

ORIGINAL

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ORANGEBURG COUNTY
Court of General Sessions

Doyet A. Early, III, Circuit Court Judge

Appellate Case No.2012-213596

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SC Court of Appeals

The State.....Respondent

v.

Cleophas N. Edwards, Jr.....Defendant/Appellant

RECORD ON APPEAL-VOLUME 1 OF 2

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1 The above-styled cause came on for hearing on
2 the 10th day of December, 2012, at 11:12 a.m., before
3 Judge Doyet A. Early, III, presiding over the General
4 Sessions Court for the County of Orangeburg, when the
5 following proceedings were had and entered of record,
6 to wit:

7 PROCEEDINGS

8 PRETRIAL

9 THE COURT: All right. Mr. Sorenson.
10 MR. SORENSON: Thank you. May it please the
11 Court. At this time, we're prepared to call the matter
12 of the case of State versus Cleophas Edwards. It's
13 three indictments, your Honor: 2011-GS-38-564, -565, and
14 -566, charging Mr. Edwards with one count of murder, one
15 count of burglary in the first degree, and one count of
16 possession of a weapon during the commission of a
17 violent crime. Hope to today, your Honor, just kind of
18 get our pretrial matters knocked out so that when our
19 jury panel comes in in the morning, we'll be ready to
20 roll.

21 THE COURT: You're Mr. Edwards?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Please stand up for me. Good
24 morning. How are you?

25 THE DEFENDANT: I'm fine, sir.

Reported By:
Rolayne M. Volpe, CCR, RPR
Official Court Reporter for the State of South Carolina

1 THE COURT: Mr. Edwards, you've been indicted
2 by the Orangeburg County Grand Jury for the offense of
3 murder. And I assume you understand that if you were
4 convicted for murder, then my range of sentence would be
5 a minimum of 30 years to the balance of your life in
6 prison. You understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And you have to do that day for
9 day, if you were convicted. So there's no parole to a
10 murder offense. How old are you?

11 THE DEFENDANT: Twenty-four.

12 THE COURT: There's a wide range from a minimum
13 of 30 up to life in prison. Then you are also charged
14 with burglary first. Zero to 30?

15 MR. SORENSON: Fifteen to life.

16 THE COURT: Burglary first is a minimum of 15
17 to the balance of your life. So there's a wide range
18 there. And possession of a weapon during the commission
19 of a violent crime carries five years. So you're
20 facing, obviously, a substantial amount of time. Do you
21 understand all that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Your lawyers have told me that
24 you are prepared to go forward with a trial starting
25 tomorrow; is that correct?

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: And you understand what all happens
3 in a trial?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Okay. And what we are doing
6 today is, there's some pretrial matters to determine
7 whether or not some alleged statements that you made
8 would be -- I have to determine certain factors, number
9 one, whether or not a -- Miranda statements were given
10 to you and you understood those; and, secondly, whether
11 or not the statement by the preponderance or greater
12 weight of the evidence was voluntarily. And if I make
13 that initial determination, then it would be admitted
14 into the trial of the case and for the jury to determine
15 whether beyond a reasonable doubt it was voluntary, and
16 they would give it whatever weight, if any, they decide
17 to give it. And that's what we're here today on, on
18 the -- on the -- what's called a Jackson v. Denno.
19 That's the name of a Supreme Court case. I have to make
20 that initial determination, so we'll be talking about
21 that today.

22 And your lawyers also have a couple of motions
23 dealing with suppressing some evidence that was
24 allegedly obtained by way of a search warrant, and they
25 have a motion dealing with not allowing certain evidence

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1 to go to the jury concerning why you were initially
2 arrested; i.e., for an alleged violation of your
3 probation. I think you were on probation for a
4 burglary --

5 MS. HINDS: Third.

6 THE COURT: -- third charge, and they allegedly
7 were going to arrest you for allegedly violating your
8 probation for failing to report. So those are some
9 things we are going to be discussing here today and
10 trying to get all that out of the way, so tomorrow when
11 we come in and the jury is here, we don't have to wait
12 to handle all that, the pretrial matters. And that's
13 typically how we do it.

14 So do you have any questions about what we're
15 doing today, or anything you want to ask me, or anything
16 you want to discuss with your lawyers?

17 THE DEFENDANT: No, sir.

18 THE COURT: Okay. You may have a seat.

19 Mr. Sorenson.

20 MR. SORENSON: Your Honor, just -- I think it
21 might help, as far as a little bit of background also.
22 I know Mr. Wise has indicated that he has a motion with
23 regards to a laptop, and I'd like to maybe address that
24 motion first.

25 THE COURT: All right.

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1 MR. SORENSON: So, obviously, I think he needs
2 to make that motion so I know what I'm addressing.

3 THE COURT: For the record, we did have some
4 general discussions in chambers before we came out; and,
5 Mr. Edwards, what that means is, your lawyers and the
6 solicitor's office met with me back in my office, my
7 chambers, and I typically ask them, what do we have in
8 store? And they told me this was a murder case, they
9 told me it's an alleged stabbing of a victim who died,
10 and they told me that they had some various motions.
11 And one of them -- your lawyer sort of generally told
12 me -- it dealt with a laptop computer.

13 So I guess you've got a Motion to Suppress
14 that, Mr. Wise?

15 MR. WISE: Yes, your Honor.

16 THE COURT: Would it be -- let's go ahead and
17 get that out -- let's take care and dispose of that
18 before we move forward with the Jackson v. Denno.

19 MR. WISE: Very good, your honor.

20 THE COURT: Are you prepared to do that?

21 MR. WISE: We are.

22 THE COURT: All right. If you will just tell
23 me a little bit about what's going on and your position.

24 MR. WISE: Very good, your Honor. By way of
25 background, I think the evidence will show that on the

1 day -- the day Mr. Edwards was arrested, probation
2 officers responded to his home. There were probation
3 officers, but there were also members of the Orangeburg
4 County Sheriff's Department who were with them for
5 security.

6 THE COURT: All right. Probation officers and
7 Sheriff's deputies?

8 MR. WISE: Yes, your Honor.

9 THE COURT: When was that arrest?

10 MR. WISE: That would have been February the
11 3rd of 2000- -- No. I'm sorry. February 16th of 2011.

12 THE COURT: And what's the date of the alleged
13 murder?

14 MR. WISE: That would have been February 3rd,
15 your Honor.

16 THE COURT: So some 13 days later?

17 MR. WISE: Yes.

18 THE COURT: Okay. Go ahead.

19 MR. WISE: When the officers entered the
20 residence, one of the officers -- one of the deputies
21 was a Deputy Harter. He had been involved in the
22 initial responding to the scene of the homicide. One of
23 the things taken at the time of the homicide was a
24 laptop computer, a red Acer laptop computer.

25 THE COURT: Red what?

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1 MR. WISE: Acer, A-c-e-r. It's a brand of
2 computer.

3 THE COURT: Okay.

4 MR. WISE: The testimony, I think, will be that
5 when Officer Harter responded to the residence, he saw a
6 red Acer laptop computer. And then he took that
7 computer, he compared the serial numbers on that
8 computer number from the serial numbers to the computer
9 that was taken at the time of the homicide, found them
10 to be the same.

11 THE COURT: Was it just by chance that Harter
12 was an investigator for the homicide as well as
13 assisting the probation officers for the probation
14 violation arrest?

15 MR. WISE: I believe so.

16 MR. SORENSON: That would be correct. He was
17 just one of the deputies on scene at the homicide. It
18 happened to be the person that actually entered the
19 serial number into the -- into NCIC.

20 THE COURT: And so he sees a red Acer, A-s-e-r,
21 computer?

22 MR. SORENSON: A-c-e-r.

23 THE COURT: How do you spell it?

24 MR. SORENSON: A-c-e-r.

25 This is State's Exhibit No. 7. That's the

1 actual laptop right here.

2 THE COURT: Okay. It's red in color?

3 MR. SORENSON: Red in color, yes, sir.

4 THE COURT: And so he sees this red-colored
5 Acer computer and says, it was a red Acer computer that
6 was stolen or missing from the house where the murder
7 scene was, and he sort of put the two together?

8 MR. WISE: That's correct.

9 THE COURT: And then compared serial numbers?

10 MR. WISE: Yes, your honor.

11 THE COURT: And the serial numbers matched?

12 MR. WISE: They did.

13 THE COURT: And then what happened after that?

14 MR. WISE: At that point, they took -- well,
15 they were going to take Mr. Edwards into custody anyway,
16 but then they took him in, and they began to ask him
17 about the computer, questioned him about the murder.
18 Ultimately, he made a confession, and also, subsequently
19 led the police to an abandoned lot where they found some
20 additional evidence.

21 THE COURT: All right. Now, why -- what is
22 your legal position as to why the Acer computer should
23 be suppressed?

24 MR. WISE: Your Honor, I think that
25 Mr. Edwards, like everybody else, has a right to privacy

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1 in his home. Even though he's on probation, he has the
2 federal and the state right to be free from unreasonable
3 searches and seizures. He has a state constitutional
4 right to be free from -- to have a right to privacy.
5 And I think the officers would need a reasonable
6 suspicion to go and look at that computer and compare
7 those serial numbers. And I submit to the Court that a
8 computer, where --

9 I don't think they are going to say there was
10 anything special about it.

11 -- it just happened to be the same color and
12 the same brand of computer that was taken at the time of
13 the homicide, would be sufficient reasonable suspicion
14 for them to then take that computer and conduct their
15 search of the serial numbers.

16 THE COURT: And do you have any cases to
17 support your position, other than just the generic cases
18 dealing with reasonableness and --

19 MR. WISE: No, your Honor.

20 THE COURT: -- high probabilities?

21 MR. WISE: (Moves head up and down.)

22 THE COURT: Reasonable suspicion?

23 MR. WISE: No, your Honor. I think the Court
24 is probably aware of the standard for reasonable
25 suspicion, where you need -- you would need some fact

1 that you can articulate to show that there's been some
2 criminal activity -- kind of a high probability is one
3 of the standards that courts have used. And I would
4 submit to the Court that in this case, the only thing
5 they had was this -- really an innocent object.

6 THE COURT: Well, it is an innocent object,
7 but it's a suspicious innocent object, in that you
8 had a -- from what y'all have told me in chambers, a
9 rather -- a number of stab wounds resulting in death.
10 That occurred some 13 days later. And as a part of the
11 household contents, a red -- frankly, I've never seen a
12 red computer, but that doesn't mean anything -- and it's
13 an Acer, which makes it -- perhaps would give the
14 officer reasonable suspicion that the probationer was
15 engaged in criminal activity.

16 The question is whether or not there was enough
17 likelihood that criminal conduct was being -- had
18 occurred. And the case that you've given me, one of
19 them, is this Knights, K-n-i-g-h-t-s, versus -- U.S. v.
20 Knights, simply says: We hold that the balance of
21 these considerations requires no more than reasonable
22 suspicion to conduct the search of this probationer's
23 house. The degree of individualized suspicion required
24 of a search is a determination of when there is
25 sufficiently high probability that criminal conduct is

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1 occurring to make the intrusion on the individual's
2 privacy interest reasonable.

3 Well, it doesn't give you any real one, two,
4 three, four, five steps. You just have to balance it
5 all in a sort of a -- I guess a subjective test as to
6 whether or not I feel like, in ruling on this, that
7 there was reasonable suspicion. Would you agree with
8 that analysis?

9 MR. WISE: Absolutely, your Honor. The Court
10 just read the sentence that I was going to discuss a
11 little more with the Court. The language is the high
12 probability that criminal conduct is occurring. And
13 that's what I think the Court needs to find. And I'd
14 submit to the Court that just looking at that object
15 would not be enough for there to be a high probability
16 that criminal conduct is occurring. There is really
17 nothing significant about that computer.

18 THE COURT: Other than it's red, and it's an
19 Acer.

20 MR. WISE: Yes, your Honor.

21 THE COURT: But it's not like it's a generic
22 iPad sitting over there.

23 MR. WISE: It isn't. It's a computer that's
24 available everywhere. Walmart sells them. They're out
25 there.

1 THE COURT: I'm sure they are.

2 MR. WISE: I don't think the State would
3 disagree with this. They didn't ask Mr. Edwards about
4 that computer to try to, you know, find out any other
5 information that might help them, I think, to reach the
6 level they need to reach.

7 THE COURT: Where's the serial number located
8 on it?

9 MR. SORENSON: It's on the -- your Honor, if I
10 could, just kind of a little background here. State's 5
11 and 6, your Honor, these photographs were taken --

12 (Documents are handed to the Judge.)

13 MR. SORENSON: -- from the -- the box was still
14 at the victim's residence.

15 THE COURT: The box was at the victim's
16 residence?

17 MR. SORENSON: Yes, sir. So those photographs
18 were taken on February 3rd while processing the
19 scene. And the serial number is that S/N, and it is
20 LXR4M020080321C, and there's some other numbers after
21 it.

22 THE COURT: 8321601.

23 MR. SORENSON: Yes, sir. That's the serial
24 number. And on the laptop --

25 May I approach, your Honor?

1 THE COURT: It's readily available, right on
2 the back?

3 MR. SORENSON: It's right on the back, right
4 there, your Honor.

5 THE COURT: And they had already processed the
6 scene of the murder and had obtained the serial number,
7 and here, lo and behold, is a red Acer computer with the
8 same serial number.

9 MR. SORENSON: Are you done, Mark? I'm sorry.

10 MR. WISE: That's correct, your Honor.

11 THE COURT: You don't think that would give you
12 reasonable suspicion to put two and two together?

13 MR. WISE: Well, the reason I say it doesn't is
14 because what the Court would have to do is make a
15 determination about the officer's knowledge before he
16 looked at those serial numbers. And I'd submit that his
17 knowledge before he looked at the serial numbers was
18 just, it was just a computer. It was the right color,
19 it was the right manufacturer, but that's all that there
20 was. And I'd submit to the Court that given it is just
21 a computer, that there is not the high probability that
22 the Courts need to find reasonable suspicion to find
23 that that was a computer taken at the homicide, that
24 there was any criminal activity connected with that
25 computer.

1 THE COURT: All right. Mr. Sorenson, what's
2 the State's position?

3 MR. SORENSON: Your Honor, I feel that it
4 rises, to the very least, to reasonable suspicion, at
5 the very least, if not more than that. I think it would
6 have been almost derelict of the officer, I mean, with
7 what he knew -- that said -- and he's here if we need to
8 take testimony. But I would proffer that his testimony
9 would be: He is the officer that -- that actually was
10 involved in entering the serial number off of that box
11 into NCIC. So he knew it was a red Acer laptop that was
12 stolen.

13 Thirteen days later -- and if I could, your
14 Honor, show you State's Exhibit No. 8. This is a tax
15 map, your Honor. And up here is Goff Avenue. It's
16 on 1389 Goff. That is the victim's residence. The
17 Defendant was found with that laptop at 1347 Campus
18 Drive. So we're talking maybe four, five blocks, at the
19 most, away. We're not talking about being clear on the
20 other side of Orangeburg.

21 So I think that plays into that also. I
22 mean, you're in the same general vicinity, the same
23 neighborhood. And I would agree with your Honor,
24 the comment your Honor made, that this is not the
25 run-of-the-mill gray laptop. We've got probably eight

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1 laptops in our office, and every one of them is either
2 gray or black. This is the only red laptop I've come
3 across. So I think that would rise to the level of
4 reasonable suspicion. Like I said, I mean, I think it
5 would almost be derelict, I mean, of the officer's duty,
6 I mean, seeing that and then not doing anything about
7 it.

8 THE COURT: All right. You want to put the
9 officer up, or are you okay with everything?

10 MR. SORENSON: I mean, I'm good, I think, with
11 what we've proffered, because I don't think -- if
12 Mr. Wise needs to hear from him --

13 THE COURT: You need to hear the testimony?

14 MR. WISE: One moment, your Honor.

15 (Mr. Wise speaks with Ms. Hinds off the
16 record.)

17 MR. WISE: Your Honor, probably we should
18 just hear from him very briefly. My Cross will be very
19 brief.

20 THE COURT: All right. Bring him up.

21 (The witness approaches.)

22 THE COURT: Officer Harter, if you'd place your
23 left hand on the Bible and raise your right, please.

24 THE WITNESS: Yes, sir.

25 (The oath is administered by the Deputy Clerk

State versus Cleophas Edwards, 12/10/12
Volume I of IV
Direct Examination of Ryan Harter by Mr. Sorenson

1 Of the Court, and the witness answers as follows:)

2 THE WITNESS: I do.

3 THE DEPUTY CLERK: You may have a seat. Please
4 state your name for the record.

5 THE WITNESS: I'm sorry. Say again, please.

6 THE COURT: Say your name for the -- state and
7 spell your name for the record.

8 THE WITNESS: Ryan Harter.

9 THE COURT: Mr. Harter.

10 THE WITNESS: Harter is H-a-r-t-e-r.

11 THE COURT: Thank you.

12 RYAN HARTER,

13 having been first duly sworn by the Deputy Clerk of the
14 Court to tell the truth, the whole truth, and nothing
15 but the truth, was examined and testified upon his oath
16 as follows:

17 DIRECT EXAMINATION

18 BY MR. SORENSON:

19 Q Deputy Harter, if you would, tell the Court
20 where it is that you are employed.

21 A I work with the Orangeburg County Sheriff's
22 Office.

23 Q And how long have you been with the Sheriff's
24 Office?

25 A Since 2007.

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Direct Examination of Ryan Harter by Mr. Sorenson

1 Q Okay. What are your current duties with the
2 Sheriff's Office?

3 A I'm assigned to the special operations unit at
4 the Sheriff's Office, which involves investigations of
5 various types.

6 Q And turning your attention back to February 3rd
7 of 2011, did you have occasion that afternoon to respond
8 to 1389 Goff Avenue here in Orangeburg County?

9 A I did.

10 Q And what -- were there other officers that were
11 on the scene?

12 A There were plenty.

13 Q A scene of a homicide?

14 A Yes, sir.

15 Q And what -- specifically, with regards
16 to a laptop, tell the Court what, that afternoon, your
17 -- your duties were with regards to -- to a laptop.

18 A Well, my duties at the scene were pretty basic,
19 initially. Once we had family members arrive, we were
20 able to determine that there was a laptop that was taken
21 during the homicide that took place. It was missing
22 from the home. Myself and my sergeant were able to
23 determine that from speaking with the people at the
24 scene. I found the laptop box in the home and confirmed
25 that that was the missing laptop, and we entered that

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Direct Examination of Ryan Harter by Mr. Sorenson

1 serial number into NCIC.

2 Q Showing you State's Exhibit 5. Is that the
3 box?

4 A Yes, sir, it appears to be.

5 Q And State's Exhibit No. 6, is that then the
6 serial number information from that box?

7 A Yes, sir.

8 Q And what type of computer was it that was
9 taken?

10 A It was an Acer Aspire, red laptop.

11 Q Okay. And you then entered this serial number
12 on February 3rd of 2011 into NCIC?

13 A That's correct.

14 Q Now, fast-forward, if I could, Deputy Harter,
15 to February 16th of 2011. Did you have occasion that
16 evening to be on -- to be at 1347 Campus Drive?

17 A I did.

18 Q What was the purpose of you being at that
19 residence of 1347 Campus Drive that evening?

20 A Myself and other members of the investigative
21 division or special operations were asked to assist
22 Probation, Pardon, and Parole with locating some of
23 their probationers that had violations and they had
24 warrants for, and that's why we were at that address.

25 Q Okay. And was this the only residence you went

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Direct Examination of Ryan Harter by Mr. Sorenson

1 to that night?

2 A No. It was probably the third or fourth
3 residence we went to that night.

4 Q And showing you State's Exhibit No. 8, is this
5 1347 Campus Drive, down here at the bottom of the map?

6 A It appears to be, yes, sir.

7 Q And Goff Avenue is up here at the top left
8 corner of the map?

9 A That's correct. That would be correct.

10 Q And tell the Court, when you went -- did you
11 have occasion then to go into that residence that night?

12 A I did.

13 Q What, if anything, did you see that kind of
14 caught your attention?

15 A As soon as I made entry into the home -- I
16 was not the first person into the home. I was probably
17 the -- maybe the third or fourth person into the home.
18 And I observed a gentleman sitting in the floor in the
19 middle room of the house, legs outstretched, straight in
20 front of him. He was sitting with a red Acer laptop.
21 It was on his lap. It was open, and he was currently
22 using it, pretty much as if we weren't even present in
23 the home.

24 Q Okay. And let me ask you: Are you familiar
25 with computers?

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1 A I build them.

2 Q Okay.

3 THE COURT: You do what?

4 THE WITNESS: I build them.

5 Q (By Mr. Sorenson) And that laptop that you saw
6 sitting on this person's lap at 1347 Campus Drive, was
7 that consistent with or inconsistent with the laptop
8 that you had entered into NCIC 13 days prior?

9 A It was extremely consistent.

10 THE COURT: Why do you say "extremely"?

11 THE WITNESS: Red Acer -- as far as laptops,
12 Acer's not a big name brand. They came about a couple
13 of decades ago. They weren't very popular then.
14 They've since made a huge comeback, but most everybody
15 buys your mainstream brands, your IBMs, your Dells, your
16 HPs. So Acer is not a real popular brand. And the fact
17 that it is a red laptop really kind of sets it apart.
18 We knew it was a widescreen laptop, and so it met a lot
19 of criteria just from -- able to view it.

20 Q (By Mr. Sorenson) As a result of that, then,
21 Deputy Harter, did you have an opportunity then to check
22 the serial number on that laptop with the serial number
23 you had put in NCIC?

24 A Yes, sir.

25 Q And what was the results of that?

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1 A Dispatch came back that it was the laptop that
2 we had -- the serial number we had entered from Goff
3 Avenue.

4 MR. SORENSON: Okay. Beg the Court's
5 indulgence one second, your Honor.

6 (Mr. Sorenson speaks with Mr. Bell off the
7 record.)

8 Q (By Mr. Sorenson) How did you go about
9 checking that serial number? And if you could -- let
10 me, first of all, show you State's Exhibit No. 7. Could
11 you point out to the Court where that serial number is
12 located at on that laptop?

13 A Yeah. It's right here. This sticker right
14 here, where it says, SN. It's this middle number under
15 the bar code.

16 THE COURT: Okay.

17 Q (By Mr. Sorenson) And how did you go about
18 checking that? What do you do to do that?

19 A You basically flip the laptop over, and I
20 actually used the telephone -- I initially called it on
21 the radio. We had some problems with communications and
22 other channels bleeding over, so I ended up calling on
23 the telephone, and dispatch confirmed for me on the
24 telephone that it was the laptop.

25 Q And by looking back at this picture that was

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1 taken back on the 3rd, is it the same serial number
2 that's on the box also?

3 A Yes, sir. To tell you -- I had a problem
4 entering the serial number that I'd never encountered in
5 my career before. Apparently, NCIC only allows so many
6 digits. And we had to abbreviate the last number off of
7 the serial number because it would not accept the
8 entirety of the numbers. So when I ran this laptop the
9 first time, it came back not the laptop we were looking
10 for. And because I remembered that anomaly, I asked
11 dispatch to enter it without the very last digit, and it
12 came back as an exact match.

13 Q And looking now at State's Exhibit No. 6, the
14 photograph from the 3rd, is that the -- the whole serial
15 number, the same that's on this laptop?

16 A Yes, sir, absolutely.

17 MR. SORENSON: All right.

18 (Mr. Sorenson speaks with Mr. Bell off the
19 record.)

20 MR. SORENSON: That's all I have, your Honor.
21 Thank you.

22 CROSS-EXAMINATION

23 BY MR. WISE:

24 Q Deputy, how are you?

25 A Doing well.

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1 Q All right. When you first looked at that
2 computer, what caught your attention was the color and
3 the manufacturer; is that correct?

4 A Initially, yes, sir.

5 Q Okay. Were there any markings, stickers,
6 anything about that computer that made it distinctive?

7 A Just the make, the color, and the width of the
8 screen.

9 Q Okay. Okay. So you believed it was the same
10 model because of the make and color?

11 A I believe it had a high probability of being
12 the computer we were seeking.

13 Q Okay. How did you come to take that --
14 actually handle that computer? How did you get it in
15 your possession?

16 A Okay. We were able to make entry into the home
17 lawfully. Once inside the home, the -- we were actually
18 there for the Defendant. I saw him with the computer.
19 Once he was taken into custody, I simply flipped the
20 laptop over.

21 Q So he was in custody at the time?

22 A He was being taken into custody. I can't tell
23 you if it was -- an exact play by play that he was in
24 custody, and I flipped it over, or if he was being
25 apprehended. It was very. . .

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1 Q What I'm trying to find out is how you came
2 to pick up that computer. Where was he? How did that
3 happen?

4 A He was seated on the floor, and he was
5 approached by probationers and -- probation officers,
6 I'm sorry, and deputies; and once he was being handled
7 by law enforcement, I recognized the red Acer, and I
8 flipped it over and read the serial number.

9 Q So at that point, it's just sitting on the
10 floor, you picked it up, looked at the serial number,
11 and it matched?

12 A Correct.

13 Q Okay. All right. You said you have a lot of
14 knowledge about computers. What do you know about Acer
15 computers?

16 A Acer is a name brand. Like I said, they've
17 been around for a while. They were known initially to
18 start as not a very high quality brand. They've since
19 kind of revamped themselves, and they are a very
20 reputable brand now.

21 Q And you know -- you would agree with me you can
22 buy these computers at many places?

23 A Sure.

24 Q All right. And in order for you to look at
25 the serial numbers, you had to pick that computer up and

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1 flip it over?

2 A Correct.

3 Q And at that point, you didn't have a warrant to

4 pick up that computer and flip it over?

5 A No, sir.

6 Q Did you ask Mr. Edwards anything about that

7 computer?

8 A No, sir, I did not.

9 Q Did you ask Mr. Edwards could you pick it up,

10 flip it over, and look at the serial numbers?

11 A I did not.

12 Q Okay. Did you have any prior knowledge that

13 that computer was going to be in that house?

14 A No, sir, I did not.

15 Q You had no tips about the computer?

16 A No, sir.

17 MR. WISE: All right. Your Honor, may I have

18 one moment?

19 (Mr. Wise speaks with Ms. Hinds off the

20 record.)

21 MR. WISE: Deputy, thank you.

22 THE WITNESS: Thank you.

23 THE COURT: Anything else, Mr. Sorenson?

24 MR. SORENSON: No, sir.

25 THE COURT: All right. You may step down.

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1 (The witness steps down from the witness
2 stand.)

3 THE COURT: All right. I'll take that under
4 advisement and let you know something before we leave
5 here today. And I would normally go ahead and rule,
6 because I think in the case that you gave me from South
7 Carolina, that's State versus Taylor, it talks about, an
8 additional factor to consider when determining whether
9 reasonable suspicion exists is the officer's experience
10 and intuition.

11 Well, by way of chance or whatever, it happened
12 to be the same officer that investigated the homicide,
13 that just happens to be with the probation officers
14 going in this man's house, who had simply violated his
15 probation for failing to report. And obviously he had
16 more than intuition; he had firsthand knowledge, because
17 he had just, 13 days earlier, had investigated the
18 homicide and had found that a red Acer was missing with
19 the serial number, and he simply -- all he had to do was
20 turn it over and look at it. I would go ahead and rule
21 that it's not suppressible, but my law clerk has found
22 some U.S. Supreme Court case dealing with a stereo that
23 I want to look at before I make a final ruling on it.
24 We'll look at that in a little bit.

25 All right. What else do we have by way of

1 suppression?

2 MR. WISE: Your Honor, I have one more motion
3 related to a suitcase --

4 THE COURT: All right, sir.

5 MR. WISE: -- that was searched. And I can
6 give you my background on that motion.

7 Your Honor, there came a point in the
8 investigation where --

9 THE COURT: Now, this is while they're -- the
10 probation officers and all are there in the house?

11 MR. WISE: No, your Honor.

12 MR. SORENSON: You want me to lay a background?

13 MR. WISE: Sure. Go ahead.

14 MR. SORENSON: If I can kind of give a little
15 bit of a background --

16 THE COURT: Sure.

17 MR. SORENSON: -- and that will tell you what
18 led to this suitcase. As you have heard, after -- after
19 the laptop was found, Mr. Edwards was taken into custody
20 for the probation violation warrant. He was transported
21 to the Criminal Investigative Division of the sheriff's
22 office. Kind of while that is going on, the sheriff's
23 office is getting in the process of getting a search
24 warrant then to search his apartment also.

25 THE COURT: Now, where was the computer found,

1 if not the apartment?

2 MR. SORENSON: The computer was found -- it was
3 a house, actually. I'm sorry. I'm saying apartment.
4 The house. The computer was found in the house.

5 THE COURT: And then when that was taken, they
6 took him back and ordered a search warrant for the
7 entire house?

8 MR. SORENSON: The entire house.

9 THE COURT: Okay. Makes sense.

10 MR. SORENSON: To look for weapons and any
11 other items of evidence.

12 THE COURT: I see.

13 MR. SORENSON: So that's kind of going on.
14 That search is being executed then while Mr. Edwards
15 is at the sheriff's office being interviewed. He
16 ultimately gives, after being Mirandized --

17 And, obviously, we can get into that in a few
18 minutes.

19 -- gives, initially, an oral statement
20 admitting to the homicide. And that statement is then
21 videotaped also. While that is going on -- and that
22 information is ultimately conveyed back to them getting
23 the search warrant, also, but they've gotten that search
24 warrant based on the computer being found, and,
25 basically, they're in the process of searching that

1 house. There's no items of evidentiary value that was
2 found inside that house.

3 After Mr. Edwards gives the videotaped
4 statement, he is brought back to his house, because he
5 tells them that the shoes that he was wearing are in --
6 I believe he said a closet. So he is actually brought
7 back to the house; they take him through. Needless to
8 say, they don't find the shoes that he's describing.
9 While that is going on, his roommate and her -- and his
10 roommate's girlfriend and, I believe, another individual
11 that may have lived with them at some point in time, had
12 left the residence, and then they have come back while
13 law enforcement is still searching the house, and they
14 had a suitcase with them. It's a pretty large, green
15 suitcase.

16 THE COURT: They bring a suitcase with them to
17 the house?

18 MR. SORENSON: To the house, indicating that
19 Mr. Edwards had left it at another apartment that
20 apparently they were all in the process of potentially
21 moving into. That suitcase has a luggage tag on it for
22 U.S. Airways that has his name as the passenger on the
23 luggage tag. At that point in time, that is turned over
24 to the sheriff's office at the house where they are
25 executing the search warrant. One of the crime scene

1 investigators initially opens it. The minute he opens
2 it, he sees a pair of shoes in it that are -- from the
3 description and all that --

4 THE COURT: That's what they were searching the
5 house for to start with?

6 MR. SORENSON: Well, they were searching for
7 either a weapon --

8 THE COURT: That among other things?

9 MR. SORENSON: -- or clothing or shoes. The
10 shoes were obviously one of the things, because there
11 are some -- Mr. Wise alluded to. -- several imprints --
12 bloody imprints inside the house that have a fairly
13 distinctive bottom sole pattern. So at that point in
14 time, he immediately zips it back up. They secure it.
15 They ultimately then get a search warrant for it, take
16 it back to the sheriff's office, and it is searched the
17 following day. As I indicated, there are shoes that are
18 found, there's a pair of jeans, a T-shirt that all have
19 blood or DNA consistent with the victim's on those items
20 that are taken from that suitcase.

