

VOL I OF III

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Robert E. Hood, Circuit Court Judge

RECEIVED

APR 29 2015

CHRISTOPHER COMMANDER,

S.C. Supreme Court
PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-002690

APPENDIX

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ORIGINAL

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS
 3) 05-GS-40-3186

4 State of South Carolina,)
 5)
 6 Plaintiff,)
 7 vs.) TRANSCRIPT OF RECORD
 8 Christopher Sam Commander,)
 9 Defendant.)

10 October 10-16, 2006
 11 Columbia, South Carolina

12
 13
 14 B E F O R E:

15 JAMES W. JOHNSON, JR., JUDGE; and a jury.
 16

17
 18 A P P E A R A N C E S:

19 JOHN P. MEADORS, ASSISTANT SOLICITOR
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21 DOUGLAS S. STRICKLER, PUBLIC DEFENDER
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 24
 25 DEBORAH M. McCURDY
 Official Court Reporter

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>
S-1	Photograph of Crime Scene	146	180
S-2	Photograph of Crime Scene	146	180
S-3	Photograph of Crime Scene	146	180
S-4	Photograph of Crime Scene	146	180
S-5	Photograph of Crime Scene	146	180
S-6	Notes	195	197
S-7	Notes	195	197
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S-9	Photograph	216	217
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S-11	Photograph	216	217
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S-13	Photograph		228
S-14	Photograph	274	295
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S-20	Photograph	274	295
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S-23	Photograph	274	295
S-24	Photograph	274	295

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>
1			
2			
3	S-25 Photograph	274	295
4	S-26 Photograph	274	295
5	S-27 Photograph	274	480
6	S-28 Photograph	274	349
7	S-29 Photograph	274	349
8	S-30 (Withdrawn)	274	--
9	S-31 (Withdrawn)	274	--
10	S-32 Photograph	274	330
11	S-33 Photograph	274	330
12	S-34 Photograph	274	330
13	S-35 Photograph	274	330
14	S-36 Photograph	274	330
15	S-37 Photograph	274	330
16	S-38 Photograph	274	330
17	S-39 Photograph	274	330
18	S-40 Photograph	274	330
19	S-41 Photograph	274	330
20	S-42 Photograph	274	330
21	S-43 Photograph	274	330
22	S-44 Photograph	274	330
23	S-45 Photograph	274	330
24	S-46 Photograph of Notes	301	302
25	S-47 Photograph of Notes	301	302

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	<u>E X H I B I T S</u>			
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>
1				
2				
3	S-48	Green Pen		306
4	S-49	Photograph of Cell Phone	326	338
5	S-50	Surveillance Photograph	354	493
6	S-51	Deposit Slip	354	493
7	S-52	Photographs	354	651
8	S-53	Photographs	354	660
9	S-54	Photographs	354	661
10	S-55	Photographs	354	662
11	S-56	Photographs	354	663
12	S-57	Photographs	354	663
13	S-58	Photographs	354	663
14	S-59	Photographs	354	667
15	S-60	Photographs	354	701
16	S-61	Photographs	354	667
17	S-62	Photographs	354	667
18	S-63	Photographs	354	667
19	S-64	(Withdrawn)	354	--
20	S-65	(Withdrawn)	354	--
21	S-66	Photographs	354	703
22	S-67	(Withdrawn)	354	--
23	S-68	(Withdrawn)	354	--
24	S-69	(Withdrawn)	354	--
25	S-70	(Withdrawn)	354	--

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<u>E X H I B I T S</u>			
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u> <u>EVD.</u>
1			
2			
3	S-71	(Withdrawn)	354 --
4	S-72	Photographs	354 800
5	S-73	Photographs	354 800
6	S-74	Line-up Presented to Sivonna Hunt	399 450
7	S-75	Photograph	437 457
8	S-76	Photograph	437 457
9	S-77	Photograph	437 457
10	S-78	Vehicle Registration	465
11	S-79	Cingular Wireless Telephone Records	468
12	S-80	Printout of Bank Account	480 484
13	S-81	Chart	480 484
14	S-82	American Express Records	503
15	S-83	Chart - American Express Records	503
16	S-84	BellSouth Phone Records	515
17	S-85	AmSouth Bank ATM Photographs	522
18	S-86	Charts	582 785
19	S-87	Charts	582 785
20	S-88	Charts	582 786
21	S-89	Writ of Habeas Corpus	599
22	S-90	Photograph of Hotel Room	664
23	S-91	Layout of Motel Room	657 659
24	S-92	Blow-up of State's Exhibit Number 91	658 659
25	S-93	Firearm	668

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<u>E X H I B I T S</u>				
<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>	
3	S-94 wallet		669	
4	S-95 Baby Ultrasound		670	
5	S-96 Checkbook		671	
6	S-97 Motel Receipts		673	
7	S-98 Items Collected in Search		674	
8	S-99 Black wallet	679	702	
9	S-100 Identification	679	702	
10	S-101 Identification of Defendant and			
11	Credit Cards	679	702	
12	S-102 Room Service Receipts	679	702	
13	S-103 Purse	679	737	
14	S-104 OB-GYN Appointment Card	680	737	
15	S-105 Check in Name of Gervonya Goodwin	680	737	
16	S-106 Medical Slip of Pastoral Counseling	680	737	
17	S-107 Cracker Barrel Receipt	680	737	
18	S-108 Note on Hotel Stationery	680	736	
19	S-109 Cash	680	737	
20	S-110 (Withdrawn)	--	--	
21	S-111 Holiday Inn Room Key		704	
22	C-1 Cases Submitted by Defense	682		
23	C-2 Note from Jury	819		
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25	Charge Number 1	821		

The State versus Christopher Sam Commander

1	<u>I N D E X</u>				
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	Jerome Laviolette				
4	By Mr. Meadors	73		96	
5	By Ms. Mobley		87		
6	Richard Pari				
7	By Mr. Meadors	98			
8	By Ms. Mobley		101		
9	Ernest Crayton				
10	By Mr. Meadors	101			
11	By Ms. Mobley		116		
12	Jack Buzali				
13	By Mr. Meadors	124			
14	By Ms. Mobley		131		
15	Opening Remarks				
16	By Ms. Campbell	154			
17	By Ms. Mobley	166			
18	Michael Ruhl, Jr.				
19	By Ms. Campbell	172			
20	By Ms. Mobley		183		
21	Michael Brown, Sr.				
22	By Ms. Campbell	185			
23	Keyonna Goodwin				
24	By Mr. Meadors	204			
25					

I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1	Barbara Jean Jones				
2	By Mr. Meadors	233			
3	Pamela Taylor				
4	By Ms. Campbell	247			
5	By Ms. Mobley		254		
6	Latisha Pratt				
7	By Ms. Campbell	255			
8	By Ms. Mobley		262		
9	Sheryl Smith				
10	By Mr. Meadors	265			
11	By Ms. Mobley		273		
12	Trish Blendowski				
13	By Mr. Meadors	276		273	
14	By Ms. Mobley		281		
15	Stanley Richards				
16	By Ms. Campbell	285		320	
17	By Mr. Strickler		311		323
18	Zane Padgett				
19	By Ms. Campbell	326			
20	By Mr. Strickler		342		
21	Robert Oates				
22	By Ms. Campbell	344			
23	By Mr. Strickler		351		

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	<u>I N D E X</u>				
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	Trish Collins				
4	By Ms. Campbell	356		377	
5	By Mr. Strickler		369		
6	Travis Holdorf				
7	By Mr. Meadors	378/399/425			
8	By Ms. Mobley		405/434		
9	Sivonnia Hunt				
10	By Mr. Meadors	408/437		462	
11	By Ms. Mobley		417/458		
12	Margaret Fouty				
13	By Ms. Campbell	464			
14	Terra Daugherty				
15	By Ms. Campbell	467			
16	By Mr. Strickler		475		
17	Stephanie Bautista				
18	By Ms. Campbell	481			
19	By Mr. Strickler		497		
20	Barron Daniel				
21	By Ms. Campbell	501			
22	By Mr. Strickler		512		
23	George Nicholson				
24	By Ms. Campbell	514			

I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1	Pamela Jean Sehnert				
4	By Ms. Campbell	520			
5	Dr. Clay Nichols				
6	By Ms. Campbell	529		577	
7	By Mr. Strickler		562		579
8	John F. Presley				
9	By Mr. Meadors	588			
10	By Mr. Strickler		614		
11	Jerome Laviolette				
12	By Mr. Meadors	647		692	
13	By Ms. Mobley		683		
14	Richard Pari				
15	By Mr. Meadors	694		715	
16	By Ms. Mobley		707		
17	Ernest Crayton				
18	By Mr. Meadors	717		733	
19	By Ms. Mobley		725		
20	Dennis Dejean				
21	By Mr. Meadors	734			
22	By Ms. Mobley		738		
23	Jack Buzali				
24	By Mr. Meadors	746		761	
25	By Ms. Mobley		756		

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>

Scott McDonald

By Ms. Campbell 762

By Mr. Strickler 804

Closing Argument

By Mr. Meadors 825

By Mr. Strickler 862

Jury Charge 890

Verdict of the Jury 917

Sentence of the Court 927

Certificate of Reporter 930

TUESDAY, OCTOBER 10, 2006

THE COURT: The State has seen requested voir dire? Any particular objections?

MS. CAMPBELL: Your Honor, Number 1, member of the jury panel, a family member been a witness or victim of a violent crime, also if a family member or they have been charged with, accused of, arrested, convicted, whatever terminology is appropriate.

(Pause.)

THE COURT: All right, pronounce the first name of the victim for me, please.

MS. CAMPBELL: Gervonya.

THE COURT: Gervonya.

MS. CAMPBELL: And as far as voir dire, have additional requests, reciprocal.

THE COURT: Anything that I would ask about --

MS. CAMPBELL: Like Number 2, the Public Defender's Office and Public Defense --

THE COURT: Right.

MS. CAMPBELL: Number 4, prisoners' rights groups. Number 5, I have a problem with just testified for the State in any criminal prosecution, to say testified to any criminal prosecution for the State or the Defendant I guess would be a way to put it.

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1 THE COURT: All right.

2 MS. CAMPBELL: I think you have a general
3 question you do for Number 8, Your Honor, about press
4 coverage.

5 THE COURT: It would be similar to what is in
6 here. I'll use my wording. I think you'll get the
7 same information. I'll use my wording.

8 MS. CAMPBELL: And that would just be -- and then
9 on Number 11, as far as we need to advise them it's
10 possible we could go into next week.

11 THE COURT: Right.

12 MS. CAMPBELL: Okay, thank you, sir.

13 MR. STRICKLER: Your Honor?

14 THE COURT: Yes, sir.

15 MR. STRICKLER: As to -- bad timing on my part, I
16 had two Number 8's, 8 and 9 --

17 THE COURT: I was looking at your numbering
18 system, Mr. Strickler. It goes 5, 8, 8, 9, 11. But
19 that's all right.

20 MR. STRICKLER: That's the effect of 4:30 in the
21 morning, Your Honor, I'm sorry.

22 THE COURT: I understand.

23 MR. STRICKLER: As to 8, 8 and 9, I take it
24 Your Honor --

25 THE COURT: There will be no attorney voir dire,

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1 was that your question?

2 MR. STRICKLER: Yes, sir.

3 THE COURT: I will ask -- if there is any
4 affirmative response, I'll bring them up, counsel.
5 Step up at that time, and I'll go over whatever their
6 response might be and why it is.

7 MR. STRICKLER: Yes, sir. Thank you.

8 MS. MOBLEY: If I may approach with a witness
9 list?

10 THE COURT: All right.

11 MS. MOBLEY: Your Honor, I believe that just for
12 purposes of calling out names, 1 through 9 really
13 would be repeats of --

14 THE COURT: Okay. That is what I was doing is
15 going through. 1 through 9 are already on the list.

16 MS. MOBLEY: I believe so.

17 THE COURT: And that would leave Dr. Conradi, Dr.
18 Ostrowski and Lee Connelly, is that correct?

19 MS. MOBLEY: Yes, sir, Your Honor.

20 THE COURT: All right, thank you. All right,
21 anything further before we get the panel up here?

22 MS. CAMPBELL: No, sir.

23 MR. MEADORS: No, sir.

24 MR. STRICKLER: The only thing in addition, Your
25 Honor, is Ms. Scott was kind of enough to let me and

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1 the state know yesterday that a substantial -- by my
2 count, 35 or 44 members of the panel had previously
3 been called this year for potential service in the
4 Terrian Warren case, a potential capital murder case,
5 and has provided me and the State with the completed
6 jury questionnaires in that case. And I mention this
7 simply because it may be when it comes time for
8 striking, that rather than refer to statements here in
9 court, I am going to be making reference to recorded
10 information on their part on these questionnaires. I
11 don't know, it is a possibility.

12 what I would propose to do is that at the end of
13 the voir dire we would supply a copy of the
14 questionnaires, if necessary, to flesh out the reasons
15 for strikes.

16 THE COURT: Well, any motions that would be made
17 are going to be made outside the presence of the
18 panel --

19 MR. STRICKLER: Yes, sir.

20 THE COURT: -- who might be sitting, so we can
21 deal with that.

22 MR. STRICKLER: Yes, sir, thank you.

23 THE COURT: I guess it boils down to you getting
24 more information than you normally do on the jury
25 selection, right?

1 MR. STRICKLER: Yes, sir.

2 THE COURT: All right, anything further at this
3 time?

4 (No response.)

5 THE COURT: All right, let's get the panel up
6 here, please.

7 (Jury panel enters courtroom.)

8 THE BAILIFF: Your Honor, the jury is present.

9 THE COURT: Ladies and gentlemen of the jury
10 panel, good morning. My name is Jim Johnson. I live
11 in Laurens County. I've been assigned to hold court
12 here in Columbia since January. And I've got three
13 more months and then they will send me on my way
14 somewhere else. It will be my pleasure to be
15 presiding over this term of court this week in
16 Courtroom 3A.

17 We are going to select a jury at this time for
18 the next case to be tried. I need to put on the
19 record, this is case 2005-GS-40-3186 entitled the
20 State versus Christopher Sam Commander. The charge in
21 the case, the allegation in the case, is that of
22 murder.

23 Mr. Commander is present. He is represented by
24 Mr. Strickler and Mr. Mobley. Mr. Strickler, if you
25 will introduce yourself and Ms. Mobley and your client

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1 to the jury panel, please.

2 (Complied.)

3 THE COURT: Thank you. And the State in this
4 case will be represented by Mr. John Meadors and
5 Ms. Luck Campbell. And Mr. Meadors and Ms. Campbell,
6 introduce yourself to the panel, please.

7 MR. MEADORS: May it please the Court? My name
8 is John Meadors, and I am the Deputy Solicitor for the
9 Fifth Judicial Circuit.

10 MS. CAMPBELL: I am Luck Campbell. I am an
11 Assistant Solicitor for the Fifth Judicial Circuit.

12 THE COURT: All right, thank you. Ladies and
13 gentlemen, this is General Sessions or Criminal Court
14 being held in this courtroom. I have read to you a
15 little bit of the information about the case that is
16 being called for trial at this time.

17 In Criminal Court a case is processed through the
18 court system by means of an indictment. That is the
19 piece of paper that I'm holding. It has got the case
20 number and the case name. It has got the charge or
21 the allegations that are made in the case.

22 You need to understand that the indictment is not
23 evidence. It cannot be considered by the jury as
24 evidence of the charge that it contains. The
25 indictment has been served on the Defendant and the

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1 Defendant's attorneys at some time prior to the case
2 being called for trial so that they will know what
3 case is being called for trial.

4 It is alleged in the indictment that this
5 offense, as I have indicated to you, the allegation of
6 the charge is murder in the case. It is alleged that
7 the Defendant, Mr. Commander, committed this offense
8 on or about November 30th of 2004. It is alleged the
9 victim in the case was one Gervonya Goodwin, G-o-o-d-
10 w-i-n.

11 I am going to read to you a fairly long list of
12 potential witnesses who might be called to testify in
13 the case. I'm going to ask you please pay special
14 attention to these names because I'm going to be
15 asking you some questions about your possible
16 relationship with any of these potential witnesses in
17 the case in just a few minutes.

18 As we go through this process, I need for you to
19 understand that in going through the jury selection
20 process, what we are seeking are 12 individuals who
21 don't have any kind of relationship with anyone
22 involved in the case, folks who don't know anything
23 about the case, and people who will be able to be fair
24 and impartial both to the State and to the Defendant
25 and will be able to make a decision based only on the

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1 evidence presented here in the courtroom. And that is
2 why I ask the questions that I'm going over with you,
3 or will be going over with you in just a few minutes.

4 If you are not sure whether you should respond to
5 one of the questions or not, please go ahead and stand
6 up and let me ask you some follow-up questions again
7 so that we can resolve any questions about your
8 ability to be fair and impartial today rather than
9 later on.

10 Potential witnesses in the case -- and if these
11 folks are present I'm going to ask them to stand
12 briefly and face you so that you can see who they are.
13 Some of these folks will be present, many of them will
14 not be present.

15 Lieutenant Stan Smith, Investigator Stan
16 Richards, Investigator Robert Oates, Lieutenant Zane
17 Padgett, Investigator J. Russell, Investigator Trisha
18 Collins, Investigator Lonnie Gross, Deputy Kathy
19 Kisloski, Ray Gregory, Sergeant Scott McDonald,
20 Investigator Travis Holdorf, Lieutenant Jerome
21 Laviolette, L-a-v-i-o-l-e-t-t-e, Detective Dennis
22 Dejean, D-e-j-e-a-n, Sergeant Richard Pari, P-a-r-i,
23 Detective Ernest Crayton, Bessie Johnson, Detective
24 Robert Williams, Investigator Robert Gallegos, G-a-l-
25 l-e-g-o-s, Dr. Clay Nichols, Investigator Matt Ellis,

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1 Bill Stevens, Dr. Martin Hester, Ellen Riddle,
2 Sergeant Don Robinson, Lieutenant Henry Hines, Officer
3 Juan Rodriguez, R-o-d-r-i-q-u-e-z, Jack Buzali, B-u-z-
4 a-l-i, John F. Presley, Charles Brown, Yolanda Dione
5 Burton, Keyonna Goodwin, Mike Brown, Latisha Pratt,
6 Barbara Jones, Alonzo Humphrey, Harry Bovain, Desmond
7 Wilson, Trish Blendowski, B-l-en-d-o-w-s-k-i, Sivonnia
8 Hunt, Sheryl Smith, John Barron, Pamela Taylor, Gray
9 Amick, Maude Goodson, Stephanie Bautista, Barron
10 Daniel, Michelle Faquhar, F-a-q-u-h-a-r, Valerie
11 Mabry, George Nicholson, Joe Slade, Rudine Burton,
12 Terra Daugherty, D-a-u-g-h-e-r-t-y, Wendy Bell, Miles
13 Weaver, Michael Ruhl, R-u-h-l, Joli or Joli Rish,
14 Karen Harrison, Shirley Rivers, Maria Waring, Randy
15 Hough, H-o-u-g-h, Margaret Fouty, F-o-u-t-y, Dr.
16 Sandra Conradi, Dr. Ronald Ostrowski, Lee Connelly.

17 Those are potential witnesses in the case.

18 Let me begin by asking witnesses in the case.

19 Let me begin by asking whether anyone on the jury
20 panel is related by blood or connected by marriage
21 either to the Defendant, Mr. Commander, to the victim,
22 Ms. Goodwin, or any of the potential witnesses in the
23 case. If you are related by blood or connected by
24 marriage to any of these individuals, would you please
25 stand?

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1 (No response.)

2 THE COURT: Is there anyone on the jury panel who
3 has any type of business, personal or social
4 relationship either with Mr. Commander, with
5 Ms. Goodwin or any potential witnesses in the case?
6 And when I say personal or social relationship, I
7 sometimes ask what do you mean by that. If you belong
8 to the same civic organizations, the same clubs, go to
9 the same church or attend the same church, or any
10 similar type relationship -- again, personal, social
11 or business relationship -- with any of these
12 individuals, would you please stand?

13 (Complied.)

14 THE COURT: All right, when you stand I'm going
15 to have some follow-up questions and the first thing
16 I'm going to ask you is your name. If you'll -- I'm
17 going to start right here. Your name, please, ma'am?

18 JUROR: Sheila --

19 THE COURT: No, down here in the front.

20 JUROR: Kim Rawlinson-Wilson.

21 THE COURT: What was your first -- is it Kim?

22 JUROR: Yes, sir.

23 THE COURT: All right, if you can tell me who
24 and just generally the nature of that relationship,
25 please. This is number 28 on the list.

1 JUROR: Physician Martin Hester.

2 THE COURT: And the nature of the relationship,
3 is it social, friendship?

4 JUROR: He's my physician.

5 THE COURT: Okay. And is it currently your
6 physician or in the past?

7 JUROR: Currently.

8 THE COURT: And if that doctor testifies in this
9 case, is that going to affect your ability to be fair
10 and impartial to both the State and to the Defendant
11 in this case?

12 JUROR: I can be fair.

13 THE COURT: You can be fair?

14 JUROR: Uh-huh.

15 THE COURT: All right, if you will have a seat,
16 please. That's number 28 on your list.

17 Let me start over here. Your name, please?

18 JUROR: Mary Tribble.

19 THE COURT: Yes, ma'am?

20 JUROR: I know Dr. Martin Hester.

21 THE COURT: And is it a business or professional
22 relationship or social?

23 JUROR: My husband is a physician and we have
24 been at outings.

25 THE COURT: Through that capacity, would that

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1 influence or have an impact on your ability to be fair
2 and impartial?

3 JUROR: No.

4 THE COURT: All right. And what was your name
5 again, please?

6 JUROR: Mary Tribble.

7 THE COURT: It's Number 20 on the list. You may
8 have a seat, Ms. Tribble, thank you.

9 Your name, please?

10 JUROR: My name is Jennie Dallas.

11 THE COURT: This is Number 12 on the list. Yes,
12 ma'am, Ms. Dallas?

13 JUROR: Dr. Martin Hester is my physician.

14 THE COURT: If that physician is called as a
15 witness in this case, is that going to affect your
16 ability to be a fair and impartial juror?

17 JUROR: No, sir.

18 THE COURT: You may have a seat. That's Number
19 12 on the list.

20 Beside her, your name, please?

21 JUROR: Jamie Canzather. I thought I heard you
22 call the name Harry Bovain. He's a friend of mine.

23 THE COURT: Hold on one second, there was a
24 Bovain I remember. Let me find it. Harry Bovain is a
25 potential witness in the case. You say he's a friend

1 of yours?

2 JUROR: Yes. I don't see him in here, but I just

3 --

4 THE COURT: All right. If he is a witness in
5 this case, is that going to affect -- is your
6 friendship with him going to affect your ability to be
7 a fair and impartial juror?

8 JUROR: No, sir.

9 THE COURT: All right. What was the name again?

10 JUROR: Jamie Canzather.

11 THE COURT: 34. Thank you, you may have a seat.
12 That's 34 on the list.

13 Now, your name, please?

14 JUROR: Sheila McRae Randolph.

15 THE COURT: This is Number 3 on the list. Yes,
16 ma'am, if you can tell me who and the nature of that
17 relationship, please?

18 JUROR: Yolanda, I don't recall the last name but
19 --

20 THE CLERK: Did you say Yolanda?

21 (Pause.)

22 THE COURT: I had a Yolanda Dione Burton. Okay,
23 you may have a seat. Is this the one you are
24 referring to, you know her?

25 JUROR: I'm thinking that we -- I believe she

1 still works at the same work place and go to the same
2 church.

3 THE COURT: Would either one of those
4 relationships affect your ability to be a fair and
5 impartial juror in this case?

6 JUROR: No.

7 THE COURT: All right, you may have a seat.
8 That's Ms. McRae Randolph, Number 3.

9 And your name, please, ma'am?

10 JUROR: Nancy Rentz.

11 THE COURT: The last name again?

12 JUROR: Rentz.

13 THE COURT: This is Number 23 on the list. Ms.
14 Rentz, if you can tell me who and the nature of your
15 relationship, please.

16 JUROR: In the past my daughter has babysat for
17 Jim Russell.

18 THE COURT: All right, if that individual would
19 be a witness in this case, is that going to affect
20 your ability to be a fair and impartial juror in this
21 case?

22 JUROR: No.

23 THE COURT: All right. That is Ms. Rentz, Number
24 23. You may have a seat.

25 I never know what cases might generate publicity

1 prior to the case being called for trial. It alleged
2 that this incident occurred in November or December of
3 '04. I have been advised that there was some media
4 coverage of the case at that time.

5 what I need to know is whether anyone on this
6 jury panel has read or seen or heard or from any
7 source at all been told anything about this case? If
8 so, would you please stand.

9 (No response.)

10 THE COURT: Is there any member of the jury panel
11 who is sensitive to or aware of any kind of bias or
12 prejudice that you might have that would prevent you
13 from being a fair and impartial juror if you are
14 selected in this case? If so, would you please stand.

15 (No response.)

16 THE COURT: Has anyone on this jury panel had any
17 conversation with or been approached or discussed this
18 case in any manner with anyone? If so, would you
19 please stand.

20 (No response.)

21 THE COURT: Is there anyone on the jury panel or
22 any member of your immediate family who has ever been
23 the victim of or a witness to or been accused of a
24 violent crime against another person? Again, if you
25 or a member of your immediate family have been a

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1 victim of or a witness to or accused of a violent
2 crime against another person, would you please stand.

3 All right, let me start on the front row. Your
4 name, please?

5 JUROR: Aaron Floyd.

6 THE COURT: Last name?

7 JUROR: Floyd.

8 THE COURT: Let me find you on the list, please.

9 JUROR: 33, Your Honor.

10 THE COURT: Yes, my list, it is not alphabetical,
11 it is numerical, so it takes me just a minute. This
12 is Number 39 on the list, Mr. Floyd. If you can tell
13 me whether it was you or a member of your family?

14 JUROR: My cousin was murdered.

15 THE COURT: All right. How long ago has that
16 been?

17 JUROR: About two years ago.

18 THE COURT: Would that have any effect on your
19 ability to be a fair, impartial juror?

20 JUROR: No, sir.

21 THE COURT: All right, you may have a seat. That
22 is Number 39 on the list, Mr. Floyd.

23 Your name, please, ma'am?

24 JUROR: Robin Reese.

25 THE COURT: Last name again?

1 JUROR: Reese.

2 THE COURT: This is Number 37. Ms. Reese, if you
3 can tell me whether it was you or a member of your
4 family?

5 JUROR: It was myself.

6 THE COURT: Yourself?

7 JUROR: Yes, I was charged with assault and
8 battery of high aggravated nature.

9 THE COURT: All right. How long ago has that
10 been?

11 JUROR: About 16 or 17 years ago.

12 THE COURT: Is that experience in any way going
13 to affect your ability to be a fair, impartial juror?

14 JUROR: No, sir.

15 THE COURT: Ms. Reese, you may have a seat.
16 Thank you.

17 Your name, please?

18 JUROR: My name is Jennie Dallas.

19 THE COURT: And, Ms. Dallas, I had you awhile
20 ago. Let me find you on my list.

21 JUROR: Number 12.

22 THE COURT: Number 12. Thank you. If you can
23 tell me if it's you or a member of your family?

24 JUROR: It was my uncle, and he was accused and
25 convicted of lynching game wardens --

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1 THE COURT: How long ago has that been?

2 JUROR: 1980 or '81.

3 THE COURT: Is that in any way going to affect
4 your ability to be a fair, impartial juror?

5 JUROR: No.

6 THE COURT: All right, you may have a seat,
7 Ms. Dallas. Anyone else?

8 (No response.)

9 THE COURT: Any member of the jury panel, any
10 member of your immediate family that is either
11 currently or in the past been employed by any state,
12 local or federal Prosecutor's Office? That would
13 include but not be limited to the Fifth Circuit
14 Solicitor's Office, Office of the Attorney General,
15 the U.S. Attorney's Office or any Public Defender's
16 Office or the Office of Appellate Defense, or any
17 private attorney who practices criminal defense, if
18 you or any member of your immediate family has ever
19 been so employed, either currently or in the past,
20 would you please stand.

21 THE COURT: I'm sorry, I didn't see you. Your
22 name, please, ma'am?

23 JUROR: Debra Cohen.

24 THE COURT: And, Ms. Cohen, can you tell me who
25 it was and what agency it was?

1 JUROR: My nephew and he works in Washington,
2 D.C. in the Prosecutor's Office.

3 THE COURT: All right. and it is your nephew,
4 you say?

5 JUROR: Yes, sir.

6 THE COURT: Would that any way affect your
7 ability to be a fair, impartial juror in this case?

8 JUROR: No.

9 THE COURT: All right. And your last name was?

10 JUROR: Cohen.

11 THE COURT: Cohen. Number 29 on the list.

12 Ms. Cohen, you may have a seat. Thank you.

13 Your name, please?

14 JUROR: Lisa Elsenheimer.

15 THE COURT: Yes, ma'am.

16 JUROR: Would that include police officers?

17 THE COURT: I've only asked about attorneys.

18 I'll ask about law enforcement in just a minute.

19 As a matter of fact, I'll ask about it now. If
20 either you or any member of your immediate family has
21 either currently or in the past been employed by any
22 law enforcement agency, whether it is the Columbia
23 Police Department, the Sheriff's Office, Forest Acres
24 Police Department, SLED, FBI, would you please stand.

25 Let me start on this end over here. Your name,

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1 please, sir?

2 JUROR: David Gabrielli.

3 THE COURT: What was the last name?

4 JUROR: Gabrielli.

5 THE COURT: I've got it. Number 43 on my list.

6 Yes, sir.

7 JUROR: My sister is an investigator with
8 Dorchester County.

9 THE COURT: Currently?

10 JUROR: Currently.

11 THE COURT: Is that going to affect your ability
12 to be fair and impartial in this case?

13 JUROR: No, sir.

14 THE COURT: You may have a seat, Mr. Gabrielle.
15 Your name, please? Yes, ma'am.

16 JUROR: Lisa Elsenheimer.

17 THE COURT: Yes, ma'am. This is Number 6 on the
18 list.

19 JUROR: My brother is a police officer in North
20 Carolina.

21 THE COURT: In North Carolina?

22 JUROR: Uh-huh.

23 THE COURT: Is that going to affect your ability
24 to be a fair and impartial juror in this case?

25 JUROR: No.

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1 THE COURT: You may have a seat. Your name
2 again, please?

3 JUROR: Aaron Floyd.

4 THE COURT: Floyd. And Mr. Floyd, who and what
5 agency, please?

6 JUROR: My grandfather is retired from the
7 Columbia Sheriff's Department.

8 THE COURT: And is that in any way going to
9 affect your ability to be fair and impartial in this
10 case?

11 JUROR: No, sir.

12 THE COURT: That's Number 39 on the list. You may
13 have a seat.

14 Your name, please?

15 JUROR: Jeremy Halford.

16 THE COURT: Yes, sir. If you'll tell me who and
17 what agency, please.

18 JUROR: It's not immediate family, but my
19 roommate works for the City of Columbia.

20 THE COURT: Right now?

21 JUROR: Yes, sir.

22 THE COURT: The Police Department?

23 JUROR: Yes, sir.

24 THE COURT: Is that going to affect your ability
25 to be a fair, impartial juror in this case, Mr.

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1 Halford?

2 JUROR: No, sir.

3 THE COURT: You may have a seat. That's Number 2
4 on the list.

5 Your name, please?

6 JUROR: Donna Goldberg, 41.

7 THE COURT: This is Number 9 on my list. Ms.
8 Goldberg, if you'll tell me who and what agency.

9 JUROR: It's not my immediate family either, but
10 it's my brother-in-law. He's in charge of Homeland
11 Security.

12 THE COURT: In charge of?

13 JUROR: Homeland Security for the City of
14 Columbia.

15 THE COURT: Is that -- the fact that he is in
16 that position going to affect your ability in this
17 case to be fair and impartial?

18 JUROR: No, sir.

19 THE COURT: You may have a seat, Ms. Goldberg.
20 Thank you.

21 If there is any member of the jury panel who is a
22 member of or makes contributions to any group or
23 organization that has as its primary -- one of its
24 primary purposes the promotion of law enforcement,
25 groups such as MADD or SADD or South Carolina

1 Trooper's Association, or any group that might have as
2 one of its primary purposes the support of or
3 promotion of prisoners' rights, if you belong to or
4 make contributions to any such group, would you please
5 stand.

6 (No response.)

7 THE COURT: Is there any member of this jury
8 panel who has ever testified either for the State or
9 the Defense in any criminal prosecution? If so, if
10 you have testified in a criminal case, either for the
11 State or the Defense, would you please stand.

12 (No response.)

13 THE COURT: Has any member of this jury panel
14 formed or expressed an opinion in this case as to the
15 guilt or the innocence of the Defendant? If you have
16 formed or expressed an opinion as to the Defendant's
17 guilt or innocence in the case, would you please
18 stand.

19 (No response.)

20 THE COURT: I have asked a number of questions.
21 I've got about two more.

22 If any member of the jury panel knows of any
23 reason, whether it is connected or related in any way
24 to something that I have already asked or if it is
25 totally unrelated to anything that I have already gone

1 over, if you know of any reason that you could not
2 give both the State of South Carolina and the
3 Defendant, Mr. Commander, a fair and impartial trial,
4 would you please stand. If you are aware of any
5 reason that would prevent you from being able to do
6 that, please stand.

7 (No response.)

8 THE COURT: The final question I need to ask you
9 is that everyone is hoping that this case will be
10 completed by Friday. There is a possibility -- you
11 heard the list of potential witnesses -- there is a
12 possibility the case may go into a couple of days of
13 next week. If that creates a particular hardship for
14 anyone on this jury panel, would you please stand.

15 All right, I'm going to ask you three to step
16 over to the side here and I'm going to talk to you,
17 all right? And I'll talk to you here at the front in
18 just a moment.

19 (Pause.)

20 (The following was held at side bar with counsel
21 on the record but out of the hearing of the jury
22 panel.)

23 THE COURT: Counsel, y'all can come up. Ma'am,
24 hold on one second. All right, now you can come up.
25 What was your name again, please?

1 JUROR: My name is Debra Cohen.

2 THE COURT: Yes, ma'am, I remember your name. I
3 just need to find you on my list.

4 THE CLERK: 29.

5 JUROR: I'm supposed to go on a trip with my
6 husband. He is on the Board of Directors of his
7 company.

8 THE COURT: Okay, where is that trip to?

9 JUROR: Kiawah Island.

10 THE COURT: Is that already paid for and
11 everything?

12 JUROR: Yes, sir.

13 THE COURT: Have a seat back there. I'll
14 probably excuse you, but go ahead and have a seat back
15 in the panel.

16 (Juror seated.)

17 THE COURT: All right, next. Good morning.
18 What's your name, please, sir?

19 JUROR: Clarence Jones.

20 THE COURT: Let me find you on my list, Mr.
21 Jones.

22 JUROR: 58.

23 THE COURT: Yeah, you're 58, but you're 32 on my
24 list. We've got all sorts of numbers. Yes, sir.

25 JUROR: The only thing I have, Your Honor, if

1 they sequester, I have a nighttime job --

2 THE COURT: We're not sequestering.

3 JUROR: That's all I was concerned about.

4 THE COURT: Okay, that's fine. Just have a seat,
5 please, sir.

6 (Juror seated.)

7 THE COURT: All right. Good morning. Your name,
8 please, sir?

9 JUROR: Michael Stone.

10 THE COURT: Yes, sir. Number 35 on the list.

11 JUROR: I have a biopsy that's scheduled for
12 Tuesday of next week with Dr. Fairey, prostrate.

13 THE COURT: Have a seat. I'll probably excuse
14 you, but just have a seat, please, sir. All right.

15 Mr. Floyd, is that right?

16 JUROR: Yes, sir.

17 THE COURT: Okay.

18 JUROR: My job is a hundred percent commission-
19 based, and so if I miss two weeks of work it would be
20 being a financial burden, no sales.

21 THE COURT: Where do you work?

22 JUROR: Jim Hudson.

23 THE COURT: Have a seat. I may excuse you, but
24 have a seat back there, please.

25 (Juror seated.)

1 THE COURT: He's a hundred percent commission and
2 not getting paid. All right.

3 What's your name, please?

4 JUROR: Susan Mitchum.

5 THE COURT: Yes, ma'am. This is 31 on the list.
6 Yes, ma'am?

7 JUROR: My husband is Grand Master for the Masons
8 in South Carolina, and we have a trip planned to leave
9 next wednesday to go to Ohio for the Grand Lodge.

10 THE COURT: Okay. I may excuse you, I may not.
11 Just have a seat. Just have a seat out here.

12 (Juror seated.)

13 THE COURT: Okay. What's y'all's best estimate
14 of how long we're going to be?

15 MR. STRICKLER: I think on the outside, I don't
16 see how we can go past Tuesday, frankly. I think on
17 the outside probably Monday --

18 MS. CAMPBELL: On the outside, I think there's a
19 possibility of Tuesday of next week.

20 MR. STRICKLER: -- as far as witnesses go.

21 THE COURT: I'm going to excuse Mr. Stone, who is
22 having a biopsy on Tuesday. I'm going to excuse Ms.
23 Cohen, who has the trip. And I'm going to excuse Mr.
24 Floyd.

25 MR. MEADORS: Judge, during the -- when we

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1 qualified the full panel, Ms. Latoya Carter who was
2 Number 4 on our list, I don't know if you were in
3 there, somebody was from your office, spoke a long
4 time with the judge about school, there was a problem
5 with transportation, and just was a long colloquy of
6 almost four or five minutes of why they couldn't serve
7 and they didn't come up here, and it surprised me she
8 didn't come up here.

9 THE COURT: I'm dealt with what I've got; y'all
10 are too.

11 MS. CAMPBELL: Judge, two of the witnesses on
12 their list I wanted to point out was not on ours. So
13 you might want to call them. It's Tina Goff and
14 Harold Bouknight.

15 THE COURT: They were not on the list?

16 MS. CAMPBELL: They weren't on our list.

17 THE COURT: Which ones were they?

18 MS. CAMPBELL: Tina Goff actually should have
19 been on my list, and Harold Bouknight.

20 THE COURT: Number 3 and 7 on their list, okay.

21 MR. MEADORS: I don't know if you asked if
22 anybody has a business or social relationship with any
23 of the attorneys.

24 THE COURT: I need to ask that.

25 MS. CAMPBELL: Thank you.

1 (End of side bar conference.)

2 THE COURT: Ms. Cohen, you are excused. If
3 you'll have a seat in the back of the courtroom,
4 please, ma'am.

5 (Ms. Cohen excused from the trial.)

6 THE COURT: All right, Mr. Stone, you are
7 excused. If you'll have a seat in the back of the
8 courtroom.

9 (Mr. Stone excused from the trial.)

10 THE COURT: When I say excused from this trial,
11 you'll probably have to go back downstairs.

12 And, Mr. Floyd, you're excused from this trial
13 also. If you'll have a seat in the back of the
14 courtroom.

15 (Mr. Floyd excused from the trial.)

16 THE COURT: I've got a couple of other questions
17 to go over with you. When I went over the list of
18 potential witnesses, there are two other potential
19 witnesses in the case that I omitted. One is Tina
20 Goff with the Richland County Sheriff's Department,
21 another is Harold Bouknight, also with the Richland
22 County Sheriff's Department.

23 If anyone on the jury panel is either related by
24 blood or connected by marriage to either of those
25 individuals or has any other type of business,

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1 personal or social relationship either with Tina Goff
2 or Harold Bouknight, please stand.

3 (No response.)

4 THE COURT: Now, the other question I need to go
5 over with you, is there anyone on the jury panel who
6 has either currently or in the past been represented
7 by any of the attorneys involved in the case? Or if
8 you have any other kind of business or social or
9 personal relationship or friendship, close friendship,
10 with any attorney in the case, would you please stand.

11 (No response.)

12 THE COURT: All right, solicitor, anything
13 further from the state?

14 MR. MEADORS: No, sir.

15 THE COURT: Mr. Strickler?

16 MR. STRICKLER: No, sir.

17 THE COURT: All right, we're going to strike a
18 jury. It does not mean we're going to strike anybody.
19 What we are going to do, your names will be called out
20 one at a time randomly. If your name is called, if
21 you will bring whatever personal belongings you have
22 with you down to the front of the courtroom, stand at
23 this microphone and simply state your name. That is
24 all you need to do.

25 And then the attorneys are going to be asked

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1 whether they would like for you to be seated or
2 whether they would like to excuse you from this
3 particular case. The Solicitor's Office is asked that
4 first. If the Solicitor's Office indicates to present
5 the juror, then the Defense is going to be asked that
6 same question.

7 The first 12 who are agreed upon by the State
8 will make up the jury for this case. We'll also
9 probably have a couple of alternate jurors who will be
10 selected who are just as important as the first 12.

11 So if your name is called, please bring your
12 personal belongings with you. Come down to the front
13 of the courtroom and turn and face the attorneys.

14 The strikes will be ten and five.

15 Okay.

16 THE CLERK: Number 36, Martin Frederico.

17 MR. FREDERICO: Martin Frederico.

18 THE CLERK: What says the State?

19 MS. CAMPBELL: Please present Mr. Frederico.

20 THE CLERK: What says the Defense?

21 MR. STRICKLER: Please seat Mr. Frederico.

22 THE CLERK: Please have a seat in the jury box.

23 (Juror 36, Martin Frederico, a white male, was
24 seated on the jury.)

25 THE CLERK: Number 45, Jeremy Halford.

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1 MR. HALFORD: Jeremy Halford.
2 MS. CAMPBELL: Please present Mr. Halford.
3 THE CLERK: What says the Defense?
4 MR. STRICKLER: Please excuse Mr. Halford from
5 the trial of this case.
6 THE CLERK: Please return to the back of the
7 courtroom.
8 (Juror 45, Jeremy Halford, a white male, was
9 excused by the Defense.)
10 THE CLERK: Number 68, Sheila McRae Randolph.
11 MS. RANDOLPH: Sheila McRae Randolph.
12 THE CLERK: What says the State?
13 MR. MEADORS: Please excuse Ms. McRae Randolph
14 from the trial of this case.
15 THE CLERK: Please return to the back of the
16 courtroom.
17 (Juror 68, Sheila McRae Randolph, a black
18 female, was excused by the State.)
19 THE CLERK: Number 18, Latoya Carter.
20 MS. CARTER: Latoya Carter.
21 THE CLERK: What says the State?
22 MS. CAMPBELL: Please excuse Ms. Carter.
23 THE CLERK: Please return to the back of the
24 courtroom.
25 (Juror 18, Latoya Carter, a black female, was

1 excused by the State.)
2 THE CLERK: Number 110, Christopher Woomer.
3 MR. WOOMER: Christopher Woomer.
4 THE CLERK: What says the State?
5 MS. CAMPBELL: Please present Mr. Woomer.
6 THE CLERK: What says the Defense?
7 MR. STRICKLER: Please excuse Mr. Woomer from the
8 trial of this case.
9 THE CLERK: Please return to the back of the
10 courtroom.
11 (Juror 110, Christopher Woomer, a white male, was
12 excused by the Defense.)
13 THE CLERK: Number 30, Lisa Elsenheimer.
14 MS. ELSENHEIMER: Lisa Elsenheimer.
15 THE CLERK: What says the State?
16 MS. CAMPBELL: Please present Ms. Elsenheimer.
17 THE CLERK: What says the Defense?
18 MR. STRICKLER: Please excuse Ms. Elsenheimer
19 from the trial of this case.
20 THE CLERK: Please return to the back of the
21 courtroom.
22 (Juror 30, Lisa Elsenheimer, a white female,
23 was excused by the Defense.)
24 THE CLERK: Number 66, Douglas Marshall.
25 MR. MARSHALL: Douglas Marshall.

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1 THE CLERK: What says the State?
2 MS. CAMPBELL: Please present Mr. Marshall.
3 THE CLERK: What says the Defense?
4 MR. STRICKLER: Please excuse Mr. Marshall from
5 the trial of this case.
6 THE CLERK: Please return to the back of the
7 courtroom.
8 (Juror 66, Douglas Marshall, a white male,
9 was excused by the Defense.)
10 THE CLERK: Number 62, Ryan Leahy.
11 MR. LEAHY: Ryan Leahy.
12 THE CLERK: What says the State?
13 MS. CAMPBELL: Please present Mr. Leahy.
14 THE CLERK: What says the Defense?
15 MR. STRICKLER: Please swear Mr. Leahy.
16 THE CLERK: Please have a seat in the jury box.
17 (Juror 62, Ryan Leahy, a white male, was
18 seated on the jury.)
19 THE CLERK: Number 41, Donna Goldberg.
20 MS. GOLDBERG: Donna Goldberg.
21 THE CLERK: What says the State?
22 MS. CAMPBELL: Please present Ms. Goldberg.
23 THE CLERK: What says the Defense?
24 MR. STRICKLER: Please swear Ms. Goldberg.
25 THE CLERK: Please have seat in the jury box.

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1 (Juror 41, Donna Goldberg, a white female,
2 was seated on the jury.)
3 THE CLERK: Number 2, Richard Alexander.
4 MR. ALEXANDER: Richard Alexander.
5 THE CLERK: What says the State?
6 MS. CAMPBELL: Please present Mr. Alexander.
7 THE CLERK: What says the Defense?
8 MR. STRICKLER: Please swear Mr. Alexander.
9 THE CLERK: Please have a seat in the jury box.
10 (Juror 2, Richard Alexander, a white male,
11 was seated on the jury.)
12 THE CLERK: Number 37, Sebastian Fuller.
13 MR. FULLER: Sebastian Fuller.
14 THE CLERK: What says the State?
15 MS. CAMPBELL: Please excuse Mr. Fuller.
16 THE CLERK: Please return to the back of the
17 courtroom.
18 (Juror 37, Sebastian Fuller, a black male,
19 was excused by the State.)
20 THE CLERK: Number 25, Jennie Dallas.
21 MS. DALLAS: Jennie Dallas.
22 THE CLERK: What says the State?
23 MS. CAMPBELL: Please present Ms. Dallas.
24 THE CLERK: What says the Defense?
25 MR. STRICKLER: Please swear Ms. Dallas.

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1 THE CLERK: Please have a seat in the jury box.
2 (Juror 25, Jennie Dallas, a white female,
3 was seated on the jury.)

4 THE CLERK: Number 13, Lolita Bostick.

5 MS. BOSTICK: Lolita Bostick.

6 THE CLERK: What says the State?

7 MS. CAMPBELL: Please excuse Ms. Bostick.

8 THE CLERK: Please return to the back of the
9 courtroom.

10 (Juror 13, Lolita Bostick, a black female,
11 was excused by the State.)

12 THE CLERK: Number 64, Jackie Lemacks.

13 MR. LEMACKS: Jackie Lemacks.

14 THE CLERK: What says the State?

15 MS. CAMPBELL: Please present Mr. Lemacks.

16 THE CLERK: What says the Defense?

17 MR. STRICKLER: Please excuse Mr. Lemacks from
18 the trial of this case.

19 THE CLERK: Please return to the back of the
20 courtroom.

21 (Juror 64, Jackie Lemacks, a white male,
22 was excused by the Defense.)

23 THE CLERK: Number 65, Kristian Lorick.

24 MR. LORICK: Kristian Lorick.

25 THE CLERK: What says the State?

1 MS. CAMPBELL: Please present Ms. Lorick.
2 THE CLERK: What says the Defense?
3 MR. STRICKLER: Please swear Ms. Lorick.
4 THE CLERK: Please have a seat in the jury box.
5 (Juror 65, Kristian Lorick, a black female,
6 was seated on the jury.)
7 THE CLERK: Number 67, Pamela Mason.
8 MS. MASON: Pamela Mason.
9 THE CLERK: What says the State?
10 MS. CAMPBELL: Please present Ms. Mason.
11 THE CLERK: What says the Defense?
12 MR. STRICKLER: Please swear Ms. Mason.
13 THE CLERK: Please have a seat in the jury box.
14 (Juror 67, Pamela Mason, a white female,
15 was seated on the jury.)
16 THE CLERK: Number 102, Melody Triplin.
17 MS. TRIPLIN: Melody Triplin.
18 THE CLERK: What says the State?
19 MS. CAMPBELL: Please present Ms. Triplin.
20 THE CLERK: What says the Defense?
21 MR. STRICKLER: Please swear Ms. Triplin.
22 THE CLERK: Please have a seat in the jury box.
23 (Juror 102, Melody Triplin, a black female,
24 was seated on the jury.)
25 THE CLERK: Number 40, Theodore Gill.

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1 MR. GILL: Theodore Gill.
2 THE CLERK: What says the State?
3 MS. CAMPBELL: Please excuse Mr. Gill.
4 THE CLERK: Please return to the back of the
5 courtroom.
6 (Juror 40, Theodore Gill, a black male,
7 was excused by the State.)
8 THE CLERK: Number 69, Eliza Mitchell.
9 MS. MITCHELL: Eliza Mitchell.
10 THE CLERK: What says the State?
11 MS. CAMPBELL: Please present Ms. Mitchell.
12 THE CLERK: What says the Defense?
13 MR. STRICKLER: Please swear Ms. Mitchell.
14 THE CLERK: Please have a seat in the jury box.
15 (Juror 69, Eliza Mitchell, a black female,
16 was seated on the jury.)
17 THE CLERK: Number 101, Mary Tribble.
18 MS. TRIBBLE: Mary Tribble.
19 THE CLERK: What says the State?
20 MS. CAMPBELL: Please present Ms. Tribble.
21 THE CLERK: What says the Defense?
22 MR. STRICKLER: Please swear Ms. Tribble.
23 THE CLERK: Please have a seat in the jury box.
24 (Juror 101, a white female, was seated on the
25 jury.)

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1 THE CLERK: Number 28, James Dent.
2 MR. DENT: James Dent.
3 THE CLERK: What says the State?
4 MS. CAMPBELL: Please present Mr. Dent.
5 THE CLERK: What says the Defense?
6 MR. STRICKLER: Please excuse Mr. Dent from the
7 trial of this case.
8 THE CLERK: Please return to the back of the
9 courtroom.
10 (Juror 28, James Dent, a black male, was
11 excused by the Defense.)
12 THE CLERK: Number 86, Richard Ricks.
13 MR. RICKS: Richard Ricks.
14 THE CLERK: What says the State?
15 MS. CAMPBELL: Please excuse Mr. Ricks.
16 THE CLERK: Please return to the back of the
17 courtroom.
18 (Juror 86, Richard Ricks, a black male,
19 was excused by the State.)
20 THE CLERK: Number 84, Nancy Rentz.
21 MS. RENTZ: Nancy Rentz.
22 THE CLERK: Does the State challenge for cause?
23 MS. CAMPBELL: Please present Ms. Rentz.
24 THE CLERK: What says Defense?
25 MR. STRICKLER: Please excuse Ms. Rentz from the

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1 trial of this case.

2 THE CLERK: Please return to the back of the
3 courtroom.

4 (Juror 84, Nancy Rentz, a white female,
5 was excused by the Defense.)

6 THE CLERK: Number 79, Susan Petty.

7 MS. PETTY: Susan Petty.

8 THE CLERK: Does the State challenge for cause?

9 MS. CAMPBELL: Please present Ms. Petty.

10 THE CLERK: What says the Defense?

11 MR. STRICKLER: Please swear Ms. Petty.

12 THE CLERK: Please have a seat in the jury box.

13 (Juror 79, Susan Petty, a white female,
14 was seated on the jury.)

15 THE CLERK: Number 72, Edward Moore.

16 MR. MOORE: Edward Moore.

17 THE CLERK: Does the State challenge for cause?

18 MS. CAMPBELL: Please present Mr. Moore.

19 THE CLERK: What says the Defense?

20 MR. STRICKLER: Please excuse Mr. Moore from the
21 trial of this case.

22 THE CLERK: Please return to the back of the
23 courtroom.

24 (Juror 72, Edward Moore, a black male,
25 was excused by the Defense.)

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1 THE CLERK: Number 78, William Peel.
2 MR. PEEL: William Peel.
3 THE CLERK: Does the State challenge for cause?
4 MS. CAMPBELL: Please present Mr. Peel.
5 THE CLERK: What says the Defense?
6 MR. STRICKLER: Please swear the juror.
7 THE CLERK: Please have a seat in the jury box.
8 (Juror 78, William Peel, a white male,
9 was seated on the jury.)
10 THE COURT: Select the first alternate. The
11 selected strikes will be two and one on the
12 alternates.
13 THE CLERK: Number 92, Lorie Samuel.
14 MS. SAMUEL: Lorie Samuel.
15 THE CLERK: What says the State?
16 MS. CAMPBELL: Please present Ms. Samuel.
17 THE CLERK: What says the Defense?
18 MR. STRICKLER: Please swear Ms. Samuel.
19 THE CLERK: Please have a seat in the jury box.
20 (Juror 92, Lorie Samuel, a black female,
21 was selected as Alternate One.)
22 THE COURT: Select another alternate. The
23 strikes again will be two and one.
24 THE CLERK: Number 81, Kim Rawlinson-Wilson.
25 MS. RAWLINSON-WILSON: Kim Rawlinson-Wilson.

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1 THE CLERK: What says the State?

2 MS. CAMPBELL: Please seat Ms. Rawlinson-Wilson.

3 THE CLERK: What says the Defense?

4 MR. STRICKLER: Please excuse Ms. Rawlinson-
5 Wilson from the trial of this case.

6 THE CLERK: Please return to the back of the
7 courtroom.

8 (Juror 81, Kim Rawlinson-Wilson, a black
9 female, was excused by the Defense.)

10 THE CLERK: Number 10, Regina Bishop.

11 MS. BISHOP: Regina Bishop.

12 THE CLERK: What says the State?

13 MS. CAMPBELL: Please present Ms. Bishop.

14 THE CLERK: What says the Defense?

15 MR. STRICKLER: Please swear Mr. Bishop.

16 THE CLERK: Please have a seat in the jury box.

17 (Juror 10, Regina Bishop, a black female,
18 was selected as Alternate Two.)

19 THE COURT: All right, any motions or any matters
20 of law concerning the striking of the jury? Anything
21 from the State?

22 MS. CAMPBELL: Beg the Court's indulgence.

23 (Pause.)

24 MS. CAMPBELL: Nothing from the State, Your
25 Honor.

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1 THE COURT: From the Defense?

2 MS. MOBLEY: Beg the Court's indulgence, Your
3 Honor.

4 (Pause.)

5 MR. STRICKLER: Yes, sir, we do need to take up
6 one matter.

7 THE COURT: All right. Can we take it up at the
8 bench?

9 MR. STRICKLER: We'd be happy to approach, Your
10 Honor.

11 THE COURT: Just come up and let's see.

12 (WHEREUPON, a bench conference was held in
13 the presence of the jury but out of the
14 hearing of the jury.)

15 THE COURT: Those of you who have been selected,
16 the bailiff is going to take you back to the jury room
17 while I deal with this matter of law. Don't discuss
18 this case. You can talk about anything else, but do
19 not discuss this case while you're back in the jury
20 room. and we'll have you back in a few minutes.

21 Those of you who have not been selected, step
22 outside the courtroom. Do not leave this floor,
23 please. Step outside the courtroom. Everyone else
24 stay seated. Everybody else stay seated.

25 (WHEREUPON, the jury retires to the jury

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1 room.)

2 (WHEREUPON, the remaining panel steps outside
3 the courtroom.)

4 THE COURT: All right, Mr. Strickler.

5 MR. STRICKLER: Thank you, Your Honor. Of course
6 I would move at this point under Batson the striking.
7 I would just ask the record to reflect that the State
8 used all five of its strikes. I show two black
9 females being struck and three black males. The
10 record should reflect that my client is a black male.

11 THE COURT: All right. Let me hear from the
12 State. And we'll go in the order of the strikes.

13 The first one was Latoya Carter, Juror Number 18.

14 MS. CAMPBELL: Latoya Carter, Your Honor, at
15 qualification yesterday, Judge Lee did the
16 qualification, and Ms. Carter approached. She wanted
17 to get off. It was clear she wanted to get off. And
18 we were able to listen to that conversation with the
19 judge. She said she had transportation problems.
20 Basically she indicated she didn't want to serve.

21 Quite frankly, Your Honor, we were surprised
22 today when you indicated it would go into next week
23 that she didn't approach because she was very adamant
24 yesterday about her problems with serving as far as
25 transportation and other issues.

1 She also said she had a school issue going on
2 and, apparently today that no longer concerned her.
3 However, based on her representations to the judge
4 yesterday, Your Honor, we just struck her.

5 THE COURT: Do you want to be heard on that,
6 Mr. Strickler?

7 MR. STRICKLER: No, sir, thank you.

8 THE COURT: All right. The next one was
9 Sebastian Fuller, Juror Number 37.

10 MS. CAMPBELL: Ms. Bostick?

11 MR. STRICKLER: Sebastian.

12 MS. CAMPBELL: Oh, I'm sorry, Sebastian, I
13 apologize.

14 Your Honor, he also had a 2001 arrest for
15 shoplifting. We were concerned that he had had a bad
16 experience with law enforcement. It is a theft. And
17 I would be totally frank with the Court, Your Honor,
18 like Mr. Alexander had the '78 DUI, there were other
19 people with a DUI arrest that we did not strike.
20 However, anyone with any kind of theft or assault
21 record, we did choose to strike, and did that in a
22 consistent manner.

23 In addition, on Mr. Fuller, Your Honor, both
24 Deputy Solicitor Meadors and I tried to make eye
25 contact with him. Every other juror was able to look

1 at us and our table. He would not ever look at us.

2 THE COURT: All right, let's go on through, and
3 then, Mr. Strickler, you can respond to any that you
4 would like to.

5 MR. STRICKLER: Thank you, sir.

6 THE COURT: The next one is Lolita Bostick, Juror
7 Number 13.

8 MS. CAMPBELL: Yes, Your Honor. She has arrest
9 and/or convictions for simple assault, disorderly
10 conduct and malicious injury to personal property from
11 the 1990's.

12 THE COURT: The next one was Theodore Gill, Juror
13 Number 40.

14 MS. CAMPBELL: Mr. Gill represented in
15 qualification yesterday that he had been arrested for
16 assault and battery of a high and aggravated nature.

17 In addition to that, his record also indicates he
18 was convicted of simple possession of marijuana, as
19 well as I believe -- beg the Court's indulgence -- on
20 two different occasions as late as -- he does have an
21 arrest from '04 on that.

22 He did stand up when the judge asked about prior
23 record and indicated he had been arrested for ABHAN,
24 and even though that wasn't on his record, he was
25 adamant -- but he did represent that yesterday at

1 qualification.

2 THE COURT: All right. And the final one is
3 Richard Ricks, Juror Number 86.

4 MS. CAMPBELL: He has a 1992 conviction for
5 criminal domestic violence as well as a simple
6 possession of marijuana from '99.

7 THE COURT: All right, Mr. Strickler, I'll be
8 glad to hear from you on any or all of those.

9 MR. STRICKLER: Beg the Court's indulgence, Your
10 Honor, please.

11 (Pause.)

12 MR. STRICKLER: Beg the Court's indulgence.

13 THE COURT: Sure.

14 (Pause).

15 MR. STRICKLER: Your Honor, the problem I have at
16 this point in time as it relates to really Mr. Fuller
17 -- I understand the State's concerns regarding
18 Ms. Carter. Actually, in all candor, our notes
19 reflected that, perhaps not the detail that the
20 State's did, but just noted that she was not excused.
21 And I had information regarding Ms. Bostick, Mr. Gill
22 and Mr. Ricks as far as prior record and/or Mr. Gill's
23 statement regarding the ABHAN. And I take him to be a
24 better judge of that than our rap sheets.

25 However, Ms. Campbell indicated that prior

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1 arrests on Mr. Fuller and indicated that they had
2 passed over prior arrests on individuals with, I
3 believe she mentioned DUI convictions. And I think as
4 to Mr. Fuller, she referenced a shoplifting arrest.

5 I just don't understand the difference in
6 rationale in that situation. It is not a conviction
7 situation, it is just an arrest.

8 It would appear -- and I can't reference which
9 person she is talking about because I don't have that
10 information as far as DUI arrests, I don't have that
11 information, but it would appear that she seated some
12 people with prior arrests for DUI and elected not to
13 seat him for prior arrest --

14 THE COURT: Well, the explanation, as I
15 understood it, was the difference in the nature of the
16 prior arrest and the experiences they may have had
17 with counsel. They also gave a reason that the juror
18 did not make any contact and was the only one who did
19 not make any contact with either her or Mr. Meadors.

20 Is there anyone seated on this jury, solicitor,
21 who was not stricken who had an arrest of shoplifting
22 that you are aware of?

23 MS. CAMPBELL: No, sir.

24 THE COURT: All right, based on what has been
25 provided to the Court, I find that the reasons given

1 for all five strikes exercised by the State are
2 racially neutral and were not protectural(sic). There
3 has been nothing provided to the Court or submitted to
4 the Court to support that.

5 For that reason, the jury as selected -- as
6 stricken will be the jury in the case. I don't
7 believe I need to bring the panel in.

8 Madam Clerk, you can let them go back downstairs.
9 (Remaining jury panel excused by the clerk.)

10 THE COURT: Before I bring this jury back, do we
11 have some pretrial matters we need to take up? Give
12 me an idea, are they going to take longer than lunch?

13 MS. MOBLEY: Your Honor, there is a statement in
14 the case, and I believe there are a number of officers
15 who you will need to hear from on that.

16 We are requesting a Biggers hearing with the
17 photo ID at some point with the witness Sivonnia Hunt.

18 I think the longest thing very likely is going to
19 be the officers from New Orleans with the two
20 statements.

21 And we are also requesting some information
22 regarding a potential witness of theirs, John Presley,
23 as to what sort of deals were made with him. And
24 frankly, Your Honor -- beg the Court's indulgence.

25 (Pause.)

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1 MS. MOBLEY: The other matters are just --

2 THE COURT: Fairly routine?

3 MS. MOBLEY: -- Rule 5, that sort of thing.

4 THE COURT: I'm safe letting the jury go for
5 lunch then, right?

6 MS. MOBLEY: Easily, Your Honor, perhaps even a
7 little later.

8 MR. MEADORS: Judge, there are two short -- one
9 of them is an oral statement the Defendant gave when
10 the officers went into a motel room in New Orleans.
11 We are prepared to present that testimony.

12 Another one is a statement that we believe the
13 Defendant volunteered as he was going to a Cold Case
14 Unit as he was being transported. And so that's the
15 extent of it. I don't think we'll be long. But as
16 far as statement, that is the only one we're going to
17 do.

18 THE COURT: All right, I'm going to bring the
19 jury back and let them go select a foreperson, then I
20 will excuse them until probably about 2:30.

21 MR. STRICKLER: Excuse me, Your Honor. I was
22 under the impression that you had some other things
23 that you needed to do.

