaffey and Skyler
22 Andrews, the mother of one of his children. Mr. Mahaffey
23 has alleged that Miss Andrews is a drug addict, uses
24 extensive drugs. However, Ms. Andrews has passed all the
25 drug tests DSS has given her. And what I intended to use,

1 depending what he does, holding the DSS person until such
2 time --

3 THE COURT: You're not planning on going into that in
4 your case in chief?

5 MR. CAMPBELL: I'm not going into it on my case in
6 chief. It's depending on what they do, on rebuttal.

7 THE COURT: That will come at rebuttal or the
8 impeachment or cross examination at that time?

9 MR. CAMPBELL: That's correct.

10 THE COURT: The only thing I ask you, if you're going
11 to go into it, please let me know so we can send the jury
12 out and listen to the facts. Okay? As far as DSS is
13 concerned.

14 MS. WHITE: And, your Honor, that's all I'm asking.

15 THE COURT: What was the second one?

16 MS. WHITE: Any kind of prior misconduct, regardless
17 whether it's fighting --

18 THE COURT: I need to know specifically what you're
19 talking about.

20 MS. WHITE: I don't know what they're going to put
21 in, judge. You have to understand, we have hours of tapes
22 on this.

23 THE COURT: What prior record you want to know about?
24 Criminal record?

25 MR. WHITE: No, sir. I'm just saying before they

1 bring up any of that, I would like to have a Lyle hearing
2 and do it within the three prongs.

3 THE COURT: What kind of criminal history does he
4 have?

5 MR. CAMPBELL: He has actually no convictions.
6 However, I do plan on going into the charges based upon
7 404(B), motive. Under our rules of evidence we're allowed
8 to go into other bad acts or crimes or wrongs.

9 THE COURT: What are the charges, first of all?

10 MR. CAMPBELL: He's been charged with CDV, dealing
11 with the victim in the case Skyler Andrews, and he was the
12 defendant. That was October 30, 2005. May 10, '06
13 another CDV. Ms. Andrews is the victim, again. He is
14 defendant. June 3, '06 simple assault and battery,
15 Mr. Mahaffey is the victim -- the defendant in that case,
16 the victim is Ryan Cox. Later on June 15 '06 another
17 simple assault and battery where the victim --

18 THE COURT: When is the second one?

19 MR. CAMPBELL: Second CVD or second assault and
20 battery?

21 THE COURT: Assault and battery?

22 MR. CAMPBELL: June 15, 2006.

23 THE COURT: June 5, 2006.

24 MR. CAMPBELL: Fifteen. The victim in that case is
25 the victim. The defendant is the defendant in that case.

1 THE COURT: So the second one is the victim in this
2 case. Is that correct?

3 MR. CAMPBELL: That's correct.

4 THE COURT: Is he the only one? How about the one on
5 June 3, '06, the simple assault?

6 MR. CAMPBELL: June 3, simple assault. Mr. Mahaffey
7 is listed as the victim; and the victim in our case, Ryan
8 Cox, is listed as the defendant.

9 Next, June 24, 2006, a harassment threat. The victim
10 in that case, Johnny Mahaffey, and the victim in that case
11 is Ryan Cox. [sic]

12 THE COURT: The victim is Mr. Mahaffey?

13 MR. CAMPBELL: Yes, sir.

14 THE COURT: And the defendant is the victim in that
15 case?

16 MR. CAMPBELL: Correct. June 25, 2006, there is
17 another CDV between Skyler Andrews. And the defendant is
18 listed as a defendant in that case.

19 THE COURT: Okay. Skyler Andrews, who is she?
20 What's her relationship?

21 MR. CAMPBELL: The former ex-girlfriend,
22 Mr. Mahaffey; she has a child by him. Ms. Andrews at the
23 time of this crime was the girlfriend of the victim, Ryan
24 Cox. All this is intertwined, your Honor, is why we're
25 going into it.

1 June 30th, 2006, there's a mutual restraining order
2 placed on Skyler Andrews and Johnny Mahaffey.

3 THE COURT: All right. What else?

4 MR. CAMPBELL: August 2, 2006, there's a contempt
5 order going to be in family court, 2006-1437 and 1438.

6 THE COURT: Attempt between Skyler Andrews and the
7 defendant?

8 MR. CAMPBELL: That's correct.

9 THE COURT: Okay. What else?

10 MR. CAMPBELL: August 16, 2006, an order and rule to
11 show cause.

12 THE COURT: August what?

13 MR. CAMPBELL: Sixteen, 2006. Order and rule to show
14 cause.

15 THE COURT: Who brought the rule?

16 MR. CAMPBELL: Mr. Mahaffey.

17 THE COURT: Brought the rule against?

18 MR. CAMPBELL: Miss Skyler Andrews.

19 THE COURT: What else?

20 MR. CAMPBELL: The murder took place August 17, 2006,
21 Miss Andrews, was served papers by the Sheriff's
22 Department for another order and rule to show cause
23 hearing that was scheduled September 5, 2006. The murder
24 happened that night, right after she got the papers for
25 the order and rule to show cause. In the case, your

1 Honor, based on our rules of evidence, Rule 404(B) says
2 that information of other crimes, wrongs, or acts
3 admissible and one of the areas we can go into to prove
4 motive.

5 These parties, the relationships are all intertwined.
6 And the Courts have held, our Courts have held, that when
7 the cases are so closely linked together that you cannot
8 mention one without the other -- I'll hand up a case here
9 State versus Kenneth Williams South Carolina Supreme Court
10 '96.

11 THE COURT: Before we get into arguments. Is there
12 anything else you're going to try to bring in as far as
13 Lyle is concerned?

14 MR. CAMPBELL: Just that right there.

15 THE COURT: What's his criminal history? No charges.

16 MR. CAMPBELL: He has plenty of charges, no
17 convictions. And all this is stemming, what the motive
18 was, we're alleging is to take out the victim in this case
19 because he was involved in all of this. This has been an
20 on-going fight escalating until the murder happened.

21 THE COURT: Well, the victim is what, Mr. Ryan Cox?

22 MR. CAMPBELL: That's correct.

23 THE COURT: How is Mr. Cox -- what I don't understand
24 you have two CDV's against Skyler Andrews, right?

25 MR. CAMPBELL: That's correct.

1 THE COURT: And simple assault between Mahaffey and
2 Cox. Looks like three simple assaults and another CDV
3 against Andrews. The rest of it is between Andrews and
4 the defendant in this case. What does that have with the
5 victim? Any of it?

6 MR. CAMPBELL: It has lot to do with the victim.
7 What it is, the relationship is how Ms. Andrews and
8 Mr. Cox started dating. Both worked at Olive Garden.
9 Mr. Mahaffey showed up and tried to assault Miss Andrews.
10 After that Mr. Cox and Mrs. Mahaffey, they started living
11 together.

12 THE COURT: Okay. Cox and Andrews?

13 MR. CAMPBELL: That's correct. After that things
14 started escalating. Mr. Mahaffey and Miss Andrews
15 fighting over child, Shilynn Mahaffey. Mr. Cox and
16 Mr. Mahaffey at that point start a history of going back
17 and forth at one another. Mr. Mahaffey takes Mr. Cox's
18 child brings him to the workplace, drops him off. That's
19 when one of the assaults took place. They get into it.

20 Then there's going back and forth between both
21 parties, going to the house, grabbing the child. Mr. Cox
22 is with Mrs. Andrews when a lot of times he shows up,
23 that's when all the problems start. They get into it
24 after a magistrate court hearing. Simple assault, just a
25 simple --

1 THE COURT: Mrs. Andrews can testify about all these
2 confrontations between her and the defendant in this case
3 and the victim, what she saw and observed. Why do we have
4 to go into the charges?

5 MR. CAMPBELL: I don't plan on going into the
6 charges. However, she can testify to what she can testify
7 to --

8 THE COURT: She can testify to when she was present
9 and what observed.

10 MR. CAMPBELL: -- And the continuing escalation?

11 THE COURT: All she's going to do is testify what she
12 observed and what she did?

13 MR. CAMPBELL: That's correct.

14 THE COURT: Not the criminal charges themselves?

15 MR. CAMPBELL: The charges stemming out of all these
16 events.

17 THE COURT: I understand. My question, are you
18 planning on letting Miss Andrews testify what she observed
19 between the victim and the defendant and herself; is that
20 correct?

21 MR. CAMPBELL: That's correct.

22 THE COURT: You're not planning on going into the
23 charges themselves; is that correct?

24 MR. CAMPBELL: That's correct.

25 THE COURT: All right.

1 MS. WHITE: Lyle doesn't apply just to charges. It
2 applies to prior bad conduct. I want my Lyle hearing on
3 each one of those things so they will have to prove by
4 clear and convincing evidence it occurred 404(B) exception
5 and probative value outweighs prejudicial effect. Some of
6 these things -- the victim didn't even know Mr. Mahaffey
7 at that time. I would ask we have a hearing with
8 testimony, not what the prosecutor says he's going to do
9 any prior misconduct and the State have to meet that
10 burden on each and every prior allegation of misconduct.
11 Whether it's a conviction or not because 404(B) applies
12 whether there is or is not a conviction.

13 THE COURT: So you're talking about any allegation of
14 conduct between the victim and the defendant. You're
15 saying we have to have a Lyle hearing? Is that what
16 you're saying?

17 MS. WHITE: Yes, sir. On any of the prior
18 misconduct, your Honor, whether it pertains to this or
19 not, even if it is between the victim and defendant, it
20 still has to be shown that the probative value outweighs
21 the prejudicial effect falls within one of the exceptions.
22 The details, you know, on a lot of Lyle rulings the judge
23 said, yes, can come in; but not the details. I would like
24 to have a hearing on each thing they plan on admitting and
25 first have a ruling on each one.

1 THE COURT: All right. What's your other motion?

2 MS. WHITE: 404(B) says evidence of a crime, wrongs,
3 or acts is not admissible to show the character unless it
4 falls within one of those exceptions. Of course, the case
5 law goes on to talk about the three-prong test.

6 THE COURT: Okay. What's your other motion?

7 MS. WHITE: Go onto the next motion, did you say?

8 THE COURT: Yeah.

9 MS. WHITE: Your Honor, the next motion, I was shown
10 a board -- do you have it? It might be easier for us to
11 show it to you so you can see what we're talking about.

12 THE COURT: What are you objecting to on the board?

13 MS. WHITE: Judge, if you look at the board, it might
14 help.

15 THE COURT: Tell me which one you're objecting to.

16 MS. WHITE: They're all going to be the same
17 objection.

18 THE COURT: This one, what he's objecting to is a
19 picture of the victim, Mr. Cox?

20 MR. WHITE: I have more objections than that.

21 THE COURT: Hold on a second. Don't interrupt him.
22 Tell me what the board is and I'll listen to your
23 objection.

24 MR. CAMPBELL: This first chart, your Honor, this
25 chart based upon the cell phone records, the Sprint

1 representative will be putting in evidence. This comes
2 directly from that. What I'm objecting to is the first
3 one.

4 THE COURT: Who are the other people?

5 MR. CAMPBELL: This is a timeline. This is the
6 victim, the girlfriend of Mr. Cox, the ex-girlfriend of
7 Mr. Mahaffey. Mr. and Mrs. Mahaffey, his current wife,
8 Jamie Mahaffey. This chart right here, the relationship,
9 as I explained, is confusing.

10 THE COURT: Let's start with this, what's your
11 objection?

12 MR. WHITE: States versus Langley as well as State
13 versus Livingston. Anywhere a homicide case whether
14 vehicular or any other kind of homicide, not in a
15 sentencing in a death penalty. Yes, in a sentencing phase
16 you can bring out prior pictures but cannot bring it out
17 in the guilt phase. I have those two cases. Your Honor,
18 I have also -- okay, I was going to address the other one
19 as well.

20 THE COURT: What's your objection? Mr. Cox's
21 picture, that's the only objection you have to this photo?

22 MR. WHITE: As of this time. If they tie all this
23 in, have to lay the foundation. Yes, I object to any
24 picture of the victim before the death occurred. Again, I
25 would cite those cases.

1 THE COURT: May I see your cases?

2 MR. WHITE: Yes, sir.

3 THE COURT: All right. So your only objection you
4 have is Bryan Cox's picture on the poster assuming, I
5 don't know if he's going to offer or use for demonstrative
6 purposes or what. You going to plan on offering it?

7 Mr. Cox's picture on it, is that your objection?

8 MR. WHITE: Yes, sir.

9 THE COURT: Assuming he lays a foundation. What
10 about the big one, the same objection, Mr. Cox's picture?

11 MR. WHITE: Yes, sir. The same objection as well
12 as -- these are all telephone calls, your Honor. And I'm
13 going to object to any picture of anybody -- anyone can
14 use a cell phone. Just because it came from my cell
15 phone, doesn't mean I'm the one using it.

16 THE COURT: You don't need that motion in limine.
17 What's your objection as far as these pictures?

18 MS. WHITE: They're putting a picture with a cell
19 phone as if just because it's your phone you had to use
20 it.

21 THE COURT: Mr. Cox's picture.

22 MS. WHITE: And also Mr. Cox's picture again is on
23 this.

24 THE COURT: How many pictures are on there of
25 Mr. Cox?

1 MR. WHITE: One, two, three, four -- four looks like.

2 THE COURT: Asking for motion in limine, not to have
3 Mr. Cox's picture on that motion; is that what you are
4 asking.

5 MR. WHITE: I'm asking for the whole poster to be
6 pulled out because --

7 THE COURT: I'm not going to do that until I hear the
8 testimony.

9 MR. WHITE: Yes, sir. But the other basis on that
10 would be who knows who uses these phones. So I object to
11 the pictures being used as well.

12 THE COURT: I'm not ruling out on that basis, may
13 rule out on the pictures. Any other objections you have
14 to the poster?

15 MS. WHITE: No, sir, those two.

16 THE COURT: Thank you very much. What's your next
17 objection?

18 MR. CAMPBELL: This is overall crime scene chart.

19 THE COURT: What's on that?

20 MS. WHITE: Alleged victim.

21 THE COURT: Why is the victim on that?

22 MR. CAMPBELL: Showing where he was found.

23 THE COURT: Why can't you put an "X" on it where he
24 was found?

25 MR. CAMPBELL: We can do that with that one if you

1 like.

2 THE COURT: I don't see any reason to have that
3 picture.

4 Who is that at the top?

5 MR. CAMPBELL: That is where Mr. Mahaffey lives.

6 THE COURT: Your objection to the victim's picture on
7 that poster?

8 MR. WHITE: Yes, sir.

9 THE COURT: All right. Anything else?

10 MS. WHITE: All I know about it right now. We'll see
11 when we get into the testimony. That's all pretrial.

12 THE COURT: All right.

13 MR. CAMPBELL: And on these, I'd like to be heard on
14 these arguments.

15 THE COURT: All right. What other motions?
16 Miss White, before you turn it over to Mr. Gamble, I'll go
17 ahead and listen to his argument on this. Then I'll hear
18 you.

19 MR. CAMPBELL: Dealing with the charts, I plan on
20 using in the trial of this case. These are driver's
21 license photos of Mr. Cox. The case law basically
22 stating, I believe it's that Livingston case, basically
23 says you can't use a photo if you're attempting to arouse
24 sympathy or prejudice the jury, non-necessary to
25 substantiating facts. Of course, it's in the judge's

1 discretion. We're using this as demonstrative evidence.

2 THE COURT: I asked you that earlier. Were you going
3 to use it for demonstrative purposes or put in evidence.
4 I asked you that. And you said you were going to offer it
5 in evidence.

6 MR. CAMPBELL: That's true.

7 THE COURT: Which is it?

8 MR. CAMPBELL: I'm going to offer this in evidence.

9 THE COURT: Which one, both or all of them?

10 MR. CAMPBELL: All of them, your Honor.

11 THE COURT: Okay. Quit talking about demonstrative
12 purposes. Let's talk about evidence.

13 MR. CAMPBELL: What you have in this case, you
14 already seen the relationship between all the parties
15 without being able to explain to the jury, they're going
16 to be completely confused. Also why we generated the
17 charts so they can see. The one chart's on the timeline
18 based upon the actual cell phone records, the individuals
19 own. We will put that in through the Sprint
20 representative. We'll mark out the one overall chart.
21 These are not intended to arouse sympathy. If we were
22 trying to arouse sympathy, we'd have cap and gowns,
23 graduating high school, have him with children. Instead,
24 we're just setting out the relationship. There are no
25 bloody photos, anything like that attempting to try to

1 prejudice the jury in this case.

2 As such, we feel that the case law states -- and
3 there's also a case State versus Gay, which is Supreme
4 Court case that mentions relevant photographic evidence
5 may be admitted where probative value is not outweighed by
6 the prejudicial value, dealing with the 403 arguments.
7 I'll hand that up to the judge.

8 THE COURT: Is that it? Is that it, solicitor?

9 MR. CAMPBELL: That is, your Honor.

10 THE COURT: Miss White, your basic position, you
11 telling the Court you can't put pictures in, period. And
12 that's your objection?

13 MR. WHITE: Yes, sir. I have no problem with a
14 timeline with phone numbers, so and so called so and so.
15 But to say who it is and give a picture of the person
16 supposedly giving it --

17 THE COURT: I think the picture is of the person who
18 owned it, I don't think he's going to allege that's who
19 made the call. It may go to the weight and sufficiency of
20 the evidence. What does that have to do with the
21 evidence, other than saying -- you saying he can't use
22 pictures of the victim.

23 MS. WHITE: Because I'm saying the prejudicial effect
24 outweighs the probative value.

25 THE COURT: What prejudicial effect, just having a

1 picture by a cell phone number?

2 MR. WHITE: Because what they're doing is implying to
3 the jury this is a picture of the person using it. Now,
4 if they want to argue or do a timeline using phone numbers
5 or -- but to say this is a picture of the person calling
6 and the picture of the person who received it. Unless
7 they can show it.

8 THE COURT: What's the difference between the picture
9 and the name?

10 MS. WHITE: I don't think they should have a name. I
11 think they should have a phone number.

12 THE COURT: You have to identify the phone number
13 with who's got the account.

14 MR. WHITE: Correct.

15 THE COURT: I think the -- I assume they're going to,
16 with your Verizon you're going to put some zone or
17 location; is that what you're trying to do?

18 MR. CAMPBELL: That's correct.

19 THE COURT: What's that have to do with whether you
20 have a phone number or name or a picture?

21 MS. WHITE: Because you can say that this phone
22 number is being used at this time. This phone number is
23 being used. You cannot show which person was using that
24 phone with a picture. For goodness sake, can we put a
25 picture in then and say it's totally different people.

1 You know the number and the phone that's being used, but
2 to whom and who's receiving, you can't put a picture on.

3 And, your Honor, as to the other objection, the
4 picture of the victim, there is no possible reason why
5 that has to go in, why you can't just have a name there.
6 Absolutely none.

7 THE COURT: Okay.

8 MS. WHITE: Again, I have no objection to any of this
9 if all you have is either phone numbers or names.

10 THE COURT: Okay. Mr. Campbell, let me hear you on
11 your argument under Lyle on all the simple assaults and
12 the CDV's.

13 MR. CAMPBELL: I handed up the case of State versus
14 Kenneth Williams. In that case, and what we're dealing
15 with here is motive, this is the reason why the escalating
16 confrontation between all the parties involved, is the
17 reason why the State is alleging Mr. Mahaffey killed Ryan
18 Cox on the night of August 17th, 2006.

19 In this case, '96 Supreme Court case, South Carolina
20 Supreme Court, res gestae evidence of other crimes is
21 admissible or is intimately connected with the pending
22 events or is necessary to provide a complete story or an
23 explanation of a pending offense. All this is so
24 intertwined that we cannot mention one without the other.
25 Otherwise, he's just driving down the road and shoots him.

1 THE COURT: You're not going to mention the offense
2 going to explain the activity through your witness is what
3 you said.

4 MR. CAMPBELL: Right.

5 THE COURT: Mrs. White still objects to that. She
6 objects to that evidence as being a bad act. You already
7 said you're not going to mention the crime itself.

8 MR. CAMPBELL: The charges are going to have to be
9 mentioned because that is what is going on, your Honor.
10 And that is what is proving motive under 404(B), which
11 allows you to go into this type of stuff. I'm not going
12 into great detail, but the jury has to know and understand
13 why would he want to murder Mr. Cox for no reason. This
14 escalated to the point he goes and arms himself and then
15 sees an opportunity and shoots him. Sees an opportunity
16 to get him out of the way because of the prior violence
17 that had been occurring between those two.

18 THE COURT: Okay. All right. All right. What is
19 the next motion?

20 Mr. Gamble? Mr. Gamble, you're on center stage, I
21 guess.

22 MR. GAMBLE: We would like a motion in limine to keep
23 from the state mentioning that Mr. Mahaffey invoked his
24 right to silence and to an attorney at his initial arrest.

25 THE COURT: Tell me, what do you anticipate

1 happening? I don't know anything about the arrest. What
2 do you anticipate is going to happen?

3 MR. GAMBLE: He remained silent.

4 THE COURT: After the arrest?

5 MR. GAMBLE: Yeah, and invoked the right to an
6 attorney. I don't think that's admissible under case law.

7 THE COURT: I agree with you. Are you planning on
8 going into that?

9 MR. CAMPBELL: The only thing we're going to go
10 into --

11 THE COURT: They're not going to go into any refused
12 to talk to him, wanted a lawyer, insinuating he's guilty
13 not going to do that.

14 MR. CAMPBELL: No, what planning on going into is
15 this. He has talked to them three times. The first time
16 he spoke to them was on August 18, 2006, at 3:45 in the
17 morning. At this point he was just a person of interest.
18 He voluntarily went to the sheriff's department with
19 captain Tommy Williams and talked to Detective Steve
20 Reeves at that point in time. He was not under arrest at
21 that point in time. He talked to them briefly.

22 At one point they wanted a statement. Basically said
23 give me a statement or take me home. They took him home.
24 They didn't have enough to hold him at that point in time.

25 After they heard the telephone call from the victim

1 to Miss Andrews and also based upon the past relationship
2 of the parties involved, dealing with prior incidents
3 occurring in magistrate court, they took out a warrant.
4 Also found a shell casing in his car, took out a warrant
5 arrested him. That was on August 18, 2006, at 10:12 p.m.
6 They again went through, gave him advisory rights, started
7 speaking to him. He shut it down, said he wanted to talk
8 to an attorney.

9 THE COURT: You don't want to mention he wanted to
10 talk to an attorney, is that your motion in limine?

11 MR. GAMBLE: Yeah. And he invoked his right to be
12 silent.

13 MR. CAMPBELL: At that point they ceased, took him to
14 the detention center.

15 THE COURT: If he didn't tell them anything, why you
16 want to go into it?

17 MR. CAMPBELL: He did say stuff that tends to prove
18 guilt. It gets more.

19 THE COURT: I thought you said he just invoked his
20 right to remain silent and wanted a lawyer.

21 MR. CAMPBELL: Only after they asked to put it in a
22 written statement. He freely spoke orally. When they
23 asked to put it in writing, that's when he invoked his
24 rights.

25 THE COURT: Okay. Is this after the arrest?

1 MR. CAMPBELL: Yes, sir. That second one is after
2 the arrest.

3 THE COURT: Okay. Who is the officer, Officer
4 Reeves?

5 MR. CAMPBELL: Detective Reeves. Then later we had a
6 hearing in this case where Mr. Gamble was attempting to be
7 relieved as counsel. At that point Judge Macaulay denied
8 the motion. Mr. Mahaffey also wanted to get a new
9 attorney, it was denied.

10 Then shortly thereafter Mr. Mahaffey communicated to
11 one of the jailers, get in contact with Detective Todd
12 Owens. They contacted me. He wanted to speak to the
13 officers without his attorney present. They contacted me.
14 I told them, "no."

15 I contacted Mr. Gamble. My understanding is he went
16 down and spoke to him.

17 After that, on June 11, 2007, Mr. Mahaffey called
18 Detective Steve Reeves from the detention center. Called
19 three times on his own from the detention center. One
20 went to voice mail, the first went one went through to
21 him. Went through, the recording is poor but you can hear
22 he wanted to talk to Mr. Reeves without Mr. Gamble
23 present.

24 Mr. Reeves called me, Detective Reeves called me at
25 home that night. I told him, "No, I'll call Robert in the

1 morning."

2 Mr. Gamble, I spoke to him. My understanding is he
3 or Mr. Thomason went and spoke to Mr. Mahaffey, telling
4 him to be quiet.

5 After that June 18, another week after this, 2007,
6 around 8:38 p.m. he contacted Mr. Reeves again from the
7 detention center on his own asking, "Why haven't you come
8 to see me?" Mr. Reeves explained to him he was
9 represented by counsel.

10 He said, "I want to waive my rights. I want to talk
11 to you."

12 Detective Reeves contacted me. The decision was made
13 he had been told twice to be quiet, that he's represented
14 by an attorney, he still wanted to speak to us. Under
15 Edwards versus Arizona, when a defendant initiates contact
16 with a police officer, says "I want to waive my rights and
17 talk freely," it's allowed. He did that in this case. As
18 such, went down June 21, 2007, took a seven-page
19 confession from Mr. Mahaffey, which we will go into.
20 That's for a Jackson v. Denno hearing, your Honor.

21 THE COURT: What did he say? Oral confession, the
22 very beginning, before he revoked his right to remain
23 silent? What did he tell Detective Reeves?

24 MR. CAMPBELL: I'll tell you real quick. He told the
25 officers, dealing with August 17, 2006 --

1 THE COURT: What was the date of the oral statement?
2 August what?

3 MR. CAMPBELL: August 17, 2006, 3:45 in the morning
4 is when he first spoke to Detective Reeves.

5 THE COURT: What did he orally say?

6 MR. CAMPBELL: What he stated in that was that---

7 THE COURT: Was this after the arrest?

8 MR. CAMPBELL: Before the arrest.

9 THE COURT: This was the first time?

10 MR. CAMPBELL: The first time. And I'm reading from
11 his report. That they owned a Honda Civic, the only one
12 they're able to drive, which actually becomes important
13 later. That he stayed at home the entire time. His wife
14 was gone. He had taken a shower. That the relationship
15 between the parties, Mahaffey advised that him and Skyler
16 Andrews had been a couple for over three years. That they
17 had a great relationship until she signed a warrant for
18 CDV on him. He advised that he had been assaulted by
19 Skyler.

20 THE COURT: Was Skyler married to him?

21 MR. CAMPBELL: Just relationship, your Honor. They
22 were boyfriend-girlfriend about three years. Basically,
23 no one listened to him; that first he didn't know Ryan
24 Cox, but then after that --

25 THE COURT: You planning on going into all this?

1 MR. CAMPBELL: Yeah.

2 THE COURT: Okay.

3 MR. CAMPBELL: He didn't know Ryan Cox, which
4 substantiates what we're going to prove later on.

5 THE COURT: All right. What's the second oral
6 statement?

7 MR. CAMPBELL: Also still on this one, they informed
8 him that he had been shot. At that point he wanted a plea
9 bargain, he wanted to start talking about a deal. Didn't
10 deny anything. Then that's when they took him home.

11 The second one he said he wanted to put it all on
12 himself to protect his wife. He was given his advice of
13 rights forms.

14 THE COURT: What time was that?

15 MR. CAMPBELL: He again asked about a plea bargain.

16 THE COURT: Was that on August the 18th?

17 MR. CAMPBELL: Yes, sir.

18 THE COURT: What time was that?

19 MR. CAMPBELL: This is 10:12 p.m.

20 THE COURT: This for Officer Reeves, also?

21 MR. CAMPBELL: Yes, sir. Detective Reeves is the
22 officer in all of them.

23 THE COURT: What did he say at that time?

24 MR. CAMPBELL: At that point he started talking about
25 wanting a deal and talking about the victim following him,

1 stalking him. It's all the victim's fault for causing the
2 arrest. He understood -- he told the detective he didn't
3 understand the legal ramifications of a murder charge. At
4 that point they asked him if he wanted to write.

5 He said, "No."

6 They stopped and took him to jail.

7 MR. GAMBLE: Objection on that point. If he says, "I
8 want to plea bargain," attempted negotiations are not
9 admissible in the trial.

10 THE COURT: Anything else?

11 MR. CAMPBELL: After that, he made three telephone
12 calls to Detective Reeves. He received two of them
13 personally and they went down and took a confession
14 without the presence of an attorney.

15 THE COURT: Mr. Gamble my understanding of your
16 objection as far as the motion in limine, is not talking
17 about any freely, voluntarily, and intelligently statement
18 given or confession; apparently the only confession is one
19 on June 21 of '06 as far as indicating guilt. Is that
20 correct?

21 MR. GAMBLE: That's correct other than attempted
22 negotiations, which is not in this.

23 THE COURT: Number one, not going to go into any
24 attempted negotiations. I don't think that's admissible.
25 Number two, we're not going to go into the fact he chose

1 to remain silent and asked for an attorney.

2 Now, what else you asking for a motion in limine?

3 MR. GAMBLE: I didn't get into it, but there was a
4 polygraph.

5 THE COURT: Not getting into polygraph, period. You
6 know that. That's not admissible.

7 MR. GAMBLE: The second or third motion, I can't keep
8 up with them, is to suppress the phone call or what was
9 said on the phone call reportedly between Mr. Cox and
10 Miss Andrews that was made before this incident took
11 place. Based on that fact that that would be hearsay.

12 THE COURT: Who got the phone -- is it on tape
13 recording?

14 MR. GAMBLE: Cox was supposed to have called Andrews
15 immediately before.

16 THE COURT: Is it on answering machine?

17 MR. GAMBLE: No, cell phone to cell phone. And
18 anything he said to her would be hearsay in this trial.

19 THE COURT: What who said?

20 MR. GAMBLE: Cox said to Andrews.

21 THE COURT: You got a conversation, I assume, between
22 Cox and Andrews and you want to offer it by Mrs. Andrews.
23 Is that correct?

24 MR. CAMPBELL: Yes, sir. Probably a 20-second phone
25 call made at 10:40 p.m. on August 17, 2006, from the phone

1 Mr. Ryan Cox was carrying, the pink cell phone. I don't
2 have any objection to saying she received a phone call and
3 who it was from, the objection is what was said. It's
4 hearsay. "Skyler, this is Ryan. Be careful, Johnny is in
5 the area."

6 THE COURT: What basis do you think that would be
7 admissible?

8 MR. CAMPBELL: First of all, while it is hearsay, the
9 state's position it falls under exception, the 804(B)3
10 exception against interest.

11 MR. GAMBLE: It wasn't against Cox's interest.

12 MR. CAMPBELL: I'll finish mine --

13 THE COURT: What exception do you think it comes
14 under? No question it's hearsay.

15 MR. CAMPBELL: It's hearsay. We agree 804(B)3,
16 hearsay exceptions: That a reasonable person in the
17 declarant's position, a person would not have made the
18 statement unless believing it to be true. Our position is
19 this is non-testimonial evidence, not statement, it was
20 not given to a government official, it was not intended to
21 be used in the trial of the case, not intended to be used
22 in a court of law whether magistrate, family court, or
23 general sessions.

24 As such, as the Court stated in Crawford didn't get
25 to cross examination in Crawford type of hearing. However

1 this tape is not being admitted to prove the matter
2 asserted that Mr. Mahaffey was actually the one that
3 committed the murder at that time. What we're using it to
4 do is help establish --

5 THE COURT: It's being offered to tell her, "He's in
6 the area, be careful."

7 MR. CAMPBELL: Right.

8 THE COURT: Or she told him, the victim, right?

9 MR. CAMPBELL: That's correct. The victim called the
10 girlfriend.

11 THE COURT: The girlfriend, Mrs. Andrews, told the
12 victim that he was in the area, be careful.

13 MR. CAMPBELL: The victim told the girlfriend that
14 Mr. Mahaffey was in the area. And we're offering it for
15 several reasons.

16 THE COURT: I know you're offering it for several
17 reasons. You're saying (B)(3), a statement against
18 interest? That would be the defendant's interest, Mr. Cox
19 doesn't have any interest.

20 MR. CAMPBELL: Going back to the declarant who is
21 stating it. The declarant in this case definitely
22 unavailable and would not have made the statement unless
23 it's true.

24 MR. GAMBLE: It's not against pecuniary or
25 proprietary interest.

1 THE COURT: I thought statement against interest is
2 against the person the lawsuit is involved, in this case
3 the defendant.

4 MR. CAMPBELL: In this case, the declarant.

5 THE COURT: You trying to say interest against the
6 victim and that's admissible? Tell me about that. You're
7 trying to say it's against the interest of the victim,
8 right?

9 MR. CAMPBELL: Right. I think should be able to come
10 in. We're not offering it for the truth of the matter
11 asserted, being that Mr. Mahaffey is the one killed him.
12 At this point we're using it to establish a timeline that
13 the victim was alive. Shows --

14 THE COURT: Not going into that statement. You can
15 go into the fact that she received a phone call, what time
16 she received it. We're not going into what was said.

17 MR. CAMPBELL: Okay.

18 THE COURT: She can testify anything she did or heard
19 or saw. But we're not going into what someone told her.
20 I'm going to grant the motion in limine on that.

21 MS. WHITE: Judge, I have one more.

22 THE COURT: Mr. Gamble, are you through?

23 MR. GAMBLE: Yes, sir. You ruled with me. I don't
24 ever argue about that.

25 MS. WHITE: Well, this kind of ties in to that,

1 Judge. The state did apparently -- there was a witness
2 somewhere down the road said she heard a loud car around
3 this time. The state apparently did a tape of, allegedly,
4 the defendant's car muffler. And that just kind of
5 reminded me, this thing we just did. I would object to
6 that being admissible. We have no idea the distance it
7 was. Unless it was done at the place under the exact same
8 circumstances. I would object to that as well.

9 THE COURT: A muffler? There are a lot of mufflers
10 running up and down Clemson Boulevard.

11 MR. CAMPBELL: Well, let me explain.

12 THE COURT: You need to do some explaining.

13 MR. CAMPBELL: Okay, here's how it goes. At the time
14 Detective Reeves was called out to the scene 28 bypass, we
15 had no suspects at this time. The only suspect
16 Mr. Mahaffey, we didn't know who he was, and the victim.
17 Nobody else saw the crime. A person was unloading cars
18 right down at Arnette Motors, there was a Chevrolet Place
19 right there on 28 bypass. When they heard the shots and
20 heard a loud muffler leaving. At that point Detective
21 Reeves arrived on the scene. That was all they had until
22 Miss Andrews --

23 THE COURT: Had no description of the car or
24 anything?

25 MR. CAMPBELL: No description of the car other than a

1 loud muffler. Mr. Mahaffey has one of these little small,
2 hot-rod type cars, they try to soup them up where the
3 muffler sounds real loud. That just goes to show that he
4 -- they're trying to argue it could be another car. We're
5 trying to show that that was his car that was there that
6 night.

7 THE COURT: Because he had a loud muffler?

8 MR. CAMPBELL: Well, it goes to show once they found
9 the car, it corroborates what was said.

10 MS. WHITE: I --

11 MR. CAMPBELL: What they learned at the scene.

12 THE COURT: Miss White, you know don't interrupt.

13 MS. WHITE: Yes, sir.

14 THE COURT: If you want to say something, I'll be
15 glad to hear you. Don't interrupt. I can't hear both of
16 you. She can't take both of you down. I'll be glad to
17 hear what you're going to say before I rule.

18 Let me make sure I understand what you're trying to
19 tell me. You're trying to tell me that you compared
20 muffler sounds. You're going to offer that in evidence as
21 being the vehicle?

22 MR. CAMPBELL: Did not compare muffler sounds. What
23 we did was took a video of Mr. Mahaffey's car, what the
24 shell casing was found in; and to show that this witness
25 was correct, information he had at the time. That's all

1 they had. They heard a loud muffler after they heard the
2 gunshots. And that shows that Mr. Mahaffey's car -- might
3 not been trying to say that's his car at that point in
4 time when it happened; but his car does have a loud
5 muffler and want to show it corroborates evidence.

6 THE COURT: His car has a loud muffler?

7 MR. CAMPBELL: Right.

8 MS. WHITE: I have no objection to testimony that his
9 car has a loud muffler. What I object to is the tape.
10 Where was the tape recorder against the muffler? This
11 witness down near Clemson Boulevard where the overpass
12 goes over it.

13 THE COURT: Planning on using it in --

14 MR. CAMPBELL: Planning on putting it in pursuant to
15 your ruling.

16 THE COURT: I don't have a problem testifying the car
17 had a loud muffler. Detective Reeves can testify the car
18 had a loud muffler. What is on the tape?

19 MR. CAMPBELL: Just showing the officer driving his
20 car, to shows how it sounds, where you're driving it in
21 the parking lot at the sheriff's department.

22 THE COURT: Let me ask you this, Ms. White, your
23 motion, assuming he lays a foundation, I took this tape
24 record to show the sound of the loud muffler, as far as
25 the rule evidence is concerned, why wouldn't it be,

1 admissible assuming a foundation is laid? Nobody is
2 saying it's the identical car, but the sound of the
3 muffler.

4 MR. WHITE: Yes. What I'm saying, number one, it's
5 not relevant; number two, it's prejudicial value outweighs
6 its probative value. Because what they're saying, we had
7 an officer taping in the car or in the parking lot. What
8 I'm saying is that's not accurate. What happens, we have
9 a person who is at Clemson Boulevard, where the overpass
10 thing goes over. That's not accurate. They are taping in
11 the car or in the parking lot. Of course, it's going to
12 sound very loud.

13 THE COURT: Well, I don't follow your argument. You
14 first say, of course, they can testify that it has a loud
15 muffler; and if that's the case, what's wrong with
16 listening to the loud muffler. I don't understand your
17 argument. What's the difference?

18 MS. WHITE: Because, your Honor, the experiment was
19 not done under the same circumstances. It's like one of
20 those video recreations, you have to plug in the right
21 figures to get the correct re-creation.

22 THE COURT: I'll listen to the testimony. I'll take
23 it under advisement make a ruling on your motion at the
24 appropriate time before the tape comes in.

25 MS. WHITE: Yes, sir.

1 THE COURT: As far as the prior bad acts and the
2 pictures, I'll let you know before we get the pictures. I
3 want to read the cases you handed up during lunch.
4 Anything else?

5 MR. WHITE: No, sir. Just on those, some may be
6 admissible, I don't know; but I would ask for a full Lyle
7 hearing so we can hear the testimony and see if, in fact,
8 they are res gestae because we're hearing what Rame says,
9 but we haven't heard any testimony.

10 THE COURT: I understand. All right. Thank you very
11 much. See you at 2:30.

12 (WHEREUPON, a the proceedings were adjourned for the
13 luncheon recess, during which time State's Exhibit
14 No. 1 THROUGH 34, a group of photographs, are marked
15 for identification.)

16 Afternoon Session

17 (WHEREUPON, Court reconvened outside the presence of
18 the jury, when the following proceedings were had:)

19 THE COURT: I think I told Mr. Campbell before lunch
20 that the pictures were going to have to come off the
21 poster of the victim. I don't think that's appropriate.
22 And I told Mr. Campbell that before lunch so he could
23 prepare the poster during lunch or at least at some point
24 in time.

25 MR. CAMPBELL: We took them out.

1 THE COURT: As far as Lyle on 404(B) charge, I'm not
2 going to allow, at this point in time, in your case in
3 chief. Any questions about the charges themselves. I.e.,
4 CDV's, simple assaults, or whatever rules to show cause or
5 restraining orders? I'm assuming Mrs. Skyler can testify
6 to anything she saw and observed or anything she may have
7 heard as admissible under the rules of evidence between
8 the defendant and the victim.

9 At this point in time I'm going to have to listen to
10 the testimony concerning anything that occurred between
11 the victim and the defendant, I will allow into evidence
12 other than what the criminal charges actually were. Do
13 you understand? That Mrs. Andrews observed. As far as
14 CDV's where the defendant was charged with CDV against
15 Mrs. Andrews, I'm going to have to listen to that in
16 camera and make a decision at some point in time about
17 those. I don't know what she's going to say. But for now
18 we're not going to mention any prior crimes. Do you
19 understand?

20 MR. CAMPBELL: Yes, sir.

21 THE COURT: So, whenever you get -- you want to go
22 into the CDV, let me know, we'll have an in camera
23 hearing, I'll make a decision about what occurred between
24 the defendant and Mrs. Andrews. I just think that's a
25 long hurdle. Do you understand, Mr. Campbell?

1 MR. CAMPBELL: Yes, sir.

2 THE COURT: Does that take care of all your motions?

3 MS. WHITE: We didn't get a ruling on the photos of
4 the other people with the cell phone.

5 THE COURT: I'll make a decision on those after I
6 hear testimony.

7 MS. WHITE: And the tape on the muffler, you're
8 holding that in abeyance as well? I think you said you
9 were going to hold that in abeyance as well?

10 THE COURT: I'll just have to decide that at the
11 time. As far as the pictures, whenever you're going to
12 introduce them, make your motion and I'll rule. It's
13 sometimes hard to make motion-in-limine decisions until
14 you hear the testimony.

15 All right. Does that cover all the motions?

16 MS. WHITE: Yes, sir.

17 THE COURT: All right. I received a note from one of
18 the jurors concerning her first cousin that was convicted
19 of statutory rape about eight years ago and served time.
20 I'm going to mark that as Court's Exhibit. And I talked
21 to the attorneys and the attorneys did not want me to
22 bring her out and question her about it because the note
23 said she didn't know -- wasn't close to the cousin, she
24 wasn't involved in the prosecution, and didn't attend the
25 trial.

1 And the attorneys agreed I would not ask her any
2 further questions about it. I sent the note back, told
3 her, "thank you, but not to worry about it."

4 Is that correct, from the state?

5 MR. CAMPBELL: That's correct, your Honor.

6 THE COURT: Is that correct, from the defendant?

7 MS. WHITE: Yes, sir.

8 THE COURT: Thank you very much. Donna, mark this
9 Court's Exhibit Number 1.

10 (WHEREUPON, Court's Exhibit No. 1 is marked for
11 identification.)

12 THE COURT: Anything else before we bring the jury?

13 MR. CAMPBELL: Nothing from the state.

14 THE COURT: Anything, Mrs. White?

15 MS. WHITE: No, sir.

16 THE COURT: Okay. Bring us the jury.

17 (WHEREUPON, a jury of twelve and two alternates came
18 into open court and was administered the oath by the
19 clerk of court.)

20 THE COURT: Ladies and gentlemen of the jury, I will
21 permit you to take notes if you would like to take notes.
22 And if you would raise your right hand, we'll get some
23 notepads and pens, pencils for you. During the trial if
24 you having problems and need a break, raise your hands.
25 I'll stop the proceedings and see what the problem is. Or

1 if you can't hear, raise your hand, I'll see what the
2 problem is.

3 I try to take a break about every hour and a half.
4 Sometimes that doesn't work out. If you're being cramped,
5 you need to stand up, feel free to stand, stretch, and
6 then sit back down. Pay attention to what's going on.
7 Try to not interrupt people behind you or beside you,
8 stand and stretch. If I remember, I'll try to take a
9 break to let you stand and stretch.

10 I don't want any portable or mobile phones in the
11 jury room. Leave them with the bailiff and when you leave
12 every day the bailiff will get them back to you. He's
13 probably already taken them up. Is that correct?

14 THE BAILIFF: Yes, your Honor.

15 THE COURT: What will transpire, we'll have opening
16 statements very shortly and then the state will put up
17 testimony and the defendant will have the witnesses on
18 cross examination. After all the state's testimony, the
19 defense may put up testimony, they may not. And after
20 that, we'll have closing arguments and the charge; and
21 I'll charge you on the law that's applicable in the
22 particular case. Just to give you a very brief rundown
23 what's going to transpire over the next four days.

24 Mr. Campbell, you want to give a brief opening
25 statement?

On that night Detective Steve Reeves with the Anderson County Sheriff's Office was called, he was the lead detective working the second shift. He was called

1 out to the scene. When he come out, he found Mr. Cox's
2 body laying in a pool of blood on 28 bypass. He observed
3 eight shell casings littered around Mr. Cox's body.
4 Obviously, this person wanted Mr. Cox dead.

5 He was given the task of trying to decide and trying
6 to determine who had committed this crime. And while he
7 was on the scene, Ms. Skyler Andrews, Ryan Cox's
8 girlfriend showed up. She let him listen to her cell
9 phone. And based upon that, looking into the history of
10 the parties, they developed Johnny Mahaffey, the defendant
11 sitting on the end in the blue shirt, as a suspect, a
12 person of interest at that point in time.

13 Well, Detective Reeves, at that point in time, had a
14 hard task in front of him. First of all, he tried to
15 figure out who was who in the relationship of the parties.
16 And this is kind of confusing, so I'll try to set it out
17 the best I can.

18 Mr. Ryan Cox is the victim. He was separated,
19 although he was still married, to Ixa Cox. Ms. Ixa Cox
20 was in the Anderson Area Medical Center. She had just
21 given birth to her second child. Mr. Cox, the victim,
22 currently, since he was separated, was living with Skyler
23 Andrews. They both worked together at the Olive Garden.
24 Miss Andrews was the former girlfriend of Johnny Mahaffey.

25 After they broke up, Mr. Mahaffey married a friend of

1 hers who is now Jamie Mahaffey. It's a little confusing
2 to try to keep all the parties together, and that's what
3 he started off with.

4 Well, after that, they got a search warrant. And
5 Mr. Mahaffey owns a white and gray Honda. On that car,
6 outside where the hood and the windshield come together,
7 they found a single shell casing from a .9 millimeter
8 pistol. Based upon that and what they knew, Detective
9 Steve Reeves took out a warrant for Mr. Mahaffey's arrest.

10 And that warrant, as the judge read in the
11 indictment, states he's charged with two things. The
12 first one is murder, killing of another human being with
13 malice aforethought. Malice is a legal term meaning ill
14 will or hatred. Aforethought is just a legal term meaning
15 you meant to do it. No set time limit on that. You can
16 infer or imply malice based upon the use of a pistol, a
17 deadly weapon. When you intentionally kill someone, which
18 is where the second charge comes in, possession of a
19 firearm during the commission of a violent crime.

20 That's what you ultimately have been decided to
21 decide. [sic] You, as the triers of the facts, determine
22 the ultimate question is, did, in fact, Johnny Mahaffey
23 murder Ryan Cox on the night of August 17, 2006, in
24 Anderson County. If he did, did he use a deadly weapon to
25 go hand in hand.

Opening Statement - By Mr. Campbell

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1 Now, to prove our case, the state has the burden of
2 proof in this case. We have to prove our case beyond a
3 reasonable doubt, which the legal term is, would it cause
4 a reasonable person to hesitate to act. Given its plain
5 and ordinary meaning, it's just this: If you feel the
6 state concludes its case we presented enough evidence to
7 show you in fact Mr. Mahaffey murdered Ryan Cox, then you
8 find him guilty. Likewise, if you feel we haven't met our
9 burden and there's possibly some other suspect out there,
10 then you give him the benefit of the doubt and you find
11 him not guilty.

12 This case I think you'll find interesting. You'll
13 hear a lot of evidence, a lot of scientific evidence.
14 There were no eyewitnesses, only two: The killer; and the
15 victim, Mr. Cox. So the state's going to be proving its
16 case on evidence. And you'll hear from a number of
17 witnesses, SLED law enforcement, from our detectives here
18 at the sheriff's department. You'll hear from cell phone
19 company representatives.

20 And when it's all said and done, I'm going to speak
21 to you one more time at the close of the case. And it's
22 at that time, I'll ask you one more time I'm going to ask
23 you to bring back a verdict, the only verdict that the
24 truth dictates and justice demands. I look forward to
25 seeing you at the end of this case.

1 THE COURT: Mr. Gamble? Ms. White?

2 OPENING STATEMENT

3 MR. GAMBLE: Thank you, your Honor. May it please
4 the Court?

5 BY MR. GAMBLE:

6 The proof of a case, I know a lot of people watch
7 television shows, CSI, things like that. The proof of a
8 case depends on a lot of scientific evidence, and the
9 disproof of a case depends on the lack thereof of
10 scientific evidence. In order for the state to overcome
11 their burden; that is, to prove to you beyond a reasonable
12 doubt, they have to bring you that evidence and the
13 scientific proof backing it up.

14 But when the solicitor told you just now that shell
15 casing was found on the cowl of the car, the question that
16 hits my mind is, how long had it been there? How long had
17 it been since that shell casing was fired and landed in
18 that cowl? There's no proof of anything with that.
19 Because you have to know when.

20 He says there were two witnesses. How do we know
21 that? One is dead. But were there others? We've got to
22 find out. In order to prove the case, they have to prove
23 every aspect of it to your satisfaction, not to mine or
24 anybody else's, but to yours.

25 Now, the problem comes up like this. You have a

1 serious responsibility. Because if I make an error or
2 Miss White or Mr. Campbell makes an error, there's another
3 Court, can appeal, called the Supreme Court or Court of
4 Appeals. Errors of fact made by a jury cannot be
5 appealed. It's what lives with the case. So, that's the
6 burden that you have. And it's a heavy burden. And I
7 wouldn't want to do it, myself. But somebody has got to.

8 If we had a jury of 12 lawyers, we'd never get a
9 decision, they'd all fight each other and argue with each
10 other. Because that's what we do. But, at any rate,
11 that's the burden you've got.

12 The burden I've got is to question. And Ms. White
13 and Mr. Thomason, the burden we have is to question
14 everything about the case, to be sure everything was done
15 that was supposed to have been done. And if it's not,
16 then that's where your decision comes in. And you say, do
17 it right or just don't do it at all.

18 Things aren't always as they seem. What we're about
19 to get into is a mystery novel where it starts out, you
20 think, golly, this guy really did it; but in the end, it
21 comes out, maybe he didn't; maybe somebody else did. And
22 that's the mystery of this case. Thank you.

23 THE COURT: Mr. Campbell, you may call your first
24 witness, please.

25 MR. CAMPBELL: Your Honor, the state calls Dr. Brett

1 Woodard to the stand.

2 THE COURT: Ladies and gentlemen, if you put your
3 name inside the notepad; when you leave the courtroom,
4 leave your notepads inside the chair, the only place you
5 will have the notepad is inside the courtroom. Once the
6 trial is over and you begin your deliberations, you'll
7 take the notepads with you into the jury room, but not
8 until that time.

9 MR. CAMPBELL: Dr. Woodard.

10 BRETT H. WOODARD, M.D., being first
11 duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. CAMPBELL:

14 THE CLERK: State your name please, and spell your
15 last name for the record.

16 A Brett Houghten Woodard, W-O-O-D-A-R-D.

17 Q Dr. Woodard, exactly what is your occupation?

18 A I'm a medical doctor, pathologist and forensic
19 pathologist by training.

20 Q And are you licensed here in South Carolina?

21 A Yes, I am.

22 Q How long have you been in practice?

23 A I came to South Carolina and started practice in
24 1982.

25 Q And as part of that practice, are you currently in

1 Anderson County?

2 A Yes, I am.

3 Q And as part of your job description or duties, have
4 you also conducted autopsies here for the county?

5 A Yes, I do.

6 Q How long have you been doing that?

7 A Since 1982.

8 Q All in Anderson County?

9 A Anderson, Oconee, Pickens, Laurens, Abbeville and
10 Greenwood Counties.

11 Q Approximately how many autopsies do you think you
12 have performed? Just a rough estimate?

13 A Somewhere between two and two-hundred and fifty a
14 year.

15 Q To get where you are today, can you tell the ladies
16 and gentlemen of the jury what type of schooling or
17 training you have?

18 A I have received a baccalaureate degree from the
19 University of Pittsburgh, attended University Medical
20 School at Tulane University School of Medicine,
21 received medical degree. I then did an internship at
22 Charity Hospital in New Orleans. I then did a
23 residency, four-year residency, in anatomic and
24 clinical pathology at Duke University Medical Center
25 in Durham, North Carolina.

1 I then was on the faculty for a year and a half at
2 Duke before I came into practice with Piedmont
3 Pathology Associates in Anderson, South Carolina.

4 I returned to North Carolina for fellowship training
5 at the North Carolina Medical Examiner's Office where
6 I took fellowship training in forensic pathology.

7 I'm now board certified by the American Board of
8 Pathology in anatomic and clinical forensic pathology
9 and blood banking and transfusion medicine.

10 Q Now, what exactly does pathology involve?

11 A Pathology is the study of disease and injury in the
12 human body, either by -- well, one point looking at
13 organ tissues directly with the eye or under
14 microscope or tests by means of chemical or biologic
15 testing.