21 Additionally, there's some paperwork of
22 Mr. Edwards inside the suitcase also from when he was
23 enrolled as a part-time student at South Carolina State.

24 So that's kind of the factual background that
25 led up to this.

1 THE COURT: All right. Sir, why should we
2 suppress that?

3 MR. WISE: Thank you, your Honor. Your Honor,
4 somewhat analogous to the computer issue is, I submit to
5 the Court, that it is at that point, the suitcase,
6 again, an innocent object. They have no reason at that
7 point to believe that there is anything in that
8 suitcase. They have secured a search warrant for a
9 home. Just the home. And the suitcase obviously is now
10 not in the home. It's coming from outside of the home.

11 THE COURT: Comes outside and brought into the
12 home.

13 MR. WISE: Well, it was opened before it was
14 brought into the home. It was opened outside.

15 THE COURT: On the porch or outside? Somewhere
16 outside?

17 MR. WISE: Somewhere outside. There was no
18 indication -- And the State is correct. Mr. Edwards did
19 make a statement about there being shoes, but he never
20 said, those shoes are in that -- in a suitcase, or in
21 that suitcase. So there is no indication that there was
22 anything hidden inside the suitcase.

23 Again, there are no questions asked of
24 Mr. Edwards in terms of getting consent. I submit to
25 the Court that there's no exigency. They've already

1 secured a warrant for the home. I submit to the Court
2 that they could have secured a warrant for the suitcase,
3 but I think that probably the -- and they obviously had
4 the opportunity, because obviously now Mr. Edwards is in
5 custody. He can't access the suitcase. So the question
6 is, again, about whether or not there was reasonable
7 suspicion to justify the search of the suitcase.
8 Because I submit to the Court that opening the suitcase
9 is a search, and they would need the reasonable
10 suspicion to search. And at that point, all they had
11 was -- related to that suitcase, a suitcase that they --
12 that somebody came and said belonged to Mr. Edwards.
13 And obviously they had his -- it had his airline -- his
14 name on the suitcase.

15 THE COURT: Or airline information indicating
16 it was his.

17 MR. WISE: Yes, sir.

18 THE COURT: Mr. Sorenson.

19 MR. SORENSON: Thank you, your Honor. I think
20 my argument is it's probably multiple different ways
21 that I feel like this is admissible. The first would be
22 based under the probation statute that allows -- it's
23 24-21-430, that allows law enforcement to search a
24 probationer's person, vehicle, or any of the
25 probationer's possessions based on reasonable suspicion.

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1 I mean, at this point in time, there is beyond
2 reasonable suspicion. I mean, he is now -- by the time
3 this happens, I mean, he has confessed to killing her,
4 has brought them back to his home to look for items --

5 THE COURT: Mr. Sorenson, what is that statute
6 again? Twenty-four what?

7 MR. SORENSON: It's 24-21-430.

8 MR. WISE: Your Honor, I have a copy, if the
9 Court would like.

10 THE COURT: Please.

11 MR. WISE: Approach the bench?

12 THE COURT: You may.

13 (Document is handed to the Judge.)

14 THE COURT: Thank you.

15 MR. SORENSON: That would be my first argument,
16 that -- that if you just take out of the fact that -- I
17 don't think law enforcement even necessarily had to get
18 a search warrant, period, because I think at that point
19 in time they had reasonable suspicion to be searching
20 his property, to be searching any vehicle he may have
21 owned, or even his person. Obviously, out of the
22 abundance of caution, they got a search warrant for his
23 residence. So that would be my first argument, that
24 there is reasonable suspicion, and that statute allows
25 for law enforcement to search his possessions.

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1 Even if you go farther -- they did. They took
2 it a step farther. You know, they had a search warrant
3 based on probable cause, being that laptop, basically,
4 they had found, to get a search warrant to search his
5 residence. If that suitcase was in that residence, I
6 mean, obviously, it would be covered by that search
7 warrant, because it's a place where, you know, a knife,
8 clothing, and all that stuff could be found. In this
9 case, though, we have something I would submit basically
10 had been abandoned somewhere else.

11 Law enforcement didn't go find the suitcase
12 and bring it back to the Defendant's residence. It
13 was a third party that brought it to the Defendant's
14 residence. So I think it almost, at that point in time,
15 would fall under the scope of that -- of that search
16 warrant.

17 THE COURT: Sure.

18 MR. SORENSON: But out of an abundance of
19 caution, yet again, they ultimately got a search warrant
20 to search that suitcase the following day. So, really,
21 the only issue, then, that Mr. Wise might have is the
22 fact that it was opened prior to that. So I submit to
23 you that is one of his possessions. They had the right,
24 under the probation statute, to open that.

25 THE COURT: So all that coupled together gives

1 them the right to do it?

2 MR. SORENSON: I think you put all that
3 together, I mean, there's no doubt they had the right to
4 search that suitcase. Probably didn't have to take all
5 the steps they took before they did it, even.

6 THE COURT: Thank you. Anything in response?

7 MR. WISE: Very briefly, your Honor.

8 THE COURT: Why would the probation statute not
9 give them the right to? It says that they can -- any of
10 the probationer's possessions. And if it's -- even if
11 he hadn't abandoned it, they were bringing it back to
12 him. He owns it. I mean, why can't they look at it?

13 MR. WISE: I think even under the statute,
14 law enforcement needs or probation needs reasonable
15 suspicion.

16 THE COURT: Well, they found a computer in
17 his place. He's given a statement. Why is that not
18 reasonable suspicion? He's says: Come on back. I'll
19 try to show you where my shoes are. Why is that not
20 reasonable suspicion?

21 MR. WISE: Your Honor, I think that the law
22 related to reasonable suspicion is somewhat comparable
23 to the law related to probable cause, which means they
24 have to have reasonable suspicion that evidence of a
25 crime is going to be found in a specific place.

1 THE COURT: In that suitcase.

2 MR. WISE: In that suitcase. So I would submit
3 to the Court that at the time they opened it, they
4 didn't have that reasonable suspicion. The analogy I
5 would draw is, at this point in the investigation, could
6 they have gone anyplace where he might have been or
7 might have had things inside -- opening suitcases,
8 opening cars, and looking in drawers, I'd submit they
9 couldn't. He still has those same constitutional
10 protections, federal and state.

11 THE COURT: Yeah, but he left the suitcase at
12 another place, and the people where he left it brought
13 it back over there while they were searching the
14 apartment. And I think that's not quite the same
15 analogy that you're raising about they could go
16 anywhere.

17 MR. WISE: Well, I think the connection
18 is this: Where the suitcase came from would have
19 been -- he hadn't abandoned the suitcase, because, as I
20 think is indicated, it was a place that anybody was
21 going to be living at. So it would be, in effect --

22 THE COURT: But why did the people bring it
23 back over?

24 MR. WISE: Because I assume they didn't want to
25 have anything to do with Mr. Edwards or that suitcase,

1 so they're --

2 THE COURT: Absolutely. All right. Anything
3 else on that issue?

4 MR. WISE: Yeah. Just one moment, your Honor.
5 The only other thing, your Honor, is that there was
6 mention of the search warrant, but I submit to the Court
7 that the search warrant was limited. I mean, if they
8 had -- if the suitcase had been in the house when the
9 search warrant was issued, I wouldn't be standing here.
10 If they said for all of his possessions, or where he is
11 now, or where he may be living, I wouldn't be here. But
12 I think the search warrant just said for the house. And
13 the suitcase was not in the house. It was at another
14 place, brought to where they were.

15 THE COURT: All right. I'll rule on it before
16 I leave. Let's do the Jackson v. Denno, or whatever
17 else we have left. My law clerk will find me these two
18 cases we are looking for.

19 Mr. Sorenson, you want to do the Jackson v.
20 Denno?

21 MR. SORENSON: Yes, sir. It's actually --
22 Mr. Bell is going to be handling that. And I don't know
23 if we just need to -- on these last couple of issues,
24 your Honor, I've got the form -- I've got the form where
25 Mr. Edwards was actually advised of that statute. And I

1 don't know if you want to make this as a Court's
2 exhibit.

3 THE COURT: That's on the probation violation?

4 MR. SORENSON: Yes, sir.

5 THE COURT: That's the typical form they
6 always --

7 MR. SORENSON: Yes, sir.

8 THE COURT: How about let's mark that and make
9 it a part of our --

10 MR. SORENSON: Mark this as a Court's exhibit?

11 THE COURT: Yes, sir, that will be fine.

12 (Probation, Pardon, & Parole Services Form 1407
13 is marked and admitted as Court's Exhibit No. 1.)

14 (Court's Exhibit No. 1 is handed to the Judge.)

15 THE COURT: Anything else? By the Defendant?
16 You had one other motion dealing with --

17 MR. WISE: Yes, your Honor. That there was one
18 in the nature of a Motion *in Limine* regarding testimony
19 at the trial related to the fact that the Defendant was
20 on probation for burglary at the time. Obviously,
21 probation officers responded to his house. Probation
22 officers took him into custody.

23 At the trial, though, I would like to ask the
24 Court to limit that testimony, something along the lines
25 of, law enforcement officers responded to the house

1 unrelated to the homicide. Obviously, saw Mr. Edwards
2 in possession of the computer, and, you know, checked
3 the serial number, took him into custody --

4 THE COURT: Just don't say that he was on
5 probation -- specifically what he was on probation for.
6 We can say that he was on probation, and they responded
7 for something not related to the homicide.

8 MR. WISE: Okay.

9 THE COURT: As a result of that visit, the
10 computer, et cetera, et cetera.

11 MR. WISE: What I would like the Court to
12 limit -- to limit to the testimony to is to preclude
13 that he was on probation and that he -- and -- because I
14 think, obviously, if the Court --

15 THE COURT: Well, were they there in the first
16 place if he wasn't on probation?

17 MR. WISE: Well, your Honor, that's absolutely
18 true, but I think that there's no probative value in the
19 fact that probation officers were responding there.
20 But, I think, obviously, it's very prejudicial to hear
21 they went to his house, and he was on probation. It
22 doesn't move the case along, I don't think.

23 THE COURT: Well, how would you suggest it
24 being done? They just happen to go to his house?

25 MR. WISE: No. They can testify they went to

1 his house on --

2 THE COURT: Official business?

3 MR. WISE: -- a police matter unrelated to the
4 homicide, and when they entered the house, they saw
5 Mr. Edwards sitting on the ground, laptop in his lap.

6 THE COURT: What do you say, Mr. Sorenson?

7 MR. SORENSON: Your Honor, I was concerned --
8 and I agree. Obviously, I don't think we're allowed to
9 get into what he was on probation for. But my only, I
10 guess, problem with limiting it to that is, you know,
11 two of the witnesses we have that deal with the
12 statement are probation agents. And I think there's got
13 to be some explanation as to why they're involved in the
14 questioning of -- of this Defendant. I mean --

15 THE COURT: Well, here's what I'm going to say.
16 In opening statements tomorrow, don't go into the fact
17 that he was on probation and why they were there, for
18 violation of probation. You can talk about being on
19 official business. When we get into the trial of the
20 case, if it becomes necessary that that's relevant and
21 it's instrumental in some of the other matters that tie
22 it all together, let's do a proffer to see how we can
23 deal with it before I rule on what I will allow and not
24 allow to the jury.

25 MR. SORENSON: Okay.

1 THE COURT: Bearing in mind that we don't
2 want to go into the fact he had a prior record, unless
3 he testifies, and that he violated his probation.
4 We'll just see how close we can get to that without
5 prejudicing the Defendant for prior activity that was
6 involved that had nothing to do with this case.

7 MR. SORENSON: Yes, sir.

8 THE COURT: Just do it by proffer and don't
9 mention it in opening statement.

10 MR. BELL: We can probably bring it out,
11 actually -- probably come out in the Jackson v. Denno
12 hearing. I mean, I can bring that out too as why they
13 were there and all that, I mean, instead of --

14 THE COURT: You can, but we're not going to do
15 a Jackson v. Denno in front of the jury, so. . .

16 I'm just saying, I don't want to blurt it out
17 to the jury that this guy is on probation for burglary,
18 and he's violated his probation, and he hadn't been
19 reporting, and that's why we're over there. If you feel
20 like that's all that's -- whatever's necessary, let's do
21 a proffer at the time we're getting ready to do it
22 before the jury. Y'all know how to do that. Y'all have
23 been doing it a long time.

24 MR. BELL: Yes, sir.

25 THE COURT: All right. Call your first witness

1 on the Jackson v. Denno.
2 MR. BELL: We'll call Investigator
3 John Thrower.
4 THE COURT: Mr. Thrower.
5 MR. WISE: If there will be more than one
6 witness, can we have the witnesses sequestered?
7 THE COURT: How many witnesses are you going to
8 have?
9 T-H -- how do you spell your name?
10 THE WITNESS: T-h-r-o-w-e-r.
11 THE COURT: Who else we got besides
12 Mr. Thrower?
13 MR. BELL: We'll probably have Ms. Boltin, from
14 the Department of Probation and Parole, and Investigator
15 Kittrell, who's our lead investigator.
16 THE COURT: All right. Ms. Boltin, if you'll
17 just step outside for a few minutes. I'll let the lead
18 investigator stay in here.
19 Thank you, ma'am.
20 Left hand on the Bible and raise your right,
21 please.
22 (The oath is administered by the Deputy Clerk
23 of Court, and the witness answers as follows:)
24 THE WITNESS: Yes, ma'am, I do.
25 THE DEPUTY CLERK: Thank you. You may have a

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1 seat. Please state your name for the record and spell
2 your last name.

3 THE WITNESS: Investigator Johnny Thrower, with
4 the Orangeburg County Sheriff's Office. The last name
5 is spelled T-h-r-o-w-e-r. I'm the investigator with the
6 special operations.

7 THE COURT: All right. Mr. Bell.

8 JOHNNY THROWER,

9 having been first duly sworn by the Deputy Clerk of the
10 Court to tell the truth, the whole truth, and nothing
11 but the truth, was examined and testified upon his oath
12 as follows:

13 DIRECT EXAMINATION

14 BY MR. BELL:

15 Q Investigator Thrower, how long have you been
16 with Orangeburg County Sheriff's Office?

17 A Since February 28th, 2011.

18 THE COURT: Speak up for me, please. 2/28
19 when?

20 THE WITNESS: 2011.

21 Q (By Mr. Bell) And before you were with the
22 Orangeburg County Sheriff's Office, where were you
23 employed?

24 A At the South Carolina Department of Probation,
25 Pardon, and Parole Service, Orangeburg County.

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1 Q And how long were you with Pardon and Parole
2 Service?
3 A Started July the 16th, 2007.
4 Q Okay. So about four years, not quite four
5 years?
6 A That's correct.
7 Q Now, Investigator Thrower, I want to put
8 your attention back to February 16th of 2011. Do you
9 remember that day?
10 A Yes, sir.
11 Q And on February 16th, 2011, you were still with
12 Department of Probation; is that correct?
13 A That's correct.
14 Q Okay. And do you know the Defendant in this
15 case, Mr. Cleophas Edwards?
16 A Yes, sir. He was one of the Defendants that I
17 supervised.
18 Q Okay. And back on February 16th, 2011, did you
19 have an occasion to do something in regards to
20 Mr. Edwards?
21 A Yes, sir, that's correct.
22 Q What was that?
23 A We were serving a probation warrant at his
24 residence.
25 Q Where was his residence?

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1 A It was a Campus Street address.

2 Q Okay. And do you recall who all went to serve

3 that warrant? You went to serve it accompanied by whom?

4 A Myself; Investigator Kittrell, of the Probation

5 Office -- I'm sorry, Agent Kittrell; Agent Lacorn

6 (phonetic) Young; our supervisor, Lisa Boltin; Sergeant

7 Furtick, of the Orangeburg County Sheriff's Office;

8 Officer Harter, of the Orangeburg County Sheriff's

9 Office; and Officer Cain (phonetic), of the Orangeburg

10 County Sheriff's Office.

11 Q Okay. And about what time was this that y'all

12 went to his residence, Mr. Edwards' residence?

13 A Somewhere around maybe seven o'clock.

14 Q Okay. In the morning or evening?

15 A In the evening. I'm sorry.

16 Q In the evening?

17 A That's correct.

18 Q When y'all went there and went to serve a

19 warrant, what happened? Describe what you did.

20 A Basically -- and I have my statement that I did

21 back then. Is it okay if I refer to it?

22 Q You may.

23 THE COURT: You may.

24 THE WITNESS: Okay.

25 (Respite.)

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1 THE WITNESS: When we arrived at that
2 residence, myself, Agent Kittrell, Agent Young, we
3 went to the rear of the residence. Supervisor Boltin,
4 Sergeant Furtick, Officer Harter, and Officer Cain
5 was at the front of the residence. I knocked at the
6 door. A gentleman came to the door. I asked if
7 Cleophas Edwards was there. He, indeed, said he was
8 in the house. We made entry into the residence, and
9 Mr. Edwards was sitting in the living room, and he had a
10 marijuana lit up and was actually smoking marijuana when
11 we went on inside of the residence.

12 Q (By Mr. Bell) And he also had another item
13 with him?

14 A Yes, sir. A computer.

15 Q And one of the officers recognized that or
16 thought they recognized that; is that correct?

17 A Yes, sir. At the time, there were actually two
18 computers there, and he recognized the red computer that
19 was there.

20 Q Okay. And at some point, Mr. Edwards was taken
21 into custody on y'all's warrant; is that correct?

22 A Absolutely.

23 Q And where was he taken as a result of that?

24 A He was taken to the Criminal Investigative
25 Division of the sheriff's office.

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- 1 Q Because they also suspected him of being in
2 that murder that happened almost two weeks before; is
3 that correct?
- 4 A Absolutely.
- 5 Q Because of that laptop?
- 6 A Because of the laptop.
- 7 Q Do you recall who transported him over there?
- 8 A Myself and Agent Young.
- 9 Q And when you got over to the Criminal
10 Investigative Division, what happened?
- 11 A Mr. Edwards was read his Rights.
- 12 Q His Miranda Rights?
- 13 A That's correct.
- 14 Q Well, who did that?
- 15 A Lieutenant Shumpert.
- 16 Q And who is Lieutenant Shumpert?
- 17 A He is the head investigator, at the time, with
18 the Criminal Investigative Division at the sheriff's
19 office.
- 20 Q Okay. By the way, do you know where
21 Mr. Shumpert is today?
- 22 A I believe he's sick. He had a broken neck.
- 23 Q Okay. So Investigator Shumpert came over and
24 read him his Miranda Rights?
- 25 A That's correct.

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- 1 Q And were you present?
- 2 A Yes, sir, I was.
- 3 Q And did you witness those?
- 4 A Yes, sir. I actually signed as a witness.
- 5 Q Could you describe how he went about doing
- 6 that, reading him his Miranda warning?
- 7 A There's actually a paper where Mr. Edwards was
- 8 read out his Miranda Rights -- it's actually his five
- 9 Rights that he was read by Lieutenant Shumpert. And
- 10 after he read all of them to Mr. Edwards, he was told
- 11 that he needed to sign them. He asked him did he
- 12 understand what he read to him. He said he did. And he
- 13 was asked to initial by each right that he read out to
- 14 him.
- 15 Q All right. Let me show you what's been marked
- 16 as State's 1 and ask if you recognize that?
- 17 A Yes, sir, I do recognize that. I signed it at
- 18 the bottom.
- 19 Q That's the Miranda form?
- 20 A That's correct.
- 21 Q Could you -- hold onto it for a sec. And they
- 22 took -- Lieutenant Shumpert took his information at --
- 23 that's the location where he took the statement, 1032
- 24 Chestnut?
- 25 A Yes, sir.

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1 Q And that's the date, 2-16-11?

2 A That's correct.

3 Q And time is eight o'clock p.m.?

4 A That's correct.

5 Q And what did he read to him?

6 A The -- the Rights states: These are your
7 Rights. Please read carefully. It says, before we ask
8 you any questions, you must understand your Rights.
9 Please initial beside each sentence.

10 The first one says: You have the right to
11 remain silent. Anything you say can be used against you
12 in court.

13 The second one says: You have the right to
14 talk to a lawyer for advice before we ask you any
15 questions, and you have to -- and have to have one with
16 you during questioning.

17 The third one says: If you cannot afford a
18 lawyer, one will be appointed for you before any
19 questions and -- if you wish.

20 The fourth says: If you decide to answer
21 questions without a lawyer present, you will still have
22 the right to stop answering at any time.

23 The last one, which is the fifth one, says:
24 You have the right to stop answering at any time until
25 you talk to a lawyer.

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1 Q Okay. And you said -- how did he initial? Did
2 he initial as Lieutenant Shumpert read each line, or did
3 he go -- wait until he went all through them and initial
4 each one?

5 A He went -- until he went through all of them,
6 and then he initialed.

7 Q Okay. And then he signed his name; is that
8 correct?

9 A That's correct.

10 Q You're familiar with his signature, having
11 supervised it?

12 A That's correct.

13 Q Okay.

14 A Also, at the bottom there is a Waiver of
15 Rights. This says: I have read this statement of my
16 Rights, and I understand what my Rights are. I'm
17 willing to make a statement and answer questions. I do
18 not want a lawyer at this time. I understand, and I
19 know what I'm doing. No promises or threats have been
20 made of me, and no pressure or coercion of any kind has
21 been used against me. Mr. Edwards also signed at the
22 bottom.

23 Q Okay. And who else signed?

24 A Lieutenant James Shumpert.

25 Q And is -- his signature's on the right side

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1 under witness?

2 A That's correct.

3 Q And whose signature is on the left side?

4 A My signature is at the far left side.

5 MR. BELL: Okay. Your Honor, we would offer

6 this as State's 1 for the purposes of this hearing.

7 THE COURT: Any objection?

8 (Mr. Wise is speaking to the Defendant off the

9 record.)

10 MR. WISE: No objection, your Honor.

11 (State's Exhibit No. 1, February 16, 2010

12 [sic], Advice of Rights, is admitted into evidence.)

13 Q (By Mr. Bell) And, Investigator Thrower, the

14 individual that was read those Rights and was there, do

15 you see him in the courtroom this morning?

16 A Yes, sir. That's Cleophas Edwards.

17 Q And that's the Defendant in the blue shirt?

18 A That's correct.

19 MR. BELL: Your Honor, we ask that the Court

20 recognize that the witness has identified the Defendant.

21 THE COURT: Thank you.

22 Q (By Mr. Bell) Now, after these Miranda

23 warnings were read, what happened? Did you -- were you

24 involved in questioning him at that time?

25 A At that time? No, I wasn't.

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- 1 Q What were you doing?
- 2 A Just kind of standing around.
- 3 Q Okay. Who was talking to him or doing the
- 4 majority of talking to him at that point?
- 5 A Lieutenant Shumpert was.
- 6 Q At that point, had anybody offered him
- 7 anything, any kind of incentive to talk to y'all?
- 8 A No, sir.
- 9 Q Had y'all forced him or threatened him in any
- 10 way to talk to y'all?
- 11 A No, sir.
- 12 Q Had you coerced him in any way?
- 13 A No, sir.
- 14 Q Did he seem to understand these Rights that
- 15 were read to him on State's Exhibit 1?
- 16 A Yes, sir.
- 17 Q And was he cooperative?
- 18 A Yes, sir, he was.
- 19 Q What was his demeanor at that point?
- 20 A He was kind of, you know, cool. You know,
- 21 basically saying that he had bought the computer from a
- 22 guy, and that, you know, it wasn't -- it wasn't, you
- 23 know, his initially. He bought it from some guy named
- 24 Izzie.
- 25 Q Okay. That was his initial thing, was that --

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1 that's where they asked him where he got the computer;
2 is that correct?

3 A That's correct.

4 Q Okay. And were you involved in trying to find
5 this out, or were you doing other stuff after he said
6 that, or --

7 A I was involved in kind of trying to figure out
8 what was going on as far as that.

9 Q Okay. And, eventually, did they find out --
10 find this Izzie?

11 A That's correct.

12 Q Were you aware of that?

13 A Yes, sir.

14 Q Were you present when they brought him back?

15 A That's correct.

16 Q And they kind of disproved what he said; is
17 that correct?

18 A That's correct.

19 Q And after they kind of confronted Mr. Edwards
20 that what he told you initially was wrong, what happened
21 after that?

22 A He kind of broke down and, I guess, wanted to
23 talk, tell his side of the story, how he actually got
24 the computer.

25 Q And who was talking to him -- doing the

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- 1 majority of talking to him at this point?
- 2 A Lieutenant Shumpert was.
- 3 Q Okay. And at some point, did
- 4 Lieutenant Shumpert approach you?
- 5 A That's correct.
- 6 Q What was that about?
- 7 A He said that Edwards asked to talk to me. He
- 8 wanted to talk to me.
- 9 Q And where was Lieutenant Shumpert and the
- 10 Defendant, Mr. Edwards, at this point? Were they out in
- 11 a room with everybody or --
- 12 A No, sir. They were in the interview room.
- 13 Q So Lieutenant Shumpert come out of the
- 14 interview room?
- 15 A That's correct.
- 16 Q And went to you?
- 17 A That's correct.
- 18 Q And said what?
- 19 A That Edwards wanted to talk to you. He asked
- 20 to talk to me.
- 21 Q What did you do?
- 22 A I immediately went in and sat down.
- 23 Q Did anybody go in with you?
- 24 A No, sir.
- 25 Q And you were aware he's been read his Rights?

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1 A That's correct.

2 Q What did he tell you at that point?

3 A Well, I went in, and I sat down. When I went
4 in and sat down -- if I can refer back to --

5 Q Certainly.

6 (Respite.)

7 A If it's okay that I read from my actual --

8 Q These are your notes that you wrote?

9 A That's correct.

10 Q Okay.

11 A At the time I entered the interview room, I
12 observed Edwards lean forward in his chair, placed his
13 head in the palm of his hands. He said: I messed up,
14 Thrower. I messed up. And I said to him to tell me,
15 you know, what he did. And he said: I killed that
16 lady. I messed up. And I said to him to take me
17 through what happened.

18 And he said: Life just got to be too much.
19 Bills every day. Everybody expecting me to be so much.
20 I got up that morning. I knew I had to make something
21 happen. I needed to get some money. I walked through
22 the neighborhood, and I saw that house. A car was
23 leaving out of the driveway. And I walked up to it; I
24 walked up to the door, it was open, and I went in. I
25 saw the lady sitting down. She looked up, saw me and

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1 asked who I was.

2 She then started yelling, telling me to get out
3 of her house. He said at that time she was right up on
4 him, hitting him and screaming. He said he pulled out a
5 knife that he brought with him, and he began to stab her
6 repeatedly. He said he could not get her to stop
7 screaming, and he blacked out. He said he may have
8 passed out for a moment because he remembered slipping
9 in some blood and seeing some kids in the room. He
10 started to get scared as he was trying to find a way out
11 of the house and grabbed the computer, and he ran out.

12 I asked what he did after he left the house.
13 He stated he ran to an abandoned house on Mango [sic]
14 and began to throw up. He said he took off the black
15 hood he was wearing and placed it near the house, in the
16 rear. He stated he threw the knife he used near a tree
17 in the backyard. He said he would show me the house. I
18 told him that I needed to know, you know, where he
19 placed the shoes he was wearing on that date. And he
20 stated, in the storage room at his 1347 Campus Street
21 address.

22 He agreed that he would show me where they
23 were. I informed him that he would need to give
24 Lieutenant Shumpert a formal statement, and he agreed
25 that he would cooperate.

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- 1 Q Okay. And what did you -- let me ask you this.
2 Did you threaten him into making this statement?
3 A No, sir.
4 Q Coerce him?
5 A No, sir.
6 Q Did you offer him any incentive of making --
7 A No, sir.
8 Q -- any deal or anything?
9 A No, sir.
10 Q Was this made of his own free will?
11 A That's correct.
12 Q How was his demeanor?
13 A He was crying. Visibly upset.
14 Q And y'all hadn't told him about any of this --
15 where the knife -- you didn't know where the knife was
16 at that time, did you?
17 A No, sir. I was -- when he initially said, I
18 messed up, and he told me he killed that lady, I was --
19 I was in awe.
20 Q The only thing you knew about was the computer
21 at that point; correct?
22 A That's all I knew.
23 Q And you knew, of course, what happened to the
24 lady, or did you know that?
25 A Yes, sir, I did. You know, I did. But had no

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1 idea that he would be involved with it.

2 Q Okay. And at that point, you told him that
3 Shumpert needed to take a formal statement. What did
4 you do?

5 A I got up, I left the room, and I told Shumpert
6 to come in and talk with him.

7 Q Okay. And what happened at that point?
8 Did -- was he asked to give a written statement or
9 anything like that?

10 A Lieutenant Shumpert asked him to give a written
11 statement. He said he was too upset; he couldn't write.
12 And then we decided that we would record it because he
13 didn't want to give a written statement.

14 Q And how did y'all record it?

15 A There's actually -- the room that we're in,
16 there's a key that you can turn on to actually record.

17 Q Was it audio, video, or both?

18 A Audio and video.

19 Q Okay. Have you seen somewhat [sic] of that
20 interview?

21 A Yes, sir, I have.

22 Q And the copy or whatever that you saw, does
23 that accurately reflect what went on that day?

24 A Absolutely.

25 MR. BELL: Okay. Your Honor, we have the --

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1 what's State's 2. I don't know -- it's 15 minutes long.
2 I don't know if you want the whole thing or just a
3 little snippet to see his demeanor and the demeanor of
4 the police officer. However you want to proceed.
5 THE COURT: Whatever suits you.
6 MR. BELL: I've got --
7 THE COURT: We can do the snippet, unless
8 defense wants the whole thing. I'm assuming y'all have
9 seen it.
10 MR. WISE: Yes, we have, your Honor.
11 MR. BELL: Can you see that, your Honor?
12 (State's Exhibit No. 2 is played.)
13 Q (By Mr. Bell) And who's that in the room,
14 Investigator Thrower?
15 A That's my supervisor, Lisa Boltin.
16 Q And that's you on the right?
17 A That's correct.
18 Q And that's the Defendant, Mr. Edwards, on the
19 left?
20 A That's correct.
21 Q Okay.
22 (State's Exhibit No. 2 continues.)
23 Q (By Mr. Bell) Who is that coming in the room?
24 A That's Lieutenant Shumpert.
25 (State's Exhibit No. 2 continues.)