24 THE COURT: You know, you're absolutely right,
25 Mr. Strickler. I've got a bond hearing I've got to

1 hold before I can get to that. That's going to take
2 up a little bit of time.

3 MS. CAMPBELL: Your Honor, there's a murder plea
4 that we have scheduled with you.

5 MR. STRICKLER: With Ms. Sampson.

6 THE COURT: Oh, yes, I had forgotten about that.
7 What time is that?

8 MS. CAMPBELL: Now -- or whenever you want to do
9 it.

10 MR. STRICKLER: I'm not trying to dictate to the
11 Court, that's just the information we were provided.

12 THE COURT: All right, I'm going to bring them
13 back in at 3 o'clock. We'll see where we are then.
14 Bring the jury back in, please.

15 THE BAILIFF: Yes, sir.

16 (WHEREUPON, the jury came into open court
17 at approximately 11:02 a.m.)

18 THE BAILIFF: Your Honor, the jury is
19 present.

20 THE COURT: All right, thank you. Ladies and
21 gentlemen, you will be the jury for this case. We're
22 not going to actually start the trial until this
23 afternoon. There are several matters of law that I'm
24 required to take up outside of your presence. When I
25 have those matters, I try not to have to have you

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1 sitting back in the jury room while I'm dealing with
2 those matters, particularly if they are going to take
3 an extended period of time.

4 In addition to that, I've got a bond setting and
5 another matter to take up that don't have anything to
6 do with this case that I scheduled for this morning.
7 But the long and short of it is that you're not going
8 to need to be back until 3:15 this afternoon. So in
9 just a minute I'm going to let you go. You need to be
10 back at 3:15.

11 When you come back this afternoon, go directly to
12 your jury room, and we'll hopefully be in a position
13 to go ahead and get started with the trial at that
14 time.

15 I'm not going to have you sworn in as a jury in
16 this case. We won't do that until right before the
17 case -- the trial starts, but I will at this time
18 order you not to discuss this case with family or
19 friends or anyone else, not even among yourselves. I
20 think everyone knows, it's pretty much common
21 knowledge, you should not be discussing the case with
22 people on the street or people around the courthouse
23 or whatnot, or with your family or your friends, but I
24 think jurors are sometimes are surprised to hear the
25 judge instructing them and ordering them not to

1 discuss the case among yourselves while the case is
2 progressing, or at any other time until I tell you to.

3 when the case has reached its conclusion, when
4 all the evidence has been presented to you and you've
5 heard the attorneys make their arguments and I have
6 instructed you in the law and then you're sent back to
7 deliberate and to reach a verdict, that's the first
8 time and the only time that you are permitted to
9 discuss the case, and of course at that time only with
10 your fellow jurors back in the jury room. So, please,
11 don't discuss the case either among yourselves or with
12 family or friends or anyone else.

13 Before you go there is one matter that I need for
14 you to take care of for me. There are two different
15 ways in South Carolina of selecting a jury foreman or
16 forelady. One is for me to simply pick one of you and
17 appoint that person. The other is to let you discuss
18 among yourselves who you would like for that person to
19 be.

20 For the last ten years or so I've let the jurors
21 decide who they want their foreman or forelady to be.
22 That person's vote does not count and is no more
23 important than any other member of the jury's vote.
24 But that person will preside in the jury room and be
25 the spokesperson for the jury here in the courtroom.

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1 So I'm going to send you back to the jury room
2 and ask you to talk among yourselves and decide who
3 you would like your foreman or your forelady to be,
4 write that name on a slip of paper and hand it to the
5 bailiff. Once you have made that decision, then you
6 will be excused, and you will need to be back at 3:15.

7
8 whoever your foreperson is, they will take the
9 first seat in the front row and keep that seat
10 throughout the trial.

11 My two alternate jurors, ladies on the back row,
12 you are my two alternate jurors, and if you'll stay on
13 the back row. The rest of you can sit wherever you
14 would like to as you come and go during the course of
15 the trial there in the jury box.

16 Have a good lunch. When you do come back, it
17 sometimes concerns me, I'll see jurors who will come
18 back maybe a little early and may be sitting on the
19 benches here in the lobby and whatnot, and witnesses
20 and other people involved in the trial may also be in
21 the lobby. It would be best if you come straight on
22 back to your jury room rather than staying out in the
23 lobby or somewhere else.

24 It's not because I think someone would approach
25 you or try to discuss something in your presence. I

1 don't think that would happen. If it does happen,
2 report that to me and we'll get that taken care of.
3 But I just don't want anybody to be influenced if they
4 hear something or read something about the case that
5 would have some influence on your decision making.
6 You're the only people who will make the decision in
7 this case. It has to be based only on testimony and
8 the other evidence that is presented here in the
9 courtroom.

10 In addition to not being permitted to discuss the
11 case, and of course you cannot read anything about the
12 case, listen to anything about the case or watch
13 anything about the case on television, again for that
14 same reason. We don't want you to be influenced by
15 some comment or something that someone may say or that
16 you may read about the case. You have to make the
17 decision based only on the evidence that's presented
18 here during the trial.

19 And, quite frankly, I'll ask you several times
20 during the trial and just be sure that everyone has
21 been able to abide by that order.

22 And with those instructions, if you'll go back to
23 your jury room, select a foreperson, and we'll see you
24 about 3:15 this afternoon. Everyone else stay seated,
25 please.

1 (WHEREUPON, the jury retires for lunch at
2 approximately 11:08 a.m.)

3 THE COURT: we'll recess in this case until about
4 12 o'clock, and I'll do the bond hearing and take the
5 plea in that other case.

6 Yes, sir, Mr. Meadors?

7 MR. MEADORS: So what time are we going to start
8 the Jackson v. Denno?

9 THE COURT: 12 o'clock.

10 MR. MEADORS: Thank you.

11 THE COURT: If we get done with the other I'll be
12 ready to go, but I don't know that we can do that.

13 MR. MEADORS: Yes, sir.

14 (WHEREUPON, court recessed until 12 p.m.)

15 THE COURT: Will we start with the statement.

16 MS. MOBLEY: Your Honor, that's fine. I have a
17 few very brief standard questions, renewing my Rule 5
18 requests. We would just ask if there is anything that
19 the State is aware of at this point that has not been
20 handed over.

21 THE COURT: Anything subject to Rule 5 that has
22 not been turned over that you are aware of at this
23 time, Mr. Meadors?

24 MR. MEADORS: Your Honor, as we broke last time,
25 -- and I may have left them in my office, Ruhl -- Mike

1 Ruhl, who was one of the first responding officers,
2 brought to us this morning a transcript. I think Ms.
3 Campbell may have mentioned it to Mr. Strickler this
4 morning. It is a transcript that he was in a worker's
5 comp hearing or some type of hearing for the fireman
6 who died.

7 I got it this morning and reviewed it. We've
8 made copies for them. It's really dealing more with
9 the issue of fireman's reaction and very little to do
10 with the case, but I'll certainly give that over to
11 them. He won't be testifying this afternoon.

12 Other than that, I do not -- Mr. Strickler, do
13 you want to read through it and have your response to
14 it? It is just a very short transcript. That's all
15 I'm aware of.

16 THE COURT: All right.

17 MS. MOBLEY: Thank you, Your Honor. Your Honor,
18 we would also move to sequester the witnesses in this
19 trial. I know there is a number of them. We would
20 respectfully request that they be sequestered
21 throughout the course of this trial. There is likely
22 to be some overlapping testimony. But we would ask
23 that that apply to the pretrial matters as well.

24 MR. MEADORS: Your Honor, we're doing so with our
25 officers from New Orleans who have come down and are

1 now leaving except for the first officer. We have
2 Scott McDonald who is in here, the chief investigating
3 officer.

4 THE COURT: He's the chief investigator?

5 MR. MEADORS: We would like -- Your Honor, there
6 are several family members which we think under the
7 Victim Rights are entitled to be here. There are
8 three to four family members which will be testifying
9 as fact witnesses, Your Honor, just about the contact
10 of the Defendant here.

11 THE COURT: Subject to the Victim's Bill of
12 Rights, they are entitled to be here along with the
13 chief investigator. Everyone else will be
14 sequestered. And I -- again, I don't know who your
15 witnesses are, but it's a long list. You need
16 throughout the trial to take a look every time we get
17 started and be sure you don't have them in here.

18 Also, with State's witnesses, if there is any
19 possibility of one being recalled in reply rebuttal
20 and they sit in here after they testify in your case
21 in chief, they would not be permitted to.

22 MS. MOBLEY: Thank you, Your Honor. Your Honor,
23 we request the Defendant be --

24 THE COURT: Oh, where is he? Yes, we need to get
25 the Defendant. Is he on his way up?

1 MS. MOBLEY: We would ask to wait till he is
2 present to proceed.

3 (Pause.)

4 (Defendant enters the courtroom.)

5 MR. MEADORS: The State is ready.

6 THE COURT: All right. Ms. Mobley?

7 MS. MOBLEY: Your Honor, are we taking up the
8 matter of the statement?

9 THE COURT: Yes, That's fine. That is where
10 we'll go now, with Jackson V. Denno. How many
11 statements are there, two, more than two?

12 MR. MEADORS: To law enforcement, yes, sir. I
13 think there are some other text messages which we will
14 attempt to get in through family which would not
15 addressed at this time.

16 Can I beg the Court's indulgence just about
17 sequestration, Your Honor?

18 (Pause.)

19 MR. MEADORS: Of course, we would just ask that
20 go both ways obviously, Your Honor.

21 THE COURT: Oh, yes, without saying, any Defense
22 witnesses would also be sequestered. That would
23 exclude any experts on either side who would need to
24 hear testimony in order to render an opinion.

25 MR. STRICKLER: If I could, Your Honor, just as

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1 follow-up to what Mr. Meadors mentioned earlier
2 regarding Mr. Ruhl, Ms. Campbell and I spoke this
3 morning. Go ahead and give him that.

4 MS. CAMPBELL: I just wanted to bring it to the
5 Court's attention so that we can avoid any potential
6 mistrial problems.

7 But basically when the first responders -- one
8 was a fireman that responded to the scene -- went into
9 the house, the body had been in the house for about
10 six weeks when it was found. Basically he went in and
11 viewed what was on the couch, which was the body. At
12 that point he struggled back out the front doorway,
13 had a heart attack. He then had to be taken by EMS to
14 the hospital where he died as a result of what had
15 happened at the house.

16 I just wanted to bring it up and to have the
17 Court guide me and instruct my witnesses not to go
18 into that because I don't think it would be -- I think
19 he would have an argument that it would be
20 inflammatory or prejudicial to go into the fireman
21 dying as a result of what he saw that day.

22 There was a hearing with Mr. Ruhl, I think
23 through a telephone deposition or something, and we're
24 providing that right now just so if there's any
25 question it wasn't something we knew about until there

1 was any testimony or any hearing. And that was in the
2 fireman's case; not in this trial.

3 MR. MEADORS: I don't know if it was telephone or
4 not, but it's all written.

5 MS. CAMPBELL: Anyway, so I just wanted to have
6 the Court --

7 THE COURT: Is Mr. Ruhl the fireman who went into
8 the house who later died?

9 MS. CAMPBELL: He was the first responding
10 officer from the Richland County Sheriff's Department.

11 THE COURT: Okay.

12 MS. CAMPBELL: He testified about what happened
13 to the fireman --

14 THE COURT: Okay.

15 MS. CAMPBELL: -- when he entered the house. I
16 don't know that that's -- I just didn't want somebody
17 to blurt out that the fireman died from what he saw
18 and then that it be a mistrial motion.

19 MR. MEADORS: It was a separate worker's comp
20 hearing.

21 THE COURT: I understand what you're saying.

22 MS. CAMPBELL: I just brought it to his attention
23 this morning because I didn't want him to -- and I
24 would agree that perhaps we shouldn't go into that
25 unless there's some question on cross examination to

JEROME LAVIOLETTE -- DIRECT BY MR. MEADORS:

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1 elicit it, but I don't know -- in other words, they
2 called EMS to the scene and EMS ended up taking the
3 firefighter.

4 THE COURT: I understand. I will instruct the
5 State to instruct your witnesses not to mention the
6 fact that the individual who first went in the house
7 died as a result -- I mean, died as the result of
8 whatever occurred there. I mean, that's irrelevant to
9 this case.

10 MS. CAMPBELL: Thank you.

11 THE COURT: Any problem with that?

12 MR. STRICKLER: No, sir, that is precisely my
13 point, and I believe one of the rare occasions we're
14 in agreement.

15 MR. MEADORS: And they've been instructed already
16 too.

17 THE COURT: All right, that's fine. All right,
18 call your first witness.

19 MR. MEADORS: If it please, Your Honor, the State
20 would now call Captain Jerome Laviolette, L-a-v-i-o-l-
21 e-t-t-e.

22 THE BAILIFF: Place your left hand on the Bible,
23 raise your right, and face the clerk.

24 (Witness complies.)

25 THE CLERK: Do you solemnly swear or affirm that

The State versus Christopher Sam Commander

1 the testimony you are about to give in this case will
2 be the truth, the whole truth and nothing but the
3 truth, so help you God?

4 THE WITNESS: I do.

5 (Jerome Laviolette, after being duly
6 sworn, testified as follows:)

7 THE CLERK: Please have a seat. State your full
8 name for the record.

9 THE WITNESS: My name is Jerome Laviolette.

10 DIRECT EXAMINATION

11 BY MR. MEADORS:

12 Q Major -- Captain, if you could just speak in there.

13 A Okay.

14 Q Briefly, for these purposes, tell the judge about your
15 background, specifically your education and background
16 in law enforcement.

17 A I've been assigned to the New Orleans Police
18 Department for over 12 years --

19 THE COURT: Hold on one second. I don't know
20 that those things are amplifying at all.

21 THE WITNESS: Maybe I'm not speaking loud enough.

22 MR. MEADORS: That's good.

23 THE COURT: That's good. All right, go right
24 ahead.

25 A I've been employed by the New Orleans Police

The State versus Christopher Sam Commander

JEROME LAVIOLETTE -- DIRECT BY MR. MEADORS:

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1 Department for over 21 years, and I have a bachelor's
2 degree in criminal justice.

3 Q And you are going to have to speak in there, Captain.

4 A Is it this one?

5 Q Try that one. How long have you been with the New
6 Orleans Police Department?

7 A A little over 21 years.

8 Q And have you held different positions in the New
9 Orleans Police Department?

10 A Yes, I have.

11 Q Tell the judge what they are.

12 A Well, I started off as a patrolman. Then I went to
13 the tactical squad. Then I was in major case
14 narcotics. I was promoted to sergeant, worked in the
15 field, took command of a detective unit and I was
16 promoted to lieutenant, assumed command of a detective
17 unit, and then I was promoted to captain.

18 MS. MOBLEY: I'm sorry, I didn't hear the last
19 part.

20 THE WITNESS: And then I was promoted to captain
21 right after the storm.

22 Q And right now you're a captain?

23 A That's correct.

24 Q Taking your attention back to January of 2005,
25 specifically January 13th, 2005, were you a lieutenant

The State versus Christopher Sam Commander

1 then?

2 A I was a lieutenant assigned to the 8th District which
3 encompasses the French Quarter and the downtown
4 development area of New Orleans and I was in charge of
5 investigations in that area.

6 MS. MOBLEY: I apologize for interrupting. I'm
7 having a hard time hearing.

8 THE WITNESS: I'll try to speak up, I'm sorry.

9 THE COURT: I'm hearing because I've got these
10 speakers. I think we've got a technical problem, to
11 tell you the truth, because usually -- I mean, mine is
12 --

13 MS. MOBLEY: Normally it is not a problem. I
14 think it's just --

15 THE COURT: I don't think it is your voice, I
16 think we've got a problem.

17 (Pause.)

18 THE COURT: You had asked him about January 13th
19 if he was a lieutenant at the time, and he was telling
20 me where he worked.

21 Q On January 13th of 2005, you were a lieutenant over the
22 French Quarter?

23 A French Quarter and downtown area.

24 Q Lieutenant of investigations?

25 A Correct.

JEROME LAVIOLETTE -- DIRECT BY MR. MEADORS:

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1 Q All right. I'm going to ask you some questions now
2 related to any time you had specifically with the
3 Defendant, Chris Commander, and any statements he may
4 or may not have given on that day. And I'm going to
5 confine my questions to that, okay?

6 A Yes, sir.

7 Q On January 13th of 2005, did you have an occasion to
8 talk with one Scott McDonald, who is in the courtroom?

9 A Yes, I did.

10 Q Can you tell the judge how that came about?

11 A I believe that Sergeant McDonald called me and told me
12 that a credit card in the name of Gervonnice Goodwin
13 was being used at the Holiday Inn Hotel located in the
14 300 Block of Loyola Avenue, which is about a mile from
15 our station. And --

16 Q Is that near the Superdome?

17 A Yes.

18 Q Okay.

19 A And then he said that the credit card was being
20 fraudulently used because the victim was deceased and
21 that he wanted me to go check to see who was using the
22 card. And he gave me the name of Christopher
23 Commander, along with a description, a detailed
24 description, black male, 6'2", about 280 pounds. I
25 see he's lost quite a few pounds since then. But he

The State versus Christopher Sam Commander

1 also gave us a description -- gave me a description of
2 the vehicle that he may be driving. It was a gray
3 Chrysler LHS bearing South Carolina Plate

4 Q So he -- he being Investigator McDonald -- supplied
5 you with that information on January 13th, 2005?

6 A And he told me that Mr. Commander had two outstanding
7 warrants and that he was a suspect only in the death
8 of the victim, Ms. Goodwin.

9 Q And that's all the information you had at that point
10 regarding the death of Ms. Goodwin?

11 A That's correct.

12 Q What did you do after you got this information from
13 Investigator McDonald?

14 A Well, I traveled -- I enlisted the assistance of
15 Sergeant Rick Pari and at the time Detective Ernest
16 Crayton who were assigned under my command, I told
17 them that we were going to do a wanted check for a Mr.
18 Christopher Commander, that he was using a credit card
19 fraudulently at the Holiday Inn.

20 Q And Crayton, Ernest Crayton --

21 A Uh-huh.

22 Q And Rick Pari?

23 A That's correct.

24 Q Both worked underneath you?

25 A That's correct.

JEROME LAVIOLETTE -- DIRECT BY MR. MEADORS:

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1 Q And were y'all all in plain clothes that day?

2 A Yes, we were.

3 Q So did anybody else go to the Holiday Inn in to assist
4 you?

5 A Well, once we made it to the Holiday Inn, I checked
6 with the manager, the security director there, and
7 verified the fact that a credit card was being used in
8 the name of Gervonnie Goodwin that was used to rent
9 Room 1114. Officer Crayton searched the parking lot
10 and located the vehicle described by the sergeant.

11 Q And that information about the vehicle that came from
12 McDonald, who was that vehicle -- whose vehicle was
13 that? Did he tell you whose it was?

14 A He told me it was the victim's vehicle, Ms. Goodwin.

15 Q So you verified that Gervonya Goodwin's credit card
16 had been used?

17 A Yes.

18 Q To rent 1114?

19 A Correct.

20 Q And that the vehicle was in -- where was the vehicle?

21 A It was parked on the fourth floor in the parking
22 garage adjacent to the hotel.

23 Q After you had that information, what did you do, if
24 anything, Captain?

25 A Well, based on what Sergeant McDonald told me, I

The State versus Christopher Sam Commander

1 believe we had a subject wanted from South Carolina
2 and informed the officers -- I enlisted the help of a
3 uniform team, Lieutenant Henry Hines, Jack Buzali and
4 Officer Rodriquez.

5 Q And Jack Buzali was --

6 A Buzali, correct.

7 Q B-u-z-a-l-i?

8 A I believe so.

9 Q Something like that?

10 A Something like that.

11 Q Did you wait for them to get there, to the Holiday
12 Inn?

13 A We met in the lobby and I informed them that we had a
14 subject wanted from South Carolina and outstanding
15 warrants in South Carolina and that he was probably in
16 Room 1114.

17 Q All right. What if anything did you do prior to
18 attempting to knock on 1114?

19 A I obtained a computerized key card from management.
20 In case the subject wouldn't open the door, we were
21 going to let ourselves in to arrest him.

22 Q Was there a room beside 1114?

23 A Yes, there was.

24 Q Did you check that?

25 A We made sure that room was clear, and I actually

JEROME LAVIOLETTE -- DIRECT BY MR. MEADORS:

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1 stationed Lieutenant Hines at the adjoining door to
2 make sure no one would go out that room into the next
3 room.

4 Q And continuing to speak into the mike, then will you
5 tell Your Honor -- you're now at 1114. What happened?

6 A I knock on the door and there's a voice from behind
7 the door asking who it was. I said, "New Orleans
8 Police, open the door", and he refused. I could hear
9 movement in the room, so I believed Mr. Commander was
10 in the room.

11 Q Tell the judge what happened next.

12 A I instructed the officer to swipe the key lock, at
13 which time I made entry. Well, when the door opened
14 it was pitch black in the room, so the officer --
15 Officer Rodriguez illuminated the room with his
16 handheld flashlight and I saw a light switch. So then
17 I switched on the switch and lit up the front of the
18 hotel room, the foyer area, along with the bathroom.
19 We made entry. I was the first one in. Sergeant Pari
20 is behind me, Detective Crayton behind Sergeant Pari,
21 and Officer Buzali and Rodriguez stayed outside the
22 room to, you know, for our safety to keep the other
23 part of the room.

24 Q Buzali and Rodriguez outside of the room?

25 A Outside of the room.

The State versus Christopher Sam Commander

- 1 Q You, Rick -- what was his last name?
- 2 A Pari.
- 3 Q Rick Pari and Ernest Crayton --
- 4 A Correct.
- 5 Q In that order?
- 6 A In that order.
- 7 Q Okay.
- 8 A As I approached the bathroom, the door was open. The
- 9 Defendant, Christopher Commander, placed the gun to
- 10 his head and said, "Get out, I'm going to kill myself
- 11 like I killed Vonnie," at which time I had my weapon
- 12 drawn, told him to drop the gun, which he dropped in
- 13 the tub. And I ordered him down.
- 14 At that point Office Buzali and Rodriguez came in
- 15 and handcuffed him and took him out, took him to the
- 16 8th District Station.
- 17 Q So you walk in. And what lights were on when you --
- 18 A No lights were on.
- 19 Q Okay.
- 20 A I hit the light switch.
- 21 Q All right.
- 22 A Make entry, walk maybe two feet, we're only about
- 23 seven to ten feet from him when he puts a gun to his
- 24 head, and it was cocked, and said, "Get out, I'm going
- 25 to kill myself like I killed Vonnie."

JEROME LAVIOLETTE -- DIRECT BY MR. MEADORS:

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1 Q "Get out, I'm going to kill myself like I killed
2 Vonnie"?

3 A Right.

4 Q Did you know who Vonnie was?

5 A No.

6 Q And how far were you from him at that point?

7 A About where that -- about right there.

8 Q Right here?

9 A Right there.

10 Q Okay. Is he actually in the bathtub?

11 A No, no, he's standing next to the bathtub with the gun
12 to his head.

13 Q And when you told him to drop the gun --

14 A He dropped it.

15 Q -- did he drop it?

16 A Yes, he did.

17 Q Did you hear it drop?

18 A Oh, yes, I did.

19 Q He's handcuffed by Rodriquez and/or Buzali?

20 A I ordered him down. He got down. We pushed him down.
21 And then Rodriquez and Buzali came in and handcuffed
22 him and took him out.

23 Q Now, still pertaining to the statements, any other
24 statements made at that point in Room 1114 at the
25 Holiday Inn in New Orleans?

The State versus Christopher Sam Commander

- 1 A No, sir.
- 2 Q What happens next to Christopher Commander?
- 3 A Well, we -- Officers Pari and Crayton searched the
4 room and there was no one else in the room, so we
5 secured the room pending a search warrant.
- 6 Q And y'all went and got a search warrant?
- 7 A We had a detective get the search -- we stayed in the
8 room and secured it waiting for the paperwork before
9 we conducted a search.
- 10 Q Now, it was Dejean who went and got the --
- 11 A Detective Dejean -- Sergeant Pari relayed the
12 information to Detective Dejean to get the warrant
13 signed.
- 14 Q What physically happened to Christopher Commander from
15 the Holiday Inn? Where did he go next?
- 16 A I instructed the officers to take him to the 8th
17 District Station in order to prepare the out-of-state
18 warrant paperwork, fugitive paperwork.
- 19 Q Between the time -- or did there come a time when you
20 talked to Investigator McDonald again after that, kind
21 of informed him what had happened in the room?
- 22 A Yes, I did. I called him and -- you know, prior to us
23 going to make the arrest, Sergeant McDonald was
24 specific not to question him at all concerning the
25 homicide. That -- just to arrest him on the two

JEROME LAVIOLETTE -- DIRECT BY MR. MEADORS:

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1 warrants and then he was going to send detectives to
2 interview him.

3 And I said, "Look, I don't know what this means,
4 but he just said he killed someone named Vonnie".

5 And he said, "Vonnice?" That's what he called
6 Gervonnice Goodwin. That's her nickname.

7 And I said, "Well, you know, he said it."

8 He said, "Well, you know what, our detectives
9 won't make it there. Why don't you have a homicide
10 detective interview him?"

11 So I called Officers Rodriguez and Buzali and
12 told them to transport him to our Cold Case Homicide
13 Unit in order to be interviewed.

14 Q And so the Judge will know, the 8th District -- I've
15 been down there visiting a few times -

16 A Right.

17 Q -- but I've never been to the 8th District.

18 A Uh-huh.

19 Q How far is the Cold Case Unit from the 8th District
20 where you were?

21 A It's less than two miles.

22 Q And would that be kind of the homicide unit?

23 A At that particular time, our Cold Case Unit -- the
24 French Quarter, the Cold Case Unit handled all --
25 since it was a tourist area, they handled all the

1 homicides in our area. So that unit was specifically
2 assigned to handle any cases.

3 Q What if anything did you tell Rodriguez and/or Buzali,
4 I hope I'm pronouncing that right, prior to them
5 taking Commander to the Cold Case Unit?

6 A I only told them that he had warrants on him from
7 South Carolina.

8 Q And they then transported him?

9 A They then transported him.

10 Q And you were not involved in that transport or
11 anything that transpired at the Cold Case Unit,
12 correct?

13 A That's correct.

14 Q Please tell His Honor, if you can, is the person who
15 you said, "Get out of here, I'm going to kill myself
16 like I killed Vonnie," the person you saw in the room
17 at 1114 on January 13th, 2005, is that person in the
18 courtroom?

19 A Yeah, he's wearing a blue shirt, blue tie, like a dark
20 blue, but he's also about 80 pounds lighter than he
21 was at the time of the arrest.

22 Q You're pointing to the Defendant, Christopher
23 Commander?

24 A Right.

25 MR. MEADORS: We would ask the record to so

The State versus Christopher Sam Commander

JEROME LAVIOLETTE -- CROSS BY MS. MOBLEY:

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1 reflect.

2 THE COURT: All right.

3 MR. MEADORS: That's all we have. thank you.

4 THE COURT: All right, Ms. Mobley.

5 MS. MOBLEY: Thank you, Your Honor. May it
6 please the Court?

7 CROSS EXAMINATION

8 BY MS. MOBLEY:

9 Q Good afternoon. And it's Captain Laviolette, am I
10 saying it correctly?

11 A Laviolette, yes, ma'am.

12 Q Laviolette.

13 A That's right.

14 Q You mentioned, Captain, that you were -- had a phone
15 call from Sergeant McDonald, correct?

16 A Yes.

17 Q Okay. And he informed you of some warrants, but he
18 also informed you that Chris Commander was a suspect
19 in a homicide, correct?

20 A That is correct.

21 Q What sort of detail did he give you about that?

22 A No details, just that he was a suspect. He wanted him
23 arrested for the outstanding warrants.

24 MS. MOBLEY: I'm sorry, beg the Court's
25 indulgence.

The State versus Christopher Sam Commander

1 THE COURT: That's all right.

2 MS. MOBLEY: I have a lot of paper happening up
3 here.

4 Q Now, after that conversation, about how long was it,
5 say, before you went to Mr. Commander's location after
6 your conversations?

7 A About 15 minutes.

8 Q About 15 minutes?

9 A Uh-huh.

10 Q So you went over there immediately, correct?

11 A Correct.

12 Q That's when you found out that -- can you tell me
13 again who the credit card name was registered to?

14 A I believe a Gervonnie Goodwin.

15 Q Gervonnie Goodwin. So you must have had that
16 information prior to -

17 A Yes, he -

18 Q -- understanding where he was? So you knew his name,
19 correct?

20 A Correct.

21 Q And that's how you ended up tracking him down because
22 the credit card was in the name of Gervonnie Goodwin,
23 correct?

24 A Correct.

25 Q Now, you also mentioned that he had -- well, after

JEROME LAVIOLETTE -- CROSS BY MS. MOBLEY:

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1 your phone call you sent someone down to the parking
2 lot to look for a particular vehicle, correct?

3 A That's correct.

4 Q Okay. So you had information about a car that you
5 were looking for as well, correct?

6 A That's correct.

7 Q And what was that information?

8 A It was a '99 Chrysler LHS with south Carolina plates
9 , I believe.

10 Q Okay. And were you informed of whose vehicle that
11 probably was?

12 A Ms. Goodwin's.

13 Q Okay. Now, I want to make sure I've got the people
14 who were going into the room at this point straight.
15 At -- when you got the call at your station from
16 Sergeant McDonald, you then gathered up -- and I want
17 to make -- Lieutenant Pari?

18 A Sergeant Pari.

19 Q Pardon?

20 A Sergeant Pari.

21 Q Sergeant Pari, excuse me. And who else?

22 A Detective Crayton.

23 Q Detective Crayton, okay.

24 A Who is now a sergeant.

25 Q Okay. So the three of you rode over to the hotel

The State versus Christopher Sam Commander

- 1 together?
- 2 A Correct.
- 3 Q Okay. And that is where you met Lieutenant Hines?
- 4 A I called Lieutenant Hines for uniform presence along
- 5 with two officers, uniformed officers.
- 6 Q Okay.
- 7 A To the lobby.
- 8 Q Okay. So let's go up, you are on the hallway of this
- 9 hotel. Who was with you and where are they?
- 10 A Me, Sergeant Pari.
- 11 Q Uh-huh.
- 12 A Sergeant Crayton.
- 13 Q Okay.
- 14 A Officers Buzali, Rodriquez and Lieutenant Hines.
- 15 Q Okay. And Officer Rodriquez, you mentioned he was the
- 16 one who shined the flashlight after y'all make entry
- 17 or used the key --
- 18 A Before we made entry.
- 19 Q Before you made entry, correct?
- 20 A Right. He lit up the room because the room was dark.
- 21 Q Okay. And he switches on the light?
- 22 A I switched on the light.
- 23 Q You switched on the light, pardon me. And I believe
- 24 you testified before that Officers Buzali and
- 25 Rodriquez stayed outside in the hallway?

JEROME LAVIOLETTE -- CROSS BY MS. MOBLEY:

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1 A Right outside the door.

2 Q Right outside the door. Just so I can get a sense of
3 kind of what we're dealing with here, do you want to
4 step --

5 MS. MOBLEY: May the witness step down?

6 THE COURT: Sure.

7 Q Do you mind stepping down, please?

8 (The witness steps down from the witness stand.)

9 THE COURT: Keep your voice up, please, sir.

10 THE WITNESS: Yes, sir.

11 Q If we can use just for practical purposes this area
12 right here as the doorway.

13 A Okay.

14 Q About how big is the doorway to the Holiday Inn hotel
15 room?

16 A I guess it's a standard 36 inches.

17 Q Thirty-six inches?

18 THE COURT REPORTER: I'm sorry?

19 A A standard 36 inches for a doorway, I would imagine.

20 Q Okay. So from there to where?

21 A About right here.

22 Q To about right there? Okay. All right, when you
23 entered the room, I believe you testified that you
24 entered first?

25 A Correct.

The State versus Christopher Sam Commander

- 1 Q Is that correct?
- 2 A Uh-huh.
- 3 Q Okay. Now, when you enter first through this doorway,
- 4 who enters directly behind you?
- 5 A Sergeant Pari.
- 6 Q Sergeant Pari. So there is three of you. Do you have
- 7 your weapons drawn at this point?
- 8 A Yes.
- 9 Q You do. Okay. Service weapons, just standard
- 10 service?
- 11 A Yes.
- 12 Q When you enter the room, where -- what is the first
- 13 thing you see?
- 14 A Darkness.
- 15 Q Darkness. After you turn on the light, when you were
- 16 actually entering the hotel room? If you don't mind,
- 17 turn around so she can hear you.
- 18 A Okay.
- 19 Q what is the first thing you see?
- 20 A Once the door is open, Officer Rodriguez illuminates
- 21 the front -- the foyer.
- 22 Q Yes, sir.
- 23 A I see a light switch and I switch the light on.
- 24 Q Yes, sir.
- 25 A. When the light came on it illuminated the front door

JEROME LAVIOLETTE -- CROSS BY MS. MOBLEY:

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1 along with the back.

2 Q And that's when you saw Mr. Commander?

3 A Once I made a couple of steps into the -- into the
4 foyer, the bathroom was right to your right and the
5 door was open. I'm coming in like this. I see him go
6 up to his head with the gun.

7 Q Okay.

8 A And that's when --

9 Q All right, if you don't mind taking the stand again.
10 I think she's having a hard time hearing.

11 A Oh, I'm sorry.

12 Q Sorry, thank you.

13 A I apologize.

14 (The witness returns to the witness stand.)

15 Q So at this point when y'all are actually entering the
16 room, the lights are on, you're actually -- once you -
17 - as soon as you see him, are you pointing your gun?

18 A Yes, when I see him I point the gun.

19 Q As soon as you see him you point it at him?

20 A Right.

21 Q What if any -- did you say anything at that point?

22 A No, he spoke first.

23 Q So you are pointing your gun at him and you didn't
24 have a chance to say anything?

25 A No, he went up like this. He said, "Get out, I'm

The State versus Christopher Sam Commander

1 going to kill myself like I killed Vonnie."

2 And that's when I said, "Drop the gun," which he
3 dropped right into the tub.

4 Q Okay. So there was -- was there any other noise in
5 the room at that point?

6 A No.

7 Q After Mr. Commander made the statement, I believe you
8 testified that they -- that you rush in?

9 A Get him down.

10 Q Get him down on the ground.

11 A Officers Buzali and --

12 Q You handcuffed him at that point?

13 A -- handcuff him.

14 Q Okay. Was he advised to what he was being charged
15 with at that point?

16 A I believe Officers Buzali and Rodriquez escorted him
17 out, read him his right and told him he had two
18 outstanding warrants.

19 Q Did you ever read Christopher Commander his rights?

20 A No.

21 Q And I have a report with your name at the bottom of
22 it. I'm sure you have a copy of the same. Is that
23 the only report that you generated in response to this
24 investigation?

25 A It's the only report I wrote. Officers Buzali and

JEROME LAVIOLETTE -- CROSS BY MS. MOBLEY:

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1 Rodriquez wrote a fugitive attachment report which
2 should be part of that report.

3 Q And I also -

4 MS. MOBLEY: May I approach the witness, Your
5 Honor?

6 THE COURT: Yes.

7 Q Just -- do you recognize this?

8 A That's a diagram I drew of the room.

9 Q So this is your diagram?

10 A Yes.

11 MS. MOBLEY: Beg the Court's indulgence.

12 Q Captain, I want to take you back to this first entry
13 after the light has been turned on.

14 A Uh-huh.

15 Q You said that you have your gun pointing at
16 Mr. Commander, correct?

17 A Yes.

18 Q Okay. Where exactly -- now we've got this about
19 roughly three and a half feet of space I think we
20 agreed upon?

21 A Right.

22 Q About three feet of space. Where in the entry to the
23 room, if I am you, are Crayton -- Detectives Crayton
24 and Pari? Are they behind you?

25 A Correct.

The State versus Christopher Sam Commander

1 Q So they enter 1-2-3, is that how y'all enter?

2 A Correct.

3 Q Okay, one after the other, okay. And were Detectives
4 Buzali and Rodriquez -- where in relationship to your
5 1-2-3 formation going in were they specifically on the
6 hall?

7 A Outside the door.

8 Q Right outside the door. To the left or the right?

9 A They were outside the door. I don't know exactly
10 where.

11 Q So you couldn't see where they were?

12 A No.

13 Q And you mentioned that no one says anything when y'all
14 see Chris Commander, correct?

15 A Initially when he put the gun to his head, he spoke,
16 and then I ordered him to drop the gun.

17 Q When he ---

18 MS. MOBLEY: Never mind. I think that would be
19 all for this witness. Thank you.

20 THE COURT: Redirect? All right.

21 REDIRECT EXAMINATION

22 BY MR. MEADORS:

23 Q Captain, she showed you a diagram. Did you prepare
24 this diagram?

25 A Yes, I did.

RICHARD PARI -- DIRECT BY MR. MEADORS:

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1 Q I think your testimony was, in response to her
2 question and maybe mine, that Rodriquez and Buzali
3 were outside the room, is that correct?

4 A That's correct.

5 Q Well, is that -- is this just wrong on that document
6 then, it shows a little box inside the door?

7 A Yeah, I just -- when I drew it, I just put them at the
8 door. That's where they were, they were on the
9 outside of the door.

10 Q So they are on the outside of the door, not the
11 inside?

12 A That's correct.

13 MR. MEADORS: That's all. Thank you.

14 THE COURT: Anything further, Ms. Mobley?

15 MS. MOBLEY: No, sir.

16 THE COURT: All right, sir, you may step down.

17 (The witness leaves the witness stand.)

18 MR. MEADORS: Your Honor, very briefly we'll call
19 Sergeant Richard Pari.

20 THE BAILIFF: Place your left hand on the Bible,
21 raise your right, and face the clerk.

22 THE CLERK: Do you solemnly swear or affirm that
23 the testimony you are about to give in this case will
24 be the truth, the whole truth and nothing but the
25 truth, so help you God?
26

The State versus Christopher Sam Commander

1 THE WITNESS: I do.

2 (Richard Pari, after being duly
3 sworn, testified as follows:)

4 THE CLERK: Please have a seat. State your full
5 name for the record.

6 THE WITNESS: Richard Pari, P-a-r-i.

7 DIRECT EXAMINATION

8 By MR. MEADORS:

9 Q Speak in that mike, please. And it is Pari is how you
10 pronounce your last name?

11 A Pari.

12 Q And you are a sergeant with the New Orleans Police
13 Department?

14 A Yes, sir.

15 Q How many years do you have in law enforcement?

16 A Law enforcement, 14 years, 13 years.

17 Q Thirteen or 14 years?

18 A Yes.

19 Q And currently what do you do with the New Orleans
20 Police Department?

21 A I'm the property crimes commander within the French
22 Quarter.

23 Q And back in January, specifically January the
24 13th, 2005, what position did you hold in the New
25 Orleans Police Department?

The State versus Christopher Sam Commander

RICHARD PARI -- DIRECT BY MR. MEADORS:

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- 1 A The same position.
- 2 Q You worked under Lieutenant Laviolette?
- 3 A Correct.
- 4 Q And I'm going to ask you some questions now
- 5 specifically about January 13th, 2005, and the
- 6 opportunity, if any, you had to see Christopher
- 7 Commander. Do you understand?
- 8 A Correct.
- 9 Q Did you respond to -- did you have an occasion to
- 10 respond to the Holiday Inn near the Superdome in New
- 11 Orleans on that date?
- 12 A Yes, sir.
- 13 Q January 13th?
- 14 A Yes, sir.
- 15 Q Who did you go with?
- 16 A Lieutenant Laviolette and Ernest Crayton.
- 17 Q Ernest is a detective?
- 18 A Yes.
- 19 Q And as a result of that, did you have an occasion to
- 20 go to Room 1114 in the Holiday Inn?
- 21 A Ultimately, yes.
- 22 Q And can you tell the judge what, if anything, happened
- 23 when you got to 1114?
- 24 A We assisted Lieutenant Laviolette enter in the room,
- 25 at which point we went in. Lieutenant Laviolette was

The State versus Christopher Sam Commander

1 first, I was second, Detective Crayton was third.
2 Lieutenant Laviolette illumined the foyer area with a
3 light, and we observed an individual in the bathroom
4 to the immediate right with a firearm pointed at his
5 head, at which point he made a statement.

6 Q A firearm pointed at his head and then what, sir?

7 A He made a statement after that.

8 Q And what statement, if any, did you hear this person
9 make?

10 A He said, "Get out, I'm going to kill myself like I
11 like I killed vonnie."

12 Q And how far were you from this person when that
13 statement was made, Sergeant?

14 A I'd say about eight feet.

15 Q And did you have any trouble understanding that?

16 A No.

17 Q Any -- had anything been asked of the Defendant prior
18 to that statement?

19 A No.

20 Q What happened after that, after he made the statement?

21 A After he made the statement, he was ordered to drop
22 the firearm, several verbal commands, which he
23 complied, at which point he was ultimately handcuffed.

24 Q Did you have the occasion or did you talk to the
25 Defendant anymore -- or to this person anymore after

RICHARD PARI -- DIRECT BY MR. MEADORS:

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1 that?

2 A No.

3 Q And did your involvement -- did you -- were you one of
4 the individuals that took him to the Cold Case Unit?

5 A No.

6 Q Is the individual that you saw in the Holiday Inn in
7 New Orleans in Room 1114 and the individual that said,
8 "Don't come in, I'm going to kill myself like I killed
9 Vonnie," is that person in the courtroom?

10 A Yes, sir.

11 Q Would you point him out for His Honor, please?

12 A Seated at the defense table wearing a blue sports
13 coat.

14 MR. MEADORS: That's all. Thank you.

15 THE COURT: Ms. Mobley?

16 MS. MOBLEY: Thank you, Your Honor. May it
17 please the Court?

18 CROSS EXAMINATION

19 BY MS. MOBLEY:

20 Q Good afternoon, Sergeant Pari.

21 A Good morning.

22 Q You mentioned you went to the Holiday Inn with -- I
23 want to get it straight -- Lieutenant Laviolette and
24 Detective Crayton, correct?

25 A Yes. He's a captain now.

The State versus Christopher Sam Commander

- 1 Q Captain.
- 2 A Yes.
- 3 Q Captain Crayton, excuse me. what were you told prior
4 to going to the Holiday Inn regarding the situation?
- 5 A We were going to assist with a warrant check for a
6 subject wanted out of South Carolina.
- 7 Q Anything else?
- 8 A No.
- 9 Q when y'all got to the hotel, how did y'all figure out
10 that Mr. Commander was there?
- 11 A Captain Laviolette got some information from some
12 investigators in South Carolina.
- 13 Q Were you present for that exchange?
- 14 A No, there was a phone conversation.
- 15 Q Were you present for the exchange at the hotel?
- 16 A I was present when we met the hotel manager, at which
17 point we stated, "We're checking for this individual,
18 and I believe there is a credit card involved."
- 19 Q Was the room registered to Chris Commander?
- 20 A No.
- 21 Q Who was the room registered to?
- 22 A I believe a Gervonya Goodwin.
- 23 Q And what did that name mean to you?
- 24 A It didn't mean anything to me at the time.
- 25 Q So you hadn't been told anything?

RICHARD PARI -- CROSS BY MS. MOBLEY:

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- 1 A No, not at that point.
- 2 Q Now, at this point, did Captain Crayton split off from
3 y'all for a period of time?
- 4 A Yes, Sergeant Crayton went up to the parking garage to
5 look for a specific vehicle which Captain Laviolette
6 received that information also, he possibly may have
7 been driving a specific vehicle, I believe it was a
8 Chrysler LHS, and it may be in fact on the hotel
9 premises.
- 10 Q Is it your understanding that vehicle was located?
- 11 A Yes.
- 12 Q When y'all are up on the hallway, were there other
13 officers with you at the time?
- 14 A Yes, there was a Lieutenant Harry Hines, Officer Jack
15 Buzali and Officer Juan Rodriguez.
- 16 Q So that makes six of you total, is that correct?
- 17 A Yes, that is a fair assumption.
- 18 Q Pardon me?
- 19 A Yes.
- 20 Q When you were -- what happened when y'all got to the
21 hotel door?
- 22 A Captain Laviolette announced our presence. He knocked
23 on the door. There was a voice behind the door -- I
24 clearly heard that too -- "who is it?"
25 "New Orleans Police Officer," at which point there was

The State versus Christopher Sam Commander

- 1 no response.
- 2 Q Okay. What happened then?
- 3 A I'm not sure who it was, one of the uniform guys had a
- 4 master card key, at which point it was put in the
- 5 slot, at which point Captain Laviolette entered first,
- 6 followed by myself, followed by Crayton.
- 7 Q Now, about how wide would you say the doorway to this
- 8 -- and this is a standard hotel room, right?
- 9 A Standard hotel room, correct.
- 10 Q Okay. So about how wide is the doorway we're talking
- 11 about?
- 12 A I'm not sure, three feet, three and a half feet maybe.
- 13 Q About three, three and a half feet?
- 14 A (Nods affirmatively.)
- 15 Q Okay. How big is this hallway?
- 16 A The hallway?
- 17 Q Uh-huh.
- 18 A Wider than that. I can't -- it was wider, I don't
- 19 know --
- 20 Q If I'm standing on the opposite side of hallway at the
- 21 Holiday Inn that you were getting ready to make entry
- 22 into the room --
- 23 A Uh-huh.
- 24 Q -- stop me as I'm walking towards you, how far if you
- 25 are on the opposite wall we would be. Stop me

RICHARD PARI -- CROSS BY MS. MOBLEY:

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1 whenever.

2 A I can't -- I mean, probably eight feet maybe.

3 Q About eight feet wide hallway?

4 A It's a standard hallway at a hotel. Without a tape
5 measurer, I can't be exact.

6 Q Were the -- did anything else happen before y'all went
7 in the -- before y'all even knocked on the door of the
8 room?

9 A No.

10 Q No? Now, did y'all have your guns drawn when you were
11 going in there?

12 A Yes.

13 Q You did. Okay. Why was that?

14 A That is for our safety purposes.

15 Q For your safety purposes?

16 A Uh-huh.

17 Q So you felt like you were possibly in danger going in
18 the room?

19 A Possibly.

20 Q And you were -- so it goes Laviolette, then you, then
21 Detective Crayton?

22 A Correct.

23 Q Correct?

24 A Uh-huh.

25 Q Okay. Now, did anyone else enter the room with y'all?

The State versus Christopher Sam Commander

- 1 A No.
- 2 Q You were the only three?
- 3 A Yes.
- 4 Q And were y'all -- when you enter the room it is dark,
5 correct?
- 6 A Yes.
- 7 Q Okay. So I believe one of you shined a flashlight, is
8 that correct?
- 9 A Yes, somebody had a flashlight. The beam actually
-10 came over our shoulder. I believe it might have been
11 Rodriquez or Buzali, one of them.
- 12 Q Okay. And then --
- 13 A Captain Laviolette observed a light switch. I'm not
14 exactly sure what position the switch or what wall it
15 was on, but it was in the entryway of the hotel room.
- 16 Q All right. So at this point y'all can see what's in
17 the room?
- 18 A We could see partially what was in the room. We could
19 see within the general vicinity.
- 20 Q Okay.
- 21 A Which the bathroom was right to the right. We could
22 see that.
- 23 Q Okay. So the bathroom's right to the right. About
24 how far down the hallway did you have to go to get to
25 the bathroom?

RICHARD PARI -- CROSS BY MS. MOBLEY:

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1 A It was right there. I mean, we walked in. I would say
2 the bathroom was probably -- again, without exactly --
3 without a tape measurer, excuse me, I would say within
4 ten feet from the front door.

5 Q Within ten feet from the front door?

6 A Yes, it was close.

7 Q And it's at this point that you see someone in the
8 bathroom, right?

9 A Yes.

10 Q Okay. And can you just tell me one more time what
11 happens then?

12 A We were all lined up. We walked in. When the light
13 turned on we seen an individual with a handgun pointed
14 on his head, at which point the statement was made.

15 At that point we gave several verbal commands,
16 "Drop the gun, drop the gun," and so forth. The gun
17 was dropped in the bathtub. You could clearly hear it
18 hit, boom.

19 Q Did anyone say anything as y'all were walking in the
20 door?

21 A I don't recall.

22 Q You don't recall? Did you write any sort of report
23 after this investigation or incident?

24 A No.

25 Q You didn't?

The State versus Christopher Sam Commander

1 MS. MOBLEY: Beg the Court's indulgence.

2 (Pause.)

3 Q Did you use something called a Fugitive Attachment to
4 a report, anything?

5 A Did I physically write one?

6 Q Sure.

7 A No, I didn't write anything.

8 Q Was your name put on something that you didn't write?

9 A My name is in the incident report, that's correct, as
10 an assisting officer.

11 Q So to your knowledge there is a what, six page report?
12 Who wrote the report for this case?

13 A Captain Laviolette wrote the report for the warrant
14 check, and I believe there is an attachment which
15 Officer Buzali, I believe, authored that.

16 Q Is that y'all's policy not to write a separate report?

17 A Separate reports for what purpose?

18 Q You were --

19 A It was one incident.

20 Q -- specific --

21 A Checking for a warrant individual, certain things were
22 done, yes, that had to be documented, that's why that
23 was authored by Captain Laviolette.

24 And as far as the original incident why we were
25 going there, I believe there was some kind of warrant.

RICHARD PARI -- CROSS BY MS. MOBLEY:

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1 Once that was verified, that's what you call the
2 fugitive attachment. Parish, which is the same thing
3 as a county, if there's anything outside of that
4 jurisdiction, you are booked as a fugitive.

5 Q I was just asking if you -- if y'all typically as --
6 I'm sorry, where did you -- what department did you
7 say you worked in?

8 A City of New Orleans Police Department.

9 Q Correct. What section of the City of New Orleans
10 Police Department?

11 A Eighth District.

12 Q Eighth District. So it's y'all's policy, if there's
13 one incident you only have one report for everyone?

14 A Yes.

15 MS. MOBLEY: Okay, I have no further questions.

16 THE COURT: Mr. Meadors.

17 MR. MEADORS: I have nothing further of this
18 witness.

19 THE COURT: All right, you may step down, sir.

20 (The witness leaves the witness stand.)

21 THE COURT: Who's your next witness?

22 MR. MEADORS: Your Honor, it's the third officer
23 who went in, Detective Ernest Crayton, and after that
24 we'll just have Jack Buzali.

25 THE COURT: We'll finish with this one and then

The State versus Christopher Sam Commander

ERNEST CRAYTON -- DIRECT BY MR. MEADORS:

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1 we'll break for lunch and finish up after lunch.

2 MR. MEADORS: Detective Ernest Crayton.

3 THE BAILIFF: Place your left hand on the Bible,
4 raise your right hand, and face the clerk.

5 (Witness complies.)

6 THE CLERK: Do you swear or affirm that the
7 testimony you are about to give in this case will be
8 the truth, the whole truth, and nothing but the truth,
9 so help you God?

10 THE WITNESS: I do.

11 (Ernest Crayton, after being duly
12 sworn, testified as follows:)

13 THE CLERK: Please have a seat and state your
14 full name for the record.

15 THE WITNESS: Ernest Crayton, III.

16 DIRECT EXAMINATION

17 BY MR. MEADORS:

18 Q Detective, if you would speak into this one, I think
19 this is the one that is working better, if you
20 wouldn't mind scooting up, please, sir.

21 Detective, could you please tell Your Honor your
22 background as it relates to law enforcement. How many
23 years have you been in law enforcement?

24 A Approximately 20 years.

25 Q Okay. And where have you been during that 20 years?

The State versus Christopher Sam Commander

ERNEST CRAYTON -- DIRECT BY MR. MEADORS:

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- 1 How many departments or --
- 2 A I've been assigned to the 6th District on patrol, SWAT
- 3 Team for about two years, Transit Unit for about seven
- 4 years, District Investigative Unit for about seven
- 5 years.
- 6 Q All with the New Orleans Police Department?
- 7 A Yes, sir.
- 8 Q And back on January 13th, 2005, I think you were a
- 9 detective?
- 10 A Yes, sir.
- 11 Q You're now a sergeant?
- 12 A Yes, I am.
- 13 Q And your role now is what?
- 14 A Sergeant over a platoon in the 7th District.
- 15 Q All right. And where is the 7th District?
- 16 A That's located in eastern New Orleans.
- 17 Q And all we're talking about -- this is pre-Katrina,
- 18 this incident?
- 19 A Yes, sir.
- 20 Q And January 13th, 2005, you were Detective Ernest
- 21 Crayton assigned to what unit or what part of the
- 22 police department?
- 23 A Eighth District Detective of Investigations.
- 24 Q And Laviolette was your commander or lieutenant?
- 25 A Yes, he was.

The State versus Christopher Sam Commander

1 Q I'm going to ask you some questions now relating
2 specifically to January 13th, 2005, and the opportunity
3 you had, if any, to talk with one -- or hear any
4 statements one Christopher Commander may have made.

5 Do you remember or did you have an occasion to go
6 to the Holiday Inn Superdome on January 13th, 2005?

7 A Yes, I did.

8 Q And who did you go there with, if anybody?

9 A I went there with Lieutenant Laviolette and Sergeant
10 Rick Pari.

11 Q What did you do when you got there?

12 A Lieutenant Laviolette, he gave me a description of a
13 vehicle, and at that time he related to me that he was
14 going to talk to the security director at the hotel.
15 At that time he wanted me to go up into the parking
16 garage area to see if I can locate a particular
17 vehicle.

18 Q Did you know that security fellow at the Holiday Inn?

19 A Yes, sir.

20 Q So you were asked to go check to see if there was a
21 vehicle, and you did that?

22 A Yes, sir, I did.

23 Q Did you locate a vehicle?

24 A Yes, sir, I did.

25 Q Do you remember where?

ERNEST CRAYTON -- DIRECT BY MR. MEADORS:

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- 1 A I was on the fourth level.
- 2 Q Did you inform at that time Lieutenant now Captain
- 3 Laviolette that you found the vehicle?
- 4 A Yes, sir, I did.
- 5 Q And at this time had he already talked with the
- 6 manager or the fellow you know, the security guy at
- 7 the Holiday Inn?
- 8 A They were in the process of talking at that time.
- 9 Q Did you have an occasion to go to Room 1114, Sergeant?
- 10 A Yes, sir, I did.
- 11 Q And can you tell the judge what happened when you were
- 12 at 1114?
- 13 A At that time Lieutenant Laviolette stated that we were
- 14 going to this particular room to apprehend a fugitive
- 15 from South Carolina. We went up to that room, knocked
- 16 on the door.
- 17 The occupant of that room stated, "Who was it."
- 18 Lieutenant Laviolette at that time stated that,
- 19 "It is New Orleans police officers."
- 20 We got no response. We just heard shuffling
- 21 throughout the room.
- 22 Lieutenant Laviolette had a master key card, a
- 23 computerized master key card that he used to enter the
- 24 room.
- 25 Once he opened the door, it was real, real dark

The State versus Christopher Sam Commander

1 inside, and one of the officers from the outside
2 illuminated the room, at which time Lieutenant
3 Laviolette was able to flip on a light switch.

4 And at that time we heard the subject state, at
5 least a subject state that, "Get out of here, I'm
6 going to kill myself just like I killed Vonnie."

7 Q "Get out of here, I'm going to kill myself just like I
8 killed Vonnie."

9 And you heard those with your own ears?

10 A Yes, sir.

11 Q Had any question been asked to this person prior to
12 him saying that?

13 A No, sir.

14 Q How far were you from this suspect -- this person,
15 excuse me -- when you heard that?

16 A I would say approximately ten feet.

17 Q And did you see the gun?

18 A Yes, sir, I did.

19 Q Did y'all have your guns out?

20 A Yes, we did.

21 Q What happened after this statement that you told the
22 judge about? What happened next? What did you do
23 next -- or what happened next?

24 A Upon hearing the voice, we pointed our weapons toward
25 the subject that was in the bathroom area. And we

ERNEST CRAYTON -- DIRECT BY MR. MEADORS:

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1 told him to drop the gun. At that time he immediately
2 dropped the gun.

3 At that time we also informed our uniform
4 officers to come in, who handcuffed the subject at
5 that time and brought him out of the room.

6 Sergeant Pari and myself, we proceeded through
7 the rest of the hotel room to make sure that it was
8 safe and no other individuals were in the room.

9 Q The room was then secured until a search warrant could
10 be gotten?

11 A Yes, sir.

12 Q And I think you also had an occasion later to -- did
13 you go back and stay with the car after that?

14 A Yes, sir, I did.

15 Q Now, will you tell the judge -- and as far as this
16 person you heard the statement from, did you hear that
17 -- did that person say anything else to you?

18 A No.

19 Q Either right after that or later?

20 A No.

21 Q Is the person that you heard say, "Get out of here,
22 I'm going to kill myself like I killed Vonnie," is
23 that person in the courtroom?

24 A Yes, sir, he is.

25 Q Would you please point him out to Your Honor?

The State versus Christopher Sam Commander

1 A Black male subject with the blue suit and blue shirt,
2 blue tie.

3 MR. MEADORS: And we'd ask that the record
4 reflect he is pointing to the Defendant, Christopher
5 Commander.

6 THE COURT: All right.

7 MR. MEADORS: That's all we have. Thank you.

8 THE COURT: All right. Ms. Mobley?

9 MS. MOBLEY: Thank you, Your Honor. May it
10 please the Court?

11 CROSS EXAMINATION

12 BY MS. MOBLEY:

13 Q How are you?

14 A How are you?

15 Q Good. Now, it is Sergeant Crayton now, is that
16 correct?

17 A Yes, ma'am.

18 Q Now, you mentioned that you went to the Holiday Inn
19 with Lieutenant now Captain Laviolette and Sergeant
20 Pari, correct?

21 A Yes, ma'am.

22 Q Okay. What did Lieutenant Laviolette tell y'all was
23 the purpose of your visit to the Holiday Inn that day?

24 A Lieutenant Laviolette stated to us -- well, he stated
25 to Sergeant Pari that there was a wanted subject that

The State versus Christopher Sam Commander

ERNEST CRAYTON -- CROSS BY MS. MOBLEY:

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1 we had to apprehend that was possibly staying at the
2 Holiday Inn on Loyola.

3 Q Did he give you any other information?

4 A No, he did not.

5 Q When you got to the hotel, you mentioned that you went
6 in search of a vehicle?

7 A Correct.

8 Q And he obviously gave you a description of the
9 vehicle, correct?

10 A Yes, he did.

11 Q Okay. What did he tell you about the car? Why were
12 you looking for that?

13 A He said that the car was probably being driven by the
14 wanted subject.

15 Q Now, I believe -- my understanding of your testimony
16 is that after you located the vehicle, you came back
17 and met up with Lieutenant Laviolette and Detective
18 Pari at the desk where they were discussing things
19 with the hotel security, correct?

20 A Correct.

21 Q And so you were there for part of the conversation,
22 correct, not all of it?

23 A Correct.

24 Q What is your understanding -- how was it determined
25 that Mr. Commander was in the hotel?

The State versus Christopher Sam Commander

- 1 A From my understanding, it was a combination of things,
2 the vehicle and the credit card that was being used.
- 3 Q The credit card?
- 4 A Yes.
- 5 Q So the -- you don't have the name of the person whose
6 credit card it was?
- 7 A I didn't have the name.
- 8 Q So as y'all proceed to -- I'm assuming it is a room --
9 what is the layout of the hotel? Is it just -- how
10 many stories is it, just so I will have an idea what
11 is going on? Two stories, 20 stories?
- 12 A It's not two stories and it is not 20.
- 13 Q Then --
- 14 A I would say approximately 15 or 20.
- 15 Q Okay.
- 16 A It may be more, I'm not sure.
- 17 Q Okay. And this hotel was in the French Quarter, is
18 that correct, or near it?
- 19 A It's near the French Quarter area. It's not in the
20 French Quarter area. It's more or less in the Central
21 Business District area.
- 22 Q And what time of day was this?
- 23 A I would say approximately 10 o'clock, 10:15, or
24 something around that nature.
- 25 Q In the morning or evening?

ERNEST CRAYTON -- CROSS BY MS. MOBLEY:

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- 1 A Morning.
- 2 Q Did anything happen with any other -- to your
3 knowledge, did anything happen with any other officers
4 when y'all were getting ready to go in the room? Were
5 there people spread out doing other stuff while y'all
6 were getting ready to go in?
- 7 A By Lieutenant Laviolette and myself being tactical
8 officers, he summoned a couple of uniform teams to
9 come and basically show a police presence, because
10 myself and Lieutenant Laviolette and Sergeant Pari, we
11 were dressed in plain clothes.
- 12 Q Okay.
- 13 A So we needed uniform presence there.
- 14 Q Sure.
- 15 A So he, Lieutenant Laviolette called for additional
16 units with uniforms.
- 17 Q And what were they doing as y'all were getting ready
18 to make entry into the room?
- 19 A I think there was -- one officer was in an adjacent
20 room, which had an adjacent door that would lead to
21 the suspect's room into that room.
- 22 Q Okay.
- 23 A The other two officers just stood back as backup for
24 us.
- 25 Q Now, my understanding of your testimony is that you

The State versus Christopher Sam Commander

1 made contact with an individual in the room. He
2 wouldn't open the door, or didn't open the door, and
3 then a key card was used to actually make entry in the
4 room, correct?

5 A Correct.

6 Q Okay. And at that point it was dark, so someone
7 shines a light in, and then Lieutenant Laviolette, I
8 believe, was who you said actually flipped on the
9 light switch, correct?

10 A Correct.

11 Q Okay. Now, once you are looking into this room, what
12 is the first thing that you saw?

13 A The first thing that I saw looking into the room was a
14 hallway that led straight all the way back until I
15 guess the end of the room.

16 Q Okay. And did you have your weapons drawn at this
17 point?

18 A Yes, ma'am.

19 Q Now, what happened next? Is that when you saw Mr.
20 Commander in the bathroom?

21 A No, as we eased up, it was Lieutenant Laviolette,
22 Sergeant Pari and then myself, we all couldn't go down
23 the hall together, so it was Lieutenant Laviolette,
24 Pari was maybe a foot or two behind, and I was a foot
25 or two behind Pari.

ERNEST CRAYTON -- CROSS BY MS. MOBLEY:

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1 Q Okay.

2 A And as we went down the hallway, there is an area to
3 the right, which is -- I would assume which is the
4 bathroom area where Mr. Commander was.

5 Q Yes, sir.

6 A In that area. And that is where he was apprehended.

7 Q Where specifically in the bathroom was he? Did you
8 see him?

9 A Yes, we can see him. He was near -- he was standing
10 near the doorway closest to the tub area.

11 Q Now, as y'all were easing down the hallway, was anyone
12 saying -- were any of you saying anything?

13 A No, not really, because it was real dark in there. We
14 didn't want to basically say anything to where as it
15 would give a person a location and our safety would be
16 jeopardized.