16 Q And as part of your training you said you were a
17 forensic pathologist. Is there any extra training
18 you have to do for that?

19 A Yes. That is to gain expertise on injuries to the
20 human body how they may manifest themselves on the
21 body and what limitations or disabilities they may
22 cause when they manifest themselves.

23 Q Now, in forensic pathology do you study the way death
24 can be occurred such as by gunshot? Do you learn
25 different aspects of that?

1 A Yes, you do.

2 Q And pursuant to your training do you learn anything
3 about GSR, gunshot residue, gun powder?

4 A Yes, you do.

5 Q And what exactly do you learn in that area?

6 A You learn the collection and documentation of its
7 presence as seen with the naked eye or collected by
8 chemical or microscopic kit analysis, how to collect
9 it, and how to collect it from other cites than just
10 the hands on the body and when it may be useful to
11 establish its presence.

12 Q As part of your training and experience, do you also
13 learn about the effects of a firearm or bullets on
14 the body?

15 A Yes, you do.

16 Q And approximately -- would you give a rough estimate
17 how many homicide cases you have worked in your
18 career?

19 A Thousands.

20 Q And have you ever been qualified as an expert in
21 forensic pathology in the state court in South
22 Carolina and federal court?

23 A In state court, yes.

24 Q Have you ever been in federal court?

25 A Yes, I have.

1 Q Your Honor, at this time I move Dr. Woodard, as an an
2 expert in forensic pathology.

3 THE COURT: Any objection?

4 MR. WHITE: No objection.

5 THE COURT: Court so finds.

6 Q Now, Dr. Woodard, on or about August 18, 2006, did
7 you have occasion to perform an autopsy on Ryan
8 Nicholas Cox?

9 A Yes, I did.

10 Q And where was this conducted?

11 A At the morgue facility at Anderson Area Medical
12 Center here in Anderson.

13 Q How did you get the body? How did it arrive?

14 A The body was transported to the morgue at the request
15 of the Anderson County Coroner's office, specifically
16 by Mr. Shore in this case. It arrived in a sealed
17 body bag.

18 Q And to your knowledge, at that point in time,
19 initially did you know the circumstances of death
20 involving Mr. Cox?

21 A That he had been shot on the 28 bypass.

22 Q And when you observed the body, was he clothed, to
23 begin with?

24 A Yes, it was.

25 Q And was the hands in this case, Mr. Cox's hands in

1 this case, in bags?

2 A They were placed in paper bags.

3 Q And what is the purpose of placing the paper bags on
4 a person's hands?

5 A The purpose is so that you can collect trace evidence
6 such as anything that might be collected under the
7 nails or associated with the surfaces of the hands.
8 Also, after the body -- a person dies, the body
9 cools; and that cooling will lead to condensation if
10 one places the bags inside -- the hands inside
11 plastic bags. So paper bags are used to prevent that
12 condensation and allow chemical tests such as GSR, or
13 gunshot residue tests, to be performed.

14 Q Prior to you conducting that autopsy, do you make a
15 examination of the body?

16 A Yes.

17 Q Based upon your observation, did you see any evidence
18 of stippling or gun powder around any of the gunshot
19 wounds?

20 A Yes, I did.

21 Q How many gunshot wounds did you observe?

22 A There were eight independent gunshot wounds.

23 Q Now, based upon your examination can you describe to
24 the ladies and gentlemen of the jury how you perform
25 an autopsy when you're looking for evidence?

1 A Basically you start with the body in its clothed
2 condition or whatever condition you receive it and
3 study those external surfaces for any evidence of
4 injuries or trauma to those external surfaces on the
5 cloth to see if there's any translation of that
6 external injuries to the surface of the body.
7 Then you look at the surface of the body for any
8 evidence of any kind of injuries or the presence of
9 any disease process. And then you look beneath that
10 to see the extent of the injury that may have
11 occurred in association with the defect on the
12 surface.

13 Q Now, when you did your initial examination of the
14 body, you stated you didn't see any gunshot powder on
15 the body or stippling. Can you explain to the ladies
16 and gentlemen of the jury what this means?

17 A When a gun is fired, not only does the bullet come
18 out of the end of the gun; but for a short distance
19 and usually in handguns around a foot, a fine mist of
20 powder will come out from the exploding shell. The
21 powder is very light and so it lays on the surface of
22 the body and can easily be brushed or washed away.
23 So we want to observe it before we wash the body to
24 better see any wounds or injuries that may be on it,
25 and to collect samples of it if it's present and try

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20 powder will come out from the exploding shell. The
21 powder is very light and so it lays on the surface of
22 the body and can easily be brushed or washed away.
23 So we want to observe it before we wash the body to
24 better see any wounds or injuries that may be on it,
25 and to collect samples of it if it's present and try

1 to characterize it. Because every manufacturer of
2 ammunition uses different types of powder inside
3 their ammunition.

4 Also, out of the gun barrel fine metal filings and
5 congealed pieces of powder that have a little more
6 weight to them, these can for a short distance come
7 out, strike the skin, and actually produce little
8 tares or bruises in the skin. This is what we refer
9 to as stippling on the skin. No matter how hard you
10 scrub these bruises or tares, they won't go away.
11 They'll be on the surface of the skin. And, again,
12 if the make or the manufacturer of the bullets is
13 known and the handgun is retrieved, they can be very
14 strongly correlated with the distance the end of the
15 barrel was from the individual at the time the weapon
16 was discharged.

17 Q And typically what is the range that you would expect
18 to find stippling or gun powder on a body?

19 A In a usual handgun stippling doesn't extend much more
20 than 12-inches, occasionally out to 18 inches if the
21 barrel was very long. If the barrel is very short,
22 it can actually be much shorter than that distance.
23 The powder is well represented and have been able to
24 see with the naked eye usually around six inches but
25 no more than 12.

1 Q Now, when you examined the body, were you able to
2 determine, first of all, how Mr. Cox, what his body
3 position was when he was first shot?

4 A No. It's impossible to know the exact first wound
5 that he received. It's possible to categorize wounds
6 where the shooter would be in relationship to produce
7 those wounds at the time the individual was shot.
8 But which one of those wounds was the exact first
9 wound would not be possible.

10 Q But you can basically give an estimate of the
11 correlation between the shooter and the way the
12 victim was at the time of the shooting?

13 A That's correct.

14 Q Now, you looked at these wounds, I know you did. You
15 looked at these wounds. Can you please tell the
16 ladies and gentlemen of the jury the number of shots
17 and where they were located?

18 A Yes. There were eight separate shots that the
19 individual suffered. Three went to the head and face
20 areas. One wound came in the left back side of the
21 head and grazed across the scalp of the head to exit
22 just to the right side of the back portion of the
23 head.

24 One wound went in the left temple area or sort of in
25 front, slightly above where the ear would be, crossed

1 through the substance of the brain and exited the
2 other side of the head. One wound came in the soft
3 tissues on the left side, passed between the teeth,
4 struck the tongue, broke the jaw and came out on the
5 right side a little more forward than where it went
6 in the back.

7 Two wounds struck his left side of the body, one
8 struck his left arm and broke the arm bone, the
9 humerus. One struck further back, the back line of
10 the shirt, would fall down through the armpit of a
11 man; and went into the chest cavity and tore the big
12 blood vessel in the chest, the aorta. And then three
13 bullets struck the back, two went in the right side
14 of the back and one in the left side of the back.

15 Q Dr. Woodard, would you please step down off the stand
16 a second.

17 (Witness steps down from the stand.)

18 I'll show you some pictures of a human body. Will
19 you please describe for the ladies and gentlemen of
20 the jury -- I know you told us what you observed, but
21 can you show on a human body chart where the injuries
22 occurred?

23 Just mark on there please, sir. Just put an "X"
24 where they occurred.

25 A There are two different drawings. I'm going to start

1 with this one drawing. I'll put a number one on it
2 to indicate it was the first drawing I started to
3 draw.
4 If you look in the left lower portion -- yeah. If
5 you look here at the left lower portion, you see the
6 left side of the mannequin's face, there was a bullet
7 wound that I first described, went in the back left
8 side here. The second wound that I described went in
9 the left side above the ear, but in front of it. And
10 the third wound went in slightly above the jaw bone
11 on this side and through the soft tissues of the
12 mouth.
13 Then a bullet wound went in the left arm and broke
14 the arm bone. And then a bullet wound, this arm
15 would need to be a little further forward to be
16 correct, but it went in below this, on the left side.
17 The wound would be more underneath where this arm
18 happens to be. But it went in and -- went in through
19 the body.
20 The wound that -- as they came out, the wound that
21 went in the back left side, came out -- and I'll put
22 an "X" here for exit -- came out just to the right
23 side of the back of the left side of the head. The
24 one went in the left side came out the right temple
25 area, and the one in the left side near the jaw came

1 out on the right side through the jaw.

2 The other three wounds are better seen -- would be

3 better seen on the second diagram. And I'll put a

4 two on that to indicate it was the second one I

5 described. This is a mannequin, front and back of a

6 male mannequin.

7 Two bullets went in the right side and one bullet

8 went in the left side of the back. These bullets

9 crossed through the body and the bullet on the right

10 side actually went down steeply and came out on the

11 leg. But the other bullets were retrieved inside the

12 body.

13 The bullets that went -- going back to the first

14 drawing -- all the ones that were associated with the

15 head and face exited the body. The one for the left

16 shoulder, which broke the shoulder bone was

17 retrieved, and the one from the left side chest was

18 retrieved. So four bullets were retrieved.

19 Q And based upon what you have shown, are any or all of
20 these fatal shots?

21 A The wound that goes in the left side of the head and
22 comes out the right side of the head would be

23 immediately incapacitating. The victim would no

24 longer be able to stand or create any kind of

25 volitional act. It may not stop his heart instantly.

1 In fact, it probably doesn't stop the heart
2 instantly, but would result in his death. The bullet
3 that went in the left back of his head would have the
4 same effect as if somebody took a large metal bar,
5 struck him firmly on the head. It would be
6 concussive and result in him being severely stunned
7 unconscious.

8 The bullet that went through his face would not have
9 been instantly fatal nor would it have been fatal in
10 the long run. The bullet that went into his left arm
11 which broke the arm would incapacitate the use of
12 that left arm, but would not have been a fatal wound.
13 The bullet that went into his left back, which went
14 in and struck the large blood vessel of the body,
15 would be a fatal wound. It wouldn't be instantly
16 fatal, but would be fatal in a short time period
17 because it would drop his blood pressure in a matter
18 of seconds to less than a minute. His blood pressure
19 would be too low for him to continue to be able to
20 function normally.

21 The wounds that struck him and went through his
22 abdomen had the potential to be fatal because of the
23 organs they struck; but would not be instantly
24 incapacitating or quickly fatal in character.

25 Q Please take the stand.

1 (Witness resumes stand.)

2 Now, Dr. Woodard, besides the bullet wounds that you
3 observed, did you observe any other type of injuries
4 upon Mr. Cox's body?

5 A There were some contusions or bruises over the back
6 of the right neck that appeared to be associated
7 with -- he wore a chain with a charm on it --
8 appeared to be associated with that. Then there was
9 some bruises and scrapes on his right forearm and
10 there was an older contusion on the right upper arm
11 above the elbow. And then there was a contusion that
12 was seen across the upper portion of the skull.

13 Q Now, are these wounds that you would expect to find
14 someone who had fallen upon an asphalt road?

15 A Clearly the bruise across the top of his skull was
16 caused by what we refer to as an unsupported fall,
17 meaning he just fell from his heighth, kersplat, face
18 forward.

19 Q Also did you look, check over the body, to see if
20 there were any other wounds upon Mr. Cox's body to
21 indicate whether he was an aggressor in this case, or
22 any other defensive wounds?

23 A We looked at his hands, knuckle surfaces. There was
24 nothing to suggest there had been close contact,
25 fistfight type of contact, before this occurred.

1 Q Now, at the autopsy you also recovered three objects
2 from his body, were those bullets that were fired?

3 A That's correct.

4 Q And based upon your observation, were you able to
5 determine at that time what type of caliber the
6 bullets were?

7 A What we call a small-caliber jacketed bullet and
8 certainly suggested a .9 millimeter handgun.

9 Q As part of your autopsy, you also collected fluids
10 from the body in the case?

11 A Yes, sir. We also collected fluid, bodily fluids,
12 for toxicology, DNA studies. His clothing was given
13 to sheriff's representatives to take to SLED.

14 Q Also took blood samples?

15 A Took blood samples, urine, the fluid around the eye.

16 Q And what is the purpose of this?

17 A To see if the history or the finding of any
18 toxicologic substance assists the police in
19 developing a profile of the victim to try and
20 determine who's the most likely perpetrator.

21 Q Based upon your autopsy, did you form an expert
22 opinion, within a reasonable degree of medical
23 certainty, concerning the death of Mr. Cox?

24 A Yes.

25 Q What was that?

1 A He died from his gunshot wounds, and he either died
2 directly from the effect of the wound that struck the
3 aorta or the one that struck the head. There's no
4 way I can tell for sure which one occurred first.

5 Q Dr. Woodard, I have no further questions for you.
6 Please answer any questions the defense may have.

7 CROSS EXAMINATION

8 BY MS. WHITE:

9 Q Let's talk a minute about the blood you said you
10 took. You said that you took blood to develop the
11 victim's profile so it could help find a suspect. Is
12 that correct?

13 A Yeah, to determine if the victim is a substance
14 abuser, therefore, perhaps this was related to
15 substance abuse.

16 Q Let's back up. When we talk about these eight
17 wounds, there's a way to find the exact distance that
18 a shot was from a person when a shot is fired. Is
19 that correct?

20 A Until the gun gets to a certain distance, beyond
21 which we call it a distant wound and no longer leaves
22 a signature on the clothing or on the deceased.

23 Q And, basically, what you would do is, you would take
24 Ryan Cox's clothing, they would be sent to SLED, the
25 gun would be sent to SLED, and they do tests where

1 they just back up on a piece of material and they can
2 find the pattern on Ryan Cox's shirt. And then they
3 can compare that with the pattern on the shots that
4 they do and say, "okay, it's 12 inches back, it makes
5 the same pattern; or 18 inches, or ten feet back, or
6 whatever it is. Isn't that correct?

7 A That's correct.

8 Q So the only way you would know how distant the
9 shooter was from Ryan Cox would be to take his
10 clothes, send them to SLED, and have them do that
11 test?

12 A That's correct.

13 Q And the only way that you could be sure there's
14 nothing on the items the areas not clothed as to what
15 kind of pattern you would get would be to take the
16 actual gun and do the test?

17 A That's correct.

18 Q Why weren't those things done in this case?

19 MR. CAMPBELL: Objection, your Honor, calls for
20 opinion outside his expertise.

21 THE COURT: I'll sustain the objection.

22 Q Now, you talked about -- well, let's stay on that a
23 minute. This was a fairly bloody scene, is that
24 correct? Did you see the pictures?

25 A Yes.

1 Q And if the shooter was close to Ryan Cox, then there
2 could have been some blood spatter on the shooter or
3 even some microscopic blood spatter that is not
4 visible to the naked eye. Isn't that correct?

5 A That would be possible.

6 Q And so the only way you would know that would be if
7 you took the clothing from each suspect, sent them
8 down to SLED for the tests, and looked for the DNA
9 and took that blood from Ryan Cox to see if it was on
10 any of these items. Isn't that correct?

11 A That would be correct.

12 Q Now, often a shooter will think to destroy the
13 clothes but they rarely think to destroy or wash
14 their shoes, do they?

15 A It's uncommon that they throw their shoes away.

16 Q So it would be very important when you're doing a
17 search --

18 MR. CAMPBELL: Objection, your Honor. She's trying
19 to get into what the sheriff's department was doing on a
20 search. That's beyond his knowledge.

21 THE COURT: Let her finish the question. I'll rule
22 on the objection. Finish your question, Ms. White.

23 MS. WHITE: You testified you took the blood for DNA
24 purposes.

25 THE WITNESS: That's correct.

1 MS. WHITE: Would it be important to gather from each
2 suspect not only the clothes, but also the shoes, so that
3 SLED could look for that microscopic,
4 not-visible-to-the-eye, blood?

5 THE COURT: Doctor, hold on a second. Do you have an
6 objection?

7 MR. CAMPBELL: Yes, sir.

8 THE COURT: What's your legal objection?

9 MR. CAMPBELL: She's trying to get him to describe
10 what's going on at a crime scene, what procedures the
11 officers should have followed. It's beyond the scope of
12 his expertise.

13 MS. WHITE: I didn't ask that, your Honor.

14 THE COURT: Overruled. Go ahead.

15 A Yes, it would be important.

16 Q Can you tell the jury why that was not done in this
17 case?

18 MR. CAMPBELL: Objection, Your Honor, she has no
19 knowledge of this.

20 THE COURT: I'll sustain that objection.

21 Q Now, gunshot residue tests that you talked about, if
22 I shoot a gun, then there is a swab that can be done
23 of my hands, just as it was done on Ryan Cox's hands,
24 to determine whether I have gun powder on my hands.
25 Isn't that correct?

1 A They do both a swab and they use a little sticky
2 button that actually they can look at under the
3 microscope.

4 Q And, in fact, this test can be done on a suspect's
5 hands for up to six hours after the shot is fired and
6 it will still be accurate. Isn't that correct?

7 A Unless they've washed their hands or somehow altered
8 the surface of their hands.

9 Q But the only way to know is to swab each suspect's
10 hands; isn't that correct?

11 A Yes.

12 Q All right. Let's talk a minute about the contusions
13 on Ryan Cox. You said these could have been from a
14 fall, but they could have been from a struggle; isn't
15 that correct?

16 A Yes. The contusions across the head could have
17 represented him being struck by something across his
18 head, other than a fall.

19 Q And the scrapes and the other contusions could have
20 been from a struggle or could have been from a fall.
21 Isn't that correct?

22 A Yes.

23 Q And so each suspect then would need to be examined
24 thoroughly from head to toe to see if they had any
25 injuries. Is that correct?

1 A Yes.

2 Q And the reason for that is, if a suspect had
3 injuries, there might be blood on the victim's body
4 that you could get DNA off of. Is that correct?

5 A Yeah. There could be a transfer from the suspect to
6 the deceased.

7 Q But the only way to know that, we've already talked
8 about the victim's blood could be on the suspect, the
9 only way to know that would be to examine the
10 suspect's body for any injuries, and then examine the
11 victim's body, the blood on the victim's body, to see
12 if there's any cross transfer. Is that correct?

13 A That's correct.

14 Q So if there was a struggle and if the person who
15 struggled was injured, then you would need to do DNA
16 tests on the victim's body to see if any of the
17 suspect's blood was on it. Isn't that correct?

18 MR. CAMPBELL: Your Honor, I object. This is beyond
19 his knowledge or scope dealing with this case.

20 MS. WHITE: He testified he took the blood because of
21 that.

22 THE COURT: Don't argue the facts. If you want to
23 argue the facts come up to the bench and we'll excuse the
24 jury.

25 MR. CAMPBELL: Yes, sir.

1 THE COURT: You want to argue the facts? All right,
2 come on up here.

3 MR. WHITE: Yes, sir.

4 (Bench conference held within the presence but
5 outside the hearing of the jury:)

6 THE COURT: For the record the objection is
7 overruled.

8 Ladies and gentlemen, when I use the word
9 overruled -- first of all, let me back up. We have rules
10 of evidence that we have to go by, and these rules of
11 evidence have been brought over from England and developed
12 in this country and they're designed to give you the most
13 trustworthy testimony we can give to you in the courtroom.
14 When the attorneys make an objection, they're just stating
15 their position that in their opinion that is not
16 admissible for whatever reason under the rules of
17 evidence. It's my job to make a decision whether it
18 admissible or not admissible. If I use the words
19 overruled, the overrule means I disagree with the
20 attorneys it will not come in evidence. When I use the
21 word sustain, that means that I agree -- excuse me, when I
22 use the words overruled, it will come in evidence. When I
23 use the words sustain, that means I agree it will not come
24 into evidence.

25 Mrs. White, you may proceed.

1 MR. WHITE: Thank you, your Honor.

2 Q Now, I don't remember my question. Do you? All
3 right. I think we were talking about the victim's
4 blood being on the defendant. The only way to do
5 that would be to examine the clothing and do the DNA
6 tests. Is that correct?

7 A That's correct.

8 Q You have any idea whether that was done or not?

9 MR. CAMPBELL: Objection, your Honor. He has no
10 idea.

11 THE COURT: I sustain that objection. Move on.

12 Q All right. Let's talk about contusions and this
13 possible struggle. Do you mind telling the jury what
14 kind of belt buckle Mr. Cox had on him?

15 A He had a belt buckle that had a set of brass knuckles
16 associated with it. And had the statement "Cruisin'
17 for a Bruisin, Felon."

18 Q So the belt buckle was actually a set of brass
19 knuckles?

20 A Yes.

21 Q You testified about some of the angles of the
22 injuries. Doctor, can you tell just from an angle of
23 an injury whether or not the shooter was taller or
24 shorter than the victim? Or do you also have to know
25 the victim's angle? In other words, down on their

1 knees, bent over, turned around. Is that important
2 as well?

3 A Yes. The posture of the victim at the time that a
4 bullet is shot, the position that the individual
5 who's shooting holds the handgun. You know, if they
6 hold it in what I'll call a standard shooting
7 position or if they hold it at some other position,
8 it would totally change that angle. And the contour
9 of the ground, the victim is higher on the ground,
10 then the perpetrator or vice versa.

11 Q Your Honor, may I have the witness step down?

12 THE COURT: Yes, ma'am.

13 (Witness steps down from the stand.)

14 Q If you'd just stand there, doctor. How tall are you,
15 doctor?

16 A Five foot nine, if I get taller.

17 Q You're still waiting to grow?

18 A Yeah.

19 Q I'm shorter than you, then. If I have the gun but I
20 am actually shorter than the person shooting -- you
21 described one of the angles as being downward.

22 Please show the jury how that could happen if I'm
23 shorter than you, how I could get a downward angle
24 just by virtue of your position.

25 A The downward angles were the wounds in the back. I

1 can go like this, and get an upward angle. On the
2 side I could get a downward angle if I move, or move
3 toward -- lean toward her, it will change the angle
4 relative to where she shoots it, or if I start to run
5 up the hill.

6 Q Please have a seat.

7 (Witness resumes stand.)

8 So then, doctor, I guess the answer to the question,
9 you can't tell the height of the shooter simply by
10 the angle of the injury because it depends a lot on
11 everybody's position?

12 A That's correct.

13 Q You said this individual had contusions to the back
14 of his right neck. Is that correct?

15 A That's correct.

16 Q And it looked like maybe a necklace?

17 A It looked like the shape of the necklace. But the
18 bullet that came across from the left arm went up
19 into that soft tissues. And it's more consistent
20 with that bullet striking the tissues but not coming
21 out and striking against the back of the necklace
22 than somebody grabbing the necklace.

23 Q To your knowledge was any of the victim's clothing,
24 Mr. Cox's clothing, processed for fibers or hair?

25 A Collected and placed in bags to go to Columbia for

1 potential of those purposes.

2 Q So, you did collect all of the clothing so that that
3 could have been done at SLED. Is that correct?

4 A Yes.

5 Q Do you know if it was done? Is this --

6 A I never received a copy of any report indicating it
7 was or it wasn't.

8 Q Now, you would also have to get the clothing of the
9 suspects in order to compare whether there had been
10 any cross transfer of fibers or hairs. Is that
11 correct?

12 A That would be ideal to do.

13 Q You testified about the -- you actually removed some
14 of the bullets from Mr. Cox's body. Is that correct?

15 A That's correct.

16 Q How many did you retrieve?

17 A Three.

18 Q Let's talk a minute about ammunition. A bullet is
19 inside a shell casing. Is that correct?

20 A That's correct.

21 Q Let's say firing a semi-automatic weapon, not the
22 kind that keeps it in the cylinder; but a
23 semi-automatic that keeps it in the clip. In other
24 words, if I fire that weapon, the bullet is going to
25 come out and strike whatever I may move the gun at.

1 Is that correct?

2 A That's correct.

3 Q And the shell casing -- the bullet flies out the side
4 of the weapon, normally, and falls on the ground or
5 wherever.

6 A Yeah, it flies out and lands wherever it wishes.
7 What direction it flies out is dependent on the
8 manufacturer of the gun.

9 Q And so if I am going to look for fingerprints on
10 something, it wouldn't be on the bullet that went
11 into the body, because that was never touched, it
12 would be on the shell casing. Is that correct?

13 A It certainly is much easier to do it on the shell
14 casing. Because the bullet, when it's going through
15 human tissues if you will, it's been washed in body
16 fluids.

17 Q And basically in order to load the clip or the
18 magazine to put it into the semi-automatic weapon,
19 somebody has got to touch those to load those into
20 the magazine?

21 A That's correct.

22 Q So there were eight spent shell casings around
23 Mr. Cox's body. Is that correct?

24 A That's correct.

25 Q Why on earth were they not tested for fingerprints?

1 MR. CAMPBELL: Objection, Your Honor, this is beyond
2 the --

3 THE COURT: I'll sustain the objection.

4 MR. CAMPBELL: She's already been over this. She
5 keeps trying to go into stuff he can't testify.

6 THE COURT: I'll sustain the objection. Have a seat.

7 BY MS. WHITE:

8 Q If the shooter did in fact get out of the car and
9 then got back into the car -- let's say it was
10 through a car. It would be important to process that
11 vehicle with luminal in order to see if, again a
12 bloody scene, if anybody had walked any blood into
13 that car. Is that correct?

14 A That would be ideal to do.

15 Q Do you know why that wasn't done?

16 MR. CAMPBELL: Objection, Your Honor. The same
17 thing. She cannot testify.

18 THE COURT: I'll sustain the objection.

19 Q Doctor, where did you remove the bullets from?

20 A I took one out of the right neck.

21 Q Where in the right neck?

22 A In the back of the right neck, it come across. Let's
23 see. And then one in the soft tissues of the
24 abdomen, the bullet that had gone from the right back
25 to the front. And the one that had gone again from

1 the back to the front. None of the bullets that went
2 in the head were retrieved.

3 Q Doctor, can you look this jury in the eye and tell
4 them anything about the person that pulled the
5 trigger on this gun, whether they were male, female,
6 tall, short, minority, Caucasian? Can you tell them
7 one single thing about this shooter?

8 A They meant to kill this person.

9 Q Basically they shot eight times. Is that correct?

10 A Uh-huh.

11 Q Is that all you can say?

12 A Yes.

13 Q Thank you.

14 THE COURT: Redirect?

15 REDIRECT EXAMINATION

16 BY MR. CAMPBELL:

17 Q The stuff Mrs. White's gone into about what SLED done
18 and the sheriff's department done, you have no
19 knowledge of do you?

20 A No.

21 Q None whatsoever, do you?

22 A No.

23 Q The only thing you did was an autopsy on the body?

24 A And collect the evidence, that kind of thing.

25 Q Now, part of your job in your training of forensic

1 pathology, do you go into gunshot powder residue on a
2 person?

3 A Yes.

4 Q And typically how long does gunshot residue stay on a
5 body?

6 A It stays on the dead a little longer than the living.
7 On the living six, eight hours is pretty much the
8 time limit for reliability on the skin of the body.
9 Obviously, it can stay less if somebody used a baby
10 wipe, they could significantly reduce the residue on
11 their hands.

12 Q Would you suspect to find gunshot residue on a
13 person's hands if they had washed their hands?

14 A No.

15 Q Now, based upon -- talking about blood spatter, when
16 a person is hit by a projectile, such as a bullet,
17 typically what is the range of blood splatter?

18 A The blood goes out the exit wound and comes out the
19 entry side for a second. There's a hole on the entry
20 side and hole on the exit side. So the only venting
21 of the pressure would be from where the bullet came,
22 but it only goes extremely short distance.

23 Q How far is extremely short?

24 A From back, like that, up to six, eight inches.

25 Q If the shooter was beyond three feet, you wouldn't

1 expect to find blood spatter, would you?

2 A Not from that source.

3 Q Therefore, you wouldn't expect to find --

4 MR. WHITE: Objection to leading. This is his
5 witness, your Honor.

6 THE COURT: Hold on a second. Let him finish.
7 Please state your question.

8 MR. CAMPBELL: Dr. Woodard, would you expect to find
9 any type of blood transfer on a shooter in this case?

10 THE COURT: Hold on. Do you have an objection?

11 MS. WHITE: Not to that, your Honor.

12 THE COURT: Please answer the question.

13 THE WITNESS: It would be possible that coughed or
14 respiratory tract blood could project several feet away
15 from the victim and land on a perpetrator out of gunshot
16 residue range.

17 Q And in this case did you find any type of blood
18 coming from the respiratory tract?

19 A Yes. He had some respiratory blood spatter on his
20 palm of his hand, indicating that he had at least had
21 some period of respiratory cough or sputtering, had a
22 bullet wounds through his lungs.

23 Q And would that indicate to you that the shooter would
24 have to be in front of the person in order to receive
25 that type of splatter?

1 A The direction the head was aimed at that time.

2 Q In this case which direction were all the bullets
3 coming from?

4 A They came from the left side, slightly to the back.
5 Left side and to the back.

6 Q Now, when Mrs. White had you out here doing the
7 demonstration on steeply downward angle, did you find
8 any indication bullets had gone steeply downward?

9 A Yeah, the ones in his back.

10 Q What does that indicate to you the position the body
11 was when the bullets were fired?

12 A Either the shooter was standing above the individual;
13 or the individual was lying on the ground, the
14 shooter was standing above his head.

15 Q Basically be here, the shooter would have to be out
16 here if the body was laying on the floor?

17 A Right.

18 Q And there's no other way those bullet angles would
19 have got that way unless the two ways you described?

20 A That's all can I envision.

21 Q Also, getting back to gunshot residue, if an
22 individual had washed their clothes, would you expect
23 to find gunshot residue on clothing?

24 A No.

25 Q You looked at the belt buckle that the victim had on?

1 A That's correct.

2 Q Where was the belt buckle located on the body?

3 A On the belt, around the waist, at the time we
4 observed the body.

5 Q Was that belt buckle exactly where it's supposed to
6 be?

7 MS. WHITE: Objection, to leading, Your Honor.

8 THE COURT: Overruled, go ahead.

9 MR. CAMPBELL: Answer the question.

10 THE WITNESS: Yeah. It was in an appropriate place
11 for a belt buckle.

12 Q Did it appear the brass buckle part of this had been
13 removed or disturbed in any way, shape, or form?

14 A No.

15 Q Did you find any type of wounds on the victim to
16 indicate they were aggressive wounds?

17 A No.

18 Q How about wounds to indicate he was in close contact
19 with his killer? Any type of markings?

20 A No.

21 Q And if a shooter is beyond, say, the distance from me
22 to you, approximately six feet, would you typically
23 find gunshot powder residue on that person?

24 A On the shooter or the --

25 Q On the victim.

1 A No, we would not.

2 Q So the range, the distance the shooter is from the
3 victim determines if you're going to get gunshot
4 residue upon the victim in the case?

5 A Yes. As I said, when the gun is discharged, the
6 bullet has the greatest weight or mass can be
7 projected the furthest. The fine powder can only go
8 a short distance because it's so light the resistance
9 of air makes it fall to the ground. The bigger
10 pieces that cause stippling, have a little more
11 weight mass, they can go a little further. Once you
12 get out 18 to 24 inches, these things have fallen
13 away and can't be detected.

14 Q And upon your examination of the body, if Mr. Cox,
15 the victim, and his killer had been in close contact
16 or a struggle and a gun went off, would you expect to
17 find gunshot powder or stippling upon the victim's
18 body?

19 A Yes.

20 Q Did you find any in this case?

21 A No.

22 Q And based upon the number of shots, in your opinion
23 is the killer meant to kill him?

24 A That's correct.

25 Q Did it appear to be self-defense to you?

1 A No.

2 Q I have no further questions.

3 THE COURT: Doctor, you may step down.

4 MS. WHITE: Your Honor, I have a couple of recross.

5 THE COURT: We're not going into any recross.

6 MR. WHITE: I understand that, your Honor. May I be
7 heard, your Honor?

8 THE COURT: No.

9 Any reason the doctor can't be excused?

10 MS. WHITE: I'd like to proffer outside the presence
11 of the jury.

12 THE COURT: Doctor, you may be excused. Ms. White,
13 you may sit down. We're not doing a recross. Call your
14 next witness.

15 MR. CAMPBELL: Ricky Ivey.

16 RICKY IVEY, being first duly sworn,
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. CAMPBELL:

20 THE CLERK: State your name, please, and spell your
21 last name for the court reporter.

22 A Ricky Ivey, I-V-E-Y.

23 Q Mr. Ivey, where do you live?

24 A Gaffney, South Carolina.

25 Q Where do you currently work?

- 1 A Upstate Carolina Medical Center.
- 2 Q How long have you been there?
- 3 A About five years.
- 4 Q What exactly do you do there?
- 5 A I'm head of security.
- 6 Q Head of security?
- 7 A Uh-huh.
- 8 Q Court's indulgence, your Honor.
- 9 (WHEREUPON, State's Exhibit No. 35 is marked for
10 identification only.)
- 11 Mr. Ivey, during the summer of 2006 did you advertise
12 a gun for sale?
- 13 A Yes.
- 14 Q What type of gun was it?
- 15 A A .9 millimeter Ruger.
- 16 Q What color was it?
- 17 A Black.
- 18 Q Where did you get this gun from?
- 19 A From an employee there that needed some money. I was
20 buying it from him. He was going to buy it back.
- 21 Q Did he ever buy it back from you?
- 22 A No.
- 23 Q What did you do with it since he didn't buy it back?
- 24 A I advertised it in Iwanna.
- 25 Q The Iwanna papers?

- 1 A Uh-huh.
- 2 Q What was your asking price?
- 3 A Three hundred dollars.
- 4 Q Did you receive any type -- did anybody call you
- 5 about that gun?
- 6 A I had a couple calls.
- 7 Q How were you contacted? At work? Your home phone?
- 8 A Cell phone.
- 9 Q Cell phone. And did you receive -- did anybody
- 10 contact you from Anderson?
- 11 A Yes.
- 12 Q And approximately how long after you put the gun in
- 13 the paper did this happen?
- 14 A I'm not exactly sure.
- 15 Q Couple of weeks? A week?
- 16 A No more than a couple of weeks.
- 17 Q And when this person contacted you, was it a male or
- 18 female?
- 19 A A male.
- 20 Q Did he tell you his name?
- 21 A No. He told me he was in Anderson. I just remember
- 22 that. He was wanting to meet me for the gun.
- 23 Q Did he ask you about any specifics regarding the gun
- 24 or price?
- 25 A Well, he knew the price. Really, he didn't -- like

1 most of them, kind of dicker price and stuff -- but
2 he didn't seem to be worried about the price.

3 Q Did you meet this person?

4 A Yes.

5 Q Where did you meet this person?

6 A At the hospital.

7 Q Where you work at?

8 A Yeah. It's easier to find than where I live.

9 Q And on that day were you dressed for work?

10 A Yes.

11 Q Did you eventually sell that gun that day?

12 A Oh, yes.

13 Q And is the person you sold the gun to in the
14 courtroom today?

15 A Yeah.

16 Q Can you please identify him?

17 A (Points.)

18 Q This man right here?

19 A Yes.

20 Q Let the record reflect he is pointing to the
21 defendant, Johnny Mahaffey, in a blue shirt, brown
22 suit. And how did he pay you?

23 A Cash.

24 Q After that did you have any further contact with him?

25 A No.

- 1 Q Do you recall what type of vehicle he was driving?
- 2 A I just remember it was a small car. I don't remember
- 3 what kind of color.
- 4 Q When you saw him, what was your immediate impression
- 5 of him?
- 6 A Nice, clean cut. Wouldn't think he would do anything
- 7 bad with it.
- 8 Q Didn't appear to be dangerous or a thug or anything
- 9 like that?
- 10 A Not even close.
- 11 Q And when you sold this weapon to him, did it have any
- 12 type of magazine or clip with it?
- 13 A Had a magazine.
- 14 Q How many?
- 15 A Just one.
- 16 Q And did you sell him any bullets with it?
- 17 A No, sir. Unless there was some in it.
- 18 Q What did you say?
- 19 A I said unless there was some in it. Like I said, I
- 20 just took it from him. I didn't sell any outside of
- 21 the gun.
- 22 Q Until today, have you seen him since then?
- 23 A No, sir.
- 24 Q I'll show you what's been marked -- Show you what's
- 25 been marked for identification State's Exhibit 35.

1 Can you please look at this, sir?

2 A Looks like it's in bad shape.

3 Q That appears to be the type of gun that you sold
4 Mr. Mahaffey?

5 A Oh, yes.

6 Q Mr. Ivey, I have no further questions for you.
7 Please answer any questions the defense may have.

8 THE COURT: Cross examination.

9 CROSS EXAMINATION

10 BY MR. GAMBLE:

11 Q Where did you meet with the person that bought the
12 gun? Where physically did you meet?

13 A With him?

14 Q Yeah.

15 A Upstate Carolina Medical Center.

16 Q Did you go anywhere else than there?

17 A No.

18 Q Was the gun ever test fired?

19 A No.

20 Q And you only sold one magazine?

21 A Yes.

22 Q No bullets, unless they was in the magazine?

23 A Unless they was in it.

24 Q Was the magazine in or out of the gun?

25 A In the gun.

1 Q You were the registered owner of this gun?

2 A No.

3 Q Who was?

4 A I think I was like the fourth one to get it. I had
5 got it from a nurse, which is a guy down there at the
6 hospital. I bought it from him. He needed money and
7 he was going to buy it back from me. But he never
8 did buy it back, so I put it in Iwanna.

9 Q What did you sell the gun for?

10 A \$300.

11 Q Three hundred?

12 A Uh-huh.

13 Q How did you receive that \$300?

14 A Cash.

15 Q I know this is probably a dumb question. I don't
16 suppose you had that \$300 when the police came to see
17 you, did you?

18 A When the what?

19 Q When the police came to talk to you about the gun.

20 A What police are you talking about?

21 Q No police came to talk to you about who you sold the
22 gun to and show you pictures?

23 A Oh, a detective.

24 Q Yeah.

25 A Did I have the three hundred then?

1 Q Yeah.

2 A That's been over a year. Would have been nice.

3 Q I told you I thought it was a dumb question.

4 Excuse me, Mr. Ivey. When you met to sell the gun
5 was it daylight or night?

6 A It was daylight.

7 Q Weren't any sunglasses or mask or some type of
8 disguise by the person buying the gun?

9 A No, I wouldn't have sold it to him if I had.

10 Q You were there, sold it to him outside of the health
11 center?

12 A Hospital.

13 Q Hospital.

14 THE COURT: Any redirect?

15 Mr. Ivey, you may step down. Any objection why he
16 can't be excused?

17 MR. GAMBLE: No, your Honor.

18 THE COURT: Mr. Ivey, you may be excused. Thank you
19 very much.

20 (Witness excused.)

21 All right. Ladies and gentlemen of the jury panel,
22 we're going to take a break at this time. If anybody
23 wants to take a smoke break, let the bailiff know.
24 They'll take you to an appropriate place to smoke. If you
25 need anything to drink, whatever, let the bailiff know.

1 They'll get it for you.

2 We'll take about a 15- or 20-minute break.

3 (Whereupon, the following proceedings were had
4 outside the presence of the jury:)

5 Anything from the state before we take a break?

6 MR. CAMPBELL: No, Your Honor.

7 THE COURT: Anything from the defendant?

8 MR. GAMBLE: No, Your Honor.

9 THE COURT: We'll take about a 15- or 20-minute
10 break.

11 (Brief recess taken.)

12 Anything from the state before we bring the jury?

13 MR. CAMPBELL: No, sir, your Honor.

14 THE COURT: Anything from the defendant before we
15 bring the jury?

16 MR. GAMBLE: No, Your Honor.

17 MR. CAMPBELL: The state calls officer John Williams
18 to the stand.

19 JOHN WILLIAMS, being first duly sworn,
20 testified as follows:

21 DIRECT EXAMINATION

22 MR. CAMPBELL:

23 A John Williams, W-I-L-L-I-A-M-S.

24 Q Mr. Williams, where are you employed?

25 A Anderson County Sheriff's Office.

- 1 Q How long have you been a deputy?
- 2 A Approximately two years.
- 3 Q And were you working on the night of August 17, 2006?
- 4 A Yes, sir.
- 5 Q On that night did you have an occasion to be
- 6 dispatched to the highway 28 bypass?
- 7 A Yes, sir.
- 8 Q What was the reason you were dispatched?
- 9 A Possible hit and run with a pedestrian.
- 10 Q Repeat, I didn't hear you.
- 11 A Possible hit and run with a pedestrian.
- 12 Q And did you go to the highway 28 bypass?
- 13 A Yes, sir.
- 14 Q Did you go to where the pedestrian was?
- 15 A Yes sir.
- 16 Q Did you see the pedestrian?
- 17 A Yes, sir.
- 18 Q Exactly where was he located?
- 19 A He was on the outside lane of travel, Highway 28
- 20 bypass, between Delaware Road and Salem Church Road.
- 21 Q Is this in Anderson County?
- 22 A Yes, sir.
- 23 Q Can you describe for the ladies and gentlemen of the
- 24 jury what type of Road?
- 25 A It's a four-lane highway with an asphalt median.

- 1 Q And is there any street lights in the area?
- 2 A No, sir.
- 3 Q Were you the first officer on the scene?
- 4 A From the sheriff's office.
- 5 Q And when you arrived, was the scene already secure or
- 6 taped off?
- 7 A No, sir.
- 8 Q Who was already on the scene?
- 9 A Highway patrol and EMS.
- 10 Q And did you go up to where the pedestrian was?
- 11 A I approached on the left side from where I initially
- 12 saw him.
- 13 Q Tell the ladies and gentlemen of the jury what you
- 14 observed.
- 15 A Observed a white male laying on the side of the road.
- 16 He was facing toward Liberty Highway, facing toward
- 17 Whitehall Road, appeared to be blood coming from his
- 18 head, several spent casings around his back area.
- 19 Q And based on upon your observation of the scene, did
- 20 you think you had a pedestrian hit and run?
- 21 A No, sir.
- 22 Q At that point what did you do?
- 23 A Immediately roped the crime scene off with crime
- 24 scene tape and notified the investigation supervisor.
- 25 Q Did you happen to observe or see any type of weapon

1 around this body?

2 A No, sir.

3 Q And after you secured the scene off, what did you do
4 next?

5 A I started a crime scene log.

6 Q What exactly can you tell the ladies and gentlemen of
7 the jury? What does that mean?

8 A Crime scene logs has the officers that entered the
9 crime scene once it's been taped off; has the
10 officers name, time of arrival, time of departure.

11 Q Were you present when the forensic unit came in?

12 A Yes, sir.

13 Q Did you assist in any other way that night?

14 A I obtained information from some of the witnesses
15 that called in the incident.

16 Q Mr. Williams, I show you what's been marked State's
17 Exhibit one through 14. Could you please identify
18 what these are, sir?

19 A First picture is highway 28 bypass, where the victim
20 was located, as well as the second.

21 Q Just go ahead, look through them, tell us, do these
22 pictures accurately describe the scene that night on
23 August 17, 2006?

24 A Yes, sir.

25 Q Your Honor, may I have the witness step off the

1 stand?

2 THE COURT: Yes, sir.

3 MR. CAMPBELL: Officer Williams, please step off.

4 (Witness steps down from the stand.)

5 Q Looking at this up here, is this what you observed

6 the night of August 17, 2006.

7 A Yes, sir.

8 Q And that's where the body was located?

9 A Yes, sir.

10 Q Now, in this area are the -- which direction are we

11 facing if you're looking in this picture?

12 A That there is looking toward -- up Whitehall back

13 toward Salem Church Road.

14 Q Is that the same? Is this right here?

15 A Yes.

16 Q And this picture, which is State's Exhibit 2, you say

17 you secured the crime scene. Is this what you did,

18 blocked it off?

19 A Yes, sir. Also roped it off with yellow crime scene

20 tape. It's not seen in that picture there.

21 Q Please tell the ladies and gentlemen of the jury

22 which direction we're facing here.

23 A Back toward liberty highway there.

24 Q Any identifying landmarks back towards this

25 direction?

1 A I believe that's the car dealership back toward I
2 believe what's now Anderson Station, back in the
3 background.
4 Q And is this going -- this is going towards Clemson
5 Boulevard?
6 A Yes, sir.
7 Q Same picture?
8 A Yes, sir.
9 Q Same picture, 5?
10 A Yes, sir.
11 Q And what does this show?
12 A Shows the marking from the shell casings located on
13 the ground near the body.
14 Q Indication of the shell casings that you observed?
15 A Yes, sir.
16 Q Please take a seat.
17 (Witness resumes the stand.)
18 Your Honor, these were moved into evidence without
19 objection?
20 THE COURT: Any objection?
21 MR. GAMBLE: No objection.
22 THE COURT: Is that 1 through 13?
23 MR. CAMPBELL: One through 14.
24 THE COURT: One through 14 admitted without
25 objection.

1 (WHEREUPON, State's Exhibit No. 1-14 is admitted into
2 evidence.)

3 Q Did you have any further involvement in this case?

4 A I also assisted in locating the weapon used in the
5 crime.

6 Q You were asked to help in recovery of the weapon. Is
7 that correct?

8 A Yes.

9 Q What exactly were you asked to do?

10 A Scuba dive for the murder weapon in Lake Hartwell.

11 Q Are you a certified scuba diver?

12 A Yes, sir.

13 Q How long you been diving?

14 A Approximately five years.

15 Q Who else helped you attempt to recover the weapon in
16 this case?

17 A Investigator Mitchell. Forensic investigator, Ken
18 Blakely; another investigator, Mike Gambrell;
19 sheriff's department was used to halt traffic, did a
20 night dive as well as DNR.

21 Q As part of this dive group, who basically was heading
22 it up?

23 A Investigator Steve Reeves and Ken Blakely put
24 together the effort.

25 Q And based on the information you received, where

1 exactly were you diving?

2 A White City Park bridge, located on Centerville Road
3 just north of old Pearman Dairy Road.

4 Q This is in Anderson County, correct?

5 A Yes.

6 Q And Lake Hartwell?

7 A Yes.

8 Q What information were you provided? Exactly what
9 were you looking for?

10 A Ruger .9 millimeter, P-series handgun.

11 Q As a result of this, you attempt to dive?

12 A Yes.

13 Q How many dives did you make?

14 A Two dives.

15 Q Please tell them first about the first dive.

16 A The first dive was a night dive. Started with a
17 linear, straight-line pattern. Section of rope
18 between two mushroom buoys, sinkers, ran the pattern
19 several hours, didn't locate anything, called it a
20 night. That was the first dive.

21 Q So you didn't locate anything at that point in time.
22 And you made a second attempt?

23 A Yes.

24 Q And when was that?

25 A The following afternoon.

- 1 Q And when you proceeded on the second dive, did you
2 all do the same thing? Secure it off again?
- 3 A We, as far as diver safety, floated a dive flag, but
4 we did not use the same pattern.
- 5 Q And what pattern did you use this time, the second
6 dive?
- 7 A Pretty much free diving pattern. We were in the
8 area, took the positional points off the bridge, dove
9 off the bank, when we located the handgun.
- 10 Q Now, the first night that you went diving, what was
11 the clarity or visibility in the water?
- 12 A No visibility at all. Once you got to the bottom and
13 we started our patterns.
- 14 Q How deep did you dive that first night?
- 15 A Approximately 60 foot.
- 16 Q The visibility, how would you describe it?
- 17 A Zero visibility.
- 18 Q The second dive you did the next day, what day was
19 that?
- 20 A I believe it was a Saturday or Sunday.
- 21 Q When you went down, how was the visibility on that
22 date?
- 23 A Slightly better. Like I said, we did a free dive,
24 never touched the bottom. Scanning the bottom, about
25 three foot off the bottom.

1 Q And during this dive, what, if anything, did you
2 recover?

3 A Located a black P-series .9 millimeter Ruger pistol.

4 Q What depth did you locate the gun in?

5 A Approximately 30 foot of water.

6 Q How was it sitting?

7 A It was laying amongst the rock, in the bottom,
8 located -- it was a rock bottom. It was located on
9 the rocks.

10 Q Approximately how far from the bridge was it?

11 A From the bridge, 15, 20 yards maybe, if that much.

12 Q And after you found it, what, if anything, did you do
13 with it?

14 A We immediately came back to the bank, keeping the
15 pistol merged in the water. We notified forensic
16 investigator Ken Blakely, responded back to the
17 scene, to the bridge, and placed the weapon inside of
18 a cooler which contained the lake water which it was
19 merged in.

20 Q Was the weapon ever brought above the surface of the
21 water?

22 A No, sir.

23 Q And when you found this gun, was there a clip or a
24 magazine in it?

25 A No, sir.

1 Q And was the gun cocked or had it already been fired?

2 A The hammer was back.

3 Q Did you, yourself, attempt to clear this pistol?

4 A No, sir.

5 Q Anybody try to clear the pistol, see if there was
6 a bullet in it?

7 A Investigator Ken Blakely.

8 Q Were you present when that happened?

9 A Yes, sir.

10 Q What was in it?

11 A It was loaded with a live round.

12 Q Deputy Williams, I'm going to show you State's
13 Exhibit 29 through 34. If you could, please identify
14 these, sir.

15 A The weapon that was located in the first picture
16 there shows the entry point where we located the
17 weapon.

18 Q May I have this officer step off the witness stand?

19 THE COURT: Yes, sir. Any objection to pictures 29
20 through 34?

21 MR. GAMBLE: No objection.

22 THE COURT: All right. Twenty-nine through 34
23 admitted without objection.

24 (WHEREUPON, State's Exhibit No. 29-34 are admitted
25 into evidence.)

1 Q Looking at State's Exhibit 29, please identify what
2 this is a picture of.

3 A Deputy Voight bringing the pitcher into the water.
4 And see myself on the back side.

5 Q What side is this on?

6 A White City Park bridge. On the Anderson side of the
7 bridge.

8 Q And what is this a photo of?

9 A The handgun we located.

10 Q State's Exhibit 30, is this the same condition it was
11 when you brought it up?

12 A Yes, sir.

13 Q When you are referring to the hammer, is that what
14 you're referring to?

15 A Yes.

16 Q Is that -- and that's the exact way it was when you
17 found it under the water?

18 A Yes.

19 Q Same thing, State's Exhibit 31 --

20 A Yes, sir.

21 Q -- Different view? And State's Exhibit 32, what is
22 this showing?

23 A Showing the same pistol we located as well as the
24 live round of ammunition located in the chamber.

25 Q And the orange stuff right here, what is that?

- 1 A That's some mud and rust that started oxidizing on
2 the pistol.
- 3 Q State's Exhibit 33, same photograph?
- 4 A Yes.
- 5 Q And State's Exhibit 34. What is this showing?
- 6 A Showing the serial number on the handgun that was
7 located.
- 8 Q The number on that?
- 9 A 3142975.
- 10 Q If you'll please take the witness stand, sir.
11 (Resumes stand.)
12 After the gun was located, you put it in the cooler
13 for evidence?
- 14 A Yes.
- 15 Q And you kept it in the lake water that it was found
16 in?
- 17 A Yes, sir.
- 18 Q I show you what's been marked for identification
19 State's Exhibit 35 and 35-B. If you will, please
20 identify what this is, sir.
- 21 A This is the handgun and the shell casing that was
22 located in the lake.
- 23 Q And is that what you recovered?
- 24 A Yes, sir.
- 25 Q What's the serial number on this gun right here that

1 I just handed you? State's Exhibit 35.

2 A 3142975, appears there's a number behind some --

3 Q Same one we just showed on the overhead. Is that
4 right?

5 A Yes, sir.

6 Q And after you -- after you found the gun, who did you
7 to give the gun to?

8 A Investigator Ken Blakely.

9 Q And beyond that, did you have any further involvement
10 in the case?

11 A No, sir.

12 Q Deputy Williams, I don't have any further questions.
13 Please answer any questions Mr. Gamble may have.

14 THE COURT: Cross examination.

15 CROSS EXAMINATION

16 BY MR. GAMBLE:

17 Q Why you put up the tape?

18 A To secure the crime scene, allow no one else to come
19 in there without law enforcement permission.

20 Q So you do it to secure the scene?

21 A Yes, sir.

22 Q So that any evidence there wouldn't be contaminated,
23 such as footprints? Prints of any kind?

24 A Once I've set up the crime scene tape. Yes, sir.

25 Once the crime scene tape is set up, it's preserved

1 crime evidence from the crime scene.