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1 MR. BELL: Is that sufficient?
2 (State's Exhibit No. 2 is stopped at 21:51:33.)
3 Q (By Mr. Bell) Investigator Thrower, that's
4 what went on the evening of the 16th?
5 A That's correct.
6 Q And after that, he was -- was taken into
7 custody after he gave that statement to y'all?
8 A That's correct.
9 Q Okay. But y'all took him to his house, I
10 think, at some point that evening?
11 A Yes, sir.
12 (Mr. Bell speaks with Mr. Sorenson off the
13 record.)
14 Q (By Mr. Bell) You took -- y'all took him
15 to -- he -- y'all took him to, first of all, the Campus
16 Street address; is that right?
17 A That's correct.
18 Q And that was for -- to find what?
19 A His shoes.
20 Q And I think eventually it was found in the
21 suitcase that some people brought; is that correct?
22 A That's correct.
23 Q And did y'all take him anywhere else, that
24 you're aware of?
25 A Yes, sir. We took him to the 700 block of

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Cross-Examination by Mr. Wise of Johnny Thrower

1 Mango [sic] Street, myself and Agent Kittrell.

2 Q Okay. And why did you take him there?

3 A To attempt to find the abandoned house where he
4 disposed of the knife, as well as his clothes.

5 Q Okay. And did y'all find the house?

6 A Yes, sir. It was actually too dark for us to
7 do anything else, but we did locate the house.

8 Q And then I think the next day -- did you go out
9 there, or other people went out there; is that --

10 A Yes, sir, I was there.

11 Q Y'all didn't take him back out there, did you?

12 A No, sir.

13 MR. BELL: Thank you, Investigator Thrower.

14 Please answer any questions the defense may have.

15 MR. WISE: Thank you.

16 CROSS-EXAMINATION

17 BY MR. WISE:

18 Q Investigator, how are you?

19 A Good morning.

20 Q When you went into the house and you first laid
21 eyes on Mr. Edwards, he was smoking marijuana; is that
22 correct?

23 A That's correct.

24 Q Now, when you looked around the house, did you
25 see bottles of alcohol laying on the floor and tables?

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1 A I don't recall.
2 Q Okay. All right. Did you ask him if he had
3 been drinking?
4 A I don't recall.
5 Q Okay. All right. Did he smell of alcohol? Do
6 you recall that?
7 A I don't recall that either.
8 Q Okay. Okay. All right. When you -- at the
9 time you removed him from that house, when he went out
10 the door, he was a suspect in the homicide that happened
11 back in the earlier part of the month; isn't that
12 correct?
13 A Not as far as I was concerned.
14 Q When you testified on Direct Examination, you
15 made the statement he was suspected of murder. Do you
16 remember saying that?
17 A I don't remember saying that.
18 Q Okay. All right. Now, you get him to CID, and
19 you said he's read his Rights --
20 A That's correct.
21 Q -- by Investigator Shumpert?
22 A That's correct.
23 Q What room did that occur in?
24 A I don't recall what room it was in. I
25 know it was the rear part of the CID. I don't recall

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1 if it was in the interview room or if it was in
2 Lieutenant Shumpert's office. I -- I don't recall.

3 Q Okay. When he was read his Rights by
4 Investigator Shumpert, where were you?

5 A I was right there.

6 Q Right -- you were -- were you sitting around a
7 table?

8 A I don't recall if I was sitting around a table.
9 Like I said, I don't recall where I was, but I was
10 there.

11 Q You were there?

12 A That's correct.

13 Q You heard everything that Investigator Shumpert
14 said to Mr. Edwards?

15 A That's correct.

16 Q All right. Okay. And tell me again how he
17 read him his Rights. Just briefly. I want to make sure
18 I understand it right. Let me be specific, Officer
19 Thrower.

20 A Okay.

21 Q Did he -- you had that Miranda form that we've
22 already seen?

23 A Yes, sir.

24 Q Did he go down each Right on that form and say
25 to Mr. Edwards, Do you understand that?

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Redirect Examination by Mr. Bell of Johnny Thrower

1 A No, sir. I don't recall if he did it that way
2 or not.

3 Q Okay. Very good. What he did was, he read the
4 whole form and said, Do you understand all that? And
5 then had him sign it; right?

6 A I won't say that he read the whole form.
7 There are two sections. The first section is the
8 Miranda Rights, and the bottom is a Waiver of Rights,
9 which, you know, you can sign without your lawyer being
10 present, saying that you do not wish to have an attorney
11 present.

12 Q Okay. So the form gets read; Mr. Edwards signs
13 it; done?

14 A Yes, sir.

15 MR. WISE: Okay. All right. That's all I
16 have.

17 THE COURT: Anything on Redirect?

18 MR. BELL: Just a couple, your Honor.

19 REDIRECT EXAMINATION

20 BY MR. BELL:

21 Q Mr. Edwards, he understood what was going on;
22 is that correct?

23 A Yes, sir, he did.

24 Q Did he appear under the influence of anything?

25 A No, sir.

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1 Q You said he was smoking a blunt or something
2 before, but did that render him incapable of what was
3 going on?

4 A No, sir.

5 Q In fact, his first statement to y'all was, he
6 was trying to -- trying to throw off where he got the
7 computer at; is that correct?

8 A Absolutely.

9 Q Throw you off the trail on that?

10 A Absolutely.

11 MR. BELL: Thank you.

12 THE COURT: You may step down.

13 MR. BELL: The State would call Officer Boltin.

14 THE COURT: Officer, will you get her for me,
15 please?

16 Please place your left hand on the Bible; raise
17 your right.

18 (The oath is administered by the Deputy Clerk
19 of the Court, and the witness answers as follows:)

20 THE WITNESS: I do.

21 THE DEPUTY CLERK: Thank you. You may have a
22 seat. Please state your name for the record and spell
23 your last name.

24 THE WITNESS: Lisa Boltin, B-o-l-t-i-n.

25 THE DEPUTY CLERK: Thank you.

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Direct Examination by Mr. Bell of Lisa Boltin

1 LISA BOLTIN,
2 having been first duly sworn by the Deputy Clerk of the
3 Court to tell the truth, the whole truth, and nothing
4 but the truth, was examined and testified upon her oath
5 as follows:

6 DIRECT EXAMINATION

7 BY MR. BELL:

8 Q Ms. Boltin, where are you employed?

9 A South Carolina Department of Probation, Parole,
10 and Pardon Services.

11 Q And how long have you been with the probation
12 department?

13 A About 19 years.

14 Q And what are your current duties?

15 A I'm the supervisor of the agent staff.

16 Q Okay. And you were employed with the
17 Department of Probation back on February 16th, 2011?

18 A Yes.

19 Q And do you recall having occasion to go to a
20 Campus Drive address that evening?

21 A Yes, sir.

22 Q And why did you go there?

23 A We went to execute a warrant on a
24 Cleophas Edwards, and that was the residence that we had
25 on record.

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1 Q And there were a number of individuals that
2 were with you as well?
3 A That's correct.
4 Q Other agent -- of your agents?
5 A Yes, sir.
6 Q And with members of the Orangeburg Sheriff's
7 Department?
8 A That's correct.
9 Q And the only -- the sole reason you were going
10 there was to execute a warrant; is that correct?
11 A That's correct.
12 Q Okay. You had no idea of Mr. Edwards being
13 involved in anything else?
14 A Correct.
15 Q Nobody with that group did?
16 A No, sir.
17 Q And y'all went into the house; found
18 Mr. Edwards sitting on the floor, I think?
19 A Yes, sir.
20 Q Had a laptop?
21 A Yes, sir.
22 Q And that laptop raised some suspicions about a
23 prior murder; is that correct?
24 A It did.
25 Q And he was taken into custody at that point?

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1 A He was.

2 Q And taken to the sheriff's department, the CID,
3 I believe; is that correct?

4 A Yes. We went one place prior to there, at the
5 request of Lieutenant Shumpert, to show where he had
6 gone to -- supposedly he had bought the laptop, and then
7 we went straight on to CID.

8 Q You weren't transporting Mr. Edwards?

9 A I was not. I wasn't in the vehicle with him.

10 Q But you went to this other address before you
11 went to CID; is that correct?

12 A That's correct.

13 Q Okay. And then you went over to the Orangeburg
14 County CID, Criminal Investigation Department; is that
15 correct?

16 A Yes, sir.

17 Q And Mr. Edwards was there?

18 A He was.

19 Q Lieutenant Shumpert?

20 A That's correct.

21 Q Now Investigator Thrower?

22 A Yes, sir.

23 Q And I'm sure there were others as well; is that
24 correct?

25 A Yes, sir.

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1 Q Okay. And from that point, were you
2 pretty much with Mr. Edwards for the remainder of the
3 evening --

4 A I was.

5 Q -- until they took him off?

6 A I was.

7 Q And with Lieutenant Shumpert?

8 A That's correct.

9 Q And I think Investigator Thrower was there for
10 some, and he went out for some, and came back; is that
11 right?

12 A I actually sent him to take another agent back
13 to the office. Other than that, I think he was there
14 the whole time.

15 Q Were you there when they read Mr. Edwards his
16 Miranda Rights?

17 A I was -- I don't know when they read it the
18 first time. I was there when he was read and reminded
19 of the Miranda Rights twice. Once when we first got
20 there, Lieutenant Shumpert reminded him of them.
21 He -- he stated, you know, we've already gone over your
22 Rights. I just want to remind you of those Rights
23 again. So that, to me, indicated that they had already,
24 once, given it to him. I just wasn't present for that
25 one.

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1 Q Okay. But for the rest of the evening, when
2 you were with Mr. Edwards, what was his demeanor?

3 A He was not real cooperative, as far as
4 answering the questions, until a certain point during
5 the night when he basically, I think, had just -- was
6 overcome with what he had done and decided he would
7 talk. He wanted specifically to speak with his agent,
8 which is Agent Thrower at that time.

9 Q And when they first started talking with him,
10 he told y'all some story about getting a laptop; is that
11 correct?

12 A From Izzie, yes, sir.

13 Q And at some point, they brought Izzie there; is
14 that correct?

15 A That's correct.

16 Q And there was kind of confrontation?

17 A There was.

18 Q And that kind of broke that story; is that
19 correct?

20 A That's correct.

21 Q But did anybody threaten Mr. Edwards about this
22 or anything?

23 A No.

24 Q Did they suggest any information about the
25 murder case to him while you were present?

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1 A No.

2 Q And you were there the whole time when

3 Investigator -- or Lieutenant Shumpert was with him; is

4 that correct?

5 A That's correct.

6 Q Okay. And then he asked for -- to talk to

7 Lieutenant Thrower at some point; is that correct?

8 A That's correct.

9 Q And Lieutenant Thrower went into the room by

10 himself with Mr. Edwards?

11 A He -- when he came back, I had been in there

12 alone with him for a few minutes, and we just talked

13 about how important it was for him to tell the truth

14 about what had happened. He looked at me, and he

15 said, I'm ready to talk, but I just want to talk to

16 Agent Thrower right now. And he asked that Shumpert and

17 I both exit the room, and we did. I think Agent Thrower

18 was probably in there maybe three -- three minutes or

19 whatever, and then he came to the door and said, He's

20 ready to talk.

21 Q And when you were in there with him by

22 yourself, you didn't offer him anything, for him to say

23 anything?

24 A No, sir.

25 Q Coerce him in any way?

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1 A No, sir.

2 Q Threaten him?

3 A No, sir.

4 Q Force him in any way?

5 A No, sir.

6 Q And after Thrower came in, they decided -- it

7 was decided to do a video -- to tape it? Video -- a

8 videotape?

9 A When he -- he recanted -- he -- he recalled the

10 events, told the events, Lieutenant Shumpert asked if he

11 would write them. And he said that he was just too

12 emotional, and he requested that the recording be made.

13 Q Okay.

14 A And Lieutenant Shumpert complied.

15 Q Okay. And you and Investigator Thrower and

16 Lieutenant Shumpert and Mr. Edwards were in there when

17 it was videotaped; is that correct?

18 A Correct.

19 Q Nobody told him what to say?

20 A No, sir.

21 Q Nobody forced him?

22 A No, sir.

23 Q Offered him anything?

24 A No, sir.

25 Q These statements that he gave were of his own

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1 free will?

2 A They were.

3 Q Did you believe that he understood what was
4 going on?

5 A Definitely.

6 MR. BELL: Thank you, Ms. Boltin. Please
7 answer any questions the defense has.

8 CROSS-EXAMINATION

9 BY MR. WISE:

10 Q Officer Boltin, how are you?

11 A Good.

12 Q Very good. Just a few questions. When you
13 left the Campus Road address, who did you go back to CID
14 with?

15 A I was driving my own vehicle.

16 Q Okay.

17 A I think Agent Kittrell was riding with me at
18 that point. But what had happened was, he was in
19 custody in our caged car, and I believe it was
20 Agent Thrower and Young who were in that car.
21 Lieutenant Shumpert had asked. He said he bought the
22 laptop from someplace and would we go by there so that
23 he could point out -- because, of course, he didn't know
24 the exact address. So that's -- that's what they did.
25 We rode by; pointed it out. We stayed to make contact

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1 with Izzie, and they transported him on to CID.

2 Q Okay. So the point is, when he left the
3 address, he was in the car with Thrower and another
4 agent. You were not there?

5 A I was in a separate vehicle.

6 Q So you have no idea what happened during his
7 ride?

8 A That's correct.

9 Q Okay. The next time you saw him at CID, what
10 room was he in?

11 A The interview room.

12 Q Okay. And who was he with?

13 A I think Agent Thrower was sitting in there with
14 him. I'm not sure if Lieutenant Shumpert had gone in
15 there yet. We sort of arrived at the same time.

16 Q And is the interview room the room that is in
17 the video when he makes that statement?

18 A Yes. We never moved out of the room.

19 Q So when you get to CID, he's in that room, and
20 who's in that room with him?

21 A I cannot swear, but I think it was
22 Agent Thrower.

23 Q Okay.

24 MR. WISE: Your Honor, may I have one moment?

25 (Mr. Wise speaks with Ms. Hinds off the

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1 record.)

2 MR. WISE: Thank you, your Honor.

3 THE COURT: Anything on Redirect?

4 MR. BELL: Nothing. Nothing, your Honor.

5 THE COURT: All right. You may step down.

6 Any additional witnesses?

7 MR. BELL: Your Honor, that would be the two

8 witnesses for the first statement and the videotaped

9 statement. We have another witness that has a separate

10 statement the day after.

11 THE COURT: Very well.

12 MR. BELL: We would call Investigator Kittrell,

13 please.

14 THE COURT: Mr. Kittrell, come around. Place

15 your left hand on the Bible, raise your right, please.

16 (The oath is administered by the Deputy Clerk

17 of Court, and the witness answers as follows:)

18 THE WITNESS: Yes.

19 THE DEPUTY CLERK: Thank you. You may have a

20 seat. Please state your name for the record and spell

21 your last name.

22 THE WITNESS: Gerald Kittrell, K-i-t-t-r-e-l-l.

23 THE DEPUTY CLERK: Thank you.

24 GERALD KITTRELL,

25 having been first duly sworn by the Deputy Clerk of the

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1 Court to tell the truth, the whole truth, and nothing
2 but the truth, was examined and testified upon his oath
3 as follows:

4 DIRECT EXAMINATION

5 BY MR. BELL:

6 Q Investigate Kittrell, where are you employed?

7 A Orangeburg County Sheriff's Office.

8 Q And just -- out of confusion of this prior --
9 of this hearing, you have a brother that works for
10 Probation and Parole; is that correct?

11 A Correct.

12 Q And how long have you been with the sheriff's
13 department?

14 A Since May of 2005.

15 Q And how long have you been law enforcement?

16 A Since that time.

17 Q Okay. And what are your duties with the
18 Orangeburg Sheriff's Department?

19 A I'm a criminal investigator.

20 Q How long have you been an investigator?

21 A Since November, 2009.

22 Q Okay. Now, did you become involved in the
23 investigation of a murder back on February 3rd, 2011?

24 A Yes, sir.

25 Q And where did that occur?

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1 A On Goff Avenue.

2 Q Okay. And that was involving a Ms. Carolyn

3 Hanton?

4 A Yes, it was.

5 Q And she was stabbed, and items were taken from

6 that residence?

7 A Yes.

8 Q And there was an investigation that was

9 ongoing; is that correct? And for about a week -- 13

10 days, almost two weeks, where leads were chased and

11 exhausted; is that correct?

12 A Correct.

13 Q Okay. And then at some point, February 16th,

14 about 13 days later, a suspect -- you find a suspect; is

15 that correct?

16 A Well, Probation and Parole and other officers

17 from the sheriff's office did.

18 Q But until then -- and that was

19 Cleophas Edwards, the Defendant; is that correct?

20 A Correct.

21 Q His name had nothing to do with this case?

22 A Nothing at all.

23 Q And you're the lead investigator in this case;

24 is that correct?

25 A Yes, sir.

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1 Q And during this time, you're chasing leads and
2 checking out things and no -- to no fruition; is that
3 right?

4 A Correct.

5 Q And then, once they take Mr. Edwards into
6 custody, you're aware, on the evening of February 16th,
7 that Lieutenant Shumpert talked with him a couple of
8 times?

9 A I'm aware that he talked to him and several
10 other people did.

11 Q And that he gave -- he basically confessed to
12 killing Mrs. Hanton; is that correct?

13 A Correct.

14 Q And did you have an occasion to talk to
15 Mr. Edwards?

16 A Yes. On the -- I think it was February 17th.

17 Q And why did you go talk to him?

18 A It was -- me, being the lead investigator, to
19 hear it for myself from Mr. Edwards --

20 Q Okay.

21 A -- what statement he made.

22 Q All right. And where did you go to talk to
23 him? Or where did you talk to him at that time?

24 A At my office at 1032 Chestnut Street, in the
25 interview room.

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1 Q And how did you get up with him?

2 A I requested him be brought up from the jail.
3 Picked him up from the jail, advised him that -- who I
4 was, and I needed to talk to him. Prior to me talking
5 to him, I was going to advise him of his Rights, and I
6 would advise him of his Rights once I go back to my
7 office.

8 Q Okay. And let me get this straight. You were
9 aware that he had given statements, a video statement or
10 whatever, the night before; is that correct?

11 A Correct.

12 Q Okay. And the individual that you picked up
13 and took to your office on February 17th, do you see him
14 in the courtroom today?

15 A Yes, sir. Sitting in the blue shirt.

16 MR. BELL: Okay. Your Honor, I ask that the
17 record reflect that the witness has identified the
18 Defendant.

19 Q (By Mr. Bell) So you took him over to your CID
20 office; is that correct?

21 A Correct.

22 Q And where did you take him within the office?

23 A It was in the interview room that was
24 previously shown on the video.

25 Q Was anybody with you?

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- 1 A Just me and Mr. Edwards.
- 2 Q Okay. And when you went into the room, what
- 3 did you do?
- 4 A Again, introduced him -- introduced him -- I
- 5 introduced myself to him and advised him of his Rights.
- 6 Q And those are the Miranda Rights?
- 7 A Correct.
- 8 Q And how did you do that?
- 9 A I pulled out the form, I read the Rights off to
- 10 him, one through five. After I read them off to him, I
- 11 let him initial each one and told him if he had any
- 12 questions, he can ask questions before we initial them.
- 13 Q Let me show you what's been marked as State's 3
- 14 and ask if you recognize that?
- 15 A Yes. That's our Miranda form.
- 16 Q Okay. And is that the form that you filled out
- 17 that day?
- 18 A Yes, sir.
- 19 Q And whose handwriting is that on the top?
- 20 A At the top, it's my handwriting.
- 21 Q That's the address that you all were at; is
- 22 that correct?
- 23 A Yes.
- 24 Q And the date that you took the statement?
- 25 A Yes, sir.

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1 Q And the time?

2 A Time of -- military time of 1451 hours.

3 Q Which is 2:51 p.m.?

4 A 2:51, yes.

5 Q And then you read him these -- it says, These

6 are your Rights. Please read carefully. Is that

7 correct?

8 A Correct.

9 Q But did you read those to him?

10 A I read them and also had him read them.

11 Q How did you read them?

12 A One -- by number one, which is: You have the

13 right to remain silent. Anything you say --

14 THE COURT REPORTER: Can you please slow down.

15 THE COURT: Slow down.

16 THE WITNESS: Okay. If you had the right --

17 you have the right to remain silent. Anything you say

18 can be used against you in Court. And had him read over

19 it and initial it.

20 Q (By Mr. Bell) So you, again, initialed it

21 after you read it to him?

22 A Correct.

23 Q And then you went to the next one?

24 A Yes, sir. Which is: You have the right to

25 talk to a lawyer for advice before we ask you any

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1 questions and have him with you during questioning.

2 Q Okay.

3 A He initialed that one, which is number two.

4 Number three is: If you cannot afford a lawyer, one

5 will be appointed for you before any questions, if you

6 wish. He initialed that one.

7 Number four: If you decide to answer questions

8 without a lawyer present, you will still have the right

9 to stop answering at any time. Mr. Edwards initialed

10 that one.

11 Number five: You also have the right to stop

12 answering at any time to talk to a lawyer. Mr. Edwards

13 initialed that one.

14 Q Okay. And then did he sign that he understood
15 those Rights?

16 A Yes, he did.

17 Q And did he seem to understand those Rights, to
18 you?

19 A Yes, sir.

20 Q And did he appear to be under the influence of
21 anything?

22 A No, sir.

23 Q Was there any mental incapacity that seemed to
24 keep him from understanding?

25 A No, sir.

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1 Q And then there's a second part; is that
2 correct?

3 A Correct, the Waiver of Rights.

4 Q Okay.

5 A And it reads: I have read this statement of my
6 Rights, and I understand what my Rights are. I am
7 willing to make a statement and answer questions. I do
8 not want a lawyer at this time. I understand and know
9 what I am doing. No promises or threats have been made
10 to me. No pressure or coercion of any kind has been
11 used against me.

12 When I read that to Mr. Edwards, I asked
13 Mr. Edwards: Do you understand that, and then asked him
14 to sign at the bottom for -- where it's a place to put
15 his signature, and which he did sign. And I signed
16 below it as a witness.

17 Q Okay. And, again, did he seem to understand
18 everything?

19 A Yes.

20 Q And did he ask you any questions or anything?

21 A I don't remember him asking any questions at
22 that time.

23 Q All right. And after you read him all this
24 and he -- he signed the Waiver of Rights, did he talk to
25 you?

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1 A Yes, he did.

2 Q And did he tell you what happened back on

3 February 3rd, 2011?

4 A Yes, he did.

5 Q And he gave you this statement, which has been

6 marked as State's 4.

7 (Document is shown to Mr. Wise.)

8 THE COURT: No objection?

9 MR. BELL: And, your Honor, I would offer

10 State's 3 into evidence for purposes of this hearing.

11 MR. WISE: If I may see State's 3 for a moment.

12 MR. BELL: I'm sorry.

13 MR. WISE: That's okay.

14 (Mr. Wise shows the Exhibit to the Defendant.)

15 MR. WISE: No objection, your Honor.

16 THE COURT: Thank you.

17 (State's Exhibit No. 3, February 17, 2011,

18 Advice of Rights Form, is admitted into evidence.)

19 MR. BELL: And I'd offer State's 4, also, for

20 the purposes of this hearing.

21 (Mr. Wise shows the Exhibit to the Defendant.)

22 MR. WISE: No objection.

23 (State's Exhibit No. 4, February 17, 2011,

24 Defendant's Statement, is admitted into evidence.)

25 Q (By Mr. Bell) Let me show you State's 4 and

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1 ask, is that the statement that he gave you after you
2 read him his Miranda warning?
3 A Yes, it is.
4 Q And that's your handwriting at the top?
5 A Yes, it is.
6 Q With the information, date, place, time,
7 location, and that kind of thing?
8 A Correct.
9 Q Okay. And whose handwriting is the statement
10 on the line? Investigator Kittrell, is that your
11 handwriting?
12 A Yes, it is.
13 Q Okay. Whose handwriting is that below?
14 A Mr. Edwards'.
15 Q Okay. And he gave you, what, a two- or
16 three-page statement about what happened that kind of
17 mirrors what we've heard already in court; is that
18 correct?
19 A Correct.
20 Q And at some point, on page 2, there's kind of a
21 question and answer, where somebody wrote a question,
22 somebody wrote a answer; is that correct?
23 A Yes, it is. Where it has "Q" on it, that's my
24 handwriting, me asking the questions. Where it has "A,"
25 is the answer from Mr. Edwards.

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- 1 Q Okay.
- 2 A And that's his handwriting.
- 3 Q And he was forthcoming?
- 4 A Yes, he was.
- 5 Q And at the end, page 3, he signed it; is that
- 6 correct?
- 7 A Correct.
- 8 Q And you signed it?
- 9 A Yes.
- 10 Q Okay. And then there's a fourth page, where
- 11 you ask him if there's anything else. And he wrote --
- 12 is that his handwriting?
- 13 A Yes, it is.
- 14 Q And his scratch-outs where he made corrections?
- 15 A Yes, it is.
- 16 Q And he signed it at the end?
- 17 A Yes, sir.
- 18 Q And you signed it and dated it; is that
- 19 correct?
- 20 A Correct.
- 21 Q And that was just kind of bearing his soul kind
- 22 of thing; is that correct?
- 23 A Yes, it is.
- 24 Q And did you offer him anything to give you the
- 25 statement, State's 4?

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1 A No, I did not.

2 Q Did you suggest any answers?

3 A No, I did not.

4 Q Did you threaten him in any way?

5 A No, I did not.

6 Q Coerce him?

7 A No, sir.

8 Q Did you offer him any incentives?

9 A No, sir.

10 Q Did he give this of his own free will?

11 A Yes, sir.

12 Q Did he understand what was going on?

13 A Yes, sir.

14 Q Okay. Did he ever ask for an attorney while

15 giving this to you?

16 A No, he did not.

17 Q Did he ever stop you -- tell you to stop; I

18 don't want to talk anymore?

19 A No, sir.

20 Q He wrote this, and you asked him questions and

21 then gave him a chance to add anything else; is that

22 right?

23 A Correct.

24 MR. BELL: Okay. Thank you, Mr. Kittrell.

25 THE COURT: Cross.

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1 MR. BELL: Thank you, Investigator Kittrell.

2 CROSS-EXAMINATION

3 BY MR. WISE:

4 Q Investigator Kittrell, did you talk to
5 Agent Thrower before you met with Mr. Edwards?

6 A The only thing I did was request him to give me
7 a statement to what was said to him.

8 Q You asked Agent Thrower to give you a statement
9 as to what was made to him?

10 A Correct. I needed a written statement from
11 him.

12 Q From Agent Thrower?

13 A Yes.

14 Q Did you have that statement by the time you
15 spoke to Mr. Edwards?

16 A No, I did not.

17 Q Had you looked at the video before you spoke to
18 Mr. Edwards?

19 A No, I did not.

20 Q When you spoke to Mr. Edwards, he had been in
21 custody for about how long?

22 A About 20 hours.

23 Q Less than a day?

24 A Yes.

25 Q Okay. Very good. Did you know of that video

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1 before you spoke to Mr. Edwards?
2 A I knew that one was made, but I had not seen
3 it.
4 Q You knew what the substance of it was?
5 A I knew that he confessed.
6 Q Very good. Okay. Your interaction with
7 Mr. Edwards was not recorded; correct?
8 A Correct..
9 Q Okay. Where was Investigator Shumpert during
10 the time that you were interacting with Mr. Edwards?
11 A I do not know.
12 Q Was he -- do you know if he was present? Do
13 you know if he was in the building?
14 A I do not know.
15 Q Did you see him that day at all?
16 A Earlier that day.
17 Q You picked Mr. Edwards up from the jail; you
18 brought him to CID?
19 A Yes.
20 Q And between the time you picked him up from the
21 jail and you got him to CID and finished with him at
22 CID, did you ever see Investigator Shumpert?
23 A Not that I recall.
24 Q Okay. I want to talk about the Miranda Rights.
25 You read them to -- you read each Right to Mr. Edwards,

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1 and then you ask him to initial it?

2 A Correct.

3 Q Okay. So you read a Right, he initials it;

4 Right, initial; Right, initial?

5 A Correct. Want to make sure he understands.

6 Q You read the Waiver of Rights to him and then

7 he signs?

8 A Yes.

9 MR. WISE: Okay. Your Honor, may I have one

10 moment?

11 (Mr. Wise speaks with Ms. Hinds off the

12 record.)

13 MR. WISE: Thank you. That's all I have, your

14 Honor.

15 MR. BELL: Nothing further.

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

17 MR. BELL: That will be all the witnesses on

18 all the statements that we have.

19 THE COURT: Mr. Wise, anything you want to put

20 on the record in regards to it?

21 MR. WISE: We don't have any witnesses to

22 present, but some argument on the issue.

23 THE COURT: Glad to hear it.

24 MR. WISE: Thank you, your Honor. Your

25 Honor, we're going to ask the Court to suppress all the

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1 statements in this case.

2 THE COURT: Why is that?

3 MR. WISE: We want to start with this. Number
4 one, the testimony at this point is clear that at the
5 time Mr. Edwards was taken into custody, he was smoking
6 marijuana. There is no -- and possibly drinking
7 alcohol. There were -- I asked about whether or not
8 there were bottles around. If he couldn't remember if
9 there were or weren't. So I would submit to the Court
10 that that raises an issue about the level of his
11 coherency at the time.

12 THE COURT: There's no testimony that he was
13 not coherent. In fact, the agent said that he was able
14 to understand his questions. He even talked to him
15 about another place he had gotten the computer. And
16 there's no evidence that he was drinking. So at this
17 stage of the game, I'll have to sort of let the jury
18 determine what weight to give that, if any.

19 MR. WISE: Additionally, your Honor -- and this
20 goes to the actual Waiver of Rights. Both witnesses
21 seem to have taken the same approach but a little
22 different. Initially, for the first set of Rights,
23 there was no individual reading of each Right.

24 THE COURT: Any law that requires that, other
25 than the simple reading of the Rights?

1 MR. WISE: No, your Honor, but I do think the
2 law requires that there be a knowing waiver of the
3 Rights. And if you don't ask a person: Do you
4 understand -- as I read each Right: Do you understand
5 these Rights? then I don't know that there's any
6 evidence that there was a knowing waiver of that Right.
7 And I'd submit to the Court that that burden is on the
8 State. So when the State runs down five Rights and
9 says: Do you understand all that and has him sign it,
10 that that's not a knowing waiver. And I would submit
11 it's the same thing as to the waiver at the bottom of
12 the form. Because I think both witnesses have testified
13 they read the waiver, and he just signs it.

14 As to the initial reading of Rights, I think
15 the testimony was that the Rights were actually read to
16 Mr. Edwards, and not that he read them himself. They
17 were read to Mr. Edwards, and there was -- and there's
18 no indication that he understood them. They were just
19 read to him, he signed them, he initialed, and that was
20 it.

21 So I'd submit to the Court that there has to be
22 that knowing waiver. And given how the Rights were
23 presented to him, there wasn't. They just never took
24 the extra effort to say: You have the right to an
25 attorney. Do you understand that? Do you know what

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1 that means? and then move on as to each Right.

2 THE COURT: Do you have any case law to support
3 your position on that?

4 MR. WISE: No, your Honor, because I don't
5 think the case -- the cases have gone to whether or not
6 you have to have a -- a knowing waiver of each Right,
7 but the cases, I think, do indicate that there has to be
8 a knowing waiver of your Rights. And I submit to the
9 Court that the evidence fails there.

10 THE COURT: How about see what that guys wants.
11 I don't want him hanging around there.

12 Anything by the State?

13 MR. BELL: Your Honor, I would just argue that
14 Investigator Thrower testified he was present. He
15 understood what was going on. His signature's at the
16 bottom -- at the bottom of both these waivers. The
17 first -- and the first part says: I understand my
18 Rights. It's just -- I guess it's a matter of personal
19 preference how they read it to them.