17 Q Uh-huh. So I believe you just said you could see
18 Mr. Commander in the bathroom. Did anyone say
19 anything at that point, as soon as y'all saw him?

20 A Lieutenant Laviolette told him to drop the gun. After
21 he made that spontaneous statement, Laviolette told
22 him to drop the gun, and he immediately dropped the
23 gun.

24 Q And he did it. Where did he drop the gun?

25 A He dropped the gun and it fell into the tub. It made

The State versus Christopher Sam Commander

1 a loud noise.

2 Q And at that point he is arrested and -- was he
3 Mirandized at that point?

4 A I'm not sure.

5 Q Okay.

6 A Because I think two uniform police officers came in at
7 that time, handcuffed him --

8 Q Okay.

9 A -- and brought him out of the room while myself and
10 Sergeant Pari continued through the room to make sure
11 that no other individuals were in the room.

12 Q Okay. So pretty much the last contact you had with
13 him was seeing him in the tub?

14 A Near the tub. I don't think he was in the tub.

15 Q Okay. Was Lieutenant Laviolette the only person who
16 told him to drop his gun once y'all observed the
17 firearm?

18 A To my recollection, yes.

19 MS. MOBLEY: Beg the Court's indulgence.

20 (Pause.)

21 MS. MOBLEY: That's all. Thank you.

22 MR. MEADORS: Nothing further.

23 THE COURT: All right, you may step down, sir.
24 You may step down.

25 (The witness leaves the witness stand.)

The State versus Christopher Sam Commander

JACK BUZALI -- DIRECT BY MR. MEADORS:

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1 THE COURT: All right, let's break for lunch
2 until 2:15. We'll come back and hear the State's
3 witness on the other statement, then anything from the
4 Defense.

5 MS. MOBLEY: Thank you, Your Honor.

6 MR. MEADORS: Your Honor, after that we may have
7 a chance to premark the first few exhibits.

8 THE COURT: If we have time, that will be great.
9 (WHEREUPON, court recessed for lunch.)

10 THE COURT: We completed the State's case on the
11 first statement. Let's go ahead with all the State
12 has on both of them.

13 MR. MEADORS: Jack Buzali, B-u-z-a-l-i.

14 THE BAILIFF: Place your left hand on the Bible,
15 raise your right hand, and face the clerk.

16 (Witness complies.)

17 THE CLERK: Do you swear or affirm that the
18 testimony you are about to give in this case will be
19 the truth, the whole truth, and nothing but the truth,
20 so help you God?

21 THE WITNESS: I do.

22 (Jack Buzali, after being duly
23 sworn, testified as follows:)

24 THE CLERK: Please have a seat and state your
25 full name for the record.

The State versus Christopher Sam Commander

1 THE WITNESS: My name is Jack Buzali.

2 DIRECT EXAMINATION

3 BY MR. MEADORS:

4 Q Officer?

5 A Yes, sir.

6 Q Can you pull up a little bit to this mike, the sound
7 system, just be sure and speak in there, please,
8 Officer.

9 A My name is Jack Buzali.

10 Q Please tell His Honor your background, specifically
11 for the purposes here today, your background and
12 training in law enforcement.

13 A I have approximately over nine years with the NOPD.

14 Q And what do you do there for the New Orleans Police
15 Department?

16 A I'm a Patrol Officer.

17 Q What particular area, if any, do you patrol?

18 A I'm in the 8th District.

19 Q What is that?

20 A That's the Downtown Development District and the
21 French Quarter area.

22 Q On January 13th, 2005, were you performing your job for
23 the New Orleans Police Department in the same
24 capacity?

25 A Yes.

JACK BUZALI -- DIRECT BY MR. MEADORS:

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1 Q Specifically, I'm going to ask you about January 13th,
2 2005, Officer Buzali. Did you have an occasion to
3 respond to the Holiday Inn designated at the Superdome
4 in New Orleans on that day?

5 A I believe the address is 330 Loyola.

6 Q Loyola Avenue?

7 A Yes.

8 Q And so you did have an occasion to respond. Do you
9 remember why you went over there?

10 A Yes, sir. I was going to assist a couple of the
11 detectives with a wanted person check.

12 Q And what were you wearing?

13 A I was wearing the full NOPD uniform at the time.

14 Q Badge on the outside?

15 A Yes.

16 Q Had your gun?

17 A Yes.

18 Q Did y'all have an occasion to go to Room 1114 at this
19 particular motel?

20 A Yes.

21 Q And can you tell the judge when you were at that motel
22 room, what if anything did you do?

23 A What we did, we assisted the detective personnel to a
24 wanted person check who was allegedly inside that room
25 at the time.

The State versus Christopher Sam Commander

- 1 Q And what did you do? what was your involvement at
2 that motel room?
- 3 A My involvement was basically to be out in the hallway
4 to be make sure everything was safe and secure once
5 the detectives entered inside the room.
- 6 Q Did you hear anybody from inside the hotel room,
7 besides the officers, did you hear a suspect say
8 anything inside the room?
- 9 A Yes. When one of the detectives knocked, I heard
10 someone say, "who is there?"
- 11 Q After that, did you hear anybody say anything in
12 there?
- 13 A No, there was complete silence after that.
- 14 Q And after the detectives went in, where did you stay?
- 15 A I stayed outside the door.
- 16 Q Did you enter the bathroom at all?
- 17 A No.
- 18 Q What was your job outside then?
- 19 A Basically to provide cover and to secure the rest of
20 the room while the detectives went inside.
- 21 Q So were you able or did you hear anything coming out
22 of the bathroom?
- 23 A No, I didn't hear anything coming out of the bathroom.
- 24 Q And you never went inside?
- 25 A No.

JACK BUZALI -- DIRECT BY MR. MEADORS:

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- 1 Q what's your next -- did you have an occasion then to
2 come in contact with who had been apprehended inside,
3 one Christopher Commander?
- 4 A Yes, I did.
- 5 Q And where -- he was brought out of this motel room, I
6 guess, correct?
- 7 A Yes.
- 8 Q who handcuffed him?
- 9 A I believe I did.
- 10 Q what, if anything, did you do with the body of
11 Christopher Commander? where did you take him, if
12 anywhere, from the motel room?
- 13 A We took him to the 8th District Police Station.
- 14 Q Prior to that, I guess you went out of the door, went
15 into an elevator, went down to the lobby, I guess, of
16 the motel, correct?
- 17 A Correct.
- 18 Q Was the Defendant read his rights by you or anybody
19 else in your presence at the Holiday Inn Superdome?
- 20 A Yes, he was. He was read his rights by my partner,
21 Juan Rodriquez, at that time.
- 22 Q What -- Juan Rodriquez?
- 23 A Yes.
- 24 Q Okay. And where was that that he was read his rights?
- 25 A In the hallway outside the door.

The State versus Christopher Sam Commander

- 1 Q Did the Defendant say anything then?
- 2 A No.
- 3 Q Where was he taken from the Holiday Inn?
- 4 A He was taken to the 8th District Police Station.
- 5 Q By you and Officer Rodriquez?
- 6 A Rodriquez, correct.
- 7 Q I'm sorry. And once you were at the 8th District, were
- 8 you guarding him?
- 9 A Basically we were just detaining him until Lieutenant
- 10 Laviolette at the time called us with further
- 11 instructions.
- 12 Q And did you receive further instructions about what
- 13 you were to do with who was now identified, I presume,
- 14 as Christopher Commander?
- 15 A Yes, because what we did is we completed the paperwork
- 16 because he was actually a fugitive from the State of
- 17 South Carolina, and before we took him he -- you know,
- 18 he said to wait for his call so we could go ahead and
- 19 take him up to lockup, central lockup, to jail.
- 20 Q Well, did you do that?
- 21 A After he told us to.
- 22 Q Then what happened?
- 23 A Before we went to lockup he called back and he said
- 24 before we took the subject to lockup to go ahead to
- 25 the NOPD Homicide, the Cold Case Division.

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JACK BUZALI -- DIRECT BY MR. MEADORS:

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- 1 Q How far is NOPD Homicide Cold Case Division from where
2 you were, the 8th District
- 3 A Approximately two miles.
- 4 Q Who was transporting Christopher Commander?
- 5 A I was, and my partner Juan Rodriquez.
- 6 Q He is handcuffed?
- 7 A Correct.
- 8 Q In the back of the car?
- 9 A Yes, the back of the police car.
- 10 Q Y'all start traveling to the Cold Case Squad, for
11 these purposes if I can call it that?
- 12 A Yes.
- 13 Q What, if anything, transpired after that?
- 14 A Basically the subject asked us where we were taking
15 him to.
- 16 Q Had y'all asked him or talked to him in any way prior
17 to that?
- 18 A No, we had no communication with him up to that point.
- 19 Q He asked you where y'all were taking him to?
- 20 A Correct.
- 21 Q And what happened next?
- 22 A We told him we was taking him to the Homicide Cold
23 Case Division.
- 24 Q And that was it?
- 25 A At that point he blurted out, "I just did what I had

The State versus Christopher Sam Commander

- 1 to do."
- 2 Q "I just did what I had to do"?
- 3 A Correct.
- 4 Q Any other follow-up or any other questions?
- 5 A No.
- 6 Q And was there any question? He just volunteered that?
- 7 A Yeah, he just blurted it out.
- 8 Q And did you take him to -- you and/or Officer
- 9 Rodriquez take him to the Cold Case Homicide Unit?
- 10 A Yes, we did.
- 11 Q And once he was there, was he read his Miranda Rights?
- 12 A I don't know because once we took him there, they
- 13 walked into a room with him and we stayed outside.
- 14 Q So did that end your involvement with the Defendant,
- 15 Christopher Commander?
- 16 A At that point, yes.
- 17 Q And just for review, he asked you where you were going
- 18 and you told him the Cold Case?
- 19 A Cold Case Homicide Division.
- 20 Q And after that, what did he say?
- 21 A He stated he just did what he had to do.
- 22 Q Is the person who said, "I just had to do what I had
- 23 to do," in this courtroom?
- 24 A Yes.
- 25 Q Please point him out for Your Honor.

JACK BUZALI -- CROSS BY MS. MOBLEY:

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1 A He is wearing a suit with a blue tie and blue shirt
2 right over there at that desk.

3 MR. MEADORS: We'd ask the record to so reflect.
4 That's all we have. Thank you.

5 THE COURT: All right. Cross examination,
6 Ms. Mobley?

7 MS. MOBLEY: Thank you, Your Honor. May it
8 please the Court?

9 THE COURT: All right.

10 CROSS EXAMINATION

11 BY MS. MOBLEY:

12 Q Good afternoon.

13 A Hello.

14 Q Just so I'm straight, when is the first time you
15 actually saw Mr. Commander?

16 A We saw him when he was apprehended inside the room by
17 the detectives at the Holiday Inn.

18 Q What room was he in?

19 A I believe it was 1114.

20 Q What room of the hotel room was he in, if any? where
21 in the hotel room?

22 A That was Room 1114.

23 Q Yes, sir, where in the Room 1114 was he?

24 A I didn't go into the room. The one the detectives
25 went into.

The State versus Christopher Sam Commander

1 Q You never went into the room?

2 A No.

3 Q Okay. Now, when you were outside providing cover, did
4 you also have your weapon drawn?

5 A Yes, I did.

6 Q And who physically brought Mr. Commander out of the
7 hotel room?

8 A Okay, basically after they told us to come in or get
9 him, they had him right there outside the bathroom
10 right by the door, so we just went in and put the
11 cuffs on him right outside in the hallway, right by
12 the doorframe.

13 Q At that point he is taken to -- well, y'all start to
14 take him to the police station, is that correct?

15 A Yes, from the hotel we relocated to the 8th District
16 Police Station.

17 Q How long did it take from the point y'all put the
18 handcuffs on him to get him into the police car?
19 About how long did that take you?

20 A I would say -- I would estimate probably about five to
21 ten minutes.

22 Q And were you en route to the police station when you
23 were redirected to the other location?

24 A No, we actually physically relocated to the 8th
25 District Police Station from there.

JACK BUZALI -- CROSS BY MS. MOBLEY:

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1 Q And you had your partner inside the car with you,
2 right, Mr. -- Officer Rodriquez, is that correct?

3 A Correct, yes.

4 Q What were either of you -- were y'all talking at all?
5 What was going on in the car?

6 A No, no one really talked at that time.

7 Q No one spoke?

8 A At that point, no.

9 Q What was your understanding at the point that y'all
10 were called to the hotel, you and Officer Rodriquez,
11 what was your understanding of what y'all were coming
12 there to do?

13 A Basically we were instructed to go there to assist in
14 a wanted person check at the hotel.

15 Q Okay. Did you have any more information than that?

16 A I was only notified at the time by the lieutenant that
17 he was wanted for unknown warrants out of South
18 Carolina.

19 Q So after this, you drop him off at the Cold Case Unit?

20 A No, we relocated from the hotel to the 8th District
21 Police Station, when we left the hotel.

22 Q Okay. And after you -- so y'all actually arrived to
23 the 8th District Police Station. How long did it take
24 you from there to get your instructions to go to the
25 Cold Case Unit?

The State versus Christopher Sam Commander

- 1 A Time-wise?
- 2 Q Uh-huh.
- 3 A I'm not exactly sure. I'd say maybe within 40 minutes
- 4 possibly.
- 5 Q Okay. So y'all were at the 8th District Police Station
- 6 for about 40 minutes, at which point you get a call to
- 7 transport him elsewhere, correct?
- 8 A Correct, we had to complete the Fugitive Attachment
- 9 paperwork on the subject.
- 10 Q All right. And one of the last questions Mr. Meadors
- 11 asked you was whether or not you had any more contact
- 12 with Mr. Commander. And your answer was, "At that
- 13 point." Was there another point at which you had
- 14 contact with him?
- 15 A Yes. After we dropped him off, or basically took him
- 16 to the Cold Case Division, after he went to the room
- 17 to talk to some of the detectives there, we then
- 18 relocated him to Central Lockup, which is our jail.
- 19 Q Did you personally ever advise him of his Miranda
- 20 Rights?
- 21 A My partner Juan Rodriquez did outside in the hallway.
- 22 Q Did you personally ever advise him of his Miranda
- 23 Rights?
- 24 A No, I overheard. I was in the presence of my partner
- 25 Juan Rodriquez.

JACK BUZALI -- CROSS BY MS. MOBLEY:

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1 Q Did you make any sort of reports regarding this case?

2 A Yes, we did the Fugitive Attachment Report on the
3 subject.

4 Q Any other type of report, notes, anything?

5 A No, that was it.

6 Q And just so I'm clear, because I'm not used to y'all's
7 paperwork --

8 MS. MOBLEY: Beg the Court's indulgence.

9 (Pause.)

10 MS. MOBLEY: May I approach the witness?

11 THE COURT: Sure.

12 Q Would this be the document that you are referring to?

13 A Yes, it is.

14 Q So this is your notes on the issue?

15 A Yes, my partner wrote it at the time, Juan Rodriquez.

16 MS. MOBLEY: Beg the Court's indulgence.

17 THE COURT: Sure.

18 (Pause.)

19 Q While you were at the 8th District Police Station
20 filling out your paperwork for the incident, where was
21 Mr. Commander?

22 A Basically he was handcuffed and he was waiting at the
23 bench down in the bottom level of the police station.
24 We have two stories, top and bottom.

25 Q Were you with him at the time?

The State versus Christopher Sam Commander

1 A Yeah, we also maintained contact with him at that
2 time.

3 Q Okay. And, like I said, I'm not used to your police
4 stations or anything else. Can you describe the area
5 a little bit for me that y'all were working in? Was
6 it like an office or --

7 A Well, basically we have -- when you walk in the front
8 door to the station, we have a bench area where you
9 can handcuff and secure a person up against the wall.

10 Q Okay.

11 A Basically that's where we take all the prisoners when
12 we go to the 8th District Station.

13 Q Okay.

14 A And that's the area he was placed in.

15 Q Okay. Was -- were you in another area -- were you
16 next to him doing paperwork or were you in another
17 area of the building?

18 A I was standing at the desk maintaining a visual on the
19 subject.

20 Q Okay. And he was handcuffed to the wall?

21 A Yes.

22 MS. MOBLEY: Okay. Thank you.

23 THE COURT: All right, any redirect?

24 MR. MEADORS: No, sir.

25 THE COURT: All right, sir, you may step down.

1 (The witness leaves the witness stand.)

2 THE COURT: Anything further, Solicitor?

3 MR. MEADORS: No, sir.

4 THE COURT: All right, Ms. Mobley?

5 MS. MOBLEY: Thank you, Your Honor. Your Honor,
6 at this time we would move to suppress both of the
7 statements.

8 Your Honor, I guess we'll address the first
9 statement first. That seems to make sense to me.

10 At the time -- obviously the inquiry is whether
11 or not it is custodial interrogation, whether or not
12 the statement was voluntary.

13 Your Honor, at the time Mr. Commander was clearly
14 in custody. He had guns pointed at his head at that
15 point.

16 Your Honor, we would submit to you that the
17 statement that he gave at that point was clearly a
18 custodial statement and that it was not voluntary.
19 And given the circumstances, that these people had
20 burst in the room with guns drawn and that's the first
21 he'd heard of it. He had obviously not been
22 Mirandized at that point or anything to that effect.

23 Do you want me to go into the second statement or
24 discuss --

25 THE COURT: Go ahead on the second one also.

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1 MS. MOBLEY: Your Honor, the second one,
2 essentially we have a situation where, if my memory of
3 the testimony is correct, some of the officers said
4 that he may have been Mirandized in the hallway. Some
5 of the officers said that -- well, I don't think that
6 all the officers said he was Mirandized. But
7 essentially what we have is a situation where he is,
8 again, very clearly in custody. He is in a police car
9 in handcuffs and then handcuffed to a wall for 40
10 minutes.

11 Your Honor, there is certainly reason for
12 him to believe under the standard that he is not free
13 to leave whatsoever.

14 Your Honor, I would submit to you that the
15 statement in the police car is a custodial statement
16 and would also be involuntary as a product of the
17 involuntariness of the first statement that was had
18 with guns pointing at his head.

19 Thank you.

20 THE COURT: All right, Mr. Meadors?

21 MR. MEADORS: Your Honor, as far as the first
22 statement, they didn't have time to read him his
23 rights. They came in and identified the -- they had
24 the information from South Carolina that this
25 individual was wanted, told Laviolette that he may be

1 a suspect in the disappearance and/or homicide of the
2 victim, told them that he had been traced to this
3 motel.

4 They did find -- did check and see the room was
5 rented by Gervonya Goodwin, who was deceased, then
6 checked -- I believe it was Ernest Crayton who checked
7 and found that also the car was -- that belonged to
8 Ms. Goodwin was on the fourth floor. They went to
9 1114. After knocking and hearing some movement, went
10 in.

11 And then they hear this spontaneous statement by
12 the Defendant, volunteered by the Defendant, not in
13 response to any to any interrogation whatsoever, the
14 statement against his interest that he volunteered.

15 All three officers have testified they heard it
16 and it wasn't in response to anything.

17 Judge, as far as the second statement, again,
18 there wasn't any interrogation. They are now going
19 from the 8th District to the Cold Case Homicide Unit.

20 In response to a question, "where are you being
21 taken," the officer said, "We're going to the Cold
22 Case Homicide Unit," and he volunteers then again, "I
23 just did what I had to do," not in response at all to
24 any question. Again, a voluntary statement by the
25 Defendant. He hadn't been prompted, no questions

1 whatsoever.

2 So we would ask Your Honor respectfully, under
3 the totality of the circumstances and in the light
4 most favorable to the State at this point, by a
5 preponderance, that these statements be allowed to go
6 to the jury for their decision.

7 Thank you.

8 THE COURT: Any response, Ms. Mobley?

9 MS. MOBLEY: No, sir.

10 THE COURT: As to the first statement, it is
11 clear, looking at all the circumstances, taking the
12 totality of the circumstances into consideration, that
13 the statement made was volunteered by the Defendant,
14 not in response to any questioning, it was a
15 spontaneous statement, and therefore would be
16 admissible.

17 As to the second statement, there is evidence --
18 the only evidence in the record is that he was advised
19 of his rights, but whether he was or was not, the
20 statement that was made was not in response to any
21 interrogation by law enforcement other than he asked
22 where he was going and when he was advised that he
23 made this statement.

24 And for that reason, again taking all of the
25 circumstances into consideration, it was a free and

1 voluntary statement also. It would be admissible.

2 MS. MOBLEY: Thank you, Your Honor. Beg the
3 Court's indulgence for just a moment?

4 THE COURT: Sure.

5 (Pause.)

6 MS. MOBLEY: Your Honor?

7 THE COURT: Yes.

8 MS. MOBLEY: At this point we just have a couple
9 more pretrial matters, if you would like to take them
10 up.

11 THE COURT: Okay.

12 MS. MOBLEY: Your Honor, we would move at this
13 time to settle the records of the potential witnesses.
14 I don't know who they're -- if they are planning to
15 start -- there's a number of -- there are a number of
16 lay witnesses in this case, apparently. I don't know
17 who they are planning to start with, but we -- I don't
18 know if we need to address that today or tomorrow
19 morning.

20 MR. MEADORS: How long were you planning on going
21 today?

22 THE COURT: well, I had planned to go until about
23 5:30, depending on when we got started. I have had a
24 note from a juror who says he has to leave by 5:15.
25 we'll stop by 5:15.

1 And, I mean, if we can move forward and if we get
2 to the point where we need to settle the record of a
3 lay witness before they testify, that may be a good
4 breaking point, and then take it up in the morning. I
5 don't know.

6 MR. MEADORS: If we could -- we'll go ahead and
7 search for the first two. If we get to it, we'll try
8 to have that.

9 THE COURT: All right, that will be fine.

10 MS. MOBLEY: Yes.

11 THE COURT: And I would -- if you can get that
12 information to the PD as quickly as you can so that we
13 can continue to -- I can make those determinations and
14 we can continue to move smoothly.

15 All right.

16 MS. MOBLEY: Thank you, Your Honor. And, Your
17 Honor, we are requesting a Neil versus Biggers hearing
18 on the identification by Sivonnia Hunt of
19 Mr. Commander. That, again, may be something we need
20 to take up at a later time.

21 MS. CAMPBELL: Your Honor, she is a witness from
22 out of state, from Florida. She is a student at
23 Florida State University. So we are trying to
24 accommodate her schedule. She is coming in, I
25 believe, tomorrow afternoon. So it might be something

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1 we can take up first thing Thursday morning.

2 THE COURT: We will take that up prior to her
3 testifying.

4 MS. CAMPBELL: Right.

5 MS. MOBLEY: Thank you, Your Honor. And the last
6 matter I really have is my understanding -- and I
7 don't know whether they're planning to use this or
8 not, my understanding from the discovery in this case
9 is that there is a statement by a John Presley, who -
10 it is a statement that he claims he took from Mr.
11 Commander at the Alvin S. Glenn Detention Center. He
12 was also an inmate at the Alvin S. Glenn Detention
13 Center.

14 I would request of the Court at this time that we
15 be allowed to find out what, if any, types of deals,
16 what have you, have been made with him. Again, this
17 may be something we can take up at a later time. I
18 don't know when he's planning on taking the stand, but
19 if he is, that is certainly something that we would
20 request, to question the Solicitor's Office about at
21 some point to find out what types of promises, what
22 have you, were made with him in exchange for his
23 testimony in this trial.

24 THE COURT: Mr. Meadors?

25 MR. MEADORS: I can't be a hundred percent sure

1 we will call him or not, to be quite frank. We may
2 well do it. I can tell you I have met with
3 Mr. Presley and I have told him that I would make his
4 cooperation known to the federal authorities. That is
5 the extent of what I have told him. He may well
6 attempt to seek a downward departure of his sentence.
7 I assume that, just based on other inmates that
8 testify, but I have told him I will let his attorney
9 know and the federal authorities know if he testifies
10 in the case.

11 MS. MOBLEY: Beg the Court's indulgence.

12 THE COURT: All right.

13 (Pause.)

14 MS. MOBLEY: Your Honor, if I just -- if I could
15 inquire a little further, I just have a couple of
16 questions essentially.

17 We have a statement from him that was given to
18 Investigator Smith, I believe. I believe that
19 Mr. Presley contacted Investigator Holdorf. We have
20 the letters that he wrote to Investigator Holdorf.

21 I would just ask if anyone else has met with
22 Mr. Presley at this point, if we could be apprised of
23 that so that we're not surprised mid-trial by a
24 different statement.

25 MR. MEADORS: I don't quite understand.

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1 THE COURT: Well, Mr. Meadors I think indicated
2 he had spoken to Mr. --

3 MR. MEADORS: I've spoken to him maybe week
4 before last.

5 MS. MOBLEY: Has that been -- and I guess my
6 question is, I'm just trying to flesh out a little bit
7 the deal or what the deal that has been made, Your
8 Honor, because my understanding and my -- our position
9 would be that the 6th Amendment does allow us to
10 question Mr. Presley fairly extensively about the deal
11 and the cooperation with the State on this matter as a
12 motive for bias.

13 THE COURT: I don't think there's any question
14 about that.

15 MR. MEADORS: Without question. We'll certainly
16 bring out -- I have spoken with him. I think
17 Investigator McDonald has, and obviously Stan Smith
18 has. That's all I know about it. Your Honor, I will
19 ask Investigator McDonald and Stan Smith again if they
20 have promised him anything additional that I don't
21 know about and will certainly let them know before he
22 testifies -- by tomorrow.

23 THE COURT: Let's do this. You make those
24 inquires and we'll revisit this first thing in the
25 morning. And if anything other than what you've

1 already stated to the Court turns out to be there, the
2 Defense is entitled to know that before he is called.
3 And you would have pretty wide leeway into going into
4 anything like that.

5 MS. MOBLEY: Thank you, sir.

6 THE COURT: To determine not only what the
7 State's understanding was, but what his understanding
8 was.

9 MS. MOBLEY: Yes, sir. And I believe that that
10 is all from us unless --

11 THE COURT: Okay. Does the State have any
12 pretrial matters?

13 MR. MEADORS: Beg the Court's indulgence.

14 (Pause.)

15 MR. MEADORS: There are some -- I don't think we
16 need to have them now. I think there may be one or
17 two that before the witness is called we may just
18 bring it up.

19 THE COURT: That's fine. That's fine.

20 We've got ten minutes before I told the jury we
21 would start back, so we will recess for ten minutes
22 and start at 3:15.

23 MR. MEADORS: Thank you.

24 (WHEREUPON, the Court was in recess.)

25 (WHEREUPON, State's Exhibit Numbers 1 through 5,

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1 Photographs of Crime Scene, are marked for
2 identification.)

3 THE COURT: All right, do we need to take care of
4 anything before we have opening statements? Anything
5 from the State?

6 MR. MEADORS: No, sir.

7 THE COURT: From the Defense?

8 MS. MOBLEY: Nothing I'm aware of, Your Honor.

9 THE COURT: Who is going to be making the
10 statement? Ms. Mobley, are you going to be doing
11 that?

12 MS. MOBLEY: I will.

13 MR. MEADORS: Ms. Campbell will.

14 THE COURT: Get the jury in, please, sir.

15 THE BAILIFF: Yes, sir.

16 (WHEREUPON, the jury came into open court
17 at approximately 3:27 p.m.)

18 THE BAILIFF: Your Honor, the jury is present.

19 THE COURT: All right, thank you. Ladies and
20 gentlemen, thank you for being here when I asked you
21 to be here.

22 The first order of business is I will appoint Mr.
23 Peel as the foreman of the jury. Again, your vote
24 does not count any more than anyone else, but you will
25 preside in the jury room and be the spokesman for the

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1 jury here in the courtroom.

2 You've gotten in and gotten settled and
3 comfortable. I need to ask you to please all stand
4 and raise your right hand. The clerk will administer
5 your oath as the jurors in this case.

6 THE CLERK: At the end of the statement that I am
7 about to give you, please respond by saying, "I do."

8 Do you swear or affirm that you shall well and
9 truly try and true deliverance make between the State
10 and the Defendant at the bar whom you shall have in
11 charge and a true verdict give according to the law
12 and the evidence, so help you God?

13 JURY: "I do."

14 THE CLERK: You may be seated.

15 (The jury was duly sworn.)

16 THE COURT: Mr. Foreman and ladies and gentlemen,
17 I'm going to make just a few brief comments and sort
18 of explain to you procedurally what you can expect
19 during the course of the trial.

20 What I'm about to go over with you at this time
21 is certainly not intended to be a substitute for the
22 detailed instructions of law that I'm going to give
23 you at the end of the case.

24 Again, this is a criminal case that has been
25 commenced by the State, the case against Christopher

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1 Sam Commander, who I will refer to as the Defendant.

2 The case is based on the indictment that I
3 briefly went over with you earlier today. It contains
4 the charge of the allegation, in this case that being
5 the charge of murder. The indictment is not and
6 cannot be considered by the jury as evidence of the
7 charge that it contains. Again, this is the document
8 that has processed the case through the court system.

9 The Defendant has pled not guilty to the charge
10 in this indictment, and the State does therefore have
11 the burden of proving each of the essential elements
12 of this offense beyond a reasonable doubt. And the
13 purpose of this trial is to determine whether the
14 State has met that burden.

15 Your purpose as jurors is to determine what the
16 facts are. You are now the judges of the facts. I am
17 the judge of the law. But the jury in this trial, as
18 in all jury trials, is the judge of the facts. You
19 have to make your determination of what the facts are
20 based on the evidence as presented here in this
21 courtroom.

22 Again, the same law that makes you the judge of
23 the facts does make me the judge of the law, and under
24 the oath that you have just taken, you have agreed to
25 accept and apply the law as I'll instruct it to you at

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1 the end of the case.

2 So you are the judge of the facts, I am the judge
3 of the law. Again, you make your determination of
4 what the facts are based on the testimony and the
5 other evidence that is presented here in the
6 courtroom. And, again, you cannot consider anything
7 that you may have heard or read about the case outside
8 of the courtroom, whether before or during the trial,
9 and, again, until the case is submitted to you, you
10 cannot discuss it among yourselves or with anyone
11 else.

12 Now, procedurally what's going to occur in just a
13 few moments, I will recognize the attorneys to make
14 brief opening statements to you. When the attorneys
15 are making these opening statements, they are not
16 testifying.

17 The purpose of the opening statement is to give
18 the attorneys the opportunity to explain to you their
19 position in the case.

20 Once you've heard from the attorneys, then we
21 will proceed with the presentation of testimony and
22 other evidence.

23 When all of the evidence has been presented to
24 you, then the attorneys will come back and make what
25 are called closing arguments, and then I will instruct

1 you in the law that applies in this case. Then you
2 will go back and deliberate and reach a verdict in the
3 case.

4 So procedurally that is what is going to
5 happen. I will be recognizing the solicitor's office
6 first because the State does have the burden of proof
7 as far as the opening statements are concerned, they
8 will be recognized first, and the Defense is given an
9 opportunity also to make a brief opening statement to
10 you.

11 Also from time to time during the course of the
12 trial there may be objections. I will be amazed if
13 there are no objections. I don't think I've ever had
14 a trial in 15 years where there weren't objections
15 that were made by the attorneys. If one of the
16 lawyers makes an objection, don't hold that against
17 that attorney or the attorney's client. When a lawyer
18 makes an objection that is simply his or her way of
19 letting this Court know that a rule of evidence has
20 come into play, and I'm going to have to make a ruling
21 at that time.

22 If I sustain the objection, you cannot -- you're
23 not permitted to try to guess at what the answer to
24 that question might have been. If it's an exhibit
25 that's offered into evidence, if it is objected to and

1 that objection is sustained, you cannot try to guess
2 at what that exhibit might have been.

3 Again, you can only rely on the testimony and the
4 evidence that is admitted into the record in this
5 case.

6 From time to time if an exhibit is admitted into
7 evidence, the attorney's may ask permission to publish
8 that exhibit to the jury. That simply means take that
9 exhibit and to hand it to you and let you pass it
10 around in the jury box while the trial is going on.
11 There's nothing wrong with that. But I would urge you
12 and remind you to please continue to listen to the
13 testimony that's going on while you might be passing
14 this exhibit around in the jury box.

15 I've had jurors express to me concern when
16 something like that happens, that they didn't have
17 enough time to look at something as long or as closely
18 as they wanted to look at it. And I will tell you
19 that all of the exhibits that are admitted into
20 evidence during this trial will be with you in the
21 jury room when you are deliberating so you can look at
22 them as long and as closely as you would like to at
23 that point in time.

24 I have already received a couple of notes about
25 timing problems this afternoon and tomorrow. I think

1 I can comply with those two requests. But after
2 tomorrow you need to make arrangements to plan to be
3 here probably until about 5:30 each afternoon. That
4 is about the hour that I shoot to close on. If we
5 don't go until at least 5:30, sometimes trials get
6 protracted because of that, and we don't want that to
7 happen. But, anyway, if you can make arrangements,
8 please, to be able to be here until 5:30 the rest of
9 the trial.

10 At this time I am going to recognize the
11 attorneys for their opening statements. Once you have
12 heard from them, then we will proceed with the
13 testimony.

14 Let me tell you one other thing. One of the
15 things that I do in addition to make rulings on law, I
16 sort of keep my eye on you folks. We will be taking a
17 break about every hour, hour and 15 minutes.

18 Your primary function as the judge of the facts
19 is to sit and observe and to listen. It's hard to
20 stay fresh and awake more than about an hour, hour and
21 15 minutes. That has been my experience. So we'll be
22 taking a break about that frequently so that you can
23 stretch your legs, use the restroom, and whatnot.

24 If we get to the point where you have to take a
25 break and it doesn't look like I'm about to that

1 point, raise your hand, get my attention. We'll take
2 a break at that point in time.

3 The same would hold true if you are unable to
4 hear or understand what a witness is testifying to,
5 please raise your hand and get my attention so that
6 you are able to hear and see everything that a witness
7 testifies to.

8 I would ask you to please give all of the
9 attorneys your full attention, as well as each of the
10 witnesses who testify, and we will proceed at this
11 time.

12 THE COURT: Ms. Campbell?

13 MS. CAMPBELL: May it please the Court?

14 THE COURT: All right.

15 OPENING REMARKS ON BEHALF OF THE STATE

16 BY MS. CAMPBELL:

17 On the afternoon of November 29th of 2004,
18 Gervonya Goodwin left her good friend, Latisha Pratt's
19 house. She was troubled. She had recently broken up
20 with her boyfriend of the last two years. He was the
21 father of the child she carried. She was four months
22 pregnant.

23 Six weeks later, frantic family members hired a
24 locksmith and actually broke into her house. And once
25 inside, they found the mummified body of Gervonya

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1 Goodwin, with the dead fetus hidden under a blanket in
2 her own living room.

3 The man who suffocated Gervonya Goodwin, killing
4 her and her unborn child, was Christopher Commander.

5 And ladies and gentlemen, this is Christopher
6 Commander.

7 Now, my name is Luck Campbell, and I'm the
8 Assistant Solicitor here in the 5th Judicial Circuit,
9 which is made up basically of the midlands here,
10 Richland and Kershaw County.

11 And it is my duty, along with John Meadors, who
12 is the Deputy Solicitor in our office, to present the
13 evidence in this case.

14 And in doing that, you will hear us both
15 presenting witnesses, and on occasion we will be able
16 to get up and talk to you, as I have this opportunity
17 at this moment.

18 Now, as the judge told you at the very beginning,
19 there is one indictment for your consideration and
20 ultimately for your verdict in this case.

21 And very simply, ladies and gentlemen, as the
22 judge told you, this is not evidence in the case. But
23 the indictment does serve of a very important purpose.
24 And its purpose is kind of twofold.

25 Number One, it puts the State on notice as to

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1 what we have to prove in order to find someone guilty
2 of murder.

3 And Number Two, it also puts the Defendant on
4 notice as to what the State intends to prove or must
5 prove before you can return a verdict of guilty.

6 And very simply, ladies and gentlemen, the Grand
7 Jurors in our county returned a true billed indictment
8 for murder. And murder, even though it is one of the
9 -- it is the most heinous crime that can be committed,
10 its definition is actually very, very short. It is
11 very simply: the unlawful killing of another person
12 with malice aforethought.

13 And very simply, ladies and gentlemen, in this
14 case the State alleges that Christopher Sam Commander
15 did in Richland County, on or about November 30th of
16 2004, feloniously, willfully and with malice
17 aforethought kill one Gervonya Goodwin by means of
18 asphyxiation. Very simply, he suffocated her. And
19 that is in violation of our laws.

20 Now, as the judge also just told you, the burden
21 of proof, as it should be, in criminal cases is on the
22 State of South Carolina to prove this Defendant's
23 guilt beyond a reasonable doubt.

24 And I would submit, ladies and gentlemen, in this
25 case, with this evidence, that is a burden that the

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1 State welcomes.

2 Gervonya Goodwin was 34 years old when she died.
3 She was the mother of two and, as I've already stated,
4 she was pregnant with her third child. Her oldest
5 child Keyonna was in college up in Ohio. Her son, who
6 was 12 at the time that she died, was living with his
7 father at the time. He lived in Lexington County.
8 She lived here. She lived on the lower side. She had
9 been in her same house -- she had her own house on
10 Tilting Rock Drive on the lower side of our county in
11 the Hopkins area. She had been living there since
12 about 2001.

13 About 2002 she met Christopher Commander. They
14 actually met through business acquaintances. And over
15 the period of the next two years, on and off, she and
16 Christopher Commander dated. And eventually he
17 actually moved into her house on Tilting Rock Drive
18 where she was ultimately killed.

19 You will hear how in November of 2004, you will
20 hear from relatives and friends of Gervonnie -- she
21 was called vonnie by her friends -- was in trouble.
22 Her state of mind was a little different than they had
23 ever seen it. She seemed scared, anguished about
24 something.

25 You will hear how she spent Thanksgiving and how

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1 on the evening of the 28th of November, that weekend
2 after Thanksgiving, she called up her good friend Pam
3 Taylor. She went over to Pam Taylor's house to spend
4 the night, even though she had her own house. She had
5 broken up with Chris Commander for the months before
6 Thanksgiving. She spent the night with Pam Taylor,
7 which she had done before. But on this night she
8 didn't want to stay in her own home.

9 The next morning when Pam Taylor left for work
10 around 8 that morning, she was fine. You will hear
11 during the course of the last day she is ever seen
12 alive by anyone other than her killer that she went
13 and she visited her mother. Her mother had been ill.
14 But later that afternoon she went over to her friend
15 Latisha Pratt's house. She was going home that
16 afternoon to do her hair.

17 You will hear how over the weeks after the last
18 time she is seen on November 29th, people tried to get
19 in touch with her. Vonnie had a cell phone, as most
20 people do. People repeatedly tried to call her,
21 especially her own daughter, Keyonna, because she and
22 Keyonna, even though Keyonna was in college, were very
23 close. They talked almost on a daily basis. She and
24 her son were close. They talked several times a week.
25 She was even still good friends with her son's father.

1 They were good friends.

2 Pam Taylor, her friends, Latisha Pratt, her
3 daughter, her mother, everyone kept leaving messages.

4 And it soon became apparent that somebody was
5 retrieving the messages, but no one ever heard from
6 her.

7 Finally, in early December, around December 6th,
8 Keyonna, her daughter, got a text message from her
9 mother, which was unusual. Her mother was a little
10 more old school, more likely to call than send a text
11 message, although she knew how.

12 And in that text message was a message, "Oh, I'm
13 just at the beach," and I'm paraphrasing this, "I'll
14 be home soon."

15 Keyonna was still up in Ohio. She was due to
16 come home from college on the 17th. Her mother was
17 supposed to make arrangements for her to fly back to
18 South Carolina. As the 17th approached, Keyonna still
19 hadn't heard from her mother, no one had, no family,
20 no friends. No one had seen Chris Commander either.

21 She got home, and on December 20th they actually
22 called the police and went over to her house to try
23 the key that should have unlocked the door, but the
24 locks had been changed. There was no sign of forced
25 entry, there was no sign of any trouble. Her car was

1 gone. There was one car in the driveway, a white car
2 that was driven by Christopher Commander, because even
3 his personal items, such as his TV and other things,
4 were in the back seat.

5 The police didn't feel they had enough to force
6 entry. Nothing appeared to be wrong. Her car was
7 gone; she might just be on a trip.

8 Christmas meant the world to Gervonya Goodwin.
9 That was the first time she had ever missed Christmas
10 before.

11 On December 26th, as Keyonna laid in the bed,
12 depressed because she couldn't find her mother, she
13 received another text message.

14 And the gist of that text message is, "This is
15 from mommy. I'll be home January 1st." January 1st
16 came and went.

17 January 6th, her son's 13th birthday, there was no
18 Vonnie.

19 And finally on January 7th, Keyonna Goodwin knew
20 that something was really wrong. So she called up
21 Mike Brown, who was her mother's ex-husband, the
22 father of her son, and she got her grandmother, and
23 she called the locksmith.

24 And Mike Brown and Keyonna and Vonnie's mother,
25 Keyonna's grandmother, went over to the house and,

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1 again, as they pulled up they saw the same white car
2 in the same place. There was no sign of any kind of
3 problems anywhere. And the house was locked up tight.

4 The locksmith met them there. He was able to
5 unlock the side door. And at that point, they went
6 in, Keyonna and her grandmother.

7 And the first thing they noticed as they walked
8 in the door was an overwhelming stench, just this
9 horrible odor. The heat was actually on, but the odor
10 was overwhelming.

11 And they saw two trash cans right at the front
12 door. In one trash can was what appeared to be trash,
13 and in the other one was a bunch of cleaning supplies
14 that was in the bucket. But they thought that might
15 be causing the odor, and they took them outside.

16 while they were waiting for the locksmith, they
17 had gone through the herby-curby that was outside and
18 they had found some notes on the top of it crumpled
19 up. And it was in her mother's handwriting. She
20 recognized it.

21 And there were notes basically left saying, "I'm
22 putting your stuff on the back porch. You can get it.
23 I'm through."

24 Once they got into the house and started looking
25 around, there were actually dead flies on the floor.

1 And as they walked into the living room area -- and at
2 this point it was just the two of them, Keyonna and
3 her grandmother -- they notice that piled on a
4 loveseat were some cushions from the back of the
5 couch. And on the couch itself was this green blanket
6 that was spread out that looked flat to them at that
7 point.

8 And at that point, Keyonna's grandmother,
9 Vonnie's mother, reached over and she was able to pull
10 up one corner of the blanket. And as she did, a foot
11 came out with a sock on, and it was obvious that that
12 person wasn't alive. And both of them at the same
13 moment recognized that that was Vonnie's foot. They
14 screamed and ran out of the house.

15 Mike Brown was helping them. He went in, saw
16 what was going on. The neighbors saw them in the
17 street crying hysterically and called the police.
18 They called the police. The fire department, EMS, the
19 Sheriff's Department all responded.

20 And when they got there, the first officer on the
21 scene was able to go in, and there was no need for
22 EMS. It was obvious that Gervonya Goodwin had been
23 dead for a long time and that her fetus had too.

24 The police came, investigators came, crime scene,
25 processed the scene. Everything was straight. There

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1 were some clothes in the back bedroom and some
2 clothing, some male clothing, in the back office.
3 They looked around.

4 An autopsy was done the next day. You will hear
5 from the pathologist who actually did that autopsy.
6 He was able to even -- because of the decomposed state
7 of the body, he was able to however eliminate it was a
8 gunshot wound or anything else. He even eliminated
9 natural causes. The cause of this person's death was
10 some type of asphyxiation, suffocation.

11 At this point the police got information from the
12 family members. And when they processed the scene,
13 they noticed three things of interest: her purse was
14 gone -- there was no forced entry at any point in that
15 house; and there was no boyfriend; her car was gone.

16 So they're looking for Christopher Commander.
17 They get the information from Keyonna that she's been
18 receiving text messages. And even on the evening that
19 the police are there, 7:25 that evening, Keyonna had
20 just spoken to a good friend of Christopher
21 Commander's, a guy she knew as Jazz, who had somehow
22 found out that a body had been found. He called her
23 up to confirm it.

24 And within a few minutes after that she received
25 a text message that stated, "I'm alive," from her

1 mother's cell phone.

2 The police were able to get mail from the
3 residence. They started tracking down some her bank
4 accounts and her credit cards. They started doing a
5 tap on her cell phone. They were able to determine
6 that the cell phone -- from January 7th to the 13th,
7 they were able to determine that it was in the Miami
8 area. They sent officers down there to look for it.
9 They also followed up on leads on some of her credit
10 cards.

11 And finally on January the 13th, Investigator
12 Scott McDonald, Sergeant Scott McDonald of the
13 Richland County Sheriff's Department was talking to
14 American Express and was able to determine that the
15 card was being used for a room in New Orleans at that
16 moment, Gervonya Goodwin's card, her credit card.

17 And at that point they made contact with the New
18 Orleans Police, because they already had other
19 officers already dispatched to Miami where the cell
20 phone was last hitting on a cell tower, and they spoke
21 with officers with the New Orleans Police Department.

22 And those officers went to the hotel, the Holiday
23 Inn near the Superdome in New Orleans, and the first
24 thing they did was they tried to see whether or not
25 the car for which they had a description, that

1 belonged to Gervonya Goodwin, was there. And they
2 were able to locate it, I believe, on the fourth floor
3 of the parking garage.

4 They went down and met with security in the
5 lobby. And when they met with security they found out
6 that, yes, there had been a motel room in the Gervonya
7 Goodwin that had been rented out and had been occupied
8 for the last two or three days.

9 They then got a master key from the hotel. They
10 went to the room, I think it was 1124 (sic) where
11 Gervonya Goodwin was supposedly staying.

12 They knocked on the door. They announced who
13 they were. No one -- they heard shuffling inside. No
14 one came. They used the key to make entry.

15 And as they entered, they flipped on the light
16 and looked over to where the bathroom was and they saw
17 Christopher Commander with a gun to his head, and he
18 looked up and yelled, "Get out, I'm going to kill
19 myself like I killed vonnie."

20 They told him to drop the gun, and he did. They
21 were able to apprehend him at that point.

22 Later that day you'll hear how he was being taken
23 from one area to another in New Orleans, transported
24 by police when he volunteered the statement to the
25 police at that point, "You know, I just did what I had

1 to do."

2 You will also hear that after he was detained and
3 arrested, he made statements to another inmate, a
4 person he used for legal advice, about what he had
5 done when he killed the mother of his unborn child and
6 the child itself.

7 And that is some of the evidence you will hear.

8 And, ladies and gentlemen, all the State asks you
9 to do is listen to the evidence. And once you have
10 heard all of it, just go back - and the word verdict
11 comes from the Latin phrase "verdict." And very
12 simply it means "to speak the truth."

13 And all we ask is that you hold him responsible
14 for what he did to the mother of his unborn child.
15 Listen to the evidence.

16 THE COURT: All right, Ms. Mobley.

17 MS. MOBLEY: Thank you, Your Honor. May it
18 please the Court?

19 OPENING REMARKS ON BEHALF OF THE DEFENDANT

20 BY MS. MOBLEY:

21 Good afternoon, ladies and gentlemen. I'd like
22 to start by saying that Chris Commander is not guilty.

23 Now, as of right now, you've heard Ms. Campbell's
24 opening statement. But the evidence -- that's not
25 evidence, by the way, and neither is my statement.

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1 But the evidence hasn't started coming yet. So you
2 are really in a position, this is fresh to you, this
3 is new, you don't know a whole lot about the case
4 right now.

5 And I submit to you that when we're still sitting
6 here after the State has put up all of their evidence
7 and all of their witnesses, that you are still not
8 going to know a whole lot about the case.

9 The State -- the lawyers for the State are going
10 to pepper y'all with various items, and you just heard
11 about them. I mean, gosh, it sounds -- and let's
12 start here.

13 The first thing the State is hoping is going to
14 happen is you will have a visceral reaction to the
15 idea that someone could be dead in their home for an
16 extended period of time. It just -- it -- feeds on
17 the soul, and they are really hoping that that is the
18 first thing that y'all are going to think of every
19 time you walk in this room. They are really hoping
20 that that's what y'all are going to focus on.

21 They're also hoping that you're going to focus
22 on, you know, the little tidbits of evidence that they
23 throw at y'all. You're going to hear that Mr.
24 Commander had Ms. Goodwin's cell phone at some point
25 after the incident date, which frankly we're not

1 really sure when that is. But at some point during
2 this time period, Mr. Commander had the cell phone.

3 Now, as the Defense attorney, I am sitting here
4 asking you to please, please keep in mind what the
5 indictment says, because Ms. Campbell was exactly
6 right, that's the charge that they have to prove to
7 you: That on or about November 30th of 2004, Chris
8 Commander killed Gervonya Goodwin. That's what we are
9 here for, that's what you are here for. You are the
10 finders of the facts. And that is something that you
11 have got to keep in mind throughout this whole time.
12 I'm the Defense attorney asking you to do this. Okay?
13 Please keep that in mind.

14 This trial isn't about cell phones. You're going
15 to hear later on in the trial about credit cards, that
16 he was caught using her credit cards at some point in,
17 I believe it was January. This trial isn't about
18 credit cards either.

19 This is about what, if anything, happened to
20 Gervonya Goodwin in her house on Tilting Rock Drive on
21 or about November 30th, 2004. That's what this trial
22 is about.

23 And the State -- you know, we're probably going
24 to be here a while. The State is going to put up a
25 number of witnesses about the cell phones and about

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1 the credit cards, about everything else, and hope that
2 this will flurry the stirring up, the mudding the
3 water will distract you from the bottom line, which
4 was they still have to prove to you beyond a
5 reasonable doubt that Chris Commander murdered
6 Gervonya Goodwin.

7 Ms. Campbell mentioned this statement that was
8 given to the New Orleans Police Department, and I am
9 sincerely hoping that you listen to all of that very,
10 very closely. Listen to it. Listen to the
11 circumstances surrounding the supposed statement.
12 Listen carefully. Listen to what makes sense to you
13 about what would happen when the statement is given,
14 apparently given. Listen to the surrounding facts and
15 circumstances, because they're going to put all the
16 officers up to testify. Listen carefully to what you
17 think makes sense to you in regards to that statement.

18 Now, she also mentioned this person that Mr.
19 Commander supposedly talked to at the Detention
20 Center, John Presley. He's at the Detention Center
21 and it is -- please, again, please pay every amount of
22 attention to his motivation for testifying because
23 there's a reason why he's in the Detention Center as
24 well. And he has an absolute motive and a goal for
25 everything that he does because he's trying to get out

1 of a bunch of stuff.

2 So this is essentially what we're dealing with.
3 They're going to throw her credit cards at you,
4 they're going to throw some cell phones at you.
5 They're going to throw a jailhouse snitch, perhaps.
6 They may not put him up, I don't know. And they're
7 going to throw a statement that, once you hear the
8 evidence pertaining to that statement, that it doesn't
9 really make any sense that it happened the way it
10 happened.

11 So where that leaves is again with the
12 indictment. Have they proved to you that Chris
13 Commander murdered Gervonya Goodwin. And they can't.
14 It's going to kill them because they can't do it.
15 They're going to throw you all this stuff and they
16 still can't prove it, that on or about the -- the
17 contents of the indictment that she just read.

18 Now, Ms. Campbell touched on this briefly, and I
19 think it's important you understand the concept of the
20 burden of proof here, that it's on the State and that
21 it is beyond a reasonable doubt. That is one of the
22 most important legal pillars in our entire justice
23 system. And it's one of things that really makes this
24 country unique and great, that we have this afforded
25 protection when the government of the United States

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1 goes after one of its own and accuses them of a crime.
2 So I ask you to please take that burden very
3 seriously.

4 And in this case, if you do, and you listen to
5 the evidence, evaluate it. Please, evaluate it's
6 credibility. Ask yourself, is that -- is this enough
7 for me? Am I satisfied that they have proved their
8 case beyond a reasonable doubt to me, that they have
9 proved a murder case against this man?

10 And at the end of the day, your answer is going
11 to be no, because Chris Commander isn't guilty.

12 Thank you.

13 THE COURT: All right. Thank you, Ms. Mobley.

14 MS. MOBLEY: Thank you, Your Honor.

15 THE COURT: Solicitor, call your first witness,
16 please.

17 MS. CAMPBELL: Thank you. The State calls Mike
18 Ruhl.

19 THE BAILIFF: Place your left hand on the Bible,
20 raise your right hand, and face the clerk.

21 (Witness complies.)

22 THE CLERK: Do you swear or affirm that the
23 testimony you are about to give in this case will be
24 the truth, the whole truth, and nothing but the truth,
25 so help you God?

1 THE WITNESS: I do.

2 (Michael Lee Ruhl, Jr., after being duly
3 sworn, testified as follows:)

4 THE CLERK: Please have a seat and state your
5 full name for the record.

6 THE WITNESS: My name is Michael Lee Ruhl, Jr.

7 DIRECT EXAMINATION

8 BY MS. CAMPBELL:

9 Q Mr. Ruhl, where are you currently employed?

10 A I'm currently employed with Target Corporation in the
11 Charlotte area.

12 Q And what do you do with Target now, sir?

13 A I'm an investigator for their internal theft.

14 Q I want to turn your attention back to the fall of
15 2004. Where were you employed then?

16 A The Richland County Sheriff's Department.

17 Q And I'm sorry, there's something wrong with the
18 acoustics in here. You need to speak up really loudly
19 because the microphone is not working very well.

20 You were employed at the Richland County
21 Sheriff's Department?

22 A Yes, ma'am.

23 Q And what were doing there, sir?

24 A I was a road officer in the Region 1 Area.

25 Q I want to turn your attention to January the 7th of

MICHAEL LEE RUHL, JR.-- DIRECT BY MS. CAMPBELL: 173

1 2005. Were you working that day?

2 A Yes, ma'am.

3 Q And do you remember what region you were working?

4 A It would be Region 1.

5 Q And what part of the county is that?

6 A That is the lower side of Richland County. It covers
7 from basically where the city limit ends and goes all
8 the way to the Sumter County line.

9 Q Okay. And are you familiar with the address of
10 Drive?

11 A Yes, ma'am.

12 Q And is that here in Richland County?

13 A Yes, ma'am.

14 Q Did you have an opportunity or a reason to go there
15 that day?

16 A Yes, ma'am.

17 Q And, again, that was on January the 7th of 2005?

18 A Yes, ma'am.

19 Q Can you tell the jury why you were responding that
20 day?

21 A We received a call that an individual was down,
22 someone was injured. So I responded to the scene.

23 Q And when you got to the scene, were you the first
24 actual person there, responder?

25 A No, ma'am.

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1 Q Who had gotten there before you?

2 A The Fire Department, City Fire Department actually got
3 there just prior -- before I did.

4 Q And can you describe to the jury basically what you
5 saw when you first pulled up and went inside?

6 A When I pulled up, I pulled up behind the fire engine.
7 The firefighter actually was just running in the
8 house. I notified dispatch that I was on the scene.
9 I left my vehicle. I went up to the front door,
10 actually the side door, and the firefighter was just
11 coming out of the door then.

12 I made contact with him. He was sweating
13 profusely and told me that she had been there for a
14 while. I probably stepped in maybe no more than about
15 a foot or two, because where you actually go in
16 through the door, that is where the kitchen area is,
17 and it opens to the living room off to the right. And
18 I could already see over the top of the couch where I
19 could see where there was a body laying.

20 All at the same time when this is happening, I
21 was also getting hit with a strong, strong odor of --
22 I call it the smell of death.

23 Q And that was the odor -- when did that odor actually
24 hit you?

25 A Actually right when I was hitting the threshold of the

1 door, when I went running up and the firefighter was
2 coming out. It all happened pretty much at the same
3 time. I was getting hit with this odor that was
4 floating out of the door.

5 Q And you had been in law enforcement how long at that
6 point?

7 A Almost four years, ma'am.

8 Q And had you responded to other crime scenes where
9 deaths were involved?

10 A Yes, ma'am.

11 Q And was this any different?

12 A Yes, ma'am. Most of the ones as far as involving
13 death is generally something that just recently took
14 place. Generally you're not going to have any type of
15 odor or anything because there's no time for the body
16 to rot or decompose.

17 Q Once you were able to assess -- and once you saw what
18 was on the couch, can you describe what you saw there?

19 A The best example I could say, it looked like a
20 mummified corpse, something like seen from a museum or
21 something like that, but just a lot more gross taste.

22 Q Was the whole body exposed or were you able to see
23 part of the body?

24 A From what I recall, I saw part of the body.

25 Q And, again, the first person that had gone into the

1 residence had been the firefighter?

2 A Yes, ma'am.

3 Q Once you were able to assess the body on the couch,
4 would EMS be appropriate for that in this case?

5 A Not at that time.

6 Q As the first responding officer, what were your duties
7 then?

8 A To go ahead and secure the scene, notify of course my
9 supervisor of what we have. We also notified
10 investigators and lab to respond.

11 Q Okay. And did investigators and actually lab or crime
12 scene people actually respond?

13 A Yes, ma'am, they did.

14 Q And securing the scene, can you tell the jury
15 basically what steps you took, both you and -- I
16 believe another officer came on the scene?

17 A Miles Weaver. Miles Weaver, who was another
18 responding officer, showed up about a minute after I
19 did. After we ascertained what we had, we went ahead
20 and secured the scene so that way there wouldn't be
21 any evidence or anything that would be damaged. So we
22 cordoned off the area until the lab could get there.

23 Q Were you able to identify the victim while you were
24 there at the scene from family members?

25 A Yes. Yes, I was.

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1 Q And what was the victim's name?

2 A MS. Goodwin.

3 Q MS. Goodwin? That was Gervonya Goodwin?

4 A Gervonya Goodwin.

5 Q From the information -- and let me get one thing
6 straight. As the responding officer, is it your job
7 to take detailed witness statements, and things of
8 that nature, or are you just trying to assess what is
9 at the scene?

10 A Generally just take - just assess the situation.
11 Something with a crime that, you know, could be to
12 this, your investigators are going to come out to the
13 scene and they're going to take the statements.

14 Q But in this case were you also able to get a name of
15 an additional person of interest?

16 A Yes, ma'am.

17 Q There at the scene? And what was that name?

18 A Christopher Commander.

19 MS. MOBLEY: Objection, Your Honor. It calls for
20 hearsay.

21 THE COURT: I will let him testify. Overruled.
22 Go ahead.

23 MS. CAMPBELL: Thank you, sir.

24 Q What was that name again, I'm sorry?

25 A Christopher Commander.

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1 Q Were you able to make any assessments about the
2 victim's vehicle, Ms. Goodwin's vehicle?

3 A There was supposed to be a Chrysler vehicle that she
4 had --

5 MS. MOBLEY: Objection, Your Honor. It still
6 calls for hearsay. This is not personal knowledge.

7 THE COURT: I sustain it. Rephrase your
8 question.

9 Q Did you -- were you able to determine whether or not
10 the victim's vehicle was there on the scene?

11 A No, it was not.

12 Q Were there any vehicles there on the scene when you
13 pulled up that day?

14 A There was a Chevy Lumina.

15 Q And did you check to see who that Chevy Lumina
16 belonged to?

17 A At the time I am not sure if we actually checked who
18 it came to, I don't think there was a tag on the car,
19 but pretty much was more concerned with closing off
20 the crime scene.

21 Q Did you notice anything in the Chevy Lumina, the white
22 car?

23 A I did remember seeing some personal items in the back
24 and a TV set.

25 Q I'm going to show you a series of photographs that

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1 have been marked State's Exhibits 1 through 5 for
2 identification. Can you look at those and just see if
3 you recognize them?

4 A The first picture is going to be the side entrance to
5 the house.

6 Q Uh-huh.

7 A The second picture is actually looking inside. You
8 can see there's a kitchen pretty much to the center
9 and off to the left. If you go off to the right, it
10 immediately opens up into a living room. And you can
11 see in the picture a little bit where it leads off to
12 a hallway that goes back to where the bedrooms and the
13 bathroom was at.

14 The third picture is the living room, and that's
15 the couch right there in the front that the -- that
16 Ms. Goodwin was on.

17 The next picture shows the vehicle that was
18 parked off to the side of the house. It is the one
19 that had the personal belongings and the TV in the
20 back.

21 And the next picture is just off-centered from
22 the last picture, still showing part of the car and
23 showing the side entrance to the house.

24 Q Okay. And do those pictures fairly and accurately --
25 you didn't actually take these pictures, though, did

1 you?

2 A I don't think I did, no.

3 Q And do they fairly and accurately depict, though, how
4 the scene was when you got there that night?

5 A Yes, ma'am.

6 MS. CAMPBELL: Your Honor, at this time we would
7 offer State's Exhibits 1 through 5.

8 THE COURT: Any objection?

9 MS. MOBLEY: Without objection.

10 THE COURT: State's 1 through 5 are admitted into
11 evidence.

12 (WHEREUPON, State's Exhibit Numbers 1 through 5,
13 were admitted into evidence.)

14 MS. CAMPBELL: Your Honor, may the witness stand
15 for a moment?

16 THE COURT: Yes. Keep your voice up so the
17 reporter and everyone in the courthouse -- I mean, the
18 courtroom is able to hear you, please.

19 (The witness steps down from the witness stand.)

20 Q If you will come over on this side, the court
21 reporter can hear you better.

22 A (Witness complies.)

23 Q State's Exhibit Number 1 that is in evidence,
24 you mentioned that you made entry through the
25 door of the house, is that correct?

1 A Yes, ma'am.

2 Q And in State's Exhibit 1, what does that show?

3 A That is the door we made entry into.

4 Q And what room does that actually enter into when you
5 went into the side door of that house?

6 A It actually splits into the kitchen on the left and
7 the living room on the right.

8 Q And I think this is a better picture of the
9 entranceway. State's Exhibit 2, is that a closer up
10 picture?

11 A Yes, ma'am. That actually allows you to see the
12 inside of the house.

13 Q And, again, which area, if you'd point it out to the
14 jury, where would the living room area have been?

15 A The living room area would be right off to the right
16 side as you pass the door here.

17 Q Once inside the house, you said that you were able to
18 see over the couch quickly. Do you see State's
19 Exhibit Number 3?

20 A Yes, ma'am.

21 Q And what does that show?

22 A That actually shows the couch that Ms. Goodwin was on.

23 Q And I notice that there's a big green piece of cloth
24 there. Were you able to determine what that was?

25 A I believe that was what was covering her up at the

1 time.

2 Q Okay. And is this how it was -- is this how the
3 blanket was pretty much positioned when you got in the
4 house?

5 A I believe it was a little different at the time I saw
6 it because this would have been afterwards when I was
7 in there.

8 Q And these pictures were actually taken by CSI people,
9 right?

10 A Yes, ma'am.

11 Q And, again, you can see the relation of the kitchen
12 because that's the -- that would be the microwave, is
13 that correct?