2 Q You saw the GMC store in the picture, didn't you?

3 A Yes, sir.

4 Q How far was that from where this body was found?

5 A Maybe 250, 300 yards.

6 Q I'm talking about to the center of the store, the
7 auto shop.

8 A I don't know which side the auto shop would be
9 located on, but the store is 300 yards.

10 Q Right center of the building?

11 A Less than a half a mile.

12 Q Over a quarter, less than half?

13 A Yes.

14 Q Did you do any investigation with regard to any
15 witnesses?

16 A I spoke with the witnesses and obtained their
17 information for the investigators. I did not do any
18 investigating.

19 Q Did you go to the store on the corner of Pearman
20 Dairy and 28, see if they had a camera running?

21 A Which store you speaking of?

22 Q That filling station on the corner of 28 and Pearman
23 Dairy?

24 A No, sir. It would have been out of the view of any
25 camera they would have had.

- 1 Q I didn't hear you.
- 2 A It would have been out of the view of any camera they
3 would have had.
- 4 Q What about a car passing by?
- 5 A I didn't speak to the store. No, sir.
- 6 Q You didn't do anything?
- 7 A No, sir.
- 8 Q All right. I wasn't able to hear you. On the second
9 dive you went down six feet?
- 10 A No, sir. Thirty foot is where I located the pistol.
- 11 Q Are you familiar with that area?
- 12 A Lake bottom?
- 13 Q As a diver?
- 14 A I'm not totally familiar with that area. No, sir.
- 15 Q And you said it was on a rock bottom?
- 16 A It started off as a rock bottom with a bank where
17 they lay rocks to keep from washing, eroding. But as
18 it washes out, silty bottom.
- 19 Q Silty bottom?
- 20 A Very muddy.
- 21 Q Once you got the pistol, did you grope around in the
22 silt looking for a magazine?
- 23 A No, sir.
- 24 Q But there was not a magazine in the gun when you
25 recovered it?

1 A No, sir.

2 Q And you didn't look further once you got the gun?

3 You were happy with that, and came on up?

4 A I was not aware of a magazine being dislodged from
5 the gun and thrown in a different location.

6 Q Okay.

7 MR. GAMBLE: Nothing further.

8 THE COURT: Redirect?

9 MR. CAMPBELL: No, sir.

10 THE COURT: Officer, you may step down. Thank you
11 very much.

12 (Witness steps down from the stand.)

13 MR. CAMPBELL: Your Honor, may we approach?

14 THE COURT: Yes, sir.

15 MR. CAMPBELL: State's ready for the next witness,
16 Detective Roger Malone.

17 ROGER MALONE, being first duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. CAMPBELL:

21 Q State your name, spell your last name.

22 A My name is Roger Malone, M-A-L-O-N-E.

23 Q Mr. Malone, where are you employed?

24 A Anderson County Sheriff's Office.

25 Q How long have you been in law enforcement?

- 1 A Approximately 12 years.
- 2 Q Has all that been in Anderson County?
- 3 A No, sir.
- 4 Q Where has that -- also where have you worked?
- 5 A Pickens County as well as Anderson County.
- 6 Q How long you been in the detective division?
- 7 A Approximately two years.
- 8 Q And do you recall what shift you were working on the
- 9 night of August 17, 2006?
- 10 A I was in investigations at the time and I was working
- 11 with Detective Reeves on second shift.
- 12 Q On that date did you have occasion to work a
- 13 homicide?
- 14 A Yes, sir, I did.
- 15 Q How were you first notified about this homicide?
- 16 A Dispatch actually notified me via Nextel and I
- 17 responded to the scene.
- 18 Q And where did you go?
- 19 A Highway 28 bypass.
- 20 Q That's in Anderson County, where you responded?
- 21 A Yes, sir, it is.
- 22 Q When you arrived, can you please describe to the
- 23 ladies and gentlemen of the jury what you observed?
- 24 A When I arrived on scene, I observed the highway
- 25 patrol as well as Deputy Williams. The scene had

1 actually been roped off. I observed a body laying in
2 the roadway on 28 bypass.

3 Q And which way was the body facing?

4 A The head was facing Liberty Highway.

5 Q What is the purpose, tell the ladies and gentlemen of
6 the jury, what the purpose of you all securing,
7 roping off a crime scene.

8 A Protect the evidence, any evidence left at the crime
9 scene.

10 Q On that night were you the primary detective on call
11 for a homicide?

12 A No, sir. Detective Reeves was.

13 Q Once you arrived, what role did you play? What did
14 you do?

15 A I immediately contacted Detective Reeves, advised him
16 of the situation. And he responded.

17 Q What did you do after that?

18 A I assisted in forensics when they arrived.

19 Q And what exactly did you do when you assisted them?

20 A Lieutenant Scott asked me to assist them in
21 documenting measurements from where the body was
22 laying in the roadway.

23 Q And what -- how many shell casings did you find or
24 observe?

25 A I believe there was eight.

1 Q What exactly did you do when you were assisting them,
2 Lieutenant Scott?

3 A I was actually -- he was actually calling off the
4 numbers to me as far as the feet from different
5 locations. I was making documentation of that.

6 Q Where were you measuring to or from?

7 A Landmarks Lieutenant Scott would advise.

8 Q And right where the body fell, is there any type of
9 buildings or lights or anything in the area?

10 A No, sir.

11 Q And did you have a guardrail there?

12 A Yes, sir.

13 Q When you observed the body, did you see any type of
14 weapon around the body?

15 A No, sir, I did not.

16 Q Did you see any knives, guns, mention of brass
17 knuckles, anything like that, around this body?

18 A No, sir.

19 Q Now, at this point in time, did you have a suspect?

20 A Not at this time.

21 Q I'm going to show you what's marked State's Exhibit 6
22 through 14 as well as 15. Could you please identify
23 these, sir?

24 A This is going to be the shell casings that were found
25 in the roadway.

1 Q And referring to the last Exhibit, number 15, what is
2 that?

3 A That is a cell phone, pink cell phone.

4 Q Where was that recovered?

5 A From the victim's front pocket.

6 Q And you were present when it was pulled out?

7 A Yes, sir.

8 Q Detective Malone, is that a picture of State's
9 Exhibit 15?

10 A Yes, sir, it is.

11 Q That a picture of the cell phone removed from
12 Mr. Cox's body?

13 A Yes, sir.

14 Q And at this point in time, your Honor, State's
15 Exhibit 15, move into evidence. I believe without
16 objection.

17 THE COURT: The pictures?

18 MR. CAMPBELL: Yes, sir.

19 THE COURT: Any objection?

20 MS. WHITE: I didn't hear, what pictures are we
21 doing? Are they already done? I couldn't hear what the
22 exhibit number was.

23 (Attorneys confer.)

24 No, sir. They're already in.

25 THE COURT: State's Exhibit 15 admitted without

1 objection.

2 (WHEREUPON, State's Exhibit No. 15 is admitted into
3 evidence.)

4 Q Do those photographs accurately describe what you
5 observed when you arrived on the scene?

6 A Yes, sir.

7 Q At that point in time, did you know who the victim
8 was, this pedestrian?

9 A I did not.

10 Q And were you able to determine, get identification on
11 the body at the scene?

12 A I believe so, yes, sir.

13 Q What role did you have next? Didn't stay there all
14 night?

15 A No, sir.

16 Q After you investigated the crime scene, what, if
17 anything, did you do next?

18 A Investigator Reeves had spoken with a witness there
19 on the scene at 28 bypass. And after speaking with
20 the witness, he advised that they developed a person
21 of interest in the case and gave me a name and an
22 address.

23 Q What name and address did you have?

24 A I had Johnny Mahaffey, [REDACTED] in Pendleton.

25 Q As a result of that information, did you do anything?

1 A Yes, sir, I did.

2 Q What did you do?

3 A Sgt. Puckhaber advised me to go to the residence, see
4 if I could locate the person of interest and come
5 back to the sheriff's office, speak with the
6 detectives in reference to this.

7 Q Did you do that?

8 A We did.

9 Q Where exactly is [REDACTED] Lane located? Is it in
10 Anderson County?

11 A It is.

12 Q What part of Anderson County would you say it's
13 located in?

14 A I would probably say the LaFrance area.

15 Q And when you arrived at [REDACTED] Lane, what, if
16 anything, did you observe when you arrived?

17 A There was narcotics agents already on scene at that
18 location.

19 Q At that point did you happen to make contact with
20 Mr. Mahaffey?

21 A Yes, sir, I did.

22 Q And did you have an opportunity to speak with
23 Mr. Mahaffey?

24 A I did.

25 Q How was his demeanor? How would you describe him?

1 A Calm, laid back.

2 Q At any point did he ever ask you why you all were

3 there?

4 A No, he did not.

5 Q That kind of surprise you?

6 A Yes, it did.

7 Q And did he agree to talk to law enforcement?

8 A He did.

9 Q Was he in handcuffs at this point in time?

10 A No, sir.

11 Q And did you explain the reason why you were there to

12 him?

13 A I actually -- Lieutenant Looper was actually speaking

14 to him as I pulled up. I sort of come in on the back

15 end of the conversation.

16 Q What, if anything, did you hear Mr. Mahaffey say?

17 A He stated that there were no guns in the home and

18 that he did not own a gun. He said he had no

19 problems at all with us looking inside the home.

20 MS. WHITE: I can't hear the witness. I'm sorry.

21 THE COURT: Come on up here closer where you can

22 hear.

23 MS. WHITE: Yes, sir, if you don't mind.

24 THE COURT: Go ahead.

25

1 BY MR. CAMPBELL:

2 Q At any point did you hear him state or indicate
3 whether he had been home that night or not.

4 A I believe he said he had been home all night.

5 Q And you stated he said he had no problem with you all
6 looking inside the house. As a result of that, did
7 you have him sign a consent to search form?

8 A That's correct.

9 Q Was this filled out and signed?

10 A It was.

11 Q Were any threats or promises made to him in order to
12 get him to sign the consent to search?

13 A There was not.

14 Q Did he sign it?

15 A He did.

16 Q As a result of that, did you explain to him again
17 what a consent to search is?

18 A I did, in detail.

19 Q Tell the ladies and gentlemen of the jury what
20 exactly a consent to search is.

21 A Consent to search is giving law enforcement the right
22 to search your property. It also details that you
23 have the right to stop law enforcement at any time
24 and that you have to be on the property while it's
25 being searched so at any time he could have withdrew

- 1 consent, we would have had to stop at that time.
- 2 Q Did he appear to you to understand this?
- 3 A He did.
- 4 Q As a result of that, what, if anything, did you do to
- 5 the house located at [REDACTED] Lane?
- 6 A Myself and Agent Blassingame made a protective sweep
- 7 of the home.
- 8 Q What's the purpose of that?
- 9 A Make sure there are no additional suspects,
- 10 additional people inside the home, no danger to law
- 11 enforcement.
- 12 Q Did you find anybody else inside the house?
- 13 A No, sir.
- 14 Q And after that, what, if anything, did you do next?
- 15 A After we advised Mr. Mahaffey or advise him of the
- 16 consent to search, we actually brought him inside the
- 17 home and searched his residence.
- 18 Q Now, were there any other cars on the outside of the
- 19 house?
- 20 A There was two vehicles there.
- 21 Q And to your knowledge, did these vehicles appear to
- 22 be running?
- 23 A They did not.
- 24 Q Working order?
- 25 A They didn't appear to me to be running.

- 1 Q Now, after you brought him inside, was his home
2 searched?
- 3 A It was.
- 4 Q And while his home was being searched, was he under
5 arrest at this time?
- 6 A He was not.
- 7 Q Was he in handcuffs?
- 8 A No, sir.
- 9 Q And when you were searching the inside of the house,
10 how was he acting?
- 11 A Fine, laid back. His demeanor hadn't changed.
- 12 Q Any point, at this point, had he asked why you all
13 were there?
- 14 A No, sir.
- 15 Q Now, as a result of this consent to search, what did
16 you -- anything you observe inside the home?
- 17 A I observed the shower to be wet. There was some
18 clothing in the washer that had been recently washed.
- 19 Q And after that, after you completed the search, did
20 you do anything next?
- 21 A Shortly after the search, I went, picked my vehicle
22 up and went back to the scene. At that time another
23 vehicle had arrived at the location.
- 24 Q Detective Malone, can you please look at state's
25 exhibit 16 through 19, and can you please identify

1 what these are, sir?

2 A Appear to be pictures taken from inside the residence

3 of Mr. Mahaffey.

4 Q Those photographs fairly and accurately represent

5 what was inside his house on the night of 17th, early

6 morning of the 18th, 2006?

7 A Yes, sir.

8 Q Okay.

9 THE COURT: Any objection?

10 MS. WHITE: No objection.

11 THE COURT: Sixteen through 19 admitted without

12 objection.

13 (WHEREUPON, State's Exhibit No. 16-19 are admitted

14 into evidence.)

15 Q Detective Malone, I show you what's been marked

16 State's Exhibit 16. What is this a photo of?

17 A Appears to be the bedroom of the home.

18 Q And this is what you observed that night?

19 A That's correct.

20 Q How about State's Exhibit 17.

21 A It's going to be the living room area.

22 Q And 18, same thing?

23 A Yes, sir. It's not changed.

24 Q And showing State's Exhibit 19. Can you identify

25 what that is?

- 1 A Cell phone.
- 2 Q Do you know whose that is?
- 3 A I do not.
- 4 Q That was recovered at [REDACTED] Lane?
- 5 A Yes, it was.
- 6 Q Now, did you have occasion -- did you look at this
- 7 luggage that is shown in the pictures?
- 8 A I didn't pay any attention.
- 9 Q Now, while you were still at the scene, did anything
- 10 else happen next?
- 11 A As I advised, another vehicle pulled into the
- 12 residence with two females.
- 13 Q And what type of vehicle was this?
- 14 A I believe it was a Honda.
- 15 Q And who were the two individuals, females, that were
- 16 in this car?
- 17 A After they were identified, we found them to be
- 18 Mrs. Mahaffey as well as her mother.
- 19 Q I'm going to show you State's Exhibit 20 and 21.
- 20 Would you please identify these, sir?
- 21 A That's going to be the vehicle that pulled into the
- 22 residence that night with -- occupied by the two
- 23 females.
- 24 Q That showing State's Exhibit 20, is that the car you
- 25 witnessed that night?

1 A That's correct.

2 Q And how about 21?

3 A Yes, sir.

4 MR. CAMPBELL: Your Honor, these are admitted into
5 evidence.

6 THE COURT: Any objection?

7 MS. WHITE: No, sir.

8 THE COURT: State's Exhibit 20 and 21 admitted in
9 evidence without objection.

10 (WHEREUPON, State's Exhibit No. 20-21 are admitted
11 into evidence.)

12 Q Now, after this car arrived, did you talk to the
13 individuals?

14 A I did.

15 Q And based upon the fact that the car arrived, did you
16 all try to get a different type of search mechanism,
17 basically, to search the house and cars?

18 A Yes, we did at that time.

19 Q What did you do?

20 A We obtained a search warrant at that time.

21 Q What was the reason why you did that?

22 A Additional people on scene, another vehicle. Just
23 felt it would be best to get a search warrant.

24 Q And was a search warrant obtained in this case?

25 A It was.

- 1 Q And were you present when it arrived?
- 2 A If I was, I was speaking with the females.
- 3 Q And where did you speak to the two individuals that
- 4 arrived?
- 5 A In my patrol vehicle.
- 6 Q Did you take a statement from them?
- 7 A I did.
- 8 Q Court's indulgence, please. Now, where was
- 9 Mr. Mahaffey during all this?
- 10 A At that time I think he was standing in the front
- 11 yard.
- 12 Q And he eventually -- did he stay there the entire
- 13 time?
- 14 A He did.
- 15 Q And at any point did he leave the scene?
- 16 A I think he may have left when Captain Williams
- 17 actually came to the scene. It was later on.
- 18 Q Was he under arrest at this time, to your knowledge?
- 19 A Not to my knowledge.
- 20 MR. CAMPBELL: Your Honor, may we approach?
- 21 THE COURT: Yes, sir.
- 22 Mr. foreman, members of the jury, what we're going to
- 23 do is break at this time. We'll start back in the morning
- 24 at 9:00. Anybody that can't be in the jury room by 9:00
- 25 in the morning? If you can't, please raise your right

1 hand.

2 Don't discuss the case among yourselves or with
3 anyone else. As I told you earlier I want you to decide
4 the case based upon the testimony you hear in the
5 courtroom. If there's anything in the paper, please don't
6 read it. Anything on TV, please don't look at it. Flip
7 the channel. I'll see you in the morning at 9:00.

8 (Whereupon, the following proceedings were had
9 outside the presence of the jury:)

10 All right. We'll recess until 9:00 in the morning.

11 MR. WHITE: I would ask the witness be instructed not
12 to discuss his testimony with anyone until he gets back on
13 the stand.

14 THE COURT: Detective Malone, don't discuss it with
15 anybody, okay?

16 PROSPECTIVE JUROR: Okay.

17 (WHEREUPON, State's Exhibit No. 36-42 are marked for
18 identification.)

19 THE COURT: See you in the morning.

20 (The proceedings are adjourned for the evening
21 recess.)

22 * * * * *

23 * * *

24 *

25

1 Wednesday, September 5, 2006

2 (Whereupon, Court reconvened with all parties present
3 when the following proceedings were had:)

4 THE COURT: Anything from the state before we bring
5 the jury?

6 MR. CAMPBELL: No, Your Honor.

7 THE COURT: Anything from the defendant?

8 MS. WHITE: No, sir.

9 THE COURT: Detective Malone, come around have a seat
10 please, sir.

11 Solicitor, you have any further questions?

12 MR. CAMPBELL: No, Your Honor.

13 THE COURT: Cross examination?

14 MS. WHITE: Yes.

15 ROGER MALONE, being first duly sworn,
16 testified as follows:

17 CROSS EXAMINATION

18 BY MS. WHITE:

19 Q Detective Malone, Johnny Mahaffey met Jamie, his
20 wife, and they got married about ten days after they
21 met. Is that correct?

22 A That's what I was advised, Yes, ma'am.

23 Q And they had been married just shy of two months when
24 this shooting occurred. Is that right?

25 A That's correct.

- 1 Q And she was about 20, he was about 28?
- 2 A I'm not aware of their ages, ma'am.
- 3 Q She had just gotten back from college in Tennessee.
- 4 Is that right?
- 5 A I'm not aware of that.
- 6 Q Well, the night that you all got this call, well,
- 7 let's go forward a little bit after Johnny was
- 8 arrested, he wrote letter after letter after letter
- 9 to his wife calling her his Helen of Troy, he was
- 10 smitten with her, loved her more than life itself.
- 11 These things go on for pages, and poems and pictures;
- 12 isn't that true?
- 13 A That's what I was advised, Yes, ma'am.
- 14 Q There's no question this girl that he met and married
- 15 in ten days had swept him off his feet?
- 16 A I would assume so.
- 17 Q That's what the letters indicate?
- 18 A I never read the letters.
- 19 Q That's what you were told by the chief detective?
- 20 A I was told there were letters being written. I did
- 21 not read them.
- 22 Q Now, when Johnny was first questioned about this, he
- 23 said he wanted to put all of this on him and protect
- 24 his wife. Isn't that correct?
- 25 A I never actually took the initial statement from

1 Mr. Mahaffey.

2 Q Were you present when he told law enforcement he
3 wanted to take the rap so no charges would be brought
4 against his wife?

5 A I believe detective Reeves and Detective Puckhaber
6 actually took that statement.

7 Q But he made it very clear he was madly in love with
8 his 20 year old wife and he wanted to take the rap
9 for her so she would not go to jail. Isn't that
10 correct?

11 MR. CAMPBELL: I object, your Honor. Beyond his
12 scope of knowledge.

13 THE COURT: Sustain the objection. He already said
14 somebody else took the statement.

15 Q All right. Let's go to the night this happened. The
16 night this happened -- are you aware -- wait a
17 minute, let's back up a minute. Jamie, the wife,
18 used to be best friends with Skyler, that was the
19 victims's girlfriend, Ryan's girlfriend. Isn't that
20 correct?

21 A That's correct.

22 Q Did you know that Jamie and Skyler used to have a
23 sexual relationship with each other?

24 A I wasn't aware of that, ma'am.

25 Q Are you aware that Skyler and Ryan were having

1 problems, the one that was killed?

2 A I'm not aware.

3 Q Did you see the note he left her that night when he
4 left?

5 A No, ma'am.

6 Q Are you aware that in June of 2006 Jamie threatened
7 Skyler and Skyler had to go to court over it and put
8 in papers that Jamie threatened her life?

9 A You asking am I aware of that?

10 Q Yes, sir. Have you seen those documents?

11 A No, ma'am.

12 Q Did you all -- let's go to the night this happened.
13 Now, you said you went over to Johnny's house. Is
14 that correct?

15 A That's correct.

16 Q The shooting occurred, we think, what, 10:30, 10:40,
17 10:50? Somewhere in that time span; is that correct?

18 A Somewhere in there. Yes, ma'am.

19 Q And you got to Johnny's house when?

20 A Shortly thereafter. I would say within -- by
21 midnight I would say.

22 Q By midnight.

23 A Somewhere thereabouts.

24 Q About an hour, an hour and a half later, somewhere in
25 there?

- 1 A That's correct.
- 2 Q They only had one car that operated between the two
- 3 of them?
- 4 A That's correct.
- 5 Q You found Johnny at home, at his house, and he told
- 6 you he had been there all night; is that correct? Or
- 7 for the last little bit?
- 8 A Correct.
- 9 Q While you were there, however, Jamie pulled up in a
- 10 car that had a loud muffler, didn't she?
- 11 A That's correct.
- 12 Q Did you do a gunshot residue test on Jamie's hands?
- 13 A Beyond my scope, ma'am. I don't know if one was done
- 14 on her or not.
- 15 Q This was within two hours of the shooting occurring.
- 16 To your knowledge did anybody do a gunshot residue
- 17 test on Jamie's hands?
- 18 A Forensic responded to the scene, you have to speak to
- 19 one of the forensic investigators.
- 20 Q Wouldn't you agree, it would definitely be important
- 21 if somebody drove up in the car you heard had a loud
- 22 muffler and that had ID'd that car?
- 23 A I would think so. Yes, ma'am.
- 24 Q Were Jamie's clothes taken?
- 25 A I wouldn't know. You have to speak with forensics.

1 Q Wouldn't you agree it would be very important to get
2 Jamie's clothes, get the victim's clothes, and see if
3 there were any cross transfer of fibers, hairs,
4 gunshot residues, anything like that?

5 A I would think so. Yes, ma'am.

6 Q Do you know if that was done?

7 A I'm not aware.

8 Q Somebody had to load those rounds into that gun. Are
9 you aware of whether or not anybody processed those
10 spent shell casings at that scene to see whose
11 fingerprints were on those shell casings, to see who
12 had loaded those into this gun?

13 A Ma'am, forensics responded to the scene as well and
14 collected the shell casings. You have to speak with
15 forensics whether they processed or not.

16 Q Wouldn't you agree that would be important?

17 A Correct.

18 Q You would agree that Jamie would have had complete
19 access to this gun if it was Johnny's gun. Isn't
20 that true?

21 A That's not necessarily true.

22 Q You would agree they live together?

23 A Correct.

24 Q You would agree they drove the same car?

25 A Correct.

- 1 Q Did you know she had been out to shoot the gun?
- 2 A No, ma'am.
- 3 Q Did you ever ask her that?
- 4 A No, ma'am.
- 5 Q You would agree that husband's and wives sometimes
- 6 use each other's cell phones?
- 7 A Possible.
- 8 Q And did you pull cell phone records in this case?
- 9 Did you all do that?
- 10 A I believe Detective Reeves did. Yes, ma'am.
- 11 Q Did you all know that Jamie told you that night that
- 12 there had been text messages; isn't that true,
- 13 between the two of them?
- 14 A I think she mentioned something about that.
- 15 Q Text messages you can get the contents of those only
- 16 if you get them immediately, because they're
- 17 destroyed, the actual content, within days. Isn't
- 18 that correct?
- 19 A I'm not aware.
- 20 Q Well, you would agree that Jamie would have had
- 21 access to Johnny's phone; Johnny would have had
- 22 access to Jamie's phone? Don't you think it's
- 23 important to get the text message contents that
- 24 occurred between the two of them after this shooting
- 25 occurred?

1 A I would assume so.

2 Q Don't you think it's odd that if Johnny is going to
3 use a gun to kill somebody, he goes and meets the
4 buyer or the seller of the gun himself in daylight,
5 no disguises, easily identified? Don't you think
6 that would be odd?

7 A Not necessarily.

8 Q Was any DNA taken from Jamie to compare to any blood
9 that might have been on the victim's body?

10 A I'm not aware of that.

11 Q You'd agree that would be important?

12 A Possibly.

13 Q Was any hair taken from Jamie?

14 A I'm not aware.

15 Q You'd agree that would be important?

16 A Possibly.

17 Q Because hair falls out, especially if there's any
18 kind of struggle or jumping around, anything like
19 that?

20 A Correct.

21 Q You heard the opening statements where the state said
22 the shooter got out of the car and you can tell that
23 because of the spent shell casings. Isn't that
24 correct?

25 A That's correct.

1 Q Now, in the jail conversations are also recorded,
2 aren't they, from inmates and outside calls?

3 A Correct.

4 Q In fact, in the beginning of every single call it
5 says, "this is being recorded." There are signs out
6 there that say the calls are not private, they are
7 monitored and being recorded. So if you wanted to
8 make the police think you had done something instead
9 of someone else, that would be a great time to do it,
10 wouldn't it?

11 A It's possible.

12 Q Because, you know, the police are monitoring every
13 single conversation, you know, the police are
14 recording these conversations. Because you're told
15 that before every single conversation?

16 A Correct.

17 Q Isn't that true?

18 A Correct.

19 Q Are you aware you can now get prints off skin and
20 clothing? You been to seminars that talked about
21 that within the last five years; isn't that true?

22 A You have to check with forensics on that.

23 Q Was Ryan Cox's body or clothing ever processed for
24 prints?

25 A I'm not aware.

1 Q You would agree, that would be important?

2 A Possibly.

3 Q Now, you heard Dr. Woodard testify yesterday we had
4 two shots in the face. He says they were not close,
5 at least 12 inches back. He also said any shots that
6 went through clothing or the back of the head would
7 have to be processed at SLED for distance to see if
8 the person was right -- shooter was right up on the
9 person or was back, isn't that true?

10 A Correct.

11 Q Because the clothing would stop it or the hair stop
12 it. To your knowledge was any of that done down at
13 SLED?

14 A I don't have any knowledge of that.

15 Q Would you agree if the shooter in fact had been
16 fairly close to the body, if in fact there was blood
17 and this was a bloody scene, isn't that correct?

18 A That's true.

19 Q The shooter might at least walked on specks of blood,
20 even if there were no footprints. It would be
21 important to get the shoes of Jamie and any other
22 suspect and process those shoes to see if there was
23 blood. Isn't that true?

24 A It's possible.

25 Q And, in fact, normally, even if someone thinks to

1 wash their clothes or destroy their clothes, they
2 don't remember the shoes. Isn't that true?

3 A Sometimes.

4 Q Did you all, when Jamie drove up in the car with the
5 loud muffler less than two hours after the shooting,
6 did you all get her clothes? Did you all get her
7 shoes?

8 A Not that I'm aware.

9 Q Let's talk about what happened when she drove up.
10 She drove up with her mother in the car. Isn't that
11 correct?

12 A That's true.

13 Q And you separated both of them, didn't you?

14 A Correct.

15 Q So they couldn't hear each other's statements?

16 A Correct.

17 Q About what time did you take these statements?

18 A Say shortly after we arrived on scene at the
19 residence.

20 Q So they drove up, you separated them, and you took
21 the statements. Is that correct?

22 A That's correct.

23 Q And Jamie told you that she left Johnny at home,
24 drove off in this car with the loud muffler at
25 9:00 p.m. and went straight to her mother's house,

1 where she stayed until after midnight. Isn't that
2 true?

3 A She advised that she left her mother's house
4 approximately 9:00 p.m.

5 Q No, no, no. No, which house did she leave?

6 A Sorry, she left her house at approximately 9:00 p.m.

7 Q In the car with the loud muffler. And she went
8 where?

9 A Went to her mother's.

10 Q And she stayed until after midnight; is that correct?

11 A She advised me Johnny actually called her at 12:36,
12 told her, "Be careful on the way home," I would
13 assume approximately 12:00.

14 Q She said Johnny called her 12:36, not about 12:30?

15 A Told me Johnny called her at 12:36 a.m.

16 Q Told you about the text messages, there were some
17 text-ing going back and forth. You knew that night
18 within two hours of this thing occurring there were
19 text messages. Isn't that correct?

20 A Correct.

21 Q Let's go now to her mother's statement. They were
22 separated so they could not listen to each other's
23 statements. Isn't that correct?

24 A That's correct.

25 Q And the mother says "Jamie got to my house about

1 9:30, stayed until about midnight." Isn't that
2 correct?

3 A Arrived between 9:30 and 9:45.

4 Q And stayed until midnight or so?

5 A I would assume. Yes, ma'am.

6 Q And she said she was driving the little Honda that is
7 white and gray, the one we saw in the pictures
8 yesterday in the state's exhibits. Isn't that true?

9 A That's correct.

10 Q Detective, these people have been married less than
11 two months and knew each other for only ten days
12 before they got married, right?

13 A That's correct.

14 Q Would you say a woman is more likely to lie to
15 protect her daughter or to protect a son-in-law of
16 less than two months?

17 MR. CAMPBELL: Objection, Your Honor. Calls for
18 speculation.

19 THE COURT: Sustain the objection.

20 Q You said when you got to the scene, that Johnny
21 didn't ask why you were there. You also said there
22 were lots of other officers already there; isn't that
23 true?

24 A There were other officers there. Yes, ma'am.

25 Q You have no idea what was said between those officers

1 and Johnny before you got there, do you?

2 A I do not.

3 Q You all got a cell phone from the house. Did you
4 ever process that cell phone for fingerprints?

5 A I'm not aware, ma'am.

6 Q Did anybody get Jamie's, the phone she had, and
7 process that for fingerprints?

8 A I'm not aware.

9 Q Did anybody, to your knowledge, ever process Ryan
10 Cox's clothes for fibers, hairs, process DNA? The
11 whole reason why you rope off a crime scene, to
12 preserve it?

13 A I would think it was sent to SLED, you have to speak
14 with them.

15 Q The car was processed. Is that correct?

16 A Correct.

17 Q However, no one checked it for blood, no one lumined
18 it, did they?

19 A There, again, that's a question for forensics, ma'am.

20 Q You aware Jamie visited Johnny multiple times after
21 the arrest while he was in jail; isn't that true?

22 A I believe so.

23 Q And those visits are not monitored as a conversation
24 those are visits that occur without being recorded?

25 A That's correct.

- 1 Q So you all have no idea what was said between Johnny
2 and Jamie in those multiple visits, because those
3 aren't recorded. Isn't that true?
- 4 A That's correct.
- 5 Q We do know the ones that were recorded, both of them
6 were well aware they were being recorded because it
7 says that to both parties before every conversation?
- 8 A Correct.
- 9 Q Now, you would agree it would be important to know
10 whether Jamie and her mother were telling you all the
11 truth about Jamie having the car from 9:30 to
12 midnight over at the mother's house. Where is the
13 mother's house?
- 14 A Plainview Road in Anderson.
- 15 Q How far is that from where the shooting occurred
16 from?
- 17 A LaFrance to the south side of Anderson.
- 18 Q A good long way?
- 19 A Correct.
- 20 Q All right. So who went and did the neighborhood
21 canvass of Jamie's mother's house to ask the
22 neighbors was the car there from 9:30 to midnight?
- 23 A I didn't. I'm not aware.
- 24 Q You would agree that would be extremely important to
25 do, a neighborhood canvass there to find out was the

1 car there from 9:30 to midnight, because if it was
2 and Johnny wasn't anywhere near there, wasn't in
3 south Anderson, obviously he couldn't have used this
4 car to commit a murder?

5 A Would have been important to canvass. Yes, ma'am.

6 Q Why was a simple step like that not taken?

7 A Ma'am, I'm not aware if it was taken. I know I
8 didn't take it, ma'am.

9 Q This car, obviously, whoever killed on the side of
10 this road, Ryan Cox had to drive either this way to
11 the killing or this way to the killing. Isn't that
12 true? They couldn't just, "Beam me down Scotty."
13 Isn't that true?

14 A That's correct.

15 Q So, this is a very busy road. All these convenience
16 stores have videotapes going, the stores have
17 videotape going. You all routinely get those for
18 robberies and all sorts of things; isn't that true?

19 A That's correct.

20 Q Which convenience stores, other stores, did you all
21 go to down this road this way, this road this way,
22 looking shortly before this killing occurred to see
23 which cars were going down this road?

24 A I didn't visit any convenience stores. The incident
25 took place in a remote location, no lights.

- 1 Q Stores destroy these tapes within two or three days;
2 isn't that true? They reuse them?
- 3 A Depends on the system they have.
- 4 Q These things have to be done immediately because
5 things will be destroyed. People have no idea whose
6 car was at their house a week later, they have to be
7 done then, don't they?
- 8 A Correct.
- 9 Q Now, when you got to Johnny's house that night, he
10 said, "Sure, come in my house. You can search for
11 anything you want to search. I been here all night."
12 Isn't that true?
- 13 A That's correct.
- 14 Q In fact, signed a consent to search, didn't try to
15 hide a thing. You all even said, "Look, at any point
16 when we're going through this house, you can say,
17 don't go any further."
- 18 A Correct.
- 19 Q Did he ever revoke the consent or let you all look
20 wherever you wanted to look?
- 21 A He did not revoke the consent.
- 22 Q He and his wife were getting ready to go to a wedding
23 of her cousin in New York the next day; isn't that
24 true?
- 25 A That's correct.

1 Q They both told you that? The mother told you that?
2 They had Mapquest, they were looking for the
3 directions; is that right?

4 A Correct.

5 Q I believe you said there were some clothes in the
6 washing machine. Whose clothes were those?

7 A I don't recall. I just know there was wet clothes in
8 the washing machine.

9 Q You would agree that before you take a trip, normally
10 you're washing your clothes so you can go. Isn't
11 that right?

12 A Depends on if the clothes are dirty or not.

13 Q Did you all look to see whether they were his
14 clothes, her clothes, somebody else's clothes. Do
15 you have any idea whose clothes were being washed in
16 that washing machine?

17 A I have no idea.

18 Q Were they taken?

19 A I'm not aware.

20 Q You would agree that anybody that has a cell phone
21 can use a cell phone if you have it in your
22 possession. If I have a cell phone in my name and
23 you have possession of my cell phone, you can use it
24 to call anybody you want?

25 A That's correct. As --

1 Q Just because it's in my name --

2 THE COURT: Mrs. White, let him answer before you
3 interrupt him.

4 MS. WHITE: What were you going to say?

5 THE WITNESS: As long as it's activated, yes, ma'am.

6 Q Now, Jamie was pregnant when -- with Johnny's baby;
7 isn't that true, when this occurred?

8 A She was pregnant. Yes, ma'am.

9 Q With what he thought was his baby anyway? Who knows.

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

11 Q That's when he was saying, "I'll take the rap, I
12 don't want her to go do jail. I'll take the rap."

13 THE COURT: Solicitor, you said that five times.

14 Quit testifying, ask questions. Mrs. White, excuse me.

15 Q Is that true?

16 A Detective Reeves and Detective Puckhaber took the
17 statement from Mr. Mahaffey.

18 Q Are you aware that Jamie claims to have two other
19 personalities, Phoebe and Susie?

20 A I'm not aware, ma'am.

21 Q Are you aware she's even written letters about that?

22 A No, ma'am.

23 Q Are you aware she says that Phoebe has blue eyes
24 Susie has brown eyes?

25 MR. CAMPBELL: Objection, he already testified he's

1 not aware of any of this.

2 THE COURT: I'll sustain the objection.

3 Q It would be pretty devastating if you were sitting in
4 jail taking the rap for your wife and you found out
5 just recently she posted on "my space" she was a
6 swinger?

7 MR. CAMPBELL: Objection. It's outside the scope of
8 his knowledge.

9 THE COURT: Sustain the objection.

10 Q Have you been on Jamie's "my space" page to see what
11 she recently posted about being a swinger and --

12 MR. CAMPBELL: Objection, Your Honor. Outside his
13 knowledge.

14 THE COURT: Sustain the objection.

15 MR. WHITE: I don't know if it is or not. I don't
16 know if he seen it.

17 THE COURT: Sustain the objection.

18 BY MS. WHITE:

19 Q Then let me back up, lay some foundation. Have you
20 been on Jamie's my space page?

21 A No, ma'am.

22 Q Are you aware that at the time this killing occurred,
23 Ryan's wife was in the hospital and had just had his
24 baby and the baby was in ICU?

25 A I was aware. Yes, ma'am.

- 1 Q And that he and Skyler had been fighting over this,
2 him seeing his wife because of the newborn baby?
- 3 A I'm not aware of that.
- 4 Q Did you see the note you all got? Things aren't
5 always as they seem, are they, detective?
- 6 A It just depends.
- 7 Q You all found marijuana on Mr. Cox, in his pocket.
8 Is that correct?
- 9 A I believe so. Yes, ma'am.
- 10 Q Did you all time the distance between Johnny's house,
11 on Jasmine Lane -- between Jasmine Lane where Johnny
12 and Jamie lived and Plainview Road, where Jamie's
13 mother lived?
- 14 A I know I did not. However, I think it was done.
- 15 Q Can you give the jury an approximate distance between
16 those? Just approximately? I mean, one mile, closer
17 to fifteen miles? Approximately?
- 18 A I would say probably 15 miles, maybe. Maybe a little
19 bit less, maybe more.
- 20 Q Jamie lives with her mother now; is that correct?
- 21 A I'm not aware.
- 22 Q You would agree or have no idea?
- 23 A I have no idea.
- 24 Q You ever seen Jamie's mother's house?
- 25 MR. CAMPBELL: Objection, Your Honor.

1 THE COURT: What's your legal objection?

2 MR. CAMPBELL: It's not relevant.

3 THE COURT: I'll sustain the objection, it's not
4 relevant.

5 MR. WHITE: Your Honor, may I be heard?

6 THE COURT: No. It's not relevant. No, ma'am, move
7 on.

8 Q Did you know that Jamie thought that Johnny owned his
9 house?

10 A I have no idea, ma'am.

11 Q He has a pretty nice house, doesn't he?

12 A I would say it's fairly decent. Yes, ma'am.

13 Q Are you aware that she forged some titles to some
14 cars that he had right after he was taken to jail,
15 unbeknownst to him?

16 A No, ma'am, was not aware.

17 Q Are you aware that she signed his name to a joint tax
18 return and got \$2500 tax return money after he went
19 to jail?

20 A Not aware of that either, ma'am.

21 Q Are you aware that she took the food-stamp vouchers
22 that he had for his children, 300 something dollars a
23 month, and sold them after he went to jail?

24 A No, ma'am. Not aware of that.

25 Q Did you all search that Honda when it first arrived

1 with Jamie and her mother, who told you all they had
2 been in it since 9:30 to midnight, or had it?

3 A The vehicle did get searched. Yes, ma'am.

4 Q Was it searched then?

5 A Immediately? No, ma'am.

6 MS. WHITE: No further questions.

7 THE COURT: Redirect?

8 MR. CAMPBELL: Thank you, your Honor.

9 REDIRECT EXAMINATION

10 BY MR. CAMPBELL:

11 Q Detective Malone, are you the lead detective,
12 investigator involved in this case?

13 A No, sir, I was not.

14 Q The questions that Ms. White were asking, were those
15 decisions mainly left up to you?

16 A No, sir.

17 Q It would have been left up to Detective Reeves,
18 wouldn't they?

19 A Yes, sir.

20 Q And is it part of your job as a detective to process
21 a crime scene?

22 A No, sir, it is not.

23 Q Do you process the crime scene at the 28 bypass where
24 the killing occurred?

25 A No, sir.

1 Q Was it your job to process the crime scene at [REDACTED]
2 [REDACTED] Lane in Pendleton?
3 A No, sir.
4 Q Was it your job to process the crime scene of the
5 car, this Honda?
6 A No, sir.
7 Q So all these questions, none of that has to involve
8 you, does it?
9 MS. WHITE: Objection to leading.
10 THE COURT: Overruled.
11 Q Now, when you arrived at the scene, what time did you
12 show up at [REDACTED] Lane, approximately?
13 A I would probably say around midnight.
14 Q And Mr. Mahaffey was there?
15 A Correct.
16 Q And is he in the courtroom today?
17 A Yes, he is.
18 MS. WHITE: He just asked if Mahaffey was at the
19 scene?
20 MR. CAMPBELL: At [REDACTED] Lane.
21 MS. WHITE: I wanted to make sure.
22 Q Mr. Mahaffey in the courtroom today?
23 A Yes, sir.
24 Q Would you identify him, please?
25 A Sitting there on the end in the brown suit. I

1 believe it's brown.

2 Q He was on the scene that night?

3 A Yes, sir.

4 Q How did he appear to you when you showed up?

5 MR. WHITE: Objection, Your Honor, these were gone
6 into on his direct questioning. I did not go into that.

7 THE COURT: I'll sustain the objection. I don't
8 think that's in redirect examination.

9 Q Now, at any point dealing with this consent to search
10 did he ask you to leave?

11 A No, sir.

12 Q Did he ask any of the officers to leave?

13 A Not to my knowledge.

14 Q And did he ask why you all were there?

15 A No, sir.

16 Q And have you been to crime scenes before where the
17 suspects were, possibly person of interest, was on
18 the scene?

19 A Yes, sir.

20 Q And did you feel that his actions were warranted or
21 like that of other people you thought at a crime
22 scene?

23 MS. WHITE: Objection to relevance of that, your
24 Honor.

25 THE COURT: Overruled. Please answer the question.

1 A Little strange.

2 Q You find that peculiar?

3 A Yes. Yes, sir.

4 Q Would it be possible to give an opinion based on your
5 experience that he tried to show he had nothing to
6 hide because possibly he had already gotten rid of
7 the stuff?

8 MR. WHITE: Your Honor, I object.

9 THE COURT: I'll sustain the objection.

10 MR. CAMPBELL: I have no further questions.

11 THE COURT: May step down. Thank you very much.

12 Call your next witness.

13 TODD OWENS, being first
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. CAMPBELL:

17 THE CLERK: State your name and spell your last name
18 for the record, please.

19 A Todd Owens, O-W-E-N-S.

20 Q Mr. Owens, where are you employed?

21 A Anderson County Sheriff's Office.

22 Q What position are you employed in?

23 A As a detective in the criminal investigation
24 division.

25 Q How long have you been a detective?

1 A A little over two years.

2 Q And as part of your job, were you working the night
3 of August 17, 2006?

4 A Actually I was not. I was off.

5 Q And how about the morning of August 18, 2006, were
6 you also off?

7 A I was off and then I got called in.

8 Q And what was the reason why you were called in?

9 A I was contacted by Sergeant Chad Puckhaber, the
10 sheriff's office, to obtain a search warrant for an
11 address.

12 Q Did you talk to Detective Steve Reeves that night?

13 A I did. I met them both at the sheriff's office.

14 Q As a result of your conversation with them, did you
15 take out a search warrant?

16 A That's correct.

17 Q And what location did you take out a search warrant
18 for?

19 A Address was for [REDACTED] in the Pendleton
20 area.

21 Q And based also on that search warrant, what were you
22 looking for?

23 A We were looking for trace evidence, blood, fibers,
24 weapons, ammunition, clothing, cell phone, which
25 would tend to establish motive, method, persons, mode

1 responsible for the shooting, death, and subsequent
2 injury and subsequent death. Yes, sir.

3 Q Besides the house, were you looking anywhere else?

4 A Yeah. That's correct for the address [REDACTED] and include
5 all outbuildings and vehicles located on the
6 premises.

7 Q And the address, was it a Pendleton address or
8 LaFrance address?

9 A I believe it's a LaFrance address.

10 Q And did you execute the search warrant?

11 A I did not execute it, only obtained it.

12 Q Did you take it to the scene --

13 A That's correct.

14 Q -- of [REDACTED]?

15 A That's correct.

16 Q When you got there, who did you give the search
17 warrant to?

18 A Lieutenant Chris Scott, forensic division.

19 Q He the one that executed the search warrant?

20 A That's correct.

21 Q I have no further questions. Please answer --

22 THE COURT: Cross examination?

23 CROSS EXAMINATION

24 BY MR. GAMBLE:

25 Q What time of day or night did you get the search

1 warrant for 127 Jasmine Lane?

2 A As I recall it was around 2 a.m.

3 Q From Judge Whitman?

4 A That is correct, sir.

5 Q Why did you need a search warrant when consent was
6 already given to search?

7 A I'm not aware why that decision was made. They
8 contacted me to obtain the search warrant.

9 Q Did you search the Honda?

10 A I did not.

11 Q Did anybody search the Honda that you know of?

12 A Yes, sir. I believe the forensic division along with
13 Lieutenant Scott.

14 Q Who did?

15 A Forensic division, Lieutenant Scott.

16 Q Forensic division?

17 A Yes, sir.

18 Q Who in forensic division?

19 A I believe Lieutenant Scott.

20 Q Chris Scott?

21 A Yes, sir.

22 Q As a result of this search, you obtained a shirt from
23 a clothes basket; is that correct?

24 A According to the return I have signed by Lieutenant
25 Chris Scott, they obtained a blue shirt from a

1 clothes basket, and a wastebasket in the bedroom.

2 Q All right. You obtained the search warrant?

3 A That is correct, sir.

4 Q Did you do the return on it?

5 A No, sir.

6 Q Why not?

7 A The person that actually executes the search warrant
8 will be the officer that will actually do the return.

9 Q You obtained it, but you didn't execute it?

10 A No, sir.

11 Q You didn't go up there?

12 A Yes, sir, I went to the scene.

13 Q Why didn't you execute the search warrant?

14 A Because we wanted Lieutenant Scott of the forensic's
15 to execute the search warrant.

16 Q Oh, thank you.

17 THE COURT: Any redirect examination?

18 MR. CAMPBELL: No, your Honor.

19 THE COURT: Thank you, you may step down. Call your
20 next witness.

21 MR. CAMPBELL: State calls Lieutenant Tommy Clamp to
22 the stand.

23 TOMMY CLAMP, being first duly sworn,
24 testified as follows:

25 DIRECT EXAMINATION

- 1 BY MR. CAMPBELL:
- 2 A Tommy Clamp, last name is spelled C-L-A-M-P.
- 3 Q Mr. Clamp, where are you employed?
- 4 A Anderson County Sheriff's Office.
- 5 Q What position are you employed in?
- 6 A Supervisor, evidence division. Work under
- 7 supervision of Lieutenant Scott, detective division.
- 8 Q As part of your job at Anderson County Sheriff's
- 9 department, forensic unit, you look out for the
- 10 evidence?
- 11 A Yes, sir. Primary job, evidence custody, to maintain
- 12 custody as it comes in, transport it places for
- 13 analysis when analysis is requested.
- 14 Q In this case were you involved in maintaining
- 15 evidence involving the incident that occurred at 28
- 16 bypass, [REDACTED] Lane, and also a search of the
- 17 Honda?
- 18 A Yes, sir.
- 19 Q I show you what's been marked State's Exhibit 35 and
- 20 35B, State's Exhibit 38, 41, 42, 36, 37, 39, and 40
- 21 for identification. Please look at these and
- 22 identify if you had these in your care, custody, and
- 23 control?
- 24 A Yes, sir.
- 25 Q And when -- where would you receive these items from,

1 and who would you receive them from?

2 A A temporary drop location. Able to place those
3 into -- once we're able to place into a temporary
4 drop location, there's only four persons within the
5 department that has access to those.

6 Q And have these items been in your care, custody, and
7 control since you received them?

8 A Yes, sir, other than the time they were submitted to
9 the appropriate places for analysis.

10 Q You referring to the appropriate places, that would
11 be SLED?

12 A Correct.

13 Q And other than that, nobody else has touched this
14 evidence that is in front of you?

15 A That's correct.

16 Q And to your knowledge, have any of these items been
17 altered or tampered with, changed in any shape, way,
18 or form?

19 A No, sir.

20 Q These items that you just looked at, you just brought
21 them to court yesterday. Is that correct?

22 A That's correct.

23 Q Before that time, you're the only person who has had
24 care, custody, and control of these items?

25 A That's correct.

1 Q Except for the time they were sent to SLED?

2 A That's correct.

3 Q Answer any questions the defense may have.

4 THE COURT: Cross examination.

5 CROSS EXAMINATION

6 BY MR. GAMBLE:

7 Q Were you in on the search at 4 a.m. on [REDACTED]

8 Lane?

9 A No, sir, I was not.

10 Q You didn't have anything to do with that?

11 A No, sir.

12 Q Did you have anything to do with anything at the
13 scene?

14 A No, sir.

15 Q You're just a property officer?

16 A Correct.

17 Q And the property is brought to you from the street
18 officer or the officer that works the forensics?

19 A Correct, yes, sir.

20 Q And they hand it to you, and you sign a receipt for
21 it or you sign a receipt from them?

22 A Correct. They also submit evidence via internet in
23 computer with a secure password; but there is a paper
24 trail there in the computer.

25 Q Right. And that's paper trail that was submitted to

1 me --

2 A Yes, sir.

3 Q -- from the state, that shows where you got it from
4 whoever?

5 A Yes, sir.

6 Q And you took it to SLED?

7 A Yes, sir.

8 Q And then at SLED it's signed off from you to SLED?

9 A Correct. Yes, sir.

10 Q All right. And then comes back and you sign for it
11 coming back?

12 A Yes, sir.

13 Q All right. Was a search ever conducted on a house
14 located on Plainview Road to your knowledge?

15 A I wouldn't have any knowledge of that.

16 Q That would be Jamie's mother's house?

17 A I would have no idea, sir.

18 MR. CAMPBELL: Your Honor, the state calls Todd Caron
19 to the stand.

20 TODD CARON, being first duly sworn,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. CAMPBELL:

24 Q State your name for the record.

25 A Todd Caron.

1 Q And, Mr. Caron, where are you employed?

2 A The Anderson County Sheriff's Office.

3 Q And in what capacity are you employed in?

4 A Forensics, forensic investigator.

5 Q How long you been in forensics?

6 A Two years.

7 Q Now, were you employed there on the night of
8 August 18, 2006, around that time or that day?

9 A Yes, sir.

10 Q And as part of your job, do you have the occasion to
11 attend autopsies?

12 A Yes, sir.

13 Q And did you attend the autopsy on a Ryan Cox?

14 A Yes, sir.

15 Q And where was this autopsy performed?

16 A At Anderson Area Medical Center morgue.

17 Q And who was performing the autopsy?

18 A Dr. Woodard.

19 Q You attended it, correct?

20 A Yes, sir.

21 Q When -- prior to that night or prior to that autopsy,
22 had you had any involvement in a case dealing with
23 that individual, Ryan Cox?

24 A No, sir.

25 Q And what is the primary purpose, why are you

1 attending an autopsy?

2 A To photograph and collect evidence from the autopsy.

3 Q And when you arrived, how was the body? What
4 condition was the body in when you first saw it?

5 A Still fully clothed, the hands were bagged with paper
6 bags wrapped around the hands. And he was on --

7 Q What is the purpose of the paper bags around the
8 hands?

9 A For GSR kits, make sure the hands don't get tampered
10 with.

11 Q As far as your job, did you photograph and collect
12 evidence in this case --

13 A Yes, sir.

14 Q -- at the autopsy? And what evidence did you
15 collect?

16 A I collected three projectiles, three bullet
17 projectiles, two tubes of hair, one gold necklace
18 with a 2005 senior pendant on it, five tubes of
19 blood, one tube of urine, one pair of black, one
20 white socks, one belt, one pair of black pants, two
21 white T-shirts with blood, and a SLED lab report.

22 Q What did you do with these items you collected in
23 evidence?

24 A I collected them and placed them into evidence.

25 Q And did they go to Tommy Clamp, you just heard?

1 A Yes, sir.

2 Q And after that did you have any involvement dealing
3 with the evidence in this case?

4 A No, sir.

5 Q I'm going to show you what's been marked for
6 identification -- I show you what's been marked for
7 identification State's Exhibit 36 and 41. Could you
8 please identify what these are, sir?