20 THE COURT: Yes, sir.

21 MR. BELL: And then they reiterate it. You had
22 the chance to see the video to see his demeanor and how
23 he was acting. He certainly wasn't acting intoxicated.
24 And Lieutenant Shumpert reiterated -- had his Rights
25 there, showed it to him again, and he didn't say that he

1 didn't understand what was going on. I think that they
2 were read to him, and he gave a knowing and voluntary
3 waiver, and an understanding waiver of his Miranda
4 Rights on all the occasions.

5 THE COURT: Thank you.

6 Well, as y'all know, my function, under
7 Jackson v. Denno, is to act as a gatekeeper and
8 determine whether or not the Miranda Rights were
9 given, and I find that they were. The second is to
10 determine whether or not the statement was voluntarily
11 by the preponderance or greater weight of the evidence,
12 which I find that it is. So I will simply allow the
13 statements into evidence and for the jury to make the
14 ultimate determination whether or not they were given
15 voluntarily, and the Miranda Rights given beyond a
16 reasonable doubt. So I will allow the State to
17 present it.

18 As to the suppression of the suitcase evidence
19 and the computer evidence, I will respectfully deny your
20 Motion to Suppress, based on the probation statute, the
21 waiver obviously signed by your client in exhibit --

22 MR. SORENSON: Court's 1.

23 THE COURT: -- Court's 1, and my earlier
24 reasoning about the reasonable suspicion. So I will
25 respectfully deny your motion on that.

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1 We'll stand adjourned. What time is the jury
2 coming in tomorrow?

3 MR. SORENSON: I think, 9:30, your Honor.

4 THE COURT: What time will they be ready for
5 the Court?

6 THE DEPUTY CLERK: About --

7 MR. SORENSON: It usually takes about 35, 40
8 minutes.

9 THE COURT: All right. I'll ask that y'all all
10 be here at 9:30 in the morning for us to mark all the
11 exhibits. Have those marked. Also, for any last-minute
12 things that needs to be put on the record before the
13 jury comes out. We will qualify the jury generally and
14 specifically for this case as soon as they are ready for
15 me. We will then select a jury, and we'll commence the
16 trial of the case immediately thereafter and go until a
17 reasonable hour and stop.

18 MR. SORENSON: Yes, sir.

19 THE COURT: Anything that I can do for the
20 State before we start back in the morning?

21 MR. SORENSON: I don't think on this case.
22 Anything else we need to address on this?

23 MR. WISE: No.

24 THE COURT: Mr. Wise, anything on behalf of the
25 Defendant?

1 MR. WISE: No, your Honor. Thank you.

2 THE COURT: Mr. Edwards, do you have any
3 questions you want to ask me?

4 THE DEFENDANT: No, sir.

5 THE COURT: Thank you. See you early in the
6 morning.

7 COURT IN ADJOURNMENT.

8 (Court adjourned for the day at 12:51 p.m., on
9 December 10, 2012.)

10 (End of Volume I of IV.)

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1 me to push it to the top and cut the air off, and it
2 should warm up.

3 THE COURT: Now, when you get hot, raise your
4 hand, and I'll --

5 THE DEPUTY CLERK: Push it down.

6 THE COURT: Thank you, Mr. Bell. You may
7 proceed.

8 MR. BELL: Thank you, your Honor.

9 OPENING STATEMENTS

10 BY MR. BELL:

11 Ladies and gentlemen of the jury, easy money.
12 That's what the Defendant, Cleophas Edwards, was looking
13 for on the morning of February 3rd, 2011. He went out
14 walking from his house on Campus Drive; he ended up over
15 on Goff Avenue. He saw a vehicle leave a house and
16 figured the coast was clear, nobody's home, I can slip
17 in and get something I can sell so I can get some money.
18 He needed some money. He went into the house.

19 And that's when things tragically went wrong
20 that morning. Because when he went in the house, he was
21 confronted by Carolyn Hanton who lived at the house.
22 She kept children there. He went in the house, and she
23 confronted him. What are you doing here? She screamed.
24 And she went after him. And he pulled out a knife that
25 he kept with him and started stabbing. And she died as

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1 a result of there, after over 40 stab wounds. And
2 that's why we're here, ladies and gentlemen.

3 The Defendant in this case is charged with
4 murder, burglary in the first degree, and possession of
5 a weapon during the commission of a violent crime. Now,
6 when he went in there and after he had stabbed her and
7 killed her, took a couple of items with him as he left
8 that house. He took a red Acer laptop computer. He
9 took a vase, and he took other items: Some cards and
10 some money, I believe. And he left the house. I think
11 he ended up back home that morning.

12 Mrs. Hanton's husband came there and found her,
13 and called the police that morning, called the sheriff's
14 department. They arrived, and they started their
15 investigation. And the investigation went on for almost
16 two weeks, about 13 days. They checked out leads; they
17 kept running into dead ends. Until on February 16th,
18 the evening of February 16th, 2011, police officers went
19 to -- went to Campus Drive on business, and they found
20 the Defendant living there. And when they went in, they
21 found him on a computer, a laptop computer, a red Acer
22 laptop computer. And they had the serial number of the
23 computer that was taken from the Hantons' home because
24 the box was still at the Hantons' home. And they
25 checked this laptop computer, and it was the same laptop

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1 computer.

2 So he took the Defendant into custody and
3 started talking to him. Gave him his Rights, started
4 talking to him. At first, he denied it. He said he
5 bought it from some fellow, but the police were able to
6 disprove that. And then finally he told the police,
7 Yeah, I killed her. He told them three times what
8 happened: That he was out looking for money, and he
9 just happened upon this house. And he thought, Car
10 left; I can get in there. And that he killed
11 Carolyn Hanton. And, again, ladies and gentlemen,
12 that's why we're here this morning.

13 My name is Harrison Bell, along with
14 Don Sorenson, we represent the State of South Carolina.
15 We work for the First Circuit Solicitor's Office. We're
16 the prosecutors in this case. As you heard his Honor,
17 Judge Early, say, we have the burden of proving the
18 Defendant guilty of all three charges that have brought
19 him into court today, and we accept that responsibility.
20 The law is clear on this. As he sits, he sits there
21 innocent until we, the State, prove him guilty beyond
22 all reasonable doubt. And that's our burden.

23 Now, how do we do that, ladies and gentlemen?
24 Well, first of all, we have to prove each element of
25 each crime that he's charged with. For instance, the

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1 crime of murder. The crime of murder in South Carolina
2 means that it's the unlawful killing of a person with
3 malice aforethought, either expressed or implied. The
4 unlawful killing of a person with malice aforethought,
5 either expressed or implied.

6 Malice means ill will or hatred or reckless
7 disregard for human life. That's the simple definition
8 of malice. His Honor, Judge Early, will explain it more
9 fully to you at the end of this trial. The use of the
10 deadly weapon can be malice, can be implied malice. And
11 malice must exist at some point before the killing.
12 That's aforethought. But it can exist at any time
13 before the killing. It could exist a week before, up to
14 a second before. That's what malice aforethought is.

15 Expressed or implied. Expressed malice; it
16 simply means somebody says, I'm going to kill you, or
17 lay -- or plans to kill or lays in wait. Implied means
18 the actions. You can -- you can imply malice through
19 the actions of the person, as I said earlier, such as
20 the use of a deadly weapon.

21 Burglary in the first degree in this state
22 means that a person enters a dwelling without consent
23 with the intent to commit a crime therein and has some
24 aggravating factors. And in this case we allege, one,
25 that he was armed with a deadly weapon when he entered

1 the dwelling and remained in the dwelling or exited the
2 dwelling, is what the law says.

3 We also allege, and it's an "or," or that he
4 caused physical injury, which killing a person is
5 certainly injuring a person.

6 And, finally, he's charged with possession
7 of a deadly weapon or possession of a weapon during
8 commission of a violent crime. And I would say to you
9 that the law in South Carolina says that both murder and
10 burglary in the first degree are violent crimes. So if
11 you find him guilty of murder and/or burglary, you can
12 find him -- that he had a weapon, a knife, during the
13 commission of a violent crime.

14 Now, how do we do this, ladies and gentlemen?
15 You heard a little bit. We present evidence; we present
16 witnesses on the stand; we present exhibits, if we have
17 any, to prove our case. And that's what we do.

18 And that's what you're here to determine the
19 facts of the case from these witnesses and from these
20 exhibits. And how do you do that? Well, you've already
21 kind of been told because you're the judges of the
22 facts. You have to listen to the witnesses up here.
23 You have to judge their credibility or believability.
24 And how do you do that? Well, Judge Early said, number
25 one, you haven't left your common sense at the door

1 here. You can still do that. And I suggest you do it
2 as you do every day in life. That is, you know, when
3 you talk to friends, when you talk to family, even when
4 you talk to strangers, by listening to them and looking
5 at them and seeing their body language, you can
6 generally have a good idea if somebody is telling you
7 the truth or they're -- they're handing you a line. And
8 you can do that in this courtroom as well. And that's
9 what I suggest to do.

10 Now, ladies and gentlemen, as I said, the State
11 has the burden of proving the case. All I can ask of
12 you is to listen carefully to all the witnesses.
13 Observe carefully all the exhibits that may or may not
14 be presented. And at the end of this trial, you will be
15 asked to render a verdict. Your verdict comes from the
16 facts that you, find and the law that you charge. You
17 combine them to render your verdict.

18 I believe, ladies and gentlemen, at the end of
19 this case, after you have seen all the witnesses, seen
20 all the exhibits, listened to the charge, you will find
21 the Defendant, Cleophas Edwards, guilty of murder,
22 guilty of burglary in the first degree, and guilty of
23 possessing a weapon during the commission of a violent
24 crime. Thank you.

25 Thank you, your Honor.

OPENING STATEMENTS

BY MS. HINDS:

Good morning. That's my client. I'm Peggy Hinds. And we represent Mr. Edwards, who is sitting at that table. I'm going to keep this brief, but I'm going to do some repetition, unfortunately, because the principles are that important they need to be restated.

As he sits there at that table, Mr. Edwards is an innocent man. That's not just an oratory. That's not me just saying he sits there right now an innocent man. It's not conjecture. It's a truth. It's an absolute truth.

You might ask why would I say that? We're in a courtroom; you know that he's been charged with three separate crimes; and we started a trial. Why would I say he's an innocent man? Because it's the truth.

We have a fundamental principle in this country that says that anybody who's accused of a crime is presumed innocent. That's a fundamental principle. And that principle protects you and me and every citizen in this country. It puts the burden on the State for them to have to not only accuse somebody of something, but to actually put forth the necessary things to convince you beyond a reasonable doubt that they are talking about.

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1 It is up to the state of South Carolina. They have the
2 burden. That's because of that presumption of
3 innocence. He has to convince each and every one of you
4 that there are -- that there are not doubts that you
5 have. That you are firmly convinced of his guilt. We
6 contend that they're not going to be able to do that.

7 I'd like to just bring up a little story that
8 you probably know from your childhood. But I'd like you
9 to keep that in mind as you listen to the testimony and
10 evidence that you're going to hear this morning. It's a
11 the story about the six blind men and the elephant.

12 Basically, there's six blind men in the village.
13 They're told that there's an elephant in the village.
14 None of them have, obviously, ever seen an elephant.
15 But they're curious. They want to go and at least try
16 to experience what an elephant is like. And so they go
17 to the elephant. And each one of those men decides
18 to -- to see what that elephant is like.

19 The first man walks up to the elephant, he
20 touches the leg, and he says, Oh, okay, the elephant is
21 like a pillar.

22 Second man walks up to the elephant. He
23 touches the tail, and he says, No, you're wrong. It's
24 like a rope. The elephant's like a rope.

25 Third man walks up, and he touches the trunk.

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1 And he says, Both of you got it wrong. It's like a tree
2 branch. That's what it's like.

3 At that point, the fourth man walked up, he
4 touched an ear, and he said, I disagree with all of you.
5 I don't know what y'all -- or how you're coming up with
6 that. He touches the ear, and he says, Hmm, it's just
7 like a fan, just like a fan.

8 Finally, the last man comes up, or excuse me,
9 the next man comes up, and he touches the elephant's
10 side, his belly. And he said, That elephant isn't like
11 anything that you're saying. It's like a wall, a great
12 big wall.

13 Finally, the sixth man comes up, and he touches
14 the elephant's tusk, and he says, No, you all got it
15 wrong. The elephant is like a solid pipe.

16 At that point a wiser man comes up, and he
17 explains to the blind men that they're all right, but in
18 a very limited way. Excuse me. He explained, again,
19 that bits and pieces of what they were saying were true.

20 The moral of that story is that maybe there can
21 be some truth in what someone says or what someone
22 presents, but until you're able to put those truths in
23 context, you must withhold judgment until you see the
24 picture all together. That's what we're asking you to
25 do today.

1 I would also ask you to please remember that
2 the seriousness of this crime does not equate to guilt.
3 In other words, we are not saying that is not a tragic
4 event. It is. But don't confuse that with the guilt of
5 Mr. Edwards.

6 The solicitor is going to try to convince you
7 with bits and pieces of the puzzle. Again, I ask you to
8 hold judgment until the very end until you have heard
9 everything. I remind you again, Mr. Edwards sits there
10 an innocent man. He remains innocent until and only if
11 the State can convince all of you, and that -- beyond
12 any -- beyond a reasonable doubt. That's a doubt that
13 would cause you to hesitate. It causes you to think.
14 If it causes you to wonder, that's a reasonable doubt.

15 If you feel that reasonable doubt, you --
16 what -- what you have to do is clear. You would have to
17 find him not guilty. We believe that at the end of
18 this trial, there are going to be enough unanswered
19 questions. Please listen to what they present. Please
20 also look at what they will not be able to provide you
21 today. At the end of the evidence, we will ask you to
22 return a verdict of not guilty.

23 Thank you.

24 THE COURT: You may call your first witness.

25 MR. SORENSON: Thank you.

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Direct Examination by Mr. Sorenson of Aaron Hanton

1 May it please the Court, your Honor?

2 THE COURT: Yes, sir.

3 MR. SORENSON: The State calls Aaron Hanton.

4 THE COURT: Sir, if you would come around,
5 place your left hand on the Bible, raise your right, and
6 be sworn in.

7 (The oath is administered by the Deputy Clerk
8 of Court, and the witness answers as follows:)

9 THE WITNESS: I do.

10 THE DEPUTY CLERK: Thank you. You may have a
11 seat.

12 THE COURT: Would you please give us your full
13 name, spelling your last?

14 THE WITNESS: Aaron Hanton. That's Hanton,
15 H-a-n-t-o-n.

16 AARON HANTON,
17 having been first duly sworn by the Deputy Clerk of the
18 Court to tell the truth, the whole truth, and nothing
19 but the truth, was examined and testified upon his oath
20 as follows:

21 DIRECT EXAMINATION

22 BY MR. SORENSON:

23 Q Good afternoon, Mr. Hanton. If you would, tell
24 the jury how old you are?

25 A Forty-seven.

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1 Q How many children do you have, Mr. Hanton?
2 A Two.
3 Q Boys or girls?
4 A Boys.
5 Q Tell the jury how old your two boys are.
6 A Twenty-seven and 21.
7 Q All right. And the victim in this case,
8 Carolyn, was that your wife?
9 A True.
10 Q All right. And how long -- how long had you
11 and Carolyn been married?
12 A Twelve years.
13 Q And how old was your wife when she was killed,
14 Mr. Hanton?
15 A Forty-four.
16 Q Forty-four. And where -- you said that y'all
17 had been married for 12 years. How long had the two of
18 y'all been together?
19 A Twenty-five or 27 years.
20 Q Okay. And where -- tell the jury, Mr. Hanton,
21 where -- back in February of last year, of 2011, where
22 were y'all living at that time?
23 A ~~Orangeburg County~~.
24 Q And that's here in Orangeburg County?
25 A In Orangeburg County.

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1 Q I'm showing you State's Exhibits 9 and 10. Do
2 you recognize the house that's in those photographs?

3 A I do.

4 Q And whose house is that?

5 A That's my house.

6 Q And that's where you were living back in
7 February of last year?

8 A Correct.

9 Q You still live there today?

10 A Still there today.

11 MR. SORENSON: Your Honor, at this time, I
12 offer State's 9 and 10 into evidence.

13 THE COURT: Any objection?

14 MR. WISE: No objection.

15 (State's Exhibit No. 9, Photograph, is admitted
16 into evidence.)

17 (State's Exhibit No. 10, Photograph, is
18 admitted into evidence.)

19 Q (By Mr. Sorenson) States Exhibit No. 9, that's
20 the front of your house, sir?

21 A Yes.

22 Q And the vehicle that's in the driveway, whose
23 vehicle is that?

24 A That's our vehicle.

25 Q Who drove that vehicle back in February?

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1 A I did.

2 Q Okay. I also see on the -- kind of the right

3 side if you're facing the picture, the right side of the

4 house, there's another vehicle in that picture?

5 A Pickup truck.

6 Q Is that in State's Exhibit No. 10?

7 A Yes, it is.

8 Q Whose vehicle is that pickup vehicle?

9 A It's also my vehicle.

10 Q And that was there back in February of 2011?

11 A Correct.

12 Q Mr. Hanton, tell the jury what you do for a

13 living.

14 A I own a trucking company.

15 Q Okay. And how about your wife, Carolyn,

16 what -- back in February before she was killed,

17 what -- what did Carolyn do for a living?

18 A She ran an in-home daycare keeping little kids.

19 Q Okay. And do you know about how many children

20 back in February of last year she was keeping?

21 A About five.

22 Q Okay. And what -- how old were those children?

23 Were they little babies, toddlers?

24 A Yeah, babies. Any range -- range from -- let's

25 just say, six months up until three or four.

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1 Q Three or four years old?

2 A Right.

3 Q And how long had Carolyn been doing that out of

4 your home?

5 A For approximately three years.

6 Q Okay. All right. And turn your attention,

7 Mr. Hanton, back to -- back to February 3rd of last

8 year. Do you remember what you did that day?

9 A Yeah.

10 Q Okay. What -- tell the jury what was it that

11 you got up and went and did that day.

12 A We had to go to Williston to demo a house, a

13 trailer house. And we left that morning to go demo a

14 trailer house and --

15 Q By demo, what do you mean?

16 A Tear it down.

17 Q Okay. Who is it that you went and did that

18 with that day?

19 A My brother and then my other workers that work

20 along with me.

21 Q Okay. And do you know about what time you left

22 to go to Williston that day on February 3rd?

23 A Not right off the top of my head, I don't.

24 Q Was it in the morning?

25 A It was in the morning. It was in the morning.

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1 Q All right. And did you recall what your wife
2 was doing when you left that -- that day?

3 A She was -- she was up getting ready -- she had,
4 I think, one or two kids already at the house.

5 Q Okay. All right. And how about your two
6 children, back in February of last year --

7 A They was gone.

8 Q -- were either one of them living at the house
9 with you at that time, or not?

10 A No.

11 Q Okay. So when you left your home that morning,
12 your wife was there, and possibly one or two children
13 that she was keeping?

14 A Right.

15 Q Okay. And you ultimately went off with your
16 brother and workers and tore down that mobile home in --
17 in Williston?

18 A Right.

19 Q Do you remember about what time you got back to
20 Orangeburg?

21 A It was, I want to say, close around maybe one
22 o'clock.

23 Q Okay. And when you came back to Orangeburg,
24 did you end up going straight home?

25 A First of all, I went to McDonald's and got

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1 me something eat. Well, I came straight home, then I
2 left -- well, let me start over.

3 Me and my brother came back to Orangeburg, went
4 to the parts store, dropped him off, right back at the
5 house, then I went to McDonald's and got me something to
6 eat, and then I went to eat in the house.

7 Q Okay. And when you came by the house before
8 you went to McDonald's, did you go in?

9 A No. I didn't go in. I just, you know. . .

10 Q Okay. So sometime after 1:00, you -- would
11 have been when you got home, then?

12 A Right.

13 Q Actually at home to go into your house?

14 A Exactly.

15 Q Okay. And showing you State's Exhibit No. 9,
16 then, is that where you parked when you got back?

17 A That's where I pulled in the garage, right.

18 Q And tell the jury when -- where, when
19 you -- you know, after parking your vehicle, where is
20 your door to go into your home, Mr. Hanton?

21 A It's in the front of the house on the side of
22 the garage.

23 Q So kind of right where -- right where my finger
24 is pointing, basically?

25 A Right, exactly.

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1 Q So it's under the carport?
2 A Under the carport.
3 Q And how many doors are there into your home
4 there?
5 A Two.
6 Q Okay. And where are -- is there kind of a
7 front one and then a rear one in the carport?
8 A Yeah, a front and a rear.
9 Q Okay. And that front one, where does that go
10 if you went -- go through that door into your home?
11 A To the den and the living room.
12 Q Okay. And how about the other door?
13 A It's to the kitchen.
14 Q And what door did you then go through that day?
15 A The den and the living room.
16 Q Okay. And tell the jury, Mr. Hanton, when you
17 entered your home that afternoon, what you saw when you
18 came through that door into your den.
19 A When I entered the door, I saw my wife laying
20 on the floor.
21 Q Okay. And showing you State's Exhibit No. 11.
22 Does that show the door that you came through?
23 A Correct.
24 Q And show where you saw your wife on the floor
25 also?

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1 A Exactly.

2 MR. SORENSON: At this time, we offer

3 State's 11 into evidence.

4 THE COURT: Any objection?

5 MR. WISE: No objection, your Honor.

6 (State's Exhibit No. 11, Photograph, is

7 admitted into evidence.)

8 Q (By Mr. Sorenson) Where my finger is, is that

9 the door you came through, Mr. Hanton?

10 A Correct.

11 Q And that's your vehicle that you can see

12 through the door?

13 A Yes, it is.

14 Q You indicated that you saw your wife on the

15 floor. You see her legs in this photograph?

16 A Right, yes.

17 Q What did you do when you went in and saw your

18 wife on the floor?

19 A I thought she might have fallen and bumped her

20 head. So I immediately -- I called out to her, and she

21 never did respond. So I called 911. And during that

22 time, they asked me to check to see if she was living.

23 Q Did you go over to your wife at that point in

24 time?

25 A Right.

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1 Q Could you tell where she had visible injuries
2 to her?

3 A At that point in time, I saw that she had
4 injuries of the shoulder blade, and she -- she was cold.

5 Q Okay. Was there any blood on the floor around
6 her?

7 A Yes, there was some blood.

8 Q Okay. Did the police ultimately come?

9 A Yes, they did.

10 Q Okay. Where did -- do you recall where you met
11 the police officers?

12 A I think I met him at the end of the garage. I
13 ran back out the house, and I met him at the end of the
14 garage -- driveway -- excuse me, driveway.

15 Q And you testified that when you left that
16 morning that there were a couple of children there and
17 that your wife typically kept about five children?

18 A Right.

19 Q Were any of the children in the home when you
20 got there?

21 A Yes, it was.

22 Q Where -- tell the jury where the children were
23 when you came in and found your wife on the floor.

24 A Three of the kids -- excuse me, two of the kids
25 was in the living room, on the far living room, and one

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1 was on the couch. And a young infant was in a seat
2 sitting by the table -- the end table.

3 Q All right. Showing you State's Exhibit No. 12,
4 is that the --

5 A That's where the little two -- two children
6 was.

7 MR. SORENSON: Okay. Your Honor, at this time,
8 we'd offer State's 12 into evidence.

9 MR. WISE: No objection, your Honor.

10 (State's Exhibit No. 12, Photograph, is
11 admitted into evidence.)

12 Q (By Mr. Sorenson) And show -- point out for
13 me, Mr. Hanton, where you saw the two children in there.

14 A Here and here.

15 Q They were sitting on this couch?

16 A Right, on that couch.

17 Q When you come in that door, where is that couch
18 located when you come in that door from the --

19 A All the way in the living room, far to the
20 back. In the living room.

21 Q Straight through the den into the living room?

22 A Right.

23 Q So you'd be basically facing that couch when
24 you walk in that door?

25 A As soon as you open the door, right.

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1 Q Was it two children there?

2 A Two children was there.

3 Q Okay. What about -- were there any other

4 children in the home?

5 A Yes. It was an infant sitting in a bassinet

6 sitting on the chair, and on the long chair as soon as I

7 walked in, there was another one on the blanket.

8 Q Okay. And showing you State's Exhibit No. 11,

9 is that the other long chair you're talking about?

10 A Yes.

11 Q So there's another child sitting there?

12 A Right.

13 Q And you said there was an infant in the

14 bassinet also?

15 A Right. There was an infant, like, a car seat

16 like deal.

17 Q Anybody else in your home?

18 A No.

19 Q You indicated that -- that the Sheriff's Office

20 came out to your home?

21 A Right.

22 Q And, ultimately, Mr. Hanton, that afternoon,

23 were you able to kind of tell them, after looking around

24 and talking to the police, what, if anything, may have

25 been missing from the home?

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1 A Yes, I did.

2 Q What items did you discover or tell the police

3 that you found were missing from your home?

4 A A computer, and, like, a vase with --

5 Q Okay.

6 A A vase.

7 Q All right. And let me deal with the computer

8 first. What type of computer was that?

9 A It was a red Acer computer.

10 Q Was it like a desktop or laptop?

11 A Laptop?

12 Q Laptop.

13 THE COURT: Sir, can you hear him all the way

14 in the back?

15 THE JUROR: Yes.

16 THE COURT: My jurors, you able to hear? If

17 you can't hear, raise your hands, please.

18 MR. SORENSON: Make sure you keep your voice

19 up, Mr. Hanton.

20 THE WITNESS: All right.

21 Q (By Mr. Sorenson) Let me show you State's

22 Exhibit No. 7. Do you recognize that laptop?

23 A Yes, I do.

24 Q And whose laptop is that?

25 A That's mine.

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1 Q Do you remember how long before this you had
2 bought that laptop?

3 A I want to say maybe a week or two.

4 Q And do you remember if you still had the box to
5 that laptop in your house?

6 A Oh, yes, we still had the box.

7 Q Bear with me one moment, Mr. Hanton.

8 Let me show you State's Exhibit 5. Is that the
9 box to the laptop?

10 A Yes, sir.

11 Q That box was still in your house?

12 A Yes.

13 MR. SORENSON: Your Honor, at this time we
14 offer State's 5 into evidence.

15 MR. WISE: No objection.

16 (State's Exhibit No. 5, Photograph -- Laptop
17 Box, is admitted into evidence.)

18 Q (By Mr. Sorenson) And did you point that out
19 to the police that day at your house?

20 A Yes.

21 Q Okay. In fact, is that when they took that
22 photograph, to your knowledge?

23 A To the best of my knowledge.

24 THE COURT: Mr. Hanton, speak up just a little
25 bit or either pull that mic closer. You're sort of

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1 soft-spoken.

2 MR. SORENSON: It may or may not tilt. Slide

3 it forward a little bit.

4 THE COURT: Thank you.

5 Q (By Mr. Sorenson) And where -- I may have

6 asked you this. If I did, I apologize.

7 Where -- where in your house was that laptop

8 located at?

9 A In the far back room -- bedroom.

10 Q In one of the bedrooms?

11 A Right.

12 Q Was that your bedroom?

13 A Well, one of the bedrooms that my son used to

14 stay in.

15 Q Okay. You said that was in the -- what part of

16 your house?

17 A In the far back.

18 Q Okay. In the back of the house?

19 A Bedroom. Right.

20 Q And you also indicated there was a glass kind

21 of vase --

22 A Right.

23 Q -- that was taken. Let me show you State's

24 Exhibit No. 39. Do you recognize that item?

25 A Yes, I do.

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1 Q Okay. And is that you and your wife's?
2 A Right. Hers -- my wife's vase.
3 Q Where was that item located at?
4 A Coffee table.
5 Q Where?
6 A In the living room -- excuse me, in the den.
7 Q In the room where your wife was found?
8 A Exactly.
9 Q And tell the jury what, if anything, was kept
10 inside that -- that glass vase?
11 A It was a couple of cards and -- cards and stuff
12 like that. It was \$40 that we could never figure out if
13 we want it work (phonetic), so it was just sitting in
14 the glass vase.
15 Q It was \$40, you remember?
16 A It was \$40.
17 Q All right. And when you had a chance to look
18 around, that was missing from your house then, that
19 afternoon, when you got home?
20 A Correct.
21 Q Mr. Hanton, just a couple of more questions for
22 you.
23 The Defendant in this case, Cleophas Edwards,
24 do you -- do you know Mr. Edwards?
25 A Never seen him before.

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1 Q Never saw him before February 3rd of 2011?

2 A No, never did.

3 Q Is he somebody that -- that you would have

4 given permission to come in your house?

5 A No.

6 MR. SORENSON: Beg the Court's indulgence.

7 (Mr. Sorenson speaks with Mr. Bell off the

8 record.)

9 MR. SORENSON: Thank you, Mr. Hanton.

10 Please answer any questions that either

11 Mr. Wise or Ms. Hinds may have for you.

12 MR. WISE: We don't have any questions.

13 THE COURT: Thank you, Mr. Hanton. You may

14 step down.

15 Next witness, please.

16 MR. SORENSON: The State calls Deputy

17 Ashley Aldridge.

18 (The oath is administered by the Deputy Clerk

19 of Court, and the witness answers as follows:)

20 THE WITNESS: I do.

21 THE DEPUTY CLERK: Thank you.

22 THE COURT: Give us your full name, spelling

23 your last, please.

24 THE WITNESS: I'm Investigator Ashley Aldridge,

25 Orangeburg County Sheriff's Office. Last name's spelled

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1 A-l-d-r-i-d-g-e.

2 ASHLEY ALDRIDGE,

3 having been first duly sworn by the Deputy Clerk of
4 Court to tell the truth, the whole truth, and nothing
5 but the truth, was examined and testified upon his oath
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. SORENSON:

9 Q Investigator Aldridge, if you would, once
10 again, just tell the jury where it is that you're
11 employed?

12 A Orangeburg County Sheriff's Office.

13 Q And how long have you been with the Sheriff's
14 Office?

15 A Little less than four years.

16 Q Okay. And you just recently were promoted to
17 an investigator; is that correct?

18 A Yes, sir.

19 Q And what -- tell the jury kind of what your
20 current duties are with the Sheriff's Office.

21 A I'm with the Special Operations Division. We
22 do activities such as search and rescue, SWAT, K-9, any
23 other duties assigned by the Sheriff.

24 Q Okay. Now, back in February of 2011, you were
25 employed with the Sheriff's Office at that time; is that

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1 correct?

2 A That's correct.

3 Q And what were your duties at that time back in
4 February of last year?

5 A At that time, I was attached to the Patrol
6 Division.

7 Q Okay. And tell the jury kind of what that
8 would entail then?

9 A Patrol Division is the division that would
10 answer calls for service, do property checks, your
11 normal criminal enforcement division.

12 Q Okay. So if I called 911 and asked the deputy
13 to respond out to my residence for whatever reason, a
14 burglary, trespassing, or something, you, at that time,
15 may have been the officer that would respond?

16 A That's correct.

17 Q Okay. All right. And we'll turn you back,
18 Investigator Aldridge, back to the afternoon of February
19 3rd of last year, of 2011. Did you respond out to [REDACTED]
20 [REDACTED] that afternoon?