14 A Yes, ma'am.

15 Q You mentioned there was a car in the yard. State's
16 Exhibit Number 4, is that the white car you referred
17 to?

18 A Yes, ma'am.

19 Q And, finally, another picture of the car in relation
20 to the doorway outside?

21 A Yes, ma'am.

22 Q And this is all how it looked that night?

23 A Yes, ma'am.

24 (The witness returns to the witness stand.)

25 Q In securing the scene and everything, did you see any

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1 signs of forced entry?

2 A No, ma'am, just from when the locksmith was there, but
3 nothing other than that.

4 Q And you were aware that the victim's family members
5 were there at the scene, but you didn't actually
6 conduct the interviews? That would have been done by
7 someone else?

8 A No. I think the only individual I talked to was -
9 that I got some information from was the ex-husband.
10 I did talk to him.

11 MS. CAMPBELL: Okay. Thank you, sir. Please
12 answer any questions the Defense may have.

13 THE COURT: All right. Ms. Mobley?

14 MS. MOBLEY: Thank you, Your Honor. May it
15 please the Court?

16 CROSS EXAMINATION

17 BY MS. MOBLEY:

18 Q Mr. Ruhl, how are you?

19 A Doing fine.

20 Q I have a couple of questions.

21 A Okay.

22 Q When you -- and I just want to make sure I have this
23 straight -- when you entered the house, was the house
24 ransacked? Was it gone through, or was it fairly
25 neat?

1 A Ma'am, I wasn't even really looking for that, but I
2 don't remember seeing a total mess, if that's what you
3 mean, no.

4 Q And you mentioned just now that the only sign of
5 forced entry that you saw was from the locksmith,
6 correct?

7 A Yes, ma'am.

8 (Pause.)

9 MS. MOBLEY: Beg the Court's indulgence.

10 Q The photographs that were shown, do you remember which
11 officer took those?

12 A No, ma'am.

13 Q Were you even there?

14 A No, ma'am, I don't remember.

15 MS. MOBLEY: Thank you, Your Honor.

16 THE COURT: Any redirect?

17 MS. CAMPBELL: No, sir. May he be excused?

18 THE COURT: Any objection?

19 MS. MOBLEY: Without objection.

20 THE COURT: Okay. Why don't we just have a
21 standing rule, any witness is excused unless there's
22 an objection when the witness steps down, how about
23 that?

24 MS. CAMPBELL: Thank you, Your Honor.

25 THE COURT: All right, you are excused, sir.

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1 Thank you.

2 (The witness leaves the witness stand.)

3 MS. CAMPBELL: The State calls Michael Brown.

4 THE BAILIFF: Place your left hand on the Bible,
5 raise your right hand, and face the clerk.

6 (Witness complies.)

7 THE CLERK: Do you swear or affirm that the
8 testimony you are about to give in this case will be
9 the truth, the whole truth, and nothing but the truth,
10 so help you God?

11 THE WITNESS: I do.

12 (Michael R. Brown, Sr., after
13 being duly sworn, testified as follows:)

14 THE CLERK: Please have a seat and state your
15 full name for the record.

16 THE WITNESS: Michael Roderick Brown, Sr.

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q Mr. Brown, how old are you?

20 A Thirty-four.

21 Q And where do you live, sir?

22 A Gaston, (sic) Court.

23 Q Is that Lexington County?

24 A Yes, ma'am.

25 Q How long have you lived in the Gaston area?

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- 1 A Four years.
- 2 Q And your family -- does your mom live out in that
- 3 area?
- 4 A No, ma'am.
- 5 Q Where does she live?
- 6 A My mother lives in the Belvedere subdivision in
- 7 Richland County.
- 8 Q Okay. Did you know Gervonya Goodwin?
- 9 A Yes, ma'am.
- 10 Q Are you employed?
- 11 A Yes, ma'am.
- 12 Q Where do you work?
- 13 A United Parcel Service.
- 14 Q And what you do for UPS?
- 15 A I'm the area supervisor on the day --
- 16 Q The area supervisor?
- 17 A An area supervisor.
- 18 Q And how long have you worked for UPS?
- 19 A Eleven years.
- 20 Q And I just asked you this, but did you know Gervonya
- 21 Goodwin?
- 22 A Yes, ma'am.
- 23 Q And how did you know her?
- 24 A We were once married.
- 25 Q And during -- how long were y'all married

- 1 approximately, do you remember?
- 2 A We was married in '94 and we divorced in 2000.
- 3 Q And during that -- while y'all were married, did you
- 4 have any children?
- 5 A Yes, ma'am.
- 6 Q And how many children did y'all have?
- 7 A One.
- 8 Q Had Vonnie -- Gervonya, did she have a nickname?
- 9 A Yes, ma'am.
- 10 Q And what did you call her?
- 11 A We called her Vonnie.
- 12 Q Vonnie?
- 13 A Yes, ma'am.
- 14 Q And did Vonnie have any other children?
- 15 A Yes, ma'am.
- 16 Q And how many other children did she have besides the
- 17 son y'all had?
- 18 A One.
- 19 Q And what -- do you know her name?
- 20 A Keyonna Goodwin.
- 21 Q And during the time y'all were married, was Keyonna
- 22 with y'all?
- 23 A Yes, ma'am.
- 24 Q And your son's birthday, when is it?
- 25 A January , .

1 Q Once y'all divorced in the year 2000, what was your
2 relationship like?

3 A We had a pretty good relationship. We were pretty
4 much friends. We grew actually to be pretty much best
5 friends. We had a good relationship.

6 Q You've heard the saying, sometimes you're better after
7 divorce than before?

8 A Yes, ma'am.

9 Q And does that accurately describe y'all?

10 A Yes, ma'am, our relationship was a whole lot better
11 once we were divorced.

12 Q And after you got divorced from her, did you remarry?

13 A Yes, ma'am.

14 Q And what was the relationship between you and your
15 wife and Vonnie from 2000 to say 2004?

16 A We had a very good relationship. Vonnie would come
17 eat breakfast, eat dinner with us, you know, come see
18 her son.

19 Q And your new wife and she, were they friends?

20 A Yes, ma'am, they would talk on the phone, they would
21 have conversations.

22 Q Did you keep in contact with Keyonna?

23 A Yes, ma'am.

24 Q And your son, during this time period, I guess
25 specifically the year 2004, did he come to live with

1 you?

2 A Yes, ma'am. He actually came to live with me in 2003.

3 Q And why was he living with you?

4 A During that time he was going to the sixth grade.

5 Sixth grade, middle school, is kind of a hard time for
6 young kids, young boys, I should say. We just felt it
7 would be a better situation. I just had become a new
8 homeowner, moved to the Lexington County area, pretty
9 much had -- we felt we had better schools, and he came
10 to live with me during that time in the sixth grade.

11 Q Was it important to Vonnie for him to have close
12 contact with you as a father figure?

13 A Yes, ma'am.

14 Q You mentioned that you and Vonnie remained friends.
15 How often would you talk to her on average?

16 A Pretty much every week.

17 Q Every week?

18 A Yes, ma'am.

19 Q I want to move your attention to the end of November
20 of 2004. Do you remember exactly when the last time
21 you saw her was?

22 A Not exactly for sure when the last time I had seen
23 her. I believe the last time I seen her I met her to
24 bring her some paperwork to transfer Keyonna to the
25 University of South Carolina.

- 1 Q Do you remember approximately around what date that
2 was?
- 3 A Sometime the end of November.
- 4 Q End of November?
- 5 A Yes, ma'am.
- 6 Q So it would have been somewhere after Thanksgiving?
- 7 A Yes, ma'am.
- 8 Q But before the first of December?
- 9 A Yes, ma'am.
- 10 Q Did you become aware in early December that Vonnie was
11 missing?
- 12 Q Yes, ma'am.
- 13 Q How did that happen?
- 14 A Keyonna called and --
- 15 MS. MOBLEY: I would object. It calls for
16 hearsay.
- 17 Q Don't say what she --
- 18 THE COURT: Rephrase your question.
- 19 Q Don't say what she said, but did Keyonna make contact
20 with you?
- 21 A Yes, ma'am.
- 22 Q You can't say what she said in the phone call.
- 23 A Okay.
- 24 Q And as a result of that phone call, did you then start
25 calling --

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1 A Yes, ma'am.

2 Q -- Vonnie?

3 A Yes, ma'am.

4 Q Did Vonnie have a cell phone?

5 A Yes, ma'am.

6 Q And did you know the number at that time?

7 A At that time I knew the number, yes, ma'am.

8 Q And tell this jury how you tried to make contact with
9 Vonnie after speaking with Keyonna?

10 A I would call her cell phone over and over again. At
11 that point, I would leave messages, I would send text
12 messages because I couldn't find her. She never did
13 call back. So I basically just kept calling and kept
14 calling.

15 Q And did this keep going -- were you still calling --

16 A Yes, ma'am.

17 Q -- as Christmas approached?

18 A Yes, ma'am.

19 Q And were you able to ever make contact with her after
20 November 29th?

21 Q No, ma'am.

22 Q Can you tell this jury, was Christmas -- did Vonnie
23 take Christmas seriously? Can you describe how she
24 felt about Christmas?

25 A Christmas, because she has two children, Christmas to

1 her and her children was very special. And it is a
2 big day for her, you know, she makes Christmas very
3 special for them.

4 Q Had she ever missed Christmas with her children
5 before?

6 A No, ma'am.

7 Q December 25th, Christmas Day of 2004, did anyone make
8 contact with Vonnie, that you know of?

9 A No, ma'am.

10 Q Did you continue to remain in touch with Keyonna, her
11 daughter?

12 A Yes, ma'am.

13 Q You mentioned that your son's birthday was January the
14 th?

15 A Yes, ma'am.

16 Q And on January the th of 2005, your son I believe
17 would have been ?

18 A Yes, ma'am.

19 Q Did she show up for his birthday party?

20 A No, ma'am.

21 Q January the 7th I believe was a Friday. Did you talk
22 to Keyonna?

23 A Yes, ma'am.

24 Q And as a result of that telephone -- was it a
25 telephone conversation or did you meet her in person?

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1 A I was at work, received a telephone call. Then I left
2 work and went to Ms. Barbara Jones' house.

3 Q And Barbara Jones is who?

4 A Is Vonnie's mother.

5 Q Vonnie's mother?

6 A Yes, ma'am.

7 Q And that would be Keyonna's grandmother?

8 A Yes, ma'am.

9 Q And once you got to Ms. Jones' house, what did you do?

10 A We sat and talked. We went over some mail that was
11 delivered to Ms. Jones' house, contacted the
12 locksmith. I believe one of the investigators was
13 contacted. And after that point, we went to Vonnie's
14 house.

15 Q And why were you going to Vonnie's house that
16 afternoon?

17 A We was going to Vonnie's house to check the house and
18 to go in the house to see if maybe she left any sign
19 of where she was going, or anything like that, because
20 we hadn't heard from her and she missed my son's
21 birthday and that is just -- you know, she don't do
22 stuff like that.

23 Q Once you got over to the house that afternoon, did the
24 locksmith show up?

25 A Yes, ma'am.

- 1 Q And was he able to get one of the doors open?
- 2 A Yes, ma'am.
- 3 Q During the course of that afternoon, did you and
- 4 Keyonna have a -- did y'all actually go to the herby-
- 5 curby?
- 6 A Yes, ma'am.
- 7 Q And was that before or after the locksmith came?
- 8 A That was before.
- 9 Q Before?
- 10 A Yes, ma'am.
- 11 Q And what were y'all doing in the herby-curby?
- 12 A Just looking for any signs of if we would have known
- 13 she was going any place or, you know, any sign that we
- 14 could find her.
- 15 Q Did Keyonna have a key to her house?
- 16 A Yes, ma'am. We had keys, but I believe at that time
- 17 the locks was changed or the keys didn't work.
- 18 Q Okay. When you looked at the herby-curby, tell this
- 19 jury, what did y'all find?
- 20 A In the herby-curby we found some pretty much, I would
- 21 say, people call it junk mail, and also we found a
- 22 letter.
- 23 Q I will show you some notes. You said you found --
- 24 And these haven't been marked. Do you recognize
- 25 these?

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1 A Yes, ma'am.

2 Q And does that look like the items you found in the
3 herby-curby that day?

4 A Yes, ma'am.

5 MS. CAMPBELL: Your Honor, at this time we would
6 offer State's Exhibits, I believe, 6 and 7.

7 MS. MOBLEY: Beg the Court's indulgence.

8 (Pause.)

9 MS. MOBLEY: Your Honor, I would object as
10 hearsay, and it is not a proper foundation.

11 THE COURT: Let me take a look. State your basis
12 again, hearsay?

13 MS. MOBLEY: Hearsay and it's not proper - there
14 is no foundation laid.

15 THE COURT: All right, come up.

16 (WHEREUPON, a bench conference was held in
17 the presence of the jury but out of the
18 hearing of the jury.)

19 THE COURT: At this point I will let it be marked
20 for identification but not admitted. I sustain the
21 objection on the admission of the exhibit. It will be
22 marked as State's 6 and 7.

23 (WHEREUPON, State's Exhibit Numbers 6 and 7,
24 Notes, are marked for identification.)

25 MS. CAMPBELL: Thank you.

1 Q And I'm going to show you State's Exhibit 6 and 7, the
2 notes that were found in the dumpster that day. Do
3 you recognize the handwriting?

4 A Yes, ma'am.

5 Q And whose handwriting is that in both notes, 6 and 7?

6 A It's Vonnie's.

7 MS. MOBLEY: Objection, Your Honor. He's not
8 qualified to give that.

9 MS. CAMPBELL: I think there is a case on point.

10 THE COURT: That is what I was going to ask. Do
11 either of you have a case?

12 MS. CAMPBELL: I don't have it with me now, but
13 I'll get it.

14 THE COURT: I've seen a case. It does not
15 require expert testimony if they are familiar with the
16 handwriting if you lay a proper foundation.

17 MS. CAMPBELL: I'll lay the foundation.

18 THE COURT: Do that.

19 Q Are you familiar with Vonnie's handwriting?

20 A Yes, ma'am.

21 Q And during the time that you were married for six or
22 seven years and even since then, had you seen her
23 signing things and writing things on numerous
24 occasions?

25 A Yes, ma'am.

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1 Q And are you able to recognize Vonnie's handwriting?

2 A Yes, ma'am.

3 Q And in State's Exhibit Numbers 6 and 7, is that
4 Vonnie's handwriting?

5 A Yes, ma'am.

6 MS. CAMPBELL: Your Honor, at this time we would
7 offer them into evidence.

8 THE COURT: Same objection, Counsel?

9 MS. MOBLEY: Yes, sir, Your Honor.

10 THE COURT: All right, the objection is
11 overruled. State's 6 and 7 will be admitted.

12 MS. CAMPBELL: Thank you, Your Honor.

13 (WHEREUPON, State's Exhibit Numbers 6 and 7
14 were admitted into evidence.)

15 Q Do you remember what condition these were when y'all
16 found them?

17 A In pretty -- they wasn't -- they were pretty much in
18 the same condition, but it wasn't all yellow.

19 Q Okay. And I want to show you State's Exhibit Number
20 6. Can you tell the jury what that one says?

21 A "All your stuff is on the back. What you don't have
22 you can -- all your stuff is on the back. What you
23 don't have you can back to get it because I am going
24 -- I am giving it up. Vonnie."

25 Q And the second note, State's Exhibit Number 7, what

1 does that one actually say?

2 A Excuse me. "Your stuff is on the back and if you are
3 missing anything you can come back to get it. I have
4 gave up. Vonnie."

5 Q And do you remember who all handled these notes that
6 day?

7 A Yes, ma'am.

8 Q Who all handled them?

9 A I believe it was myself and Keyonna.

10 Q Was the locksmith able to gain entry through a door
11 into the house?

12 A Yes, ma'am.

13 Q And which door did he actually -- was he actually able
14 to undo the lock?

15 A The side door.

16 Q Tell this jury, once he was able to undo the lock, who
17 all went in and what happened?

18 A It was myself, Keyonna and Ms. Jones entered the
19 house.

20 Q And once you entered the house, what did you
21 immediately notice, if anything?

22 A The first thing we noticed was the smell. The smell
23 didn't smell very good. We also noticed the trash can
24 in the kitchen. The trash can was filled with
25 cleaning supplies. We also noticed the couch, when

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1 you walk in, noticed a blanket was over the couch and
2 the loveseat, we noticed that pillows was stacked on
3 the top of the loveseat.

4 Q I want to show you the picture, there was a green
5 blanket on the couch?

6 A Yes, ma'am.

7 Q And when you first walked in and saw the green
8 blanket, was it spread out completely or how was it
9 done?

10 A It was spread out completely over the couch.

11 Q And at that point when you first walked in, could you
12 see what was actually under that green blanket?

13 A No, ma'am.

14 Q You mentioned the trash cans. Where were those
15 located, the one with all the cleaning stuff?

16 A The trash can was located as soon as you walk through
17 the door, probably about maybe three or four yards
18 from the door, right as you walk into the door.

19 Q Okay. Do you know if anybody did anything with the
20 trash cans?

21 A Ms. Jones moved the trash can and placed it outside
22 because we figured the smell was coming from the trash
23 can.

24 Q When you walked in the living room area, did you
25 actually do anything or disturb the blanket in any

1 way?

2 A No, ma'am.

3 Q And what did you do at that point?

4 A At that point, I went back outside and I called my
5 wife, and while I was talking to my wife, Keyonna --
6 you'll have to forgive me, I may at times call her my
7 daughter -- my daughter came outside and she screamed
8 that, "She is dead! She is dead!"

9 And at that point I went back into the house and
10 I looked and I seen what appeared to be a foot with a
11 sock on it.

12 Q And you don't have to go into details, but the
13 condition of the foot you saw, did it appear that
14 there was any life at all?

15 A No, ma'am.

16 Q Did you at that point disturb the blanket any further?

17 A I never touched the blanket.

18 Q And at that point, where was Ms. Jones?

19 A Ms. Jones was also outside.

20 Q And she exited about the same time that Keyonna exited
21 the house?

22 A Yes, ma'am.

23 Q And did either of them ever go back in?

24 A No, ma'am.

25 Q So after you went back in and saw the foot, what did

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1 you do?

2 A I immediately came back outside. I went to my
3 daughter and held my daughter and called -- dialed
4 911.

5 Q And was Ms. Jones still outside?

6 A Yes, ma'am.

7 Q Did the Fire Department and EMS and the Sheriff's
8 Department all respond?

9 A Yes, ma'am.

10 Q And did you actually talk to the investigators that
11 night?

12 A Yes, ma'am.

13 Q And did you give them some information?

14 A Yes, ma'am.

15 Q Were you able to give them some information about a
16 Christopher Commander?

17 A I believe he asked me did I know him. I told them
18 that, you know, I'd never met him, I didn't know him,
19 I had never seen him before. I think that is pretty
20 much about what I said about him.

21 Q Okay. But you gave the police officers all the
22 information they needed or wanted from you?

23 A That he asked me, yes.

24 MS. CAMPBELL: Beg the Court's indulgence.

25 (Pause.)

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1 Q One other question. When you went out there that day,
2 did you see any cars in or around the house?

3 A Yes, ma'am.

4 Q And what kind of car was out there that day?

5 A It was a white car parked in the side of her driveway.

6 Q Did you know what kind of car Vonnie drove?

7 A Yes, ma'am.

8 Q What kind of car did Vonnie drive?

9 A Some would say it was black, some would say it was
10 charcoal, but it was a Chrysler LHS.

11 Q And was that car out there that day?

12 A No, ma'am.

13 Q Did you know, of own personal knowledge, who the white
14 car belonged to?

15 A No, ma'am.

16 Q But her car wasn't there at the house that day?

17 A No, ma'am.

18 MS. CAMPBELL: Thank you, sir. Please answer any
19 questions the Defense may have.

20 THE COURT: All right.

21 MS. MOBLEY: Your Honor, I don't have any
22 questions.

23 THE COURT: No. questions?

24 MS. MOBLEY: No, sir.

25 THE COURT: You may step down, sir.

1 (The witness leaves the witness stand.)

2 MR. MEADORS: Your Honor, that break Your Honor
3 wanted might be appropriate at this time -- or that
4 you inquired about.

5 THE COURT: Come up for just a minute, please.

6 (WHEREUPON, a bench conference was held in
7 the presence of the jury but out of the
8 hearing of the jury.)

9 THE COURT: All right, go ahead and call your
10 next witness.

11 MR. MEADORS: The State of the South Carolina
12 would call Keyonna Goodwin.

13 THE BAILIFF: Place your left hand on the Bible,
14 raise your right hand, and face the clerk.

15 (Witness complies.)

16 THE CLERK: Do you swear or affirm that the
17 testimony you are about to give in this case will be
18 the truth, the whole truth, and nothing but the truth,
19 so help you God?

20 THE WITNESS: I do.

21 (Keyonna Goodwin, after being duly
22 sworn, testified as follows:)

23 THE CLERK: Please have a seat and state your
24 full name for the record.

25 THE WITNESS: Keyonna Goodwin.

1 DIRECT EXAMINATION

2 BY MR. MEADORS:

3 Q Keyonna, if you would please just be sure and speak
4 into this microphone so the ladies and gentlemen can
5 hear and also the court reporter and Your Honor and I
6 can hear you, Okay?

7 A Okay.

8 Q Say your name again, please, ma'am.

9 A Keyonna Goodwin.

10 Q I want you to tell the ladies and gentlemen a little
11 bit about yourself, okay?

12 A Yes, sir.

13 Q Specifically, where you from?

14 A Columbia, South Carolina.

15 Q Were you born and raised here?

16 A Yes, sir.

17 Q Tell them where you went to school.

18 A Elementary-wise, I went to school South Kilbourne and
19 Denny Terrace. Middle school, I went to Gibbes Middle
20 School and Dutch Fork Middle School. High school, I
21 went to Richland Northeast, Lower Richland, and I
22 graduated from East High School in Cleveland, Ohio.

23 Q What year did you graduate from East High School in
24 Cleveland, Ohio?

25 A That was 2004.

- 1 Q And who were you staying with in Cleveland, Ohio?
- 2 A I was living with my father and his wife.
- 3 Q How long did you live in Cleveland, Ohio?
- 4 A From November, 2002 till I believe that was June 2004.
- 5 Q And prior to 2002, you were here in Columbia?
- 6 A Correct.
- 7 Q Where were you staying prior to 2002? Who were you
- 8 living with?
- 9 A My mother.
- 10 Q Gervonya Goodwin?
- 11 A Correct.
- 12 Q After you graduated high school, June of 2004, what
- 13 did you do that summer?
- 14 A I came back home to my mother's house.
- 15 Q And specifically where did your mama live?
- 16 A In Green Lakes. That was I believe Tock
- 17 Drive.
- 18 Q That's in Richland County, isn't it? It's in Richland
- 19 County?
- 20 A I'm not sure. I know it was Hopkins. I'm not sure.
- 21 Q That's where your mama lived?
- 22 A Correct.
- 23 Q And in June of 2004, that's when you came back to stay
- 24 for the summer, correct?
- 25 A Correct.

1 Q Now, did you know the Defendant, Christopher
2 Commander?

3 A Yes, I have spent some time with him.

4 Q Can you tell the ladies and gentlemen when you got to
5 know him, when you first met him, the best you can
6 remember?

7 A I believe that was the summer of 2003, August 2003. I
8 actually rode a Greyhound from Cleveland, Ohio to come
9 spend the summer with my mother. And my mother,
10 Christopher Commander and myself went to the movies
11 that day.

12 Q In 2003 I think you said, right?

13 A That's 2003, August 2003.

14 Q I'm sorry. Was that first time you remember meeting
15 the Defendant, Christopher Commander?

16 A Yes, sir.

17 Q Did you go back to Ohio to school the next year?

18 A Yes, sir, I did.

19 Q And did you have an occasion to see Christopher
20 Commander again any after that summer of 2003?

21 A Yes, sir, I did.

22 Q Can you tell them when that was?

23 A That was -- I came home June 2004, and that is when I
24 saw Chris Commander.

25 Q Where did you see him then?

- 1 A At my mother's house.
- 2 Q What were you going to do after you graduated high
3 school? What did you do? That was a bad question.
- 4 A I went to college.
- 5 Q Where did you go?
- 6 A University of Toledo in Toledo, Ohio.
- 7 Q How far was that Cleveland, Ohio where you had gone to
8 high school at East High School, in think?
- 9 A That was about an hour and 30 minutes from Cleveland,
10 Ohio.
- 11 Q When did you leave Columbia to start college your
12 freshman year?
- 13 A I left Columbia, that was August 18th.
- 14 Q 2004?
- 15 A 2004.
- 16 Q And do you remember the last time you saw your mama?
- 17 A Yes.
- 18 Q When was that?
- 19 A My mother was helping me to get on the plane
20 August 18th, 2004.
- 21 Q So you flew?
- 22 A Correct.
- 23 Q Did she take you to the airport?
- 24 A Correct.
- 25 Q And you are not allowed to go into any victim impact

1 evidence. Do you understand what I mean when I told
2 you that previously, no victim impact? I'm going to
3 specifically ask you about some facts now, okay?

4 A Okay.

5 Q From -- how often would you and your mama talk from
6 after you started college? I mean, how often during
7 the week?

8 A Almost every day.

9 Q Tell the ladies and gentlemen of the jury how you
10 would communicate.

11 A Through telephone. I had a cell phone, my mother had
12 a cell phone, I had a house phone and my mother had a
13 house phone. So we would call each other on either
14 phone.

15 Q You'd call her, she'd call you?

16 A I called her, she called me, that's right.

17 Q Did she ever text message you?

18 A No, sir.

19 Q No, sir, she didn't?

20 A No, sir.

21 Q She preferred to talk to you on the phone?

22 A Correct. She said that texting cost too much. She
23 preferred calling.

24 Q I believe you said the last time you saw your mama was
25 August 18th. Can you tell these folks the last time

1 you spoke to your mother?

2 A Last time I spoke to my mother was the day after
3 Thanksgiving. I wasn't able to call her on
4 Thanksgiving, so I called her the day after.

5 Q You called her?

6 A Correct.

7 Q As a result of that phone call, when is the next time
8 you thought you were going to speak to your mama?

9 A I was supposed to speak to my mother on December 2nd of
10 2004.

11 Q And why were you supposed to speak to her on
12 December 2nd?

13 A My mother was going to the doctor that morning to find
14 out the sex of the baby. And she was supposed to call
15 me first, as soon as she got out of the doctor's
16 office.

17 Q And what time did you hear from your mama on December
18 the 2nd?

19 A I never heard from my mother.

20 Q Did you try to call her?

21 A Yes, sir.

22 Q Did you get her?

23 A I thought I had her, but, no, sir, I did not hear from
24 her.

25 Q Did you call her cell phone?

- 1 A Yes, sir, several times.
- 2 Q Did you call her home phone?
- 3 A Several times.
- 4 Q Did you then have an occasion to text message her?
- 5 A Yes, sir, I did.
- 6 Q Why did you do that?
- 7 A Because my mother wasn't responding to me and I wanted
- 8 to let her know to give me a call as soon as she can.
- 9 Q At some point -- and just how many times are you call
- 10 -- are you calling daily?
- 11 A I had just hit the redial button over and over daily,
- 12 just calling back to back, back to back.
- 13 Q Now, were you calling from your cell phone?
- 14 A Yes, sir.
- 15 Q Do you remember your cell phone number?
- 16 A Yes, sir.
- 17 Q What was it?
- 18 A 361-2724 at the time.
- 19 Q That was your cell phone number then?
- 20 A Yes, sir.
- 21 Q Do you remember your mama's cell phone?
- 22 A Yes, sir.
- 23 Q What was that?
- 24 A -5816.
- 25 Q Do you remember your mama's home phone?

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- 1 A I can't remember it right off.
- 2 Q Did there come a time in December, if at any time,
3 when you did receive a message from your mom's cell
4 phone?
- 5 A Yes.
- 6 Q Can you tell the ladies and gentlemen of the jury
7 about that?
- 8 A I believe that was on December 2nd. I received a
9 message stating that, "I'm at the beach." "I'm at the
10 beach." It was something about she didn't have a
11 signal at the time, but she would call me when she did
12 have a signal.
- 13 Q Did that make sense to you?
- 14 A No, sir.
- 15 Q Why?
- 16 A Because I knew that -- me being a teenager, I knew
17 that you have to have a signal in order to text.
- 18 Q And it being December 2nd, I think you testified you
19 didn't hear from her from the doctor's appointment, so
20 you had actually text messaged her?
- 21 A Correct.
- 22 Q Then you got this response?
- 23 A Correct.
- 24 Q Was there any other communication cell phone to cell
25 phone in December of 2004?

- 1 A Only texting. No.
- 2 Q Yes, ma'am, that's what I meant.
- 3 A Only texting.
- 4 Q Did you receive another text message after that?
- 5 A Yes, sir, I did.
- 6 Q Can you tell these folks about that?
- 7 A I believe that was December 5th. I received a text
- 8 message stating that she was at the beach and she
- 9 would be home January 1st -- no, that Monday, I'm sorry.
- 10 She would be home on Monday. And I received another
- 11 text message stating -- it was kind of chopped up a
- 12 little bit. It said, "Did (space) Y (space) the
- 13 letter U get MES."
- 14 Q And you remember that, don't you?
- 15 A Yes.
- 16 Q And did you respond to that?
- 17 A As of right now I really -- I don't remember if I
- 18 responded to it.
- 19 Q Did you see your mama on Christmas?
- 20 A No, sir.
- 21 Q And how had you gotten home from college that year,
- 22 that semester?
- 23 A I actually -- my mother's friend Pamela Taylor had to
- 24 fly me from Toledo, Ohio in order to get home.
- 25 Q What were the plans, original plans, if any, that you

- 1 were going to get back to Columbia?
- 2 A My mother and my godmother was supposed to drive up
3 there in a truck in order to get me because I had a
4 lot of stuff being in college. They were going to
5 come up there driving a truck in order to get me. But
6 I didn't hear anything from my mother.
- 7 Q So you actually got back into Columbia when?
- 8 A That was December 17th, 2004.
- 9 Q And these text messages you just told the jury about
10 in December about "Did Y U get the MES" and all these,
11 those were coming from whose cell phone?
- 12 A My mother's.
- 13 Q To whose cell phone?
- 14 A My cell phone.
- 15 Q You have testified you didn't see your mama on
16 Christmas. On December 26th, were you still calling
17 your mama every day?
- 18 A Every day.
- 19 Q Did you call her on Christmas?
- 20 A Yes.
- 21 Q Did you get a response?
- 22 A No, sir.
- 23 Q How many times were you calling her and how were you
24 calling her, Keyonna?
- 25 A I was calling her off my cell, off my grandmother's

1 home number, and I know I had to call her over 30 to
2 40 times a day because I was just hitting the redial
3 button over and over, every time I called.

4 Q Prior to Christmas, had you had an occasion to go to
5 your mama's house?

6 A Yes.

7 Q Tell me about that.

8 A I went to my mother's house. I believe that was like
9 the 20 -- the 20th or the 21st of December after I got
10 home from college. And I went to my mother's house to
11 see if I saw anything or if my mother was home.

12 Q Did you have keys then?

13 A Yes, sir.

14 Q Where did you get them from?

15 A My mother.

16 Q Did those keys work?

17 A No, sir.

18 Q Did you ask anybody to help you get in?

19 A Yes, sir, I actually called the police.

20 Q As a result of that, were you able to get in the
21 house?

22 A No, sir, they didn't want to let me in.

23 Q You testified that after Christmas, on Christmas and
24 the day after, were you calling?

25 A Yes, sir.

1 Q Did your mama's cell phone ever pick up either
2 December 25th or 26th?

3 A Yes, sir.

4 Q Tell them about that.

5 A Someone picked up the phone and said something like,
6 "Huh," and hung it back up.

7 Q Was that you're mama's sigh?

8 A No, sir.

9 Q Did it appear to you listening to people just growing
10 up -- how old were you at the time?

11 A At the time I was 18.

12 Q Did it appear to you to be a sigh of a man or a woman,
13 if you could tell?

14 A It was a male.

15 Q You didn't know who it was, though, did you?

16 A No, sir.

17 Q After that did you receive a text message?

18 A Yes, sir.

19 Q Tell them what it said.

20 A "I will be home January 1st."

21 Q That came from whose phone?

22 A My mother's phone.

23 Q To whose phone?

24 A To my phone.

25 MR. MEADORS: Beg the Court's indulgence.

1 (Pause.)

2 (WHEREUPON, State's Exhibit Numbers 8 and 9,
3 Photographs, are marked for identification.)

4 (WHEREUPON, State's Exhibit Number 10, Check [and
5 additional two items], is marked for
6 identification only.)

7 (WHEREUPON, State's Exhibit Numbers 11 and 12,
8 Photographs, are marked for identification.)

9 MS. MOBLEY: Beg the Court's indulgence.

10 THE COURT: Sure.

11 (Pause.)

12 MR. MEADORS: Your Honor, we would offer State's
13 8, 9, 10, 11 and 12.

14 MS. MOBLEY: Your Honor, as long as the
15 appropriate foundation is laid for 12 -- 8, 9, 11 and
16 12. We would object to 10 being admitted at this
17 time.

18 MR. MEADORS: Your Honor, I can go through the
19 rest of them --

20 THE COURT: That's fine, go ahead and see if they
21 can be identified or whatnot.

22 MR. MEADORS: Can I approach?

23 Q Please look at State's 8, State's 9 and State's 11.
24 Do you recognize all those?

25 A Yes.

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1 Q Do they relate to your testimony?

2 A Yes.

3 Q Is that a picture of your cell phone?

4 A Yes, sir.

5 Q With a message on it from your mama's cell phone?

6 A Yes, sir.

7 MR. MEADORS: Your Honor, we would offer 8, 9
8 and 11.

9 THE COURT: Any objection?

10 MS. MOBLEY: Just simply the cell phone pictures?
11 no objection.

12 THE COURT: State's 8, 9 and 11 are admitted.

13 (WHEREUPON, State's Exhibit Numbers 8, 9
14 and 11, were admitted into evidence.)

15 Q State's 12, is that your mama's car you now have?

16 A Yes, sir.

17 Q Shortly after this sigh you have testified about that
18 came from your mama's cell phone?

19 A Correct.

20 Q You got a text message, I believe you testified to.
21 State's Exhibit 8, is that it?

22 A Yes, sir.

23 Q "I'll be home January 1st"?

24 A Yes, sir.

25 Q What time does it have on there?

- 1 A 11:15 a.m.
- 2 Q On what day?
- 3 A That was Sunday, December the 26th.
- 4 Q The day after Christmas?
- 5 A Correct.
- 6 Q How long after that sigh on the phone did this come
- 7 in?
- 8 A Not long, sir.
- 9 Q State's 9 is just a little closer-up version of that?
- 10 A (Nods affirmatively.)
- 11 Q Did you see your mama on New Year's Day?
- 12 A No, sir.
- 13 Q Did you have an occasion to go back to your mama's
- 14 house on January 7th of 2005?
- 15 A Yes, sir.
- 16 Q Could you please tell the ladies and gentlemen of the
- 17 jury what led you to do that?
- 18 A I received a letter in the mail. I got my mother's
- 19 mail forwarded to my grandmother's house, and there
- 20 was a letter in the mail with a check inside of it
- 21 sent to my mother. And from the look of the check,
- 22 the signature was not my mother's signature. And it
- 23 was actually a copy of the check, it wasn't an actual
- 24 check. And it had on the back part of the check my
- 25 mother's signature, but it wasn't her signature.

- 1 Q Explain to them what you mean by that.
- 2 A My mother -- I know the way that my mother writes, so
- 3 her G's were not her G's, her middle initial was not
- 4 her middle initial at all. Her middle initial was
- 5 actually D for Denise, but her middle initial on the
- 6 check was written as if it was a J. Her G's look like
- 7 S, a cursive S to me.
- 8 Q So your testimony is you had her mail forwarded to
- 9 your grandma?
- 10 A Yes, sir.
- 11 Q You checked the mail and you saw a check made out to
- 12 your mama and signed by your mama that didn't appear
- 13 to be your mama's signature?
- 14 A Correct.
- 15 Q An it was a copy of that you saw, correct?
- 16 A Correct.
- 17 Q Did you tell somebody about that later on?
- 18 A Yes, sir.
- 19 Q Did you tell law enforcement?
- 20 A Yes, sir.
- 21 Q I'm looking here at what has been marked State's 10.
- 22 Tell me if you recognize this.
- 23 A Yes, sir.
- 24 Q Turn it over.
- 25 A Yes, sir --

- 1 Q Do you recognize that?
- 2 A -- this is it.
- 3 Q Is that the actual check?
- 4 A This is probably the actual check, but I had a copy.
- 5 Q of this check?
- 6 A Yes, sir.
- 7 Q Is there any doubt in your mind you had a copy of this
- 8 check that you saw?
- 9 A No, sir.
- 10 Q And is this the real check?
- 11 A Yes, sir.
- 12 Q Look at that. Is that your mama's signature on that?
- 13 A No, sir, it is not.
- 14 Q Turn it over on the back. What is written as the
- 15 middle initial?
- 16 A It seems to me as a cursive J.
- 17 Q And what is your mama's middle name?
- 18 A Denise.
- 19 Q When you saw this -- and what is the date on it,
- 20 Keyonna?
- 21 A December 21st, 2004.
- 22 Q Did this concern you when you saw it?
- 23 A Yes, sir.
- 24 MR. MEADORS: Your Honor, we would now offer
- 25 State's 10.

1 THE COURT: Any objection to 10?

2 MS. MOBLEY: Beg the Court's indulgence.

3 THE COURT: Sure.

4 (Pause.)

5 MS. MOBLEY: Your Honor, I will object. I don't
6 believe it has been properly authenticated. I would
7 certainly object to the other two items in the packet.
8 There are three.

9 MR. MEADORS: I have no problem with the other
10 two items, Your Honor. We would just offer the check
11 then.

12 THE COURT: All right, the objection is
13 overruled. The other two items have been removed.
14 Only the check will be marked in the State's 10 that
15 is admitted.

16 (WHEREUPON, State's Exhibit Numbers 10,
17 Check only, is admitted into evidence.)

18 Q You found this on what date?

19 A That was January 7th.

20 Q What day did you go to your mama's house?

21 A January the 7th.

22 Q Who did you go with?

23 A It was me, my grandmother and Michael Brown.

24 Q What is your grandmama's name?

25 A Barbara Jones.

1 Q Did y'all all travel together?

2 A Yes, sir.

3 Q What, if any, arrangement -- you had already been over
4 there once, I think you testified, and tried a key,
5 correct?

6 A Yes, sir.

7 Q How did you expect to get in this time?

8 A The locksmith.

9 Q Do you remember who you called?

10 A No, sir, I don't.

11 Q Tell the ladies and gentlemen of the jury when you got
12 there and what happened. What did you do when you got
13 there?

14 A When we got to the house, we were waiting on the
15 locksmith. We actually tried to get into the house
16 other types of ways, but there was no -- I guess --
17 like, we couldn't get in.

18 And then we started searching around the house to
19 see if we could find anything that looked kind of
20 suspicious, and we looked in -- we saw a car, a white
21 car parked on the side of my mother's house. And we
22 looked in the car to see if we saw anything in there
23 stating, you know, whether my mother was gone out of
24 town, or something like that. We were just looking
25 for things.

1 And I went to the big green garbage can, which
2 was parked -- I mean, which was behind the white car
3 near the gate that my mother had. And I found two
4 letters inside of that garbage can.

5 Q why were you looking in the garbage can?

6 A Just looking for anything that I could tell where my
7 mother went or what was going on.

8 Q And admitted State's 6 and 7, is that your mama's
9 handwriting?

10 A Yes, sir.

11 Q You've written your mama's handwriting before?

12 A Yes, sir.

13 Q Have you signed her signature before?

14 A Yes, sir.

15 Q Is that the way she would signed it sometimes, Vonnie?

16 A Yes, sir.

17 Q Did the locksmith finally arrive?

18 A Yes, sir.

19 Q And what happened after that?

20 A He went to the side door and opened the door for us.
21 Me, my grandmother and Michael entered the house.

22 Q Now, prior to January th, was January th a special day
23 for anybody?

24 A Yes. That was my little brother's birthday, th
25 birthday.

- 1 Q Tell them what happens when you go in the house, what,
2 if anything, you observed or sensed with any of your
3 senses.
- 4 A It was a terrible smell. My mother's house was junky.
5 We saw two trash cans on the side. Like once you walk
6 in there's a cabinet that has a microwave on it. Like
7 in the kitchen area we saw two trash cans. I knew of
8 the green trash can is where she placed the house
9 trash into, but we saw a smaller trash can that had
10 cleaning supplies.
- 11 Q What was in them?
- 12 A Cleaning supplies.
- 13 Q All right, what happened? What did you observe or do
14 next?
- 15 A Well, Michael went back outside the house because of
16 the smell and he got -- I remember him on a cell
17 phone. And then what happened, my grandmother took
18 the two trash cans out thinking that the smell of the
19 house came from the trash cans. And Michael kept
20 telling us to come out of the house because of the
21 smell. It didn't smell right. But I didn't want to
22 leave my grandmother in the house, so I continued to
23 stay in the house with my grandmother.
- 24 Q What happened next, what did you observe next, what
25 did you do next, if anything?

1 A We saw pillows on the loveseat next to the front door,
2 and they were like stacked up, but I didn't see any
3 pillows on the couch, I just saw a green blanket.

4 And once we saw the green blanket, my
5 grandmother, she was kind of like searching the house
6 wondering why my mother left her house junky like
7 that.

8 Q And to y'all that was junky, wasn't it?

9 A Correct, because my mother was a very neat lady.
10 Nothing was supposed to be out of place in that house.

11 And my grandmother went to the couch. She was
12 like, "Well, why is this green blanket on here?" And
13 she pulled it back, but it was kind of a tug, and --

14 Q Kind of a what?

15 A A tug, like it took a little force just to pull it
16 back. And out came a small foot with a white footie
17 on it, and it just like dropped out of the cover. And
18 from then on I knew that was my mother's foot from me
19 being around my mother. I knew that was my mother.

20 Q You could tell from the foot that was your mama?

21 A Correct. My mother had a petite foot like, and I just
22 knew like that was her foot.

23 Q You left after that happened?

24 A Yes. I screamed and I scared my grandmother. And
25 when I scared my grandmother, we ran out of the house.

- 1 Q I have just got a few more questions.
- 2 A All right.
- 3 Q Did you have an occasion to talk to somebody named
- 4 Jazz after you saw your mama's foot?
- 5 A Yes, sir.
- 6 Q Who was Jazz friends with anybody -- if anybody? Is
- 7 he friends with Christopher Commander?
- 8 A Yes, sir.
- 9 Q And as a result of that conversation -- and your mama,
- 10 your mama had already gone, hadn't she?
- 11 A Correct.
- 12 Q Prior to that conversation?
- 13 A Correct.
- 14 Q Did you receive -- before I get to that, that other
- 15 car that was in the driveway, did you know whose car
- 16 that was?
- 17 A No, sir, at the time I did not. I thought it came
- 18 from my mother's car lot because it had The Car Lot
- 19 tag on the back. So I thought it was just a car from
- 20 my mother's car lot.
- 21 Q And was she in business with anybody in that car lot?
- 22 Who else worked with her at that car lot?
- 23 A The only person I knew of was Christopher Commander.
- 24 Q And they worked together in that business or had
- 25 worked together?

1 A Correct.

2 Q After y'all found Gervonya, Vonnie, did you receive
3 another text message on your phone from Vonnie's
4 phone?

5 A Yes, sir, I did.

6 Q Showing you State's 11, is that it?

7 A Yes, sir.

8 Q Did you save this and show it to the investigator?

9 A Yes, sir, I did.

10 Q Tell them what it said?

11 A "I'm alive."

12 Q What time has it got on there?

13 A 7:25 p.m.

14 Q What date has it got on there?

15 A Friday, January 7th.

16 Q Was your mama's car there?

17 A No, my mother's car was not there.

18 Q And State's 12, is that your mama's car?

19 A Yes, sir, that is my mother's car.

20 Q Well, actually, whose car is it now?

21 A It is my car.

22 Q You are driving it now?

23 A Yes, sir.

24 MR. MEADORS: Beg the Court's indulgence.

25 THE COURT: All right.

1 (Pause.)

2 Q Do you recognize this, Keyonna?

3 A Yes, sir.

4 Q Does it relate to your testimony?

5 A Yes, sir.

6 Q What is this?

7 A That is the tag on the back of that white car that was
8 in the yard which comes from -- it used to be my
9 mother's business, it was called The Car Lot, and that
10 is a tag from that business.

11 MR. MEADORS: Your Honor, we now offer this as
12 State's Number 13.

13 THE COURT: Any objection.

14 MS. MOBLEY: Without objection, Your Honor.

15 THE COURT: State's 13 is admitted.

16 (WHEREUPON, State's Exhibit Number 13,
17 Photograph, is admitted into evidence.)

18 Q Did you tell the investigators about the check you
19 saw?

20 A Yes, sir.

21 Q And about your text messages?

22 A Yes, sir.

23 Q Is Christopher Commander in the courtroom?

24 A Yes, sir.

25 Q Would you point him out for the ladies and gentlemen

1 of the jury?

2 A Right there.

3 MR. MEADORS: I would like the record to reflect
4 she pointed to the Defendant.

5 THE COURT: All right.

6 MR. MEADORS: That's all. Thank you.

7 THE COURT: All right, before we begin cross
8 examination, in order to comply with my promise to try
9 to meet a time deadline with one of the jurors, we'll
10 break for the day..

11 Let me tell you, folks, I know that it is fairly
12 easy to comply with the Court's instructions not to
13 discuss the case or to talk to anyone during the
14 course of the day when you are here at the courthouse.

15 I can pretty much guarantee you that when you get
16 home, walk into your back door or your front door,
17 your spouse or your children or your friends are going
18 to ask you, you've got jury duty, did you get picked
19 on a case, what kind of case is it, what is it about,
20 and you can't respond.

21 You can tell them you are on a jury and then you
22 can tell them that the judge has told you you can't
23 discuss the case in any respect to anyone. I'll be
24 the bad guy, but blame it on me, but please don't
25 discuss this case with anyone.

1 Also, you should not -- and I would order you not
2 to read anything about the case. I don't know what
3 cases might receive any kind of publicity, but you're
4 not permitted to read anything about this case or
5 watch anything about the case or listen to anything
6 about the case.

7 So if you see a headline and you realize it is an
8 article about this, don't read it. The same would
9 hold true for television or radio coverage.

10 Again, no conversations with anybody about the
11 case.

12 We will start tomorrow morning at 9:30. Please
13 be in your jury room. We can't start until all of you
14 are here, so please be here at 9:30 tomorrow morning.

15 You are excused, and we'll see you in the
16 morning. Everyone else stay seated, please.

17 (WHEREUPON, the jury is excused for the day
18 at 5:06 p.m.)

19 THE COURT: Ms. Goodwin, you'll be back on the
20 witness stand tomorrow morning. You cannot discuss
21 your testimony with anyone during this overnight
22 break. You will be back on the stand tomorrow
23 morning. You can step down at this time.

24 (The witness leaves the witness stand.)

25 THE COURT: Anything further from the State at

1 this time?

2 MR. MEADORS: No, sir.

3 THE COURT: From the Defense?

4 MS. MOBLEY: No, sir.

5 THE COURT: For planning purposes, tomorrow the
6 juror needed to be gone by 5 o'clock. I have also got
7 to go take some returns for the State Grand Jury, so
8 we will be stopping a little before 5 tomorrow.

9 Other than that, I think I've got something very
10 brief at 2, but that should not interfere with the
11 trial. So we will have a full day tomorrow until a
12 little before 5.

13 We'll stand in recess until then.

14 MS. MOBLEY: 9:30, Your Honor?

15 THE COURT: 9:30.

16 (WHEREUPON, the Court was in recess.)

17 WEDNESDAY, OCTOBER 11, 2006

18 THE COURT: All right, any matters before we
19 resume with the trial? Anything from the State?

20 MR. MEADORS: No, sir.

21 THE COURT: From the Defense?

22 MS. MOBLEY: No, sir. Your Honor, we briefly
23 talked about the issue with John Presley, the witness
24 from the Detention Center.

25 THE COURT: Right.

1 MS. MOBLEY: And they are going to get a little
2 more information for us and we'll just deal with that
3 at a later time today.

4 THE COURT: That's fine. We'll deal with
5 anything we need to on the record prior to him being
6 called.

7 MS. MOBLEY: Thank you.

8 MR. MEADORS: I don't anticipate him being today,
9 Your Honor.

10 THE COURT: That's fine. If the witness, Ms.
11 Goodwin, will come back up on the stand, please. I
12 think we were to cross examination, is that right?
13 Who is going to be doing that?

14 MS. MOBLEY: I will, Your Honor.

15 (The witness returns to the witness stand.)

16 THE COURT: All right, let's get the jury in,
17 please.

18 (WHEREUPON, the jury came into open court
19 at approximately 9:37 a.m.)

20 THE BAILIFF: The jury is all present, Your
21 Honor.

22 THE COURT: All right. Thank you, sir.

23 Mr. Foreman and ladies and gentlemen, good
24 morning. I appreciate you being here when you were
25 instructed to be here. We will continue. We will do

1 cross examination.

2 Ms. Mobley?

3 MS. MOBLEY: Thank you, Your Honor. May it
4 please the court? I don't have any questions of this
5 witness.

6 THE COURT: No questions. All right, ma'am, you
7 may step down.

8 (The witness leaves the witness stand.)

9 THE COURT: All right, Solicitor?

10 MR. MEADORS: May it please, Your Honor? The
11 State would call Barbara Jean Jones.

12 THE BAILIFF: Place your left hand on the Bible,
13 raise your right hand, and face the clerk.

14 (Witness complies.)

15 THE CLERK: Do you swear or affirm that the
16 testimony you are about to give in this case will be
17 the truth, the whole truth, and nothing but the truth,
18 so help you God?

19 THE WITNESS: I do.

20 (Barbara Jean Jones, after
21 being duly sworn, testified as follows:)

22 THE CLERK: Please have a seat and state your
23 full name for the record.

24 THE WITNESS: My name is Barbara Jean Jones.

25 DIRECT EXAMINATION

The State versus Christopher Sam Commander

- 1 BY MR. MEADORS:
- 2 Q And you saw yesterday, if you will, please, ma'am,
- 3 speak up for me into the mike because -- I think you
- 4 are -- you are. Good morning.
- 5 A Good morning.
- 6 Q As I do with every witness I have ever called, will
- 7 you please tell the ladies and gentlemen about you?
- 8 Where were you born?
- 9 A I was born in Newberry, South Carolina. I was raised
- 10 in Columbia, South Carolina.
- 11 Q And when you say you were raised in Columbia, South
- 12 Carolina, did you go to school here?
- 13 A Yes.
- 14 Q Could you tell them where you went to school, Ms.
- 15 Jones?
- 16 A I attended Roosevelt Elementary, transferred to Sarah
- 17 Nance Elementary. I went to W.A. Perry Middle School
- 18 and I went to C.A. Johnson High School.
- 19 Q After you got out of high school, Ms. Jones, did you
- 20 work?
- 21 A Yes.
- 22 Q Can you tell them --
- 23 A I started work at Capital City Manufacturing.
- 24 Q And what is that?
- 25 A It's a sewing plant.

1 Q Sewing?

2 A Yes.

3 Q Where did you work after that, Ms. Jones?

4 A I worked in the manufacturing, sewing manufacturing
5 area up until my daughter Gervonya was born in '70.

6 Q In what year?

7 A In 1970.

8 Q And did you have occasion to go to work after that?

9 A After my daughter Sheryl was born in '73 I started at
10 Springs Mills until '96.

11 Q So you worked there for over 20 years?

12 A Yes.

13 Q And after that did you work some more?

14 A After Spring Mills, yes, I worked at McKesson's
15 Pharmaceutical.

16 Q When did you retire or stop working, Ms. Jones?

17 A I left on a medical disability leave in 1999.

18 Q How many children do you have?

19 A Three.

20 Q Gervonya?

21 A Gervonya, Darrell and Sheryl.

22 Q Darrell and Sheryl. Now, you understand, and I asked
23 you before and I'll ask you again now, you're not
24 allowed to give any victim impact evidence, you
25 understand what that means?

- 1 A Yes.
- 2 Q Where was your daughter Gervonya living before she
3 died, specifically in 2003, 2004?
- 4 A She was living at Rock Drive in Hopkins,
5 South Carolina.
- 6 Q And did she go by a nickname?
- 7 A We started calling her Vonnie because everybody was
8 having a hard time trying to remember her name or
9 pronounce Gervonya.
- 10 Q How long had she been called Vonnie?
- 11 A Ever since she was very small.
- 12 Q Do you know the Defendant, Christopher Commander?
- 13 A No, not really.
- 14 Q And you say, "No, not really." Did you know -- did
15 there come a time you learned that your daughter and
16 Christopher Commander had been together --
- 17 MS. MOBLEY: Your Honor, I object to leading.
- 18 THE COURT: Sustained to the form. Rephrase the
19 question.
- 20 Q How did your daughter know Christopher Commander, if
21 in any way?
- 22 A Well, she mentioned him during our conversations on
23 the telephone or just she would mention his name.
- 24 Q Ma'am, say that again.
- 25 A She would mention his name to me every time she would

1 talk on the phone, we talked on the phone, or she
2 would visit.

3 Q And do you remember the first time you saw him?

4 A He came by the house in the car with her, but I never
5 saw him, he never got out of the car.

6 Q Did you or did you not ever learn that they were
7 dating?

8 A When she was pregnant. She told me when she was about
9 four months pregnant that Chris was the baby's father.

10 Q Do you know whether or not they ever lived together?

11 A They lived together because she used to classify him as
12 her roommate.

13 Q And where were they living together?

14 A At Drive.

15 Q Did there come a time that you are aware of that Chris
16 Commander left Tilting Rock Drive?

17 A Yes.

18 Q Tell the jury when that was.

19 A It was about a few weeks before Thanksgiving. She was
20 complaining about --

21 MS. MOBLEY: Objection.

22 THE COURT: Sustained.

23 Q Did you have an occasion to talk to your daughter
24 during Thanksgiving -- or prior to Thanksgiving, the
25 first of November?

- 1 A Yes.
- 2 Q As a result of that conversation, what did you tell
- 3 her?
- 4 A To kick him out.
- 5 Q And did he in fact leave Tilting Rock?
- 6 A Yes.
- 7 Q And about what time was that?
- 8 A It was a little before Thanksgiving.
- 9 Q Did you have an occasion to see your daughter on
- 10 Thanksgiving?
- 11 A Yes, I did.
- 12 Q And for the record, Thanksgiving 2004?
- 13 A Yes.
- 14 Q Can you tell the ladies and gentlemen of the jury the
- 15 last time -- when was the last time you saw her?
- 16 A I saw her that Monday, on the 29th of November.
- 17 Q And when was the last time you talked to her -- and
- 18 her being your daughter Vonnie?
- 19 A On the 9th -- 29th -- the 29th of November, 2004.
- 20 Q Where was that?
- 21 A At my home.
- 22 Q And what do you remember about that?
- 23 A I called her to see if she could come by and do a
- 24 favor for me. She said she was on my end of town so
- 25 she came by.

1 Q How long was that visit?

2 A It wasn't -- it was like ten minutes.

3 Q Do you remember what she was wearing?

4 A She was wearing a black two-piece jogging suit, socks
5 and bedroom shoes.

6 Q After November 29th, 2004, did you ever talk to your
7 daughter again?

8 A She got lost on the way to my brother's house where I
9 was sending her, and she called me back on the phone
10 and said she was lost. And we talked until she got to
11 my brother's house.

12 Q Okay. Was that the same day?

13 A Yes.

14 Q All right. So after November 29th, did you have an
15 occasion to talk with her after that?

16 A No.

17 Q Tell these ladies and gentlemen of the jury right
18 here, when you would talk -- well, how often prior to
19 November 29th, the fall of 2004, how often were you
20 talking to Gervonya?

21 A We talked at least twice a week, sometimes more.

22 Q In what form? I mean, how were you communicating?

23 A Telephone. She would call me or I would call her.
24 And she would visit me.

25 Q Now, did you have a cell phone?

- 1 A No.
- 2 Q After November 29th, 2004, when did you expect to hear
3 from Vonnie again?
- 4 A On December the 2nd, that Thursday after her doctor's
5 appointment.
- 6 Q And why did you expect to hear from her then?
- 7 A Because she said she would call and let me know the
8 sex of the baby.
- 9 Q Between the 29th and December 2nd, did she have another
10 appointment on November 30th, that you're aware of?
- 11 A She had a court appointment.
- 12 Q And did she miss that?
- 13 A Yes.
- 14 Q And that was on what day, November 30th?
- 15 A November 30th.
- 16 Q Now, there's been some testimony -- there's been some
17 testimony about the text messages. Did you receive
18 any text messages?
- 19 A No, I didn't.
- 20 Q You didn't -- did you have a cell phone?
- 21 A No, I didn't.
- 22 Q Through the course of when your daughter was missing,
23 did you understand there had been some text messages?
- 24 A Yes, I did.
- 25 Q Between December the 2nd, the doctor's appointment, and

1 Christmas, did you or anybody on your behalf go over
2 to Tilting Rock to see if your daughter was there?

3 A I asked my son to go by and see if she was -- if her
4 car was in the yard.

5 Q And how was he supposed to get in?

6 A I had some old keys that she had given me for her
7 locks. And that was -- locks she had changed -- she
8 had to new locks, and I was assuming that maybe she
9 didn't change one of the doors, so I had told him to
10 try the door.

11 Q The keys didn't work?

12 A The keys didn't work.

13 Q Did you ever request -- again between December 2nd and
14 Christmas, the 25th, did you ever request the Sheriff's
15 Department to come out and try to open the doors?

16 A Keyonna went down there to the house, and I told her
17 to call me on the cell when she got down there and
18 after she called 911 to see if the Sheriff's
19 Department would let her in. We were talking on the
20 phone and he said -- when I heard him tell her, no, he
21 couldn't.

22 Q So we're now to Christmas. Did you see your daughter
23 on Christmas?

24 A No, I didn't.

25 Q How was Keyonna supposed to get home from school?

- 1 A Gervonya was supposed to pick her up.
- 2 Q And since you hadn't heard from Gervonya, what, if
- 3 anything, did you do or what plans were made, if any?
- 4 A My daughter Sheryl was looking at the flight plans and
- 5 Gervonya's friend, Pamela Taylor, paid for her a
- 6 ticket to come home.
- 7 Q Did you go to Tilting Rock in January of 2005?
- 8 A I went to Tilting Rock January the 7th, 2005.
- 9 Q And why did you go?
- 10 A Because I was -- I had said it was enough. I hadn't
- 11 heard from her and nobody knew where she was and I
- 12 wanted to know for myself if something was wrong.
- 13 Q And you went there with Darrell?
- 14 A I went there with Michael Brown.
- 15 Q And you tried before to get the key. Was a locksmith
- 16 called?
- 17 A The lock -- we called the locksmith before they left
- 18 my -- before we left my house. And we got there
- 19 before the locksmith.
- 20 Q When you go to the -- tell the folks what you did when
- 21 you got to Tilting Rock, Ms. Jones.
- 22 A At first we tried the keys again that I had to see if
- 23 we could get in the house, and we walked around to the
- 24 French doors in the back of the house and tried to see
- 25 if we could see through the doors. The only thing I

1 could see were dead flies on the floor.

2 Q So you --

3 A So we came back around and waited on the locksmith to
4 come.

5 Q Prior to going inside -- I'm going to show you State's
6 6 and 7. Did you see these?

7 A Michael and Keyonna had found them in the trash.

8 Q And do you recognize that signature on 6 and 7?

9 A Yes.

10 Q Who is that?

11 A That's Vonnie's signature.

12 Q You don't know when she wrote this, do you?

13 A No, not really.

14 Q Bear with me, please, ma'am. The locksmith gets there
15 and the door is open. Tell them what you do.

16 A I walked in. It was an awful smell. I thought it was
17 the trash, so I went to this little shelf up by the
18 refrigerator where her microwave sat on and I picked
19 up the trash and I carried it -- it was two of them,
20 and I carried both of them outside and sit them by the
21 herby-curby over on side of the drive.

22 Q Let me stop you right there. Looking at State's 5
23 that's already in evidence, can you show on there what
24 you were just talking about?

25 A The trash that was sitting on the, you know, the

1 kitchen, was those two trash bins that was sitting
2 there inside of her house. I just carried them
3 outside and sat them outside. I thought that would
4 take some of the smell out of the house.

5 Q What was in these trash bins, if you remember?

6 A Trash was in one and a lot of cleaning fluid
7 containers was in the other.

8 Q I believe your testimony, you initially thought this
9 was -- did you think this was the smell?

10 A I did.

11 Q You took that back out, put it outside, what did you
12 do next, Ms. Jones?

13 A I went back inside and I was looking around the house
14 and I saw how messy the house was, pillows on the
15 sofas -- on the loveseat sofa that she -- it just was
16 all out of order. It wasn't the way she kept it.

17 Q Did she keep a neat home?

18 A She was very neat. So I just walked midway behind the
19 sofa and I saw that blanket on the sofa, lying on the
20 sofa.

21 Q Well, based on your time there and your daughter's
22 habits as far as cleaning her home, did that seem out
23 of place to you that there was a blanket there?

24 A Yes.

25 Q What did you do next, if anything?

1 A I walked along the back of the sofa, on the end toward
2 like going back out of the door; there was a little
3 walkway she had, like entryway going into the living
4 room area. She left a little space between her
5 computer desk and the sofa. I walked over in that end
6 and I reached down and I yanked the blanket up and out
7 popped her feet.

8 Q Describe -- how was the blanket on the sofa?

9 A The blanket was spread all the way across the sofa,
10 tucked in at the head, tucked in at the feet.

11 Q Tucked in?

12 A Yes.

13 Q What did you do with the blanket?

14 A And then I heard Keyonna scream. She was standing
15 behind me and she screamed, "That's my mama's feet."
16 I dropped the blanket and ran outside to check on her.

17 Q And for the record, did you recognize your daughter's
18 feet and legs?

19 A Yes, I did.

20 Q You went outside then?

21 A Yes.

22 Q Do you know whether or not 911 was called?

23 A I asked the neighbor to call 911.

24 Q And in your presence, are you aware of any text
25 messages that came in?

1 A I was aware of the last text message that came in.

2 Q Were you there?

3 A Yes.

4 Q What was that last text message?

5 A The last text message Keyonna got when we got home
6 from being with the officers at the scene, Keyonna
7 received a text message saying, "I'm alive. Love,
8 Mom."

9 Q Looking at State's 11, from the top when it says,
10 "from," what does it say beside "from"?

11 A "From Mommy."

12 Q Is Chris Commander in this courtroom?

13 A Yes, he is.

14 Q Can you point him out?

15 A He's over there at the Defense table.

16 MR. MEADORS: I think that's all.

17 THE COURT: All right. Cross examine?

18 MS. MOBLEY: Your Honor, I don't believe I have
19 any questions. Thank you.

20 THE COURT: All right. Ms. Jones, you may step
21 down. Watch your step, please.

22 (The witness leaves the witness stand.)