9 A Forty-one would be the gunshot residue kit I
10 performed on Mr. Cox. And 36 would be the bullet
11 projectile from the autopsy.

12 Q And can you tell the ladies and gentlemen of the jury
13 how you perform a gunshot residue kit?

14 A Yes, sir. This is some metal tabs that you tab on --
15 specific tabs for the front of the specific hands,
16 the front and back of the left and right hands, that
17 you dab on the front of the hand; and the one marked
18 for whichever hand, and you dab it on the back. You
19 seal those and then you swab both sides of the hands,
20 both hands with swabs.

21 Q And was that done in this case?

22 A Yes.

23 Q Can you open State's Exhibit 41? Now in this kit you
24 just opened, is this the kit that you used to take a
25 gunshot residue specimen from Mr. Cox?

- 1 A Yes, sir, I believe so.
- 2 Q How do you know that?
- 3 A It was still sealed.
- 4 Q Was anybody else with you at the autopsy?
- 5 A As far as from forensics?
- 6 Q Yes.
- 7 A No, sir.
- 8 Q Did you mark it or identify it in any shape, way, or
- 9 form?
- 10 A Yes, sir, I filled out the front here.
- 11 Q The only way these items were collected is if you
- 12 done it at the autopsy, performed at the Anderson
- 13 Area Medical Center?
- 14 A Yes, sir.
- 15 Q And tell the ladies and gentlemen of the jury, show
- 16 them in reference to your hands, exactly how you go
- 17 about doing this.
- 18 A You would take the clear plastic part off. There's a
- 19 metal piece in there that you dab on. This one is
- 20 left, back; you would dab this one on the left back
- 21 side of the hand, around the thumb and the finger
- 22 area. The ones from the palms, dab on the meaty part
- 23 of the palm and across the bottom of the finger area
- 24 of the palm.
- 25 Q What are you trying to pick up with these things?

1 A Gunshot residue.

2 Q And do you know what the purpose of that is for?

3 A To test to see if a weapon has been fired by whoever
4 you're performing the gunshot residue on.

5 Q Now, the other items -- you can put them back in the
6 package there.

7 (Witness complies.)

8 Can you please pull out what is in State's Exhibit 36
9 for identification. What exactly are you looking at?

10 A Three bullet projectiles.

11 Q Can you hold them up for the jury to see?

12 A Yes.

13 Q Where did you receive these bullet projectiles from?

14 A Dr. Woodard recovered them from Mr. Cox's body.

15 Q He handed them to you?

16 A That's correct. He handed them to the assistant
17 there and she placed them in the containers.

18 Q This was in your presence?

19 A Yes, sir.

20 Q Did you mark them in any way, shape, or form?

21 A No. Besides when I put them into evidence. And I
22 did not mark them on the containers until --

23 Q Now, Detective Caron, these items came into your
24 possession at the autopsy on August 18, 2006. Is
25 that right?

- 1 A Yes, sir, that's correct.
- 2 Q And I'm going to show you the property report that
- 3 sets out -- first, please identify what that is.
- 4 A This would be a property report that we can print out
- 5 from the evidence computer.
- 6 Q And are those items listed on there?
- 7 A Yes, sir.
- 8 Q And who was the officer listed on that as entering
- 9 them into evidence?
- 10 A It has Mark Patterson as the officer.
- 11 Q Was he actually the officer that did that?
- 12 A No, sir, it was me.
- 13 Q Do you know how that got on there?
- 14 A Could be an error with the computer.
- 15 Q Does everybody have an opportunity to log on the
- 16 computer?
- 17 A That's correct.
- 18 Q Has that happened in the past if somebody doesn't log
- 19 out, that name will show up?
- 20 A That's correct.
- 21 Q I have no further questions. Answer any questions
- 22 Mr. Gamble may have.

23 CROSS EXAMINATION

24 BY MR. GAMBLE:

- 25 Q You claim a computer error?

- 1 A Could be, yes, sir.
- 2 Q You don't know?
- 3 A No, sir. Not sure, No, sir.
- 4 Q In order to make it a computer error, somebody has to
- 5 put something in that to make it error, don't you?
- 6 A I suppose.
- 7 Q Did you type your name on this log-in sheet for chain
- 8 of custody?
- 9 A On -- yes.
- 10 Q You did?
- 11 A My name is on all the other items except for those
- 12 two. Yes, sir.
- 13 Q There are three. Show me your name on those three
- 14 items, chain of custody sheet. Where is your name?
- 15 A My name is not on these, but the rest of the items
- 16 that I entered from the morgue are in my name.
- 17 Q All right. This one is for blood swabs, hair
- 18 samples, two tubes of blood. Is that correct?
- 19 A Yes.
- 20 Q This was for eight Winchester shell casings. Is that
- 21 correct?
- 22 A I did not collect the shell casings.
- 23 Q Who did?
- 24 A If I had to guess, Mark Patterson, Investigator
- 25 Patterson.

- 1 Q Well, this one is from the Anderson County morgue,
2 blood swabs, hair specimens, and three tubes of
3 blood. Is your name on that one?
- 4 A No, sir.
- 5 Q So you didn't actually do these, did you?
- 6 A Yes, I do. I entered those.
- 7 Q Why did you use Mark Patterson's name, and not your
8 own?
- 9 A I wasn't aware of his name showing up on the screen.
- 10 Q Did you review your work?
- 11 A Yes.
- 12 Q And you saw Mark Patterson's name, but you didn't
13 correct it?
- 14 A I must have missed it.
- 15 Q You're not actually on this chain of custody, are
16 you, from these documents? Sir?
- 17 A Not on those items.
- 18 Q Was Mark Patterson with you at the morgue?
- 19 A No, sir.
- 20 Q So Mark Patterson had nothing to do with these items?
- 21 A Not those particular.
- 22 Q Other than he's on the chain of custody by this legal
23 document?
- 24 A Because his name was on the computer.
- 25 Q But you didn't check the computer?

1 A I thought I did.

2 Q If you did, did your name show up as Officer Caron on
3 the computer?

4 A I'm sorry?

5 Q Why do you keep these records?

6 A They're retained in the computer after you enter
7 them.

8 Q No, I'm asking what legal reason you keep these
9 records.

10 A Chain of custody.

11 Q Chain of custody. And it's important to keep a chain
12 without a break in it, isn't it?

13 A Yes, sir.

14 Q For introduction of evidence?

15 A Yes, sir.

16 Q This was an important case, it was a murder case. Is
17 that correct?

18 A Yes, sir.

19 Q Not like just a dope case?

20 A I would say all cases are important.

21 Q All are important?

22 A (Nods head up and down.)

23 Q And the chain of custody is important?

24 A Yes, sir.

25 Q And it has to be done exactly?

1 A It should be, yes, sir.

2 Q And this one was not done exactly?

3 A I'm not sure how that happened, no, sir.

4 Q My question was, was this chain of custody done
5 exactly?

6 A No, sir.

7 Q All right, sir. Nothing further.

8 REDIRECT EXAMINATION

9 BY MR. CAMPBELL:

10 Q Deputy Caron, you received the items I showed you
11 from the autopsy?

12 A Yes, sir.

13 Q And does the fact Mr. Patterson's name is on those
14 alter the fact that you received them?

15 A No, sir.

16 Q And after you received them, where did you put those
17 items?

18 A Into evidence.

19 MR. CAMPBELL: No further questions.

20 THE COURT: Thank you very much. Call your next
21 witness.

22 MR. CAMPBELL: Your Honor, the state calls Lieutenant
23 Scott to the stand.

24 CHRISTOPHER W. SCOTT, being first duly
25 sworn, testified as follows:

DIRECT EXAMINATION

BY MR. CAMPBELL:

A My name is Christopher Warren Scott, S-C-O-T-T.

Q Mr. Scott, are you employed with Anderson County Sheriff's Department?

A Yes, sir, I am.

Q What position are you employed?

A Lieutenant in charge of the crime scene section with the sheriff's office.

Q How long have you been employed in law enforcement?

A Twenty-four years.

Q Prior to coming to Anderson County, where else did you work?

A I was lieutenant in charge of the crime scene section with Aiken County Sheriff's Office prior to coming to Anderson. And I was instructor at the Criminal Justice Academy prior to that in the forensic section at the academy.

Q How long you been involved in dealing with crime scenes in your career?

A Twenty-one years.

Q On August 17th, 2006, were you employed in your current capacity?

A Yes, sir, I was.

Q On that day did you have occasion to be called to a

1 homicide on 28 bypass?

2 A I was.

3 Q Here in Anderson?

4 A Yes, sir.

5 Q Besides yourself, who else responded to that scene?

6 A From my section?

7 Q Yes, sir.

8 A Investigator Mark Patterson.

9 Q And when you arrived at the scene, can you tell the
10 ladies and gentlemen of the jury how it appeared to
11 you?

12 A The -- you know, there was an individual that we
13 found lying in the road with blood around that
14 person. The scene had been roped off, crime scene
15 tape had been placed around the roadway. And, of
16 course, we had the roadway blocked off of vehicles.
17 And, you know, these guys, usually they'll do that;
18 they'll do that waiting for us to arrive and try not
19 to move anything before we arrive at the crime scene.

20 Q What is the purpose of roping off a crime scene?

21 A Well, it's to, you know, to protect the integrity of
22 any evidence that may be there. We really can't --
23 can't really control what happens before we get
24 there; but we try to control it after we get there.
25 Of course, after the first deputies arrive --

1 Q When you arrived, the body was in the roadway?

2 A It was.

3 Q When you first go up to a scene, tell the ladies and
4 gentlemen of the jury, the process you go through.

5 A We're going to approach a crime scene very carefully,
6 approach a body very carefully. We want to make sure
7 we don't contaminate any evidence on our approach.

8 Like I say, can't really control anything that
9 happens before we get to the crime scene; but we try
10 to control what happens afterwards, control access to
11 it, obviously.

12 What we usually do, start with photographs. We want
13 to document the crime scene the way we find it.

14 Can't really document before we get there, but try to
15 document from the point we get there forward, try not
16 to let anything else happen to it. And we're going
17 to start photographing the crime scene just the way
18 we find it. We're not going to introduce anything or
19 take anything away until it's completely
20 photographed.

21 And we basically have to start with what we know,
22 what we're advised by the investigating officers that
23 are there already, what the detectives tell us. Kind
24 of get a general idea of what they think may have
25 happened, what's happened up to that point, what

1 information they have, all of that kind of thing
2 dictates what we do from there. Of course, we're
3 going to start by documenting the crime scene with
4 photographs.

5 Q Was that done in this case?

6 A Yes, sir, it was.

7 Q When you first arrived, can you please tell the
8 ladies and gentlemen of the jury when the body was
9 positioned what you observed around the body?

10 A Obviously, there was blood around the body and there
11 was shell casings around the body that we observed
12 pretty readily.

13 Q And this blood you're talking about, was there a lot
14 of blood?

15 A Well, yeah, I mean there was -- there was a lot of
16 blood, but it was in a confined area. But it was a
17 lot of blood, yes.

18 MS. WHITE: Your Honor, may I -- sorry, excuse me.
19 Again, I'm having a hard time hearing him. May I come
20 where I can hear?

21 THE COURT: Please come forward. You can get -- pull
22 a chair up there if you want to.

23 MR. WHITE: Thank you.

24 THE COURT: Solicitor, please proceed.

25 MR. CAMPBELL: Thank you, your Honor.

1 Q Lieutenant Scott, when you observed the blood around
2 the body, did it appear in any shape, way, form, or
3 manner to have been secured?

4 A No, sir. It didn't appear to be disturbed to me.

5 Q Talking about disturbed, what way can blood be
6 disturbed?

7 A Obviously, if you walked in it, laid in it, rolled in
8 it, drug something through, pulled a body through,
9 that's what I would be looking for.

10 Q Did you see any signs of this when you first looked
11 at it, observed the body?

12 A No.

13 Q You said there were a number of shell casings. Do
14 you recall how many there were?

15 A Eight.

16 Q Did you mark or identify these shell casings?

17 A We did.

18 Q I'm going to show you what's been marked state's
19 exhibit 1 through 6. May I have the witness step off
20 the stand?

21 (Witness steps to jury box.)

22 First of all, take a look at State's Exhibit 1
23 through 6. Do those pictures accurately depict the
24 way you found the body on August 17, 2006?

25 A Yes, sir, they do.

1 Q Getting to State's Exhibit 6, what are these, 1
2 through 6 indicate?

3 A Shell casings in the roadway. Took a photograph, may
4 be able to see them. We put evidence markers for two
5 reasons: One, to tell something is there; and, two,
6 would be to mark the shell casings themselves.

7 Q There's actually two more not shown on this picture?

8 A That's correct.

9 Q Now, show you State's Exhibit 7 through 14. Can you
10 please identify what these are, sir?

11 A These are just close-up photographs of the placards
12 with shell casings next to them so you can tell
13 what's actually next to each placard.

14 Q Each one of these, what you're showing, is marking
15 the shell casing?

16 A Correct. That's a close-up photograph so you can see
17 what's beside the placard.

18 Q And these are marked exactly where you found them; is
19 that correct?

20 A That's correct.

21 Q Also, just go ahead and take the stand.

22 (Witness resumes stand.)

23 Now, Lieutenant Scott, after you placed these markers
24 around there, do you take measurements?

25 A Yes.

1 Q What is the purpose?

2 A If we ever have to recreate the crime scene, we can
3 go back and generally recreate it.

4 Q That was done in this case?

5 A That's correct.

6 Q What did you all pull your measurements off, what
7 item?

8 A In this particular case we pulled the measurements
9 from the guardrail. We were pretty limited to what
10 we could use for measurements in the middle of the
11 highway. But from the guardrail, from a -- the edge
12 at the end of the sidewalk and from a telephone pole.

13 Q In this area where the body was located, are there
14 any type of convenience stores, gas stations, grocery
15 stores in that area?

16 A No, sir. It's a pretty remote stretch of road right
17 there, not any businesses to amount to anything right
18 there.

19 Q Nothing that would have cameras that showed the exact
20 location this occurred?

21 A No.

22 Q Did you look for something like that?

23 A Sure. Of course if every business was open, we would
24 have talked to the people that were running it that
25 night. Sure the investigators would have, but

1 there's not anything in that general area.

2 Q Now, at this point in time, when you're on the scene,
3 were you able to identify who the body was, put a
4 name with the body?

5 A Based on his, the identification in his pocket, we
6 had a tentative identification on that person.

7 Q You've already photographed the scene, you've already
8 labeled where the shell casings were located. Your
9 next step, do you go through the individual's
10 pockets?

11 A Yes, sir.

12 Q Now, show you what's been marked State's Exhibit 15.
13 Can you please identify that, sir?

14 A This is a cell phone that we recovered from the
15 victim's pocket.

16 Q And this is your hand in the photograph?

17 A It is.

18 Q Your watch?

19 A That's my watch.

20 Q Where did you recover this pink cell phone?

21 A Taken out of the victim's pocket along with a lot of
22 other items, given to us at the coroner's office.

23 Q As a result of these items, were you able to
24 identify, put a name with the body?

25 A Yes.

1 Q What name did you get?

2 A Ryan Cox was the tentative ID on that subject that
3 night.

4 Q Now, after you finished collecting the evidence --
5 let me back up. Did you do anything else at this
6 crime scene at the 28 bypass?

7 A We're going to do a search of the crime scene, search
8 around the body, search for any other items of
9 evidence that may have been left. We searched,
10 obviously, around the area for any other projectiles,
11 any guns, anything else may be pertinent to the case.

12 Q When you searched it, did you find any evidence of a
13 knife or a gun or anything around the victim's body?

14 A No, sir.

15 Q How about in the immediate vicinity, did you find
16 anything to indicate the victim was armed?

17 A No, sir.

18 Q Did you search?

19 A Oh, yes.

20 Q After you wrapped it up, is that all you did at that
21 point in time at that crime scene?

22 A Yes.

23 Q Where did you go after that?

24 A We went back to our office to drop off the items we
25 collected from that location.

1 Q And you went back to the sheriff's department?

2 A Right.

3 Q At that point did you meet detectives and talk about
4 what had happened?

5 A I did. I met with Investigator Reeves.

6 Q Now, while at the sheriff's department were you asked
7 to conduct or do anything further involving this
8 case?

9 A Investigator Reeves had a young lady he brought with
10 him that he asked us to do a GSR kit on.

11 Q Did you yourself perform that?

12 A Investigator Patterson did that. I was there with
13 him when it was done but Investigator Patterson
14 actually did the kit.

15 Q Beyond that were you asked to do anything else that
16 night?

17 A Later that night we were asked to respond to [REDACTED]
18 [REDACTED] Lane.

19 Q And that would have been the early morning hours of
20 August 18, 2006?

21 A About 2:00 in the morning.

22 Q Did you go to help with a search warrant?

23 A I did.

24 Q In fact you were the person who executed it. Is that
25 right?

1 A That's correct.

2 Q Can you tell the ladies and gentlemen of the jury
3 what it means when you execute a search warrant?

4 A Well, it doesn't necessarily mean you're the only one
5 doing the search. Basically a search warrant is
6 handed to you and executing the search warrant means
7 you basically fill out the return on the search
8 warrant, which means you list every item that is
9 collected at that scene. And then I would take that
10 back to the magistrate that issued it and he would
11 sign it saying that it was returned. And --

12 Q And you arrived at [REDACTED] Lane?

13 A Right.

14 Q Is that here in Anderson County?

15 A It is.

16 Q And when you arrived, can you describe how the scene
17 was, this location?

18 A Well, there are other officers there before I got
19 there, obviously. I was advised we had a consent to
20 search at this location; but they didn't want to, you
21 know, they didn't want to search this place with a
22 consent to search only, so they decided to stop and
23 get a search warrant. So we waited until the search
24 warrant arrived, and then we entered the residence
25 that day.

1 Q Who performed the search warrant with you?

2 A Investigator Patterson.

3 Q The two of you, again?

4 A Right.

5 Q When you're processing in this case a residence, what
6 procedures do you go through?

7 A We have to, you know, we're bound by what the search
8 warrant says we can look for. In this case hair,
9 fiber, blood, weapons, those type things. We're
10 searching for anything we think may be pertinent to
11 this crime scene.

12 Q You also, based on your past experience and judgment,
13 what items you take?

14 A Yeah. And based on what information we have at the
15 time. That's, you know, we search basically on what
16 information we have at the time; and based on prior
17 experience, yes, sir.

18 Q Now, besides the house, were you also looking for
19 evidence in other parts, pursuant to the search
20 warrant, on other areas of the residence?

21 A The search warrant was for outbuildings, vehicles.
22 Of course we searched the residence and vehicles
23 there at the residence, also.

24 Q And what did you recover from the house?

25 A From the house we recovered a blue shirt from a

1 clothes basket in master bedroom; cell phone,
2 telephone from an end table in the den. That's all.

3 Q Show you what's been marked State's Exhibit 16
4 through 19. Can you please identify what these are,
5 sir?

6 A These are photographs of the interior of the
7 residence, [REDACTED], and also a photograph of
8 the cell phone we collected there, also.

9 Q And these were the items that you took out? You can
10 see the screen; is that correct?

11 A Yes, I can see.

12 Q Is this a photograph of one of the bedrooms?

13 A It is.

14 Q Showing luggage in the case -- on the bed?

15 A Yes. Yes, it is.

16 Q It's another view of one of the rooms in the house?

17 A Yeah. That's the bedroom also.

18 Q Also showing luggage in the photograph?

19 A Uh-huh. Right.

20 Q What is this picture showing?

21 A That's a photograph of the end table there in the
22 den, the cell phone. You can see it laying in the
23 corner next to the couch.

24 Q Is that a close up of the cell phone?

25 A That's it.

1 Q Besides taking photographs of the cell and the cell
2 phone, you took a blue shirt?

3 A Blue shirt.

4 Q You have any reason why you took that blue shirt in
5 particular?

6 A If I'm not mistaken, the investigators advised us
7 that may be a shirt that Mr. Mahaffey was wearing,
8 possibly wearing.

9 Q But you don't know if he was actually wearing that
10 one that night?

11 A No, sir. I don't know if it's his shirt or whose
12 shirt it was at this time.

13 Q When you were checking the residence, did you also
14 check the bathroom?

15 A Yes.

16 Q What was the condition of the bathroom?

17 A Typical bathroom. It looked like -- the shower in it
18 was wet.

19 Q Did you remove any items from there?

20 A No.

21 Q Now, did you also look at the outbuildings or
22 vehicles that were on that premises at [REDACTED]
23 Lane?

24 A Yes, I did.

25 Q Regarding the vehicles that were on there how many

1 vehicles were there?

2 A When I arrived, two.

3 THE COURT: Solicitor, before we get into vehicles,
4 we're going to take a short break.

5 Okay. Mr. foreman, members of the jury, if you'll
6 leave your notepads in the chair. We'll take about a 15-
7 or 20-minute break. If you need a smoke break, let the
8 bailiff know, he'll take you to the appropriate area.
9 Don't discuss the case among yourselves. We'll take a 15-
10 or 20-minute recess.

11 MS. WHITE: Your Honor, I'd ask the witness be
12 instructed not to discuss his testimony.

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Thank you.

15 (Brief recess taken.)

16 Anything from the state before we bring the jury?

17 MR. CAMPBELL: No, Your Honor.

18 THE COURT: From the defendant?

19 MR. GAMBLE: No, sir.

20 (WHEREUPON, the jury returns to open court.)

21 THE WITNESS: Solicitor, you may proceed.

22 MR. CAMPBELL: Thank you, your Honor.

23 BY MR. CAMPBELL:

24 Q Lieutenant Scott, we were talking when we took a
25 break about searching the premises at [REDACTED]

1 Lane. Do you recall that?

2 A I do.

3 Q First of all, the vehicle was there, how many
4 vehicles were at Jasmine Lane?

5 A When I arrived, two.

6 Q Did you look at these vehicles?

7 A I did.

8 Q Did they appear to you to be in operational, running
9 condition?

10 A No, sir, they did not.

11 Q Did you look at them?

12 A I did.

13 Q While you were there on the scene conducting the
14 search warrant, did any other cars show up?

15 A Yes, sir.

16 Q What was that?

17 A A Honda, two-tone colored, gray-and-white-primarily
18 colored Honda.

19 Q Now, when this Honda showed up, did you have any
20 dealings with the people in the car?

21 A No, sir, I did not.

22 Q What did you decide to do with this vehicle that
23 showed up?

24 A We were going to tow it, have it towed back to the
25 sheriff's office.

- 1 Q Was that done in this case?
- 2 A It was.
- 3 Q And how did you all tow it?
- 4 A It was towed by our wrecker, wrecker that belongs to
- 5 the sheriff's office.
- 6 Q Was it a flatbed wrecker?
- 7 A No, it's a pull behind.
- 8 Q Pull behind. And where did you all take this car?
- 9 A We have an area at the sheriff's office, a cage that
- 10 we had the vehicle towed to, a secured area there at
- 11 the sheriff's office.
- 12 Q Was this vehicle placed in that secure area?
- 13 A It was.
- 14 Q About, do you recall, about what time this was?
- 15 A Five o'clock in the morning, five or 5:30 in the
- 16 morning.
- 17 Q What was the purpose of securing it in this cage?
- 18 A So it can't be tampered with.
- 19 Q Did you have any idea this vehicle had been used in
- 20 this homicide?
- 21 A No, sir, I didn't.
- 22 Q At some point did you process this car?
- 23 A I did.
- 24 Q When was that?
- 25 A The same morning. The next morning, it was morning

1 by then.

2 Q Did you process it immediately, or did you go home,
3 get some sleep and come back?

4 A We did it immediately.

5 Q Now, who was -- who helped you when you processed the
6 car?

7 A Investigator Patterson.

8 Q Typically can you describe, first of all, how you go
9 about proceeding and processing a car for evidence in
10 general terms?

11 A Kind of depends on what we're looking for. Of course
12 we're going to photograph a vehicle inside and out
13 the way we found it, and do kind of a general look
14 inside without bothering anything, looking to see if
15 there's anything obvious in the vehicle that we may
16 be looking for.

17 We usually start on the outside of the vehicle,
18 process it for fingerprints, because we really can't
19 open the doors, move around the car without damaging,
20 so we usually start on the outside, process the
21 outside of the vehicle and then we move inside
22 looking for anything that may be pertinent to the
23 case.

24 Q And is that how you conducted it in this case?

25 A It is.

1 Q Now, what -- I'm going to show you what's been marked
2 State's Exhibit 20 through 23. If you can, please
3 identify those, sir.

4 A Yeah. This is the vehicle that we processed that
5 morning.

6 Q Is this the car that was removed from the premises of
7 [REDACTED] Lane on the early morning hours of
8 August 18, 2006?

9 A It is.

10 Q Is this the secure area you were keeping it in?

11 A It is.

12 Q Is that indicated by the chain-link fence?

13 A That's correct.

14 Q Just a side profile view of the car?

15 A Yes, sir.

16 Q And this is exactly how you found that car that
17 night?

18 A Yes, sir.

19 Q You haven't messed with it, altered it in any shape,
20 way, or form?

21 A No, sir.

22 Q And what does these little items right here --

23 A That's fingerprint tape. We usually process a
24 vehicle, any latent prints we develop, we place tape
25 over to develop before we lift.

1 Q So these areas right here, the tape on the car, what
2 was the purpose of fingerprinting the outside of the
3 car?

4 A Want to see who's touched it.

5 Q Is that the only fingerprint you lifted -- only ones
6 you were able to determine on the car?

7 A On the outside of the car. Yes, sir.

8 Q Did you also fingerprint both doors?

9 A Yes.

10 Q And the hood?

11 A Yes.

12 Q And the top of the car?

13 A Yes.

14 Q And did you lift any fingerprint's off of them?

15 A No, sir.

16 Q This is just a picture of the tag --

17 A Correct.

18 Q -- showing that? All right. After that -- that was
19 after you looked at the outside of the car; is that
20 correct?

21 A Yes.

22 Q Then what did you do next?

23 A We photographed the inside of the vehicle and we
24 began a search at -- the vehicle was very cluttered,
25 had a lot of stuff inside the vehicle, just

1 miscellaneous items in the vehicle. Of course, we're
2 looking for shell casings, we're looking for a gun.
3 I processed some cans in the drink holder to see who
4 may have touched those items in the vehicle. Just
5 did a general search.

6 Q In your search inside and outside of the car were you
7 able to see if any bullet holes were coming into or
8 out of the car?

9 A No bullet holes that we discovered, No, sir.

10 Q I'm going to show you what's been marked State's
11 Exhibit 24 and 25. Please identify those, sir.

12 A This is a photograph of the -- a photograph of the
13 interior of the vehicle, the passenger compartment of
14 the vehicle, and a photograph of a driver's license
15 belonging to Mr. Mahaffey that we found in the
16 vehicle, also.

17 Q And showing State's Exhibit 24, that's a view of the
18 inside of the car?

19 A Yes, it is.

20 (WHEREUPON, State's Exhibit No. 22-25 is admitted
21 into evidence.)

22 Q Now, you stated earlier that you processed some drink
23 cans. Is that correct?

24 A Yes.

25 Q That in the photograph right here?

1 A Yes, sir. In the drink-can holder, Coke-Cola and
2 Dr. Pepper.

3 Q Were you able to lift fingerprints?

4 A Yes, sir.

5 Q Able to identify those?

6 A Yes, sir, identify fingerprints of Mr. Mahaffey on
7 those.

8 Q So at some point in time he had been in the car
9 drinking those drinks?

10 A Yes.

11 Q Are you still trying to determine who possibly had
12 access or use or control of this car?

13 A With fingerprints we are, of course.

14 Q Did you find any other information that would help
15 you?

16 A No, sir.

17 Q Okay. On State's Exhibit 24, 25, is this what you
18 found?

19 A It is.

20 Q What is that?

21 A Mr. Mahaffey's driver's license.

22 Q Where did you locate this?

23 A I believe we found it in the driver's seat of the
24 vehicle.

25 Q But it was located inside that car?

1 A Yes, sir, in the car.

2 Q Finding those items, identifying the Coke cans and
3 the driver's license should tell you who drove that
4 car or had been in that car at some point. Is that
5 correct?

6 A That's correct. I mean, it's his car.

7 Q Now, after -- furthermore, did you do any other type
8 of test on the inside of the car?

9 A We swabbed some areas in the vehicle for gunshot
10 residue.

11 Q I want to show you what's been marked, step back a
12 second, State's Exhibit 39. If you could, please
13 identify what's in that, sir.

14 A Mr. Mahaffey's driver's license.

15 Q Is that the driver's license you recovered from
16 inside the car?

17 A Yes, sir, it is.

18 Q And that was placed in evidence?

19 A It was.

20 MR. CAMPBELL: At this time I move State's Exhibit 39
21 into evidence.

22 THE COURT: Any objection to State's Exhibit 39, the
23 driver's license, in evidence?

24 MS. WHITE: No objection, your Honor.

25 THE COURT: State's Exhibit 39 admitted without

1 objection.

2 (WHEREUPON, State's Exhibit No. 39 is admitted into
3 evidence.)

4 Q Now, did you also process inside the car?

5 A Process for what?

6 Q After you made a search of the car, what's your next
7 step?

8 A We processed the items that I described, the
9 Coca-Cola cans for latent fingerprints and swabbed
10 some areas in the vehicle for gunshot residue.

11 Q What is the purpose for that?

12 A Looking for gunshot residue, see if anybody had fired
13 a weapon from the vehicle or into the vehicle. Or a
14 person who had fired a weapon handled any items, the
15 steering wheel, driver's door panel, any items that a
16 driver may touch after a weapon was fired.

17 Q I show you what's been marked State's Exhibit 40.
18 Could you please identify that, sir? You can open it
19 up.

20 A (Witness opens package.) These are our swabs from
21 the interior of the vehicle.

22 Q These are the ones you took?

23 A It is.

24 Q After you took these, you sent them to SLED. Is that
25 correct?

1 A That's correct.

2 Q And were these analyzed, to your knowledge?

3 A They were analyzed. Yes, sir.

4 Q And did you have any results from them?

5 A To my understanding the analyst, the analyst only
6 went so far with the swab because the swabs were made
7 of wood. They had wooden handles on those swabs. We
8 use wooden handles, swabs for GSR, the analyst
9 advised us they couldn't test because of those swabs.

10 Q But you did attempt to lift gunshot residue?

11 A Oh, sure we did.

12 MR. CAMPBELL: At this time, move in evidence.

13 MS. WHITE: I object, the chain has not been laid.

14 MR. CAMPBELL: We'll hold off until SLED gets here.

15 THE COURT: He just testified about the result.

16 MR. CAMPBELL: Right.

17 THE COURT: And there's no objection, I'll admit it
18 with objection.

19 Q Part of your overview of the car, do you also look to
20 see if there's any type blood on the outside or
21 inside of the car?

22 A Yes, sir.

23 Q In this case were you able to locate or did you
24 observe any?

25 A No.

1 Q Did the inside of the car appear, at any point, had
2 it been cleaned at any point in time?

3 A No.

4 Q Now, after you finished conducting that, what was the
5 next step you took?

6 A We entered all those items into evidence, did my
7 latent print comparisons obviously.

8 Q Let's step back. Did you process the car any further
9 after that?

10 A No.

11 Q Did you find any other evidence on or in this car?

12 A No, sir.

13 Q Now, I want to show you what's been marked State's
14 Exhibit 26 through 28.

15 A This is a photograph of a shell casing from that
16 vehicle.

17 Q So you did find something else?

18 A Oh, Yes, sir. I did find a shell casing.

19 (WHEREUPON, State's Exhibit No. 26-28 is admitted
20 into evidence.)

21 Q Detective, please look at the photographs. Do those
22 accurately represent the car the way it appeared on
23 August 18, 2006?

24 A It is.

25 Q May I have the witness step down?

1 THE COURT: Yes, sir.

2 (Witness steps to jury box.)

3 What's the photograph number?

4 MR. CAMPBELL: Twenty-six.

5 Q This is a picture, state's 26 can you please identify
6 what this is for the ladies and gentlemen of the
7 jury?

8 A Passenger side, quarter panel at the passenger side
9 of the vehicle.

10 Q Show you what's been marked State's Exhibit 27. What
11 are we looking at here?

12 A That's basically the same view, a little closer. As
13 you can see, there's a shell casing we discovered
14 right in that scene, between the windshield and hood
15 and quarter panel.

16 Q Please point that out for the ladies and gentlemen of
17 the jury.

18 A There there's a shell casing, that brass looking area
19 right there, around these wires. That's the shell
20 casing right there.

21 Q Show you State's Exhibit 28.

22 A Yeah, that's it. A little closer. That's the shell
23 casing right there.

24 Q And you removed this item from the car. Is that
25 correct?

1 A Yes.

2 Q You can take the stand again.

3 A (Resumes stand.)

4 Q I show you what's been marked as for identification
5 State's Exhibit 3. Can you please identify what this
6 is, sir?

7 A This is that shell casing.

8 Q How do you know it's your shell casing?

9 A It's obviously marked, and hasn't been tampered with,
10 sealed it in this envelope. Of course, we didn't
11 mark the shell casing, we didn't want to damage it;
12 but it's marked at the time we selected it.

13 Q After you collected this from the car, what did you
14 do with it?

15 A Placed it in evidence.

16 Q You didn't touch it after that?

17 A We processed it for fingerprints.

18 Q And what type of -- what type of caliber and brand
19 name is on the shell casing?

20 A I can't see it, I'm sorry. Not without my glasses
21 on. I can't read it.

22 THE COURT: Where are your glasses? Do you have them
23 with you?

24 A No, sir. They're in my car. Can I do it from my
25 paperwork?

1 Q What does your paperwork say?

2 A Right there, Winchester Ruger shell casing.

3 Q What caliber?

4 A Nine millimeter.

5 MR. CAMPBELL: Your Honor, at this time I move
6 State's Exhibit 38 into evidence.

7 THE COURT: Any objection?

8 MS. WHITE: Yes, sir. The chain has not been laid.
9 May we approach, your Honor?

10 THE COURT: What's your legal objection?

11 MS. WHITE: Chain of custody has not been laid.

12 MR. CAMPBELL: It's a nonfungible item.

13 THE COURT: Mr. foreman, ladies and gentlemen of the
14 jury, I'm going to have to ask you to leave the courtroom.
15 Let me explain to you why. My job is to rule on evidence,
16 whether it's admissible or not admissible. And evidence
17 has been brought over to this country from England. It's
18 been developed over hundreds of years in this country. We
19 have certain rules of evidence we go by. And the evidence
20 has passed the test of time. They are designed to give
21 you the most trustworthy testimony and evidence in the
22 courtroom that we can provide.

23 Now, I'm not permitted to comment on the facts. And
24 occasionally when I'm going to rule on some evidence, I
25 want to be free to comment on the facts. So I ask the

1 jury to leave the courtroom so I'll be free to comment on
2 the facts and discuss the facts with the attorneys and
3 make a decision whether evidence is admissible or not
4 admissible. And it's not that anyone is hiding anything
5 from you. The attorneys aren't trying to hide anything
6 from you. They're just doing their job. And there's
7 always disagreements between attorneys on what evidence is
8 admissible and what evidence is not. My job is to make a
9 decision whether it's admissible or not admissible. For
10 that reason I'm going to ask you to go to the jury room.

11 After I've ruled on this evidence, I'll get you back
12 very shortly.

13 (The following proceedings were had outside the
14 presence of the jury:)

15 First of all, for the record, Mrs. White, you have an
16 objection to State's Exhibit 38, which is the shell casing
17 that they've offered in evidence. What is your objection?

18 MS. WHITE: Chain of custody has not been laid, your
19 Honor.

20 THE COURT: What's the state's position?

21 MR. CAMPBELL: Your Honor, it's a nonfungible item,
22 can identify the shell casing, what he recovered.

23 THE COURT: I won't admit State's Exhibit 38 on the
24 shell casing. Now, you have an objection to attempted
25 fingerprints being lifted off the shell casing. You said

1 the report was not provided to you under Rule 5 at the
2 bench. Is that correct?

3 MS. WHITE: Yes, sir, I'd like to state what I'm
4 objecting to, your Honor, is anything about processing for
5 prints, any results of prints. To my knowledge none of
6 that was provided to us. I'm making my objection on Rule
7 5. Your Honor, we did make a Rule 5 request.

8 THE COURT: All right. I understand. Do you have
9 the report?

10 MR. CAMPBELL: Yes, sir.

11 THE COURT: Could I see it, please?

12 All right. A supplemental report was signed by
13 Patterson on August 18, 2006, which says before the shell
14 casing was placed in evidence Lieutenant Scott processed
15 them for latent prints with negative results. Was this
16 provided to the defense under Rule 5?

17 MR. CAMPBELL: Yes, sir, it was.

18 THE COURT: Mrs. White, your position it wasn't
19 provided, or are you just not sure?

20 THE WITNESS: Judge, I'm --

21 THE COURT: I'm asking a question.

22 MR. WHITE: Yes, sir, and I'm answering it. I spent
23 nine hours the day before trial.

24 THE COURT: My question is real simple. Are you
25 taking the position this was not provided or you're just

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1 not sure because you haven't found it?

2 THE WITNESS: I'm saying I went over everything, and
3 it was not provided.

4 THE COURT: I suggest you look through the documents
5 and see if it was there. Solicitor, can you provide her
6 with some assistance in that respect, please, sir.

7 MR. CAMPBELL: Yes, sir, I can. Your Honor, I'll
8 just go ahead, run down the discovery that's been
9 provided.

10 THE COURT: I don't need that. I just want to know
11 about the fingerprints on the shell casing.

12 MR. CAMPBELL: Yes, sir. It was provided in the
13 first package of materials that went out. All the
14 supplemental reports have gone to --

15 THE COURT: Do you have it itemized in the letter?
16 Mr. Gamble, you going through the records.

17 MR. GAMBLE: I am.

18 THE COURT: Mrs. White, would you mind assisting him?

19 MS. WHITE: Your Honor, I --

20 THE COURT: I understand your argument. I don't need
21 any more argument. Go see if you got it.

22 MR. CAMPBELL: Your Honor, on October 11, 2006, we
23 disclosed this pursuant to our answer to defense request
24 for discovery. We put down that Anderson County incident
25 report and supplemental report consisting of 17 pages.

1 Including in this 17 pages is that statement, that
2 supplement report. This is a copy that was kept, what
3 exactly was sent.

4 THE COURT: I'm going to mark the request for
5 discovery and the documents that were sent to the
6 defendant's request for discovery.

7 All right. In answer to defendant's request on
8 number five, Anderson County Sheriff's Office incident
9 report and supplemental report consisting of 17 pages,
10 page five. It says, "shell casing placed in evidence,
11 Lieutenant Patterson processed for latent prints with
12 negative result."

13 That's according to the documents provided to the
14 state. I'll mark them Court's Exhibit Number 1. I will
15 overrule your objection based upon the documents provided
16 to the Court pursuant to your request. It's clearly in
17 that documentation. And I'll mark that as Court's Exhibit
18 Number one. Anything else while the jury is out along
19 these lines?

20 MR. CAMPBELL: Nothing from the state.

21 MS. WHITE: No, sir.

22 THE COURT: Bring us the jury.

23 (WHEREUPON, Court's Exhibit No. 2 is marked for
24 identification.)

25 (Whereupon, the jury returns to open court, when the

1 following proceedings were had:)

2 THE COURT: Mr. foreman, ladies and gentlemen of the
3 jury, State's Exhibit 38, shell casing which you saw in
4 the picture, has been admitted into evidence.

5 Solicitor?

6 MR. CAMPBELL: Thank you, your Honor.

7 (WHEREUPON, State's Exhibit No. 38 is admitted into
8 evidence.)

9 BY MR. CAMPBELL:

10 Q Now, Lieutenant Scott, State's Exhibit 38, the shell
11 casing you received from the car, that's not the only
12 shell casing that was involved in this case. Is that
13 correct?

14 A That's correct.

15 Q And you did recover eight shell casing's from the
16 scene?

17 A That's correct.

18 Q Show you State's Exhibit 37. If you could please
19 identify what these are, sir.

20 A Without opening the envelopes, these are the casings
21 we collected from the scene itself.

22 Q You can go ahead and open them up, take a look at
23 them.

24 A That's the casings.

25 Q That's the shell casings you recovered at the scene

1 28 bypass? You have your glasses on?

2 A I do. I borrowed some.

3 Q Can you identify the type, brand, and caliber these
4 shell casings are you recovered at the scene?

5 A Number one is a Winchester 9-millimeter Ruger.

6 Number two is a Winchester 9-millimeter Ruger.

7 Number three is a Winchester 9-millimeter Ruger, and
8 number four is a Winchester 9-millimeter Ruger.

9 Number five is a Winchester 9-millimeter Ruger.

10 Number six is a Winchester 9-millimeter Ruger.

11 Number seven is a 9-millimeter Ruger, Winchester

12 also. And number eight is also a Winchester

13 9-millimeter Ruger.

14 Q So all those shell casings recovered at the 28 bypass
15 and the shell casing recovered from the car are the
16 same brand and caliber?

17 A That's correct.

18 Q If you'll please put those back in the package.
19 And are these the shell casings that you collected?

20 A Yes, they are.

21 Q At this time I move State's Exhibit 37 into evidence.

22 THE COURT: Any objection?

23 MS. WHITE: Yes, sir. Chain of custody.

24 THE COURT: Overruled.

25

1 (WHEREUPON, State's Exhibit No. 37 is admitted into
2 evidence.)

3 Q Now, Lieutenant Scott, prior to you placing all these
4 shell casings into evidence, do you do anything to
5 them?

6 A Processed them for latent fingerprints.

7 Q How do you go about doing that?

8 MS. WHITE: Objection, your Honor, may I approach?

9 THE COURT: Overruled, based on what we covered in
10 camera.

11 MS. WHITE: That was one, Judge, on that.

12 THE COURT: First is Rule 5, I overrule as to that.

13 You want to put another objection on the record?

14 MS. WHITE: Yes, sir. I object, Rule 5 as to these.

15 THE COURT: Thank you.

16 THE WITNESS: Sorry, what was the question again?

17 Q Please tell the ladies and gentlemen of the jury how
18 you went about processing these shells.

19 A These shells are brass. We have a gun bluing head
20 that we use to process these shells. Basically what
21 happens, some may be familiar with gun bluing, it's
22 basically a chemical used to resurface the outside of
23 a gun. That blue color, that when it gets worn, this
24 chemical is made to do that with; but it also works
25 on shell casings.

1 We have a diluted mixture of that chemical and you
2 drop the shell casings in that mixture and basically
3 what happens it will darken the casing. And if
4 there's fingerprint residue left behind on a shell
5 casing, that residue protects the casing from the gun
6 bluing so all the shell casing is blued or darkened
7 except for the area that the fingerprint residue has
8 been left behind on. And it shows contrast. You'll
9 have a light-colored fingerprint basically on a
10 dark-colored cartridge.

11 Q And were you able to identify or collect any
12 fingerprints that were on these shell casings?

13 A No, sir. I was not.

14 Q That's including the eight at the scene and the one
15 in the barrel?

16 A That's correct.

17 Q Furthermore, during your search of the interior of
18 the car, did you look for other type of shell casings
19 or gun inside the car.

20 A Oh, yes.

21 Q Did you find anything else inside the car?

22 A No, we did not.

23 Q Now, the shell casing that you recovered on the
24 outside of the car, in your opinion had it been there
25 long?

1 A In my opinion, no, sir, not long.

2 Q What was that based on?

3 A It wasn't discolored, it wasn't covered by anything,
4 it didn't have any dirt in it. It didn't look like
5 it had been there long to me.

6 Q Is it odd to find a shell casing right there?

7 A Is it odd to find a shell casing lodged in somebody's
8 vehicle? Yes, sir. I'd say that was odd.

9 Q Now, did you further do any tests to the car besides
10 making a photograph? Did you do anything else to the
11 car?

12 A No, sir.

13 Q Did you make a video of the car?

14 A Yes, sir, we did do that.

15 MR. CAMPBELL: Court's indulgence, your Honor.

16 Q Detective Scott, I have no further questions for you
17 at this time. Please answer any questions Miss White
18 may have for you at this time.

19 THE COURT: Cross examination?

20 MS. WHITE: Yes, sir.

21 CROSS EXAMINATION

22 BY MS. WHITE:

23 Q Detective Scott, you said that you processed the
24 vehicle the day -- basically it would have been
25 August 19, is that correct? Or 18?

1 A It would be 18th.

2 Q Which one would it have been, the 18th?

3 A Yeah.

4 Q Now, when you all collect evidence in any case, but
5 especially in a murder case, you fill out chain of
6 custody documents; is that correct?

7 A That's correct.

8 Q And the reason for that is you've got to show that no
9 one has tampered with an item, it wasn't left outside
10 or left somewhere else, got mixed up, gotten fibers
11 taken off of it or something like that. Is that
12 correct?

13 A That's correct.

14 Q Why is it that you didn't log in this evidence until
15 October 4, 2006?

16 A Sorry, I'm not aware that's what happened, ma'am.

17 MS. WHITE: May I approach, your Honor?

18 THE COURT: Yes, ma'am.

19 BY MS. WHITE:

20 Q I don't know if I'm reading these correctly but says
21 date October 4, 2006, Chris Scott logged in the
22 evidence from the vehicle.

23 A I don't know about that date, ma'am. The evidence
24 was taken directly from the vehicle. And we're not
25 going to log it in immediately because we have to

1 process -- I have to process the can, process the
2 shell casings. And when that's done, packaged and
3 sealed properly, it's then logged in evidence. It's
4 in our facility. It's taken from the vehicle into
5 our facility.

6 As far as in the vehicle, in regards to someone else,
7 that sort of stuff, it's still in my care, my
8 custody, until it's logged in to be transferred to be
9 processed by somebody else.

10 Q So you had it from August 18 or 19, whatever it was,
11 until October 4, before it was logged into evidence?

12 A If that's what it says, ma'am. Yes, ma'am.

13 Unfortunately this is not the only case we have to
14 work on. We have to do these things as we can. We
15 process evidence as we can. And we have a basic
16 area, this evidence, our lab area that the evidence
17 is stored in, in between the time it's taken from the
18 scene until it's completed and turned into evidence
19 for storage, you know. That's probably when it was
20 turned in for storage.

21 Q How many other cases with evidence do you have in
22 this area you're talking about, where this was for
23 almost two months?

24 A How many other cases?

25 Q Yes, sir.

1 A This would be one. There could be none.

2 Q I mean, you have multiple cases going at one time; is
3 that correct?

4 A Unfortunately, we do. Yes, ma'am.

5 Q That's the purpose for logging something in evidence,
6 you log in, put it in a secure container; when you
7 have to run a test on something, log it out, make
8 sure nothing else around to contaminate it, you run
9 your test and then you go back?

10 THE COURT: Mrs. White, specify what you're talking
11 about, evidence in storage or evidence in his lab, because
12 he's made that distinction. Ask a proper question based
13 on what he said.

14 MR. WHITE: Yes, sir.

15 Q Isn't that correct, that you put it into the evidence
16 locker? In other words, the evidence custodian and
17 you check it out, you make sure nothing can be cross
18 contaminated, you check it in the lab and then you
19 take it back to your evidence locker and chain of
20 custody documents should show that, so you don't have
21 to wonder where an item was for a month and half and
22 what it was around?

23 A Ma'am, I know exactly where the items were. They
24 never leave our building, never leave our lab area,
25 our evidence intake area.

1 Q Yes, sir. But the problem is, there are lots of
2 other pieces of evidence and things in your lab area;
3 isn't that right? And lots of other things could
4 contaminate it. Isn't that right?

5 A No, sir. That's not right. You can't contaminate a
6 shell casing. How would you contaminate shell
7 casings? Those items are secured, packaged, and
8 processed, and then turned into evidence. That's the
9 way it's done.

10 Q Let's talk about those shell casing's. Did you issue
11 a report in this case?

12 A Yes, ma'am, about processing the vehicle and what I
13 collected. Yes, ma'am.

14 Q Please find the part where you talked about
15 processing the eight shell casings.

16 A That report was done by Officer Patterson. We did
17 these items, did all this stuff together, he and I
18 both did this together, processed the entire crime
19 scene together.

20 Q Will you please find the report where that was
21 issued, that you processed these eight shell casings
22 and that they were negative for prints.

23 A I think I have a -- I don't think I have a copy of
24 Investigator Patterson's report in front of me. I
25 don't have a copy of his report in front of me,

1 ma'am.

2 THE COURT: Is Officer Patterson in the courtroom?

3 THE WITNESS: Yes, sir.

4 THE COURT: Does he have his file?

5 THE WITNESS: Yes, sir.

6 THE COURT: Go get his file, she asked you to find
7 it.

8 THE WITNESS: (retrieves file.)

9 The last page of his report says, "before the shell
10 casings were placed in evidence, Lieutenant Scott
11 processed for latent prints with negative results."

12 Q Is there any reason why that wasn't provided?

13 A Provided to who?

14 Q To the defense.

15 MR. CAMPBELL: Objection, Your Honor. We've already
16 gone over this in court. And it was provided --

17 THE COURT: I'll sustain the objection.

18 Q Let's look at the chain of custody document for the
19 eight shell casings. What day were the eight shell
20 casings logged into evidence?

21 A It says 10-4-06.

22 Q And that's where the first chain of custody document
23 starts, doesn't it?

24 A Yes, ma'am.

25 Q Now, prints can be destroyed fairly easily, can't

1 they?

2 A Yes, ma'am.

3 Q Basically whether you can pick up a print depends on
4 three things: The surface of an item that's touched,
5 how it's touched; and basically whether there's
6 enough oil on the hands to leave a print. Is that
7 correct?

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

9 Q Now, you did a search for the vehicle and for Jamie
10 and Johnny's house. Is that right?

11 A That's correct.

12 Q When did you all go and search Jamie's mother's
13 house?

14 A I was not involved in searching her house, ma'am.

15 Q To your knowledge did anybody go to Jamie's mother's
16 house and search that house?

17 A Not to my knowledge, no, ma'am.

18 Q So that still hasn't been done, even to today?

19 A Not to my knowledge I don't know whether it has or
20 not.

21 Q Your search warrant of Jamie and Johnny's house says,
22 description of property sought: "trace evidence,
23 blood, fibers, and then it lists some other items; is
24 that right? Would you like to see it? Do you have
25 it in front of you?

1 A Yes, ma'am, I do.

2 Q Is that what your search warrant says you were
3 looking for?

4 A Yes, ma'am.

5 Q And that's because there are kind of two worlds in
6 forensics, one what you can see with the naked eye,
7 the gun, the knife, the shell casings; and then
8 there's a whole other world in forensics, which is
9 the microscopic world; isn't that true? The tiny
10 world?

11 A Yes, ma'am.

12 Q And that tiny world is every bit as important as the
13 other world, isn't it?

14 A Yes, ma'am.

15 Q And that's why in your search warrant you asked for
16 the ability to look for trace evidence, which is
17 simply hairs, fibers, that sort of thing. Is that
18 correct?

19 A Yes, ma'am.

20 Q To look for blood, to look for fibers; that's why you
21 asked for that, isn't it?

22 A Yes, ma'am.

23 Q Now, you actually went to Jamie and Johnny's house,
24 didn't you?

25 A Yes, ma'am.

1 Q And you went to the scene before that?

2 A Yes, ma'am.

3 Q That was a pretty bloody scene, wasn't it?

4 A Not as bloody as some I've been to in the past, but
5 there was a lot of blood. Yes, ma'am.

6 Q And one thing you would be looking for is, do we have
7 a tire mark through the blood or footprint in the
8 blood, something like that, isn't it?

9 A Yes, ma'am.

10 Q Just as important, especially at night, on a road
11 there might be blood spatters that are not visible to
12 the naked eye that someone could have walked on;
13 isn't that true?

14 A A this particular case all the blood was pretty much
15 confined to one area.

16 Q All the blood that was visible to the naked eye;
17 isn't that true?

18 A Yes, ma'am. But we're assuming there's blood not
19 visible to the naked eye. That's what we're
20 assuming.

21 Q You have to assume microscopic things are around or
22 you'll never find it; isn't that true?

23 A Yes, ma'am, that's true.

24 Q So we have eight shots. The only way to know how
25 close the shooter was on six of those shots is to do

1 tests at SLED to determine the distance; isn't that
2 true?

3 A Yes, ma'am.

4 Q And what you would do, take the victim's clothing,
5 you would take a gun on another piece of material,
6 you back up, shooting it, and you figure out which
7 pattern on this matched the pattern on that, that
8 will tell you how far back the shooter was. Isn't
9 that true?