21 A I did.

22 Q Tell the jury, if you recall, what the nature
23 of the call was initially that you were responding to.

24 A I responded to a call for service in reference
25 to a female subject that had sustained what was

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1 described to be a substantial injury inside of a
2 residence.

3 Q Okay. And do you recall where you were at when
4 you received that call or --

5 A I was at the corner of Goff and Chestnut
6 Street.

7 Q Okay. How far is that away from [REDACTED]

8 [REDACTED]?

9 A In between a quarter mile to a half-mile.

10 Q So you were one of the first officers on the
11 scene, then?

12 A I was.

13 Q And who -- let me ask you this: [REDACTED] is
14 that located in Orangeburg County?

15 A It is.

16 Q And tell the jury what -- what you encountered
17 when you -- when you arrived at that residence that
18 afternoon.

19 A When I arrived on scene, myself and a support
20 unit, I observed through the garage doorway what looked
21 to be a female victim laying on the ground. She was
22 actually facing downward on the ground with an arm
23 propped up in a puddle what looked to be blood.

24 Q I'm showing you State's Exhibit 11. Would that
25 be the doorway you were looking through and what you

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1 observed?

2 A It would be.

3 Q Okay. Now, had you -- before observing

4 that, had you -- had you encountered her husband,

5 Aaron Hanton, prior to that?

6 A I did.

7 Q Where was that that you encountered Mr. Hanton;

8 do you recall?

9 A That would be in the carport area.

10 Q Okay. And let me just -- just so we know,

11 State's Exhibit No. 9, that's the residence that you

12 responded to?

13 A That's correct.

14 Q Now, upon observing -- and did you ultimately

15 learn that that was his wife, Carolyn, that was -- that

16 was deceased?

17 A Yes, sir.

18 Q Okay. What then did you do upon -- upon

19 observing her inside the residence?

20 A Myself and the support unit looked around the

21 outside and secured the scene. At that point, we

22 already determined this was a crime scene, a potential

23 fatality. We tried to make sure that no other

24 additional people were injured. We did observe four

25 children inside the residence, none of which looked to

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1 be injured. I stood down and waited for additional
2 units to arrive on the scene.

3 Q And did y'all clear the residence to make sure
4 there wasn't a suspect still on the scene?

5 A I maintained outside the residence while other
6 units went inside to get it clear.

7 Q Okay. And was there anybody else found besides
8 the four small children that you talked about; anybody
9 else found --

10 A No.

11 Q -- out there at the scene.

12 All right. Were those children ultimately
13 removed from the house and returned to their parents?

14 A Yes, sir.

15 Q And tell the jury -- you said you encountered
16 Mr. Hanton kind of in the carport area. Describe to the
17 jury when you encountered him, what was his demeanor?

18 A The best I could describe it, he looked to be
19 in a state of shock. He was very matter of fact with
20 his details. He advised us that his wife had been
21 injured. I believe at one point he may have even
22 advised that she had been killed. And he just -- he
23 looked to be taken aback by -- by the incident overall.

24 Q Okay. And, ultimately, who else -- was anybody
25 else called out there then to the scene?

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1 A Yes, sir. It was -- crime scene did respond,
2 along with administrative and investigative units.

3 Q Okay. And did anybody respond medical-wise
4 to -- to confirm the -- the victim's condition,
5 Mrs. Hanton's condition?

6 A Orangeburg EMS did arrive on the scene.

7 Q Okay. And did they confirm that she was
8 deceased?

9 A I believe they did run a vitals check on her
10 and confirmed she had none.

11 Q So you indicated your supervisors, crime scene
12 investigators all showed up?

13 A Yes, sir.

14 Q Okay. And ultimately were you then involved
15 with any of the kind of follow-up investigation?

16 A I did my initial responding report, and then
17 passed the information to crime scene and investigative
18 units.

19 Q Okay. And you did indicate that part of
20 y'all's' role out there initially was basically to secure
21 that scene and to make sure nobody else went in to the
22 residence?

23 A Correct.

24 Q After, I guess, the kids were removed and
25 Mr. Hanton was removed; is that correct?

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1 A That's correct.

2 Q And that was done?

3 A Yes.

4 Q As far as interviewing witnesses or anything of
5 the nature, were you involved at all in that?

6 A No, sir.

7 Q And that would have, I guess, been the
8 investigator's and crime scene's duties; is that
9 correct?

10 A That's correct.

11 MR. SORENSON: All right. Thank you,
12 Investigator. I believe that's all I have.

13 THE COURT: Questions?

14 MS. HINDS: I just have a couple of questions,
15 sir.

16 THE COURT: Yes, ma'am.

17 CROSS-EXAMINATION

18 BY MS. HINDS:

19 Q Do you know what time you got there?

20 A Not without referring to my notes, but I
21 believe it was -- if not the same --

22 THE COURT: You can -- he can look at his
23 notes, yes.

24 (Document handed to the witness.)

25 A -- then shortly thereafter. The dispatch came

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1 out at 1306. I arrived at 1306.
2 Q So pretty much you were right there?
3 A Yes. Yes, ma'am.
4 Q And I think your testimony was Mr. Hanton was
5 already out in the carport area. That's where you met
6 him?
7 A Yes, yes. He was on the scene.
8 Q Okay. And then you looked inside and saw the
9 body; is that correct?
10 A That's correct.
11 Q Okay. Did you immediately go inside?
12 A I did not go inside the residence due to the
13 fact that I was initially by myself and other units were
14 showing up. We decided to go in and clear as a -- as a
15 group, or other units cleared as a group.
16 Q Did you observe any sign of forced entry into
17 the home?
18 A I have to look back at my notes.
19 I did not notate, but I believe my notes said
20 that it was no --
21 MR. SORENSON: Hand them. It's two pages.
22 (Document is handed to the witness by
23 Mr. Sorenson.)
24 THE WITNESS: Looking at my notes, I don't see
25 where I notated where there was any forced entry. I

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1 doesn't mean that there wasn't. It means at the time it
2 may not have been confirmed.

3 Q (By Ms. Hinds) But there's no notation?

4 A I didn't notate.

5 Q Okay. Just one other thing.

6 Obviously, from your testimony, you came after
7 this happened, correct, so you don't know what actually
8 happened or who committed this crime; right?

9 A I have no knowledge of the actual -- who
10 committed.

11 MS. HINDS: Thank you. I don't have any
12 further questions.

13 MR. SORENSON: Just one thing.

14 **REDIRECT EXAMINATION**

15 **BY MR. SORENSON:**

16 Q Just -- you had indicated that your dispatch
17 time -- your arrival time was 1306. That'd be 1:06 in
18 the afternoon?

19 A Yes, that's correct.

20 MR. SORENSON: That would be it.

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

22 Next witness, please.

23 MR. SORENSON: State calls Deputy Ryan Harter.

24 THE DEPUTY CLERK: Please place your left hand
25 on the Bible and raise your right hand.

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Direct Examination by Mr. Sorenson of Ryan Harter

1 (The oath is administered by the Deputy Clerk
2 of Court, and the witness answers as follows:)

3 THE WITNESS: I do.

4 THE DEPUTY CLERK: Thank you. Please state
5 your name for the record and spell your last name.

6 THE WITNESS: Investigator Ryan Harter. Last
7 name is Harter, H-a-r-t-e-r.

8 THE DEPUTY CLERK: Thank you.

9 RYAN HARTER,

10 having been first duly sworn by the Deputy Clerk of
11 Court to tell the truth, the whole truth, and nothing
12 but the truth, was examined and testified upon his oath
13 as follows:

14 DIRECT EXAMINATION

15 BY MR. SORENSON:

16 Q Investigator Harter, would you tell the jury
17 where it is that you're employed.

18 A I'm employed with Orangeburg County Sheriff's
19 Office.

20 Q And can you tell the jury -- first of all, how
21 long have you been with the Sheriff's Office?

22 A I've been with the Sheriff's Office here in
23 Orangeburg since May of 2007.

24 Q Okay. And were you law enforcement prior to
25 that?

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1 A I was. I have approximately 16 years.

2 Q And where did you work prior to the Sheriff's
3 Office?

4 A I worked in Columbia with Richland County.

5 Q Okay. And what are your current duties with
6 Orangeburg County Sheriff's Office?

7 A Currently right now, I'm assigned to the
8 Special Operations Unit, and my primary function with
9 the Sheriff's Office is I handle canines.

10 Q Okay. And flash you back to February 3rd of
11 last year, were you one of the officers that ultimately
12 responded out to [REDACTED] in reference to the
13 murder of Carolyn Hanton?

14 A Yes, sir.

15 Q Okay. And tell the jury what kind of your role
16 was out there that day at the scene.

17 A Initially, upon arriving on the scene, as
18 part of Special Operations, my initial duty is scene
19 security. And we want to make sure that we had that
20 scene under control for other law enforcement or medical
21 personnel to come in. Once that's established, I then
22 join in with part of the investigation seeing if we can
23 figure out what was going on.

24 Q Okay. And as part of your role, did you
25 ultimately learn of any items that were missing from the

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1 residence that afternoon?

2 A I did. Through investigation and speaking with
3 persons who are familiar with objects in the home, we
4 learned that a laptop computer had been taken during the
5 homicide.

6 Q Okay. And was there any evidence kind of
7 relating to that laptop that was still at the residence
8 that afternoon?

9 A There was. We were able to locate the
10 packaging and box that the laptop came in.

11 Q All right. I'm showing you State's Exhibit
12 No. 5. Is that the -- is that the box?

13 A Yes, sir.

14 Q Okay. Tell the jury what type of -- what type
15 of laptop it was that --

16 A It's an Acer brand, Aspire model.

17 Q All right. And as part of that kind of box, is
18 there a spot on the box where it actually had the serial
19 number and the information regarding the computer also?

20 A Yes, sir. There was a manufacturer's label
21 applied to the exterior of the box that had the serial
22 number for the laptop.

23 Q Showing you State's Exhibit 6. Is that a
24 photograph of that?

25 A Yes, sir.

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1 MR. SORENSON: Your Honor, at this time, we
2 offer State's 6 into evidence.

3 THE COURT: Any objection?

4 MR. WISE: No, your Honor.

5 (State's Exhibit No. 6, Photograph -- Serial
6 Number Off Laptop Box, is admitted into evidence.)

7 Q (By Mr. Sorenson) And, yet again, this
8 indicates that it is an Aspire model. Is that the model
9 of the Acer laptop?

10 A Yes, sir.

11 Q And this also then had the serial number of
12 that laptop on it?

13 A Yes, sir. The line that starts with the S,
14 slash, N.

15 Q Is it where my finger is right there?

16 A Yes, sir.

17 Q Okay. And that serial number then,
18 Investigator Harter, did you, as part of your
19 investigation, do anything with that serial number to
20 that -- to that laptop?

21 A Yes, sir. We treated it like we would any
22 other stolen property, and I contacted my dispatch by
23 telephone, and we entered that serial number into the
24 computer and had it associated with what had taken place
25 on Goff and listed it as stolen.

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1 Q So I guess if that laptop -- someone came up on
2 that and ran that, then, through the computer, it would
3 come back stolen?

4 A It would show as originating from -- on that
5 address and being stolen from that address.

6 Q Okay. And, additionally, this State's Exhibit
7 No. 6, does this indicate what color that laptop was on
8 there?

9 A Yes, sir.

10 Q Okay. What color did it indicate that Acer
11 Aspire laptop was?

12 A Red.

13 Q So you knew you were looking for a red Acer
14 laptop?

15 A Yes, sir.

16 Q Now, let me show you State's Exhibit No. 8.
17 Are you familiar with this -- this tax map?

18 A Yes, sir. I recognize the area.

19 Q You see Goff Avenue? Is that located on there?

20 A Yes, sir.

21 Q All right. And does the victim's residence, is
22 it located on this -- on this map?

23 A Yes, sir. It's partially up [REDACTED] on the
24 left-hand side.

25 Q Okay. Is that where the kind of blue dot is?

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1 A Yes, sir, where that blue dot would indicate.

2 MR. SORENSON: Your Honor, at this time, we
3 offer State's 8 into evidence.

4 THE COURT: Any objection?

5 MR. WISE: No, your Honor.

6 (State's Exhibit No. 8, Tax Map, is admitted
7 into evidence.)

8 Q (By Mr. Sorenson) And, yet again, is that
9 where -- where my finger is pointing right now; is that
10 it right there?

11 A Yes, sir.

12 Q Okay. So that would be the victim's residence
13 on [REDACTED]; is that correct?

14 A Yes, sir.

15 Q I want to kind of fast-forward, if I
16 could, Investigator Harter, about two weeks later to
17 February 16th of 2011.

18 Did you have kind of an occasion that evening
19 to be involved with other officers not only with the
20 Sheriff's Office but also with Probation, Pardon, and
21 Parole in going into a residence at [REDACTED],
22 kind of an unrelated matter not related to the homicide
23 at all?

24 MR. WISE: Objection, your Honor.

25 THE COURT: What's the objection?

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1 MR. WISE: It's related to the pretrial issue
2 regarding his testimony.

3 THE COURT: I think he handled it exactly like
4 we decided we would do it.

5 Ladies and gentlemen, the -- the visit on
6 the --

7 What date was it?

8 MR. SORENSON: It's on the 16th of February.

9 THE COURT: On the 16th to the address we're
10 getting ready to talk to him about had absolutely
11 nothing at that time to do with the -- this situation.
12 Is that clear? "This situation" being the murder. I
13 mean, they were there on entirely different business.

14 MR. WISE: Thank you, your Honor.

15 THE COURT: Legal -- legal business.

16 Everybody okay?

17 THE JURORS: (Nodding heads up and down.)

18 THE COURT: You hot now?

19 THE JUROR: I'm good.

20 THE COURT: Y'all need anything? Please don't
21 get uncomfortable.

22 MR. SORENSON: Thank you, your Honor.

23 Q (By Mr. Sorenson) All right. So that -- that
24 was, I guess, a yes. You were involved in going to the
25 1347 Campus?

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1 A Yes, sir.

2 Q And where is [REDACTED] located at in
3 relation to [REDACTED]?

4 A If you -- if you turn on to [REDACTED], you can take
5 a right onto Mingo Street, and it will eventually
6 intersect with [REDACTED] a couple of blocks down.

7 Q Going back to State's Exhibit 8, we have [REDACTED]
8 [REDACTED] here, Mingo Street --

9 A Yes, sir.

10 Q -- and ultimately it intersects down at the
11 bottom here with [REDACTED]; is that correct?

12 A Yes, sir.

13 Q Okay. And, yet again, kind of in the number
14 nine box there, is that [REDACTED]?

15 A Yes, sir.

16 Q So that's a few blocks away from the [REDACTED]
17 [REDACTED] residence; is that correct?

18 A Correct.

19 Q Now, tell the jury what you observed when you
20 went into the residence at [REDACTED] that
21 evening.

22 A Once we entered into the residence, I observed
23 a young male seated on the floor of the living room.
24 And one of the many things that was taking place, out
25 of everything that was going on, I observed in his

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1 possession, he was actively using a red laptop. And it
2 immediately caught my attention.

3 MR. WISE: Objection, your Honor, based upon
4 the pretrial motion regarding that piece of evidence.

5 THE COURT: Well, I've already ruled on that,
6 and I stand by my ruling. And you're protected for the
7 record.

8 MR. WISE: Thank you, your Honor.

9 Q (By Mr. Sorenson) You indicated -- let me ask
10 you, do you -- was it the Defendant, Cleophas Edwards,
11 that was -- that was using that red laptop?

12 A Yes, sir.

13 Q And did you have an opportunity then to kind of
14 look and see a little more -- not only what color the
15 laptop was, but what type of laptop it was?

16 A Yeah. And if -- when that laptop's open, the
17 back side of the top lid has the brand on it.

18 Q Okay. What brand was it?

19 A It's an Acer brand.

20 Q Okay. And is that the same type of laptop you
21 entered into NCIC or into the computer system two weeks
22 prior?

23 A Yes, sir. It was the same make and the same
24 color.

25 Q Let me ask you, Investigator Harter, as part of

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1 your duties -- or even your hobbies, are you familiar
2 with computers?

3 A Yes, sir. I -- I did several years of a double
4 major at the University of South Carolina as a math
5 computer science major, and for about 20 years I kind of
6 built computers.

7 Q Okay. So was this something you were familiar
8 with when you saw it?

9 A Absolutely.

10 Q And was Mr. Edwards ultimately taken into
11 custody by other officers that were there?

12 A He was.

13 Q Okay. Now, did you then have an opportunity
14 with that -- that red laptop to further look at it?

15 A Yes, sir. On that particular laptop, if you
16 just take it and close and flip it upside down, there's
17 another manufacturers-applied label on the bottom that
18 has -- it was very similar to the label on the box, just
19 a smaller version.

20 Q Let me show you State's Exhibit No. 7. Is that
21 the computer you found?

22 A Yes, sir.

23 MR. SORENSON: At this time, we'd offer
24 State's 7.

25 THE COURT: Subject to your objections, it will

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1 be introduced.

2 (State's Exhibit No. 7, Acer Laptop, is
3 admitted into evidence.)

4 MR. SORENSON: Thank you, your Honor.

5 Q (By Mr. Sorenson) Now, you've indicated -- let
6 me kind of -- kind of hand that to you. Kind of just
7 point for the jury where you indicated that serial
8 number is located on that computer?

9 A There's a sticker right over here on the
10 left-hand side that was applied by the manufacturer, and
11 it looks similar to the one on the box. It starts with
12 an S, slash, N, and it has the serial number.

13 Q And what -- what did you then do with that
14 serial number off of that red Acer laptop?

15 A I then contacted my dispatch and had them
16 compare it -- or actually just had them enter it into
17 the system, generally, into the NCIC database to see if
18 it returned with any type of hits.

19 Q Okay. And did it ultimately come back with a
20 hit?

21 A Yes, sir. It returned as the laptop missing
22 from Goff Avenue.

23 Q Okay. And now looking now -- I mean, at the
24 photograph off of the box, State's Exhibit No. 6, I
25 mean, does that serial number match up now even looking

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1 at it with -- with the laptop?

2 A Oh, absolutely.

3 Q Okay. So this was obviously taken into custody
4 at that point in time?

5 A Yes, sir.

6 Q And you advised the investigators in reference
7 to the homicide what you had found?

8 A Yes, sir. I advised my supervisor on the scene
9 at the time, which was Sergeant Furtick, that we had
10 located the laptop from [REDACTED]. And he, in turn,
11 notified Lieutenant Shumpert with the Criminal
12 Investigation Division.

13 MR. SORENSON: Thank you, Investigate Harter.
14 Please answer any questions the State [sic] may have.

15 THE COURT: Either one?

16 MR. WISE: Thank you.

17 CROSS-EXAMINATION

18 BY MR. WISE:

19 Q Deputy Harter --

20 A Yes, sir.

21 Q -- what did you do with the computer?

22 A Once it was taken into custody, it was turned
23 over to my sergeant who, in turn, I believe turned
24 it -- I'm not positive exactly how the chain of custody
25 was handled at that point, whether he turned it over to

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1 Shumpert or whether he entered it into evidence himself.

2 Q Okay. Anybody else in the house at the time
3 you -- you were in there aside from law enforcement
4 people?

5 A Aside from law enforcement, there was -- I
6 don't know if he was present in the house or if he had
7 been removed from the house, but there was another
8 person present in the home.

9 Q Do you know who that person was?

10 A I don't recall his name. He was a housemate of
11 the Defendant.

12 Q Okay. You identified him as a housemate?

13 A Yes, sir.

14 Q Person who lived there?

15 A Yes, sir.

16 Q Okay. Very good. Did you see him with the
17 computer?

18 A No, sir.

19 Q Did you ask any questions about the computer?

20 A No, sir. Not at that time, no, sir.

21 Q When you walked into the house and you saw
22 Mr. Edwards, what was he doing?

23 A He was seated on the floor with his back up
24 against the couch, both legs were straight out. He was
25 smoking marijuana and talking on the computer.

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1 Q All right. You said he was talking on the
2 computer?

3 A Chatting. It appeared that he was chatting,
4 some type -- some type of chat, maybe.

5 Q Okay.

6 A He was on the web. I can't say that he was
7 chatting.

8 MR. WISE: Your Honor, may I have one moment?

9 THE COURT: You may.

10 Q (By Mr. Wise) Deputy Harter, just the last
11 thing. Was the Defendant drinking -- consuming alcohol
12 at the time?

13 A I did not observe him to be -- he didn't have
14 it in his possession. If he had consumed any, I did not
15 observe it.

16 Q Did you see a bottle next to him on the floor?

17 A I don't recall. I -- I recall alcohol bottles
18 in the home, but I don't recall one next to him.

19 MR. WISE: Okay. Thank you, sir.

20 THE COURT: Redirect, if any?

21 MR. SORENSON: No, sir.

22 THE COURT: You may step down.

23 You got a short witness?

24 MR. SORENSON: No, sir. I think that's all.

25 Pathologist is next.

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1 THE COURT: All right. Madam forelady, ladies
2 and gentlemen, we're going to break for lunch, as I
3 discussed. We'll start back at 2:15. That's an hour
4 and a half.

5 Do not discuss the case; do not let anybody
6 discuss it with you. We'll come back at 2:15 and
7 continue on until about 4:15 or 4:30.

8 Everybody else remain seated. Y'all go with
9 the bailiff. She'll show you a way in and out.

10 (The jury is escorted from the courtroom at
11 12:46 p.m.)

12 THE COURT: Anything for the record before we
13 break for lunch?

14 MR. SORENSON: I don't believe so.

15 THE COURT: From the Defendant?

16 MR. WISE: Not from the Defendant.

17 THE COURT: We'll stand at ease. We'll start
18 back promptly at 2:15.

19 Let me see y'all back here a second.

20 (Judge off the bench at 12:46 p.m.)

21 (A lunch break is taken from 12:46 p.m. until
22 2:20 p.m.; at which time, the proceedings continue as
23 follows:)

24 THE COURT: Anything for the record before we
25 start?

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1 as follows:

2 DIRECT EXAMINATION

3 BY MR. BELL:

4 Q Dr. Ross, how are you employed?

5 A I am a forensic pathologist with Newberry
6 Pathology Associates in Newberry, South Carolina.

7 Q And could you tell the jury about your
8 educational background?

9 A Yes. I have a bachelor's degree from the
10 University of South Carolina, and I got my M.D. from
11 State Medical Center in Syracuse, New York, where I also
12 did my training in pathology. Pathology is the
13 discipline in medicine that teaches us how to identify
14 and diagnose diseases by looking at tissue under the
15 microscope. We also learn how to do an autopsy. I'm
16 further trained in the area of forensic pathology.
17 Which, the word "forensic" means legal, so we use our
18 pathology knowledge towards areas in the legal field
19 like accidents, suicides, and homicides, and we are
20 trained to do a specific and more thorough forensic
21 autopsy.

22 Q And you are a licensed medical doctor in the
23 state of South Carolina?

24 A Yes.

25 Q Do you have any other specific licenses or

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1 accreditations?

2 A Board certification. It's a national
3 certification in three areas of pathology, including
4 forensic pathology.

5 Q And how long have you been practicing as a
6 forensic pathologist?

7 A Thirty-six years.

8 Q And a rough estimate, how many autopsies have
9 you performed?

10 A Over 6,000.

11 Q And how many causes of death have you
12 determined?

13 A Well over 6,000.

14 Q And how many times have you ever been qualified
15 to testify in the Courts of South Carolina?

16 A In South Carolina, over 70.

17 Q Okay. You've been qualified as an expert in
18 forensic pathology?

19 A Yes.

20 MR. BELL: Your Honor, we'd offer Dr. Ross as
21 an expert in the field of forensic pathology.

22 THE COURT: Any Cross-examination as to her
23 qualifications?

24 MS. HINDS: No objection, your Honor.

25 THE COURT: All right. Ladies and gentlemen of

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1 the jury, Dr. Ross will be qualified as an expert, which
2 means under our rules of evidence, she will be allowed
3 to give opinion testimony.

4 You may proceed.

5 Q (By Mr. Bell) Now, Dr. Ross, you've already
6 testified that your specialty is in determining how
7 diseases or how people die; is that correct?

8 A Correct.

9 Q Okay. Did you have an occasion to examine an
10 individual, Mrs. Carolyn Hanton, sometime in February of
11 last year?

12 A Yes.

13 Q What was the exact date?

14 A It's February 4th, 2011.

15 Q Okay. And your -- where did your examination
16 take place?

17 A In the morgue at Newberry County Memorial
18 Hospital in Newberry, South Carolina.

19 Q Okay. And before we get specific into her
20 case, can you tell the jury kind of generally how you go
21 about doing an autopsy?

22 A Yes.

23 THE COURT: Hold on one second. Did any of the
24 family members want to step out?

25 MR. SORENSON: I think the ones that wanted to,

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1 stayed out. Thank you.

2 THE WITNESS: The coroner of the county will
3 call us and authorize and order an autopsy. The body is
4 brought to us in a body bag, which we open, and we take
5 photographs of the person, take inventory of the
6 clothing, take the clothing off, and then furthermore
7 take photographs of the -- of the body, nude, back
8 and -- front and back, and identify any pattern of
9 injury present.

10 Q (By Mr. Bell) Okay. And then after you've
11 done -- that's the external examination?

12 A Yes.

13 Q And then what do you do after you've done the
14 external examination?

15 A Then we do a specific type of internal
16 examination looking at each organ to identify any
17 injuries or natural diseases of each organ.

18 Q Okay. And, now, turning specifically to
19 Mrs. Hanton, can you tell the jury what you observed
20 upon her -- upon your initial examination of her?

21 A Yes. We could see that she had multiple stab
22 wounds and incised wounds. These types of wounds are
23 made by a sharp object. A stab wound is defined as
24 being deeper than it is wide on the skin. Incised wound
25 is a wound that's split -- a cut of the skin made by a

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1 sharp instrument. She had at least 43 stab wounds plus
2 multiple incised wounds.

3 Q Where were these wounds located?

4 A They were located around the head, one incised
5 wound on the left side of the neck, there were wounds in
6 the chest, in the back, in the abdomen, and in the upper
7 arms.

8 Q Were there -- were there some wounds that were
9 more -- did more damage than other wounds?

10 A Yes. There were -- there was at least one stab
11 wound in the chest that went in and actually perforated
12 the heart, causing bleeding. There were several wounds
13 in the back that entered the chest cavities and entered
14 and perforated and cut into the lung tissue.

15 Q Okay. And most -- how would you describe
16 most of the wounds that you observed on the body of
17 Mrs. Hanton?

18 A The other ones were superficial. In other
19 words, they didn't go into the chest cavity or the
20 abdominal -- or the abdominal cavity and cut into
21 organs.

22 Q And so did you determine the cause of death of
23 Mrs. Hanton as a result of these examinations?

24 A Yes.

25 Q And what was that?

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1 A It was the exsanguination, which means to bleed
2 out, due to the incised wounds of the heart and lungs
3 due to multiple stab wounds.

4 Q Did you determine manner of death?

5 A Yes.

6 Q And what was that?

7 A Homicide.

8 Q What does homicide mean?

9 A Death attributed to the action or inaction of
10 another.

11 Q And that's just your classification, or the
12 classification of the state of South Carolina, I
13 believe?

14 A Correct. There are five manners of death that
15 we can put on a death certificate. Homicide is one.
16 Suicide, accident, natural, and then if you can't figure
17 it out, it's undetermined.

18 Q Okay. Let me show you a couple of things. Let
19 me show you what's been marked as State's 38, and just
20 ask that if this State's 38, which is a knife, would
21 that be consistent with the wounds that you observed as,
22 you know, capable of producing the wounds that you
23 observed on Mrs. Hanton?

24 A Yes.

25 Q Okay. Now, also, Dr. Ross, after, I guess,

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1 either during the course or at the end of the
2 examination to determine cause of death, did you do
3 anything else?

4 A We collect fluids from the body for toxicology
5 purposes. And on this case, I think we collected
6 fingernails for -- for SLED to investigate to see if
7 there was any DNA underneath the fingernails.

8 Q And, specifically, Dr. Ross, let me ask -- I'll
9 show you what's been marked as State's 43, and ask if
10 you recognize State's 43.

11 (Mr. Bell shows State's Exhibit Nos. 38 and 43
12 to Ms. Hinds.)

13 (State's Exhibit No. 43 is handed to the
14 witness.)

15 THE WITNESS: Yes. This is -- these are our
16 labels and -- with my initials on it. For a collection,
17 we -- one purple-topped tube for blood, which is used
18 for DNA purposes and containers for the -- little
19 envelopes for the fingernails.

20 Q (By Mr. Bell) Okay. And once you collected
21 these, do you -- what did you do with them?

22 A We seal them, sign them, and we submitted them
23 to -- let me get the name right -- the Orangeburg County
24 Sheriff's Office, William Ketcherside.

25 Q Okay. And, finally, Dr. Ross, let me show you

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1 what's been marked as State's 45 and ask if you can
2 identify that.

3 A Yes. This is my autopsy report on
4 Carolyn Hanton and some of the diagrams that I took --
5 or made at the time of the autopsy.

6 MR. BELL: Okay. Your Honor, we'd offer that,
7 as State's 45, into evidence.

8 MS. HINDS: No objection.

9 THE COURT: Without objection.

10 (State's Exhibit No. 45, Autopsy Report, is
11 admitted into evidence.)

12 MR. BELL: Thank you, Dr. Ross. Please answer
13 any questions that the defense may have for you.

14 MS. HINDS: I just have very few questions.

15 CROSS-EXAMINATION

16 BY MS. HINDS:

17 Q When the body was brought to you, were the
18 hands bagged?

19 A Yes.

20 Q Okay. So they were already bagged?

21 A Yes.

22 Q Okay. And I believe your testimony was that
23 you did fingernail clippings?

24 A Yes, ma'am.

25 Q And then sealed them?

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1 A Yes.

2 Q Okay. And they were given over to the

3 sheriff's department; correct?

4 A Correct.

5 Q Is there any way to know what time she died?

6 A No. That's very difficult to identify unless

7 there's a witness or -- but -- but looking at body

8 temperature, or rigor mortis, et cetera, is -- it's not

9 specific enough.

10 Q You can just give an approximation?

11 A Correct.

12 Q Okay. And just, finally, you don't have any

13 personal knowledge of how Mrs. Hanton died; correct?

14 A Other than stab wounds, no.

15 Q But, I mean, you have no idea of who did it, or

16 who may have done it?

17 A No.

18 MS. HINDS: No further questions.

19 THE COURT: Thank you. Any Redirect?

20 MR. BELL: No, your Honor.

21 THE COURT: All right. May Ms. Ross be

22 relieved so she can go back to Newberry?

23 MR. BELL: We would ask that she be excused,

24 your Honor.

25 MS. HINDS: No objection.

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Direct Examination by Mr. Bell of Johnny Thrower

1 THE COURT: Thank you, Dr. Ross.

2 Next witness, please.

3 MR. BELL: The State would call Johnny Thrower.

4 THE COURT: Come around, sir, please.

5 (The oath is administered by the Deputy Clerk
6 of Court, and the witness answers as follows:)

7 THE WITNESS: I do.

8 THE DEPUTY CLERK: State your name for the
9 record and spell your last name.

10 THE WITNESS: Johnny Thrower. Last name
11 spelled, T-h-r-o-w-e-r.

12 JOHNNY THROWER,

13 having been first duly sworn by the Deputy Clerk of
14 Court to tell the truth, the whole truth, and nothing
15 but the truth, was examined and testified upon his oath
16 as follows:

17 DIRECT EXAMINATION

18 BY MR. BELL:

19 Q Investigator Thrower, where are you employed?

20 A At the Orangeburg County Sheriff's Office.

21 Q And how long have you been employed there?

22 A Approximately two years.

23 Q And do you have any other law enforcement
24 experience?

25 A Yes, sir.

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1 Q And how much other law enforcement experience
2 have you had?