23 MS. CAMPBELL: The State would call Pamela
24 Taylor.

25 THE BAILIFF: Place your left hand on the Bible,

1 raise your right hand, and face the clerk.

2 (Witness complies.)

3 THE CLERK: Do you swear or affirm that the
4 testimony you are about to give in this case will be
5 the truth, the whole truth, and nothing but the truth,
6 so help you God?

7 THE WITNESS: I do.

8 (Pamela Taylor, after
9 being duly sworn, testified as follows:)

10 THE CLERK: Please have a seat and state your
11 full name for the record.

12 THE WITNESS: Pamela Taylor.

13 DIRECT EXAMINATION

14 BY MS. CAMPBELL:

15 Q You're going to have to talk right up here.

16 A Pamela Taylor.

17 Q Thank you. And, Ms. Taylor, where are you employed?

18 A At South Carolina Employment Security Commission.

19 Q And how long have you worked at the South Carolina
20 Employment --

21 A 15 years.

22 Q 15 years?

23 A Yes.

24 Q And what do you do there, ma'am?

25 A I'm a claims analyst. I set up employers to pay

1 unemployment insurance.

2 Q Are you from Columbia?

3 A Yes, I am.

4 Q And where did you go to school here?

5 A I went to Lower Richland High School.

6 Q Did you know a lady named Gervonya Goodwin?

7 A Yes, ma'am, I did.

8 Q Tell this jury, how did you meet Gervonya Goodwin?

9 A I actually met her through a mutual friend of us back
10 in 1998.

11 Q From 1998 until 2004, how would you characterize your
12 relationship with her?

13 A We were very close friends.

14 Q And did you call her Gervonya?

15 A I called her Vonnie.

16 Q During that time period that y'all were friends, would
17 she occasionally come over and stay at your house?

18 A Yes, ma'am.

19 Q And how often would you talk to Vonnie?

20 A Oh, at least two or three times a week normally.

21 Q Did you know if Vonnie had any children?

22 A Yes.

23 Q And did you know both of her children?

24 A Yes.

25 Q Did you know a man named Chris Commander?

1 A Yes.

2 Q Can you tell this jury how you knew Chris Commander?

3 A I met Chris actually through Vonnie.

4 Q And what kind of relationship did Vonnie and Chris
5 Commander have?

6 A They were dating.

7 Q Do you recall approximately when they started dating?

8 A I don't recall exactly when they started dating.

9 Q At some point did you become aware of whether or not
10 Chris Commander had moved in with Vonnie?

11 A Yes, I did become aware of that.

12 Q Now, I want to turn your attention to the fall of
13 2004. What was the status -- in the month before
14 Thanksgiving, what was the status of Chris and Vonnie?

15 A They were having problems and Vonnie was trying to --

16 MS. MOBLEY: Objection.

17 THE COURT: The basis?

18 MS. MOBLEY: Relevance and it calls for hearsay.

19 MS. CAMPBELL: Own personal knowledge.

20 THE COURT: I overrule the objection to the last
21 question. You may continue.

22 Q You can answer.

23 A They were having problems and she was trying to end
24 the relationship.

25 Q And, in fact, of your own personal knowledge, was he

- 1 still staying at the house?
- 2 A Off and on.
- 3 Q The weekend after Thanksgiving, did you have any
- 4 contact with Vonnie?
- 5 A Yes, ma'am, I did.
- 6 Q And tell the jury how you had contact with vonnie?
- 7 A She called me.
- 8 Q And what day did she actually call you?
- 9 A It was Sunday, November 28th.
- 10 Q And what time of day was it when she made the phone
- 11 call to you that weekend?
- 12 A It was evening time approximately 7 -- 7 to 8.
- 13 Q And when she made that phone call to you -- and you
- 14 can't say what she said to you, okay? As a result of
- 15 that phone call, what happened?
- 16 A She came and spent the night at my house.
- 17 Q Was that unusual?
- 18 A It was not unusual for her to stay there, no, it was
- 19 not.
- 20 Q When she got to your house that night, can you tell
- 21 the jury -- you can't say anything she said, okay?
- 22 What was her state of mind, just generally?
- 23 A She was uneasy.
- 24 Q And that night -- you can't say what she said, but did
- 25 she tell you why she wanted to stay?

1 A Yes, she did.

2 Q The next morning, what happened?

3 A The next morning I got up to go to work. I stated to
4 her that she did not have to leave. She stated that
5 she had some things she needed to do --

6 MS. MOBLEY: Objection --

7 THE COURT: Wait a minute. You can't go into any
8 statement she may have made.

9 Q I'm sorry, I know it's difficult. Okay. You can say
10 what you said to her, okay?

11 A I told her that I was going to work and that she did
12 not have to leave my home.

13 Q And did you in fact want her to stay in your home?

14 A Yes, I did.

15 Q And why was that?

16 A She was uneasy, and I was uneasy also.

17 Q Did she stay at your home?

18 A No, she left that morning.

19 Q And approximately what time of day on the morning of
20 the 29th did she leave your home?

21 A It was approximately 7 or 7:30 in the morning.

22 Q Did you have any more -- did you ever see her again?

23 A No.

24 Q Did you have any more conversations after the
25 conversation the morning of the 29th?

- 1 A No, ma'am.
- 2 Q Turning your attention -- were you aware that she had
- 3 had a doctor's appointment later that week?
- 4 A Yes, I was aware of that.
- 5 Q And was she supposed to get in touch with you after
- 6 that doctor's appointment?
- 7 A Yes.
- 8 Q Did she ever make contact with you any after that
- 9 morning of the 29th?
- 10 A No, ma'am, she did not.
- 11 Q Turning your attention now to the weeks of December,
- 12 did you make any attempts to find her?
- 13 A Yes, I did.
- 14 Q Can you tell the jury what you -- how you attempted to
- 15 find her?
- 16 A I called several times, and even went by her home.
- 17 Q Were you concerned?
- 18 A I was very concerned.
- 19 Q When you went by her home, what did you observe?
- 20 A Her car was not there. There was another car, a light
- 21 colored, maybe eggshell colored car backed into her
- 22 yard.
- 23 Q Had you ever had a key to her house?
- 24 A Yes, I did.
- 25 Q Did you attempt to use your key to get into her house?

PAMELA TAYLOR -- DIRECT BY MS. CAMPBELL:

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1 A I did not that time because --

2 Q Why not?

3 A I did not have the right key.

4 Q Did you have any conversations -- you can't, again,
5 say what was said, but did you have any conversations
6 with her daughter Keyonna?

7 A Yes.

8 Q And in fact did you make some arrangements for Keyonna
9 getting her home from school?

10 A Yes, I did.

11 Q What did you do to help her get home from school?

12 A I bought a plane ticket for her to fly home.

13 Q After the morning of November 29th, did you ever talk
14 to her or see Vonnie again?

15 A I did not talk to her or see her again.

16 MS. CAMPBELL: Beg the Court's indulgence.

17 (Pause.)

18 Q Chris Commander, do you see him here in the courtroom?

19 A Yes, I do.

20 Q Can you point him out for the jury, please, ma'am?

21 A He's sitting right at that table.

22 Q In the middle?

23 A Yes, in the middle.

24 MS. CAMPBELL: Thank you, ma'am. I have no
25 further questions.

The State versus Christopher Sam Commander

1 THE COURT: All right. Cross examine?

2 MS. MOBLEY: Thank you, Your Honor. May it
3 please the Court?

4 CROSS EXAMINATION

5 BY MS. MOBLEY:

6 Q Ms. Taylor, I just have a couple of questions. You
7 indicated that November 29th, I believe, was the last
8 time you saw --

9 A Yes, it was.

10 Q -- Ms. Goodwin, correct?

11 A Yes.

12 Q Okay. So you can't tell us what happened, if
13 anything, after that day because you had no further
14 contact with her, correct?

15 A No, I did not have further contact with her.

16 MS. MOBLEY: I believe that is all, Your Honor.

17 THE COURT: Any redirect?

18 MS. CAMPBELL: No, sir.

19 THE COURT: You may step down. Watch your step,
20 please.

21 (The witness leaves the witness stand.)

22 MS. CAMPBELL: The State calls Latisha Pratt.

23 THE BAILIFF: Place your left hand on the Bible,
24 raise your right hand, and face the clerk.

25 (Witness complies.)

LATISHA PRATT -- DIRECT BY MS. CAMPBELL:

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1 THE CLERK: Do you swear or affirm that the
2 testimony you are about to give in this case will be
3 the truth, the whole truth, and nothing but the truth,
4 so help you God?

5 THE WITNESS: I do.

6 (Latisha Pratt, after
7 being duly sworn, testified as follows:)

8 THE CLERK: Please have a seat and state your
9 full name for the record.

10 THE WITNESS: Latisha Rajida Pratt.

11 DIRECT EXAMINATION

12 BY MS. CAMPBELL:

13 Q Okay, you have to talk up really loud because --

14 THE COURT: You're going to need to get close to
15 the microphone, speak into it. It's going to sound
16 loud, but it needs to be amplified.

17 Q Sorry. The mikes aren't working right. And what is
18 your name?

19 A Latisha Rajida Pratt.

20 Q Okay, you're going to have to talk louder than that.

21 MS. CAMPBELL: I don't know which one of these
22 mikes works.

23 THE COURT: That one right there.

24 A Latisha Rajida Pratt.

25 Q Okay, thank you. Ms. Pratt, how old are you?

The State versus Christopher Sam Commander

- 1 A 25.
- 2 Q And where are you from?
- 3 A Columbia.
- 4 Q Did you go to school here?
- 5 A Yes.
- 6 Q And where did you graduate from high school?
- 7 A Dreher.
- 8 Q Dreher High School?
- 9 A Uh-huh.
- 10 Q And after high school did you continue your education?
- 11 A Yes.
- 12 Q And where did you continue your education?
- 13 A At the College of Charleston.
- 14 Q And how long were you actually down at the College of
- 15 Charleston?
- 16 A Three and a half years.
- 17 Q Do you have any children?
- 18 A One.
- 19 Q And how old is your child?
- 20 A Two years old.
- 21 Q Is it a girl or boy?
- 22 A A boy.
- 23 Q And when was your son actually born?
- 24 A December th of 20 .
- 25 Q And when your son was born, did he have any medical

1 problems?

2 A Yes, he had breathing problems, asthma.

3 Q Did you know Gervonya Goodwin?

4 A Yes.

5 Q Did you call her Gervonya?

6 A No.

7 Q What did you call her?

8 A Vonnie.

9 Q And how did you know Ms. Goodwin?

10 A We're first cousins.

11 Q First cousins?

12 A Uh-huh.

13 Q After you had your son, would she help out with his
14 care in any way because of his problems?

15 A Yes, ma'am.

16 Q And how would she help you out?

17 A She watched him quite a bit for me and he was more
18 comfortable receiving his treatments from her.

19 Q Are you currently employed?

20 A Yes.

21 Q Where do you work now?

22 A At Bernie's Restaurant.

23 Q What you do at Bernie's Restaurant?

24 A Basically a cashier.

25 Q And how long have you been employed there?

1 A For two years.

2 Q I want to turn your attention back to the fall of
3 2004. Were you working then?

4 A Yes.

5 Q Specifically that weekend after Thanksgiving, did you
6 have contact with Vonnie?

7 A Yes.

8 Q Were you aware of your own personal knowledge -- did
9 you know Chris Commander?

10 A Yes.

11 Q And of your own personal knowledge, were you aware of
12 the status of what was going on between Vonnie and
13 Chris Commander?

14 A Yes.

15 Q And was Chris Commander that Thanksgiving weekend
16 still living with Vonnie?

17 A No.

18 MS. MOBLEY: Your Honor, I would object to this
19 entire line of questioning. It calls for hearsay.
20 There's no way she'd have personal knowledge about
21 this.

22 THE COURT: Well, it may or may not. I don't
23 know. I think you need to establish the basis. At
24 this time I sustain the objection.

25 Q Did you of your own personal knowledge know who was

1 living in Vonnie's house?

2 A Yes.

3 MS. CAMPBELL: Your Honor, may we approach? I
4 don't know how else --

5 THE COURT: Sure.

6 (WHEREUPON, a bench conference was held in
7 the presence of the jury but out of the
8 hearing of the jury.)

9 Q Just for the record, had you actually been to her
10 house and seen who was living there?

11 A Yes.

12 Q And who was living there?

13 A Herself.

14 Q I want to turn your attention to Monday the 29th. Did
15 you have contact with her on that day?

16 A Yes.

17 Q And tell the jury when you saw her and how you made
18 contact with her, where you were?

19 A She came to my house about a quarter after 3 that
20 afternoon, and we were together till sometime about
21 6:30.

22 Q Around 6:30?

23 A Uh-huh.

24 Q And that would be on Monday the 29th?

25 A Yes.

- 1 Q And how did you know what time she got over to your
2 house?
- 3 A She came right after I got off from work.
- 4 Q That afternoon, you can't say what she said to you,
5 but you can state very simply, what was her state of
6 mind like?
- 7 A She seemed to be worried.
- 8 Q That afternoon she left your house approximately what
9 time?
- 10 A About 6:30.
- 11 Q And that was on that Monday the 29th?
- 12 A Yes, ma'am.
- 13 Q Were you aware that she was supposed to be somewhere
14 the next morning?
- 15 A Yes, ma'am.
- 16 Q Did you -- had you also made plans with her about
17 babysitting your son on that day, the 30th?
- 18 A Yes.
- 19 Q And was that unusual for her to come baby-sit?
- 20 A No, ma'am, she did it quite a lot.
- 21 Q And had she ever not shown up before when she was
22 supposed to be there?
- 23 A No.
- 24 Q When was she supposed to come to your house on the
25 30th?

1 A About 11 that morning.

2 Q Did she show up?

3 A No.

4 Q Did you make some attempts to find her on the 30th?

5 A Yes, ma'am.

6 Q And what did you do to try to find Vonnie?

7 A I called her cell and called her home and I asked some
8 people that were also supposed to be with her that
9 morning had they seen her.

10 Q After she left your house at 6:30 on the evening of
11 the 29th, did you ever hear from her again?

12 A No.

13 Q Did you ever see her again?

14 A No.

15 Q When she left your house about 6:30 that night, do you
16 know where she was going?

17 A Home.

18 Q After the 30th, in the weeks that followed leading up
19 to and past Christmas, did you continue to try to make
20 attempts to find her?

21 A Yes.

22 Q And were other family members also?

23 A Yes.

24 Q Did you ever go by her house?

25 A Yes, ma'am.

1 Q Did you have a key to her house?

2 A No.

3 Q And why was that?

4 A She had changed the locks a few weeks before, maybe a
5 month before.

6 Q When you went by her house, tell this jury what you
7 observed of the house.

8 A It was very quiet. All the blinds and everything were
9 closed. And there was a white car parked towards the
10 back.

11 Q Were you familiar with what kind of car Vonnie drove?

12 A Yes.

13 Q Was her car there?

14 A No.

15 Q Chris Commander, do you see him in the courtroom?

16 A Yes.

17 Q Can you point him out for the jury, please, ma'am?

18 A He's right there.

19 Q Seated at that table?

20 A Yes, ma'am.

21 MS. CAMPBELL: Thank you, Ms. Pratt.

22 THE COURT: All right. Cross examine?

23 MS. MOBLEY: Thank you, Your Honor. May it
24 please the Court?

25 CROSS EXAMINATION

1 BY MS. MOBLEY:

2 Q Good morning, Ms. Pratt.

3 A Good morning.

4 Q I just have a couple of questions. I believe your
5 testimony was that the last time you saw Ms. Goodwin
6 was November 29th, correct?

7 A Yes.

8 Q So while you are here, you aren't here telling us that
9 you have any personal knowledge about anything that
10 happened after that because you didn't see her,
11 correct?

12 A Correct.

13 Q And you don't -- you can't tell us what, if anything,
14 happened at her house or anywhere else because you
15 didn't see her, correct?

16 A Correct.

17 MS. MOBLEY: Beg the Court's indulgence.

18 (Pause.)

19 Q Ms. Pratt, you stated you called Ms. Goodwin several
20 times after you saw her, correct?

21 A Not that evening.

22 Q Or the days following, correct?

23 A Yes.

24 Q Can you please give me the number, your phone number
25 that you were call from?

1 A My house phone, 251-0148.

2 Q Thank you. Do you have a cell phone?

3 A At that time I did not.

4 Q Did not have a cell phone.

5 MS. MOBLEY: Thank you.

6 THE COURT: Any redirect?

7 MS. CAMPBELL: No, sir.

8 THE COURT: You may step down. Watch your step
9 please.

10 (The witness leaves the witness stand.)

11 MR. MEADORS: May it please the Court?

12 THE COURT: All right.

13 MR. MEADORS: The State would now call Sheryl
14 Smith.

15 THE BAILIFF: Place your left hand on the Bible,
16 raise your right hand, and face the clerk.

17 (Witness complies.)

18 THE CLERK: Do you swear or affirm that the
19 testimony you are about to give in this case will be
20 the truth, the whole truth, and nothing but the truth,
21 so help you God?

22 THE WITNESS: I do.

23 (Sheryl Smith, after
24 being duly sworn, testified as follows:)

25 THE CLERK: Please have a seat and state your

The State versus Christopher Sam Commander

SHERYL SMITH -- DIRECT BY MR. MEADORS:

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1 full name for the record.

2 THE WITNESS: Sheryl Estina Smith.

3 DIRECT EXAMINATION

4 BY MR. MEADORS:

5 Q You have the mike close, don't you?

6 A Yes.

7 Q That's good. You know what I'm going to ask you.

8 Where were you born?

9 A Columbia, South Carolina.

10 Q Speak up, please, ma'am.

11 A Oh. Columbia, South Carolina, on Fort Jackson.

12 Q Where did you go to school?

13 A I graduated from Eau Claire High School.

14 Q Prior to that you went to Denny Terrace and Gibbes,
15 right?

16 A Yes, sir.

17 Q What did you do after high school?

18 A I joined the army.

19 Q Take these folks through your career in the army.

20 A First I went to basic at Fort Leonard Wood, Missouri.

21 I did my training at Fort Gordon, Georgia. Then I
22 came back to South Carolina because I was originally
23 in the reserves. Then I was stationed at Fort
24 Jackson's Mett Center until I was sent overseas. I
25 spent six months -- six to eight months in Piacenza,

1 Italy.

2 Q That is right outside of Venice?

3 A Yes. And then I went to Hanau, Germany for a year and
4 a half. And then I finished my tour at Fort Meade,
5 Maryland.

6 Q And when did you finish up?

7 A '97, '98 time frame, in September.

8 Q And after that what did you do?

9 A I worked for a computer science corporation. Then I
10 moved to ManTech International. Then I went to Global
11 One, which took me to Atlanta, Georgia. And now I am
12 currently working in Virginia with Raytheon.

13 Q As pertains to this case here, did you learn any
14 skills -- did you become proficient with computers?

15 A Yes, sir.

16 Q In the military?

17 A Yes, sir.

18 Q And if I could take you now to the fall of -- summer,
19 fall of 2004. Was Gervonya your sister?

20 A Yes, sir.

21 Q Would you communicate, and, if so, how would you
22 communicate with Gervonya during -- or how would you
23 communicate with her back in 2004?

24 A Mostly through phone calls. I would call her office
25 at A and K Motors, or I would come and visit.

1 Q And where was A and K Motors, do you know?

2 A A and K was on Main Street in Columbia.

3 Q Do you know who she was in that business with?

4 A I believe the owner's name was Omar.

5 Q Did she subsequent to that work at another car lot or
6 dealership?

7 A She had her own -- she opened her own car lot called
8 The Car Lot after she finished working with A and K.

9 Q And do you know who she was in that business with?

10 A Christopher Commander.

11 Q Can you tell the ladies and gentlemen of the jury when
12 you met Christopher Commander?

13 A I didn't formally meet Christopher Commander. The
14 first time I saw him was at my sister's house. She
15 was cooking dinner for some members of the family.
16 The second time I saw him --

17 Q Do you remember when that was?

18 A I believe that was sometime in 2003.

19 Q And where was your sister living?

20 A At Tilting Rock.

21 Q And when is the next time you remember seeing him?

22 A The second time I saw him was in June, July, of '04.
23 He came -- he rode down from Columbia to Marietta with
24 my sister to pick up her son and took them to Disney
25 World.

- 1 Q And that was in what part of '04?
- 2 A June, July time frame.
- 3 Q Then did you have occasion to see him again after
- 4 that?
- 5 A Yes, I saw him I believe in October at her home.
- 6 Q Is he in the courtroom?
- 7 A Yes, sir.
- 8 Q Does he look different now than he did then?
- 9 A Yes, sir.
- 10 Q In what way?
- 11 A He is a lot smaller now. He was more heavyset when I
- 12 saw him.
- 13 Q And is that him sitting between counsel for Defense?
- 14 A Yes, sir.
- 15 Q Mr. Strickler and Ms. Mobley. Do you remember the
- 16 last time you talked to your sister -- before I get to
- 17 that -- strike that, I'm sorry.
- 18 You say you talked to her by phone or visited,
- 19 correct?
- 20 A Yes, sir.
- 21 Q Would you call her?
- 22 A Yes, sir.
- 23 Q Would she call you?
- 24 A Yes, sir.
- 25 Q How many text messages did y'all do to each other

1 prior to December of 2004?

2 A None.

3 Q Say it again?

4 A None.

5 Q You said you went to the fair in October, correct?

6 A Yes, sir.

7 Q Did you have occasion to see and/or speak to your
8 sister after that?

9 A Yes, sir.

10 Q Can you tell them when that was?

11 A That -- well, she and I spoke mostly every day. But
12 the last time I spoke to her was November 23rd -- 23rd,
13 24th.

14 Q And do you know who was staying with her then at
15 Tilting Rock?

16 A She was by herself.

17 Q Did you talk to her after that?

18 A No, sir.

19 Q Did you try to get in touch with her after the 23rd of
20 November?

21 A Yes, sir.

22 Q In December of 2004, did you try to get in touch with
23 her?

24 A Yes, sir.

25 Q And why were you trying to get in touch with her in

1 December of 2004?

2 A Because I had some baby furniture. She had told me
3 that she was pregnant and she wanted me to save my
4 maternity clothes and my baby furniture for her. So I
5 was trying to get in touch with her to coordinate when
6 she could come or I could come and deliver that to
7 her.

8 Q And did you ever receive any text messages from her
9 cell phone?

10 A Yes, sir.

11 Q Explain that to the jury. When was that?

12 A That was during the second week of December. My
13 family was getting kind of concerned. And usually if
14 one of us called and said that our mother was sick,
15 then the other person would immediately contact. So I
16 called and left a voice on her cell phone stating that
17 my mother was sick and needed to go to the doctor and
18 I couldn't get to her. And then I received a text
19 message with a seven or eight digit phone number,
20 there were some digits missing from it, and a room
21 number saying, "Contact me here."

22 Q How long after you had sent the voicemail or left the
23 voicemail about your mom being sick did this text
24 message come in?

25 A Probably a day.

SHERYL SMITH -- DIRECT BY MR. MEADORS:

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1 Q Were you able to understand -- was there enough number
2 there to call it?

3 A No, sir.

4 Q And you mentioned something about a room number?

5 A Yes, sir.

6 Q Did it say where or what room number it was or what
7 motel or --

8 A It just said Room 34.

9 Q Prior to this, how many text messages had you received
10 from Gervonya's cell phone?

11 A None.

12 Q You told them about your training, extensive training.
13 I don't know if you can tell us where you are working
14 now or not, but when you got that information did you
15 try to do anything to determine what that number was?

16 A Yes, sir.

17 Q Tell them what you did.

18 A I went on the internet and researched the exchange --
19 the last four digits of each phone number with
20 correlations to motels and hotels and cabins in the
21 South Carolina area to see if I could find some number
22 that would match the one that was given to me.

23 Q And were you able to locate her?

24 A No, sir.

25 Q Did you know your sister's social security number?

1 A Yes, sir.

2 Q Why?

3 A I did -- I assisted her with her taxes for the two
4 years, and also she gave it to me in case I needed to
5 do an addition to her tax forms or do an amendment.

6 Q After this text message that you said had incomplete
7 information, did you receive any more?

8 A Yes, sir.

9 Q What is the next one you received?

10 A I text back saying that I didn't get the complete
11 information, could you please resend.

12 And then I got a message stating, "Did you get my
13 last message?"

14 Q So you got a response to that?

15 A Yes, sir.

16 Q And what happened next?

17 A I sent back saying, "No, I didn't," and then I never
18 received another one.

19 Q Did you know -- have any idea where or what happened
20 to your sister at this point?

21 A No, sir.

22 Q With your training and background, did you try to
23 check on her credit cards?

24 A Yes, sir.

25 MR. MEADORS: Beg the Court's indulgence.

SHERYL SMITH -- CROSS BY MS. MOBLEY:

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1 (Pause.)

2 MR. MEADORS: Thank you.

3 THE COURT: All right. Cross examine?

4 MS. MOBLEY: Thank you, Your Honor. May it
5 please the Court?

6 CROSS EXAMINATION

7 BY MS. MOBLEY:

8 Q Good morning, Ms. Smith.

9 A Good morning.

10 Q I just have a couple of questions. I believe your
11 testimony was the last time you spoke to Ms. Goodwin
12 was around the 23rd?

13 A Yes, ma'am.

14 Q In that area, correct?

15 A Yes, ma'am.

16 Q So here today you can't really tell us anything that
17 may have happened inside of her home, if anything,
18 after that point, because you never spoke to her
19 again, correct?

20 A Correct.

21 MS. MOBLEY: Thank you, Your Honor.

22 THE COURT: Any redirect?

23 MR. MEADORS: No.

24 THE COURT: You may step down. Watch your step,
25 please.

The State versus Christopher Sam Commander

1 (The witness leaves the witness stand.)

2 MR. MEADORS: May we take a short break?

3 THE COURT: It is about to that point anyway.

4 Mr. Foreman and ladies and gentlemen, we'll take about
5 a ten minute recess. Don't discuss the case. Stretch
6 your legs, use the restroom, and we'll be back in
7 about ten minutes. If you will go to your jury room.
8 Everyone else stay seated, please.

9 (WHEREUPON, the jury retires to the jury
10 room.)

11 THE COURT: We'll take about ten minutes.

12 MR. MEADORS: Thank you, Your Honor.

13 (WHEREUPON, the court was in recess.)

14 (WHEREUPON, State's Exhibit Numbers 14 through
15 45, Photographs, are marked for identification.)

16 THE COURT: All right, is the State ready?

17 MR. MEADORS: Yes, sir.

18 THE COURT: Defense ready?

19 MS. MOBLEY: Yes, sir.

20 THE COURT: All right, let's get the jury back
21 in, please.

22 (WHEREUPON, the jury came into open court
23 at approximately 11:06 a.m.)

24 THE BAILIFF: The jury is all present.

25 THE COURT: All right, we'll continue.

The State versus Christopher Sam Commander

TRISH BLENDOWSKI -- DIRECT BY MR. MEADORS:

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1 Solicitor, call your next witness, please.

2 MR. MEADORS: May it please, Your Honor? The
3 State now calls Trish Blendowski.

4 THE BAILIFF: Place your left hand on the Bible,
5 raise your right hand, and face the clerk.

6 (Witness complies.)

7 THE CLERK: Do you swear or affirm that the
8 testimony you are about to give in this case will be
9 the truth, the whole truth, and nothing but the truth,
10 so help you God?

11 THE WITNESS: I do.

12 (Trish Blendowski, after
13 being duly sworn, testified as follows:)

14 THE CLERK: Please have a seat and state your
15 full name for the record.

16 THE WITNESS: Trish Ann Blendowski.

17 MR. MEADORS: Your Honor, before I start with
18 Ms. Blendowski, I thought it had previously been
19 entered, I don't think technically we did it, but I
20 would offer State's 12, I believe without objection.

21 THE COURT: Any objection?

22 MS. MOBLEY: No objection.

23 THE COURT: State's 12 is now in evidence.

24 (WHEREUPON, State's Exhibit Number 12 was
25 admitted into evidence.)

The State versus Christopher Sam Commander

1 DIRECT EXAMINATION

2 BY MR. MEADORS:

3 Q You pronounce your last name Blendowski?

4 A Uh-huh.

5 Q Ms. Blendowski, would you please tell the ladies and
6 gentlemen of the jury about you? Where are you from?7 A I went to Gilbert and I worked for Randy Hough as a
8 paralegal since '98.

9 MS. MOBLEY: Your Honor, I apologize --

10 THE COURT: You're going to need to slide up and
11 get closer to the microphones and speak into them,
12 please.13 Q Slide up a little bit. Just be sure you speak into
14 that, please, ma'am.

15 A Is that better?

16 Q It is.

17 A Okay.

18 Q After high school did you go to work in the legal
19 field?

20 A Yes.

21 Q Who did you work for?

22 A At first I worked for Theresa Johns and Cameron
23 Littlejohn, and then in '98 I started working for
24 Randy Hough until present.

25 Q And Mr. Randy Hough is a member of the Richland County

1 Bar, is that correct?

2 A Yes, sir.

3 Q And what do you do for Mr. Hough?

4 A I'm a paralegal.

5 Q What does that mean?

6 A Basically -- I don't want to say I do all the work,
7 but I do a lot of the work.

8 Q Okay. You also, as part of that, you answer the
9 phones?

10 A Yes.

11 Q And you've been with Mr. Hough since '98?

12 A Yes.

13 Q So obviously you were with Mr. Hough in November of
14 2004?

15 A Yes.

16 Q Same capacity?

17 A Yes.

18 Q Was Mr. Hough representing, either retained or court
19 appointed, one Gervonya Goodwin?

20 A Yes.

21 Q And was that a federal charge of possession of
22 counterfeit or counterfeiting?

23 A Yes.

24 Q And did Ms. Goodwin have a pretrial conference in
25 federal court in November of 2004?

- 1 A Yes.
- 2 Q Can you tell us when that was?
- 3 A November 30th at 9.
- 4 Q November 30th?
- 5 A Yes, sir.
- 6 Q At what time?
- 7 A 9.
- 8 Q 9 o'clock?
- 9 A Uh-huh.
- 10 Q Previous to this, had you talked to Ms. Goodwin on the
- 11 phone? Not to this day, but, I mean, in your
- 12 representation, had you communicated with her?
- 13 A Oh, yes.
- 14 Q Did you have phone numbers where you could call her
- 15 and tell her she needed to be at a certain place?
- 16 A Yes.
- 17 Q Based on the time you spent with her, was she prompt?
- 18 A Yes.
- 19 Q Did she show up when she was supposed to?
- 20 A Always.
- 21 Q On November 30th, 2004, at 9 o'clock, did she show up
- 22 at the pretrial conference at federal court?
- 23 A No.
- 24 Q Was Mr. Hough there?
- 25 A Yes.

1 Q As a result of her not appearing, what if anything did
2 you do as Mr. Randy Hough's paralegal?

3 A I tried calling her at all the numbers we had and I
4 left messages for her.

5 Q Numbers you had previously had in trying to reach her?

6 A Right.

7 Q In response to your phone call, did you get a response
8 from one of the phone numbers that you had dialed?

9 A Yes.

10 Q And what was that?

11 A Her cell phone number, the -5816 number, had called
12 back and said that she was in --

13 MS. MOBLEY: Object to hearsay.

14 MR. MEADORS: Your Honor, I'm not offering this
15 for the truth of the matter asserted. I'm offering it
16 for what she did in response to this.

17 THE COURT: Overruled.

18 A Okay. I received a phone call indicating that
19 Gervonya was in the emergency room having stomach
20 pains from a male, who I think identified himself as
21 her boyfriend, I'm not positive about that because it
22 was a really quick conversation. And then after I
23 hung up I *69'd the number, and it was her cell phone.

24 Q You *69'd the number?

25 A Yes.

- 1 Q And what number came back?
- 2 A -5816.
- 3 Q -5816?
- 4 A Yes.
- 5 Q Had you been dialing that number earlier?
- 6 A Yes. That was our main contact number for her.
- 7 Q The main contact number for Ms. Gervonya Goodwin?
- 8 A Yes.
- 9 Q Now, was that Gervonya Goodwin on the phone?
- 10 A No.
- 11 Q Was it a female voice on the phone?
- 12 A No.
- 13 Q Was it a male or female voice?
- 14 A Male.
- 15 Q As a result of that information, what did you do as a
- 16 paralegal for Randy Hough, as a representative of
- 17 Ms. Goodwin?
- 18 A After I informed Randy, I actually later on after
- 19 that, I called the emergency room and the hospitals
- 20 just to see if she had been there, and they all said
- 21 no, that she wasn't there currently and she had not
- 22 been there on that date.
- 23 Q On the 30th of November?
- 24 A Right.
- 25 Q You called the area hospitals?

1 A Right.

2 Q Do you know which ones you called?

3 A I do. I called Lexington Medical Center, Baptist,
4 Palmetto Health, Providence and Kershaw.

5 Q Based on your investigation, had Gervonya Goodwin been
6 at any of those hospitals on November 30th?

7 A No.

8 Q Had Mr. Hough gone to any of those hospitals?

9 A Yes.

10 Q To your knowledge, had he found Ms. Goodwin at any of
11 them?

12 A No.

13 MR. MEADORS: Thank you very much. That is all.

14 THE COURT: All right. Cross examine?

15 MS. MOBLEY: Thank you, Your Honor. May it
16 please the Court?

17 THE COURT: All right.

18 CROSS EXAMINATION

19 BY MS. MOBLEY:

20 Q Hi, Ms. Blendowski. How are you?

21 A Good. How are you?

22 Q Let me make sure I understand your testimony
23 correctly. You were calling Ms. Goodwin because she
24 had a court appearance that she failed to meet on the
25 30th?

1 A Right.

2 Q Is that correct?

3 A Right.

4 Q And when did you start calling the hospitals?

5 A It was actually -- it was on December the 6th because
6 Randy had actually asked me to call to see if she had
7 been there on that day or was there currently, and she
8 wasn't there on November 30th and hadn't been there
9 after that up until that point.

10 Q Now, I understand your capacity as paralegal for Randy
11 Hough. Did you ever -- or basically you're not here
12 telling us today that you can tell us about anything
13 that would have happened in Ms. Goodwin's home that
14 day or any other day for that matter, can you?

15 A Right.

16 Q And you can't tell us any of the circumstances
17 surrounding her death?

18 A Right.

19 MS. MOBLEY: Beg the Court's indulgence.

20 THE COURT: All right.

21 (Pause.)

22 Q Ms. Blendowski, did you -- my understanding is you
23 called a number of hospitals. Did y'all subpoena
24 records from any of those hospitals?

25 A No.

1 Q Okay. So you don't have any access at this point to
2 records showing check-in times, check-in dates,
3 anything like that?

4 A No.

5 Q And Ms. Goodwin, who was charged with a federal
6 counterfeiting case, are you aware of her
7 Co-Defendants in that matter?

8 A No, not really. I mean, basically we met with our
9 client. I know there were Co-Defendants, but I'm not
10 familiar with them, no.

11 Q So you are certainly not suggesting that Mr. Commander
12 was involved in that, what Ms. Goodwin was being
13 represented by Mr. Hough for?

14 A What do you mean, like was he charged with the same
15 charges as her?

16 Q Right.

17 A Without actually looking at her file, I mean, I
18 couldn't --

19 Q Would you dispute it if I told you he wasn't?

20 A I mean, without looking at the file I couldn't
21 actually give you a truthful answer.

22 Q Okay. But you have no personal knowledge that he was
23 -- I'm just asking you for here today?

24 A It's been a long time ago, and we have over 200 open
25 files.

1 Q Sure. No, I understand. Y'all are very busy, I'm
2 sure.

3 A Right.

4 Q But for our purposes here today, you're not here
5 suggesting that Mr. Goodwin -- or, excuse me,
6 Mr. Commander was involved in any of that?

7 A I'm not -- I can't really say that he was or wasn't
8 without looking at the file. I'm not saying that he
9 is, but I'm not saying that he isn't either, because
10 I'd have to actually look at the indictment to see if
11 he was one of the Co-Defendants.

12 Q Sure.

13 MS. MOBLEY: No further questions.

14 MR. MEADORS: Just one final question.

15 REDIRECT EXAMINATION

16 BY MR. MEADORS:

17 Q When did Mr. Hough go to the hospitals?

18 A He actually went that -- right after he left court.

19 MR. MEADORS: Thank you. That's all.

20 THE COURT: Anything further?

21 MS. MOBLEY: No.

22 THE COURT: All right, you may step down.

23 (The witness leaves the witness stand.)

24 MS. CAMPBELL: The State calls Investigator Stan
25 Richards.

STANLEY RICHARDS -- DIRECT BY MS. CAMPBELL:

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1 THE BAILIFF: Place your left hand on the Bible,
2 raise your right hand, and face the clerk.

3 (Witness complies.)

4 THE CLERK: Do you swear or affirm that the
5 testimony you are about to give in this case will be
6 the truth, the whole truth, and nothing but the truth,
7 so help you God?

8 THE WITNESS: I do.

9 (Stanley Richards, after
10 being duly sworn, testified as follows:)

11 THE CLERK: Please have a seat and state your
12 full name for the record.

13 THE WITNESS: Ivan Stanley Richards.

14 DIRECT EXAMINATION

15 BY MS. CAMPBELL:

16 Q Investigator Richards, where are you employed?

17 A I'm employed with the Richland County Sheriff's
18 Department.

19 Q And what do you do there, sir?

20 A I am a crime scene investigator.

21 Q Can you tell this jury a little bit about what a crime
22 scene investigator does?

23 A Basically my job is to go to any crime scene, identify
24 physical evidence at that scene, collect it, preserve
25 it, and whenever possible help reconstruct that crime

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- 1 scene based on the physical evidence.
- 2 Q And in crime scene investigations, I believe you said
- 3 you photograph the crime scene, is that correct?
- 4 A Yes, I do.
- 5 Q You also attempt to collect any evidence and maybe
- 6 test it at a later date?
- 7 A Yes, ma'am.
- 8 Q And does that include fingerprint evidence?
- 9 A Yes, it does.
- 10 Q Can you tell this jury a little bit about your
- 11 education and your training as a crime scene
- 12 investigator?
- 13 A I am a graduate of both the Northeast Georgia and the
- 14 South Carolina Criminal Justice Academy. I am trained
- 15 in latent identifications, latent print development,
- 16 drug analysis. I am also trained in shoe and tire
- 17 track analysis. I have been trained in crime scene
- 18 investigation and reconstruction and blood pattern
- 19 analysis. And I am certified with the International
- 20 Association of Identification as a crime scene
- 21 investigator.
- 22 Q And have you been qualified before as an expert in the
- 23 field of crime scene investigation?
- 24 A Yes, ma'am, I have.
- 25 Q In court?

1 A Yes, ma'am.

2 MS. CAMPBELL: Your Honor, at this time we would
3 offer him as an expert in crime scene investigation.

4 MR. STRICKLER: I have no voir dire for the
5 gentleman.

6 THE COURT: All right, the Court finds the
7 witness to be qualified as an expert in the field of
8 crime scene investigation.

9 Mr. Foreman and ladies and gentlemen, let me
10 explain to you briefly. Normally witnesses are not
11 permitted to testify as to their opinions. And one
12 exception to that general rule is if a witness is
13 qualified as an expert, that gives that witness the
14 right to voice his or her opinion in that particular
15 field. I'll have additional instructions on that. I
16 wanted to explain to you what had just occurred.

17 You may continue, Solicitor.

18 MS. CAMPBELL: May it please the Court?

19 THE COURT: All right.

20 Q Investigator Richards, I want to turn your attention
21 back to January the 7th of 2005. Did you respond to a
22 crime scene at Drive?

23 A Yes, ma'am, I did.

24 Q And approximately what time were you notified to go to
25 that scene?

1 A I was notified about 5:35 in the afternoon, arriving
2 about 6:04.

3 Q And that would be 6:04 in the evening?

4 A In the evening.

5 Q When you got to the scene, can you describe to the
6 jury, you know, what was going on?

7 A I met with deputies that were on the scene. At that
8 time they informed me that they had a body in the
9 house decomposed and that relatives had come to the
10 scene, to the residence beforehand on a welfare check
11 trying to find the victim. They could not get into
12 the house because it was secured all the way around.

13 They then, the relatives, called a locksmith and
14 did make entry to the residence through the side, I
15 call it kitchen door, and at that time found the
16 victim lying on a sofa in the living room.

17 Q When you initially went into the residence, did you do
18 what I call it an assessment of the scene?

19 A Yes, ma'am, I did. What I do first is do a walk-
20 through looking for any particular signs of evidence
21 that I might see.

22 I did go in through that entryway that was
23 unlocked by the locksmith. I did see a decomposed
24 body lying on a sofa couch in the living room covered
25 up with a green blanket up to about the waste.

1 I could recognize that she -- it was a female,
2 and I recognized that she was clothed in a T-shirt and
3 a pair of shorts at that time.

4 Going further through the residence, what I did
5 observe was that the victim was laying on the sofa and
6 the sofa had no cushions or pillows on it, it was just
7 -- those were taken off. Those pillows and cushions
8 were stacked one on top of the other on a loveseat
9 that was adjoining the sofa.

10 At that time I went on through the house looking
11 into the kitchen, which I saw nothing out of the
12 ordinary.

13 I went down the hallway looking into an office, a
14 room on the right. I saw some clothing piled on the
15 floor.

16 I went on to the end of the hallway to a bedroom
17 on the left, saw some clothing piled on a bed.

18 I checked a bedroom on the right at the end of
19 the hallway, which appeared to be a juvenile's
20 bedroom, and nothing out of the ordinary there.

21 As I was going through, I checked all the windows
22 and the doors in the residence to confirm that they
23 were secured and locked, and the only entryway was the
24 doorway that I entered that had been unlocked by the
25 locksmith.

1 Q And, in fact, had there been any sign of forced entry
2 anywhere in the house?

3 A I found none, no, ma'am.

4 Q You mentioned that the first area you went into was
5 where the body was actually located right off the
6 kitchen?

7 A Yes, ma'am.

8 Q And in that area did you see any -- other than the
9 decomposed body, did you see any signs of any type of
10 violence or struggle?

11 A Other than what I described, ma'am, I didn't see
12 anything, no signs of any kind of confrontation really
13 throughout the house.

14 Q Once you had done your walk through the house, did you
15 then go back and take some photographs?

16 A Yes, ma'am, I did. That is -- my job in progression
17 is to then take photographs of the scene, and I did so
18 throughout the house.

19 Q And prior to entering the house, did you become aware
20 that there had been some notes that were found by
21 family members?

22 A Yes, ma'am. I was being told the information as I was
23 trying to process or as I processed the scene. And
24 one of the bits of information that I had, was told
25 that there was two letters or notes written in green

1 that had been seen and collected from two outside
2 trash can bins that were sitting right outside the
3 doorway or in proximity of the doorway where the entry
4 was made. And I collected those two notes.

5 Q So you were informed that there were notes that had
6 been collected from a trash can outside?

7 A Yes.

8 Q And I want to show you some photographs that are
9 already in evidence, State's Exhibits 1, 4 and 5.
10 Were those photographs you actually took, sir?

11 Q Yes, ma'am. That's a photograph of the entry into the
12 residence that was unlocked, or entry was gained by
13 the locksmith, the only entry that I found that was
14 open. This is right outside the doorway where there
15 was a Monte Carlo, I believe, locked, and behind it
16 was the two outside trash cans that the notes were
17 found in.

18 Q That was the information you got from a deputy?

19 A That is the information I received, yes, ma'am.

20 Q You don't know actually which trash cans the notes
21 came from?

22 A No, I do not.

23 Q Just for clarification. In one of these trash cans
24 you mentioned were what kind of supplies?

25 A Those were just the trash. What had happened was,

1 when I first got there, I was informed also by the
2 deputies that there was two small trash cans inside
3 the home, and that when initial entry was made by the
4 relatives, that they had smelled a bad odor. Those
5 trash cans were taken outside by the people who made
6 entry.

7 Q Okay. And you also mentioned in State's Exhibit
8 Number 4, there was a white car there?

9 A Yes, there was.

10 Q And that was locked?

11 A Yes, it was.

12 Q Did you notice any of the items inside the car?

13 A It appeared to be clothing, a lot of clothing of some
14 kind, and a TV.

15 Q Did you also go around the exterior of the house and
16 check to see for any signs of forced entry that may
17 not have been noticed?

18 A Yes, I did. I made a trip around the house checking
19 the outside of all the windows and the doors and found
20 no forced entry.

21 Q Once inside the residence, you then -- once you made
22 your initial assessment, you then photographed the
23 interior, is that correct?

24 A Yes, ma'am.

25 Q I want to show you two photographs that are already in

1 evidence, State's Exhibits 2 and 3. Are those
2 photographs that you actually took?

3 A Yes. This first photograph is depicting the entrance-
4 way and into the house itself.

5 Q And that would be State's Exhibit Number 2 here?

6 A Yes, ma'am.

7 Q And that is right as you walk into the doorway into
8 the kitchen, is that correct?

9 A That's correct.

10 Q And then the second photograph?

11 A The second photograph is after you enter the entrance-
12 way to the right is the living room and you can see
13 the green blanket that is partially covering the
14 victim.

15 Q And I show you State's -- that would be State's
16 Exhibit 3?

17 A Yes, ma'am.

18 Q And that is looking from the kitchen into the area.
19 You mentioned that there were some pillows that were
20 piled up on a loveseat?

21 A Yes, ma'am.

22 Q And is the loveseat kind of catty-corner?

23 A Yes, it is. It is like in an L shape, you had the
24 sofa and then the loveseat was a L shape off to the
25 side of it, and those are the pillows that were piled

1 up on the loveseat, yes, ma'am.

2 Q And that is where I've got my pen pointed?

3 A It is.

4 Q And those were pillows. Were you able to determine
5 whether those pillows came from the back of the --

6 A It appeared they came from the sofa, yes, ma'am.

7 Q And that is actually a matching set?

8 A Yes, ma'am.

9 Q I will show you a number of additional photographs of
10 the residence.

11 State's Exhibit Number 14 for identification at
12 this point, do you recognize that?

13 A Yes, ma'am, that is the doorframe of the kitchen
14 entry.

15 Q Okay. And then another picture, State's Exhibit 15,
16 what does that show?

17 A That is the kitchen itself.

18 Q Do these fairly and accurately depict the scene as you
19 found it that night?

20 A Yes, ma'am.

21 MS. CAMPBELL: Your Honor, at this time we would
22 offer 14 and 15 into evidence.

23 MR. STRICKLER: I have no objection to 14 and 15,
24 Your Honor.

25 THE COURT: State's 14 and 15 are in evidence.

STANLEY RICHARDS -- DIRECT BY MS. CAMPBELL:

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1 (WHEREUPON, State's Exhibit Numbers 14 and
2 15 were admitted into evidence.)

3 MR. MEADORS: Your Honor, beg the Court's
4 indulgence one moment, please, --

5 THE COURT: Sure.

6 MR. MEADORS; -- to expedite this.

7 THE COURT: Sure.

8 (Pause.)

9 Q Prior to trial I asked you to review a number of
10 photographs. Are these all photographs -- that would
11 be State's Exhibits, Your Honor, Number 16 through 26
12 -- are those all photographs you took of the interior
13 of the residence?

14 A Yes, ma'am.

15 MS. CAMPBELL: Your Honor, at this time we would
16 offer them into evidence.

17 MR. STRICKLER: Your Honor, that's without
18 objection.

19 THE COURT: Without objection, State's 16 through
20 26 are admitted.

21 (WHEREUPON, State's Exhibit Numbers 16
22 through 26 were admitted into evidence.)

23 MS. CAMPBELL: Your Honor, may the witness step
24 down?

25 THE COURT: Yes. Keep your voice up so everyone

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1 can hear, please.

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

3 Q You mentioned earlier that State's Exhibit Number 3 is
4 showing that the blanket was pulled back. Where would
5 the upper part of her body have been on that couch?

6 A The blanket would have been at the waist down to the
7 legs, over the legs. The upper part of the body would
8 have been up here at the top uncovered.

9 Q And you took some additional photographs of that one
10 because of the gruesome nature. Was there also at
11 this end of the couch, could you see where a foot was
12 sticking out?

13 A Yes, I could.

14 Q State's Exhibit Number 14, again, you testified that
15 that was where?

16 A That is the entranceway into the residence where the
17 locksmith opened the door. That is the doorframe
18 itself.

19 Q What was the purpose in you taking this photograph of
20 the entrance into the building?

21 A I do that by procedure just to show no forced entry.

22 Q States Exhibit Number 15, that is just a general
23 photograph of what?

24 A That is a photograph of the kitchen. As you come into
25 the entranceway you come right into the kitchen a

1 little over to the left and that is the kitchen
2 itself.

3 Q And, again, whenever responding to a crime, you try to
4 photograph everything generally?

5 A Yes, generally, yes, ma'am.

6 Q I want to show you State's Exhibit Number 16. What
7 area does that show?

8 A That is the front door to the living room. It was on
9 the opposite side from the sofa where the victim was
10 lying. It was also found to be secure.

11 Q So relative -- you can see it I believe back here in
12 the corner?

13 A That's correct.

14 Q And, again, you photographed that for what purpose?

15 A To show that door had not been broken into. There was
16 no forced entry.

17 Q I want to go to -- how many bedrooms were in this
18 home, do you recall?

19 A I recall two bedrooms and an office.

20 Q Okay. I want to take the first photo here, State's
21 Exhibit Number 17, do you recognize that?

22 A Yes, ma'am.

23 Q And what bedroom was that, sir?

24 A That appeared to be a female's bedroom; however, it
25 was a bedroom at the end of the hallway to the left.

1 There was female clothing, tops laid across the bed as
2 depicted in the picture, and I photographed around the
3 room.

4 Q And this is how you found it when you got to the crime
5 scene that evening of the 7th, is that correct?

6 A It is.

7 Q And again the clothing on this bed, did it appear to
8 be male or female clothing?

9 A It appeared to be female clothing.

10 Q Okay. Bedroom -- State's Exhibit Number 21, 20 and
11 19, do you recognize those?

12 A Yes. These photographs depict the bedroom that is
13 directly across from the one you just saw at the end
14 of the hallway to the right. It appears to be a
15 child's bedroom. Nothing out of the ordinary was
16 found there, but it was photographed around the room.

17 Q I want to show you State's Exhibit Number 22. Do you
18 recognize that?

19 A Yes, I do. Down the hallway to the right about midway
20 down the hallway there is a room to the right which
21 appeared to be an office type room. It had a desk and
22 chairs in it. I photographed this because this is two
23 black bags, trash bags, sitting right beside a closet
24 door and they had clothing inside them.

25 Q And what kind of clothing was inside those?

1 A It appeared to be male clothing.

2 Q And additionally in that room -- I show you State's
3 Exhibits Number 23, 24, and 25. Was that in the same
4 room?

5 A This clothing was found piled on the floor and on the
6 chair in that same room, the office room down the
7 hallway to the right that you just saw, and this
8 depicts the clothing that I found. And it was male
9 clothing -- appears to be male clothing.

10 Q And where was the clothing located in proximity to
11 these bags of male clothing?

12 A As you enter the officeway to the right, it was piled
13 on the floor to the right and on a chair right as you
14 entered to the right of the entranceway to the office.

15 Q And did this house, do you recall, have a porch on it?

16 A A porch or a carport, something like that on the side
17 of the entranceway.

18 Q Did you find any male clothing or personal belongings
19 on that porch?

20 A No, I did not.

21 Q State's Exhibit Number 26 and 27, did that show the
22 two bathrooms?

23 A They show the two bathrooms that were in the home.

24 Q And, again, that is a general -- some of the
25 photographs you took that afternoon, is that correct?

- 1 A Yes, ma'am.
- 2 Q And nothing in the bathrooms was unusual?
- 3 A No, ma'am, not that I found.
- 4 Q And, again, this male clothing was in the back
5 bedroom, not out on the porch?
- 6 A Yes, correct.
- 7 Q Thank you. You may be seated.
- 8 (The witness returned to the witness stand.)
- 9 Q One other thing for clarification. You also took
10 State's Exhibit Number 13?
- 11 A Yes, ma'am.
- 12 Q And that simply shows -- where was the tag located?
- 13 A The tag was on the back of the white Monte Carlo that
14 was parked beside the house with a paper tag.
- 15 Q I want to show you two notes that were provided to
16 you. That would be State's Exhibit 6 and 7. Do you
17 recognize those?
- 18 A Yes, ma'am, I do.
- 19 Q And did you actually collect those --
- 20 A I did.
- 21 Q -- from officers at the scene?
- 22 A I did, ma'am.
- 23 Q Were you aware of how many people had handled those
24 notes prior to you getting them?
- 25 A Ma'am, I have no idea. Once I collect them, of

1 course, they stayed in my possession, but prior to my
2 arrival, I have no idea.

3 MS. CAMPBELL: Beg the Court's indulgence.

4 (Pause.)

5 Q I show you two more photographs. Did you actually
6 photograph those notes?

7 A Yes, ma'am.

8 Q And I show you these two photographs, which have not
9 been marked yet. Are those actual photographs of
10 these notes?

11 A Yes, ma'am, those are photographs that I took of the
12 notes.

13 (WHEREUPON, State's Exhibit Numbers 46
14 through 47, Photographs of Notes, were
15 marked for identification.)

16 MR. STRICKLER: Your Honor, I just object. The
17 notes are already in evidence.

18 MS. CAMPBELL: The only difference is they show
19 the notes in the original condition. They have been
20 processed since then and that's how --

21 MR. STRICKLER: I withdraw the objection.

22 THE COURT: All right, the objection is
23 withdrawn. And that will be what numbers?

24 COURT REPORTER: 46, 47.

25 THE COURT: State's 46 and 47 are admitted without

1 objection.

2 Q And just for clarification, State's 6 and 7 are
3 somewhat discolored. You didn't actually process
4 these, but you were aware they were processed for
5 fingerprints?

6 A I'm aware they were processed, yes, ma'am.

7 Q And 46 and 47 shows the actual condition of the notes
8 when your office received them, is that correct?

9 A That's correct.

10 (WHEREUPON, State's Exhibit Numbers 46 and
11 47 were admitted into evidence.)

12 Q During the course of your investigation there at the
13 crime scene on the 7th, did some people from the
14 Coroner's Office arrive?

15 A Yes, ma'am.

16 Q And during that time period, when you first got there,
17 again, describe how the blanket was covering up the
18 body?

19 A The blanket was about to the abdomen or waist area
20 down covering the feet, except with the exception of
21 one foot that was kind of uncovered, and the upper
22 portion of the body was uncovered.

23 Q And that had been done, the upper portion of her,
24 prior to you getting there?

25 A That's correct. I was told it had been done by a

1 relative.

2 Q While you were there, did someone from the Coroner's
3 Office uncover more of the body?

4 A The Coroner, Ted Powell, arrived on the scene and he
5 and I together uncovered the remainder of the victim
6 and took the blanket off.

7 Q And at that point did you contact another person to
8 come to the scene?

9 A Yes, we did. We contacted Dr. Nichols, who is the
10 pathologist and asked him to respond to the scene,
11 which he did.

12 Q And is that unusual?

13 A Yes, ma'am.

14 Q But why did you feel it was necessary for the
15 pathologist who was going to perform the autopsy to
16 come to the scene?

17 A Well, Number One, the body was in such a decomposed
18 state, and, Number Two, we found substances between
19 the victim's legs which we had been told prior that
20 she may have been pregnant, so we were thinking that
21 maybe that was a fetus, but we didn't know, so we
22 wanted an expert to come and take a look, and so he
23 did.

24 Q In your expertise at a crime scene investigation,
25 again, you didn't do the autopsy, but were there any

1 obvious signs of injury to the victim?

2 A None that I could see, ma'am, not at the scene.

3 Q While you were there that day, did you actually
4 collect any evidence in the case?

5 A Yes, I did. Along with the two notes that are here,
6 which I collected, I also collected a green felt pen
7 that was laying on top of the desk of the room that we
8 -- that I discussed, the office room. Since the notes
9 were written in green, I collected that.

10 I collected some personal papers that was laying
11 on top of the desk just because they were out in the
12 open and laying there. I didn't know if they would
13 have any probative evidence nature -- evidentiary
14 nature, but I did take them just because they were
15 there.

16 Also I collected a -- it is a -- I lost my train
17 of thought, I'm sorry. I collected a battery charger
18 from the floor of the office in response to a request
19 from Sergeant Robinson, who asked me to do so.

20 And those are the only four items that I
21 collected from the residence that night.

22 Q And the battery charger you're referring to, what kind
23 of charger would that be, for what type of --

24 A It could have been for a camera, for a cell phone, or
25 any number of things.

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1 Q And, again, I'll show you this item. You mentioned a
2 green marker. And, again, explain to this jury, when
3 you are there and photographing the evidence and
4 collecting evidence, do you know at that point exactly
5 what may be significant and what may not?

6 A No, I don't. And that's -- therefore, that's why I
7 say when I see something and it stands out and may be
8 related to something else that I have seen, I will at
9 that time collect it.

10 Q And does everything you collect later down the line
11 have relevance to the case necessarily?

12 A No, absolutely not.

13 Q You mentioned that the notes were marked in green
14 marker. I'll show you this. Is that the marker you
15 collected?

16 A Yes, ma'am, it is.

17 Q And that was from inside the residence?

18 A It was from inside the residence.

19 MS. CAMPBELL: Your Honor, at this time we would
20 offer it into evidence.

21 MR. STRICKLER: That's without objection.

22 THE COURT: Without objection. That will
23 be 48, is that right?

24 COURT REPORTER: Yes, sir.

25 THE COURT: State's 48.

1 (WHEREUPON, State's Exhibit Number 48,
2 Green Pen, is admitted into evidence.)

3 Q Based on the situation that was developing as you did
4 your investigation that evening, did you decide to
5 quit processing the crime scene that night?

6 A Yes, I did. And the reason --

7 Q Can you explain that to the jury?

8 A The reason I did that is twofold. Based on the
9 decomposition of the body and my inability to see any
10 injuries to the body, going throughout the house, not
11 seeing anything that was out of place like a struggle
12 of that kind, I couldn't really tell what may have
13 happened. I was getting bits and pieces of
14 information as the investigators were doing their job.
15 I had been told that there was a car that the victim
16 drove sometimes and it was not there.

17 I looked through the house at that time to see if
18 I could find a purse that might have had some personal
19 items of identification of the victim. I did not find
20 that. But based on all the information that I had, or
21 lack thereof, I decided to wait on further
22 investigation to get more information, and
23 particularly the autopsy, in order -- before
24 proceeding.

25 So I called my supervisor. I informed him of my

1 decision. I secured the scene. I put the two small
2 trash cans that had been taken out of the residence
3 back inside, secured the scene with a deputy and a
4 crime scene log until the next day.

5 Q And, again, for the record, you mentioned that you
6 looked for a purse with personal items?

7 A Yes. We always would do that because the victim --
8 had a victim like there, the first thing is to try to
9 identify, if possible. So therefore I went through
10 the house looking for some kind of identification
11 usually you'll find in a purse, and I looked for one
12 and did not find one.

13 Q And you did that -- a search of that house that
14 evening of her purse?

15 A That evening, yes, ma'am.

16 Q In addition to that, you mentioned that there was some
17 information about a car she may have driven?

18 A Yes, ma'am. I was told that the victim usually was
19 seen driving a black and gray Chrysler, which was not
20 located at the residence.

21 Q And, again, there was only one car at the residence?

22 A One car, and that was the white Monte Carlo.

23 Q Did you get any information about a possible boyfriend
24 in the case?

25 A Yes, I was told -- information flowed to me as I was

1 inside processing the scene and that there may have
2 been a boyfriend. They called -- he was called by
3 name, and that she had -- may have been trying to get
4 him to leave or throwing him out of the residence.
5 That is the information I received.

6 Q Okay. And were you able -- did you make contact that
7 evening, or know of any -- a man named Christopher
8 Commander being there at the scene?

9 A No. No one by that name was there, that I know of.

10 Q Was the scene secured in any way after you left?

11 A Yes, it was secured. I placed a deputy on the scene
12 with crime scene tape still in view. He maintained
13 the crime scene log of the entry and exit of anybody
14 that would come to the scene. Of course, nobody would
15 be admitted to the scene without someone in our office
16 letting them see ID. And it was maintained and
17 secured until the people from -- more investigators
18 from our office arrived on the scene for further
19 processing.

20 Q And that was done on a 24-hour basis?

21 A Yes, it was.

22 Q And I'll get to -- other officers went and did some
23 follow-up work as well as you, correct?

24 A Yes, ma'am.

25 Q The next day did you have an occasion to process those

1 two notes that are in evidence?

2 A I did.

3 Q And were you able to lift any prints from those notes?

4 A The first thing I did with the two notes is to try to
5 process them with what we call magnetic powder. And
6 if there is any oils from someone's fingerprints still
7 left on the outside and it has not been saturated into
8 the paper itself, I felt that I possibly could come up
9 with a print that way, which I did.

10 I developed one print from each note using the
11 magnetic powder, and I submitted these items then to
12 our ID section.

13 Q And those were later analyzed later by another
14 investigator from your office?

15 A They were.

16 Q And is that when you actually photographed the notes,
17 prior to processing them?

18 A Yes.

19 Q Did you also have occasion to photograph some text
20 messages --

21 A I did.

22 Q -- involved in this case? And what date did you
23 actually do that?

24 A I have my call sheet being listed as the date of
25 January 9th. And I took -- I photographed two text

1 messages from a cell phone by the request of
2 Investigator Holdorf with our department.

3 Q And I'm going to show you what's been marked as 9 and
4 11, State's 9 and 11. Do you recognize those?

5 A Yes, ma'am, these are the photographs of the cell
6 phone and the text messages.

7 Q And were you aware of whose phone this was?

8 A I was told at that time that it came from, I believe,
9 the victim's daughter's cell phone.

10 Q Did you also at a later date try to do some more --
11 get some more fingerprints from the notes?

12 A Yes. After the notes came back to me after they had
13 been submitted by myself to our ID section, I received
14 them back, and I felt that if there was no more prints
15 on the outside of the notes themselves, there may be
16 some prints that had been saturated and went into or
17 soaked into the paper itself, which in a lot of cases
18 on paper they do.

19 So I treated it with a solution that we call
20 Ninhydrin, and that reacts -- it is a reaction agent
21 that reacts with the oil that may be inside, had been
22 saturated into the paper itself. It will not bring a
23 print to the surface, but it will show a print by
24 color. And so that is the way I developed or
25 processed those the second time.