10 A That's a little bit out of my area of expertise.

11 Q Why wasn't a distance determination done to determine
12 whether the shooter was right up on him in that mass
13 of blood or not?

14 A There, again, ma'am, out of my area of expertise.

15 Q No offense, we had four people testify it isn't in
16 their expertise. Who is the person responsible for
17 making sure that these tests are done when you bring
18 a murder case in front of a jury?

19 A Who is responsible?

20 Q Who is it? Yes, sir.

21 A Those items were sent to SLED and SLED is the people
22 who would analyze those items.

23 Q Yes, sir. But somebody has to tell SLED what to
24 test, what's important. They don't know anything
25 about your case.

1 A That's correct.

2 Q Somebody has to sit down, say, "Look, this is what we
3 have. Test this, test that, because this is what we
4 found."

5 A Yes, ma'am. Somebody needs to do that.

6 Q Who is that?

7 A The lead investigator in the case.

8 Q So, in fact on the road, especially at night, on a
9 paved road, there could be bits of blood here and
10 there that somebody could have walked through, gotten
11 on their shoes. But unless we test for it, we'll
12 never know it, will we?

13 A That's possible. That is possible.

14 Q Did you all gather Jamie's clothes or her shoes?

15 A No, ma'am.

16 Q Now, you said this was a remote stretch of road where
17 this occurred. But it's not remote down the road
18 this way and not remote down the road this way.
19 Which businesses did you all go to, to ask for
20 videotape to see if you could get a picture of the
21 traffic that had been there right before the killing?

22 A I didn't go to any businesses. There are not any
23 businesses near that to my knowledge that have
24 videotapes.

25 Q Let me ask you this. Which businesses did you go to,

1 to ask to try to get it?

2 A If no businesses are near there, there wouldn't be
3 any reason to ask the question.

4 Q Is the answer you didn't go to any businesses?

5 A No. My answer is there are no businesses to ask.

6 Q Would you agree that a car would have to go by some
7 business some way?

8 MR. CAMPBELL: Objection, Your Honor, this is
9 irrelevant.

10 THE COURT: What's your legal objection?

11 MR. CAMPBELL: This is irrelevant. He's already
12 answered the question and she's trying to get him to say
13 stuff he's already answered.

14 THE COURT: I'll sustain the objection as being
15 argumentative. Please move on, Mrs. White.

16 Q Now, the cell phone that you found beside the
17 victim's body, in fact, that was registered in
18 Skyler's name; is that correct?

19 A I don't have any knowledge of that. It's collected
20 by us and turned over to investigator and they're the
21 ones that do the research on that type of stuff.

22 Q Let's get back to the microscopic evidence that you
23 asked for, fibers. Why was a test not performed at
24 SLED comparing fibers found on the body with fibers
25 from his clothing and from Jamie's clothing the night

1 this occurred?

2 A In this particular case, ma'am, you have to
3 understand, we're talking about a situation where
4 it's a two-hour old homicide, a fresh crime for that
5 matter. We don't have any idea, we don't have any
6 information about what the suspect, who the suspect
7 is, what the suspect is wearing. We don't have any
8 of that information at that point. So, we don't
9 have -- when we go to our -- we serve our search
10 warrant at Jasmine Lane, we don't have any idea what
11 we're looking for really. We have an idea what we're
12 trying to find, what we may find, what we're
13 attempting to find. But we can't collect every shirt
14 and every pair of pants in the house, every pair of
15 pants in the closet, every pair of underwear in the
16 house to test for fibers. It's not possible.

17 Q Did you all look in the washing machine?

18 A Yes, ma'am.

19 Q What clothes were in there?

20 A I don't recall.

21 Q So you don't know if it was Jamie's clothes in there?

22 A I don't recall what clothes were in there, ma'am.

23 Q Wouldn't it have been important if you thought that a
24 killing had just occurred to take the clothes from
25 the washing machine and at least have fibers from

1 those to compare to the fibers from the scene?

2 A We didn't collect any fibers from the scene, ma'am.

3 Q Now, you all took the clothes that Johnny was
4 wearing, but you did not take the clothes that Jamie
5 was wearing, even though she drove up in the car. Is
6 that right?

7 A Yes, ma'am.

8 Q And you didn't take any shoes from Jamie either?

9 A No, ma'am.

10 Q Did you do a GSR on Jamie, a gunshot residue test?

11 A No, ma'am.

12 Q Basically, you all found a witness very soon after
13 the killing who said, "I heard a car with a loud
14 muffler. I didn't see anything, but I heard a car
15 with a loud muffler." Is that right?

16 A That's my understanding. Yes, ma'am.

17 Q And Jamie drove up less than two hours after the
18 killing giving a statement saying she had been in the
19 car at the time of the killing or had the car and it
20 had a loud muffler?

21 MR. CAMPBELL: Objection, Your Honor, it's beyond his
22 knowledge.

23 THE COURT: What's your legal objection?

24 MR. CAMPBELL: He has no knowledge of what other
25 witnesses said. He's collecting the evidence.

1 THE COURT: I don't know if he did or not.

2 Overruled.

3 MS. WHITE: And you didn't do a GSR kit on her hand?

4 THE COURT: First of all, the question is did you
5 hear the statement or were you in a position to hear the
6 statement from Jamie?

7 THE WITNESS: No, sir. I was not in a position.

8 THE COURT: All right. As to that question.

9 Q Who is organizing out there? Who can we talk to who
10 actually organized and conveyed information to
11 everybody so everybody would know what to do?

12 A The lead investigator in the case, ma'am, who is in
13 charge of the crime scene. He's in charge.

14 Q You telling me you are in charge of processing the
15 crime scene and the investigators aren't telling you,
16 "This is important, this is what this person told us,
17 this is what we're looking for"?

18 A Yes, ma'am, they're telling us what's important at
19 the time. They're telling us what's important based
20 on the information they have at that moment. They
21 don't know that that information is important.

22 There's no way they can tell us.

23 Q You said the shower looked like it was wet. Is that
24 correct?

25 A Yes, ma'am.

1 Q And there are ways to -- in fact, you're trained in
2 forensic schools that you can get a drain and you can
3 take out the drain and you can find hairs, you can
4 find blood, things like that in the deposit in the
5 drain. Isn't that correct?

6 A Yes, ma'am, that's possible.

7 Q And did you all do that?

8 A No, ma'am.

9 Q Did anyone examine Jamie for any injuries that might
10 have been covered with clothing?

11 A I did not ma'am. Not to my knowledge.

12 Q Did you all process the phone from Jamie and Johnny's
13 house for fingerprints?

14 A No, ma'am.

15 Q Let's talk about the car for a minute. Now, the car
16 was part of this search warrant where you all said
17 you were searching for trace evidence, blood, fibers,
18 et cetera?

19 A Yes, ma'am.

20 Q If the killer had walked on some of those minute
21 spots of microscopic blood and then got into the
22 vehicle, that would be on the carpet or whatever the
23 flooring was. I don't know what the flooring was in
24 that vehicle. And that could have been transferred,
25 couldn't it?

1 A Yes, ma'am, it's possible.

2 Q Did you all -- and you all have a light that lights
3 up microscopic, it will light up fibers, it will
4 light up blood spots, this whole microscopic world.
5 What is that called?

6 A Ma'am, we don't have a light like that. We don't
7 have a light you can see blood with -- we don't have
8 a light like that. They don't make such a light.

9 Q What light do you use to look for microscopic
10 evidence?

11 A We have an ALS that's used for different techniques
12 for forensic powder techniques. It has a UV setting,
13 it has different settings for different things; but
14 it's not applicable to blood. No light is applicable
15 to blood that I'm aware of.

16 Q What do you do to find microscopic blood?

17 A There are tests. There's Luminal, there's Blue Star
18 there's Hemoglow, several different chemicals you can
19 use to test blood.

20 Q Which test did you do on this vehicle?

21 A Ma'am, as I stated before, in my opinion this blood
22 was not -- this blood was not tampered with. And if
23 you're referring to the vehicle, whenever I was -- I
24 was more concerned with other evidence than I was
25 blood because of experience and because of the nature

1 of the crime scene, because of the distance, the way
2 that it appeared the shooter was from the victim. We
3 didn't feel like there would be any transfer of blood
4 between those subjects, between the victim and the
5 suspect. So we didn't look for blood except for
6 obvious blood. Plus it's a two-hour old crime scene.
7 Those are used basically for older crime screens.

8 Q It can be used for new or old, can't it?

9 A It can, but basically it's used for older crime
10 scenes. In this situation we didn't feel like there
11 was any blood transfer. And I didn't want to use a
12 chemical in the vehicle and possibly destroy GSR that
13 we were looking for in the vehicle, possibly destroy
14 latent prints we were looking for in the vehicle.

15 Q That's why you would wait to do that at the end.
16 That's the order in a crime scene. Is that right?

17 A I understand with the order, one test interferes with
18 another test. If we're looking for minute blood, it
19 can be, as you said, on anything in there.

20 Q Let's stop there. What tests did you run on the
21 floor of, the driver's floor, that would have
22 interfered with a test you were looking for blood?
23 What test did you run that would have interfered with
24 that?

25 A Would you repeat for me one more time?

1 Q Yes, sir. What test did you run on the floorboard,
2 where the feet go, of the driver's area? What test
3 did you run would have interfered with and prevented
4 you from looking for blood?

5 A If I was going to look for minute blood in a vehicle
6 like that, with luminal, with Hemoglow, with Blue
7 Star, with any of those chemicals like that, they are
8 liquid, you have to spray them. You spray them in a
9 very fine mist and you have to spray them in the
10 dark. I don't want to randomly go into a vehicle and
11 start spraying.

12 Q But answer my question, what tests --

13 A I'm trying to --

14 Q -- did you run?

15 A I'm trying to. I'm trying to. I certainly don't
16 want to spray the interior of a vehicle when I'm
17 looking for GSR, it's all water based, certainly
18 don't want to spray on, when I'm looking for
19 fingerprint evidence, with a water-based chemical.
20 I'm not going to do that.

21 Q So you processed the car for prints, you processed
22 the car for the GSR, and then on the floor, that has
23 not been processed for any of those, you process it
24 for the blood. Would that work?

25 A It could work, ma'am. But there, again, the order

1 that I would want to do that in, I would not want to
2 process that vehicle -- I'd want to process the
3 vehicle for that minute blood before I did anything
4 else.

5 Q DNA can be found on blood that is basically like a
6 tip of a pen? That much blood and you can find DNA
7 in it; isn't that right?

8 A Yes, ma'am. That's my understanding. We have to
9 make choices. We have to make choices and we make
10 choices every day in processing crime scenes. We
11 have to make choices based on the best evidence based
12 on what we're looking for. In my opinion there was
13 no contamination at the crime scene by the suspect
14 with blood. So we opted to go for GSR, they're more
15 interested in GSR. In the vehicle we're more
16 interested in latent prints, putting the person in
17 the vehicle. That's what we're interested in.

18 Q But you don't have to make a choice, you can do it
19 all. There's no reason to pick one over another.
20 Okay. The GSR, let's go to GSR, then you were
21 swabbing for GSR; but you all used the kind of swabs,
22 and they can't do the test at SLED. Is that right?

23 A That's correct, ma'am.

24 Q Now, GSR is just animone, barium, and lead, the three
25 elements in gun powder; is that correct?

1 A Yes, ma'am.

2 Q And that's what you're looking for when you swab on
3 the hands: Barium, animone, and lead. Same on a
4 vehicle, isn't that right?

5 A Yes, ma'am.

6 Q Did you all spray, or process I should say -- well,
7 where did you all process for the GSR?

8 A We processed the -- swab the area: Two swabs from
9 the steering wheel and two swabs from the gear shift
10 handle of the vehicle, and swabbed inside of the
11 driver's door, also.

12 Q Let's go to the soft drink cans in the vehicle.
13 Those were old cans. They weren't cold, they weren't
14 full; isn't that correct?

15 A Yes, ma'am.

16 Q And just for the jury's knowledge, it's not possible
17 to date a fingerprint, is it?

18 A That's correct, it's not.

19 Q So as long as the fingerprint is there, there's no
20 way of telling if it's been there one second or ten
21 years? As long as nobody has tampered with it, it
22 can be there as long as whenever?

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

24 Q When did you all do a neighborhood canvass of Jamie's
25 mother's house see how long that vehicle had been

1 parked there?

2 MR. CAMPBELL: Objection, your Honor, she's already
3 asked him this.

4 MS. WHITE: I never asked him that, your Honor.

5 THE COURT: Overruled go ahead.

6 A Ma'am, I'm not involved in that aspect of the
7 investigation.

8 Q When did you all issue an order or subpoena for the
9 contents?

10 THE COURT: Let me see the attorneys up here a
11 second.

12 (WHEREUPON, a bench conference was held in the
13 presence of the jury but out of the hearing of the
14 jury.)

15 Q In order to search for fibers or hair transfer,
16 basically what you would do compare two sets of
17 clothing or vacuum the car, send the fibers to SLED.
18 They would compare the fibers from the victim's
19 clothes to see if there is any cross transfer. Isn't
20 that right?

21 A Yes, ma'am. That's the basic technique.

22 Q Did you all vacuum this car for fibers to see if
23 there had been any cross transfers? Or did you
24 process the scene for fibers to see if the shooter
25 had left any?

1 A No, ma'am, we did not. It's very difficult to
2 process a major highway for fiber. I mean, that's
3 just kind of difficult to do that.

4 Q It might be on the victim's clothes though.

5 A It's possible if they had any contact with each
6 other.

7 Q Why was that not done?

8 A We determined, basically from the crime scene, from
9 experience, they didn't have any contact with each
10 other.

11 Q Were you aware there were injuries on Ryan? There
12 were multiple contusions?

13 MR. CAMPBELL: Objection, Your Honor.

14 THE COURT: Overruled.

15 Q Are you aware there were multiple contusions on Ryan?

16 A No, ma'am, I was not aware of that.

17 Q You said you processed this vehicle for fingerprints.
18 Was that just the outside or was that the inside as
19 well?

20 A We did all of the surfaces that we thought we may be
21 able to get fingerprint off of: Exterior windows,
22 glass door edges, things like that. Yes, ma'am.

23 Q What were the results of the fingerprints?

24 A We lifted some latent prints from the exterior of
25 that vehicle but they haven't been identified in any

1 way.

2 Q Can you speak up a little? Maybe I'm getting deaf in
3 my old age. I'm having a hard time hearing you. Say
4 again.

5 A We processed the exterior of the vehicle, lifted some
6 prints from the exterior of the vehicle, and they
7 were not identified to anyone.

8 Q Okay.

9 MS. WHITE: May I approach the officer, your Honor?

10 THE COURT: Yes, ma'am.

11 Q I'm handing you State's Exhibit 35. What is this?

12 A It's a gun.

13 MS. WHITE: Your Honor, this does have a safety strap
14 through.

15 THE COURT: Okay. Thank you, ma'am.

16 Q We heard about shell casings. This is a
17 semi-automatic weapon. Is that correct?

18 A Yes.

19 Q For jury purposes, that's a completely safe gun.
20 It's got an empty chamber and has a safety strap
21 through it. Is that correct? You want to check it?
22 When we're hearing about the projectiles taken out of
23 Ryan's body, that would be the bullet that comes out
24 the end of the gun. Is that correct?

25 A Yes, ma'am.

1 Q And the gunshot residue we're talking about, when the
2 bullet comes out, a cloud of these three elements
3 that we've talked about come out with it. Is that
4 correct?

5 A Yes, ma'am.

6 Q The bullet goes further because it's heavier and the
7 cloud kind of falls to the ground within so far,
8 depending on the gun?

9 A Yes, ma'am.

10 Q And the shooter of the gun, this cloud kind of
11 envelopes the gun so the shooter would have the
12 gunshot residue on the hands perhaps?

13 A That's correct.

14 Q Now, the shell casings we're talking about, the
15 bullet comes out the end, but the bullet is stripped
16 out of the shell casing that flies out of this area
17 of the gun. Is that correct?

18 A Yes, ma'am.

19 Q And so when you say that you found eight shell
20 casings -- in other words, it's all intact, the
21 bullet inside the shell casing, you load it into the
22 magazine, you pull the trigger, the bullet comes out
23 the shell casing stripped off and falls to the side.
24 Is that correct?

25 A That's correct.

1 Q Please have a seat back up.

2 (Resumes stand.)

3 MS. WHITE: Just one minute, your Honor.

4 No further questions.

5 THE COURT: Redirect Examination?

6 REDIRECT EXAMINATION

7 BY MR. CAMPBELL:

8 Q Lieutenant Scott, Ms. White on cross examination was
9 asking you a lot about microscopic blood evidence.
10 She's making a big assumption in this case talking to
11 you about microscopic evidence; isn't that correct?

12 A Yes, sir.

13 Q She's assuming the killer walked through the blood?

14 MS. WHITE: Objection, leading question.

15 THE COURT: I haven't heard the question yet.

16 MS. WHITE: The last one was.

17 THE COURT: What's your question?

18 Q In your opinion, based upon what she's cross
19 examining, minute blood transfer, microscopic blood
20 particles, what is she assuming in that?

21 A She's assuming there are some. She's assuming there
22 are some and there may or may not be.

23 Q In order for that to get on someone, how would they
24 get there?

25 A The microscopic particles?

1 Q Yes, sir.

2 A They'd have to be close to probably where a bullet
3 exited a person to have this microscopic blood
4 evidence on them. You know, blood is not -- it's not
5 going to move by itself. It's going to -- usually
6 would be near the wound, the blood is coming from the
7 wound, wherever, obviously, and would have to be in
8 proximity to that for it to get on them.

9 Q So the shooter would have to be on the back side of
10 the victim or walk through the area?

11 A Right. That's right.

12 Q And it's not possible for the shooter to be on the
13 back side of a victim when shots are fired?

14 A No, not hardly.

15 Q At this crime scene did you see any evidence that any
16 blood had been walked through?

17 A No. Walked through, driven through, it didn't look
18 like it had been disturbed at all. Basically running
19 from the victim's body down the road, puddled up, and
20 that's the same way we found it.

21 Q And did you do a search around the body to see if
22 there was any other type of blood in the area?

23 A Sure we did.

24 Q And did you find any?

25 A No.

1 Q In dealing with gunshot powder, is that based on the
2 distance between the shooter and the victim,
3 basically the transfer of that?

4 A No, not entirely based on that, no.

5 Q What other ways could you get gun powder on you?

6 A Well, if you were near a gun fired by another person,
7 you could possibly have gun powder residue on you. I
8 even seen gun powder residue on the victim themselves
9 from the gun that was shot by the suspect. I've seen
10 it travel a long way.

11 Q And in your examination of the car, did you find any
12 type of evidence during your analysis or examination
13 of the vehicle that a struggle had taken place in or
14 around that car?

15 A No, sir, nothing remarkable.

16 Q So if the killer or shooter in this case had not
17 walked through where the body was, on the opposite
18 side, there would be no reason to be blood in the
19 floorboard of the car.

20 A No, there would be no reason for it to be there.

21 Q And based on your past experience, is this the type
22 of case you normally collect fibers?

23 A No.

24 Q And when you walked -- you rolled up to the crime
25 scene, you automatically -- do you assess it first

1 for the type of evidence you're going to collect or
2 try to collect?

3 A Yes.

4 Q What was your initial observation when you arrived on
5 this scene?

6 A Of course there's shell casings. Shell casings are
7 going to be linked to a gun. Obviously a weapon has
8 been fired multiple times. If a weapon is fired
9 there's possible GSR on the shooter, on whatever the
10 shooter came in contact with, like the vehicle. You
11 know, obviously, there's going to be projectiles
12 somewhere, either the victim's body or passed through
13 the victim's body or missed the victim. We're going
14 to look for any footwear impression or tire
15 impression we would run across, certainly document
16 and collect. But, like I say, we're in highway,
17 we're in road, we're in a roadway. If -- you know,
18 you don't see tire impressions in the roadway, unless
19 they're skid marks or something. Casual walking in
20 the roadway is not going to leave a footwear
21 impression. So those options -- we're looking for
22 the best evidence. We're looking for what's left
23 behind by the perpetrator is what we're looking for,
24 you know.

25 Q In order to get some sort of fiber, cross transfer,

1 would the two individuals have to be next to each
2 other?

3 A Yeah, would probably have to come in contact with
4 each other.

5 Q I have no further questions.

6 THE COURT: You may step down. Thank you very much.
7 Call your next witness.

8 MS. WHITE: Your Honor, may we approach?

9 THE COURT: Yes, ma'am.

10 (Bench conference held within the presence, but
11 outside the hearing of the jury:)

12 Call your next witness.

13 MR. CAMPBELL: Your Honor, the state calls Natalie
14 Erdosy.

15 NATALIE ERDOSSY, being first duly
16 sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. CAMPBELL:

19 A My name is Natalie Erdosy. My last name is
20 E-R-D-O-S-S-Y.

21 Q Miss Erdosy, where are you employed?

22 A Sprint-Nextel.

23 Q How long you been employed there?

24 A Since January of last year.

25 Q What exactly are your duties or occupation at Sprint?

1 A Act as custodian of records.

2 Q What exactly is custodian of records?

3 A Certified records that we provide pursuant to legal
4 demand. Also appear and testify about records when
5 needed.

6 Q And how many times have you testified in court?

7 A Quite a few.

8 Q More than you can count?

9 A More than I know off the top of my head.

10 Q In this case were you asked to provide some records
11 pursuant to a subpoena from the Anderson County
12 Sheriff's Department?

13 A Our department was, yes.

14 Q I'm going to show you what's been marked for
15 identification State's Exhibit 43, 44, and 45. Can
16 you please identify what these are, ma'am?

17 A Exhibit 43 is subscriber information, call detail
18 report, and various documents used to read that call
19 detail report.

20 Q Now, are these records maintained in the regular
21 course of business by Sprint-Nextel?

22 A They are.

23 Q And were these records, were they made at the time
24 this information was done or the cell calls were
25 made?

1 A They were.

2 Q And do they fairly and accurately reflect the
3 phonecalls that were made and the dates requested?

4 A Yes, they do.

5 Q How is this information, how do you all receive this
6 information?

7 A It's all automated through the network.

8 Q Once a phonecall is made, it's automatically written
9 down by computer somewhere?

10 A It's automatically recorded in the switch that call
11 was transferred through.

12 Q And it is generated to a report. Is that correct?

13 A That's correct. We maintain a daily report of all
14 our subscribers on all their transactions.

15 MR. CAMPBELL: At this time move exhibit 43, 44, and
16 45 into evidence.

17 (WHEREUPON, State's Exhibit No. 43-45 are admitted
18 into evidence.)

19 THE COURT: Any objection?

20 MR. GAMBLE: What are they? No objection.

21 THE COURT: State's Exhibit 43, 44, and 45 admitted
22 without objection. I believe three cell phone records; is
23 that correct?

24 MR. CAMPBELL: That's correct.

25 THE COURT: Who?

1 MR. CAMPBELL: That's what I'm fixing to go into.

2 THE COURT: Okay.

3 BY MR. CAMPBELL:

4 Q Now, Miss Erdossy, looking at exhibit 43, what is the
5 Sprint Number that the records were requested on?

6 A The number is [REDACTED].

7 Q And is who is the subscriber that number is linked
8 to?

9 A Skyler Andrews.

10 Q And looking at Exhibit Number 44, what is the number
11 this account, these records go to?

12 A [REDACTED]

13 Q And who is the subscriber on that account?

14 A Skyler Andrews.

15 Q And looking at Exhibit Number 45, what number is that
16 information associated to?

17 A [REDACTED]

18 Q Who is the subject or subscriber of that number?

19 A John, Johnny Earl Mahaffey.

20 Q What is the address of that person?

21 A Billing address is [REDACTED], Pendleton, South
22 Carolina, 29670.

23 Q Now, Miss Erdossy, have you had an opportunity to
24 review these records?

25 A I have.

1 Q As part of these records, you all provide cell phone
2 documentation?

3 A With the proper legal demands, you can obtain cell
4 site information.

5 Q Was that done in this case?

6 A It was.

7 Q Can you describe for the ladies and gentlemen of the
8 jury when a call is made how a call is actually
9 transferred with a cell phone?

10 A Okay. When you use your cell phone to place a call,
11 you -- your phone sends a signal through a network
12 through a tower. Your phone is going to seek out the
13 tower with the strongest signal to place the call,
14 generally the one closest to you. All towers are
15 hooked to a device called a switch. The switch is
16 responsible for routing the call through the network.
17 When you receive a call, the system works in reverse.
18 The network traverse a call to you through the switch
19 to the tower that has the strongest signal to reach
20 you and then to your phone.

21 Q And that information would be recorded or put down in
22 these records; is that right, for calls that are made
23 from that number?

24 A The call detail report contains all the calls made to
25 and from the relevant handset.

1 Q Now, looking at Exhibit 45 -- on August 17, 2006, at
2 22:48.

3 A Could you repeat the time for me, please.

4 Q Ma'am?

5 A Could you repeat the time for me, please.

6 Q Twenty-two forty-eight, that would be 10:48:00 p.m.

7 Is that right?

8 A That's correct.

9 Q On that time line, on this time chart, when you're
10 looking at these records, what is the calling Number?
11 Look at the top of the records, can you explain what
12 the information means, starting with the calling
13 number.

14 A The column?

15 Q Yes, ma'am.

16 A The first number is the calling number, the number
17 that's responsible for initiating the call. The
18 second number is the called number, the number that
19 the call was routed to. The third is the dialed, the
20 numbers input into the handset. The fourth column is
21 labeled with M.R. number, basically just a number
22 that's assigned. There's a footnote at the bottom of
23 the page indicates whether it's inbound or outbound
24 call or routed call.

25 Next is the start date and time of the call. The

1 column after that is the end date, the end date and
2 time of the call. Followed by that is the duration
3 of call kept in seconds.

4 The next column is the re-pole number, that's the
5 switch number that call was routed through.

6 Following that is the first cell site. That's the
7 first site at the beginning of the call relevant to
8 the target. The target is the person the report has
9 been run on. So the relevant number of the report.
10 The last cell cite is the number cell site using at
11 the end of the call. Both first and last cell site
12 relate back to the handset it was run on. It doesn't
13 have anything to do with the other party.

14 Q Now, looking at this record here starting at 22:48
15 and going down to August 18 '06, 00:35, several
16 towers were used in the telephone call in this case.
17 Is that correct?

18 A There were a few towers that were utilized.

19 Q One had been the Whitehall tower, Whitehall Road
20 tower?

21 A All I have in front of me are numbers. I'd have to
22 look up the relevant tower.

23 Q Can you look up the numbers in the back, please,
24 ma'am? Looking at tower 289, what is the address for
25 that one?

- 1 A 1411 Whitehall Road, Anderson, South Carolina.
- 2 Q That would be the actual physical location where that
- 3 tower is located?
- 4 A That's correct.
- 5 Q Looking further down, the first number on the first
- 6 cell, last cell in the charts, that does not indicate
- 7 the tower, the last three digits get the tower?
- 8 A In the column, let's say first cell and last cell,
- 9 the first digit is not the actual number that's used
- 10 to look up the address of the tower. It's the
- 11 following three numbers.
- 12 Q And also tower 117 was used, a cell phone hit off of?
- 13 A It was in the time frame you asked about.
- 14 Q What was the address of that cell phone tower?
- 15 A 501 LaFrance Road, Anderson, South Carolina.
- 16 Q You also have tower 112, what's the address of that?
- 17 A [REDACTED], Clemson, South Carolina.
- 18 Q And 202?
- 19 A [REDACTED] Road, Anderson, South Carolina.
- 20 Q Now, Ms. Erdossy, I'm going to show you first this
- 21 chart. Can you please look at this, ma'am?
- 22 (Witness complies.)
- 23 And based on that chart, what does that show?
- 24 A It's a map, and it has towers depicted on it.
- 25 Q Have you had an opportunity to review this?

1 A I have.

2 Q Did you review it with your records?

3 A I did.

4 Q Do these indications show the approximate locations
5 to where these towers were located?

6 A They do.

7 Q May I have the witness step off the stand please?

8 THE COURT: Yes, sir.

9 A (Witness steps down to diagram.)

10 Q Now, can you please show the ladies and gentlemen of
11 the jury where exactly these towers were that we're
12 talking about you just went over?

13 A I can. The tower up here at the top of the diagram
14 is listed as the Clemson tower and the relevant
15 address listed there is [REDACTED] Clemson.
16 Below it is LaFrance Tower, 501 LaFrance Road in
17 Anderson. Below here in green, Evergreen Hills
18 tower, 1411 Whitehall Road in Anderson. And the
19 furthest tower depicted at bottom of the map,
20 Portman, [REDACTED] in Anderson.

21 Q And you reviewed these with your records to confirm
22 these were the proximate locations of the towers?

23 A I did.

24 Q When a person makes a cell phone call, can you
25 briefly explain to the ladies and gentlemen of the

1 jury what's the radius a person has to be in, in
2 order for that tower to receive a signal?

3 A In order to use a tower, you have to be in range of
4 that tower. Generally the range is up to five miles.

5 Q Do these towers overlap coverage in any way, shape,
6 or form?

7 A They can.

8 Q Is it common for you to have a call that is hitting
9 off one tower but ends on another tower?

10 A Yes, that can happen.

11 Q What reason does that happen?

12 A You could be in an overlapping coverage area where
13 you have coverage from more than one tower in one
14 place. You could also be moving.

15 Q Does a lot depend on where a person is located in
16 order for it to hit off a certain tower?

17 A Yes.

18 Q If a person is stationary in their home, can it still
19 hit off multiple towers?

20 A Their call can utilize more than one tower to place a
21 call.

22 Q In order to place a call, it still has to be in range
23 of that phone call?

24 A You have to be in the range of a tower. You won't
25 use a tower you're not in reach of.

1 Q So a phone call that was hitting off a Whitehall Road
2 tower, that phone call would have to be within its
3 range in order for it to show up on your charts?

4 A In order to use that tower, you would have to be in
5 range of its signal. Yes.

6 Q If you would, please take the stand, ma'am.

7 A Sure. (Resumes stand.)

8 Thank you.

9 Q Now looking back at exhibit 45 we were just talking
10 about, do you still have that page documented at
11 22:48?

12 A I do.

13 Q And looking at that timeline, what number is making a
14 telephone call or cell phone call at that time?

15 A At the particular time 22:48, which -- which person
16 is making the calls. Is that what you're asking?

17 Q No, which number is it? Which cell phone is being
18 used to make that call? What number is it?

19 A It was an outgoing call from [REDACTED].

20 Q Who is the subscriber to that phone number?

21 A Johnny Earl Mahaffey.

22 Q And what tower is that cell phone call hitting off
23 of?

24 A The tower number is 289 and it's the tower located on
25 Whitehall Road, 1411 Whitehall Road in Anderson.

1 Q At any other point in time in these records do you
2 see that number hitting off of another Whitehall
3 tower -- Whitehall cell tower?

4 A No, I don't.

5 Q In order for that to register in your records,
6 someone had to make a call from that telephone
7 number, it in order to ping off the Whitehall tower?

8 A Not sure I understand the question.

9 Q That person would have to be in range of that tower
10 using that cell phone in order for that to show up on
11 the records?

12 A Correct.

13 Q Nowhere else does that show up in your records but
14 that time 10:48?

15 A No, it does not.

16 Q Ms. Erdossy, I have no further questions. If you
17 would, please answer any questions Mr. Gamble would
18 have.

19 THE COURT: Mr. Gamble.

20 CROSS EXAMINATION

21 BY MR. GAMBLE:

22 Q How many cell numbers are listed to Johnny Mahaffey?

23 A Beg your pardon?

24 Q How many cell phone numbers are listed to Johnny
25 Mahaffey?

- 1 A The only one I have here listed is Exhibit 45.
- 2 Q Do you have any listed for Jamie Mahaffey?
- 3 A Not in front of me. No, I don't.
- 4 Q Is it odd for a man and wife to have two separate
- 5 cell phones?
- 6 MR. CAMPBELL: Objection. That calls for
- 7 speculation.
- 8 MR. GAMBLE: No, it doesn't.
- 9 THE COURT: Overruled. Go ahead, answer the
- 10 question.
- 11 A Are you asking if I find it odd that a married couple
- 12 has two separate phones?
- 13 Q Right.
- 14 A No, I don't find that odd.
- 15 Q All right. And you checked on a phone by the name of
- 16 Skyler Andrews, didn't you? A phone listed as Skyler
- 17 Andrews?
- 18 A There are two phones listed to Skyler Andrews.
- 19 Q That's right.
- 20 A She had two phones. That's what I have in front of
- 21 me are two different lines.
- 22 Q Along with this subpoena, let me ask it this way.
- 23 I'm stumbling on some of this stuff but there's been
- 24 testimony about a text message.
- 25 A Okay.

- 1 Q How long after a text message is put in will it stay
2 in?
- 3 A The actual body of the message?
- 4 Q The body of the message.
- 5 A What's actually typed in?
- 6 Q Yeah.
- 7 A It really depends on whether or not the user deletes
8 it.
- 9 Q Can you at your headquarters get a text message?
- 10 A If requested within a certain time, with proper legal
11 demands, possibility we could obtain those.
- 12 Q What's the time period you could get a text message?
- 13 A I believe on the outside it's 14 days. That's also
14 if the user has not deleted that text message.
- 15 Q Yes, I understand. Now, this's no way, from what you
16 have, that you could tell who the user of this
17 telephone is actually? I know you can read the
18 number, but you can't tell which person is using that
19 phone?
- 20 A I can only tell you who receives the bill. I can
21 only tell you who receives the bill.
- 22 Q Right. But not the real human being that's using the
23 phone?
- 24 A Not at any given time. No, I can't.
- 25 Q Okay. Did you ever receive a subpoena from the

1 Sheriff's Office of Anderson County, South Carolina
2 within 40 days for a text message on Skyler Andrews'
3 cell phone?

4 A Not to my knowledge.

5 Q You would know of it though, wouldn't you?

6 A We receive quite a few subpoenas, so I would not have
7 personal knowledge.

8 THE COURT: Redirect?

9 MR. CAMPBELL: No, your Honor.

10 BY MR. GAMBLE:

11 Q To your knowledge did you get a subpoena from for
12 Johnny Mahaffey's text messages on his phone.

13 A Not to my knowledge.

14 Q You would know it though, wouldn't you?

15 A I would not have personal knowledge of that.

16 THE COURT: Any redirect?

17 MR. CAMPBELL: No, Your Honor.

18 THE COURT: Any reason she can't be excused?

19 MR. GAMBLE: No objection.

20 THE COURT: Thank you very much. Have a safe trip
21 home.

22 THE WITNESS: Thank you.

23 (Witness excused.)

24 THE COURT: Call your next witness.

25 MR. CAMPBELL: Your Honor, the state calls Mark

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
PLAINTIFF,)
vs.) TRANSCRIPT OF RECORD
JOHNNY EARL MAHAFFEY,) NO: 2006-GS-04-3508
DEFENDANT.) VOLUME II

SEPTEMBER 4, 2007
ANDERSON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE J. C. NICHOLSON, JR, JUDGE; AND A JURY.

A P P E A R A N C E S:

RAME CAMPBELL, ESQUIRE
ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

ROBERT A. GAMBLE, PUBLIC DEFENDER
G. SCOTT THOMASON, ASST. PUBLIC DEFENDER
DRUANNE WHITE, ESQUIRE
ATTORNEYS FOR THE DEFENDANT

Donna Brady
Official Court Reporter

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1 Patterson to the stand.

2 MARK PATTERSON, being first duly
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 MR. CAMPBELL:

6 A My name is Mark Patterson. P-A-T-T-E-R-S-O-N.

7 Q Mr. Patterson, where are you employed?

8 A Anderson County Sheriff's Office.

9 Q What capacity are you employed in?

10 A The forensic division.

11 Q How long you been in forensics?

12 A Approximately two years.

13 Q Were you in that position on August 17, August 18th,
14 2006?

15 A Yes, sir, I was.

16 Q On that date did you have occasion to go to the crime
17 scene on 28 bypass?

18 A Yes.

19 Q For what reason were you called out?

20 A Called out in reference to a death investigation.

21 Q Who did you respond with?

22 A When I was notified, I called my lieutenant Chris
23 Scott; and I met him at the scene.

24 Q And when you arrived, the scene was already roped
25 off, processed?

1 A Yes, sir. The scene was roped off, coroner was on
2 the scene.

3 Q Did you help Lieutenant Scott process the scene?

4 A I did.

5 Q You were present during his testimony?

6 A Yes, sir.

7 Q I show you what's been marked State's Exhibit 1
8 through 28. Will you please look at these, sir.
9 These are photographs you took?

10 A These are the ones I took. (Viewing photos)
11 I did not take these.

12 Q Sir, you took the photographs of the crime scene at
13 28 bypass, the house located at [REDACTED] Lane. Is
14 that correct?

15 A Yes, sir. That's correct. And of the vehicle in the
16 cage while we were processing it.

17 Q Okay. And those pictures fairly and accurately
18 described the events as you saw on that night. Is
19 that correct?

20 A Yes, sir, they do.

21 Q And you observed a body when you arrived at highway
22 28 bypass; is that correct?

23 A Yes, sir.

24 Q To your knowledge did you look around, see if any
25 type of weapons or guns were around the body?

- 1 A Yes, sir, I did.
- 2 Q And did you find anything?
- 3 A I did not.
- 4 Q Did it appear to you, based upon your observation,
5 that body had been disturbed in any way, shape,
6 manner, or form?
- 7 A No, sir.
- 8 Q Did it appear to you the blood that was around the
9 body had been disturbed?
- 10 A No, sir.
- 11 Q After you photographed it and looked at the shell
12 casings at the scene, did you all place the victim's
13 hands in bags?
- 14 A Yes, sir. Lieutenant Scott did.
- 15 Q In your presence this was done; is that right?
- 16 A Yes, sir.
- 17 Q What was the purpose of that?
- 18 A To keep the hands from being contaminated.
- 19 Q And when you checked his hands later for evidence?
- 20 A Yes, sir, later for the GSR.
- 21 Q Now, after you helped process the crime scene, did
22 you go back to the sheriff's department?
- 23 A Yes, sir. We went there to drop off our evidence.
- 24 Q Did you have any contact with any officers while you
25 were at the sheriff's department?

1 A Best of my knowledge, yes, sir. We were asked to
2 perform a GSR kit.

3 Q Who asked you perform one?

4 A Detective Reeves.

5 Q Detective Reeves here?

6 A Yes, sir.

7 Q Did you perform a GSR kit on anybody?

8 A I did. Actually, we both did. I did the actual kit
9 itself and lieutenant Scott filled out the paperwork
10 on it.

11 Q Is that common that both of you all work on it at the
12 same time?

13 A We worked -- yes, sir, we worked everything together.

14 Q I'm going to show you what's marked for
15 identification State's Exhibit 42. If you can,
16 please identify what this is, sir.

17 A This is the gunshot residue kit. I filled out the
18 front part of it.

19 Q You can go ahead and open it.

20 A (Witness complies.) Okay.

21 Q Is that the gunshot residue kit you performed that
22 night?

23 A Yes, sir. It appears to be.

24 Q And who did you perform that kit on?

25 A It would have been a white female, Skyler Elise

1 Andrews.

2 Q And did she appear willing to have this test done to
3 her?

4 A Yes, sir.

5 Q She didn't cause you any problems?

6 A No, sir.

7 Q After you collected it, what did you do with those
8 little vials there?

9 A I packaged them back up and we entered in evidence.

10 Q The only way anybody can get to them is to open them
11 back up. Is that correct?

12 A That's correct.

13 Q And when you performed this GSR kit, did you do it on
14 both hands?

15 A Yes, sir.

16 Q After that did you participate in executing a search
17 warrant on [REDACTED] Lane?

18 A Yes, sir. We had just arrived. We was in route to
19 the morgue and we was called, I believe, by Detective
20 Malone to respond to Jasmine Lane or Jasmine Drive.

21 Q And did you help Lieutenant Scott perform the search
22 warrant?

23 A I did. I photographed the interior of the residence
24 while he done the search itself.

25 Q And the photographs you saw, the cell phone and the

1 luggage -- that's the photographs you took?

2 A That was my photograph. Yes, sir.

3 Q And did you collect -- did you personally collect any
4 evidence or anything from that area, from the 127
5 Jasmine Lane?

6 A Only thing I remember is just taking a photograph. I
7 believe lieutenant collected the shirt and the phone.

8 Q So that was your responsibility, was to photograph?

9 A Yes, sir.

10 Q And were you also, after that, did you help perform
11 or conduct the search warrant on a little gray and
12 white Honda car?

13 A Yes, sir. That was later that day when it became
14 data at the sheriff's office.

15 Q And once again you performed -- you photographed it?

16 A I done the photographs. Yes, sir.

17 Q Did you have anything to do with the collection of
18 GSR or running any tests on the car?

19 A I swabbed the interior -- the driver's door the best
20 of my recollection. That was the only thing. I
21 didn't do any of the processing for prints.

22 Q Did you help attempt, try to lift prints?

23 A No, sir.

24 Q That was all Lieutenant Scott?

25 A Yes, sir.

1 Q Now, you looked at your reports. Were you present
2 when Lieutenant Scott processed the eight shell
3 casings from the scene and the one shell casing from
4 the car?

5 A Yes, sir.

6 Q Did he attempt to lift fingerprints from these?

7 A He did. He was unsuccessful.

8 Q You witnessed this?

9 A Yes, sir.

10 Q There's been some information regarding the property
11 and evidence report sheets when items are placed into
12 evidence. Can you please explain that?

13 A What happens is each one of us has a sign for the
14 computer. And I think on the previous witness,
15 Officer Caron, some of his evidence got placed in
16 under my name. And the way that happened was he has
17 his own sign on; but when he signed on, my name was
18 the last one on it to enter evidence. So he just
19 apparently forgot to change his name. But it's on
20 the computer log itself that he signed on.

21 Q And you documented this in your own written
22 supplement. Is that correct?

23 A Yes. It's -- we have a printout from the computer
24 itself that shows the time that -- the time and date
25 that Officer Caron opened up the file and put those

1 pieces in. But he just neglected to change the name
2 from his to mine.

3 Q That's just a paperwork error?

4 A Just human error. Yes, sir.

5 Q Does it affect the ability or chain of custody in any
6 way, shape, or form of the evidence put in?

7 A No, sir. Because you can check when he signed off
8 and on the computer.

9 Q How about the dates that are put on this report?

10 A The dates on the property report?

11 Q Property in evidence.

12 A The dates on the reports themselves, like this one, I
13 printed it off on 9-5-2007. That indicates the date
14 it was printed from the computer, not the date that
15 it was entered into evidence.

16 Q So, the date that Lieutenant Scott placed the shell
17 casings into evidence wouldn't be this October 4,
18 2006?

19 A Not if it's here. You know the date is right here
20 under your name, beside your name. Like this one
21 says, reporting officer: T. A. Caron; unit number;
22 date: 9-5-07. That's the date I printed off the
23 computer, not the date that he entered it.

24 Q Were you present when he entered this evidence?

25 A Caron? No, sir.

1 Q How about Lieutenant Scott?

2 A Yes, sir. We was there the whole time.

3 Q And the shell casings, after you processed them for
4 fingerprints, were they placed into evidence?

5 A Yes, sir. They were placed in evidence.

6 Q That was immediately done after you finished what you
7 were doing, trying to lift fingerprints?

8 A Best of my knowledge. Yes, sir.

9 Q To the best of your knowledge is this area secure?

10 A Yes, sir, it is secure. The sheriff himself can't
11 even enter our building.

12 Q Can anybody get to the evidence when you all place it
13 into --

14 A Not -- nobody but the evidence custodian and forensic
15 officers.

16 Q What is the purpose of that?

17 A To maintain the chain of custody.

18 Q And to your knowledge had anything been altered,
19 tampered, or messed with dealing with any of the
20 evidence in this case?

21 A No, sir.

22 Q I have no further questions. Please answer any
23 questions they may have.

24 THE COURT: Mr. foreman, ladies and gentlemen of the
25 jury, what we're going to do is take a lunch break at this

1 time. If you'll be back in the jury room at 2:30, we'll
2 get started at that time. Don't discuss the case among
3 yourselves or with anyone else. See you at 2:30.

4 (Whereupon, the following proceedings were had
5 outside the presence of the jury:)

6 Mrs. White, I think you have something to put on the
7 record concerning the fingerprints and Rule 5 motion you
8 made earlier?

9 MS. WHITE: Yes, sir. I would like to withdraw the
10 Rule 5 motion we made. As you know, I was appointed to
11 the case about a month ago. Apparently the original
12 discovery went to Robert Gamble. That's why I approached
13 you when the jury wasn't there, to let you know Robert
14 found it in his stuff. Apparently, when his file was
15 copied for me a month ago, that was not copied. So I do
16 want to withdraw the Rule 5 motion. It does appear it was
17 provided to Robert.

18 THE COURT: Thank you so very much. But you can't
19 make a Rule 5 motion on your cocounsel, unfortunately.

20 MS. WHITE: No, sir.

21 (WHEREUPON, a lunch break was taken.)

22 Afternoon Session

23 (Whereupon, the proceedings are again in session at
24 2:30 p.m.)

25 THE COURT: Anything from the state before we bring

1 the jury?

2 MR. CAMPBELL: No, Your Honor.

3 THE COURT: Anything from the defendant?

4 MR. GAMBLE: No, Your Honor.

5 THE COURT: Officer Patterson, come around please
6 sir. I remind you, you're still under oath. Cross
7 examination, Mr. Gamble.

8 CROSS EXAMINATION

9 BY MR. GAMBLE:

10 Q Officer Patterson.

11 A Yes, sir.

12 Q In our discovery we were given those sheets there.
13 You were talking about a date in August or first of
14 September. Which was it, I don't recall?

15 A The date that is on these printouts are the day that
16 this was actually printed, not the day that it was
17 entered into evidence. On this one it says 10-4-06.
18 That is the day that it was printed on this paper.

19 Q All right. Did you ever copy the original and
20 furnish it to us?

21 A I have a copy, not of the original sheet, but of the
22 folder, history in the computer right here that says
23 the day that it was created for the shell casings
24 itself. The file was created on 8-18-06 at 8:02 a.m.

25 Q Tell me once again why was that October 19th date on

1 there. I'm a little boneheaded.

2 A You referring to the one to the right of the
3 reporting officer's name?

4 Q And to the bottom of it?

5 A That's the date that it was printed off of the
6 computer.

7 Q You mean the computer changed?

8 A No, sir. It -- the date -- that date block is for
9 the date that you print it off the computer.

10 Q What does your computer printout you have look like?
11 If you don't mind me looking?

12 A Yes, sir. The bottom line is the date it was
13 created. That's the whole history of it.

14 Q Did you furnish that printout to the solicitor's
15 office?

16 A Just received it, sir, today. Just went to the
17 office and got it.

18 Q You did a GSR on Skyler Andrews, where was that?

19 A Where did we do it at, sir?

20 Q Yeah, physically where were you? She came up to the
21 scene?

22 A We did it at the Duck Cooley, the Law Enforcement
23 Center, that's our evidence office building.

24 Q She came up to the scene, so you weren't there, were
25 you?

1 A I don't recall seeing her, sir, except for at our
2 office.

3 Q And did you go out to the Mahaffey house?

4 A On -- Oh, in LaFrance?

5 Q LaFrance.

6 A Yes, sir.

7 Q And did you see David, Jamie Mahaffey there?

8 A No, sir.

9 Q Were there females there?

10 A There was a female there on the couch I think when we
11 walked in. I don't know who she was.

12 Q Was she wearing glasses?

13 A I don't know.

14 Q Did you ask anybody?

15 A No, sir, sure didn't.

16 Q So you didn't do a GSR on that person?

17 A No, sir, sure didn't.

18 Q All right, sir. Excuse me just a moment.

19 The one I have that was furnished through the
20 solicitor's office indicates 10-4-06 date, where are
21 the sheets like this that show the August 18 day?

22 A There won't be one like that. The history is created
23 here, every time you print a sheet out. The only
24 reason we would have had one with the original date
25 is if we had printed one out as soon as I entered it

1 on that date.

2 Q I didn't understand you. You would have had one --

3 A If I would have printed the sheet out that morning
4 when I entered it, then it would have -- it would
5 have indicated that date on it. The only reason --
6 the only thing this day is the day you print the
7 sheet out. It had nothing to do with the time that
8 was entered.

9 Q Why were these printed up on that date?

10 A That was just the day it was printed to turn over for
11 discovery, I suppose. I'm not sure.

12 Q But you didn't turn over that sheet at all?

13 A No, sir, I just got this sheet today, after they was
14 questioned about it.

15 Q This female that was on the couch was not one of your
16 officers, was it?

17 A No, sir.

18 Q You didn't question her at all?

19 A No, sir, I did not.

20 Q Okay.

21 MR. GAMBLE: All I have.

22 THE COURT: Any redirect examination?

23 MR. CAMPBELL: Yes, sir.

24 REDIRECT EXAMINATION

25 BY MR. CAMPBELL:

1 Q Officer, you have your notes with you?

2 A Yes, sir. I have my report and the property report.

3 Q Can you look through your notes, refresh your memory

4 regarding this female you're talking about.

5 A Sorry, what?

6 Q Can you please look through your notes to refresh

7 your memory regarding this female?

8 A Female?

9 Q That you stated was on the couch.

10 A I don't mention her in my supplements.

11 Q Had that person been there, it would have been

12 mentioned in your supplement?

13 A I'm not certain, I don't remember. Just --

14 Q Was this person already there when you got there?

15 A Was already there.

16 Q Had other officers already been through the house?

17 A Oh, yes, sir.

18 THE COURT: You may step down.

19 (Witness steps down from stand.)

20 Call your next witness.

21 MR. CAMPBELL: Your Honor, call Ken Blakely to the

22 stand.

23 Ken Blakely.

24 KEN BLAKELY, being first duly sworn,

25 testified as follows:

DIRECT EXAMINATION

BY MR. CAMPBELL:

Q If you'll state your full name, spell your last name for the record, please, sir.

A Kenneth Wayne Blakely, B-L-A-K-E-L-Y.

Q Mr. Blakely, where are you employed?

A Anderson County Sheriff's Office.

Q What position are you employed in?

A Currently assigned to the forensic crime scene division where I've been since 1996.

Q And did you have occasion to be called out in this case?

A I did.

Q And approximately when was that?

A I was notified on 6-27 of 2007 in reference to possible location of a weapon.

Q Are you a certified diver?

A Yes, sir, I am.

Q In fact you coordinate heading up now sheriff's department dive team?

A At the time acting as a liason between the sheriff's office and the county EMS dive team. Yes, sir.

Q Around that time you were asked to go look for a weapon, a pistol. Is that right?

A That's correct. Yes, sir.

1 Q And what type of information did they provide -- were
2 you provided in order to help you look for this
3 weapon?

4 A I was contacted by investigator Steve Reeves and
5 asked about diving a certain location in Hartwell
6 Lake where he was given information a handgun was
7 thrown off a bridge in Centerville Road area, unknown
8 depth water, at the time unknown really the exact
9 location on the bridge that gun was thrown off. I
10 was asked if I would coordinate something, put some
11 divers together to go out try to recover that item.

12 Q How many divers total?

13 A Actually responded out there after we got it
14 coordinated through wildlife and the sheriff's
15 office, coordinated for our safety and all. On the
16 29th we decided to go out the 29th at night,
17 attempted a night dive in Hartwell. Sometimes
18 visibility is better at night. We made the dive out
19 there several hours that night without success.

20 Q Did you make a second dive?

21 A Yes, sir. Two of the divers responded out there the
22 next day and notified me that they had in fact found
23 the gun and asked me to respond and process or
24 collect and package the gun.

25 Q Show you what's been marked State's Exhibit 35 and

1 35B. Please look at this, sir.

2 A This is the gun or -- and the projectile or bullet
3 that was in the weapon at the time it was found.

4 Q Who found this gun?

5 A Actually John Williams actually found the gun in
6 about 30 feet of water.

7 Q Did you take the gun from him?

8 A I did. I responded, they left the gun in the water.
9 They was instructed the night before should they find
10 the weapon, to leave the weapon in the water and
11 allow me to get an item to bring out to contain the
12 item in the original water it was found in to
13 preserve it.