3 A Twelve years.

4 Q Twelve years?

5 A Yes, sir.

6 Q And where were you employed then?

7 A I worked at the Department of Corrections for
8 nine and a half years. I worked at the Department of
9 South Carolina Probation, Department of Parole, for
10 three and a half years -- almost four.

11 Q And now with the sheriff's department?

12 A That's correct.

13 Q And what do you do with the sheriff's
14 department now?

15 A I'm the narcotics investigator with a special
16 operations portion of the sheriff's office. I also
17 investigate various other crimes.

18 Q All right. Investigator Thrower, did you
19 have an occasion back on February 16th, 2011, to be at
20 1347 Campus Drive?

21 A Yes, sir, I did.

22 Q And were you there on law enforcement business?

23 A Yes, sir.

24 Q Okay. And did you have an occasion, along with
25 other law enforcement officers, to enter that particular

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1 residence?

2 A Yes, sir, I did.

3 Q And when you entered that residence, did you
4 observe anybody that you knew in there?

5 A Yes, sir, I did.

6 Q Who was that?

7 A I observed Cleophas Edwards in that residence.

8 Q And you've identified that as the Defendant
9 over seated at defense table?

10 A Yes, sir.

11 MR. BELL: Your Honor, we'd ask the record
12 reflect that he identified the Defendant.

13 Q (By Mr. Bell) Did you observe him with
14 anything?

15 A Yes, sir. When we entered the residence, I
16 observed Mr. Edwards. At that time, he was smoking a
17 marijuana cigarette, and he was also holding a red
18 laptop in his lap.

19 Q Okay. And was -- was Deputy Harter along with
20 you at this time; do you recall? Among others?

21 A Yes, sir.

22 Q Okay. At some point, was Mr. Edwards taken
23 into custody there?

24 A Yes, sir, he was.

25 Q And where was he taken?

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- 1 A He was taken to the Criminal Investigation
2 Division on Chestnut Street here in Orangeburg.
- 3 Q And that's with the sheriff's department?
- 4 A That's correct.
- 5 Q Who took him there?
- 6 A Myself and Agent Young, at the time.
- 7 Q Okay. And where did you take him to at the
8 Criminal Investigative Division of the sheriff's
9 department?
- 10 A We took him to the interview room.
- 11 Q Okay. Did you meet up with anybody in
12 particular there in law enforcement?
- 13 A Yes, sir. Lieutenant James Shumpert of the
14 Orangeburg County Sheriff's Office. He was the head
15 detective during that time.
- 16 Q All right. And when you took him to -- when
17 you took him into the interview room there, you said,
18 what happened?
- 19 A He was read his Rights.
- 20 Q Okay. Those were his Miranda Rights?
- 21 A That's correct.
- 22 Q Who read those Rights?
- 23 A Lieutenant Shumpert did.
- 24 Q Were you present at that time?
- 25 A Yes, sir, I was present during that time, and I

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1 witnessed the -- when he was read his Rights, and I also
2 signed the Miranda sheet.

3 Q Okay. And so how were they read to him?

4 A They were read off to him one at a time.

5 Q Okay. Was it from a specific sheet? Piece of
6 paper?

7 A That's correct.

8 Q Okay.

9 (Document is shown to defense counsel.)

10 Q (By Mr. Bell) Let me show you what's been
11 marked as State's No. 1 and ask you if can identify
12 that?

13 A Yes, sir, I recognize it.

14 Q And what do you recognize it as?

15 A This is the Orangeburg County Sheriff's Office
16 Criminal Investigate -- Criminal Investigation Miranda
17 sheet.

18 Q Okay. And that's the one that was read to him
19 back on February 16th, 2011?

20 A That's correct. I signed it here at the bottom
21 left.

22 Q Okay. And that was read to the Defendant
23 Cleophas Edwards?

24 A Yes, sir, it was.

25 Q How was it read to him; do you recall?

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1 A Yes, sir. There are actually five Miranda
2 warnings on here, and they were read off to him one at a
3 time.

4 Q Okay. And can you please read those, what was
5 read to him?

6 A Yes, sir. At the top of the paper, it says:
7 These are your Rights. Please read carefully. Before
8 we ask you any questions, you must understand your
9 Rights. Please initial beside each sentence.
10 The first one says: You have the right to
11 remain silent. Anything you say can be used against you
12 in court.

13 The second one says: You have the right to
14 talk to a lawyer for advice before we ask you any
15 questions and to have him with you during questioning.

16 The third one says: If you cannot afford a
17 lawyer, one will be appointed for you before any
18 questioning if you wish.

19 The fourth one is: If you decide to answer any
20 questions without a lawyer present, you will still have
21 the right to stop answering at any time.

22 And the fifth one says: You also have the
23 right to stop answering at any time until you talk to a
24 lawyer.

25 And, at the bottom, it has a place for a

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1 signature, but it says: Before you sign -- it has
2 here -- I understand my rights, before -- where you put
3 your signature.

4 Q Okay. Now, before we go any further on these
5 top five Rights, there's some writing out to the left of
6 that. What are those?

7 A These are the places where you place your
8 initials. After these were read to him, we asked
9 Mr. Edwards did he understand, and he said that he did;
10 and if he did, to initial, and he initialed them here.

11 Q Okay. So that's his handwriting on those five
12 spaces besides the numbers?

13 A That's correct.

14 Q Okay. And that's his signature at the bottom
15 saying he understood?

16 A Yes, sir, that is.

17 Q Okay. And did he seem to understand the Rights
18 as y'all read to him?

19 A Yes, sir.

20 Q And who read them? His Rights?

21 A Lieutenant Shumpert did.

22 Q Okay. Was -- how was his attitude? Was he
23 under the influence or anything, in your opinion?

24 A No, sir, I won't say that he was.

25 Q Did he seem to understand what was going on?

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1 A Yes, sir.

2 Q Okay. And then after those Rights were read to
3 him, was something else read to him?

4 A Yes, sir. Down to the bottom, it says, Waiver
5 of Rights, and it reads, as thus. It says: I have read
6 the statement of my Rights, and I understand what my
7 Rights are. I'm willing to make a statement and answer
8 questions. I do not want a lawyer at this time. I
9 understand, and I know what I am doing. No promises or
10 threats have been made to me and no pressure or coercion
11 of any kind has been used against me.

12 Q And did he do anything after that?

13 A Yes, sir. He signed right under.

14 Q Okay. Are there any other signatures on that
15 page?

16 A Yes, sir. Lieutenant Shumpert's is right under
17 Mr. Edwards' signature, and mine is at the far left, as
18 a witness.

19 MR. BELL: Your Honor, we'd offer State's 1
20 into evidence.

21 MR. WISE: No objection, your Honor.

22 (State's Exhibit No. 1, February 16, 2010
23 [sic], Advice of Rights Form, was previously admitted
24 into evidence at page 54.)

25 Q (By Mr. Bell) Now, at that point, had anybody

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1 threatened him?

2 A No, sir.

3 Q Had anybody offered him anything to give a
4 statement?

5 A No, sir.

6 Q Had anybody coerced him in any way?

7 A No, sir.

8 Q And used any force against him?

9 A No, sir.

10 Q He was there of his own free will, other than
11 y'all had brought him there in custody?

12 A Absolutely.

13 Q Okay. Now, you were talking about Lieutenant
14 Shumpert. Do you know where Lieutenant Shumpert is
15 today, by the way?

16 A Yes, sir.

17 Q Where is he?

18 A He's sick. Out sick.

19 Q Okay. After these were read to him, what
20 happened?

21 A He -- he -- you know, he was there with
22 Lieutenant Shumpert, and I kind of hung around while,
23 you know -- while he was sitting in the interview room.

24 Q Were you there when he was asking him anything
25 at that time?

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1 A No, sir, not -- not at that time.

2 Q There were other officers around; is that

3 correct?

4 A That's correct.

5 Q What were you doing during this time when

6 Lieutenant Shumpert initially talked to him?

7 A Just kind of waiting around to see what we were

8 going to do next.

9 Q Okay. Did you have an occasion to do anything

10 during this particular time?

11 A Yes, sir.

12 Q What?

13 A We were going to go find out where the guy

14 Izzie was.

15 Q Okay. And why were you looking for a guy named

16 Izzie?

17 A Mr. Edwards made mention of getting a laptop

18 from Izzie.

19 Q Okay. And did you do that?

20 A Yes, sir, we did.

21 Q Did y'all find some fellow named -- a guy named

22 Izzie?

23 A Yes, sir, we did.

24 Q And what did y'all do with him?

25 A We brought Izzie to the CID portion of the

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1 sheriff's office where -- where everybody else was, and
2 where Mr. Edwards was also.

3 Q Okay. And what happened when Izzie was brought
4 back?

5 A Basically, Izzie and Edwards were allowed to
6 talk about, you know, where he got the laptop, and he
7 denied that he even --

8 MR. WISE: Objection, your Honor, as to what
9 Izzie said.

10 THE COURT: Can't testify about what Izzie
11 said. That's hearsay.

12 Q (By Mr. Bell) There was a back and forth
13 between Mr. Izzie and the Defendant, Mr. Edwards?

14 A That's correct.

15 Q While y'all were present?

16 A That's correct.

17 Q Okay. After this back and forth, what
18 happened?

19 A Izzie and Edwards were separated at that time.

20 Q Okay. And did Mr. Edwards do anything after
21 that?

22 A He was still sitting in the interview room.

23 Q Okay. What happened then?

24 A We just still kind of waiting around to see,
25 you know, where we were going to go next.

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1 Q Okay. And what was your next step?

2 A Lieutenant Shumpert later came to me and said

3 that Edwards wanted to talk to me.

4 Q And how long after this -- this thing with

5 Izzie happened, did he come to you?

6 A I would say about maybe 10 minutes, maybe 15,

7 at the most.

8 Q Okay. And what happened when Lieutenant

9 Shumpert told you Edwards wanted to talk to you?

10 A I went in the interview room where he was.

11 Q Okay. And was anybody else there?

12 A No, sir. It was just me and him.

13 Q Okay. And what happened then?

14 A It -- if I can refer back to the statement that

15 I wrote.

16 Q If it will help your memory.

17 A Yes, sir.

18 (The witness refers to a document.)

19 THE WITNESS: I walked in the interview room.

20 I observed Edwards. He was leaning forward in his

21 chair --

22 THE COURT: Speak up for me, please.

23 THE WITNESS: I observed Edwards. He was

24 leaning forward in his chair. He placed his hand in the

25 palm of -- placed his head in the palm of his hands, and

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1 he said: I messed up, Thrower. I messed up. I said to
2 him to tell me what you did. Edwards stated: I killed
3 that lady. I messed up. And I said to him: Take me
4 through what happened. He started off by saying: Life
5 just got to be too much. Bills. Everybody expecting me
6 to be so much. I got up that morning, and I knew I had
7 to make something happen. I needed to get some money.
8 I walked through the neighborhood, and I saw that house.
9 A car was leaving out of the driveway, and I walked up
10 to it. I walked up to the door. It was open, and I
11 went in. I saw the lady sitting down. She looked up,
12 saw me, and asked who was I? She then started yelling,
13 telling me to get out of her house. He stated: She was
14 yelling at me, telling her to -- telling me to get out
15 of her house. She was right up on me. Hitting him, he
16 said. And she was screaming. He stated that he then
17 pulled out a knife that he had brought with him and
18 began to stab her repeatedly. He stated that he could
19 not get her to stop screaming, and he blacked out. He
20 stated that he may have passed out for a moment, because
21 when he woke up, he remembered slipping in some blood
22 and seeing some kids in the room. He said he started to
23 get scared, and he was trying to find a way out of the
24 house, and he grabbed a computer, and he ran out.
25 I asked what he did after that, and he said he

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1 left the house and ran around the corner to an abandoned
2 house on Mango [sic] Street, and he threw up. He said
3 he took off the black hood he was wearing and placed it
4 near the house somewhere in the rear. He stated that he
5 threw the knife that he used near a tree in the
6 backyard. And he told me he would show me where the
7 house was. I told him that I needed to know the place
8 and where the shoes were as well. On that date, he
9 stated that they were in the storage at a room at his
10 residence at that 1347 Campus Drive address. He agreed
11 that he would show me where they were. And I informed
12 him at that time that he needed to let Lieutenant
13 Shumpert know what he had told me, and that he needed to
14 give a formal statement, and he said he would cooperate.

15 Q (By Mr. Bell) Okay. Now, did you force him or
16 threaten him into giving that statement to you?

17 A No, sir, I didn't.

18 Q Did you coerce him in any way?

19 A No, sir, I didn't.

20 Q Did you offer him anything?

21 A No, sir.

22 Q Was that of his own free will?

23 A Yes, sir, it was.

24 Q How was his demeanor?

25 A He was a little upset during that time. I

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12 him at that time that he needed to let Lieutenant
13 Shumpert know what he had told me, and that he needed to
14 give a formal statement, and he said he would cooperate.

15 Q (By Mr. Bell) Okay. Now, did you force him or
16 threaten him into giving that statement to you?

17 A No, sir, I didn't.

18 Q Did you coerce him in any way?

19 A No, sir, I didn't.

20 Q Did you offer him anything?

21 A No, sir.

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23 A Yes, sir, it was.

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25 A He was a little upset during that time. I

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- 1 guess from getting it out. He was --
- 2 Q Okay. After he told you that, what did you do?
- 3 A I got up, and I went outside, and I told
- 4 Lieutenant Shumpert that he told me that he had killed
- 5 the lady.
- 6 Q Okay. And what happened next?
- 7 A Lieutenant Shumpert came in.
- 8 Q Okay. Were you in there with him when
- 9 Lieutenant Shumpert came in?
- 10 A Yes, sir, I was.
- 11 Q And what -- what was decided to be done then?
- 12 A Well, Shumpert told him that he needed to write
- 13 a formal statement, and he said he was too upset at that
- 14 time and asked could it be recorded.
- 15 Q And did y'all have that capability?
- 16 A Yes, sir, we did.
- 17 Q How was it recorded?
- 18 A There's a little key outside of our interview
- 19 room where we turn it, and it records audio as well as
- 20 video.
- 21 Q And was that done in this case?
- 22 A Yes, sir, it was.
- 23 Q Okay. Have you seen that video?
- 24 A Yes, sir, I have.
- 25 Q Is that video an accurate representation of

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1. what went on back on February 16th, 2011, in the
2. interview room at the CID of the Orangeburg Sheriff's
3. Office?

4. A Yes, sir, absolutely.

5. MR. BELL: Okay. We would at this time --
6. you've seen the video, that's State's 2, which we would
7. offer into evidence at this time.

8. MR. WISE: Subject to the -- my pretrial
9. objections, your Honor.

10. THE COURT: Thank you.

11. (State's Exhibit No. 2, DVD, is admitted into
12. evidence.)

13. MR. BELL: And, your Honor, we'd ask you if we
14. could publish it to jury at this time?

15. THE COURT: You may.

16. (State's Exhibit No. 2, DVD, is published to
17. the jury.)

18. Q (By Mr. Bell) Could you step down, please,
19. Investigator Thrower, and while we have this lull, who's
20. in the room?

21. A That's Cleophas Edwards. That's my supervisor,
22. Ms. Lisa Boltin; she's the supervisor.

23. Q Who's that on the right?

24. A That's me.

25. Q Okay.

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1 THE COURT: Would you turn it up? Will it go
2 any louder?
3 (State's Exhibit No. 2, DVD, continues to be
4 played for the jury.)
5 Q (By Mr. Bell) Who's that?
6 A That's Lieutenant Shumpert.
7 Q I think you can sit down. I think we've got
8 everybody in the room.
9 (State's Exhibit No. 2, DVD, continues to be
10 played for the jury until its conclusion.)
11 Q (By Mr. Bell) All right. Investigator
12 Thrower, that's how the interview went?
13 A Yes, sir.
14 Q What did y'all do after the interview was over?
15 A We went to the place where Mr. Edwards said
16 that he put the knife and the other items that he
17 described in the interview.
18 Q Okay. Y'all went -- what time was all this
19 going on? This interview and all on the 16th; do you
20 recall?
21 A Somewhere probably about 8:00 or 9:00.
22 Somewhere in between.
23 Q Morning or night?
24 A The nighttime.
25 Q Okay.

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1 A Yes, sir.

2 Q So y'all went out to where? Y'all first went
3 to where?

4 A We first went to the Mango [sic] Street
5 address. The abandoned house.

6 Q Okay. If you could come down here,
7 Investigator Thrower, and let me show you what is
8 State's 8 in evidence.

9 (The witness steps down from the witness
10 stand.)

11 Q Would you point out to the jury where he took
12 y'all to at on Mingo Street?

13 A I think it's -- I'm trying to -- let me see.

14 Q Does this look like the area where you took
15 him?

16 A Yeah. Let me see. Somewhere in here.

17 Q Is there -- what was there?

18 A An abandoned house.

19 Q Okay. And --

20 A Yeah, that's the abandoned house.

21 Q Okay. And do you see where -- where y'all
22 were -- originally found him, on Campus Street? Do you
23 see that street anywhere on here?

24 A Yes, sir, that's the -- that's the original
25 house.

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1 Q Let's move over so they can see it. Can you
2 first show them where you -- where you -- he took you on
3 Mingo Street?

4 A It's this residence right here.

5 Q And then show them the Campus Drive address
6 that you've been to -- where he lived?

7 A There.

8 (The witness resumes the stand.)

9 Q Did y'all do anything that evening at the
10 Mingo Street address?

11 A We -- we attempted to locate the items that he
12 described, but it was dark, and we couldn't.

13 Q And you and several other law enforcement went
14 there that night?

15 A That's correct.

16 Q Okay. Did you go anywhere else that night?

17 A Back to his Campus Street address.

18 Q Why did you go there?

19 A Well, he stated that the shoes were there.

20 Q Okay. And did y'all look for the shoes there?

21 A We did look for the shoes, but we weren't able
22 to locate them.

23 Q Okay. Did anything happen while you were
24 there?

25 A Not that I recall.

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1 Q Okay. And did you do anything else in this
2 investigation that evening?

3 A No, sir, not that I recall.

4 Q Okay. Now, what about the next day, on the
5 17th?

6 A We went back to the Mango [sic] Street
7 residence and attempted to locate the items that he said
8 was there.

9 Q Okay. Did you personally have -- were you able
10 to locate anything on that address?

11 A Yes, sir. I found a black hooded sweatshirt.

12 Q Where did you find that?

13 A That was located at the rear residence,
14 somewhere near some shrubbery and a fence.

15 Q Let me show you, first, what's been marked as
16 State's 23 and ask if you recognize that picture?

17 A Yes, sir, that's the house.

18 Q On Mingo Street?

19 A On Mingo Street.

20 Q That he took you to the night before?

21 A That's -- that's correct.

22 MR. BELL: We'd offer that as State's 23.

23 THE COURT: Any objection?

24 MR. WISE: No, your Honor, no objection.

25 (State's Exhibit No. 23, Photograph, is

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1 admitted into evidence.)
2 (Document is shown to defense counsel.)
3 Q (By Mr. Bell) Let me show you what's been
4 marked as State's 28 and ask if you can identify that?
5 A That's the fence and the sweatshirt.
6 Q That you found?
7 A Yes, sir, that's correct.
8 Q Okay. And that's the condition that you saw it
9 that day?
10 A That's it.
11 Q On February 17th?
12 A That's correct.
13 MR. BELL: We'd offer State's 28 into evidence.
14 MR. WISE: Your Honor, may I have one moment?
15 (Mr. Wise reviews the exhibit.)
16 MR. WISE: No objection, your Honor.
17 (State's Exhibit No. 28, Photograph, is
18 admitted into evidence.)
19 Q (By Mr. Bell) When you found the hoodie and --
20 or this item, in State's 28, what did you do?
21 A I just pointed out that that's where it was and
22 waited for crime scene to do what they needed to do with
23 it.
24 Q So you didn't pull it out or anything?
25 A No, sir.

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1 Q You just -- who was working the crime scene at
2 that particular location on that day?

3 A Lieutenant Carter, and I believe Ketcherside
4 may have been there as well.

5 Q And you pointed it out to them?

6 A That's correct.

7 Q And they would have been the ones to pull it
8 out and everything like that?

9 A Yes, sir.

10 Q Okay.

11 (Mr. Bell speaks with Mr. Sorenson off the
12 record.)

13 MR. BELL: Thank you, Investigator Thrower.
14 Please answer any questions the defense may have.

15 MR. WISE: Thank you, your Honor.

16 CROSS-EXAMINATION

17 BY MR. WISE:

18 Q Good afternoon, Investigator Thrower. How are
19 you doing?

20 A I'm good.

21 Q Investigator, I want to go back a little bit to
22 when you first arrived at Cleophas' home. How did you
23 get in?

24 A We knocked at the door.

25 Q Who let you in?

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1 A And -- let me refer back to my statement, so I
2 can get the gentleman's name correct. It was his
3 roommate.

4 Not to take up the Court's time, his roommate
5 opened the door.

6 Q Was his roommate Melvin Simmons, the name?

7 A That's correct.

8 Q Okay. Very good. You spoke about a person
9 named Izzie. Do you remember mentioning that name?

10 A Yes, sir.

11 Q Okay. Did you find out that Izzie was another
12 one of his roommates?

13 A Well, if Izzie was his roommate, I wasn't made
14 aware that he was actually a roommate or not.

15 Q Okay. All right. And were you made aware of
16 anybody else who lived at that house?

17 A Just his roommate.

18 Q Okay. All right. And you got to the house
19 around 7:00 p.m.; is that right?

20 A Approximately. I'm not exactly sure of an
21 exact time, but maybe it was somewhere around there.

22 Q And you testified that when you walked in the
23 house, you saw Cleophas; he was smoking marijuana?

24 A That's correct.

25 Q And did you see a bottle of vodka on the floor

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1 next to him?

2 A I didn't. I don't recall if any alcohol was in
3 the house. I wasn't focused on alcohol. I was just
4 focused on Mr. Edwards, who was right in front of me,
5 and the marijuana, and, you know, what he had in his
6 lap.

7 Q Officer Thrower, let me just show you one
8 thing.

9 (Document is shown to Mr. Sorenson and then
10 handed to the witness.)

11 Q Want you to take a look at that. Do you
12 recognize what's depicted in that photograph?

13 THE COURT: Well, don't we need to identify it
14 or mark it or do something for the record?

15 MR. WISE: We'll mark it for identification.

16 THE COURT: Defense Exhibit 1 for I.D.

17 (Defendant's Exhibit No. 1, Photograph, is
18 marked for identification.)

19 Q (By Mr. Wise) Investigator Thrower -- Agent
20 Thrower, take a look at that. Does that look like the
21 room where Cleophas was sitting when you entered the
22 house?

23 A It does.

24 Q Okay. And you see that bottle of vodka sitting
25 there?

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1 A I see it now.

2 Q But you don't remember seeing it then?

3 A No, sir.

4 Q Okay. There came a point when you were in

5 the house that a determination was made about that Acer

6 computer; correct?

7 A That's correct.

8 Q Okay. And at that point, it was -- everybody

9 knew that this was a computer that was involved in the

10 homicide that happened previously? Were you made aware

11 of that?

12 A At a later time. But at that point in time, I

13 was just concerned with what we were there with him for.

14 Q Okay. All right. When he was being taken from

15 the house --

16 A Okay.

17 Q -- was he at that point suspected of being

18 involved in that homicide?

19 A I wouldn't say that he was suspected as being

20 involved in it.

21 Q Okay. Okay. You talked to him about

22 the -- that Acer computer; didn't you?

23 A I don't recall if I did or not.

24 Q You don't recall ever speaking to him about

25 that computer?

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1 A I don't recall if I did that night.
2 Q Okay. Well, let me ask you this: Did there
3 come a time that evening when he denied stealing that
4 computer?
5 A Yes, sir.
6 Q Okay. All right. Okay. And where would that
7 denial have been?
8 A At the CID.
9 Q Okay. All right.
10 A The place where they actually were doing the
11 interview.
12 Q Criminal Investigation Division office?
13 A Yes. I'm sorry.
14 Q Okay. That's fine. And he got to CID with
15 you?
16 A That's correct.
17 Q And with Officer Young?
18 A Agent Young.
19 Q Agent Young. Okay. And how long did that trip
20 take from Campus to CID?
21 A Probably about two minutes.
22 Q Okay.
23 A If -- yeah, about two minutes.
24 Q Did you speak to Cleophas in the car on your
25 way there?

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- 1 A No, sir.
- 2 Q No conversation at all?
- 3 A I don't recall if I did or not.
- 4 Q You don't recall?
- 5 A No, sir.
- 6 Q Well, let me ask you this: Do you --
- 7 obviously, then, you don't have any recorded
- 8 conversations of what occurred in that vehicle?
- 9 A Absolutely not.
- 10 Q Okay. All right. When you got to CID,
- 11 the first person that you spoke to was Investigator
- 12 Shumpert?
- 13 A That's correct.
- 14 Q Okay. And where was -- when you had that
- 15 conversation with Investigator Shumpert, where was
- 16 Cleophas?
- 17 A He was right there.
- 18 Q In the same room?
- 19 A That's correct.
- 20 Q Is that the room that's depicted in that video?
- 21 A Yes, sir.
- 22 Q Okay. All right. Okay. Okay. So you all
- 23 spoke? You, Lieutenant Shumpert, Cleophas, you spoke
- 24 for a while?
- 25 A No, I -- I mean, I never talked to him. I

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1 mean, you know, Shumpert took him in the room, and as I
2 was right there by the door, I mean, you know, he went
3 in, I didn't -- I didn't ever speak to Cleophas.

4 Q So Investigator Shumpert and Cleophas were in
5 the room?

6 A Yes, sir.

7 Q Okay. But you were not in the room?

8 A No, sir. Not -- when he got ready to walk in,
9 I was just standing by the door. Shumpert, you know,
10 got ready to walk in, and I was just standing there for
11 a second.

12 Q Okay. All right. So there was a point when
13 Investigator Shumpert and Cleophas were speaking
14 one-on-one in that room?

15 A No, sir. Shumpert just kind of walked in and
16 then walked back out.

17 Q Never spoke to him?

18 A No, sir.

19 Q Okay. And that would have been in that same
20 room we just looked at?

21 A That's correct.

22 Q Okay. You testified about some things that
23 Cleophas said to you. Did he -- didn't he deny
24 murdering Mrs. Hanton to you? Didn't he at some point
25 make a denial that he didn't do it?

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1 A Not to me.

2 Q He never -- he never denied it to you?

3 A Not to me.

4 Q Okay. Okay. He did tell you he didn't steal

5 the laptop, though?

6 A Yes, sir.

7 Q Okay. All right. Did you challenge him about

8 the fact that he says he didn't steal the laptop?

9 A No, sir.

10 Q You never said to him something like, that

11 he's going to go down for the murder? You ever make a

12 comment like that to him?

13 A No, sir.

14 Q Did you ever say -- when he told you what

15 happened -- the story is not working out? Use that

16 expression, or words to that effect?

17 A No, sir.

18 Q Okay. All right. Did you tell him something

19 about that you believed he was involved with the murder,

20 and he had to say something about it?

21 A No, sir.

22 Q Never said that to him?

23 A No, sir.

24 Q All right. You ever tell him that if he told

25 you the truth -- a word that you would have used -- that

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1 it might work out for him?

2 A No, sir.

3 Q He might go to a hospital?

4 A No, sir.

5 Q Never said any of those things to him?

6 A No, sir.

7 Q Okay. All right. Okay. Before you left --

8 I'm going to go back to Cleophas' house for a minute.

9 Before you left that residence, did you search it at

10 all?

11 A No, sir.

12 Q Were you involved in the searching?

13 A No, sir.

14 MR. WISE: Okay. Your Honor, may I have one

15 moment?

16 (Mr. Wise speaks with Ms. Hinds off the

17 record.)

18 MR. WISE: That's all we have, your Honor.

19 Thank you.

20 THE COURT: Redirect?

21 MR. BELL: Thank you, your Honor.

22 **REDIRECT EXAMINATION**

23 **BY MR. BELL:**

24 Q Mr. Wise was asking you about he denied or he

25 bought the laptop or whatever; is that correct?

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1 A That's correct.

2 Q When in the course of all this, when y'all got
3 to CID, when was he saying that?

4 A When we brought him -- when he was in the back
5 and I guess during the time that we were transferring
6 him from the rear of CID -- it's a -- a long corridor
7 from the rear of CID where we brought him in to the
8 interview room. And during that time, when he was
9 coming in, he was saying, Izzie was the person that he
10 bought the laptop from.

11 Q But that was right when you first brought him
12 to CID --

13 A That's correct.

14 Q -- is that correct?

15 A That's correct.

16 Q And afterwards, when -- you went and got Izzie;
17 right?

18 A That's correct.

19 Q Where did you get Izzie from?

20 A From Russell Street.

21 Q Not from Campus Street?

22 A No, sir.

23 Q Where on Russell Street?

24 A The address was [REDACTED].

25 Q And what was that? What was at that location?

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1 A I'm sorry?

2 Q What was at that location?

3 A Just Izzie. Izzie's house.

4 Q That's where Izzie lived?

5 A That's correct.

6 Q So he didn't live at [REDACTED] with the
7 Defendant Cleophas --

8 A No, sir.

9 Q -- that you know of?

10 A And the address was actually [REDACTED]
11 [REDACTED].

12 Q [REDACTED]?

13 A That's correct.

14 MR. BELL: Okay. Thank you, Investigator
15 Thrower.

16 THE COURT: You may step down. Next witness,
17 please.

18 MR. BELL: The State would call Lisa Boltin to
19 the stand.

20 THE COURT: Ms. Boltin, if you would come up,
21 please. Please place your left hand on the Bible and
22 please raise your right.

23 (The oath is administered by the Deputy Clerk
24 of Court, and the witness answers as follows:)

25 THE WITNESS: I will.

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1 THE DEPUTY CLERK: Thank you. Please state
2 your name for the record and spell your last name.

3 THE WITNESS: Lisa Boltin, B-o-l-t-i-n.

4 THE DEPUTY CLERK: Thank you.

5 LISA BOLTIN,

6 having been first duly sworn by the Deputy Clerk of
7 Court to tell the truth, the whole truth, and nothing
8 but the truth, was examined and testified upon her oath
9 as follows:

10 DIRECT EXAMINATION

11 BY MR. BELL:

12 Q Ms. Boltin, where are you employed?

13 A South Carolina Department of Probation, Parole,
14 and Pardon Services.

15 Q And how long have you been employed there?

16 A Almost 19 years.

17 Q I want to direct your attention to February
18 16th, 2011, probably about 7:00, 7:30 that evening. Do
19 you recall that?