STANLEY RICHARDS -- DIRECT BY MS. CAMPBELL:

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1 Q And you mentioned earlier that other people returned
2 to the crime scene. Did you actually ever return to
3 the crime scene or do any follow-up?

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

5 Q And this was the extent of your involvement in this
6 case?

7 A Yes, ma'am.

8 MS. CAMPBELL: Beg the Court's indulgence.

9 (Pause.)

10 MS. CAMPBELL: Nothing further, Your Honor.

11 THE COURT: All right. Mr. Strickler?

12 MR. STRICKLER: Thank you, sir. May it please
13 the Court?

14 THE COURT: All right.

15 CROSS EXAMINATION

16 BY MR. STRICKLER:

17 Q Good morning, Mr. Richards. How are you?

18 A Fine, sir.

19 Q Good. I just have a few things I'd like to go through
20 with you. In my review of the evidence, it appeared
21 there were a number of people that conducted forensic
22 work in this particular case?

23 A Yes, sir.

24 Q Correct?

25 A Yes, sir.

1 Q All right. You, I take it, were the first person from
2 the Sheriff's Department Forensic Unit to arrive on
3 the scene?

4 A I was the first crime scene investigator, yes, sir.

5 Q At the point in time that you arrived there, to the
6 best of your knowledge, who else was there then?

7 A I'd probably have to look on the crime scene log, but
8 there were some deputies on the scene. I know there
9 were some people out at the roadway that had been
10 there prior, I believe. They were relatives, maybe
11 family members, I don't know, but they were out there.
12 While I was there investigators showed up, of course,
13 and as I testified the Coroner's Office. But by name
14 I couldn't tell you at this point.

15 Q As opposed to a crime scene investigator, were any
16 non-crime scene investigators present at the time you
17 arrived, as opposed to a line officer?

18 A Investigators themselves?

19 Q Yes, sir.

20 A I don't know if they were there before me or after me
21 or about the same time. I know that Investigator
22 Barnes, I believe, was there -- or Robinson, I'm
23 sorry. And I'm trying to see who arrived on the
24 scene. Sergeant Robinson, Investigator Robinson and
25 Investigator Holdorf.

1 Q Okay. And undoubtedly more people arrived while you
2 were there. If I read your report correctly, you were
3 notified at 17:35, I think you testified to that, and
4 that is 5:35 in the afternoon. You arrived on the
5 scene at 18:04, that would be 6:04 in the evening.
6 And your notes indicated that you were there until
7 21:35, that would be what 9:35, am I correct?

8 A Yes, sir.

9 Q And during that period of time -- I mean, you are on
10 the scene for in excess of three hours?

11 A Uh-huh.

12 Q And a number of other people from the Sheriff's
13 Department arrived during that point in time?

14 A I'm sure there was. I was inside for that period of
15 time.

16 Q Yes, sir. And you've been doing this for how long?

17 A About six years, sir.

18 Q Six years? And there is a general procedure to use in
19 processing crime scenes, if you're able to?

20 A Yes, sir.

21 Q Work from the outside in?

22 A Yes, sir.

23 Q Okay. And I believe you documented some of that.
24 Checking the points of entry?

25 A Yes, sir.

- 1 Q Working the exterior of the house, working through the
2 house, right?
- 3 A Yes, sir.
- 4 Q And you document what you find along the way, correct?
- 5 A Yes, sir.
- 6 Q And I think you've testified that you can't
7 necessarily determine what is going to be important
8 later on so you document it, correct?
- 9 A Yes, sir.
- 10 Q You document, as we see from a number of these
11 photographs, particularly the possible points of entry
12 of the house, you document the absence of evidence as
13 well as the presence of evidence, correct?
- 14 A Yes, sir, that is what it will show.
- 15 Q Okay. Well, you know, lack of forced entry is
16 evidence, even though it seems like it is absence, it
17 is actually evidence of something, right?
- 18 A Yes, sir.
- 19 Q Okay. So your job is not to determine necessarily
20 what happened, your job is to document what the scene
21 reveals about what happened, right?
- 22 A My job is physical evidence, yes, sir.
- 23 Q Yes, sir. And I take it from your testimony and what
24 you presented to the jury, that you would agree you
25 did a thorough examination of the scene that night,

1 cut it off pending finding any additional results
2 particularly from the autopsy, correct?

3 A Yes, sir.

4 Q And you found no forced entry. And while you did not
5 conduct a thorough examination of the body in this
6 case, the body, you saw no obvious signs of physical
7 injury to her?

8 A That's correct.

9 Q I mean, you'd be familiar if you'd seen a gunshot
10 wound or something like that, and you did not seeing
11 anything like that?

12 A I did not.

13 Q Okay. You saw no signs of struggle throughout the
14 house, correct?

15 A No, sir.

16 Q I believe you indicated that you were -- you have been
17 trained in blood spatter analysis?

18 A Yes, sir.

19 Q And that is determining -- making determinations from
20 the appearance of blood at a particular scene?

21 A That's correct.

22 Q You found no blood to go ahead and do anything like
23 that with, right?

24 A I did not.

25 Q Okay. You then went further as far as these notes go

1 and -- let's see, on the 8th, the following day,
2 between 4 and 5 o'clock in the afternoon, you
3 processed those notes using magnetic powder and visual
4 inspection, correct?

5 A That's correct.

6 Q Well, that's got to be the classical way of processing
7 a piece of evidence. There are a number of ways, and
8 I think you testified about another way that you could
9 process evidence?

10 A Yes, sir.

11 Q You use different techniques on different substances?

12 A That's correct.

13 Q Okay. But the first thing that you did in this case
14 was process these notes with black powder and visual
15 inspection?

16 A Magnetic black powder, yes, sir.

17 Q Yes, sir. And you photographed notes?

18 A Yes, sir.

19 Q After you applied the powder?

20 A No, sir, prior.

21 Q Prior to? And you developed two prints?

22 A Yes, sir.

23 Q One on each note?

24 A Yes, sir.

25 Q And what did you do once you developed those?

1 A These items, the notes themselves, were then submitted
2 to our latent print section.

3 Q Okay. And I think one of the last things you
4 testified about was you conducting a further procedure
5 on those notes treating with a substance called
6 Ninhydrin?

7 A That's correct, sir.

8 Q Okay. And that when applied to a note made prints
9 that would not stand out or would not be revealed
10 through the use of magnetic powder, may make those
11 show up, correct?

12 A Might make them visible, yes, sir.

13 Q Did you find any additional prints using the
14 Ninhydrin?

15 A I found ridge detail that was made visible. I found
16 nothing that I considered AFIS quality in order to
17 submit them to our AFIS, but they may have been one-
18 on-one comparison compatible.

19 Q Okay. And do you remember when you conducted the
20 Ninhydrin treatment in this case?

21 A In -- I have -- my lab analysis report was on the 21st
22 of January, 2005. Now, I have to say that this report
23 could have been written the day after or a couple of
24 days after the actually processing with the Ninhydrin.

25 Q Okay.

- 1 A But it is in that time frame.
- 2 Q Somewhere around that date?
- 3 A Yes, sir.
- 4 Q That's fine. And you developed ridge detail,
5 insufficient AFIS, perhaps sufficient for visual one-
6 on-one comparison?
- 7 A Perhaps.
- 8 Q And, I'm sorry, we're using acronyms here. AFIS is
9 what, Automated Fingerprint Identification System?
- 10 A That's correct.
- 11 Q You take a print where a print was taken, identify
12 various points on it, those are digitally entered into
13 a system and then they can be compared by a computer
14 with other prints that are stored in the system?
- 15 A That's correct. The computer database will give you,
16 if it can be matched, a series of individual prints
17 that has to be compared then by a person.
- 18 Q Right, to follow-up on the --
- 19 A Right.
- 20 Q -- hits, and then there is the visual comparison that
21 you've also mentioned as being a possibility?
- 22 A Yes, sir.
- 23 Q And that's when you put the two prints side by side?
- 24 A Right.
- 25 Q Compare them -- you actually involve a human in that?

1 A Yes, sir, we do. Yes, sir.

2 Q Now, you I take it were not involved in the comparison
3 of any of the prints that you developed?

4 A I was not.

5 Q Okay. You are familiar with the concept of what are
6 called elimination prints, aren't you?

7 A I am.

8 Q And elimination prints, if you end up with prints on a
9 note, for example, and you have an idea who may have
10 touched the note, you can get prints from those
11 people, compare them to the prints that you have, and
12 determine whether or not they touched the notes, is
13 that right?

14 A That can be done.

15 Q Okay. And they are called elimination prints because
16 you -- you're saying that you can exclude someone as
17 the donor of the prints on a particular object, is
18 that correct?

19 A Correct.

20 Q Now, you have testified as to your full knowledge
21 regarding the case I take it, correct?

22 A Yes, sir.

23 MR. STRICKLER: Thank you very much. That's all I
24 have.

25 THE COURT: All right, redirect?

1 MS. CAMPBELL: Yes, sir.

2 REDIRECT EXAMINATION

3 BY MS. CAMPBELL:

4 Q Just a few questions. He asked you about any obvious
5 signs of trauma with this body. Explain to the jury,
6 what state was the body in after six weeks?

7 A Well, the body, like I said before, was --

8 MR. STRICKLER: Your Honor, I object. It is
9 improper redirect. She established the fact there was
10 no obvious signs of trauma to the body during direct.

11 MS. CAMPBELL: And he then went through it and
12 talked about blood spatter and other things. I was
13 just addressing them.

14 MR. STRICKLER: I raised no new subject on that
15 matter.

16 THE COURT: Y'all step up for just a minute.

17 MS. CAMPBELL: Yes, sir.

18 (WHEREUPON, a bench conference was held in
19 the presence of the jury but out of the
20 hearing of the jury.)

21 THE COURT: Your objection is overruled. You may
22 continue, solicitor.

23 MS. CAMPBELL: Thank you.

24 Q I was asking you about what was the state of the body
25 when you observed it on the 7th?

1 A The body was severely decomposed, in my opinion. It
2 was very black. You could not see hardly any detail
3 of skin work. When I say that I saw no obvious signs
4 of injury, I didn't see a bullet hole, I didn't see an
5 obvious knife wound. Further than that, I could not
6 tell.

7 Q And in your expert opinion, if a person has been
8 suffocated, would you expect to see any obvious signs
9 of injury?

10 MR. STRICKLER: I object, he's not qualified in
11 that area.

12 THE COURT: Sustained. Sustained.

13 MR. STRICKLER: Thank you, Your Honor.

14 Q He asked you some questions about the note and
15 everything. Let me ask you this. Can you -- when you
16 receive an item that is collected from a crime scene,
17 can you tell, say if you are able to get a fingerprint
18 off something, how long that fingerprint has been
19 there?

20 A To be definite about it, no. But I can tell you this:
21 On a piece of paper or a porous item, such as paper,
22 if you find that you are able to lift a print using
23 powder, be it regular powder or magnetic powder, that
24 means the print is still there and on the outside of
25 the paper itself and it hasn't been saturated to the

1 inside of the paper.

2 So most often that print was fairly new, had not
3 been there very long or it probably would have
4 saturated into the paper itself, unless whoever
5 deposited that print there had an enormous amount of
6 oil on their fingers and an enormous amount of oils
7 had been placed on the paper as a result of touching
8 it.

9 Usually you will find that most prints are
10 saturated into the paper itself. That's why Ninhydrin
11 has to be used in order to react with that on the
12 inside of the paper to develop a print.

13 Q And when you say handled recently, what kind of time
14 period are you talking about?

15 A Probably a six to eight hour period, at least.

16 Q And, again, the prints you were able to develop that
17 were identifiable -- explain, what is an identifiable
18 print versus a non-identifiable print?

19 A Identifiable print means it has -- if you look at your
20 fingers you'll notice that you have the ridges across
21 all of your fingers. Those ridges are what we have to
22 have to make an identification or be an identifiable
23 print. We have to have a number of those ridges and
24 be able to look at those and be able to compare those
25 with whatever we are comparing them to, and a certain

1 amount of numbers will match.

2 If you don't have enough ridge detail in order to
3 make minutia points, and that is the points you have
4 to have on each one that will coincide to make
5 identification, then you can't use the print.

6 Q And you were able to get one print each using what
7 method?

8 A Using the magnetic powder.

9 Q Which in your expert opinion would indicate that those
10 had been put there recently or more remote?

11 A That means they were probably more recent -- probably.

12 MS. CAMPBELL: Thank you, sir. I have no further
13 questions for this witness.

14 THE COURT: Any recross?

15 MR. STRICKLER: Yes, sir. Thank you.

16 RECROSS EXAMINATION

17 BY MR. STRICKLER:

18 Q I notice in your response to Ms. Campbell's questions
19 regarding the age of the prints on the paper, you
20 can't tell how old the prints on paper are?

21 A I cannot tell how old a print is, no, sir.

22 Q I noticed when you indicated -- were talking about the
23 age, you used "probably would have saturated."

24 A That is what I said.

25 Q Correct? You used the term "usually find most prints

1 saturate over time."

2 A That's what I said, yes, sir.

3 Q Correct? You indicated "they were probably handled
4 within a six to eight hour period." I believe that's
5 what you said?

6 A That is what I said.

7 Q And you indicated that the prints were probably more
8 recent rather than old, correct?

9 A That's correct.

10 Q Okay. Why do you employ those kinds of terms? These
11 are all terms that are not definite in nature?

12 A I cannot be definitive in those answers that I gave.
13 I find that what I testify to it being probable is
14 more often the result than not, but I cannot be
15 definitive.

16 Q I mean, can you reference me, just for my own personal
17 edification, to scholarly articles which have tested
18 the rate at which fingerprints are absorbed into
19 paper?

20 A No, sir, that is on my experience I'm giving this.

21 Q Okay. So your response -- and your experience says
22 the best you can say is probably?

23 A Yes, sir.

24 Q Okay. But you are an expert in the field and I take
25 it that as an expert in the field, if there had been

1 articles done, tests run under controlled
2 circumstances that looked at fingerprints and the rate
3 of absorption of fingerprints into paper, you'd be
4 familiar with that, correct?

5 A I cannot quote you those, no.

6 Q Okay. So I can take it that as an expert in the field
7 you would be familiar with them and that to the best
8 of your knowledge there are no such tests around?

9 A That testimony was based on my experience, yes, sir.

10 MR. STRICKLER: Thank you very much, sir.

11 THE COURT: Anything further of this witness?

12 MS. CAMPBELL: No, sir.

13 THE COURT: All right, you may step down, sir.

14 (The witness leaves the witness stand.)

15 MR. MEADORS: Your Honor, Investigator Scott
16 McDonald is being called in a case downstairs. I just
17 ask the Court's permission if he leaves --

18 THE COURT: That's fine.

19 (Mr. McDonald steps out of the courtroom.)

20 THE COURT: All right.

21 MS. CAMPBELL: May it please the Court? The
22 State calls Zane Padgett.

23 THE BAILIFF: Place your left hand on the Bible,
24 raise your right hand, and face the clerk.

25 (Witness complies.)

1 THE CLERK: Do you swear or affirm that the
2 testimony you are about to give in this case will be
3 the truth, the whole truth, and nothing but the truth,
4 so help you God?

5 THE WITNESS: I do.

6 (Zane Padgett, after being
7 duly sworn, testified as follows:)

8 THE CLERK: Please have a seat and state your
9 full name for the record.

10 THE WITNESS: Zane Padgett.

11 MS. CAMPBELL: Beg the Court's indulgence,
12 let me just get this marked. I'm going to try to
13 expedite things.

14 THE COURT: All right.

15 (WHEREUPON, State's Exhibit Numbers 49,
16 Photograph of Cell Numbers, was marked for
17 identification.)

18 COURT REPORTER: State's 49.

19 DIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q Lieutenant Padgett, where you employed?

22 A At the Richland County Sheriff's Department.

23 Q How long have you worked there, sir?

24 A 25 years.

25 Q And what do you do at the Richland County Sheriff's

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1 Department?

2 A I am the Assistant Laboratory Director for the Crime
3 Scene Division.

4 Q Can you tell this jury a little about your training
5 and expertise in the area of crime scene
6 investigation?

7 A Yes, ma'am. In the 25 years that I've worked at the
8 Sheriff's Department, 23 of those years have been in
9 forensic sciences, especially the crime scene. I've
10 had training from SLED, through other outside agencies
11 in all areas of fingerprints, evidence collection,
12 blood pattern analysis, crime scene reconstruction,
13 forensic photography.

14 Q And have you been actually qualified as an expert in
15 the area of crime scene investigation?

16 A Several times, yes, ma'am.

17 MS. CAMPBELL: Your Honor, at this time, we would
18 offer him as an expert in crime scene investigation.

19 MR. STRICKLER: Your Honor, I have no voir dire.

20 THE COURT: All right, the Court finds the
21 witness to be an expert in the field of crime scene
22 investigation.

23 You may continue.

24 Q Lieutenant, I want to turn your attention to a crime
25 scene at Drive.

1 A Yes, ma'am.

2 Q Did you have occasion to respond to that residence?

3 A Yes, ma'am. I went out to that particular residence
4 on Monday, January 10th of 2005.

5 Q And you had not been there initially when the body was
6 found, is that correct?

7 A No, ma'am, I did not go on Friday when the body was
8 actually discovered. Some of my forensic
9 investigators actually initially processed the scene
10 on that Friday. I went out there on the following
11 Monday to do some additional processing and to just do
12 some clearing out.

13 Q And from the time the body was found until you got out
14 there to do some processing yourself, had the crime
15 scene been kept intact?

16 A Yes, ma'am, the crime scene was secured by a deputy
17 which included keeping a crime scene log of anyone
18 that entered or exited the scene.

19 Q When you first got to the crime scene, tell the jury
20 what you did.

21 A Basically when I got there, I had known that
22 Investigator Stan Richards had already processed the
23 scene on the Friday before. My basic intention was to
24 kind of follow him up, go back maybe rephotograph,
25 relook at different pieces of evidence. In other

1 words, to have another set of eyes look at the same
2 scene, which is always a good idea.

3 Myself and Investigator Russell, we arrived there
4 Monday morning, and basically what I did initially was
5 take additional photographs of the scene as I found it
6 on that Monday morning, which could be possible
7 different than it was obviously when Stan Richards
8 found it because they had already processed it.

9 So my initial actions was to take photographs and
10 then just search for possibly any additional evidence
11 within this case.

12 Q When you initially got there, did you basically do a
13 perusal of the exterior area?

14 A Yes, ma'am, I walked around the exterior just to see
15 if there was any particular thing that, you know,
16 stood out or any type of evidence that may have been
17 overlooked from before.

18 Q And was there anything noteworthy or possibly
19 noteworthy?

20 A No, ma'am. There was an exterior like shed out back.

21 I entered that just to look in it and there was
22 nothing inside the shed of any evidentiary value that
23 I could.

24 Q So when you were out there, that was on January 10th,
25 did you know exactly what you were looking for or what

1 may be relevant down the road?

2 A Not really at that point because basically we didn't
3 have a lot of information on the case. And I was just
4 basically out there for another set of eyes, you know,
5 to look around to see if we could find any additional
6 evidence.

7 Q And is that unusual?

8 A That is not unusual at all.

9 Q Okay. I want to show you some photographs that have
10 been marked states Exhibits 32 through 45 and first
11 just let you look at those and see if you recognize
12 them.

13 (Pause.)

14 A Yes, ma'am, these are photographs I actually took on
15 January 10TH, 2005 at the residence.

16 MS. CAMPBELL: Your Honor, at this time we would
17 offer them in evidence.

18 MR. STRICKLER: Without objection.

19 THE COURT: Without objection, State's 32 through
20 45 are admitted.

21 (WHEREUPON, State's Exhibit Numbers 32
22 through 45 were admitted into evidence.)

23 MS. CAMPBELL: Your Honor, may the witness step
24 down?

25 THE COURT: He may. Keep your voice up so we can

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1 all hear, please, sir.

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

3 Q Mr. Padgett, you were aware of where the body was
4 actually found, is that correct?

5 A Yes, ma'am.

6 Q I want to show you State's Exhibit Number 32. What
7 does that actually depict?

8 A That is an end table next to the couch where the body
9 was originally found.

10 Q And the purpose of photographing that?

11 A Basically just to show the contents that is on the end
12 table.

13 Q I'm showing you what has been marked as State's
14 Exhibit Number 33. Where is that located?

15 A That's the coffee table in front of the couch where
16 the body was found.

17 Q State's Exhibit Number 34, what does that show?

18 A End table next to the couch also.

19 Q I'm showing you State's Exhibits 41 and 42. 42 is, I
20 think, actually a close-up of 41. What is that?

21 A I believe looking at this, this is like the underpart
22 of the couch area --

23 Q Uh-huh.

24 A -- where the cushions had been removed on the couch
25 and then you've got an underlining on there, that is

1 just a photograph of the underlining there. And if
2 you look closely at State's Exhibit 42, you can also
3 see it in 41 in this area, but it's the backing to an
4 earring, pierced earring that was sitting on top of
5 the underlining of the couch.

6 Q I'm showing you State's Exhibit Number 43. Do you
7 recognize that?

8 A Yes, ma'am, that is a telephone, a cordless phone that
9 was also broken and in the house.

10 Q And I'll get back to that. State's Exhibit Number 44
11 and 45. What are those?

12 A This is just some paperwork that was found in the
13 house and I photographed it to show the numbers or
14 names that was on the paperwork.

15 Q And where was that located?

16 A I believe the bedroom. I'd have to look at my notes,
17 but I'm pretty sure.

18 Q Master bedroom?

19 A Yes, ma'am.

20 Q Did you also take some general photographs of the
21 bathrooms, two different bathrooms?

22 A Yes, ma'am, there was two different bathrooms in the
23 house. One of them actually the toilet seat was up,
24 the other one the toilet seat was down, and I took
25 photographs of both the bathrooms.

1 Q And, finally, these are also additional, 39, 38, and
2 40. Are those also photographs of the bathroom?

3 A Yes, ma'am, these are just photographs in the bathroom
4 area, some paperwork that I photographed while I was
5 there.

6 (The witness returns to the witness stand.)

7 Q Once you had photographed the interior, did you do any
8 kind of processing there at the scene that day?

9 A Yes, ma'am, I did. Even though Investigator Richards
10 had been out there Friday before, I went back out
11 there and reprocessed just some items that I thought
12 may be of interest. I processed the general, you
13 know, exterior doors, interior doors, some items that
14 I thought maybe he did not process. I also processed
15 the toilet seats in the bathroom because one was in
16 the up position and one was in the down position.

17 Q Okay. So when you say process, what does that mean?

18 A Process, I am actually looking for any type of
19 evidence where it could be latent fingerprints, trace
20 evidence, hair fibers or any DNA evidence. So when I
21 say processing, I'm not just talking about
22 fingerprints, I'm talking about any type of evidence
23 that we could actually locate.

24 Q And when you processed the doors, I believe you
25 mentioned some of the interior and exterior doors,

1 were you able to get any identifiable prints?

2 A No, ma'am -- I'm sorry. I basically got, you know,
3 some smudges and incomplete prints, unidentifiable
4 where I really couldn't compare them to anybody, just
5 basically smudges. And that's not unusual at all.

6 Q Okay. And explain that to the jury. Like if I walk
7 up and I touch this, am I necessarily going to leave
8 an identifiable print?

9 A There's no guarantee at all that I'm going to be able
10 to actually lift an identifiable print when you touch
11 any item at all. If you touch an item and you move
12 your fingers as little as one millimeter and slide it,
13 you have pretty much obliterated that latent print
14 where you're not going to be able to compare it to
15 anything.

16 Q And is that what we call a smudge?

17 A Smudge is a common word.

18 Q And in your experience in processing crime scenes, do
19 you find a lot of smudges?

20 A You will find more smudges and unidentifiable prints
21 than you will find identifiable prints.

22 Q And you mentioned the word smudge and now you are
23 using the word unidentifiable prints. Is there a
24 certain number of ridges that have to be in a print
25 for it to be identifiable?

1 A No, ma'am. In the State of South Carolina there is no
2 minimum amount of points of interest or points of
3 minutia that we have to find in order to say that a
4 print is positively identifiable with another print.
5 But as an expert in that field, in your own mind you
6 have got to make a decision and, you know, an expert
7 opinion of whether one print matches the other.

8 When I'm talking about an unidentifiable print,
9 the print may have some detail in it of ridge lines,
10 but there's not going to be enough there to be able to
11 make a positive identification on anybody.

12 Q And when you processed the doors in this house, I
13 believe you mentioned, did you find any useful or
14 identifiable prints?

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

16 Q And is that unusual?

17 A That is not unusual at all.

18 Q And why is that?

19 A We call latent fingerprints actually an accident. If
20 you actually find a good latent fingerprint at the
21 crime scene and you can compare to somebody, it is
22 like a big deal. It's unlike TV where they find them
23 all the time. They're hard to find. When you do find
24 them, it is an exception more than it is the rule.

25 Q And even, say, in this case, the house belonged to

1 Gervonya Goodwin, and you weren't able to find any
2 identifiable prints of hers or anyone else's?

3 A That's not unusual. I can print an individual's car
4 that he drives every day and never find his actual
5 identifiable fingerprint within that vehicle.

6 Q You also mentioned, I believe, that you also processed
7 the toilets, is that correct?

8 A That's correct, the toilet seats.

9 Q And were you able to recover any possibly identifiable
10 prints?

11 A I actually did. On the toilet where the seat was up,
12 I actually developed two latent fingerprints that at
13 the time at the scene, you know, appeared to be in
14 good enough shape they could possibly be compared to
15 someone.

16 Q But even if they appeared to be good enough at the
17 scene, later down the road does the quality matter in
18 making a comparison?

19 A Absolutely. When I'm at the scene, you know, I'm at
20 the mercy of my eyes and a magnifying glass. But when
21 I take them back to the laboratory and you've got all
22 the equipment, you know, microscopes and other AFIS
23 equipment, you can actually look at the detail of the
24 print.

25 Q And how many possibly identifiable prints did you

1 collect from the toilet seat?

2 A I lifted two prints from the toilet seat on that
3 particular day.

4 Q And were those later turned over to another analyst in
5 your office working on the case?

6 A Yes, they were turned over to Investigator Trisha
7 Collins, who does all the latent work in our office,
8 the fingerprint work.

9 Q Turning your attention to the master bedroom, you
10 mentioned that there was a phone in there?

11 A Yes, ma'am, there was a cordless phone in the master
12 bedroom that I photographed, and I also collected it.

13 Q And I think that is already in. When you collected,
14 did -- once you had photographed the phone, did you do
15 any further investigation? And I will show you
16 State's Exhibit Number 49.

17 A Yes, ma'am. What I did -- I collected the phone
18 actually on that Monday and took it back to the
19 laboratory. I collected the phone and the actual
20 base. I took it back to the laboratory and
21 discovered, you know, like most cordless phones, it
22 has a call history on it or calls that were made from
23 the phone and calls that were received from the phone.

24 And what I did is I went through the entire call
25 history of that cordless phone and photographed each

1 phone number in each screen on that phone so I could
2 give a record to the case investigator of all calls
3 that were made or received on that telephone during
4 the time period the phone was active.

5 And that's what these photographs are. They are
6 actual photographs of the screen of different numbers.

7 Q Okay. And those photographs actually show the number
8 as well as the date?

9 A It shows the number and the date, yes, ma'am.

10 MS. CAMPBELL: Your Honor, at this time we would
11 offer State's Exhibit 49.

12 THE COURT: Any objection?

13 MS. CAMPBELL: It's been provided.

14 MR. STRICKLER: Without objection.

15 THE COURT: Without objection, that will be
16 State's 49 in evidence.

17 (WHEREUPON, State's Exhibit Numbers 49 is
18 admitted into evidence.)

19 Q Again, just for clarification, State's 49, these were
20 actually, when you scroll through, the caller ID's
21 that came up?

22 A Yes, ma'am. It's basically like taking your phone at
23 home and scrolling through your caller ID's. And what
24 I was doing was going through each screen and then
25 taking a digital photograph of each number on each

1 screen.

2 Q I think there were approximately four of those on a
3 page?

4 A I think on that particular printout there's four on a
5 page.

6 Q And they are not absolutely in the right order, but
7 they are all photographs of --

8 A They are probably not in the right order, but --

9 Q Did you also collect some evidence there at the scene
10 that day?

11 A Yes, ma'am, I did.

12 Q And if you would just briefly go through what evidence
13 you collected.

14 A I collected a toothbrush from the master bedroom, a
15 set of keys that was located on the nightstand in the
16 master bedroom, a smoking pipe from the top drawer of
17 the master bedroom, six photographs of a child and
18 adults located behind the bar in dining room area, a
19 toothbrush from the counter of the master bedroom, a
20 set of keys located in the top drawer of the master
21 bedroom, a shaving razor in the hall bathroom, an
22 earring back located under the cushion on the couch,
23 which was the one I pointed out in the photograph, a
24 handwritten note with two names on it, which was also
25 in the photograph I pointed out earlier, a letter from

1 a dental company to the subject, which I think was
2 also pointed out in the photographs, a set of court
3 papers to the victim, the cordless telephone and base
4 that I just talked about, and a pellet pistol that was
5 located in the study area.

6 Q During the course of your investigation there that
7 day, you were there for several hours, you were
8 looking for any relevant or possibly relevant
9 material, is that correct?

10 A Yes, ma'am, I was there a little over two hours, and I
11 was just looking for any type of evidence that could
12 be related to this case.

13 Q Did you ever find any type of purse or personal
14 identification of the victim?

15 A I did not, no, ma'am.

16 Q Did you, during the course of your examination, see
17 any kind of forced entry?

18 A No, ma'am, I could not tell that there was any forced
19 entry into the residence.

20 Q There was a car that was actually out in the driveway,
21 is that correct?

22 A That is correct.

23 Q Did you have anything done with that?

24 A We actually had that car towed to our compound, our
25 forensic area for the possibility of if there was

1 anything of any evidentiary value within the vehicle,
2 and the vehicle was towed to our agency and it was
3 stored in the forensic garage.

4 Q And just to jump ahead, but then in February the 22nd
5 of 2005, were you aware that the victim's car was
6 actually found in New Orleans and then towed, I
7 believe, to your department?

8 A Yes, ma'am, the victim's car was found in New Orleans
9 and on February 22nd it was towed to our agency and
10 stored also in the forensic garage, and that was from
11 the New Orleans Police Department.

12 Q And did you also receive some keys in this case?

13 A Yes, ma'am, there were two sets of keys that were also
14 -- that I photographed that were received.

15 Q That were received from where?

16 A From New Orleans.

17 Q From New Orleans?

18 A Yes, ma'am.

19 Q And did you actually release those to the investigator
20 in the case, Sergeant McDonald?

21 A I did, yes, ma'am.

22 MS. CAMPBELL: Thank you, sir.

23 THE WITNESS: Yes, ma'am.

24 THE COURT: All right. Cross examine?

25 MR. STRICKLER: Very briefly.

1 CROSS EXAMINATION

2 BY MR. STRICKLER:

3 Q Good afternoon, Lieutenant.

4 A How are you, Mr. Strickler?

5 Q Fine, thank you. Just a couple of things. We have
6 just finished hearing testimony regarding the
7 processing that was conducted on January 7th?

8 A Okay.

9 Q With Investigator Richards. I take it that when you
10 went through the scene on that following Monday, as
11 you testified, you found no sign of forced entry?

12 A That is correct.

13 Q You found no blood spatters to do any kind of blood
14 pattern work on?15 A I didn't observe any type of blood pattern in the area
16 of the living room or any other area that I would be
17 able to do any type of pattern analysis.18 Q Okay. well, certainly -- did you find any blood at
19 the scene?20 A well, the couch was actually -- kind of had
21 decomposition fluid.

22 Q Fluids, no blood?

23 A I think I would put it more like that than anything
24 else.

25 Q Perhaps you -- I know that you are more familiar and

1 perhaps I am more familiar. I mean, there are crime
2 scenes at which very obviously blood is in abundance,
3 correct?

4 A well, of course, you know, if you have a stabbing or a
5 shooting there's going to be different types of blood
6 patterns and have blood in certain areas.

7 Q You found nothing consistent?

8 A I didn't find anything consistent with that, no, sir.

9 MR. STRICKLER: Thank you very much. That's all.

10 THE WITNESS: Yes, sir.

11 THE COURT: Any redirect?

12 MS. CAMPBELL: No, sir.

13 THE COURT: All right, you may step down.

14 THE WITNESS: Thank you, sir.

15 (The witness leaves the witness stand.)

16 MS. CAMPBELL: The State would call Investigator
17 Oates.

18 THE BAILIFF: Place your left hand on the Bible,
19 raise your right hand, and face the clerk.

20 (Witness complies.)

21 THE CLERK: Do you swear or affirm that the
22 testimony you are about to give in this case will be
23 the truth, the whole truth, and nothing but the truth,
24 so help you God?

25 THE WITNESS: I do.

1 (Robert Oates, after
2 being duly sworn, testified as follows:)

3 THE CLERK: Please have a seat and state your
4 full name for the record.

5 THE WITNESS: (No response.)

6 DIRECT EXAMINATION

7 BY MS. CAMPBELL:

8 Q Investigator Oates, where are you employed?

9 A I am employed with the Richland County Sheriff's
10 Department.

11 Q What do you do there, sir?

12 A I'm a crime scene investigator.

13 Q And can you tell this jury a little bit about your
14 educational training in crime scene?

15 A Yes. I possess a bachelor's degree in criminal
16 justice from the University of South Carolina. I also
17 have had two and a half years' experience in crime
18 scene division in-house training, basic crime scene,
19 crime scene reconstruction, blood spatter analysis,
20 and various courses using different chemicals as far
21 as to process crime scenes, etcetera. And also
22 evidence handling principles.

23 COURT REPORTER: I'm sorry, I didn't hear that.

24 A Evidence handling principles.

25 MS. CAMPBELL: Your Honor, at this time we would

1 offer him as an expert in crime scene investigation.

2 MR. STRICKLER: I have no voir dire for the
3 witness, Your Honor.

4 THE COURT: All right, the witness is found to be
5 an expert in the field of crime scene investigation.

6 Q I want to turn your attention to January 8th, 2005.
7 Did you attend an autopsy involving the victim,
8 Gervonya Goodwin?

9 A Yes, I did.

10 Q And who actually performed that autopsy?

11 A Dr. Nichols.

12 Q Nichols?

13 A Yes.

14 Q And what was your purpose in being there?

15 A My purpose of being there is to process or collect any
16 trace evidence from the body and also collect evidence
17 and also document any internal or external injuries
18 that could be found from the body itself.

19 Q And when you got to the autopsy, what was your role
20 initially, what did you do?

21 A I first of all took photographs of the victim's body,
22 and as a requirement or standard, collected a standard
23 hair sample and a standard pubic sample for DNA
24 purposes, nail scrapings of both of the victim's
25 hands, and also collected any -- I think it was an

- 1 earring, or any evidence.
- 2 Q Including clothing?
- 3 A Right, including clothing, yes.
- 4 Q And in this case, can you describe to the jury, what
- 5 was the state of the body in this autopsy?
- 6 A The state of the body was very decomposed, almost
- 7 mummified basically, and with the fetus exposed.
- 8 Q When you -- at this autopsy, what is your usual
- 9 procedure whenever a person is killed or found dead,
- 10 identification is one of this things you are there
- 11 for, is that correct?
- 12 A Correct, yes.
- 13 Q Were you able to get fingerprints, roll the
- 14 fingerprints there as you usually do in an autopsy?
- 15 A No, ma'am, I could not due to the condition of the
- 16 victim's hands being so decomposed.
- 17 Q And explain that to me.
- 18 A Basically there was -- basically there was no fluid
- 19 within the fingertips and the fingertips were
- 20 basically lodged against her fingernails. I could not
- 21 attain any ridge details from the fingers due to that.
- 22 Q And as a result of that, did you then later collect
- 23 the hands of the victim to be processed later at the
- 24 lab?
- 25 A Yes, I did.

1 Q Did you also collect certain samples of body parts for
2 possible DNA?

3 A Yes, I did.

4 Q And is that normal in the course of an autopsy?

5 A Yes, it is.

6 Q Did you also make a request of Dr. Nichols as far as
7 checking her mouth area?

8 A Yes, I did.

9 Q What was the purpose for that?

10 A To check the mouth area for any trace evidence, any
11 fibers, hairs or anything.

12 Q And was he able to turn any of those over to you?

13 A From the mouth area?

14 Q Yes.

15 A No, huh-uh.

16 Q Why was that?

17 A I believe in my report I said or stated that the only
18 object or anything that he observed was from the
19 blanket. There was a blanket that was on top of the
20 victim, and that is the only thing he could see was
21 the colored from that blanket.

22 Q Okay. Did you the next day then have an opportunity
23 -- or, excuse me, that same day, have an opportunity
24 to go back to the actual crime scene?

25 A Yes, I did.

- 1 Q And what was your purpose in going there?
- 2 A As procedure, a lot of times we'll have another crime
3 scene investigator return back to the scene to search
4 the scene, another pair of eyes, so to speak, to see
5 if there was anything that was overlooked or missing.
- 6 Q And, again, this is the day after the body was found
7 that you are out there?
- 8 A Right, that's correct, yes.
- 9 Q And when you went to the scene, did you do a search of
10 the entire house?
- 11 A Yes, I did.
- 12 Q Did you see any signs of forced entry?
- 13 A I did not see any signs of forced entry.
- 14 Q Were you able to find any personal items that belonged
15 to the victim?
- 16 A Personal items?
- 17 Q Such as a wallet?
- 18 A Oh, no, no, ma'am.
- 19 Q In the kitchen area, though, did you search and go
20 through, I believe, some trash cans?
- 21 A Yes, I did. There was a trash can in the kitchen as
22 soon as you walked into the left side of the kitchen
23 door. There was a trash can there, and I did go
24 through the trash can.
- 25 Q Okay. I'm going to show you what's marked as State's

1 Exhibit Number 29 and 28 and ask you if you recognize
2 those photographs?

3 A Yes.

4 Q And are those photographs you actually took of the
5 kitchen area, the trash cans?

6 A Yes.

7 MS. CAMPBELL: Your Honor, at this time we would
8 offer them into evidence.

9 MR. STRICKLER: The trash can? I have no
10 objection.

11 THE COURT: State's 28 and 29 are admitted
12 without objection.

13 (WHEREUPON, State's Exhibits 28 and 29 were
14 admitted into evidence.)

15 Q Just for the record, in State's Number -- see part of
16 it. In State's Number 28, what items are depicted in
17 there?

18 A There is a pair of clear rubber gloves on top of a
19 freezer near the back door.

20 Q And what are the two items on the floor?

21 A It is a trash can and a black container containing
22 cleaning products, household cleaning products.

23 Q What products?

24 A Household cleaning products.

25 Q And I believe State's Exhibit Number 29 is looking

- 1 down on those two?
- 2 A Yes.
- 3 Q And you mentioned a pair of rubber gloves. Where did
- 4 you find those gloves?
- 5 A At the bottom of the trash can.
- 6 Q At the bottom of the trash can?
- 7 A Yes, on top of other trash.
- 8 Q Okay. And to make it clear, was that in the bottom of
- 9 the trash can containing the cleaning supplies or the
- 10 bottom of the trash can with the trash in it?
- 11 A The bottom of the trash can with the trash.
- 12 Q And, again, State's Exhibit 29 is how that appeared?
- 13 A Yes.
- 14 Q Did you actually collect those plastic gloves and take
- 15 them back to headquarters?
- 16 A Yes, I did.
- 17 Q Did you collect any other evidence that day?
- 18 A Yes, I did return back to the scene that day.
- 19 Q You left the scene and then came back?
- 20 A Yes, uh-huh.
- 21 Q And was that at the request of one of the
- 22 investigators in the case?
- 23 A It was, at the request of an investigators.
- 24 Q And what did you collect on that visit?
- 25 A It was the cleaning products, the container with the

1 cleaning products in it.

2 Q And did you also collect a vacuum cleaner that day?

3 A I sure did, yes.

4 Q Other than those items, did you collect anything at
5 the crime scene on January 8th?

6 A No.

7 Q The hands that were collected from the autopsy, were
8 those turned over to another investigator?

9 A Yes, they were.

10 Q To try to identify?

11 A Yes, they were.

12 MS. CAMPBELL: Thank you. That's all I've got.

13 THE COURT: All right. Cross examine?

14 MR. STRICKLER: Your Honor, beg the Court's
15 indulgence.

16 THE COURT: Okay.

17 (Pause.)

18 CROSS EXAMINATION

19 BY MR. STRICKLER:

20 Q Good afternoon, Investigator Oates.

21 A Yes, sir.

22 Q Referring to State's 29, this is a photograph of the
23 trash can that you testified regarding?

24 A Yes, uh-huh.

25 Q Okay. Was this the trash can in which the gloves were

1 found?

2 A Yes.

3 Q Okay. Can you see the gloves in that trash can in
4 this photograph?

5 A I have to look closer, if you don't mind.

6 (Pause.)

7 A No, I cannot see them.

8 Q Okay. I believe your testimony was that the gloves
9 were found at the bottom of the trash can?

10 A Yes, sir, uh-huh.

11 Q Beneath whatever the items are?

12 A Yes.

13 Q You have no knowledge, no personal knowledge, as to
14 how the gloves got in the trash can?

15 A I don't.

16 Q You have no personal knowledge as to when the gloves
17 got in the trash can, correct?

18 A That's correct, uh-huh.

19 Q You have no personal knowledge as to who placed the
20 gloves in the trash can, correct?

21 A That's correct, uh-huh.

22 MR. STRICKLER: Thank you very much.

23 THE COURT: Any redirect?

24 MS. CAMPBELL: No, sir.

25 THE COURT: You may step down, sir.

1 (The witness leaves the witness stand.)

2 THE COURT: Counsel, step up for a minute please.

3 (WHEREUPON, a bench conference was held in
4 the presence of the jury but out of the hearing
5 of the jury.)

6 THE COURT: Mr. Foreman and ladies and gentlemen,
7 we'll go ahead and break for lunch at this time. The
8 only instruction I will give you is to again caution
9 and remind you and order you not to discuss the case
10 either among yourselves or with anyone else.

11 I normally would be starting back at 2 o'clock.
12 I've got another very brief hearing that should take
13 no more than about five minutes. So if you'll be back
14 in your jury room at 2:15, we'll continue with the
15 trial at that time.

16 Have a good lunch. Be in your jury room at 2:15,
17 please. Everyone else stay seated. The jury is
18 excused.

19 (WHEREUPON, the jury retires for lunch at
20 approximately 12:41 p.m.)

21 THE COURT: I've got to have a short hearing on
22 an appellate bond at 2 o'clock on a case and that
23 should not take long. I remind you I have to be at
24 State Grand Jury at 5, so we'll be breaking a little
25 before 5 this afternoon.

1 All right, we'll recess until 2:15 in this case.

2 (WHEREUPON, the court was in recess.)

3 (WHEREUPON, State's Exhibit Number 50,
4 Surveillance Photographs, was marked for
5 identification.)

6 (WHEREUPON, State's Exhibit Number 51,
7 Deposit Slip, was marked for
8 identification.)

9 (WHEREUPON, State's Exhibit Numbers 52
10 through 73, Photographs, were marked for
11 identification.)

12 THE COURT: I will explain to the jury that I'm
13 expecting this call and once it comes I have to deal
14 with that, then we'll continue.

15 Get the jury back in, please.

16 (WHEREUPON, the jury came into open court
17 at approximately 3:08 p.m.)

18 THE BAILIFF: The jury is all present, Your
19 Honor:

20 THE COURT: Thank you, sir.

21 Mr. Foreman and ladies and gentlemen, I apologize
22 for the delay. I think I had told you that I had a
23 matter at 2 o'clock totally unrelated to this case.
24 That's what I have been dealing with.

25 And at this point in time, I am awaiting a call

The State versus Christopher Sam Commander

TRISHA M. COLLINS -- DIRECT BY MS. CAMPBELL:

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1 from the Supreme Court. When my clerk comes and says
2 they are on the line, I have to go talk to them. It
3 won't be but just a second, but I decided we had
4 enough delay in this case, so we're going to go
5 forward, but when my clerk comes and gets me, I am
6 going to excuse you folks, and that's what I will be
7 doing. It should not take but a couple of minutes.
8 But I wanted to explain to you what's been going on.

9 We will continue with the case. Call your next
10 witness, Solicitor.

11 MS. CAMPBELL: May it please the Court? The
12 State calls Investigator Collins.

13 THE BAILIFF: Place your left hand on the Bible,
14 raise your right hand, and face the clerk.

15 (Witness complies.)

16 THE CLERK: Do you swear or affirm that the
17 testimony you are about to give in this case will be
18 the truth, the whole truth, and nothing but the truth,
19 so help you God?

20 THE WITNESS: I do.

21 (Trisha M. Collins,
22 after being duly sworn, testified as follows:)

23 THE CLERK: Please have a seat and state your
24 full name for the record.

25 THE WITNESS: Trisha Marie Collins.

The State versus Christopher Sam Commander

1 DIRECT EXAMINATION

2 BY MS. CAMPBELL:

3 Q Okay, you are going to have to speak up in here. The
4 microphones don't work.

5 Investigator Collins, where are you employed?

6 A Richland County Sheriff's Department.

7 Q And what do you do there?

8 A I am a crime scene investigator and a latent print
9 examiner.

10 Q Can you tell this jury a little bit about your
11 educational training?

12 A Sure. It's primarily been on the job, but I have also
13 gone to several classes on crime scene investigation
14 and probably 80 hours' worth of classes on latent
15 fingerprint examination.

16 Q And have you testified before as an expert in the
17 field of latent fingerprint comparison?

18 A I have.

19 Q As well as crime scene investigation?

20 A I have.

21 MS. CAMPBELL: Your Honor, at this time we would
22 offer her as an expert in crime scene investigation
23 and fingerprint comparison.

24 THE COURT: Okay, any voir -- any cross
25 examination as to qualification or objection?

The State versus Christopher Sam Commander

1 MR. STRICKLER: I have no voir dire for the
2 witness, Your Honor.

3 THE COURT: All right. The witness is qualified
4 in the field of crime scene investigation and latent
5 print identification.

6 MS. CAMPBELL: Thank you, Your Honor.

7 Q Investigator, turning your attention to January of
8 2005 involving a case of Gervonya Goodwin, did you
9 receive some items from Investigator Oates that he had
10 collected at the autopsy of Ms. Goodwin?

11 A I did.

12 Q What items did you receive?

13 A I received the victim's hands.

14 Q Did you receive some additional items as well?

15 A I later received the fetus and some jewelry, I
16 believe.

17 Q And eventually all these items were transferred to
18 custody of who?

19 A The Deputy Coroner.

20 Q The Deputy Corner. Why did you receive custody of the
21 hands in this case?

22 A I was going to attempt to identify the victim.

23 Q And is that normal procedure in cases where an autopsy
24 is performed when a person is killed?

25 A No, it is not.

1 Q And tell this jury why this was a somewhat unique
2 case.

3 A The victim was unidentifiable from the autopsy. And
4 the hands, normally what we do is we'll roll post-
5 mortem fingerprints at the autopsy. But the victim's
6 hands were in such decay and mummified state that they
7 were not able to roll fingerprints at the autopsy. So
8 they removed the hands so I could attempt to raise the
9 fingerprints.

10 THE COURT: All right, let me stop you. I've got
11 that call I was telling you about. Step back to your
12 jury room. Don't discuss the case. I'll have you
13 back in just a couple of minutes.

14 Everyone else stay seated, please.

15 (WHEREUPON, the jury retires to the jury
16 room at approximately 3:12 p.m.)

17 THE COURT: Ma'am, if you will just sit there in
18 the witness box, I'll be back shortly.

19 We'll stand in recess just for a couple of
20 minutes.

21 (WHEREUPON, the court was in recess.)

22 THE COURT: Bring the jury back in.

23 (WHEREUPON, the jury came into open court
24 at approximately 3:21 p.m.)

25 THE BAILIFF: The jury is all present, Your

1 Honor.

2 THE COURT: All right, ladies and gentlemen,
3 we'll continue. That should be the last interruption
4 we have.

5 Ms. Campbell?

6 MS. CAMPBELL: May it please the Court?

7 THE COURT: All right.

8 DIRECT EXAMINATION CONTINUES

9 BY MS. CAMPBELL:

10 Q Investigator Collins, we were talking back that you
11 had received the hands. And the purpose in you
12 getting the hands was what?

13 A To identify the victim.

14 Q And can you tell this jury, based on the condition of
15 the hands, what steps you had to go through in order
16 to try to raise the fingerprints?

17 A Well, when I got the hands, they were almost entirely
18 mummified except for the dermal glove which was coming
19 off of the hand. I actually looked at the right hand,
20 and when I was looking at these fingers -- if you'll
21 see -- if you'll look at your hands -- at your
22 fingers, they are either going to be somewhat flat or
23 somewhat rounded.

24 Well, the victim's in this case had been
25 mummified to the point that they actually were like a

1 fist. So it was impossible just to roll the prints.
2 So I had to take some steps to try to either rehydrate
3 the fingers or to be able to get the fingerprints
4 other ways.

5 The first thing I tried to do was I tried to
6 inject tissue builder into her fingers, which normally
7 what you do with tissue builder is you would inject it
8 under the ridges on your finger. If you'll look at
9 your fingers, they're covered with little lines. We
10 call those ridges. And on those ridges are little
11 points that we use to identify people, to identify a
12 fingerprint.

13 What you typically do with tissue builder is you
14 inject it underneath the pattern and see if perhaps
15 you can lift it back up. All it does is it just
16 rehydrates the ridges and pushes them back up so that
17 you can roll the fingerprint.

18 If that had worked, what I would have done would
19 have been to just ink the finger and then rolled it.
20 That didn't work. The skin was just too tough. As a
21 matter of fact, I had a very hard time even getting
22 the needle to penetrate the skin.

23 Once I finally did get it to penetrate, the
24 liquid wouldn't inject at all. The hands were just
25 far too tough.

1 So the next thing I tried to do was I thought I
2 would remove the skin from the finger, place it on top
3 of my own gloved hand and roll it that way. I took
4 out a scalpel and tried to remove it by cutting the
5 top over here, right here on top of the finger. I was
6 going to cut around it to remove the entire pattern
7 area. I then tried to roll that, but again the skin
8 was just too tough so I wasn't able to do that.

9 Once I did that, I was going to try to again
10 rehydrate it and I let the hand soak in the tissue
11 builder several hours, and that had no effect on it
12 all.

13 So the next thing I did was I took the substance
14 called Microseal. Microseal is typically used to find
15 small marks like tool marks at burglary scenes. You
16 can use them for fingerprints and on guns and things
17 like that.

18 So I mixed the Microseal together. It's just two
19 gels that mix together, and after a few minutes those
20 two gels solidify and they become sort of rubber-like.

21 So what I did was I took the Microseal and mixed
22 it together and smeared it on top of the finger and
23 let it set and then lifted it back up.

24 Now, at that point it still had the same up and
25 down pattern on it or area on -- that was on the top

1 of it, just as the finger did. So I took that and
2 took it to my scanner to try to identify it that way.

3 Q And were you successful when you tried to identify it
4 through your scanner?

5 A I was. I took the known card from the victim and put
6 it on my scanner. At that point -- the Microseal
7 impression is what we call a reverse impression
8 because where you have little ridges, you also have in
9 between those are furrows. So what was happening was
10 the Microseal was actually going into the furrows and
11 making an impression of the furrows. So it was a
12 reversed fingerprint.

13 So what I had to do was put it on my scanner and
14 flattened it out. I actually had to put the Microseal
15 impression on my scanner, close the lid, put a heavy
16 book on top of it to kind of spread it out, and I was
17 able to scan that, and that was a reversed impression.

18 I took the known card and reversed that as well
19 so that the dark ridges would then be white and the
20 furrows would be dark so -- and I was able to match
21 those up that way.

22 Q And you were able to confirm that the hands that were
23 provided to you actually matched the known
24 fingerprints from Gervonya Goodwin?

25 A That's correct.

1 Q Did you also receive some additional evidence in this
2 case, some -- actual -- I believe some fingerprints
3 that had been raised off some notes?

4 A That's correct. In August of this year I looked at
5 those.

6 Q And I want to show you what has been marked as State's
7 Exhibit Number 6 and Number 7. Do you recognize those
8 two items?

9 A I do.

10 Q And did you actually process those items in an attempt
11 to get the fingerprints?

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

13 Q Who actually did that?

14 A I believe it was Investigator Richards.

15 Q And he, I believe, used two different methods in
16 getting fingerprints to come up?

17 A That's correct.

18 Q And what are those two methods, just to review?

19 A I believe he first processed them with magnetic
20 powder, and then after that processed them with
21 Ninhydrin.

22 Q And tell this jury why you may use more than one way
23 to process a piece of evidence.

24 A Powder probably isn't the absolute best way, but it
25 gives you an idea of whether or not there might

1 actually be some fingerprints on there. So once he
2 developed a couple of prints with the powder, he then
3 used the Ninhydrin to more develop those out and see
4 if he could develop fingerprints that could be
5 identified.

6 Q And when you develop with Ninhydrin, I noticed that
7 you can actually see some of the prints still on
8 there, is that correct?

9 A Right.

10 Q And can you just pick out one and show the jury one of
11 the prints that you actually picked up?

12 A Probably on here. It is a little bit hard to look at.
13 But if you'll look where that little .2 is right there
14 where my right index finger is, that is one of them.

15 Q And there's actually a very, very faint impression
16 right under that, is that correct?

17 A That's correct.

18 Q And that's actually all you had to work with in this
19 case, is that correct?

20 A That's correct.

21 Q And whenever there's a L1 -- 2 -- .2 and you use, I
22 think, a .3?

23 A Yes, ma'am.

24 Q Those mark where the fingerprints were?

25 A Yes, ma'am.

1 Q And the same is true on this, is that correct?

2 A Yes, ma'am. I believe that one's on the back. It's
3 right here.

4 Q There it is, thank you. And there was a total, I
5 believe, of four prints that were actually able -- or
6 you attempted to use to compare?

7 A That's correct.

8 Q And were you provided the names of two people as far
9 as fingerprint cards that you got?

10 A Yes.

11 Q And whose cards were you trying to compare to?

12 A Gervonya Goodwin and Christopher Commander.

13 Q Gervonya Goodwin and Christopher Commander?

14 A Yes, ma'am.

15 Q And taking the four fingerprints total from those, can
16 you just tell the jury what your results were when you
17 compared those to the known fingerprints from
18 Christopher Commander and Gervonya Goodwin?

19 A Two of the four, I was able to say that neither
20 Gervonya Goodwin or Christopher Commander made those.

21 One of the prints was of no value, meaning that
22 there was not enough information, not enough ridge
23 detail in there for me to say who made it or what kind
24 of pattern it was.

25 And the last one I was able to eliminate

- 1 Ms. Goodwin as a donor, but I was not able to
2 eliminate Mr. Commander as the donor due both to the
3 quality of the fingerprint, which was poor, and also
4 the known fingerprint card that I had.
- 5 Q From whom?
- 6 A Mr. Commander.
- 7 Q So let me get -- and I noticed you labeled those two
8 notes. One is I think an L-1 and one is L-2?
- 9 A Yes.
- 10 Q And you mentioned that two of them were not either
11 Mr. Commander's or Ms. Goodwin's, is that correct?
- 12 A That's correct.
- 13 Q So you were able to eliminate two. And which two were
14 those?
- 15 A That would have been L-2.1.
- 16 Q L-2.1?
- 17 A Which is the one on the back.
- 18 Q On the back of this one, which State's Exhibit
19 Number 6.
- 20 A And L-1.1.
- 21 Q Which would have also been on the back of the one
22 marked L-1, correct?
- 23 A I'm not sure exactly where it was. Yes, ma'am.
- 24 Q Both of those were on the back of this?
- 25 A (Nods affirmatively.)

- 1 Q Then you mentioned that there were two more prints, I
2 believe, on L-1, that would be 2 and 3?
- 3 A Yes, ma'am.
- 4 Q And those were actually -- I'll show you State's
5 Exhibit 7. Those are actually on the front where the
6 writing is?
- 7 A That's correct.
- 8 Q And you mentioned that one of those -- or you tell me,
9 one of those you couldn't do anything with?
- 10 A That's correct.
- 11 Q And which one was that?
- 12 A That is the one that's been labeled .2.
- 13 Q That would be .2. But then there's one right here
14 that's labeled .3?
- 15 A That's right.
- 16 Q And you -- what were your conclusions of that?
- 17 A The conclusions on that one is that it was not made by
18 Ms. Brown, and I was unable to come to a conclusion
19 about whether or not it was made by Mr. Commander.
- 20 Q And why were you not able to exclude him?
- 21 A There was enough information there in both the known
22 print and the unknown print for me not to be able to
23 do that. I couldn't conclusively say it was not made
24 by him because of the information that was present.
- 25 Q And you couldn't conclusively say it was made by him?

- 1 A That's correct.
- 2 Q But there were enough similarities that you couldn't
3 eliminate him?
- 4 A That's correct.
- 5 Q Because of the quality of the print, you couldn't make
6 any further conclusion?
- 7 A That's correct.
- 8 Q You also, I believe, received two additional prints in
9 this case from I think Lieutenant Padgett?
- 10 A That's correct.
- 11 Q And those were taken from a toilet, I believe, at the
12 home?
- 13 A Yes.
- 14 Q And were you able to do any kind of identification
15 with those two?
- 16 A No. Similarly, they were of no value.
- 17 Q And when you say of no value?
- 18 A There is no -- there is not enough information for me
19 to even be able to eliminate. I mean, there is no
20 pattern, there is no ridge flow. There's just nothing
21 to look at that would help me to differentiate one
22 donor from another.
- 23 Q And, again, you're looking at ridge detail and ridge
24 flow, is that correct?
- 25 A That's correct.

TRISHA M. COLLINS -- DIRECT BY MS. CAMPBELL:

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1 Q Just simply just not enough of an impression?

2 A That's right.

3 Q And those two you weren't able to do anything further
4 with.

5 And again L-1.3, you could not come to a
6 conclusive conclusion?

7 A That's right.

8 Q And again L-1.3 is on State's Exhibit 7, is that
9 correct?

10 A That's correct.

11 MS. CAMPBELL: Thank you. I don't have anything
12 further.

13 THE COURT: All right. Cross examine?

14 MR. STRICKLER: Thank you, Your Honor. May it
15 please the Court?

16 THE COURT: All right.

17 CROSS EXAMINATION

18 BY MR. STRICKLER:

19 Q Good afternoon, Ms. Collins.

20 A Good afternoon.

21 Q Let me ask you this. You testified first about the
22 substantial efforts you took to perform or effect an
23 identification on the hands provided you from the
24 autopsy in this case. When did you do that work?

25 A I actually did that -- I believe I performed all of

1 that on January the 10th, 2005.

2 Q And I see reports from you dated January 13th and
3 January 14th related to the procedures involving the
4 Microseal that you testified about. Were those
5 procedures -- again we're still -- we're talking about
6 the procedures with the hands -- were those procedures
7 conducted on the 13th and 14th or were those all
8 conducted on the 10th?

9 A I believe that I did the actual comparison on the 14th.

10 Q Okay.

11 A The report was written on the 14th. So I believe that
12 I actually did the comparison on the 14th.

13 Q So the procedure as far as the hands go, regardless,
14 was from January 10th to January 13th and 14th, 2005,
15 right?

16 A Yes, sir.

17 Q Now, you testified regarding this last item, the
18 prints that you evaluated on what is marked as State's
19 6 and State's 7, these notes here. When did you go
20 ahead and do the work you did on those items?

21 A It was August, early August of this year. I believe I
22 received them on the 1st, the 1st or 2nd.

23 Q Do you have some notes, lab notes that you have that
24 reflect when you received those?

25 (Pause.)

1 A I don't have the exact date of when I received them.
2 It was the very first part of August.

3 Q Okay. And you would agree that you generated -- well,
4 you have got a report dated August 3rd, then I've got,
5 I guess, a verification on August 2nd on the second
6 page of the report?

7 A Right. That was the -- August 3rd would have been the
8 date that I actually wrote the report. The
9 verification would have been before I wrote the
10 report.

11 Q So the work that you've testified to and the
12 conclusions you arrived at regarding State's 6 and 7,
13 these notes here, that was done August 2nd, 2006,
14 correct?

15 A Yes, sir.

16 Q Okay. After you received those notes you believe on
17 August 1st or August 2nd, 2006, correct?

18 A Yes, sir.

19 Q Now, where of your own personal knowledge were those
20 notes prior to that time?

21 A I don't know.

22 Q Who had handled those notes, of your own knowledge,
23 prior to that time?

24 A Other than the person who collected it and our
25 evidence people, I don't have any idea.

1 Q Under what circumstances were those notes handled
2 prior to you receiving them?

3 A I don't know.

4 Q Were you provided or were you requested to obtain
5 prints from Keyonna Goodwin and/or Barbara Jones, the
6 daughter and mother of Ms. Goodwin?

7 A No, sir.

8 Q You are acquainted with a procedure of running
9 exclusionary prints, correct?

10 A I'm sorry, can you rephrase your question?

11 Q You've got several prints here that did not match
12 either Ms. Goodwin or the Defendant.

13 A Right.

14 Q That's your conclusion as to two of the prints --

15 A That's correct?

16 Q -- right? I take it that the prints were of
17 sufficient detail that you could conduct comparisons
18 of them, however, correct?

19 A Yes, sir.

20 Q Okay. And testimony has been that these documents
21 were recovered by Ms. Jones and Ms. Goodwin, mother
22 and daughter of the victim. Okay. Were you asked to
23 compare their prints with those that don't match
24 either the victim in this case or the Defendant in
25 this case to see if they matched Ms. Keyonna Goodwin

1 or Ms. Jones?

2 A No, sir.

3 Q Now, how many points of identity do you need in order
4 to declare something to be a match?

5 A There is no specific number.

6 Q For the Richland County Sheriff's Department, there's
7 no specific number, correct?

8 A In the United States, there's no specific number.

9 Q There are jurisdictions in which there is a specific
10 low number, correct?

11 A In other countries, yes.

12 Q Regardless of that, you were able to say one of the
13 four prints is of no value, that's L1.2?

14 A Right, on the four prints that were on those two
15 sheets of paper, yes.

16 Q Right. Is of no value. Now, is that a term of art
17 that you employ when you use the term "is of no
18 value"?

19 A Is it a term --

20 Q It has specific meaning for a fingerprint examiner?

21 A I don't know if you'd say it has any specific meaning
22 for a fingerprint examiner. Also "not identifiable"
23 might also be another term. I use "of no value" just
24 simply because there was -- I mean, literally there
25 was no value to it. There was nothing that you could

1 do with it now or ever.

2 Q Okay. I've heard the term "insufficient ridge
3 detail."

4 A Sure.

5 Q Is that synonymous with "of no value" or --

6 A Yes, sir.

7 Q -- "not identifiable"? And as to L1.3, do you have
8 any bench notes that you took during the course of the
9 time you were conducting these evaluations?