14 Q Is that the proper procedure normally followed if you
15 find evidence under water?

16 A That's correct. We like to package it in the water
17 that it was found in.

18 Q And when you -- how did you package this gun?

19 A The gun was placed in an ice chest and brought back
20 to the bank by myself. I noticed that the gun was
21 still cocked. We don't transport live rounds loaded
22 with weapons if at all possible. I made the weapon
23 safe, discovered there was a live round in the
24 chamber of the gun.

25 Q And was there a clip in this gun?

1 A There was no clip, magazine, in the gun.

2 Q I show you what's been marked State's Exhibit 29
3 through 34. What are those pictures of?

4 A These are photographs I took when I arrived on the
5 scene, the deputies packaging the gun, retrieving the
6 gun on the scene. And then I packaged the gun after.

7 Q After that what did you do with the weapon?

8 A The weapon's serial number was recorded, it was
9 transported back to my office. It was secured in the
10 cooler itself, taped up, and logged into evidence and
11 placed into evidence.

12 Q And then what happened to it?

13 A Maintained itself into evidence until it was
14 transported by Sergeant Clamp to SLED to be further
15 tested.

16 Q And did you write down the serial number?

17 A I did. The serial number I have recorded, 3142975.

18 Q That's the same one that's on that pistol?

19 A Yes, it is.

20 Q Deputy Blakely, if you would, answer any questions
21 the defense may have.

22 MR. GAMBLE: No questions.

23 THE COURT: No questions? You may step down.

24 (Witness steps down from stand.)

25 Call your next witness.

1 MR. CAMPBELL: Your Honor, the state calls --

2 DIRECT EXAMINATION

3 BY MR. CAMPBELL:

4 Q State your full name, spell your last name for the
5 record.

6 A My name is Gary Neil Bryant, B-R-Y-A-N-T.

7 Q Mr. Bryant, where are you employed?

8 A I'm with the Anderson County Sheriff's Office.

9 Q In what capacity are you employed in?

10 A I'm the director at the detention center.

11 Q And as far as your job as director, you all house
12 inmates waiting for court dates?

13 A That's correct.

14 Q Now, when a person is an inmate, are they allowed to
15 write letters from jail?

16 A Certainly.

17 Q From Anderson County Detention Center?

18 A Yes. We have outgoing mail basically every day.

19 Q And also are inmates allowed to make phonecalls to
20 anybody outside of the jail?

21 A They are.

22 Q And are these phonecalls recorded?

23 A Yes, sir, they are.

24 Q And are these inmates, when they make a phonecall,
25 notified that these telephone calls will be recorded?

1 A They are notified. In fact both the outgoing and
2 incoming party are both notified of the recording of
3 the phone call.

4 Q Is there any sign also at the detention center saying
5 these calls are being recorded?

6 A Yes, sir.

7 Q Now, at my direction did you have some phonecalls
8 recorded?

9 A I did.

10 Q Do you recall the numbers you were asked to record?

11 A I don't recall, I know there was two numbers.

12 Q And the two numbers you were given [REDACTED],
13 [REDACTED], did you have someone at your detention
14 center have all the calls to those numbers recorded?

15 A I did. Those calls are maintained in a computer
16 bank. And I had someone to research the numbers and
17 find that they were called from the detention center
18 and to burn those calls to a disc.

19 (WHEREUPON, State's Exhibit No. 47-48 are marked for
20 identification.)

21 Q Now, regarding these telephone calls, you provided me
22 with a disc. Is that right?

23 A I did.

24 Q Show you State's Exhibit 47 and 48. Could you please
25 identify those?

1 A These are two of the discs I provided you in
2 reference to the request that was made to me. One is
3 labeled, from number six, tracks one and two, J.
4 Mahaffey. And the other is Mahaffey calls to Reeves,
5 S. Reeves.

6 MR. CAMPBELL: Your Honor, at this time move these
7 into evidence.

8 THE COURT: You have an objection to which one?

9 MS. WHITE: Yes, sir. Let me see which one is marked
10 which, I don't remember. At this time we have an
11 objection to 48, no objection to 47.

12 THE COURT: I will admit 47 without objection; and
13 with 48, once redacted, you don't have objections to it;
14 is that correct?

15 MS. WHITE: Yes, sir.

16 THE COURT: I'll admit 48 provided it's redacted. Do
17 you understand, solicitor?

18 MR. CAMPBELL: Yes, sir.

19 THE COURT: Ladies and gentlemen, what redacted
20 means, some evidence on the case the Court deems
21 inadmissible will be taken out.

22 MS. WHITE: May we approach?

23 THE COURT: Please proceed.

24 MR. WHITE: Yes, sir.

25 Q Captain Bryant, since August 16, 2006, you have had

1 an inmate, Johnny Mahaffey, in your detention center?

2 A I have.

3 Q Is he in the courtroom today?

4 A Yes.

5 Q Where is he seated?

6 A Right there, beside the prosecutor -- or defense
7 attorney.

8 Q During that time frame was any other individual by
9 the name of Johnny Mahaffey in your detention center?

10 A Not that I'm aware of.

11 Q Now, you also allow inmates to receive visitors. Is
12 that correct?

13 A We do.

14 Q When someone from outside comes to visit, someone who
15 is an inmate, are their conversations recorded?

16 A The visitor-to-inmate conversations?

17 Q Correct.

18 A No, sir.

19 Q I have no further questions. Answer any questions
20 the defense may have.

21 THE COURT: Cross examination.

22 CROSS EXAMINATION

23 BY MS. WHITE:

24 Q Captain, you're in charge of the jail. Is that
25 right?

- 1 A Yes, ma'am.
- 2 Q You do a good job out there by the way.
- 3 A Thank you. Appreciate it.
- 4 Q You said you taped some of these conversations; is
5 that correct?
- 6 A Actually, no. They're all taped, all recorded. We
7 simply took the information and put it on a disc.
- 8 Q Talk to the jury a little bit about the signs out
9 there at the jail. What do the signs say about the
10 conversations being recorded?
- 11 A I think on the telephone there's a notice, but
12 there's an audible notice that goes --
- 13 Q Wait a minute. We'll go into the audible notice in a
14 minute. What's the notice on the phone? I know you
15 probably don't have it word for word. Basically
16 what's the notices on the phone the inmate is using?
17 What does it say?
- 18 A I'm not sure.
- 19 Q It warns them it's recorded, being monitored, that
20 sort of thing?
- 21 A I think there's something on the phones. I know
22 there's an audible notice.
- 23 Q Are there also any signs in the jail saying that or
24 are they just on the phone the inmate is using?
- 25 A I believe they usually put those on the phones. I'm

1 not aware of any signs we put in the jail.

2 Q Now, when you say there's an audible warning as well
3 -- in other words, if I'm an inmate and I'm calling
4 you and I pick up the phone, no matter what phone
5 call I make, every phone call says this: This
6 phone-conversation is being recorded, monitored.
7 Again, I don't have it word for word; but it says
8 something like that. You can hear it, the recipient
9 can hear it, and the inmate can hear it. Is that
10 correct?

11 A That's correct.

12 Q So before any phone call is made, both parties know
13 the police are recording and monitoring the
14 conversation. Is that correct?

15 A That's correct.

16 Q Now, let's talk about letters going in and out of the
17 jail. Likewise, letters can be opened at you all's
18 discretion unless it's legal mail. Is that correct?

19 A That is correct.

20 Q In fact, that's why a lot of the letters, like if I
21 write you, an inmate, it can take nine or ten days to
22 get to you, even though you live in Anderson because
23 any of that can be screened and monitored. That's
24 made clear to the inmates as well?

25 A When you say screened and monitored, we don't screen

1 and monitor. We don't monitor envelopes, we just
2 simply open it, make sure there's no contraband and
3 we pass that information along.

4 Q My point is, you open it, that's widely known as
5 well? Legal mail, is that monitored or not?

6 A Again, when you say monitor, we don't monitor that.
7 That's opened just to prohibit contraband. Legal
8 mail is usually not opened if we can verify that
9 source. Sometimes it is opened, depending on the
10 package or what we might believe is inside.

11 Q Neither the contents of envelopes or mail are private
12 and neither are the conversations, and the inmates
13 are well aware of that. Is that correct?

14 A Yes, ma'am, it is.

15 MR. WHITE: One minute, your Honor, please.

16 Q Now, visitation, let's go back to -- if I'm an
17 inmate, if you come out and visit me, are any of
18 those conversations recorded or monitored? I don't
19 mean -- obviously, you're monitoring the inmate, but
20 I mean is the conversation being monitored or
21 recorded?

22 A The conversation is not monitored or recorded.

23 Q So if a person is arrested and another person comes
24 and visits, they can talk about whatever they want to
25 talk about a case, how they're going to proceed, what

3 A I don't know what they talk about, but we don't
4 monitor it.

5 MR. WHITE: Your Honor, may I have one minute,
6 please?

7 Your Honor, we have withdrawn any objection to the
8 entire tape of State's Exhibit 48.

9 THE COURT: So you don't want to object?

10 MS. WHITE: No, sir.

11 THE COURT: All right. State's Exhibit 48 admitted
12 without objection.

13 (WHEREUPON, State's Exhibit No. 48 is admitted into
14 evidence.)

15 Any redirect?

16 MR. CAMPBELL: No, Your Honor.

17 THE COURT: You may step down.

18 (Witness steps down from stand.)

19 Call your next witness.

20 MR. CAMPBELL: Your Honor, may this witness be
21 dismissed?

22 MR. GAMBLE: No objection.

23 MR. CAMPBELL: Your Honor, the state calls Skyler
24 Andrews to the stand.

25 SKYLER ANDREWS, being first duly

1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. CAMPBELL:

4 Q If you'll please state your full name and spell your
5 last name for the record.

6 A Skyler Andrews, A-N-D-R-E-W-S, S-K-Y-L-E-R.

7 Q Miss Andrews, where do you live?

8 A In Anderson.

9 Q You from Anderson?

10 A Yes, sir.

11 Q You go to school here?

12 A I went to Westside High School.

13 Q You graduate?

14 A Yes.

15 Q What year did you graduate?

16 A 2005.

17 Q And were you living in Anderson in August of 2006?

18 A Yes, I was.

19 Q Are you currently employed?

20 A Yes, I am.

21 Q And where are you employed?

22 A Olive Garden.

23 Q And how long you been employed there?

24 A It will be two years this November.

25 Q Since it opened?

- 1 A No, sir, about a year after it opened.
- 2 Q And what do you do there?
- 3 A I'm a server.
- 4 Q Get right to the point. You know Johnny Mahaffey?
- 5 A Yes, sir, I do.
- 6 Q How do you know him?
- 7 A I met him when I worked at Papa John's.
- 8 Q What year was that, do you recall?
- 9 A Would have been my sophomore year of high school.
- 10 Q Is he older than you?
- 11 A Yes, he is.
- 12 Q How much older?
- 13 A About eight or nine, not sure the exact year.
- 14 Q How old were you when you met him?
- 15 A Sixteen.
- 16 Q How old was he?
- 17 A Twenty-four.
- 18 Q He in the courtroom today?
- 19 A Yes, he is.
- 20 Q Please identify him.
- 21 A The gentleman on the end of the defense table in the
- 22 brown jacket.
- 23 Q Did you and him have a relationship?
- 24 A Yes, we did.
- 25 Q What kind of relationship did you have?

1 A We started out having a good relationship. We have a
2 two-year-old together.

3 Q So you were boyfriend-girlfriend. As a result of
4 this relationship you got pregnant?

5 A Yes.

6 Q Had a daughter.

7 A Yes.

8 Q He father of your child?

9 A Yes, sir.

10 Q What's the name of your child?

11 A Shilynn Mahaffey.

12 Q Date of her birth?

13 A Twelve-nineteen, 2004.

14 Q Stepping back, when you first met him, were you
15 living at home at the time?

16 A Yes, I was.

17 Q After you got pregnant, did you all move in together?

18 A Yes, we did.

19 Q Where did you all live?

20 A It was on Millgate Road, I don't remember the exact
21 number, but it was in Anderson.

22 Q And how long did your relationship last?

23 A About two years.

24 Q Was Millgate the only place you lived?

25 A No.

1 Q Where else you all lived?

2 A Millgate to Timber Lake, then from there moved in
3 with parents on Dobbins Bridge Road. From there
4 moved to east Calhoun Street. From East Calhoun,
5 moved to Jasmine Lane.

6 Q Why did you all move around so much?

7 A Because Johnny couldn't pay the rent, sustain a
8 stable environment where to live.

9 Q Living above his means?

10 A Yes.

11 Q Have a stable job?

12 A Off and on jobs, never had a job over a year.

13 Q Did he ever run a print-screen type business?

14 A Never a business, might have made a couple of shirts
15 but never anything that could ever be called a
16 business.

17 Q And getting back to Shilynn, is this his only child?

18 A No.

19 Q How many other children he have?

20 A Three children from his previous wife, had her, and
21 he -- now's got one by Jamie Mahaffey.

22 Q And when you started dating him, was he divorced at
23 the time?

24 A He said he was divorced.

25 Q Did you ever learn it was true or not?

1 A I learned he got a divorce during the course of our
2 relationship.

3 Q Now, how would you describe the course of your
4 relationship? Give the jury a sense how things went
5 between you and him.

6 A Started off good, of course, like any relationship
7 does, and then just things started tumbling down hill
8 and pretty much just snowballed from there.

9 Q And as a result of -- did you all eventually break
10 up?

11 A Yes.

12 Q When was that?

13 A Would have been in the beginning of 2006.

14 Q And at the when you all broke up, were you still
15 living at [REDACTED] Lane?

16 A Yes, I was.

17 Q And as a result of that, did you move out of there?

18 A Yes, I did.

19 Q Where did you go?

20 A I went from there to my parents' house and from my
21 parents' house to 1813 -- no, Marsh Creek Drive. It
22 was 102.

23 Q And after you all broke up, can you describe how you
24 all's relationship became?

25 A Between me and Johnny?

1 Q That's correct.

2 A He just went completely crazy, like he'd follow me
3 around. I had to call the law several times because
4 of just harassment.

5 MS. WHITE: Objection, Your Honor.

6 THE COURT: What's your legal objection?

7 MS. WHITE: Lyle.

8 THE COURT: Overruled. Go ahead.

9 A I called the law several times because he would come
10 to my work, and then there was several reports filed
11 from just miscellaneous stuff that would go on
12 between us. And it was plain harassment from him.
13 And then one day it just all stopped.

14 Q Safe to say it kept escalating; is that right?

15 A Yes.

16 Q After your broke up with him and you left, who did
17 the child live with?

18 A Shilynn lived with me.

19 Q Always live with you?

20 A For her entire life except for about three weeks.

21 Q And who she live with at that time?

22 A She lived with him.

23 Q What was the reason for that?

24 A I let him keep her one day and then he would not give
25 her back.

1 MS. WHITE: Objection. Lyle.

2 THE COURT: Overruled.

3 Q Now you mentioned he would come up to your work
4 place?

5 A Uh-huh.

6 Q Do you know what type of car he drives?

7 A A gray and white Honda Civic.

8 Q He own that while you all were together?

9 A He bought it while we were together.

10 Q Do you know Ryan Cox?

11 A Yes, I do.

12 Q How do you know him?

13 A He was my boyfriend at the time that he was killed.

14 Q And where did you meet him from?

15 A Olive Garden.

16 Q And what did he do?

17 A He was a cook.

18 Q Did you all work the same shift?

19 A Yes, we did.

20 Q Did -- at the time you all started dating, did you
21 know he was married?

22 A No, I did not.

23 Q Had you met Ixa Cox?

24 A No, I never met Ixa.

25 Q And you knew he had a child?

1 A Uh-huh.

2 Q You met this child before?

3 A Yes, I had.

4 Q Did you start dating as soon as you worked at Olive
5 Garden?

6 A No, worked together almost a year.

7 Q What prompted you to start dating?

8 A We have -- all servers have to walk out with someone
9 because we have money on us. And so the cooks
10 usually walk us out because most of the servers are
11 girls. And while we were walking out, Johnny came up
12 started, proceeded to jump on me, and Ryan got into
13 it with him.

14 MS. WHITE: Objection, Lyle.

15 Q What, if anything, happened between Ryan Cox and
16 Johnny Mahaffey?

17 A It was just a scuffle in the parking lot. And Johnny
18 ended up leaving and trying to go to my parents house
19 and pick up Shilynn. I think that might my mama
20 wouldn't give her to him. He just left. Then I in
21 never went home that night to Jasmine Lane.

22 Q Shortly thereafter you and Ryan Cox started dating.
23 Was that right?

24 A Yes.

25 Q And did you all eventually move in together?

- 1 A Yes, we did.
- 2 Q Where were you all living at the time?
- 3 A Marsh Creek.
- 4 Q How would you get to Olive Garden from where you
- 5 lived at Marsh Creek? How would you get there?
- 6 A 28 bypass.
- 7 Q And you come down 28 bypass, get on Clemson
- 8 Boulevard?
- 9 A Actually you can go from 28 bypass into the back of
- 10 the parking lot, back there without actually getting
- 11 on Clemson Boulevard.
- 12 Q Now, did Ryan have a nickname he went by?
- 13 A It was Fuzzy that Ryan went by.
- 14 Q How did you come up with that?
- 15 A Actually it was a joke about -- anybody knows Ryan
- 16 knows he had a lot of facial hair. I made a joke,
- 17 told him one day it was peach fuzz on his face, which
- 18 he ended up being called Fuzzy, which he really
- 19 wasn't fuzzy at all.
- 20 Q You known Jamie Mahaffey?
- 21 A Yes, sir.
- 22 Q How long you known her?
- 23 A Since tenth grade.
- 24 Q You close friends with her?
- 25 A Not very close friends. I close friends with a girl,

1 Whitney Morgan; and Jamie was real close friends with
2 her is how I came to know her.

3 Q You all ran in the same circle?

4 A I was in the same school class as her sister, Emily.

5 Q And after you broke up with Johnny, do you know -- do
6 you know that her and Johnny started to date?

7 A I found it out after a while. He just called and
8 told me.

9 Q And you found out they got married?

10 A Yes.

11 Q Now, during the time of August 17, 2006, were both
12 you and Ryan supposed to work that day?

13 A Yes, we were.

14 Q And both of you were working at the Olive Garden?

15 A Yes, we did.

16 Q Do you know what time he was supposed to go on?

17 A He went in around three.

18 Q Now, prior to going to work -- how do you get to
19 work?

20 A I always took him to work.

21 Q Prior to you taking him to work, did you have some
22 difficulties between the two of you?

23 A Yes, sir.

24 Q What was the cause of that?

25 A It stemmed from his relationship -- I found out now

1 was his wife -- and it's stemmed with he just had a
2 newborn baby and relationship problems came from the
3 questions that were asked in that situation.

4 Q Is it fair to say you were upset that you found he
5 was married and just had another child?

6 A Yes, I was.

7 Q And because of that, both you and him had been
8 fussing at one another that day?

9 A Yes, we had.

10 Q Now, you still took him to work that afternoon?

11 A Yes, I did.

12 Q Did he have a car?

13 A No, he did not.

14 Q So, you were his only means of transportation?

15 A Yes, I was.

16 Q Now, when he went to work that day. Do you recall
17 how he was dressed?

18 A He had on his Olive Garden outfit.

19 Q And about what time did you take him to work?

20 A Would have been around three.

21 Q And you all clock in when you go into the Olive
22 Garden?

23 A Uh-huh.

24 Q Did you go into work at the same time?

25 A No. I went home and got dressed.

1 Q And what time did you come on that day?

2 A I was scheduled in around five. I think I might have
3 got there earlier, probably. I usually do.

4 Q And while you were there, did you talk to Ryan at any
5 point in time?

6 A Not really because it's really not feasible for us to
7 talk because he's in the back cooking, and I'm front
8 of the house.

9 Q You all are still having your little riff between the
10 two of you?

11 A Yeah.

12 Q You were still mad at him, weren't you?

13 A Yeah.

14 Q And while you were there, did you and him, inside the
15 Olive Garden, ever get into an argument?

16 A No.

17 Q Now, after -- at some point did he get off work?

18 A Yes, he did.

19 Q And you really didn't have much dealings with him
20 until the time he got off work?

21 A Yes.

22 Q What dealings did you have with him?

23 A No. We didn't have any towards each other except me
24 putting food out on the table, that was Olive Garden
25 related.

- 1 Q Nothing personal?
- 2 A No.
- 3 Q What time did he clock out? Do you know?
- 4 A I don't know what time he clocked out. I know he
- 5 would have got off somewhere between 9 and 10:00.
- 6 Q What time were you scheduled to get off work that
- 7 night?
- 8 A I was scheduled to close. We close at 10:00. I
- 9 would have had to wait until my last table to leave,
- 10 then can I leave.
- 11 Q Did he clock out before you?
- 12 A Yes.
- 13 Q Since he clocked out early, how much earlier than you
- 14 was he getting off, do you recall?
- 15 A Say about an hour, hour and a half. He sat in the
- 16 back room and waited for me to get off work.
- 17 Q You talk to him during this time frame?
- 18 A Just like, "hey," because I, was waiting tables and
- 19 had work at the time.
- 20 Q But he waited for you?
- 21 A Yes.
- 22 Q At some point you were able to clock out of work?
- 23 A Yes.
- 24 Q After you all did that, did you take him home?
- 25 A No, I did not.

1 Q What, if anything, went on between the two of you?

2 A He had given me a letter that he had sat in the back
3 and wrote while I was waiting tables. We walked out
4 the front door together. They said we had to leave
5 with someone. He walked a separate way, and I got in
6 my car, called a girl named Evie.

7 Q At this point in time, August 6, you and Johnny were
8 still going at it?

9 A Still arguing?

10 Q Uh-huh.

11 A It stopped about three weeks earlier.

12 Q You hadn't had any contact at this point in time from
13 him?

14 A No.

15 Q Things had calmed down?

16 A From what I understood, yeah.

17 Q Let me ask you this. You currently, at that time
18 owned how many cell phones?

19 A Two.

20 Q And who was your provider?

21 A Sprint.

22 Q And what cell phone numbers did you have?

23 A I had a [REDACTED] and a [REDACTED].

24 Q And both of these cell phones were in your name?

25 A Yes.

1 Q Now, the two phones were two different colors. Is
2 that right?

3 A Yes, they were.

4 Q I'm going to show you what's been marked State's
5 Exhibit 15.

6 A That's the pink cell phone that was up under my
7 account.

8 Q What number went to the pink cell phone?

9 A The [REDACTED].

10 Q And what color was the phone that you had?

11 A Blue.

12 Q After you all left the Olive Garden, you said you
13 went and sat in your car?

14 A Uh-huh.

15 Q Why had you had the blue phone that day instead of
16 the pink phone?

17 A It was kind of a joke thing. Like I always had the
18 blue phone when I met Ryan, just a blue regular
19 phone. I got another phone added to my account for
20 him. And we just switched phones by him because that
21 one had more features I liked and I had been using
22 it. It was actually a joke between me and one of my
23 friends that I made him keep the pink phone because
24 he was a big dude and if he carried around a little
25 pink phone.

1 Q When you went and sat in your car, did you see him
2 any more, Ryan?

3 A When he walked out of the Olive Garden store, he
4 walked to the left side.

5 Q Did you see which way he went?

6 A No.

7 Q Is it fair to say you were still mad?

8 A Yeah.

9 Q After he walked off, did you see him walk in any
10 direction?

11 A No, I didn't.

12 Q What, if anything, did you do at this point in time?

13 A I sat in the car, read the letter first, then I got
14 on the phone with Evie, talked to her for about a
15 couple of minutes.

16 Q Then after that did you decide to leave?

17 A Yes, I did.

18 Q Which direction did you go?

19 A Out of Olive Garden parking lot, turned right and
20 then I turned right onto Clemson Boulevard.

21 Q What were your intentions? What were you planning on
22 doing at this point in time?

23 A From what the note said, he was on the way to the
24 hospital to see his wife, that was what the argument
25 was about earlier, because he wanted me to take him

1 to see his wife, and I couldn't get off work to leave
2 my job and do it. So I was going towards the AnMed
3 Health Center.

4 Q Were you planning on picking him up when you saw him?

5 A Yeah.

6 Q Did you see him the way you went?

7 A No, I did not.

8 Q How far did you go down?

9 A I went down to Chick-Fil-A, the road that turns
10 beside it. I figured that was a decent amount anyone
11 could walk in the time period.

12 Q Did you locate him?

13 A No, I did not.

14 Q Now, did you attempt to try to contact him by phone?

15 A I actually turned down the road that goes by
16 Chick-Fil-A to the Mall Road, made it to where
17 Whitehall and Concord intersect. I think it's the
18 two roads that come together, come together at 28
19 bypass. He was actually calling me by that time.
20 But I was still on the phone with Evie so I didn't
21 answer the phone.

22 Q How do you know this phone call was being made from
23 him?

24 A Because it showed my picture with the number. And, I
25 mean, we switched phones. So I know it was -- it

1 wasn't myself calling me.

2 Q Was it typical for you all to swap phones? Or not
3 swap, but let other people use your phones?

4 A I would say in the two years that I've had a phone, I
5 maybe let somebody use it two times. I don't ever
6 let anybody use my phone because I pay the bill.

7 Q So you received a phone call from your phone to the
8 blue phone you had?

9 A Yes.

10 Q But you didn't take that call, did you?

11 A No. It clicked over to my voice mail.

12 Q Now, at that point in time after you got off your
13 phonecall, did you attempt to listen to it?

14 A No, I didn't. I figured I just go ahead and call him
15 back.

16 Q Now, have you found him yet at this point in time?

17 A No.

18 Q Which direction had you headed at this time?

19 A I proceeded to go down 28 bypass towards Olive Garden
20 from the road that I came out on. And I kept on
21 calling my phone; but there wasn't any answer. And
22 there was a bunch of cop cars and stuff looked like
23 they almost had the road blocked off. I turned onto
24 Salem Road to try to avoid it. I went down Salem
25 Church Road, still more cop cars coming towards the

1 28 bypass. I pulled into Zaxby's parking lot, turned
2 around there and went back just to see what was going
3 on. And I turned onto 28 bypass. And on the 28
4 bypass I went towards Olive Garden and that's where
5 he was laying in the road and I saw him.

6 Q You pulled up on the crime scene. Is that right?

7 A Yes, I did.

8 Q Did you actually see him laying in the roadway?

9 A Yes, I did.

10 Q Then at that point what did you do?

11 A Pulled my car into the median with the other cars,
12 walked towards Ryan. There was a gentleman stopped
13 me, said there had been a guy that had been shot.
14 Because, I mean, first it looked like he had been hit
15 by a car.

16 Q Did you talk to any detectives on the scene?

17 A Yes. I talked to several detectives. I think I sat
18 in one detective's car, which would be Reeves, for
19 about an hour.

20 Q Did you allow Reeves to listen to the phone call?

21 A Yes. Actually didn't listen to the voice mail until
22 I sat in the car. I was like, "I had a call from him
23 earlier." I listened to my voice mail.

24 Q As a result of that phone call, did you let Detective
25 Reeves listen to that voice mail?

- 1 A Yes, I did.
- 2 Q Did Detective Reeves ask you to go to the police
- 3 Department?
- 4 A Yes, he did.
- 5 Q Did you voluntarily go?
- 6 A Yes, I did.
- 7 Q When you got there, they performed a gunshot residue
- 8 kit; is that right?
- 9 A Yes.
- 10 Q And you cooperated with that?
- 11 A Yes.
- 12 Q And, in fact, you gave a statement, did you not?
- 13 A Yes, I did.
- 14 Q Now, this night of August 17th, that day, did you
- 15 have any contact with Johnny Mahaffey?
- 16 A No, I did not.
- 17 Q Did you see him around anywhere that day?
- 18 A Nope.
- 19 Q Now, did you know -- during the short period of time
- 20 you were dating Ryan, did he have any enemies?
- 21 A No, he didn't. He was a pretty fun-loving guy. The
- 22 only enemy he had would be Johnny.
- 23 Q Besides the problems he had with Johnny, you knew
- 24 about nobody else?
- 25 A No.

1 Q Let me ask you this. There's been mention of a belt
2 buckle. You ever see Johnny -- Ryan Cox wear a belt
3 buckle?

4 A Yes.

5 Q Where was this belt buckle?

6 A He had several, but always wore the same to work. It
7 was, looked like brass knuckles, but it was not. It
8 actually had a lighter that went across the back of
9 it and two holes where it was made into a belt
10 buckle.

11 Q Were these brass knuckles that were made into a belt
12 buckle?

13 A No.

14 (WHEREUPON, State's Exhibit No. 49-50 are marked for
15 identification.)

16 Q Miss Andrews, I want to show you State's Exhibit 49
17 and 50. Could you please identify what these are?

18 A Fifty is the back of the belt buckle with the lighter
19 attached to it. And it's got the belt thing attached
20 to it, also. And the front of it is the front of the
21 belt buckle, which has got all the metal around it
22 that would make it impossible to use them as a pair
23 of brass knuckles.

24 Q Is this the belt buckle he was wearing that night?

25 A Yes, it is.

1 Q Is this the brass knuckles we've been talking about?

2 A Yes. Yes, they are.

3 Q And showing exhibit number 50. Is that the back side
4 of it?

5 A Yes, it is.

6 Q You say this contained the light; is that right?

7 A The light actually in it.

8 Q And all this was one piece?

9 A Yes, it was.

10 Q Your Honor, move State's Exhibit item 49 and 50 into
11 evidence.

12 THE COURT: Any objection?

13 MS. WHITE: No, sir.

14 THE COURT: Forty-nine and 50 admitted without
15 objection.

16 (WHEREUPON, State's Exhibit No. 49-50 is admitted
17 into evidence.)

18 MR. CAMPBELL: Court's indulgence, please?

19 THE COURT: Yes, sir.

20 BY MR. CAMPBELL:

21 Q Now, the phone call, you were talking, I believe, to
22 Whitney?

23 A No, I was talking to a girl named Evie.

24 Q Did she work at Olive Garden, also?

25 A She used to.

1 Q What was the point of calling her?

2 A Just pretty much to vent about the whole situation
3 that was going on.

4 Q And when you weren't able to get in contact with
5 Ryan, did you start to worry about that?

6 A I was worried a little bit.

7 Q Did you feel like something happened to him at that
8 point in time?

9 A Not really.

10 Q You just thought he was walking home; is that right?

11 A Yeah. I figured maybe he didn't turn the phone back
12 on from work or anything is possible when someone
13 doesn't answer their phone.

14 Q Miss Andrews, I have no further questions please
15 answer any questions Ms. White may have.

16 CROSS EXAMINATION

17 BY MS. WHITE:

18 Q You and Jamie were good friends?

19 A No.

20 Q Did you all have a sexual relationship in the past?

21 A No, we did not.

22 Q Ma'am, you're under oath. Did you have a sexual
23 relationship in the past?

24 A No, we did not.

25 Q Jamie went off to college. Is that right?

- 1 A I have no idea after school.
- 2 Q You told the jury, I wrote down your words, you found
3 out now that Ryan was married?
- 4 A Yes.
- 5 Q That's not entirely true, is it?
- 6 A No. That is entirely true.
- 7 Q What's his wife name?
- 8 A His wife's name is Ixa.
- 9 Q She work at Olive Garden?
- 10 A Not that I know of.
- 11 Q Now, he had been -- you all had been together how
12 long? How long had you all been married or living
13 together?
- 14 A Me and Ryan?
- 15 Q Yes.
- 16 A For about two months.
- 17 Q And during that time he had visitation with his
18 children by his wife. Is that right?
- 19 A Yes.
- 20 Q And, in fact, you had conversations with him about
21 that. That was one of your on-going fights, the
22 fight over his wife, him with contact with his wife.
23 Isn't that true?
- 24 A With contact with his child's mother. He did not
25 tell me that she was his wife at that time. I found

1 out that they were still married after he had already
2 died.

3 Q Well, now, didn't he give you a note that night?

4 A Yes, he did. The note simply states he will not be
5 kept from his kids.

6 Q Had you ever talked with his wife?

7 A With his wife?

8 Q Yes.

9 A You mean, with his ex-wife he told me at the time? I
10 ever talked with Ixa Cox? Yes, I have.

11 Q You have. How many times you talked with her?

12 A With Ixa Cox, which I did not know was his wife. I
13 talked about five or six times.

14 Q I'm just curious if you did not know she was his
15 wife, why would you have objected that he was going
16 to visit his newborn baby that was in ICU?

17 A I did not object to going to see his newborn baby. I
18 objected because he was at work.

19 Q Have you read the note lately that he left you that
20 day?

21 A I read it about a year and a couple of weeks ago.
22 So, no, I have not read it lately. I do not even
23 have the note.

24 Q Why were you having words over that? Why did he put
25 that in his note?

1 A Why were we having words over him going to see his
2 son?

3 Q Yes.

4 A Because I was at work in the middle of a shift. I
5 could not walk out of my job.

6 Q Why didn't he mention a ride was the thing you were
7 fighting over?

8 A I'm not sure why he doesn't mention stuff in a note
9 that he wrote.

10 Q You said that the cell phone that Ryan had on him was
11 in your name. Is that correct?

12 A Yes, it was.

13 Q So, even though the cell phone was in your name, Ryan
14 was using it?

15 A Yes, he was.

16 Q And, in fact, you all had switched phones that night?

17 A Yes, we had.

18 Q Did you mean to?

19 A Yes, we did. I mean, you don't accidentally switch a
20 pink and blue phone.

21 Q Jamie threatened you back in June of '06; isn't that
22 true?

23 A Not that I recall.

24 Q Do you remember filling out a court document?

25 A Jamie threatening me?

1 Q Yes, ma'am.

2 A What did she threaten me of?

3 THE COURT: Could I see the attorneys up here just a
4 second?

5 MS. WHITE: Yes, sir.

6 (WHEREUPON, a bench conference was held in the
7 presence of the jury but out of the hearing of the
8 jury.)

9 Q Jamie and Johnny had gotten married recently; isn't
10 that true?

11 A From what I heard, yes.

12 Q And they had only been married a short time; isn't
13 that true?

14 A I don't know how long they had been married.

15 Q Were you and Ryan having such a big argument over him
16 visiting this child that you drove off and he walked
17 home in the dark?

18 A We were not having an argument over him visiting his
19 child. We were having an argument over me taking him
20 to visit his child.

21 Q I'm a little unclear on that. You said you got in
22 the car?

23 A Yes, I did.

24 Q And you drove off?

25 A No. I got in the car and sat in the car a little

1 while and read the letter.

2 Q You had the car. Why didn't you just take him then?

3 A Because he had already walked off.

4 Q How long had he been off?

5 A About ten minutes.

6 Q Well, why didn't you take him ten minutes before if
7 that's what you were arguing over?

8 A Because when we walked out, he walked off. And I
9 walked to my car.

10 Q You were arguing that night?

11 A We were not verbally arguing. I guess you could call
12 the argument the letter.

13 Q How far did you all live from Olive Garden?

14 A About 7 miles maybe.

15 Q So you weren't arguing. And you all weren't
16 fighting. And you left at the same time, but he
17 chose to walk home at 10:40 at night in the dark
18 along the bypass for 7 miles?

19 A Ma'am, you not listening to what I said. I said that
20 we were not arguing, that he gave me the letter and
21 he walked off. I did not say that we walked to the
22 car together and he chose to walk. I said that we
23 walked out the door and he walked off. This was not
24 a thing we got to my car and he decided that he would
25 rather walk than have a ride.

1 He chose to walk because he needed time to think
2 about stuff. He chose to walk upon his own free
3 will, not because I would not give him a ride or
4 anything of that sort.

5 Q He chose to walk 7 miles in the dark instead of
6 riding with you?

7 A He chose to walk wherever he was walking. I don't
8 know where he was walking.

9 Q Did he ride to work with you?

10 A No, he did not ride to work with me.

11 Q How did he get to work?

12 A I dropped him off at work. Because we did not go
13 into work at the same time together.

14 Q How did he get to work?

15 A I dropped him off at work. He did not ride to work
16 with me.

17 Q I see. Now, is there a land phone at Olive Garden?

18 A Yes, there is.

19 Q I noticed when you were being asked on direct
20 examination, you said he was on the way to the
21 hospital to see his wife. Why did you use the words,
22 "to see his wife" instead of "to see his newborn baby
23 in ICU"?

24 A Because I know now that that is his wife.

25 Q When you came up here did you come up here before

1 this trial to be prepared by law enforcement or the
2 solicitor's office for your testimony?

3 A What do you mean prepared? I got a subpoena telling
4 me I would have to testify in court.

5 Q No, I'm talking about before today did you come up
6 and were you shown the courtroom, told where to sit?

7 A No, I was not.

8 Q You were not?

9 A No, I was never shown this courtroom until I stepped
10 in here on the first day of this trial.

11 Q What did you do with this note that Ryan left you?

12 A When he gave it to me?

13 Q Uh-huh.

14 A I read it in the seat of my car.

15 Q Now, you knew that he was leaving that night on foot;
16 is that correct? From Olive Garden?

17 A I knew he walked out of the door of Olive Garden and
18 never got in my car.

19 Q And you were at the scene pretty much right after
20 this happened. Isn't that correct?

21 A I don't know the exact time when it happened, so I'm
22 not sure.

23 Q Well, you were there pretty much when the first
24 responders were getting there, weren't you?

25 A I don't know when the first responders got there.

1 MS. WHITE: No further questions.

2 THE COURT: Redirect?

3 MR. CAMPBELL: No, Your Honor.

4 THE COURT: You may step down. Be careful stepping
5 down.

6 (Witness steps down from stand.)

7 Call your next witness.

8 MR. CAMPBELL: Your Honor, the state calls Jamie
9 Mahaffey to the stand.

10 JAMIE MAHAFFEY, being first duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. CAMPBELL:

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

16 THE WITNESS: Jamie Beth Mahaffey. It's
17 M-A-H-A-F-F-E-Y.

18 Q Miss Mahaffey, you're married to Johnny Mahaffey?

19 A Yes, I am.

20 Q Is he in the courtroom today?

21 A Yes, he is.

22 Q Identify where he's sitting.

23 A Right there, in the brown suit.

24 Q Prior to you getting married, what was your maiden
25 name?

- 1 A Shirley.
- 2 Q I want to take you back to the events that took place
- 3 last year, right when you started dating him, got
- 4 married, and moved on. Okay?
- 5 A Uh-huh.
- 6 Q How long have you known Johnny Mahaffey?
- 7 A I met him in February of 2005.
- 8 Q And at what point or when did you all start dating?
- 9 A In June of 2006.
- 10 Q At this time where were you all living?
- 11 A With my mom on Plainview Road.
- 12 Q What part of town is that?
- 13 A It's in Anderson.
- 14 Q When you met Johnny, did you know anything about
- 15 Skyler Andrews?
- 16 A I knew she was with him. She was dating him. She
- 17 was with him when I met him.
- 18 Q But when you started dating him in June of 2006, was
- 19 she still with him at that time?
- 20 A No.
- 21 Q How long did you actually date before you all got
- 22 married?
- 23 A Ten days.
- 24 Q How old were you at the time?
- 25 A Twenty.

- 1 Q How old was he?
- 2 A Twenty-seven.
- 3 Q You're from Anderson; is that correct?
- 4 A Yes.
- 5 Q And you graduated from high school here?
- 6 A Westside in '04.
- 7 Q So you're a year ahead of Skyler?
- 8 A Yes.
- 9 Q When you were in high school, did you know Skyler?
- 10 A Yes, I did.
- 11 Q How close you were all?
- 12 A We had a few friends, classes together, knew a few
- 13 mutual friends, but that's about out.
- 14 Q Didn't go out together, go to each other's houses and
- 15 that sort of thing?
- 16 A No.
- 17 Q How did Johnny treat you when you first met him?
- 18 A Wonderfully.
- 19 Q How did he make you feel?
- 20 A Great. I loved being around him.
- 21 Q And during this time how would you describe it?
- 22 A He was a nice person and a good father.
- 23 Q Where did you all live? Where did you all move to?
- 24 A [REDACTED] Lane.
- 25 Q And after you moved in, where were you working at the

1 time?

2 A Burger King on North Main Street.

3 Q Are you currently employed?

4 A No, I'm not.

5 Q Was Johnny employed at the time?

6 A Yes, he was.

7 Q Where was he working?

8 A Wendy's on Interstate Boulevard.

9 Q Did he have any sort of screen printing business?

10 A He talked about it, but not really.

11 Q Nothing was ever really done?

12 A He was trying, but it really wasn't going anywhere.

13 Q Wasn't going anywhere. The house at [REDACTED]

14 Lane, did he own that house?

15 A No, he was renting.

16 Q During this time frame, when you first got married,
17 how was his relationship with Skyler Andrews?

18 A They were -- I run into her before she told me they
19 broken up. And he told me he was being harassed by
20 her all the time.

21 Q Did you ever see the two of them getting into any
22 arguments or fights?

23 A I saw them, I guess in the Wal-Mart. She was trying
24 to get her daughter out of his arms.

25 Q At this point in time he had -- Shilynn is his

1 daughter, is that correct?

2 A Yes.

3 Q And what, if anything, happened in that?

4 A He picked his daughter up and took her out of the
5 store with Skyler following us and we took off.

6 Q And was Ryan with her at the time?

7 A Yes.

8 Q Did you know Ryan Cox?

9 A Skylar introduced me to him in May when we were at
10 Wal-Mart. We ran into each other at the parking lot.

11 Q Were you all at each other's throats or anything?

12 A No, not at all.

13 Q Taking this up to August 17th, 2006, did you notice a
14 change in Johnny at all?

15 A Yes.

16 Q Describe what you were observing.

17 A In the weeks following when his daughter was taken,
18 he was out all the time, and him and Skyler were
19 always getting into it. And then the first couple of
20 weeks of August everything was calm, nothing was
21 happening.

22 Q And would he still go out at night?

23 A Every single night, he'd be out for an hour or two.

24 Q How would he typically be dressed?

25 A Jeans, T-shirt, and hat.

- 1 Q Never told you where he was going?
- 2 A Not usually, come back with plants in his hands, say
- 3 he was at Wal-Mart sometimes.
- 4 Q Now, have you ever been to the Olive Garden on
- 5 Clemson Boulevard?
- 6 A Been by it.
- 7 Q How far away was your house at [REDACTED] Lane to
- 8 Olive Garden?
- 9 A A couple of miles two or three miles.
- 10 Q How long would it take you to drive it?
- 11 A In good traffic, ten or 15 minutes maybe.
- 12 Q Around this time, August 17th, 2006, had you all been
- 13 planning a trip?
- 14 A Yes.
- 15 Q Where were you going?
- 16 A Going to New York to my cousin's wedding.
- 17 Q What car were you going to take?
- 18 A The Civic.
- 19 Q What color is the Civic?
- 20 A Gray and white.
- 21 Q He had the Civic when you married him?
- 22 A Yes.
- 23 Q Did he have any other vehicles at the house?
- 24 A Yes, three others.
- 25 Q And were any of those running?

- 1 A Not very well.
- 2 Q Could you drive them off the yard?
- 3 A No.
- 4 Q And so the only vehicle you all had that was
- 5 operational was the gray and white Honda Civic?
- 6 A Yes.
- 7 Q And you all were planning to go to New York?
- 8 A Uh-huh.
- 9 Q Did you know exactly where you were going?
- 10 A Not really. Not real well.
- 11 Q Whose wedding were you going to?
- 12 A My cousin's.
- 13 Q On your mom or your dad's side?
- 14 A My mom's.
- 15 Q Now, what time or when were you all planning on
- 16 leaving?
- 17 A Around 5:00 a.m. the next morning, the morning of the
- 18 18th.
- 19 Q I show you what's been marked State's Exhibit 15, 16,
- 20 and 17. Let me step back a second. Tell the ladies
- 21 and gentlemen of the jury, describe the events that
- 22 took place that day prior. Just go ahead, tell me
- 23 how you all's day got started?
- 24 A We got up in the afternoon. We have a tendency to
- 25 stay up at night and sleep all day. And we went

1 shopping. We needed luggage to go, so we went to the
2 Dollar General for that. And we went to CVS so I
3 could get nail polish. And then I think we went
4 home; ordered a pizza, and then went got it and then
5 came home.

6 Q Where did you go to get pizza?

7 A Mellow Mushroom in Clemson.

8 Q Do you know approximately what time you went up
9 there?

10 A The sun was going down, so it was around 8, 8:30.

11 Q And I'm going to show you what's been marked State's
12 Exhibit 16 and 17. Could you please identify what
13 these are, ma'am.

14 A These are pictures of our bedroom.

15 Q And in those pictures does it show luggage?

16 A Yes, it does.

17 Q Whose luggage is whose?

18 A The blue one against the wall is mine. I had already
19 packed. And the red one on the bed for Johnny for
20 him to pack. I laid it out to make sure he'd
21 remember to pack it.

22 Q So, showing you exhibit 17, can you see this, ma'am?

23 A Yes.

24 Q This here what you're talking about, is this your
25 luggage packed and ready to go?

- 1 A That's mine. Uh-huh.
- 2 Q State's Exhibit 16, this also one of your bedrooms?
- 3 A Yes.
- 4 Q Whose luggage is this right here?
- 5 A It's Johnny's. I laid it all out for him to pack so
- 6 he wouldn't forget.
- 7 Q Do you have a cell phone, ma'am? At that time did
- 8 you have a cell phone?
- 9 A Yes.
- 10 Q Who was your cell phone provider?
- 11 A Alltel.
- 12 Q You were not with Sprint?
- 13 A No.
- 14 Q What was your cell phone number?
- 15 A [REDACTED].
- 16 Q And whose name is this phone in?
- 17 A My mother's, Debbie Shirley.
- 18 Q Did your mother also have her own cell phone?
- 19 A At the time, yes.
- 20 Q And what phone company was she with at that time?
- 21 A Alltel.
- 22 Q Do you recall her phone number?
- 23 A No, I can't.
- 24 Q Are you sure about that cell phone number?
- 25 A It might have been the 1930 number.

- 1 Q What number?
- 2 A Either 1927 or 1930 because I did get it changed at
- 3 one point.
- 4 Q Okay. Now, at this point in time which cell phone
- 5 number did you have, [REDACTED] or [REDACTED]?
- 6 A I'm pretty sure it was the [REDACTED].
- 7 Q I'm going to show you records, please look and
- 8 identify what these are.
- 9 A These are, I believe, my cell phone records.
- 10 Q And what number is that listed to at that time?
- 11 A The [REDACTED] number.
- 12 Q So it was the [REDACTED] you had at that time?
- 13 A Yeah.
- 14 Q Now, did Johnny also have a cell phone?
- 15 A Yes, he did.
- 16 Q Was he with Alltel like you were?
- 17 A No, he wasn't.
- 18 Q Who was he with?
- 19 A Sprint?
- 20 Q What phone number was he with.
- 21 A [REDACTED]
- 22 Q Did anyone else have access to his cell phone?
- 23 A Not really.
- 24 Q Did you have a lot of friends?
- 25 A Not really.

- 1 Q Have lot of email coming to your house?
- 2 A No.
- 3 Q Who was the only person you seen use his phone?
- 4 A Him.
- 5 Q Now, did you lend your phone number out to anyone?
- 6 A No.
- 7 Q That was your own phone number, the 1930 number was
- 8 the only one you used?
- 9 A Yes.
- 10 Q And you didn't give it to anybody else?
- 11 A No.
- 12 Q Now, after you came back from the Mellow Mushroom
- 13 what, if anything, took place after that?
- 14 A Sat down and ate dinner.
- 15 Q What time did you all finish?
- 16 A Between 9:00 and 9:45.
- 17 Q After that had you still packed to go?
- 18 A No.
- 19 Q At some point in time did he stay there the entire
- 20 evening?
- 21 A No.
- 22 Q Do you know why not?
- 23 A No.
- 24 Q At some point did he leave?
- 25 A Yes.

- 1 Q Did he tell you any reason why he was leaving?
- 2 A He said he was going to get gas in the car.
- 3 Q How far is the closest gas station to you?
- 4 A The Sonoco station in Pendleton is five minutes away.
- 5 Q So it doesn't take long to get there and get back?
- 6 A No.
- 7 Q And do you know approximately about what time he
- 8 left?
- 9 A I know it was after 9:30.
- 10 Q And did he come back shortly thereafter?
- 11 A No.
- 12 Q Do you know -- you didn't know why he left?
- 13 A I knew he was getting gas.
- 14 Q Did you think it was kind of odd that he wasn't back?
- 15 A Not really.
- 16 Q And why was that.
- 17 A Because he had a tendency to do that.
- 18 Q Even though you all were going on a trip the next
- 19 day?
- 20 A Yes.
- 21 Q What, if anything, did you do?
- 22 A I packed my clothes. I laid out his suitcase for him
- 23 to pack and I took a bath.
- 24 Q Now, how were you feeling that day?
- 25 A Like crap.

1 Q And at that point in time did you know why you were
2 feeling that way?

3 A I had a pretty good idea I was pregnant.

4 Q And during this time that you all were married, had
5 you had any other type of relationship with anybody
6 else but Johnny?

7 A No.

8 Q So, you took a tub bath?

9 A Uh-huh.

10 Q And while you were in the bathtub, did anything
11 happen?

12 A My cell phone rang.

13 Q And did you answer?

14 A I didn't make it to it. I left it in the living
15 room.

16 Q And did you get out of the tub to go get it?

17 A Yes. As I answered it, whoever it was had hung up.
18 And I looked at the ID and saw that it was Johnny.

19 Q And so the number it would have come from would be
20 the [REDACTED]?

21 A Yes.

22 Q To your knowledge no one else had that phone that
23 night but Johnny?

24 A Not to my knowledge.

25 Q Do you know approximately what time that was?

- 1 A I want to say 11:04 or 11:14.
- 2 Q And you didn't answer it?
- 3 A As I got to it and picked it up, it stopped.
- 4 Q Did you call him right back?
- 5 A Yes.
- 6 Q And did you get him?
- 7 A No.
- 8 Q And at that point in time did you eventually get him
- 9 on the phone?
- 10 A No.
- 11 Q Did you try?
- 12 A I called him back and I didn't get an answer. I text
- 13 messaged him twice, didn't get a response. And I
- 14 called again. As I was calling the last time, he
- 15 walked through the front door.
- 16 Q Did he ever text message you back?
- 17 A No.
- 18 Q What did you text message him? Do you recall?
- 19 A I think I said, "Where are you?" Or, "Is everything
- 20 okay?" And to call me back.
- 21 Q But up to this point you still had no idea where he
- 22 had gone?
- 23 A Huh-uh.
- 24 Q And when he came back through the door, were you
- 25 already out of the tub and dressed and everything?

1 A Yes. I was standing right against the couch about to
2 sit down when he came through the door.

3 Q How was your attitude at this point in time?

4 A Angry. Because I was waiting for him to come home
5 and pack and it was taking him forever.

6 Q It was getting late?

7 A Yes.

8 Q When he came through the door, can you tell the
9 ladies and gentlemen of the jury how he was acting at
10 that point in time?

11 A Didn't even address me, which was unusual. He
12 usually comes in, hugs me or something. And he went
13 straight to the kitchen and was looking at papers on
14 the table and went and washed his hands and went back
15 to the table. He was mumbling and talking to
16 himself.

17 Q Did you find this peculiar?

18 A Yes.

19 Q Was it typical for him to walk in the house and wash
20 his hands like this?

21 A No.

22 Q Did he use the soap on top of the sink?

23 A No, under the sink.

24 Q Do you know what kind?

25 A No, but he told me once it could take the oil stains

1 off the driveway.

2 Q So, heavy duty soap? And did you ask him why he was
3 all of a sudden washing his hands?

4 A No.

5 Q Did you hear him say anything at this point in time?

6 A "I got him. "I got it," or something.

7 I asked him what did he say or what he had got.

8 He said, "him."

9 Q Did you know what he was referring to at this point
10 in time?

11 A Not really. No.

12 Q At any point at this point did he ever give you an
13 explanation of what was going on?

14 A No.

15 Q What, if anything, did he ask you to do?

16 A He asked me to go to my mother's house. She had the
17 wedding invitation and she had gotten maps and stuff
18 together and marked bridgeways and stuff in New York
19 so we would know where we were going without getting
20 too lost. And he asked me to go there and get those.

21 Q Did you see him when he walked through the door? Did
22 he have the cell phone with him?

23 A No, he was looking for the cell phone. I asked him
24 why he didn't answer it.

25 And he said, "I couldn't find it."

1 So I went outside to find it.

2 Q And did you find the cell phone?

3 A It was where it usually was when he lost it, under

4 the passenger seat.

5 Q And you, yourself, retrieved it?

6 A Yes, sir.

7 Q And you gave it back to him?

8 A Yes.

9 Q And at this time do you know approximately what time

10 this was?