20 A Yes, sir.

21 Q And did you have an occasion to go with -- you
22 and other law enforcement, to an address on Campus
23 Drive?

24 A Yes, sir.

25 Q And y'all went there for some law enforcement

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1 business?

2 A Yes, sir.

3 Q And that was the residence of Cleophas Edwards?

4 A It was.

5 Q And was he there when you and the other

6 officers arrived?

7 A He was.

8 Q And during the course of being there, he was

9 found with a red laptop; is that correct?

10 A That's correct.

11 Q And that caused a lot of interest because of a

12 homicide that occurred some 13 days before?

13 A That's correct.

14 Q And he was taken into custody; is that correct?

15 A That's correct.

16 Q Who transported him from the Campus Drive

17 location to -- to the sheriff's office? Is that where

18 he was taken?

19 A He was. He took us by a location on Russell

20 Street, first, but he didn't get out of the car. And he

21 was transferred by Agent Thrower and Agent Lucuis

22 (phonetic) Young.

23 Q Okay. And what was the address on Russell

24 Street? Why did he take you there?

25 A I'd have to -- can I look at my notes?

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1 Q Yes.

2 A He had stated that he had bought the computer
3 for \$250 approximately two weeks ago from a subject by
4 the name of Izzie. He could not give the address on
5 [REDACTED], but we went over to -- it ended up being
6 [REDACTED], is the residence that he pointed
7 out.

8 Q Do you know who Izzie is that he was speaking
9 of?

10 A I do.

11 Q Who is that?

12 A Isaac Riley.

13 Q Okay. Was he -- was he brought to the
14 sheriff's department at some point?

15 A Yes, sir. Mr. Edwards was transported. Only,
16 we stayed on scene. And I think Deputy Harter and
17 Furtick went to the door, asked if someone there by the
18 name of Izzie resided there. He came to the door.
19 Asked if he would mind coming and answering a few
20 questions with them. He said he did not mind, and he
21 came on to the CID.

22 Q Okay. And where did you go?

23 A CID.

24 Q Okay. And once you got to CID, were you there
25 for most of the rest of the evening that Mr. Edwards was

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1 there?
2 A The entire evening.
3 Q And Cleophas Edwards, do you see him in the
4 courtroom today?
5 A Yes, sir.
6 Q Can you point him out, please?
7 A Sitting right there.
8 Q Okay. Now, early on when everybody got to CID,
9 when Mr. -- when the Defendant got there, Cleophas
10 Edwards; and Izzie, Isaac Stokes [sic], got there; and
11 law enforcement, there was kind of confrontation between
12 Izzie and Mr. Edwards; is that correct?
13 A That's correct.
14 Q Okay. And after that -- and that was -- and
15 law enforcement was there as well; is that correct?
16 A Correct.
17 Q Okay. Going back and forth about the laptop;
18 is that right?
19 A Yes, sir.
20 Q And then after that, do you recall what
21 happened after Izzie had cleared and all that? Do you
22 recall what happened?
23 A We remained -- Lieutenant Shumpert and I
24 remained in the room. And I had sent Agent Thrower to
25 take Agent Young back to the office so that he could go

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1 home for the night. It looked like it was going to be a
2 long night. We spoke with Mr. Edwards, and he had
3 already been reminded of his Miranda Rights. He didn't
4 really offer a whole lot of information at that point,
5 and then he eventually asked to speak to Agent Thrower.

6 Q Okay. And when you said "we," who is we?

7 A Lieutenant Shumpert and myself.

8 Q Okay. All right. And how was his demeanor at
9 that point?

10 A He was -- he was calm. He just was -- we knew
11 that he wasn't being truthful. It was -- what he was
12 saying about the computer and stuff, just wasn't making
13 a whole lot of sense.

14 Q Did anybody tell him what to say or put words
15 in his mouth --

16 A No, sir.

17 Q -- at that point?

18 A No, sir.

19 Q Did Lieutenant Shumpert?

20 A No, sir.

21 Q Okay. How long did this back and forth go
22 until he said I need to talk to Thrower?

23 A I'm thinking maybe it was -- we were in there
24 maybe 10, 15 minutes, because it's not but -- maybe a
25 five- to seven-minute ride from our office to CID;

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1 and Thrower just ran over, dropped him off, and came
2 straight back. So he wasn't gone but, you know, maybe
3 15 minutes.

4 Q And when he said he wanted to talk to Thrower,
5 what happened?

6 A He and I had spoken right before Thrower got
7 back. I promised him that I would allow him to speak to
8 Agent Thrower as soon as he got back. I explained where
9 he had gone. We talked a little bit more, and then at
10 that point, he said he wanted to speak to Thrower. I
11 told him that as soon as he got there, we would allow
12 that. When Agent Thrower got back, he came to the door
13 of the interrogation, and Shumpert and I were both in
14 there; and Mr. Edwards said, I want to speak to Thrower,
15 but I want to speak to him alone. So we left, and we
16 left him with Agent Thrower.

17 Q Okay. And what was the next thing that you
18 recall happening?

19 A Maybe three or four minutes later, I guess it
20 was, somewhere around in there, Agent Thrower came to
21 the door, opened it, and said, he's ready to talk.

22 Q Okay.

23 A I think his exact words, that he said he killed
24 her, and he's ready to give a statement.

25 Q And then what happened?

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1 A We went back in, and Agent -- I mean,
2 Lieutenant Shumpert was speaking with him again. I
3 think he reminded him of his Miranda Rights again and
4 asked if he would write the statement. He gave us a
5 verbal one, and then he asked: Can you write that for
6 us? And Mr. Edwards said that he was too emotional and
7 he just really couldn't write it right then, and he
8 asked: Will y'all record it for me? And Lieutenant
9 Shumpert said: Yes, we can do that.

10 Q And was that done?

11 A It was.

12 Q And was what he said, while it was being
13 recorded, the same thing he told y'all verbally before
14 he was asked to write the statement?

15 A Yes, sir.

16 Q Okay. And nobody told him what to say?

17 A No, sir.

18 Q Nobody had offered him anything to give a
19 statement?

20 A No, sir.

21 Q Forced him to give a statement?

22 A No, sir.

23 Q Coerced him in any way to give a statement?

24 A No, sir.

25 Q Threatened him to give a statement?

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1 A No, sir.

2 Q Was he -- did he understand what was going on?

3 A He did.

4 Q Did he appear intoxicated or under the
5 influence of anything?

6 A He did not.

7 Q And he understood his Rights and everything?

8 A He did.

9 Q Best you know?

10 A He said he did.

11 Q And then after -- after he gave the -- the
12 video statement, that State's 2 in evidence, what
13 happened with. . .

14 A I think after that, Agent Thrower and I were
15 going to transport him to the detention center. And
16 when we got there, as part of their processing, they
17 asked, did he need medical attention, and he said he had
18 a really bad headache. So we took him to the emergency
19 room, and they gave him some Tylenol, checked him over,
20 and made sure that blood pressure and everything was
21 okay, and it was, and so we just took him back to the
22 detention center.

23 Q Were you aware if they took him anywhere else
24 that night before the detention center?

25 A Oh, no, sir.

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1 MR. BELL: Thank you, Agent Boltin. Please
2 answer any questions that the defense has.

3 MR. WISE: Thank you, your Honor.

4 CROSS-EXAMINATION

5 BY MR. WISE:

6 Q Sergeant Boltin, good afternoon.

7 A Good afternoon.

8 Q You've seen State's 2, that video, haven't you?

9 A I haven't.

10 Q You've never seen it?

11 A I've never seen it.

12 Q Okay. All right. I want to go back to
13 Cleophas' house. You were present when he was taken
14 into custody and removed from his house; correct?

15 A I was.

16 Q Okay. At that point, the serial numbers on
17 this computer had been matched to the serial numbers of
18 the computer that was taken in the homicide earlier in
19 the month; correct?

20 A Correct.

21 Q Okay. So everybody knew that that computer was
22 in some way connected with the homicide?

23 A That's correct.

24 Q Okay. All right. Was Cleophas at that point
25 suspected of being the person who committed the homicide

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1 a couple of weeks earlier?

2 A Not to my knowledge.

3 Q Okay. You went to speak to Isaac Riley?

4 A That's correct.

5 Q All right. You didn't travel back to CID

6 with Agents Thrower and Young; correct? They traveled
7 alone?

8 A That's correct.

9 Q All right. You have no idea what happened in
10 that car; do you?

11 A No, sir.

12 Q Okay. Did Cleophas ever, to you, deny being
13 the person that took that computer?

14 A Can I look at my notes --

15 Q Sure.

16 A -- to see exactly what he said?

17 (The witness reviews a document.)

18 A He did not deny it directly, as in speaking
19 directly to me. He denied it in my presence, speaking
20 to Izzie.

21 Q Okay. Okay. And -- okay. So you heard what
22 he was saying when he was speaking to Izzie? You were
23 there?

24 A Right.

25 Q Okay. You would say that was an adamant

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1 denial, wouldn't you? Looking at your notes?

2 A I can tell you exactly what they said if you
3 want to hear it.

4 Q Well, no. What I'm more concerned about is --
5 well, let me just ask you this.

6 Bear with me one second.

7 A I can't say it was an adamant denial, because
8 it changed immediately within a couple of sentences,
9 so. . .

10 (A document is shown to Mr. Bell by Mr. Wise.)

11 MR. WISE: Your Honor, can we have this marked
12 for Defendant's Exhibit No. 2 for identification?

13 (Defendant's Exhibit No. 2, Page 1 of Agent
14 Boltin's Report, is marked for identification.)

15 Q (By Mr. Wise) Ms. Boltin, I want to show you
16 Defense 2 that's marked for identification. Do you
17 recognize that?

18 A Right, uh-huh.

19 Q Same as what you have in your lap; correct?

20 A Correct.

21 Q You see the last highlighted language on that
22 page?

23 A Adamantly denied being involved in the murder?

24 Q Yes.

25 A Yes.

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1 Q That's what you wrote; correct?

2 A Yes. Murder. But you asked about the laptop.

3 Q I'm sorry. So he admittedly denied being

4 involved in the murder?

5 A Correct.

6 Q I'm sorry. Okay. I want to go back to what

7 happened at CID. Cleophas gets to CID, and then he's

8 taken into a room, and you spend some time speaking with

9 him; is that correct?

10 A That's correct.

11 Q Okay. And is that the same room that the

12 videotaped statement was in?

13 A Yes.

14 Q Okay. Okay. And then there was a point when

15 he was in the room -- I think you said 10 to 15 minutes

16 with you and Investigator Shumpert?

17 A That's correct.

18 Q Agent Boltin, do you recall in the prior

19 proceeding describing his demeanor as being overcome?

20 He was overcome that night? Do you remember using that

21 word to describe him?

22 A Yeah. I mean, I don't remember if I said that,

23 but I would say he went through a lot of different

24 emotions.

25 MR. WISE: Okay. May I have one moment, your

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1 Honor?

2 (Mr. Wise speaks with his co-counsel,

3 Ms. Hinds.)

4 MR. WISE: Agent Boltin, thank you.

5 THE WITNESS: Uh-huh.

6 THE COURT: Redirect.

7 REDIRECT EXAMINATION

8 BY MR. BELL:

9 Q Agent Boltin, so we have it complete, let me
10 show you this document and ask if you know that -- seen
11 that?

12 A Yes. That's my report.

13 Q And you were shown Defendant's 2 for I.D.,
14 which is only one page of your report; is that correct?

15 A That's correct.

16 Q Which is only one page. What is the next
17 sentence after you read that Edwards adamantly denied
18 being involved in the murder?

19 A He stated: I got -- I got laptop from Izzie a
20 couple of weeks ago.

21 Q So he basically just was denying that he -- he
22 just recently got the laptop as well?

23 A That's correct.

24 Q And then not too long -- too much later, is
25 when he kind of changed emotions again; is that right?

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- 1 A That's correct.
- 2 Q What emotion -- how was he acting at this
- 3 point?
- 4 A He was very confrontational with Izzie,
- 5 accusing him of stealing the laptop, and then him
- 6 getting caught with it, is basically what it all came
- 7 down to. And so he's very theatrical. Angry, I guess
- 8 you can say. Confrontational. That ended very quickly.
- 9 Lieutenant Shumpert stopped it, you know, from going any
- 10 further. And I think at that point, Mr. Riley returned
- 11 out to the other area and remained there for a while. I
- 12 don't know what was discussed because I was -- I stayed
- 13 with Mr. Edwards.
- 14 Q Okay. Did his emotions -- did Mr. Edwards'
- 15 emotions change after that?
- 16 A It did.
- 17 Q To what?
- 18 A He became real quiet. I think he was -- I
- 19 guess you could say he was very concerned.
- 20 Q And was that about the time that he asked to
- 21 talk to Thrower?
- 22 A It was, because -- because while that was
- 23 going -- right after that is when I had sent
- 24 Agent Thrower to take Agent Young back.
- 25 Q Can you describe Izzie, Isaac Riley?

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1 A His physical description, or just how he was
2 that night?

3 Q His physical description.

4 A I can't. I can tell you that he's a black
5 male, maybe late 30s, I think.

6 MR. BELL: Okay. Thank you, Agent Boltin.

7 THE COURT: All right. You may step down.

8 Is everybody okay? Next witness?

9 MR. BELL: The State would call Investigator
10 Gerald Kittrell.

11 (The oath is administered by the Deputy Clerk
12 of Court, and the witness answers as follows:)

13 THE WITNESS: Yes.

14 THE DEPUTY CLERK: Thank you. Please state
15 your name for the record.

16 THE WITNESS: Gerald Kittrell. Spelling of the
17 last name is K-i-t-t-r-e-l-l.

18 GERALD KITTRELL,

19 having been first duly sworn by the Deputy Clerk of
20 Court to tell the truth, the whole truth, and nothing
21 but the truth, was examined and testified upon his oath
22 as follows:

23 DIRECT EXAMINATION

24 BY MR. BELL:

25 Q Where are you employed?

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1 A Orangeburg County Sheriff's Office.
2 Q And how long have you been employed there?
3 A Since May of 2005.
4 Q Okay. And that's how long you've been in law
5 enforcement?
6 A Correct.
7 Q And what is -- what are your current duties?
8 A Criminal investigator.
9 Q And how long have you been an investigator?
10 A Since November of 2009.
11 Q Okay. Were you involved in the investigation
12 of the murder that occurred on February 3rd, 2011, out
13 on [REDACTED] --
14 A Yes.
15 Q -- or [REDACTED]? How did you become involved
16 in that?
17 A I was one of the initial responding
18 investigators.
19 Q Okay. And, generally, when you went -- you
20 were called to that address?
21 A Yes, I was.
22 Q And what did you do when you got there?
23 A When I first got there, I was notified by
24 Sergeant Turkvant of children being inside the home,
25 that she needed help in trying to locate the parents of

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1 the children that was inside the home.

2 Q And so that was the initial -- your initial
3 part, is that correct, trying to find the children's
4 parents and all and get them where they needed to be?

5 A Correct.

6 Q After that was taken care of, what was done
7 next?

8 A Myself and Sergeant Turkvant received
9 information of some footwear impressions. We were able
10 to see the footwear impressions and then went to local
11 shoe businesses to try to locate what type of shoe it
12 was.

13 Q Okay. How did you just -- just looked in the
14 house there and -- and saw the impressions?

15 A I seen one on the outside and one inside the
16 house.

17 Q Okay. And were you able to find anything close
18 to -- any type of shoe close to it?

19 A No.

20 Q And during the course of that day and other
21 days, you became the lead investigator on this; is that
22 correct?

23 A Correct.

24 Q Okay. And during that time, that day and the
25 days after, you were getting leads and checking them

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1 out; is that correct?

2 A Correct.

3 Q And then, what, about two weeks later, 13 days

4 later, kind of a break came in the case; is that

5 correct?

6 A Yes, it did.

7 Q And that was the finding of the red laptop that

8 we've seen, at Cleophas Edwards' house; is that right?

9 A Yes.

10 Q Were you involved in that?

11 A As far as finding the laptop, no. I received a

12 phone call.

13 Q Okay. What did you do as a result of that

14 phone call?

15 A I responded to [REDACTED]

16 Q Okay. And you were out there -- once they

17 found the laptop, was he still on the -- at the scene or

18 had he been taken away at that time?

19 A I think he was already taken away at that time.

20 I don't exactly remember.

21 Q Did you go to CID that evening?

22 A No, I did not.

23 Q Okay. Did you go anywhere else that evening in

24 regards to this investigation?

25 A I went to one of the local magistrates to

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- 1 obtain a search warrant for the residence.
- 2 Q That's the residence of the [REDACTED]
- 3 residence?
- 4 A Correct.
- 5 Q Okay. And did you obtain that search warrant?
- 6 A Yes, it was.
- 7 Q And was the search warrant executed that night?
- 8 A Yes, it was.
- 9 Q Did you find -- in the residence itself, did
- 10 you find anything of evidentiary value pertaining to
- 11 this case?
- 12 A From the search warrant, no.
- 13 Q But there was something found that some people
- 14 brought; is that correct?
- 15 A Correct.
- 16 Q Okay. And that was -- who else was there with
- 17 the search warrant?
- 18 A Investigator -- Criminal Investigator
- 19 Ketcherside; I think Lieutenant Carter; Sergeant
- 20 Furtick, I think came back to the scene; Investigator
- 21 Harter; and some probation agents.
- 22 Q Okay. And Lieutenant Carter and Investigator
- 23 Ketcherside are the crime scene investigators; is that
- 24 correct?
- 25 A Correct.

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1 Q Okay. Now, that's the 16th. Did you -- let's
2 go to the 17th. What did you do in regards to this
3 investigation on February 17th, 2011?

4 A Went to the Mingo address to help look for the
5 items that was took -- that was -- that was told to me
6 that Cleophas Edwards threw away at an abandoned
7 residence.

8 Q Did you go to that address the night before?

9 A No, I did not.

10 Q What time did you go the next day on February
11 17th?

12 A I think we met around 8:30 that morning.

13 Q Okay. And how many, would you say, law
14 enforcement went out there?

15 A Six to seven.

16 Q Was then Agent Thrower out with y'all?

17 A Yes, he was.

18 Q And there were others, I think. At least
19 Investigator Ketcherside --

20 A Yes.

21 Q -- was he out there? Was Lieutenant Carter out
22 there?

23 A Yes.

24 Q And others; is that correct?

25 A Yes.

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1 Q Okay. When you were out there -- let me
2 go. . .
3 THE COURT: Are my jurors okay? Everybody all
4 right?
5 MR. BELL: I'll ask you to come down and kind
6 of point out.
7 (The witness steps down from the witness
8 stand.)
9 Q (By Mr. Bell) And this is State's 8. And this
10 is the Mingo Street address; correct?
11 A Yeah, correct. This right here on the map is
12 Mingo Street, yes.
13 Q And the [REDACTED] address is down here
14 where Mr. Edwards lived?
15 A Yes.
16 Q And the victim's house is on [REDACTED] up at the
17 top; is that correct?
18 A Correct.
19 Q Show the jury where you went to on the 17th on
20 Mingo Street.
21 A Right here.
22 Q Can you show them so they can see as well?
23 A This residence right here.
24 Q Okay. Please have a seat.
25 (The witness resumes the witness stand.)

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1 Q Did you find anything looking at the Mingo
2 Street address?
3 A Yes, I did.
4 Q What did you find?
5 A A glass purse -- a purse-shaped glass vase that
6 was black and white in color.
7 Q Okay. And where did you find that?
8 A Up underneath some shrubbery. I think it was
9 actually next to a fence line, also, at the back of the
10 residence.
11 Q Okay. First, let me show you what's been
12 marked as State's 23 and ask if you can identify that
13 picture that's in evidence?
14 A Yes.
15 Q And what is that?
16 A That's the vacant residence on Mingo.
17 Q Okay. And y'all were searching back behind
18 that residence?
19 A Correct.
20 Q Okay. And let me show you what's been marked
21 as State's 30.
22 (Exhibit is shown to defense counsel.)
23 Q (By Mr. Bell) And show you and ask if you can
24 identify that photograph?
25 A Yes. That's the photograph where the vase was

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1 originally located at.

2 Q Okay. And that's where you located it at?

3 A Correct.

4 MR. BELL: Okay. Your Honor, we'd offer this
5 as State's 30.

6 MR. WISE: No objection, your Honor.

7 (State's Exhibit No. 30, Photograph, is
8 admitted into evidence.)

9 Q (By Mr. Bell) And if you can come down and
10 kind of show -- you might want to do it in sections, to
11 show the jurors exactly where this vase was.

12 A Marker Number 43.

13 Q Let me show you what's been marked as
14 State's 39 and ask if you can identify that?

15 A Yes, that's the vase I found.

16 Q Okay. And you just looked at it at that point;
17 is that correct?

18 A Correct.

19 Q You didn't take it from where it is laying in
20 State's 30?

21 A No, I did not.

22 Q What did you do with that information?

23 A Once I located the vase, I merely marked it and
24 also stood within the area of the vase until crime scene
25 responded to photograph it.

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1 Q Do you know which crime scene photographer came
2 over there to photograph it?

3 A I think it was Ketcherside.

4 Q Okay. Now, did you find any -- well, let me
5 strike that.

6 After searching the Mingo Street address,
7 did you do anything else that day in regards to this
8 investigation?

9 A Went back to my office and interviewed
10 Cleophas Edwards.

11 Q Okay. How did you get up with Mr. Edwards that
12 day?

13 A I requested the jail to pull him up front so I
14 can take him out of the building, take him back to my
15 office to interview him.

16 Q Okay. And where did you take him to?

17 A 1032 Chestnut Street, which is the CID office.

18 Q Okay. Is that the same office that Lieutenant
19 Shumpert is at?

20 A Yes, it is.

21 Q Okay. And the individual that you took over,
22 do you see him in the courtroom today?

23 A Yes, I do.

24 Q Could you please point him out for the jury?

25 A Gentleman sitting in the blue shirt.

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1 MR. BELL: I'd like to let the record reflect
2 that the witness has identified the Defendant.
3 Q (By Mr. Bell) And when you brought him over
4 there, where did you go at the CID office?
5 A To our interview room.
6 Q Okay. And what did you do when you got him in
7 there?
8 A Advised him -- Mr. Edwards of his Miranda
9 Rights.
10 Q Okay. And let me show you State's 3.
11 (Document is shown to defense counsel.)
12 Q (By Mr. Bell) And ask if you can identify
13 this?
14 A Yes.
15 Q And what is that?
16 A This is our Miranda Rights and Waiver of Rights
17 form.
18 Q Okay. And how did you read those to him?
19 A I advised -- it's broke down in five sections,
20 as far as the Miranda Rights. I read them one by one.
21 After I read the first one, which says: You have the
22 right to remain silent. Anything you say can be used
23 against you in Court. Had Mr. Edwards read it over
24 himself and initial beside Number 1.
25 Did the same thing for Number 2. You have

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1 the right to talk to a lawyer for advice before we ask
2 you any questions and to have him with you during
3 questioning. Had Mr. Edwards read over that one and
4 sign -- initial beside Number 2.

5 Number 3: If you cannot afford a lawyer, one
6 will be appointed for you before any questions, if you
7 wish. Had Mr. Edwards read over that and initial beside
8 that.

9 Number 4: If you decide to answer questions
10 without a lawyer present, you will still have the right
11 to stop answering at any time. Had Mr. Edwards read
12 over that one and initial beside that one.

13 Number 5: You have the right to stop answering
14 anytime until you talk to a lawyer. Mr. Edwards read
15 over that one and initialed beside that one.

16 And then very last little thing on this
17 section, it says: I understand my rights. And I had
18 Mr. Edwards sign that line.

19 Q Okay. So you read those, and he initialed each
20 one that he understood; is that correct?

21 A Correct.

22 Q Did he seem to understand those rights as you
23 read them to him?

24 A Yes.

25 Q And he initialed that?

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1 A Yes, sir.

2 Q And then he signed his name saying that he

3 understood all these Rights; is that correct?

4 A Correct.

5 Q And that's his signature and his initials;

6 right?

7 A Correct.

8 Q And this is your handwriting at the top?

9 A Yes, it is.

10 Q Okay. And there's another section of that, is

11 there not?

12 A Yes, it is. It's the actual Waiver of Rights,

13 which reads: I have read the statement of my Rights. I

14 understand what my Rights are. I am willing to make a

15 statement and answer questions. I do not want a lawyer

16 at this time. I understand and know what I am doing, no

17 promises or threats have been made to me, and no

18 pressure or coercion of any kind has been used against

19 me. And that was signed by Mr. Edwards, and then I

20 signed directly below him in the witness box.

21 Q Was there anybody else in there with the two of

22 you?

23 A No, sir, just me and Mr. Edwards.

24 Q Now, at that time, did you -- did he -- was he

25 willing to talk to you?

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1 A Yes, he was.

2 Q Did you offer him anything to talk to you?

3 A No, I did not.

4 Q Did you force him to talk to you?

5 A No.

6 Q Did you coerce him in any way to talk to you?

7 A No.

8 Q Offer him any rewards or promises?

9 A No.

10 Q Okay. Let me ask you this, before we get into

11 that, were you aware that he made some statements the

12 night before?

13 A Yes, I was.

14 Q Okay. And did you know exactly what he said,

15 or just the substance of what was said?

16 A Just the substance of what he said. I received

17 a phone call from Lieutenant Shumpert stating that

18 Mr. Edwards confessed to killing Mrs. Hanton.

19 Q Okay. So why did you re-interview him on the

20 17th?

21 A With me being lead investigator, as one of my

22 descriptions of my job is to interview subjects.

23 Q Okay. And he gave you a statement; is that

24 correct?

25 A Yes, he did.

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1 (Document is shown to defense counsel.)
2 Q (By Mr. Bell) Let me show you what has been
3 marked as State's 4 and ask if you can identify that?
4 A This is the statement that Mr. Edwards wrote
5 with me on February 17th.
6 Q Okay. And how many pages is it?
7 A It's a total of four pages.
8 Q Okay. And there's -- is there two different
9 handwritings on this?
10 A Yes, it is.
11 Q Whose handwriting is on these papers?
12 A The one at the very top with all the pertinent
13 information is my handwriting; the narrative of the
14 statement is Mr. Edwards' handwriting.
15 Q And who scratched out the mistakes and all in
16 that?
17 A Mr. Edwards.
18 Q And did he do anything to acknowledge that?
19 A Yes. He put his initials on top of each
20 scratch-out.
21 Q Okay. And that was -- at some point, he gave a
22 narrative and then there was a question-and-answer
23 section?
24 A Correct.
25 Q And who wrote the questions?

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1 A I wrote the questions, which is marked by Q.
2 Q And who wrote the answers?
3 A Mr. Edwards did, which is marked by A.
4 Q Okay. And at the end of these three pages,
5 who -- there are signature?
6 A Yes, there is.
7 Q Whose signatures are those?
8 A The top signature on the right-hand side,
9 middle of the page is Mr. Edwards; the one below it on
10 the left-hand side is mine.
11 Q All right. And then he gave another little
12 narrative on page 4; is that correct? Or it's a
13 question and answer, but it became a narrative; is that
14 right?
15 A Correct.
16 Q Okay. And there's also signatures on that; is
17 that correct?
18 A Correct.
19 Q And it's dated?
20 A Yes, sir.
21 Q What's the date?
22 A February 17th, 2011.
23 Q And whose signatures?
24 A My signature on the left-hand side, and
25 Mr. Edwards' signature is on the right-hand side at the

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1 bottom.

2 Q And is this the four-page statement that he
3 gave you on February 17th, 2011?

4 A Yes, it is.

5 MR. BELL: We would offer this as State's 4.

6 MR. WISE: No objection, your Honor.

7 (State's Exhibit No. 4, Defendant's Statement,
8 was previously admitted into evidence at page 87.)

9 Q (By Mr. Bell) Let me hand you State's 4,
10 Investigator Kittrell, and ask if you would please read
11 that to the jury?

12 A I woke up, and I walked out of the -- out of
13 the house around 8:00. I had on a black hoodie and blue
14 jeans, and I tucked a knife in my pants. I smoked a
15 Black & Mild walking around the block thinking about
16 what I was going to do about finding a new house to stay
17 in and how -- how to start paying bills and start a
18 store. As I walked -- as I was walking, I saw a car
19 leave a red and yellow brick house, and I -- and I
20 paced around it and walked in. As I walked in, a lady
21 saw me and screamed, and I backed up to the door. I was
22 so scared. I stood there trembling. She came towards
23 me and kicked me and punched me, and I turned around and
24 pulled out the knife. I started swinging it. I didn't
25 stop until she stopped fighting me. I tried to run out

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1 of the back, but I fell and passed out. I woke up
2 inside the house and went back -- went to the back to
3 leave, but could not find the back door. All I saw was
4 a room with a laptop, and I took it, and I went out the
5 door I came in. I ran to an abandoned building and
6 threw up and cried for about ten minutes, and I took my
7 hoodie off and tucked it under the house, and then threw
8 the knife as far as I could and ran back to my house. I
9 was in pain that day and smoked marijuana and went to
10 sleep and prayed for forgiveness. I stayed home the
11 rest of the day.

12 Q Okay. Then there's a question-and-answer
13 section?

14 A Yes, it is.

15 Q Would you read that, please?

16 A Yes. A little bit more to the narrative. You
17 skipped a space. It says: The next day, I took my
18 roommates car and threw a shirt out of the window near a
19 street.

20 First question: How many times did you swing
21 the knife?

22 Answer: I do not know.

23 Question: Did anybody else go into the house
24 with you?

25 Answer: No.

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1 Question: What did you do with the laptop?
2 I didn't use it for two or three days because I
3 felt bad, and later, I used it a few days, then pawned
4 it at Woody's. I got it back from Woody's two days ago.
5 What color was the laptop that you took?
6 Red.
7 What color is the house that you went behind?
8 White and grayish.
9 Did you take anything else from the house
10 besides the computer?
11 Yes. I took a vase with \$60 and some cards.
12 Where did you put these items?
13 Behind the house.
14 What did you do with your pants and shoes?
15 I put them in a green suitcase.
16 Where did you put the green suitcase?
17 At Carrington (phonetic) Apartments, in my new
18 apartment.
19 Did you tell anybody what you did?
20 I told my ex-girlfriend that I hurt someone
21 -- I hurt someone badly, and I need help.
22 Is there anything else that you would like to
23 add to your statement?
24 I am in a lot of pain before and after the
25 incident. This has been the worst I have ever been, and

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1 I can't go on without the proper help. I made a mistake
2 that will haunt me for the rest of my life, and there is
3 nothing I can do about it. I am emotionally and
4 spiritually depressed, and I have -- and I am tired of
5 defending others as well as myself. I pray every day
6 for another chance, and I would do anything to not only
7 free myself of this incident, but also to those that
8 were hurt emotionally, physically, and/or spiritually.

9 I am a sinner, and I have broken one of God's
10 commandments, but I am willing to help others and guide
11 their -- guide them to a better path than the one I
12 took. My heart and soul goes out to the family that is
13 suffering from my wrongdoings, and I shall serve them
14 until my days on earth are no longer existent. I pray
15 for a way out, and I pray for God to let me in.

16 To my family, I am sorry that I put each of you
17 through all of my selfish ways, and I hope Adam and Matt
18 will grow up to be better men than me.