10 A No, sir.

11 Q Okay. So the only paper you have associated with this
12 is your latent examination report dated August 3rd,
13 2006?

14 A The only thing that I have -- I guess you could call
15 these bench notes, but these are just -- it's just a
16 little piece of paper that I write what I have before
17 I actually write my report.

18 Q Okay. As to L1.3, how many points of identity did you
19 find between the questioned fingerprint L1.3 and the
20 known fingerprints of Christopher Commander?

21 A I don't remember.

22 Q Did you make any record of that?

23 A No, sir. If I can't tell, I mean, I'm going to say
24 that. If I can't say one way or the other, I'm going
25 to say that.

1 Q Did you prepare blow-ups of photographs of the
2 Ninhydrin print 1.3 and the known print of
3 Mr. Commander so that you could show what points you
4 did find?

5 A I didn't -- I didn't look at photographs. We have a
6 computer system, it is called the AFIX Comparator, and
7 I look at prints on that. It puts it in my computer
8 screen side by side.

9 Q What finger of Mr. Commander did the inconclusive --
10 did you arrive at a conclusion that was inconclusive
11 of Mr. Commander, as opposed to being not his?

12 A I don't recall.

13 Q What is the difference between inconclusive and not
14 his?

15 A One point of dissimilarity.

16 Q One point of dissimilarity?

17 A I couldn't find a point of dissimilarity between the
18 two, but neither could I find enough information for
19 me to determine that it was made by him.

20 Q I'm sorry, you could find a point of dissimilarity
21 between the two?

22 A If I can find one point that was not the same on the
23 known print or the unknown print, then that would have
24 to be called not made by the same person.

25 Q And since it is inconclusive, there weren't enough

1 points of similarity?

2 A That's correct. I mean, there wasn't enough
3 information really on the print, but there wasn't --
4 there was enough that agreed, but not enough that I
5 would be able to tell absolutely whether it was.

6 Q But you can't tell us at this point how many points of
7 similarity there were?

8 A No, sir.

9 Q And you can't bring us in anything -- now, you can go
10 ahead and do a comparison and then photograph what you
11 are comparing, blow-up photographs and bring them into
12 court and point out where you say these things agree,
13 can't you?

14 A I don't photograph them. I do all my comparisons on
15 the computer.

16 Q Okay, I understand that. One is capable of doing
17 that, correct?

18 A Yes.

19 Q That could have been done in this case, correct?

20 A Yes.

21 Q And then we could see exactly what you say is
22 inconclusive but you can't exclude it, right?

23 A Yes.

24 Q And we could talk about that. But that has not been
25 done in this case?

1 A Yes.

2 MR. STRICKLER: Thank you very much.

3 THE COURT: Any redirect?

4 MS. CAMPBELL: Just one question.

5 REDIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q Does the person -- you had training in this field
8 before you were able to do -- make comparisons, is
9 that correct?

10 A Yes.

11 Q And did anyone review your findings?

12 A Yes.

13 Q And was that another forensic person in your
14 laboratory?

15 A Yes.

16 Q And did he agree with all your results?

17 A Yes.

18 Q Thank you, ma'am.

19 THE COURT: Any recross?

20 MR. STRICKLER: No, sir.

21 THE COURT: You may step down.

22 (The witness leaves the witness stand.)

23 THE COURT: solicitor, call your next witness.

24 MR. MEADORS: Investigator Travis Holdorf.

25 THE BAILIFF: Place your left hand on the Bible,

1 raise your right hand, and face the clerk.

2 (Witness complies.)

3 THE CLERK: Do you swear or affirm that the
4 testimony you are about to give in this case will be
5 the truth, the whole truth, and nothing but the truth,
6 so help you God?

7 THE WITNESS: I do.

8 (Travis Holdorf, after
9 being duly sworn, testified as follows:)

10 THE CLERK: Please have a seat and state your
11 full name.

12 THE WITNESS: Travis Holdorf.

13 DIRECT EXAMINATION

14 BY MR. MEADORS:

15 Q You are one Investigator Travis Holdorf?

16 A Yes, sir.

17 Q You work for the Richland County Sheriff's Department?

18 A Yes, sir.

19 Q Tell these ladies and gentlemen about your background,
20 your education, and specifically your training you
21 received in law enforcement, please.

22 A I grew up here in Columbia, was born a military brat.
23 I went to Spring Valley High School. After high
24 school I joined the Air Force, and shortly after
25 getting out of the Air Force in '94 I joined the

1 Sheriff's Department.

2 I was a road deputy, was a field training
3 officer. Then in the summer of '97 I became an
4 investigator, started out with property crimes. From
5 property crimes and auto break-ins, I went to major
6 crimes, and I've been doing major crimes and arsons
7 now for six years.

8 Q Who is head of Major Crimes for Sheriff Lott?

9 A That would be Captain Stan Smith.

10 Q And y'all are assigned to different regions in the
11 County or is there one unit that just responds
12 wherever?

13 A It is pretty much wherever. It is going to fluctuate.

14 Q Do you -- you've been to the Criminal Justice Academy?

15 A Yes, sir.

16 Q Do you receive periodic training, CLE's, if you will?

17 A Yes, sir.

18 Q Yearly?

19 A At a minimum twice a year. We have qualifications to
20 maintain. I've also been through numerous interview
21 classes, crime scene reconstruction classes. With
22 arson investigation, tons of classes with that.

23 Q Let's move right to this case. Were you working on
24 specifically -- or did you become -- well, let me ask
25 you, were you one of the lead investigators in this

1 case?

2 A Yes, sir.

3 Q Did you have occasion to respond to Tilting -- on
4 1/7/05, Tilting Rock Road here in Richland County?

5 A Yes, sir.

6 Q Tell the folks exactly where is Tilting Rock. We've
7 heard Hopkins, but tell us where it is.

8 A Hopkins is pretty much -- it's a big area. This
9 particular spot is outbound on Leesburg Road, past
10 Lower Richland Boulevard. I think it is off of
11 Browning -- Browning Road, Browning Street, which goes
12 into the neighborhood.

13 Q And what is the subdivision called?

14 A Green Lakes, I think, maybe.

15 Q It's been out there for several years as far as you
16 know?

17 A Yes, sir.

18 Q And what time did you get there?

19 A 7:30 -- excuse me, 5:30.

20 Q Describe the scene to the ladies and gentlemen of the
21 jury as you saw it when you got there at 5:30,
22 Investigator.

23 A When we get there there was family outside. The
24 marked police unit had already been there. Typically
25 I'm called out by another fellow officer once they

1 have something that's of significance. The family was
2 outside.

3 Usually when I get to a scene I try to get from
4 the deputy firsthand what happened, what he knows or
5 doesn't know. That way you're not relying on what
6 information you're getting from dispatch.

7 Unfortunately, where this house is, cell phone
8 coverage is very, very spotty, so you're not able to
9 typically, as you're in route to a scene, you want to
10 say, hey, you have a phone number, give me a call, so
11 you have a heads-up on what's going on.

12 Q When you arrived at the scene, you say you try to talk
13 to a deputy. Did you gather information as one of the
14 first investigators there?

15 A Yes, sir. I was working evening shift that day.
16 About once a month we go on call. That shift was from
17 3:30 in the afternoon to about midnight.

18 Q Did you obtain what was believed to be the victim's
19 name, who had found the body, and the last time that
20 this victim had been seen?

21 A Yes, sir. The family had hired a locksmith to get
22 into the house. The house was locked. Once they get
23 into the house, Gervonya's daughter, Keyonna, found
24 her mom underneath some blankets on the couch.

25 Q And did you see Keyonna there that day?

1 A Yes, sir.

2 Q Did you see Ms. Barbara Jean Jones there that day?

3 A There were a lot of people there. I know I saw her
4 later that night.

5 Q Had you also gathered as the investigation is
6 unfolding at this point whether or not law enforcement
7 had been requested to come out there sooner,
8 specifically on December 20th?

9 A Yes, sir.

10 Q But nothing resulted from that, is that correct?

11 A No, sir.

12 Q To your observations, were there any signs of forced
13 entry?

14 A No, sir, there were not.

15 Q Did you learn during the course of your investigation
16 at this point that there had been some text messages?

17 A Yes, sir. In talking with the family, specifically
18 Keyonna, that she had received several text messages.

19 Q And did you later ask Investigator Stan Richards to
20 take a picture of her cell phone where those messages
21 were?

22 A Yes, sir.

23 Q And are those the items -- I don't think you have been
24 in court --

25 MR. MEADORS: Beg the Court's indulgence.

1 Q Looking at State's 11, State's 9 and State's 8,
2 State's 8, 9 and 11, do you recognize these and do
3 they relate to the testimony you just gave?

4 A Yes.

5 Q And these are the pictures of the cell phone that you
6 asked Stan Richards to take?

7 A Yes, sir.

8 Q The cell phone, the pictures. Did you have an
9 occasion to interview Latisha Pratt?

10 A Yes, sir. I talked to her the same day, which is
11 going to be the 7th.

12 Q Did you also have an occasion to interview that same
13 day Barbara Jean Jones, the mama of Gervonya Goodwin?

14 A Yes, sir.

15 Q And at this point in the investigation, did you
16 identify a number, a cell number that was used by the
17 victim?

18 A Yes, sir.

19 Q What was that?

20 A Excuse me. Her cell number is -5816. She also had
21 a home number.

22 Q -5816?

23 A Yes, sir.

24 Q Did you go inside the house?

25 A Yes, sir.

- 1 Q Did you smell inside the house?
- 2 A Yes, sir.
- 3 Q Describe the smell.
- 4 A It is unlike anything you could ever imagine. It is a
- 5 thick, heavy smell. I mean, it's just -- it's the
- 6 worst smell there is.
- 7 Q And did you see the body of Gervonya Goodwin?
- 8 A Yes, sir, I did.
- 9 Q Did you -- were you present when Dr. Nichols came out?
- 10 A Not when he first got there, but later on, yes, sir.
- 11 Q As a result of your investigation was -- were there
- 12 any personal items of the victim found in her home,
- 13 specifically her purse?
- 14 A We were missing her purse, her cell phone, and also
- 15 her vehicle were not at her house.
- 16 Q And as a result of your investigation at this point,
- 17 gathering information from the deputies and the family
- 18 members that were there, were you able to determine
- 19 the date when the victim was last seen?
- 20 A She was last seen approximately on the 29th of
- 21 November.
- 22 Q who is a fellow named Alonzo Humphrey?
- 23 A Alonzo is going to be a friend of Mr. Commander.
- 24 Alonzo Humphrey is also --
- 25 MS. MOBLEY: Your Honor, I would object. This is

1 not personal knowledge, it is hearsay.

2 MR. MEADORS: I'm not asking him to say -- I'm
3 just asking if he knows Alonzo Humphrey, does he have
4 a nickname, and is there a relationship, if any,
5 between him and the victim.

6 THE COURT: He can answer the first two. I don't
7 believe he can answer the third.

8 A Nickname is Jazz.

9 MR. MEADORS: The question, Your Honor, would be
10 -- proposed would be, as a result of your
11 investigation and any contact you had with
12 Mr. Humphrey, was there a relationship Mr. Humphrey
13 had with the Defendant, Christopher Commander?

14 MS. MOBLEY: And I object.

15 THE COURT: All right, I overrule that objection.
16 He can answer the question, that specific question.

17 A Yes.

18 Q And what was that?

19 A They were friends.

20 Q Do you remember seeing any trash that was outside?

21 A Yes, sir.

22 Q Showing you State's 5, do you recognize that,
23 Investigator Holdorf?

24 A Yes, sir, that is actually going to be the side of the
25 house. The driveway goes in. You've got a white

1 Monte Carlo that's parked right here, a Chevy that was
2 parked right here. And that is the trash.

3 Q Did you look at that trash?

4 A Briefly.

5 Q Do you know what type of trash was in there?

6 A I left that for our crime scene guys.

7 Q Now, you talked to Keyonna that day, right?

8 A Yes, sir.

9 Q Did you see her at the residence that day?

10 A Yes, sir.

11 Q As a result of talking with her, and as a result of
12 the investigation and looking at State's 10, did you
13 go looking for a check?

14 A After we talked with her, yes, sir.

15 Q Explain to the jury how that happened. What did you
16 do?

17 A On a case like this where you have a death, you are
18 trying to get as much information as possible. You go
19 from knowing nothing to a whole bunch of information
20 coming in. You try to talk to who is closest with the
21 victim. In talking with Keyonna, she said that she
22 received some mail --

23 MS. MOBLEY: Your Honor, I would object. It's
24 hearsay.

25 A I learned --

1 THE COURT: Wait, wait, wait. She's been on the
2 witness stand and has testified, is that correct?

3 MR. MEADORS: Been cross examined, yes, sir.

4 MS. MOBLEY: Yes, sir, but at this point it is
5 cumulative.

6 THE COURT: I overrule. Go ahead.

7 Q What, if anything, did you learn from her regarding a
8 check she got out of the mailbox?

9 A She received something from the bank. At the time it
10 was Fort Jackson Credit Union and now it is AllSouth.
11 Her mother's checking account, she was adamant that
12 this was a forged document, this is not her mother's
13 handwriting.

14 Q Did you have an occasion to go as an investigator to
15 go look for that check?

16 A Yes, sir.

17 Q And did you find it?

18 A Yes, sir.

19 Q And showing you what is entered as State's 10, is that
20 the check that you retrieved?

21 A Yes, sir.

22 Q Did you get anything else with it from Fort Jackson
23 Federal Credit Union at the same time you got that?

24 And let me ask if you will look at what is marked as
25 State's 51. Tell me if you recognize it and does it

1 relate to what you're talking about right now?

2 A Yes, sir. This is going to be a deposit slip, and on
3 the back --

4 MS. MOBLEY: Your Honor, I would object. He
5 cannot testify to that.

6 Q Do you recognize it?

7 A Yes, sir.

8 Q Does it relate to what you're testifying?

9 A Yes, sir.

10 Q Where did you see that and where did you retrieve it,
11 if anywhere?

12 A We got that from Ms. -- I think her name was Maude,
13 Maude Goodson from AllSouth.

14 Q In relation to getting the check, when did you get
15 this from Ms. Maude Goodson?

16 A At the same time.

17 Q At the same time.

18 MR. MEADORS: We would offer it as State's 51.

19 MS. MOBLEY: Your Honor, I object. There is
20 absolutely through no foundation for this. They'd
21 have to call an additional witness. May we approach?

22 THE COURT: Sure.

23 (WHEREUPON, a bench conference was held in
24 the presence of the jury but out of the
25 hearing of the jury.)

1 THE COURT: It can be marked for
2 identification at this time as State's 51. It
3 is not in evidence at this time. The objection
4 is sustained.

5 Q 51 for ID, did you get this from the bank?

6 A Yes, sir, I did.

7 Q At the same time you got the check?

8 A Yes, sir.

9 Q And is this the document you got from the bank?

10 A Yes, sir.

11 Q Okay. What date did you get it?

12 A I got that on, excuse me, January 8th, 2005.

13 Q 51 ID. Did you learn through the course of your
14 investigation what day that deposit had been made?

15 MS. MOBLEY: Objection. There is no foundation.

16 THE COURT: Sustained.

17 MR. MEADORS: Can we approach? I don't need but
18 one.

19 MR. STRICKLER: I haven't said a thing, just
20 observing.

21 (WHEREUPON, a bench conference was held in
22 the presence of the jury but out of the hearing
23 of the jury.)

24 THE COURT: The last objection is sustained. You
25 may continue, Mr. Meadors.

1 Q Through the course of your investigation, did you
2 learn if a deposit was made at -- what is the name of
3 this place?

4 A AllSouth --

5 Q AllSouth?

6 MS. MOBLEY: I'm going to object on the same
7 grounds.

8 THE COURT: I thought that was the question I
9 just sustained the objection to.

10 MR. MEADORS: No, this is different. I was going
11 down a different line here.

12 Q Is there a surveillance camera that will --

13 A Yes, sir.

14 Q -- film folks making a deposit?

15 A Yes.

16 Q Have you seen it yourself?

17 A Yes, sir.

18 Q Showing you what is marked State's 50 for ID, do you
19 recognize this?

20 A Yes, sir.

21 MR. MEADORS: Your Honor, State's 50 for ID
22 contains one, two, three, four, five, six, seven
23 photos.

24 Q When I say 50 ID, where did you get these from?

25 A I got those from AllSouth Federal Credit Union.

TRAVIS HOLDORF -- DIRECT BY MR. MEADORS:

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1 MR. MEADORS: That is State's 50 for ID.

2 THE COURT: For identification only, State's 50.

3 Q During the course of this investigation and as one of
4 chief investigators, were phone numbers gotten, phone
5 calls?

6 A Yes, sir. As soon as we get the victim's phone
7 number, home phone number, cell phone number, realize
8 that she has been deceased a while, we started getting
9 information as far as recent calls and whatever else
10 we can find out.

11 Q Why were you doing that?

12 A That's standard. These were her, her cell phone's
13 missing, has it been used, if so, by whom, where at,
14 how often. All these are very important. When was
15 the last time she received a phone call.

16 Q And if you got a number that you didn't know who it
17 was, what if anything would you do with it?

18 A We have several resources to look up where phone
19 numbers come back to. We'd look them up and go talk
20 to these people, find out who are you, did you call
21 this number, why did you call this number, ruling out
22 family members or people who we knew had called it.

23 In talking with the family, they said they had
24 called their mother. Keyonna had called her mother
25 several times trying to reach her, trying to get a

1 hold of her, leaving voicemails.

2 Q Now, specifically, did you have occasion to talk to
3 some of the neighbors of Gervonya Goodwin?

4 A Yes, sir. A few days after that we do a canvas of the
5 neighborhood, walking up and down the street, knocking
6 door to door, leaving cards if no one answers. If
7 they do answer, tell them who we are and see if they
8 noticed anything unusual that they knew about. If
9 they were neighbors, if they didn't know, when was the
10 last time they had seen them, just trying to get as
11 much information as we can to establish what did or
12 didn't happen.

13 Q And that's standard procedure?

14 A Yes, sir.

15 Q As a result of that investigation, had Ms. Goodwin
16 been seen recently?

17 A No --

18 MS. MOBLEY: Objection. Calls for hearsay. The
19 neighbors.

20 THE COURT: Overruled. Go ahead.

21 Q The answer was no?

22 A No.

23 Q Now, as this was going on, you had occasion to meet
24 with the family, correct?

25 A Yes, sir.

TRAVIS HOLDORF -- DIRECT BY MR. MEADORS:

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1 Q Apprise them of the investigation?

2 A Yes, sir.

3 Q I think you have said -- or did you say you learned
4 about the text messages, correct?

5 A Yes, sir.

6 Q In addition to the photographs you took -- well, did
7 you document some of the other text messages that
8 weren't photographed?

9 A Yes, sir. You want me --

10 Q That's all right.

11 MR. MEADORS: Your Honor, at this point I have a
12 matter I need to bring up.

13 THE COURT: All right. Mr. Foreman and ladies
14 and gentlemen, there is matter of law that I need to
15 take up. I'm required to do that outside of your
16 presence. I'll have you back in a few minutes.
17 Please don't talk about the case. If you will step
18 back to the jury room.

19 Everyone else stay seated, please.

20 (WHEREUPON, the jury retires to the jury
21 room.)

22 THE COURT: All right, sir.

23 MR. MEADORS: Judge, it's semi-unusual, but I
24 think they made a motion for a Neil versus Biggers.
25 The next witness, I don't know if she is here yet or

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1 not, but it's going to be one of the next witnesses,
2 Ms. Hunt. This officer showed her a line-up.
3 Obviously I don't want to go into that right now. I
4 think Your Honor told us to discuss it obviously
5 before we went into any of that. That is when I
6 stopped the testimony. I don't know whether we should
7 finish this part. I feel a little reluctant -- I
8 guess we need to do it all in camera, quite frankly,
9 with her testifying and him before we go into it. I
10 think the Defense would agree with that.

11 So I need some guidance what to do with the rest
12 of this witness. If we finish everything but that and
13 we just do that tomorrow, or what do you suggest?

14 THE COURT: Well, have you got additional
15 testimony from this witness that you want to elicit
16 other than what you're talking about?

17 MR. MEADORS: Just a tiny bit, quite frankly,
18 just a little bit more. That's why I stopped. Then
19 it would be going into that. I should have brought
20 that up before we started.

21 THE COURT: Well, that's fine. Is the other --
22 you don't know if the other witness is here or not?

23 MR. MEADORS: She will be here today --

24 MS. CAMPBELL: She's flying in today. I don't
25 know if she is here yet.

1 THE COURT: Is she the one coming from Florida
2 State or whatever --

3 MS. CAMPBELL: Florida State, Your Honor.

4 MR. MEADORS: She'll be here at 5 o'clock, I was
5 just informed, so she could be here first thing in the
6 morning.

7 (Pause.)

8 MR. MEADORS: We do have some other witnesses,
9 right now, just chain witnesses, that we could do.

10 THE COURT: I understand. Well, we've got to
11 stop in the next 25 or 30 minutes anyway. What is
12 your position on it?

13 MS. MOBLEY: Your Honor -- and I agree with this.
14 I have asked for a Neil v. Biggers on Ms. Hunt's
15 identification, and I would ask that I be allowed to
16 cross examine the witness after the hearing has been
17 had.

18 So other than that I -- you know, if they want to
19 recall Investigator Holdorf, I don't know if I have a
20 problem with that.

21 THE COURT: All right, let's do this. If this
22 witness were to step down and we took another witness
23 or two just trying to make use of the next 25 or 30
24 minutes, it is probably going to confuse the jury of
25 what is going on, and then you're going to call him

1 back up and whatnot. I'm tempted to say let's just go
2 ahead and break for the day. I'll tell the jury that
3 there is a matter I need to take up and I don't want
4 them cooped up back there because they already sat
5 there for an hour after lunch.

6 Any particular problem? Am I throwing you way
7 off course as far as scheduling by doing that?

8 MR. MEADORS: Beg the Court's indulgence. Can we
9 have a few minutes?

10 THE COURT: I'll let you have a few seconds to
11 discuss it.

12 (Pause.)

13 THE COURT: while they are checking on that,
14 how long would you anticipate the Neil v. Biggers
15 taking?

16 MR. MEADORS: Not long.

17 THE COURT: Half hour?

18 MS. MOBLEY: Yes, sir.

19 MS. CAMPBELL: Yes, at most.

20 MR. MEADORS: At most.

21 MS. MOBLEY: It's not a lengthy process.

22 THE COURT: Okay. It may take me that long to
23 make a decision.

24 MS. MOBLEY: Perhaps, Your Honor.

25 (Pause.)

1 MS. CAMPBELL: Judge, we're good.

2 MR. MEADORS: Does that mean, let them --

3 THE COURT: That means your folks will be
4 available tomorrow, is that right?

5 MS. CAMPBELL: Yes, sir.

6 THE COURT: Do y'all have any problem with going
7 ahead and stopping for the day?

8 MS. MOBLEY: Not at all, sir.

9 THE COURT: All right, let's get the jury back
10 in. Let me talk to them for a minute, please.

11 (WHEREUPON, the jury came into open court
12 at approximately 4:15 p.m.)

13 THE BAILIFF: The jury is all present, Your
14 Honor.

15 THE COURT: Thank you. Mr. Foreman and ladies
16 and gentlemen, in talking to the attorneys, there is a
17 matter of law I'm going to be required to take up
18 outside your presence, and it is going to take more
19 than five or ten minutes. You've already sat back
20 there for an hour, so I'm not going to send you back
21 and have you sit and wait and see if we get done this
22 afternoon. I'm going to go ahead and let you folks go
23 and I'll deal with the other matters.

24 Now, in the morning, we will start at 9:45. I
25 have got something else at 9 o'clock and then another

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1 hearing, but we should be ready to go in this case at
2 9:45. So please be in your jury at 9:45.

3 Again, don't discuss the case or watch or read or
4 listen to anything about the case overnight. But have
5 a good night. Be back at 9:45 in the morning. You're
6 excused.

7 Everyone else stay seated, please.

8 (WHEREUPON, the jury retires for the day at
9 4:17 p.m.)

10 THE COURT: I've got a matter at 9 o'clock with
11 the Attorney General's Office to review and sign about
12 eight orders. It should take me about ten minutes to
13 do that, and we'll start in here at 9:15. And
14 hopefully in 30 minutes we'll be done with the Neil
15 versus Biggers.

16 MR. MEADORS: Start that hearing at --

17 THE COURT: Start with that at 9:15. I don't
18 need to see you folks until 9:15.

19 MR. MEADORS: Thank you.

20 MS. MOBLEY: Thank you.

21 THE COURT: Sir, you cannot discuss your
22 testimony during this break. You'll be back on the
23 stand tomorrow.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: And whether or not y'all start with

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1 this witness or with the other witness, I'll leave
2 that up to y'all.

3 MR. MEADORS: We'll start with this one.

4 THE COURT: All right.

5 (The witness leaves the witness stand.)

6 (WHEREUPON, the Court was in recess.)

7 THURSDAY, OCTOBER 12, 2006:

8 (WHEREUPON, State's Exhibit Number 74, Line-up
9 presented to Sivonnia Hunt, is marked for
10 identification.)

11 THE COURT: Good morning. All right, we were
12 going to conduct a Neil versus Biggers hearing, I
13 believe.

14 MS. MOBLEY: Yes, sir.

15 THE COURT: All right, Solicitor?

16 MR. MEADORS: Travis Holdorf.

17 THE COURT: Sir, you've already been sworn, we
18 won't swear you again. You're still under oath.

19 (The witness, Travis Holdorf, returns to the
20 witness stand.)

21 DIRECT EXAMINATION

22 BY MR. MEADORS (In Camera):

23 Q Investigator, during the course of this investigation,
24 specifically on January 13th, did you have an occasion
25 to go to Florida?

TRAVIS HOLDORF -- DIRECT BY MR. MEADORS (IN CAMERA) 400

- 1 A Yes, sir, I did.
- 2 Q Why did you go to Florida?
- 3 A Based upon the cell phone information we were
4 receiving and the bank receipts, transactions were
5 being made in Florida, more so in the Fort
6 Lauderdale/Miami area.
- 7 Q Did you think possibly you might find Christopher
8 Commander there?
- 9 A Yes, sir, our hopes were once he was apprehended, to
10 interview him.
- 11 Q After you were down there, did you learn that he had
12 been arrested in New Orleans?
- 13 A Yes, sir.
- 14 Q Were you communicating with Scott McDonald all during
15 this time?
- 16 A Yes, sir.
- 17 Q And you had been basically reviewing all the calls
18 made from number -5816 and calls coming into it?
- 19 A Yes, sir.
- 20 Q Had calls been developing in Florida that had -- had a
21 number shown up that had been in fairly frequent
22 contact with this number -5816?
- 23 A Yes, sir, in the Tampa area.
- 24 Q And what number was that?
- 25 A It was 813- -7460.

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TRAVIS HOLDORF -- DIRECT BY MR. MEADORS (IN CAMERA) 401

1 Q Did Investigator Scott McDonald determine who that
2 was?

3 A Sivonna Hunt.

4 Q Had investigator McDonald made contact with Ms. Hunt?

5 A Yes, sir.

6 Q And while you were down there, did you have an
7 occasion to go talk with Ms. Hunt as a result of his
8 conversation with her?

9 A Yes, sir. She knew the person she was talking to on
10 Ms. Goodwin's phone as Chris, didn't know the last
11 name, gave a description that matched. We decided out
12 of an abundance of caution to show a photo line-up.
13 She had seen him twice. They talked numerous
14 occasions.

15 Q So she had given a description to you, Scott McDonald,
16 who?

17 A To both.

18 Q All right. What was that description she had given?

19 A A black male, tall, about 6-foot, heavyset, stocky
20 with dark skin.

21 Q Did you have occasion to go to Tampa?

22 A Yes, sir.

23 Q Where did you meet her?

24 A We went to her apartment.

25 Q And did you take a statement from her?

The State versus Christopher Sam Commander

- 1 A Yes, sir.
- 2 Q Also did you have an occasion to show her a photo
3 line-up?
- 4 A Yes, sir.
- 5 Q And tell the judge how the photo line-up was.
- 6 A Photo line-ups are standard six photos. I believe we
7 used -- excuse me, we did use the jail database, and
8 that's pulling people that look similar to the person
9 who you are searching for.
- 10 Q You're looking for males?
- 11 A Male black.
- 12 Q African Americans?
- 13 A Correct.
- 14 Q With similar features?
- 15 A Correct. As far as hairstyle, what they are wearing,
16 you try to get as close as possible.
- 17 Q I show you what is marked State's 74 for ID at this
18 time. Do you recognize this document?
- 19 A Yes, sir.
- 20 Q And State's 74, does that depict six African American
21 males?
- 22 A Yes, sir.
- 23 Q In your opinion with all similar features?
- 24 A Yes, sir.
- 25 Q Any of them stand out to you like highlighted one more

TRAVIS HOLDORF -- DIRECT BY MR. MEADORS (IN CAMERA) 403

1 so than the other?

2 A No, sir.

3 Q Now, prior to showing this line-up to Ms. Hunt, you
4 said that either you and -- or I guess you and/or
5 Officer McDonald had talked to her about the
6 opportunity she had to interact with the Defendant?

7 A Yes, sir.

8 Q And had she seen him in person?

9 A Yes, sir.

10 Q And how many times had she seen him?

11 A Twice.

12 Q Where had she seen him?

13 A At her apartment.

14 Q And what time frame was it?

15 A The first time was around the first or second week of
16 December and the second was a couple of days after
17 Christmas.

18 Q When were you down here, what dates are you showing on
19 the line-up?

20 A I'm showing the line-up on January 14th, 2005.

21 Q And I believe you testified too she had telephone
22 communication with the person she knew as Chris?

23 A Yes, sir.

24 Q Now, specifically where were you in her apartment to
25 show her the line-up?

The State versus Christopher Sam Commander

TRAVIS HOLDORF -- DIRECT BY MR. MEADORS (IN CAMERA) 404

- 1 A In her living room.
- 2 Q What if anything did you tell her prior to showing her
3 this line-up?
- 4 A Standard wording, asked if we could show her a photo
5 line-up and want to know if there is anyone in the
6 photo line-up she might recognize and, if so, where
7 from.
- 8 Q And what did you do -- what if anything did she do
9 when you showed her the line-up?
- 10 A She went straight to this man.
- 11 Q Show it to the judge.
- 12 A Straight to Christopher Commander and stated, that is
13 Chris, the person she has been talking to.
- 14 Q And Page 1 of 74 for ID -- this looks like a photo
15 line-up. Did you document that you had shown her the
16 line-up that she picked out the person you depicted as
17 Commander?
- 18 A Yes, sir.
- 19 Q Is that Chris Commander?
- 20 A Yes, sir.
- 21 Q Said, I picked out 4-9-5-8-7. Is that the number
22 listed under --
- 23 A Yes, sir.
- 24 Q -- Chris Commander?
- 25 A Yes, sir.

The State versus Christopher Sam Commander

TRAVIS HOLDORF -- DIRECT BY MR. MEADORS (IN CAMERA) 405

1 Q And did Ms. Hunt sign this?

2 A Yes, she did.

3 Q Had she picked him out as the person -- who -- what
4 did she say about him?

5 A That he was the person who she knew as Chris, that she
6 was referring to when she was telling us about Chris.
7 That was the person she talked to on Ms. Goodwin's
8 cell phone who had come to visit her. She gave us a
9 description of the car he was in.

10 Q And she gave you that number -5816?

11 A Yes, sir.

12 MR. MEADORS: That's all. Thank you.

13 THE COURT: Can I see that exhibit, please?

14 MR. MEADORS: I'm sorry.

15 THE COURT: All right. Cross examination.

16 MS. MOBLEY: All right.

17 THE COURT: And at this time, only on the Neil
18 versus Biggers issue.

19 MS. MOBLEY: Certainly, Your Honor.

20 CROSS EXAMINATION

21 BY MS. MOBLEY:

22 Q Investigator Holdorf, how are you?

23 A How are you?

24 Q I just have really a couple of questions.

25 MS. MOBLEY: And after Your Honor has finished

The State versus Christopher Sam Commander

TRAVIS HOLDORF -- CROSS BY MS. MOBLEY (IN CAMERA): 406

1 looking at the exhibit, may I.--

2 THE COURT: Yes, I'm done with it.

3 MS. MOBLEY: Thank you.

4 Q Investigator, when you met with Ms. Hunt, you said you
5 met her at home, is that correct?

6 A Yes, ma'am.

7 Q And what did you -- did you call first or just show
8 up? How did that happen?

9 A We had been talking to her the day before. We were
10 misguiding our time it would take to get from Miami to
11 Tampa. We planned to get to Tampa a little bit
12 earlier than what we did. We didn't get there until
13 about 9:30.

14 Q Okay.

15 A And by that time we were kind of tired because we had
16 been working, traveling, driving all day because it
17 was important.

18 We asked if we could meet her tomorrow. She was
19 taking classes. So she was fine with that.

20 Q And what time did you meet with her the next day?

21 A I believe it was around 9.

22 Q 9 in the morning?

23 A Yes, ma'am.

24 Q And did you describe the purpose of your visit to her?

25 A Yes, ma'am, she knew what we were there for.

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TRAVIS HOLDORF -- CROSS BY MS. MOBLEY (IN CAMERA): 407

1 Q Can you tell me a little bit about what you told her?

2 A To find out anything she could tell us about her
3 relationship with Chris, what Chris had talked about
4 with her, just anything at all, the vehicle she had
5 seen him in, who else he may have been there with,
6 just anything.

7 Q Okay. Did you mention to her that you were
8 investigating a homicide?

9 A She knew that we were investigating a death, yes,
10 ma'am.

11 Q And with the -- that's the standard six-pack like
12 line-up, right?

13 A For us, yes, ma'am.

14 Q And with the photographs, how long did it take her to
15 pick out his picture?

16 A She went straight to him. I mean, she didn't
17 hesitate. I've been in it a long time, and she knew
18 him. We wanted her to confirm the Chris that she was
19 talking about is the same Chris that we're talking
20 about.

21 MS. MOBLEY: Okay. That's all. Thank you, Your
22 Honor.

23 THE COURT: Any redirect?

24 MR. MEADORS: No, sir.

25 THE COURT: All right, you may step down.

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1 (The witness leaves the witness stand.)

2 MR. MEADORS: Sivonnia Hunt. I think you need to
3 go out while she testifies.

4 MR. HOLDORF: Yes, sir.

5 (Investigator Holdorf steps out of the
6 courtroom.)

7 MR. MEADORS: Beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 (Pause.)

10 MR. MEADORS: Ms. Sivonnia Hunt.

11 THE BAILIFF: Place your left hand on the Bible,
12 raise your right hand, and face the clerk.

13 (Witness complies.)

14 THE CLERK: Do you swear or affirm that the
15 testimony you are about to give in this case will be
16 the truth, the whole truth, and nothing but the truth,
17 so help you God?

18 THE WITNESS: I do.

19 (Sivonnia Hunt, after
20 being duly sworn, testified as follows:)

21 THE CLERK: Please have a seat and state your
22 full name for the record.

23 THE WITNESS: (No response.)

24 DIRECT EXAMINATION

25 BY MR. MEADORS:

The State versus Christopher Sam Commander

SIVONNIA HUNT -- DIRECT BY MEADORS (IN CAMERA): 409

1 Q Ms. Hunt, if you will just please speak into this
2 microphone so everybody can hear you. You might want
3 to scoot up a little bit, please, ma'am.

4 COURT REPORTER: I'm sorry, what was your full
5 name?

6 THE WITNESS: Sivonnia Lashara Hunt.

7 COURT REPORTER: Could you spell it for me?

8 THE WITNESS: S-i-v-o-n-n-i-a, last name Hunt.

9 Q Good morning, Ms. Hunt.

10 A Good morning.

11 Q I'm going to ask you some questions now about an
12 opportunity you had to view a fellow you knew as Chris
13 back in December of 2004.

14 A Yes, sir.

15 Q That is what I'm going to ask you about right now,
16 okay?

17 A Okay.

18 Q Did you get to know a fellow named Chris?

19 A Yes, sir.

20 Q Sometime towards the end of 2004?

21 A Yes, sir.

22 Q Very briefly, how did you get to know him?

23 A Through a chat line service in Tampa, Florida.

24 Q And as a result of that, did you meet this -- did you
25 meet him in person?

The State versus Christopher Sam Commander

- 1 A Yes, sir.
- 2 Q And can you tell the judge where you met him?
- 3 A I met him in Tampa at my apartment complex.
- 4 Q Okay. And what is the name of your apartment complex?
- 5 A It was called Broadmoor.
- 6 Q Broadmoor?
- 7 A Yes, sir.
- 8 Q And this time how long had you been communicating with
- 9 this person via telephone prior to meeting him?
- 10 A That whole time when I met him on the chat line, so
- 11 probably like a couple of weeks before he actually
- 12 came to Tampa.
- 13 Q Okay. And, again, the first time you met him in
- 14 person in Tampa was when roughly?
- 15 A The first of -- well, the first week of -- the first
- 16 part of December.
- 17 Q Of 2004?
- 18 A Of -- yes.
- 19 Q Okay. And he actually came to your apartment?
- 20 A Yes.
- 21 Q All right. Can you tell the judge what -- how long
- 22 did you spend with him when he came to your apartment?
- 23 A At least an hour. At least an hour.
- 24 Q Did y'all do anything?
- 25 A Talked. We were going to get something eat.

SIVONNIA HUNT -- DIRECT BY MEADORS (IN CAMERA): 411

- 1 Q Talk and get something to eat?
- 2 A Yes.
- 3 Q And do you remember what time of day it was, Ms. Hunt?
- 4 A It was the early part of the afternoon.
- 5 Q Daylight outside?
- 6 A Yes, it was really bright.
- 7 Q When you came inside your apartment were lights on?
- 8 A Actually the sun from outside was shining in because I
- 9 would have the blinds open so I could see in there.
- 10 Q Did you have any trouble seeing this person?
- 11 A No, sir.
- 12 Q Do you remember where you went to eat?
- 13 A No. It was fast food.
- 14 Q Fast food?
- 15 A Yes.
- 16 Q When you were eating wherever it was, did you have an
- 17 occasion to talk to the person?
- 18 A Yes, sir.
- 19 Q Where were y'all sitting when you were eating? Were
- 20 you close together?
- 21 A It was inside the car. We went through the drive
- 22 through.
- 23 Q Okay.
- 24 A So --
- 25 Q Okay. So you were actually in the car with this

The State versus Christopher Sam Commander

- 1 person?
- 2 A Yes.
- 3 Q Was anything obstructing your view from looking at him
- 4 when you were talking to him?
- 5 A No, sir.
- 6 Q Did you get a good look at him?
- 7 A Yes, sir.
- 8 Q And that was in the first part of December. Did you
- 9 have an occasion to see him again after that?
- 10 A Yes, sir.
- 11 Q Where was that?
- 12 A The end -- a couple of weeks after Christmas -- a
- 13 couple of days, excuse me.
- 14 Q Okay. A couple of weeks after Christmas would be in
- 15 January. So a couple of days after Christmas?
- 16 A Yes.
- 17 Q Where did that happen, Ms. Hunt?
- 18 A Also at my apartment complex.
- 19 Q And what did y'all do that day?
- 20 A Talked.
- 21 Q Okay. And how long do you think you spent with this
- 22 person that time?
- 23 A Probably -- probably about the same amount of time, a
- 24 couple of hours at the most.
- 25 Q A couple of hours?

SIVONNIA HUNT -- DIRECT BY MEADORS (IN CAMERA): 413

- 1 A Yes.
- 2 Q And during that time you were talking?
- 3 A Uh-huh.
- 4 Q Did you have any trouble looking at him?
- 5 A No.
- 6 Q Your eyesight is pretty good, isn't it?
- 7 A Uh-huh.
- 8 Q Do you remember what he was wearing?
- 9 A Not really. Probably just some jeans and a T-shirt,
- 10 casual.
- 11 Q Do you remember some time after that somebody from the
- 12 Richland County -- or the police in South Carolina
- 13 calling you?
- 14 A Yes, sir.
- 15 Q And do you remember when one of the police from South
- 16 Carolina came to see you or asked if they could come
- 17 see you?
- 18 A Uh-huh.
- 19 Q And where did they come see you?
- 20 A They also came to my apartment in Broadmoor.
- 21 Q Same apartment?
- 22 A Uh-huh.
- 23 Q Had you given a description to -- of this person you
- 24 knew as Chris to Scott McDonald and/or Investigator
- 25 Holdorf?

The State versus Christopher Sam Commander

- 1 A Yes, sir.
- 2 Q What description had you given?
- 3 A I told them that he was about 230 -- 230 pounds, about
4 6'2", 6'1", 6'2".
- 5 Q And you told them that prior to seeing the police,
6 correct?
- 7 A Yes.
- 8 Q Now, on this time you saw Investigator Holdorf -- and
9 do you even know who Holdorf is right now? Do you
10 remember him?
- 11 A No. I know it was two guys. One was kind of heavyset
12 and the other one was kind of small.
- 13 Q Okay. And did you also give them a statement that
14 day?
- 15 A Yes, sir.
- 16 Q A written statement? Do you remember being shown a
17 bunch -- some pictures?
- 18 A Yes, sir.
- 19 Q And were you still in your apartment?
- 20 A Yes.
- 21 Q And what, if anything, were you told prior to looking
22 at these pictures, Ms. Hunt?
- 23 A That he was just going to show me a line-up and then
24 tell me if I recognized anybody in it.
- 25 Q And I'm going to show you what's marked State's 74 for

SIVONNIA HUNT -- DIRECT BY MEADORS (IN CAMERA): 415

- 1 ID. Do you recognize this?
- 2 A Yes, sir.
- 3 Q And is this the line-up the officer showed you?
- 4 A Yes, sir.
- 5 Q When he's showing the line-up to you, you said he
- 6 asked you to pick out anybody if you recognized them?
- 7 A No, he didn't.
- 8 Q Did he try to -- did he try to suggest to you in any
- 9 way that you should pick out one person over another
- 10 one?
- 11 A No, sir.
- 12 Q After he put -- what, did he put the line-up down?
- 13 A Yes, he sat it on the coffee table.
- 14 Q Were you able to pick out anybody?
- 15 A Yes.
- 16 Q Can you tell us who you picked out?
- 17 A This person here.
- 18 Q 4-9-5-8-7?
- 19 A Yes, sir.
- 20 Q And why did you tell the officer you picked him out?
- 21 What was significant, if anything, about 4-9-5-8-7?
- 22 A That's the person that was sitting in my living room.
- 23 Q Was there any doubt about it?
- 24 A No, there was no doubt about it.
- 25 Q And had you signed -- did you then sign -- here's 74

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- 1 for ID on the front page, did you sign something
2 indicating that you in fact had picked out 4-9-5-8-7?
- 3 A Yes, sir.
- 4 Q That's your signature?
- 5 A That's my signature.
- 6 Q Your testimony is you saw him the first part of
7 Christmas and then a few days after -- excuse me, I
8 apologize --
- 9 A The first part of December.
- 10 Q First part of December and a few days after Christmas?
- 11 A Uh-huh.
- 12 Q Did you see him after that?
- 13 A No, I never saw him again after that.
- 14 Q In person?
- 15 A In person.
- 16 Q You talked to him on the phone?
- 17 A I talked to him, Uh-huh.
- 18 Q We'll get into that later. Based on the time you saw
19 this person the first part of December at your
20 apartment in Tampa --
- 21 A Uh-huh.
- 22 Q -- and the second time you saw this person a few days
23 after Christmas in Tampa, --
- 24 A Uh-huh.
- 25 Q -- is that person in this courtroom today?

SIVONNIA HUNT -- DIRECT BY MEADORS (IN CAMERA): 417

1 A Yes, sir.

2 Q Could you please point him out for His Honor?

3 A He's right there.

4 Q In the tie with the white shirt on?

5 A Yes, sir.

6 Q In the middle of the two attorneys?

7 A Yes, sir.

8 MR. MEADORS: Your Honor, we'd ask the record to
9 reflect she's picked out Christopher Commander.

10 THE COURT: All right.

11 MR. MEADORS: That's all. Thank you.

12 THE COURT: All right. Cross examine, Ms.
13 Mobley?

14 MS. MOBLEY: Thank you, Your Honor.

15 CROSS EXAMINATION

16 BY MS. MOBLEY:

17 Q Good morning, Ms. Hunt.

18 A Good morning.

19 Q I'm Lauren Mobley, one of the attorneys representing
20 Chris. I just have a couple of questions for you.

21 A Okay.

22 Q When -- tell me a little about the conversation when
23 Investigator Holdorf called you the first time. The
24 first time you heard from the South Carolina police,
25 can you tell me about that?

The State versus Christopher Sam Commander

1 A The first time he called, I actually went back home to
2 Gainesville and the message was left by my brother and
3 he told me that he called and to return his phone
4 call.

5 And I called him back. And he asked me if I knew
6 anybody by the name of Chris Commander, and I told him
7 yes. And also if me and him had talked, and he also
8 asked -- well, told me that -- he told me the longest
9 time about -- one of the longest calls that we have
10 had and actually what was the conversation about.

11 Q And did you -- you spoke to a different investigator
12 at another time, right? Or do you know if it was the
13 same person?

14 A The first time -- the first person that called me,
15 that was the person I was talking to pretty much when
16 it all first started.

17 Q Okay.

18 A And then --

19 Q And that might have been this gentleman, Mr. McDonald?

20 A Yes. I know -- Yeah.

21 Q Okay. And then when Mr. Holdorf and -- Investigator
22 Holdorf and Gallegos --

23 A Uh-huh.

24 Q -- when they came to see you, can you tell me a little
25 about the conversation y'all had the day prior to them

SIVONNIA HUNT -- CROSS BY MS. MOBLEY (IN CAMERA): 419

1 coming to see you?

2 A They called pretty much to get my information, my
3 address, and to ask me if they could come to my -- you
4 know, my apartment to get information from me to give
5 a statement.

6 Q Did they tell you anything about why?

7 A Well, when they first called, when they left a message
8 with my brother and I got back in contact with them,
9 they said that there had been, you know, a murder and
10 that they wanted to know how did I know this person.

11 Q Okay.

12 A So, that is pretty much --

13 Q Okay. And when they came to your apartment, did y'all
14 discuss anything further about the circumstances that
15 they were looking for Chris Commander about?

16 A No. It was like very specific, just straight
17 questions, straight answers, that was it.

18 MS. MOBLEY: Thank you.

19 THE WITNESS: You're welcome.

20 THE COURT: Any redirect?

21 MR. MEADORS: Your Honor, that is all we have of
22 MS. HUNT.

23 THE COURT: All right, you may step down.

24 (The witness leaves the witness stand.)

25 MR. MEADORS: Your Honor, that is all we have.

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1 THE COURT: All right, anything further from the
2 state?

3 MR. MEADORS: No, sir.

4 THE COURT: Defense?

5 MS. MOBLEY: No, sir. I don't have any -- I
6 mean, we're satisfied that this was appropriate.

7 THE COURT: All right, I was going -- I need to
8 make a finding, and I do, that taking the totality of
9 the circumstances into consideration, there was
10 nothing unduly suggestive about the identification,
11 and it will be permitted to be testified to.

12 MR. MEADORS: Thank you, Your Honor.

13 THE COURT: All right, we'll take a short break
14 and then we'll resume with the trial.

15 MR. MEADORS: Thank you, Your Honor.

16 (WHEREUPON, the court was in recess.)

17 THE COURT: Mr. Strickler?

18 MR. STRICKLER: Yes, Your Honor. May it please
19 the Court? Prior to the jury coming back in, I would
20 just like to note one thing. This is -- Mr. Holdorf
21 is Ms. Mobley's witness, but I noticed during his
22 testimony he made reference to receiving cell phone
23 records and reviewing them and establishing where
24 phone calls were made, etcetera.

25 I would, on behalf of the Defense, object to that

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1 testimony at this time. Those records aren't in
2 evidence. That would be hearsay at this point in
3 time. And I'm firmly convinced that the State intends
4 to introduce them at some future point. I don't want
5 the failure to object and launch the objection at this
6 point in time to be construed as --

7 THE COURT: Waiving any --

8 MR. STRICKLER: -- waiving any requirements to
9 authenticate the records and introduce them properly.
10 That's why I'm placing it on the record at this point
11 in time, Your Honor.

12 THE COURT: Do you wish to be heard, Mr. Meadors?

13 MR. MEADORS: All I intend on asking him were
14 there numbers that were hitting, being called from or
15 called to -5816. That is it. I don't think that
16 in and of itself is inadmissible. I'm not asking him
17 to go in and tie in whose is who.

18 As a result of those phone calls, did y'all get
19 hooked up with Sivonnia Hunt. Yes, we did. And
20 that's it. I don't see how he cannot set the stage.

21 Obviously, Ms. Hunt's coming in, going to be the
22 next witness and tie it up.

23 THE COURT: I understand that. I think, Number
24 One, Mr. Strickler doesn't want to -- if he doesn't
25 object, for that to come in and then the State not tie

1 it up or bring another witness in or something along
2 those lines.

3 I'll deal with whatever objections are made as we
4 go along.

5 MR. STRICKLER: Yes, sir.

6 MR. MEADORS: That's the extent of what I was
7 going to ask through this officer, just to set the
8 scene. And I don't know how else to do it.

9 THE COURT: When I say that is fine, you offer
10 what you want to offer and you make the objection you
11 want to and I'll make a ruling and we'll keep on
12 rolling.

13 MR. STRICKLER: Thank you, sir.

14 THE COURT: Anything further before we start?

15 MR. STRICKLER: No, sir.

16 THE COURT: Anything from the State before we
17 start back? Mr. Meadors, anything from the State?

18 MS. CAMPBELL: There is one matter. There is one
19 custodian that somehow the name did not get on the
20 witness list. And I'd like to bring that to the
21 court's attention.

22 THE COURT: This long list and you left somebody
23 out?

24 MS. CAMPBELL: She's from out of state.

25 THE COURT: So it is a witness from out of state?

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1 what is the name?

2 MS. CAMPBELL: The name the Pam Sehnert, S-e-h-n-
3 e-r-t. She's from AmSouth.

4 THE COURT: Spell that again.

5 MS. CAMPBELL: S-e-h-n-e-r-t.

6 THE COURT: The first name is Pam?

7 MS. CAMPBELL: Pam.

8 THE COURT: And she is with BellSouth?

9 MS. CAMPBELL: AmSouth.

10 THE COURT: Pardon me?

11 MS. CAMPBELL: AmSouth.

12 THE COURT: AmSouth.

13 MS. CAMPBELL: A-m-S-o-u-t-h, which is I believe
14 a bank in Florida? I think. And she will actually --
15 I believe there are some stills from a video that was
16 recovered from that bank.

17 MR. MEADORS: Judge, we would ask Your Honor to
18 ask the jury if anybody is related or --

19 MS. CAMPBELL: And I apologize.

20 THE COURT: All right.

21 MR. STRICKLER: That's correct, she is from
22 AmSouth, and we believe that is what she will testify
23 to.

24 THE COURT: I will voir dire the jury when they
25 come in on that one particular person.

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1 All right, let's get the jury in, please. As
2 they are coming in, you can -- you still -- Mr.
3 Holdorf needs to be up here.

4 (The witness returns to the witness stand.)

5 (WHEREUPON, the jury came into open court
6 at approximately 10:03 a.m.)

7 THE BAILIFF: Your Honor, the jury is present.

8 THE COURT: All right. Mr. Foreman and ladies
9 and gentlemen, before we continue with the testimony,
10 it has been brought to the Court's attention that one
11 other potential witness may be called to testify and
12 that name was not read to you during the qualification
13 and the jury selection process on, what was that
14 Tuesday that we went through that?

15 The name of this potential witness is Pam
16 Sehnert, S-e-h-n-e-r-t. Let me ask if anyone on this
17 jury is related by blood or connected by marriage to
18 Pam Sehnert, or if you have any type of personal,
19 business or a social relationship as I defined those
20 terms to you on Tuesday, with Pam Sehnert, would you
21 please raise your hand for me?

22 (No response.)

23 THE COURT: All right, there is no reaction from
24 any member of the jury. We'll continue.

25 Mr. Meadors, I believe you were still in direct.

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TRAVIS HOLDORF -- DIRECT BY MR. MEADORS (CONT.): 425

1 MR. MEADORS: If it pleases Your Honor?

2 DIRECT EXAMINATION CONTINUED

3 BY MR. MEADORS:

4 Q Good morning, Investigator.

5 A Good morning, sir.

6 Q I believe where we left off -- let me just start anew.
7 Did you have an occasion to go to Florida in this
8 investigation?

9 A Yes, sir, I did.

10 Q Can you tell these folks why?

11 A We had received indicators that a cell phone was
12 there. We also had bank accounts that were being
13 accessed belonging to Ms. Goodwin, they were being
14 accessed from Florida, more so in the Fort Lauderdale
15 and Miami area.

16 Q And when you said you received indicators the cell
17 phone was being used, was that the -5816 cell
18 phone?

19 A Yes, sir. A call is made, it hits on a tower and
20 gives you the general area of where you're looking at.

21 Q And is that what -- as an investigator, is that what
22 y'all were following to try to determine where the
23 person who had the cell phone might be?

24 A Yes, sir.

25 Q And that led you to Florida?

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1 A Yes, sir.

2 Q Were there different numbers -- and I'm not asking you
3 to tell which numbers, but were there different
4 numbers that were either being called from this cell
5 phone or numbers that were being called to that cell
6 phone?

7 MS. MOBLEY: Your Honor, I object. It calls for
8 hearsay.

9 THE COURT: I overrule that objection to that
10 question. You may continue. You may answer that
11 question.

12 A I'm sorry, sir?

13 Q Were there different numbers that were being called to
14 that cell phone and different numbers that this cell
15 phone was calling out?

16 A Yes, sir.

17 Q And y'all were looking into those phones?

18 A Yes, sir.

19 Q Did you determine some may be relevant and some may
20 not be relevant in this investigation?

21 A Very much so, yes, sir.

22 Q Explain that.

23 A Family members, we were talking to Gervonya's family,
24 they were obviously trying to get a hold of her --

25 MS. MOBLEY: Your Honor, I object to hearsay.

TRAVIS HOLDORF -- DIRECT BY MR. MEADORS (CONT.): 427

1 MR. MEADORS: Your Honor, a couple of these
2 family members have already testified.

3 THE COURT: I overrule the objection. Now, he
4 can't go into any conversations --

5 MR. MEADORS: I'm not asking him to do that.

6 THE COURT: Go ahead.

7 Q Was there one number you checked that was a misdial?

8 A Yes, sir, there was.

9 Q And were family members' calls reflected on those
10 tolls?

11 A Yes, sir, they were.

12 Q Let's take you back to Florida. Where are you
13 specifically in Florida?

14 A Fort Lauderdale/Miami area.

15 Q And did you have an occasion to go to the Holiday Inn
16 South in Miami?

17 A We went to several hotels, yes, sir.

18 Q Okay. Specifically that motel, why had you gone
19 there?

20 A Through bank records.

21 MS. MOBLEY: Your Honor, I object. I object.
22 This is the same problem.

23 THE COURT: As to that response, that question,
24 overruled. Go ahead.

25 A Bank records show that there was a --

- 1 THE COURT: Wait.
- 2 Q As a result of reviewing bank records, did you go
- 3 to the Holiday Inn South in Miami?
- 4 A Yes, sir.
- 5 Q Records that were involved in this case?
- 6 A Yes, sir.
- 7 Q Were you able to ascertain whether or not Christopher
- 8 Commander had been at the Holiday Inn South in Miami?
- 9 A Yes, sir.
- 10 Q And had he been?
- 11 A Yes, sir.
- 12 Q Now, did you -- did there come a time when you were in
- 13 Miami you learned that Christopher Commander had been
- 14 arrested in New Orleans?
- 15 A Yes, sir.
- 16 Q Did you go to New Orleans?
- 17 A No, sir.
- 18 Q Was a number identified emanating or calling to that
- 19 number from a Ms. Hunt?
- 20 A Yes, sir.
- 21 Q Sivonnia Hunt?
- 22 A Yes, sir.
- 23 Q Where was that from? Where was she from?
- 24 A She was from the Tampa area.
- 25 Q What decision, if any, did you and/or Investigator

TRAVIS HOLDORF -- DIRECT BY MR. MEADORS (CONT.): 429

1 McDonald make about Ms. Hunt?

2 A We needed to interview her.

3 Q And what did you do?

4 A We went to Tampa and interviewed Ms. Hunt.

5 Q Where in Tampa did you go?

6 A We went to her apartment. Talked to her several times
7 to arrange a convenient time for both parties of when
8 we could do this.

9 Q And had she previously -- don't tell what she said,
10 but had she previously spoken to Investigator
11 McDonald?

12 MS. MOBLEY: It still calls for hearsay, Your
13 Honor. Objection.

14 THE COURT: Not to that question. You can answer
15 that question.

16 MR. MEADORS: I'm not asking --

17 Q Go ahead. Had she previously spoken --

18 A Yes, sir.

19 Q And then you went and met with her?

20 A Yes, sir.

21 Q When was that?

22 A It was on January 14th, 2005.

23 Q Did you take a statement from her?

24 A Yes, sir.

25 Q Did you have an opportunity to show her some pictures?

1 A Yes, sir.

2 Q Explain that to the jury.

3 A I showed her a photo line-up. You have one of the
4 persons who you believe is a suspect and then you have
5 five others who would be similar. If it's a black
6 male, you have to have all of them are black males.
7 If you have facial hair, you want all of them to have
8 facial hair. You don't want any one picture to stand
9 out or not stand out. You want to be pretty
10 consistent.

11 Q Without telling what she said, had she previously
12 given a description to you and/or Investigator
13 McDonald?

14 A Both, yes, sir.

15 Q And had she informed you whether or not she had seen
16 the Defendant in person?

17 A She knew him as Chris, which was why we were going
18 there to make sure that the Chris that she's talking
19 about is the Chris Commander that we know.

20 Q I'm going to show you what is marked --

21 MS. MEADORS: May I approach, Your Honor?

22 THE COURT: Sure.

23 Q -- 74. Do you recognize this?

24 A Yes, sir.

25 Q What is that?

1 A That's our photo line-up. It's a photo line-up with
2 Chris Commander in it.

3 Q And you testified, what are you looking for? If you
4 said it, again, I'm sorry, but what are you looking
5 for? What are you doing when you're trying to put
6 together a line-up?

7 A You want to make sure the photos are all the same.
8 You have six black males, that's important. You want
9 the picture of the face to be about the same, the
10 background to be close to the same, what they're
11 wearing. You don't want anything to stand out. You
12 want it to be a fair pick. You don't want to be
13 suggestive in who's what and what's not.

14 So hairstyle, hair length, you want to try to get
15 it pretty close.

16 Q You're looking for similar pictures?

17 A Yes, sir.

18 Q If I had committed a crime, would you put me in a
19 photo line-up with five African American males?

20 A No, sir.

21 Q Would that be suggestive?

22 A It would not get into court.

23 Q So this line-up was prepared?

24 A Yes, sir.

25 Q What if anything did you tell Ms. Hunt prior to

1 looking at that line-up?

2 A Standard wording. We hand the witness the photo line-
3 up. You ask them if there is anyone in this photo
4 line-up they recognize and, if so, where from.

5 Sometimes they will pick out, "I went to school
6 with them." And you know that.

7 We handed her the photo line-up and asked her if
8 there was anyone in this photo line-up that she
9 recognized. She went straight to Christopher
10 Commander's picture and said, "That's Chris."

11 Q Did she point to it?

12 A Yes, sir.

13 Q And point to the one she pointed to.

14 A (Witness complies.)

15 Q And that's designated by 4-9-5-8-7. All these have
16 different numbers in here. Can you explain that?
17 Again, is that not to highlight anybody?

18 A Correct.

19 Q His name is not underneath here?

20 A No, sir, no names are.

21 Q Tell these ladies and gentlemen, did you suggest in
22 any way, form or fashion who she should pick out?

23 A No.

24 Q How long did it take her to, once she looked at the
25 line-up, to pick out the Defendant?

1 A As soon as we were handing to her, she looks at it,
2 "That's Chris."

3 You've got some people, when they look at it,
4 they're looking at each individual picture, if it's a
5 robbery or something like that. But on this one,
6 she'd seen him twice. She knew him. She said,
7 "That's Chris."

8 Q Now, after she picked him out, did you have her sign
9 anything, and is it the practice of the Sheriff's
10 Department to document that she had picked out 4-9-5-
11 8-7?

12 A Yes, sir.

13 Q In looking back on the first page of State's 74, what
14 is that?

15 A It's her photo line-up affidavit. It is just stating
16 that on this date we showed her six pictures, where
17 at, which is at her home address, and which one she
18 identified, which one she recognized, and, if so, what
19 is that that she recognized.

20 Q And did she put -- was 4-9-5-8-7 the one she picked
21 out?

22 A Yes, sir.

23 Q And it's her signature on there stating so?

24 A Yes, sir.

25 Q Where was the last hit you had from the cell phone,

1 -5816?

2 A Miami, Florida area.

3 Q Where is the cell phone?

4 A I don't know.

5 MR. MEADORS: Beg the Court's indulgence.

6 (Pause.)

7 MR. MEADORS: That's all.

8 THE COURT: All right. Ms. Mobley, cross
9 examine?

10 MS. MOBLEY: Thank you, Your Honor. May
11 it please the Court?

12 CROSS EXAMINATION

13 BY MS. MOBLEY:

14 Q Good morning again, Investigator Holdorf.

15 A Good morning, ma'am.

16 Q Now, I want to take you back in time just a little
17 that I know we've done this morning but started this a
18 little yesterday afternoon.

19 A Yes, ma'am.

20 Q As one of the lead investigators on the case, you went
21 to Drive that day, correct?

22 A Yes, ma'am.

23 Q Okay. And I believe you noted in your report the
24 house was neat?

25 A Yes, ma'am.

1 Q That there was no sign of forced entry?

2 A No, ma'am.

3 Q And the house seemed to be in order, correct?

4 A Yes, ma'am.

5 Q Now, while it is still fresh in everyone's memory, you
6 interviewed Ms. Sivonna Hunt, correct?

7 A Yes, ma'am.

8 Q And your investigation took you down to Florida to --
9 or to talk with her, to see what is going on, right?

10 A Yes, ma'am.

11 Q Okay. Now, one of the last questions from Mr. Meadors
12 indicated -- let me -- I'm sorry, I'm not saying this
13 very well. The cell phone, the last hit y'all got off
14 the cell phone, was in Miami, Florida, correct?

15 A Yes, ma'am.

16 Q When was the last cell phone hit y'all got?

17 A I'm not 100 percent. I believe it was the 12th or 13th.
18 I don't have the records up here with me.

19 Q Sure. No, and I understand. And was that when y'all
20 stopped requesting the records or was that actually
21 the last hit?