11 A I know it was after 11:00.

12 Q And what did he ask you to do at this point in time?

13 A He asked me to go to my mother's.

14 Q Did you find it a little odd that late at night to go

15 get directions?

16 A A little.

17 Q Did you go?

18 A Yes.

19 Q Let me ask you this. At this point in time did you

20 have driving privileges?

21 A No.

22 Q How did that make you feel?

23 A A little nervous at night, but I did it anyway.

24 Q How long did it take you? Did you go a straight,

25 direct route --

1 A No.

2 Q -- To Plainview Road?

3 A No, I usually don't.

4 Q What route do you normally take or did you take that
5 night?

6 A That night I went down -- I went down Williams, down
7 to Lebanon Road and onto Liberty Highway. And then
8 down to I think it's King Road, King Street. Through
9 the back way.

10 Q And typically, time wise, how long it take you to get
11 there?

12 A To my mom's?

13 Q Yes, ma'am.

14 A From there, going that way, 20 minutes, half hour
15 maybe at the most.

16 Q And what car did you take?

17 A The Civic.

18 Q Let me ask you about this car. Does it have any
19 distinct sounds about it?

20 A It's rather loud.

21 THE COURT: Solicitor, before we get into the car,
22 we're going to take a break. Okay.

23 Mr. foreman, members of the jury, we're going to take
24 a 15- or 20-minute break. Whoever needs to smoke, let the
25 bailiff know. Don't discuss the case among yourselves.

1 Mrs. Mahaffey, during the break don't discuss the
2 case with anyone. Okay.

3 THE WITNESS: Okay.

4 THE COURT: All right. We'll take about a 15- or
5 20-minute recess.

6 (Whereupon, a recess was taken.)

7 (WHEREUPON, State's Exhibit No. 51-52 are marked for
8 identification.)

9 MR. CAMPBELL: Thank you, your Honor.

10 BY MR. CAMPBELL:

11 Q Miss Mahaffey, when we left off, we were describing
12 the car you all owned. Will you please tell the
13 ladies and gentlemen of the jury about the car.

14 A It's a '94 Honda Civic, gray and white. It's got no
15 back seat. It's a hatch back.

16 Q Did it have a distinct sound about it?

17 A Pretty loud, you can usually hear it on the other end
18 of the neighborhood.

19 Q Has a loud muffler?

20 A Yes.

21 Q I'm going to show you State's Exhibit 21 through 28.
22 Can you please look at those, tell me what those are
23 all photographs of?

24 A Pictures of our car and Johnny's driver's license.
25 And the hood of the car where I guess the shell

1 casing was found.

2 Q That's all pictures of the car except for the one
3 driver's license?

4 A Yes.

5 Q I believe these have been admitted without objection.
6 If not, move into evidence. I'm going to move the
7 photographs into evidence if they haven't already
8 been?

9 THE COURT: Which photographs?

10 MR. CAMPBELL: Twenty-one through 28.

11 THE COURT: One through 34 have been admitted without
12 objection.

13 Q Prior to you going to your mother's house, you stated
14 you went out and found Johnny's phone. What color
15 was this phone, do you recall?

16 A Dark blue.

17 Q What did you do with this phone after you found it?

18 A I went in and went to hand it to him. And I think he
19 laid it down on the table.

20 Q I'm going to show you what's been marked State's
21 Exhibit 18 and 19. Can you identify what these are?

22 A A picture of his cell phone and a picture of the
23 table in our living room.

24 Q That's where the phone was laid last?

25 A I'm pretty sure it was.

- 1 Q Now, did he have any other type of phone?
- 2 A No.
- 3 Q Did you all have a land line phone to your house?
- 4 A Yes.
- 5 Q Now, when he came in, did he ask you prior to you
- 6 leaving to take anything with you?
- 7 A He handed me the trash bag from the back door, asked
- 8 me to take it with me.
- 9 Q At this point did you look into this trash bag?
- 10 A No.
- 11 Q Did you put it into the car?
- 12 A Yes. I put it in the driver's seat. He had another
- 13 trash bag sitting there.
- 14 Q What did he ask you to do with it?
- 15 A To throw it away on the way to my mom's.
- 16 Q And did he tell you where to throw it?
- 17 A No. He said he didn't care if I threw it on the side
- 18 of the road.
- 19 Q Now, let me ask you about the route you took. Did he
- 20 tell you which route to take?
- 21 A The only thing he told me was to stay off the bypass.
- 22 Q Did you know why?
- 23 A He said there were a lot of cops out tonight. He
- 24 didn't want me get pulled over at a license check.
- 25 Q But he specifically mentioned the bypass?

- 1 A He said stay off 28.
- 2 Q Now, the route you took, you went to your mother's.
- 3 Is that right?
- 4 A Yes.
- 5 Q Did you stop anywhere prior to getting to your
- 6 mother's to drop this trash?
- 7 A Stopped at the dumpster at Watson Village.
- 8 Q That's on the south end of town?
- 9 A Yes.
- 10 Q Did you throw the trash away?
- 11 A Yes.
- 12 Q What did you observe or notice about the trash?
- 13 A When it hit the bottom, had a clanging noise, like it
- 14 had change in it or something.
- 15 Q Did you try to look and see what it was?
- 16 A Yes.
- 17 Q And were you able to see?
- 18 A No. It was all the way at the bottom of the dumpster
- 19 because the dumpster was empty.
- 20 Q On the way to your mother's did Johnny call you?
- 21 A Yes.
- 22 Q What did he did he say you?
- 23 A I asked him what he had me throw away. He said it
- 24 was a box of ammo.
- 25 Q You ever see him with a box of ammo prior to this?

- 1 A No.
- 2 Q Ever see him with a gun?
- 3 A No.
- 4 Q Did he ever have a gun in the house you know of?
- 5 A No.
- 6 Q But he told you it was a box of ammo?
- 7 A Yes.
- 8 Q What did he tell you at that point in time?
- 9 A I think I got really mad and I might have hung up on
10 him.
- 11 Q Did he call you back before you got back to your
12 mother's?
- 13 A It kept going back and forth, him calling me and he
14 calling him.
- 15 Q You eventually arrived at your mother's house?
- 16 A Yes.
- 17 Q At your mother's house did you continue the talk to
18 him?
- 19 A Yes.
- 20 Q How long did you stay at your mom's?
- 21 A I think I left there at 12:30.
- 22 Q Do you know approximately how long you stayed there?
- 23 A Half hour maybe.
- 24 Q And did you speak to him while you were there?
- 25 A Yes, several times.

1 Q What did you all talk about?

2 A I wanted to come home. He wouldn't let me.

3 Q Did you know why?

4 A He said this was a strange car parked at the end of
5 our neighborhood. Because we live in a subdivision,
6 and he said it looked like there might be a license
7 check. And he didn't want me to get pulled over get
8 in trouble.

9 Q Have you ever mentioned anything further about this
10 box of ammo?

11 A No.

12 Q Did he mention why he had a box of ammo?

13 A No.

14 Q Now, how did you get home that night?

15 A I drove.

16 Q Did anybody go with you?

17 A My mother.

18 Q And what was the purpose of your mom riding with you?

19 A That way it would be legal for me to drive because I
20 did have a permit at the time.

21 Q And what route did you take when you went home?

22 A I took 29 to Michelin Boulevard, Michelin Boulevard
23 to 24, to New Prospect Road, up Centerville -- or
24 Whitehall then Centerville Road and Sandy Springs
25 Road.

1 Q Did you stop anywhere along the way?

2 A No.

3 Q You went straight home?

4 A Yes.

5 Q Now, when you pulled into your subdivision what, if
6 anything, did you notice?

7 A At the front entrance there was a car parked across
8 the street from it. And the subdivision hadn't been
9 finished being built yet. And it was just sitting
10 there with someone in it. We drove down to my house.
11 There was several cars just like parked in my yard
12 and on the side of the road.

13 Q When you arrived, what were you thinking? What was
14 going on?

15 A I was terrified.

16 Q Did you know why all the law enforcement vehicles
17 were there?

18 A I assumed something bad happened, but I didn't know
19 what.

20 Q What was your first impression?

21 A He had gotten into some trouble with someone or
22 someone was trying to do something to us again.

23 Q Now, that night when you arrived, did you talk to him
24 when you got back to your house?

25 A To Johnny?

- 1 Q Yes, ma'am.
- 2 A No, I didn't even see him.
- 3 Q You talked to a detective while you were there?
- 4 A Several of them.
- 5 Q In fact, you gave a statement. Is that right?
- 6 A Yes.
- 7 Q Now, up until this point, the only thing you knew you
- 8 dumped a box of ammo?
- 9 A Yes.
- 10 Q Did you know it had any connection to anything else?
- 11 A No.
- 12 Q And you talked to Detective Malone, did you not?
- 13 A Yes.
- 14 Q And you gave a statement?
- 15 A Yes.
- 16 Q In that statement were you forthcoming with
- 17 everything?
- 18 A No.
- 19 Q You didn't tell the truth about some things. Is that
- 20 right?
- 21 A Yes.
- 22 Q What was that?
- 23 A That I had been home and he had been out. I told
- 24 them he had been home and I was out. I gave them the
- 25 wrong times for when we weren't home.

1 Q Why did you do that at this point in time?

2 A I was afraid what was happening, someone trying to
3 get him into more trouble. And I didn't want him to
4 get into more trouble.

5 Q You were protecting your husband; is that right?

6 A Yes.

7 Q Did they tell you why, the law enforcement officers
8 tell you why they were at your house?

9 A At one point the sheriff actually told me that
10 someone had been shot down.

11 Q But you didn't know who it was?

12 A I don't think until a little while later they gave me
13 a name finally.

14 Q And you didn't know how it was connected to Johnny?

15 A No.

16 Q Now, after you gave the statement, did you stay at
17 your house that night?

18 A Yes.

19 Q And where was Johnny?

20 A I think around 4:00 a.m. they brought him outside and
21 put him in one of the SUV's and took him to the
22 sheriff's office and let me go in the house.

23 Q And he wasn't under arrest?

24 A No.

25 Q Did they bring him back?

- 1 A They brought him back, I guess around 7:00.
- 2 Q And you were at the house waiting on him when he got
- 3 back?
- 4 A I was asleep on the couch.
- 5 Q When he came in the door, did you say anything to
- 6 him?
- 7 A I punched him.
- 8 Q What did you do that for?
- 9 A Because I was ticked.
- 10 Q And did you all have a conversation?
- 11 A I got up and got my blanket and my pillow, went to my
- 12 room. He was following me and had this big smile on
- 13 his face, talking about what he did.
- 14 Q What did he tell you he done?
- 15 A He told me he was driving down highway 28 and he saw
- 16 Ryan walking down the street so he pulled over. And
- 17 Ryan asked him for a ride. Ryan bent down to the
- 18 window, asked him for a ride when he heard the gun
- 19 cock. He turned pale white. At that point I put the
- 20 pillow over my face, told him I didn't want to hear
- 21 any more.
- 22 Q You didn't want to believe this happened?
- 23 A No.
- 24 Q Did you even think it odd Ryan asked him for a ride?
- 25 A Yes.

1 Q Because there had been some prior difficulties
2 between him and Ryan. Is that right?

3 A Yes.

4 Q And did most of the difficulties involve his
5 daughter?

6 A Sort of. More her mother.

7 Q Now, after he told you this, what did you all do the
8 rest of the day?

9 A I went to sleep with my head still under the pillow.

10 Q And you all didn't leave to go to New York, I assume?

11 A No. They had taken our car.

12 Q After you arrived, they took it from you all?

13 A Yes. They took it while I was giving my statement
14 actually.

15 Q And during that day did he mention anything else
16 about the events of the prior evening?

17 A Made jokes about it all day long. When we went out
18 to dinner that evening with my sister and her
19 boyfriend at the time, he continued to make jokes all
20 through dinner.

21 Q What kind of jokes?

22 A Like to make a T-shirt with a chalk outlined on it to
23 wear to Ryan's funeral.

24 Q How did this make you feel?

25 A I was terrified.

1 Q At this point had you heard any type of media that
2 Ryan Cox was actually dead?

3 A No.

4 Q Where did you all go eat that night?

5 A Golden Corral.

6 Q Here in Anderson?

7 A Yes.

8 Q What time did you all get home?

9 A The sun was still up, so I guess between 7 and 8:00.

10 Q I'm assuming they picked you all up and dropped you
11 off?

12 A They actually stayed. A police car pulled in our
13 yard right after we did.

14 Q As a result of this car pulling up, what, if
15 anything, happened?

16 A Johnny was arrested.

17 Q Now, you later talked to Detective Reeves?

18 A Yes.

19 Q Correct?

20 A Uh-huh.

21 Q And, in fact, you were also charged in this case?

22 A Yes, I was.

23 Q And what were you charged with?

24 A Misprison of a felony.

25 Q To your knowledge, what exactly is misprison of a

1 felony?

2 A I lied to a cop.

3 Q Based on the first statement you gave?

4 A Yes, it was.

5 Q When you were attempting to cover for your husband?

6 A Yes.

7 Q And you were arrested. Is that right?

8 A Yes.

9 Q Went to jail?

10 A Uh-huh.

11 Q And you never been in trouble before this, until this
12 time?

13 A No never.

14 Q Did it scare you?

15 A Terrified.

16 Q And while you were in jail, at some point did you
17 talk back with Detective Reeves?

18 A Yes.

19 Q In fact, you made a second statement. Is that right?

20 A Yes.

21 Q And in the second statement what did you include that
22 you didn't put in the first one?

23 A I think I included the trash that he had me throw
24 away and where and that he wasn't home and the times.
25 I think that's what I changed.

1 Q But at this point you still hadn't gone into that it
2 was ammo and that he had done it?

3 A Right.

4 Q And why was that?

5 A Because I was still scared and still trying to
6 protect him.

7 Q At this point you found out you were pregnant?

8 A I found out I was pregnant three hours after he was
9 arrested.

10 Q And shortly thereafter you were arrested?

11 A Uh-huh.

12 Q You were let out a couple of days later?

13 A Yes.

14 Q And in fact, you currently are represented by an
15 attorney --

16 A Yes.

17 Q -- who's in the courtroom today?

18 A Yes, he is.

19 Q And pursuant to your testimony, you testifying for
20 the state, has the state made any offers to you or to
21 your attorney?

22 A No.

23 Q And you haven't been granted any type of leniency or
24 consideration in agreement to get you to testify?

25 A No.

- 1 Q Have I ever talked to you about charges?
- 2 A No.
- 3 Q Now, after -- during the time that you went home --
- 4 did you eventually continue staying and living at 127
- 5 Jasmine Lane?
- 6 A After I got out of jail, I stayed there ten days. I
- 7 had a ten-day eviction notice. I had to be out in
- 8 ten days.
- 9 Q What was the eviction notice for?
- 10 A I think he was behind two months on the rent.
- 11 Q And since you been out, where have you been living?
- 12 A Back at Plainview Rode with my mom.
- 13 Q And does your mother have a home telephone number
- 14 there?
- 15 A Yes.
- 16 Q What's the that number?
- 17 A It's now 225-8085.
- 18 Q And at the time --
- 19 A It was 225-2893.
- 20 Q And Johnny been arrested since August 18, 2006.
- 21 A Sorry, what?
- 22 Q Johnny has been in Anderson County Detention Center
- 23 since August 18, 2006?
- 24 A Yes.
- 25 Q And during this time frame, at any point did you ever

1 go down and see him?

2 A I went twice a week every single week.

3 Q Have you continued doing that up until this trial?

4 A No. I stopped in -- I think the last time I was
5 there was May 12.

6 Q Now, did you -- you had your child. Is that correct?

7 A Yes.

8 Q Tell us about it.

9 A I had a little boy. He'll be five months old
10 tomorrow.

11 Q What's his name?

12 A Collin Johnny Mahaffey.

13 Q You call him Collin?

14 A We call him CJ.

15 Q Now, you would go down to the jail a couple of times
16 a week?

17 A Uh-huh.

18 Q At any point during your visitation and everything
19 did he bring up or ask you to do anything for him
20 while he was incarcerated?

21 A All the time.

22 Q Tell the ladies and gentlemen of the jury what
23 exactly would he be asking you to do?

24 A There were times he would ask me to call certain
25 people, lawyers, judges. He wanted me write out

1 papers for family court, find out about his daughter,
2 find out Detective Reeves' home phone number and
3 address. To find out Skyler's home phone number and
4 address, forge her signature on things and stuff like
5 that.

6 Q In fact, he sent you numerous letters. Is that
7 right?

8 A Yes.

9 Q You kept all these letters. Is that right?

10 A Yes.

11 Q In fact, you gave these letters to Detective Reeves?

12 A Yes.

13 Q Look through these. Are these letters that he had
14 written to you?

15 A Yes.

16 Q Both volumes?

17 A Yes.

18 Q And when he wrote these letters to you, where did
19 they come from?

20 A The Anderson County Detention Center.

21 Q To your knowledge was there any other Johnny
22 Mahaffey?

23 A No.

24 Q In the detention center at that time?

25 A Not that I know of.

1 Q What address did these letters come to?

2 A [REDACTED], where I live with my mother.

3 Q I'm going to show you what's been marked for
4 identification State's Exhibit 51 and 52. Will you
5 please look at these, ma'am. You can take them out
6 if you need to.

7 A No, I remember them well.

8 Q Is that his handwriting?

9 A Yes, it is.

10 Q These letters were sent to you; is that correct?

11 A Yes.

12 Q And you stated that he was asking you to do things
13 regarding his case. Is that right?

14 A Yes. He would send me to-do lists.

15 Q And looking at State's Exhibit 51, is that one of his
16 lists?

17 A Yes, it is.

18 Q What is he asking you to do in this list?

19 MS. WHITE: Objection to publishing anything to the
20 jury until it's been admitted.

21 MR. CAMPBELL: At this time I move State's Exhibit 51
22 and 52 into evidence.

23 THE COURT: Any objection?

24 MS. WHITE: May I see which ones he he's talking
25 about?

1 I have absolutely no objection to these.

2 THE COURT: Entered without objection.

3 (WHEREUPON, State's Exhibit No. 51-52 are admitted
4 into evidence.)

5 Q Looking at State's Exhibit 51, is this one of the
6 lists he sent you?

7 A Yes, it is.

8 Q What is he asking you to do in this list?

9 A Look things up for him and make him things.

10 Q Anything else regarding this crime?

11 THE COURT: Why don't you show her what you're
12 talking about if you would, please, sir. Ask her to read
13 it.

14 Q Where he starts about going into "P.S." Can you read
15 that to the ladies and gentlemen of the jury?

16 A "P.S. I want you and sis to take the Honda to Seneca.
17 Go visit ma-maw one morning. Ask Lonnie for a good
18 muffler shop, ask for directions to the one below Big
19 Lots. I want you to have the muffler changed, buy a
20 normal one and get a chrome tip put on it. If anyone
21 ever asks why, your sister backed into a ditch and
22 messed it up. But just really avoid the question. I
23 doubt they'll have proof of what was on it, The car
24 'will' lose a few horsepower but not much. And the
25 normal muffler will cause it to get better gas

1 mileage. Do it soon, because since they asked,
2 Reeves may be out to record the sound. It's one of
3 two things. A neighbor or someone (which if the cell
4 tower bull is so good, why would they be worried
5 about that?) Or they think they hear the car on
6 'Ryan's message to Skyler.'"

7 Q He's referring to Reeves? You understand he's
8 talking about Detective Reeves?

9 A Yes.

10 Q In and your understanding, worried about being
11 identified in that car; is that correct?

12 A Yes.

13 Q Did you have the muffler removed?

14 A No, I did not.

15 Q Look at State's Exhibit 52. That's also a
16 handwritten letter to you; is that correct? In the
17 gist of this letter, what, if anything, is he asking
18 you to do?

19 A He's trying to find someone that can give him an
20 alibi or someone he can point the finger at.

21 Q He offered to try to pay someone to give him an alibi
22 witness?

23 A Yes.

24 Q And he asking you to find this person?

25 A Yes.

1 Q In fact, he listed down there the amounts he would
2 pay, depending on their testimony. Is that right?

3 A Yes.

4 Q Starting right there, what does this say, ma'am?

5 A Right here?

6 Q Yes, ma'am.

7 A "What I think best is the following, pay someone \$500
8 once the statement is made. And I'll give another
9 \$1,000 to testify (after court). And if it works and
10 I get a bond or beat my charge, I'll pay more when
11 I'm out."

12 Do you want me to read the amounts?

13 Q How much are the amounts?

14 A "Number one, \$500 for a statement after it's made.
15 Two, \$1,000 for testimony; after it's made in court
16 if needed. Three, 500 more if it gets me a bond."
17 And then it says, "I'll give \$5,000 up front if I
18 beat the charge. A total 7,000 for nothing but a
19 paragraph of words. They'll get five grand after I'm
20 out."

21 Q On the back side of it, did he actually write down
22 anything he would like this witness to say?

23 A Yes, he did.

24 Q What did he say?

25 A Do you want me to read the entire part?

1 Q Yes, ma'am.

2 A "On August 17th at about 10:30 p.m. or so, maybe a
3 few minutes later, you were traveling on highway 28
4 headed to Clemson Blvd. from Wal-mart on 28. You
5 were going to go to the Wal-Mart on Liberty Hwy. next
6 because you were looking for a new TV. You, of
7 course, bought nothing either. As you came close to
8 the bridge right past the Pontiac dealer, you had to
9 slow down because of a car in the road just sitting
10 in the middle with the car lights on. You don't know
11 if it was running or not. A guy and a girl were
12 screaming at each other, looking like she was trying
13 to get him in the car. You slowed down and looked
14 but just didn't stop, just went and minded your
15 own." -- I guess supposed to be minding your own
16 business -- "all you saw was them fighting and
17 screaming, her pulling on him, nothing more."
18 And it's got a description of the guy and the girl.

19 Q He have a description of Skyler down there?

20 A I would assume that's who it is. And a description
21 of the car.

22 Q And in State's Exhibit 52 that you just read, he's
23 trying to pin it on Skyler at this point in time?

24 A I believe so. Yes.

25 Q If not, he wants someone to testify, to lie for him.

- 1 Is that right?
- 2 A Yes.
- 3 Q Now up until May you had been covering for him,
- 4 haven't you?
- 5 A Yes.
- 6 Q Why did you continue to do that.
- 7 A Because I loved him.
- 8 Q And at a certain point in time did something change
- 9 or something happen?
- 10 A Yes.
- 11 Q What was that?
- 12 A He asked me to sign over my parental rights for my
- 13 son to my mother and continue to lie for him even if
- 14 it sent me to prison.
- 15 Q How did you feel about that?
- 16 A Basically, told him go to hell.
- 17 Q Upset you?
- 18 A Yes.
- 19 Q Did he want you to give up your son?
- 20 A Yes.
- 21 Q You love your son, don't you?
- 22 A Very much so.
- 23 Q Did you at some point attempt to give up the rights
- 24 to your son?
- 25 A No.

1 Q You been living up until this point in time with the
2 knowledge that had done this crime?

3 A Yes.

4 Q And you hadn't told anybody at this point in time?

5 A No.

6 Q Now, at some point you had talked in May to Detective
7 Reeves, didn't you?

8 A Yes.

9 Q And this was in the knowledge of -- with the
10 knowledge of your attorney?

11 A Yes. My attorney is the one who told me about it.

12 Q Your attorney arranged for you to talk to Detective
13 Reeves?

14 A Yes.

15 Q You did that?

16 A Yes, I did.

17 Q And at that point in time you made another statement.
18 Is that right?

19 A Yes, I did.

20 Q And in this last statement, dated May 22, 2007, what
21 did you put in there that you left out in the first
22 two?

23 A About the ammunition he told me to throw away and the
24 exact times, to my knowledge, and what he said when
25 he came home.

1 Q At any point other than the night that this occurred
2 did he ever mention again to you that he killed him?

3 A All the time.

4 Q This is eating at you?

5 A Extremely.

6 Q Court's indulgence.

7 Now, a couple of things. When you dumped this bag of
8 trash, how many sounds did you hear?

9 A Quite a few.

10 Q It was more -- this clinking sound that you heard was
11 more than one or two?

12 A Yes.

13 Q Now, besides many letters, did you also get
14 phonecalls?

15 A Yes.

16 Q And where did you receive these phonecalls from?

17 A My mom's house. I received them from him in jail.

18 Q And he would call you?

19 A Yes.

20 Q And when he would call you, would you hear a message
21 stating this was being recorded?

22 A Yes.

23 Q And he talked freely to you?

24 A Yes.

25 Q Did you all ever talk about the events that happened?

1 A Yes.

2 Q Would he admit to the events on the phone?

3 A He wasn't flat out say anything.

4 Q I didn't understand what you said.

5 A He wasn't flat out say anything. He would just --

6 Q Hem and haw around the issue?

7 A Yes.

8 Q Show you what's been marked State's Exhibit 48, CD.

9 You have had an opportunity to listen to these
10 haven't you?

11 A Yes.

12 Q Your voice on these tapes -- CD's?

13 A Yes.

14 Q And is Johnny's voice on these tapes?

15 A Yes.

16 Q These are calls he made to you from jail?

17 A Yes.

18 Q You don't know what particular date, do you?

19 A I'm pretty sure in May.

20 Q He called you at the house; is that right?

21 A Yes.

22 MR. CAMPBELL: At this time -- at this time move
23 State's Exhibit 48 in evidence. I think it's already
24 without objection.

25 THE COURT: Forty-eight and 49 in without objection?

1 How long are the tapes?

2 MR. CAMPBELL: About 30 minutes, your Honor.

3 THE COURT: Both of them together?

4 Mr. foreman, ladies and gentlemen of the jury, what
5 we're going to do is break at this time. Don't discuss
6 the case with anyone. Be back in the jury room at 9:00.
7 Back be back in the jury room at 9:00. We'll run on the
8 same schedule we ran today. Leave your note pads in the
9 chairs.

10 (Whereupon, the following proceedings were had
11 outside the presence of the jury:)

12 Anything else before we break for the day from the
13 state?

14 MR. CAMPBELL: Nothing from the state.

15 THE COURT: Anything from the defendant?

16 MS. WHITE: Just ask the witness --

17 THE COURT: Anything else?

18 MS. WHITE: That's it.

19 THE COURT: Miss Mahaffey, don't talk about the case
20 with anyone over the break. Okay?

21 THE WITNESS: Okay.

22 (Whereupon, the proceedings are adjourned to the
23 following day.)

24 * * *

25 *

1 Thursday, September 6, 2007

2 (Whereupon, Court reconvened with all parties
3 present, when the following proceedings were had:)

4 THE COURT: Anything from the state before we bring
5 the jury?

6 MR. CAMPBELL: No, Your Honor.

7 THE COURT: Anything from the defendant?

8 MS. WHITE: No, sir. Mrs. Mahaffey, would you come
9 around, please, ma'am.

10 JAMIE MAHAFFEY, having been first duly
11 sworn, further testified as follows:

12 DIRECT EXAMINATION

13 BY MR. CAMPBELL:

14 Q Mrs. Mahaffey, I want to talk about a few more things
15 regarding this case today. Yesterday you told us
16 you -- he told you, you dumped a box of ammo in that
17 garbage?

18 A Yes.

19 Q When you say ammo, what are you referring to?

20 A Bullets.

21 Q When you were dumping the trash, the bag he gave you
22 from the house, that wasn't the only bag?

23 A No, it wasn't.

24 Q There was another bag?

25 A At least another bag from the car.

- 1 Q And you dumped that along with the bag he gave you?
- 2 A Yes.
- 3 Q Did you look inside that other bag?
- 4 A No.
- 5 Q Now, you never saw any bullets or ammunition in the
- 6 house, did you?
- 7 A No, sir.
- 8 Q At any time?
- 9 A No.
- 10 Q Did you ever see him with a gun?
- 11 A No.
- 12 Q At what point did you have -- do you know when he
- 13 bought the gun?
- 14 A Not really.
- 15 Q How was you all's relationship? Were you together
- 16 all the time?
- 17 A Almost all the time.
- 18 Q At any point in time did he ever leave you?
- 19 A Yes.
- 20 Q When and what circumstances?
- 21 A He left on my Mom's birthday.
- 22 Q Do you know where he went to?
- 23 A He said he was going to Spartanburg for something.
- 24 Q How long was he gone for?
- 25 A About two hours.

1 Q Did he come back from Spartanburg?

2 A Yes.

3 Q What did you think he was going to get?

4 A I don't know.

5 Q Is that the only time during your brief marriage that
6 you all had been separated for a short period of
7 time?

8 A No.

9 Q What other times?

10 A He'd go out during the night and ride around for a
11 couple of hours.

12 Q But he wouldn't include you in on what he was doing?

13 A Sometimes I would go with him, driving around
14 randomly, then driving around in and out of apartment
15 complexes looking for a car.

16 Q Whose car were you looking for?

17 A Skyler's.

18 Q Were you present in the courtroom yesterday when
19 Miss White, when her cross examination was
20 insinuating that you and Skyler Andrews were having a
21 relationship?

22 A Yes.

23 Q Is that true?

24 A No.

25 Q Where do you think she came up with such an idea?

- 1 A I'm not entirely sure.
- 2 Q At the time back in August 2006 was Johnny's hair the
- 3 same color it is today?
- 4 A No.
- 5 Q What color was it.
- 6 A Blond.
- 7 Q Why is that?
- 8 A He bleached it.
- 9 Q So his hair color today is not the same as it was
- 10 back in August?
- 11 A No.
- 12 Q Is he right handed or left handed?
- 13 A Right handed.
- 14 Q During the time that you couldn't get him on the
- 15 night of August 17th and you text message him. Did
- 16 he test message you back?
- 17 A No.
- 18 Q The night of August 17th when he left the house, he
- 19 had the cell phone with him?
- 20 A Yes.
- 21 Q And had the cell phone with him when he returned?
- 22 A I found it in the car.
- 23 Q Now, at some point you stated you stopped talking or
- 24 seeing Mr. Mahaffey around May of this year?
- 25 A Yes.

- 1 Q Up to that point did you ever tell him you were going
2 to start cooperating with the state?
- 3 A No.
- 4 Q Did he want you to cooperate with the state?
- 5 A No.
- 6 Q In your opinion -- do you have an opinion what the
7 killing was about in this case?
- 8 A As far as I know, yes, sir.
- 9 Q Over who?
- 10 A Skylar.
- 11 Q And he made numerous calls from the detention center?
- 12 A Yes.
- 13 Q And he would call you at your mother's house?
- 14 A Yes.
- 15 Q Did you get tired of these calls?
- 16 A Yes.
- 17 Q As a result of the numerous calls what, if anything,
18 did you all do?
- 19 A We had the number changed.
- 20 Q You come to know him over the last few months. Is he
21 the same person you married?
- 22 A No.
- 23 Q In what way had he changed?
- 24 A He's more conniving than I thought he was and
25 vindictive.

1 Q Kind of controlling?

2 A Very.

3 Q Would he allow you to have friends?

4 A No. I wasn't allowed to talk to anyone.

5 Q So your whole life had to center around him?

6 A Yes.

7 Q Now, Mrs. Mahaffey you listened to State's Exhibit 4,
8 have you not?

9 A Yes.

10 Q Is that your voice on this recording?

11 A Yes.

12 Q Is that his voice on the recording?

13 A Yes.

14 Q Where were these calls made from?

15 A The jail.

16 Q Where were they made to?

17 A My Mom's house.

18 MR. CAMPBELL: Your Honor, at this time I'd like to
19 play these two recordings.

20 THE COURT: Okay.

21 (State's Exhibit 52 is played in open court.)

22 MR. CAMPBELL: I have no further questions. Please
23 answer any questions Mrs. White may have.

24 CROSS EXAMINATION

25 BY MS. WHITE:

1 Q At the beginning of this tape -- well, you all talked
2 frequently on the phone; is that correct?

3 A Yes.

4 Q Several times a week?

5 A Several times.

6 Q I note in the middle of this you said you talked to
7 the police and they are recording all these phone
8 calls. They are going to get a copy of this?

9 A Yes.

10 Q And then you all continued to talk about how he did
11 it?

12 A Yes.

13 Q Do you think that's odd?

14 A No.

15 Q At the beginning of the tape, starts, "We're
16 recording this. This is being monitored"?

17 A Every phone call starts with that.

18 Q So there's no question you heard that. And on the
19 other end he would hear that, because that's how
20 every phone call started at the jail; is that
21 correct?

22 A Yes.

23 Q You read books a lot?

24 A Yes.

25 Q You like mysteries?

1 A Sometimes.

2 Q In fact, your favorite pastime is to read?

3 A Yes.

4 Q Did you go to college in Tennessee? Is that where
5 you went?

6 A Yes.

7 Q And you love to write, you love to read, things like
8 that. Is that right?

9 A Yes.

10 Q And I notice at one point in the tape that you all
11 are talking about all of this and then Johnny says,
12 "Jamie, just make sure all the kids know the truth."
13 Did you hear that part?

14 A Yes.

15 Q Now, you and Johnny met and you dated for ten days
16 before you got married. Is that correct?

17 A We met two years ago and we dated last summer for ten
18 days.

19 Q For ten days. And you got married, and you had been
20 married how long when this occurred?

21 A Two months.

22 Q And you all wrote many, many, many letters to and
23 from each other. "My dear brilliant husband." And
24 he would write back, called you his "Helen of Troy."
25 Is that right?

1 A Yes.

2 Q In fact, you all were madly in love to put it mildly?

3 A Yes.

4 Q Just tons of letters back and forth about how much
5 you love each other and that sort of thing.

6 A Yes.

7 Q Do you want to explain to the jury what you were
8 talking about in a letter when you talk about Susie
9 with the brown eyes and Phoebe with the blue eyes?

10 A It's stories I write.

11 Q What did you mean when you said, "How do you know
12 what's in my head? How is it you can see it, see
13 them, Susie brown eyes and Phoebe blue eyes?" And
14 all the other things in there, "Everyone I've ever
15 known only sees one aspect."?

16 MR. CAMPBELL: I object to the relevance. This has
17 nothing to do with any aspect of this case.

18 THE COURT: Come on up here.

19 (WHEREUPON, a bench conference was held in the
20 presence of the jury but out of the hearing of the
21 jury.)

22 THE COURT: All right. I'm going to sustain the
23 objection as to relevance.

24 Mrs. White, if you'll lay a proper foundation it may
25 become relevant at a later time. Right now, sustain the

1 objection.

2 Q You lived with Johnny at the time this occurred,
3 didn't you?

4 A Yes.

5 Q And you were the one that actually drove up in the
6 car, that they say had the loud muffler when the
7 police were at your house?

8 A Yes.

9 Q And you had your mother with you?

10 A Yes.

11 Q And you gave a statement. You testified yesterday
12 you knew nothing about this when you drove up. You
13 had not talked to Johnny at all about it. Is that
14 correct?

15 A I had not talked to him. He hadn't told me what had
16 happened.

17 Q When you and your mom got to the scene less than two
18 hours after this occurred, you two were nearly
19 separated, weren't you?

20 A Yes.

21 Q You didn't have a chance to listen to each other's
22 statements?

23 A No.

24 Q Both of you said you got to the house at 9:30, to
25 your Mom's, and stayed until past midnight; is that

1 correct?

2 A I believe so.

3 Q Both you said you were driving your car, the one with
4 the loud muffler, when you got there, you stayed
5 there with the car until after midnight?

6 A I didn't have a choice. We don't have any other car.

7 Q My question is, did you and your mom both alibi you
8 from 9:30 until past midnight?

9 A I did. I'm not sure about her.

10 Q So basically you created an alibi in your mother for
11 you from 9:30 until midnight. Is that correct?

12 A I guess. I was more trying to create one for him.

13 Q You were creating an alibi for your husband, saying
14 he was alone at the house this whole night. But you
15 had an alibi with your mother?

16 A I'm not sure what you mean.

17 Q At that point you hadn't been told about the witness
18 who heard the loud muffler, had you?

19 A No.

20 Q So, at that point you didn't know that it was
21 important that you had the car at your mother's house
22 until later?

23 A No, I had no idea.

24 Q Now, let's go back to the letters you wrote. You've
25 told several people, in fact, you had an affair with

1 two of your friends' boyfriend's. You said it was
2 Phoebe or Susie that did it?

3 MR. CAMPBELL: Objection, Your Honor. That's
4 irrelevant.

5 THE COURT: I sustain the objection.

6 MR. WHITE: Haven't you blamed prior misdeeds you've
7 done, even to your friends, on two other individuals named
8 Phoebe and Susie.

9 MR. CAMPBELL: Objection. Totally irrelevant to this
10 case.

11 THE COURT: I'll sustain the objection unless you
12 identify who the friends are and lay some kind of
13 foundation.

14 MS. WHITE: Yes, sir. One minute judge. I have
15 their names.

16 Q You have told Jonathan Minor, you've told Whitney,
17 and you've told Rhian?

18 A Rhianan.

19 Q Isn't that true?

20 A Rhianan and Whitney that would be two conversations
21 that stem off of things I wrote. And Jonathan Minor
22 is an ex-boyfriend I'm on bad terms with. So I don't
23 see why his opinion matters.

24 Q My question to you is have you told these individuals
25 that you have your identify, Phoebe with the blue

1 eyes and Susie with the brown eyes?

2 A Not like that, no.

3 Q In fact, weren't -- didn't you tell them you weren't
4 accountable for cheating with their boyfriends
5 because it was Phoebe and Susie?

6 MR. CAMPBELL: I object. What does that have
7 anything to do with the trial of this case?

8 MR. WHITE: Your Honor, it has to do with her
9 stability.

10 THE COURT: Sustain the objection.

11 MS. WHITE: When you were confronted by Johnny about
12 this, you wrote a letter talking about these personalities
13 and how much you appreciate him because he allowed you to
14 have these personalities, isn't that true?

15 THE WITNESS: I'm not exactly sure what you mean.

16 MR. CAMPBELL: Your Honor, prior to her showing to
17 the witness, I'd like to take a look at it.

18 MS. WHITE: Your Honor, I'm not showing it to the
19 witness. I'm asking if she's made a prior statement.

20 THE COURT: Show her what you're talking about, when,
21 where, and to who it was made to.

22 MS. WHITE: This is a letter to your husband. Is
23 that correct?

24 A Yes.

25 Q In your handwriting?

1 A Yeah.

2 Q And it says.

3 MR. CAMPBELL: Objection, like to have an opportunity
4 to look at it.

5 THE COURT: You can look at it when she finishes.

6 Q In it you talk about her different personalities.
7 And you say, "They only see the part they like. They
8 won't accept the existence of the rest. How is it
9 you understand all of it, you accept it, like it's
10 normal, like it's okay. I want to tell you about all
11 of it, the craziness in my head." Isn't that what
12 you wrote?

13 A Yes.

14 THE COURT: Mrs. White, show the solicitor the
15 statement. Solicitor, is there anything, after you get a
16 chance to read it, you may bring out anything else in the
17 letter you so desire.

18 Q You weren't writing about a novel in that letter.
19 You were talking about appreciating your husband
20 because he saw this and still loved you. Isn't that
21 true?

22 A No.

23 Q When were you arrested?

24 A August 23, 1:00 in the afternoon. It was a
25 Wednesday.

1 Q When you say August 23, you mean August 23, 2006. Is
2 that right?

3 A Yes.

4 Q And you were arrested though, for misprison of a
5 felony. Is that correct?

6 A Yes.

7 Q Now, you basically said yesterday misprison of a
8 felony is you lied to the police. Is that correct?
9 That's why they charged you?

10 A I believe so, yes.

11 Q And in misprison of a felony you basically told the
12 jury you lied yesterday; isn't that true?

13 A Yes.

14 Q If that's the case, why haven't you come in and
15 pleaded guilty yet?

16 A For the charge I have against me?

17 Q Yes.

18 A It hasn't been brought up yet.

19 Q Ma'am, are you aware there are at least two weeks of
20 court in this county every single month you can come
21 in and plea?

22 A I'm not aware of that.

23 Q You have a lawyer, don't you? You hoping if you do
24 well in front of the jury you'll get your charges
25 dismissed?

1 A No.

2 Q You hoping if you did well in any of this, you'll get
3 your charges dismissed?

4 A No. Just trying to be honest.

5 Q Talk about your honesty. You've given four different
6 statements to the police, haven't you?

7 A I think only three.

8 Q And the first one on August 18, 2006, this is the one
9 where you come back to the house and you and your mom
10 are separated and you're questioned. Is that
11 correct?

12 A Yes.

13 Q And, basically, you tell the police you came back to
14 the house about 8 or 8:30 p.m. that night. And then
15 you left the home and went to your mother's house,
16 about 9:00 p.m. when you left the home. Is that
17 correct?

18 A Yes.

19 Q You said you showed up at your mom's house at
20 9:30 p.m.?

21 A Yes.

22 Q And then you talk about how you text message and make
23 some phone calls. And you talk about how you leave
24 with your mother?

25 A Yes.

1 Q So, basically you created an alibi from 9:30 to past
2 midnight in your mother?

3 A I suppose. Yes.

4 Q But you left Johnny without an alibi?

5 A I left him at home. That's what I made it look like.

6 Q Then you get arrested?

7 A Yes.

8 Q And then you give another statement. And in this one
9 you say that -- you said you heard him say, "I got
10 it, I got him."

11 A Yes, he kept mumbling to himself.

12 Q And then you give another statement on August 25th.

13 And in that one you talk about -- let's talk about
14 this a minute. You said you found a cell phone.

15 Tell me about the cell phone.

16 A The cell phone I found in his car, his phone.

17 Q Uh-huh.

18 A He said he couldn't find it when he came in the
19 house. I was telling him, as I walked out the door,
20 I probably know exactly where it would be. Because
21 it's always in the same spot when he loses it.

22 Q Always in the same spot when he loses it, wouldn't
23 you think he would just look there?

24 A No, he never does.

25 Q And then you give another statement on May 22 --

1 A Yes.

2 Q -- of 2007?

3 A Yes.

4 Q So you're telling this jury that even though you've
5 admitted under oath and you've admitted to the police
6 that you lied, you haven't just come on up and
7 pleaded guilty; and it has nothing to do with you
8 hoping you're going to get some charges dismissed
9 because of your performance in this courtroom?

10 A I'm not trying to get my charge dismissed.

11 Q Why didn't you plead guilty?

12 A I didn't know I could.

13 Q You have a lawyer, don't you?

14 A Yes.

15 Q You all were visiting a couple of times a week, isn't
16 that correct, after Johnny was arrested?

17 A Twice a week, every week.

18 Q And none of that is monitored, is it?

19 A I don't think so.

20 Q And there's nothing on the phones or nothing in the
21 room that says, "We're monitoring this." You can
22 talk freely, can't you, when you're visiting?

23 A As far as I know.

24 Q Don't you think it's odd, in a letter for Johnny to
25 be talking about -- after he's arrested -- to be

1 talking about you taking a car and having a muffler
2 changed when he was at the house that night and saw
3 the police get the car and take it?

4 A I don't understand the question.

5 Q Well, I mean he knew that the police had already
6 examined the car and already had the car in their
7 possession?

8 A Yes.

9 Q He was there when that happened.

10 A Uh-huh.

11 THE COURT: Miss White, can I interrupt you just a
12 second? You had an opportunity to read the letter.

13 MR. CAMPBELL: Yes, your Honor.

14 THE COURT: Anything you would like to
15 contemporaneously offer regarding what was in the letter
16 under rule 106?

17 MR. CAMPBELL: I'll go into it on redirect.

18 THE COURT: Please proceed, Mrs. White.

19 Q Now, Johnny worked as a manager at Wendy's; is that
20 correct?

21 A For a while. Yes.

22 Q That was back when this occurred?

23 A When the murder occurred? No, he wasn't working
24 there anymore.

25 Q And so you all knew that the letters were being

1 monitored. You didn't get the letters for what nine,
2 ten days, something like that, after they were
3 written?

4 A No. Sometimes I'd get them the next day. Sometimes
5 it would take two weeks for some; but sometimes I'd
6 get them the next day.

7 Q And you all knew they were being monitored?

8 A Of course.

9 Q I mean, they were opened?

10 A Yes..

11 Q Do you remember threatening to kill Skyler in June of
12 2006?

13 A No.

14 Q You don't remember that?

15 A No, I don't.

16 Q Did you come up here in preparation for the trial for
17 your testimony?

18 A Yes, I did.

19 Q And when you came up here, were you shown the
20 courtroom?

21 A Yes, I was.

22 Q Were you told where to sit?

23 A I was told when I get called up I would have to sit
24 right here.

25 Q And so you toured the courtroom?

- 1 A Sorry? What?
- 2 Q Were you told what questions you'd be asked?
- 3 A I was given some idea what I'd be asked by the
- 4 solicitor.
- 5 Q Where were you told to sit?
- 6 A Just here.
- 7 Q Now, you said you and Johnny lived together at the
- 8 time this occurred. Is that correct?
- 9 A Yes.
- 10 Q And you drove the car?
- 11 A Yes.
- 12 Q The night of the shooting, when you all drove up, did
- 13 you stay at the house that night?
- 14 A Yes.
- 15 Q Did you ever go anywhere else?
- 16 A No.
- 17 Q Were the other cars working at your house?
- 18 A No.
- 19 Q Did the police take your clothes?
- 20 A No.
- 21 Q Did they take your shoes?
- 22 A No.
- 23 Q Did they do a gunshot residue kit on your hands?
- 24 A No.
- 25 Q Did they get your text messages, to your knowledge?

1 A No.

2 Q Are you aware that when Johnny bought the gun, it was
3 broad daylight?

4 A I wasn't aware of that.

5 Q After this occurred and Johnny was arrested, what
6 house did you live in?

7 A I stayed in [REDACTED] for the next ten days.
8 Or I guess about 15 days.

9 Q And where did you go after that?

10 A I moved back in with my mother.

11 Q And when you stayed at the house, what did you do
12 with Johnny's cars?

13 A The truck from the back yard was moved to his
14 grandparents house in Seneca. The blue Civic and the
15 black Talon were moved to his sister's in Pendleton.

16 Q Did you end up selling those vehicles?

17 A The truck is still sitting at his grandparents. I
18 have no idea where the blue Civic is. And the black
19 Talon actually caught on fire two weeks ago. So it's
20 gone.

21 Q Now, what did you do with the tax refund check?

22 A What tax refund check?

23 Q The tax refund checks you all got for your taxes for
24 that year? Who got that, the 2,500?

25 A There wasn't a check for 2500.

- 1 Q What was it?
- 2 A I think 2800.
- 3 Q And who got it?
- 4 A I did.
- 5 Q Did you forge Johnny's signature on the tax return?
- 6 A I don't think I did. No.
- 7 Q Who did?
- 8 A I'm not sure.
- 9 Q Well, who sent in the tax return?
- 10 A We did -- I did.
- 11 Q If you sent it in --
- 12 A I sent him his tax papers and he signed them before I
- 13 ever did.
- 14 Q -- are you sure about that?
- 15 A Yes, I think there were four or five pages of tax
- 16 papers I mailed to him. He signed them and sent them
- 17 back.
- 18 Q You said an interesting thing yesterday. You talked
- 19 about how when you got back to the house with your
- 20 mother, you said -- find the right words. You said
- 21 that you saw the police there and something about you
- 22 thought they had come back to get us, or someone had
- 23 come back to get us? What were you talking about?
- 24 A I'm not sure when you mean.
- 25 Q You don't know what you meant?

1 A I'm not sure what you're talking about.

2 Q All right. You were pregnant at the time this
3 occurred; is that right?

4 A I found out three hours after he was arrested that I
5 was pregnant.

6 Q And you were aware that Ryan had been threatening
7 your husband. Is that right?

8 A As far as I was told. Yes.

9 Q Your my space you have a my-space page, don't you?

10 A I have a couple of them. Which one?

11 Q I have it right here.

12 MR. CAMPBELL: I object to any relevance to my space
13 unless she can lay a foundation, connect it to this.

14 MS. WHITE: I'm getting ready to, your Honor.

15 THE COURT: I'll overrule the objection.

16 Q What is "my space," for the jury?

17 A Sorry?

18 Q Explain to the jury what it is. Some older ones, my
19 age, don't do my space.

20 A A website you can design, got profile, put stuff
21 about yourself on it. Talk to friends on it. Has an
22 instant message service on it. Got a blog on it, you
23 can put pictures.

24 Q And in August you posted on my space that you were a
25 swinger. What did that mean?

1 A I posted that for a day. As far as I know, it means
2 that you like both boys and girls.

3 Q And you also put in your profile, "Yes, if you can
4 call me at 3 a.m. in the morning, I will pick you up.
5 I like to drive. I take my kid everywhere."

6 MR. CAMPBELL: Objection to the testimony in this
7 case.

8 THE COURT: Overruled go ahead.

9 BY MS. WHITE:

10 Q Did you put in your my space: "Yes, if you call me
11 at 3 a.m. in the morning, I will pick you up. I like
12 to drive. I take my kid everywhere"?

13 A Would you like me to explain that?

14 Q I'm asking if you made that statement?

15 A Yes, I did.

16 THE COURT: Now you may explain. Any questions she
17 asks you have a right to explain it. Okay?

18 A Usually I'm already out riding around at 3 a.m. My
19 son has difficulty sleeping at night and the car
20 helps put him to sleep. It's almost an every night
21 thing.

22 Q So you're putting out to the world, "Call me at 3
23 a.m. in the morning. I will pick you up"?

24 A I'm not putting that out to the world. I'm putting
25 out to 40 or 41 friends on there. My my space is

1 blocked. People can't read it unless they're on my
2 friends list.

3 Q Now, you all were getting ready to go to a wedding
4 when this occurred. Is that correct?

5 A Yes.

6 Q Where was the wedding?

7 A In New York.

8 Q Yesterday when you said you needed your mom to come
9 with you back to the house, you said, and I wrote it
10 down. You said, because you felt nervous driving at
11 night?

12 A Yes.

13 Q If you feel nervous driving at night and had your mom
14 there for that reason instead of an alibi why do you
15 feel comfortable driving at 3 a.m.?

16 A I have a year's more experience driving than I did
17 then. I had only recently learned how to drive then.
18 I used to have a very bad phobia of cars from being
19 in a wreck.

20 Q Now you've had lot more experience?

21 A I've had quite a bit of experience with driving.

22 Q When you talked to the police, the day that this
23 occurred -- you knew you were talking to the police,
24 didn't you?

25 A Yes.

1 Q Did you lie?

2 A Yes.

3 Q When you talked to them in your second statement, on
4 August 24th, did you lie?

5 A Not exactly. Just mainly left stuff out.

6 Q Did you tell the truth?

7 A Not the whole truth.

8 Q When you talked to the police the next day, did you
9 tell the truth?

10 A I believe so. Yes.

11 Q Well, when -- why did you have to give another
12 statement in May?

13 A Because there was more I needed to tell them.

14 Q Have you ever had a sexual relationship with Skyler?

15 MR. CAMPBELL: Objection, Your Honor. That's
16 irrelevant.

17 THE COURT: I'll sustain the objection.

18 MS. WHITE: Your Honor, may I be heard on that?

19 THE COURT: Yes, ma'am. You may come up to the
20 bench. I'll be glad to hear you.

21 (WHEREUPON, a bench conference was held in the
22 presence of the jury but out of the hearing of the
23 jury.)

24 Q You and Skyler and a few other girls were very good
25 friends, weren't you?

1 A Me and Skyler weren't good friends, just had mutual
2 friends.

3 Q You and Skyler used to joke when you were around
4 Johnny about how you and your friends had a sexual
5 relationship?

6 A No.

7 Q You just happened to put "swinger" on the internet
8 site?

9 A That was actually a dare, which was only on there a
10 short period of time.

11 Q How do you know it was only on there for a short
12 period of time?

13 A Because I changed it.

14 Q Did you change it after you realized that someone
15 might see it on there and it might be pertinent to
16 this case?

17 A No, I really don't care who sees it.

18 Q You said that Johnny would go out at night but that
19 you would go out with him a good bit. Is that
20 correct?

21 A Sometimes.

22 Q Is your house within about five miles, as a crow
23 flies, from Olive Garden?

24 A I guess so.

25 Q How far is your mom's house from your house?

1 A From the house in Pendleton?

2 Q Uh-huh.

3 A I guess, in steady traffic, a half hour maybe.

4 Q Now, you said you were asleep on the couch?

5 A When Johnny came home in the morning, yes.

6 Q And he had been to the sheriff's department to talk
7 to the sheriff's department; isn't that right?

8 A That's what I was told.

9 Q When you and Johnny met two times a week face to face
10 at the jail, you all could talk about anything,
11 couldn't you?