19 To my mother, that I gave my everything, you
20 are my heart and my love, and I love [sic] res- --
21 responsibility for what I have done to you. Always
22 wanted to be like you, but in my own way. If I could, I
23 would spend most of my time with you and follow your
24 footsteps.

25 Adam and Matt, don't do what I do. Be smart,

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1 love one another, stay in school, and live life with God
2 through Jesus. He will guide you all the way -- all the
3 way. I love you guys.

4 Q And that's the statement?

5 A That's the whole statement.

6 Q Okay. Now, did you -- was anything else done
7 after that statement was given with -- with the
8 Defendant, Cleophas Edwards?

9 A I took him back to the jail.

10 Q Okay. Was anything taken from him that you
11 recall?

12 A Oh, a search warrant was obtained, and DNA
13 swabs were taken.

14 Q And who did that?

15 A Lieutenant Carter.

16 Q Were you present when that was done?

17 A Yes, I actually served the search warrant on
18 him. Lieutenant Carter took the swabs.

19 Q And what are the swabs that he took?

20 A DNA oral swabs, rubbing inside the cheek to get
21 DNA.

22 Q Okay. What did Lieutenant Carter do when he
23 did that?

24 A He packaged them up in a little, small, brown
25 envelope.

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Official Court Reporter for the State of South Carolina

State versus Cleophas Edwards, 12/11/12
Volume II of IV -- Jury Trial
Direct Examination by Mr. Bell of Gerald Kittrell

1 Q Let me show you what's been marked as

2 State's 44.

3 (Document is shown to defense counsel.)

4 Q Show you what State's 44 is, and ask you to
5 identify the item inside the plastic bag?

6 A Two oral swabs belonging to Cleophas Edwards,
7 taken February 17th, 2011, at 4:41 p.m. at Code 100,
8 which is our CID office.

9 Q And that's what you observed being taken?

10 A Yes.

11 MR. BELL: We'd offer this as State's 44, your
12 Honor.

13 THE COURT: Any objection?

14 MR. WISE: No, your Honor.

15 THE COURT: Thank you.

16 (State's Exhibit No. 44, Oral Swabs, is
17 admitted into evidence.)

18 Q (By Mr. Bell) Investigator Kittrell, let me go
19 back to one thing. You had testified earlier that at
20 the Mingo Street address you found this black and white
21 vase, which is State's 39?

22 A Yes.

23 Q How did you know that was significant in this
24 investigation?

25 A From talking to Mr. Aaron Hanton, about a week

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1 prior.

2 Q Okay.

3 A He told me it was missing out of the residence,
4 along with the computer.

5 (Mr. Bell speaks with Mr. Sorenson off the
6 record.)

7 Q (By Mr. Bell) In going back to Mr. Edwards'
8 statement, he cooperated with you?

9 A Yes, he did.

10 Q Understood what was going on?

11 A Yes.

12 Q And as I said, you didn't threaten him or force
13 him to give a statement?

14 A No, I did not.

15 Q Coerce him in any way? Promise him anything?

16 A No, I did not.

17 Q He did that of his own free will?

18 A Yes, he did.

19 Q Okay. Any problems? Did he ask any questions
20 or anything?

21 A No, he did not.

22 MR. BELL: Thank you, Investigator Kittrell.
23 Please answer any questions that Mr. Wise has for you.

24 MR. WISE: May we approach the bench one
25 moment?

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1 (Side-bar.)

2 MR. WISE: My client indicates he needs to go
3 to the rest room.

4 THE COURT: Okay.

5 MR. WISE: Thank you.

6 (End of side-bar.)

7 THE COURT: Madam Forelady, ladies and
8 gentlemen, let's take a real quick bathroom break.
9 We're going to take about ten minutes, and then run
10 until about 4:30. Everybody else remain seated.

11 (The jury is escorted from the courtroom
12 at 3:57 p.m.)

13 THE COURT: All right. Let's stand at ease for
14 about ten minutes.

15 Officer Kittrell, you can step down. Just
16 don't discuss your testimony.

17 THE WITNESS: Thank you, sir.

18 (A break is taken from 3:58 p.m. until
19 4:06 p.m.; at which time, the proceedings continue
20 as follows:)

21 (The witness resumes the stand.)

22 (The jury is escorted into the courtroom
23 at 4:06 p.m.)

24 THE COURT: All right, sir. You may begin.

25 MR. WISE: Thank you.

State versus Cleophas Edwards, 12/11/12
Volume II of IV -- Jury Trial
Cross-Examination by Mr. Wise of Gerald Kittrell

1 CROSS-EXAMINATION

2 BY MR. WISE:

3 Q Is it Investigator?

4 A Yes, it is.

5 Q Investigator Kittrell, just a few questions.

6 When you met with Cleophas on the 17th, were you aware
7 of the statements he gave the night before?

8 A I knew he gave a statement, but I didn't know
9 exactly what it consisted of.

10 Q You hadn't spoken to Agent Thrower?

11 A No. I spoke to him and told him I needed a
12 statement of what was told to him.

13 Q But you didn't ask Agent Thrower what Cleophas
14 said to him -- to Agent Thrower?

15 A No.

16 Q Okay. Did you see the video?

17 A After -- after the fact.

18 Q After you interviewed Cleophas?

19 A Correct.

20 Q Okay. All right. And you took him from the
21 jail to CID?

22 A Yes.

23 Q Okay. And that -- and CID is the same place
24 where that video was taken?

25 A Yes, it is.

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1 Q All right. And what time did you get him out
2 of the jail?

3 A I'd have to look at my Miranda form. Because,
4 normally, it's within two or three minutes or maybe five
5 minutes of me putting the date on top of the Miranda
6 form until when I got him out of the jail.

7 Q So you brought him right from the jail into CID
8 and had him sit down and sign a waiver form?

9 A Well, I sat down and told him -- again,
10 announced who I was and -- well, when I picked him up
11 from the jail, I informed him of who I was and what I
12 wanted to talk to him about; but before I asked him any
13 questions, make any statements, I was going to advise
14 him of his Rights, and I'll do that once I got to my
15 office.

16 Q The Miranda form -- the time on that Miranda
17 Waiver form is 2:51 p.m. Now, how long before you had
18 him sign that, or you filled that time in, had you
19 picked him up from the jail?

20 A No more than five minutes.

21 Q Okay. And then he gave a statement at 3:48; is
22 that correct?

23 A Yes.

24 Q And the 3:48 is the time the statement began;
25 correct?

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Redirect Examination by Mr. Bell of Gerald Kittrell

1 A Correct.

2 MR. WISE: If I may have one moment?

3 (Mr. Wise speaks with his co-counsel,

4 Ms. Hinds.

5 MR. WISE: Thank you, Investigator.

6 THE COURT: Redirect, if any?

7 **REDIRECT EXAMINATION**

8 **BY MR. BELL:**

9 Q Just a question or two, Investigator Kittrell.
10 What happened between the time that you gave the Miranda
11 and took the statement or took the written statement?

12 A I received a verbal statement from Mr. Edwards.

13 Q So you went over with him, first, verbally, and
14 then you had him reduce it to writing in State's 4?

15 A Correct.

16 Q And did -- everything that he told you verbally
17 is contained in State's 4?

18 A Yes, it does.

19 MR. BELL: Thank you.

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

21 Next witness.

22 (The witness steps down from the witness
23 stand.)

24 MR. SORENSON: The State calls Investigator
25 Michelle Rice.

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Direct Examination by Mr. Sorenson of Michelle Rice

1 THE COURT: R-i-c-e?

2 MR. SORENSON: R-i-c-e.

3 THE COURT: All right. Come around, ma'am,
4 please. If you will, go ahead and place your left hand
5 on the Bible and raise your right.

6 (The oath is administered by the Deputy Clerk
7 of Court, and the witness answers as follows:)

8 THE WITNESS: I do.

9 THE DEPUTY CLERK: Thank you. Please state
10 your name for the record, Ms. Rice, and spell your last
11 name.

12 THE WITNESS: Michelle Rice, R-i-c-e.

13 MICHELLE RICE,
14 having been first duly sworn by the Deputy Clerk of
15 Court to tell the truth, the whole truth, and nothing
16 but the truth, was examined and testified upon her oath
17 as follows:

18 DIRECT EXAMINATION

19 BY MR. SORENSON:

20 Q And, Investigator Rice, if you would, tell the
21 jury, please, where you work.

22 A Orangeburg County Sheriff's Office.

23 Q And what do you do at the Sheriff's Office?

24 A Currently, I'm the crime prevention
25 coordinator.

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1 Q Okay. What is that, and what does that entail?

2 A Create programs and crime solving, crime
3 prevention strategies for and throughout the county.

4 Q Okay. And how long have you been with the
5 sheriff's office?

6 A Three years.

7 Q And back in February of last year, in what
8 capacity or role were you employed at that time?

9 A Gang investigator.

10 Q All right. And I want to turn your attention,
11 if I could, Investigator Rice, back to the morning of
12 February 17th of 2011. Did you respond out to an
13 abandoned house on Mingo Street to assist with other
14 officers searching that area?

15 A I did.

16 Q And I'm going to show you State's Exhibit 23
17 and 24, is that the house that you were -- that you
18 responded to?

19 A Yes, sir.

20 MR. SORENSON: Your Honor, at this time, we'd
21 offer -- I think 23 may be in evidence, but we'd offer
22 24 also into evidence.

23 MR. WISE: No objection, your Honor.

24 (State's Exhibit No. 23, Photograph, was
25 previously admitted at page 242.)

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1 (State's Exhibit No. 24, Photograph, is
2 admitted into evidence.)
3 Q (By Mr. Sorenson) All right. Twenty-three,
4 Investigator, that's the front of that abandoned house?
5 A Yes, sir.
6 Q And, 24, I guess, is taken kind of around back?
7 A Yes, sir.
8 Q And describe, if you would, for the jury what
9 -- first of all, was anybody living at that residence?
10 A No, sir.
11 Q And describe, if you would, the lot behind that
12 residence.
13 A Deserted, lots of, you know, grass grown up,
14 I'd say just a lot of shrubbery, no. . .
15 Q Not well-maintained?
16 A Right.
17 Q Okay. And did you have an occasion, then, to
18 search for any items of evidence back behind there?
19 A We did.
20 Q Okay. And you specifically, any items that you
21 found, Investigator?
22 A I found a knife.
23 Q Okay. And showing you State's Exhibit No. 25
24 and 26, does that show where that knife was located?
25 A Yes, sir.

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1 Q And is that how it was located when you found
2 it?

3 A Yes, sir.

4 MR. SORENSON: And at this time, we'd offer
5 State's 25 and 26 into evidence.

6 MR. WISE: No objection, your Honor.

7 (State's Exhibit No. 25, Photograph, is
8 admitted into evidence.)

9 (State's Exhibit No. 26, Photograph, is
10 admitted into evidence.)

11 Q (By Mr. Sorenson) I see kind of a Marker
12 Number 41 next to the knife. Did you put that marker
13 there?

14 A No, sir.

15 Q Who -- after you found that knife, what did you
16 do?

17 A I stood by it and waited for crime scene.

18 Q Okay. And did you take it out of the ground?

19 A No, sir.

20 Q And State's Exhibit No. 26 is kind of a
21 close-up. Is that how you found it?

22 A Yes, sir.

23 Q Do you ultimately see that knife when it was
24 removed from the ground by the crime scene investigator?

25 A Yes, sir. Well, I stood by long enough for him

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1 to put the marker down, take pictures, and then I
2 proceeded to walk away.

3 Q Okay. So did you --

4 A Just stayed in the area, but just --

5 Q Okay. Did you see it when he removed it from
6 the ground?

7 A As he pulled it out, yes, sir.

8 Q Okay. And showing you, then, State's Exhibit
9 No. 38, does that appear to be the knife that you
10 located in that backyard, stuck in the ground?

11 A Yes, sir.

12 MR. SORENSON: Your Honor, at this time, we'd
13 offer State's Exhibit 38 into evidence.

14 MR. WISE: No objection, your Honor.

15 (State's Exhibit No. 38, Knife, is admitted
16 into evidence.)

17 Q (By Mr. Sorenson) That is the knife that you
18 found back behind Mingo Street, stuck in the ground?

19 A Yes, sir.

20 Q You testified that crime scene ultimately came
21 and actually collected that; is that correct?

22 A Yes, sir.

23 Q And you were present when that occurred?

24 A Yes, sir.

25 MR. SORENSON: Thank you, Investigator Rice.

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Cross-Examination by Mr. Wise of Michelle Rice

1 Please answer any questions of Mr. Wise.

2 CROSS-EXAMINATION

3 BY MR. WISE:

4 Q Investigator, who from crime scene picked up
5 that knife?

6 A I'm not sure exactly who did it. Gerald Carter
7 and Ketcherside were working together. I'm not sure
8 exactly who put their hand on it and pulled it out.

9 Q You were standing there when the knife came out
10 of the ground?

11 A No, I walked away. Once they put the marker
12 down, and I stood by, once -- you know, once they took
13 over, I walked a little bit away. I was still in the
14 backyard, but I didn't -- you know, I'm sure -- I can't
15 recall who grabbed it out.

16 Q Okay. You see the knife, you call either
17 Carter or Ketcherside, they come over, and then you turn
18 and walk away?

19 A I stood for -- yeah, for some time, and then
20 once they -- yeah.

21 Q Once they got there, you turned, and you walked
22 away?

23 A Okay. Yes, sir.

24 MR. WISE: All right. Okay. Thank you,
25 Officer.

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1 THE COURT: Anything else?

2 MR. SORENSON: Nothing else, your Honor.

3 THE COURT: You may step down. Next witness.

4 MR. SORENSON: May we approach, your Honor.

5 THE COURT: We're off the record.

6 (A discussion is held off the record, and then
7 the proceedings continue as follows:)

8 THE COURT: All right, ladies and gentlemen,
9 madam foreman, we're going to break for the evening.
10 We'll start at 10:30 in the morning. Please do not
11 discuss the case. Do not let anybody discuss it with
12 you. Don't go home and do any research. And I'll see
13 you back at 10:30 in the morning. Be sure to bring your
14 coats. Everybody else, remain seated, please.

15 (The jury is escorted from the courtroom
16 at 4:17 p.m.)

17 THE COURT: Anything for the record before we
18 break for the evening by the State?

19 MR. SORENSON: No, sir.

20 THE COURT: By the Defendant?

21 MR. WISE: No, your Honor.

22 THE COURT: Anything that I can do to help
23 matters by the State?

24 MR. SORENSON: No, sir. I know we have a
25 couple of pictures that they may have an objection to in

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1 the morning, and I don't know if you want to --

2 THE COURT: We can do that now and save some
3 time.

4 MR. SORENSON: Bear with me one second, your
5 Honor, so I can put my hands on them.

6 THE COURT: I assume these will be by the crime
7 scene investigator, pictures of the victim?

8 MR. WISE: Yes, your Honor.

9 MR. SORENSON: Yes, sir.

10 I want to say those are the only ones. The
11 ones that have her in them.

12 THE COURT: Mr. Wise, if you will -- just let
13 him identify the numbers, and then you can tell me what
14 objections you have, please.

15 MR. SORENSON: State's 13 and 16 show the
16 victim -- I don't believe he has an objection to those
17 two, so --

18 THE COURT: So 13 and 16, no objection?

19 MR. WISE: That's correct, your Honor.

20 THE COURT: Let me see those, please, so I can
21 take them into context with the others.

22 MR. SORENSON: Yes, sir. Bear with me one
23 second. We had one other one that was already in
24 evidence. And then earlier today we put State's 11 in
25 evidence, so that one was already in. So I hand you

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1 those three.

2 (Photographs are handed to the Judge.)

3 MR. SORENSON: Are you ready, your Honor?

4 THE COURT: Not quite.

5 Okay.

6 MR. SORENSON: All right. And I believe it's

7 State's 17, 18, and 20, then, that Mr. Wise has an

8 objection to.

9 THE COURT: Let me see them, please.

10 MR. SORENSON: Yes, sir.

11 (Photographs are handed to the Judge.)

12 THE COURT: And, Mr. Wise, the objection is?

13 MR. WISE: Your Honor, these are the more

14 graphic photos. They show wounds to the body of

15 Mrs. Hanton. We don't believe that they are probative

16 of any -- what happened, and we've already agreed to

17 admit certain other photographs; so we submit that these

18 are not probative and because of what they show, the

19 cuts, the blood, we think they are -- it could be more

20 prejudicial, inciting some passion or emotion in the

21 jurors.

22 THE COURT: Thank you.

23 Mr. Sorenson?

24 MR. SORENSON: May it please the Court, the

25 one -- there's one I believe that shows her back.

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1 Obviously her shirt has been lifted up by the crime
2 scene investigator.

3 THE COURT: Correct.

4 MR. SORENSON: Our purpose for wanting that is
5 basically to show the injuries to her back. In his
6 statement, he almost makes it sound like he's defending
7 himself. I think that those wounds to her back would
8 then be probative to kind of -- kind of refute that part
9 of his statement.

10 The other two -- I mean, one, I think, kind of
11 shows -- there's one of them that shows kind of a more
12 general area.

13 THE COURT: That one?

14 MR. SORENSON: Yes, sir. And that, I think,
15 would be -- more be showing, you know, kind of -- kind
16 of just like her arm but also the area around there
17 also. But the one to her arm, your Honor, is basically
18 just to show -- I mean, it's my position, it almost
19 shows that she's still trying to get up, you know, when
20 she -- when she passed away.

21 THE COURT: Well --

22 MR. SORENSON: And it's something I would like
23 to use in my closing argument, quite frankly.

24 THE COURT: -- the facts that have come out so
25 far obviously show a very gruesome demise to this

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1 unfortunate lady, and I certainly think, coupled with
2 the autopsy testimony by Dr. Ross, these two photographs
3 that show the wounds are -- are certainly relevant to
4 what this lady endured, and I think probative value
5 outweighs the prejudicial value. Could have, certainly,
6 had a lot more, I would think, of a crime scene of this
7 nature, and just -- only two show actual wounds, and I
8 think that corroborates what the pathologist testified
9 to as well as well some corroboration to the other
10 facts, so I will allow them. Your objection is noted.

11 MR. WISE: Thank you, your Honor.

12 THE COURT: You might let the family members
13 know. They may not want to --

14 MR. SORENSON: Yes, sir. Yes, sir.

15 THE COURT: -- look at those.

16 MR. SORENSON: Yes, sir.

17 THE COURT: All right. Anything else that I
18 can do?

19 MR. WISE: Not from the Defense, your Honor.

20 THE COURT: All right. We'll start bright and
21 early -- well, not bright and early. We'll start sort
22 of middle and early tomorrow at 10:30. Thank you.

23 MR. SORENSON: Can we talk to you just real
24 briefly in chambers about a totally unrelated matter?

25 THE COURT: Absolutely.

1 COURT IN ADJOURNMENT.

2 (Court adjourned for the day at 4:23 p.m., on
3 December 11, 2012. Jury trial to reconvene tomorrow,
4 December 12, 2012, at 10:30 a.m.)

5 (End of Volume II of IV.)

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Volume III of IV -- Jury Trial
Direct Examination by Mr. Sorenson of Nadia Weldon

1 you would give your name for the court reporter and
2 spell your last.

3 THE WITNESS: My name is Nadia Weldon. My last
4 name is spelled W-e-l-d-o-n.

5 NADIA WELDON,
6 having been first duly sworn by the Deputy Clerk of
7 Court to tell the truth, the whole truth, and nothing
8 but the truth, was examined and testified upon her oath
9 as follows:

10 DIRECT EXAMINATION

11 BY MR. SORENSON:

12 Q Nadia, also, would you spell your first name,
13 just for the court reporter, also.

14 A First name is spelled N-a-d-i-a.

15 Q Okay. And, Nadia, if you would, tell the jury
16 how old you are.

17 A I'm 22.

18 Q And what do you do for a living?

19 A I go to school full time, graduating. I work
20 at Arby's in Calhoun County, and I also work at Golden
21 China, right next to Check Into Cash.

22 Q What are you going to school for?

23 A Business management major. Hopefully, when I
24 graduate, I'll go into the Navy.

25 Q And when are you set to graduate, Nadia?

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Direct Examination by Mr. Sorenson of Nadia Weldon

1 A May, 2013.

2 Q So this coming -- you've got one more semester
3 left?

4 A Yeah.

5 Q And, Nadia, how do you know the Defendant,
6 Cleophas Edwards?

7 A I used to date him before he went in.

8 THE COURT: Speak up a little louder for me,
9 please.

10 Q (By Mr. Sorenson) Nice and loud. That's not
11 going to turn too much, so you can pull your chair up a
12 little bit if you have to. I know you can be nice and
13 loud, so just keep your voice up.

14 Tell the jury how you met Mr. Edwards.

15 A I met him at a party with one of my friends,
16 that one of my friends invited me to.

17 Q Do you remember about when that was?

18 A In September of 2010.

19 Q Okay. And did you start dating Mr. Edwards
20 shortly after that?

21 A Yes, I did.

22 Q Okay. And do you remember where Mr. Edwards
23 was living at back in September of 2010 up until he was
24 arrested in February of 2011?

25 A In a rented house on [REDACTED].

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Direct Examination by Mr. Sorenson of Nadia Weldon

1 Q Okay. And who -- at that house, who was --
2 during that time period, who else was living in that
3 house on [REDACTED]?

4 A Melvin Simmons, Isaiah Smith, and Britney.

5 Q Okay. And obviously, Melvin and Isaiah are
6 both males; is that correct?

7 A Yes.

8 Q And did Isaiah have a nickname he went by?

9 A Simba.

10 Q Simba. How about Melvin; do you remember what
11 he went by?

12 A Mel.

13 Q Mel. All right. And then you indicated a
14 female named Britney?

15 A Yes.

16 Q Was Britney in a relationship with one of the
17 other people in the house?

18 A Britney was Melvin's girlfriend.

19 Q All right. And were they all kind of staying
20 in that house when you first met Mr. Edwards back in
21 September of 2010?

22 A Yes. Britney stayed on campus in a dorm, but,
23 you know, she would spend the night at her boyfriend's
24 house occasionally.

25 Q How about Isaiah Smith, Simba, was he living

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- 1 there when you first met Mr. Edwards in September?
- 2 A No. He had moved in there after, shortly.
- 3 Q So he moved in shortly after September of 2010?
- 4 A Yes.
- 5 Q And at the time when Mr. Edwards was arrested
- 6 in February of 2011, was Melvin living with him at that
- 7 time?
- 8 A Yes.
- 9 Q Okay. How about Isaiah Smith, was Isaiah Smith
- 10 living with him in February of 2011?
- 11 A No.
- 12 Q Okay. And was Britney still with Melvin and
- 13 staying there occasionally, though, at that time?
- 14 A Yes.
- 15 Q Do you know where Isaiah Smith had moved to?
- 16 A Moved to [REDACTED]
- 17 Q Okay. All right. Let me ask you this. Do you
- 18 know a guy -- during the time that you were seeing and
- 19 dating Mr. Edwards, a guy by the name of -- that went by
- 20 the nickname Izzie?
- 21 A No.
- 22 Q Okay. Was there ever anybody staying there by
- 23 that name that you were aware of?
- 24 A Not that I know of.
- 25 Q How about Isaac Riley? That name mean anything

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1 to you?

2 A No.

3 Q All right. I want to turn your attention,
4 Nadia, if I could, to the early part of February of
5 2011. Did there come a time during that time period
6 where you saw your boyfriend, Mr. Edwards, with a red
7 laptop?

8 A Yes.

9 Q Okay. And did he tell you where he had gotten
10 that laptop from?

11 A Yes.

12 Q Tell the jury what Mr. Edwards told you
13 regarding where he got that laptop.

14 A He said he bought it from someone off the
15 street, some white dude off the street.

16 Q Do you remember if he told you how much he paid
17 for it?

18 A No.

19 Q Now, did there come a time in the early
20 February of 2011, after you saw him with it, when he
21 asked you to do anything with that laptop?

22 A Yes.

23 Q Okay. What was it that Mr. Edwards asked you
24 to do with that laptop?

25 A He asked me to pawn it for him.

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Official Court Reporter for the State of South Carolina

State versus Cleophas Edwards, 12/12/12
Volume III of IV -- Jury Trial
Direct Examination by Mr. Sorenson of Nadia Weldon

1 Q Why did he want you to pawn that laptop?
2 A He said he had no identification to pawn the
3 laptop.
4 Q Was there a reason why he needed to pawn that
5 laptop?
6 A Pay rent.
7 Q Okay. And did you ultimately go with him
8 somewhere and pawn that laptop?
9 A I went to Woody's Pawn Shop.
10 Q That's here in Orangeburg on Russell Street?
11 A Yes, sir.
12 Q And do you remember how much money you got for
13 that laptop?
14 A \$150 for the red laptop.
15 Q Okay. I'm showing you State's Exhibit No. 41.
16 Is that the pawn receipt that you signed indicating that
17 you pawned that laptop, that Acer Aspire laptop, on
18 February 10th of 2011?
19 A Yes, sir.
20 Q 2:56 in the afternoon, showing you got \$150?
21 A Uh-huh.
22 Q Is that your signature down there on the bottom
23 right?
24 A Yes, it is.
25 MR. SORENSON: At this time, I'd offer

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1 State's 41 into evidence.

2 THE COURT: Any objection?

3 MS. HINDS: No objection.

4 (State's Exhibit No. 41, Woody's Pawn & Jewelry
5 Receipt, is admitted into evidence.)

6 Q (By Mr. Sorenson) A few days after that, did
7 Mr. Edwards ask you anything else about that laptop?

8 A Eventually he asked me to go get it back out.

9 Q Okay. And did he tell you why he wanted to get
10 it back out of -- from Woody's Pawn Shop?

11 A He had a website going up, so I guess it was so
12 he could keep his website running.

13 Q And what was Mr. Edwards -- back in February of
14 2011, do you know what he was doing for a living back
15 then?

16 A He sold CDs at the Shell station that he made
17 himself, mixed CDs.

18 Q So he's mixing CDs. So was he using the laptop
19 and the computer to do that?

20 A Yes.

21 Q Okay. All right. And on February 15th -- so,
22 you know, five days after you had pawned that laptop for
23 \$150 -- did you and Mr. Edwards go back to Woody's Pawn
24 Shop?

25 A Yes.

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1 Q Let me ask you this: When you pawned it
2 initially on the 10th, was Mr. Edwards with you?

3 A Yes.

4 Q Just so we're clear, is that the Defendant
5 we're talking about? Is that who --

6 A Yes.

7 Q So on February 15th, the two of y'all went back
8 to Woody's?

9 A Yes.

10 Q Tell the jury, when you went back to Woody's,
11 what you did there when you went back.

12 A When I went back to Woody's, he came in with
13 me, he handed me the money to get the laptop out. I got
14 the -- I handed the clerk the money, got the laptop,
15 handed it right back to him, went about my day.

16 Q What do you remember about that laptop? Do you
17 remember?

18 A Just the fact that it was red.

19 Q Red. Do you remember how much money you had to
20 pay to get the laptop back?

21 A The statement says \$180, so that's how much we
22 paid to get it out.

23 Q I'm showing State's Exhibit No. 42. Is that a
24 screen shot, basically, showing on February 15th, that
25 that laptop was returned back to you?

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1 A Yes.

2 MR. SORENSON: All right. At this time, we'd

3 offer State's 42 into evidence.

4 THE COURT: Any objection?

5 MS. HINDS: No objection.

6 (State's Exhibit No. 42, Photograph, is

7 admitted into evidence.)

8 Q (By Mr. Sorenson) You testified that you gave

9 the laptop, when you got it from the clerk, to

10 Mr. Edwards.

11 A Like, I got it. Here you go.

12 Q Okay. All right. Now, back in February of

13 2011, obviously you were still dating him up until his

14 arrest; is that correct?

15 A Yes.

16 Q So you -- were you around him a decent amount

17 of time?

18 A Yes, I would say so. I didn't see him at all

19 that day of the 16th, nor did I see him like the rest of

20 the day of the 15th, probably after he got the laptop

21 back.

22 Q Is that probably the last time you saw him

23 before he was arrested, when you handed him the laptop?

24 A Yes.

25 Q Let me ask you: During that time period,

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1 though, back in February of 2011, did you ever see

2 Mr. Edwards wearing a black kind of hoodie?

3 A Yes.

4 Q And do you recall what type of shoes he

5 typically wore back in February of 2011?

6 A It was a pair of black shoes.

7 Q Showing what's been marked as State's Exhibit

8 No. 40. Do you recognize those shoes?

9 A Yes.

10 Q Whose shoes are those? They appear to be from

11 back in February of 2011.

12 A Those are Cleo's shoes.

13 MR. SORENSON: Beg the Court's indulgence.

14 All right. Thank you, Nadia. Please answer

15 any questions that either Mr. Wise or Ms. Hinds has for

16 you.

17 MS. HINDS: Just very, very briefly.

18 CROSS-EXAMINATION

19 BY MS. HINDS:

20 Q Basically, just to sum up, you had known him

21 for little more than a year or somewhere around there?

22 You've known him for a while --

23 A I've known him for a while.

24 Q -- and you dated him?

25 A Yes.

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1 Q Okay. And you saw him on a fairly regular
2 basis?
3 A Yes.
4 Q And your testimony is, he asked you to take the
5 laptop to Woody's --
6 A Yes.
7 Q -- because he didn't have identification with
8 him?
9 A Right.
10 Q And you did that?
11 A Uh-huh.
12 Q You're the one that actually brought it and
13 signed the receipt?
14 A He was --
15 Q Signed the receipt to pawn the --
16 A He was with me, but yes.
17 Q And several days later you went back to Woody's
18 again; correct?
19 A With him, yes.
20 Q And you're the one that got it back out;
21 correct?
22 A Yes, with him.
23 Q Okay. And he didn't mention anything to
24 you about being involved in any kind of crime, did
25 he?

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1 A No.
2 MS. HINDS: Okay. No further questions.
3 THE COURT: Redirect, if any?
4 MR. SORENSON: Nothing, your Honor.
5 THE COURT: You may step down. May she be
6 released from her subpoena?
7 MR. SORENSON: No objection from the State,
8 your Honor.
9 MS. HINDS: No objection.
10 THE COURT: Thank you, ma'am. You are free to
11 go.
12 THE WITNESS: Thank you.
13 THE COURT: Next witness, please.
14 MR. SORENSON: The State calls Investigator
15 William Ketcherside.
16 (The oath is administered by the Deputy Clerk
17 of Court, and the witness answers as follows:)
18 THE WITNESS: I do.
19 THE DEPUTY CLERK OF COURT: Thank you.
20 Please state your full name for the record.
21 THE WITNESS: William Ketcherside.
22 THE DEPUTY CLERK OF COURT: And spell your last
23 name.
24 THE WITNESS: K-e-t-c-h-e-r-s-i-d-e.
25 THE DEPUTY CLERK OF COURT: Thank you.

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ORANGEBURG COUNTY
Court of General Sessions

Doyet A. Early, III, Circuit Court Judge

Appellate Case No.2012-213596

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SC Court of Appeals

The State.....Respondent

v.

Cleophas N. Edwards, Jr.....Defendant/Appellant

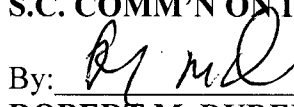
RULE 210(g) SCACR CERTIFICATE

The undersigned certify that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

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