22 A I believe that was going to be the last hit. We were
23 trying to locate where this phone was located at. It
24 is not quite as easy as they make it look on TV.

25 Q So y'all didn't locate the cell phone?

1 A No, ma'am, the cell phone was never located.

2 Q All right. And essentially throughout the course of
3 your investigation, from what I understand from your
4 testimony and from your investigative notes, which are
5 pretty thorough, right? I mean, you like to document
6 everything in your notes?

7 A I try.

8 Q Yes. Essentially you -- and I believe you were mostly
9 with another investigator, Investigator Gallegos, if
10 I'm saying his name, correctly?

11 A Yes, ma'am.

12 Q -- were looking at the credit card issues and the cell
13 phone issues, right?

14 A Yes, ma'am.

15 Q I mean, that was essentially what y'all seemed to
16 spend, if I am understanding correctly, the bulk of
17 y'all's time doing was, you know, tracking down these
18 two items?

19 A Yes, ma'am.

20 Q Okay. Now, your understanding from your
21 investigation, and I believe it is reflected in your
22 notes, is that Mr. Commander was in no way involved
23 with Ms. Goodwin's federal charges, correct?

24 A That is correct.

25 Q Not in the federal charges?

1 A To my knowledge, yes, ma'am.

2 MS. MOBLEY: Beg the Court's indulgence.

3 (Pause.)

4 MS. MOBLEY: That's all. Thank you.

5 THE COURT: All right. Redirect?

6 MR. MEADORS: No, sir.

7 THE COURT: All right, sir, you may step down.

8 (The witness leaves the witness stand.)

9 MR. MEADORS: Sivonnia Hunt.

10 (WHEREUPON, State's Exhibit Numbers 75, 76 and
11 77, Photographs, are marked for identification.)

12 (Sivonnia Hunt, after being duly sworn,
13 testified as follows:)

14 THE CLERK: Please have a seat and state your
15 full name for the record.

16 THE WITNESS: (No response.)

17 DIRECT EXAMINATION

18 BY MR. MEADORS:

19 Q Please, ma'am, speak up in that microphone. Slide up
20 a little bit. Please state your name.

21 A Sivonnia Hunt.

22 Q Sivonnia?

23 A Sivonnia Hunt.

24 Q I want you to look at these ladies and gentlemen, and
25 speak to them in the microphone, and tell them about

1 yourself, Sivonnia.

2 A I am a 21-year-old. I currently reside in Tampa,
3 Florida. And I attend USF, University of South
4 Florida.

5 Q Where did you grow up?

6 A I grew up in Gainesville, Florida.

7 Q And what did you do, did you graduate from Gainesville
8 High School?

9 A Yes, sir.

10 Q What did you do after that?

11 A After Gainesville High School, I went to a cosmetology
12 school for seven months. Then I went straight to
13 college. I moved down to Tampa at that time and went
14 to Hillsboro Community College for about a year and a
15 half, and now I'm at USF.

16 Q University of South Florida?

17 A South Florida, uh-huh.

18 Q What is your major?

19 A Political science and criminology.

20 Q Are you engaged in any extracurricular -- are you on a
21 track team?

22 A Yes, sir. I'm also with the track and also this Phi
23 Sigma Pi, it's an honors fraternity organization.

24 Q And who do you live with?

25 A I live alone.

1 Q Is your grandma here with you?

2 A Yes, sir.

3 Q I want to go back to the fall of 2004, specifically
4 December of 2004.

5 A Okay.

6 Q Where were you then in your life?

7 A At that point in my life I was doing my first semester
8 in college at HCC, Hillsboro Community College.

9 Q Did you have an occasion to come in contact with
10 somebody initially that you knew as Chris?

11 A Yes, sir.

12 Q Tell them how did that happen?

13 A I met Chris through a chat line which I saw on TV.
14 And how it works is like you call this number and you
15 hear -- like you hear different people on the phone.
16 There are some people that they actually have friends
17 through the line, so you'll hear them talking to their
18 friends, or there is actually people that are looking
19 for relationships, there are people that are looking
20 for regular friendships, and I heard his greeting and
21 then him actually talk.

22 And the way it goes is like if you want to -- if
23 you want to talk to that person, you send them a
24 message. And it is an automated system, so it's like
25 you press one or you press two if you want priority

1 delivery.

2 And so we ended up talking. And that's how I got
3 his contact information, that's how he got my contact
4 information.

5 Q And is it like you can listen to people give a
6 monologue about their life and you decide if you want
7 to talk to him?

8 A Yes. If each and everyone of them was on the phone,
9 it will go from like you will hear their greeting and
10 then you have to press, I believe it's two or three,
11 to move on to the next person.

12 Q And that's on the phone?

13 A That's on the phone.

14 Q And as a result of that, you got in contact with
15 Chris?

16 A Yes, sir.

17 Q I think you stated you had his contact number and he
18 had your contact number?

19 A Yes, sir.

20 Q And what was his contact number?

21 A His contact number was 803- -5816.

22 Q And about when was this, what time of -- what month?

23 A In December. It was in -- it was the first part of --
24 the first part of December. And then after, when I
25 saw him, like his -- the end of December, I actually -

1 - my school was offering classes through the Christmas
2 break so I could get extra hours from my classes. So
3 I came home. You know, I spent a couple of days in
4 Gainesville and then I came right back home so I could
5 go ahead and do my classes before spring semester.

6 Q So prior, if any time prior to meeting this fellow in
7 person, how much were you talking to him on the phone
8 after you first met him on the phone?

9 A Every day, you know.

10 Q And what were those conversations about?

11 A They were general conversations, general life
12 conversations. "How was your day? How was school?"
13 And, you know, when you first meet somebody it's a
14 general, "well, where were you born? where do you
15 live? Are you married? Girlfriend? Children?"
16 You know, the usual. And after that it was just very
17 bland conversation.

18 Q After some of these conversations, did you have an
19 opportunity through these phone calls to meet this
20 person Chris?

21 A Yes, sir.

22 Q Can you tell the ladies and gentlemen of the jury
23 where that happened?

24 A That was also at my apartment complex in Broadmoor.
25 And the reason - like when I talked to him and he said

1 he was going to be in Tampa --

2 MS. MOBLEY: Objection.

3 A -- that's actually how I --

4 THE COURT: Wait just a minute. Wait just a
5 minute.

6 MS. MOBLEY: Objection. Hearsay. I may have
7 misunderstood. It sounded like she was getting ready
8 to go into the actual conversation.

9 THE COURT: This is conversation --

10 MR. MEADORS: With the Defendant.

11 THE COURT: With the Defendant.

12 MS. MOBLEY: Yes, sir. Our position is it is
13 still hearsay.

14 THE COURT: All right. Overruled. Go ahead.

15 Q Go ahead.

16 A What was the question?

17 Q You were talking to him. I can't remember where you
18 were. As a result of those conversations, did you
19 meet this person?

20 A Yes, sir.

21 Q And I think you said you met at your apartment?

22 A Uh-huh.

23 Q And what is Broadmoor?

24 A It's an apartment complex.

25 Q How had the arrangements been made for this meeting?

1 A Through me and his conversations.

2 Q And what was your cell phone number or phone you were
3 using?

4 A 352- -0788.

5 Q Say that one more time,

6 A 352- -0788.

7 Q okay. And that was your what number?

8 A My cell phone number.

9 Q Did you also have another number there in Tampa at
10 that apartment?

11 A Yes. That number was 813- -7460.

12 Q And did you use that phone much?

13 A No. I used it like a couple of times to call him.

14 That's when I had long distance, and I turned it back
15 off.

16 Q You turned it back off?

17 A Yes.

18 Q Now, did your grandmama have a number?

19 A Yes.

20 Q Did you ever stay there, and, if so, did you ever talk
21 to Chris on that phone?

22 A Yes, that is when I had went home, and I called him
23 from that number because we have long distance on that
24 phone.

25 Q And where was your grandmama?

1 A where was she?

2 Q Living?

3 A Oh, in Gainesville, Florida.

4 Q what's her name?

5 A Glovine Smith.

6 Q what's her name, Glovine?

7 A Glovine Smith.

8 MR. MEADORS: Ms. Smith, are you in here?

9 MS. SMITH: Yes.

10 MR. MEADORS: would you stand up, please?

11 (Complied.)

12 Q Is that your grandmama?

13 A Yes, sir.

14 Q And do you remember her phone number?

15 A Yes.

16 Q What is that?

17 A 352 -2053.

18 Q When you first met this Chris, you say you're at your
19 apartment. Tell the jury what y'all did that day.

20 A Conversation, really, you know, just I faced this
21 person and talked to him. It was either the first or
22 the second time we actually got something to eat.

23 Q Specifically that day, what did y'all do?

24 A Talked --

25 Q What time of December was this?

- 1 A During the day?
- 2 Q No, what part of December? That was a bad question.
- 3 A Oh, the first -- the first or second week of December.
- 4 Q Comes to your place?
- 5 A Uh-huh.
- 6 Q What do y'all do? What do you do that day?
- 7 A Talk.
- 8 Q Okay. How long did you spend with him?
- 9 A At least an hour or so.
- 10 Q Okay. Did y'all go anywhere?
- 11 A Unless it was the food thing, I can't remember if it
- 12 was the first or the second time.
- 13 Q Okay.
- 14 A It probably was the second time.
- 15 Q So you spent about how long with him that first day?
- 16 A At least an hour or so.
- 17 Q What time of day was it, Sivonnia?
- 18 A It was early afternoon.
- 19 Q Light outside?
- 20 A Very bright outside.
- 21 Q Did you go in your apartment?
- 22 A Yes, sir.
- 23 Q Could you see in your apartment?
- 24 A Yes, sir.
- 25 Q Did you have any trouble seeing this person Chris?

1 A No, sir.

2 Q Y'all talking back and forth?

3 A Yes, sir.

4 Q Describe him for the jury.

5 A I told the detective that he was 6'2", at least 6'1",
6 6'-2", and about 230 pounds.

7 Q And you had given that description to the detectives
8 later, correct?

9 A Yes.

10 Q After this first meeting in Tampa at your apartment,
11 did y'all say goodbye?

12 A Uh-huh.

13 Q Y'all still talk on the phone?

14 A Uh-huh.

15 Q How often?

16 THE COURT: Ma'am, you need to say yes or no.
17 The court reporter has to get that straight.

18 THE WITNESS: Yes, sir, I'm sorry.

19 THE COURT: Thank you.

20 A Yes, sir.

21 Q Okay. Did there come a time when you got to see Chris
22 again?

23 A Yes, sir.

24 Q Please tell them what time of the month that was, Ms.
25 Hunt.

1 A That was the end of December, a couple of days after
2 Christmas.

3 Q Where was that meeting?

4 A That was also in my apartment complex, Broadmoor.

5 Q I think you just testified you went out to eat one or
6 the other times. Do you remember where you went to
7 eat?

8 A I don't remember. All -- I believe it was fast food.

9 Q Was it inside or drive-through?

10 A Yes.

11 Q Which?

12 A I'm not sure.

13 Q Well, I guess the question, were you in close
14 proximity with this person when you went out to eat?

15 A Yes, sir.

16 Q Did you have any trouble looking at them and seeing
17 them?

18 A No, sir.

19 Q Y'all talked?

20 A Yes, sir.

21 Q How long was this second meeting, your time you spent
22 with this Chris?

23 A Approximately the same amount of time, an hour or so.

24 Q Now, at some point in January of 2005 -- well, had you
25 talked to somebody from the Sheriff's Department in

1 Richland County?

2 A Yes, sir.

3 Q Had they called you looking for you?

4 A Yes, sir.

5 Q And as a result of that, did you later in January have
6 an investigator come to your place?

7 A Yes, sir, I did.

8 Q And where did they come to?

9 A They also came to Broadmoor, the apartment complex.

10 Q And did they have the -- or did they show you a group
11 of pictures?

12 A Yes, sir, they did.

13 Q I want you to look at what is marked State's 74 and
14 just tell me if you recognize this and does it relate
15 to what we're talking about?

16 A Yes, sir, it does.

17 Q And at this point had you given a description to the
18 officers?

19 A Yes, sir.

20 Q Had you had the opportunity to tell them you had seen
21 this person, this Chris in person at least twice?

22 A Yes, sir.

23 Q And were you shown this group of pictures?

24 A Yes, sir.

25 Q And what if anything were you told prior to looking at

1 these pictures, Ms. Hunt?

2 A That he was just going to show me a group line-up and
3 to identify someone if I knew them.

4 Q If you knew somebody in that?

5 A Yes, on the - yes, on the paper.

6 Q Was anybody singled out to you or were you told "pick
7 this one" or "pick that one"?

8 A No, sir.

9 Q Did you have an opportunity in your home to look at
10 this group of six pictures?

11 A Yes, sir, I did.

12 Q And did you pick out anybody you recognized?

13 A Yes, sir.

14 Q Which one did you pick out?

15 A (Indicates.)

16 Q Point to the jury, this way. And why did you pick out
17 that person?

18 A Because that was the person that came to my apartment,
19 the person I had conversations with.

20 Q The December prior to this?

21 A Yes.

22 Q Is there any doubt in your mind about that?

23 A No, sir, there is no doubt in my mind about that.

24 Q Did you sign -- or in addition to pointing him out and
25 telling the investigator, did you put your signature

1 on something indicating, "Hey, that's the fellow that
2 came to my apartment"?

3 A Yes, sir, I did.

4 Q And looking at the front of State's 74, do you see
5 your signature on that?

6 A Yes, sir.

7 Q Is that it down there? Does that say you picked out
8 4-9-5-8-7?

9 A Yes, sir.

10 MR. MEADORS: Your Honor, we would offer this as
11 State's 74.

12 THE COURT: Any objection?

13 MS. MOBLEY: No objection.

14 THE COURT: State's 47 (sic) is admitted.

15 (WHEREUPON, State's Exhibit Number 74 is
16 admitted into evidence.)

17 Q Based on the time you spent with this person in the
18 first part of December --

19 A Yes, sir.

20 Q -- and the time you spent with him after Christmas in
21 December, --

22 A Yes, sir.

23 Q -- the time you talked to him and got to look at him,
24 is that person in this courtroom?

25 A Yes, sir.

1 Q Please tell the ladies and gentlemen who it is.

2 A That is that gentlemen sitting right there in the
3 white shirt.

4 MR. MEADORS: We would ask the record to reflect
5 that she's picked out the Defendant, Christopher
6 Commander.

7 THE COURT: All right, sir.

8 (Pause.)

9 THE COURT: Before you ask another question, is
10 that 74 or 47?

11 MR. MEADORS: 74.

12 THE COURT: During the in camera it was
13 identified as 74.

14 MR. MEADORS: That's my dyslexic talking. It's
15 74.

16 THE COURT: It's 74.

17 MR. MEADORS: Yes, I apologize if I --

18 THE COURT: It's 74, just to be clear 74. All
19 right, go ahead.

20 MR. MEADORS: Sorry about that.

21 Q You called him and he called you on what number?

22 A He called me on my cell phone, -0788, and I called
23 him on that 803- -5816.

24 Q Did you ever ask him about that cell phone
25 specifically? When you would call it, what was --

1 what voice, if any, was on the answering machine?

2 A Usually it was -- when I called he would answer and it
3 was one time that I got the answering machine and it
4 was a lady and it was very just general, you know, I
5 don't know verbatim what she said but, "Hey, leave a
6 message."

7 And I asked him, I said, "Well, who was that girl
8 on the answering machine?"

9 And he was like, "Oh, that's my secretary."

10 MS. MOBLEY: Object to hearsay.

11 THE COURT: Overruled. Go ahead.

12 A well --

13 Q He said that's his secretary?

14 A That was his secretary. I'm not, you know, challenged
15 by any means necessary, so I asked about it and since
16 he wasn't my boyfriend, I wasn't in a relationship
17 with him, then I felt like, you know, I shouldn't be
18 asking him any questions like that, so I just put it
19 in the back of my mind until the actual detective had
20 contacted me.

21 Q Were you surprised when a detective contacted you?

22 A Yes.

23 Q Between December -- from the chat line --

24 A Uh-huh.

25 Q -- to around --

1 A Yes, sir.

2 Q -- the first part of January, how many times do you
3 think you talked to Chris and/or he talked to you?

4 A Every single day.

5 Q And do you remember the last time you talked to him?

6 A The last time I talked to him, I know it was nighttime
7 because that is when I was in Gainesville, and that
8 one time I believe him saying something as, you know,
9 the police is going to contact me.

10 And I was asking him, "Well, why would the police
11 contact me?" And then that was pretty much the end of
12 the conversation. He had to call me back or
13 something.

14 And I hung up with him and when I came -- I left
15 the house and I came back home, and that's when my
16 brother gave me the message and told me that a
17 detective called me, but I thought he was, you know,
18 just joking around.

19 So I called the number and then that's when the
20 detective told me that they were -- they had got my
21 number, they tracked the calls from the cell phone and
22 if I knew a gentlemen by Chris Commander.

23 Q What number would that have been? You said -- where
24 were you saying on this -- one of these last phone
25 calls you said?

- 1 A In Gainesville, Florida.
- 2 Q And that number would have been what?
- 3 A The 352- -2053.
- 4 Q I'm sorry, you've got to slow down. That number would
- 5 have been what?
- 6 A -2053.
- 7 Q ?
- 8 A 2053.
- 9 Q All right. And what is area code?
- 10 A 352.
- 11 Q And that's whose number?
- 12 A That's my grandmother's number.
- 13 Q That's GM, grandmama's?
- 14 A Yes, sir.
- 15 Q And that is where?
- 16 A That's in Gainesville, Florida.
- 17 Q And the -5816 is what, 803?
- 18 A Yes, that was the cell phone number that I would talk
- 19 to Chris on.
- 20 Q Your cell phone number was what?
- 21 A The 352- -0788.
- 22 Q And what was Tampa?
- 23 A That was 813- -7460.
- 24 Q And this last -- do you remember one of the last
- 25 conversations you had with this Chris, was it a

1 lengthy conversation?

2 A I believe it was the night before.

3 Q Okay.

4 A And it was really late and -- because I don't usually
5 be up late, but when I go to Gainesville I kind of
6 stay up late. But he was surprised that I was up so
7 late because it was like 2 or 3 o'clock in the
8 morning.

9 Q Do you remember his demeanor on the phone?

10 A Not really. Just that one time he was, like, the
11 police may be contacting me, and I was, like, why.

12 Q Do you remember when that was? Was that in December
13 or January?

14 A That was -- that was before the detective called me,
15 so that had to be December, because that was before I
16 went back home to Tampa to do my classes over
17 Christmas break.

18 Q Let me ask you this much. In relation to when the
19 Defendant -- the investigator called you, how close
20 was that late night phone call to when the
21 investigator called you?

22 A Very close because the detective called me the next
23 day -- well, that same day, you know, 3 o'clock in the
24 morning.

25 Q So the same day -- the next -- the same day ---

- 1 A Yes, but --
- 2 Q -- early in the day --
- 3 A Uh-huh.
- 4 Q -- was when the detective called you. This call had
- 5 happened that early morning hour?
- 6 A Yes, sir.
- 7 Q Any question about that?
- 8 A No, sir.
- 9 Q But you're not sure of the exact day when that was,
- 10 correct?
- 11 A No, sir.
- 12 Q And after that late night phone call, let's call it,
- 13 how many other times did you talk to Chris?
- 14 A I didn't hear from him ever again after that.
- 15 Q Never again?
- 16 A No, sir.
- 17 Q What kind of car was he in?
- 18 A He was in a Chrysler car.
- 19 Q Did you describe that to the investigator?
- 20 A Yes, sir. I did.
- 21 Q Can you describe it to us?
- 22 A Yes, sir, that car was a dark colored car. It was
- 23 like black and the light would shine on the different
- 24 areas and it would look grayish. And it also had
- 25 factory rims. It was shiny factory rims.

1 (Pause.)

2 MR. MEADORS: May I approach again, please, sir?

3 THE COURT: All right.

4 Q Wait until I get through, please, before you answer.

5 State's 75, State's 76, State's 77, do you recognize a
6 these?

7 A Yes, sir.

8 Q Do they relate to what you were just talking about?

9 A Yes, sir.

10 Q What is this?

11 A That is the Chrysler vehicle.

12 COURT REPORTER: I'm sorry, the what?

13 A The Chrysler vehicle.

14 Q That you saw where with whom?

15 A In Tampa, Florida, with Chris Commander.

16 Q And I believe you said you thought it kind of changed
17 colors depending on where the light was?

18 A Yes, sir.

19 MR. MEADORS: Your Honor, we would offer State's
20 75, 76 and 77, I believe without objection.

21 MS. MOBLEY: Without objection.

22 THE COURT: Without objection, State's 75,
23 76 and 77 are admitted.

24 (WHEREUPON, State's Exhibit Numbers 75, 76
25 and 77 were admitted into evidence.)

1 MR. MEADORS: Beg the Court's indulgence.

2 (Pause.)

3 MR. MEADORS: Your Honor, that is all we have.
4 Thank you very much.

5 THE COURT: All right. Cross examine?

6 MS. MOBLEY: Thank you, Your Honor. May it
7 please the Court?

8 CROSS EXAMINATION

9 BY MS. MOBLEY:

10 Q Good morning, Ms. Hunt.

11 A Good morning.

12 Q Now, Ms. Hunt, I believe your testimony was, as far as
13 meeting Chris, the person you knew as Chris, I believe
14 your testimony was that you saw him for the first time
15 the first week or so of December, is that correct?

16 A Yes, sir -- I mean, yes, ma'am.

17 Q Okay. And your testimony was that you had been
18 speaking with him on this chat line that y'all had met
19 through for a couple of weeks prior to that, correct?

20 A Just on that chat line, that is how I met him.

21 Q Uh-huh.

22 A But after the chat line, like I said, it was straight
23 through the numbers.

24 Q Okay.

25 A Yeah, through the chat line, you talk through the

1 actual phone service.

2 Q Okay. But you, I guess, in either capacity you had
3 been speaking to him for a number of weeks, --

4 A Yes, ma'am.

5 Q -- correct? Okay. Prior to meeting him that first
6 week of December?

7 A Yes, ma'am.

8 Q Okay. Do you know Gervonya Goodwin?

9 A Know who?

10 Q I guess that answers my question. So you can't tell
11 us anything about what may or may not have transpired
12 in South Carolina regarding the person I just asked
13 you about, right?

14 A No, ma'am.

15 Q And I believe what Mr. Meadors had put up here, you
16 always spoke with the person you know as Chris from
17 the same number, correct?

18 A Yes, ma'am.

19 Q Okay. And that was?

20 A The number? You want me to give --

21 Q No, that's fine. And that was the -- even through the
22 chat line and when you were dialing him directly, the
23 several weeks before meeting him the first week of
24 December, the same number?

25 A Yes, ma'am.

1 (Pause.)

2 Q Do you remember giving a statement to the police?

3 A Yes, ma'am.

4 Q Okay. And I believe your statement was given probably
5 the same day they showed you the line-up, right?

6 A Yes, ma'am.

7 Q January 14th, 2005? You mentioned in your testimony
8 that he had mentioned the police to you on the
9 telephone, correct?

10 A Yes, ma'am.

11 Q You remember everything in your statement, right?

12 A Everything in my statement?

13 Q Yes?

14 A Yes.

15 Q Yes, okay. Did you tell the police about that?

16 A Did I tell the police about what?

17 Q Is it in your statement that you told the -- is it
18 anywhere in your statement that Chris Commander
19 mentioned the police to you? I'm holding the
20 statement right here.

21 A I answered the questions that they gave me, so --

22 Q Okay.

23 A -- if it's not on that paper then --

24 Q And you didn't feel like you needed to volunteer that?

25 A I don't know. I mean, when they came to my apartment

1 they asked me -- I was confused, mixed up, for one,
2 because something so big had just happened and I
3 didn't know I was a key factor involved in the
4 situation so, you know, I was trying to put my pieces
5 together anyway.

6 Q That's fine. All I'm asking you is it is not in your
7 statement, correct?

8 A Okay. No.

9 MS. MOBLEY: Beg the Court's indulgence.

10 (Pause.)

11 Q Do you have a copy of the statement with you?

12 A No, ma'am, I don't.

13 Q No? But you remember everything that was in it,
14 correct?

15 A Yes, ma'am.

16 Q Okay. So you remember Investigator Holdorf asking
17 you, "Do you remember anything significant about the
18 conversation," towards the end of your statement,
19 right?

20 A Yes, I remember him asking me that and I --

21 Q Okay. And your response was, "He was surprised I was
22 up so late and I think he was wide awake"?

23 A Yes, ma'am.

24 Q Is that correct?

25 A Uh-huh.

1 Q And then he goes on to ask you about your relationship
2 with Chris, and you say you were just friends,
3 correct?

4 A Yes, ma'am.

5 Q And then he asked you if there is anything else you
6 would like to add, and your answer was, no -- or,
7 excuse me, "Not that I know of," correct?

8 A Yes, ma'am.

9 MS. MOBLEY: Thank you, Your Honor. Thank you
10 Ms. Hunt.

11 THE WITNESS: You're welcome.

12 MR. MEADORS: Just a couple.

13 THE COURT: All right. Redirect?

14 REDIRECT EXAMINATION

15 BY MR. MEADORS.

16 Q She asked you about did you talk to Chris on just one
17 number. I just want to clarify this. What number did
18 Chris always call you on if he called?

19 A He called on that -5816 number.

20 Q But would you talk to him on some of these other
21 numbers also?

22 A Yes, sir.

23 Q You used all these numbers?

24 A Yes. The 256 was my main number, that was my cell
25 phone number, free long distance. And the 985 was my

1 actual private number, which I only used a couple of
2 times because I turned my long distance service off
3 from that phone.

4 Q Just a couple more questions. She asked you about
5 your statement. That's your statement, isn't it?

6 A Yes, sir.

7 Q That's you, Sivonnia?

8 A Yes, sir.

9 Q Did you tell them in here what number, -5816?

10 A Yes, sir.

11 Q Did you tell them in here about the car?

12 A Yes, sir, I did.

13 Q Did you put in here about when you had met him, the
14 first of December, the end of December?

15 A Yes, sir.

16 Q All that you put in your statement in January 2005?

17 A Yes, sir.

18 MR. MEADORS: That's all I have.

19 THE COURT: Any recross?

20 MS. MOBLEY: No, Your Honor.

21 THE COURT: All right, you may step down.

22 (The witness leaves the witness stand.)

23 MS. CAMPBELL: The State calls Margaret Fouty.

24 THE BAILIFF: Place your left hand on the Bible,
25 raise your right hand, and face the clerk.

1 (Witness complies.)

2 THE CLERK: Do you swear or affirm that the
3 testimony you are about to give in this case will be
4 the truth, the whole truth, and nothing but the truth,
5 so help you God?

6 THE WITNESS: I do.

7 (Margaret Fouty, after
8 being duly sworn, testified as follows:)

9 THE CLERK: Please have a seat and state your
10 full name for the record.

11 THE WITNESS: My name is Margaret Dupuis Fouty.

12 THE COURT: Ms. Fouty, if you will slide up and
13 speak into the microphone, please.

14 DIRECT EXAMINATION

15 BY MS. CAMPBELL:

16 Q Ms. Fouty, where are you employed?

17 A I am employed at the South Carolina Department of
18 Motor Vehicles.

19 Q And what are your duties there, ma'am?

20 A I'm the manager of titles and registration.

21 Q And in the course of your business as the manager, do
22 you keep certain business records in the normal course
23 of business?

24 A I do.

25 Q And does that include registrations for vehicles?

1 A It does.

2 Q At my request, did you bring a certain registration to
3 court?

4 A I did.

5 Q And this is a copy of a registration belonging to a
6 Gervonya Goodwin?

7 A That's correct.

8 MS. CAMPBELL: Your Honor, at this time we would
9 offer --

10 Q And this is kept in your normal course of business?

11 A That is correct.

12 MS. CAMPBELL: Your Honor, at this time I would
13 offer it in evidence.

14 MR. STRICKLER: That is without objection.

15 THE COURT: Without objection, that will be
16 State's 70 what?

17 COURT REPORTER: 8 -- 78.

18 THE COURT: 78. State's 78 is admitted
19 (WHEREUPON, State's Exhibit Number 78, Vehicle
20 Registration, is admitted into evidence.)

21 Q Just for the record, what was the date of issue
22 in this?

23 A The registration was issued on January 15th, 2004.

24 Q And when was the expiration of that plate?

25 A The plate expired January 31st, 2006.

1 Q And who was that car, that automobile registered to?

2 A It was registered to a Gervonya G. Goodwin.

3 Q Was anyone else's name on that registration?

4 A No one else's name.

5 MS. CAMPBELL: Thank you, ma'am. That's all I
6 would have.

7 THE COURT: All right. Cross examine?

8 MR. STRICKLER: No, sir. Thank you.

9 THE COURT: All right. Ma'am, you may step down.
10 Watch your step, please.

11 THE WITNESS: Thank you.

12 (The witness leaves the witness stand.)

13 MS. CAMPBELL: The State would call Terra
14 Daugherty.

15 THE BAILIFF: Place your left hand on the Bible,
16 raise your right hand, and face the clerk.

17 (Witness complies.)

18 THE CLERK: Do you swear or affirm that the
19 testimony you are about to give in this case will be
20 the truth, the whole truth, and nothing but the truth,
21 so help you God?

22 THE WITNESS: I do.

23 (Terra Daugherty, after
24 being duly sworn, testified as follows:)

25 THE CLERK: Please have a seat and state your

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TERRA DAUGHERTY -- DIRECT BY MS. CAMPBELL:

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1 full name for the record.

2 THE WITNESS: My name is Terra Daugherty.

3 DIRECT EXAMINATION

4 BY MS. CAMPBELL:

5 Q And where are you employed, ma'am?

6 A Cingular wireless.

7 Q And what do you do there?

8 A I'm a store manager there.

9 Q And in the course of your business -- it's Cingular
10 wireless, is it?

11 A Uh-huh, Cingular wireless.

12 Q Do y'all keep certain records?

13 A We do.

14 Q And also records of phone calls made on any Cingular
15 phone?

16 A We do.

17 Q And these are kept in the normal course of business?

18 A Uh-huh, absolutely.

19 Q You are one of the custodians of those records, is
20 that correct?

21 A Correct, absolutely.

22 Q At my request, did you bring some records or provide
23 -- review and provided some records here today?

24 A I did.

25 Q And what phone number would these Cingular records

1 belong to?

2 A 803- -5816.

3 Q The records are area code 803?

4 A -5816.

5 Q And you have those records before you today?

6 A I do.

7 Q Can I see them?

8 A Sure can.

9 Q And do these fairly and accurately reflect the phone
10 calls made on that record from, I believe, sometime in
11 December through mid-January of 2004/2005?

12 A They do, right.

13 MS. CAMPBELL: Your Honor, at this time we would
14 offer the records into evidence.

15 MR. STRICKLER: Beg the Court's indulgence one
16 moment?

17 THE COURT: Sure.

18 (Pause.)

19 MR. STRICKLER: Without objection.

20 THE COURT: Without objection, that will be
21 State's 79, is that right?

22 COURT REPORTER: Yes, sir.

23 THE COURT: State's 79, without objection, is in
24 evidence.

25 (WHEREUPON, State's Exhibit Number 79,

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1 Cingular Wireless Telephone Records, is
2 admitted into evidence.)

3 Q I want to go through -- these records belong to the
4 account of Gervonya Goodwin at 803- -5816, is that
5 correct?

6 A Uh-huh.

7 Q And we requested -- and these records were actually
8 provided back in January of 2005 to the Sheriff's
9 Department?

10 A Correct.

11 Q And can you explain to the jury, just going through
12 each kind of area on these records, on State's
13 Exhibit 79, what the numbers mean and what each column
14 means?

15 MS. CAMPBELL: Your Honor, may she step down in
16 front of the jury?

17 THE COURT: Yes. But, ma'am, let me explain, you
18 need to keep your voice up so that everyone is able to
19 hear you. You are amplified where you are, but when
20 you step down you won't be amplified, so speak up,
21 please, ma'am. And the court reporter also has to be
22 able to take down everything you say.

23 THE WITNESS: All right.

24 THE COURT: Watch your step.

25 (The witness steps down from the witness stand.)

1 A Basically what this means is that the phone number,
2 this phone number here, dialed the next phone number.
3 It gives you the exact date, time that was called,
4 day that was called, the amount of minutes that was
5 actually called, what cell site the actual call hit to
6 and then came back to. For example -- for example,
7 you see here that there is a 803 -5861, it was a
8 call made to 954- -0495. It was actually in Miami
9 at that particular time. But here you will see where
10 an actual phone call was made to that number and it
11 went to a Columbia tower and then shot the phone call
12 back to Miami. That may be one of the main things
13 that you will question on this.

14 Q When you say that, when you say that it hit a Columbia
15 tower versus a Miami tower, looking on that first page
16 where the majority of them show Miami towers were hit?

17 A Right.

18 Q When it hits a Columbia tower, what does that mean?

19 A That's means that -- let's just say here for example,
20 if I am actually standing in Florida and my mom called
21 me on my Columbia number, she would have to -- it
22 would have to hit a Columbia tower to get me. Even if
23 she is standing in Washington State or wherever she's
24 standing, it would hit a Columbia, because I'm
25 originally from Columbia, and then shoot itself back

1 towards Florida, Washington State, wherever I am.

2 Q And that cell phone actually was purchased here in
3 South Carolina, is that an 803?

4 A Uh-huh. Well, it was South Carolina number, right.
5 right.

6 Q A South Carolina number?

7 A Uh-huh.

8 Q So what if I were to check my voicemail, if I were in
9 Miami, Florida and I checked my voicemail, what would
10 happen?

11 A If I checked my -- if I'm in -- yeah, if I'm in
12 Florida and I check my voicemail, my voicemail has a
13 South Carolina attached to it, it will shoot back to
14 South Carolina and then come back to where I am.

15 Q So on that piece of paper what tower would show up?

16 A A Columbia tower would show up.

17 Q And again, just to reiterate, if I have an 803 phone
18 down in Miami and I call another 803 number --

19 A Uh-huh.

20 Q -- what would show up on that piece of paper?

21 A A 8 -- the Columbia will because that's what we're
22 going to hit.

23 Q But any other number from any other state other than
24 from South Carolina, 803 numbers, would show the
25 correct location?

1 A Right, absolutely.

2 Q And that would be Miami?

3 A Right.

4 Q Okay. And so here where it says different towers like
5 TAM --

6 A Uh-huh.

7 Q -- and all that, that doesn't mean that they left the
8 Miami area, just that it's hitting a different tower?

9 A Absolutely.

10 Q That's just in a local part. Thank you.

11 (The witness returns to the witness stand.)

12 Q Cingular phones, do they have the ability to text
13 message?

14 A Yes.

15 Q And if someone is sending a text message to another
16 person, would that show up on these records?

17 A No, text messages don't show up.

18 Q So if a text message was sent, say, on December 2nd or
19 6th or whatever, it wouldn't show up on these phone?

20 A (Nods negatively.)

21 Q What actual calls actually show up on these phones?

22 A All incoming/outgoing calls. If it's an incoming or
23 outgoing call that has a number that's published, the
24 number will show. If the number is not published, it
25 will give a blank line and you can't see who's calling

1 because the number is not published or it's a private
2 number.

3 MS. CAMPBELL: Beg the Court's indulgence.

4 (Pause.)

5 Q And Cingular, do those phones also have the ability,
6 say, if I have a frequent -- like if I want to call my
7 mother, is there a way I can key in her name and do an
8 address?

9 A Yes, you can just do that through the basic phone
10 book.

11 Q And then if I do that, and I receive a phone call and
12 I have caller ID, would the number show up or would
13 just the name I have keyed into the phone?

14 A It just depends on how you have it set up. Most
15 cases, mama and the number will show up, or mama, or
16 however.

17 Q And I show you what has been marked as State's Exhibit
18 Number 9 where it says from. What word is there?

19 A Mommy, actually.

20 Q Mommy?

21 A Uh-huh.

22 Q And if that was keyed in the phone to correlate with
23 the number 803-5816, that's what would show up
24 rather than the number, is that correct?

25 A Right.

1 Q But otherwise the number would show up?

2 A But otherwise the number -- if it's not programmed in
3 the phone, then the number would just show up.

4 Q Can you explain to the jury a little bit, you were
5 talking about the cell towers being hit?

6 A Uh-huh.

7 Q When a phone is being used, even if it's a local
8 number, an 803 number in Miami, explain to the jury
9 how that works and what actually happens, if you're
10 able to identify here, say, Miami.

11 A Okay. So you are asking me if I'm in Miami and I'm
12 making a phone call what happens?

13 Q Yes, ma'am.

14 A Okay. If I'm in Miami and I make a phone call, then
15 it hits whatever tower is nearest me. So it doesn't -
16 - to make a phone call, it doesn't have to shoot back
17 to Columbia to make the phone call, it has to -- it
18 will grab the nearest tower that is next to it and
19 make the phone call. The only time that it shoots to
20 Columbia is whenever it is an actual phone call being
21 received in, it will go to Columbia and then find the
22 phone and whatever tower is nearest it.

23 Q Okay. And, again, just if I have that number and I
24 check my messages or my -- what tower would show up on
25 this if I were doing that?

1 A If I'm just checking my messaging from a local -- from
2 the local area, it will call the Columbia number.

3 MS. CAMPBELL: Beg the Court's indulgence.

4 (Pause.)

5 Q And I want to show you into the first part of the
6 report, on the night of January 7th, the non-803
7 numbers, what tower is it hitting on the night of
8 January 7th other than the 803 numbers?

9 A On January the 7th, it is actually hitting the Miami
10 tower, so evidently --

11 Q That would be Miami, what state?

12 A Oh, Florida.

13 Q Thank you.

14 A I'm sorry.

15 MS. CAMPBELL: Thank you, ma'am. Please answer
16 any questions Defense may have.

17 THE COURT: Mr. Strickler?

18 MR. STRICKLER: Thank you. May it please the
19 Court?

20 CROSS EXAMINATION

21 BY MR. STRICKLER:

22 Q Good morning, ma'am. My name is Doug Strickler. I
23 just have a few questions.

24 A Okay.

25 Q Referring to State's Exhibit 79, I look at these and I

1 see the first several pages.

2 A Right.

3 Q Look like this, right?

4 A Absolutely.

5 Q Then we've got a bunch of other pages underneath that
6 that look like that. They all appear to relate to
7 phone records.

8 A Uh-huh. Right. They're the same. They are actually
9 the same records. It just depends on how you print
10 them off. If you look at -- like if you're looking at
11 the first page that you're showing me.

12 Q Right.

13 A Flip it over, the last page that do not -- the pages
14 that don't like the same to you.

15 Q Uh-huh.

16 A Because it doesn't have the actual cell towers that's
17 on it.

18 Q Okay.

19 A That's basically the only difference I think in those
20 pages.

21 Q Okay. If you will, take a look at the first set of
22 records.

23 A Okay.

24 Q And if you could, tell me what dates do they cover?

25 A The first set covers December 31st, 2004 through

1 January 2nd, 2005. Are you talking about just the
2 first page?

3 Q No.

4 A The first set, okay.

5 Q The first set.

6 A The first set just covers December 31st through, it
7 looks like January the 8th.

8 Q Okay.

9 A That is what I -- hold on, let me make sure.

10 (Pause.)

11 A This is what that set covers there.

12 Q Okay, December 31st, '04 through January 8th, '05?

13 A '05, absolutely.

14 Q Okay. And the second set, which appears to me to be
15 in reverse chronological order, I might be wrong.

16 A Well, actually I have here -- they're a little mixed
17 up, but it looks like December 19th through January the
18 7th -- No, I'm sorry, January 11th looks like.

19 Q Okay, so that second set of records covers
20 December 19th, 2004 --

21 A Uh-huh.

22 Q -- through January 11th, 2005?

23 A Right.

24 Q Is that correct? Okay. If you could, just take those
25 and put them back together just the way they were with

1 the other set on top.

2 A (Witness complies.)

3 Q Thank you, ma'am. I may very well be the only person
4 in the courtroom who doesn't have a cell phone.

5 A Oh, you need to come see me.

6 Q Exactly. As I understand your testimony, when you get
7 a message like this and it displays, "From mommy."

8 A Uh-huh.

9 Q That wouldn't reflect the fact that I typed in mommy
10 as who it is from, right?

11 A No. You would actually have to -- if I received that
12 --

13 Q Uh-huh.

14 A -- and it would -- I would know where it was coming
15 from because it would pull the number out of my phone
16 book and say, "Okay, Terra sent that to me," or
17 "mommy," or whomever sent it to me.

18 Q Okay. So the phone book in the cell phone associates
19 a number with the name mommy or your name or whatever?

20 A Right.

21 Q And when it pops up on the receiving phone, it doesn't
22 give the number that it is coming from, it gives the
23 name?

24 A It gives the name, uh-huh.

25 Q Thank you very much.

1 A Uh-huh.

2 THE COURT: Any redirect examination?

3 MS. CAMPBELL: No, sir.

4 THE COURT: Ma'am, you may step down. Watch your
5 step, please.

6 (The witness leaves the witness stand.)

7 MS. CAMPBELL: The State would call Stephanie
8 Bautista.

9 THE COURT: Let's take a short recess before we
10 do. We've been going about an hour, an hour and 10
11 minutes.

12 Mr. Foreman, ladies and gentlemen, don't discuss
13 the case. Just step back to your jury room.

14 Everyone else stay seated, please. Everyone
15 please stay seated while the jury is going out of the
16 courtroom.

17 (WHEREUPON, the jury retires to the jury
18 room at approximately 11:06 a.m.)

19 THE COURT: We'll take 15 minutes.

20 (WHEREUPON, the court was in recess.)

21 THE COURT: There was a question about 27.
22 When I say it was a question, I think the State
23 thought they moved that in. It had been identified
24 and had not been moved in.

25 MS. CAMPBELL: I think I failed to identify it -

1 ask it be moved into evidence.

2 THE COURT: Any objection to that photograph,
3 State's 27?

4 MR. STRICKLER: No, sir.

5 THE COURT: All right, without objection State's
6 27 is in evidence.

7 MS. CAMPBELL: Thank you, Your Honor.

8 (WHEREUPON, State's Exhibit Number 27 was
9 admitted into evidence.)

10 THE COURT: Anything else before we get the jury
11 in?

12 MR. STRICKLER: No, sir.

13 MS. CAMPBELL: No, sir.

14 THE COURT: Get the jury back in, please.

15 (WHEREUPON, State's Exhibit Number 80,
16 Printout of Bank Account, is marked for
17 identification.)

18 (WHEREUPON, State's Exhibit Number 81,
19 Chart, is marked for identification.)

20 (WHEREUPON, the jury came into open court
21 at approximately 11:36 a.m.)

22 THE BAILIFF: Your Honor, the jury is present.

23 THE COURT: All right, Solicitor, call your next
24 witness, please.

25 MS. CAMPBELL: May it please the Court? The

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1 State calls Stephanie Bautista.

2 THE BAILIFF: Place your left hand on the Bible,
3 raise your right hand, and face the clerk.

4 (Witness complies.)

5 THE CLERK: Do you swear or affirm that the
6 testimony you are about to give in this case will be
7 the truth, the whole truth, and nothing but the truth,
8 so help you God?

9 THE WITNESS: I do.

10 (Stephanie Bautista,
11 after being duly sworn, testified as follows.)

12 THE CLERK: Please have a seat and state your
13 full name for the record.

14 THE WITNESS: My name is Stephanie Bautista. I
15 work for the AllSouth Federal Credit Union.

16 DIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q Okay, you're going to have to speak up a little bit.
19 For some reason the microphones just don't work any
20 more.

21 A My name is Stephanie Bautista. I work with AllSouth
22 Federal Credit Union.

23 Q And what do you do at AllSouth Federal Credit Union?

24 A I am the assistant loss prevention.

25 Q Excuse me?

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- 1 A Assistant loss prevention.
- 2 Q You're in loss prevention?
- 3 A Yes, ma'am.
- 4 Q And is that kind of a security department?
- 5 A Yes, it is, it's like --
- 6 Q And who do you work with there?
- 7 A My supervisor is Maude Goodson.
- 8 Q And is she here in the courtroom today?
- 9 A Yes, ma'am.
- 10 Q As part of your duties at AllSouth, do you assist law
- 11 enforcement agencies on occasion?
- 12 A I do.
- 13 Q And you also have access, or in your custody, access
- 14 to records such as to banks accounts, ATM accounts,
- 15 and things of that nature?
- 16 A I do.
- 17 Q And in this case as a custodian and in the normal
- 18 course of business, did you pull certain records
- 19 related to a Gervonya Goodwin?
- 20 A Yes, I did.
- 21 Q And before I go any further, did Gervonya Goodwin have
- 22 an account with AllSouth?
- 23 A Yes, she did.
- 24 Q And what kind of account did she have?
- 25 A She had a savings account and a checking account.

1 Q And I want to specifically focus on her checking
2 account I believe here today. Did she have an ATM
3 card that was associated with that checking account?

4 A She did.

5 Q And as far as that account went, how many people --
6 was anyone else listed on that account?

7 A She was the only person on the account.

8 Q I want to turn your attention back to January 8th,
9 which was actually a Saturday. Did your office,
10 specifically Ms. Goodson, provide certain records to
11 the Richland County Sheriff's Department relating to
12 Gervonya Goodwin's account?

13 A Yes, ma'am.

14 Q I want to show you what has been mark as State's
15 Exhibit Number 80 and ask first if you recognize that?

16 A I do. It is a printout of her account.

17 Q And was that the information that was provided to the
18 Sheriff's Department back when they requested it on
19 January the 8th?

20 A Yes.

21 MS. CAMPBELL: Your Honor, at this time we offer
22 State's Exhibit Number 80.

23 MR. STRICKLER: Without objection.

24 THE COURT: Without objection, State's 80 is now
25 in evidence.

1 (WHEREUPON, State's Exhibit Number 80 was
2 admitted into evidence.)

3 Q And I also want to ask if you had an opportunity to
4 review a chart that's been blown up as State's Exhibit
5 81?

6 A I have.

7 Q And does that fairly and accurately depict the
8 activity on that account from December the 2nd through
9 the end of December?

10 A It does.

11 MS. CAMPBELL: Your Honor, at this time we would
12 offer State's Exhibit Number 81 into evidence.

13 MR. STRICKLER: And that too, sir, is without
14 objection.

15 THE COURT: Without objection, State's 81 is
16 admitted.

17 (WHEREUPON, State's Exhibit Number 81 is
18 admitted into evidence.)

19 MS. CAMPBELL: Your Honor, may the witness step
20 down?

21 THE COURT: Yes, you can step down. Watch your
22 step. Please keep your voice up so the court reporter
23 and everyone in the courtroom is able to hear and
24 understand you, please.

25 (The witness steps down from the witness stand.)

1 Q The first thing I want to address is the dates that
2 the activity that you were asked to provide, what's
3 the first date of any activity on the sheet, the
4 printout that was provided to the Sheriff's
5 Department?

6 A That would be November 22nd, 2004.

7 Q And I want to turn your attention specifically to the
8 dates on here where it says, "Clear draft on 12/1 and
9 12/2 of 2004." Does this reflect both checks that
10 were written as well as ATM transactions?

11 A Yes, ma'am.

12 Q And I notice in the first part of this, prior to
13 December 1st, there are several clear drafts. What
14 does that indicate?

15 A A clear draft would have been a check that the member
16 would have written off of the account.

17 Q So, say if I had had a check and I had gone to some
18 store and written a check, it would then clear the
19 bank on whatever date that business got it to the
20 bank?

21 A It would be cleared the date that it is presented to
22 us, yes, ma'am.

23 Q Okay. So, say if I wrote a check to Bi-Lo and it took
24 Bi-Lo a day or two to get the check to you or their
25 bank, there is a time lapse there?

1 A There is.

2 Q Typically. And in this case would these checks that
3 cleared on 12/1 and 12/2 of '04, would they have been
4 written prior to that date?

5 A They would have, yes.

6 Q And what were the amounts of those two checks that
7 were written?

8 A Check Number 1377 was for \$31.53. Check number 1378
9 was for \$111.24.

10 Q So those would have been written prior to the date
11 they cleared?

12 A Correct.

13 Q Turning your attention, though -- and I want to -- the
14 information that is here on State's Exhibit 81, is
15 that reflected in these records we just consolidated
16 somewhat?

17 A Yes, ma'am.

18 Q And I want to take this jury through -- basically do
19 you remember or do your records reflect what her
20 account balance was starting on December the 2nd of
21 2004?

22 A Okay, the beginning balance on December 2nd, 2004 was
23 \$3,308.17.

24 Q So roughly \$3300?

25 A Correct.

1 Q And taking it through -- can you explain going through
2 this, what -- the date and time I think is fairly
3 obvious. What does location mean and what is this
4 number over here?

5 A These are ATM transactions. This is the transaction
6 date, the transaction time. This is the actual
7 location of where they performed the transaction. And
8 then this is the dollar amount that was taken out of
9 the account.

10 Q And just for clarification, we have some that say like
11 20:25. Would that be military time?

12 A That is correct.

13 Q So that would actually be?

14 A That would be 8:25 in the evening.

15 Q In the evening, p.m.?

16 A Yes, ma'am.

17 Q And just for clarification, are all of these ATM
18 withdrawals?

19 A They are.

20 Q So none of these are checks that were written?

21 A No, ma'am.

22 Q And with the exception, and I want to point this out,
23 on 12/21 we have there is a deposit of \$1500. I'll
24 get back to that. All these were ATM withdrawals?

25 A Correct.

1 Q And the addresses here would be the ATM locations --

2 MR. STRICKLER: Objection to the leading.

3 THE COURT: Sustained to the form of the
4 question.

5 MS. CAMPBELL: I apologize.

6 Q What do these addresses reflect?

7 A This is where the ATM would have been located.

8 Q And this amount over here?

9 A That is the dollar amount that was withdrawn from the
10 account.

11 Q And, again, the beginning balance on 12/2/04 was what?

12 A It was -- the beginning balance would have been
13 \$3,308.92.

14 Q On December the 2nd of 2004, how much money was
15 withdrawn?

16 A It was \$202.00.

17 Q And where was that located?

18 A That was located in Miami, Florida at 633 Northeast -
19 west 167th Street.

20 Q Going to December the 3rd of 2004, how many times were
21 ATMs used that day?

22 A There were five ATM transactions that posted to the
23 account.

24 Q And is there a limit on how much money you can get out
25 of an ATM in a 24-hour period?

1 A There is. It's a \$300.00 limit.

2 Q And how was this amount of money able to be withdrawn?

3 A A day for an ATM is considered from 6 o'clock in the
4 evening to 6 o'clock in the evening the following day.
5 So this time where it is 13:57 where the \$42.00 was
6 taken out, that would have actually been one day, and
7 then at 6 o'clock, which would be \$1800.00, it would
8 have switched over to the following day, which would
9 have been, you know, considered another day.

10 Q And it still adds up to more than \$300. Is there
11 another glitch that can happen that causes -- that
12 allows someone to withdraw more?

13 A Typically it is \$300. However, if like say the
14 network goes down, there is always that possibility
15 that you might be able to get out more than \$300.

16 Q Moving your attention to the next day, December the
17 4th, how much money is withdrawn that day?

18 A On the 4th it was \$42.00.

19 Q And from what area?

20 A It was in North Miami Beach, Florida.

21 Q December the 5th, 2004?

22 A Two ATM transactions, one for \$202, one for \$42.00

23 Q And, again, what city?

24 A That was in North Miami Beach, Florida.

25 Q Moving to December the 6th?

- 1 A One transaction for \$242.00, and that was in North
2 Miami Beach, Florida.
- 3 Q December 7th, the next day?
- 4 A One transaction for \$242.00 in Fort Lauderdale,
5 Florida.
- 6 Q The next day in -- on the 8th?
- 7 A On the 8th was two transactions in -- one in Fort
8 Lauderdale, Florida and then one in North Myrtle (sic)
9 Beach, Florida. The Fort Lauderdale is \$242. The one
10 in North Beach, Florida -- or Miami Beach, was \$42.00.
- 11 Q December 9th, 2004?
- 12 A Two ATM transactions, both in Fort Lauderdale,
13 Florida, one for \$442 and the other for \$42.
- 14 Q I'm sorry, how much was the first one?
- 15 A I'm sorry, \$242.00.
- 16 Q Okay. And then December the 11th of 2004?
- 17 A On the 11th was one transaction for \$241.50.
- 18 Q Moving on to the next day, the 12th?
- 19 A On the 12th, one transaction for \$241.50.
- 20 Q And, again, that was where?
- 21 A That was in Oakland Park, Florida.
- 22 Q Moving on to the 14th?
- 23 A On the 14th was Orlando, Florida for \$122.25.
- 24 Q Finally on 12/21, approximately a week later, was
25 there a deposit made?

STEPHANIE BAUTISTA -- DIRECT BY MS. CAMPBELL:

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- 1 A There was a deposit made.
- 2 Q And where did that deposit take place?
- 3 A We have an ATM located at our branch at 7227 Parklane
4 Road, and it was deposited to our drive-up ATM
5 machine.
- 6 Q After that deposit was made, were there more
7 withdrawals?
- 8 A There were.
- 9 Q And 12/24?
- 10 A On 12/24 --
- 11 Q I'm sorry, I skipped one, 12/23?
- 12 A On 12/23 there was one ATM transaction, withdrawal, in
13 Atlanta, Georgia for \$241.50.
- 14 Q And the next then?
- 15 A On the 24th, three transactions in Morrow, Georgia for
16 \$42.00, in Atlanta, Georgia for \$21.50, in Atlanta,
17 Georgia for \$202 -- for \$202.00
- 18 Q Finally, on Christmas day, is there a withdrawal?
- 19 A On the 25th there was a transaction in Charlotte, North
20 Carolina for \$61.75.
- 21 Q And the 26th?
- 22 A On the 26th, two ATM -- ATM withdrawals at Charlotte,
23 North Carolina for \$42.00 and \$202.00.
- 24 Q The 27th?
- 25 A On the 27th, one transaction for \$242.00 in Charlotte,

1 North Carolina.

2 Q And then finally the last transaction?

3 A The last transaction occurred on the 28th in Charlotte,
4 North Carolina for \$202.00.

5 Q Was there any more activity on this account after that
6 date?

7 A No.

8 Q Thank you. You can go back up. You can go back on
9 the stand.

10 (The witness returns to the witness stand.)

11 Q What was the time -- excuse me, what was the time
12 period that the Sheriff's Department actually
13 requested that y'all provide?

14 A I believe they contacted us around the 3rd of January.

15 Q And you provided them with all the activity on that
16 account?

17 A Correct.

18 Q You mentioned the deposit that was on December the 21st
19 that was made here in Columbia. Did y'all also pull
20 certain records relating to that for us?

21 A I did.

22 Q You did. I want to show you what's been marked as
23 State's Exhibit 10, which is already in evidence,
24 State's Exhibit 51 and State's Exhibit 50. Do you
25 recognize those items?

1 A I do.

2 Q And were those items that were actually in your
3 custody and you pulled for us?

4 A I did.

5 MS. CAMPBELL: Your Honor, at this time we would
6 offer State's 50 and 51 into evidence.

7 THE COURT: Any objection?

8 MR. STRICKLER: If I can take a look at them.

9 THE COURT: Take a look. Ten is already in, is
10 that right?

11 MR. STRICKLER: Yes, sir, that's already in.

12 MS. CAMPBELL: These are the same ones.

13 (Pause.)

14 MR. STRICKLER: Those are without objection.

15 THE COURT: State's 50 and 51 are admitted
16 without objection. Go ahead.

17 MS. CAMPBELL: Thank you, Your Honor.

18 (WHEREUPON, State's Exhibit Numbers 50 and 51
19 were admitted into evidence.)

20 Q Ms. Bautista, typically when someone makes an ATM
21 transaction, be it a deposit or withdrawal, is there a
22 video that is supposed to be working?

23 A Yes, there is.

24 Q As time passes, do those videos sometimes get reused?

25 A Actually, that's a digital system that's not reused.

1 Q Okay. On this system and this camera?

2 A That's correct.

3 Q So you were able to go back and pull the transaction
4 that actually occurred on 12/21 of '04?

5 A That's correct.

6 Q And I'm going to show you in State's Exhibit 50, what
7 does this show?

8 A It shows the automobile that had driven up to that ATM
9 machine that I had pulled.

10 Q And corresponding -- I notice the times are a little
11 bit different from what's reflected on the records.
12 Can you explain that to the jury?

13 A Well, there are two different systems and they're
14 usually -- or it is not uncommon for the camera to be
15 a few minutes off.

16 Q Okay. And so this was the photography that was done
17 and it basically shows the car that made that deposit?

18 A Correct.

19 Q State's Exhibit 51, what is that?

20 A That is an ATM envelope that was inserted into the
21 machine, and that is the deposit slip that went along
22 with the transaction.

23 Q And that would have been the transaction on what date?

24 A That was the transaction that would have occurred on
25 the 21st of December.

1 Q And State's Exhibit Number 10, is that the check that
2 was actually deposited?

3 A That was.

4 Q And what account is that check drawn on?

5 A That is a check from American Express Bank drawn on
6 Ms. Goodwin's account.

7 Q Was that \$1500.00 initially credited to her account?

8 A It was.

9 Q There is no activity I believe after December 28th of
10 2004. Why was that?

11 A That is because we -- we submitted that check for
12 payment and it was returned to us by that bank unpaid
13 stamped "refer to maker" and at that time we suspended
14 the account activity.

15 Q "Refer to maker"?

16 A Yes, ma'am.

17 Q What does that mean?

18 A "Refer to maker" would generally mean that they would
19 want us to contact Ms. Goodwin for the reason why the
20 check didn't pay.

21 Q And the check was no good?

22 A Correct, it was unpaid.

23 Q In the meantime, from the time the check was deposited
24 on the 21st until the final transaction on the
25 28th, that had been credited to her account?

- 1 A Correct.
- 2 Q And when y'all actually suspended activity on the
- 3 account, how much money were y'all out?
- 4 A We took a loss of \$1,226.67.
- 5 Q So no one would have been able to use the ATM card
- 6 anymore after the 28th because the balance on that
- 7 account after the 28th was what?
- 8 A We zeroed a balance to --
- 9 Q It was really minus \$1200.00?
- 10 A Correct.
- 11 Q There are also in the records I believe -- do you have
- 12 those? Let me look at them. On here I notice some
- 13 small fees like 75 cents for inquiry fee or denial
- 14 fee. Can you explain to the jury what those mean?
- 15 A An inquiry fee is if you would have went to an ATM
- 16 machine and checked your balance. A denial fee is
- 17 where you would have requested some type of withdrawal
- 18 and the network denied you.
- 19 Q And that would deny you saying you've already drawn
- 20 out too much money?
- 21 A Right.
- 22 Q Just so I can be sure, is the account number -- there
- 23 is the account number up here in this corner, right?
- 24 A That's her checking account.
- 25 Q That's her checking account?

1 A Yes, ma'am.

2 Q And that would have been -- she would have had an ATM
3 card for that account?

4 A That is correct.

5 MS. CAMPBELL: Thank you. Please answer any
6 questions the Defense may have.

7 THE COURT: All right. Cross examine?

8 MR. STRICKLER: May it please the Court? Just a
9 couple of questions.

10 CROSS EXAMINATION

11 BY MR. STRICKLER:

12 Q Good afternoon, ma'am. As I listened to you, all
13 these numbers were for a round number plus a \$2.00, a
14 buck 50, \$2.25, \$1.75. Were those fees associated
15 with the --

16 A That is correct.

17 Q -- withdrawals? And would the difference in the
18 amount of the fee reflect a withdrawal being made from
19 an ATM that is not associated, for example, with your
20 institution?

21 A Yes, sir.

22 Q Okay. Your institution's fees are mostly \$2.00. Were
23 those all your institution's fees?

24 A There is typically what is called a user fee. That is
25 up to the financial institution of where you're going,

1 how much they charge you to withdraw money from their
2 machine.

3 Q Okay.

4 A And then there is also usually a network fee, and
5 that's typically a dollar.

6 Q And in your experience, these ATMs, will they have a
7 camera associated with each ATM taking pictures of the
8 person using the ATM?

9 A Yes, sir.

10 Q And you've got some in there of someone or a car
11 coming through using an ATM. If I approached on foot,
12 there would be a camera that would be able to take a
13 picture in that situation, right?

14 A Yes, sir.

15 Q That's pretty standard practice industry-wide, right?

16 A That is pretty standard, but also I would check with
17 that institution to make sure that they do have that
18 camera at that machine.

19 Q As far as your institution goes, all your ATMs have
20 cameras associated with them?

21 A Yes, sir. There are few that do not, but the Parklane
22 branch does have a camera.

23 Q Okay. And it is not noted on this, what is marked as
24 state's 81, which institutions these various locations
25 are associated with?

1 A No, sir.

2 Q And State's 80, that is not reflected in this document
3 either, is it, from which 81 is derived?

4 A The actual execution?

5 Q Yes, ma'am.

6 A No, sir. I would need to go to an additional report
7 for that information.

8 Q Okay. I'm sure you could locate that information, but
9 it is not reflected in that, though, correct?

10 A That is correct.

11 Q So what we have both in State's 80 and in State's 81,
12 the summary that's been prepared, reflects
13 transactions at various institutions or various
14 locations, but also transactions at ATMs associated
15 with various different institutions, correct?

16 A That is correct.

17 Q Okay. Now, as to this check for \$1500.00 that was
18 deposited, what, on the 21st, and then returned to you
19 all on, was it 28th, is that correct?

20 A The 29th.

21 Q 29th, okay. That is marked State's 10. This is what
22 we are referring to, right?

23 A Yes, sir, that is the check.

24 Q Okay. And that is drawn on the American Express Bank,
25 is that correct?

1 A It is drawn on the American Express Bank, yes, sir.

2 Q Okay. And when that returned to your institution and
3 you shut down the account on the 29th, it was returned
4 to you as "refer to maker"?

5 A That is correct.

6 Q Okay. Now, what -- the significance of that and the
7 reason for American Express employing that term, we
8 need to talk with American Express about that, right?
9 What you know is that they didn't honor the check?

10 A Yes, sir, it was returned to us unpaid.

11 MR. STRICKLER: Okay. Thank you.

12 THE COURT: Any redirect?

13 MS. CAMPBELL: No, sir.

14 THE COURT: Ma'am, you may step down. Watch your
15 step, please.

16 (The witness leaves the witness stand.)

17 MS. CAMPBELL: The State calls Barron
18 Daniel.

19 THE BAILIFF: Place your left hand on the Bible,
20 raise your right hand, and face the clerk.

21 (Witness complies.)

22 THE CLERK: Do you swear or affirm that the
23 testimony you are about to give in this case will be
24 the truth, the whole truth, and nothing but the truth,
25 so help you God?