12 A I suppose so. Yes.

13 Q All right. I found the quote I was looking for.
14 Yesterday you said you drove back up to the house
15 with your mother and you saw police cars, and "I
16 thought they were back to get us."
17 That's the quote I was looking for.

18 A Do you want me to explain that?

19 Q Uh-huh.

20 A The last time there had been that many cop cars in my
21 driveway was when Skyler came, took her daughter, and
22 Johnny got arrested.

23 Q So you all had to.

24 MR. CAMPBELL: Objection, let her finish the answer.

25 A So I assumed that something happened between the two

1 of them and we were doing this all over again.

2 Q So Skyler had come back to your house; is that
3 correct, to get the child?

4 A Yes, she did.

5 Q And in fact she had scuffled with you during that.
6 Isn't that correct?

7 A There was no scuffle. We didn't lay a hand on each
8 other.

9 Q Well, there was a police report, wasn't there?

10 A There was a police report that should have said she
11 walked in front of me, directing me towards my room.
12 And I fell on the bed. There was never any physical
13 contact.

14 Q You just fell on the bed?

15 A Yes, I backed into it and just fell over.

16 Q Now, Johnny normally kept his license on the visor.
17 Isn't that correct?

18 A Yeah. Because he was the one that's supposed to have
19 it.

20 Q And when you drove up in the car, you certainty
21 weren't sitting on his license, were you?

22 A Not that I'm aware of.

23 Q You said that you remembered that Johnny went to
24 Spartanburg one time when you all were together?

25 A On my mother's birthday.

1 Q You remember that two years later, that he went down
2 there that day?

3 A I'm pretty good at recalling things.

4 Q You are very intelligent, aren't you?

5 A I like to think so.

6 Q In fact, you read literature. You read a lot?

7 A All I do is read.

8 Q You have an attorney. When did you first get an
9 attorney?

10 A I guess it had to be November of 2006.

11 Q So you have an -- you had an attorney throughout all
12 the letters, the phonecalls, everything?

13 A Yes.

14 Q And I believe that you testified yesterday that your
15 attorney had you -- brought you here or something and
16 got you to talk to the prosecutors; is that right?

17 A They had contacted him and asked him if it was all
18 right that they speak to me. And he called and asked
19 me if it was all right.

20 And I told him it was.

21 Q And you all asked for discovery to find out what the
22 state had, didn't you?

23 A Sorry, what?

24 Q Sorry?

25 A I didn't hear you.

1 Q Obviously, you had an attorney. And you all asked
2 for discovery?

3 MR. CAMPBELL: Objection, your Honor. She said she
4 couldn't hear her. If she'd repeat the question.

5 MS. WHITE: What I'm doing.

6 THE COURT: Said she --

7 Q You said you had an attorney and you all asked for
8 discovery to find out what the police had and had not
9 done in this case, isn't that true?

10 A I suppose he would have, yes.

11 Q Jamie, you just can't get around not knowing anything
12 about what happened; but you get an alibi and your
13 alibi --- separately alibi yourself from 9:30 to 12
14 something. How did that happen?

15 A I'm not entirely sure.

16 Q How did your mom know to give the exact same
17 statement?

18 A I have no idea.

19 Q She just randomly picked the exact same times to
20 alibi you?

21 A Probably because that was the last time I talked to
22 her before I came over that night, was around between
23 9 and 9:30 I think. I think she called me and I told
24 her I was going to come back up at some point to get
25 the maps and the invitation. Because she's horrible

1 with time. I usually am, too.

2 Q She just knew when the police took her into the car
3 to say as a lie, "Jamie got to my house 9, 9:30, and
4 stayed until past midnight and was driving this car?

5 A I assume she said I was there until past midnight.
6 Because I got to my home past midnight, the car, we
7 didn't have a choice, only car we had. Nine-thirty
8 was just a time to pick I guess.

9 Q You just told a lie?

10 A I told, yes.

11 Q And your mom told?

12 A Yes.

13 Q What you asking the jury now, as your fifth
14 statement, asking the jury to say when you got to
15 your mother's house as your alibi that night?

16 A I got to my mother house around 11:30, 11:45.

17 Q She just randomly picked 9:30, too?

18 A I guess so.

19 THE COURT: Any redirect?

20 REDIRECT EXAMINATION

21 BY MR. CAMPBELL:

22 Q Miss Mahaffey, you listened to the audiotapes we just
23 played?

24 A Yes.

25 Q Are they a fair and accurate representation of you

1 and Johnny's conversation?

2 A Yes.

3 Q At any point in those conversations did he deny
4 killing Ryan Cox?

5 A Yes.

6 Q Any point during conversations, recorded or not, has
7 he ever denied killing Ryan Cox?

8 A No.

9 Q If he hadn't done it, would you have expected him to?

10 A Yes.

11 Q And he's never denied it?

12 A No.

13 Q Mrs. White brought up on cross examination about the
14 tapes, about all the kids he has?

15 A Yes.

16 Q How many kids does he have?

17 A Five that I know of, and that's counting mine.

18 Q You have one. Skyler has one, who does he have the
19 other children by?

20 A His ex-wife Opal has three.

21 Q Does he ever have contact with those children?

22 MS. WHITE: Objection, Your Honor.

23 THE COURT: You have an objection?

24 MS. WHITE: I don't think it's relevant; but, no, I
25 don't have an objection.

1 A I know of two occasions he saw his three oldest
2 children; but I've never met them.

3 Q In the night you left. You freely admit that you
4 didn't tell the truth on the times that night?

5 A Yes.

6 Q On August 17th 2006?

7 A Yes.

8 Q But you were home all night up until
9 approximately --

10 MS. WHITE: Objection to leading his witness.

11 THE COURT: Sustain the objection.

12 BY MR. CAMPBELL:

13 Q About what time did you leave your house that night?

14 A Eleven-thirty, eleven-forty-five, I guess.

15 Q Prior to leaving, what were you doing?

16 A Packing, taking a bath.

17 Q You were not out driving around at that time?

18 A No.

19 Q And after Johnny came in, he wanted you to leave,
20 didn't he?

21 A Yes.

22 MS. WHITE: Objection to leading.

23 Q Did he mention any points?

24 THE COURT: Hold on a second. I overrule the
25 objection on the question after Johnny came in, he wanted

1 you to leave, didn't he? I believe the answer was yes.

2 Go ahead, solicitor.

3 BY MR. CAMPBELL:

4 Q After he got back to your house, at any point did he
5 ever mention talking about your trip, going to New
6 York?

7 A I don't think so. No. I remember yelling at him to
8 pack, and him mumbling, "Okay, whatever."

9 Q What time were you all supposed to leave?

10 A About 5:00 a.m.

11 Q Did he mention anything about leaving later or
12 earlier?

13 A Well, he might have mentioned leaving before if we
14 could get finished.

15 Q Was he still working at Wendy's when you were married
16 to him?

17 A He was when we got married.

18 Q How long did he work there?

19 A He quit in either the last week of July or the first
20 week of August.

21 Q So at the time this incident occurred, he wasn't
22 working?

23 A No, he was not.

24 Q Now, Mrs. White has brought up about letters that you
25 wrote him?

1 A Uh-huh. Yes.

2 Q He wrote you numerous letters, didn't he?

3 A Yes.

4 Q Did he want you to write him letters in jail?

5 A I believe so. Yes.

6 Q And did you get a chance to look at this?

7 A I glanced at it.

8 Q The part she was looking at. Can you please explain
9 to the ladies and gentlemen of the jury more fully
10 what you were talking about?

11 A The two people are characters I write about. One
12 I've written about since I was 15. And the other
13 since I was 18. And they're basically stemming off
14 the time period in my life that that stuff was going
15 on. And where it says everyone I have ever known
16 only sees one aspect, only sees the part they like
17 and won't accept the existence of the rest. I deal
18 with a lot of people who don't like certain things
19 about me, actually a great deal of things about me.
20 That's pretty much what it covers, people only like
21 certain things about me.

22 Q So all this Tax refund stuff was taken out of
23 context?

24 A Yes.

25 Q In there do you state you think he's brilliant and

1 amazing?

2 A Yes, I told him that all the time.

3 Q Is that your opinion today of him?

4 A No.

5 Q What's your opinion of him today?

6 A I think he's a liar, and a cheater.

7 MS. WHITE: Your Honor, I'm going to object to that.

8 THE COURT: I'll sustain the objection. Disregard
9 what she just recently said.

10 Q Miss White's trying to insinuate that you were out at
11 the time this killing happened. Can you tell the
12 ladies and gentlemen of the jury, did you kill Ryan
13 Cox?

14 A No.

15 Q Who did?

16 A Johnny.

17 Q How do you know that?

18 A Because he told me.

19 Q Out of his own mouth?

20 A Yes. Time and time again.

21 MR. CAMPBELL: I have no further questions.

22 THE COURT: You may step on down. Hold on a second,
23 Mrs. Mahaffey.

24 Mr. foreman, members of the jury, we'll take a
25 morning break, 15 or 20 minutes. You smokers let the

1 bailiff know, he'll take you to a smoking area. Anything
2 else you need, let the bailiff know. Leave the notepads
3 in your chairs. Don't discuss the case among yourselves.

4 (Whereupon, the following proceedings were had
5 outside the presence of the jury:)

6 Mrs. White, two objections were discussed at the
7 bench. The first concerning, I believe you were going
8 into some type of multiple personalities, and I sustained
9 the objection on relevance. The second objection, you
10 asked whether she had had a sexual relationship with this
11 guy, would I sustain that objection. On the first one you
12 said you wanted to proffer some testimony.

13 MR. WHITE: I got it out.

14 THE COURT: I'll be glad for you to proffer any
15 testimony on either objection we discussed at the bench or
16 anything you want to put on the record concerning those
17 objections. I told you I'd give you an opportunity to do
18 it.

19 MS. WHITE: You told me to lay a foundation. I laid
20 a foundation and got it in.

21 THE COURT: I told you to lay a foundation; but just
22 out of the clear blue sky, I want you lay a foundation.
23 And you did that, both subject matters came out. Is that
24 correct?

25 MS. WHITE: Absolutely, correct.

1 THE COURT: Thank you very much. You may step down.

2 Mrs. Mahaffey, we'll take a 15- or 20-minute break.

3 (Brief recess taken.)

4 Anything from the state before we proceed?

5 MR. CAMPBELL: No, Your Honor.

6 THE COURT: Anything from the defense?

7 MR. GAMBLE: No, sir.

8 (Whereupon, the following proceedings were had within
9 the presence of the jury:)

10 MR. CAMPBELL: Your Honor, the state calls John Henry
11 Gambrell, Jr.

12 JOHN HENRY GAMBRELL, being first duly
13 sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. CAMPBELL:

16 Q Mr. Gambrell?

17 A Yes, sir.

18 Q You're currently incarcerated in the department of
19 corrections?

20 A Yes, sir.

21 Q You from Anderson County?

22 A Yes.

23 Q And you're incarcerated for strong-armed robbery?

24 A Yes, sir.

25 Q In fact, you have a little bit of a record, don't

1 you?

2 A Yes, sir.

3 Q You been convicted of malicious injury to real
4 property --

5 A Yes, sir.

6 Q -- Between a thousand and five thousand? And you
7 were convicted or you pled guilty to several counts
8 of robbery, strong-armed robbery?

9 A Yes, sir. Something I'm very ashamed of, sir.

10 Q When were you sentenced to the department of
11 corrections?

12 A January 24.

13 Q This year?

14 A Yes, sir.

15 Q And were you arrested on those robberies, prior to
16 pleading?

17 A I got brought in on February 6 and then they took me
18 to the county. The city brought in some paperwork.

19 Q Did you spend time at the county detention center?

20 A Yes, sir.

21 Q What date did you go into the county detention
22 center?

23 A February 7, 2006.

24 Q And you were -- did you ever leave the county
25 detention center until the time you went to the

1 department of corrections?

2 A No, sir, just moved to a pod.

3 Q But you still stayed in. You were still
4 incarcerated?

5 A Yes, sir.

6 Q During your incarceration, at some point did you
7 reach out to any officers with the sheriff's
8 department, want to talk to them?

9 A Yes, sir, Detective William Vaughn.

10 Q What was the reason you wanted talk to William
11 Vaughn?

12 A I was out on the rec yard one day and this guy named
13 Johnny, about 5' 10", he was blond headed at the
14 time, opened up to me about a murder that he had
15 done.

16 Q All right. We're going to get into that in just a
17 second. But you contacted them first; is that right?

18 A Yes, sir, I did.

19 Q And the reason why you contacted them, you were
20 hoping for leniency in your case?

21 A No, sir. I got a brother that was killed over a girl
22 one time. And also a sister that was killed by a
23 guy. Even though I done wrong, I wanted to do
24 something to make me feel better. I thought that was
25 a way.

1 Q And at any point prior to you pleading guilty to your
2 charge, have you and I ever talked?

3 A No, sir.

4 Q And, in fact, you have received no leniency for
5 testifying today?

6 A No, sir. I'm already sentenced.

7 Q And you were sentenced back in January?

8 A Yes, sir.

9 Q But you and I had met this summer; is that right?

10 A Yes, sir.

11 Q And we talked about testifying; is that correct?

12 A Yes, sir.

13 Q Did I put words in your mouth in any way, shape, or
14 form?

15 A No, sir. No, sir, sure didn't.

16 Q What were you told to do?

17 A Sir?

18 Q What were you asked to do?

19 A You just asked me would I testify and I be, like, on
20 my own, and would I willingly testify. And you said
21 there's no promise of anything at all.

22 I said I wasn't looking for anything. I said I would
23 help you all in any way I could.

24 Q You're currently in the lower Savannah River?

25 A Yes, sir, work release camp.

1 Q Is that minimum security?

2 A Yes, sir. It's like we have no fence there. Like
3 getting you ready for the streets. You can go out in
4 the streets, make money, send money home to your
5 family.

6 Q I want to talk to you, get back to the consideration.
7 You had you said you were on the rec yard. Tell --
8 explain to the ladies and gentlemen of the jury what
9 exactly a rec yard is.

10 A A part attached to the buildings, outside, look out
11 enjoy the breeze. Later on let us smoke out there.
12 Just like open the door, go outside, stay out,
13 chitchat a while, and then come back in.

14 Q And you're still fenced in. Is that correct?

15 A Yes, sir.

16 Q When you referring to pods at the jail, what are you
17 talking about?

18 A Pods is like a privilege, like two people instead of
19 like 15. And also you have television you can watch.

20 Q And is that where you stay and sleep, in your pod?

21 A Yes, sir.

22 Q And during some point in time while you were in
23 Anderson County Detention Center were you in the same
24 pod with Johnny Mahaffey?

25 A Yeah. He was in like B2 and I was in like B3.

1 Q How long were you in the same pod?

2 A I think used to stay up there three days and then
3 they moved him to A pod.

4 Q After that, you all were separated. Is that right?

5 A Yes, sir.

6 Q And during this time frame, at any point did you have
7 an opportunity to speak?

8 A I sure did.

9 Q And what, if anything, did he tell you?

10 A Well, he was telling me -- see, I was out there on
11 rec yard and he came out and Johnny, he really didn't
12 say much. But I was out there by myself and he told
13 me that -- I asked him where he was from. He said he
14 was from Easley. Then he told me he moved to
15 Pendleton. That's where I'm from, actually. So we
16 started talking of some places. So told him I come
17 out there every now and then thinking about my son,
18 said, "I don't know when I get to see my son."
19 He said he don't know when he get to see his children
20 either. I think he told me he had six children.
21 I told him I had three. I said, "You awful young to
22 have so many children."
23 And I -- something about they by the same mama, so we
24 went at least by same mama. Then we went on talked
25 about this lady he had a relationship with called

1 him.

2 And he said this guy wasn't treating the lady well.

3 So she called him and told him he had started up

4 again. And Johnny told me it really pushed him over

5 the edge. And said the guy, he was leaving work one

6 night, Olive Garden, said he had got into it with

7 some guys at the restaurant. So he took out walking

8 because they had got into an argument and they

9 weren't going to give him a ride home. So he told me

10 that the guy was on the road and he had a place up

11 there waiting on the road. He said he pulled up, the

12 guy said he shot him and left him on the road. He

13 said that he had no remorse over killing the SOB.

14 MS. WHITE: Objection, Your Honor.

15 THE COURT: What's your legal objection?

16 MS. WHITE: Remorse.

17 THE COURT: Sustain the objection. Disregard the

18 last statement. Go ahead, Solicitor.

19 A Sorry, about that. But he didn't have no friends at

20 all for what he said he had done. He said he just

21 needed to find the right person to put it on. And he

22 was looking forward to try to make bond.

23 Q During the time you were incarcerated, brief stint

24 with him, at any point you have any outside knowledge

25 whether through media, newspaper, TV, radio, whether

1 the crime had been committed --

2 A No, sir.

3 Q -- that he had talked about to you?

4 A No, sir.

5 Q So, the only way you would know is if he told you?

6 A Yes. He told me. And I guess he decided to open up
7 to me because I was from Pendleton, too. Because
8 Johnny didn't talk to nobody at all. People thought
9 he was very arrogant.

10 Q Is he in the courtroom today?

11 A Yes, sir. But his hair ain't the same color.

12 Q Could you please identify him?

13 A That's him right here. (Points.) His hair was like
14 blondish at the time, yellow.

15 Q The individual at the end of the table with the brown
16 shirt and the tie?

17 A Yes, sir. Mr. Gambrell, please answer any questions
18 the defense may have.

19 THE COURT: Cross examination.

20 MS. WHITE: Yes, sir.

21 CROSS EXAMINATION

22 BY MS. WHITE:

23 Q Now, Mr. Gambrell, you were under oath when you told
24 this jury you didn't want any leniency for this. Is
25 that right?

1 A Yes, sir -- I mean yes, ma'am. I'm sorry.

2 Q Do you remember writing some letters to William
3 Vaughn?

4 A Yes. That's how I got in contact.

5 Q He's an officer. Is that right?

6 A He's a detective.

7 Q And in the letters you said you're willing to write
8 statements, testify, whatever you need against these
9 guys in B pod. And you said you were up here because
10 you're concerned because you had a family member
11 murdered, so you're willing to do this on a murder.
12 Is that right?

13 A Yes, ma'am. That was also before I met the
14 solicitor. That's when I had just got incarcerated.

15 Q I see. But in your letter you say, "I'm willing to
16 testify against anybody for whatever you need: Range
17 from killing, rape, gun charges, kidnapping,
18 everything. Look at the roll on B pod and I'll be
19 your man." What did you mean by that?

20 A That was before I had got sentenced. Once you got
21 sentenced, you can't.

22 Q Let's talk about your sentence. You were facing
23 armed robbery, 30 years, no parole. In other words,
24 85 percent. In other words, would have had to serve
25 26 years had you got the 30-year sentence. Is that

1 right?

2 A Yes.

3 Q And coming forward, tell me anything you need against
4 anything, anybody in B pod. I'll help you get your
5 man. After that you were able to plead to
6 strong-armed robbery, got a five-year sentence, not a
7 violent crime, which means you're eligible for parole
8 in about a year.

9 A Ma'am, you wrong. Let me tell you what happened. I
10 stood before a judge and Jennifer Johnson, my public
11 defender.

12 Q Who dropped your charges?

13 A Tony Streets is my lawyer in Greenville.

14 MR. CAMPBELL: Objection, allow the witness to finish
15 the question.

16 THE COURT: Let me enter an objection since it was
17 brought up. The possible sentence armed robbery 10 to 30
18 years. Get anywhere 10 to 30 years. Please proceed.

19 MS. WHITE: Yes, sir.

20 Q You facing a maximum 30 years on the original
21 charges. Is that correct?

22 A Yes.

23 Q And which office dropped your charges from armed
24 robbery, which is violent, no parole, ten to thirty,
25 down to zero to ten, nonviolent, eligible for a

1 parole in a fourth of whatever you got. Which office
2 dropped those charges down?

3 A You have to talk to my lawyer. I fired Jennifer
4 Johnson, got a paid lawyer. He examined the case,
5 seen no gun involved. No gun involved, so that's
6 where the strong-armed came in at.

7 Q So, in other words, this solicitor's office in
8 Anderson County, after you wrote these letters,
9 dropped your charges down to strong-armed robbery and
10 let you plead to; is that correct?

11 A Didn't really have nothing to do with that. Like I
12 said, my lawyer, see that's why I fired Jennifer
13 Johnson, she didn't investigate the case. My lawyer
14 came in, get the case, there's no gun involved. So
15 dropped from strong-armed. He came to see me at the
16 county. He told me.

17 Q When you say in the letter, "Let's help each other,
18 I've seen some cases worse than mine got suspended to
19 probation."

20 A That's all before I got sentenced, ma'am.

21 Q "I'm willing to give it my all. My wife is even
22 talking, right. We have three children, need us
23 together as a family. I just need a break." What
24 did you mean by that if you weren't asking for
25 leniency?

1 A I didn't get leniency, ma'am. I'm up here today for
2 what I said I was up here for, to help out.

3 Q Because it's a murder case. But you're help against
4 anybody in B pod.

5 A No, that's when I just came up.

6 Q What did you mean when you said, "Please get me home
7 to my family. I'll make your name, with God's help,
8 stand out."

9 A Just crying out for help at the time. But that has
10 nothing to do with why I'm here.

11 Q Now, let's talk about your record. You were
12 convicted -- your record starts in 1986. How old
13 were you in 1986?

14 A Forty-two now, so deduct that from there.

15 Q About 21, somewhere in there?

16 A Uh-huh.

17 Q So you end up with several convictions, point false
18 information to a police officer in '92. Is that
19 right?

20 A Yeah, stopped for a DUS.

21 Q Malicious destruction to real property '94,
22 shoplifting '95. Malicious injury to personal
23 property, '97. Defrauding hotel in '98. Armed
24 robbery in 2006. That's the one you ended up getting
25 strong-armed robbery. How many counts of armed

1 robbery you have?

2 A Strong-armed? Three.

3 Q No, sir, your original charges.

4 A Three.

5 Q You had three counts of armed robbery that hold up to

6 30 years each. Wow. You all have TV out there at B

7 pod, don't you?

8 A Yeah. We have TV out there.

9 Q And the TV is on, isn't it?

10 A Uh-huh.

11 Q And you said that Johnny kind of kept to himself at

12 the jail?

13 A Uh-huh.

14 Q But he ran into you?

15 A He didn't run into me. He came out for some fresh

16 air. Like a little area got fenced in, you can look

17 out, see the cars running, you can feel breeze coming

18 in.

19 Q How long were you all together, about 30 minutes or

20 so?

21 A No, it was more like an hour or so.

22 Q And you're in a minimum security place now that has

23 no fences?

24 A No. It's a work release camp. You can work on the

25 street, getting you ready to come back out. You can

1 make money, send money home to your family.

2 Q How many people were in B pod?

3 A I think 20.

4 Q And you're the only one that heard this?

5 A I was the only one out there in the rec yard with
6 him.

7 Q Only one on the rec yard, really?

8 A Yeah. Only one sitting out there, he came out there.
9 Just me and him at the time.

10 MS. WHITE: I have no further questions.

11 REDIRECT EXAMINATION

12 BY MR. CAMPBELL:

13 Q Yes, sir. Mr. Gambrell, you pled to the crimes
14 currently incarcerated on, you represented by private
15 attorney?

16 A Yes, sir. Tony Streets out of Greenville.

17 Q At any point you and him have any dealings with our
18 office regarding this case?

19 A No, no. No, sir. No. He didn't hardly come see me
20 but twice. I was at the county. Wasn't no solicitor
21 or nothing when he came.

22 Q And you and I didn't meet until this summer?

23 A That's right. The only time he told me about what
24 they was giving me, when I came up and everything,
25 everybody came up in tan, orange, and cuffed, and he

1 told me then they offering me seven years. I don't
2 know where she get five from.

3 Q So it was something he worked out?

4 A He worked it out by himself. He sure did.

5 Q And you accepted responsibility?

6 A I sure did.

7 Q Now, does the fact that you have a record and are
8 currently incarcerated change anything that he said
9 to you that day?

10 A Sure don't. It sure don't. And some of them charges
11 pitiful, like malicious injury. My wife got me
12 throwed out of a club, kick a hole in the table.
13 That's all that was for.

14 The other charges in '92 I got stopped trying go to
15 work, Clemson University. And I told the police --
16 they knew me because I'm from Pendleton. I told them
17 I was my brother, trying to get to work. We laughed
18 talk about it, they brought me to jail. All small
19 charges. It wasn't nothing big until the
20 strong-armed.

21 Q Any other way besides hearing from him you would know
22 about the Olive Garden?

23 A No.

24 MS. WHITE: Objection. Asked and answered. Not
25 proper redirect. He already said they have TV's in B Pod.

1 THE COURT: Overruled. Go ahead.

2 THE WITNESS: He told me that. I don't watch the
3 news, all I watch is BET. I don't watch the news. I
4 never have.

5 MR. CAMPBELL: I have no further questions.

6 THE COURT: All right. Mr. Gambrell, thank you so
7 very much.

8 MR. WHITE: Your Honor, I have one question.

9 THE COURT: No, ma'am. We're not doing any recross.
10 I told you that when we started the trial. Have a seat.

11 MS. WHITE: Your Honor, may I approach? I'd like to
12 proffer something before he is taken.

13 THE COURT: No, not proffering anything. Not doing
14 recross. Made that very clear at the beginning of the
15 trial.

16 Call your next witness.

17 MR. CAMPBELL: Your Honor, the state calls Tim
18 Grambow.

19 TIM GRAMBOW, being first duly sworn,
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MR. CAMPBELL:

23 A Tim G-R-A-M-B-O-W.

24 Q Mr. Grambow, where are you currently employed?

25 A South Carolina Law Enforcement Division.

1 Q How long you been employed there?

2 A About five and a half years.

3 Q What division, capacity are you employed in?

4 A I'm a forensic toxicologist.

5 Q Can you please tell the ladies and gentlemen of the
6 jury the type of training and education you had to
7 get to where you are today?

8 A I have a Bachelor of Science degree in chemistry from
9 Wake Forest University in North Carolina. Upon
10 graduating from there, I began work at SLED in the
11 Toxicology Department, got extensive in-house
12 training that lasted approximately two years. With
13 that I became certified in alcohol analysis and
14 interpretation and also drug analysis and
15 interpretation, which encompasses all areas of
16 forensic toxicology.

17 And in order to be certified in that through SLED,
18 you must do approximately a thousand blood alcohol
19 samples of previously analyzed cases, make sure your
20 results within a certain percentage; take written
21 tests, pass an oral examination, keep up on
22 concurrent research, things along that nature.
23 Since being certified I've become a member the
24 Society of Forensic Toxicologists, attend national
25 meetings and undergo continuing education through

1 them to keep up to date on the current techniques and
2 approaches and interpretation of field of forensic
3 toxicology.

4 Q And for the jury's knowledge tell them what exactly
5 is forensic toxicology?

6 A As a forensic toxicologist, I analyze biological
7 samples, whether it be urine, blood, tissue samples
8 for the presence or absence of drugs or poisons and
9 interpret these results for coroners, pathologists,
10 courts of law, things along that nature.

11 Q You mentioned courts of law. Have you ever been
12 qualified as an expert in toxicology before?

13 A Yes, sir. I have testified I'd say ten or so times,
14 I think. And I've been qualified as an expert in
15 general sessions, municipal, and magistrate's court.

16 Q Here in South Carolina?

17 A Yes, sir.

18 MR. CAMPBELL: At this time move Tim Gambrow as a
19 expert in forensic toxicology.

20 THE COURT: Any objection?

21 MR. GAMBLE: No objection.

22 THE COURT: Court so finds.

23 Q Now, Mr. Grambow, on or about December 20, 2006, did
24 you have an occasion to analyze a sample of an
25 individual by the name of Ryan Cox?

1 A I believe so.

2 Yes. In December I issued a report on Ryan Cox.

3 Q And what was submitted to you for analysis?

4 A I received a blood sample, urine sample, and some
5 hair samples were submitted. And I only analyzed the
6 blood and the urine.

7 Q And how did you come about getting these items? Who
8 gave them to you? How did you get them?

9 A They were an officer, the submitting officer brought
10 those items into SLED and -- at which point they're
11 brought into our log-in department where an
12 individual case number is generated and all the items
13 are logged into the computer system and inventoried.
14 The officers then put the evidence in a heat-sealed
15 tamper-evident bag. Heat seals across the top,
16 initials, and dates it.
17 So at that point as it's given in SLED custody, he
18 affirms nothing has happened to that sample and it's
19 put into a secure area until someone from toxicology
20 goes down and obtains it.

21 Q When you first get a sample, do you look or evaluate
22 it to see if it has been tampered, altered, changed,
23 or messed with in any way, shape, or form?

24 A Yes, sir. When I examine the evidence, look at the
25 tamper-evident bag, make sure it has not been

1 tampered with, whether it be a hole or cut into the
2 bag. I then cut into the bag myself and inventory
3 the actual pieces of evidence to make sure that the
4 items that are supposed to be there are there; and
5 that they themselves appear not to be tampered with,
6 are in a good position to be analyzed.

7 I aliquot out the samples I need to do my test. When
8 I'm done with the samples, they go back into the same
9 evidence bag where I heat seal, initial, and date
10 across the top to signify while they were in my
11 custody, nothing unusual happened to them. That way
12 whenever I go back to that bag, I can look for any
13 tampering that happened thereafter.

14 Q Were these samples that you received, did you receive
15 them properly?

16 A Yes, sir.

17 Q Nothing appeared to be out of the ordinary?

18 A No, sir.

19 Q Would you have analyzed it if it had been tampered
20 with or anything looked out of the ordinary?

21 A It would immediately be brought up to the supervisor.
22 We would investigate with the submitting officer and
23 try to find out what --

24 Q Nothing like that happened with this sample right
25 here?

1 A No, sir.

2 Q Now, you analyzed this sample for alcohol and drug
3 content. Is that correct?

4 A Yes, sir. I analyzed the blood and the urine for the
5 presence of volatiles, which include ethanol, which
6 is your common drinking alcohol, methionine, acetone,
7 and isopropyl, which is rubbing alcohol. I did drug
8 screens on the blood for several classes of drugs,
9 mainly illicit compounds to include methamphetamine,
10 tetra-cannabinoids -- which is marijuana -- opiates,
11 Oxycodone, cocaine metabolites, barbiturates, and
12 benzodiazepines.

13 Q And you did that in this case. And what were the
14 results on -- let me step back. This was on the
15 urine and blood of Ryan Cox; is that right?

16 A Yes, sir.

17 Q What were the results of your testing? What were
18 your findings?

19 A The blood was negative for the volatiles that we
20 examined for. Also negative for each of the drug
21 screens and the urine was negative for the volatiles.
22 And I did not do a drug screen on the urine.

23 Q So this individual, Ryan Cox, did not have alcohol or
24 any type of illegal drug in his system?

25 A For what we tested for, according to our normal

1 protocol for a case of this type, nothing came back
2 positive. So it did not warrant any further testing.

3 Q He didn't have any marijuana in his system?

4 A Not that was indicated on the screen.

5 Q Mr. Gambrow, no further questions. Please answer any
6 questions --

7 THE COURT: Cross examination?

8 MR. GAMBLE: No questions.

9 THE COURT: You may step down. Have a safe trip back
10 to Columbia.

11 THE WITNESS: Thank you, sir.

12 MR. CAMPBELL: Your Honor, the state calls Ila
13 Simmons.

14 Ila Simmons, being first duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. CAMPBELL:

18 A My name is Ila Simmons. My last name is spelled
19 S-I-M-M-O-N-S.

20 Q Where are you currently employed?

21 A I work at the South Carolina Law Enforcement
22 Division, also known as SLED, in the forensic lab, in
23 the trace evidence department.

24 Q How long you been employed there?

25 A Almost eight years.

1 Q And can you tell the ladies and gentlemen of the jury
2 a little bit about your education, experience, and
3 training that got you in the position you are in
4 today?

5 A I have a bachelor's degree in Chemistry from Columbia
6 College. After completing Bachelor of Science
7 degree, went to work at SLED, first place of
8 employment.

9 When I began working at SLED, underwent three-year
10 training program where I worked with a certified
11 trace evidence examiner learning how to collect,
12 analyze trace evidence, learning how to use
13 instrumentation in the analysis of trace evidence.
14 At the completion of this training I had to take
15 written, oral, and competency examinations in this
16 area.

17 I'm a member of the Southern Association of Forensic
18 Science, where I received continuing training. I'm
19 also a member of the American Academy of Forensic
20 Science, which is also a large group of forensic
21 scientists who have training opportunities. And I'm
22 a member of the Federal Bureau of Investigation. The
23 FBI's GSR symposium.

24 Q You been qualified in Courts as an expert in trace
25 evidence?

1 A I have.

2 Q How many times have you done that?

3 A More than 75.

4 MR. CAMPBELL: At this time I move Ms. Simmons as an
5 expert.

6 THE COURT: Any objection?

7 MR. GAMBLE: No objection.

8 THE COURT: The Court finds she's an expert in
9 forensic science.

10 Q Now, Miss Simmons, you were given in case 2006-29519
11 several samples to analyze; is that correct?

12 A Yes. That case number is the Anderson County case
13 number. Our is 8L0614525.

14 Yes, sir. I received evidence in this case.

15 Q You received evidence from the Anderson County
16 Sheriff's Department in this case?

17 A Yes, sir, I did.

18 Q What did you specifically receive?

19 A I received gunshot residue kits from persons involved
20 in this case. I received clothing from the victim
21 and clothing from an alleged suspect in this case.

22 Q And did you have an opportunity to analyze these
23 items?

24 A Yes, I did.

25 Q Now, I want to step back. Can you explain to the

1 ladies and gentlemen of the jury what gunshot residue
2 is.

3 A When a gun is fired, there's emission of chemicals
4 that comes from the cartridge that's placed in the
5 gun. When you pull the trigger on a gun, the hammer
6 falls, a firing pin strikes a primer that is on one
7 end of the cartridge.

8 The primer contains a mixture of shot sensitive
9 chemicals, when the shock occurs, it creates a small
10 spark that ignites the gun powder contained within
11 the cartridges, begins to burn and creates pressure
12 in the chamber of the gun. The only place the
13 pressure has to go is to push the bullet out of the
14 gun down towards the target.

15 The mix of all the chemicals comes out of the gun
16 with the bullet, can get on the hands of someone
17 shooting the gun or anything in close proximity to
18 the gun when it's fired.

19 Q How do you go about collecting this from a person?

20 A It is a standard kit used to select evidence made by
21 a company called Tri-tech, VQA-QC quality assurance
22 issues they go to. It is a two-part test. First
23 take particle lists, small double-sided sticky tape
24 on a handle, and samples are collected from the hands
25 of the person believed to have been in the vicinity

1 of the gun when fired. Then take cotton swabs, just
2 like a Q-tip you would use, put a diluted acid on it,
3 run over the hand of the person as well.

4 Q These samples taken, such as on a victim, can help
5 determine if that individual fired a gun. Is that
6 correct?

7 A That is a possibility, yes.

8 Q Or that it was if they were in the vicinity when the
9 gun was fired, close range?

10 A Yes.

11 Q Approximately distance wise, were you able to
12 determine through gunshot residue the distance a
13 shooter is from another person?

14 A Not through gunshot residue per se. Generally with a
15 handgun situation, gunshot residue is not going to be
16 expelled much further than five feet. So we don't
17 use gunshot residue to determine whether or not
18 someone was a certain distance from a weapon when it
19 was fired.

20 Q You're looking at a nine millimeter pistol. How far,
21 in your experience, would that gun dispel gunshot
22 powder?

23 A An approximation, maybe three and a half to four
24 feet.

25 Q Beyond that three and a half to four-foot range,

1 would you expect to find gunshot powder residue on a
2 person?

3 A No.

4 Q Now, is part of your job, dealing with firearms and
5 trace, do you know what stippling is?

6 A Yes.

7 Q And powder burns?

8 A Yes.

9 Q Just tell the ladies and gentlemen of the jury what
10 exactly that is.

11 A Stippling is when one is standing so close to the
12 muzzle of a gun when it is fired, that the gun powder
13 comes out of the gun, strikes the skin and burn the
14 skin, leaving small red spots on the skin.

15 Q And what is a powder burn?

16 A A powder burn is similar. When the gun powder comes
17 out so hot, in molten state, causes a burn to the
18 skin or burn to clothing.

19 Q In order for you to find those type wounds on a
20 person, that person would have to be in close
21 proximity?

22 A Yes.

23 Q Approximately what, distance wise?

24 A Depends upon the weapon, perhaps with a 9-millimeter
25 perhaps 6 inches. That's an approximation.

1 Q So a person would have to be right at another person
2 in order to have those type of injuries?

3 A Yes, it has to be very close.

4 Q I'm going to show you what's been marked for
5 identification State's Exhibit 41, 42, and 46. If
6 you could, please identify what these are, ma'am.

7 A State's Exhibit 41 is a gunshot residue kit collected
8 from Ryan Nicholas Cox. Forty-two is a GSR kit
9 collected from Skyler Elise Andrews. And 46 is
10 particle lifts I collected from a blue pullover shirt
11 in this case.

12 Q What type of tests or anything did you run in order
13 to determine if gunshot residue was on these samples?

14 A We begin by analyzing the swabs. Analyzed the swabs
15 looking for certain metals found in gunshot residue.
16 The metals lead, barium, and animone have threshold
17 levels established by shooting numerous guns and
18 ammunition, determined how high the quantities of
19 metals would be on someone's hands after shooting a
20 gun and we then analyze these kits and try to
21 determine if these threshold levels have been met.

22 Q And did you do that looking at Exhibit Number 42, the
23 GSR kit on Skyler Andrews?

24 A Yes, I did.

25 Q And, what, if anything, did you determine from your

1 examination?

2 A No gunshot residue was present on the samples from
3 Skyler Andrews.

4 Q So that would mean that she did not -- either did not
5 fire a gun, was not in close proximity when the gun
6 went off?

7 A One possibility. Another possibility, between the
8 time of the shooting and collection of the kit, the
9 gunshot residue could have been removed in some way.

10 Q You also did a kit on Ricky N. Cox; is that correct?

11 A Yes, that is correct. That is State's Exhibit 41.

12 Q And what was your results of your examination on that
13 kit?

14 A The metals we found did not indicate the presence of
15 gunshot residue on his samples either.

16 Q Does that indicate he did not fire a gun?

17 A That is a possibility, yes.

18 Q Is it also a possibility, indicate he was not in
19 close proximity with the shooter when he was shot?

20 A Yes. That is another possibility.

21 MR. CAMPBELL: At this time move State's Exhibit 41
22 and 42 in evidence.

23 THE COURT: Any objection?

24 MR. GAMBLE: No objection.

25 THE COURT: Admitted without objection.

1 (WHEREUPON, State's Exhibit No. 41-42 are admitted
2 into evidence.)

3 Q You also submitted clothing that was examined. Is
4 that right?

5 A Yes.

6 Q What were you examining for?

7 A Analyzed a blue pullover shirt for presence of
8 gunshot residue similar to what was in the kits we
9 just discussed.

10 Q What was your results of that?

11 A No gunshot residue was found on the blue pullover
12 shirt.

13 Q In order for you to find gunshot residue on that
14 shirt, that person would have had to have worn that
15 shirt?

16 A Yes, that person would have had to worn that shirt or
17 been around the gun when it was fired.

18 Q If it had not been around that person, it would not
19 be expected to find it on that shirt, would you?

20 A No, it would not.

21 Q Now, samples were also taken. I'm going to show you
22 what's been marked as State's Exhibit 40. If you
23 can, please -- your Honor, at this time I move
24 State's Exhibit 46 into evidence.

25 THE COURT: Any objection?

1 MR. GAMBLE: No objection.

2 THE COURT: Forty-six admitted without objection.

3 (WHEREUPON, State's Exhibit No. 46 is admitted into
4 evidence.)

5 Q I show you what's been marked State's Exhibit 40. If
6 you could please identify what that is, please,
7 ma'am.

8 A Yes, sir. Also gunshot residue samples selected.
9 These were the swab portions. They were collected
10 from a vehicle.

11 Q Did you analyze these?

12 A We did not.

13 Q And why not?

14 A They are collected on wooden swabs and we do not
15 analyze wooden swabs. We do not analyze swabs
16 collected with wooden handles.

17 Q So nothing was done to this?

18 A No. Nothing was done with this.

19 Q At this time I move State's Exhibit 40 into evidence.

20 MR. GAMBLE: No objection.

21 THE COURT: Any objection?

22 MR. GAMBLE: No objection.

23 THE COURT: No? Admitted without objection.

24 MR. GAMBLE: Just didn't say it loud enough.

25

1 (WHEREUPON, State's Exhibit No. 40 is admitted into
2 evidence.)

3 Q Also as part of your job you deal with trace
4 evidence. Is that right?

5 A Yes.

6 Q What exactly is trace evidence?

7 A Basically any small quantities of evidence that could
8 have been found on an item associated with a
9 particular incident.

10 Q And fibers, one item of trace evidence?

11 A Yes.

12 Q And, typically, in order to have a transfer of fiber,
13 two individuals have to come into close contact. Is
14 that right?

15 A Yes. Two fiber containing items would have to come
16 in contact with one another in order to be a
17 transfer.

18 Q Would be reason to assume two individuals didn't come
19 into close contact, you wouldn't expect to find
20 either type of trace evidence on that?

21 A No, you wouldn't expect to. No.

22 Q And do you know a little bit about blood transfer?

23 A Not really. I'm not trained in blood analysis.

24 Q That's not your department?

25 A No, sir.

1 MR. CAMPBELL: Court's indulgence.

2 Q As part of your job, you ever had training in
3 anything of blood spatter?

4 A No, I have not.

5 Q I have no further questions. Please answer any
6 questions the defense may have.

7 CROSS EXAMINATION

8 BY MR. GAMBLE:

9 Q Where did the blue pullover shirt come from?

10 A It was submitted in a container came from Anderson
11 County Sheriff's Office.

12 Q Did it say where it came from, what physical location
13 did it come from before the sheriff's office got it?

14 A No, sir, it does not. I don't have a record of that.

15 Q Well, you knew this was a case involving Johnny
16 Mahaffey, didn't you?

17 A Yes, sir, that did come in as suspect.

18 Q And you were analyzing three types of things. One
19 was Skyler Andrews' palm and hand and back results
20 for GSR?

21 A Yes, a GSR kit for Skyler Andrews.

22 Q One was swabs from the victim, Ryan Cox?

23 A Yes. I had a GSR kit, Ryan Cox as well.

24 Q You probably knew he had been shot?

25 A Yes, sir, it was listed, he sustained gunshot wounds.

1 Q Several times?

2 A Not certain how many times; but yes, sir.

3 Q Did this blue shirt have a bullet hole in it?

4 A No, it did not.

5 Q Leaves us with Johnny Mahaffey?

6 A Leads us to believe whoever worn the shirt did not
7 sustain a gunshot wound in that area. Yes, sir.

8 Q Do you send out directives on local police
9 departments, how to collect samples?

10 A We have a general submission manual, how to submit
11 the evidence. Yes, sir.

12 Q So they should know not to use wooden swabs because
13 of your manual?

14 A Well, the manual is just how to submit the evidence,
15 not exactly how to collect each type of sample.

16 Q What's wrong with wooden swabs?

17 A The wooden stick portion is -- collects more of the
18 elements that are in the earth because wood from a
19 tree, of course, would remain in the earth longer
20 than just say a cotton bowl that would be on the
21 cotton; and it would absorb more elements like lead,
22 barium, and animone we're looking for, creates a much
23 higher background than a swab on a paper or plastic
24 stick.

25 Q I believe the sample you collected that you did not

1 test, because they were on wooden swabs, consisted of
2 swabs from a driver door panel?

3 A Yes, sir.

4 Q And steering wheel?

5 A Yes, sir.

6 Q And a gear shift, I suppose lever or knob?

7 A It says, yes, swab from gear shift.

8 Q All those wooden swabs?

9 A Yes.

10 Q Is that a wooden swab? Just glued on wood or is it a
11 glued to a piece of something?

12 A A cotton swab on the end of a wooden stick. They're
13 molded together.

14 Q The wooden stick actually skews the results?

15 A Yes, because the elements in the wooden sticks can
16 leech into the cotton creating a high background of
17 these elements.

18 Q Any detective following your advice would know not to
19 use a wooden swab?

20 A If they had been told that during their training,
21 yes.

22 Q Do you all train them?

23 A No, sir. We don't go out to the individual agencies
24 and train.

25 Q You just send out a manual?

1 A A submission manual. But that isn't how to collect
2 each sample. It's just how to submit the evidence to
3 our log-in at SLED.

4 Q You indicated you found nothing -- you would find no
5 GSR, gunshot residue, if a person's away from where
6 the shot's fired that was on the hands?

7 A Yes, sir.

8 Q If the body protected the hands of the person from
9 the end of the gun shot, they wouldn't have gunshot
10 residue on them?

11 A That's correct. It depends on the position they were
12 in front of the gun when it was shot.

13 Q Or if they were in their pockets or something like
14 that?

15 A That's correct.

16 Q Excuse me. You received from Anderson County
17 Sheriff's Office the clothes from Ryan Cox. Isn't
18 that correct?

19 A Yes, sir, I did.

20 Q And you did no analysis on them?

21 A That's correct.

22 Q So you don't know anything about any gunshot residue
23 that would have been on those clothes?

24 A No, sir, I do not.

25 Q And no, ergo -- therefore, we can't tell how close

1 the shooter would have been or not have been?

2 A That's correct, not without analysis.

3 Q Why was no gunshot residue analysis done on the
4 boots, the belt, the black pants, and the two white
5 shirts?

6 A At the time the evidence had been submitted, we were
7 reworking our protocol on blood powder ballistics
8 distance; we were not accepting cases. We were not
9 doing cases at that time in gun powder analysis.

10 Q So it's just a matter that you all weren't doing it?

11 A That's correct.

12 Q You didn't do it at a later time?

13 A No, sir. We still have not restarted doing gun
14 powder analysis yet.

15 Q And this was done on May 9 of '07?

16 A Yes.

17 Q You didn't get it until May 9, '07?

18 A No, that's when the report was issued.

19 Q When was the test done?

20 A The testing -- when was the suspension put on the
21 testing?

22 Q Yeah.

23 A I believe it was December of last year.

24 Q Okay. So, you haven't received this, you hadn't
25 received this stuff before December of last year?

1 A Hold on one second. I have to check and see.

2 Yes, sir. We received it in October, but with the
3 other cases I received, did not have the opportunity
4 to work it.

5 Q I know. You all run behind all the time. And you
6 didn't receive a GSR kit from anybody named Jamie
7 Mahaffey, did you?

8 A No, sir, I did not.

9 Q And no hair or fiber analysis was done?

10 A Not that I know of. No, sir.

11 Q Was any submitted to you?

12 A Would have been submitted to our evidence processing
13 department. To our evidence processing Department,
14 they would have processed it for hairs and fibers.
15 None was submitted to me.

16 MR. GAMBLE: Nothing further.

17 THE COURT: Redirect?

18 REDIRECT EXAMINATION

19 BY MR. CAMPBELL:

20 Q Miss Simmons, dealing with exhibit 40, the swab on
21 the stick for the GSR inside the car, the only thing
22 that would show is whether a gun was fired inside the
23 car or close proximity. Is that correct?

24 A That's correct.

25 Q I have no further questions?

1 THE COURT: Miss Simmons, you may step down. Thank
2 you very much. Call your next witness.

3 MR. CAMPBELL: Your Honor, the state calls Susan
4 Cromer.

5 SUSAN CROMER, being first duly sworn,
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. CAMPBELL:

9 A My name is Susan Cromer, C-R-O-M-E-R.

10 Q What is your occupation?

11 A I'm employed by the South Carolina Law Enforcement
12 Division as a firearm and tool mark examiner.

13 Q How long you been employed there?

14 A Just under nine years.

15 Q And can you tell the ladies and gentlemen of the jury
16 the training and experience you had to have to get
17 where you are today?

18 A Yes, sir. I received a bachelor's degree from
19 Clemson University in psychology. I then did some
20 post graduate studies at the South Carolina Criminal
21 Justice Academy. While there, I did an internship
22 with SLED in the firearms department. I then
23 received a position there and I completed our
24 in-house training program, which is about three to
25 five years studying under five court-qualified

1 firearms examiners.

2 I have also taken classes with the ATF, alcohol,
3 tobacco, and firearms. I have also completed
4 training in our IVIS, our advice or firearms
5 edification system, also new for the alcohol tobacco
6 and firearms in forensic technologies.

7 I am member of Alcohol, Tobacco, and Firearms, our
8 international association, which we gather together
9 to discuss advances in our field. I'm also a member
10 of the South Carolina chapter of the International
11 Association of Identification, which holds
12 conferences, about two or three times a year in the
13 field of identification, gunshot wounds, forensic
14 anthropology.

15 Q And have you been qualified in court before as an
16 expert before in firearms?

17 A Yes, sir, have been qualified in general sessions and
18 federal court.

19 Q How many times?

20 A Four times in general sessions and once in federal
21 court.

22 MR. CAMPBELL: At this time move to have Miss Cromer
23 qualified as an expert in firearms examination.

24 THE COURT: Any objection?

25 MR. GAMBLE: No objection.

1 THE COURT: I find she's expert in examining
2 firearms.

3 Q Miss Cromer, you received evidence associated with
4 your case number L06-145525; is that correct?

5 A That is correct.

6 Q Now, can you please tell the ladies and gentlemen of
7 the jury the process you go through when you analyze
8 bullets, shell casings, what are you looking for and
9 what are you trying to determine?

10 A When I receive cartridge cases or bullets in a case,
11 what I am looking at, the microscopic marks on
12 bullets and cartridge cases to determine whether or
13 not they were fired by, loaded into, or extracted out
14 of a specific firearm. These markings are unique to
15 a firearm. A cartridge case is marked in a
16 semi-automatic pistol, marked in five different
17 areas. During the firing process the breach face is
18 marks the head of the cartridge case and the head of
19 the cartridge. The cartridge case is the flat area
20 with the stamping of the manufacturer and the caliber
21 on it. During the firing process the firing pin is
22 struck and that causes the initial spark that goes
23 through a flash, ignites the gun powder, starts the
24 burning process and that builds up massive pressure
25 pushing the bullet down the barrel. It's also

1 pushing the cartridge back into the breach case of
2 the gun any imperfections in the firearm area of that
3 gun would be put or could be put on the head of that
4 cartridge case. It's also marked by the firing pin
5 itself hitting the primer.

6 The two other markings you look at, the extractor and
7 the ejector. The extractor is a little claw that
8 clips over the rim of the cartridge case that pulls
9 while that slide is moving backwards. With all the
10 pressure being built up, it pulls the cartridge case
11 back with the slide and the ejector hits it to make
12 it come out to ejection port. Those are two more
13 things can mark the cartridge case. The cartridge
14 case also marked by imperfections in the chamber of
15 the gun itself. And the chamber on a semi-automatic
16 pistol is the part of the barrel of the firearm that
17 holds that cartridge case while it's being fired.

18 Q Go ahead.

19 A The bullet is marked in a totally different way. The
20 manufacturer places rifling in the barrel of a gun,
21 which is a series of lands and groves, raised and
22 indented areas, and it's put there to put rotary
23 motion on the bullet. Very similar to a quarterback
24 throwing a football, when he throws that football, he
25 puts it into a tight spiral to go more accurately to

1 it's target. That's what the rifling does to a
2 bullet, puts it in a spiral. Those lands and grooves
3 and direction of twist can be part of our
4 identification tools.

5 You can have six lands and grooves and twists to the
6 right an or you can have nine lands and grooves and
7 twists to the left. There are multiple combinations
8 of that. There's little imperfections that re made
9 during the manufacturing process of that rifling that
10 can be passed onto that bullet during the firing
11 process.

12 Q Would it be fair to say, based on what you just said,
13 that each individual firearm leaves its own distinct
14 marks that you can readily identify it?

15 A Yes, sir.

16 Q Now, in this case I'm going to show you what's been
17 marked State's Exhibit 36, 37, and 38. Are these the
18 items that you received initially from Anderson
19 County Sheriff's Department?

20 A All these packages do contain my lab number, my item
21 number, and my initials. I'm also looking for any
22 microscopic marks. Each piece of evidence I receive
23 I engrave my lab number, item number, and initials
24 on. That way it's easier to identify it later. Yes,
25 sir.